

**MARCH 23, 2016 CITY COUNCIL AGENDA
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Agenda dated March 23, 2016. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.



A.C. Gonzalez
City Manager



Date



Jeanne Chipperfield
Chief Financial Officer

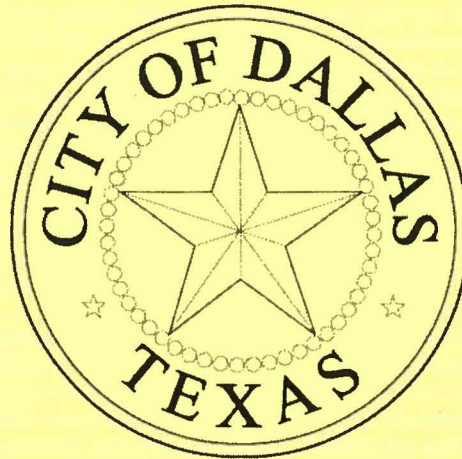


Date

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CITY SECRETARY
DALLAS, TEXAS



COUNCIL AGENDA

March 23, 2016

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

SUPPLEMENTAL NOTICE

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistola oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."

"De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola a la vista."

**AGENDA
CITY COUNCIL MEETING
WEDNESDAY, MARCH 23, 2016
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 - 46

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 9:15 a.m.

Items 47 - 54

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

Items 55 - 74

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

AGENDA
CITY COUNCIL MEETING
MARCH 23, 2016
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 February 24, 2016 City Council Meeting

CONSENT AGENDA

Aviation

2. Authorize **(1)** the first three-year renewal option to the contract for dock master services at Dallas Love Field in the amount of \$2,084,874; and **(2)** an increase in the contract for additional services related to the x-ray inspection system in the amount of \$191,728 - Bradford Airport Logistics, LTD - Total not to exceed \$2,276,602 - Financing: Aviation Current Funds (subject to annual appropriations)

Business Development & Procurement Services

3. Authorize a one-year service contract for light pole maintenance and repair services for Trinity Watershed Management - Environmental Lighting Services, LLC, lowest responsible bidder of two - Not to exceed \$84,640 - Financing: Current Funds (subject to appropriations)

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

4. Authorize a three-year service contract for installation, monitoring and maintenance of alarm systems and annual fire alarm inspections - Communicon, LTD dba Communication Concepts in the amount of \$3,186,905 and International Systems of America, LLC dba ISA Fire & Security in the amount of \$245,464, most advantageous proposers of three - Total not to exceed \$3,432,369 - Financing: Current Funds (\$1,622,786), Aviation Current Funds (\$1,417,745), Water Utilities Current Funds (\$297,132), Stormwater Drainage Management Current Funds (\$40,432), Sanitation Current Funds (\$29,274), Department of State Health Services Grant Funds (\$15,000) and Community Development Block Grant Funds (\$10,000) (subject to annual appropriations)
5. Authorize a five-year service contract for maintenance, support and upgrades of the City's existing Record Management and Field Base Reporting System - Intergraph Corporation, only proposer - Not to exceed \$3,301,195 - Financing: Current Funds (subject to annual appropriations)
6. Authorize a six-year service contract for elevator, escalator and moving sidewalk maintenance and repair for various City locations - Southwest Elevator Company dba Oracle Elevator Company of Texas through an intergovernmental agreement with Dallas Area Rapid Transit in the amount of \$4,177,152 and Otis Elevator Company through BuyBoard in the amount of \$1,412,606 - Total not to exceed \$5,589,758 - Financing: Current Funds (\$314,090), Aviation Current Funds (\$4,335,636) and Water Utilities Current Funds (\$940,032) (subject to annual appropriations)

CNG Fuel & Fuel Station Maintenance

Note: Item Nos. 7 and 8
must be considered collectively.

7. * Authorize a three-year acquisition contract, which will result in a master agreement, for compressed natural gas for equipped fleet vehicles - Clean Energy dba California Clean Energy, Inc., only bidder - Not to exceed \$2,493,964 - Financing: Current Funds (subject to annual appropriations)
8. * Authorize a three-year service contract for compressed natural gas fuel station parts and maintenance for equipped fleet vehicles - Clean Energy dba California Clean Energy, Inc., only bidder - Not to exceed \$456,720 - Financing: Current Funds (subject to annual appropriations)
9. Authorize **(1)** an acquisition contract for the purchase of software licenses in the amount of \$755,280; and **(2)** a three-year service contract for maintenance and support of the backup and security system for the City's existing database network in the amount of \$599,958 - Symantec distributed by Carahsoft Technology Corp. and sold through PetroSys Solutions, Inc. dba psitechnology, through the Department of Information Resources, State of Texas Cooperative contract - Total not to exceed \$1,355,238 - Financing: Current Funds (subject to annual appropriations)

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

10. Authorize **(1)** the purchase of five police motorcycles - Denton Harley-Davidson, LP dba American Eagle Harley-Davidson in the amount of \$120,356, lowest responsible bidder of three; and **(2)** the purchase of seven compact sedans and one aerial bucket truck - Sam Pack's Five Star Ford in the amount of \$209,407 through the Texas SmartBuy (TXMAS) - Total not to exceed \$329,763 - Financing: 2007 Equipment Acquisition Contractual Obligation Notes (\$186,947), Confiscated Monies Funds (\$92,872) and Urban Area Security Grant Funds (\$49,944)
11. Authorize a three-year master agreement for various types of pressure reducing valves, parts and accessories - Hugh M. Cunningham, Inc. in the amount of \$215,000 and Municipal Valve & Equipment in the amount of \$155,000, lowest responsible bidders of two - Total not to exceed \$370,000 - Financing: Water Utilities Current Funds
12. Authorize **(1)** supplemental agreement no. 1 to increase the acquisition contract for the purchase and implementation of software and hardware for a hosted cloud storage for the body worn camera system for Police in the amount of \$119,788, from \$825,034 to \$944,822; and **(2)** supplemental agreement no. 1 to increase the service contract for maintenance, support and cloud storage for the body worn camera system for Police in the amount of \$783,216, from \$2,912,536 to \$3,695,752 - Taser International - Total not to exceed \$903,004, from \$3,737,570 to \$4,640,574 - Financing: 2013 Urban Area Security Initiative Grant Funds

City Attorney's Office

13. Authorize settlement of the lawsuit styled Benjamin Bracken v. City of Dallas, Cause No. DC-15-05342-C - Not to exceed \$35,000 - Financing: Current Funds

Code Compliance

14. Authorize a one-year service contract, with two one-year renewal options, for integrated mosquito management services for Zika and Chikungunya viruses - PRP Services, LLC dba Municipal Mosquito through an Interlocal Agreement for a Cooperative Purchasing Program with the City of Grand Prairie, Texas - Not to exceed \$150,000 - Financing: Current Funds (subject to appropriations)
15. Authorize a one-year service contract, with two one-year renewal options, for adult mosquito control services - PRP Services, LLC dba Municipal Mosquito through an Interlocal Agreement for a Cooperative Purchasing Program with Dallas County, Texas - Not to exceed \$50,000 - Financing: Current Funds (subject to appropriations)

CONSENT AGENDA (Continued)

Communication and Information Services

16. Authorize a twelve-month service agreement for renewal of software use and support of the Socrata Open Data Portal - Carahsoft Technology Corporation, through the U.S. General Service Administration procurement price list - Not to exceed \$348,004 - Financing: Current Funds

Economic Development

17. Authorize the nomination of Comerica Bank, located at 5201 East R L Thornton Freeway, Dallas, Texas 75223 and 1717 Main Street, Dallas Texas, 75201 to receive designation as an Enterprise Zone Project under the Texas Enterprise Zone Act, as amended, (Government Code, Chapter 2303) to the Office of the Governor Economic Development and Tourism through the Economic Development Bank - Financing: No cost consideration to the City

Fire

18. Authorize **(1)** an Interlocal Agreement with the City of Irving for critical aid response in the Cypress Waters area provided on behalf of City of Dallas and its citizens for one year from October 1, 2015 through September 30, 2016, with four, one-year automatic renewals; and **(2)** a payment of fee per response to the City of Irving - Not to exceed \$300,000 annually - Financing: Current Funds (subject to annual appropriations)
19. Authorize Supplemental Agreement No. 1 with Digital Sandbox (a wholly owned subsidiary of Haystax Technology, Inc.) through the U. S. General Services Administration to increase the acquisition contract for the purchase and installation of additional modules and components to enhance the pre-incident planning database - Not to exceed \$306,575, from \$374,650 to \$681,225 - Financing: U. S. Department of Homeland Security Grant Funds

Housing/Community Services

20. Authorize a ten-year service contract for the development of a ten-year comprehensive master plan for community/multipurpose centers in the Housing/Community Services department - drw planning studio, llc, most advantageous proposer of two - Not to exceed \$89,341 - Financing: Current Funds (subject to annual appropriations)
21. A resolution declaring one unimproved property located at 3709 Spring Avenue unwanted and unneeded and authorizing its conveyance to Dallas Neighborhood Alliance for Habitat, a qualified non-profit organization, through the Land Transfer Program (list attached) - Revenue: \$5,296

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

22. Authorize an amendment to Resolution No. 14-1223, previously approved on August 13, 2014, for two loan agreements for two separate phases of the Thornton Heights Project with East Dallas Community Organization to extend the completion date of both loan agreements from December 31, 2015 to August 31, 2016 - Financing: No cost consideration to the City
23. Authorize an amendment to Resolution No. 16-0271, previously approved on February 10, 2016, to correct the name of the purchaser of 5444 Gaston Avenue from Azur Commercial Capital, LLC to Gaston Commons, LLC - Financing: No cost consideration to the City

Office of Cultural Affairs

24. Authorize **(1)** the acceptance of a grant in the amount of \$10,000 from the National Endowment for the Arts to provide cultural services for the period January 1, 2016 through December 31, 2017; **(2)** a local match in the amount of \$10,000; and **(3)** execution of the grant agreement - Total not to exceed \$20,000 - Financing: National Endowment for the Arts Grant Funds (\$10,000) and Current Funds (\$10,000)
25. Authorize **(1)** the acceptance of grants in the amount of \$57,500 from the Texas Commission on the Arts to provide cultural services for the period September 1, 2015 through August 31, 2016; **(2)** a local match in the amount of \$57,500; and **(3)** execution of the grant agreements - Total not to exceed \$115,000 - Financing: Texas Commission on the Arts Grant Funds (\$57,500) and Current Funds (\$57,500)

Park & Recreation

26. Authorize an application for a Recreational Trail Grant in the amount of \$200,000 from the Texas Parks and Wildlife Department for development of the Runyon Creek Trail project located at 1900 East Camp Wisdom Road - Financing: No cost consideration to the City
27. Authorize **(1)** the receipt and deposit of funds in the amount \$692,744 in the Capital Gifts, Donation and Development Fund; **(2)** an increase in appropriations in the Capital Gifts, Donation and Development Fund in the amount of \$692,744; and **(3)** a contract for improvements at Buckner Park located at 4550 Worth Street - MART, Inc., lowest responsible bidder of seven - Not to exceed \$1,935,507 - Financing: Buckner Park Funds (\$381,348), Capital Gifts, Donation and Development Funds (\$692,744), 2006 Bond Funds (\$268,607) and General Obligation Commercial Paper Funds (\$592,808)
28. Authorize a public hearing to be held on April 27, 2016 to receive comments on the proposed use of a portion of the Dallas Zoo located at 550 East Clarendon Drive for two drainage easements and one floodway easement for the Wilds of Africa plat, totaling approximately 116,015 square feet of land, as required by plat - Financing: No cost consideration to the City

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

29. Authorize a professional services contract with Kimley-Horn and Associates, Inc. for design of paving, drainage and wastewater improvements for the Colorado Boulevard Extension, Phase II Project to extend the roadway from previously constructed in Phase I to tie into Westmoreland Road at West Colorado Boulevard - Not to exceed \$196,256 - Financing: 2012 Bond Funds
30. Authorize Supplemental Agreement No. 1 to the professional services contract with EJES, Inc., to provide design services, construction management services, and environmental services for the removal and replacement of two underground fuel storage tanks and one underground oil tank at the North Central Patrol Division, located at 6969 McCallum Boulevard, and for the removal and replacement of two underground fuel storage tanks at the Southeast Patrol Division, located at 725 North Jim Miller Road - Not to exceed \$225,183, from \$14,402 to \$239,585 - Financing: Current Funds (subject to appropriations)

Street Services

31. Authorize **(1)** an Interlocal Agreement with the Texas Department of Transportation to provide cost reimbursement for material and labor related to the reconstruction of the existing traffic signal at the intersection of Interstate 20 and Wheatland Road; and **(2)** the establishment of appropriations in the amount of \$20,218 in the Texas Department of Transportation Grant Fund - Not to exceed \$20,218 - Financing: Texas Department of Transportation Grant Funds
32. Authorize **(1)** an Interlocal Agreement with the Texas Department of Transportation to provide cost reimbursement for material and labor costs incurred in an amount not to exceed \$167,391 for traffic signal improvements at seven locations, specifically at Loop 12 (Buckner Boulevard) and John West Road, Abrams Road and Forest Lane, Bruton Road and St. Augustine Drive, Dilido Road and John West Road, Bruton Road and Prairie Creek, Bruton Road and Masters Drive and Commerce Street and Good Latimer Expressway; and **(2)** the establishment of appropriations in the amount of \$167,391 in the Texas Department of Transportation Grant Fund - Not to exceed \$167,391 - Financing: Texas Department of Transportation Grant Funds

Sustainable Development and Construction

33. Authorize settlement in lieu of proceeding with condemnation of a tract of land containing approximately 1,640 square feet from Brigida Flores located near the intersection of Gaston Avenue and Peak Street for the Peak Street and Gaston Avenue Project - Not to exceed \$6,000, increased from \$32,500 (\$30,000, plus closing costs and title expenses not to exceed \$2,500) to \$38,500 (\$35,420, plus closing costs and title expenses not to exceed \$3,080) - Financing: Water Utilities Capital Improvement Funds

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

34. Authorize settlement in lieu of proceeding with condemnation of a tract of land containing approximately 2,000 square feet from Charles Krovetz Real Estate Company located near the intersection of Swiss Avenue and Peak Street for the Peak Street and Gaston Avenue Project - Not to exceed \$8,000, increased from \$38,500 (\$36,000, plus closing costs and title expenses not to exceed \$2,500) to \$46,500 (\$43,200, plus closing costs and title expenses not to exceed \$3,300) - Financing: Water Utilities Capital Improvement Funds
35. Authorize acquisition from County of Dallas, of approximately 15,337 square feet of land located in the City of Hutchins for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$33,674 (\$30,674 plus closing costs and title expenses not to exceed \$3,000) - Financing: Water Utilities Capital Construction Funds
36. A resolution authorizing acceptance of the only bid received from SLF III - The Canyon in Oak Cliff, L.P. for approximately 12.993 acres of land located near the intersection of Pinnacle Park Boulevard and Falls Bluff Drive in exchange for approximately 23.78 acres of unwanted and unneeded City-owned land located near the intersection of Pinnacle Park Boulevard and Pinnacle Point Drive - Revenue: \$7,500

Trinity Watershed Management

37. A resolution authorizing the sale of approximately 5,062 square feet of City-owned land located near the intersection of US 175 and Harding Street to the Texas Department of Transportation - Revenue: \$6,074
38. Authorize professional services contracts with four consulting firms for the engineering design of eighteen erosion control improvement projects (list attached) - Not to exceed \$659,570 - Financing: General Obligation Commercial Paper Funds (\$113,794), 2012 Bond Funds (\$447,273) and Water Utilities Capital Improvement Funds (\$98,503)
39. Authorize a contract with Ark Contracting Services, LLC, lowest responsive bidder of two, for the construction of storm drainage improvements in the alley between Gaston Avenue and Swiss Avenue from Grigsby Avenue to Annex Avenue and Weisenberger Drive from undeveloped road to the dead-end - Not to exceed \$1,534,465 - Financing: Stormwater Drainage Management Capital Construction Funds
40. Authorize a contract with Omega Contracting, Inc., lowest responsive bidder of two, for the construction of storm drainage improvements along Knights Branch channel between the DART and the Fort Worth Transportation Authority rail line and IH 35 Frontage Road and extension of the existing culvert located at Inwood Road and Lupo Drive at the Hampton Gate House - Not to exceed \$921,980 - Financing: Stormwater Drainage Management Capital Construction Funds

CONSENT AGENDA (Continued)**Trinity Watershed Management (Continued)**

41. Authorize a contract with Rebcon, Inc., lowest responsive bidder of four, for the construction of paving, drainage, water and wastewater improvements for Elam Road and a shared-use path west of Pemberton Hill Road - Not to exceed \$2,870,719 - Financing: Capital Construction Funds (\$2,056,944), Public/Private Partnership Funds (\$275,750), Water Utilities Capital Construction Funds (\$78,280) and Water Utilities Capital Improvements Funds (\$459,745)

Water Utilities**Cypress Waters and West Cell Developments**

Note: Item Nos. 42, 43, 44, 45 and 46 must be considered collectively.

42. * Authorize an amendment to Resolution No. 15-1192, previously approved on June 17, 2015, to increase financial participation with the City of Irving within the Dallas-Irving Interlocal Agreement for water supply and infrastructure projects - Not to exceed \$1,598,229, from \$5,748,518 to \$7,346,747 - Financing: Water Utilities Capital Construction Funds
43. * Authorize an amendment to Resolution No. 15-1193, previously approved on June 17, 2015, to increase receipt and deposit of funds from Billingsley LD, Ltd., for the Phase III Development Agreement for Irving-led construction projects from \$4,023,963 to \$5,142,723 - Revenue: \$1,118,760
44. * Authorize the City Manager to enter into a Reciprocal Treated Water Service Contract, approved as to form by the City Attorney, with the City of Irving for reciprocal treated water service for the Cypress Waters Development - Not to exceed \$1,944,801 - Financing: Water Utilities Current Funds (subject to annual appropriations)
45. * Authorize the City Manager to enter into a Reciprocal Wastewater Service Contract, approved as to form by the City Attorney, with the City of Irving for reciprocal wastewater service for the Cypress Waters Development - Not to exceed \$71,058 - Financing: Water Utilities Current Funds (subject to annual appropriations)
46. * An ordinance adopting a boundary adjustment agreement with the City of Irving on property located south of the terminus of South Northlake Road and northwest of the intersection of Valley Vista Drive and Lakebreeze Road (within the West Cell area of the Cypress Waters Development) - Financing: No cost consideration to the City

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

47. 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

48. Execute the casting of lots to identify the recommended vendor resulting from tie bids on lines 74, 83, 86, 92 and 97 for bid BA1601 for a three-year master agreement for the purchase of herbicides and pesticides - Winfield Solutions LLC, BWI Dallas/Ft. Worth, N-Gulf, LLC dba Ameriturf, Helena Chemical Company and Rentokil North America, Inc. dba Target Specialty Products - Financing: This action has no cost consideration to the City

Trinity Watershed Management

49. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Floyd E. Garner, of an improved tract of land containing approximately 35,920 square feet located on Barber Avenue near its intersection with Mural Lane for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project - Not to exceed \$34,000 (\$31,000 plus closing costs and title expenses not to exceed \$3,000) - Financing: 2006 Bond Funds
50. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Gaythell Smith, of an improved tract of land containing approximately 9,326 square feet located on Barber Avenue near its intersection with Mural Lane for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project - Not to exceed \$24,676 (\$22,000 plus closing costs and title expenses not to exceed \$2,676) - Financing: 2006 Bond Funds
51. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from John Earl Patterson and Linda K. Patterson, of an unimproved tract of land containing approximately 4,048 square feet located on Barber Avenue near its intersection with Mural Lane for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project - Not to exceed \$6,050 (\$4,050 plus closing costs and title expenses not to exceed \$2,000) - Financing: 2006 Bond Funds
52. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Lawrence E. Baker, Jr., Michael Lynn Baker and Freddie M. Baker, of an improved tract of land containing approximately 36,626 square feet located on Barber Avenue near its intersection with Mural Lane for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project - Not to exceed \$25,538 (\$22,538 plus closing costs and title expenses not to exceed \$3,000) - Financing: 2006 Bond Funds

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

Trinity Watershed Management (Continued)

53. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Mamie Lee McKnight, of an improved tract of land containing approximately 8,545 square feet located on Barber Avenue at its intersection with Mural Lane for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project - Not to exceed \$28,898 (\$25,898 plus closing costs and title expenses not to exceed \$3,000) - Financing: 2006 Bond Funds

DESIGNATED PUBLIC SUBSIDY MATTERS

Economic Development

54. Authorize a development agreement with Alamo Manhattan BAD, LLC and/or its affiliates in an amount not to exceed \$11,250,000, payable from future Oak Cliff Gateway TIF District funds in consideration of the development of the Bishop Arts Station project on property currently addressed at 202, 204, and 235 West Davis Street and pending an abandonment process acquisition of a portion of City owned right-of-way at 138 West Davis Street in Tax Increment Financing Reinvestment Zone Number Three (Oak Cliff Gateway TIF District) - Not to exceed \$11,250,000 - Financing: Oak Cliff Gateway TIF District Funds (subject to appropriations)

PUBLIC HEARINGS AND RELATED ACTIONS

Sustainable Development and Construction

ZONING CASES - CONSENT

55. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 83, on the north side of Samuell Boulevard, east of Ferguson Road
Recommendation of Staff and CPC: Approval, subject to a revised development plan and conditions
Z156-126(WE)
56. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2053 for outside salvage or reclamation on property zoned an IM Industrial Manufacturing District on the south side of Bedford Street, east of Norwich Street
Recommendation of Staff and CPC: Approval for a five-year period, subject to a revised site plan and conditions
Z156-128(OTH)

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

57. A public hearing to receive comments regarding an application for and an ordinance granting a MU-3 Mixed Use District on property zoned an IR Industrial/Research District on the northeast corner of Burgess Boulevard and Iberia Avenue
Recommendation of Staff and CPC: Approval
Z156-138(WE)
58. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for IR Industrial/Research District and domestic violence facility uses on property zoned an IR Industrial/Research District on the north corner of Redfield Street and Butler Street
Recommendation of Staff and CPC: Approval, subject to a development plan and conditions
Z156-139(SM)
59. A public hearing to receive comments regarding an application for and an ordinance granting an R-5(A) Single Family District on property zoned a CR Community Retail District at the north corner of Kiska Street and Burma Road
Recommendation of Staff and CPC: Approval
Z156-148(OTH)
60. A public hearing to receive comments regarding an application for and an ordinance granting an R-5(A) Single Family District on property zoned a CR Community Retail District on the north side of Yancy Street, east of Kiska Street
Recommendation of Staff and CPC: Approval
Z156-149(OTH)
61. A public hearing to receive comments regarding an application for and an ordinance granting an R-5(A) Single Family District on property zoned a CR Community Retail District on the south side of Burma Road, west of Kiska Street
Recommendation of Staff and CPC: Approval
Z156-150(OTH)
62. A public hearing to receive comments regarding an application for and an ordinance granting an R-5(A) Single Family District on property zoned a CS Commercial Service District on the south side of Solar Lane, east of Carbondale Street
Recommendation of Staff and CPC: Approval
Z156-151(OTH)

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

63. A public hearing to receive comments regarding an application for and an ordinance granting a Subdistrict 2 (Moderate Density Mixed Use Corridors) on property zoned Subdistrict 6 (Old City Park Institutional) within Planned Development District No. 317, the Cedars Area Special Purpose District on the southeast line of Gano Street, northwest of Beaumont Street
Recommendation of Staff and CPC: Approval
Z156-158(WE)

ZONING CASES - INDIVIDUAL

64. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an industrial (outside) not potentially incompatible use limited to a concrete batch plant on property zoned an IR Industrial/Research District on the south line of West Commerce Street, between Ivanhoe Lane and Brundrette Street
Recommendation of Staff and CPC: Approval for a five-year period, subject to a site plan and conditions
Z145-329(OTH)

DESIGNATED ZONING CASES - INDIVIDUAL

65. A public hearing to receive comments regarding a City Plan Commission authorized hearing to determine proper zoning on property zoned Planned Development District No. 582, the Victory Planned Development District with consideration being given to appropriate zoning for the area including use, development standards, parking, and other appropriate regulations on property generally east of Stemmons Freeway and north of Woodall Rogers Freeway and an ordinance granting the amendments
Recommendation of Staff: Approval, subject to a revised conceptual plan and staff's recommended conditions
Recommendation of CPC: Approval, subject to a revised conceptual plan and conditions
Z145-170(SM)
66. A public hearing to receive comments regarding an application for and an ordinance granting a new Subdistrict on property zoned Subdistrict 1 within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District, at the west corner of Hi Line Drive and Turtle Creek Boulevard
Recommendation of Staff and CPC: Approval, subject to a tower exhibit and revised conditions
Z156-131(RB)

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

67. A public hearing to receive comments regarding an application for and an ordinance granting a new Subdistrict on property zoned Subdistrict 1 within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District, at the west corner of North Stemmons Freeway Access Road and Edison Street
Recommendation of Staff and CPC: Approval, subject to a tower exhibit and revised conditions
Z156-140(RB)
68. A public hearing to receive comments regarding an application for and an ordinance granting a new Subdistrict on property zoned Subdistrict 1 within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District, on the southwest line of North Stemmons Freeway Access Road, east of Oak Lawn Avenue
Recommendation of Staff and CPC: Approval, subject to a tower exhibit and revised conditions
Z156-141(RB)

SPECIAL PROVISION SIGN DISTRICT - INDIVIDUAL

69. A public hearing to receive comments regarding a City Plan Commission authorized hearing with consideration being given to expand and modify the sign regulations for properties within the Victory Special Provision Sign District Overlay generally east of Stemmons Freeway and north of Woodall Rogers Freeway and an ordinance granting the amendments
Recommendation of Staff: Approval, subject to staff's recommended conditions
Recommendation of CPC: Approval, subject to conditions
SPSD145-001

FLOODPLAIN APPLICATIONS

Trinity Watershed Management

70. A public hearing to receive comments regarding the application for and approval of the fill permit and removal of the floodplain (FP) prefix from approximately 0.1762 acres of the current 0.8972 acres of land located at 6716, 6718, 6720, 6722 and 6724 Starbuck Drive, of which the 0.8972 acres is within the floodplain of Osage Branch, Fill Permit 15-08 - Financing: No cost consideration to the City

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

MISCELLANEOUS HEARINGS

Housing/Community Services

71. A public hearing to receive comments on the proposed sale of ten unimproved properties acquired by the taxing authorities from the Sheriff to South Dallas Fair Park Inncity Community Development Corporation, a qualified non-profit organization; and, at the close of the public hearing, authorize the City Manager to: **(1)** quitclaim ten unimproved properties to South Dallas Fair Park Inncity Community Development Corporation under the HB110 process of the City's Land Transfer Program; and **(2)** release the City's non-tax liens included in the foreclosure judgment and post-judgment non-tax liens, if any (list attached) - Revenue: \$10,000

Office of Financial Services

72. A public hearing to receive comments on the FY 2016-17 Operating, Capital, and Grant/Trust budgets - Financing: No cost consideration to the City

Park & Recreation

73. A public hearing to receive comments on the proposed use of a portion of the Elm Fork Greenbelt located at 3123 Proctor Street, totaling approximately 67,592 square feet of land, by the Texas Department of Transportation for construction of improvements to State Highway 183/John W. Carpenter Freeway - Financing: No cost consideration to the City
74. A public hearing to receive comments on the proposed use of a portion of the Elm Fork Greenbelt located at 10400 Wildwood Drive, totaling approximately 296,757 square feet of land, by the Texas Department of Transportation for construction of improvements to State Highway Loop 12/Walton Walker Boulevard - Financing: No cost consideration to the City

March 23, 2016

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Surplus Property Resale
Agenda Item # 21

<u>Parcel No.</u>	<u>Address</u>	<u>Non-Profit Organization</u>	<u>Mapsco</u>	<u>DCAD Amount</u>	<u>Sale Amount</u>	<u>Vac/ Imp</u>	<u>Zoning</u>	<u>Council District</u>
1.	3709 Spring	Dallas Neighborhood Alliance for Habitat	46V	\$39,800	\$5,295.90	V	PD-595	7

Erosion Control Improvements
Agenda Item # 38

<u>Erosion Control Improvement</u>	<u>Council District</u>	<u>Firm</u>	<u>Amount</u>
<u>Group 1</u>		Urban Engineers Group, Inc.	
6523 and 6527 Clubhouse Circle	11		\$15,186.12
17628 Squaw Valley	12		\$15,950.87
13316 Spring Grove Avenue	11		\$14,714.63
Country Brook Pond	12		\$15,157.38
<u>Group 4</u>		IEA, Inc.	
8849 Fair Oaks Crossing	10		\$55,853.24
9730 Whitehurst Drive	10		\$78,244.71
Rocky Branch at Middle Downs Drive Sites 1,2,3, 4	10		\$110,863.23
<u>Group 7</u>		APM & Associates, Inc.	
2507 Beechmont Drive	9		\$14,957.33
6909 Lyre Lane & 6916 Chantilly Court	9		\$18,237.20
2116 Healey Drive and	9		\$27,030.08
9869 Kingsman Drive			
9204, 9210, 9216 Springwater Drive	9		\$56,628.26
9726 Twin Creek Drive	9		\$24,062.48
1511 Kiltartan Drive	9		\$38,106.50
3220 Sperry Street	9		\$20,379.15
<u>Group 9</u>		Salcedo Group, Inc.	
2671,2675,2679, and	3		\$81,240.13
2683 Deep Hill Circle			
922 Five Mile Parkway	4		\$35,567.53
4927 Kildare Avenue	3		\$16,723.62
7322 Rosemont Road	5		\$20,667.15

Tax Foreclosure and Seizure Property Resale
Agenda Item # 71

<u>Parcel No.</u>	<u>Address</u>	<u>Non-Profit Organization</u>	<u>Mapsco</u>	<u>DCAD Amount</u>	<u>Sale Amount</u>	<u>Vac/ Imp</u>	<u>Zoning</u>
1.	3604 Frank	South Dallas Fair Park Innercity Community Development Corporation	46V	\$5,000	\$1,000.00	V	PD-595
2.	4347 Frank	South Dallas Fair Park Innercity Community Development Corporation	46R	\$10,160	\$1,000.00	V	PD-595
3.	4405 Frank	South Dallas Fair Park Innercity Community Development Corporation	46R	\$5,000	\$1,000.00	V	PD-595
4.	4409 Frank	South Dallas Fair Park Innercity Community Development Corporation	46R	\$5,000	\$1,000.00	V	PD-595
5.	4414 Frank	South Dallas Fair Park Innercity Community Development Corporation	46R	\$3,750	\$1,000.00	V	PD-595

Tax Foreclosure and Seizure Property Resale
 Agenda Item # 71 (Continued)

<u>Parcel No.</u>	<u>Address</u>	<u>Non-Profit Organization</u>	<u>Mapsco</u>	<u>DCAD Amount</u>	<u>Sale Amount</u>	<u>Vac/Imp</u>	<u>Zoning</u>
6.	4415 Frank	South Dallas Fair Park Innercity Community Development Corporation	46R	\$5,000	\$1,000.00	V	PD-595
7.	4418 Frank	South Dallas Fair Park Innercity Community Development Corporation	46R	\$5,000	\$1,000.00	V	PD-595
8.	4435 Frank	South Dallas Fair Park Innercity Community Development Corporation	46R	\$5,000	\$1,000.00	V	PD-595
9.	4431 Frank	South Dallas Fair Park Innercity Community Development Corporation	46R	\$5,000	\$1,000.00	V	PD-595
10.	4519 Frank	South Dallas Fair Park Innercity Community Development Corporation	46R	\$5,000	\$1,000.00	V	PD-595

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

1. Contemplated or pending litigation, or matters where legal advice is requested of the City Attorney. Section 551.071 of the Texas Open Meetings Act.
2. The purchase, exchange, lease or value of real property, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.072 of the Texas Open Meetings Act.
3. A contract for a prospective gift or donation to the City, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.073 of the Texas Open Meetings Act.
4. Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Section 551.074 of the Texas Open Meetings Act.
5. The deployment, or specific occasions for implementation of security personnel or devices. Section 551.076 of the Texas Open Meetings Act.
6. Deliberations regarding Economic Development negotiations. Section 551.087 of the Texas Open Meetings Act.

AGENDA DATE March 23, 2016

ITEM	IND								DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
1			All	V	NA	NA	NA	NA	Approval of Minutes of the February 24, 2016 City Council Meeting
2			2	C	AVI	\$2,276,602.00	NA	NA	Authorize (1) the first three-year renewal option to the contract for dock master services at Dallas Love Field in the amount of \$2,084,874; and (2) an increase in the contract for additional services related to the x-ray inspection system in the amount of \$191,728 - Bradford Airport Logistics, LTD - Total not to exceed \$2,276,602 - Financing: Aviation Current Funds (subject to annual appropriations)
3			All	C	PBD, TWM	\$84,640.00	100.00%	100.00%	Authorize a one-year service contract for light pole maintenance and repair services for Trinity Watershed Management - Environmental Lighting Services, LLC, lowest responsible bidder of two - Not to exceed \$84,640 - Financing: Current Funds (subject to appropriations)
4			All	C	PBD, AVI, HOU, PKR, SAN, TWM, WTR	\$3,407,368.36	0.00%	22.10%	Authorize a three-year service contract for installation, monitoring and maintenance of alarm systems and annual fire alarm inspections - Communicon, LTD dba Communication Concepts in the amount of \$3,186,905 and International Systems of America, LLC dba ISA Fire & Security in the amount of \$245,464, most advantageous proposers of three - Total not to exceed \$3,432,369 - Financing: Current Funds (\$1,622,786), Aviation Current Funds (\$1,417,745), Water Utilities Current Funds (\$297,132), Stormwater Drainage Management Current Funds (\$40,432), Sanitation Current Funds (\$29,274), Department of State Health Services Grant Funds (\$15,000) and Community Development Block Grant Funds (\$10,000) (subject to annual appropriations)
5			All	C	PBD, CIS	\$3,301,195.00	0.00%	0.00%	Authorize a five-year service contract for maintenance, support and upgrades of the City's existing Record Management and Field Base Reporting System - Intergraph Corporation, only proposer - Not to exceed \$3,301,195 - Financing: Current Funds (subject to annual appropriations)
6			All	C	PBD, AVI, WTR	\$5,589,757.99	NA	NA	Authorize a six-year service contract for elevator, escalator and moving sidewalk maintenance and repair for various City locations - Southwest Elevator Company dba Oracle Elevator Company of Texas through an intergovernmental agreement with Dallas Area Rapid Transit in the amount of \$4,177,152 and Otis Elevator Company through BuyBoard in the amount of \$1,412,606 - Total not to exceed \$5,589,758 - Financing: Current Funds (\$314,090), Aviation Current Funds (\$4,335,636) and Water Utilities Current Funds (\$940,032) (subject to annual appropriations)
7			All	C	PBD, EBS	\$2,493,963.36	0.00%	0.00%	CNG Fuel & Fuel Station Maintenance: Authorize a three-year acquisition contract, which will result in a master agreement, for compressed natural gas for equipped fleet vehicles - Clean Energy dba California Clean Energy, Inc., only bidder - Not to exceed \$2,493,964 - Financing: Current Funds (subject to annual appropriations)
8			All	C	PBD, EBS	\$456,720.00	0.00%	0.00%	CNG Fuel & Fuel Station Maintenance: Authorize a three-year service contract for compressed natural gas fuel station parts and maintenance for equipped fleet vehicles - Clean Energy dba California Clean Energy, Inc., only bidder - Not to exceed \$456,720 - Financing: Current Funds (subject to annual appropriations)
9			N/A	C	PBD, CIS	\$1,355,238.00	NA	NA	Authorize (1) an acquisition contract for the purchase of software licenses in the amount of \$755,280; and (2) a three-year service contract for maintenance and support of the backup and security system for the City's existing database network in the amount of \$599,958 - Symantec distributed by Carahsoft Technology Corp. and sold through PetroSys Solutions, Inc. dba psitechnology, through the Department of Information Resources, State of Texas Cooperative contract - Total not to exceed \$1,355,238 - Financing: Current Funds (subject to annual appropriations)
10			All	C	PBD, EBS, POL	\$186,946.68	0.00%	0.00%	Authorize (1) the purchase of five police motorcycles - Denton Harley-Davidson, LP dba American Eagle Harley-Davidson in the amount of \$120,356, lowest responsible bidder of three; and (2) the purchase of seven compact sedans and one aerial bucket truck - Sam Pack's Five Star Ford in the amount of \$209,407 through the Texas SmartBuy (TXMAS) - Total not to exceed \$329,763 - Financing: 2007 Equipment Acquisition Contractual Obligation Notes (\$186,947), Confiscated Monies Funds (\$92,872) and Urban Area Security Grant Funds (\$49,944)
11			All	C	PBD, WTR	\$370,000.00	100.00%	0.00%	Authorize a three-year master agreement for various types of pressure reducing valves, parts and accessories - Hugh M. Cunningham, Inc. in the amount of \$215,000 and Municipal Valve & Equipment in the amount of \$155,000, lowest responsible bidders of two - Total not to exceed \$370,000 - Financing: Water Utilities Current Funds

AGENDA DATE March 23, 2016

ITEM	IND								DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
12			All	C	PBD, CIS, POL	GT	0.00%	0.00%	Authorize (1) supplemental agreement no. 1 to increase the acquisition contract for the purchase and implementation of software and hardware for a hosted cloud storage for the body worn camera system for Police in the amount of \$119,788, from \$825,034 to \$944,822; and (2) supplemental agreement no. 1 to increase the service contract for maintenance, support and cloud storage for the body worn camera system for Police in the amount of \$783,216, from \$2,912,536 to \$3,695,752 - Taser International - Total not to exceed \$903,004, from \$3,737,570 to \$4,640,574 - Financing: 2013 Urban Area Security Initiative Grant Funds
13			N/A	C	ATT	\$35,000.00	NA	NA	Authorize settlement of the lawsuit styled Benjamin Bracken v. City of Dallas, Cause No. DC-15-05342-C - Not to exceed \$35,000 - Financing: Current Funds
14			All	C	CCS	\$150,000.00	NA	NA	Authorize a one-year service contract, with two one-year renewal options, for integrated mosquito management services for Zika and Chikungunya viruses - PRP Services, LLC dba Municipal Mosquito through an Interlocal Agreement for a Cooperative Purchasing Program with the City of Grand Prairie, Texas - Not to exceed \$150,000 - Financing: Current Funds (subject to appropriations)
15			All	C	CCS	\$50,000.00	NA	NA	Authorize a one-year service contract, with two one-year renewal options, for adult mosquito control services - PRP Services, LLC dba Municipal Mosquito through an Interlocal Agreement for a Cooperative Purchasing Program with Dallas County, Texas - Not to exceed \$50,000 - Financing: Current Funds (subject to appropriations)
16			All	C	CIS	\$348,003.60	NA	NA	Authorize a twelve-month service agreement for renewal of software use and support of the Socrata Open Data Portal - Carahsoft Technology Corporation, through the U.S. General Service Administration procurement price list - Not to exceed \$348,004 - Financing: Current Funds
17			2, 14	C	ECO	NC	NA	NA	Authorize the nomination of Comerica Bank, located at 5201 East R L Thornton Freeway, Dallas, Texas 75223 and 1717 Main Street, Dallas Texas, 75201 to receive designation as an Enterprise Zone Project under the Texas Enterprise Zone Act, as amended, (Government Code, Chapter 2303) to the Office of the Governor Economic Development and Tourism through the Economic Development Bank - Financing: No cost consideration to the City
18			All	C	FIR	\$300,000.00	NA	NA	Authorize (1) an Interlocal Agreement with the City of Irving for critical aid response in the Cypress Waters area provided on behalf of City of Dallas and its citizens for one year from October 1, 2015 through September 30, 2016, with four, one-year automatic renewals; and (2) a payment of fee per response to the City of Irving - Not to exceed \$300,000 annually - Financing: Current Funds (subject to annual appropriations)
19			All	C	FIR	GT	NA	NA	Authorize Supplemental Agreement No. 1 with Digital Sandbox (a wholly owned subsidiary of Haystax Technology, Inc.) through the U. S. General Services Administration to increase the acquisition contract for the purchase and installation of additional modules and components to enhance the pre-incident planning database - Not to exceed \$306,575, from \$374,650 to \$681,225 - Financing: U. S. Department of Homeland Security Grant Funds
20			All	C	HOU, PBD	\$89,341.00	93.17%	36.92%	Authorize a ten-year service contract for the development of a ten-year comprehensive master plan for community/multipurpose centers in the Housing/Community Services department - drw planning studio, llc, most advantageous proposer of two - Not to exceed \$89,341 - Financing: Current Funds (subject to annual appropriations)
21			7	C	HOU	REV \$5,295.90	NA	NA	A resolution declaring one unimproved property located at 3709 Spring Avenue unwanted and unneeded and authorizing its conveyance to Dallas Neighborhood Alliance for Habitat, a qualified non-profit organization, through the Land Transfer Program - Revenue: \$5,296
22			8	C	HOU	NC	NA	NA	Authorize an amendment to Resolution No. 14-1223, previously approved on August 13, 2014, for two loan agreements for two separate phases of the Thornton Heights Project with East Dallas Community Organization to extend the completion date of both loan agreements from December 31, 2015 to August 31, 2016 - Financing: No cost consideration to the City
23			14	C	HOU	NC	NA	NA	Authorize an amendment to Resolution No. 16-0271, previously approved on February 10, 2016, to correct the name of the purchaser of 5444 Gaston Avenue from Azur Commercial Capital, LLC to Gaston Commons, LLC - Financing: No cost consideration to the City

AGENDA DATE March 23, 2016

ITEM	IND								DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
24			7	C	OCA	\$10,000.00	NA	NA	Authorize (1) the acceptance of a grant in the amount of \$10,000 from the National Endowment for the Arts to provide cultural services for the period January 1, 2016 through December 31, 2017; (2) a local match in the amount of \$10,000; and (3) execution of the grant agreement - Total not to exceed \$20,000 - Financing: National Endowment for the Arts Grant Funds (\$10,000) and Current Funds (\$10,000)
25			All	C	OCA	\$57,500.00	NA	NA	Authorize (1) the acceptance of grants in the amount of \$57,500 from the Texas Commission on the Arts to provide cultural services for the period September 1, 2015 through August 31, 2016; (2) a local match in the amount of \$57,500; and (3) execution of the grant agreements - Total not to exceed \$115,000 - Financing: Texas Commission on the Arts Grant Funds (\$57,500) and Current Funds (\$57,500)
26			3, 8	C	PKR	NC	NA	NA	Authorize an application for a Recreational Trail Grant in the amount of \$200,000 from the Texas Parks and Wildlife Department for development of the Runyon Creek Trail project located at 1900 East Camp Wisdom Road - Financing: No cost consideration to the City
27			2	C	PKR	\$1,935,506.04	84.65%	25.20%	Authorize (1) the receipt and deposit of funds in the amount \$692,744 in the Capital Gifts, Donation and Development Fund; (2) an increase in appropriations in the Capital Gifts, Donation and Development Fund in the amount of \$692,744; and (3) a contract for improvements at Buckner Park located at 4550 Worth Street - MART, Inc., lowest responsible bidder of seven - Not to exceed \$1,935,507 - Financing: Buckner Park Funds (\$381,348), Capital Gifts, Donation and Development Funds (\$692,744), 2006 Bond Funds (\$268,607) and General Obligation Commercial Paper Funds (\$592,808)
28			4	C	PKR	NC	NA	NA	Authorize a public hearing to be held on April 27, 2016 to receive comments on the proposed use of a portion of the Dallas Zoo located at 550 East Clarendon Drive for two drainage easements and one floodway easement for the Wilds of Africa plat, totaling approximately 116,015 square feet of land, as required by plat - Financing: No cost consideration to the City
29			3	C	PBW, ECO	\$196,256.00	100.00%	35.76%	Authorize a professional services contract with Kimley-Horn and Associates, Inc. for design of paving, drainage and wastewater improvements for the Colorado Boulevard Extension, Phase II Project to extend the roadway from previously constructed in Phase I to tie into Westmoreland Road at West Colorado Boulevard - Not to exceed \$196,256 - Financing: 2012 Bond Funds
30			5, 12	C	PBW, EBS, OEQ	\$225,183.00	100.00%	100.00%	Authorize Supplemental Agreement No. 1 to the professional services contract with EJES, Inc., to provide design services, construction management services, and environmental services for the removal and replacement of two underground fuel storage tanks and one underground oil tank at the North Central Patrol Division, located at 6969 McCallum Boulevard, and for the removal and replacement of two underground fuel storage tanks at the Southeast Patrol Division, located at 725 North Jim Miller Road - Not to exceed \$225,183, from \$14,402 to \$239,585 - Financing: Current Funds (subject to appropriations)
31			8	C	STS	GT	NA	NA	Authorize (1) an Interlocal Agreement with the Texas Department of Transportation to provide cost reimbursement for material and labor related to the reconstruction of the existing traffic signal at the intersection of Interstate 20 and Wheatland Road; and (2) the establishment of appropriations in the amount of \$20,218 in the Texas Department of Transportation Grant Fund - Not to exceed \$20,218 - Financing: Texas Department of Transportation Grant Funds
32			2, 5, 7, 10	C	STS	GT	NA	NA	Authorize (1) an Interlocal Agreement with the Texas Department of Transportation to provide cost reimbursement for material and labor costs incurred in an amount not to exceed \$167,391 for traffic signal improvements at seven locations, specifically at Loop 12 (Buckner Boulevard) and John West Road, Abrams Road and Forest Lane, Bruton Road and St. Augustine Drive, Dilido Road and John West Road, Bruton Road and Prairie Creek, Bruton Road and Masters Drive and Commerce Street and Good Latimer Expressway; and (2) the establishment of appropriations in the amount of \$167,391 in the Texas Department of Transportation Grant Fund - Not to exceed \$167,391 - Financing: Texas Department of Transportation Grant Funds
33			2	C	DEV, WTR	\$6,000.00	NA	NA	Authorize settlement in lieu of proceeding with condemnation of a tract of land containing approximately 1,640 square feet from Brigida Flores located near the intersection of Gaston Avenue and Peak Street for the Peak Street and Gaston Avenue Project - Not to exceed \$6,000, increased from \$32,500 (\$30,000, plus closing costs and title expenses not to exceed \$2,500) to \$38,500 (\$35,420, plus closing costs and title expenses not to exceed \$3,080) - Financing: Water Utilities Capital Improvement Funds

AGENDA DATE

March 23, 2016

ITEM	OK	IND	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
34			2	C	DEV, WTR	\$8,000.00	NA	NA	Authorize settlement in lieu of proceeding with condemnation of a tract of land containing approximately 2,000 square feet from Charles Krovetz Real Estate Company located near the intersection of Swiss Avenue and Peak Street for the Peak Street and Gaston Avenue Project - Not to exceed \$8,000, increased from \$38,500 (\$36,000, plus closing costs and title expenses not to exceed \$2,500) to \$46,500 (\$43,200, plus closing costs and title expenses not to exceed \$3,300) - Financing: Water Utilities Capital Improvement Funds
35			Outside	C	DEV, WTR	\$33,674.00	NA	NA	Authorize acquisition from County of Dallas, of approximately 15,337 square feet of land located in the City of Hutchins for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$33,674 (\$30,674 plus closing costs and title expenses not to exceed \$3,000) - Financing: Water Utilities Capital Construction Funds
36			3	C	DEV, PKR	REV \$7,500	NA	NA	A resolution authorizing acceptance of the only bid received from SLF III - The Canyon in Oak Cliff, L.P. for approximately 12.993 acres of land located near the intersection of Pinnacle Park Boulevard and Falls Bluff Drive in exchange for approximately 23.78 acres of unwanted and unneeded City-owned land located near the intersection of Pinnacle Park Boulevard and Pinnacle Point Drive - Revenue: \$7,500
37			7	C	TWM	REV \$6,074	NA	NA	A resolution authorizing the sale of approximately 5,062 square feet of City-owned land located near the intersection of US 175 and Harding Street to the Texas Department of Transportation - Revenue: \$6,074
38			3, 4, 5, 9, 10, 11, 12	C	TWM	\$659,569.61	100.00%	95.69%	Authorize professional services contracts with four consulting firms for the engineering design of eighteen erosion control improvement projects - Not to exceed \$659,570 - Financing: General Obligation Commercial Paper Funds (\$113,794), 2012 Bond Funds (\$447,273) and Water Utilities Capital Improvement Funds (\$98,503)
39			2, 6	C	TWM	\$1,534,465.00	28.48%	27.57%	Authorize a contract with Ark Contracting Services, LLC, lowest responsive bidder of two, for the construction of storm drainage improvements in the alley between Gaston Avenue and Swiss Avenue from Grigsby Avenue to Annex Avenue and Weisenberger Drive from undeveloped road to the dead-end - Not to exceed \$1,534,465 - Financing: Stormwater Drainage Management Capital Construction Funds
40			6	C	TWM	\$921,979.83	41.37%	91.52%	Authorize a contract with Omega Contracting, Inc., lowest responsive bidder of two, for the construction of storm drainage improvements along Knights Branch channel between the DART and the Fort Worth Transportation Authority rail line and IH 35 Frontage Road and extension of the existing culvert located at Inwood Road and Lupo Drive at the Hampton Gate House - Not to exceed \$921,980 - Financing: Stormwater Drainage Management Capital Construction Funds
41			7, 8	C	TWM, ECO, WTR	\$2,870,718.40	96.47%	17.38%	Authorize a contract with Rebcon, Inc., lowest responsive bidder of four, for the construction of paving, drainage, water and wastewater improvements for Elam Road and a shared-use path west of Pemberton Hill Road - Not to exceed \$2,870,719 - Financing: Capital Construction Funds (\$2,056,944), Public/Private Partnership Funds (\$275,750), Water Utilities Capital Construction Funds (\$78,280) and Water Utilities Capital Improvements Funds (\$459,745)
42			6, Outside	C	WTR, ECO	\$1,598,229.00	NA	NA	Cypress Waters Project: Authorize an amendment to Resolution No. 15-1192, previously approved on June 17, 2015, to increase financial participation with the City of Irving within the Dallas-Irving Interlocal Agreement for water supply and infrastructure projects - Not to exceed \$1,598,229, from \$5,748,518 to \$7,346,747 - Financing: Water Utilities Capital Construction Funds
43			6, Outside	C	WTR, ECO	REV \$1,118,760	NA	NA	Cypress Waters Project: Authorize an amendment to Resolution No. 15-1193, previously approved on June 17, 2015, to increase receipt and deposit of funds from Billingsley LD, Ltd., for the Phase III Development Agreement for Irving-led construction projects from \$4,023,963 to \$5,142,723 - Revenue: \$1,118,760
44			6, Outside	C	WTR, DEV, ECO	\$1,944,801.00	NA	NA	Cypress Waters and West Cell Developments: Authorize the City Manager to enter into a Reciprocal Treated Water Service Contract, approved as to form by the City Attorney, with the City of Irving for reciprocal treated water service for the Cypress Waters Development - Not to exceed \$1,944,801 - Financing: Water Utilities Current Funds (subject to annual appropriations)
45			6, Outside	C	WTR, DEV, ECO	\$71,058.00	NA	NA	Cypress Waters and West Cell Developments: Authorize the City Manager to enter into a Reciprocal Wastewater Service Contract, approved as to form by the City Attorney, with the City of Irving for reciprocal wastewater service for the Cypress Waters Development - Not to exceed \$71,058 - Financing: Water Utilities Current Funds (subject to annual appropriations)

AGENDA DATE March 23, 2016

ITEM	IND								DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
46			6, Outside	C	WTR, DEV, ECO	NC	NA	NA	Cypress Waters and West Cell Developments: An ordinance adopting a boundary adjustment agreement with the City of Irving on property located south of the terminus of South Northlake Road and northwest of the intersection of Valley Vista Drive and Lakebreeze Road (within the West Cell area of the Cypress Waters Development) - Financing: No cost consideration to the City
47			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)
48			All	I	PBD	NC	NA	NA	Execute the casting of lots to identify the recommended vendor resulting from tie bids on lines 74, 83, 86, 92 and 97 for bid BA1601 for a three-year master agreement for the purchase of herbicides and pesticides - Winfield Solutions LLC, BWI Dallas/Ft. Worth, N-Gulf, LLC dba Ameriturf, Helena Chemical Company and Rentokil North America, Inc. dba Target Specialty Products - Financing: This action has no cost consideration to the City
49			7	I	TWM	\$34,000.00	NA	NA	Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Floyd E. Garner, of an improved tract of land containing approximately 35,920 square feet located on Barber Avenue near its intersection with Mural Lane for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project - Not to exceed \$34,000 (\$31,000 plus closing costs and title expenses not to exceed \$3,000) - Financing: 2006 Bond Funds
50			7	I	TWM	\$24,676.00	NA	NA	Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Gaythell Smith, of an improved tract of land containing approximately 9,326 square feet located on Barber Avenue near its intersection with Mural Lane for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project - Not to exceed \$24,676 (\$22,000 plus closing costs and title expenses not to exceed \$2,676) - Financing: 2006 Bond Funds
51			7	I	TWM	\$6,050.00	NA	NA	Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from John Earl Patterson and Linda K. Patterson, of an unimproved tract of land containing approximately 4,048 square feet located on Barber Avenue near its intersection with Mural Lane for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project - Not to exceed \$6,050 (\$4,050 plus closing costs and title expenses not to exceed \$2,000) - Financing: 2006 Bond Funds
52			7	I	TWM	\$25,538.00	NA	NA	Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Lawrence E. Baker, Jr., Michael Lynn Baker and Freddie M. Baker, of an improved tract of land containing approximately 36,626 square feet located on Barber Avenue near its intersection with Mural Lane for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project - Not to exceed \$25,538 (\$22,538 plus closing costs and title expenses not to exceed \$3,000) - Financing: 2006 Bond Funds
53			7	I	TWM	\$28,898.00	NA	NA	Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Mamie Lee McKnight, of an improved tract of land containing approximately 8,545 square feet located on Barber Avenue at its intersection with Mural Lane for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project - Not to exceed \$28,898 (\$25,898 plus closing costs and title expenses not to exceed \$3,000) - Financing: 2006 Bond Funds
54			1	I	ECO	\$11,250,000.00	NA	NA	Authorize a development agreement with Alamo Manhattan BAD, LLC and/or its affiliates in an amount not to exceed \$11,250,000, payable from future Oak Cliff Gateway TIF District funds in consideration of the development of the Bishop Arts Station project on property currently addressed at 202, 204, and 235 West Davis Street and pending an abandonment process acquisition of a portion of City owned right-of-way at 138 West Davis Street in Tax Increment Financing Reinvestment Zone Number Three (Oak Cliff Gateway TIF District) - Not to exceed \$11,250,000 - Financing: Oak Cliff Gateway TIF District Funds (subject to appropriations)
55			7	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 83, on the north side of Samuell Boulevard, east of Ferguson Road
56			6	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2053 for outside salvage or reclamation on property zoned an IM Industrial Manufacturing District on the south side of Bedford Street, east of Norwich Street
57			6	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a MU-3 Mixed Use District on property zoned an IR Industrial/Research District on the northeast corner of Burgess Boulevard and Iberia Avenue

AGENDA DATE March 23, 2016

ITEM	IND								DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
58			2	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for IR Industrial/Research District and domestic violence facility uses on property zoned an IR Industrial/Research District on the north corner of Redfield Street and Butler Street
59			7	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an R-5(A) Single Family District on property zoned a CR Community Retail District at the north corner of Kiska Street and Burma Road
60			7	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an R-5(A) Single Family District on property zoned a CR Community Retail District on the north side of Yancy Street, east of Kiska Street
61			7	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an R-5(A) Single Family District on property zoned a CR Community Retail District on the south side of Burma Road, west of Kiska Street
62			7	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an R-5(A) Single Family District on property zoned a CS Commercial Service District on the south side of Solar Lane, east of Carbondale Street
63			2	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Subdistrict 2 (Moderate Density Mixed Use Corridors) on property zoned Subdistrict 6 (Old City Park Institutional) within Planned Development District No. 317, the Cedars Area Special Purpose District on the southeast line of Gano Street, northwest of Beaumont Street
64			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 industrial (outside) not potentially incompatible use limited to a concrete batch plant on property zoned an IR Industrial/Research District on the south line of West Commerce Street, between Ivanhoe Lane and Brundrette Street
65			2, 14	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding a City Plan Commission authorized hearing to determine proper zoning on property zoned Planned Development District No. 582, the Victory Planned Development District with consideration being given to appropriate zoning for the area including use, development standards, parking, and other appropriate regulations on property generally east of Stemmons Freeway and north of Woodall Rogers Freeway and an ordinance granting the amendments
66			6	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a new Subdistrict on property zoned Subdistrict 1 within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District, at the west corner of Hi Line Drive and Turtle Creek Boulevard
67			6	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a new Subdistrict on property zoned Subdistrict 1 within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District, at the west corner of North Stemmons Freeway Access Road and Edison Street
68			6	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a new Subdistrict on property zoned Subdistrict 1 within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District, on the southwest line of North Stemmons Freeway Access Road, east of Oak Lawn Avenue
69			2, 14	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding a City Plan Commission authorized hearing with consideration being given to expand and modify the sign regulations for properties within the Victory Special Provision Sign District Overlay generally east of Stemmons Freeway and north of Woodall Rogers Freeway and an ordinance granting the amendments
70			12	PH	TWM	NC	NA	NA	A public hearing to receive comments regarding the application for and approval of the fill permit and removal of the floodplain (FP) prefix from approximately 0.1762 acres of the current 0.8972 acres of land located at 6716, 6718, 6720, 6722 and 6724 Starbuck Drive, of which the 0.8972 acres is within the floodplain of Osage Branch, Fill Permit 15-08 - Financing: No cost consideration to the City

AGENDA DATE March 23, 2016

ITEM	IND								DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
71			7	PH	HOU	REV \$10,000	NA	NA	A public hearing to receive comments on the proposed sale of ten unimproved properties acquired by the taxing authorities from the Sheriff to South Dallas Fair Park Inncity Community Development Corporation, a qualified non-profit organization; and, at the close of the public hearing, authorize the City Manager to: (1) quitclaim ten unimproved properties to South Dallas Fair Park Inncity Community Development Corporation under the HB110 process of the City's Land Transfer Program; and (2) release the City's non-tax liens included in the foreclosure judgment and post-judgment non-tax liens, if any - Revenue: \$10,000
72			N/A	PH	OFS	NC	NA	NA	A public hearing to receive comments on the FY 2016-17 Operating, Capital, and Grant/Trust budgets - Financing: No cost consideration to the City
73			6	PH	PKR	NC	NA	NA	A public hearing to receive comments on the proposed use of a portion of the Elm Fork Greenbelt located at 3123 Proctor Street, totaling approximately 67,592 square feet of land, by the Texas Department of Transportation for construction of improvements to State Highway 183/John W. Carpenter Freeway - Financing: No cost consideration to the City
74			6	PH	PKR	NC	NA	NA	A public hearing to receive comments on the proposed use of a portion of the Elm Fork Greenbelt located at 10400 Wildwood Drive, totaling approximately 296,757 square feet of land, by the Texas Department of Transportation for construction of improvements to State Highway Loop 12/Walton Walker Boulevard - Financing: No cost consideration to the City

TOTAL \$43,936,877.87

AGENDA ITEM # 2

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: March 23, 2016
COUNCIL DISTRICT(S): 2
DEPARTMENT: Aviation
CMO: Ryan S. Evans, 671-9837
MAPSCO: 34E

SUBJECT

Authorize **(1)** the first three-year renewal option to the contract for dock master services at Dallas Love Field in the amount of \$2,084,874; and **(2)** an increase in the contract for additional services related to the x-ray inspection system in the amount of \$191,728 - Bradford Airport Logistics, LTD - Total not to exceed \$2,276,602 - Financing: Aviation Current Funds (subject to annual appropriations)

BACKGROUND

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

This contract provides dock master services (DMS) to the Sally Port located at Dallas Love Field. The Sally Port is a structure located on airport grounds and serves as the host to security inspections of all concession items entering the airport except the United States Postal Service. In order to safely and efficiently supply concessionaires with products and merchandise, Aviation has engaged a contractor providing dock master services to manage its sally port operations. The dock master schedules and coordinates all concession deliveries, screens all products and merchandise in accordance with the airport's policies and procedures and in compliance with the Transportation Security Administration (TSA) guidelines.

An increase in the contract in the amount of \$191,728 over the initial contract term is to provide for labor and training costs associated with the new Rapiscan x-ray inspection system, authorized by Council on January 14, 2015.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a three-year service contract, with two three-year renewal options for dock master services, by Resolution No. 13-0377, on February 27, 2013.

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

Information about this item will be provided to the Budget, Finance and Audit Committee on March 21, 2016.

FISCAL INFORMATION

\$2,276,602.00 - Aviation Current Funds (subject to annual appropriations)

OWNER

Bradford Airport Logistics, LTD

Benjamin B. Richter, President
Bruce Class, Vice President

March 23, 2016

WHEREAS, the City owns and operates a municipal airport, Dallas Love Field; and,

WHEREAS, on February 27, 2013, the City Council awarded a three year service contract with two three-year renewal options for Dock Master Services at Dallas Love Field to Bradford Airport Logistics, LTD for management of the Sally Port facility; and,

WHEREAS, on January 14, 2015, the City Council authorized a contract for the purchase, installation, and a three-year warranty of one x-ray inspection system (pallet scanner) for the Sally Port facility with Rapiscan Systems, Inc.; and,

WHEREAS, the airport has incurred additional operating expenses for the Sally Port facility due to increased concessionaire operator needs and additional labor and training costs associated with the acquisition and operation of the pallet scanner; and,

WHEREAS, the airport desires to exercise the first three-year renewal option of the contract with Bradford Airport Logistics, LTD; and,

WHEREAS, an increase in the contract with Bradford Airport Logistics, LTD in the amount of \$191,728.00 is necessary for continued Sally Port services.

Now, Therefore,

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

Section 1. That upon approval as to form by the City Attorney, the City Manager is hereby authorized to (1) exercise the first three year renewal option of the service contract with Bradford Airport Logistics, LTD and (2) increase the contract to cover additional service, labor and training costs.

Section 2. That all other terms under the existing contract remain the same.

Section 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$2,276,602.00 (subject to annual appropriations) from Aviation Fund 0130, Dept. AVI, Unit 7730, Object 3092, Vendor No. VS0000075481.

Section 4. That this resolution shall take effect immediately from 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: Public Safety

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Trinity Watershed Management

CMO: Jeanne Chipperfield, 670-7804
Mark McDaniel, 670-3256

MAPSCO: N/A

SUBJECT

Authorize a one-year service contract for light pole maintenance and repair services for Trinity Watershed Management – Environmental Lighting Services, LLC, lowest responsible bidder of two - Not to exceed \$84,640 - 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 service contract will provide light pole maintenance and repair services for 120 street lights located at Trinity Watershed Management's properties throughout the City. The locations include the Continental Bridge, West Dallas Gateway and Cedar Crest/Martin Luther King gateway plaza. The use of street pole lights provides a safer environment for pedestrians and motorists alike by illuminating the area surrounding the light pole.

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 772 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 Business Development and Procurement Services' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

BACKGROUND (Continued)

This solicitation closed prior to the wage floor policy approved by City Council on November 10, 2015, by Resolution No. 15-2141. Prior to Council approval of the wage floor, City contracts did not include language that required contractors to identify their rate of pay or the number of employees assigned on City contracts. Environmental Lighting Services, LLC has signed the wage affidavit stating they will pay their employees a minimum wage of \$10.37 per hour.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Budget, Finance and Audit Committee on March 21, 2016.

FISCAL INFORMATION

\$84,640.00 - Current Funds (subject to appropriations)

M/WBE INFORMATION

187 - Vendors contacted

186 - No response

1 - Response (Bid)

0 - Response (No bid)

1 - Successful

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

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

ETHNIC COMPOSITION

Environmental Lighting Services, LLC

White Male	27	White Female	5
Black Male	4	Black Female	1
Hispanic Male	30	Hispanic Female	0
Other Male	0	Other Female	0

BID INFORMATION

The following bids were received from solicitation number BQ1526 and were opened on October 30, 2015. This service contract is being awarded in its entirety to the lowest responsive and responsible bidder.

*Denotes successful bidder

<u>Bidders</u>	<u>Address</u>	<u>Amount</u>
*Environmental Lighting Services, LLC	3420 Dalworth St. Arlington, TX 76011	\$84,640.00
Prism Electric, Inc.	2985 Market St. Garland, TX 75041	\$114,488.00

OWNER

Environmental Lighting Services, LLC

Jarad Bailey, President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a one-year service contract for light pole maintenance and repair services for Trinity Watershed Management – Environmental Lighting Services, LLC, lowest responsible bidder of two - Not to exceed \$84,640 - Financing: Current Funds (subject to appropriations)

Environmental Lighting Services, LLC is a local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$84,640.00	100.00%
Total non-local contracts	\$0.00	0.00%
TOTAL CONTRACT	\$84,640.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Environmental Lighting Services, LLC	WFWB63060N0916	\$84,640.00	100.00%
Total Minority - Local		\$84,640.00	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	\$84,640.00	100.00%	\$84,640.00	100.00%
Total	\$84,640.00	100.00%	\$84,640.00	100.00%

March 23, 2016

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 Environmental Lighting Services, LLC (VS0000048383) for light pole maintenance and repair services for Trinity Watershed Management for a term of one year in an amount not to exceed \$84,640.00, 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 Environmental Lighting Services, LLC shall be based only on the amount of the services directed to be performed by the City and properly performed by Environmental Lighting Services, LLC under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$84,640.00 (subject to appropriations) from Service Contract number BQ1526.

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: Public Safety

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Aviation
Housing/Community Services
Park & Recreation
Sanitation Services
Trinity Watershed Management
Water Utilities

CMO: Jeanne Chipperfield, 670-7804
Ryan S. Evans, 671-9837
Alan Sims, Chief of Neighborhood Plus, 670-1611
Willis Winters, 670-4071
Joey Zapata, 670-3009
Mark McDaniel, 670-3256

MAPSCO: N/A

SUBJECT

Authorize a three-year service contract for installation, monitoring and maintenance of alarm systems and annual fire alarm inspections - Communicon, LTD dba Communication Concepts in the amount of \$3,186,905 and International Systems of America, LLC dba ISA Fire & Security in the amount of \$245,464, most advantageous proposers of three - Total not to exceed \$3,432,369 - Financing: Current Funds (\$1,622,786), Aviation Current Funds (\$1,417,745), Water Utilities Current Funds (\$297,132), Stormwater Drainage Management Current Funds (\$40,432), Sanitation Current Funds (\$29,274), Department of State Health Services Grant Funds (\$15,000) and Community Development Block Grant Funds (\$10,000) (subject to annual appropriations)

BACKGROUND

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

This service contract will provide for continued alarm monitoring and maintenance at approximately 285 City facilities for fire and/or intrusion. This contract will also provide for the maintenance of alarm equipment, programming alarm panels, annual fire alarm inspections, design and installation of new alarm systems.

BACKGROUND (Continued)

This contract is separated into four groups which is reflected by the following:

- Monitoring reflects 4.5% of the contract and will provide monitoring services for fire and intrusion alarm systems.
- Fire alarm inspection and testing reflects 7.2% of this contract and will provide annual fire alarm inspection and testing per the NFPA 72, National Fire Alarm and Signaling code.
- Design work reflects 1.1% of this contract and will provide complete design and plan work for new fire alarm systems, wireless fire alarm systems and security/intrusion alarm systems.
- Installation, maintenance and repair reflects 87.2% of this contract and will provide maintenance and repair of existing systems as well as installation of approximately 24 new systems.

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

- Water Utilities (1)
- Park and Recreation (2)
- Aviation (2)
- Business Development & Procurement Services (2)*

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

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

- Cost 30%
- Approach 30%
- Experience 25%
- Business Inclusion and Development Plan 15%

This solicitation was structured in a manner which required proposers to submit a response using unit pricing. This proposal resulted in a 20.3% increase over comparable unit prices for the bid awarded in 2012.

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 1,066 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone.

BACKGROUND (Continued)

Additionally, in an effort to secure more bids, notifications were sent by the BDPS' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

This solicitation closed prior to the wage floor policy approved by City Council on November 10, 2015, by Resolution No. 15-2141. Prior to Council approval of the wage floor, City contracts did not include language that required contractors to identify their rate of pay or the number of employees assigned on City contracts. Communicon, LTD dba Communication Concepts and International Systems of America, LLC have signed the wage affidavit stating they will pay their employees a minimum wage of \$10.37 per hour.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 27, 2012, City Council authorized a three-year service contract for installation, monitoring and maintenance of alarm systems and annual fire alarm inspections by Resolution No. 12-1606.

On December 10, 2014, City Council authorized supplemental agreement no. 1 to increase the service contract for installation, monitoring and maintenance of alarm systems and annual fire alarm inspections by Resolution No. 14-2093.

Information about this item will be provided to the Budget, Finance and Audit Committee on March 21, 2016.

FISCAL INFORMATION

\$1,622,786.32 - Current Funds (subject to annual appropriations)
\$1,417,744.89 - Aviation Current Funds (subject to annual appropriations)
\$ 297,131.94 - Water Utilities Current Funds (subject to annual appropriations)
\$ 40,431.59 - Stormwater Drainage Management Current Funds (subject to annual appropriations)
\$ 29,273.62 - Sanitation Current Funds (subject to annual appropriations)
\$ 15,000.00 - Department of State Health Services Grant Funds (subject to annual appropriations)
\$ 10,000.00 - Community Development Block Grant Funds (subject to annual appropriations)

M/WBE INFORMATION

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

1,066 - 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

Communicon, LTD dba Communication Concepts

White Male	24	White Female	6
Black Male	1	Black Female	1
Hispanic Male	3	Hispanic Female	3
Other Male	0	Other Female	0

International Systems of America, LLC dba ISA Fire & Security

White Male	58	White Female	18
Black Male	8	Black Female	1
Hispanic Male	1	Hispanic Female	0
Other Male	1	Other Female	0

PROPOSAL INFORMATION

The following proposals were received from solicitation number BFZ1502 and were opened on April 16, 2015. This service contract is being awarded to the most advantageous proposers by group. Information related to this solicitation is available upon request.

*Denotes successful proposers

<u>Proposers</u>	<u>Address</u>	<u>Amount</u>
*Communicon, LTD dba Communication Concepts	4216 Hahn Blvd. Fort Worth, TX 76117	Multiple Groups

PROPOSAL INFORMATION (Continued)

<u>Proposers</u>	<u>Address</u>	<u>Amount</u>
*International Systems of America, LLC dba ISA Fire & Security	5214 Burleson Rd. Suite 407 Austin, TX 78744	Multiple Groups
Alarm Security Group, LLC dba ASG Security	875 West Sandy Lake Rd. Suite 400 Coppell, TX 75019	Multiple Groups

OWNERS

Communicon, LTD dba Communication Concepts

Jeff Mauldin, President

International Systems of America, LLC dba ISA Fire & Security

Michael G. Epperson, President
Roy O. Messersmith, Vice President
Mark Shoemaker, Secretary
Donald Combs, Treasurer

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year service contract for installation, monitoring and maintenance of alarm systems and annual fire alarm inspections - Communicon, LTD dba Communication Concepts in the amount of \$3,186,905 and International Systems of America, LLC dba ISA Fire & Security in the amount of \$245,464, most advantageous proposers of three - Total not to exceed \$3,432,369 - Financing: Current Funds (\$1,622,786), Aviation Current Funds (\$1,417,745), Water Utilities Current Funds (\$297,132), Stormwater Drainage Management Current Funds (\$40,432), Sanitation Current Funds (\$29,274), Department of State Health Services Grant Funds (\$15,000) and Community Development Block Grant Funds (\$10,000) (subject to annual appropriations)

Communicon, LTD dba Communication Concepts is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractor. International Systems of America, LLC dba ISA Fire & Security 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	\$3,432,368.36	100.00%
TOTAL CONTRACT	\$3,432,368.36	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>
Blue Star Electric, LLC.	WFWB62936Y0816	\$758,483.22	22.10%
Total Minority - Non-local		\$758,483.22	22.10%

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%	\$758,483.22	22.10%
	<hr/>	<hr/>	<hr/>	<hr/>
Total	\$0.00	0.00%	\$758,483.22	22.10%

March 23, 2016

WHEREAS, on June 27, 2012, City Council authorized a three-year service contract for installation, monitoring and maintenance of alarm systems and annual fire alarm inspections by Resolution No. 12-1606; and,

WHEREAS, on December 10, 2014, City Council authorized supplemental agreement no. 1 to increase the service contract for installation, monitoring and maintenance of alarm systems and annual fire alarm inspections from \$1,655,840.79 to \$2,069,799.79, by Resolution No. 14-2093; and,

WHEREAS, on July 6, 2015, Administrative Action Nos. 15-6268 and 15-6269 authorized supplemental agreement no. 2 to the service contract to extend the contract term from June 30, 2015 to December 30, 2015; and,

WHEREAS, on December 2, 2015, Administrative Action Nos. 15-7276 and 15-7277 authorized supplemental agreement no. 3 to the service contract to extend the contract term from December 30, 2015 to March 31, 2016;

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 service contract with Communicon, LTD dba Communication Concepts (VS0000019084) in the amount of \$3,186,904.36 and International Systems of America, LLC dba ISA Fire & Security (VS87469) in the amount of \$245,464.00 for installation, monitoring and maintenance of alarm systems and annual fire alarm inspections for a term of three years in a total amount not to exceed \$3,432,368.36, 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 Communicon, LTD dba Communication Concepts and International Systems of America, LLC dba ISA Fire & Security shall be based only on the amount of the services directed to be performed by the City and properly performed by Communicon, LTD dba Communication Concepts and International Systems of America, LLC dba ISA Fire & Security under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$3,432,368.36 (subject to annual appropriations) from Service Contract number BFZ1502.

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

AGENDA ITEM # 5

KEY FOCUS AREA:	E-Gov
AGENDA DATE:	March 23, 2016
COUNCIL DISTRICT(S):	All
DEPARTMENT:	Business Development & Procurement Services Communication and Information Services
CMO:	Jeanne Chipperfield, 670-7804 Mark McDaniel, 670-3256
MAPSCO:	N/A

SUBJECT

Authorize a five-year service contract for maintenance, support and upgrades of the City's existing Record Management and Field Base Reporting System - Intergraph Corporation, only proposer - Not to exceed \$3,301,195 - Financing: Current Funds (subject to annual appropriations)

BACKGROUND

This service contract will provide ongoing maintenance, support and upgrades for the City's Record Management (RMS) and Field Base Reporting (FBR) system, which is utilized by public safety personnel. This system supports the efficient collection of data by Police and Fire-Rescue personnel when responding to criminal and emergency calls.

Maintenance and support includes upgrades to current releases of software, patches, annual training, hardware support and 24 -hour technical support.

These departments record approximately 250,000 offenses and over 49,000 arrests each year. These offenses, arrests and follow up supplemental reports are recorded in the RMS system and maintained for at least 10 years after the case is closed. From these records, state and federally required crime statistics are calculated and reported.

This system has contributed to improving the City's collection and sharing of crime data. Some key benefits include:

- Allows digital images, audio files and video files to be attached to investigation records
- Robust audit trail for tracking evidence management
- Reporting of crime statistics to state and federal agencies

BACKGROUND (Continued)

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

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

*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:

- Experience and capability 50%
- Cost 35%
- Business Inclusion and Development Plan 15%

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 1,034 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.

The recommended vendor meets the wage floor rate of \$10.37 approved by City Council on November 10, 2015, by Resolution No. 15-2141.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 27, 2010, City Council authorized a five-year service contract for maintenance and support for a records management system by Resolution No. 10-0361.

Information about this item will be provided to the Budget, Finance and Audit Committee on March 21, 2016.

FISCAL INFORMATION

\$3,301,195.00 - Current Funds (subject to annual appropriations)

M/WBE INFORMATION

173 - Vendors contacted

173 - No response

0 - Response (Bid)

0 - Response (No Bid)

0 - Successful vendor

1,034 - 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

Intergraph Corporation

White Male	1,013	White Female	476
Black Male	54	Black Female	60
Hispanic Male	29	Hispanic Female	13
Other Male	184	Other Female	86

PROPOSAL INFORMATION

The following proposal was received from solicitation number BUZ1530 and was opened on September 25, 2015. This service contract is being awarded in its entirety to the only proposer.

*Denotes successful proposer

<u>Proposer</u>	<u>Address</u>	<u>Score</u>	<u>Amount</u>
*Intergraph Corporation	305 Intergraph Way Madison, AL 35758	84%	\$3,301,195.00

Note: A single proposal review process has been conducted and no exceptions have been found.

OWNER

Intergraph Corporation

Steven L. Cost, President

Richard B. Jacks, Vice President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a five-year service contract for maintenance, support and upgrades of the City's existing Record Management and Field Base Reporting System - Intergraph Corporation, only proposer - Not to exceed \$3,301,195 - Financing: Current Funds (subject to annual appropriations)

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

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$3,301,195.00	100.00%
TOTAL CONTRACT	\$3,301,195.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

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

March 23, 2016

WHEREAS, on January 27, 2010, City Council authorized a five-year service contract for maintenance and support for a records management system by Resolution No. 10-0361.

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 Intergraph Corporation (168120) for maintenance, support and upgrades of the City's existing Record Management and Field Base Reporting System for a term of five years in an amount not exceed \$3,301,195.00, 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 Intergraph Corporation shall be based only on the amount of the services directed to be performed by the City and properly performed by Intergraph Corporation under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$3,301,195.00 (subject to annual appropriations) from Service Contract number MASCDV20INPURST.

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: E-Gov

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Aviation
Water Utilities

CMO: Jeanne Chipperfield, 670-7804
Ryan S. Evans, 671-9837
Mark McDaniel, 670-3256

MAPSCO: N/A

SUBJECT

Authorize a six-year service contract for elevator, escalator and moving sidewalk maintenance and repair for various City locations - Southwest Elevator Company dba Oracle Elevator Company of Texas through an intergovernmental agreement with Dallas Area Rapid Transit in the amount of \$4,177,152 and Otis Elevator Company through BuyBoard in the amount of \$1,412,606 - Total not to exceed \$5,589,758 - Financing: Current Funds (\$314,090), Aviation Current Funds (\$4,335,636) and Water Utilities Current Funds (\$940,032) (subject to annual appropriations)

BACKGROUND

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

This service contract will provide elevator, escalator and moving sidewalk preventative maintenance and repair. All equipment will be maintained monthly, in accordance with the manufacturer's recommendation, to meet all applicable codes and state regulations. A six-year contract will ensure all contractors will address both immediate and long-term needs of the City's elevators, escalators, and moving sidewalks.

In addition to regularly scheduled preventative maintenance, both awarded contractors will be on call twenty-four hours a day for emergency repairs. The contractor will respond to emergency calls within two hours and will complete emergency repairs within forty-eight hours; all outages impacting airport operations are considered "emergency repairs".

BACKGROUND (Continued)

The lead departments will respectively oversee the maintenance and repair of units for their department:

- Water Utilities operates 19 elevators located at the three water treatment plants, two wastewater treatment plants and pump and lift stations throughout the City.
- Aviation operates 17 elevators, 10 escalators and 11 moving sidewalks in the Terminal Building, Parking Garage A, and Parking Garage B at Dallas Love Field. On average, 16,000 passengers arrive and depart daily at Dallas Love Field.

To ensure that all equipment is in compliance with state and local codes, the City currently contracts with a certified elevator inspector with extensive elevator, escalator, and moving sidewalk experience. The inspector will assist in the oversight of maintenance and repair, and will provide technical expertise for any remodeling or construction projects.

Also included in this maintenance contract is the repair and service of equipment needed during the transition of service providers for the most recent elevator contract awarded in December 2015 for City Hall.

The recommended vendor meets the wage floor rate of \$10.37 approved by City Council on November 10, 2015, by Resolution No. 15-2141.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On March 10, 2010, City Council authorized a six-year service contract for elevator, escalator and moving sidewalk maintenance and repair at various city facilities by Resolution No. 10-0679.

On May 28, 2014, City Council authorized supplemental agreement no. 1 to increase the service contract for elevator, escalator and moving sidewalk maintenance and repair at various City facilities by Resolution No. 14-0819.

On December 9, 2015, City Council authorized a six-year service contract for elevator and escalator maintenance and repair at various city facilities by Resolution No. 15-2266.

FISCAL INFORMATION

\$ 314,090.05 - Current Funds (subject to annual appropriations)
\$4,335,635.94 - Aviation Current Funds (subject to annual appropriations)
\$ 940,032.00 - Water Utilities Current Funds (subject to annual appropriations)

ETHNIC COMPOSITION

Southwest Elevator Company dba Oracle Elevator Company of Texas

White Male	31	White Female	1
Black Male	1	Black Female	0
Hispanic Male	2	Hispanic Female	0
Other Male	2	Other Female	0

Otis Elevator Company

White Male	10	White Female	3
Black Male	0	Black Female	0
Hispanic Male	1	Hispanic Female	0
Other Male	0	Other Female	0

OWNERS

Southwest Elevator Company dba Oracle Elevator Company of Texas

Christopher Doot, President
Russell Winiariskyj, Vice President
Bryan Pollard, Secretary

Otis Elevator Company

Larry Jackson, President
Allen Baxter, Vice President

March 23, 2016

WHEREAS, on March 10, 2010, City Council authorized a six-year service contract for elevator, escalator and moving sidewalk maintenance and repair at various city facilities by Resolution No. 10-0679; and,

WHEREAS, on May 28, 2014, City Council authorized supplemental agreement no. 1 to increase the service contract for elevator, escalator and moving sidewalk maintenance and repair at various City facilities by Resolution No. 14-0819; and,

WHEREAS, on December 9, 2015, City Council authorized a six-year service contract for elevator and escalator maintenance and repair at various city facilities by Resolution No. 15-2266;

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 service contract with Southwest Elevator Company dba Oracle Elevator Company of Texas (VS0000038350) through an intergovernmental agreement with Dallas Area Rapid Transit in the amount of \$4,177,152.00 and Otis Elevator Company (399427) through BuyBoard in the amount of \$1,412,605.99 for elevator and escalator maintenance and repair at various City locations for a term of six years in an amount not to exceed \$5,589,757.99, 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 Southwest Elevator Company dba Oracle Elevator Company of Texas through an intergovernmental agreement with Dallas Area Rapid Transit and Otis Elevator Company through BuyBoard shall be based only on the amount of the services directed to be performed by the City and properly performed by Southwest Elevator Company dba Oracle Elevator Company of Texas through an intergovernmental agreement with Dallas Area Rapid Transit and Otis Elevator Company through BuyBoard under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$5,589,757.99 (subject to annual appropriations) from Service Contract number BW1605.

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 ITEMS # 7,8

KEY FOCUS AREA: E-Gov

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Equipment & Building Services

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

MAPSCO: N/A

SUBJECT

CNG Fuel & Fuel Station Maintenance

- * Authorize a three-year acquisition contract, which will result in a master agreement, for compressed natural gas for equipped fleet vehicles - Clean Energy dba California Clean Energy, Inc., only bidder - Not to exceed \$2,493,964 - Financing: Current Funds (subject to annual appropriations)
- * Authorize a three-year service contract for compressed natural gas fuel station parts and maintenance for equipped fleet vehicles - Clean Energy dba California Clean Energy, Inc., only bidder - Not to exceed \$456,720 - 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 goods and services, for a specific term, which are ordered on an as needed basis.

This service contract will provide compressed natural gas (CNG) and fuel station parts and maintenance for the City's fleet vehicles. The City requires CNG fueling capability to support the City's 1,000 CNG vehicles. Currently, the City purchases an average of 40,000 gallons of CNG fuel monthly using multiple stations located throughout the Dallas area. Fuel stations are outfitted with an automated card reader system for a billing infrastructure that tracks usage, vehicle identification number, and bills the City accordingly on a monthly basis.

BACKGROUND (Continued)

In addition, with an increased use of heavy-duty CNG vehicles, the City constructed two of its own CNG facilities in 2011. These stations provide overnight filling of vehicles, thus saving staff time and ensuring completely filled tanks at the beginning of each shift. This contract will provide all maintenance support for these facilities, including parts and labor. The selected contractor will make frequent trips to each site to verify that the facility is operating properly. Preventative maintenance will be performed per equipment manufacturer requirements, including the compressors in which failed components are repaired or replaced as needed. These two stations provide an average of 21,000 gallons of CNG monthly.

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 418 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 Business Development and Procurement Services' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

The recommended vendor meets the wage floor rate of \$10.37 approved by City Council on November 10, 2015, by Resolution No. 15-2141.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On March 10, 2010, City Council authorized a three-year master agreement for compressed natural gas for fleet vehicles by Resolution No. 10-0675.

On February 9, 2011, City Council authorized a thirty-six month maintenance and operations contract by Resolution No. 11-0407.

On April 22, 2015, City Council authorized Supplemental Agreement No. 1 to extend the contract for an additional nine-months and increase the maintenance and operations contract for Compressed Natural Gas (CNG) fueling facilities at the Southeast and Northwest Service Centers by Resolution No. 15-0751.

Information about this item will be provided to the Budget, Finance and Audit Committee on March 21, 2016.

FISCAL INFORMATION

\$2,950,683.36 - Current Funds (subject to annual appropriations)

M/WBE INFORMATION

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

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

M/WBE INFORMATION (Continued)

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

ETHNIC COMPOSITION

Clean Energy dba California Clean Energy, Inc.

White Male	344	White Female	59
Black Male	11	Black Female	2
Hispanic Male	44	Hispanic Female	16
Other Male	35	Other Female	34

BID INFORMATION

The following bids were received from solicitation number BQ1605 and were opened on January 15, 2016. These service contracts are being awarded to the only responsive and responsible bidder.

*Denotes successful bidder

<u>Bidder</u>	<u>Address</u>	<u>Amount</u>
*Clean Energy dba California Clean Energy, Inc.	4675 MacArthur Court Suite 800 Newport Beach, CA 92660	\$2,950,683.36

Note: A single bid review process has been conducted and no exceptions have been found.

OWNER

Clean Energy dba California Clean Energy, Inc.

Andrew J. Littlefair, President
Peter J. Grace, Vice President
Mitchell W. Pratt, Secretary

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year acquisition contract, which will result in a master agreement, for compressed natural gas for equipped fleet vehicles - Clean Energy dba California Clean Energy, Inc., only bidder - Not to exceed \$2,493,964 - Financing: Current Funds (subject to annual appropriations)

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

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$2,493,963.36	100.00%
TOTAL CONTRACT	\$2,493,963.36	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%

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year service contract for compressed natural gas fuel station parts and maintenance for equipped fleet vehicles - Clean Energy dba California Clean Energy, Inc., only bidder - Not to exceed \$456,720 - Financing: Current Funds (subject to annual appropriations)

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

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$456,720.00	100.00%
TOTAL CONTRACT	\$456,720.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

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

March 23, 2016

WHEREAS, on March 10, 2010, City Council authorized a three-year master agreement for compressed natural gas for fleet vehicles by Resolution No. 10-0675; and,

WHEREAS, on February 14, 2014, Administrative Action No. 14-5349 authorized Supplemental Agreement No. 2 to the master agreement to extend the term for one year from March 9, 2014 to March 9, 2015; and,

WHEREAS, on December 15, 2014, Administrative Action No. 14-7200 authorized Supplemental Agreement No. 3 to the master agreement to extend the term for four-months from March 9, 2015 to July 4, 2015; and,

WHEREAS, on March 11, 2015, Administrative Action No. 15-5493 authorized Supplemental Agreement No. 4 to the master agreement to extend the term for nine-months from July 4, 2015 to April 1, 2016; and,

NOW, THEREFORE,

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

Section 1. That the City Manager is hereby authorized to execute an acquisition contract, which will result in a master agreement, with Clean Energy dba California Clean Energy, Inc. (332141) for compressed natural gas for equipped fleet vehicles for a term of three years in an amount not to exceed \$2,493,963.36, 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 Clean Energy dba California Clean Energy, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Clean Energy dba California Clean Energy, Inc. under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$2,493,963.36 (subject to annual appropriations) from Acquisition Contract number BQ1605.

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

March 23, 2016

WHEREAS, on February 9, 2011, City Council authorized a thirty-six month maintenance and operations contract by Resolution No. 11-0407; and,

WHEREAS, on April 22, 2015, City Council authorized Supplemental Agreement No. 1 to extend the contract for an additional nine-months and increase the maintenance and operations contract for Compressed Natural Gas (CNG) fueling facilities at the Southeast and Northwest Service Centers by Resolution No. 15-0751;

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 service contract with Clean Energy dba California Clean Energy, Inc. (332141) for compressed natural gas fuel station parts and maintenance for equipped fleet vehicles for a term of three years in an amount not to exceed \$456,720.00, 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 Clean Energy dba California Clean Energy, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Clean Energy dba California Clean Energy, Inc. under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$456,720.00 (subject to annual appropriations) from Service Contract number BQ1605.

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 # 9

KEY FOCUS AREA: E-Gov

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Business Development & Procurement Services
Communication and Information Services

CMO: Jeanne Chipperfield, 670-7804
Mark McDaniel, 670-3256

MAPSCO: N/A

SUBJECT

Authorize **(1)** an acquisition contract for the purchase of software licenses in the amount of \$755,280; and **(2)** a three-year service contract for maintenance and support of the backup and security system for the City's existing database network in the amount of \$599,958 - Symantec distributed by Carahsoft Technology Corp. and sold through PetroSys Solutions, Inc. dba psitechnology, through the Department of Information Resources, State of Texas Cooperative contract - Total not to exceed \$1,355,238 - Financing: Current Funds (subject to annual appropriations)

BACKGROUND

These contracts will allow for the purchase of additional software licenses, ongoing maintenance and support of the backup and security system for the City's existing database network. This software manages the backup and recovery of data within the City's network.

Implementing software to secure the City's data is becoming increasingly more critical due to data growth. This software ensures the Communication and Information Services (CIS) department can respond quickly and effectively to a wide variety of issues including, but not limited to, data loss, data corruption, hardware loss, and cyber security breaches. Many critical applications utilized by the City where data may need to be restored include:

- AMS Advantage Financials
- Microsoft Exchange email
- Human Resources Information System (HRIS)
- Computer Aided Dispatch System (CAD)
- Police Records Management System (RMS)
- Traffic Management System (Escort)
- CRMS 311 Customer Request Management System

Maintenance includes software upgrades, patches and technical support.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 26, 2013, City Council authorized a three-year service contract for maintenance and support of Symantec Netbackup software licenses by Resolution No. 13-1057.

Information about this item will be provided to the Budget, Finance and Audit Committee on March 21, 2016.

FISCAL INFORMATION

\$1,355,238 - Current Funds

ETHNIC COMPOSITION

PetroSys Solutions, Inc. dba psitechnology

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

OWNER

PetroSys Solutions, Inc. dba psitechnology

Irene Gonzalez Griffith, President

March 23, 2016

WHEREAS, on June 26, 2013, City Council authorized a three-year service contract for maintenance and support of Symantec Netbackup software licenses by Resolution No. 13-1057;

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 (1) an acquisition contract for the purchase of software licenses in the amount of \$755,280.00; and (2) a three-year service contract for maintenance and support of the backup and security system for the City's existing database network in the amount of \$599,958.00, with Symantec distributed by Carahsoft Technology Corp. and sold through PetroSys Solutions, Inc. dba psitechnology (VS0000065840), through the Department of Information Resources, State of Texas Cooperative contract, in a total amount not to exceed \$1,355,238.00, 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 Symantec distributed by Carahsoft Technology Corp. and sold through PetroSys Solutions, Inc. dba psitechnology shall be based only on the amount of the services directed to be performed by the City and properly performed by Symantec distributed by Carahsoft Technology Corp. and sold through PetroSys Solutions, Inc. dba psitechnology under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds from the following appropriation in an amount not to exceed \$755,280.00:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>AMOUNT</u>	<u>FY</u>	<u>ENCUMBRANCE</u>
0198	DSV	1667	4735	\$755,280.00	2016	MASCDSV17BACKUP

Section 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$599,958.00 (subject to annual appropriations) from Service Contract number MASCDSV17BACKUP.

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

AGENDA ITEM # 10

KEY FOCUS AREA: E-Gov

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Equipment & Building Services
Police

CMO: Jeanne Chipperfield, 670-7804
Jill A. Jordan, P.E., 670-5299
Eric Campbell, 670-3255

MAPSCO: N/A

SUBJECT

Authorize **(1)** the purchase of five police motorcycles - Denton Harley-Davidson, LP dba American Eagle Harley-Davidson in the amount of \$120,356, lowest responsible bidder of three; and **(2)** the purchase of seven compact sedans and one aerial bucket truck - Sam Pack's Five Star Ford in the amount of \$209,407 through the Texas SmartBuy (TXMAS) - Total not to exceed \$329,763 - Financing: 2007 Equipment Acquisition Contractual Obligation Notes (\$186,947), Confiscated Monies Funds (\$92,872) and Urban Area Security Grant Funds (\$49,944)

BACKGROUND

This item will allow for the purchase of five police motorcycles and one aerial bucket truck for Police (DPD), four compact sedans for Equipment and Building Services (EBS) and three compact sedans for Office of Emergency Management (OEM). Four sedans and five motorcycles have met their useful life of thirteen years for sedans and seven years for motorcycles. Three sedans and one aerial bucket truck are new additions to the fleet. Furthermore, vehicles being replaced have gone through an evaluation process using an established criterion which includes life-to-date maintenance costs, recommended replacement mileage and recommended replacement life.

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 603 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone.

BACKGROUND (Continued)

Additionally, in an effort to secure more bids, notifications were sent by the BDPS' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 11, 2012, City Council authorized a one-year master agreement for the purchase of one hundred ninety-six pieces of fleet equipment; and a one-year master agreement for the purchase of one hundred three pieces of fleet equipment by Resolution No. 12-0162.

On September 12, 2012, City Council authorized a one-year master agreement for the purchase of squad cars for Police by Resolution No. 12-2229.

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

On December 11, 2013, City Council authorized a one-year master agreement for the purchase of two-hundred ten fleet vehicles and equipment; thirty-eight fleet vehicles and equipment; and eighty-eight fleet vehicles and equipment by Resolution No. 13-2055.

On October 22, 2014, City Council authorized the purchase of 137 squad cars for Police by Resolution No. 14-1781.

On March 25, 2015, City Council authorized a one-year master agreement for the purchase of eighty seven fleet vehicles and equipment; twenty fleet vehicles and equipment; and one-hundred nine fleet vehicles and equipment by Resolution No. 15-0478.

On June 17, 2015, City Council authorized the purchase of 105 squad cars for Police by Resolution No. 15-1231.

On December 9, 2015, City Council authorized a one-year master agreement for the purchase of three hundred eighty five fleet vehicles and equipment by Resolution No. 15-2199.

Information about this item will be provided to the Budget, Finance and Audit Committee on March 21, 2016.

FISCAL INFORMATION

\$186,946.68 - 2007 Equipment Acquisition Contractual Obligation Notes

\$ 92,872.00 - Confiscated Monies Funds

\$ 49,943.46 - Urban Area Security Grant Funds

M/WBE INFORMATION

31 - Vendors contacted

31 - No response

0 - Response (Bid)

0 - No response (No Bid)

0 - Successful

603 – 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

Denton Harley-Davidson, LP dba American Eagle Harley-Davidson

White Male	35	White Female	12
Black Male	0	Black Female	1
Hispanic Male	3	Hispanic Female	1
Other Male	0	Other Female	0

Sam Pack's Five Star Ford

White Male	99	White Female	18
Black Male	22	Black Female	1
Hispanic Male	85	Hispanic Female	7
Other Male	3	Other Female	1

BID INFORMATION

The following bids were received from solicitation number BN1617 and opened on January 22, 2016. This purchase is being awarded in its entirety to the lowest responsive and responsible bidder.

*Denotes successful bidder

BID INFORMATION (Continued)

<u>Bidders</u>	<u>Address</u>	<u>Amount of Bid</u>
*Denton Harley-Davidson, LP dba American Eagle Harley-Davidson	5920 South I-35E Corinth, TX 76210	\$120,355.40
LHD Partners, LP dba Longhorn Harley-Davidson	2830 West I-20 Grand Prairie, TX 75052	\$121,494.60
RRHD, LTD. dba Red River Harley-Davidson, Inc.	4514 Northwest Fwy Wichita Falls, TX 76308	\$124,685.00

OWNERS**Denton Harley-Davidson, LP dba American Eagle Harley-Davidson**

Willy Sullivan, President

Sam Pack's Five Star Ford

Sam Pack, President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize **(1)** the purchase of five police motorcycles - Denton Harley-Davidson, LP dba American Eagle Harley-Davidson in the amount of \$120,356, lowest responsible bidder of three; and **(2)** the purchase of seven compact sedans and one aerial bucket truck - Sam Pack's Five Star Ford in the amount of \$209,407 through the Texas SmartBuy (TXMAS) - Total not to exceed \$329,763 - Financing: 2007 Equipment Acquisition Contractual Obligation Notes (\$186,947), Confiscated Monies Funds (\$92,872) and Urban Area Security Grant Funds (\$49,944)

Denton Harley-Davidson, LP dba American Eagle Harley-Davidson 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	\$120,356.00	100.00%
TOTAL CONTRACT	\$120,356.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

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

March 23, 2016

WHEREAS, on January 11, 2012, City Council authorized a one-year master agreement for the purchase of one hundred ninety-six pieces of fleet equipment; and a one-year master agreement for the purchase of one hundred three pieces of fleet equipment by Resolution No. 12-0162; and,

WHEREAS, on September 12, 2012, City Council authorized a one-year master agreement for the purchase of squad cars for Police by Resolution No. 12-2229; and,

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

WHEREAS, on December 11, 2013, City Council authorized a one-year master agreement for the purchase of two-hundred ten fleet vehicles and equipment; thirty-eight fleet vehicles and equipment; and eighty-eight fleet vehicles and equipment by Resolution No. 13-2055; and,

WHEREAS, on October 22, 2014, City Council authorized the purchase of 137 squad cars for Police by Resolution No. 14-1781; and,

WHEREAS, on March 25, 2015, City Council authorized a one-year master agreement for the purchase of eighty seven fleet vehicles and equipment, twenty fleet vehicles and equipment and one-hundred nine fleet vehicles and equipment by Resolution No. 15-0478; and,

WHEREAS, on June 17, 2015, City Council authorized the purchase of 105 squad cars for Police by Resolution No. 15-1231; and,

WHEREAS, on December 9, 2015, City Council authorized a one-year master agreement for the purchase of three hundred eighty five fleet vehicles and equipment by Resolution No. 15-2199;

NOW, THEREFORE,

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

Section 1. That the purchase of **(1)** five police motorcycles is authorized with Denton Harley-Davidson, LP dba American Eagle Harley-Davidson (VS0000003950) in the amount of \$120,355.40; and **(2)** seven compact sedans and one aerial bucket truck is authorized with Sam Pack's Five Star Ford (113696) in the amount of \$209,406.74 through the Texas SmartBuy (TXMAS) for a total amount not to exceed \$329,762.14.

March 23, 2016

Section 2. That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for five police motorcycles, seven compact sedans and one aerial bucket truck. If a written contract is required or requested for any or all of this purchase 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 Chief Financial Officer is hereby authorized to disburse funds from the following appropriations in an amount not to exceed \$329,762.14:

<u>Fund</u>	<u>Dept</u>	<u>Unit</u>	<u>Object</u>	<u>Amount</u>	<u>Encumbrance</u>
0598	EBS	E284	4740	\$120,355.40	POEBS00000124092
0598	EBS	E284	4740	\$ 66,591.28	POEBS00000124019
F441	MGT	1686	4740	\$ 49,943.46	POEBS00000124019
0412	DPD	6368	4740	\$ 92,872.00	POEBS00000124019

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 # 11

KEY FOCUS AREA: E-Gov

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Water Utilities

CMO: Jeanne Chipperfield, 670-7804
Mark McDaniel, 670-3256

MAPSCO: N/A

SUBJECT

Authorize a three-year master agreement for various types of pressure reducing valves, parts and accessories - Hugh M. Cunningham, Inc. in the amount of \$215,000 and Municipal Valve & Equipment in the amount of \$155,000, lowest responsible bidders of two - Total not to exceed \$370,000 - Financing: Water Utilities Current Funds

BACKGROUND

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

This master agreement will allow for the purchase of various types of pressure reducing valves, parts and accessories. Pressure reducing valves are used for controlling and maintaining the pressure levels within the water system. The valves throttle the pressure of the inflowing water so that it comes out of the valve at a constant functional pressure. Higher pressures within the water main lines could rupture pipes, damage other equipment and cause possible injury to staff or a potential operational shut down. Water Utilities Department maintains approximately 5,000 miles of water mains throughout the water distribution system.

This solicitation was structured in a manner which required bidders to submit a response using discounts on parts to be ordered from manufacturer's catalogs. This bid resulted in an average percentage discount from manufacturer catalog of 25.00% compared to an average discount of 15.00% for the bid awarded in 2012.

BACKGROUND (Continued)

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 211 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 27, 2012, City Council authorized a three-year master agreement for various types of pressure reducing valves, parts and accessories by Resolution No. 12-1614.

Information about this item will be provided to the Budget, Finance and Audit Committee on March 21, 2016.

FISCAL INFORMATION

\$370,000.00 - Water Utilities Current Funds

M/WBE INFORMATION

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

211 - 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

Hugh M. Cunningham, Inc.

White Male	68	White Female	25
Black Male	5	Black Female	3
Hispanic Male	13	Hispanic Female	4
Other Male	1	Other Female	0

ETHNIC COMPOSITION (Continued)

Municipal Valve & Equipment

White Male	10	White Female	4
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 BM1604 and were opened on January 22, 2016. This master agreement is being awarded to the lowest responsive and responsible bidders by line. Information related to this solicitation is available upon request.

*Denotes successful bidders

<u>Bidders</u>	<u>Address</u>	<u>Amount</u>
*Hugh M. Cunningham, Inc.	2029 Westgate Drive Suite # 120 Carrollton, TX 75006	Multiple Lines
*Municipal Valve & Equipment	4547 Westgrove Drive Addison, TX 75001	Multiple Lines

OWNERS

Hugh M. Cunningham, Inc.

Jim Ambery, President
Dan Townsend, Vice President
D'Lissa V. Cunningham, Secretary

Municipal Valve & Equipment

David McGoonwin, President
Randy Greene, Secretary/Treasurer

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year master agreement for various types of pressure reducing valves, parts and accessories - Hugh M. Cunningham, Inc. in the amount of \$215,000 and Municipal Valve & Equipment in the amount of \$155,000, lowest responsible bidders of two - Total not to exceed \$370,000 - Financing: Water Utilities Current Funds

Hugh M. Cunningham, Inc. and Municipal Valve & Equipment are local, non-minority firms, have signed the "Business Inclusion & Development" documentation, and propose to use their own workforce.

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$370,000.00	100.00%
Total non-local contracts	\$0.00	0.00%
TOTAL CONTRACT	\$370,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

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

March 23, 2016

WHEREAS, on June 27, 2012, City Council authorized a three-year master agreement for various types of pressure reducing valves, parts and accessories by Resolution No. 12-1614; and,

WHEREAS, on April 9, 2015, Administrative Action Nos. 15-5760 and 15-5761 authorized extension of the master agreement for six-months from June 27, 2015 to December 26, 2016;

NOW, THEREFORE,

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

Section 1. That a master agreement for the purchase of various types of pressure reducing valves, parts and accessories is authorized with Hugh M. Cunningham, Inc. (094131) in the amount of \$215,000.00 and Municipal Valve & Equipment (332290) in the amount of \$155,000.00 for a term of three years in a total amount not to exceed \$370,000.00.

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

Section 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$370,000.00 from Master Agreement number BM1604.

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 # 12

KEY FOCUS AREA: E-Gov

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): All

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

CMO: Jeanne Chipperfield, 670-7804
Mark McDaniel, 670-3256
Eric Campbell, 670-3255

MAPSCO: N/A

SUBJECT

Authorize **(1)** supplemental agreement no. 1 to increase the acquisition contract for the purchase and implementation of software and hardware for a hosted cloud storage for the body worn camera system for Police in the amount of \$119,788, from \$825,034 to \$944,822; and **(2)** supplemental agreement no. 1 to increase the service contract for maintenance, support and cloud storage for the body worn camera system for Police in the amount of \$783,216, from \$2,912,536 to \$3,695,752 - Taser International - Total not to exceed \$903,004, from \$3,737,570 to \$4,640,574 - Financing: 2013 Urban Area Security Initiative Grant Funds

BACKGROUND

This item will allow for the purchase and implementation of additional hardware and software for hosted cloud storage for the body worn camera system for Police. An agreement approved by City Council on May 27, 2015 by Resolution No. 15-1002 allowed for the purchase of 1,000 cameras. The agreement consisted of an initial purchase of 400 cameras and the remaining cameras were scheduled to be purchased 200 per subsequent year during a four year term. Consequently the purchase of the 600 cameras is being accelerated for immediate delivery and due to the acceleration of the purchase of these cameras additional cloud storage is now required. This agreement also provides four years and three months of maintenance and support of cameras purchased through this agreement. Maintenance includes patches, updates, technical support and compliance with state and federal requirements. The body worn cameras are utilized by patrol officers as part of their assigned personal gear. This increase will also provide for the purchase of 50 additional cameras through a grant accepted by City Council on November 12, 2014, by Resolution No. 14-1902.

BACKGROUND (Continued)

Camera purchases, under this agreement also include:

- Battery
- Docking stations
- Infield viewing device
- USB charger and cable
- Unlimited cloud storage
- Management tools
- All supporting equipment, software and training

This agreement includes hardware upgrades to ensure technology remains current. The system is a fully hosted solution, requiring a minimum number of City personnel for support. All storage space required for video, recovery of video, back up of video and security is handled by the vendor as a part of this turnkey solution.

Through the vendor's hosted solution, officers will be able to upload video to a cloud based solution. The system includes redaction capabilities that provides efficiency related to records requests.

The utilization of body worn cameras will benefit the City by:

- Enhancing the public's confidence in the Police department by increasing transparency and displaying a willingness to record Police actions
- Safeguarding citizens and officers against false allegations.
- Improve evidence collection/preservation and aid in the prosecution of criminal cases

This supplemental meets the wage floor rate of \$10.37 approved by City Council on November 10, 2015, by Resolution No. 15-2141.

PRIOR ACTION/REVIEW (COUNCIL BOARDS, COMMISSIONS)

On November 12, 2014, City Council authorized acceptance of the 2014 Homeland Security Grant from the Department of Homeland Security, which includes the Urban Area Security Initiative and the State Homeland Security Grant Program to provide funding for equipment acquisition, planning and training activities to enable the City to respond to natural and man-made disasters for the period September 1, 2014 through June 30, 2016; and execution of the grant agreement by Resolution No. 14-1902.

On May 11, 2015, the Public Safety Committee was briefed.

On May 26, 2015, the Public Safety Committee was briefed.

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

On May 27, 2015, City Council authorized an acquisition contract for the purchase and implementation of software and hardware for a hosted cloud storage body worn camera system for Police and a five-year service contract for maintenance and support for the body worn camera system by Resolution No. 15-1002.

On February 24, 2016, City Council authorized an application for and acceptance of two Body-Worn Camera Program Grants from the Office of the Governor's Criminal Justice Division to be used to purchase body-worn cameras and related accessories for a period of one year from the execution of the grant agreements by Resolution No. 16-0384.

Information about this item will be provided to the Budget, Finance and Audit Committee on March 21, 2016.

FISCAL INFORMATION

\$903,004.00 - 2013 Urban Area Security Initiative Grant Funds

ETHNIC COMPOSITION

Taser International

White Male	230	White Female	139
Black Male	7	Black Female	1
Hispanic Male	32	Hispanic Female	58
Other Male	22	Other Female	16

OWNER

Taser International

Luke Larson, President
Josh Isner, Vice President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize **(1)** supplemental agreement no. 1 to increase the acquisition contract for the purchase and implementation of software and hardware for a hosted cloud storage for the body worn camera system for Police in the amount of \$119,788, from \$825,034 to \$944,822; and **(2)** supplemental agreement no. 1 to increase the service contract for maintenance, support and cloud storage for the body worn camera system for Police in the amount of \$783,216, from \$2,912,536 to \$3,695,752 - Taser International - Total not to exceed \$903,004, from \$3,737,570 to \$4,640,574 - Financing: 2013 Urban Area Security Initiative Grant Funds

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

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$0.00	0.00%
Non-local contracts	\$903,004.00	100.00%
TOTAL THIS ACTION	\$903,004.00	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%

March 23, 2016

WHEREAS, on November 12, 2014, City Council authorized acceptance of the 2014 Homeland Security Grant from the Department of Homeland Security, which includes the Urban Area Security Initiative and the State Homeland Security Grant Program to provide funding for equipment acquisition, planning and training activities to enable the City to respond to natural and man-made disasters for the period September 1, 2014 through June 30, 2016; and execution of the grant agreement by Resolution No. 14-1902; and,

WHEREAS, on May 27, 2015, City Council authorized an acquisition contract for the purchase and implementation of software and hardware for a hosted cloud storage body worn camera system for Police and a five-year service contract for maintenance and support for the body worn camera system by Resolution No. 15-1002; and,

WHEREAS, on February 24, 2016, City Council authorized an application for and acceptance of two Body-Worn Camera Program Grants from the Office of the Governor's Criminal Justice Division to be used to purchase body-worn cameras and related accessories for a period of one year from the execution of the grant agreements by Resolution No. 16-0384;

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 **(1)** supplemental agreement no. 1 to increase the acquisition contract for the purchase and implementation of software and hardware for a hosted cloud storage for the body worn camera system for Police in the amount of \$119,788.00, from \$825,034.00 to \$944,822.00; and **(2)** supplemental agreement no. 1 to increase the service contract for maintenance, support and cloud storage for the body worn camera system for Police in the amount of \$783,216.00, from \$2,912,536.00 to \$3,695,752.00 with Taser International (517440) in a total amount not to exceed \$903,004.00, increasing the acquisition and service contract amount from \$3,737,570.00 to \$4,640,574.00.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$903,004.00 (subject to annual appropriations) from Service Contract number MASC PX2181CR16F16.

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 resolved.

AGENDA ITEM # 13

KEY FOCUS AREA: E-Gov

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

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

MAPSCO: N/A

SUBJECT

Authorize settlement of the lawsuit styled Benjamin Bracken v. City of Dallas, Cause No. DC-15-05342-C - Not to exceed \$35,000 - Financing: Current Funds

BACKGROUND

Plaintiff filed a lawsuit against the City of Dallas seeking compensation for alleged bodily injuries sustained as a result of a collision involving a City parking enforcement vehicle on January 28, 2014. The City and Mr. Bracken have reached a proposed settlement following court-ordered mediation. Plaintiff is represented by Eberstein & Witherite LLP.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council will be briefed by memorandum regarding this item.

FISCAL INFORMATION

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

\$35,000.00 - Current Funds

March 23, 2016

WHEREAS, a lawsuit styled Benjamin Bracken v. City of Dallas, Cause No. DC-15-05342-C, was filed by the plaintiff seeking compensation, from the City of Dallas for alleged bodily injuries sustained in a collision involving a City parking enforcement vehicle on January 28, 2014; and,

WHEREAS, the plaintiff has agreed to a settlement of the case whereby the City will pay Benjamin Bracken, his attorney, and all other parties having an interest in the settlement proceeds, the total amount of \$35,000.00; and,

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

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

Section 1. That the settlement in the lawsuit, styled Benjamin Bracken v. City of Dallas, Cause No. DC-15-05342-C, in an amount not to exceed \$35,000.00 is hereby approved.

Section 2. That the Chief Financial Officer is authorized to pay Benjamin Bracken, Eberstein & Witherite LLP, and all other persons having an interest in the settlement, the amount of \$35,000.00 from Fund 0192, Department ORM, Unit 3890, Obj. 3521, Vendor CTORM001.

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

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Code Compliance

CMO: Joey Zapata, 670-3009

MAPSCO: N/A

SUBJECT

Authorize a one-year service contract, with two one-year renewal options, for integrated mosquito management services for Zika and Chikungunya viruses - PRP Services, LLC dba Municipal Mosquito through an Interlocal Agreement for a Cooperative Purchasing Program with the City of Grand Prairie, Texas - Not to exceed \$150,000 - 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 goods and services, for a specific term, which are ordered on an as needed basis.

The City maintains an integrated mosquito management program as recommended by Dallas County and the Center for Disease Control (CDC). This service contract will provide integrated mosquito management services for Zika and Chikungunya viruses that will include mosquito surveillance, trapping, testing and reporting as needed. The Zika and Chikungunya viruses are transmitted by the Aedes Aegypti and Aedes Albopictus mosquitos. The BG Sentinel trap is the primary surveillance tool for Aedes Aegypti and Aedes Albopictus mosquitoes. The BG Sentinel trap is not currently utilized by the City of Dallas and contracted services will be used for this portion of the City's mosquito management program. The services will only be used if the City experiences locally acquired positive human cases or a dramatic increases in the number of travel acquired cases of the Zika and Chikungunya viruses.

PRIOR ACTIONS/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

A memo concerning this item will be provided to the Quality of Life & Environment Committee.

FISCAL INFORMATION

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

March 23, 2016

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

Section 1. That the City Manager is hereby authorized to execute a service contract with PRP Services, LLC dba Municipal Mosquito (VS0000076964) through an Interlocal Agreement for a Cooperative Purchasing Program with the City of Grand Prairie, Texas, for a one-year term, with two one-year renewal options, in an amount not to exceed \$150,000, upon approval as to form by the City Attorney. The service was proposed on an as needed, unit price basis for performance of specified task, therefore, payment to PRP Services, LLC dba Municipal Mosquito shall be based only on the amount of services directed to be performed by the City and properly performed by PRP Services, LLC dba Municipal Mosquito under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$150,000 (subject to appropriations) from service contract number MASCCCS4244-ZCV.

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: Clean, Healthy Environment

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Code Compliance

CMO: Joey Zapata, 670-3009

MAPSCO: N/A

SUBJECT

Authorize a one-year service contract, with two one-year renewal options, for adult mosquito control services - PRP Services, LLC dba Municipal Mosquito through an Interlocal Agreement for a Cooperative Purchasing Program with Dallas County, Texas - Not to exceed \$50,000 - 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 goods and services, for a specific term, which are ordered on an as needed basis.

This service contract will provide adult mosquito fogging to assist City resources. The City's protocol for ground spraying for West Nile Virus (WNV) is based on a positive mosquito trap and high mosquito trap counts for three consecutive weeks. The City will spray locations for two consecutive days between the hours of 9 p.m. – 5 a.m. Last season, the City experienced a significant increase in the number of positive mosquito traps and high trap counts per week. This rate created a strain on existing resources (staff and equipment). The employees assigned to trap/collect mosquito samples are also responsible for ground spraying. The City maintains five truck mounted sprayers and a response time of 5-7 hours after notification of a positive mosquito trap. Multiple positive locations may create delayed ground spraying and higher mosquito populations.

Additionally, mosquito control services may be used to respond to locally acquired cases of the Zika and Chikungunya viruses. The City's protocol for spraying for Zika and Chikungunya is based on a confirmed positive human case and after surveillance. Spraying activities will occur during day and early evening hours.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

A memo concerning this item will be provided to the Quality of Life & Environment Committee.

FISCAL INFORMATION

\$50,000 - Current Funds (subject to appropriations)

March 23, 2016

WHEREAS, on August 21, 2015, Administrative Action No. 15-6484 authorized a four month service contract from August 1, 2015 to December 31, 2015 with PRP Services, LLC dba Municipal Mosquito for truck-mounted ULV fogging three nights per week when the positive trap rate per week exceeded the City's mosquito spraying staff resources; and

WHEREAS, the City anticipates a heavy mosquito population in 2016 due to the lack of a hard winter freeze and must be prepared on an as-needed basis for additional fogging resources;

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 service contract with PRP Services, LLC dba Municipal Mosquito (VS0000076964) through an Interlocal Agreement for a Cooperative Purchasing Program with Dallas County, Texas, for a one-year term, with two one-year renewal options, in an amount not to exceed \$50,000, upon approval as to form by the City Attorney. The service was proposed on an as needed, unit price basis for performance of specified task, therefore, payment to PRP Services, LLC dba Municipal Mosquito shall be based only on the amount of services directed to be performed by the City and properly performed by PRP Services, LLC dba Municipal Mosquito under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$50,000 (subject to appropriations) from service contract number MASCCCS4244ULV.

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: E-Gov

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Communication and Information Services

CMO: Mark McDaniel, 670-3256

MAPSCO: N/A

SUBJECT

Authorize a twelve-month service agreement for renewal of software use and support of the Socrata Open Data Portal - Carahsoft Technology Corporation, through the U.S. General Service Administration procurement price list - Not to exceed \$348,004 - Financing: Current Funds

BACKGROUND

This service agreement with Carahsoft will continue the software use and maintenance support of the City's Socrata Open Data Portal. This solution is related to data transparency initiatives which allows for publishing City data to the web. The portal allows users to:

- Perform robust searches for City data and information based on categories, tags, popularity and other common browsing methods.
- Interact with data by sorting, filtering, and performing group-by and roll-up operations.
- Offer residents better access to City data, which creates opportunities for greater transparency.
- Allow users to collect data, publish data and study data patterns that can be used to create charts, graphs and maps that can be saved, shared and stored.

This agreement will also include annual software upgrades, 24X7 professional support, access to annual technology conference, access to demonstrations and workshops on new software releases.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 29, 2013, the City authorized a pilot subscription for a Socrata Open Data Platform Pilot Plan.

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

On March 23, 2015, the Quality of Life and Environment Committee was briefed via memorandum.

On March 25, 2015, the City Council authorized a twelve-month renewal service agreement with Alamo City Engineering Services, Inc. for software use and support of the Socrata Open Data Portal by Resolution No. 15-0483.

Information about this item will be provided to the Budget, Finance and Audit Committee on March 21, 2016.

FISCAL INFORMATION

\$348,003.60 - Current Funds

ETHNIC COMPOSITION

Carahsoft Technology Corporation

White Male	239	White Female	194
Black Male	1	Black Female	1
Hispanic Male	8	Hispanic Female	7
Other Male	7	Other Female	23

OWNER

Carahsoft Technology Corporation

Craig P. Abod, President
Robert Moore, Vice President

March 23, 2016

WHEREAS, on May 29, 2013, the City Manager authorized a pilot subscription for a Socrata Open Data Portal Pilot Plan by Administrative Action No. 13-5666; and

WHEREAS, on March 25, 2015, City Council authorized a twelve-month renewal service agreement with Alamo City Engineering Services, Inc., through the U.S. General Services Administration, for software use and support of the Socrata Open Data Portal, by Resolution No. 15-0483;

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

Section 1. That the City Manager is hereby authorized to execute a twelve-month service agreement with Carahsoft Technology Corp (VS0000009713) through intergovernmental cooperative purchasing from the GSA Price List for the renewal of software use and support of the Socrata Open Data Portal in a total amount not to exceed \$348,003.60, after it has been approved as to form by the City Attorney.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds from the following appropriations in an amount not to exceed \$348,003.60:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>AMOUNT</u>	<u>FY</u>	<u>ENCUMBRANCE</u>
0198	DSV	1665	3099	\$348.003.60	2016	DSV16SOCRATA

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 # 17

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): 2, 14

DEPARTMENT: Office of Economic Development

CMO: Ryan S. Evans, 671-9837

MAPSCO: 45 L & 46 H

SUBJECT

Authorize the nomination of Comerica Bank, located at 5201 East R L Thornton Freeway, Dallas, Texas 75223 and 1717 Main Street, Dallas Texas, 75201 to receive designation as an Enterprise Zone Project under the Texas Enterprise Zone Act, as amended, (Government Code, Chapter 2303) to the Office of the Governor Economic Development and Tourism through the Economic Development Bank – Financing: No cost consideration to the City

BACKGROUND

The City of Dallas has been approached by Comerica to nominate by resolution, its application for an Enterprise Zone Project designation to the Economic Development Bank, part of the Governor's Office of Economic Development and Tourism. The 5-year designation will allow for a rebate of state sales and use tax refunds on qualified expenditures of up to \$2,500 per job created or retained. This project has no cost consideration to the City of Dallas.

Comerica Bank's corporate headquarters, located at 1717 Main Street in downtown Dallas, and 5201 E. R L Thornton Fwy., which encompasses back-office support personnel and customer service operations, together house approximately 622 full-time employees with an average wage of \$103,500.

Comerica Bank is in the process of consolidating a portion of its administrative and support banking operations to the 5201 E. R L Thornton Fwy facility, which will allow Comerica Bank to enhance operational efficiencies and provide greater support to the headquarters operations at 1717 Main Street. Over the five-year designation period, Comerica Bank anticipates investing approximately \$7.4 million in capital improvement projects at these two Dallas locations.

BACKGROUND (Continued)

The Texas Enterprise Zone Program is an economic development tool for local communities to partner with the State of Texas to promote job creation and significant private investment that will assist economically distressed areas of the state. Approved projects are eligible to apply for state sales and use tax refunds on qualified expenditures. The level and amount of refund is related to the capital investment and jobs created at the qualified business site. The Enterprise Zone Program is administered through the Office of the Governor, Economic Development Bank.

Projects may be physically located in or outside of an Enterprise Zone and qualify for the program. If located within an Enterprise Zone, the company must commit that at least 25 percent of their new employees will meet economically disadvantaged or enterprise zone residence requirements. If located outside of a zone, the company must commit that at least 35 percent of their new employees will meet economically disadvantaged or enterprise zone residency requirements. The primary site for this project, 5201 E. R L Thornton, is located within an Enterprise Zone.

This project conforms with the Public Private Program Guidelines and Criteria in that it involves an investment of over \$5 million.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The City Council will be briefed by memorandum regarding this item.

FISCAL INFORMATION

No cost consideration to the City

CORPORATE REPRESENTATIVE

Comerica Bank

Amy Pillivant, Sr. Vice President

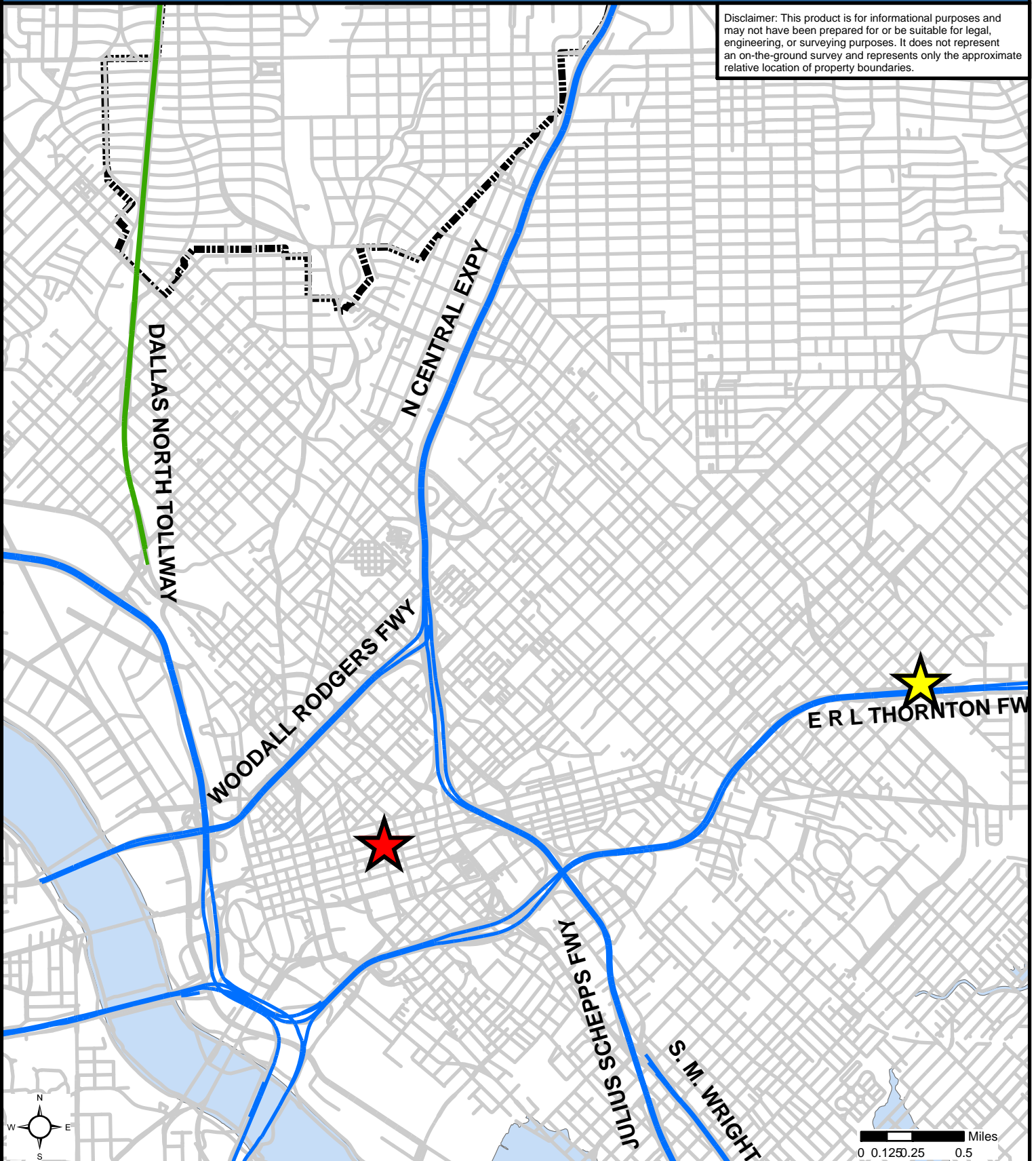
Rob Soper, Vice President

MAP

Attached.

COMERICA BANK

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



DALLAS
ECONOMIC
DEVELOPMENT

Research & Information Division
214.670.1685
dallas-ecodev.org

Created 02.19.16, Last Updated 02.19.16 - Comerica Map

Legend



5201 E. R L Thorton Frwy



1717 Main Street



Dallas City Limit

Data Source: City of Dallas

March 23, 2016

WHEREAS, the Dallas City Council has previously passed Ordinance No. 29658 on February 25, 2015 electing to participate in the Texas Enterprise Zone Program; and

WHEREAS, the local incentives offered under this Resolution are the same on this date as were outlined in Ordinance No. 29658; and

WHEREAS, the Office of the Governor Economic Development and Tourism (OOGEDT), through the Economic Development Bank (the "Bank"), will consider Comerica Bank as an enterprise project pursuant to a nomination and an application made by the City; and

WHEREAS, the City of Dallas ("City") desires to pursue the creation of the proper economic and social environment in order to induce the investment of private resources in productive business enterprises located in the City and to provide employment to residents of enterprise zones and to other economically disadvantaged individuals; and

WHEREAS, pursuant to Chapter 2303, Subchapter F of the Texas Enterprise Zone Act, Texas Government Code ("Act"), Comerica Bank has applied to the City for designation as an enterprise project; and

WHEREAS, the City finds that Comerica Bank meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act; and

WHEREAS, the City finds that Comerica Bank meets the criteria for tax relief and other incentives adopted by the City; and

WHEREAS, the City finds that it is in the best interest of the City to nominate Comerica Bank, as an enterprise project pursuant to the Act.

NOW, THEREFORE,

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

Section 1. That the recitals above are true and correct.

March 23, 2016

Section 2. That the City finds that Comerica Bank is a qualified business and meets the criteria for designation as an Enterprise Project under Chapter 2303, Subchapter F of the Enterprise Zone Act on the following grounds:

- A. Comerica Bank is a “qualified business” under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site located inside an enterprise zone in the governing body’s jurisdiction, and at least twenty-five percent (25%) of the business’ new employees will be residents of an enterprise zone, economically disadvantaged individuals or veterans; and
- B. There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities within the area; and
- C. The designation of Comerica Bank as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

Section 3. That the City finds that Comerica Bank, meets the criteria for incentives adopted by the City and nominates Comerica Bank for Enterprise Zone project status on the grounds that it will create or retain a higher level of employment and create economic activity and stability.

Section 4. That the designation of Comerica Bank, will contribute significantly to the achievement of the plans of the City for development and revitalization.

Section 5. That the City finds that it is in the best interest of the City to nominate Comerica Bank as an Enterprise Project pursuant to the Act, and hereby authorizes the Office of Economic Development to prepare and submit an application to the Office of the Governor, Economic Development and Tourism through the Economic Development Bank for designation of Comerica Bank, as an enterprise project.

Section 6. That the enterprise project shall take effect on the date of designation of the Enterprise Project by the Office of the Governor, Economic Development and Tourism through the Economic Development Bank and terminate 5 years after date of designation.

Section 7. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

KEY FOCUS AREA: Public Safety

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Fire

CMO: Eric Campbell, 670-3255

MAPSCO: N/A

SUBJECT

Authorize **(1)** an Interlocal Agreement with the City of Irving for critical aid response in the Cypress Waters area provided on behalf of City of Dallas and its citizens for one year from October 1, 2015 through September 30, 2016, with four, one-year automatic renewals; and **(2)** a payment of fee per response to the City of Irving - Not to exceed \$300,000 annually - Financing: Current Funds (subject to annual appropriations)

BACKGROUND

The City of Dallas area surrounding North Lake (also known as Cypress Waters) has experienced growth resulting in the need for the provision of fire and emergency medical service delivery in the area. Currently, Dallas Fire-Rescue provides those services through the staffing of a temporary facility utilizing overtime funding for personnel. This agreement seeks to provide these emergency services in a more cost effective manner.

Specifically, the purpose of this item is to allow the City of Dallas to enter into an Interlocal Agreement with the City of Irving Fire Department (IFD) for IFD to be the primary provider of twenty-four (24) hour fire and emergency medical response within the Cypress Waters area, located within the City of Dallas on a fee per response basis (per Exhibit A of the agreement). This response includes, but is not limited to, grass fires, structure fires, motor vehicle accidents, false alarms, and first response emergency medical and rescue services.

This critical aid response provided by the City of Irving Fire Department will meet or exceed all equipment and service standards established by the Texas Commission on Fire Protection, pursuant to its authority under Chapter 419, Texas Government Code.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Public Safety Committee was provided information regarding this agreement on February 22, 2016.

FISCAL INFORMATION

\$300,000 – Current Funds (subject to annual appropriations)

March 23, 2016

WHEREAS, it is the responsibility of the City of Dallas to provide critical aid response for fire and emergency medical services for the City and its citizens; and

WHEREAS, the City of Dallas has expressed its desire for City of Irving to provide critical aid response for fee per response basis to City of Dallas and its citizens in the Cypress Water area; and

WHEREAS, Chapter 791 of the Texas Government Code ("Interlocal Cooperation Act"), authorizes local government entities to enter into interlocal contracts for governmental purposes; and

WHEREAS, the City of Dallas and City of Irving mutually desire to be subject to and contract pursuant to the provision of the Government Code, Chapter 791, the Interlocal Cooperation Act; and

WHEREAS, the City of Irving agrees to be the primary provider of twenty-four (24) hour critical aid response to the City of Dallas surrounding North Lake (also known as Cypress Waters).

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute the Interlocal Agreement with the City of Irving to provide critical aid response to the Cypress Waters area on behalf of the City of Dallas, Texas, for one year from October 1, 2015 to September 30, 2016 with four one-year automatic renewals, after it has been approved as to form by the City Attorney.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds to the City of Irving (Vendor No. 242336) for fee per response basis in an annual amount not to exceed \$300,000 (subject to annual appropriations) from Fund 0001, Dept DFD, Unit ER00, Encumbrance No. CTDFDER00IFD, Object Code 3099.

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

KEY FOCUS AREA: Public Safety

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Fire

CMO: Eric Campbell, 670-3255

MAPSCO: N/A

SUBJECT

Authorize Supplemental Agreement No. 1 with Digital Sandbox (a wholly owned subsidiary of Haystax Technology, Inc.) through the U. S. General Services Administration to increase the acquisition contract for the purchase and installation of additional modules and components to enhance the pre-incident planning database - Not to exceed \$306,575, from \$374,650 to \$681,225 - Financing: U. S. Department of Homeland Security Grant Funds

BACKGROUND

This Supplemental Agreement No. 1 with Digital Sandbox, (a wholly owned subsidiary of Haystax Technology, Inc.) through the U. S. General Services Administration will allow for an increase in the purchase and installation of the pre-incident planning database for Fire-Rescue. Police, Fire-Rescue and the Office of Emergency Management are expanding their regional Critical Infrastructure Protection and Risk program. This acquisition will enhance this endeavor by enhancing the capabilities of the current database.

This purchase:

- Will create an ability to export an assessment from the database. The data about a particular property can then be updated by the property representative and imported back into the system.
- Will allow for emergency personnel to visualize fire hydrants on the map.
- Will allow for improved reporting, including the use of images in reports.
- Will make Tier II Hazardous Materials reports available to first responders.
- Will allow for program management including reporting based on divisions, districts and shifts; and assignment of assessments to specific individuals.

The vendor will also provide all training to designated Fire-Rescue personnel in the use of the database.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 12, 2014, Council authorized an acquisition contract for the purchase and installation of pre-incident planning database with one year of maintenance/support and a three year service contract by Resolution No. 14-1878.

Information about this item will be provided to the Budget, Finance and Audit Committee on March 21, 2016.

FISCAL INFORMATION

\$306,575 - U. S. Department of Homeland Security Grant Funds

ETHNIC COMPOSITION

Haystax, Inc.

White Male	31	White Female	9
Black Male	1	Black Female	0
Hispanic Male	1	Hispanic Female	0
Other Male	3	Other Female	6

OWNER

Haystax, Inc.

William B. Van Vleet, Chief Executive Officer/President
Bryan S. Ware, Chief Technology Officer
James E. Doyle, Chief Financial Officer/Secretary

March 23, 2016

WHEREAS, on November 12, 2014, City Council authorized an acquisition contract for the purchase and installation of pre-incident planning database with one year of maintenance/support and a three year service contract by Resolution No. 14-1878.

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

Section 1. That the City Manager is hereby authorized to execute Supplemental Agreement No. 1 to increase the acquisition contract for the purchase and installation of additional modules and components to enhance pre-incident planning database with Digital Sandbox (a wholly owned subsidiary of Haystax Technology, Inc.), (VC13665) through the U.S. General Services Administration, in an amount not exceed \$306,575 from \$374,650 to \$681,225, upon approval as to form by the City Attorney.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds from the following appropriations in an amount not to exceed \$306,575.00.

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>AMOUNT</u>	<u>ENCUMBRANCE</u>
F441	MGT	1686	4735	\$178,000.00	MGTDORDER00-2
F479	MGT	1818	4735	\$128,575.00	MGTDORDER00-3

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 # 20

KEY FOCUS AREA:	Culture, Arts and Recreation and Educational Enhancements
AGENDA DATE:	March 23, 2016
COUNCIL DISTRICT(S):	All
DEPARTMENT:	Housing/Community Services Business Development & Procurement Services
CMO:	Alan Sims, Chief of Neighborhood Plus, 670-1611 Jeanne Chipperfield, 670-7804
MAPSCO:	N/A

SUBJECT

Authorize a ten-year service contract for the development of a ten-year comprehensive master plan for community/multipurpose centers in the Housing/Community Services department – drw planning studio, llc, most advantageous proposer of two - Not to exceed \$89,341 - Financing: Current Funds (subject to annual appropriations)

BACKGROUND

This service contract will provide for the development of a ten-year comprehensive master plan for community/multipurpose centers in the Housing/Community Services department. This master plan will include goals in addition to measurable objectives and proposed activities that will meet a variety of community needs. The plan focuses on areas within the community/multipurpose centers system such as technology, staffing and facilities. The plan will examine community growth patterns and demographics using market segmentation and ethnographic data to identify the needs for services with respect to future trends and technologies.

As part of the master planning process, the vendor will:

- Perform surveys and analysis of existing community/multipurpose centers with appropriate recommendations for facilities, services, technologies and operations
- Perform an analysis of existing services, current practices and organizations to determine how these shall change to best meet the future needs of the community
- Provide a five year update to the master plan
- Develop an ongoing annual evaluation process to measure progress, and outcomes of the plan, as well as updates to the plan

BACKGROUND (Continued)

- Evaluate delivery approaches, including: design, planning, programming, promoting/marketing of services, policies and staffing
- Prioritize current services and new services that will address community needs and goals for the next ten years
- Identify strategies to build community capacity for addressing community needs
- Address the financial implications of proposed recommendations with respect to the existing and future capital and operational models and budgets

The community centers serve a population of 1.3 million citizens and consists of two locations, the Martin Luther King Community Center and the West Dallas Multipurpose Center. In FY 2014 the community/multipurpose centers served approximately 300,000 visitors.

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

- Housing/Community Services (2)
- Street Services (1)
- Park and Recreation (1)
- Business Development and Procurement Services (1)*

*Business Development and Procurement Services only evaluated cost.

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

- Cost 30%
- Experience and capability 25%
- Approach 45%

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 1,251 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.

BACKGROUND (Continued)

The recommended vendor meets the wage floor rate of \$10.37 approved by City Council on November 10, 2015, by Resolution No. 15-2141.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Housing Committee on March 21, 2016.

FISCAL INFORMATION

\$89,341.00 - Current Funds (subject to annual appropriations)

M/WBE INFORMATION

237 - Vendors contacted

237 - No response

0 - Response (Bid)

0 - Response (No Bid)

0 - Successful

1,251 - M/WBE and Non-M/WBE vendors were contacted

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

ETHNIC COMPOSITION

drw planning studio, llc

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

PROPOSAL INFORMATION

The following proposals were received from solicitation number BTZ1520 and were opened on November 6, 2015. This service contract is being awarded in its entirety to the most advantageous proposer.

*Denotes successful proposer

PROPOSAL INFORMATION (Continued)

<u>Proposers</u>	<u>Address</u>	<u>Score</u>	<u>Amount</u>
*drw planning studio, llc	400 North Street Paul Street Suite #1212 Dallas, TX 75201	95.25%	\$89,341.00
S3 Transitions, LLC	918 Thistle Hill Trail Weatherford, TX 76087	90.36%	\$97,080.00

OWNER

drw planning studio, llc

David Whitley, President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a ten-year service contract for the development of a ten-year comprehensive master plan for community/multipurpose centers in the Housing/Community Services department – drw planning studio, llc, most advantageous proposer of two - Not to exceed \$89,341 - Financing: Current Funds (subject to annual appropriations)

drw planning studio, llc is a 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	\$83,241.00	93.17%
Total non-local contracts	\$6,100.00	6.83%
TOTAL CONTRACT	\$89,341.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
K Strategies	BFDB64404Y0316	\$13,517.00	16.24%
Tharp Planning Group	WFWB61550N0817	\$19,470.00	23.39%
Total Minority - Local		\$32,987.00	39.63%

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	\$13,517.00	16.24%	\$13,517.00	15.13%
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	\$19,470.00	23.39%	\$19,470.00	21.79%
Total	\$32,987.00	39.63%	\$32,987.00	36.92%

March 23, 2016

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

Section 1. That the City Manager is hereby authorized to execute a service contract with drw planning studio, llc (VS86871) for the development of a ten-year comprehensive master plan for community/multipurpose centers in the Housing/Community Services department for a term of ten years in an amount not to exceed \$89,341.00, 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 drw planning studio, llc shall be based only on the amount of the services directed to be performed by the City and properly performed by drw planning studio, llc under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$89,341.00 (subject to annual appropriations) from Service Contract number MASCHOUMPLANCC.

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: March 23, 2016

COUNCIL DISTRICT(S): 7

DEPARTMENT: Housing/Community Services

CMO: Alan Sims, Chief of Neighborhood Plus, 670-1611

MAPSCO: 46V

SUBJECT

A resolution declaring one unimproved property located at 3709 Spring Avenue unwanted and unneeded and authorizing its conveyance to Dallas Neighborhood Alliance for Habitat, a qualified non-profit organization, through the Land Transfer Program (list attached) - Revenue: \$5,296

BACKGROUND

This item will declare one (1) unimproved property located at 3709 Spring Avenue unwanted and unneeded and authorize its conveyance to Dallas Neighborhood Alliance for Habitat, a qualified non-profit organization, through the Land Transfer Program.

This property is being sold to a qualified non-profit organization that provides affordable housing. Dallas Neighborhood Alliance for Habitat will construct one (1) single-family home containing approximately 1,378 square feet for purchase by a low to moderate income homebuyer at the proposed sales price of \$95,000 to \$110,000. The anticipated commencement date of construction is November 2018.

The deed to this property will include deed restrictions which prohibit the placement of industrialized housing on the property.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Housing Committee on March 21, 2016.

FISCAL INFORMATION

Revenue - \$5,295.90

OWNER

Dallas Neighborhood Alliance for Habitat

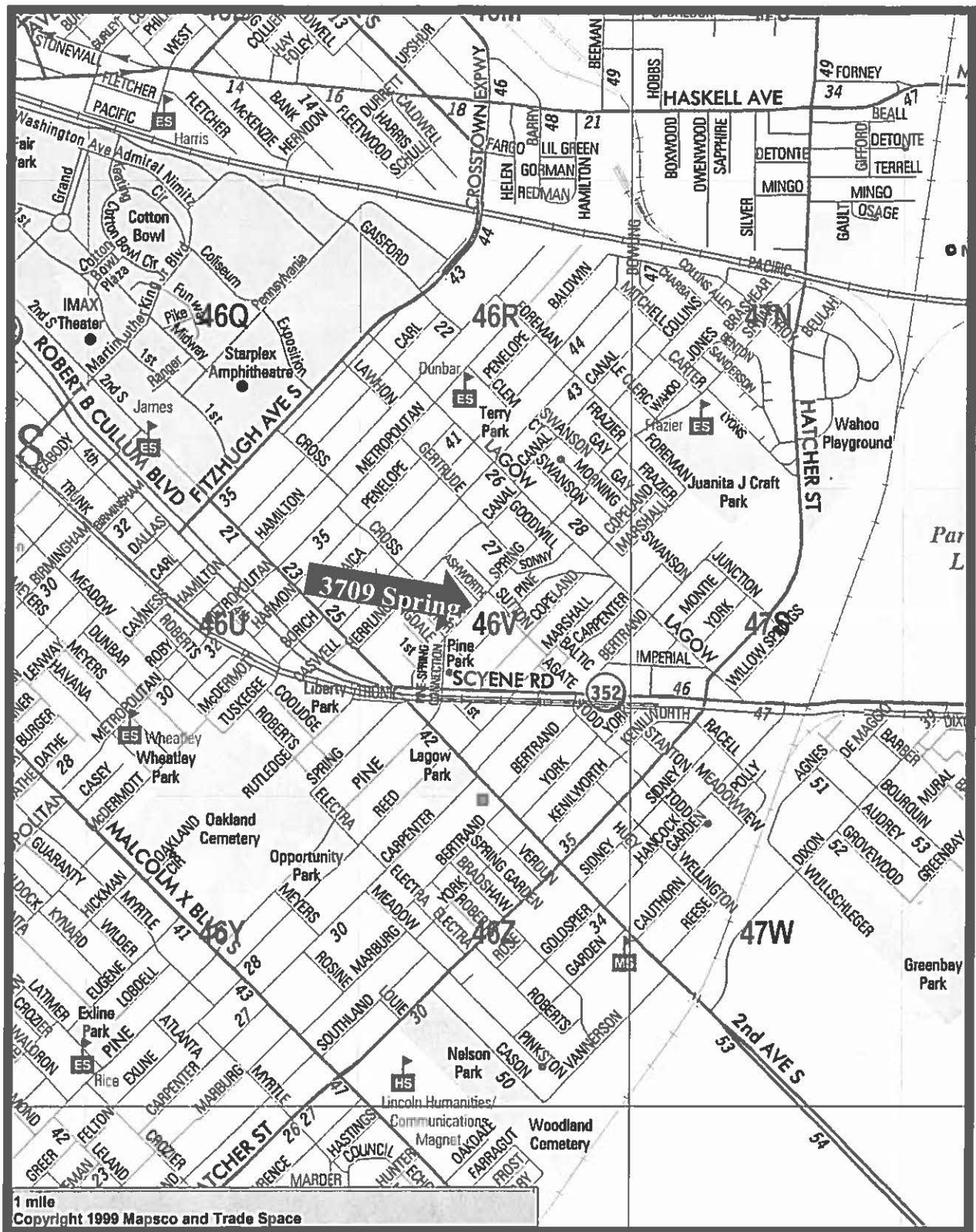
William Hall, Chief Executive Officer

MAP

Attached

Surplus Property Resale

<u>Parcel No.</u>	<u>Address</u>	<u>Non-Profit Organization</u>	<u>Mapsco</u>	<u>DCAD Amount</u>	<u>Sale Amount</u>	<u>Vac/ Imp</u>	<u>Zoning</u>	<u>Council District</u>
1.	3709 Spring	Dallas Neighborhood Alliance for Habitat	46V	\$39,800	\$5,295.90	V	PD-595	7



MAPSCO 46V

March 23, 2016

WHEREAS, the City acquired title to a certain property, identified on "Exhibit A", attached hereto and made a part hereof, by legal description and the volume and page number of said instrument recorded in the real property records of the county in which the property is located, ("Property"); and

WHEREAS, as authorized by Section 272.001(g) of the Texas Local Government Code, the City desires to sell the Property to a qualified "non-profit organization" for the development of "affordable housing" for low income persons, as those terms are defined for the purposes of this resolution in Section 2-26.5 of the Dallas City Code ("Code") in accordance with the non-profit organization's written proposal for development of the Property by the purchaser; and

WHEREAS, the City recognizes certain "qualified non-profit organizations" as those which:

- (1) are 501(c)(3) corporations, as defined by the U.S. Internal Revenue Service,
- (2) are in good standing with the State of Texas,
- (3) are community based organizations as evidenced by at least one-third (1/3) of their boards being made up of area residents or low income persons,
- (4) have articles of incorporation, charter or bylaws which show the provision of safe, decent, affordable housing to low and moderate income persons is a stated purpose of the organization, and
- (5) owe no outstanding judgements, tax delinquencies, or fees to the City; and

WHEREAS, the City has received a written proposal which contains proposed end use and time frame from a qualified non-profit organization to purchase the Property by private sale ("Proposal") at a fixed price of \$1,000.00 for up to 7,500 square feet of land purchased under a single Proposal, plus \$0.133 for each additional square foot of land purchased under the Proposal, all as indicated on "Exhibit A"; and

WHEREAS, the City Council desires to declare the Property shown on Exhibit "A" unwanted and unneeded and authorize its conveyance to Dallas Neighborhood Alliance for Habitat; and

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

- (1) deed restrictions on the Property, acceptable to the City, requiring the Property to remain affordable to households whose incomes are less than 80% of the area median family income upon resale for five (5) years after initial occupancy, and
- (2) a right of reverter;

March 23, 2016

WHEREAS, the Deed Restrictions will require the purchaser to:

- (1) restrict the sale and resale of owner-occupied property to low-income individuals or families for five (5) years after the date of filing,
- (2) require the non-profit organization to develop the proposed housing unit within three (3) years after receiving the Deed without Warranty, and
- (3) require any low-income individual or family to maintain each housing unit and all improvements on the land during the five (5) year period;

NOW, THEREFORE,

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

Section 1. That the Proposal identified on Exhibit "A" is approved by the City.

Section 2. That upon receipt of the monetary consideration from Dallas Neighborhood Alliance for Habitat for the Property on the list as specified on Exhibit "A", the City Manager is hereby authorized to execute a Deed without Warranty, upon approval as to form by the City Attorney and attested by the City Secretary, conveying the Property to Dallas Neighborhood Alliance for Habitat and the possibility of reverter with right of re-entry, and to the terms and conditions of Code Section 2-26.10 through 2-26.12 and the Proposal.

Section 3. That the Deed without Warranty to this Property will contain:

- (1) deed restrictions on the Property, acceptable to the City, requiring the Property to remain affordable to households whose incomes are less than 80% of the area median family income upon resale for five (5) years after initial occupancy, and
- (2) a right of reverter.

Section 4. That the Deed Restrictions will require the purchaser to:

- (1) restrict the sale and resale of owner-occupied property to low-income individuals or families for five (5) years after the date of filing,
- (2) require the non-profit organization to develop the proposed housing unit within three (3) years after receiving the Deed without Warranty, and
- (3) require any low-income individual or family to maintain each housing unit and all improvements on the land during the five (5) year period.

March 23, 2016

Section 5. That the City Manager is authorized to execute an instrument, approved as to form by the City Attorney, releasing the City's possibility of reverter with right of re-entry and terminating the deed restrictions to the Property upon compliance with all terms and conditions of Code Section 2-26.10 through 2-26.12, the Proposal, and the deed restrictions.

Section 6. That the purchaser shall be responsible for the pro rata property taxes assessed from the date of closing for the remaining part of the then current calendar year. This Property shall be placed back on the tax rolls effective as of the date of execution of the deed.

Section 7. That any and all proceeds for the resale of the Property listed on Exhibit A shall be deposited to General Fund 0001, Agency DEV, Balance Sheet Account 0519 and the Sustainable Development and Construction Department shall be reimbursed for administrative costs incurred (Fund 0001, Department DEV, Unit 1183, Object 5011). Any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department DEV, Unit 8888, Revenue Source 8118.

Section 8. That if a title policy is desired, same shall be at the expense of the purchaser.

Section 9. That any procedures required by Code Section 2-24 that are not required by state law are hereby waived with respect to these conveyances.

Section 10. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

EXHIBIT A							
SURPLUS PROPERTY							
March 23, 2016							
PARCEL NUMBER	STREET ADDRESS LEGAL DESCRIPTION	VACANT/ IMPROVED	Volume and Page	QUALIFIED NONPROFIT PURCHASER	NUMBER OF DWELLING UNITS	TYPE OF DEED	SALE AMOUNT
1	3709 Spring Lot 11, City Block 1829	V	V.97171 P.03750	Dallas Neighborhood Alliance for Habitat	1	Deed Without Warranty	\$5,295.90
						TOTAL	\$5,295.90

SURPLUS PROPERTY							
March 23, 2016							
PARCEL NUMBER	STREET ADDRESS LEGAL DESCRIPTION	VACANT/ IMPROVED	Volume and Page	QUALIFIED NONPROFIT PURCHASER	NUMBER OF DWELLING UNITS	TYPE OF DEED	SALE AMOUNT
1	3709 Spring Lot 11, City Block 1829	V	V.97171 P.03750	Dallas Neighborhood Alliance for Habitat	1	Deed Without Warranty	\$5,295.90
						TOTAL	\$5,295.90

March 23, 2016							
PARCEL NUMBER	STREET ADDRESS LEGAL DESCRIPTION	VACANT/ IMPROVED	Volume and Page	QUALIFIED NONPROFIT PURCHASER	NUMBER OF DWELLING UNITS	TYPE OF DEED	SALE AMOUNT
1	3709 Spring Lot 11, City Block 1829	V	V.97171 P.03750	Dallas Neighborhood Alliance for Habitat	1	Deed Without Warranty	\$5,295.90
						TOTAL	\$5,295.90

PARCEL NUMBER	STREET ADDRESS LEGAL DESCRIPTION	VACANT/ IMPROVED	Volume and Page	QUALIFIED NONPROFIT PURCHASER	NUMBER OF DWELLING UNITS	TYPE OF DEED	SALE AMOUNT
1	3709 Spring Lot 11, City Block 1829	V	V.97171 P.03750	Dallas Neighborhood Alliance for Habitat	1	Deed Without Warranty	\$5,295.90
TOTAL							\$5,295.90

AGENDA ITEM # 22

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): 8

DEPARTMENT: Housing/Community Services

CMO: Alan Sims, Chief of Neighborhood Plus, 670-1611

MAPSCO: 64Z

SUBJECT

Authorize an amendment to Resolution No. 14-1223, previously approved on August 13, 2014, for two loan agreements for two separate phases of the Thornton Heights Project with East Dallas Community Organization to extend the completion date of both loan agreements from December 31, 2015 to August 31, 2016 – Financing: No cost consideration to the City

BACKGROUND

In 2009 the City loaned East Dallas Community Organization (EDCO) \$300,000 in CDBG funds for the acquisition of 29 single family lots, known as the Thornton Heights Project. The loan agreement, as amended, called for the 29 homes to be built and sold to low income families by December 31, 2015.

In November 2014, East Dallas Community Organization (EDCO) executed a HOME contract for \$800,000 funding to complete the development of the final 12 single family homes in the Thornton Heights Project.

As of February 2016, EDCO has built all 29 single family homes and sold 26 of them to low-moderate income families at or below 80% AMFI. Three homes are under contract with low-moderate income homebuyers and will be sold by August 2016. A 15-year deed restriction will remain on the property for affordability.

The extension of the maturity dates in the two loan agreements will allow EDCO to complete its efforts to sell the remaining units.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 27, 2012, the City Council approved the City of Dallas Consolidated Plan Budget for FY 2012-13 federal funds which included the HOME Investment Partnership Program Funds for Housing Development Loan Program, by Resolution No. 12-1629.

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

On August 13, 2014, the City Council approved (1) an extension of the development loan agreement with East Dallas Community Organization, Thornton Heights Project for acquisition and related acquisition costs of 29 unimproved properties to December 31, 2015; and (2) a development loan in the amount of \$800,000 for the construction of the final 12 homes, by Resolution No. 14-1223.

Information about this item will be provided to the Housing Committee on March 21, 2016.

FISCAL INFORMATION

No cost consideration to the City

OWNER

East Dallas Community Organization

Gerald Carlton, President

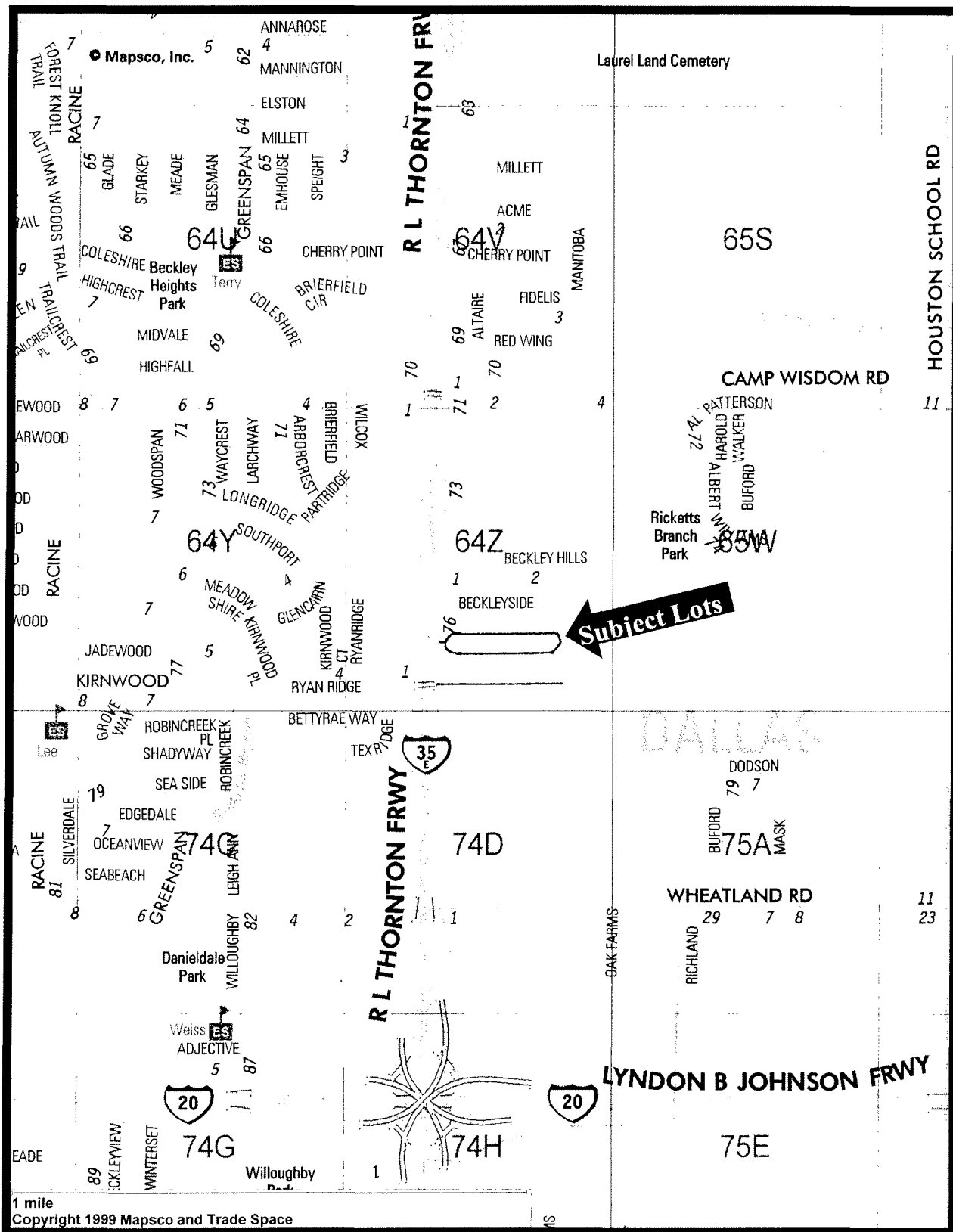
DEVELOPER

East Dallas Community Organization

Gerald Carlton, President

MAP

Attached



MAPSCO 64Z

March 23, 2016

WHEREAS, affordable housing for low and moderate income families is a high priority of the City of Dallas; and

WHEREAS, on June 27, 2012, the City Council approved the City of Dallas Consolidated Plan Budget for FY 2012-13 federal funds which included the HOME Investment Partnership Program Funds for Housing Development Loan Program by Resolution No. 12-1629; and

WHEREAS, on August 13, 2014, the City Council approved **(1)** an extension of the development loan agreement with East Dallas Community Organization, Thornton Heights Project for acquisition and related acquisition costs of 29 unimproved properties to December 31, 2015; and **(2)** a development loan in the amount of \$800,000 for the construction of the final 12 homes, by Resolution No. 14-1223; and

WHEREAS, East Dallas Community Organization has requested an extension of time to the development loan agreement to allow them to continue their efforts to sell the final three units to low-to-moderate income families at or below 80% AMFI; **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 amend the two loan agreements for two separate phases of the Thornton Heights Project with East Dallas Community Organization to extend the completion date of both loan agreements from December 31, 2015 to August 31, 2016.

Section 2. The terms of the agreement will include:

- (a) EDCO must sell the remaining homes to low-to-moderate income families whose incomes are 80% or less of area median family income by the maturity date.
- (b) Borrower will be released from liability on the Note at the same time the low-to-moderate income family closes the purchase on the home.
- (c) Properties will be deed restricted for affordability at 80% or less of Area Median Family Income for sale and resale to eligible homebuyers for a period of fifteen years.

Section 3. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute the agreements described herein, as well as releases of liens and terminations of deed restrictions on the property upon compliance with the loan terms.

March 23, 2016

Section 4. That this resolution does not constitute a binding agreement upon the City or subject the City to any liability or obligation with respect to the loan, until such time as the loan documents are duly approved by all parties and executed.

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 # 23

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): 14

DEPARTMENT: Housing/Community Services

CMO: Alan Sims, Chief of Neighborhood Plus, 670-1611

MAPSCO: 46B

SUBJECT

Authorize an amendment to Resolution No. 16-0271, previously approved on February 10, 2016, to correct the name of the purchaser of 5444 Gaston Avenue from Azur Commercial Capital, LLC to Gaston Commons, LLC - Financing: No cost consideration to the City

BACKGROUND

On June 27, 2001, the City Council approved Resolution No. 01-2049, authorizing the City of Dallas Housing/Community Services Department to provide Community Housing Development Organization (CHDO) loans to certified organizations for the creation of affordable housing.

In 2004, the City of Dallas Housing/Community Services Department provided a CHDO loan in the amount of \$50,000.00 to Central Dallas Community Development Corporation to rehabilitate the Property with a 0% interest rate and a maturity date of May 1, 2021. The loan would be forgiven monthly over a period of 15 years, upon completion and occupancy of the units. The current amortized balance of the loan to the City is \$17,778.78.

Central Dallas Community Development Corporation, wishes to sell the property at 5444 Gaston Avenue, to Gaston Commons, LLC and has requested that the City of Dallas allow the sale, and the assumption of the City's loan to Gaston Commons, LLC. The City Council approved the sale on February 10, 2016 but the name of the LLC was incorrect. The new owner will be required to maintain affordable units through May 1, 2021.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

On June 27, 2001, the City Council authorized the City of Dallas Housing/Community Services Department to provide Community Housing Development Organization (CHDO) loans to certified organizations for the creation of affordable housing, by Resolution No. 01-2049.

On February 10, 2016, the City Council authorized (1) the sale of property located at 5444 Gaston Avenue, containing 11 apartment units, (the "Property") from Central Dallas Community Development Corporation to Azur Commercial Capital, LLC; and (2) the assumption by Azur Commercial Capital, LLC, of the remaining balance of the loan, originally made in 2004 for the rehabilitation of the Property, owed by Central Dallas Community Development Corporation to the City of Dallas in the amount of \$17,779, by Resolution No. 16-0271.

Information about this item was provided to the Housing Committee on February 1, 2016.

FISCAL INFORMATION

No cost consideration to the City

OWNER(S)

Azur Commercial Capital, LLC

Barrett Linburg, Principal

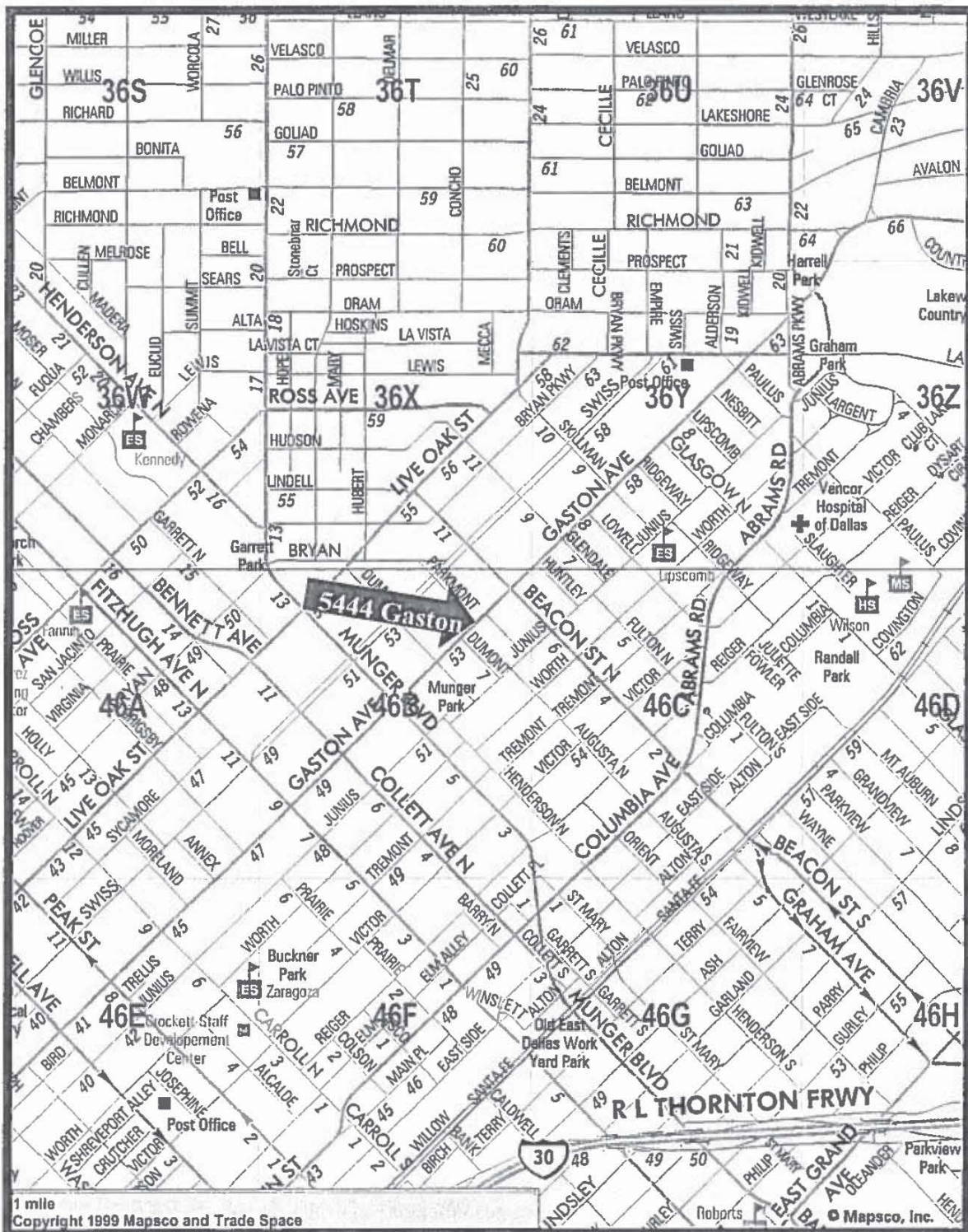
PURCHASER

Gaston Commons, LLC

Barrett Linburg, Principal

MAP

Attached



March 23, 2016

WHEREAS, on June 27, 2001, City Council approved Resolution No. 01-2049, authorizing the City of Dallas Housing/Community Services Department to provide Community Housing Development Organization (CHDO) loans to certified organizations for the creation of affordable housing; and

WHEREAS, on May 1, 2004, the City of Dallas provided a CHDO loan in the amount of \$50,000 to Central Dallas Community Development Corporation to rehabilitate the 11 units located at 5444 Gaston Avenue (the "Property") with a 0% interest rate and a maturity date of May 1, 2021; the loan would be forgiven monthly over a period of 15 years; and

WHEREAS, current balance of the loan to the City is \$17,778.78; and

WHEREAS, Central Dallas Community Development Corporation wishes to sell the Property; and

WHEREAS, Gaston Commons, LLC wishes to purchase the Property, assume the remainder of the City's loan, and maintain the affordable housing units; and

WHEREAS, the City of Dallas seeks to maintain the affordable units on the Property;

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 correct the name of the purchaser of 5444 Gaston Avenue from Azur Commercial Capital, LLC to Gaston Commons, LLC.

SECTION 2. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute loan assumptions documents, releases of liens, termination of deed restrictions, and subordinations to mortgage lender in compliance with the loan terms, deed restrictions and or forgiveness of debt.

SECTION 3. That this resolution does not constitute a binding agreement upon the City or subject the City to any liability or obligation with respect to the loans, until such time as the loan documents are duly approved by all parties and executed.

March 23, 2016

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 # 24

KEY FOCUS AREA: Culture, Arts and Recreation and Educational Enhancements

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): 7

DEPARTMENT: Office of Cultural Affairs

CMO: Joey Zapata, 670-1204

MAPSCO: 46-U

SUBJECT

Authorize **(1)** the acceptance of a grant in the amount of \$10,000 from the National Endowment for the Arts to provide cultural services for the period January 1, 2016 through December 31, 2017; **(2)** a local match in the amount of \$10,000; and **(3)** execution of the grant agreement – Total not to exceed \$20,000 - Financing: National Endowment for the Arts Grant Funds (\$10,000) and Current Funds (\$10,000)

BACKGROUND

The Office of Cultural Affairs has been awarded a National Endowment for the Arts (NEA) grant to support a residency at the South Dallas Cultural Center with members from the New Negress Film Society (NNFS) and provide for related expenses to present public screenings of documentary, narrative, and experimental short films created by members of the NNFS, a New York City-based collective of black woman filmmakers. The films will be presented at various venues in Dallas and include commentary by the artists. Related outreach activities will include community talks and digital media workshops specifically designed for female students attending the Billy Earl Dade Middle School, a school within the Dallas Independent School District in South Dallas that serves a significant low-income, African-American constituency.

The NEA grant requires a 1:1 match for which no new funds will be required. OCA will meet the NEA's requirements for the match with its General Fund appropriation in the approved FY 2015-16 budget.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Arts, Culture and Libraries Committee on March 21, 2016.

FISCAL INFORMATION

\$10,000 – National Endowment for the Arts Grant Funds

\$10,000 – Current Funds

March 23, 2016

WHEREAS, the National Endowment for the Arts provides matching grants, through various programs under its purview, to public bodies to assist them in the development of culturally-oriented programs; and

WHEREAS, the City of Dallas therein has the opportunity to increase the amount of funds available to support the activities of the Office of Cultural Affairs; and

WHEREAS, the National Endowment for the Arts has notified the City of Dallas Office of Cultural Affairs that it is recommending \$10,000 in grant funding to the Office of Cultural Affairs to support a residency at the South Dallas Cultural Center with members from the New Negroess Film Society (NNFS) and provide for related expenses to present public screenings of documentary, narrative, and experimental short films created by members of the NNFS, a New York City-based collective of black woman filmmakers.

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 **(1)** accept the grant from the National Endowment for the Arts in the amount of \$10,000 (Grant No. 16-7800-7123, CFDA no. 45.024) to provide cultural services for the period January 1, 2016 through December 31, 2017; **(2)** provide a local 1:1 match in the amount of \$10,000; and **(3)** execute the grant agreement.

SECTION 2. That the Chief Financial Officer is hereby authorized to receive and deposit grant funds in Fund F485, Dept. OCA, Unit 1832, Revenue Source 6506 in an amount not to exceed \$10,000.

SECTION 3. That the City Manager is hereby authorized to establish appropriations in an amount not to exceed \$10,000 in Fund F485, Dept. OCA, Unit 1832, Obj. 3089.

SECTION 4. That the Chief Financial Officer is hereby authorized to disburse grant funds from the National Endowment for the Arts from Fund F485, Dept. OCA, Unit 1832, Obj. 3089, in an amount not to exceed \$10,000.

SECTION 5. That the Chief Financial Officer is hereby authorized to provide the required matching funds in an amount not to exceed \$10,000 from Fund 0001, Dept. OCA, Unit 4832, Obj. 3089, in accordance with the terms and conditions of the grant agreement.

March 23, 2016

SECTION 6. That the City Manager is hereby authorized to reimburse to the National Endowment for the Arts any expenditures 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 National Endowment for the Arts 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 provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 25

KEY FOCUS AREA: Culture, Arts and Recreation and Educational Enhancements

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Cultural Affairs

CMO: Joey Zapata, 670-1204

MAPSCO: N/A

SUBJECT

Authorize **(1)** the acceptance of grants in the amount of \$57,500 from the Texas Commission on the Arts to provide cultural services for the period September 1, 2015 through August 31, 2016; **(2)** a local match in the amount of \$57,500; and **(3)** execution of the grant agreements – Total not to exceed \$115,000 - Financing: Texas Commission on the Arts Grant Funds (\$57,500) and Current Funds (\$57,500)

BACKGROUND

The Office of Cultural Affairs applied for Texas Commission on the Arts (TCA) funding for fiscal year 2015-16 through the following grant programs: Arts Create program for administrative, operational and/or program support for presentation, promotion or production of artistic disciplines; and Arts Create / Subgranting program, which allows local arts agencies to regrant funds to arts and other service organizations in their communities. TCA has notified the City of Dallas Office of Cultural Affairs that the following grant awards have been recommended for funding:

- \$30,500 through the Arts Create / Subgranting Program to be used for the Cultural Projects Program (CPP) to procure the services of cultural organizations to teach, perform and exhibit at facilities in neighborhoods around the City.
- \$6,500 through the Arts Create / Core Support Programs for the Office of Cultural Affairs programs and services.
- \$8,500 through the Arts Create program for the South Dallas Cultural Center programs and services.
- \$7,500 through the Arts Create program for the Bath House Cultural Center programs and services.
- \$4,500 through the Arts Create program for the Latino Cultural Center programs and services.

BACKGROUND (Continued)

The TCA grants require a 1:1 match for which no new funds will be required. OCA will meet the TCA's requirements for the match with its General Fund appropriation in the approved FY 2015-16 budget.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Arts, Culture and Libraries Committee on March 21, 2016.

FISCAL INFORMATION

\$57,500 – Texas Commission on the Arts Grant Funds

\$57,500 – Current Funds

March 23, 2016

WHEREAS, the Texas Commission on the Arts provides matching grants, through various programs under its purview, to public bodies to assist them in the development of culturally-oriented programs; and

WHEREAS, the City of Dallas therein has the opportunity to increase the amount of funds available to support the activities of the Office of Cultural Affairs in FY 2015-16; and

WHEREAS, the Texas Commission on the Arts has notified the City of Dallas Office of Cultural Affairs that it is recommending \$57,500 in grant funding to the Office of Cultural Affairs under the Arts Create programs to support arts and cultural services in the City of Dallas.

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 **(1)** accept the grants from the Texas Commission on the Arts in the amount of \$57,500 (Grant Nos. 16-38315, 16-38314, 16-38392, 16-38036, 16-38363) to provide cultural services for the period September 1, 2015 through August 31, 2016; **(2)** provide a local 1:1 match in the amount of \$57,500; and **(3)** execute the grant agreements.

SECTION 2. That the Chief Financial Officer is hereby authorized to receive and deposit grant funds in Fund S291, Dept. OCA, Units 1833-1837, Revenue Source 6508 in an amount not to exceed \$57,500.

SECTION 3. That the City Manager is hereby authorized to establish appropriations for grant funds as follows, in an amount not to exceed \$57,500:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ.</u>	<u>AMOUNT</u>
S291	OCA	1833	3089	\$30,500
S291	OCA	1834	3089	\$ 6,500
S291	OCA	1835	3089	\$ 8,500
S291	OCA	1836	3089	\$ 7,500
S291	OCA	1837	3089	\$ 4,500

March 23, 2016

SECTION 4. That the Chief Financial Officer is hereby authorized to disburse grant funds from the Texas Commission on the Arts from the following funds in an amount not to exceed \$57,500:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ.</u>	<u>AMOUNT</u>
S291	OCA	1833	3089	\$30,500
S291	OCA	1834	3089	\$ 6,500
S291	OCA	1835	3089	\$ 8,500
S291	OCA	1836	3089	\$ 7,500
S291	OCA	1837	3089	\$ 4,500

SECTION 5. That the Chief Financial Officer is hereby authorized to provide the required matching funds in an amount not to exceed \$57,500 in accordance with the terms and conditions of the grant agreements from:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ.</u>	<u>AMOUNT</u>
0001	OCA	4880	3089	\$30,500
0001	OCA	4880	3089	\$ 6,500
0001	OCA	4832	3089	\$ 8,500
0001	OCA	4833	3089	\$ 7,500
0001	OCA	4805	3089	\$ 4,500

SECTION 6. That the City Manager is hereby authorized to reimburse to the Texas Commission on the Arts, any expenditures 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 Texas Commission on the Arts 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 provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 26

KEY FOCUS AREA: Culture, Arts and Recreation and Educational Enhancements

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): 3, 8

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: 65-K L Q U X Y 75-B

SUBJECT

Authorize an application for a Recreational Trail Grant in the amount of \$200,000 from the Texas Parks and Wildlife Department for development of the Runyon Creek Trail project located at 1900 East Camp Wisdom Road – Financing: No cost consideration to the City

BACKGROUND

The Texas Parks and Wildlife Department (TP&WD) administers the National Recreational Trails Fund. The funds for this federally funded program are furnished by a portion of the federal taxes paid on fuel used in non-highway recreational vehicles. Grants are for eighty-percent of the project cost with maximum grant awards of \$200,000 for non-motorized trail projects.

The scoring criteria for this grant program focuses on projects that include a broad range of trail users, recreational opportunities, geographic scope, population served, proportion of funds used for basic trail work, matches exceeding the twenty-percent minimum and commitment to maintaining the trail for a minimum of twenty years.

The grant program stipulates a twenty-percent match funding requirement. The City's existing 2012 Bond Program allocation for the Runyon Creek Trail project will be used for the required match funding. If successful, the grant will supplement the existing funding for construction of a trail connection to the Singing Hills Recreation Center which is currently under construction. Bid as an alternate, the Recreation Trail Grant will allow the Park and Recreation Department to build the connector trail.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Park and Recreation Board authorized application for a Texas Park & Wildlife Department Recreational Trail Grant on February 18, 2016.

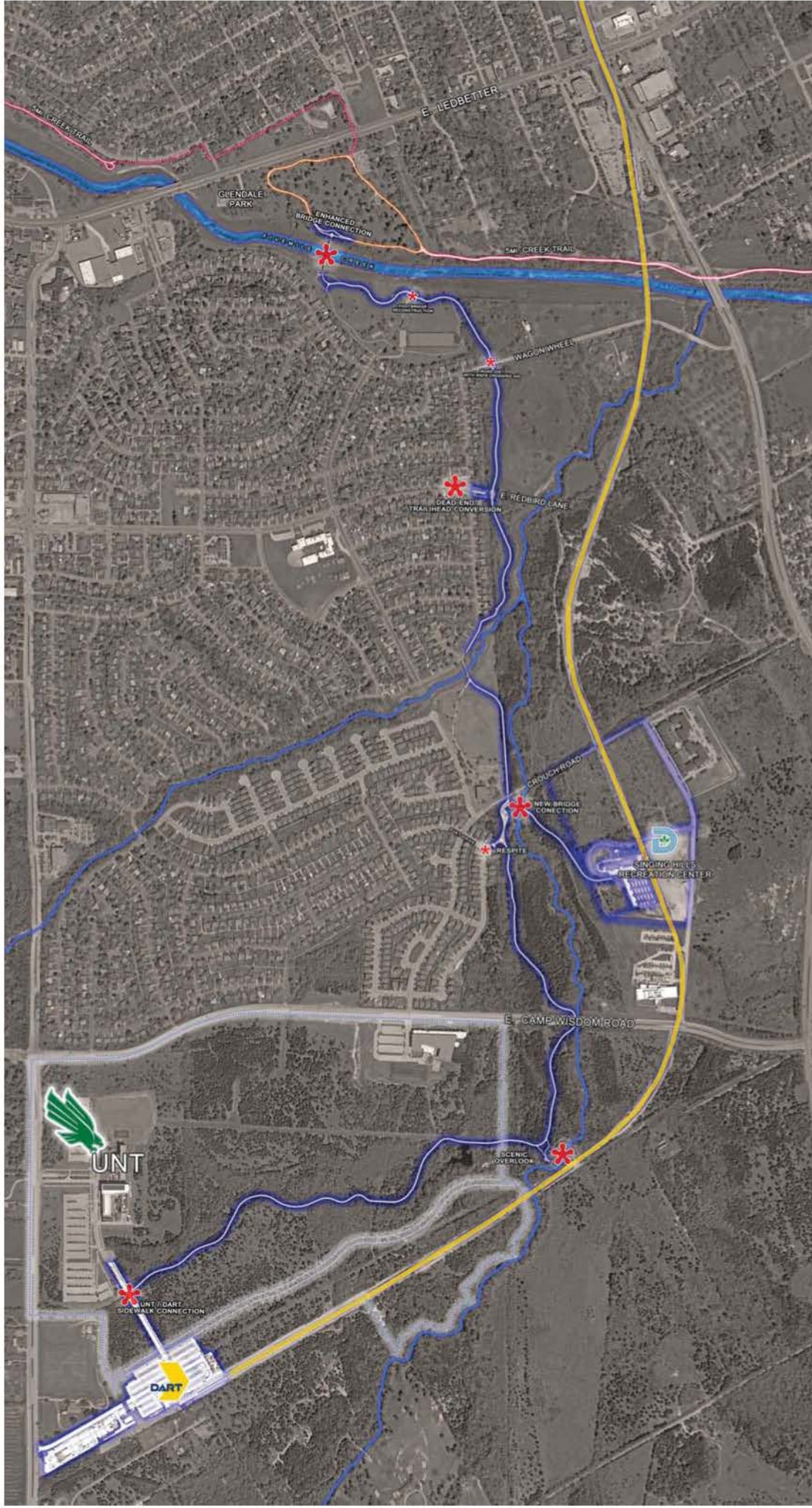
Information about this item will be provided to the Quality of Life & Environment Committee.

FISCAL INFORMATION

No cost consideration to the City.

MAP

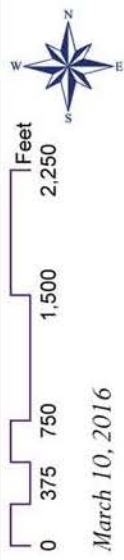
Attached



District
3, 8

Mapscos
65 K,L,Q,U,X,Y
75 B

Runyon Creek Trail (Glendale Park and Camp Wisdom Road)



March 23, 2016

WHEREAS, the United States Congress has passed the Land and Water Conservation Fund Act of 1965 (Public Law 88-578) authorizing the Secretary of the Interior to provide financial assistance to states, and political subdivisions thereof, for outdoor recreation purposes; and

WHEREAS, the Texas Legislature has approved the Park and Wildlife Code, Section 131.309 authorizing the State of Texas, and its political subdivisions, to participate in the Federal program established under said Public Law 88-578, or such other programs as are hereinafter established by the Federal Government; and

WHEREAS, the Texas Legislature has approved the Parks and Wildlife Code, Section 24.005 for the purpose of allowing the political subdivisions of the State of Texas to participate in the Texas Recreation and Parks Account Program; and

WHEREAS, the City of Dallas is fully eligible to receive assistance under these programs; and

WHEREAS, the applicant is desirous of authorizing an official to represent and act for the applicant in dealing with the Texas Parks and Wildlife Department concerning these programs; and

WHEREAS, reimbursable matching grant funds are designate in the amount not to exceed \$50,000 (20% match) for design and construction of the Runyon Creek Trail.

Now, Therefore,

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

SECTION 1. That the City of Dallas, Texas hereby certifies that it is eligible to receive assistance under these programs.

SECTION 2. That the City of Dallas, Texas hereby certifies that the matching share for this application is available through the 2012 Bond Program.

SECTION 3. That the City of Dallas, Texas hereby authorizes and directs the Director of the Park and Recreation Department to represent and act for the City in dealing with the Texas Parks and Wildlife Department and is hereby officially designated as the representative in this regard.

March 23, 2016

SECTION 4. That the City of Dallas, Texas hereby specifically authorizes the Park and Recreation Department to make application to the Texas Parks and Wildlife Department concerning the site known as the Runyon Creek Trail in the Runyon Creek Greenbelt in the City of Dallas for use as a trail.

SECTION 5. That the City Manager is hereby authorized to apply for reimbursable grant funds in the amount of \$200,000 from the Texas Parks and Wildlife Department and to execute any and all documents required by the grant.

SECTION 6. That it is the intent of the City Council of the City of Dallas, Texas that all operating funds required for the Runyon Creek Trail project be appropriated and funded as needed for operating costs.

SECTION 7. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 27

KEY FOCUS AREA: Culture, Arts and Recreation and Educational Enhancements

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): 2

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: 46-E F

SUBJECT

Authorize **(1)** the receipt and deposit of funds in the amount \$692,744 in the Capital Gifts, Donation and Development Fund; **(2)** an increase in appropriations in the Capital Gifts, Donation and Development Fund in the amount of \$692,744; and **(3)** a contract for improvements at Buckner Park located at 4550 Worth Street - MART, Inc., lowest responsible bidder of seven - Not to exceed \$1,935,507 - Financing: Buckner Park Funds (\$381,348), Capital Gifts, Donation and Development Funds (\$692,744), 2006 Bond Funds (\$268,607) and General Obligation Commercial Paper Funds (\$592,808)

BACKGROUND

On November 10, 2015, by Resolution No. 15-2074 Council authorized the agreement between the City and Dallas Independent School District (DISD) for design, bid and construction of Buckner Park by the City using the funds from the sale of parking property, as defined in the Agreement between the City and District, 2006 Bond Funds and Capital Gifts, Donation and Development Funds the design and construction of the parkland; and DISD funds for the design and construction of the Parking Property and playground.

On January 8, 2016, seven bids were received for improvements at Buckner Park. This item authorizes award of the construction contract to MART, Inc. for the Base Bid and Alternate No. 11, with a total bid amount of \$1,935,506.04. Improvements include a tennis court, basketball court, small pavilion, playground, site furnishings, landscaping and irrigation. In addition as part of this contract and funded by the Dallas Independent School District (DISD) the project will include the construction of a drop-off area and new parking on land recently purchased by DISD adjacent to Ignacio Zaragoza Elementary School.

BACKGROUND (Continued)

The following chart illustrates MART, Inc.'s contractual activities with the City of Dallas for the past three years:

	<u>PBW</u>	<u>DWU</u>	<u>PKR</u>
Projects Completed	0	0	1
Change Orders	0	0	2
Projects Requiring Liquidated Damages	0	0	0
Projects Completed by Bonding Company	0	0	0

ESTIMATED SCHEDULE OF PROJECT

Began Design	October 2014
Completed Design	October 2015
Begin Construction	April 2016
Complete Construction	December 2016

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Park and Recreation Board authorized advertisement for bids on October 15, 2015.

The Park and Recreation Board authorized award of the contract on February 18, 2016.

Information about this item will be presented to the Quality of Life & Environment Committee.

FISCAL INFORMATION

Buckner Park Funds - \$381,348.00

Capital Gifts, Donation and Development Fund - \$692,744.04

2006 Bond Funds - \$268,606.36

2006 Bond Program (General Obligation Commercial Paper Funds) - \$592,807.64

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

MART, Inc.

White Male	27	White Female	6
Hispanic Male	7	Hispanic Female	2
Black Male	0	Black Female	1
Other Male	0	Other Female	0

BID INFORMATION

The following seven bids were received and opened on January 8, 2016:

*Denotes the successful bidder

<u>Bidders</u>	<u>Base Bid</u>	<u>Alternate No. 11**</u>	<u>Total Bid</u>
*MART, Inc. 1503 Perry Street Irving, Texas 75060	\$1,842,612.00	\$92,894.04	\$1,935,506.04
Schmoltd Construction, Inc.	\$2,009,510.00	\$99,611.46	\$2,109,121.46
Northstar Construction, LLC	\$2,027,300.00	\$101,000.00	\$2,128,300.00
The Fain Group, Inc.	\$2,069,422.00	\$106,524.00	\$2,175,946.00
Wall Enterprises	\$2,154,300.00	\$106,500.00	\$2,260,800.00
A S Con, Inc.			***Withdraw
J.C. Commercial, Inc.			***Non-responsive

**Alternate No. 11 - provides for installation of playground equipment by Landscape Structures.

***A S Con, Inc. withdrew their bid due to calculation errors within their bid proposal.

***J.C. Commercial, Inc. was deemed non-responsive for not completing their bid proposal.

OWNER

MART, Inc.

Vernon Proctor, President/Treasurer
Tim Proctor, Vice President
Linda Proctor, Secretary

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize **(1)** the receipt and deposit of funds in the amount \$692,744 in the Capital Gifts, Donation and Development Fund; **(2)** an increase in appropriations in the Capital Gifts, Donation and Development Fund in the amount of \$692,744; and **(3)** a contract for improvements at Buckner Park located at 4550 Worth Street - MART, Inc., lowest responsible bidder of seven - Not to exceed \$1,935,507 - Financing: Buckner Park Funds (\$381,348), Capital Gifts, Donation and Development Funds (\$692,744), 2006 Bond Funds (\$268,607) and General Obligation Commercial Paper Funds (\$592,808)

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

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$1,638,351.04	84.65%
Total non-local contracts	\$297,155.00	15.35%
TOTAL CONTRACT	\$1,935,506.04	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Shanke Concrete & Construction	BMDB77808Y0616	\$366,652.00	22.38%
Duran Industries Light Fixtures	HMDB6628701016	\$64,170.24	3.92%
Total Minority - Local		\$430,822.24	26.30%

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Alford's Drywall	BMMB58964N0118	\$30,000.00	10.10%
Site Source	WFWB62347N0616	\$27,018.00	9.09%
Total Minority - Non-local		\$57,018.00	19.19%

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$366,652.00	22.38%	\$396,652.00	20.49%
Hispanic American	\$64,170.24	3.92%	\$64,170.24	3.32%
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%	\$27,018.00	1.40%
	<hr/>	<hr/>	<hr/>	<hr/>
Total	\$430,822.24	26.30%	\$487,840.24	25.20%



February 18, 2016

Buckner Park (4550 Worth Street)

Mapsc
46 E,F

District
2

March 23, 2016

WHEREAS, on January 8, 2016, seven bids were received for improvements to include a tennis court, basketball court, small pavilion, playground, site furnishings, landscaping and irrigation. In addition as part of this contract and funded by the Dallas Independent School District (DISD) the project will include the construction of a drop-off area and new parking on land recently purchased by DISD adjacent to Ignacio Zaragoza Elementary School at Buckner Park located at 4550 Worth Street.

<u>Bidders</u>	<u>Base Bid</u>	<u>Alternate No. 11**</u>	<u>Total Bid</u>
MART, Inc.	\$1,842,612.00	\$92,894.04	\$1,935,506.04
Schmoltd Construction, Inc.	\$2,009,510.00	\$99,611.46	\$2,109,121.46
Northstar Construction, LLC	\$2,027,300.00	\$101,000.00	\$2,128,300.00
The Fain Group, Inc.	\$2,069,422.00	\$106,524.00	\$2,175,946.00
Wall Enterprises	\$2,154,300.00	\$106,500.00	\$2,260,800.00
A S Con, Inc.			***Withdraw
J.C. Commercial, Inc.			***Non-responsive

**Alternate No. 11 - provides for installation of playground equipment by Landscape Structures.

***A S Con, Inc. withdrew their bid due to calculation errors within their bid proposal.

***J.C. Commercial, Inc. was deemed non-responsive for not completing their bid proposal.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to enter into a contract with MART, Inc. for improvements to include a tennis court, basketball court, small pavilion, playground, site furnishings, landscaping and irrigation. In addition as part of this contract and funded by the Dallas Independent School District (DISD) the project will include the construction of a drop-off area and new parking on land recently purchased by DISD adjacent to Ignacio Zaragoza Elementary School at Buckner Park, in an amount not to exceed \$1,935,506.04.

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

March 23, 2016

SECTION 3. That the Chief Financial Officer is hereby authorized to receive and deposit funds in an amount not to exceed \$692,744.04 in the Capital Gifts, Donation and Development Fund 0530, Dept. PKR, Unit K129, Revenue Code 8411.

SECTION 4. That the City Manager is hereby authorized to increase appropriations in the Capital Gifts, Donation and Development Fund 0530, Dept. PKR, Unit K129, Object 4599 in the amount of \$692,744.04.

SECTION 5. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$1,935,506.04, as follows:

Buckner Park Fund Fund 0468, Department PKR, Unit K129, Object 4599 Activity COPK, Program PK03K129.1, CT-PKR16019536 Commodity 91200, Vendor 500027	\$381,348.00
Capital Gifts, Donation and Development Fund Fund 0530, Department PKR, Unit K129, Object 4599 Activity COPK, Program PK03K129.1, CT-PKR16019536 Commodity 91200, Vendor 500027	\$692,744.04
(2006) Park and Recreation Facilities Improvement Fund Fund 1T00, Department PKR, Unit K129, Object 4599 Activity COPK, Program PK03K129.1, CT-PKR16019536 Commodity 91200, Vendor 500027	\$110,792.34
(2006) Park and Recreation Facilities Improvement Fund Fund 3T00, Department PKR, Unit K129, Object 4599 Activity COPK, Program PK03K129.1, CT-PKR16019536 Commodity 91200, Vendor 500027	\$106,842.22
(2006) Park and Recreation Facilities Improvement Fund Fund 7T00, Department PKR, Unit K129, Object 4599 Activity COPK, Program PK03K129.1, CT-PKR16019536 Commodity 91200, Vendor 500027	\$17,576.58
(2006) Park and Recreation Facilities Improvement Fund Fund 8T00, Department PKR, Unit K129, Object 4599 Activity COPK, Program PK03K129.1, CT-PKR16019536 Commodity 91200, Vendor 500027	\$27,052.70

March 23, 2016

SECTION 5. (Continued)

(2006) Park and Recreation Facilities Improvement Fund
Fund 9T00, Department PKR, Unit K129, Object 4599
Activity COPK, Program PK03K129.1, CT-PKR16019536
Commodity 91200, Vendor 500027 \$6,342.52

General Obligation Commercial Paper Fund
Fund 4T00, Department PKR, Unit K129, Object 4599
Activity COPK, Program PK03K129.1, CT-PKR16019536
Commodity 91200, Vendor 500027 \$592,807.64

Total amount not to exceed \$1,935,506.04

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.

