

**SEPTEMBER 14, 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 September 14, 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 SEP -2 PM 4:45

CITY SECRETARY
DALLAS, TEXAS



COUNCIL AGENDA

September 14, 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.

If you need interpretation in Spanish language, please contact the City Secretary's Office at 214-670-3738 with a 48 hour advance notice.

Sign interpreters are available upon request with a 48-hour advance notice by calling (214) 670-3738 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.

Si necesita interpretación en idioma español, por favor comuníquese con la oficina de la Secretaría del Ayuntamiento al 214-670-3738 con notificación de 48 horas antes.

Intérpretes para personas con impedimentos auditivos están disponibles si lo solicita con 48 horas de anticipación llamando al (214) 670-3738 (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, SEPTEMBER 14, 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 - 52

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 9:15 a.m.

Items 53 - 54

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

Items 55 - 98

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

AGENDA
CITY COUNCIL MEETING
SEPTEMBER 14, 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 August 24, 2016 City Council Meeting, August 29, 2016 and August 30, 2016 Special Called Meetings

CONSENT AGENDA

Business Development & Procurement Services

2. Authorize a three-year service contract for the rental and maintenance of portable toilets
- Pot-O-Gold Rentals, LLC, lowest responsible bidder of three - Not to exceed \$813,172
- Financing: Current Funds (\$773,077), Stormwater Drainage Management Current Funds (\$24,005), Water Utilities Current Funds (\$10,177), Sanitation Current Funds (\$4,020) and Aviation Current Funds (\$1,893) (subject to annual appropriations)
3. Authorize a four-year service contract for non-engineering environmental consulting, investigative and remediation services with twenty-nine vendors selected as most qualified respondent of thirty-seven (list attached) - Not to exceed \$17,156,124 - Financing: Current Funds (\$9,958,124), Aviation Current Funds (\$2,400,000), Stormwater Drainage Management Current Funds (\$1,900,000), Water Utilities Current Funds (\$1,290,000), Sanitation Current Funds (\$1,220,000) and Convention and Event Services Current Funds (\$388,000) (subject to annual appropriations)

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

4. Authorize a five-year service contract, with two one-year renewal options, for licenses, maintenance, hosting and support for the existing Polaris Integrated Library System - Innovative Interfaces Incorporated, sole source - Not to exceed \$1,347,208 - Financing: Current Funds (subject to annual appropriations)
5. Authorize a five-year service contract, with two two-year renewal options, to provide maintenance and support for the existing airport access control system at Dallas Love Field - Convergent Technologies, LLC, most advantageous proposer of three - Not to exceed \$5,502,820 - Financing: Aviation Current Funds (subject to annual appropriations)
6. Authorize **(1)** a contract for the purchase and five-years of maintenance for meter test bench system and portable meter testers - Ow Investors, LLC in the amount of \$439,415, most advantageous proposer of two; and **(2)** a contract for the purchase of a sandblaster and five-years of maintenance for new and existing sandblasters - Clemtex II, Inc. in the amount of \$85,830, most advantageous proposer of two - Total not to exceed \$525,245 - Financing: Water Utilities Current Funds (subject to annual appropriations)
7. Authorize **(1)** a three-year contract, with two one-year renewal options, for broker of record and the purchase of an insurance policy for commercial property/boiler and machinery insurance, from October 1, 2016 through September 30, 2019 at a guaranteed rate of 0.03064; and risk management consulting services from January 8, 2017 through January 7, 2020 - Wells Fargo Insurance Services USA, Inc., in the amount of \$4,315,290, most advantageous proposer of three; **(2)** a one-year contract, with two one-year renewal options, for the purchase of aviation, crime, fine arts, flood, media and professional liability, and general liability insurance policies from October 1, 2016 through September 30, 2017 - Wells Fargo Insurance Services USA, Inc. in the amount of \$411,711, most advantageous proposer of three; and **(3)** a one-year contract, with two one year renewal options for brokerage fees and the purchase of cyber liability and privacy insurance from October 1, 2016 through September 30, 2017 - McGriff, Seibels & Williams of Texas, Inc., in the amount of \$245,225, most advantageous proposer of three - Total not to exceed \$4,972,226 - Financing: Current Funds (subject to annual appropriations)
8. Authorize a three-year master agreement for coastal Bermuda hay - Triple H Farms, lowest responsible bidder of four - Not to exceed \$72,670 - Financing: Current Funds
9. Authorize a three-year master agreement for the purchase of recreation center and physical education supplies - S & S Worldwide, Inc. in the amount of \$269,630 and BSN Sports in the amount of \$60,500, lowest responsible bidders of three - Total not to exceed \$330,130 - Financing: Current Funds

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

10. Authorize a three-year master agreement for water meter castings, risers, cast iron inlet frames and covers - Accucast LTD in the amount of \$2,064,389, Fortiline, Inc. in the amount of \$1,231,033, Bass & Hays Foundry, Inc. in the amount of \$1,108,293, Johnson Enterprises in the amount of \$826,080, U.S.F. Fabrication, Inc. in the amount of \$362,240, ACT Pipe & Supply, Inc. in the amount of \$27,537 and DFW Plastics, Inc. in the amount of \$568, lowest responsible bidders of nine - Total not to exceed \$5,620,140 - Financing: Current Funds (\$1,222,623), Water Utilities Current Funds (\$4,393,216), Stormwater Drainage Management Current Funds (\$3,305) and Aviation Current Funds (\$996)
11. Authorize supplemental agreement no. 4 to increase and extend the service contract to provide for maintenance and support of the City's financial and accounting system, from October 1, 2016 through September 30, 2019 - CGI Technologies and Solutions, Inc. through the Texas Department of Information Resources - Not to exceed \$1,509,565, from \$1,373,756 to \$2,883,321 - Financing: Current Funds (subject to annual appropriations)

City Attorney's Office

12. Authorize **(1)** acceptance of the 2016-17 Substance Abuse and Mental Health Services Administration grant from the U.S. Department of Health and Human Services for expansion of the South Dallas Community Court to include the South Dallas Treatment Drug Court for the Adult Treatment Drug Court Expansion project for the period September 30, 2016 through September 29, 2017; **(2)** approval to create one new full-time position to execute the proposed project; and **(3)** execution of the grant agreement - Not to exceed \$305,074 - Financing: U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration Grant Funds
13. Authorize a three-year contract with West Publishing Corporation d/b/a West, a Thomson Reuters Business, for on-line legal research and associated services utilizing Westlaw for the City Attorney's Office through the Council on Competitive Government for the period beginning October 1, 2016 through September 30, 2019 - Not to exceed \$478,011 - Financing: Current Funds (subject to annual appropriations)
14. Authorize a three-year professional services contract with the law firm of Webb & Webb for representation of the City of Dallas in connection with matters involving water rights pending before the Texas Commission of Environmental Quality and other water related matters for the period beginning October 1, 2016 through September 30, 2019 - Not to exceed \$400,000 - Financing: Water Utilities Current Funds (subject to annual appropriations)

CONSENT AGENDA (Continued)

City Attorney's Office (Continued)

15. Authorize a third amendment to the professional services contract with Sims Moore Hill & Gannon, L.L.P. f/k/a Sims Moore Hill Gannon & Crain, L.L.P. for legal services in connection with the operation of the Mortgage Assistance Program in the City's Housing/Community Services Department to extend the term of the contract through September 30, 2018 - Not to exceed \$100,000, from \$150,000 to \$250,000 - Financing: 2015-16 Community Development Block Grant Funds

City Auditor's Office

16. Authorize approval of the Office of the City Auditor's Fiscal Year 2017 Audit Plan as required by paragraph 4(b) of Resolution No. 79-0723, previously approved on February 28, 1979, and as amended by Resolution No. 90-4027, previously approved on December 12, 1990 - Financing: No cost consideration to the City

Code Compliance

17. An ordinance amending Sections 47A.1-4, 47A-1.6, 47A-2.1.2, 47A-2.1.8, 47A-2.2.1, 47A-2.3.2, 47A-2.3.3, 47A-2.3.5, 47A-2.4.8, 47A-2.5.1, and 47A-2.5.2 of Chapter 47A, "Transportation for Hire," of the Dallas City Code to: **(1)** clarify certain exclusions and definitions; **(2)** clarify insurance requirements; **(3)** prohibit an operating authority from owning a certain interest or maintaining control over entities that inspect or certify vehicles as required to obtain a vehicle permit under this chapter; **(4)** provide that the director may request information to verify airport fees from operating authorities; **(5)** add requirements for vehicle permits; **(6)** remove certain vehicle quality standards; **(7)** synchronize the vehicle permit validity period with the state registration period; **(8)** adjust the flat rates from Love Field and Dallas-Fort Worth International Airports; **(9)** clarify what flat rates from airports include; and **(10)** make certain other grammatical changes - Financing: No cost consideration to the City

Fire

18. Authorize **(1)** acceptance of a Community Wildfire Protection Plan Grant in the amount of \$10,000 from the Texas A&M Forest Service, a member of The Texas A&M University System and an agency of the State of Texas; and **(2)** execution of the grant agreement - Not to exceed \$10,000 - Financing: Texas A&M Forest Service Grant Funds
19. Authorize the assignment of an existing contract between the Physicians for Children d/b/a Children's Health Pediatric Group and the City of Dallas through its Mobile Community Healthcare Program services to Children's Healthcare System of Texas - Financing: No cost consideration to the City

CONSENT AGENDA (Continued)**Fire (Continued)**

20. Authorize a two-year healthcare service provider agreement, with a one-year term renewal option, with the Area Metropolitan Ambulance Authority, d/b/a MedStar Mobile Healthcare for Mobile Community Healthcare Program services provided by the Dallas Fire-Rescue Department for the period October 1, 2016 through September 30, 2018 - Estimated Revenue: \$100,000
21. Authorize a two-year health information exchange agreement, with a one-year renewal option, between the University of Texas Southwestern Medical Center, an agency of the State of Texas, located at 5323 Harry Hines Boulevard, Dallas, Texas 75390 ("UT Southwestern"), and the City of Dallas for services provided by Mobile Community Healthcare Program of Dallas Fire-Rescue Department for the period October 1, 2016 through September 30, 2018 - Financing: No cost consideration to the City

Housing/Community Services

22. Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by Carrcomm Enterprises LLC for the construction of a house; **(2)** the sale of 1 vacant lot (list attached) from Dallas Housing Acquisition and Development Corporation to Carrcomm Enterprises LLC; and **(3)** execution of a release of lien for any non-tax liens on the 1 property that may have been filed by the City - Financing: No cost consideration to the City
23. Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by Dallas Area Habitat for Humanity for the construction of houses; **(2)** the sale of 3 vacant lots (list attached) from Dallas Housing Acquisition and Development Corporation to Dallas Area Habitat for Humanity; and **(3)** execution of a release of lien for any non-tax liens on the 3 properties that may have been filed by the City - Financing: No cost consideration to the City
24. Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by King Home Builders, LLC for the construction of a house; **(2)** the sale of 1 vacant lot (list attached) from Dallas Housing Acquisition and Development Corporation to King Home Builders, LLC; and **(3)** execution of a release of lien for any non-tax liens on the 1 property that may have been filed by the City - Financing: No cost consideration to the City
25. Authorize an amendment to Resolution No. 13-1795, previously approved on October 8, 2013, on an economic development loan with South Dallas/Fair Park Innercity Community Development Corporation for the acquisition of improved and unimproved properties, located within the Frazier Neighborhood Investment Program area, including associated closing costs, relocation, environmental remediation, demolition costs, predevelopment costs and development costs for the purpose of constructing residential, retail, commercial, or mixed-use redevelopment as part of the Economic Development Plan for the Frazier area to **(1)** change the economic development loan to a conditional grant agreement; and **(2)** extend the completion date from September 2, 2015 to December 31, 2018 - Financing: No cost consideration to the City

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

26. Authorize an amendment to Resolution No. 14-1056, previously approved on June 25, 2014, for an existing development loan with City Wide Community Development Corporation for acquisition, demolition, relocation, and other related costs for Lancaster-Opal Project to **(1)** change the development loan to a conditional grant agreement; and **(2)** extend the completion date from September 12, 2016 to September 12, 2018 - Financing: No cost consideration to the City
27. Authorize an amendment to Resolution No. 15-1078, previously approved on June 10, 2015, for a housing development loan in an amount not to exceed \$540,000 with Dallas Area Habitat for Humanity for construction of 18 single family homes to be located on scattered sites in the Joppa Neighborhood area to extend the completion date from August 26, 2016 to August 31, 2017 - Financing: No cost consideration to the City
28. Authorize an amendment to Resolution No. 15-1379, previously approved on August 12, 2015, for the conditional grant agreement in the amount of \$1,150,000 with Urban Mixed Use, LLC to extend the completion date from June 30, 2016 to June 30, 2017 for the predevelopment and construction of the 38-unit multifamily project located at 3221 Elihu Street - Financing: No cost consideration to the City

Office of Emergency Management

29. Authorize **(1)** acceptance of additional grant funds from the U.S. Department of Homeland Security through the Texas Department of Public Safety under the Homeland Security Grant Program for the 2014 State Homeland Security Program in the amount of \$215,356 to provide funding for equipment acquisition, planning and training activities to enable the City to respond to natural and man-made disasters; **(2)** extension of the performance period for the 2014 Homeland Security Program from September 1, 2014 to January 31, 2016 to September 1, 2014 to July 31, 2016; **(3)** an increase in appropriations in the amount of \$215,356 in the 2014 State Homeland Security Program Fund; and **(4)** execution of the grant agreement - Not to exceed \$215,356, from \$5,912,175 to \$6,127,531 - Financing: U.S. Department of Homeland Security Grant Funds

Office of Environmental Quality

30. Authorize a three-year professional services contract with Terracon Consultants, Inc. to complete remedial actions and a Municipal Setting Designation, as mandated by the Texas Commission on Environmental Quality, at the Central Service Center leaking petroleum storage tank site located at 3111 Dawson Street, through an Interlocal Purchasing Agreement with the City of Irving - Not to exceed \$305,922 - Financing: Current Funds (subject to annual appropriations)

CONSENT AGENDA (Continued)

Park & Recreation

31. Authorize a professional services contract with Urban Engineers Group, Inc. for design services for plans, specifications and cost estimates for Phase 2A for the Northaven Trail from Preston Road to Midway Road - Not to exceed \$266,387 - Financing: General Obligation Commercial Paper Funds
32. Authorize a decrease in the contract with Northstar Construction, LLC to add a section of trail from Crouch Road to the new Singing Hills Recreation Center and associated work; and to delete a section of the trail from Crouch Road to Runyon Springs Branch and associated work for the Runyon Creek Trail located between Glendale Park and Camp Wisdom Road - Not to exceed (\$143,600), from \$2,497,700 to \$2,354,100 - Financing: General Obligation Commercial Paper Funds

Planning and Urban Design

33. Authorize a Funding Agreement between Dallas Area Rapid Transit, Downtown Dallas, Inc. and the City of Dallas for a one-year extension of the D-Link, downtown shuttle service operation - Not to exceed \$400,000 - Financing: Convention and Event Services Current Funds (subject to annual appropriations)
34. Authorize the City Manager to provide a Notice of Establishment for a Quiet Zone along the Union Pacific Railroad encompassing the Prairie Creek Road and Sam Houston Road crossings as required by the Federal Railroad Administration Final Train Horn Rule 49 CFR Parts 222 and 229, with the intent to establish a Quiet Zone - Financing: No cost consideration to the City

Public Works Department

35. Authorize a professional services contract with Huitt-Zollars, Inc., to provide design services, construction management services, and environmental services for the removal and replacement of seven 20,000-gallon underground fuel storage tanks and the removal of a 3,000-gallon secondary containment vault at the Southeast Service Center located at 2800 Municipal Street - Not to exceed \$191,255 - Financing: Current Funds
36. Authorize an increase in the construction contract with Pavecon Public Works, LP for additional work associated with the construction of a 12 foot-wide bicycle facility that will connect the Chalk Hill Road project's dedicated on-street bicycle lanes with the planned Chalk Hill Trail Project - Not to exceed \$357,143, from \$9,099,662 to \$9,456,805 - Financing: Current Funds (subject to appropriations)
37. Authorize Supplemental Agreement No. 1 to the professional services contract with Teague Nall and Perkins, Inc. for additional engineering design and survey services for three street petition improvement projects (list attached) - Not to exceed \$64,926, from \$178,092 to \$243,018 - Financing: 2012 Bond Funds

CONSENT AGENDA (Continued)**Street Services**

38. Authorize an increase in the contract with NPL Construction Co. for additional paving and infrastructure repairs at various locations throughout the city - Not to exceed \$6,732,645, from \$50,716,527 to \$57,449,172 - Financing: Current Funds (subject to annual appropriations)

Sustainable Development and Construction

39. Authorize the quitclaim of 65 properties acquired by the taxing authorities from the Tax Foreclosure Sheriff's Sale to the highest bidders; and authorize the execution of release of liens for any non-tax liens that may have been filed by the City and were included in the foreclosure judgment (list attached) - Revenue: \$758,872
40. An ordinance granting a private license to 400 S. Record Street, LLC, for the use of a total of approximately 28 square feet to maintain and utilize two monument signs on portions of Young and Wood Streets rights-of-way, near its intersection with Market Street - Revenue: \$200 one-time fee, plus the \$20 ordinance publication fee
41. An ordinance granting a private license to Butler Brothers Hospitality Group, LLC, for the use of approximately four square feet of subsurface space to install, occupy, use and maintain an irrigation meter under a portion of Marilla Street right-of-way, near its intersection with Evergreen Street - Revenue: \$100 one-time fee, plus the \$20 ordinance publication fee
42. An ordinance abandoning portions of Elm and Main Streets to Westdale Properties America I, LTD, the abutting owner, containing a total of approximately 480 square feet of land, located near the intersection of Elm Street and Malcolm X Boulevard, and authorizing the quitclaim - Revenue: \$8,950, plus the \$20 ordinance publication fee
43. An ordinance correcting Chapter 51A, "Dallas Development Code", of the Dallas City Code, as amended by correcting Section 51A-4.209(b)(6)(E)(vii) - Financing: No cost consideration to the City
44. An ordinance correcting **(1)** Ordinance No. 29811, previously approved on August 12, 2015, which amended Specific Use Permit No. 913 on the north line of East Northwest Highway, east of Audelia Road; and **(2)** Ordinance No. 30070 previously approved on April 27, 2016, which created Historic Overlay District No. 146 located west of the intersection of Pemberton Hill Road and Sarah Lee Drive - Financing: No cost consideration to the City
45. An ordinance correcting **(1)** Planned Development District No. 944 created by Ordinance No. 29890; and **(2)** Planned Development District No. 521, Sections 51P.521.109(4)(A) and 51P.109(5)(B) relating to Subarea E - Financing: No cost consideration to the City

CONSENT AGENDA (Continued)

Trinity Watershed Management

46. A resolution consenting to the condemnation and acceptance of the award of the Special Commissioners of a drainage easement containing approximately 5,488 square feet of City-owned land to Union Pacific Railroad Company, a Delaware Corporation vs. The City of Dallas, Texas, Cause No. CC-16-00069-A, located at 9100 Cedar Run Drive - Revenue: \$2,600
47. Authorize a professional services contract with CDM Smith, Inc. for an engineering feasibility study of the stormwater drainage at Dallas Love Field - Not to exceed \$407,637 - Financing: Stormwater Drainage Management Capital Construction Funds (\$78,819), Water Utilities Capital Construction Funds (\$78,818) and Aviation Capital Construction Funds (\$250,000)
48. Authorize an increase in the construction contract with DCI Contracting, Inc. for vegetative support layer improvements for closed landfill improvements associated with the Simpkins Remediation located at 5950 Elam Road and 6300 Great Trinity Forest Way - Not to exceed \$592,928, from \$2,371,711 to \$2,964,639 - Financing: Stormwater Drainage Management Capital Construction Funds

Water Utilities

49. Authorize an engineering services contract with Kimley-Horn & Associates, Inc. to provide engineering design services for the replacement and rehabilitation of water and wastewater mains at 14 locations (list attached) - Not to exceed \$2,512,805 - Financing: Water Utilities Capital Improvement Funds
50. Authorize a contract for the construction of Effluent Pump Station rehabilitation improvements at the Central Wastewater Treatment Plant - Archer Western Construction, LLC, lowest responsible bidder of two - Not to exceed \$11,663,700 - Financing: Water Utilities Capital Improvement Funds
51. Authorize an increase in the contract with MWH Constructors, Inc. for additional work associated with the construction of water quality and miscellaneous improvements at the Bachman Water Treatment Plant - Not to exceed \$347,740, from \$48,388,312 to \$48,736,052 - Financing: Water Utilities Capital Improvement Funds
52. Authorize Supplemental Agreement No. 2 to the Concession Agreement at Lake Ray Hubbard between the City of Dallas and Suntex RHCC Marina, LLC, to extend the contract for a period of five years - Estimated Annual Revenue: \$30,000

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

53. 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)

Economic Development

54. Authorize **(1)** a one-year service contract, with four one-year renewal options, with PeopleFund, most advantageous proposer, to administer the City of Dallas CDBG Business Revolving Loan Program (BRLP), for the purpose of making and servicing loans to area businesses and creating and/or retaining jobs for low-to-moderate income persons, in accordance with Department of Housing and Urban Development (HUD) regulations; and **(2)** any unexpended balances of program income and allocations from contract with the previous administrator Southern Dallas Development Corporation (SDDC), be rolled over to fund the City of Dallas CDBG Business Revolving Loan Program - Financing: No cost consideration to the City

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 a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, and a resolution accepting deed restrictions volunteered by the applicant; and an ordinance repealing Specific Use Permit No. 551 for an Instruction of Charitable and Philanthropic Nature for Special Education, to include a private school use on property zoned an MF-2 Multiple-Family Subdistrict within Planned Development District No. 193, on the southwest corner of Irving Avenue and Oak Lawn Avenue
Recommendation of Staff and CPC: Approval, subject to deed restrictions volunteered by the applicant; and approval of repealing Specific Use Permit No. 551
Z156-193(SM)
56. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Tract 2 of Planned Development District No. 795, on the west line of Skillman Street, south of Church Road
Recommendation of Staff and CPC: Approval, subject to a development plan and conditions
Z156-212(WE)

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 new subdistrict and the reduction of Shopfront Overlay No. 7 on properties zoned Subdistrict E, WMU-8 within Planned Development District No. 468, the Oak Cliff Gateway Special Purpose District, generally on the north side of East Davis Street, between North Zang Boulevard and North Beckley Avenue and on the northeast corner of West Neely Street and North Zang Boulevard
Recommendation of Staff and CPC: Approval of a new subdistrict, subject to a development plan and conditions; and approval of the reduction of Shopfront Overlay No. 7
Z156-222(SM)
58. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Tract 3 to allow single family or multifamily uses within Planned Development District No. 324 on the east corner of Scurry Street and Burlew Street
Recommendation of Staff and CPC: Approval, subject to a development/landscape plan and conditions
Z156-226(WE)
59. A public hearing to receive comments regarding an application for and an ordinance granting a CR Community Retail District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an LO-3 Limited Office District, on the west corner of North Haskell Avenue and Worth Street
Recommendation of Staff and CPC: Approval, subject to deed restrictions volunteered by the applicant
Z156-268(AR)

ZONING CASES - INDIVIDUAL

60. A public hearing to receive comments regarding a Landmark Commission authorized hearing to consider an Historic Overlay for Lakewood Theater on property zoned Subdistrict J in Planned Development District No. 281, the Lakewood Special Purpose District on the northwest side of Abrams Road, southwest of La Vista Drive and an ordinance granting the Historic Overlay for the Lakewood Theater
Recommendation of Staff: Approval, subject to staff's recommended preservation criteria
Recommendation of CPC: Approval, subject to preservation criteria
Recommendation of Landmark Commission: Approval, subject to preservation criteria
Z156-186(MD)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

Sustainable Development and Construction (Continued)

ZONING CASES - INDIVIDUAL (Continued)

61. A public hearing to receive comments regarding an application for and an ordinance granting a new tract for instructional arts studio and theatre uses within Tract I of Planned Development District No. 87; and an ordinance granting a Specific Use Permit for a theatre use with consideration being given to a Specific Use Permit for a theatre and instructional arts studio uses on the northeast corner of South Windomere Avenue and West 12th Street

Recommendation of Staff: Approval of a new tract, subject to staff's recommended conditions; and approval of a Specific Use Permit for instructional arts studio and theatre uses for a two-year period, subject to staff's recommended site plan and staff's recommended conditions

Recommendation of CPC: Approval of a new tract, subject to conditions; and approval of a Specific Use Permit for instructional arts studio and theatre uses for a five-year period, subject to a site plan and conditions

Z156-219(SM)

62. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge or tavern and a commercial amusement (inside) limited to a live music venue on property zoned Tract A within Planned Development District No. 269, on the southeast corner of Commerce Street and Murray Street

Recommendation of Staff: Approval for a three-year period, subject to a site plan and conditions

Recommendation of CPC: Approval for a two-year period, subject to a site plan and conditions

Z156-245(OTH)

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

63. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for O-2 Office Subdistrict uses on property zoned an O-2 Office Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the north corner of North Harwood Street and Randall Street

Recommendation of Staff and CPC: Approval, subject to a development plan, landscape plan, and conditions

Z156-207(SM)

Note: This item was considered by the City Council at a public hearing on August 10, 2016, and was deferred until September 14, 2016, with the public hearing open

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

Sustainable Development and Construction (Continued)

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL (Continued)

64. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2066 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned CR-D-1 Community Retail District with a D-1 Liquor Control Overlay, on the northwest corner of West Jefferson Boulevard and North Brighton Avenue
Recommendation of Staff and CPC: Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions
Z156-240(OTH)

Note: This item was considered by the City Council at a public hearing on August 10, 2016, and was deferred until September 14, 2016, with the public hearing open

65. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1954 for a commercial amusement (inside) limited to a Class A dance hall on property zoned a CR Community Retail District on the northwest corner of Singleton Boulevard and Peoria Avenue
Recommendation of Staff: Approval for a two-year period, subject to conditions
Recommendation of CPC: Approval for a two-year period with eligibility for automatic renewals for additional two-year periods, subject to conditions
Z156-241(WE)

Note: This item was considered by the City Council at a public hearing on August 10, 2016, and was deferred until September 14, 2016, with the public hearing open

DESIGNATED ZONING CASES - UNDER ADVISEMENT- INDIVIDUAL

66. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to, and an expansion of, Planned Development Subdistrict No. 78 for MF-2 Multiple-Family District uses on property zoned an MF-2 Multiple Family Subdistrict and Planned Development Subdistrict No. 78 within Planned Development District No. 193, the Oak Lawn Special Purpose District, in an area generally bound by Fairmount Street, Reagan Street, Brown Street, and Douglas Avenue and excluding property on the west corner of Reagan Street and Brown Street
Recommendation of Staff and CPC: Approval, subject to a Tract III conceptual plan and conditions
Z156-229(OTH)

Note: This item was considered by the City Council at a public hearing on August 24, 2016, and was deferred until September 14, 2016, with the public hearing open

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

Sustainable Development and Construction (Continued)

DEVELOPMENT CODE AMENDMENTS - INDIVIDUAL

67. A public hearing to receive comments regarding amendments to Section 51A-4.602 the fence, screening and visual obstruction regulations in Chapter 51A of the Dallas Development Code to address materials and open surface area for fences that are not required by Code and an ordinance granting the amendments
Recommendation of Staff and CPC: Approval
DCA156-001

THOROUGHFARE PLAN AMENDMENTS

Planning and Urban Design

68. A public hearing to receive comments to amend the City of Dallas' Thoroughfare Plan to change the dimensional classification of **(1)** Tyler Street from Canty Street to Pembroke Avenue from an existing couplet (EXST CPLT) to a special two-lane undivided roadway (SPCL 2U) with parking within 60-feet of right-of-way; and **(2)** Polk Street from Canty Street to Pembroke Avenue from an existing couplet (EXST CPLT) to a special two-lane undivided roadway (SPCL 2U) with bicycle facilities within 60-feet of right-of-way; and at the close of the hearing, authorize an ordinance implementing the change - Financing: No cost consideration to the City

MISCELLANEOUS HEARINGS

Housing/Community Services

69. A public hearing to receive comments on the proposed sale of eight unimproved properties acquired by the taxing authorities from the Sheriff to Dallas Neighborhood Alliance for Habitat, Inc., a qualified non-profit organization; and, at the close of the public hearing, authorize the City Manager to: **(1)** quitclaim eight unimproved properties to Dallas Neighborhood Alliance for Habitat, Inc., using the HB110 process of the City's Land Transfer Program; and **(2)** release the City's non-tax liens included in the foreclosure judgment together with post-judgment non-tax liens, if any (list attached) - Revenue: \$8,000

Office of Environmental Quality

70. A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by Highland Industrial Properties, LP, located near the intersection of Shady Trail and Manana Drive and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to Highland Industrial Properties, LP, by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City
Recommendation of Staff: Approval

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

MISCELLANEOUS HEARINGS (Continued)

Office of Financial Services

71. A public hearing to receive comments on the proposed \$0.7842/\$100 property tax rate for the 2016-17 fiscal year; City Council will vote to adopt the proposed tax rate on Wednesday, September 21, 2016 at Dallas City Hall, 6ES at 9:00 a.m. - Financing: No cost consideration to the City

Sustainable Development and Construction

72. A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from Holy Trinity Catholic School required by Section 6-4 of the Dallas City Code to allow a wine and beer retailer's off-premise permit (Chapter 26) for a general merchandise or food store with 10,000 square feet or more floor area [Randall's Beverage Company, Inc., dba Randall's (Store #3569)] on the east line of Oak Lawn Avenue south of Irving Avenue - AV156-003 - Financing: No cost consideration to the City

MISCELLANEOUS HEARINGS - DESIGNATED PUBLIC SUBSIDY MATTERS

Economic Development**Dallas Downtown Improvement District**

Note: Item Nos. 73 and 74
must be considered collectively.

73. * A public hearing concerning the proposed levy of assessment for the Dallas Downtown Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City
74. * An ordinance approving and adopting the final 2017 Service Plan, the final 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Dallas Downtown Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; providing for City participation in the District in an amount not to exceed \$651,427 and providing for an effective date - Total not to exceed \$651,427 - Financing: Current Funds (\$443,651) and Convention and Event Services Current Funds (\$207,776) (subject to appropriations)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

MISCELLANEOUS HEARINGS - DESIGNATED PUBLIC SUBSIDY MATTERS (Continued)

Economic Development (Continued)**Deep Ellum Public Improvement District**

Note: Item Nos. 75 and 76
must be considered collectively.

75. * A public hearing concerning the proposed levy of assessment for the Deep Ellum Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City
76. * An ordinance approving and adopting the final 2017 Service Plan, the final 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; and providing for an effective date - Financing: No cost consideration to the City

**Klyde Warren Park/Dallas Arts District
Public Improvement District**

Note: Item Nos. 77 and 78
must be considered collectively.

77. * A public hearing concerning the proposed levy of assessment for the Klyde Warren Park/Dallas Arts District Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City
78. * An ordinance approving and adopting the final 2017 Service Plan, which includes shifting among budget categories in excess of 20% as permitted by Resolution No. 14-1074, the 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; and providing for an effective date - Financing: No cost consideration to the City

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

MISCELLANEOUS HEARINGS - DESIGNATED PUBLIC SUBSIDY MATTERS (Continued)

Economic Development (Continued)**Knox Street Public Improvement District**

Note: Item Nos. 79 and 80
must be considered collectively.

79. * A public hearing concerning the proposed levy of assessment for the Knox Street Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City
80. * An ordinance approving and adopting the final 2017 Service Plan, the final 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; and providing for an effective date - Financing: No cost consideration to the City

Lake Highlands Public Improvement District

Note: Item Nos. 81 and 82
must be considered collectively.

81. * A public hearing concerning the proposed levy of assessment for the Lake Highlands Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City
82. * An ordinance approving and adopting the final 2017 Service Plan, the 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; and providing for an effective date - Financing: No cost consideration to the City

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

MISCELLANEOUS HEARINGS - DESIGNATED PUBLIC SUBSIDY MATTERS (Continued)

Economic Development (Continued)**Oak Lawn-Hi Line Public Improvement District**

Note: Item Nos. 83 and 84
must be considered collectively.

83. * A public hearing concerning the proposed levy of assessment for the Oak Lawn-Hi Line Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City
84. * An ordinance approving and adopting the final 2017 Service Plan, the 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; and providing for an effective date - Financing: No cost consideration to the City

Prestonwood Public Improvement District

Note: Item Nos. 85 and 86
must be considered collectively.

85. * A public hearing concerning the proposed levy of assessment for the Prestonwood Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City
86. * An ordinance approving and adopting the final 2017 Service Plan, the final 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; and providing for an effective date - Financing: No cost consideration to the City

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

MISCELLANEOUS HEARINGS - DESIGNATED PUBLIC SUBSIDY MATTERS (Continued)

Economic Development (Continued)**South Dallas/Fair Park
Public Improvement District****Note:** Item Nos. 87 and 88
must be considered collectively.

87. * A public hearing concerning the proposed levy of assessment for the South Dallas/Fair Park Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City
88. * An ordinance approving and adopting the final 2017 Service Plan, the final 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; and providing for an effective date - Financing: No cost consideration to the City

South Side Public Improvement District**Note:** Item Nos. 89 and 90
must be considered collectively.

89. * A public hearing concerning the proposed levy of assessment for the South Side Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City
90. * An ordinance approving and adopting the final 2017 Service Plan, the final 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; and providing for an effective date - Financing: No cost consideration to the City

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

MISCELLANEOUS HEARINGS - DESIGNATED PUBLIC SUBSIDY MATTERS (Continued)

Economic Development (Continued)**Tourism Public Improvement District**

Note: Item Nos. 91 and 92
must be considered collectively.

91. * A public hearing concerning the proposed levy of assessment for the Tourism Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City
92. * An ordinance approving and adopting the final Service Plan for 2016-17, the final 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments on Dallas hotels with 100 or more rooms, for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; and providing for an effective date - Financing: No cost consideration to the City

Uptown Public Improvement District

Note: Item Nos. 93 and 94
must be considered collectively.

93. * A public hearing concerning the proposed levy of assessment for the Uptown Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City
94. * An ordinance approving and adopting the final 2017 Service Plan, the final 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; and providing for an effective date - Financing: No cost consideration to the City

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

MISCELLANEOUS HEARINGS - DESIGNATED PUBLIC SUBSIDY MATTERS (Continued)

Economic Development (Continued)**University Crossing Public Improvement District**

Note: Item Nos. 95 and 96
must be considered collectively.

95. * A public hearing concerning the proposed levy of assessment for the University Crossing Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City
96. * An ordinance approving and adopting the final 2017 Service Plan, the 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; and providing for an effective date - Financing: No cost consideration to the City

Vickery Meadow Public Improvement District

Note: Item Nos. 97 and 98
must be considered collectively.

97. * A public hearing concerning the proposed levy of assessment for the Vickery Meadow Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City
98. * An ordinance approving and adopting the final 2017 Service Plan, the final 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; and providing for an effective date - Financing: No cost consideration to the City

**BPZ1424 - Non-Engineering Environmental Consulting,
Investigative and Remediation Services**
Agenda Item # 3

Awarded Vendors:

AECOM Technical Services, Inc. (VC0000011194)
Alpha Testing, Inc. (134532)
Apex TITAN, Inc. (VS0000009931)
ATC Group Services, LLC dba Cardno ATC (VS0000041013)
Burns & McDonnell Engineering Co., Inc. (VS0000032646)
CB & I Environmental & Infrastructure, Inc. (VS0000011206)
Cox McLain Environmental Consulting, Inc. (VS0000027244)
Dougherty Sprague Environmental, Inc. (356555)
Enercon Services, Inc. (343932)
ENSAFE (VS85968)
Environmental Management Resources, Inc. (VS0000076884)
Freese and Nichols, Inc. (347200)
GME Consulting Services, Inc. (356975)
Gresham Smith and Partners (VS0000051722)
Halff Associates, Inc. (089861)
KBA EnviroScience, Ltd (VS0000057058)
Kleinfelder, Inc. (VC15559)
Lynn Clark Associates, Inc. dba LCA Environmental, Inc. (342318)
Modern Geosciences, LLC (VS0000063453)
Providence Engineering & Environmental Group LLC (VS0000020258)
Reliance Engineering & Environmental Services, Inc. (VC0000004365)
Resource Environmental Consulting, Inc. (335748)
Sigma Environmental Solutions, Inc. (VS0000016824)
Tait Environmental Services, Inc. (VS0000026355)
Terracon Consultants, Inc. (341409)
Texas Green Star Environmental, LLC (VS0000019219)
VRX, Inc. (VS0000017391)
Walker Consultants, Inc. dba Benchmark Environmental Consultants (508013)
WH-M Group, Inc. fka W&M Environmental Group, LLC (509461)

September 14, 2016

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**Land Bank (DHADC) Sale of Lots to
Carrcomm Enterprises LLC**
Agenda Item # 22

<u>Property Address</u>	<u>Mapsco</u>	<u>Council District</u>	<u>Amount of Non-Tax Liens</u>
1. 1514 E. Ann Arbor	65F	4	\$22,058.48

**Land Bank (DHADC) Sale of Lots to
Dallas Area Habitat for Humanity**
Agenda Item # 23

<u>Property Address</u>	<u>Mapsco</u>	<u>Council District</u>	<u>Amount of Non-Tax Liens</u>
1. 7720 Brownsville	56V	7	\$ 0.00
2. 7724 Brownsville	56V	7	\$ 0.00
3. 2714 1 st	46V	7	\$9,084.98

September 14, 2016

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**Land Bank (DHADC) Sale of Lots to
King Home Builders, LLC**
Agenda Item # 24

<u>Property Address</u>	<u>Mapsc</u>	<u>Council District</u>	<u>Amount of Non-Tax Liens</u>
1. 1923 Canada	44E	6	\$9,710.64

Street Petition Improvement Projects
Agenda Item # 37

<u>Project</u>	<u>Council District</u>	<u>Amount</u>
Crenshaw Drive from Cushing Drive to Old Seagoville Road	5	\$11,848.53
Fernheath Lane from South Beltline Road to Dead End	8	\$44,370.37
Michigan Avenue from Saner Avenue to Hobson Avenue	4	\$ 8,706.41

Tax Foreclosed and Seizure Warrant Property Resales**Agenda Item # 39**

<u>Parcel No.</u>	<u>Address</u>	<u>Vac/ Imp</u>	<u>Council District</u>	<u>Zoning</u>	<u>Parcel Size</u>	<u>Struck off Amount</u>	<u># Bids Rec'd</u>	<u>Min Bid Amount</u>	<u>Highest Bid Amount</u>	<u>DCAD</u>	<u>Highest Bidder</u>
1	1710 E. 11th	V	4	IR	.1379	\$6,010.00	3	\$1,000.00	\$6,280.00	\$6,010.00	Nearer to Nature, LLC
2	2225 Anderson	V	7	PD-595	.0582	\$9340.00	1	\$500.00	\$800.00	\$2,000.00	Saul Vargas
3	315 Annarose	I	3	R-7.5(A)	.4336	\$32,990.00	20	\$5000.00	\$27,777.00	\$32,990.00	Tri-Capital Equities LLC
4	5141 Audrey	V	7	R-5(A)	.1295	\$2,750.00	2	\$500.00	\$1,385.00	\$2,750.00	Maria Schneider, Devan Earle, Doric Earle, M. W. Resnick
5	417 Bonnie View	V	4	R-5(A)	.0870	\$5,000.00	4	\$1,000.00	\$8,000.00	\$5,000.00	Virginia Franco
6	2711 Burger	V	7	PD-595	.1156	\$1,630.00	6	\$500.00	\$1,288.00	\$6,000.00	Maria Schneider, Devan Earle, Doric Earle, M. W. Resnick
7	4246 Carl	I	7	PD-595	.1407	\$22,698.00	7	\$7,000.00	\$31,751.00	\$46,110.00	Spring 3242 Realty, LLC
8	2733 Carpenter	V	7	PD-595	.1736	\$6,000.00	5	\$1,000.00	\$2,000.00	\$6,000.00	GCIS Enterprises, LLC
9	2719 Carpenter	V	7	PD-595	.1752	\$1,862.00	5	\$1,000.00	\$2,000.00	\$6,000.00	GCIS Enterprises, LLC
10	2731 Carpenter	V	7	PD-595	.1842	\$1,933.00	4	\$1,000.00	\$2,000.00	\$6,000.00	GCIS Enterprises, LLC
11	1010 Claude	V	4	R-5(A)	.1417	\$2,023.00	4	\$2,000.00	\$6,777.00	\$11,500.00	Devan Earle and Pourya Zandi
12	2116 Clearview	I	4	R-7.5(A)	.3042	\$47,760.00	30	\$8,000.00	\$51,200.00	\$50,280.00	Jesus Gomez
13	3634 Cleveland	V	7	PD-595	.1597	\$2,341.00	3	\$2,000.00	\$6,923.00	\$10,440.00	Devan Earle and Pourya Zandi
14	4201 Colonial	V	7	PD-595	.3649	\$7,289.00	9	\$2,000.00	\$7,777.00	\$15,900.00	The Johnnie Walker Blue Trust
15	3938 Coolidge	V	7	PD-595	.1046	\$1,931.00	2	\$1,000.00	\$2,599.00	\$5,000.00	Maria Schneider, Devan Earle, Doric Earle, M. W. Resnick
16	1231 Coombs Creek	V	1	R-7.5(A)	.1699	\$73,450.00	13	\$2,000.00	\$32,000.00	\$72,310.00	Herlinda Sanchez
17	2214 Cooper	V	7	PD-595	.1493	\$2,507.00	8	\$1,000.00	\$5,510.00	\$6,000.00	Leopoldo Lopez
18	2241 Dathe	V	7	PD-595	.1121	\$6,000.00	2	\$1,000.00	\$1,551.00	\$6,000.00	Martin Wiggins
19	1506 Doyle	V	4	R-5(A)	.1901	\$2,580.00	5	\$1,000.00	\$3,889.00	\$5,000.00	Devan Earle and Pourya Zandi
20	2515 Exline	V	7	PD-595	.1718	\$2,202.00	3	\$1,000.00	\$2,000.00	\$6,000.00	GCIS Enterprises, LLC
21	2415 Felton	V	7	PD-595	.1213	\$2,137.00	1	\$1,000.00	\$2,282.00	\$6,000.00	Nearer to Nature, LLC
22	2834 Frost	V	7	PD-595	.1717	\$11,890.00	7	\$250.00	\$1,001.00	\$6,400.00	Lane Topletz
23	3335 Garden	V	7	PD-595	.1721	\$6,000.00	2	\$1,000.00	\$7,100.00	\$6,000.00	Lessel Meredith
24	1012 Garza	V	4	R-7.5(A)	.2204	\$8,127.00	3	\$2,000.00	\$12,100.00	\$12,500.00	Jose Zaragoza
25	7505 Gayglen	I	8	R-7.5(A)	.1799	\$53,000.00	11	\$7,000.00	\$46,026.00	\$44,000.00	Monica Raofpur
26	2707 Gertrude	V	7	PD-595	.1159	\$28,033.00	1	\$500.00	\$650.00	\$3,750.00	Saul Vargas
27	2626 Gooch	I	8	R-7.5(A)	.1449	\$43,960.00	11	\$15,000.00	\$48,200.00	\$50,700.00	Juan Solis
28	1361 Grant	V	4	R-5(A)	.1705	\$1,546.00	5	\$2,000.00	\$9,200.00	\$11,500.00	Hiram Roman
29	3918 Hancock	V	7	PD-595	.1035	\$19,482.00	1	\$500.00	\$650.00	\$23,020.00	Saul Vargas
30	3746 Humphrey	V	4	R-5(A)	.2237	\$1,634.00	2	\$1,500.00	\$5,800.00	\$11,500.00	Cesar Carrillo
31	3727 Humphrey	V	4	R-5(A)	.3810	\$2,029.00	2	\$1,500.00	\$3,495.00	\$11,500.00	Next Lots Now L.L.C.
32	2814 Kavasar	V	8	R-5(A)	.2864	\$4,000.00	1	\$1,000.00	\$2,001.00	\$5,000.00	Lane Topletz
33	1310 E. Kiest	V	4	R-7.5(A)	.1772	\$16,670.00	4	\$1,000.00	\$3,295.00	\$16,670.00	Next Lots Now L.L.C.
34	1815 Kingsley	V	3	R-7.5(A)	.6225	\$9,000.00	3	\$500.00	\$600.00	\$9,000.00	Saul Vargas
35	4429 Kolloch	I	4	R-7.5(A)	.2436	\$37,150.00	2	\$5,000.00	\$21,777.00	\$37,150.00	Tri-Capital Equities LLC
36	4310 Kolloch	V	4	R-7.5(A)	.2404	\$2,112.00	4	\$1,500.00	\$4,695.00	\$12,000.00	Next Lots Now L.L.C.
37	1902 Leacrest	I	4	R-7.5(A)	.1443	\$26,690.00	1	\$3,000.00	\$3,001.00	\$26,690.00	Rickey C. Thompson
38	2855 Lebrock	V	8	R-5(A)	.2869	\$10,000.00	5	\$250.00	\$550.00	\$10,000.00	Maria Hernandez
39	4519 Leland	V	7	PD 595	.1999	\$30,430.00	8	\$250.00	\$828.00	\$30,430.00	Nearer To Nature, LLC
40	5003 S. Malcolm X	V	7	PD-595	.0733	\$2,000.00	4	\$5,000.00	\$1,400.00	\$2,000.00	Julio Florez Marin

Tax Foreclosed and Seizure Warrant Property Resales
Agenda Item # 39 (Continued)

<u>Parcel No.</u>	<u>Address</u>	<u>Vac/ Imp</u>	<u>Council District</u>	<u>Zoning</u>	<u>Parcel Size</u>	<u>Struck off Amount</u>	<u># Bids Rec'd</u>	<u>Min Bid Amount</u>	<u>Highest Bid Amount</u>	<u>DCAD</u>	<u>Highest Bidder</u>
41	2727 Marburg	V	7	PD-595	.1673	\$6,000.00	3	\$500.00	\$1,219.00	\$6,000.00	Title & Title Properties, LLC
42	2910 Marburg	V	7	PD-595	.2535	\$19,100.00	2	\$1,000.00	\$2,219.00	\$7,500.00	Title & Title Properties, LLC
43	2555 Marfa	I	4	R-5(A)	.2259	\$37,600.00	8	\$7,000.00	\$28,780.00	\$43,340.00	Chaowen Lin
44	2811 Morning	V	7	PD-595	.0973	\$3,750.00	4	\$250.00	\$310.00	\$3,750.00	Abigail Vargas
45	3506 Morris	V	6	R-5(A)	.1492	\$10,200.00	9	\$1,500.00	\$14,001.00	\$10,200.00	Semira Rezaie
46	4316 Myrtle	V	7	PD-595	.1124	\$1,538.00	4	\$500.00	\$788.00	\$6,000.00	Maria Schneider
47	509 Parkwood	V	4	R-7.5(A)	.2832	\$17,000.00	6	\$2,000.00	\$12,250.00	\$16,000.00	Rodolfo Guel
48	2408 Pine	V	7	PD-595	.0967	\$6,000.00	7	\$500.00	\$1,200.00	\$6,000.00	Saul Vargas
49	1619 Poplar	V	7	PD-595	.1721	\$1,583.00	3	\$1,000.00	\$2,289.00	\$6,750.00	Maria Schneider, Devan Earle, Doric Earle, M. W. Resnick
50	6929 Prosper	V	2	R-7.5(A)	.1559	\$43,350.00	31	\$7,000.00	\$120,000.00	\$43,350.00	Howard Gorman
51	3106 Ramsey	V	4	R-7.5(A)	.1686	\$12,500.00	4	\$2,000.00	\$12,250.00	\$12,500.00	Rodolfo Guel
52	3302 Reed	I	7	PD-595	.2100	\$31,150.00	12	\$4,000.00	\$22,100.00	\$31,150.00	Kimberly Lopez
53	4003 Roberts	V	7	PD-595	.1631	\$1,492.00	4	\$500.00	\$800.00	\$5,000.00	Saul Vargas
54	2333 Scott	V	7	PD-595	.0563	\$10,200.00	3	\$250.00	\$875.00	\$10,200.00	Saul Vargas
55	2418 Scott	V	7	PD 595	.1115	\$17,735.00	3	\$250.00	\$850.00	\$4,000.00	Saul Vargas
56	15440 Seagoville	V	8	R-7.5(A)	.1217	\$9,900.00	2	\$3,000.00	\$7,100.00	\$17,000.00	Cesar Carrillo
57	3910 Spring	I	7	PD-595	.0517	\$15,797.00	5	\$3,000.00	\$16,777.00	\$29,000.00	Tri-Capital Equities Llc
58	2529 Stephenson	V	7	PD-595	.1542	\$3,190.00	4	\$500.00	\$900.00	\$3,190.00	Saul Vargas
59	2416 Sue	V	4	R-7.5(A)	.0814	\$8,593.00	1	\$1,000.00	\$1,100.00	\$10,000.00	Saul Vargas
60	2271 Sutter	I	4	R-7.5(A)	.2584	\$69,450.00	21	\$20,000.00	\$61,050.00	\$69,450.00	Andrew Pepper
61	3522 Tioga	I	8	R-5(A)	.1698	\$35,980.00	12	\$5,000.00	\$23,777.00	\$41,290.00	Tri-Capital Equities Llc
62	1222 Valley	I	4	LI	.1025	\$21,960.00	8	\$3,000.00	\$21,100.00	\$21,960.00	Kimberly Lopez
63	9014 Winterset	V	8	R-7.5(A)	.4593	\$13,092.00	16	\$1,000.00	\$27,100.00	\$15,010.00	Herlinda Sanchez
64	3510 York	V	7	PD-595	.1492	\$2,283.00	8	\$500.00	\$980.00	\$3,900.00	Saul Vargas
65	3719 York	V	7	PD-595	.1466	\$1,451.00	5	\$500.00	\$899.00	\$3,190.00	Maria Schneider

Renewal of Water and Wastewater Mains
Agenda Item # 49

District 1

Coombs Creek Drive from Falls Drive to Barnard Boulevard
Jefferson Boulevard from Coombs Creek Drive to Cliffdale Avenue

District 2

Alley west of Taos Road from Lemmon Avenue north
Easement east of Inwood Road from Inwood Road east
Peak Street from Worth Street to Victor Street
Worth Street from Peak Street to Carroll Avenue

District 4

Pentagon Parkway from Maryland Avenue to Ledbetter Drive and from Calyx Circle to
Paloduro Lane
Pentagon Parkway from Morning Frost Trail to Morning Dew Trail

District 8

*Easement between Dowdy Ferry Road and Middlefield Road from south of
Interstate Highway 635 (LBJ Freeway) southeast

*Easement between Dowdy Ferry Road and Teagarden Road from south of
Interstate Highway 635 (LBJ Freeway) southeast

Easement south of Interstate Highway 635 (LBJ Freeway) from west of Dowdy
Ferry Road northwest

Easement south of Middlefield Road from Southside Wastewater Treatment Plant
northwest

District 9

Williamson Road Area from Williamson Road to Lawther Drive

District 13

Rosser Road from Forest Lane to Deep Valley Drive

Outside City Limits

*(Easement between Dowdy Ferry Road and Middlefield Road from south of
Interstate Highway 635 (LBJ Freeway) southeast) (See District 8)

*(Easement between Dowdy Ferry Road and Teagarden Road from south of
Interstate Highway 635 (LBJ Freeway) southeast) (See District 8)

*Project limits in more than one Council District

Tax Foreclosure and Seizure Property Resale
Agenda Item # 69

<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>	<u>Council District</u>
1.	1715 Pueblo	Dallas Neighborhood Alliance for Habitat, Inc.	44N	\$9,600	\$1,000.00	V	R-5(A)	6
2.	1516 Morris	Dallas Neighborhood Alliance for Habitat, Inc.	44J	\$7,590	\$1,000.00	V	R-5(A)	6
3.	1619 Life	Dallas Neighborhood Alliance for Habitat, Inc.	44J	\$8,210	\$1,000.00	V	R-5(A)	6
4.	1711 Bickers	Dallas Neighborhood Alliance for Habitat, Inc.	44J	\$8,070	\$1,000.00	V	R-5(A)	6
5.	3300 Vilbig	Dallas Neighborhood Alliance for Habitat, Inc.	44J	\$8,640	\$1,000.00	V	CR	6
6.	1834 McBroom	Dallas Neighborhood Alliance for Habitat, Inc.	44J	\$9,050	\$1,000.00	V	R-5(A)	6
7.	3107 Puget	Dallas Neighborhood Alliance for Habitat, Inc.	44N	\$9,000	\$1,000.00	V	R-5(A)	6
8.	4036 Puget	Dallas Neighborhood Alliance for Habitat, Inc.	43H	\$8,130	\$1,000.00	V	R-5(A)	6

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

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

AGENDA DATE

September 14, 2016

ITEM	OK	IND	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
1			All	V	NA	NA	NA	NA	Approval of Minutes of the August 24, 2016 City Council Meeting, August 29, 2016 and August 30, 2016 Special Called Meetings
2			All	C	PBD, AVI, PKR, SAN, TWM, WTR	\$813,172.00	0.00%	0.00%	Authorize a three-year service contract for the rental and maintenance of portable toilets - Pot-O-Gold Rentals, LLC, lowest responsible bidder of three - Not to exceed \$813,172 - Financing: Current Funds (\$773,077), Stormwater Drainage Management Current Funds (\$24,005), Water Utilities Current Funds (\$10,177), Sanitation Current Funds (\$4,020) and Aviation Current Funds (\$1,893) (subject to annual appropriations)
3			All	C	PBD, AVI, CCS, CES, EBS, FIR, HOU, ECO, OEQ, PKR, POL, PBW, SAN, STS, DEV, TWM, WTR	\$17,156,124.00	0.00%	0.00%	Authorize a four-year service contract for non-engineering environmental consulting, investigative and remediation services with twenty-nine vendors selected as most qualified respondent of thirty-seven - Not to exceed \$17,156,124 - Financing: Current Funds (\$9,958,124), Aviation Current Funds (\$2,400,000), Stormwater Drainage Management Current Funds (\$1,900,000), Water Utilities Current Funds (\$1,290,000), Sanitation Current Funds (\$1,220,000) and Convention and Event Services Current Funds (\$388,000) (subject to annual appropriations)
4			All	C	PBD, LIB	\$1,347,207.04	0.00%	0.00%	Authorize a five-year service contract, with two one-year renewal options, for licenses, maintenance, hosting and support for the existing Polaris Integrated Library System - Innovative Interfaces Incorporated, sole source - Not to exceed \$1,347,208 - Financing: Current Funds (subject to annual appropriations)
5			2	C	PBD, AVI	\$5,502,819.92	100.00%	0.00%	Authorize a five-year service contract, with two two-year renewal options, to provide maintenance and support for the existing airport access control system at Dallas Love Field - Convergent Technologies, LLC, most advantageous proposer of three - Not to exceed \$5,502,820 - Financing: Aviation Current Funds (subject to annual appropriations)
6			All	C	PBD, WTR	\$525,244.36	16.34%	0.00%	Authorize (1) a contract for the purchase and five-years of maintenance for meter test bench system and portable meter testers - Ow Investors, LLC in the amount of \$439,415, most advantageous proposer of two; and (2) a contract for the purchase of a sandblaster and five-years of maintenance for new and existing sandblasters - Clemtex II, Inc. in the amount of \$85,830, most advantageous proposer of two - Total not to exceed \$525,245 - Financing: Water Utilities Current Funds (subject to annual appropriations)
7			All	C	PBD, ORM	\$4,972,226.00	100.00%	0.00%	Authorize (1) a three-year contract, with two one-year renewal options, for broker of record and the purchase of an insurance policy for commercial property/boiler and machinery insurance, from October 1, 2016 through September 30, 2019 at a guaranteed rate of 0.03064; and risk management consulting services from January 8, 2017 through January 7, 2020 - Wells Fargo Insurance Services USA, Inc., in the amount of \$4,315,290, most advantageous proposer of three; (2) a one-year contract, with two one-year renewal options, for the purchase of aviation, crime, fine arts, flood, media and professional liability, and general liability insurance policies from October 1, 2016 through September 30, 2017 - Wells Fargo Insurance Services USA, Inc. in the amount of \$411,711, most advantageous proposer of three; and (3) a one-year contract, with two one year renewal options for brokerage fees and the purchase of cyber liability and privacy insurance from October 1, 2016 through September 30, 2017 - McGriff, Seibels & Williams of Texas, Inc., in the amount of \$245,225, most advantageous proposer of three - Total not to exceed \$4,972,226 - Financing: Current Funds (subject to annual appropriations)
8			All	C	PBD, FIR, POL	\$72,670.00	0.00%	0.00%	Authorize a three-year master agreement for coastal Bermuda hay - Triple H Farms, lowest responsible bidder of four - Not to exceed \$72,670 - Financing: Current Funds
9			All	C	PBD, PKR	\$330,130.00	18.33%	0.00%	Authorize a three-year master agreement for the purchase of recreation center and physical education supplies - S & S Worldwide, Inc. in the amount of \$269,630 and BSN Sports in the amount of \$60,500, lowest responsible bidders of three - Total not to exceed \$330,130 - Financing: Current Funds

AGENDA DATE

September 14, 2016

ITEM	IND								DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
10			All	C	PBD, WTR, AVI, TWM	\$5,620,139.28	42.11%	0.00%	Authorize a three-year master agreement for water meter castings, risers, cast iron inlet frames and covers - Accucast LTD in the amount of \$2,064,389, Fortiline, Inc. in the amount of \$1,231,033, Bass & Hays Foundry, Inc. in the amount of \$1,108,293, Johnson Enterprises in the amount of \$826,080, U.S.F. Fabrication, Inc. in the amount of \$362,240, ACT Pipe & Supply, Inc. in the amount of \$27,537 and DFW Plastics, Inc. in the amount of \$568, lowest responsible bidders of nine - Total not to exceed \$5,620,140 - Financing: Current Funds (\$1,222,623), Water Utilities Current Funds (\$4,393,216), Stormwater Drainage Management Current Funds (\$3,305) and Aviation Current Funds (\$996)
11			N/A	C	PBD, CIS	\$1,509,565.00	NA	NA	Authorize supplemental agreement no. 4 to increase and extend the service contract to provide for maintenance and support of the City's financial and accounting system, from October 1, 2016 through September 30, 2019 - CGI Technologies and Solutions, Inc. through the Texas Department of Information Resources - Not to exceed \$1,509,565, from \$1,373,756 to \$2,883,321 - Financing: Current Funds (subject to annual appropriations)
12			N/A	C	ATT	GT	NA	NA	Authorize (1) acceptance of the 2016-17 Substance Abuse and Mental Health Services Administration grant from the U.S. Department of Health and Human Services for expansion of the South Dallas Community Court to include the South Dallas Treatment Drug Court for the Adult Treatment Drug Court Expansion project for the period September 30, 2016 through September 29, 2017; (2) approval to create one new full-time position to execute the proposed project; and (3) execution of the grant agreement - Not to exceed \$305,074 - Financing: U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration Grant Funds
13			N/A	C	ATT	\$478,010.65	NA	NA	Authorize a three-year contract with West Publishing Corporation d/b/a West, a Thomson Reuters Business, for on-line legal research and associated services utilizing Westlaw for the City Attorney's Office through the Council on Competitive Government for the period beginning October 1, 2016 through September 30, 2019 - Not to exceed \$478,011 - Financing: Current Funds (subject to annual appropriations)
14			N/A	C	ATT, WTR	\$400,000.00	0.00%	0.00%	Authorize a three-year professional services contract with the law firm of Webb & Webb for representation of the City of Dallas in connection with matters involving water rights pending before the Texas Commission of Environmental Quality and other water related matters for the period beginning October 1, 2016 through September 30, 2019 - Not to exceed \$400,000 - Financing: Water Utilities Current Funds (subject to annual appropriations)
15			N/A	C	ATT, HOU	GT	NA	NA	Authorize a third amendment to the professional services contract with Sims Moore Hill & Gannon, L.L.P. f/k/a Sims Moore Hill Gannon & Crain, L.L.P. for legal services in connection with the operation of the Mortgage Assistance Program in the City's Housing/Community Services Department to extend the term of the contract through September 30, 2018 - Not to exceed \$100,000, from \$150,000 to \$250,000 - Financing: 2015-16 Community Development Block Grant Funds
16			N/A	C	AUD	NC	NA	NA	Authorize approval of the Office of the City Auditor's Fiscal Year 2017 Audit Plan as required by paragraph 4(b) of Resolution No. 79-0723, previously approved on February 28, 1979, and as amended by Resolution No. 90-4027, previously approved on December 12, 1990 - Financing: No cost consideration to the City
17			All	C	CCS	NC	NA	NA	An ordinance amending Sections 47A.1-4, 47A-1.6, 47A-2.1.2, 47A-2.1.8, 47A-2.2.1, 47A-2.3.2, 47A-2.3.3, 47A-2.3.5, 47A-2.4.8, 47A-2.5.1, and 47A-2.5.2 of Chapter 47A, "Transportation for Hire," of the Dallas City Code to: (1) clarify certain exclusions and definitions; (2) clarify insurance requirements; (3) prohibit an operating authority from owning a certain interest or maintaining control over entities that inspect or certify vehicles as required to obtain a vehicle permit under this chapter; (4) provide that the director may request information to verify airport fees from operating authorities; (5) add requirements for vehicle permits; (6) remove certain vehicle quality standards; (7) synchronize the vehicle permit validity period with the state registration period; (8) adjust the flat rates from Love Field and Dallas-Fort Worth International Airports; (9) clarify what flat rates from airports include; and (10) make certain other grammatical changes - Financing: No cost consideration to the City
18			All	C	FIR	GT	NA	NA	Authorize (1) acceptance of a Community Wildfire Protection Plan Grant in the amount of \$10,000 from the Texas A&M Forest Service, a member of The Texas A&M University System and an agency of the State of Texas; and (2) execution of the grant agreement - Not to exceed \$10,000 - Financing: Texas A&M Forest Service Grant Funds