AGENDA ITEM # 28

KEY FOCUS AREA: Culture, Arts and Recreation and Educational Enhancements

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): 4

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: 54-M 55-E J

SUBJECT

Authorize a public hearing to be held on April 27, 2016 to receive comments on the proposed use of a portion of the Dallas Zoo located at 550 East Clarendon Drive for two drainage easements and one floodway easement for the Wilds of Africa plat, totaling approximately 116,015 square feet of land, as required by plat - Financing: No cost consideration to the City

BACKGROUND

The City of Dallas owns approximately 127 acres of parkland located at 1021 South Ewing Street known as the Dallas Zoo. The Dallas Zoo is currently managed by Dallas Zoo Management, Inc. (DZM). In collaboration with the Park and Recreation Department, DZM is platting The Wilds of Africa section of the Dallas Zoo as required by City Code for current and future construction projects. As a condition of the plat one fifteen-foot drainage easement of 373 square feet, one variable width drainage easement of 45,985 square feet, and one floodway easement of 69,657 square feet are to be conveyed to the City of Dallas.

In compliance with the law, the City has determined that there is a need and that no feasible and prudent alternative exists and that all reasonable care has been taken so as to not damage the remainder of the park property and to mitigate any disruption of park services.

In accordance with the Texas Parks and Wildlife Code, Chapter 26 (Sections 26.001 through 26.004) the City Council must advertise and hold a public hearing on the change of use of parkland.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 18, 2016, the Park and Recreation Board authorized a public hearing to be held on April 27, 2016.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached



Dallas Zoo Wilds of Africa Plat
(550 E Clarendon Dr)

Mapsco
54 M
55 E,J

Feet
1,470

986

February 18, 2016

March 23, 2016

WHEREAS, the City of Dallas owns land in southwest Dallas known as the Dallas Zoo, which was acquired for park purposes and has been maintained as parkland; and

WHEREAS, the Dallas Zoo is currently platting the southwest section of the Zoo, referred to as the Wilds of Africa, to create one lot from platted and unplatted land for current and future development and is required to dedicate a portion of the land for drainage and floodway easements totaling approximately 116,015 square feet of land as needed by the City for public storm sewer lines and floodplain protection, as shown on Exhibit A, and the Park and Recreation Board is agreeable to providing the property for this use; and

WHEREAS, the Texas Parks and Wildlife Code, Chapter 26 (Section 26.001 through 26.004), requires that before a municipality may approve any program or project that requires the use or taking of any public land designated and used as parkland, the governing body of such public municipality must determine that there is no feasible and prudent alternative to the use or taking of such land, and that the program or project includes all reasonable planning to minimize harm to the remainder of the park; and

WHEREAS, prior to making this determination, notice must be given and a public hearing be held relative to the proposed change of park use; and

WHEREAS, the City Council desires to give notice and hold such hearing in accordance with the law with respect to the dedication of a portion of the Dallas Zoo to the City of Dallas.

Now, Therefore,

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

SECTION 1. That the Park and Recreation Department is hereby authorized and directed to advise in writing of such proposed use of the park property by delivering a notice for publishing to the official newspaper to be advertised once each week for three consecutive weeks, the last publication to be not less than one week nor more than two weeks before the date of the hearing, which shall be held in the City Council Chambers on April 27, 2016.

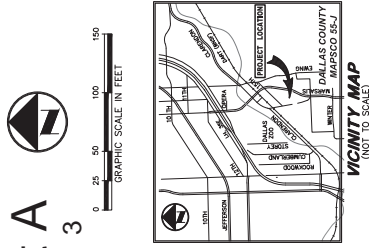
SECTION 2. That the approval of the aforementioned project by the City Council, at the close of said hearing, shall be construed as making the proper findings as to the use, taking, and conveyance of parkland, consistent with the Texas Parks and Wildlife Code and the Texas Local Government Code.

March 23, 2016

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.

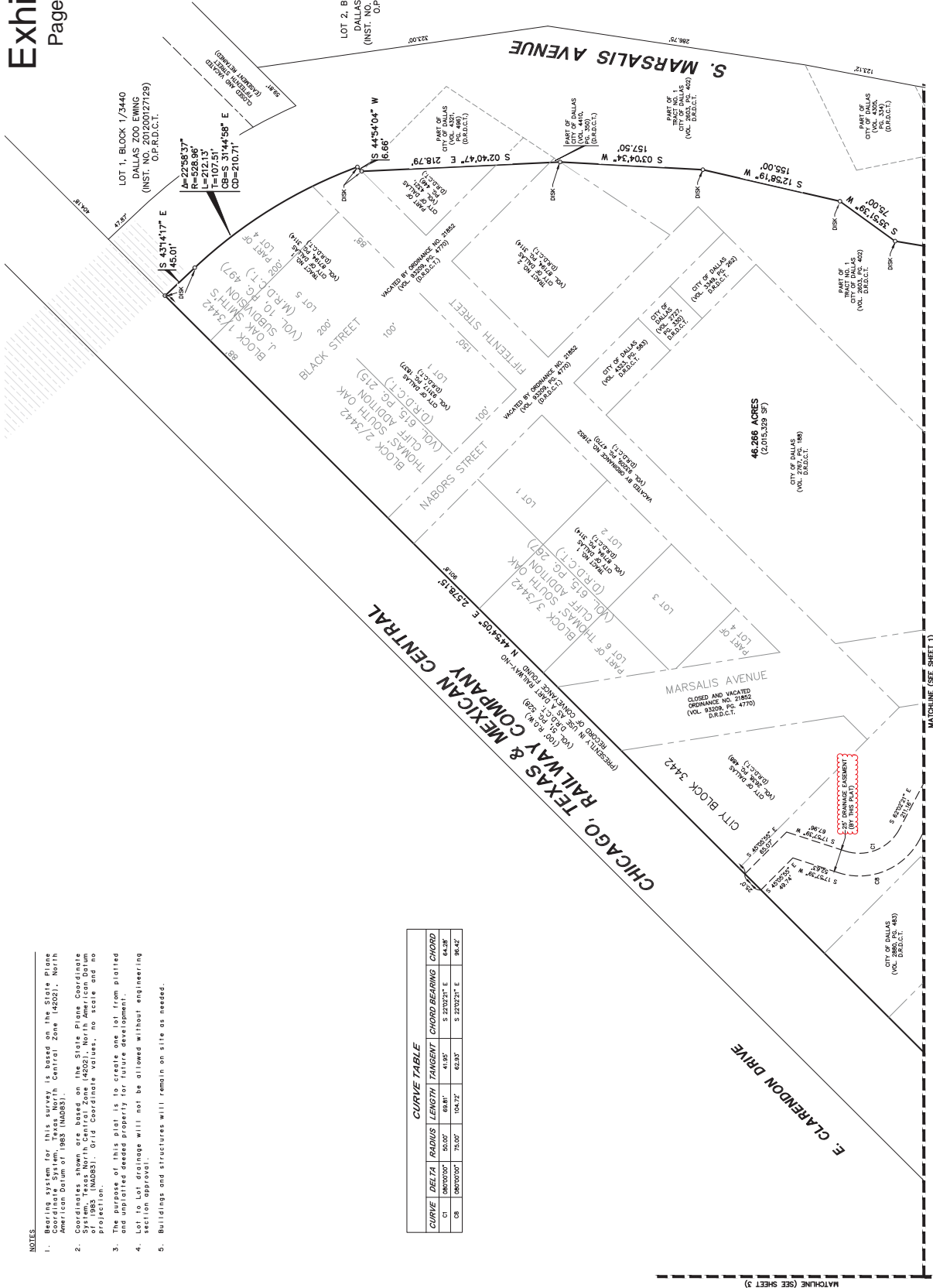
Exhibit A

Page 3 of 3



CURVE TABLE						
CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD
C1	060°00'00"	50.00'	69.81'	41.95'	S 22°02'21" E	64.28'
C6	060°00'00"	75.00'	104.72'	62.93'	S 22°02'21" E	96.42'

- NOTES**
1. Bearing system for this survey is based on the State Plane Coordinate System, Texas North Central Zone 142021, North American Datum of 1983 (NAD83).
 2. Coordinates shown are based on the State Plane Coordinate System, Texas North Central Zone 142021, North American Datum of 1983 (NAD83). Grid coordinate values, in whole and in fractional projection.
 3. The purpose of this plat is create one lot from platted and unplatted desired property for future development.
 4. Lot to Lot drainage will not be allowed without engineering section approval.
 5. Buildings and structures will remain on site as located.



PRELIMINARY

<u>SURVEYOR:</u>	<u>OWNER:</u>
PACHECO KOCH CONSULTING ENGINEERS 8350 N. CENTRAL EXPWY., SUITE 1000 DALLAS, TEXAS 75206 CONTACT: MICHAEL CLOVER PHONE: (972) 235-3031	CITY OF DALLAS 650 S. R.L. THORNTON F DALLAS, TEXAS 75203 CONTACT: DOUG DYKMAN PHONE: (469) 554-7540

 DALLAS ■ FORT WORTH ■ HOUSTON	TX REG. ENGINEERING FIRM F-469	DATE	JAN 2016	JOB NUMBER	2490-14,448
	TX REG. SURVEYING FIRM LS-10008000	CHECKED BY	MCC	SCALE	1"=50'
DRAWN BY		GMP			

DWG FILE: 2499--14.445FP.DWG

PRELIMINARY PLAT

WILDS OF AFRICA
LOT 1. BLOCK 3442

BEING PART OF CITY BLOCKS 3442, AND 3753,
PART OF THOMAS' SOUTH OAK CLIFF ADDITION,
PART OF J. OAK SMITH'S SUBDIVISION AND
PART OF T.J. OLIVERS SUBDIVISION
AND BEING OUT OF THE
WILLIAM H. HORD SURVEY, ABSTRACT NO. 560
AND THE
THOMAS McDOWELL SURVEY, ABSTRACT NO. 875,
CITY OF DALLAS, DALLAS COUNTY, TEXAS
CITY PLAN FILE NUMBER: 3145-248
ENGINEERING PLAN NUMBER: 3117-8954

SHEET 4 OF 5

SHEET 4 OF 5

AGENDA ITEM # 29

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): 3

DEPARTMENT: Public Works Department
Office of Economic Development

CMO: Jill A. Jordan, P.E., 670-5299
Ryan S. Evans, 671-9837

MAPSCO: 43T X

SUBJECT

Authorize a professional services contract with Kimley-Horn and Associates, Inc. for design of paving, drainage and wastewater improvements for the Colorado Boulevard Extension, Phase II Project to extend the roadway from previously constructed in Phase I to tie into Westmoreland Road at West Colorado Boulevard - Not to exceed \$196,256 - Financing: 2012 Bond Funds

BACKGROUND

The Colorado Boulevard Extension project is located southwest of Interstate Highway 30 and Westmoreland Road in an area known as the "Canyon". Phase I of the project was recently completed and entailed constructing a four-lane roadway extending from the eastbound IH-30 frontage road to approximately 1,900 feet south. Phase II of the project will extend the four-lane roadway, previously constructed in Phase I, southeast to tie into Westmoreland Road at West Colorado Boulevard. Phase II of this project will complete the Colorado Boulevard extension from Westmoreland Road to the eastbound IH-30 frontage road, thus improving access and opening up the area and serving as a catalyst for economic development throughout the "Canyon".

This action will authorize a professional services contract with Kimley-Horn and Associates, Inc. for the design of paving, drainage and wastewater improvements for the Colorado Boulevard Extension, Phase II Project.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	May 2016
Complete Design	October 2016
Begin Construction	February 2017
Complete Construction	December 2017

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a Chapter 380 economic development grant agreement with SLF III - THE CANYON TIF, LP to support the proposed Canyon Development on March 27, 2013, by Resolution No. 13-0551.

Authorized a construction contract with North Texas Contracting, Inc. for the Colorado Boulevard Extension, Phase I project on June 25, 2014, by Resolution No. 14-1018.

Information about this item will be provided to the Transportation and Trinity River Project Committee on March 21, 2016.

FISCAL INFORMATION

2012 Bond Funds - \$196,256

Design (this action)	\$ 196,256.00
Construction	
Paving & Drainage - PBW	\$1,528,487.40 (est.)
Water & Wastewater - DWU	<u>\$ 225,605.00</u> (est.)
Total	\$1,950,348.40 (est.)

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Kimley-Horn and Associates, Inc.

Hispanic Female	8	Hispanic Male	11
African-American Female	4	African-American Male	2
Other Female	1	Other Male	8
White Female	46	White Male	78

OWNER

Kimley-Horn and Associates, Inc.

David Meyers, P.E., Vice President

MAP

Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a professional services contract with Kimley-Horn and Associates, Inc. for design of paving, drainage and wastewater improvements for the Colorado Boulevard Extension, Phase II Project to extend the roadway from previously constructed in Phase I to tie into Westmoreland Road at West Colorado Boulevard - Not to exceed \$196,256 - Financing: 2012 Bond Funds

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

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$196,256.00	100.00%
Total non-local contracts	\$0.00	0.00%
TOTAL CONTRACT	\$196,256.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Urban Engineers Group, Inc.	HFDB10630Y0716	\$38,405.00	19.57%
Othon, Inc.	HMMB62536Y0716	\$17,773.28	9.06%
J Q Infrastructure	IMDB80158Y0716	\$14,000.00	7.13%
Total Minority - Local		\$70,178.28	35.76%

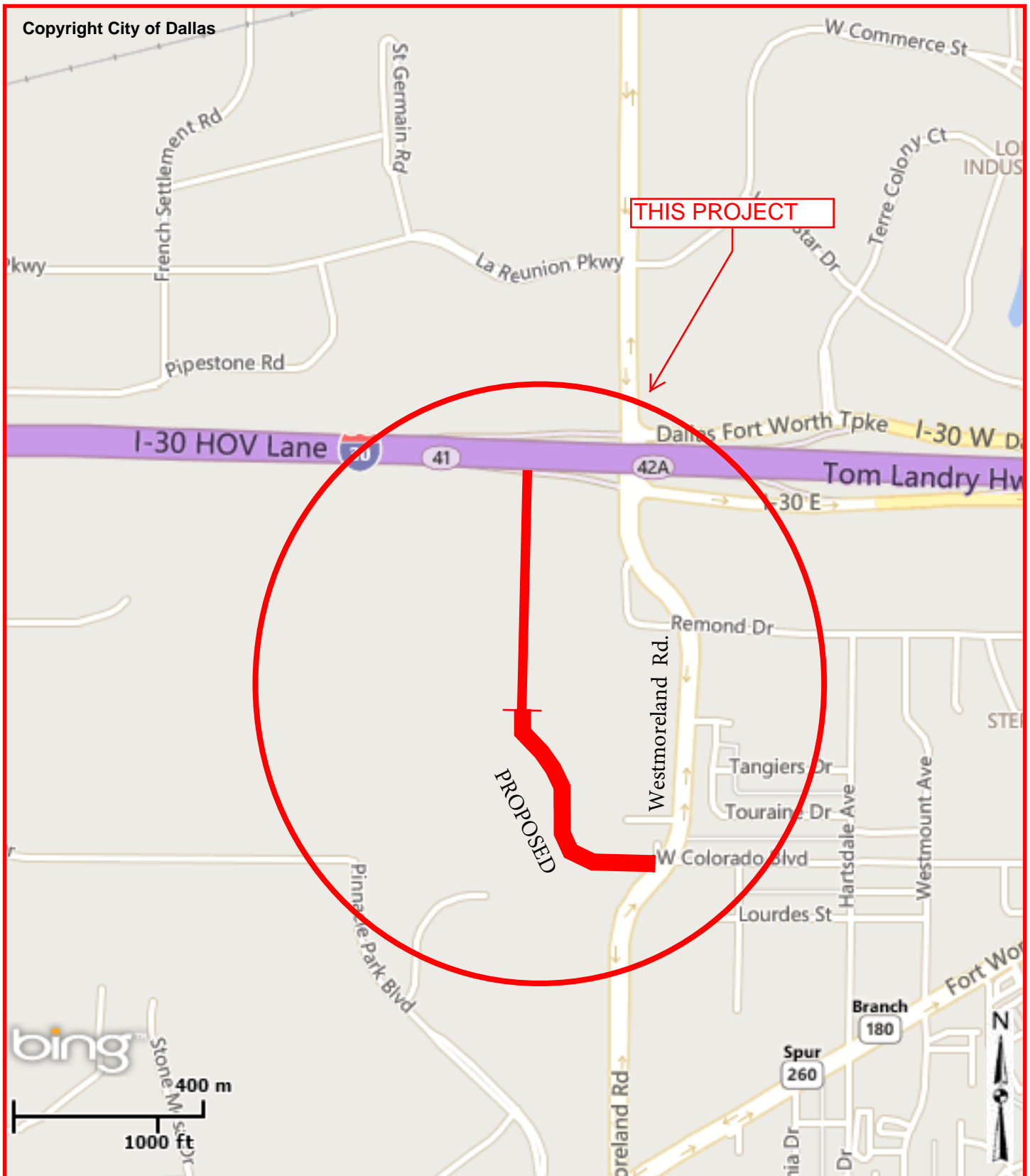
Non-Local Contractors / Sub-Contractors

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	\$56,178.28	28.62%	\$56,178.28	28.62%
Asian American	\$14,000.00	7.13%	\$14,000.00	7.13%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$70,178.28	35.76%	\$70,178.28	35.76%

COLORADO BOULEVARD EXTENSION PHASE II



MAPSCO 43T, X

March 23, 2016

WHEREAS, Kimley-Horn and Associates, Inc. was selected to provide the design of paving, drainage and wastewater improvements for the Colorado Boulevard Extension, Phase II Project to extend the roadway from previously constructed in Phase I to tie into Westmoreland Road at West Colorado Boulevard.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute a professional services contract with Kimley-Horn and Associates, Inc. for the design of paving, drainage and wastewater improvements for the Colorado Boulevard Extension, Phase II Project to extend the roadway from previously constructed in Phase I to tie into Westmoreland Road at West Colorado Boulevard, in an amount not to exceed \$196,256, after it has been approved as to form by the City Attorney.

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

Economic & S. Area of City Transit-oriented Development	
Fund 2U52, Department ECO, Unit W048, Act. ECNR	
Obj. 4111, Program #EC12W048, CT PBW12W048F1	
Vendor #135447, in an amount not to exceed	\$196,256.00

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: March 23, 2016

COUNCIL DISTRICT(S): 5, 12

DEPARTMENT: Public Works Department
Equipment & Building Services
Office Of Environmental Quality

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

MAPSCO: 58N; 5M

SUBJECT

Authorize Supplemental Agreement No. 1 to the professional services contract with EJES, Inc., to provide design services, construction management services, and environmental services for the removal and replacement of two underground fuel storage tanks and one underground oil tank at the North Central Patrol Division, located at 6969 McCallum Boulevard, and for the removal and replacement of two underground fuel storage tanks at the Southeast Patrol Division, located at 725 North Jim Miller Road - Not to exceed \$225,183, from \$14,402 to \$239,585 - Financing: Current Funds (subject to appropriations)

BACKGROUND

The underground fuel storage tanks located on city property are overseen by the Office of Environmental Quality. The Office of Environmental Quality has put together a prioritized list of several underground fuel storage tanks that have reached the end of their life cycle that need to be replaced. The existing three underground storage tanks at the North Central Patrol Division, located at 6969 McCallum Blvd, and the two underground tanks at the Southeast Patrol Division located at 725 N. Jim Miller Rd. are on that list of priorities to be replaced. These improvements are part of a program to remove and replace several outdated underground storage tanks at several facilities throughout the City.

A design contract with EJES, Inc. was authorized by Administrative Action No. 15-6424 on July 16, 2015, in the amount of \$14,402.00, to prepare design plans and specifications along with providing geotechnical services for an above-ground storage tank foundation at Fire Station No. 58.

This action will authorize Supplemental Agreement No. 1 to the existing contract with EJES, Inc. for the replacement of the old underground fuel and oil tanks at the North Central Patrol Division and the Southeast Patrol Division.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	April 2016
Complete Design	June 2016
Begin Construction	September 2016
Complete Construction	January 2017

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Transportation and Trinity River Project Committee on March 21, 2016.

FISCAL INFORMATION

Current Funds - \$225,183 (subject to appropriations)

<u>Council District</u>	<u>Amount</u>
5	\$119,500
12	<u>\$105,683</u>
Total	\$225,183

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

EJES, Inc.

Hispanic Female	1	Hispanic Male	2
African-American Female	20	African-American Male	24
Other Female	3	Other Male	6
White Female	5	White Male	23

OWNER

EJES, Inc.

Edwin Jones, President

MAPS

Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 1 to the professional services contract with EJES, Inc., to provide design services, construction management services, and environmental services for the removal and replacement of two underground fuel storage tanks and one underground oil tank at the North Central Patrol Division, located at 6969 McCallum Boulevard, and for the removal and replacement of two underground fuel storage tanks at the Southeast Patrol Division, located at 725 North Jim Miller Road - Not to exceed \$225,183, from \$14,402 to \$239,585 - Financing: Current Funds (subject to appropriations)

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

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$225,183.00	100.00%
Non-local contracts	\$0.00	0.00%
TOTAL THIS ACTION	\$225,183.00	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>
EJES, Inc.	BMDB6478240716	\$166,505.00	73.94%
Sigma Environmental Solution, Inc.	BMMB6417N0217	\$18,860.00	8.38%
T. Smith Inspection & Testing	BMDB72436Y0616	\$11,500.00	5.11%
LCA Environmental	WFDB32286Y0416	\$19,250.00	8.55%
Hayden Consultants, Inc.	WFDB67364Y0716	\$5,400.00	2.40%
MS Dallas Reprographics	WFWB64722Y0417	\$3,668.00	1.63%
Total Minority - Local		\$225,183.00	100.00%

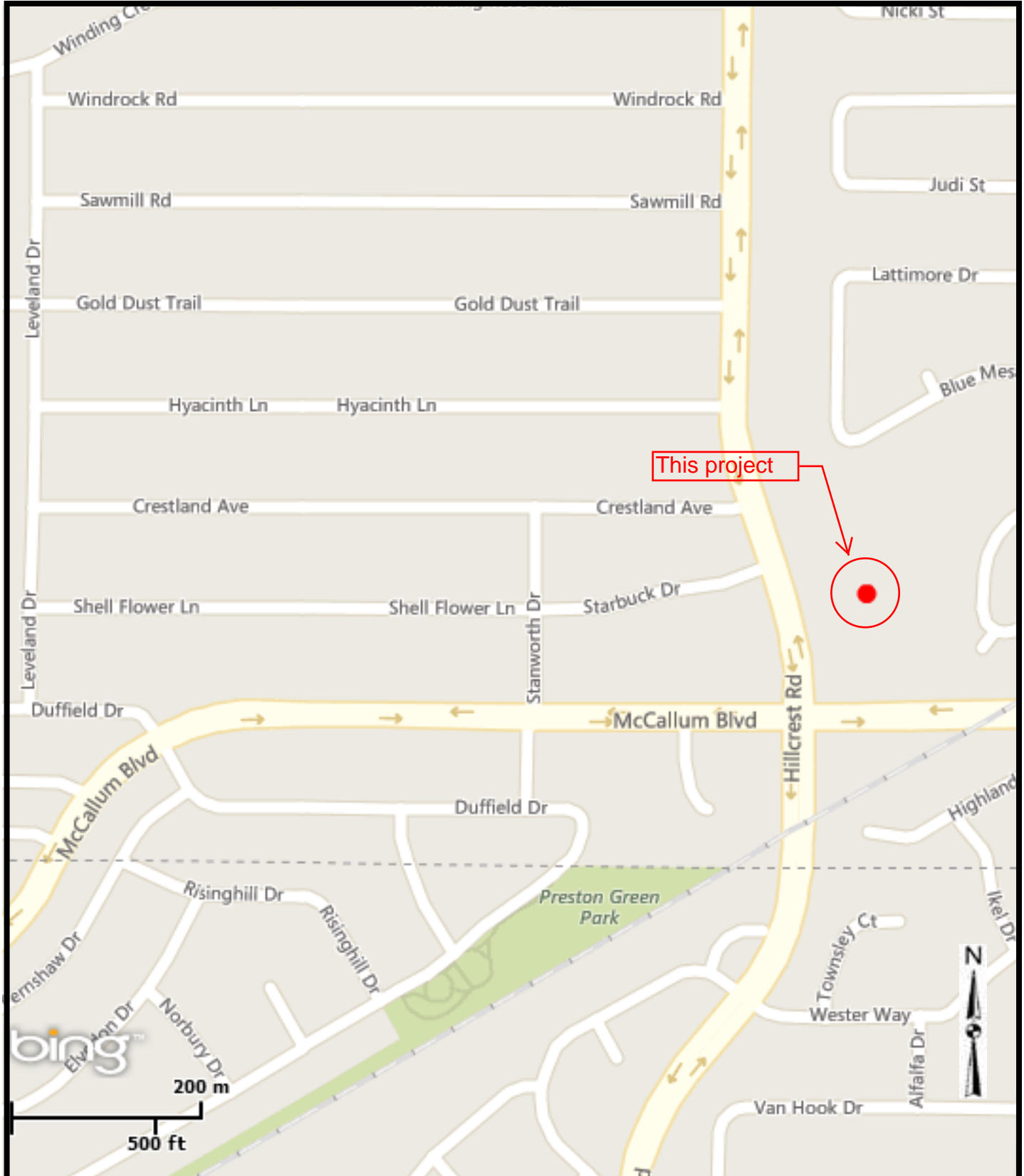
Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

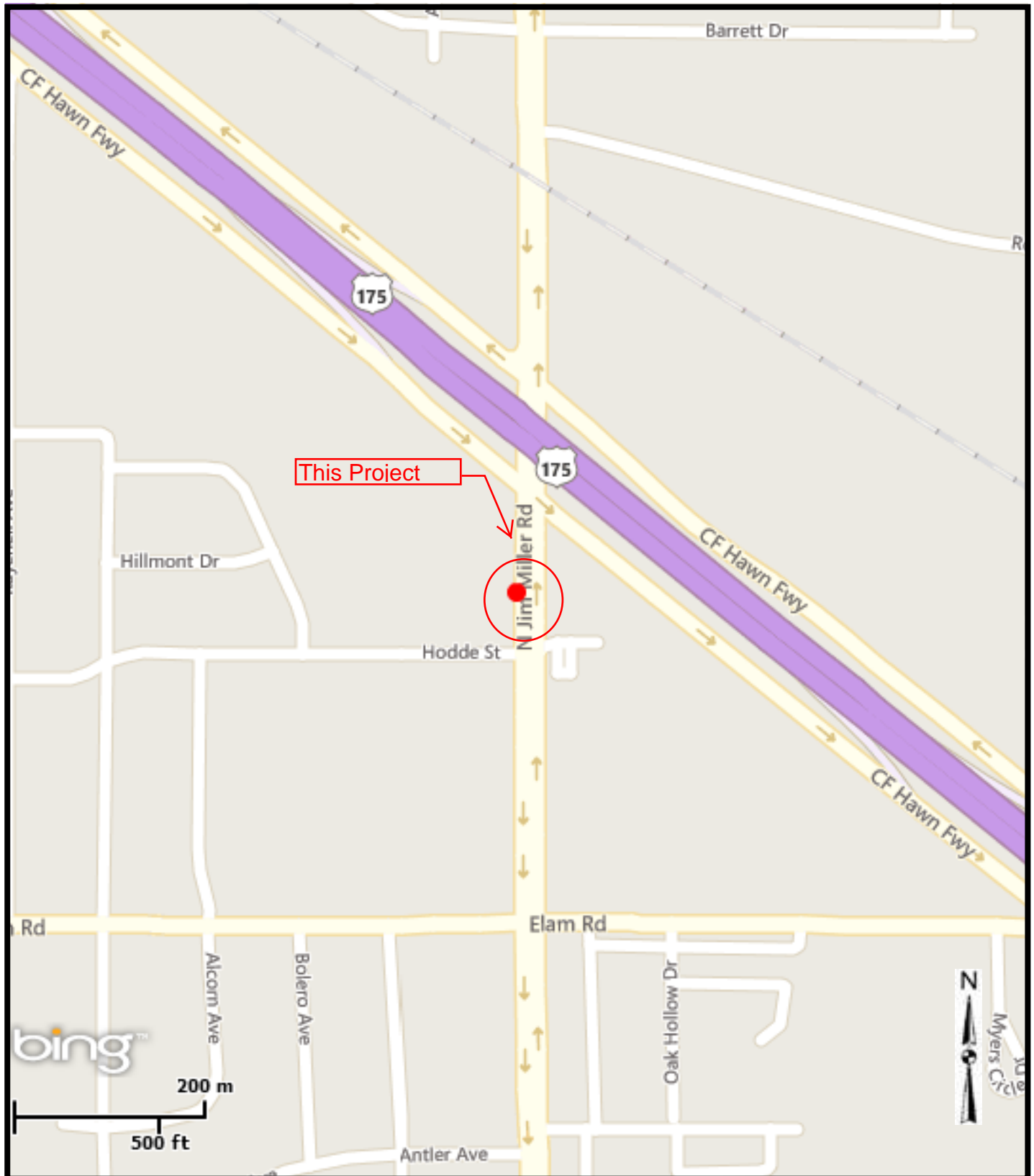
	This Action		Participation to Date	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$196,865.00	87.42%	\$207,185.00	86.48%
Hispanic American	\$0.00	0.00%	\$4,082.00	1.70%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$28,318.00	12.58%	\$28,318.00	11.82%
	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Total	\$225,183.00	100.00%	\$239,585.00	100.00%

North Central Police Service Center and Southeast Police Service Center Underground Storage Tank Removal and Replacement



North Central Police Service Center
6969 McCallum Blvd.
Mapsco 5M

North Central Police Service Center and Southeast Police Service Center Underground Storage Tank Removal and Replacement



Southeast Police Service Center
725 N. Jim Miller Rd.
Mapsco 58N

March 23, 2016

WHEREAS, the City of Dallas has underground fuel storage tanks at the North Central Police Service Center and the Southeast Police Service Center for the purpose of refueling police vehicles; and,

WHEREAS, the existing underground storage tanks have reached the end of their useful service life and need to be replaced as part of a program to remove and replace outdated tanks at City of Dallas facilities; and,

WHEREAS, on July 16, 2015, Administrative Action No. 15-6424 authorized a professional services contract with EJES, Inc. in an amount of \$14,402.00, to provide design services and geotechnical services for a set of plans and specifications for construction of an above-ground storage tank foundation that would be used to support an above-ground storage tank at Fire Station No. 58; and,

WHEREAS, it is now necessary to authorize Supplemental Agreement No. 1 to the professional services contract with EJES, Inc. to provide design services, construction management services, and environmental services for the removal and replacement of two underground fuel storage tanks and one underground oil tank at the North Central Patrol Division, located at 6969 McCallum Boulevard, and for the removal and replacement of two underground fuel storage tanks at the Southeast Patrol Division, located at 725 N. Jim Miller Road, in an amount not to exceed \$225,183.00, from \$14,402.00 to \$239,585.00.

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 Supplemental Agreement No. 1 to the professional services contract with EJES, Inc. to provide design services, construction management services, and environmental services for the removal and replacement of two underground fuel storage tanks and one underground oil tank at the North Central Patrol Division, located at 6969 McCallum Boulevard, and for the removal and replacement of two underground fuel storage tanks at the Southeast Patrol Division, located at 725 N. Jim Miller Road, in an amount not to exceed \$225,183.00, from \$14,402.00 to \$239,585.00 after it has been approved as to form by the City Attorney.

March 23, 2016

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

Current Funds

Fund 0196, Dept. EBS, Unit 1764, Act. MMCF

Obj. 4111, Program #PB1764016, CT PBW1764016E1

Vendor #505524, in an amount not to exceed \$225,183.00 (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.

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: March 23, 2016
COUNCIL DISTRICT(S): 8
DEPARTMENT: Street Services
CMO: Jill A. Jordan, P.E., 670-5299
MAPSCO: 73D

SUBJECT

Authorize **(1)** an Interlocal Agreement with the Texas Department of Transportation to provide cost reimbursement for material and labor related to the reconstruction of the existing traffic signal at the intersection of Interstate 20 and Wheatland Road; and **(2)** the establishment of appropriations in the amount of \$20,218 in the Texas Department of Transportation Grant Fund – Not to exceed \$20,218 – Financing: Texas Department of Transportation Grant Funds

BACKGROUND

The Texas Department of Transportation (TxDOT) is constructing intersection improvements at the intersection of Interstate 20 and Wheatland Road. The improvements at the intersection will include upgrades to pedestrian features, signage, pavement markings and complete reconstruction of the existing traffic signal.

To remain consistent with other equipment in the City-wide system, the City of Dallas will provide traffic signal controllers, controller cabinets, traffic signs and battery backup equipment for the project. TxDOT will reimburse the City for material and labor costs.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Budget, Finance and Audit Committee on March 21, 2016.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction	August 2016
Complete Construction	March 2018

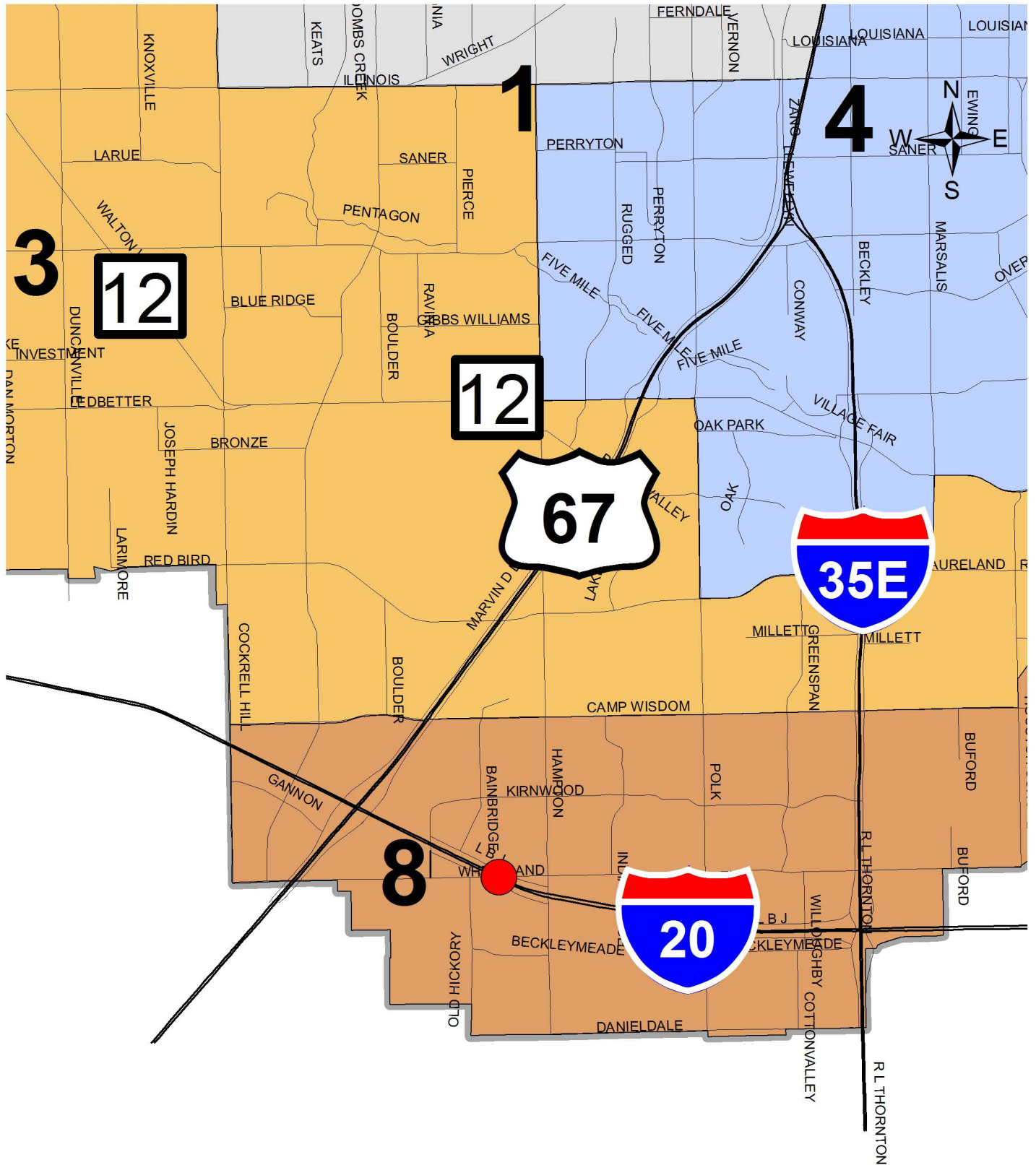
FISCAL INFORMATION

Texas Department of Transportation Grant Funds - \$20,217.82

MAP

Attached

INTERSTATE 20 AND WHEATLAND RD.



March 23, 2016

WHEREAS, the Texas Department of Transportation (TxDOT) will provide reimbursement to the City of Dallas for material and labor costs for traffic signal controllers, controller cabinets, traffic signs and battery backup equipment incurred for complete reconstruction of the existing traffic signal at the intersection of Interstate 20 and Wheatland Road; and,

WHEREAS, TxDOT will reimburse the City for 100% of the City's material and labor costs in an amount not to exceed \$20,217.82; and,

WHEREAS, the City of Dallas desires to enter into an agreement with TxDOT (CFDA 20.205, CSJ 2374-04-077) to receive cost reimbursement for traffic signal improvements at the intersection of Interstate 20 and Wheatland Road.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute an Interlocal Agreement with the Texas Department of Transportation (CFDA 20.205, CSJ 2374-04-077) through a grant from the U. S. Department of Transportation Federal Highway Administration for material and labor costs incurred related to the reconstruction of the existing traffic signal at the intersection of Interstate 20 and Wheatland Road, after it has been approved as to form by the City Attorney. The agreement remains effective as long as the project is incomplete or unless otherwise terminated or modified.

Section 2. That the Chief Financial Officer is hereby authorized to receive and deposit all reimbursements from TxDOT pertaining to this project in an amount not to exceed \$20,217.82 in Fund F8FO, Dept. STS, Unit 88FO, Revenue Source 6506.

Section 3. That the City Manager is hereby authorized to establish an appropriation in the amount of \$20,217.82 in Fund F8FO, Dept. STS, Unit 88FO, Act. THRG Obj. 4820, Major Program STSMJR, Program TPF8FO16.

Section 4. That the Chief Financial Officer is hereby authorized to disburse funds from Fund F8FO, Dept. STS, Unit 88FO, Act. THRG Obj. 4820, Major Program STSMJR, Program TPF8FO16, in an amount not to exceed \$20,217.82.

Section 5. That the City Manager is hereby authorized to reimburse the granting agency any expenditures identified as ineligible and notify the appropriate City Council Committee of expenditures identified as ineligible not later than 30 days after the reimbursement.

March 23, 2016

Section 6. 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 7. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): 2, 5, 7, 10

DEPARTMENT: Street Services

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

MAPSCO: 17W; 38X Y; 45M; 59A B C

SUBJECT

Authorize **(1)** an Interlocal Agreement with the Texas Department of Transportation to provide cost reimbursement for material and labor costs incurred in an amount not to exceed \$167,391 for traffic signal improvements at seven locations, specifically at Loop 12 (Buckner Boulevard) and John West Road, Abrams Road and Forest Lane, Bruton Road and St. Augustine Drive, Dilido Road and John West Road, Bruton Road and Prairie Creek, Bruton Road and Masters Drive and Commerce Street and Good Latimer Expressway; and **(2)** the establishment of appropriations in the amount of \$167,391 in the Texas Department of Transportation Grant Fund - Not to exceed \$167,391 - Financing: Texas Department of Transportation Grant Funds

BACKGROUND

The City of Dallas was awarded a grant of \$3.55 Million from the 2013 Highway Safety Improvement Program (HSIP) administered by the Texas Department of Transportation (TxDOT) to install two new traffic signals and upgrade several signals at high accident intersections in the City of Dallas.

TxDOT is constructing intersection improvements at seven locations, specifically at Loop 12 (Buckner Boulevard) and John West Road, Abrams Road and Forest Lane, Bruton Road and St. Augustine Drive, Dilido Road and John West Road, Bruton Road and Prairie Creek, Bruton Road and Masters Drive, and Commerce Street and Good Latimer Expressway. The traffic signal improvements at the seven intersections will include upgrades to pedestrian features, signage, pavement markings and reconstruction of traffic signals.

To remain consistent with other equipment in the city-wide system, the City of Dallas will provide labor and material for installation of traffic signal controllers, cabinets, traffic signs, and other traffic control equipment for the project. TxDOT has agreed to reimburse the City for 100% of the above cost which includes labor and material.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Budget, Finance and Audit Committee on March 21, 2016.

ESTIMATED SCHEDULE OF PROJECT

Began Design	November 2015
Complete Construction	October 2018

FISCAL INFORMATION

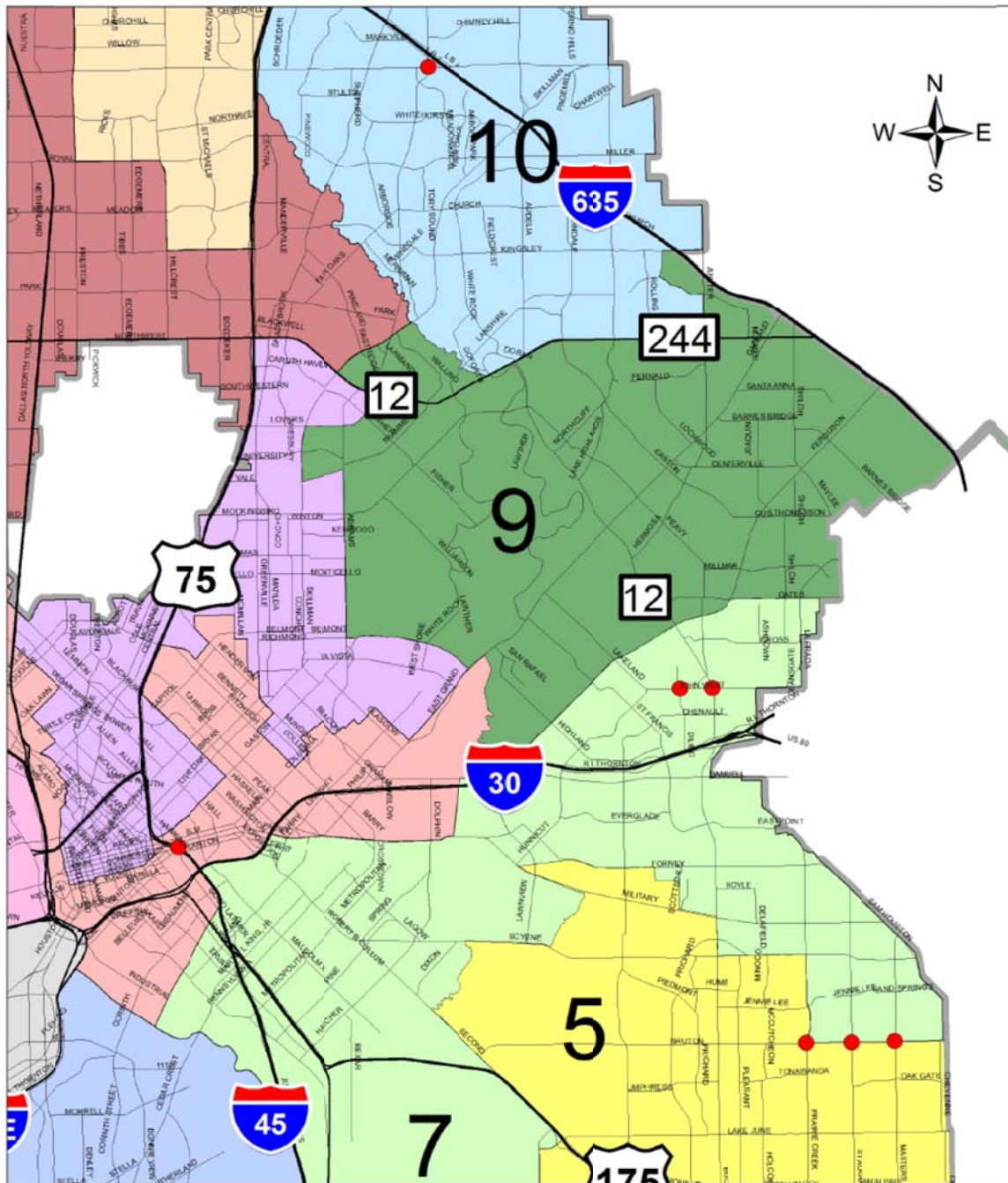
Texas Department of Transportation Grant Funds - \$167,390.79

<u>Council District</u>	<u>Amount</u>
2	\$ 22,546.68
5	\$ 38,602.04
7	\$ 83,695.39
10	<u>\$ 22,546.68</u>
Total	\$167,390.79

MAP

Attached

**2013 HSIP 2016 LETTING
ONE ON AND SIX OFF SYSTEM INTERSECTIONS**



MAPSCO PAGES 17W,38X,Y,45M,59A,B,C

March 23, 2016

WHEREAS, the Texas Department of Transportation (TxDOT) will provide reimbursement to the City of Dallas for material and labor costs incurred for traffic signal improvements at seven intersections, specifically at Loop 12 (Buckner Boulevard) and John West Road, Abrams Road and Forest Lane, Bruton Road and St. Augustine Drive, Dilido Road and John West Road, Bruton Road and Prairie Creek, Bruton Road and Masters Drive, and Commerce Street and Good Latimer Expressway; and,

WHEREAS, TxDOT will reimburse 100% of labor and material costs in an amount not to exceed \$167,390.79; and,

WHEREAS, the City of Dallas desires to enter into an agreement with TxDOT to receive cost reimbursement for material and labor costs incurred for traffic signal improvements at Loop 12 (Buckner Boulevard) and John West Road, Abrams Road and Forest Lane, Bruton Road and St. Augustine Drive, Dilido Road and John West Road, Bruton Road and Prairie Creek, Bruton Road and Masters Drive, and Commerce Street and Good Latimer Expressway.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute an Interlocal Agreement with the Texas Department of Transportation through a grant from the U.S. Department of Transportation Federal Highway Administration (CFDA 20.205) Agreement numbers CSJ#0581-01-141, (Loop 12 (Buckner Boulevard) and John West Road), CSJ#0918-47-104 (Abrams Road and Forest Lane), CSJ#0918-47-105 (Bruton Road and St. Augustine Drive), CSJ#0918-47-106 (Dilido Road and John West Road), CSJ#0918-47-107 (Bruton Road and Prairie Creek), CSJ#0918-47-108 (Bruton Road and Masters Drive), and CSJ#0918-47-109 (Commerce Street and Good Latimer Expressway), after it has been approved as to form by the City Attorney. The agreement remains effective as long as the project is incomplete or unless otherwise terminated or modified.

Section 2. That the Chief Financial Officer is hereby authorized to receive and deposit all reimbursements from TxDOT pertaining to this project in an amount not to exceed \$167,390.79 in Fund F8FQ, Dept. STS, Unit 88FQ, Revenue Source 6506.

Section 3. That the City Manager is hereby authorized to establish an appropriation in the amount of \$167,390.79 in Fund F8FQ, Dept. STS, Unit 88FQ, Act. THRG Obj. 4820, Major Program STSMJR, Program TPF8FQ16.

March 23, 2016

Section 4. That the Chief Financial Officer is hereby authorized to disburse funds from Fund F8FQ, Dept. STS, Unit 88FQ, Act. THRG Obj. 4820, Major Program STSMJR, Program TPF8FQ16, in an amount not to exceed \$167,390.79.

Section 5. That the City Manager is hereby authorized to reimburse the granting agency any expenditures identified as ineligible and notify the appropriate City Council Committee of expenditures identified as ineligible not later than 30 days after the reimbursement.

Section 6. 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 7. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): 2

DEPARTMENT: Sustainable Development and Construction
Water Utilities

CMO: Ryan S. Evans, 671-9837
Mark McDaniel, 670-3256

MAPSCO: 46E

SUBJECT

Authorize settlement in lieu of proceeding with condemnation of a tract of land containing approximately 1,640 square feet from Brigida Flores located near the intersection of Gaston Avenue and Peak Street for the Peak Street and Gaston Avenue Project - Not to exceed \$6,000, increased from \$32,500 (\$30,000, plus closing costs and title expenses not to exceed \$2,500) to \$38,500 (\$35,420, plus closing costs and title expenses not to exceed \$3,080) - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This item authorizes a settlement for the acquisition of approximately 1,640 square feet of land located near the intersection of Gaston Avenue and Peak Street for the Peak Street and Gaston Avenue Project. This settlement will allow acquisition of the property without further condemnation proceedings.

The first resolution authorized a total amount of \$14,760. This offer was rejected. In lieu of proceeding further with condemnation proceedings, the second resolution authorized a total amount of \$32,500 (\$30,000, plus closing costs and title expenses not to exceed \$2,500). That amount is being increased to \$38,500 (\$35,420, plus closing costs and title expenses not to exceed \$3,080). This consideration is based on an independent appraisal.

PRIOR ACTION / REVIEW (COUNCIL BOARDS, COMMISSIONS)

Authorized acquisition on September 27, 2006, by Resolution No. 06-2581.

Authorized acquisition and/or condemnation on December 10, 2008, by Resolution No. 08-3319.

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

Council will be briefed by memorandum regarding this item.

FISCAL INFORMATION

Water Utilities Capital Improvement Funds - \$6,000

Resolution No. 08-3319	\$32,500
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Additional Amount (this action)	<u>\$ 6,000</u>
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Total Authorized Amount	\$38,500
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OWNER

Brigida Flores

MAP

Attached



BLOCK 8/768

N. Peak Street

Gaston Avenue

SUBJECT:



March 23, 2016

A RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR A NEGOTIATED PRICE HIGHER THAN THE AUTHORIZED PURCHASE AMOUNT.

WHEREAS, the Dallas City Council by the FIRST RESOLUTION authorized acquisition, by purchase and/or eminent domain, of the PROPERTY INTERESTS in the PROPERTY held by OWNER for the PROJECT (all said capitalized terms being defined below); and

WHEREAS, OWNER refused the FIRST and SECOND RESOLUTION PURCHASE AMOUNT, but has agreed to the REVISED SETTLEMENT AMOUNT stated herein; and

WHEREAS, the City Council desires to authorize the City Manager to acquire the PROPERTY INTERESTS in the PROPERTY for the negotiated REVISED SETTLEMENT AMOUNT stated herein: **Now, Therefore,**

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

SECTION 1. That the following definitions shall apply to this resolution:

“CITY”: The City of Dallas

“FIRST RESOLUTION”: Resolution No. 06-2581 was approved by the Dallas City Council on September 27, 2006, to authorize the purchase amount of \$14,760.

“SECOND RESOLUTION”: Resolution No. 08-3319 was approved by the Dallas City Council on December 10, 2008, in lieu of proceeding further with condemnation proceedings, an authorized amount of \$30,000 plus closing costs and title expenses not to exceed \$2,500.

“ADDITIONAL AMOUNT (this authorization)”: \$6,000

“PROJECT”: Peak Street and Gaston Avenue Project

“USE”: The construction, use, and maintenance of the wastewater main as may be necessary, provided, however to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE herein provided.

“OWNER”: Brigida Flores, 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.

March 23, 2016

“PROPERTY INTEREST”: Wastewater easement, subject to the exceptions, reservations, covenants, conditions and/or interests, if any provided in the conveyance instrument approved as to form by the City Attorney .

“PROPERTY”: Approximately 1,640 square feet of land in Dallas County, Texas, and being the same property more particularly described in “Exhibit A”, attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining hereto.

“FIRST RESOLUTION PURCHASE AMOUNT”: \$14,760.00

“SECOND RESOLUTION SETTLEMENT AMOUNT”: \$32,500.00

“REVISED SETTLEMENT AMOUNT”: \$35,420.00

“CLOSING COSTS AND TITLE EXPENSES”: Not to exceed \$3,080.00

“REVISED AUTHORIZED AMOUNT”: \$38,500.00

SECTION 2. 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 the CITY of the PROPERTY INTERESTS in and to the PROPERTY pursuant to the conveyance instrument 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 the transaction.

SECTION 3. 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 4. That OWNER has been provided with a copy of the Landowner’s Bill of Rights as contemplated by applicable state statute.

March 23, 2016

SECTION 5. That the Chief Financial Officer is authorized to draw checks for the REVISED SETTLEMENT AMOUNT, closing costs and title expenses, payable as follows:

\$32,500 (Second Resolution Authorized Amount) out of Water Utilities Capital Construction Fund, Fund 0103, Dept. DWU, Unit CS42, Activity RELP, Object 4210, Program 7A1019, Encumbrance No. CT-DWU7A1019EN

\$6,000 (The Additional Amount) is payable out of Wastewater Capital Improvement Fund, Fund 2116, Dept. DWU, Unit PS40, Activity RELP, Object 4250, Program 716028, Encumbrance No. CT-DWU716028CPA, and said payment shall be delivered to a title insurance company after evidence of satisfactory title has been provided to and approved by the City Attorney. The REVISED SETTLEMENT AMOUNT - \$35,420 and the CLOSING COSTS AND TITLE EXPENSES - \$3,080 together shall not exceed the REVISED AUTHORIZED AMOUNT - \$38,500.

SECTION 6. That the CITY is to have possession and/or use, as applicable, of the PROPERTY at closing; and the 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 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.

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

BY 
Assistant City Attorney

Field Notes Describing a 1,640 Square Foot (0.0376 Acre)
Wastewater Easement
To Be Acquired in Block 8/768
from Felix Flores, Sr.

Being a 1,640 Square Foot (0.0376 Acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, in the City of Dallas, Dallas County, Texas, and being a portion of Lots 1 & 2 of Block No. 8 of Peak's Suburban Addition (Block 8/768, official City of Dallas Block Numbers), an addition to the City of Dallas dated February 24, 1879 and recorded in Volume 45, Page 56 of the Deed Records of Dallas County, and being a portion of that tract of land conveyed to Felix Flores, Sr. from Floyd Loupot by Warranty Deed dated July 14, 2006 and recorded in Instrument Number 200600275683 of the Official Public Records of Dallas County, Texas, all lying in Block 8/768, official City of Dallas Block Numbers, and being more particularly described as follows:

COMMENCING at a 5/8 inch dia. iron rod with cap marked "DC&A, RPLS 3935" found at the intersection of the Southeast line of Swiss Avenue (an 80-Foot wide Right-of-Way) with the Northeast line of Peak Street (a 60-Foot wide Right-of-Way), both streets having been dedicated by said Peak's Suburban Addition, being the most Westerly corner of said block 8/768, and the most Westerly corner of Lot 8, Block 8/768 of the said Peak's Suburban Addition:

THENCE South 45°00'00" East with the said Northeast line of Peak Street, being also the Southwest line of said Lot 8, a distance of 252.50 feet to a 5/8 inch diameter iron rod with cap marked "DALLAS" (herein after called "5/8" I.R. w/COD Cap") set at the common Southwest corner of Lots 1 and 8, being also the most Westerly corner of a tract of land conveyed to C&M Management Co. by deed recorded in Volume 98166, Page 02165 of the Deed Records of Dallas County:

THENCE North 44°54'00" East, departing the last said Northeast line of Peak Street and with the common line between said Lots 8 and 1, for a distance of 113.98 feet to a 5/8" I.R. w/COD Cap set at the common Northwest corner of said C&M Management parcel and said Felix Flores tract, being also the most Westerly corner and **POINT OF BEGINNING** of the herein described tract of land:

THENCE North 44°54'00" East, continuing with the said common line between Lots 1 and 8, pass at 50.02 feet the common corner between Lots 1, 2, 7 & 8, and continuing for a total distance of 82.02 feet to a 5/8" I.R. w/COD Cap set at the common corner with a tract of land conveyed to Charles Krovetz by deed recorded in Volume 79089, Page 892 of the Deed Records of Dallas County:

Field Notes Describing a 1,640 Square Foot (0.0376 Acre)
Wastewater Easement
To Be Acquired in Block 8/768
from Felix Flores, Sr.

THENCE South 45°00'12" East with the common line between said Felix Flores and Charles Krovetz tracts a distance of 20.00 feet to a 5/8" I.R. w/COD Cap set at the most Easterly corner of this tract:

THENCE South 44°54'00" West, being at all times 20 feet measured perpendicularly Southeasterly from and parallel with the said common line between Lots 1, 2, 7 & 8, a distance of 82.02 feet to an "X" cut in concrete on the said common line between said Felix Flores and C&M Management tracts:

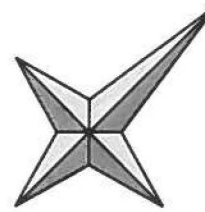
THENCE North 45°00;12" West with the common line between the Felix Flores and C&M Management tracts a distance of 20.00 feet to the **POINT OF BEGINNING**, containing 1,640 square feet, or 0.0376 acres of land.

BASIS OF BEARINGS: The Northeast line of Gaston Avenue, at South 45°00'00" East, as called in the deed to C&M Management Co., recorded in Volume 98166, page 2165 of the Deed Records of Dallas County, Texas.

Scott Holt
10/5/2015



SWISS AVE.
80' R.O.W.)



0 25 50

1" I.P.
Found

PK Nail
Found

58" I.R. Found wCap
Marked "DC&A RPLS 3935"
POINT OF COMMENCING

JOHN GRIGSBY SURVEY
Abstract No. 495

PHSW Investments LLC
Int. #20070026672
(Pt. Lot 7)

Peak's Suburban Addn.
Vol. 45, Pg. 56

BLOCK 8/768

Dennis W. Hetrick &
Victoria L. Hetrick
Vol. 88140 Pg. 3460
(Lot 8 & Pt. Lot 7)

**1,640 Sq. Ft. (0.0375 Ac.)
Wastewater Easement
To Be Acquired**

**POINT OF
BEGINNING**

113.98', N 44°54'00" E

82.02', N 44°54'00" E

SET 58" I.R.
wCOD Cap

20.00'
S 45°00'12" E

20.00'
S 45°00'12" E

82.02', S 44°54'00" W

58" I.R.
Found

12" I.R.
Found

58" I.R.
Found

Wastewater Easement
to City of Dallas
Int. #201000054131

C & M Management Co.
Vol. 98166 Pg. 2165 et al
(3 Tracts, all Pt. Lot 1)

"X" Cut
in Conc.

Charles Krovetz
Real Estate Company
Vol. 79089 Pg. 0892

Felix Flores, Sr.
Int. #200600275683
(Pt. Lots 1&2)

LEGEND

ROW Line	_____
Lot Line	-----
Property Line	_____

⊗ Indicates 58-inch Diameter Iron Rod
set with Cap Marked "DALLAS"

2

Sheet 3 of 3

Dallas Water Utilities			
Project #787114			
Wastewater Easement; To Be Acquired Through City Block #8768, Between Swiss Ave. & Gaston Ave., From Peak Street to Carroll Ave.			
City of Dallas, PW&T Survey Division			
OPERNAME	DESIGN FILE NAME	SCALE	DATE
Scott Holt	\\ENGR\SURVEY\HOLT\Surveys\Field Notes & Easements.dgn	As Noted	8-10-15
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
Prunty	S. Holt	Block Folder 8/768	411D-049-B

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): 2

DEPARTMENT: Sustainable Development and Construction
Water Utilities

CMO: Ryan S. Evans, 671-9837
Mark McDaniel, 670-3256

MAPSCO: 46E

SUBJECT

Authorize settlement in lieu of proceeding with condemnation of a tract of land containing approximately 2,000 square feet from Charles Krovetz Real Estate Company located near the intersection of Swiss Avenue and Peak Street for the Peak Street and Gaston Avenue Project - Not to exceed \$8,000, increased from \$38,500 (\$36,000, plus closing costs and title expenses not to exceed \$2,500) to \$46,500 (\$43,200, plus closing costs and title expenses not to exceed \$3,300) - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This item authorizes a settlement for the acquisition of approximately 2,000 square feet of land located near the intersection of Swiss Avenue and Peak Street for the Peak Street and Gaston Avenue Project. This settlement will allow acquisition of the property without further condemnation proceedings.

The first resolution authorized a total amount of \$18,000. This offer was rejected. In lieu of proceeding further with condemnation proceedings, the second resolution authorized a total amount of \$38,500 (\$36,000, plus closing costs not to exceed \$2,500). That amount is being increased to \$46,500 (\$43,200, plus closing costs and title expenses not to exceed \$3,300). This consideration is based on an independent appraisal.

PRIOR ACTION / REVIEW (COUNCIL BOARDS, COMMISSIONS)

Authorized acquisition on September 27, 2006, by Resolution No. 06-2581.

Authorized acquisition and/or condemnation on December 10, 2008, by Resolution No. 08-3320.

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

Council will be briefed by memorandum regarding this item.

FISCAL INFORMATION

Water Utilities Capital Improvement Funds - \$8,000

Resolution No. 06-2581 (initial offer amount)	\$18,000
---	----------

Resolution No. 08-3320 (settlement in lieu amount)	\$38,500
--	----------

Additional Amount (this action)	<u>\$ 8,000</u>
---------------------------------	-----------------

Total Authorized Amount	\$46,500
-------------------------	----------

OWNER

Charles Krovetz Real Estate Company

Charles Krovetz, Owner

MAP

Attached



Swiss Avenue

Peak Street

BLOCK 8/768



SUBJECT:



March 23, 2016

A RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR A NEGOTIATED PRICE HIGHER THAN THE AUTHORIZED PURCHASE AMOUNT.

WHEREAS, the Dallas City Council by the FIRST RESOLUTION authorized acquisition, by purchase and/or eminent domain, of the PROPERTY INTERESTS in the PROPERTY held by OWNER for the PROJECT (all said capitalized terms being defined below); and

WHEREAS, OWNER refused the FIRST and SECOND RESOLUTION PURCHASE AMOUNT, but has agreed to the REVISED SETTLEMENT AMOUNT stated herein; and

WHEREAS, the City Council desires to authorize the City Manager to acquire the PROPERTY INTERESTS in the PROPERTY for the negotiated REVISED SETTLEMENT AMOUNT stated herein: **Now, Therefore,**

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

SECTION 1. That the following definitions shall apply to this resolution:

“CITY”: The City of Dallas

“FIRST RESOLUTION”: Resolution No. 06-2581 was approved by the Dallas City Council on September 27, 2006, to authorize the purchase amount of \$18,000.

“SECOND RESOLUTION”: Resolution No. 08-3320 was approved by the Dallas City Council on December 10, 2008, in lieu of proceeding further with condemnation proceedings, an authorized amount of \$36,000 plus closing costs and title expenses not to exceed \$2,500.

“ADDITIONAL AMOUNT (this authorization)”: \$8,000

“PROJECT”: Peak Street and Gaston Avenue Project

“USE”: The construction, use, and maintenance of the wastewater main as may be necessary, provided, however to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE herein provided.

March 23, 2016

“OWNER”: Charles Krovetz Real Estate Company, provided, however, that the term “OWNER” as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

“PROPERTY INTEREST”: Wastewater easement, subject to the exceptions, reservations, covenants, conditions and/or interests, if any provided in the conveyance instrument approved as to form by the City Attorney.

“PROPERTY”: Approximately 2,000 square feet of land in Dallas County, Texas, and being the same property more particularly described in “Exhibit A”, attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining hereto.

“FIRST RESOLUTION PURCHASE AMOUNT”: \$18,000.00

“SECOND RESOLUTION PURCHASE AMOUNT”: \$38,500.00

“REVISED SETTLEMENT AMOUNT”: \$43,200.00

“CLOSING COSTS AND TITLE EXPENSES”: Not to exceed \$3,300.00

“REVISED AUTHORIZED AMOUNT”: \$46,500.00

SECTION 2. 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 the CITY of the PROPERTY INTERESTS in and to the PROPERTY pursuant to the conveyance instrument 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 the transaction.

SECTION 3. 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 4. That Owner has been provided with a copy of the Landowner's Bill of Rights as contemplated by applicable state statute.

March 23, 2016

SECTION 5. That the Chief Financial Officer is authorized to draw checks for the REVISED SETTLEMENT AMOUNT, closing costs and title expenses, payable as follows:

\$38,500 (Second Resolution Authorized Amount) out of Water Utilities Capital Construction Fund, Fund 0103, Dept. DWU, Unit CS42, Activity RELP, Object 4210, Program 7A1018, Encumbrance No. CT-DWU7A1018EN

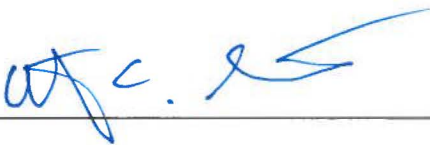
\$8,000 (The Additional Amount) is payable out of Wastewater Capital Improvement Fund, Fund 2116, Dept. DWU, Unit PS40, Activity RELP, Object 4250, Program 716028, Encumbrance No. CT-DWU716028CPB, and said payment shall be delivered to a title insurance company after evidence of satisfactory title has been provided to and approved by the City Attorney. The REVISED SETTLEMENT AMOUNT - \$43,200 and the CLOSING COSTS AND TITLE EXPENSES - \$3,300 together shall not exceed the REVISED AUTHORIZED AMOUNT - \$46,500.

SECTION 6. That the CITY is to have possession and/or use, as applicable, of the PROPERTY at closing; and the 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 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.

APPROVED AS TO FORM:
WARREN M. S. ERNST, CITY ATTORNEY

BY: _____

A handwritten signature in blue ink, appearing to be "W. C. Ernst", is written over a horizontal line.

Field Notes Describing a 2,000 Square Foot (0.0459 Acre)
Wastewater Easement
To Be Acquired in Block 8/768
from The Charles Krovetz Real Estate Company

Being a 2,000 Square Foot (0.0459 Acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, Dallas County, City of Dallas, Texas, and being a portion of Lot 2 of Block No. 8 (Block 8/768 Official City of Dallas Block Numbers) of Peak's Suburban Addition, an addition to the City of Dallas dated February 24, 1879 and recorded in Volume 45, Page 56 of the Deed Records of Dallas County, and being a portion of that tract of land conveyed to the Charles Krovetz Real Estate Company from Charles Krovetz by Warranty Deed dated April 1, 1979 and recorded in Volume 79089, Page 0894 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at a 5/8 inch diameter iron rod with cap marked "DC&A, RPLS 3935" found at the intersection of the Southeast line of Swiss Avenue (an 80-foot wide Right-of-Way) with the Northeast line of Peak Street (a 60-foot wide Right-of-Way), both streets having been dedicated by said Peak's Suburban Addition, being the most Westerly corner of said Block 8/768, and being also the most Westerly corner of Lot 8, Block 8/768 of said Peak's Suburban Addition:

THENCE South 45°00'00" East with the said Northeast line of Peak Street, being also the Southwest line of said Lot 8, a distance of 252.50 feet to a 5/8 inch diameter iron rod with cap marked "DALLAS" (hereinafter referred to as "5/8" I.R. w/COD Cap") set at the common Southwest corner of Lots 1 and 8:

THENCE North 44°54'00" East departing the last said Northeast line of Peak Street, over and across a portion of said Block 8/768 and with the common line between Lots 1, 2, 7 & 8 a distance of 196.00 feet to a 5/8" I.R. w/COD Cap set at the common Northwest corner between the said Charles Krovetz tract and a tract conveyed to Felix Flores, Sr., by deed recorded in Instrument Number 200600275683 of the Official Public Records of Dallas County, being also the most Westerly corner and **POINT OF BEGINNING** of the herein described tract of land

THENCE North 44°54'00" East with the common line between said Lots 2 & 7, pass at 72.49 feet a 5/8 inch diameter iron rod found, and continuing for a total distance of 100.00 feet to a 5/8 inch diameter iron rod with cap marked "DALLAS" set at the common Northwest corner with a tract conveyed to MSC 1 Ltd., as recorded in Volume 2005150, Page 5569 of the Deed Records of Dallas County, Texas:

Field Notes Describing a 2,000 Square Foot (0.0459 Acre)
Wastewater Easement
To Be Acquired in Block 8/768
from The Charles Krovetz Real Estate Company

THENCE South 45°00'12" East with the common line between the Charles Krovetz Real Estate Co. and MSC 1 Ltd tracts a distance of 20.00 feet to a 60-D Nail set at the most Easterly corner of the herein described tract of land:

THENCE South 44°54'00" West, being at all times 20-feet measured perpendicularly Southeasterly from and parallel with the common line between Lots 2 & 7, a distance of 100.00 feet to a 5/8" I.R. w/COD Cap set on the common line between the Charles Krovetz and said Felix Flores, Sr., tracts:

THENCE North 45°00'12" West with the common line between said Flores and Krovetz tracts a distance of 20.00 feet to the **POINT OF BEGINNING**, containing 2,000 Square Feet, or 0.0459 Acres of land.

BASIS OF BEARINGS: The Northeast line of Peak Street, at South 45°00'00" East, as called in the deed to C&M Management Co., recorded in Volume 98166, page 02165 of the Deed Records of Dallas County, Texas.

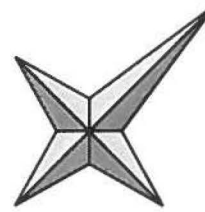
Scott Holt
6/15/2015



EXHIBIT A

SWISS AVE.

(80' row)



0 25 50

PK Nail Found

1" I.P. Found

58" I.R. Found wCap
Marked "DC&A RPLS 3935"
POINT OF COMMENCING

JOHN GRIGSBY SURVEY
Abstract No. 495

Morningside Property Co.
VOL.2000057 PG.3339
(Pt. Lot 7)

Dennis W. Hetrick &
Victoria L. Hetrick
VOL.88140 PG.3460
(Lot 8 & Pt. Lot 7)

PHSW Investments LLC
Int. #20070026672
(Pt. Lot 7)

Peak's Suburban Addn.
Vol.45, Pg. 56

2,000 Sq. Ft. (0.0459 Ac.)
Wastewater Easement
To Be Acquired

BLOCK
8/768

Wastewater Easement
to City of Dallas
Int. #201000098894

SET 58" I.R.
wCOD Cap
POINT OF
BEGINNING

58" I.R.
Found
12" I.R.
Found

196.00', N 44°54'00" E

20' Wastewater
Easement

SET 58" I.R.
wCOD Cap

20.00'
N 45°00'12" W

"X" Cut
in Conc.

100.00', N 44°54'00" E

72.49'

20.00'

S 45°00'12" E

100.00', S 44°54'00" W

SET 58" I.R.
wCOD Cap

SET 60-D
Nail

MSC 1 Ltd.
Vol. 2005150
Pg. 5569

Charles Krovetz
Real Estate Company
VOL.79089 PG.0892

C & M Management Co.
VOL.98166 PG.02168 et al
(3 Tracts, all Pt. Lot 1)

Felix Flores, Sr.
Int. #200600275683
(Pt. Lots 1&2)

LEGEND

ROW Line —————
Lot Line - - - - -
Property Line ————

⊗ Indicates 58-inch Diameter Iron Rod
set with Cap Marked "DALLAS"

Sheet 3 of 3

Dallas Water Utilities			
Project #787114			
Sanitary Sewer Easement; To Be Acquired Through City Block 8/768, Between Swiss Ave. & Gaston Ave., From Peak Street to Carroll Ave.			
City of Dallas, PW&T Survey Division			
OPERNAME	DESIGN FILE NAME	SCALE	DATE
Scott Holt	\\ENGR\SURVEY\HOLT\Surveys\Field Notes & Easements.dgn	Not to Scale	6-12-15
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
Prunty	S. Holt	Block Folder 8/768	411D-049-C

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): Outside City Limits

DEPARTMENT: Sustainable Development and Construction
Water Utilities

CMO: Ryan S. Evans, 671-9837
Mark McDaniel, 670-3256

MAPSCO: 67Y

SUBJECT

Authorize acquisition from County of Dallas, of approximately 15,337 square feet of land located in the City of Hutchins for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$33,674 (\$30,674 plus closing costs and title expenses not to exceed \$3,000) – Financing: Water Utilities Capital Construction Funds

BACKGROUND

This item authorizes the acquisition of a tract of land containing approximately 15,337 square feet of land in the City of Hutchins for the Southwest 120/96-inch Water Transmission Pipeline Project. This property will be used for the construction of a 96-inch and 120-inch diameter treated water transmission line from the East Side Water Treatment Plant to Southwest Dallas. The consideration is based on an independent appraisal.

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

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council will be briefed by memorandum regarding this item.

FISCAL INFORMATION

Water Utilities Capital Construction Funds - \$33,674 (\$30,674, plus closing costs and title expenses not to exceed \$3,000)

OWNER**County of Dallas**

Clay Lewis Jenkins, Dallas County Judge

MAP

Attached

CITY OF DALLAS RIGHT-OF-WAY
COUNTY OF DALLAS
CITY OF HUTCHINS, DALLAS COUNTY, TEXAS



SUBJECT:



March 23, 2016

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 15,337 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, and any and all improvements, rights and appurtenances appertaining thereto.

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

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

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

"OWNER": County of Dallas, 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": \$30,674

"CLOSING COSTS AND TITLE EXPENSES": Not to Exceed \$3,000

"AUTHORIZED AMOUNT": \$33,674

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.

March 23, 2016

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 Chief Financial Officer is authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Water Utilities Capital Construction Funds, Fund No. 0102, Department DWU, Unit CW40, Activity MPSA, Program No. 706623, Object 4210, Encumbrance No. CT-DWU706623CPDU. 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 Begonia N. Lopez II
Assistant City Attorney

EXHIBIT A

PARCEL E-437
CITY OF DALLAS RIGHT-OF-WAY
15,337 SQUARE FOOT (0.3521 ACRE) TRACT
COUNTY OF DALLAS
CITY OF HUTCHINS, DALLAS COUNTY, TEXAS

BEING an 15,337 square foot (0.3521 acre) tract of land situated in the Ulrich Wuthrich Survey, Abstract No. 1518, City of Hutchins, Dallas County, Texas, and being part of the second tract of land described in Warranty Deed dated May 31, 1884 to the County of Dallas as recorded in Volume 67, Page 11 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described as follows:

BEGINNING at a 5/8-inch set iron rod with yellow plastic cap stamped "HALFF" (hereinafter referred to as "with cap") for the south corner of a corner clip for the intersection of the easterly right-of-way line of U.S. Highway 310 (a variable width right-of-way, 190 feet wide at this point) with the southeasterly right-of-way line of Langdon Road (a variable width right-of-way), both rights-of-way described as Tract No. I in deed to the State of Texas as recorded in Volume 2793, Page 441, D.R.D.C.T.;

THENCE North 15 degrees 06 minutes 27 seconds East, with said corner clip, a distance of 90.40 feet to a 5/8-inch set iron rod with cap for the north corner of said corner clip on the southeasterly right-of-way line of said Langdon Road (80 feet wide at this point);

THENCE North 58 degrees 50 minutes 27 seconds East, with the southeasterly right-of-way line of said Langdon Road, a distance of 63.32 feet to a 1/2-inch set iron rod with cap for corner;

THENCE South 29 degrees 41 minutes 47 seconds East, departing said southeasterly right-of-way line, over and across said County of Dallas tract, a distance of 79.79 feet to a 1/2-inch set iron rod with cap for corner;

THENCE South 15 degrees 06 minutes 27 seconds West, with a line offset 100 feet southeasterly from and parallel to said corner clip, a distance of 101.60 feet to a 5/8-inch set iron rod with cap for corner;

THENCE South 58 degrees 50 minutes 27 seconds West, departing said parallel offset line, continuing over and across said County of Dallas tract, a distance of 73.39 feet to a 5/8-inch set iron rod with cap for corner in the easterly right-of-way line of said U.S. Highway 310;

THENCE North 18 degrees 09 minutes 33 seconds West, with the easterly right-of-way line of said U.S. Highway 310, a distance of 89.81 feet to the POINT OF BEGINNING and containing 15,337 square feet (0.3521 of an 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.

WAV
21 FEB
2014



FIELD NOTES APPROVED:

Handwritten signature and date 3/2/14



ULRICH WUTHRICH SURVEY, ABSTRACT NO. 1518

EXHIBIT A

MARK C. JACOBS AND
LESLIE D. JACOBS
(VOL. 2001250, PG. 01546)

0 50 100 150 200
SCALE: 1"=100'

U.S. HIGHWAY - 310
(VARIABLE WIDTH RIGHT-OF-WAY)

Approx. location of
T.P. & L. Easement
(VOL. 2258, PG. 135)

FND. CONC.
MON.
(C.M.)

LANGDON ROAD
(VARIABLE WIDTH RIGHT-OF-WAY)
(TRACT NO. 1, VOL. 2793, PG. 441)

N15°06'27"E

90.40'

N58°50'27"E

63.32'

POINT OF
BEGINNING

N18°09'33"W

89.81'

FND. Broken
Conc. MON.
(C.M.)

U.S. HIGHWAY - 310
(VARIABLE WIDTH RIGHT-OF-WAY)
(TRACT NO. 1, VOL. 2793, PG. 441)

5/8" SIR
W/CAP

5/8" SIR
W/CAP

S18°09'33"E

22.59'

S01°27'36"E

104.34'

S58°50'27"W

73.39'

COUNTY OF DALLAS
(VOL. 67, PG. 11)

PARCEL E-437
15,337 SQ. FT.
OR
0.3521 ACRE

S15°06'27"W

101.60'

UNPLATTED

ULRICH WUTHRICH SURVEY,
ABSTRACT NO. 1518

(Basis of Bearing
rotated clockwise 01°48'33"
from the R.O.W. map
bearing of S16°21'E)

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.

PARCEL E-437
CITY OF DALLAS RIGHT-OF-WAY
15,337 SQUARE FOOT (0.3521 ACRE) TRACT
COUNTY OF DALLAS
CITY OF HUTCHINS, DALLAS COUNTY, TEXAS

LEGEND

SIR SET IRON ROD
W/CAP WITH YELLOW CAP STAMPED "HALFF"
(C.M.) CONTROL MONUMENT
T.P. & L. TEXAS POWER AND LIGHT COMPANY



1201 N. BOWSER ROAD RICHARDSON, TEXAS 75081
TELE. (214)346-6200 FAX (214)739-0095

DATE: FEBRUARY, 2014

AVO.: 25143

PAGE 2 OF 2



21 FEB
2014

Notice of Confidentiality Rights: If you are a natural person, you may remove or strike any or all of the following information from any Instrument that transfers an interest in real property before it is filed for record in the public records: Your social security number or your driver's license number.

SPECIAL WARRANTY DEED

EXHIBIT B

THE STATE OF TEXAS §

KNOW ALL BY THESE PRESENTS:

COUNTY OF DALLAS §

That the **County of Dallas**, a political subdivision of the State of Texas, ("Grantor"), pursuant to a duly executed Commissioners Court Order No. 2016- _____ dated _____, 2016, for and in consideration of the sum of Thirty Thousand Six Hundred Seventy Four and No Dollars (\$30,674.00), has Granted, Sold and Conveyed, and by these presents does Grant, Sell and Convey, without warranty, express or implied, and subject to the terms, covenants, conditions, reservations, restrictions and exceptions hereinafter made unto the **City of Dallas**, a Texas municipal corporation, of 1500 Marilla Street, Dallas, Texas, 75201 ("Grantee"), all of the property as described in Exhibit A, which is attached hereto and made a part hereof ("Property").

Grantor reserves all of the oil, gas and sulphur in and under the land herein conveyed but waives all rights of ingress and egress to the surface thereof for the purpose of exploring, developing, mining or drilling for same; however, nothing in this reservation shall affect the title and rights of the Grantee to take and use all other minerals and materials thereon, therein and thereunder.

This conveyance is executed and delivered subject to all easements, reservations, conditions, covenants and restrictive covenants as the same appears of record in the Real Property Records of Dallas County, Texas, or apparent on the ground, and to all encroachments, zoning, regulations and ordinances of municipal and/or other governmental authorities, if any, which affect the property herein conveyed, to the extent they are valid and subsisting and are enforceable against a political subdivision of the State of Texas.

As a material part of the consideration for this deed, GRANTOR and GRANTEE agree that, to the maximum extent allowed by law, (a) GRANTEE is taking the Property "AS IS, WHERE IS, WITH ALL FAULTS", (b) GRANTOR disclaims responsibility as to the accuracy or completeness of any information relating to the Property, (c) GRANTEE assumes all responsibility to examine all applicable building codes and zoning ordinances to determine if the Property can be used for the purposes desired and to check for outstanding or pending code enforcement actions including but not limited to repair or demolition orders, and (d) GRANTOR expressly disclaims and GRANTEE expressly waives, any warranty or representation, express or implied, including without limitation any warranty of condition, habitability, merchantability or fitness for a particular purpose of the Property. Without limiting the foregoing, GRANTOR makes no representations of any nature regarding the Property and specifically disclaims any warranty, guaranty or representation, oral or written, express or implied, past, present, or future, concerning: (i) the nature and condition of the Property, including without limitation, the water, soil and geology, and the suitability thereof and the Property for any and all activities and

uses which GRANTEE may elect to conduct thereon, and the existence of any environmental substances, hazards or conditions or presence of any endangered or protected species thereon or compliance with all applicable laws, rules or regulations; (ii) the nature and extent of any right-of-way, lease, possession, lien, encumbrance, license, reservation, condition or otherwise; (iii) the compliance of the Property or its operation with any law, ordinance or regulation of any federal, state, or local governmental authority; and (iv) whether or not the Property can be developed or utilized for any purpose. For purposes hereof, "environmental substances" means the following: (a) any "hazardous substance" under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C.A. 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 lubrication oils, (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C.A. Section 651 et. seq., as amended, (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C.A. Section 6901 et. seq., as amended, (f) asbestos, (g) polychlorinated biphenyls, (h) underground storage tanks, whether empty, filled, or partially filled with any substance, (i) any substance, the presence of which is prohibited by federal, state or local laws and regulations, and (j) any other substance which by federal, state or local laws and regulations requires special handling or notification of governmental authorities in its collection, storage, treatment or disposal. 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.

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

(signature page follows)

EXECUTED this _____ day of _____, 2016.

*Approved as to Form:

SUSAN HAWK

DALLAS COUNTY DISTRICT ATTORNEY

COUNTY OF DALLAS, TEXAS

By: _____

Sherri L. Turner
Assistant District Attorney

By: _____

Clay Lewis Jenkins
Dallas County Judge

*By law, the District Attorney's Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval, and should seek review and approval by their own respective attorney(s).

ACKNOWLEDGMENT

THE STATE OF TEXAS §

COUNTY OF DALLAS §

This instrument was acknowledged before me on the _____ day of _____, 2016, by Clay Lewis Jenkins, County Judge for the County of Dallas, Texas, on behalf of the County of Dallas, Texas, a political subdivision of the State of Texas.

Notary Public, State of Texas

My Commission Expires _____

GRANTORS ADDRESS: RETURN ORIGINAL TO GRANTOR:

County of Dallas
411 Elm Street, 3rd Floor
Dallas, Texas 75202
Attn: Assistant Director
Public Works Property Division

EXHIBIT A

PARCEL E-437
CITY OF DALLAS RIGHT-OF-WAY
15,337 SQUARE FOOT (0.3521 ACRE) TRACT
COUNTY OF DALLAS
CITY OF HUTCHINS, DALLAS COUNTY, TEXAS

BEING an 15,337 square foot (0.3521 acre) tract of land situated in the Ulrich Wuthrich Survey, Abstract No. 1518, City of Hutchins, Dallas County, Texas, and being part of the second tract of land described in Warranty Deed dated May 31, 1884 to the County of Dallas as recorded in Volume 67, Page 11 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described as follows:

BEGINNING at a 5/8-inch set iron rod with yellow plastic cap stamped "HALFF" (hereinafter referred to as "with cap") for the south corner of a corner clip for the intersection of the easterly right-of-way line of U.S. Highway 310 (a variable width right-of-way, 190 feet wide at this point) with the southeasterly right-of-way line of Langdon Road (a variable width right-of-way), both rights-of-way described as Tract No. I in deed to the State of Texas as recorded in Volume 2793, Page 441, D.R.D.C.T.;

THENCE North 15 degrees 06 minutes 27 seconds East, with said corner clip, a distance of 90.40 feet to a 5/8-inch set iron rod with cap for the north corner of said corner clip on the southeasterly right-of-way line of said Langdon Road (80 feet wide at this point);

THENCE North 58 degrees 50 minutes 27 seconds East, with the southeasterly right-of-way line of said Langdon Road, a distance of 63.32 feet to a 1/2-inch set iron rod with cap for corner;

THENCE South 29 degrees 41 minutes 47 seconds East, departing said southeasterly right-of-way line, over and across said County of Dallas tract, a distance of 79.79 feet to a 1/2-inch set iron rod with cap for corner;

THENCE South 15 degrees 06 minutes 27 seconds West, with a line offset 100 feet southeasterly from and parallel to said corner clip, a distance of 101.60 feet to a 5/8-inch set iron rod with cap for corner;

THENCE South 58 degrees 50 minutes 27 seconds West, departing said parallel offset line, continuing over and across said County of Dallas tract, a distance of 73.39 feet to a 5/8-inch set iron rod with cap for corner in the easterly right-of-way line of said U.S. Highway 310;

THENCE North 18 degrees 09 minutes 33 seconds West, with the easterly right-of-way line of said U.S. Highway 310, a distance of 89.81 feet to the POINT OF BEGINNING and containing 15,337 square feet (0.3521 of an 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.

Handwritten: JAL
21 FEB
2014



FIELD NOTES APPROVED:

Handwritten signature: JAL 3/2/14



ULRICH WUTHRICH SURVEY, ABSTRACT NO. 1518

EXHIBIT A

MARK C. JACOBS AND
LESLIE D. JACOBS
(VOL. 2001250, PG. 01546)

0 50 100 150 200
SCALE: 1"=100'

U.S. HIGHWAY - 310
(VARIABLE WIDTH RIGHT-OF-WAY)

Approx. location of
T.P. & L. Easement
(VOL. 2258, PG. 135)

FND. CONC.
MON.
(C.M.)

LANGDON ROAD
(VARIABLE WIDTH RIGHT-OF-WAY)
(TRACT NO. 1, VOL. 2793, PG. 441)

N15°06'27"E
90.40'

N58°50'27"E
63.32'

POINT OF
BEGINNING

N18°09'33"W
89.81'

1/2" SIR
W/CAP

S29°41'47"E
79.79'

FND. Broken
Conc. MON.
(C.M.)

5/8" SIR
W/CAP

S18°09'33"E
22.59'

PARCEL E-437
15,337 SQ. FT.
OR
0.3521 ACRE

S15°06'27"W
101.60'

COUNTY OF DALLAS
(VOL. 67, PG. 11)

U.S. HIGHWAY - 310
(VARIABLE WIDTH RIGHT-OF-WAY)
(TRACT NO. 1, VOL. 2793, PG. 441)

S01°27'36"E
104.34'

S58°50'27"W
73.39'

UNPLATTED

ULRICH WUTHRICH SURVEY,
ABSTRACT NO. 1518

(Basis of Bearing
rotated clockwise 01°48'33"
from the R.O.W. map
bearing of S16°21'E)

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.

PARCEL E-437
CITY OF DALLAS RIGHT-OF-WAY
15,337 SQUARE FOOT (0.3521 ACRE) TRACT
COUNTY OF DALLAS
CITY OF HUTCHINS, DALLAS COUNTY, TEXAS

LEGEND

SIR SET IRON ROD
W/CAP WITH YELLOW CAP STAMPED "HALFF"
(C.M.) CONTROL MONUMENT
T.P. & L. TEXAS POWER AND LIGHT COMPANY



HALFF

1201 N. BOWSER ROAD RICHARDSON, TEXAS 75081
TELE. (214)346-6200 FAX (214)739-0095

DATE: FEBRUARY, 2014

AVO.: 25143

PAGE 2 OF 2



21 FEB
2014

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): 3

DEPARTMENT: Sustainable Development and Construction
Park & Recreation

CMO: Ryan S. Evans, 671-9837
Mark McDaniel, 670-3256

MAPSCO: 43S W X

SUBJECT

A resolution authorizing acceptance of the only bid received from SLF III - The Canyon in Oak Cliff, L.P. for approximately 12.993 acres of land located near the intersection of Pinnacle Park Boulevard and Falls Bluff Drive in exchange for approximately 23.78 acres of unwanted and unneeded City-owned land located near the intersection of Pinnacle Park Boulevard and Pinnacle Point Drive - Revenue: \$7,500

BACKGROUND

On May 11, 2013, in accordance with Ordinance No's. 28938 and 28939, as amended, an election was held and the majority of the voting public authorized the City Council to: (1) convey by sale or exchange the property and (2) use the proceeds of the conveyance for the enhancement of the City of Dallas Park and Recreation System.

On May 22, 2013, by Resolution No. 13-0910, the City Council accepted the results of the public's vote and said property was deemed unwanted and unneeded surplus land.

On December 10, 2014, by Resolution No. 14-2200, the City Council authorized the property to be advertised for sale and/or exchange of land for Park purposes.

This property was advertised for sale in the Dallas Morning News for a minimum cash bid of \$517,967 and/or in exchange for needed land of comparable value plus an additional \$7,500 for administrative costs.

One bid was received from SLF III - The Canyon in Oak Cliff, L.P. (SLF) to convey to the City approximately 12.993 acres of land located near the intersection of Pinnacle Park Boulevard and Falls Bluff Drive in exchange for approximately 23.78 acres of unwanted and unneeded City-owned land located near the intersection of Pinnacle Park Boulevard and Pinnacle Point Drive.

BACKGROUND (Continued)

SLF's property has an appraised value of \$1,652,597, and consists of a desirable terrain. The property is located near a multi-family development, and is conducive for Park Development and trail purposes.

The City-owned property has an appraised value of \$517,967, and is irregularly shaped with severe slope. The property is surrounded by industrial development and is considered less conducive for trail purposes. This land will return to the tax rolls upon conveyance.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council declared this property unwanted and unneeded on December 10, 2014, by Resolution No. 14-2200.

Information about this item was provided to the Economic Development Committee on January 19, 2016.

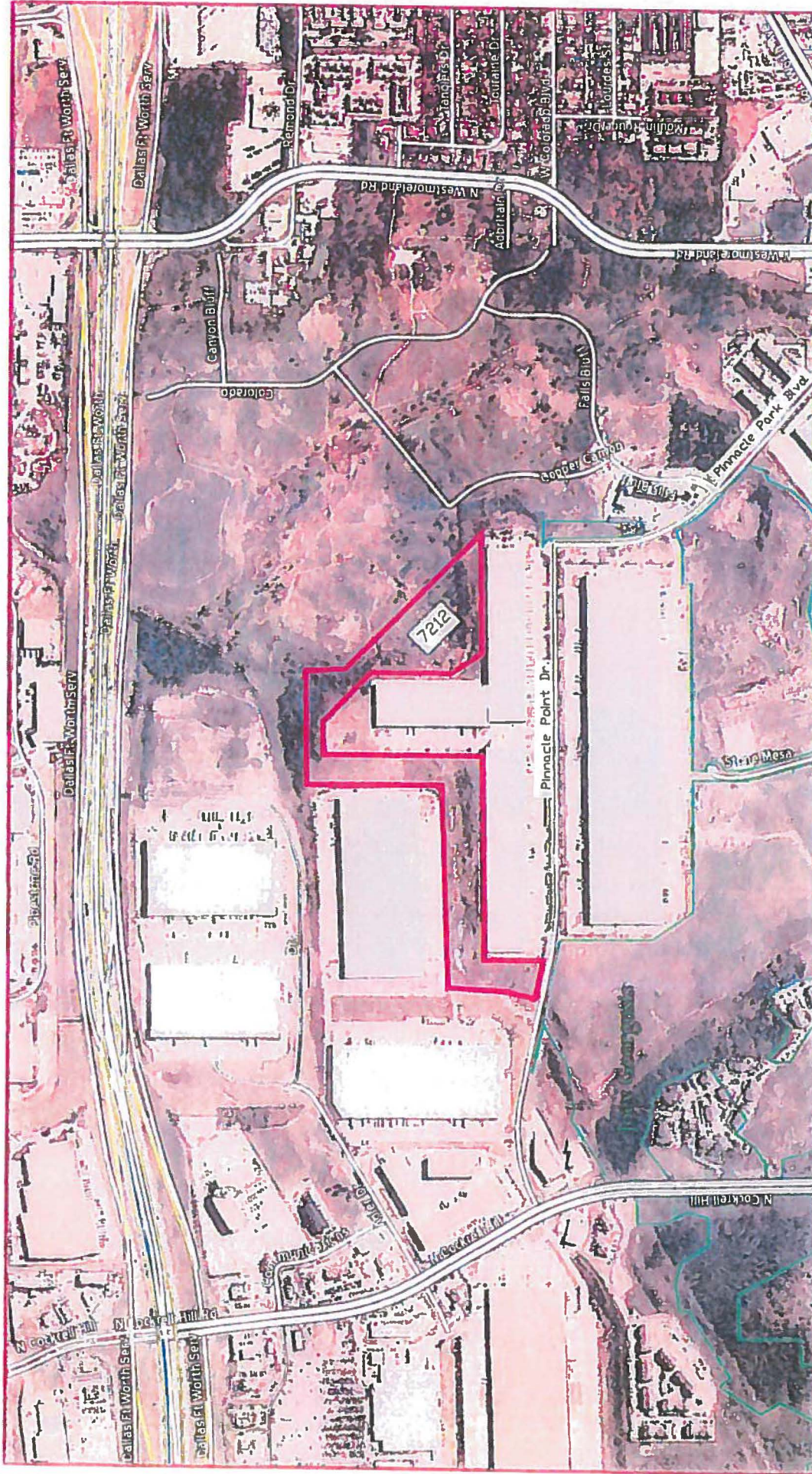
Park Board approved the acceptance of the bid on February 4, 2016.

FISCAL INFORMATION

Revenue: \$7,500

MAPS

Attached

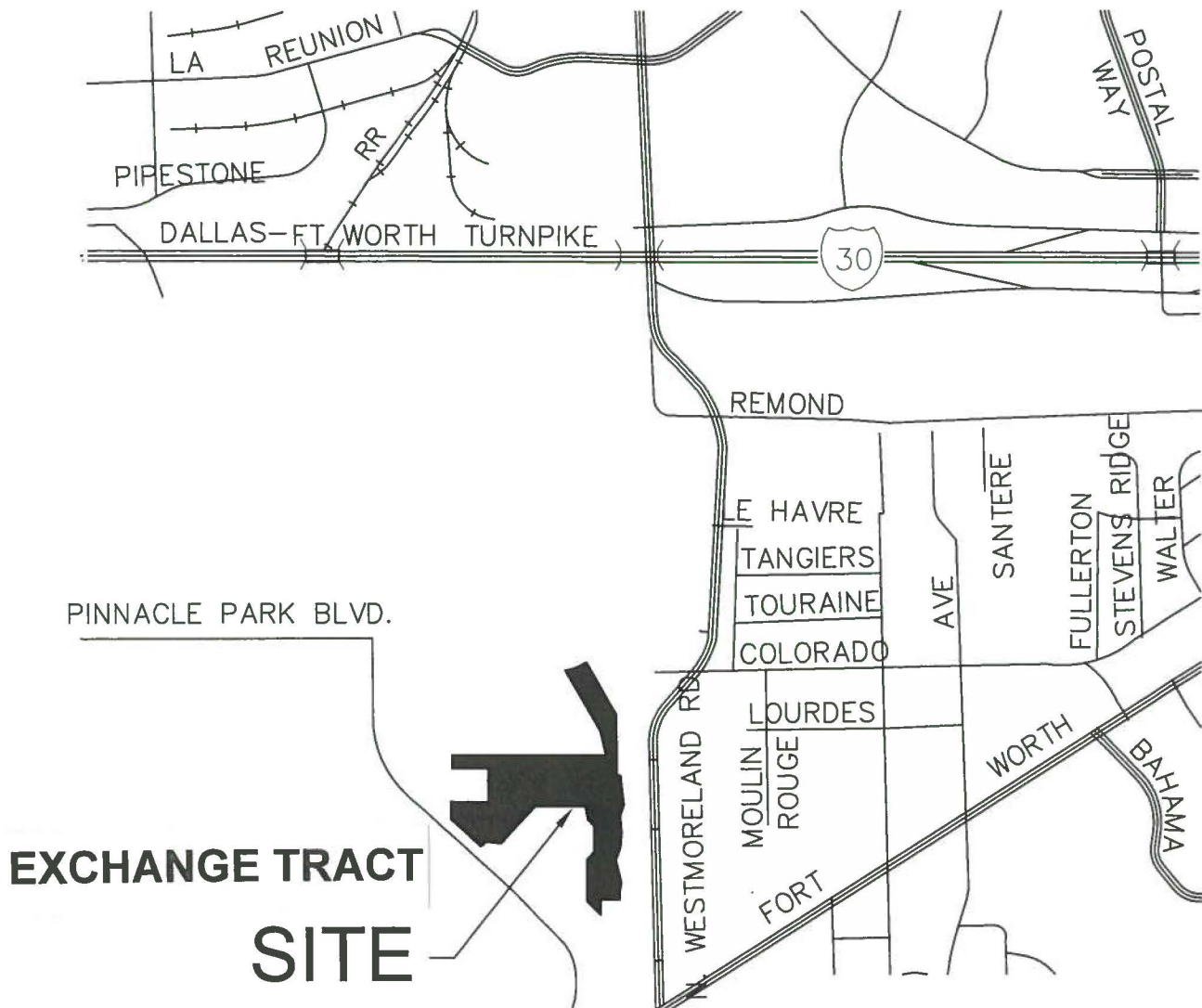


Joey Georgusis Park
Park Land Sale



SUBJECT AREA





LOCATOR MAP

NOT TO SCALE

March 23, 2016

WHEREAS, the City of Dallas is the owner of a tract of land containing approximately 23.78 acres of land in Block 7212, Dallas County, Texas, located at 4524 W. Davis Street, near the intersection of Pinnacle Park Boulevard and Pinnacle Point Drive (the "City Property"); and

WHEREAS, on May 11, 2013, in accordance with Ordinance No's. 28938 and 28939, as amended, an election was held and the majority of the voting public authorized the City Council to: (1) convey by sale or exchange the property and (2) use the proceeds of the conveyance for the enhancement of the City of Dallas Park and Recreation System; and

WHEREAS, on May 22, 2013, by Resolution No. 13-0910, the City Council accepted the results of the public's vote and said property was deemed unwanted and unneeded surplus land; and

WHEREAS, on December 10, 2014, by Resolution No. 14-2200, the City Council authorized the Property to be advertised for sale and/or exchange of land for Park purposes pursuant to State law; provided that the minimum bid has a cash fair market value of not less than \$517,967; and

WHEREAS, on January 29, 2015, the City received one bid from SLF III - The Canyon in Oak Cliff, L.P. for the exchange of land for Park purposes with a market value not less than the equivalent value of the City of Dallas' property and has found that this bid complies with all legal requirements and is acceptable; **Now, Therefore,**

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

SECTION 1. That upon receipt from SLF III - The Canyon in Oak Cliff, L.P. of **SEVEN THOUSAND FIVE HUNDRED AND NO/100 (\$7,500.00) DOLLARS** and a Deed Without Warranty and an owner's policy of title insurance, acceptable as to form by the City Attorney conveying approximately 12.993 acres of land located near the intersection of Pinnacle Park Boulevard and Falls Bluff Drive, Dallas County, Texas (the "Canyon Property"), to the City of Dallas, the City Manager or designee is hereby authorized to execute a Deed Without Warranty conveying approximately 23.78 acres of City-owned land near the intersection of Pinnacle Park Boulevard and Pinnacle Point Drive, Dallas County, Texas (the "City Property") to SLF III - The Canyon in Oak Cliff, L.P., to be attested by the City Secretary upon approval as to form by the City Attorney.

March 23, 2016

SECTION 2. That SLF III - The Canyon in Oak Cliff, L.P. shall convey good and indefeasible fee simple title to the land comprising the Canyon Property and offered for exchange, by Deed Without Warranty, free and clear of all liens and encumbrances and subject only to such title exceptions as shall be deemed acceptable by the City Attorney and said title into the City shall be insured by an owner's policy of title insurance issued by a title insurer acceptable to the City in an amount not less than fair market value in a form and subject to only those matters approved by the City Attorney. SLF III - The Canyon in Oak Cliff, L.P. shall not reserve any oil, gas and other minerals in and under the Canyon Property for itself or any other related affiliate, successor, or assign.

SECTION 3. That the exchange land tract comprising the Canyon Property being conveyed to City by SLF III - The Canyon in Oak Cliff, L.P., is subject to the following:

- (a) satisfactory due diligence of the property's feasibility for City purposes, including but not limited to being environmentally satisfactory, as determined by the City of Dallas' Office of Environmental Quality; and
- (b) easements for grading and installation, use, maintenance, repair and replacement of utilities, drainage improvements, hike/bike trails, landscaping and roadways, together with access in compliance with TCEQ, USACE 404 and other federal state and local governmental approvals and permits relating to The Canyon in Oak Cliff; and
- (c) that certain Drainage, Water Quality and Water Feature Easement and Designation of Common Area recorded in Dallas County Real Property Records; and
- (d) obligation of the Canyon in Oak Cliff Property Owners Association, Inc. to maintain the landscaping, water features and any other improvements on the property and present at closing; and
- (e) that, to the maximum extent allowed by law, the sale shall be strictly on an "AS IS, WHERE IS, WITH ALL FAULTS" basis; and
- (f) such other terms and requirements of the sale and/or disclaimers as the City deems necessary, convenient or appropriate.

SECTION 4. That the Deed Without Warranty of the City surplus land comprising the City Property shall provide that the conveyance to SLF III - The Canyon in Oak Cliff, L.P., a Texas limited partnership, ("Grantee") is subject to the following:

- (a) a restriction prohibiting the placement of industrialized housing on the Property; and

March 23, 2016

SECTION 4. (Continued)

- (b) any visible and apparent easements and any encroachments whether of record or not; and
- (c) any and all covenants, conditions, reservations, restrictions, exceptions, easements, rights-of-way, mineral interests, mineral leases or other instruments of record and applicable to the City Property or any part thereof, including without limitation those in favor of the City of Dallas; and
- (d) standby fees, taxes and assessments, if any, by any taxing authority for the year of closing and subsequent years and assessments by any taxing authority for prior years due to changes in land usage or ownership, the payment of said standby fees, taxes, and assessments being assumed by Grantee; and
- (e) that, to the maximum extent allowed by law, the sale shall be strictly on an “AS IS, WHERE IS, WITH ALL FAULTS” basis; and
- (f) such other terms and requirements of the sale and/or disclaimers as the City deems necessary, convenient or appropriate.

SECTION 5. That as a material part of the consideration for the sale, the parties shall acknowledge and agree and provide the relevant instruments that, to the maximum extent allowed by law, each (a) is taking the acquired property “AS IS, WHERE IS, WITH ALL FAULTS”, (b) disclaims responsibility as to the accuracy or completeness of any information relating to the property, (c) assumes all responsibility to examine all applicable building codes and zoning ordinances to determine if the property can be used for the purposes desired and to check for outstanding or pending code enforcement actions including but not limited to repair or demolition orders, and (d) expressly disclaims and expressly waives, any warranty or representation, express or implied, including without limitation any warranty of condition, habitability, merchantability or fitness for a particular purpose of the property. Without limiting the foregoing, each party makes no representations of any nature regarding the property and specifically disclaims any warranty, guaranty or representation, oral or written, express or implied, past, present, or future, concerning:

March 23, 2016**SECTION 5.** (Continued)

(i) the nature and condition of the property, including without limitation, the water, soil and geology, and the suitability thereof and the property for any and all activities and uses which each, as to their respective acquired property, may elect to conduct thereon, and the existence of any environmental substances, hazards or conditions or presence of any endangered or protected species thereon or compliance with all applicable laws, rules or regulations; (ii) the nature and extent of any right-of-way, lease, possession, lien, encumbrance, license, reservation, condition or otherwise; (iii) the compliance of the property or its operation with any law, ordinance or regulation of any federal, state, or local governmental authority; and (iv) whether or not the property can be developed or utilized for any purpose. For purposes hereof, "environmental substances" means the following: (a) any "hazardous substance" under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C.A. 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 lubrication oils, (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C.A. Section 651 et. seq., as amended, (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C.A. Section 6901 et. seq., as amended, (f) asbestos, (g) polychlorinated biphenyls, (h) underground storage tanks, whether empty, filled or partially filled with any substance, (i) any substance, the presence of which is prohibited by federal, state or local laws and regulations, and (j) any other substance which by federal, state or local laws and regulations requires special handling or notification of governmental authorities in its collection, storage, treatment or disposal. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulation as now or hereafter promulgated.

SECTION 6. That the monetary consideration set forth in Section 1, shall be deposited into 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 legal description, appraisal and other administrative costs incurred.

SECTION 7. That all closing costs and title expenses for the City Property and the Canyon Property, including without limitation costs of title insurance, shall be paid by **GRANTEE**.

SECTION 8. That the City Property is now on the exempt tax roll, and taxes for the remaining part of the then current calendar year shall be assessed from the date of closing.

March 23, 2016

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

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

BY 
Assistant City Attorney

AGENDA ITEM # 37

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: March 23, 2016
COUNCIL DISTRICT(S): 7
DEPARTMENT: Trinity Watershed Management
CMO: Mark McDaniel, 670-3256
MAPSCO: 56C

SUBJECT

A resolution authorizing the sale of approximately 5,062 square feet of City-owned land located near the intersection of US 175 and Harding Street to the Texas Department of Transportation - Revenue: \$6,074

BACKGROUND

This item will authorize the sale of approximately 5,062 square feet of City-owned land located near the intersection of US 175 and Harding Street to the Texas Department of Transportation, an entity with the power of eminent domain. The City may sell or exchange its property to a governmental entity that has the power of eminent domain without complying with the notice and bid requirements pursuant to Chapter 272 of the Local Government Code. The purchase price of \$6,074 is based on an independent appraisal. This property will be used for TxDOT's planned ROW CSJ: 0197-02-113 (SM Wright) project.

This property will be conveyed with a reservation of all oil, gas and other minerals in and under the property.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

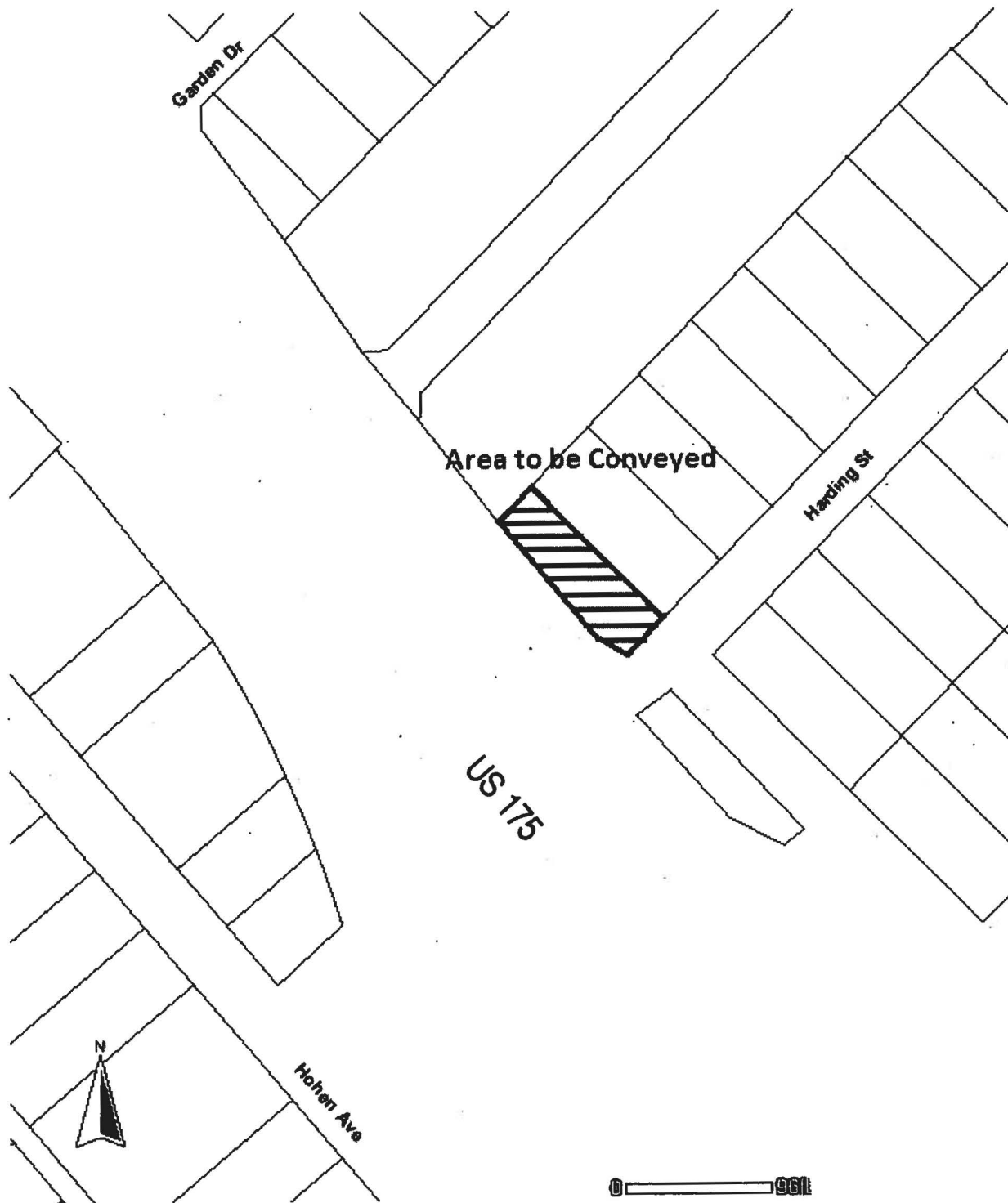
Information about this item will be provided to the Transportation and Trinity River Project Committee on March 21, 2016.

FISCAL INFORMATION

Revenue: \$6,074

MAP

Attached



March 23, 2016

WHEREAS, the City of Dallas is the owner of a tract of land containing approximately 5,062 square feet of land, Block 1/2524, Dallas County, Texas, (the "Property") and located near the intersection of US 175 and Harding Street, which is no longer needed for municipal use; and

WHEREAS, the Texas Department of Transportation, a State of Texas Agency, has the power of eminent domain and proposes to purchase said property at fair market value; and

WHEREAS, the City of Dallas may sell or exchange its property to a governmental entity that has the power of eminent domain, for fair market value as determined by an appraisal, without complying with the notice and bidding requirements for the sale of public lands provided for in Chapter 272, Section 272.001 of the Texas Local Government Code; and

WHEREAS, certain provisions of Section 2-24 of the Dallas City Code do not apply to the sale of land by the City of Dallas to other governmental entities as contemplated and authorized herein; **Now, Therefore,**

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

SECTION 1. That upon receipt of **SIX THOUSAND SEVENTY-FOUR AND NO/100 (\$6,074.00) DOLLARS** from the State of Texas, the City Manager or designee is authorized to execute a Deed Without Warranty, to be attested by the City Secretary upon approval as to form by the City Attorney for approximately 5,062 square feet of land Block 1/2524, Dallas County, Texas (the "Property") and located near the intersection of US 175 and Harding Street. The Deed Without Warranty being subject to the conditions contained in Section 2.

SECTION 2. That the Deed Without Warranty shall provide that the conveyance to the State of Texas ("**GRANTEE**") is subject to the following:

- (a) a restriction prohibiting the placement of industrialized housing on the property; and
- (b) reservation by the City of Dallas of all oil, gas and other minerals in and under the Property with a waiver of surface access rights relating to said minerals; and
- (c) any visible and apparent easements and any encroachments whether of record or not; and

March 23, 2016**SECTION 2.** (Continued)

- (d) any and all covenants, conditions, reservations, restrictions, exceptions, easements, rights-of-way, mineral interests, mineral leases or other instruments of record and applicable to the Property or any part thereof; and
- (e) to the maximum extent allowed by law, (i) **GRANTEE** is taking the Property "AS IS, WHERE IS, WITH ALL FAULTS"; (ii) GRANTOR disclaims responsibility as to the accuracy or completeness of any information relating to the Property; (iii) **GRANTEE** assumes all responsibility to examine all applicable building codes and zoning ordinances to determine if the Property can be used for the purposes desired and to check for outstanding or pending code enforcement actions including but not limited to repair or demolition orders; and (iv) GRANTOR expressly disclaims and **GRANTEE** expressly waives, any warranty or representation, express or implied, including without limitation any warranty of condition, habitability, merchantability or fitness for a particular purpose of the Property; and
- (f) GRANTOR makes no representations of any nature regarding the Property and specifically disclaims any warranty, guaranty or representation, oral or written, express or implied, past, present, or future, concerning: (i) the nature and condition of the Property, including without limitation, the water, soil and geology, and the suitability thereof and the Property for any and all activities and uses which **GRANTEE** may elect to conduct thereon, and the existence of any environmental substances, hazards or conditions or presence of any endangered or protected species thereon or compliance with all applicable laws, rules or regulations; (ii) the nature and extent of any right-of-way, lease, possession, lien, encumbrance, license, reservation, condition or otherwise; (iii) the compliance of the Property or its operation with any law, ordinance or regulation of any federal, state, or local governmental authority; and (iv) whether or not the Property can be developed or utilized for any purpose. For purposes hereof, "environmental substances" means the following: (a) any "hazardous substance" under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C.A. 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 lubrication oils, (d) any "hazardous chemicals" or "toxic

March 23, 2016**SECTION 2. (Continued)**

chemicals" under the Occupational Safety and Health Act, 29 U.S.C.A. Section 651 et. seq., as amended, (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C.A. Section 6901 et. seq., as amended, (f) asbestos, (g) polychlorinated biphenyls, (h) underground storage tanks, whether empty, filled, or partially filled with any substance, (i) any substance, the presence of which is prohibited by federal, state or local laws and regulations, and (j) any other substance which by federal, state or local laws and regulations requires special handling or notification of governmental authorities in its collection, storage, treatment or disposal. 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; and

- (g) taxes and assessments if any, by any taxing authority and applicable to Grantee's ownership period, payment of which being assumed by Grantee; and
- (h) such other terms and requirements of the sale and/or disclaimers as the City deems necessary, convenient or appropriate.

SECTION 3. That the sale proceeds shall be deposited into the General Capital Reserve Fund 0625, Department BMS, Unit 7263, Revenue Source 8118.

SECTION 4. That if a title policy is desired by **GRANTEE**, same shall be at the expense of said **GRANTEE**.

SECTION 5. That the procedures required by Section 2-24 of the Dallas City Code that are not required by state law concerning the sale of unneeded real property are waived with respect to this tract of land.

SECTION 6. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

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

BY 
Assistant City Attorney

AGENDA ITEM # 38

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): 3, 4, 5, 9, 10, 11, 12

DEPARTMENT: Trinity Watershed Management

CMO: Mark McDaniel, 670-3256

MAPSCO: 4F 5L 15Q 16N 27A B E F 37J N 38P Q S U 58P 63G 64F 65L

SUBJECT

Authorize professional services contracts with four consulting firms for the engineering design of eighteen erosion control improvement projects (list attached) - Not to exceed \$659,570 - Financing: General Obligation Commercial Paper Funds (\$113,794), 2012 Bond Funds (\$447,273) and Water Utilities Capital Improvement Funds (\$98,503)

BACKGROUND

This action will authorize professional services contracts with four consulting firms for the engineering design of eighteen erosion control improvement projects. These projects were funded in the 2012 Bond Program.

Erosion control improvement projects will include the installation of gabion walls, retaining walls, gabion mattresses, and slope and channel improvements to protect structures and minimize creek bank erosion along various creeks throughout the city.

Following are the locations, design cost, and the selected consulting firm for each project. The consulting firms were selected following a qualifications-based selection process in accordance with the City of Dallas AD 4-5 procurement guidelines.

<u>Location</u>	<u>Council District</u>	<u>Firm</u>	<u>Amount</u>
<u>Group 1</u>		Urban Engineers	
6523 and 6527 Clubhouse Circle	11	Group, Inc.	\$15,186.12
17628 Squaw Valley	12		\$15,950.87
13316 Spring Grove	11		\$14,714.63
Country Brook Pond	12		\$15,157.38

BACKGROUND (Continued)

<u>Location</u>	<u>Council District</u>	<u>Firm</u>	<u>Amount</u>
<u>Group 4</u>		IEA, Inc.	
8849 Fair Oaks Crossing	10		\$55,853.24
9730 Whitehurst	10		\$78,244.71
Rocky Branch at Middle Downs Sites 1, 2, 3, 4	10		\$110,863.23
<u>Group 7</u>		APM & Associates, Inc.	
2507 Beechmont Dr.	9		\$14,957.33
6909 Lyre Lane & 6916 Chantilly Court	9		\$18,237.20
2116 Healey and 9869 Kingsman	9		\$27,030.08
9204, 9210, 9216 Springwater	9		\$56,628.26
9726 Twin Creek	9		\$24,062.48
1511 Kiltartan	9		\$38,106.50
3220 Sperry St.	9		\$20,379.15
<u>Group 9</u>		Salcedo Group, Inc.	
2671, 2675, 2679, 2683 Deep Hill Circle	3		\$81,240.13
922 Five Mile Parkway	4		\$35,567.53
4927 Kildare	3		\$16,723.62
7322 Rosemont Rd.	5		\$20,667.15

ESTIMATED SCHEDULE OF PROJECT

<u>Erosion Control Improvement Projects</u>	<u>Begin Design</u>	<u>Complete Design</u>
<u>Group 1</u>		
6523 and 6527 Clubhouse Circle	April 2016	October 2016
17628 Squaw Valley	April 2016	October 2016
13316 Spring Grove	April 2016	October 2016
Country Brook Pond	April 2016	October 2016
<u>Group 4</u>		
8849 Fair Oaks Crossing	April 2016	October 2016
9730 Whitehurst	April 2016	October 2016
Rocky Branch at Middle Downs Sites 1, 2, 3, 4	April 2016	October 2016

ESTIMATED SCHEDULE OF PROJECT (Continued)

Erosion Control Improvement Projects

Begin Design

Complete Design

Group 7

2507 Beechmont Dr.	April 2016	October 2016
6909 Lyre Lane and 6916 Chantilly Court	April 2016	October 2016
2116 Healey and 9869 Kingsman	April 2016	October 2016
9204, 9210, and 9216 Springwater	April 2016	October 2016
9726 Twin Creek	April 2016	October 2016
1511 Kiltartan	April 2016	October 2016
3220 Sperry St.	April 2016	October 2016

Group 9

2671, 2675, 2679, 2683 Deep Hill Circle	April 2016	October 2016
922 Five Mile Parkway	April 2016	October 2016
4927 Kildare	April 2016	October 2016
7322 Rosemont Rd.	April 2016	October 2016

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Transportation and Trinity River Project Committee on March 21, 2016.

FISCAL INFORMATION

2012 Bond Program (General Obligation Commercial Paper Fund) - \$113,793.59

2012 Bond Funds - \$447,272.90

Water Utilities Capital Improvement Funds - \$98,503.12

Council District

Amount

3	\$ 97,963.75
4	\$ 35,567.53
5	\$ 20,667.15
9	\$199,401.00
10	\$244,961.18
11	\$ 29,900.75
12	<u>\$ 31,108.25</u>
Total Cost	\$659,569.61

FISCAL INFORMATION (Continued)

Erosion Control Improvement Projects

Group 1

Design (TWM)	\$ 61, 009.00
Construction	<u>\$316,503.00</u>
Total Project Cost	\$377,512.00 (est.)

Group 4

Design (TWM)	\$ 210,792.46
Design (DWU)	\$ 34,168.72
Construction	<u>\$1,183,809.00</u>
Total Project Cost	\$1,428,770.18 (est.)

Group 7

Design (TWM)	\$ 154,681.00
Design (DWU)	\$ 44,720.00
Construction	<u>\$ 788,308.32</u>
Total Project Cost	\$987,709.32 (est.)

Group 9

Design (TWM)	\$134,584.03
Design (DWU)	\$ 19,614.40
Construction	<u>\$841,150.16</u>
Total Project Cost	\$995,348.59 (est.)

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Urban Engineers Group, Inc.

Hispanic Female	2	Hispanic Male	1
African-American Female	0	African-American Male	1
Other Female	0	Other Male	4
White Female	0	White Male	1

IEA, Inc.

Hispanic Female	2	Hispanic Male	4
African-American Female	2	African-American Male	0
Other Female	1	Other Male	6
White Female	3	White Male	31

ETHNIC COMPOSITION (Continued)

APM & Associates, Inc.

Hispanic Female	1	Hispanic Male	1
African-American Female	5	African-American Male	6
Other Female	0	Other Male	5
White Female	0	White Male	8

Salcedo Group, Inc.

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

OWNERS

Urban Engineers Group

Faisal Syed, P.E., Principal

IEA, Inc.

Shakeel Ahmed, P.E., Chief Executive Officer

APM & Associates, Inc.

Ronald L. O'Connel, P.E., Vice President

Salcedo Group

Luis M. Salcedo, P.E., CFM, RPLS, Chief Executive Officer

MAPS

Attached

Erosion Control Improvements

<u>Erosion Control Improvement</u>	<u>Council District</u>	<u>Firm</u>	<u>Amount</u>
<u>Group 1</u>		Urban Engineers Group, Inc.	
6523 and 6527 Clubhouse Circle	11		\$15,186.12
17628 Squaw Valley	12		\$15,950.87
13316 Spring Grove Avenue	11		\$14,714.63
Country Brook Pond	12		\$15,157.38
<u>Group 4</u>		IEA, Inc.	
8849 Fair Oaks Crossing	10		\$55,853.24
9730 Whitehurst Drive	10		\$78,244.71
Rocky Branch Drive at Middle Downs Drive Sites 1, 2, 3, 4	10		\$110,863.23
<u>Group 7</u>		APM & Associates, Inc.	
2507 Beechmont Drive	9		\$14,957.33
6909 Lyre Lane and 6916 Chantilly Court	9		\$18,237.20
2116 Healey Drive and 9869 Kingsman Drive	9		\$27,030.08
9204, 9210, and 9216 Springwater Drive	9		\$56,628.26
9726 Twin Creek Drive	9		\$24,062.48
1511 Kiltartan Drive	9		\$38,106.50
3220 Sperry Street	9		\$20,379.15
<u>Group 9</u>		Salcedo Group, Inc.	
2671, 2675, 2679, and 2683 Deep Hill Circle	3		\$81,240.13
922 Five Mile Parkway	4		\$35,567.53
4927 Kildare Avenue	3		\$16,723.62
7322 Rosemont Road	5		\$20,667.15

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize professional services contracts with four consulting firms for the engineering design of eighteen erosion control improvement projects (list attached) - Not to exceed \$659,570 - Financing: General Obligation Commercial Paper Funds (\$113,794), 2012 Bond Funds (\$447,273) and Water Utilities Capital Improvement Funds (\$98,503)

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

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$61,009.00	100.00%
Total non-local contracts	\$0.00	0.00%
TOTAL CONTRACT	\$61,009.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Alliance Geotechnical Group	BMDB63934Y0116	\$21,170.00	34.70%
Urban Engineers Group	HFDB10630Y0716	\$25,349.00	41.55%
Pacheco Koch & Associates, Inc.	HMMB25567Y0917	\$14,490.00	23.75%
Total Minority - Local		\$61,009.00	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	\$21,170.00	34.70%	\$21,170.00	34.70%
Hispanic American	\$39,839.00	65.30%	\$39,839.00	65.30%
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	\$61,009.00	100.00%	\$61,009.00	100.00%

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize professional services contracts with four consulting firms for the engineering design of eighteen erosion control improvement projects (list attached) - Not to exceed \$659,570 - Financing: General Obligation Commercial Paper Funds (\$113,794), 2012 Bond Funds (\$447,273) and Water Utilities Capital Improvement Funds (\$98,503)

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

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$244,961.18	100.00%
Total non-local contracts	\$0.00	0.00%
TOTAL CONTRACT	\$244,961.18	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
IEA, Inc.	IMDB64786Y0416	\$139,209.18	56.83%
Lim & Associates, Inc.	PMDB01647Y0416	\$63,560.00	25.95%
Total Minority - Local		\$202,769.18	82.78%

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	\$202,769.18	82.78%	\$202,769.18	82.78%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$202,769.18	82.78%	\$202,769.18	82.78%

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize professional services contracts with four consulting firms for the engineering design of eighteen erosion control improvement projects (list attached) - Not to exceed \$659,570 - Financing: General Obligation Commercial Paper Funds (\$113,794), 2012 Bond Funds (\$447,273) and Water Utilities Capital Improvement Funds (\$98,503)

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

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$199,401.00	100.00%
Total non-local contracts	\$0.00	0.00%
TOTAL CONTRACT	\$199,401.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
APM & Associates, Inc.	BMMB61731Y0516	\$129,535.00	64.96%
Alliance Geotechnical Group, Inc.	BMDB94986Y0117	\$28,000.00	14.04%
Gorron dona & Associates, Inc.	HMMB62084Y0616	\$41,866.00	21.00%
Total Minority - Local		\$199,401.00	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	\$157,535.00	79.00%	\$157,535.00	79.00%
Hispanic American	\$41,866.00	21.00%	\$41,866.00	21.00%
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	\$199,401.00	100.00%	\$199,401.00	100.00%

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize professional services contracts with four consulting firms for the engineering design of eighteen erosion control improvement projects (list attached) - Not to exceed \$659,570 - Financing: General Obligation Commercial Paper Funds (\$113,794), 2012 Bond Funds (\$447,273) and Water Utilities Capital Improvement Funds (\$98,503)

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

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$154,198.43	100.00%
Total non-local contracts	\$0.00	0.00%
TOTAL CONTRACT	\$154,198.43	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Alliance Geotechnical Group	BMDB94986Y0117	\$24,480.00	15.88%
Salcedo Group, Inc.	HMDB94641Y1116	\$114,618.43	74.33%
Kysu Group, LLC	PMDB22800Y0616	\$15,100.00	9.79%
Total Minority - Local		\$154,198.43	100.00%

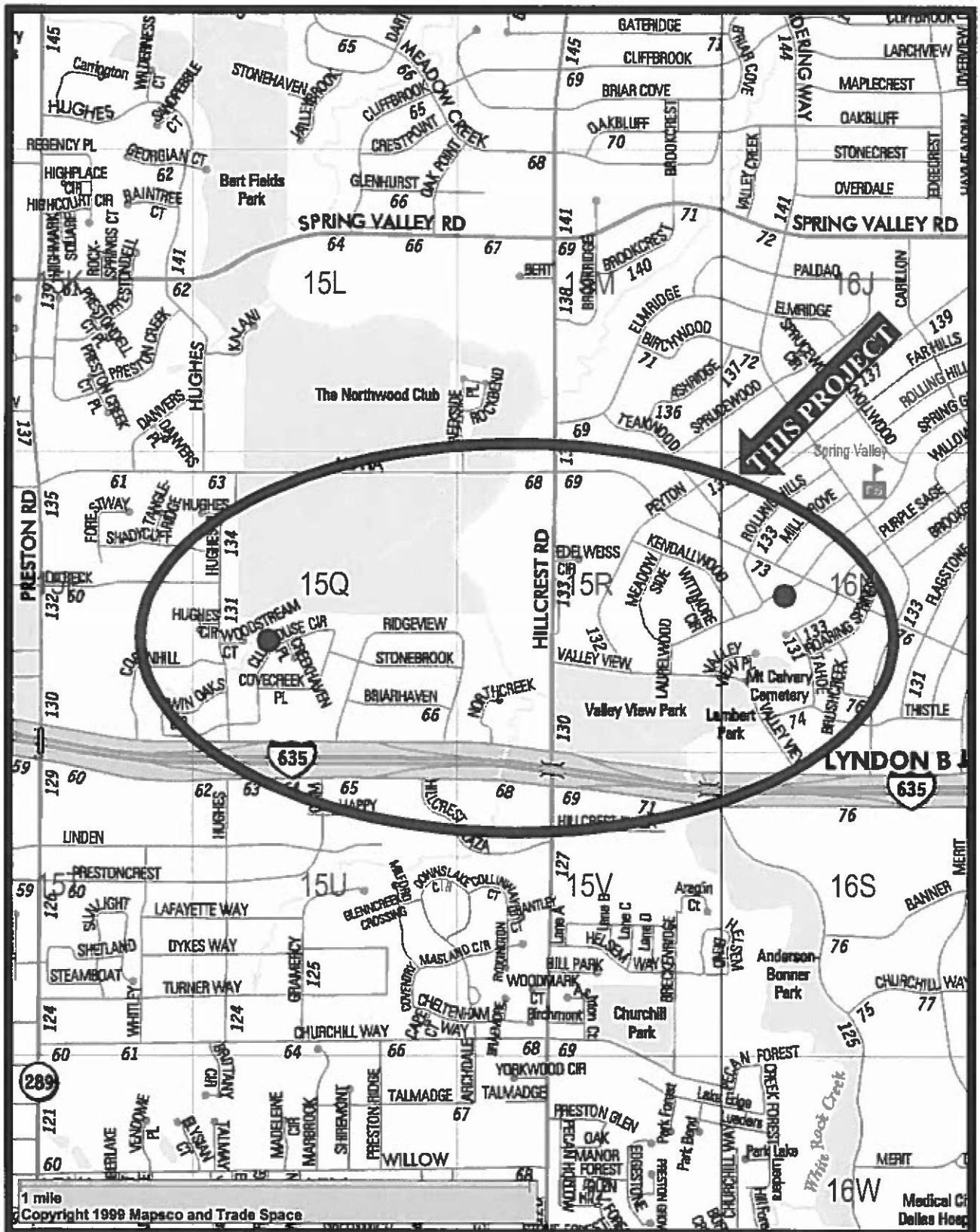
Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

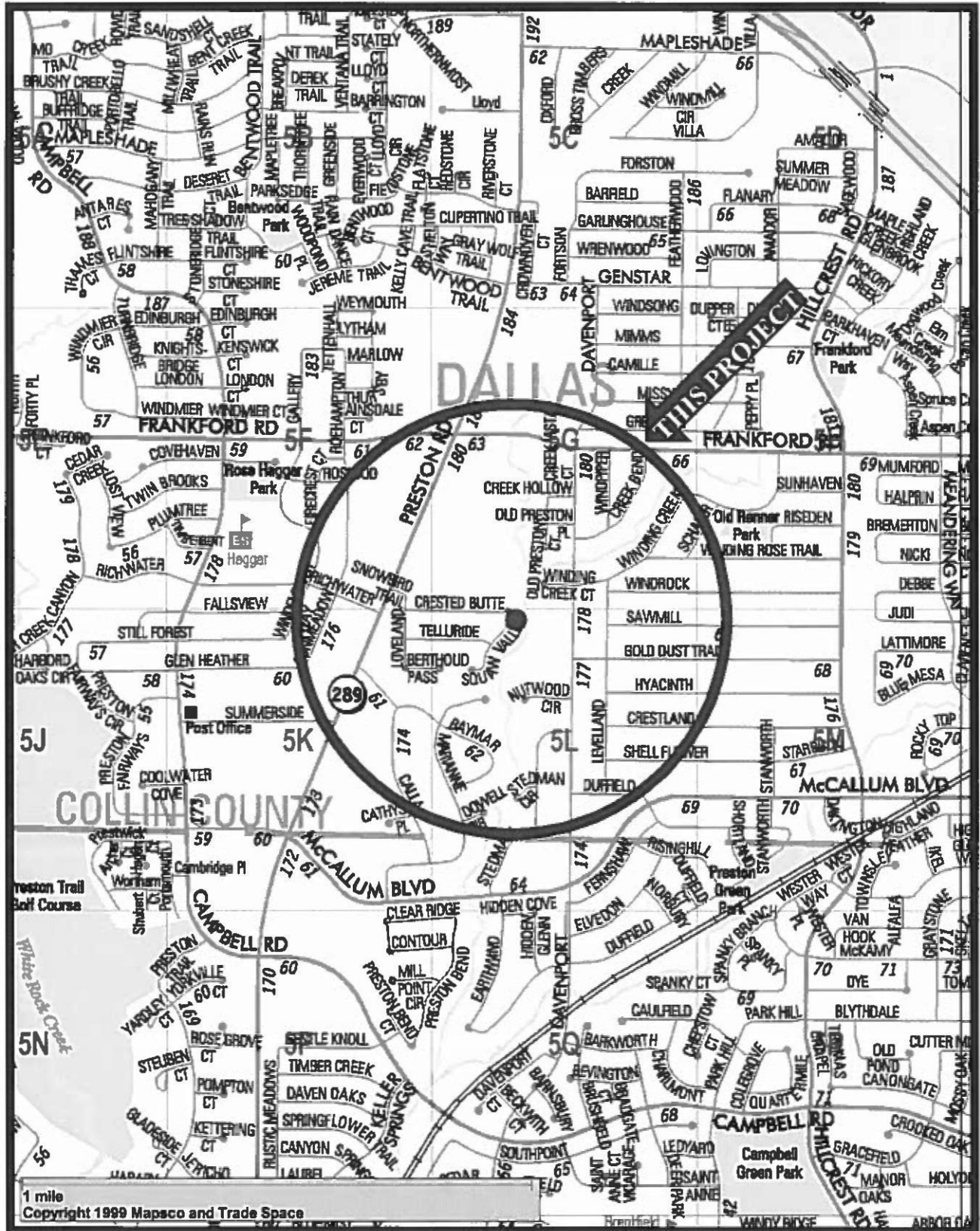
	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$24,480.00	15.88%	\$24,480.00	15.88%
Hispanic American	\$114,618.43	74.33%	\$114,618.43	74.33%
Asian American	\$15,100.00	9.79%	\$15,100.00	9.79%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$154,198.43	100.00%	\$154,198.43	100.00%

Erosion Control Group 1



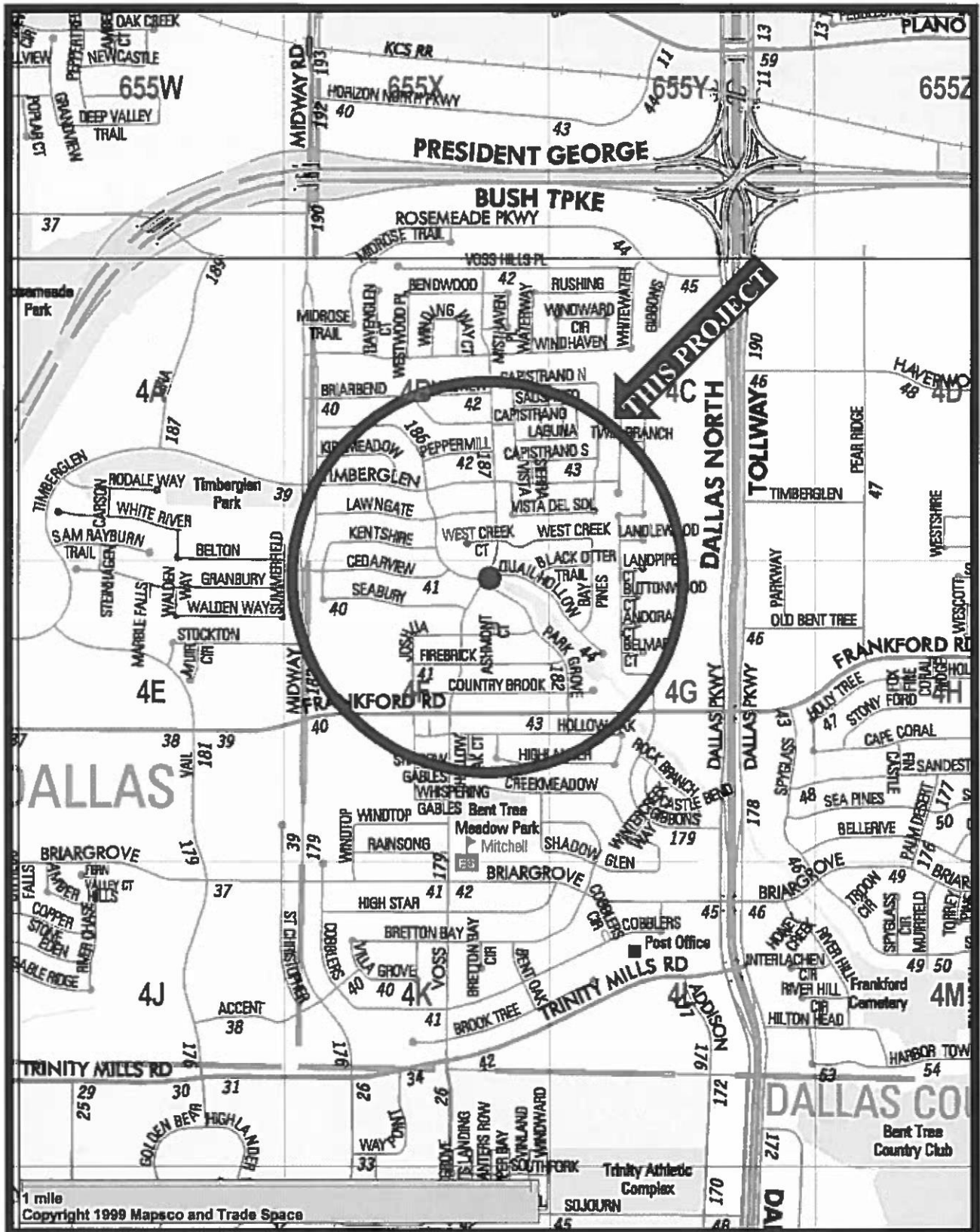
Mapsco 15-Q & 16-N

Erosion Control Group 1



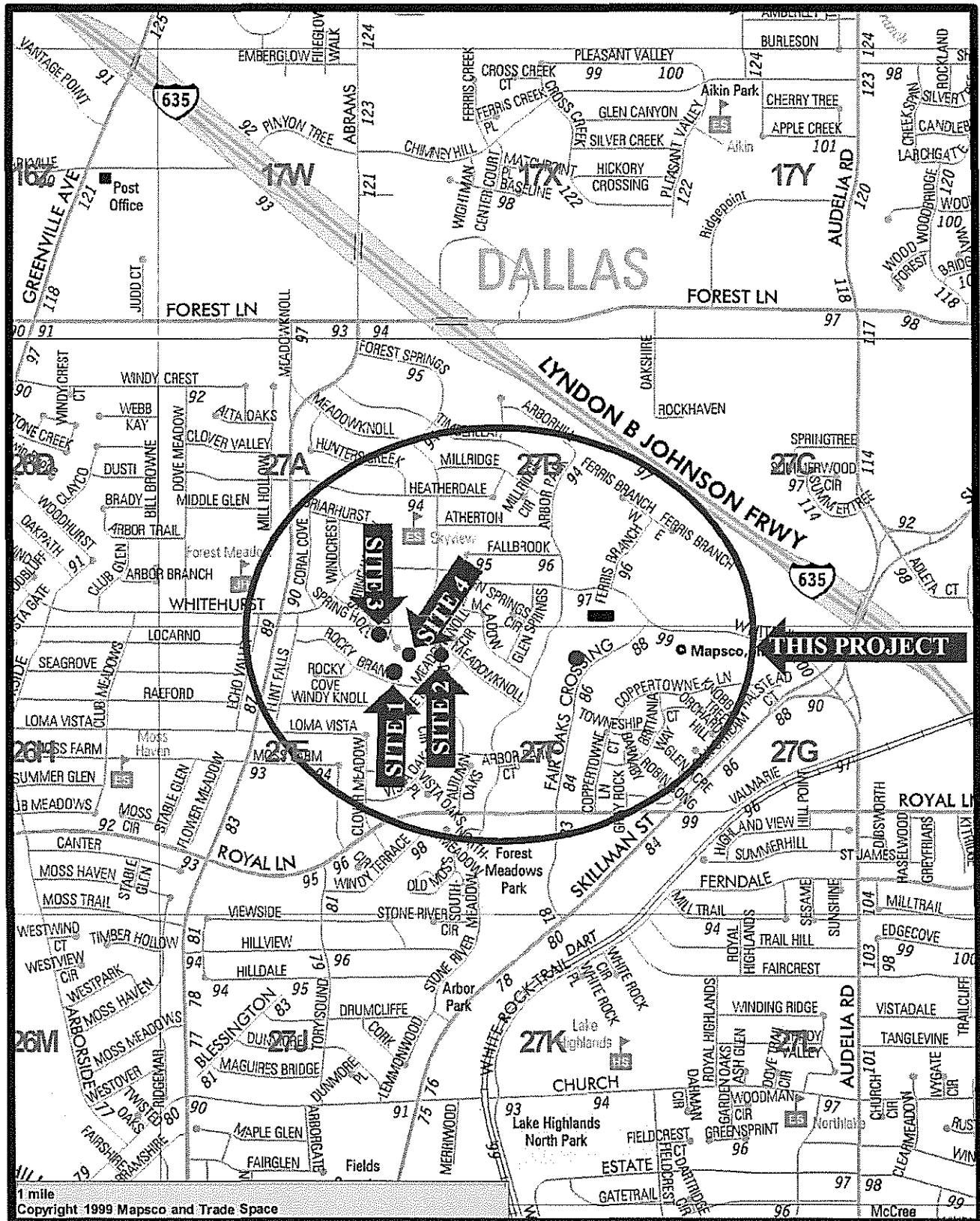
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Erosion Control Group 1



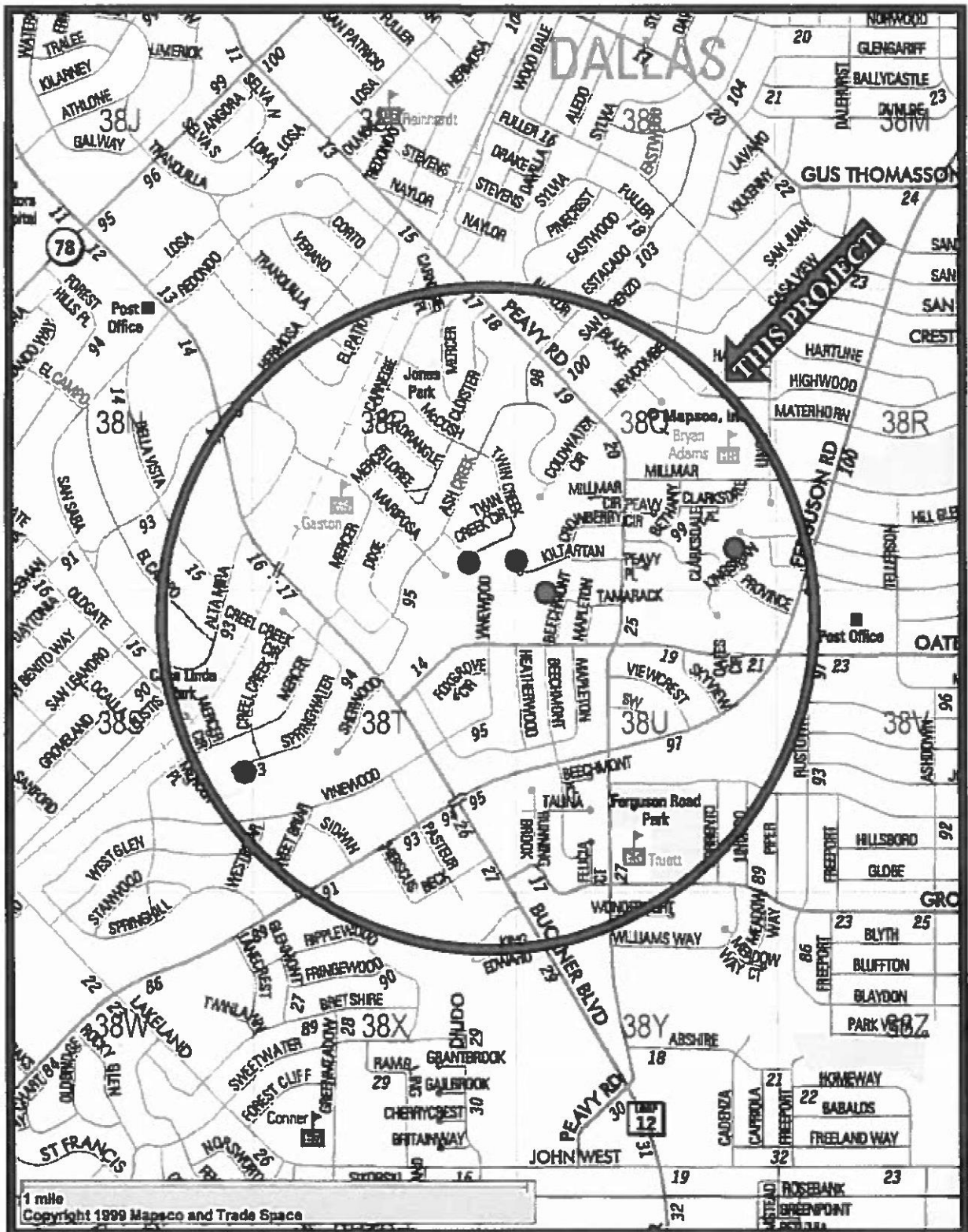
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Erosion Control Group 4



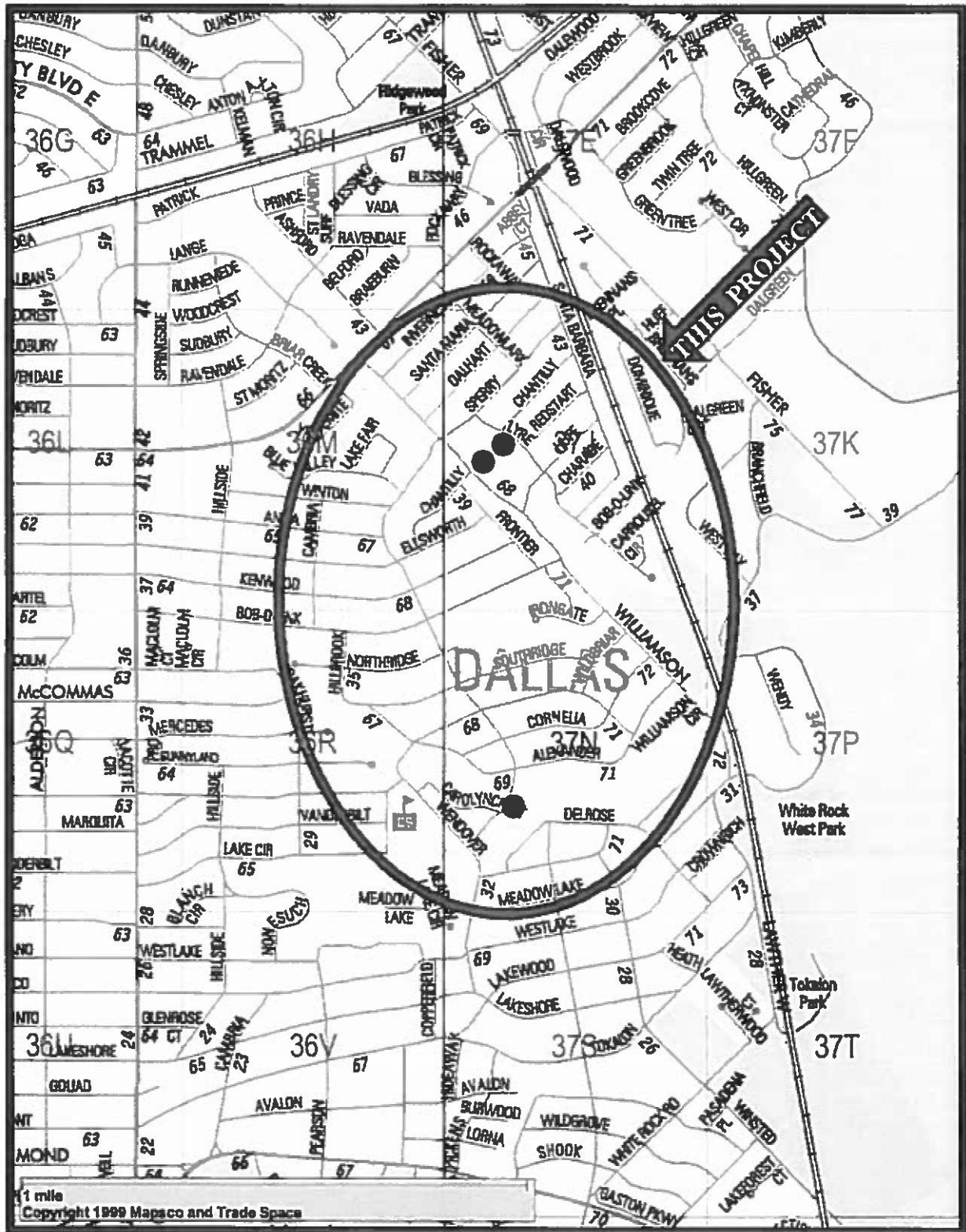
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Erosion Control Group 7



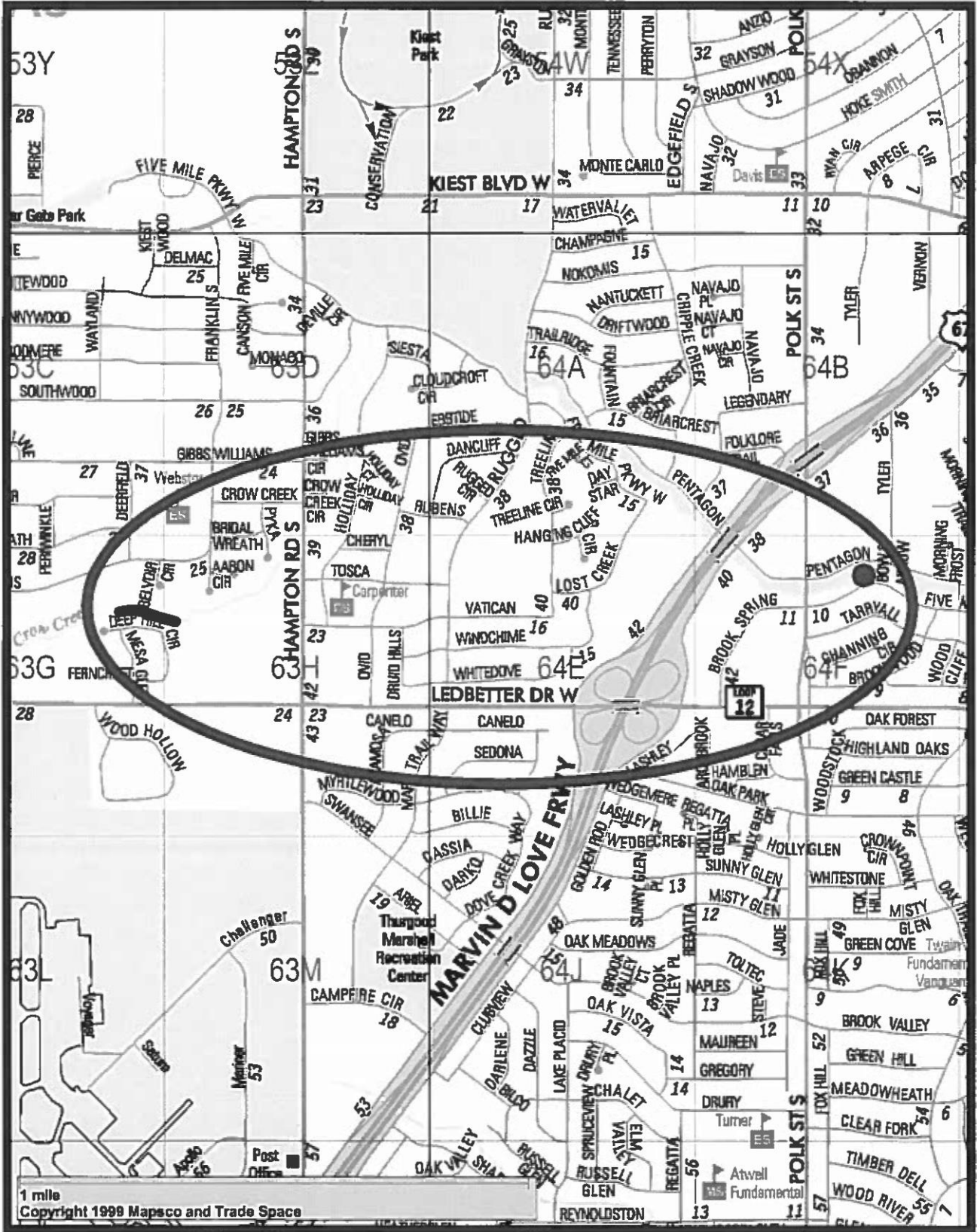
Mapsco 38-P, Q, S, U

Erosion Control Group 7

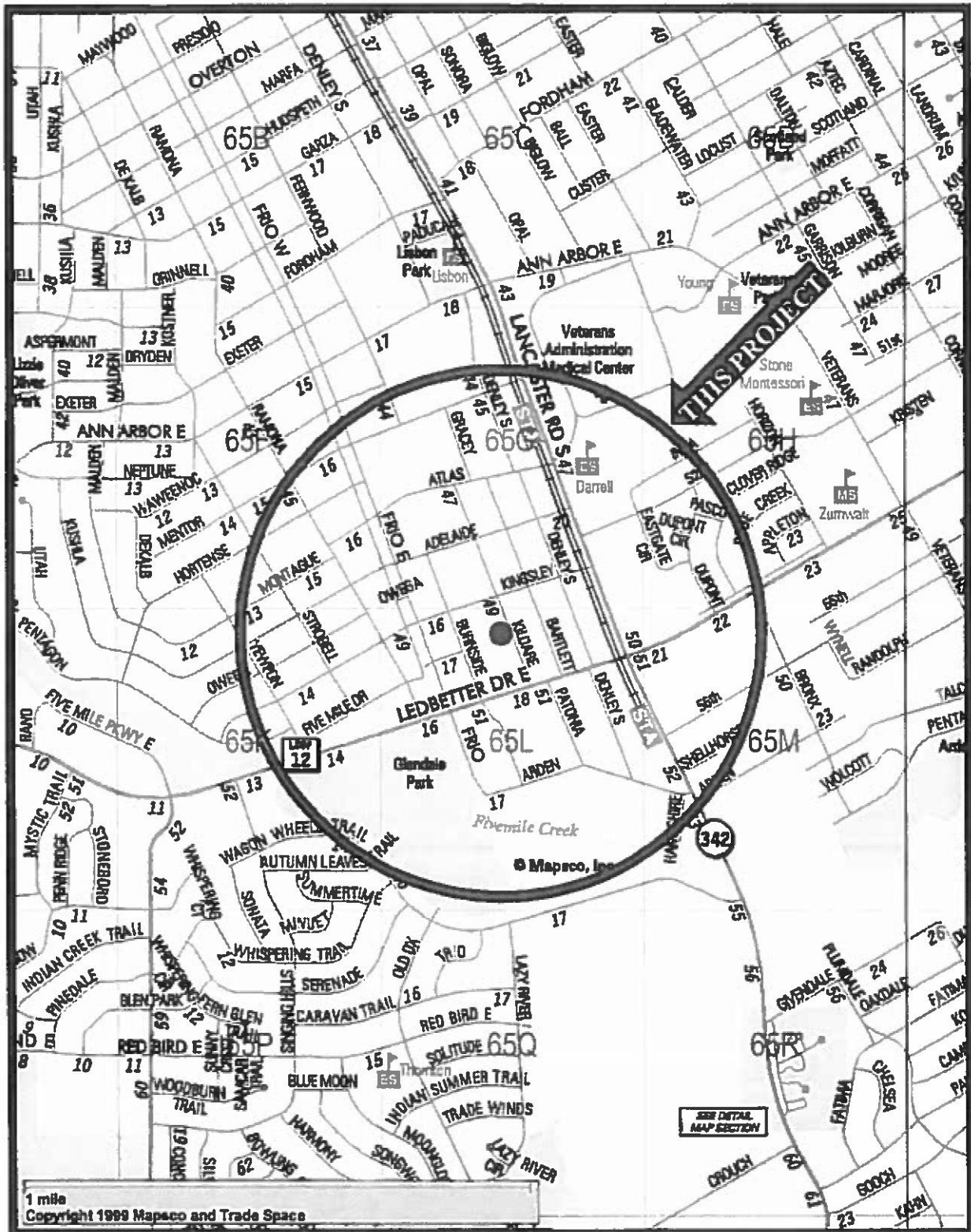


Mapco 37-J, N

Erosion Control Group 9

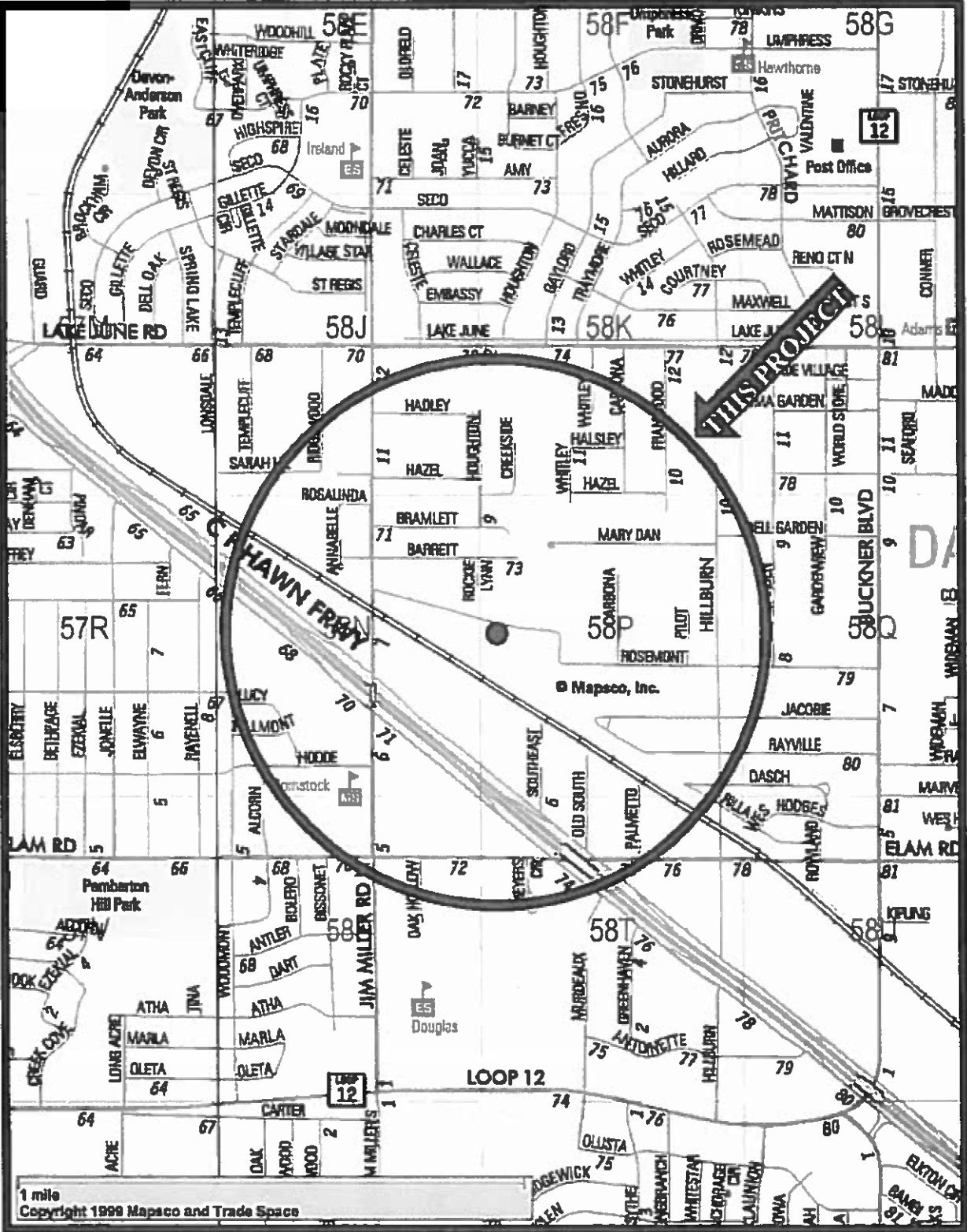
**Mapsco 63-G & 64-F**

Erosion Control Group 9



Mapsco 65-L

Erosion Control Group 9

**Mapsc0 58-P**

March 23, 2016

WHEREAS, four engineering firms were selected to provide the engineering design of eighteen erosion control improvement projects.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute professional services contracts with four engineering firms for the engineering services for erosion control improvement projects in an amount not to exceed \$659,569.61, after it has been approved as to form by the City Attorney.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in accordance with the terms and conditions of the contracts from:

a. Urban Engineers Group, Inc. for the engineering design of Group 1 erosion control improvements:

Flood Protection and Storm Drainage Facilities
Fund 3U23, Dept. TWM, Unit S715, Activity ERCT
Object 4111, Program No. TW12S715, CT TWM12S715F1
Vendor No. 511462, in an amount not to exceed \$15,186.12

Flood Protection and Storm Drainage Facilities
Fund 3U23, Dept. TWM, Unit S751, Activity ERCT
Object 4111, Program No. TW12S715, CT TWM12S715F1
Vendor No. 511462, in an amount not to exceed \$14,714.63

Flood Protection and Storm Drainage Facilities
Fund 3U23, Dept. TWM, Unit S754, Activity ERCT
Object 4111, Program No. TW12S754, CT TWM12S715F1
Vendor No. 511462, in an amount not to exceed \$2,449.88

Flood Protection and Storm Drainage Facilities
Fund 4U23, Dept. TWM, Unit S754, Activity ERCT
Object 4111, Program No. TW12S717, CT TWM12S715F1
Vendor No. 511462, in an amount not to exceed \$13,500.99

Flood Protection and Storm Drainage Facilities
Fund 3U23, Dept. TWM, Unit S717, Activity ERCT
Object 4111, Program No. TW12S717, CT TWM12S715F1
Vendor No. 511462, in an amount not to exceed \$15,157.38

March 23, 2016

b. IEA, Inc. for the engineering design of Group 4 erosion control improvements:

Flood Protection and Storm Drainage Facilities
Fund 4U23, Dept. TWM, Unit S763, Activity ERCT
Object 4111, Program No. TW12S763, CT TWM12S744F1
Vendor No. VS0000030431, in an amount not to exceed \$66,855.14

Flood Protection and Storm Drainage Facilities
Fund 3U23, Dept. TWM, Unit S744, Activity ERCT
Object 4111, Program No. TW12S744, CT TWM12S744F1
Vendor No. VS0000030431, in an amount not to exceed \$99,473.66

Flood Protection and Storm Drainage Facilities
Fund 3U23, Dept. TWM, Unit S721, Activity ERCT
Object 4111, Program No. TW12S721, CT TWM12S744F1
Vendor No. VS0000030431, in an amount not to exceed \$44,463.66

Wastewater Capital Improvement Fund
Fund 2116, Commodity 92500, Dept. DWU, Unit PS42
Object 4111, Program No. 716050, CT TWM716050CP
Vendor No. VS0000030431, in an amount not to exceed \$34,168.72

c. APM & Associates, Inc. for the engineering design of Group 7 erosion control improvements:

Flood Protection and Storm Drainage Facilities
Fund 4U23, Dept. TWM, Unit S760, Activity ERCT
Object 4111, Program No. TW12S760, CT TWM12S760F1
Vendor No. 265694, in an amount not to exceed \$17,673.91

Flood Protection and Storm Drainage Facilities
Fund 3U23, Dept. TWM, Unit S753, Activity ERCT
Object 4111, Program No. TW12S753, CT TWM12S760F1
Vendor No. 265694, in an amount not to exceed \$50,239.69

Flood Protection and Storm Drainage Facilities
Fund 3U23, Dept. TWM, Unit S750, Activity ERCT
Object 4111, Program No. TW12S750, CT TWM12S760F1
Vendor No. 265694, in an amount not to exceed \$13,990.58

Flood Protection and Storm Drainage Facilities
Fund 3U23, Dept. TWM, Unit S739, Activity ERCT
Object 4111, Program No. TW12S739, CT TWM12S760F1
Vendor No. 265694, in an amount not to exceed \$11,848.62

March 23, 2016

Flood Protection and Storm Drainage Facilities
Fund 3U23, Dept. TWM, Unit S735, Activity ERCT
Object 4111, Program No. TW12S735, CT TWM12S760F1
Vendor No. 265694, in an amount not to exceed \$31,717.93

Flood Protection and Storm Drainage Facilities
Fund 3U23, Dept. TWM, Unit S731, Activity ERCT
Object 4111, Program No. TW12S731, CT TWM12S760F1
Vendor No. 265694, in an amount not to exceed \$20,641.51

Flood Protection and Storm Drainage Facilities
Fund 3U23, Dept. TWM, Unit S704, Activity ERCT
Object 4111, Program No. TW12S704, CT TWM12S760F1
Vendor No. 265694, in an amount not to exceed \$8,568.76

Wastewater Capital Improvement Fund
Fund 2116, Commodity 92500, Dept. DWU, Unit PS42
Object 4111, Program No. 716056, CT TWM716056CP
Vendor No. 265694, in an amount not to exceed \$44,720.00

d. Salcedo Group, Inc for the engineering design of Group 9 erosion control improvements:

Flood Protection and Storm Drainage Facilities
Fund 3U23, Dept. TWM, Unit S718, Activity ERCT
Object 4111, Program No. TW12S718, CT TWM12S745F1
Vendor No. 509399, in an amount not to exceed \$76,336.53

Flood Protection and Storm Drainage Facilities
Fund 3U23, Dept. TWM, Unit S722, Activity ERCT
Object 4111, Program No. TW12S722, CT TWM12S745F1
Vendor No. 509399, in an amount not to exceed \$30,663.93

Flood Protection and Storm Drainage Facilities
Fund 3U23, Dept. TWM, Unit S734, Activity ERCT
Object 4111, Program No. TW12S734, CT TWM12S745F1
Vendor No. 509399, in an amount not to exceed \$11,820.02

Flood Protection and Storm Drainage Facilities
Fund 4U23, Dept. TWM, Unit S745, Activity ERCT
Object 4111, Program No. TW12S745, CT TWM12S745F1
Vendor No. 509399, in an amount not to exceed \$15,763.55

March 23, 2016

Wastewater Capital Improvement Fund
Fund 2116, Commodity 92500, Dept. DWU, Unit PS42
Object 4111, Program No. 716164, CT TWM716164CP
Vendor No. 509399, in an amount not to exceed \$19,614.40

Total amount not to exceed \$659,569.61

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

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): 2, 6

DEPARTMENT: Trinity Watershed Management

CMO: Mark McDaniel, 670-3256

MAPSCO: 46A 42H

SUBJECT

Authorize a contract with Ark Contracting Services, LLC, lowest responsive bidder of two, for the construction of storm drainage improvements in the alley between Gaston Avenue and Swiss Avenue from Grigsby Avenue to Annex Avenue and Weisenberger Drive from undeveloped road to the dead-end - Not to exceed \$1,534,465 - Financing: Stormwater Drainage Management Capital Construction Funds

BACKGROUND

The existing storm drainage mains in the alley located in the alley between Gaston Avenue and Swiss Avenue from Grigsby Avenue to Annex Avenue and Weisenberger Drive from undeveloped road to the dead-end are in poor condition and have partially collapsed. The drainage improvements will replace the deteriorating storm drainage mains in the alley and street.

The storm drainage improvements include the installation of storm sewer mains, storm drainage inlets, water lowering, associated alley and street pavement replacement. The scope of work required in this contract exceeds the in-house capabilities to perform this work in a timely manner. Performing this work is critical to the safety of the citizens in the area.

This action authorizes a construction contract with Ark Contracting Services, LLC, the lowest responsive bidder of two, for the construction of drainage improvements in the alley between Gaston Avenue and Swiss Avenue from Grigsby Avenue to Annex Avenue and Weisenberger Drive from undeveloped road to the dead-end.

ESTIMATED SCHEDULE OF PROJECT

Began Design	January 2014
Completed Design	December 2015
Begin Construction	April 2016
Complete Construction	November 2016

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract for engineering services with Lim & Associates, Inc. on October 23, 2013, by Resolution No. 13-1894.

Information about this item will be provided to the Transportation and Trinity River Project Committee on March 21, 2016.

FISCAL INFORMATION

Stormwater Drainage Management Capital Construction Funds - \$1,534,465.00

Design	\$ 204,366.00
Construction (this action)	<u>\$1,534,465.00</u>

Total Project Cost	\$1,738,831.00
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<u>Council District</u>	<u>Amount</u>
2	\$ 850,175.00
6	<u>\$ 684,290.00</u>
Total	\$1,534,465.00

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Ark Contracting Services, LLC

Hispanic Female	0	Hispanic Male	126
African-American Female	0	African-American Male	0
Other Female	0	Other Male	0
White Female	5	White Male	14

BID INFORMATION

The following bids were received and opened on December 18, 2015:

*Denotes successful bidder(s)

BIDDERS

BID AMOUNT

*Ark Contracting Services, LLC 420 S. Dick Price Rd Kennedale, Texas 76060	\$1,534,465.00
Camino Construction, LP	\$1,864,249.00
Engineer's estimate:	\$1,065,694.00

OWNER(S)

Ark Contracting Services, LLC

Steven C. Bowman, President

MAPS

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a contract with Ark Contracting Services, LLC, lowest responsive bidder of two, for the construction of storm drainage improvements in the alley between Gaston Avenue and Swiss Avenue from Grigsby Avenue to Annex Avenue and Weisenberger Drive from undeveloped road to the dead-end - Not to exceed \$1,534,465 - Financing: Stormwater Drainage Management Capital Construction Funds

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

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$437,000.00	28.48%
Total non-local contracts	\$1,097,465.00	71.52%
TOTAL CONTRACT	\$1,534,465.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
J & A Trucking	HMMB64410N0317	\$55,000.00	12.59%
J E Guzman Construction, Inc.	HMMB64868N0417	\$41,000.00	9.38%
LKT & Associates	WFDB26473Y1016	\$220,000.00	50.34%
Total Minority - Local		\$316,000.00	72.31%

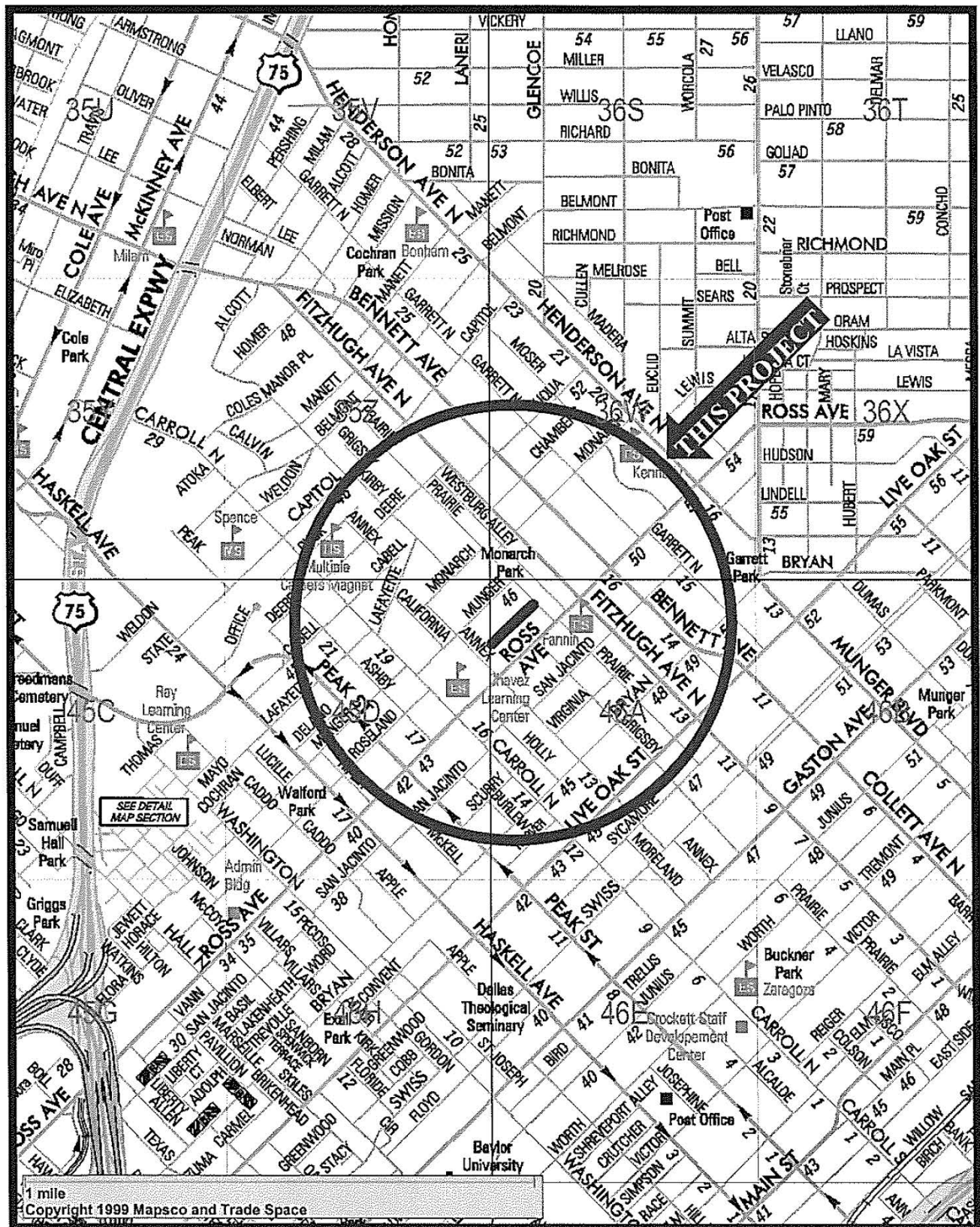
Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Viking Fence Co., Ltd	HMMB31501N0617	\$10,000.00	0.91%
Cowtown Redi-Mix	WFWB06682Y0916	\$88,000.00	8.02%
ANA Consulting, LLC	WFDB57431Y0516	\$6,000.00	0.55%
Magnum Manhole & Underground	WFDB647230416	\$3,000.00	0.27%
Total Minority - Non-local		\$107,000.00	9.75%

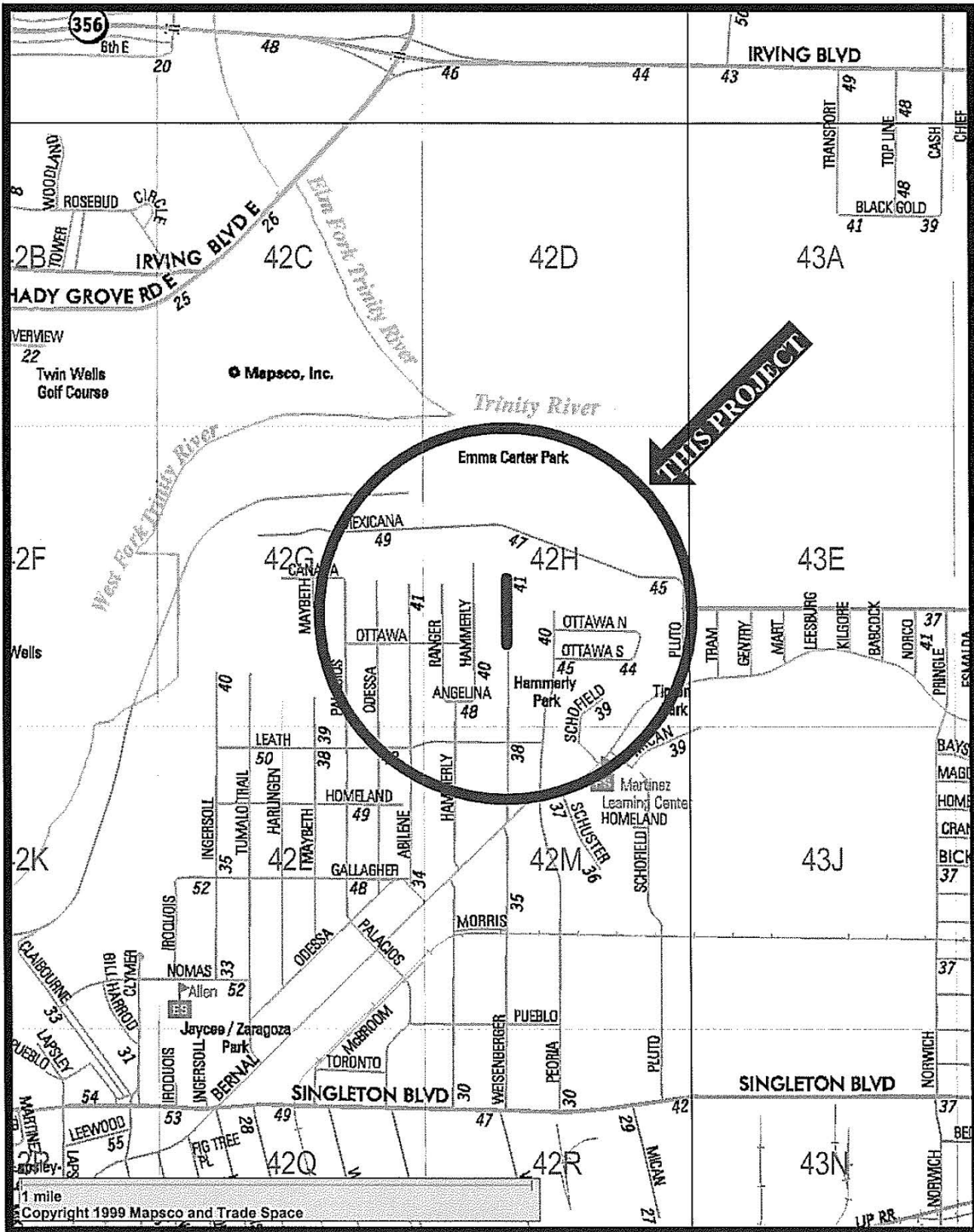
TOTAL M/WBE CONTRACT PARTICIPATION

	<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	\$96,000.00	21.97%	\$106,000.00	6.91%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$220,000.00	50.34%	\$317,000.00	20.66%
	<hr/>	<hr/>	<hr/>	<hr/>
Total	\$316,000.00	72.31%	\$423,000.00	27.57%

Storm Drainage Improvements Project



Storm Drainage Improvements Project



Mapsc 42-H

March 23, 2016

WHEREAS, on October 23, 2013, Resolution No. 13-1894 authorized a professional services contract with Lim & Associates, Inc. for the engineering design of storm drainage improvement and channel repair projects in the amount of \$204,366.00; and,

WHEREAS, bids were received on December 18, 2015, for the construction of storm drainage improvements in the alley between Gaston Avenue and Swiss Avenue from Grigsby Avenue to Annex Avenue and Weisenberger Drive from undeveloped road to the dead-end as follows:

<u>BIDDERS</u>	<u>BID AMOUNT</u>
*Ark Contracting Services, LLC 420 S. Dick Price Rd Kennedale, Texas 76060	\$1,534,465.00
Camino Construction, LP	\$1,864,249.00

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 Ark Contracting Services, LLC for the construction of stormwater drainage improvements in the alley between Gaston Avenue and Swiss Avenue from Grigsby Avenue to Annex Avenue and Weisenberger Drive from undeveloped road to the dead-end, in an amount not to exceed \$1,534,465.00, this being the lowest responsive bid received as indicated by the tabulation of bids, after it has been approved as to form by the City Attorney.

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

Stormwater Drainage Management Capital Construction Fund
Fund 0063, Dept. SDM, Unit 4793, Activity SD01
Object 4599, Program No. SDMFC002, CT SDM4793VHF1
Vendor No. VS000017816, in an amount not to exceed \$1,534,465.00

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: March 23, 2016

COUNCIL DISTRICT(S): 6

DEPARTMENT: Trinity Watershed Management

CMO: Mark McDaniel, 670-3256

MAPSCO: 34W

SUBJECT

Authorize a contract with Omega Contracting, Inc., lowest responsive bidder of two, for the construction of storm drainage improvements along Knights Branch channel between the DART and the Fort Worth Transportation Authority rail line and IH 35 Frontage Road and extension of the existing culvert located at Inwood Road and Lupo Drive at the Hampton Gate House - Not to exceed \$921,980 - Financing: Stormwater Drainage Management Capital Construction Funds

BACKGROUND

The existing channel banks along Knights Branch channel between the DART and the Fort Worth Transportation Authority rail line and IH 35 Frontage Road and the channel bank located at Inwood Road and Lupo Drive at the Hampton Gate House are in poor condition and have significant erosion. The drainage improvements will repair the channel banks.

The storm drainage improvements include the installation of a concrete channel lining, extension of existing culvert, and other miscellaneous items necessary to complete the project. The scope of work required in this contract exceeds the in-house capabilities to perform this work in a timely manner. Performing this work is critical to providing positive drainage in the area and protecting the adjacent roadway and properties from localized flooding.

This action authorizes a construction contract with Omega Contracting, Inc., the lowest responsive bidder of two, for the construction of storm drainage improvements along Knights Branch channel between the DART and the Fort Worth Transportation Authority rail line and IH 35 Frontage Road and extension of the existing culvert located at Inwood Road and Lupo Drive at the Hampton Gate House.

ESTIMATED SCHEDULE OF PROJECT

Began Design	January 2014
Completed Design	December 2015
Begin Construction	April 2016
Complete Construction	August 2016

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract for engineering services with Lim & Associates, Inc. on October 23, 2013, by Resolution No. 13-1894.

Information about this item will be provided to the Transportation and Trinity River Project Committee on March 21, 2016.

FISCAL INFORMATION

Stormwater Drainage Management Capital Construction Funds - \$921,979.83

Design	\$ 204,366.00
Construction (this action)	<u>\$ 921,979.83</u>

Total Project Cost	\$1,126,345.83
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M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Omega Contracting, Inc.

Hispanic Female	4	Hispanic Male	78
African-American Female	0	African-American Male	7
Other Female	0	Other Male	0
White Female	0	White Male	11

BID INFORMATION

The following bids were received and opened on December 18, 2015:

*Denotes successful bidder(s)

BIDDERS

BID AMOUNT

*Omega Contracting, Inc.
2518 Chalk Hill Road
Dallas, Texas 75212

\$ 921,979.83

Ark Contracting Services, LLC

\$1,864,249.00

Engineer's estimate:

\$713,215.00

OWNER(S)

Omega Contracting, Inc.

Mark Reinhardt, Vice President

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a contract with Omega Contracting, Inc., lowest responsive bidder of two, for the construction of storm drainage improvements along Knights Branch channel between the DART and the Fort Worth Transportation Authority rail line and IH 35 Frontage Road and extension of the existing culvert located at Inwood Road and Lupo Drive at the Hampton Gate House - Not to exceed \$921,980 - Financing: Stormwater Drainage Management Capital Construction Funds

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

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$381,450.43	41.37%
Total non-local contracts	\$540,529.50	58.63%
TOTAL CONTRACT	\$921,979.93	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Omega Contracting, Inc.	HMMB63334Y1016	\$381,450.43	100.00%
Total Minority - Local		\$381,450.43	100.00%

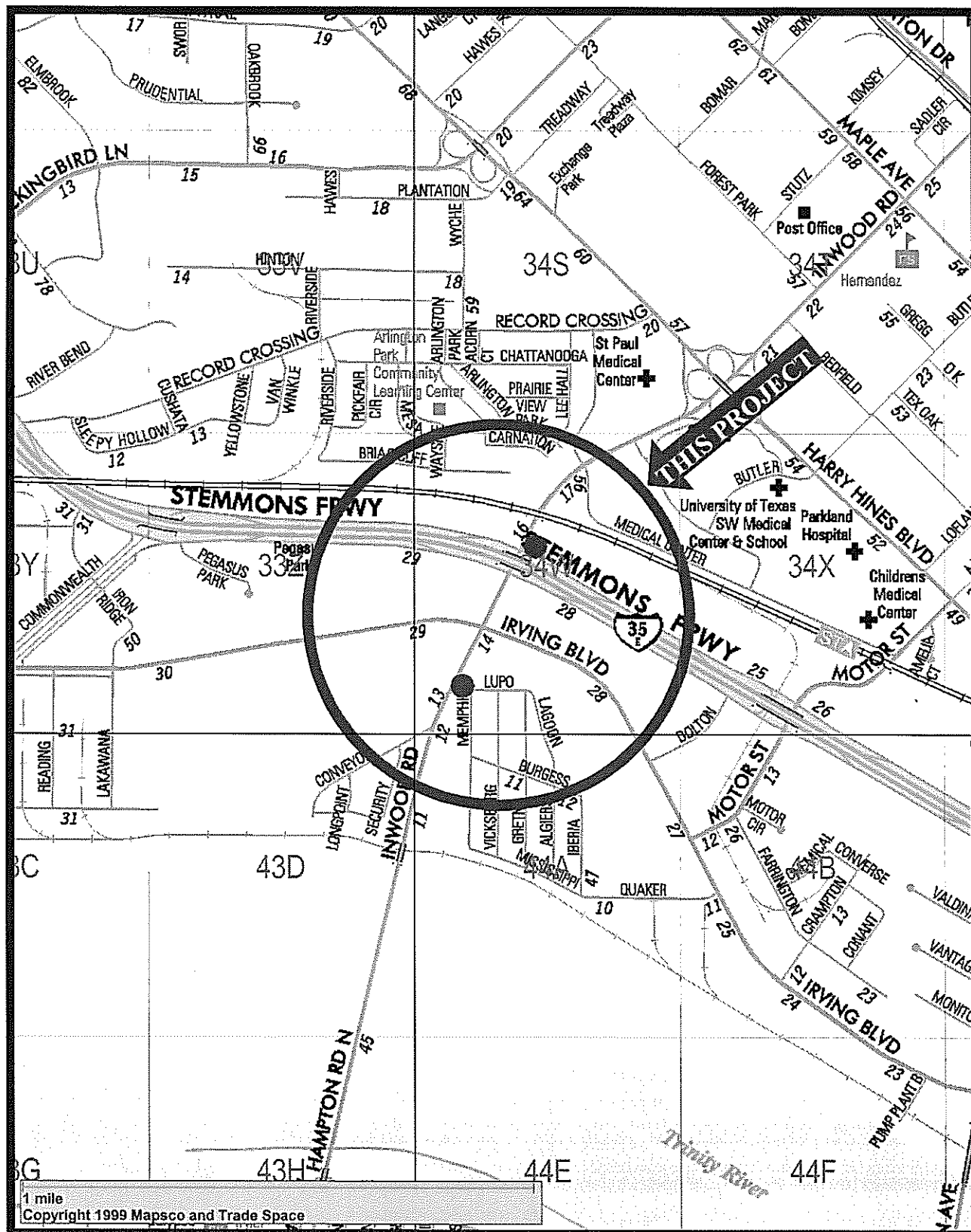
Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Environmental Safety Services, Inc.	HMMB63416N0716	\$462,382.50	85.54%
Total Minority - Non-local		\$462,382.50	85.54%

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	\$381,450.43	100.00%	\$843,832.93	91.52%
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	\$381,450.43	100.00%	\$843,832.93	91.52%

Knights Branch Channel



Mapsco 34-W

March 23, 2016

WHEREAS, on October 23, 2013, Resolution No. 13-1894 authorized a professional services contract with Lim & Associates, Inc. for the engineering design of storm drainage improvements and channel repair projects in the amount of \$204,366.00; and,

WHEREAS, bids were received on December 18, 2015, for the construction of storm drainage improvements along Knights Branch channel between the DART and the Fort Worth Transportation Authority rail line and IH 35 Frontage Road and extension of the existing culvert located at Inwood Road and Lupo Drive at the Hampton Gate House as follows:

<u>BIDDERS</u>	<u>BID AMOUNT</u>
*Omega Contracting, Inc 2518 Chalk Hill Road Dallas, TX 7212	\$ 921,979.83
Ark Contracting Services, LLC	\$1,864,249.00

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 Omega Contracting, Inc. for the construction of stormwater drainage improvements in Knights Branch Channel between the DART and the Fort Worth Transportation Authority rail line and IH 35 Frontage Road and extension of the existing culvert located at Inwood Road and Lupo Drive at the Hampton Gate House in an amount not to exceed \$921,979.83, this being the lowest responsive bid received as indicated by the tabulation of bids, after it has been approved as to form by the City Attorney.

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

Stormwater Drainage Management Capital Construction Fund	
Fund 0063, Dept. SDM, Unit 4793, Activity SD01	
Object 4599, Program No. SDMFC002, CT SDM4793VHF2	
Vendor No. 345379, in an amount not to exceed	\$921,979.83

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: March 23, 2016

COUNCIL DISTRICT(S): 7, 8

DEPARTMENT: Trinity Watershed Management
Office of Economic Development
Water Utilities

CMO: Mark McDaniel, 670-3256
Ryan S. Evans, 671-9837

MAPSCO: 57 T U

SUBJECT

Authorize a contract with Rebcon, Inc., lowest responsive bidder of four, for the construction of paving, drainage, water and wastewater improvements for Elam Road and a shared-use path west of Pemberton Hill Road - Not to exceed \$2,870,719 - Financing: Capital Construction Funds (\$2,056,944), Public/Private Partnership Funds (\$275,750), Water Utilities Capital Construction Funds (\$78,280) and Water Utilities Capital Improvements Funds (\$459,745)

BACKGROUND

On May 15, 2013, Council authorized a lease agreement with the nonprofit corporation, Company of Trinity Forest Golfers, Inc. (CTFG), responsible for development, management and operation of a championship golf course. As part of the agreement, the City agreed to pursue certain infrastructure improvements.

On April 9, 2014, Council authorized a professional services contract with Pacheco Koch Consulting Engineers, Inc. to provide engineering designs for infrastructure improvements that include Elam Road paving and drainage, water and wastewater improvements, traffic improvements along Great Trinity Forest Boulevard, Audubon Center Irrigation System improvements, and vegetative support layer improvements for Elam and South Loop 12 Landfills.

Elam Road improvements call for the construction of two 12-foot lanes, a 10 to 12 foot shared-use path, lighting, drainage upgrades, water and wastewater mains. Upon construction completion, Elam Road will provide improved access to Golf Course facilities including the planned First Tee and SMU/Academy. Design of Elam Road improvements was completed in December 2015 and construction bids were received on January 22, 2016.

BACKGROUND (Continued)

This action is necessary to authorize a construction contract with Rebcon, Inc., lowest responsible bidder of four.

ESTIMATED SCHEDULE OF PROJECT

Began Design	April 2014
Completed Design	December 2015
Begin Construction	April 2016
Complete Construction	October 2016

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a lease agreement with the nonprofit corporation, Company of Trinity Forest Golfers, Inc. (CTFG) responsible for development, management and operation of a championship golf course on May 15, 2013, by Resolution No. 13-0776.

Authorized a professional services contract with Pacheco Koch Consulting Engineering, Inc. for engineering design services for improvements associated with the Elam Road and Simpkins Remediation on April 9, 2014, by Resolution No. 14-0627.

Authorized Supplemental Agreement No. 1 to the professional services contract with Pacheco Koch Consulting Engineers, Inc. to provide additional engineering services associated with Elam Road and Simpkins Remediation, on October 28, 2015, by Resolution No. 15-1979.

Information about this item will be provided to the Transportation and Trinity River Project Committee on March 21, 2016.

FISCAL INFORMATION

Capital Construction Funds - \$2,056,943.40
Public/Private Partnership Funds - \$275,750.00
Water Utilities Capital Construction Funds - \$78,280.00
Water Utilities Capital Improvements Funds - \$459,745.00

Design	\$ 279,020.00
Construction (this action)	<u>\$2,870,718.40</u>
Total Project Cost	\$3,149,738.40

<u>Council District</u>	<u>Amount</u>
7	\$1,435,359.20
8	<u>\$1,435,359.20</u>
Total	\$2,870,718.40

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Rebcon, Inc.

Hispanic Female	1	Hispanic Male	60
African-American Female	0	African-American Male	1
Other Female	1	Other Male	9
White Female	11	White Male	9

BID INFORMATION

The following bids were received and opened on December 18, 2015:

*Denotes successful bidder(s)

BIDDERS

BID AMOUNT

* Rebcon, Inc. 1868 W. Northwest Highway Dallas, TX 75220	\$2,870,718.40
Pavecon Public Works, LP	\$3,071,012.61
HQS Construction, LLC	\$2,894,057.00
**Tiseo Paving Company	**Non-responsive

**Tiseo Paving Company was deemed non responsive due to not meeting specifications.

OWNER

Rebcon, Inc.