AGENDA DATE September 14, 2016

ITEM	IND								DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
19			All	C	FIR	NC	NA	NA	Authorize the assignment of an existing contract between the Physicians for Children d/b/a Children's Health Pediatric Group and the City of Dallas through its Mobile Community Healthcare Program services to Children's Healthcare System of Texas - Financing: No cost consideration to the City
20			All	C	FIR	REV \$100,000	NA	NA	Authorize a two-year healthcare service provider agreement, with a one-year term renewal option, with the Area Metropolitan Ambulance Authority, d/b/a MedStar Mobile Healthcare for Mobile Community Healthcare Program services provided by the Dallas Fire-Rescue Department for the period October 1, 2016 through September 30, 2018 - Estimated Revenue: \$100,000
21			All	C	FIR	NC	NA	NA	Authorize a two-year health information exchange agreement, with a one-year renewal option, between the University of Texas Southwestern Medical Center, an agency of the State of Texas, located at 5323 Harry Hines Boulevard, Dallas, Texas 75390 ("UT Southwestern"), and the City of Dallas for services provided by Mobile Community Healthcare Program of Dallas Fire-Rescue Department for the period October 1, 2016 through September 30, 2018 - Financing: No cost consideration to the City
22			4	C	HOU	NC	NA	NA	Authorize (1) approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by Carrcomm Enterprises LLC for the construction of a house; (2) the sale of 1 vacant lot from Dallas Housing Acquisition and Development Corporation to Carrcomm Enterprises LLC; and (3) execution of a release of lien for any non-tax liens on the 1 property that may have been filed by the City - Financing: No cost consideration to the City
23			7	C	HOU	NC	NA	NA	Authorize (1) approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by Dallas Area Habitat for Humanity for the construction of houses; (2) the sale of 3 vacant lots from Dallas Housing Acquisition and Development Corporation to Dallas Area Habitat for Humanity; and (3) execution of a release of lien for any non-tax liens on the 3 properties that may have been filed by the City - Financing: No cost consideration to the City
24			6	C	HOU	NC	NA	NA	Authorize (1) approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by King Home Builders, LLC for the construction of a house; (2) the sale of 1 vacant lot from Dallas Housing Acquisition and Development Corporation to King Home Builders, LLC; and (3) execution of a release of lien for any non-tax liens on the 1 property that may have been filed by the City - Financing: No cost consideration to the City
25			7	C	HOU	NC	NA	NA	Authorize an amendment to Resolution No. 13-1795, previously approved on October 8, 2013, on an economic development loan with South Dallas/Fair Park Innercity Community Development Corporation for the acquisition of improved and unimproved properties, located within the Frazier Neighborhood Investment Program area, including associated closing costs, relocation, environmental remediation, demolition costs, predevelopment costs and development costs for the purpose of constructing residential, retail, commercial, or mixed-use redevelopment as part of the Economic Development Plan for the Frazier area to (1) change the economic development loan to a conditional grant agreement; and (2) extend the completion date from September 2, 2015 to December 31, 2018 - Financing: No cost consideration to the City
26			4	C	HOU	NC	NA	NA	Authorize an amendment to Resolution No. 14-1056, previously approved on June 25, 2014, for an existing development loan with City Wide Community Development Corporation for acquisition, demolition, relocation, and other related costs for Lancaster-Opal Project to (1) change the development loan to a conditional grant agreement; and (2) extend the completion date from September 12, 2016 to September 12, 2018 - Financing: No cost consideration to the City
27			7	C	HOU	NC	NA	NA	Authorize an amendment to Resolution No. 15-1078, previously approved on June 10, 2015, for a housing development loan in an amount not to exceed \$540,000 with Dallas Area Habitat for Humanity for construction of 18 single family homes to be located on scattered sites in the Joppa Neighborhood area to extend the completion date from August 26, 2016 to August 31, 2017 - Financing: No cost consideration to the City
28			7	C	HOU	NC	NA	NA	Authorize an amendment to Resolution No. 15-1379, previously approved on August 12, 2015, for the conditional grant agreement in the amount of \$1,150,000 with Urban Mixed Use, LLC to extend the completion date from June 30, 2016 to June 30, 2017 for the predevelopment and construction of the 38-unit multifamily project located at 3221 Elihu Street - Financing: No cost consideration to the City

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ITEM	OK	IND	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
29			All	C	OEM	GT	NA	NA	Authorize (1) acceptance of additional grant funds from the U.S. Department of Homeland Security through the Texas Department of Public Safety under the Homeland Security Grant Program for the 2014 State Homeland Security Program in the amount of \$215,356 to provide funding for equipment acquisition, planning and training activities to enable the City to respond to natural and man-made disasters; (2) extension of the performance period for the 2014 Homeland Security Program from September 1, 2014 to January 31, 2016 to September 1, 2014 to July 31, 2016; (3) an increase in appropriations in the amount of \$215,356 in the 2014 State Homeland Security Program Fund; and (4) execution of the grant agreement - Not to exceed \$215,356, from \$5,912,175 to \$6,127,531 - Financing: U.S. Department of Homeland Security Grant Funds
30			2	C	OEQ	\$305,922.00	NA	NA	Authorize a three-year professional services contract with Terracon Consultants, Inc. to complete remedial actions and a Municipal Setting Designation, as mandated by the Texas Commission on Environmental Quality, at the Central Service Center leaking petroleum storage tank site located at 3111 Dawson Street, through an Interlocal Purchasing Agreement with the City of Irving - Not to exceed \$305,922 - Financing: Current Funds (subject to annual appropriations)
31			13	C	PKR, PBW	\$266,387.00	100.00%	83.85%	Authorize a professional services contract with Urban Engineers Group, Inc. for design services for plans, specifications and cost estimates for Phase 2A for the Northaven Trail from Preston Road to Midway Road - Not to exceed \$266,387 - Financing: General Obligation Commercial Paper Funds
32			8	C	PKR, PBW	-\$143,600.00	1.91%	24.37%	Authorize a decrease in the contract with Northstar Construction, LLC to add a section of trail from Crouch Road to the new Singing Hills Recreation Center and associated work; and to delete a section of the trail from Crouch Road to Runyon Springs Branch and associated work for the Runyon Creek Trail located between Glendale Park and Camp Wisdom Road - Not to exceed (\$143,600), from \$2,497,700 to \$2,354,100 - Financing: General Obligation Commercial Paper Funds
33			1, 2, 14	C	PNV, CES	\$400,000.00	NA	NA	Authorize a Funding Agreement between Dallas Area Rapid Transit, Downtown Dallas, Inc. and the City of Dallas for a one-year extension of the D-Link, downtown shuttle service operation - Not to exceed \$400,000 - Financing: Convention and Event Services Current Funds (subject to annual appropriations)
34			7	C	PNV	NC	NA	NA	Authorize the City Manager to provide a Notice of Establishment for a Quiet Zone along the Union Pacific Railroad encompassing the Prairie Creek Road and Sam Houston Road crossings as required by the Federal Railroad Administration Final Train Horn Rule 49 CFR Parts 222 and 229, with the intent to establish a Quiet Zone - Financing: No cost consideration to the City
35			7	C	PBW	\$191,255.00	95.14%	49.42%	Authorize a professional services contract with Huitt-Zollars, Inc., to provide design services, construction management services, and environmental services for the removal and replacement of seven 20,000-gallon underground fuel storage tanks and the removal of a 3,000-gallon secondary containment vault at the Southeast Service Center located at 2800 Municipal Street - Not to exceed \$191,255 - Financing: Current Funds
36			6	C	PBW, PNV	\$357,142.86	0.00%	31.26%	Authorize an increase in the construction contract with Pavecon Public Works, LP for additional work associated with the construction of a 12 foot-wide bicycle facility that will connect the Chalk Hill Road project's dedicated on-street bicycle lanes with the planned Chalk Hill Trail Project - Not to exceed \$357,143, from \$9,099,662 to \$9,456,805 - Financing: Current Funds (subject to appropriations)
37			4, 5, 8	C	PBW	\$64,925.31	100.00%	28.78%	Authorize Supplemental Agreement No. 1 to the professional services contract with Teague Nall and Perkins, Inc. for additional engineering design and survey services for three street petition improvement projects - Not to exceed \$64,926, from \$178,092 to \$243,018 - Financing: 2012 Bond Funds
38			All	C	STS	\$6,732,644.96	100.00%	23.38%	Authorize an increase in the contract with NPL Construction Co. for additional paving and infrastructure repairs at various locations throughout the city - Not to exceed \$6,732,645, from \$50,716,527 to \$57,449,172 - Financing: Current Funds (subject to annual appropriations)
39			1, 2, 3, 4, 6, 7, 8	C	DEV	REV \$758,872	NA	NA	Authorize the quitclaim of 65 properties acquired by the taxing authorities from the Tax Foreclosure Sheriff's Sale to the highest bidders; and authorize the execution of release of liens for any non-tax liens that may have been filed by the City and were included in the foreclosure judgment - Revenue: \$758,872
40			2	C	DEV	REV \$200	NA	NA	An ordinance granting a private license to 400 S. Record Street, LLC, for the use of a total of approximately 28 square feet to maintain and utilize two monument signs on portions of Young and Wood Streets rights-of-way, near its intersection with Market Street - Revenue: \$200 one-time fee, plus the \$20 ordinance publication fee

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#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
41			2	C	DEV	REV \$100	NA	NA	An ordinance granting a private license to Butler Brothers Hospitality Group, LLC, for the use of approximately four square feet of subsurface space to install, occupy, use and maintain an irrigation meter under a portion of Marilla Street right-of-way, near its intersection with Evergreen Street - Revenue: \$100 one-time fee, plus the \$20 ordinance publication fee
42			2	C	DEV	REV \$8,950	NA	NA	An ordinance abandoning portions of Elm and Main Streets to Westdale Properties America I, LTD, the abutting owner, containing a total of approximately 480 square feet of land, located near the intersection of Elm Street and Malcolm X Boulevard, and authorizing the quitclaim - Revenue: \$8,950, plus the \$20 ordinance publication fee
43			All	C	DEV	NC	NA	NA	An ordinance correcting Chapter 51A, "Dallas Development Code", of the Dallas City Code, as amended by correcting Section 51A-4.209(b)(6)(E)(vii) - Financing: No cost consideration to the City
44			7, 10	C	DEV	NC	NA	NA	An ordinance correcting (1) Ordinance No. 29811, previously approved on August 12, 2015, which amended Specific Use Permit No. 913 on the north line of East Northwest Highway, east of Audelia Road; and (2) Ordinance No. 30070 previously approved on April 27, 2016, which created Historic Overlay District No. 146 located west of the intersection of Pemberton Hill Road and Sarah Lee Drive - Financing: No cost consideration to the City
45			2, 3	C	DEV	NC	NA	NA	An ordinance correcting (1) Planned Development District No. 944 created by Ordinance No. 29890; and (2) Planned Development District No. 521, Sections 51P.521.109(4)(A) and 51P.109(5)(B) relating to Subarea E - Financing: No cost consideration to the City
46			7	C	TWM	REV \$2,600	NA	NA	A resolution consenting to the condemnation and acceptance of the award of the Special Commissioners of a drainage easement containing approximately 5,488 square feet of City-owned land to Union Pacific Railroad Company, a Delaware Corporation vs. The City of Dallas, Texas, Cause No. CC-16-00069-A, located at 9100 Cedar Run Drive - Revenue: \$2,600
47			2, 6	C	TWM, AVI, WTR	\$407,637.00	95.05%	26.00%	Authorize a professional services contract with CDM Smith, Inc. for an engineering feasibility study of the stormwater drainage at Dallas Love Field - Not to exceed \$407,637 - Financing: Stormwater Drainage Management Capital Construction Funds (\$78,819), Water Utilities Capital Construction Funds (\$78,818) and Aviation Capital Construction Funds (\$250,000)
48			7, 8	C	TWM	\$592,927.75	NA	NA	Authorize an increase in the construction contract with DCI Contracting, Inc. for vegetative support layer improvements for closed landfill improvements associated with the Simpkins Remediation located at 5950 Elam Road and 6300 Great Trinity Forest Way - Not to exceed \$592,928, from \$2,371,711 to \$2,964,639 - Financing: Stormwater Drainage Management Capital Construction Funds
49			1, 2, 4, 8, 9, 13, Outside	C	WTR	\$2,512,805.00	100.00%	30.07%	Authorize an engineering services contract with Kimley-Horn & Associates, Inc. to provide engineering design services for the replacement and rehabilitation of water and wastewater mains at 14 locations - Not to exceed \$2,512,805 - Financing: Water Utilities Capital Improvement Funds
50			4	C	WTR	\$11,663,700.00	23.38%	27.44%	Authorize a contract for the construction of Effluent Pump Station rehabilitation improvements at the Central Wastewater Treatment Plant - Archer Western Construction, LLC, lowest responsible bidder of two - Not to exceed \$11,663,700 - Financing: Water Utilities Capital Improvement Funds
51			6	C	WTR	\$347,739.75	99.18%	28.72%	Authorize an increase in the contract with MWH Constructors, Inc. for additional work associated with the construction of water quality and miscellaneous improvements at the Bachman Water Treatment Plant - Not to exceed \$347,740, from \$48,388,312 to \$48,736,052 - Financing: Water Utilities Capital Improvement Funds
52			All	C	WTR	REV \$30,000	NA	NA	Authorize Supplemental Agreement No. 2 to the Concession Agreement at Lake Ray Hubbard between the City of Dallas and Suntex RHCC Marina, LLC, to extend the contract for a period of five years - Estimated Annual Revenue: \$30,000
53			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)

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ITEM	OK	IND	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
54			All	I	ECO	NC	NA	NA	Authorize (1) a one-year service contract, with four one-year renewal options, with PeopleFund, most advantageous proposer, to administer the City of Dallas CDBG Business Revolving Loan Program (BRLP), for the purpose of making and servicing loans to area businesses and creating and/or retaining jobs for low-to-moderate income persons, in accordance with Department of Housing and Urban Development (HUD) regulations, and (2) any unexpended balances of program income and allocations from contract with the previous administrator Southern Dallas Development Corporation (SDDC), be rolled over to fund the City of Dallas CDBG Business Revolving Loan Program - Financing: No cost consideration to the City
55			14	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, and a resolution accepting deed restrictions volunteered by the applicant; and an ordinance repealing Specific Use Permit No. 551 for an Instruction of Charitable and Philanthropic Nature for Special Education, to include a private school use on property zoned an MF-2 Multiple-Family Subdistrict within Planned Development District No. 193, on the southwest corner of Irving Avenue and Oak Lawn Avenue
56			10	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Tract 2 of Planned Development District No. 795, on the west line of Skillman Street, south of Church Road
57			1	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a new subdistrict and the reduction of Shopfront Overlay No. 7 on properties zoned Subdistrict E, WMU-8 within Planned Development District No. 468, the Oak Cliff Gateway Special Purpose District, generally on the north side of East Davis Street, between North Zang Boulevard and North Beckley Avenue and on the northeast corner of West Neely Street and North Zang Boulevard
58			2	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Tract 3 to allow single family or multifamily uses within Planned Development District No. 324 on the east corner of Scurry Street and Burlew Street
59			2	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a CR Community Retail District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an LO-3 Limited Office District, on the west corner of North Haskell Avenue and Worth Street
60			14	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding a Landmark Commission authorized hearing to consider an Historic Overlay for Lakewood Theater on property zoned Subdistrict J in Planned Development District No. 281, the Lakewood Special Purpose District on the northwest side of Abrams Road, southwest of La Vista Drive and an ordinance granting the Historic Overlay for the Lakewood Theater
61			1	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a new tract for instructional arts studio and theatre uses within Tract I of Planned Development District No. 87; and an ordinance granting a Specific Use Permit for a theatre use with consideration being given to a Specific Use Permit for a theatre and instructional arts studio uses on the northeast corner of South Windomere Avenue and West 12th Street
62			2	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge or tavern and a commercial amusement (inside) limited to a live music venue on property zoned Tract A within Planned Development District No. 269, on the southeast corner of Commerce Street and Murray Street
63			2	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for O-2 Office Subdistrict uses on property zoned an O-2 Office Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the north corner of North Harwood Street and Randall Street
64			1	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. 2066 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned CR-D-1 Community Retail District with a D-1 Liquor Control Overlay, on the northwest corner of West Jefferson Boulevard and North Brighton Avenue
65			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. 1954 for a commercial amusement (inside) limited to a Class A dance hall on property zoned a CR Community Retail District on the northwest corner of Singleton Boulevard and Peoria Avenue

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ITEM	IND								DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
66			2	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to, and an expansion of, Planned Development Subdistrict No. 78 for MF-2 Multiple-Family District uses on property zoned an MF-2 Multiple Family Subdistrict and Planned Development Subdistrict No. 78 within Planned Development District No. 193, the Oak Lawn Special Purpose District, in an area generally bound by Fairmount Street, Reagan Street, Brown Street, and Douglas Avenue and excluding property on the west corner of Reagan Street and Brown Street
67			All	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding amendments to Section 51A-4.602 the fence, screening and visual obstruction regulations in Chapter 51A of the Dallas Development Code to address materials and open surface area for fences that are not required by Code and an ordinance granting the amendments
68			1	PH	PNV	NC	NA	NA	A public hearing to receive comments to amend the City of Dallas' Thoroughfare Plan to change the dimensional classification of (1) Tyler Street from Canty Street to Pembroke Avenue from an existing couplet (EXST CPLT) to a special two-lane undivided roadway (SPCL 2U) with parking within 60-feet of right-of-way; and (2) Polk Street from Canty Street to Pembroke Avenue from an existing couplet (EXST CPLT) to a special two-lane undivided roadway (SPCL 2U) with bicycle facilities within 60-feet of right-of-way; and at the close of the hearing, authorize an ordinance implementing the change - Financing: No cost consideration to the City
69			6	PH	HOU	REV \$8,000	NA	NA	A public hearing to receive comments on the proposed sale of eight unimproved properties acquired by the taxing authorities from the Sheriff to Dallas Neighborhood Alliance for Habitat, Inc., a qualified non-profit organization; and, at the close of the public hearing, authorize the City Manager to: (1) quitclaim eight unimproved properties to Dallas Neighborhood Alliance for Habitat, Inc., using the HB110 process of the City's Land Transfer Program; and (2) release the City's non-tax liens included in the foreclosure judgment together with post-judgment non-tax liens, if any - Revenue: \$8,000
70			6	PH	OEQ	NC	NA	NA	A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by Highland Industrial Properties, LP, located near the intersection of Shady Trail and Manana Drive and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to Highland Industrial Properties, LP, by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City
71			N/A	PH	OFS	NC	NA	NA	A public hearing to receive comments on the proposed \$0.7842/\$100 property tax rate for the 2016-17 fiscal year; City Council will vote to adopt the proposed tax rate on Wednesday, September 21, 2016 at Dallas City Hall, 6ES at 9:00 a.m. - Financing: No cost consideration to the City
72			14	PH	DEV	NC	NA	NA	A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from Holy Trinity Catholic School required by Section 6-4 of the Dallas City Code to allow a wine and beer retailer's off-premise permit (Chapter 26) for a general merchandise or food store with 10,000 square feet or more floor area [Randall's Beverage Company, Inc., dba Randall's (Store #3569)] on the east line of Oak Lawn Avenue south of Irving Avenue - AV156-003 - Financing: No cost consideration to the City
73			2, 14	PH	ECO	NC	NA	NA	Dallas Downtown Improvement District: A public hearing concerning the proposed levy of assessment for the Dallas Downtown Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City
74			2, 14	PH	ECO	\$651,427.00	NA	NA	Dallas Downtown Improvement District: An ordinance approving and adopting the final 2017 Service Plan, the final 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Dallas Downtown Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; providing for City participation in the District in an amount not to exceed \$651,427 and providing for an effective date - Total not to exceed \$651,427 - Financing: Current Funds (\$443,651) and Convention and Event Services Current Funds (\$207,776) (subject to appropriations)

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ITEM	IND								DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
75			2, 7, 14	PH	ECO	NC	NA	NA	Deep Ellum Public Improvement District: A public hearing concerning the proposed levy of assessment for the Deep Ellum Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City
76			2, 7, 14	PH	ECO	NC	NA	NA	Deep Ellum Public Improvement District: An ordinance approving and adopting the final 2017 Service Plan, the final 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; and providing for an effective date - Financing: No cost consideration to the City
77			14	PH	ECO	NC	NA	NA	Klyde Warren Park/Dallas Arts District Public Improvement District: A public hearing concerning the proposed levy of assessment for the Klyde Warren Park/Dallas Arts District Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City
78			14	PH	ECO	NC	NA	NA	Klyde Warren Park/Dallas Arts District Public Improvement District: An ordinance approving and adopting the final 2017 Service Plan, which includes shifting among budget categories in excess of 20% as permitted by Resolution No. 14-1074, the 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; and providing for an effective date - Financing: No cost consideration to the City
79			14	PH	ECO	NC	NA	NA	Knox Street Public Improvement District : A public hearing concerning the proposed levy of assessment for the Knox Street Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City
80			14	PH	ECO	NC	NA	NA	Knox Street Public Improvement District : An ordinance approving and adopting the final 2017 Service Plan, the final 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; and providing for an effective date - Financing: No cost consideration to the City
81			9, 10, 13	PH	ECO	NC	NA	NA	Lake Highlands Public Improvement District: A public hearing concerning the proposed levy of assessment for the Lake Highlands Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City

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ITEM	IND								DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
82			9, 10, 13	PH	ECO	NC	NA	NA	Lake Highlands Public Improvement District: An ordinance approving and adopting the final 2017 Service Plan, the 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; and providing for an effective date - Financing: No cost consideration to the City
83			6	PH	ECO	NC	NA	NA	Oak Lawn-Hi Line Public Improvement District: A public hearing concerning the proposed levy of assessment for the Oak Lawn-Hi Line Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City
84			6	PH	ECO	NC	NA	NA	Oak Lawn-Hi Line Public Improvement District: An ordinance approving and adopting the final 2017 Service Plan, the 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; and providing for an effective date - Financing: No cost consideration to the City
85			12	PH	ECO	NC	NA	NA	Prestonwood Public Improvement District: A public hearing concerning the proposed levy of assessment for the Prestonwood Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City
86			12	PH	ECO	NC	NA	NA	Prestonwood Public Improvement District: An ordinance approving and adopting the final 2017 Service Plan, the final 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; and providing for an effective date - Financing: No cost consideration to the City
87			2, 7	PH	ECO	NC	NA	NA	South Dallas/Fair Park Public Improvement District: A public hearing concerning the proposed levy of assessment for the South Dallas/Fair Park Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City
88			2, 7	PH	ECO	NC	NA	NA	South Dallas/Fair Park Public Improvement District: An ordinance approving and adopting the final 2017 Service Plan, the final 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; and providing for an effective date - Financing: No cost consideration to the City
89			2	PH	ECO	NC	NA	NA	South Side Public Improvement District: A public hearing concerning the proposed levy of assessment for the South Side Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City

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ITEM	OK	IND	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
90			2	PH	ECO	NC	NA	NA	South Side Public Improvement District: An ordinance approving and adopting the final 2017 Service Plan, the final 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; and providing for an effective date - Financing: No cost consideration to the City
91			2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14	PH	ECO	NC	NA	NA	Tourism Public Improvement District: A public hearing concerning the proposed levy of assessment for the Tourism Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City
92			2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14	PH	ECO	NC	NA	NA	Tourism Public Improvement District: An ordinance approving and adopting the final Service Plan for 2016-17, the final 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments on Dallas hotels with 100 or more rooms, for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; and providing for an effective date - Financing: No cost consideration to the City
93			14	PH	ECO	NC	NA	NA	Uptown Public Improvement District: A public hearing concerning the proposed levy of assessment for the Uptown Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City
94			14	PH	ECO	NC	NA	NA	Uptown Public Improvement District: An ordinance approving and adopting the final 2017 Service Plan, the final 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; and providing for an effective date - Financing: No cost consideration to the City
95			14	PH	ECO	NC	NA	NA	University Crossing Public Improvement District: A public hearing concerning the proposed levy of assessment for the University Crossing Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City
96			14	PH	ECO	NC	NA	NA	University Crossing Public Improvement District: An ordinance approving and adopting the final 2017 Service Plan, the 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; and providing for an effective date - Financing: No cost consideration to the City

AGENDA DATE September 14, 2016

ITEM		IND							DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
97			13	PH	ECO	NC	NA	NA	Vickery Meadow Public Improvement District: A public hearing concerning the proposed levy of assessment for the Vickery Meadow Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City
98			13	PH	ECO	NC	NA	NA	Vickery Meadow Public Improvement District: An ordinance approving and adopting the final 2017 Service Plan, the final 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; and providing for an effective date - Financing: No cost consideration to the City

TOTAL \$63,078,221.88

AGENDA ITEM # 2

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): All

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

CMO: M. Elizabeth Reich, 670-7804
Ryan S. Evans, 671-9837
Willis Winters, 670-4071
Joey Zapata, 670-3009
Mark McDaniel, 670-3256

MAPSCO: N/A

SUBJECT

Authorize a three-year service contract for the rental and maintenance of portable toilets
- Pot-O-Gold Rentals, LLC, lowest responsible bidder of three - Not to exceed \$813,172
- Financing: Current Funds (\$773,077), Stormwater Drainage Management Current Funds (\$24,005), Water Utilities Current Funds (\$10,177), Sanitation Current Funds (\$4,020) and Aviation Current Funds (\$1,893) (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 the rental and maintenance of portable toilet units, ADA compliant toilet units, comfort stations and restroom trailers on a daily, weekly or monthly basis. Cleaning frequency of each unit will be maintained on a pre-established schedule for each location. This service contract will also provide units for use at parks, work sites, special events and emergency situations.

This solicitation was structured in a manner which required bidders to submit a response using unit pricing. This bid resulted in a decrease of 7.8% on comparable unit prices from the previous bid award in 2013.

BACKGROUND (Continued)

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 166 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 December 11, 2013, City Council authorized a three-year service contract for the rental and maintenance of portable toilets by Resolution No. 13-2045.

The Park and Recreation Board approved this item on September 1, 2016.

Information about this item will be provided to the Budget, Finance and Audit Committee on September 6, 2016.

FISCAL INFORMATION

\$773,077.00 - Current Funds (subject to annual appropriations)
\$ 24,005.00 - Stormwater Drainage Management Current Funds (subject to annual appropriations)
\$ 10,177.00 - Water Utilities Current Funds (subject to annual appropriations)
\$ 4,020.00 - Sanitation Current Funds (subject to annual appropriations)
\$ 1,893.00 - Aviation Current Funds (subject to annual appropriations)

M/WBE INFORMATION

32 - Vendors Contacted
32 - No Response
0 - Response (Bid)
0 - Response (No Bid)
0 - Successful

M/WBE INFORMATION (Continued)

166 M/WBE and Non-MWBE 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

Pot-O-Gold Rentals, LLC

White Male	40	White Female	12
Black Male	30	Black Female	0
Hispanic Male	13	Hispanic Female	0
Other Male	0	Other Female	0

BID INFORMATION

The following bids were received from solicitation number BV1613 and were opened on June 24, 2016. 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 of Bid</u>
*Pot-O-Gold Rentals, LLC	41248 East I-55 Service Road Hammond, LA 70403	\$ 813,172.00
MMG Building & Construction Services, LLC	6212 Anglin Drive Forest Hill, TX 76110	\$ 921,240.25
United Site Services	2617 Willowbrook Road Dallas, TX 75220	\$1,545,700.15

OWNER

Pot-O-Gold Rentals, LLC

Dennis G. Flynn, President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year service contract for the rental and maintenance of portable toilets - Pot-O-Gold Rentals, LLC, lowest responsible bidder of three - Not to exceed \$813,172 - Financing: Current Funds (\$773,077), Stormwater Drainage Management Current Funds (\$24,005), Water Utilities Current Funds (\$10,177), Sanitation Current Funds (\$4,020) and Aviation Current Funds (\$1,893) (subject to annual appropriations)

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

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$813,172.00	100.00%
TOTAL CONTRACT	\$813,172.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

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

September 14, 2016

WHEREAS, on December 11, 2013, City Council authorized a three-year service contract for the rental and maintenance of portable toilets by Resolution No. 13-2045; and,

WHEREAS, on July 5, 2016, Administrative Action No. 16-6126 authorized additional funds in the amount of \$50,000.00, increasing the service contract amount from \$774,710.25 to \$824,710.25;

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 Pot-O-Gold Rentals, LLC (VC14335) for the rental and maintenance of portable toilets for a term of three years in an amount not to exceed \$813,172.00, 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 Pot-O-Gold Rentals, LLC shall be based only on the amount of the services directed to be performed by the City and properly performed by Pot-O-Gold Rentals, LLC under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$813,172.00 (subject to annual appropriations) from Service Contract number BV1613.

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

AGENDA ITEM # 3

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Aviation
Code Compliance
Convention and Event Services
Equipment & Building Services
Fire
Housing/Community Services
Office of Economic Development
Office of Environmental Quality
Park & Recreation
Police
Public Works Department
Sanitation Services
Street Services
Sustainable Development and Construction
Trinity Watershed Management
Water Utilities

CMO: M. Elizabeth Reich, 670-7804
Ryan S. Evans, 671-9837
Joey Zapata, 670-3009
Jill A. Jordan, P.E., 670-5299
Eric Campbell, 670-3255
Alan Sims, Chief of Neighborhood Plus, 670-1611
Willis Winters, 670-4071
Mark McDaniel, 670-3256

MAPSCO: N/A

SUBJECT

Authorize a four-year service contract for non-engineering environmental consulting, investigative and remediation services with twenty-nine vendors selected as most qualified respondent of thirty-seven (list attached) - Not to exceed \$17,156,124 - Financing: Current Funds (\$9,958,124), Aviation Current Funds (\$2,400,000), Stormwater Drainage Management Current Funds (\$1,900,000), Water Utilities Current Funds (\$1,290,000), Sanitation Current Funds (\$1,220,000) and Convention and Event Services Current Funds (\$388,000) (subject to annual appropriations)

BACKGROUND

This action does not encumber funding; 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 non-engineering environmental consulting, investigative and remediation services as needed for City projects, including future Bond construction projects.

Services under this contract include but are not limited to, evaluating environmental and financial risk associated with property transactions and improvements, and maintaining compliance with state and federal regulations including Texas Risk Reduction Program (TRRP), The Clean Water Act (CWA), Clean Air Act (CAA), Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Resource Conservation and Recovery Act (RCRA), and Solid Waste Disposal Act (SWDA). Specific services under this contract include Phase I and II Environmental Site Assessment to investigate potential or known soil/groundwater contamination prior to property transactions. Additional services include remediation of contaminated soil or groundwater, investigation and removal of underground storage tanks on City property, investigation of soil during utility line installation, air quality services, and asbestos consulting and abatement services. These services will assist the City in protecting human health and the environment while ensuring that the City appropriately considers and manages environmental risks.

The awarded vendors will also provide analytical laboratory testing as needed to support the environmental consulting, investigation, and remediation services. Analytical laboratory testing includes, but is not limited to, analysis of samples for compliance with state and federal regulations.

Departments will manage the vendor utilization according to specialization, demand and capacity of each vendor for each service required through project specific work orders. Office of Environmental Quality will provide internal consulting services to assist and support departments in the management of this contract.

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

- Office of Environmental Quality (1)
- Water Utilities (1)
- Code Compliance (1)
- Trinity Watershed Management (1)
- Business Development and Procurement Services (1)*

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

BACKGROUND (Continued)

The successful proposers were selected by the committee on the basis of the following criteria:

- | | |
|---|-----------|
| ● Quality of past performance | 15 Points |
| ● Municipal contracting experience | 20 Points |
| ● Business Inclusion and Development Plan | 15 Points |
| ● Firm qualifications | 5 Points |
| ● Personnel qualifications | 10 Points |
| ● Current workload | 5 Points |
| ● Service area specific evaluation criteria | 25 Points |
| ● Specialized service provider | 5 Points |

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 2,373 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, notifications were sent by the BDPS' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

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 Budget, Finance and Audit Committee on September 6, 2016.

FISCAL INFORMATION

\$9,958,124.00 - Current Funds (subject to annual appropriations)
\$2,400,000.00 - Aviation Current Funds (subject to annual appropriations)
\$1,900,000.00 - Stormwater Drainage Management Current Funds (subject to annual appropriations)
\$1,290,000.00 - Water Utilities Current Funds (subject to annual appropriations)
\$1,220,000.00 - Sanitation Current Funds (subject to annual appropriations)
\$ 388,000.00 - Convention and Event Services Current Funds (subject to annual appropriations)

M/WBE INFORMATION

796 - Vendors contacted

789 - No response

7 - Response (Bid)

0 - Response (No bid)

7 - Successful

2,373- M/WBE and non-M/WBE vendors were contacted

This contract has an estimated 12% M/WBE participation. Business Development and Procurement Services will work with each of the vendors to obtain additional M/WBE utilization on future project specific work orders equal or greater than \$50,000.

Firms

Certification Numbers

Walker Consultants, Inc. dba Benchmark Environmental Consultants
Cox McLain Environmental Consulting, Inc.
Dougherty Sprague Environmental, Inc.
Lynn Clark Associates, Inc. dba LCA Environmental, Inc.
Resource Environmental Consulting, Inc.
Sigma Environmental Solutions, Inc.
VRX, Inc.

WFDB53444Y0517
WFWB08414N0418
WFDB77096Y0916
WFDB32636Y0717
WFDB322751Y0217
BMDB28526N0517
WFDB30224Y0317

ETHNIC COMPOSITION

AECOM Technical Services, Inc.

White Male	19	White Female	10
Black Male	0	Black Female	1
Hispanic Male	3	Hispanic Female	0
Other Male	15	Other Female	1

Alpha Testing, Inc.

White Male	114	White Female	17
Black Male	8	Black Female	2
Hispanic Male	45	Hispanic Female	3
Other Male	16	Other Female	1

Apex TITAN, Inc.

White Male	72	White Female	43
Black Male	3	Black Female	0
Hispanic Male	2	Hispanic Female	5
Other Male	3	Other Female	1

ETHNIC COMPOSITION (Continued)

ATC Group Services, LLC dba Cardno ATC

White Male	13	White Female	4
Black Male	0	Black Female	0
Hispanic Male	0	Hispanic Female	1
Other Male	1	Other Female	0

Burns & McDonnell Engineering Co, Inc.

White Male	3,084	White Female	878
Black Male	123	Black Female	61
Hispanic Male	156	Hispanic Female	46
Other Male	261	Other Female	69

CB & I Environmental & Infrastructure, Inc.

White Male	111	White Female	407
Black Male	58	Black Female	35
Hispanic Male	80	Hispanic Female	30
Other Male	110	Other Female	59

Cox McLain Environmental Consulting, Inc.

White Male	7	White Female	11
Black Male	0	Black Female	1
Hispanic Male	1	Hispanic Female	0
Other Male	0	Other Female	0

Dougherty Sprague Environmental, Inc.

White Male	7	White Female	4
Black Male	0	Black Female	1
Hispanic Male	1	Hispanic Female	0
Other Male	0	Other Female	0

Enercon Services, Inc.

White Male	945	White Female	258
Black Male	49	Black Female	20
Hispanic Male	30	Hispanic Female	16
Other Male	183	Other Female	37

ETHNIC COMPOSITION (Continued)

ENSAFE

White Male	179	White Female	83
Black Male	6	Black Female	9
Hispanic Male	8	Hispanic Female	2
Other Male	3	Other Female	0

Environmental Management Resources, Inc.

White Male	60	White Female	18
Black Male	1	Black Female	0
Hispanic Male	1	Hispanic Female	0
Other Male	0	Other Female	1

Freese and Nichols, Inc.

White Male	39	White Female	15
Black Male	2	Black Female	1
Hispanic Male	5	Hispanic Female	1
Other Male	1	Other Female	0

GME Consulting Services, Inc.

White Male	6	White Female	3
Black Male	1	Black Female	1
Hispanic Male	2	Hispanic Female	0
Other Male	0	Other Female	0

Gresham Smith and Partners

White Male	378	White Female	204
Black Male	13	Black Female	12
Hispanic Male	16	Hispanic Female	6
Other Male	18	Other Female	8

Half Associates, Inc.

White Male	298	White Female	81
Black Male	9	Black Female	17
Hispanic Male	68	Hispanic Female	1
Other Male	13	Other Female	7

ETHNIC COMPOSITION (Continued)

KBA EnviroScience, Ltd

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

Kleinfelder, Inc.

White Male	26	White Female	12
Black Male	3	Black Female	0
Hispanic Male	7	Hispanic Female	0
Other Male	5	Other Female	0

Lynn Clark Associates, Inc. dba LCA Environmental, Inc.

White Male	9	White Female	4
Black Male	0	Black Female	0
Hispanic Male	0	Hispanic Female	0
Other Male	0	Other Female	0

Modern Geosciences, LLC

White Male	7	White Female	4
Black Male	0	Black Female	1
Hispanic Male	0	Hispanic Female	0
Other Male	1	Other Female	1

Providence Engineering & Environmental Group LLC

White Male	102	White Female	83
Black Male	8	Black Female	19
Hispanic Male	3	Hispanic Female	1
Other Male	9	Other Female	7

Reliance Engineering & Environmental Services, Inc.

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

ETHNIC COMPOSITION (Continued)

Resource Environmental Consulting, Inc.

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

Sigma Environmental Solutions, Inc.

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

Tait Environmental Services, Inc.

White Male	38	White Female	2
Black Male	1	Black Female	1
Hispanic Male	11	Hispanic Female	1
Other Male	0	Other Female	0

Terracon Consultants, Inc.

White Male	67	White Female	19
Black Male	6	Black Female	4
Hispanic Male	17	Hispanic Female	3
Other Male	10	Other Female	5

Texas Green Star Environmental, LLC

White Male	5	White Female	3
Black Male	0	Black Female	0
Hispanic Male	1	Hispanic Female	1
Other Male	0	Other Female	1

VRX, Inc.

White Male	14	White Female	9
Black Male	2	Black Female	1
Hispanic Male	5	Hispanic Female	2
Other Male	2	Other Female	2

ETHNIC COMPOSITION (Continued)

Walker Consultants, Inc. dba Benchmark Environmental Consultants

White Male	9	White Female	6
Black Male	1	Black Female	0
Hispanic Male	0	Hispanic Female	0
Other Male	0	Other Female	2

WH-M Group, Inc. fka W&M Environmental Group, LLC

White Male	20	White Female	14
Black Male	1	Black Female	0
Hispanic Male	2	Hispanic Female	1
Other Male	0	Other Female	0

PROPOSAL INFORMATION

The following proposals were received from solicitation number BPZ1424 and were opened on October 15, 2014. This service contract is being awarded to the most advantageous proposers by group.

*Denotes most advantageous proposers

<u>Proposers</u>	<u>Address</u>	<u>Initial Score</u>
*AECOM Technical Services, Inc.	17300 Dallas Pkwy. Suite 1010 Dallas, TX 75248	92.25
*Alpha Testing, Inc.	2209 Wisconsin St. Suite 100 Dallas, TX 75243	87.00
*Apex TITAN, Inc.	12100 Ford Rd. Suite 401 Dallas, TX 75234	91.50
*ATC Group Services, LLC dba Cardno ATC	2270 Springlake Rd. Suite: 800 Farmers Branch, TX 75234	83.75
*Burns & McDonnell Engineering Co., Inc.	1700 W. Loop South Suite: 1500 Houston, TX 77027	86.25

PROPOSAL INFORMATION (Continued)

<u>Proposers</u>	<u>Address</u>	<u>Initial Score</u>
*CB & I Environmental & Infrastructure, Inc.	12005 Ford Rd Suite: 600 Dallas, TX 75234	88.75
*Cox McLain Environmental Consulting, Inc.	600 E. John Carpenter Fwy. Suite: 380 Irving, TX 75062	86.25
*Dougherty Sprague Environmental, Inc.	1236 Executive Dr. W. Richardson, TX 75081	87.75
*Enercon Services, Inc.	12100 Ford Rd. Suite 200 Dallas, TX 75234	89.50
*ENSAFE	4545 Fuller Dr. Suite: 342 Irving, TX 75238	91.75
*Environmental Management Resources, Inc.	2110 Delaware St. Lawrence, KS 66046	86.00
*Freese & Nichols, Inc.	2711 N. Haskell Ave. Suite: 3300 Dallas, TX 75204	92.00
*GME Consulting Services, Inc.	2530 Electronic Ln. Suite 710 Dallas, TX 75220	83.00
*Gresham Smith and Partners	2811 McKinney Ave. Suite 300 Dallas, TX 75204	88.00
*Halff Associates, Inc.	1201 N. Bowser Rd. Richardson, TX 75081	93.50

PROPOSAL INFORMATION (Continued)

<u>Proposers</u>	<u>Address</u>	<u>Initial Score</u>
*KBA EnviroScience, Ltd	101 E. Southwest Pkwy. Suite: 114 Lewisville, TX 75067	91.0
*Kleinfelder, Inc.	6850 Manhattan Blvd. Suite 300 Fort Worth, TX 76120	85.50
*Lynn Clark Associates, Inc. dba LCA Environmental, Inc.	13221 Bee St. Dallas, TX 75234	91.00
*Modern Geosciences, LLC	5100 Thompson Terrace Colleyville, TX 76034	96.25
*Providence Engineering & Environmental Group LLC	1201 Main St. Baton Rouge, LA 70802	85.75
*Reliance Engineering & Environmental Services, Inc.	10455 N. Central Expwy. Suite 109-441 Dallas, TX 75231	81.00
*Resource Environmental Consulting, Inc.	1138 Hidden Ridge Suite 1217 Irving, TX 75038	89.00
*Sigma Environmental Solutions, Inc.	5801 Marvin D. Love Frwy. Suite 310 Dallas, TX 75237	86.75
*Tait Environmental Services, Inc.	1819 Firman Dr. Suite: 115 Richardson, TX 75081	87.00
*Terracon Consultants, Inc.	8901 J. W. Carpenter Frwy. Suite 100 Dallas, TX 75247	91.00

PROPOSAL INFORMATION (Continued)

<u>Proposers</u>	<u>Address</u>	<u>Initial Score</u>
*Texas Green Star Environmental, LLC	354 McDonnell St. Suite: 9 Lewisville, TX 75057	92.50
*VRX, Inc.	2500 N. Dallas Pkwy. Suite: 450 Plano, TX 75093	88.75
*Walker Consultants, Inc. dba Benchmark Environmental Consultants	5307 East Mockingbird Ln. Suite 650 Dallas, TX 75206	93.50
*WH-M Group, Inc. fka W&M Environmental Group, LLC	906 East 18 th St. Plano, TX 75074	86.75
Arredono, Zepeda & Burns	11355 McCree Rd. Dallas, TX 75238	87.75
Civil Associates, Inc.	9330 LBJ Frwy. Suite: 1150 Dallas, TX 75243	82.00
Giles Engineering Associates, Inc.	10553 Olympic Dr. Suite 102 Dallas, TX 75220	82.00
HVJ Associates, Inc.	9200 King Arthur Dallas, TX 75247	86.50
Leggette, Brashears & Graham, Inc.	15305 N. Dallas Pkwy. Suite: 300 Addison, TX 75001	82.50
DTECH Services, Inc.	624 Six Flags Dr. Suite: 101 Arlington, TX 76011	66.75
Mazidji Group	11105 Fernald Ave. Dallas, TX 75218	74.00
TEAM Enterprise	1915 Peters Rd. Suite: 107 Irving, TX 75061	60.50

OWNERS

AECOM Technical Services, Inc.

Jane Chmielinski, President
Jon Engelke, Vice President
Robyn L. Miller, Secretary
Jonathan P. Grant, Treasurer

Alpha Testing, Inc.

Brian Powell, President
Kenneth Combs, Vice President
Jeffrey G. Wilt, Secretary
Jeffery Thomas, Treasurer

Apex TITAN, Inc.

Vincent DiRenzo, President
Robert Brackett, Vice President
Shannon Winston, Secretary

ATC Group Services, LLC dba Cardno ATC

Michael Renshaw, President
Bobby Toups, Vice President
William Roberts, Secretary
Paul Grillo, Treasurer

Burns & McDonnell Engineering Co., Inc.

Greg Graves, President
Steve Linneman, Vice President
William Quatman, Secretary
Denny Scott, Treasurer

CB & I Environmental & Infrastructure, Inc.

Michael H. Dillman, President
Harry Dravecky, Vice President
Edward J. Everitt, Secretary
Shane Bellanger, Treasurer

OWNERS (Continued)

Cox McLain Environmental Consulting, Inc.

L. Ashley McLain, President
Larry W. Cox, Vice President
Lonnie A. Cox, Secretary

Dougherty Sprague Environmental, Inc.

Curtis W. Franklin, President
Charles W. Sprague, John T. Dougherty, Vice President
Cathy W. Dougherty, Secretary

Enercon Services, Inc.

John D. Richardson, President
John R. Corn, Vice President
James (Matt) Marshall, Secretary

ENSAFE

Don Bradford, President
Sharon E. Hooper, Vice President

Environmental Management Resources, Inc.

Warran Wiebe, President
Michael L. Cook, Vice President
Bernard T. Noonan, Secretary

Freese and Nichols, Inc.

Robert F. Pence, President
Ron M. Lemons, Cindy P. Milrany, Michael L. Nichols, Vice President
Tom Gooch, Secretary
Cindy P. Milrany, Treasurer

GME Consulting Services, Inc.

Marcia S. Kawalek, President

OWNERS (Continued)

Gresham Smith and Partners

James W. Bearden, President
Brack Reed, Vice President
Mickey Sullivan, Kevin Millen, Secretary
K. Dwayne West, Treasurer

Halff Associates, Inc.

Patrick Kunz, President
Kent Belaire, Vice President
Gregory Kuhn, Secretary

KBA EnviroScience, Ltd

Charles Keith Bradley, President

Kleinfelder, Inc.

William Siegel, President
Mike Kesler, Vice President
Kevin Pottmeyer, Secretary
Dave Johnson, Treasurer

Lynn Clark Associates, Inc. dba LCA Environmental, Inc.

Mary Ann Clark, President
Yale Lynn Clark, Vice President
Mark Kevin Boyd, Secretary

Modern Geosciences, LLC

Kenneth S. Tramm, President
Damon Johnson, Vice President
Betsy Beechner, Secretary
Kyle Knight, Treasurer

Providence Engineering & Environmental Group LLC

Karen Holden, Treasurer
Mike Purdom, Principal
Nimish Katwala, Secretary

OWNERS (Continued)

Reliance Engineering & Environmental Services, Inc.

Eddie Bock, President
Katherine Bock, Vice President

Resource Environmental Consulting, Inc.

Dyana M. Lee, President
Joni L. Huls, Vice President
Dyana M. Lee, Treasurer

Sigma Environmental Solutions, Inc.

Claude A. Brown, President
Rick D. Orr, Vice President

Tait Environmental Services, Inc.

K. Richard Tait, President
Tim Ericson, Vice President
James D. Streitz, Treasurer

Terracon Consultants, Inc.

David Gaboury, President
Mike Yost, Vice President
E. Lynn Price, Secretary
Don Vrana, Treasurer

Texas Green Star Environmental, LLC

Richard S. George, President
Leonard C. Albright, Vice President

VRX, Inc.

Noelle Ibrahim, President
Scott Brush, Erick Huff, Vice President
Noelle Ibrahim, Secretary

Walker Consultants, Inc. dba Benchmark Environmental Consultants

Kelly J. Walker, President
Saundra Horton, Secretary

OWNERS (Continued)

WH-M Group, Inc. fka W&M Environmental Group, LLC

Gene Murray, President
Nic Andreani, Vice President
Gene Murray, Secretary
Frank Clark, Treasurer

BPZ1424 – Non-Engineering Environmental Consulting, Investigative and Remediation Services

Awarded Vendors:

AECOM Technical Services, Inc. (VC0000011194)
Alpha Testing, Inc. (134532)
Apex TITAN, Inc. (VS0000009931)
ATC Group Services, LLC dba Cardno ATC (VS0000041013)
Burns & McDonnell Engineering Co., Inc. (VS0000032646)
CB & I Environmental & Infrastructure, Inc. (VS0000011206)
Cox McLain Environmental Consulting, Inc. (VS0000027244)
Dougherty Sprague Environmental, Inc. (356555)
Enercon Services, Inc. (343932)
ENSAFE (VS85968)
Environmental Management Resources, Inc. (VS0000076884)
Freese and Nichols, Inc. (347200)
GME Consulting Services, Inc. (356975)
Gresham Smith and Partners (VS0000051722)
Halff Associates, Inc. (089861)
KBA EnviroScience, Ltd (VS0000057058)
Kleinfelder, Inc. (VC15559)
Lynn Clark Associates, Inc. dba LCA Environmental, Inc. (342318)
Modern Geosciences, LLC (VS0000063453)
Providence Engineering & Environmental Group LLC (VS0000020258)
Reliance Engineering & Environmental Services, Inc. (VC0000004365)
Resource Environmental Consulting, Inc. (335748)
Sigma Environmental Solutions, Inc. (VS0000016824)
Tait Environmental Services, Inc. (VS0000026355)
Terracon Consultants, Inc. (341409)
Texas Green Star Environmental, LLC (VS0000019219)
VRX, Inc. (VS0000017391)
Walker Consultants, Inc. dba Benchmark Environmental Consultants (508013)
WH-M Group, Inc. fka W&M Environmental Group, LLC (509461)

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a four-year service contract for non-engineering environmental consulting, investigative and remediation services with twenty-nine vendors selected as most qualified respondent of thirty-seven (list attached) - Not to exceed \$17,156,124 - Financing: Current Funds (\$9,958,124), Aviation Current Funds (\$2,400,000), Stormwater Drainage Management Current Funds (\$1,900,000), Water Utilities Current Funds (\$1,290,000), Sanitation Current Funds (\$1,220,000) and Convention and Event Services Current Funds (\$388,000) (subject to annual appropriations)

This contract has an estimated 12% M/WBE participation. Business Development and Procurement Services will work with each of the vendors to obtain additional M/WBE utilization on future project specific work orders equal or greater than \$50K.

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	\$0.00	0.00%
TOTAL CONTRACT	\$0.00	0.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

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

September 14, 2016**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

Section 1. That the City Manager is authorized to execute multiple vendor service contracts for non-engineering environmental consulting, investigative and remediation services for a term of four years in a total amount not to exceed \$17,156,214.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to the below vendors shall be based only on the amount of the services directed to be performed by the City and properly performed by the below vendors under the contract.

AECOM Technical Services, Inc. (VC0000011194)
Alpha Testing, Inc. (134532)
Apex TITAN, Inc. (VS0000009931)
ATC Group Services, LLC dba Cardno ATC (VS0000041013)
Burns & McDonnell Engineering Co., Inc. (VS0000032646)
CB & I Environmental & Infrastructure, Inc. (VS0000011206)
Cox McLain Environmental Consulting, Inc. (VS0000027244)
Dougherty Sprague Environmental, Inc. (356555)
Enercon Services, Inc. (343932)
ENSAFE (VS85968)
Environmental Management Resources, Inc. (VS0000076884)
Freese and Nichols, Inc. (347200)
GME Consulting Services, Inc. (356975)
Gresham Smith and Partners (VS0000051722)
Halff Associates, Inc. (089861)
KBA EnviroScience, Ltd (VS0000057058)
Kleinfelder, Inc. (VC15559)
Lynn Clark Associates, Inc. dba LCA Environmental, Inc. (342318)
Modern Geosciences, LLC (VS0000063453)
Providence Engineering & Environmental Group LLC (VS0000020258)
Reliance Engineering & Environmental Services, Inc. (VC0000004365)
Resource Environmental Consulting, Inc. (335748)
Sigma Environmental Solutions, Inc. (VS0000016824)
Tait Environmental Services, Inc. (VS0000026355)
Terracon Consultants, Inc. (341409)
Texas Green Star Environmental, LLC (VS0000019219)
VRX, Inc. (VS0000017391)
Walker Consultants, Inc. dba Benchmark Environmental Consultants (508013)
WH-M Group, Inc. fka W&M Environmental Group, LLC (509461)

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$17,156,124.00 from Service Contract number BPZ1424 (subject to annual appropriations).

September 14, 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.

AGENDA ITEM # 4

KEY FOCUS AREA: E-Gov

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Library

CMO: M. Elizabeth Reich, 670-7804
Joey Zapata, 670-1204

MAPSCO: N/A

SUBJECT

Authorize a five-year service contract, with two one-year renewal options, for licenses, maintenance, hosting and support for the existing Polaris Integrated Library System - Innovative Interfaces Incorporated, sole source - Not to exceed \$1,347,208 - Financing: Current Funds (subject to annual appropriations)

BACKGROUND

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

This service contract will provide the City with ongoing licenses, maintenance, hosting and support for the existing Polaris Integrated Library System (ILS). This service contract will enable the City to receive full support for all issues related to the ILS. In 2007, City Council authorized a contract to provide, install and maintain a new ILS system. The ILS allows for the automation and management of customer accounts, materials, cataloging and acquisitions. This ILS has improved the internal productivity of the library system and enhanced its capabilities with responding to the needs of customers. Specific features include:

- A 24/7 Public Access Catalog for customers to locate materials, place them on hold, renew their materials, pay library fines, write reviews, find recommended reading materials and preview book content, such as jacket cover, first chapter and/ or summary
- A tracking mechanism for all library customer accounts – materials checked out, fines owed, customer contact information, notices to customer for overdue materials, fines and requested materials
- Cataloging of library materials including books, DVDs, CDs, etc., as well as digital content (i.e. historic photographs and city documents)

BACKGROUND (Continued)

- Purchasing of library materials – create purchase orders and order electronically using electronic data interchange; an interface between Polaris and Advantage Financial System
- Ability to create reports to analyze how library materials are being used and how they are circulating
- A responsive web client designed to provide staff with mobile access to public services workflows such as off-site patron registration

The Library has 29 service points, including the Central Library, 27 branches and Bookmarks at NorthPark Center. The Library has over 600,000 registered users that checked out approximately 10.5 million books and other library materials in FY 2014-2015. This service contract will allow the Library to continue to provide service to its customers without interruption.

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 25, 2012, City Council authorized a five-year service contract for maintenance and support of the Polaris Integrated Library Systems by Resolution No. 12-0340.

Information about this item was provided to the Arts, Culture and Libraries Committee on August 15, 2016.

FISCAL INFORMATION

\$1,347,207.04 - Current Funds (subject to annual appropriations)

M/WBE INFORMATION

There were no M/WBE vendors contacted for this item because the recommended awardee has the exclusive licensing rights for the Polaris system and is the sole source provider.

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

ETHNIC COMPOSITION

Innovative Interfaces Incorporated

White Male	99	White Female	105
Black Male	5	Black Female	6
Hispanic Male	3	Hispanic Female	5
Other Male	29	Other Female	17

BID INFORMATION

<u>Bidder</u>	<u>Address</u>	<u>Amount</u>
Innovative Interfaces Incorporated	5850 Shellmound Way Emeryville, CA 94608	\$1,347,207.04

Note: A sole source review process has been conducted by Business Development and Procurement Services and no exceptions have been found.

OWNER

Innovative Interfaces Incorporated

Jim Tallman, President
Marina Keating, Vice President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a five-year service contract, with two one-year renewal options, for licenses, maintenance, hosting and support for the existing Polaris Integrated Library System - Innovative Interfaces Incorporated, sole source - Not to exceed \$1,347,208 - Financing: Current Funds (subject to annual appropriations)

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

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$1,347,207.04	100.00%
TOTAL CONTRACT	\$1,347,207.04	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

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

September 14, 2016

WHEREAS, on January 25, 2012, City Council authorized a five-year service contract for maintenance and support of the Polaris Integrated Library Systems by Resolution No. 12-0340;

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 Innovative Interfaces Incorporated (VS0000019085) for licenses, maintenance, hosting and support of the Polaris Integrated Library System for a term of five years, with two one-year renewal options, in an amount not to exceed \$1,347,207.04, 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 Innovative Interfaces Incorporated shall be based only on the amount of the services directed to be performed by the City and properly performed by Innovative Interfaces Incorporated under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$1,347,207.04 (subject to annual appropriations) from Service Contract number MASCLIB17/21-Innovative(POLARIS).

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: Public Safety

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 2

DEPARTMENT: Business Development & Procurement Services
Aviation

CMO: M. Elizabeth Reich, 670-7804
Ryan S. Evans, 671-9837

MAPSCO: 34N

SUBJECT

Authorize a five-year service contract, with two two-year renewal options, to provide maintenance and support for the existing airport access control system at Dallas Love Field - Convergent Technologies, LLC, most advantageous proposer of three - Not to exceed \$5,502,820 - 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 service contract will provide ongoing maintenance and support for five years, with two two-year renewal options, to cover full maintenance and support for the existing Airport Access Control System (AACS), which includes the closed circuit television subsystem, security intercom subsystem, video badging/credentialing subsystem (including physical identity and access management, and fingerprint processing components), AACS controlled doors and door hardware and other components at the Dallas Airport Facilities. This contract will also serve as the basis for implementing any future modifications to the existing AACS undertaken throughout the term of this agreement.

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

- Business Development and Procurement Services (2)*
- Police (1)
- Communication and Information Services (2)
- Aviation (2)

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

BACKGROUND (Continued)

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

- Experience and capability 40%
- Cost 30%
- Approach 15%
- Airport Concession Disadvantaged Business Enterprise 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 974 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 March 28, 2012, City Council authorized a four-year service contract, with two one-year renewal options for maintenance and support of automated access control systems by Resolution No. 12-0864.

Information about this item will be provided to the Budget, Finance and Audit Committee on September 6, 2016.

FISCAL INFORMATION

\$5,502,819.92 - Aviation Current Funds (subject to annual appropriations)

M/WBE INFORMATION

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

974- 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

Convergint Technologies, LLC

White Male	49	White Female	11
Black Male	6	Black Female	0
Hispanic Male	24	Hispanic Female	1
Other Male	1	Other Female	1

PROPOSAL INFORMATION

The following proposals were received from solicitation number BHZ1601 and were opened on November 13, 2016. This service contract is being awarded in its entirety to the most advantageous proposer.

*Denotes successful proposer

<u>Proposers</u>	<u>Address</u>	<u>Score</u>	<u>Amount</u>
*Convergint Technologies, LLC	2304 Tarpley Road Suite 124 Carrollton, TX 75006	88.74%	\$5,502,819.92
Netronix Intergration, Inc.	2170 Paragon Drive San Jose, CA 95131	80.00%	\$4,975,383.92
Siemens Industry, Inc.	8600 N. Royal Lane Suite 100 Irving, TX 75063	65.87%	\$7,471,602.00

OWNER

Convergint Technologies, LLC

Ken Lochiatto, President
Alan Bergschneider, Vice President
Walter W. Winkel, Secretary
Ted Nark, Treasurer

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a five-year service contract, with two two-year renewal options, to provide maintenance and support for the existing airport access control system at Dallas Love Field - Converjint Technologies, LLC, most advantageous proposer of three - Not to exceed \$5,502,820 - Financing: Aviation Current Funds (subject to annual appropriations)

Converjint Technologies, LLC 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	\$5,502,819.92	100.00%
Total non-local contracts	\$0.00	0.00%
TOTAL CONTRACT	\$5,502,819.92	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

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

September 14, 2016

WHEREAS, on March 28, 2012, City Council authorized a four-year service contract, with two one-year renewal options for maintenance and support of automated access control systems by Resolution No. 12-0864;

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 Convergent Technologies, LLC (VS0000028663) to provide maintenance and support for the existing airport access control system at Dallas Love Field for a term of five years, with two two-year renewal options, in an amount not to exceed \$5,502,819.92, 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 Convergent Technologies, LLC shall be based only on the amount of the services directed to be performed by the City and properly performed by Convergent Technologies, LLC under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$5,502,819.92 (subject to annual appropriations) from Service Contract number BHZ1601.

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: September 14, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Water Utilities

CMO: M. Elizabeth Reich, 670-7804
Mark McDaniel, 670-3256

MAPSCO: N/A

SUBJECT

Authorize **(1)** a contract for the purchase and five-years of maintenance for meter test bench system and portable meter testers - Ow Investors, LLC in the amount of \$439,415, most advantageous proposer of two; and **(2)** a contract for the purchase of a sandblaster and five-years of maintenance for new and existing sandblasters - Clemtex II, Inc. in the amount of \$85,830, most advantageous proposer of two - Total not to exceed \$525,245 - Financing: Water Utilities Current Funds (subject to annual appropriations)

BACKGROUND

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

This item will allow for the purchase of a meter test bench system, portable meter testers, sandblaster and maintenance. The test bench is utilized by Dallas Water Utilities (DWU) to test the accuracy of small water meters that serve commercial, industrial and residential customers. Accurate water measurement prevents waste of water and enables DWU to charge each customer accurately. Testing is performed on new and reconditioned meters prior to being placed into service.

This item will also provide for the purchase of a sandblaster. Sandblasters are used to clean dirt and grime from meters that have been removed from service. Once cleaned and recalibrated the meters or placed back into service as needed.

Each purchase also has a service contract to provide preventive maintenance for the meter test bench and the sand blasters. DWU maintains approximately 310,000 water meters throughout the City.

BACKGROUND (Continued)

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

- Business Development and Procurement Services (2)*
- Office of Management Services (1)
- Water Utilities (2)

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

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

- Cost 40 points
- Approach 15 points
- Experience 15 points
- Functional Match 15 points
- Business Inclusion and Development Plan 15 points

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 949 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)

Information about this item will be provided to the Budget, Finance and Audit Committee on September 6, 2016.