Danny Krieg, Vice President

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a contract with Rebcon, Inc., lowest responsive bidder of four, for the construction of paving, drainage, water and wastewater improvements for Elam Road and a shared-use path west of Pemberton Hill Road - Not to exceed \$2,870,719 - Financing: Capital Construction Funds (\$2,056,944), Public/Private Partnership Funds (\$275,750), Water Utilities Capital Construction Funds (\$78,280) and Water Utilities Capital Improvements Funds (\$459,745)

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

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$2,769,247.71	96.47%
Total non-local contracts	\$101,470.69	3.53%
TOTAL CONTRACT	\$2,870,718.40	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
T & R Excavation	HMDB23857Y1216	\$323,539.25	11.68%
Sheamar Electrical	HMDB8507Y0716	\$95,683.75	3.46%
American Striping	WFDB90006Y0416	\$10,340.00	0.37%
Total Minority - Local		\$429,563.00	15.51%

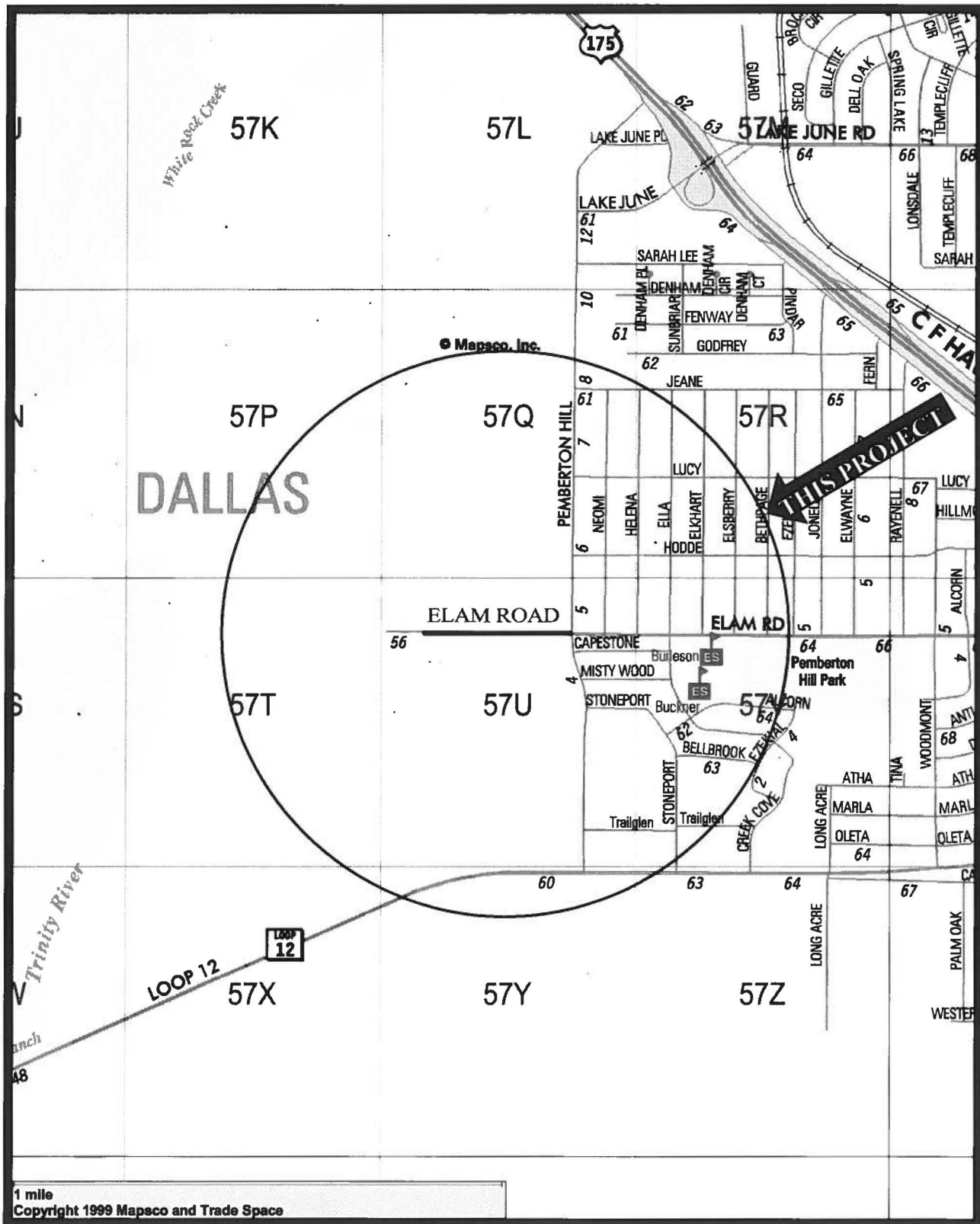
Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Latham Fence	BFWBC53150916	\$39,262.50	38.69%
GJ Seeding	WFWB85202N0417	\$30,079.75	29.64%
Total Minority - Non-local		\$69,342.25	68.34%

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%	\$39,262.50	1.37%
Hispanic American	\$419,223.00	15.14%	\$419,223.00	14.60%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$10,340.00	0.37%	\$40,419.75	1.41%
	<hr/>	<hr/>	<hr/>	<hr/>
Total	\$429,563.00	15.51%	\$498,905.25	17.38%

ELAM ROAD



MAPSCO 57-U & 57-T

March 23, 2016

WHEREAS, on May 15, 2013, Resolution No. 13-0776 authorized a lease agreement with the nonprofit corporation, Company of Trinity Forest Golfers, Inc. (CTFG) for development, management and operation of a championship golf course; and

WHEREAS, on April 9, 2014, Resolution No. 14-0627 authorized a contract with Pacheco Koch Consulting Engineering, Inc. for the engineering design for improvements associated with Elam Road and Simpkins Remediation in an amount not to exceed \$842,290.00; and

WHEREAS, on October 28, 2015, Resolution No. 15-1979 authorized Supplemental Agreement No. 1 to the professional services contract with Pacheco Koch Consulting Engineers, Inc. to provide additional engineering design services for improvements associated with the Elam Road and Simpkins Remediation in an amount not to exceed \$288,900.00, from \$842,290.00 to \$1,131,190.00; and

WHEREAS, bids were received on January 22, 2016, for the construction of paving, drainage, water and wastewater improvements for Elam Road and a shared-use path west of Pemberton Hill Road, as follows:

<u>BIDDERS</u>	<u>BID AMOUNT</u>
Rebcon, Inc.	\$2,870,718.40
Pavecon Public Works, LP	\$3,071,012.61
HQS Construction, LLC	\$2,894,057.00
**Tiseo Paving Company	**Non-responsive

**Tiseo Paving Company was deemed non responsive due to not meeting specifications.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to enter into a contract with Rebcon, Inc. for the construction of paving, drainage, water and wastewater improvements for Elam Road and shared-use path west of Pemberton Hill Road in an amount not to exceed \$2,870,718.40, this being the lowest responsible bid received, after it has been approved as to form by the City Attorney.

March 23, 2016

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

Capital Construction Fund
Fund 0671, Dept. BMS, Unit P837, Act. STDE
Obj. 4599, Program # 6PBSWM007, CT ECOP151E272
Vendor #243551, in an amount not to exceed \$2,056,943.40

Public/Private Partnership Fund
Fund 0352, Dept. ECO, Unit P151, Act. PPPF
Obj. 4599, Program #PBSWM007, CT ECOP151E272
Vendor #243551, in an amount not to exceed \$275,750.00

Water Construction Fund
Fund 0102, Department DWU, Unit CW42
Obj. 3221, Program #716039X, CT PBW716039EN
Vendor #243551, in an amount not to exceed \$12,550.00

Water Capital Improvement Fund
Fund 2115, Department DWU, Unit PW42
Obj. 4550, Program #716039, CT PBW716039CP
Vendor #243551, in an amount not to exceed \$459,745.00

Wastewater Construction Fund
Fund 0103, Department DWU, Unit CS42
Obj. 4560, Program #716040, CT PBW716040CP
Vendor #243551, in an amount not to exceed \$64,580.00

Wastewater Construction Fund
Fund 0103, Department DWU, Unit CS42
Obj. 3222, Program #716040X, CT PBW716040EN
Vendor #243551, in an amount not to exceed \$1,150.00

Total amount not to exceed \$2,870,718.40

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 ITEMS # 42,43

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): 6, Outside City Limits

DEPARTMENT: Water Utilities
Office of Economic Development

CMO: Mark McDaniel, 670-3256
Ryan S. Evans, 671-9837

MAPSCO: Various

SUBJECT

Cypress Waters Project

- * Authorize an amendment to Resolution No. 15-1192, previously approved on June 17, 2015, to increase financial participation with the City of Irving within the Dallas-Irving Interlocal Agreement for water supply and infrastructure projects - Not to exceed \$1,598,229, from \$5,748,518 to \$7,346,747 - Financing: Water Utilities Capital Construction Funds
- * Authorize an amendment to Resolution No. 15-1193, previously approved on June 17, 2015, to increase receipt and deposit of funds from Billingsley LD, Ltd., for the Phase III Development Agreement for Irving-led construction projects from \$4,023,963 to \$5,142,723 - Revenue: \$1,118,760

BACKGROUND

In 2010, the City of Dallas entered into a Memorandum of Understanding (MOU) with Cypress Waters Land Development, LLC, an affiliate of Billingsley Development Company and Billingsley LD, Ltd. (collectively "Billingsley" or "Developer"), and created the Cypress Waters TIF District for the economic development of an undeveloped 1,661-acre area surrounding North Lake ("Cypress Waters Project").

BACKGROUND (Continued)

Dallas Water Utilities (DWU) has been working with the City of Irving and Billingsley over the past few years to find a more efficient way to provide water service, wastewater service, and water supply to the area surrounding and including the Cypress Waters Project. The new plan enhances the sustainability of both cities' systems while at the same time reducing costs, saving the City of Dallas and Billingsley approximately \$10 million, and allowing DWU to reinvest the savings into long-term system improvements. Additionally, the new plan will allow the City of Dallas to reduce the size and extent of water and wastewater utilities in the Cypress Waters Project area over the term of the project and development, as well as in this area of Dallas.

On June 17, 2015, Council authorized the City Manager negotiate and enter into an Interlocal Agreement with the City of Irving for water supply and infrastructure projects; including a one million gallon elevated storage tank, Hackberry Pump Station improvements, and Northgate Pump Station ground storage improvements related to Irving providing water and wastewater services to Dallas for the Cypress Waters Development. Council also authorized the City Manager to negotiate and enter into a Phase III Development Agreement that outlines the terms under which Billingsley will advance to the City of Dallas for its 70% share of Dallas' portion of the design and construction cost of the Irving-led infrastructure projects.

During Interlocal Agreement negotiations, the City of Irving requested that the project cost estimates associated with the water supply and infrastructure projects include a 15% contingency to address potential cost overruns. This contingency was not included in the original project cost estimates approved by Council on June 17, 2015. In addition to contingency costs, project cost estimates for the improvements have been updated to reflect the latest market construction costs, resulting in an overall increase of \$1,598,229. Under the Development Agreement, Billingsley is responsible for advancing funds to the City of Dallas for 70% of Dallas' portion of the cost to design and construct the Irving-led improvements. Therefore, Billingsley's portion of the Irving-led projects will increase by \$1,118,760 and Dallas' portion will increase by \$479,469.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 26, 2010, the City Council authorized a Memorandum of Understanding outlining strategies, future steps, and conditions for funding infrastructure improvements related to the Cypress Waters area, by Resolution No. 10-1348.

On May 11, 2015, the Cypress Waters TIF District Board of Directors recommended approval of the proposed TIF District and Project Plan amendments, a modification in the geographical boundary, changes to the budget of the District, and all other related changes.

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

On May 18, 2015, a memo was presented to the Economic Development Committee to call a public hearing for June 10, 2015, to consider the proposed TIF District and Project Plan amendments, a modification in the geographical boundary, changes to the budget of the District, and all other related changes.

On June 1, 2015, a briefing was presented to the Economic Development Committee to consider the proposed changes to the TIF District, the Interlocal Agreement with the City of Irving, the proposed Development Agreement with Billingsley, and the resulting necessary changes to the Cypress Waters Memorandum of Understanding.

On June 10, 2015, the City Council considered amending the Cypress Waters TIF District ("the District") to: (1) modify the TIF boundaries; (2) adjust the base year value of the District; (3) decrease the District's total budget to reflect the early termination of the District after repayment of Phases I and II, DWU and the City of Irving water and wastewater obligations, and funding of the public safety building; and (4) correct the infrastructure/utility improvements category to allow TIF funding to be used for the Irving-led infrastructure improvements, by Resolution No. 15-1106.

On June 17, 2015, the City Council authorized the City Manager to negotiate and enter into an Interlocal Agreement with the City of Irving for water service, financial participation in water supply and infrastructure projects, and wastewater service, by Resolution No. 15-1192.

On June 17, 2015, the City Council authorized the City Manager to negotiate and enter into Phase III Development Agreement with Billingsley LD, Ltd., to authorize receipt and deposit of funds from Billingsley LD, Ltd., by Resolution No. 15-1193.

Information about this item was provided to the Economic Development Committee on February 16, 2016.

FISCAL INFORMATION

Dallas-Irving Interlocal Agreement

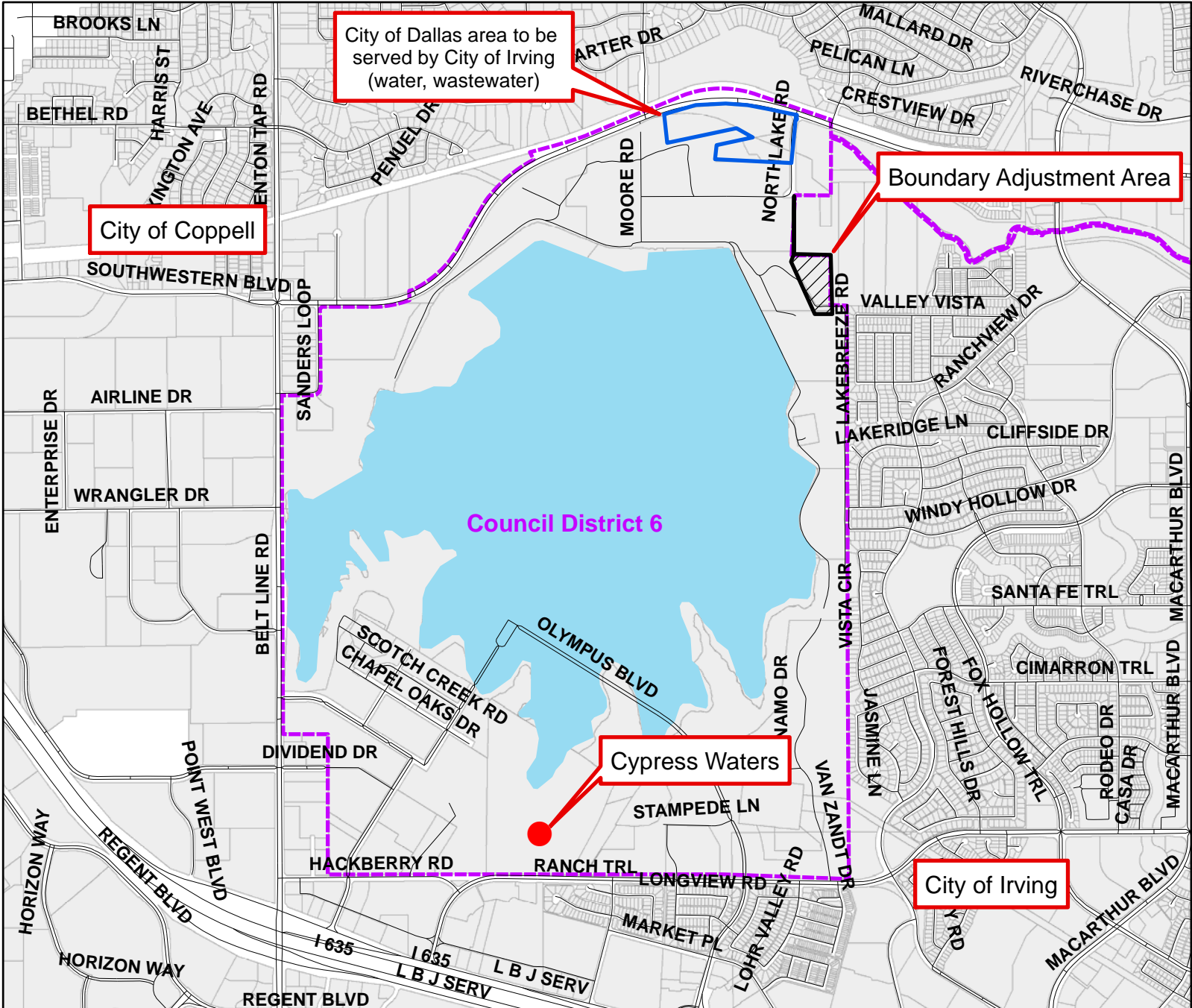
\$1,598,229 - Water Utilities Capital Construction Funds

Dallas-Billingsley Development Agreement

\$1,118,760 - Revenue (Funds received from Developer)

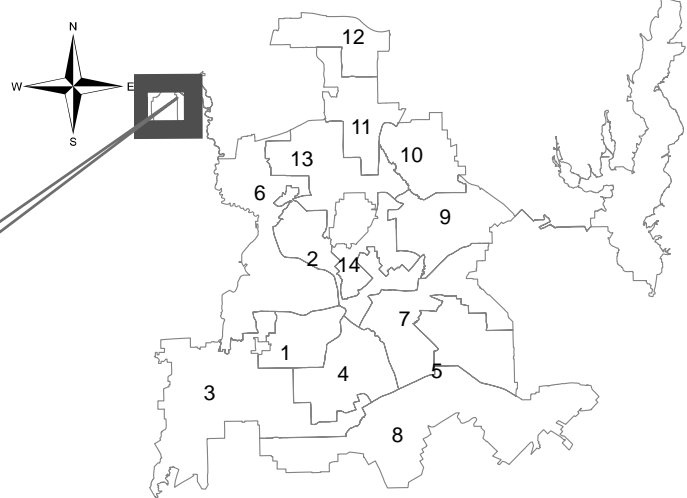
MAP

Attached



Mapsc0: Various

Council District: Outside City Limits



Dallas Water Utilities
Cypress Waters and Related Projects

March 23, 2016

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

WHEREAS, on May 26, 2010, the City Council authorized a Memorandum of Understanding to outline the strategies, future steps, and conditions for funding infrastructure improvements necessitated by the development of an approximately 1,661-acre site located near the intersection of LBJ Freeway (Interstate Highway 635) and South Belt Line Road ("Cypress Waters Project") in order to ensure a coordinated, master planned development for Cypress Waters within the corporate limits of the City of Dallas, but outside of accessible City services, by Resolution No. 10-1348; and,

WHEREAS, on June 17, 2015, City Council authorized the City Manager to enter into an Interlocal Agreement with the City of Irving to jointly fund Irving's one million gallon elevated tank improvements, Hackberry Pump Station Improvements and Northgate Pump Station ground storage improvements and approved the Chief Financial Officer to encumber and disburse funds not to exceed \$5,748,518.00 from the Water Capital Construction Fund to the City of Irving 30 days prior to each City of Irving project award; and,

WHEREAS, Dallas and Irving are negotiating the Interlocal Agreement and Irving has requested that Dallas update the project cost estimates in the Interlocal Agreement to include a 15% contingency to cover potential project cost overruns, as well as reflect the latest market construction costs, resulting in an overall increase of \$1,598,229; and,

WHEREAS, under the Development Agreement, Billingsley is responsible to advance funds to the City of Dallas for 70% of Dallas' portion of the cost to design and construct the Irving-led improvements. Therefore, Billingsley's portion of the Irving-led projects will increase by \$1,118,760 and Dallas' portion will increase by \$479,469.

Now, Therefore,

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

Section 1. That the City Manager, upon approval as to form by the City Attorney, is hereby authorized to amend Resolution No. 15-1192, previously approved on June 17, 2015, to increase payments to the City of Irving by \$1,598,229, from \$5,748,518 to \$7,346,747, for design and construction of the Irving-led construction projects including a one million gallon elevated storage tank, Hackberry Pump Station improvements and Northgate Pump Station ground storage improvements.

March 23, 2016

Section 2. That the Chief Financial Officer is hereby authorized to encumber and disburse an additional amount, not to exceed \$1,598,229, from the Water Capital Construction Fund to the City of Irving as follows:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>PROGRAM</u>	<u>ENCUMBRANCE</u>	<u>AMOUNT</u>	<u>VENDOR</u>
0102	DWU	CW41	4591	7A1298	CTDWU7A1298EN	\$1,598,229	242336

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

March 23, 2016

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

WHEREAS, on May 26, 2010, the City Council authorized a Memorandum of Understanding to outline the strategies, future steps, and conditions for funding infrastructure improvements necessitated by the development of an approximately 1,661-acre site located near the intersection of LBJ Freeway (Interstate Highway 635) and South Belt Line Road ("Cypress Waters Project") in order to ensure a coordinated, master planned development for Cypress Waters within the corporate limits of the City of Dallas, but outside accessible City services, by Resolution No. 10-1348; and,

WHEREAS, the City of Dallas wishes to participate in the cost of certain water infrastructure improvements and related engineering costs with the City of Irving; and

WHEREAS, on June 17, 2015, City Council authorized the City Manager to enter into a Phase III Development Agreement with Billingsley LD, Ltd., to provide for water service, water supply, and wastewater service for the Cypress Waters area and authorized the Chief Financial Officer to receive and deposit funds from Billingsley LD, Ltd., in an amount of \$4,023,963 for Irving's one million gallon elevated tank improvements, Hackberry Pump Station Improvements and Northgate Pump Station ground storage improvements.

WHEREAS, Dallas and Irving are negotiating the Interlocal Agreement and Irving has requested that Dallas update the project cost estimates in the Interlocal Agreement to include a 15% contingency to cover potential project cost overruns, as well as reflect the latest market construction costs, resulting in an overall increase of \$1,598,229; and,

WHEREAS, under the Development Agreement, Billingsley is responsible to advance funds to the City of Dallas for 70% of Dallas' portion of the cost to design and construct the Irving-led improvements. Therefore, Billingsley's portion of the Irving-led projects will increase by \$1,118,760 and Dallas' portion will increase by \$479,469.

Now, Therefore,

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

Section 1. That the City Manager, upon approval as to form by the City Attorney, is hereby authorized to amend Resolution No. 15-1193, previously approved on June 17, 2015, to increase the amount of funds received from Billingsley LD, Ltd., by \$1,118,760, from \$4,023,963 to \$5,142,723, for use in Irving-led construction projects including a one million gallon elevated storage tank, Hackberry Pump Station improvements and Northgate Pump Station ground storage improvements.

March 23, 2016

Section 2. That the Chief Financial Officer is hereby authorized to receive and deposit funds from Billingsley LD, Ltd. for this project and deposit funds in an additional amount not to exceed \$1,118,760 as follows:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>Revenue Source</u>	<u>AMOUNT</u>
0102	DWU	CW41	9925	\$1,118,760

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

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): 6, Outside City Limits

DEPARTMENT: Water Utilities
Sustainable Development and Construction
Office of Economic Development

CMO: Mark McDaniel, 670-3256
Ryan S. Evans, 671-9837

MAPSCO: Various

SUBJECT

Cypress Waters and West Cell Developments

- * Authorize the City Manager to enter into a Reciprocal Treated Water Service Contract, approved as to form by the City Attorney, with the City of Irving for reciprocal treated water service for the Cypress Waters Development - Not to exceed \$1,944,801 - Financing: Water Utilities Current Funds (subject to annual appropriations)
- * Authorize the City Manager to enter into a Reciprocal Wastewater Service Contract, approved as to form by the City Attorney, with the City of Irving for reciprocal wastewater service for the Cypress Waters Development - Not to exceed \$71,058 - Financing: Water Utilities Current Funds (subject to annual appropriations)
- * An ordinance adopting a boundary adjustment agreement with the City of Irving on property located south of the terminus of South Northlake Road and northwest of the intersection of Valley Vista Drive and Lakebreeze Road (within the West Cell area of the Cypress Waters Development) - Financing: No cost consideration to the City

BACKGROUND

In 2010, the City of Dallas entered into a Memorandum of Understanding (MOU) with Cypress Waters Land Development, LLC, an affiliate of Billingsley Development Company and Billingsley LD, Ltd. (collectively "Billingsley" or "Developer"), and created the Cypress Waters TIF District for the economic development of an undeveloped 1,661-acre area surrounding North Lake ("Cypress Waters Project"). Planned development for the area includes a total of 10,000 residential units, 4 million square feet of office and 150,000 square feet of retail space.

BACKGROUND (Continued)

Dallas and Irving share a corporate boundary near North Lake. Dallas provides wholesale treated water and water treatment services to Irving under the terms and conditions of a Wholesale Treated Water Contract and Water Treatment Services Contract. Dallas Water Utilities (DWU) has been working with the City of Irving over the past few years to find a more efficient way to provide water and wastewater services to the Cypress Waters development including West Cell.

The City of Irving, in conjunction with Billingsley, has requested the City of Dallas to consider a boundary adjustment at the common boundary between the City of Dallas and the City of Irving on property located south of the terminus of South Northlake Road and northwest of the intersection of Valley Vista Drive and Lakebreeze Road within the West Cell portion of the Cypress Waters development. This existing boundary does not presently allow for the efficient development and delivery of city services. The proposal includes adjusting into the City of Irving an approximate 6.5 acre property out of the 28.5 acre West Cell of the Cypress Waters development currently located in the City of Dallas. The property owner, Billingsley, plans for single family development of the 6.5 acres with approximately 18 lots.

In exchange for the boundary adjustment, the City of Irving will provide water and wastewater services to the remaining West Cell North area in Dallas which consists of 96 single-family lots on 22 acres of land. The City of Irving will also provide water and wastewater services to the southern portion of the Cypress Waters development. The estimated cost for the City of Dallas to design and construct infrastructure to provide water service to the West Cell would be approximately \$1.2 million. The estimated cost to design and construct infrastructure to provide wastewater service to West Cell would be approximately \$1.1 million. The property proposed for adjustment is less than 1,000 feet in width and qualifies under Section 43.031 of the Texas Local Government Code as a candidate for the mutually agreeable municipal boundary adjustment. On June 17, 2015, the Dallas City Council authorized the City Manager to negotiate and enter into this boundary adjustment by Resolution No. 15-1179. Dallas and Irving City Councils need to ratify and adopt the agreement by ordinance.

Dallas does not have water and wastewater facilities or agreements in place to provide for the next phase of development of Cypress Waters. Treated water service sufficient for up to 2,500 service connections with an average daily demand of 1.04 million gallons per day ("MGD") is needed for the southern portion of the Cypress Waters Development area. For the West Cell North area of Cypress Waters, the estimated treated water average daily demand is 0.057 MGD. The projected average daily wastewater flow demand for the southern portion of Cypress Waters is 0.023 MGD and the projected average daily wastewater flow demand for West Cell North portion of Dallas' Service Area is 0.039 MGD.

BACKGROUND (Continued)

All treated water and wastewater services provided to Dallas under the contracts will be measured at metering stations designed and constructed by Dallas. Upon completion of facilities in the spring of 2017, Irving will commence providing water and wastewater services to Dallas and the metering stations will be conveyed to Irving. Irving will invoice Dallas at Irving's commercial water rate for the treated water services provided and at its industrial wastewater rate for the wastewater services provided to Dallas. The residents and businesses served under the Reciprocal Water and Reciprocal Wastewater Service Contracts will be direct customers of the City of Dallas Water Utilities.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 18, 2015, a memo was presented to the Economic Development Committee to call a public hearing for June 10, 2015, to consider the proposed TIF District and Project Plan amendments, a modification in the geographical boundary, changes to the budget of the District, and all other related changes.

On June 1, 2015, a briefing was presented to the Economic Development Committee to consider the proposed changes to the TIF District, the Interlocal Agreement with the City of Irving, the proposed Development Agreement with Billingsley, and the resulting necessary changes to the Cypress Waters Memorandum of Understanding.

On June 10, 2015, the City Council considered amending the Cypress Waters TIF District ("the District") to: (1) modify the TIF boundaries; (2) adjust the base year value of the District; (3) decrease the District's total budget to reflect the early termination of the District after repayment of Phases I and II, DWU and the City of Irving water and wastewater obligations, and funding of the public safety building; and (4) correct the infrastructure/utility improvements category to allow TIF funding to be used for the Irving-led infrastructure improvements, by Resolution No. 15-1106.

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

On June 17, 2015, the City Council authorized the City Manager to negotiate and enter into an Interlocal Agreement with the City of Irving for water service, financial participation in water supply and infrastructure projects, and wastewater service, by Resolution No. 15-1192.

Information about this item was provided to the Economic Development Committee on February 16, 2016.

FISCAL INFORMATION

Dallas-Irving Reciprocal Water Service Contract

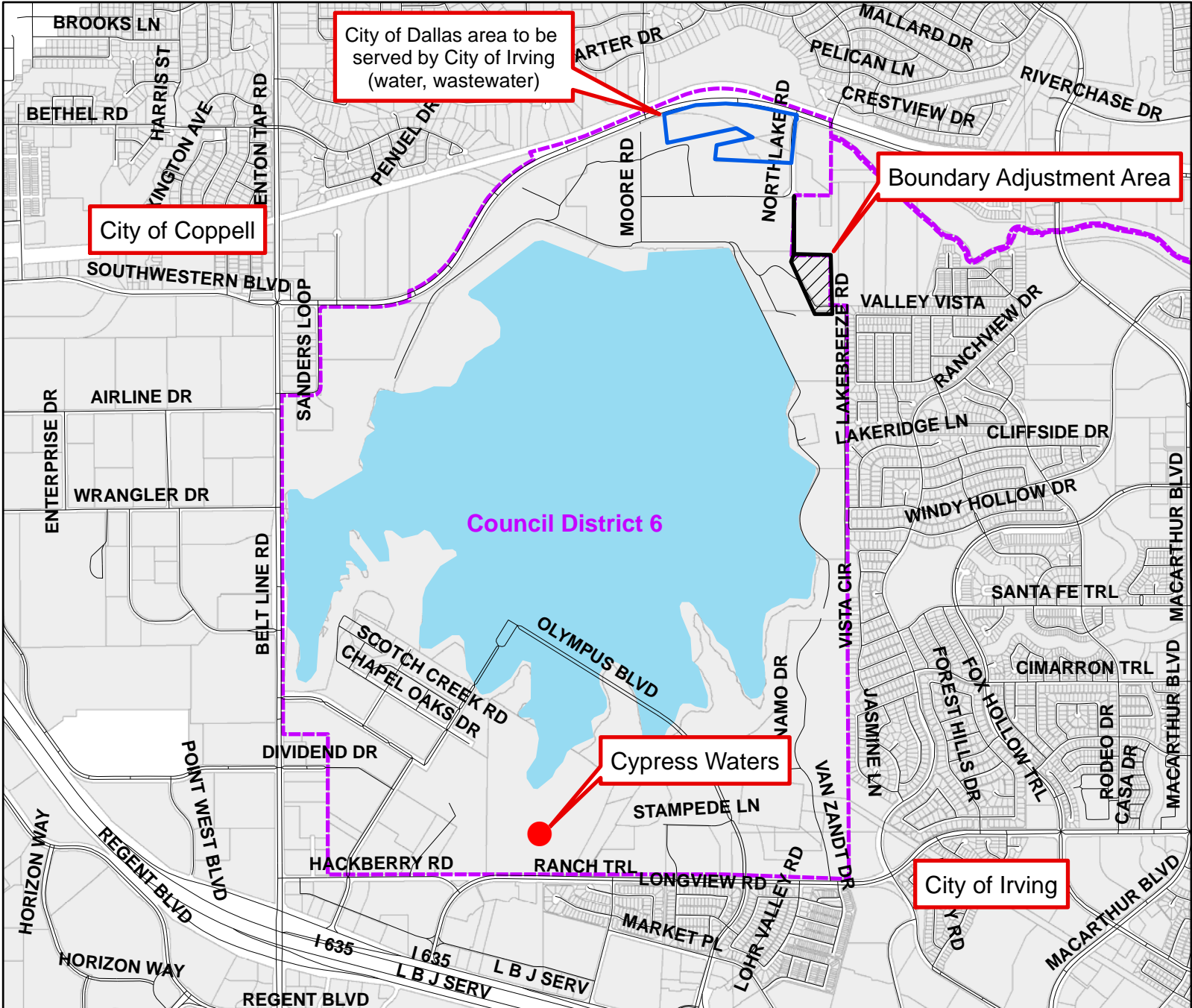
\$1,944,801- Water Utilities Current Funds (subject to annual appropriations)

Dallas-Irving Reciprocal Wastewater Service Contract

\$71,058- Water Utilities Current Funds (subject to annual appropriations)

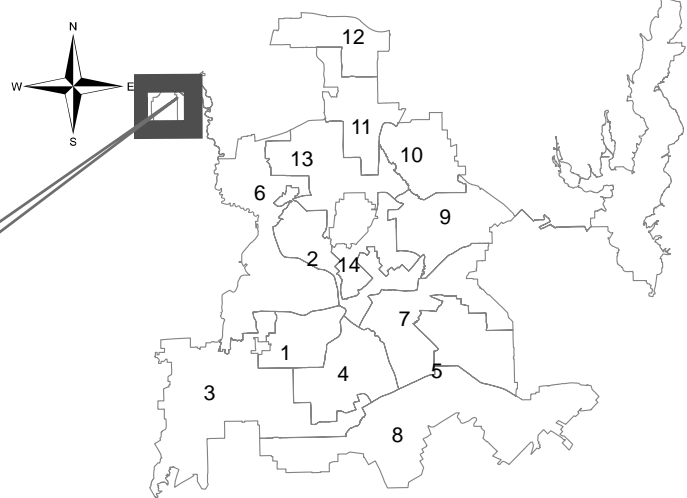
MAP

Attached



Mapsc0: Various

Council District: Outside City Limits



Dallas Water Utilities
Cypress Waters and Related Projects

March 23, 2016

WHEREAS, on May 26, 2010, the City Council authorized a Memorandum of Understanding to outline the strategies, future steps, and conditions for funding infrastructure improvements necessitated by the development of an approximately 1,661-acre site located near the intersection of LBJ Freeway (Interstate Highway 635) and South Belt Line Road ("Cypress Waters Project") in order to ensure a coordinated, master planned development for Cypress Waters within the corporate limits of the City of Dallas, but outside accessible City services, by Resolution No. 10-1348; and,

WHEREAS, Dallas Water Utilities currently does not have water facilities to provide water services to the next phase of Cypress Waters development including the West Cell residential development which is located in the northern portion of Cypress Waters; and,

WHEREAS, Dallas and Irving desire to enter into a Reciprocal Treated Water Service Contract for Irving to provide water services to Dallas for Southeast Cypress Waters and West Cell; and,

WHEREAS, on June 17, 2015, by Resolution No. 15-1192, the City Council authorized an Interlocal Agreement with the City of Irving, after approval as to form by the City Attorney, which included, among other things, for the City of Irving to provide: (1) permanent water service to 2,500 permanent water connections in the southwest portion of the Cypress Waters Project; (2) water and wastewater service for 22 acres of the northern portion of the Cypress Waters Project; and (3) permanent wastewater service for flows up to 0.3 million gallons per day in Southeast Cypress Waters; and,

WHEREAS, the City of Irving currently purchases water treatment services and storage in Lake Lewisville from the City of Dallas, and Dallas currently provides water treatment services and storage in Lake Lewisville to Irving as set forth under the terms, covenants and conditions stated in a Water Treatment Services contract between the Cities of Dallas and Irving, dated January 8, 1998; and,

WHEREAS, the City of Irving currently purchases wholesale treated water from the City of Dallas, and Dallas currently delivers and sells wholesale treated water to Irving as set forth under the terms, covenants, and conditions stated in a Wholesale Treated Water Contract between the Cities of Dallas and Irving which includes a Reciprocal Water and/or Wastewater Service Agreement, dated January 22, 1998; and,

WHEREAS, the City of Dallas agrees to compensate the City of Irving for providing the water services.

March 23, 2016

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 Reciprocal Treated Water Service Contract, approved as to form by the City Attorney, with the City of Irving to enable the City of Dallas to purchase treated water services from the City of Irving for the Cypress Waters Development including West Cell.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in accordance with the terms and conditions of the contract as follows:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>ENCUMBRANCE</u>	<u>AMOUNT</u>	<u>VENDOR</u>
0100	DWU	7310	2171	CTDWU7321C1629	\$1,944,801	242336

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

March 23, 2016

WHEREAS, on May 26, 2010, the City Council authorized a Memorandum of Understanding to outline the strategies, future steps, and conditions for funding infrastructure improvements necessitated by the development of an approximately 1,661-acre site located near the intersection of LBJ Freeway (Interstate Highway 635) and South Belt Line Road ("Cypress Waters Project") in order to ensure a coordinated, master planned development for Cypress Waters within the corporate limits of the City of Dallas, but outside accessible City services, by Resolution No. 10-1348; and,

WHEREAS, Dallas Water Utilities currently does not have wastewater facilities to provide wastewater services to the next phase of Cypress Waters development including the West Cell residential development which is located in the northern portion of Cypress Waters; and,

WHEREAS, Dallas and Irving desire to enter into a Reciprocal Wastewater Service Contract for Irving to provide wastewater services to Dallas for Southeast Cypress Waters and West Cell; and,

WHEREAS, on June 17, 2015, by Resolution No. 15-1192, the City Council authorized an Interlocal Agreement with the City of Irving, after approval as to form by the City Attorney, which included, among other things, for the City of Irving to provide: (1) permanent water service to 2,500 permanent water connections in the southwest portion of the Cypress Waters Project; (2) water and wastewater service for 22 acres of the northern portion of the Cypress Waters Project; and (3) permanent wastewater service for flows up to 0.3 million gallons per day in Southeast Cypress Waters; and,

WHEREAS, Irving does not treat and dispose of its own wastewater but has a long-term contract with the Trinity River Authority (TRA) for the transportation, treatment and disposal of its wastewater. Irving has determined that the wastewater services requested by Dallas can be provided by Irving and is not inconsistent with Irving's agreement with TRA; and,

WHEREAS, the City of Irving currently purchases water treatment services and storage in Lake Lewisville from the City of Dallas, and Dallas currently provides water treatment services and storage in Lake Lewisville to Irving as set forth under the terms, covenants and conditions states in a Water Treatment Services contract between the Cities of Dallas and Irving, dated January 8, 1998; and,

WHEREAS, the City of Irving currently purchases wholesale treated water from the City of Dallas, and Dallas currently delivers and sells wholesale treated water to Irving as set forth under the terms, covenants, and conditions stated in a Wholesale Treated Water Contract between the Cities of Dallas and Irving which includes a Reciprocal Water and/or Wastewater Service Agreement, dated January 22, 1998; and,

March 23, 2016

WHEREAS, the City of Dallas agrees to compensate the City of Irving for providing the wastewater services.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to enter into a Reciprocal Wastewater Service Contract, approved as to form by the City Attorney, with the City of Irving to enable the City of Dallas to purchase wastewater services from the City of Irving for the Cypress Waters and West Cell Developments.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in accordance with the terms and conditions of the contract as follows:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>ENCUMBRANCE</u>	<u>AMOUNT</u>	<u>VENDOR</u>
0100	DWU	7320	3084	CTDWU7321C1620	\$71,058	242336

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.

ORDINANCE NO.

An ordinance ratifying and adopting an agreement between the cities of Dallas and Irving adjusting their common boundary line; releasing a certain area of land to the City of Irving; providing a savings clause; providing a severability clause; and providing an effective date.

WHEREAS, it is the desire of the cities of Dallas and Irving to adjust their common city limit boundaries in order to establish clear demarcation lines to allow the efficient delivery of city services to their citizens; and

WHEREAS, Irving agrees to sell and deliver to Dallas, on a wholesale basis, potable treated water and wastewater services to a portion of Dallas; and

WHEREAS, the cities of Dallas and Irving, pursuant to Section 43.031 of the Texas Local Government Code, have entered into an agreement, authorized by city council Resolution 151179 on June 17, 2015, adjusting the common boundary line; and

WHEREAS, the city council finds that it is in the public interest for the City of Dallas to make such an adjustment; Now, Therefore,

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

SECTION 1. That the City of Dallas does hereby ratify and adopt the agreement attached hereto and made a part of this ordinance as Exhibit A, which was entered into by the City of Dallas and the City of Irving on December __, 2015.

SECTION 2. That the City of Dallas does hereby release a certain area of land, along with all extraterritorial jurisdiction pertaining thereto, now within its city limits and described in, Attachment No. 1 to the City of Irving.

SECTION 3. That the affected corporate limits of the City of Dallas shall upon final passage of this ordinance be adjusted as set out in Exhibit A.

SECTION 5. That the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the city council without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph, or section.

SECTION 6. That the city secretary is hereby directed to publish this ordinance at least one time in the official newspaper of the City of Dallas.

SECTION 7. 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 Irving.

SECTION 8. That this ordinance shall take effect upon ratification and adoption of the attached agreement by the City of Irving or immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, whichever occurs later, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M.S. Ernst, City Attorney

By _____
Assistant City Attorney

EXHIBIT A
BOUNDARY ADJUSTMENT AGREEMENT

THIS BOUNDARY ADJUSTMENT AGREEMENT ("AGREEMENT") is made and entered into by and between the City of Dallas, Texas, hereinafter referred to as Dallas, and the City of Irving, Texas, hereinafter referred to as Irving, collectively referred to as Cities.

WHEREAS, a portion of Dallas's boundary is contiguous with the northern boundary of Irving; and

WHEREAS, this existing boundary does not presently allow the efficient development and delivery of city services to the area; and

WHEREAS, the Cities desire to modify their mutual boundary so as to allow more efficient development of a proposed residential subdivision and delivery of city services to the area; and

WHEREAS, representatives of Dallas and Irving have met and agreed to a mutually acceptable boundary which is in the best interest of the citizens of each city; and

WHEREAS, pursuant to an Interlocal Agreement and related Water and Wastewater Service Agreements, Irving has agreed to provide potable treated water and wastewater services to a portion of Dallas located near the proposed residential subdivision.

NOW THEREFORE, for and in consideration of the mutual covenants, conditions, and promises expressed herein, Dallas and Irving agree as follows:

SECTION I.

Statement of Intent

It is the intent of Dallas and Irving to modify their respective boundaries in the following manner:

Adjust 6.5 acres of land in the City of Dallas located south of the terminus of South Northlake Road and northwest of Valley Vista Drive and Lakebreeze Road, and more particularly described in Attachment No. 1 (the "Property"), attached hereto and made a part of this AGREEMENT, into the territorial limits of Irving.

SECTION II.

Release of Territory

Dallas agrees to release the Property described in Attachment No. 1 to Irving.

SECTION III.

Waiver of Extraterritorial Jurisdiction

Dallas does hereby waive all of its extraterritorial jurisdiction rights existing by reason of the Property in favor of Irving. It is expressly agreed and understood that this waiver shall operate only in favor of Irving, and shall not constitute a waiver of any right, including extraterritorial jurisdiction rights that Dallas may be able to assert against any other municipality.

SECTION IV.

Water and Wastewater Services

In accordance with that certain Interlocal Agreement ("ILA") and related Water and Wastewater Service Agreements between the Cities effective as of the _____ day of _____, by the CITY OF DALLAS, signing by and through its City Manager, duly authorized to execute same by Resolution Nos. _____, _____, and _____ adopted by the Dallas City Council on _____, 2016, and by City of Irving, signing by and through its Mayor, duly authorized to execute same by Resolution Nos. _____, _____, and _____ adopted by Irving City Council on _____, 2016 and made a part of this AGREEMENT, Irving will provide 22 acres of land in the City of Dallas, located south of Beltline Road and west of Northlake Road, and more particularly described in Attachment No. 2 (the "Dallas Property"), attached hereto and made a part of this AGREEMENT, with treated water and wastewater services. Irving agrees that these treated water and wastewater services will be delivered and implemented in accordance with and subject to the ILA and related Water and Wastewater Service Agreements.

SECTION V.

Service Plan

Upon ratification, adoption, and approval of this AGREEMENT, Irving does hereby agree to immediately begin implementation into the affected area of the service plan attached to and made a part of this agreement as Attachment No. 3.

SECTION VI.

Effective Date

Dallas and Irving agree that this AGREEMENT shall take effect only upon ratification and adoption by the governing body of the City of Dallas and approval by the governing body of the City of Irving.

SIGNED this the ___th day of February 2016.

CITY OF IRVING, TEXAS

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

Beth Van Duyne, Mayor

By _____
Assistant City Manager

APPROVED AS TO FORM:

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

Charles R. Anderson, City Attorney

By _____
Assistant City Attorney

ATTEST:

ATTEST:

Shanae Jennings, City Secretary

Rosa Rios, City Secretary

ATTACHMENT NO. 3 SERVICE PLAN

The following is a Service Plan for the property described in Attachment No. 1 attached to the AGREEMENT and also identified on the attached map.

As the result of a series of negotiations, the cities of Dallas and Irving agreed to a boundary adjustment covering the property described in the AGREEMENT.

Schedule of Municipal Services

A. Police Protection

Police enforcement and protection services are to be provided by the extension of patrol into the boundary adjusted area and by response from the Irving Police Department to individual requests beginning on the effective date of the boundary adjustment ordinance.

B. Fire Protection (including emergency ambulance)

Fire protection personnel and equipment, and emergency medical personnel and equipment shall be provided to the boundary adjusted area upon request beginning on the effective date of the boundary adjustment ordinance.

C. Solid Waste Collection

Solid waste collection service is to be provided to the boundary adjusted area in accordance with City of Irving ordinances, resolutions, and regulations beginning on the effective date of the boundary adjustment ordinance.

D. Water Service

1. Water service is to be provided to the boundary adjusted area in accordance with City of Irving ordinances, resolutions, and regulations beginning on the effective date of the boundary adjustment ordinance.

2. Water mains are to be extended to serve individual owners in the boundary adjusted area in accordance with City of Irving ordinances, resolutions, and regulations.

3. As development and construction of subdivisions commence within the boundary adjusted area, water mains are to be extended with City participation in the costs of these extensions in accordance with City of Irving ordinances, resolutions, and regulations.

E. Sanitary Sewer Service

1. Wastewater service is to be provided to the boundary adjusted area in accordance with City of Irving ordinances, resolutions, and regulations beginning on the effective date of the boundary adjustment ordinance.

2. Sanitary sewer mains are to be extended to serve individual owners in the boundary adjusted area in accordance with City of Irving ordinances, resolutions, and regulations.

3. As development and construction of subdivisions commence within the boundary adjusted area, sanitary sewer mains are to be extended with City participation in the costs of these extensions in accordance with City of Irving ordinances, resolutions, and regulations.

F. Maintenance of Roads and Streets

1. Street maintenance and other street services are to be provided to the boundary adjusted area in accordance with City of Irving ordinances, resolutions, and regulations beginning on the effective date of the boundary adjustment ordinance.

2. As streets are constructed in undeveloped portions of the boundary adjusted areas, the City is to participate in the cost of construction, acceptance upon completion, maintenance, and other services in accordance with City of Irving ordinances, resolutions, and regulations.

G. Parks and Recreation

All of the City of Irving parks and recreation facilities are to be available for use by residents of the boundary adjusted area beginning on the effective date of the boundary adjustment ordinance.

H. Library Service

All of the City of Irving library facilities are to be available for use by residents of the boundary adjusted area beginning on the effective date of the boundary adjustment ordinance.

I. Street Lighting

The City of Irving is to provide for the placement of street lights in accordance with practices in all other areas of the city.

J. Traffic Engineering

Necessary traffic studies are to be performed to determine the need for installation of street identification signs and proper traffic control devices within the boundary adjusted area in accordance with City of Irving ordinances, resolutions, and regulations.

K. Planning and Zoning.

The planning and zoning jurisdiction, including the subdivision platting process, of the City of Irving extend to the boundary adjusted area.

L. Storm Drainage (including flood plain regulations)

Studies are to be conducted to ascertain the limits of the 100-year floodplain in order to place the zoning flood plain prefix on any appropriate areas.

M. Capital Improvements

Irving will initiate the acquisition or construction of capital improvements necessary for providing services adequate to serve the boundary adjusted area as soon as reasonably possible, consistent with generally accepted local engineering and architectural standards and practices.

N. Miscellaneous

General municipal administrative and code enforcement services of the City of Irving will be provided to residents of the boundary adjusted area beginning on the effective date of the boundary adjustment ordinance.

DRAFT

**EXHIBIT
0.3606 ACRES TRACT**

A tract or parcel of land situated in the Jacob Carlock Survey, Abstract No. 312, in City of Dallas Block No. 8461, in the City of Dallas, Dallas County, Texas, being the same as the called 0.3606 acre tract described in the Special Warranty Deed to Crow-Billingsley North Lake HB&T Joint Venture recorded in Volume 90106 Page 2492 in the Deed Records Dallas County, Texas (DRDCT), and being more particularly described as follows;

BEGINNING at the most westerly southwest corner of the called 70.5154 acres tract described in the deed to Crow-Billingsley Belt Line, Ltd. recorded in Volume 86068 Page 5186 in the DRDCT, being also the northwest corner of the called 6.2409 acres tract described in the deed to CW Shoreline Land, Ltd. recorded in Instrument No. 201100289321 in the Official Public Records, Dallas County, Texas (OPRDCT);

THENCE North 00°00'00" West 807.80 feet to the south right-of-way line of North Lake Road as described in the deed to the County of Dallas recorded in Volume 4669 Page 443 in the DRDCT;

THENCE South 89°57'00" East 38.89 feet along the south line of North Lake Road to the west side of said 70.5154 acres tract;

THENCE South 02°45'22" West 808.70 feet along the west side of said 70.5154 acres tract to the Point of Beginning and Containing 0.3606 acres of land more or less.

This document was prepare under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

**EXHIBIT
6.2409 ACRES TRACT**

A tract or parcel of land situated in the Jacob Carlock Survey, Abstract No. 312, in City of Dallas Block No. 8461, in the City of Dallas, Dallas County, Texas, being the same as the called 6.2409 acre tract described in the Special Warranty Deed to CW Shoreline Land, Ltd. recorded in Instrument No. 201100289321 in the Official Public Records, Dallas County, Texas (OPRDCT), and being more particularly described as follows;

BEGINNING at the most westerly southwest corner of the called 70.5154 acres tract described in the deed to Crow-Billingsley Belt Line, Ltd. recorded in Volume 86068 Page 5186 in the DRDCT;

THENCE South 89°57'35" East 539.83 feet along the south side of said 70.5154 acres tract;

THENCE South 00°02'11" East 690.24 feet along the west side of said 70.5154 acres tract;

THENCE North 89°08'05" West 201.10 feet along the south side of said 6.2409 acres tract to a found corner monument stamped Frontier;

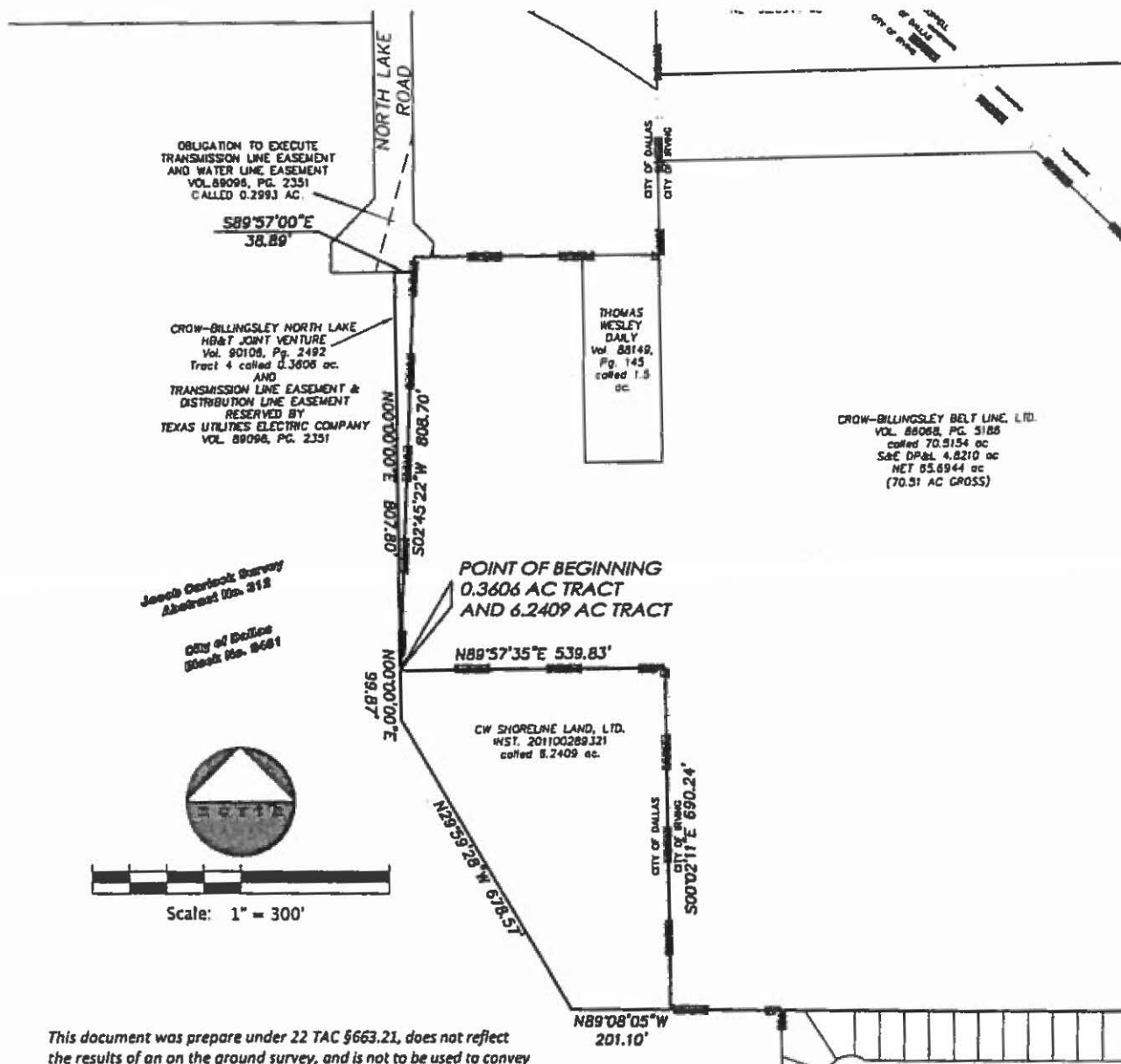
THENCE North 29°59'28" West 678.57 feet along the west side of said 6.2409 acres tract to a found corner monument stamped Frontier;

THENCE North 00°00'00" West 99.87 feet along the west side of said 6.2409 acres tract to the Point of Beginning and Containing 6.2409 acres of land more or less.

This document was prepare under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

Attachment No. 1

EXHIBIT
0.3606 ACRES TRACT AND
6.2409 ACRES TRACT



This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.



Binkley & Barfield | C&P
consulting engineers

1801 Gateway Blvd.
Suite 101
Richardson, Texas 75080

972.644.2800
Fax 972.644.2817
www.bbcpi.com

Firm Registration #F-3185



BASELINE
BASELINE CORPORATION
Professional Surveyors

1801 Gateway Blvd.
Suite 103
Richardson, Texas 75080

972.535.6325
www.baseline-surveyors.net

TBPLS Firm No. F-3185

Job No.: 813X508

Date: JUNE 2, 2015

Page: 3 of 3

Dwg. File: 813X508 BNDY-BASE

DEED SKETCH EXHIBIT
± 22.78 ACRES
CITY OF DALLAS, DALLAS COUNTY, TEXAS

A tract or parcel of land situated Jacob Carlock Survey, Abstract No. 312, in the City of Dallas, Dallas County, Texas and being a composite of parts of the tracts of land described in the deed to CW SHORELINE LAND, LTD. recorded in Instrument No. 201100289322 in the Dallas County Deed Records (DCDR), and CROW-BILLINGSLEY NORTH LAKE HB&T JOINT VENTURE recorded in Volume 90106 Page 2492 in the DCDR, and being more particularly described as follows:

BEGINNING at the intersection of the south line of Belt Line Road and the diagonal corner clip at the west line of North Lake Road (typical 80' wide right-of-way);

THENCE Southerly along the west line of North Lake Road the following:

South 25°35'53" East 57.53 feet;

Southerly an arc distance of 258.55 feet along a non-tangent curve to the left, having a radius of 858.83 feet, a central angle of 17°14'55", and the chord bears South 08°40'33" West 257.57 feet;

South 00°15'36" West 331.72 feet;

THENCE North 89°01'51" West 1036.92 feet;

THENCE North 00°58'09" East 219.19 feet;

THENCE North 78°46'57" East 376.84 feet;

THENCE North 80°08'09" East 171.71 feet;

THENCE North 61°49'30" West 243.65 feet;

THENCE South 79°19'12" West 1000.05 feet;

THENCE North 06°27'23" West 246.27 feet;

THENCE North 09°07'04" West 144.20 feet;

THENCE Westerly an arc distance of 228.78 feet along a non-tangent curve to the left, having a radius of 1332.12 feet, a central angle of 09°50'25", and the chord bears South 72°51'48" West, 228.50 feet;

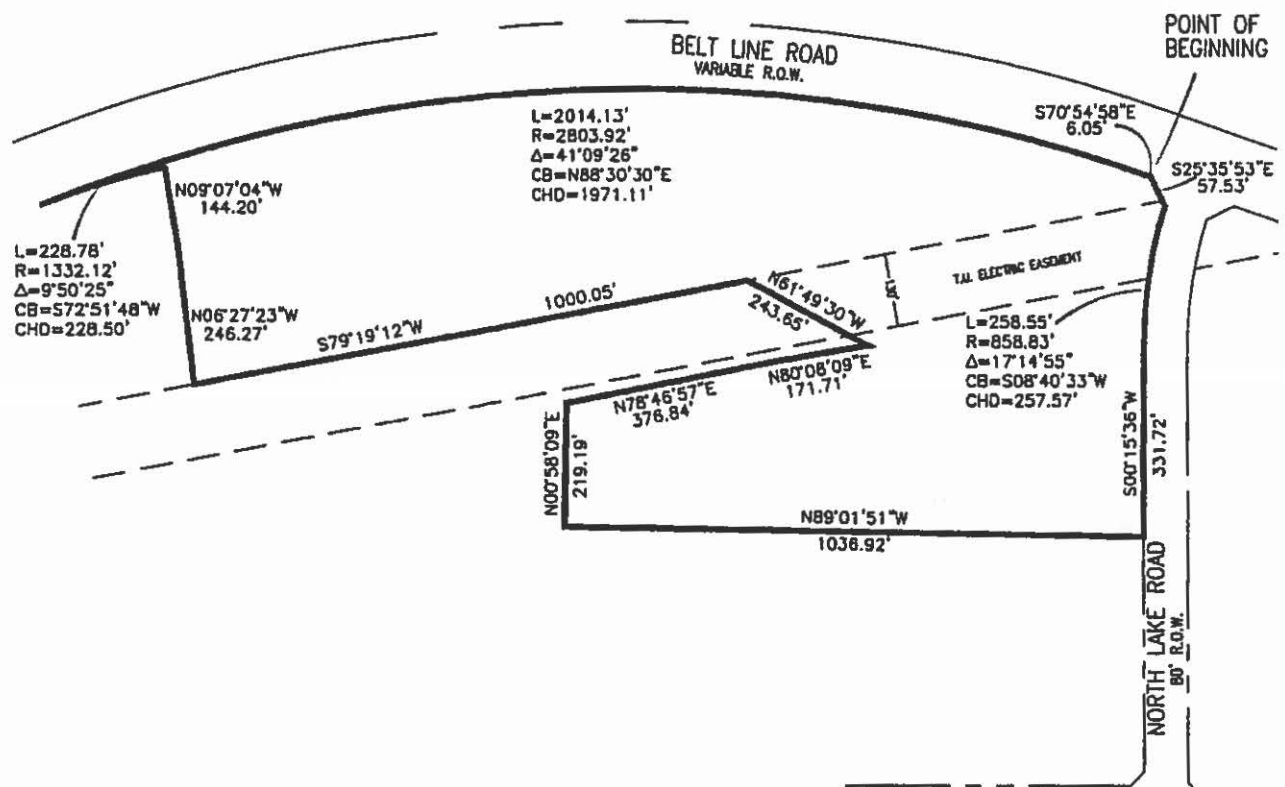
THENCE Easterly along the south line of Belt Line Road the following:

Easterly an arc distance of 2014.13 feet along a non-tangent curve to the right, having a radius of 2803.92 feet, a central angle of 41°09'26", and the chord bears North 88°30'30" East 1971.11 feet;

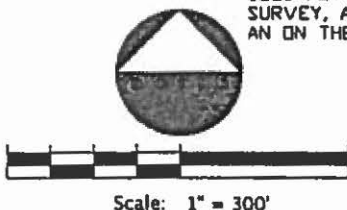
South 70°54'58" East 8.05 feet to the POINT OF BEGINNING and Containing 22.78 acres of land more or less.

This is not a boundary survey. This description was prepared from information provided in existing deeds, plats and public records. This document does not reflect the results of an on the ground survey, and is not to be used or represented as an on the ground survey.

Attachment No. 2
DEED SKETCH EXHIBIT
±22.78 ACRES
CITY OF DALLAS, DALLAS COUNTY, TEXAS



THIS IS NOT A BOUNDARY SURVEY. THIS DRAWING WAS PREPARED FROM INFORMATION PROVIDED IN EXISTING DEEDS, PLATS, AND PUBLIC RECORDS. THIS DOCUMENT DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED OR REPRESENTED AS AN ON THE GROUND SURVEY.



BASIS OF BEARING:
 CROW-BILLINGSLEY NORTH LAKE
 HB&T JOINT VENTURE
 VOL. 98106, PG. 2492



1801 Gateway Blvd.
 Suite 103
 Richardson, Texas 75080

972.535.6325
 972.535.6326
 www.baselinesurveyors.net
 T8PLS Firm No. 10193933

Page:	1 of 1	Date:	October 29, 2013
Job No.:	8C13059 813X508	Dwg. File:	22AC

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services

CMO: Jeanne Chipperfield, 670-7804

MAPSCO: N/A

SUBJECT

Execute the casting of lots to identify the recommended vendor resulting from tie bids on lines 74, 83, 86, 92 and 97 for bid BA1601 for a three-year master agreement for the purchase of herbicides and pesticides - Winfield Solutions LLC, BWI Dallas/Ft. Worth, N-Gulf, LLC dba Ameriturf, Helena Chemical Company and Rentokil North America, Inc. dba Target Specialty Products - Financing: This action has no cost consideration to the City

BACKGROUND

This action is not intended to make an award, but to execute the casting of lots to identify a vendor for each of the lines for which the City has received identical bids. 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 from the identical bids by the casting of lots
- The casting of lots must be in the presence of the governing body of the municipality
- If one of the bidders submitting an identical bid is a resident of the municipality, the municipality must select that bidder

This particular solicitation resulted in identical bids from vendors located outside the city limits.

Once the vendor(s) are selected for each line by a casting of lots, a recommendation will be presented to the City Council for award on April 27, 2016.

BID INFORMATION

The following bids were received from solicitation number BA1601 and were opened on November 13, 2015. This master agreement will be awarded by line.

<u>Bidders</u>	<u>Address</u>	<u>Tie Bid Lines</u>
Winfield Solutions LLC	1221 Champion Circle #107 Carrollton, TX 75006	Lines 74, 83, 86 and 92
BWI Dallas/Ft. Worth	1418 Upfield Rd. Carrollton, TX 75006	Lines 86, 92 and 97
N-Gulf, LLC dba Ameriturf	1874 Highway 77 South Italy, TX 76651	Line 74
Helena Chemical Company	225 Schilling Blvd. Suite 300 Gollierville, TN 38017	Line 83 and 97
Rentokil North America, Inc. dba Target Specialty Products	920 S. Freeport Pkwy. Coppell, TX 75019	Line 86 and 92

OWNERS

Winfield Solutions LLC

Chris Policinski, President
Dan Knutson, Vice President

BWI Dallas/Ft. Worth

Jim Bunch, President
Robert Bunch, President
Mike Mize, Vice President

N-Gulf, LLC dba Ameriturf

George Scruggs, President
Jordon Droll, Vice President

Helena Chemical Company

Mike McCarty, President
Dave Thomas, Vice President

OWNERS (Continued)

Rentokil North America, Inc. dba Target Specialty Products

John Myers, President

Todd Ferguson, Vice President

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: March 23, 2016
COUNCIL DISTRICT(S): 7
DEPARTMENT: Trinity Watershed Management
CMO: Mark McDaniel, 670-3256
MAPSCO: 47X

SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Floyd E. Garner, of an improved tract of land containing approximately 35,920 square feet located on Barber Avenue near its intersection with Mural Lane for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project - Not to exceed \$34,000 (\$31,000 plus closing costs and title expenses not to exceed \$3,000) - Financing: 2006 Bond Funds

BACKGROUND

This item authorizes the acquisition of approximately 35,920 square feet of land improved with two single-family residences, two detached garages and fencing from Floyd E. Garner. This property is located on Barber Avenue near its intersection with Mural Lane 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)

Information about this item will be provided to the Transportation and Trinity River Project Committee on March 21, 2016.

FISCAL INFORMATION

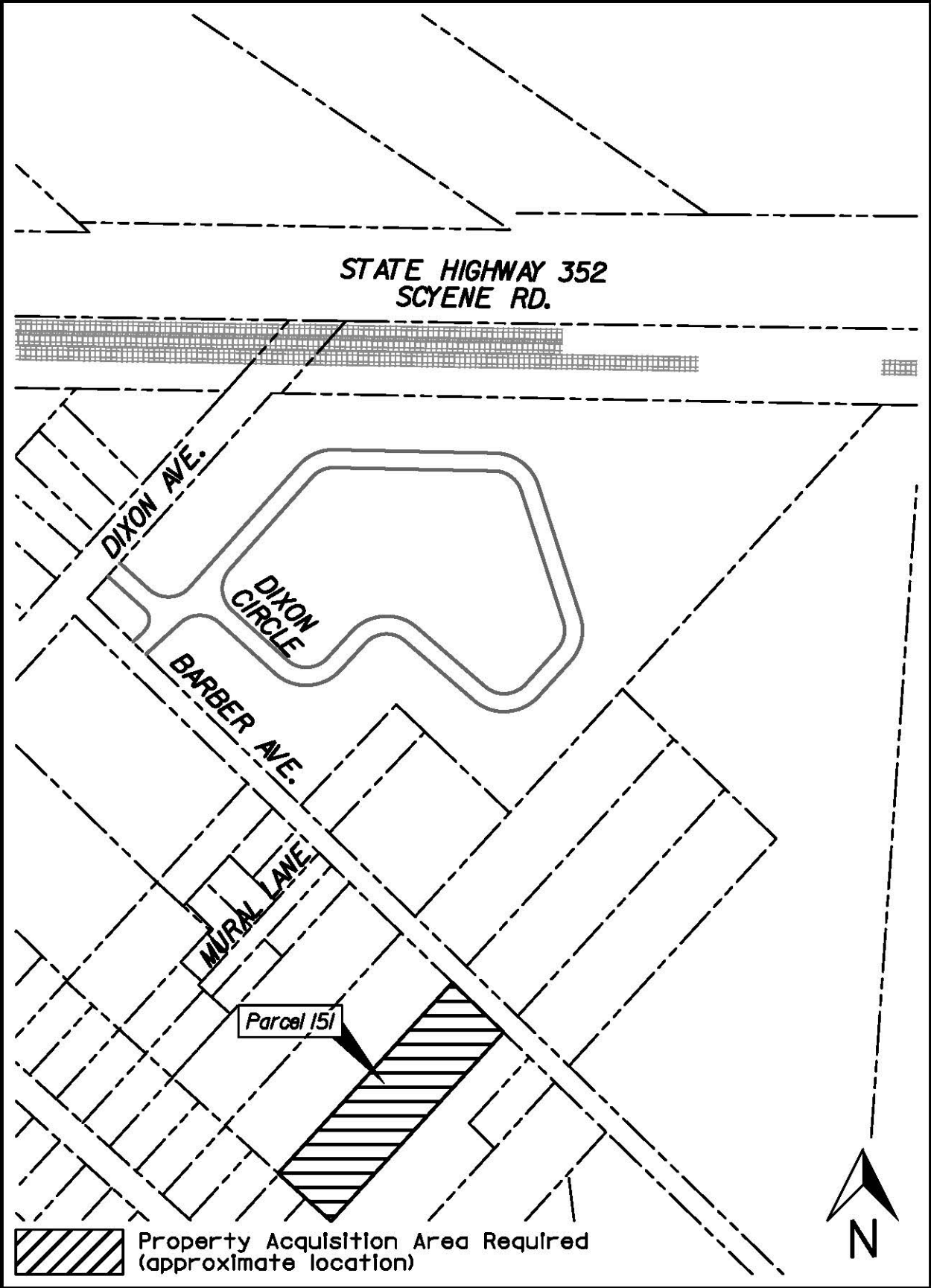
2006 Bond Funds - \$34,000 (\$31,000 plus closing costs and title expenses not to exceed \$3,000)

OWNER

Floyd E. Garner

MAP

Attached



March 23, 2016

A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS APPROPRIATION AND/OR CONDEMNATION FOR PUBLIC USE.

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

"CITY": The City of Dallas

"PROPERTY": Approximately 35,920 square feet of property located in Dallas County, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel

"USE": The construction, installation, use, and maintenance of a realigned section of roadway, utility relocation, land area to support tunnel construction and operation, together with such appurtenant facilities as may be necessary.

"PROPERTY INTEREST": Fee Simple

"OWNER": Floyd E. Garner, 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": \$31,000.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$3,000.00

"AUTHORIZED AMOUNT": \$34,000.00

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.

March 23, 2016

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 Chief Financial Officer 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. 3T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4210, Encumbrance No. CT-TWM06T525J9 and CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: Fund No. 3T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4230, Encumbrance No. CT-TWM06T525J10. 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 costs as may be assessed by the Special Commissioners or the Court. Further, that 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.

March 23, 2016

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 deposit the award in the registry of the Court and 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 Chief Financial Officer 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 Chief Financial Officer 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

EXHIBIT A
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 151)
DESCRIPTION OF A 0.8246 ACRE (35,920 SQ. FT.)
TRACT TO BE ACQUIRED
ALL OF LOT 13, BLOCK 7,
SOUTH DALLAS GARDENS ADDITION
CITY OF DALLAS BLOCK 7/6122
THOMAS LAGOW SURVEY, ABSTRACT NO. 759
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM FLOYD E. GARNER

Being situated in the Thomas Lagow Survey, Abstract Number 759, Dallas County, Texas, and being all of Lot 13, Block 7 (Block 7/6122, Official City of Dallas Block Numbers) of the South Dallas Gardens addition, an addition to the City of Dallas dated May 27, 1913, and Recorded in Volume 1, Page 448 of the Map Records of Dallas County, Texas, and being all of the property conveyed to Floyd E. Garner by Warranty Deed with Vendor's Lien dated March 17, 1994, and recorded in Volume 94056, Page 00463 of the Deed Records of Dallas County, Texas, and containing approximately 0.8246 of an acre (35,920 square feet) of land, according to the plat thereof.

This description is approved as to form.



Scott Holt, RPLS
Survey Program Manager

8/7/2015

Date



04 AUG 2015

CITY BLOCK 6/6122

LOT 4

LOT 5

LOT 6

LOT 7

0 50 100 150 200

SCALE: 1"=100'

N=6965338.0036
E=2511797.2280

N=6965268.3279
E=2511868.9396

(N45 1/4°W 100')

S45°49'30"E
100.00'

BARBER AVENUE

(30' R.O.W.)

1/2" FIR

S45°49'30"E
300.00'

1/2" FIR
(C.M.)

CITY OF
DALLAS
INST. NO.
20070338164

PARCEL 151
TRACT TO
BE ACQUIRED
0.8246 ACRE
(35,920 SQ. FT.)

SOUTH DALLAS
GARDENS ADDITION
VOL. 1, PG. 448

(N42 3/4°E 361.5')
N42°22'50"E
361.14'

LOT 13
FLOYD E.
GARNER
VOL 94056,
PG. 463

CITY OF DALLAS
INST. NO.
201400196363

(N42 3/4°E 358.0')
S42°22'50"W
357.61'

THOMAS LAGOW SURVEY,
ABSTRACT NUMBER 759

CITY OF
DALLAS
INST. NO.
201400256747

DAVID AND
ROBERT
PODHRASKY
INVESTMENT
COMPANY
INST. NO.
201100045304

LOT 11

LOT 10

CITY BLOCK 7/6122

LOT 12
CITY OF
DALLAS
INSTR. NO.
201200167391

N=6965071.2716
E=2511553.8341

SUBDIVISION
LINE

99.95'

SUBDIVISION
LINE

731.82'

99.95'
N47°51'00"W
(N47 1/4°W 100')

N=6965004.2057
E=2511627.9273

SUNNY ACRES
ADDITION
VOL. 32, PG. 175

LOT
15A

LOT 19

LOT 20

LOT 24

LOT 25

LOT 26

LOT 27

LOT 28

LOT 29

LOT 15

LOT 16

LOT 17

LOT 18

C.E. JOHNSON'S
UNRECORDED SUBDIVISION

S47°54'00"E
100.00'

1/2" FIR
(C.M.)

BOURQUIN ST.

(40' R.O.W.)

GREENBAY
ST.
(50' R.O.W.)

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.

Date of Last Field
Inspection: 11-07-2013

LEGEND

(C.M.)	CONTROLLING MONUMENT
FIR	FOUND IRON ROD
VOL. PG.	VOLUME AND PAGE
INST.	INSTRUMENT
(XXX.X')	RECORD CALLS PER VOL. 1, PG. 448

CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 151)
DESCRIPTION OF A 0.8246 ACRE (35,920 SQ. FT.)
TRACT TO BE ACQUIRED
ALL OF LOT 13, BLOCK 7,
SOUTH DALLAS GARDENS ADDITION
CITY OF DALLAS BLOCK 7/6122
THOMAS LAGOW SURVEY, ABSTRACT NO. 759
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM FLOYD E. GARNER



HALFF ASSOCIATES, INC. - TBPLS FIRM NO. 10029600
1201 NORTH BOWSER ROAD - RICHARDSON, TEXAS - 75081-2275
SCALE: 1"=100' (214)346-6200 AVO. 25299 8/4/2015

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): 7

DEPARTMENT: Trinity Watershed Management

CMO: Mark McDaniel, 670-3256

MAPSCO: 47T

SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Gaythell Smith, of an improved tract of land containing approximately 9,326 square feet located on Barber Avenue near its intersection with Mural Lane for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project - Not to exceed \$24,676 (\$22,000 plus closing costs and title expenses not to exceed \$2,676) - Financing: 2006 Bond Funds

BACKGROUND

This item authorizes the acquisition of approximately 9,326 square feet of land improved with a single-family residence, paving and fencing from Gaythell Smith. This property is located on Barber Avenue near its intersection with Mural Lane 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)

Information about this item will be provided to the Transportation and Trinity River Project Committee on March 21, 2016.

FISCAL INFORMATION

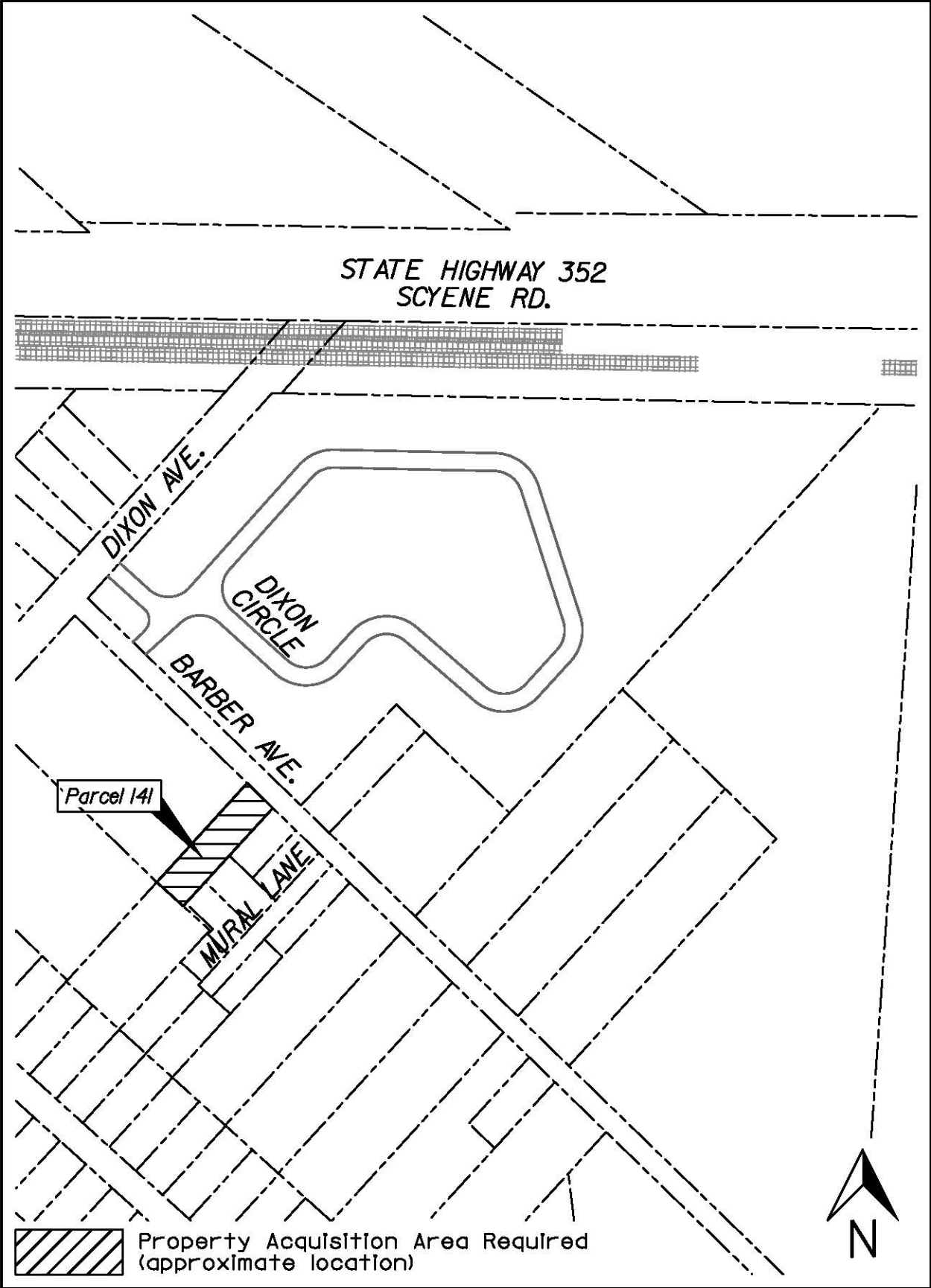
2006 Bond Funds - \$24,676 (\$22,000 plus closing costs and title expenses not to exceed \$2,676)

OWNER

Gaythell Smith

MAP

Attached



March 23, 2016

A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS APPROPRIATION AND/OR CONDEMNATION FOR PUBLIC USE.

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

"CITY": The City of Dallas

"PROPERTY": Approximately 9,326 square feet of property located in Dallas County, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel

"USE": The construction, installation, use, and maintenance of a realigned section of roadway, utility relocation, land area to support tunnel construction and operation, together with such appurtenant facilities as may be necessary.

"PROPERTY INTEREST": Fee Simple

"OWNER": Gaythell Smith, 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": \$22,000.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$2,676.00

"AUTHORIZED AMOUNT": \$24,676.00

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.

March 23, 2016

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 Chief Financial Officer 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. 3T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4210, Encumbrance No. CT-TWM06T525J1 and CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: Fund No. 3T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4230, Encumbrance No. CT-TWM06T525J2. 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 costs as may be assessed by the Special Commissioners or the Court. Further, that 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.

March 23, 2016

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 deposit the award in the registry of the Court and 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 Chief Financial Officer 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 Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed \$2,676.00 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

PROPERTY ACQUISITION

City of Dallas Drawing No. 423R-54 (Parcel 141)
 9,326 Sq. Ft. or 0.2141 Acres
 Being a Part of Lot 17 City of Dallas Block 7/6122
 Of South Dallas Gardens Addition
 Thomas Lagow Survey, Abstract No. 759
 City of Dallas, Dallas County, Texas
 From Gaythell Smith

Being a 9,326 square feet or 0.2141 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 Lot 17, of Block 7 (Official City of Dallas Block Number 7/6122) of the South Dallas Gardens Addition, an Addition to the City of Dallas, Dallas County, Texas, Recoded by Plat in Volume 1, Page 448, of the Map Records of Dallas County, Texas, being ALL of that tract of land conveyed to Gaythell Smith, recorded in Instrument No. 201000148256 of the Official Public Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a found ½" Iron Rod with Broken Cap (Controlling Monument), point being in the south line of Barber Avenue (30' Right-of-Way) dedicated by said South Dallas Gardens Addition, and being the northwest corner of said G. Smith tract, being the northeast corner of a tract of land conveyed to Jeffery D. Smith, by Deed recorded in Instrument No. 201000184285 of the Official Public Records of Dallas County, Texas, being in the most northerly corner of said Lot 17, Block 7/6122, being in the northwesterly subdivision line of said South Dallas Gardens Addition, and being the most northerly corner of said Block 7/6122;

THENCE South 45°49'30" East, departing said subdivision line, with the south line of said Barber Avenue and the northeast line of said Block 7/6122, a distance of 50.00 feet, to a set ½" iron rod with yellow cap stamped "SGI RPLS 3664", being the northeast corner of said G. Smith tract, being the northwest corner of a tract of land conveyed to Otis Scruggs, by Deed recorded in Volume 80149, Page 1634 of the Deed Records of Dallas County, Texas, being in the northeast line of said Block 7/6122, and the south line of said Barber Avenue;

THENCE South 42°22'50" West, departing the northeast line of said Block 7/6122, over and across said Lot 17, Block 7/6122, with the southeast line of said G. Smith tract, a distance of 185.74 feet, to a set ½" iron rod with yellow cap stamped "SGI RPLS 3664", being the most southerly corner of said G. Smith tract, being in the northeast line of a tract of land conveyed to Lawrence E. Baker and Sharon Titus, by Deed recorded in Volume 99187, Page 3535 of the Deed Records of Dallas County, Texas, and being the most northerly southwest corner of a tract of land conveyed to Colonial Baptist Church, recorded in Volume 5947, Page 85 of the Deed Records of Dallas County, Texas;

THENCE North 47°51'00" West, departing said Colonial Baptist Church and along the common line of said G. Smith tract and said Baker tract, over and across said Lot 17, Block 7/6122, a distance of 49.98 feet, to a set ½" iron rod with yellow cap stamped "SGI RPLS 3664", being in the northwest line of said Lot 17, Block 7/6122, and the northwest subdivision line of said South Dallas Gardens Addition, being in the northwest line of said Block 7/6122, being the common corner for the following tracts, being the most westerly corner of said G. Smith tract, being the most northerly corner of said Baker tract, being the southeast corner of said Jeffery Smith tract, and being the most easterly corner of a tract of land conveyed to Hymon Pearson, ET UX, by Deed recorded in Volume 5387, Page 412 of the Deed Records of Dallas County, Texas;

THENCE North 42°22'50" East, along the common northwest line of said Lot 17, Block 7/6122, the northwest line of said Block 7/6122, and the northwest subdivision line of said South Dallas



FIELD NOTES APPROVED:

DER 4/15/14

PROPERTY ACQUISITION

City of Dallas Drawing No. 423R-54 (Parcel 141)
9,326 Sq. Ft. or 0.2141 Acres
Being a Part of Lot 17 City of Dallas Block 7/6122
Of South Dallas Gardens Addition
Thomas Lagow Survey, Abstract No.759
City of Dallas, Dallas County, Texas
From Gaythell Smith

Gardens Addition, the northwest line of said G. Smith tract and the southeast line of said Jeffery Smith tract, a distance of 187.51 feet, to the **POINT OF BEGINNING** and containing 0.2141 acres (9,326 square feet) of land, more or less.

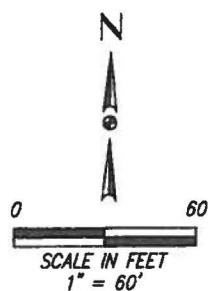
BASIS OF BEARING State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All Coordinates are State Plane on grid values. All Distances are Surface Distances. Surface Adjustment Scale Factor: 1.0001365060.



FIELD NOTES APPROVED:

DER 4/15/14

BLOCK 6/6122
SOUTH DALLAS
GARDENS ADDITION
VOL. 1, PG. 448
M.R.D.C.T.



BLOCK 6123
(UNPLATTED LAND)

THOMAS LAGOW SURVEY
ABSTRACT NUMBER 759

HYMON PEARSON ET UX
VOL. 5387 PG. 412
D.R.D.C.T.

LAWRENCE E. BAKER AND
SHARON TITUS
VOL. 99182 PG. 3535
D.R.D.C.T.

LOT 17

LAWRENCE BAKER
Vol. 88183 PG. 2192
D.R.D.C.T.

FREDDIE MAE BAKER
Vol. 5432 PG. 434
D.R.D.C.T.

COLONIAL BAPTIST CHURCH
Vol. 5947, PG. 85
D.R.D.C.T.

VERLINE COOKS
Vol. 87122 PG. 5215
D.R.D.C.T.

LOT 16

COLONIAL BAPTIST CHURCH
Vol. 5947, PG. 85
D.R.D.C.T.

LAWRENCE E. BAKER, JR. AND
MICHAEL LYNN BAKER AND
FREDDIE M. BAKER
VOL. 93157 PG. 2057
D.R.D.C.T.

CITY OF DALLAS
INSTRUMENT NO. 20070338164
D.R.D.C.T.

BLOCK 7/6122
SOUTH DALLAS GARDENS ADDITION
VOL. 1, PG. 448
M.R.D.C.T.

POINT OF BEGINNING

STONEMOOD TERRACE
VOL. 2007239 PG. 5188
O.P.R.D.C.T.

JAMES EARL TEEL AND
MILDRED TEEL
VOL. 76189 PG. 202
D.R.D.C.T.

COMMON GROUND
COMMUNITY
ECONOMIC DEVELOPMENT
CORPORATION
VOL. 85101 PG. 2973
D.R.D.C.T.

BARBER AVENUE
(30' RIGHT-OF-WAY)
(VOL. 1, PG. 448)

ELZA MCKNIGHT JR.
VOL. 4993 PG. 177
D.R.D.C.T.

MURAL LANE
(SEE NOTE 2)
(VARIABLE WIDTH RIGHT-OF-WAY)

IGNACIO RAMIREZ
AND FRANCIS RAMIREZ
VOL. 85173 PG. 4130
D.R.D.C.T.

ELZA MCKNIGHT JR.
VOL. 4993 PG. 177
D.R.D.C.T.

OTIS SCRUGGS
VOL. 80149 PG. 1834
D.R.D.C.T.

OTIS SCRUGGS
VOL. 80149 PG. 1834
D.R.D.C.T.

OTIS SCRUGGS
VOL. 80149 PG. 1834
D.R.D.C.T.

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OTIS SCRUGGS
VOL. 80149 PG. 1834
D.R.D.C.T.

OTIS SCRUGGS
VOL. 80149 PG. 1834
D.R.D.C.T.

LEGEND

D.R.D.C.T. DEED RECORDS
OF DALLAS COUNTY TEXAS

M.R.D.C.T. MAP RECORDS OF
DALLAS COUNTY TEXAS

O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS
OF DALLAS COUNTY TEXAS

CM. CONTROLLING MONUMENT

○ IPF IRON PIPE FOUND (SIZE AS NOTED)

● IRF IRON ROD FOUND (SIZE AS NOTED)

----- Subdivision Line

----- Lot Line

----- Property Line

----- Right-of-Way Line

● 1/2" IRS 1/2" IRON ROD SET WITH YELLOW CAP
STAMPED "SGI RPLS 3664"
(UNLESS OTHERWISE NOTED)

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
VALUES. ALL DISTANCES ARE SURFACE DISTANCES.
SURFACE ADJUSTMENT SCALE FACTOR :
1.0001365060.

2. MURAL LANE IS A "VARIABLE WIDTH ROADWAY
BY USE AND OCCUPATION", REFERENCED AS A 25
FEET WIDE STREET EASEMENT IN THE FOLLOWING
DEEDS: VOLUME 3975, PAGE 99; VOLUME 4993,
PAGE 175; VOLUME 4993, PAGE 175.



Sheet 3 of 3

PROPERTY ACQUISITION

CITY OF DALLAS DRAWING NO. 423R-54 (Parcel 141)
9,326 Sq. Ft. or 0.2141 Acres

BEING A PART OF LOT 17, CITY OF DALLAS BLOCK 7/6122
OF THE SOUTH DALLAS GARDENS ADDITION
Thomas Lagow Survey, Abstract No. 759
City of Dallas, Dallas County, Texas
From GAYTHELL SMITH



Civil Engineers - Surveyors
TBPLS FIRM No. 10070800
TBPE FIRM No. 5482
PHONE: (214) 941-8610

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): 7

DEPARTMENT: Trinity Watershed Management

CMO: Mark McDaniel, 670-3256

MAPSCO: 47T

SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from John Earl Patterson and Linda K. Patterson, of an unimproved tract of land containing approximately 4,048 square feet located on Barber Avenue near its intersection with Mural Lane for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project - Not to exceed \$6,050 (\$4,050 plus closing costs and title expenses not to exceed \$2,000) - Financing: 2006 Bond Funds

BACKGROUND

This item authorizes the acquisition of an unimproved tract of land containing approximately 4,048 square feet from John Earl Patterson and Linda K. Patterson. This property is located on Barber Avenue near its intersection with Mural Lane and will be used for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project. The consideration is based upon an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Transportation and Trinity River Project Committee on March 21, 2016.

FISCAL INFORMATION

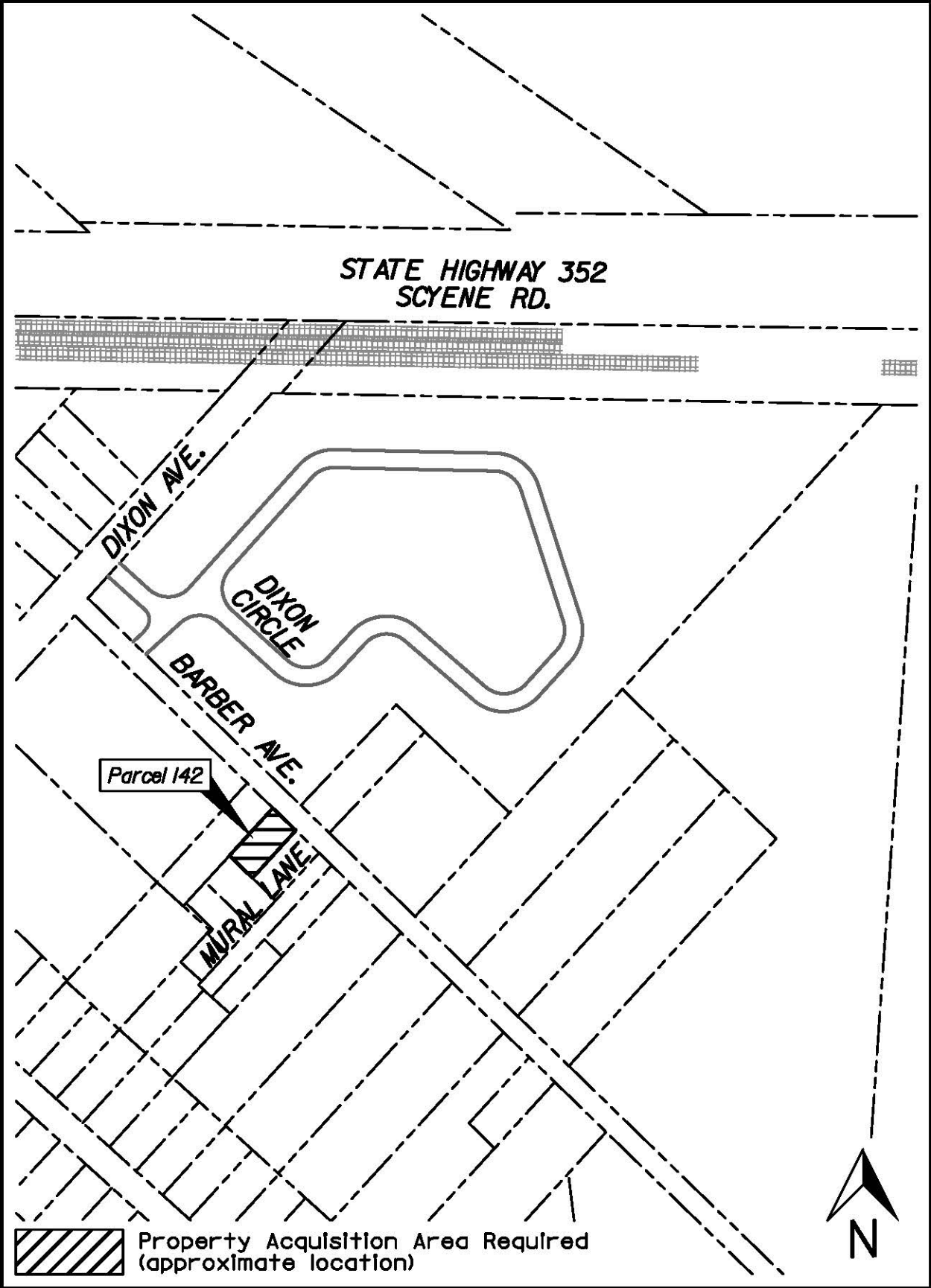
2006 Bond Funds - \$6,050 (\$4,050 plus closing costs and title expenses not to exceed \$2,000)

OWNERS

John Earl Patterson
Linda K. Patterson

MAP

Attached



March 23, 2016

A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS APPROPRIATION AND/OR CONDEMNATION FOR PUBLIC USE.

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

"CITY": The City of Dallas

"PROPERTY": Approximately 4,048 square feet of property located in Dallas County, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel

"USE": The construction, installation, use, and maintenance of a realigned section of roadway, utility relocation, land area to support tunnel construction and operation, together with such appurtenant facilities as may be necessary.

"PROPERTY INTEREST": Fee Simple

"OWNER": John Earl Patterson and Linda K. Patterson, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"OFFER AMOUNT": \$4,050.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$2,000.00

"AUTHORIZED AMOUNT": \$6,050.00

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.

March 23, 2016

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 Chief Financial Officer 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. 3T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4210, Encumbrance No. CT-TWM06T525J7, CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: Fund No. 3T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4230, Encumbrance No. CT-TWM06T525J8. 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 costs as may be assessed by the Special Commissioners or the court. Further, that 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.

March 23, 2016

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 deposit the award in the registry of the Court and to settle the condemnation proceeding, or if the condemnation proceeding becomes a lawsuit, the lawsuit, for an amount not to exceed the OFFER AMOUNT; and the Chief Financial Officer 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 Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed \$2,000.00 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

PROPERTY ACQUISITION

EXHIBIT A

City of Dallas Drawing No. 423R-54 (Parcel 142)
4,048 Sq. Ft. or 0.0929 Acres
Being a Part Lot 17 of City of Dallas Block 7/6122
South Dallas Gardens Addition
Thomas Lagow Survey, Abstract No.759
City of Dallas, Dallas County, Texas
From Otis Scruggs

Being a 4,048 square feet or 0.0929 acre tract of land situated in the Thomas Lagow Survey, Abstract No. 759, in the City of Dallas, Dallas County, Texas, and being in City of Dallas Block 7, (Official City of Dallas Block Numbers 7/6122), and being part of Lot 17, of said Block 7 of the South Dallas Gardens Addition, an Addition to the City of Dallas, Recoded by Plat in Volume 1, Page 448, of the Map Records of Dallas County, Texas, being all of that tract of land conveyed to Otis Scruggs, by Warranty Deed recorded in Volume 80149, Page 1634 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at the most easterly corner of a tract of land conveyed to Elza McKnight Jr. and wife, Mamie Lee McKnight by Warranty Deed recorded in Volume 4993, Page 177 of the Deed Records of Dallas County, Texas, and being in the intersection of the southwest line of Barber Avenue (30' Right-of-Way) dedicated by said South Dallas Gardens Addition, and the northwest line of Mural Lane (Variable Right-of-Way) as "Variable width roadway by use and occupation", referenced as a 25 feet wide street easement in the following deeds: Volume 3975, Page 99; Volume 4993, Page 175; Volume 4993, Page 177 of the Deed of the Deed Records of Dallas County, from which a ½" iron rod found with broken cap (controlling monument) bears North 45°49'30" West, a distance of 140.00 feet, for the most northerly corner of a tract of land conveyed to Gaythell Smith by Instrument No. 201000148256 of the Official Public Records of Dallas County, Texas, also being the most easterly corner of a tract of land conveyed to Jeffery D. Smith by Instrument No. 201000184285 of the Official Public Records of Dallas County, Texas, being in the northwest Subdivision line of said South Dallas Gardens Addition, being the most northerly corner of Lot 17, of said Block 7/6122, being in the southwest line of said Barber Avenue;

THENCE North 45°49'30" West, departing said intersection and with the southwest line of said Barber Avenue, and the common northeast line of said McKnight tract, along the northeast line of Lot 16, of said Block 7/6122, a passing distance of 40.00 feet, being the common corner of Lots 16 and 17, Block 7/6122, along the northeast line of said Lot 17, Block 7/6122, having a total distance of 45.00 feet, to the **POINT OF BEGINNING**, being a set ½" iron rod with yellow cap stamped "SGI RPLS 3664", being in the southwest line of said Barber Avenue, being the most northerly corner of said McKnight tract, and being the most easterly corner of said Scruggs tract;

THENCE South 42°22'50" East, departing the southwest line of said Barber Avenue, and along the common southeast line of said Scruggs tract, and the northwest line of said McKnight tract, over and across said Lot 17, Block 7/6122, a distance of 90.00 feet, to a set ½" iron rod with yellow cap stamped "SGI RPLS 3664", being the most southerly corner of said Scruggs tract, and being an interior corner of said McKnight tract;

THENCE North 45°49'30" West, over and across said Lot 17, Block 7/6122, continuing along said common line, a distance of 45.00 feet, to a set ½" iron rod with yellow cap stamped "SGI RPLS 3664", being in the southwest line of said Smith tract, being the most westerly north corner of said McKnight tract, and being the most westerly corner of said Scruggs tract;

PROPERTY ACQUISITION

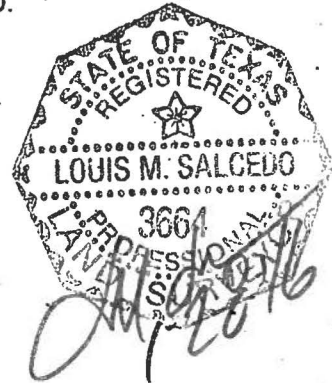
City of Dallas Drawing No. 423R-54 (Parcel 142)
4,048 Sq. Ft. or 0.0929 Acres
Being a Part Lot 17 of City of Dallas Block 7/6122
South Dallas Gardens Addition
Thomas Lagow Survey, Abstract No.759
City of Dallas, Dallas County, Texas
From Otis Scruggs

EXHIBIT A

THENCE North 42°22'50" East, over and across said Lot 17, Block 7/6122, departing said McKnight tract and along the common southeast line of said Smith tract and the northwest line of said Scruggs tract, a distance of 90.00 feet, to a set ½" iron rod with yellow cap stamped "SGI RPLS 3664", being the most easterly corner of said Smith tract and the most northerly corner said Scruggs tract, being in the southwest line of said Barber Avenue, and being in the northeast line of said Lot 17, Block 7/6122;

THENCE South 45°49'30" East, departing said common corner and along the northeast line of said Lot 17, Block 7/6122, and along the southwest line of said Barber Avenue, a distance of 45.00 feet, to the **POINT OF BEGINNING** and containing 0.0929 acres (4,048 square feet) of land, more or less.

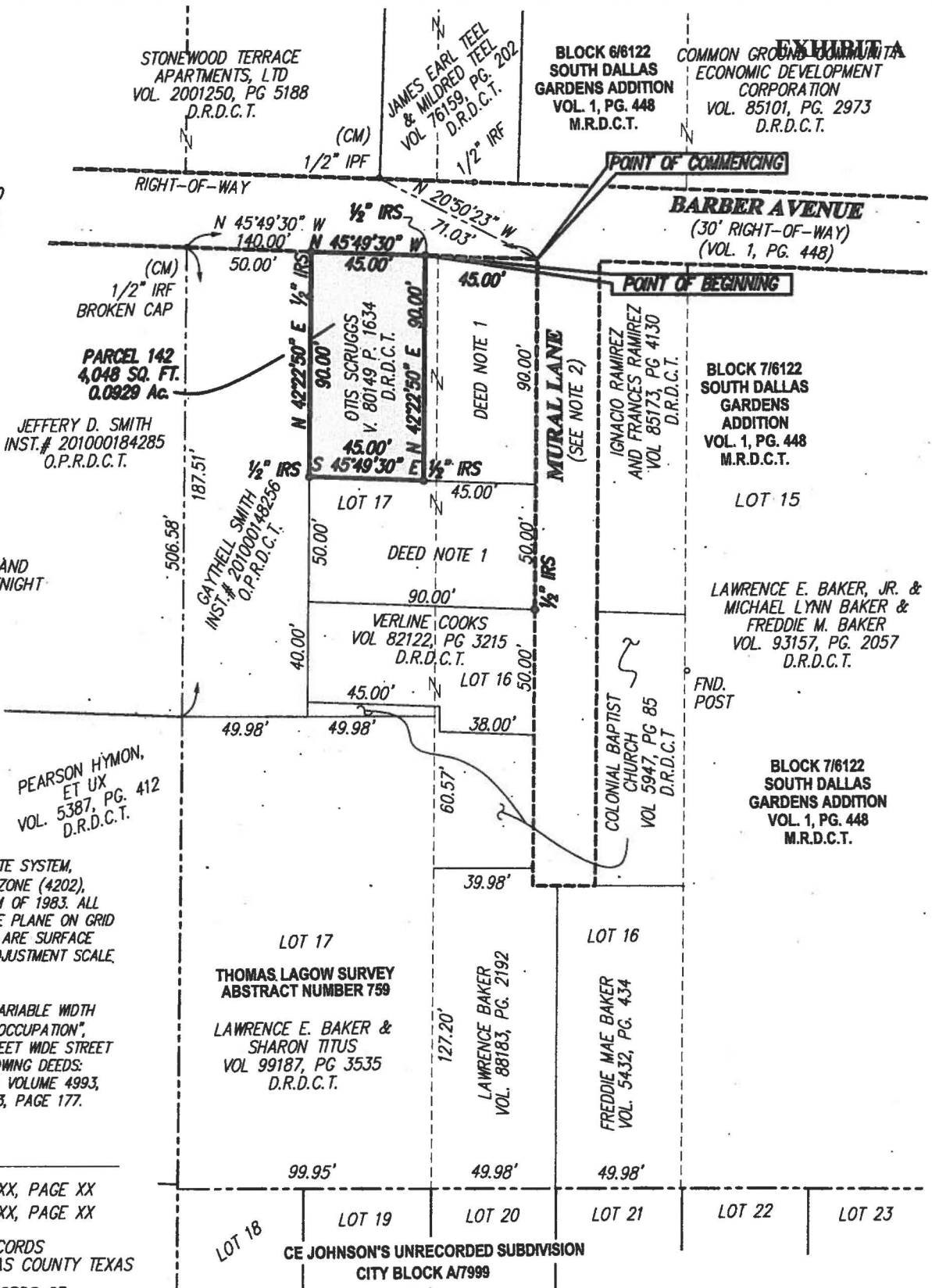
BASIS OF BEARING State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All Coordinates are State Plane on grid values. All Distances are Surface Distances. Surface Adjustment Scale Factor: 1.0001365060.



PER 2-3-16



SCALE IN FEET
1" = 60'



DEED NOTES:
1. ELZA MCKNIGHT, JR. AND WIFE, MAMIE LEE MCKNIGHT VOL. 4993, PG. 177 D.R.D.C.T.

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 VALUES. ALL DISTANCES ARE SURFACE DISTANCES. SURFACE ADJUSTMENT SCALE FACTOR: 1.0001365060.
2. MURAL LANE IS A "VARIABLE WIDTH ROADWAY BY USE AND OCCUPATION", REFERENCED AS A 25 FEET WIDE STREET EASEMENT IN THE FOLLOWING DEEDS: VOLUME 3975, PAGE 99; VOLUME 4993, PAGE 175; VOLUME 4993, PAGE 177.

LEGEND

- VOL. PG. VOLUME XX, PAGE XX
- V. P. VOLUME XX, PAGE XX
- D.R.D.C.T. DEED RECORDS OF DALLAS COUNTY TEXAS
- M.R.D.C.T. MAP RECORDS OF DALLAS COUNTY TEXAS
- O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY TEXAS
- CM CONTROLLING MONUMENT
- IRON PIPE FOUND (IPF)
- IRON ROD FOUND (IRF)
- 1/2" IRS 1/2" IRON ROD SET WITH YELLOW CAP STAMPED "SGI RPLS 3664"

- COMMON LOT LINE
- LOT LINE
- RIGHT-OF-WAY LINE
- DEED LINE
- SUBDIVISION LINE
- PROPERTY ACQUISITION



Sheet 3 of 3

PROPERTY ACQUISITION
CITY OF DALLAS DRAWING NO. 423R-54 (Parcel 142)
4,048 Sq. Ft. or 0.0929 Acres
BEING A PART OF CITY OF DALLAS BLOCK 7/6122 SOUTH DALLAS GARDENS ADDITION
Thomas Lagow Survey, Abstract No. 759
City of Dallas, Dallas County, Texas
From OTIS SRUGGS
Civil Engineers - Surveyors
TBPLS FIRM No. 10070800
TBPE FIRM No. 5482
PHONE: (214) 941-8610

SGI
Salcedo Group, Inc.

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: March 23, 2016
COUNCIL DISTRICT(S): 7
DEPARTMENT: Trinity Watershed Management
CMO: Mark McDaniel, 670-3256
MAPSCO: 47T

SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Lawrence E. Baker, Jr., Michael Lynn Baker and Freddie M. Baker, of an improved tract of land containing approximately 36,626 square feet located on Barber Avenue near its intersection with Mural Lane for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project - Not to exceed \$25,538 (\$22,538 plus closing costs and title expenses not to exceed \$3,000) - Financing: 2006 Bond Funds

BACKGROUND

This item authorizes the acquisition of approximately 36,626 square feet of land improved with fencing from Lawrence E. Baker, Jr., Michael Lynn Baker and Freddie M. Baker. This property is located on Barber Avenue near its intersection with Mural Lane and will be used for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project. The consideration is based upon an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Transportation and Trinity River Project Committee on March 21, 2016.

FISCAL INFORMATION

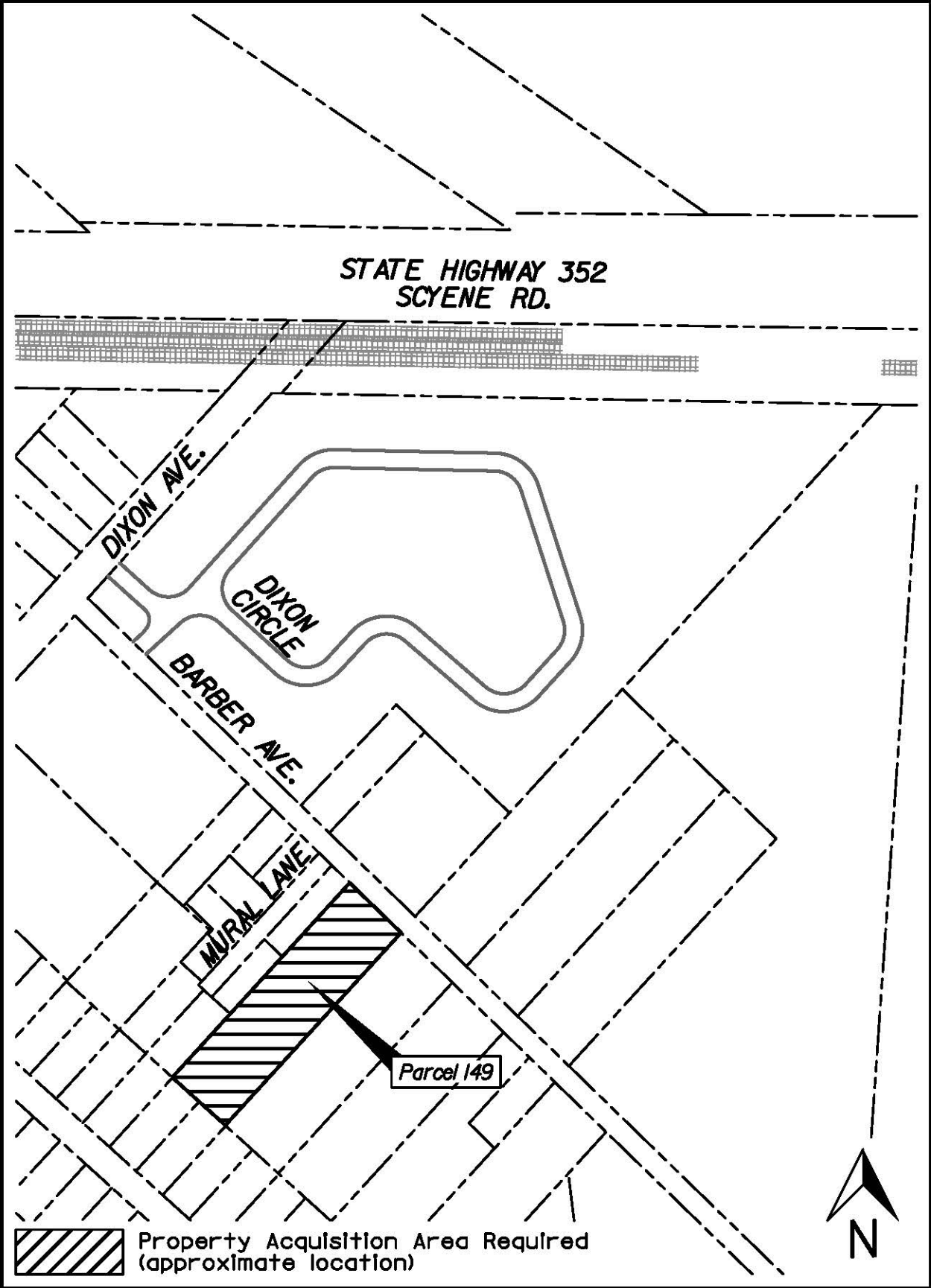
2006 Bond Funds - \$25,538 (\$22,538 plus closing costs and title expenses not to exceed \$3,000)

OWNERS

Lawrence E. Baker, Jr.
Michael Lynn Baker
Freddie M. Baker

MAP

Attached



March 23, 2016

A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS APPROPRIATION AND/OR CONDEMNATION FOR PUBLIC USE.

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

"CITY": The City of Dallas

"PROPERTY": Approximately 36,626 square feet of property located in Dallas County, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel

"USE": The construction, installation, use, and maintenance of a realigned section of roadway, utility relocation, land area to support tunnel construction and operation, together with such appurtenant facilities as may be necessary.

"PROPERTY INTEREST": Fee Simple

"OWNER": Lawrence E. Baker, Jr., Michael Lynn Baker and Freddie M. Baker, 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": \$22,538.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$3,000.00

"AUTHORIZED AMOUNT": \$25,538.00

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.

March 23, 2016

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 Chief Financial Officer 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. 3T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4210, Encumbrance No. CT-TWM06T525J3, CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: Fund No. 3T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4230, Encumbrance No. CT-TWM06T525J4. 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 costs as may be assessed by the Special Commissioners or the court. Further, that 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.

March 23, 2016

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 deposit the award in the registry of the Court and to settle the condemnation proceeding, or if the condemnation proceeding becomes a lawsuit, the lawsuit, for an amount not to exceed the OFFER AMOUNT; and the Chief Financial Officer 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 Chief Financial Officer 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

EXHIBIT A

City of Dallas Drawing No. 423R-54 (Parcel 149)
Description of a 0.8408 Acres (36,626 Sq. Ft.)
Tract to be Acquired
All of Lot 15, Block 7,
South Dallas Gardens Addition
City of Dallas Block 7/6122
Thomas Lagow Survey, Abstract No. 759
City of Dallas, Dallas County, Texas
From Lawrence E. Baker

Being situated in the Thomas Lagow Survey, Abstract Number 759, City of Dallas, Dallas County, Texas, and being all of Lot 15, Block 7 (Block 7/6122, Official City of Dallas Block Numbers) of the South Dallas Gardens addition, an addition to the City of Dallas dated June 4, 1914, and recorded in Volume 1, Page 447, of the Map Records of Dallas County, Texas, and being Part of the property conveyed to Lawrence E. Baker, Jr. and Michal Lynn Baker and Freddie M. Baker by Warranty Deed dated July 14, 1993, recorded in Volume 93157, Page 2057 of the Deed Records of Dallas County, Texas and containing approximately 0.8408 Acres (36,626 square feet) of land according to the plat thereof.

This description is approved as to form.




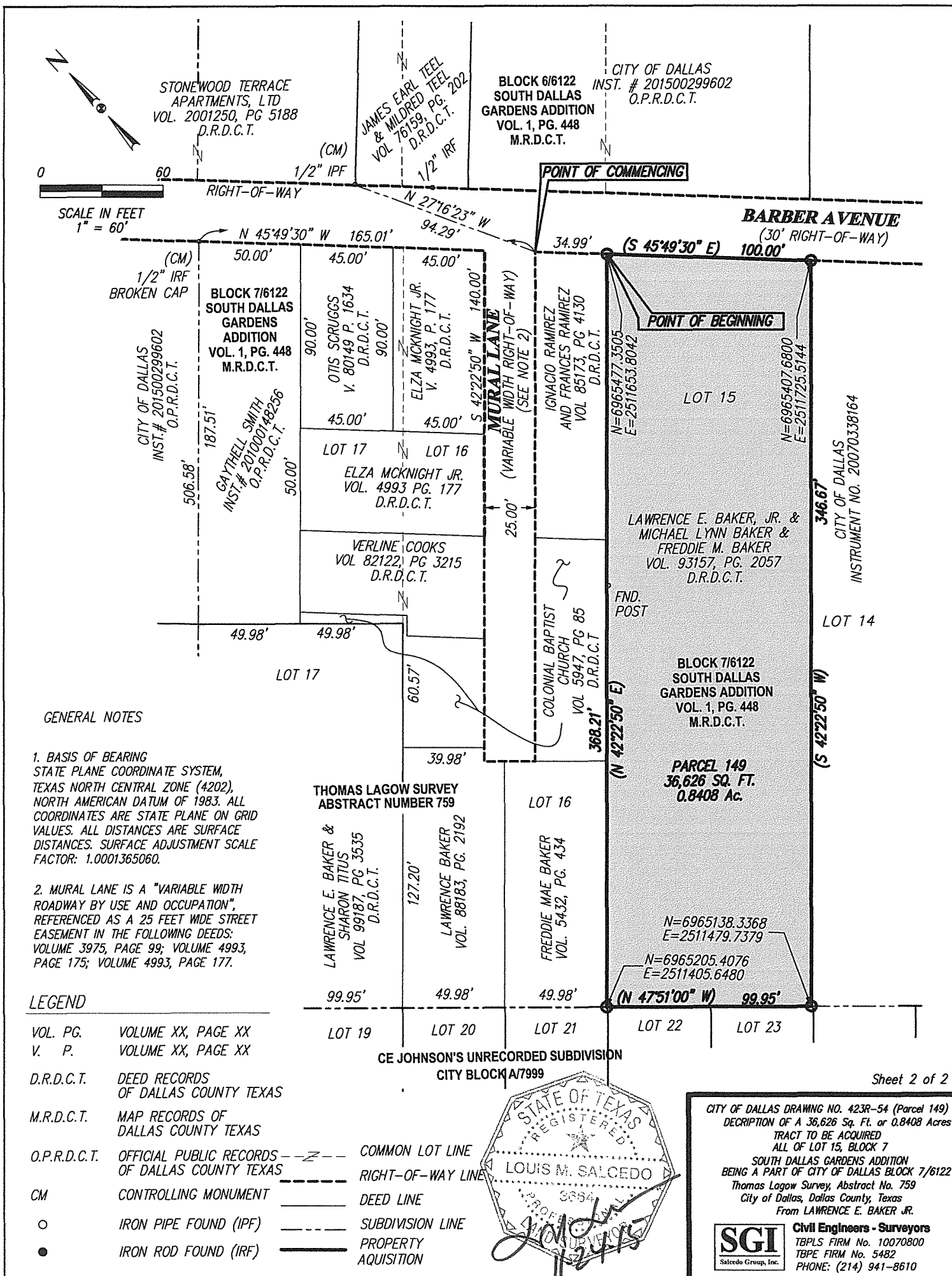
Scott Holt, RPLS
Survey Program Manager
City of Dallas

11/24/2015
Date



FIELD NOTES APPROVED:

 11/24/15



KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: March 23, 2016
COUNCIL DISTRICT(S): 7
DEPARTMENT: Trinity Watershed Management
CMO: Mark McDaniel, 670-3256
MAPSCO: 47T

SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Mamie Lee McKnight, of an improved tract of land containing approximately 8,545 square feet located on Barber Avenue at its intersection with Mural Lane for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project - Not to exceed \$28,898 (\$25,898 plus closing costs and title expenses not to exceed \$3,000) - Financing: 2006 Bond Funds

BACKGROUND

This item authorizes the acquisition of approximately 8,545 square feet of land improved with a single family residence, paving, sheds and fencing from Mamie Lee McKnight. This property is located on Barber Avenue at its intersection with Mural Lane and will be used for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project. The consideration is based upon an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Transportation and Trinity River Project Committee on March 21, 2016.

FISCAL INFORMATION

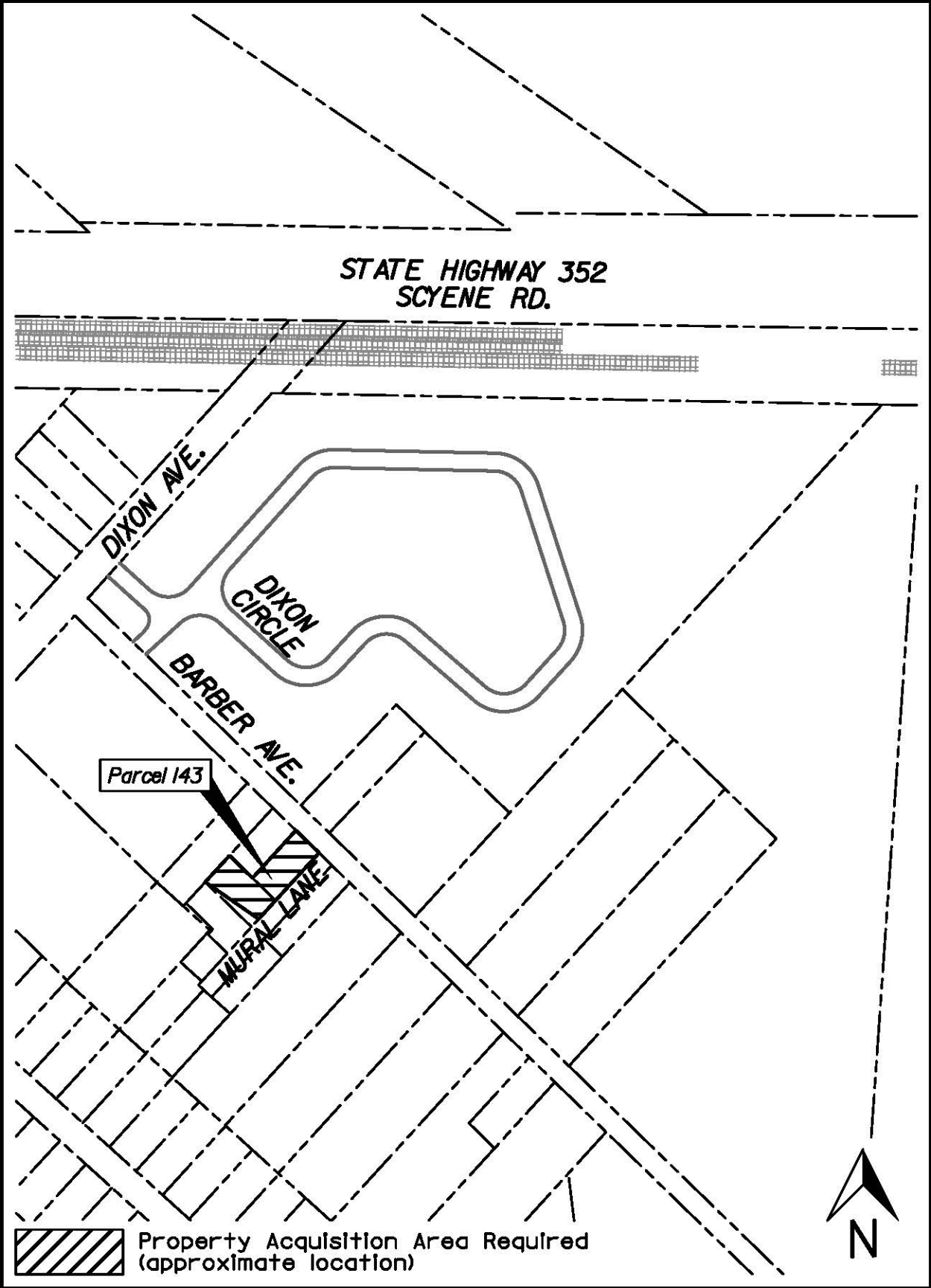
2006 Bond Funds - \$28,898 (\$25,898 plus closing costs and title expenses not to exceed \$3,000)

OWNER

Mamie Lee McKnight

MAP

Attached



March 23, 2016

A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS APPROPRIATION AND/OR CONDEMNATION FOR PUBLIC USE.

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

"CITY": The City of Dallas

"PROPERTY": Approximately 8,545 square feet of property located in Dallas County, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel

"USE": The construction, installation, use, and maintenance of a realigned section of roadway, utility relocation, land area to support tunnel construction and operation, together with such appurtenant facilities as may be necessary.

"PROPERTY INTEREST": Fee Simple

"OWNER": Mamie Lee McKnight, 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": \$25,898.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$3,000.00

"AUTHORIZED AMOUNT": \$28,898.00

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.

March 23, 2016

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 Chief Financial Officer 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. 3T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4210, Encumbrance No. CT-TWM06T525J5, CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: Fund No. 3T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4230, Encumbrance No. CT-TWM06T525J6. 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 costs as may be assessed by the Special Commissioners or the court. Further, that 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.

March 23, 2016

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 deposit the award in the registry of the Court and to settle the condemnation proceeding, or if the condemnation proceeding becomes a lawsuit, the lawsuit, for an amount not to exceed the OFFER AMOUNT; and the Chief Financial Officer 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 Chief Financial Officer 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

PROPERTY ACQUISITION

EXHIBIT A

City of Dallas Drawing No. 423R-54 (Parcel 143)
8,545 Sq. Ft. or 0.1961 Acres
Being a Part Lot 16 and Lot 17 of City of Dallas Block 7/6122
South Dallas Gardens Addition
Thomas Lagow Survey, Abstract No. 759
City of Dallas, Dallas County, Texas
From Elza McKnight Jr., and wife, Mamie Lee McKnight

Being a 8,545 square feet or 0.1961 acre tract of land situated in the Thomas Lagow Survey, Abstract No. 759, in the City of Dallas, Dallas County, Texas, and being in City of Dallas Block 7, (Official City of Dallas Block Numbers 7/6122), and being part of Lot 16 and 17, of said Block 7 of the South Dallas Gardens Addition, an Addition to the City of Dallas, Recoded by Plat in Volume 1, Page 448, of the Map Records of Dallas County, Texas, being all of that tract of land conveyed to Elza McKnight Jr. and wife, Mamie Lee McKnight, by Warranty Deed recorded in Volume 4993, Page 177 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the most easterly corner of a said Elza McKnight tract, and being in the intersection of the southwest line of Barber Avenue (30' Right-of-Way) dedicated by said South Dallas Gardens Addition, and the northwest line of Mural Lane (Variable Right-of-Way) as "Variable width roadway by use and occupation", referenced as a 25 feet wide street easement in the following deeds: Volume 3975, Page 99; Volume 4993, Page 175; Volume 4993, Page 177 of the Deed Records of Dallas County, from which a ½" iron rod found with broken cap (controlling monument) bears North 45°49'30" West, a distance of 140.00 feet, for the most northerly corner of a tract of land conveyed to Gaythell Smith by Instrument No. 201000148256 of the Official Public Records of Dallas County, Texas, also being the most easterly corner of a tract of land conveyed to Jeffery D. Smith by Instrument No. 201000184285 of the Official Public Records of Dallas County, Texas, being in the northwest Subdivision line of said South Dallas Gardens Addition, being the most northerly corner of Lot 17, of said Block 7/6122, being in the southwest line of said Barber Avenue;

THENCE South 42°22'50" West, with the northwest line of said Mural Lane, and the common southeast line of said McKnight tract, over and across said Lot 16, Block 7/6122, a distance of 140.00 feet, to a set ½" iron rod with yellow cap stamped "SGI RPLS 3664", being in the northwest line of said Mural Lane, and being the southeast corner of a tract of land conveyed to Verline Cooks, by Warranty Deed recorded in Volume 82122, Page 3215 of the Deed Records of Dallas County, Texas, and being the southwest corner of said McKnight Tract;

THENCE North 45°49'30" West, over and across said Lot 17, Block 7/6122, with the northeast line of said Cooks tract and the common southwest line of said McKnight Tract, a passing distance of 40.00 feet, to the common line of said Lots 16 and 17, Block 7/6122, continuing for a total distance of 90.00 feet, to a set ½" iron rod with yellow cap stamped "SGI RPLS 3664", being in the southwest line of said Smith tract, being the north corner of said Cooks tract, being the west corner of said McKnight tract;

THENCE North 42°22'50" East, over and across said Lot 17, Block 7/6122, and along the northwest line of said McKnight tract and the common southeast line of said Smith tract, a distance of 50.00 feet, to a set ½" iron rod with yellow cap stamped "SGI RPLS 3664", being the most westerly north corner of said McKnight tract, and being in the southeast line of said Smith tract, and being the west corner of a tract of land conveyed to Otis Scruggs, by Warranty Deed recorded in Volume 80149, Page 1634 of the Deed Records of Dallas County, Texas;

PROPERTY ACQUISITION

City of Dallas Drawing No. 423R-54 (Parcel 143)

8,545 Sq. Ft. or 0.1961 Acres

Being a Part Lot 16 and Lot 17 of City of Dallas Block 7/6122

South Dallas Gardens Addition

Thomas Lagow Survey, Abstract No.759

City of Dallas, Dallas County, Texas

From Elza McKnight Jr., and wife, Mamie Lee McKnight

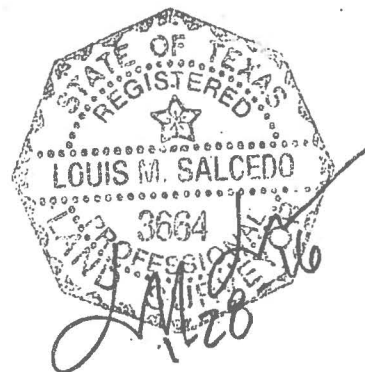
EXHIBIT A

THENCE South 45°49'30" East, over and across said Lot 17, Block 7/6122, and departing the northwest line of said McKnight tract and the common southeast line of said Smith tract and along an interior line of said McKnight tract, and along the southwest line of said Scruggs tract, a distance of 45.00 feet, to a set ½" iron rod with yellow cap stamped "SGI RPLS 3664", being the interior corner of said McKnight tract, and being the south corner of said Scruggs tract;

THENCE North 42°22'50" East, over and across said Lot 17, Block 7/6122, and said common corner and along said common line, a distance of 90.00 feet, to a set ½" iron rod with yellow cap stamped "SGI RPLS 3664", being the most easterly north corner of said McKnight tract, and being the east corner of said Scruggs tract, being in the southwest line of said Barber Avenue, being in the northeast line of said Lot 17, Block 7/6122;

THENCE South 45°49'30" East, departing said common line and along the northeast line of said Lot 17, Block 7/6122 and along the southwest line of said Barber Avenue, 5.00 feet, passing the common corner of Lots 16 and 17, Block 7/6122, continuing along the north line of said Lot 16, Block 7/6122, having a total distance of 45.00 feet, to the **POINT OF BEGINNING** and containing 0.1961 acres (8,545 square feet) of land, more or less.

BASIS OF BEARING State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All Coordinates are State Plane on grid values. All Distances are Surface Distances. Surface Adjustment Scale Factor: 1.0001365060.



2022 2-3-16



0 60

SCALE IN FEET
1" = 60'

STONEWOOD TERRACE
APARTMENTS, LTD
VOL. 2001250, PG 5188
D.R.D.C.T.

(CM)
1/2" IRF

JAMES EARL TEEL
& MILDRED TEEL
VOL. 76159, PG. 202
D.R.D.C.T.

BLOCK 6/6122
SOUTH DALLAS
GARDENS ADDITION
VOL. 1, PG. 448
M.R.D.C.T.

COMMON GROUND
ECONOMIC DEVELOPMENT
CORPORATION
VOL. 85101, PG. 2973
D.R.D.C.T.

POINT OF BEGINNING

RIGHT-OF-WAY

BARBER AVENUE

(30' RIGHT-OF-WAY)
(VOL. 1, PG. 448)

(CM)
1/2" IRF
BROKEN CAP

BLOCK 7/6122
SOUTH DALLAS
GARDENS
ADDITION
VOL. 1, PG. 448
M.R.D.C.T.

JEFFERY D. SMITH
INST. # 201000184285
O.P.R.D.C.T.

DEED NOTES:
1. ELZA MCKNIGHT JR.,
AND WIFE, MAMIE
LEE MCKNIGHT
VOL. 4993, PG. 177
D.R.D.C.T.

PARCEL 143
8,545 SQ. FT.
0.1961 Ac.

N 42°22'50" E
50.00'

GAYTHEL SMITH
INST. # 201000148236
O.P.R.D.C.T.

LOT 17
DEED NOTE 1

N 45°49'30" W 90.00'
1/2" IRS
VERLINE COOKS
VOL. 82122, PG 3215
D.R.D.C.T.

LOT 16

MURAL LANE
(SEE NOTE 2)

IGNACIO RAMIREZ
AND FRANCES RAMIREZ
VOL. 85173, PG 4130
D.R.D.C.T.

LOT 15

LAWRENCE E. BAKER, JR. &
MICHAEL LYNN BAKER &
FREDDIE M. BAKER
VOL. 93157, PG. 2057
D.R.D.C.T.

FND.
POST

BLOCK 7/6122
SOUTH DALLAS
GARDENS ADDITION
VOL. 1, PG. 448
M.R.D.C.T.

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
VALUES. ALL DISTANCES ARE SURFACE
DISTANCES. SURFACE ADJUSTMENT SCALE
FACTOR: 1.0001365060.

2. MURAL LANE IS A "VARIABLE WIDTH
ROADWAY BY USE AND OCCUPATION",
REFERENCED AS A 25 FEET WIDE STREET
EASEMENT IN THE FOLLOWING DEEDS:
VOLUME 3975, PAGE 99; VOLUME 4993,
PAGE 175; VOLUME 4993, PAGE 177.

LEGEND

VOL. PG.	VOLUME XX, PAGE XX
V. P.	VOLUME XX, PAGE XX
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY TEXAS
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY TEXAS
CM	CONTROLLING MONUMENT
○	IRON PIPE FOUND (IPF)
●	IRON ROD FOUND (IRF)
● 1/2" IRS	1/2" IRON ROD SET WITH YELLOW CAP STAMPED "SGI RPLS 3664"

LOT 17
THOMAS LAGOW SURVEY
ABSTRACT NUMBER 759

LAWRENCE E. BAKER &
SHARON TITUS
VOL. 99187, PG 3535
D.R.D.C.T.

LAWRENCE BAKER
VOL. 88183, PG. 2192

LOT 16

FREDDIE MAE BAKER
VOL. 5432, PG. 434

LOT 18

LOT 19

LOT 20

LOT 21

LOT 22

LOT 23

CE JOHNSON'S UNRECORDED SUBDIVISION
CITY BLOCK A/7999

COMMON LOT LINE

LOT LINE

RIGHT-OF-WAY LINE

DEED LINE

SUBDIVISION LINE

PROPERTY
ACQUISITION



Sheet 3 of 3

PROPERTY ACQUISITION

CITY OF DALLAS DRAWING NO. 423R-54 (Parcel 143)
8,545 Sq. Ft. or 0.1961 Acres
BEING A PART OF CITY OF DALLAS BLOCK 7/6122
SOUTH DALLAS GARDENS ADDITION
Thomas Lagow Survey, Abstract No. 759
City of Dallas, Dallas County, Texas
From ELZA MCKNIGHT JR. AND WIFE,
MAMIE LEE MCKNIGHT



Civil Engineers - Surveyors
TBPLS FIRM No. 10070800
TBPE FIRM No. 5482
PHONE: (214) 941-8610

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): 1

DEPARTMENT: Office of Economic Development

CMO: Ryan S. Evans, 671-9837

MAPSCO: 54D

SUBJECT

Authorize a development agreement with Alamo Manhattan BAD, LLC and/or its affiliates in an amount not to exceed \$11,250,000, payable from future Oak Cliff Gateway TIF District funds in consideration of the development of the Bishop Arts Station project on property currently addressed at 202, 204, and 235 West Davis Street and pending an abandonment process acquisition of a portion of City owned right-of-way at 138 West Davis Street in Tax Increment Financing Reinvestment Zone Number Three (Oak Cliff Gateway TIF District) – Not to exceed \$11,250,000 – Financing: Oak Cliff Gateway TIF District Funds (subject to appropriations)

BACKGROUND

Alamo Manhattan BAD, LLC (“Alamo” or “Owner”) proposes a new mixed-use development generally located on the northwest and southeast corners of Zang Boulevard and West Davis Street. This project is the second catalyst project in the recently created Bishop Arts/Jefferson Sub-district of the Oak Cliff Gateway TIF District on property under-utilized and ready for new development.

The project will include approximately 209 rental residential units, and 25,200 square feet of retail/restaurant space along with structured parking in two block areas involving the assemblage of four parcels (totaling approximately 1.9 acres).

The project is adjacent to a planned streetcar “trolley stop” at the southwest corner of Zang Boulevard and West Davis Street and will incorporate a plaza on the site. The Dallas Central Business District (CBD) Streetcar Circulator project is being extended from Colorado/Beckley to Zang/Davis and is expected to reach substantial completion in summer 2016. The City will construct a basic streetcar stop to function until the Bishop Arts Station project is underway and will create a more enhanced plaza that will be integrated with the public space and adjacent private building.

BACKGROUND (Continued)

The project is subject to street abandonments currently in the application process and pending future Council consideration. The pending abandonments include acquisition of City owned property at 138 West Davis, subject to HUD guidance for voluntary refund of CDBG funds used. A portion of the property will remain public as a streetcar plaza. Owner will advance funds necessary for the abandonments and CDBG repayment.

The project has undergone extensive design review with the City Design Studio/Urban Design Peer Review Panel (UDPRP), and developer-held community meetings. On May 22, 2015, the UDPRP reviewed the project and suggested significant revisions. A revised design reviewed by the UDPRP on September 25, 2015 received a positive response with minor comments/recommendations for follow up. The Owner will be following up on items in conjunction with the Studio as design progresses, particularly with the trolley plaza design that involves coordination with the Public Works Department on the streetcar extension.

The private investment in this project is estimated to exceed \$50 million. The Owner's project scope, as it relates to the proposed TIF agreement, includes a minimum private investment of \$40 million for acquisition costs, site preparation, and construction hard costs.

On January 14, 2016, the Oak Cliff Gateway TIF District Board recommended that, if and when funds are available, up to \$11,250,000 from future Oak Cliff Gateway TIF District revenues be dedicated to the proposed development. TIF funding will be used for (i) public infrastructure improvements (streets, streetscape, water, wastewater, utility burial, environmental, engineering, demolition): \$4,953,600; (ii) pedestrian linkages/lighting: \$450,000; and (iii) an affordable housing TIF grant: \$5,846,400.

The project meets TIF Grant Program criteria as a new residential development that will promote development and diversification of the economy, creation of a broader mix of residential property types, density within the district, and public infrastructure improvements. The project is not financially viable without the TIF grant.

Of the planned 209 residential units, 20% (approximately 42 units) will meet the TIF district's mixed-income housing requirements and include a mix of affordable units by type and a spatial dispersion of the affordable units within the development.

TIF funding is offered on a reimbursement basis and will be paid only after project completion, adherence to all project requirements, and only as funding flows into the district. No TIF funding will be available on an "up front" basis.

ESTIMATED PROJECT SCHEDULE

Start Date June 2017
Completion Date December 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 11, 1992, City Council authorized the establishment of the Oak Cliff Gateway TIF District by Ordinance No. 21466, as amended.

On February 12, 1997, City Council authorized the Final Project Plan and Reinvestment Zone Financing Plan for the Oak Cliff Gateway TIF District by Ordinance No. 23033, as amended.

On November 9, 2009, City Council authorized the establishment of the City of Dallas Oak Cliff Gateway Grant Program by Ordinance 27743, as amended.

On January 14, 2016, the Oak Cliff Gateway TIF District Board of Directors reviewed the proposed Bishop Arts Station project and recommended City Council authorize a development agreement with Alamo Manhattan BAD, LLC and dedicate an amount not to exceed \$11,250,000 for TIF eligible costs.

Information about this item was provided to the Economic Development Committee on February 1, 2016.

FISCAL INFORMATION

\$11,250,000 – Oak Cliff Gateway TIF District Funds (subject to appropriations)

PROJECT COUNCIL DISTRICT

1

OWNER

Alamo Manhattan BAD, LLC
A Texas limited liability company

Matthew Segrest, President
Wade Johns, Vice President

DEVELOPER

Alamo Manhattan BAD, LLC
A Texas limited liability company

Matthew Segrest, President
Wade Johns, Vice President

MAP

Attached.



Bishop Arts Station Project Location

City of Dallas

Office of Economic Development

<http://www.Dallas-EcoDev.org>

Created January 2016



Project Site

March 23, 2016

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

WHEREAS, on November 11, 1992, City Council authorized the creation of Tax Increment Reinvestment Zone Number Three, (the “Oak Cliff Gateway TIF District”, or “District”) in accordance with the Tax Increment Financing Act, as amended, V.T.C.A. Texas Tax Code, Chapter 311 to promote development and redevelopment in the north Oak Cliff area through the use of tax increment financing by Ordinance No. 21466, as amended; and

WHEREAS, on February 12, 1997, City Council authorized the Oak Cliff Gateway TIF District Final Project Plan and Reinvestment Zone Financing Plan (“Project Plan”) by Ordinance No. 23033, as amended; and

WHEREAS, on November 9, 2009, City Council authorized the establishment of the City of Dallas Oak Cliff Gateway Grant Program by Ordinance 27743, as amended; and

WHEREAS, on January 14, 2016, the Oak Cliff Gateway TIF District Board of Directors reviewed the proposed Bishop Arts Station project (“the Project”) and recommended City Council authorize a development agreement with Alamo Manhattan BAD, LLC (“Owner”), and dedicate an amount not to exceed \$11,250,000 in future TIF revenues from the Oak Cliff Gateway TIF District for certain TIF eligible public improvements; and

WHEREAS, the creation of additional residential development is anticipated to further future growth and expansion of residential and commercial activity within the City of Dallas; and

WHEREAS, the City encourages mixed income neighborhoods, and the neighborhood surrounding the project is in need of mixed income housing; and

WHEREAS, the Project is in a rapidly redeveloping area of high opportunity and the development allows the City to continue its efforts to foster inclusive communities that overcome patterns of segregation; and

WHEREAS, the Project is located in an area that is close to downtown, nearby jobs, transit, and transportation systems; and

March 23, 2016

WHEREAS, in furtherance of the Project Plan, and to promote within the District (1) development and diversification of the economy, (2) elimination of unemployment and underemployment, and (3) development and expansion of commerce, the City desires to provide economic incentives to the Owner for the construction of the Bishop Arts Station project at a site currently addressed at 202, 204, and 235 West Davis Street and pending an abandonment process acquisition of a portion of City owned right-of-way at 138 West Davis Street in the Oak Cliff Gateway TIF District as described in the conceptual site plan, preliminary conceptual renderings, and building materials attached hereto as **Exhibits A1-A7**.

NOW, THEREFORE,

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

Section 1. That the City Manager, upon approval as to form by the City Attorney, is hereby authorized to execute a development agreement between Alamo Manhattan BAD LLC ("Owner") and the City of Dallas, on behalf of the Oak Cliff Gateway TIF District, thereby confirming the Oak Cliff Gateway TIF District Board of Director's dedication of future tax increment revenues in an amount not to exceed \$11,250,000 to provide funding for TIF-eligible project costs as shown in the TIF Funded Project Budget attached hereto as **Exhibit B**. This project includes infrastructure improvements, pedestrian linkages, and an economic development grant as part of the implementation of the Oak Cliff Gateway TIF District Project Plan and Reinvestment Zone Financing Plan.

Section 2. That the facts and recitations contained in the preamble of this resolution are hereby found and declared to be true and correct.

Section 3. That the Chief Financial Officer is hereby authorized to encumber and disburse funds from future tax increments and subject to future appropriations from:

Oak Cliff Gateway TIF District Fund - Fund 0034, Department ECO, Unit W059, Activity TOAK, Object 4210, Program No. OCGTIF0007, CT ECOW059E267, Vendor No. VS90062, in an amount not to exceed \$555,280;

Oak Cliff Gateway TIF District Fund - Fund 0034, Department ECO, Unit W059, Activity TOAK, Object 4510, Program No. OCGTIF0007, CT ECOW059E267, Vendor No. VS90062, in an amount not to exceed \$1,964,236;

Oak Cliff Gateway TIF District Fund - Fund 0034, Department ECO, Unit W059, Activity TOAK, Object 4154, Program No. OCGTIF0007, CT ECOW059E267, Vendor No. VS90062, in an amount not to exceed \$1,895,744;

March 23, 2016**Section 3. (Continued)**

Oak Cliff Gateway TIF District Fund - Fund 0034, Department ECO, Unit W059, Activity TOAK, Object 3072, Program No. OCGTIF0007, CT ECOW059E267, Vendor No. VS90062, in an amount not to exceed \$538,340;

Oak Cliff Gateway TIF District Fund - Fund 0034, Department ECO, Unit W059, Activity TOAK, Object 3072, Program No. OCGTIF0007, CT ECOW059E267, Vendor No. VS90062, in an amount not to exceed \$450,000; and

Oak Cliff Gateway TIF District Fund - Fund 0034, Department ECO, Unit W059, Activity TOAK, Object 3016, Program No. OCGTIF0007, CT ECOW059E267, Vendor No. VS90062, in an amount not to exceed \$5,846,400.

Total amount not to exceed \$11,250,000.

Section 4. That the Owner shall design, fund and/or construct public improvements to support the development of the Bishop Arts Station project at a site currently addressed at 202, 204, and 235 West Davis Street and pending an abandonment process acquisition of a portion of City owned right-of-way at 138 West Davis Street in the Oak Cliff Gateway TIF District as described in Section 6 and in substantial conformance with **Exhibit A1-A7 - Site Plan, preliminary conceptual renderings, and building materials.** Up to \$11,250,000 of the TIF-eligible project costs for the Project in the Oak Cliff Gateway TIF District may be reimbursed from the Oak Cliff Gateway TIF District Funds. The Owner will be paid solely from the Oak Cliff Gateway TIF District Funds in accordance with the terms of the development agreement described in hereof and **Exhibit C – TIF Increment Allocation Policy Oak Cliff Gateway TIF District**, but only to the extent such Oak Cliff Gateway TIF District funds are available for such purpose. No interest will be paid on this award since funds are not advanced to the City for these improvements.

Section 5. That nothing in this resolution shall be construed to require the City to approve payment from any source of City funds other than the Oak Cliff Gateway TIF District Fund and/or Tax Increment Bonds.

Any funds expended under the development agreement that remain unpaid upon termination of the Oak Cliff Gateway TIF District, due to lack or unavailability of Oak Cliff Gateway TIF District Funds, shall no longer be considered project costs of the Oak Cliff Gateway TIF District or the City and the obligation of the Oak Cliff Gateway TIF District to pay Owner shall automatically expire.

March 23, 2016

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. A minimum of \$40 million in private improvements in the Project including all land and building acquisition, site preparation, and construction hard costs.
- B. A minimum of 150,000 leasable square feet of residential space.
- C. For a period of fifteen (15) years from the date Owner receives the final Certificate of Occupancy (CO) for the residential portion of the Project ("Affordability Period"), a minimum of 20% of the units in the Project shall meet the affordability requirements of the Project Plan and the City of Dallas Tax Increment Finance Districts Mixed Income Housing Guidelines (**Exhibit D - City of Dallas Tax Increment Finance Districts Mixed Income Housing Guidelines**). In addition, the affordable units shall be dispersed by unit type and location throughout the property. The affordability requirement shall be impressed upon the property by deed restriction.
- D. Owner shall obtain a building permit for the construction of the Project by June 30, 2017.
- E. The Owner shall complete construction and obtain a final certificate of occupancy for the residential portion of the Project and shall complete construction, complete the building permit, and pass final inspection for the building shell for any commercial/flex portion of the project by December 31, 2019 ("CO date").
- F. Owner shall complete construction and obtain a letter of acceptance or similar documentation issued by the City and signifying acceptance of the public improvements by December 31, 2019, for public infrastructure improvements associated with the project and constructed by the Owner.
- G. Owner is currently undergoing the abandonment process for 3 areas of right-of-way. These include a portion of 138 West Davis St. (3,504 square feet), and portions of Old Zang/Elsbeth Street on the north (6,802 square feet) and south (5,886 square feet) sides of 7th street.

March 23, 2016**Section 6. (Continued)**

In order to meet both the requirements of the abandonment process and allow the City to reimburse the Department of Housing and Urban Development for the prior acquisition of 138 West Davis Street, Owner will need to provide two payments: (1) funds as required by HUD for the City to reimburse HUD and allow the flexibility needed for the project to move forward as designed and (2) fair market value based on the combined appraisals of the 3 abandonments; however, subject to approval by the City Manager's Office and City Council, the City may consider having the proceeds from the abandonment (net City administrative costs) be reimbursed to Alamo Manhattan BAD, LLC to help offset the cost of improving the trolley plaza (in substitution for a portion of TIF funding) after construction of the improvements are completed and City inspection/acceptance of the plaza improvements.

- H. Owner shall execute an Operating and Maintenance agreement for all non-standard public improvements associated with the project by December 31, 2019. Compliance with the executed operating and maintenance agreement shall be required of all future owners for the entire period of the Operating and Maintenance Agreement.
- I. If a minimum of 50% of the commercial space is not occupied within 18 months of the CO Date, then the payment of TIF Subsidy shall cease until such occupancy is achieved.
- J. Owner shall comply with the Business Inclusion and Development ("BID") goal of twenty-five percent (25%) for TIF reimbursable improvements, the Owner shall make a good faith effort to achieve a goal of certified minority/women-owned business enterprise (M/WBE) participation for the private improvement construction of 20% of total private expenditure (hard construction costs), and shall meet all reporting requirements for each.
- K. Owner shall market the residential units pursuant to an affirmative fair housing marketing plan approved by the City.
- L. Until the Project has received a final certificate of occupancy for the residential portion and passed the final building inspection on the building shell for any commercial portion, and all required paperwork has been submitted, the Owner shall submit quarterly project status reports to the Office of Economic Development Staff.

March 23, 2016

Section 6. (Continued)

- M. Owner shall construct public and private improvements that substantially conform in design and materials to images and site plans approved by the Oak Cliff Gateway TIF Board of Directors and the Urban Design Peer Review Panel (UDPRP) as shown in **Exhibit A1-A7 - Site Plan, preliminary conceptual renderings, and building materials** unless modifications are approved by the Director. Follow up discussion on certain elements including signage, lighting, and landscaping plans are part of the recommendation and will need to be coordinated with City Design Studio staff:
- a. The streetcar plaza is one element that the Panel specifically asked to come back for review once the design is developed further.
 - b. As the final step to the Urban Design Peer Review Process, Owner shall provide a set of permit drawings to the Dallas City Design Studio for internal review and approval at time of submittal to ensure compliance to UDPRP recommendations.
- N. The Owner shall provide evidence that reasonable efforts were made to promote the hiring of neighborhood residents for any new jobs created.

Section 7. That upon completion of the project and satisfaction of all project requirements, and subject to the availability of Oak Cliff Gateway District TIF funds, the Project shall be eligible for total TIF reimbursements in an amount not to exceed \$11,250,000 in accordance with the adopted **Exhibit C – TIF Increment Allocation Policy Oak Cliff Gateway TIF District**.

Section 8. That the Director of the Office of Economic Development, after approval and recommendation of the Oak Cliff Gateway TIF District Board of Directors, may authorize minor modifications to the project including development mix, design elements, and/or an extension of the project deadlines up to 6 months.

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

Exhibit A1



SITE PLAN

Bishop Arts Station
Dallas, Texas

Job #: 14287.00
File Name: Bishop Arts Station.pdf
Date: 08/13/2015
Drawn by: HLG, LJA, PWT

ALAMO MANHATTAN



2808 Fairmount Street, Suite 300
Dallas, Texas 75201 | 214.303.1500

3300 West 7th Street, Suite 110
Fort Worth, Texas 76107 | 817.303.1500

Exhibit A2



Exhibit A3



Exhibit A4



Exhibit A5



Exhibit A6





Exhibit B
Bishop Arts Station Project
Oak Cliff Gateway TIF District
TIF Project Costs

Category	Staff Recommended Amount
Public infrastructure improvements: paving, streetscape, water/wastewater, storm sewer, utility burial/relocation, land acquisition, environmental work, and plaza space	\$4,953,600
Pedestrian linkages/lighting	\$450,000
Affordable housing grant^	\$5,846,400
Total	\$11,250,000

Requested TIF funding for the Project is an amount not to exceed \$11,250,000 for TIF-eligible improvements from the following TIF budget categories. Related design, engineering, and professional services may be included in these categories. Funds may be shifted among public infrastructure and pedestrian linkage items with no restriction up to the maximum \$11,250,000 in TIF funding. However, the grant portion shall not exceed \$6,477,272 regardless of the outcome of final bids and may be less if the public infrastructure costs are higher.

^ Grant pursuant to the adopted Oak Cliff Gateway TIF Grant Program and is expected to help offset meeting the Mixed Income Housing requirements and will function to help to make the project financially viable.

The total TIF funding may be reduced as it relates to offsetting the costs of the trolley plaza if right-of-way abandonment payments (net City administrative fees) related to the project is approved by the City Manager's Office and City Council for reimbursement upon completion and acceptance of the plaza.

Exhibit C
TIF Increment Allocation Policy
Oak Cliff Gateway TIF District
Approved by the TIF Board May 14, 2010
Amended September 21, 2012
Amended October 23, 2014

It is important for the City of Dallas to encourage as many projects as possible in the Oak Cliff Gateway TIF District (the “Oak Cliff Gateway TIF” or “District”). In that spirit, Oak Cliff Gateway TIF funds will be allocated to Developers (defined below) proportionately, based on the increment created by the Project (as defined below) and Related Projects/Developers (as defined below) within the District, after repayment of pre-existing development agreements.

Definitions:

Project (TIF-eligible) - development or redevelopment that adds taxable real property value at a particular site or is a space or facility of public benefit such as open space, trails or cultural facilities. A Project has been approved for TIF funds and all requirements set forth in the development agreement have been completed.

Developer – A person or entity that has completed all requirements for a TIF-eligible Project as set out in the fully executed development agreement for the Project.

Related Project/Developer – if a Developer or a Developer’s affiliates (as defined in a development agreement) has other development or redevelopment projects in addition to a TIF-eligible Project, increment from those Related Project(s) may be included in Individual Increment for reimbursement of the TIF-eligible Project expenses. A Developer of a TIF-eligible Project must have at least 50% ownership in any Related Project. These requirements will be further specified in a development agreement where applicable.

Related Projects must create new taxable real property value for the District based on the following criteria:

- New development on previously vacant land or demolished structures.
- Redevelopment or major modification of an existing building if this results in an increased taxable value of 50% or more of the original building or any increase in the floor area of an original building if the expansion is over 50% for residential projects, over 65% for mixed-use projects, and over 75% for office/showroom projects.

Total Increment – the annual amount of increment deposited into the Oak Cliff Gateway TIF District fund from the participating jurisdictions.

Administrative Expenses – the City will take a share of TIF revenue from this District for the amount it bills to the District for costs necessary for administration of the TIF District program, which may include charges from other departments, each year.

District-Wide Improvements – 15% of the OCG Increment (until expiration of the OCG Sub-district; thereafter, starting in 2028, 15% of the Bishop/Jefferson Increment) will be set aside for District-Wide Improvements, defined as 1) improvements that are not specific to a single development site, such as gateways, trails, open space, public facilities, or utility/streetscape

improvements benefiting multiple properties or blocks; 2) utility burial and/or streetscape improvements at any location in the District as approved by the Board; and 3) improvements or Projects that help to spur additional development in an under-served area of the District. District-Wide Improvements may be in any area of the District.

Individual Increment – the portion of the increment that a Project or Related Project creates each year

OCG Shared Increment – the OCG Increment less (1) Administrative Expenses, (2) a set-aside for District-Wide Improvements if applicable, and (3) the sum of the Individual Increments of all eligible Projects in the Oak Cliff Gateway Sub-district.

Bishop/Jefferson Shared Increment – the Bishop/Jefferson Increment less the sum of the Individual Increments of all Projects in the Bishop/Jefferson Sub-district

Available Cash - cash in the Oak Cliff Gateway TIF fund that is not already allocated, encumbered, or otherwise set aside for other purposes.

Procedure:

The District was amended in 2014 to create two sub-districts, each to create and reimburse its own increment, with a few board-approved exceptions. Therefore, a Project in the Oak Cliff Gateway Sub-district will be eligible for reimbursement from funds created within the Oak Cliff Gateway Sub-district, and a Project in the Bishop/Jefferson Sub-district will be eligible for reimbursement from funds created within the Bishop/Jefferson Sub-district. Administrative Expenses will be paid entirely from the Oak Cliff Gateway Sub-district until the Oak Cliff Gateway Sub-district expires.

Annually, after the Total Increment has been deposited in the TIF fund, the fund will pay or set aside Administrative Expenses and the amount allocated for District-Wide Improvements (as described below). After Administrative Expenses and any District-Wide Improvement allocations have been paid or set aside, Developers approved for TIF funding from the Oak Cliff Gateway TIF will be eligible to receive their Individual Increment.

In addition to their Individual Increment, Developers will be eligible to receive a portion of any Shared Increment from within their sub-district. The Shared Increment allotted to an eligible Developer shall be a ratio of an eligible Developer's Individual Increment to the sum of the Individual Increments for all Projects eligible for reimbursement in that sub-district for that year.

Dallas Central Appraisal District (DCAD) certified values for each tax year, including the base year for the District, will be the data source used to determine values for the increment allocation procedure. Shared Increment will be allocated only to Projects that have been completed by May 1st of a given year, as evidenced by City approval of all supporting documents required in the development agreement. The City's Director of Economic Development will make the final determination in applying future available revenues in the TIF Fund among Projects.

Projects completed after May 1 will be eligible for TIF funding upon completion of all supporting documents provided that 1) unallocated increment revenue (Cash Available) is available in the District fund and 2) no other projects are complete.

Pre-existing Agreements

The Oak Cliff Gateway TIF District has two pre-existing development agreements. This Increment Allocation Policy does not affect the following development agreement:

- Development agreement for 1335 North Zang Boulevard, Zang Triangle, approved by City Council on November 9, 2009, by Resolutions Nos. 09-2816 and 09-2817. This Project shall be reimbursed according to its development agreement, which states the Developer is eligible for its own Individual Increment and 100% of the Shared Increment after administrative expenses only.

This increment allocation policy clarifies the funding allocation for the following development agreement:

Development agreement for 323 and 333 East Greenbriar Lane, Alexan Trinity, approved by City Council on November 14, 2012 by Resolutions 12-2783 and 12-2784. This project (when complete) shall be reimbursed according to its development agreement, which states the developer is eligible for increment per the Increment Allocation Policy in place at the time. Accordingly, upon completion, Alexan Trinity will be eligible for its own Individual Increment until Zang Triangle is completely reimbursed. Thereafter, until Alexan Trinity is completely reimbursed, Alexan Trinity will be eligible for its own Individual Increment plus a pro rata share of the OCG Shared Increment.

Each Project approved after the adoption of this increment policy will be eligible for its own Individual Increment. Developers will be eligible to receive a portion of any Shared Increment from their respective sub-district after Zang Triangle's agreement is satisfied.

For example, a Project in the Oak Cliff Gateway Sub-District (OCG) will be eligible for its own Individual Increment until Zang Triangle is completely reimbursed. After that point, the OCG Project will be eligible for its own Individual Increment plus a pro-rata portion of any Shared Increment created within the OCG Sub-district. Likewise, a Project in the Bishop/Jefferson Sub-district will be eligible for its own Individual Increment until Zang Triangle is completely reimbursed. After that point, the Bishop/Jefferson project will be eligible for its own Individual Increment plus a pro-rata portion of any Shared Increment created within the Bishop/Jefferson Sub-district only.

Please see Attachment A for examples of the increment allocation process for these pre-existing development agreements and future development projects receiving TIF funding in the future.

District-Wide Improvement Set-Aside

The TIF Board will set aside 15% of the Oak Cliff Gateway Increment for District-Wide Improvements after administrative expenses and obligations to Zang Triangle have been satisfied. Specific improvement projects are to be determined and the amount of this set aside will be reviewed annually based on updated financial projections and District needs. After the termination of the Oak Cliff Gateway Sub-district, 15% of the Bishop/Jefferson Sub-district will be set aside for District-Wide Improvements.

Catalyst Priority Project

The Bishop Arts Village Phase I project is being viewed as an important catalyst project for the Bishop/Jefferson Sub-district. As such it will be eligible for the following:

- Its own Individual Increment
- Its pro-rata share of Bishop/Jefferson Shared Increment per this allocation policy (after Zang Triangle is reimbursed)
- Up to 2/3 of the District Wide Set Aside (after Zang Triangle is reimbursed) until the Bishop Arts Village Phase I project is fully reimbursed.

Notes:

In general, the assignment of increment will be done annually, after each participating jurisdiction has deposited its annual increment into the TIF fund. However, upon completion of a Project, developers are eligible to be reimbursed for TIF eligible expenditures from Available Cash currently in the TIF fund, if any.

If the appraised value of the remaining property in the District decreases in value despite new development and as additional TIF Projects are approved and completed, the TIF subsidy for Projects that year may be reduced or unpaid. Similarly, if the sum of (1) Administrative Expenses, (2) District-Wide Improvements, and (3) the sum of the Individual Increments is greater than the Total Increment, then the Individual Increments shall be allotted on a proportional basis based on the ratio of each Developer's Individual Increment to the sum of the Individual Increments for that year. If there is no revenue available after Administrative Expenses and the District Wide Set Aside, there will be no increment payments that year.

At its discretion, the Oak Cliff Gateway TIF Board may make modifications or corrections to this Policy to increase its effectiveness.

Attachment A – Sample Illustration of Increment Allocation Process

Example 1 - Zang Triangle			
OCG Sub-district		Bishop/Jefferson Sub-district (no projects)	
Total Increment*	\$1,000,000	Bishop/Jefferson Increment*	\$0
Administrative Expenses	\$75,000		
Zang Triangle	\$925,000		
Cash available	\$0		

*all increment (minus admin and other projects' Individual Increment) flows to Zang Triangle until it is completely reimbursed

Example 2 – Zang, OCG Project B, and Bishop/Jefferson Project 1			
OCG Sub-district		Bishop/Jefferson Sub-district	
Total Increment*	\$1,000,000	Project 1 Individual Increment	\$175,000
Administrative Expenses	\$75,000		
Project B Individual Increment	\$80,000		
Zang Triangle	\$845,000		
Cash available	\$0		

*all increment (minus admin and other projects' Individual Increment) flows to Zang Triangle until it is completely reimbursed

Example 3 - OCG Project B and Bishop/Jefferson Project 1			
OCG Sub-district		Bishop/Jefferson Sub-district	
OCG Increment	\$1,000,000	Bishop/Jefferson Increment	\$225,000
Administrative Expenses	\$75,000	Project 1 Individual Increment	\$175,000
District Wide Improvements	\$150,000	Project 1 Shared Increment	\$50,000
Project B's Individual Increment	\$80,000		
Project B's portion of shared	\$695,000		
Cash available	\$0	Cash available	\$0

Example 4 - Project OCG Project B and C and Bishop/Jefferson Project 1 and 2			
OCG Sub-district		Bishop/Jefferson Sub-district	
Total Increment	\$1,000,000	Bishop/Jefferson Increment	\$500,000
Administrative Expenses	\$75,000	Project 1 Individual Increment	\$175,000
District Wide Improvements	\$150,000	Project 2 Individual Increment	\$175,000
Project B's Individual Increment	\$80,000	Project 1 Shared Increment	\$75,000
Project C's Individual Increment	\$160,000	Project 2 Shared Increment	\$75,000
Project B's portion of shared*	\$181,900		
Project C's portion of shared*	\$353,100	Cash available	\$0

*Project C is worth more than Project B in this example

Project 2 is worth the same as Project 1 in this example

Exhibit D
City of Dallas Tax Increment Finance Districts
Mixed Income Housing Guidelines
Adopted 2012

TIF Program Purpose

The purpose of the City of Dallas' TIF program is to promote development in underutilized and vacant areas through the use of public investment to attract private investment. The goals for the districts include improving the infrastructure within the districts and adding market rate apartments, single family homes, retail and commercial space, and office and professional space. Promoting housing for individuals and families at a variety of income levels is one of many policy considerations for the districts.

General definitions

Mixed income housing requires a minimum of 20% of all units to meet affordable housing standards.

Affordable housing units are those which are affordable to a household earning 80% or less of the median family income for the Dallas Area.

The 20% affordability requirement applies to both rental units and to units that are for sale. Requirements for for-sale units will be handled on a case-by-case basis. These guidelines primarily pertain to rental housing.

Affordability period and rent rates

Rental units must be affordable for a period of at least fifteen years, beginning from the date the project is complete per the development agreement.

Income levels and *maximum* rent will vary each year and are based on HUD's calculations for Area Median Family Income (AMFI), utility expenses, and Market Rent for the Dallas Area. Maximum rents are set each year at 30% of 80% of AMFI, including a utility allowance. Information pertaining to the maximum affordable rent and income levels that are currently in effect can be obtained from the Office of Economic Development.

Affordable units

A minimum of 20% of all occupied units shall be rented to qualifying households.

The developer may choose to offer any available unit to qualifying households. The 20% total requirement thus may be satisfied by any combination of units and need not apply to units of all sizes.

Affordable units shall be comparable in size and finish quality to market rate units and shall be dispersed throughout the development. Affordable units shall not be segregated into a particular section of the development and shall be a minimum of 500 square feet.

Qualifying households

A qualifying household is defined as a household making 80% or less of the AMFI. Developers may include wages, salaries, tips, commissions, social security income, etc. to certify a household's income. The method used to determine income should be the same for qualifying and market rate households.

Lease terms

Households that qualify at the beginning of a lease will be assumed to qualify for the entirety of the term of that lease. Recertification is therefore only necessary during lease renewal.

At the end of the lease, the new lease rates will be set based on the household's current income at the time of renewal.

If the household no longer qualifies for an affordable unit, the lease may be renewed at market rate and another unit made available for a qualifying household in order to maintain the 20% affordability requirement.

Fees and leasing requirements

In general, all leasing requirements and all fees, utility charges, assessments, fines, etc. charged by the apartment community must be applied uniformly to qualifying households and market rate households, with the exception that the developer may choose to waive or reduce fees for qualifying households and the developer may choose to set specific lease lengths for affordable units.

Reporting Requirements

Adequate reporting by developer, owner, or property manager shall be required to ensure that the City can appropriately monitor compliance with the guidelines. Projects receiving affordable housing funding under federal or state programs may choose to submit copies of compliance reports specific to the federal or state program in lieu of the TIF program report. Specific reporting requirements will be updated as necessary.

Compliance

The developer assumes all liability for compliance with these requirements and with all applicable laws. By participating in the City's TIF program, the developer agrees to report all information accurately and on time. At the City's request, the developer agrees to produce necessary documentation for determining full compliance with this program.

The affordability period shall be extended by six months for any number of units by which the affordable housing provided during a semi-annual period falls short of the number of units required to meet the affordable housing requirements. Noncompliance may result in termination of the development agreement, a reduction in TIF reimbursement, or other action as determined by the Office of Economic Development.

Request for waiver or minor modification of these requirements shall be submitted to the Office of Economic Development and will be negotiated on a project-by-project basis with the City and the County.

The City may consider retaining a percentage of TIF funding to ensure that in the event that the property is sold prior to the end of the 15 year compliance period, all subsequent owners will be required to provide affordable housing for the remainder of the affordability period.

The TIF program does not alter, modify, or reduce any affordable housing requirements, duties, or obligations imposed on the developer because of receipt of funds or other assistance from other programs or persons.

Alternative Methods

A developer may propose alternative methods of meeting the requirements such as providing equivalent affordable housing units in a comparable location within or adjacent to the TIF district. All proposed alternative methods will be considered on a case-by-case basis and must be approved by both the City and Dallas County.

Affirmative Fair Housing Marketing Plan

An affirmative fair housing marketing plan is required for all projects with a residential component that are supported with TIF funding. This requirement is detailed in each project's development agreement. Each project will be evaluated individually to ensure that it furthers affirmative fair housing goals.

Effective Date

These guidelines are effective in each district as of the date they are approved by that district's TIF board. The guidelines apply to developments with first occupancy on October 1, 2011 or later. These guidelines will not alter the terms of development agreements authorized prior to the approval of this document.

Guideline Modifications

As needed, the City may make modifications or corrections to these guidelines to increase their effectiveness. Where these guidelines may conflict with a district's Final Plan language concerning housing provisions, the Director of the Office of Economic Development will make a final determination of project requirements.

AGENDA ITEM # 55

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): 7

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 47 G

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 83, on the north side of Samuell Boulevard, east of Ferguson Road

Recommendation of Staff and CPC: Approval, subject to a revised development plan and conditions
Z156-126(WE)

FILE NUMBER: Z156-126(WE) **DATE FILED:** November 9, 2015

LOCATION: North side of Samuell Boulevard, east of Ferguson Road

COUNCIL DISTRICT: 7 **MAPSCO:** 47-G

SIZE OF REQUEST: Approx. 7.34 acres **CENSUS TRACT:** 122.06

APPLICANT: Dr. Jeffery Parker

REPRESENTATIVE: Dr. Jeffery Parker

OWNER: 4209 Samuell Blvd., L P

REQUEST: An application for an amendment to Planned Development District No. 83.

SUMMARY: The property encompassing Planned Development District No. 83 is developed with a mini-warehouse use and a one-story structure that is being operated as a church use. PDD No. 83 currently does not permit a church use. The purpose of this request is to add a "church" use and to amend the development plan to reflect an additional 123 square feet that was previously added to the existing structure that is being utilized for the church. In August 1985, the Building Official issued a certificate of occupancy for a restaurant use. In 1993, a certificate of occupancy was issued for a warehouse.

CPC RECOMMENDATION: Approval, subject to a revised development plan and conditions.

STAFF RECOMMENDATION: Approval, subject to a revised development plan and conditions.

GUIDING CRITERIA FOR STAFF RECOMMENDATION:

Staff's recommendation for approval is based upon:

1. *Performance impacts upon surrounding property* – The amendment to Planned Development District No. 83 will not create a negative performance impact on the surrounding properties.
2. *Traffic impact* – The Engineering Section of the Department of Sustainable Development and Construction has determined that the request will not have a negative impact on the street system.
3. *Comprehensive Plan or Area Plan Conformance* – The *forwardDallas! Comprehensive Plan* shows that the request site is located in an Urban Neighborhood Building Block. The addition of a church use is consistent with this building block

Zoning History: There have not been any zoning cases in the area in the past five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Samuell Boulevard	Collector	80 ft.	80 ft.

Traffic: The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined that it will not have a detrimental impact on the surrounding street system.

COMPREHENSIVE PLAN: The Comprehensive Plan does not make a specific land use recommendation related to the request; however, the *forwardDallas! Vision Illustration*, adopted June 2006, is comprised of a series of Building Blocks that depict general land use patterns. Building Blocks are generalized patterns without well-defined boundaries that indicate where certain types and densities of development might logically occur. The request site is identified as being located in an Urban Neighborhood Building Block.

Urban Neighborhoods, including Oak Lawn, the Grand Avenue area in South Dallas, the area near Jefferson Boulevard and the Vickery Meadow area, are predominately residential but are distinguished from other neighborhoods by the wide variety of housing options they provide and easy access to public transit. Housing choices should include single-family detached dwellings, townhomes and low- to midrise condominiums or apartments. These neighborhoods will have concentrations of shops and offices along key corridors or at key intersections, providing important services and job opportunities within walking distance of residences. These areas may have mixed-use buildings with ground floor shops. Areas currently developed with single-family or

duplex uses should generally be maintained unless redevelopment is addressed through an Area Planning process. Urban Neighborhood streets will be very pedestrian friendly, providing excellent connectivity to shopping, schools and other community services. Emphasis should be placed on slowing traffic through use of on-street parking and other similar traffic calming measures. Public investments in these areas will focus on parks, pathways, transit stops, pedestrian-oriented landscaping and road improvements.

Land Use Compatibility:

	Zoning	Land Use
Site	PDD No. 83	Church, Mini-warehouse, Undeveloped
North	RR-D-1	Interstate 30, office
South	R-7.5(A) w/SUP No. 104	Cemetery
East	MF-2(A) SAH	Funeral home
West	RR	Auto related use, undeveloped

The surrounding uses consist of a funeral home to the east, a cemetery to the south, across Samuell Boulevard, and undeveloped land and an auto related use to the west. Interstate I-30 abuts the site to the north.

Planned Development District No. 83 only permits the following uses: warehouses, offices, caretaker's quarters, and a restaurant. The additional church use will not negatively impact surrounding land uses.

Development Standards:

<u>DISTRICT</u>	<u>SETBACKS</u>		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
PDD No. 83 - existing	15'	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office	36'	60%	Proximity Slope Visual Intrusion	Warehouses, offices, caretaker's quarters, restaurant
PDD No. 83 - proposed	15'	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office	36'	60%	Proximity Slope Visual Intrusion	Warehouses, offices, caretaker's quarters, restaurant, church

Landscaping: Landscaping of any development will be in accordance with Article X, as amended.

Parking: Planned Development District No. 83 requires the following off-street parking ratios for each use: Warehouse use is one space for each 1,000 square feet of floor area, Office use is one space for each 300 square feet of floor area, caretaker's quarters is one space for each 500 square feet of floor area, and a restaurant use is one space for each 100 square feet of floor area.

The PD conditions will include the following parking ratio for a church use, which is the same as in Chapter 51A: One space for each four fixed seats in the sanctuary or auditorium. If fixed benches or pews are provided, each 18 inches of length of the fixed bench or pew constitutes one fixed seat for purposes of this paragraph. If portions of the seating areas in the sanctuary or auditorium are not equipped with fixed seats, benches, or pews, the parking requirement for those portions is one space for each 28 square feet of floor area.

CPC Action – February 4, 2016

Z156-126(WE)

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of an amendment to Planned Development District No. 83, subject to a revised development plan and conditions on the north side of Samuell Boulevard, east of Ferguson Road.

Maker: Abtahi
Second: Houston
Result: Carried: 15 to 0

For: 15 - Anglin*, Emmons, Houston, Davis, Shidid*,
Anantasomboon*, Abtahi, Haney, Jung,
Housewright, Schultz, Peadon, Murphy, Ridley,
Tarpley

Against: 0
Absent: 0
Vacancy: 0

*out of the room, shown voting in favor

Notices:	Area: 500	Mailed: 24
Replies:	For: 1	Against: 0

Speakers: None

LIST OF OFFICERS

- Richard LeBlanc, Partner
- Dr. Jeffery Parker, Partner

CPC PROPOSED PDD CONDITIONS
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SEC. 51P-83.101. LEGISLATIVE HISTORY.

PD 83 was established by Ordinance No. 14958, passed by the Dallas City Council on August 18, 1975. Ordinance No. 14958 amended Ordinance No. 10962, Chapter 51 of the 1960 Revised Code of Civil and Criminal Ordinances of the City of Dallas, as amended. Ordinance No. 14958 was amended by Ordinance No. 16113, passed by the Dallas City Council on February 7, 1979, and Ordinance No. 18368, passed by the Dallas City Council on August 15, 1984. (Ord. Nos. 10962; 14958; 16113; 18368; 25423)

SEC. 51P-83.102. PROPERTY LOCATION AND SIZE.

PD 83 is established on property generally located along Samuell Boulevard, east of Ferguson Road. The size of PD 83 is approximately 13.68 acres.

SEC. 51P-83.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51 apply to this article.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51.

SEC. 51P-83.104. DEVELOPMENT PLAN.

The property must be developed in accordance with the development plan approved by the city plan commission on June 21, 1984 (Exhibit 83A).

SEC. 51P-83.105. PARKING.

(a) In general. Except as provided in this section, consult the use regulations in Division 51-4.200 for the specific off-street parking and loading requirements for each use.

(b) Warehouse. ~~[Off-street parking must be provided at the ratio of] O[e]ne space per [for each] 1,000 square feet of floor area is required. [for warehouse uses;]~~

(c) Office. O[e]ne space per ~~[for each]~~ 300 square feet of floor area is required. ~~[for office uses;]~~

(d) Caretaker's quarters. O[e]ne space per ~~[for each]~~ 500 square feet of floor area is required. ~~[for the caretaker's quarters; and]~~

(e) Restaurant. One space per 100 square feet of floor area is required. ~~[for restaurant uses]~~

SEC. 51P-83.106. FIRE PROTECTION.

All buildings must be equipped with a 100 percent automatic sprinkler system or provide an approved fire lane easement.

SEC. 51P-83.107. SIGNS.

All signs must comply with the provisions for business zoning districts contained in Article VII, "Sign Regulations," of the Dallas Development Code, as amended.

SEC. 51P-83.108. USES.

Uses are limited to those warehouses, offices, caretaker's quarters, church and a restaurant. Uses that sell or serve alcoholic beverages are not permitted in this PD.

SEC. 51P-83.109. HEIGHT.

The height of all buildings and structures on the property must not exceed 36 feet.

SEC. 51P-83.110. GENERAL REQUIREMENTS.

(a) Development of the property must comply with the requirements of all ordinances, rules, and regulations of the city.

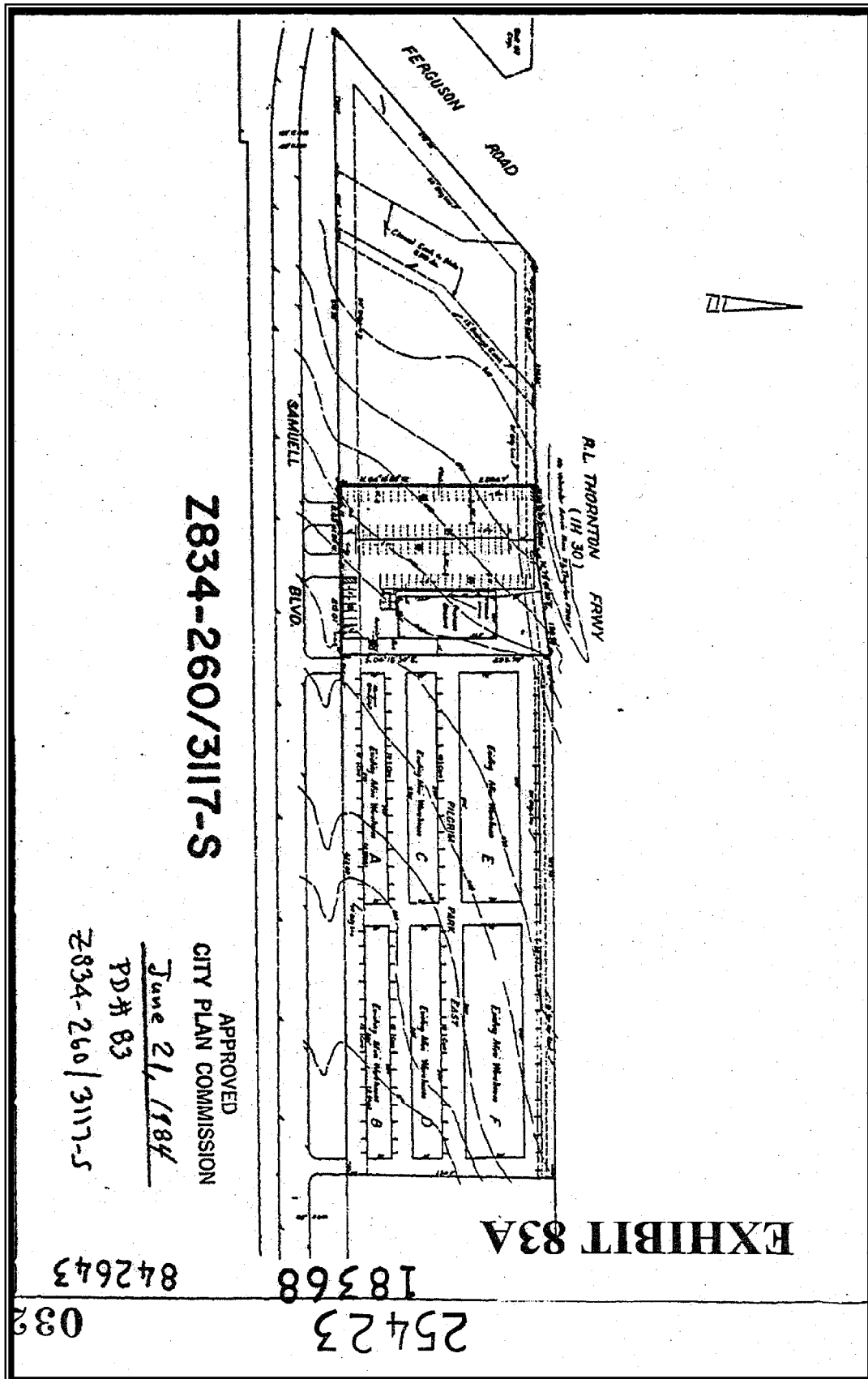
(b) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications adopted for such purpose to the satisfaction of the director of public works and transportation.

(c) No certificate of occupancy shall be issued by the building official until there has been full compliance with this article and any applicable provisions of the zoning ordinance and the building codes.

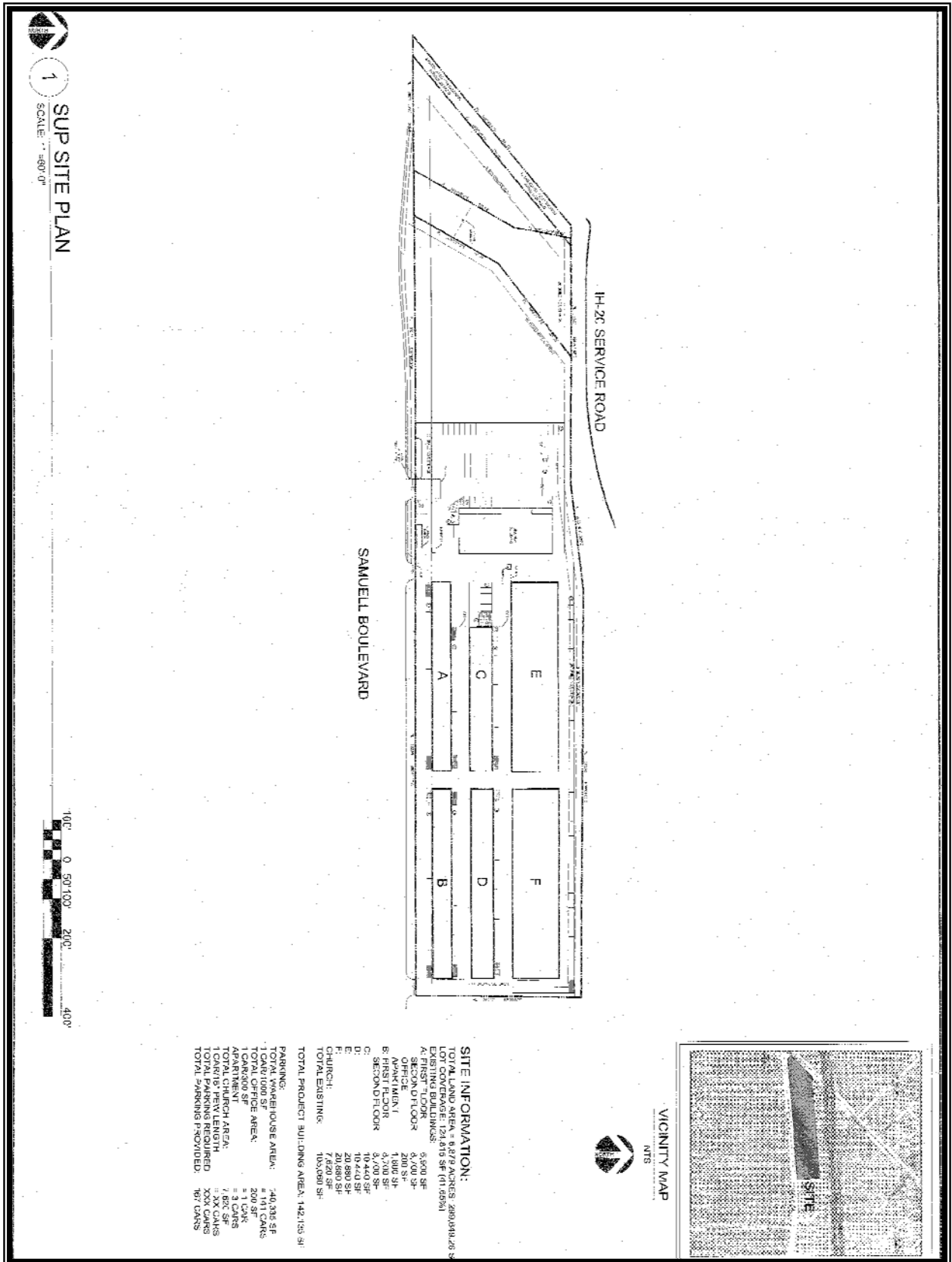
~~[SEC. 51P-83.111. ZONING MAP.]~~

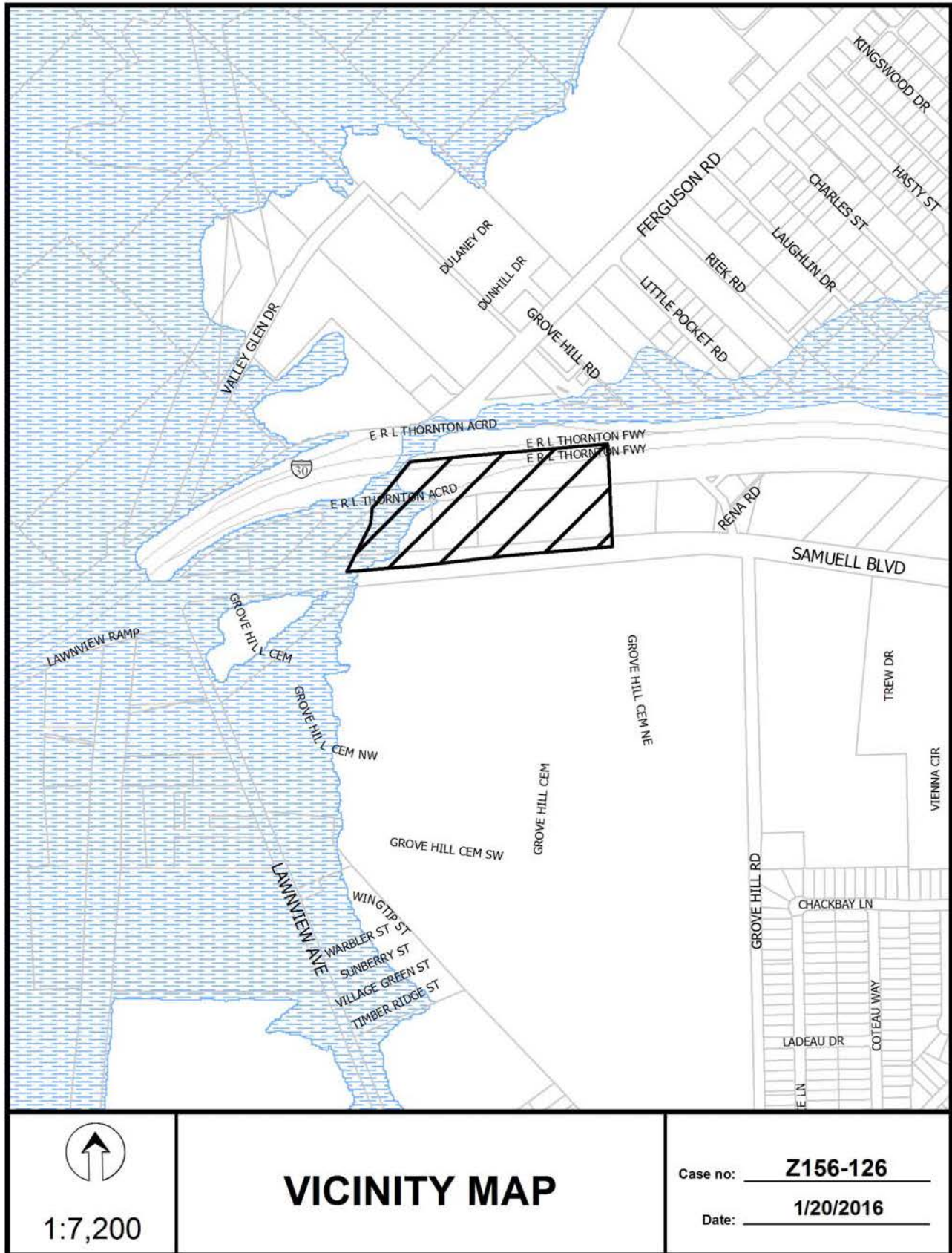
~~[PD 83 is located on Zoning Map No. J-9.]~~

EXISTING DEVELOPMENT PLAN

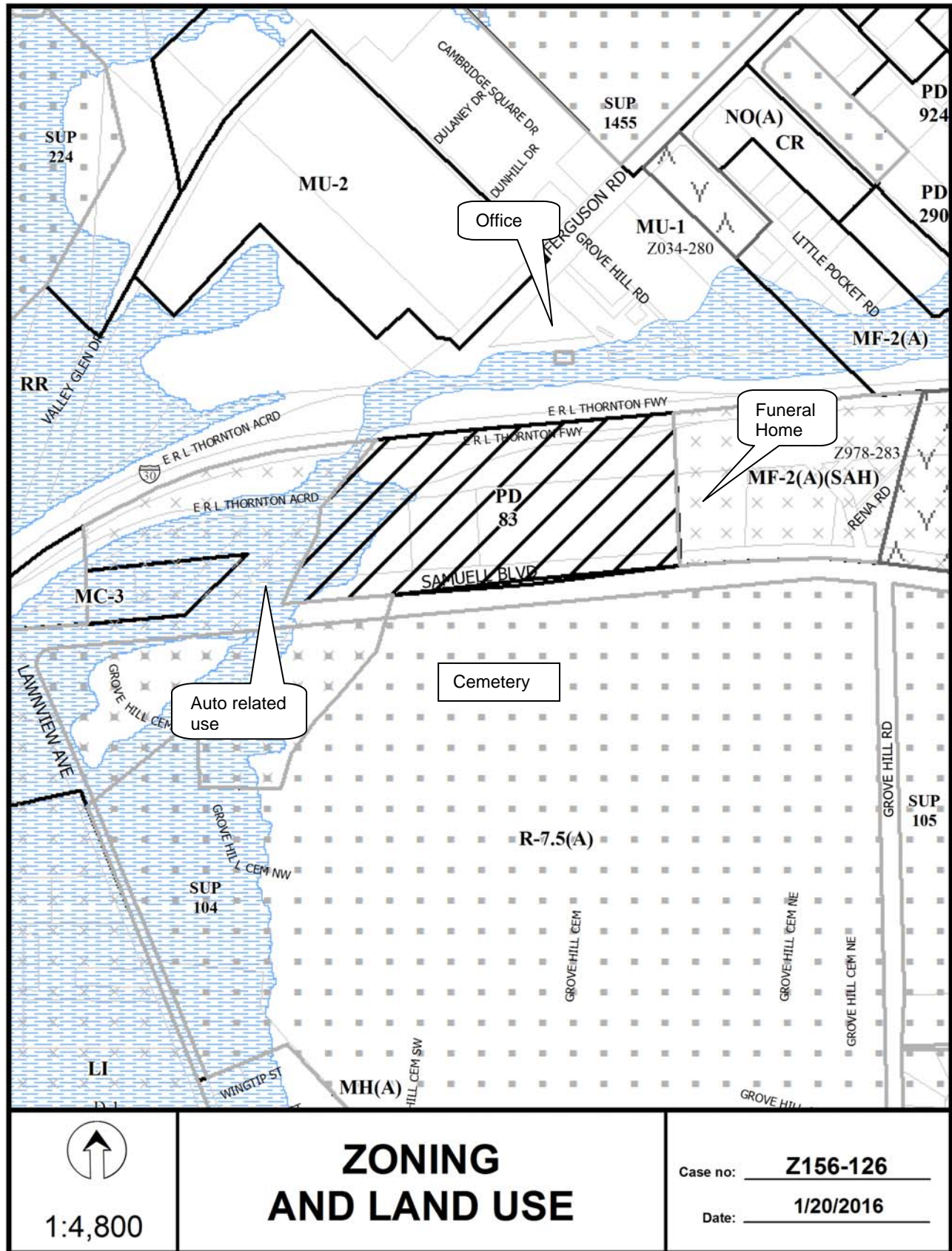


PROPOSED DEVELOPMENT PLAN

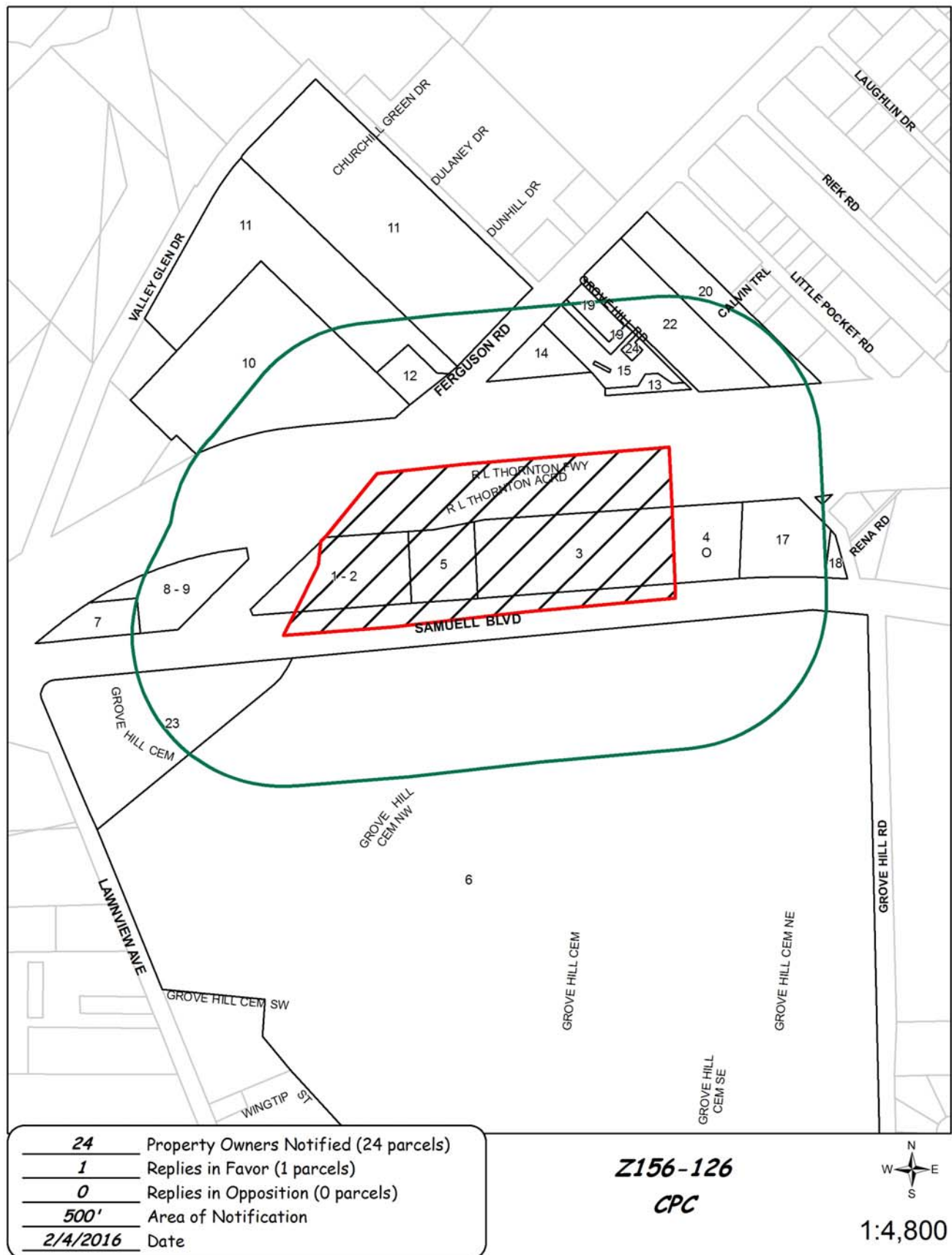








CPC RESPONSES



Notification List of Property Owners

Z156-126

24 Property Owners Notified 2 Property Owners in Favor 0 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	4015 SAMUELL BLVD	MOORE WELDON LEON
	2	4015 SAMUELL BLVD	SMITH MIKE
	3	4311 SAMUELL BLVD	WC TEXAS STORAGE PORTFOLIO I LP
O	4	4419 SAMUELL BLVD	HUGHES RONALD W JR
	5	4209 SAMUELL BLVD	HART EDWIN DON LIF ESTATE
	6	4734 LAWNVIEW AVE	SCI TEXAS FUNERAL SERVICES INC
	7	3909 SAMUELL BLVD	REPUBLIC NATL BANK
	8	3939 SAMUELL BLVD	AMERCO REAL ESTATE CO
	9	3915 SAMUELL BLVD	NCNB REAL ESTATE TRUST DE
	10	7203 FERGUSON RD	HORIZONS HOSPITALITY LLC
	11	7229 FERGUSON RD	FAIRWAY TOWNHOMES HOUSING
	12	7205 FERGUSON RD	YUSUF ABUBAKER &
	13	7231 E R L THORNTON FWY	KHALIL NAGY N
	14	7232 FERGUSON RD	KHALIL NAGY N
	15	7238 FERGUSON RD	KHALIL NAGY
	16	7240 FERGUSON RD	PATRICK MEDIA GROUP INC
	17	4523 SAMUELL BLVD	BREAUX JAMES E & DEBRA
	18	4529 SAMUELL BLVD	MINYARD JON
	19	7244 FERGUSON RD	KHALIL NAGY
	20	7318 FERGUSON RD	SUNBELT BUILDING SERVICES LLC
	21	2351 GROVE HILL RD	JONES RENA M ET AL
	22	7306 FERGUSON RD	SHELTER TECHNOLOGIES LLC
	23	3930 SAMUELL BLVD	SCI FUNERAL SERVS TX INC
	24	2328 GROVE HILL RD	SPECTRASITE COMMUNICATION

AGENDA ITEM # 56

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): 6

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 43 N

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2053 for outside salvage or reclamation on property zoned an IM Industrial Manufacturing District on the south side of Bedford Street, east of Norwich Street

Recommendation of Staff and CPC: Approval for a five-year period, subject to a revised site plan and conditions
Z156-128(OTH)

FILE NUMBER: Z156-128(OTH)

DATE FILED: August 20, 2015

LOCATION: South side of Bedford Street, east of Norwich Street

COUNCIL DISTRICT: 6

MAPSCO: 43-N

SIZE OF REQUEST: Approx. 1.294 acres

CENSUS TRACT: 105.00

APPLICANT / OWNER: Ignacio Hernandez

REPRESENTATIVES: Ignacio Hernandez and Lorena Hernandez

REQUEST: An application for the renewal of Specific Use Permit No. 2053 for outside salvage or reclamation on property zoned an IM Industrial Manufacturing District.