FISCAL INFORMATION

\$525,244.36 - Water Utilities Current Funds (subject to annual appropriations)

M/WBE INFORMATION

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

949 - 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

Ow Investors, LLC

White Male	22	White Female	3
Black Male	1	Black Female	0
Hispanic Male	1	Hispanic Female	1
Other Male	1	Other Female	0

Clemtex II, Inc.

White Male	18	White Female	7
Black Male	8	Black Female	0
Hispanic Male	14	Hispanic Female	4
Other Male	0	Other Female	0

PROPOSAL INFORMATION

The following proposals were received from solicitation number BMZ1617 and were opened on April 29, 2016. This contract is being awarded to the most advantageous proposer by group.

*Denotes successful proposers

<u>Proposers</u>	<u>Address</u>	<u>Score</u>	<u>Amount</u>
*Ow Investors, LLC	3925 SW 13 th St. Ocala, FL 34474	86.33	Group 1 - \$439,414.36 Group 2 - No Bid Group 3 - No Bid
*Clemtex II, Inc.	2565 W. Commerce Dallas, TX 75212	82.00 82.00	Group 1 - No Bid Group 2 - \$ 42,990.00 Group 3 - \$ 42,840.00

OWNERS

Ow Investors, LLC

David Corey, President

Clemtex II, Inc.

James Burke Bennett, President

Walter Standish, Vice President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize **(1)** a contract for the purchase and five-years of maintenance for meter test bench system and portable meter testers - Ow Investors, LLC in the amount of \$439,415, most advantageous proposer of two; and **(2)** a contract for the purchase of a sandblaster and five-years of maintenance for new and existing sandblasters - Clemtex II, Inc. in the amount of \$85,830, most advantageous proposer of two - Total not to exceed \$525,245 - Financing: Water Utilities Current Funds (subject to annual appropriations)

Ow Investors, LLC is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce. Clemtex II, Inc. is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$85,830.00	16.34%
Total non-local contracts	\$439,414.36	83.66%
TOTAL CONTRACT	\$525,244.36	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%

September 14, 2016

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

Section 1. That the City Manager is authorized to execute (1) a contract with Ow Investors, LLC (VS0000058314) in the amount of \$439,414.36 for the purchase and five-years of maintenance for meter test bench system and portable meter testers; and (2) a contract with Clemtex II, Inc. (VS87960) in the amount of \$85,830.00 for the purchase of a sandblaster and five-years of maintenance for new and existing sandblasters, 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 Ow Investors, LLC and Clemtex II, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Ow Investors, LLC and Clemtex II, Inc. under the respective contract.

Section 2. That the Purchasing Agent is authorized, upon appropriate requisition, to issue a purchase order for meter test bench system, portable meter testers and sandblasters. If a formal contract is required for this purchase instead of a purchase order, the City Manager is authorized to execute the contract upon approval as to form by the City Attorney.

Section 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$525,244.36 (subject to annual appropriations) from Service Contract number BMZ1617 .

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

AGENDA ITEM # 7

KEY FOCUS AREA: E-Gov

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Office of Risk Management

CMO: M. Elizabeth Reich, 670-7804
Jeanne Chipperfield, 670-7804

MAPSCO: N/A

SUBJECT

Authorize **(1)** a three-year contract, with two one-year renewal options, for broker of record and the purchase of an insurance policy for commercial property/boiler and machinery insurance, from October 1, 2016 through September 30, 2019 at a guaranteed rate of 0.03064; and risk management consulting services from January 8, 2017 through January 7, 2020 - Wells Fargo Insurance Services USA, Inc., in the amount of \$4,315,290, most advantageous proposer of three; **(2)** a one-year contract, with two one-year renewal options, for the purchase of aviation, crime, fine arts, flood, media and professional liability, and general liability insurance policies from October 1, 2016 through September 30, 2017 - Wells Fargo Insurance Services USA, Inc. in the amount of \$411,711, most advantageous proposer of three; and **(3)** a one-year contract, with two one year renewal options for brokerage fees and the purchase of cyber liability and privacy insurance from October 1, 2016 through September 30, 2017 - McGriff, Seibels & Williams of Texas, Inc., in the amount of \$245,225, most advantageous proposer of three - Total not to exceed \$4,972,226 - Financing: Current Funds (subject to annual appropriations)

BACKGROUND

These insurance policies will provide commercial property/boiler and machinery insurance (e.g. buildings, contents, business interruption, terrorism, extra expense, and debris removal), aviation, crime, fine arts, flood, media and professional liability, and general liability. The current policies will expire on September 30, 2016. The new property policy rate is guaranteed for three years. These policies will be renewed with the chosen broker.

The City's property values total approximately \$3.7 billion. The vendor will provide brokerage services to secure a blanket property loss limit of \$1.5 billion per occurrence insuring all risk of direct physical loss. Property claims are to be paid at replacement cost and a deductible of \$750,000 per occurrence.

BACKGROUND (Continued)

Commercial property insurance as well as broker services will include:

- Outlining a property structure
- Providing strategies and rationale for property program
- Providing engineering inspections
- Placing the City's commercial property, boiler & machinery, fine arts, crime, aviation, general liability, media professional liability and flood insurance policies

Consulting and technical assistance will encompass all phases of risk management services for the City's operations. The services include the review of coverage for:

- Property insurance program
- Excess workers' compensation insurance
- Excess liability insurance
- Risk transfer consulting
- Third party administration for worker's compensation, Medical Cost Containment and drug testing audits
- Market assistance with insurance requirements for contractors
- Reviews of insurance companies' financial stability

The cyber insurance policy will provide one year of cyber and privacy insurance coverage through September 30, 2017. Cyber and privacy insurance is a new coverage for the City of Dallas. This policy will include a cyber assessment and a loss limit of \$10,000,000 with a \$500,000 retention. This policy will include coverage for:

- Network breach events to include computer forensics, crises management and public relations expenses, consumer notification, forensic & legal expenses, credit monitoring services, etc.
- Systems failure business interruption
- Security and privacy liability to include coverage for defense costs and damages for financial loss suffered by others due to failure of computer security.
- Payment card industry data security standard fines & penalties
- Regulatory proceedings
- Cyber extortion

A two phase process was utilized for this RFCSP due to the complex nature of the service. Phase I requested vendors to provide proposals focused on service and an estimated cost. Phase I also provided the opportunity for a determination on the most qualified firms to go to market and obtain the most advantageous policy coverages. All firms were interviewed and provided additional information related to their company and proposal.

BACKGROUND (Continued)

The recommended insurance policies have the same limits and coverage as the expiring policies, but the property deductible will be lower than the expiring property policy deductible of \$1,000,000. The proposal to combine broker and consulting services with the awarded vendor will result in an estimated contracted cost savings of 19%.

The proposers were evaluated based on the following criteria:

- | | |
|---|-----------|
| ● Cost | 30 points |
| ● Functional/Technical Match | 20 points |
| ● Capability and Expertise | 15 points |
| ● Overall Approach | 10 points |
| ● Insurer's A.M Best Rating | 10 points |
| ● Business Inclusion and Development Plan | 15 points |

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

- | | |
|---|-------|
| ● Risk Management | (1) |
| ● Fire-Rescue | (1) |
| ● Human Resources | (1) |
| ● City Controller's Office | (1) |
| ● Business Development and Procurement Services | (2) * |

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

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 808 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 vendors meet 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 September 11, 2013, City Council authorized a three-year insurance policy for commercial property insurance for money and securities, boilers and machinery, property and fine arts by Resolution No. 13-1550.

On January 8, 2014, City Council authorized a three-year service contract, with two one-year renewal options, for consulting, technical assistance and actuarial services for Risk Management by Resolution No. 14-0104.

Information about this item will be provided to the Budget, Finance and Audit Committee on September 6, 2016.

FISCAL INFORMATION

\$4,972,226.00 - Current Funds (subject to annual appropriations)

M/WBE INFORMATION

153 - Vendors contacted

153 - No response

0 - Response (Bid)

0 - Response (No bid)

0 - Successful

808 - 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

Wells Fargo Insurance Services USA, Inc.

White Male	77,512	White Female	94,447
Black Male	10,215	Black Female	23,156
Hispanic Male	14,610	Hispanic Female	25,454
Other Male	11,065	Other Female	16,194

McGriff, Seibels & Williams of Texas, Inc.

White Male	24	White Female	33
Black Male	2	Black Female	2
Hispanic Male	0	Hispanic Female	5
Other Male	2	Other Female	2

PROPOSAL INFORMATION

The following proposals were received from solicitation number BKZ1614 and read on May 27, 2016. This insurance policy is being awarded to the most advantageous proposers by group.

*Denotes successful proposers

<u>Proposers</u>	<u>Address</u>	<u>Score</u>	<u>Amount</u>
*Wells Fargo Insurance Services USA, Inc.	5151 Beltline Rd. Suite #200 Dallas, TX 75254	95%	Group 1 - \$4,727,001.00 Group 2 - No bid
*McGriff, Seibels & Williams of Texas, Inc.	5080 Spectrum Dr. Suite #900E Addison, TX 75001	71% 80%	Group 1 - \$6,398,129.00 Group 2 - \$ 245,225.00
Aon Risk Services Southwest, Inc. responsive**	2711 N. Haskell Ave. Suite #800 Dallas, TX 75204	86%	Group 1 - \$4,512,950.00 Group 2 - Non

**Aon Risk Services Southwest, Inc. was deemed non-responsive on Group 2 due to not meeting specifications.

OWNERS

Wells Fargo Insurance Services USA, Inc.

Laura Schupbach, President
Kevin Brogran, Vice President

McGriff, Seibels & Williams of Texas, Inc.

Tommy Ebner, President
Doug Hodo, Vice President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize **(1)** a three-year contract, with two one-year renewal options, for broker of record and the purchase of an insurance policy for commercial property/boiler and machinery insurance, from October 1, 2016 through September 30, 2019 at a guaranteed rate of 0.03064; and risk management consulting services from January 8, 2017 through January 7, 2020 - Wells Fargo Insurance Services USA, Inc., in the amount of \$4,315,290, most advantageous proposer of three; **(2)** a one-year contract, with two one-year renewal options, for the purchase of aviation, crime, fine arts, flood, media and professional liability, and general liability insurance policies from October 1, 2016 through September 30, 2017 - Wells Fargo Insurance Services USA, Inc. in the amount of \$411,711, most advantageous proposer of three; and **(3)** a one-year contract, with two one year renewal options for brokerage fees and the purchase of cyber liability and privacy insurance from October 1, 2016 through September 30, 2017 - McGriff, Seibels & Williams of Texas, Inc., in the amount of \$245,225, most advantageous proposer of three - Total not to exceed \$4,972,226 - Financing: Current Funds (subject to annual appropriations)

Wells Fargo Insurance Services USA, Inc. and McGriff, Seibels & Williams of Texas, Inc. are local, non-minority firms, have signed the "Business Inclusion & Development" documentation, and propose to use their own workforces.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$4,972,226.00	100.00%
Total non-local contracts	\$0.00	0.00%
TOTAL CONTRACT	\$4,972,226.00	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%
	<hr/>	<hr/>	<hr/>	<hr/>
Total	\$0.00	0.00%	\$0.00	0.00%

September 14, 2016

WHEREAS, on September 11, 2013, City Council authorized the purchase of a three-year insurance policy for commercial property insurance for money and securities, boilers and machinery, property and fine arts by Resolution No. 13-1550; and,

WHEREAS, on January 8, 2014, City Council authorized a three-year service contract, with two one-year renewal options, for consulting, technical assistance and actuarial services for Risk Management by Resolution No. 14-0104; and,

WHEREAS, on January 16, 2014, Administrative Action No. 14-5177 authorized supplemental agreement no. 1 to broaden the scope of services and add additional funding in an amount not to exceed \$50,000.00, increasing the policy amount from \$5,732,618.00 to \$5,782,618.00;

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 Wells Fargo Insurance Services USA, Inc. (VC0000003978) for (1) broker of record and the purchase of an insurance policy for commercial property/boiler and machinery insurance, from October 1, 2016 through September 30, 2019 at a guaranteed rate of 0.03064; and risk management consulting services from January 8, 2017 through January 7, 2020 for a term of three years, with two one-year renewal options in an amount not to exceed \$4,315,290.00; and (2) a one-year contract, with two one-year renewal options, for the purchase of aviation, crime, fine arts, flood, media and professional liability, and general liability insurance policies from October 1, 2016 through September 30, 2017 - Wells Fargo Insurance Services USA, Inc. in the amount of \$411,711, 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 Wells Fargo Insurance Services USA, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Wells Fargo Insurance Services USA, Inc. under the policy.

Section 2. That the City Manager is authorized to execute a one-year contract, with two one-year renewal options for brokerage fees and the purchase of cyber liability and privacy insurance from October 1, 2016 through September 30, 2017 with McGriff, Seibels & Williams of Texas, Inc. (501836) in an amount not to exceed \$245,225.00, 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 McGriff, Seibels & Williams of Texas, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by McGriff, Seibels & Williams of Texas, Inc. under the policy.

September 14, 2016

Section 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$4,727,001.00 (subject to annual appropriations) from Service Contract number MASCWELLS3840.

Section 4. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$245,225.00 (subject to appropriations) from Service Contract number MASCMCGRIFF3860.

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 # 8

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Fire
Police

CMO: M. Elizabeth Reich, 670-7804
Eric Campbell, 670-3255

MAPSCO: N/A

SUBJECT

Authorize a three-year master agreement for coastal Bermuda hay - Triple H Farms, lowest responsible bidder of four - Not to exceed \$72,670 - Financing: Current Funds

BACKGROUND

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

This master agreement will provide coastal Bermuda hay for Police horses. The Police Mounted Squad currently stables 14 horses at Fair Park. These are working horses used for crowd control and to provide a high profile presence in neighborhoods, downtown and in shopping center parking lots. These horses are stabled and do not have access to pastures for grazing; the horses must be fed hay daily to provide a good nutritious diet and promote good health and vigor. The department will use over 8,600 bales of coastal Bermuda hay for feed in a thirty-six month period.

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

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 22, 2013, City Council authorized a two-year master agreement for coastal Bermuda and Johnson grass hay by Resolution No. 13-0804.

On August 22, 2016, the Public Safety Committee was briefed by memorandum regarding this matter.

FISCAL INFORMATION

\$72,670.00 - Current Funds

M/WBE INFORMATION

3 - Vendors contacted
3 - No response
0 - Response (Bid)
0 - Response (No Bid)
0 - Successful

34 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

Triple H Farms

White Male	2	White Female	1
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 BA1609 and were opened on May 27, 2016. This master agreement is being awarded in its entirety to the lowest responsive and responsible bidder.

BID INFORMATION (Continued)

*Denotes successful bidder

<u>Bidders</u>	<u>Address</u>	<u>Amount</u>
*Triple H Farms	7424 FM 2446 Franklin, TX 77856	\$72,670.00
Orsak Ranch	700 CR 1410 Bonham, TX 75418	\$116,100.00
Raul Sandoval	4945 Fairfax St. Fort Worth, TX 76116	Non-Responsive**
River Ranch Educational Charities	811 Pemberton Hill Rd. Dallas, TX 75217	Non-Responsive**

**River Ranch Educational Charities and Raul Sandoval were deemed non-responsive due to not meeting specifications.

OWNER**Triple H Farms**

Ervin Ray Homann, Owner

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year master agreement for coastal Bermuda hay - Triple H Farms, lowest responsible bidder of four - Not to exceed \$72,670 - Financing: Current Funds

Triple H Farms 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	\$72,670.00	100.00%
TOTAL CONTRACT	\$72,670.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

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

September 14, 2016

WHEREAS, on May 22, 2013, City Council authorized a two-year master agreement for coastal Bermuda and Johnson grass hay by Resolution No. 13-0804; and,

WHEREAS, on June 9, 2015, Administrative Action No. 15-6078 authorized an eighteen month extension to the master agreement from May 21, 2015 to November 20, 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 coastal Bermuda hay is authorized with Triple H Farms (VC0000002205) for a term of three years in an amount not to exceed \$72,670.00.

Section 2. That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for coastal Bermuda hay. If a written contract is required or requested for any or all purchases of coastal Bermuda hay 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 \$72,670.00 from Master Agreement number BA1609.

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

AGENDA ITEM # 9

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

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Park & Recreation

CMO: M. Elizabeth Reich, 670-7804
Willis Winters, 670-4071

MAPSCO: N/A

SUBJECT

Authorize a three-year master agreement for the purchase of recreation center and physical education supplies - S & S Worldwide, Inc. in the amount of \$269,630 and BSN Sports in the amount of \$60,500, lowest responsible bidders of three - Total not to exceed \$330,130 - Financing: Current Funds

BACKGROUND

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

This master agreement will provide for the purchase of recreation center and physical education supplies for Park and Recreation (PKR) programs and activities to include the following:

- Mayor's Youth Fitness Initiative
- After school programs
- Active senior adult programs
- Summer camps
- Art programs

PKR manages free after school programs and summer programs at 20 Dallas Independent School District schools. Additionally, PKR offers eight weeks of day camps at 39 fitness centers throughout the City and also provides recreation and leisure activities to senior adults over 55 years of age.

BACKGROUND (Continued)

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 1,686 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, notifications were sent by the BDPS' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 13, 2014, City Council authorized a three-year master agreement for the purchase of athletic, recreation and sports equipment and supplies for use throughout the City by Resolution No. 14-1212.

The Park and Recreation Board approved this item on September 1, 2016.

Information about this item will be provided to the Budget, Finance and Audit Committee on September 6, 2016.

FISCAL INFORMATION

\$330,130.00 - Current Funds

M/WBE INFORMATION

175 - Vendors contacted

175 - No response

0 - Response (Bid)

0 - Response (No bid)

0 - Successful

1,686 - 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

S & S Worldwide, Inc.

White Male	75	White Female	125
Black Male	3	Black Female	3
Hispanic Male	8	Hispanic Female	5
Other Male	5	Other Female	5

BSN Sports

White Male	705	White Female	199
Black Male	34	Black Female	32
Hispanic Male	62	Hispanic Female	61
Other Male	26	Other Female	12

BID INFORMATION

The following bids were received from solicitation number BA1614 and were opened on May 27, 2016. This master agreement is being awarded to the lowest responsible and responsive bidders by group. Information related to this solicitation is available upon request.

*Denotes successful bidders

<u>Bidders</u>	<u>Address</u>	<u>Amount</u>
*S & S Worldwide, Inc.	75 Mill St. Colchester, CT 06415	Multiple Groups
*BSN Sports	1901 Diplomat Dr. Farmers Branch, TX 75234	Multiple Groups
Econocrafts	29 Riverside Ave. Bldg. #2 Newark, NY 07104	Multiple Groups

OWNERS

S & S Worldwide, Inc.

Adam Schwartz, President
Hy Schwartz, Vice President
Carla Schwartz, Secretary
Vincent Pescosolido, Treasurer

OWNERS (Continued)

BSN Sports

Terrence Babilla, President
Kurt Hagen, Vice President
John Pitts, Treasurer

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year master agreement for the purchase of recreation center and physical education supplies - S & S Worldwide, Inc. in the amount of \$269,630 and BSN Sports in the amount of \$60,500, lowest responsible bidders of three - Total not to exceed \$330,130 - Financing: Current Funds

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

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$60,500.00	18.33%
Total non-local contracts	\$269,630.00	81.67%
TOTAL CONTRACT	\$330,130.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

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

September 14, 2016

WHEREAS, on August 13, 2014, City Council authorized a three-year master agreement for the purchase of athletic, recreation and sports equipment and supplies for use throughout the City by Resolution No. 14-1212;

NOW, THEREFORE,

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

Section 1. That a master agreement for the purchase of recreation center and physical education supplies is authorized with S & S Worldwide, Inc. (003083) in the amount of \$269,630.00 and BSN Sports (355112) in the amount of \$60,500.00 for a term of three years in a total amount not to exceed \$330,130.00.

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

Section 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$330,130.00 from Master Agreement number BA1614.

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: September 14, 2016

COUNCIL DISTRICT(S): All

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

CMO: M. Elizabeth Reich, 670-7804
Mark McDaniel, 670-3256
Ryan S. Evans, 671-9837

MAPSCO: N/A

SUBJECT

Authorize a three-year master agreement for water meter castings, risers, cast iron inlet frames and covers - Accucast LTD in the amount of \$2,064,389, Fortiline, Inc. in the amount of \$1,231,033, Bass & Hays Foundry, Inc. in the amount of \$1,108,293, Johnson Enterprises in the amount of \$826,080, U.S.F. Fabrication, Inc. in the amount of \$362,240, ACT Pipe & Supply, Inc. in the amount of \$27,537 and DFW Plastics, Inc. in the amount of \$568, lowest responsible bidders of nine - Total not to exceed \$5,620,140 - Financing: Current Funds (\$1,222,623), Water Utilities Current Funds (\$4,393,216), Stormwater Drainage Management Current Funds (\$3,305) and Aviation Current Funds (\$996)

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 water meter castings, risers, cast iron inlet frames and covers for the City. The cast iron inlet frames and covers are used to secure underground structures such as sewers and drains. The water meter castings and risers are used for raising manhole grades. Water Utilities maintains approximately 4,900 miles of water mains throughout the water distribution system. Street Services maintains, replaces and resets water meter castings and inlet covers as needed. Emergency crews respond to missing/damaged manhole and inlet lid covers to address roadway hazards.

BACKGROUND (Continued)

This solicitation was structured in a manner which required bidders to submit a response using unit pricing. This bid resulted in a 14.19% increase on comparable unit prices for the bids awarded in 2013.

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

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 23, 2013, City Council authorized a three-year master agreement for water meter castings, risers and cast iron inlet frames and covers by Resolution No. 13-0172.

Information about this item will be provided to the Budget, Finance and Audit Committee on September 6, 2016.

FISCAL INFORMATION

\$1,222,622.43 - Current Funds

\$4,393,215.99 - Water Utilities Current Funds

\$ 3,304.86 - Stormwater Drainage Management Current Funds

\$ 996.00 - Aviation Current Funds

M/WBE INFORMATION

34 - Vendors contacted

34 - No response

0 - Response (Bid)

0 - Response (No bid)

0 - Successful vendor

233 - 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

Accucast LTD

White Male	3	White Female	1
Black Male	0	Black Female	0
Hispanic Male	4	Hispanic Female	1
Other Male	3	Other Female	0

Fortiline, Inc.

White Male	272	White Female	31
Black Male	33	Black Female	3
Hispanic Male	6	Hispanic Female	0
Other Male	10	Other Female	0

Bass & Hays Foundry, Inc.

White Male	7	White Female	0
Black Male	0	Black Female	0
Hispanic Male	8	Hispanic Female	0
Other Male	0	Other Female	0

Johnson Enterprises

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

U.S.F. Fabrication, Inc.

White Male	13	White Female	4
Black Male	0	Black Female	0
Hispanic Male	96	Hispanic Female	9
Other Male	0	Other Female	0

ACT Pipe & Supply, Inc.

White Male	7	White Female	3
Black Male	1	Black Female	0
Hispanic Male	2	Hispanic Female	0
Other Male	0	Other Female	0

ETHNIC COMPOSITION (Continued)

DFW Plastics, Inc.

White Male	12	White Female	2
Black Male	0	Black Female	0
Hispanic Male	82	Hispanic Female	1
Other Male	1	Other Female	0

BID INFORMATION

The following bids were received from solicitation number BM1622 and were opened on July 1, 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>
*Accucast LTD	415 21 st St. Waco, TX 76706	Multiple Lines
*Fortiline, Inc.	11200 Seagoville Rd. Balch Springs, TX 75180	Multiple Lines
*Bass & Hays Foundry, Inc.	238 S. Bagdad Rd. Grand Prairie, TX 75050	Multiple Lines
*Johnson Enterprises 95662	8767 Country Creek Dr.	Multiple Lines Orangevale, CA
*U.S.F. Fabrication, Inc.	32 W 84 th St.	Multiple Lines Hialeah, FL 33018
*ACT Pipe & Supply, Inc.	1888 W. Northwest Hwy. Dallas, TX 75220	Multiple Lines
*DFW Plastics, Inc.	901 E. Industrial Rd. Saginaw, TX 76131	Multiple Lines
Nicor, Inc.	100 Commons Rd. 7-355 Dripping Springs, TX 78620	Multiple Lines
Doug Meadows Co., LLC	1290 S. Willis, Suite 214 Abilene, TX 79605	Multiple Lines

OWNERS

Accucast LTD

Kirit Daftary, President
Sharon Stapleton, Treasurer
Jo Anne Garcia, Treasure

Fortiline, Inc.

Tim Tysinger, President
James Cagle, Vice President
Jason Painter, Secretary

Bass & Hays Foundry, Inc.

David Hays, President
Paul D. Hays, Vice President
Matt Hays, Secretary

Johnson Enterprises

Samuel T. Johnson, President
Judith L. Johnson, Vice President

U.S.F. Fabrication, Inc.

Alex Lane DeBogory, President
David Brunswick, Vice President

ACT Pipe & Supply, Inc.

Andy Zizinia, President
Steve Haas Sr., Vice President
Mary Gagnow, Secretary
Harry Kirk, Treasurer

DFW Plastics, Inc.

Tom McKinnon, President
Jim McKinnon, Vice President
Tina Brooks, Secretary

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year master agreement for water meter castings, risers, cast iron inlet frames and covers - Accucast LTD in the amount of \$2,064,389, Fortiline, Inc. in the amount of \$1,231,033, Bass & Hays Foundry, Inc. in the amount of \$1,108,293, Johnson Enterprises in the amount of \$826,080, U.S.F. Fabrication, Inc. in the amount of \$362,240, ACT Pipe & Supply, Inc. in the amount of \$27,537 and DFW Plastics, Inc. in the amount of \$568, lowest responsible bidders of nine - Total not to exceed \$5,620,140 - Financing: Current Funds (\$1,222,623), Water Utilities Current Funds (\$4,393,216), Stormwater Drainage Management Current Funds (\$3,305) and Aviation Current Funds (\$996)

Accucast LTD, Johnson Enterprises, U.S.F. Fabrication, Inc. and DFW Plastics, Inc. are non-local, non-minority firms, have signed the "Business Inclusion & Development" documentation, and propose to use their own workforces. ACT Pipe & Supply, Inc., Bass & Hays Foundry, Inc. and Fortiline, Inc. are local, non-minority firms, have signed the "Business Inclusion & Development" documentation, and propose to use their own workforces.

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$2,366,862.08	42.11%
Total non-local contracts	\$3,253,277.20	57.89%
TOTAL CONTRACT	\$5,620,139.28	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

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

September 14, 2016

WHEREAS, on January 23, 2013, City Council authorized a three-year master agreement for water meter castings, risers and cast iron inlet frames and covers by Resolution No. 13-0172;

NOW, THEREFORE,

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

Section 1. That a master agreement for the purchase of water meter castings, risers, cast iron inlet frames and covers is authorized with Accucast LTD (VS0000064006) in the amount of \$2,064,389.00, Fortiline, Inc. (VS0000073028) in the amount of \$1,231,033.12, Bass & Hays Foundry, Inc. (005946) in the amount of \$1,108,292.40, Johnson Enterprises (VS92166) in the amount of \$826,080.00, U.S.F. Fabrication, Inc. (503423) in the amount of \$362,240.00, ACT Pipe & Supply, Inc. (358157) in the amount of \$27,536.56 and DFW Plastics, Inc. (VS000008232) in the amount of \$568.20, for a term of three years in a total amount not to exceed \$5,620,139.28.

Section 2. That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for water meter castings, risers and cast iron inlet frames and covers. If a written contract is required or requested for any or all purchases of water meter castings, risers and cast iron inlet frames and covers 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 \$5,620,139.28 from Master Agreement number BM1622.

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: September 14, 2016

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Business Development & Procurement Services
Communication and Information Services

CMO: M. Elizabeth Reich, 670-7804
Mark McDaniel, 670-3256

MAPSCO: N/A

SUBJECT

Authorize supplemental agreement no. 4 to increase and extend the service contract to provide for maintenance and support of the City's financial and accounting system, from October 1, 2016 through September 30, 2019 - CGI Technologies and Solutions, Inc. through the Texas Department of Information Resources - Not to exceed \$1,509,565, from \$1,373,756 to \$2,883,321 - Financing: Current Funds (subject to annual appropriations)

BACKGROUND

This supplemental agreement will provide ongoing maintenance and technical support of the City's financial and accounting system, AMS Advantage System (AMS). Maintenance includes 24/7 technical support, patches, updates and a dedicated account manager.

The AMS system includes three key modules that are essential tools for the City to conduct day to day operations:

- Financial - allows for the creation, monitoring and managing of the City's budget, daily financial transactions as well as provides for the posting of solicitations for the procurement of goods and services
- Vendor Self-Service - provides a web portal for the vending community to view solicitations as well as respond electronically to solicitations for small dollar purchases
- InfoAdvantage - provides ad-hoc reporting capabilities

The Department of Information Resources conforms to the requirements of Texas Statutes that are applicable for competitive bids and proposals, in accordance with the Interlocal Cooperation Act, Chapter 791, Texas Government Code. In addition, the Department of Information Resources receives bids from manufacturers and dealers throughout the United States.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 23, 2013, City Council authorized a contract to implement an upgrade to the City's financial and accounting system and maintenance and licensing for three years by Resolution No. 13-0241.

On January 21, 2014, this item was included as a briefing memo to the Budget, Finance and Audit Committee.

On January 22, 2014, City Council authorized supplemental agreement no. 1 to increase the contract with CGI Technologies and Solutions, Inc. through the State of Texas Department of Information Resources, to provide training services and material in support of the City's financial and accounting system upgrade by Resolution No. 14-0243.

Information about this item will be provide to the Budget, Finance and Audit Committee on September 6, 2016.

FISCAL INFORMATION

\$1,509,565.00 - Current Funds (subject to annual appropriations)

ETHNIC COMPOSITION

CGI Technologies and Solutions, Inc.

White Male	70	White Female	55
Black Male	6	Black Female	7
Hispanic Male	4	Hispanic Female	4
Other Male	34	Other Female	23

OWNER

CGI Technologies and Solutions, Inc.

David Hederson, President
John Roggemann, Senior Vice President
Michael Waple, Controller
Benoit Dubé, Corporate Secretary

September 14, 2016

WHEREAS, on January 23, 2013, City Council authorized a contract to implement an upgrade to the City's financial and accounting system and maintenance and licensing for three years by Resolution No. 13-0241; and,

WHEREAS, on January 22, 2014, City Council authorized supplemental agreement no. 1 to increase the contract with CGI Technologies and Solutions, Inc. through the State of Texas Department of Information Resources, to provide training services and material in support of the City's financial and accounting system upgrade in an amount not to exceed \$192,200.00, increasing the contract amount from \$1,130,411.00 to \$1,322,611.00, by Resolution No. 14-0243; and,

WHEREAS, on April 3, 2014, Administrative Action No. 14-7147 authorized supplemental agreement no. 2 to increase the contract for additional licenses and maintenance for the Advantage Financial system in an amount not to exceed \$23,453.24, increasing the contract amount from \$1,322,611.00 to \$1,346,064.24; and,

WHEREAS, on August 22, 2016, Administrative Action No. 16-6519 authorized supplemental agreement no. 3 to increase and extend the contract for maintenance of the Advantage Financial system through September 30, 2016, in an amount not to exceed \$27,692.00, increasing the contract amount from \$1,346,064.24 to \$1,373,756.24;

NOW, THEREFORE,

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

Section 1. That following approval as to form by the City Attorney, the City Manager is hereby authorized to execute supplemental agreement no. 4 to increase and extend the service contract with CGI Technologies and Solutions, Inc. through the Texas Department of Information Resources (VS0000013183) for maintenance and support of the City's financial and accounting system from October 1, 2016 through September 30, 2019, in an amount not to exceed \$1,509,565.00, increasing the service contract amount from \$1,373,756.24 to \$2,883,321.24.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$1,509,565.00 (subject to annual appropriations) from Service Contract number MASCDV19ADVMaint.

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

AGENDA ITEM # 12

KEY FOCUS AREA: E-Gov

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

CMO: Christopher D. Bowers, 670-3491

MAPSCO: N/A

SUBJECT

Authorize **(1)** acceptance of the 2016-17 Substance Abuse and Mental Health Services Administration grant from the U.S. Department of Health and Human Services for expansion of the South Dallas Community Court to include the South Dallas Treatment Drug Court for the Adult Treatment Drug Court Expansion project for the period September 30, 2016 through September 29, 2017; **(2)** approval to create one new full-time position to execute the proposed project; and **(3)** execution of the grant agreement - Not to exceed \$305,074 - Financing: U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration Grant Funds

BACKGROUND

This item will authorize the third year of the Substance Abuse and Mental Health Services Administration grant from the U.S. Department of Health and Human Services. The Substance Abuse and Mental Health Services Administration of the U.S. Department of Health and Human Services awarded the City a three-year grant with the project period from September 30, 2014 to September 29, 2017. The South Dallas Treatment Drug Court (SDTDC) seeks to identify adults with mental health issues and substance abuse addictions who have been referred to the South Dallas Community Court for adjudication and processing, and to offer those individuals alcohol/drug treatment, recovery support services, screening, assessment, case management and related services in lieu of jail time. The SDTDC is located in the Martin Luther King, Jr. Community Center at 2922 Martin Luther King, Jr. Boulevard, and serves South Dallas/Fair Park, Jubilee Park, and Pleasant Grove.

The U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, has awarded the City \$305,074.00 in support of the SDTDC program for the third year. This includes the funding of one new full-time position (Coordinator I).

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council authorized the acceptance of the 2014-15 Substance Abuse and Mental Health Services Administration grant from the U.S. Department of Health and Human Services for expansion of the South Dallas Community Court to include the South Dallas Treatment Drug Court for the Adult Treatment Drug Expansion project for the period September 30, 2014 through September 29, 2015, on January 14, 2015, by Resolution No. 15-0142.

City Council authorized the acceptance of the 2015-16 Substance Abuse and Mental Health Services Administration grant from the U.S. Department of Health and Human Services for expansion of the South Dallas Community Court to include the South Dallas Treatment Drug Court for the Adult Treatment Drug Expansion project for the period September 30, 2015 through September 29, 2016, on January 27, 2016 by Resolution No. 16-0164.

Information about this item will be provided to the Budget, Finance & Audit Committee on September 6, 2016.

FISCAL INFORMATION

\$305,074.00 - U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration Grant Funds

September 14, 2016

WHEREAS, the City of Dallas established an Adult Treatment Drug Court Expansion project that seeks to expand the South Dallas Community Drug Court into a Treatment Drug Court that will incorporate alcohol/drug treatment, recovery support services, screening, assessment, case management, and program coordination; and

WHEREAS, the Substance Abuse and Mental Health Services Administration of the U.S. Department of Health and Human Services awarded the City a three-year grant with the project period from September 30, 2014 to September 29, 2017; and

WHEREAS, on January 14, 2015, the City Council authorized the acceptance of the 2014-15 Substance Abuse and Mental Health Services Administration grant from the U.S. Department of Health and Human Services for expansion of the South Dallas Community Court to include the South Dallas Treatment Drug Court for the Adult Treatment Drug Expansion project for the period September 30, 2014 through September 29, 2015, by Resolution No. 15-0142; and

WHEREAS, on January 27, 2016, the City Council authorized the acceptance of the 2015-16 Substance Abuse and Mental Health Services Administration grant from the U.S. Department of Health and Human Services for expansion of the South Dallas Community Court to include the South Dallas Treatment Drug Court for the Adult Treatment Drug Expansion project for the period September 30, 2015 through September 29, 2016, by Resolution No. 16-0164.

WHEREAS, the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, has made grant funds available during the 2016-17 fiscal year to offer individuals facing criminal charges for substance abuse and possession an opportunity to enter a substance abuse recovery program in lieu of jail time; and

WHEREAS, such grant funding was awarded to the City on July 22, 2016; and

WHEREAS, the grant funding would benefit the City in its endeavor to reduce crime and help affected individuals become drug free; and

WHEREAS, the City finds it in the best interest of the City's residents that the grant funds be accepted for the 2016-2017 fiscal year; and

WHEREAS, the City agrees that in the event of loss or misuse of the grant funds, the City will return the funds identified as ineligible to the U.S. Department of Health and Human Services; and

WHEREAS, the City designates the City Manager or his designee as the grantee's authorized official, who has the power to apply for, accept, reject, alter, or terminate the grant on behalf of the City; **Now, Therefore,**

September 14, 2016

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

Section 1. That the City Manager is hereby authorized to **(1)** accept the 2016-17 Substance Abuse and Mental Health Services Administration Grant (Grant No. 5H79TI 025045-03, CFDA No. 93.243) from the U.S. Department of Health and Human Services to be used in the Adult Treatment Drug Court Expansion project for the period September 30, 2016 through September 29, 2017, in an amount not to exceed \$305,074.00; **(2)** approve creating one new full-time position to execute the proposed project; and **(3)** execute the grant agreement.

Section 2. That the City Manager is hereby authorized to establish appropriations in the Adult Treatment Drug Court Expansion Project Fund F503, Department ATT, Unit 2051, various Object Codes per the attached Schedule, in an amount not to exceed \$305,074.00.

Section 3. That the Chief Financial Officer is hereby authorized to deposit grant funds in an amount not to exceed \$305,074.00 into Fund F503, Department ATT, Unit 2051, Revenue Source 6506.

Section 4. That the Chief Financial Officer is hereby authorized to disburse grant funds from Fund F503, Department ATT, Unit 2051, various Object Codes, in accordance to the attached Schedule, in an amount not to exceed \$305,074.00.

Section 5. That the City Manager is hereby authorized to create one new full-time position:

Coordinator I - who will 1) coordinate the onboarding and intake process for hundreds of individuals; 2) “walk-through” the program with participants to ensure program compliance; and 3) identify and build relationships with other service providers to ensure a smooth and viable transition for participants once they have completed the Drug Court program.

**This new position will come at no cost to the City during the grant period.*

Section 6. That the City Manager is hereby authorized to reimburse the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration any expenditure identified as ineligible. The City Manager shall notify the appropriate City Council Committee of expenditures identified as ineligible not later than 30 days after the reimbursement.

Section 7. That the City Manager shall keep the appropriate City Council Committee informed of all final U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration monitoring reports not later than 30 days after the receipt of the report.

September 14, 2016

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

SCHEDULE A

Substance Abuse and Mental Health Services Administration Grant South Dallas Adult Treatment Drug Court Expansion Project Fund F503 Dept ATT Unit 2051 September 30, 2016 - September 29, 2017		
		Budget
Obj.		
1101	Salaries	141,706.00
1301	Pension	20,306.47
1303	Insurance – Flex Benefits	48.00
1304	Health Insurance	12,334.00
1306	FICA	2,054.74
1309	Wellness Program	50.00
2110	Office Supplies	1,200.00
2252	Metered Postage	300.00
2280	Other Supplies	2,481.00
3070	Professional Services	95,665.00
3092	Security Service	12,463.00
3359	Misc. Other Charges (Incentives)	450.00
3361	Professional Development	5,426.00
3851	Pension Bond Debt	10,589.79
Total		\$305,074.00

KEY FOCUS AREA: E-Gov

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

CMO: Christopher D. Bowers, 670-3491

MAPSCO: N/A

SUBJECT

Authorize a three-year contract with West Publishing Corporation d/b/a West, a Thomson Reuters Business, for on-line legal research and associated services utilizing Westlaw for the City Attorney's Office through the Council on Competitive Government for the period beginning October 1, 2016 through September 30, 2019 - Not to exceed \$478,011 - Financing: Current Funds (subject to annual appropriations)

BACKGROUND

This contract will provide on-line legal research capabilities and associated services for the City Attorney's Office (CAO). CAO has a continuous need for computerized legal research, legal references, publications and related materials and services that are only available through West to fulfill its obligation to represent the City in all legal matters. Such matters include lawsuits filed against and by the City as well as transactional and advisory services for Council, the City Manager, boards, commissions, and city departments. West provides access to a comprehensive on-line legal research system which includes a large volume of case law, statutes, briefs, public records, law review articles, and other related materials. West also includes numerous proprietary databases and indexing features that are not available through any other source and are essential tools for providing accurate and timely legal support to CAO clients. Some key examples of these proprietary databases are Texas specific materials, including Vernon's Annotated Texas Statutes, Texas Practice Guide, Texas Practice Series, Texas Court of Appeals Dockets and Texas Court of Appeals Briefs.

Additionally, the use of a comprehensive database, such as West, provides efficiencies in conducting research and preparing for legal proceedings by eliminating the need to search multiple databases for information. It also ensures that all applicable rules, regulations and citations are available to formulate appropriate and accurate legal opinions.

BACKGROUND (continued)

Without access to the West on-line legal research databases, the CAO will not have vital information available to the other parties in legal matters. This could potentially result in an increase in claims, damages, and other penalties assessed to the City due to limited legal information and analysis.

The Council on Competitive Government conforms to the requirements of Texas Statutes that are applicable for competitive bid and proposals, in accordance with the Interlocal Cooperation Act, Chapter 791 and Chapter 2162, Texas Government Code. In addition, the Council on Competitive Government receives bids from manufacturers and dealers throughout the United States.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council authorized a three-year contract with West Publishing Corporation d/b/a West, a Thomson Reuters Business, for on-line legal research and associated services utilizing Westlaw through the Council on Competitive Government for the period beginning October 1, 2013 through September 30, 2016, on October 23, 2013, by Resolution No. 13-1886.

FISCAL INFORMATION

\$478,010.65 - Current Funds (subject to annual appropriations)

ETHNIC COMPOSITION

West Publishing Corporation d/b/a West, a Thomson Reuters Business

White Male	2,468	White Female	2,112
African-American Male	70	African-American Female	47
Hispanic Male	54	Hispanic Female	48
Other Male	223	Other Female	15

OWNER

West Publishing Corporation d/b/a West, a Thomson Reuters Business

Susan Taylor Martin, Chief Executive Officer and President

September 14, 2016

WHEREAS, access to comprehensive on-line research continues to be vital to the City Attorney's Office's ability to provide legal services; and

WHEREAS, on October 23, 2013, the City Council authorized a three-year contract with West Publishing Corporation d/b/a West, a Thomson Reuters Business, for on-line legal research and associated services utilizing Westlaw through the Council on Competitive Government for the period beginning October 1, 2013 through September 30, 2016, in an amount not to exceed \$439,096.00; and

WHEREAS, West Publishing Corporation d/b/a West, a Thomson Reuters Business has offered to continue providing on-line legal research to the City at reasonable rates through its Westlaw program; and

WHEREAS, obtaining such services at the terms proposed for the period beginning October 1, 2016 through September 30, 2019, would be in the best interests of the City;
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 a three-year contract with West Publishing Corporation d/b/a West, a Thomson Reuters Business (259347), for on-line legal research and associated services utilizing Westlaw for the City Attorney's Office through the Council on Competitive Government for the period beginning October 1, 2016 through September 30, 2019, in an amount not to exceed \$478,010.65 (subject to annual appropriations).

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$478,010.65 (subject to annual appropriations) from Service Contract number MASCATT00011619K42.

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: September 14, 2016

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office
Water Utilities

CMO: Christopher D. Bowers, 670-3491
Mark McDaniel, 670-3256

MAPSCO: N/A

SUBJECT

Authorize a three-year professional services contract with the law firm of Webb & Webb for representation of the City of Dallas in connection with matters involving water rights pending before the Texas Commission of Environmental Quality and other water related matters for the period beginning October 1, 2016 through September 30, 2019 - Not to exceed \$400,000 - Financing: Water Utilities Current Funds (subject to annual appropriations)

BACKGROUND

The City of Dallas Water Utilities, as a regional water provider, has water rights in several water supply reservoirs. The next few years will be important years for Dallas Water Utilities and other water suppliers as statewide issues are addressed at the Texas Commission on Environmental Quality, Texas Water Development Board, State Legislature and/or court system related to the development of additional water supplies to meet anticipated growth, conservation, drought planning and contingencies, environmental and instream flows, appropriation of return flows, and interbasin transfers. Webb & Webb has represented the City of Dallas in water rights and other water related matters since 2002 and has assisted in obtaining additional water rights permits and contracts. The City still needs Webb & Webb to represent the City of Dallas in water rights matters and other water resource management and utility issues.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council authorized a professional services contract with the law firm of Webb & Webb for legal representation of the City of Dallas on water rights matters pending before the Texas Commission on Environmental Quality and for legal services related to other water rights matters on November 13, 2002, by Resolution No. 02-3189, and the firm has been retained by subsequent actions to represent the City since this time.

FISCAL INFORMATION

\$400,000.00 - Water Utilities Current Funds (subject to annual appropriations)

M/WBE INFORMATION

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

ETHNIC COMPOSITION

Webb & Webb

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

OWNER

Webb & Webb

Stephen P. Webb, Partner
Gwendolyn Hill Webb, Partner

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year professional services contract with the law firm of Webb & Webb for representation of the City of Dallas in connection with matters involving water rights pending before the Texas Commission of Environmental Quality and other water related matters for the period beginning October 1, 2016 through September 30, 2019 - Not to exceed \$400,000 - Financing: Water Utilities Current Funds (subject to annual appropriations)

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

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$400,000.00	100.00%
TOTAL CONTRACT	\$400,000.00	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	<u>\$0.00</u>	<u>0.00%</u>	<u>\$0.00</u>	<u>0.00%</u>

September 14, 2016

WHEREAS, Webb & Webb has experience and expertise in the area of water rights law and has provided legal services to the City in connection with these matters since 2002; and

WHEREAS, the City still needs professional legal services of Webb & Webb to represent the City in water rights matters and other water resource management and utility issues; **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 a three-year professional services contract with Webb & Webb for representation of the City of Dallas in connection with matters involving water rights pending before the Texas Commission of Environmental Quality and other water related matters for the period beginning October 1, 2016 through September 30, 2019, in an amount not to exceed \$400,000.00 (subject to annual appropriations).

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds to the law firm of Webb & Webb in an amount not to exceed \$400,000.00 from Water Utilities Current Fund as follows:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>ENCUMBRANCE</u>	<u>VENDOR</u>
0100	DWU	7015	3070	CTDWU7015K1671	331925

(subject to annual appropriations)

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

AGENDA ITEM # 15

KEY FOCUS AREA: E-Gov

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office
Housing/Community Services

CMO: Christopher D. Bowers, 670-3491
Alan Sims, Chief of Neighborhood Plus, 670-1611

MAPSCO: N/A

SUBJECT

Authorize a third amendment to the professional services contract with Sims Moore Hill & Gannon, L.L.P. f/k/a Sims Moore Hill Gannon & Crain, L.L.P. for legal services in connection with the operation of the Mortgage Assistance Program in the City's Housing/Community Services Department to extend the term of the contract through September 30, 2018 - Not to exceed \$100,000, from \$150,000 to \$250,000 - Financing: 2015-16 Community Development Block Grant Funds

BACKGROUND

Sims Moore Hill & Gannon, L.L.P. f/k/a Sims Moore Hill Gannon & Crain, L.L.P. provides legal services such as document preparation, legal advice and consultation in connection with the Mortgage Assistance Program (MAP) that has been operated in-house by the Housing/Community Services Department since October 1, 2012.

MAP is funded with U.S. Department of Housing and Urban Development (HUD) annual allocations. MAP provides principal reduction, down payment, and closing cost assistance to eligible low and moderate income homebuyers to purchase a home in the City of Dallas. MAP provides homeownership opportunities for residents of the City of Dallas earning at or below 80% of area median family income.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council authorized the second amendment to the professional services contract with Sims Moore Hill Gannon & Crain, L.L.P. to expand the scope of services and extend the term of the contract through September 30, 2016, on August 27, 2014, by Resolution No. 14-1356.

Information about this item will be provided to the Housing Committee on September 6, 2016.

FISCAL INFORMATION

\$100,000 - 2015-16 Community Development Block Grant Funds

OWNER

Sims Moore Hill & Gannon, L.L.P.

Jack T. Gannon, Managing Partner

September 14, 2016

WHEREAS, on October 16, 2012, pursuant to Administrative Action No. 12-2580, the City of Dallas authorized a professional services contract with Sims Moore Hill Gannon & Crain, L.L.P., in an amount not to exceed \$50,000.00, for legal services in connection with the transfer and continuous operation of the Mortgage Assistance Program from Enterprise Community Partners, Inc. to the City's Housing/Community Services Department for the period October 1, 2012 through June 30, 2013; and

WHEREAS, on July 15, 2013, pursuant to Administrative Action No. 13-5936, the City of Dallas authorized the extension of the professional services contract with Sims Moore Hill Gannon & Crain, L.L.P. through September 30, 2014; and

WHEREAS, on August 27, 2014, the City Council authorized the second amendment in the amount of \$100,000.00 to the professional services contract with Sims Moore Hill Gannon & Crain, L.L.P. by Resolution No. 14-1356, to expand the scope of services, and extend the term of the contract through September 30, 2016, increasing the contract amount from \$50,000.00 to \$150,000.00; and

WHEREAS, on January 1, 2016, Sims Moore Hill Gannon & Crain, L.L.P. changed their name to Sims Moore Hill & Gannon, L.L.P.; and

WHEREAS, the professional legal services of Sims Moore Hill & Gannon, L.L.P f/k/a Sims Moore Hill Gannon & Crain, L.L.P. continue to be necessary in connection with the operation of the Mortgage Assistance Program in the City's Housing/Community Services Department; **Now, Therefore**,

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

Section 1. That, following approval as to form by the City Attorney, the City Manager is hereby authorized to enter into a third amendment to the professional services contract with Sims Moore Hill & Gannon, L.L.P. f/k/a Sims Moore Hill Gannon & Crain, L.L.P. for legal services in connection with the operation of the Mortgage Assistance Program in the City's Housing/Community Services Department to extend the term of the contract through September 30, 2018, in an amount not to exceed \$100,000.00, increasing the contract amount, as amended, from \$150,000.00 to \$250,000.00.

Section 2. That the Chief Financial Officer is hereby authorized to disburse, in periodic payments to Sims Moore Hill & Gannon, L.L.P., an amount not to exceed \$100,000.00 from Fund CD15, Department HOU, Unit 626H, Obj 3070, CTHOU873EK127A, Vendor No. VS0000073900.

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: September 14, 2016

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Auditor

CMO: Craig Kinton, 670-3222

MAPSCO: N/A

SUBJECT

Authorize approval of the Office of the City Auditor's Fiscal Year 2017 Audit Plan as required by paragraph 4(b) of Resolution No. 79-0723, previously approved on February 28, 1979, and as amended by Resolution No. 90-4027, previously approved on December 12, 1990 - Financing: No cost consideration to the City

BACKGROUND

Since February 1979, the City Council has required the City Auditor to submit an annual Audit Plan to include identification of the scope of each audit to be conducted in terms of the organization, program, function, or activities to be addressed.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 15, 2016, the Office of the City Auditor's Fiscal Year 2017 Audit Plan was briefed to the Budget, Finance & Audit Committee. Motion made by Councilmember Lee M. Kleinman and seconded by Councilmember Philip T. Kingston that the Budget, Finance & Audit Committee approve the Fiscal Year 2017 Audit Plan and recommend full City Council approval. The motion was passed unanimously.

FISCAL INFORMATION

No cost consideration to the City.

September 14, 2016

WHEREAS, the City Auditor briefed the City Council Budget, Finance & Audit Committee on August 15, 2016, and the Committee recommended approval by the City Council.

NOW, THEREFORE,

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

SECTION 1. That the City Auditor is authorized to carry out the audits as described in the attached Fiscal Year 2017 Audit Plan.

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



CITY OF DALLAS

OFFICE OF THE CITY AUDITOR

**AUDIT PLAN
FISCAL YEAR 2017**

**CRAIG D. KINTON
CITY AUDITOR**



AUDIT PLAN FOR FISCAL YEAR 2017

The City of Dallas (City) Office of the City Auditor (Office) performs work for and under the direction of the Dallas City Council. The Fiscal Year 2017 Audit Plan (Audit Plan) is designed to satisfy responsibilities established by the Dallas City Charter, meet the needs of the City Council, and outline the professional services that the Office plans to initiate and / or complete during Fiscal Year 2017.

The Office's mission is to promote public trust and advance accountability by providing independent, objective, and useful professional services for the City of Dallas. The Audit Plan demonstrates the variety of services the Office provides to address its mission and reflects the following Dallas City Council priorities:

- Public Safety
- Economic Vibrancy
- Clean, Healthy Environment
- Culture, Arts, Recreation and Education
- E-Gov

This Audit Plan is a working document in that the City Auditor is authorized, when deemed necessary in his professional judgment, to amend the Audit Plan. The Dallas City Council will be notified in writing concerning additions to, deletions from, or other changes to this Audit Plan. The Audit Plan includes audits, attestation engagements, and other professional services.

AUDIT AND ATTESTATION SERVICES

The Office complies with generally accepted government auditing standards when performing audits and attestation engagements. These standards provide a framework for conducting high quality audits and attestation engagements with competence, integrity, objectivity, and independence. The types of audits and attestation engagements performed under these standards include:

- **Performance Audits**

Conducted to provide objective analysis to assist management and those charged with governance and oversight to improve program performance and operations, reduce costs, facilitate decision making by parties with responsibility to oversee or initiate corrective action, and contribute to public accountability. Performance audit objectives vary widely and can include assessments of program effectiveness, economy, and efficiency; internal control; compliance; and, prospective analyses.

- **Financial Audits**

Conducted to provide an independent assessment of whether an entity's reported financial information (e.g., financial condition, results, and use of resources) are presented fairly and in accordance with recognized criteria. Financial audits provide users with statements concerning the reliability of information, and provide information about internal control over financial reporting, and compliance with provisions of laws, regulations, contracts, and grant agreements that have a material effect on the financial statements.

- **Attestation Engagements**

Conducted to address a broad range of financial or non-financial objectives. An attestation engagement results in an examination, a review, or an agreed-upon procedures report on a subject matter or an assertion about a subject matter that is the responsibility of another party.

OTHER PROFESSIONAL SERVICES

The Office provides other professional services which may or may not be performed in accordance with generally accepted government auditing standards. These other professional services include:

- **Investigative Services**

The Office provides investigative services to evaluate and investigate allegations of fraud, waste and abuse and maintains a Hotline as a tool for the confidential reporting of allegations. Investigations are conducted in accordance with Quality Standards for Inspection and Evaluation issued by the Council of the Inspectors General on Integrity and Efficiency. Criminal allegations are referred to appropriate law enforcement authorities. Significant findings of fraud are reported to the Mayor, the Chair of the Budget, Finance & Audit Committee, the City Attorney, and City management as required by Council Resolutions and Administrative Directive.

- **City Council Support**

The Office is authorized to conduct audits, attestation engagements, or other professional services for individual City Council Members, provided the request will not impact the completion of the Audit Plan. If, in the judgment of the City Auditor, a request will impact completion of the Audit Plan, the City Auditor is to request that the Council Member submit the request in writing for consideration and approval by the Budget, Finance & Audit Committee and the City Council as an amendment to the Audit Plan. All work products will be produced at the direction of the City Auditor.

- **Management Assistance**

The Office is authorized to perform audits and attestation services and other professional services at the request of management to assist in carrying out management's responsibilities. These services may include, but are not limited to, providing technical advice, such as participating on committees, task forces, panels, and focus groups. The Office may provide management assistance based on consideration of the impact on auditor independence and audit plan completion.

- **Litigation Support**

The Office is authorized to perform audits and attestation services and other professional services at the request of the City Attorney. The services provided by the Office depend on the needs of the City Attorney. These services may include, but are not limited to, research, analysis, and computer forensics.

INDEPENDENCE DISCLOSURES

Section 40-A.2.(c)(C) of the Dallas City Code designates the City Auditor as a voting member of the Employees' Retirement Fund (ERF) Board of Trustees. Generally accepted government auditing standards require the Office to disclose impairments to independence. The Office lacks independence in relation to any audit work that might be conducted at the ERF. To the extent that audits and attestation engagements are performed in this area, the Office is not independent. The effects of this independence concern on audit work will be clearly identified in any final reports, if applicable.

#	Department	Key Focus Area**	Description	Objectives
1	ATT	E-Gov	Litigation Support	Provide audit, attestation, and other professional services, as requested by the City Attorney
2	ATT	E-Gov	City Attorney's Office Operations	Evaluate the effectiveness and efficiency of the City Attorney's Office intake, tracking, and monitoring processes for legal support, such as case management / requests for legal assistance
3	CES	Economic Vibrancy / E-Gov	Dallas Convention Visitors Bureau	Evaluate the effectiveness of services provided by the Dallas Convention and Visitors Bureau, which may include: (1) assessing the reliability and reporting of performance measures; and, (2) determining whether Tourism Public Improvement District incentive funds were used properly
4	CIS	E-Gov / Public Safety	Contract Monitoring – Cloud Computing	Determine whether the Department of Communication and Information Services (CIS) effectively monitors the third party vendor providing services to ensure City data is secure and the City is receiving the contracted services
5	CIS	E-Gov / Public Safety	Information Technology Processes	Determine the effectiveness of CIS' security controls by: (1) finalizing a contract with a consultant hired to evaluate the security management process which may include policy, awareness, access, monitoring, compliance, and strategy; and, (2) providing ongoing contract monitoring

#	Department	Key Focus Area**	Description	Objectives
6	DFR	Public Safety	Follow-Up Line of Duty Death Report Recommendations	Determine whether the Department of Dallas Fire-Rescue implemented the Line-of-Duty Death Report recommendations
7	DPD	Public Safety	Off-Duty Employment Administration	To evaluate: (1) the Dallas Police Department's (DPD) internal controls over off-duty employment; and, (2) whether DPD officers adhere to DPD policies related to off-duty employment
8	DWU	Economic Vibrancy	Water Quality and Safety, Testing, and Monitoring	To determine whether the Department of Dallas Water Utilities has: (1) adequate policies and procedures in place for ongoing accuracy testing and monitoring of City water quality and safety; and, (2) effective means of communicating with City residents regular testing and monitoring results
9	DWU	E-Gov	Special Collections Operations	Determine whether internal controls are adequate to ensure cash receipts are timely deposited and accounted for properly
10	HCS	Clean, Healthy Environment	Homeless Response System Effectiveness	Assess the effectiveness and / or efficiency of the City's homeless response system which may include an evaluation of the contracting procedures for homeless services, including how contracted services meet assessed needs and are monitored for quality performance

#	Department	Key Focus Area**	Description	Objectives
11	OFS	E-Gov	Revenue Estimates – Budgeted Revenues for Fiscal Year 2017-2018	Determine whether the City has effective processes to ensure reasonable revenue estimates are included in the City Manager's proposed operating budget
12	OFS	Economic Vibrancy / E-Gov	Verification of Third Party Receipts Collections for Sales / Use Tax and Franchise Fees	Verify that: (1) sales / use tax receipts identified by the third party consultant are accurate and properly supported; and, (2) franchise fees (which may include utilities, cable, and telephone) identified by the third party consultant(s) are received by the City
13	Multiple	Multiple	Continuity of Operations Audit Follow-Up	Conduct audit follow-up of recommendations included in <i>Audit of the Design of the City of Dallas' Pandemic Influenza Continuity of Operations Basic Plan Report</i> , issued September 13, 2013
14	Multiple	Multiple	Business Partner Oversight	Evaluate controls related to oversight / monitoring of entities operating City-owned facilities which may include Dallas Zoo, Dallas Arboretum, Dallas Omni Hotel, and Dallas arts and park facilities
15	Multiple	Multiple	Miscellaneous Permit Fee Revenues	Determine whether controls are adequate / effective to ensure permit fee revenues are collected from business entities required to obtain a permit to operate a business in the City

#	Department	Key Focus Area**	Description	Objectives
16	Multiple	Multiple	Surveillance Camera Oversight	Determine whether the City adequately / effectively manages and maintains its network of surveillance cameras
17	Multiple	Multiple	Special Audits	Conduct audits, in accordance with Chapter IX, Section 4 of the City Charter, of officers who vacate their offices due to death, resignation, removal, or expiration of term
18	Multiple	Multiple	Council Assistance	Provide audit and attestation services and other professional services, as requested by individual City Council members
19	Multiple	Multiple	Fraud, Waste and Abuse Investigations	Evaluate allegations of fraud, waste and abuse, conduct investigations, and educate employees
20	Multiple	Multiple	Management Assistance	Provide audit and attestation services and other professional services as requested by Management
21	Multiple	Multiple	Prior Audit Recommendations Follow-Up	Evaluate Management's implementation of prior audit recommendations

** The Fiscal Year 2017 Audit Plan (Audit Plan) is based on a risk assessment updated for City services approved in the Fiscal Year 2016 City of Dallas Adopted Annual Budget. While this year's Audit Plan does not directly address Culture, Arts, Recreation and Education, one of the City Council's Fiscal Year 2016 Key Focus Areas, to the extent possible the Office will include this Key Focus Area in projects identified as "Multiple".

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Code Compliance

CMO: Joey Zapata, 670-3009

MAPSCO: N/A

SUBJECT

An ordinance amending Sections 47A.1-4, 47A-1.6, 47A-2.1.2, 47A-2.1.8, 47A-2.2.1, 47A-2.3.2, 47A-2.3.3, 47A-2.3.5, 47A-2.4.8, 47A-2.5.1, and 47A-2.5.2 of Chapter 47A, "Transportation for Hire," of the Dallas City Code to: **(1)** clarify certain exclusions and definitions; **(2)** clarify insurance requirements; **(3)** prohibit an operating authority from owning a certain interest or maintaining control over entities that inspect or certify vehicles as required to obtain a vehicle permit under this chapter; **(4)** provide that the director may request information to verify airport fees from operating authorities; **(5)** add requirements for vehicle permits; **(6)** remove certain vehicle quality standards; **(7)** synchronize the vehicle permit validity period with the state registration period; **(8)** adjust the flat rates from Love Field and Dallas-Fort Worth International Airports; **(9)** clarify what flat rates from airports include; and **(10)** make certain other grammatical changes - Financing: No cost consideration to the City

BACKGROUND

On April 30, 2015, the current Chapter 47A went into effect redefining transportation for hire services as any ride for compensation, including motorized and non-motorized vehicles. It encouraged market competition by allowing new business models to operate, streamlined the permitting process and reduced fees. Different modes of transportation for hire companies can now compete directly against each other and consumers have a choice of what type of service to use.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 28, 2013, the City Council remanded consideration of transportation-for-hire service regulations to the Transportation and Trinity River Project Committee.