SUMMARY: The applicant proposes to continue the use of the property for an outside salvage or reclamation use. In addition, a vehicle, display sales and service use and an auto service center are operated on the site as allowed by right. All other IM uses are also allowed in the property. The outside salvage and reclamation use was in operation prior to the issuance of the initial SUP that was approved in November 2013. The site plan was revised to include an existing, 650-square-foot covered concrete pad. Also, the interior fence has been re-labeled to 9 feet (previously 8 feet).

CPC RECOMMENDATION: **Approval** for a five-year period subject to a revised site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a five-year period, subject to a revised site plan and conditions.

GUIDING CRITERIA FOR STAFF RECOMMENDATION:

The following factors are listed in Chapter 51A of the Dallas Development Code to guide the determination as to whether or not an SUP shall be granted. Staff has listed its findings based upon each component below:

1. *Compatibility with surrounding uses and community facilities* – The property is located at the corner of Bedford Street and Norwich Street and it is surrounded by various outside commercial and industrial uses. Some nonconforming residential uses also exist in the surrounding area. The continuation of the use is compatible with the surrounding area. Code requirements for the use include solid screening, and stacking height limitation. Additionally, increased setbacks are required with the maximum stacking height internalized to the site as depicted on the site plan.
2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The use does not contribute to, enhance, or promote the welfare of adjacent properties.
3. *Not a detriment to the public health, safety, or general welfare* – Staff's conditions established in the SUP ordinance and the site plan provide for a dedicated non-permeable surface area for draining of fluids prior to vehicles being placed in the outside storage area. This condition in addition to the others ensures that the use does not pose a detriment to the public health, safety, or general welfare.
4. *Conforms in all other respects to all applicable zoning regulations and standards* – The use of the property and the revised site plan conform to all applicable zoning regulations and standards.

Zoning History: There have been no zoning applications in the vicinity in the past five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing & Proposed ROW
Norwich Street	Collector	80 feet
Bedford Street	Local	50 feet

STAFF ANALYSIS:**Comprehensive Plan:**

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The Plan identifies the request site as being in the Industrial Building Block. Industrial Areas, which offer important employment opportunities, occupy large areas of land and usually are near major roads and heavy rail lines. Evolving technology and the need for freight movement through Dallas to the rest of the country and internationally means this sector can offer good opportunities for jobs. Logistics and warehousing, a growing industry with strong potential for upward mobility of skilled workers, would thrive in such areas. Examples include Southport and the Agile Port, parts of West Dallas along I-30, and the Stemmons industrial area. These areas include a mix of low- and medium-density industrial buildings and industrial yards and have large surface parking for cars and trucks. Industrial Areas rely on quality road access and may be linked to rail for freight purposes. Street lanes are wide and intersections are large. Transit, sidewalks and other pedestrian improvements are limited.

Surrounding Land Uses:

	Zoning	Land Use
Site	IM	Outside salvage and reclamation, vehicle display sales and service
North	IM	Nonconforming single family and vehicle related uses
South	IM	Industrial outside/contractor's maintenance yard
West	IM	Industrial, retail
East	IM	Nonconforming single family, undeveloped, vehicle related use

Land Use Compatibility:

The property is located on an oddly shaped corner lot, with the outside salvage and reclamation use extending internally into the lot. Solid screening (a minimum nine feet in height) is provided around the perimeter of the outside stacking areas as well as a

designated non-permeable surface area for fluids to be removed and captured from the vehicles, and for other uses as required by the Development Code.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

Parking:

Pursuant to the Dallas Development Code, off-street parking and loading must be provided in accordance with Division 51A-4.200. Parking is provided as shown on the revised site plan. No additional parking is required with the revisions of the plan.

Landscaping:

Landscaping of the property must be provided in accordance with Article X of the Dallas Development Code. No additional landscape is required with the renewal.

CPC ACTION – January 21, 2016

Z156-128(OTH)

Planner: Olga Torres Holyoak

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2053 for outside salvage or reclamation for a five-year period, subject to a revised site plan and conditions on property zoned an IM Industrial Manufacturing District on the south side of Bedford Street, east of Norwich Street.

Maker: Anantasomboon

Second: Davis

Result: Carried: 15 to 0

For: 15 - Anglin, Emmons, Houston, Davis, Shidid,
Anantasomboon, Abtahi, Haney, Jung,
Housewright, Schultz, Peadon, Murphy, Ridley,
Tarpley

Against: 0

Absent: 0

Vacancy: 0

Notices: Area: 300

Mailed: 26

Replies: For: 0

Against: 0

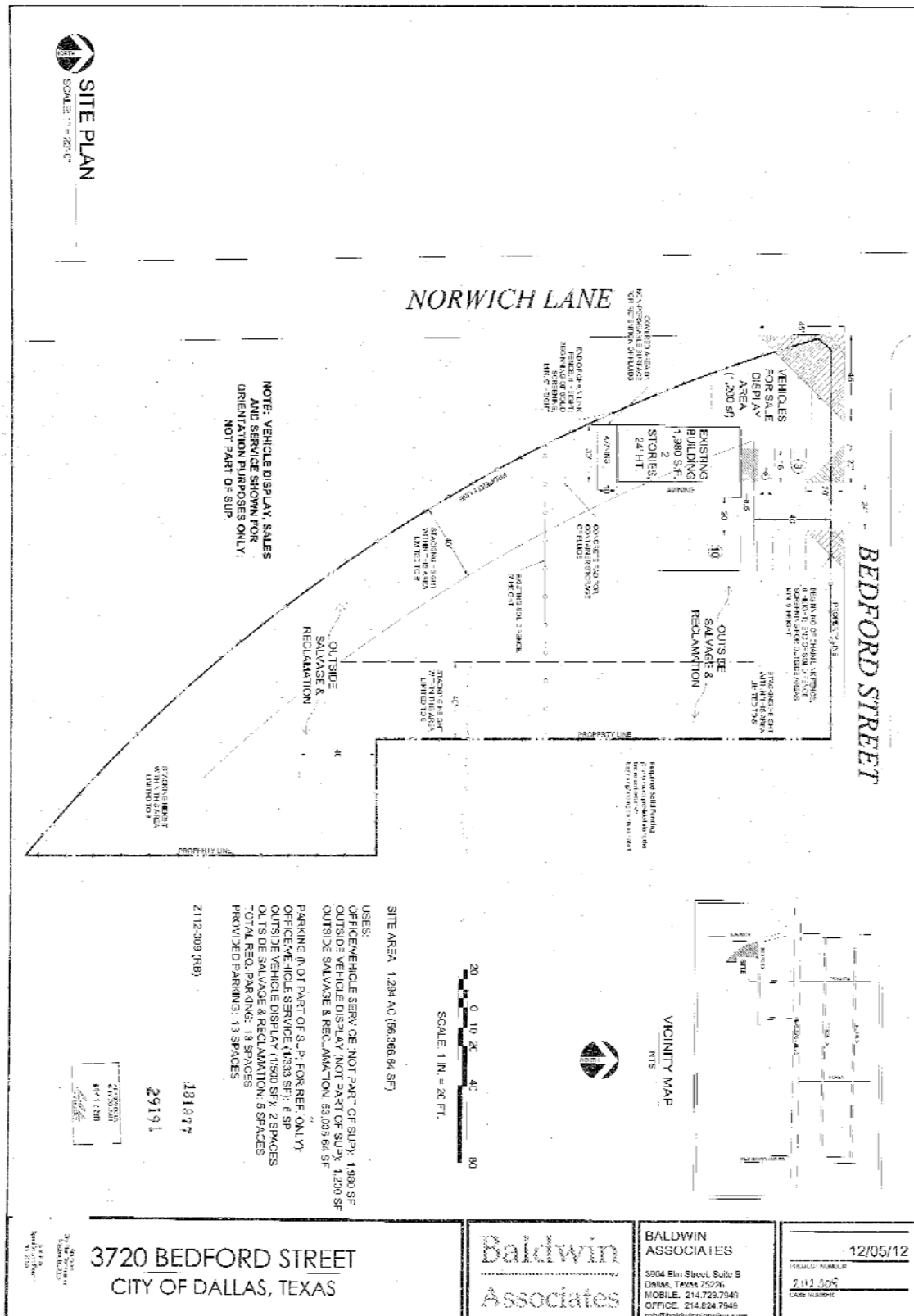
Speakers: For (Did not speak): Ignacio Hernandez, 3720 Bedford St., Dallas
Lorena Hernandez, 3720 Bedford St., Dallas,

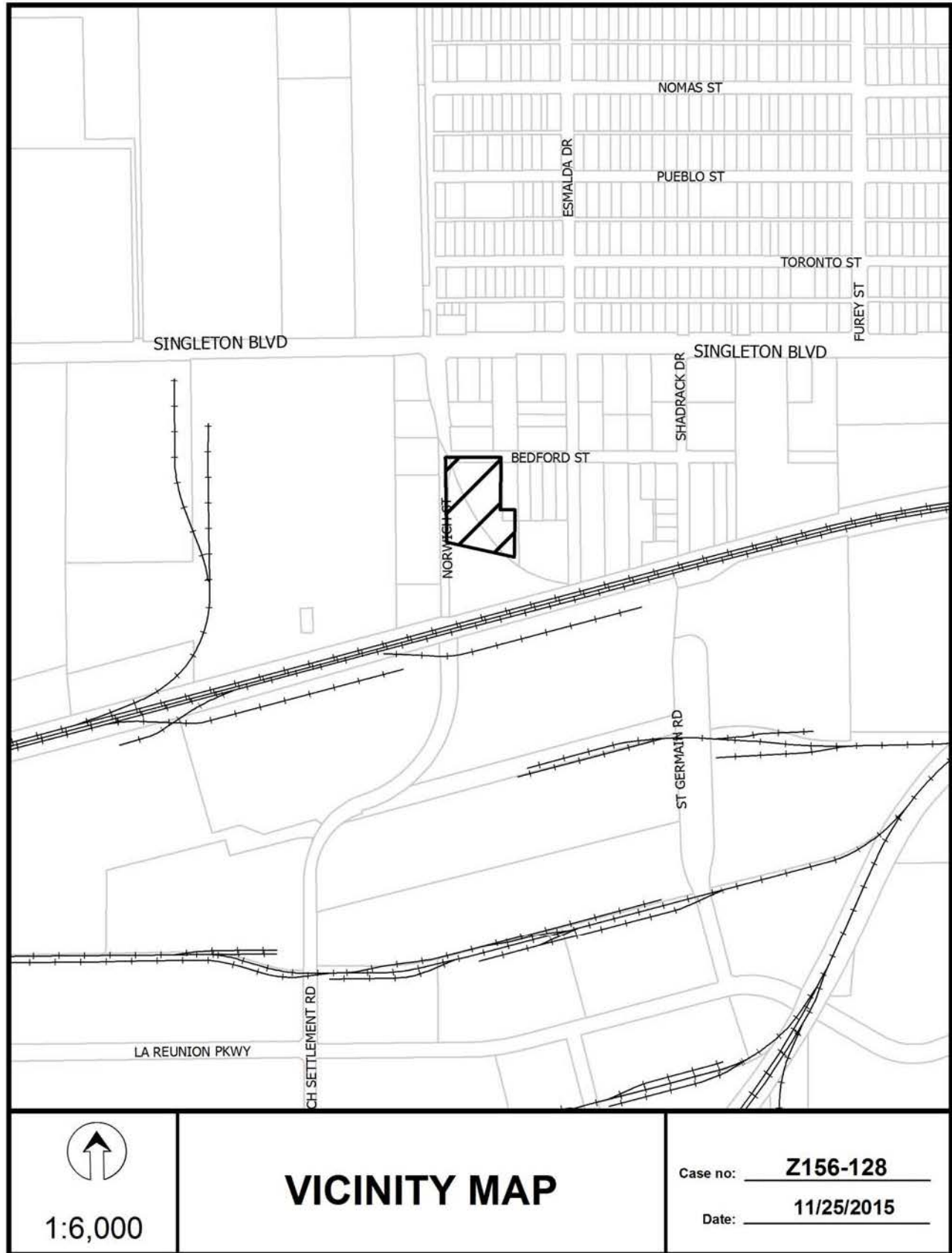
Against: None

SUP Proposed Conditions
Z156-128(OTH)

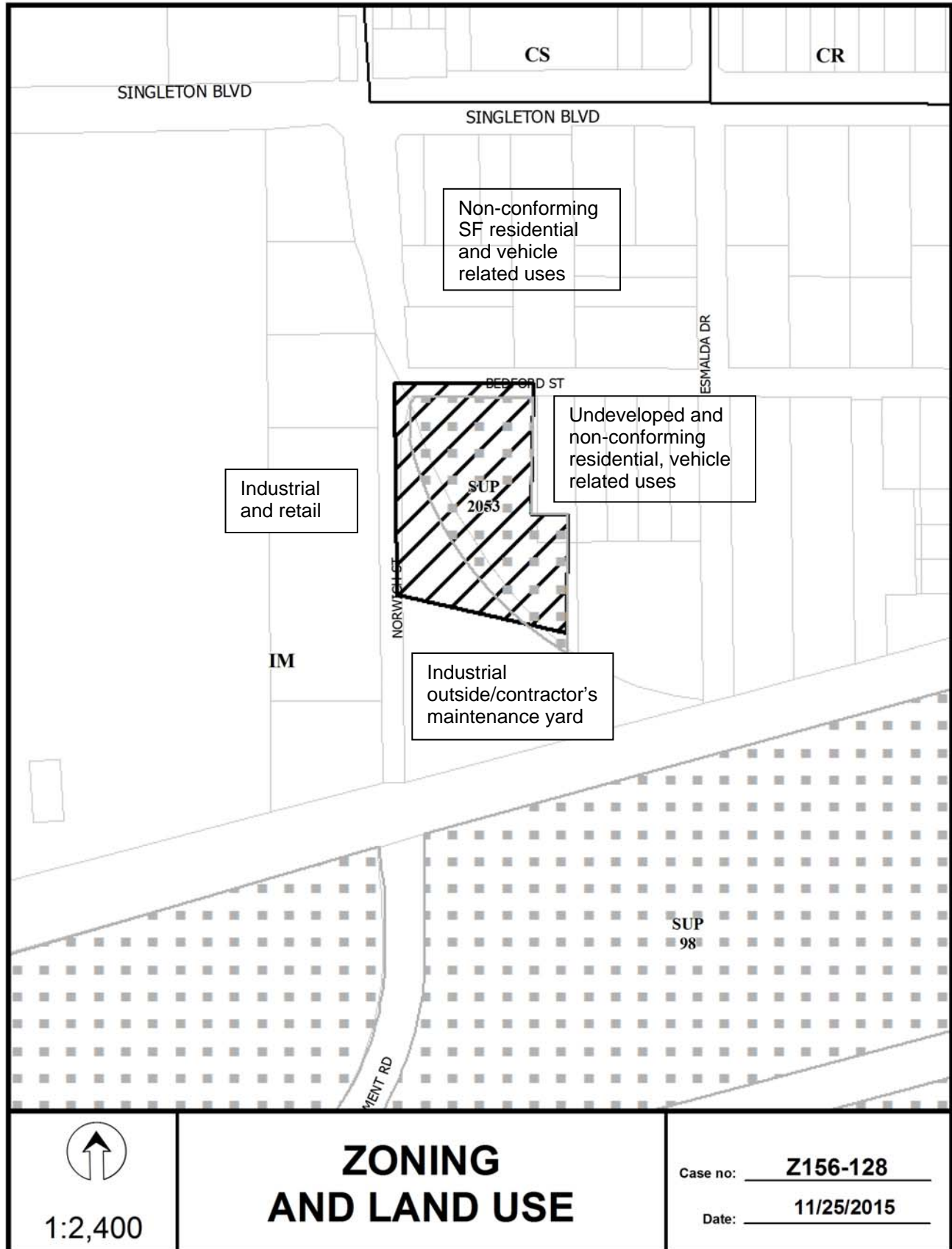
1. USE: The only use authorized by this specific use permit is outside salvage and reclamation.
2. SITE PLAN: Use and development of the Property must comply with the attached revised site plan.
3. TIME LIMIT: This specific use permit expires on ~~November 12, 2015~~ (five years).
4. FLUID REMOVAL: Draining of fluids from vehicles must be performed within the covered non-permeable surface area located as shown on the attached site plan.
5. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
6. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

EXISTING SITE PLAN









CPC RESPONSES



<u>26</u>	Property Owners Notified (30 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>300'</u>	Area of Notification
<u>1/21/2016</u>	Date

Z156-128
CPC



1:2,400

01/20/2016

Reply List of Property Owners***Z156-128******26 Property Owners Notified******0 Property Owners in Favor 0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	2624 NORWICH ST	DAVIS CHARLES W
	2	3720 BEDFORD ST	HERNANDEZ IGNACIO SR ETAL
	3	3716 BEDFORD ST	ORNELAS NORBERTO
	4	4401 LINFIELD RD	ST LOUIS S W RAILWAY CO
	5	9999 NO NAME ST	UNION PACIFIC RR CO
	6	4401 LINFIELD RD	ST LOUIS S W RAILWAY CO
	7	3900 SINGLETON BLVD	STAR ENTERPRISES
	8	2901 NORWICH ST	REYES JACINTO E
	9	3728 SINGLETON BLVD	NATHAL RODRIGUEZ CORP
	10	3724 SINGLETON BLVD	NATHAL RODRIGUEZ CORP
	11	3722 SINGLETON BLVD	JDS DIESEL AND GAS REPAIR INC
	12	3714 SINGLETON BLVD	STEPHYS INC
	13	2811 ESMALDA DR	ROMERO GILBERT
	14	2803 ESMALDA DR	RICO LEOPOLDO & MARIA G
	15	2802 NORWICH ST	CASTRO JUAN JOSE &
	16	2810 NORWICH ST	NATHAL RODRIGUEZ CORP
	17	2700 ESMALDA DR	DAVIS CHARLES W
	18	2700 ESMALDA DR	TEXACO INC
	19	3712 BEDFORD ST	ORNELAS NOLBERTO
	20	3708 BEDFORD ST	REYES JOSE F
	21	3704 BEDFORD ST	REYES SIMON GARCIA
	22	3702 BEDFORD ST	CASTANEDA ELIZABETH
	23	2777 NORWICH ST	PFEIL GARY ARTHUR
	24	2701 NORWICH ST	PFEIL GARY A
	25	3806 SINGLETON BLVD	PFEIL GARY
	26	2322 FRENCH SETTLEMENT RD	TURNPIKE SUB LLC

AGENDA ITEM # 57

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): 6

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 44 A

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a MU-3 Mixed Use District on property zoned an IR Industrial/Research District on the northeast corner of Burgess Boulevard and Iberia Avenue
Recommendation of Staff and CPC: Approval
Z156-138(WE)

FILE NUMBER: Z156-138(WE) **DATE FILED:** November 25, 2015
LOCATION: Northeast corner of Burgess Boulevard and Iberia Avenue
COUNCIL DISTRICT: 6 **MAPSCO:** 44A
SIZE OF REQUEST: Approx. 15,673 sq. ft. **CENSUS TRACT:** 100.00

APPLICANT / OWNER: Nicolas Villalba

REPRESENTATIVE: Nicolas Villalba

REQUEST: An application for an MU-3 Mixed Use District on property zoned an IR Industrial/Research District.

SUMMARY: The purpose of this request is to permit the development of a mixed use building that will provide a live/work environment and a location where the applicant will host events. The 15,673 square foot site is undeveloped and the applicant is proposing to construct a 2-story, 3,000 square foot structure.

CPC RECOMMENDATION: Approval

STAFF RECOMMENDATION: Approval

GUIDING CRITERIA FOR STAFF RECOMMENDATION:

Staff recommends approval based upon:

1. *Performance impacts upon surrounding property* – The proposed use allows for the integration of a new use within an area that is predominantly light industrial. The integration of the residential unit should not negatively impact the surrounding industrial and warehouse uses. The types of industrial uses in the surrounding area vary and consist of a combination of light industrial and warehouse uses.
2. *Traffic impact* – The Engineering Section of the Department of Sustainable Development and Construction has determined that the request will not have a negative impact on the street system.
3. *Comprehensive Plan or Area Plan Conformance* – The request is consistent with the Urban Mixed-Use Building Block in the *forwardDallas! Comprehensive Plan* and the *Stemmons Corridor- Southwestern Medical District Plan*.

Zoning History: There have been two zoning case in the area over the past five years.

1. **Z123-346** On April 23, 2014, the City Council approved an amendment to Specific Use Permit No. 1241 for a utility or government installation other than listed on property zoned an IR Industrial Research District located on the West line of Irving Boulevard, north of Quaker Street.
2. **Z134-331** On November 12, 2014, the City Council a MU-3 Mixed Use District on property zoned an IR Industrial Research District south of Lupo Drive, between Memphis Street and Vicksburg Street (not shown on map).

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Iberia Avenue	Local	50 ft.	50 ft.
Burgess Boulevard	Local	30 ft.	50 ft.

Traffic: The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined that it will not have a detrimental impact on the surrounding street system.

COMPREHENSIVE PLAN: The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The Plan identifies the request site being within an Urban Mixed-Use Building Block.

The Urban Mixed-Use Building Block incorporates a vibrant mix of residential and employment uses at a lower density than the Downtown Building Block. These areas are typically near Downtown, along the Trinity River or near major transit centers. Examples include Uptown, the City Place/West Village area, Stemmons Design District, Cedars and Deep Ellum. Urban Mixed-Use Building Blocks provide residents with a vibrant blend of opportunities to live, work, shop and play within a closely defined area. Buildings range from high-rise residential or mid-rise commercial towers to townhomes and small corner shops. Good access to transit is a critical element. Similar to Downtown, the Urban Mixed-Use Building Blocks offer employment and housing options and are important economic growth areas for businesses. People on foot or bike can enjoy interesting storefronts at ground level with benches, public art, on-street parking and wide sidewalks, creating an appealing streetscape. Large parking areas and other auto-oriented land uses are typically located at the edges.

The request site is located in an area that serves as a major hub for industrial and warehouse uses and is within close proximity of a major transit hub. The applicant proposes to combine a residential unit with an office showroom / warehouse use on site [work/live environment]. The applicant's request is in compliance with the goals and policies in the *forwardDallas! Comprehensive Plan*.

AREA PLAN:

Stemmons Corridor-Southwestern Medical District Area: The request site is located within the Urban Mixed Use – Medium designation of the Stemmons Corridor-Southwestern Medical District. The report recommends the following type of mix developments that could be developed in the general area: residential, office, retail, and moderate density developments. In addition, the plan emphasize pedestrian and bike friendly development. Integrating residential uses in this area is consistent with the projections for the area.

Land Use:

	Zoning	Land Use
Site	IR	Undeveloped
North	IR, IM	Floodplain, Warehouse
South	IR	Industrial
East	IR (SUP No. 1241)	City of Dallas - government installation other than listed
West	IR	Warehouse

Land Use Compatibility: The surrounding properties consist primarily of industrial/warehouse uses. The Trinity River is north of the request site.

The site is located within the Stemmons Corridor-Southwestern Medical District Area and recommends a variety of retail, office and residential development and envisions

growth of a variety of mixed use development in the future. Integrating residential uses in this area is consistent with the projections for the area.

Development Standards:

<u>DISTRICT</u>	<u>SETBACKS</u>		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
IR - existing Industrial/Research	15'	30' adjacent to residential OTHER: No Min.	2.0 FAR overall 0.75 office/ retail 0.5 retail	200' 15 stories	80%	Proximity Slope Visual Intrusion	Industrial, wholesale distribution & storage, supporting office & retail
MU-3 – request 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

Landscaping: Landscaping must be provided in accordance with the landscaping requirements in Article X, as amended.

CPC Action – February 18, 2016

Motion: It was moved to recommend **approval** of a MU-3 Mixed Use District on property zoned an IR Industrial/Research District on the northeast corner of Burgess Boulevard and Iberia Avenue.

Maker: Anantasomboon
Second: Shidid
Result: Carried: 14 to 0

For: 14 - Anglin, Emmons, Houston, Davis, Shidid, Anantasomboon, Abtahi, Haney, Jung, Housewright, Schultz*, Peadon, Murphy, Tarpley

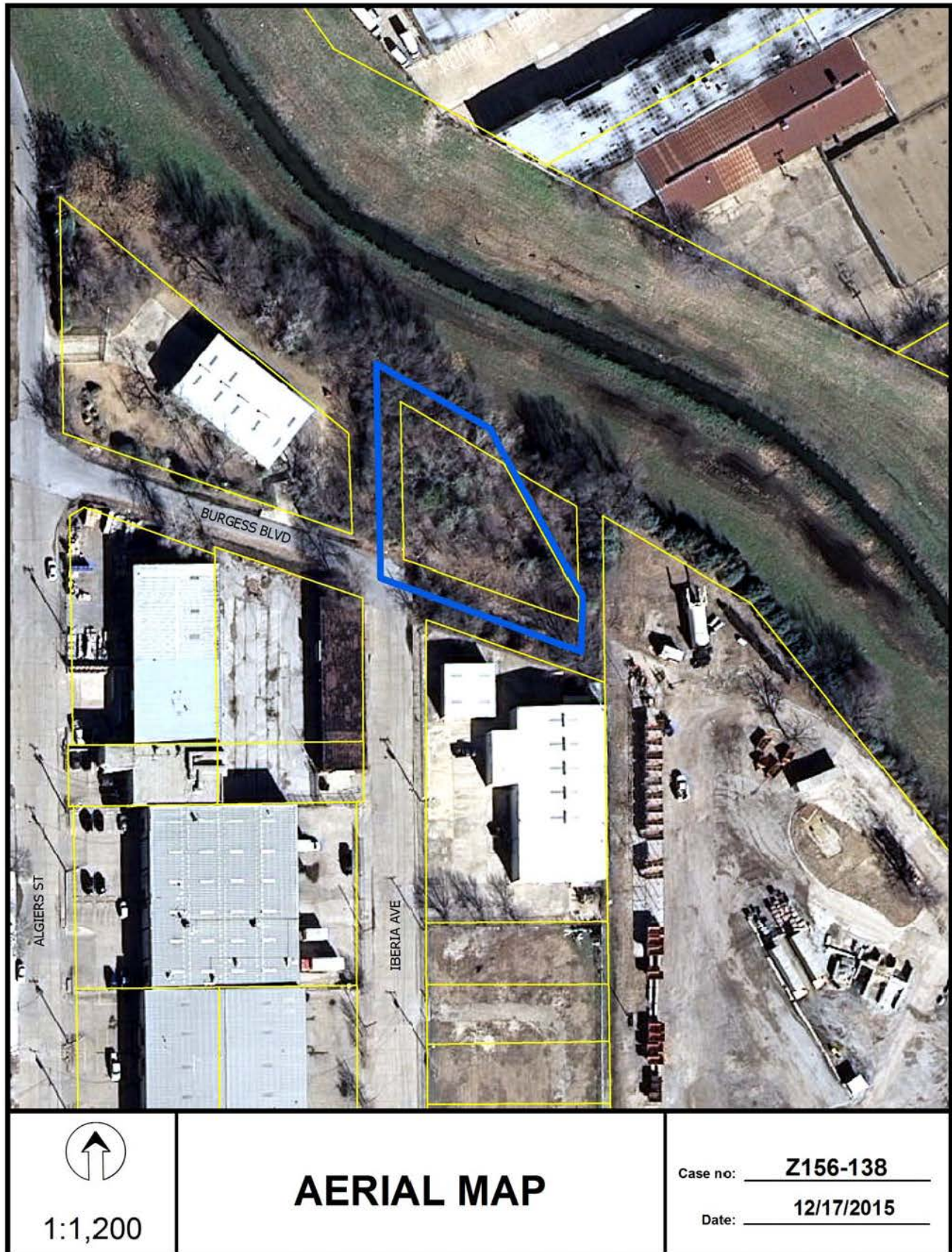
Against: 0
Absent: 1 - Ridley
Vacancy: 0

*out of the room, shown voting in favor

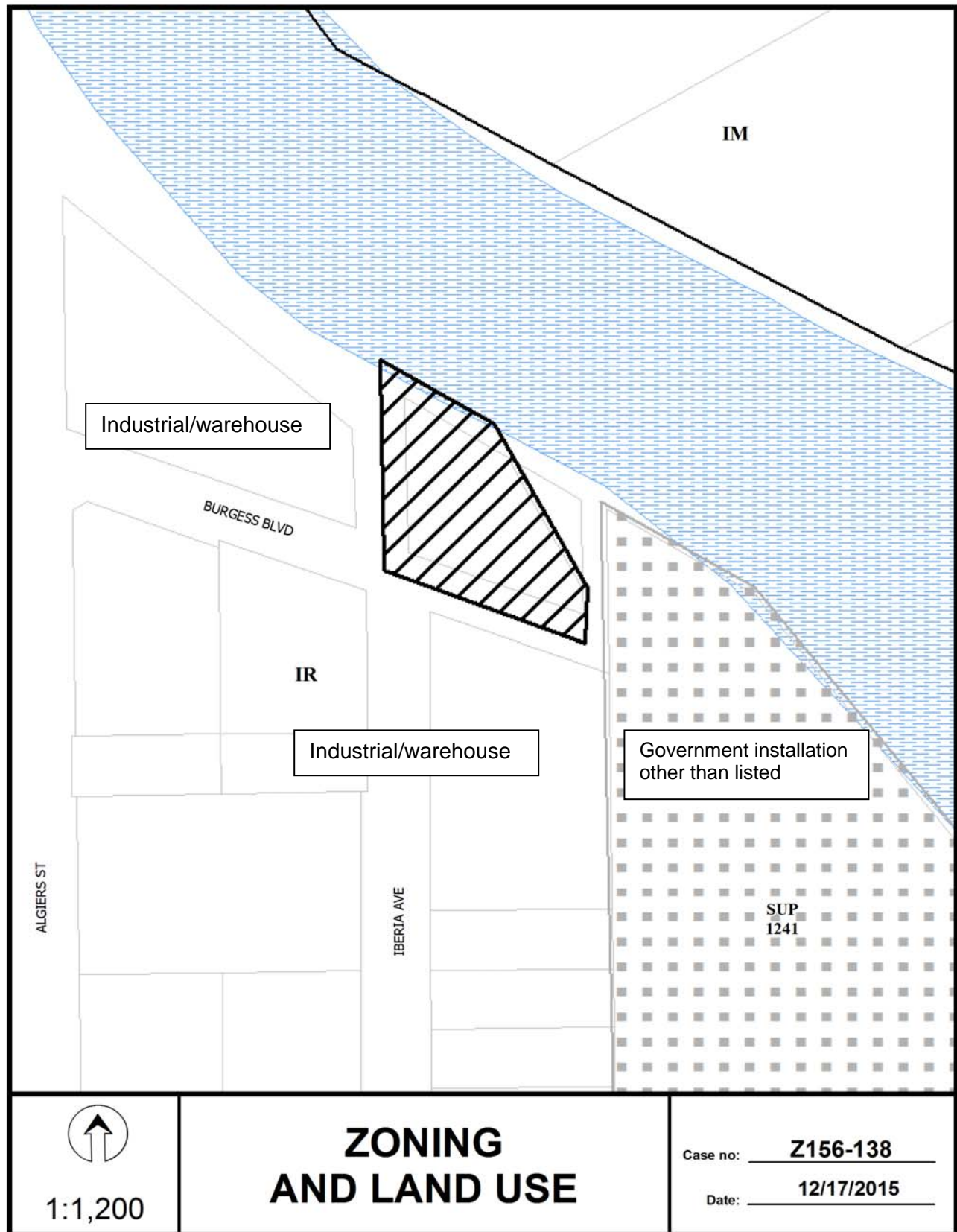
Notices: Area: 200 Mailed: 6
Replies: For: 1 Against: 0

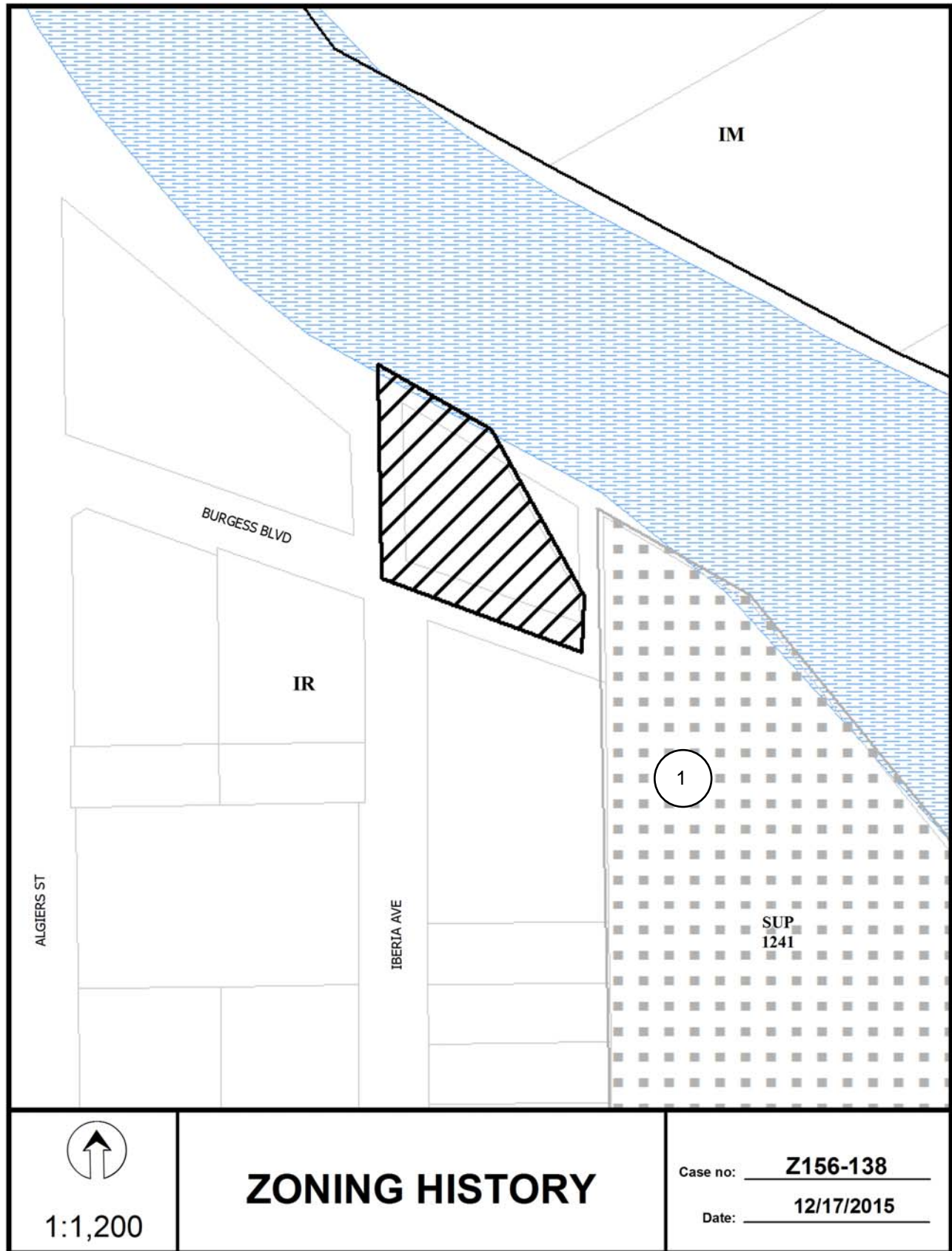
Speakers: For: Peter Poulides, 4756 Algiers, Dallas, TX, 75207
Against: None



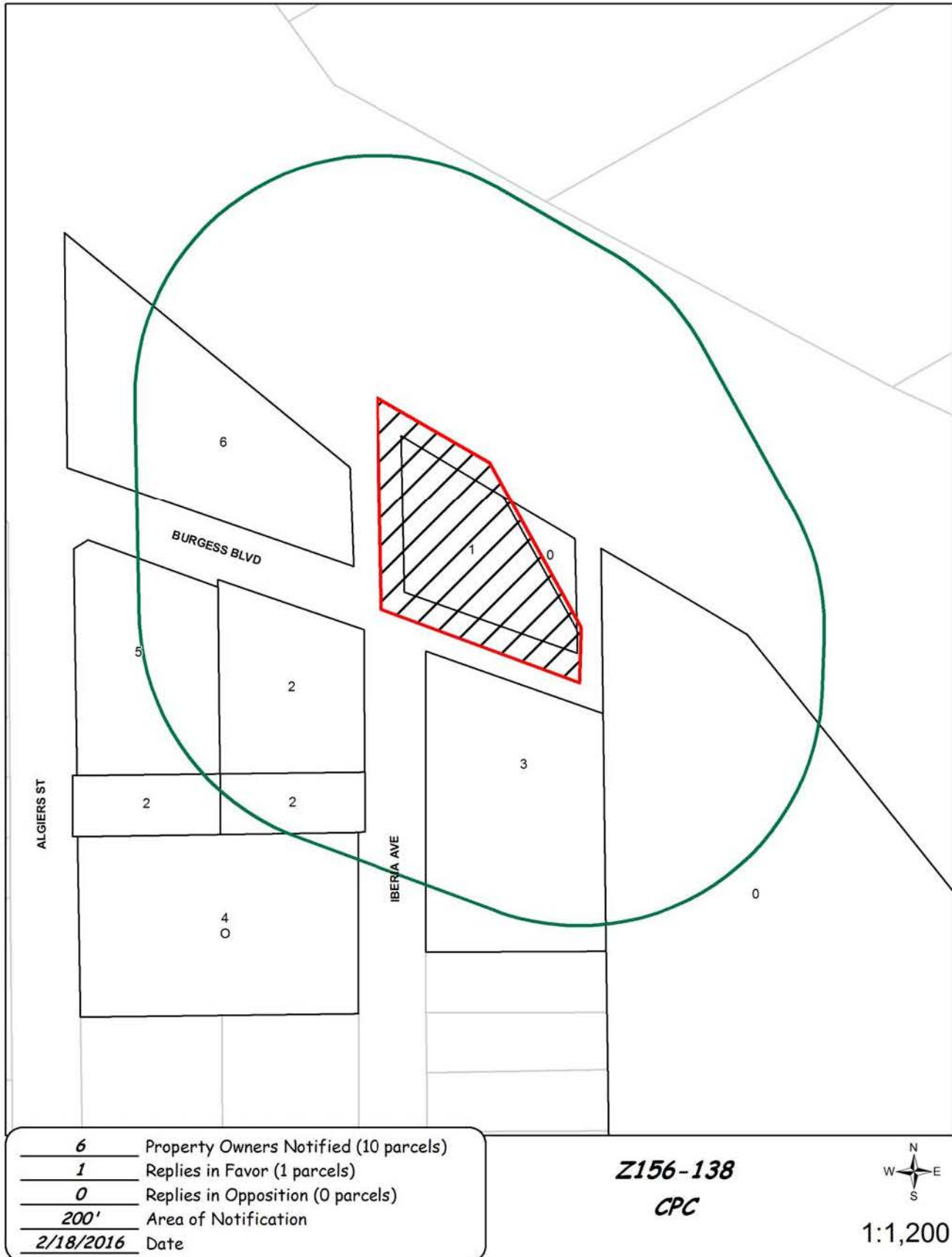


government installation other than listed.





CPC RESPONSES



Notification List of Property Owners

Z156-138

6 Property Owners Notified

1 Property Owners in Favor

0 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1 4802	IBERIA AVE	UNIVERSAL FINANCE CO
	2 4756	ALGIERS ST	THE SPOT STUDIO INC
	3 4770	IBERIA AVE	MACHINE TOOL & REPAIR INC
O	4 4748	ALGIERS ST	ELECTRIC LIGHT & POWER
	5 4774	ALGIERS ST	CAPOTE PROPERTIES LP
	6 4814	ALGIERS ST	ADLER PPTY COMPANIES LLP

AGENDA ITEM # 58

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): 2

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 34 T

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for IR Industrial/Research District and domestic violence facility uses on property zoned an IR Industrial/Research District on the north corner of Redfield Street and Butler Street

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

Z156-139(SM)

FILE NUMBER: Z156-139(SM)

DATE FILED: November 25, 2015

LOCATION: North corner of Redfield Street and Butler Street

COUNCIL DISTRICT: 2

MAPSCO: 34-T

SIZE OF REQUEST: Approximately 2.42 acres **CENSUS TRACT:** 4.01

APPLICANT/ OWNER: The Family Place

REPRESENTATIVE: Barry Knight and Laura Hoffman, Winstead PC

REQUEST: An application for a Planned Development District for IR Industrial/Research District and domestic violence facility uses on property zoned an IR Industrial/Research District.

SUMMARY: The applicant proposes to renovate the existing 18,350 square foot building and construct a 37,800 square foot three-story addition. The creation of a new use, *domestic violence facility*, with parking requirements is requested. A domestic violence facility is unique in nature because combines some functions but has differing purposes and occupants than the following existing uses: convalescent and nursing homes, hospice care, and related institutions; office, for counseling purposes; and child care-facility.

CPC RECOMMENDATION Approval, subject to a development plan and conditions.

STAFF RECOMMENDATION: Approval, subject to a development plan and conditions.

GUIDING CRITERIA FOR RECOMMENDATION:

Staff recommends approval of the planned development district based upon:

1. *Performance impacts upon surrounding property* – No direct performance impacts are foreseen upon the surrounding properties at this time.
2. *Traffic impact* – The Family Place based the amount of provided parking on its other facilities and it is estimated to be sufficient. The surrounding street system can accommodate the addition of the proposed use to the existing zoning.
3. *Comprehensive Plan or Area Plan Conformance* – The *forwardDallas!* Comprehensive Plan indicates that this area is a Campus District Building Block and the Stemmons Corridor - Southwestern Medical District Area Plan. The request is generally consistent with both plans.
4. *Justification for PD Planned Development District Zoning as opposed to a straight zoning district* – The request proposes a planned development district because of the unique combination of uses that is proposed with the new use, a *domestic violence facility*.

BACKGROUND INFORMATION:

- The site was developed in the mid 1970's according to aerial photography.
- In May 2015, the deeds were transferred for the three parcels within the area of request to the Family Place.
- Paige Flink, CEO of The Family Place provided the following background for consideration:

For over 38 years, The Family Place has been providing shelter to help women and children heal from the trauma of abuse and change the distorted perceptions that perpetuate the cycle of violence. Established in Dallas in 1978, The Family Place has earned a reputation as one of the largest and most innovative agencies for abused women and their children. The agency provides counseling services for all family members experiencing domestic violence - both victims and abusers, provides emergency shelter and transitional housing for abused women and their children, empowers domestic violence victims to lead nonviolent and independent lives, and educates the community about the nature and extent of domestic violence.

This grass roots organization began with a hotline and shelter and has grown to being the largest provider of services for victims of domestic violence in Texas. In 38 years, we have counseled more than 205,000 clients, provided lifesaving shelter to more than 23,000 women, children and men, and answered more than 560,000 calls for help. We have helped more than 18,000 batterers learn how to change their abusive behavior and reach approximately 6,000 students each year through our youth education programs. All of our programs are provided in Spanish and in English.

The agency currently has one emergency shelter, three community based counseling offices for victims who do not need emergency shelter, an office for its Batterers Intervention Program, FLP Family Center which provides supervised visitations and a resale shop. In 2016 The Family Place is also opening a shelter for battered men, the first in the state of Texas specifically dedicated to this underserved population. Confidentiality of the locations of the shelter and counseling offices is a key component to keeping the families accessing services safe.

The vision of this project is to develop a state of the art facility that will ensure the long term legacy of The Family Place in providing counseling and prevention programs. The new location requesting the zoning change will allow The Family Place to greatly expand in-demand counseling services for victims and their children and will provide space for a new job training and economic empowerment center. It will also have additional emergency shelter beds to help meet the demand being experienced due to the emphasis on stopping domestic violence by Mayor Rawlings and the Dallas Police Department.

Zoning History: There have been no recent zoning cases in the vicinity in the last five years.

Thoroughfare/Streets:

<u>Thoroughfare/Street</u>	<u>Designation</u>	<u>Dimension Explanation</u>
Butler Street	Local	50' ROW
Redfield Street	Local	50' ROW

STAFF ANALYSIS:

Comprehensive Plan: The forwardDallas! Comprehensive Plan was adopted by the City Council in June 2006. The forwardDallas! Comprehensive Plan outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The Plan identifies the request site as being in the Campus Block.

The Campus Building Block focuses on areas around large master-planned educational, institutional or business facilities outside the Downtown. The University of North Texas campus was the motivating factor for creating this Building Block, although other examples exist, such as the areas around the Southwestern Medical District, the Baylor University Medical Center, the Veterans Administration Hospital and Pinnacle Park. Campus Building Blocks often act as smaller versions of a complete community and include a range of single-family and multifamily housing for students, employees and visitors. A variety of offices, shops, services and open space should exist to support the major campus employer and area residents. Over time, areas such as UNT can take on a "university town" feel as they mature. All Campus Building Block areas should have convenient transit options as an integral component. Economic development efforts should capitalize on the spin-off employment opportunities generated by the primary employers.

Stemmons Corridor - Southwestern Medical District Area Plan: The request site is within the Stemmons Corridor - Southwestern Medical District Area Plan and primarily complies with the intent of this plan. In June 2010, the City Council adopted the Stemmons Corridor - Southwestern Medical District Area Plan which identifies the request site as being in the Medical Campus Development Block. The Plan recommends this development block be as predominately medical related offices and facilities, however, it is also envisioned to be home to a highly walkable mix of residential and mixed-use developments accommodating medical district employees. The request focuses on a new use, *domestic violence facility*, which means

a facility for persons who are victims of domestic violence, including dependents of the victim, and who are not related by blood, marriage, or adoption to the owner or proprietor of the establishment that may provide temporary boarding, lodging, counseling, and child-care. A domestic violence facility may include social, recreational, health, office, and other related programming areas.

Since a domestic violence facility provides a mix of uses and it may employ medical district employees, the request complies with the area plan and the Comprehensive Plan.

Land Use Compatibility:

The request site is developed with a large concrete warehouse and additions to the northeast and northwest. The applicant requests to renovate the existing main warehouse and demolish the additions to leave approximately 18,350 square feet remaining and construct a three-story addition with approximately 37,800 square feet of floor area for a total of 56,150 square feet. The domestic violence facility will have 30 beds in the shelter area, 42,060 square feet of office and programming areas, and 9,990 square feet of child-care facility areas for the victims of domestic violence.

Surrounding uses consist of undeveloped land on the northwest, northeast, and southeast. To the southwest, there are some auto-related uses, retail, and office/showroom/warehouse uses. Further flung uses include medical offices, more office/showroom/warehouse, Parkland Hospital, and supporting uses for an industrial and medical district.

Staff recommends approval of the planned development regulations to accommodate this specialized use that is appropriate for the area.

Landscaping: Landscaping must be provided in accordance with Article X of the Dallas Development Code.

Parking: The request requires minimum off-street parking spaces be provided in accordance with the Dallas Development Code for all uses allowed in the IR Industrial/Research District. The proposed parking ratios were requested by the applicant and were based on their other facilities. A reduced off-street parking ratio for the new use was proposed but is similar to a combination of the following uses:

Land use	Ratio	Proposed Ratio
Convalescent and nursing homes, hospice care, and related institutions	0.3 spaces per bed	0.25 spaces per bed
Office (Counseling)	1 per 333 SF	1 per 500 SF
Child care facility	1 per 500 SF	1 per 500 SF

Z156-139(SM)

CPC Action – February 4, 2016:

Z156-139(SM)

Motion: It was moved to recommend **approval** of a Planned Development District for IR Industrial/Research District and domestic violence facility uses, subject to a development plan and conditions on property zoned an IR Industrial/Research District on the north corner of Redfield Street and Butler Street.

Maker: Emmons
Second: Housewright
Result: Carried: 15 to 0

For: 15 - Anglin, Emmons, Houston*, Davis, Shidid,
Anantasomboon, Abtahi, Haney, Jung,
Housewright, Schultz, Peadon, Murphy, Ridley,
Tarpley

Against: 0
Absent: 0
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 500' Mailed: 28
Replies: For: 1 Against: 0

Speakers: For (Did not speak): Laura Hoffmann, 2728 N. Harwood St., Dallas, TX, 75201
Against: None

THE FAMILY PLACE
Board of Directors 2015

David Allston
Partner
Sendero

James (Jim) Davis
Managing Director
Texas Corporate Capital Advisors

Debbie Alves
Civic Volunteer

Clinton Encinias
VP, Wealth Management
Regions Bank

Dana Beckman
**VP, Development*
Sr. Manager, Corporate Affairs
Alliance Data

Sara Friedman
VP, US Marketing
Mary Kay Inc.

Laurie F. Berger, MD
Pediatrician
West Plano Pediatrics

Rosemary Fusaro
Chief Lending Officer
Liberty Capital Bank

Stephen Bodwell
** Treasurer*
Controller
Maverick Capital

Michael Gagne
Software Client Executive
IBM

Cheryl Cerminara
Principal Consultant
Circle Three Consulting

Debbie Georgatos
**VP of Public Affairs*
Radio Host, Author, Lawyer
Radio 660AM

Mike Coffey
**President*
AT&T SVP
AT&T

Harold Ginsburg
**VP, Facilities*
Southern Asset Service Corporation

Phyllis Cole McKnight
Media Consultant
The Dallas Morning News

Kimberli Greer
Office Manager
Dale W. Greer, DDS Inc

John Crosby
GE Capital

Jennifer S. Hargrave
Attorney
Smith Hargrave Law

Jane Darrow
Director, Sales
BCD Travel

Travis Hollman
Executive VP
Hollman Inc.

Z156-139

THE FAMILY PLACE
Board of Directors 2015
Page | 2

Charlyn Holmes
Community Volunteer

Lillian Cho Jersa
Senior Consulting Actuary
Towers Watson
Member Since: 2010

Richard Iannelli
Senior Tax Counsel
Fluor, Inc.

Mary Ann Johnson
Human Resources, Employee Relations
Texas Instruments

Kim Koonce
Senior VP, Human Resources
Zale Jewlery Division

Nancy Loewe
VP & CFO
Kimberly-Clark Corporation

Rebecca Lopez
Senior Reporter
WFAA-TV

Lolette May
Senior Business Development
D. Lawrence Law Firm

John Mazey
Partner
Jones Day

Patrick McLaughlin
SVP and Chief HR Officer
PepsiCo, Inc.

Amy Messersmith
**VP, Human Capital*
Chief People Officer
YUM ! Brands/ Pizza Hut, Inc

Abbie Meyering
Psychologist
Private Practice

Sara Madsen Miller
**VP of Community Awareness*
COO
1820 Productions

Michael Montgomery
President
Trek Resources, Inc.

Silvia Munoz
Community Volunteer

Lauren Mutti
Attorney
Jackson Walker, LLP

Denise Parent
Community Volunteer

Jennifer Kinney Parnell
Partner
Locke Lord LLP

Susan Paul
Vice President
Pariveda Solutions

Mark Phariss
Assitant General Counsel
Expert Global Solutions, Inc.

Stacey Polk
**VP of Long Range Planning*
Senior Director
Trinity Industries, Inc.

Len Ruby
Community Volunteer
4131 Manorview Lane

Bernadette Schaeffler
Owner
Bernadette Schaeffler Collection

Randy Sloan
Chief Information Officer
Southwest Airlines

Jenifer Strauss
Founder
Strauss Marketing & SMPR

Brandy Taylor
The African Experience
4548 Fairway Street

Z156-139

THE FAMILY PLACE
Board of Directors 2015
Page | 3

Carolyn Tillery
Editor
GrandLuxe Magazine

John Todd
Executive Vice President
Bank of America Merrill Lynch

Robert Weatherly
Managing Partner
R Weatherly Group

Eric White
* Secretary
Attorney
Dykema

Non-voting Board Members

Kristin Bauer
* *General Counsel*
Partner
Jackson Lewis LLP

Shuniqua Ortiz
Junior League of Dallas Representative
8003 Inwood Road.

Farrin Mann
Helping Hands
Auxiliary President

Connie Nash
Customs by Connie
Owner

Nancy Scripps
Partners Card Auxiliary
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Z156-139

“ARTICLE ____.

PD ____.

SEC. 51P-____.101. LEGISLATIVE HISTORY.

PD ____ was established by Ordinance No. _____, passed by the Dallas City Council on _____.

SEC. 51P-____.102. PROPERTY LOCATION AND SIZE.

PD ____ is established on property located at the intersection of the northwest line of Butler Street and the northeast line of Redfield Street. The size of PD ____ is approximately 2.42 acres.

SEC. 51P-____.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article. In this district DOMESTIC VIOLENCE FACILITY means a facility for persons who are victims of domestic violence, including dependents of the victim, and who are not related by blood, marriage, or adoption to the owner or proprietor of the establishment that may provide temporary boarding, lodging, counseling, and child-care. A domestic violence facility may include social, recreational, health, office, and other related programming areas.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This district is considered to be a nonresidential zoning district.

SEC. 51P-____.104. EXHIBIT.

The following exhibit is incorporated into this article: Exhibit ____A: development plan.

SEC. 51P-____.105. DEVELOPMENT PLAN.

(a) For a domestic violence facility use, development and use of the Property must comply with the development plan (Exhibit ____). If there is a conflict between the text of this article and the development plan, the text of this article controls.

(b) For all other uses, no development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development

plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply.

SEC. 51P-____.106. MAIN USES PERMITTED.

(a) Except as provided in this section, the only uses permitted are those main uses permitted in the IR Industrial/Research District, subject to the same conditions applicable in the IR Industrial/Research District, as set out in Chapter 51A. For example, a use permitted in the IR Industrial/Research District only by specific use permit (SUP) is permitted in this district only by SUP; a use subject to development impact review (DIR) in the IR Industrial/Research District is subject to DIR in this district; etc.

(b) The following additional main use is permitted:

-- Domestic violence facility.

SEC. 51P-____.107. ACCESSORY USES.

As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

SEC. 51P-____.108. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.)

The yard, lot, and space regulations for the IR Industrial/Research district apply.

SEC. 51P-____.109. OFF-STREET PARKING AND LOADING.

(a) Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(b) For a domestic violence facility, a minimum of 0.25 space per bed is required for the lodging and shelter support areas; plus one space per 500 square feet is required for the remainder of the use.

SEC. 51P-____.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-____.111. LANDSCAPING.

- (a) Landscaping must be provided in accordance with Article X.
- (b) Plant materials must be maintained in a healthy, growing condition.

SEC. 51P-____.112. SIGNS.

Signs must comply with the provisions for business zoning districts in Article VII.

SEC. 51P-____.113. ADDITIONAL PROVISIONS.

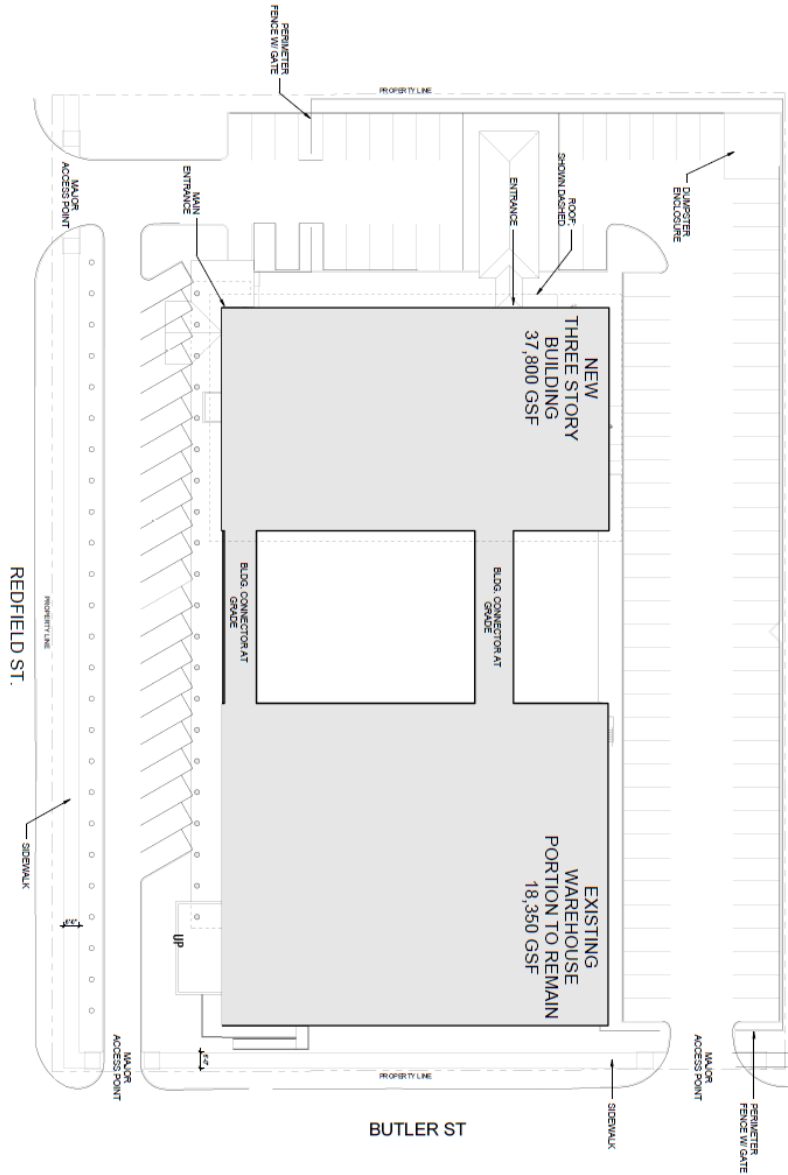
- (a) The Property must be properly maintained in a state of good repair and neat appearance.
- (b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

SEC. 51P-____.114. COMPLIANCE WITH CONDITIONS.

- (a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city.
- (b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

Proposed Development Plan

Item	Area	Volume	Notes
1. Existing Warehouse	18,350 GSF	18,350 GSF	Existing Warehouse
2. New Three Story Building	37,800 GSF	37,800 GSF	New Three Story Building
3. Total	56,150 GSF	56,150 GSF	Total

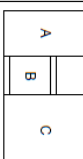


01 DEVELOPMENT PLAN



A01-02

DEVELOPMENT PLAN
Z156-139



DOMESTIC VIOLENCE FACILITY

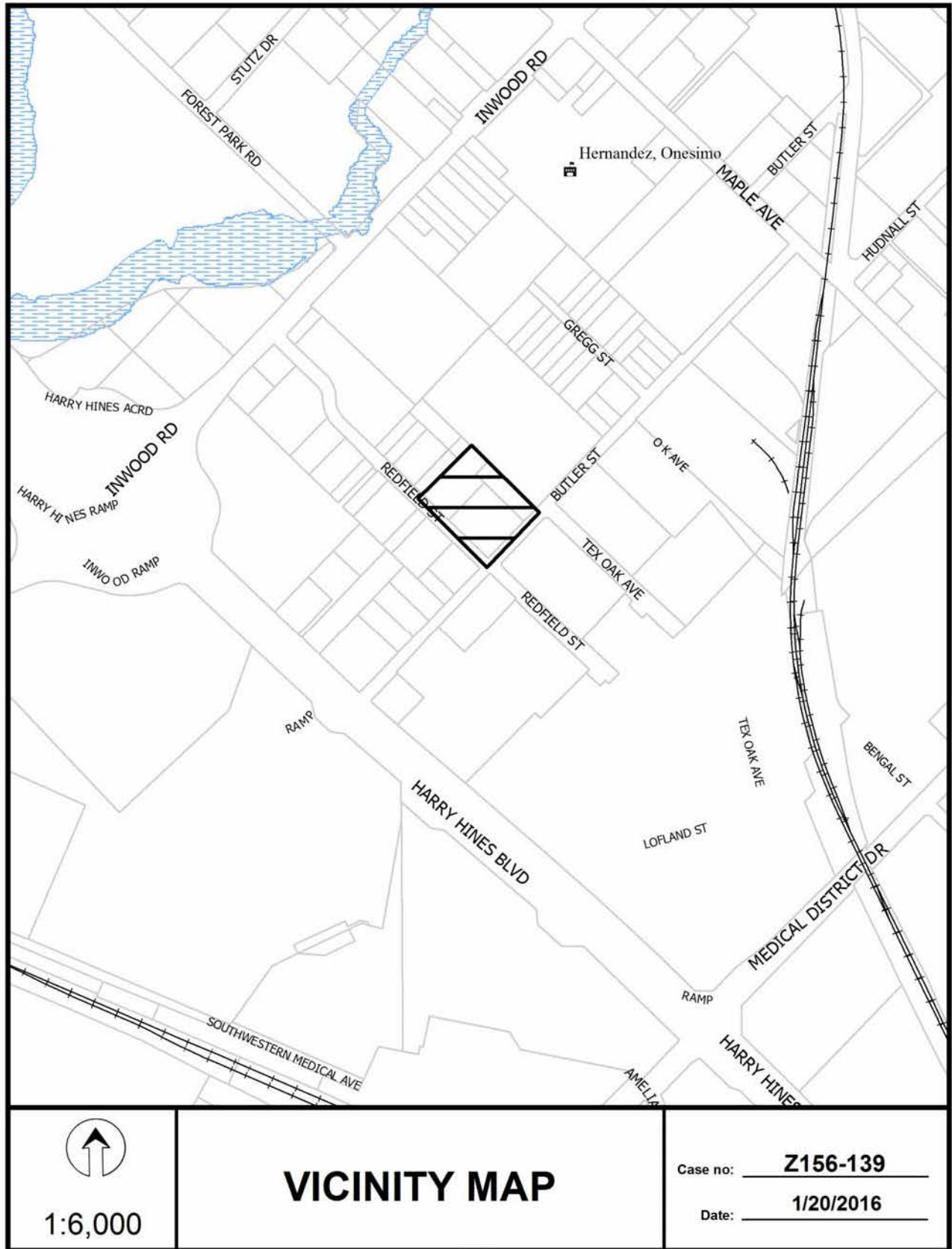
2231 BUTLER STREET DALLAS, TEXAS

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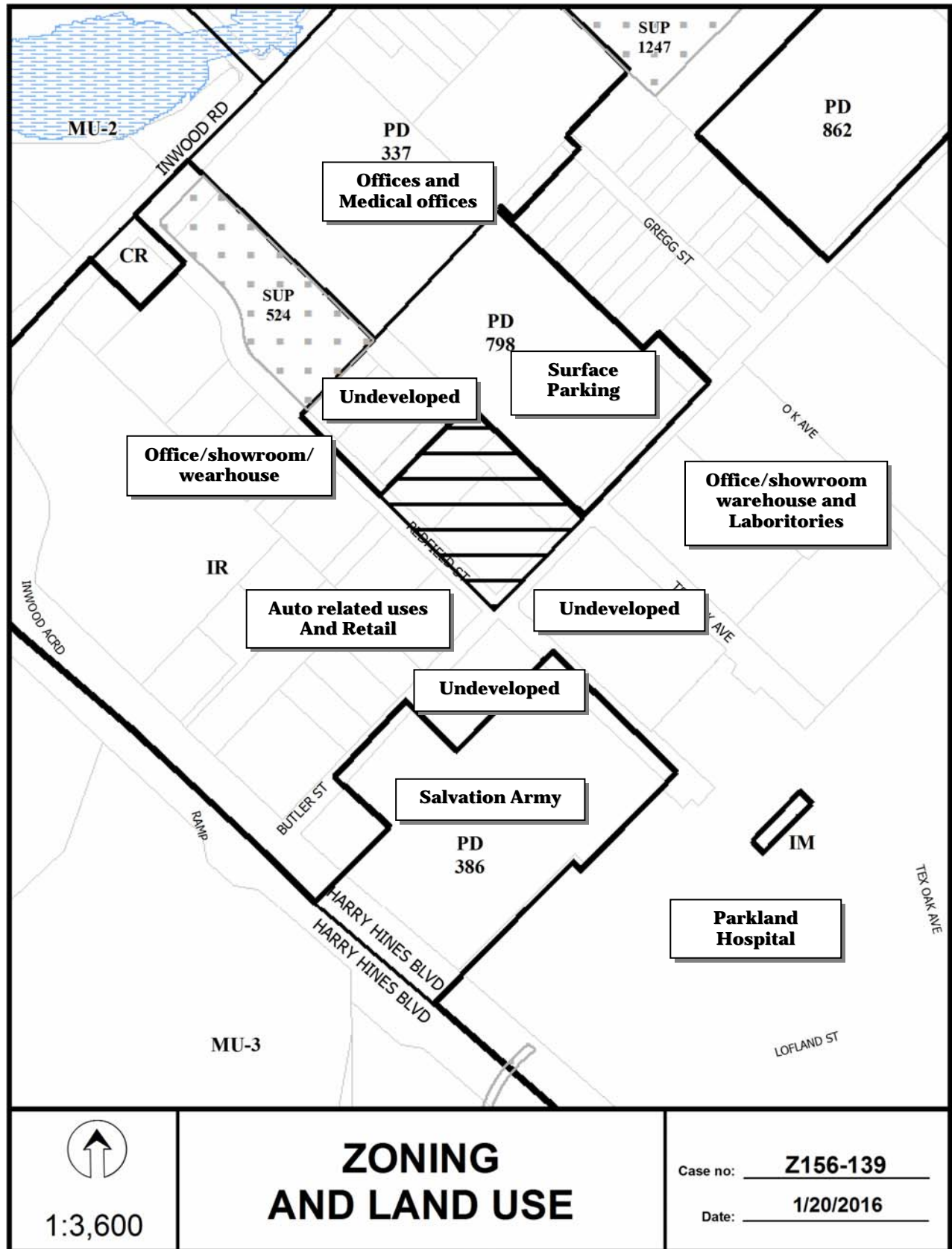


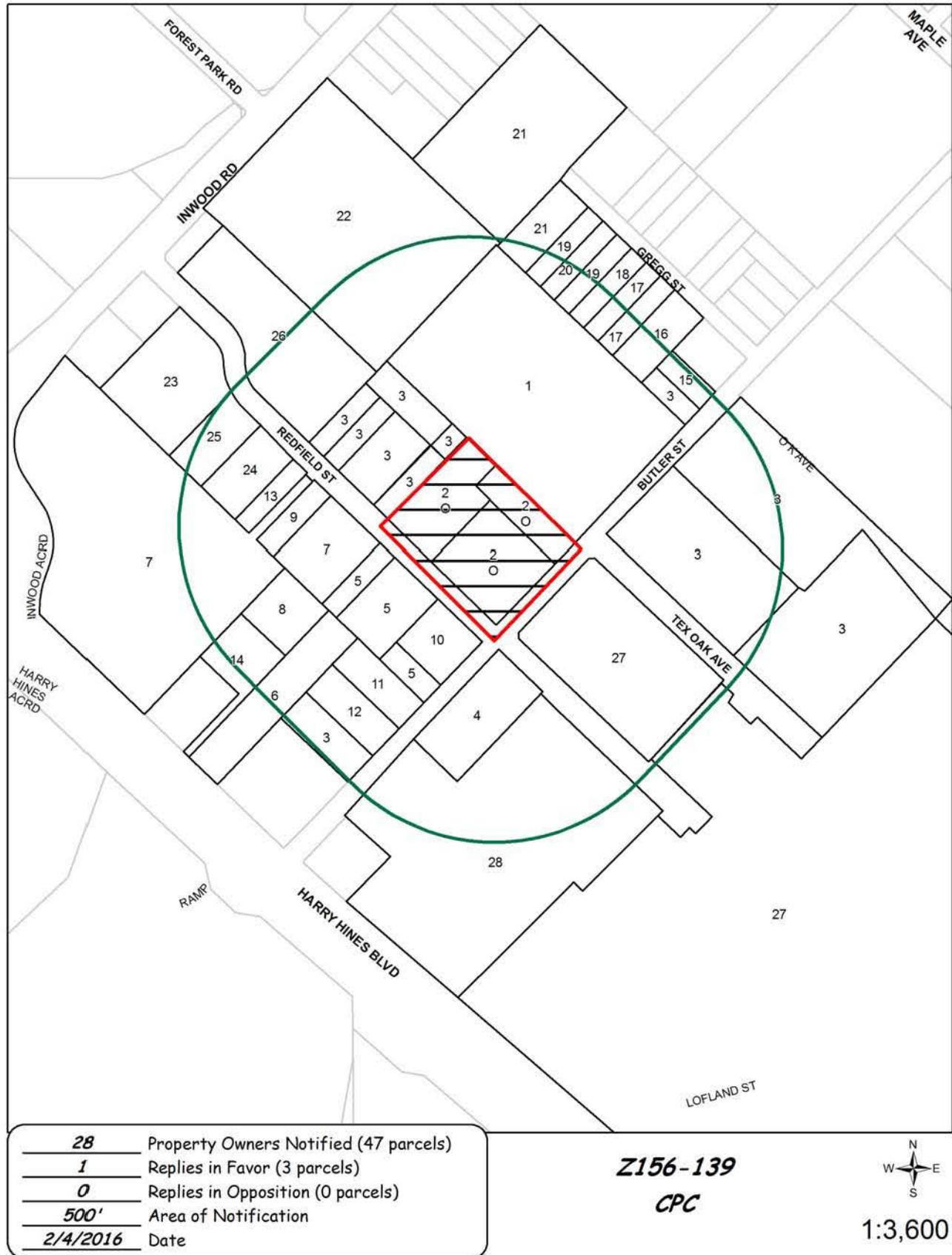
ISSUES
1
2
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4
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10











03/01/2016

Reply List of Property Owners***Z156-139******28 Property Owners Notified******1 Property Owners in Favor******0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	2311 BUTLER ST	DALLAS COUNTY HOSPITAL DISTRICT
O	2	2241 BUTLER ST	FAMILY PLACE THE
	3	5280 TEX OAK AVE	DALLAS COUNTY HOSPITAL DISTRICT
	4	2210 BUTLER ST	PAPPAS HARRIS PROPERTIES LLC
	5	5427 REDFIELD ST	LONG TERM REALTY CAPITAL LLC
	6	5422 HARRY HINES BLVD	CRADDOCK LUMBER CO
	7	5503 REDFIELD ST	SALVATION ARMY THE
	8	5503 REDFIELD ST	SALVATION ARMY THE
	9	5511 REDFIELD ST	WORKS GEORGE W IV &
	10	2213 BUTLER ST	LONG TERM REALTY CAPITAL
	11	2137 BUTLER ST	LONG TERM REALTY CAPTIAL LLC
	12	2133 BUTLER ST	DALLAS COUNTY HOSPITAL DISTRICT
	13	5527 REDFIELD ST	ILLES GEORGE M
	14	5400 HARRY HINES BLVD	YEUNG EDWINA
	15	2333 BUTLER ST	SANCHEZ JOSE
	16	5415 GREGG ST	DOOLEY DAVID M
	17	5423 GREGG ST	STRAUBMUELLER DOUGLAS K &
	18	5431 GREGG ST	BAKER ALBERT L JR
	19	5511 GREGG ST	BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS
	20	5507 GREGG ST	BOARD OF REFENTS OF THE UNIVERSITY OF TEXAS
	21	5515 GREGG ST	BOARD OF REGENTS
	22	2330 INWOOD RD	BOARD OF REGENTS
	23	5601 REDFIELD ST	SALVATION ARMY THE
	24	5527 REDFIELD ST	ILLES CO THE
	25	5529 REDFIELD ST	AMJ GROUP LLC
	26	5602 REDFIELD ST	BOARD OF REGENTS OF THE

Z156-139(SM)

03/01/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	5134	HARRY HINES BLVD	DALLAS COUNTY HOSPITAL DISTRICT
28	5320	HARRY HINES BLVD	SALVATION ARMY THE

AGENDA ITEM # 59

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): 7

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 56 V

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an R-5(A) Single Family District on property zoned a CR Community Retail District at the north corner of Kiska Street and Burma Road

Recommendation of Staff and CPC: Approval

Z156-148(OTH)

FILE NUMBER: Z156-148(OTH)

DATE FILED: December 1, 2015

LOCATION: North corner of Kiska Street and Burma Road

COUNCIL DISTRICT: 7

MAPSCO: 56-V

SIZE OF REQUEST: Approx. 9,161 sq. ft.

CENSUS TRACT: 202.00

APPLICANT/OWNER: Dallas Neighborhood Alliance for Habitat

REPRESENTATIVE: Suzan Kedron and Steven Dimitt, Jackson Walker L.L.P.

REQUEST: An application for an R-5(A) Single Family District on property zoned a CR Community Retail District.

SUMMARY: The applicant is requesting the zoning change in order to develop the property with a single family dwelling unit. However, all the uses allowed in the R-5(A) Single Family District are also permitted.

CPC RECOMMENDATION: Approval

STAFF RECOMMENDATION: Approval

GUIDING CRITERIA FOR STAFF RECOMMENDATION:

Staff recommends approval based upon:

1. *Performance impacts upon surrounding property* – The proposed zoning district will be consistent with the surrounding zoning and development in the area. The property is currently undeveloped. There are no commercial uses in the area, only one vacant structure that appears to have been used for a retail use.
2. *Traffic impact* – The proposed zoning will not have a negative impact on the existing street system.
3. *Comprehensive Plan or Area Plan Conformance* – The *forwardDallas!* Comprehensive Plan identifies the area as a Residential Neighborhood Building Block. The proposed zoning is consistent with the Residential Neighborhood Building Block.

Zoning History: The following cases are also being considered in the area (only one and two are shown on the zoning history map).

1. **Z156-149** An application for an R-5(A) Single Family District on property zoned a CR Community Research District located at the north side of Yancy Street, west of Kiska Street.
2. **Z156-150** An application for an R-5(A) Single Family District on property zoned a CR Community Research District located on the south side of Burma Road, west of Kiska Street.
3. **Z156-151** An application for an R-5(A) Single Family District on property zoned a CS Community Service District located on the south side of Solar Lane, east of Carbondale Street.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Burma Road	Local	60 feet
Kiska Street	Local	Variable

Traffic:

The Engineering Section of the Department of Sustainable Development and Construction reviewed the proposed zoning and determined it will not have a negative impact on the existing street system.

STAFF ANALYSIS:**Comprehensive Plan:**

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The Plan classifies the area as a Residential Neighborhood Building Block.

The Residential Neighborhood Building Block represents the life-blood of Dallas, the traditional neighborhood of single-family detached homes. Dallas has many neighborhoods that match this description, including Winnetka Heights, Preston Hollow, Lakewood and Wheatley Place. Single-family dwellings are the dominate land use in these areas. Some shops, restaurants or institutional land uses such as schools and religious centers that serve neighborhood residents may be located at the edges or at key intersections. Neighborhood "pocket parks" provide open space for families. Individual lot size, front yard and side yard setbacks, garage orientation and scale of the home varies from neighborhood to neighborhood. These areas rely primarily on cars for access, although traffic on neighborhood streets is expected to be low. Cut-through traffic or spill over from commercial areas will be strongly discouraged. While public transit may be available, typically it involves longer walks to bus stops or the need to drive to park and-ride facilities. Newly developed neighborhoods may provide better pedestrian access to community services through shorter block lengths, narrower streets, sidewalks and greenbelts with hike and bike trails and might also provide improved access to transit service. Public investment will focus on protecting quality of life by providing amenities such as parks, trails, road improvements and strong code enforcement.

Land Use Compatibility:

	Zoning	Land Use
Site	CR	Undeveloped
North	R-5(A)	Single Family and undeveloped
East	CR & R-5(A)	Single Family and undeveloped
South	CR & R-5(A)	Utility station, church and undeveloped
West	CR & R-5(A)	Single Family and undeveloped

Z156-148(OTH)

The request site is approximately 9,161 square feet of land and is currently undeveloped. The existing zoning of the property is CR Community Retail District. The proposed zoning district and use of the property will be compatible with the surrounding zoning and development in the area. Therefore, staff recommends approval of the R-5(A) Multifamily District.

Development Standards:

DISTRICT	Setbacks		Density	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
Existing							
CR Community retail	15'	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office	54' 4 stories	60%	Proximity Slope Visual Intrusion	Retail & personal service, office
Proposed							
R-5(A) Single Family	20'	5'	1 Dwelling Unit/ 5,000 sq. ft.	30'	45%		Single family

Z156-148(OTH)

Dallas Neighborhood Alliance for Habitat

2015 Board of Directors

Aisha Johnson
Clyde McClendon
Catherine Rhodes
Zemerian Brooks
Sara Abbott McEown

Z156-148(OTH)

CPC ACTION – February 4, 2016

Z156-148(OTH)

Planner: Olga Torres Holyoak

Note: The Commission considered this item individually.

Motion: It was moved to recommend **approval** of an R-5(A) Single Family District on property zoned a CR Community Retail District at the north corner of Kiska Street and Burma Road.

Maker: Abtahi
Second: Houston
Result: Carried: 15 to 0

For: 15 - Anglin, Emmons, Houston, Davis, Shidid,
Anantasomboon*, Abtahi, Haney*, Jung,
Housewright, Schultz, Peadon, Murphy, Ridley,
Tarpley

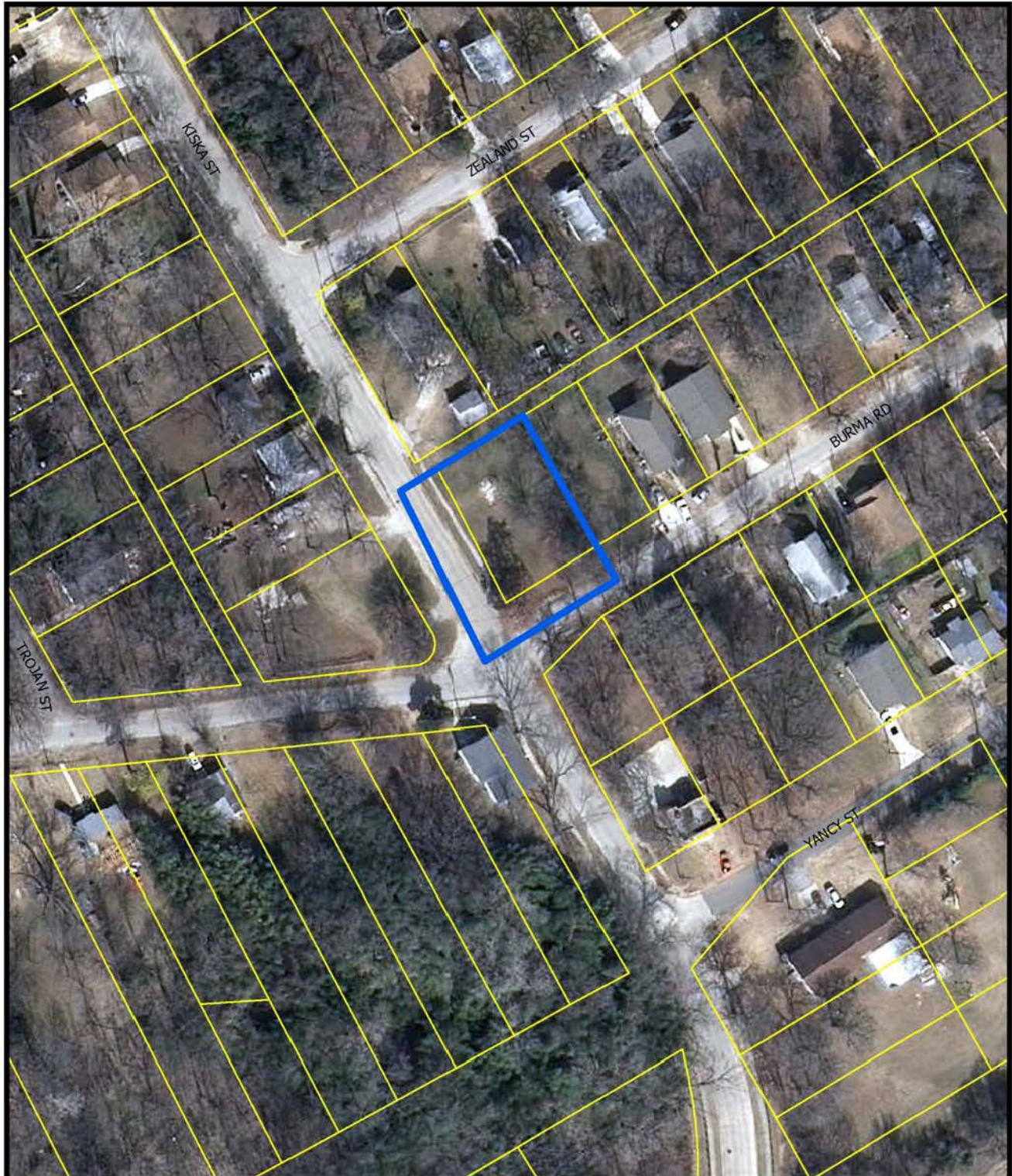
Against: 0
Absent: 0
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 31
Replies: For: 4 Against: 2

Speakers: For: Stephen Dimitt, 2323 Ross Ave., Dallas, TX, 75201
Against: Kenneth Wade, 537 Breneman Blvd., Hutchins, TX, 75141



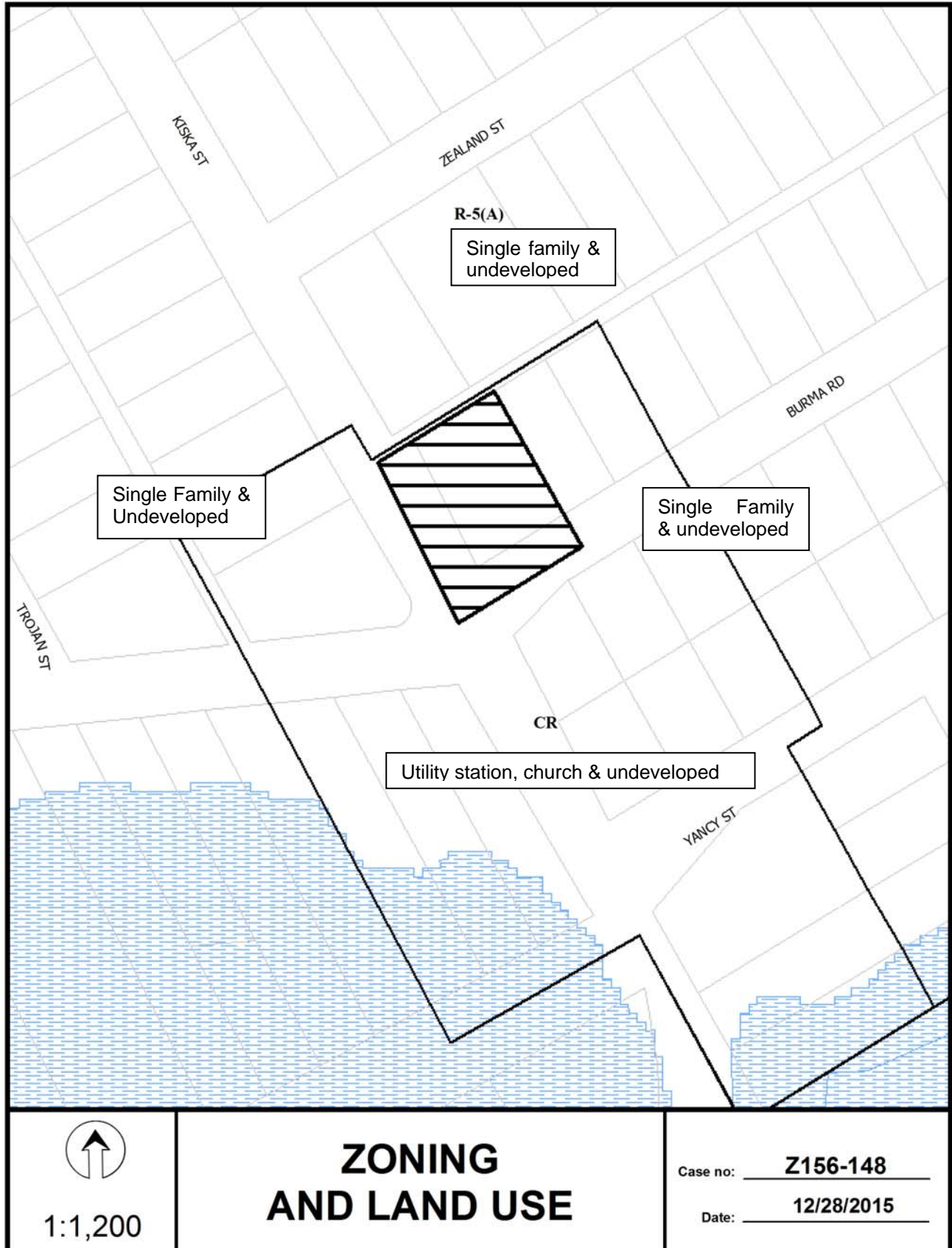


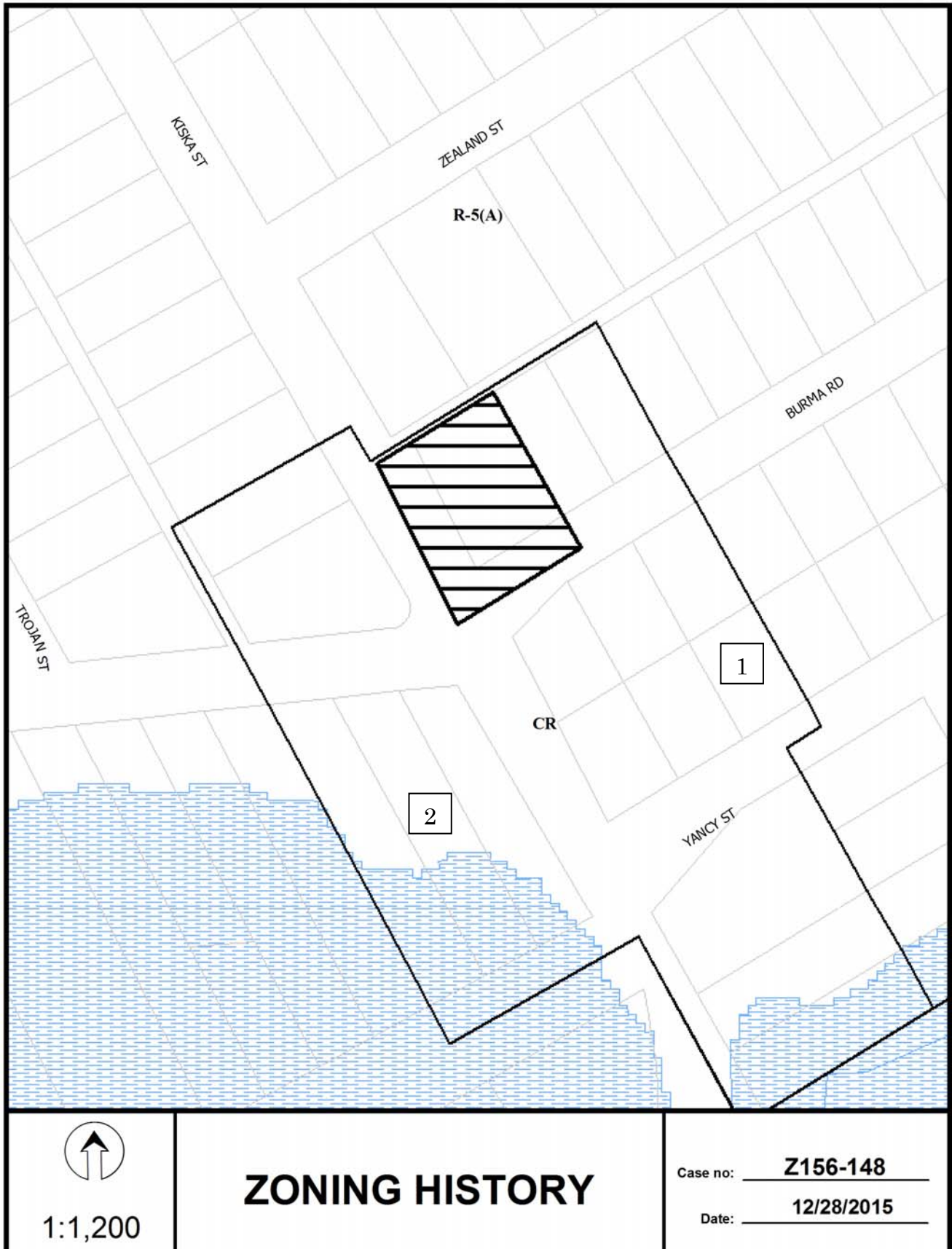
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AERIAL MAP

Case no: Z156-148

Date: 12/28/2015





CPC RESPONSES



02/16/2016

Reply List of Property Owners***Z156-148******31 Property Owners Notified******4 Property Owners in Favor******2 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	4705 BURMA RD	DALLAS NEIGHBORHOOD
	2	7964 TROJAN ST	WALKER FREDERICH
O	3	4635 BURMA RD	DALLAS AREA HABITAT FOR HUMANITY
	4	8025 KISKA ST	CALLAHAN DOROTHY
	5	8015 KISKA ST	SKYLER LEONARD
	6	8011 KISKA ST	JACKSON ERMA JEAN
	7	8003 KISKA ST	JONES THELMA
	8	4636 BURMA RD	WHITTAKER ROBERT J
	9	4640 BURMA RD	RAY TIMOTHY
O	10	4644 BURMA RD	DALLAS NEIGHBORHOOD
X	11	4646 BURMA RD	MOUNT ELAM MISSIONARY
	12	4706 ZEALAND ST	LOGAN PAULINE N
	13	4714 ZEALAND ST	SHOFNER CAROL ANN C
	14	4718 ZEALAND ST	WADE WILLIE JAMES
	15	4722 ZEALAND ST	EDWARDS CYNTHIA
	16	4726 ZEALAND ST	RUSSELL CAROLYN J & ALVIN
	17	4709 BURMA RD	NOLLY ROBERT JR
	18	4711 BURMA RD	SULLEMON MARILYN
	19	4717 BURMA RD	ERBY NAFEESA
X	20	4721 BURMA RD	FRANKLIN ROSA MARIE
	21	4725 BURMA RD	JOHNSON MINOR
	22	4704 BURMA RD	MONTGOMERY GLADYS L EST
	23	4708 BURMA RD	KIRKPATRICK DOUGLAS L
	24	4712 BURMA RD	BROWN THELMA
	25	4716 BURMA RD	MARTIN FLORA
	26	4720 BURMA RD	COCHRAN NANCY

Z156-148(OTH)

02/16/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	4705 YANCY ST	BYRD ERIC
	28	4709 YANCY ST	SCOTT WALTER ET AL
O	29	4715 YANCY ST	DALLAS NEIGHBORHOOD
	30	4719 YANCY ST	STEWART CARISSA
	31	4725 YANCY ST	F&M PROPERTIES INC

AGENDA ITEM # 60

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): 7

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 56 V

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an R-5(A) Single Family District on property zoned a CR Community Retail District on the north side of Yancy Street, east of Kiska Street

Recommendation of Staff and CPC: Approval

Z156-149(OTH)

FILE NUMBER: Z156-149(OTH)

DATE FILED: December 1, 2015

LOCATION: North side of Yancy Street, east of Kiska Street

COUNCIL DISTRICT: 7

MAPSCO: 56-V

SIZE OF REQUEST: Approx. 5,511 sq. ft.

CENSUS TRACT: 202.00

APPLICANT/OWNER: Dallas Neighborhood Alliance for Habitat.

REPRESENTATIVE: Suzan Kedron and Steven Dimitt, Jackson Walker L.L.P.

REQUEST: An application for an R-5(A) Single Family District on property zoned a CR Community Retail District.

SUMMARY: The applicant is requesting the zoning change in order to develop the property with a single family dwelling unit. However, all the uses allowed in the R-5(A) Single Family District are also permitted.

CPC RECOMMENDATION: Approval

STAFF RECOMMENDATION: Approval

GUIDING CRITERIA FOR STAFF RECOMMENDATION:

Staff recommends approval based upon:

1. *Performance impacts upon surrounding property* – The proposed zoning district will be consistent with the surrounding zoning and development in the area. The property is currently undeveloped. There are no commercial uses in the area, only one vacant structure that appears to have been used for a retail use.
2. *Traffic impact* – The proposed zoning will not have a negative impact on the existing street system.
3. *Comprehensive Plan or Area Plan Conformance* – The *forwardDallas!* Comprehensive Plan identifies the area as a Residential Neighborhood Building Block. The proposed zoning is consistent with the Residential Neighborhood Building Block.

Zoning History: The following cases are also being considered in the area (only one and two are shown in the zoning history map).

1. **Z156-148** An application for an R-5(A) Single Family District on property zoned a CR Community Retail District on the north corner of Kiska Street and Burma Road.
2. **Z156-150** An application for an R-5(A) Single Family District on property zoned a CR Community Research District located on the south side of Burma Road, west of Kiska Street.
3. **Z156-151** An application for an R-5(A) Single Family District on property zoned a CS Community Service District located on the south side of Solar Lane, east of Carbondale Street.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Yancy Street	Local	50 feet
Kiska Street	Local	Variable

Traffic:

The Engineering Section of the Department of Sustainable Development and Construction reviewed the proposed zoning and determined it will not have a negative impact on the existing street system.

STAFF ANALYSIS:**Comprehensive Plan:**

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The Plan classifies the area as a Residential Neighborhood Building Block.

The Residential Neighborhood Building Block represents the life-blood of Dallas, the traditional neighborhood of single-family detached homes. Dallas has many neighborhoods that match this description, including Winnetka Heights, Preston Hollow, Lakewood and Wheatley Place. Single-family dwellings are the dominate land use in these areas. Some shops, restaurants or institutional land uses such as schools and religious centers that serve neighborhood residents may be located at the edges or at key intersections. Neighborhood "pocket parks" provide open space for families. Individual lot size, front yard and side yard setbacks, garage orientation and scale of the home varies from neighborhood to neighborhood. These areas rely primarily on cars for access, although traffic on neighborhood streets is expected to be low. Cut-through traffic or spill over from commercial areas will be strongly discouraged. While public transit may be available, typically it involves longer walks to bus stops or the need to drive to park and-ride facilities. Newly developed neighborhoods may provide better pedestrian access to community services through shorter block lengths, narrower streets, sidewalks and greenbelts with hike and bike trails and might also provide improved access to transit service. Public investment will focus on protecting quality of life by providing amenities such as parks, trails, road improvements and strong code enforcement.

Land Use Compatibility:

	Zoning	Land Use
Site	CR	Undeveloped
North	R-5(A)	Single Family and undeveloped
East	R-5(A)	Single Family and undeveloped
South	CR & R-5(A)	Church and undeveloped
West	CR & R-5(A)	Vacant structure, church & undeveloped

The request site is approximately 5,511 square feet of land and is currently undeveloped. The existing zoning of the property is CR Community Retail District. The proposed zoning district and use of the property will be compatible with the surrounding zoning and development in the area. Therefore, staff recommends approval of the R-5(A) Multifamily District.

Development Standards:

DISTRICT	Setbacks		Density	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
Existing							
CR Community retail	15'	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office	54' 4 stories	60%	Proximity Slope Visual Intrusion	Retail & personal service, office
Proposed							
R-5(A) Single Family	20'	5'	1 Dwelling Unit/ 5,000 sq. ft.	30'	45%		Single family

Z156-149(OTH)

CPC ACTION – February 4, 2016

Z156-149(OTH)

Planner: Olga Torres Holyoak

Motion: It was moved to recommend **approval** of an R-5(A) Single Family District on property zoned a CR Community Retail District on the north side of Yancy Street, east of Kiska Street.

Maker: Abtahi
Second: Houston
Result: Carried: 15 to 0

For: 15 - Anglin*, Emmons, Houston, Davis, Shidid*,
Anantasomboon*, Abtahi, Haney, Jung,
Housewright, Schultz, Peadon, Murphy, Ridley,
Tarpley

Against: 0
Absent: 0
Vacancy: 0

*out of the room, shown voting in favor

Notices:	Area: 200	Mailed: 24
Replies:	For: 2	Against: 1
Speakers:	None	

Z156-149(OTH)

Dallas Neighborhood Alliance for Habitat

2015 Board of Directors

Aisha Johnson

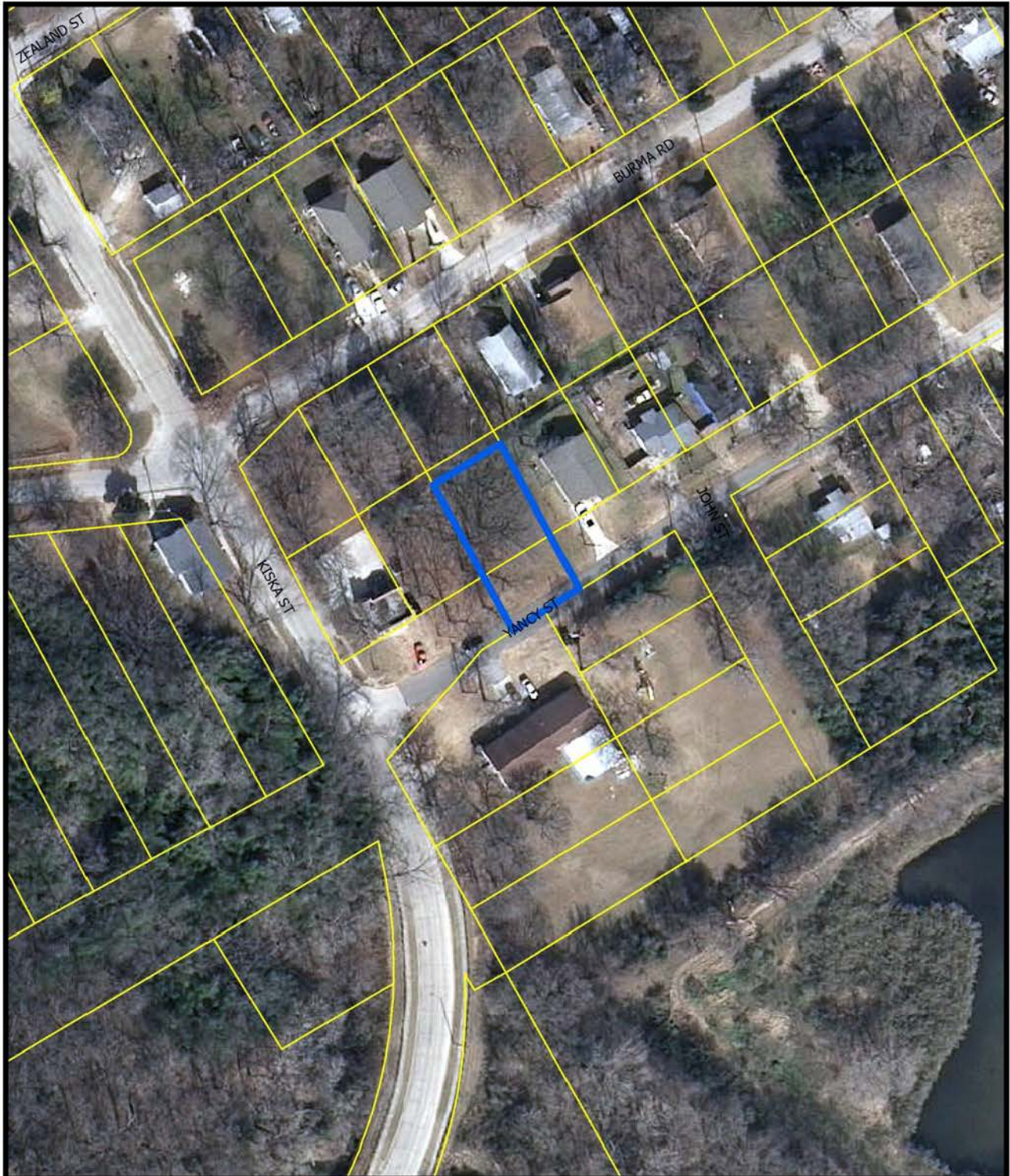
Clyde McClendon

Catherine Rhodes

Zemerian Brooks

Sara Abbott McEown



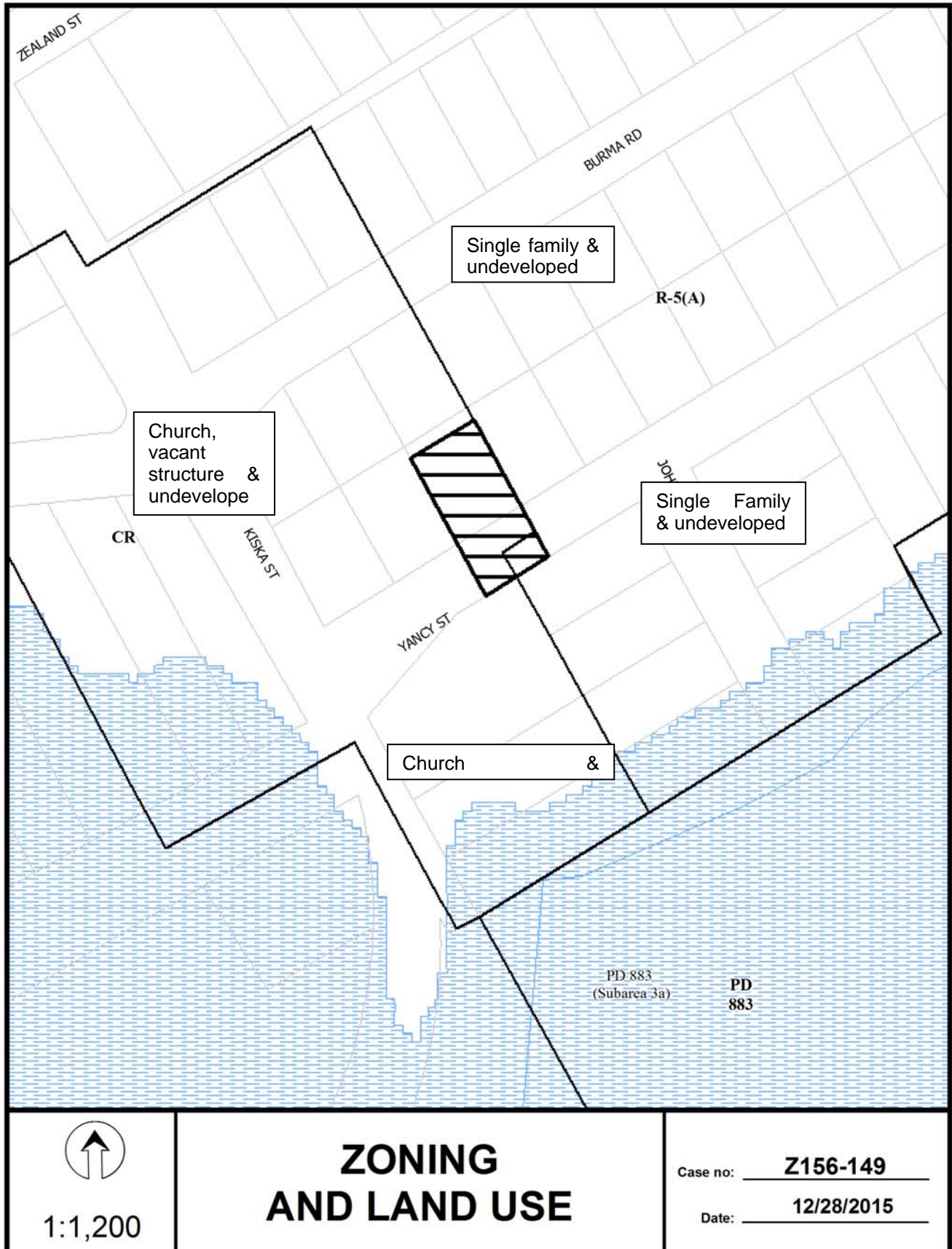


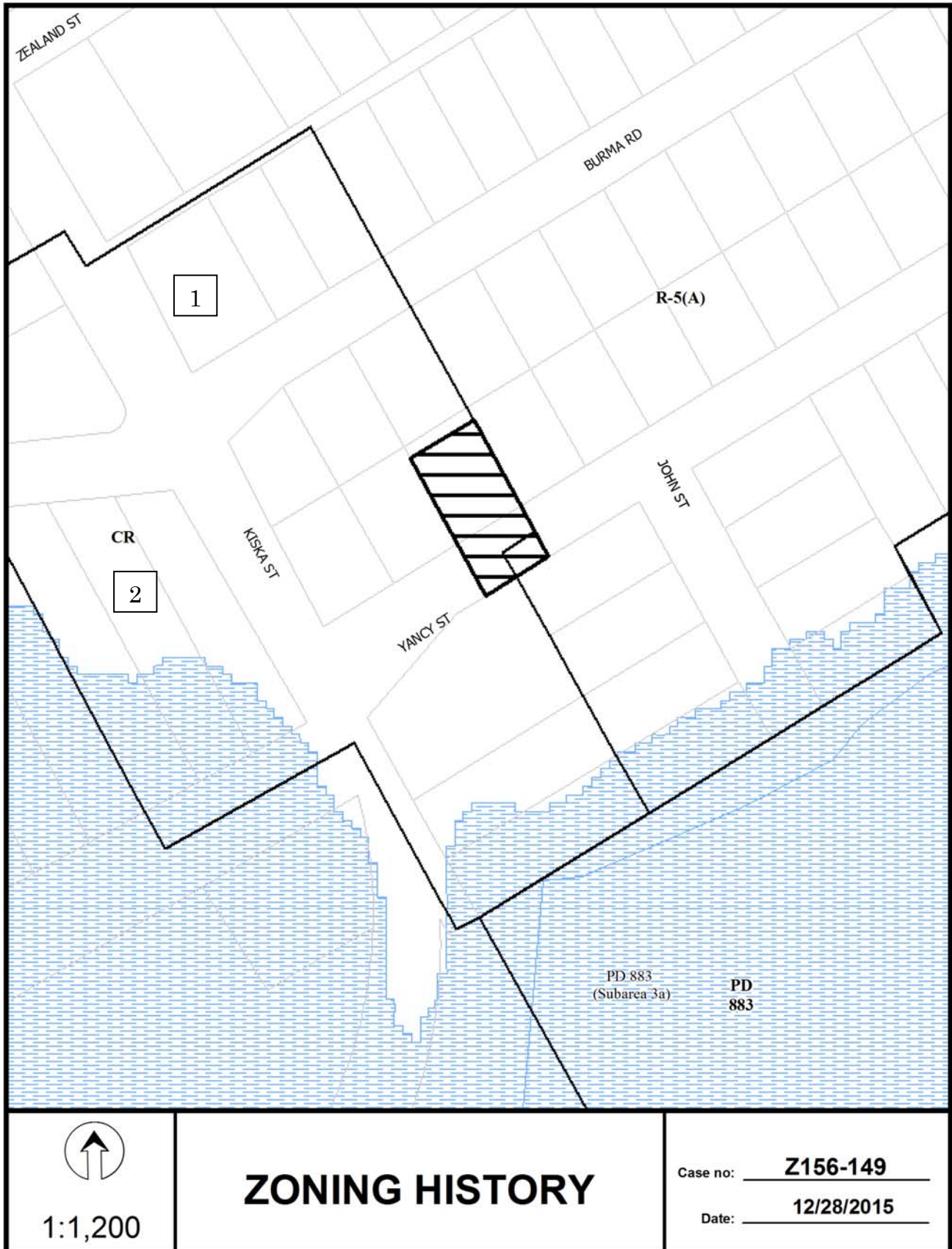
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AERIAL MAP

Case no: Z156-149

Date: 12/28/2015





CPC RESPONSES



02/16/2016

Reply List of Property Owners***Z156-149******24 Property Owners Notified******2 Property Owners in Favor 1 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	4715 YANCY ST	DALLAS NEIGHBORHOOD
X	2	4646 BURMA RD	MOUNT ELAM MISSIONARY
O	3	4705 BURMA RD	DALLAS NEIGHBORHOOD
	4	4709 BURMA RD	NOLLY ROBERT JR
	5	4711 BURMA RD	SULLEMON MARILYN
	6	4717 BURMA RD	ERBY NAFEESA
	7	4721 BURMA RD	FRANKLIN ROSA MARIE
	8	4725 BURMA RD	JOHNSON MINOR
	9	4704 BURMA RD	MONTGOMERY GLADYS L EST
	10	4708 BURMA RD	KIRKPATRICK DOUGLAS L
	11	4712 BURMA RD	BROWN THELMA
	12	4716 BURMA RD	MARTIN FLORA
	13	4720 BURMA RD	COCHRAN NANCY
	14	4726 BURMA RD	JOHNSON JUANE J &
	15	4730 BURMA RD	LEWIS SHARON
	16	4705 YANCY ST	BYRD ERIC
	17	4709 YANCY ST	SCOTT WALTER ET AL
	18	4719 YANCY ST	STEWART CARISSA
	19	4725 YANCY ST	F&M PROPERTIES INC
	20	4734 YANCY ST	ALLISON GREGORY K
	21	8108 JOHN ST	ALLISON HOSEA & EVA
	22	8112 JOHN ST	WRIGHT BOBBIE
	23	4714 YANCY ST	ONE WAY CHRISTIAN CH TR
	24	4729 YANCY ST	CABRERA RUDY

AGENDA ITEM # 61

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: March 23, 2016
COUNCIL DISTRICT(S): 7
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: 56 V

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an R-5(A) Single Family District on property zoned a CR Community Retail District on the south side of Burma Road, west of Kiska Street
Recommendation of Staff and CPC: Approval
Z156-150(OTH)

FILE NUMBER: Z156-150(OTH)

DATE FILED: December 1, 2015

LOCATION: South side of Burma Road, west of Kiska Street

COUNCIL DISTRICT: 7

MAPSCO: 56-V

SIZE OF REQUEST: Approx. 12,408 sq. ft.

CENSUS TRACT: 202.00

APPLICANT/OWNER: Dallas Neighborhood Alliance for Habitat

REPRESENTATIVE: Suzan Kedron and Steven Dimitt, Jackson Walker L.L.P.

REQUEST: An application for an R-5(A) Single Family District on property zoned a CR Community Retail District.

SUMMARY: The applicant is requesting the zoning change in order to develop the property with a single family dwelling unit. However, all the uses allowed in the R-5(A) Single Family District are also permitted.

CPC RECOMMENDATION: Approval

STAFF RECOMMENDATION: Approval

GUIDING CRITERIA FOR STAFF RECOMMENDATION:

Staff recommends approval based upon:

1. *Performance impacts upon surrounding property* – The proposed zoning district will be consistent with the surrounding zoning and development in the area. The property is currently undeveloped. There are no commercial uses in the area, only one vacant structure that appears to have been used for a retail use.
2. *Traffic impact* – The proposed zoning will not have a negative impact on the existing street system.
3. *Comprehensive Plan or Area Plan Conformance* – The *forwardDallas!* Comprehensive Plan identifies the area as a Residential Neighborhood Building Block. The proposed development is consistent with the Residential Neighborhood Building Block.

Zoning History: The following cases are also being considered in the area (only one and two are shown on the zoning history map).

1. **Z156-148** An application for an R-5(A) Single Family District on property zoned a CR Community Retail District on the north corner of Kiska Street and Burma Road.
2. **Z156-149** An application for an R-5(A) Single Family District on property zoned a CR Community Research District located on the north side of Yancy Street, east of Kiska Street.
3. **Z156-151** An application for an R-5(A) Single Family District on property zoned a CS Community Service District located on the south side of Solar Lane, east of Carbondale Street.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Burma Road	Local	50 Feet
Yancy Street	Local	50 feet
Kiska Street	Local	Variable

Traffic:

The Engineering Section of the Department of Sustainable Development and Construction reviewed the proposed zoning and determined it will not have a negative

impact on the existing street system.

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The Plan classifies the area as a Residential Neighborhood Building Block.

The Residential Neighborhood Building Block represents the life-blood of Dallas, the traditional neighborhood of single-family detached homes. Dallas has many neighborhoods that match this description, including Winnetka Heights, Preston Hollow, Lakewood and Wheatley Place. Single-family dwellings are the dominate land use in these areas. Some shops, restaurants or institutional land uses such as schools and religious centers that serve neighborhood residents may be located at the edges or at key intersections. Neighborhood "pocket parks" provide open space for families. Individual lot size, front yard and side yard setbacks, garage orientation and scale of the home varies from neighborhood to neighborhood. These areas rely primarily on cars for access, although traffic on neighborhood streets is expected to be low. Cut-through traffic or spill over from commercial areas will be strongly discouraged. While public transit may be available, typically it involves longer walks to bus stops or the need to drive to park and-ride facilities. Newly developed neighborhoods may provide better pedestrian access to community services through shorter block lengths, narrower streets, sidewalks and greenbelts with hike and bike trails and might also provide improved access to transit service. Public investment will focus on protecting quality of life by providing amenities such as parks, trails, road improvements and strong code enforcement.

Land Use Compatibility:

	Zoning	Land Use
Site	CR	Undeveloped
North	R-5(A)	Single Family and undeveloped
East	R-5(A)	Utility Station, Single Family, church and undeveloped
South	CR & R-5(A)	Undeveloped
West	CR & R-5(A)	Single family, church & undeveloped

The request site is approximately 12,408 square feet of land and is currently undeveloped. The proposed zoning district and use of the property will be compatible with the surrounding zoning and development in the area. Therefore, staff recommends approval of the R-5(A) Multifamily District.

Development Standards:

DISTRICT	Setbacks		Density	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
Existing							
CR Community retail	15'	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office	54' 4 stories	60%	Proximity Slope Visual Intrusion	Retail & personal service, office
Proposed							
R-5(A) Single Family	20'	5'	1 Dwelling Unit/ 5,000 sq. ft.	30'	45%		Single family

Z156-150(OTH)

CPC ACTION – February 4, 2016

Z156-150(OTH)

Planner: Olga Torres Holyoak

Note: The Commission considered this item individually.

Motion: It was moved to recommend **approval** of an R-5(A) Single Family District on property zoned a CR Community Retail District on the south side of Burma Road, west of Kiska Street.

Maker: Abtahi
Second: Emmons
Result: Carried: 15 to 0

For: 15 - Anglin, Emmons, Houston, Davis, Shidid,
Anantasomboon, Abtahi, Haney, Jung,
Housewright, Schultz, Peadon, Murphy, Ridley,
Tarpley

Against: 0
Absent: 0
Vacancy: 0

Notices: Area: 200 Mailed: 20
Replies: For: 3 Against: 0

Speakers: For: Stephen Dimitt, 2323 Ross Ave., Dallas, TX, 75201
Against: Kenneth Wade, 537 Breneman Blvd., Hutchins, TX, 75141

Z156-150(OTH)

Dallas Neighborhood Alliance for Habitat

2015 Board of Directors

Aisha Johnson

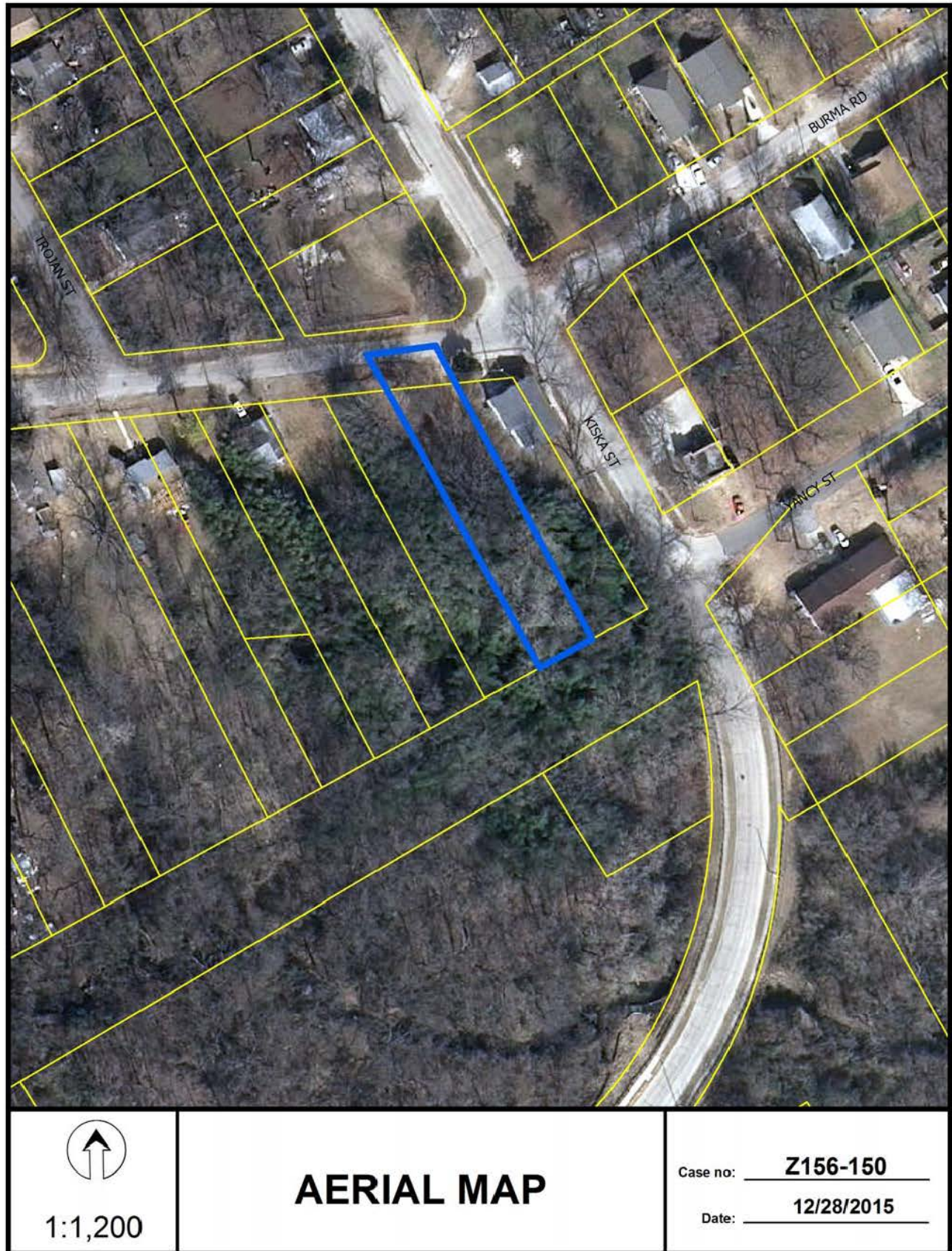
Clyde McClendon

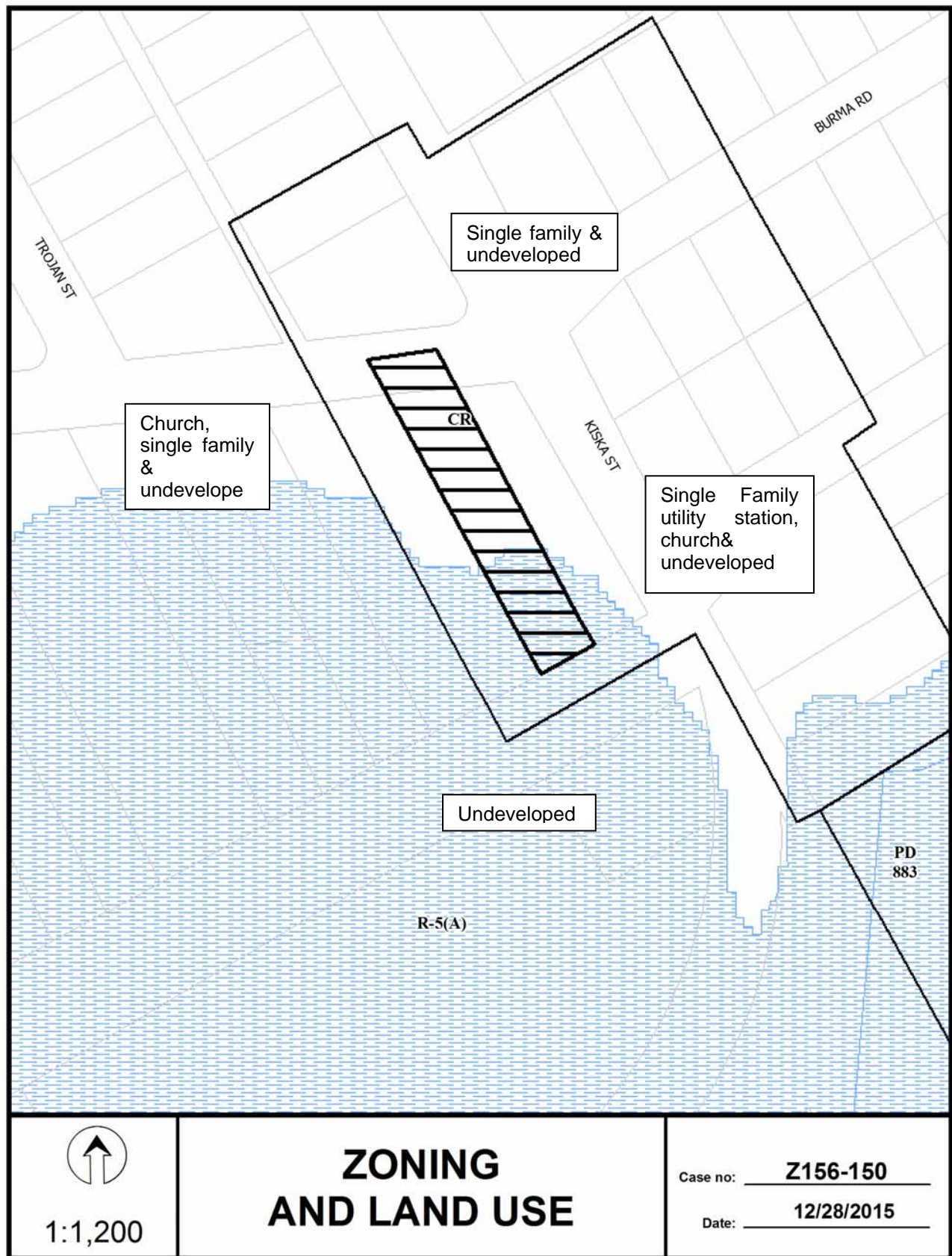
Catherine Rhodes

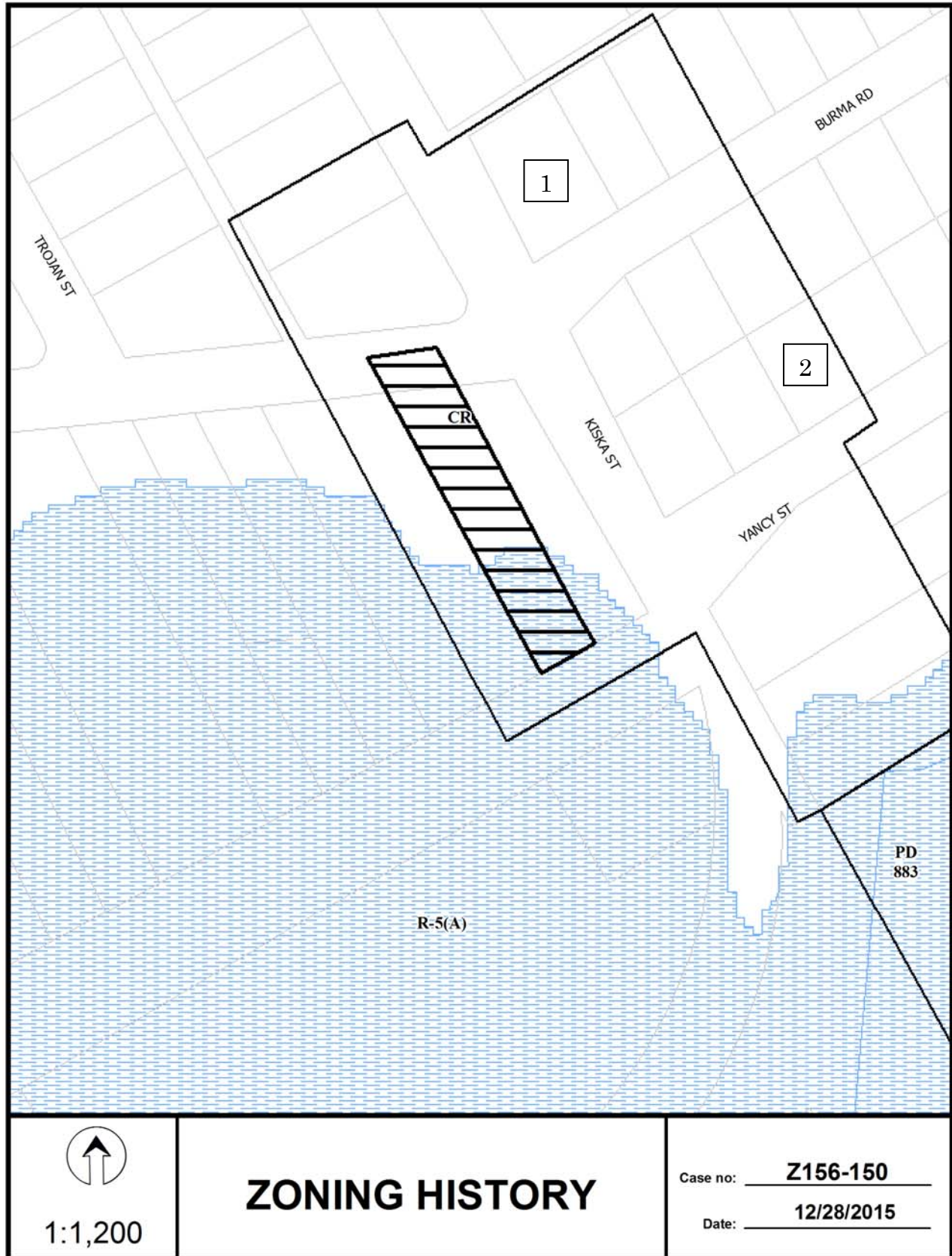
Zemerian Brooks

Sara Abbott McEown









CPC RESPONSES



02/16/2016

Reply List of Property Owners***Z156-150******20 Property Owners Notified******3 Property Owners in Favor******0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	4644 BURMA RD	DALLAS NEIGHBORHOOD
	2	7964 TROJAN ST	WALKER FREDERICH
O	3	4635 BURMA RD	DALLAS AREA HABITAT FOR HUMANITY
	4	8025 KISKA ST	CALLAHAN DOROTHY
	5	8015 KISKA ST	SKYLER LEONARD
	6	4624 BURMA RD	HERNANDEZ ERNESTO &
	7	4628 BURMA RD	MARKHAM FLOYD
	8	4625 YANCY ST	PARNELL GORDIE R
	9	4632 BURMA RD	TOPLETZ INVESTMENTS
	10	4636 BURMA RD	WHITTAKER ROBERT J
	11	4640 BURMA RD	RAY TIMOTHY
	12	4646 BURMA RD	MOUNT ELAM MISSIONARY
	13	4706 ZEALAND ST	LOGAN PAULINE N
O	14	4705 BURMA RD	DALLAS NEIGHBORHOOD
	15	4709 BURMA RD	NOLLY ROBERT JR
	16	4704 BURMA RD	MONTGOMERY GLADYS L EST
	17	4708 BURMA RD	KIRKPATRICK DOUGLAS L
	18	4705 YANCY ST	BYRD ERIC
	19	4709 YANCY ST	SCOTT WALTER ET AL
	20	4714 YANCY ST	ONE WAY CHRISTIAN CH TR

AGENDA ITEM # 62

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): 7

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 56 Z

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an R-5(A) Single Family District on property zoned a CS Commercial Service District on the south side of Solar Lane, east of Carbondale Street
Recommendation of Staff and CPC: Approval
Z156-151(OTH)

FILE NUMBER: Z156-151(OTH)

DATE FILED: December 1, 2015

LOCATION: South side of Solar Lane, east of Carbondale Street

COUNCIL DISTRICT: 7

MAPSCO: 56-Z

SIZE OF REQUEST: Approx. 7,122 sq. ft.

CENSUS TRACT: 202.00

APPLICANT/OWNER: Dallas Neighborhood Alliance for Habitat

REPRESENTATIVE: Suzan Kedron and Steven Dimitt, Jackson Walker L.L.P.

REQUEST: An application for an R-5(A) Single Family District on property zoned a CS Commercial Service District.

SUMMARY: The applicant is requesting the zoning change in order to develop the property with a single family dwelling unit. However, all the uses allowed in the R-5(A) Single Family District are also permitted.

CPC RECOMMENDATION: Approval

STAFF RECOMMENDATION: Approval

GUIDING CRITERIA FOR STAFF RECOMMENDATION:

Staff recommends approval based upon:

1. *Performance impacts upon surrounding property* – The proposed zoning district will be consistent with the surrounding zoning and development in the area. The property is currently undeveloped. There are no commercial uses in the area, only one vacant structure that appears to have been used for a retail use.
2. *Traffic impact* – The proposed zoning will not have a negative impact on the existing street system.
3. *Comprehensive Plan or Area Plan Conformance* – The forwardDallas! Comprehensive Plan identifies the area as a Residential Neighborhood Building Block. The proposed zoning is consistent with the Residential Neighborhood Building Block.

Zoning History: There are three other cases in the surrounding area not captured on the maps that are also being considered.

1. **Z156-148** An application for an R-5(A) Single Family District on property zoned a CR Community Retail District on the north corner of Kiska Street and Burma Road.
2. **Z156-149** An application for an R-5(A) Single Family District on property zoned a CR Community Research District located on the north side of Yancy Street, east of Kiska Street.
3. **Z156-150** An application for an R-5(A) Single Family District on property zoned a CS Community Service District on property located on the south side of Burma Road, west of Kiska Street.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Carbondale Street	Local	50 Feet
Solar Lane	Local	50 Feet

Traffic:

The Engineering Section of the Department of Sustainable Development and Construction reviewed the proposed zoning and determined it will not have a negative impact on the existing street system.

STAFF ANALYSIS:**Comprehensive Plan:**

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The Plan classifies the area as a Residential Neighborhood Building Block.

The Residential Neighborhood Building Block represents the life-blood of Dallas, the traditional neighborhood of single-family detached homes. Dallas has many neighborhoods that match this description, including Winnetka Heights, Preston Hollow, Lakewood and Wheatley Place. Single-family dwellings are the dominate land use in these areas. Some shops, restaurants or institutional land uses such as schools and religious centers that serve neighborhood residents may be located at the edges or at key intersections. Neighborhood "pocket parks" provide open space for families. Individual lot size, front yard and side yard setbacks, garage orientation and scale of the home varies from neighborhood to neighborhood. These areas rely primarily on cars for access, although traffic on neighborhood streets is expected to be low. Cut-through traffic or spill over from commercial areas will be strongly discouraged. While public transit may be available, typically it involves longer walks to bus stops or the need to drive to park and-ride facilities. Newly developed neighborhoods may provide better pedestrian access to community services through shorter block lengths, narrower streets, sidewalks and greenbelts with hike and bike trails and might also provide improved access to transit service. Public investment will focus on protecting quality of life by providing amenities such as parks, trails, road improvements and strong code enforcement.

Land Use Compatibility:

	Zoning	Land Use
Site	CS	Undeveloped
North	CS & R-5(A)	Church, single family and undeveloped
East	R-5(A)	Single Family and undeveloped
South	CS	Single family and undeveloped
West	CS & IR	Single family, railroad & undeveloped

The request site is approximately 7,122 square feet of land and is currently undeveloped. The existing zoning of the property is CS Commercial Service District.

Z156-151(OTH)

The proposed zoning district and use of the property will be compatible with the surrounding zoning and development in the area. Therefore, staff recommends approval of the R-5(A) Multifamily District.

Development Standards:

DISTRICT	Setbacks		Density	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
Existing							
CS Commercial Service	15' 0' on minor	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office/ lodging/ retail combined	45' 3 stories	80%	Proximity Slope Visual Intrusion	Commercial & business service, supporting retail & personal service & office
Proposed							
R-5(A) Single Family	20'	5'	1 Dwelling Unit/ 5,000 sq. ft.	30'	45%		Single family

Z156-151(OTH)

CPC ACTION – February 4, 2016

Z156-151(OTH)

Planner: Olga Torres Holyoak

Motion: It was moved to recommend **approval** of an R-5(A) Single Family District on property zoned a CS Commercial Service District on the south side of Solar Lane, east of Carbondale Street.

Maker: Abtahi
Second: Houston
Result: Carried: 15 to 0

For: 15 - Anglin*, Emmons, Houston, Davis, Shidid*,
Anantasomboon*, Abtahi, Haney, Jung,
Housewright, Schultz, Peadon, Murphy, Ridley,
Tarpley

Against: 0
Absent: 0
Vacancy: 0

*out of the room, shown voting in favor

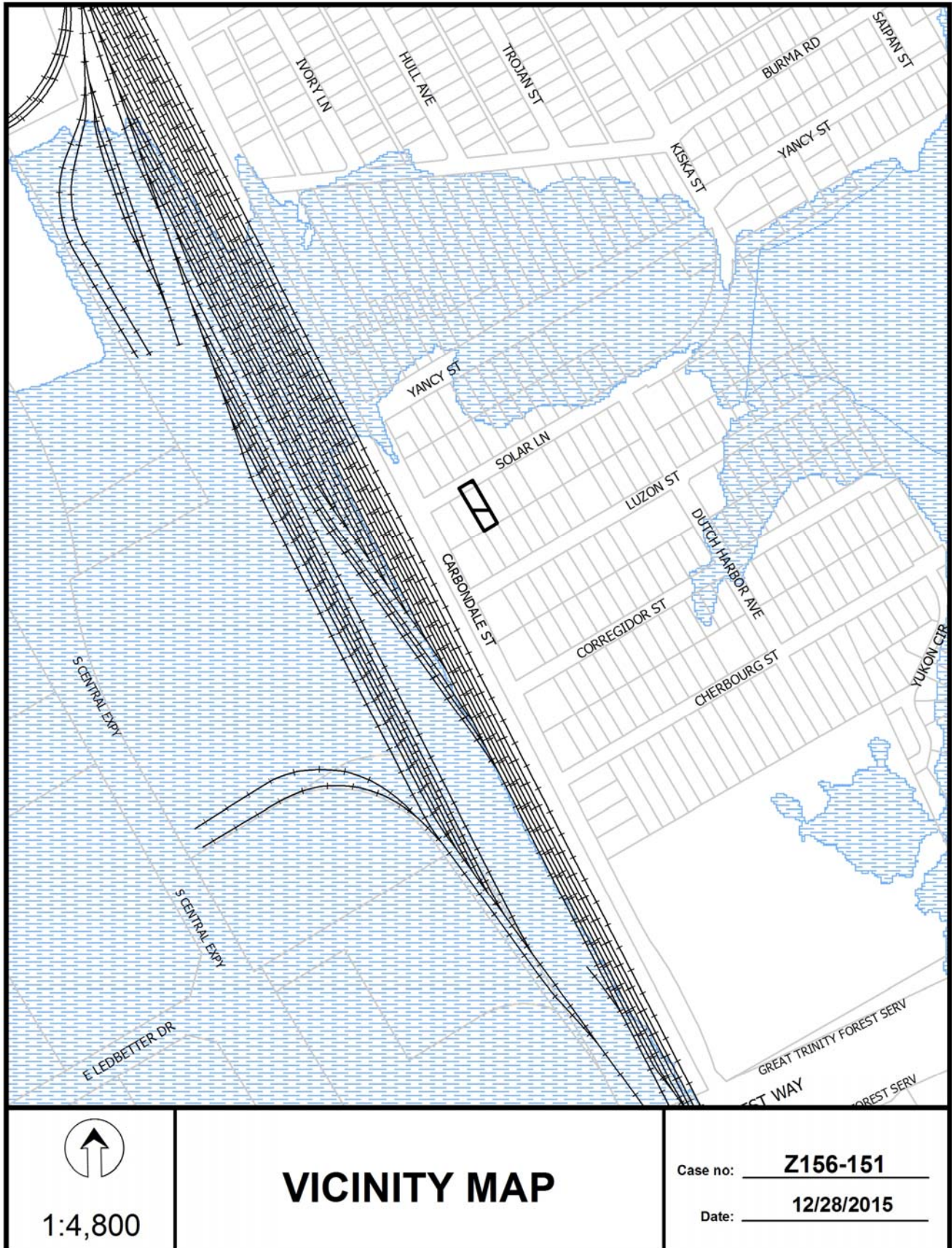
Notices:	Area: 200	Mailed: 31
Replies:	For: 2	Against: 2
Speakers:	None	

Z156-151(OTH)

Dallas Neighborhood Alliance for Habitat

2015 Board of Directors

Aisha Johnson
Clyde McClendon
Catherine Rhodes
Zemerian Brooks
Sara Abbott McEown



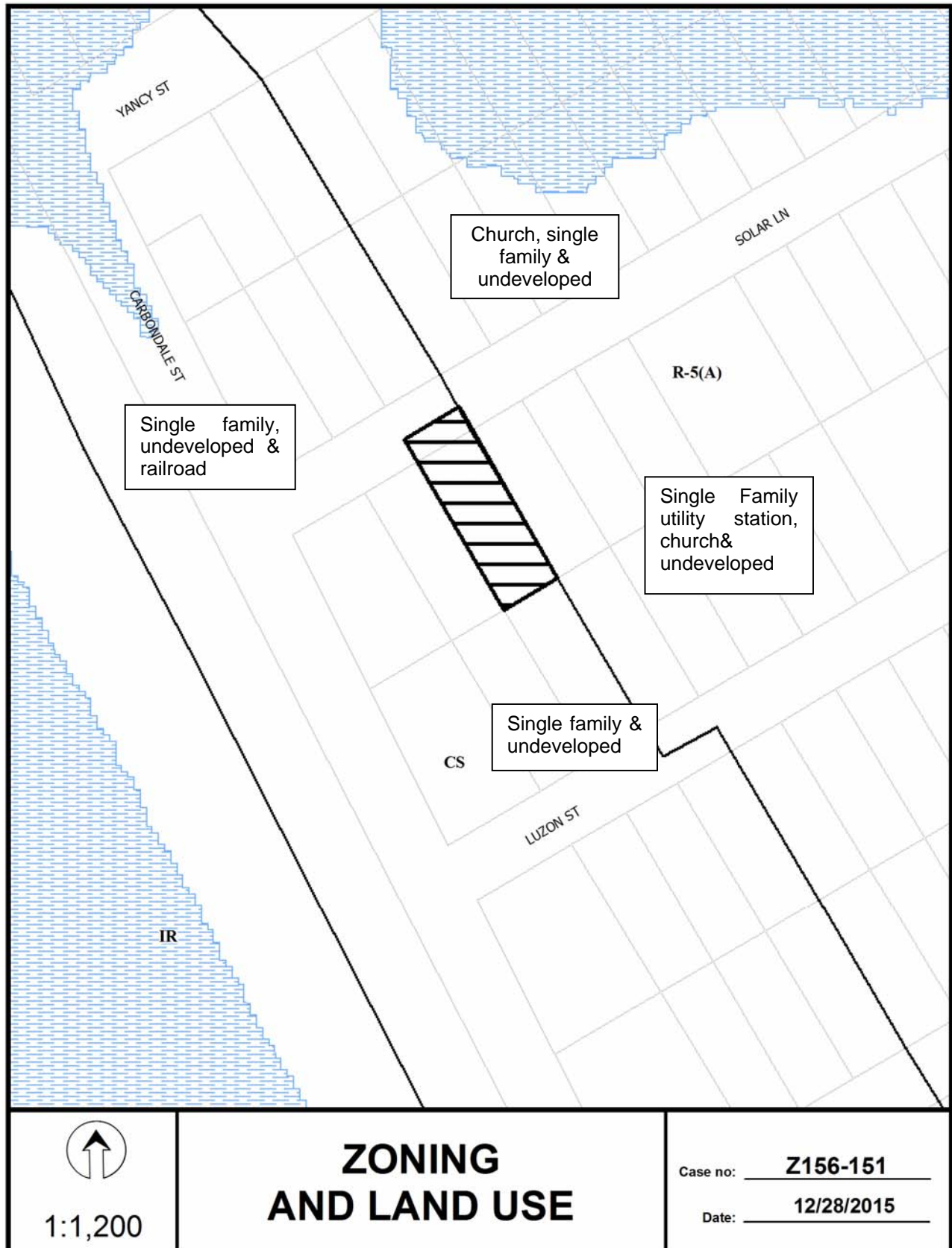


1:1,200

AERIAL MAP

Case no: **Z156-151**

Date: **12/28/2015**



CPC RESPONSES



02/16/2016

Reply List of Property Owners***Z156-151******31 Property Owners Notified******2 Property Owners in Favor******2 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	4514 SOLAR LN	DALLAS NEIGHBORHOOD
	2	4401 LINFIELD RD	ST LOUIS S W RAILWAY CO
	3	9999 NO NAME ST	UNION PACIFIC RR CO
	4	8110 CARBONDALE ST	WILMER HUTCHINS ISD
	5	8104 CARBONDALE ST	MCGRIFF BENNIE
X	6	4512 YANCY ST	CRUTCHFIELD CECIL
	7	4516 YANCY ST	CRUTCHFIELD SAM JR
	8	4520 YANCY ST	MCHALE PROPERTIES INC
	9	4524 YANCY ST	BROWN DWALA ET AL
	10	8118 CARBONDALE ST	SMITH OLIVER & FINNELL
	11	4507 SOLAR LN	MCGRIFF HARVEST D EST OF
	12	4511 SOLAR LN	MCGRIFF HARVEST D EST OF
	13	4515 SOLAR LN	BUTLER ROYAL & KIMBERLY
	14	4519 SOLAR LN	HOSKINS VERNELL
	15	4523 SOLAR LN	JACKSON ROOSEVELT &
	16	4527 SOLAR LN	CROCKETT BETTY JEAN ESTATE OF
	17	8126 CARBONDALE ST	JACKSON TONY M
	18	4510 SOLAR LN	MCGLOTHLIN DARDEN
	19	4516 SOLAR LN	JACKSON TONY & DORCHETTE
	20	4522 SOLAR LN	GANTT SHANDRIA E
	21	4526 SOLAR LN	EDWARDS LAURA V
O	22	4530 SOLAR LN	ANTHONY DAVID
	23	4505 LUZON ST	BROWN OSCAR
	24	4509 LUZON ST	UZVETA MANUEL
	25	4519 LUZON ST	AUSTIN BILLY
X	26	4523 LUZON ST	WILLIAMS MARY

Z156-151(OTH)

02/16/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	4527 LUZON ST	SILVER DAVE EST OF
	28	4531 LUZON ST	GREER MRS G J
	29	4535 LUZON ST	HAYES EFFIE
	30	4512 LUZON ST	SCOTT NICHOLAS JUSTIN
	31	4520 LUZON ST	LINZY VALRIE

AGENDA ITEM # 63

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): 2

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 45 V

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Subdistrict 2 (Moderate Density Mixed Use Corridors) on property zoned Subdistrict 6 (Old City Park Institutional) within Planned Development District No. 317, the Cedars Area Special Purpose District on the southeast line of Gano Street, northwest of Beaumont Street

Recommendation of Staff and CPC: Approval
Z156-158(WE)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, MARCH 23, 2016**
ACM: Ryan S. Evans

FILE NUMBER: Z156-158(WE) **DATE FILED:** December 10, 2015

LOCATION: Southeast line of Gano Street, northwest of Beaumont Street

COUNCIL DISTRICT: 2 **MAPSCO:** 45-V

SIZE OF REQUEST: Approx. 2.4354 acres **CENSUS TRACT:** 204.00

APPLICANT: Zad Roumaya, General Partner

OWNER: 1610 Ervay Investments, L.P.

REPRESENTATIVE: Michael Przekwas, PPZ Consulting

REQUEST: An application for Subdistrict 2 (Moderate Density Mixed Use Corridors) on property zoned Subdistrict 6 (Old City Park Institutional) within Planned Development District No. 317, the Cedars Area Special Purpose District.

SUMMARY: The purpose of this request is to change the subdistrict to permit residential uses with office and retail. Presently, Subdistrict 6 does not permit residential uses. Subdistrict 2 adjoins the site to the southwest and southeast. The applicant plans to convert two, one-story industrial type structures to a mixed-use development. The request site is located within the Historic Building Demolition Delay Overlay. Additionally, this PDD has preservation incentives.

CPC RECOMMENDATION: Approval

STAFF RECOMMENDATION: Approval

GUIDING CRITERIA FOR STAFF RECOMMENDATION:

Staff recommendation for approval is based upon:

1. *Performance impacts upon surrounding property* – The proposed expansion of Subdistrict 2 (Moderate Density Mixed Use Corridors) will not have a negative impact on the surrounding properties. Gano Street will be the new buffer between the proposed Subdistrict 2 expansion and Subdistrict 6 where the park is located to the northwest. Preservation of the structures helps support and protect the Old City Park area.
2. *Traffic impact* – The Engineering Section of the Department of Sustainable Development and Construction has determined that the request will not have a negative impact on the street system.
3. *Comprehensive Plan or Area Plan Conformance* – The *forwardDallas! Comprehensive Plan* shows that the request site is located in the Downtown Building Block. The request is consistent with this building block.

Zoning History: There has been one zoning case in the area over the past five years.

1. **Z145-342** In November 2015, the City Council approved a code amendment to create a Historic Building Demolition Delay Overlay.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Gano Street	Local	50 ft.	50 ft.
South Ervay Street	Collector	60 ft.	80 ft.

Traffic: The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined that it will not have a detrimental impact on the surrounding street system.

COMPREHENSIVE PLAN: The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The Plan identifies the request site being in the Downtown Building Block. The proposed development is not in compliance with the *forwardDallas! Comprehensive Plan*.

The Downtown Building Block is a centrally located hub that provides high intensity, concentrated regional job and commercial activity supported by high-density housing. A Downtown includes pedestrian-oriented and mixed-use development and offers multiple transportation options. Ground floors of tall buildings feature shops with many windows for visual interest and safety while the streetscape incorporates trees for shade, wide

sidewalks and easy-to-use signs for finding points of interest. Civic and open spaces provide an inviting atmosphere for pedestrians as well as a diversity of uses, generating activity throughout the day and evening.

The Downtown Building Block is an important transit hub for commuter rail, light rail, bus and local systems. This area warrants significant public investment to sustain itself as the signature address in the North Central Texas region and to continually reinvent itself to maintain its competitive advantage.

Land Use Compatibility:

	Zoning within PDD No. 317	Land Use
Site	Subdistrict 6	Industrial
Northeast	Subdistrict 6	School
Southeast	Subdistrict 2	Warehouses
Northwest	Subdistrict 6	Park
Southwest	Subdistrict 2	Warehouse, Multifamily

Per the PDD, the purpose of Subdistricts 2 and 6 are:

Subdistrict 2 (Proposed) – To encourage the development of moderate-density office, lodging, retail, and residential uses in compatible combinations along the main street corridors that serve the Cedars Area Special Purpose District; to encourage development that supports increased pedestrian and bicycle use; and to encourage the preservation of structures with historic value.

Subdistrict 6 (Existing) – To encourage the preservation of open space and the development of compatible institutional, residential, and retail land uses; and to protect the city institution of Old City Park.

There is a mixed of uses that are adjacent to the request site and are located across South Ervay Street. Expanding Subdistrict 2 to incorporate the request site could promote future mixed use developments in the area, which is encouraged in the *fowardDallas!*

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
PDD No. 317 - existing Subdistrict 6	15' min.	0/0'	0.5 FAR	70 ft.	80%	Proximity Slope	Office, Retail and personal services, Lodging
PDD No. 317 - Proposed Subdistrict 2	0' min.	0/0'	2.5 FAR 2.0 FAR in all other cases	90 ft. 54 ft. in all other cases	80%	Proximity Slope	Office, Retail and personal services, Lodging, Residential, Mini-warehouse

Landscaping: Landscaping of any development will be in accordance with the landscaping requirements in PDD No. 317.

Parking: The off-street parking regulations in PDD No. 317 must comply with the parking regulations in Chapter 51A; however, Subdistrict 2 allows for off-street parking credits and a pedestrian amenities parking reduction. Tandem parking is also permitted for single family, duplex, and multifamily uses.

To receive the parking credit for a development in Subdistrict 2, PDD No. 317 states the required parking for nonresidential and multifamily uses may be reduced by one space for every parking space in the street right-of-way abutting the use. To receive credit, parking spaces must be marked per city regulations and must be approved by the director of public works and transportation.

(i) An on-street parking space may not be used to reduce the required parking for more than one use (i.e. it cannot be counted more than once as a space for a use), except that an on-street parking space may be used to reduce the combined total parking requirement of a mixed-use project.

(ii) An on-street parking space that is not available to the public at all times of the day may only be counted as a partial parking space in proportion to the amount of time that it is available. For example, a parking space that is available to the public only eight hours per day will be counted as one-third of a parking space ($8 \div 24 =$ one-third). The total of the limited availability parking spaces will be counted to the nearest whole number, with one-half counted as an additional space.

(iii) If the director of public works and transportation determines that on-street parking in the street right-of-way abutting the use, approved in accordance with Paragraph (5)(D), has become a traffic hazard and prohibits the on-street parking, the on-street parking credit will be treated as a delta credit.

In addition, to receive the pedestrian amenities parking reduction, the proposed development must be located within 1,500 feet of a DART light rail station. The request site does not comply with this provision of the PDD at this time.

CPC Action – February 4, 2016

Z156-158(WE)

Planner: Warren Ellis

Motion: It was moved to recommend **approval** of Subdistrict 2 (Moderate Density Mixed Use Corridors) on property zoned Subdistrict 6 (Old City Park Institutional) within Planned Development District No. 317, the Cedars Area Special Purpose District on the southeast line of Gano Street, northwest of Beaumont Street.

Maker: Emmons
Second: Anglin
Result: Carried: 14 to 0

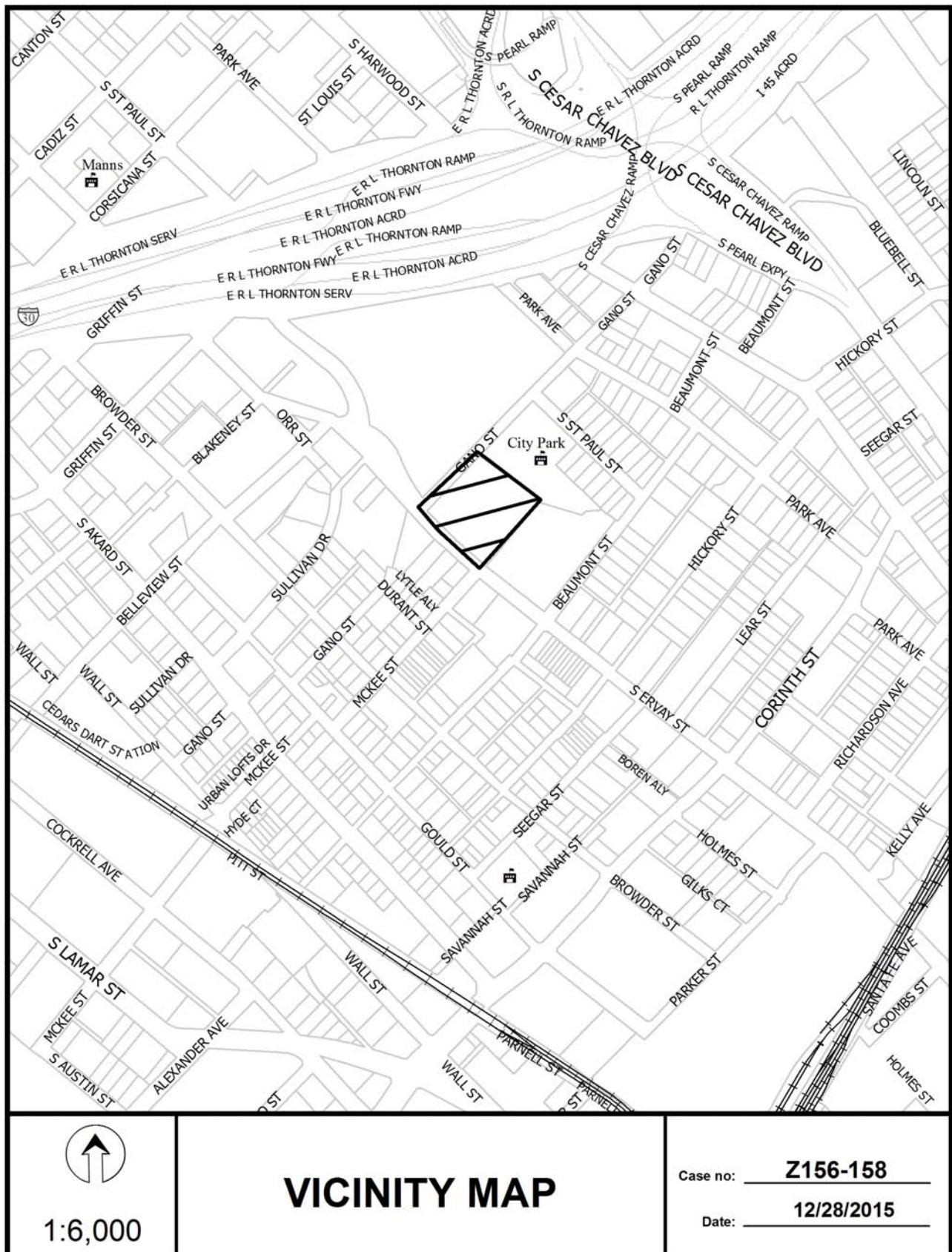
For: 14 - Anglin, Emmons, Houston*, Davis, Shidid, Abtahi, Haney, Jung*, Housewright, Schultz, Peadon, Murphy*, Ridley, Tarpley

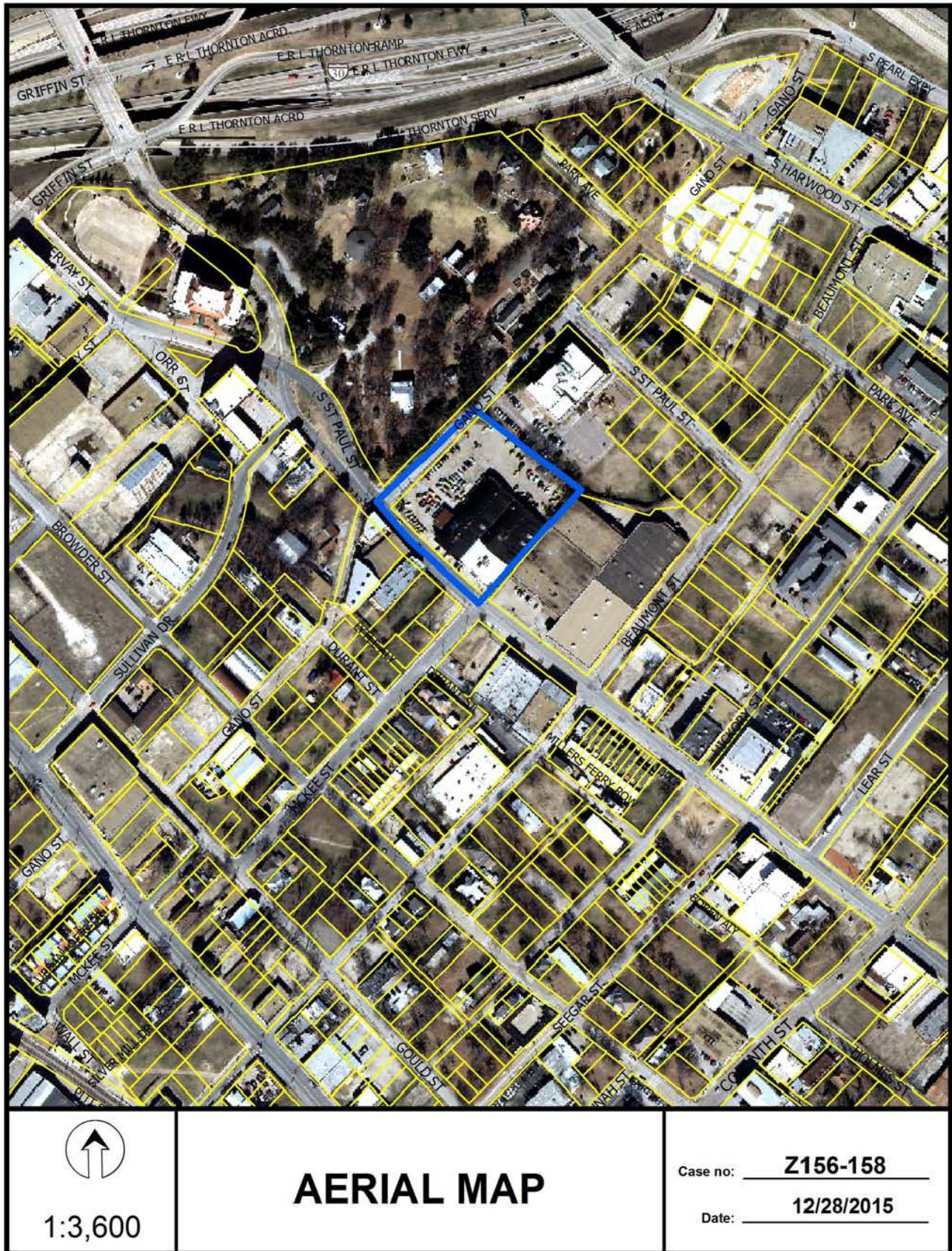
Against: 0
Absent: 1 - Anantasomboon
Vacancy: 0

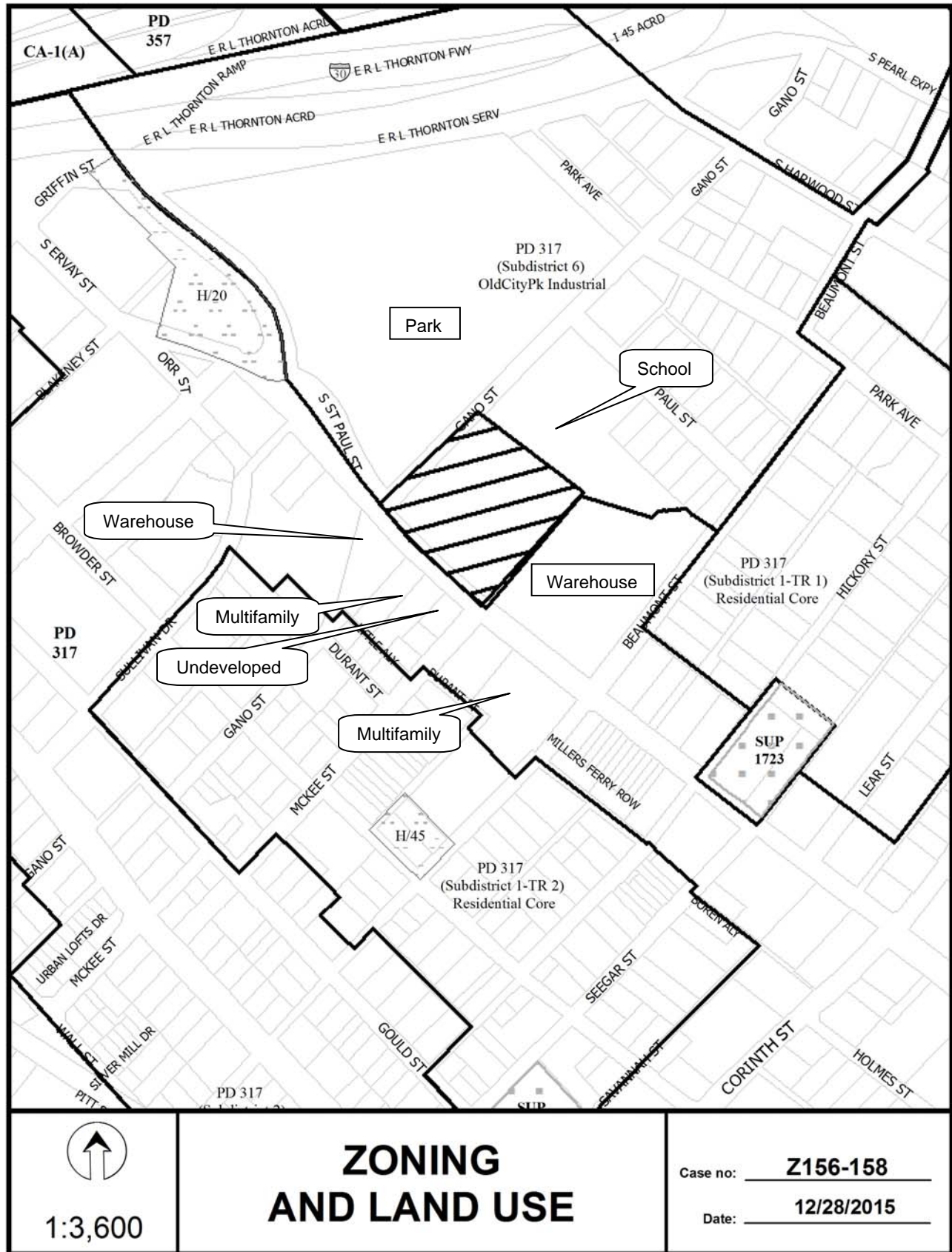
*out of the room, shown voting in favor

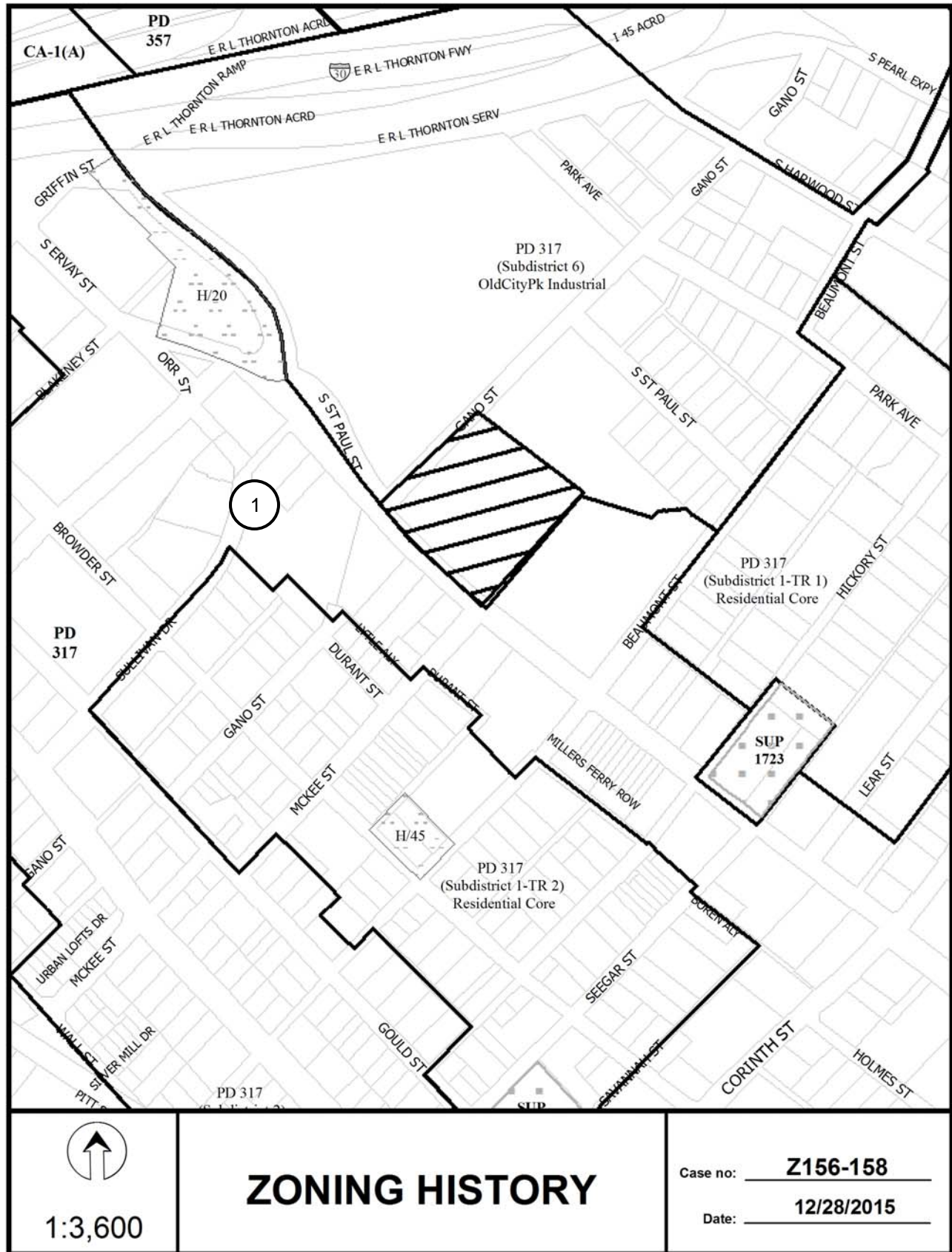
Notices: Area: 500 Mailed: 77
Replies: For: 6 Against: 0

Speakers: For: Michael Przekwas, 1602 Beaumont St., Dallas, TX, 752
Zad Roumaya, 8359 San Fernando Way, Dallas, TX, 75
Against: None









CPC RESPONSES



Notification List of Property Owners

Z156-158

77 Property Owners Notified 7 Property Owners in Favor 0 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1 1610	S ERVAY ST	1610 ERVAY INVESTMENTS LP
	2 1738	GANO ST	Dallas ISD
O	3 1525	SULLIVAN DR	HILL CARL
	4 1401	S ERVAY ST	GULF CONE LOFTS LP
O	5 1507	SULLIVAN DR	HILL CARL L
	6 1311	S ERVAY ST	MATTHEWS CCH PARTNERS LP
	7 1512	SULLIVAN DR	LEONG HERBERT & EDNA TR
	8 1509	GANO ST	ALBRITTON CLAUDE C III
	9 1513	GANO ST	ALBRITTON ALEXANDER HELDT
	10 1517	GANO ST	DAY DAVID & REBECCA
	11 1508	SULLIVAN DR	BENNETT ANDREW JOSEPH
	12 1507	S ERVAY ST	I L & K L INC
	13 1521	GANO ST	NORTH CEDARS THIRTY LLC
	14 1514	SULLIVAN DR	LOPEZ DOMINGO & MIGUEL
O	15 1501	GANO ST	MARTINEK MARK
	16 1500	SULLIVAN DR	LEBROM PPTIES LLC
	17 1605	DURANT ST	MCDONALD D D
	18 1509	MCKEE ST	SHIPBUILD LLC
	19 1508	GANO ST	BANOWSKY BRITTON B
	20 1513	MCKEE ST	SHIPBUILD PARTNERS LP
	21 1608	BROWDER ST	YANCEY CEDARS LLC
	22 1609	DURANT ST	RE SOURCE PROFESSIONALS
	23 1600	DURANT ST	LEONG CRAIG S
	24 1627	S ERVAY ST	SALVATO SARAH A
	25 1519	MCKEE ST	VIDALES JUAN
	26 1601	MCKEE ST	SALVATO SARAH A

02/16/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	1621 S ERVAY ST	1621 ERVAY LTD
	28	1700 S ERVAY ST	WILLIAMS C D BLDG ACCT
	29	1622 S ST PAUL ST	DALLAS COUNTY HERITAGE
	30	1703 S ERVAY ST	MILLER BENNETT I ET AL
	31	1524 MCKEE ST	VIDALES SILVESTER G
	32	1522 MCKEE ST	VIDALES SILVESTRE &
	33	1518 MCKEE ST	ALVARADO LIVING TRUST
	34	1520 BEAUMONT ST	PULLMAN TILLIE
	35	1518 BEAUMONT ST	WAYSIDE MISSIONARY
	36	1514 BEAUMONT ST	MILLER DORCAS &
	37	1810 S ERVAY ST	FOX BRIAN E
	38	1806 S ERVAY ST	UNDERWOOD JEFFREY &
	39	1800 S ERVAY ST	BUTLER L F
	40	1718 BEAUMONT ST	GMR SPECIAL TRUST THE
	41	1720 BEAUMONT ST	CRD ASSOCIATES I LTD
	42	1736 BEAUMONT ST	BEAUMONT PARK ASSOC LTD
	43	1740 BEAUMONT ST	BEAUMONT PARK ASSN LTD
	44	1312 S ERVAY ST	AMBASSADOR HOTEL PARTNERS LP
	45	1601 S ERVAY ST	NORTH CEDARS THIRTY LLC
	46	1601 S ERVAY ST	NORTH CEDARS THIRTY LLC
	47	1605 MCKEE ST	TOLLEN ALEXANDER G
	48	1711 S ERVAY ST	CITY PARK ASSOC LTD
	49	1516 MCKEE ST	CARROLL KEYUNA
O	50	1514 MCKEE ST	NUGENT MICHAEL B
	51	1512 MCKEE ST	RIPPY DARRAH
	52	1510 MCKEE ST	FREEMAN RICHARD H SR &
O	53	1508 MCKEE ST	REMUS PATRICK L
	54	1506 MCKEE ST	PARKER AMANDA
	55	1504 MCKEE ST	WALLACE MICHAEL
	56	1803 S ERVAY ST	THOMAS JEFFREY B &
	57	1805 S ERVAY ST	STEPHENS MARK R

02/16/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	58	1602 BEAUMONT ST	BARRETT MICHAEL
	59	S ERVAY ST	ERVAY BOROUGH HOLDINGS LLC
	60	S ERVAY ST	DAVIS KENNETH E
O	61	S ERVAY ST	RAMICK R BLAKE & KENDRA
	62	S ERVAY ST	VAN PELT RICHARD A
	63	SULLIVAN ST	CAUDILL DOUGLAS W &
	64	SULLIVAN ST	CHESTNUT ROBERT
	65	SULLIVAN ST	LJUNGAR KENNETH R
	66	BEAUMONT ST	GARZA ANTHONY
	67	BEAUMONT ST	CAUDILL DOUGLAS W &
	68	BEAUMONT ST	WADDELL ZACHARY C
	69	BEAUMONT ST	SHIELDS MELISSA
	70	S ERVAY ST	WOODLING MARK ANDREW
	71	S ERVAY ST	PHAM DANH
	72	S ERVAY ST	GORMAN STEFAN
	73	S ERVAY ST	TUCKER KENNETH E
	74	S ERVAY ST	MACELHOSE BRIAN &
	75	S ERVAY ST	UNDERWOOD JEFFREY L
	76	S ERVAY ST	CLAPNER KATHERINE LEE
	77	S ERVAY ST	HALL TREVOR

AGENDA ITEM # 64

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): 6

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 43 R

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an industrial (outside) not potentially incompatible use limited to a concrete batch plant on property zoned an IR Industrial/Research District on the south line of West Commerce Street, between Ivanhoe Lane and Brundrette Street
Recommendation of Staff and CPC: Approval for a five-year period, subject to a site plan and conditions
Z145-329(OTH)

FILE NUMBER: Z145-329(OTH)

DATE FILED: August 20, 2015

LOCATION: South line of West Commerce Street, between Ivanhoe Lane and Brundrette Street

COUNCIL DISTRICT: 6

MAPSCO: 43-R

SIZE OF REQUEST: Approx. 2.27 acres

CENSUS TRACT: 43.00

OWNER/APPLICANT: Listocon Group, LLC

REPRESENTATIVE: Tailim Song, Tailim Song Law Firm

REQUEST: An application for a Specific Use Permit for an industrial (outside) not potentially incompatible use limited to a concrete batch plant on property zoned an IR Industrial/Research District.

SUMMARY: The applicant proposes to utilize the property for a concrete batch plant. The proposed use will serve new construction within a twenty-mile radius. The use is permitted in the IR Industrial/Research District by SUP only. All other IR uses are also allowed on the property.

CPC RECOMMENDATION: Approval for a five-year period, subject to a site plan and conditions.

STAFF RECOMMENDATION: Approval for a five-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* – While it may not be a desirable use from a long-term perspective, the proposed concrete batch plant is an acceptable use for this location given construction activity in the vicinity.
2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The proposed use neither contributes nor is it a detriment to the welfare of adjacent properties.
3. *Not a detriment to the public health, safety, or general welfare* – The proposed use will not be a detriment to the public health, safety or general welfare of the public. The proposed conditions help mitigate potential negative impacts to the area.
4. *Conforms in all other respects to all applicable zoning regulations and standards* – The request will comply with all applicable zoning regulations and city codes.

Zoning History: There have been no zoning applications in the vicinity in the past five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
North Hampton Road	Principal Arterial	100 feet
West Commerce Street	Principal Arterial	100 feet

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The Plan identifies the request site as being in the Industrial Building Block. Industrial Areas, which offer important employment opportunities, occupy large areas of land and usually are near major roads and heavy rail lines. Evolving technology and the need for freight movement through Dallas to the rest of the country and internationally means this sector can offer good opportunities for jobs. Logistics and warehousing, a growing industry

with strong potential for upward mobility of skilled workers, would thrive in such areas. Examples include Southport and the Agile Port, parts of West Dallas along I-30, and the Stemmons industrial area. These areas include a mix of low- and medium-density industrial buildings and industrial yards and have large surface parking for cars and trucks. Industrial Areas rely on quality road access and may be linked to rail for freight purposes. Street lanes are wide and intersections are large. Transit, sidewalks and other pedestrian improvements are limited.

The IR District contains lesser intense industrial uses. As a result, a concrete batch plant may not be appropriate at this location on a permanent basis. The SUP requirement affords the city and surrounding neighbors an opportunity to periodically evaluate whether or not the use is continuing to be compatible with the surrounding area. Furthermore, conditions can establish performance standards such as operating hours, screening and landscaping, site layout, ground and dust control, traffic circulation, and the location of outdoor storage.

Surrounding Land Uses:

	Zoning	Land Use
Site	IR	Vacant structures
North	IR	Vehicle related uses and warehouse
South	IR	Vehicle storage and outside storage
West	IR	Vehicle service center, vehicle storage and warehouse
East	IM	Office/warehouse

Land Use Compatibility:

The 2.27 acres of land have several structures that total approximately 10,500 square feet. Approximately 4,885 square feet will be utilized for the outside manufacturing process. The SUP requirement for certain land uses in particular zoning districts affords the city and surrounding neighbors an opportunity to periodically evaluate whether or not the use is continuing to be compatible with the surrounding area. Furthermore, the conditions establish performance standards such as operating hours, screening, site layout, ground and dust control, traffic circulation, stacking height, and the location of outdoor storage.

Development Standards:

DISTRICT	Setbacks		Density	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
Existing							
IR Industrial/Research	15'	30' adjacent to residential OTHER: No Min.	2.0 FAR overall 0.75 office/ retail 0.5 retail	200' 15 stories	80%	Proximity Slope Visual Intrusion	Industrial, wholesale distribution & storage, supporting office & retail

Parking:

Pursuant to the Dallas Development Code, off-street parking and loading must be provided in accordance with Division 51A-4.200. The required parking for the batch plant use is one space per 600 square feet of manufacturing area and one space per 1,000 square feet for the warehousing. For a total required number of spaces of 19. The proposed number of spaces exceeds the requirement.

Landscaping and Sidewalks:

Landscaping of the property must be provided in accordance with Article X of the Dallas Development Code. At its hearing on January 21, 2016, the City Plan Commission recommended that the applicant incorporate a six-foot wide sidewalk along the property.

CPC ACTION – January 21, 2016

Z145-329(OTH)

Planner: Olga Torres Holyoak

Motion: It was moved to recommend **approval** of a Specific Use Permit for an industrial (outside) not potentially incompatible use limited to a concrete batch plant for a five-year period, subject to a site plan and conditions with an additional condition to provide for construction and maintenance of 6 ft. wide sidewalks on all frontages (at the expense of the applicant), subject to the City's approval on property zoned an IR Industrial/Research District on the south line of West Commerce Street, between Ivanhoe Lane and Brundrette Street.

Note: Commissioner Abtahi requested minutes reflect that when Specific Use Permit No. 1804 is considered for renewal, the docket include the Commission deliberation on this specific use permit.

Maker: Anantasomboon

Second: Emmons

Result: Carried: 11 to 4

For: 11 - Emmons, Shidid, Anantasomboon, Abtahi, Haney, Jung, Housewright, Peadon, Murphy, Ridley, Tarpley

Against: 4 - Anglin, Houston, Davis Schultz

Absent: 0

Vacancy: 0

Notices: Area: 300

Mailed: 27

Replies: For: 0

Against: 2

Speakers: For: Tailim Song, 13140 Coit Rd., Dallas, TX, 75240

Walter Huerta, 1025 W. Commerce St., Dallas, TX, 75202

Against: Mike Rasmussen, 1915 W. Commerce St., Dallas, TX, 75202

Bill Betzen, 6717 Cliffwood Dr., Dallas, TX, 75237

Stephanie Hanson, 1914 Nomas St., Dallas, TX, 75212

Paula Hutchison, 2617 Obenchain St., Dallas, TX, 75211

Ronnie Mestas, 3215 Rutz St., Dallas, TX, 75212

**SUP Proposed Conditions
Z145-329**

1. USE: The only use authorized by this specific use permit is an industrial (outside) not potentially incompatible use limited to a concrete batch plant.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on ____ (five years from the passage of this ordinance).
3. DUST CONTROL:
 - A. The following conditions must be met on an ongoing basis:
 - i. Trucks must be loaded through a discharge equipped with a water ring or equivalent dust control system that eliminates visible dust emissions.
 - ii. All permanent roads or vehicular maneuvering area inside the plant must be paved, watered, and swept to eliminate visible dust emissions.
 - iii. The area between the sand/aggregate stockpiles and conveyor charge hopper used for vehicle traffic must be paved, watered, and swept as necessary to achieve maximum control of dust emissions. Other areas used for vehicle traffic must be watered as necessary to eliminate visible dust emissions.
 - iv. During operations, all stockpiles must be sprinkled with water or chemicals as necessary to eliminate visible dust emissions.
 - v. The cement storage silos and cement weigh hopper must be vented to a fabric filter to eliminate visible dust emissions.
 - vi. During operations, the conveyor charge hopper must have a water spray sufficient to eliminate visible dust emissions or the conveyor charge hopper must be completely enclosed to contain dust.
 - vii. To avoid overloading, a mechanism must be installed on each cement storage silo to warn operators that the silo is full.
 - viii. Spillage of cement must be cleaned up and contained or dampened within 30 minutes so that emissions from wind erosion and/or vehicle traffic are minimized.

- B. Prior to the issuance of a certificate of occupancy, a written ground and dust control plan that reflects existing and proposed infrastructure needed to comply with conditions 4(A)(i) through 4(A)(viii) must be delivered to the director of environmental and health services and the director of development services.
4. OUTSIDE MANUFACTURING AREA: The maximum area for outside manufacturing is 4,885 square feet in the location shown on the attached site plan.
 5. INGRESS-EGRESS: Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.
 6. PARKING: Pursuant to the Dallas Development Code, off-street parking and loading must be provided as shown in the site plan.
 7. SCREENING: Solid screening must be provided in the height and locations shown on the site plan.
 8. SIDEWALK: A 6-foot wide sidewalk shall be installed along all street frontages of the property as shown on the attached site plan.
 9. STOCKPILE HEIGHT: Maximum stockpile height for materials in the sand/gravel stockpile is eight feet.
 10. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
 11. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

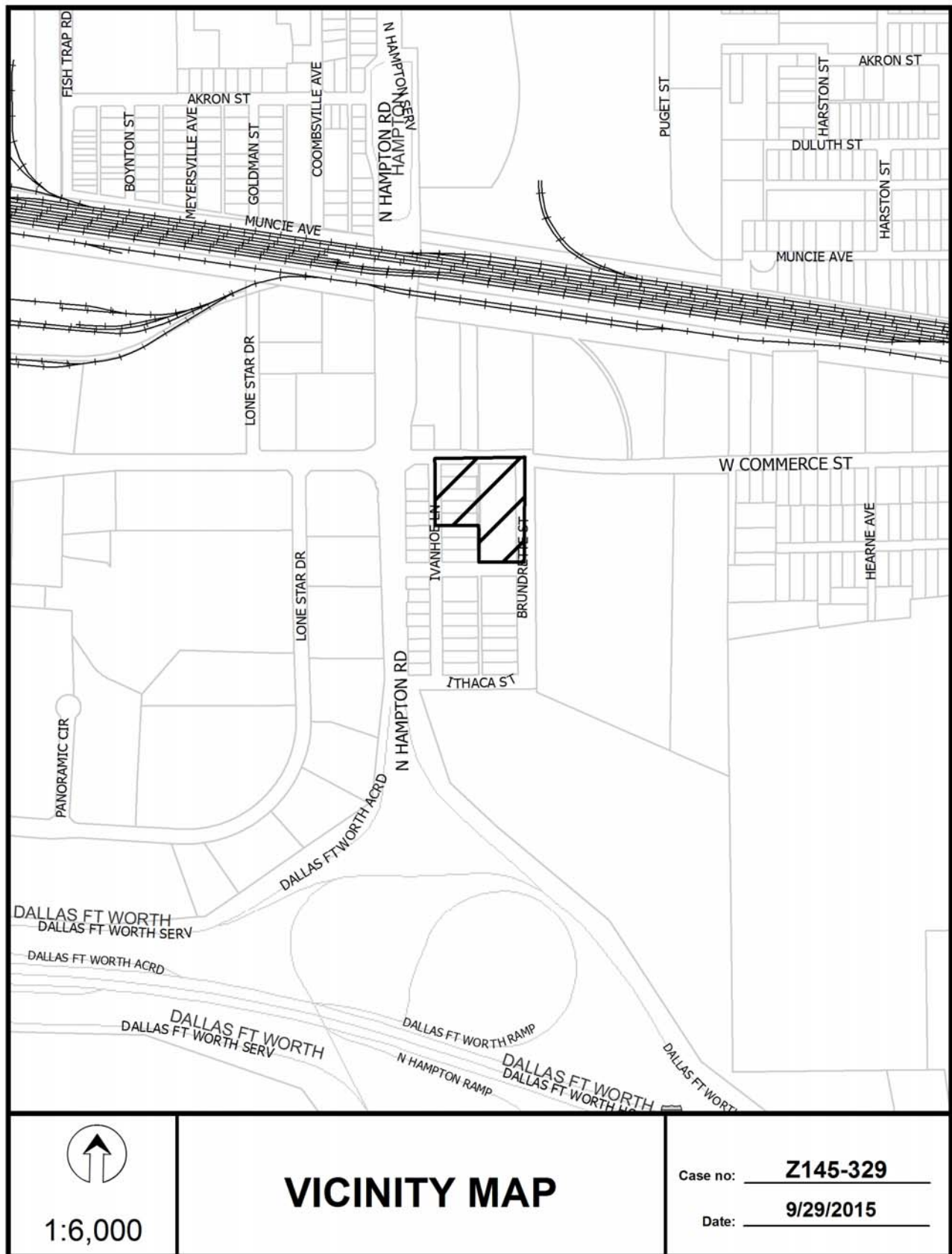


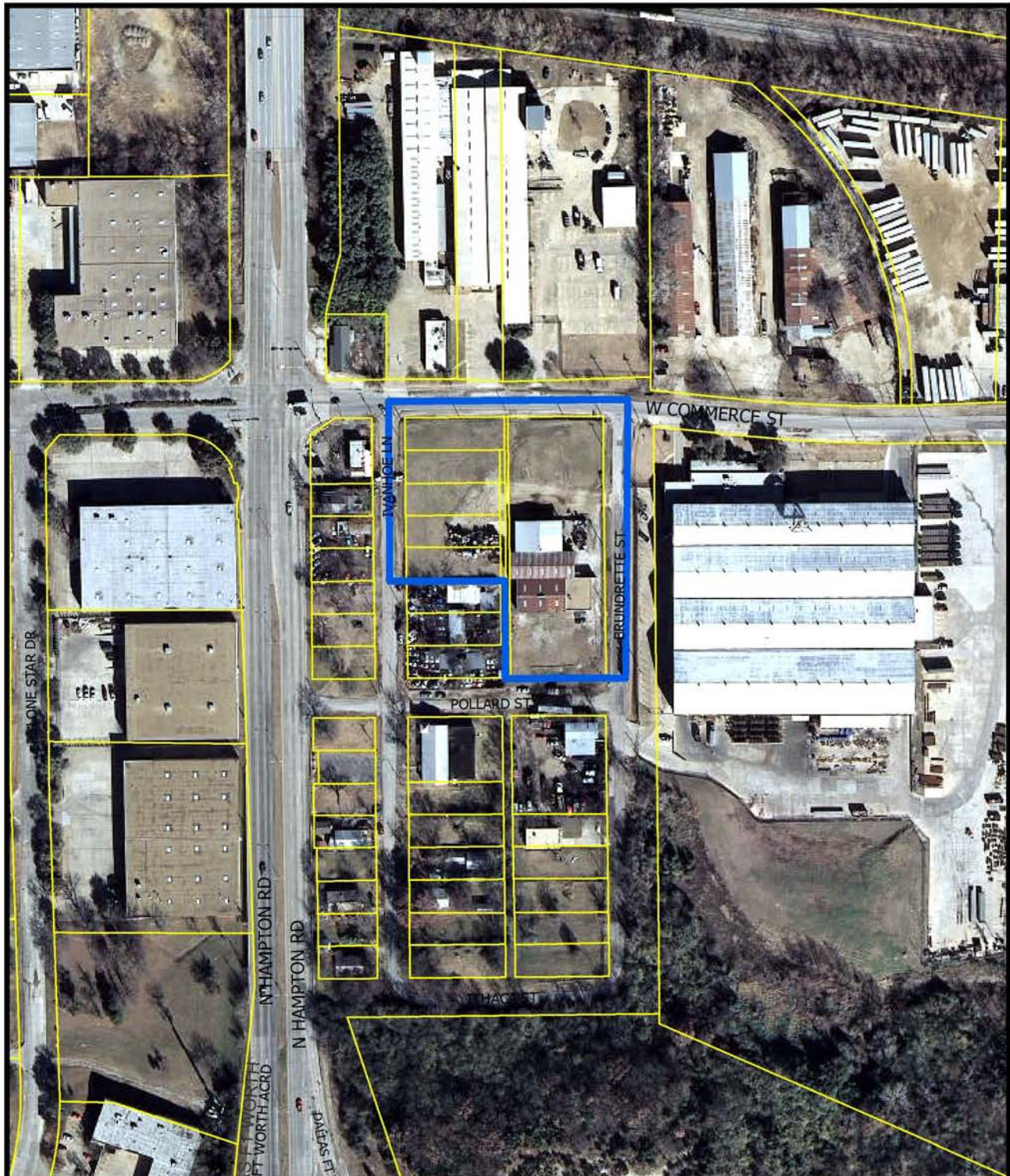
Z145-329(OTH)

Partners and Principles

Augusta Huerta Jr.
Walter A, Huerta

Z145-329(OTH)



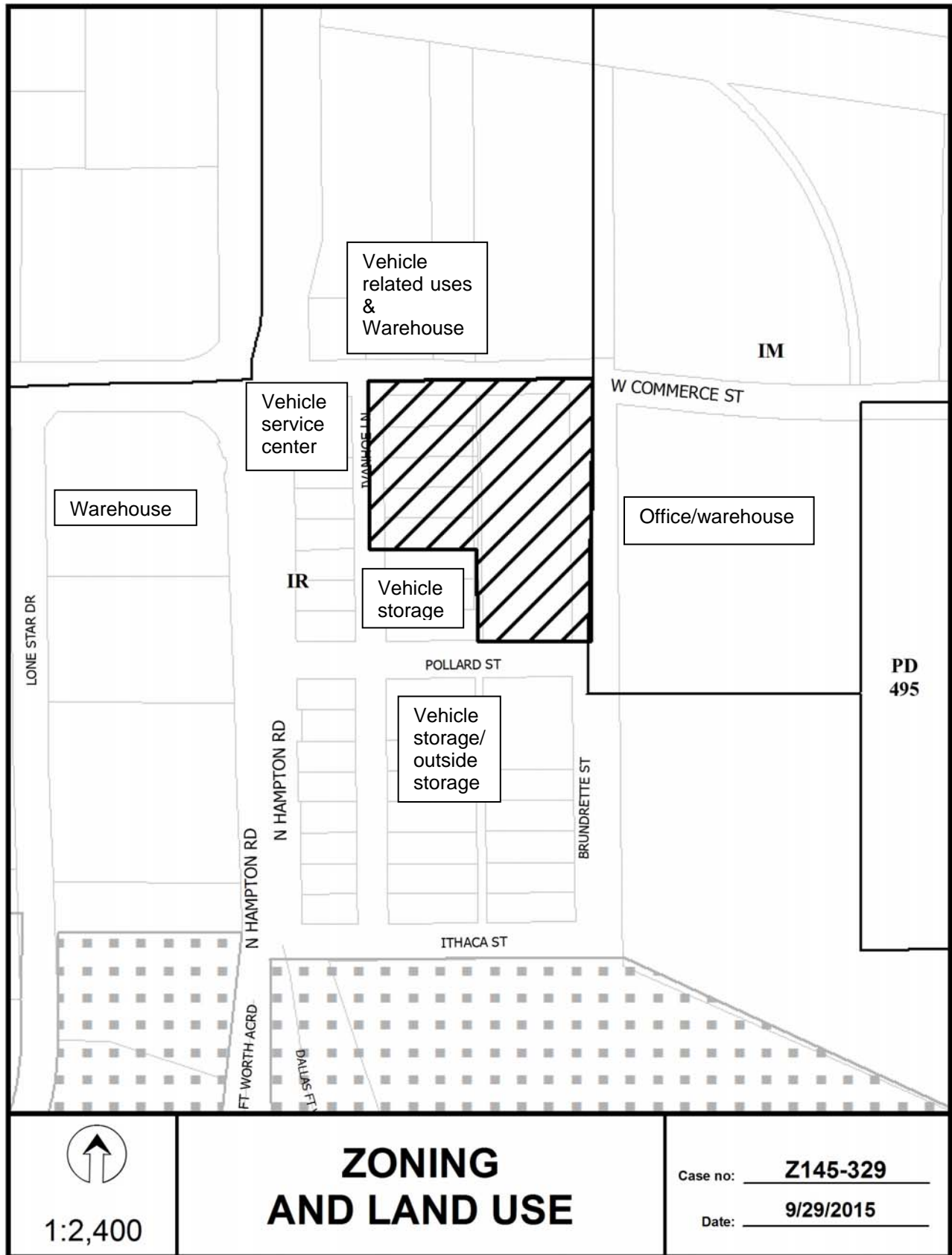


1:2,400

AERIAL MAP

Case no: **Z145-329**

Date: **9/29/2015**



CPC RESPONSES



01/20/2016

Reply List of Property Owners***Z145-329******27 Property Owners Notified******0 Property Owners in Favor******2 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	2060 W COMMERCE ST	LISTOCON GROUP LLC
	2	2062 W COMMERCE ST	LISTOCON GROUP LLC
	3	10 IVANHOE LN	MILLER CHARLES GARY
	4	2202 IVANHOE LN	BUCCOLA ANTONIO EST
	5	2210 IVANHOE LN	MILSAP VALORIE TRUSTEE
	6	2000 LONE STAR DR	5323 TEX OAK LLC
	7	1900 LONE STAR DR	6 BROTHERS REALTY LTD
X	8	2055 W COMMERCE ST	DALLAS HOUSING AUTHORITY
	9	2077 W COMMERCE ST	RIVERA DAVID
	10	2102 IVANHOE LN	ABUSAADA LUAY
	11	2106 IVANHOE LN	RODRIGUEZ JORGE &
	12	2015 BRUNDRETTE ST	NAVA ALFONSO &
	13	2003 BRUNDRETTE ST	SMITHKIRKLEY LILLIAN &
	14	1912 IVANHOE LN	MARTINEZ JORGE
	15	2002 IVANHOE LN	DALLAS INDIAN REVIVAL CENTER
	16	2006 IVANHOE LN	DALLAS INDIAN REVIVAL
	17	2010 IVANHOE LN	DALLAS INDIAN REVIVAL CTR
	18	2015 IVANHOE LN	MARTINEZ RUDOLFO
	19	2007 IVANHOE LN	WHITE ESTHER MRS ESTATE
	20	2003 IVANHOE LN	MANRRIQUEZ MAURA T EST OF
	21	2212 N HAMPTON RD	GARZA DAVID RAY
	22	2207 IVANHOE LN	SKY CUSTOM HOMES INC
	23	2111 IVANHOE LN	ROUSE GERTRUDE
	24	2103 IVANHOE LN	ALEJANDRE PEDRO & ELSA G
	25	2041 W COMMERCE ST	HUFFHINES PHILLIP A
	26	2151 W COMMERCE ST	RIDGEWAY MAILING CO INC

Z145-329(OTH)

01/20/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
X	27	2030 W COMMERCE ST	JORGENSEN EARLE M CO

AGENDA ITEM # 65

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): 2, 14

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 45 E; J; K

SUBJECT

A public hearing to receive comments regarding a City Plan Commission authorized hearing to determine proper zoning on property zoned Planned Development District No. 582, the Victory Planned Development District with consideration being given to appropriate zoning for the area including use, development standards, parking, and other appropriate regulations on property generally east of Stemmons Freeway and north of Woodall Rogers Freeway and an ordinance granting the amendments

Recommendation of Staff: Approval, subject to a revised conceptual plan and staff's recommended conditions

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

Z145-170(SM)

FILE NUMBER: Z145-170(SM)

DATE INITIATED: December 18, 2014

LOCATION: generally east of Stemmons Freeway and north of Woodall Rogers Freeway

COUNCIL DISTRICT: 2, 14

MAPSCO: 45-E, 45-J, 45-K

SIZE OF REQUEST: Approximately 86.95 acres

CENSUS TRACT: 19.00

REQUEST: A City Plan Commission authorized hearing to determine proper zoning on property zoned Planned Development District No. 582, the Victory Planned Development District with consideration being given to appropriate zoning for the area including use, development standards, parking, and other appropriate regulations.

SUMMARY: The purpose of this authorized hearing is to amend Planned Development District No. 582, the Victory Planned Development District to update traffic circulation to match the 2014 thoroughfare amendments in the District, consider appropriate land uses, amend off-street vehicle and bike parking regulations, and enhance street-level activity. On December 18, 2014, the City Plan Commission authorized a public hearing to amend and expand the Victory SPSP and Victory Planned Development District (PDD No. 582) because the interested party, Lance Fair on behalf of Victory Park UST Joint Venture I, LP, could not get every property owner's permission within the district. On June 17, 2015, Lance Fair paid the fee for the amendment and proposed the items requested. In the request, Lance Fair states that they "have been working with several City departments for over a year focusing on the transformation of Victory Park into a vibrant, pedestrian-friendly neighborhood that is inviting to residents, businesses, and visitors."

CPC RECOMMENDATION: Approval, subject to a revised conceptual plan and conditions.

STAFF RECOMMENDATION: Approval, subject to a revised conceptual plan and staff's recommended conditions.

DESIGNATED ZONING CASE

BACKGROUND INFORMATION:

- Victory Planned Development District No. 582 was established by Ordinance No. 24346, passed by the Dallas City Council on August 23, 2000.
- On January 22, 2014, City Council approved Ordinance No. 29260 for a Thoroughfare Plan amendment to North Houston Street and Victory Avenue that changed traffic flows from one-way to two-way. The project's objective is to improve mobility and pedestrian movement in the District and bicycle circulation by linking Victory Park to the Katy Trail.
- On September 10, 2015, a community meeting was held to discuss proposed amendments to the Victory SPSPD and Victory Special Purpose District.

Zoning History:

The principal zoning cases over the past five years are summarized below:

1. **Z145-181:** On Wednesday, January 13, 2016, the City Council approved an application for the renewal of Specific Use Permit No. 1803 for an open enrollment charter school on property zoned a CA-1(A) Central Area District
2. **Z145-306:** On Wednesday, January 13, 2016, the City Council approved an application for an amendment to Planned Development Subdistrict No. 96 within Planned Development District No. 193, the Oak Lawn Special Purpose District.
3. **Z134-305:** On Wednesday, August 12, 2015, the City Council approved Planned Development Subdistrict for I-2 Industrial Subdistrict uses on property zoned an I-2 Industrial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District.
4. **Z134-140:** On Wednesday, April 8, 2015, the City Council approved the renewal of Specific Use Permit No. 1822 for a three-year period, subject to a revised site plan and conditions; and an amendment to Planned Development Subdistrict No. 11, subject to a development plan and conditions; and the amendment to Historic Overlay H/64, the Magnolia Station Historic District.
5. **Z134-274:** On Wednesday, October 8, 2014, the City Council approved an application for an LC Light Commercial Subdistrict within Planned Development District No. 193, a D-1 Liquor Control Overlay and a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-through service on property zoned an MF-3 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District and a D Liquor Control Overlay.

6. **Z123-285:** On Wednesday, December 11, 2013, the City Council approved an authorized hearing to determine the proper zoning on property zoned Planned Development District No. 619 with consideration given to appropriate use regulations and development standards within Planned Development District No. 619.
7. **Z123-117:** On Wednesday, February 13, 2013, the Council approved an amendment to, and an expansion of, Planned Development Subdistrict No. 16 for O-2 Office Subdistrict uses on property zoned Planned Development Subdistrict No. 16 and an O-2 Office Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District.
8. **Z112-276:** On Wednesday, January 9, 2013, the City Council approved an application for a Planned Development Subdistrict for I-2 Industrial Subdistrict Uses on property zoned an I-2 Industrial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, and termination of Specific Use Permit No. 1671 for Multiple Family Uses.
9. **Z112-126:** On December 12, 2012, the City Council approved an application to amend Tract 1 of Planned Development Subdistrict No. 50 within Planned Development District No. 193, the Oak Lawn Special Purpose District.
10. **Z112-254:** On Wednesday, August 22, 2012, the City Council approved an application for a Subdistrict 1C within Planned Development District No. 621 on property zoned a Subdistrict 1 within Planned Development District No. 621.
11. **Z112-171:** On May 9, 2012, the City Council approved an application for a Planned Development Subdistrict for I-2 Industrial Subdistrict uses on property zoned an I-2 Industrial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District.

Thoroughfares:

Thoroughfare	Limits	Type	Description
N Houston Street	McKinney to Continental	Principal Arterial	4 lanes divided, 80'-200' ROW
	Continental to All Star Way	Principal Arterial	3 lanes undivided, 67' ROW with bicycle lane
	All Star Way to Hi Line	Principal Arterial	4 lanes undivided, 64'-67' ROW, 44'-47' pavement
	Victory to 1400' North	Collector	4 lanes undivided, 64' ROW
	1400' North to Harry Hines	Collector	4 lanes divided, variable 80'-150' ROW
Victory Avenue	Continental to Lamar	Principal Arterial	3 lanes undivided, 67' ROW, 47' pavement
	Lamar to N. Houston	Principal Arterial	4 lanes undivided, 67'-80' ROW
Hi Line		Principal Arterial	4 lanes divided, 80'-200' ROW
All Star Way		Collector	3 lanes undivided, 67' ROW
Olive		Principal Arterial	5 lanes undivided, 75'-86' ROW w/aux lanes
Lamar		Principal Arterial	3 lanes westbound couplet, 53'-56' ROW
Continental		Principal Arterial	4 lanes eastbound couplet, 70'-75' ROW

Land Use:

	Zoning	Land Use
Site	PDD 582	Mixed uses
North	PDD 193 (MF-2 and PDS)	Multifamily
East	PDD 193 (MF-2, MF-3, and PDS)	Multifamily, Parking, and Museum
South	CA-1(A) with West End Historic	Office, mixed uses
West	PDD 193 (I-3) and PDD 621	Office, mixed uses, office/showroom/warehouse

STAFF ANALYSIS:

Downtown Dallas 360 Plan

The *Downtown Dallas 360 Plan* designates the request site as a supporting district. Victory Park, a newly-minted district on the site of a former industrial area, is home to one of the Downtown area's most recognizable experiences, including visitor-oriented sports, entertainment and shopping that complement the nearby American Airlines Center. The Victory Park district's plan for additional high-rise residential and offices is anticipated to remain, fulfilling a niche in the overall Downtown market. However, its recent efforts to diversify present opportunities to further integrate the large development into the greater urban fabric. As Victory Park evolves and completes its build-out, the district should embrace a stronger connection to the rest of Downtown and to neighboring Uptown and Design District.

KEY RECOMMENDATIONS

- Support transit investment by orienting future developments to the Victory DART station and the potential streetcar line that would connect to the Dallas Design District and West End Historic District.
- Activate the Houston Street frontage with restaurants and entertainment venues that could attract future streetcar riders and open up façades that currently turn their backs to Uptown.
- Focus new tenant infill near the Museum Way and Houston intersection to strengthen connections to the Perot Museum of Nature and Science.

Stemmons/Design District Land Use Plan

Victory Plaza / American Airlines Center Area growth: This area has experienced dynamic growth and captured a range of new development including new hotel, retail, restaurant and entertainment centers. Victory Plaza has also become a popular location for community events. These events include the Mystikal Mardi Gras parade and New Year's Eve celebration. This area is connected via rail and opportunities exist to connect this area further to enhance its growth as a walkable center.

Victory Area Circulation Improvements

The Victory area is home to the American Airlines Arena, the W Hotel, numerous apartment and condominium developments and a large number of restaurants and entertainment options. It is capable of handling large volumes of traffic. The American Airlines Center alone has a seating capacity of over 18,500 patrons. Despite this capacity the Victory development can improve its connectivity to other portions of the City, in particular to the Design District.

The opportunity exists to connect the Victory Development to the Design District via Hi-Line Avenue. The connection along Hi-Line under the Stemmons freeway

should be improved to create a better connection to the Design District. The City should evaluate the feasibility of a circulator shuttle connecting the Victory development with the Design District and other area amenities.

Comprehensive Plan

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. It outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The Plan identifies the request site being within the Downtown building block.

The Downtown Building Block is a centrally located hub that provides high intensity, concentrated regional job and commercial activity supported by high-density housing. A Downtown includes pedestrian-oriented and mixed-use development and offers multiple transportation options. Ground floors of tall buildings feature shops with many windows for visual interest and safety while the streetscape incorporates trees for shade, wide sidewalks and easy-to-use signs for finding points of interest. Civic and open spaces provide an inviting atmosphere for pedestrians as well as a diversity of uses, generating activity throughout the day and evening.

The Downtown Building Block is an important transit hub for commuter rail, light rail, bus and local systems. This area warrants significant public investment to sustain itself as the signature address in the North Central Texas region and to continually reinvent itself to maintain its competitive advantage.

The request is consistent with all the above plans as the changes generally relate to parking and traffic circulation improvements.

Zoning Features and Changes

General overview:

The changes included in this request are intended to update traffic circulation to match the 2014 thoroughfare amendments in the District, amend off-street vehicle and bike parking regulations, and enhance street-level activity. The following sections succinctly describe the general nature of the changes proposed and the full extent of the changes are outlined in the attached proposed Victory PDD conditions.

Parking structure facade standards:

The current Victory PDD text does not specify or regulate parking garage facades. Staff recommends that parking structure facades should be regulated to blend in with the surrounding buildings; prohibit cable guard strands, chain link fencing, and similar materials on exterior walls; incorporate similar materials in color and texture throughout the building; and limit openings to not exceed 60 percent of the total facade area. The regulations proposed are similar to those required in the Oak Lawn Special Purpose District No. 193, the predecessor and a direct neighbor to the Victory PDD.

Deleted Sections:

Several sections of the original Victory PDD are proposed to be deleted. Staff recommends these changes because the current regulations specify how roadways should be constructed and operate. Each of these sections has been completed and are now obsolete or have a separate and often conflicting regulations. For example, the typical regulation that determines the flow of traffic within rights-of-way is the thoroughfare plan which is amended separately. A summary of the sections deleted are as follows:

1. Continental/Lamar Bridge Improvement Alternates, Exhibits 582D and 582E.
2. SEC. 51P-582.112. Maintenance of essential roadway capacity and safety.
3. SEC. 51P-582.114. Phasing of development.
4. SEC. 51P-582.115. Traffic control installation and modification.

Off-street parking and loading regulations:

Several amendments are included with this request regarding off-street parking and loading requirements of private property owners. Subsection b of Section 51P-582.113 is largely an update to refer to Division 51A-4.200 for individual uses and provide consistency with regulating handicapped parking, which is regulated by the State of Texas in a separate document.

Staff recommends that the parking reductions for proximity to transit stations of subsection h remain the same but simplify the text to reflect the regular DART station schedule. The existing reduction for uses within a 1,200-foot walking distance is existing and consistent with industry standards that show transit use to be more prevalent when located close to a transit station. Victory Park has proposed an extension of the walking distance for a parking reduction to 2,640 feet. Staff recommends keeping the walking distance limitation at 1,200 feet as the minimum off-street parking requirements are already reduced in subsection b from the requirements of the Dallas Development Code.

A second type of parking reduction proposed by Victory Park is for on-street parking. Staff generally supports reducing minimum off-street parking requirements by counting on-street parking however; those instances are generally in areas that were developed prior to minimum off-street parking requirements, such as Deep Ellum. Staff recommends denial of this request because the parking requirements are already reduced and new developments should be able to construct adequate parking.

The final type of parking reduction in the request is for providing bicycle parking spaces. The current Dallas Development Code requires that bicycle parking becomes applicable when a change in land use occurs that requires additional parking. For instance, if a ten-story office building decides to add a café in the ground floor, the parking requirement increases for the site, and therefore bicycle parking requirements are

triggered for all uses in the site. This has proven difficult for the buildings in Victory PDD because many are multi-story buildings that are constructed near the street so the required guest bicycle parking spaces have no place to locate without obstructing pedestrian pathways. Therefore, it is proposed to have a non-conforming date of when the bicycle parking ordinance was passed that allows existing structures to not trigger bicycle parking requirements. Similar and related requests regarding bicycle parking are also proposed which include an opportunity for a waiver to consider how bicycle parking might impede pedestrian and DART access if installed, allowing bicycle parking in the right-of-way if a private license is obtained, and allowing remote bicycle parking to provide a unified and planned installation of required bicycle parking spaces within the District.

Private Licenses:

The current Victory PDD allows required landscaping elements in the public rights-of-way without the need to obtain a specific private license. Victory Park has proposed that additional features be added to the list of allowable items that do not require a separate private license. These items include installation and maintenance of street and pedestrian lighting, public seating areas, landscaping, signs, kiosks, canopies, fountains, benches, drinking fountains, trash containers, bollards, bicycle racks, artwork, planting and street amenities, hardscape, softscape, incidental design elements, and incidental architectural features.

Staff does not recommend this addition and recommends no change to the private license section because the use of private licenses protects the City of Dallas' liabilities if a passerby is injured on one of these items placed within the right-of-way. The Real Estate office of the City of Dallas has also streamlined their processes for issuing private licenses and the wait time for private licenses has greatly decreased since the Victory PDD was adopted in 2000.

Replace the Conceptual Plan (Exhibit 582B):

A revised conceptual plan is requested to allow flexibility for the reconfiguring of required open space. The existing conceptual plan shows a specifically delineated 0.33 acre open space area located within a block bound by High Market Street to the north, Victory Park Lane to the east, Lamar Street to the south, and Victory Avenue to the west. The proposed conceptual plan retains the minimum 0.33 acre open space requirement within the same block but leaves the specific shape of the open space undefined to allow for occasional reconfiguring to allow the owner flexibility to program the space for different purposes as needs arise. Staff recommends approval of the new conceptual plan as the existing Victory PDD open space regulations require "a drawing showing the exact location of the 0.33 acres of pedestrian open space must be submitted to the director. No amendment to the conceptual plan is required to identify the exact location of the 0.33 acres of pedestrian open space."¹

¹ Reference Section 51P-582.108(a)

Prior CPC Action - February 18, 2016:

Motion: It was moved to recommend **approval** of a City Plan Commission authorized hearing to determine proper zoning, subject to applicant's recommended conditions with a modification to require the open space area be contiguous and a revised conceptual plan on property zoned Planned Development District No. 582, the Victory Planned Development District with consideration being given to appropriate zoning for the area including use, development standards, parking, and other appropriate regulations on property generally east of Stemmons Freeway and north of Woodall Rogers Freeway.

Maker: Emmons
Second: Abtahi
Result: Carried: 14 to 0

For: 14 - Anglin, Emmons, Houston, Davis, Shidid,
Anantasomboon, Abtahi, Haney, Jung,
Housewright, Schultz*, Peadon, Murphy,
Tarpley

Against: 0
Absent: 1 - Ridley
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 484
Replies: For: 149 Against: 4

Speakers: For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226
Ken Reese, 2929 Carlisle St., Dallas, TX, 75204
Against: None

List of Partners and Principals

Victory Park UST Joint Venture I, LP

Lothar Estein, President

Lance Fair, Vice President

Proposed Amendments to:

ARTICLE 582.

PD 582.

Victory Planned Development District

SEC. 51P-582.101. LEGISLATIVE HISTORY.

PD 582 was established by Ordinance No. 24346, passed by the Dallas City Council on August 23, 2000. Ordinance No. 24346 amended Ordinance Nos. 10962 and 19455, Chapters 51 and 51A of the Dallas City Code, as amended.

SEC. 51P-582.102. PROPERTY LOCATION AND SIZE.

PD 582 is established on property generally located east of Stemmons Freeway and north of Woodall Rodgers Freeway. The size of PD 582 is approximately 86.95 acres.

SEC. 51P-582.103. DEFINITIONS.

(a) Unless the context clearly indicates otherwise, in this article:

(1) AQUARIUM means a facility where people gather to view aquatic life.

(2) CITY means the city of Dallas, Texas.

(3) ENTERTAINMENT COMPLEX means a public, multi-use sports, entertainment, and convention facility with a seating capacity of at least 15,000, where people view and participate in events and performances, including, but not limited to, theatrical, musical, and dramatic performances, professional or amateur sporting events, and meetings and assemblages.

(4) ENTERTAINMENT COMPLEX PLAZA means any outdoor area (whether publicly or privately owned) that is accessible to the public, and that is: (A) at least 10,000 square feet in size; (B) adjacent to an entertainment complex; or (C) within 300 feet of, and has direct pedestrian access to, an entertainment complex. Direct pedestrian access includes, but is not limited to, access across public or private streets.

(5) LANDSCAPE AREA means an area 100 percent of which is covered by natural grass, ground cover, or other natural plant materials (excluding screening).

(6) LEGAL HEIGHT means the maximum building height allowed under the airport flight overlay district regulations or any other ordinance or regulation in effect (including any applicable state or federal regulation).

(7) PEDESTRIAN OPEN SPACE means a publicly accessible pedestrian area, facility, or feature that is located on a lot. Examples include a plaza, covered walkway, or fountain; a lake or pond; a seating area; an outdoor recreation facility; or an enhanced pavement area. Examples of areas that are not considered pedestrian open space are:

- (A) parkways or unpaved areas included in street right-of-way;
- (B) sidewalks dedicated to the city either in fee simple or by easement;
- (C) any portion of a surface parking lot that is used for parking or vehicular circulation;
- (D) driveways or any other area of a lot intended primarily for vehicular use; and
- (E) any publicly accessible pedestrian area, facility, or feature that is less than 250 square feet in size.

(8) THIS DISTRICT means the entire planned development district created by Ordinance No. 24346.

(b) Unless otherwise stated, the definitions contained in Chapter 51A apply to this district.

SEC. 51P-582.104. INTERPRETATIONS.

(a) Unless otherwise stated, all references to code articles, divisions, or sections are to Chapter 51A, and all references to the “director” are to the director of development services.

(b) The interpretations in Chapter 51A, including Section 51A-2.101, “Interpretations,” apply to this article.

(c) For purposes of determining the applicability of regulations in this article and Chapter 51A triggered by adjacency or proximity to another zoning district, for purposes of interpreting the DIR and RAR requirements of Division 51A-4.800, and for purposes of interpreting the applicability of any other regulation of Chapter 51A involving the residential or nonresidential character of this district, this district is considered to be a nonresidential zoning district.

(d) This district is to be known as the Victory Planned Development District.

SEC. 51P-582.104.1 EXHIBITS.

The following exhibits are incorporated into this article:

Exhibit 582A: Subdistrict property descriptions.

Exhibit 582B: Conceptual plan.

Exhibit 582C: Pedestrian/open space plan.

Exhibit 582D: Reserved.

Exhibit 582E: Reserved.

Exhibit 582F: Streetscape Sectional Key.

Exhibit 582G: Pedestrian connections to railtran.

Exhibit 582H: Lyte Street tree planting zone.

Exhibit 582I: Victory Station access easement plan.

Exhibit 582J: Magnolia Hill landscaping plan.

Exhibit 582K: Master parking and floor area plan.

Exhibit 582K-1: Master parking and floor area plan supplement worksheet.

SEC. 51P-582.105. CREATION OF SUBDISTRICTS.

This district is divided into three subdistricts: the entertainment complex subdistrict, the north subdistrict, and the south subdistrict. The boundaries of all subdistricts are verbally described in Exhibit 582A and graphically shown on the conceptual plan (Exhibit 582B). In the event of a conflict, the verbal descriptions in Exhibit 582A control over the graphic descriptions shown on the conceptual plan.

SEC. 51P-582.106. CONCEPTUAL AND DEVELOPMENT PLANS.

(a) Conceptual plan. Use and development of the Property must comply with the conceptual plan. In the event of a conflict between the provisions of this article and the conceptual plan, the provisions of this article control.

(b) Development plan.

(1) Except as provided in this subsection, a development plan for each building site must be approved by the city plan commission before the issuance of any building permit to authorize work on that site. Development and use of each site must comply with the approved development plan for that site. Each development plan and any amendments must comply with the conceptual plan and this article. The portion of Section 51A-4.702(c) requiring submission of a development or site plan within six months of the city council's approval of the planned development district does not apply in this district. A development plan is not required for:

(A) utility work, including lighting and electrical service;

(B) site preparation and drainage work;

(C) landscaping or pedestrian amenities not required by this article, including plazas, courtyards, fountains, or similar architectural features;

(D) new surface parking areas that are shown on the master parking and floor area plan;

(E) temporary construction fencing;

(F) relocating required parking that does not reduce the number of required off-street parking spaces or exceed the walking distance requirements if the changes are shown on the master parking and floor area plan or its supplement; and

(G) relocating special parking that does not reduce the number of required off-street parking spaces if the changes are shown on the master parking and floor area plan or its supplement.

(2) Each development plan must comply with the requirements for a development plan listed in Section 51A-4.702 and include: (A) a tabulation box consisting of the proposed floor area and the existing floor area in all of the subdistricts on the Property; and (B) a tabulation box consisting of the proposed pedestrian open space and the existing pedestrian open space in all of the subdistricts on the Property. No sign is required to be shown on a development plan.

(3) A development plan approved by the city plan commission subject to conditions shall not be considered as finally approved. Until a revised development plan is finally approved by the commission, a development plan approved subject to conditions shall be deemed denied.

(4) Except as provided in this paragraph, an amendment to a development plan is a change in zoning district classification and must follow the same procedures set out in Section 51A-4.702.

(A) The city plan commission shall authorize minor amendments to the development plan that do not:

(i) change the uses permitted in this article;

(ii) increase the maximum floor area or height established in this article;

(iii) decrease the amount of required off-street parking established in this article; or

(iv) reduce the minimum yards required by this article at the boundary of the site.

(B) An amendment to an approved development plan is not required for:

(i) changes to a structure shown on the development plan, except parking structures, that do not increase the floor area, number of dwelling units, lot coverage, or guest rooms, and does not reduce the minimum required setbacks;

(ii) relocating or adding utilities, including lighting and electrical service;

(iii) changes to site preparation and drainage work;

(iv) changes to landscaping or pedestrian amenities not required by this article, including plazas, courtyards, fountains, and similar architectural features;

(v) changes to temporary construction fencing;

(vi) parking space reconfigurations that do not reduce the number of required off-street parking spaces;

(vii) relocating required parking that does not reduce the number of required off-street parking spaces or exceed the walking distance requirements if the changes are shown on the master parking and floor area plan or its supplement; and

(viii) adding or relocating special parking that does not reduce the number of required off-street parking spaces if the changes are shown on the master parking and floor area plan or its supplement.

(5) At the time a development plan for property in the South Subdistrict is submitted for approval with the city, a copy of the development plan must be sent to the West End Association. It shall be the responsibility of the property owner to deliver or mail the copy of the development plan to the association.

SEC. 51P-582.107. PEDESTRIAN AND VEHICULAR LINKS.

(a) North-south link.

(1) One north-south vehicular and pedestrian link must be provided within that portion of the Property between North Houston Street and Victory Avenue and between Olive Street and Lamar Street. The link's general location is as shown on the conceptual plan as North-South Link.

(2) The north-south link must consist of two sidewalks and may have a vehicular pavement area in between the sidewalks. The sidewalks must be either: (1) 15-foot-wide with a minimum unobstructed pavement width of ten feet; or (2) 12-foot-wide with a minimum unobstructed pavement width of seven feet and a minimum five-foot-wide arcade abutting the sidewalk. If a 12-foot-wide sidewalk is provided, no outdoor dining or other non-pedestrian facility is permitted within the sidewalk area. For purposes of this paragraph, “arcade” means a covered passageway or avenue located on private property. Pedestrian access to the arcade from the required sidewalk may not be obstructed, and the portion of the arcade abutting the sidewalk may not be enclosed.

(3) If a vehicular pavement area is provided, the pavement area may not exceed 44 feet in width with a maximum of two 12-foot-wide travel lanes and two 10-foot-wide parking lanes. The vehicular area may be a public or private street or a private access easement.

(4) Prior to the approval by the city plan commission of a development plan for property in the area described in Paragraph (1), the exact location of the north-south link must be identified on a drawing that is submitted to the director. The link must be provided prior to the issuance of a certificate of occupancy for any use on a lot that abuts the link. If a minimum five-foot-wide arcade is required adjacent to one of the sidewalks that portion of the arcade located on a lot abutting the sidewalk must be provided prior to the issuance of a certificate of occupancy for a use on that lot. A development plan for property located in this area must show the exact location of the north-south link on the building site. No amendment to the attached conceptual plan is required to identify the link.

(5) No elevated pedestrian walkway or skybridge may cross the north-south link.

(b) East-west links.

(1) Two east-west vehicular and pedestrian links must be provided within that portion of the Property between North Houston Street and Victory Avenue and between Olive Street and Lamar Street.

(2) The first link’s general location is shown on the conceptual plan as Connection A. It must be: (1) generally parallel to Lamar Street, beginning at a point near the intersection of Laws Street and North Houston Street and ending at a point along Victory Avenue; and (2) consist of a minimum 20-foot-wide vehicular pavement area with a minimum 12-foot-wide pedestrian pavement area (seven feet to remain unobstructed) on each side. The pedestrian areas must be dedicated as public sidewalks. The vehicular area may be a public or private street or a private access easement.

(3) The second link’s general location is shown on the conceptual plan as Connection B. It must be: (1) generally parallel to Lamar Street, beginning at a point near the intersection of Griffin Street and North Houston Street and ending at a point along Victory Avenue; and (2) consist of a minimum 20-foot-wide vehicular pavement area with a minimum five-foot-wide unobstructed pedestrian pavement area on each side. The pedestrian areas must be dedicated as public sidewalks. The vehicular area may be a public or private street or a private

access easement. A Dallas Area Rapid Transit (DART) commuter rail line may be located within the vehicular pavement area.

(4) Prior to the approval by the city plan commission of a development plan for property in the area described in Paragraph (1), the exact location of the east-west links must be identified on a drawing that is submitted to the director. A development plan for property located in this area must show the exact location of the links on the building site. No amendment to the conceptual plan is required to identify the east-west links.

(5) No certificate of occupancy may be issued to authorize a use on a lot abutting the first east-west link until the link has been provided as shown on the drawing submitted to the director and in compliance with the requirements of this article. No certificate of occupancy may be issued to authorize a use on a lot abutting the second east-west link until the link has been provided as shown on the drawing submitted to the director and in compliance with the requirements of this article.

SEC. 51P-582.108. PEDESTRIAN OPEN SPACE.

(a) Minimum amount of pedestrian open space. A minimum of 5.3 acres of publicly or privately owned pedestrian open space must be provided in this district. A minimum of 0.6 acres of this open space must be provided in each of the three subdistricts. A minimum of 0.33 **contiguous** acres of the required open space in the South Subdistrict must be located within the area labelled “Pedestrian Open Space” on the conceptual plan. Prior to the approval by the city plan commission of a development plan for property located between North Houston Street and Victory Avenue and between Olive Street and Lamar Street, a drawing showing the exact location of the 0.33 acres of pedestrian open space must be submitted to the director. No amendment to the conceptual plan is required to identify the exact location of the 0.33 acres of pedestrian open space.

(b) Minimum amount of landscape area in district and subdistricts. A minimum of 3.3 acres of the pedestrian open space in this district and a minimum of 25 percent of the required pedestrian open space in each of the subdistricts must consist of a landscape area.

(c) Minimum amount of landscape area in each pedestrian open space.

(1) Except as provided in Paragraphs (2) and (3), a minimum of 25 percent of the area of each pedestrian open space must consist of landscape area.

(2) One hundred percent of the pedestrian open space located on the roof of a parking garage must consist of landscape area.

(3) The following pedestrian open space areas are not required to have landscape area: (A) areas less than 1,000 square feet in size; (B) areas located under elevated street or expressway right-of-ways; and (C) the areas so designated on Exhibit 582C.

(d) Parking structures. As much as fifty percent of the required landscape area in this district may be located on the roofs of parking garages that do not exceed a height of six feet above grade.

(e) Development plan requirements. The amount of pedestrian open space and landscape area on a building site must be indicated on the approved development plan for that site.

(f) Phasing of pedestrian open space and landscape area.

(1) No certificate of occupancy may be issued that would authorize a use on a lot abutting the pedestrian open space area shown on the conceptual plan until the minimum 0.33 acres of pedestrian open space required in Subsection (a) and minimum 0.08 acres of landscape area required in Subsection (b) have been provided.

(2) No certificate of occupancy may be issued that would authorize the use of floor area that would cause the total floor area within this district to exceed 1,750,000 square feet until a minimum of one acre of pedestrian open space and a minimum of 0.6 acres of landscape area have been provided in the district.

(3) No certificate of occupancy may be issued that would authorize the use of floor area that would cause the total floor area within this district to exceed 4,000,000 square feet until a minimum of two acres of pedestrian open space and a minimum of 1.25 acres of landscape area have been provided in the district.

(4) No certificate of occupancy may be issued that would cause the total floor area within this district to exceed 6,000,000 square feet until a minimum of four acres of pedestrian open space and a minimum of 2.5 acres of landscape area have been provided in the district.

(5) No certificate of occupancy may be issued that would cause the total floor area within this district to exceed 8,000,000 square feet until a minimum of 5.3 acres of pedestrian open space and a minimum of 3.3 acres of landscape area have been provided.

SEC. 51P-582.109. USE REGULATIONS.

(a) Main uses permitted. The following main uses are permitted in this district:

(1) Agricultural uses.

-- None permitted

(2) Commercial and business service uses.

-- Catering service.

-- Custom business services.

-- Job or lithographic printing. *[In the entertainment complex and south subdistricts, this use may not exceed 5,000 square feet of floor area.]*

-- Medical or scientific laboratory.

-- Technical school. *[In the entertainment complex and south subdistricts, this use is only permitted on the first story when: (A) 50 percent of the floor area on that first story is comprised of retail and personal service uses; and (B) the use does not exceed 5,000 square feet of floor area on the first story.]*

(3) Industrial uses.

-- Industrial (inside) light manufacturing. *[By right in the north subdistrict; limited use in the south and entertainment complex subdistricts.]*

-- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

(4) Institutional and community service uses.

-- Adult day care facility.

-- Child-care facility.

-- Church.

-- College, university, or seminary. *[In the entertainment complex and south subdistricts, this use is only permitted on the first story when: (A) 25 percent of the floor area on that first story is comprised of retail and personal service uses; and (B) the use does not exceed 10,000 square feet of floor area on the first story.]*

-- Community service center.

-- Convalescent and nursing homes, hospice care, and related institutions. *[North subdistrict only.]*

-- Hospital. *[North subdistrict only.]*

-- Library, art gallery, or museum.

-- Public or private school. *[In the entertainment complex and south subdistricts, this use is only permitted on the first story when: (A) 25 percent of the floor area on that first story is comprised of retail and personal service uses; and (B) the use does not exceed 10,000 square feet of floor area on the first story.]*

(5) Lodging uses.

-- Hotel and motel.

(6) Miscellaneous uses.

-- Carnival or circus (temporary).

-- Temporary construction or sales office.

-- Aquarium.

(7) Office uses.

-- Financial institution without drive-in window.

-- Financial institution with drive-in window.

-- Medical clinic or ambulatory surgical center.

-- Office.

(8) Recreation uses.

-- Private recreation center, club, or area.

-- Public park, playground, or golf course.

- Entertainment complex. *[Entertainment complex subdistrict only.]*

(9) Residential uses.

- Duplex.
- Handicapped group dwelling unit.
- Multifamily.
- Residential hotel.
- Retirement housing.
- Single family.

(10) Retail and personal service uses.

- Alcoholic beverage establishments.
- Ambulance service. *[North subdistrict only.]*
- Auto service center. *[North subdistrict only.]*
- Business school. *[In the entertainment complex and south subdistricts, this use is only permitted on the first story when: (A) 50 percent of the floor area on that first story is comprised of retail and personal service uses; and (B) the use does not exceed 5,000 square feet of floor area on the first story.]*

- Car wash. *[North subdistrict only.]*
- Commercial amusement (inside).
- Commercial amusement (outside).
- Commercial parking lot or garage.
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- Liquor store.
- Motor vehicle fueling station. *[North subdistrict only.]*
- Nursery, garden shop, or plant sales.
- Outside sales. *[Limited to 20 percent of lot area.]*
- Personal service uses.
- Restaurant without drive-in or drive-through service.
- Surface parking.
- Temporary retail use.
- Theater.
- Vehicle display, sales, and service. *[Outside vehicle display and sales may not exceed 20 percent of lot area in the north subdistrict; outside vehicle display and sales and all vehicle service is prohibited in the entertainment complex and south subdistricts; and inside vehicle sales and display may not exceed 15,000 square feet of floor area in the entertainment complex and south subdistricts.]*

(11) Transportation uses.

- Heliport.
- Helistop.
- Private street or alley.
- Railroad passenger station.

- STOL (short takeoff or landing) port.
- Transit passenger shelter.
- Transit passenger station or transfer center.

(12) Utility and public service uses.

- Commercial radio or television transmitting station.
- Electrical generating plant.
- Electrical substation.
- Local utilities.
- Police or fire station.
- Post office.
- Radio, television, or microwave tower.
- Tower/antenna for cellular communication.
- Utility or government installation other than listed.

(13) Wholesale, distribution, and storage uses.

- Recycling drop-off container.

(b) Main uses prohibited. Any use not listed in Subsection (a) is prohibited as a main use in this district.

(c) Accessory uses permitted.

(1) As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(2) The following accessory uses are not permitted in this district:

- Accessory medical/infectious waste incinerator.
- Accessory pathological waste incinerator.
- Amateur communication tower.
- Day home.
- General waste incinerator.
- Pedestrian skybridges.
- Private stable.

(3) A car wash is only permitted as an accessory use in the entertainment complex and south subdistricts if the washing of vehicles is conducted in an enclosed structure.

(4) A college dormitory, fraternity, or sorority house is permitted only as an accessory use to a college, university, or seminary.

(5) Except as otherwise provided, an accessory outside storage use is permitted only with visual screening. For an entertainment complex use in the entertainment complex

subdistrict, accessory outside storage is permitted without visual screening. In the entertainment complex subdistrict, accessory outside storage may exceed five percent of the lot area.

(d) Use restricted tract. On that property identified as the “Use Restricted Tract” on the conceptual plan, the following additional use regulations apply:

(1) All uses fronting on North Houston Street and located on the first story must be retail uses. For purposes of this provision, a use fronts on North Houston Street if any portion of a wall that houses or directly encloses the use abuts North Houston Street.

(2) A minimum of 75 percent of the floor area of the first story must be occupied by retail uses.

(3) In this subsection, retail use means one of the following uses:

- Alcoholic beverage establishments.
- Commercial amusement (inside).
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- Liquor store.
- Personal service use.
- Restaurant without drive-in or drive-through service.

SEC. 51P-582.110. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this section and Division 51A-4.400, this section controls.)

(a) Front, side, and rear yard.

(1) Except as provided in Paragraphs (2) and (3), no minimum front, side, or rear yard.

(2) In the area of the north subdistrict designated as “Restricted Area” on the conceptual plan, a side yard setback of one foot for each two feet in height above 60 feet is required for that portion of a structure over 60 feet in height, up to a maximum setback of 20 feet.

(3) On Tract 2 in the entertainment complex subdistrict, the following setbacks are required along Akard Street:

(A) For that portion of a structure over 90 feet in height, a 240-foot setback, measured from the centerline of the right-of-way, is required.

(B) For that portion of a structure over 255 feet in height, a 260-foot setback, measured from the centerline of the right-of-way, is required.

(C) For that portion of a structure over 340 feet in height, a 280-foot setback, measured from the centerline of the right-of-way, is required.

(b) Dwelling unit density. No maximum dwelling unit density.

(c) Floor area.

(1) Maximum floor area is as follows:

(A) In the north subdistrict, six million square feet.

(B) In the entertainment complex subdistrict, 2.8 million square feet.

(C) In the south subdistrict, seven million square feet, except that in Tract A as shown on the conceptual plan, 1.5 million square feet.

(2) Maximum cumulative floor area permitted in this district is 10.6 million square feet.

(d) Height.

(1) Except as provided in Paragraphs (2) and (3), maximum structure height is any legal height.

(2) In the entertainment complex subdistrict, maximum structure height on Tract 1 as shown on the conceptual plan is 90 feet. This regulation does not apply to light poles and other lighting fixtures.

(3) In that portion of the north subdistrict labelled "Restricted Area" on the conceptual plan, maximum structure height is 270 feet.

(e) Lot coverage. No maximum lot coverage.

(f) Lot size. No minimum lot size.

(g) Stories. No maximum number of stories.

(h) Building width.

(1) Except as provided in Paragraph (2), no maximum building width.

(2) On Tract 2 in the entertainment complex subdistrict, the maximum width of any portion of a building facade along Payne Street that is above 90 feet in height is 215 feet.

CPC recommendation:

Denial of **SEC. 51P-582.110.1. STRUCTURE FACADE STANDARDS.**

Staff recommendation:

SEC. 51P-582.110.1. STRUCTURE FACADE STANDARDS.

(a) Off-street parking structures.

(1) All parking structures constructed after [passage of ordinance] must be either underground or concealed within a building or architecturally screened in a manner to make them appear similar in appearance to the facade of a neighboring non-parking structure.

(2) One maximum 40-foot-wide vehicular entrance is allowed on each facade.

(3) Cable guard strands, chain link fencing, and similar materials on exterior walls are prohibited.

(4) A minimum of 12 percent of the parking structure facade (including openings, if any) must be covered with materials similar in color and texture used predominantly on the first 24 feet of height of a neighboring non-parking structure.

(4) Openings in the parking structure facade may not exceed 60 percent of the total facade area.

(b) Highly reflective glass prohibited. Highly reflective glass may not be used as an exterior building material on any building or structure in the district constructed after [passage of ordinance]. For purposes of this subsection, highly reflective glass means glass with exterior visible reflectance percentages in excess of 27 percent. Visible reflectance is the percentage of available visible light energy reflected away from the exterior surface of the glass. (The higher the percentage, the more visible light reflected and the more mirror-like the surface will appear.)

SEC. 51P-582.111. TRANSPORTATION MANAGEMENT PLAN.

(a) Transportation management plan (TMP) in general. No certificate of occupancy may be issued for an entertainment complex unless a TMP has been submitted to the director of public works and transportation. The TMP must be updated periodically for 10 years as follows: (1) the first update must be submitted to the director of public works and transportation no later than one year after the date that the certificate of occupancy is issued; and (2) updates must be submitted, at a minimum, once every year thereafter for nine years. The preparation and submission of the TMP and its updates are the responsibility of the property owner or the owner's assignee or representative. The TMP and its updates must be: (1) prepared by a registered professional engineer skilled in transportation engineering; and (2) approved by the director of public works and transportation.

(b) Contents of the TMP. The TMP and its updates must be in writing and report on the following:

(1) The planned and actual operation of the street system within and in the immediate vicinity of this district, describing special traffic controls, lane operation, signal timing patterns, and traffic control personnel.

(2) The planned and scheduled construction of the street system within and in the immediate vicinity of this district and its completion level.

(3) Development and occupancy levels within this district.

(4) The planned and actual maintenance and management of traffic within and in the immediate vicinity of this district during the construction of roadways and buildings.

(5) The planned and actual number of parking spaces in this district, their location, and how they are shared and operated, with special emphasis on the parking situation for events occurring at the entertainment complex during weekdays, weeknights, and weekends.

(6) Vehicular congestion and pedestrian safety concerns at locations both internal and external to this district, together with an analysis of and recommendations for appropriate mitigation measures.

(c) Effect of TMP. The TMP and its updates are for informational purposes only. Although the property owner is not required to implement any recommendations in the TMP or its updates, each applicant for development plan approval shall make reasonable efforts to address the transportation issues raised in the TMP or the most recent update.

SEC. 51P-582.112. RESERVED. ~~[MAINTENANCE OF ESSENTIAL ROADWAY CAPACITY AND SAFETY.]~~

~~(a) The following conditions apply to Olive Street:~~

~~(1) Two access points are permitted on the north side of Olive Street between North Houston Street and Victory Avenue, and only one access point is permitted on the south side of Olive Street between North Houston Street and Victory Avenue. The operation of these driveways must be restricted to right turn in and right turn out movements.~~

~~(2) No mid-block traffic signals are permitted on Olive Street between North Houston Street and Victory Avenue.~~

~~(3) One mid-block pedestrian crosswalk is permitted on Olive Street between North Houston Street and Victory Avenue. The location of the mid-block pedestrian crosswalk must be approved by the director of public works and transportation.~~

(b) ~~The director of public works and transportation may waive a condition in Subsection (a) if a transportation study prepared by a registered professional engineer skilled in transportation engineering shows that the waiver will not adversely affect efficient traffic flow or the safety of motorists and pedestrians.]~~

SEC. 51P-582.113. OFF-STREET PARKING AND LOADING REGULATIONS.

(a) Off-street parking and loading requirements generally. Except as otherwise provided in this section, consult the off-street parking and loading regulations (Division 51A-4.300, et seq.) for information regarding off-street parking and loading.

(b) Off-street parking ratios. Off-street parking must be provided at the following ratios:

(1) ~~[For an alcoholic beverage establishment, one space for each 100 square feet of floor area. If more than ten off street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]~~

(2) ~~For an entertainment complex, one space for each four seats with a minimum of 5,000 parking spaces required. [Handicapped parking must be provided pursuant to Section 51A-4.305.]~~

(2[3]) ~~For a multifamily use, 1.25 spaces for each dwelling unit. [If more than ten off street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]~~

(3[4]) ~~For an office use, one space for each 500 square feet of floor area. [If more than ten off street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]~~

(4[5]) ~~For a restaurant without drive-in or drive-through service, one space for each 100 square feet of floor area. [If more than ten off street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]~~

(5[6]) ~~For all other retail and personal service uses, one space for each 500 square feet of floor area. [If more than ten off street parking spaces are required for the use, handicapped parking must be provided pursuant to Section 51A-4.305.]~~

(6[7]) ~~For a hotel or motel:~~

(A) 0.5 spaces for each hotel or motel room; and

(B) one space for each 200 square feet of ballroom and meeting room floor area. ~~[If more than ten off street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]~~

(7[8]) For a theater, one space for each five seats. [~~If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~]

(8[9]) For an aquarium, one space for each 500 square feet of floor area. [~~If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.~~]

(9[40]) For all other permitted uses, consult the use regulations (Division 51A-4.200) for the specific off-street parking requirements for each use.

(c) Off-street loading ratios. Off-street loading must be provided as follows:

(1) For an entertainment complex, four large loading bays must be provided.

(2) For an aquarium, off-street loading must be provided as follows:

<u>SQUARE FEET OF TOTAL FLOOR AREA IN STRUCTURE</u>	<u>REQUIRED SPACES OR BERTHS</u>
0 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(3) For all other permitted uses, consult the use regulations (Division 51A-4.200) for the specific off-street loading requirements for each use.

(d) Special parking regulations.

(1) The special parking provisions in Division 51A-4.320 do not apply to special parking shown on the master parking and floor area plan (Exhibit 582K) or its supplement.

(2) Special parking may not be used to satisfy the off-street parking requirements for residential uses.

(e) Master parking and floor area plan.

(1) Purpose. Because off-street parking requirements for uses in this district may be provided in remote locations, the master parking and floor area plan identifies the locations of all off-street parking, determines the amount of required off-street parking, identifies any available off-street parking, and ensures that each use within the district meets the off-street parking requirements.

(2) Master parking plan and floor area supplement.

(A) To maintain adequate required off-street parking for all uses within this district, a master parking and floor area plan supplement must be submitted to and approved by the building official (see Exhibit 582K-1) if:

(i) a development plan or minor amendment is approved by city plan commission;

(ii) required off-street parking spaces are relocated; or

(iii) special parking spaces are added or removed.

(B) A master parking and floor area plan supplement must include:

(i) the number of existing required off-street parking spaces;

(ii) the number of required off-street parking spaces added, deleted, or relocated;

(iii) the location of required off-street parking spaces added, deleted, or relocated;

(iv) the number and location of all special parking spaces;

(v) a revised master parking and floor area plan (see Exhibit 582K) that shows:

(aa) changes to a development plan or minor amendment; and

(bb) other changes to the master parking and floor area plan since the last update, including changes to floor area and revisions to streets, alleys, or private drives.

(C) Master parking and floor area plan.

(i) The building official shall maintain a copy of each approved master parking and floor area supplement.

(ii) The Property owner must deliver a copy of each approved master parking and floor area supplement to the director of development services within five days of the building official's approval of each supplement.

(f) Fees for required off-street parking. A property owner may charge a fee on a daily, hourly, or other basis for the use of required off-street parking.

(g) Location of off-street parking.

(1) In general.

(A) Each application for a building permit or certificate of occupancy must include a tabulation box, which provides the following information:

(i) The total floor area and total number of dwelling units, guest rooms, and seats for each use that is a part of the application.

(ii) The total floor area and total number of dwelling units, guest rooms, and seats for all uses in this district as of the date of the application, including the proposed uses that are a part of the application.

(iii) The off-street parking required for each use in this district, including the proposed uses that are a part of the application.

(iv) The location of the required off-street parking for all uses located in this district, including the proposed uses that are a part of the application.

(B) Unless otherwise expressly provided in the regulations governing individual subdistricts, as much as one hundred percent of the required off-street parking for a use may be provided off-site and not on the lot occupied by the main use. If the parking is not provided in this district, a parking agreement is required pursuant to Section 51A-4.328; no license, however, is required. If the parking is provided in this district, no parking agreement or license is required.

(C) An entertainment complex may only share required off-street parking with an office or medical or scientific laboratory use located in this district. Shared parking for office or medical or scientific laboratory uses must be shown on an approved development plan. If sharing of off-street parking for these uses is proposed, the hours of operation must be mutually exclusive or compatibly overlapping. As much as one hundred percent of the parking for an entertainment complex may be shared even if the parking is not located on the lot occupied by the entertainment complex.

(D) A restaurant without drive-in or drive-through service, alcoholic beverage establishments, or commercial amusement (outside or inside) use may only share required off-street parking with an office or medical or scientific laboratory use located in this district. The shared parking for the restaurant without drive-in or drive-through service, alcoholic beverage establishments, or commercial amusement (outside or inside) must be shown on an approved development plan. If sharing of off-street parking for these uses is proposed, the hours of operation must be mutually exclusive or compatibly overlapping. Up to 100 percent of the parking for a restaurant without drive-in or drive-through service, alcoholic beverage establishments, or commercial amusement (outside or inside) uses may be shared with office or medical or scientific laboratory uses even if the parking is not located on the lot occupied by the use.

(2) North subdistrict.

(A) Except as provided in this paragraph, required off-street parking for uses in the north subdistrict is restricted to that subdistrict and the entertainment complex subdistrict.

(B) Required off-street parking for a multifamily use in the north subdistrict is further restricted to the lot occupied by the main use. Exception: Required off-street parking spaces for a multifamily use may be located on one or more other lots if they are within a 300-foot walking distance and can be reached by the residents without crossing a thoroughfare.

(C) Except as provided in Subparagraph (B), required off-street parking for uses in the north subdistrict may also be provided in the south subdistrict if they are within 1,200 feet of the north subdistrict boundary.

(3) Entertainment complex subdistrict.

(A) Except as provided below, required off-street parking for uses in the entertainment complex subdistrict is restricted to this district.

(B) Required off-street parking for an entertainment complex in the entertainment complex subdistrict can be located in another zoning district if the nearest edge of the parking lot is within 600 feet of the eastern boundary of this district or the southern boundary of the entertainment complex subdistrict.

(C) Required off-street parking for a multifamily use in the entertainment complex subdistrict is restricted to the lot occupied by the main use. Exception: Required off-street parking spaces for a multifamily use may be located on one or more other lots if they are within a 300-foot walking distance and can be reached by the residents without crossing a thoroughfare.

(4) South subdistrict.

(A) Except as provided below, required off-street parking for uses in the south subdistrict is restricted to that subdistrict and the entertainment complex subdistrict.

(B) Required off-street parking for a multifamily use in the south subdistrict is restricted to the lot occupied by the main use. Exception: Required off-street parking spaces for a multifamily use may be located on one or more other lots if they are within a 300-foot walking distance and can be reached by the residents without crossing a thoroughfare.

(C) Required off-street parking for an office use in the south subdistrict may be provided in:

(i) the north subdistrict if the furthest off-street parking space is within 1,200 feet of the boundary of the south subdistrict; and

(ii) another zoning district if the parking lot is within 600 feet of the office use, measured from the nearest edge of the parking lot to the nearest edge of the lot occupied by the office use.

(D) Required off-street parking for all other uses in the south subdistrict may be provided in:

(i) the north subdistrict if the furthest off-street parking space is within 1,200 feet of the boundary of the south subdistrict; and

(ii) another zoning district if the nearest edge of the parking lot is within 600 feet of the eastern, southern, or northern boundary of the south subdistrict.

(h) Off-street parking reductions. The following off-street parking provisions may be used to reduce the required off-street parking requirement for a use. These are the only off-street parking reductions available to a use in this district.

(1) Transit reduction.

CPC recommendation:

(A) <u>Except as provided in this section, a ten percent reduction applies to uses within a 2,640-foot walking distance of a rail transit station. In this subparagraph, WALKING DISTANCE means the distance from the nearest point of the platform to the nearest public entrance of the main use, measured along the most convenient pedestrian walkway.</u>
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Staff recommendation:

(A) <u>Except as provided in this section, a ten percent reduction applies to uses within a walking distance of 1,200-foot from a DART commuter rail transit station. In this subparagraph, WALKING DISTANCE means the distance from the nearest point of the platform to the nearest public entrance of the main use, measured along the most convenient pedestrian walkway.</u>

(B) Entertainment complex. No transit reduction is available for an entertainment complex use.

[(B) Office uses.

(i) ~~The off-street parking requirement for an office use may be reduced by three percent if the office use is within a walking distance of 1,200 feet from a DART commuter rail station at which DART commuter rail service is available during the morning and evening peak periods (between 7:00 a.m. and 8:30 a.m. and between 4:30 p.m. and 6:00 p.m., Monday through Friday).~~

(ii) ~~The off-street parking requirement for an office use may be reduced by ten percent if the office use is within a walking distance of 1,200 feet from a DART light rail station at which DART light rail service is available with train headways at least every 20 minutes during the morning and evening peak periods (between 7:00 a.m. and 8:30 a.m. and between 4:30 p.m. and 6:00 p.m., Monday through Friday).~~

(iii) ~~The total transit reduction for an office use may not exceed 10 percent.~~

(C) ~~All other uses. The off-street parking requirement for all other uses may be reduced by ten percent if the use is within a walking distance of 1,200 feet from a DART light rail station at which DART light rail service is available with train headways at least every 20 minutes during the morning and evening peak periods (between 7:00 a.m. and 8:30 a.m. and between 4:30 p.m. and 6:00 p.m., Monday through Friday).]~~

(2) Bicycle parking reduction. The off-street parking requirement for a use may be reduced by one percent by providing and maintaining bicycle parking in an amount equal to one percent of that off-street parking requirement. The type and location of the bicycle parking must be approved by the director of public works and transportation prior to the issuance of a certificate of occupancy for the use.

CPC recommendation:

(3) On-street parking. A parking space located on a public street may be included in the calculation of parking requirements if it is adjacent to the building site where the use is located.

(A) Each on-street parking space may only be counted for one use, except that an on-street parking space may be used to reduce the combined total parking requirement of a mixed use project.

(B) An on-street parking space that is not available to the public at all times of the day and night may not be included in the calculation of parking requirements.

Staff recommendation:

No change.

(i) Design and operation of off-street loading facilities. Unless waived in writing by the director of public works and transportation, off-street loading facilities must be designed and operated so that no maneuvering of vehicles occurs on streets designated on the city's Thoroughfare Plan.

(j) Design of Tract 1 parking garage spaces. All parking spaces in any parking garage on Tract 1 of the entertainment complex subdistrict must have a minimum width of 8.5 feet. Ten percent of these parking spaces must have a minimum depth of 16 feet and 9 inches.

(k) Bicycle parking.

(1) Except as provided in this subsection, bicycle parking is required in accordance with Division 51A-4.330.

(2) Building sites that are developed as of September 10, 2013 are considered non-conforming as to bicycle parking. Non-conforming building sites must only provide the minimum number of guest bicycle parking spaces when the applicability standards of Section 51A-4.331 are met.

(3) A waiver may be granted in accordance with Section 51A-4.335 if the location of guest bicycle parking would impede pedestrian traffic between a special event or an entertainment complex and parking areas or the DART station in addition to the possible findings in 51A-4.335 for the director to grant a waiver.

(4) Required bicycle parking may be located within the right-of-way when a private license is obtained.

(5) Remote bicycle parking may be established using the master parking and floor area plan (Exhibit 582K) if approved with a development plan or minor amendment to the master parking and floor area plan. Written consent from both property owners is required to apply for remote bicycle parking.

SEC. 51P-582.114. RESERVED. [PHASING OF DEVELOPMENT.]

~~(a) The following thoroughfare and traffic improvements must be substantially complete prior to the issuance of a certificate of occupancy that would authorize the use of floor area that would cause the total floor area within this district to exceed 500,000 square feet:~~

~~(1) Houston Street between McKinney Avenue and Continental Avenue as a four lane divided principal arterial.~~

~~(2) North Houston Street between Continental Avenue and Hi Line Drive as a four lane northbound principal arterial couplet.~~

~~(3) Hi Line Drive from Victory Avenue to Interstate Highway 35E (IH 35E) as a four lane divided principal arterial.~~

~~(4) Victory Avenue between Continental Avenue and Lamar Street as a two-lane southbound principal arterial couplet.~~

~~(5) Victory Avenue between Lamar Street and Hi Line Drive as a four lane southbound principal arterial couplet.~~

~~(6) Continental Avenue between McKinney Avenue and North Houston Street as a three lane eastbound principal arterial couplet.~~

~~(7) Continental Avenue between North Houston Street and the Dallas Area Rapid Transit right of way as a four lane eastbound principal arterial couplet.~~

~~(8) Lamar Street between McKinney Avenue and Victory Avenue as a three-lane westbound principal arterial couplet.~~

~~(9) Lamar Street between Victory Avenue and 225 feet east of IH 35E as a three-lane westbound principal arterial couplet.~~

~~(10) Two of the four westbound lanes of Lamar Street, a principal arterial couplet, between 225 feet east of IH 35E and IH 35E.~~

~~(11) Olive Street between Field Street and North Houston Street as an eight-lane undivided collector, including auxiliary lanes.~~

~~(12) Olive Street between North Houston Street and Victory Avenue as a five-lane undivided collector with auxiliary lanes at intersection approaches.~~

~~(13) All Star Way between North Houston Street and Victory Avenue as a four-lane undivided collector.~~

~~(14) Variable lane assignments for northbound Field Street at Olive Street.~~

~~(15) Reserved.~~

~~(16) One of the following options:~~

~~(A) Option A. Substantial completion of the extension of the IH 35E southbound frontage road between Oak Lawn Avenue and Hi Line Drive.~~

~~(B) Option B. Commencement of construction of the extension of the IH 35E southbound frontage road between Oak Lawn Avenue and Hi Line Drive. For purposes of this option, “commencement of construction” means that construction of the extension has actually begun or that construction of the extension is on the Texas Department of Transportation’s “Schedule for Letting.”~~

~~(17) One of the following improvements:~~

~~(A) Option A.~~

~~(i) Extension of North Houston Street between Hi Line Drive and 1,400 feet north of Hi Line Drive as a four-lane undivided collector.~~

~~(ii) Extension of North Houston Street between 1,400 feet north of Hi Line Drive and Harry Hines Boulevard as a four-lane divided collector.~~

(B) Option B.

(i) ~~Maintenance of the existing, two-lane road connection between Hi-Line Drive and Oak Lawn Avenue to a satisfactory standard, as approved by the director of public works and transportation.~~

(ii) ~~Southbound right turn lane on Field Street at Woodall Rodgers Freeway.~~

(18) ~~Traffic signals, traffic signal modifications, lane control signals, and pavement markings at the following intersections if those signals, modifications, and markings have been determined to be necessary in accordance with Section 51P-582.115:~~

(A) ~~Continental Avenue at North Houston Street and Victory Avenue.~~

(B) ~~Lamar Street at North Houston Street and Victory Avenue.~~

(C) ~~Olive Street at Field Street, North Houston Street, and Victory Avenue.~~

(D) ~~All Star Way at North Houston Street and Victory Avenue.~~

(E) ~~Hi-Line Drive at IH 35E frontage roads.~~

(F) ~~North Houston Street at Harry Hines Boulevard.~~

(b) ~~No certificate of occupancy may be issued that would authorize the use of floor area that would cause the total floor area within this district to exceed 1,750,000 square feet until the following thoroughfare improvements are substantially complete:~~

(1) ~~Extension of North Houston Street between Hi-Line Drive and 1,400 feet north of Hi-Line Drive as a four-lane undivided collector.~~

(2) ~~Extension of North Houston Street between 1,400 feet north of Hi-Line Drive and Harry Hines Boulevard as a four-lane divided collector.~~

(3) ~~Extension of the IH 35E southbound frontage road between Oak Lawn Avenue and Hi-Line Drive.~~

(c) ~~No certificate of occupancy may be issued that would authorize the use of floor area that would cause the total floor area within this district to exceed 4,000,000 square feet until the following thoroughfare and traffic improvements are substantially complete:~~

(1) ~~Southbound right turn lane on Field Street at Woodall Rodgers Freeway.~~

~~(2) Traffic signals, traffic signal modifications, lane control signals, and pavement markings at the following intersections if those signals, modifications, and markings have been determined to be necessary in accordance with Section 51P-582.115:~~

~~(A) Intersection of Continental Avenue and IH-35E.~~

~~(B) Intersection of Field Street and Woodall Rodgers Freeway.~~

~~(d) No certificate of occupancy may be issued that would authorize the use of floor area that would cause the total floor area within this district to exceed 5,000,000 square feet until the following have occurred:~~

~~(1) Substantial completion of Continental Avenue between IH-35E and the Dallas Area Rapid Transit right-of-way as a four-lane eastbound principal couplet.~~

~~(2) Substantial completion of Lamar Street between Victory Avenue and IH-35E as a four-lane westbound principal couplet with bridge constructed as shown on Exhibit 582D, or, in the alternative, governmental approval of the construction of Lamar Street between Victory Avenue and IH-35E as a four-lane westbound principal couplet with bridge constructed as shown on Exhibit 582E. For purposes of this paragraph, "governmental approval of the construction" means that: (A) governmental approval of the bridge design for Lamar Street, as shown on Exhibit 582E, has been obtained; (B) funds equal to an amount required to complete construction of Lamar Street as a four-lane westbound principal couplet with bridge as shown on Exhibit 582E has been deposited into a separate and dedicated city account; and (C) governmental approval of the construction schedule has been obtained requiring completion of Lamar Street within one year of the date of issuance of the certificate of occupancy.~~

~~(3) Installation of signals, modifications, and markings at the following intersections if those traffic signals, traffic signal modifications, lane control signals, and pavement markings have been determined to be necessary in accordance with Section 51P-582.115:~~

~~(A) Intersection of Continental Avenue and North Houston Street.~~

~~(B) Intersection of Lamar Street and IH-35E.~~

~~(e) No certificate of occupancy may be issued that would authorize the use of floor area that would cause the total floor area within this district to exceed 5,250,000 square feet until the following thoroughfare and traffic improvements are substantially complete:~~

~~(1) A TXDOT approved additional right turn lane on the IH-35E northbound frontage road at Continental Avenue as shown on Exhibit 582L.~~

~~(2) An additional left turn lane on northbound Field Street at Olive Street. If this improvement is not required by the director of public works and transportation, then this requirement is void.~~

~~(3) Traffic signals, traffic signal modifications, lane control signals, and pavement markings at the following intersections if those signals, modifications, and markings have been determined to be necessary in accordance with Section 51P-582.115:~~

~~(A) IH 35E northbound frontage road at Continental Avenue.~~

~~(B) Field Street at Olive Street.~~

~~(f) No certificate of occupancy may be issued that would authorize the use of floor area that would cause the total floor area within this district to exceed 6,000,000 square feet until there is substantial completion of Lamar Street between Victory Avenue and IH 35E as a four-lane westbound principal couplet with bridge as shown on either Exhibit 582D or 582E.~~

~~(g) No certificate of occupancy may be issued that would authorize the use of floor area that would cause the total floor area within this district to exceed 8,000,000 square feet until:~~

~~(1) the following thoroughfare and traffic improvements are substantially complete:~~

~~(A) traffic signal at the intersection of Harry Hines Boulevard and Payne Street;~~

~~(B) a TXDOT approved additional traffic lane on the westbound service road of Woodall Rodgers freeway approaching Field Street, as shown on Exhibit 582M;~~

~~(C) a pedestrian crossing traffic signal on Victory Avenue at the DART rail station; and~~

~~(D) traffic signals, traffic signal modifications, lane control signals, and pavement markings at the westbound service road of Woodall Rodgers Freeway approaching Field Street, if those signals, modifications, and markings have been determined to be necessary in accordance with Section 51P-582.115; and~~

~~(2) a comprehensive updated valet parking operational plan submitted to the director of public works and transportation.~~

~~(h) For purposes of this section, a thoroughfare and traffic improvement is substantially complete when all lanes and pedestrian facilities are open to public vehicular and pedestrian traffic. Once the director of public works and transportation has determined that a thoroughfare is substantially complete, any future modifications to that thoroughfare by a governmental entity will not detrimentally affect a property owner's ability to obtain additional certificates of occupancy.]~~

SEC. 51P-582.115. RESERVED. [TRAFFIC CONTROL INSTALLATION AND MODIFICATION.

~~The signals and markings described in Section 51P-582.114 must be installed or modified if the director of public works and transportation determines that such installation or modification is necessary for safe circulation within this district or for safe ingress and egress to and from property in this district.]~~

SEC. 51P-582.116. TREE PRESERVATION.

The tree preservation regulations in Article X apply to all property in this district.

SEC. 51P-582.117. LANDSCAPING, SCREENING, AND SIDEWALK REGULATIONS.

(a) Application of section.

(1) This section becomes applicable to all uses on an individual lot when work on the lot is performed that increases the existing building height, floor area, or nonpermeable coverage of the lot, unless the work is to restore a building that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy, or an accident of any kind.

(2) Once this section becomes applicable to a lot, its requirements are binding on all current and subsequent owners of the lot.

(3) Except as otherwise provided in this article, the landscaping regulations in Article X do not apply.

(4) Except as otherwise expressly modified in this article, the definitions in Article X do apply.

(5) The board of adjustment may grant a special exception to the landscaping requirements of this section if, in the opinion of the board, the special exception will not compromise the spirit and intent of this section. When feasible, the board shall require that the applicant submit and that the property comply with a landscape plan as a condition to the granting of this special exception.

(6) In this district, an artificial lot must wholly include any new building footprint. An artificial lot need not have public street frontage. No artificial lot may contain a land area that exceeds 50 percent of the total land area in this district.

(b) Landscaping and screening requirements in general.

(1) Irrigation and drainage systems. All landscaping and screening required under this subsection must be irrigated by an automatic irrigation system or an approved alternate irrigation system for green building or water-wise best practices. Trees must be irrigated by drip or bubble irrigation and, if necessary to maintain the trees, drained by permanent drainage

systems. Both the automatic irrigation and permanent drainage systems must be installed to comply with industry standards.

(2) Soil requirements.

(A) For each large shrub or small tree installation, a minimum of 30 inches of soil depth and 25 square feet of surface area (total of 62.5 cubic feet) must be provided.

(B) For each large tree installation, a minimum of 40 inches of soil depth and 25 square feet of surface area (total of 83.25 cubic feet) must be provided.

(C) The building official may waive the minimum soil requirements if a landscape architect or arborist qualified by the International Society of Arboriculture certifies that the proposed alternative soil depths and dimensions are sufficient to support the healthy and vigorous growth of the plant materials affected.

(c) Sidewalk regulations.

(1) For the portion of North Houston Street labelled as Section 1 on Exhibit 582F, an average unobstructed sidewalk width of five feet is required on the east side of the street. No portion of that eastern sidewalk, however, may have an unobstructed sidewalk width of less than four feet. On the west side of the street, a minimum unobstructed sidewalk width of six and one-half feet is required.

(2) For the portion of North Houston Street labelled as Section 2 on Exhibit 582F, an average unobstructed sidewalk width of five feet is required on the east side of the street. No portion of that eastern sidewalk, however, may have an unobstructed sidewalk width of less than four feet. On the west side of the street, a minimum unobstructed sidewalk width of nine and one-half feet is required.

(3) For the portion of North Houston Street labelled as Section 3 on Exhibit 582F, a minimum unobstructed sidewalk width of 16.5 feet is required on the east side of the street. On the west side of the street, a minimum unobstructed sidewalk width of nine and one-half feet is required.

(4) A minimum unobstructed sidewalk width of five and one-half feet is required along the south side of Lyte Street labelled as Section 4 on Exhibit 582F.

(5) For the portion of North Akard Street labelled as Section 5 on Exhibit 582F, a minimum unobstructed sidewalk width of four and one-half feet is required on the east side of the street. On the west side of the street, an average unobstructed sidewalk width of six and one-half feet is required. No portion of that western sidewalk, however, may have an unobstructed sidewalk width of less than four and one-half feet.

(6) For the portion of North Akard Street labelled as Section 6 on Exhibit 582F, a minimum unobstructed sidewalk width of four and one-half feet is required on the east side of

the street. On the west side of the street, a minimum unobstructed sidewalk width of six and one-half feet is required.

(7) For the portion of Payne Street labelled as Section 7 on Exhibit 582F, a minimum unobstructed sidewalk width of seven feet is required.

(8) For the portion of North Houston Street labelled as Section 8 on Exhibit 582F, a minimum unobstructed sidewalk width of 16.5 feet is required along the east side of the street. On the west side of the street, a minimum unobstructed sidewalk width of six and one-half feet is required if a pedestrian open space area with a minimum depth of 16 feet abuts and runs along the entire length of the sidewalk; otherwise, a minimum unobstructed sidewalk width of 22.5 feet is required.

(9) For the portion of North Houston Street labelled as Section 8A on Exhibit 582F, a minimum unobstructed sidewalk width of 12 feet is required along the east side of the street. On the west side of the street, a minimum unobstructed sidewalk width of six and one-half feet is required if a pedestrian open space area with a minimum depth of 16 feet abuts and runs along the entire length of the sidewalk; otherwise, a minimum unobstructed sidewalk width of 22.5 feet is required.

(10) For the portions of streets labelled as Section 9 on Exhibit 582F, a minimum unobstructed sidewalk width of nine and one-half feet is required.

(11) For the portion of Olive Street labelled as Section 10 on Exhibit 582F, a minimum unobstructed sidewalk width of nine and one-half feet is required on the north side of the street. On the south side of the street, a minimum unobstructed sidewalk width of six and one-half feet is required.

(12) For the portion of North Houston Street labelled as Section 11 on Exhibit 582F, a minimum unobstructed sidewalk width of four and one-half feet is required on the east side of the street. On the west side of the street, a minimum unobstructed sidewalk width of nine and one-half feet is required.

(13) For the portion of North Houston Street labelled as Section 12 on Exhibit 582F, a minimum unobstructed sidewalk width of six and one-half feet is required on the east side of the street. On the west side of the street, a minimum unobstructed sidewalk width of nine and one-half feet is required.

(14) For the portion of Continental Avenue labelled as Section 13 on Exhibit 582F, a minimum unobstructed sidewalk width of nine and one-half feet is required on the north side of the street. On the south side of the street, a minimum unobstructed sidewalk width of six feet is required.

(15) For the portion of Continental Avenue labelled as Section 14 on Exhibit 582F, no sidewalk is required on the north side of the street. On the south side of the street, a minimum unobstructed sidewalk width of five and one-half feet is required.

(16) For the portion of Victory Avenue labelled as Section 15 on Exhibit 582F, a minimum unobstructed sidewalk width of six and one-half feet is required.

(17) For the portion of Olive Street labelled as Section 16 on Exhibit 582F, the following minimum unobstructed sidewalk widths are required on the south side of the street:

(A) Seven and one-half feet for that portion of the sidewalk within 150 feet of the east line of Victory Avenue.

(B) Five feet for all other portions of the sidewalk.

(18) For the portion of Olive Street labelled as Section 16 on Exhibit 582F, a minimum unobstructed sidewalk width of nine and one-half feet is required on the north side of the street.

(19) For All Star Way labelled as Section 17 on Exhibit 582F, a minimum unobstructed sidewalk width of nine and one-half feet is required along the north side of the street. On the south side of the street, a minimum unobstructed sidewalk width of nine and one-half feet is required if a pedestrian open space area with a minimum depth of eight feet abuts and runs along the entire length of the sidewalk; otherwise, a minimum unobstructed sidewalk width of 17.5 feet is required.

(20) For the portion of Victory Avenue labelled as Section 18 on Exhibit 582F, a minimum unobstructed sidewalk width of six and one-half feet is required on the north side of the street. On the south side of the street, a minimum unobstructed sidewalk width of nine and one-half feet is required.

(21) For the portion of Victory Avenue labelled as Section 19 on Exhibit 582F, a minimum unobstructed sidewalk width of six and one-half feet is required on the north side of the street. On the south side of the street, an average unobstructed sidewalk width of six and one-half feet is required. No portion of that southern sidewalk, however, may have an unobstructed sidewalk width of less than four feet.

(22) For the temporary extension of Lamar Street labelled as Section 20 on Exhibit 582F, no sidewalks are required.

(23) For the portion of North Houston Street labelled as Section 21 on Exhibit 582F, a minimum unobstructed sidewalk width of nine and one-half feet is required on the east side of the street. On the west side of the street, an average unobstructed sidewalk width of five and one-half feet is required. No portion of that western sidewalk, however, may have an unobstructed sidewalk width of less than four feet.

(24) Two pedestrian ways, each a minimum of 15 feet wide, 10 feet of which must be unobstructed, are required in the area shown on Exhibit 582G.

(25) For all other public or private streets, a minimum sidewalk width of seven and one-half feet is required. Five of the required seven and one-half feet must be unobstructed.

(26) Buildings and other structures may extend over the sidewalk ~~(but not beyond the private property line)~~ if a minimum vertical clearance of 10 feet is maintained. Buildings and other structures may not extend into the right-of-way unless a license has been obtained.

(27) Required sidewalks need not be adjacent to the curb.

(28) Required sidewalks may be located in dedicated sidewalk easements on private property.

(d) Required landscaping.

(1) Street trees.

(A) Tree planting zone.

(i) Except as provided in Subparagraphs (A)(ii), (A)(iii), (A)(iv), and (F), the “tree planting zone” is that area parallel to and between two and one-half and five feet from the back of the projected street curb, or if there is no street curb, from the street or easement line.

(ii) The tree planting zone for the south side of Lyte Street between North Houston Street and Akard Street is that area labelled “Tree Planting Zone” on Exhibit 582H. The minimum five and one-half foot unobstructed sidewalk requirement for Lyte Street contained in Subsection (c) above must still be maintained.

(iii) The tree planting zone for pedestrian open space and entertainment complex plaza areas abutting a public or private street or access easement is anywhere within those areas.

(iv) The tree planting zone on a lot containing an entertainment complex use is the sidewalk area. The minimum unobstructed sidewalk requirements contained in Subsection (c) above must still be maintained.

(B) Number, location, and type of trees required.

(i) Each lot must have one or more large canopy trees with trunks located wholly within the tree planting zone. It is a defense to prosecution for a violation of this provision that the tree was wholly within the tree planting zone at the time of planting.

(ii) Except as provided in Subparagraphs (B)(vi), (B)(vii), and (B)(viii), the number of required trees is calculated by dividing the number of feet of lot frontage along a public or private street, or along an access easement that runs through a lot and has a

minimum pavement width of 26 feet, by 30. Fractions are rounded to the nearest whole number, with .5 being rounded up to the next higher whole number. Visibility triangles are not included in lot frontage calculations.

(iii) Except as otherwise provided on Exhibit 582H and this item, trees may not be spaced more than 75 feet apart. The building official may approve tree spacing between 75 and 100 feet apart as necessary for the health of a tree. Visibility triangles are not included in lot frontage calculations.

(iv) All required trees must be recommended for local area use by the city arborist.

(v) If the property owner is unable to obtain a landscape permit, or the private license granted under this article is revoked, the owner must locate the tree(s) on the lot as near as practicable to the front lot line.

(vi) A minimum of 20 trees must be provided along the south side of Lyte Street, between North Houston Street and Akard Street, as shown on Exhibit 582H.

(vii) The planting of trees along the east side of North Houston Street between Lyte Street and Payne Street is not required if the director of public works and transportation finds that the trees will impede pedestrian movement and cause a safety hazard.

(viii) No trees are required for the following areas:

(aa) Lot frontage along an access easement if an entertainment complex use is located on the lot.

(bb) Lot frontage along access easements shown on Exhibit 582I.

(cc) Lot frontage along an alley or along an access easement with less than 26 feet of pavement, measured from curb to curb or, if no curb exists, between the outer edges of the pavement.

(C) Minimum trunk caliper. Except as provided in Subparagraph (F), required trees must have a minimum trunk caliper of three inches measured at a point 12 inches above the root ball.

(D) Minimum clearance above pavement. The property owner shall maintain street trees five years of age or older in compliance with the following vertical height clearances over street and sidewalk pavements:

(i) Fourteen feet above street pavement.

(ii) Eight feet above a public sidewalk located on public or private property.

(E) Tree grates required near sidewalks. Tree grates must be provided for all trees with trunks located in a sidewalk or within 18 inches of a sidewalk. Suspended brick, pave stones, or similar materials may be used instead of a grate to protect tree roots and provide a pedestrian surface. These materials must conform to state standards and specifications adopted to eliminate, insofar as possible, architectural barriers encountered by aged, handicapped, or disabled persons. The grates or containment areas must be large enough to permit healthy tree growth.

(F) Alternate planting areas and tree requirements.

(i) In general. A certain percentage of required trees may be planted in a location other than the tree planting zone. The property owner may also, within specified limits, substitute two small trees for one required large tree.

(ii) Lots fronting on streets designated on the Thoroughfare Plan. This subparagraph applies to trees required along those portions of a lot abutting a street designated on the city's Thoroughfare Plan. Up to 20 percent of these trees may be located within 15 feet of the projected street curb. These trees must be provided on the lot. The property owner, as an alternative or in combination with the preceding regulation, may substitute two small trees for one large required tree. A maximum of 50 percent of the small trees may be planted in containers made out of ceramic, concrete, masonry, or other similar material. If trees are planted in a sidewalk, the minimum unobstructed sidewalk requirements in Subsection (c) must still be complied with. In no event may the property owner relocate or substitute more than 20 percent of the required large trees along a street frontage.

(iii) Lots fronting on all other streets or easements in the north and entertainment complex subdistricts. This subparagraph applies to trees required along those portions of a lot in the north and entertainment complex subdistricts that front on either a street not designated on the city's Thoroughfare Plan or an access easement with a pavement width greater than 26 feet. The pavement width is measured from curb to curb or, if no curb, from the outer edges of the pavement. Up to 20 percent of these trees may be located within 15 feet of the projected street curb. These trees must be provided on the lot. The property owner, as an alternative or in combination with the preceding regulation, may also substitute two small trees for one large required tree. A maximum of 50 percent of the small trees may be planted in containers made out of ceramic, concrete, masonry, or other similar material. If trees are planted in a sidewalk, the minimum unobstructed sidewalk requirements in Subsection (c) must still be complied with. In no event may the property owner relocate or substitute more than 20 percent of the required large trees along a street or access easement frontage.

(iv) Lots fronting on all other streets or easements in the south subdistrict. This subparagraph applies to trees required along those portions of a lot in the south subdistrict that front on either a street not designated on the city's Thoroughfare Plan or an access easement with a pavement width greater than 26 feet. The pavement width is measured

from curb to curb or, if no curb, from the outer edges of the pavement. Up to 50 percent of the required trees along lot frontage in these described areas may be located either: (aa) within 15 feet of the projected street curb, or (bb) in a pedestrian open space located within the south subdistrict if the property owner plants one large and one small tree for the one large tree being relocated. The property owner, as an alternative to, or in combination with, (aa) above, may substitute two small trees for one large required tree. A maximum of 50 percent of the small trees located in a sidewalk or within 15 feet of the projected street curb may be planted in containers made out of ceramic, concrete, masonry, or other similar material. If trees are planted in a sidewalk, the minimum unobstructed sidewalk requirements in Subsection (c) must still be complied with. In no event may the property owner relocate or substitute more than 50 percent of the required large trees along a street or access easement frontage.

(v) Small trees must have a minimum trunk caliper of two inches measured at a point 12 inches above the root ball.

(2) Surface parking lot trees. No required parking space on a surface parking lot may be located more than 120 feet from the trunk of a large canopy tree. Each tree must have a caliper of at least two inches and may not be planted closer than two and one-half feet to the paved portion of the parking lot. The planting area for parking lot trees must have a minimum of 36 square feet of surface area.

(3) Magnolia Hill landscape buffer. Landscaping on property located between North Houston Street and the Katy Trail must be provided as shown on Exhibit 582J. All large trees must have a minimum trunk caliper of three inches, and all small trees must have a minimum trunk caliper of two inches. All landscaping shown on Exhibit 582J must be provided within six months of the issuance of a certificate of occupancy for an entertainment complex use.

(4) Lyte Street parking garage landscaping. Prior to the issuance of a certificate of occupancy for a parking garage on Tract 1 of the entertainment complex subdistrict, vines, or other similar climbing plant must be provided along the entire length of the Lyte Street-facade of the parking garage.

(5) Measurement of trees. Trunk calipers shall be measured at the time of planting.

(e) Screening regulations.

(1) Off-street loading and garbage storage area screening.

(A) Off-street loading spaces and garbage storage areas must be screened from a public street or access easement that is adjacent to the lot.

(B) Screening required by this subsection must be at least six feet in height measured from the horizontal plane passing through the nearest point of the off-street loading space or garbage storage area.

(C) All off-street loading areas must be screened from a street or access easement by using one or more of the following methods to separately or collectively attain a minimum height of three feet as measured above:

(i) Earthen berm planted with turf grass or ground cover recommended for local area use by the director of parks and recreation. The berm may not have a slope that exceeds one foot of height for each three feet of width.

(ii) Solid wood or masonry fence or wall.

(iii) Hedge-like evergreen plant materials recommended for local area use by the city arborist. The plant materials must be located in a bed that is at least three feet wide with a minimum soil depth of 24 inches. Initial plantings must be capable of obtaining a solid appearance within three years. Plant materials must be placed 36 inches on center over the entire length of the bed unless a landscape architect recommends an alternative planting density that the building official determines is capable of providing a solid appearance within three years.

(D) All garbage storage areas must be screened from a street or access easement by a solid wood or masonry fence or wall.

(E) Access through required screening may be provided only by a solid gate that equals the height of the screening. The gate must remain closed at all times except when in actual use.

(2) Roof-mounted equipment. Roof-mounted mechanical, electrical, and communications equipment must be screened by solid screening that is at least four feet in height.

(3) Surface parking screening. All surface parking must be screened from a street or access easement by using one or more of the following three methods to separately or collectively attain a minimum height of three feet above the parking surface:

(A) Earthen berm planted with turf grass or ground cover recommended for local area use by the director of parks and recreation. The berm may not have a slope that exceeds one foot of height for each three feet of width.

(B) Solid wood or masonry fence or wall.

(C) Hedge-like evergreen plant materials recommended for local area use by the city arborist. The plant materials must be located in a bed that is at least three feet wide with a minimum soil depth of 24 inches. Initial plantings must be capable of obtaining a solid appearance within three years. Plant materials must be placed 36 inches on center over the entire length of the bed unless a landscape architect recommends an alternative planting density that the building official determines is capable of providing a solid appearance within three years.

(f) Landscape permit required.

(1) If this subsection applies to a lot pursuant to Subsection (a)(1) of this section, an application for a landscape permit must be submitted to the building official with the application for a building permit for work on the lot. To obtain a landscape permit, a landscape plan must be submitted. Landscape plans required under this section must contain the following information:

(A) The date, scale, north point, and the names and addresses of both the property owner and the person preparing the plan.

(B) The location of existing boundary lines and dimensions of the lot, and the zoning classification of the property.

(C) The approximate center line of existing water courses; the approximate location of significant drainage features; and the location and size of existing and proposed streets and alleys, utility easements, and sidewalks in the parkway and on or adjacent to the lot.

(D) The location and size of landscape and planting areas required to be designated under this section, and the location, size, and species (common or botanical name) of proposed landscaping in these areas.

(E) An indication of how the property owner plans to protect existing trees, which are proposed to be retained, from damage during construction.

(F) The location of the required irrigation system.

(G) The location of all existing and proposed loading and garage storage areas.

(2) If the landscape plan shows trees, landscaping, or pavement (other than for the installation of sidewalks required by this article) in the parkway, the building official shall circulate the plan to all affected city departments and utilities for review and comment.

(3) If, after receiving comments from affected city departments and utilities, the building official determines that the construction and planting proposed will not be inconsistent with and will not unreasonably impair the public use of the right-of-way, and the landscaping shown on the plan complies with the requirements of this ordinance, the building official shall issue a landscape permit to the property owner; otherwise, the building official shall deny the permit.

(4) If the building official disapproves the plan on the ground that installation of the landscaping within the parkway will be inconsistent with, or will unreasonably impair the public utility or communication company use of the street right-of-way, a new plan incorporating

the parkway landscaping requirements on the lot as near as practicable to the front lot line must be submitted for approval.

(g) When landscaping, screening, and sidewalks must be completed.

(1) Except as provided in Paragraph (2), all landscaping, screening, and sidewalks must be completed in accordance with the approved landscape plan prior to the issuance of a certificate of occupancy for a permitted use on the lot or, if the lot is to be used for accessory off-street parking for a main use located on another lot, then all landscaping, screening, and sidewalks must be provided prior to the use of the lot for the accessory off-street parking.

(2) The following described sidewalks must be completed in accordance with the requirements of this article and the approved landscape plan prior to the issuance of a certificate of occupancy on the lot which authorizes the use of more than 200 square feet of floor area:

(A) Sidewalks on the west side of the portion of North Houston Street labelled as Section 2 on Exhibit 582F.

(B) Sidewalks on both sides of the portion of North Houston Street labelled as Section 3 on Exhibit 582F.

(C) Sidewalks on both sides of Victory Avenue between Victory Avenue and All Star Way labelled as Section 9 on Exhibit 582F.

(D) Sidewalks on the west side of Victory Avenue between All Star Way and Olive Street labelled as Section 9 on Exhibit 582F.

(E) Sidewalks on the north side of All Star Way labelled as Section 17 on Exhibit 582F.

(F) Sidewalks on the south side of Victory Avenue labelled as Section 18 on Exhibit 582F.

(h) Penalty for noncompliance with subsection.

(1) If landscaping, screening, or sidewalks are not constructed or installed in accordance with the approved landscape plan and these requirements, then the owner of the property is liable to the city for a civil penalty in the amount of \$400 per day for each calendar day thereafter until the landscaping, screening, or sidewalks have been properly installed. The building official shall give written notice to the property owner of the amount owed to the city in civil penalties, and shall notify the city attorney of any unpaid civil penalty. The city attorney shall collect unpaid civil penalties in a suit on the city's behalf.

(2) The civil penalty referred to in Paragraph (1) is in addition to any other enforcement remedies the city may have under city ordinances and state or federal law.

(i) General maintenance.

(1) All required landscaping and screening must be maintained in a healthy, growing condition at all times. The property owner is responsible for the regular weeding, mowing of grass, irrigating, fertilizing, pruning, or other maintenance of all plantings as needed. Any plant that dies must be replaced with another living plant that complies with the approved landscape plan within three months after notification by the city. A required tree that dies after its original planting must be replaced by another living tree having a minimum height of 12 feet and a minimum trunk-caliper of three inches measured at a point 12 inches above the root ball. The replacement tree must be planted within three months after notification by the city.

(2) Any damage to utility lines resulting from the negligence of the property owner, his agents, or employees in the installation and maintenance of required landscaping in the public right-of-way is the responsibility of the property owner. If a public utility disturbs a landscaped area in the public right-of-way, it shall make every reasonable effort to preserve the landscaping materials and return them to their prior locations after the utility work. If nonetheless some plant materials die, it is the obligation the property owner to replace the plant materials.

SEC. 51P-582.118. VISIBILITY TRIANGLE REGULATIONS.

The visual obstruction regulations in Section 51A-4.602 for a CA-2(A) Central Area District apply in this district.

SEC. 51P-582.119. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-582.120. PRIVATE LICENSE GRANTED.

CPC recommendation:

(a) The city council hereby grants a non-exclusive revocable license to the owners or tenants (with written consent of the owner) of all property within this district for the exclusive purpose of authorizing compliance with the landscaping requirements installation and maintenance of street and pedestrian lighting, public seating areas, landscaping, signs, kiosks, canopies, fountains, benches, drinking fountains, trash containers, bollards, bicycle racks, artwork, planting and street amenities, hardscape, softscape, incidental design elements, and incidental architectural features in this district. No owner or tenant is required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a landscape permit in accordance with the Dallas Building Code. This private license will not terminate at the end of any specific time period, however, the city council reserves and has the absolute right to terminate this license at will, by resolution passed by the city council, at any time such termination becomes necessary. The determination by the city of the necessity for the termination is final and binding, and the city is entitled to possession of the premises without giving any notice and without the necessity of legal proceedings to obtain possession thereof, when, in its judgment, the purpose or use of this license is inconsistent with the public use of the

right-of-way or the purpose or use of this license is likely to become a nuisance or a public safety issue. Upon termination of the license by the city council, each owner or tenant shall remove all improvements and installations in the public right-of-way to the satisfaction of the director of public works and transportation.

Staff recommendation:

No change.

(b) A property owner is not required to comply with any right-of-way landscaping requirement if compliance is made impossible due to the city council's revocation of a right-of-way landscape permit or the revocation of the private license granted under this section.

(c) Upon the installation of landscaping in the public rights-of-way, the owners or tenants shall procure, pay for, and keep in full force and effect commercial general liability insurance coverage with an insurance company authorized to do business in the State of Texas and otherwise acceptable to the city, covering, but not limited to, the liability assumed under the private license granted under this section, with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence, \$2,000,000 annual aggregate. Coverage under this liability policy must be on an "occurrence" basis and the city shall be named as additional insured. Proof of such insurance must be sent to: Office of Risk Management, City of Dallas, 1500 Marilla, 1CN, Dallas, Texas, 75201, and the policy must provide for thirty days prior written notice to the Office of Risk Management of cancellation, expiration, non-renewal, or material change in coverage. All subrogation rights for loss or damage against the city are hereby waived to the extent same are covered by this liability insurance policy.

(d) Each owner or tenant shall be responsible for maintaining the landscaping in a healthy, growing condition and to keep the premises safe and from deteriorating in value or condition at no expense to the city, and the city shall be absolutely exempt from any requirements to make repairs or to maintain the landscaping. The granting of a license for landscaping under this section does not release the owner or tenant from liability in the installation or maintenance of trees and landscaping in the public right-of-way.

SEC. 51P-582.121. SIGN REGULATIONS.

(a) The regulations of the Victory Special Provision Sign District contained in Division 51A-7.1700 apply to all signs within the boundaries of that district as described in Section 51A-7.1701.

(b) Signs outside the boundaries of the Victory Special Provision Sign District must comply with the provisions for business zoning districts in Article VII.

SEC. 51P-582.122. ADDITIONAL PROVISIONS.

(a) Electrical service for single family uses. In this district, a lot for a single family use may be supplied by not more than one electrical utility service, and metered by not more than

one electrical meter. The board of adjustment may grant a special exception to authorize more than one electrical utility service and more than one electrical meter on a lot in this district when, in the opinion of the board, the special exception will not be used to conduct a use not permitted in this district.

(b) Frontage on a street. A lot in this district is not required to front upon either a dedicated public street or a private street if adequate access is provided by an access easement. A lot is deemed to have adequate access if the access easement is a minimum of 15 feet wide for a one-way access easement, and a minimum of 24 feet wide for a two-way access easement. The design and construction of the access easement must be approved by the director of public works and transportation in accordance with standard city rules and specifications.

(c) General maintenance. The entire Property must be properly maintained in a state of good repair and neat appearance.

(d) Compliance with all other laws. Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

SEC. 51P-582.123. REQUIREMENTS FOR PAVED AREAS.

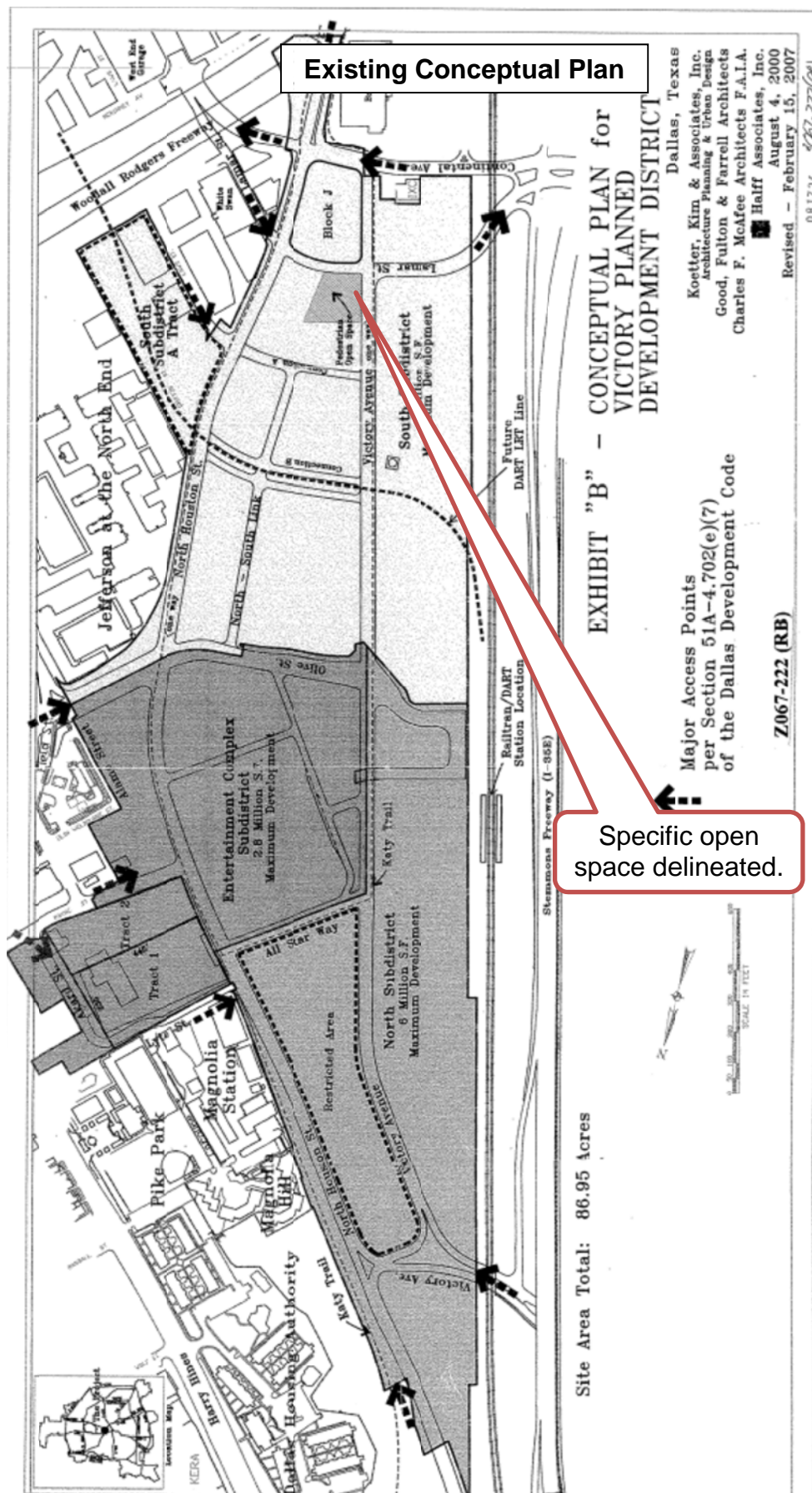
All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

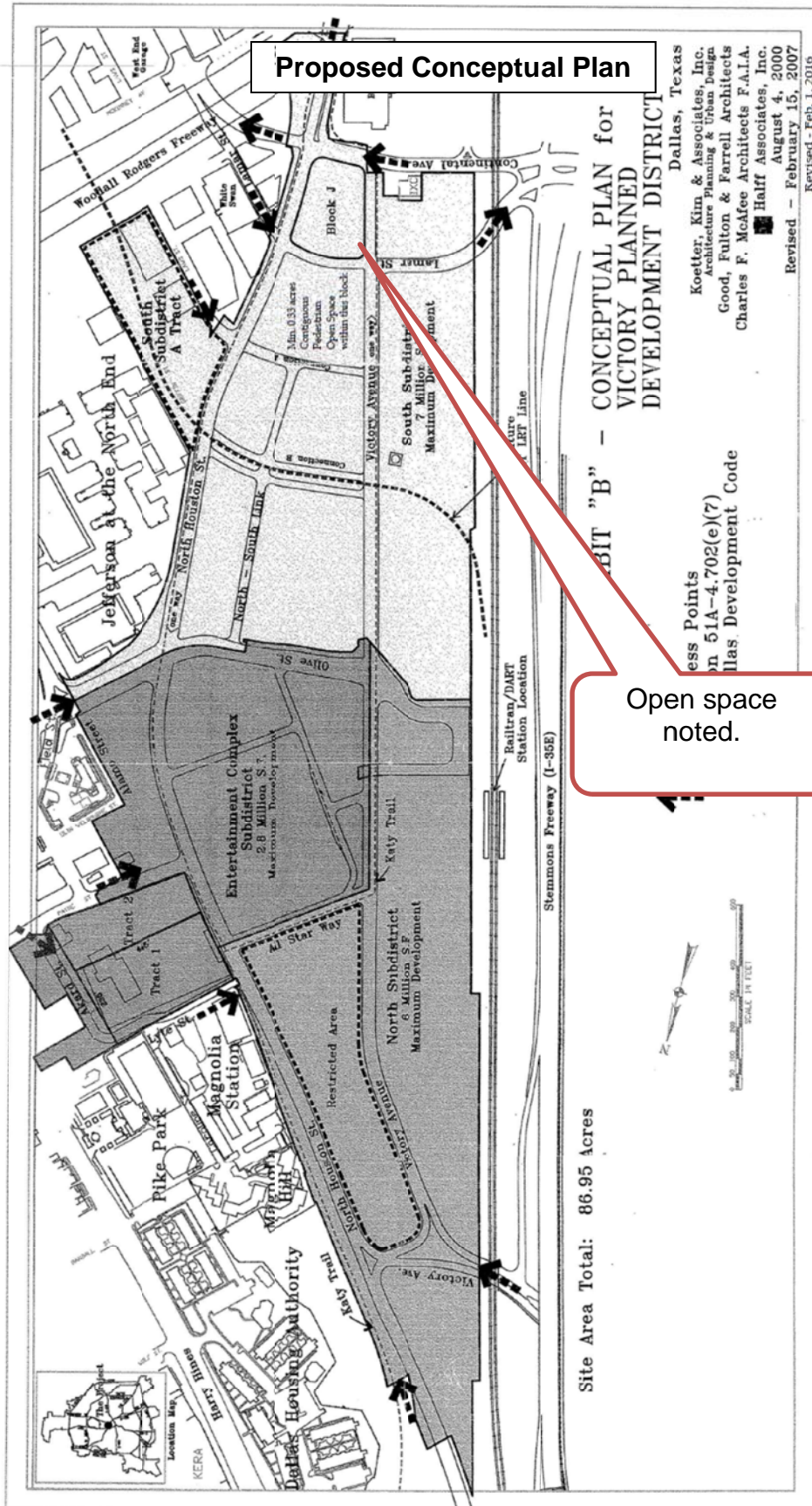
SEC. 51P-582.124. CERTIFICATE OF OCCUPANCY CONDITIONED ON COMPLIANCE.

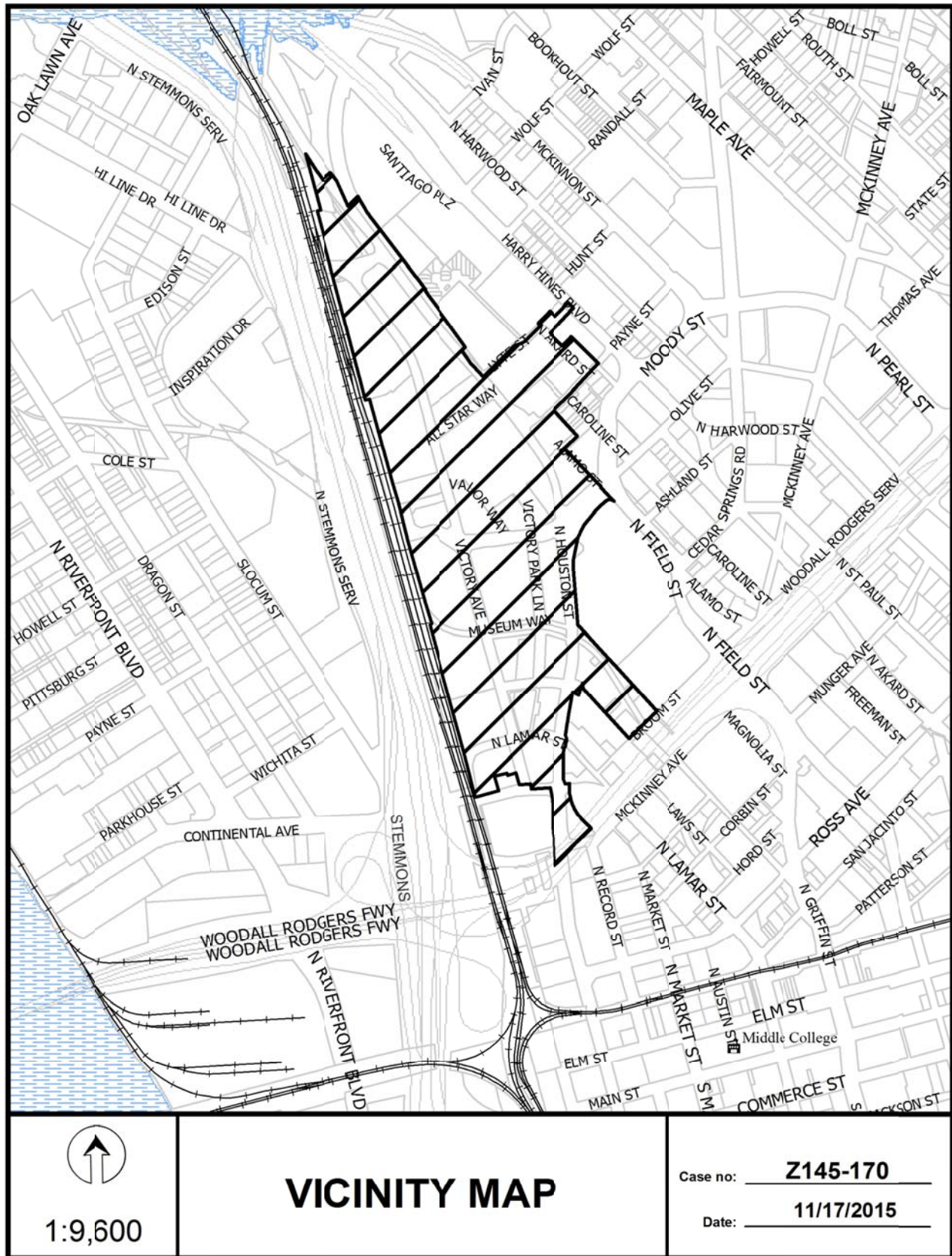
The building official shall not issue a building permit or a certificate of occupancy for a use in this planned development district until there has been full compliance with this article, the Dallas Development Code, the constructions codes, and all other ordinances, rules, and regulations of the city.

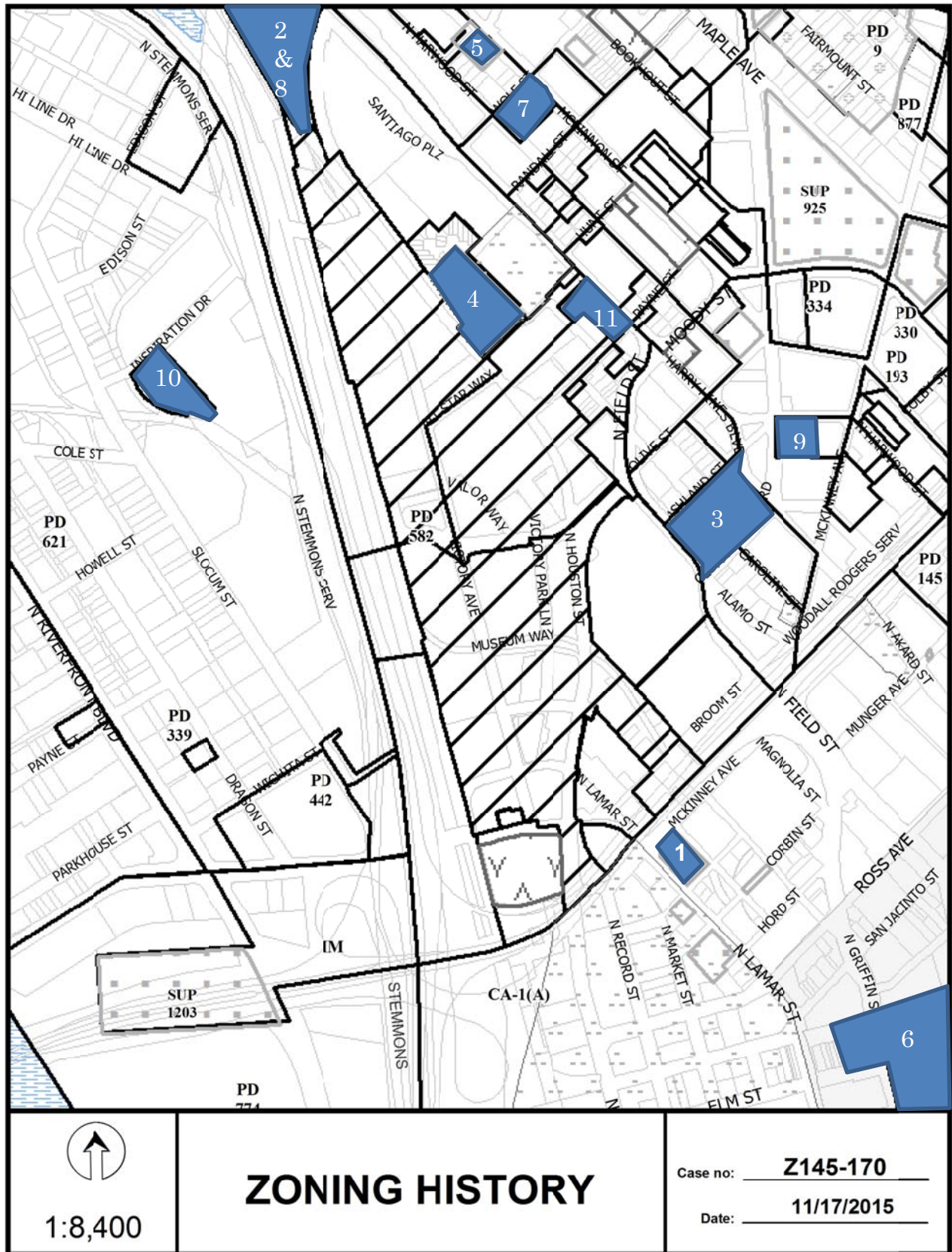
~~[SEC. 51P-582.125. ZONING DISTRICT MAP.~~

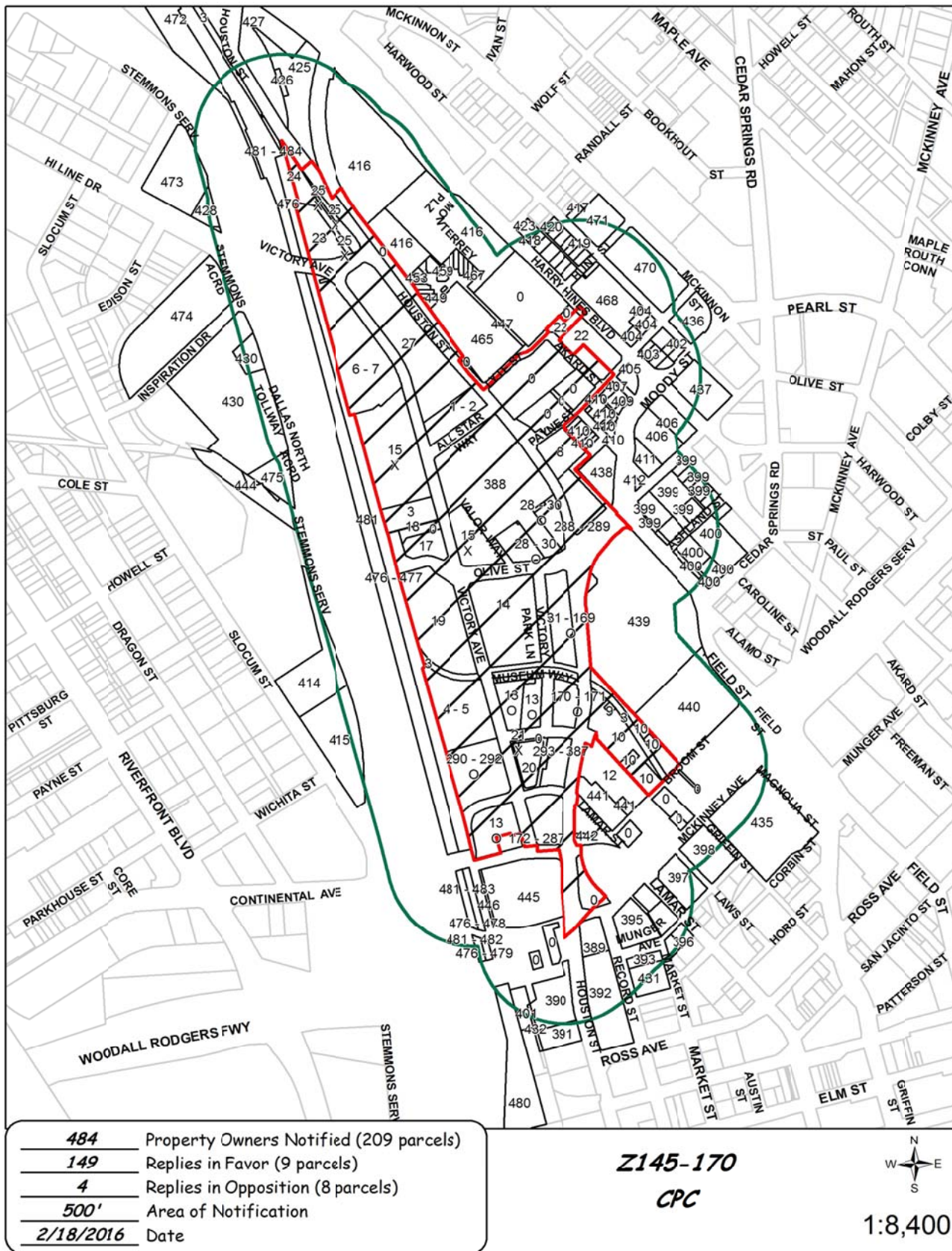
~~PD 582 is located on Zoning Map No. J-7.]~~











02/17/2016

Reply List of Property Owners***Z145-170******484 Property Owners Notified******149 Property Owners in Favor******4 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	1202 FLYNN ST	ST LOUIS S W RAILWAY CO
	2	2825 ALAMO ST	ANLAND NORTH LP
	3	1112 BROOM ST	DALLAS AREA RAPID TRANSIT
	4	600 CONTINENTAL AVE	DALLAS TERM RY & UN DEPOT
	5	2371 VICTORY AVE	HICO VICTORY CENTER LP
	6	1200 FLYNN ST	ST LOUIS S W RAILWAY CO
	7	2825 ALAMO ST	ANLAND NORTH II LP
	8	2500 ALAMO ST	GUGV VICTORY PARK DALLAS PROPERTY
	9	2310 N GRIFFIN ST	MUSEUM OF NATURE AND SCIENCE
	10	2219 SUMMER ST	MUSEUM OF NATURE AND SCIENCE
	11	2200 LAWS ST	BROOMFIELD JV
	12	2320 N HOUSTON ST	SKYHOUSE DALLAS LLC
O	13	2100 VICTORY AVE	BLOCKS GKM LP
	14	2401 VICTORY PARK LN	ANLAND BLOCK D LP
X	15	3090 OLIVE ST	ANLAND NORTH COMM LP
	16	2601 ALAMO ST	VICTORY PLAZA BLDGS LP
	17	2503 VICTORY AVE	VICTORY NORTH PARKING GARAGE LLC
	18	1200 N STEMMONS FWY	VICTORY NORTH PARKING GARAGE LLC
	19	2425 VICTORY AVE	BEHRINGER HARVARD ARPEGGIO LTD
	20	2100 VICTORY AVE	ANLAND SOUTH LP
X	21	2100 VICTORY AVE	ANLAND 2A LP
	22	1855 PAYNE ST	ALAMO-VP APARTMENTS LLC
	23	1400 ALAMO ST	ANLAND NORTH LP
	24	1400 ALAMO ST	ANLAND 2A LP
X	25	1400 ALAMO ST	ANLAND NORTH LP
X	26	2825 ALAMO ST	ANLAND NORTH II LP

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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	2823 N HOUSTON ST	CAMDEN PROPERTY TRUST
O	28	3090 OLIVE ST	VMN LP
O	29	3030 OLIVE ST	VPUS T PLAZA OFFICE
O	30	3030 OLIVE ST	VICTORY RETAIL I LP
O	31	2408 VICTORY PARK LN	KIM D JAYSON
O	32	2408 VICTORY PARK LN	MAYUR PPTIES LLC
O	33	2408 VICTORY PARK LN	HANEY HANK
O	34	2408 VICTORY PARK LN	CUCCURULLO JOANN &
O	35	2408 VICTORY PARK LN	DAVIS JEFF G
O	36	2408 VICTORY PARK LN	MAYUR PROP LLC
O	37	2408 VICTORY PARK LN	TAMD HOLDINGS LTD
O	38	2408 VICTORY PARK LN	CHANDRA BALU
O	39	2408 VICTORY PARK LN	MOODY JOSH
O	40	2408 VICTORY PARK LN	VPL 2408 LLC
O	41	2408 VICTORY PARK LN	ANDERSEN KAREN JEANETTE TR
O	42	2408 VICTORY PARK LN	LIBKE TODD E &
O	43	2408 VICTORY PARK LN	STECHE R KEITH E &
O	44	2408 VICTORY PARK LN	BENNETT MONTGOMERY J
O	45	2408 VICTORY PARK LN	CHANDRA BALU &
O	46	2408 VICTORY PARK LN	VPL 2408 LLC
O	47	2408 VICTORY PARK LN	MILLER WILLIAM D
O	48	2408 VICTORY PARK LN	2408 VICTORY PARK UNIT 841 LLC
O	49	2408 VICTORY PARK LN	NAVAKOV DANIEL JR
O	50	2408 VICTORY PARK LN	ARIYO ADENIRAN A
O	51	2408 VICTORY PARK LN	KING DANIEL J
O	52	2408 VICTORY PARK LN	JONES MICHAEL G &
O	53	2408 VICTORY PARK LN	NOORY GEORGE R
O	54	2408 VICTORY PARK LN	BARRON JEFFERY ADAM
O	55	2408 VICTORY PARK LN	VARELA FERNANDO H
O	56	2408 VICTORY PARK LN	KICE TIFFANY & WARREN B
O	57	2408 VICTORY PARK LN	JONES MELINDA L

02/17/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	58	2408 VICTORY PARK LN	VICTORY PARK CONDO LLC
O	59	2408 VICTORY PARK LN	ABEYTA EDWARD IV
O	60	2408 VICTORY PARK LN	LAM RAYMOND R
O	61	2408 VICTORY PARK LN	WHITEROCK CLIFF LLC
O	62	2440 VICTORY PARK LN	VPUSHT HOTEL LP
O	63	2425 N HOUSTON ST	ANLAND BLOCK C LP
O	64	2408 VICTORY PARK LN	YALAMANCHILI REKHA
O	65	2408 VICTORY PARK LN	CARR & RUSH PPTIES LLC
O	66	2408 VICTORY PARK LN	LIANG LAWRENCE WEISUI
O	67	2408 VICTORY PARK LN	CHERTKOEV GOCHA
O	68	2408 VICTORY PARK LN	DRAPKIN JEFFREY
O	69	2408 VICTORY PARK LN	MOPARTY BHAVANI
O	70	2408 VICTORY PARK LN	ELHAG ALY
O	71	2408 VICTORY PARK LN	LAWSON BRETT R
O	72	2408 VICTORY PARK LN	TIMPSON PETER MICHAEL
O	73	2408 VICTORY PARK LN	DRABLOS SCOTT & KELLY P B
O	74	2408 VICTORY PARK LN	HYDER LILI
O	75	2408 VICTORY PARK LN	WEBER KATHY
O	76	2408 VICTORY PARK LN	JACOBS RAYMOND E
O	77	2408 VICTORY PARK LN	ALLEN KATIE E &
O	78	2408 VICTORY PARK LN	JAYAPRABHU SUDHEER
O	79	2408 VICTORY PARK LN	DO TUAN ANH & THUY T L
O	80	2408 VICTORY PARK LN	PACE PATTI & DAVE
O	81	2408 VICTORY PARK LN	JPMORGAN CHASE BANK
O	82	2408 VICTORY PARK LN	SWANEY JEFF
O	83	2408 VICTORY PARK LN	BALDWIN JACK BROWNING
O	84	2408 VICTORY PARK LN	SHAMIEH RAMEZ FAYEZ
O	85	2408 VICTORY PARK LN	PETTIT JULIE
O	86	2408 VICTORY PARK LN	PRASAD MAHADEVAPPA M & SHOBA
O	87	2408 VICTORY PARK LN	HAMIDEH DEANNA J
O	88	2408 VICTORY PARK LN	W SOUTH PPTIES LLC

02/17/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	89	2408 VICTORY PARK LN	WATSON JEFFREY B & CONNIE SMITH WATSON
O	90	2408 VICTORY PARK LN	GOLDFARB BEN A
O	91	2408 VICTORY PARK LN	IZZEDIN LEILA
O	92	2408 VICTORY PARK LN	ALSULTAN INC
O	93	2408 VICTORY PARK LN	BRESLOW STUART & SANDRA
O	94	2408 VICTORY PARK LN	WEAVER SCOTT
O	95	2408 VICTORY PARK LN	SMITH NANCY ANN
O	96	2408 VICTORY PARK LN	COOPER ANTHONY GENE
O	97	2408 VICTORY PARK LN	SHELLEY STEVEN ANDREW
O	98	2408 VICTORY PARK LN	ALBACHIARA ANTHONY & MARGUERITE J
O	99	2408 VICTORY PARK LN	JAMPANA SRINIVASA R &
O	100	2408 VICTORY PARK LN	MJB INVESTMENTS LP
O	101	2408 VICTORY PARK LN	SORENSEN LLOYD R III &
O	102	2408 VICTORY PARK LN	MUSANI SREENIVASA
O	103	2408 VICTORY PARK LN	TURNEY CHALRES A REVOCABLE TRUST.REC/M ORTUNO
O	104	2408 VICTORY PARK LN	COOPER ANTHONY GENE
O	105	2408 VICTORY PARK LN	ASTON CUSTOM HOMES
O	106	2408 VICTORY PARK LN	ASTON CUSTOM HOMES & DESIGN INC
O	107	2430 VICTORY PARK LN	SOUTHERN CAL
O	108	2430 VICTORY PARK LN	LEVINE PHILLIP
O	109	2430 VICTORY PARK LN	KNOX WILLIAM T
O	110	2430 VICTORY PARK LN	HOLLAND GARY N
O	111	2430 VICTORY PARK LN	HAYNES JAYMESON J
O	112	2430 VICTORY PARK LN	HARGRAVE SYLVIA
O	113	2430 VICTORY PARK LN	LFLP LLC
O	114	2430 VICTORY PARK LN	RAD ALLEN A
O	115	2430 VICTORY PARK LN	HILL Z HUNTER
O	116	2430 VICTORY PARK LN	JANES ARTHUR
O	117	2430 VICTORY PARK LN	JAMAL KARIM
O	118	2430 VICTORY PARK LN	DESANTIS NUNZIO M &
O	119	2430 VICTORY PARK LN	NELSON DON A TR

02/17/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	120	2430 VICTORY PARK LN	ANDERSON MARTHA
O	121	2430 VICTORY PARK LN	JEFFS MARK
O	122	2430 VICTORY PARK LN	HARKEY JOHN D JR
O	123	2430 VICTORY PARK LN	BUXKEMPER BRUCE
O	124	2430 VICTORY PARK LN	KNOX WILLIAM T
O	125	2430 VICTORY PARK LN	ABRAMOV ALHANAN
O	126	2430 VICTORY PARK LN	EDWARDS WILLIAM D II &
O	127	2430 VICTORY PARK LN	MAAYEH MICHEL S
O	128	2430 VICTORY PARK LN	MENGE DEMETRIUS
O	129	2430 VICTORY PARK LN	GEBHART DAVID S &
O	130	2430 VICTORY PARK LN	COLLINS MAURICE P JR &
O	131	2430 VICTORY PARK LN	CHURCH AUSTIN RYAN
O	132	2430 VICTORY PARK LN	HAYNES MARTHA
O	133	2430 VICTORY PARK LN	CHANDRA NANDINI
O	134	2430 VICTORY PARK LN	SCHRYER DANIEL A
O	135	2430 VICTORY PARK LN	RAD ALLEN & CLAUDIA R FERNANDEZ
O	136	2430 VICTORY PARK LN	MCALLISTER STEVEN K
O	137	2430 VICTORY PARK LN	
O	138	2430 VICTORY PARK LN	MAAYEH MICHEL
O	139	2430 VICTORY PARK LN	JAMPANA SARAT C
O	140	2430 VICTORY PARK LN	HIRSCH STEFANIE
O	141	2430 VICTORY PARK LN	EDWARDS CAROL
O	142	2430 VICTORY PARK LN	DULOCK JEFFREY VAN
O	143	2430 VICTORY PARK LN	FAWCETT WALTER R III &
O	144	2430 VICTORY PARK LN	HAMLIN KENNETH
O	145	2430 VICTORY PARK LN	WON DOUGLAS S
O	146	2430 VICTORY PARK LN	PIERRE JEAN
O	147	2430 VICTORY PARK LN	HERDA ALAN N & JOANNE M
O	148	2430 VICTORY PARK LN	NAFAL KHALED A
O	149	2430 VICTORY PARK LN	MIXON GEORGE F III TR
O	150	2430 VICTORY PARK LN	ZENT CHARLES

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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	151	2430 VICTORY PARK LN	RAD ALLEN A
O	152	2430 VICTORY PARK LN	TRACY TODD & AMANDA
O	153	2430 VICTORY PARK LN	MAROULIS EFSTATHIOS
O	154	2430 VICTORY PARK LN	GRISHAM CHARLES KEITH & BROOKE Z
O	155	2430 VICTORY PARK LN	WYNNE JOAN J TRUST THE
O	156	2430 VICTORY PARK LN	IZZEDIN SALAH & DIANE
O	157	2430 VICTORY PARK LN	HAWAII PREMIER FAMILY LTD
O	158	2430 VICTORY PARK LN	HAWAII PREMIER FAM LP
O	159	2430 VICTORY PARK LN	BOOTH GREGORY & CAROL J
O	160	2430 VICTORY PARK LN	1420 MED LLC
O	161	2430 VICTORY PARK LN	ENCORE CONDO HOLDINGS LLC
O	162	2430 VICTORY PARK LN	SCHLEGEL ROBERT KIRBY
O	163	2430 VICTORY PARK LN	SCHLEGEL ROBERT KIRBY &
O	164	2430 VICTORY PARK LN	RSVP RESIDENCE
O	165	2430 VICTORY PARK LN	VICTORY PARK RESIDENCE TRUST
O	166	2430 VICTORY PARK LN	KIM DAE HUM & HYUN JOO
O	167	2430 VICTORY PARK LN	LOGAN CAROLYN J
O	168	2430 VICTORY PARK LN	SANKARAN VIVEK &
O	169	2430 VICTORY PARK LN	LEONARD ERIC PIERRE
O	170	2345 N HOUSTON ST	VICTORY RETAIL I LP
O	171	2345 N HOUSTON ST	VISTA DALLAS APARTMENT COMPANY LLC
	172	2211 N HOUSTON ST	2200 VICTORY LLC
	173	2200 VICTORY AVE	STEWART NEAL
	174	2200 VICTORY AVE	SCHMIDT ALEXANDER O
	175	2200 VICTORY AVE	2200 VICTORY LLC
	176	2200 VICTORY AVE	ROBINSON SHAYNE
	177	2200 VICTORY AVE	AWE ADDISON
	178	2200 VICTORY AVE	CROSBY TERENCE E & NORA
	179	2200 VICTORY AVE	DMAT HOLDINGS LLC
	180	2200 VICTORY AVE	BARAUSKY PAUL MICHAEL &
	181	2200 VICTORY AVE	HOUP T DANIEL L JR & TRACI L

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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	182	2200 VICTORY AVE	BOWMAN MARK J
	183	2200 VICTORY AVE	BROWN RICHARD R &
	184	2200 VICTORY AVE	MANIKTALA RAVINDER KUMAR & SARITA
	185	2200 VICTORY AVE	TAMJI TONY
	186	2200 VICTORY AVE	AWE JENNIFER
	187	2200 VICTORY AVE	MOORE WILLIAM STANLEY &
	188	2200 VICTORY AVE	EADS LORI A
	189	2200 VICTORY AVE	GENTRY MARK
	190	2200 VICTORY AVE	SOORIYABANDARA NERAN &
	191	2200 VICTORY AVE	JOSEPH MARCUS R &
	192	2200 VICTORY AVE	HOSKINS PHILIP
	193	2200 VICTORY AVE	CHURCHWELL CHARLES STANLEY JR
	194	2200 VICTORY AVE	CHURCHWELL CHARLES STANLEY JR
	195	2200 VICTORY AVE	CROSBY FAMILY TRUST THE
	196	2200 VICTORY AVE	SHEFFIELD KIT C
	197	2200 VICTORY AVE	JOHNSON KALETA
	198	2200 VICTORY AVE	PEREZCANO OSCAR SOBERON
	199	2200 VICTORY AVE	BALUCH AMIR
	200	2200 VICTORY AVE	FINCHER NIKLAUS B &
	201	2200 VICTORY AVE	ORANGE DOME LLC
	202	2200 VICTORY AVE	SMITH KENNITH WAYNE II & GEORGEANN
	203	2200 VICTORY AVE	CURTIS WILLIAM C
	204	2200 VICTORY AVE	JONES PHILLIP J & PATRICIA D
	205	2200 VICTORY AVE	PELOSI STEVEN &
	206	2200 VICTORY AVE	VANDENDAELE CHANTAL
	207	2200 VICTORY AVE	SOKOLSKY BENJAMIN
	208	2200 VICTORY AVE	BADOVINUS FAMILY TRUST
	209	2200 VICTORY AVE	PARIKH RONAK
	210	2200 VICTORY AVE	MCKINNON ST CAPITAL THE HOUSE 1007 SERIES
	211	2200 VICTORY AVE	MCKINNON ST CAPITAL THE HOUSE 1101 SERIES
	212	2200 VICTORY AVE	GENTILE CARL & GINA

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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	213	2200 VICTORY AVE	BEST VON &
	214	2200 VICTORY AVE	LUJAN GIOVANNI M
	215	2200 VICTORY AVE	RAMIREZ GRICELDA
	216	2200 VICTORY AVE	HANCOCK JAMES ALEXANDER
	217	2200 VICTORY AVE	PEACOCK ROGER FRANKLIN &
	218	2200 VICTORY AVE	BOETTCHER CHERIE
	219	2200 VICTORY AVE	DAVID EDWARD NEIL & DEBORAH MARKL
	220	2200 VICTORY AVE	MORGAN JAMES BENNETT & CHERYL ANN
	221	2200 VICTORY AVE	KORBA FAMILY LP
	222	2200 VICTORY AVE	HUGHES GEORGE JACKSON JR
	223	2200 VICTORY AVE	CMR PARTNERS LTD
	224	2200 VICTORY AVE	GELLMAN ANDREW
	225	2200 VICTORY AVE	WHITAKER RONALD LEE
	226	2200 VICTORY AVE	POLAKOFF HARRIS
	227	2200 VICTORY AVE	DRUM FERRELL
	228	2200 VICTORY AVE	ARMIDAGRAHAM TOMAS
	229	2200 VICTORY AVE	NOWICKI DAVID
	230	2200 VICTORY AVE	GIRALDO HERNAN & CAROLINA GIRALDO
	231	2200 VICTORY AVE	BREHM DAVID & MARIE KELLY
	232	2200 VICTORY AVE	WILLIAMS MICHAEL W
	233	2200 VICTORY AVE	MILLER JAY D &
	234	2200 VICTORY AVE	ARMSTRONG SHEILA &
	235	2200 VICTORY AVE	JAYNES JEFFREY C
	236	2200 VICTORY AVE	HOLDEN STEVEN E & LAURA A
	237	2200 VICTORY AVE	SMITH HOWARD DAVID
	238	2200 VICTORY AVE	HARPER ERIC &
	239	2200 VICTORY AVE	GIRALDO HERNAN F
	240	2200 VICTORY AVE	MACK DONALD JAMES
	241	2200 VICTORY AVE	JUSTIN JAISON &
	242	2200 VICTORY AVE	YOUNG PARKER DOUGLAS &
	243	2200 VICTORY AVE	WOLFE DAVID L

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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	244	2200 VICTORY AVE	MARPLE BRADLEY &
	245	2200 VICTORY AVE	KUROKAWA AKEMI
	246	2200 VICTORY AVE	VALLURUPALLI AMAR &
	247	2200 VICTORY AVE	MESENBRINK CRAIG & SAMANTHA
	248	2200 VICTORY AVE	ODOM LESTER J JR
	249	2200 VICTORY AVE	GOMEZ LUCIANA
	250	2200 VICTORY AVE	BENTON JEFFREY ICHAEAL &
	251	2200 VICTORY AVE	ALBITZ STEVEN ANDREW SR &
	252	2200 VICTORY AVE	ANGELLE TIFFANY
	253	2200 VICTORY AVE	SMITH DAVID
	254	2200 VICTORY AVE	PESQUIDOUX HUBERT DE &
	255	2200 VICTORY AVE	TALISCHI KEVIN
	256	2200 VICTORY AVE	CRANE THERESE KREIG
	257	2200 VICTORY AVE	RIDER NEAL &
	258	2200 VICTORY AVE	CASELLI CLAUDIO &
	259	2200 VICTORY AVE	STURDIVANT PATRICK &
	260	2200 VICTORY AVE	FANG XIAO EN
	261	2200 VICTORY AVE	WAN DINAH
	262	2200 VICTORY AVE	SPANGLER LARRY & MARY LIVING TRUST THE
	263	2200 VICTORY AVE	POLE PRITHVIRAJ & REKHA
	264	2200 VICTORY AVE	STURDIVANT PATRICK &
	265	2200 VICTORY AVE	WILEY ROBERT
	266	2200 VICTORY AVE	HAVENS HARLEMAN ROBERT IAN
	267	2200 VICTORY AVE	EDMONSON JAMES &
	268	2200 VICTORY AVE	ANDRADA MARISSA J
	269	2200 VICTORY AVE	ALSEDEK STEVEN
	270	2200 VICTORY AVE	HART CARTER
	271	2200 VICTORY AVE	LEVEILLER FRANK
	272	2200 VICTORY AVE	ZISMAN AVI &
	273	2200 VICTORY AVE	ZISMAN AVI & SANDRA R
	274	2200 VICTORY AVE	SANDERS E GLEN & KAREN K

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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	275	2200 VICTORY AVE	ELIOTT BRYAN
	276	2200 VICTORY AVE	HELM CHASE & MICHELLE
	277	2200 VICTORY AVE	GUPTA ARISH
	278	2200 VICTORY AVE	BRETON LAURIE
	279	2200 VICTORY AVE	STEWART WILLIAM A & SUNITA M
	280	2200 VICTORY AVE	PETERSON DAVID B &
	281	2200 VICTORY AVE	BASSOUL SELIM A REVOCABLE TRUST
	282	2200 VICTORY AVE	HILL KENNETH A II
	283	2200 VICTORY AVE	HERZOG STEVEN P
	284	2200 VICTORY AVE	BRELLENTHIN JOHN
	285	2200 VICTORY AVE	YOUST LAWRENCE
	286	2200 VICTORY AVE	MATEJEK ROBERT R
	287	2200 VICTORY AVE	CHALMERS JAMES C
	288	2990 N HOUSTON ST	VICTORY RETAIL I L P
	289	2500 N HOUSTON ST	ICON TOWER LP
O	290	2323 VICTORY AVE	HH VICTORY HOLDINGS LP
O	291	2323 VICTORY AVE	VICTORY RETAIL I LP
O	292	2323 VICTORY AVE	BLOCK L LAND LP
	293	2323 N HOUSTON ST	446 INVESTMENTS LLC
	294	2323 N HOUSTON ST	LEE YONG
	295	2323 N HOUSTON ST	CORTEZ JORGE M
	296	2323 N HOUSTON ST	STOREY LYNNE
	297	2323 N HOUSTON ST	YEAP MAY FONG &
	298	2323 N HOUSTON ST	ALIBHAI RAHIM
	299	2323 N HOUSTON ST	MITCHELL BLAKE
	300	2323 N HOUSTON ST	SMITH CHARLES B
	301	2323 N HOUSTON ST	SOLOMON GERALD &
	302	2323 N HOUSTON ST	STORM CHRISTOPHER SCOTT
	303	2323 N HOUSTON ST	PARIKH NEAL B
	304	2323 N HOUSTON ST	2323 N HOUSTON LLC
	305	2323 N HOUSTON ST	JAH VENTURES LTD

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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	306	2323 N HOUSTON ST	EWERT CARL F & TRISHA R
	307	2323 N HOUSTON ST	NEALY KATHY
	308	2323 N HOUSTON ST	MEIN MICHEL
	309	2323 N HOUSTON ST	MORETTI SCOTT & ANISA
	310	2323 N HOUSTON ST	REAVEY MICHAEL S JR
	311	2323 N HOUSTON ST	WAGNER WALKER J
	312	2323 N HOUSTON ST	MEDIWAKE R G
	313	2323 N HOUSTON ST	AVILAORDONEZ AGUSTIN A
	314	2323 N HOUSTON ST	KUTHOL THANAPORN & DANA ALLAN TAYLOR
	315	2323 N HOUSTON ST	HOUPPT ALISON G
	316	2323 N HOUSTON ST	AHMED RIZWAN &
	317	2323 N HOUSTON ST	BALAR NEAL R & RAMJI V
	318	2323 N HOUSTON ST	HERNANDEZ JUAN &
	319	2323 N HOUSTON ST	CJW SEPARATE PROPERTY TRUST THE
	320	2323 N HOUSTON ST	WILLMOTT BRENT L
	321	2323 N HOUSTON ST	5M REALTY LLC
	322	2323 N HOUSTON ST	UPTOWN DREAMS LLC
	323	2323 N HOUSTON ST	MONTESI MARK
	324	2323 N HOUSTON ST	ALLOJU MURALI M
	325	2323 N HOUSTON ST	YOUNG ERIN L
	326	2323 N HOUSTON ST	DEITELHOFF KATRINA
	327	2323 N HOUSTON ST	BURRELL MARTIN W
	328	2323 N HOUSTON ST	PATEL SHALIN &
	329	2323 N HOUSTON ST	TINSLEY NADINE
	330	2323 N HOUSTON ST	ALLOJU SHASHI M
	331	2323 N HOUSTON ST	WITTE JENNIFER
	332	2323 N HOUSTON ST	HAFNER FRANCIS M
	333	2323 N HOUSTON ST	DENTON ADDIE BETH
	334	2323 N HOUSTON ST	SCHWARTZ HAL E
	335	2323 N HOUSTON ST	MOLAVILLE MGMT LTD
	336	2323 N HOUSTON ST	JAGANNATHAN SURAJ & PRACHI Y SHAH

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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	337	2323 N HOUSTON ST	LEIBOVITZ DENNIS I
	338	2323 N HOUSTON ST	MAITI AKASH
	339	2323 N HOUSTON ST	ALLEN MARK D
	340	2323 N HOUSTON ST	ZANGRILLI ANTHONY
	341	2323 N HOUSTON ST	STANFORD LAWRENCE S &
	342	2323 N HOUSTON ST	RUSSO WYATT G
	343	2323 N HOUSTON ST	MENON VENUGOPAL B &
	344	2323 N HOUSTON ST	UPDYKE RICKY & LEAH
	345	2323 N HOUSTON ST	HATZIKAZAKIS GEORGIA &
	346	2323 N HOUSTON ST	FRAZAR KEVIN D
	347	2323 N HOUSTON ST	CHANG QIONGYING D
	348	2323 N HOUSTON ST	PATEL DARSHANA A &
	349	2323 N HOUSTON ST	MOLAVILLE MANAGEMENT CO
	350	2323 N HOUSTON ST	DMAT INVESTMENTS LTD
	351	2323 N HOUSTON ST	JOHNSON EDDIE B
	352	2323 N HOUSTON ST	JOHNSON WILLIS ERVIN
	353	2323 N HOUSTON ST	LAMOTHE BEAU WEBSTER
	354	2323 N HOUSTON ST	ANDERSON BOBBY G & GERALDINE
	355	2323 N HOUSTON ST	MEJIA ALEJANDRO &
	356	2323 N HOUSTON ST	EQUITY TRUST COMPANY CUSTODIAN
	357	2323 N HOUSTON ST	LINK JEFFREY J
	358	2323 N HOUSTON ST	IPPOLITO DANIEL G & KORTNEY D
	359	2323 N HOUSTON ST	COLMENERO ANA
	360	2323 N HOUSTON ST	LUTHRA SANJEEV K
	361	2323 N HOUSTON ST	PATTON BENJAMIN L
	362	2323 N HOUSTON ST	HWANG LESLEY
	363	2323 N HOUSTON ST	JOESOEUF MELISSA L
	364	2323 N HOUSTON ST	YARBROUGH REVOCABLE LIVING TRUST
	365	2323 N HOUSTON ST	TOMLINSON EDWARD B II
	366	2323 N HOUSTON ST	DOWSE DAVID M &
	367	2323 N HOUSTON ST	SANDS RAMONA STARK

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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
368	2323	N HOUSTON ST	DEHAAS ROGIER
369	2323	N HOUSTON ST	ANKENBRAND ERIC K
370	2323	N HOUSTON ST	CHITTAJALLU RAVI S & MADURI
371	2323	N HOUSTON ST	HENSLEY SUSAN & DAVID
372	2323	N HOUSTON ST	CRISWELL BRYAN & LINDA
373	2323	N HOUSTON ST	SHREVE CRAIG D
374	2323	N HOUSTON ST	SERIES 2323 HOUSTON
375	2323	N HOUSTON ST	HICKS DAVID K &
376	2323	N HOUSTON ST	MANZORI ARASH
377	2323	N HOUSTON ST	BOTTS JASON C
378	2323	N HOUSTON ST	ZISK GROUP INC THE
379	2323	N HOUSTON ST	CHANG ROGER
380	2323	N HOUSTON ST	NGUYEN KRISTINE
381	2323	N HOUSTON ST	NOEL JONI
382	2323	N HOUSTON ST	COLLINS JOHN
383	2323	N HOUSTON ST	IN TOWN LEASING LLC
384	2323	N HOUSTON ST	NIX LAYNCE M JR
385	2323	N HOUSTON ST	THIEM CLAUDIA
386	2323	N HOUSTON ST	SCHNEIDER THOMAS A &
387	2323	N HOUSTON ST	MAITINO PAUL D & JANICE
388	2427	HOUSTON ST	CENTER OPERATING COMPANY
389	302	N HOUSTON ST	DORBET INC
390	401	N HOUSTON ST	CORDOVAN VENTURERS &
391	401	N HOUSTON ST	401 NORTH HOUSTON LP
392	302	N HOUSTON ST	FAIRFIELD AT ROSS LLC
393	1815	N MARKET ST	USRP FUNDING 2001 A LP
394	2019	N LAMAR ST	ARENA PARTNERS LP
395	603	MUNGER AVE	MARKET STREET DEV LTD
396	1911	N LAMAR ST	WEST END API LTD
397	2020	N LAMAR ST	2020 GARAGE LAND LP
398	1012	MCKINNEY AVE	SHRAMAN SOUTH ASIAN MUSEUM &

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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	399	2421 N AKARD ST	FSR LP
	400	2325 N AKARD ST	RED AKARD PLACE LLC
	401	300 CORBIN ST	M K T RAILROAD CO
	402	2607 N HARWOOD ST	PHASE VII DEVELOPMENT AT INTERNATIONAL CENTER LP
	403	2614 HARRY HINES BLVD	PHASE VII DEVELOPMENT AT INTERNATIONAL CENTER L P
	404	2616 HARRY HINES BLVD	VILLASANA RUDOLPH JR
	405	2635 HARRY HINES BLVD	GREENWAY HARRY HINES LP
	406	2515 OLIVE ST	HARWOOD INTERNATIONAL CENTER X LP
	407	2617 N AKARD ST	HARWOOD PACIFIC INTL INC
	408	2611 N AKARD ST	CITY PARK A LOT LP
	409	2603 N AKARD ST	HPO INC TRUSTEE
	410	1706 PAYNE ST	IC DEVELOPMENT XII LTD
	411	2512 CAROLINE ST	HARWOOD INTERNATIONAL CENTER X LP
	412	2510 CAROLINE ST	HARWOOD INTERNATIONAL CENTER X LP
	413	2615 CAROLINE ST	AVALOS SAMUEL III &
	414	1023 N STEMMONS FWY	TEXAS UTILITIES ELEC CO
	415	899 N STEMMONS FWY	County of Dallas
	416	2927 HARRY HINES BLVD	DALLAS HOUSING AUTHORITY
	417	2814 N HARWOOD ST	HARWOOD INTERNATIONAL CENTER V LP
	418	2818 HARRY HINES BLVD	AVALOS SAMUEL R III ET AL
	419	2807 N HARWOOD ST	HPO INC
	420	2806 HARRY HINES BLVD	HPO INC
	421	2801 N HARWOOD ST	ROLEX TEXAS REALTY
	422	2805 N HARWOOD ST	HARWOOD INTERNATIONAL CENTER XIII LP
	423	2830 HARRY HINES BLVD	VILLASANA CHARLES
	424	2809 N HARWOOD ST	GLAZER JUDY B
	425	3305 HARRY HINES BLVD	ASA APARTMENTS LIMITED PARTNERSHIP
	426	3303 HARRY HINES BLVD	CLEAR CHANNEL OUTDOOR INC
	427	3333 HARRY HINES BLVD	ASA APARTMENTS LP
	428	1330 HI LINE DR	STUDIO 1330 LTD
	429	1332 HI LINE DR	NEUHOFF TRACT JV

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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	430	1333 N STEMMONS FWY	GROSSMAN & FRANK
	431	607 CORBIN ST	BANANAQUIT PARTNERS LP
	432	300 N HOUSTON ST	CORDOVAN VENTURERS
	433	2001 N LAMAR ST	703 MCKINNEY LP
	434	1800 N MARKET ST	SOUTHWEST ADVISORY SERVICES LLC
	435	1100 MCKINNEY AVE	SHRAMAN SOUTH ASIAN
	436	2651 N HARWOOD ST	HARWOOD INTERNATIONAL CENTER I LP
	437	2501 N HARWOOD ST	INTERNATIONAL CENTER DEV
	438	2501 N FIELD ST	UPTOWN PROPERTIES INC
	439	2323 N FIELD ST	JEFFERSON AT THE N END LP
	440	2201 N FIELD ST	DALLAS MUSEUM OF NATURAL
	441	2200 N LAMAR ST	HOB TX LLC
	442	2211 N LAMAR ST	DORBET INC
	443	2201 N LAMAR ST	DORBET INC
	444	1500 INSPIRATION DR	METROPLEX DESIGN DISTRICT LLC
	445	703 MCKINNEY AVE	VICTORY BREWERY 2013 LP
	446	703 MCKINNEY AVE	DALLAS AREA RAPID TRANSIT
	447	2900 MAGNOLIA HILL CT	MAGNOLIA HILL CO LC THE
	448	2903 MAGNOLIA HILL CT	DEMAREST DAVID
	449	2907 MAGNOLIA HILL CT	MANNING CATHERINE Z &
	450	2911 MAGNOLIA HILL CT	HOOPER KIRK A
	451	2915 MAGNOLIA HILL CT	FREELAND EUGENE
	452	2919 MAGNOLIA HILL CT	LONSDALEHANDS HORATIO
	453	2923 MAGNOLIA HILL CT	AYERS JOSHUA DAVID
	454	2927 MAGNOLIA HILL CT	HOPKINS KENNETH J &
	455	2931 MAGNOLIA HILL CT	MOOTY JERRY W JR
	456	2935 MAGNOLIA HILL CT	MCCARTHY BRANDON & AMANDA
O	457	2943 MAGNOLIA HILL CT	ROOSEVELT ELLIOTT III
	458	2947 MAGNOLIA HILL CT	ARWOOD DONOVAN
	459	2951 MAGNOLIA HILL CT	HARDNER SCOTT
	460	2955 MAGNOLIA HILL CT	UPHAM NOWELL C

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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
461	2959	MAGNOLIA HILL CT	MULROY SAM
462	2963	MAGNOLIA HILL CT	LEATHERWOOD MIKE
463	2967	MAGNOLIA HILL CT	PARKER GREGORY MARK
464	2971	MAGNOLIA HILL CT	WELSH SEAN K & MARTHA J WELSH
465	1607	LYTE ST	MAGNOLIA STATION LLC
466	2975	MAGNOLIA HILL CT	UNGER DOUGLAS H
467	2979	MAGNOLIA HILL CT	CLARY JESSICA M
468	2727	HARRY HINES BLVD	HARWOOD INTERNATIONAL CENTER III LP
469	2737	N HARWOOD ST	JAGANNATHAN SURAJ
470	2728	N HARWOOD ST	INTERNATIONAL CENTER II LLC
471	2828	N HARWOOD ST	INTERNATIONAL CENTER
472	1680	N STEMMONS FWY	MILLWEE STEPHEN MICHAEL
473	1400	HI LINE DR	LOWER OAK LAWN INVESTMENT LP
474	1531	INSPIRATION DR	ALTA DESIGN DISTRICT LP
475	1323	N STEMMONS FWY	SINELLI CONCEPTS INTERNATIONAL INC
476	555	2ND AVE	DART
477	555	2ND AVE	DART
478	555	2ND AVE	DART
479	555	2ND AVE	DART
480	1900	OAK LAWN AVE	DART & FT WORTH TRANSP AUTH
481	1900	OAK LAWN AVE	DART & FT WORTH TRANSP AUTH
482	1900	OAK LAWN AVE	DART & FT WORTH TRANSP AUTH
483	1900	OAK LAWN AVE	DART & FT WORTH TRANSP AUTH
484	1900	OAK LAWN AVE	DART & FT WORTH TRANSP AUTH

AGENDA ITEM # 66

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): 6

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 44 H

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a new Subdistrict on property zoned Subdistrict 1 within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District, at the west corner of Hi Line Drive and Turtle Creek Boulevard

Recommendation of Staff and CPC: Approval, subject to a tower exhibit and revised conditions

Z156-131(RB)

FILE NUMBER: Z156-131(RB)**DATE FILED:** November 12, 2015**LOCATION:** West Corner of Hi Line Drive and Turtle Creek Boulevard**COUNCIL DISTRICT:** 6**MAPSCO:** 44 H**SIZE OF REQUEST:** Approx. 1.05 Acres**CENSUS TRACT:** 100.00

APPLICANT: Dunhill Vinculum, LLC**REPRESENTATIVES:** Barry Knight and Laura Hoffman, Winstead PC**OWNER:** DD Dunhill Land, LLC,**REQUEST:** An application for a new Subdistrict on property zoned Subdistrict 1 within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District.

SUMMARY: The applicant proposes to redevelop the site with a mixed use development consisting of lodging, multifamily, and retail uses with consideration of the following: 1) increase in floor area; 2) increase in structure height; and 3) a relaxed tower design [building footprint above a requested 85 feet (current tower orientation begins at 75 feet)]. Where noted, staff has recommended a more defined commitment to balance the aggregate impact of the enhanced entitlements. An example of this relates to approximately 22 percent of the requested increase in structure height per three options; 1) revised street-level parking structure concealment (36 feet); 2) electric charging stations (15 feet); and, 3) public art/water feature (15 feet). Staff has presented recommendations that ensure these options better address embracing the tenant/resident/patron activity expected in this district.

CPC RECOMMENDATION: Approval, subject to a tower exhibit and revised conditions.

STAFF RECOMMENDATION: Approval, subject to a tower exhibit and revised conditions.

DESIGNATED ZONING CASE

GUIDING CRITERIA FOR RECOMMENDATION:

Staff recommends approval of the request based upon:

1. *Performance impacts upon surrounding property* – The request will provide for uses found in the immediate area. Subject to staff's recommended conditions, the proposed development will embrace the area's residents and tenants with services, all within walking distance from adjacent developments and public improvements.
2. *Traffic impact* – Due to the site's accessibility to adjacent interstate roadways and the city's thoroughfare system along with its close proximity to mass transit, increased trip generations are expected to be managed within the immediate area.
3. *Comprehensive Plan or Area Plan Conformance* – The request complies with the goals and policies of *Forward Dallas!*.

Zoning History*:

Request, Disposition, and Date

- | | |
|-------------|---|
| 1. Z012-134 | On August 8, 2002, the City Council approved PDD No. 621, providing for two subdistricts. (<i>see entire PDD boundary</i>) |
| 2. Z034-103 | On June 23, 2004, the City Council approved an amendment to PDD No. 621 to revise definitions, delete minimum floor area for residential, revise: parking, screening, design standards, signage, and sidewalk regulations. (<i>see entire PDD boundary</i>) |
| 3. Z067-229 | On October 24, 2007, the City Council approved an amendment to PDD No. 621 to create a new subdistrict (Subdistrict 1A). |
| 4. Z067-296 | On November 12, 2007, the City Council approved an expansion (5.13 acres) of PDD No. 621 on property zoned an IR District. |
| 5. Z078-240 | On August 13, 2008, the City Council approved an amendment to PDD No. 621 to create a new subdistrict (Subdistrict 1B). |
| 6. Z101-214 | On June 8, 2011, the City Council approved an amendment to PDD No. 621 to create a new subdistrict (Subdistrict 1C) providing for a new use |

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(beer/wine manufacturing) and parking requirement for a specific retail use (gmfs greater than 3,500 square feet).

7. Z112-254

On August 22, 2012, the City Council approved an expansion of Tract 1C (2.29 acres) of PDD No. 621 on property within the Tract 2 portion of PDD No. 621.

8. Z112-283

On October 10, 2012, the City Council approved an amendment to PDD No. 621 to create a new subdistrict (Subdistrict 1D) from a parcel (22,500 square feet) within Subdistrict 1A.

9. Z123-204

On September 11, 2013, the City Council approved an expansion (5.9 acres) of PDD No. 621 on property zoned an IR District.

10. Z156-140

Application for an amendment to PDD No. 621 to create a new subdistrict (Subdistrict 1F). On February 18, 2016, the City Plan Commission recommended approval of the request, subject to a tower exhibit and conditions. Pending the March 23, 2016 CC public hearing.

11. Z156-141

Application for an amendment to PDD No. 621 to create a new subdistrict (Subdistrict 1G). On February 18, 2016, the City Plan Commission recommended approval of the request, subject to a tower exhibit and conditions. Pending the March 23, 2016 CC public hearing.

*PDD No. 621 boundary only

Thoroughfares:

Designation; Existing & Proposed ROW

Hi Line Drive

Collector; 80' & 80' ROW

Turtle Creek Boulevard

Minor Arterial; 130' & 130' ROW

Traffic: The Engineering Section of the Department of Sustainable Development and Construction has reviewed the applicant's request and traffic impact analysis and determined it will not negatively impact the surrounding street system.

STAFF ANALYSIS:

Comprehensive Plan: The Vision Illustration depicts the request site as within an *Urban Mixed Use* Building Block. This building block incorporates a vibrant mix of residential and employment uses at a lower density than the Downtown Building Block. These areas are typically near Downtown, along the Trinity River or near major transit centers. Examples include Uptown, the City Place/West Village area, Stemmons Design District, Cedars and Deep Ellum. Urban Mixed-Use Building Blocks provide residents with a vibrant blend of opportunities to live, work, shop and play within a closely defined area. Buildings range from high-rise residential or mid-rise commercial towers to townhomes and small corner shops. Good access to transit is a critical element. Similar to Downtown, the Urban Mixed-Use Building Blocks offer employment and housing options and are important economic growth areas for businesses. People on foot or bike can enjoy interesting storefronts at ground level with benches, public art, on-street parking and wide sidewalks, creating an appealing streetscape. Large parking areas and other auto-oriented land uses are typically located at the edges.

The request complies with the following land use goals and policies of the Comprehensive Plan.

LAND USE ELEMENT

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

GOAL 1.3 PROVIDE EQUITABLE OPPORTUNITIES FOR DALLAS RESIDENTS

Policy 1.3.1 Create housing opportunities throughout Dallas

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

GOAL 2.2 ENGAGE IN STRATEGIC ECONOMIC DEVELOPMENT

Policy 2.2.1 Focus economic development efforts on revitalization of the Trinity River Corridor.

URBAN DESIGN ELEMENT

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

Land Use Compatibility: The site is located at the intersection of two thoroughfares and is developed with an office/showroom/warehouse use and surface parking areas both accessed from their respective street frontages. The applicant proposes to redevelop the site with a mixed use development (lodging, residential, retail) and is requesting a new subdistrict for consideration of the following: 1) increase in floor area; 2) increase in structure height; and 3) a relaxed tower design [building footprint above a requested 85 feet (current tower orientation begins at 75 feet)].

PDD No. 621 was adopted by the City Council on August 28, 2002. Over the past thirteen years, various parcels have been incorporated into the district as well as amendments to existing subdistricts (See Zoning History, Map for detail). Prior to the creation of the district, the approximate 422 acres was home to various commercial and industrial uses. The area has experienced a redevelopment of various parcels that are more mixed use in application, with a commitment of the design package to accepting residents, tenants, and patrons by providing enhanced open space, a variety of retail and personal service uses, all within close proximity to mass transit and components of the trail system. This request is anticipated to continue this redevelopment vision and provides for the requested increase in entitlements, subject to staff's recommended thresholds, for a mix of uses that combined with required design criteria will ensure a vibrancy at street level exists.

The general area is developed with a mix of uses that represent the transition from an industrial area to a residentially influenced mixed use environment. One of the trailheads to the Trinity Strand Trail is situated approximately 400 feet from the site, with the DART Victory Station approximately one mile from the site.

In context with the built environment, staff has requested the applicant provide for a vibrant pedestrian realm, inclusive of a commitment to outdoor seating areas for any restaurant use, and a commitment to attach itself to the enhanced median and its proximity to the Trinity Strand trailhead noted in the previous paragraph.

The focus of the applicant's request is a 141 percent increase in floor area, the majority of which would be most prevalent at a structure height greater than 85 feet (excluding the requested ten feet for mechanicals) and an increase in structure height of 40 feet (30 feet of occupied floor area and ten feet for mechanicals). This portion of the request would permit a 100 percent increase in the building floor plate between 85 feet and a maximum height of 300 feet (over that currently permitted and assuming the project provides for all height bonus requirements). To put this in perspective, the

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existing floor plate provision at 85 feet equates to an at-grade footprint of 27 percent of the lot; the applicant's request expands this to 54 percent. Additionally, the request provides for an additional ten feet for mechanicals, which has the effect of providing for an additional story of occupied floor area; per the request, this would be equal to or less than 25,000 square feet, depending on final tower design.

Staff has worked with the applicant to ensure the requested entitlements are balanced by a commitment to the vision for the Subdistrict 1 area: *...a transit-oriented, mixed-use zoning district for the development of combinations of medium-density residential, retail, and office uses. Development should encourage residential, retail, office, and lodging uses in compatible combinations within walking distance of DART light-rail stations; conserve energy; provide for efficient traffic circulation; conserve land; minimize vehicular travel; encourage both day-time and night-time activity; encourage use of mass transit; increase pedestrian activity; and encourage bicycle usage.*

As such, the applicant has committed to the following two development options that must be provided in exchange for the requested increase in entitlements:

- 1) 150 lodging units and 5,000 square feet for retail and personal service uses with minimum outside seating area (500 square feet) for a restaurant, or
- 2) 135 multifamily dwelling units and 5,000 square feet for retail and personal service uses, along with the above referenced minimum outside seating area for a restaurant.

Generally, a high density residential project is considered one that provides in excess of 40 dwelling units per acre. Staff has a concern related to the increase in floor area (and expanded floor plate) when considering the applicant's commitment to a mixed use development as noted for option No. 2. As the existing structure height base of 150 feet (before bonus options) would require a minimum of 23,305 square feet for residential, approximately 21 dwelling units would be required if using an average unit size of 1,100 square feet. As submitted, the development would generate approximately 93,000 square feet (1,100 square feet per multifamily dwelling unit and 5,000 square feet for retail and personal service uses) of a requested 330,000 square feet of floor area.

It should be noted that staff does not have any concern as it relates to the flexibility of development within this Special Purpose District, nor whether a development provides for a single use or a mix of uses when considering existing entitlements. Conversely, a direct correlation to the requested increases without a more defined development vision (by ordinance requirements as a development plan is not required) could be problematic.

For comparison purposes, two projects will be summarized: 1) a similarly proposed mixed use project (office, retail, and residential), located north of downtown, and 2) a multifamily and retail project within the PDD No. 621 boundary.

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No. 1: Approved with a 63 percent increase in structure height and a 43 percent increase in floor area. Situated with close proximity to mass transit as well as publicly accessible amenity areas as well as a requirement for enhanced streetscapes and design standards:

- 3.2 acres
- MF-270 du's (82 du/acre)/373,725 square feet
- Office-516,294 square feet
- Retail/Restaurant-22,600 square feet (min. 800 square feet outside seating area for restaurant)
- Total development-912,619 square feet (6.43 FAR)

No. 2: Approved with a 63 percent increase in structure height, an expanded building footprint above 75 feet (from 12,500 square feet to \leq 25,000 square feet), and a small increase in floor area (~1,600 square feet). Situated with close proximity to mass transit, additional entertainment and employment area, as well as publicly accessible amenity areas as well as enhanced streetscapes and design standards required within PDD No. 621:

- 2.5 acres
- MF-314 du's (126 du/acre)/286,000 square feet
- Retail/Restaurant-27,000 square feet
- Total development-912,619 square feet (2.8 FAR)

What is consistent across both examples is a focus for balancing enhanced entitlements with a more varied and engaging pedestrian realm so as to capture the activity generated from close proximity to public amenities and compatible developments.

With respect to this request, it is staff's recommendation to creating a balance between the aggregate impact of the request (increases in floor area and structure height, along with a relaxed tower floor plate) by recommending enhancements to the at-grade environment, thereby creating a more engaging relationship between the human element and the (to be) built environment. An example of this relates to the existing 36 foot height bonus when 100 percent of a street-level parking structure façade is screened with any of the permitted uses (minimum depth of 30 feet), exclusive of drive approaches. The applicant has indicated (by preliminary design) this cannot be met. As such, staff has recommended provisions that will address those areas of a street-level parking structure façade that cannot be screened by one of these uses. The applicant has indicated this alternative design element is not acceptable.

Conversely, a direct correlation to the requested increases without a more defined development vision (by ordinance requirements as a development plan is not required) could be problematic. One way to address this is to require a development plan that more defines the physical correlation with the requested increases in entitlements along with a specific at-grade presence of the development's interaction with the human environment. At this time, the applicant has not agreed to provide such a commitment.

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To state another way, property owners (today) have an expanded palette of permitted uses as well as enhanced development rights over those which existed prior to August, 2002. Requirements are in place to ensure development is sensitive (i.e., design criteria and publicly accessible amenities) to the anticipated increase in the people who choose to reside, work, and visit the area. As such, a zoning amendment is not required to develop/redevelop properties offering a mix of uses that follow the framework provided for by current ordinance requirements.

Provision	Existing Subdistrict 1	Proposed New Subdistrict
USES	MIXED USES	NO REVISIONS
F/S/R YARD SETBACKS	0'/0'/0'	NO REVISIONS
DENSITY	NO MAXIMUM	NO REVISIONS- MINIMUM OF 135 DU'S REQUIRED FOR INCREASED ENTITLEMENTS IF NO HOTEL
FLOOR AREA RATIO	4.0:1	NO REVISION/9.65:1*
STRUCTURE HEIGHT/STORIES	130' (150' WITH 0.5 FAR RESIDENTIAL COMPONENT) UP TO 270' PER CERTAIN DESIGN CRITERIA/AMENITY LEVEL; SPECIFIC TOWER ORIENTATION AND FLOOR PLATE REDUCTION AT 75'	300' (SUBJECT TO EXISTING ORD. BONUSES) PLUS ADDL. TEN FEET FOR MECHANICALS; ADDL BONUS OPTION FOR ELECTRIC CHARGING STATIONS AND EXPANDED ART/WATER FEATURE
LOT COVERAGE	100%/60% AT 75' WITH MAX FLOORPLATE OF ≤ 12.5 K SF, WHICHEVER IS LESS	100%/60% AT 85' WITH MAX FLOORPLATE OF ≤ 25 K SF, WHICHEVER IS LESS
LANDSCAPING	SPECIFIC LANDSCAPE REGULATIONS	NO REVISIONS
OFF-STREET PARKING	DALLAS DEVELOPEMNT CODE PLUS SPECIFIC USE PARKING RATIOS	NO REVISIONS
DESIGN CRITERIA	SPECIFIC REGULATIONS	MINIMUM OUTSIDE SEATING AREA FOR RESTAURANT WHEN APPLICABLE*
SIGNS	BUSINESS ZONING DISTRICTS PLUS SPECIFIC RETAIL AND PERSONAL SERVICE ATTACHED SIGNAGE	NO REVISIONS

*See ordinance for mixed use thresholds

CPC ACTION

On February 4, 2016, the City Plan Commission held the request under advisement until February 18, 2016.

(February 18, 2016)

Motion: It was moved to recommend **approval** of a new Subdistrict, subject to a tower exhibit and staff's revised recommended conditions with the following revisions:

For a structure height bonus of 36 feet related to street-level parking structure concealment:

- (1) the development must comply with Section 51P-621.109(a)(4)(C)(i), or (ii);
- (2) the building must have street-level office showroom/warehouse, office, restaurant, hotel, retail and personal service, or residential uses that conceal 85 percent of the street-level parking structure façade (excluding driveway entrances);
- (3) the street-level uses must have a minimum depth of 30 feet measured from the building façade; and
- (4) the building is located in Subdistrict 1E and has a street-level parking structure façade that does not comply with (1), (2), and (3) but provides for solid screening that is architecturally compatible with the building and conceals a minimum of 15 percent of the street-level parking structure façade.

Regarding a structure height bonus for electric charging stations, approve a bonus of 15 feet subject to staff's recommended regulations, on property zoned Subdistrict 1 within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District, at the west corner of Hi Line Drive and Turtle Creek Boulevard.

Maker: Anantasomboon
Second: Davis
Result: Carried: 14 to 0

For: 14 - Anglin, Emmons, Houston, Davis, Shidid,
Anantasomboon, Abtahi, Haney, Jung,
Housewright, Schultz, Peadon, Murphy,
Tarpley

Against: 0
Absent: 1 - Ridley
Vacancy: 0

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Notices: Area: 500 Mailed: 25

Replies: For: 4 Against: 0

Speakers: For: Barry Knight, 2728 N. Harwood St., Dallas, TX, 75201
Against: None

Officers and Directors - Dunhill Vinculum LLC

-William L. Hutchinson, Manager

**DD Dunhill Land, LLC
Management**

Officers:

William L. Hutchinson, President

Timothy M. Denker, Vice President

**CPC RECOMMENDED/STAFF RECOMMENDED AMENDING CONDITIONS
ARTICLE 621.**

PD 621.

Old Trinity and Design District Special Purpose District

ARTICLE 621.

PD 621.

Old Trinity and Design District Special Purpose District

SEC. 51P-621.101. LEGISLATIVE HISTORY.

PD 621 was established by Ordinance No. 25013, passed by the Dallas City Council on August 28, 2002. (Ord. 25013)

SEC. 51P-621.102. PROPERTY LOCATION AND SIZE.

PD 621 is established on property generally bounded by Sylvan Avenue/Wycliff Avenue on the northwest, the meanders of the old channel of the Trinity River on the north, Interstate 35 on the east, Continental Avenue on the south, and the Trinity River Floodway on the west. The size of PD 621 is approximately 421.0323 acres. (Ord. Nos. 25013; 25560; 27006; 29127)

SEC. 51P-621.102.1. CREATION OF SUBDISTRICTS.

(a) Name. This special purpose district is to be known as the Old Trinity and Design District Special Purpose District.

(b) Creation of subdistricts.

(1) This special purpose district is divided into ~~six~~ seven subdistricts. Exhibit 621A describes the boundaries of each subdistrict. The map labelled Exhibit 621B shows the boundaries of each subdistrict. In case of a conflict, the verbal description in Exhibit 621A controls over the map in Exhibit 621B.

(2) Subdistricts 1, 1A, 1B, 1C, ~~and 1D,~~ and 1E are transit-oriented, mixed-use zoning district for the development of combinations of medium-density residential, retail, and office uses. Development should encourage residential, retail, office, and lodging uses in compatible combinations within walking distance of DART light-rail stations; conserve energy; provide for efficient traffic circulation; conserve land; minimize vehicular travel; encourage both day-time and night-time activity; encourage use of mass transit; increase pedestrian activity; and encourage bicycle usage. Subdistricts 1, 1A, 1B, 1C, ~~and 1D,~~ and 1E retain the potential for limited industrial and warehouse uses.

(3) Subdistrict 2 is for MU-3 Mixed Use District uses, bus or rail transit vehicle maintenance or storage facility uses, and commercial bus station and terminal uses. (Ord. Nos. 25013; 26975; 27006; 27280; 28231; 28819)

SEC. 51P-621.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions in Chapter 51A apply to this article. The following definitions apply to this special purpose district:

(1) **ANTIQUÉ SHOP** means an establishment for the retail sale of articles such as glass, china, furniture, or similar furnishings and decorations that have value and significance as a result of age, design, or sentiment.

(2) **ART GALLERY** means an establishment where original works of art or limited editions of original works of art are bought, sold, loaned, appraised, or exhibited to the general public.

(3) **ART OR CRAFT PRODUCTION FACILITY** means a facility for the production of handcrafted art or craft products through processes such as kiln firing, glass blowing, welding, or woodworking and for sale of the products to the general public.

(3.1) **BEER OR WINE MANUFACTURING** means an enclosed facility that processes and manufactures alcoholic beverages. This use does not include the processing or manufacturing of distilled spirits.

(4) **BUS OR RAIL TRANSIT VEHICLE MAINTENANCE OR STORAGE FACILITY** means a facility for the maintenance, repair, or storage of bus, rail, or other transit vehicles, including the following accessory uses: sleeping facilities for bus, rail or transit vehicle drivers, vehicle paint and body shop, vehicle washing, vehicle fueling facilities, sanitary hoppers, oil storage, package express services, bus charter sales, offices, training facilities, vehicle storage, vehicle sales, and communication antennas.

(5) **CANOPY TREE** means a species of tree that normally bears crown foliage no lower than six feet above ground upon maturity.

(6) **DUMPSTER** means a movable container holding two cubic yards or more of garbage.

(7) **FACADE** means any separate face of a building that is visible from a street, alley, or railbed.

(8) **MAJOR MODIFICATION** means reconstruction, alteration, or renovation of an original building that exceeds 50 percent of the value of the original building assessed by the Dallas Central Appraisal District or any increase in the floor area of an original building if the expansion is over 50 percent for nonresidential projects, over 65 percent for mixed use projects, and over 75 percent for residential projects.

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(9) **MASSAGE ESTABLISHMENT** means any building, room, place, or establishment, other than a regularly licensed hospital, where manipulated massage or manipulated exercises are practiced upon the human body by anyone not a duly licensed physician or chiropractor whether with or without the use of mechanical, therapeutic, or bathing devices, and includes Turkish bathhouses. This term does not include, however, duly licensed beauty parlors or barbershops or a place wherein registered physical therapists treat only patients recommended by a licensed physician and operated only under such physician's direction. "MASSAGE" means any process consisting of kneading, rubbing, or otherwise manipulating the skin of the body of a human being, either with the hand or by means of electrical instruments or apparatus, or other special apparatus, but does not include massage by duly licensed physicians and chiropractors, and registered physical therapists who treat only patients recommended by a licensed physician and who operate only under such physician's direction, nor massage of the face practiced by beauty parlors or barbershops duly licensed under the penal code of the state.

(10) **MEANDERS OF THE OLD TRINITY RIVER CHANNEL** means the old Trinity River channel within this special purpose district, as shown on the map labelled Exhibit 621C.

(11) **MIXED USE PROJECT** means a development, on a single building site, that contains more than one use.

(12) **NEW CONSTRUCTION** means construction of a main structure that is not an original building.

(13) **OPENING** means a door, window, passageway, or any other similar architectural feature through which light or solid objects may pass.

(14) **ORIGINAL BUILDING** means a structure existing on the date of the establishment of this special purpose district, but does not include a structure that has undergone a major modification.

(15) **OUTSIDE SEATING** means the area between an omitted wall line and the structural wall when the area is used solely for seating of patrons.

(16) **PIERCING SALON** means a facility in which body piercing is performed. **BODY PIERCING** means the creation of an opening in an individual's body, other than in an individual's earlobe, to insert jewelry or another decoration.

(17) **RAILBEDS** means the areas shown on the map labeled Exhibit 621D.

(18) **TATTOO STUDIO** means an establishment in which tattooing is performed. **TATTOOING** means the practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment.

(19) **WALKING DISTANCE** means the distance from the nearest point of a parking lot to the nearest public entrance of a main use, measured along the most convenient pedestrian walkway.

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(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This special purpose district is considered to be a mixed use zoning district.

(d) The following rules apply in interpreting the use regulations in this article:

(1) The absence of a symbol appearing after a listed use means that the use is permitted by right.

(2) The symbol *[L]* appearing after a listed use means that the use is permitted by right as a limited use only. (For more information regarding limited uses, see Section 51A-4.218, “Limited Uses.”)

(3) The symbol *[SUP]* appearing after a listed use means that the use is permitted by specific use permit only.

(4) The symbol *[DIR]* appearing after a listed use means that a site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803, “Site Plan Review.” (“DIR” means “development impact review.” For more information regarding development impact review generally, see Division 51A-4.800, “Development Impact Review.”)

(5) The symbol *[RAR]* appearing after a listed use means that, if the use has a residential adjacency as defined in Section 51A-4.803, “Site Plan Review,” a site plan must be submitted and approved in accordance with the requirements of that section. (“RAR” means “residential adjacency review.” For more information regarding residential adjacency review generally, see Division 51A-4.800, “Development Impact Review.”) (Ord. Nos. 25013; 25560; 28231)

SEC. 51P-621.103.1.

EXHIBITS.

The following exhibits are incorporated into this article:

(1) Exhibit 621A: Property and Subdistrict Descriptions.

(2) Exhibit 621B: Subdistrict Map.

(3) Exhibit 621C: Meanders of the Old Trinity River Channel.

(4) Exhibit 621D: Existing Railbeds.

(5) Exhibit 621E: List of Native Plants.

(6) Exhibit 621F: The Old Trinity and Design District “Woonerf-Living Streets” Conceptual Plan.

(7) Exhibit 621G: Tower Diagrams for Subdistrict 1A.

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- (8) Exhibit 621H: Tower Orientation.
- (9) Exhibit 621I: Tower Diagram for Subdistrict 1E.

SEC. 51P-621.104. CONCEPTUAL PLAN.

There is no conceptual plan for this special purpose district. (Ord. 25013)

SEC. 51P-621.105. DEVELOPMENT PLAN.

(a) Except as otherwise provided in this article, no development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply.

(b) Development of the railbeds as woonerf, as described in Exhibit 621F, is encouraged. The provisions of Exhibit 621F are not required. (Ord. Nos. 25013; 25560)

SEC. 51P-621.106. MAIN USES PERMITTED.

(a) Subdistricts 1, 1A, 1B, 1C, and 1D, and 1E.

(1) Agricultural uses.

None permitted.

(2) Commercial and business service uses.

- Building repair and maintenance shop. *[RAR]*
- Catering service.
- Commercial cleaning or laundry plant. *[SUP]*
- Custom business services.
- Custom woodworking, furniture construction, or repair.
- Electronics service center.
- Job or lithographic printing. *[RAR]*
- Labor hall. *[SUP]*
- Machine or welding shop. *[RAR]*
- Medical or scientific laboratory.
- Technical school.
- Tool or equipment rental.

(3) Industrial uses.

- Beer or wine manufacturing. *[Limited to Subdistricts 1C and*

1D.]

- Industrial (inside) for light manufacturing.
- Industrial (inside). *[RAR]*
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

(4) Institutional and community service uses.

- Adult day care facility.
- Child-care facility.
- Church.
- College, university, or seminary.
- Community service center. *[SUP]*
- Convent or monastery.
- Halfway house. *[SUP]*
- Hospital. *[RAR]*
- Library, art gallery, or museum.
- Open-enrollment charter school. *[SUP]*
- Private school other than open-enrollment charter school.

[SUP]

- Public school other than open-enrollment charter school. *[SUP]*

(5) Lodging uses.

- Hotel or motel. *[RAR]*
- Lodging or boarding house. *[SUP]*

(6) Miscellaneous uses.

- Carnival or circus (temporary). *[By special authorization of the building official.]*
- Temporary construction or sales office.

(7) Office uses.

- Financial institution without drive-in window.
- Financial institution with drive-in window. *[SUP, except with RAR only for lots adjacent to Oak Lawn Avenue, Market Center Boulevard, or Turtle Creek Boulevard.]*
- Medical clinic or ambulatory surgical center.
- Office.

(8) Recreation uses.

- Country club with private membership.
- Private recreation center, club, or area.
- Public park, playground, or golf course.

(9) Residential uses.

- College dormitory, fraternity, or sorority house. *[SUP]*

- Duplex.
- Group residential facility. *[SUP required if the spacing component of Section 51A-4.209(3) is not met. Permitted in this subdistrict subject to the same requirements as if located in an MU-3 Mixed Use District.]*
- Handicapped group dwelling unit. *[SUP required if the spacing component of Section 51A-4.209(3.1) is not met. Permitted in this subdistrict subject to the same requirements as if located in an MU-3 Mixed Use District.]*
- Multifamily.
- Retirement housing. *[SUP]*
- Single family.

(10) Retail and personal service uses.

- Alcoholic beverage establishments. *[SUP. See Section 51A-4.210(b)(4).]*
- Ambulance service. *[RAR]*
- Animal shelter or clinic without outside run. *[RAR]*
- Animal shelter or clinic with outside run. *[SUP]*
- Antique shop.
- Art gallery.
- Art or craft production facility. *[Limited to 5,000 square feet or less of floor area.]*
- Auto service center. *[SUP]*
- Billiard hall. *[SUP]*
- Bingo parlor. *[SUP]*
- Business school.
- Car wash. *[SUP]*
- Commercial amusement (inside). *[See Section 51A-4.210(b)(7). Except as otherwise provided, permitted in this subdistrict subject to the same requirements as if located in an MU-3 Mixed Use District. Class E dance halls, as defined in Chapter 14 of the Dallas City Code, are not permitted. Billiard hall by SUP only. Bingo parlor by SUP only.]*
- Commercial parking lot or garage.
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- Home improvement center, lumber, brick, or building materials sales yard.
- Household equipment and appliance repair.
- Liquor store.
- Massage establishment. *[SUP]*
- Mortuary, funeral home, or commercial wedding chapel.
- Motor vehicle fueling station. *[SUP]*
- Nursery, garden shop, or plant sales.
- Outside sales. *[SUP]*

- Personal service uses.
- Piercing salon. *[SUP]*
- Restaurant without drive-in or drive-through service.
- Restaurant with drive-in or drive-through service. *[SUP]*
- Swap or buy shop. *[SUP]*
- Taxidermist.
- Tattoo studio. *[SUP]*
- Temporary retail use.
- Theater. *[Limited to 1,000 seats or fewer.]*
- Truck stop. *[SUP]*
- Vehicle display, sales, and service. *[SUP]*

(11) Transportation uses.

- Heliport. *[SUP]*
- Helistop. *[SUP]*
- Railroad passenger station. *[SUP]*
- Transit passenger shelter.
- Transit passenger station or transfer center. *[By SUP or city council resolution.]*

(12) Utility and public service uses.

- Electrical substation.
- Local utilities.
- Police or fire station.
- Post office.
- Radio, television, or microwave tower. *[RAR]*
- Tower/antenna for cellular communication.
- Utility or government installation other than listed. *[SUP]*

(13) Wholesale, distribution, and storage uses.

- Auto auction. *[SUP]*
- Contractor's maintenance yard. *[RAR]*
- Mini-warehouse. *[SUP, except with RAR only if all on-site circulation is internal to the structure.]*
- Office showroom/warehouse.
- Recycling drop-off container. *[SUP required if the requirements of Subparagraph (E) of Section 51A-4.213(11.2) are not satisfied.]*
- Trade center.
- Warehouse.

(b) Subdistrict 2.

(1) Except as otherwise provided in this subsection, the uses permitted in this subdistrict are the same as those uses permitted in the MU-3 Mixed Use District, subject to the same conditions applicable in the MU-3 Mixed Use District, as set out in the Dallas Development Code, as amended. For example, a use permitted in the MU-3 Mixed

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Use District only by specific use permit (SUP) is permitted in this special purpose district only by SUP; a use subject to development impact review (DIR) in the MU-3 Mixed Use District is subject to DIR in this special purpose district; etc.

(2) The following use is permitted in this subdistrict subject to residential adjacency review:

-- Bus or rail transit vehicle maintenance or storage facility.
[RAR]

(3) The following use is permitted in this subdistrict by specific use permit only:

-- Commercial bus station and terminal. [SUP]
(Ord. Nos. 25013; 25560; 26975; 27280; 28231; 28819)

SEC. 51P-621.107. ACCESSORY USES.

(a) As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, see Section 51A-4.217.

(b) The following accessory uses are not permitted in Subdistricts 1, 1A, 1B, 1C, ~~and 1D, and 1E~~:

- Accessory medical/infectious waste incinerator.
- Accessory pathological waste incinerator.
- Amateur communications tower.
- Day home.
- General waste incinerator.
- Private stable.

(c) Except as otherwise provided in this section, accessory uses in Subdistrict 2 must comply with the accessory use regulations applicable to the MU-3 Mixed Use District.

(d) The following accessory uses are permitted by SUP only:

-- Accessory outside storage. [SUP]
-- Pedestrian skybridges. [SUP]
(Ord. Nos. 25013; 25560; 26975; 27280; 28231; 28819)

SEC. 51P-621.108. CREATION OF A BUILDING SITE.

(a) The building official shall not issue a certificate of occupancy or a building permit until:

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(1) a building site has been established under Section 51A-4.601, “Creation of a Building Site”; or

(2) the yard, lot, and space requirements of a lot or parcel can be determined from property lines described in deed records. (Ord. 25013)

SEC. 51P-621.109. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. In the event of a conflict between this section and Division 51A-4.400, this section controls.)

(a) Subdistricts 1, 1A, 1B, 1C, and 1D, and 1E.

(1) Front yard. No minimum front yard.

(2) Side and rear yard. No minimum side or rear yard.

(3) Density. No maximum density.

(4) Floor area.

(A) For Subdistricts 1, 1A, 1C, and 1D, maximum floor area ratio is 4.0.

(B) For Subdistrict 1B, maximum floor area is 449,316 square feet.

(C) Except as provided in this subsection, maximum floor area for Subdistrict 1E is 186,437 square feet, but can be increased to 450,000 square feet if one of the following are provided:

Applicant requested:

(i) Mix of uses with a hotel or motel use.

(aa) a minimum of 150 guest rooms; and

(bb) retail and personal service uses with a minimum of 5,000 square feet of floor area located on the ground floor. If a restaurant without drive-in or drive-through service is located on a ground floor, a minimum of 500 square feet of outside seating area must face a public street or abandoned railroad right-of-way. For purposes of this subsection, this outside seating area does not satisfy the minimum of a 5,000 square foot of floor area requirement.

(ii) Mix of uses without a hotel or motel use.

(aa) a multifamily use with a minimum of 135 dwelling units; and,

(bb) retail and personal service uses with a minimum of 5,000 square feet of floor area located on the ground floor. If a restaurant without drive-in or drive-through service is located on a ground floor, a minimum of 500 square feet of outside seating area must face a public street or abandoned railroad right-of-way. For purposes of this subsection, this outside seating area does not satisfy the minimum of a 5,000 square foot of floor area requirement.

Staff recommended:

(i) Mix of uses with a hotel or motel use.

(aa) a minimum of 150 guest rooms; and

(bb) retail and personal service uses with a minimum of 7,000 square feet of floor area located on the ground floor. If a restaurant without drive-in or drive-through service is located on a ground floor, a minimum of 700 square feet of outside seating area must face a public street or abandoned railroad right-of-way. For purposes of this subsection, this outside seating area does not satisfy the minimum of a 7,000 square foot of floor area requirement.

(ii) Mix of uses without a hotel or motel use.

(aa) a multifamily use with a minimum of 135 dwelling units; and

(bb) retail and personal service uses with a minimum of 7,000 square feet of floor area located on the ground floor. If a restaurant without drive-in or drive-through service is located on a ground floor, a minimum of 700 square feet of outside seating area, for all restaurants combined must face a public street or abandoned railroad right-of-way. For purposes of this subsection, this outside seating area does not satisfy the minimum of a 7,000 square foot of floor area requirement.

(5) Height. Except as provided in this subsection, maximum height is:

(A) 150 feet for buildings having an FAR for residential uses of 0.5 or more; and

(B) 130 feet for all other buildings and structures.

(C) In Subdistrict 1E, mechanical equipment elevator overrides, penthouses, parapet walls and related equipment and structures may extend an additional 10 feet in height above the maximum height.

(5.1) Height bonuses for Subdistricts 1A, 1B, ~~and 1D~~, and 1E. One or more of the following height bonuses may be combined to achieve a maximum building height of 270 feet for Subdistricts 1A, 1B, and 1D, and a maximum building height of 300 feet for Subdistrict 1E:

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(A) Tower size and orientation. Building height may be increased a maximum of 60 feet if (See Exhibit 621G for Subdistrict 1A; ~~See Exhibit 621H for Subdistrict 1B;~~ See Exhibit 621I for Subdistrict 1E):

(i) in Subdistrict 1A and 1D:

(aa) the portion of the building above 75 feet in height has a floor plate of 12,500 square feet or less; and

(bb) the tower dimension perpendicular to the east Trinity River levee is at least three times longer than the tower dimension parallel to the east Trinity River levee (tower dimension is measured at the widest point of the building facade).

(ii) in Subdistrict 1B:

(aa) the portion of the building above 75 feet has a floor plate of 25,000 square feet or less;

(bb) the tower is oriented as indicated on Exhibit 621H; and

(cc) the longer tower dimension is at least three times longer than the short tower dimension (tower dimension is measured at the widest point of the building facade).

(iii) in Subdistrict 1E:

(aa) the portion of the building above 85 feet has a floor plate of 25,000 square feet or less;

(bb) the tower is oriented as indicated on Exhibit 621I; and

(cc) the longer tower dimension is at least two times longer than the short tower dimension (tower dimension is measured at the widest point of the building facade).

(B) Street-level parking structure concealment. Building height may be increased a maximum of 36 feet if:

(i) the building is located in Subdistricts 1A, 1B, 1C, or 1D and:

(aa) the building has street-level office showroom/warehouse, office, restaurant, or residential uses that conceal 100 percent of the street-level parking structure facade; and

(bb) the street-level uses have a minimum depth of 30 feet measured from the building facade.

Applicant requested:

<p><u>(ii) the building is located in Subdistrict 1E and except as provided in this paragraph:</u></p> <p><u>(aa) the development complies with Section 51P-621.109(a)(4)(C)(i), or (ii);</u></p> <p><u>(bb) the building has street-level office showroom/warehouse, office, restaurant, hotel, retail and personal service, or residential uses that conceal 85 percent of the street-level parking structure façade (excluding driveway entrances);</u></p> <p><u>(cc) the street-level uses have a minimum depth of 30 feet measured from the building façade; and</u></p> <p><u>(iii) the building is located in Subdistrict 1E and has a street-level parking structure façade that does not comply with (ii)(aa), (ii)(bb), and (ii)(cc) in this subsection but provides for solid screening that is architecturally compatible with the building and conceals a minimum of 15 percent of the street-level parking structure façade.</u></p>

Staff recommended:

<p><u>(iii) The building is located in Subdistrict 1E and:</u></p> <p><u>(aa) the development complies with Section 51P-621.109(a)(4)(C)(i), or (ii);</u></p> <p><u>(bb) the building has street-level office showroom/warehouse, office, restaurant, hotel, retail and personal service, or residential uses that conceal a minimum of 85 percent of the street-level parking structure façade;</u></p> <p><u>(cc) the street-level uses have a minimum depth of 30 feet measured from the building façade; and</u></p> <p><u>(dd) a minimum of 15 percent of the street-level parking structure façade must be designed with a minimum 70 percent transparency and utilize deep-set windows.</u></p> <p><u>(11) For purposes of this paragraph, transparency means the total area of windows filled with glass, excluding glass block, and expressed as a percentage of the total façade of a street-level parking structure façade.</u></p> <p><u>(22) Deep-set windows must have a window display area with a minimum depth of eight feet and must contain displays of interest.</u></p>
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Examples include art, retail displays, historical displays, and community or Trinity Design District event information.

(33) Windows may not be obstructed with coverings, paint treatments, or etchings.

(44) Signage is prohibited.

(C) LEED rating.

(i) Building height may be increased a maximum of 12 feet if the building is eligible for silver, gold, or platinum designation under the United States Green Building Leadership in Energy and Environmental Design (LEED) rating system.

(ii) Determination of eligibility.

(aa) A United States Green Building Council's Leadership in Energy and Environmental Design (LEED) checklist, effective May 1, 2004, must be submitted with an application for a building permit for development, indicating how development will comply with a certified designation. The development plans submitted for a building permit must be certified by a LEED accredited professional designated by the department of development services.

(bb) Before the issuance of a building permit, the building official shall determine that the project is consistent with the standards and criteria for a LEED certified designation.

(cc) If the developer is unable to achieve all of the green building rating system points identified on the checklist, the developer must replace any points not achieved with other green building rating system points acceptable under the United States Green Building Council's LEED rating system.

(dd) The checklist, certified development plans, and any supporting documents and templates related to the points previously approved by the city for the LEED certified level designation must be submitted with an application for a certificate of occupancy. A certificate of occupancy may not be issued until a LEED accredited professional designated by the department of development services certifies that the building complies with the LEED certified designation.

(D) Pedestrian amenities. Building height may be increased a maximum of 12 feet if the building achieves 25 points under Paragraph 51P-621.113(c)(3).

(E) Public art or water feature. In Subdistrict 1E, development that complies with Section 51P-621.109(a)(4)(C)(i), or (ii), building height may be increased a maximum of 15 feet if:

(i) the building achieves 15 points under Section 51P-621.113(c)(4); and

(ii) the public art or water feature is located in exterior open space and contains a minimum of 600 square feet of land area and includes a minimum of two of the following:

(aa) benches and/or seat walls;

(bb) trash receptacles;

(cc) shade structure, awning, trees.

Applicant requested:

<p><u>(F) Electric charging stations. In Subdistrict 1E, building height may be increased a maximum of 15 feet if the development provides a minimum of five electric charging stations for the charging of electrically powered motor vehicles, with a minimum of two of the stations that are accessible to the public. For purposes of this subparagraph, accessible to the public means an electric charging station that is visible from a public right-of-way or provides signage or other means of identification if either or all of the spaces are located within a structure.</u></p>

Staff recommended:

<p><u>(F) Electric charging stations. In Subdistrict 1E, building height may be increased a maximum of 10 feet if the development provides a minimum of five electric charging stations for the charging of electrically powered motor vehicles, with a minimum of two of the stations that are accessible to the public. For purposes of this subparagraph, accessible to the public means an electric charging station that is visible from a public right-of-way or provides signage or other means of identification if either or all of the spaces are located within a structure.</u></p>

(6) Building site coverage.

(A) Except as provided in this paragraph, maximum building site coverage is 100 percent.

(B) For Subdistricts 1A, and 1B, any portion of a building that is above 75 feet in height may not have a floor plate greater than 60 percent of the lot area or 25,000 square feet, whichever is less (See Exhibit 621G for Subdistrict 1A. See Exhibit 621H for Subdistrict 1B).

(C) For Subdistrict 1E, any portion of a building that is above 85 feet in height may not have a floor plate greater than 60 percent of the lot area or 25,000 square feet, whichever is less (See Exhibit 621I for Subdistrict 1E).

(7) Building site size. No minimum building site size.

(8) Stories. No maximum number of stories.

(b) Subdistrict 2.

(1) Except for a bus or rail transit vehicle maintenance or storage facility, the yard, lot, and space regulations applicable to the MU-3 Mixed Use District, as amended, apply to this subdistrict.

(2) The following yard, lot, and space regulations apply to bus or rail transit vehicle maintenance or storage facility uses:

- (A) Front yard. No minimum front yard.
- (B) Side and rear yard. No minimum side or rear yard.
- (C) Density. No maximum density.
- (D) Floor area. Maximum floor area ratio (FAR) is 4.0.
- (E) Height. Maximum structure height is 200 feet.
- (F) Building site coverage. Maximum building site coverage is 100 percent.
- (G) Building site size. No minimum building site size.
- (H) Stories. No maximum number of stories. (Ord. Nos. 25013; 25560; 26975; 27280; 28231; 28819)

SEC. 51P-621.110. OFF-STREET PARKING AND LOADING.

- (a) General requirements applicable to all subdistricts.
 - (1) Except as otherwise provided in this section, off-street parking and loading must be provided in compliance with Division 51A-4.300, "Off-Street Parking and Loading Regulations." In the event of a conflict between this section and Division 51A-4.300, this section controls.
 - (2) If several uses are located on a single building site, the off-street parking requirement is the sum of the requirements for each use, and off-street parking spaces for one use may not be counted toward the off-street parking requirement of another use, except as otherwise provided in this section.
 - (3) If more than 10 off-street parking spaces are required, handicapped parking must be provided pursuant to Section 51A-4.305, "Handicapped Parking Regulations."
- (b) Subdistricts 1, 1A, 1B, 1C, and 1D, and 1E.
 - (1) Except for the uses listed below, consult the use regulations in Division 51A-4.200, "Use Regulations," for the specific off-street parking requirements for each use.
 - (A) Alcoholic beverage establishment. One space per 105 square feet of floor area. No parking is required for outside seating up to 10 percent of the total floor area of the alcoholic beverage establishment. Outside seating may not be converted to interior floor area unless the additional required parking is provided.

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- (B) Antique shop. One space per 600 square feet of floor area.
- (C) Art gallery. One space per 600 square feet of floor area.
- (D) Art or craft production facility. One space per 1,000 square feet of floor area.
- (E) Beer or wine manufacturing. One space per 600 square feet of floor area.
- (F) Dance hall. One space per 25 square feet of floor area.
- (G) Duplex.
 - (i) One space per dwelling unit with one or fewer bedrooms.
 - (ii) Two spaces per dwelling unit with more than one bedroom.
 - (iii) In Subdistrict 1B, parking may be gated or otherwise secured if Dallas Fire Code requirements are met.
- (H) Furniture store. One space per 1,000 square feet of floor area.
- (I) General merchandise or food store 3,500 square feet or less. One space per 275 square feet of floor area.
- (J) General merchandise or food store greater than 3,500 square feet. One space per 275 square feet of floor area.
- (K) Multifamily.
 - (i) One-and-one-half spaces per dwelling unit.
 - (ii) In Subdistrict 1B, parking may be gated or otherwise secured if Dallas Fire Code requirements are met.
- (L) Office. One space per 358 square feet of floor area.
- (M) Office showroom/warehouse. One space per 1,100 square feet of floor area up to 20,000 square feet, and one space per 4,100 square feet of floor area over 20,000 square feet.
- (N) Personal service uses. One space per 275 square feet of floor area.
- (O) Restaurant. One space per 105 square feet of floor area. No parking is required for outside seating up to 10 percent of the total floor area of the

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restaurant. Outside seating may not be converted to interior floor area unless the additional required parking is provided.

(P) Single family.

(i) One space per dwelling unit with one or fewer bedrooms.

(ii) Two spaces per dwelling unit with more than one bedroom.

(iii) In Subdistrict 1B, parking may be gated or otherwise secured if Dallas Fire Code requirements are met.

(2) Parking reductions.