On January 13, 2014, the Transportation and Trinity River Project Committee was briefed on transportation-for-hire service regulations.

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

On January 21, 2014, the Transportation and Trinity River Project Committee held a special meeting to hear vendor presentations, receive public comments, and discuss the transportation-for-hire service regulations.

On January 24, 2014, the Transportation and Trinity River Project Committee was briefed on proposed amendments to the transportation-for-hire service regulations.

On March 4, 2014, April 25, 2014, and May 6, 2014, the Transportation-for-Hire Workgroup met to discuss amendments to the transportation-for-hire service regulations.

On May 27, 2014, the Transportation and Trinity River Project Committee was briefed on the proposed amendments to the transportation-for-hire service regulations submitted by the Transportation-for-Hire Workgroup, and moved to forward the amendments to the full council for consideration and comment, and then to establish a public forum and comment period.

On August 6, 2014, the City Council was briefed on the proposed amendments to the transportation-for-hire service regulations submitted by the Transportation-for-Hire Workgroup.

The transportation-for-hire ordinance was posted on the City's website on August 8, 2014, and written public comments were accepted by the City Secretary's Office from 12:00 a.m. on Saturday August 9, 2014 through 5:00 p.m. on Friday August 29, 2014. A revised transportation-for-hire ordinance was posted on the City's website on August 25, 2014.

A public forum on the transportation-for-hire ordinance was held on Tuesday, September 2, 2014.

On September 8, 2014, the Transportation and Trinity River Project Committee was briefed on the revised transportation-for-hire ordinance.

On November 17, 2014, the Transportation and Trinity River Project Committee was briefed on the transportation-for-hire ordinance.

On December 10, 2014, the City Council approved the transportation-for-hire ordinance.

On April 30, 2015, Chapter 47A, "Transportation for Hire," of the Dallas City Code went into effect.

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

On June 13, 2016, the Quality of Life Committee received a briefing memo on the proposed revisions to the transportation-for-hire ordinance.

On September 12, 2016, the Quality of Life Committee agenda will include the proposed revisions to the transportation-for-hire ordinance as an upcoming agenda item.

FISCAL INFORMATION

No cost consideration to the City

ORDINANCE NO. _____

An ordinance amending Chapter 47A, “Transportation For Hire,” of the Dallas City Code, as amended, by amending Sections 47A.1-4, 47A-1.6, 47A-2.1.2, 47A-2.1.8, 47A-2.2.1, 47A-2.3.2, 47A-2.3.3, 47A-2.3.5, 47A-2.4.8, 47A-2.5.1, and 47A-2.5.2; clarifying certain exclusions and definitions; clarifying insurance requirements; providing that an operating authority may not own a certain interest or maintain control over entities that inspect vehicles as required to obtain a vehicle permit under this chapter; providing that the director may request information to verify airport fees from operating authorities; adding requirements for vehicle permits; removing certain vehicle quality standards; synchronizing the vehicle permit validity period with the state registration period; adjusting the flat rates from Love Field and Dallas-Fort Worth International Airports; clarifying what flat rates from the airports include; and making certain other grammatical changes; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Section 47A.1-4, “Exclusions,” of Article I, “General Provisions,” of Chapter 47A, “Transportation for Hire,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 47A-1.4. EXCLUSIONS.

This chapter does not apply to:

- (1) a vehicle operating as a Dallas Area Rapid Transit (“DART”) vehicle[s];
- (2) courtesy vehicles;
- (3) carpooling;
- (4) the transportation of a person by a transportation-for-hire vehicle licensed by another governmental entity from a point outside the city to a destination inside the city, if the transportation-for-hire vehicle leaves the city without receiving a passenger inside the city;

(5) a motor vehicle used to transport persons for hire that is regulated by another chapter of this code, such as ambulances regulated under Chapter 15D, "Emergency Vehicles"; or

(6) a bus or shuttle vehicle that is:

(A) operated for a funeral home in the performance of funeral services;

(B) provided by an employer or employee association for use in transporting employees between the employees' homes and the employer's place of business or between workstations, with the employees reimbursing the employer or employee association in an amount calculated only to offset the reasonable expenses of operating the vehicle;

(C) owned and operated by the federal or state government, by a political subdivision of the state, or by a person under contract with the city for operation of the vehicle;

(D) used to transport children to or from school if only a fee calculated to reasonably cover expenses is charged;

(E) regulated by Texas Department of Transportation (TXDOT) or the Federal Motor Carrier Safety Administration (FMCSA) ~~[operated under state or federal authority unless subject to the city's regulatory authority];~~

(F) owned by a nonprofit organization and carrying only passengers associated with that organization, if no compensation is received from any other person for carrying the passengers; or

(G) operated under authority granted by the Surface Transportation Board."

SECTION 2. That Section 47A-1.6, "Permit Fees," of Article I, "General Provisions," of Chapter 47A, "Transportation for Hire," of the Dallas City Code is amended to read as follows:

"SEC. 47A-1.6. PERMIT FEES.

(a) The fee for an operating authority permit is \$278 per year for transportation-for-hire service provided by non-motorized passenger transport vehicles, and \$282 per year for transportation-for-hire service provided by all other transport vehicles.

(b) The fee for a transportation-for-hire vehicle permit is \$77 per vehicle permit per year for non-motorized passenger transport vehicles, and \$3 per vehicle permit per year or any portion thereof, for all other transportation-for-hire vehicles. ~~[If a vehicle permit is issued for a period of time of less than one year, the fee will be prorated.]~~

(c) The fee for a driver permit is \$30 per two years. If a driver permit is issued for a period of time of less than two years, the fee will be prorated.”

SECTION 3. That Section 47A-2.1.2, “Application for Operating Authority Permit,” of Division 1, “Operating Authority Permit,” of Article II, “Regulations Applicable to All Transportation-for-Hire Services,” of Chapter 47A, “Transportation for Hire,” of the Dallas City Code is amended to read as follows:

“SEC. 47A-2.1.2. APPLICATION FOR OPERATING AUTHORITY PERMIT.

(a) To obtain an operating authority permit, a person shall make application in the manner prescribed by the director ~~[this section]~~. The applicant must be the person who will own, control, or operate the proposed transportation-for-hire company.

(b) An applicant shall file with the director a verified application statement, to be accompanied by a non-refundable ~~[nonrefundable]~~ application fee of \$133, containing the following:

(1) the form of business of the applicant and, if the business is a corporation or association, a copy of the documents establishing the business and the name and address of each person with a 20 percent [%] or greater ownership interest in the business;

(2) the verified signature of the applicant;

(3) the address of the fixed facilities to be used in the operation, if any, and the address of the applicant’s corporate headquarters, if different from the address of the fixed facilities;

(4) the name of the person designated by the applicant to receive on behalf of the operating authority any future notices sent by the City to the operating authority, and that person’s contact information, including a mailing address, telephone number, and email or other electronic address;

(5) a method for the director to immediately verify whether a driver or vehicle are currently operating under that operating authority or were operating under that operating authority within the past 90 days;

(6) documentary evidence from an insurance company listed as an authorized auto liability lines carrier on the Texas Department of Insurance’s List of Authorized Insurance Companies or a surplus lines insurer listed on the Texas Department of Insurance’s list of Eligible Surplus Lines Insurance Companies, indicating that such insurance company has bound itself to provide the applicant with the ~~[a willingness to provide]~~ liability insurance required by this chapter;

(7) documentary evidence of payment of ad valorem taxes on the local property, if any, to be used in connection with the operation of the proposed transportation-for-hire company; ~~and~~

(8) a copy of the company's zero-tolerance policy for intoxicating substances; and

(9) a statement that the applicant does not maintain an ownership interest of 20 percent or greater in, or maintain control over, an entity that inspects or certifies vehicles pursuant to Section 47A-2.3.3 of this chapter."

SECTION 4. That Section 47A-2.1.8, "Transportation-For-Hire Service at Dallas Love Field Airport and Dallas-Fort Worth International Airport," of Division 1, "Operating Authority Permit," of Article II, "Regulations Applicable to All Transportation-for-Hire Services," of Chapter 47A, "Transportation for Hire," of the Dallas City Code is amended to read as follows:

"SEC. 47A-2.1.8. TRANSPORTATION-FOR-HIRE SERVICE AT DALLAS LOVE FIELD AIRPORT AND DALLAS-FORT WORTH INTERNATIONAL AIRPORT.

(a) In general. In addition to complying with this chapter, an operating authority providing transportation-for-hire services at Dallas Love Field Airport or Dallas-Fort Worth International Airport shall comply with all of the rules and regulations of those airports.

(b) Dallas Love Field Airport. An operating authority that tracks vehicle location for ground transportation shall, upon request of the director, provide the director with the information necessary to independently verify trip fees, as that trip fee is set in chapter five of this code, as amended, owed by that operating authority on a daily, weekly, and monthly basis."

SECTION 5. That Section 47A-2.2.1, "Driver Permit Required," of Division 2, "Driver Permit," of Article II, "Regulations Applicable to All Transportation-for-Hire Services," of Chapter 47A, "Transportation for Hire," of the Dallas City Code is amended to read as follows:

"SEC. 47A-2.2.1. DRIVER PERMIT REQUIRED.

(a) A person may not drive a transportation-for-hire vehicle for the purpose of providing transportation-for-hire services without a valid driver permit issued under this article.

(b) An operating authority may not knowingly request or allow a person who does not hold a valid driver permit issued under this article to drive a transportation-for-hire vehicle for the purpose of providing transportation-for-hire services for that operating authority.”

SECTION 6. That Section 47A-2.3.2, “Requirements for Vehicle Permit,” of Division 3, “Vehicle Permit,” of Article II, “Regulations Applicable to All Transportation-for-Hire Services,” of Chapter 47A, “Transportation for Hire,” of the Dallas City Code is amended to read as follows:

“SEC. 47A-2.3.2. REQUIREMENTS FOR VEHICLE PERMIT.

(a) To obtain a vehicle permit [~~or renewal of a vehicle permit~~], a permit applicant [~~person~~] must provide the director or an approved company with the following information, including the [~~and documents~~]:

(1) vehicle’s current state issued vehicle registration expiration year and month [~~and safety inspection expiration year and month~~];

(2) permit applicant’s name, mailing address, email address, and telephone contact information [~~proof that within the preceding 90 days, the vehicle has been inspected and certified as meeting the requirements in Section 47A-2.3.3~~];

(3) vehicle identification number of the vehicle to be permitted;

(4) year, make, and model of the vehicle to be permitted; and

(5) license plate number of the vehicle to be permitted.

(b) To obtain a vehicle permit for a previously permitted vehicle, in addition to providing the above information, a permit applicant must demonstrate that, within the preceding 90 days, the vehicle has been inspected and certified as meeting the requirements in Section 47A-2.3.3 of this chapter.”

SECTION 7. That Section 47A-2.3.3, “Vehicle Quality Standards,” of Division 3, “Vehicle Permit,” of Article II, “Regulations Applicable to All Transportation-for-Hire Services,” of Chapter 47A, “Transportation for Hire,” of the Dallas City Code is amended to read as follows:

“SEC. 47A-2.3.3. VEHICLE QUALITY STANDARDS.

(a) An operating authority shall maintain all motorized vehicles operating under its permit, and a driver shall maintain the motorized transportation-for-hire vehicle he is driving for hire, in a condition such that each vehicle meets all safety standards required by the state of Texas for passenger vehicles and the following additional standards: ~~[is mechanically sound and road worthy, the exterior and interior are clean and appear new or substantially like new, and meets the following standards]~~

(1) the exterior and interior are clean and appear new or substantially like new ~~[body panels, trim, and moldings are free of dents (other than minor door dings that do not involve paint damage), scratches, or other obvious unrepaired damage];~~

(2) front and rear seats, armrests, interior door panels, headliners, carpet, mats, and front and rear dashboards are in good condition, free of cracks, rips, tears, or excessive wear ~~[paint in good condition, free of scratches or other obvious unrepaired damage, visible fading, runs, peeling, overspray, mismatched colors, or excessive “orange peel”];~~

(3) body panels, trim, and moldings are free of dents (other than minor door dings that do not involve paint damage), scratches, or other obvious unrepaired damage ~~[all recall work recommended by the vehicle’s manufacturer has been performed];~~

(4) paint is in good condition, free of scratches or other obvious unrepaired damage, visible fading, runs, peeling, overspray, mismatched colors, or excessive paint damage ~~[all exterior lights function and are aimed as designed by the manufacturer];~~

(5) front and rear tires, wheels, and wheel covers match and are the proper size and type for the vehicle ~~[all doors open and close smoothly using interior and exterior door handles];~~

(6) all recall work recommended by the vehicle’s manufacturer has been performed ~~[windshield and windows are in good condition, free of cracks or any condition that obscures visibility];~~

(7) ~~[front and rear seats, armrests, interior door panels, headliners, carpet, mats, and front and rear dashboards are in good condition, free of cracks, rips, tears or excessive wear;~~

(8) ~~all seat belts function smoothly, lock securely, and are free of twists, cuts or visible signs of wear;~~

(9) ~~power windows and locks function properly;~~

(10) ~~windshield wipers function as designed and wiper blades clean properly;~~

- (11) ~~all dashboard lights illuminate as designed;~~
- (12) ~~air conditioner, heater, and defoggers function properly[;~~
- (13) ~~all interior lights function properly;~~
- (14) ~~all power controlled rearview mirrors function properly;~~
- (15) ~~trunk lid functions properly;~~
- (16) ~~trunk compartment contains a proper spare tire in good condition with proper tread depth and air pressure, and all tools required to change a tire;~~
- (17) ~~engine hood release operates properly;~~
- (18) ~~all engine compartment fluid levels are at manufacturer recommended levels;~~
- (19) ~~no leaks or excessive noise emitting from the fuel pump, cooling system, water pump, engine, or transmission;~~
- (20) ~~all engine belts are in good condition with no visible signs of damage or excessive wear;~~
- (21) ~~air filter is clean;~~
- (22) ~~engine oil is clean and free of contaminants;~~
- (23) ~~battery is at full charge, tests to proper standards and shows no visible signs of damage or leakage;~~
- (24) ~~front and rear tires, wheels and wheel covers match and are the proper size and type for the vehicle;~~
- (25) ~~front and rear tires contain the proper air pressure, sidewalls are in good condition, and tread depth is a minimum of 5/32";~~
- (26) ~~all lug nuts are properly torqued;~~
- (27) ~~brake rotors show no signs of warpage, heat damage, or excessive wear;~~
- (28) ~~brakes, including parking brakes, and brake assemblies, calipers, lines, hoses and cables show no signs of leakage, damage, or excessive wear;~~

~~(29) vehicle chassis, including frame rails, subframe, transmission case or pan, drive shaft, fuel tank and components, steering system, differential assembly, exhaust system, transmission mounts, and struts/shocks show no sign of damage, leakage, or excessive wear;~~

~~(30) on startup, engine idles normally; and~~

~~(31) while driving, engine performs normally, transmission shifts normally, brakes function normally, no warning lights illuminate, and steering functions normally, with no abnormal vibration].~~

(b) It is a defense to prosecution for a violation of Subsection (a) that the violation was remedied within twenty-one (21) days after receiving the citation.

(c) A person commits an offense if he knowingly falsely certifies, requests another to falsely certify, or intentionally causes another to falsely certify that a transportation-for-hire vehicle meets the standards in Subsection (a).”

SECTION 8. That Section 47A-2.3.5, “Expiration of Vehicle Permit,” of Division 3, “Vehicle Permit,” of Article II, “Regulations Applicable to All Transportation-for-Hire Services,” of Chapter 47A, “Transportation for Hire,” of the Dallas City Code is amended to read as follows:

“SEC. 47A-2.3.5. EXPIRATION OF VEHICLE PERMIT.

A [The] vehicle permit is valid for the period of and expires concurrently with the permitted vehicle’s state registration displayed on the vehicle at the time the permit is issued [expires one year from the date it is issued].”

SECTION 9. That Section 47A-2.4.8, “Rates and Fares,” of Division 4, “Service Rules,” of Article II, “Regulations Applicable to All Transportation-for-Hire Services,” of Chapter 47A, “Transportation for Hire,” of the Dallas City Code is amended to read as follows:

“SEC. 47A-2.4.8. RATES AND FARES.

(a) For purposes of this section, “payor” means the person paying for transportation-for-hire service.

(b) An operating authority shall inform the payor of the rate for the transportation-for-hire service before the transportation-for-hire service is provided.

(c) An operating authority must disclose its rates on a publicly remotely accessible data site. An operating authority must also disclose its rates on a sign placed in or on all hailable transportation-for-hire vehicles operated under the operating authority's permit.

(d) A driver or operating authority shall provide the payor of a fare with a legible receipt at the time of payment. The receipt, alone or in combination with additional contemporaneously produced document(s), must contain the following information:

- (1) the fare rate;
- (2) the total fare;
- (3) an itemization showing how the fare was calculated;
- (4) the trip distance (if fare based in whole or in part on distance);
- (5) the duration of the trip in minutes (if fare based in whole or in part on time);
- (6) the name of the operating authority under which the driver was operating at the time of the ride;
- (7) the driver's first name and driver permit number; and
- (8) the vehicle permit number.

(e) The receipt may be submitted to the payor electronically if the ride was dispatched electronically or if the payor agrees to accept an electronic receipt.

(f) Hailable vehicles shall not charge any fare for providing transportation-for-hire service in the city that exceeds the maximum rates of fare authorized by the following schedule:

- (1) General fares.
 - (A) Initial meter drop: \$2.25;
 - (B) Each 1/9 mile: \$0.20;
 - (C) Traffic delay time/waiting time, per 1- 1/2 minutes: \$0.45; and
 - (D) Each extra passenger (up to manufacturer's rated seating capacity): \$2.00.
- (2) Love Field Airport fares.

(A) Each ~~[passenger-carrying]~~ trip departing from the airport (in addition to the general fare) shall include the trip fee as that trip fee is set in Chapter 5 of this code, as amended. ~~[\$0.50]~~

(B) Minimum charge for each trip departing from the airport: \$8.00.

(C) Flat rate for each trip either originating at the airport and terminating at a location within the Dallas Central Business District area or originating at a location within the Dallas Central Business District area and terminating at the airport: \$21[48].00.

(D) Flat rate for each trip either originating at the airport and terminating at a location within the Dallas Market Center area or originating at a location within the Dallas Market Center area and terminating at the airport: \$18 [45].00.

(3) Dallas-Fort Worth International Airport fares.

(A) Minimum charge for each terminal transfer: \$7.00.

(B) Minimum charge for each trip that requires exiting the Airport parking plaza and terminates inside of airport property: \$14.50.

(C) Minimum charge for each trip that requires exiting the Airport parking plaza and terminates outside of airport property: \$17.00.

(D) Flat rate for each trip either originating at the airport and terminating at a location within the Dallas Central Business District area or originating at a location within the Dallas Central Business District area and terminating at the airport: \$45[0].00.

(E) Flat rate for each trip either originating at the airport and terminating at a location within the Dallas Market Center area or originating at a location within the Dallas Market Center area and terminating at the airport: \$37[2].00.

(4) Gasoline surcharge.

(A) A gasoline surcharge approved by the director may be added to a hailable vehicle fare when the average weekly retail price of regular grade gasoline in the State of Texas exceeds \$2.00 per gallon as determined by the United States Department of Energy, Energy Information Administration.

(B) The gasoline surcharge will be calculated in \$0.50 increments and applied per trip. For every \$0.50 increase or decrease in the average price per gallon of gasoline above the \$2.00 threshold, the per trip surcharge fee will be adjusted \$0.50 up or down to reflect the change in the average gasoline price. For example:

AVERAGE PRICE OF GASOLINE (PER GALLON)	AMOUNT OF SURCHARGE (PER TRIP)
\$2.00 or less	No surcharge
\$2.01 to \$2.50	\$0.50
\$2.51 to \$3.00	\$1.00
\$3.01 to \$3.50	\$1.50
Each additional \$0.50 increase in the average per gallon price of gasoline	Additional \$0.50 per trip

(C) The director shall determine the gasoline surcharge on a quarterly basis each year by checking, in accordance with the following schedule, the average price per gallon of gasoline as posted by the United States Department of Energy in its weekly updates:

DATE OF QUARTERLY PRICE CHECK BY DIRECTOR	DATE OF QUARTERLY ADJUSTMENT (IF REQUIRED)
December 20	January 1
March 20	April 1
June 20	July 1
September 20	October 1

(g) Each driver of a hailable vehicle shall charge the rates of fare prescribed in Subsection (f) in accordance with the following terms and conditions:

(1) “Dallas Central Business District area” includes:

(A) the Dallas Central Business District, which is the area bounded by Woodall Rodgers Freeway on the north, Central Expressway on the east, R. L. Thornton Freeway on the south, and Stemmons Freeway on the west; and

(B) all points located within 1,000 feet of the Dallas Central Business District boundaries described in Paragraph (1)(A) of this subsection.

(2) “Dallas Market Center area” includes:

(A) the Dallas Market Center, which is the area bounded by Medical District Drive ~~[Motor Street]~~ on the northwest, Harry Hines Boulevard on the northeast, Oak Lawn Avenue on the southeast, and Irving Boulevard on the southwest; and

(B) all points located within 1,000 feet of the Dallas Market Center boundaries described in Paragraph (2)(A) of this subsection.

(3) “Extra passengers” means the total number of passengers, less one, riding in the same vehicle whether or not going to the same destination.

(4) “Traffic delay time” is that time, as set and determined by the meter, during which the vehicle is stopped in traffic or proceeding at a speed of less than 11.5 miles per hour due to traffic conditions.

(5) “Waiting time” may be charged only when a passenger or party requests a vehicle to wait and be held exclusively for the use of that passenger or party.

(6) Passengers in the same vehicle traveling between the same points must be considered as one trip, and a multiple fare may not be charged. The only extra charge permitted for additional passengers is the \$2.00 allowed under Subsection (e) for each extra passenger.

(7) When passengers in the same vehicle have different destinations, the fare must be collected and the meter must be reset at each destination point, except when the vehicle is engaged by, and the fare for the entire trip is paid by, one passenger or party. The \$2.00 charge for each extra passenger is permitted under this paragraph only when the fare for the entire trip is paid by one passenger or party or when more than one passenger disembarks at a single location.

(8) A passenger or party must reimburse the driver for all lawful tolls paid during the time of engagement only if the passenger or party was notified of the toll route beforehand by the driver and did not object to the toll route.

(9) Flat rate fares provided in Subsection (f) of this section, as amended, shall include all fares described in this section, except for the extra passenger fare, also as described in this section.

(h) The director shall periodically review the hailable vehicle rates of fare and, after receiving input from operators and drivers of hailable vehicles, recommend any change to the city council. The city council shall hold a public hearing to consider the proposed change in rates of fare. After the hearing, the city council may approve, disapprove, or modify the proposed change.

(i) Nothing in this section prohibits a hailable vehicle from being operated for a discounted rate or charge.”

SECTION 10. That Subsection (c) of Section 47A-2.5.1, “Insurance Policy Requirements and Prohibitions,” of Division 5, “Insurance,” of Article II, “Regulations Applicable to All Transportation-for-Hire Services,” of Chapter 47A, “Transportation for Hire,” of the Dallas City Code is amended to read as follows:

“(c) Insurance required under this article must:

(1) include a cancellation provision in which the insurance company is required to notify the director in writing not fewer than 30 days before cancelling the insurance policy (for a reason other than non-payment) or before making a reduction in coverage ~~[material change to the insurance policy]~~;

(2) include a cancellation provision in which the insurance company is required to notify the director in writing not fewer than 10 days before cancelling for non-payment;

(3) cover all transportation-for-hire vehicles during all times that the vehicles are operating in furtherance of the operating authority's business, whether the vehicles are owned, non-owned, hired, rented, or leased by the operating authority, and whether the vehicles are or are not listed on a schedule of vehicles provided to the insurance company;

(4) include a provision requiring the insurance company to pay every covered claim on a first-dollar basis;

(5) require notice to the city of Dallas if the policy is cancelled or if there is a reduction in coverage ~~[materially changed]~~; and

(6) comply with all applicable federal, state, or local laws.”

SECTION 11. That Subsection (b), “Insurance Policy Limits for Non-Motorized Passenger Transport Vehicles,” of Section 47A-2.5.2, “Minimum Insurance Limits,” of Division 5, “Insurance,” of Article II, “Regulations Applicable to All Transportation-for-Hire Services,” of Chapter 47A, “Transportation for Hire,” of the Dallas City Code is amended to read as follows:

“(b) Insurance policy limits for non-motorized passenger transport vehicles. The commercial general liability insurance for non-motorized passenger transport vehicles must provide combined single limits of liability for bodily injury and property damage of not less than \$500,000 for each occurrence, or the equivalent, and include coverage for premises operations, independent contractors, products/completed operations, personal injury, contractual liability, and medical payments. Coverage for medical payments must include a minimum limit of \$5,000 per person. ~~[Aggregate limits of liability are prohibited.]~~”

SECTION 12. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

SECTION 13. That Chapter 47A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 14. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 15. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER D. BOWERS, Interim City Attorney

By _____
Assistant City Attorney

Passed _____

AGENDA ITEM # 18

KEY FOCUS AREA: Public Safety

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Fire

CMO: Eric Campbell, 670-3255

MAPSCO: N/A

SUBJECT

Authorize **(1)** acceptance of a Community Wildfire Protection Plan Grant in the amount of \$10,000 from the Texas A&M Forest Service, a member of The Texas A&M University System and an agency of the State of Texas; and **(2)** execution of the grant agreement - Not to exceed \$10,000 - Financing: Texas A&M Forest Service Grant Funds

BACKGROUND

The Wildland Team was created in June 2010 with funds from Urban Area Security Initiative (UASI) Grant. A Coordinator was selected to establish the program and to build Dallas Fire-Rescue's first Wildland Strike Team as a part of the Special Operation Division. The Team partnered with the Texas A&M Forest service for training and technical support. The grant funds from the UASI grant were used to purchase wildland personal protection ensemble (PPE), tools, radio, chain saws and the initial wildland training course. The team currently has a membership of 90 trained wildland fire members. The team has been deployed many times to help mitigate wild fires in the State of Texas. The last deployment was recently down near Bastrop, Texas at the Hidden Pines Fire in October 2015.

Authorized under provisions outlined in Title I of the Healthy Forest Restoration Act (HFRA) of 2003, a Community Wildfire Protection Plan (CWPP) is a proven method for reducing the risk of wildfire. The CWPP is a collaborative product with support from interested parties and several agencies with responsibilities to the city. By developing a CWPP, the City of Dallas has outlined a strategic plan to mitigate, prepare, respond, and recover. As specified by the Texas A&M Forest Service, the City of Dallas CWPP was developed in collaboration with local, county, state, and federal agencies as well as various community organizations within the county. The CWPP identifies wildfire risks and clarifies priorities for funding and programs to reduce the impact of wildfire on the communities at risk within the City of Dallas.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Public Safety Committee on September 12, 2016.

FISCAL INFORMATION

\$10,000 - Texas A&M Forest Service Grant Funds

September 14, 2016

WHEREAS, Texas A&M Forest Service (TFS), a member of The Texas A&M University System and an agency of the State of Texas, on behalf of U.S. Forest Service made available grant funds from the Community Wildfire Protection Plan Grant Program for the purpose of developing a community wide protection plan and mitigation of wildfires; and

WHEREAS, Dallas Fire-Rescue Department (DFR) submitted an application and was conditionally awarded grant funds, awaiting completion of a Community Wildfire Protection Plan; and

WHEREAS, DFR has collaborated with various community stakeholders to complete and submit the plan to TFS for review and for revisions so that the plan will be accepted, after it has officially been signed by the authorized officials.

NOW, THEREFORE,

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

Section 1. That the City Manager is hereby authorized to accept the Community Wildfire Protection Plan Grant awarded to the Dallas Fire-Rescue Department from the Texas A&M Forest Service (Grant No. 14-DG-11083148-005, CFDA No. 10.664), and execute the grant agreement, upon approval as to form by the City Attorney.

Section 2. That the City Manager is hereby authorized to establish appropriations in an amount not to exceed \$10,000 in Fund: F502, Dept: DFD, Unit: 2056, OBJ: 3090.

Section 3. That the Chief Financial Officer is hereby authorized to deposit the grant funds in Fund: F502, Dept: DFD, Unit: 2056, Revenue Code: 6506 in an amount not to exceed \$10,000.

Section 4. That the Chief Financial Officer is hereby authorized to disburse funds from Fund: F502, Dept: DFD, Unit: 2056, OBJ: 3090, in an amount not to exceed \$10,000 to reimburse fund: 0001, Dept: DFD, Unit: HS04, OBJ: 5011.

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

KEY FOCUS AREA: Public Safety

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Fire

CMO: Eric Campbell, 670-3255

MAPSCO: N/A

SUBJECT

Authorize the assignment of an existing contract between the Physicians for Children d/b/a Children's Health Pediatric Group and the City of Dallas through its Mobile Community Healthcare Program services to Children's Healthcare System of Texas - Financing: No cost consideration to the City

BACKGROUND

The Dallas Fire-Rescue Department (DFR) Mobile Community Healthcare Program (MCHP) officially began service delivery in March of 2014. This program has been designed to provide healthcare system navigation, education and psycho-social service assistance to a targeted group of high-frequency 911 patients through scheduled in-home visits. MCHP paramedics identify critical areas of need for these individuals and work with an extensive network of community providers to meet those identified needs. These needs may include housing, psycho-social services access, food, medicine, transportation to physician appointments, access to primary health care and a range of other issues.

Due to healthcare reform initiatives, hospital-based healthcare providers are seeking solutions to a number of challenges. Among these are readmission penalties and the cost of healthcare delivery for high-frequent utilizers of their emergency department. Through contractual arrangements the DFR MCHP is uniquely positioned to assist these providers with filling certain existing gaps in the healthcare delivery process. Using practices, that have been developed and improved over the past eighteen months, this program is now poised to begin providing critical services aimed at the reduction of healthcare spending and penalties for these hospital-based providers and a select number of their identified high-risk patients.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 12, 2015, Council authorized a two-year contract, with one two-year renewal option, with the Physicians for Children d/b/a Children's Health Pediatric Group for Mobile Community Healthcare Program services by Resolution No. 15-1477.

Information about this item will be provided to the Public Safety Committee on September 12, 2016.

FISCAL INFORMATION

No cost consideration to the City

OWNER

Physicians for Children d/b/a Children's Health Pediatric Group

Christopher J. Durovich, President & Chief Executive Officer, CHST

September 14, 2016

WHEREAS, the City of Dallas Fire-Rescue Department (“City”) operates the Mobile Community Healthcare Program Services (MCHP) for the City; and

WHEREAS, Children’s Healthcare System of Texas (CHST) (herewith referred to as “Assignee”) operates not-for profit pediatric primary care community clinics and therein provides health care services for persons in need of such services; and

WHEREAS, on November 12, 2014, City Council approved Ordinance No. 29544 amending Chapter 15D of the Dallas City Code of Ordinances which, among other things, expanded the role and services provided by Dallas Fire-Rescue Department paramedics to include the implementation of a Mobile Community Healthcare Program (“MCHP”) that provides appropriate medical interventions to certain individuals at their residences who routinely and frequently call 911 requesting emergency medical services; and

WHEREAS, the City’s MCHP services are designed to: (1) support efficient and effective emergency medical services within the City of Dallas; (2) provide health education to City of Dallas residents; (3) assess living environments that may be dangerous or detrimental to a citizen’s health and could contribute to an emergency situation; and (4) evaluate medical needs and provide the appropriate medical interventions; and

WHEREAS, Physicians for Children d/b/a “Children’s Health Care Pediatric Group” (“Assignor”) and the City of Dallas entered into that certain Agreement for Mobile Community Healthcare Services dated August, 28, 2015 (the “Agreement”) which provides for the City to deliver services in a coordinated effort to serve a defined patient population through the provision of home visits; and

WHEREAS, Section 23 of the Agreement provides for the assignment of such Agreement with the consent of the other party; and

WHEREAS, Assignor is an affiliate of Assignee; and

WHEREAS, Assignee operates a healthcare system with multiple affiliated entities and service lines focused on providing healthcare to a large pediatric population; and

WHEREAS, Assignee and Assignor wish to expand the population currently served by the MCHP to a wider population; and

September 14, 2016

WHEREAS, Assignee desires to utilize the City's MCHP services to better serve the health care needs of its care-coordinated patient population through the provision of home visits to monitor the health of and provide specific healthcare and preventative services to patients at high-risk for readmission or revisit the hospital's emergency department in order to reduce the aggregate number of readmissions and revisits of such patients; and

WHEREAS, it is advantageous for both the City and Assignor for Assignor to assign its interest in the Agreement so that more high-risk pediatric patients can be provided the MCHP services in a cost-effective manner.

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 assignment of the Agreement from Assignor to Assignee, upon approval as to form by the City Attorney. The Agreement is for the services provided by Dallas Fire-Rescue through its Mobile Community Healthcare Program.

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

AGENDA ITEM # 20

KEY FOCUS AREA: Public Safety

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Fire

CMO: Eric Campbell, 670-3255

MAPSCO: N/A

SUBJECT

Authorize a two-year healthcare service provider agreement, with a one-year term renewal option, with the Area Metropolitan Ambulance Authority, d/b/a MedStar Mobile Healthcare for Mobile Community Healthcare Program services provided by the Dallas Fire-Rescue Department for the period October 1, 2016 through September 30, 2018 - Estimated Revenue: \$100,000

BACKGROUND

The Dallas Fire-Rescue Department (DFR) Mobile Community Healthcare Program (MCHP) officially began service delivery in March of 2014. This program has been designed to provide healthcare system navigation, education and psycho-social service assistance to a targeted group of high-frequency 911 patients through scheduled in-home visits. MCHP paramedics identify critical areas of need for these individuals and work with an extensive network of community providers to meet those identified needs. These needs may include housing, psycho-social services access, food, medicine, and transportation to physician appointments, access to primary health care and a range of other issues.

Hospice (VITAS) has been doing business with the Area Metropolitan Ambulance Authority, d/b/a MedStar Mobile Healthcare (MedStar) in the Fort Worth area and would like to expand into the Dallas region, but keep one point of contact for efficiency of administration purposes. Under the proposed agreement, DFR's MCHP would provide services to VITAS patients and paid for by VITAS through MedStar to the City of Dallas.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Public Safety Committee on September 12, 2016.

FISCAL INFORMATION

Estimated Revenue - \$100,000.00

OWNER

Area Metropolitan Ambulance Authority, d/b/a MedStar Mobile Healthcare

Douglas R. Hooten, Executive Director

September 14, 2016

WHEREAS, Area Metropolitan Ambulance Authority, d/b/a MedStar Mobile Healthcare (MedStar) is a governmental agency created through the adoption of a uniform EMS ordinance and interlocal cooperative agreement between municipalities located in Tarrant County, Texas under the provisions of Section 773.051 of the Texas Health and Safety Code and engaged in the provision of Mobile Integrated Healthcare (MIH) services; and

WHEREAS, MedStar from time to time contracts with other medical service providers ("Provider") to facilitate the MIH programs of MedStar for patients outside of MedStar's primary service area; and

WHEREAS, on November 12, 2014, City Council approved Ordinance No. 29544 amending Chapter 15D of the Dallas City Code of Ordinances which, among other things, expanded the role and services provided by Dallas Fire-Rescue Department paramedics to include the implementation of a Mobile Community Healthcare Program ("MCHP") that provides appropriate medical interventions to certain individuals at their residences who routinely and frequently call 911 requesting emergency medical services; and

WHEREAS, the City's MCHP services are designed to: (1) support efficient and effective emergency medical services within the City of Dallas; (2) provide health education to City of Dallas residents; (3) assess living environments that may be dangerous or detrimental to a citizen's health and could contribute to an emergency situation; and (4) evaluate medical needs and provide the appropriate medical interventions; and

WHEREAS, the City's MCHP services are mutually agreed upon to be compatible with the desired services by MedStar for its patients being served under the MIH program; and

WHEREAS, it is advantageous for both the City and the Area Metropolitan Ambulance Authority, d/b/a MedStar Mobile Healthcare, to enter into such an agreement so that cost-effective care may be provided to VITAS patients here at the City of Dallas.

NOW, THEREFORE,

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

Section 1. That the City Manager is hereby authorized to enter into an agreement with the Area Metropolitan Ambulance Authority, d/b/a MedStar Mobile Healthcare ("MedStar") Vendor #VC0000012909 upon approval as to form by the City Attorney. This agreement will be for the services provided by Dallas Fire-Rescue Department through its Mobile Community Healthcare Program and paid for by MedStar for the period October 1, 2016 through September 30, 2018.

September 14, 2016

Section 2. That the Chief Financial Officer is hereby authorized to deposit revenues from the Area Metropolitan Ambulance Authority, d/b/a MedStar Mobile Healthcare, in the estimated amount of \$100,000 in Fund 0001, Department DFD, Unit ER90, Revenue Source 7564.

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

KEY FOCUS AREA: Public Safety

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Fire

CMO: Eric Campbell, 670-3255

MAPSCO: N/A

SUBJECT

Authorize a two-year health information exchange agreement, with a one-year renewal option, between the University of Texas Southwestern Medical Center, an agency of the State of Texas, located at 5323 Harry Hines Boulevard, Dallas, Texas 75390 ("UT Southwestern"), and the City of Dallas for services provided by Mobile Community Healthcare Program of Dallas Fire-Rescue Department for the period October 1, 2016 through September 30, 2018 - Financing: No cost consideration to the City

BACKGROUND

The Dallas Fire-Rescue Department (DFR) Mobile Community Healthcare Program (MCHP) officially began service delivery in March of 2014. This program has been designed to provide healthcare system navigation, education and psycho-social service assistance to a targeted group of high-frequency 911 patients through scheduled in-home visits. MCHP paramedics identify critical areas of need for these individuals and work with an extensive network of community providers to meet those identified needs. These needs may include housing, psycho-social services access, food, medicine, and transportation to physician appointments, access to primary health care and a range of other issues.

UT Southwestern owns and maintains a secure electronic database of confidential patient information, including but not limited to clinical and hospital treatment records, physician notes, laboratory and imaging records, patient demographic information, insurance and third party payor information and other information regarding UT Southwestern patients (the "Electronic Health Record" or "EHR"). EpicCare Link is a web-based application used by UT Southwestern to give healthcare providers secure access to select patient information in UT Southwestern's EHR. Currently UTSW has entered into a contract agreement to provide MCHP services through their two programs – Delivery System Reform Incentive Program (DSRIP) and Network Access Improvement Program (NAIP). Proposed access to the health information exchange system will enhance the operation capability to serve the patients.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Public Safety Committee on September 12, 2016.

FISCAL INFORMATION

No cost consideration to the City

OWNER

The University of Texas Southwestern Medical Center

Bruce A. Meyer, M.D., M.B.A., Executive Vice President for Health System Affairs

September 14, 2016

WHEREAS, UT Southwestern Medical Center (UTSW) and City of Dallas wishes to state the terms and conditions under which Dallas Fire-Rescue Department's Mobile Community Health Program (DFR-MCHP) will be given access to health information of current patients of the UTSW through the EpicCare Link software, a secure electronic database of protected health information (PHI) owned by UT Southwestern, which is needed by the DFR-MCHP to provide further care to the patients; and

WHEREAS, on November 12, 2014, City Council approved Ordinance No. 29544 amending Chapter 15D of the Dallas City Code of Ordinances which, among other things, expanded the role and services provided by Dallas Fire-Rescue Department paramedics to include the implementation of a Mobile Community Healthcare Program ("MCHP") that provides appropriate medical interventions to certain individuals at their residences who routinely and frequently call 911 requesting emergency medical services; and

WHEREAS, the City's MCHP services are designed to: (1) support efficient and effective emergency medical services within the City of Dallas; (2) provide health education to City of Dallas residents; (3) assess living environments that may be dangerous or detrimental to a citizen's health and could contribute to an emergency situation; and (4) evaluate medical needs and provide the appropriate medical interventions; and

WHEREAS, it is advantageous for both the City and the University of Texas Southwestern Medical Center, to enter into such an agreement so that health information related to patient care may be exchanged to enhance the services to the patients being provided services through the current contractual programs - Delivery System Reform Incentive Program (DSRIP) and Network Access Improvement Program (NAIP).

NOW, THEREFORE,

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

September 14, 2016

SECTION 1. That the City Manager is hereby authorized to enter into an agreement with the University of Texas Southwestern Medical Center upon approval as to form by the City Attorney. This agreement will provide access to and efficient exchange of patient health information by City of Dallas through its Dallas Fire-Rescue Mobile Community Healthcare Program for patients being provided services through the current contractual programs - Delivery System Reform Incentive Program (DSRIP) and Network Access Improvement Program (NAIP) for the period October 1, 2016 through September 30, 2018.

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

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 4

DEPARTMENT: Housing/Community Services

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

MAPSCO: 65F

SUBJECT

Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by Carrcomm Enterprises LLC for the construction of a house; **(2)** the sale of 1 vacant lot (list attached) from Dallas Housing Acquisition and Development Corporation to Carrcomm Enterprises LLC; and **(3)** execution of a release of lien for any non-tax liens on the 1 property that may have been filed by the City – Financing: No cost consideration to the City

BACKGROUND

On June 18, 2003, Governor Perry signed the Urban Land Bank Demonstration Program Act. The Act allows the governing body of a municipality to adopt an Urban Land Bank Demonstration Program in which the officer charged with selling real property ordered sold pursuant to foreclosure of a tax lien may sell certain eligible real property by private sale to a land bank for the purpose of affordable housing developments. The City Council then established the Dallas Housing Acquisition and Development Corporation (DHADC) as its land bank for the purpose of acquiring, holding and transferring unimproved real property under Subtitle A, Title 12, Local Government Code, Chapter 379C on January 28, 2004.

Carrcomm Enterprises LLC has submitted a proposal and development plan to DHADC for 1 lot shown on the attached list. The DHADC board of directors has approved the development plan and sale of the 1 lot, subject to City Council approval. This item will authorize City Council approval of the development plan submitted by Carrcomm Enterprises LLC to DHADC, the sale of that lot from DHADC to Carrcomm Enterprises LLC and the release of lien for any non-tax liens that may have been filed by the City. The vacant lot was purchased by DHADC from a Sheriff's sale pursuant to foreclosure of tax liens and any non-tax liens. DHADC's Deed without Warranty to Carrcomm Enterprises LLC will contain a reverter that returns the property to DHADC if a construction permit is not applied for by Carrcomm Enterprises LLC and construction financing is not closed within three years of conveyance.

BACKGROUND (continued)

Carrcomm Enterprises LLC will build a single family house on the lot. The approximate square footage and sales price of the house will be from 1,500 to 1,700 square feet and \$170,000. The lot will be deed restricted for sale to an eligible family.

DHADC will receive \$5,000.00 for the sales price of the vacant lot to Carrcomm Enterprises LLC, as calculated from the 2015-16 Land Bank Plan approved by City Council.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 28, 2004, by Resolution No. 04-0458, City Council established DHADC as its land bank for the purpose of acquiring, holding and transferring unimproved real property for the purpose of promoting the development of affordable housing as allowed under Chapter 379C of the Texas Local Government Code.

On September 21, 2015, the Housing Committee was briefed regarding the Urban Land Bank Demonstration Program which outlined the process and status of the program.

On July 21, 2016, the DHADC board of directors approved the development plan and sale of 1 lot from DHADC to Carrcomm Enterprises LLC.

Information about this item will be provided to the Housing Committee on September 6, 2016.

FISCAL INFORMATION

No cost consideration to the City

DEVELOPER

Carrcomm Enterprises LLC

Dalyce L. Kelley, Managing Member

MAP

Attached

**Land Bank (DHADC) Sale of Lots to
Carrcomm Enterprises LLC**

<u>Property Address</u>	<u>Mapsco</u>	<u>Council District</u>	<u>Amount of Non-Tax Liens</u>
1. 1514 E. Ann Arbor	65F	4	\$22,058.48

September 14, 2016

WHEREAS, on January 28, 2004, City Council established the Dallas Housing Acquisition and Development Corporation (DHADC) as its land bank for the purpose of acquiring, holding and transferring unimproved real property under Subtitle A, Title 12, Local Government Code, Chapter 379C, by Resolution No. 04-0458; and

WHEREAS, Carrcomm Enterprises LLC submitted a proposal and development plan to DHADC for 1 lot shown on Exhibit "A" and the DHADC Board has approved the development plan and sale, subject to City Council approval; and

WHEREAS, City Council desires to approve the development plan shown on Exhibit "B" indicating the approximate square footage and sales price ranges of the proposed house submitted by Carrcomm Enterprises LLC and authorize the sale of 1 lot from DHADC to Carrcomm Enterprises LLC to build a house;

NOW, THEREFORE,

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

Section 1. That the development plan shown on Exhibit "B" indicating the approximate square footage and sales price range of the proposed house submitted by Carrcomm Enterprises LLC and the sale of 1 lot shown on Exhibit "A" from DHADC to Carrcomm Enterprises LLC is approved.

Section 2. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute a Deed without Warranty and releases of lien for any non-tax liens that may have been filed by the City on the lot shown on Exhibit "A".

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

EXHIBIT "A"

LAND BANK PROPERTY				
PARCEL NUMBER	STREET ADDRESS LEGAL DESCRIPTION	QUALIFIED PURCHASER	NUMBER OF HOMEOWNER UNITS	SALE AMOUNT
1	1514 E. Ann Arbor Lot 23, Bellevue Addition Block 15/4305	Carrcomm Enterprises LLC	1	\$5,000.00
TOTAL				\$5,000.00

EXHIBIT B

SECTION II: DEVELOPMENT PLAN

A. DESCRIPTION OF THE LAND REQUESTED FOR DEVELOPMENT

- (1) Number of lots requested in this proposal. 1
- (2) Provide the property address and legal description of the land requested (attach extra sheets if necessary) (the "Property").
1514 E. Ann Arbor Ave Dallas TX 75216

B. DESCRIPTION OF PROPOSED HOUSES ENTITY WILL CONSTRUCT

At least 25% of the Land Bank properties sold during any given fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes not greater than 60% of AMFI. No more than 30% of the Land Bank properties sold during any given fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes between 81% and 115% of AMFI. (At least 70% of the Land Bank properties sold during any fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes at 80% AMFI or less.)

Single Family Home (to be sold to low income households at 60% or less of AMFI):

Number of homes to be built _____
Square Footage range of each home _____
Number of Bedrooms/Baths in each home _____ / _____
Number of Garages _____ Number of Carports _____ Detached _____ Attached _____
Type of Exterior Veneer _____ Which sides _____
Your Sales Price range without Subsidies to Qualified Low Income Buyer _____

Single Family Home (to be sold to low income households at 80% or less of AMFI):

Number of homes to be built _____
Square Footage range of each home _____
Number of Bedrooms/Baths in each home _____ / _____
Number of Garages _____ Number of Carports _____ Detached _____ Attached _____
Type of Exterior Veneer _____ Which sides _____
Your Sales Price range without Subsidies to Qualified Low Income Buyer _____

Single Family Home (to be sold to low income households between 81% and 115% of AMFI):

Number of homes to be built 1
Square Footage range of each home 1500 - 1700
Number of Bedrooms/Baths in each home 3 / 2
Number of Garages 1-2 Number of Carports _____ Detached _____ Attached ✓
Type of Exterior Veneer Stucco, Brick, Stone Which sides Brick Stone Front
Your Sales Price range without Subsidies to Qualified Low Income Buyer \$170,000

Attach extra sheet(s) breaking out above information for each different model of home. *See attached of*

PROVIDE FLOOR PLANS AND ELEVATIONS. *Proposal*

C. CONSTRUCTION TIMETABLE

State the number of days it will take you to complete construction and sale of improved Property from the date of obtaining the executed deed from DHADC. Attach a schedule, if you desire. The deed conveying property sold by DHADC will include a right of reverter so that if the Entity does not apply for a construction permit and close on any construction financing within a three year period following the date of conveyance of the property from the DHADC to the Entity, the property will revert to the DHADC for subsequent resale.

Start of Construction: 60-90 days after receiving the deed to the property

Completion of Construction: 180 days after start of construction

Sale of first affordable housing unit to low income household: 90 days after completion of construction

Sale of last affordable unit to low income households: 90 days after completion of first house

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 7

DEPARTMENT: Housing/Community Services

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

MAPSCO: 46V 56V

SUBJECT

Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by Dallas Area Habitat for Humanity for the construction of houses; **(2)** the sale of 3 vacant lots (list attached) from Dallas Housing Acquisition and Development Corporation to Dallas Area Habitat for Humanity; and **(3)** execution of a release of lien for any non-tax liens on the 3 properties that may have been filed by the City – Financing: No cost consideration to the City

BACKGROUND

On June 18, 2003, Governor Perry signed the Urban Land Bank Demonstration Program Act. The Act allows the governing body of a municipality to adopt an Urban Land Bank Demonstration Program in which the officer charged with selling real property ordered sold pursuant to foreclosure of a tax lien may sell certain eligible real property by private sale to a land bank for the purpose of affordable housing developments. The City Council then established the Dallas Housing Acquisition and Development Corporation (DHADC) as its land bank for the purpose of acquiring, holding and transferring unimproved real property under Subtitle A, Title 12, Local Government Code, Chapter 379C on January 28, 2004.

Dallas Area Habitat for Humanity has submitted a proposal and development plan to DHADC for 3 lots shown on the attached list. The DHADC board of directors has approved the development plan and sale of the 3 lots, subject to City Council approval. This item will authorize City Council approval of the development plan submitted by Dallas Area Habitat for Humanity to DHADC, the sale of those lots from DHADC to Dallas Area Habitat for Humanity and the release of lien for any non-tax liens that may have been filed by the City. The vacant lots were purchased by DHADC from a Sheriff's sale pursuant to foreclosure of tax liens and any non-tax liens. DHADC's Deed without Warranty to Dallas Area Habitat for Humanity will contain a reverter that returns the property to DHADC if a construction permit is not applied for by Dallas Area Habitat for Humanity and construction financing is not closed within three years of conveyance.

BACKGROUND (continued)

Dallas Area Habitat for Humanity will build single family houses on the lots. The approximate square footage and sales prices of the houses will be 1,387 square feet and from \$93,500 to \$115,000. The lots will be deed restricted for sale to eligible families.

DHADC will receive \$15,000.00 for the sales price of the vacant lots to Dallas Area Habitat for Humanity, as calculated from the 2015-16 Land Bank Plan approved by City Council.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 28, 2004, by Resolution No. 04-0458, City Council established DHADC as its land bank for the purpose of acquiring, holding and transferring unimproved real property for the purpose of promoting the development of affordable housing as allowed under Chapter 379C of the Texas Local Government Code.

On September 21, 2015, the Housing Committee was briefed regarding the Urban Land Bank Demonstration Program which outlined the process and status of the program.

On July 21, 2016, the DHADC board of directors approved the development plan and sale of 3 lots from DHADC to Dallas Area Habitat for Humanity.

Information about this item will be provided to the Housing Committee on September 6, 2016.

FISCAL INFORMATION

No cost consideration to the City

DEVELOPER

Dallas Area Habitat for Humanity

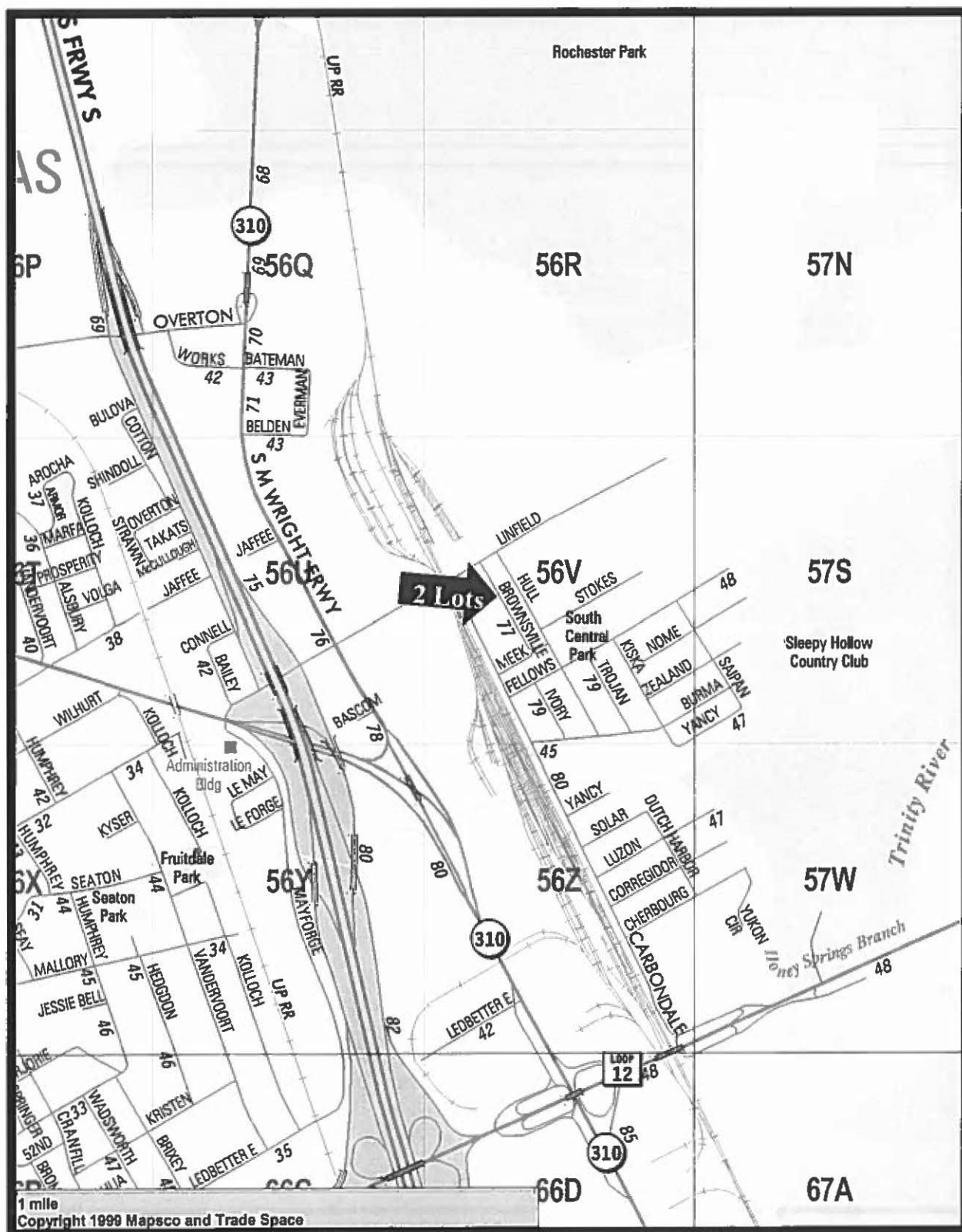
William D. Hall, Chief Executive Officer

MAPS

Attached

**Land Bank (DHADC) Sale of Lots to
Dallas Area Habitat for Humanity**

<u>Property Address</u>	<u>Mapsco</u>	<u>Council District</u>	<u>Amount of Non-Tax Liens</u>
1. 7720 Brownsville	56V	7	\$ 0.00
2. 7724 Brownsville	56V	7	\$ 0.00
3. 2714 1 st	46V	7	\$9,084.98



MAPSCO 56V

September 14, 2016

WHEREAS, on January 28, 2004, City Council established the Dallas Housing Acquisition and Development Corporation (DHADC) as its land bank for the purpose of acquiring, holding and transferring unimproved real property under Subtitle A, Title 12, Local Government Code, Chapter 379C, by Resolution No. 04-0458; and

WHEREAS, Dallas Area Habitat for Humanity submitted a proposal and development plan to DHADC for 3 lots shown on Exhibit "A" and the DHADC Board has approved the development plan and sale, subject to City Council approval; and

WHEREAS, City Council desires to approve the development plan shown on Exhibit "B" indicating the approximate square footage and sales price ranges of the proposed houses submitted by Dallas Area Habitat for Humanity and authorize the sale of 3 lots from DHADC to Dallas Area Habitat for Humanity to build houses;

NOW, THEREFORE,

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

Section 1. That the development plan shown on Exhibit "B" indicating the approximate square footage and sales price ranges of the proposed houses submitted by Dallas Area Habitat for Humanity and the sale of 3 lots shown on Exhibit "A" from DHADC to Dallas Area Habitat for Humanity is approved.

Section 2. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute a Deed without Warranty and releases of lien for any non-tax liens that may have been filed by the City on the lots shown on Exhibit "A".

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

EXHIBIT "A"

LAND BANK PROPERTY					
PARCEL NUMBER	STREET ADDRESS LEGAL DESCRIPTION	QUALIFIED PURCHASER	NUMBER OF HOMEOWNER UNITS	SALE AMOUNT	
1	7720 Brownsville Lot 5, Honey Springs Addition Block A/7636	Dallas Area Habitat for Humanity	1	\$5,000.00	
2	7724 Brownsville Lot 6, Honey Springs Addition Block A/7636	Dallas Area Habitat for Humanity	1	\$5,000.00	
3	2714 1st Lot 3, John and M.A. Genaro's Resubdivision of Lots 3 & 4 of H.M. Skelton Subdivision out of Block 4-E/1829 Block 2/1829	Dallas Area Habitat for Humanity	1	\$5,000.00	
TOTAL				\$15,000.00	

EXHIBIT B

SECTION II: DEVELOPMENT PLAN

A. DESCRIPTION OF THE LAND REQUESTED FOR DEVELOPMENT

(1) Number of lots requested in this proposal. 3

(2) Provide the property address and legal description of the land requested (attach extra sheets if necessary) (the "Property").

No.	Street #	Street Name	Lot	Block	Subdivision	DCAD Value
1	7720	Brownsville	5	Brownsville Ave	Honey Springs	\$ 2,000.00
2	7724	Brownsville	6	Brownsville Ave	Honey Springs	\$ 2,000.00
3	2714	1st Avenue	3	2/1929		\$ 5,000.00

B. DESCRIPTION OF PROPOSED HOUSES ENTITY WILL CONSTRUCT

At least 25% of the Land Bank properties sold during any given fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes not greater than 60% of AMFI. No more than 30% of the Land Bank properties sold during any given fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes between 81% and 115% of AMFI. (At least 70% of the Land Bank properties sold during any fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes at 80% AMFI or less.)

Single Family Home (to be sold to low income households at 60% or less of AMFI):

Number of homes to be built on lots _____
Square Footage of each home _____
Number of Bedrooms/Baths in each home _____ / _____
Number of Garages 1 Number of Carports _____ Detached _____ Attached _____
Type of Exterior Veneer _____ Which sides _____
Your Sales Price ranges without Subsidies to Qualified Low Income Buyer _____

Single Family Home (to be sold to low income households at 80% or less of AMFI):

Number of homes to be built on lots _____
Square Footage of each home _____
Number of Bedrooms/Baths in each home _____ / _____
Number of Garages _____ Number of Carports _____ Detached _____ Attached _____
Type of Exterior Veneer _____ Which sides _____ see elevations for details
Your Sales Price ranges without Subsidies to Qualified Low Income Buyer _____

Single Family Home (to be sold to low income households between 81% and 115% of AMFI):

Number of homes to be built on lots 1 on each lot
Square Footage of each home Approximately 1387 AC; 1804 total
Number of Bedrooms/Baths in each home 3 / 2
Number of Garages 1 Number of Carports _____ Detached _____ Attached _____
Type of Exterior Veneer Brick and/or hardiboard Which sides _____ see elevations for details
Your Sales Price ranges without Subsidies to Qualified Low Income Buyer \$93,500 -

\$115,000

Attach extra sheet(s) breaking out above information for each different model of home.

PROVIDE FLOOR PLANS AND ELEVATIONS.

C. CONSTRUCTION TIMETABLE

State the number of days it will take you to complete construction and sale of improved Property from the date of obtaining the executed deed from DHADC. Attach a schedule, if you desire. The deed conveying property sold by DHADC will include a right of reverter so that if the Entity does not apply for a construction permit and close on any construction financing within a three year period following the date of conveyance of the property from the DHADC to the Entity, the property will revert to the DHADC for subsequent resale.

Commencement of Construction 1095 days

Completion of Construction 1215 days

Sale of first affordable housing unit to low income households 1305 days

Sale of last affordable unit to low income households 1305 days

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 6

DEPARTMENT: Housing/Community Services

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

MAPSCO: 44E

SUBJECT

Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by King Home Builders, LLC for the construction of a house; **(2)** the sale of 1 vacant lot (list attached) from Dallas Housing Acquisition and Development Corporation to King Home Builders, LLC; and **(3)** execution of a release of lien for any non-tax liens on the 1 property that may have been filed by the City – Financing: No cost consideration to the City

BACKGROUND

On June 18, 2003, Governor Perry signed the Urban Land Bank Demonstration Program Act. The Act allows the governing body of a municipality to adopt an Urban Land Bank Demonstration Program in which the officer charged with selling real property ordered sold pursuant to foreclosure of a tax lien may sell certain eligible real property by private sale to a land bank for the purpose of affordable housing developments. The City Council then established the Dallas Housing Acquisition and Development Corporation (DHADC) as its land bank for the purpose of acquiring, holding and transferring unimproved real property under Subtitle A, Title 12, Local Government Code, Chapter 379C on January 28, 2004.

King Home Builders, LLC has submitted a proposal and development plan to DHADC for 1 lot shown on the attached list. The DHADC board of directors has approved the development plan and sale of the 1 lot, subject to City Council approval. This item will authorize City Council approval of the development plan submitted by King Home Builders, LLC to DHADC, the sale of that lot from DHADC to King Home Builders, LLC and the release of lien for any non-tax liens that may have been filed by the City. The vacant lot was purchased by DHADC from a Sheriff's sale pursuant to foreclosure of tax liens and any non-tax liens. DHADC's Deed without Warranty to King Home Builders, LLC will contain a reverter that returns the property to DHADC if a construction permit is not applied for by King Home Builders, LLC and construction financing is not closed within three years of conveyance.

BACKGROUND (continued)

King Home Builders, LLC will build a single family house on the lot. The approximate square footage and sales price of the house will be from 1,300 to 1,650 square feet and from \$135,000 to \$175,000. The lot will be deed restricted for sale to an eligible family.

DHADC will receive \$5,000.00 for the sales price of the vacant lot to King Home Builders, LLC, as calculated from the 2015-16 Land Bank Plan approved by City Council.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 28, 2004, by Resolution No. 04-0458, City Council established DHADC as its land bank for the purpose of acquiring, holding and transferring unimproved real property for the purpose of promoting the development of affordable housing as allowed under Chapter 379C of the Texas Local Government Code.

On September 21, 2015, the Housing Committee was briefed regarding the Urban Land Bank Demonstration Program which outlined the process and status of the program.

On July 21, 2016, the DHADC board of directors approved the development plan and sale of 1 lot from DHADC to King Home Builders, LLC.

Information about this item will be provided to the Housing Committee on September 6, 2016.

FISCAL INFORMATION

No cost consideration to the City

DEVELOPER

King Home Builders, LLC

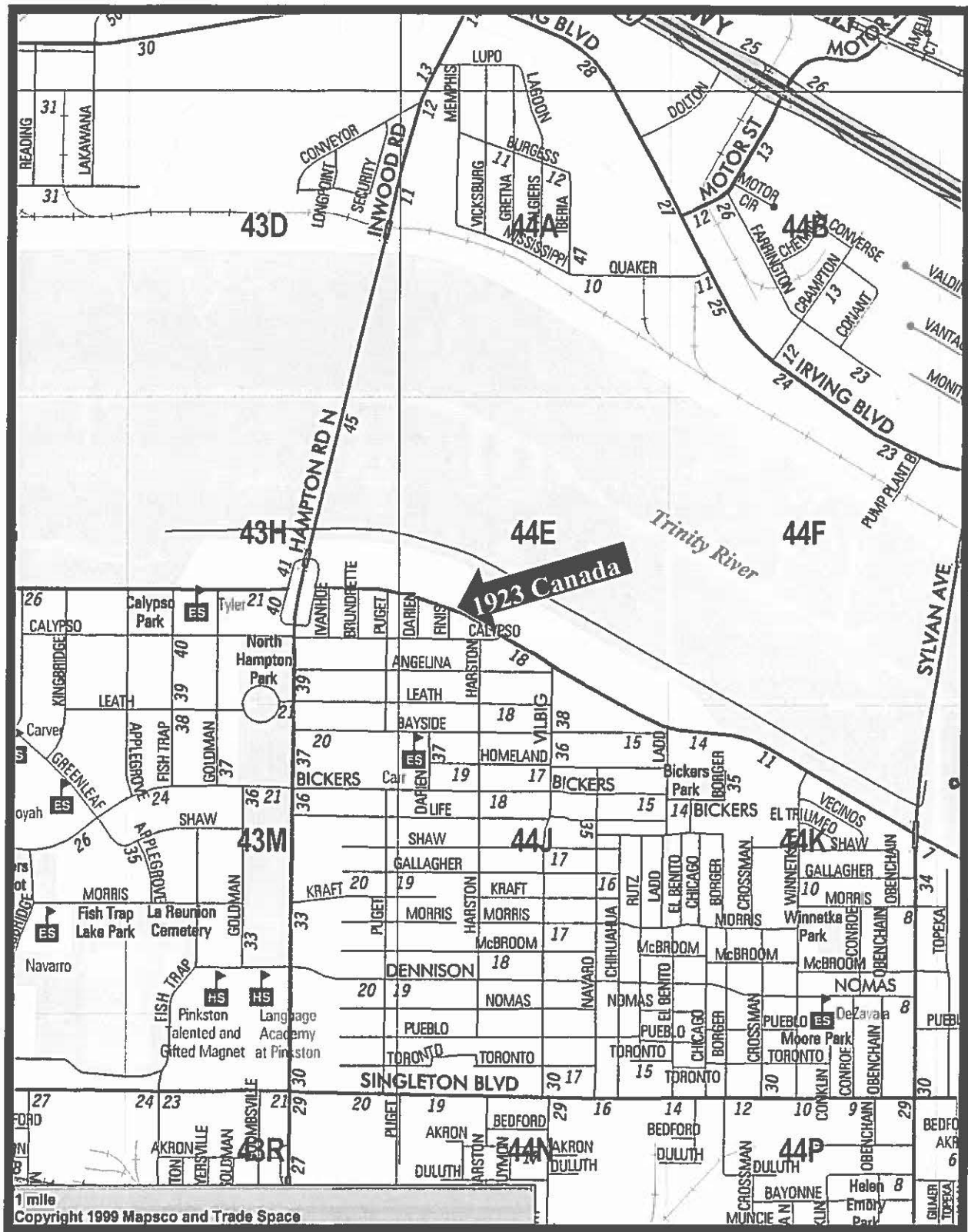
Jorge G. Lariz, Managing Member

MAP

Attached

**Land Bank (DHADC) Sale of Lots to
King Home Builders, LLC**

<u>Property Address</u>	<u>Mapsco</u>	<u>Council District</u>	<u>Amount of Non-Tax Liens</u>
1. 1923 Canada	44E	6	\$9,710.64



MAPSCO 44E

September 14, 2016

WHEREAS, on January 28, 2004, City Council established the Dallas Housing Acquisition and Development Corporation (DHADC) as its land bank for the purpose of acquiring, holding and transferring unimproved real property under Subtitle A, Title 12, Local Government Code, Chapter 379C, by Resolution No. 04-0458; and

WHEREAS, King Home Builders, LLC submitted a proposal and development plan to DHADC for 1 lot shown on Exhibit "A" and the DHADC Board has approved the development plan and sale, subject to City Council approval; and

WHEREAS, City Council desires to approve the development plan shown on Exhibit "B" indicating the approximate square footage and sales price ranges of the proposed house submitted by King Home Builders, LLC and authorize the sale of 1 lot from DHADC to King Home Builders, LLC to build a house;

NOW, THEREFORE,

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

Section 1. That the development plan shown on Exhibit "B" indicating the approximate square footage and sales price range of the proposed house submitted by King Home Builders, LLC and the sale of 1 lot shown on Exhibit "A" from DHADC to King Home Builders, LLC is approved.

Section 2. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute a Deed without Warranty and releases of lien for any non-tax liens that may have been filed by the City on the lot shown on Exhibit "A".

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

EXHIBIT "A"

LAND BANK PROPERTY				
PARCEL NUMBER	STREET ADDRESS LEGAL DESCRIPTION	QUALIFIED PURCHASER	NUMBER OF HOMEOWNER UNITS	SALE AMOUNT
1	1923 Canada Lot 33, Roosevelt Manor Addition Block 1/7130	King Home Builders, LLC	1	\$5,000.00
TOTAL				\$5,000.00

EXHIBIT B

SECTION II: DEVELOPMENT PLAN

A. DESCRIPTION OF THE LAND REQUESTED FOR DEVELOPMENT

(1) Number of lots requested in this proposal. 1

(2) Provide the property address and legal description of the land requested (attach extra sheets if necessary) (the "Property").
1923 Canada

B. DESCRIPTION OF PROPOSED HOUSES ENTITY WILL CONSTRUCT

At least 25% of the Land Bank properties sold during any given fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes not greater than 60% of AMFI. No more than 30% of the Land Bank properties sold during any given fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes between 81% and 115% of AMFI. (At least 70% of the Land Bank properties sold during any fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes at 80% AMFI or less.)

Single Family Home (to be sold to low income households at 60% or less of AMFI):

Number of homes to be built _____
Square Footage range of each home _____
Number of Bedrooms/Baths in each home 1 _____
Number of Garages _____ Number of Carports _____ Detached _____ Attached _____
Type of Exterior Veneer _____ Which sides _____
Your Sales Price range without Subsidies to Qualified Low Income Buyer _____

Single Family Home (to be sold to low income households at 80% or less of AMFI):

Number of homes to be built _____
Square Footage range of each home _____
Number of Bedrooms/Baths in each home 1 _____
Number of Garages _____ Number of Carports _____ Detached _____ Attached _____
Type of Exterior Veneer _____ Which sides _____
Your Sales Price range without Subsidies to Qualified Low Income Buyer _____

Single Family Home (to be sold to low income households between 81% and 115% of AMFI):

Number of homes to be built 1
Square Footage range of each home 1300 - 1650
Number of Bedrooms/Baths in each home 4 1 2
Number of Garages 0 Number of Carports - Detached - Attached -
Type of Exterior Veneer Brick + Siding Which sides 75% siding 25% brick
Your Sales Price range without Subsidies to Qualified Low Income Buyer 135 - 175k

Attach extra sheet(s) breaking out above information for each different model of home.

PROVIDE FLOOR PLANS AND ELEVATIONS.

C. CONSTRUCTION TIMETABLE.

State the number of days it will take you to complete construction and sale of improved Property from the date of obtaining the executed deed from DHADC. Attach a schedule, if you desire. The deed conveying property sold by DHADC will include a right of reverter so that if the Entity does not apply for a construction permit and close on any construction financing within a three year period following the date of conveyance of the property from the DHADC to the Entity, the property will revert to the DHADC for subsequent resale.

Start of Construction: 10 days after receiving the deed to the property

Completion of Construction: 60 days after start of construction

Sale of first affordable housing unit to low income household: ^{within} 30 days after completion of construction

Sale of last affordable unit to low income households: 0 days after completion of first house

AGENDA ITEM # 25

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 7

DEPARTMENT: Housing/Community Services

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

MAPSCO: 47N

SUBJECT

Authorize an amendment to Resolution No. 13-1795, previously approved on October 8, 2013, on an economic development loan with South Dallas/Fair Park Innercity Community Development Corporation for the acquisition of improved and unimproved properties, located within the Frazier Neighborhood Investment Program area, including associated closing costs, relocation, environmental remediation, demolition costs, predevelopment costs and development costs for the purpose of constructing residential, retail, commercial, or mixed-use redevelopment as part of the Economic Development Plan for the Frazier area to **(1)** change the economic development loan to a conditional grant agreement; and **(2)** extend the completion date from September 2, 2015 to December 31, 2018 - Financing: No cost consideration to the City

BACKGROUND

Over the period of 2003-2008, master planning, leveraging of capital investments, public/private developments, and redevelopment began in the Frazier Neighborhood Investment Program (NIP) Area. In order to implement components of the master plan, catalyst projects for new public/private development and redevelopment have been considered by the City Council on an individual basis.

One of the key Frazier Neighborhood community stakeholders, South Dallas/Fair Park Innercity Community Development Corporation (ICDC), proposed to work with the City of Dallas to undertake the Spring Avenue Revitalization which is a component of the master plan.

In July 2016, Diane Ragsdale, Managing Director of ICDC, requested to extend the completion date to December 2, 2018 for the economic development loan in the amount of \$3.4M for revitalization efforts in the Frazier area. The loan funds were for acquisition of improved and unimproved properties, any relocation issues, environmental remediation, and demolition of existing improvements in order to begin revitalization efforts.

BACKGROUND (continued)

To-date ICDC has purchased a number of improved and unimproved properties, demolished 44 dilapidated structures, completed environmental remediation, developed a Master Plan for the area, completed infrastructure and streetscape design, cleared the area for new development, and built the Children's Health medical facility within the Frazier area. They want to continue their efforts to construct residential, retail, commercial, or mixed-use redevelopment in accordance with the Economic Development Master Plan for the Frazier area. ICDC is in discussion with several partners including the City's Economic Development Department to finance the construction of other structures.

ICDC's loan will continue to be a zero percent interest rate, subject to multiple acceleration or complete and sell or lease the residential housing to persons at 140% or less of area median family income or obtain a certificate of occupancy for completed non-residential structures and projects within two years of execution of the amended note.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 20, 2008, City Council approved an economic development loan in the amount of \$500,000 at 0% interest to ICDC by Resolution No. 08-0595.

On August 26, 2009, April 28, 2010, and September 22, 2010, City Council approved increases in the economic development loan to ICDC from \$500,000 to \$2,500,000 by Resolution Nos. 09-2085, 10-1101, and 10-2419 respectively.

On December 12, 2012, City Council approved an increase in the economic development loan to ICDC from \$2,500,000 to \$3,100,000 by Resolution No. 12-3019.

On April 24, 2013, City Council approved an increase in the economic development loan to ICDC from \$3,100,000 to \$3,300,000 by Resolution No. 13-0732.

On October 8, 2013, City Council approved an increase in the economic development loan to ICDC from \$3,300,000 to \$3,400,000 by Resolution No. 13-1795.

Information about this item will be provided to the Housing Committee on September 6, 2016.

FISCAL INFORMATION

No cost consideration to the City

OWNER

**South Dallas/Fair Park Innercity
Community Development
Corporation**

Diane Ragsdale, Managing Director

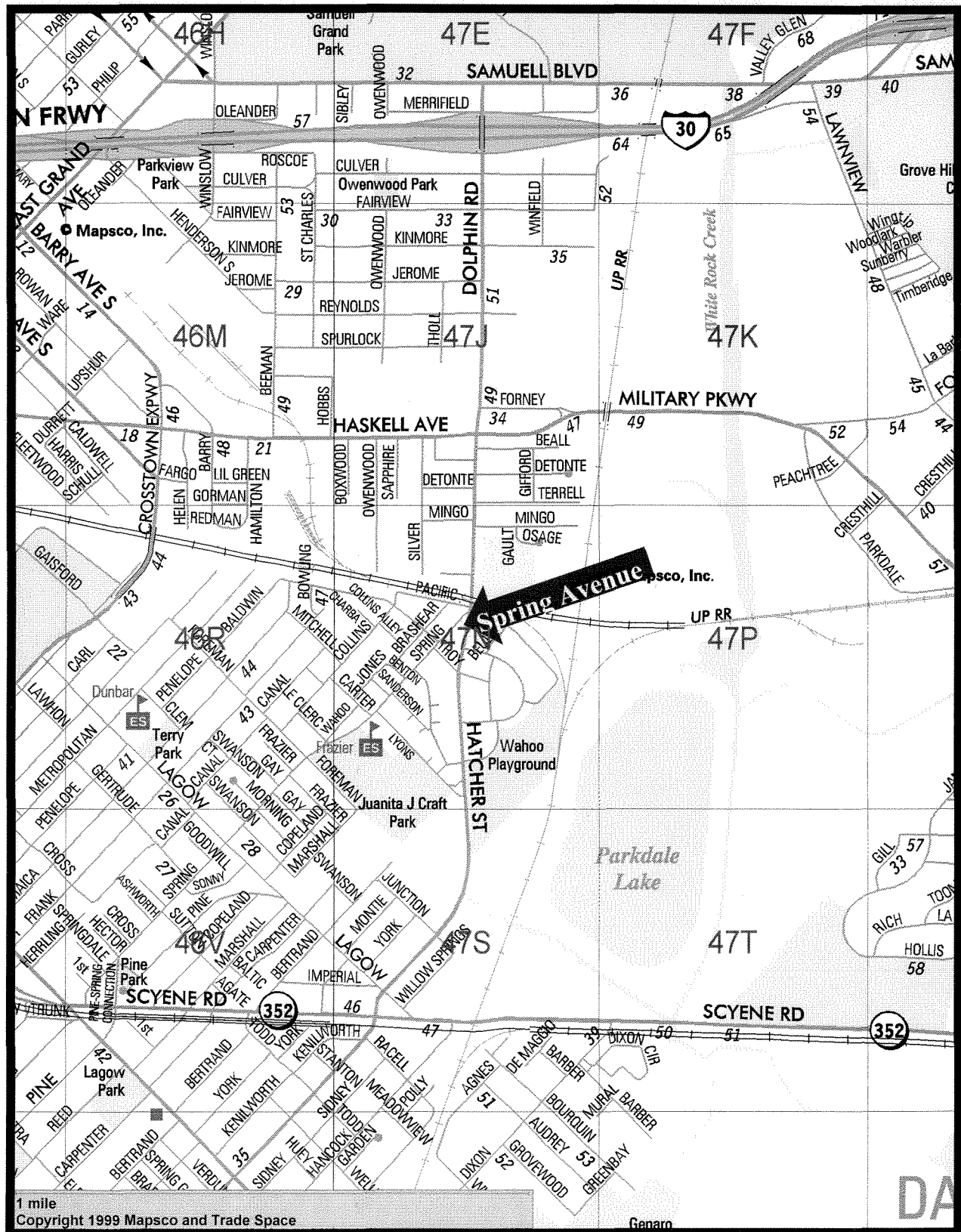
DEVELOPER

**South Dallas/Fair Park Innercity
Community Development
Corporation**

Diane Ragsdale, Managing Director

MAP

Attached



MAPSCO 47N

September 14, 2016

WHEREAS, on February 20, 2008, City Council approved an economic development loan in the amount of \$500,000 at 0% interest to South Dallas/Fair Park Inncity Community Development Corporation (ICDC) by Resolution No. 08-0595; and

WHEREAS, on August 26, 2009, April 28, 2010, September 22, 2010, and December 12, 2012, City Council approved increases in the economic development loan to ICDC from \$500,000 to \$3,100,000 by Resolutions No. 09-2085, 10-1101, and 10-2419 respectively; and

WHEREAS, on December 12, 2012, City Council approved an increase in the economic development loan to ICDC from \$2,500,000 to \$3,100,000, by Resolution No. 12-3019; and

WHEREAS, on April 24, 2013, City Council approved an increase in the economic development loan to ICDC from \$3,100,000 to \$3,300,000 to further the redevelopment efforts by Resolution No. 13-0732; and

WHEREAS, on October 8, 2013, City Council approved an increase in the economic development loan to ICDC from \$3,300,000 to \$3,400,000, by Resolution No. 13-1795; and

WHEREAS, ICDC proposes to continue to work with the City of Dallas for the Frazier Neighborhood Investment Program Area-Spring Avenue Revitalization Project;

NOW, THEREFORE,

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

Section 1. That following approval as to form by the City Attorney, the City Manager is authorized to execute an amendment for an economic development loan with South Dallas/Fair Park Inncity Community Development Corporation (ICDC) for the acquisition of improved and unimproved properties, located within the Frazier Neighborhood Investment Program (NIP) area, including associated closing costs, relocation, environmental remediation, demolition costs, predevelopment costs and development costs for the purpose of constructing residential, retail, commercial, or mixed-use redevelopment as part of the Economic Development Plan for the Frazier area to (1) change the economic development loan to a conditional grant agreement; and (2) extend the completion date from September 2, 2015 to December 31, 2018.

Section 2. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute releases of liens and terminate deed restrictions on the property upon compliance with the loan terms and deed restrictions.

September 14, 2016

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.

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

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 4

DEPARTMENT: Housing/Community Services

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

MAPSCO: 65B C

SUBJECT

Authorize an amendment to Resolution No. 14-1056, previously approved on June 25, 2014, for an existing development loan with City Wide Community Development Corporation for acquisition, demolition, relocation, and other related costs for Lancaster-Opal Project to **(1)** change the development loan to a conditional grant agreement; and **(2)** extend the completion date from September 12, 2016 to September 12, 2018 – Financing: No cost consideration to the City

BACKGROUND

In July 2016, one of the key Lancaster Corridor stakeholders, City Wide Community Development Corporation (CWCDC), requested an extension to the development loan for the Lancaster-Opal Project which is part of the Revitalization Plan for the Lancaster Corridor.

The Lancaster-Opal Project focuses on the area bounded by Marfa on the north, Opal on the east, Hudspeth on the south, and Lancaster on the west. Through the City's award of \$1,331,326 in 2006 General Obligation Bond Funds, CWCDC acquired ten improved and unimproved properties and has expended all but \$300,000 of the funds for the acquisition, demolition, relocation, and other associated costs. The City also awarded CWCDC an economic development loan in the amount of \$135,000 for preconstruction and planning for the site, which has been expended. CWCDC has completed architectural renderings of the Lancaster-Opal Project, and estimates a development budget in the amount of \$13,225,684 for completion of the project. CWCDC will begin replatting and applying for private and public financing to begin construction in 2017.

BACKGROUND (continued)

The original loan agreement called for CWCDC to spend all contracted funds within two years and complete redevelopment of the acquired properties by September 10, 2013 or release the acquired properties to the City of Dallas. The project has been delayed due to prolonged negotiations for the acquisitions of the properties, lack of available financing for the vertical construction, and changing plans for the end use of the sites. The deadline was extended until September 12, 2016 by previous council action.

City Council approval of this item will (1) change the development loan to a conditional grant agreement; and (2) extend the completion date from September 12, 2016 to September 12, 2018 for the Lancaster-Opal Project development agreement for acquisition, demolition, relocation, and other related costs for Lancaster-Opal Project, allowing CWCDC to complete this project.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 10, 2008, City Council approved a loan in the amount of \$500,000 at 0% interest to CWCDC for the Lancaster-Opal Project, by Resolution No. 08-2433.

On August 12, 2009, City Council approved an amendment to the development loan from \$500,000 to \$1,000,000 with CWCDC, by Resolution No. 09-1965.

On January 12, 2011, City Council approved an amendment to the development loan from \$1,000,000 to \$1,275,000 with CWCDC, by Resolution No. 11-0194.

On August 28, 2013, City Council approved an amendment to reduce the development loan from \$1,275,000 to \$1,031,326 and to extend the completion date to September 12, 2016 with CWCDC, by Resolution No. 13-1515.

On June 25, 2014, City Council approved an amendment to increase the development grant from \$1,031,326,000 to \$1,331,326 with CWCDC, by Resolution No. 14-1056.

Information about this item will be provided to the Housing Committee on September 6, 2016.

FISCAL INFORMATION

No cost consideration to the City

OWNER

**City Wide Community
Development Corporation**

Sherman Roberts, President

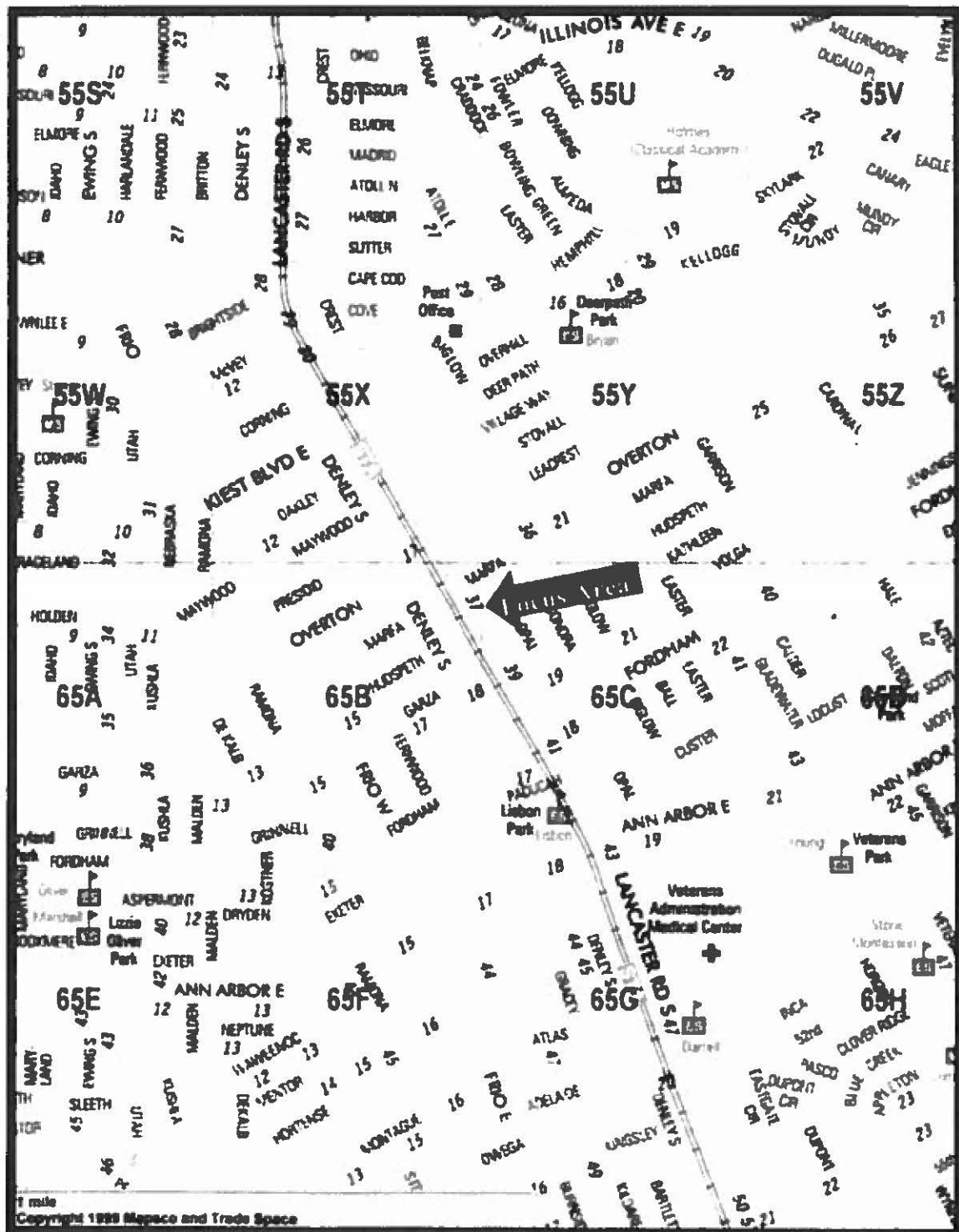
DEVELOPER

**City Wide Community
Development Corporation**

Sherman Roberts, President

MAP

Attached



MAPSCO 65B & 65C

September 14, 2016

WHEREAS, the Lancaster Corridor revitalization plan was adopted by City Council in December 2012; and

WHEREAS, on September 10, 2008, as part of that revitalization plan, City Council approved a loan in the amount of \$500,000 at 0% interest to City Wide Community Development Corporation (CWCDC) for the Lancaster-Opal Project by Resolution No. 08-2433; and

WHEREAS, on August 12, 2009, City Council approved an amendment to the development loan from \$500,000 to \$1,000,000 with CWCDC by Resolution No. 09-1965; and

WHEREAS, on January 12, 2011, City Council approved an amendment to the development loan from \$1,000,000 to \$1,275,000 with CWCDC by Resolution No. 11-0194; and

WHEREAS, on August 28, 2013, City Council approved an amendment to reduce the development loan from \$1,275,000 to \$1,031,326 and to extend the completion date to September 12, 2016 with CWCDC by Resolution No. 13-1515; and

WHEREAS, on June 25, 2014, City Council approved an amendment to increase the development loan from \$1,031,326,000 to \$1,331,326 with CWCDC by Resolution No. 14-1056; and

WHEREAS, CWCDC proposes to continue to work with the City of Dallas on the Lancaster-Opal Project; and

WHEREAS, the redevelopment of the property will further the City's goals for redevelopment along the Lancaster Corridor; **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 authorized to (1) change the development loan to a conditional grant agreement; and (2) extend the completion date from September 12, 2016 to September 12, 2018 for the existing development loan with City Wide Community Development Corporation for acquisition, demolition, relocation, and other related costs for Lancaster-Opal Project.

September 14, 2016

SECTION 2. That some of the terms of the grant agreement continue to include:

- a. If Borrower fails to redevelop the property by the maturity date of the agreement, then fee simple title to the acquired properties will be conveyed to the City of Dallas at no cost to City. To be considered “redeveloped,” the properties must be improved in substantial conformance with the architectural plans and must be completed, as evidenced by a certificate of occupancy having been obtained from the City of Dallas for each such building.
- b. If Borrower fails to timely comply with the redevelopment requirements in Section 2(a) hereof, the City of Dallas has the option to require Borrower to convey fee simple title to the undeveloped properties acquired with bond funds to the City of Dallas, free of any liens or encumbrances not acceptable to the City.
- c. Borrower shall maintain ownership of acquired property through the maturity date, subject to Borrower’s compliance with the agreements.
- d. Borrower will comply with City of Dallas filed deed restrictions and City’s first lien deed of trust securing each property acquired with bond funds.
- e. No approval by the City of the expenditure of any Bond funds shall bind or obligate the City to approve any zoning or replat change that Borrower may request for the properties.
- f. Borrower shall obtain approval from the City for the permitted uses of the properties. Residential units must be sold or rented. “Permitted uses” includes those uses that are permitted under the Dallas Development Code on the property, but in no event may they include any use that requires a sexually oriented business license under Chapter 41A of the Dallas City Code, or a liquor store, a pawn shop, a body piercing studio, or a tattoo studio, as those terms are defined by the Dallas Development Code.
- g. As each residential structure is sold or fully leased and each non-residential structure is issued a certificate of occupancy, Borrower will be released from the indebtedness on the note corresponding to the amount of loan proceeds that were advanced in order to acquire the redeveloped parcel, and the City of Dallas will release the Deed Restrictions for that parcel.

September 14, 2016

SECTION 2. (continued)

- h. Intermediate benchmarks for progress acceptable to the City of Dallas will be re-established in the modified loan documents, including benchmarks for completion of replatting, finalization of plans and specifications, securing private financing to construct the project, and commencing construction.

SECTION 3. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute releases of liens and terminate deed restrictions on the property upon compliance with the conditional grant terms and deed restrictions.

SECTION 4. That the City Manager, upon approval as to form by the City Attorney, is authorized to subordinate City's lien to a lender who is providing interim construction financing on the properties.

SECTION 5. 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 conditional grant agreement, until such time as the documents are duly approved by all parties and executed.

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

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 7

DEPARTMENT: Housing/Community Services

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

MAPSCO: 56V Z; 57S W

SUBJECT

Authorize an amendment to Resolution No. 15-1078, previously approved on June 10, 2015, for a housing development loan in an amount not to exceed \$540,000 with Dallas Area Habitat for Humanity for construction of 18 single family homes to be located on scattered sites in the Joppa Neighborhood area to extend the completion date from August 26, 2016 to August 31, 2017 - Financing: No cost consideration to the City

BACKGROUND

In July 2016, Bill Hall, CEO of Dallas Area Habitat for Humanity (DAHFH), requested to extend the completion date to August 31, 2017 for the housing development loan in the amount of \$540,000 for construction costs for the development of 18 scattered sites homes located in the Joppa Neighborhood area. Upon completion, DAHFH will have a 10-year deed restriction on each of the homes to maintain affordability with households up to 80% of area median family income.

DAHFH has obtained private funds for construction and has completed construction on nine of the 18 units. Eleven of the units are pre sold to eligible homebuyers and are awaiting completion to purchase the homes. Due to excessive rain and the environmental review process, construction was delayed.

The City provided HOME funds for gap financing for a portion of the construction costs for the 18 homes to be built out and sold. The homes will be 3 bedroom with 2 baths and approximately 1400 sq. ft. The construction and occupancy of the units will be completed on or before August 31, 2017. A lien has been placed on the properties and will be released on a partial basis as each unit is built out and sold to an eligible homebuyer. Estimated private leverage will be \$1,530,000.

City Council approval of this agenda item will authorize the City Manager to execute an amendment to the loan documents with DAHFH to extend the completion deadline.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 10, 2015, City Council approved the housing development loan agreement with DAHFH, by Resolution No. 15-1078.

Information about this item will be provided to the Housing Committee on September 6, 2016.

FISCAL INFORMATION

No cost consideration to the City

OWNER

Dallas Area Habitat for Humanity

Bill Hall, Chief Executive Officer

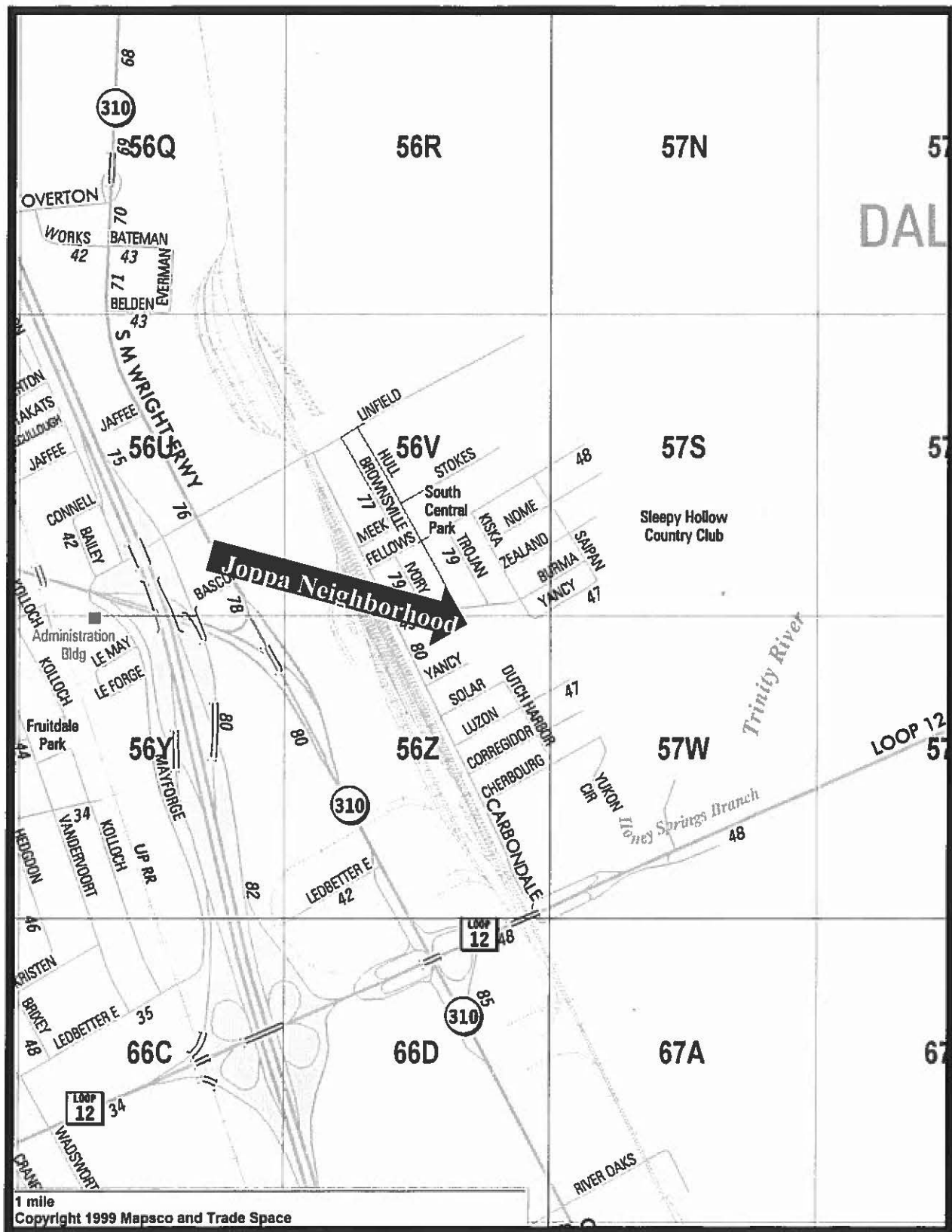
DEVELOPER

Dallas Area Habitat for Humanity

Bill Hall, Chief Executive Officer

MAP

Attached



MAPSCO 56V Z; 57S W

September 14, 2016

WHEREAS, the development of owner occupied units for households with varied income levels is a high priority of the City of Dallas; and

WHEREAS, on June 10, 2015, City Council approved the housing development loan agreement with DAHFH, by Resolution No. 15-1078; and

WHEREAS, Dallas Area Habitat for Humanity proposes to continue to work with the City of Dallas to undertake the development of 18 affordable units in the Joppa Neighborhood Project; and

WHEREAS, the City desires for Dallas Area Habitat for Humanity to develop housing units for low and moderate income families; **NOW, THEREFORE**,

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

Section 1. That following approval as to form by the City Attorney, the City Manager is authorized to execute an amendment to the housing development loan in an amount not to exceed \$540,000 with Dallas Area Habitat for Humanity (DAHFH) for the development of 18 affordable single family homes to be located in the Joppa Neighborhood Project to extend the completion date from August 26, 2016 to August 31, 2017.

Section 2. That the terms of the loan agreement continue to include:

- (a) DAHFH has executed a note payable to the City of Dallas for the \$540,000 loan.
- (b) DAHFH has executed a lien through a Deed of Trust and deed restriction for a 10-year term for the units.
- (c) DAHFH will use the funds to gap the construction costs for the units and developer fees in the amount of \$180,000 and will keep the proceeds from the sale of the units.
- (d) DAHFH will have until August 31, 2017 to fully complete the project and occupy the units with low and moderate income families with incomes at or below 80% of area median family income.
- (e) DAHFH will be partially released and forgiven of debt from their liens on a prorata basis as each home is built and sold to a low-income homebuyer.

Section 3. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute an amendment to the loan agreement to extend the completion deadline as described herein, and to execute releases of liens and terminate deed restrictions on the property upon compliance with the loan terms and deed restrictions.

September 14, 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.

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 7

DEPARTMENT: Housing/Community Services

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

MAPSCO: 46P

SUBJECT

Authorize an amendment to Resolution No. 15-1379, previously approved on August 12, 2015, for the conditional grant agreement in the amount of \$1,150,000 with Urban Mixed Use, LLC to extend the completion date from June 30, 2016 to June 30, 2017 for the predevelopment and construction of the 38-unit multifamily project located at 3221 Elihu Street - Financing: No cost consideration to the City

BACKGROUND

In July 2016, Devon Hall, Member of Urban Mixed Use, LLC, requested to extend the completion date to June 30, 2017 for the conditional grant to Urban Mixed Use, LLC in the amount of \$1,150,000 for the development of the 38-unit multifamily project located at 3221 Elihu Street for acquisition, demolition, relocation, predevelopment and construction costs. Urban Mixed Use, LLC will have a 10-year deed restriction on the multifamily units to maintain affordability at 140% Area Median Family Income.

Urban Mixed Use, LLC completed construction on the parking lot, exterior, several interior floors, mechanical, electrical, fire suppression, elevator, HVAC roof and windows. Remaining to be done in the interior of the building is sheetrock, insulation, paint, cabinets, plumbing, trim, and flooring on three floors. Delays have occurred due to a change in the superintendent overseeing the project and availability of supplies hindered by the weather. Private funding leverage is \$2,082,217.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 11, 2012, City Council approved the conditional grant to Urban Mixed Use, LLC in the amount of \$500,000 for the development to include acquisition, demolition, relocation, predevelopment and construction costs of the project at 3221 Elihu, by Resolution No. 12-0167.

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

On December 11, 2013, City Council approved an amendment, increasing funding by \$650,000, from \$500,000 to \$1,150,000 to the conditional grant to Urban Mixed Use, LLC, by Resolution No. 13-2116.

On August 12, 2015, City Council approved an amendment to the conditional grant to extend the completion date to June 30, 2016 with Urban Mixed Use, LLC, by Resolution No. 15-1379.

Information about this item will be provided to the Housing Committee on September 6, 2016.

FISCAL INFORMATION

No cost consideration to the City

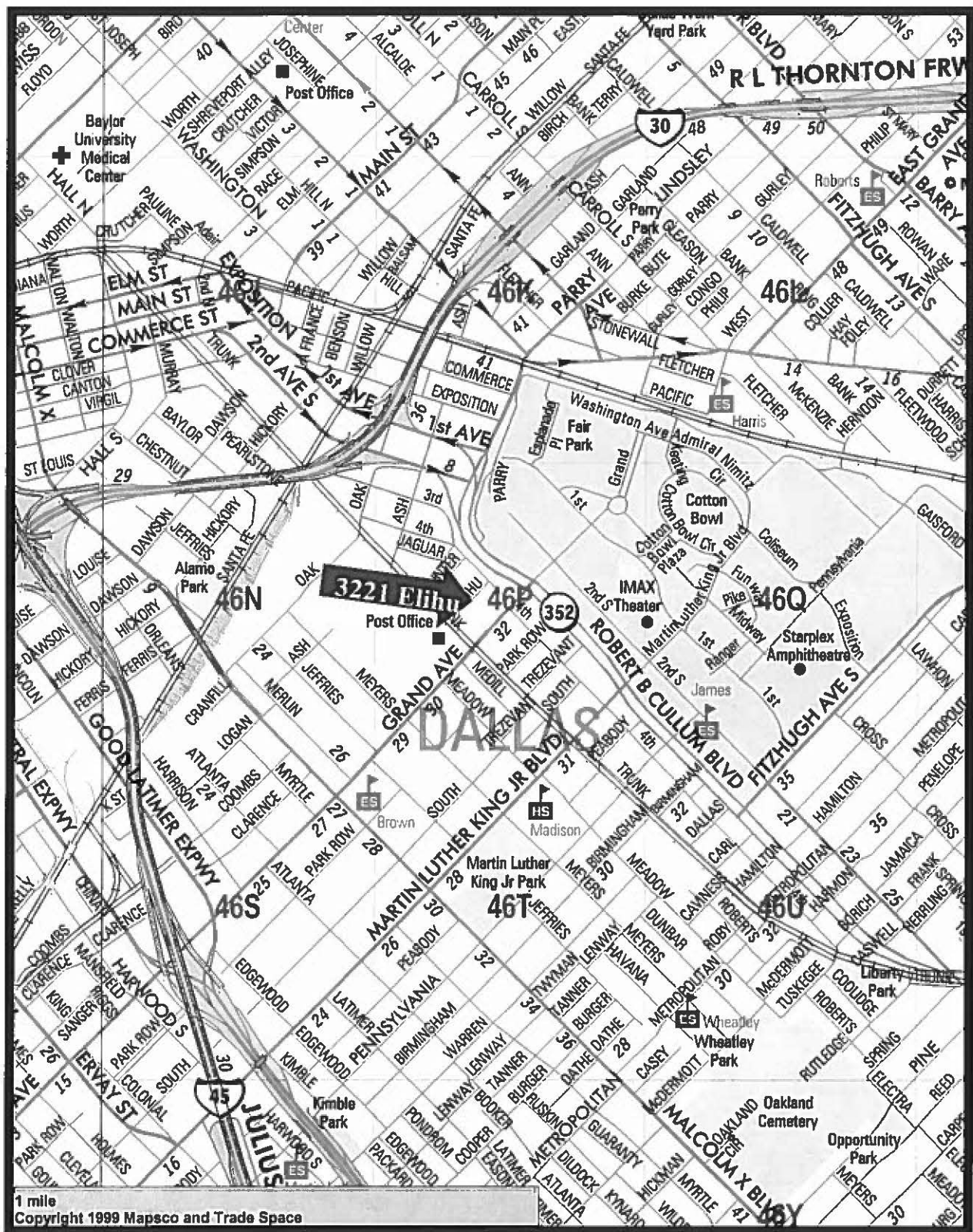
OWNER/DEVELOPER

Urban Mixed Use, LLC

Devon Hall, Member

MAP

Attached



MAPSCO 46P

September 14, 2016

WHEREAS, the City of Dallas seeks to support economic growth in the Southern area of the city and economic development; and

WHEREAS, Urban Mixed Use, LLC wishes to partner with the City of Dallas to provide 38 multifamily units in the Fair Park area; and

WHEREAS, on January 11, 2012, City Council approved the conditional grant to Urban Mixed Use, LLC in the amount of \$500,000 for the development to include predevelopment and construction costs of the project at 3221 Elihu, by Resolution No. 12-0167; and

WHEREAS, on December 11, 2013, City Council approved an amendment, increasing funding by \$650,000, from \$500,000 to \$1,150,000 to the conditional grant to Urban Mixed Use, LLC, by Resolution No. 13-2116; and

WHEREAS, on August 12, 2015, City Council approved an amendment to extend the conditional grant agreement to June 30, 2016 with Urban Mixed Use, LLC, by Resolution No. 13-2116; and

WHEREAS, the City requests a modification to the conditional grant agreement as part of the City's ongoing efforts to promote housing as a part of greater economic development plans in the city; **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 authorized to amend Resolution No. 13-2116, previously approved on December 11, 2013, for the conditional grant agreement in the amount of \$1,150,000 with Urban Mixed Use, LLC to extend the completion date from June 30, 2016 to June 30, 2017 for the acquisition, demolition, relocation, predevelopment and construction of the 38-unit multifamily project located on 3221 Elihu Street.

SECTION 2. That the grant agreement is hereby expressly made subject to all of the following contingencies which must be performed or occur:

- a. Urban Mixed Use, LLC will invest a minimum of \$400,000 into the Project.
- b. Project will contain a minimum of 38 units.
- c. Urban Mixed Use, LLC shall complete construction and occupancy by June 30, 2017.
- d. Urban Mixed Use, LLC must present documentation for all of the renters to have incomes at or below 140% Area Median Family Income through full lease-up.

September 14, 2016

- e. Urban Mixed Use, LLC must execute a Deed of Trust Lien and Deed Restrictions on the property for the \$1,150,000 which will carry a 10-year term forgiven annually at 1/10th per year.
- f. The City will subordinate its lien position to the Lender for interim construction.

SECTION 3. That the City Manager or designee may extend the completion date for an additional period of up to three months for just cause.

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 loans, until such time as the Deed of Trust Lien and deed restrictions 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.

KEY FOCUS AREA: Public Safety

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Emergency Management

CMO: Eric Campbell, 670-3255

MAPSCO: N/A

SUBJECT

Authorize **(1)** acceptance of additional grant funds from the U.S. Department of Homeland Security through the Texas Department of Public Safety under the Homeland Security Grant Program for the 2014 State Homeland Security Program in the amount of \$215,356 to provide funding for equipment acquisition, planning and training activities to enable the City to respond to natural and man-made disasters; **(2)** extension of the performance period for the 2014 Homeland Security Program from September 1, 2014 to January 31, 2016 to September 1, 2014 to July 31, 2016; **(3)** an increase in appropriations in the amount of \$215,356 in the 2014 State Homeland Security Program Fund; and **(4)** execution of the grant agreement - Not to exceed \$215,356, from \$5,912,175 to \$6,127,531 - Financing: U.S. Department of Homeland Security Grant Funds

BACKGROUND

The Department of Homeland Security (DHS) was created in 2002 and began releasing funds to state and local governments through grant programs. Since 2003, the City of Dallas has received over \$85 million in grant funds under the initiatives that make up the Homeland Security Grant Program (HSGP). In 2014, the City of Dallas was awarded funds under two initiatives: the Urban Areas Security Initiative (UASI) and the State Homeland Security Program (SHSP). In order to facilitate the distribution of these federal funds, each State is required to establish a State Administrative Agency (SAA) to administer and distribute the grant funding to local governments. In Texas, the SAA has been established within the Office of the Governor.

These initiatives provide funding for equipment acquisition and planning and training activities to increase the ability of the City of Dallas to prevent, protect against, respond to, and recover from natural and man-made disasters. Some of the activities that these funds support include planning and training for first responders and departmental staff, as well as for citizens participating in the Citizen Emergency Response Team and a public awareness campaign.

BACKGROUND (Continued)

Additionally, these funds are also used to assist departments with meeting national, state and regional preparedness goals through the procurement of equipment for various initiatives such as increasing interoperability during incidents.

Each initiative focuses on a component of the overall needs of Dallas to respond in conjunction with state and federal agencies during times of natural and man-made disasters. UASI focuses on the unique planning, equipment, training, and exercise needs of high-threat, high-density urban areas, with specific carve outs for Law Enforcement activities and Management and Administration of the grant. SHSP focuses on local governments' role in assisting with state-wide security strategies and key elements of the national preparedness architecture. This increase in award is to meet immediate equipment needs for the Dallas Police Department in response to the July 7th Protest incident.

On September 16, 2014, DHS approved the original grant award for the Homeland Security Grant Program in the amount of \$5,818,875. Later, the award was modified twice: a decrease in the amount of \$2,500.00 and then an increase in the amount of \$95,800.00, for a total award of \$5,912,175. This item will increase the total award by \$215,355.54 from \$5,912,175 to \$6,127,530.54.

Approval of this item will authorize the increase of funding for the State Homeland Security Program:

<u>Program</u>	<u>Original</u>	<u>Decrease</u>	<u>Increase</u>	<u>Net Total Budget</u>
SHSP	\$2,500.00	(\$2,500.00)	\$215,355.54	\$215,355.54

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized the acceptance of the 2014 Homeland Security Grant Program on November 12, 2014, by Resolution No. 14-1902.

Authorized the acceptance of the 2014 Homeland Security Grant Program on January 13, 2016, by Resolution No. 16-0082.

Information about this item will be provided to the Public Safety Committee on September 12, 2016.

FISCAL INFORMATION

\$215,355.54 - U.S. Department of Homeland Security Grant Funds

September 14, 2016

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

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

WHEREAS, City Council authorized acceptance of 2014 Homeland Security Grant Program on November 12, 2014, by Resolution No. 14-1902; and

WHEREAS, City Council authorized acceptance of an increase to the award for the 2014 Homeland Security Grant Program on January 13, 2016, by Resolution No. 16-0082; and

WHEREAS, the City of Dallas will benefit from increased preparedness throughout the city.

NOW, THEREFORE,

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

Section 1. That the City Manager is hereby authorized to **(1)** accept additional grant funds from the U.S. Department of Homeland Security through the Texas Department of Public Safety under the Homeland Security Grant Program (CFDA #97.067, Grant #EMW-2014-SS-00029) for the 2014 State Homeland Security Grant Program in an amount not to exceed \$215,355.54 to provide funding for equipment acquisition, planning and training activities to enable the City to respond to natural and man-made disasters; **(2)** extend the performance period for the 2014 State Homeland Security Program from September 1, 2014 to January 31, 2016 to September 1, 2014 to July 31, 2016; **(3)** increase appropriations in the 2014 State Homeland Security Program fund in the amount of \$215,355.54, increasing the total Homeland Security Grant Program award from \$5,912,175 to \$6,127,530.54; and **(4)** execute the grant agreement and other documents required by the grant.

Section 2. That the Chief Financial Officer is hereby authorized to receive and deposit U.S. Department of Homeland Security Grant Funds in Fund F442, Department MGT, Unit 1689, Revenue Source 6506, in an amount not to exceed \$215,355.54.

Section 3. That the City Manager is hereby authorized to increase appropriations in an amount not to exceed \$215,355.54 in Fund F442, Department MGT, Unit 1689, OBJ 3099.

September 14, 2016

Section 4. That the Chief Financial Officer is hereby authorized to disburse funds from Fund F442, Department MGT, Unit 1689, Obj. 3099, in an amount not to exceed \$215,355.54.

Section 5. That the City Manager is hereby authorized to reimburse to the Department of Homeland Security any expenditure identified as ineligible. The City Manager shall notify the appropriate City Council Committee of expenditures identified as ineligible not later than 30 days after the reimbursement.

Section 6. That the City Manager shall keep the appropriate City Council Committee informed of all final U.S. Department of Homeland Security monitoring reports not later than 30 days after receipt of 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: Clean, Healthy Environment

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 2

DEPARTMENT: Office Of Environmental Quality

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

MAPSCO: N/A

SUBJECT

Authorize a three-year professional services contract with Terracon Consultants, Inc. to complete remedial actions and a Municipal Setting Designation, as mandated by the Texas Commission on Environmental Quality, at the Central Service Center leaking petroleum storage tank site located at 3111 Dawson Street, through an Interlocal Purchasing Agreement with the City of Irving - Not to exceed \$305,922 - Financing: Current Funds (subject to annual appropriations)

BACKGROUND

Since 1987, the City of Dallas has managed remediation of fifty-six leaking petroleum storage tank (LPST) sites at forty-five different City facilities. The City's LPST sites were generally discovered during the removal of aging underground petroleum storage tanks at forty-five City facilities. Under State law, the current owner of an LPST site must take corrective action to address any contaminated soil and groundwater under the guidance of the Texas Commission on Environmental Quality (TCEQ). The Office of Environmental Quality (OEQ) is responsible for managing the City's LPST sites and ensuring that they are cleaned up in accordance with TCEQ requirements in a manner that is protective of human health and the environment.

With the assistance of OEQ, the City has achieved TCEQ regulatory closure for all of these LPST sites but one. The last remaining LPST site is the City of Dallas Central Service Center (CSC) LPST site, located at 3111 Dawson Street, Dallas, Texas.

The CSC LPST site is managed by OEQ staff to ensure successful completion of the corrective actions, the preparation of a Municipal Setting Designation (MSD) application, and obtaining regulatory closure from TCEQ.

BACKGROUND (Continued)

The Terracon Consultants, Inc. (Terracon) proposal for \$305,922 includes the costs to (i) conduct the TCEQ-mandated corrective actions at the CSC LPST site; (ii) prepare an application for entrance into the TCEQ's Voluntary Cleanup Program (VCP) and comply with the requirements of the VCP; (iii) prepare an application for and obtain an MSD; and (iv) obtain regulatory closure of the CSC LPST site from TCEQ and estimates the actions will be completed in approximately three (3) years. Terracon's professional services are available at competitively proposed rates and costs are available to the City under a Terracon contract with Irving, Texas, pursuant to a cooperative purchasing program that conforms to and satisfies the requirements of Texas Statutes that are applicable for competitive bids and proposals, in accordance with the Interlocal Cooperation Act, Chapter 791, Texas Government Code.

If the City does not make sufficient progress in completing the required corrective actions, TCEQ has discretion to take a variety of actions. These actions include the TCEQ completing the required corrective actions using its own contractors and invoicing the City for the work, or the TCEQ taking enforcement action which may include monetary penalties. Through the proposed professional services contract with Terracon, the City will avoid enforcement and ensure that corrective action at the CSC LPST site is properly performed in a timely manner.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Quality of Life and Environment Committee on September 12, 2016.

FISCAL INFORMATION

\$305,922 - Current Funds (subject to annual appropriations)

ETHNIC COMPOSITION

Terracon Consultants, Inc.

White Male	67	White Female	19
Black Male	6	Black Female	4
Hispanic Male	17	Hispanic Female	3
Other Male	10	Other Female	5

OWNER

Terracon Consultants, Inc.

David R. Gaboury, President
Donald Vrana, Executive Vice President
M. Gayle Packer, Secretary
Douglas D. Loveridge, Treasurer

September 14, 2016

WHEREAS, since 1987, the City has completed corrective actions for fifty-five (55) Leaking Petroleum Storage Tank (LPST) sites at City facilities as required by the Texas Commission on Environmental Quality (TCEQ) pursuant to state law; and

WHEREAS, only one (1) remaining LPST site at the City of Dallas Central Service Center (CSC) at 3111 Dawson Street, Dallas, Texas requires additional corrective action and a Municipal Setting Designation (MSD) prior to receiving regulatory closure from TCEQ; and

WHEREAS, the proposed cost for a consultant to conduct these corrective actions, obtain a MSD, and receive TCEQ regulatory closure for FY15/16, FY16/17, and FY17/18 is a total of \$305,922.00; and

WHEREAS, the City Council finds that it is in the public interest for the City to provide funding for a professional service contract with an environmental consultant, through cooperative purchasing in accordance with state law, to undertake corrective actions for the CSC LPST site and to fund such contract from department appropriations;

NOW, THEREFORE,

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

SECTION 1. That the City Manager is hereby authorized to execute a three-year professional services contract with Terracon Consultants, Inc. (Vendor No. 341409) to complete remedial actions and a Municipal Setting Designation, as mandated by the Texas Commission on Environmental Quality, at the Central Service Center leaking petroleum storage tank site located at 3111 Dawson Street, through an Interlocal Purchasing Agreement with the City of Irving in an amount not to exceed \$305,922.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds from the following appropriation, in an amount not to exceed \$305,922 (subject to annual appropriations) from Service Contract number MASCTERRACONLPST.

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 # 31

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

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 13

DEPARTMENT: Park & Recreation
Public Works Department

CMO: Willis Winters, 670-4071
Jill A. Jordan, P.E., 670-5299

MAPSCO: 24B C D 25A B

SUBJECT

Authorize a professional services contract with Urban Engineers Group, Inc. for design services for plans, specifications and cost estimates for Phase 2A for the Northaven Trail from Preston Road to Midway Road - Not to exceed \$266,387 - Financing: General Obligation Commercial Paper Funds

BACKGROUND

Urban Engineers Group, Inc. has presented a proposal dated July 25, 2016, for design services for plans, specifications and cost estimates for Phase 2A for the Northaven Trail for a fee not to exceed \$266,387.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	October 2016
Complete Design	August 2017
Begin Construction	December 2017
Complete Construction	December 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 18, 2016, the Park and Recreation Board authorized award of the professional services contract.

Information about this item will be provided to the Quality of Life & Environment Committee on September 12, 2016.

FISCAL INFORMATION

2012 Bond Program (General Obligation Commercial Paper Funds) - \$266,387

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Urban Engineer Groups, Inc.

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

OWNER

Urban Engineers Group, Inc.

Nilsa Luna, President/Treasurer
Faisal Syed, Vice President/Secretary

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a professional services contract with Urban Engineers Group, Inc. for design services for plans, specifications and cost estimates for Phase 2A for the Northaven Trail from Preston Road to Midway Road - Not to exceed \$266,387 - Financing: General Obligation Commercial Paper Funds

Urban Engineers 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	\$266,387.00	100.00%
Total non-local contracts	\$0.00	0.00%
TOTAL CONTRACT	\$266,387.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

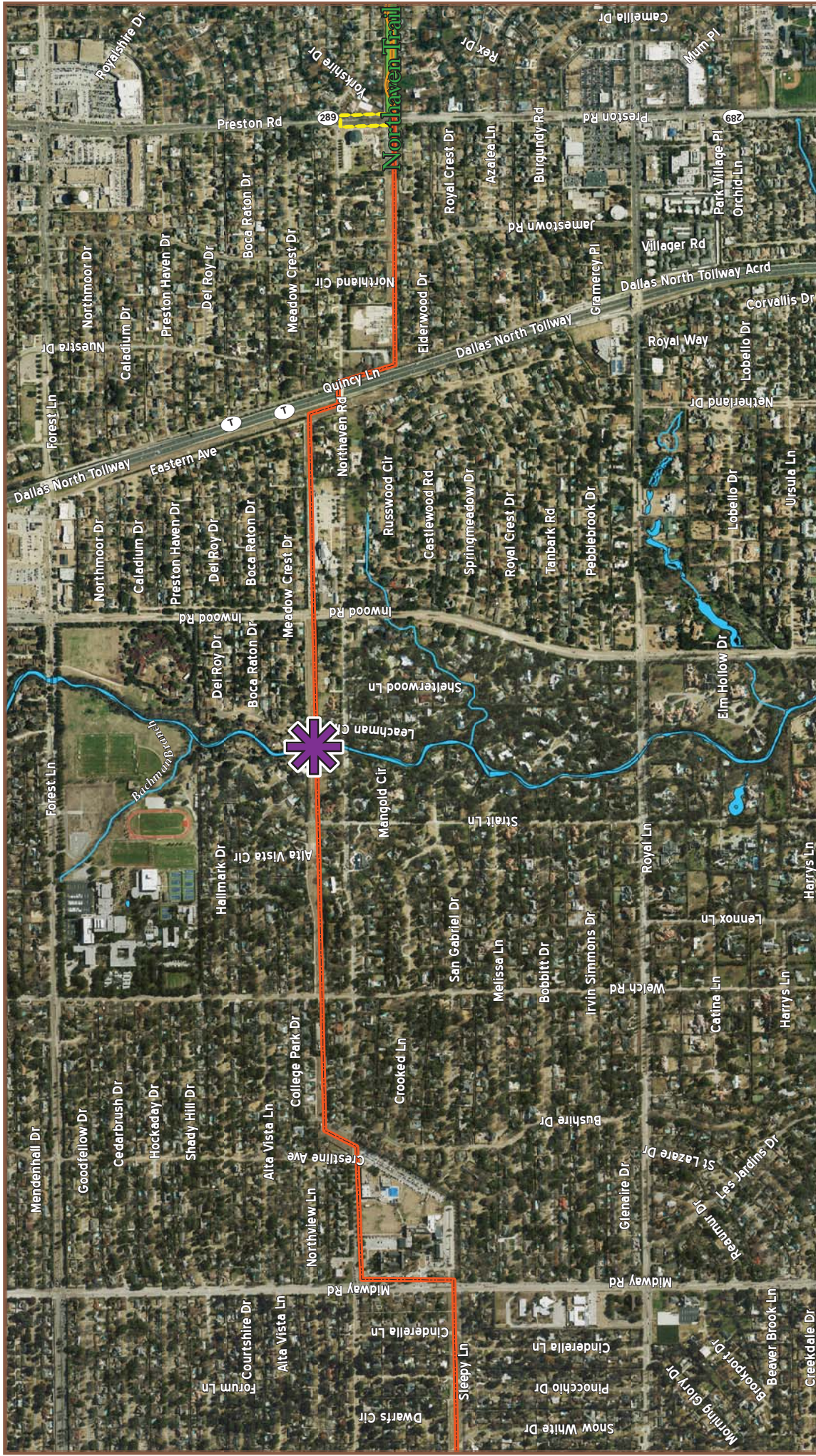
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Alliance Geotechnical Group	BMDB94986Y0117	\$5,000.00	1.88%
Urban Engineer Groups, Inc.	HFDB10630Y0716	\$207,887.00	78.04%
The Rios Group	HFDB27179Y0717	\$5,525.00	2.07%
Pacheco Koch & Associates	HMMB25567Y0917	\$2,500.00	0.94%
MS Dallas Reprographics, Inc.	WFWB64722Y0417	\$2,450.00	0.92%
Total Minority - Local		\$223,362.00	83.85%

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$5,000.00	1.88%	\$5,000.00	1.88%
Hispanic American	\$215,912.00	81.05%	\$215,912.00	81.05%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$2,450.00	0.92%	\$2,450.00	0.92%
Total	\$223,362.00	83.85%	\$223,362.00	83.85%



August 18, 2016

Northaven Trail (Preston Rd to Midway Rd)

Mapscos
24 B,C,D
25 A,B

District
13

September 14, 2016

WHEREAS, it is necessary to hire a firm to provide for design services for plans, specifications and cost estimates for Phase 2A for the Northaven Trail and the firm of Urban Engineers Group, Inc., has presented a proposal dated July 25, 2016 to provide for these services for a fee not to exceed \$266,387.