(A) Bicycle parking. The off-street parking requirement for nonresidential uses located within 600 feet of the centerpoint of the intersection of Slocum Street and Cole Street may be reduced by 10 percent if:

(i) one five-bicycle parking stand for each 100 feet of street frontage is provided in the front yard of the building site; and

(ii) a minimum 12-foot-wide pedestrian and bicycle path is provided to link the building site with a DART light rail station.

(B) Employment centers adjacent to shuttle or bus stops. The following uses may provide off-street parking as specified if the use is within 1,000 feet of a shuttle stop or bus stop that provides a direct link to the Victory rail transit station or the Market Center rail transit station and if the use has 75,000 or more square feet of floor area:

(i) Industrial (inside). One space per 750 square feet of floor area.

(ii) Office. One space per 450 square feet of floor area.

(C) On-street parking. On-street parking spaces adjacent to a building site may be credited toward the off-street parking requirement of uses on the building site, even if the parking, backing, or maneuvering must be performed in the public right-of-way. On-street parking must be striped in accordance with standard city specifications.

(i) Head-in parking. One head-in parking space may be credited for each nine feet of frontage of the building site. Angled head-in parking must be angled more than 60 degrees but less than 90 degrees to the curb. The closest point of any angled head-in parking space may not be located closer than 10 feet to any perpendicular (90 degree) head-in parking space.

(ii) Parallel parking. One parallel parking space may be credited for each 22 feet of frontage of the building site.

(D) Special exception. The board of adjustment may grant a special exception of up to 50 percent of the required off-street parking upon the findings and considerations listed in Section 51A-4.311. The board of adjustment may impose conditions on the special exception.

(3) Delta theory.

(A) Except as otherwise provided in this paragraph, see Section 51A-4.704(b)(4). In the event of a conflict between this paragraph and Section 51A-4.704(b)(4), this section controls.

(B) The right to carry forward nonconforming parking and loading spaces does not terminate.

(4) Special parking.

(A) In general. Except as otherwise provided in this paragraph, see Division 51A-4.320, "Special Parking Regulations."

(B) Special parking allowed. Except as specifically modified in this section, required off-street parking may be special parking.

(C) Remote parking for nonresidential uses.

(i) Required off-street parking for nonresidential uses may be remote parking.

(ii) Remote parking for nonresidential uses must be located within 1,000 feet of the use served by the remote parking. The building official may extend the distance for remote parking to no more than 1,500 feet if a shuttle from the remote parking is provided. A license is required to authorize an extension of distance beyond 1,500 feet.

(iii) Remote parking lots must meet on-site parking landscape requirements.

(iv) Parking located in a railbed may be used as remote parking.

(D) Shared parking. Except for residential uses in Subdistrict 1B, if more than one type of use is located on a building site, all uses on the building site must share parking. Table 1 must be used to calculate the required off-street parking spaces when parking is shared. The number of off-street parking spaces that must be provided for the development is the largest number of spaces required under any of the five time-of-day columns. For example, in the morning, a development with residential and office uses must provide 80 percent of the off-street parking that would normally be required for the residential uses and 100 percent of the off-street parking that would normally be required for the office uses. Likewise, in the afternoon, that development must provide 60 percent of the off-street parking that would normally be required for the residential uses and 100

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percent of the off-street parking that would normally be required for the office uses. A similar calculation must be performed for each time of day. If the number of spaces required in the morning is greater than the number of spaces required during any other time of day, then the number of spaces required in the morning must be provided. Likewise, if the number of spaces required in the late afternoon is greater than the number of spaces required during any other time of day, then the number of spaces required in the late afternoon must be provided.

Table 1: Shared Parking Table
(For calculating the parking requirement for shared parking)

<u>Use Category</u>	<u>% Morning</u>	<u>% Noon</u>	<u>% Afternoon</u>	<u>% Late Afternoon</u>	<u>% Evening</u>
Residential	80	60	60	70	100
Office-related	100	80	100	85	35
Retail-related	60	75	70	65	7
Bar and Restaurant	20	100	30	30	100
Warehouse/Showroom	100	75	100	65	35
All other	100	100	100	100	100

(5) Cash in lieu of required parking. A property owner may make a one-time cash payment to the Old Trinity and Design District Parking Fund in lieu of providing required parking for a use in an original building. The amount of the payment is calculated by using the following formula:

National median cost per square foot x 350 x Dallas cost index x Number of required spaces not provided x .75 = Payment required

where “national median cost per square foot” is the national median cost per square foot of a parking space in a parking garage. Both the “national median cost per square foot” and the “Dallas cost index” must be derived from the most recent issue of Building Construction Cost Data, published by the Robert Snow Means Company, Inc., of Kingston, Massachusetts, unless another comparable publication is designated by the director. The department shall administer a city account to be known as the Old Trinity and Design District Parking Fund. Funds from the Old Trinity and Design District Parking Fund must be used only for the acquisition or construction of parking garages or other parking improvements within Subdistricts 1, 1A, 1B, 1C, ~~and 1D,~~ and 1E. The payment into the Old Trinity and Design District Parking Fund is due at the time of application for a building permit.

(6) Fees for required parking. Fees may be charged for use of required parking.

(7) Parking structure screening. Any portion of a street level parking structure facade that is concealed by a street level use is considered screened.

(c) Subdistrict 2. The off-street parking requirement for a bus or rail transit vehicle maintenance or storage facility is one space per 1,500 square feet of floor area. For all other uses, consult the use regulations contained in Division 51A-4.200, “Use

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Regulations,” for the specific off-street parking/loading requirements for each use. (Ord. Nos. 25013; 25560; 26975; 27280; 28231; 28819)

SEC. 51P-621.111. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI. (Ord. 25013)

SEC. 51P-621.112. LANDSCAPING.

(a) General requirements applicable to all subdistricts.

(1) Required tree species. All required trees must be from the following list of Texas native species:

<u>Scientific name</u>	<u>Common name</u>
Aesculus glaba v. arguta	Texas buckeye
Aesculus pavia	Red buckeye
Bumelia lanuginosa	Woolly-bucket bumelia
Carya illinoensis	Pecan
Carya texana	Black hickory
Cercis canadensis v. Canadensis	Eastern redbud
Diospyros virginiana	Common persimmon
Ilex decidua	Deciduous holly
Ilex vomitoria	Yaupon holly
Juglans nigra	Black walnut
Juniperus virginiana	Eastern red cedar
Morus rubra	Red mulberry
Myrica cerifera	Wax myrtle
Prunus mexicana	Mexican plum
Quercus macrocarpa	Bur oak
Quercus marilandica	Blackjack oak
Quercus shumardii	Shumard red oak
Quercus stellata	Post oak
Quercus virginiana	Live Oak
Rhamnus caroliniana	Carolina buckthorn
Rhus copallina	Flameleaf sumac
Rhus virens	Evergreen sumac
Sapindus drummondii	Western soapberry
Sophora affinis	Eve's necklace
Taxodium distichum	Bald cypress
Ulmus americana	American elm
Ulmus crassifolia	Cedar elm
Viburnum rufidulum	Rusty blackhaw viburnum
Zanthoxylum clavaherulis	Hercules' club

(2) Prohibited trees.

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(A) The following trees may not be planted within this special purpose district:

<u>Scientific name</u>	<u>Common name</u>
Populus deltoides	Cottonwood
Albizia julbrissen	Mimosa

(B) Bradford pears (pyrus calleryana) may be planted as site trees. Bradford pears may not be used as street trees, used as landscape buffer trees, or planted in the public right-of-way.

(3) Street trees.

(A) In Subdistricts 1, 1A, 1B, 1C, ~~and 1D,~~ and 1E, one street tree must be provided per 25 feet of street frontage, with a minimum of one street tree per building site. In Subdistrict 2, one street tree must be provided per 50 feet of street frontage, with a minimum of one street tree per building site.

(B) Street trees must be located on the building site within 50 feet of the projected street curb, except that street trees may be located in the public right-of-way if all private licensing requirements of the city code and charter are met and a right-of-way landscape permit is obtained from the city. For purposes of this subparagraph, “projected street curb” means the future location of the street curb consistent with the City of Dallas Thoroughfare Plan as determined by the director of public works and transportation.

(C) Street trees must be provided for all new construction.

(4) Landscaping in the public right-of-way.

(A) Landscaping may be located in the public right-of-way if a right-of-way landscape permit is obtained from the city.

(B) Plants in the public right-of-way may not obstruct visibility or create a traffic hazard. See Section 51A-4.602(d), “Visual Obstruction Regulations.”

(C) The city council hereby grants a non-exclusive revocable license to the owners or tenants (with written consent of the owner) of all property within this special purpose district for the exclusive purpose of authorizing compliance with the landscaping requirements of this special purpose district. An owner or tenant is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a right-of-way landscape permit in accordance with the Dallas Building Code. This private license will not terminate at the end of any specific time period; however, the city council reserves the right to terminate this license at will, by resolution passed by the city council, at any time such termination becomes necessary. The determination by the city council of the need for termination is final and binding. The city shall become entitled to possession of the licensed area without giving any notice and without the necessity of legal proceedings to obtain possession when, in its judgment, the purpose or use of the license is inconsistent with the public use of the right-of-way or when the purpose or use of the

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license is likely to become a nuisance or threat to public safety. Upon termination of the license by the city council, each owner or tenant shall remove all improvements and installations in the public rights-of-way to the satisfaction of the director of public works and transportation.

(D) A property owner or tenant is not required to comply with any right-of-way landscaping requirement to the extent that compliance is made impossible due to the city council's revocation of a right-of-way landscape permit or the revocation of the private license granted under this subsection.

(E) Upon the installation of landscaping in the public right-of-way, the owners or tenants shall procure, pay for, and keep in full force and effect commercial general liability insurance coverage with an insurance company authorized to do business in the State of Texas and otherwise acceptable to the city, covering, but not limited to, the liability assumed under the private license granted under this subsection, with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence, and \$2,000,000 annual aggregate. Coverage under this liability policy must be on an occurrence basis and the city shall be named as additional insured. Proof of such insurance must be sent to: Office of Risk Management, City of Dallas, 1500 Marilla, Dallas, Texas 75201, and the policy must provide for 30 days prior written notice to the Office of Risk Management of cancellation, expiration, non-renewal, or material change in coverage. All subrogation rights for loss or damage against the city are hereby waived to the extent that they are covered by this liability insurance policy.

(F) Each owner or tenant is responsible for maintaining the landscaping in a healthy, growing condition, and for keeping the premises safe and in good condition and repair, at no expense to the city, and the city is absolutely exempt from any requirements to make repairs or maintain the landscaping. The granting of a license for landscaping under this subsection does not release the owner or tenant from liability for the installation or maintenance of trees and landscaping in the public right-of-way.

(5) Visual obstruction regulations. A property owner is not required to comply with the landscaping requirements of this section to the extent that compliance is made impossible by Subsection (d), "Visual Obstruction Regulations," of Section 51A-4.602, "Fence, Screening, and Visual Obstruction Regulations."

(b) Subdistricts 1, 1A, 1B, 1C, and 1D, and 1E.

(1) General requirement. Except as otherwise provided in this section, landscaping must be provided as required by Article X.

(2) Landscaping in railbeds.

(A) Any landscaping planted in the area to the centerline of a railbed may be used to satisfy required landscaping for the adjacent property. Landscaping planted in a railbed may not be located in an access easement.

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(B) The requirements of Section 51A-10.125(b)(5), “Parking Lot Trees,” do not apply to parking located within a railbed.

(3) Parking lot buffer. A five-foot-wide landscaped strip must be located along any edge of a parking lot or parking structure that is visible at grade level from a street. A minimum three-inch-caliper tree must be located every 15 feet, or fraction thereof, or clustered every 30 feet within the landscaped strip.

(4) Plant requirements. Plants used to satisfy the landscape requirements must comply with the following requirements:

(A) A large evergreen shrub must have the ability to grow to a minimum height of three feet within three years.

(B) Solid sod or hydro-mulch grass may be used.

(C) Artificial plant materials may not be used.

(D) Any required landscaping that dies must be replaced.

(5) Landscape plan. A landscape plan must accompany any application for a building permit to expand floor area if the expansion is over 50 percent for nonresidential projects, over 65 percent for mixed use projects, or over 75 percent for residential projects. A landscape plan must earn at least 50 points (out of a total of 155 possible points.) The points awarded for providing these features are provided in parentheses. Existing landscaping qualifies for points.

(A) Lighting. (Total possible points = 20) Ten points each are awarded for providing tree lighting, light bollards, light poles, building facade lighting, or landscaped area lighting, up to a maximum of 20 points. The lighting provided must be at least 1.5 foot-candles in intensity over adjacent pedestrian areas.

(B) Landscaping on rooftops and facades. (Total possible points = 30) Ten points each are awarded for large planters, hanging planters, exterior embedded or extended planters, and vine supports on rooftops or along front facades up to a maximum of 30 points. Vines within ground-based planters must be able to extend above one-half the total height of the ground story of the main structure.

(C) Landscape buffer. (Total possible points = 25) The landscape buffer must be a minimum of 80 square feet. A mix of plant materials may be used.

(D) Tree canopy at the street frontage. (Total possible points = 20) Points may be obtained for planting canopy trees along the entire street frontage, exclusive of vehicular and pedestrian entrances and exits. The trees may be planted in the right-of-way if a right-of-way landscape permit is obtained. Ten points are awarded for planting these trees at a density of one tree per 30 linear feet of street frontage and 20 points are awarded for planting these trees at a density of one tree per 15 linear feet of street frontage. Note: Power lines may affect the types of trees used.

(E) Seasonal color landscaping. (Total possible points = 20) Points may be obtained for providing a landscape area for seasonal color in planting beds, raised planters, or pots. Five points are awarded for a landscape area that is equal to at least one-fourth of a square foot multiplied by the number of feet of street frontage. Ten points are awarded for a landscape area that is equal to at least one-half of a square foot multiplied by the number of feet of street frontage. Fifteen points are awarded for a landscape area that is equal to at least three-fourths of a square foot multiplied by the number of feet of street frontage. The plants in the landscape area must be changed at least twice per year with the appropriate seasonal color plants. This area must contain the appropriate seasonal landscaping at all times except when the landscaping is being changed at the beginning of a new season.

(F) Native plant landscaping. (Total possible points = 20) Points may be obtained for providing a landscape area containing native plants. Five points are awarded for a landscape area that is equal to at least one-fourth of a square foot multiplied by the number of feet of street frontage. Ten points are awarded for a landscape area that is equal to at least one-half of a square foot multiplied by the number of feet of street frontage. Fifteen points are awarded for a landscape area that is equal to at least three-fourths of a square foot multiplied by the number of feet of street frontage. Native plants listed in Exhibit 621E must be used.

(G) Creation of open space. (Total possible points = 20) Five points are awarded per 200 square feet of open space if the open space is a minimum of 500 feet from the building site but within this special purpose district. For purposes of this subparagraph, "open space" means a space containing no structures or pavement at or above grade, and containing only grass or other vegetation. Open space must be available for use by the public. The open space must be maintained in a state of good repair and neat appearance at all times by the owner of the property for which the building permit was issued.

(6) Open space fund. If a property owner in Subdistricts 1, 1A, 1B, 1C, ~~and 1D,~~ and 1E cannot plant all of the required trees on the building site, the property owner shall comply with the following requirements for no more than 50 percent of the required trees:

(A) Make a payment into the Old Trinity and Design District Open Space Fund. The department shall administer a city account to be known as the Old Trinity and Design District Open Space Fund. Funds from the Old Trinity and Design District Open Space Fund must be used only for acquiring and maintaining property for parks and open-space within this special purpose district. The amount of the payment required per tree not planted is calculated by using the formula for appraising the value of a two-inch-caliper tree, as derived from the most recent edition of the *Guide for Establishing Values of Trees and Other Plants* published by the Council of Tree and Landscape Appraisers, unless another publication is designated by the building official, and adding the cost of planting and maintaining a two-inch tree for two years.

(B) Plant trees within:

(i) portals to the Trinity River (as identified in the Trinity River Corridor Comprehensive Land Use Plan) within this special purpose district,

(ii) along that portion of the Old Trinity Trail within this special purpose district, or

(iii) along the meanders of the Old Trinity River channel, as shown on Exhibit 621C.

(7) Parking/landscaping zone. Where there is at least a 70-foot space between buildings, a parking/landscaping zone meeting the following requirements is allowed in the space between the two buildings, but is not required. The composition of the parking/landscaping zone, moving from one building façade across to the other building façade, is as follows:

(A) First, a minimum six-foot-wide sidewalk parallel to the façade of the first building.

(B) Second, a parking area between six feet from the first building façade to 16 feet from the first building façade. This parking area must have angled head-in parking at an angle of 60 degrees to 90 degrees. A landscaped area containing one tree must be located between every fifth parking stall. Trees in the parking area must be spaced 46 to 50 feet on center, and must be 12 to 16 feet away from the first building façade. One parking stall may be omitted to allow for a loading dock to remain functional.

(C) Third, a minimum of 26 feet of right-of-way for the two-way traffic in the middle.

(D) Fourth, a matching parking area from between 16 feet from the second building façade to six feet from the second building façade.

(E) Fifth, a matching six-foot-wide sidewalk parallel to the façade of the second building.

(c) Subdistrict 2. Except as otherwise provided in this section, all properties in Subdistrict 2 must comply with Article X. (Ord. Nos. 25013; 25560; 26975; 27280; 28231; 28819)

SEC. 51P-621.113. ARCHITECTURAL DESIGN GUIDELINES.

(a) Purpose. The architectural design guidelines of this section are intended to preserve the historical, cultural, and architectural importance and significance of Subdistricts 1, 1A, 1B, 1C, and 1D. These architectural design guidelines are intended to encourage adaptive reuse of existing buildings; new contemporary and creative construction and major modifications that will enhance the architectural character of the district; and sustainable, green, energy efficient design and construction.

(b) Facade requirements for new construction and major modifications in Subdistricts 1, 1A, 1B, 1C, and 1D, and 1E.

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(1) Facades must be brick, concrete masonry, glass, hollow tile, stone, or other fireproof materials, except that wooden siding, wooden sheets, and metal may not be used on more than 50 percent of any facade.

(2) Facades consisting of more than 80 percent glass, excluding glass block, are prohibited.

(3) The maximum permitted reflectance of glass used as a facade material varies depending on where the glass is used. The reflectance of glass used on the first two stories may not exceed 15 percent. The reflectance of glass used above the first two stories may not exceed 27 percent. Reflectance is the percentage of available visible light energy reflected away from the exterior surface of the glass. The higher the percentage, the more visible light reflected and the more mirror-like the glass will appear.

(c) Design test requirements in Subdistricts 1, 1A, 1B, 1C, and 1D, and 1E. New construction or a major modification must earn at least 50 points for properties with a floor area ratio of 2.0 or less, and at least 70 points for properties with floor area ratios greater than 2.0 (out of 205 possible points). The total possible points in any category are provided in parentheses.

(1) Maintenance of original facades. (Total possible points = 10) Ten points are awarded for the adaptive reuse of an original building if its original facade design elements are not altered.

(2) Ground floor uses, building facades, and roofs. (Total possible points = 20) Points may be earned as follows:

(A) Retail and showroom uses. Ten points are awarded if a building's ground floor (excluding halls, restrooms, utility areas, and other public spaces) is allocated to retail and personal service uses or office showroom/warehouse uses.

(B) Restaurant uses. Ten points are awarded if a building's ground floor (excluding halls, restrooms, utility areas, and other public spaces) includes restaurant uses.

(C) Facade treatments. Ten points are awarded if the building's front facade is given texture and complexity by the inclusion of ground level entries more than 14 feet in height, porticos, indented entries, belt coursing or other horizontal banding, grid coursing, articulation of window openings, corner pilasters, rustication of the first floor, changes of color, or ornamental iron.

(3) Pedestrian amenities. (Total possible points = 25) Five points each are awarded for benches, trash receptacles, awnings/canopies, bicycle parking racks, and pedestrian street lamps. These items should be creative and contemporary. Pedestrian amenities must be located within the curb-to-building area of the building site, but, if a hardship prohibits locating these in the curb-to-building area of the building site, the amenities may be placed within the public right-of-way as long as they meet city standards and licensing requirements and do not block free movement of pedestrians. Pedestrian amenities must be maintained and operated by the owner of the building site. If there is

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more than one owner, all owners are jointly responsible for maintenance. Such amenities include:

(A) Benches or exterior seating areas (maximum of one every 50 feet).

(B) Trash receptacles (maximum of five points).

(C) Awnings/canopies along the front facade.

(D) One five-bicycle stand per 100 feet of street frontage.

(E) At least one pedestrian street lamp (freestanding or wall mounted) per 50 feet of street frontage.

(4) Public art or water features. (Total possible points = 15) Fifteen points are awarded for public art or water features costing at least \$2,500, limited to one per building site. In order to qualify for public art points, the public art must be visible from a public right-of-way at all times. Examples of public art could include art in an atrium or lobby that is visible from a public right-of-way, art incorporated into the sidewalk or building facade, or freestanding art. For purposes of this paragraph, “water features” means: fountains, pools, mechanical water jets, or similar water devices.

(5) Paving material. (Total possible points = 15) Five points are awarded per one-third increment of an outdoor private walkway area accessible to the public that is covered by decorative pavement. For purposes of this paragraph, “decorative pavement” means: colored concrete pavers; brick; stone; stamped, textured, or colored concrete; and exterior grade tile.

(6) Pedestrian orientation of building facade. (Total possible points = 20) Twenty points are awarded if a minimum of 25 percent of the front facade has transparent display windows or windows affording views into retail, office, or lobby space. The transparency requirement applies to the first 16 feet of height of the facade.

(7) Structured parking facilities. (Total possible points = 50) Fifty points are awarded for a structured parking facility if the design matches the facade of a new building or architecturally complements the facade of an original building.

(8) Energy conservation. (Total possible points = 15) Ten points are awarded for using solar, geothermal, or other non-petroleum, non-coal energy sources. Five points are awarded for planting twice the number of canopy trees required by Section 51P-621.112, “Landscaping.”

(9) Permeable surface. (Total possible points = 15) Five points are awarded each third of an outdoor walkway or driveway with a permeable surface.

(10) LEED’s credit. (Total possible points = 20) Twenty points are awarded for a project with a floor area ratio of more than 2.0 when the project complies with the following:

(A) A United States Green Building Council's Leadership in Energy and Environmental Design (LEED) Checklist, effective May 1, 2004, must be submitted with an application for a building permit for development, indicating how development will comply with a certified designation (26 to 32 project points). The development plans submitted for a building permit must be certified by a LEED accredited professional designated by the department of development services. Prior to the issuance of a building permit, the building official shall determine that the project is consistent with the standards and criteria for a LEED certified designation.

(B) If the developer is unable to achieve all of the green building rating system points identified on the checklist, the developer must replace any points not achieved with other green building rating system points acceptable under the United States Green Building Council's LEED rating system.

(C) All supporting documentation and templates related to the points previously approved by the city for the LEED certified level designation must be submitted with an application for a certificate of occupancy. A certificate of occupancy may not be issued until a LEED accredited professional designated by the department of development services certifies that the building complies with the LEED certified designation (26 to 32 project points).

(d) Approval by development plan. The city plan commission may approve new construction or a major modification that does not meet the requirements of Subsections (b) and (c) of this section if the development plan and elevations show that the new construction or major modification is consistent with the spirit and intent of this section.

(e) Fences and walls in Subdistricts 1, 1A, 1B, 1C, and 1D, and 1E. Fences and walls longer than 200 feet adjacent to any public street must be designed to prevent visual monotony through use of offsets, changes of materials and textures, gates or openings, or landscaping. (Ord. Nos. 25013; 25560; 26975; 27280; 28231; 28819)

SEC. 51P-621.114. SITE DESIGN REQUIREMENTS.

(a) Above-grade off-street parking. Parking is permitted on any level of a building.

(b) Median and curb cuts along Industrial Boulevard. Median and curb cuts to access railbeds for off-street parking from Industrial Boulevard, between Continental Avenue and Sylvan/Wycliff Avenue, must be approved by the director of public works and transportation. Traffic must be one-way from Industrial Boulevard westbound to Levee Street.

(c) Sidewalk standards for new construction.

(1) In general.

(A) Sidewalks complying with the standards of this subsection must be provided for all new construction.

(B) If a sidewalk is to be located in a front yard, a sidewalk easement must be dedicated to the city to assure its availability to the public for pedestrian access.

(C) Except as otherwise provided in this subsection, the requirements of Chapter 43, "Streets and Sidewalks," apply to all sidewalks.

(2) Location.

(A) Sidewalks must be located along the entire length of the street frontage.

(B) On state highways, sidewalks must be provided in the parkway, subject to Texas Department of Transportation approval. If Texas Department of Transportation approval cannot be obtained, the property is exempt from this requirement.

(C) Sidewalks must be located between five feet and 10 feet from the back of the projected street curb, except that sidewalks on Oak Lawn Avenue, Irving Boulevard, Market Center Boulevard, and Turtle Creek Boulevard must be located between five feet and 12 feet from the back of the projected street curb. Sidewalks may be located farther from the projected street curb to the extent necessary to preserve existing trees or structures or to comply with landscaping requirements.

(D) Subdistrict 1E. Design and construction must be level with any connecting sidewalk for sidewalks crossing drive approaches.

(3) Width.

(A) Sidewalk widths must match the width of existing sidewalks in front of adjacent properties at the point of convergence. Where there are different sidewalk widths on each side of the street frontage, the new sidewalk must taper or expand to meet the incongruous sidewalks.

(B) Sidewalks must have an unobstructed minimum width of four feet, except that sidewalks on Oak Lawn Avenue, Irving Boulevard, Market Center Boulevard, and Turtle Creek Boulevard must have an unobstructed minimum width of six feet. For purposes of this provision, "unobstructed" means by structures or landscaping, excluding utility poles and service boxes.

(d) License to allow compliance with ADA requirements.

(1) If there is no other way to install ramps required by the Americans with Disabilities Act or similar state laws other than to install the ramps in the public right-of-way, the city council hereby grants a non-exclusive revocable license to the owners or tenants (with written consent of the owner) of all property within this special purpose district for the exclusive purpose of authorizing compliance with the Americans with Disabilities Act or similar state laws. An owner or tenant is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a building permit in accordance with the Dallas Building Code. This private license will not terminate at the

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end of any specific time period; however, the city council reserves the right to terminate this license at will, by resolution passed by the city council, at any time such termination becomes necessary. The determination by the city council of the need for termination is final and binding. The city shall become entitled to possession of the licensed area without giving any notice and without the necessity of legal proceedings to obtain possession when, in its judgment, the purpose or use of the license is inconsistent with the public use of the right-of-way or when the purpose or use of the license is likely to become a nuisance or threat to public safety. Upon termination of the license by the city council, each owner or tenant shall remove all improvements and installations in the public rights-of-way to the satisfaction of the director of public works and transportation.

(2) Upon the installation of ramp in the public right-of-way, the owners or tenants shall procure, pay for, and keep in full force and effect commercial general liability insurance coverage with an insurance company authorized to do business in the State of Texas and otherwise acceptable to the city, covering, but not limited to, the liability assumed under the private license granted under this subsection, with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence, and \$2,000,000 annual aggregate. Coverage under this liability policy must be on an occurrence basis and the city shall be named as additional insured. Proof of such insurance must be sent to: Office of Risk Management, City of Dallas, 1500 Marilla, Dallas Texas 75201, and the policy must provide for 30 days prior written notice to the Office of Risk Management of cancellation, expiration, non-renewal, or material change in coverage. All subrogation rights for loss or damage against the city are hereby waived to the extent that they are covered by this liability insurance policy.

(3) Each owner or tenant is responsible for maintaining any ramps in good condition and repair, at no expense to the city, and the city is absolutely exempt from any requirements to make repairs or maintain any ramps. The granting of a license for ramps under this subsection does not release the owner or tenant from liability for the installation or maintenance of ramps in the public right-of-way.

(e) Exemption for Subdistrict 2. The site design requirements of this section do not apply to a bus or rail transit vehicle maintenance or storage facility use in Subdistrict 2. (Ord. Nos. 25013; 25560; 26102)

SEC. 51P-621.115. SCREENING REGULATIONS.

(a) Parking lot screening.

(1) Except as otherwise provided in this section, Section 51A-4.301(f), "Screening Provisions for Off-Street Parking," applies to all parking lots and parking structures.

(2) Fences may complement but not substitute for parking lot trees and shrubbery screening.

(3) The provision of screening for surface parking only applies to new construction. All surface parking must be screened from a street or access easement by

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using one or more of the following three methods to separately or collectively attain a minimum height of three feet above the parking surface:

(A) Earthen berm planted with turf grass or groundcover recommended for local area use by the director of parks and recreation. The berm may not have a slope that exceeds one foot of height per three feet of width.

(B) A fence constructed of one or more of the following: brick, stone, concrete masonry, stucco, concrete, wood, or other durable material. Wrought iron fences are allowed.

(C) Hedge-like evergreen plant materials recommended for local area use by the city arborist. The plant materials must be located in a bed that is at least three feet wide with a minimum soil depth of 24 inches. Initial plantings must be capable of obtaining a solid appearance within three years. Plant materials must be placed 36 inches on center over the entire length of the bed unless a landscape architect recommends an alternative planting density that the building official determines is capable of providing a solid appearance within three years.

(b) Screening of off-street loading spaces, dumpsters, and garbage storage areas.

(1) Except as otherwise provided in this subsection, screening of off-street loading spaces, dumpsters, and garbage storage areas must be provided in compliance with Section 51A-4.602, "Fence, Screening, and Visual Obstruction Regulations."

(2) All off-street loading spaces, dumpsters, and garbage storage areas must be screened from all public streets adjacent to the building site. Screening is not required on sides that are not visible from a public street.

(3) Screening of all off-street loading spaces, dumpsters, and garbage storage areas must be at least six feet in height.

(4) Screening is not required in the railbeds.

(c) Outdoor storage areas. Except for vehicle display, sales, and service uses and nursery, garden shop, and plant sales uses, all outdoor storage areas for commercial and business services uses and industrial uses must be entirely screened by an eight-foot solid screening fence, vegetative materials, or other alternative deemed appropriate by the building official.

(d) Exemption for Subdistrict 2. The screening regulations of this section do not apply to a bus or rail transit vehicle maintenance or storage facility use in Subdistrict 2. (Ord. Nos. 25013; 25560)

SEC. 51P-621.116. SIGNS.

(a) Except as otherwise provided in this section, signs must comply with the provisions for business zoning districts in Article VII.

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(b) In Subdistrict 2, detached premise signs existing on the date of establishment of this special purpose district may remain, provided the sign and sign supports are maintained in a state of good repair and neat appearance at all times. See Section 51A-7.210, “General Maintenance.”

(c) Projecting attached premise signs for retail and personal service uses are allowed, provided they do not project more than five feet from the building façade and are between nine and 15 feet above the sidewalk. For purposes of this provision, a “projecting attached premise sign” means an attached premise sign projecting more than 12 inches from a building at an angle other than parallel to the façade. (Ord. Nos. 25013; 25560)

SEC. 51P-621.117. ADDITIONAL PROVISIONS.

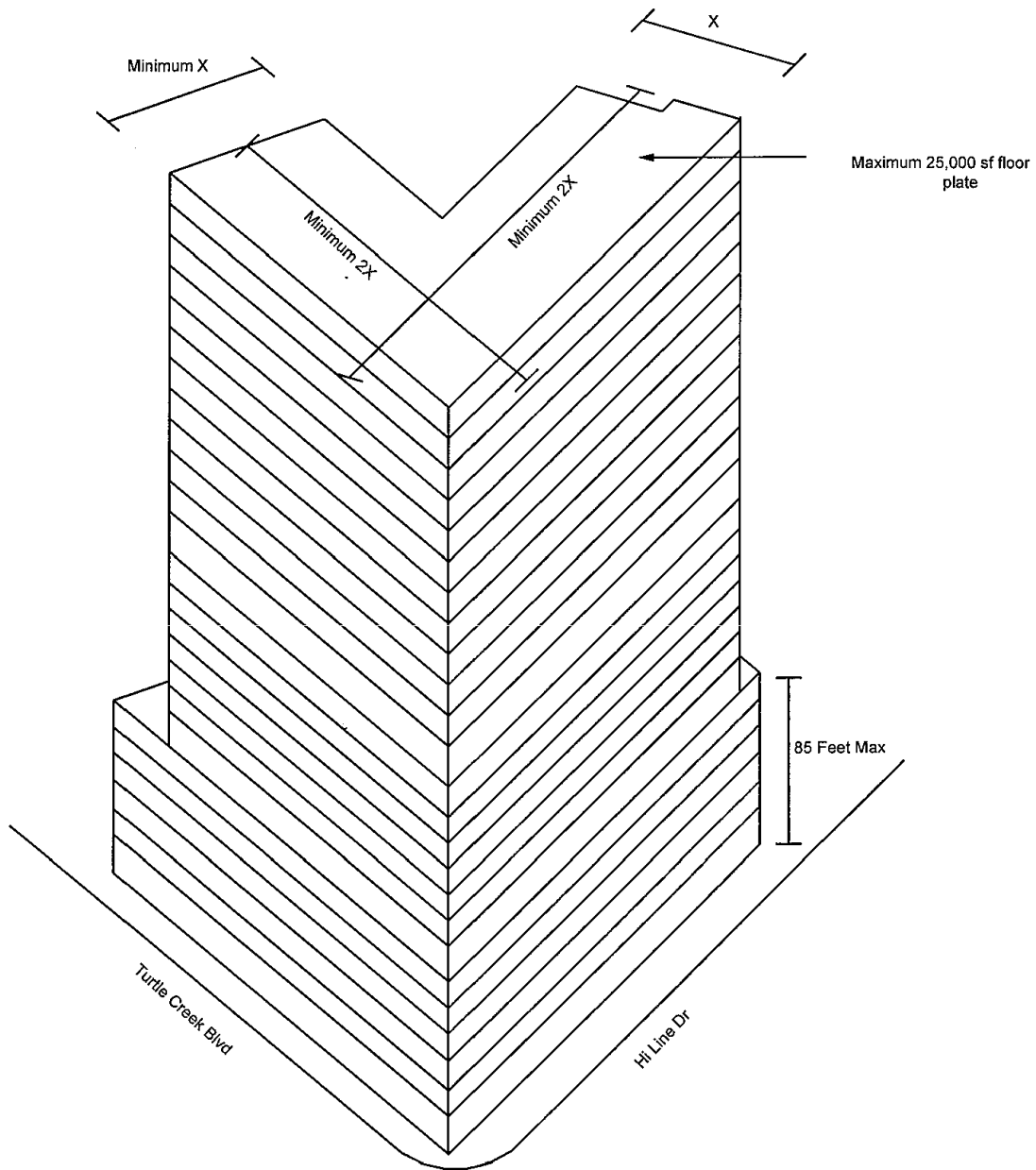
(a) The entire Property and any improvements in the public right-of-way must be properly maintained in a state of good repair and neat appearance. The city may remove any improvements in the public right-of-way that are not maintained in a state of good repair and neat appearance at the sole expense of the property owner, and may use any available legal remedy to recover the cost of removal from the property owner.

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city. (Ord. Nos. 25013; 25560; 26102)

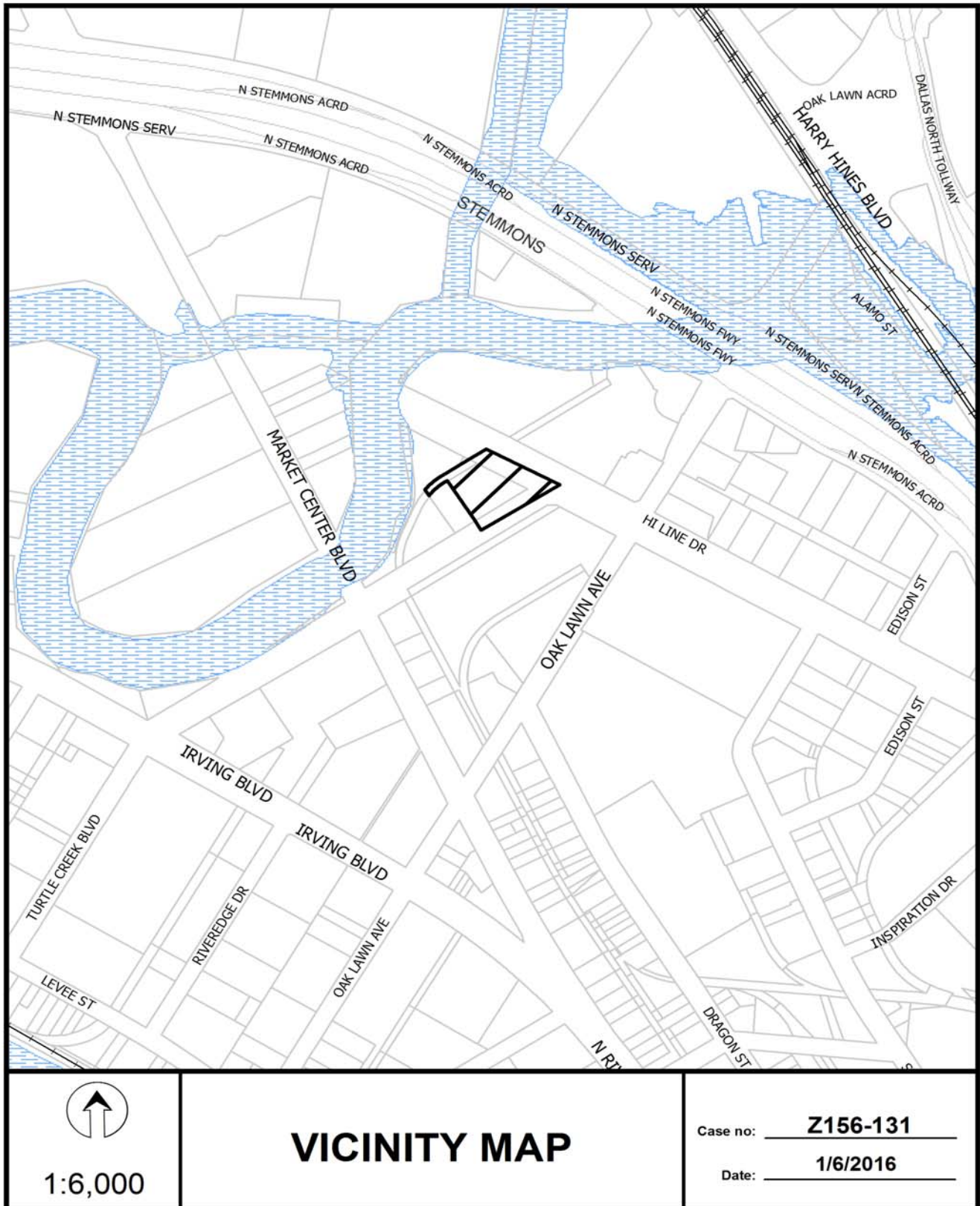
SEC. 51P-621.118. COMPLIANCE WITH CONDITIONS.

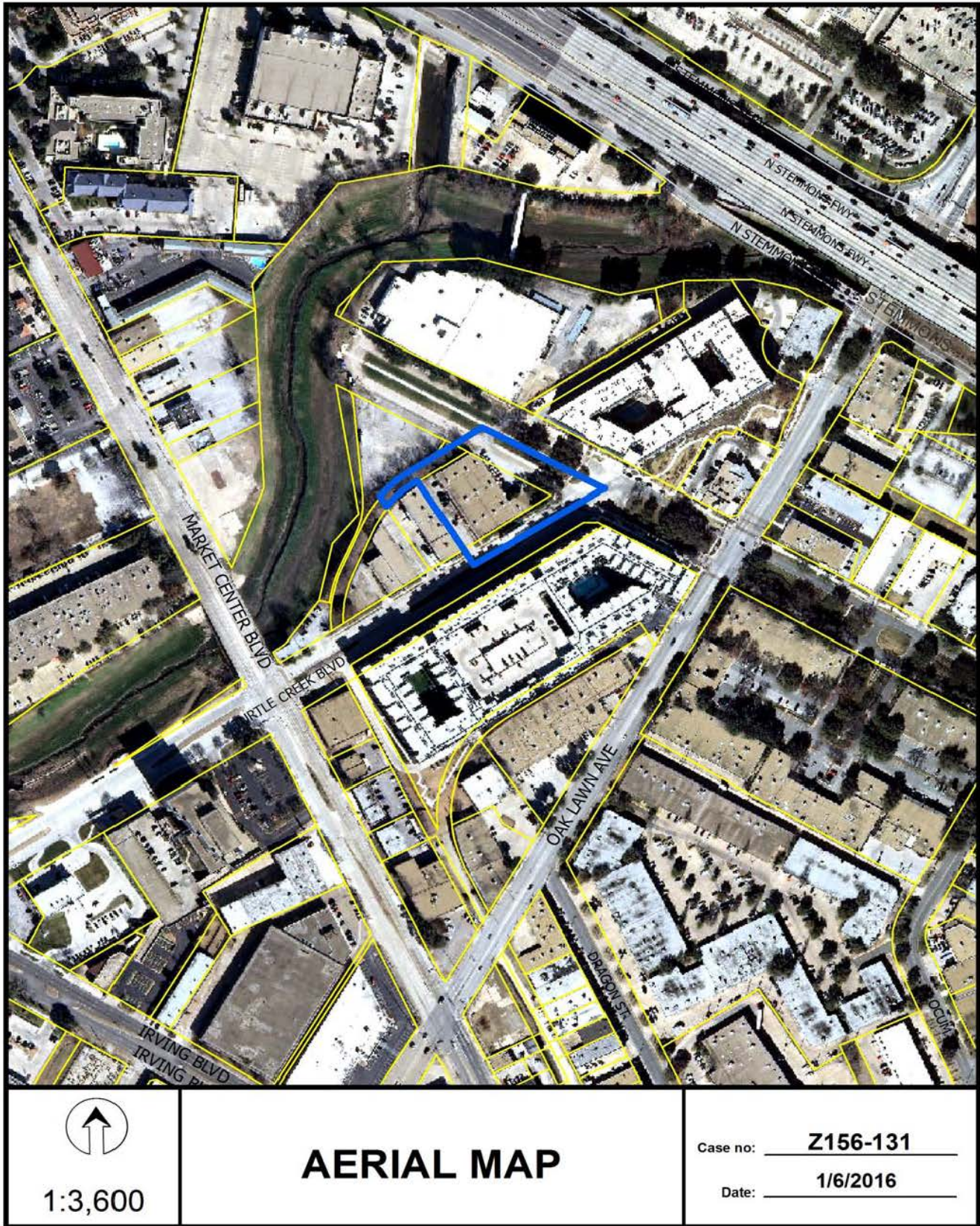
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

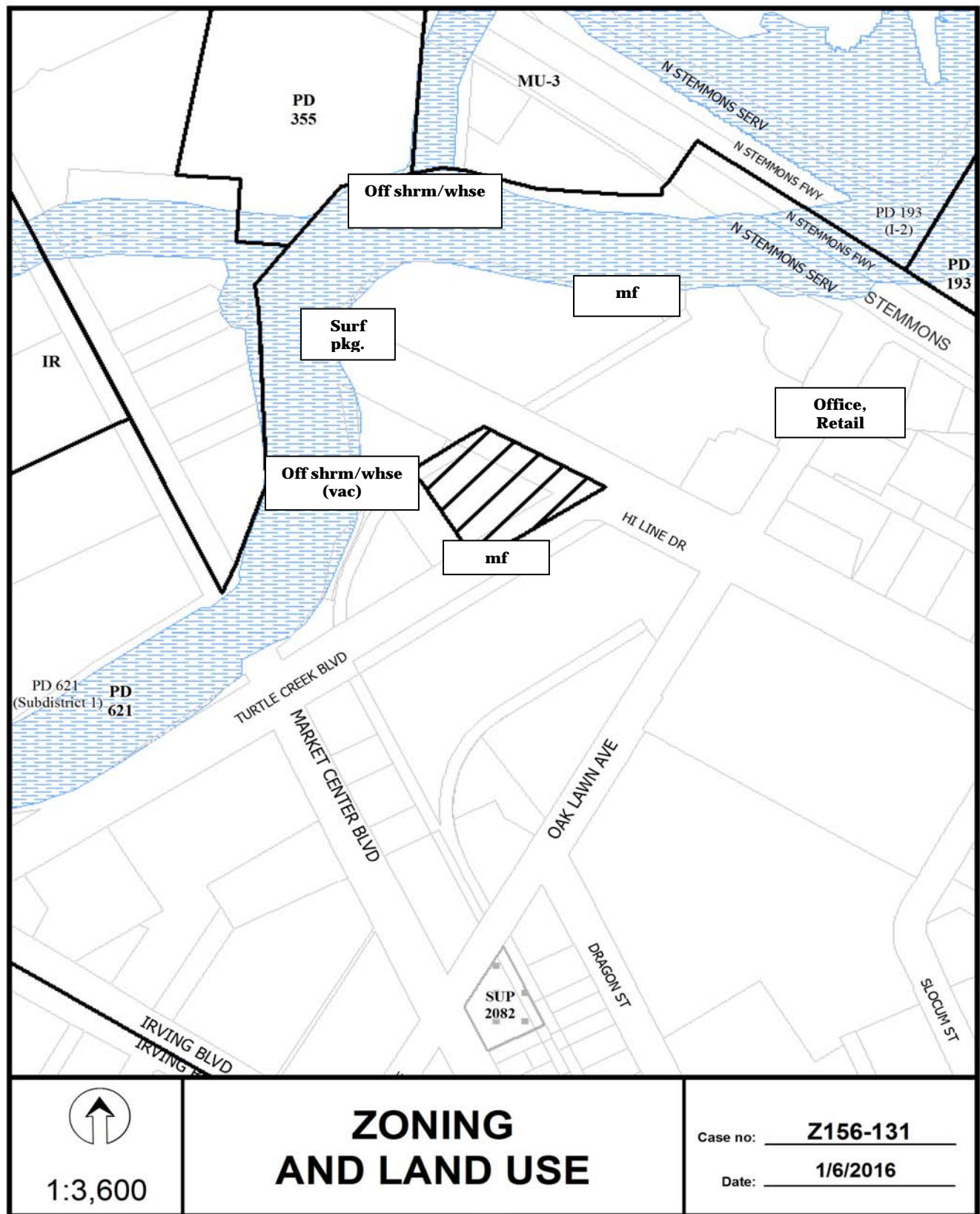
(b) The building official shall not issue a building permit to authorize work or a certificate of occupancy to authorize the operation of a use in this special purpose district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. Nos. 25013; 26102)

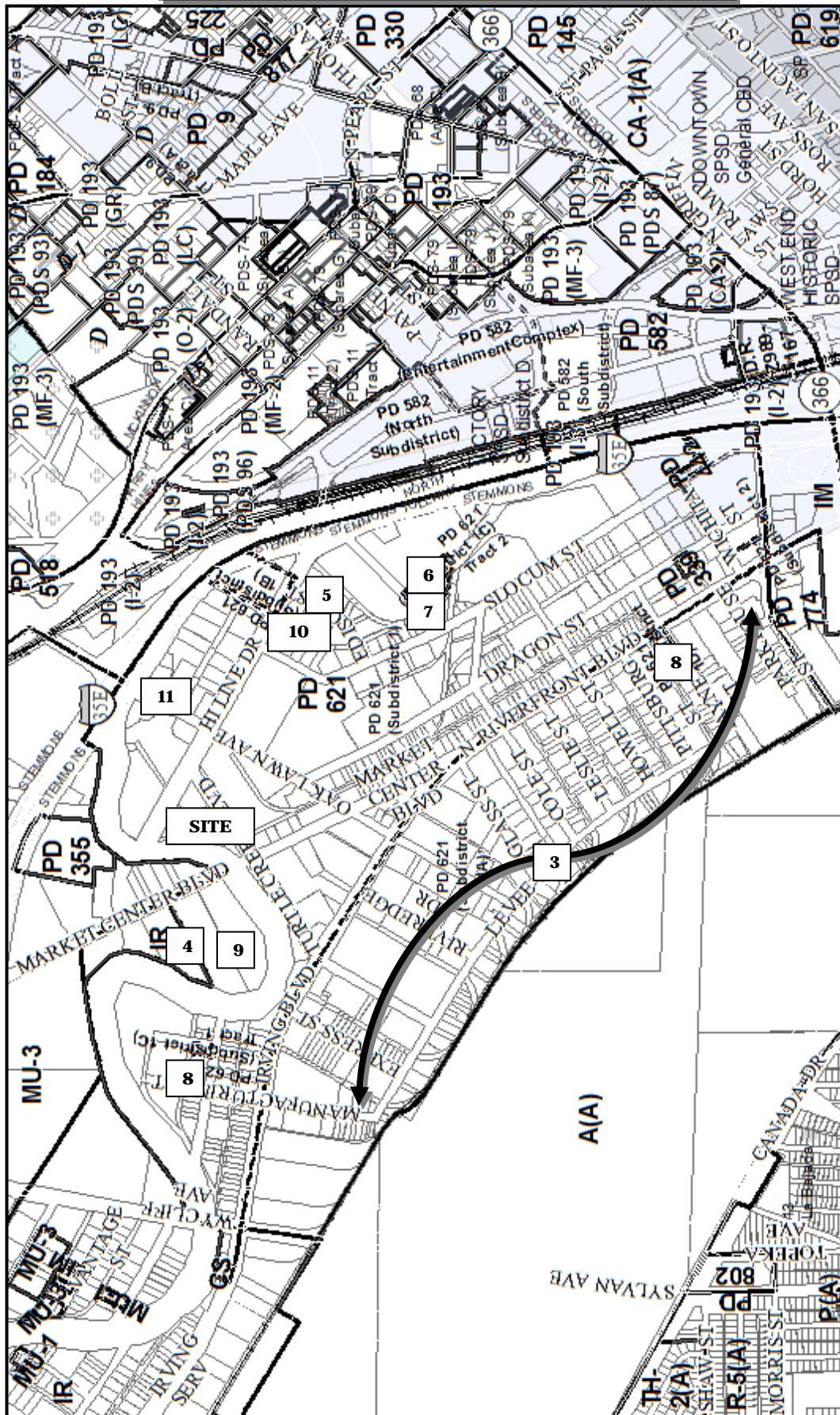


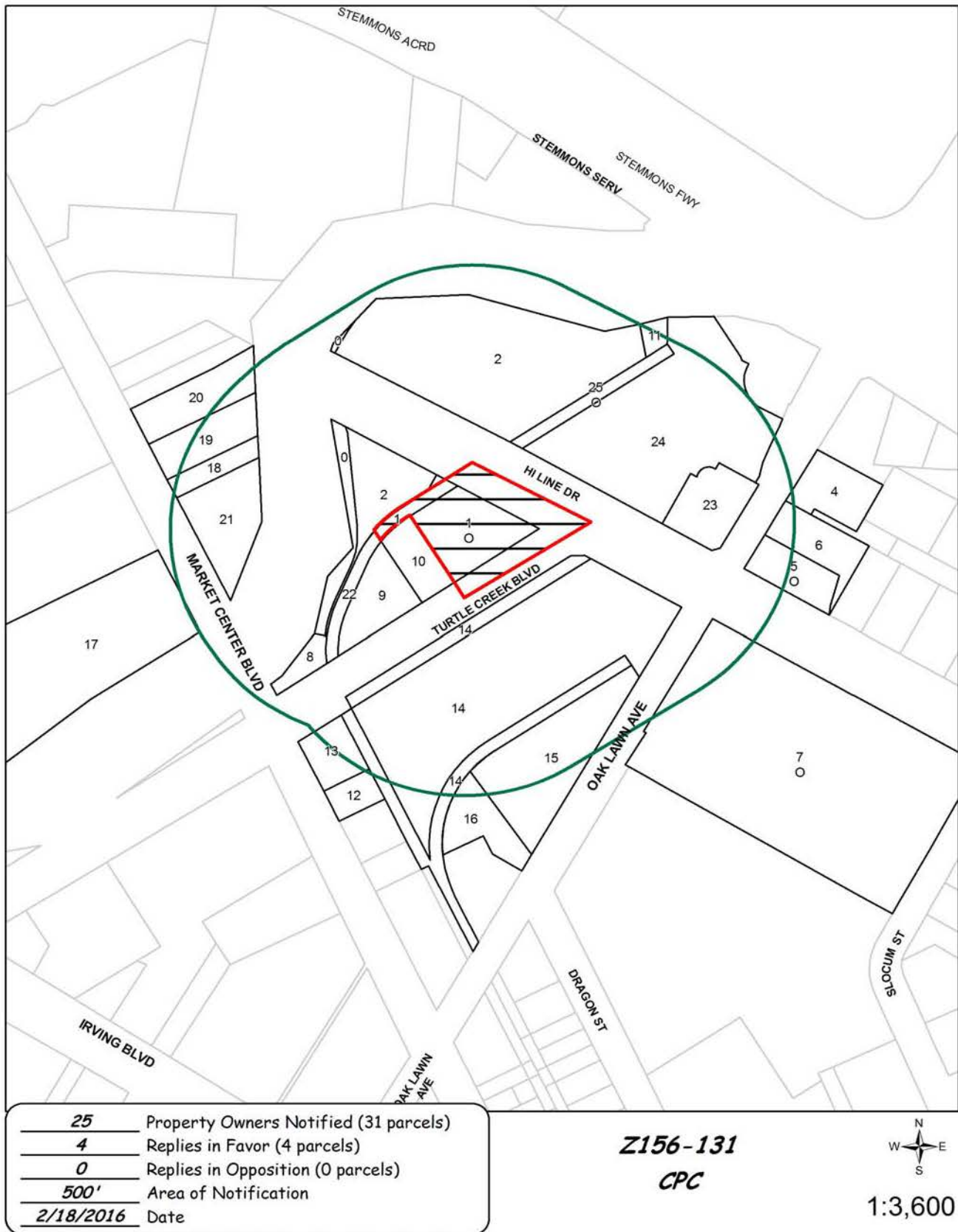
Tower Exhibit
Z156-131(RB)











02/17/2016

Reply List of Property Owners***Z156-131******25 Property Owners Notified******4 Property Owners in Favor******0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>	
	1	1300	TURTLE CREEK BLVD	DD DUNHILL LAND LLC
	2	1935	HI LINE DR	FEIZY PROPERTIES LTD
	3	1923	HI LINE DR	SOUTHWESTERN BELL
	4	1628	OAK LAWN AVE	LUI2 DALLAS OAK LAWN VI
	6	1620	OAK LAWN AVE	GREEN JACK D & MERIKAY
	8	1900	MARKET CENTER BLVD	MELNIC LTD
	9	1401	TURTLE CREEK BLVD	AZOFF IRVING CO TR
	10	1405	TURTLE CREEK BLVD	BAYSWATER 1405 LLC
	11	1922	HI LINE DR	BELL FUND IV 1900 HI LINE APTS LLC
	12	1810	MARKET CENTER BLVD	ITZIG JERRY M &
	13	1330	TURTLE CREEK BLVD	NICENE PROPERTIES LLC
	14	1551	OAK LAWN AVE	FUND DESIGN DISTRICT LLC
	15	1505	OAK LAWN AVE	SKL INVESTMENTS CO LTD
	16	1401	OAK LAWN AVE	BLACKSTONE WARREN L
	17	1931	MARKET CENTER BLVD	1931 MARKET CENTER BLVD LLC
	18	1944	MARKET CENTER BLVD	CHARALAMBOPOULOS FAYE
	19	1950	MARKET CENTER BLVD	CHARALAMBOPOULOS FAY
	20	2006	MARKET CENTER BLVD	SHENDELMAN CHUNG
	21	1926	MARKET CENTER BLVD	MARKET CENTER BLVD LLC
	22	1300	TURTLE CREEK BLVD	AZOFF IRVING CO TR
	23	1621	OAK LAWN AVE	TOWER LAND & INV CO
	24	1900	HI LINE DR	BELL FUND IV 1900 HI LINE APTS LLC
O	A1	1900	HI LINE DR	DD DUNHILL LLC
O	A2	1909	HI LINE DR	DD DUNHILL LAND LLC
O	A3	1616	OAK LAWN AVE	DD DUNHILL LLC
O	A4	1617	HI LINE DR	DD DUNHILL LLC &

AGENDA ITEM # 67

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): 6

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 45 E

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a new Subdistrict on property zoned Subdistrict 1 within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District, at the west corner of North Stemmons Freeway Access Road and Edison Street

Recommendation of Staff and CPC: Approval, subject to a tower exhibit and revised conditions

Z156-140(RB)

FILE NUMBER: Z156-140(RB)**DATE FILED:** November 25, 2015**LOCATION:** West Corner of North Stemmons Freeway Access Road and Edison Street**COUNCIL DISTRICT:** 6**MAPSCO:** 45 E**SIZE OF REQUEST:** Approx. 1.54 Acres**CENSUS TRACT:** 100.00

APPLICANT: DD Tower, LLC**REPRESENTATIVES:** Barry Knight and Laura Hoffman, Winstead PC**OWNER:** DD Dunhill Land, LLC**REQUEST:** An application for a new Subdistrict on property zoned Subdistrict 1 within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District.

SUMMARY: The applicant is proposing a new subdistrict for consideration of the following: 1) increase in floor area; 2) increase in structure height; and 3) a relaxed tower design (building footprint above 75 feet). Staff has worked with the applicant to ensure the requested entitlements are balanced by a commitment to the vision for the Subdistrict 1 area. Staff has recommended a more defined commitment to balance the aggregate impact of the increased densities and height. An example of this relates to approximately 33 percent of the requested increase in structure height per three options; 1) revised street-level parking structure concealment (36 feet); 2) electric charging stations (15 feet); 3) publicly accessible open space (40 feet); and, 4) public art/water feature (15 feet). Staff has presented recommendations that ensure these options better address embracing the tenant/resident/patron activity expected in this district.

CPC RECOMMENDATION: Approval, subject to a tower exhibit and revised conditions.

STAFF RECOMMENDATION: Approval, subject to a tower exhibit and revised conditions.

DESIGNATED ZONING CASE

GUIDING CRITERIA FOR RECOMMENDATION:

Staff recommends approval of the request based upon:

1. *Performance impacts upon surrounding property* – The request will provide for uses found in the immediate area. Subject to staff's recommended conditions, the proposed development will embrace the area's residents and tenants with services, all within walking distance from adjacent developments and public improvements.
2. *Traffic impact* – Due to the site's accessibility to adjacent interstate roadways and the city's thoroughfare system along with its close proximity to mass transit, increased trip generations are expected to be managed within the immediate area.
3. *Comprehensive Plan or Area Plan Conformance* – The request complies with the goals and policies of *Forward Dallas!*.

Zoning History*:

Request, Disposition, and Date

- | | |
|-------------|--|
| 1. Z012-134 | On August 8, 2002, the City Council approved PDD No. 621, providing for two subdistricts. |
| 2. Z034-103 | On June 23, 2004, the City Council approved an amendment to PDD No. 621 to revise definitions, delete minimum floor area for residential, revise: parking, screening, design standards, signage, and sidewalk regulations. |
| 3. Z067-229 | On October 24, 2007, the City Council approved an amendment to PDD No. 621 to create a new subdistrict (Subdistrict 1A). |
| 4. Z067-296 | On November 12, 2007, the City Council approved an expansion (5.13 acres) of PDD No. 621 on property zoned an IR District. |
| 5. Z078-240 | On August 13, 2008, the City Council approved an amendment to PDD No. 621 to create a new subdistrict (Subdistrict 1B). |
| 6. Z101-214 | On June 8, 2011, the City Council approved an amendment to PDD No. 621 to create a new subdistrict (Subdistrict 1C) providing for a new use (beer/wine manufacturing) and parking requirement for a specific retail use (gmfs greater than 3,500 |

square feet).

7. Z112-254 On August 22, 2012, the City Council approved an expansion of Tract 1C (2.29 acres) of PDD No. 621 on property within the Tract 2 portion of PDD No. 621.
8. Z112-283 On October 10, 2012, the City Council approved an amendment to PDD No. 621 to create a new subdistrict (Subdistrict 1D) from a parcel (22,500 square feet) within Subdistrict 1A.
9. Z123-204 On September 11, 2013, the City Council approved an expansion (5.9 acres) of PDD No. 621 on property zoned an IR District.
10. Z156-131 Application for an amendment to PDD No. 621 to create a new subdistrict (Subdistrict 1E). On February 18, 2016, the City Plan Commission recommended approval of the request, subject to a tower exhibit and conditions. Pending the March 23, 2016 CC public hearing.
11. Z156-141 Application for an amendment to PDD No. 621 to create a new subdistrict (Subdistrict 1G). On February 18, 2016, the City Plan Commission recommended approval of the request, subject to a tower exhibit and conditions. Pending the March 23, 2016 CC public hearing.

*PDD No. 621 boundary only

Thoroughfares/Streets:

Designation; Existing & Proposed ROW

Stemmons Freeway

Freeway; Variable width ROW

Edison Street

Local; 80' ROW

Traffic: The Engineering Section of the Department of Sustainable Development and Construction has reviewed the applicant's request and traffic impact analysis and determined it will not negatively impact the surrounding street system.

STAFF ANALYSIS:

Comprehensive Plan: The Vision Illustration depicts the request site as within an *Urban Mixed Use* Building Block. This building block incorporates a vibrant mix of residential and employment uses at a lower density than the Downtown Building Block.

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These areas are typically near Downtown, along the Trinity River or near major transit centers. Examples include Uptown, the City Place/West Village area, Stemmons Design District, Cedars and Deep Ellum. Urban Mixed-Use Building Blocks provide residents with a vibrant blend of opportunities to live, work, shop and play within a closely defined area. Buildings range from high-rise residential or mid-rise commercial towers to townhomes and small corner shops. Good access to transit is a critical element. Similar to Downtown, the Urban Mixed-Use Building Blocks offer employment and housing options and are important economic growth areas for businesses. People on foot or bike can enjoy interesting storefronts at ground level with benches, public art, on-street parking and wide sidewalks, creating an appealing streetscape. Large parking areas and other auto-oriented land uses are typically located at the edges.

The request complies with the following land use goals and policies of the Comprehensive Plan.

LAND USE ELEMENT

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

GOAL 1.3 PROVIDE EQUITABLE OPPORTUNITIES FOR DALLAS RESIDENTS

Policy 1.3.1 Create housing opportunities throughout Dallas

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

GOAL 2.2 ENGAGE IN STRATEGIC ECONOMIC DEVELOPMENT

Policy 2.2.1 Focus economic development efforts on revitalization of the Trinity River Corridor.

URBAN DESIGN ELEMENT

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

Land Use Compatibility: The site, situated at the intersection of a freeway and local street, is currently improved with two vacant office/showroom/warehouse uses, supported by surface parking and maneuvering areas. The applicant proposes to redevelop the site with a mix of uses (office and a small retail component) with consideration of the following: 1) increase in floor area; 2) increase in structure height; and 3) a relaxed tower design (building footprint above 75 feet).

PDD No. 621 was adopted by the City Council on August 28, 2002. Over the past thirteen years, various parcels have been incorporated into the district as well as amendments to existing subdistricts (See Zoning History, Map for detail). Prior to the creation of the district, the approximate 422 acres was home to various commercial and industrial uses. The area has experienced a redevelopment of various parcels that are more mixed use in application, with a commitment of the design package to accepting residents, tenants, and patrons by providing enhanced open space, a variety of retail and personal service uses, all within close proximity to mass transit and components of the trail system. This request is anticipated to continue this redevelopment vision and provides for the requested increase in entitlements, subject to staff's recommended thresholds, for a mix of uses that combined with required design criteria will ensure a vibrancy at street level exists.

The general area is developed with a mix of uses that represent the transition from an industrial area to a residentially influenced mixed use environment. Specifically, a mixed use (ground floor retail, structured parking, and multifamily uses) is developed to the east, across Edison Street. The site's frontage is improved with pedestrian amenities, inclusive of wide sidewalks, outside gathering areas, and a living streetscape. The DART Victory Station approximately 2,600 from the site. Additionally, access to the Katy Trail is provided within approximately 1,700 of the site.

The focus of the applicant's request can be highlighted as follows:

- small increase in floor area (26,670 sf)
- 15 percent increase in structure height [270 feet (including mechanicals)>300 feet plus ten feet for mechanicals]
- doubling the floor plate within the tower portion of the development
- one additional floor providing for a possible 46,610 square feet of floor area (raising the tower floor plate requirement from 75 feet to 85 feet)

The impact of this portion of the request would be most prevalent to permitting a doubling of tower floor plate to the requested maximum of 310 feet. To put this in perspective, the existing floor plate provision at 75 feet equates to an at-grade footprint of 19 percent of the lot; the applicant's request expands this to 37 percent.

While staff would prefer to see a greater retail commitment (in terms of floor area) to the project, it should be known that the attached recommended conditions simply address the applicant's minimum floor area required for this use category. Lastly,

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existing pedestrian amenities and design criteria per PDD No. 621 will be addressed during the building plan review stage.

Staff has worked with the applicant to ensure the requested entitlements are balanced by a commitment to the vision for the Subdistrict 1 area: ...a *transit-oriented, mixed-use zoning district for the development of combinations of medium-density residential, retail, and office uses. Development should encourage residential, retail, office, and lodging uses in compatible combinations within walking distance of DART light-rail stations; conserve energy; provide for efficient traffic circulation; conserve land; minimize vehicular travel; encourage both day-time and night-time activity; encourage use of mass transit; increase pedestrian activity; and encourage bicycle usage.*

To state another way, property owners (today) have an expanded palette of permitted uses as well as enhanced development rights over those which existed prior to August, 2002. Requirements are in place to ensure development is sensitive (i.e., design criteria and publicly accessible amenities) to the anticipated increase in the people who choose to reside, work, and visit the area. As such, a zoning amendment is not required to develop/redevelop properties offering a mix of uses that follow the framework provided for by current ordinance requirements.

Provision	Existing Subdistrict 1	Proposed New Subdistrict
USES	MIXED USES	NO REVISIONS
F/S/R YARD SETBACKS	0'/0'/0'	NO REVISIONS
DENSITY	NO MAXIMUM	NO REVISIONS
FLOOR AREA RATIO	4.0:1	NO REVISION/4.1:1*
STRUCTURE HEIGHT/STORIES	130' (150' WITH 0.5 FAR RESIDENTIAL COMPONENT) UP TO 270' PER CERTAIN DESIGN CRITERIA/AMENITY LEVEL; SPECIFIC TOWER ORIENTATION AND FLOOR PLATE REDUCTION AT 75'	300' (SUBJECT TO EXISTING ORD. BONUSES) PLUS ADDL. TEN FEET FOR MECHANICALS; ADDL BONUS OPTION FOR ELECTRIC CHARGING STATIONS, EXPANDED ART/WATER FEATURE, OPEN SPACE WITH DEFINED IMPROVEMENTS
LOT COVERAGE	100%/60% AT 75' WITH MAX FLOORPLATE OF ≤12.5K SF, WHICHEVER IS LESS	100%/60% AT 75' WITH MAX FLOORPLATE OF ≤25K SF, WHICHEVER IS LESS
LANDSCAPING	SPECIFIC LANDSCAPE REGULATIONS	NO REVISIONS
OFF-STREET PARKING	DALLAS DEVELOPEMNT CODE PLUS SPECIFIC USE PARKING RATIOS	NO REVISIONS
DESIGN CRITERIA	SPECIFIC REGULATIONS	MINIMUM OUTSIDE SEATING AREA FOR RESTAURANT WHEN APPLICABLE*
SIGNS	BUSINESS ZONING DISTRICTS PLUS SPECIFIC RETAIL AND PERSONAL SERVICE ATTACHED SIGNAGE	NO REVISIONS

*See ordinance for mixed use thresholds

CPC ACTION

On February 4, 2016, the City Plan Commission held this request under advisement until February 18, 2016.

(February 18, 2016)

Motion: It was moved to recommend **approval** of a new Subdistrict, subject to a tower exhibit and staff's recommended conditions with a modification to allow 15 feet maximum height for charging stations on property zoned Subdistrict 1 within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District, at the west corner of the North Stemmons Freeway Access Road, and Edison Street.

Maker: Anantasomboon
Second: Davis
Result: Carried: 14 to 0

For: 14 - Anglin, Emmons, Houston, Davis, Shidid,
Anantasomboon, Abtahi, Haney, Jung,
Housewright, Schultz, Peadon, Murphy,
Tarpley

Against: 0
Absent: 1 - Ridley
Vacancy: 0

Notices: Area: 500 Mailed: 22
Replies: For: 7 Against: 0

Speakers: For: Barry Knight, 2728 N. Harwood St., Dallas, TX, 75201
Against: None

**DD Dunhill Land, LLC
Management**

Officers:

William L. Hutchinson, President

Timothy M. Denker, Vice President

**DD Tower, LLC
Management**

Manager:
The Katbird Company, LP

Through its GP,
KB Asset Management, Inc.

Officers:

Lucien B. Crosland, President

Elizabeth Basden, Vice President

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ARTICLE 621.

PD 621.

Old Trinity and Design District Special Purpose District

CPC/Staff Recommended Conditions

SEC. 51P-621.101. LEGISLATIVE HISTORY.

PD 621 was established by Ordinance No. 25013, passed by the Dallas City Council on August 28, 2002. (Ord. 25013)

SEC. 51P-621.102. PROPERTY LOCATION AND SIZE.

PD 621 is established on property generally bounded by Sylvan Avenue/Wycliff Avenue on the northwest, the meanders of the old channel of the Trinity River on the north, Interstate 35 on the east, Continental Avenue on the south, and the Trinity River Floodway on the west. The size of PD 621 is approximately 421.0323 acres. (Ord. Nos. 25013; 25560; 27006; 29127)

SEC. 51P-621.102.1. CREATION OF SUBDISTRICTS.

(a) Name. This special purpose district is to be known as the Old Trinity and Design District Special Purpose District.

(b) Creation of subdistricts.

(1) This special purpose district is divided into ~~six~~ seven subdistricts. Exhibit 621A describes the boundaries of each subdistrict. The map labelled Exhibit 621B shows the boundaries of each subdistrict. In case of a conflict, the verbal description in Exhibit 621A controls over the map in Exhibit 621B.

(2) Subdistricts 1, 1A, 1B, 1C, ~~and 1D~~, and 1F are transit-oriented, mixed-use zoning district for the development of combinations of medium-density residential, retail, and office uses. Development should encourage residential, retail, office, and lodging uses in compatible combinations within walking distance of DART light-rail stations; conserve energy; provide for efficient traffic circulation; conserve land; minimize vehicular travel; encourage both day-time and night-time activity; encourage use of mass transit; increase pedestrian activity; and encourage bicycle usage. Subdistricts 1, 1A, 1B, 1C, ~~and 1D~~, and 1F retain the potential for limited industrial and warehouse uses.

(3) Subdistrict 2 is for MU-3 Mixed Use District uses, bus or rail transit vehicle maintenance or storage facility uses, and commercial bus station and terminal uses. (Ord. Nos. 25013; 26975; 27006; 27280; 28231; 28819)

SEC. 51P-621.103. DEFINITIONS AND INTERPRETATIONS.

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(a) Unless otherwise stated, the definitions in Chapter 51A apply to this article. The following definitions apply to this special purpose district:

(1) **ANTIQUE SHOP** means an establishment for the retail sale of articles such as glass, china, furniture, or similar furnishings and decorations that have value and significance as a result of age, design, or sentiment.

(2) **ART GALLERY** means an establishment where original works of art or limited editions of original works of art are bought, sold, loaned, appraised, or exhibited to the general public.

(3) **ART OR CRAFT PRODUCTION FACILITY** means a facility for the production of handcrafted art or craft products through processes such as kiln firing, glass blowing, welding, or woodworking and for sale of the products to the general public.

(3.1) **BEER OR WINE MANUFACTURING** means an enclosed facility that processes and manufactures alcoholic beverages. This use does not include the processing or manufacturing of distilled spirits.

(4) **BUS OR RAIL TRANSIT VEHICLE MAINTENANCE OR STORAGE FACILITY** means a facility for the maintenance, repair, or storage of bus, rail, or other transit vehicles, including the following accessory uses: sleeping facilities for bus, rail or transit vehicle drivers, vehicle paint and body shop, vehicle washing, vehicle fueling facilities, sanitary hoppers, oil storage, package express services, bus charter sales, offices, training facilities, vehicle storage, vehicle sales, and communication antennas.

(5) **CANOPY TREE** means a species of tree that normally bears crown foliage no lower than six feet above ground upon maturity.

(6) **DUMPSTER** means a movable container holding two cubic yards or more of garbage.

(7) **FACADE** means any separate face of a building that is visible from a street, alley, or railbed.

(8) **MAJOR MODIFICATION** means reconstruction, alteration, or renovation of an original building that exceeds 50 percent of the value of the original building assessed by the Dallas Central Appraisal District or any increase in the floor area of an original building if the expansion is over 50 percent for nonresidential projects, over 65 percent for mixed use projects, and over 75 percent for residential projects.

(9) **MASSAGE ESTABLISHMENT** means any building, room, place, or establishment, other than a regularly licensed hospital, where manipulated massage or manipulated exercises are practiced upon the human body by anyone not a duly licensed physician or chiropractor whether with or without the use of mechanical, therapeutic, or bathing devices, and includes Turkish bathhouses. This term does not include, however, duly licensed beauty parlors or barbershops or a place wherein registered physical therapists treat only patients recommended by a licensed physician and operated only under such physician's direction. "MASSAGE" means any process consisting of kneading, rubbing, or otherwise manipulating the skin of the body of a human being, either with the hand or by means of electrical instruments or apparatus, or other special apparatus, but does not include massage by duly licensed physicians and chiropractors, and registered physical therapists who treat only patients recommended by a licensed physician and who operate only under such physician's direction, nor massage of the face practiced by beauty parlors or barbershops duly licensed under the penal code of the state.

(10) MEANDERS OF THE OLD TRINITY RIVER CHANNEL means the old Trinity River channel within this special purpose district, as shown on the map labelled Exhibit 621C.

(11) MIXED USE PROJECT means a development, on a single building site, that contains more than one use.

(12) NEW CONSTRUCTION means construction of a main structure that is not an original building.

(13) OPENING means a door, window, passageway, or any other similar architectural feature through which light or solid objects may pass.

(14) ORIGINAL BUILDING means a structure existing on the date of the establishment of this special purpose district, but does not include a structure that has undergone a major modification.

(15) OUTSIDE SEATING means the area between an omitted wall line and the structural wall when the area is used solely for seating of patrons.

(16) PIERCING SALON means a facility in which body piercing is performed. BODY PIERCING means the creation of an opening in an individual's body, other than in an individual's earlobe, to insert jewelry or another decoration.

(17) RAILBEDS means the areas shown on the map labeled Exhibit 621D.

(18) TATTOO STUDIO means an establishment in which tattooing is performed. TATTOOING means the practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment.

(19) WALKING DISTANCE means the distance from the nearest point of a parking lot to the nearest public entrance of a main use, measured along the most convenient pedestrian walkway.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This special purpose district is considered to be a mixed use zoning district.

(d) The following rules apply in interpreting the use regulations in this article:

(1) The absence of a symbol appearing after a listed use means that the use is permitted by right.

(2) The symbol *[L]* appearing after a listed use means that the use is permitted by right as a limited use only. (For more information regarding limited uses, see Section 51A-4.218, "Limited Uses.")

(3) The symbol *[SUP]* appearing after a listed use means that the use is permitted by specific use permit only.

(4) The symbol *[DIR]* appearing after a listed use means that a site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803, "Site Plan Review."

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(“DIR” means “development impact review.” For more information regarding development impact review generally, see Division 51A-4.800, “Development Impact Review.”)

(5) The symbol *[RAR]* appearing after a listed use means that, if the use has a residential adjacency as defined in Section 51A-4.803, “Site Plan Review,” a site plan must be submitted and approved in accordance with the requirements of that section. (“RAR” means “residential adjacency review.” For more information regarding residential adjacency review generally, see Division 51A-4.800, “Development Impact Review.”) (Ord. Nos. 25013; 25560; 28231)

SEC. 51P-621.103.1. EXHIBITS.

The following exhibits are incorporated into this article:

- (1) Exhibit 621A: Property and Subdistrict Descriptions.
- (2) Exhibit 621B: Subdistrict Map.
- (3) Exhibit 621C: Meanders of the Old Trinity River Channel.
- (4) Exhibit 621D: Existing Railbeds.
- (5) Exhibit 621E: List of Native Plants.
- (6) Exhibit 621F: The Old Trinity and Design District “Woonerf-Living Streets” Conceptual Plan.
- (7) Exhibit 621G: Tower Diagrams for Subdistrict 1A.
- (8) Exhibit 621H: Tower Orientation.
- (9) Exhibit 621J: Tower Diagram for Subdistrict 1F.

SEC. 51P-621.104. CONCEPTUAL PLAN.

There is no conceptual plan for this special purpose district. (Ord. 25013)

SEC. 51P-621.105. DEVELOPMENT PLAN.

(a) Except as otherwise provided in this article, no development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply.

(b) Development of the railbeds as woonerf, as described in Exhibit 621F, is encouraged. The provisions of Exhibit 621F are not required. (Ord. Nos. 25013; 25560)

SEC. 51P-621.106. MAIN USES PERMITTED.

- (a) Subdistricts 1, 1A, 1B, 1C, and 1D, and 1F.

(1) Agricultural uses.

None permitted.

(2) Commercial and business service uses.

- Building repair and maintenance shop. [RAR]
- Catering service.
- Commercial cleaning or laundry plant. [SUP]
- Custom business services.
- Custom woodworking, furniture construction, or repair.
- Electronics service center.
- Job or lithographic printing. [RAR]
- Labor hall. [SUP]
- Machine or welding shop. [RAR]
- Medical or scientific laboratory.
- Technical school.
- Tool or equipment rental.

(3) Industrial uses.

- Beer or wine manufacturing. [Limited to Subdistricts 1C and 1D.]
- Industrial (inside) for light manufacturing.
- Industrial (inside). [RAR]
- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]

(4) Institutional and community service uses.

- Adult day care facility.
- Child-care facility.
- Church.
- College, university, or seminary.
- Community service center. [SUP]
- Convent or monastery.
- Halfway house. [SUP]
- Hospital. [RAR]
- Library, art gallery, or museum.
- Open-enrollment charter school. [SUP]
- Private school other than open-enrollment charter school. [SUP]
- Public school other than open-enrollment charter school. [SUP]

(5) Lodging uses.

- Hotel or motel. [RAR]
- Lodging or boarding house. [SUP]

(6) Miscellaneous uses.

- Carnival or circus (temporary). [By special authorization of the building official.]

- Temporary construction or sales office.

(7) Office uses.

- Financial institution without drive-in window.
- Financial institution with drive-in window. *[SUP, except with RAR only for lots adjacent to Oak Lawn Avenue, Market Center Boulevard, or Turtle Creek Boulevard.]*
- Medical clinic or ambulatory surgical center.
- Office.

(8) Recreation uses.

- Country club with private membership.
- Private recreation center, club, or area.
- Public park, playground, or golf course.

(9) Residential uses.

- College dormitory, fraternity, or sorority house. *[SUP]*
- Duplex.
- Group residential facility. *[SUP required if the spacing component of Section 51A-4.209(3) is not met. Permitted in this subdistrict subject to the same requirements as if located in an MU-3 Mixed Use District.]*
- Handicapped group dwelling unit. *[SUP required if the spacing component of Section 51A-4.209(3.1) is not met. Permitted in this subdistrict subject to the same requirements as if located in an MU-3 Mixed Use District.]*
- Multifamily.
- Retirement housing. *[SUP]*
- Single family.

(10) Retail and personal service uses.

- Alcoholic beverage establishments. *[SUP. See Section 51A-4.210(b)(4).]*
- Ambulance service. *[RAR]*
- Animal shelter or clinic without outside run. *[RAR]*
- Animal shelter or clinic with outside run. *[SUP]*
- Antique shop.
- Art gallery.
- Art or craft production facility. *[Limited to 5,000 square feet or less of floor area.]*
- Auto service center. *[SUP]*
- Billiard hall. *[SUP]*
- Bingo parlor. *[SUP]*
- Business school.
- Car wash. *[SUP]*
- Commercial amusement (inside). *[See Section 51A-4.210(b)(7). Except as otherwise provided, permitted in this subdistrict subject to the same requirements as if located in an MU-3 Mixed Use District. Class E dance halls, as defined in Chapter 14 of the Dallas City Code, are not permitted. Billiard hall by SUP only. Bingo parlor by SUP only.]*
- Commercial parking lot or garage.

- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- Home improvement center, lumber, brick, or building materials sales yard.
- Household equipment and appliance repair.
- Liquor store.
- Massage establishment. *[SUP]*
- Mortuary, funeral home, or commercial wedding chapel.
- Motor vehicle fueling station. *[SUP]*
- Nursery, garden shop, or plant sales.
- Outside sales. *[SUP]*
- Personal service uses.
- Piercing salon. *[SUP]*
- Restaurant without drive-in or drive-through service.
- Restaurant with drive-in or drive-through service. *[SUP]*
- Swap or buy shop. *[SUP]*
- Taxidermist.
- Tattoo studio. *[SUP]*
- Temporary retail use.
- Theater. *[Limited to 1,000 seats or fewer.]*
- Truck stop. *[SUP]*
- Vehicle display, sales, and service. *[SUP]*

(11) Transportation uses.

- Heliport. *[SUP]*
- Helistop. *[SUP]*
- Railroad passenger station. *[SUP]*
- Transit passenger shelter.
- Transit passenger station or transfer center. *[By SUP or city council resolution.]*

(12) Utility and public service uses.

- Electrical substation.
- Local utilities.
- Police or fire station.
- Post office.
- Radio, television, or microwave tower. *[RAR]*
- Tower/antenna for cellular communication.
- Utility or government installation other than listed. *[SUP]*

(13) Wholesale, distribution, and storage uses.

- Auto auction. *[SUP]*
- Contractor's maintenance yard. *[RAR]*
- Mini-warehouse. *[SUP, except with RAR only if all on-site circulation is internal to the structure.]*
- Office showroom/warehouse.
- Recycling drop-off container. *[SUP required if the requirements of Subparagraph (E) of Section 51A-4.213(11.2) are not satisfied.]*

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- Trade center.
- Warehouse.

(b) Subdistrict 2.

(1) Except as otherwise provided in this subsection, the uses permitted in this subdistrict are the same as those uses permitted in the MU-3 Mixed Use District, subject to the same conditions applicable in the MU-3 Mixed Use District, as set out in the Dallas Development Code, as amended. For example, a use permitted in the MU-3 Mixed Use District only by specific use permit (SUP) is permitted in this special purpose district only by SUP; a use subject to development impact review (DIR) in the MU-3 Mixed Use District is subject to DIR in this special purpose district; etc.

(2) The following use is permitted in this subdistrict subject to residential adjacency review:

- Bus or rail transit vehicle maintenance or storage facility. *[RAR]*

(3) The following use is permitted in this subdistrict by specific use permit only:

- Commercial bus station and terminal. *[SUP]*

(Ord. Nos. 25013; 25560; 26975; 27280; 28231; 28819)

SEC. 51P-621.107.

ACCESSORY USES.

(a) As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, see Section 51A-4.217.

(b) The following accessory uses are not permitted in Subdistricts 1, 1A, 1B, 1C, ~~and~~ 1D, and 1F:

- Accessory medical/infectious waste incinerator.
- Accessory pathological waste incinerator.
- Amateur communications tower.
- Day home.
- General waste incinerator.
- Private stable.

(c) Except as otherwise provided in this section, accessory uses in Subdistrict 2 must comply with the accessory use regulations applicable to the MU-3 Mixed Use District.

(d) The following accessory uses are permitted by SUP only:

- Accessory outside storage. *[SUP]*
- Pedestrian skybridges. *[SUP]*

(Ord. Nos. 25013; 25560; 26975; 27280; 28231; 28819)

SEC. 51P-621.108.

CREATION OF A BUILDING SITE.

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(a) The building official shall not issue a certificate of occupancy or a building permit until:

(1) a building site has been established under Section 51A-4.601, "Creation of a Building Site"; or

(2) the yard, lot, and space requirements of a lot or parcel can be determined from property lines described in deed records. (Ord. 25013)

SEC. 51P-621.109.

YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. In the event of a conflict between this section and Division 51A-4.400, this section controls.)

(a) Subdistricts 1, 1A, 1B, 1C, and 1D, and 1F.

(1) Front yard. No minimum front yard.

(2) Side and rear yard. No minimum side or rear yard.

(3) Density. No maximum density.

(4) Floor area.

(A) For Subdistricts 1, 1A, 1C, and 1D, maximum floor area ratio is 4.0.

(B) For Subdistrict 1B, maximum floor area is 449,316 square feet.

(C) Except as provided in this subsection, maximum floor area for Subdistrict 1F is 268,330 square feet, but can be increased to 295,000 square feet if all of the following is provided:

(i) retail and personal service uses with a minimum of 3,000 square feet of floor area located on the ground floor.

(ii) If a restaurant without drive-in or drive-through service is located on a ground floor, a minimum of 800 square feet of outside seating area for all restaurants combined must be provided along Edison Street or the southeastern Property line. For purposes of this subsection, this outside seating area does not satisfy the minimum of a 3,000 square foot of floor area requirement.

(5) Height. Except as provided in this subsection, maximum height is:

(A) 150 feet for buildings having an FAR for residential uses of 0.5 or more;

and

(B) 130 feet for all other buildings and structures.

(C) In Subdistrict 1F, mechanical equipment elevator overrides, penthouses, parapet walls and related equipment and structures may extend an additional 10 feet in height above the maximum height.

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(5.1) Height bonuses for Subdistricts 1A, 1B, ~~and~~ 1D, and 1F. One or more of the following height bonuses may be combined to achieve a maximum building height of 270 feet for Subdistricts 1A, 1B, and 1D, and a maximum building height of 300 feet for Subdistrict 1F when the development complies with Section 51P-621.109(a)(4)(C)(i) and (ii):

(A) Tower size and orientation. Building height may be increased a maximum of 60 feet if (See Exhibit 621G for Subdistrict 1A; ~~See~~ Exhibit 621H for Subdistrict 1B; See Exhibit 621J for Subdistrict 1F):

(i) in Subdistrict 1A and 1D:

(aa) the portion of the building above 75 feet in height has a floor plate of 12,500 square feet or less; and

(bb) the tower dimension perpendicular to the east Trinity River levee is at least three times longer than the tower dimension parallel to the east Trinity River levee (tower dimension is measured at the widest point of the building facade).

(ii) in Subdistricts 1B and 1F:

(aa) the portion of the building above 75 feet has a floor plate of 25,000 square feet or less;

(bb) the tower is oriented as indicated on Exhibit 621H for Subdistrict 1B and as indicated on Exhibit 621J for Subdistrict 1F; and

(cc) the longer tower dimension is at least three times longer than the short tower dimension (tower dimension is measured at the widest point of the building facade) for Subdistrict 1B and at least one and one-half times longer than the short tower dimension for Subdistrict 1F as shown on Exhibit 621J (tower dimension is measured at the widest point of the building facade).

(B) Street-level parking structure concealment. Except as provided in this paragraph for Subdistrict 1F, b Building height may be increased a maximum of 36 feet if:

(i) the building is located in Subdistricts 1A, 1B, 1C, or 1D and:

(aa) the building has street-level office showroom/warehouse, office, restaurant, or residential uses that conceal 100 percent of the street-level parking structure facade; and

(bb) the street-level uses have a minimum depth of 30 feet measured from the building facade.

(ii) the building is located in Subdistrict 1F and

(aa) the development complies with Section 51P-621.109(a)(4)(C)(i), and (ii):

(bb) the building has street-level office showroom/warehouse, office, restaurant, hotel, retail and personal service, or residential uses that conceal 100 percent of the street-level parking structure facade facing Edison Street;

(cc) any street-level parking structure façade must provide for solid screening that is architecturally compatible with the building and conceals a minimum of 50 percent of the street-level parking structure facing façade facing North Stemmons Freeway; and

(dd) the street-level uses have a minimum depth of 30 feet measured from the building façade.

(C) LEED rating.

(i) Building height may be increased a maximum of 12 feet if the building is eligible for silver, gold, or platinum designation under the United States Green Building Leadership in Energy and Environmental Design (LEED) rating system.

(ii) Determination of eligibility.

(aa) A United States Green Building Council's Leadership in Energy and Environmental Design (LEED) checklist, effective May 1, 2004, must be submitted with an application for a building permit for development, indicating how development will comply with a certified designation. The development plans submitted for a building permit must be certified by a LEED accredited professional designated by the department of development services.

(bb) Before the issuance of a building permit, the building official shall determine that the project is consistent with the standards and criteria for a LEED certified designation.

(cc) If the developer is unable to achieve all of the green building rating system points identified on the checklist, the developer must replace any points not achieved with other green building rating system points acceptable under the United States Green Building Council's LEED rating system.

(dd) The checklist, certified development plans, and any supporting documents and templates related to the points previously approved by the city for the LEED certified level designation must be submitted with an application for a certificate of occupancy. A certificate of occupancy may not be issued until a LEED accredited professional designated by the department of development services certifies that the building complies with the LEED certified designation.

(D) Pedestrian amenities. Building height may be increased a maximum of 12 feet if the building achieves 25 points under Paragraph 51P-621.113(c)(3).

(E) Public art or water feature. In Subdistrict 1F, development that complies with Section 51P-621.109(a)(4)(C)(i) and (ii), building height may be increased a maximum of 15 feet if:

the building achieves 15 points under Section 51P-621.113(c)(4); and

(ii) the public art or water feature is located in exterior open space and contains a minimum of 600 square feet of land area and includes a minimum of two of the following:

(aa) benches and/or seat walls;

(bb) trash receptacles;

(cc) shade structure, awning, trees.

(F) Publicly accessible open space. In Subdistrict 1F, building height may be increased a maximum of 40 feet if street-level publicly accessible open space is provided and complies with the following requirements. (If building height is increased for publically accessible open space in accordance with this Section 51P-621.110(a)(5.1)(E), it may not be increased an additional 15 feet under 51P-621.110(a)(5.1)(F) for the same open space.)

(i) The open space must contain a minimum of 1,000 square feet of land area.

(ii) The open space must be clearly visible and adjacent to or apart of a public sidewalk, subject to the following maximum elevations between the grade of the sidewalk and the grade of the open space:

<u>Publicly Accessible Open Space Elevation</u>	
<u>Open Space Land Area</u>	<u>Maximum elevation above sidewalk grade</u>
<u>500 square feet or less</u>	<u>6 inches or less</u>
<u>501-1,000 square feet</u>	<u>12 inches or less</u>
<u>1,001-2,000 square feet</u>	<u>2 feet or less</u>
<u>2,001-3,000 square feet</u>	<u>3 feet or less</u>
<u>3,001 square feet and greater</u>	<u>4 feet or less</u>

(iii) The open space must not be designed to permit vehicular access.

(iv) There shall be no obstructions above the plaza except for awnings, trellises, or similar structures to enhance usability.

(v) A minimum of 25 percent of the land area must be improved with plantings, sculpture(s), pools, or similar features.

(vi) A minimum of 25 percent of the land area must be improved to provide shade, utilizing trees, awnings, shade structures, or other means by which to provide users refuge from the elements.

(vii) Lighting must be provided to maintain a minimum of 0.2 footcandles across all walkable and seating areas inside and adjacent to this area, with minimum hours of illumination one hour after sunset through one hour after sunrise.

(viii) All light sources mounted on or within buildings, or located within the open space that illuminate this area must be shielded from direct view.

(ix) The open space must provide for no less than three of the following active uses: seating areas, children's play area(s), water feature(s), public art, historical monument(s), trash and recycle receptacles, windows and doors of an abutting building to face onto the public art, or drinking fountain(s).

CPC recommended:

(G) Electric charging stations. In Subdistrict 1F, building height may be increased a maximum of 15 feet if the development provides a minimum of five electric charging stations for the charging of electrically powered motor vehicles, with a minimum of two of the stations that are accessible to the public. For purposes of this subparagraph, accessible to the public means an electric charging station that is visible from a public right-of-way or provides signage or other means of identification if either or all of the spaces are located within a structure.

Staff recommended:

(G) Electric charging stations. In Subdistrict 1F, building height may be increased a maximum of 10 feet if the development provides a minimum of five electric charging stations for the charging of electrically powered motor vehicles, with a minimum of two of the stations that are accessible to the public. For purposes of this subparagraph, accessible to the public means an electric charging station that is visible from a public right-of-way or provides signage or other means of identification if either or all of the spaces are located within a structure.

(6) Building site coverage.

(A) Except as provided in this paragraph, maximum building site coverage is 100 percent.

(B) For Subdistricts 1A, ~~and 1B~~, and 1F any portion of a building that is above 75 feet in height may not have a floor plate greater than 60 percent of the lot area or 25,000 square feet, whichever is less (See Exhibit 621G for Subdistrict 1A. See Exhibit 621H for Subdistrict 1B. See Exhibit 621J for Subdistrict 1F).

(7) Building site size. No minimum building site size.

(8) Stories. No maximum number of stories.

(b) Subdistrict 2.

(1) Except for a bus or rail transit vehicle maintenance or storage facility, the yard, lot, and space regulations applicable to the MU-3 Mixed Use District, as amended, apply to this subdistrict.

(2) The following yard, lot, and space regulations apply to bus or rail transit vehicle maintenance or storage facility uses:

(A) Front yard. No minimum front yard.

(B) Side and rear yard. No minimum side or rear yard.

(C) Density. No maximum density.

(D) Floor area. Maximum floor area ratio (FAR) is 4.0.

(E) Height. Maximum structure height is 200 feet.

(F) Building site coverage. Maximum building site coverage is 100 percent.

(G) Building site size. No minimum building site size.

(H) Stories. No maximum number of stories. (Ord. Nos. 25013; 25560; 26975; 27280; 28231; 28819)

SEC. 51P-621.110. OFF-STREET PARKING AND LOADING.

(a) General requirements applicable to all subdistricts.

(1) Except as otherwise provided in this section, off-street parking and loading must be provided in compliance with Division 51A-4.300, "Off-Street Parking and Loading Regulations." In the event of a conflict between this section and Division 51A-4.300, this section controls.

(2) If several uses are located on a single building site, the off-street parking requirement is the sum of the requirements for each use, and off-street parking spaces for one use may not be counted toward the off-street parking requirement of another use, except as otherwise provided in this section.

(3) If more than 10 off-street parking spaces are required, handicapped parking must be provided pursuant to Section 51A-4.305, "Handicapped Parking Regulations."

(b) Subdistricts 1, 1A, 1B, 1C, and 1D, and 1F.

(1) Except for the uses listed below, consult the use regulations in Division 51A-4.200, "Use Regulations," for the specific off-street parking requirements for each use.

(A) Alcoholic beverage establishment. One space per 105 square feet of floor area. No parking is required for outside seating up to 10 percent of the total floor area of the alcoholic beverage establishment. Outside seating may not be converted to interior floor area unless the additional required parking is provided.

(B) Antique shop. One space per 600 square feet of floor area.

(C) Art gallery. One space per 600 square feet of floor area.

(D) Art or craft production facility. One space per 1,000 square feet of floor area.

(E) Beer or wine manufacturing. One space per 600 square feet of floor area.

(F) Dance hall. One space per 25 square feet of floor area.

(G) Duplex.

(i) One space per dwelling unit with one or fewer bedrooms.

(ii) Two spaces per dwelling unit with more than one bedroom.

(iii) In Subdistrict 1B, parking may be gated or otherwise secured if Dallas Fire Code requirements are met.

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- (H) Furniture store. One space per 1,000 square feet of floor area.
- (I) General merchandise or food store 3,500 square feet or less. One space per 275 square feet of floor area.
- (J) General merchandise or food store greater than 3,500 square feet. One space per 275 square feet of floor area.
- (K) Multifamily.
 - (i) One-and-one-half spaces per dwelling unit.
 - (ii) In Subdistrict 1B, parking may be gated or otherwise secured if Dallas Fire Code requirements are met.
- (L) Office. One space per 358 square feet of floor area.
- (M) Office showroom/warehouse. One space per 1,100 square feet of floor area up to 20,000 square feet, and one space per 4,100 square feet of floor area over 20,000 square feet.
- (N) Personal service uses. One space per 275 square feet of floor area.
- (O) Restaurant. One space per 105 square feet of floor area. No parking is required for outside seating up to 10 percent of the total floor area of the restaurant. Outside seating may not be converted to interior floor area unless the additional required parking is provided.
- (P) Single family.
 - (i) One space per dwelling unit with one or fewer bedrooms.
 - (ii) Two spaces per dwelling unit with more than one bedroom.
 - (iii) In Subdistrict 1B, parking may be gated or otherwise secured if Dallas Fire Code requirements are met.
- (2) Parking reductions.
 - (A) Bicycle parking. The off-street parking requirement for nonresidential uses located within 600 feet of the centerpoint of the intersection of Slocum Street and Cole Street may be reduced by 10 percent if:
 - (i) one five-bicycle parking stand for each 100 feet of street frontage is provided in the front yard of the building site; and
 - (ii) a minimum 12-foot-wide pedestrian and bicycle path is provided to link the building site with a DART light rail station.
 - (B) Employment centers adjacent to shuttle or bus stops. The following uses may provide off-street parking as specified if the use is within 1,000 feet of a shuttle stop or bus stop that provides a direct link to the Victory rail transit station or the Market Center rail transit station and if the use has 75,000 or more square feet of floor area:
 - (i) Industrial (inside). One space per 750 square feet of floor area.

(ii) Office. One space per 450 square feet of floor area.

(C) On-street parking. On-street parking spaces adjacent to a building site may be credited toward the off-street parking requirement of uses on the building site, even if the parking, backing, or maneuvering must be performed in the public right-of-way. On-street parking must be striped in accordance with standard city specifications.

(i) Head-in parking. One head-in parking space may be credited for each nine feet of frontage of the building site. Angled head-in parking must be angled more than 60 degrees but less than 90 degrees to the curb. The closest point of any angled head-in parking space may not be located closer than 10 feet to any perpendicular (90 degree) head-in parking space.

(ii) Parallel parking. One parallel parking space may be credited for each 22 feet of frontage of the building site.

(D) Special exception. The board of adjustment may grant a special exception of up to 50 percent of the required off-street parking upon the findings and considerations listed in Section 51A-4.311. The board of adjustment may impose conditions on the special exception.

(3) Delta theory.

(A) Except as otherwise provided in this paragraph, see Section 51A-4.704(b)(4). In the event of a conflict between this paragraph and Section 51A-4.704(b)(4), this section controls.

(B) The right to carry forward nonconforming parking and loading spaces does not terminate.

(4) Special parking.

(A) In general. Except as otherwise provided in this paragraph, see Division 51A-4.320, "Special Parking Regulations."

(B) Special parking allowed. Except as specifically modified in this section, required off-street parking may be special parking.

(C) Remote parking for nonresidential uses.

(i) Required off-street parking for nonresidential uses may be remote parking.

(ii) Remote parking for nonresidential uses must be located within 1,000 feet of the use served by the remote parking. The building official may extend the distance for remote parking to no more than 1,500 feet if a shuttle from the remote parking is provided. A license is required to authorize an extension of distance beyond 1,500 feet.

(iii) Remote parking lots must meet on-site parking landscape requirements.

(iv) Parking located in a railbed may be used as remote parking.

(D) Shared parking. Except for residential uses in Subdistrict 1B, if more than one type of use is located on a building site, all uses on the building site must share parking. Table 1

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must be used to calculate the required off-street parking spaces when parking is shared. The number of off-street parking spaces that must be provided for the development is the largest number of spaces required under any of the five time-of-day columns. For example, in the morning, a development with residential and office uses must provide 80 percent of the off-street parking that would normally be required for the residential uses and 100 percent of the off-street parking that would normally be required for the office uses. Likewise, in the afternoon, that development must provide 60 percent of the off-street parking that would normally be required for the residential uses and 100 percent of the off-street parking that would normally be required for the office uses. A similar calculation must be performed for each time of day. If the number of spaces required in the morning is greater than the number of spaces required during any other time of day, then the number of spaces required in the morning must be provided. Likewise, if the number of spaces required in the late afternoon is greater than the number of spaces required during any other time of day, then the number of spaces required in the late afternoon must be provided.

Table 1: Shared Parking Table
(For calculating the parking requirement for shared parking)

Use Category	% <u>Morning</u>	% <u>Noon</u>	% <u>Afternoon</u>	% <u>Late Afternoon</u>	% <u>Evening</u>
Residential	80	60	60	70	100
Office-related	100	80	100	85	35
Retail-related	60	75	70	65	70
Bar and Restaurant	20	100	30	30	100
Warehouse/ Showroom	100	75	100	65	35
All other	100	100	100	100	100

(5) Cash in lieu of required parking. A property owner may make a one-time cash payment to the Old Trinity and Design District Parking Fund in lieu of providing required parking for a use in an original building. The amount of the payment is calculated by using the following formula:

National median cost per square foot x 350 x Dallas cost index x Number of required spaces not provided x .75 = Payment required

where “national median cost per square foot” is the national median cost per square foot of a parking space in a parking garage. Both the “national median cost per square foot” and the “Dallas cost index” must be derived from the most recent issue of Building Construction Cost Data, published by the Robert Snow Means Company, Inc., of Kingston, Massachusetts, unless another comparable publication is designated by the director. The department shall administer a city account to be known as the Old Trinity and Design District Parking Fund. Funds from the Old Trinity and Design District Parking Fund must be used only for the acquisition or construction of parking garages or other parking improvements within Subdistricts 1, 1A, 1B, 1C, ~~and 1D,~~ and 1F. The payment into the Old Trinity and Design District Parking Fund is due at the time of application for a building permit.

(6) Fees for required parking. Fees may be charged for use of required parking.

(7) Parking structure screening. Any portion of a street level parking structure facade that is concealed by a street level use is considered screened.

(c) Subdistrict 2. The off-street parking requirement for a bus or rail transit vehicle maintenance or storage facility is one space per 1,500 square feet of floor area. For all other uses, consult the use regulations contained in Division 51A-4.200, “Use Regulations,” for the specific off-street parking/loading requirements for each use. (Ord. Nos. 25013; 25560; 26975; 27280; 28231; 28819)

SEC. 51P-621.111. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI. (Ord. 25013)

SEC. 51P-621.112. LANDSCAPING.

(a) General requirements applicable to all subdistricts.

(1) Required tree species. All required trees must be from the following list of Texas native species:

<u>Scientific name</u>	<u>Common name</u>
Aesculus glaba v. arguta	Texas buckeye
Aesculus pavia	Red buckeye
Bumelia lanuginosa	Woolly-bucket bumelia
Carya illinoensis	Pecan
Carya texana	Black hickory
Cercis canadensis v. Canadensis	Eastern redbud
Diospyros virginiana	Common persimmon
Ilex decidua	Deciduous holly
Ilex vomitoria	Yaupon holly
Juglans nigra	Black walnut
Juniperus virginiana	Eastern red cedar
Morus rubra	Red mulberry
Myrica cerifera	Wax myrtle
Prunus mexicana	Mexican plum
Quercus macrocarpa	Bur oak
Quercus marilandica	Blackjack oak
Quercus shumardii	Shumard red oak
Quercus stellata	Post oak
Quercus virginiana	Live Oak
Rhamnus caroliniana	Carolina buckthorn
Rhus copallina	Flameleaf sumac
Rhus virens	Evergreen sumac
Sapindus drummondii	Western soapberry
Sophora affinis	Eve's necklace
Taxodium distichum	Bald cypress
Ulmus americana	American elm
Ulmus crassifolia	Cedar elm
Viburnum rufidulum	Rusty blackhaw viburnum
Zanthoxylum clavaherulis	Hercules' club

(2) Prohibited trees.

(A) The following trees may not be planted within this special purpose district:

<u>Scientific name</u>	<u>Common name</u>
Populus deltoides	Cottonwood

(B) Bradford pears (*pyrus calleryana*) may be planted as site trees. Bradford pears may not be used as street trees, used as landscape buffer trees, or planted in the public right-of-way.

(3) Street trees.

(A) In Subdistricts 1, 1A, 1B, 1C, ~~and 1D,~~ and 1E, one street tree must be provided per 25 feet of street frontage, with a minimum of one street tree per building site. In Subdistrict 2, one street tree must be provided per 50 feet of street frontage, with a minimum of one street tree per building site.

(B) Street trees must be located on the building site within 50 feet of the projected street curb, except that street trees may be located in the public right-of-way if all private licensing requirements of the city code and charter are met and a right-of-way landscape permit is obtained from the city. For purposes of this subparagraph, “projected street curb” means the future location of the street curb consistent with the City of Dallas Thoroughfare Plan as determined by the director of public works and transportation.

(C) Street trees must be provided for all new construction.

(4) Landscaping in the public right-of-way.

(A) Landscaping may be located in the public right-of-way if a right-of-way landscape permit is obtained from the city.

(B) Plants in the public right-of-way may not obstruct visibility or create a traffic hazard. See Section 51A-4.602(d), “Visual Obstruction Regulations.”

(C) The city council hereby grants a non-exclusive revocable license to the owners or tenants (with written consent of the owner) of all property within this special purpose district for the exclusive purpose of authorizing compliance with the landscaping requirements of this special purpose district. An owner or tenant is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a right-of-way landscape permit in accordance with the Dallas Building Code. This private license will not terminate at the end of any specific time period; however, the city council reserves the right to terminate this license at will, by resolution passed by the city council, at any time such termination becomes necessary. The determination by the city council of the need for termination is final and binding. The city shall become entitled to possession of the licensed area without giving any notice and without the necessity of legal proceedings to obtain possession when, in its judgment, the purpose or use of the license is inconsistent with the public use of the right-of-way or when the purpose or use of the license is likely to become a nuisance or threat to public safety. Upon termination of the license by the city council, each owner or tenant shall remove all improvements and installations in the public rights-of-way to the satisfaction of the director of public works and transportation.

(D) A property owner or tenant is not required to comply with any right-of-way landscaping requirement to the extent that compliance is made impossible due to the city council’s revocation of a right-of-way landscape permit or the revocation of the private license granted under this subsection.

(E) Upon the installation of landscaping in the public right-of-way, the owners or tenants shall procure, pay for, and keep in full force and effect commercial general liability

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insurance coverage with an insurance company authorized to do business in the State of Texas and otherwise acceptable to the city, covering, but not limited to, the liability assumed under the private license granted under this subsection, with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence, and \$2,000,000 annual aggregate. Coverage under this liability policy must be on an occurrence basis and the city shall be named as additional insured. Proof of such insurance must be sent to: Office of Risk Management, City of Dallas, 1500 Marilla, Dallas, Texas 75201, and the policy must provide for 30 days prior written notice to the Office of Risk Management of cancellation, expiration, non-renewal, or material change in coverage. All subrogation rights for loss or damage against the city are hereby waived to the extent that they are covered by this liability insurance policy.

(F) Each owner or tenant is responsible for maintaining the landscaping in a healthy, growing condition, and for keeping the premises safe and in good condition and repair, at no expense to the city, and the city is absolutely exempt from any requirements to make repairs or maintain the landscaping. The granting of a license for landscaping under this subsection does not release the owner or tenant from liability for the installation or maintenance of trees and landscaping in the public right-of-way.

(5) Visual obstruction regulations. A property owner is not required to comply with the landscaping requirements of this section to the extent that compliance is made impossible by Subsection (d), “Visual Obstruction Regulations,” of Section 51A-4.602, “Fence, Screening, and Visual Obstruction Regulations.”

(b) Subdistricts 1, 1A, 1B, 1C, and 1D, and 1F.

(1) General requirement. Except as otherwise provided in this section, landscaping must be provided as required by Article X.

(2) Landscaping in railbeds.

(A) Any landscaping planted in the area to the centerline of a railbed may be used to satisfy required landscaping for the adjacent property. Landscaping planted in a railbed may not be located in an access easement.

(B) The requirements of Section 51A-10.125(b)(5), “Parking Lot Trees,” do not apply to parking located within a railbed.

(3) Parking lot buffer. A five-foot-wide landscaped strip must be located along any edge of a parking lot or parking structure that is visible at grade level from a street. A minimum three-inch-caliper tree must be located every 15 feet, or fraction thereof, or clustered every 30 feet within the landscaped strip.

(4) Plant requirements. Plants used to satisfy the landscape requirements must comply with the following requirements:

(A) A large evergreen shrub must have the ability to grow to a minimum height of three feet within three years.

(B) Solid sod or hydro-mulch grass may be used.

(C) Artificial plant materials may not be used.

(D) Any required landscaping that dies must be replaced.

(5) Landscape plan. A landscape plan must accompany any application for a building permit to expand floor area if the expansion is over 50 percent for nonresidential projects, over 65 percent for mixed use projects, or over 75 percent for residential projects. A landscape plan must earn at least 50 points (out of a total of 155 possible points.) The points awarded for providing these features are provided in parentheses. Existing landscaping qualifies for points.

(A) Lighting. (Total possible points = 20) Ten points each are awarded for providing tree lighting, light bollards, light poles, building facade lighting, or landscaped area lighting, up to a maximum of 20 points. The lighting provided must be at least 1.5 foot-candles in intensity over adjacent pedestrian areas.

(B) Landscaping on rooftops and facades. (Total possible points = 30) Ten points each are awarded for large planters, hanging planters, exterior embedded or extended planters, and vine supports on rooftops or along front facades up to a maximum of 30 points. Vines within ground-based planters must be able to extend above one-half the total height of the ground story of the main structure.

(C) Landscape buffer. (Total possible points = 25) The landscape buffer must be a minimum of 80 square feet. A mix of plant materials may be used.

(D) Tree canopy at the street frontage. (Total possible points = 20) Points may be obtained for planting canopy trees along the entire street frontage, exclusive of vehicular and pedestrian entrances and exits. The trees may be planted in the right-of-way if a right-of-way landscape permit is obtained. Ten points are awarded for planting these trees at a density of one tree per 30 linear feet of street frontage and 20 points are awarded for planting these trees at a density of one tree per 15 linear feet of street frontage. Note: Power lines may affect the types of trees used.

(E) Seasonal color landscaping. (Total possible points = 20) Points may be obtained for providing a landscape area for seasonal color in planting beds, raised planters, or pots. Five points are awarded for a landscape area that is equal to at least one-fourth of a square foot multiplied by the number of feet of street frontage. Ten points are awarded for a landscape area that is equal to at least one-half of a square foot multiplied by the number of feet of street frontage. Fifteen points are awarded for a landscape area that is equal to at least three-fourths of a square foot multiplied by the number of feet of street frontage. The plants in the landscape area must be changed at least twice per year with the appropriate seasonal color plants. This area must contain the appropriate seasonal landscaping at all times except when the landscaping is being changed at the beginning of a new season.

(F) Native plant landscaping. (Total possible points = 20) Points may be obtained for providing a landscape area containing native plants. Five points are awarded for a landscape area that is equal to at least one-fourth of a square foot multiplied by the number of feet of street frontage. Ten points are awarded for a landscape area that is equal to at least one-half of a square foot multiplied by the number of feet of street frontage. Fifteen points are awarded for a landscape area that is equal to at least three-fourths of a square foot multiplied by the number of feet of street frontage. Native plants listed in Exhibit 621E must be used.

(G) Creation of open space. (Total possible points = 20) Five points are awarded per 200 square feet of open space if the open space is a minimum of 500 feet from the building site but within this special purpose district. For purposes of this subparagraph, "open space" means a space containing no structures or pavement at or above grade, and containing only grass or other vegetation. Open space must be available for use by the public. The open space must be maintained in a

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state of good repair and neat appearance at all times by the owner of the property for which the building permit was issued.

(6) Open space fund. If a property owner in Subdistricts 1, 1A, 1B, 1C, ~~and 1D,~~ and 1F cannot plant all of the required trees on the building site, the property owner shall comply with the following requirements for no more than 50 percent of the required trees:

(A) Make a payment into the Old Trinity and Design District Open Space Fund. The department shall administer a city account to be known as the Old Trinity and Design District Open Space Fund. Funds from the Old Trinity and Design District Open Space Fund must be used only for acquiring and maintaining property for parks and open-space within this special purpose district. The amount of the payment required per tree not planted is calculated by using the formula for appraising the value of a two-inch-caliper tree, as derived from the most recent edition of the *Guide for Establishing Values of Trees and Other Plants* published by the Council of Tree and Landscape Appraisers, unless another publication is designated by the building official, and adding the cost of planting and maintaining a two-inch tree for two years.

(B) Plant trees within:

(i) portals to the Trinity River (as identified in the Trinity River Corridor Comprehensive Land Use Plan) within this special purpose district,

(ii) along that portion of the Old Trinity Trail within this special purpose district, or

(iii) along the meanders of the Old Trinity River channel, as shown on Exhibit 621C.

(7) Parking/landscaping zone. Where there is at least a 70-foot space between buildings, a parking/landscaping zone meeting the following requirements is allowed in the space between the two buildings, but is not required. The composition of the parking/landscaping zone, moving from one building façade across to the other building façade, is as follows:

(A) First, a minimum six-foot-wide sidewalk parallel to the façade of the first building.

(B) Second, a parking area between six feet from the first building façade to 16 feet from the first building façade. This parking area must have angled head-in parking at an angle of 60 degrees to 90 degrees. A landscaped area containing one tree must be located between every fifth parking stall. Trees in the parking area must be spaced 46 to 50 feet on center, and must be 12 to 16 feet away from the first building façade. One parking stall may be omitted to allow for a loading dock to remain functional.

(C) Third, a minimum of 26 feet of right-of-way for the two-way traffic in the middle.

(D) Fourth, a matching parking area from between 16 feet from the second building façade to six feet from the second building façade.

(E) Fifth, a matching six-foot-wide sidewalk parallel to the façade of the second building.

(c) Subdistrict 2. Except as otherwise provided in this section, all properties in Subdistrict 2 must comply with Article X. (Ord. Nos. 25013; 25560; 26975; 27280; 28231; 28819)

SEC. 51P-621.113.

ARCHITECTURAL DESIGN GUIDELINES.

(a) Purpose. The architectural design guidelines of this section are intended to preserve the historical, cultural, and architectural importance and significance of Subdistricts 1, 1A, 1B, 1C, ~~and 1D,~~ and 1F. These architectural design guidelines are intended to encourage adaptive reuse of existing buildings; new contemporary and creative construction and major modifications that will enhance the architectural character of the district; and sustainable, green, energy efficient design and construction.

(b) Facade requirements for new construction and major modifications in Subdistricts 1, 1A, 1B, 1C, ~~and 1D,~~ and 1F.

(1) Facades must be brick, concrete masonry, glass, hollow tile, stone, or other fireproof materials, except that wooden siding, wooden sheets, and metal may not be used on more than 50 percent of any facade.

(2) Facades consisting of more than 80 percent glass, excluding glass block, are prohibited.

(3) The maximum permitted reflectance of glass used as a facade material varies depending on where the glass is used. The reflectance of glass used on the first two stories may not exceed 15 percent. The reflectance of glass used above the first two stories may not exceed 27 percent. Reflectance is the percentage of available visible light energy reflected away from the exterior surface of the glass. The higher the percentage, the more visible light reflected and the more mirror-like the glass will appear.

(c) Design test requirements in Subdistricts 1, 1A, 1B, 1C, ~~and 1D,~~ and 1F. New construction or a major modification must earn at least 50 points for properties with a floor area ratio of 2.0 or less, and at least 70 points for properties with floor area ratios greater than 2.0 (out of 205 possible points). The total possible points in any category are provided in parentheses.

(1) Maintenance of original facades. (Total possible points = 10) Ten points are awarded for the adaptive reuse of an original building if its original facade design elements are not altered.

(2) Ground floor uses, building facades, and roofs. (Total possible points = 20) Points may be earned as follows:

(A) Retail and showroom uses. Ten points are awarded if a building's ground floor (excluding halls, restrooms, utility areas, and other public spaces) is allocated to retail and personal service uses or office showroom/warehouse uses.

(B) Restaurant uses. Ten points are awarded if a building's ground floor (excluding halls, restrooms, utility areas, and other public spaces) includes restaurant uses.

(C) Facade treatments. Ten points are awarded if the building's front facade is given texture and complexity by the inclusion of ground level entries more than 14 feet in height, porticos, indented entries, belt coursing or other horizontal banding, grid coursing, articulation of window openings, corner pilasters, rustication of the first floor, changes of color, or ornamental iron.

(3) Pedestrian amenities. (Total possible points = 25) Five points each are awarded for benches, trash receptacles, awnings/canopies, bicycle parking racks, and pedestrian street lamps. These items should be creative and contemporary. Pedestrian amenities must be located within the curb-to-building area of the building site, but, if a hardship prohibits locating these in the curb-to-building area of the building site, the amenities may be placed within the public right-of-way as long as they meet city standards and licensing requirements and do not block free movement of pedestrians. Pedestrian amenities must be maintained and operated by the owner of the building site. If there is more than one owner, all owners are jointly responsible for maintenance. Such amenities include:

- (A) Benches or exterior seating areas (maximum of one every 50 feet).
- (B) Trash receptacles (maximum of five points).
- (C) Awnings/canopies along the front facade.
- (D) One five-bicycle stand per 100 feet of street frontage.
- (E) At least one pedestrian street lamp (freestanding or wall mounted) per 50 feet of street frontage.

(4) Public art or water features. (Total possible points = 15) Fifteen points are awarded for public art or water features costing at least \$2,500, limited to one per building site. In order to qualify for public art points, the public art must be visible from a public right-of-way at all times. Examples of public art could include art in an atrium or lobby that is visible from a public right-of-way, art incorporated into the sidewalk or building facade, or freestanding art. For purposes of this paragraph, “water features” means: fountains, pools, mechanical water jets, or similar water devices.

(5) Paving material. (Total possible points = 15) Five points are awarded per one-third increment of an outdoor private walkway area accessible to the public that is covered by decorative pavement. For purposes of this paragraph, “decorative pavement” means: colored concrete pavers; brick; stone; stamped, textured, or colored concrete; and exterior grade tile.

(6) Pedestrian orientation of building facade. (Total possible points = 20) Twenty points are awarded if a minimum of 25 percent of the front facade has transparent display windows or windows affording views into retail, office, or lobby space. The transparency requirement applies to the first 16 feet of height of the facade.

(7) Structured parking facilities. (Total possible points = 50) Fifty points are awarded for a structured parking facility if the design matches the facade of a new building or architecturally complements the facade of an original building.

(8) Energy conservation. (Total possible points = 15) Ten points are awarded for using solar, geothermal, or other non-petroleum, non-coal energy sources. Five points are awarded for planting twice the number of canopy trees required by Section 51P-621.112, “Landscaping.”

(9) Permeable surface. (Total possible points = 15) Five points are awarded each third of an outdoor walkway or driveway with a permeable surface.

(10) LEED’s credit. (Total possible points = 20) Twenty points are awarded for a project with a floor area ratio of more than 2.0 when the project complies with the following:

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(A) A United States Green Building Council's Leadership in Energy and Environmental Design (LEED) Checklist, effective May 1, 2004, must be submitted with an application for a building permit for development, indicating how development will comply with a certified designation (26 to 32 project points). The development plans submitted for a building permit must be certified by a LEED accredited professional designated by the department of development services. Prior to the issuance of a building permit, the building official shall determine that the project is consistent with the standards and criteria for a LEED certified designation.

(B) If the developer is unable to achieve all of the green building rating system points identified on the checklist, the developer must replace any points not achieved with other green building rating system points acceptable under the United States Green Building Council's LEED rating system.

(C) All supporting documentation and templates related to the points previously approved by the city for the LEED certified level designation must be submitted with an application for a certificate of occupancy. A certificate of occupancy may not be issued until a LEED accredited professional designated by the department of development services certifies that the building complies with the LEED certified designation (26 to 32 project points).

(d) Approval by development plan. The city plan commission may approve new construction or a major modification that does not meet the requirements of Subsections (b) and (c) of this section if the development plan and elevations show that the new construction or major modification is consistent with the spirit and intent of this section.

(e) Fences and walls in Subdistricts 1, 1A, 1B, 1C, and 1D, and 1F. Fences and walls longer than 200 feet adjacent to any public street must be designed to prevent visual monotony through use of offsets, changes of materials and textures, gates or openings, or landscaping. (Ord. Nos. 25013; 25560; 26975; 27280; 28231; 28819)

SEC. 51P-621.114.

SITE DESIGN REQUIREMENTS.

(a) Above-grade off-street parking. Parking is permitted on any level of a building.

(b) Median and curb cuts along Industrial Boulevard. Median and curb cuts to access railbeds for off-street parking from Industrial Boulevard, between Continental Avenue and Sylvan/Wycliff Avenue, must be approved by the director of public works and transportation. Traffic must be one-way from Industrial Boulevard westbound to Levee Street.

(c) Sidewalk standards for new construction.

(1) In general.

(A) Sidewalks complying with the standards of this subsection must be provided for all new construction.

(B) If a sidewalk is to be located in a front yard, a sidewalk easement must be dedicated to the city to assure its availability to the public for pedestrian access.

(C) Except as otherwise provided in this subsection, the requirements of Chapter 43, "Streets and Sidewalks," apply to all sidewalks.

(2) Location.

(A) Sidewalks must be located along the entire length of the street frontage.

(B) On state highways, sidewalks must be provided in the parkway, subject to Texas Department of Transportation approval. If Texas Department of Transportation approval cannot be obtained, the property is exempt from this requirement.

(C) Sidewalks must be located between five feet and 10 feet from the back of the projected street curb, except that sidewalks on Oak Lawn Avenue, Irving Boulevard, Market Center Boulevard, and Turtle Creek Boulevard must be located between five feet and 12 feet from the back of the projected street curb. Sidewalks may be located farther from the projected street curb to the extent necessary to preserve existing trees or structures or to comply with landscaping requirements.

(D) Subdistrict 1F. Design and construction must be level with any connecting sidewalk for sidewalks crossing drive approaches.

(3) Width.

(A) Sidewalk widths must match the width of existing sidewalks in front of adjacent properties at the point of convergence. Where there are different sidewalk widths on each side of the street frontage, the new sidewalk must taper or expand to meet the incongruous sidewalks.

(B) Sidewalks must have an unobstructed minimum width of four feet, except that sidewalks on Oak Lawn Avenue, Irving Boulevard, Market Center Boulevard, and Turtle Creek Boulevard must have an unobstructed minimum width of six feet. For purposes of this provision, “unobstructed” means by structures or landscaping, excluding utility poles and service boxes.

(d) License to allow compliance with ADA requirements.

(1) If there is no other way to install ramps required by the Americans with Disabilities Act or similar state laws other than to install the ramps in the public right-of-way, the city council hereby grants a non-exclusive revocable license to the owners or tenants (with written consent of the owner) of all property within this special purpose district for the exclusive purpose of authorizing compliance with the Americans with Disabilities Act or similar state laws. An owner or tenant is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a building permit in accordance with the Dallas Building Code. This private license will not terminate at the end of any specific time period; however, the city council reserves the right to terminate this license at will, by resolution passed by the city council, at any time such termination becomes necessary. The determination by the city council of the need for termination is final and binding. The city shall become entitled to possession of the licensed area without giving any notice and without the necessity of legal proceedings to obtain possession when, in its judgment, the purpose or use of the license is inconsistent with the public use of the right-of-way or when the purpose or use of the license is likely to become a nuisance or threat to public safety. Upon termination of the license by the city council, each owner or tenant shall remove all improvements and installations in the public rights-of-way to the satisfaction of the director of public works and transportation.

(2) Upon the installation of ramp in the public right-of-way, the owners or tenants shall procure, pay for, and keep in full force and effect commercial general liability insurance coverage with an insurance company authorized to do business in the State of Texas and otherwise acceptable to the city, covering, but not limited to, the liability assumed under the private license granted under this subsection, with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence, and \$2,000,000 annual aggregate. Coverage under this liability policy must be on an occurrence basis and the city shall be named as additional insured. Proof of such insurance

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must be sent to: Office of Risk Management, City of Dallas, 1500 Marilla, Dallas Texas 75201, and the policy must provide for 30 days prior written notice to the Office of Risk Management of cancellation, expiration, non-renewal, or material change in coverage. All subrogation rights for loss or damage against the city are hereby waived to the extent that they are covered by this liability insurance policy.

(3) Each owner or tenant is responsible for maintaining any ramps in good condition and repair, at no expense to the city, and the city is absolutely exempt from any requirements to make repairs or maintain any ramps. The granting of a license for ramps under this subsection does not release the owner or tenant from liability for the installation or maintenance of ramps in the public right-of-way.

(e) Exemption for Subdistrict 2. The site design requirements of this section do not apply to a bus or rail transit vehicle maintenance or storage facility use in Subdistrict 2. (Ord. Nos. 25013; 25560; 26102)

SEC. 51P-621.115. SCREENING REGULATIONS.

(a) Parking lot screening.

(1) Except as otherwise provided in this section, Section 51A-4.301(f), “Screening Provisions for Off-Street Parking,” applies to all parking lots and parking structures.

(2) Fences may complement but not substitute for parking lot trees and shrubbery screening.

(3) The provision of screening for surface parking only applies to new construction. All surface parking must be screened from a street or access easement by using one or more of the following three methods to separately or collectively attain a minimum height of three feet above the parking surface:

(A) Earthen berm planted with turf grass or groundcover recommended for local area use by the director of parks and recreation. The berm may not have a slope that exceeds one foot of height per three feet of width.

(B) A fence constructed of one or more of the following: brick, stone, concrete masonry, stucco, concrete, wood, or other durable material. Wrought iron fences are allowed.

(C) Hedge-like evergreen plant materials recommended for local area use by the city arborist. The plant materials must be located in a bed that is at least three feet wide with a minimum soil depth of 24 inches. Initial plantings must be capable of obtaining a solid appearance within three years. Plant materials must be placed 36 inches on center over the entire length of the bed unless a landscape architect recommends an alternative planting density that the building official determines is capable of providing a solid appearance within three years.

(b) Screening of off-street loading spaces, dumpsters, and garbage storage areas.

(1) Except as otherwise provided in this subsection, screening of off-street loading spaces, dumpsters, and garbage storage areas must be provided in compliance with Section 51A-4.602, “Fence, Screening, and Visual Obstruction Regulations.”

(2) All off-street loading spaces, dumpsters, and garbage storage areas must be screened from all public streets adjacent to the building site. Screening is not required on sides that are not visible from a public street.

(3) Screening of all off-street loading spaces, dumpsters, and garbage storage areas must be at least six feet in height.

(4) Screening is not required in the railbeds.

(c) Outdoor storage areas. Except for vehicle display, sales, and service uses and nursery, garden shop, and plant sales uses, all outdoor storage areas for commercial and business services uses and industrial uses must be entirely screened by an eight-foot solid screening fence, vegetative materials, or other alternative deemed appropriate by the building official.

(d) Exemption for Subdistrict 2. The screening regulations of this section do not apply to a bus or rail transit vehicle maintenance or storage facility use in Subdistrict 2. (Ord. Nos. 25013; 25560)

SEC. 51P-621.116. SIGNS.

(a) Except as otherwise provided in this section, signs must comply with the provisions for business zoning districts in Article VII.

(b) In Subdistrict 2, detached premise signs existing on the date of establishment of this special purpose district may remain, provided the sign and sign supports are maintained in a state of good repair and neat appearance at all times. See Section 51A-7.210, “General Maintenance.”

(c) Projecting attached premise signs for retail and personal service uses are allowed, provided they do not project more than five feet from the building façade and are between nine and 15 feet above the sidewalk. For purposes of this provision, a “projecting attached premise sign” means an attached premise sign projecting more than 12 inches from a building at an angle other than parallel to the façade. (Ord. Nos. 25013; 25560)

SEC. 51P-621.117. ADDITIONAL PROVISIONS.

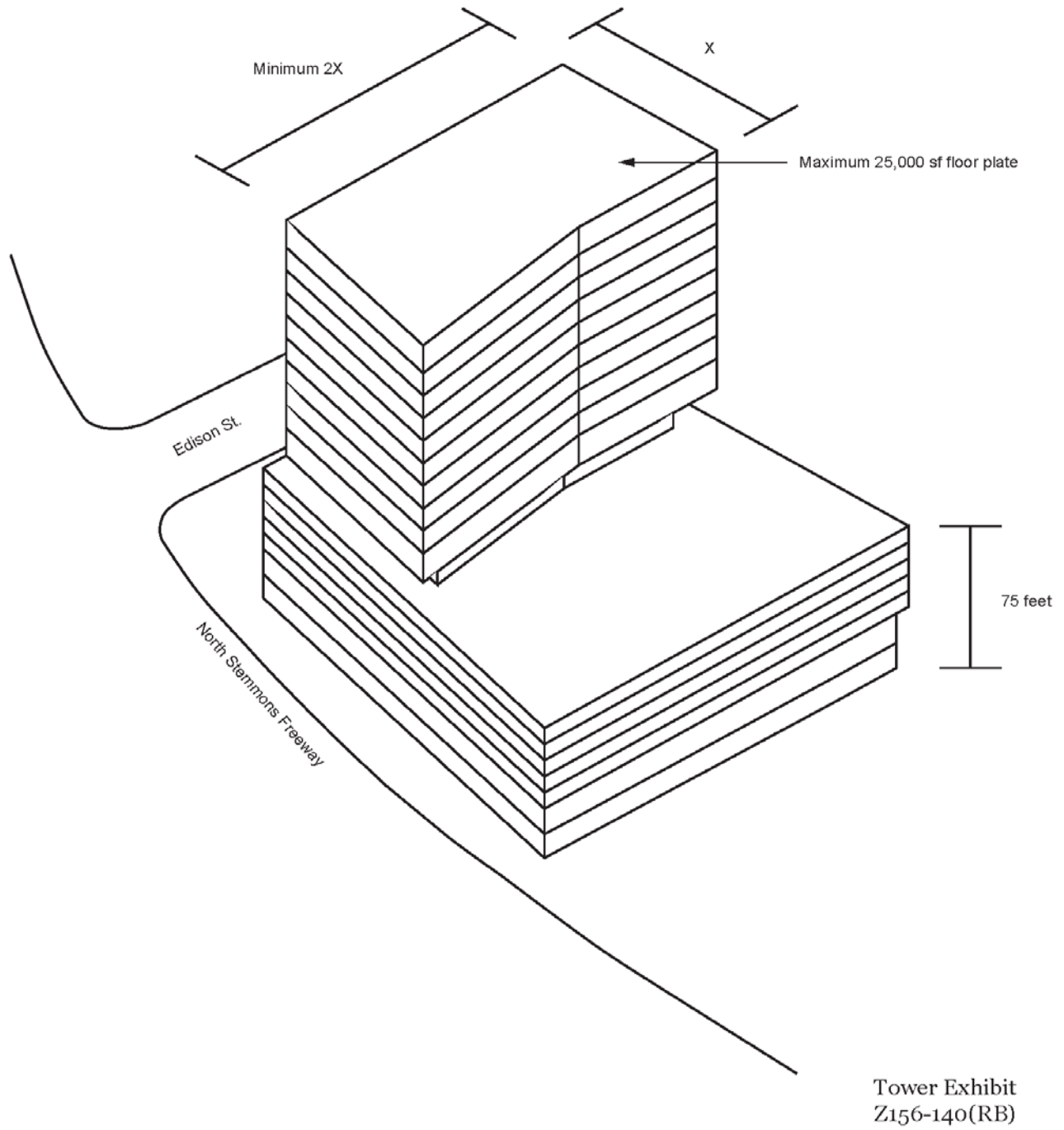
(a) The entire Property and any improvements in the public right-of-way must be properly maintained in a state of good repair and neat appearance. The city may remove any improvements in the public right-of-way that are not maintained in a state of good repair and neat appearance at the sole expense of the property owner, and may use any available legal remedy to recover the cost of removal from the property owner.

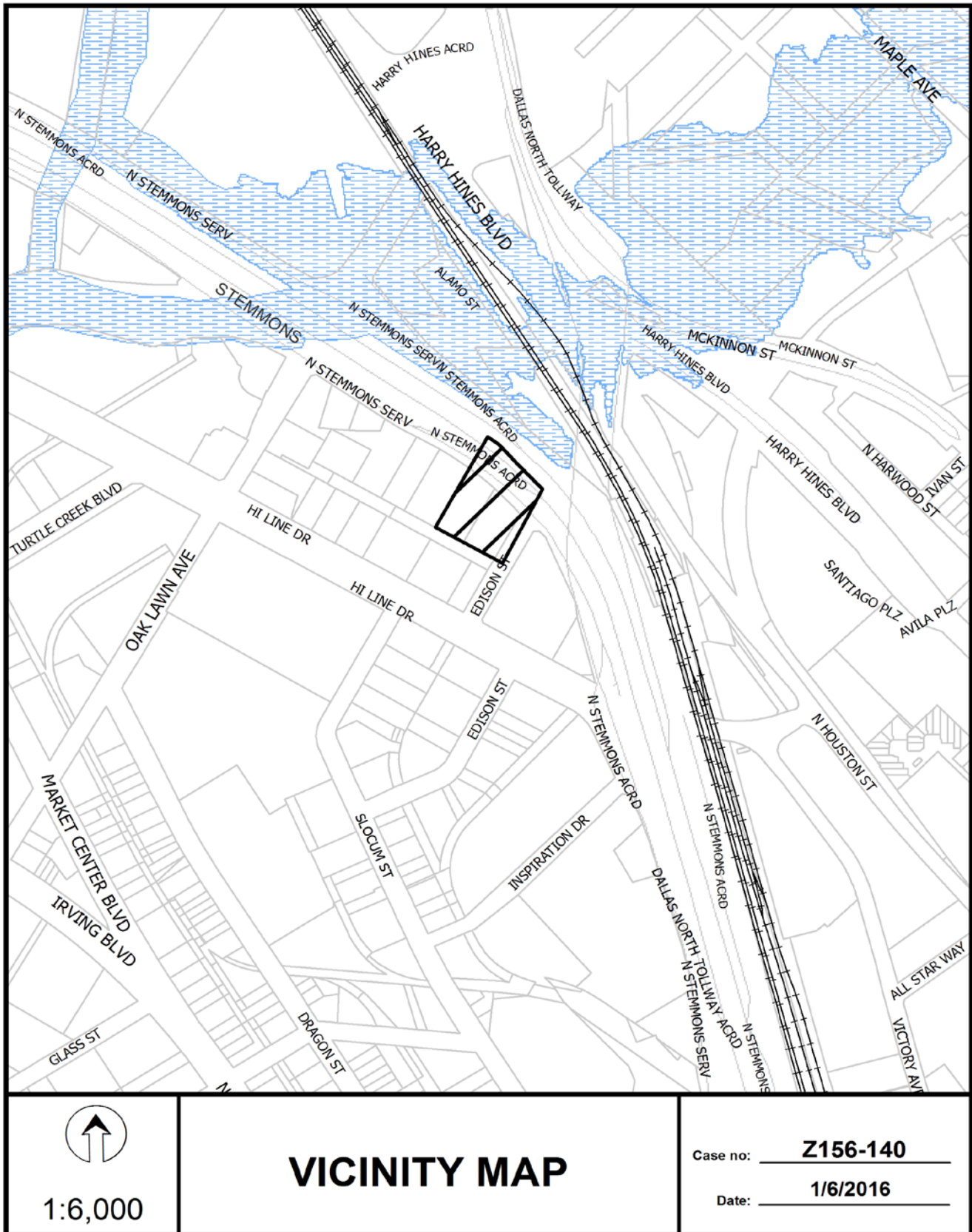
(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city. (Ord. Nos. 25013; 25560; 26102)

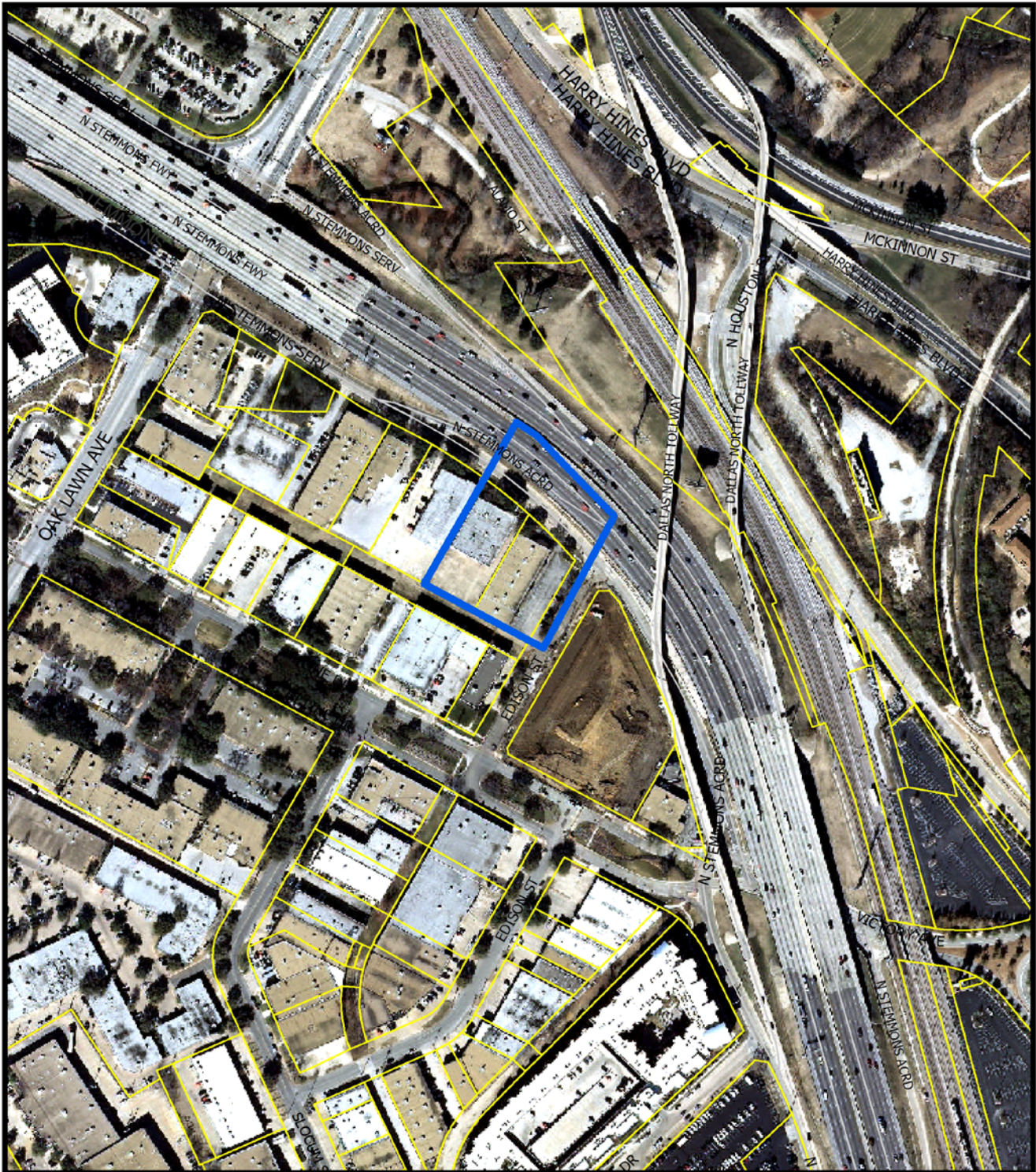
SEC. 51P-621.118. COMPLIANCE WITH CONDITIONS.

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(b) The building official shall not issue a building permit to authorize work or a certificate of occupancy to authorize the operation of a use in this special purpose district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. Nos. 25013; 26102)





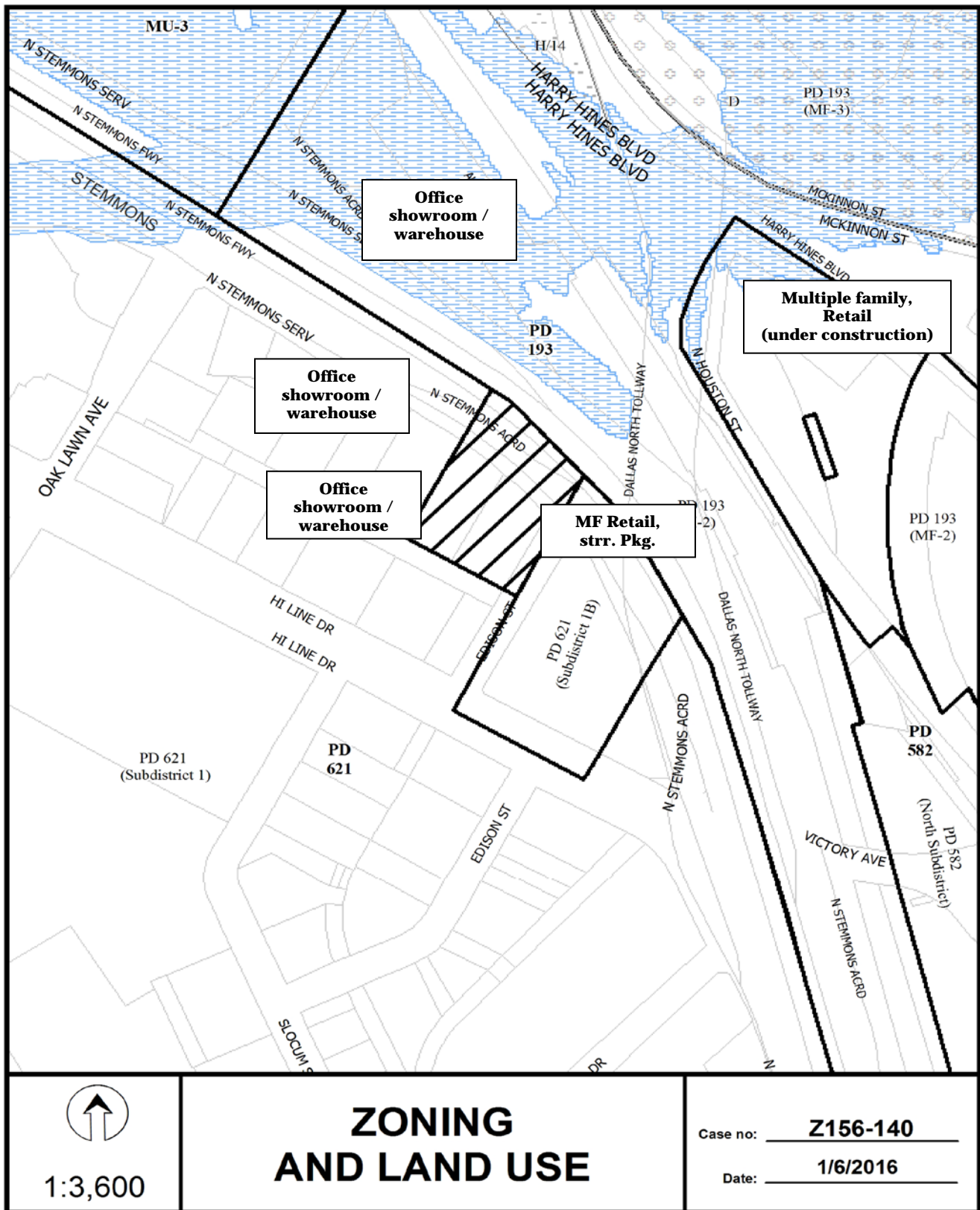


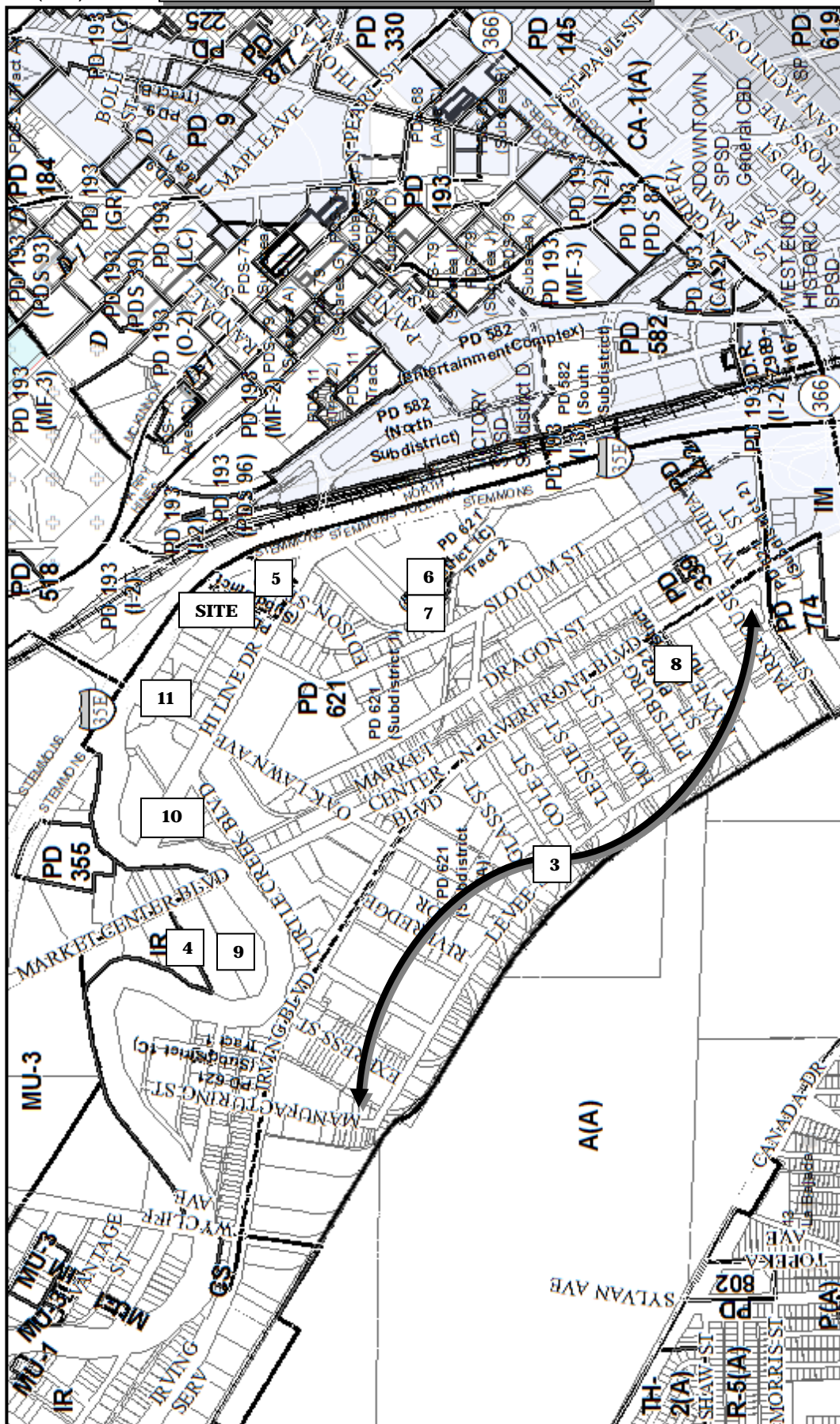
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AERIAL MAP

Case no: **Z156-140**

Date: **1/6/2016**







02/17/2016

Reply List of Property Owners***Z156-140******22 Property Owners Notified******7 Property Owners in Favor******0 Property Owners Opposed***

	<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
		1	1605 N STEMMONS FWY	DD DUNHILL LAND LLC
		2	1625 N STEMMONS FWY	1625 N STEMMONS LLC
		3	3333 HARRY HINES BLVD	ASA APARTMENTS LP
		4	1519 HI LINE DR	DD DUNHILL LLC
		5	1700 N STEMMONS FWY	DD DUNHILL LLC &
		6	1616 HI LINE DR	DD DUNHILL LLC
		8	1330 HI LINE DR	STUDIO 1330 LTD
		9	1500 HI LINE DR	MURPHY LUCY E TOLAND
		10	1532 HI LINE DR	BAYSWATER HI LINE LLC
		11	1710 HI LINE DR	CARSON DIANE
O		12	1718 HI LINE DR	GILBERT DAVID W &
		13	1551 EDISON ST	INVESTMENT PPTIES HI LINE LLC
		14	1550 EDISON ST	1550 EDISON LLC
		16	1300 N STEMMONS FWY	DALLAS AREA RAPID TRANSIT
		17	1680 N STEMMONS FWY	MILLWEE STEPHEN MICHAEL
		18	1400 HI LINE DR	LOWER OAK LAWN INVESTMENT LP
		19	1600 EDISON ST	GREEN JACK & MERIKAY
		20	1600 EDISON ST	CARSON MARY DIANE
		21	1500 HI LINE DR	INVESTMENT PROPERTIES HI LINE LLC
		22	1900 OAK LAWN AVE	DART & FT WORTH TRANSP AUTH
O	A1	1615	N STEMMONS FWY	DD DUNHILL LAND LLC
O	A2	1645	N STEMMONS FWY	DD DUNHILL LLC
O	A3	1700	N STEMMONS FWY	DD DUNHILL LLC &
O	A4	1650	OAK LAWN AVE	DD DUNHILL LLC
O	A5	1635	N STEMMONS FWY	DD DUNHILL LAND LLC
O	A6	1617	HI LINE DR	DD DUNHILL LLC &

AGENDA ITEM # 68

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): 6

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 44 E

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a new Subdistrict on property zoned Subdistrict 1 within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District, on the southwest line of North Stemmons Freeway Access Road, east of Oak Lawn Avenue

Recommendation of Staff and CPC: Approval, subject to a tower exhibit and revised conditions

Z156-141(RB)

FILE NUMBER: Z156-141(RB)

DATE FILED: November 25, 2015

LOCATION: Southwest line of North Stemmons Freeway Access Road, east of Oak Lawn Avenue

COUNCIL DISTRICT: 6

MAPSCO: 44 E

SIZE OF REQUEST: Approx. 1.41 Acres

CENSUS TRACT: 100.00

APPLICANT: Dunhill Vinculum, LLC

REPRESENTATIVES: Barry Knight, Laura Hoffman

OWNER: DD Dunhill Land, LLC

REQUEST: An application for a new Subdistrict on property zoned Subdistrict 1 within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District.

SUMMARY: The applicant is proposing a new subdistrict for consideration of the following for a mixed use development consisting of multifamily and retail uses and a possible lodging use: 1) increase in floor area; 2) increase in structure height; 3) a relaxed tower design (building footprint above 85 feet), and 4) additional off-site location for tree mitigation. Staff has worked with the applicant to ensure the requested entitlements are balanced by a commitment to the vision for the Subdistrict 1 area. Where noted, staff has recommended a more defined commitment to balance the aggregate impact of the enhanced entitlements. An example of this relates to approximately 20 percent of the requested increase in structure height per three options; 1) revised street-level parking structure concealment (36 feet); 2) electric charging stations (ten feet); and, 3) public art/water feature (15 feet). Staff has presented recommendations that ensure these options better address embracing the tenant/resident/patron activity expected in this district.

CPC RECOMMENDATION: Approval, subject to a tower exhibit and revised conditions.

STAFF RECOMMENDATION: Approval, subject to a tower exhibit and revised conditions.

DESIGNATED ZONING CASE

GUIDING CRITERIA FOR RECOMMENDATION:

Staff recommends approval of the request based upon:

1. *Performance impacts upon surrounding property* – The request will provide for uses found in the immediate area. Subject to staff's recommended conditions, the proposed development will embrace the area's residents and tenants with services, all within walking distance from adjacent developments and public improvements.
2. *Traffic impact* – Due to the site's accessibility to adjacent interstate roadways and the city's thoroughfare system along with its close proximity to mass transit, increased trip generations are expected to be managed within the immediate area.
3. *Comprehensive Plan or Area Plan Conformance* – The request complies with the goals and policies of *Forward Dallas!*.

Zoning History*:

Request, Disposition, and Date

- | | |
|-------------|--|
| 1. Z012-134 | On August 8, 2002, the City Council approved PDD No. 621, providing for two subdistricts.(see entire PDD boundary) |
| 2. Z034-103 | On June 23, 2004, the City Council approved an amendment to PDD No. 621 to revise definitions, delete minimum floor area for residential, revise: parking, screening, design standards, signage, and sidewalk regulations. (see entire PDD boundary) |
| 3. Z067-229 | On October 24, 2007, the City Council approved an amendment to PDD No. 621 to create a new subdistrict (Subdistrict 1A). |
| 4. Z067-296 | On November 12, 2007, the City Council approved an expansion (5.13 acres) of PDD No. 621 on property zoned an IR District. |
| 5. Z078-240 | On August 13, 2008, the City Council approved an amendment to PDD No. 621 to create a new subdistrict (Subdistrict 1B). |
| 6. Z101-214 | On June 8, 2011, the City Council approved an amendment to PDD No. 621 to create a new subdistrict (Subdistrict 1C) providing for a new use |

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(beer/wine manufacturing) and parking requirement for a specific retail use (gmfs greater than 3,500 square feet).

7. Z112-254

On August 22, 2012, the City Council approved an expansion of Tract 1C (2.29 acres) of PDD No. 621 on property within the Tract 2 portion of PDD No. 621.

8. Z112-283

On October 10, 2012, the City Council approved an amendment to PDD No. 621 to create a new subdistrict (Subdistrict 1D) from a parcel (22,500 square feet) within Subdistrict 1A.

9. Z123-204

On September 11, 2013, the City Council approved an expansion (5.9 acres) of PDD No. 621 on property zoned an IR District.

10. Z156-140

Application for an amendment to PDD No. 621 to create a new subdistrict (Subdistrict 1F). On February 18, 2016, the City Plan Commission recommended approval of the request, subject to a tower exhibit and conditions. Pending the March 23, 2016 City Council public hearing.

11. Z156-131

Application for an amendment to PDD No. 621 to create a new subdistrict (Subdistrict 1E). On February 18, 2016, the City Plan Commission recommended approval of the request, subject to a tower exhibit and conditions. Pending the March 23, 2016 City Council public hearing.

*PDD No. 621 boundary only

Thoroughfares:

Designation; Existing & Proposed ROW

North Stemmons Freeway

Freeway; Variable width ROW

Traffic: The Engineering Section of the Department of Sustainable Development and Construction has reviewed the applicant's request and traffic impact analysis and determined it will not negatively impact the surrounding street system.

STAFF ANALYSIS:

Comprehensive Plan: The Vision Illustration depicts the request site as within an *Urban Mixed Use* Building Block. This building block incorporates a vibrant mix of residential and employment uses at a lower density than the Downtown Building Block.

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These areas are typically near Downtown, along the Trinity River or near major transit centers. Examples include Uptown, the City Place/West Village area, Stemmons Design District, Cedars and Deep Ellum. Urban Mixed-Use Building Blocks provide residents with a vibrant blend of opportunities to live, work, shop and play within a closely defined area. Buildings range from high-rise residential or mid-rise commercial towers to townhomes and small corner shops. Good access to transit is a critical element. Similar to Downtown, the Urban Mixed-Use Building Blocks offer employment and housing options and are important economic growth areas for businesses. People on foot or bike can enjoy interesting storefronts at ground level with benches, public art, on-street parking and wide sidewalks, creating an appealing streetscape. Large parking areas and other auto-oriented land uses are typically located at the edges.

The request complies with the following land use goals and policies of the Comprehensive Plan.

LAND USE ELEMENT

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

GOAL 1.3 PROVIDE EQUITABLE OPPORTUNITIES FOR DALLAS RESIDENTS

Policy 1.3.1 Create housing opportunities throughout Dallas

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

GOAL 2.2 ENGAGE IN STRATEGIC ECONOMIC DEVELOPMENT

Policy 2.2.1 Focus economic development efforts on revitalization of the Trinity River Corridor.

URBAN DESIGN ELEMENT

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

Land Use Compatibility: The site is located along the freeway access road and is partially improved with surface parking areas. The applicant proposes to develop the site with a mixed use development (lodging, residential, retail) and is requesting a new subdistrict for consideration of the following: 1) increase in floor area; 2) increase in structure height; and 3) a relaxed tower design (building footprint above 85 feet).

PDD No. 621 was adopted by the City Council on August 28, 2002. Over the past thirteen years, various parcels have been incorporated into the district as well as amendments to existing subdistricts (See Zoning History, Map for detail). Prior to the creation of the district, the approximate 422 acres was home to various commercial and industrial uses. The area has experienced a redevelopment of various parcels that are more mixed use in application, with a commitment of the design package to accepting residents, tenants, and patrons by providing enhanced open space, a variety of retail and personal service uses, all within close proximity to mass transit and components of the trail system. This request is anticipated to continue this redevelopment vision and provides for the requested increase in entitlements, subject to staff's recommended thresholds, for a mix of uses that combined with required design criteria will ensure a vibrancy at street level exists.

The general area is developed with a mix of uses that represent the transition from an industrial area to a residentially influenced mixed use environment.

The focus of the applicant's request can be highlighted as follows:

- 83 percent increase in floor area (245,678 sf>450,000 sf)
- 15 percent increase in structure height [270 feet (including mechanicals)>300 feet plus ten feet for mechanicals]
- doubling the permitted floor plate within the tower portion of the development
- one additional floor providing for a possible 61,420 square feet of floor area (raising the tower floor plate requirement from 75 feet to 85 feet)

The impact of this portion of the request would be most prevalent to permitting an increase in massing of the structure (up to 100 percent lot coverage at 75 feet to 85 feet), then a doubling of tower floor plate to the requested maximum of 310 feet. To put this in perspective, the existing floor plate provision at 75 feet equates to an at-grade footprint of 20 percent of the lot; the applicant's request expands this to 41 percent, while permitting upwards of 61,420 square feet of development rights (or one parking level within the podium) within an additional floor incorporated into the design of the base of the structure.

Lastly, the request provides for an additional ten feet for mechanicals, which has the effect of providing for an additional story of occupied floor area; per the request, this would be equal to or less than 25,000 square feet, depending on final tower design.

Staff has worked with the applicant to ensure the requested entitlements are balanced by a commitment to the vision for the Subdistrict 1 area: *...a transit-oriented, mixed-use zoning district for the development of combinations of medium-density residential, retail, and office uses. Development should encourage residential, retail, office, and lodging uses in compatible combinations within walking distance of DART light-rail stations; conserve energy; provide for efficient traffic circulation; conserve land; minimize vehicular travel; encourage both day-time and night-time activity; encourage use of mass transit; increase pedestrian activity; and encourage bicycle usage.*

As such, the applicant has committed to the following two development options that must be provided in exchange for the requested increase in development rights:

- 1) 100 lodging units, 120 multifamily dwelling units, and 4,000 square feet for retail and personal service uses with minimum outside seating area (500 square feet) for a restaurant, or
- 2) 200 multifamily dwelling units and 4,000 square feet for retail and personal service uses, along with the above referenced minimum outside seating area for a restaurant.

With respect to this request, it is staff's recommendation to creating a balance between the aggregate impact of the request (increases in floor area and structure height, along with a relaxed tower floor plate) by recommending enhancements to the at-grade environment, thereby creating a more engaging relationship between the human element and the (to be) built environment. An example of this relates to the existing 36 foot height bonus when 100 percent of a street facing parking structure façade is screened with any of the permitted uses (minimum depth of 30 feet), exclusive of drive approaches. What makes development of this 'mid-block' site unique is its only public right-of-way frontage is the North Stemmons Freeway access road. Staff does not envision nor endorse pedestrian activity along this frontage. As such, support is given to provide relief of existing street facing parking structure screening requirements for that portion of the structure facing the freeway. What does cause concern is the remaining grade level parking facades. The site abuts an approximate 45,000 square foot undeveloped 'greenbelt' that traverses through this part of the district between Oak Lawn Avenue and Edison Street. While not part of the request, the property owner has indicated future options to create a pedestrian connector, thereby engaging existing and future redevelopment projects with the area's tenants, residents, and retail patrons. As such, staff has recommended provisions that will address those areas of the grade level parking structure façade that cannot be screened by one of many permitted uses. The applicant has indicated this alternative design element is not acceptable.

It should be noted that staff does not have any concern as it relates to the flexibility of development within this Special Purpose District, nor whether a development provides for a single use or a mix of uses when considering existing entitlements. Conversely, a direct correlation to the requested increases without a more defined development vision (by ordinance requirements as a development plan is not currently required) could be

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problematic. One way to address this is to require a development plan that more defines the physical correlation with the requested increases in entitlements along with a specific at-grade presence of the development's interaction with the human environment. At this time, the applicant has not agreed to provide such a commitment.

For comparison purposes, two projects will be summarized: 1) a similarly proposed mixed use project (office, retail, and residential), located north of downtown, and 2) a multifamily and retail project within the PDD No. 621 boundary.

No. 1: Approved with a 63 percent increase in structure height and a 43 percent increase in floor area. Situated with close proximity to mass transit as well as publicly accessible amenity areas as well as a requirement for enhanced streetscapes and design standards:

- 3.2 acres
- MF-270 du's (82 du/acre)/373,725 square feet
- Office-516,294 square feet
- Retail/Restaurant-22,600 square feet (min. 800 square feet outside seating area for restaurant)
- Total development-912,619 square feet (6.43 FAR)

No. 2: Approved with a 63 percent increase in structure height, an expanded building footprint above 75 feet (from 12,500 square feet to \leq 25,000 square feet), and a small increase in floor area (~1,600 square feet). Situated with close proximity to mass transit, additional entertainment and employment area, as well as publicly accessible amenity areas as well as enhanced streetscapes and design standards required within PDD No. 621:

- 2.5 acres
- MF-314 du's (126 du/acre)/286,000 square feet
- Retail/Restaurant-27,000 square feet
- Total development-912,619 square feet (2.8 FAR)

What is consistent across both examples is a focus for balancing enhanced entitlements with a more varied and engaging pedestrian realm so as to capture the activity generated from close proximity to public amenities and compatible developments.

To state this way, property owners (today) have an expanded palette of permitted uses as well as enhanced development rights over those which existed prior to August, 2002. Requirements are in place to ensure development is sensitive (i.e., design criteria and publicly accessible amenities) to the anticipated increase in the people who choose to reside, work, and visit the area. As such, a zoning amendment is not required to develop/redevelop properties offering a mix of uses that follow the framework provided for by current ordinance requirements.

Provision	Existing Subdistrict 1	Proposed New Subdistrict
USES	MIXED USES	NO REVISIONS
F/S/R YARD SETBACKS	0'/0'/0'	NO REVISIONS
DENSITY	NO MAXIMUM	NO REVISIONS- MINIMUM OF 120 OR 200 DU'S REQUIRED FOR INCREASED ENTITLEMENTS
FLOOR AREA RATIO	4.0:1	NO REVISION/7.32:1*
STRUCTURE HEIGHT/STORIES	130' (150' WITH 0.5 FAR RESIDENTIAL COMPONENT) UP TO 270' PER CERTAIN DESIGN CRITERIA/AMENITY LEVEL; SPECIFIC TOWER ORIENTATION AND FLOOR PLATE REDUCTION AT 75'	300' (SUBJECT TO EXISTING ORD. BONUSES) PLUS ADDL. TEN FEET FOR MECHANICALS; ADDL BONUS OPTION FOR ELECTRIC CHARGING STATIONS AND EXPANDED ART/WATER FEATURE
LOT COVERAGE	100%/60% AT 75' WITH MAX FLOORPLATE OF \leq 12.5K SF, WHICHEVER IS LESS	100%/60% AT 85' WITH MAX FLOORPLATE OF \leq 25K SF, WHICHEVER IS LESS
LANDSCAPING	SPECIFIC LANDSCAPE REGULATIONS	NO REVISIONS; ADDL. TREE MITIGATION OPTION
OFF-STREET PARKING	DALLAS DEVELOPEMNT CODE PLUS SPECIFIC USE PARKING RATIOS	NO REVISIONS
DESIGN CRITERIA	SPECIFIC REGULATIONS	MINIMUM OUTSIDE SEATING AREA FOR RESTAURANT WHEN APPLICABLE*
SIGNS	BUSINESS ZONING DISTRICTS PLUS SPECIFIC RETAIL AND PERSONAL SERVICE ATTACHED SIGNAGE	NO REVISIONS

*See ordinance for mixed use thresholds

CPC ACTION

On February 4, 2016, the City Plan Commission held the request under advisement until February 18, 2016.

(February 18, 2016)

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Motion: It was moved to recommend **approval** of a new Subdistrict, subject to a tower exhibit and staff's revised recommended conditions with the following revisions:

(a) For a structure height bonus of 36 feet related to street-level parking structure concealment:

(1) the development complies with Section 51P-621.109(a)(4)(C)(i), or (ii);

(2) the building has ground-level office showroom/warehouse, office, restaurant, hotel, retail and personal service, or residential uses that conceal 70 percent of the ground-level parking structure façade on the south side of the parking structure façade, and

(3) the ground-level uses have a minimum depth of 30 feet measured from the building façade.

(4) street-level office showroom/warehouse, office, restaurant, hotel, retail and personal service, or residential uses or any screening of any portion of a street-level parking structure façade facing North Stemmons Freeway is not required.

(b) Section 51P-621.109(a)(4)(C)(i) and (ii)-revise required retail and personal service uses to a minimum of 4,000 square feet of floor area located on a ground floor. Revise outdoor seating area for restaurant uses to a minimum of 500 square feet for all restaurants combined to face a property line other than along the North Stemmons Freeway access road.

(c) Regarding a structure height bonus for electric charging stations, approve a bonus of 15 feet subject to staff's recommended regulations, on property zoned Subdistrict 1 within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District, on the southwest line of North Stemmons Freeway Access Road, east of Oak Lawn Avenue.

Maker: Anantasomboon
Second: Anglin
Result: Carried: 11 to 3

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For: 11 - Anglin, Emmons, Houston, Davis,
Anantasomboon, Abtahi, Haney, Jung,
Housewright, Peadon, Tarpley

Against: 3 - Shidid, Schultz, Murphy

Absent: 1 - Ridley

Vacancy: 0

Notices: Area: 500 Mailed: 20

Replies: For: 6 Against: 1

Speakers: For: Barry Knight, 2728 N. Harwood St., Dallas, TX, 75201
Against: None

Officers and Directors - Dunhill Vinculum LLC

-William L. Hutchinson, Manager

**DD Dunhill Land, LLC
Management**

Officers:

William L. Hutchinson, President

Timothy M. Denker, Vice President

ARTICLE 621.

PD 621.

Old Trinity and Design District Special Purpose District

CPC/Staff Recommended Conditions

SEC. 51P-621.101. LEGISLATIVE HISTORY.

PD 621 was established by Ordinance No. 25013, passed by the Dallas City Council on August 28, 2002. (Ord. 25013)

SEC. 51P-621.102. PROPERTY LOCATION AND SIZE.

PD 621 is established on property generally bounded by Sylvan Avenue/Wycliff Avenue on the northwest, the meanders of the old channel of the Trinity River on the north, Interstate 35 on the east, Continental Avenue on the south, and the Trinity River Floodway on the west. The size of PD 621 is approximately 421.0323 acres. (Ord. Nos. 25013; 25560; 27006; 29127)

SEC. 51P-621.102.1. CREATION OF SUBDISTRICTS.

(a) Name. This special purpose district is to be known as the Old Trinity and Design District Special Purpose District.

(b) Creation of subdistricts.

(1) This special purpose district is divided into ~~six~~ seven subdistricts. Exhibit 621A describes the boundaries of each subdistrict. The map labelled Exhibit 621B shows the boundaries of each subdistrict. In case of a conflict, the verbal description in Exhibit 621A controls over the map in Exhibit 621B.

(2) Subdistricts 1, 1A, 1B, 1C, ~~and 1D~~, and 1G are transit-oriented, mixed-use zoning district for the development of combinations of medium-density residential, retail, and office uses. Development should encourage residential, retail, office, and lodging uses in compatible combinations within walking distance of DART light-rail stations; conserve energy; provide for efficient traffic circulation; conserve land; minimize vehicular travel; encourage both day-time and night-time activity; encourage use of mass transit; increase pedestrian activity; and encourage bicycle usage. Subdistricts 1, 1A, 1B, 1C, ~~and 1D~~, and 1G retain the potential for limited industrial and warehouse uses.

(3) Subdistrict 2 is for MU-3 Mixed Use District uses, bus or rail transit vehicle maintenance or storage facility uses, and commercial bus station and terminal uses. (Ord. Nos. 25013; 26975; 27006; 27280; 28231; 28819)

SEC. 51P-621.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions in Chapter 51A apply to this article. The following definitions apply to this special purpose district:

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(1) **ANTIQUÉ SHOP** means an establishment for the retail sale of articles such as glass, china, furniture, or similar furnishings and decorations that have value and significance as a result of age, design, or sentiment.

(2) **ART GALLERY** means an establishment where original works of art or limited editions of original works of art are bought, sold, loaned, appraised, or exhibited to the general public.

(3) **ART OR CRAFT PRODUCTION FACILITY** means a facility for the production of handcrafted art or craft products through processes such as kiln firing, glass blowing, welding, or woodworking and for sale of the products to the general public.

(3.1) **BEER OR WINE MANUFACTURING** means an enclosed facility that processes and manufactures alcoholic beverages. This use does not include the processing or manufacturing of distilled spirits.

(4) **BUS OR RAIL TRANSIT VEHICLE MAINTENANCE OR STORAGE FACILITY** means a facility for the maintenance, repair, or storage of bus, rail, or other transit vehicles, including the following accessory uses: sleeping facilities for bus, rail or transit vehicle drivers, vehicle paint and body shop, vehicle washing, vehicle fueling facilities, sanitary hoppers, oil storage, package express services, bus charter sales, offices, training facilities, vehicle storage, vehicle sales, and communication antennas.

(5) **CANOPY TREE** means a species of tree that normally bears crown foliage no lower than six feet above ground upon maturity.

(6) **DUMPSTER** means a movable container holding two cubic yards or more of garbage.

(7) **FACADE** means any separate face of a building that is visible from a street, alley, or railbed.

(8) **MAJOR MODIFICATION** means reconstruction, alteration, or renovation of an original building that exceeds 50 percent of the value of the original building assessed by the Dallas Central Appraisal District or any increase in the floor area of an original building if the expansion is over 50 percent for nonresidential projects, over 65 percent for mixed use projects, and over 75 percent for residential projects.

(9) **MASSAGE ESTABLISHMENT** means any building, room, place, or establishment, other than a regularly licensed hospital, where manipulated massage or manipulated exercises are practiced upon the human body by anyone not a duly licensed physician or chiropractor whether with or without the use of mechanical, therapeutic, or bathing devices, and includes Turkish bathhouses. This term does not include, however, duly licensed beauty parlors or barbershops or a place wherein registered physical therapists treat only patients recommended by a licensed physician and operated only under such physician's direction. "MASSAGE" means any process consisting of kneading, rubbing, or otherwise manipulating the skin of the body of a human being, either with the hand or by means of electrical instruments or apparatus, or other special apparatus, but does not include massage by duly licensed physicians and chiropractors, and registered physical therapists who treat only patients recommended by a licensed physician and who operate only under such physician's direction, nor massage of the face practiced by beauty parlors or barbershops duly licensed under the penal code of the state.

(10) **MEANDERS OF THE OLD TRINITY RIVER CHANNEL** means the old Trinity River channel within this special purpose district, as shown on the map labelled Exhibit 621C.

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(11) MIXED USE PROJECT means a development, on a single building site, that contains more than one use.

(12) NEW CONSTRUCTION means construction of a main structure that is not an original building.

(13) OPENING means a door, window, passageway, or any other similar architectural feature through which light or solid objects may pass.

(14) ORIGINAL BUILDING means a structure existing on the date of the establishment of this special purpose district, but does not include a structure that has undergone a major modification.

(15) OUTSIDE SEATING means the area between an omitted wall line and the structural wall when the area is used solely for seating of patrons.

(16) PIERCING SALON means a facility in which body piercing is performed. BODY PIERCING means the creation of an opening in an individual's body, other than in an individual's earlobe, to insert jewelry or another decoration.

(17) RAILBEDS means the areas shown on the map labeled Exhibit 621D.

(18) TATTOO STUDIO means an establishment in which tattooing is performed. TATTOOING means the practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment.

(19) WALKING DISTANCE means the distance from the nearest point of a parking lot to the nearest public entrance of a main use, measured along the most convenient pedestrian walkway.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This special purpose district is considered to be a mixed use zoning district.

(d) The following rules apply in interpreting the use regulations in this article:

(1) The absence of a symbol appearing after a listed use means that the use is permitted by right.

(2) The symbol *[L]* appearing after a listed use means that the use is permitted by right as a limited use only. (For more information regarding limited uses, see Section 51A-4.218, "Limited Uses.")

(3) The symbol *[SUP]* appearing after a listed use means that the use is permitted by specific use permit only.

(4) The symbol *[DIR]* appearing after a listed use means that a site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803, "Site Plan Review." ("DIR" means "development impact review." For more information regarding development impact review generally, see Division 51A-4.800, "Development Impact Review.")

(5) The symbol *[RAR]* appearing after a listed use means that, if the use has a residential adjacency as defined in Section 51A-4.803, "Site Plan Review," a site plan must be submitted

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and approved in accordance with the requirements of that section. (“RAR” means “residential adjacency review.” For more information regarding residential adjacency review generally, see Division 51A-4.800, “Development Impact Review.”) (Ord. Nos. 25013; 25560; 28231)

SEC. 51P-621.103.1. EXHIBITS.

The following exhibits are incorporated into this article:

- (1) Exhibit 621A: Property and Subdistrict Descriptions.
- (2) Exhibit 621B: Subdistrict Map.
- (3) Exhibit 621C: Meanders of the Old Trinity River Channel.
- (4) Exhibit 621D: Existing Railbeds.
- (5) Exhibit 621E: List of Native Plants.
- (6) Exhibit 621F: The Old Trinity and Design District “Woonerf-Living Streets” Conceptual Plan.
- (7) Exhibit 621G: Tower Diagrams for Subdistrict 1A.
- (8) Exhibit 621H: Tower Orientation.
- (9) Exhibit 621K: Tower Diagram for Subdistrict 1G.

SEC. 51P-621.104. CONCEPTUAL PLAN.

There is no conceptual plan for this special purpose district. (Ord. 25013)

SEC. 51P-621.105. DEVELOPMENT PLAN.

(a) Except as otherwise provided in this article, no development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply.

(b) Development of the railbeds as woonerf, as described in Exhibit 621F, is encouraged. The provisions of Exhibit 621F are not required. (Ord. Nos. 25013; 25560)

SEC. 51P-621.106. MAIN USES PERMITTED.

(a) Subdistricts 1, 1A, 1B, 1C, and 1D, and 1G.

(1) Agricultural uses.

None permitted.

(2) Commercial and business service uses.

- Building repair and maintenance shop. [RAR]
- Catering service.
- Commercial cleaning or laundry plant. [SUP]
- Custom business services.
- Custom woodworking, furniture construction, or repair.
- Electronics service center.
- Job or lithographic printing. [RAR]
- Labor hall. [SUP]
- Machine or welding shop. [RAR]
- Medical or scientific laboratory.
- Technical school.
- Tool or equipment rental.

(3) Industrial uses.

- Beer or wine manufacturing. [Limited to Subdistricts 1C and 1D.]
- Industrial (inside) for light manufacturing.
- Industrial (inside). [RAR]
- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]

(4) Institutional and community service uses.

- Adult day care facility.
- Child-care facility.
- Church.
- College, university, or seminary.
- Community service center. [SUP]
- Convent or monastery.
- Halfway house. [SUP]
- Hospital. [RAR]
- Library, art gallery, or museum.
- Open-enrollment charter school. [SUP]
- Private school other than open-enrollment charter school. [SUP]
- Public school other than open-enrollment charter school. [SUP]

(5) Lodging uses.

- Hotel or motel. [RAR]
- Lodging or boarding house. [SUP]

(6) Miscellaneous uses.

- Carnival or circus (temporary). [By special authorization of the building official.]
- Temporary construction or sales office.

(7) Office uses.

- Financial institution without drive-in window.

- Financial institution with drive-in window. *[SUP, except with RAR only for lots adjacent to Oak Lawn Avenue, Market Center Boulevard, or Turtle Creek Boulevard.]*
- Medical clinic or ambulatory surgical center.
- Office.

(8) Recreation uses.

- Country club with private membership.
- Private recreation center, club, or area.
- Public park, playground, or golf course.

(9) Residential uses.

- College dormitory, fraternity, or sorority house. *[SUP]*
- Duplex.
- Group residential facility. *[SUP required if the spacing component of Section 51A-4.209(3) is not met. Permitted in this subdistrict subject to the same requirements as if located in an MU-3 Mixed Use District.]*
- Handicapped group dwelling unit. *[SUP required if the spacing component of Section 51A-4.209(3.1) is not met. Permitted in this subdistrict subject to the same requirements as if located in an MU-3 Mixed Use District.]*
- Multifamily.
- Retirement housing. *[SUP]*
- Single family.

(10) Retail and personal service uses.

- Alcoholic beverage establishments. *[SUP. See Section 51A-4.210(b)(4).]*
- Ambulance service. *[RAR]*
- Animal shelter or clinic without outside run. *[RAR]*
- Animal shelter or clinic with outside run. *[SUP]*
- Antique shop.
- Art gallery.
- Art or craft production facility. *[Limited to 5,000 square feet or less of floor area.]*
- Auto service center. *[SUP]*
- Billiard hall. *[SUP]*
- Bingo parlor. *[SUP]*
- Business school.
- Car wash. *[SUP]*
- Commercial amusement (inside). *[See Section 51A-4.210(b)(7). Except as otherwise provided, permitted in this subdistrict subject to the same requirements as if located in an MU-3 Mixed Use District. Class E dance halls, as defined in Chapter 14 of the Dallas City Code, are not permitted. Billiard hall by SUP only. Bingo parlor by SUP only.]*
- Commercial parking lot or garage.
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- Home improvement center, lumber, brick, or building materials sales yard.

- Household equipment and appliance repair.
- Liquor store.
- Massage establishment. *[SUP]*
- Mortuary, funeral home, or commercial wedding chapel.
- Motor vehicle fueling station. *[SUP]*
- Nursery, garden shop, or plant sales.
- Outside sales. *[SUP]*
- Personal service uses.
- Piercing salon. *[SUP]*
- Restaurant without drive-in or drive-through service.
- Restaurant with drive-in or drive-through service. *[SUP]*
- Swap or buy shop. *[SUP]*
- Taxidermist.
- Tattoo studio. *[SUP]*
- Temporary retail use.
- Theater. *[Limited to 1,000 seats or fewer.]*
- Truck stop. *[SUP]*
- Vehicle display, sales, and service. *[SUP]*

(11) Transportation uses.

- Heliport. *[SUP]*
- Helistop. *[SUP]*
- Railroad passenger station. *[SUP]*
- Transit passenger shelter.
- Transit passenger station or transfer center. *[By SUP or city council resolution.]*

(12) Utility and public service uses.

- Electrical substation.
- Local utilities.
- Police or fire station.
- Post office.
- Radio, television, or microwave tower. *[RAR]*
- Tower/antenna for cellular communication.
- Utility or government installation other than listed. *[SUP]*

(13) Wholesale, distribution, and storage uses.

- Auto auction. *[SUP]*
- Contractor's maintenance yard. *[RAR]*
- Mini-warehouse. *[SUP, except with RAR only if all on-site circulation is internal to the structure.]*
- Office showroom/warehouse.
- Recycling drop-off container. *[SUP required if the requirements of Subparagraph (E) of Section 51A-4.213(11.2) are not satisfied.]*
- Trade center.
- Warehouse.

(b) Subdistrict 2.

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(1) Except as otherwise provided in this subsection, the uses permitted in this subdistrict are the same as those uses permitted in the MU-3 Mixed Use District, subject to the same conditions applicable in the MU-3 Mixed Use District, as set out in the Dallas Development Code, as amended. For example, a use permitted in the MU-3 Mixed Use District only by specific use permit (SUP) is permitted in this special purpose district only by SUP; a use subject to development impact review (DIR) in the MU-3 Mixed Use District is subject to DIR in this special purpose district; etc.

(2) The following use is permitted in this subdistrict subject to residential adjacency review:

-- Bus or rail transit vehicle maintenance or storage facility. *[RAR]*

(3) The following use is permitted in this subdistrict by specific use permit only:

-- Commercial bus station and terminal. *[SUP]*

(Ord. Nos. 25013; 25560; 26975; 27280; 28231; 28819)

SEC. 51P-621.107.

ACCESSORY USES.

(a) As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, see Section 51A-4.217.

(b) The following accessory uses are not permitted in Subdistricts 1, 1A, 1B, 1C, ~~and~~ 1D₂ and 1G:

- Accessory medical/infectious waste incinerator.
- Accessory pathological waste incinerator.
- Amateur communications tower.
- Day home.
- General waste incinerator.
- Private stable.

(c) Except as otherwise provided in this section, accessory uses in Subdistrict 2 must comply with the accessory use regulations applicable to the MU-3 Mixed Use District.

(d) The following accessory uses are permitted by SUP only:

- Accessory outside storage. *[SUP]*
- Pedestrian skybridges. *[SUP]*

(Ord. Nos. 25013; 25560; 26975; 27280; 28231; 28819)

SEC. 51P-621.108.

CREATION OF A BUILDING SITE.

(a) The building official shall not issue a certificate of occupancy or a building permit until:

(1) a building site has been established under Section 51A-4.601, "Creation of a Building Site"; or

(2) the yard, lot, and space requirements of a lot or parcel can be determined from property lines described in deed records. (Ord. 25013)

SEC. 51P-621.109.

YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. In the event of a conflict between this section and Division 51A-4.400, this section controls.)

(a) Subdistricts 1, 1A, 1B, 1C, ~~and~~ 1D, and 1G.

(1) Front yard. No minimum front yard.

(2) Side and rear yard. No minimum side or rear yard.

(3) Density. No maximum density.

(4) Floor area.

(A) For Subdistricts 1, 1A, 1C, and 1D, maximum floor area ratio is 4.0.

(B) For Subdistrict 1B, maximum floor area is 449,316 square feet.

(C) Except as provided in this subsection, maximum floor area for Subdistrict 1G is 245,678 square feet, but can be increased to 450,000 square feet if one of the following are provided:

CPC Recommended:

	(i) <u>Mix of uses with a hotel or motel use.</u>
	(aa) <u>a minimum of 100 guest rooms;</u>
	(bb) <u>a multifamily use with a minimum of 120 dwelling units;</u>
and,	
	(cc) <u>retail and personal service uses with a minimum of 4,000 square feet of floor area located on the ground floor. If a restaurant without drive-in or drive-through service is located on a ground floor, a minimum of 500 square feet of outside seating area for all restaurants combined must face a Property line other than along the North Stemmons Freeway access road. For purposes of this subsection, this outside seating area does not satisfy the minimum of a 4,000 square foot of floor area requirement.</u>
	(ii) <u>Mix of uses without a hotel or motel use.</u>
	(aa) <u>a multifamily use with a minimum of 200 dwelling units;</u>
and,	
	(bb) <u>retail and personal service uses with a minimum of 4,000 square feet of floor area located on the ground floor. If a restaurant without drive-in or drive-through service is located on a ground floor, a minimum of 500 square feet of outside seating area for all restaurants combined must face a Property line other than along the North Stemmons Freeway access road. For purposes of this subsection, this outside seating area does not satisfy the minimum of a 4,000 square foot of floor area requirement.</u>

Staff recommended:

	<p>(i) <u>Mix of uses with a hotel or motel use.</u></p> <p>(aa) <u>a minimum of 100 guest rooms;</u></p> <p>(bb) <u>a multifamily use with a minimum of 120 dwelling units;</u></p>
and,	
	<p>(cc) <u>retail and personal service uses with a minimum of 7,000 square feet of floor area located on the ground floor. If a restaurant without drive-in or drive-through service is located on a ground floor, a minimum of 700 square feet of outside seating area for all restaurants combined must face a Property line other than along the North Stemmons Freeway access road. For purposes of this subsection, this outside seating area does not satisfy the minimum of a 7,000 square foot of floor area requirement.</u></p>
	<p>(ii) <u>Mix of uses without a hotel or motel use.</u></p>
	<p>(aa) <u>a multifamily use with a minimum of 200 dwelling units;</u></p>
and,	
	<p>(bb) <u>retail and personal service uses with a minimum of 7,000 square feet of floor area located on the ground floor. If a restaurant without drive-in or drive-through service is located on a ground floor, a minimum of 700 square feet of outside seating area for all restaurants combined must face a Property line other than along the North Stemmons Freeway access road. For purposes of this subsection, this outside seating area does not satisfy the minimum of a 7,000 square foot of floor area requirement.</u></p>

(5) Height. Except as provided in this subsection, maximum height is:

- (A) 150 feet for buildings having an FAR for residential uses of 0.5 or more;
- (B) 130 feet for all other buildings and structures.

(C) In Subdistrict 1G, mechanical equipment elevator overrides, penthouses, parapet walls and related equipment and structures may extend an additional 10 feet in height above the maximum height.

(5.1) Height bonuses for Subdistricts 1A, 1B, and 1D, and 1G. One or more of the following height bonuses may be combined to achieve a maximum building height of 270 feet for Subdistricts 1A, 1B, and 1D, and a maximum building height of 300 feet for Subdistrict 1G when the development complies with Section 51P-621.109(a)(4)(C)(i) or (ii):

(A) Tower size and orientation. Building height may be increased a maximum of 60 feet if (See Exhibit 621G for Subdistrict 1A; See Exhibit 621H for Subdistrict 1B. See Exhibit 621K for Subdistrict 1G):

- (i) in Subdistrict 1A and 1D:
- (aa) the portion of the building above 75 feet in height has a floor plate of 12,500 square feet or less; and
- (bb) the tower dimension perpendicular to the east Trinity River levee is at least three times longer than the tower dimension parallel to the east Trinity River levee (tower dimension is measured at the widest point of the building facade).

(ii) in Subdistrict 1B:

(aa) the portion of the building above 75 feet has a floor plate of 25,000 square feet or less;

(bb) the tower is oriented as indicated on Exhibit 621H for Subdistrict 1B; and

(cc) the longer tower dimension is at least three times longer than the short tower dimension (tower dimension is measured at the widest point of the building facade) for Subdistrict 1B.

(iii) in Subdistrict 1G:

(aa) the portion of the building above 85 feet has a floor plate of 25,000 square feet or less;

(bb) the tower is oriented as indicated on Exhibit 621K for Subdistrict 1G; and

(cc) the longer tower dimension is at least two times longer than the short tower dimension (tower dimension is measured at the widest point of the building facade) for Subdistrict 1G.

(B) Street-level parking structure concealment. Building height may be increased a maximum of 36 feet if:

(i) the building is located in Subdistricts 1A, 1B, 1C, or 1D and:

(aa) the building has street-level office showroom/warehouse, office, restaurant, or residential uses that conceal 100 percent of the street-level parking structure facade; and

(bb) the street-level uses have a minimum depth of 30 feet measured from the building facade.

CPC recommended:

(ii) the building is located in Subdistrict 1G and:

(aa) the development complies with Section 51P-621.109(a)(4)(C)(i), or (ii);

(bb) the building has ground-level office showroom/warehouse, office, restaurant, hotel, retail and personal service, or residential uses that conceal 70 percent of the ground-level parking structure façade on the south side of the parking structure façade, and

(cc) the ground-level uses have a minimum depth of 30 feet measured from the building façade.

(dd) street-level office showroom/warehouse, office, restaurant, hotel, retail and personal service, or residential uses or any screening of any portion of a street-level parking structure façade facing North Stemmons Freeway is not required.

Staff recommended:

(iii) The building is located in Subdistrict 1G and:

(aa) the development complies with Section 51P-621.109(a)(4)(C)(i), or (ii):

(bb) the building has ground-level office showroom/warehouse, office, restaurant, hotel, retail and personal service, or residential uses that conceal 70 percent of the ground-level parking structure façade on the south side of the parking structure façade, and

(cc) the ground-level uses have a minimum depth of 30 feet measured from the building facade.

(dd) street-level office showroom/warehouse, office, restaurant, hotel, retail and personal service, or residential uses or any screening of any portion of a street-level parking structure façade facing North Stemmons Freeway is not required.

(ee) a minimum of 30 percent of the ground-level parking structure façade along the south side of the parking structure and 100 percent of the ground level parking structure façade along both the west side and east side of the ground level parking structure must be designed with a minimum 70 percent transparency and utilize deep-set windows.

(11) For purposes of this paragraph, transparency means the total area of windows filled with glass, excluding glass block, and expressed as a percentage of the total façade of a ground-level parking structure façade.

(22) Deep-set windows must have a window display area with a minimum depth of eight feet and must contain displays of interest. Examples include art, retail displays, historical displays, and community or Trinity Design District event information.

(33) Windows may not be obstructed with coverings, paint treatments, or etchings.

(44) Signage is prohibited.

(C) LEED rating.

(i) Building height may be increased a maximum of 12 feet if the building is eligible for silver, gold, or platinum designation under the United States Green Building Leadership in Energy and Environmental Design (LEED) rating system.

(ii) Determination of eligibility.

(aa) A United States Green Building Council's Leadership in Energy and Environmental Design (LEED) checklist, effective May 1, 2004, must be submitted with an application for a building permit for development, indicating how development will comply with a

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certified designation. The development plans submitted for a building permit must be certified by a LEED accredited professional designated by the department of development services.

(bb) Before the issuance of a building permit, the building official shall determine that the project is consistent with the standards and criteria for a LEED certified designation.

(cc) If the developer is unable to achieve all of the green building rating system points identified on the checklist, the developer must replace any points not achieved with other green building rating system points acceptable under the United States Green Building Council's LEED rating system.

(dd) The checklist, certified development plans, and any supporting documents and templates related to the points previously approved by the city for the LEED certified level designation must be submitted with an application for a certificate of occupancy. A certificate of occupancy may not be issued until a LEED accredited professional designated by the department of development services certifies that the building complies with the LEED certified designation.

(D) Pedestrian amenities. Building height may be increased a maximum of 12 feet if the building achieves 25 points under Paragraph 51P-621.113 4(c)(3).

(E) Public art or water feature. In Subdistrict 1G, development that complies with either Sec. 51P-621.109(a)(4)(C)(i) or Sec. 51P-621.109(a)(4)(C)(ii), building height may be increased a maximum of 15 feet if:

(i) the public art or water feature is located in exterior open space and contains a minimum of 600 square feet of land area and includes a minimum of two of the following:

(aa) benches and/or seat walls;

(bb) trash receptacles;

(cc) shade structure, awning, trees.

CPC recommended:

<p>(F) <u>Electric charging stations.</u> <u>In Subdistrict 1G, building height may be increased a maximum of 15 feet if the development provides a minimum of five electric charging stations for the charging of electrically powered motor vehicles, with a minimum of two of the stations that are accessible to the public. For purposes of this subparagraph, accessible to the public means an electric charging station that is visible from a public right-of-way or provides signage or other means of identification if either or all of the spaces are located within a structure.</u></p>
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Staff recommended:

<p>(F) <u>Electric charging stations.</u> <u>In Subdistrict 1G, building height may be increased a maximum of 10 feet if the development provides a minimum of five electric charging stations for the charging of electrically powered motor vehicles, with a minimum of two of the stations that are accessible to the public. For purposes of this subparagraph, accessible to the public means an electric charging station that is visible from a public right-of-way or provides signage or other means of identification if either or all of the spaces are located within a structure.</u></p>
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(6) Building site coverage.

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(A) Except as provided in this paragraph, maximum building site coverage is 100 percent.

(B) For Subdistricts 1A and 1B, any portion of a building that is above 75 feet in height may not have a floor plate greater than 60 percent of the lot area or 25,000 square feet, whichever is less (See Exhibit 621G for Subdistrict 1A. See Exhibit 621H for Subdistrict 1B.).

(C) For Subdistrict 1G, any portion of a building that is above 85 feet in height may not have a floor plate greater than 60 percent of the lot area or 25,000 square feet, whichever is less (See Exhibit 621K for Subdistrict 1G).

(7) Building site size. No minimum building site size.

(8) Stories. No maximum number of stories.

(b) Subdistrict 2.

(1) Except for a bus or rail transit vehicle maintenance or storage facility, the yard, lot, and space regulations applicable to the MU-3 Mixed Use District, as amended, apply to this subdistrict.

(2) The following yard, lot, and space regulations apply to bus or rail transit vehicle maintenance or storage facility uses:

(A) Front yard. No minimum front yard.

(B) Side and rear yard. No minimum side or rear yard.

(C) Density. No maximum density.

(D) Floor area. Maximum floor area ratio (FAR) is 4.0.

(E) Height. Maximum structure height is 200 feet.

(F) Building site coverage. Maximum building site coverage is 100 percent.

(G) Building site size. No minimum building site size.

(H) Stories. No maximum number of stories. (Ord. Nos. 25013; 25560; 26975; 27280; 28231; 28819)

SEC. 51P-621.110.

OFF-STREET PARKING AND LOADING.

(a) General requirements applicable to all subdistricts.

(1) Except as otherwise provided in this section, off-street parking and loading must be provided in compliance with Division 51A-4.300, "Off-Street Parking and Loading Regulations." In the event of a conflict between this section and Division 51A-4.300, this section controls.

(2) If several uses are located on a single building site, the off-street parking requirement is the sum of the requirements for each use, and off-street parking spaces for one use may not be counted toward the off-street parking requirement of another use, except as otherwise provided in this section.

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(3) If more than 10 off-street parking spaces are required, handicapped parking must be provided pursuant to Section 51A-4.305, “Handicapped Parking Regulations.”

(b) Subdistricts 1, 1A, 1B, 1C, ~~and~~ 1D, and 1G.

(1) Except for the uses listed below, consult the use regulations in Division 51A-4.200, “Use Regulations,” for the specific off-street parking requirements for each use.

(A) Alcoholic beverage establishment. One space per 105 square feet of floor area. No parking is required for outside seating up to 10 percent of the total floor area of the alcoholic beverage establishment. Outside seating may not be converted to interior floor area unless the additional required parking is provided.

(B) Antique shop. One space per 600 square feet of floor area.

(C) Art gallery. One space per 600 square feet of floor area.

(D) Art or craft production facility. One space per 1,000 square feet of floor area.

(E) Beer or wine manufacturing. One space per 600 square feet of floor area.

(F) Dance hall. One space per 25 square feet of floor area.

(G) Duplex.

(i) One space per dwelling unit with one or fewer bedrooms.

(ii) Two spaces per dwelling unit with more than one bedroom.

(iii) In Subdistrict 1B, parking may be gated or otherwise secured if Dallas Fire Code requirements are met.

(H) Furniture store. One space per 1,000 square feet of floor area.

(I) General merchandise or food store 3,500 square feet or less. One space per 275 square feet of floor area.

(J) General merchandise or food store greater than 3,500 square feet. One space per 275 square feet of floor area.

(K) Multifamily.

(i) One-and-one-half spaces per dwelling unit.

(ii) In Subdistrict 1B, parking may be gated or otherwise secured if Dallas Fire Code requirements are met.

(L) Office. One space per 358 square feet of floor area.

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(M) Office showroom/warehouse. One space per 1,100 square feet of floor area up to 20,000 square feet, and one space per 4,100 square feet of floor area over 20,000 square feet.

(N) Personal service uses. One space per 275 square feet of floor area.

(O) Restaurant. One space per 105 square feet of floor area. No parking is required for outside seating up to 10 percent of the total floor area of the restaurant. Outside seating may not be converted to interior floor area unless the additional required parking is provided.

(P) Single family.

(i) One space per dwelling unit with one or fewer bedrooms.

(ii) Two spaces per dwelling unit with more than one bedroom.

(iii) In Subdistrict 1B, parking may be gated or otherwise secured if Dallas Fire Code requirements are met.

(2) Parking reductions.

(A) Bicycle parking. The off-street parking requirement for nonresidential uses located within 600 feet of the centerpoint of the intersection of Slocum Street and Cole Street may be reduced by 10 percent if:

(i) one five-bicycle parking stand for each 100 feet of street frontage is provided in the front yard of the building site; and

(ii) a minimum 12-foot-wide pedestrian and bicycle path is provided to link the building site with a DART light rail station.

(B) Employment centers adjacent to shuttle or bus stops. The following uses may provide off-street parking as specified if the use is within 1,000 feet of a shuttle stop or bus stop that provides a direct link to the Victory rail transit station or the Market Center rail transit station and if the use has 75,000 or more square feet of floor area:

(i) Industrial (inside). One space per 750 square feet of floor area.

(ii) Office. One space per 450 square feet of floor area.

(C) On-street parking. On-street parking spaces adjacent to a building site may be credited toward the off-street parking requirement of uses on the building site, even if the parking, backing, or maneuvering must be performed in the public right-of-way. On-street parking must be striped in accordance with standard city specifications.

(i) Head-in parking. One head-in parking space may be credited for each nine feet of frontage of the building site. Angled head-in parking must be angled more than 60 degrees but less than 90 degrees to the curb. The closest point of any angled head-in parking space may not be located closer than 10 feet to any perpendicular (90 degree) head-in parking space.

(ii) Parallel parking. One parallel parking space may be credited for each 22 feet of frontage of the building site.

(D) Special exception. The board of adjustment may grant a special exception of up to 50 percent of the required off-street parking upon the findings and considerations listed in Section 51A-4.311. The board of adjustment may impose conditions on the special exception.

(3) Delta theory.

(A) Except as otherwise provided in this paragraph, see Section 51A-4.704(b)(4). In the event of a conflict between this paragraph and Section 51A-4.704(b)(4), this section controls.

(B) The right to carry forward nonconforming parking and loading spaces does not terminate.

(4) Special parking.

(A) In general. Except as otherwise provided in this paragraph, see Division 51A-4.320, “Special Parking Regulations.”

(B) Special parking allowed. Except as specifically modified in this section, required off-street parking may be special parking.

(C) Remote parking for nonresidential uses.

(i) Required off-street parking for nonresidential uses may be remote parking.

(ii) Remote parking for nonresidential uses must be located within 1,000 feet of the use served by the remote parking. The building official may extend the distance for remote parking to no more than 1,500 feet if a shuttle from the remote parking is provided. A license is required to authorize an extension of distance beyond 1,500 feet.

(iii) Remote parking lots must meet on-site parking landscape requirements.

(iv) Parking located in a railbed may be used as remote parking.

(D) Shared parking. Except for residential uses in Subdistrict 1B, if more than one type of use is located on a building site, all uses on the building site must share parking. Table 1 must be used to calculate the required off-street parking spaces when parking is shared. The number of off-street parking spaces that must be provided for the development is the largest number of spaces required under any of the five time-of-day columns. For example, in the morning, a development with residential and office uses must provide 80 percent of the off-street parking that would normally be required for the residential uses and 100 percent of the off-street parking that would normally be required for the office uses. Likewise, in the afternoon, that development must provide 60 percent of the off-street parking that would normally be required for the residential uses and 100 percent of the off-street parking that would normally be required for the office uses. A similar calculation must be performed for each time of day. If the number of spaces required in the morning is greater than the number of spaces required during any other time of day, then the number of spaces required in the morning must be provided. Likewise, if the number of spaces required in the late afternoon is greater than the number of spaces required during any other time of day, then the number of spaces required in the late afternoon must be provided.

Table 1: Shared Parking Table
(For calculating the parking requirement for shared parking)

<u>Use Category</u>	<u>% Morning</u>	<u>% Noon</u>	<u>% Afternoon</u>	<u>% Late Afternoon</u>	<u>% Evening</u>
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Residential	80	60	60	70	100
Office-related	100	80	100	85	35
Retail-related	60	75	70	65	70
Bar and Restaurant	20	100	30	30	100
Warehouse/ Showroom	100	75	100	65	35
All other	100	100	100	100	100

(5) Cash in lieu of required parking. A property owner may make a one-time cash payment to the Old Trinity and Design District Parking Fund in lieu of providing required parking for a use in an original building. The amount of the payment is calculated by using the following formula:

National median cost per square foot x 350 x Dallas cost index x Number of required spaces not provided x .75 = Payment required

where “national median cost per square foot” is the national median cost per square foot of a parking space in a parking garage. Both the “national median cost per square foot” and the “Dallas cost index” must be derived from the most recent issue of Building Construction Cost Data, published by the Robert Snow Means Company, Inc., of Kingston, Massachusetts, unless another comparable publication is designated by the director. The department shall administer a city account to be known as the Old Trinity and Design District Parking Fund. Funds from the Old Trinity and Design District Parking Fund must be used only for the acquisition or construction of parking garages or other parking improvements within Subdistricts 1, 1A, 1B, 1C, ~~and 1D~~, and 1E. The payment into the Old Trinity and Design District Parking Fund is due at the time of application for a building permit.

(6) Fees for required parking. Fees may be charged for use of required parking.

(7) Parking structure screening. Any portion of a street level parking structure facade that is concealed by a street level use is considered screened.

(c) Subdistrict 2. The off-street parking requirement for a bus or rail transit vehicle maintenance or storage facility is one space per 1,500 square feet of floor area. For all other uses, consult the use regulations contained in Division 51A-4.200, “Use Regulations,” for the specific off-street parking/loading requirements for each use. (Ord. Nos. 25013; 25560; 26975; 27280; 28231; 28819)

SEC. 51P-621.111. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI. (Ord. 25013)

SEC. 51P-621.112. LANDSCAPING.

(a) General requirements applicable to all subdistricts.

(1) Required tree species. All required trees must be from the following list of Texas native species:

<u>Scientific name</u>	<u>Common name</u>
Aesculus glaba v. arguta	Texas buckeye
Aesculus pavia	Red buckeye
Bumelia lanuginosa	Woolly-bucket bumelia
Carya illinoensis	Pecan

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Carya texana	Black hickory
Cercis canadensis v. Canadensis	Eastern redbud
Diospyros virginiana	Common persimmon
Ilex decidua	Deciduous holly
Ilex vomitoria	Yaupon holly
Juglans nigra	Black walnut
Juniperus virginiana	Eastern red cedar
Morus rubra	Red mulberry
Myrica cerifera	Wax myrtle
Prunus mexicana	Mexican plum
Quercus macrocarpa	Bur oak
Quercus marilandica	Blackjack oak
Quercus shumardii	Shumard red oak
Quercus stellata	Post oak
Quercus virginiana	Live Oak
Rhamnus caroliniana	Carolina buckthorn
Rhus copallina	Flameleaf sumac
Rhus virens	Evergreen sumac
Sapindus drummondii	Western soapberry
Sophora affinis	Eve's necklace
Taxodium distichum	Bald cypress
Ulmus americana	American elm
Ulmus crassifolia	Cedar elm
Viburnum rufidulum	Rusty blackhaw viburnum
Zanthoxylum clavaherculis	Hercules' club

(2) Prohibited trees.

(A) The following trees may not be planted within this special purpose district:

<u>Scientific name</u>	<u>Common name</u>
Populus deltoides	Cottonwood
Albizia julbrissen	Mimosa

(B) Bradford pears (pyrus calleryana) may be planted as site trees. Bradford pears may not be used as street trees, used as landscape buffer trees, or planted in the public right-of-way.

(3) Street trees.

(A) In Subdistricts 1, 1A, 1B, 1C, ~~and 1D,~~ and 1G, one street tree must be provided per 25 feet of street frontage, with a minimum of one street tree per building site. In Subdistrict 2, one street tree must be provided per 50 feet of street frontage, with a minimum of one street tree per building site.

(B) Street trees must be located on the building site within 50 feet of the projected street curb, except that street trees may be located in the public right-of-way if all private licensing requirements of the city code and charter are met and a right-of-way landscape permit is obtained from the city. For purposes of this subparagraph, “projected street curb” means the future location of the street curb consistent with the City of Dallas Thoroughfare Plan as determined by the director of public works and transportation.

(C) Street trees must be provided for all new construction.

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(4) Landscaping in the public right-of-way.

(A) Landscaping may be located in the public right-of-way if a right-of-way landscape permit is obtained from the city.

(B) Plants in the public right-of-way may not obstruct visibility or create a traffic hazard. See Section 51A-4.602(d), “Visual Obstruction Regulations.”

(C) The city council hereby grants a non-exclusive revocable license to the owners or tenants (with written consent of the owner) of all property within this special purpose district for the exclusive purpose of authorizing compliance with the landscaping requirements of this special purpose district. An owner or tenant is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a right-of-way landscape permit in accordance with the Dallas Building Code. This private license will not terminate at the end of any specific time period; however, the city council reserves the right to terminate this license at will, by resolution passed by the city council, at any time such termination becomes necessary. The determination by the city council of the need for termination is final and binding. The city shall become entitled to possession of the licensed area without giving any notice and without the necessity of legal proceedings to obtain possession when, in its judgment, the purpose or use of the license is inconsistent with the public use of the right-of-way or when the purpose or use of the license is likely to become a nuisance or threat to public safety. Upon termination of the license by the city council, each owner or tenant shall remove all improvements and installations in the public rights-of-way to the satisfaction of the director of public works and transportation.

(D) A property owner or tenant is not required to comply with any right-of-way landscaping requirement to the extent that compliance is made impossible due to the city council’s revocation of a right-of-way landscape permit or the revocation of the private license granted under this subsection.

(E) Upon the installation of landscaping in the public right-of-way, the owners or tenants shall procure, pay for, and keep in full force and effect commercial general liability insurance coverage with an insurance company authorized to do business in the State of Texas and otherwise acceptable to the city, covering, but not limited to, the liability assumed under the private license granted under this subsection, with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence, and \$2,000,000 annual aggregate. Coverage under this liability policy must be on an occurrence basis and the city shall be named as additional insured. Proof of such insurance must be sent to: Office of Risk Management, City of Dallas, 1500 Marilla, Dallas, Texas 75201, and the policy must provide for 30 days prior written notice to the Office of Risk Management of cancellation, expiration, non-renewal, or material change in coverage. All subrogation rights for loss or damage against the city are hereby waived to the extent that they are covered by this liability insurance policy.

(F) Each owner or tenant is responsible for maintaining the landscaping in a healthy, growing condition, and for keeping the premises safe and in good condition and repair, at no expense to the city, and the city is absolutely exempt from any requirements to make repairs or maintain the landscaping. The granting of a license for landscaping under this subsection does not release the owner or tenant from liability for the installation or maintenance of trees and landscaping in the public right-of-way.

(5) Visual obstruction regulations. A property owner is not required to comply with the landscaping requirements of this section to the extent that compliance is made impossible by Subsection (d), “Visual Obstruction Regulations,” of Section 51A-4.602, “Fence, Screening, and Visual Obstruction Regulations.”

(b) Subdistricts 1, 1A, 1B, 1C, ~~and~~ 1D, and 1G.

(1) General requirement. Except as otherwise provided in this section, landscaping must be provided as required by Article X.

(2) Landscaping in railbeds.

(A) Any landscaping planted in the area to the centerline of a railbed may be used to satisfy required landscaping for the adjacent property. Landscaping planted in a railbed may not be located in an access easement.

(B) The requirements of Section 51A-10.125(b)(5), "Parking Lot Trees," do not apply to parking located within a railbed.

(3) Parking lot buffer. A five-foot-wide landscaped strip must be located along any edge of a parking lot or parking structure that is visible at grade level from a street. A minimum three-inch-caliper tree must be located every 15 feet, or fraction thereof, or clustered every 30 feet within the landscaped strip.

(4) Plant requirements. Plants used to satisfy the landscape requirements must comply with the following requirements:

(A) A large evergreen shrub must have the ability to grow to a minimum height of three feet within three years.

(B) Solid sod or hydro-mulch grass may be used.

(C) Artificial plant materials may not be used.

(D) Any required landscaping that dies must be replaced.

(5) Landscape plan. A landscape plan must accompany any application for a building permit to expand floor area if the expansion is over 50 percent for nonresidential projects, over 65 percent for mixed use projects, or over 75 percent for residential projects. A landscape plan must earn at least 50 points (out of a total of 155 possible points.) The points awarded for providing these features are provided in parentheses. Existing landscaping qualifies for points.

(A) Lighting. (Total possible points = 20) Ten points each are awarded for providing tree lighting, light bollards, light poles, building facade lighting, or landscaped area lighting, up to a maximum of 20 points. The lighting provided must be at least 1.5 foot-candles in intensity over adjacent pedestrian areas.

(B) Landscaping on rooftops and facades. (Total possible points = 30) Ten points each are awarded for large planters, hanging planters, exterior embedded or extended planters, and vine supports on rooftops or along front facades up to a maximum of 30 points. Vines within ground-based planters must be able to extend above one-half the total height of the ground story of the main structure.

(C) Landscape buffer. (Total possible points = 25) The landscape buffer must be a minimum of 80 square feet. A mix of plant materials may be used.

(D) Tree canopy at the street frontage. (Total possible points = 20) Points may be obtained for planting canopy trees along the entire street frontage, exclusive of vehicular and pedestrian entrances and exits. The trees may be planted in the right-of-way if a right-of-way landscape permit is obtained. Ten points are awarded for planting these trees at a density of one tree per 30 linear feet of street frontage and 20 points are awarded for planting these trees at a density of one tree per 15 linear feet of street frontage. Note: Power lines may affect the types of trees used.

(E) Seasonal color landscaping. (Total possible points = 20) Points may be obtained for providing a landscape area for seasonal color in planting beds, raised planters, or pots. Five points are awarded for a landscape area that is equal to at least one-fourth of a square foot multiplied by the number of feet of street frontage. Ten points are awarded for a landscape area that is equal to at least one-half of a square foot multiplied by the number of feet of street frontage. Fifteen points are awarded for a landscape area that is equal to at least three-fourths of a square foot multiplied by the number of feet of street frontage. The plants in the landscape area must be changed at least twice per year with the appropriate seasonal color plants. This area must contain the appropriate seasonal landscaping at all times except when the landscaping is being changed at the beginning of a new season.

(F) Native plant landscaping. (Total possible points = 20) Points may be obtained for providing a landscape area containing native plants. Five points are awarded for a landscape area that is equal to at least one-fourth of a square foot multiplied by the number of feet of street frontage. Ten points are awarded for a landscape area that is equal to at least one-half of a square foot multiplied by the number of feet of street frontage. Fifteen points are awarded for a landscape area that is equal to at least three-fourths of a square foot multiplied by the number of feet of street frontage. Native plants listed in Exhibit 621E must be used.

(G) Creation of open space. (Total possible points = 20) Five points are awarded per 200 square feet of open space if the open space is a minimum of 500 feet from the building site but within this special purpose district. For purposes of this subparagraph, "open space" means a space containing no structures or pavement at or above grade, and containing only grass or other vegetation. Open space must be available for use by the public. The open space must be maintained in a state of good repair and neat appearance at all times by the owner of the property for which the building permit was issued.

(6) Open space fund. If a property owner in Subdistricts 1, 1A, 1B, 1C, and 1D cannot plant all of the required trees on the building site, or the property owner in Subdistrict 1G cannot plant all of the required trees on the building site or within 1,000 feet of the Property, the property owner shall comply with the following requirements for no more than 50 percent of the required trees:

(A) Make a payment into the Old Trinity and Design District Open Space Fund. The department shall administer a city account to be known as the Old Trinity and Design District Open Space Fund. Funds from the Old Trinity and Design District Open Space Fund must be used only for acquiring and maintaining property for parks and open-space within this special purpose district. The amount of the payment required per tree not planted is calculated by using the formula for appraising the value of a two-inch-caliper tree, as derived from the most recent edition of the *Guide for Establishing Values of Trees and Other Plants* published by the Council of Tree and Landscape Appraisers, unless another publication is designated by the building official, and adding the cost of planting and maintaining a two-inch tree for two years.

(B) Plant trees within:

(i) portals to the Trinity River (as identified in the Trinity River Corridor Comprehensive Land Use Plan) within this special purpose district,

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- (ii) along that portion of the Old Trinity Trail within this special purpose district,
- (iii) along the meanders of the Old Trinity River channel, as shown on Exhibit 621C, or

(7) Parking/landscaping zone. Where there is at least a 70-foot space between buildings, a parking/landscaping zone meeting the following requirements is allowed in the space between the two buildings, but is not required. The composition of the parking/landscaping zone, moving from one building façade across to the other building façade, is as follows:

(A) First, a minimum six-foot-wide sidewalk parallel to the façade of the first building.

(B) Second, a parking area between six feet from the first building façade to 16 feet from the first building façade. This parking area must have angled head-in parking at an angle of 60 degrees to 90 degrees. A landscaped area containing one tree must be located between every fifth parking stall. Trees in the parking area must be spaced 46 to 50 feet on center, and must be 12 to 16 feet away from the first building façade. One parking stall may be omitted to allow for a loading dock to remain functional.

(C) Third, a minimum of 26 feet of right-of-way for the two-way traffic in the middle.

(D) Fourth, a matching parking area from between 16 feet from the second building façade to six feet from the second building façade.

(E) Fifth, a matching six-foot-wide sidewalk parallel to the façade of the second building.

(c) Subdistrict 2. Except as otherwise provided in this section, all properties in Subdistrict 2 must comply with Article X. (Ord. Nos. 25013; 25560; 26975; 27280; 28231; 28819)

SEC. 51P-621.113.

ARCHITECTURAL DESIGN GUIDELINES.

(a) Purpose. The architectural design guidelines of this section are intended to preserve the historical, cultural, and architectural importance and significance of Subdistricts 1, 1A, 1B, 1C, and 1D. These architectural design guidelines are intended to encourage adaptive reuse of existing buildings; new contemporary and creative construction and major modifications that will enhance the architectural character of the district; and sustainable, green, energy efficient design and construction.

(b) Facade requirements for new construction and major modifications in Subdistricts 1, 1A, 1B, 1C, and 1D, and 1G.

(1) Facades must be brick, concrete masonry, glass, hollow tile, stone, or other fireproof materials, except that wooden siding, wooden sheets, and metal may not be used on more than 50 percent of any facade.

(2) Facades consisting of more than 80 percent glass, excluding glass block, are prohibited.

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(3) The maximum permitted reflectance of glass used as a facade material varies depending on where the glass is used. The reflectance of glass used on the first two stories may not exceed 15 percent. The reflectance of glass used above the first two stories may not exceed 27 percent. Reflectance is the percentage of available visible light energy reflected away from the exterior surface of the glass. The higher the percentage, the more visible light reflected and the more mirror-like the glass will appear.

(c) Design test requirements in Subdistricts 1, 1A, 1B, 1C, and 1D, and 1G. New construction or a major modification must earn at least 50 points for properties with a floor area ratio of 2.0 or less, and at least 70 points for properties with floor area ratios greater than 2.0 (out of 205 possible points). The total possible points in any category are provided in parentheses.

(1) Maintenance of original facades. (Total possible points = 10) Ten points are awarded for the adaptive reuse of an original building if its original facade design elements are not altered.

(2) Ground floor uses, building facades, and roofs. (Total possible points = 20) Points may be earned as follows:

(A) Retail and showroom uses. Ten points are awarded if a building's ground floor (excluding halls, restrooms, utility areas, and other public spaces) is allocated to retail and personal service uses or office showroom/warehouse uses.

(B) Restaurant uses. Ten points are awarded if a building's ground floor (excluding halls, restrooms, utility areas, and other public spaces) includes restaurant uses.

(C) Facade treatments. Ten points are awarded if the building's front facade is given texture and complexity by the inclusion of ground level entries more than 14 feet in height, porticos, indented entries, belt coursing or other horizontal banding, grid coursing, articulation of window openings, corner pilasters, rustication of the first floor, changes of color, or ornamental iron.

(3) Pedestrian amenities. (Total possible points = 25) Five points each are awarded for benches, trash receptacles, awnings/canopies, bicycle parking racks, and pedestrian street lamps. These items should be creative and contemporary. Pedestrian amenities must be located within the curb-to-building area of the building site, but, if a hardship prohibits locating these in the curb-to-building area of the building site, the amenities may be placed within the public right-of-way as long as they meet city standards and licensing requirements and do not block free movement of pedestrians. Pedestrian amenities must be maintained and operated by the owner of the building site. If there is more than one owner, all owners are jointly responsible for maintenance. Such amenities include:

- (A) Benches or exterior seating areas (maximum of one every 50 feet).
- (B) Trash receptacles (maximum of five points).
- (C) Awnings/canopies along the front facade.
- (D) One five-bicycle stand per 100 feet of street frontage.
- (E) At least one pedestrian street lamp (freestanding or wall mounted) per 50 feet of street frontage.

(4) Public art or water features. (Total possible points = 15) Fifteen points are awarded for public art or water features costing at least \$2,500, limited to one per building site. In order to qualify for public art points, the public art must be visible from a public right-of-way at all times.

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Examples of public art could include art in an atrium or lobby that is visible from a public right-of-way, art incorporated into the sidewalk or building facade, or freestanding art. For purposes of this paragraph, “water features” means: fountains, pools, mechanical water jets, or similar water devices.

(5) Paving material. (Total possible points = 15) Five points are awarded per one-third increment of an outdoor private walkway area accessible to the public that is covered by decorative pavement. For purposes of this paragraph, “decorative pavement” means: colored concrete pavers; brick; stone; stamped, textured, or colored concrete; and exterior grade tile.

(6) Pedestrian orientation of building facade. (Total possible points = 20) Twenty points are awarded if a minimum of 25 percent of the front facade has transparent display windows or windows affording views into retail, office, or lobby space. The transparency requirement applies to the first 16 feet of height of the facade.

(7) Structured parking facilities. (Total possible points = 50) Fifty points are awarded for a structured parking facility if the design matches the facade of a new building or architecturally complements the facade of an original building.

(8) Energy conservation. (Total possible points = 15) Ten points are awarded for using solar, geothermal, or other non-petroleum, non-coal energy sources. Five points are awarded for planting twice the number of canopy trees required by Section 51P-621.112, “Landscaping.”

(9) Permeable surface. (Total possible points = 15) Five points are awarded each third of an outdoor walkway or driveway with a permeable surface.

(10) LEED’s credit. (Total possible points = 20) Twenty points are awarded for a project with a floor area ratio of more than 2.0 when the project complies with the following:

(A) A United States Green Building Council’s Leadership in Energy and Environmental Design (LEED) Checklist, effective May 1, 2004, must be submitted with an application for a building permit for development, indicating how development will comply with a certified designation (26 to 32 project points). The development plans submitted for a building permit must be certified by a LEED accredited professional designated by the department of development services. Prior to the issuance of a building permit, the building official shall determine that the project is consistent with the standards and criteria for a LEED certified designation.

(B) If the developer is unable to achieve all of the green building rating system points identified on the checklist, the developer must replace any points not achieved with other green building rating system points acceptable under the United States Green Building Council’s LEED rating system.

(C) All supporting documentation and templates related to the points previously approved by the city for the LEED certified level designation must be submitted with an application for a certificate of occupancy. A certificate of occupancy may not be issued until a LEED accredited professional designated by the department of development services certifies that the building complies with the LEED certified designation (26 to 32 project points).

(d) Approval by development plan. The city plan commission may approve new construction or a major modification that does not meet the requirements of Subsections (b) and (c) of this section if the development plan and elevations show that the new construction or major modification is consistent with the spirit and intent of this section.

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(e) Fences and walls in Subdistricts 1, 1A, 1B, 1C, and 1D, and 1G. Fences and walls longer than 200 feet adjacent to any public street must be designed to prevent visual monotony through use of offsets, changes of materials and textures, gates or openings, or landscaping. (Ord. Nos. 25013; 25560; 26975; 27280; 28231; 28819)

SEC. 51P-621.114. SITE DESIGN REQUIREMENTS.

(a) Above-grade off-street parking. Parking is permitted on any level of a building.

(b) Median and curb cuts along Industrial Boulevard. Median and curb cuts to access railbeds for off-street parking from Industrial Boulevard, between Continental Avenue and Sylvan/Wycliff Avenue, must be approved by the director of public works and transportation. Traffic must be one-way from Industrial Boulevard westbound to Levee Street.

(c) Sidewalk standards for new construction.

(1) In general.

(A) Sidewalks complying with the standards of this subsection must be provided for all new construction.

(B) If a sidewalk is to be located in a front yard, a sidewalk easement must be dedicated to the city to assure its availability to the public for pedestrian access.

(C) Except as otherwise provided in this subsection, the requirements of Chapter 43, "Streets and Sidewalks," apply to all sidewalks.

(2) Location.

(A) Sidewalks must be located along the entire length of the street frontage.

(B) On state highways, sidewalks must be provided in the parkway, subject to Texas Department of Transportation approval. If Texas Department of Transportation approval cannot be obtained, the property is exempt from this requirement.

(C) Sidewalks must be located between five feet and 10 feet from the back of the projected street curb, except that sidewalks on Oak Lawn Avenue, Irving Boulevard, Market Center Boulevard, and Turtle Creek Boulevard must be located between five feet and 12 feet from the back of the projected street curb. Sidewalks may be located farther from the projected street curb to the extent necessary to preserve existing trees or structures or to comply with landscaping requirements.

(D) Subdistrict 1G. Design and construction must be level with any connecting sidewalk for sidewalks crossing drive approaches.

(3) Width.

(A) Sidewalk widths must match the width of existing sidewalks in front of adjacent properties at the point of convergence. Where there are different sidewalk widths on each side of the street frontage, the new sidewalk must taper or expand to meet the incongruous sidewalks.

(B) Sidewalks must have an unobstructed minimum width of four feet, except that sidewalks on Oak Lawn Avenue, Irving Boulevard, Market Center Boulevard, and Turtle

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Creek Boulevard must have an unobstructed minimum width of six feet. For purposes of this provision, “unobstructed” means by structures or landscaping, excluding utility poles and service boxes.

(d) License to allow compliance with ADA requirements.

(1) If there is no other way to install ramps required by the Americans with Disabilities Act or similar state laws other than to install the ramps in the public right-of-way, the city council hereby grants a non-exclusive revocable license to the owners or tenants (with written consent of the owner) of all property within this special purpose district for the exclusive purpose of authorizing compliance with the Americans with Disabilities Act or similar state laws. An owner or tenant is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a building permit in accordance with the Dallas Building Code. This private license will not terminate at the end of any specific time period; however, the city council reserves the right to terminate this license at will, by resolution passed by the city council, at any time such termination becomes necessary. The determination by the city council of the need for termination is final and binding. The city shall become entitled to possession of the licensed area without giving any notice and without the necessity of legal proceedings to obtain possession when, in its judgment, the purpose or use of the license is inconsistent with the public use of the right-of-way or when the purpose or use of the license is likely to become a nuisance or threat to public safety. Upon termination of the license by the city council, each owner or tenant shall remove all improvements and installations in the public rights-of-way to the satisfaction of the director of public works and transportation.

(2) Upon the installation of ramp in the public right-of-way, the owners or tenants shall procure, pay for, and keep in full force and effect commercial general liability insurance coverage with an insurance company authorized to do business in the State of Texas and otherwise acceptable to the city, covering, but not limited to, the liability assumed under the private license granted under this subsection, with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence, and \$2,000,000 annual aggregate. Coverage under this liability policy must be on an occurrence basis and the city shall be named as additional insured. Proof of such insurance must be sent to: Office of Risk Management, City of Dallas, 1500 Marilla, Dallas Texas 75201, and the policy must provide for 30 days prior written notice to the Office of Risk Management of cancellation, expiration, non-renewal, or material change in coverage. All subrogation rights for loss or damage against the city are hereby waived to the extent that they are covered by this liability insurance policy.

(3) Each owner or tenant is responsible for maintaining any ramps in good condition and repair, at no expense to the city, and the city is absolutely exempt from any requirements to make repairs or maintain any ramps. The granting of a license for ramps under this subsection does not release the owner or tenant from liability for the installation or maintenance of ramps in the public right-of-way.

(e) Exemption for Subdistrict 2. The site design requirements of this section do not apply to a bus or rail transit vehicle maintenance or storage facility use in Subdistrict 2. (Ord. Nos. 25013; 25560; 26102)

SEC. 51P-621.115.

SCREENING REGULATIONS.

(a) Parking lot screening.

(1) Except as otherwise provided in this section, Section 51A-4.301(f), “Screening Provisions for Off-Street Parking,” applies to all parking lots and parking structures.

(2) Fences may complement but not substitute for parking lot trees and shrubbery screening.

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(3) The provision of screening for surface parking only applies to new construction. All surface parking must be screened from a street or access easement by using one or more of the following three methods to separately or collectively attain a minimum height of three feet above the parking surface:

(A) Earthen berm planted with turf grass or groundcover recommended for local area use by the director of parks and recreation. The berm may not have a slope that exceeds one foot of height per three feet of width.

(B) A fence constructed of one or more of the following: brick, stone, concrete masonry, stucco, concrete, wood, or other durable material. Wrought iron fences are allowed.

(C) Hedge-like evergreen plant materials recommended for local area use by the city arborist. The plant materials must be located in a bed that is at least three feet wide with a minimum soil depth of 24 inches. Initial plantings must be capable of obtaining a solid appearance within three years. Plant materials must be placed 36 inches on center over the entire length of the bed unless a landscape architect recommends an alternative planting density that the building official determines is capable of providing a solid appearance within three years.

(b) Screening of off-street loading spaces, dumpsters, and garbage storage areas.

(1) Except as otherwise provided in this subsection, screening of off-street loading spaces, dumpsters, and garbage storage areas must be provided in compliance with Section 51A-4.602, "Fence, Screening, and Visual Obstruction Regulations."

(2) All off-street loading spaces, dumpsters, and garbage storage areas must be screened from all public streets adjacent to the building site. Screening is not required on sides that are not visible from a public street.

(3) Screening of all off-street loading spaces, dumpsters, and garbage storage areas must be at least six feet in height.

(4) Screening is not required in the railbeds.

(c) Outdoor storage areas. Except for vehicle display, sales, and service uses and nursery, garden shop, and plant sales uses, all outdoor storage areas for commercial and business services uses and industrial uses must be entirely screened by an eight-foot solid screening fence, vegetative materials, or other alternative deemed appropriate by the building official.

(d) Exemption for Subdistrict 2. The screening regulations of this section do not apply to a bus or rail transit vehicle maintenance or storage facility use in Subdistrict 2. (Ord. Nos. 25013; 25560)

SEC. 51P-621.116.

SIGNS.

(a) Except as otherwise provided in this section, signs must comply with the provisions for business zoning districts in Article VII.

(b) In Subdistrict 2, detached premise signs existing on the date of establishment of this special purpose district may remain, provided the sign and sign supports are maintained in a state of good repair and neat appearance at all times. See Section 51A-7.210, "General Maintenance."

(c) Projecting attached premise signs for retail and personal service uses are allowed, provided they do not project more than five feet from the building façade and are between nine and 15

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feet above the sidewalk. For purposes of this provision, a “projecting attached premise sign” means an attached premise sign projecting more than 12 inches from a building at an angle other than parallel to the façade. (Ord. Nos. 25013; 25560)

SEC. 51P-621.117. ADDITIONAL PROVISIONS.

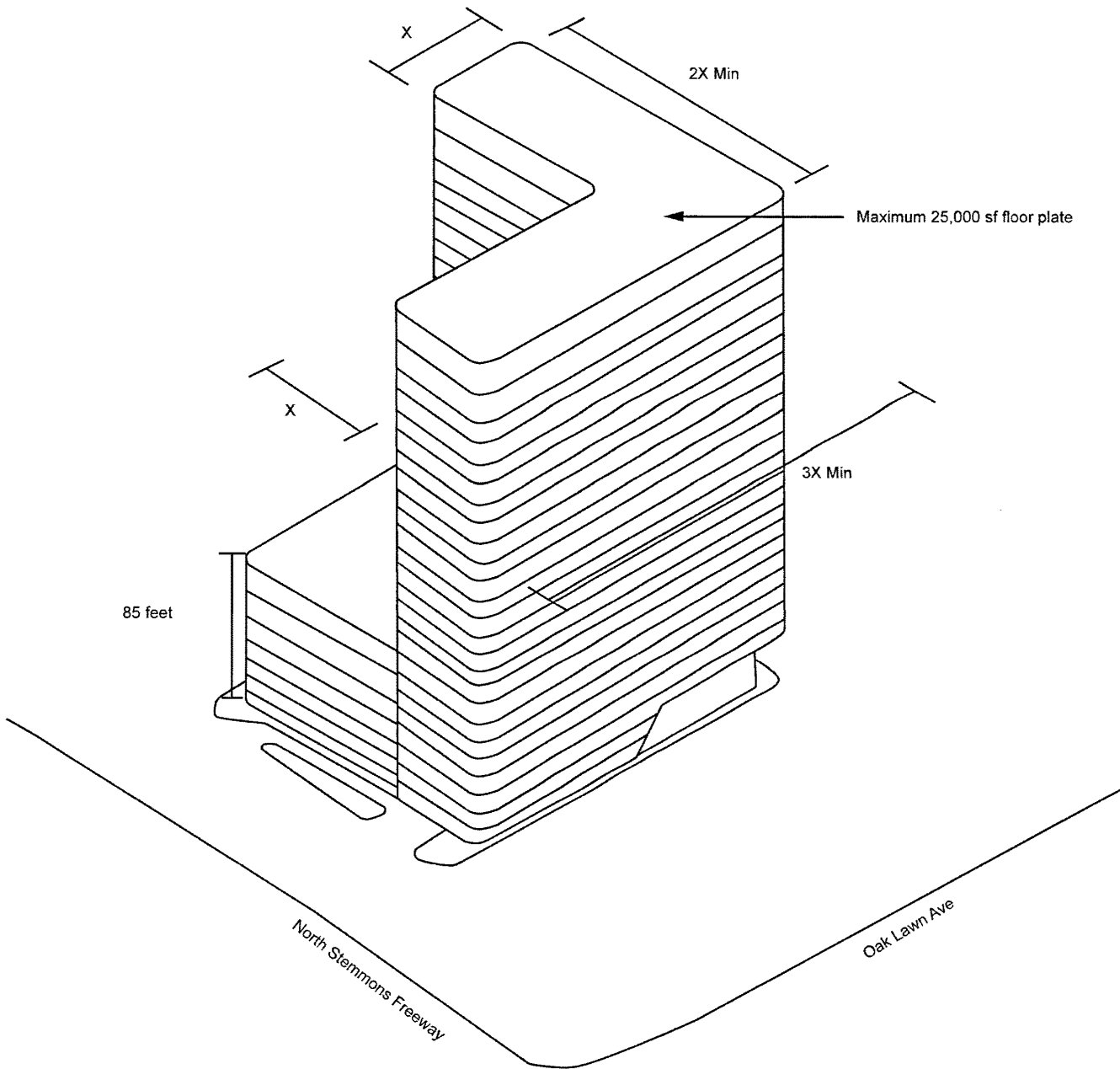
(a) The entire Property and any improvements in the public right-of-way must be properly maintained in a state of good repair and neat appearance. The city may remove any improvements in the public right-of-way that are not maintained in a state of good repair and neat appearance at the sole expense of the property owner, and may use any available legal remedy to recover the cost of removal from the property owner.

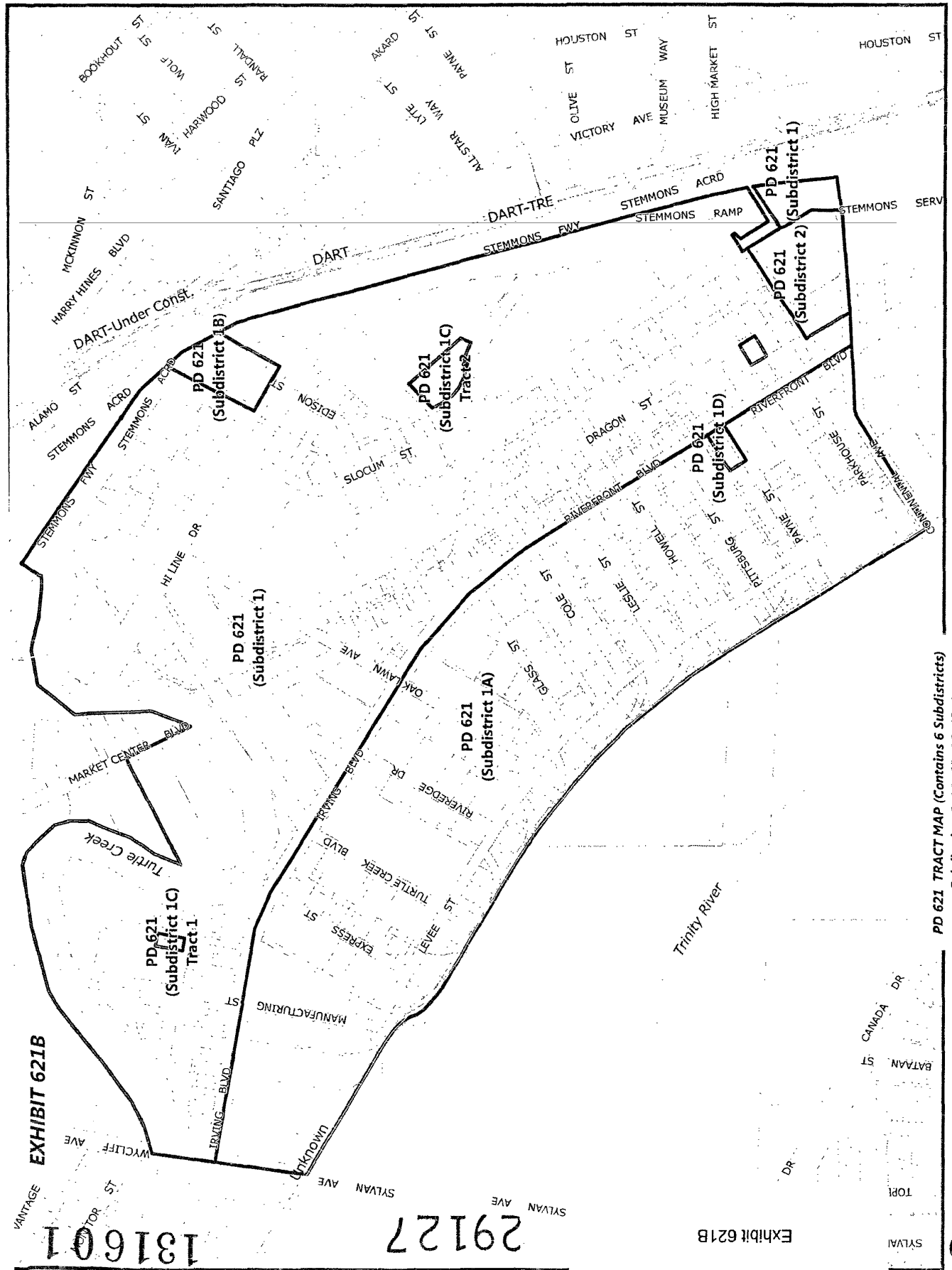
(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city. (Ord. Nos. 25013; 25560; 26102)

SEC. 51P-621.118. COMPLIANCE WITH CONDITIONS.

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(b) The building official shall not issue a building permit to authorize work or a certificate of occupancy to authorize the operation of a use in this special purpose district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. Nos. 25013; 26102)

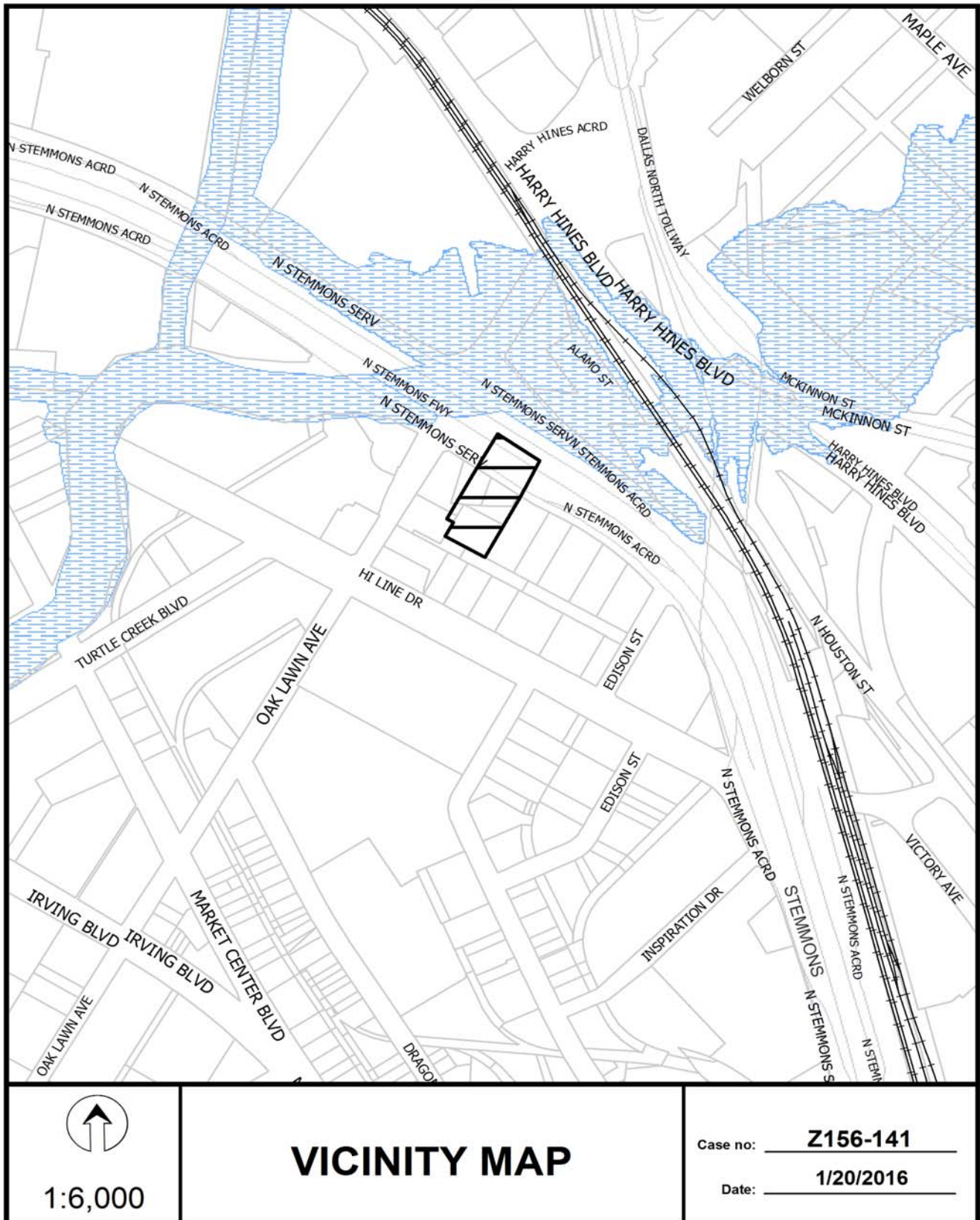


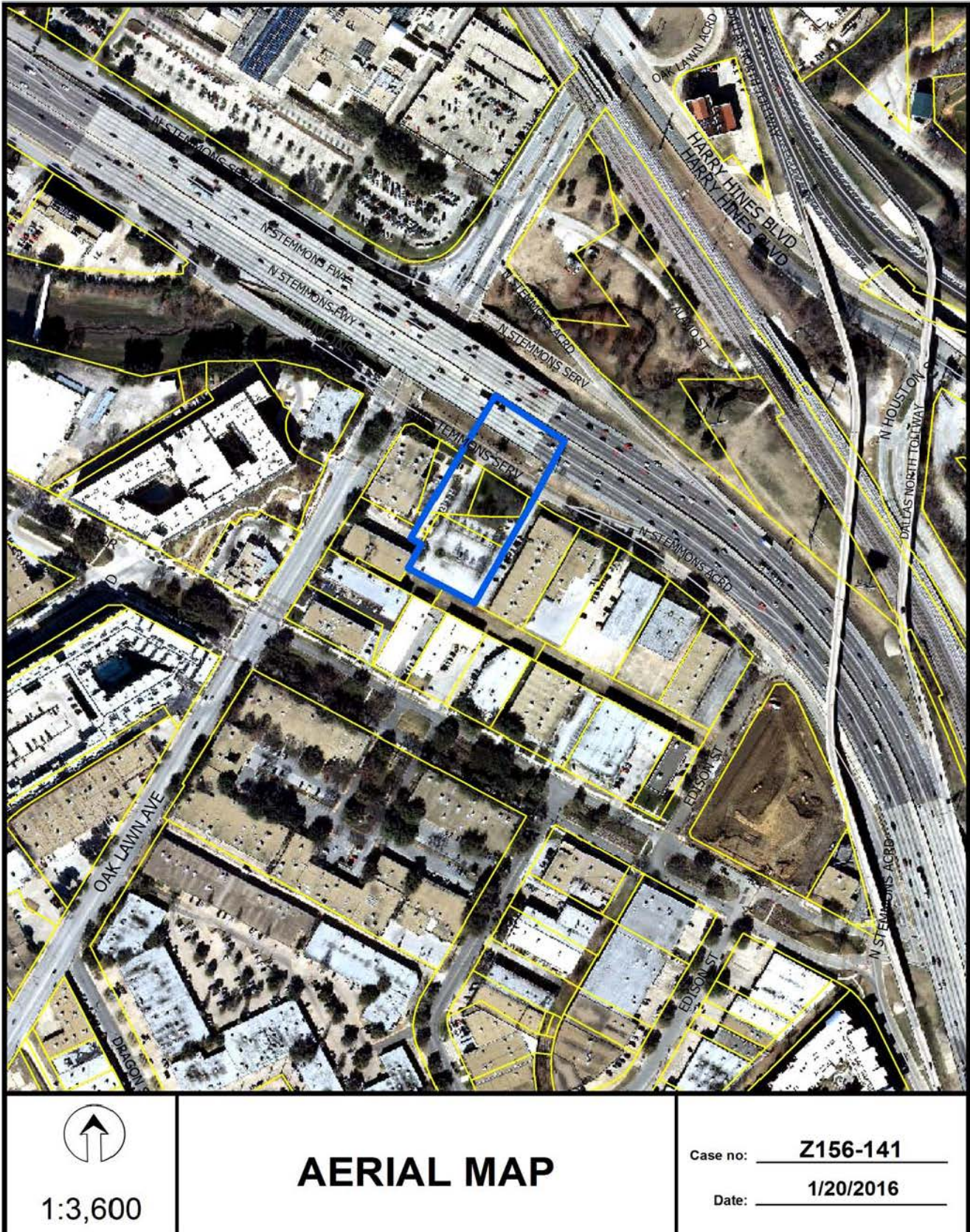


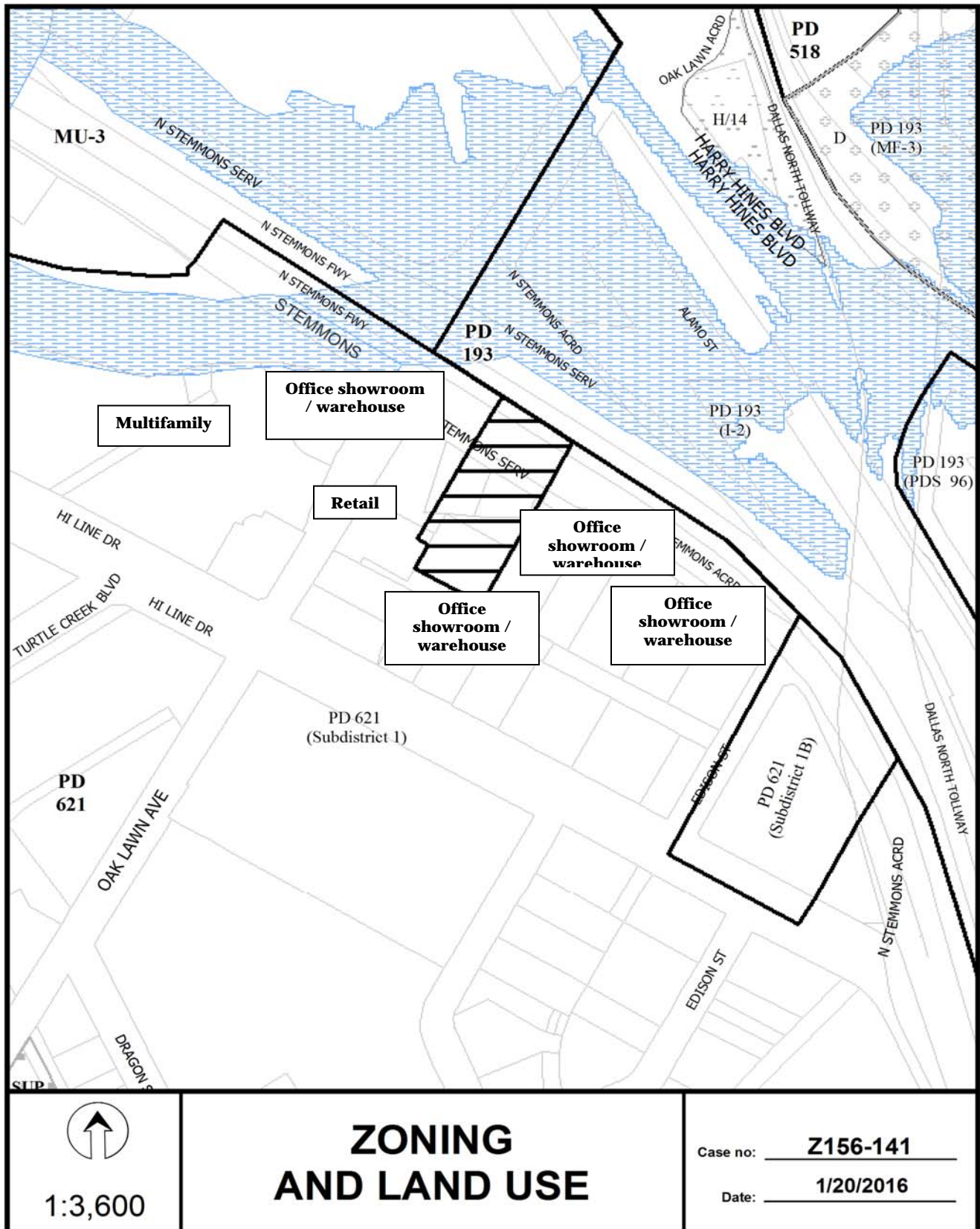
PD 621 TRACT MAP (Contains 6 Subdistricts)
 Subdistricts 1, 1A, 1B, 1C, 1D, 2
 Subdistricts 1 and 1C contains 2 separate tracts

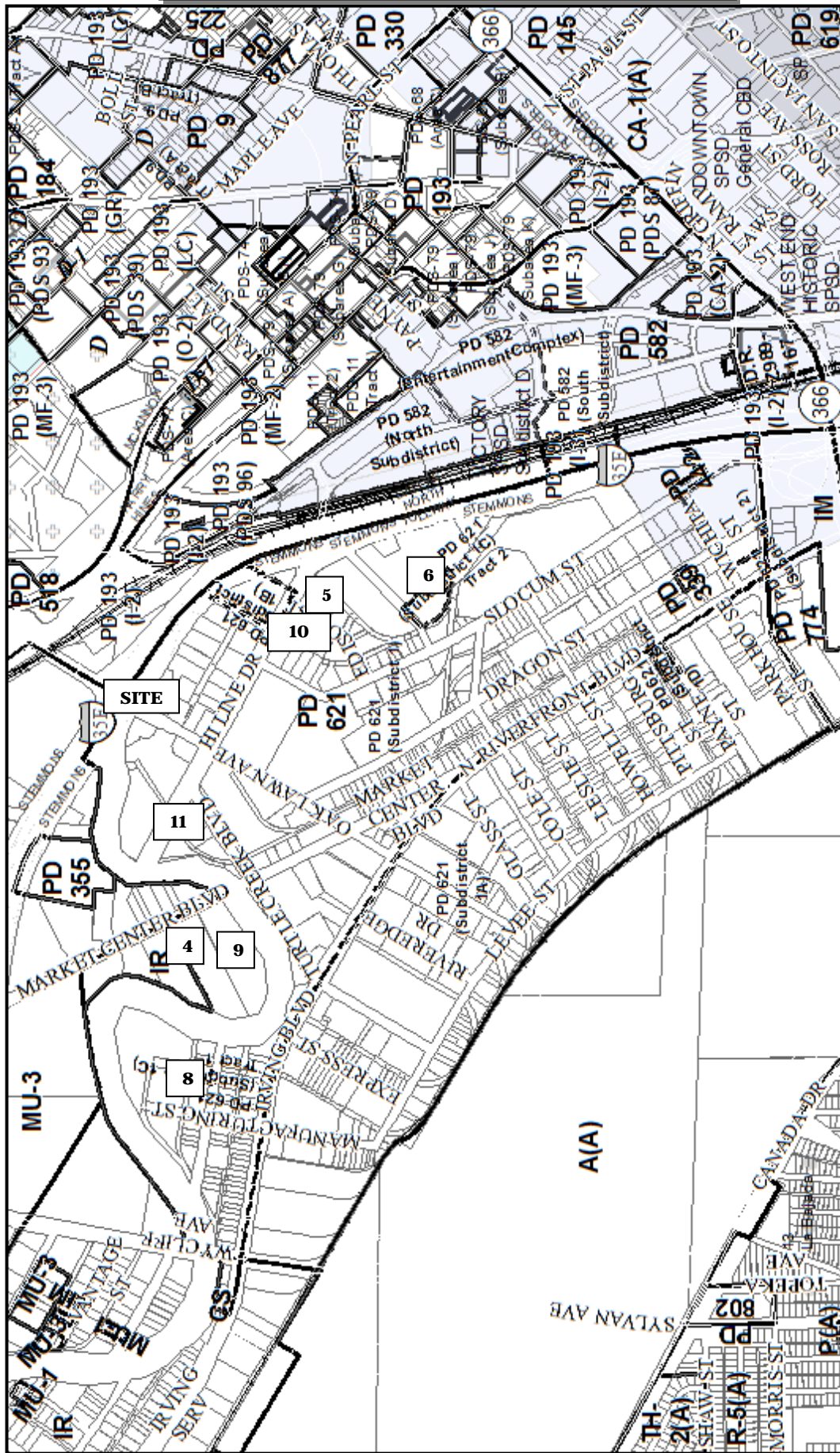
1:10,000
 Printed Date: 8/12/2013

Existing Subdistrict Map











02/17/2016

Reply List of Property Owners***Z156-141******20 Property Owners Notified******6 Property Owners in Favor******1 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	1628 OAK LAWN AVE	LUI2 DALLAS OAK LAWN VI
	3	1650 OAK LAWN AVE	DD DUNHILL LLC
	4	1700 N STEMMONS FWY	DD DUNHILL LLC &
	6	1625 N STEMMONS FWY	1625 N STEMMONS LLC
	8	1532 HI LINE DR	BAYSWATER HI LINE LLC
	9	1710 HI LINE DR	CARSON DIANE
X	10	1718 HI LINE DR	GILBERT DAVID W &
	11	1620 OAK LAWN AVE	GREEN JACK D & MERIKAY
	13	1680 N STEMMONS FWY	MILLWEE STEPHEN MICHAEL
	14	1950 N STEMMONS FWY	DCI TECH INFOMART LP
	15	1600 EDISON ST	GREEN JACK & MERIKAY
	16	1600 EDISON ST	CARSON MARY DIANE
	17	1621 OAK LAWN AVE	TOWER LAND & INV CO
	18	1900 HI LINE DR	BELL FUND IV 1900 HI LINE APARTMENTS LLC
	19	1707 OAK LAWN AVE	RECO PROPERTIES LLC
	20	1900 OAK LAWN AVE	DART & FT WORTH TRANSP AUTH
O	A1	1645 N STEMMONS FWY	DD DUNHILL LLC
O	A2	1700 OAK LAWN AVE	DD DUNHILL LLC
O	A3	1700 N STEMMONS FWY	DD DUNHILL LLC &
O	A4	1615 N STEMMONS FWY	DD DUNHILL LAND LLC
O	A5	1635 N STEMMONS FWY	DD DUNHILL LAND LLC
O	A6	1617 HI LINE DR	DD DUNHILL LLC &

AGENDA ITEM # 69

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): 2, 14

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 45 E; J; K

SUBJECT

A public hearing to receive comments regarding a City Plan Commission authorized hearing with consideration being given to expand and modify the sign regulations for properties within the Victory Special Provision Sign District Overlay generally east of Stemmons Freeway and north of Woodall Rogers Freeway and an ordinance granting the amendments

Recommendation of Staff: Approval, subject to staff's recommended conditions

Recommendation of CPC: Approval, subject to conditions

SPSD145-001

FILE NUMBER: SPSPD145-001

DATE INITIATED: December 18, 2014

LOCATION: Generally east of Stemmons Freeway and north of Woodall Rogers Freeway

COUNCIL DISTRICT: 2, 14

MAPSCO: 45-E, 45-J, 45-K

SIZE OF REQUEST: Approximately 82.029 acres **CENSUS TRACT:** 19.00

REQUEST: A City Plan Commission authorized hearing with consideration being given to expand and modify the sign regulations for properties within the Victory Special Provision Sign District Overlay.

SUMMARY: The purpose of this request is to expand the district and create two new subareas to allow parking garage signage and amendments for additional district identification signs, enlarging movement control signs for wayfinding, and enlarging non-residential signage. The proposed amendments would be applicable to all subareas of the Victory SPSPD except Subareas A and C, the American Airlines Center and the areas near TXDOT right-of-way, respectively. On December 18, 2014, the City Plan Commission authorized this public hearing because the interested party, Lance Fair on behalf of Victory Park UST Joint Venture I, LP, could not get every property owner's permission within the district. On June 17, 2015, Lance Fair paid the fee for the amendment and proposed the items requested. In the request, Lance Fair states that they "have been working with several City departments for over a year focusing on the transformation of Victory Park into a vibrant, pedestrian-friendly neighborhood that is inviting to residents, businesses, and visitors."

CPC RECOMMENDATION: Approval, subject to conditions.

STAFF RECOMMENDATION: Approval, subject to staff's recommended conditions.

BACKGROUND INFORMATION:

- Victory Special Purpose Sign District was established by Ordinance No. 24348 on August 23, 2000, and was amended by Ordinance Nos. 25918 and 26552 in March 9, 2005, and January 10, 2007, respectively.
- On January 22, 2014, City Council approved Ordinance No. 29260 for a Thoroughfare Plan amendment to North Houston Street and Victory Avenue that changed traffic flows from one way to two way. The project's objective is to improve mobility and pedestrian movement in the District and bicycle circulation by linking Victory Park to the Katy Trail.
- On September 10, 2015, a community meeting was held to discuss proposed amendments to the Victory SPSP and Victory Special Purpose District.
- On October 13 and November 10, 2015, the Special Sign District Advisory Committee held this item under advisement for revisions to the conditions.
- On December 8, 2015, the Special Sign District Advisory Committee recommended approval of this item with a combination of staff's recommended conditions and the Victory Park's requested conditions as noted in the attached proposed conditions.

STAFF ANALYSIS:

The proposed amendments cover a variety of signs in Victory SPSP. The proposed amendments include enlarging wayfinding signs (movement control signs and surface parking signs), a new type of district identification sign called a *enhanced banner sign*, adding and enlarging retail tenant signage including window signs, allow additional signage in the entertainment complex plaza, add another new type of sign called a *parking structure screening sign* with the intent to be artful and creative screening elements on parking garages with blank walls or openings, and finally allow a vent stack sign for the W Hotel.

The area is generally bound by two elevated highways and on its northeastern borders are nonresidential and multifamily properties. Subdistricts A and C, the American Airlines Center and the area adjacent to North Stemmons Freeway are not proposed to change with the amendment.

Movement Control Signs (page 31)

The current SPSP regulations limit movement control signs to ten square feet of effective area, may be attached or detached signs, and may be unlimited in number.¹ The proposed amendment seeks to increase the effective area of four signs to 60 square feet with the locations specified in the conditions and allow an unlimited number

¹ Reference Section 51A-7.716

of signs up to 30 square feet in effective area. Additionally, the proposed amendment requests to utilize changeable message devices that may display parking availability and the current price of parking in order to direct vehicles to parking areas within the district.

Staff recommends that the effective area be ***limited to 30 square feet*** to be consistent with the larger movement control signs allowed in the Downtown SPSPD² and to ***allow the utilization of changeable message devices*** in order to direct traffic to parking areas. Staff recommends the smaller signs because in a retail and entertainment district traffic should move slower and without acute urgency as a comparable hospital district.

Attached and Detached District Identification Signs (pages 36)

The request seeks to reorganize and combine the existing district identification sign regulations in Subareas B and D. In Subarea B, the current regulations allow combination of attached or detached signs with a maximum of three allowed. The current regulations for Subarea D do not allow attached district identification signs and limits detached district identification signs to two monument signs.

The proposed amendment keeps sign allowances unchanged and therefore staff ***supports*** the amendment as requested as it simplifies and organizes these regulations.

Banners Attached to Pole Supports (page 36)

The request seeks to maintain the existing regulations for banners attached to pole supports with the exception that it requests to raise the maximum height of the banners from 25 feet to 30 feet and the overall height to 36 feet to be uniform to the following request for enhanced banner signs.

Staff ***supports*** this amendment as it will allow banners attached to pole supports to appear uniform to the proposed enhanced banner signs as described below.

Enhanced Banner Signs (pages 21, 36, and 37)

A new type of sign, an *enhanced banner sign*, is proposed in the requested amendment. This new type is a banner pole sign with a changeable message sign limited to identifying the name or logo of the district and promotional messages limited to athletic team names, players, or logos and a ring around the pole that identifies the district. The current regulations do not limit banner signs in number but limits their effective area, height, and maximum projection from the pole.

The proposed amendment would allow one enhanced banner sign per blockface, similar to videoboard signs in the Downtown SPSPD, at nine locations; increase the maximum height of the signs 11 feet; allow an illuminated blade sign that contains a logo or the

² Reference Section 51A-7.919(b)(2)

name of the district with a maximum effective area of 40 square feet; and to allow another horizontal element that contains a logo or the name of the district, with a maximum 10 square feet in effective area, and projects six feet from the pole on which it is mounted.

Staff **supports** these proposed changes regarding enhanced banner signs as they are limited in number and compatible with Subdistricts B and D **with the exception** that the horizontal element that contains the logo or name of the district should only project the current projection distance of three feet beyond the pole on which it is mounted.

Window Signs (pages 26 and 46)

The current code requires that window signs be counted as an attached sign and are limited in number and effective area as an attached premise sign. The proposed amendment requests that window signs be allowed to cover up to 25 percent of any window on the first or second floor and not be limited in number or count towards the maximum number of signs.

Staff has compared the request to other SPSPD window sign regulations and **recommends** that if window signs are to be separately regulated, the Arts District SPSPD regulations on window signs would be the most appropriate and comprehensive to the Victory SPSPD. In this district, transparency is integral to create a successful pedestrian streetscape and blocking views into a vacant or occupied space would decrease transparency and create visual clutter if allowed in addition to the other allowable permanent signs.

Parking Structure Screening Signs in Subareas B-3 and D-1 (pages 23, 52-53, and 70-71)

In order to add a new type of sign, a *parking structure screening sign*, two new subareas are requested in this proposed amendment, Subarea B-3, which is an expansion of the Victory SPSPD, and Subarea D-1, which is currently part of Subdistrict D. Both of these proposed subareas are shown in the proposed map below. A *parking structure screening sign* means an attached sign located on a parking structure or a blank wall face intended to be creative and artful by use of visually interesting, vibrant, and colorful designs with promotional messages limited to the name or logo of the district or athletic team names, players, or logos. These signs are intended to embellish blank parking garage facades and the proposed conditions parallel the supergraphic sign regulations in the Downtown SPSPD.

Because the definition of a parking structure screening sign limits promotional messages to athletic team names, players and logos, staff **supports** this new type of sign.

Detached Surface Parking Signs in Subdistricts B and D (pages 54 and 68)

The proposed amendment increases the effective area of surface parking non-premise detached sign from 20 to 30 square feet. The purpose of these signs is to inform drivers of the identity of the parking lot rather than advertise parking prices or instructions.

Staff **does not support** this change because it is a 50 percent increase in effective area to the current code which allows for a sign for each vehicular entrance and an additional sign for each 40,000 square feet of parking surface.

Permanent Attached Signs in Subdistrict B (page 46)

The current regulations for permanent attached signs are somewhat unique in Victory SPSPD. Instead of a tiered approach that is based on the height and total facade, like other SPSPDs have adopted, it allows up to two attached signs per occupant and limits the individual effective area of those signs to 150 square feet as opposed to limiting effective area as a percentage of building facade.

The proposed amendment requests to allow an additional permanent attached sign for each premise or non-residential occupancy. Staff **does not support** this proposal as the signage has the potential to be detrimental to a pleasant pedestrian experience.

Additionally, the proposed amendment seeks to add additional changeable message signs for a movie theater so that movie poster signs may be attached to the premise. Staff **supports** this amendment.

Additional signs in Subarea B-1 (pages 49-51)

The proposed amendment also seeks to upgrade the signs that are in the entertainment complex plaza by enlarging and adding additional signs and sign types. These amendments affect icon tower signs, icon tower static signs, media wall signs, ticker signs, and adds building accent lighting signs.

Because the additional signage is oriented toward an entertainment complex where outside entertainment occurs and is somewhat isolated from the surrounding neighbors, staff **supports** these proposed amendments as a way to enliven the pedestrian space and create visual interest for those in and walking towards the plaza.

Subdistrict D Effective Area and Height for Signs (pages 65-67)

The current code separates Subdistricts B and D and assigns separate sign provisions for each Subdistrict. Subdistrict B is more similarly oriented to the Central Business District with high rise buildings and higher signs whereas Subdistrict D is intended to have lower and smaller signs allowed than in Subdistrict B. The proposed amendment seeks to allow the same sign allowances for height and effective area in Subdistrict D as the proposed amendments to Subdistrict B. This proposal would allow the maximum

heights to rise from 36 feet to 66 feet and the maximum effective area for awning signs, canopy signs, and other projecting signs to increase from 20 square feet to 250 square feet. Similarly, the proposed amendment seeks to lift the maximum heights of changeable message signs from 36 feet to 66 feet.

Staff recommends **no change** for these amendments because the character of the signs in Subdistrict D should remain minimal and unobtrusive as intended by its original vision.

Vent Stack Sign in Subarea B-2 (page 55)

Currently the code prohibits vent stacks in Subdistrict B, including Subarea B-2 (W Hotel). The proposed amendment has requested that Subarea B-2 be allowed a vent stack sign as a premise monument sign or to allow the vent stack to count as a monument district identification sign.

Staff **recommends approval** as the proposal doesn't allow more signs in the district, but allows for Subarea B-2 to utilize an existing vent stack as a monument sign.

Sign Type	Current Regulation	CPC Recommendation	Staff Recommendation	Downtown SPSP	Farmers Market SPSP
Movement Control Signs (pages 27 and 36-37)	10 SF, unlimited number	60 SF for 4 signs and 30 SF for unlimited signs	30 SF, unlimited number	- Max 30 SF in general, unlimited number. - Max 2 SF in Retail Subdistrict B, unlimited number	- Max 2 in Camden Subdistrict, 7 SF each
Enhanced Banner Signs (pages 25 and 41-43)	- Banners may not extend 3' from pole.	- District ID element may extend 6' from pole	- District ID element may extend 3' from pole	Similar to current code.	N/A
Attached premise neon signs	N/A	Attached premise signs that use 51 percent or more neon characters are allowed a 10 percent increase in effective area.	No change to current code.	N/A	N/A
Window Signs in Subdistrict B (pages 30 and 52-53)	- Counts as one attached sign. - Each non-residential occupant may have 150 SF effective area for one attached signs.	- Do not count towards allowed signs. - Limited to 1 and 2nd floors and may not cover more than 25% any window.	- Adopt regulations similar to 51A-7.1207(f), the Arts District SPSP	N/A	May cover up to 25% window.
Parking Structure Screening Signs in Subareas B-3 & D-1 vs. Supergraphic signs (pages 27, 59-60 and 79-80)	N/A	- Minimum effective area 750 SF. - Limits promotional messages to athletic team names, players and logos.	Recommends proposed amendment.	- Minimum effective area is 2,500 SF. - Commercial messages allowed.	Allowed in Market Center Subdistrict. - No minimum effective area. - Commercial messages allowed.
Detached Surface Parking Signs in Subdistricts B & D (pages 61 and 77)	20 SF	30 SF	No change to current code.	If detached premise signs are located within 15' of ROW, max 20 SF; 50 SF otherwise.	N/A
Permanent Attached Signs in Subdistrict B (page 52)	- 2 permanent attached signs allowed per facade for each occupancy. - Awning and canopy signs limited to 150 SF.	- 3 permanent attached signs allowed per facade for each occupancy. - Awning and canopy signs limited to 150 SF. - Allow movie theater to have 8 changeable message devices.	- 2 permanent attached signs allowed per facade for each occupancy. - Awning and canopy signs limited to 150 SF. - Allow movie theater to have 8 changeable message devices.	- Max 30% facade on lower and upper levels; 20% facade in middle level. - Awning signs in general: max 6 SF each, 150 SF combined. - Awning signs on Main: max 8 SF each, 180 SF combined. - Canopy signs in general: max 50% canopy length, 150 SF combined.	- Attached signs may cover 50% facade in Market Center Subdistrict
Subdistrict D Effective Area & Height of Signs (pages 74-76)	150 SF 36' above grade	250 SF 66' above grade	No change to current code.		
<i>Bold italics indicate SSDAC recommendation</i>					

CPC Action – February 18, 2016:

Motion: It was moved to recommend **approval** of a City Plan Commission authorized hearing with consideration being given to expand and modify the sign regulations, subject to applicant's recommended conditions with an additional provision to allow a 10 percent increase of effective area for attached premise signs that use 51 percent or more neon characters for properties within the Victory Special Purpose Sign District generally east of Stemmons Freeway and north of Woodall Rogers Freeway.

Maker: Emmons
Second: Abtahi
Result: Carried: 13 to 1

For: 13 - Anglin, Emmons, Houston, Davis, Shidid,
Anantasomboon, Abtahi, Haney, Jung,
Housewright, Schultz*, Murphy, Tarpley

Against: 1 - Peadon
Absent: 1 - Ridley
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 437
Replies: For: 149 Against: 5

Speakers: For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226
Ken Reese, 2929 Carlisle St., Dallas, TX, 75204
Against: None

SPSD145-001

List of Partners and Principals

Victory Park UST Joint Venture I, LP

Lothar Estein, President

Lance Fair, Vice President

Victory Park's Proposed Rendering of Banner Pole Signs

1.3.2

District Markers without planter for perimeter street & Museum Way median locations.

1.4.2

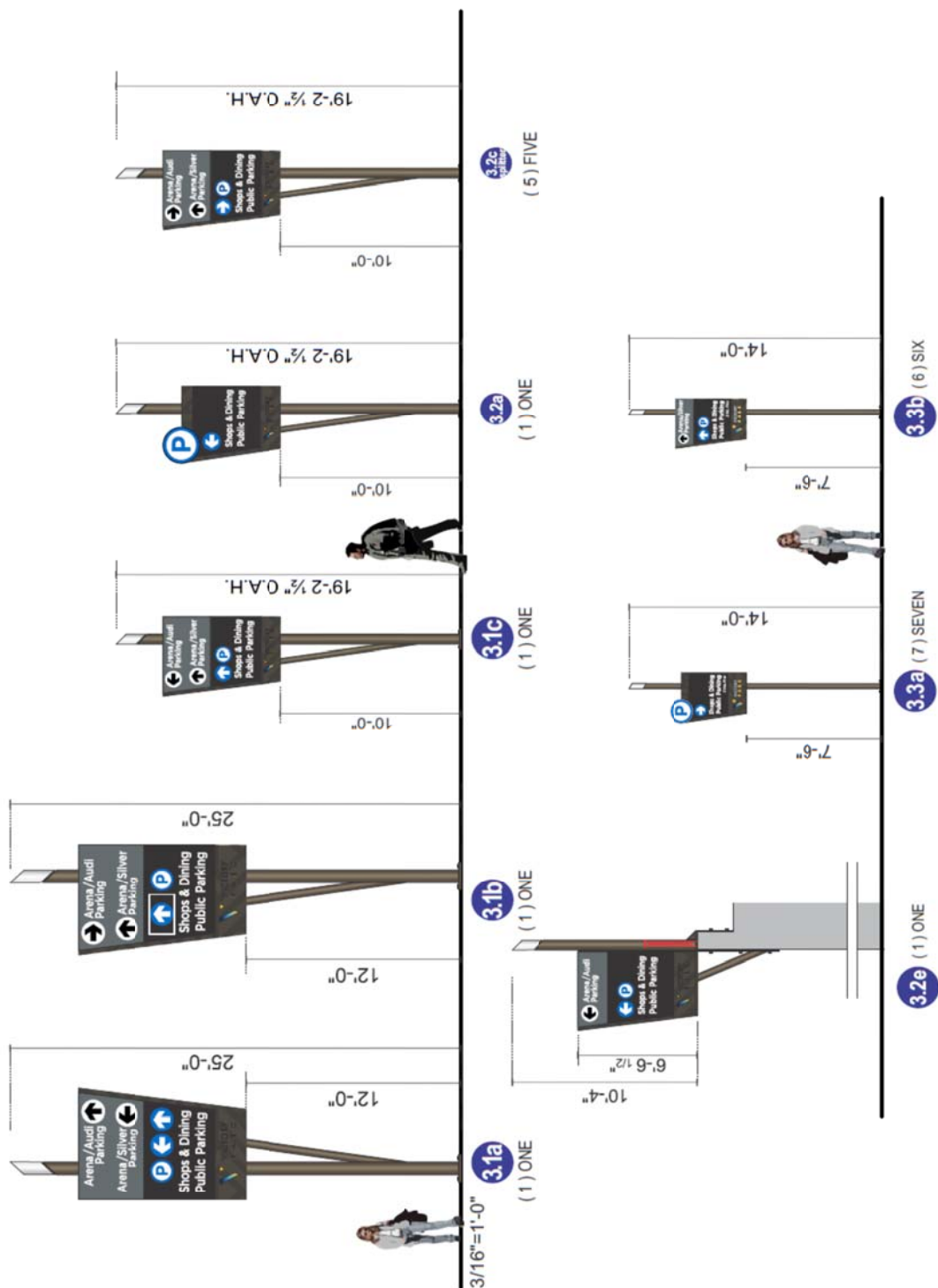
Will have RGB Color Changing L.E.D. illumination at Perforated Blade.

1.4.3

Temporary Banners & Arms to be Removed.

Single, permanent, taller banners at 3:00 Position; For use at Planters; Temp Pole remains.

Victory Park's Proposed Rendering of Movement Control Signs



Victory Park's Proposed Rendering of Movement Control Signs (continued)

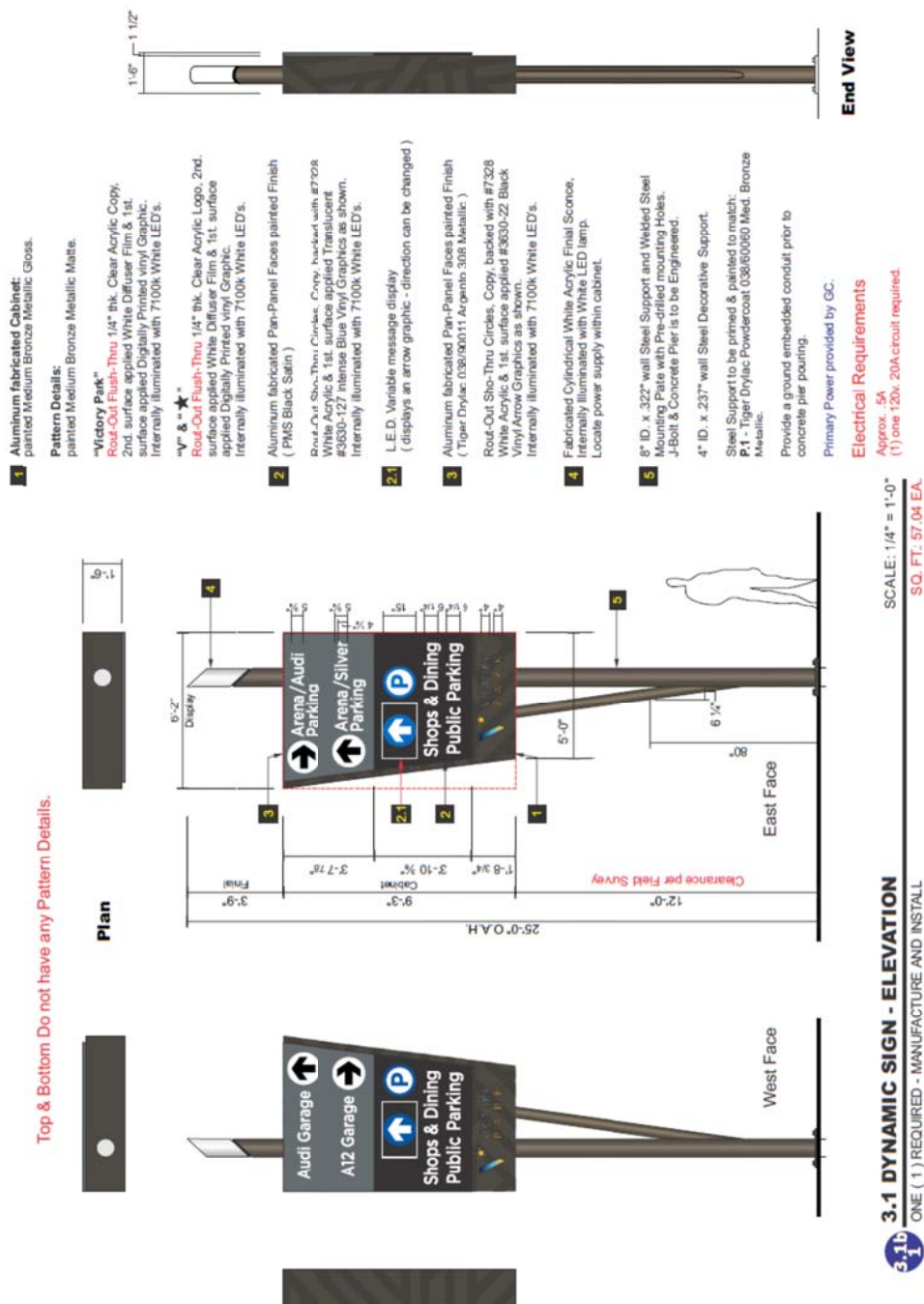
VICTORY
PARK

Design #	B10152AR18-SIGNS ONLY	
Unit	4 of 25	
Location	VICTORY PARK - NDM SIGNS	
Address	DALLAS, TX	

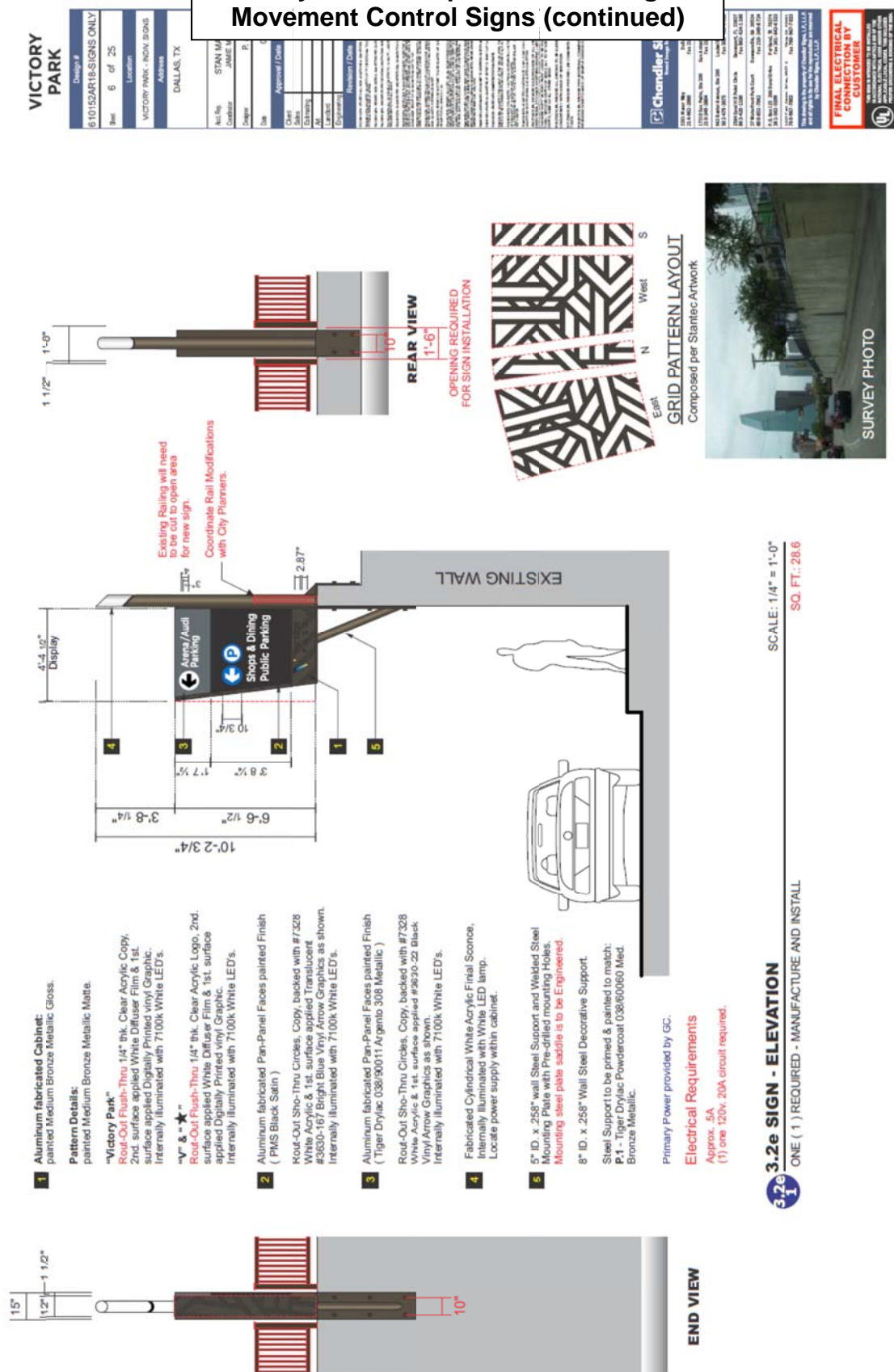
STAN	Act. Reg.	Contract	Category	Item	Approved / D	Revised / D
JAM						



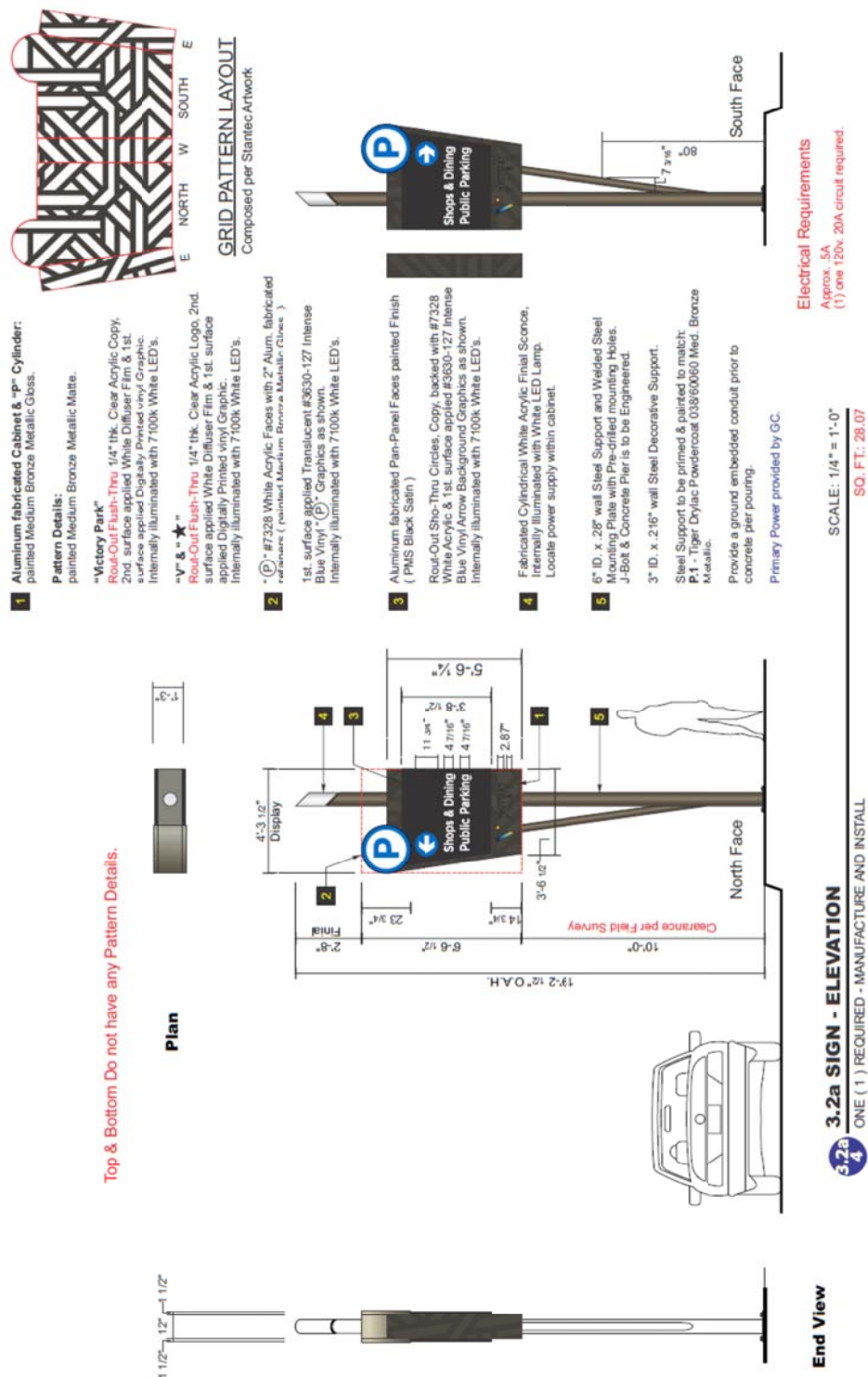
1-800-4-A-7675
 12345 Main St. • Suite 100
 New York, NY 10001
 Tel: 212-555-1234
 Fax: 212-555-5678
 E-Mail: info@12345.com
 Web: www.12345.com



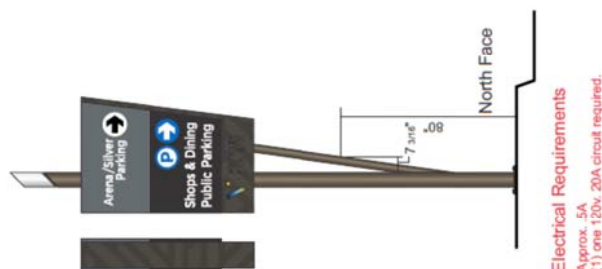
Victory Park's Proposed Rendering of Movement Control Signs (continued)



Victory Park's Proposed Rendering of Movement Control Signs (continued)

[illegible]

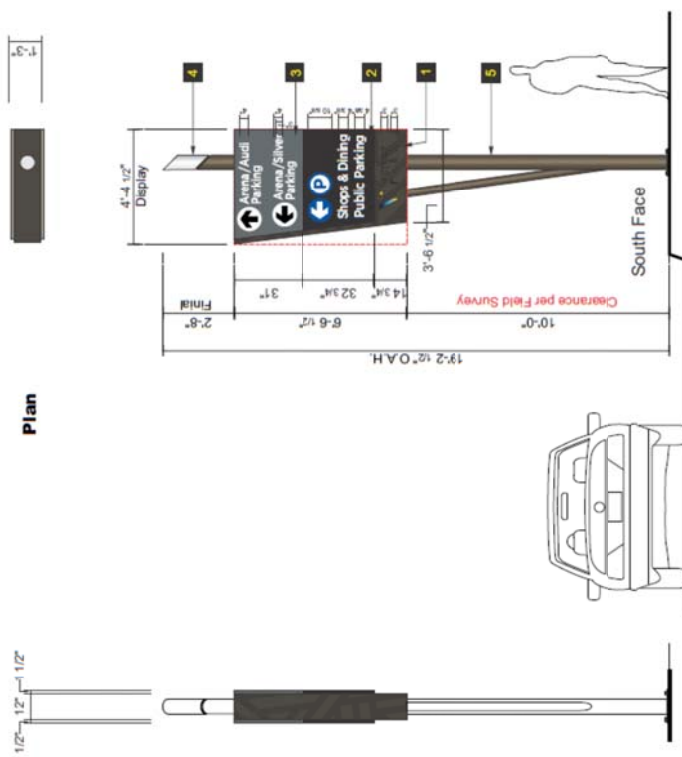
Victory Park's Proposed Rendering of Movement Control Signs (continued)

[illegible]

Electrical Requirements
Approx. .5A
(1) one 120v. 20A circuit required

1. **Aluminum Fabricated Cabinet:**
painted Medium Bronze Metallic Gloss.
2. **Pattern Details:**
painted Medium Bronze Metallic Matte.
3. **"Victory Perk"**
Red-Out Flush-Thru 1/4" thick Clear Acrylic Copy, 2nd surface applied White Diffuser Film & 1st. surface applied digitally primed vinyl graphic. Internally illuminated with 7100K White LED's.
4. **"V" & ★**
Red-Out Flush-Thru 1/4" thick Clear Acrylic Copy, 2nd surface applied White Diffuser Film & 1st. surface applied digitally primed vinyl graphic. Internally illuminated with 7100K White LED's.
5. **Aluminum fabricated Pan-Panel Faces painted Finish (PMS Black Satin)**
Rout-Out Sho-Thru Circles, Copy, backed with #f328 White Acrylic & 1st. surface applied Translucent #9330-127 Intense Blue Vinyl Graphics as shown. Internally illuminated with 7100K White LED's.
6. **Aluminum fabricated Pan-Panel Faces painted Finish (Tiger Drylac 036/90011 Argento 308 Metallic)**
Rout-Out Sho-Thru Circles, Copy, backed with #f328 White Acrylic & 1st. surface applied #9330-22 Black Vinyl Arrow Graphics as shown. Internally illuminated with 7100K White LED's.
7. **Fabricated Cylindrical White Acrylic Finial Sconce,**
Internally illuminated with White LED lamp.
Locate power supply within cabinet.
8. **6" ID. x 28" wall Steel Support and Welded Steel Mounting Plate with Pre-drilled mounting Holes. J-Bolt & Concrete Pier is to be Engineered.**
9. **3" ID. x 216" wall Steel Decorative Support.**
10. **Steel Support to be primed & painted to match: P-1 - Tiger Drylac Powdercoat 036/60600 Med. Bronze Metallic.**
11. **Provide a ground embedded conduit prior to concrete pier pouring.**
12. **Primary Power provided by GC.**

SCALE: 1/4" = 1'-0"



End View

3.2c **SPLITTER SIGN - ELEVATION**
ONE (1) REQUIRED - MANUFACTURE AND INSTALL

The figure consists of two main views: a front elevation and an end view.

- Front Elevation:** Shows a sign mounted on a pole. The sign has a dark background with white and yellow text and graphics. It includes directional arrows pointing left and right, and a logo for "VICTORY PARK". Dimensions are provided: total height is 14'-0" O.A.H., sign height is 7'-6", sign width is 3'-11", and mounting arm length is 2'-9 1/2". Callouts A through D point to specific components of the sign.
- End View:** Shows the side profile of the sign and pole. It indicates the sign's thickness and the pole's diameter.

Below the drawings is a legend with four numbered items:

1. 125" Plate stock panel, painted finish.
A) Background Painted Medium Bronze Metallic Gloss.
B) Pattern Painted Medium Bronze Metallic Matte.
C) PMS Blue Satin #650011 Argento 308 Metallic
D) PMS Blue Satin #650011 Argento 308 Metallic
To have Reductive 3M #600-10 White vinyl copy and 3M #680-76 Light Blue arrow & "P" graphics.
2. "V" & "*" Logo to be 1st surface applied Digitally Printed Vinyl.
Backside of panel to be painted Medium Bronze Metallic Gloss.
Backside Pattern Painted Medium Bronze Metallic Matte.
3. 3" I.D. X .216" Wall primary pole top capped and ground smooth with non-illuminated angled profile White painted finial.
4. Sign secured to post with Z strips and Band-it type hardware.
Use decorative escutcheon covers at back over straps painted to match: P1 - Tiger Drylac Powdercoat 038/60060 Med. Bronze Metallic.
Steel Support to be primed & painted to match:
P1 - Tiger Drylac Powdercoat 038/60060 Med. Bronze Metallic.

This diagram shows the "GRID PATTERN LAYOUT" for the back of the sign. It features a square grid with diagonal lines forming a hatched pattern. The layout is labeled "Face" and "Back". Below the grid, there is a note: "Composed per Stantec Artwork".

To the right of the grid, there is a scale bar indicating "SCALE: 1/2" = 1'-0"

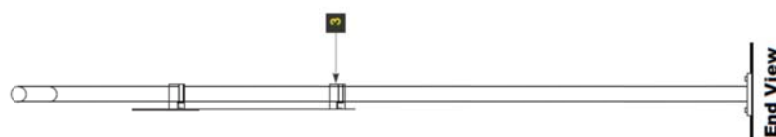
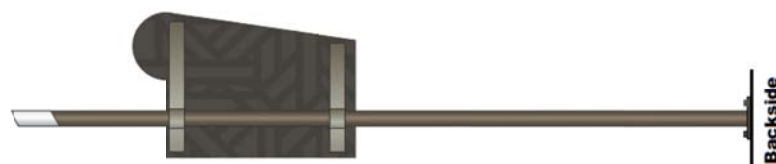
3.3 SIGN (NON-ILLUM) - ELEVATION
QTY: ONE (1) REQUIRED - MANUFACTURE AND INSTALL

3.3a
2

Design #	B 10152AR18-SIGNS ONLY		
Sheet	14 of 25	Location	
		VICTORY PARK - INDUSTRIAL	
		Address	
		DALLAS, TX	
Noted By	STAN MACRUM		
Checked	JAMIE MACRUM		
Designed	P. AGUIAR		

Victory Park's Proposed Rendering of Movement Control Signs (continued)

Due	Account	Notes
	Client	
	Salaries	
	Outstanding	
	AM	
	Landlord	
	Expenses	
	Payroll	
	Interest	
	Insurance	
	Utilities	
	Supplies	
	Travel	
	Advertising	
	Depreciation	
	Provisions	
	Reserves	
	Retained Earnings	
	Dividends	
	Capital	
	Stock	
	Bonds	
	Debt	
	Equity	
	Assets	
	Liabilities	
	Net Worth	
	Profit	
	Loss	
	Income	
	Expense	
	Revenue	
	Cost	
	Value	
	Price	
	Rate	
	Amount	
	Sum	
	Total	
	Average	
	Median	
	Mode	
	Range	
	Variance	
	Standard Deviation	
	Coefficient of Variation	
	Kurtosis	
	Skewness	
	Correlation	
	Covariance	
	Regression	
	Forecast	
	Simulation	
	Optimization	
	Linear Programming	
	Integer Programming	
	Dynamic Programming	
	Network Programming	
	Goal Programming	
	Stochastic Programming	
	Robust Programming	
	Multi-Objective Programming	
	Meta-Heuristics	
	Genetic Algorithms	
	Simulated Annealing	
	Tabu Search	
	Particle Swarm Optimization	
	Ant Colony Optimization	
	Memetic Algorithms	
	Hybrid Algorithms	
	Evolutionary Algorithms	
	Swarm Intelligence	
	Artificial Neural Networks	
	Support Vector Machines	
	Decision Trees	
	Random Forests	
	Gradient Boosting	
	Neural Networks	
	Deep Learning	
	Reinforcement Learning	
	Game Theory	
	Bayesian Networks	
	Markov Chains	
	Hidden Markov Models	
	Generative Models	
	Discriminative Models	
	Probabilistic Models	
	Statistical Models	
	Machine Learning Models	
	Artificial Intelligence Models	
	Expert Systems	
	Fuzzy Logic	
	Expert Systems	
	Knowledge Bases	
	Inference Engines	
	Shell	
	Rule-Based Systems	
	Expert Systems	
	Knowledge Engineering	
	Knowledge Representation	
	Knowledge Discovery	
	Knowledge Mining	
	Knowledge Management	
	Knowledge Organization	
	Knowledge Integration	
	Knowledge Fusion	
	Knowledge Sharing	
	Knowledge Transfer	
	Knowledge Reuse	
	Knowledge Preservation	
	Knowledge Archiving	
	Knowledge Retrieval	
	Knowledge Access	
	Knowledge Distribution	
	Knowledge Dissemination	
	Knowledge Communication	
	Knowledge Collaboration	
	Knowledge Cooperation	
	Knowledge Coordination	
	Knowledge Synchronization	
	Knowledge Consistency	
	Knowledge Integrity	
	Knowledge Security	
	Knowledge Privacy	
	Knowledge Confidentiality	
	Knowledge Availability	
	Knowledge Reliability	
	Knowledge Validity	
	Knowledge Accuracy	
	Knowledge Precision	
	Knowledge Completeness	
	Knowledge Timeliness	
	Knowledge Freshness	
	Knowledge Currency	
	Knowledge Relevance	
	Knowledge Usefulness	
	Knowledge Effectiveness	
	Knowledge Efficiency	
	Knowledge Economy	
	Knowledge Sustainability	
	Knowledge Resilience	
	Knowledge Adaptability	
	Knowledge Flexibility	
	Knowledge Scalability	
	Knowledge Portability	
	Knowledge Interoperability	
	Knowledge Compatibility	
	Knowledge Conformance	
	Knowledge Compliance	
	Knowledge Governance	
	Knowledge Policy	
	Knowledge Strategy	
	Knowledge Vision	
	Knowledge Mission	
	Knowledge Values	
	Knowledge Principles	
	Knowledge Norms	
	Knowledge Standards	
	Knowledge Best Practices	
	Knowledge Lessons Learned	
	Knowledge Feedback	



Pole mounted single panel sign intended for locations requiring only 1 or 2 messages. Sign relies upon 3M reflective vinyl for its visibility at night.

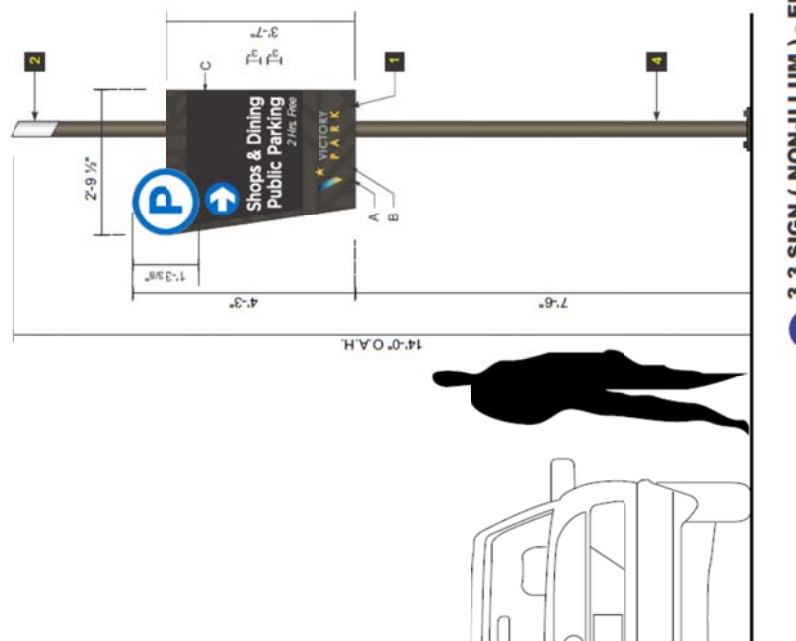
1. 125" Plate stock panel, painted finish.
A) Background Painted Medium Bronze Metallic Gloss.
B) Pattern Painted Medium Bronze Metallic Matte.
C) PMS Black Satin
To Reference: *3M 4000-10 White vinyl copy and 3M #600-70 Light blue arrow & "P" graphics.*
2. "V" & "•" Logo to be 1st surface applied Digitally Printed Vinyl.
Backside of panel to be painted Medium Bronze Metallic Gloss.
Backside Pattern Painted Medium Bronze Metallic Matte.
3. 3" I.D. X. 216" Wall primary pole, top capped and ground smooth with non-illuminated angled profile White painted finish.
4. Sign secured to post with Z strips and Band-it type hardware.
Use decorative escutcheon cover at back over straps painted to match: P1 - Tiger Drylac Powdercoat 038/60060 Med. Bronze Metallic.
Steel Support to be primed & painted to match:
P1 - Tiger Drylac Powdercoat 038/60060 Med. Bronze Metallic.



GRID PATTERN LAYOUT
Composed per Stantec Artwork

SCALE: 1/2" = 1'-0"

SQ. FT.: 9.72 EA.



3.3 SIGN (NON-ILLUM) - ELEVATION

QTY: ONE (1) REQUIRED - MANUFACTURE AND INSTALL

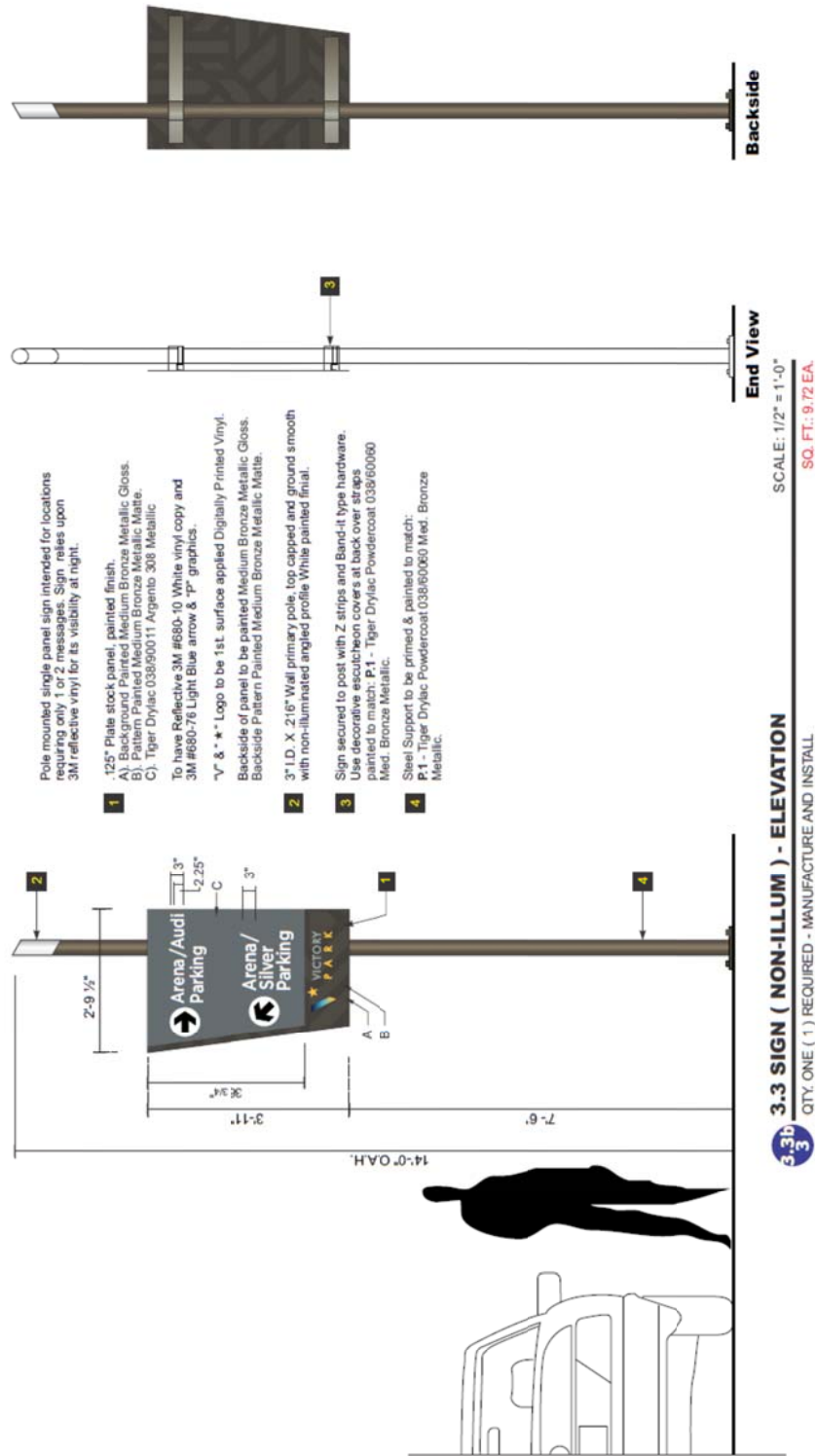
3.3a

[illegible]

VICTORY PARK

TO TUSZARTS-IONS ONLY	
Sheet	22 of 25
Location	
Address	
DALLAS, TX	
Not By	
STAN MACRUM	
Contractor	
JAMIE MACRUM	
Owner	
P. AGUIAR	
Date	
07/16/14	
Approval Date	
Client	
City	
County	
District	
Division	
Project	
Description	
Remarks	
Drawn By	
Checked By	
Reviewed By	
Approved By	
Scale	
Notes	
1. All signs shall be fabricated in accordance with the Texas Department of Transportation (TxDOT) Standard Specifications for Transportation Construction, 2009 Edition, and the Texas Department of Transportation (TxDOT) Standard Plans, 2009 Edition.	
2. All signs shall be fabricated in accordance with the Texas Department of Transportation (TxDOT) Standard Specifications for Transportation Construction, 2009 Edition, and the Texas Department of Transportation (TxDOT) Standard Plans, 2009 Edition.	
3. All signs shall be fabricated in accordance with the Texas Department of Transportation (TxDOT) Standard Specifications for Transportation Construction, 2009 Edition, and the Texas Department of Transportation (TxDOT) Standard Plans, 2009 Edition.	
4. All signs shall be fabricated in accordance with the Texas Department of Transportation (TxDOT) Standard Specifications for Transportation Construction, 2009 Edition, and the Texas Department of Transportation (TxDOT) Standard Plans, 2009 Edition.	
5. All signs shall be fabricated in accordance with the Texas Department of Transportation (TxDOT) Standard Specifications for Transportation Construction, 2009 Edition, and the Texas Department of Transportation (TxDOT) Standard Plans, 2009 Edition.	
6. All signs shall be fabricated in accordance with the Texas Department of Transportation (TxDOT) Standard Specifications for Transportation Construction, 2009 Edition, and the Texas Department of Transportation (TxDOT) Standard Plans, 2009 Edition.	
7. All signs shall be fabricated in accordance with the Texas Department of Transportation (TxDOT) Standard Specifications for Transportation Construction, 2009 Edition, and the Texas Department of Transportation (TxDOT) Standard Plans, 2009 Edition.	
8. All signs shall be fabricated in accordance with the Texas Department of Transportation (TxDOT) Standard Specifications for Transportation Construction, 2009 Edition, and the Texas Department of Transportation (TxDOT) Standard Plans, 2009 Edition.	
9. All signs shall be fabricated in accordance with the Texas Department of Transportation (TxDOT) Standard Specifications for Transportation Construction, 2009 Edition, and the Texas Department of Transportation (TxDOT) Standard Plans, 2009 Edition.	
10. All signs shall be fabricated in accordance with the Texas Department of Transportation (TxDOT) Standard Specifications for Transportation Construction, 2009 Edition, and the Texas Department of Transportation (TxDOT) Standard Plans, 2009 Edition.	

Victory Park's Proposed Rendering of Movement Control Signs (continued)

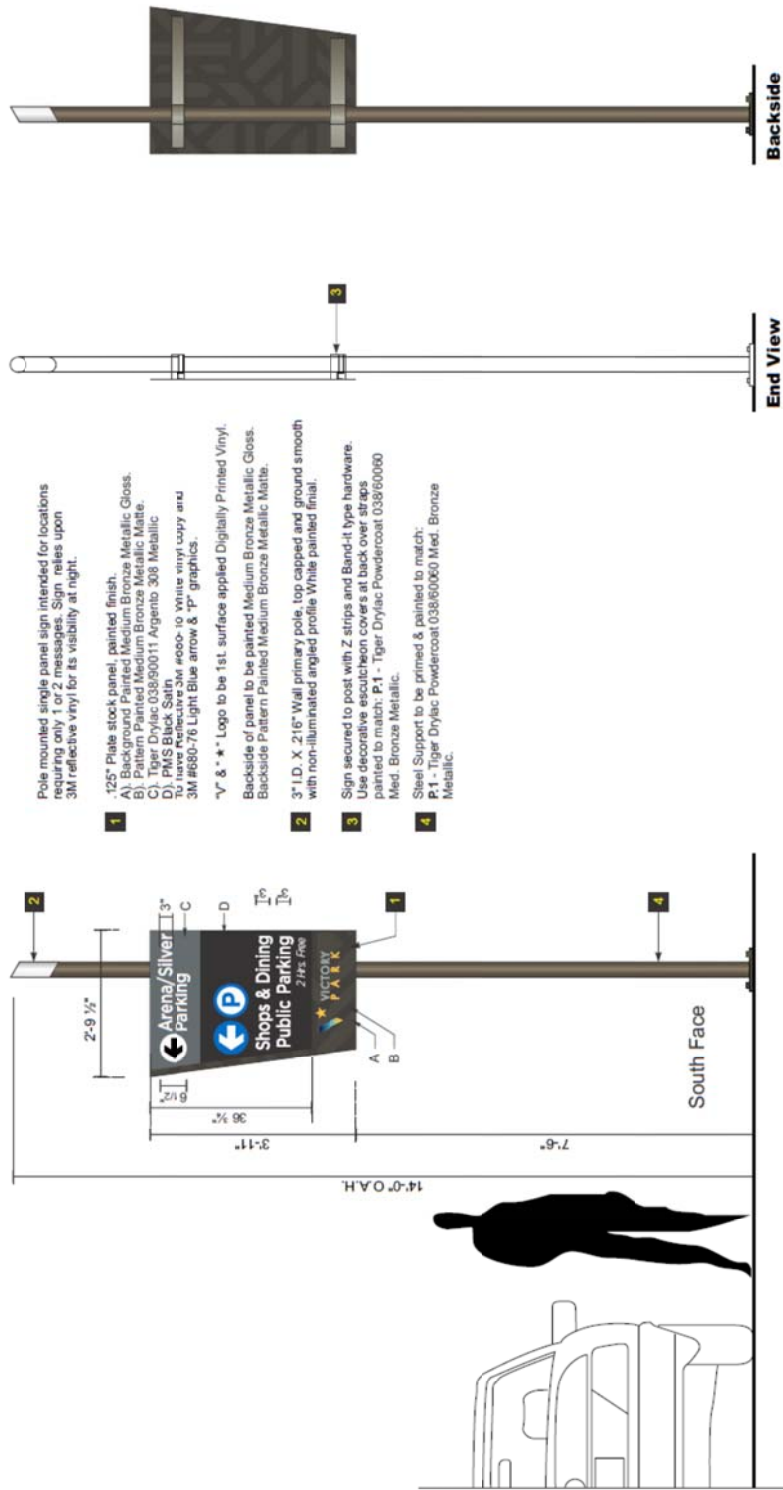


3.3b 3.3 SIGN (NON-ILLUM) - ELEVATION
QTY: ONE (1) REQUIRED - MANUFACTURE AND INSTALL

VICTORY PARK

Design #	610152AR118-SIGNS ONLY
Sheet	24 of 25
Location	VICTORY PARK - NGM SIGNS
Address	DALLAS, TX
Atty	STAN MACRUM
Contractor	JAMES MACRUM
Designer	P. AGUIAR
Date	07/16/24
Client	
City	
State	
Zip	
Project	
Notes	
Revisions	
1	125" Plate stock panel, painted finish.
2	3" I.D. X .216" Wall primary pole, top capped and ground smooth with non-illuminated angled profile White painted finial.
3	Sign secured to post with Z strips and Band-It type hardware. Use decorative escutcheon covers at back over straps painted to match: P1 - Tiger Drylac Powdercoat 038/60060 Med. Bronze Metallic.
4	Steel Support to be primed & painted to match: P1 - Tiger Drylac Powdercoat 038/60060 Med. Bronze Metallic.

Victory Park's Proposed Rendering of Movement Control Signs (continued)



End View
SCALE: 1/2" = 1'-0"
SQ. FT.: 11.86 EA.

3.3b 5 3.3 SIGN (NON-ILLUM) - ELEVATION
QTY: ONE (1) REQUIRED - MANUFACTURE AND INSTALL

FINAL ELECTRICAL CONNECTION BY CUSTOMER

UL

Proposed Amendments to:

DRAFT SPSD AMENDMENT

**Division 51A-7.1700.
Provisions for Victory Sign District.**

SEC. 51A-7.1701. DESIGNATION OF VICTORY SIGN DISTRICT.

(a) A special provision sign district is hereby created to be known as the Victory Sign District.

(b) Any portion of this district that was formerly part of the Downtown Special Provision Sign District is no longer considered to be part of that district. This division completely supersedes Division 51A-7.900 with respect to the property within this district.

(c) This district is that area of the city within the [following] described boundaries in Exhibit A attached to Ordinance No. _____, passed by the Dallas City Council on _____.

OVERALL LEGAL DESCRIPTION DELETED FOR BREVITY. ALL LEGAL DESCRIPTIONS TO BE REMOVED FROM THE BODY OF THE SPSD AND ATTACHED TO THE ORDINANCE. OVERALL BOUNDARY PROPOSED TO BE EXPANDED TO ADD APPROXIMATELY 3.9 ACRES LOT 1 BLOCK A/393.

SEC. 51A-7.1702. DESIGNATION OF SUBDISTRICTS.

(a) This district is hereby divided into four subdistricts: Subdistricts A, B, C, and D. Subdistrict B has ~~two~~ three subareas, B- 1 ~~and~~ B-2 and B-3. Subdistrict C has two tracts. Subdistrict D has one subarea, D-1.

(b) ~~Subdistrict A is that area of the city within the following described boundaries:~~

SUBDISTRICTS LEGAL DESCRIPTIONS DELETED FOR BREVITY.

The subdistrict boundaries are described in Exhibit B attached to Ordinance No. _____, passed by the Dallas City Council on _____.

ADD APPROXIMATELY 3.9 ACRES LOT 1 BLOCK A/393 TO SUBDISTRICT B AND ESTABLISH AS SUBDISTRICT B-3. ESTABLISH LOT 2 (except the portion in Subdistrict C), BLOCK A/397 AS SUBDISTRICT D-1.

SEC. 51A-7.1703. PURPOSE.

(a) The purpose of these sign regulations is to encourage and regulate the erection and display of signs that will create a unique, lively, and commercially-active environment that is bright and safe, and that incorporates diverse, state-of-the-art graphic technologies.

(b) These sign regulations have been developed to achieve the following objectives in this district:

(1) To create an atmosphere of vitality appropriate for a place where thousands of citizens gather for entertainment and celebration.

(2) To encourage the use of signs that are innovative, colorful, and entertaining, and that bring a distinctive character to this district.

(3) To identify and promote special events and cultural activities that will occur in this district.

(4) To encourage signs with a style, orientation, and location that take into consideration the high number of pedestrians expected within this district.

(5) To communicate clear directions to and through this district.

(6) To promote the economic success of businesses in this district.

SEC. 51A-7.1704. DEFINITIONS.

(a) In this division:

(1) ADVERTISE means to attract, or to attempt to attract, the attention of any person to any business, accommodations, goods, services, property, or commercial activity.

(2) ATTACHED SIGN means any sign attached to, applied on, or supported by, any part of a building (such as a wall, parapet, roof, window, canopy, awning, arcade, or marquee) that encloses or covers usable space, and any sign attached to, applied on, or supported by, mounted antennas, water reservoirs on buildings, chimneys, and visual screens that surround roof-mounted equipment. For the following signs, the term attached sign also means any sign attached to, applied on, or supported by the exterior structural framing of a building or architectural elements of a building, whether or not the exterior structural framing or architectural elements enclose or cover usable space:

(A) Signs on buildings adjacent to an entertainment complex plaza.

(B) A hotel spectacular sign as described in Section 51A-7.1727(d).

(3) AWNING SIGN means a sign that is attached to or applied or painted on an awning.

(4) BANNER means a sign attached to or applied on a strip of cloth, vinyl, or similar material and attached to a building or structure. Canopy signs and flags are not banners.

(5) BLOCK means an area bounded by streets on all sides.

(6) BLOCKFACE means all of the premises on one side of a block.

(7) BUILDING means a structure that has a roof supported by columns, walls or air for the shelter, support, or enclosure of persons, animals or chattel.

(8) CANOPY SIGN means a sign attached to, applied on, or supported by a canopy.

(9) CHANGEABLE MESSAGE SIGN means a sign displaying static or moving images (similar to television images) that may display different designs, messages, or advertisements and that may include LED/LCD elements, slide lettering, slated rotating surfaces, or other changeable message technology.

(10) CHARACTER means any letter of the alphabet or numeral.

(11) CITY means the city of Dallas, Texas.

(12) COMMERCIAL MESSAGE means a message placed or caused to be placed before the public by a person or business enterprise directly involved in the manufacture or sale of the products, property, accommodations, services, attractions, or activities or possible substitutes for those things which are the subject of the message and that:

(A) refers to the offer for sale or existence for sale of products, property, accommodations, services, attractions, or activities; or

(B) attracts attention to a business or to products, property, accommodations, services, attractions, or activities that are offered or exist for sale or for hire.

(13) COMMISSION means the city plan commission of the city of Dallas.

(14) DETACHED SIGN means any sign connected to the ground that is not an attached, portable, or vehicular sign.

(15) DIRECTOR means the director of planning and development of the city or that director's designated representative.

(16) DISTRICT ACTIVITIES means: (A) the name, trade name, or logo of the owner or occupant of any premise within this district; (B) the identification of any premise within this district; (C) any accommodations, services, or activities offered or conducted, other than incidentally, on any premise within this district; (D) products sold, other than incidentally, on any premise within this district; and (E) the sale, lease, or construction of any premise within this district.

(17) EFFECTIVE AREA means the following:

(A) For marquee and other changeable message signs and detached signs other than monument signs, the area within a minimum imaginary rectangle of vertical and

horizontal lines that fully contains all extremities of the sign, excluding its supports, mast, and finial that does not include patterns, characters, logos, or illustrations. The rectangle is calculated from an orthographic projection of the sign viewed horizontally. The viewpoint for this projection that produces the largest rectangle must be used. If elements of the sign are moveable or flexible, such as a flag or a string of lights, the measurement is taken when the elements are fully extended and parallel to the plane of view. If an attached sign moves or rotates, the sign's effective area shall be measured when the sign is stationary and shall not be based on the entire area within which the sign moves or rotates.

(B) For monument signs and attached signs other than marquee and other changeable message signs, the sum of the areas within minimum imaginary rectangles of vertical and horizontal lines, each of which fully contains a word, excluding a mast and finial that does not include patterns, characters, logos, or illustrations. If a design, outline, illustration, or interior illumination surrounds or attracts attention to a word, then it is included in the calculation of the effective area. An awning or canopy is not included in the calculation of the effective area.

(17.1) ENHANCED BANNER SIGN means a district identification sign consisting of an architectural feature pole structure displaying banners and elements that display the name or logo of the district.

(18) ENTERTAINMENT COMPLEX means a public, multi-use sports, entertainment, and convention facility with a seating capacity of at least 15,000, where people view and participate in events and performances, including, but not limited to, theatrical, musical and dramatic performances, professional or amateur sporting events, and meetings and assemblages.

(19) ENTERTAINMENT COMPLEX PLAZA means any outdoor area (whether publicly or privately owned) that is accessible to the public, and that is: (A) at least 10,000 square feet in size; (B) adjacent to an entertainment complex; or (C) within 300 feet of, and has direct pedestrian access to, an entertainment complex. Direct pedestrian access includes, but is not limited to, access across public or private streets.

(20) ERECT means to build, attach, hang, place, suspend, fasten, affix, maintain, paint, draw, or otherwise construct.

(21) EXPRESSWAY means Interstate Highway 35E and Woodall Rodgers Freeway.

(22) EXPRESSWAY-FACING FACADE means a facade that is parallel to or within 45 of the travel lanes of an expressway.

(23) FACADE means any separate face of a building, including parapet walls and omitted wall lines, or any part of a building which encloses or covers usable space, chimneys, roof-mounted equipment, mounted antennas, or water towers. Where separate faces are oriented in the same direction or in directions within 45° of one another, they are to be considered as part of a single facade. A roof is not a facade or part of a facade. Multiple

buildings on the same lot will each be deemed to have separate facades. For purposes of these sign regulations, each 250 linear feet, or fraction thereof, of an expressway-facing facade in Subarea Subdistrict C is deemed to be a separate facade. For signs located on buildings adjacent to an entertainment complex plaza and the hotel spectacular sign, as described in Section 51A-7.1727(d), the term facade includes the exterior structural framing of a building or architectural elements of the building, whether or not the exterior structural framing or architectural element encloses or covers usable space.

(23.1) FINIAL means a single stationary ornamental element above a sign that may include a light.

(24) FLAT ATTACHED SIGN means an attached sign projecting 18 inches or less from a building.

(25) GOVERNMENT SIGN means a flag, insignia, legal notice, informational, directional, traffic, or safe school zone sign which is legally required or necessary to the essential functions of government agencies.

(26) HEIGHT, as applied to a sign, means the vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and a level plane going through the nearest point of the vehicular traffic surface of the adjacent improved public right-of-way, other than an alley. In the event a sign is equidistant from more than one improved public right-of-way, none of which are alleys, the highest point shall be used.

(27) HIGHWAY BEAUTIFICATION ACT (HBA) SIGN means a non-premise sign that is within 660 feet of an expressway right-of-way and whose message is visible from the main traveled way of that expressway.

(28) ILLUMINATED SIGN means any sign that is directly lighted by any electrical light source, internal or external. This definition does not include signs that are illuminated by street lights or other light sources owned by any public agency or light sources that are specifically operated for the purpose of lighting the area in which the sign is located rather than the sign itself.

(29) KIOSK means a multi-sided structure for the display of premise and non-premise signs. Kiosks may be changeable message signs.

(30) LUMINANCE means the brightness of a sign or a portion thereof expressed in terms of footlamberts. For purposes of this division, luminance is determined by the use of an exposure meter calibrated to standards established by the National Bureau of Standards and equipped with a footlambert scale.

(31) MARQUEE SIGN means a changeable message sign attached to, applied on, or supported by a permanent canopy projecting over a pedestrian street entrance of a building.

(31.1) MAST means an upright pole that supports a sign and may extend above the sign.

(32) MONUMENT SIGN means a detached sign applied directly onto a grade-level support structure (instead of a pole support) with no separation between the sign and grade.

(33) MOVEMENT CONTROL SIGN means a sign that directs vehicular and pedestrian movement within this district or to the West End Historic District.

(34) NONCOMMERCIAL MESSAGE means any message that is not a commercial message. News messages such as stock quotes, scores from sporting events, and news bulletins are noncommercial messages.

(35) NON-PREMISE SIGN means any sign that is not a premise sign.

(36) OCCUPANCY means the purpose for which a building is used or intended to be used. The term also includes the building or room housing such use.

(37) ONE SIGN means any number of detached signs structurally connected above grade.

(38) PARAPET SIGN means a projecting attached sign erected on or attached to the eaves or edge of the roof or on a parapet. A parapet sign is not a roof sign.

(38.1) PARKING STRUCTURE SCREENING SIGN means an attached sign located on a parking structure intended to be creative and artful by use of visually interesting, vibrant, and colorful designs with promotional messages limited to the name or logo of the district or athletic team names, players, or logos.

(39) PERMANENT SIGN means any sign that is not a temporary sign as defined in this section or a sign permitted pursuant to Sections 51A-7.1716 through 51A-7.1722 of this division.

(40) PORTABLE SIGN means any sign that is not securely connected to the ground in such a way that it cannot easily be moved from one location to another and that is not an attached sign, vehicular sign, or a sign that refers solely to the sale or lease of the premises.

(41) PREMISE means a lot or unplatted tract that is reflected in the plat books of the building inspection division of the city. Refer to Section 51A-7.1709 of this division.

(42) PREMISE SIGN means any sign the content of which relates to the premise on which it is located and refers exclusively to:

(A) the name, trade name, or logo of the owner or occupant of the premise or the identification of the premises;

(B) accommodations, services, or activities offered or conducted on the premise;

(C) products sold, other than incidentally, on the premise if no more than 70 percent of the sign is devoted to the advertisement of products by brand name or symbol; or

(D) the sale, lease, or construction of the premise.

(43) PROJECTING ATTACHED SIGN means an attached sign projecting 18 or more inches from a building.

(44) PROMOTIONAL MESSAGE means a message that identifies, promotes, or advertises a cultural activity within this district, any event being conducted, in whole or in part, in an entertainment complex or entertainment complex plaza within this district, any special event being conducted in this district, or any other event that will benefit the city. Benefit to the city is established by:

(A) use of city property in accordance with a contract, license, or permit;

(B) the receipt of city monies for the activity or event; or

(C) an ordinance or resolution of the city council that recognizes the activity or event as benefiting the city.

(45) PROTECTIVE SIGN means any sign that is commonly associated with safeguarding the permitted uses of the occupancy, including, but not limited to "bad dog," "no trespassing," and "no solicitors."

(46) PUBLIC AREA means any publicly or privately-owned outdoor area that is accessible to the public.

(47) ROOF SIGN means a sign that is attached to or supported by the roof of a building.

(48) SAFE SCHOOL ZONE SIGN means a government sign:

(A) to be placed in the public right-of-way at the direction of a school district;

(B) indicating a safe school hotline number, or an alcohol-free, gun-free, or drug-free zone for a school; and

(C) erected to give notice of these zones in order to aid in the enforcement of state or federal laws involving violation of certain crimes in proximity of a school.

(49) SETBACK means the distance between a sign and the nearest public right-of-way line. An alley is not considered to be public right-of-way for the purpose of calculating a setback. Where a public way crosses a railroad right-of-way, the setback is measured from the public right-of-way line extended across the railroad right-of-way.

(50) SIGN means any device, flag, light, figure, picture, letter, word, message, symbol, plaque, poster, display, design, painting, drawing, billboard, wind device, or other thing visible from outside the premise on which it is located and that is designed, intended, or used to inform or advertise to persons not on that premise. This definition does not include:

- (A) searchlights and landscape features that display no words or symbols;
- (B) works of art that are not designed, intended, or used to advertise; or
- (C) temporary holiday decorations.

(51) SIGN HARDWARE means the structural support system for a sign, including the fastening devices that secure the sign to a building facade or pole.

(52) SIGN SUPPORT means any pole, post, strut, cable, or other structural fixture or framework necessary to hold and secure a sign, providing that the fixture or framework is not imprinted with any picture, symbol, or word using characters in excess of one inch in height, nor is internally or decoratively illuminated.

(53) SPECIAL EVENT means a temporary event or gathering, including a special event parade, using either private or public property, in which the estimated number of participants and spectators exceeds 75 during any day of the event and that involves one or more of the following activities, except when the activity is for construction or housemoving purposes only:

- (A) Closing of a public street.
- (B) Blocking or restriction of public property.
- (C) Sale of merchandise, food, or beverages on public or private property.
- (D) Erection of a tent on public or private property.
- (E) Installation of a stage, bandshell, trailer, van, portable building, grandstand, or bleachers on public or private property.
- (F) Placement of portable toilets on public or private property.

(54) SPECIAL EVENT PARADE means the assembly of three or more persons whose gathering is for the common design of traveling or marching in procession from one location to any other location for the purpose of advertising, promoting, celebrating, or

commemorating a thing, person, date, or event that is not directly related to the expression of feelings and beliefs on current political, religious, or social issues.

(55) SPECIAL PURPOSE SIGN means a sign temporarily supplementing the permanent signs on a premise.

(56) TEMPORARY SIGN means a sign erected for a limited time that identifies an event or activity of limited duration. Examples include signs advertising the sale or lease of property, construction activity in progress, or a concert or other cultural event.

(57) THIS DISTRICT means the Victory Sign District.

(58) VEHICULAR SIGN means any sign on a vehicle moving along the ground or on any vehicle parked temporarily, incidental to its principal use for transportation. This definition does not include signs that are being transported to a site of permanent erection.

(59) WELCOME MESSAGE means a message that identifies and greets heads of state; foreign dignitaries; groups using city property in accordance with a contract, license, or permit; or government organizations.

(60) WIND DEVICE means any flag, banner, pennant, streamer, or similar device that moves freely in the wind.

(60.1) WINDOW SIGN means a sign painted or affixed to a window.

(61) WORD: For purposes of this division, each of the following is considered to be one word:

(A) Any word in any language found in any standard unabridged dictionary or dictionary of slang.

(B) Any proper noun or any initial or series of initials.

(C) Any separate character, symbol or abbreviation such as "&", "\$", "%", and "Inc.".

(D) Any telephone number or commonly used combination of numerals and symbols such as "\$5.00" or "50%".

(E) Any internet website, network, or protocol address, domain name, or universal record locator.

(F) Any symbol or logo that is a registered trademark but which itself contains no word or character. A street number is not considered to be a word. (Ord. Nos. 24348; 25047; 25918)

SEC. 51A-7.1705. APPLICABILITY OF HIGHWAY BEAUTIFICATION ACTS.

For purposes of applying the Federal and Texas Highway Beautification Acts, this district is considered to be a commercial zoning district. (Ord. Nos. 24348; 25918)

SEC. 51A-7.1706. VICTORY DISTRICT SIGN PERMIT REQUIREMENTS.

(a) In general. Except as provided in this subsection, a person shall not alter, place, maintain, expand, or remove a sign in this district without first obtaining a sign permit from the city. A sign permit is not required to:

(i) Erect an illuminated projection sign in accordance with Section 51A-7.1727(i).

(ii) change the text on a changeable message sign or a kiosk.

(iii) Erect or replace a banner using the existing sign hardware. A sign permit is required to install sign hardware for a banner.

(b) Sign permit procedures. Except as provided in Subsection (c) below, the procedures for obtaining a sign permit in Division 51A-7.600 apply in this district.

(c) Roof Signs in Subdistrict B.

(i) Certificate of appropriateness required. No sign permit may be issued to authorize a roof sign in Subdistrict B unless the commission has first issued a certificate of appropriateness in accordance with this subsection.

(ii) Application for a roof sign. When applying for a roof sign in Subdistrict B, the applicant shall submit an application in duplicate to the building official. After determining that the proposed roof sign conforms with all building, electrical, and mechanical codes and all sign regulations in this ordinance, the building official shall forward a copy of the application to the director within five working days of its receipt. The applicant shall provide the building official and the director with specific information in the form of perspectives, renderings, photographs, models, or other representations sufficient to show the nature of the proposed sign and its effect on the building on which it is located as well as its effect on surrounding premises. Any applicant may request a meeting with the director before submitting an application and may consult with the director during the review of the permit application.

(iii) Review of application by director. The director shall review the application and make a recommendation within 10 days of its receipt. In reviewing an application, he shall first consider whether the applicant has submitted sufficient information to allow an informed decision. If he finds that the proposed roof sign is consistent with the special character of this district, he shall make a recommendation of approval to the commission. The director shall consider the proposed sign in terms of its appropriateness for this district without regard to any consideration of the message conveyed by the sign. After consideration of these factors, the

director shall recommend approval or denial of the application and forward that recommendation to the commission.

(iv) City plan commission review. Upon receipt of a recommendation by the director, the commission shall hold a public hearing to consider the application. At least 10 days before the hearing, notice of the date, time, and place of the hearing, the name of the applicant, and the location of the proposed roof sign must be published in the official newspaper of the city. In addition, the building official shall serve, by hand-delivery or mail, a written notice to the applicant that contains a reference to this subsection, and the date, time, and location of the hearing. A notice sent by mail is served by depositing it properly addressed and postage paid in the United States mail. In making its decision, the commission shall consider the same factors that were required to be considered by the director in making his recommendation. If the commission approves the application, it shall forward a certificate of appropriateness to the building official within 15 days of the date of its approval. If the commission denies the application, it shall so inform the building official in writing. The building official shall advise the applicant of the denial within five working days of the date of receipt of the written notice from the commission. If the commission does not deny the application within 60 days of its receipt by the building official, the building official shall issue a certificate of appropriateness to the applicant.

(v) Authority of building official not affected. Nothing in this subsection shall affect or modify the authority of the building official to refuse to grant a sign permit when the proposed roof sign does not conform to the height, effective area, setback, or similar restrictions established by this ordinance or the structural requirements of the construction codes of the city.

(vi) Appeal to council. A decision to deny the certificate may be appealed by the applicant. An appeal is made by filing a written request with the director for review by the city council. An appeal must be made within 10 days after notice is given to the applicant of the commission's decision. In considering the appeal, the sole issue shall be whether or not the commission erred in making its decision, and in this connection, the city council shall consider the same standards that were required to be considered by the commission. Decisions of the city council are final as to available administrative remedies. (Ord. Nos. 24348; 25918)

SEC. 51A-7.1707. IMITATION OF TRAFFIC AND EMERGENCY SIGNS PROHIBITED.

No person shall cause to be erected or maintained any sign using any combination of forms, words, colors, or lights that imitate standard public traffic regulatory, emergency signs, or signals. (Ord. Nos. 24348; 25918)

SEC. 51A-7.1708. OTHER CODES NOT IN CONFLICT, APPLICABLE.

All signs erected or maintained pursuant to the provisions of this division shall be erected and maintained in compliance with all applicable state laws and with the building code, electrical code, and other applicable ordinances of the city. In the event of conflict between this division and other laws, the most restrictive standard applies. (Ord. Nos. 24348; 25918)

SEC. 51A-7.1709. CREATION OF SITE.

Except for signs located wholly within the public right-of-way, the building official shall not issue a permit for construction, erection, placement, or maintenance of a sign until a site is established in one of the following ways:

(1) A lot is part of a plat which is approved by the city plan commission and filed in the plat records of Dallas County, Texas.

(2) Tracts that are governed by a detached sign unity agreement in accordance with Section 51A-7.1710. (Ord. Nos. 24348; 25918)

SEC. 51A-7.1710. DETACHED SIGN UNITY AGREEMENTS.

(a) The building official may authorize the dissolution of common boundary lines between lots for the limited purpose of allowing those lots to be considered one premise for the erection of detached signs if a written agreement is executed in accordance with this section on a form provided by the city.

(b) The agreement must:

(1) contain legal descriptions of the properties sharing the common boundary line(s);

(2) set forth adequate consideration between the parties;

(3) state that all parties agree that the properties sharing the common boundary line(s) may be collectively treated as one lot for the limited purpose of erecting detached signs;

(4) state that the dissolution of the common boundary line(s) described in the agreement is only for the limited purpose of allowing the erection of detached signs, and that actual lines of property ownership are not affected;

(5) state that it constitutes a covenant running with the land with respect to all properties sharing the common boundary line(s);

(6) state that all parties agree to defend, indemnify, and hold harmless the city of Dallas from and against all claims or liabilities arising out of or in connection with the agreement;

(7) state that it shall be governed by the laws of the state of Texas;

(8) state that it may only be amended or terminated by a subsequent written instrument that is:

(A) signed by an owner of property sharing the common boundary line(s) or by a lienholder, other than a taxing entity, that has either an interest in a property sharing the common boundary line(s) or an improvement on such a property;

(B) approved by the building official;

(C) approved as to form by the city attorney; and

(D) filed and made a part of the deed records of Dallas County, Texas;

(9) be approved by the building official and be approved as to form by the city attorney;

(10) be signed by all owners of the properties sharing the common boundary line(s);

(11) be signed by all lienholders, other than taxing entities, that have either an interest in the properties sharing the common boundary line(s) or an improvement on those properties; and

(12) be filed and made a part of the deed records of Dallas County, Texas.

(c) The building official shall approve an agreement if all properties governed by the agreement fully comply with the regulations in this division.

(d) An agreement shall not be considered effective until a true and correct copy of the approved agreement is filed in the deed records in accordance with this section and two file-marked copies of the agreement are filed with the building official.

(e) An agreement may only be amended or terminated by a written instrument that is executed in accordance with this subsection on a form provided by the city. The instrument must be:

(1) signed by an owner of property sharing the common boundary line(s) or by a lienholder, other than a taxing entity, that has either an interest in a property sharing the common boundary line(s) or an improvement on such a property;

(2) approved by the building official;

(3) approved as to form by the city attorney; and

(4) filed and made a part of the deed records of Dallas County, Texas.

The building official shall approve an instrument amending or terminating an agreement if all properties governed by the agreement fully comply with the regulations in this division. The amending or terminating instrument shall not be considered effective until it is filed in the deed

records in accordance with this subsection and two file-marked copies are filed with the building official.

(f) No detached non-premise sign may be erected or maintained on a property that is described in an agreement executed in accordance with this section. (Ord. Nos. 24348; 25918)

SEC. 51A-7.1711. GENERAL MAINTENANCE.

(a) In general. Sign and sign supports must be maintained in a state of good repair and neat appearance at all times.

(b) Revocation of permit.

(1) The building official shall revoke, in writing, the sign permit for a sign if it has for a period of one year:

(A) displayed obsolete advertising matter;

(B) been without advertising matter; or

(C) been damaged in excess of 50 percent of the cost of replacement of the sign.

(2) The owner of the sign is liable to the city for a civil penalty in the amount of \$200 a day for each calendar day that the sign is maintained without a required permit. The building official shall give written notice to the property owner of the amount owed to the city in civil penalties, and shall notify the city attorney of any unpaid civil penalty. The city attorney shall collect unpaid civil penalties in a suit on the city's behalf.

(3) The civil penalty provided for in Paragraph (2) is in addition to any other enforcement remedy the city may have under city ordinances and state law. (Ord. Nos. 24348; 25918)

SEC. 51A-7.1712. GOVERNMENT SIGNS.

(a) Except as provided in Subsection (b), nothing in this division shall be construed to regulate the display of a government sign.

(b) Safe school zone signs must satisfy the following requirements.

(1) Each sign must be erected within 600 feet of a school.

(2) No sign may exceed five square feet in effective area.

(3) At least 80 percent of the effective area of each sign must be devoted to a governmental message.

(4) Up to 20 percent of the effective area of each sign may be devoted to the identification of a sponsor. (Ord. Nos. 24348; 25918)

SEC. 51A-7.1713. SIGNS OVER THE PUBLIC RIGHT-OF-WAY.

(a) Signs may be located in or project over the public right-of-way, including, but not limited to, sidewalks, subject to the licensing and franchise requirements of Chapter XIV of the city charter, Article VI of Chapter 43 of the Dallas City Code, as amended, and the requirements of this section.

(b) The traffic engineer shall review the location of any sign located in or overhanging the public right-of-way to ensure that the sign will not pose a traffic hazard or visibility obstruction.

SEC. 51A-7.1714. COMMERCIAL VERSUS NONCOMMERCIAL MESSAGES.

(a) Notwithstanding any other provision of this ordinance, any sign that may display a commercial message may also display a noncommercial message, either in place of or in addition to the commercial message, so long as the sign complies with other requirements of this ordinance that do not pertain to the content of the message displayed.

(b) Notwithstanding any other provision of this ordinance, any sign that may display one type of noncommercial message may also display any other type of noncommercial message, so long as the sign complies with other requirements of this ordinance that do not pertain to the content of the message displayed. (Ord. Nos. 24348; 25918)

SEC. 51A-7.1715. PREMISE VERSUS NON-PREMISE ADVERTISEMENT.

Notwithstanding any other provision of this ordinance, any sign that may display non-premise advertisement may display premise advertisement in place of the non-premise advertisement, so long as the sign complies with other requirements of this ordinance that do not pertain to the content of the message displayed. (Ord. Nos. 24348; 25918)

SEC. 51A-7.1716. MOVEMENT CONTROL SIGNS.

In addition to all other signs permitted in this ordinance, movement control signs are permitted subject to the following provisions:

(1) Movement control signs must direct vehicular or pedestrian movement within this district or to the West End Historic District and may include the name or logo of any premise located in this district or the name or logo of the West End Historic District.

CPC recommended:

(2) Except as provided in this paragraph, no ~~No~~ movement control sign may exceed ~~40~~ 30 square feet in effective area. Four movement control signs may have a maximum effective area of 60 square feet and are limited to one corner of Victory Avenue and Victory Avenue West; Olive Street and North Houston Street; Continental Avenue and Victory Avenue; and North Houston Street and Victory Avenue West.

Staff recommended:

(2) No movement control sign may exceed 30 ~~40~~ square feet in effective area.

(3) Movement control signs may be attached or detached signs and may be erected on any premise without limit as to number.

(4) Movement control signs may have changeable message devices when the messages are limited to directing vehicular movement, including but not limited to the availability and amount of parking, price of parking, and the name of the parking business.

SEC. 51A-7.1717. SIGNS IN PUBLIC PLACES.

In addition to all other signs permitted in this ordinance, an unlimited number of signs that only identify the name or logo of this district may be located on or incorporated into manhole covers, street light poles, sidewalks, benches, trash receptacles, and other improvements in public areas. No such sign, however, may exceed one square foot in effective area or contain more than one three words. (Ord. Nos. 24348; 25918)

SEC. 51A-7.1718. PROTECTIVE SIGNS.

(a) The occupant of a premise may erect not more than two protective signs, in accordance with the following provisions:

- (1) No sign may exceed 100 square inches in effective area.
- (2) No detached sign may exceed two feet in height.
- (3) No letter may exceed four inches in height.

(b) The protective signs authorized in the preceding subsection are in addition to all other signs permitted in this ordinance. (Ord. Nos. 24348; 25918)

SEC. 51A-7.1719. VEHICULAR SIGNS.

(a) In addition to all other signs permitted in this ordinance, vehicular signs are permitted subject to the following restrictions:

- (1) No sign may contain flashing or moving elements.

(2) No sign may have an element with a luminance greater than 200 footlamberts.

(3) No sign may project beyond the surface of a vehicle in excess of eight inches.

(4) No sign may be attached to a vehicle so that the driver's vision is obstructed from any angle.

(5) Signs, lights, and signals used by authorized emergency vehicles are not restricted.

(b) A vehicular sign must comply with all regulations for detached signs if:

(1) it is placed so as to constitute a "sign" as defined in Section 51A-7.1704; and

(2) the vehicle upon which the sign is located is parked on other than a temporary basis.

(c) The owner of the vehicle upon which a vehicular sign is placed is responsible for ensuring that the provisions of this section are adhered to and commits an offense if any vehicular sign on his vehicle violates this section. If such a vehicle is found unattended or unoccupied, the registered owner of the vehicle shall be presumed to be the actual owner. The records of the state highway department or the county highway license department showing the name of the registered owner of the vehicle shall constitute prima facie evidence of actual ownership by the named individual. (Ord. Nos. 24348; 25918)

SEC. 51A-7.1720. STREET CONSTRUCTION ALLEVIATION SIGNS.

(a) Definitions. In this section, unless the context clearly indicates otherwise:

(1) **CONSTRUCTION** means major activity involving on-site excavation, fabrication, erection, alteration, repair, or demolition that materially alters or restricts access to a premise.

(2) **DIRECTOR** means the director of public works of the city or his or her designated representative.

(3) **ERECT** means erect or maintain.

(4) **OPERATOR** means a person who causes a use or business to function or puts or keeps a use or business in operation. A person need not have an ownership interest in a use or business to be an "operator" of the use or business for purposes of this section.

(5) **OWNER** includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, tenant by the entirety, or lessee.

(6) **SIGN** means a sign authorized to be erected or maintained under this section.

(7) **STREET** means a street more than 85 feet in width, including frontage roads, if applicable. "Frontage Road" means a frontage, access, or service road for a freeway or tollway.

(b) Purpose. The purpose of this section is to promote the health, safety, morals, and general welfare of the city in order to lessen the congestion in the streets; to improve communications efficiency by allowing businesses to identify themselves and by helping customers to locate these businesses; to promote the safety of persons and property by reducing the confusion created by street construction; and to preserve landscape quality by imposing uniform standards. This section is not intended to apply to temporary minor repairs to streets.

(c) Authority to erect. In addition to any other signs permitted in this ordinance, up to two detached premise signs may be erected on a premise if:

(1) the premise contains at least one main use other than a single family or duplex use;

(2) the premise has frontage along that portion of a street under construction as defined in Subsection (a); and

(3) the director has given written notice in accordance with Subsection (d).

(d) Notice required to be given by the director. Whenever the director determines that construction of a street, as defined in this section, is imminent, the director shall serve a written notice for the purpose of authorizing the erection of signs in accordance with this section. The written notice may be hand-delivered, sent by mail, or published in the official newspaper of the city. In order to validly authorize a sign under this section, the notice must:

(1) contain a reference to or copy of this section;

(2) describe with specificity the portion of the street that is or will be under construction;

(3) contain estimated commencement and completion dates for the construction; and

(4) contain a statement that no sign may be erected or maintained on a premise:

(A) more than five days before the estimated construction commencement date stated in the notice; or

(B) more than five days after the estimated construction completion date stated in the notice.

(e) Time period when sign authorized. This section only authorizes signs to be placed on property adjacent to that portion of a street described in the notice given pursuant to Subsection (d) during the time period beginning five days before the estimated construction commencement date stated in the notice and ending five days after the estimated construction completion date stated in the notice. No sign may be erected or maintained on a premise:

(1) more than five days before the estimated construction commencement date stated in the notice; or

(2) more than five days after the estimated construction completion date stated in the notice.

The director may change the time period for erecting and maintaining signs under this section at any time by giving a new notice in accordance with Subsection (d).

(f) Physical requirements for sign. All signs must comply with the following paragraphs:

(1) No more than two signs may be erected on a premise. No more than one sign may be erected at any motor vehicle entrance to a premise.

(2) No setback is required for a sign; however, no sign may be located in a public right-of-way. If a sign is placed in a visibility triangle as defined in Section 51A-4.602(d), it shall be a defense to prosecution under that section that the sign does not constitute a traffic hazard.

(3) The sign must be visible from and oriented towards the street under construction and have an arrow that directs motorists to a motor vehicle entrance to the premise.

(4) The sign must be a square, with dimensions of four feet by four feet. It must have a three-inch border of white reflective sheeting or paint and a reflective blue background. The text of the sign must consist of reflective white characters. (Note: It is intended that the requirements of this paragraph be strictly and precisely complied with.)

(5) No sign may exceed eight feet in height.

(6) No sign may be a portable sign unless the director determines that the sign does not constitute a safety hazard.

(g) Criminal responsibility. If a sign violates this section and is not otherwise authorized under the Dallas City Code, a person is criminally responsible for a sign unlawfully erected or maintained if the person:

(1) erects or maintains the sign;

(2) is an owner or operator of a use or business to which the sign refers; or

- (3) owns part or all of the land on which the sign is located.

(h) City may remove signs. The City of Dallas may remove any sign without liability if the director determines that the sign constitutes a safety hazard, or if the sign does not comply with this section; however, the city shall not be liable for failure to remove a sign. (Ord. Nos. 24348; 25047; 25918)

SEC. 51A-7.1721. ATTACHED SIGNS ON MACHINERY OR EQUIPMENT.

Words may be attached to machinery or equipment which is necessary or customary to a business, including but not limited to devices such as gasoline pumps, vending machines, ice machines, etc., provided that the words so attached refer exclusively to products or services dispensed by the device, consist of characters no more than four inches in height, and project no more than one inch from the surface of the device. (Ord. Nos. 24348; 25918)

SEC. 51A-7.1722. DISTRICT IDENTIFICATION SIGNS.

- (a) District identification signs may only identify the name or logo of this district.
- (b) No sign may exceed ~~two~~ three words or be a changeable message sign.
- (c) These signs are in addition to all other signs permitted on a premise and are subject to the following regulations:

(1) In Subdistrict A, district identification signs are not permitted in addition to the other signs authorized on a premise. Any sign in Subdistrict A that identifies the name or logo of this district must meet the regulations for attached or detached signs in Subdistrict A, and the sign will be included in the calculation of the number of permitted signs on a premise.

(2) In Subdistricts B and D, district identification signs must be flat attached signs, monument signs, ~~or banners attached to pole supports, or enhanced banner signs.~~ A maximum of three flat attached or monument signs are permitted. Banners are not limited in number. If the sign is a flat attached sign, the sign may not have an effective area greater than 900 square feet. If the sign is a monument sign, the sign may not exceed 10 feet in height or have an effective area greater than 150 square feet. If the sign is a banner, the banner and its hardware must:

- ~~_____ (A) meet the sign construction and design standards contained in the Dallas Building Code;~~
- ~~_____ (B) be at least 12 feet but no more than 25 feet above grade;~~
- ~~_____ (C) not project more than three feet from the pole on which it is mounted;~~
- ~~_____ (D) not exceed 50 square feet in effective area; and~~
- ~~_____ (E) be made out of weather resistant and rust proof material.~~

(A) Attached and detached signs. In Subdistrict B, maximum of three flat attached signs or monument signs are permitted. In Subdistrict D, a maximum of two monument signs are permitted. The maximum effective area for a flat attached sign is 900 square feet. The maximum effective area for a monument sign is 150 square feet and the sign may not exceed 10 feet in height

(B) Banners attached to pole supports. No maximum number of banners attached to pole supports. The following additional restrictions apply:

(i) Banners and hardware must meet the sign construction and design standards contained in the Dallas Building Code and be constructed of weather-resistant and rust-proof material.

(ii) Maximum height, including masts and finials, is 36 feet.

(iii) Banners must be between 12 feet and 30 feet above grade, excluding masts and finials.

(iv) Maximum projection for banners is three feet from the pole on which it is mounted.

(v) Maximum effective area for individual banners is 50 square feet.

(C) Enhanced banner signs.

(i) In addition to the banners and elements allowed in Subparagraph B, enhanced banner signs may have one each of the following elements located between 12 feet and 30 feet above grade:

(aa) A vertically oriented illuminated blade cabinet that contains the logo or name of the district with a maximum effective area of 40 square feet with a maximum projection of three feet from the pole on which it is mounted.

CPC recommended:

<u>(bb) A horizontal element that contains the logo or name of the district with a maximum effective area for the logo or name of the district of 10 square feet and a maximum projection of six feet from the pole on which it is mounted.</u>

Staff recommended:

<u>(bb) A horizontal element that contains the logo or name of the district with a maximum effective area of 10 square feet and a maximum projection of three feet from the pole on which it is mounted.</u>
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(ii) A maximum of one enhanced banner sign is allowed per blockface. Enhanced banner signs are limited to the following locations:

(aa) The southwest corner of North Houston Street and Olive Street;

(bb) The southwest corner of Victory Park Lane and Olive Street;

(cc) The southwest corner of North Houston Street and Museum Way;

(dd) The northeast corner of Victory Park Lane and High Market Street;

(ee) The northeast corner of North Houston Street and High Market Street;

(ff) The northwest corner of Victory Park Lane and High Market Street;

(gg) The northwest corner of North Houston Street and Lamar Street;

(hh) The southeast corner of Victory Avenue and Olive Street; and

(ii) The southeast corner of Victory Avenue and High Market Street.

(3) In Subdistrict C, the only district identification signs permitted are one monument sign and banners attached to pole supports. If the sign is a monument sign, the sign may not exceed 10 feet in height or have an effective area greater than 150 square feet. If the sign is a banner, the banner and its hardware must:

(A) meet the sign construction and design standards contained in the Dallas Building Code;

(B) be at least 12 feet but no more than 25 feet above grade;

(C) not project more than three feet from the pole on which it is mounted;

(D) not exceed 50 square feet in effective area; and

(E) be made out of weather-resistant and rust-proof material.

~~(4) In Subdistrict D, district identification signs must be monument signs or banners attached to pole supports. A maximum of two monument signs are permitted. Banners are not limited in number. If the sign is a monument sign, the sign may not exceed 10 feet in~~

~~height or 150 square feet in effective area. If the sign is a banner, the banner and its hardware must:~~

~~_____ (A) meet the sign construction and design standards contained in the Dallas Building Code;~~

~~_____ (B) be at least 12 feet but no more than 25 feet above grade;~~

~~_____ (C) not project more than three feet from the pole on which it is mounted;~~

~~_____ (D) not exceed 50 square feet in effective area; and~~

~~_____ (E) be made out of weather resistant and rust proof material. (Ord. Nos. 24348; 25918)~~

SEC. 51A-7.1723. DETACHED SIGNS IN ACCESS EASEMENTS.

(a) No more than 10 permanent, non-premise detached signs may be located in access easements in this district.

(b) No permanent sign in an access easement may exceed five words or be a changeable message sign.

(c) These signs may only identify district activities. (Ord. Nos. 24348; 25918)

SEC. 51A-7.1724. STREAMERS, PENNANTS, AND INFLATABLE SIGNS PROHIBITED.

Streamers, pennants, and inflatable signs, including, but not limited to, balloons, are prohibited in this district. (Ord. Nos. 24348; 25918)

SEC. 51A-7.1725. GENERAL PROVISIONS FOR ALL SIGNS.

Unless otherwise stated, the following general rules apply to all signs in this district.

(1) All signs must comply with Divisions 51A-7.500, 51A-7.600, 51A-7.800, and 51A-7.1700. No other division of Article VII applies to a sign in this district.

(2) There are no setback requirements for a sign in this district.

(3) All signs in this district must be premise signs or convey a noncommercial message.

(4) No sign may be painted onto the roof of a building, and no flat attached sign is permitted on the roof of a building.

(5) No illuminated sign that has an effective area of 400 square feet or less may have a luminance greater than 300 footlamberts, nor may any such sign have a luminance greater than 300 footlamberts for any portion of the sign within a circle two feet in diameter. No illuminated sign which has an effective area greater than 400 square feet may have a luminance greater than 200 footlamberts, nor may any such sign have a luminance greater than 200 footlamberts for any portion of the sign within a circle of two feet in diameter. The measurements of luminance are taken from any other premise or from any public right-of-way other than an alley. This subsection does not apply to signs authorized by Subsections 51A-7.1727(c), (d) or (i).

(6) No illuminated sign nor any illuminated element of any sign may turn on or off, or change its brightness, if:

(A) the change of illumination produces an apparent motion of the visual image, including but not limited to illusion of moving objects, moving patterns or bands of light, expanding or contracting shapes, rotation or any similar effect of animation;

(B) the change of message or picture occurs more often than once each three seconds for those portions of a sign which convey time or temperature, or once each 20 seconds for all other portions of a sign; or

(C) a portion of the sign, within a circle of two feet in diameter, has a luminance greater than 200 footlamberts when all elements of the sign are fully and steadily illuminated.

This subsection does not apply to signs authorized by Subsections 51A-7.1727(c), (d) or (i).

(7) No sign or any part of any sign may move or rotate at a rate more often than once each 10 seconds, or change its message at a rate more often than once each 20 seconds, with the exception of wind devices, the motion of which is not restricted. This subsection does not apply to signs authorized by Subsections 51A-7.1727(c), (d) or (i), unless the sign is visible from the main traveled way of an expressway.

(8) No sign may move, rotate, or change its message at any rate if any of its elements or any illuminated portion within a two-foot circle has a luminance greater than 200 footlamberts. This subsection does not apply to signs authorized by Subsections 51A-7.1727(c), (d) or (i).

CPC recommendation:

(9) Attached premise signs that use 51 percent or more neon characters are allowed a 10 percent increase in effective area.

Staff recommendation:

No change.

SEC. 51A-7.1726. SIGN REGULATIONS FOR SUBDISTRICT A (THE ENTERTAINMENT COMPLEX SUBDISTRICT).

(a) Movement and illumination provisions for all signs.

(1) Signs visible from the main traveled way of an expressway. For signs containing a message that is visible from the main traveled way of an expressway, the regulations of Section 51A-7.1725 apply.

(2) All other signs. For all other signs, the regulations of Section 51A-7.1725 apply except for the provisions of Section 51A-7.1725 (6), (7), and (8).

(3) Luminance.

(A) For purposes of applying Section 51A-7.1725 (5), (6), and (8), the measurements of luminance are taken from any premise or public right-of-way, other than an alley, outside this district.

(B) Luminance limitations related to measurements taken within a circle of two feet in diameter under Section 51A-7.1725 (5), (6), and (8) do not apply in this subdistrict.

(4) Changeable message sign greater than 1,000 square feet facing an entertainment complex plaza. The provisions of Section 51A-7.1725 (5), (6), (7), and (8) do not apply to a changeable message sign greater than 1,000 square feet in effective area located on the facade of a building facing the entertainment complex plaza.

(b) Permanent attached signs. The only permanent attached signs permitted in this subdistrict are signs provided for in this subsection.

(1) Number of permitted signs.

(A) There is no limitation on the number of premise and non-premise attached signs that may be placed on a facade of a building.

(B) Except as otherwise provided, there is no limitation on the number of changeable message signs 1,000 square feet in effective area and less, including marquee signs, that may be placed on a facade of a building. The facade of a building that has a changeable message sign greater than 1,000 square feet in effective area may not have additional changeable message signs greater than 100 square feet in effective area on the same facade.

(C) No more than 13 roof signs are permitted in this subdistrict.

(2) Number of words or characters.

(A) Except for roof signs, there is no limit as to the number of words or characters that may be placed on an attached sign.

(B) The painted roof sign permitted on an entertainment complex may contain 10 words. For all other roof signs, no more than three characters or symbols are permitted for each sign.

(3) Premise and non-premise signs.

(A) All roof signs in this subdistrict must be premise signs.

(B) All other signs in this subdistrict may be premise or non-premise signs.

(4) Effective area limitations for certain attached signs.

(A) The maximum effective area of a changeable message sign is 1,000 square feet, except:

(i) A marquee sign.

(ii) One changeable message sign with a maximum effective area of 1,500 square feet on the facade of a building facing the entertainment complex plaza.

(B) The maximum effective area of a marquee sign is 250 square feet.

(C) The maximum effective area of an awning or canopy sign is 150 square feet.

(D) The maximum effective area of the painted roof sign on an entertainment complex is 8,500 square feet. For purposes of calculating the maximum effective area of this painted roof sign, the building official shall draw a minimum imaginary rectangle of vertical and horizontal lines around all extremities of the sign. The area within the minimum imaginary rectangle is the effective area of the roof sign.

(E) With the exception of the one painted roof sign permitted on an entertainment complex, there is no maximum effective area for a roof sign.

(F) The maximum effective area for all other projecting attached signs is 20 square feet.

(5) Cumulative effective area limitations for all attached signs. The cumulative effective area of permanent non-premise attached signs on a building facade may not exceed 10 percent of the total area of the facade on which the signs are located. The cumulative effective area of all permanent attached signs on the facade may not exceed 30 percent of the total area of the facade.

(6) Spacing of attached non-premise signs. HBA signs on a facade must be spaced a minimum of 50 feet from all HBA signs on another facade. There are no spacing requirements for HBA signs on the same facade.

(7) Signs overhanging or projecting into the public right-of-way.

(A) Attached signs overhanging the public right-of-way are permitted as long as each sign is a minimum of 10 feet above the sidewalk grade.

(B) No portion of a marquee sign may:

- (i) project more than eight feet into the public right-of-way; or
- (ii) be located less than two feet from the back of a street curb.

(C) For all other projecting attached signs, no portion of the signs may:

- (i) project more than four feet into the public right-of-way; or
- (ii) be located less than two feet from the back of the street curb.

(8) Roof signs.

(A) No roof sign may project above the surface to which it is attached by more than 25 feet.

(B) One flat attached roof sign is permitted on an entertainment complex if it is: (1) painted directly on the roof of the entertainment complex, and (2) not visible within 400 feet of the boundary of Subdistrict A. The sign is deemed visible if any portion of that sign can be seen at a point five feet above grade.

(C) All other roof signs in this subdistrict must be mounted parallel to the building facade.

(D) No roof sign may be a changeable message sign.

(9) Parapet signs. Parapet signs are prohibited in this subdistrict.

(10) No limitation on projecting attached signs. Projecting attached signs are permitted on premises with detached signs.

(11) District activities and non-premise signs. A minimum of 30 percent of the effective area of an attached non-premise sign must identify district activities.

(12) Signs projecting over the roof line. Except for a roof sign, no attached sign may project over a building.

(13) Location limitation on projecting attached signs. Except for a roof sign, no portion of a projecting attached sign may be located at a point on the facade above 66 feet in height.

(c) Permanent detached signs.

(1) The only permanent detached signs permitted in this subdistrict are movement control and vent stack signs.

(2) A detached sign may only be located on a vent stack if:

(A) the sign face does not exceed 15 feet in height; and

(B) the sign does not exceed 100 square feet in effective area.

(3) Only one sign may be located on a vent stack, and no more than 16 vent stack signs are permitted in this subdistrict.

(4) Signs located on vent stacks may be non-premise signs. Twelve of the 16 permitted signs may only identify district activities.

(d) Temporary signs. The only temporary signs permitted in this subdistrict are special purpose signs, temporary protective signs, temporary signs on construction fencing, and "for sale," "for lease," "remodeling," and "under construction" signs. These temporary signs are in addition to all other signs permitted in this ordinance.

(e) Special purpose signs.

(1) Illumination. Special purpose signs may be externally illuminated, and, except for banners, may be internally illuminated or "back-lighted."

(2) Premise special purpose signs.

(A) Attached premise special purpose signs.

(i) Entertainment complex. On an entertainment complex, there is no limit on the number or size of attached premise special purpose signs. No sign may be maintained for more than 45 days in any given twelve-month period.

(ii) All other uses. An occupancy may have one attached premise special purpose sign up to four times within any twelve-month period as long as the sign:

(aa) is displayed for no more than 45 days each time during the twelve-month period; and

(bb) has no more than 10 words that contain any character equal to or exceeding four inches in height.

(B) Detached premise special purpose signs. No detached premise special purpose sign is permitted in this subdistrict.

(3) Non-premise special purpose signs.

(A) In general. Non-premise special purpose signs are permitted subject to the following regulations:

(i) Except as provided in Subparagraph (A)(ii) below, non-premise special purpose signs may only display promotional and welcome messages

(ii) Up to 10 percent of the effective area of a non-premise special purpose sign may contain commercial advertisement. The name of the event or activity identified in a promotional message is not considered commercial advertisement even if the event or activity is named after the sponsor.

(iii) A non-premise special purpose sign may not be erected more than 30 days before the beginning of the advertised activity or event, and must be removed no later than 10 days after the activity or event has ended.

(iv) The sign hardware for a banner may be left in place between displays of a banner.

(B) Attached non-premise special purpose signs.

(i) Entertainment complex. The only attached non-premise special purpose signs permitted on an entertainment complex are banners. Banners may be displayed anywhere on the entertainment complex without limit on their number or size.

(ii) All other uses. For all other uses, attached non-premise special purpose signs are prohibited.

(C) Detached non-premise special purpose signs. No detached non-premise special purpose sign is permitted in this subdistrict.

(f) Other temporary signs.

(1) Temporary protective signs. In addition to the other protective signs permitted under Section 51A-7.1718, temporary protective signs may be erected anywhere on a construction site at anytime during construction. There is no limit on the number of these signs, but no sign may exceed 20 square feet in effective area or eight feet in height. Temporary protective signs may be illuminated, but no lighting source may project more than three inches from the vertical surface of, or six inches above the top of, the sign. All temporary protective signs must be removed upon completion of the construction.

(2) Temporary signs on construction fencing. Temporary signs may be erected on construction fencing subject to the following provisions:

(A) The signs must be spaced at least 50 feet apart.

(B) No sign may exceed 128 square feet in effective area or eight feet in height.

(C) No sign may project more than three inches from the vertical surface of, or six inches above the top of, the fence.

(D) The signs may be illuminated.

(E) The signs may only identify the project under construction and its owners, developers, future tenants, lenders, architects, engineers, project consultants, and contractors.

(F) The signs must be removed upon completion of the construction.

(3) "For Sale," "For Lease," "Remodeling," and "Under Construction" signs. Signs that relate exclusively to the sale, lease, construction, or remodeling of the premises on which they are located are permitted. There is no limit to the number of attached signs permitted. Detached signs are limited to one for each 100 feet of frontage on a public street or private access easement. If attached to a window, the maximum effective area of the sign is 16 square feet; if attached to other portions of a facade, the maximum effective area is 32 square feet. No detached sign may exceed 128 square feet in effective area or 16 feet in height. (Ord. Nos. 24348; 25918; 26552)

SEC. 51A-7.1727. SIGN REGULATIONS FOR SUBDISTRICT B (RETAIL AND ENTERTAINMENT SUBDISTRICT).

(a) Movement and illumination provisions for all signs.

(1) Signs visible from the main traveled way of an expressway. For signs containing a message that is visible from the main traveled way of an expressway, the regulations of Section 51A-7.1725 apply.

(2) All other signs. For all other signs, the regulations of Section 51A-7.1725 apply except for the provisions of Section 51A-7.1725 (6), (7), and (8). The provisions of Subsections 51A-7.1725 (5), (6), (7), and (8) do not apply to the signs authorized by Subsections 51A-7.1727 (c), (d), and (i).

(3) Luminance.

(A) For purposes of applying Section 51A-7.1725(5), (6), and (8), the measurements of luminance are taken from any premise or public right-of-way, other than an alley, outside this district. The measurement of luminance taken within a circle of two feet in diameter under Section 51A- 7.1725(5), (6), and (8) does not apply in this subdistrict.

(B) The luminance limitations Section 51A-7.1725(5), (6), and (8) do not apply to signs authorized by Subsections 51A-7.1727(c), (d) or (i).

(b) Permanent attached signs. The only permanent attached signs permitted in this subdistrict are signs provided for in this subsection and Subsections (c) and (d). The restrictions on signs in this subsection do not apply to the signs authorized in Subsections (c) and (d) below.

(1) Number of permitted signs.

CPC recommended:

<p>(A) <u>For each facade, each</u> Each premise or non-residential occupancy is entitled to one marquee sign and one additional attached per facade. The one additional attached sign may not be a changeable message sign.</p> <p>(i) <u>one projecting attached sign;</u></p> <p>(ii) <u>one marquee, canopy sign, or an awning; and</u></p> <p>(iii) <u>one additional attached sign and may not be a changeable message sign.</u></p> <p>(B) <u>In addition to the two three signs permitted in Subparagraph (A), each premise is entitled to two changeable message signs, other than marquee signs. A theater may have a maximum of one changeable message premise signs for each theater screen other than marquee signs.</u></p>
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Staff recommended:

<p>(A) <u>For each facade, each</u> Each premise or non-residential occupancy is entitled to <u>allowed</u> one marquee sign, canopy sign, or awning sign, and one additional attached sign per facade. The one additional attached sign may not be a changeable message sign.</p> <p>(B) <u>Except as provided in this subparagraph, i</u>[I]<u>n addition to the two signs permitted in Subparagraph (A), each premise is entitled to two changeable message signs, other than marquee signs. A theater may have one changeable message sign for each theater screen other than marquee signs.</u></p>
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(C) Four flat attached non-premise signs are permitted in this subdistrict. These signs are not in addition to the number of signs permitted on a premise. Only one non-premise sign is permitted on a facade. A maximum of two of the four attached non-premise signs may be changeable message signs.

(D) No more than two roof signs are permitted in this subdistrict. Only one roof sign is permitted per building.

(E) In no event may the total number of signs on a premise or nonresidential occupancy exceed the number of signs permitted under Subparagraphs (A) and (B).

CPC recommended:

(F) Window signs are limited to premise signs but do not count against the maximum number of permanent attached signs. Window signs are limited to the first and second floor of a building and may not cover more than 25 percent of any window.

staff recommended:

(F) Window signs. This subsection applies only to window signs as defined in Section 51A-7.1704.

(i) Window signs are limited to premise signs.

(ii) No character on these signs may exceed 12 inches in height.

(iii) The maximum amount of window area that may be utilized as sign space varies depending on the location of the window as follows:

<u>Window Location</u>	<u>Maximum Window Coverage Allowed</u>
<u>First Story</u>	<u>8 sq. ft. or 15 percent, whichever is less</u>
<u>Second Story</u>	<u>10 sq. ft. or 20 percent, whichever is less</u>
<u>Third Story</u>	<u>12 sq. ft. or 25 percent, whichever is less</u>

(iv) No establishment may have more than four window signs.

(v) Hanging neon signs are allowed if their transformers are concealed from normal view.

(vi) Opaque painted backgrounds on windows are prohibited.

(2) Number of words or characters.

(A) Except for marquee and changeable message signs, no person may erect a sign that contains more than 10 words consisting of any characters of a height equal to or exceeding four inches on any building facade. Words consisting of characters less than four inches in height may be used without limit.

(B) There is no limit as to the number of words containing characters of a height equal to or exceeding four inches on a marquee or other changeable message sign.

(3) Premise and non-premise signs. Except for the four attached non-premise signs permitted in Subsection (b)(1), all attached permanent signs in this subdistrict must be premise signs or convey a noncommercial message.

(4) Effective area limitations for certain attached signs.

(A) With the exception of a marquee sign, the maximum effective area of a changeable message sign is 1,000 square feet.

(B) The maximum effective area of a marquee sign is 250 square feet.

(C) The maximum effective area of an awning or canopy sign is 150 square feet.

(D) There is no maximum effective area for a parapet sign.

(E) The maximum effective area for a roof sign is 800 square feet.

(F) The maximum effective area for all other projecting attached signs is 250 square feet.

(5) Effective area limitation for non-premise attached signs. Except as further restricted in Subsection (b)(4)(A), the effective area of a permanent non-premise attached sign on a building facade may not exceed 50 percent of the area of the portion of the facade below 66 feet in height.

(6) Cumulative effective area limitations for all attached signs. Cumulative effective area of all permanent attached signs on a building facade may not exceed 50 percent of the total area of the facade.

(7) Spacing of attached non-premise signs. HBA signs must be spaced at least 250 feet apart.

(8) Signs overhanging or projecting into the public right-of-way.

(A) Attached signs overhanging the public right-of-way are permitted as long as each sign is a minimum of 10 feet above the sidewalk grade.

(B) No portion of a marquee sign may be located less than 2.5 feet from the back of a street curb.

(C) For all other projecting attached signs, no portion of the signs may:

(i) project more than eight feet into the public right-of-way; or

(ii) be located less than two feet from the back of the street curb.

(9) Parapet signs. Parapet signs are permitted as follows:

(A) Except as provided in Subparagraph (B), no parapet sign may project more than four feet above the edge of the roof, regardless of whether the sign is erected on a parapet wall or the roof's edge.

(B) Six parapet signs in this district may project up to 10 feet above the edge of the roof if no parts of the signs are located at a height above 100 feet, measured from the grade of the buildings on which the signs are attached.

(10) Roof signs. Roof signs are permitted as follows:

(A) No part of a roof sign may be located at a height above 100 feet, measured from the grade of the building on which the sign is attached.

(B) The sign support for a roof sign must consist of open, exposed metal framing. The metal must be painted or coated, or be composed of a material that will not rust or corrode.

(C) A roof sign must be erected on the main roof of the building.

(D) No roof sign may project above the roof more than one-third of the building height.

(E) A roof sign must be mounted parallel to the nearest facade of the building.

(F) No roof sign may be a changeable message sign.

(11) No limitation on projecting attached signs. Projecting attached signs are permitted on premises with detached signs.

(12) Location limitation on non-premise signs. No portion of a non-premise sign may be located at a point on the facade above 66 feet in height.

(13) District activities and non-premise signs. A minimum of 30 percent of the effective area of an attached non-premise sign must identify district activities.

(14) Signs projecting over the roof line. A projecting, attached sign, other than a roof or parapet sign, may project up to a maximum of 10 feet above a building. No changeable message or attached non-premise sign may project above a building.

(15) Location limitation on projecting attached signs. Except for a roof or parapet sign, no portion of a projecting attached sign may be located at a point on the facade above 66 feet in height.

(16) Location limitation on changeable message signs. No portion of a changeable message sign may be located at a point on the facade above 66 feet in height.

(c) Additional signs in Subarea B-1.

(1) In general. The non-premise signs described in this subsection are permitted in Subarea B-1 subject to the following restrictions.

- (A) The signs may not be HBA signs.
- (B) The signs are permitted on premises with detached signs.
- (C) The signs are in addition to all other signs permitted on a premise.

(2) Icon Tower Signs. A maximum of three projecting attached changeable message signs are permitted on an architectural element (such as a tower) that is part of a building adjacent to the western edge of an entertainment complex plaza, subject to the following restrictions:

- (A) The signs may not be HBA signs.
- (B) Each sign may not exceed ~~895~~ 1,200 square feet in effective area.
- (C) The signs may not be located more than 150 feet above the base of the building to which the architectural element is attached.
- (D) The signs may not project above the architectural element to which they are attached.
- (E) The signs may project outward from the architectural element to which they are attached.
- (F) All of the signs must be located on the same architectural element.

(3) Icon Tower Static Signs. A maximum of ~~three-five~~ projecting attached signs are permitted on an architectural element (such as a tower) that is part of a building adjacent to the western edge of an entertainment complex plaza, subject to the following restrictions:

- (A) The signs may not be HBA signs.
- (B) Each sign may not exceed ~~240~~ 144 square feet in effective area.
- (C) The signs may not be located more than 170 feet above the base of the building to which the architectural element is attached.
- (D) The signs may project above the architectural element to which they are attached.
- (E) The signs may project outward from the architectural element to which they are attached.

(F) All of the signs must be located on the same architectural element.

~~(G) The signs must be mounted above an icon tower sign.~~

~~(H)~~ The signs are subject to the limitations on the number of words or characters in Subsection (b)(2) above.

(4) Media Wall Signs. A maximum of eight projecting attached changeable message signs are permitted on a facade facing an entertainment complex plaza, subject to the following restrictions:

(A) The signs may not be HBA signs.

(B) Each sign may not exceed 967 square feet in effective area.

(C) The signs may move along the structural framing to which they are attached and converge to form one or more screens that exceed 967 square feet in effective area.

(D) The signs may not be located more than 85 feet above the base of the building to which the signs are attached.

(E) The signs may project outward from the structural framing or building to which they are attached.

(F) The signs may not project above the building to which they are attached.

(G) No facade may have more than ~~four~~ five media wall signs.

(H) The signs may be attached to the exterior structural framing of the building or the building itself.

(5) Portal Sign. One projecting attached changeable message sign is permitted on a building adjacent to the eastern edge of an entertainment complex plaza, subject to the following restrictions:

(A) The sign may not be an HBA sign.

(B) The sign may not exceed 2,135 square feet in effective area.

(C) The sign may not be located more than 85 feet above the base of the building to which the sign is attached.

(D) The sign must be oriented to the south, southeast, or east.

(E) The sign may be attached to one or more facades, so that it wraps around the building.

(F) The sign may be attached to the exterior structural framing of the building or the building itself.

(G) The sign may project outward from the structural framing or building to which it is attached.

(H) The sign may not project above the building to which it is attached.

(6) Ticker Sign. One Two projecting attached changeable message signs is are permitted on an architectural element that is part of a building adjacent to the eastern or western edge of an entertainment complex plaza, subject to the following restrictions:

(A) The sign may not be an HBA sign.

(B) The sign may not exceed 1,000 square feet in effective area.

(C) The sign may not be located more than 40 feet above the base of the building to which the architectural element is attached.

(D) Except as provided in Subparagraph (E), t~~[T]~~he sign may be attached to ~~one or more~~ a maximum of two facades, so that it wraps around the building as long as the signs meets the orientation requirement in (E).

(E) The sign must be oriented to the southwest, south, southeast, or east primarily oriented towards the entertainment complex plaza or may be oriented to face Olive Street.

(F) The sign may not project above the building to which the architectural element is attached.

(G) The sign may project outward from the architectural element to which it is attached.

(7) Building accent lighting sign. Facades facing the entertainment complex plaza may have building accent lighting consisting of LED or similar technology that changes colors or brightness. All messages are limited to images, symbols, logos, or words that are associated with district activities.

(d) Additional sign in Subarea B-2: Hotel Spectacular Sign. One non-premise flat attached changeable message sign is permitted on an architectural element that is part of a building in Subarea B-2, subject to the following restrictions:

(1) The sign may not be an HBA sign.

- (2) The sign is permitted on a premise with detached signs.
- (3) The sign is in addition to all other signs permitted on a premise.
- (4) The sign may not exceed 1,680 square feet in effective area.
- (5) The sign may not be located more than 170 feet above the base of the building to which the architectural element is attached.
- (6) The sign may not project above the building to which it is attached.
- (7) The sign may project outward from the building or architectural element to which it is attached.
- (8) The sign must be oriented to the north, northwest, or west.
- (9) The sign may be attached to one or more facades, so that it wraps around the building.
- (10) If a portion of the sign is static, the static portion is subject to the restrictions on the number of words or characters in Subsection (b)(2) above.

(d.1) Additional signs in Subarea B-3: Parking structure screening signs.

- (1) Visual display and coverage.
 - (A) A parking structure screening sign must have a minimum of 80 percent non-textual graphic content. The maximum effective area of text may not exceed 20 percent.
 - (i) Multiple displays giving an appearance of multiple signs are prohibited.
 - (ii) The effective area of text is the sum of the areas within minimum imaginary rectangles of vertical and horizontal lines, each of which fully contains a word.
 - (B) A parking structure screening sign must be at least 10 feet above adjacent average grade.
 - (C) A parking structure screening sign may be internally or externally illuminated. If internally illuminated, a parking structure screening sign may consist of translucent materials, but not transparent materials. Illumination must be turned off between 1:00 a.m. and 7:00 a.m. Monday through Friday and 2:00 a.m. and 8:00 a.m. on Saturday and Sunday.

(D) Minimum permitted effective area of a parking structure screening sign is 750 square feet.

(2) Location and construction.

(A) A parking structure screening sign may only be located on a blank wall face or on the facade of a parking structure facing north, west, or south.

(B) If located on a parking structure, the parking structure must comply with the Dallas Building Code parking structure ventilation requirements.

(C) No parking structure screening sign may cover any window or architectural or design feature of the building to which it is attached.

(D) A parking structure screening sign may wrap around the edge of a building if both building facades to which the parking structure screening sign is attached are otherwise eligible facades and the parking structure screening sign is one continuous image.

(E) All hardware fasteners for a parking structure screening sign must comply with the Dallas Building Code and all other ordinances, rules, and regulations of the City of Dallas.

(F) No parking structure screening sign may be a Highway Beautification Act (HBA) sign as defined in Section 51A-7.102.

(e) Permanent detached signs. The only permanent detached signs permitted in this subdistrict are signs provided for in this subsection.

(1) Kiosks. Kiosks are permitted subject to the following regulations:

(A) No more than 20 kiosks are permitted in this district.

(B) Kiosks within the same block face and within 20 feet of the right-of-way line of a public street must be spaced at least 50 feet apart.

(C) No kiosk may be illuminated by a detached independent external light source.

(D) Kiosks may not be located on sidewalks unless a minimum unobstructed sidewalk width of 10 feet is maintained. If, however, a greater unobstructed sidewalk is required in the ordinance establishing Planned Development District No. 582, then that greater unobstructed sidewalk width requirement must be maintained.

(E) Kiosks must be securely anchored to the ground.

(F) No kiosk may exceed ten feet in height, measured from the ground at the base of the kiosk, or 100 square feet in effective area.

(G) Kiosks may display premise or non-premise signs. If the sign displayed is a non-premise non-changeable message sign or a non-premise non-digital changeable message sign, 30 percent of the effective area of the sign must identify a district activity. If the sign displayed is a non-premise digital changeable message sign, the sign must identify a district activity 30 percent of the time measured on a 24-hour basis.

(2) Monument signs. Each premise fronting on a public street or private access easement may have one monument sign. Premises that have more than 250 feet of frontage along a public street or private access easement, other than an alley, may have not more than one additional monument sign for each additional 250 feet of frontage or fraction thereof. No monument sign may exceed 250 square feet in effective area or 10 feet in height.

(3) Water tower sign. One non-premise sign is permitted on a water tower in this subdistrict subject to the following regulations:

- (A) The sign is limited to two words.
- (B) The sign may only identify the name or logo of this district.
- (C) The sign may not exceed 110 feet in height.
- (D) The sign must be painted on the water tower.

(4) All other detached signs. The following additional detached signs are permitted:

(A) Non-premise detached signs may be located in private access easements. No such sign may exceed 30 feet in height or have a sign face that exceeds six feet in height. Each such sign must have a minimum clearance of 14 feet above the ground. Signs permitted under this subparagraph must be spaced at least 250 feet apart.

(B) The owner or operator of a surface parking lot may erect one non-premise detached sign for each vehicular entrance to the parking lot, and one additional non-premise detached sign for each 40,000 square feet of parking surface. Signs permitted under this subparagraph:

Staff recommended:

No change.

(i) may not exceed 20 square feet in effective area or 20 feet in height;

CPC recommended:

(i) may not exceed 20 30 square feet in effective area or 20 feet in height;

(ii) must be spaced at least 100 feet apart; and

(iii) must be located at least five feet from the lot line or public right-of-way line, whichever creates the greater setback.

A minimum of 30 percent of the effective area of each sign must identify a district activity.

(C) Two additional non-premise detached signs are permitted in this subdistrict subject to the following provisions:

(i) No sign may exceed 66 feet in height, measured from the ground at the base of the sign.

(ii) No sign may exceed 1,500 square feet in effective area.

(iii) The signs must be spaced 400 feet from each other and if the sign is an HBA sign, it must be spaced 100 feet from any detached HBA sign.

(iv) No sign may be nearer than five feet to the lot line or public right-of-way line, whichever creates the greater setback.

(v) No sign may exceed one foot in width for every three feet in height, measured from the ground at the base of the sign.

(vi) The signs must consist of individual panels. Messages may only be displayed on the individual panels. Each panel must be separated from the others by at least one foot of air space, and, except as otherwise provided, no single panel may have an effective area that exceeds 250 square feet. One panel of a sign may have an effective area of up to 500 square feet if: (aa) the panel is an electronic changeable message panel, and (bb) the message displayed on the panel only identifies district activities.

(vii) A minimum of 50 percent of the cumulative effective area of each sign must identify district activities.

(D) One additional non-premise detached sign is permitted in this subdistrict subject to the following provisions:

(i) The sign may not exceed 30 feet in height, measured from the ground at the base of the sign.

(ii) The sign may not exceed 600 square feet in effective area.

(iii) If the sign is an HBA sign, the sign must be spaced at least 200 feet from any other detached HBA sign.

(iv) The sign may not be nearer than five feet to the lot line or public right-of-way line, whichever creates the greater setback.

(v) The sign must be located on the same premise as an entertainment complex use.

(vi) A minimum of 70 percent of the sign's effective area must identify district activities.

(5) Vent stack signs prohibited. Except as provided in this paragraph, no~~No~~ sign may be located on a vent stack. In Subarea B-2, a monument sign or monument district identification sign may be located on a vent stack.

(f) Temporary signs. The only temporary signs permitted in this subdistrict are special purpose signs, temporary protective signs, temporary signs on construction fencing, and "for sale," "for lease," "remodeling," and "under construction" signs. These temporary signs are in addition to all other signs permitted in this ordinance.

(g) Special purpose signs.

(1) Illumination. Special purpose signs may be externally illuminated, and, except for banners, may be internally illuminated or "back-lighted."

(2) Premise special purpose signs.

(A) Attached premise special purpose signs.

(i) In general. An occupancy may have one attached premise special purpose sign up to four times within any twelve-month period as long as the sign:

(aa) is displayed for no more than 45 days each time during the twelve-month period; and

(bb) has no more than 10 words that contain any character equal to or exceeding four inches in height.

(ii) Entertainment complex plaza. There is no limit on the number of attached premise special purpose signs that may be erected on the facade of a building facing and adjacent to an entertainment complex plaza. No attached premise special purpose sign may be maintained for more than 45 days in any given twelve-month period.

(B) Detached premise special purpose signs.

(i) An occupancy may have a detached premise special purpose sign no more than three times each calendar year for no more than 38 consecutive days each time. No detached premise special purpose sign may be erected at an occupancy during the 30-day period immediately following the removal of a detached premise special purpose sign from that occupancy.

(ii) Detached premise special purpose signs must:

(aa)be located at least 100 feet apart;

(bb)not exceed eight feet in height; and

(cc)not exceed 50 square feet in effective area.

(iii)No more than one detached premise special purpose sign may be erected on each street or private access easement that the premise fronts on.

(4)Non-premise special purpose signs.

(A)In general. Non-premise special purpose signs are permitted subject to the following regulations:

(i)Except as provided in Subparagraph (A)(ii) below, non-premise special purpose signs may only display promotional and welcome messages.

(ii)Up to 10 percent of the effective area of a non-premise special purpose sign may contain commercial advertisement. The name of the event or activity identified in a promotional message is not considered commercial advertisement even if the event or activity is named after the sponsor.

(iii)A non-premise special purpose sign may not be erected more than 30 days before the beginning of the advertised activity or event, and must be removed no later than 10 days after the activity or event has ended.

(iv)The sign hardware for a banner may be left in place between displays of a banner.

(B)Attached non-premise special purpose signs.

(i)The only attached non-premise special purpose signs permitted in this subdistrict are banners.

(ii)Banners may be displayed on the facade of a building that is adjacent to an entertainment complex plaza, except that no portion of a banner may be located on the facade at a point above 66 feet in height. There is no limit on the number or size of these banners.

(iii)Banners may also be displayed on the facades of buildings that are not adjacent to an entertainment complex plaza, except that no portion of a banner may be located on the facade at a point above 36 feet in height. No banner may exceed 200 square feet in effective area, and all banners must be spaced at least 100 feet apart.

(C)Detached non-premise special purpose signs. The only detached non-premise special purpose signs permitted in this subdistrict are as follows:

(i)Banners on street light poles. Banners are permitted on street light poles as long as the banners and their hardware:

(aa)Meet the sign construction and design standards contained in the Dallas Building Code;

(bb)are at least 12 feet above grade, unless they overhang a roadway, in which case they must be at least 15 feet above grade;

(cc)do not project more than three feet from the pole on which they are mounted;

(dd)do not exceed 50 square feet in effective area; and

(ee)are made out of weather-resistant and rustproof material.

(ii)Other banners crossing the public way. Banners may be displayed over and across the public way. No portion of a banner may be located more than 35 feet above grade, or less than 14 feet above any street, sidewalk, or other pedestrian area. The height of a sign face may not exceed six feet. All banners must be spaced at least 100 feet apart.

(iii)Other signs located in the right-of-way. Signs may be displayed on any public sidewalk or other public pedestrian area if an unobstructed 10-foot sidewalk or pedestrian walkway area is maintained. No sign may exceed an effective area of 50 square feet, or a height of 10 feet. No more than one sign is permitted per blockface.

(h)Other temporary signs.

(1)Temporary protective signs. In addition to the other protective signs permitted under Section 51A-7.1718, temporary protective signs may be erected anywhere on a construction site at anytime during construction. There is no limit on the number of these signs, but no sign may exceed 20 square feet in effective area or eight feet in height. Temporary protective signs may be illuminated, but no lighting source may project more than three inches from the vertical surface of, or six inches above the top of, the sign. All temporary protective signs must be removed upon completion of the construction.

(2)Temporary signs on construction fencing. Temporary signs may be erected on construction fencing subject to the following provisions:

(A)The signs must be spaced at least 50 feet apart.

(B)No sign may exceed 128 square feet in effective area or eight feet in height.

(C)No sign may project more than three inches from the vertical surface of, or six inches above the top of, the fence.

(D)The signs may be illuminated.

(E)The signs may only identify the project under construction and its owners, developers, future tenants, lenders, architects, engineers, project consultants, and contractors.

(F)The signs must be removed upon completion of the construction.

(3)"For Sale," "For Lease," "Remodeling," and "Under Construction" signs. Signs that relate exclusively to the sale, lease, construction, or remodeling of the premises on which they are located are permitted. There is no limit to the number of attached signs permitted. Detached signs are limited to one for each 100 feet of frontage on a public street or private access easement. If attached to a window, the maximum effective area of the sign is 16 square feet; if attached to other portions of a facade, the maximum effective area is 32 square feet. No detached sign may exceed 128 square feet in effective area or 16 feet in height.

(i)Illuminated Projection Signs. A maximum of five non-premise signs created by the projection of light onto an entertainment complex plaza adjacent to an entertainment complex are permitted. The projection of light may originate from a premise other than the premise upon which the light is cast. These illuminated projection signs are in addition to all other signs permitted on a premise. The signs may not be HBA signs. (Ord. Nos. 24348; 25918)

SEC. 51A-7.1728.SIGN REGULATIONS FOR SUBDISTRICT C (EXPRESSWAY ADJACENCY SUBDISTRICT).

(a)Permanent attached signs. The only permanent attached signs permitted in this subdistrict are signs provided for in this subsection.

(1)Number of permitted signs.

(A)Each premise or non-residential occupancy is entitled to one attached sign per facade.

(B)In addition to the signs permitted in Subparagraph (A), the following flat attached non-premise signs are permitted on expressway-facing facades in this subdistrict:

(i)On three expressway-facing facades, two non-premise signs with a maximum number of 10 words each, regardless of the size of any character in the word, are permitted. No sign may exceed 672 square feet in effective area or be a changeable message sign. One of the two signs on each facade is limited to advertising district activities.

(ii)In lieu of one of the three facades permitted attached non-premise signs in Subparagraph (i) above and one 1,500-square-foot detached non-premise sign permitted in Subsection (b) of this section, one expressway-facing facade may have an unlimited number of non-premise signs. The cumulative effective area of all non-premise signs on that facade,

however, may not exceed 22 percent of the area of the building facade below 66 feet in height. There is no limit on the number of words permitted on a sign. Only one marquee sign and one other changeable message sign, not to exceed 500 square feet in effective area, are permitted on that facade. These signs are limited to advertising district activities.

(iii) For purposes of calculating the maximum effective area of a non-premise attached sign in this subdistrict, the building official shall draw a minimum imaginary rectangle of vertical and horizontal lines around all extremities of the attached non-premise sign. The area within the minimum imaginary rectangle is the effective area of the sign.

(2) Number of words or characters generally.