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 professional services contract with Urban Engineers Group, Inc. for design services for plans, specifications and cost estimates for Phase 2A for the Northaven Trail, in an amount not to exceed \$266,387.

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

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse an amount not to exceed \$266,387 to Urban Engineers Group, Inc. from (2012) Street and Transportation Improvement Fund, Fund 4U22, Department PBW, Unit S618, Activity HIBT, Object 4111, Program PB12S618, Commodity 92500, CT-PKR16019960, Vendor 511462.

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

AGENDA ITEM # 32

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

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 8

DEPARTMENT: Park & Recreation
Public Works Department

CMO: Willis Winters, 670-4071
Jill A. Jordan, P.E., 670-5299

MAPSCO: 65U X 75B

SUBJECT

Authorize a decrease in the contract with Northstar Construction, LLC to add a section of trail from Crouch Road to the new Singing Hills Recreation Center and associated work; and to delete a section of the trail from Crouch Road to Runyon Springs Branch and associated work for the Runyon Creek Trail located between Glendale Park and Camp Wisdom Road - Not to exceed (\$143,600), from \$2,497,700 to \$2,354,100 - Financing: General Obligation Commercial Paper Funds

BACKGROUND

The original contract was awarded to Northstar Construction, LLC, by City Council on April 27, 2016, by Resolution No. 16-0638 for trail improvements at Runyon Creek Trail located between Glendale Park to Camp Wisdom Road, in an amount not to exceed \$2,497,700.

This action is to authorize Change Order No. 1 to the contract with Northstar Construction, LLC, in an amount not to exceed (\$143,600), from \$2,497,700 to \$2,354,100 for a decrease in the contract to add a section of trail from Crouch Road to the new Singing Hills Recreation Center and associated work; and to delete a section of the trail from Crouch Road to Runyon Springs Branch and associated work for the Runyon Creek Trail. This action will provide a connection from the trail to the new Singing Hills Recreation Center.

ESTIMATED SCHEDULE OF PROJECT

Began Construction	June 2016
Complete Construction	June 2017

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 6, 2015, the Park and Recreation Board authorized proceeding with advertisement for construction procurement.

On March 10, 2016, the Park and Recreation Board deferred this item.

On April 7, 2016, the Park and Recreation Board authorized award of the contract.

City Council authorized award of the contract on April 27, 2016, by Resolution No. 16-0638.

On August 18, 2016, the Park and Recreation Board authorized award of Change Order No. 1.

Information about this item will be provided to the Quality of Life & Environment Committee on September 12, 2016.

FISCAL INFORMATION

2012 Bond Program (General Obligation Commercial Paper Funds) - (\$143,600)

Construction Contract	\$2,497,700
Change Order No. 1 (this action)	<u>(\$143,600)</u>
Total amount not to exceed	\$2,354,100

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Northstar Construction, LLC

White Male	4	White Female	0
Black Male	0	Black Female	0
Hispanic Male	12	Hispanic Female	1
Other Male	0	Other Female	0

OWNER

Northstar Construction, LLC

Michael A. Heimlich, President

MAP

Attached

BUSINESS INCLUSION & DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a decrease in the contract with Northstar Construction, LLC to add a section of trail from Crouch Road to the new Singing Hills Recreation Center and associated work; and to delete a section of the trail from Crouch Road to Runyon Springs Branch and associated work for the Runyon Creek Trail located between Glendale Park and Camp Wisdom Road - Not to exceed (\$143,600), from \$2,497,700 to \$2,354,100 - Financing: General Obligation Commercial Paper Funds

Northstar Construction, 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>This Action Amount</u>	<u>Revised Amount</u>	<u>Percent</u>
Local contracts	\$49,425.00	\$45,000.00	1.91%
Non-local contracts	(\$193,025.00)	\$2,309,100.00	98.09%
TOTAL CONTRACT	(\$143,600.00)	\$2,354,100.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

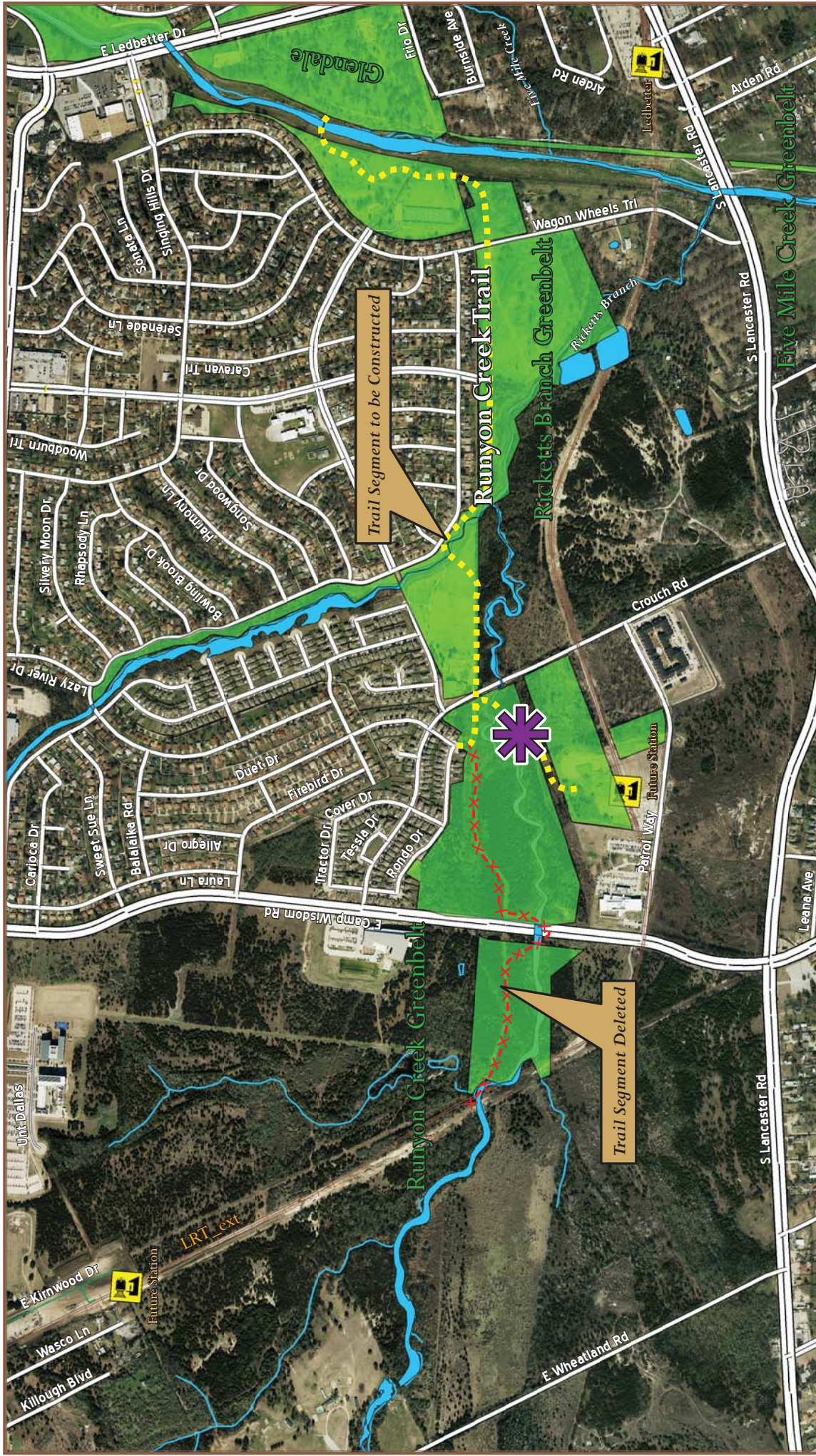
<u>Local</u>	<u>Certification</u>	<u>Revised This Action</u>	<u>Revised Amount</u>	<u>Percent</u>
CT & S Metalworks	WFDB68320Y1016	\$0.00	\$49,425.00	(34.41%)
Total Minority - Local		\$0.00	\$49,425.00	(34.41%)

Non-Local Contractors / Sub-Contractors

<u>Non-Local</u>	<u>Certification</u>	<u>Revised This Action</u>	<u>Revised Amount</u>	<u>Percent</u>
Martinez Construction Services	HMDB51622Y0616	\$0.00	\$4,000.00	0.17%
Cowtown RediMix	WFWB06682Y0916	\$0.00	(\$39,900.00)	-1.73%
Total Minority - Non-local		\$0.00	(\$35,900.00)	(1.55%)

TOTAL M/WBE PARTICIPATION

	<u>Original Amount</u>	<u>Percent</u>	<u>This Amount</u>	<u>Action Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$4,000.00	(2.79%)	\$146,040.00	6.20%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$9,525.00	(6.63%)	\$427,600.00	18.16%
	<hr/>	<hr/>	<hr/>	<hr/>
Total	\$13,525.00	(9.42%)	\$573,640.00	24.37%



August 18, 2016

Runyon Creek Trail (Glendale Park and Camp Wisdom Road)

Mapsc
65 U,X
75 B

District
8

September 14, 2016

WHEREAS, on April 27, 2016, by Resolution No. 16-0638, Northstar Construction, LLC was awarded a contract for trail improvements at Runyon Creek Trail located between Glendale Park to Camp Wisdom Road, in an amount not to exceed \$2,497,700.

WHEREAS, this action will authorize Change Order No. 1 to the contract with Northstar Construction, LLC for a decrease in the contract with Northstar Construction, LLC to delete a section of the trail from Crouch Road to Runyon Springs Branch and add a section of trail from Crouch Road to the new Singing Hills Recreation Center and associated work; and to delete a section of the trail from Crouch Road to Runyon Springs Branch and associated work for the Runyon Creek Trail located between Glendale Park and Camp Wisdom Road, in an amount not to exceed (\$143,600), decreasing the contract amount from \$2,497,700 to \$2,354,100.

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 Change Order No. 1 with Northstar Construction, LLC for a decrease in the contract with Northstar Construction, LLC to add a section of trail from Crouch Road to the new Singing Hills Recreation Center and associated work; and to delete a section of the trail from Crouch Road to Runyon Springs Branch and associated work for the Runyon Creek Trail located between Glendale Park and Camp Wisdom Road, in an amount not to exceed (\$143,600), decreasing the contract amount from \$2,497,700 to \$2,354,100.

SECTION 2. That the Chief Financial Officer is hereby authorized to reduce encumbrances in the amount of (\$143,600) from General Obligation Commercial Paper Fund, Fund 4U22, Department PBW, Unit S619, Object 4599, Activity HIBT, Program PB12S619, CT-PKR16019537, Commodity 91200, Vendor VS000060205.

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 # 33

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 1, 2, 14

DEPARTMENT: Planning and Urban Design
Convention and Event Services

CMO: Alan Sims, Chief of Neighborhood Plus, 670-1611
Ryan S. Evans, 671-9837

MAPSCO: 44 Z Y; 45 E F J K L P S T W; 54 B C D F G H

SUBJECT

Authorize a Funding Agreement between Dallas Area Rapid Transit, Downtown Dallas, Inc. and the City of Dallas for a one-year extension of the D-Link, downtown shuttle service operation - Not to exceed \$400,000 - Financing: Convention and Event Services Current Funds (subject to annual appropriations)

BACKGROUND

The downtown shuttle service operation commenced on November 4, 2013, as a two-year demonstration project to respond to the demand for a tourist focused downtown bus circulator service as well as plan the most appropriate shuttle to meet the needs of tourists, downtown residents, employees, and visitors. Dallas Area Rapid Transit (DART) collaborated with the City of Dallas and Downtown Dallas Inc. (DDI) and created Route 722, also referred to as the D-Link. The D-Link provides shuttle services to the Omni Convention Center Hotel, Klyde Warren Park, and the Perot Museum of Nature and Science along with other Central Business District and North Oak Cliff major destinations such as the Bishop Arts District.

An evaluation of the D-Link shuttle service operation has determined through the ridership numbers that it was well received by visitors, businesses and residents. Daily ridership exceeds initial projections, is consistent and peaks during major conventions and summer months. The route currently operates between Downtown Dallas and North Oak Cliff and also serves the Cedars Station in the evening hours. The operating schedule is Monday through Saturday every 15 minutes from 11:00 a.m. to 11:30 p.m. and there is no fee to utilize the service.

BACKGROUND (Continued)

The annual operating cost of this service is \$1.8 million. The City of Dallas (City) will contribute \$400,000 per year, Downtown Dallas, Inc. will contribute \$306,849 per year and the DART Board agreed to provide the remaining funds to operate the service. The City will make 12 monthly payments of \$33,333.33.

This action will authorize a Funding Agreement between Dallas Area Rapid Transit, Downtown Dallas, Inc. and the City of Dallas for a one-year extension of the downtown shuttle service operation with a financial contribution of \$400,000 annually.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was briefed to the Transportation and Trinity River Project Committee on August 22, 2016.

FISCAL INFORMATION

\$400,000.00 - Convention and Event Services Current Funds (subject to annual appropriations)

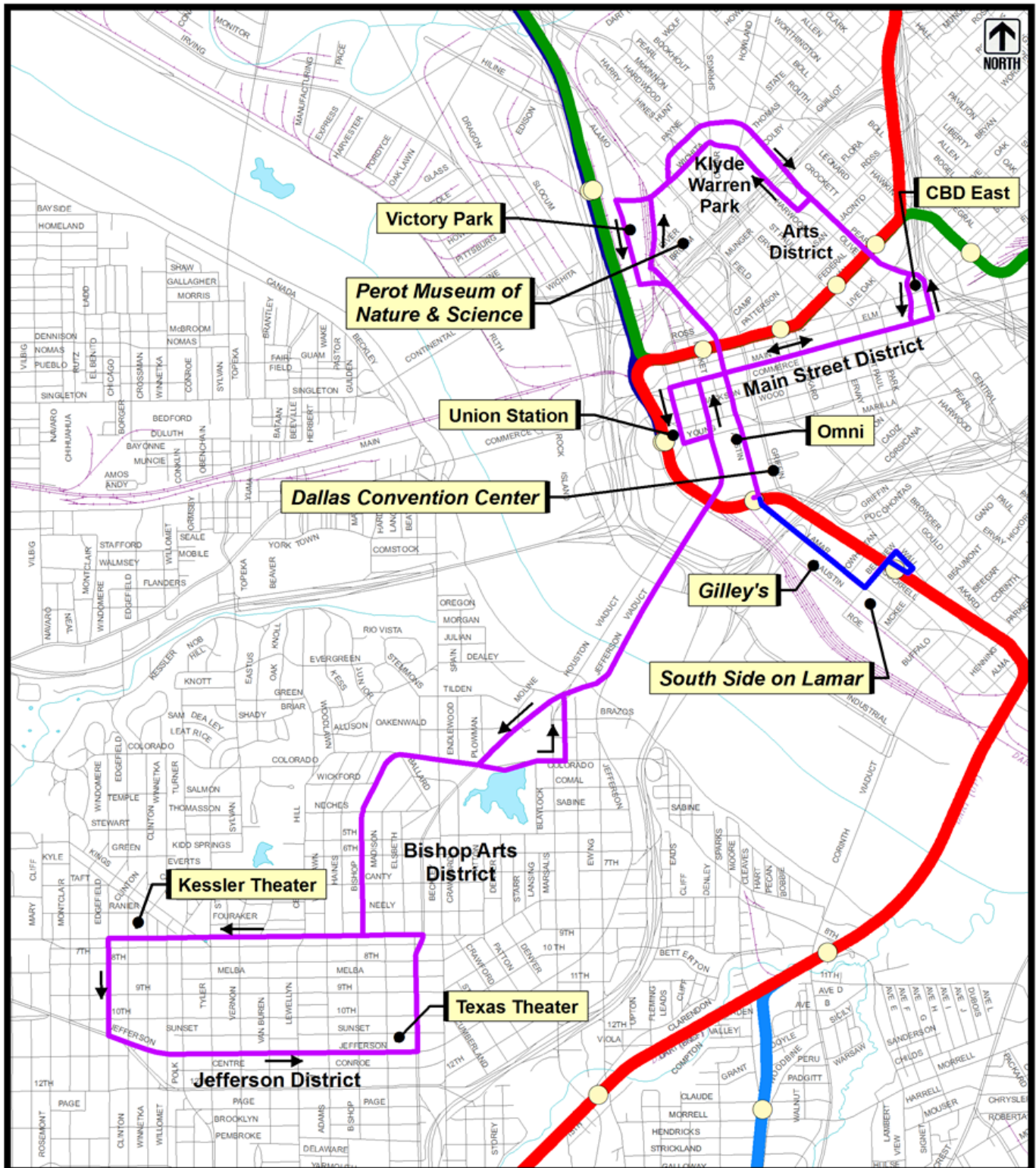
<u>Council District</u>	<u>Amount</u>
1	\$172,000
2	\$ 64,000
14	<u>\$164,000</u>
Total	\$400,000

MAP

Attached

ROUTE 722

Downtown - Edgefield Shuttle



September 14, 2016

WHEREAS, the increase in the Dallas convention business, downtown residential housings, growing employment base, and completed parks and attractions, Downtown Dallas, Inc. (DDI) has identified a specific need for bus circulator service to major destinations in and around the Central Business District; and,

WHEREAS, the City of Dallas, DDI, and Dallas Area Rapid Transit (DART) have collaborated to evaluate the demand for a tourist focused downtown bus service as well as plan the most appropriate shuttle to meet that need; and,

WHEREAS, DART proposes to conduct a two-year demonstration project of the Downtown Bus Circulator for approximately \$1,800,000 per year with annual contributions from the City of Dallas of \$400,000 and DDI in the amount of \$306,849; and,

WHEREAS, the City of Dallas, DART and DDI desire to enter into an agreement outlining the establishment of Route 722, detailing the proposed stops and hours of operation for the demonstration project; and,

WHEREAS, this agreement is intended to define the financial commitment and responsibilities of the Parties; and,

WHEREAS, it is now desirable to authorize a Funding Agreement between Dallas Area Rapid Transit, Downtown Dallas, Inc. and the City of Dallas for a one-year extension of the downtown shuttle service operation also known as the D-Link in an amount not to exceed \$400,000.00.

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 Funding Agreement between Dallas Area Rapid Transit, Downtown Dallas, Inc. and the City of Dallas for a one-year extension of the D-Link, downtown shuttle service operation in an amount not to exceed \$400,000.00.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in accordance with the terms and conditions of the agreement from Convention Center Operating Fund 0080, Dept. CCT, Unit 7840, Obj. 3099, Vendor No. 232802, in an amount not to exceed \$400,000.00 (subject to annual appropriations).

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

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 7

DEPARTMENT: Planning and Urban Design

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

MAPSCO: 49N P

SUBJECT

Authorize the City Manager to provide a Notice of Establishment for a Quiet Zone along the Union Pacific Railroad encompassing the Prairie Creek Road and Sam Houston Road crossings as required by the Federal Railroad Administration Final Train Horn Rule 49 CFR Parts 222 and 229, with the intent to establish a Quiet Zone - Financing: No cost consideration to the City

BACKGROUND

The sounding of locomotive train horns as they approach street grade crossings throughout the day and night negatively impacts the quality of life for those persons residing near the railroad crossing and also for those persons in the larger general area.

The Federal Railroad Administration (FRA) issued its Train Horn Rule in response to this concern. The Rule provides a detailed process to create a Quiet Zone which includes the issuance of a Notice of Intent by the City, a multi-agency diagnostic team site meeting, installation of any supplemental safety measures deemed necessary, followed by a Notice of Establishment by the City to affected agencies including the FRA, railroad operators, state agencies and the owners of the rail corridor.

Once the Quiet Zone is established, the routine use of train horns approaching grade crossings will no longer be required in the designated Quiet Zone. However, the train operator is permitted to utilize the horn as a warning to track workers, trespassers and animals on the tracks or in other potentially dangerous situations.

BACKGROUND (Continued)

A Notice of Intent to create the new Quiet Zone was issued on April 27, 2016. The Diagnostic Team, consisting of representatives from the City of Dallas, Texas Department of Transportation (TxDOT), Dallas County, North Central Texas Council of Governments (NCTCOG) and the FRA met on December 4, 2015. The Diagnostic Team identified the installation of advance warning railroad crossing signs and pavement markings at the Prairie Creek Road and Sam Houston Road crossings. In addition, the creation of a median with delineators within one-foot of the crossing gate is recommended for the Sam Houston Road crossing. The team determined the aforementioned supplemental safety measures as a substitute for the sounding of the locomotive horn.

The action proposed by this item will authorize the distribution of the required Notice of Establishment of a Quiet Zone encompassing the Prairie Creek Road and Sam Houston Road crossings to the FRA, TxDOT and Union Pacific Railroad in compliance with the FRA Final Train Horn Rule.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 27, 2016, City Council approved the Notice of Intent for establishing a Quiet Zone along the Union Pacific Railroad encompassing the Prairie Creek Road and Sam Houston Road crossings by Resolution No. 16-0644.

Information about this item will be provided to the Quality of Life & Environment Committee on September 12, 2016.

FISCAL INFORMATION

No cost consideration to the City

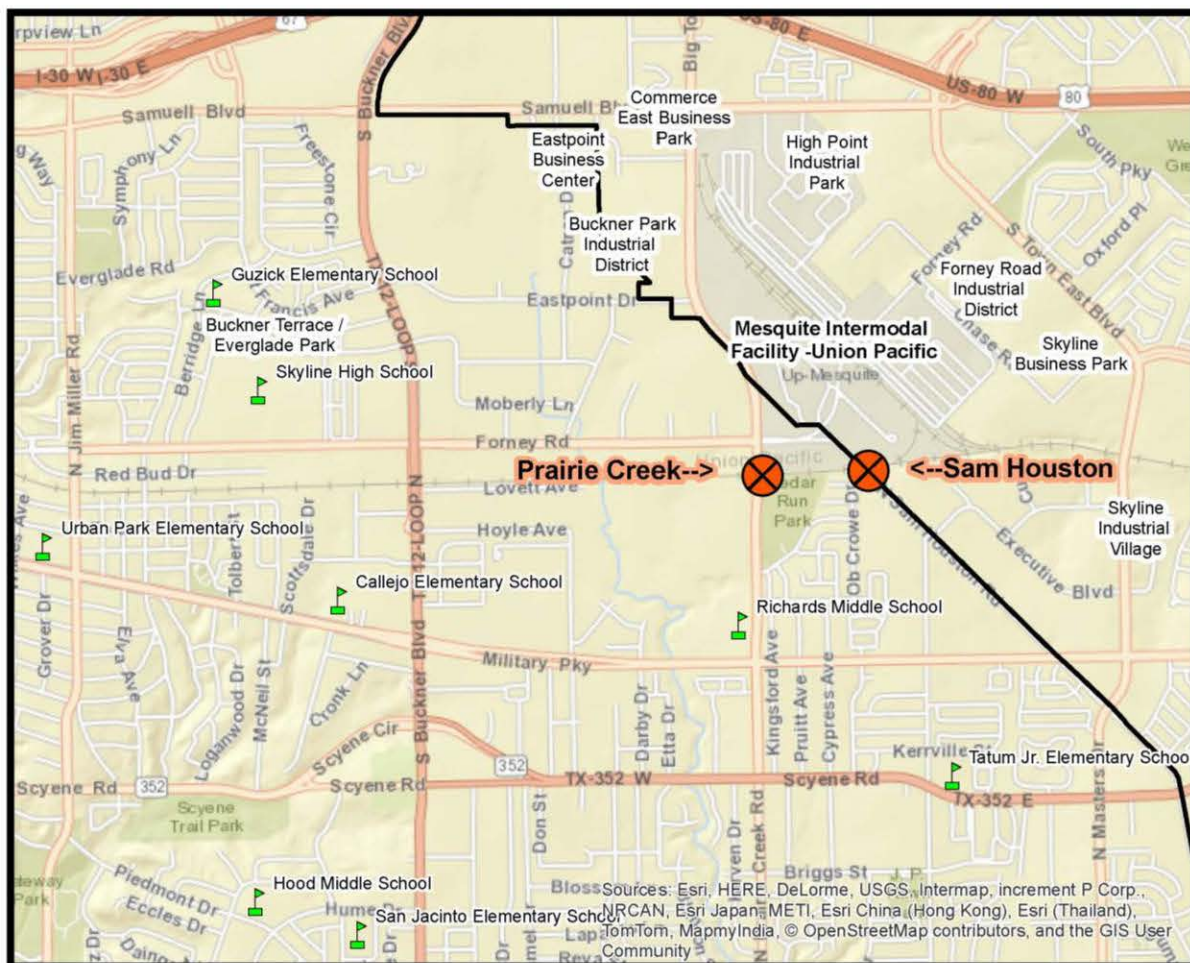
MAP

Attached

Union Pacific Railroad Crossings Quiet Zones

Council District: 7

MAPSCO: 49N,P



September 14, 2016

WHEREAS, the routine sounding of the locomotive train horn approaching street grade crossings has a negative effect on the quality of life for those persons living along the rail line and also for those persons in the larger general area; and

WHEREAS, the Federal Railroad Administration (FRA) has issued its Train Horn Rule that requires trains to sound their horns within a quarter-mile of a street grade crossing unless a Quiet Zone has been established by a public authority; and

WHEREAS, the establishment of a Quiet Zone is a detailed process that includes providing a Notice of Intent by the public authority, the implementation of appropriate supplemental and/ or alternative safety measures at the crossing deemed necessary by a multi-agency diagnostic team, followed by the City issuing the required Notice of Establishment of the Quiet Zone; and

WHEREAS, on April 27, 2016, City Council approved the Notice of Intent for establishing a Quiet Zone along the Union Pacific Railroad encompassing the Prairie Creek Road and Sam Houston Road crossings by Resolution No. 16-0644; and

WHEREAS, the City has installed the necessary supplemental and/or alternative safety measures at the Union Pacific Railroad encompassing the Prairie Creek Road and Sam Houston Road crossings; and

WHEREAS, the City desires to proceed with the implementation of the Quiet Zone along the Union Pacific Railroad encompassing the Prairie Creek Road and Sam Houston Road crossings by filing the required Notice of Establishment for a Quiet Zone.

NOW, THEREFORE,

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

Section 1. That the City Manager is hereby authorized to provide the required Notice of Establishment for a Quiet Zone along the Union Pacific Railroad encompassing the Prairie Creek Road and Sam Houston Road crossings as provided for in the FRA's Final Train Horn Rule.

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

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 14, 2016
COUNCIL DISTRICT(S): 7
DEPARTMENT: Public Works Department
CMO: Jill A. Jordan, P.E., 670-5299
MAPSCO: 56H

SUBJECT

Authorize a professional services contract with Huitt-Zollars, Inc., to provide design services, construction management services, and environmental services for the removal and replacement of seven 20,000-gallon underground fuel storage tanks and the removal of a 3,000-gallon secondary containment vault at the Southeast Service Center located at 2800 Municipal Street - Not to exceed \$191,255 - Financing: Current Funds

BACKGROUND

The City of Dallas' underground fuel storage tanks are overseen by the Office of Environmental Quality. The Office of Environmental Quality has put together a prioritized list of several outdated underground fuel storage tanks throughout the City that need to be replaced. The existing underground fuel storage tanks at the Southeast Service Center, located at 2800 Municipal Street are on that list of priorities to be replaced. These improvements are part of a program to remove and replace several outdated underground fuel storage tanks at several facilities throughout the City.

This action will authorize a professional services contract with Huitt-Zollars, Inc. for design services, construction management services and environmental services.

ESTIMATED SCHEDULE OF PROJECT

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

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Transportation and Trinity River Project Committee on September 12, 2016.

FISCAL INFORMATION

Current Funds - \$191,255.00

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Huitt-Zollars, Inc.

Hispanic Female	13	Hispanic Male	12
African-American Female	6	African-American Male	2
Other Female	2	Other Male	5
White Female	32	White Male	47

OWNER

Huitt-Zollars, Inc.

Bob Zollars, President

MAP

Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a professional services contract with Huitt-Zollars, Inc., to provide design services, construction management services, and environmental services for the removal and replacement of seven 20,000-gallon underground fuel storage tanks and the removal of a 3,000-gallon secondary containment vault at the Southeast Service Center located at 2800 Municipal Street - Not to exceed \$191,255 - Financing: Current Funds

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

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$181,955.00	95.14%
Total non-local contracts	\$9,300.00	4.86%
TOTAL CONTRACT	\$191,255.00	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	BMDB94986Y0117	\$14,400.00	7.91%
HVJ Associates Inc.	BMMB35607N0618	\$11,255.00	6.19%
Salcedo Group Inc.	HMDB94641Y1116	\$59,570.00	32.74%
Total Minority - Local		\$85,225.00	46.84%

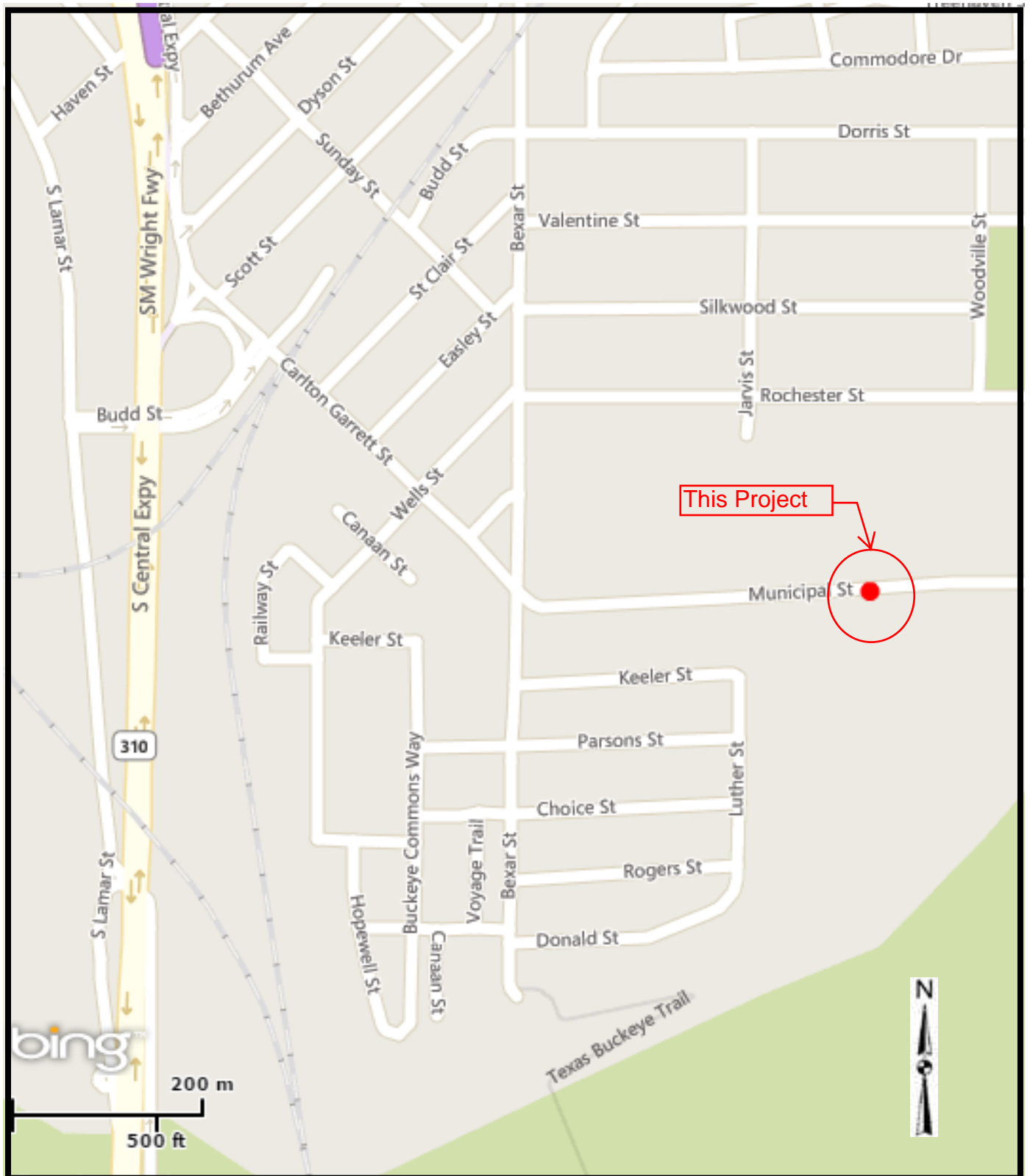
Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Eudacorp	BMDB56544Y0417	\$9,300.00	100.00%
Total Minority - Non-local		\$9,300.00	100.00%

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$25,655.00	14.10%	\$34,955.00	18.28%
Hispanic American	\$59,570.00	32.74%	\$59,570.00	31.15%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
	<hr/>	<hr/>	<hr/>	<hr/>
Total	\$85,225.00	46.84%	\$94,525.00	49.42%

Southeast Service Center Underground Storage Tank Replacements



Southeast Service Center

2800 Municipal Street
56 H

September 14, 2016

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

WHEREAS, the existing underground storage tanks located at the Southeast Service Center have reached the end of their useful service life, are now out of date, and need to be replaced as part of a program to remove and replace outdated tanks at several City of Dallas facilities; and,

WHEREAS, it is now desirable to authorize a professional services contract with Huitt-Zollars, Inc. to provide design services, construction management services, and environmental services for the removal and replacement of the underground fuel storage tanks and the removal of a secondary containment vault, in an amount not to exceed \$191,255.00.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to enter into a professional services contract with Huitt-Zollars, Inc. to provide design services, construction management services and environmental services for the removal and replacement of seven 20,000-gallon underground fuel storage tanks and the removal of a 3,000-gallon secondary containment vault at the Southeast Service Center, in an amount not to exceed \$191,255.00, 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:

Current Funds	
Fund 0001, Dept. PBW, Unit 3186, Act. MMCF	
Obj. 4110, Program #PBCUR029, CT PBW3186G01	
Vendor #090025, in an amount not to exceed	\$191,255.00

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

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 6

DEPARTMENT: Public Works Department
Planning and Urban Design

CMO: Jill A. Jordan, P.E., 670-5299
Alan Sims, Chief of Neighborhood Plus, 670-1611

MAPSCO: 42U Y 52C

SUBJECT

Authorize an increase in the construction contract with Pavecon Public Works, LP for additional work associated with the construction of a 12 foot-wide bicycle facility that will connect the Chalk Hill Road project's dedicated on-street bicycle lanes with the planned Chalk Hill Trail Project - Not to exceed \$357,143, from \$9,099,662 to \$9,456,805 - Financing: Current Funds (subject to appropriations)

BACKGROUND

On November 10, 2015, Resolution No. 15-2130 authorized a construction contract with Pavecon Public Works, LP for street paving, storm drainage, streetscape, landscape, traffic signal, water and wastewater improvements on Chalk Hill Road from Davis Street to IH 30 frontage road. The Chalk Hill Road project will provide a new four-lane divided roadway with sidewalks and dedicated bicycle lanes. This action will authorize Change Order No. 1 to the contract with Pavecon Public Works, LP for additional work associated with the construction of a 12-foot wide bicycle facility that will connect the project's on-street bicycle lanes to the planned Chalk Hill Trail project being led by Dallas County and scheduled to start construction in late 2017.

ESTIMATED SCHEDULE OF PROJECT

Began Design	February 2008
Completed Design	August 2015
Began Construction	March 2016
Complete Construction	January 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with PB Americas, Inc. dba Parsons Brinckerhoff Americas, Inc. for engineering services on January 23, 2008, by Resolution No. 08-0324.

Authorized approval of the proposed alignments for Chalk Hill Road from West Davis Street to 800 feet south of I-30 eastbound frontage road on May 26, 2010, by Resolution No. 10-1330.

Authorized Supplemental Agreement No. 1 to the professional services contract with PB Americas, Inc. dba Parsons Brinckerhoff Americas, Inc. for additional engineering and survey services on December 8, 2010, by Resolution No. 10-3076.

Authorized paving improvements and a benefit assessment hearing for Chalk Hill Road from West Davis Street to 800 feet south of IH 30 eastbound frontage road on September 22, 2015, by Resolution No. 15-1772.

Authorized a benefit assessment hearing; an ordinance levying assessment; and a construction contract with Pavecon Public Works, LP for Chalk Hill Road from West Davis Street to 800 feet south of IH 30 on November 10, 2015, by Resolution No. 15-2130.

Authorized a professional services contract with Alliance Geotechnical Group, Inc. for construction material testing services for Chalk Hill Road from West Davis Street to 800 feet south of IH 30 eastbound frontage road on November 10, 2015, by Resolution No. 15-2131.

Authorized Supplemental Agreement No. 2 to the professional services contract with Parsons Brinckerhoff, Inc. for additional engineering services on December 9, 2015, by Resolution No. 15-2221.

Information about this item will be provided to the Transportation and Trinity River Project Committee on September 12, 2016.

FISCAL INFORMATION

Current Funds - \$357,142.86 (subject to appropriations)

Design	\$ 464,096.20
Supplemental Agreement No. 1	\$ 54,551.50
Supplemental Agreement No. 2	\$ 94,000.70
Materials Testing	\$ 90,924.50
Construction	
Paving & Drainage - (PBW)	\$ 7,676,673.42
Water & Wastewater - (DWU)	\$ 1,422,988.82
Change Order No. 1 (this action)	<u>\$ 357,142.86</u>
Total Project Cost	\$10,160,378.00

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Pavecon Public Works, LP

Hispanic Female	2	Hispanic Male	113
African-American Female	0	African-American Male	1
Other Female	0	Other Male	0
White Female	3	White Male	20

OWNER

Pavecon Public Works, LP

Marty Murphy, President

MAP

Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize an increase in the construction contract with Pavecon Public Works, LP for additional work associated with the construction of a 12 foot-wide bicycle facility that will connect the Chalk Hill Road project's dedicated on-street bicycle lanes with the planned Chalk Hill Trail Project - Not to exceed \$357,143, from \$9,099,662 to \$9,456,805 - Financing: Current Funds (subject to appropriations)

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

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$0.00	0.00%
Non-local contracts	\$357,142.86	100.00%
TOTAL THIS ACTION	\$357,142.86	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

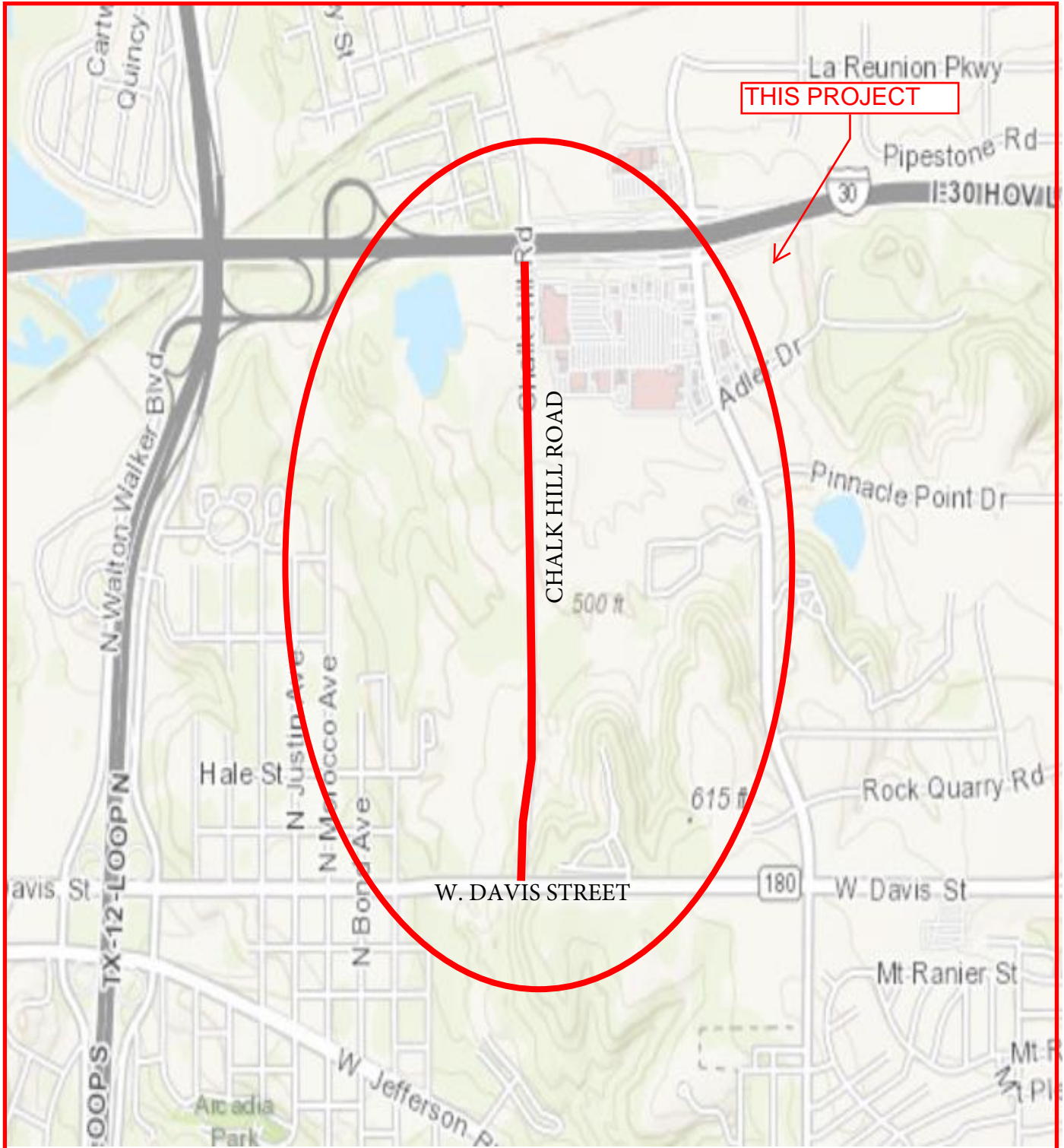
Non-Local Contractors / Sub-Contractors

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%	\$2,672,285.15	28.26%
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%	\$283,575.60	3.00%
Total	\$0.00	0.00%	\$2,955,860.75	31.26%

CHALK HILL ROAD (SOUTH)
FROM DAVIS STREET TO I-30 FRONTAGE ROAD



MAPSCO 42U, Y, 52C

September 14, 2016

WHEREAS, on January 23, 2008, Resolution No. 08-0324 authorized a professional services contract with PB Americas, Inc. dba Parson Brinckerhoff Americas, Inc. for the design of paving, drainage, water and wastewater main improvements on Chalk Hill Road from West Davis Street to 800' south of the IH 30 eastbound frontage road and Chalk Hill Road from the IH 30 westbound frontage road to Singleton Boulevard in the amount of \$464,096.20; and,

WHEREAS, on May 26, 2010, Resolution No. 10-1330 established and approved the alignment of Chalk Hill Road from West Davis Street to 800' south of the IH 30 eastbound frontage road and Chalk Hill Road from the IH 30 westbound frontage road to Singleton Boulevard, from its current alignment to the proposed alignment; and,

WHEREAS, on December 8, 2010, Resolution No. 10-3076 authorized Supplemental Agreement No. 1 to the professional services contract with PB Americas, Inc. dba Parson Brinckerhoff Americas, Inc. for additional engineering and survey services for the Chalk Hill Road Project in the amount of \$54,551.50, from \$464,096.20 to \$518,647.70; and,

WHEREAS, on September 4, 2015, bids were received for street paving, storm drainage, street lighting, landscaping, water and wastewater main improvements for Chalk Hill Road from West Davis Street to 800 feet south of the IH 30 eastbound frontage road; and,

WHEREAS, on September 22, 2015, Resolution No. 15-1772 authorized street paving improvements and a benefit assessment hearing for Chalk Hill Road from West Davis Street to 800 feet south of the IH 30 eastbound frontage road; and a construction contract with Pavecon Public Works, LP for the construction of street paving, storm drainage, street lighting, landscaping, water and wastewater main improvements for Chalk Hill Road from West Davis Street to 800 feet south of the IH 30 eastbound frontage road in the amount of \$9,099,662.24; and,

WHEREAS, on November 10, 2015, Resolution No. 15-2130 authorized a benefit assessment hearing; an ordinance levying assessment; and,

WHEREAS, on November 10, 2015, Resolution No. 15-2131 authorized a professional services contract with Alliance Geotechnical Group, Inc. to provide construction material testing services during the construction of Chalk Hill Road from West Davis Street to 800 feet south of the IH 30 eastbound frontage road in the amount of \$90,924.50; and,

September 14, 2016

WHEREAS, on December 9, 2015, Resolution No. 15-2221 authorized Supplemental Agreement No. 2 to the professional services contract with Parsons Brinckerhoff, Inc. for additional engineering services for Chalk Hill Road on West Davis Street to 800 feet south of the IH 30 eastbound frontage road and Chalk Hill Road from the IH 30 westbound frontage road to Singleton Boulevard in the amount of \$94,000.70, from \$518,647.70 to \$612,648.40; and,

WHEREAS, it is now necessary to authorize Change Order No. 1 to the construction contract with Pavecon Public Works, LP for additional work associated with the construction of a 12 foot-wide bicycle facility that will connect the Chalk Hill Road project's dedicated on-street bicycle lanes with the planned Chalk Hill Trail Project in the amount of \$357,142.86, from \$9,099,662.24 to \$9,456,805.10.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute Change Order No. 1 to the construction contract with Pavecon Public Works, LP for additional work associated with the construction of a 12 foot-wide bicycle facility that will connect the Chalk Hill Road project's dedicated on-street bicycle lanes with the planned Chalk Hill Trail Project in the amount of \$357,142.86, from \$9,099,662.24 to \$9,456,805.10 (subject to appropriations), 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:

Current Funds

Fund 0001, Department PNV, Unit 1579, Act. ECNR

Obj. 4510, Program #PB06U781, CT PBW06U781B1

Vendor #VS89455, in an amount not to exceed \$357,142.86

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

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 4, 5, 8

DEPARTMENT: Public Works Department

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

MAPSCO: 54V 59X 70F

SUBJECT

Authorize Supplemental Agreement No. 1 to the professional services contract with Teague Nall and Perkins, Inc. for additional engineering design and survey services for three street petition improvement projects (list attached) - Not to exceed \$64,926, from \$178,092 to \$243,018 - Financing: 2012 Bond Funds

BACKGROUND

The 2012 Bond Program included funding for numerous alley petition and street petition projects. On December 11, 2013, Resolution No. 13-2072 authorized a professional services contract with Teague Nall and Perkins, Inc. for the engineering design of two alley petition and three street petition improvement projects. The design of the two alleys is complete and scheduled for construction award on August 24, 2016.

This action will authorize Supplemental Agreement No. 1 to the professional services contract with Teague Nall and Perkins, Inc. to provide additional drainage improvements required for Crenshaw Drive from Cushing Drive to Old Seagoville Road, Fernheath Lane from South Beltline Road to Dead End and Michigan Avenue from Saner Avenue to Hobson Avenue. These improvements will include performing the necessary drainage study to help evaluate and mitigate the impact of peak discharges from Fernheath Lane on neighboring properties, conducting additional topographic surveys and preparing right-of-way and easement documentation.

ESTIMATED SCHEDULE OF PROJECT

Began Design	March 2014
Complete Design	March 2017
Begin Construction	August 2017
Complete Construction	December 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract for engineering services with Teague Nall and Perkins, Inc. on December 11, 2013, by Resolution No. 13-2072.

Information about this item will be provided to the Transportation and Trinity River Project Committee on September 12, 2016.

FISCAL INFORMATION

2012 Bond Funds - \$64,925.31

Design	\$ 178,093.50
Supplemental Agreement No. 1 (this action)	\$ 64,925.31
Construction	
Paving & Drainage - PBW	<u>\$1,665,616.15 (est.)</u>
Total Project Cost	\$1,908,634.96 (est.)

<u>Council District</u>	<u>Amount</u>
4	\$ 8,706.41
5	\$11,848.53
8	<u>\$44,370.37</u>
Total	\$64,925.31

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Teague Nall and Perkins, Inc.

Hispanic Female	3	Hispanic Male	13
African-American Female	1	African-American Male	1
Other Female	1	Other Male	4
White Female	17	White Male	77

OWNER

Teague Nall and Perkins, Inc.

Chris Schmitt, P.E., Principal

MAPS

Attached.

Street Petition Improvement Projects

<u>Project</u>	<u>Council District</u>	<u>Amount</u>
Crenshaw Drive from Cushing Drive to Old Seagoville Road	5	\$11,848.53
Fernheath Lane from South Beltline Road to Dead End	8	\$44,370.37
Michigan Avenue from Saner Avenue to Hobson Avenue	4	\$ 8,706.41

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 1 to the professional services contract with Teague Nall and Perkins, Inc. for additional engineering design and survey services for three street petition improvement projects (list attached) - Not to exceed \$64,926, from \$178,092 to \$243,018 - Financing: 2012 Bond Funds

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

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$64,925.31	100.00%
Non-local contracts	\$0.00	0.00%
TOTAL THIS ACTION	\$64,925.31	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>
Hayden Consultants	WFDB43038Y0817	\$15,196.00	23.41%
Total Minority - Local		\$15,196.00	23.41%

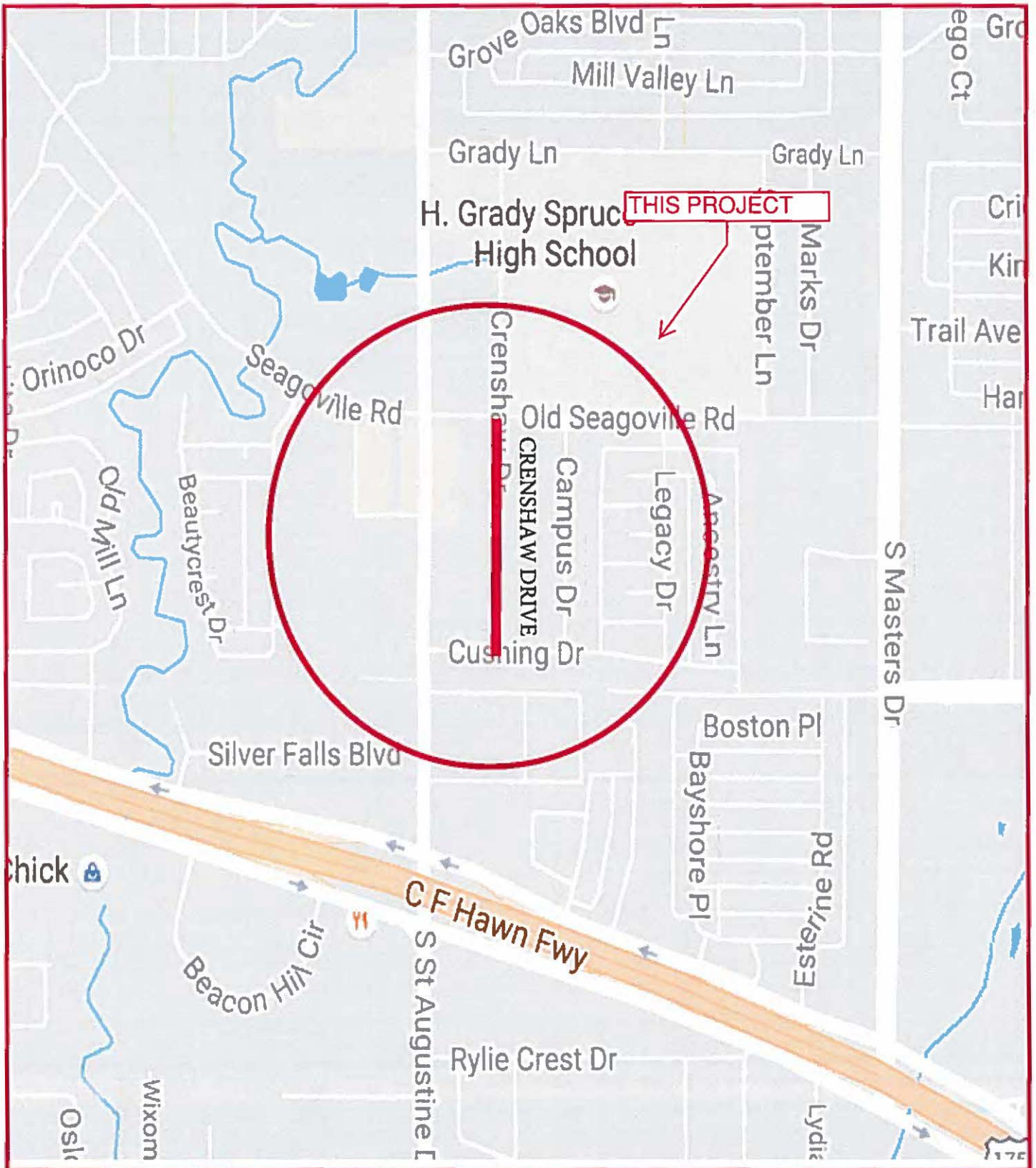
Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$19,334.50	7.96%
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	\$15,196.00	23.41%	\$50,616.00	20.83%
Total	\$15,196.00	23.41%	\$69,950.50	28.78%

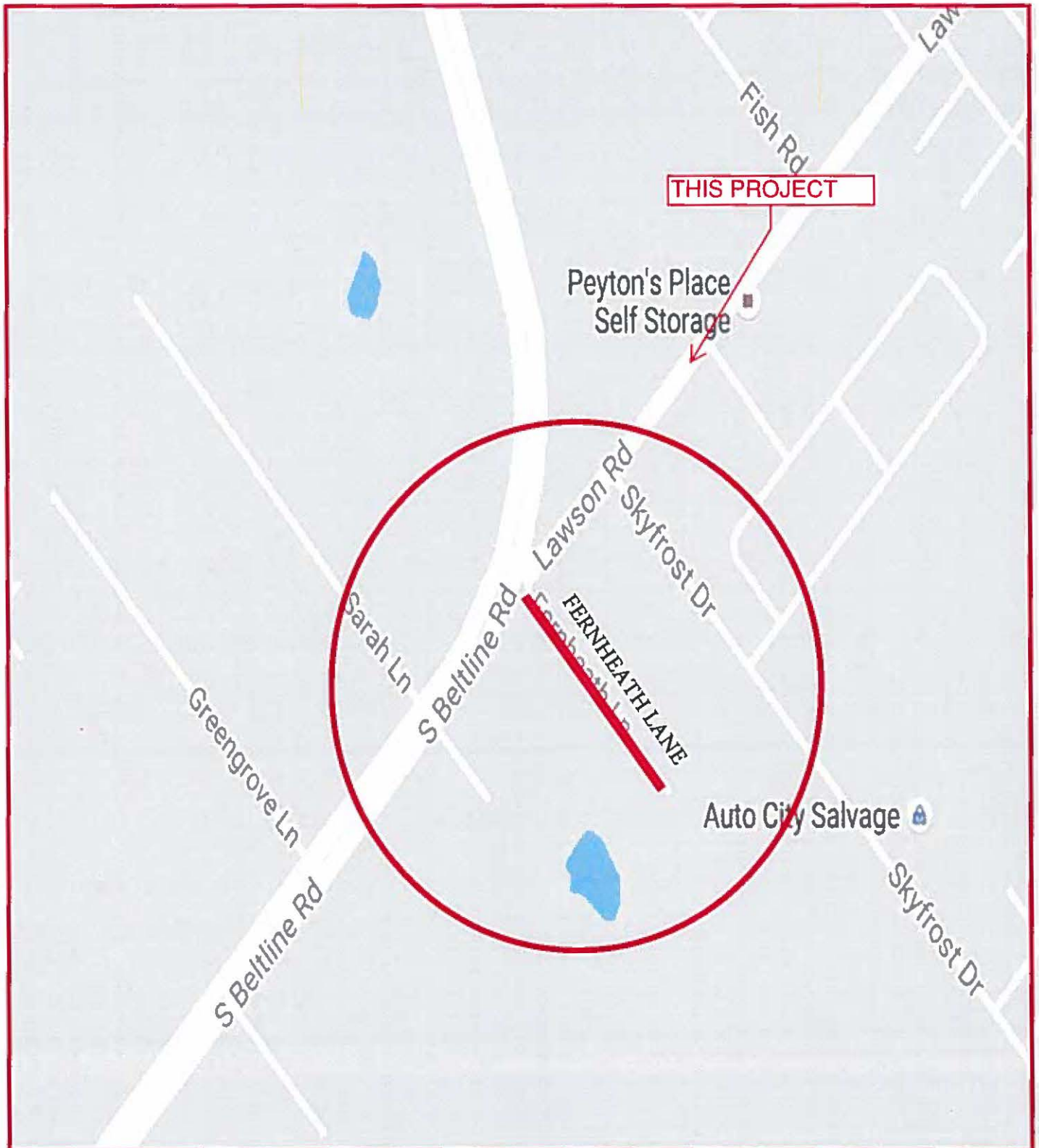
STREET PETITION
CRENSHAW DRIVE FROM CUSHING DRIVE TO OLD
SEAGOVILLE ROAD



MAPSCO 59X

STREET PETITION

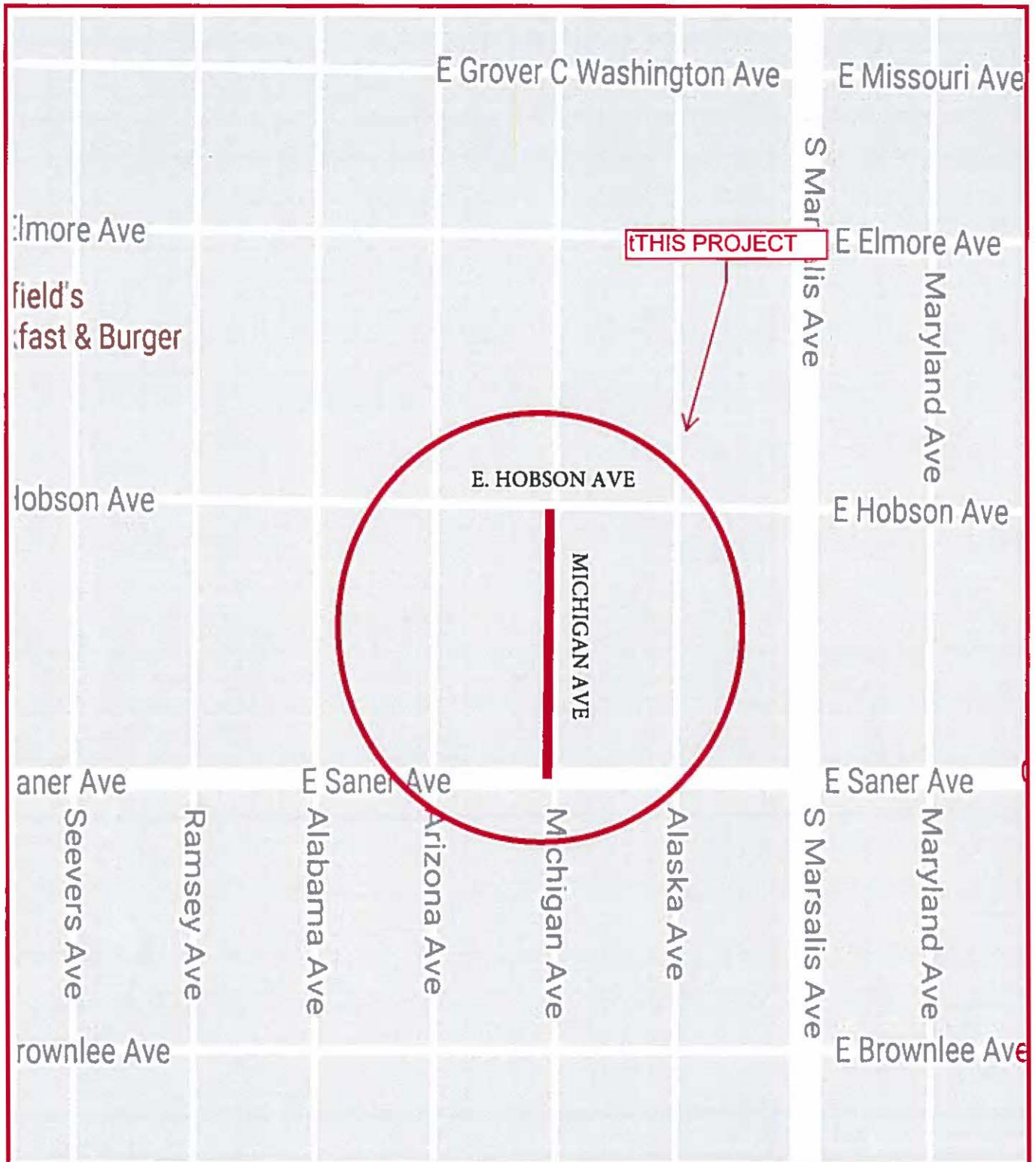
FERNHEATH LANE FROM SOUTH BELTLINE ROAD TO DEAD END



MAPSCO 70F

STREET PETITION

MICHIGAN AVENUE FROM SANER AVENUE TO EAST HOBSON AVENUE



MAPSCO 54V

September 14, 2016

WHEREAS, Teague Nall and Perkins, Inc. was selected to provide the engineering design for two alley petition and three street petition improvement projects.

WHEREAS, on December 11, 2013, Resolution No. 13-2072 authorized a professional services contract with Teague Nall and Perkins, Inc. for the engineering design of two alley and three street petition improvement projects in the amount of \$178,093.50; and,

WHEREAS, it is now necessary to authorize Supplemental Agreement No. 1 to the professional services contract with Teague Nall and Perkins, Inc. for additional engineering design and survey services for street petition projects on Crenshaw Drive from Cushing Drive to Old Seagoville Road, Fernheath Lane from South Beltline Road to Dead End and Michigan Avenue from Saner Avenue to Hobson Avenue in the amount of \$64,925.31, from \$178,093.50 to \$243,081.81.

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 Teague Nall and Perkins, Inc. for additional engineering design and survey services for street petition improvement projects on Crenshaw Drive from Cushing Drive to Old Seagoville Road, Fernheath Lane from South Beltline Road to Dead End and Michigan Avenue from Saner Avenue to Hobson Avenue, in the amount of \$64,925.31, from \$178,093.50 to \$243,018.81, 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:

Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S423, Act. STPT Obj. 4111, Program #PB12S423, CT PBW12S204C1 Vendor #510848, in an amount not to exceed	\$ 8,706.41
Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S418, Act. STPT Obj. 4111, Program #PB12S418, CT PBW12S204C1 Vendor #510848, in an amount not to exceed	\$11,848.53

September 14, 2016

Street and Transportation Improvements Fund	
Fund 2U22, Department PBW, Unit S420, Act. STPT	
Obj. 4111, Program #PB12S420, CT PBW12S204C1	
Vendor #510848, in an amount not to exceed	<u>\$44,370.37</u>
 Total amount not to exceed	 \$64,925.31

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 # 38

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Street Services

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

MAPSCO: All

SUBJECT

Authorize an increase in the contract with NPL Construction Co. for additional paving and infrastructure repairs at various locations throughout the city - Not to exceed \$6,732,645, from \$50,716,527 to \$57,449,172 - Financing: Current Funds (subject to annual appropriations)

BACKGROUND

This action will authorize the increase in funding to provide pavement and infrastructure repairs at various locations throughout the city.

The existing paving services contract with NPL Construction Co. provides items of work needed for concrete and asphalt street repairs in support of the Department of Street Services. The existing contract was intended to be a two-year term contract, based on annual appropriations.

The Department of Street Services received funding for street repairs in the FY2015-2016 budget that exceeded expectations for the planned annual workload. NPL Construction Co. completed the construction items provided in the contract and additional funds are needed to continue street repairs until a new contract can be advertised and implemented. This change order authorizes additional quantities for the items of work needed to complete the additional street repairs.

ESTIMATED SCHEDULE OF PROJECT

Began services	September 2015
Complete services	September 2017

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a twenty-four-month service contract with NPL Construction Co., for pavement and infrastructure repairs at various locations throughout the City on August 26, 2015, by Resolution No. 15-1577.

Information about this item will be provided to the Transportation and Trinity River Project Committee on September 12, 2016.

FISCAL INFORMATION

\$6,732,644.96 - Current Funds (subject to annual appropriations)

Construction Contract	\$ 50,716,526.57
Change Order No. 1 (this action)	<u>\$ 6,732,644.96</u>

Total Project Cost	\$ 57,449,171.53
--------------------	------------------

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

NPL Construction Co.

White Male	20	White Female	3
Black Male	7	Black Female	0
Hispanic Male	65	Hispanic Female	1
Other Male	1	Other Female	0

OWNER

NPL Construction Co.

Jim Kane, President

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize an increase in the contract with NPL Construction Co. for additional paving and infrastructure repairs at various locations throughout the city - Not to exceed \$6,732,645, from \$50,716,527 to \$57,449,172 - Financing: Current Funds (subject to annual appropriations)

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

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$6,732,644.96	100.00%
Non-local contracts	\$0.00	0.00%
TOTAL THIS ACTION	\$6,732,644.96	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

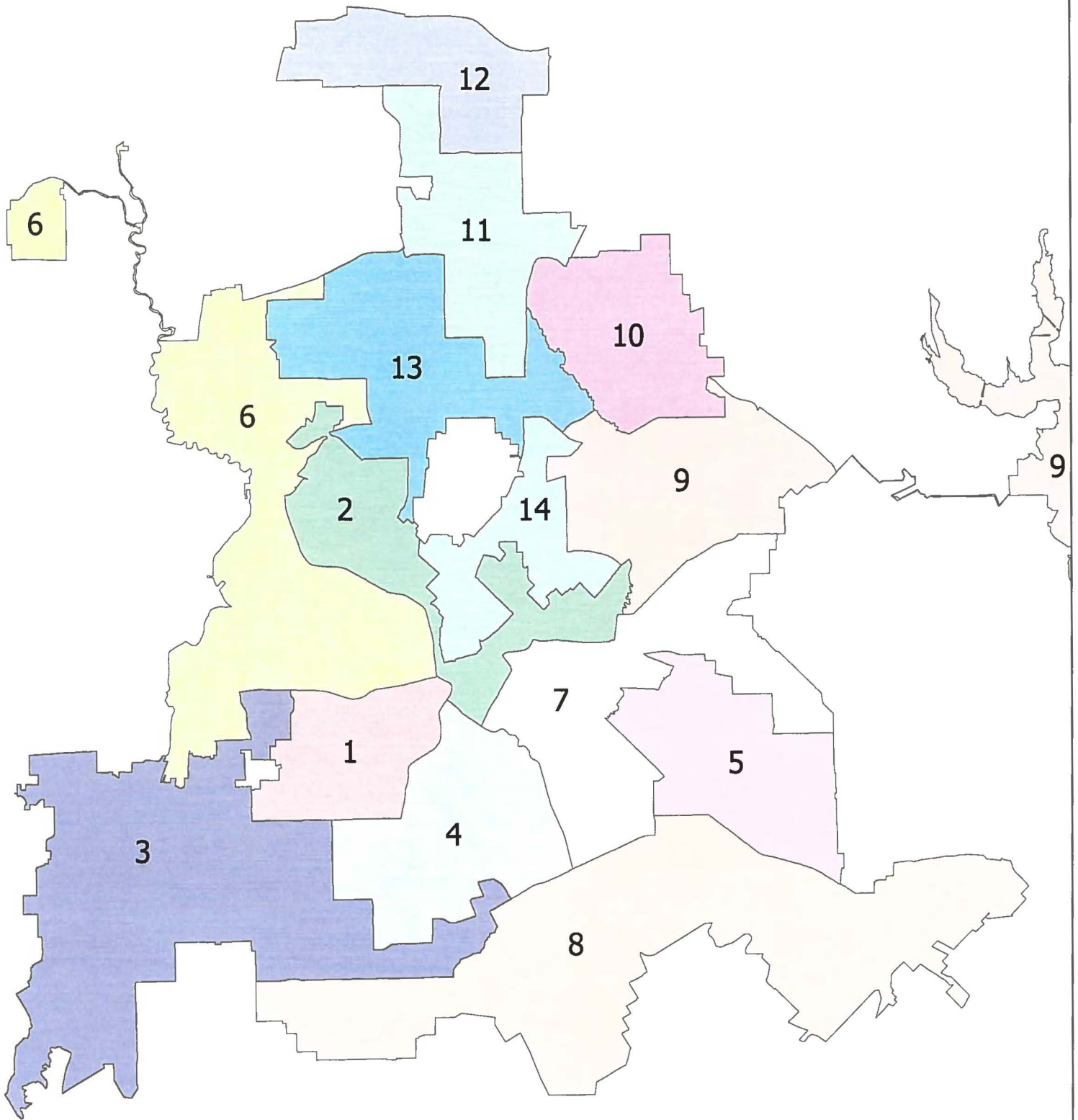
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
RC Paving Inc.	HMMB63103N0916	\$1,683,161.24	25.00%
Total Minority - Local		\$1,683,161.24	25.00%

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%	\$3,503,000.00	6.10%
Hispanic American	\$1,683,161.24	25.00%	\$9,922,161.24	17.27%
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%	\$4,000.00	0.01%
Total	\$1,683,161.24	25.00%	\$13,429,161.24	23.38%



Pavement Repairs on City of Dallas
Infrastructures at Various Locations
Contract No. 8

September 14, 2016

WHEREAS, on August 26, 2015, the City Council authorized a twenty-four-month service contract for pavement and infrastructure repairs at various locations throughout the city in the amount of \$50,716,526.57, by Resolution No. 15-1577, to NPL Construction, Co.; and,

WHEREAS, the Department of Street Services received additional funds for street maintenance improvements for FY 2015-16; and,

WHEREAS, NPL Construction Co., 2638 Oakland Avenue, Garland, Texas 75041, has submitted an acceptable proposal for the additional work; and,

WHEREAS, the Department of Street Services recommends that the contract be increased by \$6,732,644.96, from \$50,716,526.57 to \$57,449,171.53.

NOW, THEREFORE,

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

Section 1. That the City Manager is hereby authorized to increase the contract with NPL Construction Co. for Change Order No. 1 for additional paving and infrastructure repairs at various locations throughout the city in an amount not to exceed \$6,732,645, from \$50,716,527 to \$57,449,172, after approval as to form by the City Attorney.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$6,732,644.96 from the Department of Street Services Current Funds (subject to annual appropriations) as follows:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>VENDOR</u>
0001	STS	3431	2510	335435

NPL Construction Co. - \$ 6,732,644.96 (subject to annual appropriations)

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

AGENDA ITEM # 39

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 1, 2, 3, 4, 6, 7, 8

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 34G 43K 46R T U V X Y Z 47S W 53K V 54Z 55E F G L R X Z
56A B C D G T Y 58X 64G Q 65A G 66N S X 70J 74G 76L

SUBJECT

Authorize the quitclaim of 65 properties acquired by the taxing authorities from the Tax Foreclosure Sheriff's Sale to the highest bidders; and authorize the execution of release of liens for any non-tax liens that may have been filed by the City and were included in the foreclosure judgment (list attached) - Revenue: \$758,872

BACKGROUND

This item authorizes the quitclaim of 65 properties that were foreclosed by the Sheriff's Department for unpaid taxes pursuant to judgments or seizure warrants from a District Court and the release of liens for any non-tax liens that may have been filed by the City and were included in the foreclosure judgment. These properties are being sold to the highest bidders and will return to the tax rolls upon conveyance.

Successful bidders are required to sign a certification stating that they are not purchasing these properties on behalf of the foreclosed owners and that they have no debts owed to the City, no pending code violations and are not chronic code violators.

All properties were reviewed by the Housing Department for infill housing and were not desired for that program.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Economic Development Committee was provided information regarding this item on September 2, 2016.

FISCAL INFORMATION

Revenue: \$758,872

OWNERS

GCJS Enterprises, LLC

Gaythell Smith, Managing Member

Nearer to Nature, LLC

Timothy Lukas Petrash, Managing Member

Nextlots Now L.L.C.

Lee J. Schmitt, Managing Member

Spring 3242 Realty, LLC

Katie Chen, Managing Member

Title & Title Properties, LLC

W. Justin Title, Managing Member

Tri-Capital Equities LLC

Jordan DSilva, Managing Member

Abigail Vargas

Andrew Pepper

Cesar Carrillo

Chaowen Lin

Devan Earle

Doric Earle

Herlinda Sanchez

Hiram Roman

Howard Gorman

Jesus Gomez

Jose Zaragoza

OWNERS (Continued)

Juan Solis

Julio Florez Marin

Kimberly Lopez

Lane Topletz

Leopoldo Lopez

Lessel Meredith

M. W. Resnick

Maria Hernandez

Maria Schneider

Martin Wiggins

Monica Raofpur

Pourya Zandi

Rickey C. Thompson

Rodolfo Guel

Saul Vargas

Semira Rezaie

The Johnnie Walker Blue Trust

Virginia Franco

MAP

Attached

**TAX FORECLOSED AND SEIZURE WARRANT PROPERTY RESALES
PROPERTY LIST**

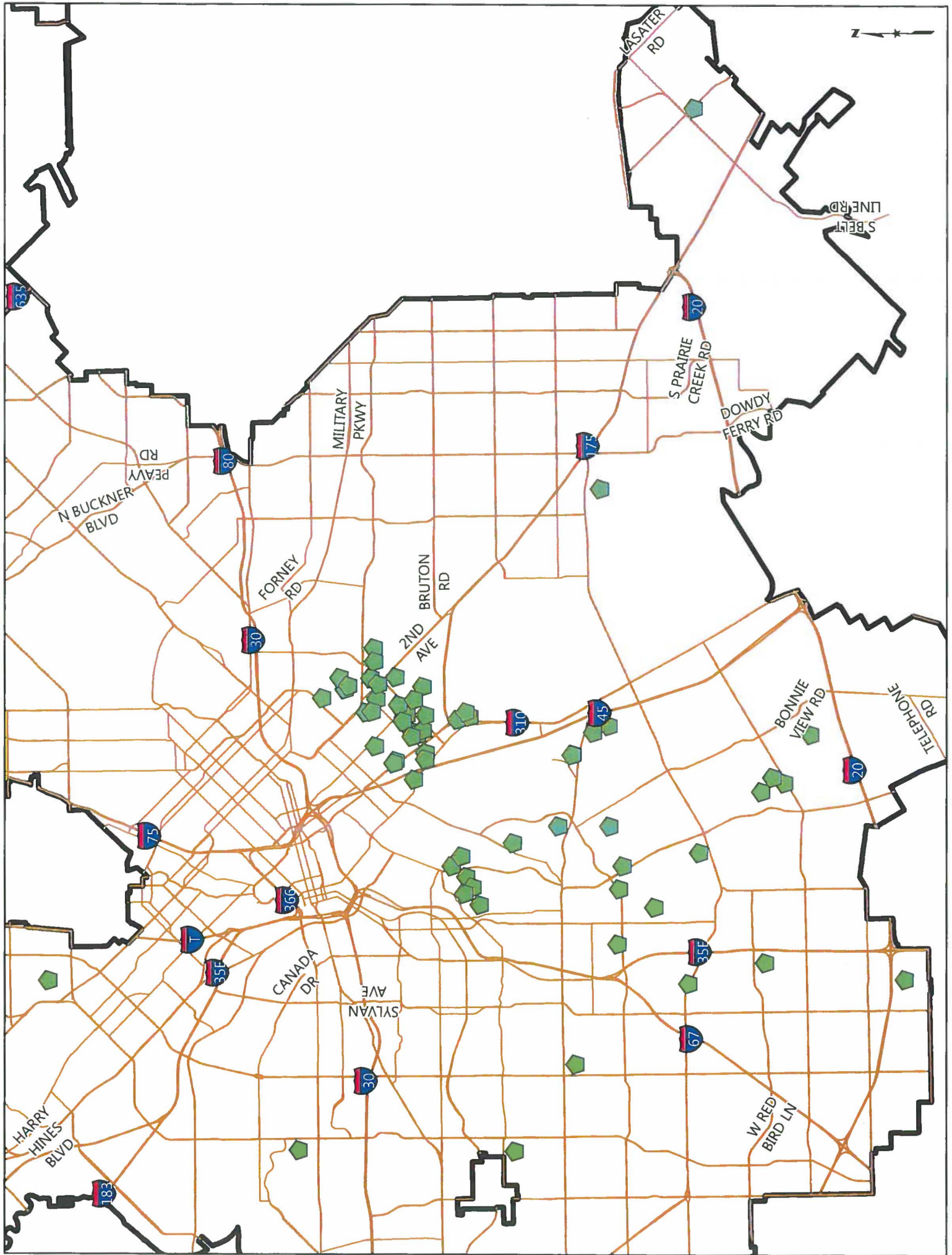
ITEM #	STREET ADDRESS	VAC/IMP	COUNCIL DISTRICT	ZONING	PARCEL SIZE	STRUCKOFF AMOUNT	# BIDS	MINIMUM BID	HIGHEST BID AMOUNT	DCAD	HIGHEST BIDDER
1	1710 E. 11TH	V	04	IR	.1379	\$6,010.00	3	\$1,000.00	\$6,280.00	\$6,010.00	NEARER TO NATURE, LLC
2	2225 ANDERSON	V	07	PD-595	.0582	\$9340.00	1	\$500.00	\$800.00	\$2,000.00	SAUL VARGAS
3	315 ANNAROSE	I	03	R-7.5(A)	.4336	\$32,990.00	20	\$5000.00	\$27,777.00	\$32,990.00	TRI-CAPITAL EQUITIES LLC
4	5141 AUDREY	V	07	R-5(A)	.1295	\$2,750.00	2	\$500.00	\$1,385.00	\$2,750.00	MARIA SCHNEIDER, DEVAN EARLE, DORIC EARLE, M. W. RESNICK
5	417 BONNIE VIEW	V	04	R-5(A)	.0870	\$5,000.00	4	\$1,000.00	\$8,000.00	\$5,000.00	VIRGINIA FRANCO
6	2711 BURGER	V	07	PD-595	.1156	\$1,630.00	6	\$500.00	\$1,288.00	\$6,000.00	MARIA SCHNEIDER, DEVAN EARLE, DORIC EARLE, M. W. RESNICK
7	4246 CARL	I	07	PD-595	.1407	\$22,698.00	7	\$7,000.00	\$31,751.00	\$46,110.00	SPRING 3242 REALTY, LLC
8	2733 CARPENTER	V	07	PD-595	.1736	\$6,000.00	5	\$1,000.00	\$2,000.00	\$6,000.00	GCJS ENTERPRISES, LLC
9	2719 CARPENTER	V	07	PD-595	.1752	\$1,862.00	5	\$1,000.00	\$2,000.00	\$6,000.00	GCJS ENTERPRISES, LLC
10	2731 CARPENTER	V	07	PD-595	.1842	\$1,933.00	4	\$1,000.00	\$2,000.00	\$6,000.00	GCJS ENTERPRISES, LLC
11	1010 CLAUDE	V	04	R-5(A)	.1417	\$2,023.00	4	\$2,000.00	\$6,777.00	\$11,500.00	DEVAN EARLE AND POURYA ZANDI
12	2116 CLEARVIEW	I	04	R-7.5(A)	.3042	\$47,760.00	30	\$8,000.00	\$51,200.00	\$50,280.00	JESUS GOMEZ
13	3634 CLEVELAND	V	07	PD-595	.1597	\$2,341.00	3	\$2,000.00	\$6,923.00	\$10,440.00	DEVAN EARLE AND POURYA ZANDI
14	4201 COLONIAL	V	07	PD-595	.3649	\$7,289.00	9	\$2,000.00	\$7,777.00	\$15,900.00	THE JOHNNIE WALKER BLUE TRUST
15	3938 COOLIDGE	V	07	PD-595	.1046	\$1,931.00	2	\$1,000.00	\$2,599.00	\$5,000.00	MARIA SCHNEIDER, DEVAN EARLE, DORIC EARLE, M. W. RESNICK
16	1231 COOMBS CREEK	V	01	R-7.5(A)	.1699	\$73,450.00	13	\$2,000.00	\$32,000.00	\$72,310.00	HERLINDA SANCHEZ
17	2214 COOPER	V	07	PD-595	.1493	\$2,507.00	8	\$1,000.00	\$5,510.00	\$6,000.00	LEOPOLDO LOPEZ
18	2241 DATHE	V	07	PD-595	.1121	\$6,000.00	2	\$1,000.00	\$1,551.00	\$6,000.00	MARTIN WIGGINS

**TAX FORECLOSED AND SEIZURE WARRANT PROPERTY RESALES
PROPERTY LIST**

ITEM #	STREET ADDRESS	VAC/IMP	COUNCIL DISTRICT	ZONING	PARCEL SIZE	STRUCKOFF AMOUNT	# BIDS	MINIMUM BID	HIGHEST BID AMOUNT	DCAD	HIGHEST BIDDER
19	1506 DOYLE	V	04	R-5(A)	.1901	\$2,580.00	5	\$1,000.00	\$3,889.00	\$5,000.00	DEVAN EARLE AND POURYA ZANDI
20	2515 EXLINE	V	07	PD-595	.1718	\$2,202.00	3	\$1,000.00	\$2,000.00	\$6,000.00	GCJS ENTERPRISES, LLC
21	2415 FELTON	V	07	PD-595	.1213	\$2,137.00	1	\$1,000.00	\$2,282.00	\$6,000.00	NEARER TO NATURE, LLC
22	2834 FROST	V	07	PD-595	.1717	\$11,890.00	7	\$250.00	\$1,001.00	\$6,400.00	LANE TOPLETZ
23	3335 GARDEN	V	07	PD-595	.1721	\$6,000.00	2	\$1,000.00	\$7,100.00	\$6,000.00	LESSEL MEREDITH
24	1012 GARZA	V	04	R-7.5(A)	.2204	\$8,127.00	3	\$2,000.00	\$12,100.00	\$12,500.00	JOSE ZARAGOZA
25	7505 GAYGLEN	I	08	R-7.5(A)	.1799	\$53,000.00	11	\$7,000.00	\$46,026.00	\$44,000.00	MONICA RAOFPUR
26	2707 GERTRUDE	V	07	PD-595	.1159	\$28,033.00	1	\$500.00	\$650.00	\$3,750.00	SAUL VARGAS
27	2626 GOOCH	I	08	R-7.5(A)	.1449	\$43,960.00	11	\$15,000.00	\$48,200.00	\$50,700.00	JUAN SOLIS
28	1361 GRANT	V	04	R-5(A)	.1705	\$1,546.00	5	\$2,000.00	\$9,200.00	\$11,500.00	HIRAM ROMAN
29	3918 HANCOCK	V	07	PD-595	.1035	\$19,482.00	1	\$500.00	\$650.00	\$23,020.00	SAUL VARGAS
30	3746 HUMPHREY	V	04	R-5(A)	.2237	\$1,634.00	2	\$1,500.00	\$5,800.00	\$11,500.00	CESAR CARRILLO
31	3727 HUMPHREY	V	04	R-5(A)	.3810	\$2,029.00	2	\$1,500.00	\$3,495.00	\$11,500.00	NEXTLOTS NOW L.L.C.
32	2814 KAVASAR	V	08	R-5(A)	.2864	\$4,000.00	1	\$1,000.00	\$2,001.00	\$5,000.00	LANE TOPLETZ
33	1310 E. KIEST	V	04	R-7.5(A)	.1772	\$16,670.00	4	\$1,000.00	\$3,295.00	\$16,670.00	NEXTLOTS NOW L.L.C.
34	1815 KINGSLEY	V	03	R-7.5(A)	.6225	\$9,000.00	3	\$500.00	\$600.00	\$9,000.00	SAUL VARGAS
35	4429 KOLLOCH	I	04	R-7.5(A)	.2436	\$37,150.00	2	\$5,000.00	\$21,777.00	\$37,150.00	TRI-CAPITAL EQUITIES LLC
36	4310 KOLLOCH	V	04	R-7.5(A)	.2404	\$2,112.00	4	\$1,500.00	\$4,695.00	\$12,000.00	NEXTLOTS NOW L.L.C.
37	1902 LEACREST	I	04	R-7.5(A)	.1443	\$26,690.00	1	\$3,000.00	\$3,001.00	\$26,690.00	RICKEY C. THOMPSON
38	2855 LEBROCK	V	08	R-5(A)	.2869	\$10,000.00	5	\$250.00	\$550.00	\$10,000.00	MARIA HERNANDEZ
39	4519 LELAND	V	07	PD 595	.1999	\$30,430.00	8	\$250.00	\$828.00	\$30,430.00	NEARER TO NATURE, LLC
40	5003 S. MALCOLM X	V	07	PD-595	.0733	\$2,000.00	4	\$5,000.00	\$1,400.00	\$2,000.00	JULIO FLOREZ MARIN
41	2727 MARBURG	V	07	PD-595	.1673	\$6,000.00	3	\$500.00	\$1,219.00	\$6,000.00	TITLE & TITLE PROPERTIES, LLC

**TAX FORECLOSED AND SEIZURE WARRANT PROPERTY RESALES
PROPERTY LIST**

ITEM #	STREET ADDRESS	VAC/IMP	COUNCIL DISTRICT	ZONING	PARCEL SIZE	STRUCKOFF AMOUNT	# BIDS	MINIMUM BID	HIGHEST BID AMOUNT	DCAD	HIGHEST BIDDER
42	2910 MARBURG	V	07	PD-595	.2535	\$19,100.00	2	\$1,000.00	\$2,219.00	\$7,500.00	TITLE & TITLE PROPERTIES, LLC
43	2555 MARFA	I	04	R-5(A)	.2259	\$37,600.00	8	\$7,000.00	\$28,780.00	\$43,340.00	CHAOWEN LIN
44	2811 MORNING	V	07	PD-595	.0973	\$3,750.00	4	\$250.00	\$310.00	\$3,750.00	ABIGAIL VARGAS
45	3506 MORRIS	V	06	R-5(A)	.1492	\$10,200.00	9	\$1,500.00	\$14,001.00	\$10,200.00	SEMIRA REZAIE
46	4316 MYRTLE	V	07	PD-595	.1124	\$1,538.00	4	\$500.00	\$788.00	\$6,000.00	MARIA SCHNEIDER
47	509 PARKWOOD	V	04	R-7.5(A)	.2832	\$17,000.00	6	\$2,000.00	\$12,250.00	\$16,000.00	RODOLFO GUEL
48	2408 PINE	V	07	PD-595	.0967	\$6,000.00	7	\$500.00	\$1,200.00	\$6,000.00	SAUL VARGAS
49	1619 POPLAR	V	07	PD-595	.1721	\$1,583.00	3	\$1,000.00	\$2,289.00	\$6,750.00	MARIA SCHNEIDER, DEVAN EARLE, DORIC EARLE, M. W. RESNICK
50	6929 PROSPER	V	02	R-7.5(A)	.1559	\$43,350.00	31	\$7,000.00	\$120,000.00	\$43,350.00	HOWARD GORMAN
51	3106 RAMSEY	V	04	R-7.5(A)	.1686	\$12,500.00	4	\$2,000.00	\$12,250.00	\$12,500.00	RODOLFO GUEL
52	3302 REED	I	07	PD-595	.2100	\$31,150.00	12	\$4,000.00	\$22,100.00	\$31,150.00	KIMBERLY LOPEZ
53	4003 ROBERTS	V	07	PD-595	.1631	\$1,492.00	4	\$500.00	\$800.00	\$5,000.00	SAUL VARGAS
54	2333 SCOTT	V	07	PD-595	.0563	\$10,200.00	3	\$250.00	\$875.00	\$10,200.00	SAUL VARGAS
55	2418 SCOTT	V	07	PD 595	.1115	\$17,735.00	3	\$250.00	\$850.00	\$4,000.00	SAUL VARGAS
56	15440 SEAGOVILLE	V	08	R-7.5(A)	.1217	\$9,900.00	2	\$3,000.00	\$7,100.00	\$17,000.00	CESAR CARRILLO
57	3910 SPRING	I	07	PD-595	.0517	\$15,797.00	5	\$3,000.00	\$16,777.00	\$29,000.00	TRI-CAPITAL EQUITIES LLC
58	2529 STEPHENSON	V	07	PD-595	.1542	\$3,190.00	4	\$500.00	\$900.00	\$3,190.00	SAUL VARGAS
59	2416 SUE	V	04	R-7.5(A)	.0814	\$8,593.00	1	\$1,000.00	\$1,100.00	\$10,000.00	SAUL VARGAS
60	2271 SUTTER	I	04	R-7.5(A)	.2584	\$69,450.00	21	\$20,000.00	\$61,050.00	\$69,450.00	ANDREW PEPPER
61	3522 TIIGA	I	08	R-5(A)	.1698	\$35,980.00	12	\$5,000.00	\$23,777.00	\$41,290.00	TRI-CAPITAL EQUITIES LLC
62	1222 VALLEY	I	04	LI	.1025	\$21,960.00	8	\$3,000.00	\$21,100.00	\$21,960.00	KIMBERLY LOPEZ
63	9014 WINTERSET	V	08	R-7.5(A)	.4593	\$13,092.00	16	\$1,000.00	\$27,100.00	\$15,010.00	HERLINDA SANCHEZ
64	3510 YORK	V	07	PD-595	.1492	\$2,283.00	8	\$500.00	\$980.00	\$3,900.00	SAUL VARGAS
65	3719 YORK	V	07	PD-595	.1466	\$1,451.00	5	\$500.00	\$899.00	\$3,190.00	MARIA SCHNEIDER



September 14, 2016

WHEREAS, the City of Dallas ("City"), the State of Texas ("State"), the County of Dallas, ("County"), and/or Dallas Independent School District ("DISD") acquired Sheriff Deeds to properties ("Properties") at a sheriff tax sale ("the First Sale") authorized by a Judicial Foreclosure ("Judgment") in a District Court in Dallas County, Texas. The Sheriff's Deeds were recorded in the real property records of Dallas County, Texas as described on "Exhibit A," attached herein and incorporated by reference; and

WHEREAS, pursuant to the Texas Attorney General Opinion No. JM-1232 and Section 34.05(a) of the Texas Property Tax Code, the City may re-sell the Properties ("the Second Sale") subject to any right of redemption existing at the time of the Second Sale; and

WHEREAS, pursuant to the provisions of Chapter 34, Section 34.05 of the Texas Property Tax Code, a taxing entity is authorized to re-sell the Properties ("the Second Sale"); and

WHEREAS, by accepting its pro rata proceeds from the Second Sale, the State agrees to the transfer of Properties in which it has an interest; and

WHEREAS, the City Manager, acting on behalf of the County pursuant to a County Commissioner's Court Order, and acting on behalf of DISD pursuant to a School Board Resolution have the authority to execute Quitclaim Deeds to the purchasers of Properties at the Second Sale, and transfer any rights, title, or interests acquired or held by each taxing entity that was a party to the Judgment at the First Sale; and

WHEREAS, the Properties were advertised in the Dallas Morning News on the dates indicated on Exhibit A; and

WHEREAS, the City Council has previously approved the re-sale of other Properties where funds were not received, nor disbursed prior to the April 1, 2001 Tax Collection Consolidation with Dallas County; and

WHEREAS, the distribution of the proceeds from the resale of the Properties will be in accordance with Chapter 34, Section 34.06 of the Texas Property Tax Code; **Now, Therefore,**

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

September 14, 2016

SECTION 1. That upon receipt of the monetary consideration from the purchasers of the Properties listed on Exhibit A, and upon consent by the County and DISD, the City Manager upon approval as to form by the City Attorney and attested by the City Secretary, is hereby authorized to execute Quitclaim Deeds to the Properties, conveying to the purchasers the right, title, and interest acquired or held by each taxing entity that was a party to the Judgment, subject to any right of redemption, post-Judgment taxes and post Judgment non-municipal liens, and in accordance with the written agreement of the terms, conditions, and release of the taxing entities.

SECTION 2. That the consideration received from the Second Sale shall be distributed pursuant to Chapter 34, Section 34.06 of the Texas Property Tax Code, and applied to the payment of the court costs, interest, and cost of sale and applied to the amount of delinquent taxes, penalties, and non-tax municipal liens as set forth in the Judgment and pursuant to the order of the court.

SECTION 3. That all purchasers shall be responsible for the pro rata portion of property taxes for the remaining part of the current calendar year that will be assessed from the date of closing of the Second Sale. Purchasers shall also be responsible for any post-Judgment taxes, penalties and interest, pursuant to the Texas Property Tax Code, and post-Judgment non-municipal liens. The Properties shall be replaced on the tax rolls as of the date of execution of Quitclaim Deeds.

SECTION 4. That to the extent authorized by law, any liens securing taxes referenced in Section 2 above are hereby released. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute a release(s) of lien for any non-tax municipal lien(s) which (i) are included in the Judgments issued in the foreclosure suits filed by the City on the lot(s) shown on Exhibit "A"; or (ii) arise or are filed of record post Judgment and prior to the Second Sale by the City on the lot(s) shown on Exhibit "A".

SECTION 5. That any and all proceeds from the Second Sale, including funds not received, nor disbursed prior to the April 1, 2001 Tax Collection Consolidation with Dallas County will be deposited to General Fund 0001, Department DEV, Balance Sheet Account 0519.

SECTION 6. That upon receipt of the consideration from the Second Sale, the Chief Financial Officer is authorized to disburse the proceeds in accordance with Chapter 34, Section 34.06 of the Texas Property Tax Code. Calculations for disbursements 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 5, above.

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.

TAX FORECLOSED AND SEIZURE WARRANT PROPERTY RESALES EXHIBIT A

ITEM #	STREET ADDRESS	LEGAL DESCRIPTION	VAC/IMP	OWNED BY TAXING ENTITIES	DMN DATES ADVERTISEMENT	# BIDS	MINIMUM BID	HIGHEST BID AMOUNT	HIGHEST BIDDER
1	1710 E. 11TH	Lot 12, Block 4/6634	V	1, 2, 3	7/10 & 7/11	3	\$1,000.00	\$6,280.00	NEARER TO NATURE, LLC
2	2225 ANDERSON	Lot 15, Block 2/2534	V	1, 2, 3	7/10 & 7/11	1	\$500.00	\$800.00	SAUL VARGAS
3	315 ANNAROSE	Lot 12, Block 4/6634	I	1, 2, 3	7/10 & 7/11	20	\$5000.00	\$27,777.00	TRI-CAPITAL EQUITIES LLC
4	5141 AUDREY	Part of Lot 30	V	1, 2, 3	7/10 & 7/11	2	\$500.00	\$1,385.00	MARIA SCHNEIDER, DEVAN EARLE, DORIC EARLE, M. W. RESNICK
5	417 BONNIE VIEW	Lot 29, Block 5904	V	1, 2, 3	7/10 & 7/11	4	\$1,000.00	\$8,000.00	VIRGINIA FRANCO
6	2711 BURGER	Lot 12, Block B/1696	V	1, 2, 3	7/10 & 7/11	6	\$500.00	\$1,288.00	MARIA SCHNEIDER, DEVAN EARLE, DORIC EARLE, M. W. RESNICK
7	4246 CARL	Lot 12, Block B/1820	I	1, 2, 3	7/10 & 7/11	7	\$7,000.00	\$31,751.00	SPRING 3242 REALTY, LLC
8	2733 CARPENTER	Lot 24, Block 4/1748	V	1, 2, 3	7/10 & 7/11	5	\$1,000.00	\$2,000.00	GCJS ENTERPRISES, LLC
9	2719 CARPENTER	Lot 20, Block 4/1748	V	1, 2, 3	7/10 & 7/11	5	\$1,000.00	\$2,000.00	GCJS ENTERPRISES, LLC
10	2731 CARPENTER	Lot 23, Block 4/1748	V	1, 2, 3	7/10 & 7/11	4	\$1,000.00	\$2,000.00	GCJS ENTERPRISES, LLC
11	1010 CLAUDE	Lot 3, Block G/3394	V	1, 2, 3	7/10 & 7/11	4	\$2,000.00	\$6,777.00	DEVAN EARLE AND POURYA ZANDI
12	2116 CLEARVIEW	Lot 14, Block 19/6026	I	1, 2, 3	7/10 & 7/11	30	\$8,000.00	\$51,200.00	JESUS GOMEZ
13	3634 CLEVELAND	Part of Lot 11, Block 1198	V	1, 2, 3	7/10 & 7/11	3	\$2,000.00	\$6,923.00	DEVAN EARLE AND POURYA ZANDI
14	4201 COLONIAL	Lot 1A, Block C/1604	V	1, 2, 3	7/10 & 7/11	9	\$2,000.00	\$7,777.00	THE JOHNNIE WALKER BLUE TRUST
15	3938 COOLIDGE	Lot 43, Block 1783	V	1, 2, 3	7/10 & 7/11	2	\$1,000.00	\$2,599.00	MARIA SCHNEIDER, DEVAN EARLE, DORIC EARLE, M. W. RESNICK
16	1231 COOMBS CREEK	Lot 9, Block 4/4800	V	1, 2, 3	7/10 & 7/11	13	\$2,000.00	\$32,000.00	HERLINDA SANCHEZ
17	2214 COOPER	Lot 3, Block 1706	V	1, 2, 3	7/10 & 7/11	8	\$1,000.00	\$5,510.00	LEOPOLDO LOPEZ
18	2241 DATHE	35 ft. of Lot 9 and 5 ft. frontage Lot 8, Block 1707	V	1, 2, 3	7/10 & 7/11	2	\$1,000.00	\$1,551.00	MARTIN WIGGINS

*1=CITY, 2=DISD, 3=COUNTY, 4=STATE (All properties are located in the City of Dallas, Dallas County, Texas)

**TAX FORECLOSED AND SEIZURE WARRANT PROPERTY RESALES
EXHIBIT A**

ITEM #	STREET ADDRESS	LEGAL DESCRIPTION	VAC/IMP	OWNED BY TAXING ENTITIES	DMN DATES ADVERTISEMENT	# BIDS	MINIMUM BID	HIGHEST BID AMOUNT	HIGHEST BIDDER
19	1506 DOYLE	Lot 2, Block E/4713	V	1, 2, 3	7/10 & 7/11	5	\$1,000.00	\$3,889.00	DEVAN EARLE AND POURYA ZANDI
20	2515 EXLINE	Part of Lot 3, Block 1746	V	1, 2, 3	7/10 & 7/11	3	\$1,000.00	\$2,000.00	GCJS ENTERPRISES, LLC
21	2415 FELTON	Lot 5, Block A/1752	V	1, 2, 3	7/10 & 7/11	1	\$1,000.00	\$2,282.00	NEARER TO NATURE, LLC
22	2834 FROST	Lots 9 and 30, Block 3/4432	V	1, 2, 3	7/10 & 7/11	7	\$250.00	\$1,001.00	LANE TOPLETZ
23	3335 GARDEN	Lot 28, Block B/4450	V	1, 2, 3	7/10 & 7/11	2	\$1,000.00	\$7,100.00	LESSEL MEREDITH
24	1012 GARZA	Lot J, Block 6006	V	1, 2, 3	7/10 & 7/11	3	\$2,000.00	\$12,100.00	JOSE ZARAGOZA
25	7505 GAYLEN	Lot 11, Block B/6264	I	1, 2, 3	7/10 & 7/11	11	\$7,000.00	\$46,026.00	MONICA RAOFPUR
26	2707 GERTRUDE	Lot 7, Block 1841	V	1, 2, 3	7/10 & 7/11	1	\$500.00	\$650.00	SAUL VARGAS
27	2626 GOOCH	Lot 32, Block 4/6889	I	1, 2, 3	7/10 & 7/11	11	\$15,000.00	\$48,200.00	JUAN SOLIS
28	1361 GRANT	Lot 16, Block 30/3591	V	1, 2, 3	7/10 & 7/11	5	\$2,000.00	\$9,200.00	HIRAM ROMAN
29	3918 HANCOCK	Lot 2, Block A/4467	V	1, 2, 3	7/10 & 7/11	1	\$500.00	\$650.00	SAUL VARGAS
30	3746 HUMPHREY	Lot C, Block J/6094	V	1, 2, 3	7/10 & 7/11	2	\$1,500.00	\$5,800.00	CESAR CARRILLO
31	3727 HUMPHREY	Lot 12, Block H/6094	V	1, 2, 3	7/10 & 7/11	2	\$1,500.00	\$3,495.00	NEXTLOTS NOW L.L.C.
32	2814 KAVASAR	Lot 20, Block 15/6890	V	1, 2, 3	7/10 & 7/11	1	\$1,000.00	\$2,001.00	LANE TOPLETZ
33	1310 E. KIEST	Lot 10, Block 5/4057	V	1, 2, 3	7/10 & 7/11	4	\$1,000.00	\$3,295.00	NEXTLOTS NOW L.L.C.
34	1815 KINGSLEY	Part of Lot 5 and Lot 6, Block H/4359	V	1, 2, 3	7/10 & 7/11	3	\$500.00	\$600.00	SAUL VARGAS
35	4429 KOLLOCH	Lot 5, Block 47/8617	I	1, 2, 3	7/10 & 7/11	2	\$5,000.00	\$21,777.00	TRI-CAPITAL EQUITIES LLC
36	4310 KOLLOCH	Lot 3, Block Q/8618	V	1, 2, 3	7/10 & 7/11	4	\$1,500.00	\$4,695.00	NEXTLOTS NOW L.L.C.
37	1902 LEACREST	Lot 14, Block 2/4381	I	1, 2, 3	7/10 & 7/11	1	\$3,000.00	\$3,001.00	RICKEY C. THOMPSON
38	2855 LEBROCK	The west half of Lot 1 and the east half of Lot 2, Block 21/6890	V	1, 2, 3	7/10 & 7/11	5	\$250.00	\$550.00	MARIA HERNANDEZ
39	4519 LELAND	Lot 5, Block 1/1761	V	1, 2, 3	7/10 & 7/11	8	\$250.00	\$828.00	NEARER TO NATURE, LLC
40	5003 S. MALCOLM X	Part of Lot 1, Block 1/2494	V	1, 2, 3	7/10 & 7/11	4	\$5,000.00	\$1,400.00	JULIO FLOREZ MARIN
41	2727 MARBURG	Lot 19, Block A/1955	V	1, 2, 3	7/10 & 7/11	3	\$500.00	\$1,219.00	TITLE & TITLE PROPERTIES, LLC

*1=CITY, 2=DISD, 3=COUNTY, 4=STATE (All properties are located in the City of Dallas, Dallas County, Texas)

**TAX FORECLOSED AND SEIZURE WARRANT PROPERTY RESALES
EXHIBIT A**

ITEM #	STREET ADDRESS	LEGAL DESCRIPTION	VAC/IMP	OWNED BY TAXING ENTITIES	DMN DATES ADVERTISEMENT	# BIDS	MINIMUM BID	HIGHEST BID AMOUNT	HIGHEST BIDDER
42	2910 MARBURG	Lot 13 and the northerly half of Lot 12, Block B/1773	V	1, 2, 3	7/10 & 7/11	2	\$1,000.00	\$2,219.00	TITLE & TITLE PROPERTIES, LLC
43	2555 MARFA	Lot 12, Block 12/5855	I	1, 2, 3	7/10 & 7/11	8	\$7,000.00	\$28,780.00	CHAWEN LIN
44	2811 MORNING	50 x 83 foot tract, Block 1855	V	1, 2, 3	7/10 & 7/11	4	\$250.00	\$310.00	ABIGAIL VARGAS
45	3506 MORRIS	Lot 2, Block 17/7145	V	1, 2, 3	7/10 & 7/11	9	\$1,500.00	\$14,001.00	SEMIRA REZAIE
46	4316 MYRTLE	The rear 50 ft. of Lots 16 and 17, Block 3/1748	V	1, 2, 3	7/10 & 7/11	4	\$500.00	\$788.00	MARIA SCHNEIDER
47	509 PARKWOOD	Lot 4, Block 6/5982	V	1, 2, 3	7/10 & 7/11	6	\$2,000.00	\$12,250.00	RODOLFO GUEL
48	2408 PINE	Part of Lot 1, Block A/1751	V	1, 2, 3	7/10 & 7/11	7	\$500.00	\$1,200.00	SAUL VARGAS
49	1619 POPLAR	Northeast 40 ft. of Lot 7 and the southwest 10 ft. of Lot 6, Block A/1602	V	1, 2, 3	7/10 & 7/11	3	\$1,000.00	\$2,289.00	MARIA SCHNEIDER, DEVAN EARLE, DORIC EARLE, M. W. RESNICK
50	6929 PROSPER	Lot 1, Block C/5048	V	1, 2, 3	7/10 & 7/11	31	\$7,000.00	\$120,000.00	HOWARD GORMAN
51	3106 RAMSEY	Lot 2, Block 3/5995	V	1, 2, 3	7/10 & 7/11	4	\$2,000.00	\$12,250.00	RODOLFO GUEL
52	3302 REED	Part of Lot 3, Block 1781	I	1, 2, 3	7/10 & 7/11	12	\$4,000.00	\$22,100.00	KIMBERLY LOPEZ
53	4003 ROBERTS	Lots 1 and 2, Block 4/1783	V	1, 2, 3	7/10 & 7/11	4	\$500.00	\$800.00	SAUL VARGAS
54	2333 SCOTT	Lot 33, Block 17/2559 1/2	V	1, 2, 3	7/10 & 7/11	3	\$250.00	\$875.00	SAUL VARGAS
55	2418 SCOTT	Lots 10 and 11, Block 19/2561	V	1, 2, 3	7/10 & 7/11	3	\$250.00	\$850.00	SAUL VARGAS
56	15440 SEAGOVILLE	A .1256 acre tract, Block 8819	V	1, 2, 3	7/10 & 7/11	2	\$3,000.00	\$7,100.00	CESAR CARRILLO
57	3910 SPRING	Lot 1, Block A/1836	I	1, 2, 3	7/10 & 7/11	5	\$3,000.00	\$16,777.00	TRI-CAPITAL EQUITIES LLC
58	2529 STEPHENSON	Lot 10, Block C/2486	V	1, 2, 3	7/10 & 7/11	4	\$500.00	\$900.00	SAUL VARGAS
59	2416 SUE	The west half of Lot 4, Block 8/7534	V	1, 2, 3	7/10 & 7/11	1	\$1,000.00	\$1,100.00	SAUL VARGAS

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**TAX FORECLOSED AND SEIZURE WARRANT PROPERTY RESALES
EXHIBIT A**

ITEM #	STREET ADDRESS	LEGAL DESCRIPTION	VAC/IMP	OWNED BY TAXING ENTITIES	DMN DATES ADVERTISEMENT	# BIDS	MINIMUM BID	HIGHEST BID AMOUNT	HIGHEST BIDDER
60	2271 SUTTER	Lot 20, Block B/5857	I	1, 2, 3	7/10 & 7/11	21	\$20,000.00	\$61,050.00	ANDREW PEPPER
61	3522 TIOGA	Lot 6, Block 12/8294	I	1, 2, 3	7/10 & 7/11	12	\$5,000.00	\$23,777.00	TRI-CAPITAL EQUITIES LLC
62	1222 VALLEY	Lot 21, Block A/3391	I	1, 2, 3	7/10 & 7/11	8	\$3,000.00	\$21,100.00	KIMBERLY LOPEZ
63	9014 WINTERSET	Lot 22, Block J/7590	V	1, 2, 3	7/10 & 7/11	16	\$1,000.00	\$27,100.00	HERLINDA SANCHEZ
64	3510 YORK	Lot 3, Block 3/2129	V	1, 2, 3	7/10 & 7/11	8	\$500.00	\$980.00	SAUL VARGAS
65	3719 YORK	Lot 42, Block 2/2128	V	1, 2, 3	7/10 & 7/11	5	\$500.00	\$899.00	MARIA SCHNEIDER

*1=CITY, 2=DISD, 3=COUNTY, 4=STATE (All properties are located in the City of Dallas, Dallas County, Texas)

AGENDA ITEM # 40

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 14, 2016
COUNCIL DISTRICT(S): 2
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: 45P

SUBJECT

An ordinance granting a private license to 400 S. Record Street, LLC, for the use of a total of approximately 28 square feet to maintain and utilize two monument signs on portions of Young and Wood Streets rights-of-way, near its intersection with Market Street - Revenue: \$200 one-time fee, plus the \$20 ordinance publication fee

BACKGROUND

This item grants a private license to 400 S. Record Street, LLC for the use of a total of approximately 28 square feet to maintain and utilize two monument signs on portions of Young and Wood Streets rights-of-way, near its intersection with Market Street. The use of these areas will not impede pedestrian or vehicular traffic.

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

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Economic Development Committee was provided information regarding this item on September 2, 2016.

FISCAL INFORMATION

Revenue: \$200 one-time fee, plus the \$20 ordinance publication fee

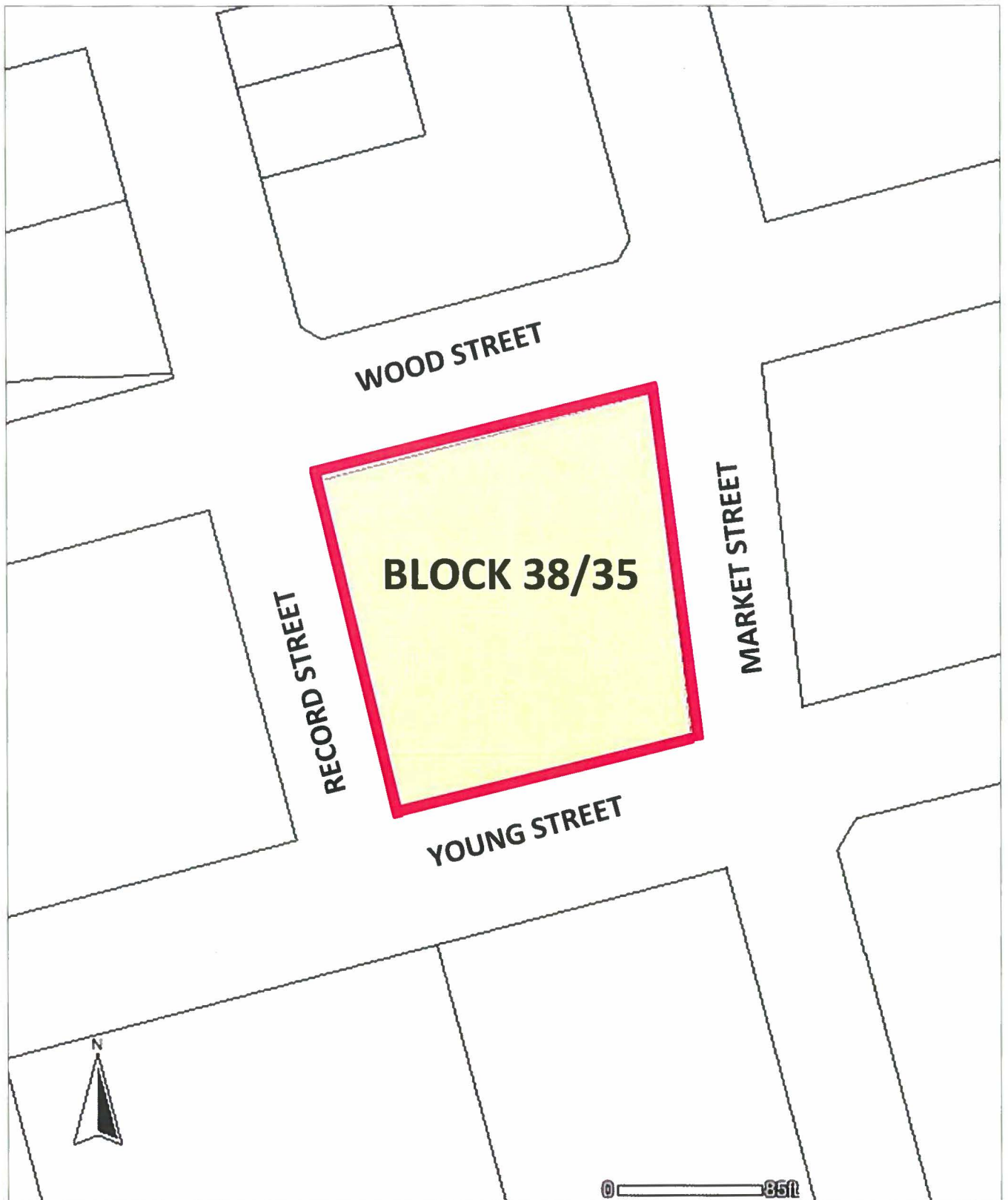
OWNER

400 S. Record Street, LLC

Thomas A Hartland-Mackie, Manager

MAP

Attached



LICENSING AREAS

ORDINANCE NO. _____

An ordinance granting a private license to 400 S. Record Street, LLC to occupy, maintain and utilize portions of Young and Wood Streets rights-of-way, near its intersection with Market Street adjacent to City Block 38/35 within the limits hereinafter more fully described, for the purpose of installing and maintaining two monument signs; providing for the terms and conditions of this license; providing for a one-time fee to be paid to the City of Dallas; providing for payment of the publication fee; and providing an effective date of this license and ordinance.

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

SECTION 1. That a private license, hereinafter referred to as "license", subject to the restrictions and conditions of this ordinance, is hereby granted to 400 S. Record Street, LLC, a Texas limited liability company, its successors and assigns, hereinafter referred to as "**GRANTEE**", to maintain and utilize for the purpose set out hereinbelow the tracts of land described in Exhibit A, hereinafter referred to as "licensed areas" which is attached hereto and made a part hereof.

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

SECTION 3. That **GRANTEE** shall pay to the City of Dallas a one-time fee in the sum of **TWO HUNDRED AND NO/100 (\$200.00) DOLLARS** said sum to become due and payable upon the final passage of this ordinance and shall cover the consideration for the license term in accordance with the special fees established by Section 43-115.1 of the Dallas City Code. Such consideration shall be in addition to and exclusive of any other taxes or special assessments required by law to be paid by **GRANTEE**. Should **GRANTEE** fail to pay the above stated fee within sixty (60) days of the due date, the Director of Department of Sustainable Development and Construction may terminate this license. All sums payable to the City of Dallas hereunder shall be paid to the Chief Financial Officer of the City of Dallas and deposited in Fund 0001, Department DEV, Unit 1181, Revenue Source 8200.

In the event **GRANTEE's** check for the license fee is dishonored, **GRANTEE** shall pay to the City a processing fee of \$25.00 for each dishonored check. Additionally, all monies owed to the City under this license shall be subject to the assessment of interest at a rate of 10% a year from the day after any monies become due until it is paid in full, in accordance with Section 2-1.1 of the Dallas City Code.

SECTION 4. That the licensed areas shall be used by **GRANTEE** for the following purpose under the direction of the Director of Department of Sustainable Development and Construction of the City of Dallas: to occupy, maintain and utilize two monument signs.

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

SECTION 6. That this license is nonexclusive and is made expressly subject and subordinate to the right of the City to use the licensed area for any public purpose. The Governing Body of the City of Dallas reserves the right by resolution duly passed by said Governing body, to terminate and cancel this license, upon giving **GRANTEE** sixty (60) days notice of its intent to cancel. Upon termination, all rights granted hereunder shall thereupon be considered fully terminated and cancelled and the City of Dallas shall not be held liable by reason thereof. Said resolution shall be final and shall not be subject to review by the Courts. **GRANTEE** shall have the right of cancellation upon giving the City of Dallas sixty (60) days written notice of its intention to cancel, and in either event upon the termination or cancellation by the City or **GRANTEE**, as the case may be, this license shall become null and void and **GRANTEE** or anyone claiming any rights under this instrument shall remove, to the extent required by the Director of Department of Sustainable Development and Construction, any improvements and encroachments from the licensed areas at **GRANTEE's** expense. Failure to do so shall subject **GRANTEE** to the provisions contained in EXHIBIT B, Subsection (a). All work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Department of Sustainable Development and Construction.

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

- a) **GRANTEE** acknowledges that the Dallas Fire-Rescue has no objection, as long as the rights-of-way are maintained in order to facilitate emergency response and water supply during and after completion of the project.
- b) **GRANTEE** acknowledges that the license is for two proposed monuments.
- c) **GRANTEE** shall obtain a right-of-way permit that must be submitted and issued prior to any field work.
- d) **GRANTEE** shall assure that sign placement meets Texas Accessibility Standard Requirements administered by Texas Department of Licensing and Regulation (TDLR) and Americans with Disabilities Act (ADA) requirements.

SECTION 8. That the license granted hereby shall not become effective until and unless **GRANTEE** files a final acceptance, in writing, to the terms and conditions of this ordinance with the Director of Department of Sustainable Development and Construction and said written acceptance shall be forwarded to the City Secretary of the City of Dallas. In the event said written final acceptance is not filed within six (6) months after the passage of this ordinance as provided for herein, then the Director of Department of Sustainable Development and Construction, or designee, may terminate this license.

SECTION 9. That upon receipt of **GRANTEE's** final written acceptance, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a NOTICE OF LICENSE and to file same in the deed records of Dallas County, Texas. Additionally, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a cancellation of Notice of License upon termination by the City or **GRANTEE** and to file such cancellation of Notice of License in the deed records of Dallas County, Texas.

SECTION 10. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 11. That this license may not be assigned without prior written approval from the Director of Department of Sustainable Development and Construction, or designee. Such assignment shall recite that it is subject to the terms, restrictions, and conditions contained in this ordinance. The assignee shall deliver evidence of ownership of property abutting the licensed areas and a copy of the assignment, along with the assignee's written acceptance of the provisions of this ordinance, to the Director of Department of Sustainable Development and Construction within 10 days of such assignment; said assignment and written acceptance shall be forwarded to the City Secretary of the City of Dallas. Should **GRANTEE** fail to obtain prior written approval for assignment of this license or fail to provide the City of Dallas with the required written acceptance and a copy of the assignment, the Director of Department of Sustainable Development and Construction, or designee, may terminate this license.

SECTION 12. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Record of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the fee for the year 2016, an acceptable certificate of insurance and the fee for publishing this ordinance which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee, shall deliver to **GRANTEE** the certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 13. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
CHRISTOPHER D. BOWERS
Interim City Attorney

DAVID COSSUM
Director of Department of Sustainable
Development and Construction

BY


Assistant City Attorney

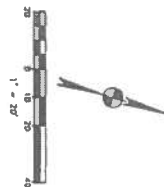
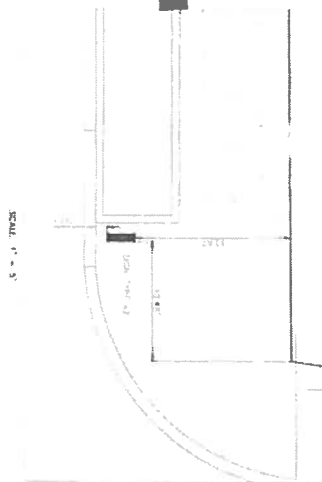
BY


Assistant Director

Passed _____.

Monument 1
(14 square ft)

Monument 2
(14 square ft)



CAUTION
This monument is a public utility monument and is not to be removed or altered without the written consent of the City of Dallas. Any person who removes or alters this monument without the written consent of the City of Dallas shall be liable for the cost of replacement and may be subject to criminal penalties under the laws of the State of Texas.

<div>EXH</div> <div>SHEET</div>	DRAWN BY: RCH	<div>400 S. RECORD STREET</div> <div>DALLAS, TEXAS</div>	<div>SIGN LOCATION</div> <div>EXHIBIT</div>	<div>BURY</div> <div>5315 Harvard Ave. Suite 100 Dallas, Texas 75236 Tel: (214) 391-8811 Fax: (214) 391-4278 Toll-free: 1-800-391-8811 Copyright © 2011</div>
	DESIGNED BY: MAA			
	PROJECT NO: B101476-0004			

**EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS**

That this license is granted subject to the following additional conditions, terms and reservations:

- (a) That at such time as this license is terminated or canceled for any reason whatsoever, **GRANTEE**, upon orders issued by the City acting through the Director of Sustainable Development and Construction, or designee, shall remove all installations, improvements and appurtenances owned by it situated in, under or attached to the licensed area, and shall restore the premises to its former condition in accordance with the requirements of the Director of Sustainable Development and Construction at the sole cost of **GRANTEE**. In the event, upon termination of this license, **GRANTEE** shall fail to remove its installations, improvements and appurtenances and to restore the licensed area in compliance with orders issued by City, or such work is not done to the satisfaction of the Director of Sustainable Development and Construction, then in either event the City shall have the right to do all work necessary to restore said area to its former condition or cause such work to be done, and to assess the cost of all such work against **GRANTEE**; in neither event shall the City of Dallas be liable to **GRANTEE** on account thereof.
- (b) It is further understood that if and when the City of Dallas, in the exercise of its discretion, shall determine that the grade of any street, sidewalk or parkway should be modified or changed, or that any other work should be done in connection with any public improvement which will affect the licensed area, and/or any of **GRANTEE's** installations and improvements thereon, any modifications or changes to **GRANTEE's** facilities in the licensed area or in construction or reconstruction of any public improvement attributable to **GRANTEE's** use of the licensed area and/or its installations and improvements thereon, shall be made at the sole expense of **GRANTEE** and to the satisfaction of the Director of Sustainable Development and Construction.
- (c) At such time as this license is granted, it is agreed, and a condition hereof, that **GRANTEE** shall procure and keep in full force and effect **Commercial General Liability Insurance** coverage issued by an insurance company authorized and approved by the State of Texas, acceptable to the City of Dallas and issued in the standard form approved by the Texas Department of Insurance. The insured provisions of this policy must name the City of Dallas as an additional insured protecting the City of Dallas against any and all claims for damages to persons or property as a result of or arising out of the use, operation and maintenance by **GRANTEE** of the licensed area and **GRANTEE's** installations, improvements, landscaping and equipment in connection therewith and located therein. The Commercial General Liability coverage must include, but not limited to, Premises/Operations, Independent Contractors and Contractual Liability with minimum combined bodily injury (including death) and property damage limits of not less than \$500,000 per occurrence and \$500,000 annual aggregate. This insurance shall also include coverage for underground, explosion and collapse hazards (i.e. not excluded). If this insurance is written on a claims-made form, coverage shall be continuous (by renewal or extended reporting period) for not less than

**EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS**

twelve (12) months following termination of this license and removal of the installations, improvements and appurtenances and restoration of the licensed area pursuant to paragraph (a) above. Coverage, including any renewals, shall contain the same retroactive date as the original policy applicable to this license. The City of Dallas reserves the right to review the insurance requirements set forth herein during the effective term of the license and to adjust insurance coverages and their limits when deemed necessary and prudent by the City of Dallas' Risk Management based upon changes in statutory law, court decisions, or the claims history of the industry as well as the City of Dallas.