(A) Except as otherwise provided in this paragraph or in Paragraph (1), no person may erect a sign which contains more than 10 words consisting of any characters of a height equal to or exceeding four inches on any building facade. Words consisting of characters less than four inches in height may be used without limit.

(B) There is no limit as to the number of words containing characters of a height equal to or exceeding four inches on a marquee or other changeable message sign.

(3) Premise and non-premise signs. Except for the attached non-premise signs permitted in Paragraph (1), all attached permanent signs in this subdistrict must be premise signs or convey a noncommercial message.

(4) Effective area limitations for certain attached signs.

(A) Except as provided in Subsection (a)(1)(B)(ii) of this section or as further restricted below, the maximum effective area of a changeable message sign is 1,000 square feet.

(B) The maximum effective area of a marquee sign is 250 square feet.

(C) The maximum effective area of an awning or canopy sign is 150 square feet.

(D) There is no maximum effective area for a parapet sign.

(E) The maximum effective area for all other projecting attached signs is 20 square feet.

(5) Cumulative effective area limitations for all attached signs.

(A) Except as provided in Subparagraph (B), the cumulative effective area of all permanent attached signs on an expressway-facing facade may not exceed 22 percent of the total area of the facade.

(B)The cumulative effective area of all permanent attached signs on the expressway-facing facade that is permitted to have an unlimited number of non-premise attached signs pursuant to Subsection (a)(1)(B)(ii) may not exceed 32 percent of the total area of the facade.

(C)The cumulative effective area of all permanent attached signs on a facade that does not face an expressway may not exceed 20 percent of the total area of the facade.

(6)Spacing of attached non-premise signs. HBA signs on a facade must be spaced a minimum of 1000 feet from all HBA signs on another facade. There are no spacing requirements for HBA signs on the same facade.

(7)Signs overhanging or projecting into the public right-of-way.

(A)Attached signs overhanging the public right-of-way are permitted as long as each sign is a minimum of 10 feet above the sidewalk grade.

(B)No portion of a marquee sign may:

(i)project more than eight feet into the public right-of-way; or

(ii)be located less than two feet from the back of a street curb.

(C)For all other projecting attached signs, no portion of the signs may:

(i)project more than four feet into the public right-of-way; or

(ii)be located less than two feet from the back of the street curb.

(8)Parapet signs. Parapet signs are permitted in this subdistrict. No parapet sign may project more than four feet above the edge of the roof, regardless of whether the sign is attached to a parapet wall or the roof's edge.

(9)Roof signs. Roof signs are prohibited in this subdistrict.

(10)No limitation on projecting attached signs. Projecting attached signs are permitted on premises with detached signs.

(11)Limitations on changeable message signs.

(A)A premise is entitled to only one marquee sign per facade, except that one additional marquee sign is permitted on that facade if the width of the facade is more than 300 feet.

(B)A premise is entitled to two additional changeable message signs per facade as long as the signs are not marquee signs.

(C)No portion of a changeable message sign may be located at a point on the facade above 66 feet in height.

(12)Location limitation on projecting attached signs. Except for a parapet sign, no portion of a projecting attached sign may be located at a point on the facade above 66 feet in height.

(13)Location limitation on non-premise signs. No portion of a non-premise sign may be located at a point on the facade above 66 feet in height.

(14)Signs projecting over the roof line. Except for a parapet sign, no attached sign may project over a building.

(b)Permanent detached signs. The only permanent detached signs permitted in this subdistrict are signs provided for in this subsection.

(1)Kiosks. Kiosks are permitted subject to the following regulations:

(A)No more than 20 kiosks are permitted in this district.

(B)Kiosks within the same block face and within 20 feet of the right-of-way line of a public street must be spaced at least 50 feet apart.

(C)No kiosk may be illuminated by a detached, independent external light source.

(D)Kiosks may not be located on sidewalks unless a minimum unobstructed sidewalk width of 10 feet is maintained. If, however, a greater unobstructed sidewalk is as required in the ordinance establishing Planned Development District No. 582, then that greater unobstructed sidewalk width requirement must be maintained.

(E)Kiosks must be securely anchored to the ground.

(F)No kiosk may exceed ten feet in height, measured from the ground at the base of the kiosk, or 100 square feet in effective area.

(G)Kiosks may display premise or non- premise signs. If the sign displayed is a non-premise non- changeable message sign or a non-premise non-digital changeable message sign, 30 percent of the effective area of the sign must identify a district activity. If the sign displayed is a non-premise digital changeable message sign, the sign must identify a district activity 30 percent of the time measured on a 24-hour basis.

(2)Monument signs. Each premise fronting on a public street or private access easement may have one monument sign. Premises which have more than 250 feet of frontage along a public street or private access easement, other than an alley, may have not more than one

additional monument sign for each additional 250 feet of frontage or fraction thereof. No monument sign may exceed 250 square feet in effective area or 10 feet in height.

(3)All other detached signs. The following additional detached signs are permitted:

(A)Non-premise detached signs may be located in private access easements. No such sign may exceed 30 feet in height or have a sign face that exceeds six feet in height. Each such sign must have a minimum clearance of 14 feet above the ground. Signs permitted under this subparagraph must be spaced at least 250 feet apart.

(B)The owner or operator of a surface parking lot may erect one non-premise detached sign for each vehicular entrance to the parking lot, and one additional premise or non-premise detached sign for each 40,000 square feet of parking surface. Signs permitted under this subparagraph:

(i)may not exceed 20 square feet in effective area or 20 feet in height;

(ii)must be spaced at least 100 feet apart; and

(iii)must be located at least five feet from the lot line or public right-of-way line, whichever creates the greater setback. A minimum of 30 percent of the effective area of each sign must identify a district activity.

(C)Two additional non-premise detached signs are permitted in this subdistrict subject to the following provisions:

(i)No sign may exceed 66 feet in height, measured from the ground at the base of the sign.

(ii)No sign may exceed 1,500 square feet in effective area.

(iii)The signs must be spaced at least 1,500 feet from each other and at least 100 feet from any detached HBA sign.

(iv)No sign may be nearer than five feet to the lot line or public right-of-way line, whichever creates the greater setback.

(v)No sign may exceed one foot in width for every three feet in height, measured from the ground at the base of the sign.

(vi)The signs must consist of individual panels. Messages may only be displayed on the individual panels. Each panel must be separated from the others by at least one foot of air space, and except as otherwise provided, no single panel may have an effective area that exceeds 250 square feet. One panel of a sign may have an effective area of up

to 500 square feet if: (aa) the panel is an electronic changeable message panel, and (bb) the message displayed on the panel only identifies district activities.

(vii) A minimum of 50 percent of the cumulative effective area of each sign must identify district activities.

(4) Vent stack signs prohibited. No sign may be located on a vent stack in this subdistrict.

(c) Temporary signs. The only temporary signs permitted in this subdistrict are special purpose signs, temporary protective signs, temporary signs on construction fencing, and "for sale," "for lease," "remodeling," and "under construction" signs. These temporary signs are in addition to all other signs permitted in this ordinance.

(d) Special purpose signs.

(1) Illumination. Special purpose signs may be externally illuminated, and, except for banners, may be internally illuminated or "back-lighted."

(2) Premise special purpose signs.

(A) Attached premise special purpose signs. An occupancy may have one attached premise special purpose sign up to four times within any twelve-month period as long as the sign:

(i) is displayed for no more than 45 days each time during the twelve-month period; and

(ii) has no more than 10 words that contain any character equal to or exceeding four inches in height.

(B) Detached premise special purpose signs.

(i) An occupancy may have a detached premise special purpose sign no more than three times each calendar year for no more than 38 consecutive days each time. No detached premise special purpose sign may be erected at an occupancy during the 30-day period immediately following the removal of a detached premise special purpose sign from that occupancy.

(ii) Detached premise special purpose signs must:

(aa) be located at least 100 feet apart;

(bb) not exceed eight feet in height; and

(cc) not exceed 50 square feet in effective area.

(iii) No more than one detached premise special purpose sign may be erected on each street or private access easement that the premise fronts on.

(4) Non-premise special purpose signs.

(A) In general. Non-premise special purpose signs are permitted subject to the following regulations:

(i) Except as provided below, non-premise special purpose signs may only display promotional and welcome messages.

(ii) Up to 10 percent of the effective area of a non-premise special purpose sign may contain commercial advertisement. The name of the event or activity identified in a promotional message is not considered commercial advertisement even if the event or activity is named after the sponsor.

(iii) A non-premise special purpose sign may not be erected more than 30 days before the beginning of the advertised activity or event, and must be removed no later than 10 days after the activity or event has ended.

(iv) The sign hardware for a banner may be left in place between displays of a banner.

(B) Attached non-premise special purpose signs. Attached non-premise special purpose signs are prohibited in this subdistrict.

(C) Detached non-premise special purpose signs. The only detached non-premise special purpose signs permitted in this subdistrict are as follows:

(i) Banners on street light poles. Banners are permitted on street light poles as long as the banners and their hardware:

(aa) meet the sign construction and design standards contained in the Dallas Building Code;

(bb) are at least 12 feet above grade, unless they overhang a roadway, in which case they must be at least 15 feet above grade;

(cc) do not project more than three feet from the pole on which they are mounted;

(dd) do not exceed 50 square feet in effective area; and

(ee) are made out of weather-resistant and rustproof material.

(ii)Other banners crossing the public way. Banners may be displayed over and across the public way. No portion of a banner may be located more than 35 feet above grade, or less than 14 feet above any street, sidewalk, or other pedestrian area. The height of a sign face may not exceed six feet. All banners must be spaced at least 100 feet apart.

(e)Other temporary signs.

(1)Temporary protective signs. In addition to the other protective signs permitted under Section 51A-7.1718, temporary protective signs may be erected anywhere on a construction site at anytime during construction. There is no limit on the number of these signs, but no sign may exceed 20 square feet in effective area or eight feet in height. Temporary protective signs may be illuminated, but no lighting source may project more than three inches from the vertical surface of, or six inches above the top of, the sign. All temporary protective signs must be removed upon completion of the construction.

(2)Temporary signs on construction fencing. Temporary signs may be erected on construction fencing subject to the following provisions:

(A)The signs must be spaced at least 50 feet apart.

(B)No sign may exceed 128 square feet in effective area or eight feet in height.

(C)No sign may project more than three inches from the vertical surface of, or six inches above the top of, the fence.

(D)The signs may be illuminated.

(E)The signs may only identify the project under construction and its owners, developers, future tenants, lenders, architects, engineers, project consultants, and contractors.

(F)The signs must be removed upon completion of the construction.

(3)"For Sale," "For Lease," "Remodeling," and "Under Construction" signs. Signs that relate exclusively to the sale, lease, construction, or remodeling of the premises on which they are located are permitted. There is no limit to the number of attached signs permitted. Detached signs are limited to one for each 100 feet of frontage on a public street or private access easement. If attached to a window, the maximum effective area of the sign is 16 square feet; if attached to other portions of a facade, the maximum effective area is 32 square feet. No detached sign may exceed 128 square feet in effective area or 16 feet in height. (Ord. Nos. 24348; 25918)

SEC. 51A-7.1729.SIGN REGULATIONS FOR SUBDISTRICT D (OFFICE AND RESIDENTIAL SUBDISTRICT).

(a)Permanent attached signs. The only permanent attached signs permitted in this subdistrict are signs provided for in this subsection.

(1)Number of permitted signs. Each premise or non-residential occupancy is entitled to one attached sign per facade.

(2)Number of words or characters.

(A)Except as otherwise provided in this paragraph, no person may erect a sign which contains more than 10 words consisting of any characters of a height equal to or exceeding four inches on any building facade. Words consisting of characters less than four inches in height may be used without limit.

(B)There is no limit as to the number of words containing characters of a height equal to or exceeding four inches on a marquee or other changeable message sign.

CPC recommended:

(C)No more than six words are permitted at a point on the facade above ~~36~~ 66 feet in height.

Staff recommended:

No change.
(C)No more than six words are permitted at a point on the facade above 36 feet in height.

(3)Premise and non-premise signs. All attached permanent signs in this subdistrict must be premise signs or convey a noncommercial message.

(4)Effective area limitations for certain attached signs.

(A)With the exception of a marquee sign, the maximum effective area of a changeable message sign is 1,000 square feet.

(B)The maximum effective area of a marquee sign is 250 square feet.

CPC recommended:

(C) The maximum effective area of an awning or canopy sign is ~~150~~ 250 square feet.
(D) There is no maximum effective area for a parapet sign.
(E) The maximum effective area for all other projecting attached signs is ~~20~~ 250 square feet.

(5) Cumulative effective area limitations for all attached signs. The cumulative effective area of all permanent attached signs on a facade may not exceed 10 percent

of the building facade on which the signs are located. No more than 50 percent of the maximum effective area may be located at a point on the facade above ~~66~~ [36] feet in height.

Staff recommended:

No change.

(C)The maximum effective area of an awning or canopy sign is 150 square feet.

(D)There is no maximum effective area for a parapet sign.

(E)The maximum effective area for all other projecting attached signs is 20 square feet.

(5)Cumulative effective area limitations for all attached signs. The cumulative effective area of all permanent attached signs on a facade may not exceed 10 percent of the building facade on which the signs are located. No more than 50 percent of the maximum effective area may be located at a point on the facade above 36 feet in height.

(6) Signs overhanging or projecting into the public right-of-way.

(A) Attached signs overhanging the public right-of-way are permitted as long as each sign is a minimum of 10 feet above the sidewalk grade.

(B) No portion of a marquee sign may:

(i) project more than eight feet into the public right-of-way; or

(ii) be located less than two feet from the back of a street curb.

(C) For all other projecting attached signs, no portion of the signs may:

(i) project more than four feet into the public right-of-way; or

(ii) be located less than two feet from the back of the street curb.

(7) Parapet signs. Parapet signs are permitted in this subdistrict. No parapet sign may project more than four feet above the edge of the roof, regardless of whether the sign is attached to a parapet wall or the roof's edge.

(8) Roof signs. Roof signs are prohibited in this subdistrict.

(9) No limitation on projecting attached signs. Projecting attached signs are permitted on premises with detached signs.

(10) Limitation on changeable message signs.

(A) A premise is entitled to only one marquee sign per facade, except that one additional marquee sign is permitted on that facade if the width of the facade is more than 300 feet.

(B) A premise is entitled to two additional changeable message signs per facade as long as the signs are not marquee signs.

CPC recommended:

<p>(C) No portion of a changeable message sign is permitted at a point on the facade above 66 [36] feet in height.</p> <p>(11) <u>Location limitations</u>. Only two facades per building may have a sign or portion of a sign at a point on the facade above 66 [36] feet in height.</p> <p>(12) <u>Signs projecting over the roof line</u>. Except for a parapet sign, no attached sign may project over a building.</p> <p>(13) <u>Location limitation on projecting attached signs</u>. Except for a parapet sign, no portion of a projecting attached sign may be located at a point on the facade above 66 [36] feet in height.</p>
--

Staff recommended:

No change.

(b) Permanent detached signs. The only permanent detached signs permitted in this subdistrict are signs provided for in this subsection.

(1) Kiosks. Kiosks are permitted subject to the following regulations:

(A) No more than 20 kiosks are permitted in this district.

(B) Kiosks within the same block face and within 20 feet of the right-of-way line of a public street must be spaced at least 50 feet apart.

(C) No kiosk may be illuminated by a detached independent external light source.

(D) Kiosks may not be located on sidewalks unless a minimum unobstructed sidewalk width of 10 feet is maintained. If, however, a greater unobstructed sidewalk is required in the ordinance establishing Planned Development District No. 582 width requirement must be maintained.

(E) Kiosks must be securely anchored to the ground.

(F) No kiosk may exceed ten feet in height, measured from the ground at the base of the kiosk, or 100 square feet in effective area.

(G) Kiosks may display premise or non-premise signs. If the sign displayed is a non-premise non- changeable message sign or a non-premise non-digital changeable message sign, 30 percent of the effective area of the sign must identify a district activity. If the sign displayed is a non-premise digital changeable message sign, the sign must identify a district activity 30 percent of the time measured on a 24-hour basis.

(2) Monument signs. Each premise fronting on a public street or private access easement may have one monument sign. Premises which have more than 250 feet of frontage along a public street or private access easement, other than an alley, may have not more than one additional monument sign for each additional 250 feet of frontage or fraction thereof. No monument sign may exceed 250 square feet in effective area or 10 feet in height.

(3) All other detached signs. The following additional detached signs are permitted:

(A) Non-premise detached signs may be located in private access easements. No such sign may exceed 30 feet in height or have a sign face that exceeds six feet in height. Each such sign must have a minimum clearance of 14 feet above the ground. Signs permitted under this subparagraph must be spaced at least 250 feet apart.

(B) The owner or operator of a surface parking lot may erect one non-premise detached sign for each vehicular entrance to the parking lot, and one additional non-premise detached sign for each 40,000 square feet of parking surface. Signs permitted under this subparagraph:

CPC recommended:

(i) may not exceed 20 30 square feet in effective area or 20 feet in height;

Staff recommended:

No change.

(ii) must be spaced at least 100 feet apart; and

(iii) must be located at least five feet from the lot line or public right-of-way line, whichever creates the greater setback.

A minimum of 30 percent of the effective area of each sign must identify a district activity.

(4) Vent stack signs prohibited. No sign may be located on a vent stack in this subdistrict.

(c) Temporary signs. The only temporary signs permitted in this subdistrict are special purpose signs, temporary protective signs, temporary signs on construction fencing, and "for sale," "for lease," "remodeling," and "under construction" signs. These temporary signs are in addition to all other signs permitted in this ordinance.

(d) Special purpose signs.

(1) Illumination. Special purpose signs may be externally illuminated, and, except for banners, may be internally illuminated or "back-lighted."

(2) Premise special purpose signs.

(A) Attached premise special purpose signs. An occupancy may have one attached premise special purpose sign up to four times within any twelve-month period as long as the sign:

(i) is displayed for no more than 45 days each time during the twelve-month period; and

(ii) has no more than 10 words that contain any character equal to or exceeding four inches in height.

(B) Detached premise special purpose signs.

(i) An occupancy may have a detached premise special purpose sign no more than three times each calendar year for no more than 38 consecutive days each time. No detached premise special purpose sign may be erected at an occupancy during the 30-day period immediately following the removal of a detached premise special purpose sign from that occupancy.

(ii) Detached premise special purpose signs must:

(aa) be located at least 100 feet apart;

(bb) not exceed eight feet in height; and

(cc) not exceed 50 square feet in effective area.

(iii) No more than one detached premise special purpose sign may be erected on each street or private access easement that the premise fronts on.

(4) Non-premise special purpose signs.

(A) In general. Non-premise special purpose signs are permitted subject to the following regulations:

(i) Except as provided below, non-premise special purpose signs may only display promotional and welcome messages.

(ii) Up to 10 percent of the effective area of a non-premise special purpose sign may contain commercial advertisement. The name of the event or activity identified in a promotional message is not considered commercial advertisement even if the event or activity is named after the sponsor.

(iii) A non-premise special purpose sign may not be erected more than 30 days before the beginning of the advertised activity or event, and must be removed no later than 10 days after the activity or event has ended.

(iv) The sign hardware for a banner may be left in place between displays of a banner.

(B) Attached non-premise special purpose signs. Attached non-premise special purpose signs are prohibited in this subdistrict.

(C) Detached non-premise special purpose signs. The only detached non-premise special purpose signs permitted in this subdistrict are as follows:

(i) Banners on street light poles. Banners are permitted on street light poles as long as the banners and their hardware:

(aa) meet the sign construction and design standards contained in the Dallas Building Code;

(bb) are at least 12 feet above grade, unless they overhang a roadway, in which case they must be at least 15 feet above grade;

(cc) do not project more than three feet from the pole on which they are mounted;

(dd) do not exceed 50 square feet in effective area; and

(ee) are made out of weather-resistant and rustproof material.

(ii) Other banners crossing the public way. Banners may be displayed over and across the public way. No portion of a banner may be located more than 35 feet above grade, or less than 14 feet above any street, sidewalk, or other pedestrian area. The height of a sign face may not exceed six feet. All banners must be spaced at least 100 feet apart.

(d.1) Additional signs in Subarea D-1: Parking structure screening signs.

(1) Visual display and coverage.

(A) A parking structure screening sign must have a minimum of 80 percent non-textual graphic content. The maximum effective area of text may not exceed 20 percent.

(i) Multiple displays giving an appearance of multiple signs are prohibited.

(ii) The effective area of text is the sum of the areas within minimum imaginary rectangles of vertical and horizontal lines, each of which fully contains a word.

(B) A parking structure screening sign must be at least 10 feet above adjacent average grade.

(C) A parking structure screening sign may be internally or externally illuminated. If internally illuminated, a parking structure screening sign may consist of translucent materials, but not transparent materials. Illumination must be turned off between 1:00 a.m. and 7:00 a.m. Monday through Friday and 2:00 a.m. and 8:00 a.m. on Saturday and Sunday.

(D) Minimum permitted effective area of a parking structure screening sign is 750 square feet.

(2) Location and construction.

(A) A parking structure screening sign may only be located on a blank wall face or on the facade of a parking structure facing north, east, or south.

(B) If located on a parking structure, the parking structure must comply with the Dallas Building Code parking structure ventilation requirements.

(C) No parking structure screening sign may cover any window or architectural or design feature of the building to which it is attached.

(D) A parking structure screening sign may wrap around the edge of a building if both building facades to which the parking structure screening sign is attached are otherwise eligible facades and the parking structure screening sign is one continuous image.

(E) All hardware fasteners for a parking structure screening sign must comply with the Dallas Building Code and all other ordinances, rules, and regulations of the City of Dallas.

(F) No parking structure screening sign may be a Highway Beautification Act (HBA) sign as defined in Section 51A-7.102.

(e) Other temporary signs.

(1) Temporary protective signs. In addition to the other protective signs permitted under Section 51A-7.1718, temporary protective signs may be erected anywhere on a construction site at anytime during construction. There is no limit on the number of these signs, but no sign may exceed 20 square feet in effective area or eight feet in height. Temporary protective signs may be illuminated, but no lighting source may project more than three inches from the vertical surface of, or six inches above the top of, the sign. All temporary protective signs must be removed upon completion of the construction.

(2) Temporary signs on construction fencing. Temporary signs may be erected on construction fencing subject to the following provisions:

- (A) The signs must be spaced at least 50 feet apart.
- (B) No sign may exceed 128 square feet in effective area or eight feet in height.
- (C) No sign may project more than three inches from the vertical surface of, or six inches above the top of, the fence.
- (D) The signs may be illuminated.
- (E) The signs may only identify the project under construction and its owners, developers, future tenants, lenders, architects, engineers, project consultants, and contractors.
- (F) The signs must be removed upon completion of the construction.

(3) "For Sale," "For Lease," "Remodeling," and "Under Construction" signs. Signs that relate exclusively to the sale, lease, construction, or remodeling of the premises on which they are located are permitted. There is no limit to the number of attached signs permitted. Detached signs are limited to one for each 100 feet of frontage on a public street or private access easement. If attached to a window, the maximum effective area of the sign is 16 square feet; if attached to other portions of a facade, the maximum effective area is 32 square feet. No detached sign may exceed 128 square feet in effective area or 16 feet in height. (Ord. Nos. 24348; 25918)

SEC. 51A-7.1730. NON-CONFORMANCE AND BOARD OF ADJUSTMENT AUTHORITY.

(a) Purpose of section. It is the declared purpose of this division that, in time, all privately owned signs shall either conform to the provisions of this division or be removed. By the passage of this ordinance and its amendments, no presently illegal sign shall be deemed to have been legalized unless such sign complies with all current standards under the terms of this ordinance and all other ordinances of the city of Dallas. Any sign which does not conform to all provisions of this ordinance shall be a nonconforming sign if it legally existed as a conforming or nonconforming sign under prior ordinances; or an illegal sign if it did not exist as a conforming or nonconforming sign, as the case may be. It is further the intent and declared purpose of this ordinance that this division, and not the provisions of Article IV, shall exclusively govern how non-conforming signs in this district are treated. It is further the intent and declared purpose of this ordinance that no offense committed, and no liability, penalty or forfeiture, either civil or criminal, incurred prior to the time this ordinance was adopted shall be discharged or affected by such passage, but prosecutions and suits for such offenses, liabilities, penalties or forfeitures may be instituted, and causes presently pending may proceed.

(b) Removal and maintenance of certain non-conforming signs.

(1) A sign erected without a permit, either prior to or after the adoption of this division, is an illegal sign if a permit was required for its erection according to the law in effect

at the time the sign was erected. It shall be unlawful to maintain any illegal sign. It is a defense to prosecution under this subsection if the sign has been made to comply with the provisions of this division so that a permit may be issued.

(2) No person may repair a nonconforming sign if the cost of repair is more than 60 percent of the cost of erecting a new sign of the same type at the same location, unless that sign is brought into conformity with this chapter. No person may alter or repair a nonconforming sign where the effect of such repair shall be to enlarge or increase the structure of the nonconforming sign. For purposes of this section, mono-pole, metal, and wood are each an example of a "type" of sign and the term "repair" does not include maintenance or changes of words or other content on the face of a sign.

(c) Board of Adjustment authority.

(1) The board of adjustment may, in specific cases, take the following actions and authorize the following special exceptions with respect to the provisions of this division.

(2) The board of adjustment may waive any filing fee for an appeal under this division when the board finds that payment of the fee would result in substantial financial hardship to the applicant. The applicant may either pay the fee and request reimbursement as part of his appeal or request that the matter be placed on the board's miscellaneous docket for predetermination. If the matter is placed on the miscellaneous docket, the applicant may not file his appeal until the merits of the request for waiver have been determined by the board.

(3) The board of adjustment may hear and decide appeals that allege error in any order, requirement, decision, or determination made by the building inspection division in the enforcement of this division.

(4) The board of adjustment may require a nonconforming sign to be brought into immediate conformity with all current standards of all ordinances of the city, or to be removed when, from the evidence presented, the board finds the sign to be hazardous to the public or to have been abandoned by its owners.

(5) Where a permit was required for a sign's erection according to the law in effect at the time the sign was erected and where the building inspection division finds no record of a permit being issued, the board of adjustment may authorize the issuance of a replacement permit when, from the evidence presented, the board finds either that a permit was issued or that arrangements were made with a sign company to obtain the permit.

(d) Determination of non-commercial message.

(1) Findings. The city council finds that it may be necessary in the enforcement of this division to determine whether the message displayed upon a sign is a commercial message or a noncommercial message.

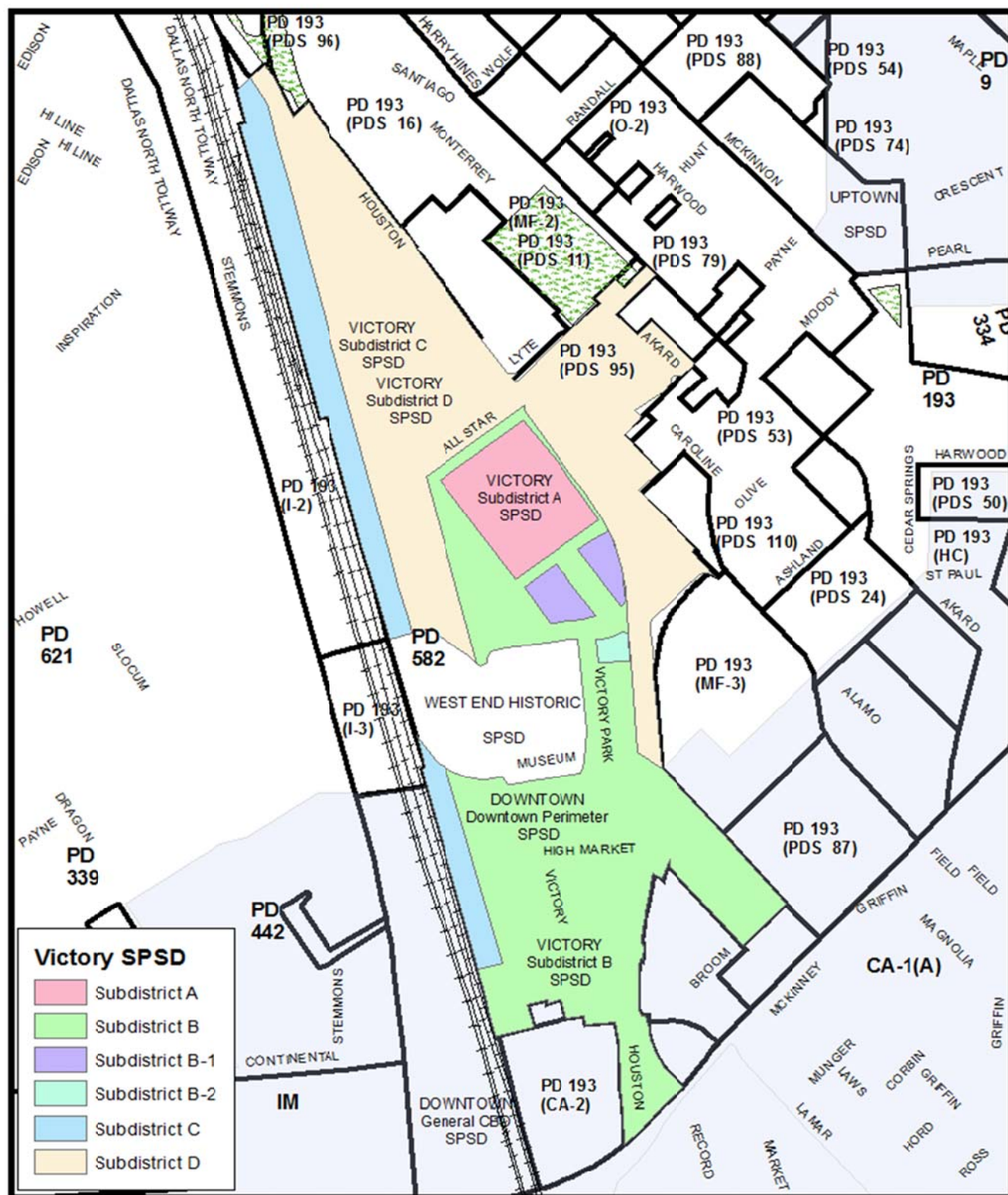
(2) Hearing. If a person receives a notice of violation or is cited for maintaining an illegal sign, and the person notifies the city attorney in writing within 10 days of receiving the

notice or citation that he believes the sign displays a noncommercial message and is, therefore, not in violation of this division, the city attorney shall postpone prosecution of the case and shall have the matter placed on the agenda of the board of adjustment for appeal under Section 51A-7.1730(c)(3) of this section. The board shall give the person maintaining the sign 10 days written notice of a public hearing on the matter. After hearing the evidence, the board shall decide whether the message displayed on the sign is commercial or noncommercial. No fee may be charged for this appeal.

(3) Judicial Review. If the board decides that the message is commercial and that the sign is illegal, the person maintaining the sign may within 10 days of the board's decision file a notice of nonacceptance of the decision with the city attorney. Within three days after receiving notice of nonacceptance, the city attorney shall initiate suit in the district court for determination that the sign is commercial and for an injunction to prohibit display of the sign in violation of this article. The city shall bear the burden of showing that the sign is commercial. In computing the three-day time period, Saturdays, Sundays, and legal holidays are excluded. (Ord. Nos. 24348; 25918)

SEC. 51A-7.1731. RELOCATION OF NON- PREMISE SIGNS PROHIBITED.

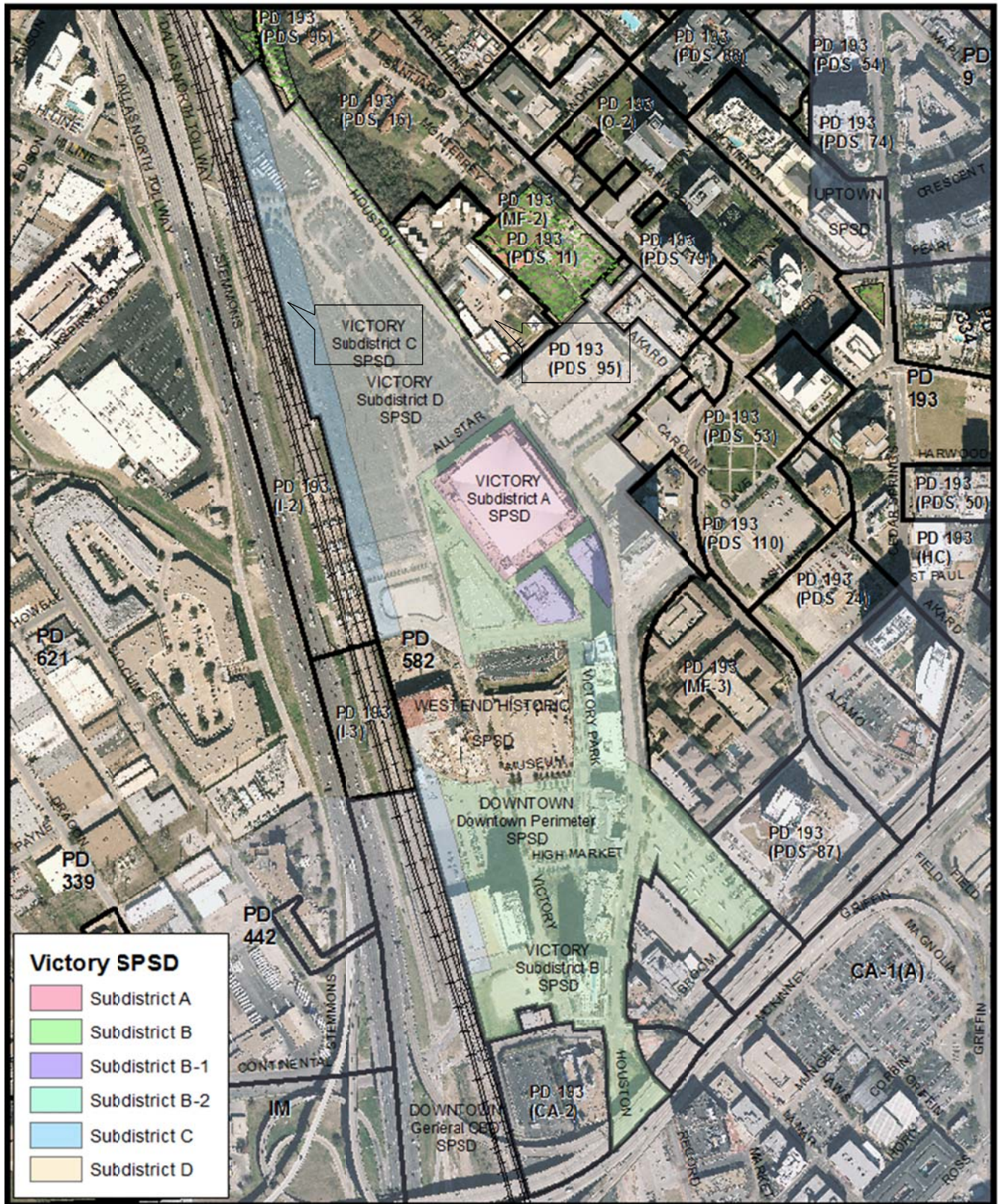
Non-premise signs located outside of this district and located on or overhanging a parcel of land owned or acquired by a governmental entity may not be relocated within this district.



Victory SPSP Existing Subdistrict Map

Dated: 10/08/2015

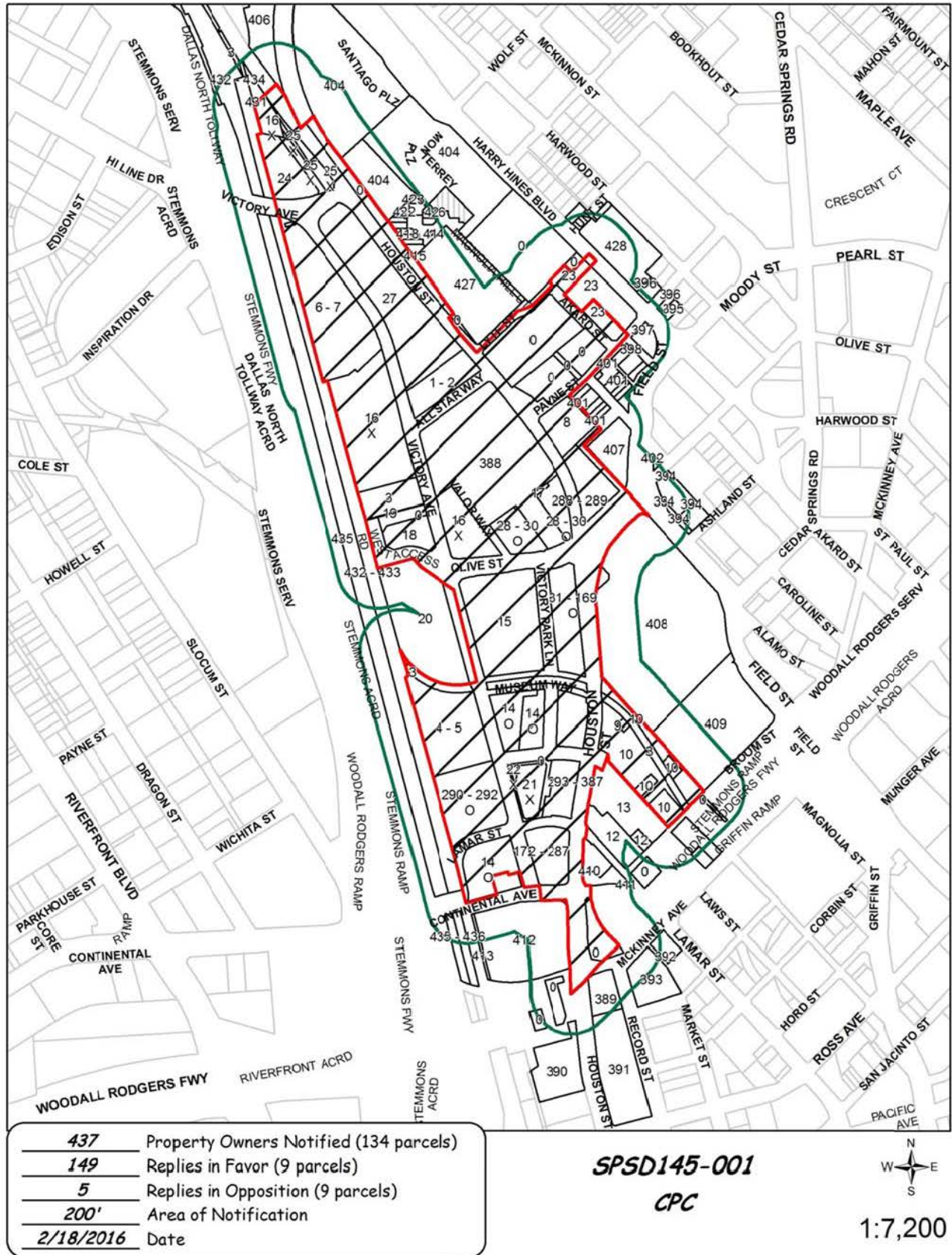
1:6,000



Aerial Map

Dated: 10/08/2015

1:6,000



02/17/2016

Reply List of Property Owners***SPSD145-001******437 Property Owners Notified******149 Property Owners in Favor******5 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	1202 FLYNN ST	ST LOUIS S W RAILWAY CO
	2	2825 ALAMO ST	ANLAND NORTH LP
	3	1112 BROOM ST	DALLAS AREA RAPID TRANSIT
	4	600 CONTINENTAL AVE	DALLAS TERM RY & UN DEPOT
	5	2371 VICTORY AVE	HICO VICTORY CENTER LP
	6	1200 FLYNN ST	ST LOUIS S W RAILWAY CO
	7	2825 ALAMO ST	ANLAND NORTH II LP
	8	2500 ALAMO ST	GUGV VICTORY PARK DALLAS PROPERTY
	9	2310 N GRIFFIN ST	MUSEUM OF NATURE AND SCIENCE
	10	2219 SUMMER ST	MUSEUM OF NATURE AND SCIENCE
	11	2200 LAWS ST	BROOMFIELD JV
	12	2200 N LAMAR ST	HOB TX LLC
	13	2320 N HOUSTON ST	SKYHOUSE DALLAS LLC
O	14	2100 VICTORY AVE	BLOCKS GKM LP
	15	2401 VICTORY PARK LN	ANLAND BLOCK D LP
X	16	3090 OLIVE ST	ANLAND NORTH COMM LP
	17	2601 ALAMO ST	VICTORY PLAZA BLDGS LP
	18	2503 VICTORY AVE	VICTORY NORTH PARKING GARAGE LLC
	19	1200 N STEMMONS FWY	VICTORY NORTH PARKING GARAGE LLC
	20	2425 VICTORY AVE	BEHRINGER HARVARD ARPEGGIO LTD
X	21	2100 VICTORY AVE	ANLAND SOUTH LP
X	22	2100 VICTORY AVE	ANLAND 2A LP
	23	1855 PAYNE ST	ALAMO-VP APARTMENTS LLC
	24	1400 ALAMO ST	ANLAND NORTH LP
X	25	1400 ALAMO ST	ANLAND NORTH LP
X	26	2825 ALAMO ST	ANLAND NORTH II LP

02/17/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	2823 N HOUSTON ST	CAMDEN PROPERTY TRUST
O	28	3090 OLIVE ST	VMN LP
O	29	3030 OLIVE ST	VPUS T PLAZA OFFICE
O	30	3030 OLIVE ST	VICTORY RETAIL I LP
O	31	2408 VICTORY PARK LN	KIM D JAYSON
O	32	2408 VICTORY PARK LN	MAYUR PPTIES LLC
O	33	2408 VICTORY PARK LN	HANEY HANK
O	34	2408 VICTORY PARK LN	CUCCURULLO JOANN &
O	35	2408 VICTORY PARK LN	DAVIS JEFF G
O	36	2408 VICTORY PARK LN	MAYUR PROP LLC
O	37	2408 VICTORY PARK LN	TAMD HOLDINGS LTD
O	38	2408 VICTORY PARK LN	CHANDRA BALU
O	39	2408 VICTORY PARK LN	MOODY JOSH
O	40	2408 VICTORY PARK LN	VPL 2408 LLC
O	41	2408 VICTORY PARK LN	ANDERSEN KAREN JEANETTE TR
O	42	2408 VICTORY PARK LN	LIBKE TODD E &
O	43	2408 VICTORY PARK LN	STECHER KEITH E &
O	44	2408 VICTORY PARK LN	BENNETT MONTGOMERY J
O	45	2408 VICTORY PARK LN	CHANDRA BALU &
O	46	2408 VICTORY PARK LN	VPL 2408 LLC
O	47	2408 VICTORY PARK LN	MILLER WILLIAM D
O	48	2408 VICTORY PARK LN	2408 VICTORY PARK UNIT 841 LLC
O	49	2408 VICTORY PARK LN	NAVAKOV DANIEL JR
O	50	2408 VICTORY PARK LN	ARIYO ADENIRAN A
O	51	2408 VICTORY PARK LN	KING DANIEL J
O	52	2408 VICTORY PARK LN	JONES MICHAEL G &
O	53	2408 VICTORY PARK LN	NOORY GEORGE R
O	54	2408 VICTORY PARK LN	BARRON JEFFERY ADAM
O	55	2408 VICTORY PARK LN	VARELA FERNANDO H
O	56	2408 VICTORY PARK LN	KICE TIFFANY & WARREN B
O	57	2408 VICTORY PARK LN	JONES MELINDA L

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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	58	2408 VICTORY PARK LN	VICTORY PARK CONDO LLC
O	59	2408 VICTORY PARK LN	ABEYTA EDWARD IV
O	60	2408 VICTORY PARK LN	LAM RAYMOND R
O	61	2408 VICTORY PARK LN	WHITEROCK CLIFF LLC
O	62	2440 VICTORY PARK LN	VPUSHT HOTEL LP
O	63	2425 N HOUSTON ST	ANLAND BLOCK C LP
O	64	2408 VICTORY PARK LN	YALAMANCHILI REKHA
O	65	2408 VICTORY PARK LN	CARR & RUSH PPTIES LLC
O	66	2408 VICTORY PARK LN	LIANG LAWRENCE WEISUI
O	67	2408 VICTORY PARK LN	CHERTKOEV GOCHA
O	68	2408 VICTORY PARK LN	DRAPKIN JEFFREY
O	69	2408 VICTORY PARK LN	MOPARTY BHAVANI
O	70	2408 VICTORY PARK LN	ELHAG ALY
O	71	2408 VICTORY PARK LN	LAWSON BRETT R
O	72	2408 VICTORY PARK LN	TIMPSON PETER MICHAEL
O	73	2408 VICTORY PARK LN	DRABLOS SCOTT & KELLY P B
O	74	2408 VICTORY PARK LN	HYDER LILI
O	75	2408 VICTORY PARK LN	WEBER KATHY
O	76	2408 VICTORY PARK LN	JACOBS RAYMOND E
O	77	2408 VICTORY PARK LN	ALLEN KATIE E &
O	78	2408 VICTORY PARK LN	JAYAPRABHU SUDHEER
O	79	2408 VICTORY PARK LN	DO TUAN ANH & THUY T L
O	80	2408 VICTORY PARK LN	PACE PATTI & DAVE
O	81	2408 VICTORY PARK LN	JPMORGAN CHASE BANK
O	82	2408 VICTORY PARK LN	SWANEY JEFF
O	83	2408 VICTORY PARK LN	BALDWIN JACK BROWNING
O	84	2408 VICTORY PARK LN	SHAMIEH RAMEZ FAYEZ
O	85	2408 VICTORY PARK LN	PETTIT JULIE
O	86	2408 VICTORY PARK LN	PRASAD MAHADEVAPPA M & SHOBA
O	87	2408 VICTORY PARK LN	HAMIDEH DEANNA J
O	88	2408 VICTORY PARK LN	W SOUTH PPTIES LLC

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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	89	2408 VICTORY PARK LN	WATSON JEFFREY B & CONNIE SMITH WATSON
O	90	2408 VICTORY PARK LN	GOLDFARB BEN A
O	91	2408 VICTORY PARK LN	IZZEDIN LEILA
O	92	2408 VICTORY PARK LN	ALSULTAN INC
O	93	2408 VICTORY PARK LN	BRESLOW STUART & SANDRA
O	94	2408 VICTORY PARK LN	WEAVER SCOTT
O	95	2408 VICTORY PARK LN	SMITH NANCY ANN
O	96	2408 VICTORY PARK LN	COOPER ANTHONY GENE
O	97	2408 VICTORY PARK LN	SHELLEY STEVEN ANDREW
O	98	2408 VICTORY PARK LN	ALBACHIARA ANTHONY & MARGUERITE J
O	99	2408 VICTORY PARK LN	JAMPANA SRINIVASA R &
O	100	2408 VICTORY PARK LN	MJB INVESTMENTS LP
O	101	2408 VICTORY PARK LN	SORENSEN LLOYD R III &
O	102	2408 VICTORY PARK LN	MUSANI SREENIVASA
O	103	2408 VICTORY PARK LN	TURNEY CHALRES A REVOCABLE TRUST.REC/M ORTUNO
O	104	2408 VICTORY PARK LN	COOPER ANTHONY GENE
O	105	2408 VICTORY PARK LN	ASTON CUSTOM HOMES
O	106	2408 VICTORY PARK LN	ASTON CUSTOM HOMES & DESIGN INC
O	107	2430 VICTORY PARK LN	SOUTHERN CAL
O	108	2430 VICTORY PARK LN	LEVINE PHILLIP
O	109	2430 VICTORY PARK LN	KNOX WILLIAM T
O	110	2430 VICTORY PARK LN	HOLLAND GARY N
O	111	2430 VICTORY PARK LN	HAYNES JAYMESON J
O	112	2430 VICTORY PARK LN	HARGRAVE SYLVIA
O	113	2430 VICTORY PARK LN	LFLP LLC
O	114	2430 VICTORY PARK LN	RAD ALLEN A
O	115	2430 VICTORY PARK LN	HILL Z HUNTER
O	116	2430 VICTORY PARK LN	JANES ARTHUR
O	117	2430 VICTORY PARK LN	JAMAL KARIM
O	118	2430 VICTORY PARK LN	DESANTIS NUNZIO M &
O	119	2430 VICTORY PARK LN	NELSON DON A TR

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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	120	2430 VICTORY PARK LN	ANDERSON MARTHA
O	121	2430 VICTORY PARK LN	JEFFS MARK
O	122	2430 VICTORY PARK LN	HARKEY JOHN D JR
O	123	2430 VICTORY PARK LN	BUXKEMPER BRUCE
O	124	2430 VICTORY PARK LN	KNOX WILLIAM T
O	125	2430 VICTORY PARK LN	ABRAMOV ALHANAN
O	126	2430 VICTORY PARK LN	EDWARDS WILLIAM D II &
O	127	2430 VICTORY PARK LN	MAAYEH MICHEL S
O	128	2430 VICTORY PARK LN	MENGE DEMETRIUS
O	129	2430 VICTORY PARK LN	GEBHART DAVID S &
O	130	2430 VICTORY PARK LN	COLLINS MAURICE P JR &
O	131	2430 VICTORY PARK LN	CHURCH AUSTIN RYAN
O	132	2430 VICTORY PARK LN	HAYNES MARTHA
O	133	2430 VICTORY PARK LN	CHANDRA NANDINI
O	134	2430 VICTORY PARK LN	SCHRYER DANIEL A
O	135	2430 VICTORY PARK LN	RAD ALLEN & CLAUDIA R FERNANDEZ
O	136	2430 VICTORY PARK LN	MCALLISTER STEVEN K
O	137	2430 VICTORY PARK LN	
O	138	2430 VICTORY PARK LN	MAAYEH MICHEL
O	139	2430 VICTORY PARK LN	JAMPANA SARAT C
O	140	2430 VICTORY PARK LN	HIRSCH STEFANIE
O	141	2430 VICTORY PARK LN	EDWARDS CAROL
O	142	2430 VICTORY PARK LN	DULOCK JEFFREY VAN
O	143	2430 VICTORY PARK LN	FAWCETT WALTER R III &
O	144	2430 VICTORY PARK LN	HAMLIN KENNETH
O	145	2430 VICTORY PARK LN	WON DOUGLAS S
O	146	2430 VICTORY PARK LN	PIERRE JEAN
O	147	2430 VICTORY PARK LN	HERDA ALAN N & JOANNE M
O	148	2430 VICTORY PARK LN	NAFAL KHALED A
O	149	2430 VICTORY PARK LN	MIXON GEORGE F III TR
O	150	2430 VICTORY PARK LN	ZENT CHARLES

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O	151	2430 VICTORY PARK LN	RAD ALLEN A
O	152	2430 VICTORY PARK LN	TRACY TODD & AMANDA
O	153	2430 VICTORY PARK LN	MAROULIS EFSTATHIOS
O	154	2430 VICTORY PARK LN	GRISHAM CHARLES KEITH & BROOKE Z
O	155	2430 VICTORY PARK LN	WYNNE JOAN J TRUST THE
O	156	2430 VICTORY PARK LN	IZZEDIN SALAH & DIANE
O	157	2430 VICTORY PARK LN	HAWAII PREMIER FAMILY LTD
O	158	2430 VICTORY PARK LN	HAWAII PREMIER FAM LP
O	159	2430 VICTORY PARK LN	BOOTH GREGORY & CAROL J
O	160	2430 VICTORY PARK LN	1420 MED LLC
O	161	2430 VICTORY PARK LN	ENCORE CONDO HOLDINGS LLC
O	162	2430 VICTORY PARK LN	SCHLEGEL ROBERT KIRBY
O	163	2430 VICTORY PARK LN	SCHLEGEL ROBERT KIRBY &
O	164	2430 VICTORY PARK LN	RSVP RESIDENCE
O	165	2430 VICTORY PARK LN	VICTORY PARK RESIDENCE TRUST
O	166	2430 VICTORY PARK LN	KIM DAE HUM & HYUN JOO
O	167	2430 VICTORY PARK LN	LOGAN CAROLYN J
O	168	2430 VICTORY PARK LN	SANKARAN VIVEK &
O	169	2430 VICTORY PARK LN	LEONARD ERIC PIERRE
O	170	2345 N HOUSTON ST	VICTORY RETAIL I LP
O	171	2345 N HOUSTON ST	VISTA DALLAS APARTMENT COMPANY LLC
	172	2211 N HOUSTON ST	2200 VICTORY LLC
	173	2200 VICTORY AVE	STEWART NEAL
	174	2200 VICTORY AVE	SCHMIDT ALEXANDER O
	175	2200 VICTORY AVE	2200 VICTORY LLC
	176	2200 VICTORY AVE	ROBINSON SHAYNE
	177	2200 VICTORY AVE	AWE ADDISON
	178	2200 VICTORY AVE	CROSBY TERENCE E & NORA
	179	2200 VICTORY AVE	DMAT HOLDINGS LLC
	180	2200 VICTORY AVE	BARAUSKY PAUL MICHAEL &
	181	2200 VICTORY AVE	HOUP T DANIEL L JR & TRACI L

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	182	2200 VICTORY AVE	BOWMAN MARK J
	183	2200 VICTORY AVE	BROWN RICHARD R &
	184	2200 VICTORY AVE	MANIKTALA RAVINDER KUMAR & SARITA
	185	2200 VICTORY AVE	TAMJI TONY
	186	2200 VICTORY AVE	AWE JENNIFER
	187	2200 VICTORY AVE	MOORE WILLIAM STANLEY &
	188	2200 VICTORY AVE	EADS LORI A
	189	2200 VICTORY AVE	GENTRY MARK
	190	2200 VICTORY AVE	SOORIYABANDARA NERAN &
	191	2200 VICTORY AVE	JOSEPH MARCUS R &
	192	2200 VICTORY AVE	HOSKINS PHILIP
	193	2200 VICTORY AVE	CHURCHWELL CHARLES STANLEY JR
	194	2200 VICTORY AVE	CHURCHWELL CHARLES STANLEY JR
	195	2200 VICTORY AVE	CROSBY FAMILY TRUST THE
	196	2200 VICTORY AVE	SHEFFIELD KIT C
	197	2200 VICTORY AVE	JOHNSON KALETA
	198	2200 VICTORY AVE	PEREZCANO OSCAR SOBERON
	199	2200 VICTORY AVE	BALUCH AMIR
	200	2200 VICTORY AVE	FINCHER NIKLAUS B &
	201	2200 VICTORY AVE	ORANGE DOME LLC
	202	2200 VICTORY AVE	SMITH KENNITH WAYNE II & GEORGEANN
	203	2200 VICTORY AVE	CURTIS WILLIAM C
	204	2200 VICTORY AVE	JONES PHILLIP J & PATRICIA D
	205	2200 VICTORY AVE	PELOSI STEVEN &
	206	2200 VICTORY AVE	VANDENDAELE CHANTAL
	207	2200 VICTORY AVE	SOKOLSKY BENJAMIN
	208	2200 VICTORY AVE	BADOVINUS FAMILY TRUST
	209	2200 VICTORY AVE	PARIKH RONAK
	210	2200 VICTORY AVE	MCKINNON ST CAPITAL THE HOUSE 1007 SERIES
	211	2200 VICTORY AVE	MCKINNON ST CAPITAL THE HOUSE 1101 SERIES
	212	2200 VICTORY AVE	GENTILE CARL & GINA

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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	213	2200 VICTORY AVE	BEST VON &
	214	2200 VICTORY AVE	LUJAN GIOVANNI M
	215	2200 VICTORY AVE	RAMIREZ GRICELDA
	216	2200 VICTORY AVE	HANCOCK JAMES ALEXANDER
	217	2200 VICTORY AVE	PEACOCK ROGER FRANKLIN &
	218	2200 VICTORY AVE	BOETTCHER CHERIE
	219	2200 VICTORY AVE	DAVID EDWARD NEIL & DEBORAH MARKL
	220	2200 VICTORY AVE	MORGAN JAMES BENNETT & CHERYL ANN
	221	2200 VICTORY AVE	KORBA FAMILY LP
	222	2200 VICTORY AVE	HUGHES GEORGE JACKSON JR
	223	2200 VICTORY AVE	CMR PARTNERS LTD
	224	2200 VICTORY AVE	GELLMAN ANDREW
	225	2200 VICTORY AVE	WHITAKER RONALD LEE
	226	2200 VICTORY AVE	POLAKOFF HARRIS
	227	2200 VICTORY AVE	DRUM FERRELL
	228	2200 VICTORY AVE	ARMIDAGRAHAM TOMAS
	229	2200 VICTORY AVE	NOWICKI DAVID
	230	2200 VICTORY AVE	GIRALDO HERNAN & CAROLINA GIRALDO
	231	2200 VICTORY AVE	BREHM DAVID & MARIE KELLY
	232	2200 VICTORY AVE	WILLIAMS MICHAEL W
	233	2200 VICTORY AVE	MILLER JAY D &
	234	2200 VICTORY AVE	ARMSTRONG SHEILA &
	235	2200 VICTORY AVE	JAYNES JEFFREY C
	236	2200 VICTORY AVE	HOLDEN STEVEN E & LAURA A
	237	2200 VICTORY AVE	SMITH HOWARD DAVID
	238	2200 VICTORY AVE	HARPER ERIC &
	239	2200 VICTORY AVE	GIRALDO HERNAN F
	240	2200 VICTORY AVE	MACK DONALD JAMES
	241	2200 VICTORY AVE	JUSTIN JAISON &
	242	2200 VICTORY AVE	YOUNG PARKER DOUGLAS &
	243	2200 VICTORY AVE	WOLFE DAVID L

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	244	2200 VICTORY AVE	MARPLE BRADLEY &
	245	2200 VICTORY AVE	KUROKAWA AKEMI
	246	2200 VICTORY AVE	VALLURUPALLI AMAR &
	247	2200 VICTORY AVE	MESENBRINK CRAIG & SAMANTHA
	248	2200 VICTORY AVE	ODOM LESTER J JR
	249	2200 VICTORY AVE	GOMEZ LUCIANA
	250	2200 VICTORY AVE	BENTON JEFFREY ICHAEAL &
	251	2200 VICTORY AVE	ALBITZ STEVEN ANDREW SR &
	252	2200 VICTORY AVE	ANGELLE TIFFANY
	253	2200 VICTORY AVE	SMITH DAVID
	254	2200 VICTORY AVE	PESQUIDOUX HUBERT DE &
	255	2200 VICTORY AVE	TALISCHI KEVIN
	256	2200 VICTORY AVE	CRANE THERESE KREIG
	257	2200 VICTORY AVE	RIDER NEAL &
	258	2200 VICTORY AVE	CASELLI CLAUDIO &
	259	2200 VICTORY AVE	STURDIVANT PATRICK &
	260	2200 VICTORY AVE	FANG XIAO EN
	261	2200 VICTORY AVE	WAN DINAH
	262	2200 VICTORY AVE	SPANGLER LARRY & MARY LIVING TRUST THE
	263	2200 VICTORY AVE	POLE PRITHVIRAJ & REKHA
	264	2200 VICTORY AVE	STURDIVANT PATRICK &
	265	2200 VICTORY AVE	WILEY ROBERT
	266	2200 VICTORY AVE	HAVENS HARLEMAN ROBERT IAN
	267	2200 VICTORY AVE	EDMONSON JAMES &
	268	2200 VICTORY AVE	ANDRADA MARISSA J
	269	2200 VICTORY AVE	ALSEDEK STEVEN
	270	2200 VICTORY AVE	HART CARTER
	271	2200 VICTORY AVE	LEVEILLER FRANK
	272	2200 VICTORY AVE	ZISMAN AVI &
	273	2200 VICTORY AVE	ZISMAN AVI & SANDRA R
	274	2200 VICTORY AVE	SANDERS E GLEN & KAREN K

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	275	2200 VICTORY AVE	ELIOTT BRYAN
	276	2200 VICTORY AVE	HELM CHASE & MICHELLE
	277	2200 VICTORY AVE	GUPTA ARISH
	278	2200 VICTORY AVE	BRETON LAURIE
	279	2200 VICTORY AVE	STEWART WILLIAM A & SUNITA M
	280	2200 VICTORY AVE	PETERSON DAVID B &
	281	2200 VICTORY AVE	BASSOUL SELIM A REVOCABLE TRUST
	282	2200 VICTORY AVE	HILL KENNETH A II
	283	2200 VICTORY AVE	HERZOG STEVEN P
	284	2200 VICTORY AVE	BRELLENTHIN JOHN
	285	2200 VICTORY AVE	YOUST LAWRENCE
	286	2200 VICTORY AVE	MATEJEK ROBERT R
	287	2200 VICTORY AVE	CHALMERS JAMES C
	288	2990 N HOUSTON ST	VICTORY RETAIL I L P
	289	2500 N HOUSTON ST	ICON TOWER LP
O	290	2323 VICTORY AVE	HH VICTORY HOLDINGS LP
O	291	2323 VICTORY AVE	VICTORY RETAIL I LP
O	292	2323 VICTORY AVE	BLOCK L LAND LP
	293	2323 N HOUSTON ST	446 INVESTMENTS LLC
	294	2323 N HOUSTON ST	LEE YONG
	295	2323 N HOUSTON ST	CORTEZ JORGE M
	296	2323 N HOUSTON ST	STOREY LYNNE
	297	2323 N HOUSTON ST	YEAP MAY FONG &
	298	2323 N HOUSTON ST	ALIBHAI RAHIM
	299	2323 N HOUSTON ST	MITCHELL BLAKE
	300	2323 N HOUSTON ST	SMITH CHARLES B
	301	2323 N HOUSTON ST	SOLOMON GERALD &
	302	2323 N HOUSTON ST	STORM CHRISTOPHER SCOTT
	303	2323 N HOUSTON ST	PARIKH NEAL B
	304	2323 N HOUSTON ST	2323 N HOUSTON LLC
	305	2323 N HOUSTON ST	JAH VENTURES LTD

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	306	2323 N HOUSTON ST	EWERT CARL F & TRISHA R
	307	2323 N HOUSTON ST	NEALY KATHY
	308	2323 N HOUSTON ST	MEIN MICHEL
	309	2323 N HOUSTON ST	MORETTI SCOTT & ANISA
	310	2323 N HOUSTON ST	REAVEY MICHAEL S JR
	311	2323 N HOUSTON ST	WAGNER WALKER J
	312	2323 N HOUSTON ST	MEDIWAKE R G
	313	2323 N HOUSTON ST	AVILAORDONEZ AGUSTIN A
	314	2323 N HOUSTON ST	KUTHOL THANAPORN & DANA ALLAN TAYLOR
	315	2323 N HOUSTON ST	HOUPPT ALISON G
	316	2323 N HOUSTON ST	AHMED RIZWAN &
	317	2323 N HOUSTON ST	BALAR NEAL R & RAMJI V
	318	2323 N HOUSTON ST	HERNANDEZ JUAN &
	319	2323 N HOUSTON ST	CJW SEPARATE PROPERTY TRUST THE
	320	2323 N HOUSTON ST	WILLMOTT BRENT L
	321	2323 N HOUSTON ST	5M REALTY LLC
	322	2323 N HOUSTON ST	UPTOWN DREAMS LLC
	323	2323 N HOUSTON ST	MONTESI MARK
	324	2323 N HOUSTON ST	ALLOJU MURALI M
	325	2323 N HOUSTON ST	YOUNG ERIN L
	326	2323 N HOUSTON ST	DEITELHOFF KATRINA
	327	2323 N HOUSTON ST	BURRELL MARTIN W
	328	2323 N HOUSTON ST	PATEL SHALIN &
	329	2323 N HOUSTON ST	TINSLEY NADINE
	330	2323 N HOUSTON ST	ALLOJU SHASHI M
	331	2323 N HOUSTON ST	WITTE JENNIFER
	332	2323 N HOUSTON ST	HAFNER FRANCIS M
	333	2323 N HOUSTON ST	DENTON ADDIE BETH
	334	2323 N HOUSTON ST	SCHWARTZ HAL E
	335	2323 N HOUSTON ST	MOLAVILLE MGMT LTD
	336	2323 N HOUSTON ST	JAGANNATHAN SURAJ & PRACHI Y SHAH

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	337	2323 N HOUSTON ST	LEIBOVITZ DENNIS I
	338	2323 N HOUSTON ST	MAITI AKASH
	339	2323 N HOUSTON ST	ALLEN MARK D
	340	2323 N HOUSTON ST	ZANGRILLI ANTHONY
	341	2323 N HOUSTON ST	STANFORD LAWRENCE S &
	342	2323 N HOUSTON ST	RUSSO WYATT G
	343	2323 N HOUSTON ST	MENON VENUGOPAL B &
	344	2323 N HOUSTON ST	UPDYKE RICKY & LEAH
	345	2323 N HOUSTON ST	HATZIKAZAKIS GEORGIA &
	346	2323 N HOUSTON ST	FRAZAR KEVIN D
	347	2323 N HOUSTON ST	CHANG QIONGYING D
	348	2323 N HOUSTON ST	PATEL DARSHANA A &
	349	2323 N HOUSTON ST	MOLAVILLE MANAGEMENT CO
	350	2323 N HOUSTON ST	DMAT INVESTMENTS LTD
	351	2323 N HOUSTON ST	JOHNSON EDDIE B
	352	2323 N HOUSTON ST	JOHNSON WILLIS ERVIN
	353	2323 N HOUSTON ST	LAMOTHE BEAU WEBSTER
	354	2323 N HOUSTON ST	ANDERSON BOBBY G & GERALDINE
	355	2323 N HOUSTON ST	MEJIA ALEJANDRO &
	356	2323 N HOUSTON ST	EQUITY TRUST COMPANY CUSTODIAN
	357	2323 N HOUSTON ST	LINK JEFFREY J
	358	2323 N HOUSTON ST	IPPOLITO DANIEL G & KORTNEY D
	359	2323 N HOUSTON ST	COLMENERO ANA
	360	2323 N HOUSTON ST	LUTHRA SANJEEV K
	361	2323 N HOUSTON ST	PATTON BENJAMIN L
	362	2323 N HOUSTON ST	HWANG LESLEY
	363	2323 N HOUSTON ST	JOESOEUF MELISSA L
	364	2323 N HOUSTON ST	YARBROUGH REVOCABLE LIVING TRUST
	365	2323 N HOUSTON ST	TOMLINSON EDWARD B II
	366	2323 N HOUSTON ST	DOWSE DAVID M &
	367	2323 N HOUSTON ST	SANDS RAMONA STARK

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368	2323	N HOUSTON ST	DEHAAS ROGIER
369	2323	N HOUSTON ST	ANKENBRAND ERIC K
370	2323	N HOUSTON ST	CHITTAJALLU RAVI S & MADURI
371	2323	N HOUSTON ST	HENSLEY SUSAN & DAVID
372	2323	N HOUSTON ST	CRISWELL BRYAN & LINDA
373	2323	N HOUSTON ST	SHREVE CRAIG D
374	2323	N HOUSTON ST	SERIES 2323 HOUSTON
375	2323	N HOUSTON ST	HICKS DAVID K &
376	2323	N HOUSTON ST	MANZORI ARASH
377	2323	N HOUSTON ST	BOTTS JASON C
378	2323	N HOUSTON ST	ZISK GROUP INC THE
379	2323	N HOUSTON ST	CHANG ROGER
380	2323	N HOUSTON ST	NGUYEN KRISTINE
381	2323	N HOUSTON ST	NOEL JONI
382	2323	N HOUSTON ST	COLLINS JOHN
383	2323	N HOUSTON ST	IN TOWN LEASING LLC
384	2323	N HOUSTON ST	NIX LAYNCE M JR
385	2323	N HOUSTON ST	THIEM CLAUDIA
386	2323	N HOUSTON ST	SCHNEIDER THOMAS A &
387	2323	N HOUSTON ST	MAITINO PAUL D & JANICE
388	2427	HOUSTON ST	CENTER OPERATING COMPANY
389	302	N HOUSTON ST	DORBET INC
390	401	N HOUSTON ST	CORDOVAN VENTURERS &
391	302	N HOUSTON ST	FAIRFIELD AT ROSS LLC
392	2019	N LAMAR ST	ARENA PARTNERS LP
393	603	MUNGER AVE	MARKET STREET DEV LTD
394	2425	CAROLINE ST	FSR LP
395	2614	HARRY HINES BLVD	PHASE VII DEVELOPMENT AT INTERNATIONAL CENTER L P
396	2616	HARRY HINES BLVD	VILLASANA RUDOLPH JR
397	2635	HARRY HINES BLVD	GREENWAY HARRY HINES LP
398	2617	N AKARD ST	HARWOOD PACIFIC INTL INC

02/17/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	399	2611 N AKARD ST	CITY PARK A LOT LP
	400	2603 N AKARD ST	HPO INC TRUSTEE
	401	1706 PAYNE ST	IC DEVELOPMENT XII LTD
	402	2510 CAROLINE ST	HARWOOD INTERNATIONAL CENTER X LP
	403	2615 CAROLINE ST	AVALOS SAMUEL III &
	404	2927 HARRY HINES BLVD	DALLAS HOUSING AUTHORITY
	405	2800 HARRY HINES BLVD	HARWOOD INTERNATIONAL CENTER XIII LP
	406	3305 HARRY HINES BLVD	ASA APARTMENTS LIMITED PARTNERSHIP
	407	2501 N FIELD ST	UPTOWN PROPERTIES INC
	408	2323 N FIELD ST	JEFFERSON AT THE N END LP
	409	2201 N FIELD ST	DALLAS MUSEUM OF NATURAL
	410	2211 N LAMAR ST	DORBET INC
	411	2201 N LAMAR ST	DORBET INC
	412	703 MCKINNEY AVE	VICTORY BREWERY 2013 LP
	413	703 MCKINNEY AVE	DALLAS AREA RAPID TRANSIT
	414	2900 MAGNOLIA HILL CT	MAGNOLIA HILL CO LC THE
	415	2903 MAGNOLIA HILL CT	DEMAREST DAVID
	416	2907 MAGNOLIA HILL CT	MANNING CATHERINE Z &
	417	2911 MAGNOLIA HILL CT	HOOPER KIRK A
	418	2915 MAGNOLIA HILL CT	FREELAND EUGENE
	419	2919 MAGNOLIA HILL CT	LONSDALEHANDS HORATIO
	420	2923 MAGNOLIA HILL CT	AYERS JOSHUA DAVID
	421	2927 MAGNOLIA HILL CT	HOPKINS KENNETH J &
	422	2931 MAGNOLIA HILL CT	MOOTY JERRY W JR
	423	2935 MAGNOLIA HILL CT	MCCARTHY BRANDON & AMANDA
O	424	2943 MAGNOLIA HILL CT	ROOSEVELT ELLIOTT III
	425	2947 MAGNOLIA HILL CT	ARWOOD DONOVAN
	426	2951 MAGNOLIA HILL CT	HARDNER SCOTT
	427	1607 LYTE ST	MAGNOLIA STATION LLC
	428	2727 HARRY HINES BLVD	HARWOOD INTERNATIONAL CENTER III LP
	429	2737 N HARWOOD ST	JAGANNATHAN SURAJ

02/17/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	430	1680 N STEMMONS FWY	MILLWEE STEPHEN MICHAEL
	431	1400 ALAMO ST	ANLAND 2A LP
	432	555 2ND AVE	DART
	433	555 2ND AVE	DART
	434	555 2ND AVE	DART
	435	1900 OAK LAWN AVE	DART & FT WORTH TRANSP AUTH
	436	1900 OAK LAWN AVE	DART & FT WORTH TRANSP AUTH
	437	1900 OAK LAWN AVE	DART & FT WORTH TRANSP AUTH

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): 12

DEPARTMENT: Trinity Watershed Management

CMO: Mark McDaniel, 670-3256

MAPSCO: 5M

SUBJECT

A public hearing to receive comments regarding the application for and approval of the fill permit and removal of the floodplain (FP) prefix from approximately 0.1762 acres of the current 0.8972 acres of land located at 6716, 6718, 6720, 6722 and 6724 Starbuck Drive, of which the 0.8972 acres is within the floodplain of Osage Branch, Fill Permit 15-08 - Financing: No cost consideration to the City

BACKGROUND

This request is to fill approximately 0.1762 acres of the current 0.8972 acres of floodplain to be used for single-family residential homes. The proposed fill is located at 6716, 6718, 6720, 6722 and 6724 Starbuck Drive within the floodplain of Osage Branch.

A neighborhood meeting was held at the Campbell Green Recreation Center, on February 24, 2016. There were four citizens present. Other attendees included three of the applicant's engineers, and three City staff members. There were no objections to the fill permit.

The fill permit application meets all engineering requirements for filling in the floodplain as specified in Part II of the Dallas Development Code, Section 51A-5.105(h). The applicant has not requested a waiver of any criteria. Accordingly, the City Council should approve this application; or, it may pass a resolution to authorize acquisition of the property under the laws of eminent domain and may then deny the application in order to preserve the status quo until acquisition.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

OWNERS/APPLICANTS

Bert Ward Trust/Robert W. Williams
6716, 6718, 6720 Starbuck Drive
Dallas, TX 75252

Joseph R. Black
Tim Sedgwick
6722 Starbuck Drive
Dallas, TX 75252

Joseph R. Black
Sandra D. Black
6724 Starbuck Drive
Dallas, TX 75252

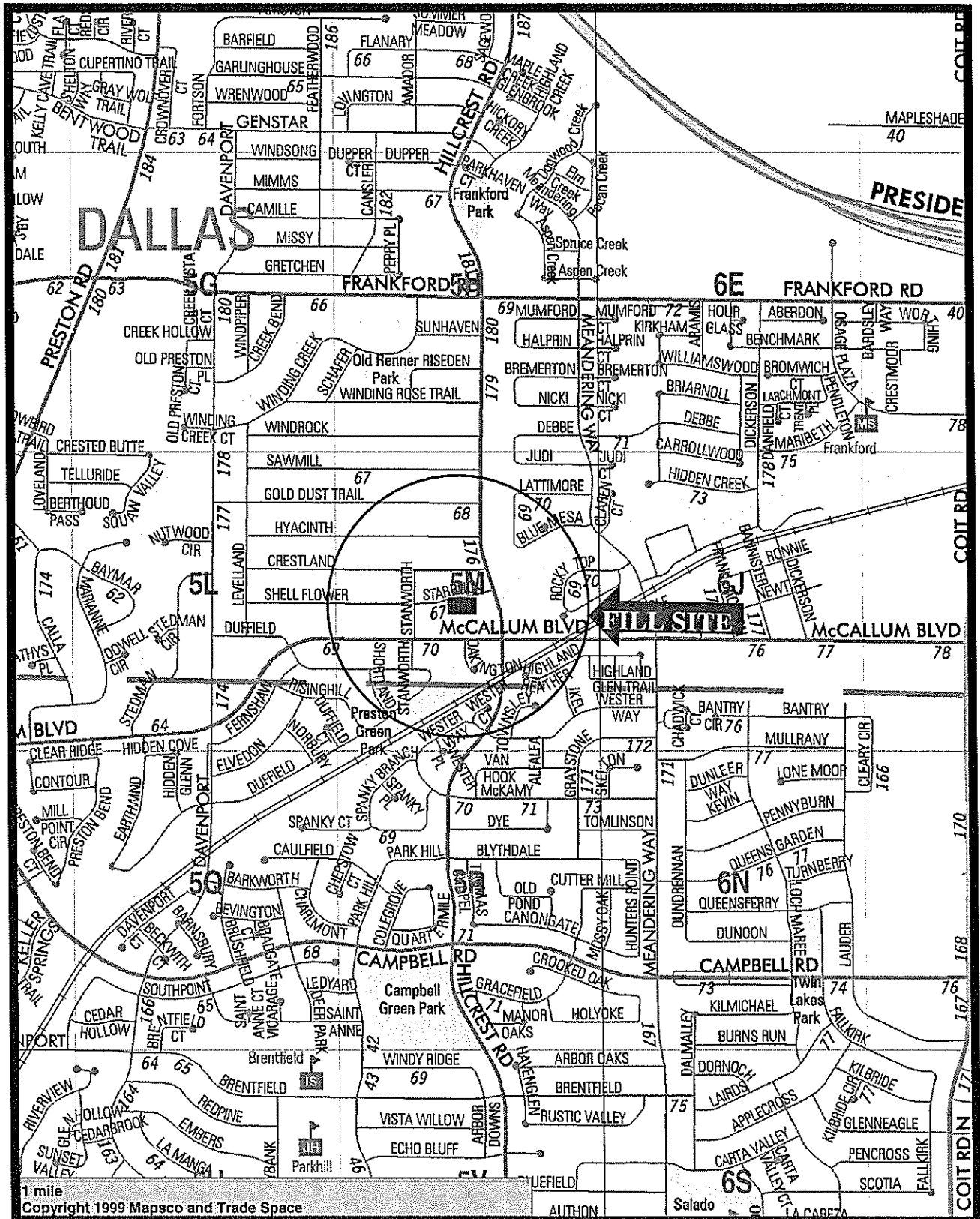
ENGINEER

Mark W. Roberts, P.E.
Nathan D. Maier Consulting Engineers, Inc.
8080 Park Lane, Suite 600
Dallas, Texas 75231

MAP

Attached.

FILL PERMIT 15-08



AGENDA ITEM # 71

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): 7

DEPARTMENT: Housing/Community Services

CMO: Alan Sims, Chief of Neighborhood Plus, 670-1611

MAPSCO: 46R V

SUBJECT

A public hearing to receive comments on the proposed sale of ten unimproved properties acquired by the taxing authorities from the Sheriff to South Dallas Fair Park Inncity Community Development Corporation, a qualified non-profit organization; and, at the close of the public hearing, authorize the City Manager to: **(1)** quitclaim ten unimproved properties to South Dallas Fair Park Inncity Community Development Corporation under the HB110 process of the City's Land Transfer Program; and **(2)** release the City's non-tax liens included in the foreclosure judgment and post-judgment non-tax liens, if any (list attached) - Revenue: \$10,000

BACKGROUND

The HB110 process of the City's Land Transfer Program, in accordance with Section 2-26 of the Dallas City Code ("Code") and with Section 253.010 of the Texas Local Government Code, permits the City to sell land, which the City has acquired as a trustee, for itself and the other taxing jurisdictions, from the Sheriff pursuant to the tax foreclosure process, to a qualified non-profit organization for the purpose of providing affordable housing, subject to the consent of the other taxing jurisdictions.

Property eligible for the HB110 process of the City's Land Transfer Program may be sold by quitclaim deed and include a possibility of reverter and right of re-entry, triggered under certain conditions, including if construction of affordable housing is not completed on the property within three years of the non-profit's receipt of the quitclaim deed. The quitclaim deed must also include deed restrictions that ensure the desired development of the property and maintain the affordability of the property as required by the Code.

BACKGROUND (continued)

Per the Code, the sales price of each property is \$1,000 for up to 7,500 square feet of land plus \$0.133 for each additional square foot of land, which amount is distributed by the City to both the City and the other taxing jurisdictions in accordance with Section 34.06 of the Texas Tax Code, plus an amount equal to the actual fees charged for recording the Sheriff's deed and the quitclaim deed in the real property records. Prior to the approval of any sale, the Code requires that the City Council hold a public hearing to receive comments on the proposed sale of land and provide certain notices to the public.

South Dallas Fair Park Inncity Community Development Corporation (ICDC), submitted a proposal to construct ten (10) single-family homes with the homes containing approximately 1,350 square feet on the ten unimproved HB110 process-eligible, Land Transfer Program properties, identified on Exhibit A, attached to the resolution, for purchase by low to moderate income homebuyers at a proposed sales price of \$102,000 with construction to begin in March 2017.

This item calls for a public hearing to allow the public an opportunity to comment on the proposed sale of the ten unimproved properties to ICDC and, at the close of the public hearing, authorizes the sale of the properties to ICDC by quitclaim deed and the release of the City's non-tax liens included in the foreclosure judgment and the post-judgment non-tax liens, if any.

In conformance with the Code, at least ten calendar days prior to the public hearing, a sign indicating the time and place of the public hearing was placed on the property, notification of the public hearing was mailed to property owners within 200 feet of the property, and notice of the public hearing was published in the Dallas Morning News.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 24, 2016, City Council authorized a public hearing to receive comments on the proposed sale by quitclaim deed of ten unimproved properties acquired by the taxing jurisdictions from the Sheriff to South Dallas Fair Park Inncity Community Development Corporation by Resolution No. 16-0350.

Information about this item will be provided to the Housing Committee on March 21, 2016.

FISCAL INFORMATION

Revenue - \$10,000

OWNER

South Dallas Fair Park Innercity Community Development Corporation

Diane Ragsdale, Managing Director

MAP

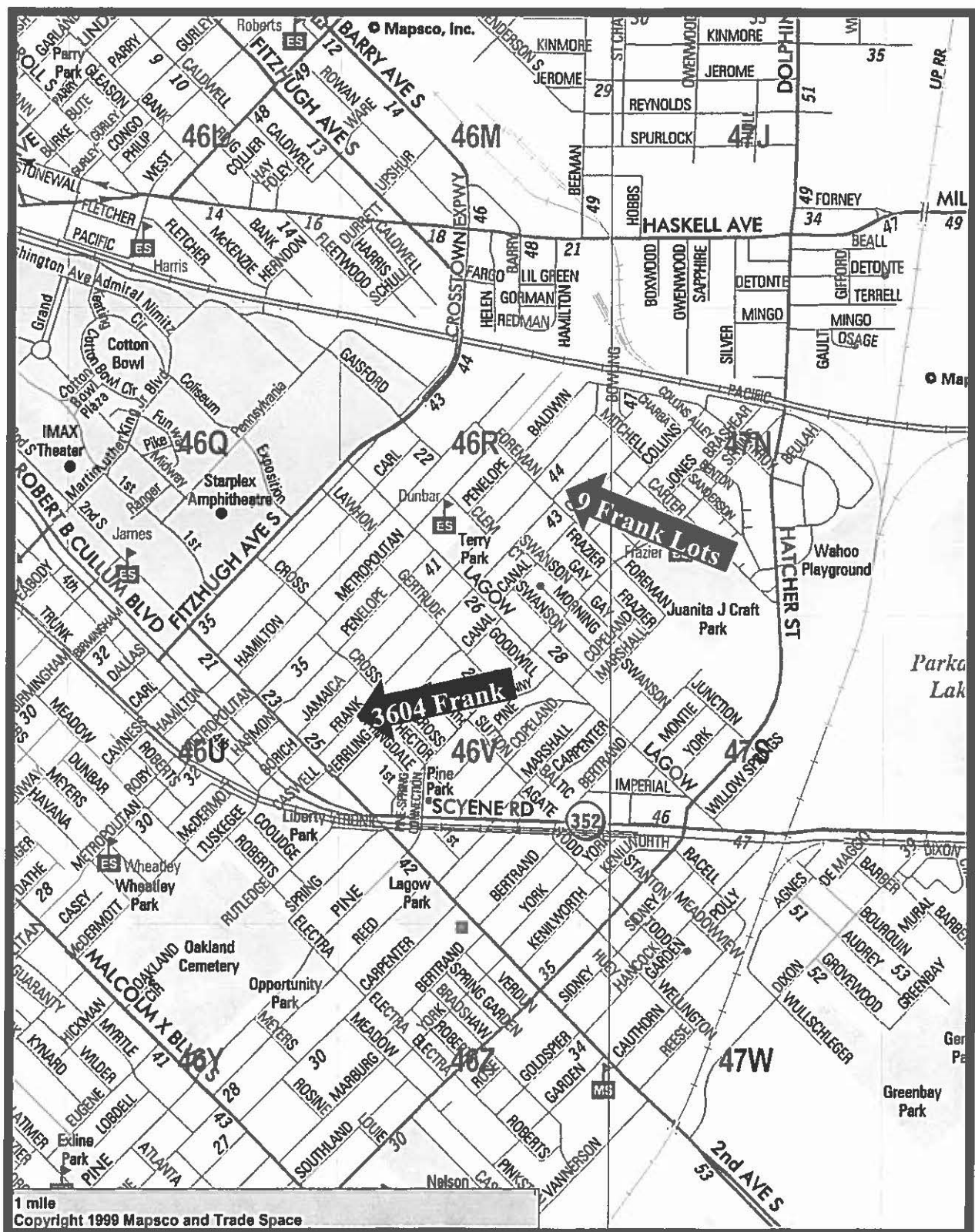
Attached

Tax Foreclosure and Seizure Property Resale

<u>Parcel No.</u>	<u>Address</u>	<u>Non-Profit Organization</u>	<u>Mapsco</u>	<u>DCAD Amount</u>	<u>Sale Amount</u>	<u>Vac/ Imp</u>	<u>Zoning</u>
1.	3604 Frank	South Dallas Fair Park Innercity Community Development Corporation	46V	\$5,000	\$1,000.00	V	PD-595
2.	4347 Frank	South Dallas Fair Park Innercity Community Development Corporation	46R	\$10,160	\$1,000.00	V	PD-595
3.	4405 Frank	South Dallas Fair Park Innercity Community Development Corporation	46R	\$5,000	\$1,000.00	V	PD-595
4.	4409 Frank	South Dallas Fair Park Innercity Community Development Corporation	46R	\$5,000	\$1,000.00	V	PD-595
5.	4414 Frank	South Dallas Fair Park Innercity Community Development Corporation	46R	\$3,750	\$1,000.00	V	PD-595

Tax Foreclosure and Seizure Property Resale

<u>Parcel No.</u>	<u>Address</u>	<u>Non-Profit Organization</u>	<u>Mapsco</u>	<u>DCAD Amount</u>	<u>Sale Amount</u>	<u>Vac/ Imp</u>	<u>Zoning</u>
6.	4415 Frank	South Dallas Fair Park Innercity Community Development Corporation	46R	\$5,000	\$1,000.00	V	PD-595
7.	4418 Frank	South Dallas Fair Park Innercity Community Development Corporation	46R	\$5,000	\$1,000.00	V	PD-595
8.	4435 Frank	South Dallas Fair Park Innercity Community Development Corporation	46R	\$5,000	\$1,000.00	V	PD-595
9.	4431 Frank	South Dallas Fair Park Innercity Community Development Corporation	46R	\$5,000	\$1,000.00	V	PD-595
10.	4519 Frank	South Dallas Fair Park Innercity Community Development Corporation	46R	\$5,000	\$1,000.00	V	PD-595



MAPSCO 46R & 46V

March 23, 2016

WHEREAS, the City's Land Transfer Program, in accordance with Section 2-26 of the Dallas City Code ("Code") and with Section 253.010 of the Texas Local Government Code, permits the City to sell land, which the City has acquired as a trustee, for itself and the other taxing jurisdictions, from the Sheriff pursuant to the tax foreclosure process, to a qualified non-profit organization for the purpose of providing affordable housing, subject to the consent of the other taxing jurisdictions; and

WHEREAS, property eligible for the HB110 process of the City's Land Transfer Program may be sold by quitclaim deed and include a possibility of reverter and right of re-entry, triggered under certain conditions, including if construction of affordable housing is not completed on the property within three years of the non-profit's receipt of the quitclaim deed; and

WHEREAS, the quitclaim deed must also include deed restrictions that ensure the desired development of the property and maintain the affordability of the property as required by the Code; and

WHEREAS, per the Code, the sales price of each property is \$1,000 for up to 7,500 square feet of land plus \$0.133 for each additional square foot of land, which amount is distributed by the City to both the City and the other taxing jurisdictions in accordance with Section 34.06 of the Texas Tax Code, plus an amount equal to the actual fees charged for recording the Sheriff's deed and the quitclaim deed in the real property records; and

WHEREAS, prior to the approval of any sale, the Code requires that the City Council hold a public hearing to receive comments on the proposed sale of land and provide certain notices to the public; and

WHEREAS, South Dallas Fair Park Innercity Community Development Corporation (ICDC) submitted a proposal to construct ten (10) single-family homes with the homes containing approximately 1,350 square feet on ten unimproved HB110 process-eligible, Land Transfer Program properties, identified on **Exhibit A**, attached hereto and made a part hereof (hereinafter the "property"), for purchase by a low to moderate income homebuyers at a proposed sales price of \$102,000 with construction to begin in March 2017; and

WHEREAS, at least ten calendar days prior to the public hearing, a sign indicating the time and place of the public hearing was placed on the property, notification of the public hearing was mailed to property owners within 200 feet of the property, and notice of the public hearing was published in the Dallas Morning News;

NOW, THEREFORE,

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

March 23, 2016

Section 1. That upon receipt of the requisite monetary consideration from ICDC, (hereinafter the “non-profit organization”) and the approval of the governing bodies of the other affected taxing jurisdictions, the City Manager is hereby authorized to execute a quitclaim deed, approved as to form by the City Attorney and attested by the City Secretary, quitclaiming the property, acquired by the taxing authorities from the Sheriff, to the non-profit organization, subject to the conditions contained in this resolution.

Section 2. That the City Manager is hereby authorized to execute instruments, approved as to form by the City Attorney, releasing the City's non-tax liens included in the foreclosure judgment and post-judgment non-tax liens, if any, on the property.

Section 3. That the non-profit organization's proposal for the development of affordable housing on the property, described in **Exhibit A**, is hereby approved.

Section 4. That the quitclaim deed shall contain:

(a) A copy or summary of the proposal from the non-profit organization for the property and a requirement that the property be developed by the non-profit organization in accordance with the proposal, including the timetable specified in the proposal.

(b) A possibility of reverter with right of re-entry if the director determines that the non-profit organization:

(i) has failed to take possession of the property within ninety calendar days after receiving the quitclaim deed;

(ii) has failed to complete construction of affordable housing on the property within three years after receiving the quitclaim deed or by the end of any extended development period approved by the City Council in accordance with Section 2-26.6(c) of the Code;

(iii) is not developing the property in compliance with the timetable specified in the non-profit organization's proposal;

(iv) is unable to develop the land in compliance with its proposal because a request for a zoning change has been denied;

(v) has incurred a lien on the property because of violations of the Code or other City ordinances within three years after receiving the quitclaim deed; and

March 23, 2016

Section 4. (Continued)

(vi) has sold, conveyed, or transferred the property without the consent of the City and the other affected taxing jurisdictions within three years after receiving the quitclaim deed;

(c) Deed restrictions requiring the purchaser to:

(i) restrict the sale and resale of owner-occupied property to low-income individuals or families for five years after the date the deed from the non-profit organization to the initial homebuyer is filed in the real property records of the county in which the property is located;

(ii) require the non-profit organization to develop all proposed housing units on the property in accordance with the Code and all applicable City ordinances and state and federal laws within three years after receiving the quitclaim deed or by the end of any extended development period approved by the City Council in accordance with Section 2-26.6(c) of the Code, and to obtain inspections and approval of the housing units by the City before initial occupancy; and

(iii) require any low-income individual or family who purchases a housing unit on a property to maintain the housing unit in accordance with the Code and all applicable City ordinances and state and federal laws for a period of five years after the date the deed from the non-profit organization to the initial homebuyer is filed in the real property records of the county in which the property is located.

(d) An indemnification by the non-profit organization of the City and other affected taxing jurisdictions.

(e) A statement and acknowledgment that the property is quitclaimed subject to all redemption rights provided by state law.

(f) The non-profit organization's representation and agreement that it did not purchase the property on behalf of a "prohibited person" and will not sell or lease the property to a "prohibited person" for five years from the date of the quitclaim deed. A "prohibited person" is any party who was named as a defendant in the legal proceedings where the City obtained a final judgment for delinquent taxes and an order to foreclose its tax lien on the property or person in the judgment or seizure tax warrant, or the Sheriff's deed as the owner of the property, authorized seized and ordered sold for delinquent taxes and any municipal health and safety liens.

March 23, 2016

Section 5. That the City Manager is authorized to execute instruments, approved as to form by the City Attorney, releasing the City's possibility of reverter with right of re-entry and terminating the deed restrictions to the property upon compliance with all terms and conditions of Section 2-26 of the Code and the quitclaim deed, including the deed restrictions and the proposal.

Section 6. That the non-profit organization shall be responsible for the pro-rata taxes assessed on the property 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 quitclaim deed.

Section 7. That any procedures required by Section 2-24 of the Code that are not required by state law are hereby waived with respect to conveyance of the property.

Section 8. That the monetary consideration received from the non-profit organization shall be distributed pursuant to the Section 34.06 of the Texas Tax Code.

Section 9. That any and all proceeds for the City's sale of the property to the non-profit organization be deposited to General Fund 0001, Agency DEV, Balance Sheet Account 0519.

Section 10. That upon receipt of the monetary consideration from the non-profit organization, the Chief Financial Officer is authorized to disburse proceeds of the sale of the property in accordance Section 34.06 of the Texas Tax Code, which calculations for disbursement shall be provided by the Director of Sustainable Development and Construction, to the City of Dallas Land Based Receivables, the Dallas County District Clerk and the Dallas County Tax Office from the account specified in Section 9 above.

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.

EXHIBIT "A"

LAND TRANSFER PROPERTIES				
PARCEL NUMBER	STREET ADDRESS LEGAL DESCRIPTION	QUALIFIED PURCHASER	NUMBER OF HOMEOWNER UNITS	SALE AMOUNT
1	3604 Frank Lot 11, F.C. Hertlings Addition Block I/1828	South Dallas Innerscity Community Development Corporation	1	\$1,000.00
2	4347 Frank Lot 22, Mayers Second Avenue Addition Block H/1852	South Dallas Innerscity Community Development Corporation	1	\$1,000.00
3	4405 Frank Lot 43, Magnolia Park Addition Block B/2432	South Dallas Innerscity Community Development Corporation	1	\$1,000.00
4	4409 Frank Lot 42 & Southwest Part of Lot 41, Magnolia Park Addition Block B/2432	South Dallas Innerscity Community Development Corporation	1	\$1,000.00
5	4414 Frank Lot 5, Magnolia Park Addition Block D/2434	South Dallas Innerscity Community Development Corporation	1	\$1,000.00
6	4415 Frank Lot 40 & Northeast 15 Feet of Lot 41, Magnolia Park Addition Block B/2432	South Dallas Innerscity Community Development Corporation	1	\$1,000.00
7	4418 Frank Lot 6, Magnolia Park Addition Block D/2434	South Dallas Innerscity Community Development Corporation	1	\$1,000.00
8	4435 Frank Lot 36, Magnolia Park Addition Block B/2432	South Dallas Innerscity Community Development Corporation	1	\$1,000.00
9	4431 Frank Lot 37, Magnolia Park Addition Block B/2432	South Dallas Innerscity Community Development Corporation	1	\$1,000.00
10	4519 Frank Lot 31, Magnolia Park Addition Block B/2432	South Dallas Innerscity Community Development Corporation	1	\$1,000.00
TOTAL				\$10,000.00

AGENDA ITEM # 72

KEY FOCUS AREA: E-Gov
AGENDA DATE: March 23, 2016
COUNCIL DISTRICT(S): N/A
DEPARTMENT: Office of Financial Services
CMO: Jeanne Chipperfield, 670-7804
MAPSCO: N/A

SUBJECT

A public hearing to receive comments on the FY 2016-17 Operating, Capital, and Grant/Trust budgets - Financing: No cost consideration to the City

BACKGROUND

Each year the City of Dallas holds a series of public hearings to provide the citizens of Dallas the opportunity to speak on next year's budget.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 24, 2016, City Council authorized the public hearing by Resolution No. 16-0352.

FISCAL INFORMATION

No cost consideration to the City

AGENDA ITEM # 73

KEY FOCUS AREA: Culture, Arts and Recreation and Educational Enhancements

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): 6

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: 32-R 33-N

SUBJECT

A public hearing to receive comments on the proposed use of a portion of the Elm Fork Greenbelt located at 3123 Proctor Street, totaling approximately 67,592 square feet of land, by the Texas Department of Transportation for construction of improvements to State Highway 183/John W. Carpenter Freeway - Financing: No cost consideration to the City

BACKGROUND

The City of Dallas owns municipal parkland known as the Elm Fork Greenbelt located west of downtown Dallas within the Trinity River corridor. The City of Dallas has partnered with Texas Department of Transportation (TxDOT) on the State Highway 183/Interstate 35E project since the commencement of Project Pegasus in early 1999. Pursuant to the goals of the project, on January 12, 2000, the Dallas City Council passed Resolution No. 00-0276 approving and endorsing the recommended preferred alternative.

TxDOT, through its design-build contractor, SouthGate Constructors, has requested a three-year Temporary Construction Easement, consisting of approximately 67,592 square feet (1.552 acres), for construction of improvements to State Highway 183 in the Elm Fork Greenbelt, adjacent to the existing State Highway 183 bridge and appurtenances. TxDOT's contractor requires temporary use of a small portion of the City's parkland in the Elm Fork Greenbelt for their project. Such use may include: ingress and egress, construction of temporary structures, temporary placement of excavated material, and storage of construction equipment, vehicles, and materials as necessary for construction work. In consideration for this temporary conveyance by easement, TxDOT, or TxDOT's contractor, will pay the fair market value of this easement, or equivalent in-kind value, as determined by an independent appraisal. Upon completion of the project the area will be restored to its pre-construction condition or better.

BACKGROUND (Continued)

In compliance with the law, TxDOT has determined that there is a need and that there is no feasible and prudent alternative to the use or taking of such land and that all reasonable care has been taken so as to not damage the remainder of the park property and to mitigate any disruption of current and future park services, including hike and bike trail development.

In accordance with the Texas Parks and Wildlife Code, Chapter 26 (Sections 26.001 through 26.004) the City Council must advertise and hold a public hearing on the change of use of parkland.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 21, 2016, the Park and Recreation Board authorized the public hearing to be held on March 23, 2016.

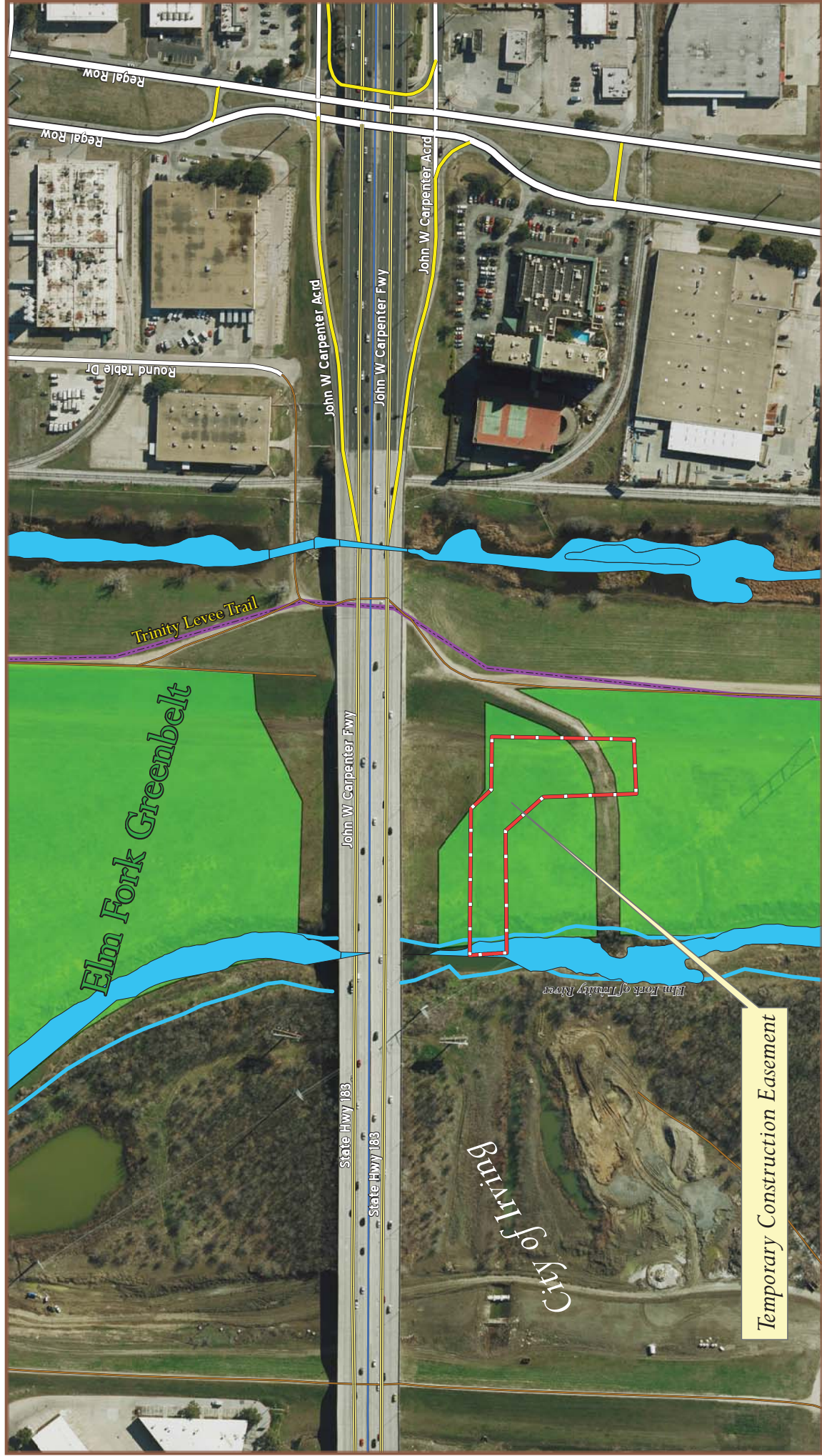
On February 10, 2016, City Council authorized the public hearing to be held on March 23, 2016, by Resolution No. 16-0287.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached



January 21, 2016

Mapscot
32 R, 33 N
District
6

Elm Fork Greenbelt
(3123 Proctor St)
Temporary Construction Easement

March 23, 2016

WHEREAS, on January 12, 2000, the Dallas City Council adopted Resolution No. 00-0276, approving and endorsing PROJECT PEGASUS between the City and the Texas Department of Transportation (TxDOT); and

WHEREAS, the City of Dallas owns land known as Elm Fork Greenbelt and TxDOT has determined that a temporary construction easement is needed and in the public interest for the proper construction and development of improvements to State Highway 183/John W. Carpenter Freeway to decrease congestion and enhance travel and accessibility to downtown Dallas and is necessary; and

WHEREAS, said improvements require the conveyance of a temporary construction easement of approximately 67,592 square feet (1.552 acres) of land from the Elm Fork Greenbelt, as described in Exhibit A, attached hereto and made a part hereof, because the use of this parkland is necessary to accomplish the purpose, and the Park and Recreation Board of the City of Dallas is agreeable to providing the property for this use; and

WHEREAS, in consideration for the conveyance of a temporary construction easement, TxDOT will pay the fair market value of this easement, or equivalent in-kind value, as determined by an independent appraisal; and

WHEREAS, referendum, notice, and bidding requirements of Chapter 253 and 272 of the Texas Local Government Code are not applicable when a municipality is conveying an interest in land to an entity with eminent domain authority; and

WHEREAS, a public hearing was held, as required by the Texas Parks and Wildlife Code (Chapter 26, Section 26.001 through 26.004), to determine that there is no feasible and prudent alternative to this use of this parkland and that all reasonable planning to minimize harm to the Elm Fork Greenbelt has been taken.

Now, Therefore,

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

SECTION 1. That the City of Dallas hereby approves the proposed temporary construction easement, including the exercise in the City of Dallas of the right of eminent domain, if such becomes necessary, by TxDOT for interests in land by easement, as identified in Exhibit A for the temporary construction easement for construction of improvements to State Highway 183/John W. Carpenter Freeway, subject to the terms and conditions of the Agreement and this resolution.

March 23, 2016

SECTION 2. That, since TxDOT's use of eminent domain for acquiring use of this Tract by temporary construction easement has been authorized, the Park and Recreation Board has approved, and the public hearing with appropriate determinations has been held, the City Manager, upon approval as to form by the City Attorney, is authorized to execute a temporary construction easement for a portion of the Elm Fork Greenbelt, subject to the Agreement, to this resolution, and to all of the following terms and conditions:

a. TxDOT shall covenant to the City:

1. To observe safety regulations;
2. To not be detrimental to the park;
3. To comply with health, safety, noise, environmental protection, waste disposal, water and air quality regulations;
4. To keep the adjacent park area free from construction debris and waste;
5. To bear the cost of construction, operation and maintenance of the transit line and improvements;
6. To do all work within the park and surrounding areas in a good a workmanlike manner under the supervision of the Director of the Park and Recreation Department;
7. To restore the Hike and Bike Trail in accordance with Park and Recreation Department standards;
8. To provide clearance for passage of maintenance and emergency vehicles along the Hike and Bike Trail, and;
9. To not convey to another any interest in the easement tract, or any portion thereof, without prior, written consent of the City;
10. That use of the temporary construction easement shall be for TxDOT's project for the construction of improvements to State Highway 183/John W. Carpenter Freeway, such use of the easement may include: ingress and egress, construction of temporary structures, temporary placement of excavated material, and storage of construction equipment, vehicles, and materials as necessary for construction work;

March 23, 2016

SECTION 2. (Continued)

11. To restore the site to its pre-construction condition or better at the close out of the project.
- b. The term of the temporary construction easement shall be for a period of three years.
- c. The City retains the right to inspect the easement tract and adjacent park and adjacent park areas for violations of the covenants listed in subsection a.
- d. TxDOT shall provide the City with a procedure for reentering and taking possession of the easement tract should TxDOT abandon the tract or violate the covenants listed in subsection a.
- e. TxDOT shall not enter for work purposes or disturb the surface or subsurface land of park property outside of the easement tract without consultation with the Director of the Park and Recreation Department.

SECTION 3. That, as a result of the public hearing held today, it is hereby determined that there is no feasible and prudent alternative to the use of the Elm Fork Greenbelt for the purpose stated in this resolution and that all reasonable planning to minimize harm to the tracts and the surrounding adjacent parkland has been taken.

SECTION 4. That the use of the temporary construction easement tract at Elm Fork Greenbelt as described in Exhibit A in connection with the TxDOT construction of improvements to State Highway 183/John W. Carpenter Freeway, is authorized and approved subject to the terms and conditions of the Agreement and this resolution.

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.

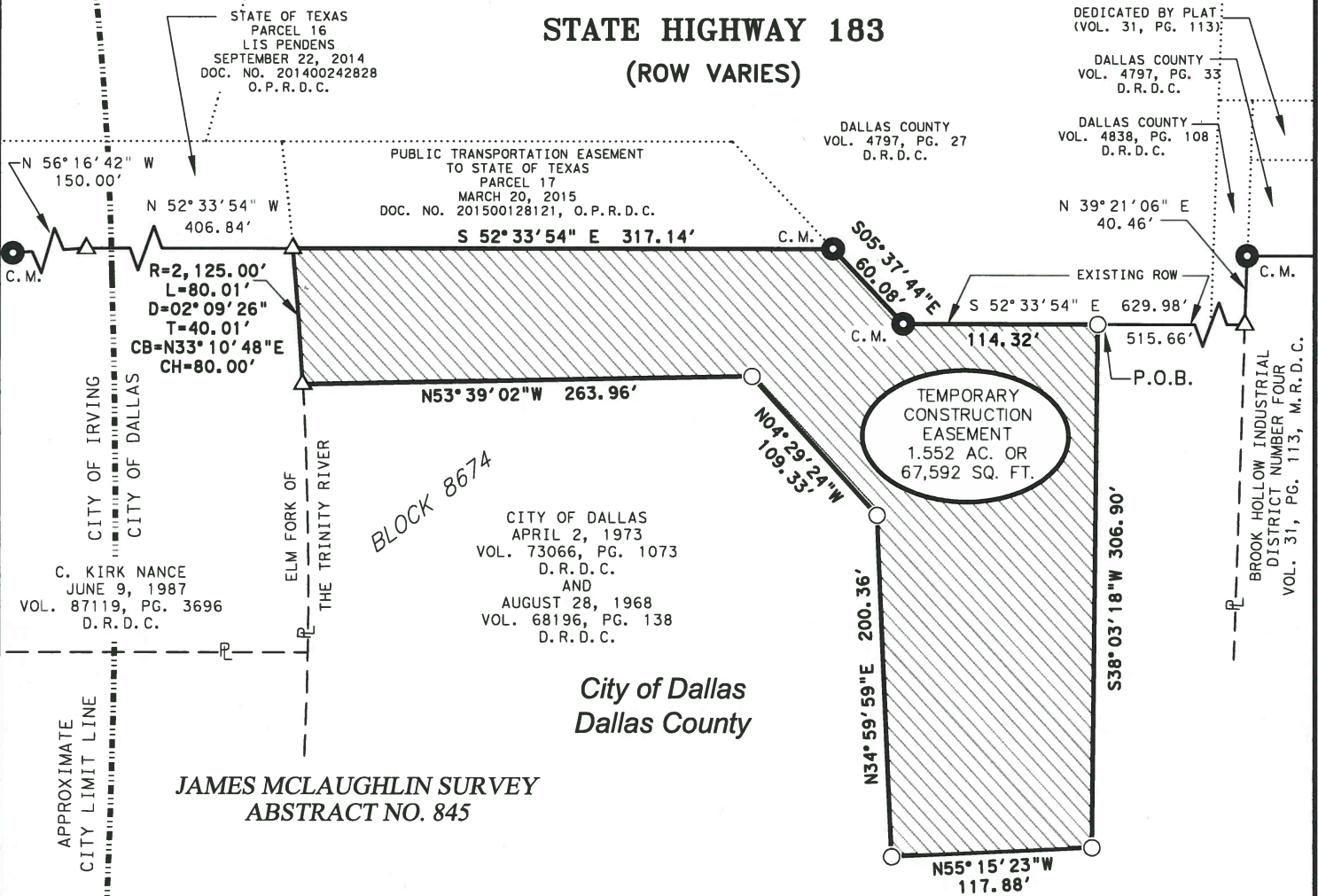
RE: CITY OF DALLAS

PLAT TO ACCOMPANY
DESCRIPTION

Exhibit A
1 of 3

0 50 100 200
SCALE: 1" = 100'

STATE HIGHWAY 183
(ROW VARIES)



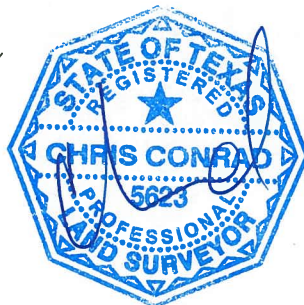
JAMES MCLAUGHLIN SURVEY
ABSTRACT NO. 845

LEGEND

- 5/8" IRON ROD FOUND WITH TXDOT ALUM. CAP
- △ CALCULATED POINT
- 1/2" IRON ROD SET WITH PLASTIC CAP "MCGRAY MCGRAY"
- O.P.R.D.C. OFFICIAL PUBLIC RECORDS, DALLAS COUNTY
- M.R.D.C. MAP RECORDS, DALLAS COUNTY
- D.R.D.C. DEED RECORDS, DALLAS COUNTY
- P.O.B. POINT OF BEGINNING
- C.M. CONTROLLING MONUMENT

NOTES:

1. THE BEARINGS SHOWN HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE (4202), NORTH AMERICAN DATUM OF 1983.
2. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT, ADDITIONAL ENCUMBRANCES MAY AFFECT THIS EASEMENT.



TEMPORARY CONSTRUCTION EASEMENT
1.552 ACRES OR 67,592 SQ. FT.
CITY OF DALLAS, DALLAS COUNTY, TEXAS
SURVEYED BY:

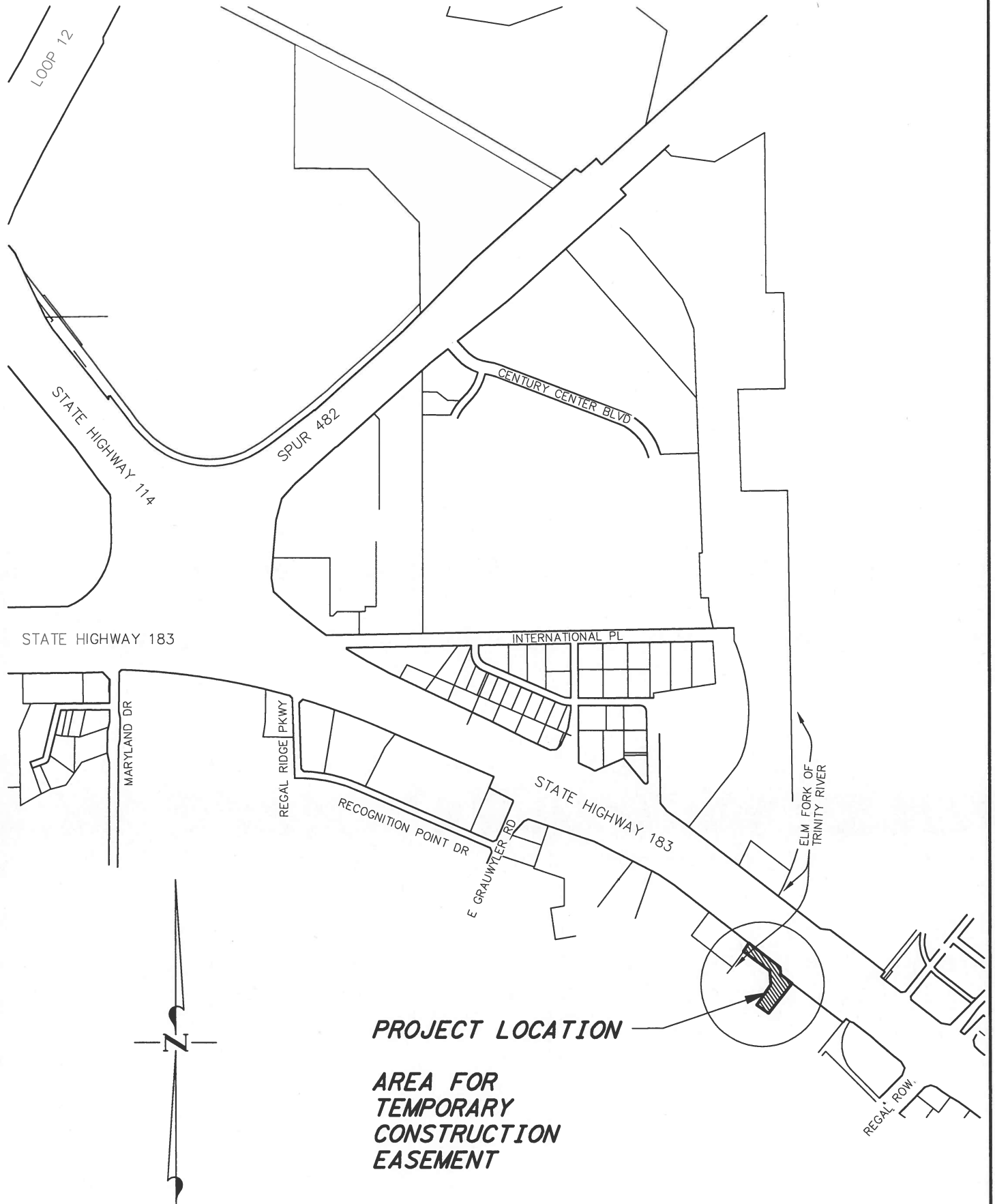
McGRAY & McGRAY
LAND SURVEYORS, INC.
3301 HANCOCK DRIVE #6
AUSTIN, TEXAS 78731
(512) 451-8591
TBPLS FIRM # 10095500

PROJECT NUMBER: 15-096	PARTY CHIEF: J. ROGERS	CITY OF DALLAS BLOCK: 8674
DATE: 10/16/15	TECH: A. BURROUGHS	
SCALE: 1"=100'	CITY OF DALLAS FOLDER:	CITY OF DALLAS FILE NO.:

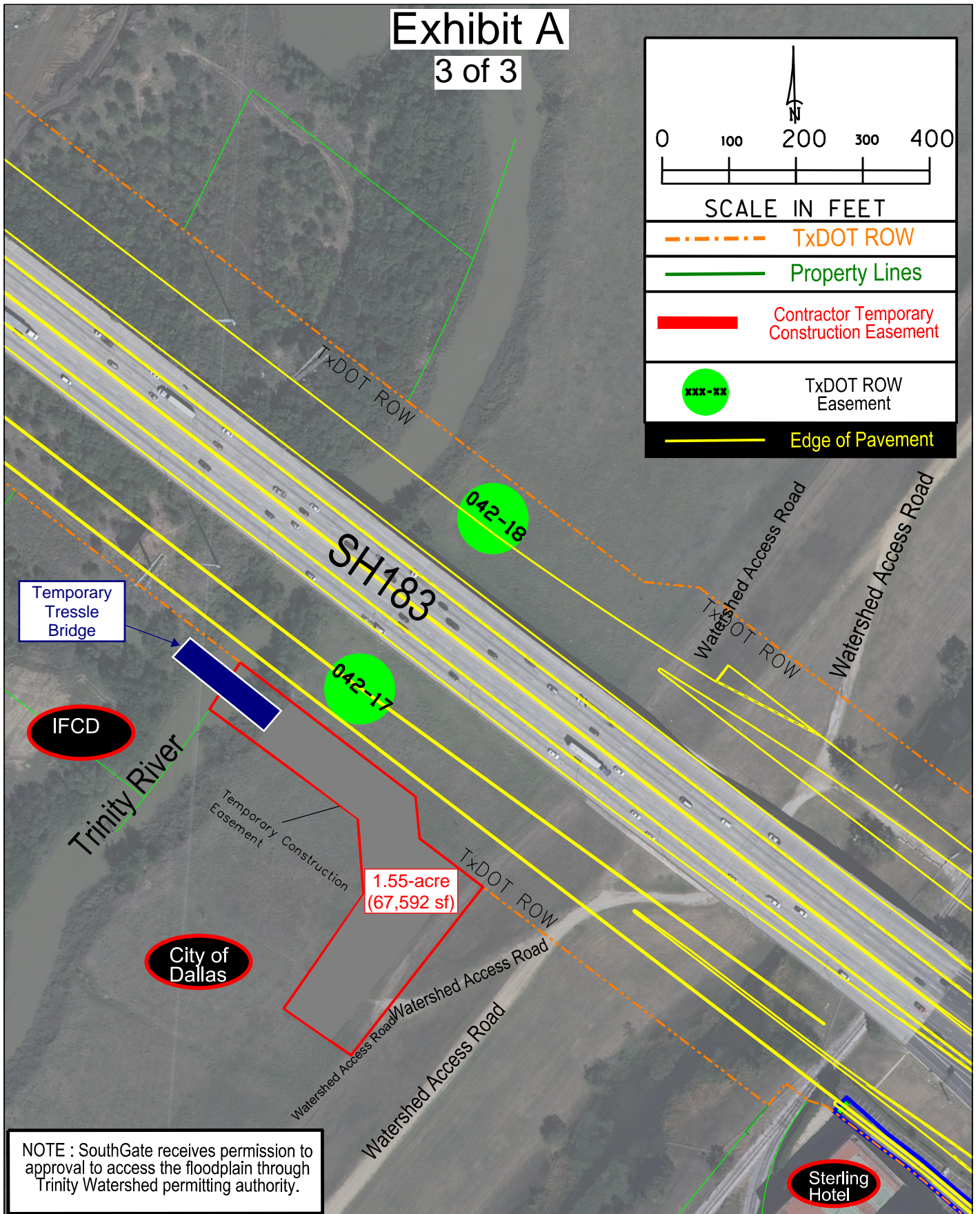
CHRIS CONRAD, REG. PROF. LAND SURVEYOR NO. 5623 DATE 10/16/15
Note: This plat is not valid unless an original signature through an original seal appears on its face. There is a description to accompany this plat.

LOCATOR MAP

Exhibit A
2 of 3



3 of 3



NOTE : SouthGate receives permission to approval to access the floodplain through Trinity Watershed permitting authority.

Temporary Construction Easement



SOUTHGATE
CONSTRUCTORS

Midtown Express
Trinity TCE
Exhibit "A"

AGENDA ITEM # 74

KEY FOCUS AREA: Culture, Arts and Recreation and Educational Enhancements

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): 6

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: 22-X Y

SUBJECT

A public hearing to receive comments on the proposed use of a portion of the Elm Fork Greenbelt located at 10400 Wildwood Drive, totaling approximately 296,757 square feet of land, by the Texas Department of Transportation for construction of improvements to State Highway Loop 12/Walton Walker Boulevard - Financing: No cost consideration to the City

BACKGROUND

The City of Dallas owns municipal parkland known as the Elm Fork Greenbelt located west of downtown Dallas within the Trinity River corridor. Texas Department of Transportation (TxDOT), through its design-build contractor, SouthGate Constructors, has requested use of a portion of the Elm Fork Greenbelt to be used as a compensatory storage area, consisting of approximately 296,757 square feet (6.813 acres) as required by local, state, and federal regulations regarding floodplain management.

TxDOT's highway project requires fill within the floodplain. Since such fill will reduce the flood storage in the floodplain, TxDOT must excavate a floodable area to replace the lost flood storage area. The area TxDOT has identified for compensatory storage would require excavation of approximately 18,273 cubic yards of material. Excavated depths would range from several inches to approximately three-and-a-half-feet. Excavation and final grading of the site would follow the existing profile of the land which currently is a gentle slope from northeast to southwest towards the Elm Fork of the Trinity River. When the project is completed the compensatory storage area will surface drain to the Elm Fork of the Trinity River—no ponding will occur as a result of construction. At no time will ownership or any rights of the parkland be transferred to TxDOT. The Compensatory Storage Area will not encumber the parkland which may be used for any parkland purpose which is currently allowed.

BACKGROUND (Continued)

The proposed compensatory storage area is adjacent to a future trailhead of the Elm Fork Trail as envisioned in the Elm Fork Greenbelt Master Plan adopted by the Park Board on June 4, 2015. The area is currently vegetated with non-native grasses, forbs, and shrubs. The area also contains piles of illegally dumped construction debris. TxDOT will remove all debris and vegetation as part of the project.

In keeping with the character of the surrounding greenbelt, and as an amenity of the trailhead of the future Elm Fork Greenbelt Trail, the compensatory storage area will be planted with a native prairie plant seed mixture. If required, preparation of the site may necessitate importation of topsoil and irrigation. TxDOT will be responsible for maintenance of the restored site for a period of two years after seeding is complete to ensure establishment of the prairie.

In compliance with the law, TxDOT has determined that there is a need and that there is no feasible and prudent alternative to the use or taking of such land and that all reasonable care has been taken so as to not damage the remainder of the park property and to mitigate any disruption of current and future park services.

In accordance with the Texas Parks and Wildlife Code, Chapter 26 (Sections 26.001 through 26.004) the City Council must advertise and hold a public hearing on the change of use of parkland.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 21, 2016, the Park and Recreation Board authorized the public hearing to be held on March 23, 2016.

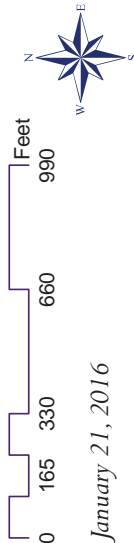
On February 10, 2016, City Council authorized the public hearing to be held on March 23, 2016, by Resolution No. 16-0286.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached



January 21, 2016

Elm Fork Greenbelt
(10400 Wildwood Dr)
Compensatory Storage Area

Mapsc
22 X, Y

District
6

March 23, 2016

WHEREAS, the City of Dallas owns land known as Elm Fork Greenbelt and TxDOT has determined that a temporary construction easement is needed to construct a compensatory storage and in the public interest as required for the proper construction and development of improvements to State Highway Loop 12/Walton Walker Boulevard, and is necessary; and

WHEREAS, said improvements require the use of approximately 296,757 square feet (6.813 acres) of land from the Elm Fork Greenbelt, as described in Exhibit A, attached hereto and made a part hereof, and TxDOT requires a compensatory storage area to meet its federal, state, and local stormwater storage regulatory requirements, because the use of this parkland is necessary to accomplish the purpose, and the Park and Recreation Board of the City of Dallas is agreeable to providing the property for this use; and

WHEREAS, in consideration for the conveyance of a temporary construction easement, TxDOT will pay the fair market value of this easement, or equivalent in-kind value, as determined by an independent appraisal; and

WHEREAS, referendum, notice, and bidding requirements of Chapter 253 and 272 of the Texas Local Government Code are not applicable when a municipality is conveying an interest in land to an entity with eminent domain authority; and

WHEREAS, a public hearing was held, as required by the Texas Parks and Wildlife Code (Chapter 26, Section 26.001 through 26.004), to determine that there is no feasible and prudent alternative to this use of this parkland and that all reasonable planning to minimize harm to the Elm Fork Greenbelt has been taken.

Now, Therefore,

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

SECTION 1. That the City of Dallas hereby approves the proposed temporary construction easement for construction of a compensatory storage area, including the exercise in the City of Dallas of the right of eminent domain, if such becomes necessary, by TxDOT for interests in land by easement, as identified in Exhibit A for the temporary construction easement as required for in conjunction with construction of improvements to State Highway 183/John W. Carpenter Freeway, subject to the terms and conditions of the Agreement and this resolution.

March 23, 2016

SECTION 2. That, since TxDOT's use of eminent domain for acquiring use of this tract by temporary construction easement has been authorized, the Park and Recreation Board has approved, and the public hearing with appropriate determinations has been held, the City Manager, upon approval as to form by the City Attorney, is authorized to execute a temporary construction easement for a portion of the Elm Fork Greenbelt, subject to the Agreement, to this resolution, and to all of the following terms and conditions:

a. TxDOT and its Contractor shall covenant to the City:

1. To observe safety regulations;
2. To not be detrimental to the park;
3. To comply with health, safety, noise, environmental protection, waste disposal, water and air quality regulations;
4. To keep the adjacent park area free from construction debris and waste;
5. To bear the cost of construction, operation and maintenance of the transit line and improvements and to bear all costs associated with the temporary construction easement;
6. To do all work within the park and surrounding areas in a good a workmanlike manner under the supervision of the Director of the Park and Recreation Department (PARD);
7. To not convey to another any interest in the easement tract, or any portion thereof, without prior, written consent of the City;
8. That use of the temporary construction easement shall be for meeting TxDOT's project requirements for the construction of improvements to State Highway Loop 12/Walton Walker Boulevard.

b. The term of the temporary construction easement shall be for completion of the project plus a two-year maintenance period which shall include:

1. Removal of approximately 18,273 cubic yards of materials, as required, and the proper disposal of such materials offsite. Materials removed from the compensatory storage area shall include subsoil and all construction debris, all illegally dumped materials existing on site, and vegetation. Topsoil, if any exists, shall not be removed;

March 23, 2016

SECTION 2. (Continued)

2. After removal of the required materials the area shall be graded to match the current topography and sheet flow which is southerly towards the Elm Fork of the Trinity River. The site shall have no areas of ponding and the grades of the compensatory storage area shall match the surrounding topography;
 3. After grading is completed and approved by the Director of (PARD) the site shall be prepared for an ecological restoration using a native prairie seed and plant plug mix. Before planting the site may require a rest period seeded with a temporary cover crop of cereal rye and Virginia wildrye;
 4. Restoration of the site shall include, as approved and required by the Director of PARD, a combination of a prairie seed mix and plant plugs, topsoil and other soil amendments, if needed, and irrigation. Restoration and maintenance shall be performed by a qualified contractor as approved by the Director of PARD;
 5. Upon completion of seeding the site with an approved seed mix TxDOT shall maintain the site for a minimum of two years, or until the end of the season of the second year of restoration, maintenance which may include, as approved by the Director of PARD: reseeding, planting of plant plugs, weeding, mowing, controlled burns, irrigation, and other land management as required;
 6. TxDOT is responsible for obtaining all permits, fees, and meters and is responsible for all costs associated with fulfillment of the requirements of this resolution and the temporary construction easement agreement;
 7. At the completion of the two-year maintenance period the site will be evaluated by the Director of PARD. Should the site be more than fifty-percent weed species, maintenance by TxDOT shall continue until such that fifty-percent minimal cover of prairie plants is established.
- c. The City retains the right to inspect the easement tract and adjacent park and adjacent park areas for violations of the covenants listed in subsection a.
- d. TxDOT shall provide the City with a procedure for reentering and taking possession of the easement tract should TxDOT abandon the tract or violate the covenants listed in subsection a.
1. A performance bond may be required for compliance with the provisions of this resolution and the terms of the temporary construction easement.

March 23, 2016

SECTION 2. (Continued)

e. TxDOT shall not enter for work purposes or disturb the surface or subsurface land of park property outside of the easement tract without consultation with the Director of the Park and Recreation Department.

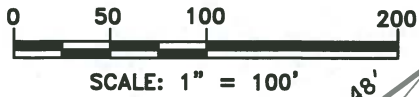
SECTION 3. That, as a result of the public hearing held today, it is hereby determined that there is no feasible and prudent alternative to the use of the Elm Fork Greenbelt for the purpose stated in this resolution and that all reasonable planning to minimize harm to the tracts and the surrounding adjacent parkland has been taken.

SECTION 4. That the use of the temporary construction easement tract at Elm Fork Greenbelt as described in Exhibit A in connection with the TxDOT construction of improvements to State Highway Loop 12/Walton Walker Boulevard, is authorized and approved subject to the terms and conditions of the Agreement and this resolution.

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.

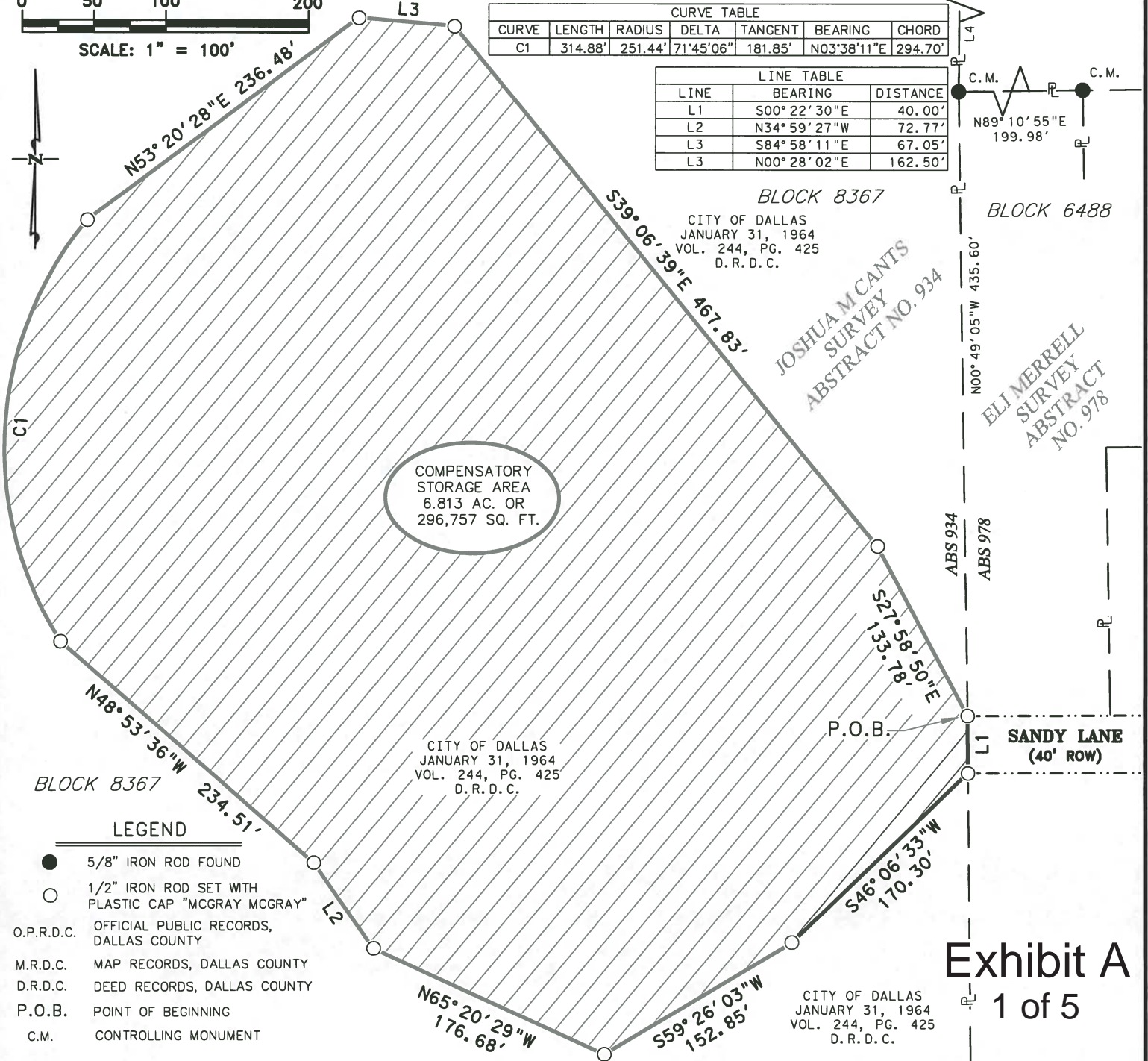
RE: CITY OF DALLAS

PLAT TO ACCOMPANY DESCRIPTION



CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	BEARING	CHORD
C1	314.88'	251.44'	71°45'06"	181.85'	N03°38'11"E	294.70'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S00°22'30"E	40.00'
L2	N34°59'27"W	72.77'
L3	S84°58'11"E	67.05'
L3	N00°28'02"E	162.50'



LEGEND

- 5/8" IRON ROD FOUND
- 1/2" IRON ROD SET WITH PLASTIC CAP "MCGRAY MCGRAY"
- O.P.R.D.C. OFFICIAL PUBLIC RECORDS, DALLAS COUNTY
- M.R.D.C. MAP RECORDS, DALLAS COUNTY
- D.R.D.C. DEED RECORDS, DALLAS COUNTY
- P.O.B. POINT OF BEGINNING
- C.M. CONTROLLING MONUMENT

NOTES:

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- THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT, ADDITIONAL ENCUMBRANCES MAY AFFECT THIS EASEMENT.

Exhibit A
1 of 5

COMPENSATORY STORAGE AREA
6.813 ACRES OR 296,757 SQ. FT.
CITY OF DALLAS, DALLAS COUNTY, TEXAS
SURVEYED BY:



McGRAY & McGRAY
LAND SURVEYORS, INC.
3301 HANCOCK DRIVE #6
AUSTIN, TEXAS 78731
(512) 451-8591
TBPLS FIRM # 10095500

PROJECT NUMBER: 14-143	PARTY CHIEF: J. ROGERS	CITY OF DALLAS BLOCK: 8367
DATE: 12/31/2015	TECH: A. BURROUGHS	
SCALE: 1"=100'	CITY OF DALLAS FOLDER:	CITY OF DALLAS FILE NO.:

PRELIMINARY

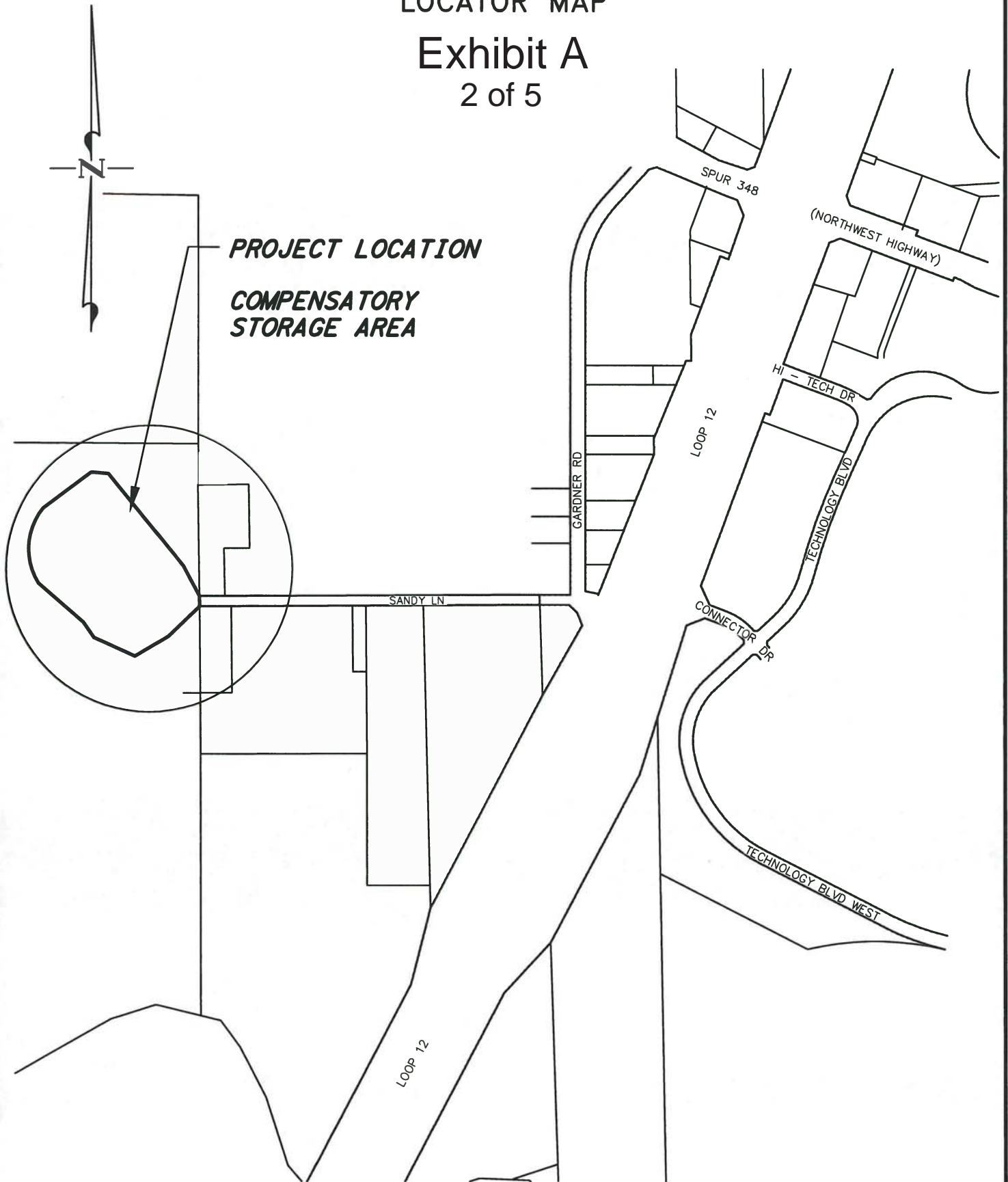
Exhibit A
1 of 5

CHRIS CONRAD, REG. PROF. LAND SURVEYOR NO. 5623
Note: This plat is not valid unless an original signature and original seal appears on its face. There is a description to this plat.

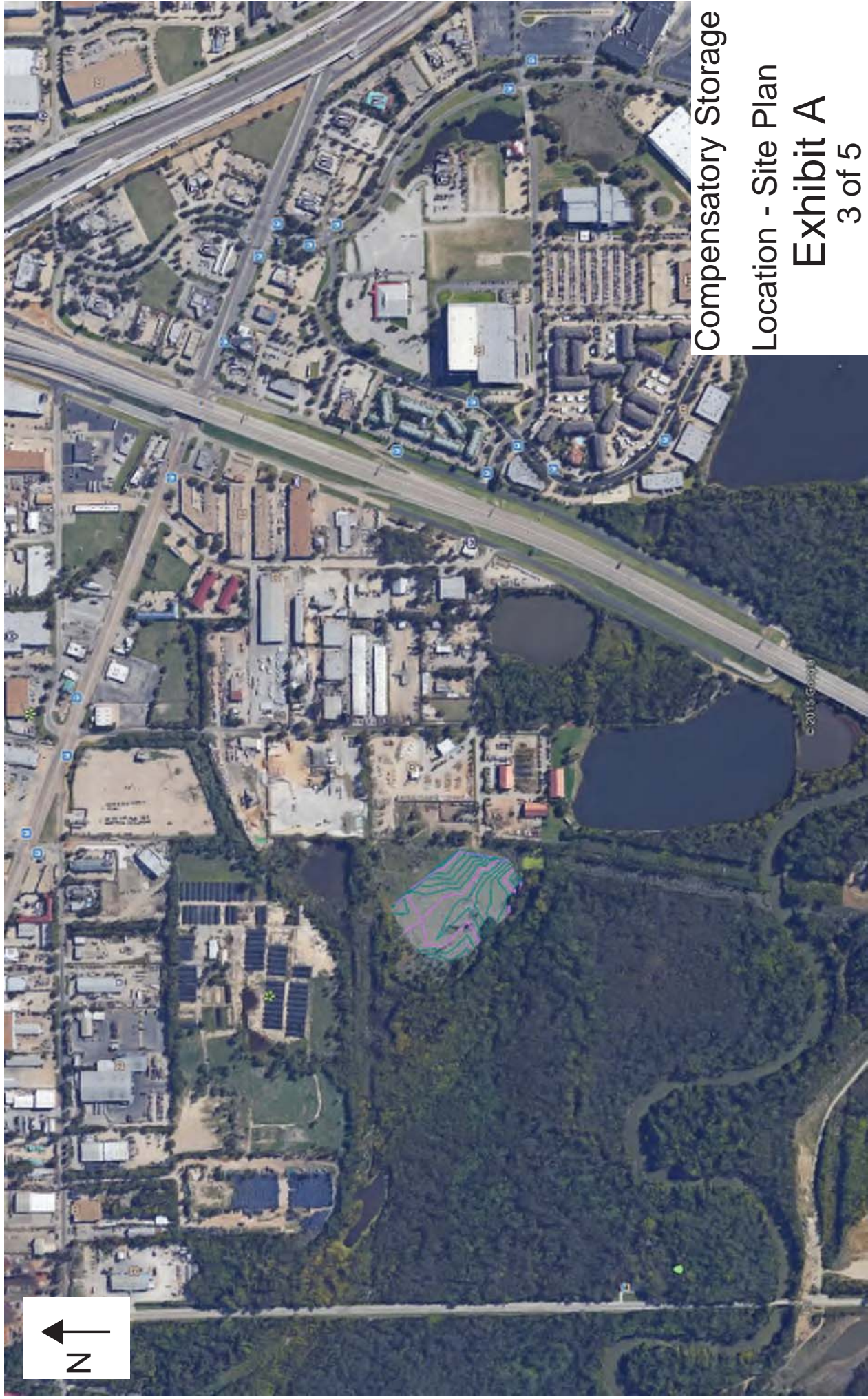
LOCATOR MAP

Exhibit A

2 of 5



PRELIMINARY



Compensatory Storage

Location - Site Plan

Exhibit A

3 of 5

12/14/2015



Compensatory Storage
Location - Grading Plan
Exhibit A

4 of 5 12/14/2015

Compensatory Storage Location - Contour Map

Exhibit Abit A
5 of 5 5 of 5



100 ft

12/14/2015

**MARCH 23, 2016 CITY COUNCIL ADDENDUM
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated March 23, 2016. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.



A.C. Gonzalez
City Manager



Date



Jeanne Chipperfield
Chief Financial Officer



Date

RECEIVED

2016 MAR 18 PM 5:00

CITY SECRETARY
DALLAS, TEXAS

**ADDENDUM
CITY COUNCIL MEETING
WEDNESDAY, MARCH 23, 2016
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TX 75201
9:00 A.M.**

REVISED ORDER OF BUSINESS

Agenda items for which individuals have registered to speak will be considered no earlier than the time indicated below:

9:00 a.m. **INVOCATION AND PLEDGE OF ALLEGIANCE**

OPEN MICROPHONE

CLOSED SESSION

MINUTES

Item 1

CONSENT AGENDA

Items 2 - 46

CONSENT ADDENDUM

Items 1 - 3

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 9:15 a.m.

Items 47 - 54
Addendum Items 4 - 6

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

Items 55 - 74

SUPPLEMENTAL NOTICE

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistola oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."

"De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola a la vista."

**ADDENDUM
CITY COUNCIL MEETING
MARCH 23, 2016
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A. M.**

ADDITIONS:

Closed Session

Attorney Briefings (Sec. 551.071 T.O.M.A.)

- Kenneth E. Albert v. City of Dallas, Cause No. 199-00697-94; Anthony Arredondo v. City of Dallas, Cause No. 199-1743-99; David L. Barber v. City of Dallas, Cause No. 199-624-95; David S. Martin v. City of Dallas, Cause No. 1-95-506; George G. Parker v. City of Dallas, Cause No. 1-95-107; Kevin Michael Willis v. City of Dallas, Cause No. 199-200-95.

CONSENT ADDENDUM

Aviation

1. Authorize a thirty-year lease with two five-year renewal options with Development & Construction Service, LLC for approximately 2.11 acres (91,700 sq. ft.) of land at Dallas Executive Airport for the development of aviation related hangar space - Estimated Revenue: \$228,333 (over the first ten years of the lease)

Housing/Community Services

2. Authorize a public hearing to be held on April 27, 2016 to receive comments on the proposed sale of one unimproved property (list attached) acquired by the taxing authorities from the Sheriff to Dallas Housing Acquisition and Development Corporation, a qualified non-profit organization, under the HB110 process of the City's Land Transfer Program and the release of the City's non-tax liens included in the foreclosure judgment and post-judgment non-tax liens, if any - Financing: No cost consideration to the City

Mayor and City Council

3. Authorize the creation and implementation of a cite and release pilot program with Dallas County in accordance with Texas Criminal Code Section 14.06 for Class A and B misdemeanor possession of marijuana from September 1, 2016 through March 1, 2017 - Financing: No cost consideration to the City

**ADDENDUM
CITY COUNCIL MEETING
MARCH 23, 2016**

ADDITIONS: (Continued)

ITEMS FOR INDIVIDUAL CONSIDERATION

Business Development & Procurement Services

4. Authorize a consulting contract for actuarial services related to the Dallas Police and Fire Pension System - Deloitte Consulting, LLP, most advantageous proposer of four - Not to exceed \$249,500 - Financing: Current Funds (subject to appropriations)

City Secretary's Office

5. A resolution designating an absence by Mayor Michael Rawlings as being for "Official City Business" - Financing: No cost consideration to the City

Mayor and City Council

6. Consideration of the choice of legal counsel for defense of the City and Councilmembers in litigation related to Exxxotica, including the possible adoption of a resolution regarding the choice of legal counsel - Financing: This action has potential cost reductions (via Councilmembers Kingston, Griggs, Greyson, Clayton and Medrano)

CORRECTION:

Business Development & Procurement Services

12. Authorize **(1)** supplemental agreement no. 1 to increase the acquisition contract for the purchase and implementation of software and hardware for a hosted cloud storage for the body worn camera system for Police in the amount of \$119,788, from \$825,034 to \$944,822; and **(2)** supplemental agreement no. 1 to increase the service contract for maintenance, support and cloud storage for the body worn camera system for Police in the amount of \$783,216, from \$2,912,536 to \$3,695,752 - Taser International - Total not to exceed \$903,004, from \$3,737,570 to \$4,640,574 - Financing: 2013 Urban Area Security Initiative Grant Funds (\$872,729) and Office of the Governor, Criminal Justice Division State Grant Funds (\$30,275)

**ADDENDUM
CITY COUNCIL MEETING
MARCH 23, 2016**

DELETIONS:

Fire

18. Authorize **(1)** an Interlocal Agreement with the City of Irving for critical aid response in the Cypress Waters area provided on behalf of City of Dallas and its citizens for one year from October 1, 2015 through September 30, 2016, with four, one-year automatic renewals; and **(2)** a payment of fee per response to the City of Irving - Not to exceed \$300,000 annually - Financing: Current Funds (subject to annual appropriations)

Water Utilities

Cypress Waters and West Cell

42. * Authorize an amendment to Resolution No. 15-1192, previously approved on June 17, 2015, to increase financial participation with the City of Irving within the Dallas-Irving Interlocal Agreement for water supply and infrastructure projects - Not to exceed \$1,598,229, from \$5,748,518 to \$7,346,747 - Financing: Water Utilities Capital Construction Funds
43. * Authorize an amendment to Resolution No. 15-1193, previously approved on June 17, 2015, to increase receipt and deposit of funds from Billingsley LD, Ltd., for the Phase III Development Agreement for Irving-led construction projects from \$4,023,963 to \$5,142,723 - Revenue: \$1,118,760
44. * Authorize the City Manager to enter into a Reciprocal Treated Water Service Contract, approved as to form by the City Attorney, with the City of Irving for reciprocal treated water service for the Cypress Waters Development - Not to exceed \$1,944,801 - Financing: Water Utilities Current Funds (subject to annual appropriations)
45. * Authorize the City Manager to enter into a Reciprocal Wastewater Service Contract, approved as to form by the City Attorney, with the City of Irving for reciprocal wastewater service for the Cypress Waters Development - Not to exceed \$71,058 - Financing: Water Utilities Current Funds (subject to annual appropriations)
46. * An ordinance adopting a boundary adjustment agreement with the City of Irving on property located south of the terminus of South Northlake Road and northwest of the intersection of Valley Vista Drive and Lakebreeze Road (within the West Cell area of the Cypress Waters Development) - Financing: No cost consideration to the City

Tax Foreclosure and Seizure Property Resale
Addendum Item # 2

<u>Parcel No.</u>	<u>Address</u>	<u>Non-Profit Organization</u>	<u>DCAD Mapsco</u>	<u>Sale Amount</u>	<u>Vac/ Amount</u>	<u>Imp</u>	<u>Zoning</u>
1.	418 Sparks	Dallas Housing Acquisition and Development Corporation	55B	\$7,000	\$1,000	V	R-5(A)

ADDENDUM DATE March 23, 2016

ITEM	IND								DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
1			3	C	AVI	REV \$228,333	NA	NA	Authorize a thirty-year lease with two five-year renewal options with Development & Construction Service, LLC for approximately 2.11 acres (91,700 sq. ft.) of land at Dallas Executive Airport for the development of aviation related hangar space - Estimated Revenue: \$228,333 (over the first ten years of the lease)
2			4	C	HOU	NC	NA	NA	Authorize a public hearing to be held on April 27, 2016 to receive comments on the proposed sale of one unimproved property acquired by the taxing authorities from the Sheriff to Dallas Housing Acquisition and Development Corporation, a qualified non-profit organization, under the HB110 process of the City's Land Transfer Program and the release of the City's non-tax liens included in the foreclosure judgment and post-judgment non-tax liens, if any - Financing: No cost consideration to the City
3			All	C	MCC	NC	NA	NA	Authorize the creation and implementation of a cite and release pilot program with Dallas County in accordance with Texas Criminal Code Section 14.06 for Class A and B misdemeanor possession of marijuana from September 1, 2016 through March 1, 2017 - Financing: No cost consideration to the City
4			All	I	PBD, CON	\$249,500.00	100.00%	0.00%	Authorize a consulting contract for actuarial services related to the Dallas Police and Fire Pension System - Deloitte Consulting, LLP, most advantageous proposer of four - Not to exceed \$249,500 - Financing: Current Funds (subject to appropriations)
5			N/A	I	SEC	NC	NA	NA	A resolution designating an absence by Mayor Michael Rawlings as being for "Official City Business" - Financing: No cost consideration to the City
6			All	I	MCC	NC	NA	NA	Consideration of the choice of legal counsel for defense of the City and Councilmembers in litigation related to Exxxotica, including the possible adoption of a resolution regarding the choice of legal counsel - Financing: This action has potential cost reductions (via Councilmembers Kingston, Griggs, Greyson, Clayton and Medrano)

TOTAL \$249,500.00

ADDENDUM ITEM # 1

KEY FOCUS AREA: Economic Development

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): 3

DEPARTMENT: Aviation

CMO: Ryan S. Evans, 671-9837

MAPSCO: 63L

SUBJECT

Authorize a thirty-year lease with two five-year renewal options with Development & Construction Service, LLC for approximately 2.11 acres (91,700 sq. ft.) of land at Dallas Executive Airport for the development of aviation related hangar space - Estimated Revenue: \$228,333 (over the first ten years of the lease)

BACKGROUND

This item is on the addendum to allow sufficient time to finalize the lease terms with the tenant.

The Department of Aviation has long desired to see the expansion and further development of Dallas Executive Airport ("DEA"). The airport currently has 400 acres of undeveloped land for aviation use. Hangar development at the airport will benefit the City of Dallas, as it will offer more clients access to an underutilized asset in the southern sector of Dallas.

Under the DEA Masterplan, DEA is currently completing: (1) A runway expansion, which will be completed in the fall of 2016; (2) Revising the minimum standards for airport development and operations, which will bring about a higher quality and standard for tenant operations at the airport; and (3) An increase in the prevailing lease rental rates for all future developments and lease agreements, which was recently approved on February 24, 2016, by Resolution No. 16-0324.

The proposed lease agreement with Development & Construction Service, LLC will be a catalyst for new economic growth at DEA as the completion of the first (1st) phase of this hangar development will coincide with the completion of the new runway extension.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Budget, Finance and Audit Committee on March 21, 2016.

FISCAL INFORMATION

\$228,333.00 - Estimated Revenue (over the first ten-year period)

OWNER

Development & Construction Service, LLC

Robby Rahmani, President

March 23, 2016

WHEREAS, the City of Dallas owns that certain airport in Dallas more commonly known as Dallas Executive Airport; and

WHEREAS, the Department of Aviation desires to lease approximately 2.11 acres (91,700 sq. ft.) of land to Development & Construction Service, LLC for aviation related hangar development space.

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 lease agreement with Development & Construction Service, LLC ("DCS") for approximately 2.11 acres (91,700 sq. ft.) of land at Dallas Executive Airport.

Section 2. That the key terms and conditions of the lease are:

- (a) The lease shall be for a term of thirty (30) years with two (2) five-year (5) renewal options.
- (b) The ground lease rental rate shall commence at \$0.13 per sq. ft. in year one of the lease with an annual increase of \$0.034 beginning in year two until it reaches the airport's prevailing lease rate of \$0.30 (beginning in year six).
- (c) The lease rate shall remain at \$0.30 for years six through ten and shall escalate beginning in year eleven and every five (5) years thereafter determined by the percentage increase in the appraised market value over the previous five-year period. In any case, no single escalation in the ground lease rate shall exceed 10% of the previous ground lease rate.
- (d) DCS will develop and construct this aviation related hangar development in three (3) phases over the initial five-year (5) period of the lease agreement (in accordance with attached Exhibits A and B).

Section 3. That the Chief Financial Officer is hereby authorized to deposit all revenues received to: Aviation Operating Fund 0130; Dept. AVI; Unit 7725; Revenue Source 7814.

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

Exhibit A



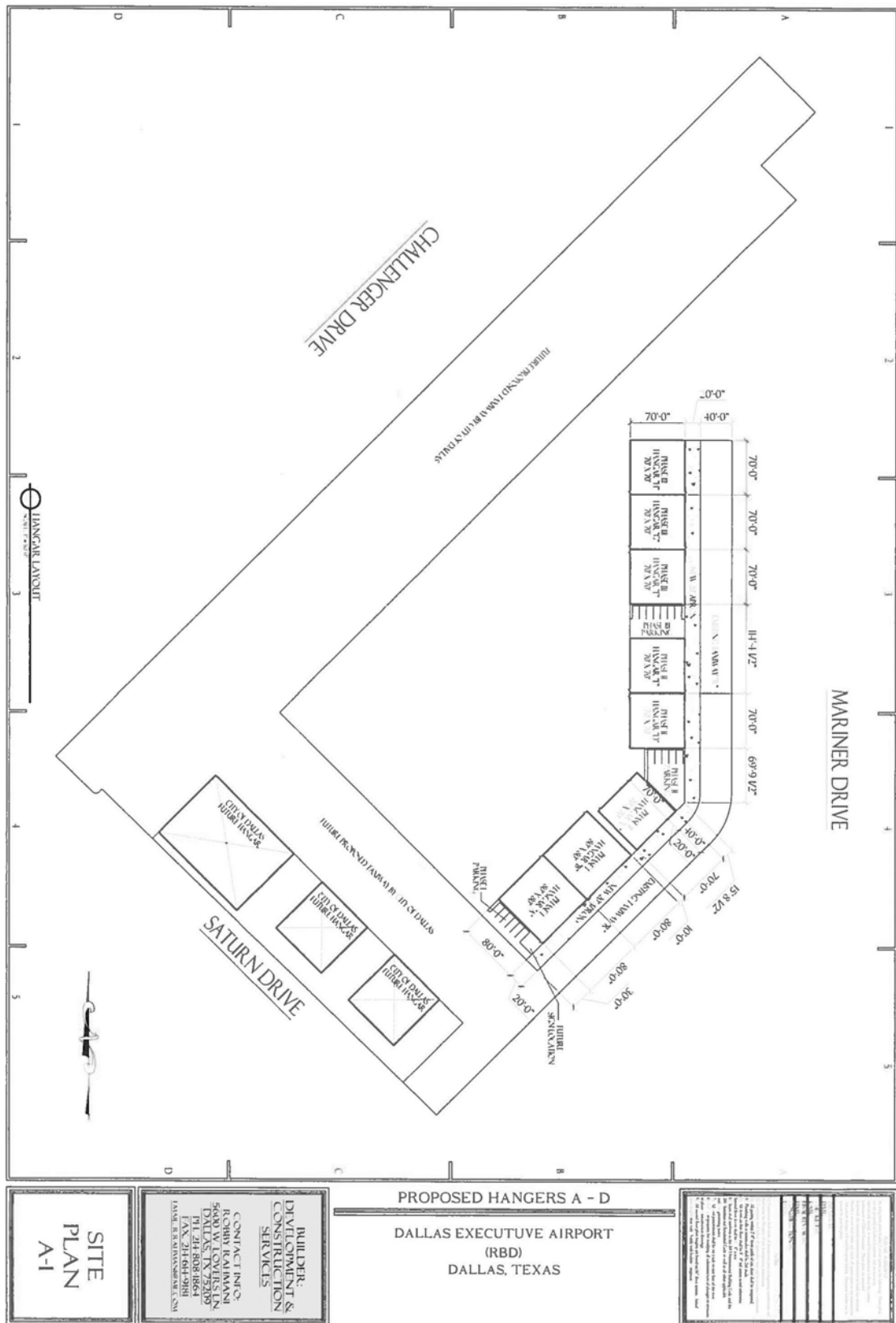
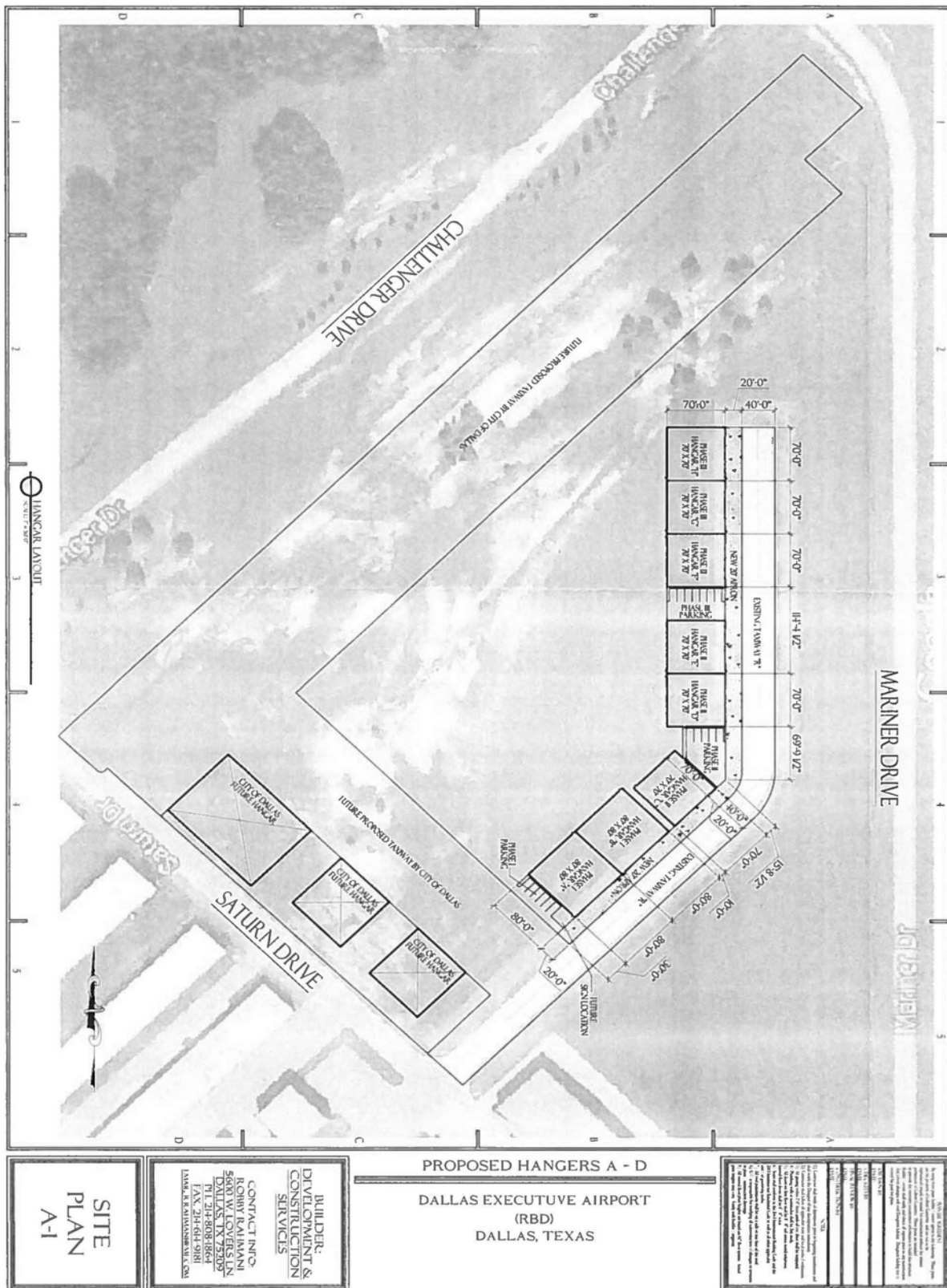
Exhibit B

Exhibit B



ADDENDUM ITEM # 2

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): 4

DEPARTMENT: Housing/Community Services

CMO: Alan Sims, Chief of Neighborhood Plus, 670-1611

MAPSCO: 55B

SUBJECT

Authorize a public hearing to be held on April 27, 2016 to receive comments on the proposed sale of one unimproved property (list attached) acquired by the taxing authorities from the Sheriff to Dallas Housing Acquisition and Development Corporation, a qualified non-profit organization, under the HB110 process of the City's Land Transfer Program and the release of the City's non-tax liens included in the foreclosure judgment and post-judgment non-tax liens, if any - Financing: No cost consideration to the City

BACKGROUND

The HB110 process of the City's Land Transfer Program, in accordance with Section 2-26 of the Dallas City Code ("Code") and with Section 253.010 of the Texas Local Government Code, permits the City to sell land, which the City has acquired as a trustee, for itself and the other taxing jurisdictions, from the Sheriff pursuant to the tax foreclosure process, to a qualified non-profit organization for the purpose of providing affordable housing, subject to the consent of the other taxing jurisdictions.

Property eligible for the HB110 process of the City's Land Transfer Program must to be sold by quitclaim deed and include a possibility of reverter and right of re-entry, triggered under certain conditions, including if construction of affordable housing is not completed on the property within three years of the non-profit's receipt of the quitclaim deed. The quitclaim deed must also include deed restrictions that ensure the desired development of the property and maintain the affordability of the property as required by the Code. Per the Code, the sales price of each property is \$1,000 for up to 7,500 square feet of land plus \$0.133 for each additional square foot of land, which amount is distributed by the City to both the City and the other taxing jurisdictions in accordance with Section 34.06 of the Texas Tax Code, plus an amount equal to the actual fees charged for recording the Sheriff's deed and the quitclaim deed in the real property records. Prior to the approval of any sale, the Code requires that the City Council hold a public hearing to receive comments on the proposed sale of land and provide certain notices to the public.

BACKGROUND (continued)

Dallas Housing Acquisition and Development Corporation (DHADC) will construct one (1) single-family home on the unimproved HB110 process-eligible, Land Transfer Program property for purchase by low to moderate income homebuyers with construction to begin in Fall of 2016.

This item calls for a public hearing on April 27, 2016, at 1:00 PM in the City Council Chambers, Dallas City Hall, 6th floor, 1500 Marilla Street, Dallas, Texas, to allow the public an opportunity to comment on the proposed sale of the one unimproved property to DHADC. At the close of the public hearing, the City Council will be asked to authorize the sale of the property to DHADC by quitclaim deed and the release of the City's non-tax liens included in the foreclosure judgment and the post-judgment non-tax liens, if any.

In conformance with the Code, at least ten calendar days prior to the public hearing, a sign indicating the time and place of the public hearing will be placed on the property, notification of the public hearing will be mailed to property owners within 200 feet of the property, and notice of the public hearing will be published in the Dallas Morning News.

This item is on the addendum due to legal deadlines before the next available agenda.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

Information about this item will be provided to the Housing Committee on March 21, 2016.

FISCAL INFORMATION

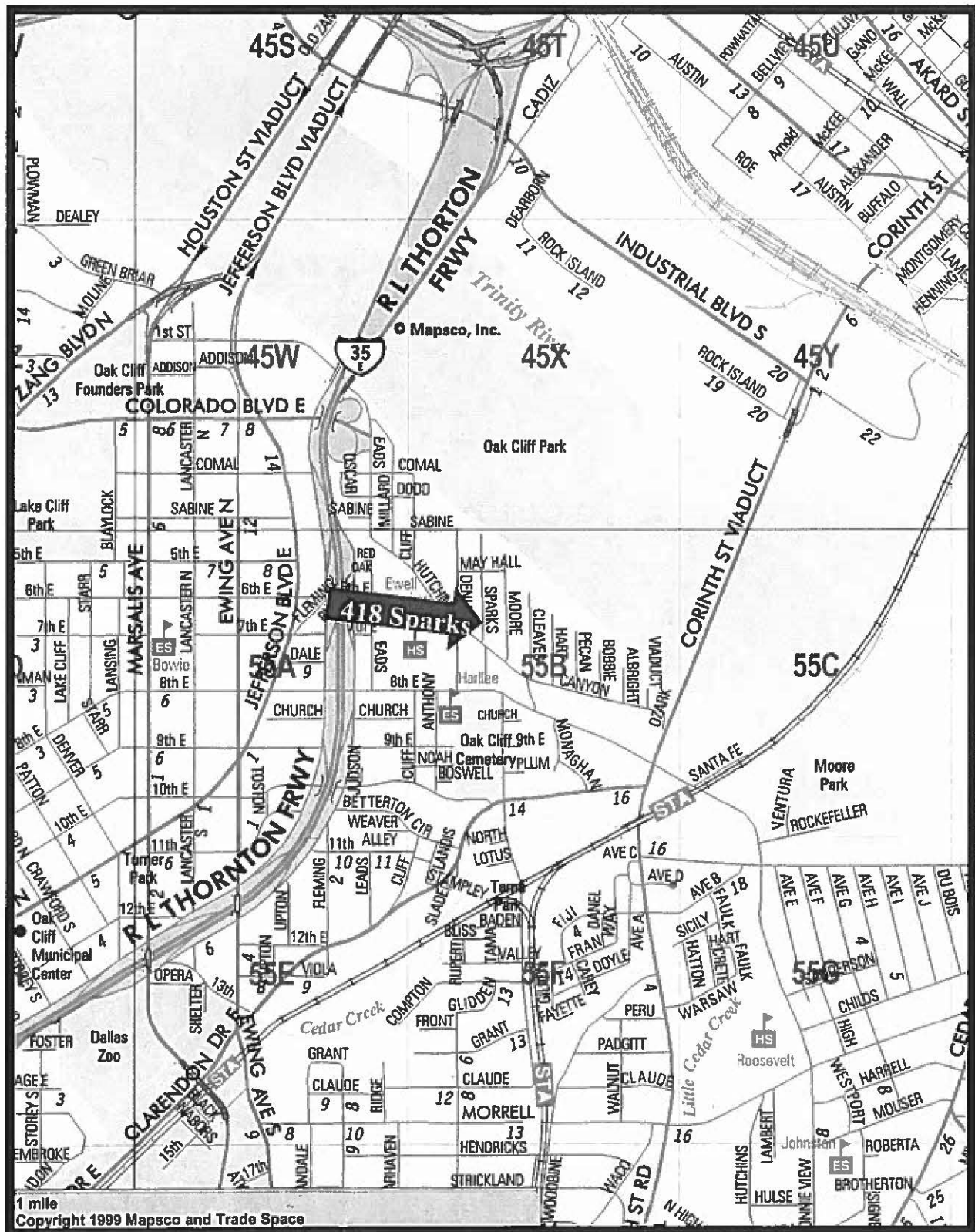
No cost consideration to the City

MAP

Attached

Tax Foreclosure and Seizure Property Resale

<u>Parcel No.</u>	<u>Address</u>	<u>Non-Profit Organization</u>	<u>Mapsc</u>	<u>DCAD Amount</u>	<u>Sale Amount</u>	<u>Vac/ Imp</u>	<u>Zoning</u>
1.	418 Sparks	Dallas Housing Acquisition and Development Corporation	55B	\$7,000	\$1,000	V	R-5(A)



MAPSCO 55B

March 23, 2016

WHEREAS, the City's Land Transfer Program, in accordance with Section 2-26 of the Dallas City Code ("Code") and with Section 253.010 of the Texas Local Government Code, permits the City to sell land, which the City has acquired as a trustee, for itself and the other taxing jurisdictions, from the Sheriff pursuant to the tax foreclosure process, to a qualified non-profit organization for the purpose of providing affordable housing, subject to the consent of the other taxing jurisdictions; and

WHEREAS, property eligible for the HB110 process of the City's Land Transfer Program must be sold by quitclaim deed and include a possibility of reverter and right of re-entry, triggered under certain conditions, including if construction of affordable housing is not completed on the property within three years of the non-profit's receipt of the quitclaim deed; and

WHEREAS, the quitclaim deed must also include deed restrictions that ensure the desired development of the property and maintain the affordability of the property as required by the Code; and

WHEREAS, per the Code, the sales price of each property is \$1,000 for up to 7,500 square feet of land plus \$0.133 for each additional square foot of land, which amount is distributed by the City to both the City and the other taxing jurisdictions in accordance with Section 34.06 of the Texas Tax Code, plus an amount equal to the actual fees charged for recording the Sheriff's deed and the quitclaim deed in the real property records; and

WHEREAS, prior to the approval of any sale, the Code requires that the City Council hold a public hearing to receive comments on the proposed sale of land and provide certain notices to the public; and

WHEREAS, Dallas Housing Acquisition and Development Corporation (DHADC) will construct one (1) single-family home on the unimproved HB110 process-eligible, Land Transfer Program property, identified on Exhibit A, attached hereto, for purchase by low to moderate income homebuyers with construction to begin in the Fall of 2016; and

WHEREAS, at least ten calendar days prior to the public hearing, a sign indicating the time and place of the public hearing will be placed on the property, notification of the public hearing will be mailed to property owners within 200 feet of the property, and notice of the public hearing will be published in the Dallas Morning News;

NOW, THEREFORE,

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

March 23, 2016

Section 1. That the public hearing shall be held at 1:00 p.m. on April 27, 2016 in the City Council Chambers, Dallas City Hall, 6th floor, 1500 Marilla Street, Dallas, Texas, at which time any interested person may appear and speak for or against the proposed sale by quitclaim deed of one (1) unimproved property, identified on Exhibit A, acquired by the taxing authorities from the Sheriff to DHADC, a qualified non-profit organization, in accordance with the HB110 process of the City's Land Transfer Program.

Section 2. That at least ten calendar days prior to the public hearing, a sign indicating the time and place of the public hearing shall be placed on the property, notification of the public hearing shall be mailed to property owners within 200 feet of the property, and notice of the public hearing shall be published in the Dallas Morning News.

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.

EXHIBIT "A"

LAND TRANSFER PROPERTY				
PARCEL NUMBER	STREET ADDRESS LEGAL DESCRIPTION	QUALIFIED PURCHASER	NUMBER OF HOMEOWNER UNITS	SALE AMOUNT
1	418 Sparks South 18.75 Ft of Lot 19 & Lot 20, Dewberry's Addition Block 27675	Dallas Housing Acquisition and Development Corporation	1	\$1,000.00
TOTAL				\$1,000.00

KEY FOCUS AREA: Public Safety

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Mayor and City Council

CMO: A. C. Gonzalez, 670-3297

MAPSCO: N/A

SUBJECT

Authorize the creation and implementation of a cite and release pilot program with Dallas County in accordance with Texas Criminal Code Section 14.06 for Class A and B misdemeanor possession of marijuana from September 1, 2016 through March 1, 2017
- Financing: No cost consideration to the City

BACKGROUND

In 2007, the 80th Texas Legislature passed House Bill 2391, which amended Texas Criminal Code Section 14.06, relating to the appearance of certain misdemeanor offenders before a magistrate. House Bill 2391 authorizes a peace officer charging a person with certain Class A or B misdemeanors to issue a citation with written notice of a later time and place to appear before the magistrate instead of taking the person immediately before the magistrate if that person resides in the county where the offense occurred (“cite and release”).

House Bill 2391 enumerated these certain misdemeanors to include Class A and B possession of marijuana; and Class B criminal mischief; graffiti; theft; theft of service; contraband in correctional facility; and driving while license is invalid. The Dallas Police Department through collaborative discussions and agreement with the Dallas County District Attorney’s Office developed guidelines to implement cite and release for certain Class A and B misdemeanors that include (1) having a valid state issued ID on the person charged; (2) having no prior convictions that would enhance the charge; (3) providing a thumbprint; (4) requiring the person charged to be 17 years of age or older; (5) requiring a signature on the citation; and (6) video recording the encounter from contact to release, when possible.

At the January 6, 2016, briefing, the City Council directed the City Manager to work with the other four counties within the City of Dallas (Collin, Denton, Kaufman, and Rockwall) to establish a cite and release pilot program that includes all five counties to further the City’s goals of reducing the jail population for non-violent offenders.

BACKGROUND (Continued)

This would reduce the time officers spend on jail processing procedures, and improve response times by getting officers back into service quicker. In February 2016, the Dallas Police Department met with the four counties (Collin, Denton, Kaufman, and Rockwall) to discuss establishing a cite and release pilot program with the City of Dallas for Class A and B misdemeanor possession of marijuana, and these four counties declined to participate.

The pilot program will run from September 1, 2016 through March 1, 2017.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSION)

Information about this item was provided to the Public Safety Committee on December 8, 2015.

Information about this item was provided to City Council on January 6, 2016.

FISCAL INFORMATION

No cost consideration to the City

March 23, 2016

WHEREAS, in 2007, the 80th Texas Legislature passed House Bill 2391, which amended Texas Criminal Code Section 14.06, relating to the appearance of certain misdemeanor offenders before a magistrate; and

WHEREAS, House Bill 2391 authorizes a peace officer charging a person with certain Class A or B misdemeanors to issue a citation with written notice of a later time and place to appear before the magistrate instead of taking the person immediately before the magistrate if that person resides in the county where the offense occurred (“cite and release”); and

WHEREAS, House Bill 2391 enumerated these certain misdemeanors to include Class A and B possession of marijuana; and Class B criminal mischief; graffiti; theft; theft of service; contraband in correctional facility; and driving while license is invalid; and

WHEREAS, the Dallas Police Department through collaborative discussions and agreement with the Dallas County District Attorney’s Office developed guidelines to implement cite and release for certain Class A and B misdemeanors that include (1) having a valid state issued ID on the person charged; (2) having no prior convictions that would enhance the charge; (3) providing a thumbprint; (4) requiring the person charged to be 17 years of age or older; (5) requiring a signature on the citation; and (6) video recording the encounter from contact to release, when possible; and

WHEREAS, the City Council’s Public Safety Committee was briefed on December 8, 2015, at its request, about the history of House Bill 2391; options and process for implementing a cite and release pilot program with Dallas County for Class A and B misdemeanor possession of marijuana; and the goals of a cite and release pilot program; and

WHEREAS, on December 8, 2015, the City Council’s Public Safety Committee recommended a full City Council briefing on a cite and release pilot program with Dallas County for Class A and B misdemeanor possession of marijuana; and

WHEREAS, on January 6, 2016, the Dallas City Council was briefed on the history of House Bill 2391; options and the process for implementing a cite and release pilot program with Dallas County for Class A and B possession of marijuana; and the goals of a cite and release pilot program; and

WHEREAS, at the January 6, 2016, briefing, the City Council directed the City Manager to work with the other four counties within the City of Dallas (Collin, Denton, Kaufman, and Rockwall) to establish a cite and release pilot program that includes all five counties to further the City’s goals of reducing the jail population for non-violent offenders, reducing the time officers spend on jail processing procedures, and improving response times by getting officers back into service quicker; and

March 23, 2016

WHEREAS, in February 2016, the Dallas Police Department met with the four counties (Collin, Denton, Kaufman, and Rockwall) to discuss establishing a cite and release pilot program with the City of Dallas for Class A and B misdemeanor possession of marijuana, and these four counties declined to participate; and

WHEREAS, because the City Council still seeks to further the goals of reducing jail population for non-violent offenders, reducing the time officers spend on jail processing procedures, and improving response times by getting officers back into service quicker, a cite and release pilot program with Dallas County for Class A and B misdemeanor possession of marijuana is in the best interest of the City of Dallas and its citizens;

Now, Therefore,

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

SECTION 1. That the City Manager is directed to implement a cite and release pilot program with Dallas County in accordance with Texas Criminal Code Section 14.06 for Class A and B misdemeanor possession of marijuana.

SECTION 2. That the cite and release pilot program with Dallas County for Class A and B misdemeanor possession of marijuana incorporate the guidelines developed with the Dallas County District Attorney's Office that include (1) having a valid state issued ID on the person charged; (2) having no prior convictions that would enhance the charge; (3) providing a thumbprint; (4) requiring the person charged to be 17 years of age or older; (5) requiring a signature on the citation; and (6) video recording the encounter from contact to release, when possible.

SECTION 3. That the cite and release pilot program with Dallas County for Class A and B misdemeanor possession of marijuana shall take effect on September 1, 2016, and shall remain in effect until March 1, 2017.

SECTION 4. That, within three months after the March 1, 2017 cite and release pilot program expires, the City Manager shall provide a report to City Council, including a statistical overview.

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 # 4

KEY FOCUS AREA: E-Gov

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
City Controller

CMO: Jeanne Chipperfield, 670-7804

MAPSCO: N/A

SUBJECT

Authorize a consulting contract for actuarial services related to the Dallas Police and Fire Pension System - Deloitte Consulting, LLP, most advantageous proposer of four - Not to exceed \$249,500 - Financing: Current Funds (subject to appropriations)

BACKGROUND

This item was placed on the addendum to allow for an immediate actuarial review of the public safety pension plans.

This consulting contract allows for an actuarial review and recommendations for changes to the City's public safety employee retirement benefits program. Under this agreement the awarded firm will:

- Evaluate the current benefits and contributions provided to the Police and Fire pension system
- Analyze the benefits based on current economic conditions relative to labor market indicators
- Report on whether changes to the assumptions or methodologies would increase the reliability of information
- Recommend at least three options to address any predicted funding shortfalls
- Provide a detailed analysis on recommended plan amendments for further consideration

The full scope of work is dependent upon many factors, including the level of assistance provided by the Dallas Police and Fire Pension System, the types and number of benefit changes proposed by the firm, and the firm's opinion regarding the adequacy of assumptions used by the Pension System.

Due to the work required, this contract does not include the City's usual indemnification provisions and limits the consultant's professional liability.

BACKGROUND (Continued)

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

- City Controller's Office (1)
- Office of Risk Management (1)
- Human Resources (1)
- Business Development and Procurement Services (1)*

*Business Development and Procurement Services only evaluated cost.

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

- Cost 40%
- Capability and expertise 30%
- Approach and methodology 30%

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 210 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, notifications were sent by the BDPS' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Budget, Finance and Audit Committee on March 21, 2016.

FISCAL INFORMATION

\$249,500.00 - Current Funds (subject to appropriations)

M/WBE INFORMATION

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

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

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

ETHNIC COMPOSITION

Deloitte Consulting, LLP

White Male	171	White Female	96
Black Male	5	Black Female	14
Hispanic Male	24	Hispanic Female	9
Other Male	254	Other Female	64

PROPOSAL INFORMATION

The following proposals were received from solicitation number BHZ1606 and were read on February 26, 2016. This consulting contract is being awarded in its entirety to the most advantageous proposer.

*Denotes successful proposer

<u>Proposers</u>	<u>Address</u>	<u>Score</u>
*Deloitte Consulting, LLP	2200 Ross Ave. Suite 1600 Dallas, TX 75201	86.29%
Gallagher Benefit Services, Inc.	Two Pierce Pl. Itasca, IL 60143	83.54%
Foster & Foster, Consulting Actuaries, Inc. dba Foster & Foster, Inc.	One Oakbrook Terrace Suite 720 Oakbrook Terrace, IL 60181	80.00%

PROPOSAL INFORMATION (Continued)

<u>Proposers</u>	<u>Address</u>	<u>Score</u>
The Howard E. Nyhart Company, Inc.	8415 Allison Pointe Blvd. Suite 300 Indianapolis, IN 46250	66.24%

OWNER

Deloitte Consulting, LLP

Janet Footty, Chief Executive Officer

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a consulting contract for actuarial services related to the Dallas Police and Fire Pension System - Deloitte Consulting, LLP, most advantageous proposer of four - Not to exceed \$249,500 - Financing: Current Funds (subject to appropriations)

Deloitte Consulting, LLP 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	\$249,500.00	100.00%
Total non-local contracts	\$0.00	0.00%
TOTAL CONTRACT	\$249,500.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

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

March 23, 2016

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

Section 1. That the City Manager is authorized to execute a consulting contract with Deloitte Consulting, LLP (516612) for actuarial services related to the Dallas Police and Fire Pension System, in an amount not exceed \$249,500.00, 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 Deloitte Consulting, LLP shall be based only on the amount of the services directed to be performed by the City and properly performed by Deloitte Consulting, LLP under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$249,500.00 (subject to appropriations) from Consulting Contract number MASC-CCO-000000000381.

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 # 5

KEY FOCUS AREA: E-Gov

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Secretary

CMO: Rosa Rios, 670-3738

MAPSCO: N/A

SUBJECT

A resolution designating an absence by Mayor Michael Rawlings 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.

March 23, 2016

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) referenced 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 Michael Rawlings participated in event(s) and/or meeting(s), as described in **Exhibit A** attached, which required him to miss all or part of one or more city council meeting(s) or committee meeting(s) on the date(s) noted;

Now, Therefore,

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

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 Michael Rawlings because of his 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.

March 23, 2016

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 Michael Rawlings in determining his annual compensation under Chapter III, Section 4 of the Dallas City Charter.

SECTION 3. That the City Secretary is authorized and directed to amend the minutes of each city council meeting held on the date(s) specified in Exhibit A, if applicable, to reflect that the absence by Mayor Michael Rawlings as described in Exhibit A, was for "official city business," and no further city council action or approval of those minutes is required.

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

EXHIBIT A
CITY COUNCIL MEMBER(S)
REQUEST ABSENCE AS OFFICIAL CITY BUSINESS

COUNCILMEMBER	MEETING DATE	MEETING EXEMPTION	PURPOSE/LOCATION	ABSENCE TYPE
Michael Rawlings	2/17/2016	City Council Briefing	Traveled to El Paso and Ciudad Juarez to represent the City of Dallas at the Pope's mass El Paso and Ciudad Juarez	Absent

KEY FOCUS AREA: E-Gov

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Mayor and City Council

CMO: A. C. Gonzalez, 670-3297

MAPSCO: N/A

SUBJECT

Consideration of the choice of legal counsel for defense of the City and Councilmembers in litigation related to Exxxotica, including the possible adoption of a resolution regarding the choice of legal counsel - Financing: This action has potential cost reductions (via Councilmembers Kingston, Griggs, Greyson, Clayton and Medrano)

BACKGROUND

At its February 10, 2016 meeting, the City Council approved Resolution No. 16-0308, directing that the city manager not enter into a contract with Three Expo Events, LLC, for use of the Dallas Convention Center. Subsequent to that action, Three Expo Events, LLC, filed suit against the City. On February 23, 2016, pursuant to Administrative Action Nos. 16-5190 and 16-5189, the City authorized professional services contracts with Fanning Harper Martinson Brandt & Kutchin, P.C., and the Law Office of Scott D. Bergthold for legal services in the lawsuit styled Three Expo Events, LLC v. City of Dallas, Texas, et al., Civil Action No. 3:16-CV-00513-D. Five members of the City Council have requested the Mayor to place this item on the agenda and considered by the City Council pursuant to Section 7.11 of the City Council Rules of Procedure.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council was briefed in Closed Session on February 3, 2016, and February 17, 2016.

FISCAL INFORMATION

This action has potential cost reductions.

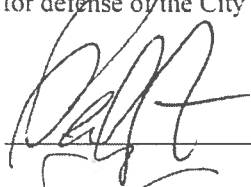
Memorandum




CITY OF DALLAS

DATE February 17, 2016
TO Honorable Mayor Mike Rawlings
SUBJECT Place Voting Item on Next Available Agenda

Please place an item on the next available voting agenda to consider the choice of counsel for defense of the City and councilmembers in litigation related to Exxxotica.



Sandy Greyson



Adam Medina

March 23, 2016

WHEREAS, Chapter 31A, Section 12 of the Dallas City Code states, in pertinent part, that if the city attorney determines that there is a conflict of interests for the city attorney in representing a plan member, and the plan member is otherwise entitled to coverage under this plan, the city will pay the reasonable fee of a private attorney to represent the plan member; and the private attorney will be selected by mutual agreement of the plan member and the city attorney; and

WHEREAS, Chapter 2, Section 30 of the Dallas City Code establishes a threshold for City Manager authorized expenditures processed by Administrative Action not to exceed \$50,000 per transaction;

Now, Therefore,

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

Section 1. That in the case styled Three Expo Events, LLC v. City of Dallas, Texas, et al. and related matters and counseling, the services of Scott D. Bergthold are hereby terminated and a private attorney will be selected by mutual agreement of the City Council and the City Attorney in accordance with Chapter 31, Section 12 of the Dallas City Code.

Section 2. That all contracts in the case styled Three Expo Events, LLC v. City of Dallas, Texas, et al. and related matters and counseling will be approved by the Dallas City Council rather than by delegated authority under Chapter 2, Section 30(d) of the Dallas City Code.

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.

REVISED AGENDA ITEM # 12

KEY FOCUS AREA: E-Gov

AGENDA DATE: March 23, 2016

COUNCIL DISTRICT(S): All

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

CMO: Jeanne Chipperfield, 670-7804
Mark McDaniel, 670-3256
Eric Campbell, 670-3255

MAPSCO: N/A

SUBJECT

Authorize **(1)** supplemental agreement no. 1 to increase the acquisition contract for the purchase and implementation of software and hardware for a hosted cloud storage for the body worn camera system for Police in the amount of \$119,788, from \$825,034 to \$944,822; and **(2)** supplemental agreement no. 1 to increase the service contract for maintenance, support and cloud storage for the body worn camera system for Police in the amount of \$783,216, from \$2,912,536 to \$3,695,752 - Taser International - Total not to exceed \$903,004, from \$3,737,570 to \$4,640,574 - Financing: 2013 Urban Area Security Initiative Grant Funds (\$872,729) and Office of the Governor, Criminal Justice Division State Grant Funds (\$30,275)

BACKGROUND

This item will allow for the purchase and implementation of additional hardware and software for hosted cloud storage for the body worn camera system for Police. An agreement approved by City Council on May 27, 2015 by Resolution No. 15-1002 allowed for the purchase of 1,000 cameras. The agreement consisted of an initial purchase of 400 cameras and the remaining cameras were scheduled to be purchased 200 per subsequent year during a four year term. Consequently the purchase of the 600 cameras is being accelerated for immediate delivery and due to the acceleration of the purchase of these cameras additional cloud storage is now required. This agreement also provides four years and three months of maintenance and support of cameras purchased through this agreement. Maintenance includes patches, updates, technical support and compliance with state and federal requirements. The body worn cameras are utilized by patrol officers as part of their assigned personal gear. This increase will also provide for the purchase of 50 additional cameras through a grant accepted by City Council on November 12, 2014, by Resolution No. 14-1902.

BACKGROUND (Continued)

Camera purchases, under this agreement also include:

- Battery
- Docking stations
- Infield viewing device
- USB charger and cable
- Unlimited cloud storage
- Management tools
- All supporting equipment, software and training

This agreement includes hardware upgrades to ensure technology remains current. The system is a fully hosted solution, requiring a minimum number of City personnel for support. All storage space required for video, recovery of video, back up of video and security is handled by the vendor as a part of this turnkey solution.

Through the vendor's hosted solution, officers will be able to upload video to a cloud based solution. The system includes redaction capabilities that provides efficiency related to records requests.

The utilization of body worn cameras will benefit the City by:

- Enhancing the public's confidence in the Police department by increasing transparency and displaying a willingness to record Police actions
- Safeguarding citizens and officers against false allegations.
- Improve evidence collection/preservation and aid in the prosecution of criminal cases

This supplemental meets the wage floor rate of \$10.37 approved by City Council on November 10, 2015, by Resolution No. 15-2141.

PRIOR ACTION/REVIEW (COUNCIL BOARDS, COMMISSIONS)

On November 12, 2014, City Council authorized acceptance of the 2014 Homeland Security Grant from the Department of Homeland Security, which includes the Urban Area Security Initiative and the State Homeland Security Grant Program to provide funding for equipment acquisition, planning and training activities to enable the City to respond to natural and man-made disasters for the period September 1, 2014 through June 30, 2016; and execution of the grant agreement by Resolution No. 14-1902.

On May 11, 2015, the Public Safety Committee was briefed.

On May 26, 2015, the Public Safety Committee was briefed.

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

On May 27, 2015, City Council authorized an acquisition contract for the purchase and implementation of software and hardware for a hosted cloud storage body worn camera system for Police and a five-year service contract for maintenance and support for the body worn camera system by Resolution No. 15-1002.

On February 24, 2016, City Council authorized an application for and acceptance of two Body-Worn Camera Program Grants from the Office of the Governor's Criminal Justice Division to be used to purchase body-worn cameras and related accessories for a period of one year from the execution of the grant agreements by Resolution No. 16-0384.

Information about this item will be provided to the Budget, Finance and Audit Committee on March 21, 2016.

FISCAL INFORMATION

~~\$903,004.00~~ \$872,729.00 - 2013 Urban Area Security Initiative Grant Funds
\$ 30,275.00 - Office of the Governor, Criminal Justice Division State Grant Funds

ETHNIC COMPOSITION

Taser International

White Male	230	White Female	139
Black Male	7	Black Female	1
Hispanic Male	32	Hispanic Female	58
Other Male	22	Other Female	16

OWNER

Taser International

Luke Larson, President
Josh Isner, Vice President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize **(1)** supplemental agreement no. 1 to increase the acquisition contract for the purchase and implementation of software and hardware for a hosted cloud storage for the body worn camera system for Police in the amount of \$119,788, from \$825,034 to \$944,822; and **(2)** supplemental agreement no. 1 to increase the service contract for maintenance, support and cloud storage for the body worn camera system for Police in the amount of \$783,216, from \$2,912,536 to \$3,695,752 - Taser International - Total not to exceed \$903,004, from \$3,737,570 to \$4,640,574 - Financing: 2013 Urban Area Security Initiative Grant Funds (\$872,729) and Office of the Governor, Criminal Justice Division State Grant Funds (\$30,275)

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

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$0.00	0.00%
Non-local contracts	\$903,004.00	100.00%
TOTAL THIS ACTION	<u>\$903,004.00</u>	<u>100.00%</u>

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	<u>\$0.00</u>	<u>0.00%</u>	<u>\$0.00</u>	<u>0.00%</u>

March 23, 2016

WHEREAS, on November 12, 2014, City Council authorized acceptance of the 2014 Homeland Security Grant from the Department of Homeland Security, which includes the Urban Area Security Initiative and the State Homeland Security Grant Program to provide funding for equipment acquisition, planning and training activities to enable the City to respond to natural and man-made disasters for the period September 1, 2014 through June 30, 2016; and execution of the grant agreement by Resolution No. 14-1902; and,

WHEREAS, on May 27, 2015, City Council authorized an acquisition contract for the purchase and implementation of software and hardware for a hosted cloud storage body worn camera system for Police and a five-year service contract for maintenance and support for the body worn camera system by Resolution No. 15-1002; and,

WHEREAS, on February 24, 2016, City Council authorized an application for and acceptance of two Body-Worn Camera Program Grants from the Office of the Governor's Criminal Justice Division to be used to purchase body-worn cameras and related accessories for a period of one year from the execution of the grant agreements by Resolution No. 16-0384;

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 **(1)** supplemental agreement no. 1 to increase the acquisition contract for the purchase and implementation of software and hardware for a hosted cloud storage for the body worn camera system for Police in the amount of \$119,788.00, from \$825,034.00 to \$944,822.00; and **(2)** supplemental agreement no. 1 to increase the service contract for maintenance, support and cloud storage for the body worn camera system for Police in the amount of \$783,216.00, from \$2,912,536.00 to \$3,695,752.00 with Taser International (517440) in a total amount not to exceed \$903,004.00, increasing the acquisition and service contract amount from \$3,737,570.00 to \$4,640,574.00.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$903,004.00 (subject to annual appropriations) from Service Contract number MASC PX2181CR16F16.

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 resolved.