1. **GRANTEE** agrees that with respect to the above required insurance, all insurance contracts and certificates of insurance will contain and state, in writing, that coverage shall not be canceled, nonrenewed or materially changed except after thirty (30) days written notice by certified mail to Department of Sustainable Development and Construction.
 2. **GRANTEE** shall carry said insurance at its expense and shall furnish the City of Dallas proof of such insurance. In the event said insurance should terminate during the licensing term hereof, or **GRANTEE** fails to furnish proof of insurance coverage in accordance with the specifications as required by this section, the Director of Sustainable Development and Construction, or designee, may terminate the license granted herein.
- (d) **GRANTEE** is prohibited from using the licensed area in any manner which violates Federal, State or local laws, regulations, rules and orders, regardless of when they become or became effective, including without limitation, those related to health, safety, noise, environmental protection, waste disposal and water and air quality, and shall provide satisfactory evidence of compliance upon the request of the City of Dallas. Should any discharge, leakage, spillage, emission or pollution of any type occur upon or from the licensed area due to **GRANTEE's** use and occupancy thereof, **GRANTEE**, at its expense, shall be obligated to clean up the licensed area to the satisfaction of the City of Dallas and any governmental body having jurisdiction thereover. The City of Dallas may, at its option, clean the licensed area. If the City of Dallas elects to do so, **GRANTEE** shall promptly pay to the City of Dallas the reasonable cost of such cleanup upon receipt of bills therefore. **GRANTEE** agrees that the indemnity provisions contained in paragraph (g) herein shall be fully applicable to the requirements of this paragraph, in event of **GRANTEE's** breach of this paragraph, or as a result of any such discharge, leakage, spillage, emission or pollution arising out of the **GRANTEE's** use of the licensed area.
- (e) This license is subject to all State laws, the provisions of the Charter of the City of Dallas as it now exists, or may hereafter be adopted or amended, and the ordinances of the City of Dallas now in effect or those which may hereafter be passed or adopted. The City of Dallas shall have the right to increase or decrease the compensation to be charged for the use contemplated by this grant in

**EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS**

accordance with the provisions of the Dallas City Code as it now exists, or as may hereafter be adopted or amended.

- (f) The Governing Body of the City of Dallas reserves the right, at any time without notice, to terminate and cancel this license, by resolution, upon a finding by the Governing Body that this license is inconsistent with the public use of the property or whenever the purpose or use of the license is likely to become a nuisance and all rights granted hereunder shall thereupon be considered fully terminated and canceled and the City of Dallas shall not be held liable by reason thereof. The decision of the Governing Body of the City in this matter shall be final and binding upon all parties insofar as the City's determination as to whether the **GRANTEE's** use of this license constitutes a nuisance or is inconsistent with the public use of the property.
- (g) As a condition hereof, **GRANTEE** agrees and is bound to defend, indemnify and hold the City of Dallas, its officers, agents and employees, harmless against any and all claims, lawsuits, judgments, costs and expenses for bodily injury (including death), property damage or other harm for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by the use, occupancy and maintenance of the licensed area or **GRANTEE's** installations and improvements within the licensed area, from any act or omission of any representative, agent, customer and/or employee of **GRANTEE**, or by **GRANTEE's** breach of any of the terms or provisions of this license, or by any negligent or strictly liable act or omission of **GRANTEE**, its officers, agents, employees or contractors in the use, occupancy and maintenance of **GRANTEE's** installations and improvements within the licensed area; except that the indemnity provided for in this paragraph shall not apply to any liability resulting from the sole negligence or fault of the City of Dallas, its officers, agents, employees or separate contractors, and in the event of joint and concurring negligence or fault of both the **GRANTEE** and the City of Dallas, responsibility and liability, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas, without, however, waiving any governmental immunity available to the City of Dallas under Texas law and without waiving any defenses of the parties under Texas law. This obligation to indemnify and defend shall also include any claim for damage that any utility or communication company, whether publicly or privately owned, may sustain or receive by reason of **GRANTEE's** use of the licensed area or **GRANTEE's** improvements and equipment located thereon. In addition to the foregoing, **GRANTEE** covenants and agrees never to make a claim of any kind or character whatsoever against the City of Dallas for damage of any kind that it may suffer by reason of the installation, construction, reconstruction, operation or maintenance of any public improvement, utility or communication facility on the licensed area, whether presently in place or which may in the future be constructed or installed, including but not limited to, any water or wastewater mains or storm sewer facilities, regardless of whether such damage is due to

**EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS**

flooding, infiltration, backflow or seepage caused from the failure of any installation, natural causes, City's negligence, or from any other cause whatsoever.

- (h) This license is subject to any existing utilities or communication facilities, including drainage, presently located within the licensed area, owned and/or operated by the City of Dallas or any utility or communications company, public or private, and to any vested rights presently owned by an utility or communications company, public or private, for the use of the licensed area for facilities presently located within the boundaries of said licensed area. It is the intent of the foregoing that this permission herein is made expressly subject to the utilization of the licensed area for communication and utility purposes, both public and private, including drainage, over, under, through, across and along the licensed area. No buildings shall be constructed or placed upon, over or across the licensed area in such a manner as to interfere with the operation of any utilities and communication facilities. All and any communication company and utility, both public and private, shall have the right to remove and keep removed all or parts of any buildings which may in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems within the licensed area. All communication companies and utilities, both public and private, shall have the full right to remove and keep removed all parts of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance and efficiency of its respective system and shall at all times have the full right of ingress and egress to or from and upon the licensed area for the purpose of constructing, relocating, inspecting, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 2

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 45Q

SUBJECT

An ordinance granting a private license to Butler Brothers Hospitality Group, LLC, for the use of approximately four square feet of subsurface space to install, occupy, use and maintain an irrigation meter under a portion of Marilla Street right-of-way, near its intersection with Evergreen Street - Revenue: \$100 one-time fee, plus the \$20 ordinance publication fee

BACKGROUND

This item grants a private license to Butler Brothers Hospitality Group, LLC, for the use of approximately four square feet of subsurface space to install, occupy, use and maintain an irrigation meter under a portion of Marilla Street right-of-way, near its intersection with Evergreen Street. The use of this area will not impede pedestrian or vehicular traffic.

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

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Economic Development Committee was provided information regarding this item on September 2, 2016.

FISCAL INFORMATION

Revenue: \$100 one-time fee, plus the \$20 ordinance publication fee

OWNER

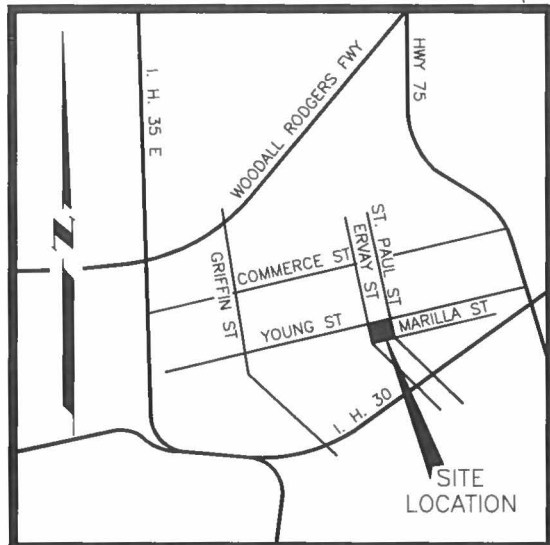
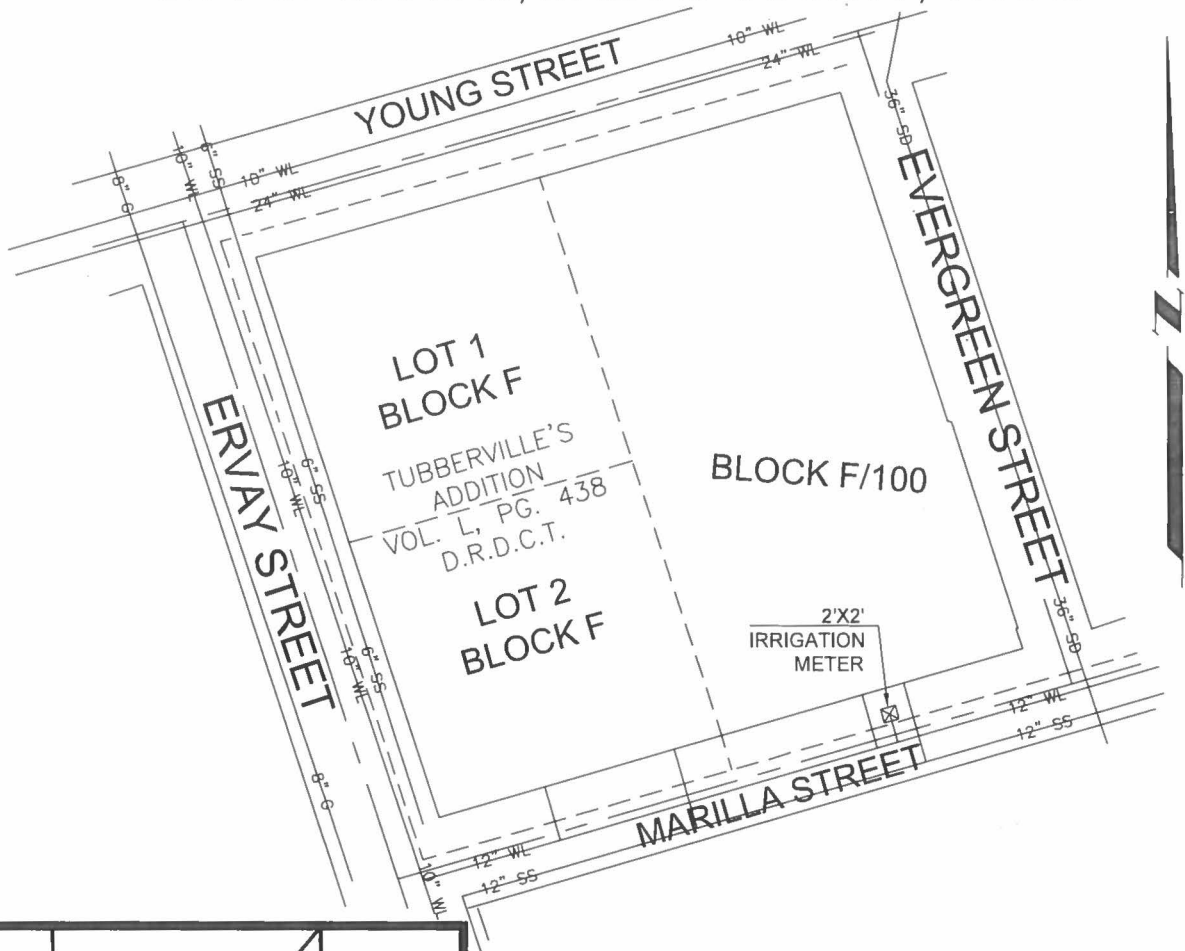
Butler Brothers Hospitality Group, LLC

Mukemmel Sarimsakci, Managing Member

MAP

Attached

LICENSE AGREEMENT
PART OF YOUNG STREET &
PART OF MARILLA STREET
ADJACENT TO
CITY BLOCK F/100 AND LOT 2, BLOCK F
CITY OF DALLAS, DALLAS COUNTY, TEXAS



LEGEND

IRRIGATION METER

4 S.F.



ORDINANCE NO. _____

An ordinance granting a private license to Butler Brothers Hospitality Group, LLC, to occupy, maintain and utilize a portion of subsurface space under Marilla Street right-of-way, near its intersection with Evergreen Street, in City Block F/100 within the limits hereinafter more fully described, for the purpose of installing an irrigation meter providing for the terms and conditions of this license; providing for the one-time fee to be paid to the City of Dallas; providing for payment of the publication fee; and providing an effective date of this license and ordinance.

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

SECTION 1. That a private license, hereinafter referred to as “license”, subject to the restrictions and conditions of this ordinance, is hereby granted to Butler Brothers Hospitality Group, LLC, a Texas limited liability corporation, its successors and assigns, hereinafter referred to as “**GRANTEE**”, to occupy, maintain and utilize for the purpose set out hereinbelow the tract of land described in Exhibit A, hereinafter referred to as “licensed area” which is attached hereto and made a part hereof.

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

SECTION 3. That **GRANTEE** shall pay to the City of Dallas a one-time license fee of **ONE HUNDRED AND NO/100 (\$100.00) DOLLARS**, said sum to become due and payable on the final passage of this ordinance and shall cover the consideration for the license term in accordance with special fees established by Section 43-115.1 of the Dallas City Code. Such consideration shall be in addition to and exclusive of any other taxes or special assessments required by law to be paid by **GRANTEE**. Should **GRANTEE** fail to pay the above stated fee within sixty (60) days of the due date, the Director of Department of Sustainable Development and Construction may terminate this license.

All sums payable to the City of Dallas hereunder shall be paid to the Chief Financial Officer of the City of Dallas and deposited in Fund 0001, Department DEV, Unit 1181, Revenue Source 8200. In the event **GRANTEE's** check for the license fee is dishonored, **GRANTEE** shall pay to the City a processing fee of \$25.00 for each dishonored check. Additionally, all monies owed to the City under this license shall be subject to the assessment of interest at a rate of 10% a year from the day after any monies become due until it is paid in full, in accordance with Section 2-1.1 of the Dallas City Code.

SECTION 4. That the licensed area shall be used by **GRANTEE** for the following purpose under the direction of the Director of Department of Sustainable Development and Construction of the City of Dallas: to install, maintain and utilize an irrigation meter.

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

SECTION 6. That this license is nonexclusive and is made expressly subject and subordinate to the right of the City to use the licensed area for any public purpose. The Governing Body of the City of Dallas reserves the right by resolution duly passed by said Governing body, to terminate and cancel this license, upon giving **GRANTEE** sixty (60) days notice of its intent to cancel. Upon termination, all rights granted hereunder shall thereupon be considered fully terminated and cancelled and the City of Dallas shall not be held liable by reason thereof. Said resolution shall be final and shall not be subject to review by the Courts. **GRANTEE** shall have the right of cancellation upon giving the City of Dallas sixty (60) days written notice of its intention to cancel, and in either event upon the termination or cancellation by the City or **GRANTEE**, as the case may be, this license shall become null and void and **GRANTEE** or anyone claiming any rights under this instrument shall remove, to the extent required by the Director of Department of Sustainable Development and Construction, any improvements and encroachments from the licensed area at **GRANTEE's** expense. Failure to do so shall subject **GRANTEE** to the provisions contained in EXHIBIT B, Subsection (a). All work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Department of Sustainable Development and Construction.

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

- a) **GRANTEE** shall obtain a street cut permit that must be submitted and issued prior to any work in the right-of-way.
- b) **GRANTEE** shall obtain a TDLR/American Disability Act review and inspection must be performed and results provided to the City.
- c) **GRANTEE** shall provide proposed components that require review and approval prior to permitting of the work.
- d) **GRANTEE** shall maintain Marilla Street right-of-way in order to facilitate emergency response and water supply during and after completion of the project. At no time during or after the project will emergency traffic be delayed and no interruption to water.
- e) **GRANTEE** acknowledges per the City of Dallas Central Business District Streets and Vehicular Circulation Plan, Section 51-9.101, Young Street requires 120 feet of right-of-way, Ervay Street requires 70 feet of right-of-way, and Marilla Street requires 64 feet of right-of-way. There must also be a minimum of four feet of unobstructed sidewalk.
- f) **GRANTEE** shall locate existing water vault and water service and keep safe distance to them.

SECTION 8. That the license granted hereby shall not become effective until and unless **GRANTEE** files a final acceptance, in writing, to the terms and conditions of this ordinance with the Director of Department of Sustainable Development and Construction and said written acceptance shall be forwarded to the City Secretary of the City of Dallas.

In the event said written final acceptance is not filed within six (6) months after the passage of this ordinance as provided for herein, then the Director of Department of Sustainable Development and Construction, or designee, may terminate this license.

SECTION 9. That upon receipt of **GRANTEE's** final written acceptance, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a NOTICE OF LICENSE and to file same in the deed records of Dallas County, Texas. Additionally, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a cancellation of Notice of License upon termination by the City or **GRANTEE** and to file such cancellation of Notice of License in the deed records of Dallas County, Texas.

SECTION 10. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 11. That this license may not be assigned without prior written approval from the Director of Department of Sustainable Development and Construction, or designee. Such assignment shall recite that it is subject to the terms, restriction and conditions contained in this ordinance. The assignee shall deliver evidence of ownership of property abutting the licensed area, and a copy of the assignment, along with the assignee's written acceptance of the provisions of this ordinance, to the Director of Department of Sustainable Development and Construction within 10 days of such assignment; said assignment and written acceptance shall be forwarded to the City Secretary of the City of Dallas. Should **GRANTEE** fail to obtain prior written approval for assignment of this license or fail to provide the City of Dallas with the required written acceptance and a copy of the assignment, the Director of Department of Sustainable Development and Construction, or designee, may terminate this license.

SECTION 12. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the fee for the year 2016, an acceptable certificate of insurance and the fee for publishing this ordinance which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee, shall deliver to **GRANTEE** the certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 13. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER D. BOWERS
Interim City Attorney

DAVID COSSUM
Director of Department of Sustainable
Development and Construction

BY

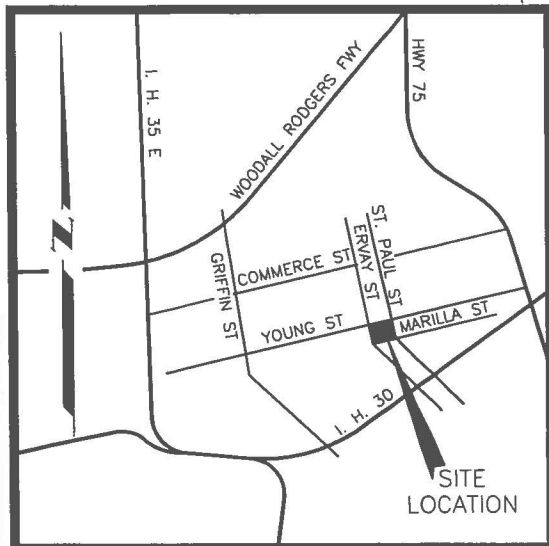
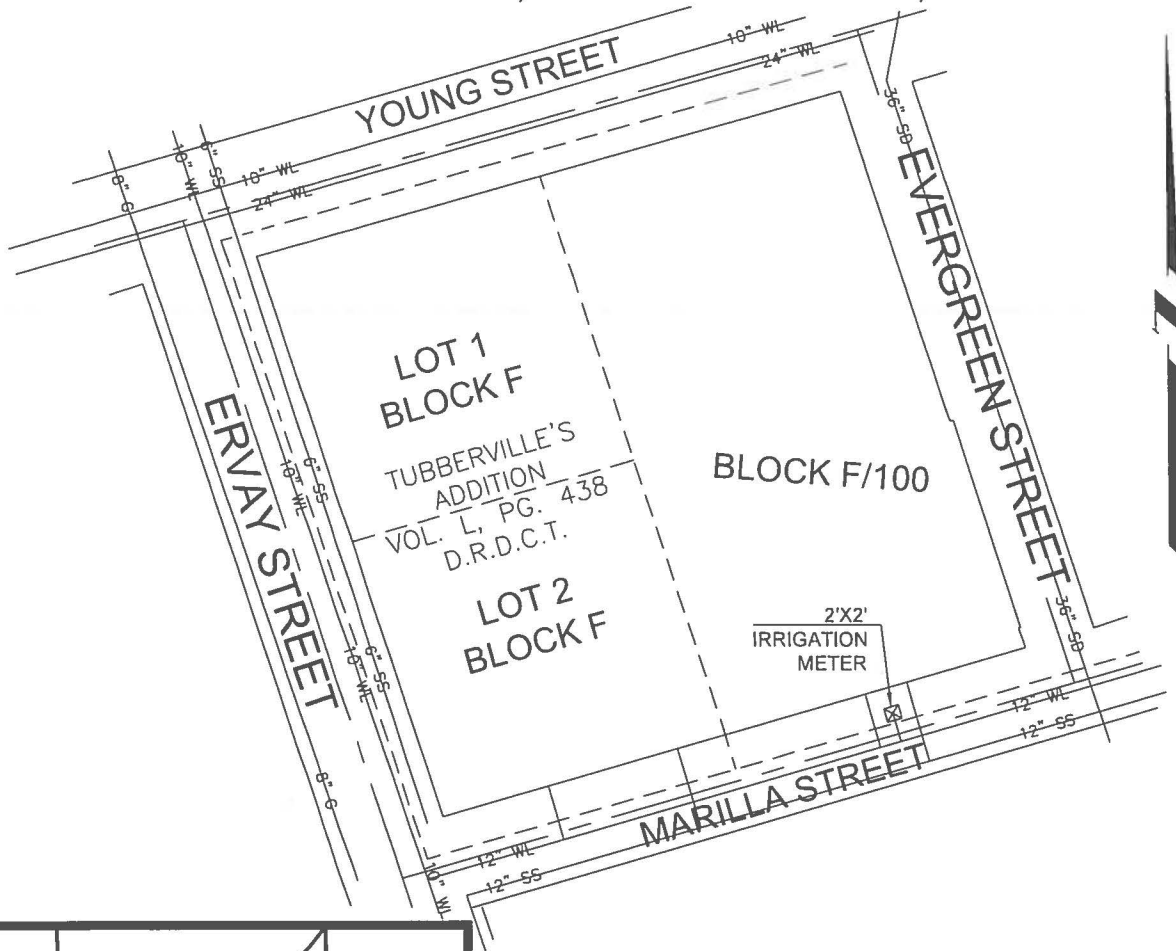

Assistant City Attorney *ONW*

BY


Assistant Director

Passed _____.

LICENSE AGREEMENT
PART OF YOUNG STREET &
PART OF MARILLA STREET
ADJACENT TO
CITY BLOCK F/100 AND LOT 2, BLOCK F
CITY OF DALLAS, DALLAS COUNTY, TEXAS



LEGEND

IRRIGATION METER

4 S.F.



**EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS**

That this license is granted subject to the following additional conditions, terms and reservations:

- (a) That at such time as this license is terminated or canceled for any reason whatsoever, **GRANTEE**, upon orders issued by the City acting through the Director of Sustainable Development and Construction, or designee, shall remove all installations, improvements and appurtenances owned by it situated in, under or attached to the licensed area, and shall restore the premises to its former condition in accordance with the requirements of the Director of Sustainable Development and Construction at the sole cost of **GRANTEE**. In the event, upon termination of this license, **GRANTEE** shall fail to remove its installations, improvements and appurtenances and to restore the licensed area in compliance with orders issued by City, or such work is not done to the satisfaction of the Director of Sustainable Development and Construction, then in either event the City shall have the right to do all work necessary to restore said area to its former condition or cause such work to be done, and to assess the cost of all such work against **GRANTEE**; in neither event shall the City of Dallas be liable to **GRANTEE** on account thereof.
- (b) It is further understood that if and when the City of Dallas, in the exercise of its discretion, shall determine that the grade of any street, sidewalk or parkway should be modified or changed, or that any other work should be done in connection with any public improvement which will affect the licensed area, and/or any of **GRANTEE's** installations and improvements thereon, any modifications or changes to **GRANTEE's** facilities in the licensed area or in construction or reconstruction of any public improvement attributable to **GRANTEE's** use of the licensed area and/or its installations and improvements thereon, shall be made at the sole expense of **GRANTEE** and to the satisfaction of the Director of Sustainable Development and Construction.
- (c) At such time as this license is granted, it is agreed, and a condition hereof, that **GRANTEE** shall procure and keep in full force and effect **Commercial General Liability Insurance** coverage issued by an insurance company authorized and approved by the State of Texas, acceptable to the City of Dallas and issued in the standard form approved by the Texas Department of Insurance. The insured provisions of this policy must name the City of Dallas as an additional insured protecting the City of Dallas against any and all claims for damages to persons or property as a result of or arising out of the use, operation and maintenance by **GRANTEE** of the licensed area and **GRANTEE's** installations, improvements, landscaping and equipment in connection therewith and located therein. The Commercial General Liability coverage must include, but not limited to, Premises/Operations, Independent Contractors and Contractual Liability with minimum combined bodily injury (including death) and property damage limits of not less than \$500,000 per occurrence and \$500,000 annual aggregate. This insurance shall also include coverage for underground, explosion and collapse hazards (i.e. not excluded). If this insurance is written on a claims-made form, coverage shall be continuous (by renewal or extended reporting period) for not less than

**EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS**

twelve (12) months following termination of this license and removal of the installations, improvements and appurtenances and restoration of the licensed area pursuant to paragraph (a) above. Coverage, including any renewals, shall contain the same retroactive date as the original policy applicable to this license. The City of Dallas reserves the right to review the insurance requirements set forth herein during the effective term of the license and to adjust insurance coverages and their limits when deemed necessary and prudent by the City of Dallas' Risk Management based upon changes in statutory law, court decisions, or the claims history of the industry as well as the City of Dallas.

1. **GRANTEE** agrees that with respect to the above required insurance, all insurance contracts and certificates of insurance will contain and state, in writing, that coverage shall not be canceled, nonrenewed or materially changed except after thirty (30) days written notice by certified mail to Department of Sustainable Development and Construction.
 2. **GRANTEE** shall carry said insurance at its expense and shall furnish the City of Dallas proof of such insurance. In the event said insurance should terminate during the licensing term hereof, or **GRANTEE** fails to furnish proof of insurance coverage in accordance with the specifications as required by this section, the Director of Sustainable Development and Construction, or designee, may terminate the license granted herein.
- (d) **GRANTEE** is prohibited from using the licensed area in any manner which violates Federal, State or local laws, regulations, rules and orders, regardless of when they become or became effective, including without limitation, those related to health, safety, noise, environmental protection, waste disposal and water and air quality, and shall provide satisfactory evidence of compliance upon the request of the City of Dallas. Should any discharge, leakage, spillage, emission or pollution of any type occur upon or from the licensed area due to **GRANTEE's** use and occupancy thereof, **GRANTEE**, at its expense, shall be obligated to clean up the licensed area to the satisfaction of the City of Dallas and any governmental body having jurisdiction thereover. The City of Dallas may, at its option, clean the licensed area. If the City of Dallas elects to do so, **GRANTEE** shall promptly pay to the City of Dallas the reasonable cost of such cleanup upon receipt of bills therefore. **GRANTEE** agrees that the indemnity provisions contained in paragraph (g) herein shall be fully applicable to the requirements of this paragraph, in event of **GRANTEE's** breach of this paragraph, or as a result of any such discharge, leakage, spillage, emission or pollution arising out of the **GRANTEE's** use of the licensed area.
- (e) This license is subject to all State laws, the provisions of the Charter of the City of Dallas as it now exists, or may hereafter be adopted or amended, and the ordinances of the City of Dallas now in effect or those which may hereafter be passed or adopted. The City of Dallas shall have the right to increase or decrease the compensation to be charged for the use contemplated by this grant in

**EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS**

accordance with the provisions of the Dallas City Code as it now exists, or as may hereafter be adopted or amended.

- (f) The Governing Body of the City of Dallas reserves the right, at any time without notice, to terminate and cancel this license, by resolution, upon a finding by the Governing Body that this license is inconsistent with the public use of the property or whenever the purpose or use of the license is likely to become a nuisance and all rights granted hereunder shall thereupon be considered fully terminated and canceled and the City of Dallas shall not be held liable by reason thereof. The decision of the Governing Body of the City in this matter shall be final and binding upon all parties insofar as the City's determination as to whether the **GRANTEE's** use of this license constitutes a nuisance or is inconsistent with the public use of the property.
- (g) As a condition hereof, **GRANTEE** agrees and is bound to defend, indemnify and hold the City of Dallas, its officers, agents and employees, harmless against any and all claims, lawsuits, judgments, costs and expenses for bodily injury (including death), property damage or other harm for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by the use, occupancy and maintenance of the licensed area or **GRANTEE's** installations and improvements within the licensed area, from any act or omission of any representative, agent, customer and/or employee of **GRANTEE**, or by **GRANTEE's** breach of any of the terms or provisions of this license, or by any negligent or strictly liable act or omission of **GRANTEE**, its officers, agents, employees or contractors in the use, occupancy and maintenance of **GRANTEE's** installations and improvements within the licensed area; except that the indemnity provided for in this paragraph shall not apply to any liability resulting from the sole negligence or fault of the City of Dallas, its officers, agents, employees or separate contractors, and in the event of joint and concurring negligence or fault of both the **GRANTEE** and the City of Dallas, responsibility and liability, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas, without, however, waiving any governmental immunity available to the City of Dallas under Texas law and without waiving any defenses of the parties under Texas law. This obligation to indemnify and defend shall also include any claim for damage that any utility or communication company, whether publicly or privately owned, may sustain or receive by reason of **GRANTEE's** use of the licensed area or **GRANTEE's** improvements and equipment located thereon. In addition to the foregoing, **GRANTEE** covenants and agrees never to make a claim of any kind or character whatsoever against the City of Dallas for damage of any kind that it may suffer by reason of the installation, construction, reconstruction, operation or maintenance of any public improvement, utility or communication facility on the licensed area, whether presently in place or which may in the future be constructed or installed, including but not limited to, any water or wastewater mains or storm sewer facilities, regardless of whether such damage is due to

**EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS**

flooding, infiltration, backflow or seepage caused from the failure of any installation, natural causes, City's negligence, or from any other cause whatsoever.

- (h) This license is subject to any existing utilities or communication facilities, including drainage, presently located within the licensed area, owned and/or operated by the City of Dallas or any utility or communications company, public or private, and to any vested rights presently owned by an utility or communications company, public or private, for the use of the licensed area for facilities presently located within the boundaries of said licensed area. It is the intent of the foregoing that this permission herein is made expressly subject to the utilization of the licensed area for communication and utility purposes, both public and private, including drainage, over, under, through, across and along the licensed area. No buildings shall be constructed or placed upon, over or across the licensed area in such a manner as to interfere with the operation of any utilities and communication facilities. All and any communication company and utility, both public and private, shall have the right to remove and keep removed all or parts of any buildings which may in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems within the licensed area. All communication companies and utilities, both public and private, shall have the full right to remove and keep removed all parts of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance and efficiency of its respective system and shall at all times have the full right of ingress and egress to or from and upon the licensed area for the purpose of constructing, relocating, inspecting, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.

AGENDA ITEM # 42

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 2

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 45M

SUBJECT

An ordinance abandoning portions of Elm and Main Streets to Westdale Properties America I, LTD, the abutting owner, containing a total of approximately 480 square feet of land, located near the intersection of Elm Street and Malcolm X Boulevard, and authorizing the quitclaim - Revenue: \$8,950, plus the \$20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of portions of Elm and Main Streets to Westdale Properties America I, LTD, the abutting owner. The area will be included with the property of the abutting owner to eliminate an existing building encroachment. The abandonment fee is based on Dallas Central Appraisal District values.

Notices were sent to 32 property owners located within 300 feet of the proposed abandonment area. There were no responses received in opposition to this request.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Economic Development Committee was provided information regarding this item on September 2, 2016.

FISCAL INFORMATION

Revenue: \$8,950, plus the \$20 ordinance publication fee

OWNER

Westdale Properties America I, LTD

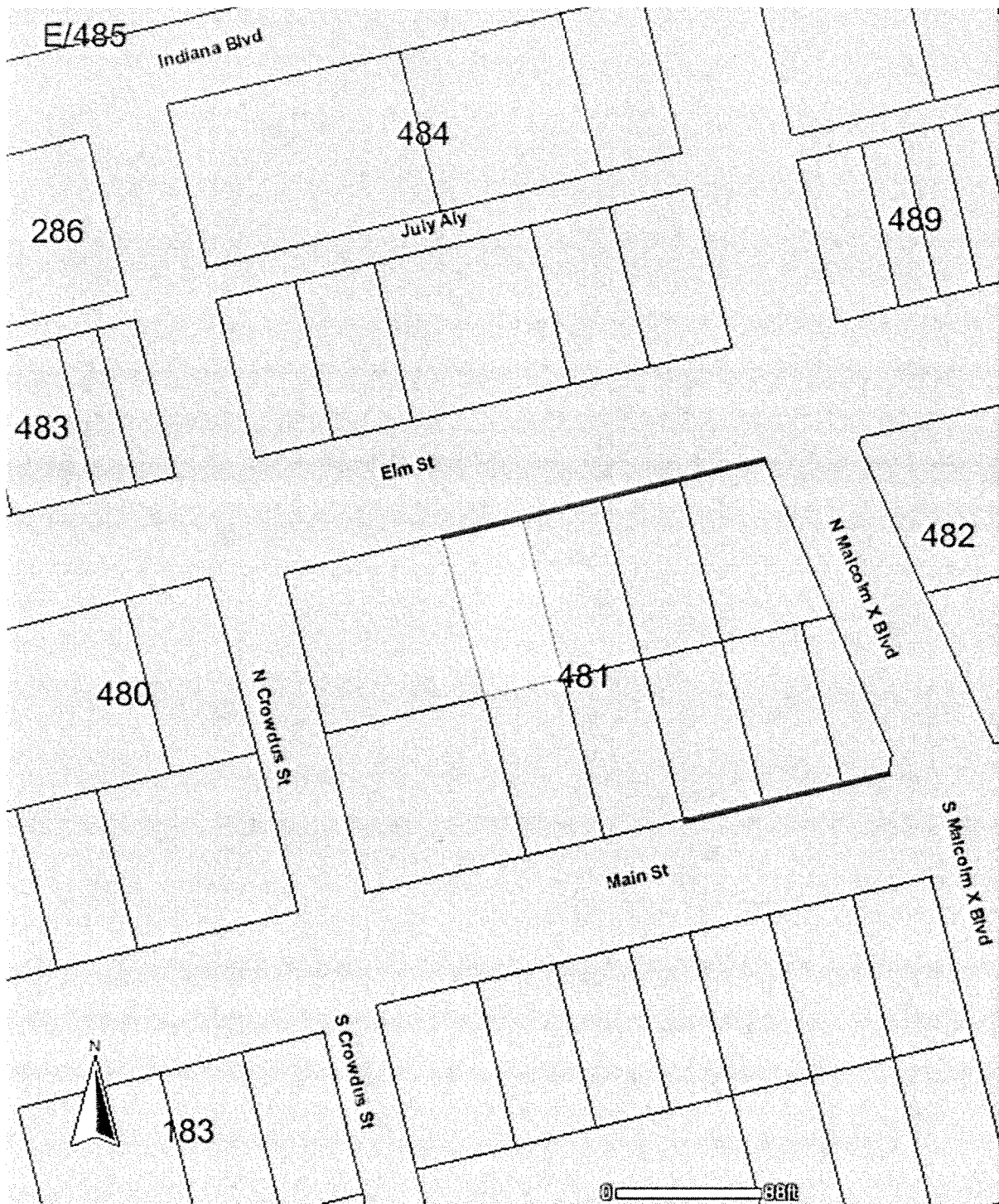
JGB Ventures I, LTD


JGB Holdings, Inc.

Joseph Beard, President

MAP

Attached



Abandonment areas = 

ORDINANCE NO. _____

An ordinance providing for the abandonment of portions of Elm Street and Main Street located adjacent to City Blocks 1/481 and B/481 in the City of Dallas and County of Dallas, Texas; subject to a reverter; providing for the quitclaim thereof to Westdale Properties America I, LTD; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Westdale Properties America I, LTD, a Texas limited partnership, hereinafter referred to as **GRANTEE**, deems it advisable to abandon and quitclaim, subject to a reverter interest the hereinafter described tracts of land, and is of the opinion that, subject to the terms conditions and reverter herein provided, said portions of public right-of-way are not needed for public use, and same should be abandoned and quitclaimed to **GRANTEE**, as provided, for the consideration hereinafter stated; and **WHEREAS**, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the public will be served by abandoning and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms conditions and reverter, hereinafter more fully set forth; **Now, Therefore**,

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

SECTION 1. That the tracts of land described in Exhibit A, which is attached hereto and made a part hereof, be and the same are abandoned, vacated and closed insofar as the right, title and easement of the public are concerned; subject, however, to the reverter and the conditions hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **EIGHT THOUSAND NINE HUNDRED FIFTY AND NO/100 (\$8,950.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Sections 8, 9 and 10, the City of Dallas does by these presents **QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations and exceptions hereinafter made and with the reverter interest herein stated, all its right, title and interest in and to those certain tracts of land hereinabove described in Exhibit A. Provided however, that if the existing encroachments situated on and adjacent to the areas to be abandoned are ever: (i) partially demolished, removed or damaged and is not promptly thereafter repaired or rebuilt; (ii) substantially or totally demolished, removed or damaged; or (iii) abandoned in whole or in part by **GRANTEE**, its successors and assigns, then this ordinance and quitclaim shall be rendered null and void and the right, title and easement of the public shall absolutely revert without any necessity for suit or re-entry by the City; and no act or omission on the part of the City, its successors and assigns, shall be a waiver of the operation or enforcement of this ordinance. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE**.

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

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

SECTION 5. That the abandonment and quitclaim provided for herein is made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise, and are further subject to the conditions contained in Exhibit B, which is attached hereto and made a part hereof for all purposes.

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

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

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, and **GRANTEE's** successors and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the areas described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the areas set out in Exhibit A, (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the areas described in Exhibit A, which **GRANTEE**, its successors and assigns, agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the areas set out in Exhibit A. **GRANTEE**, its successors and assigns, hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive, Environmental Response, Compensation Liability Act, 42 U.S.C. Section 9601 et seq., as amended, (b) any "hazardous substances": under the Texas Hazardous Substances Spill Prevention and

Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended, (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils, (d) any “hazardous chemicals” or “toxic chemicals” under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended, (e) any “hazardous waste” under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any “chemical substance” under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall file a final replat of the adjoining properties prior to the issuance of any building permits affecting the tracts of land abandoned and quitclaimed herein. This final replat shall be recorded by **GRANTEE** in the official real property records of the county in which the abandoned areas are located after its approval by the City Plan Commission of the City of Dallas.

SECTION 10. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall contact 1-800-DIG-TEST to have facilities marked and located within affected easements before any excavations are begun.

SECTION 11. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee.

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

SECTION 12. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
CHRISTOPHER D. BOWERS
Interim City Attorney

DAVID COSSUM
Director of Department of Sustainable
Development and Construction

BY 
Assistant City Attorney

BY 
SOL Assistant Director

Passed _____.

LEGAL DESCRIPTION

BEING a 350 square feet (0.008 acres) tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas and being adjacent to City Block B/481, Official City of Dallas Block Number, and being part of Elm Street (a 73-foot wide right-of-way) shown on the plat of Eliza McCoy's Addition, an addition to the City of Dallas, Texas created by the plat thereof recorded in Volume 150, Page 407, Map Records Dallas, County, Texas; and being more particularly described as follow:

COMMENCING at an iron pipe found (controlling monument) for the southeast corner of a tract of land described as Tract 4, Parcel 2 in Special Warranty Deed to Westdale Properties America I, Ltd., recorded in Instrument No. 201300249425, Official Public Records, Dallas County, Texas and being in the west right-of-way line of Malcolm X Boulevard and the east line of Block B/481; from which an "X" cut in concrete found (controlling monument) for the north end of a right-of-way corner clip at the intersection of said west right-of-way line of Malcolm X Boulevard and the north right-of-way line of Main Street (a 67-foot wide right-of-way) bears South 24°55'44" East, a distance of 97.10 feet;

THENCE with said west right-of-way line of Malcolm X Boulevard and said east line of Block B/481, North 24°55'44" West, a distance of 101.92 feet to a point in a building at the intersection of said west right-of-way line of Malcolm X Boulevard and the south right-of-way line of Elm Street for the **POINT OF BEGINNING**;

THENCE with said south right-of-way line of Elm Street and the north line of said Block B/481, South 76°12'46" West, a distance of 200.03 feet to a point in a building for the northwest corner of Lot 52, Block B/481 of said Eliza McCoy's Addition;

THENCE departing said south right-of-way line of Elm Street and said north line of Block B/481, North 14°50'50" West, a distance of 1.75 feet to a "X" cut in concrete set for corner;

THENCE being parallel and 1.75 feet perpendicular to said south right-of-way line of Elm Street and said north line of Block B/481, North 76°12'46" East, a distance of 199.72 feet to an "X" cut in concrete set for corner;

THENCE South 24°55'44" East, a distance of 1.78 feet to the **POINT OF BEGINNING** and containing 350 square feet or 0.008 acres of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.

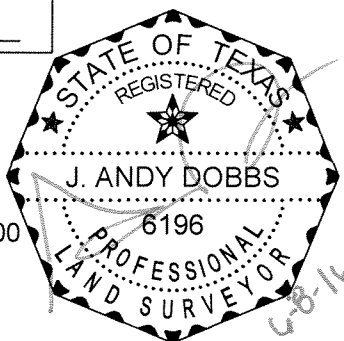
(For SPRG use only)

Reviewed By: JL

Date: 6-10-16

SPRG NO: 3555

J. ANDY DOBBS
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6196
12750 MERIT DRIVE, SUITE 1000
DALLAS, TEXAS 75251
PH. 972-770-1300
andy.dobbs@kimley-horn.com



STREET ABANDONMENT
BEING A PORTION OF ELM STREET
ADJACENT TO BLOCK B/481
ELIZA MCCOY'S ADDITION
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Kimley»Horn

12750 Merit Drive, Suite 1000
Dallas, Texas 75251

FIRM # 10115500

Tel. No. (972) 770-1300
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	MTC	JAD	JUNE 2016	064405603	1 OF 2

EXHIBIT A-TRACT 1

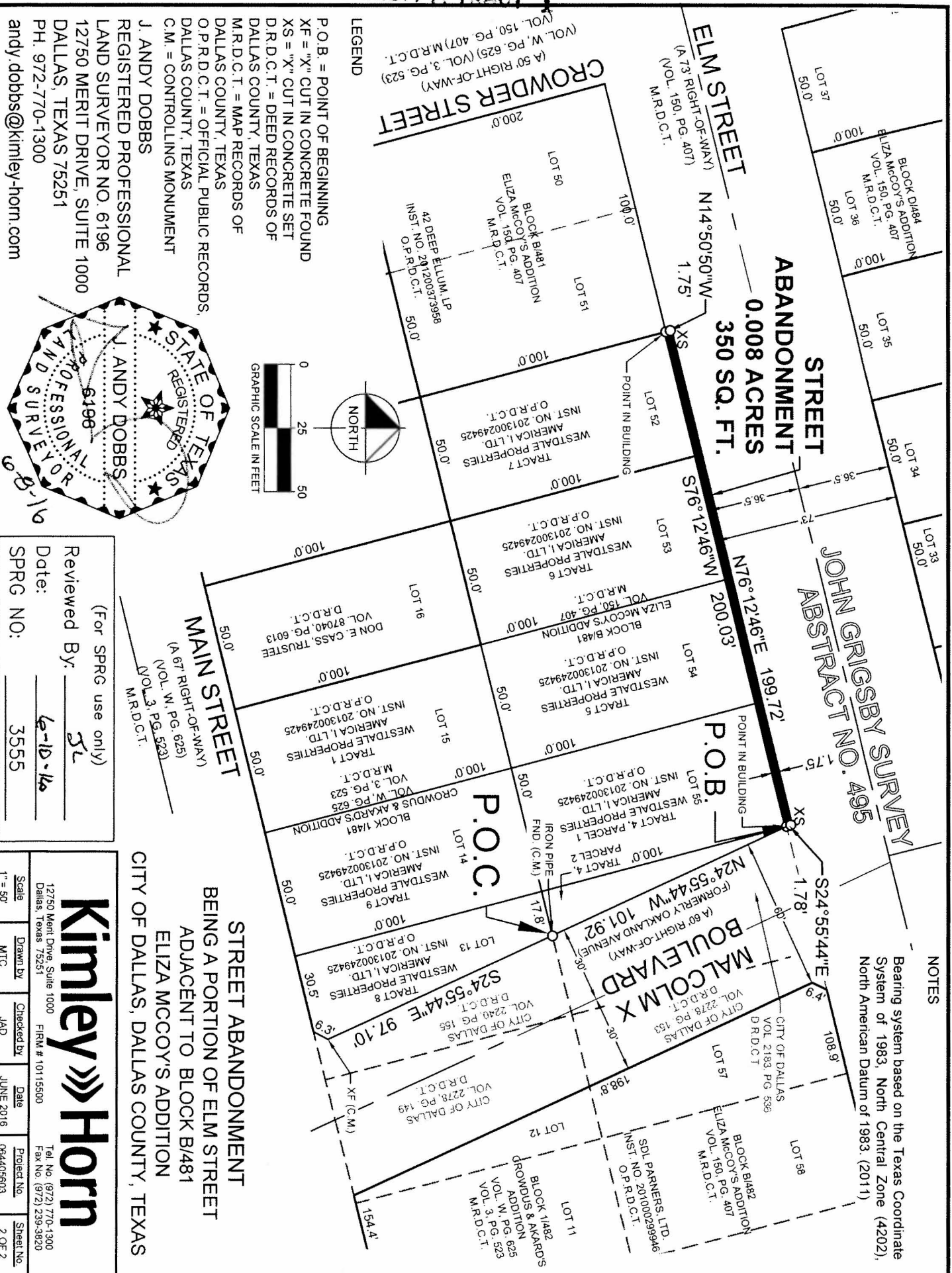


EXHIBIT A-TRACT 2

BEING a 130 square feet (0.003 acres) tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas and being adjacent to City Block 1/481, Official City of Dallas Block Number, and being part of Main Street (a 67-foot wide right-of-way) shown on the plat of Crowdus & Akard's Addition, an addition to the City of Dallas, Texas created by the plat thereof recorded in Volume W, Page 625, and Volume 3, Page 523, Map Records of Dallas County, Texas; and being more particularly described as follows:

BEGINNING at an "X" cut in concrete found (controlling monument) for the south end of a right-of-way corner clip at the intersection on the west right-of-way line of Malcolm X Boulevard (a 60-foot wide right-of-way) and the north right-of-way line of said Main Street and the south line of said Block 1/481; from said point an "X" cut in concrete found (controlling monument) at the north end of said right-of-way corner clip bears North 27°57'25" East, a distance of 6.33 feet;

THENCE departing said north right-of-way line of Main Street and said south line of Block 1/481, South 27°57'25" West, a distance of 1.34 feet to an "X" cut in concrete set for corner;

THENCE being parallel and 1.00 feet perpendicular to said north right-of-way line of Main Street, South 76°12'46" West, a distance of 129.65 feet to an "X" cut in concrete set for corner;

THENCE North 14°50'50" West, a distance of 1.00 feet to a point in a building for corner and being in said north right-of-way line of Main Street and said south line of Block 1/481;

THENCE with said north right-of-way line of Main Street and said south line of Block 1/481, North 76°12'46" East, a distance of 130.56 feet to the **POINT OF BEGINNING** and containing 130 square feet or 0.003 acres of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983. (2011)

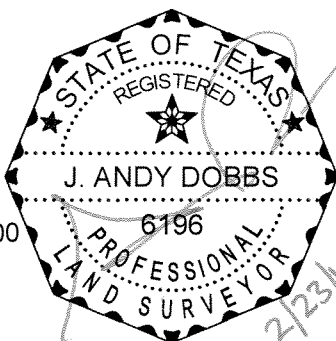
(For SPRG use only)

Reviewed By: JL

Date: 2-24-16

SPRG NO: 3554

J. ANDY DOBBS
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6196
12750 MERIT DRIVE, SUITE 1000
DALLAS, TEXAS 75251
PH. 972-770-1300
andy.dobbs@kimley-horn.com



RIGHT-OF-WAY ABANDONMENT
BEING A PORTION OF MAIN STREET
ADJACENT TO BLOCK 1/481
CROWDUS & AKARD'S ADDITION
CITY OF DALLAS, DALLAS COUNTY, TEXAS

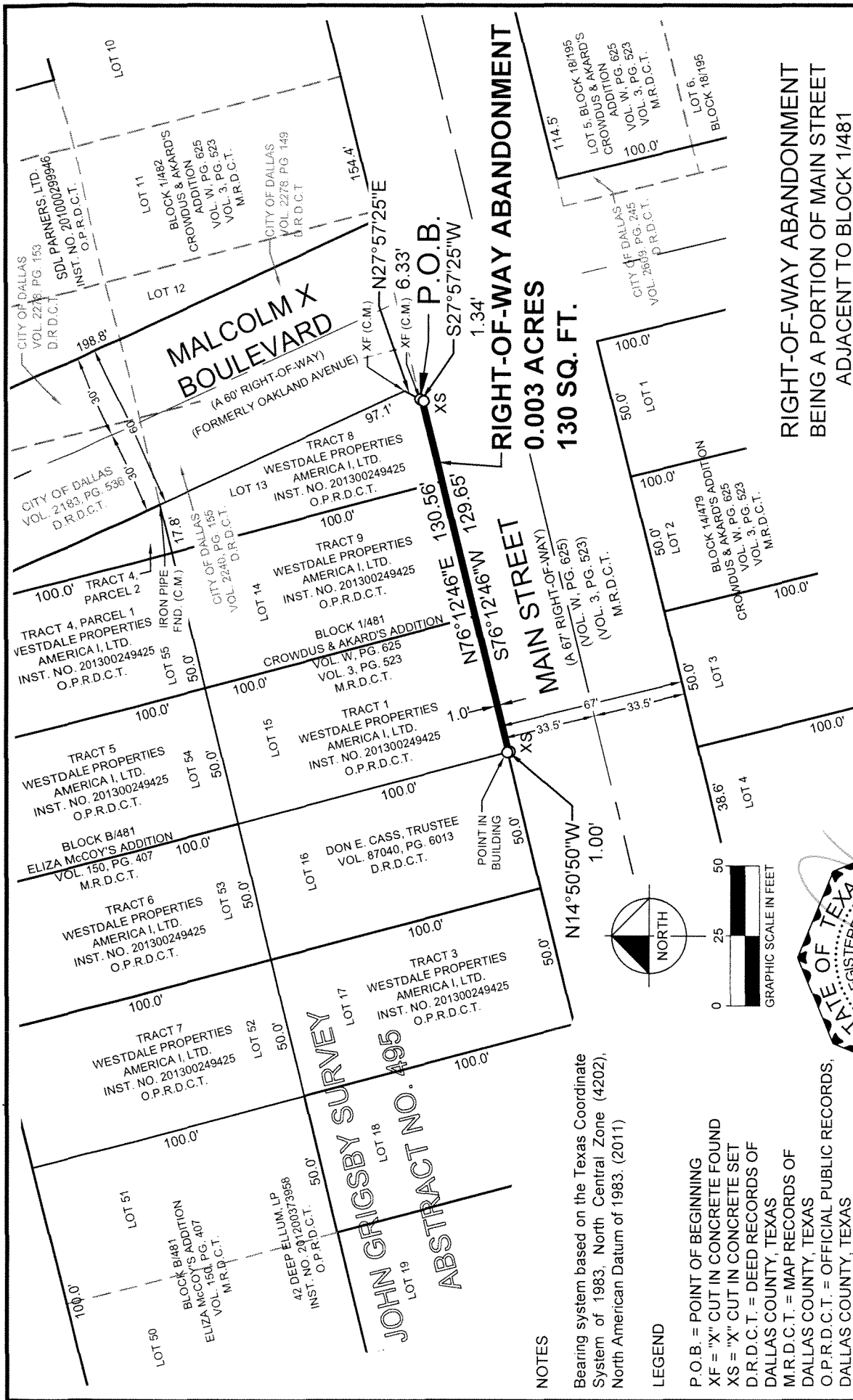
Kimley»Horn

12750 Merit Drive, Suite 1000
Dallas, Texas 75251

FIRM # 10115500

Tel. No. (972) 770-1300
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	DWP	JAD	OCT 2015	064405603	1 OF 2



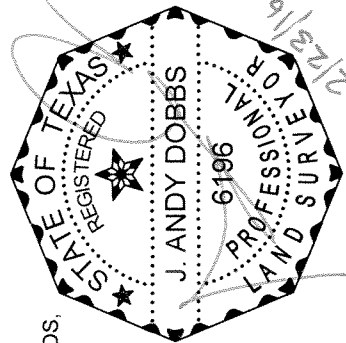
NOTES

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983. (2011)

LEGEND

P.O.B. = POINT OF BEGINNING
 XF = "X" CUT IN CONCRETE FOUND
 XS = "X" CUT IN CONCRETE SET
 D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
 M.R.D.C.T. = MAP RECORDS OF DALLAS COUNTY, TEXAS
 O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
 C.M. = CONTROLLING MONUMENT

J. ANDY DOBBS
 REGISTERED PROFESSIONAL
 LAND SURVEYOR NO. 6196
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 andy.dobbs@kimley-horn.com



RIGHT-OF-WAY ABANDONMENT
 BEING A PORTION OF MAIN STREET
 ADJACENT TO BLOCK 1/481
 CROWDUS & AKARD'S ADDITION
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)
 Reviewed By: JZ
 Date: 2-24-16
 SPRG NO: 3554

Kimley»Horn
 12750 Merit Drive, Suite 1000
 Dallas, Texas 75251
 FIRM # 10115500
 Tel No. (972) 770-1300
 Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 50'	DWP	JAD	OCT 2015	06405603	2 OF 2

EXHIBIT B

ADDITIONAL ABANDONMENT PROVISIONS

That as a condition hereof, this abandonment is subject to any utilities or communication facilities, including without limitation water and wastewater lines, gas lines, and storm sewers, ("Facilities") presently located within the abandoned area described in Exhibit "A", owned and/or operated by the City of Dallas or any utility or communications company, public or private, ("Utility") and to the rights of any Utility for the use of the abandoned area for its Facilities. It is the intent of the foregoing to confirm and maintain and there is hereby reserved and excepted unto the City of Dallas, and not abandoned or conveyed hereunder, an easement (to which this abandonment is made expressly subject) over, upon, under, through, in, and across the abandoned area for each Utility for its respective Facilities located therein at the time of this abandonment, together with the right to make any subsequent alterations, additions, expansions, upgrades or modifications to such Facilities as may, from time to time be deemed necessary or convenient by the Utility owning and/or operating same. No buildings, structures (above or below ground) or trees shall be constructed or placed within the abandoned area without written consent of each affected Utility. Each Utility shall have the full right to remove and keep removed all or part of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective Facilities lying within the abandoned area and shall at all times have the full right of ingress and egress to or from and upon the abandoned area for the purposes of reconstructing, removing, relocating, inspecting, patrolling, maintaining, expanding, upgrading, and/or adding to all or part of its Facilities without the necessity at any time of procuring the permission of anyone. The easement reserved hereunder and the conditions and restrictions to which this abandonment is subject shall remain for the benefit of the applicable Utility and/or operators of the Facilities until said Facilities are removed and relocated from the abandoned area. The relocation, removal or adjustment of any or all such Facilities, if made necessary by GRANTEE'S (whether one or more natural persons or legal entities) use of the abandonment area, shall be at the expense of GRANTEE herein, or GRANTEE'S successors and assigns. Should GRANTEE'S relocation or removal of the Facilities require the obtaining of new easements, the acquisition of same shall be at the expense of GRANTEE, GRANTEE'S successors and assigns. If any of the Facilities (or relocations thereof) are allowed to remain on any part of the abandoned area, the easements and buildings restrictions provided herein shall remain thereon. Upon removal or relocation of all of the Facilities, any easements reserved or created herein relating to such removed or relocated Facilities shall terminate, and any building restrictions herein created shall cease.

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: All

SUBJECT

An ordinance correcting Chapter 51A, "Dallas Development Code", of the Dallas City Code, as amended by correcting Section 51A-4.209(b)(6)(E)(vii) - Financing: No cost consideration to the City

BACKGROUND

During a review of Chapter 51A, staff determined that certain typographic error to Section 51A-4.209(b)(6)(E)(vii) occurred. The subsections listed include two (cc) and (dd) subsections.

The correction to number correctly is shown below:

vii) Except in the agricultural district, accessory structures are subject to the following regulations:

- (aa) No person shall rent an accessory structure. For purposes of this section, rent means the payment of any form of consideration for the use of the accessory structure.
- (bb) No person shall use an advertisement, display, listing, or sign on or off the premises to advertise the rental of an accessory structure.
- (cc) The height of an accessory structure may not exceed the height of the main building.
- (dd) The floor area of any individual accessory structure on a lot, excluding floor area used for parking, may not exceed 25 percent of the floor area of the main building.
- (~~eee~~) The total floor area of all accessory structures on a lot, excluding floor area used for parking, may not exceed 50 percent of the floor area of the main building.

BACKGROUND (Continued)

- (deff) Accessory structures must have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the main building. "Compatible" as used in this provision means similar in application, color, materials, pattern, quality, shape, size, slope, and other characteristics; but does not necessarily mean identical. The burden is on the property owner or applicant to supply proof of compatibility. This provision does not apply to accessory structures with a floor area of 200 square feet or less.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 7, 10

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 27 Y 57 L

SUBJECT

An ordinance correcting **(1)** Ordinance No. 29811, previously approved on August 12, 2015, which amended Specific Use Permit No. 913 on the north line of East Northwest Highway, east of Audelia Road; and **(2)** Ordinance No. 30070 previously approved on April 27, 2016, which created Historic Overlay District No. 146 located west of the intersection of Pemberton Hill Road and Sarah Lee Drive - Financing: No cost consideration to the City

BACKGROUND

The City Council, on August 12, 2015, approved Ordinance No. 29811 for an amendment to Specific Use Permit No. 913 for a police station to add a radio, television or microwave tower in conjunction with a police station on property zoned an R-7.5(A) Single Family District on the north line of East Northwest Highway, east of Audelia Road. Subsequent to the passage of the ordinance it was determined that the property description was not attached to the ordinance. The correction ordinance attaches the property description to the ordinance as Exhibit A.

The City Council, on April 27, 2016, approved Ordinance No. 30070 for the creation of Historic Overlay District No. 146, Big Springs Site, located west of the intersection of Pemberton Hill Road and Sarah Lee Drive. Subsequent to the passage of the ordinance it was determined that the Historic Overlay District number assigned in Ordinance No. 30070 had been previously assigned. The correction ordinance changes the Historic Overlay District No. from 146 to 147.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

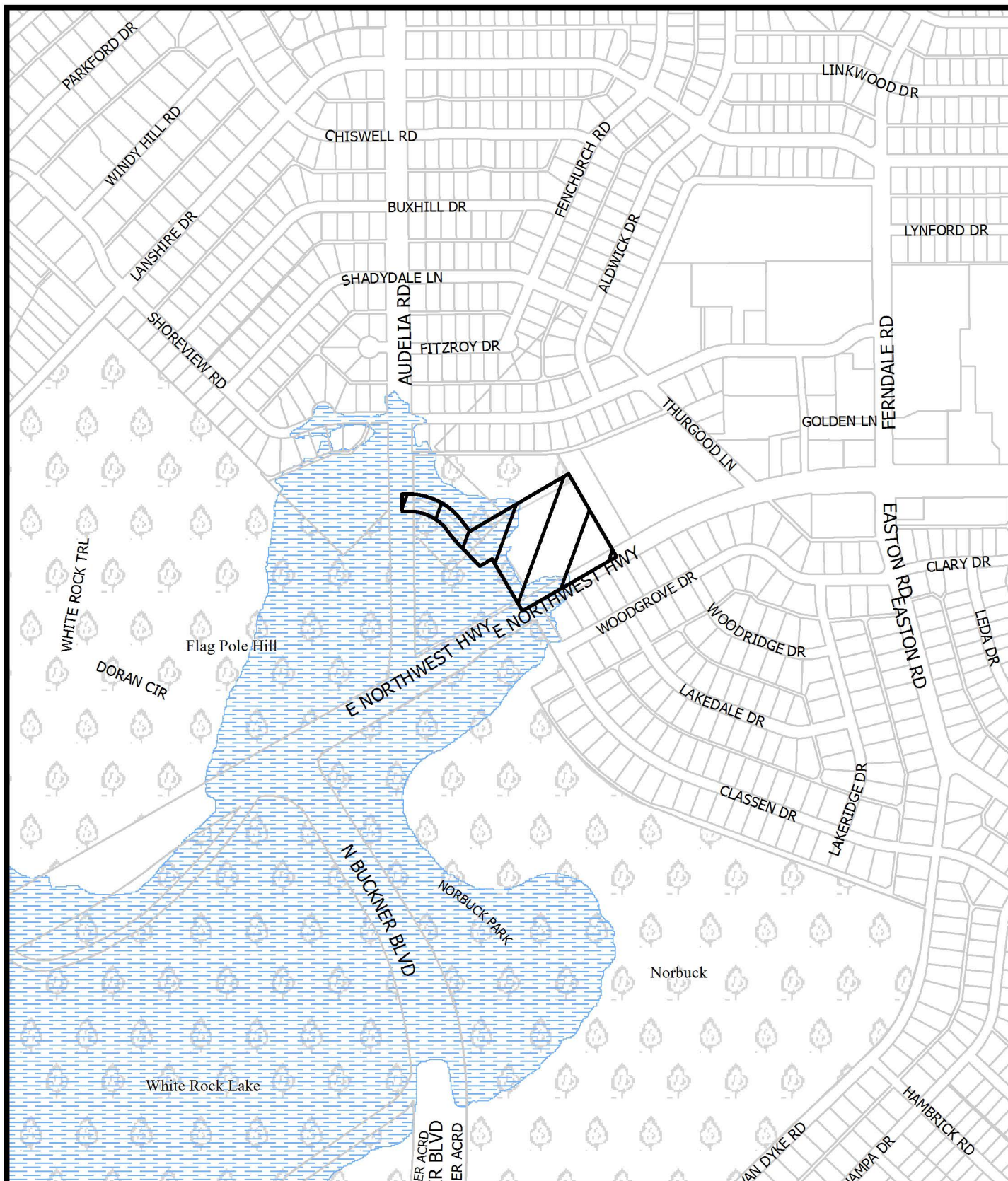
This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

MAPS

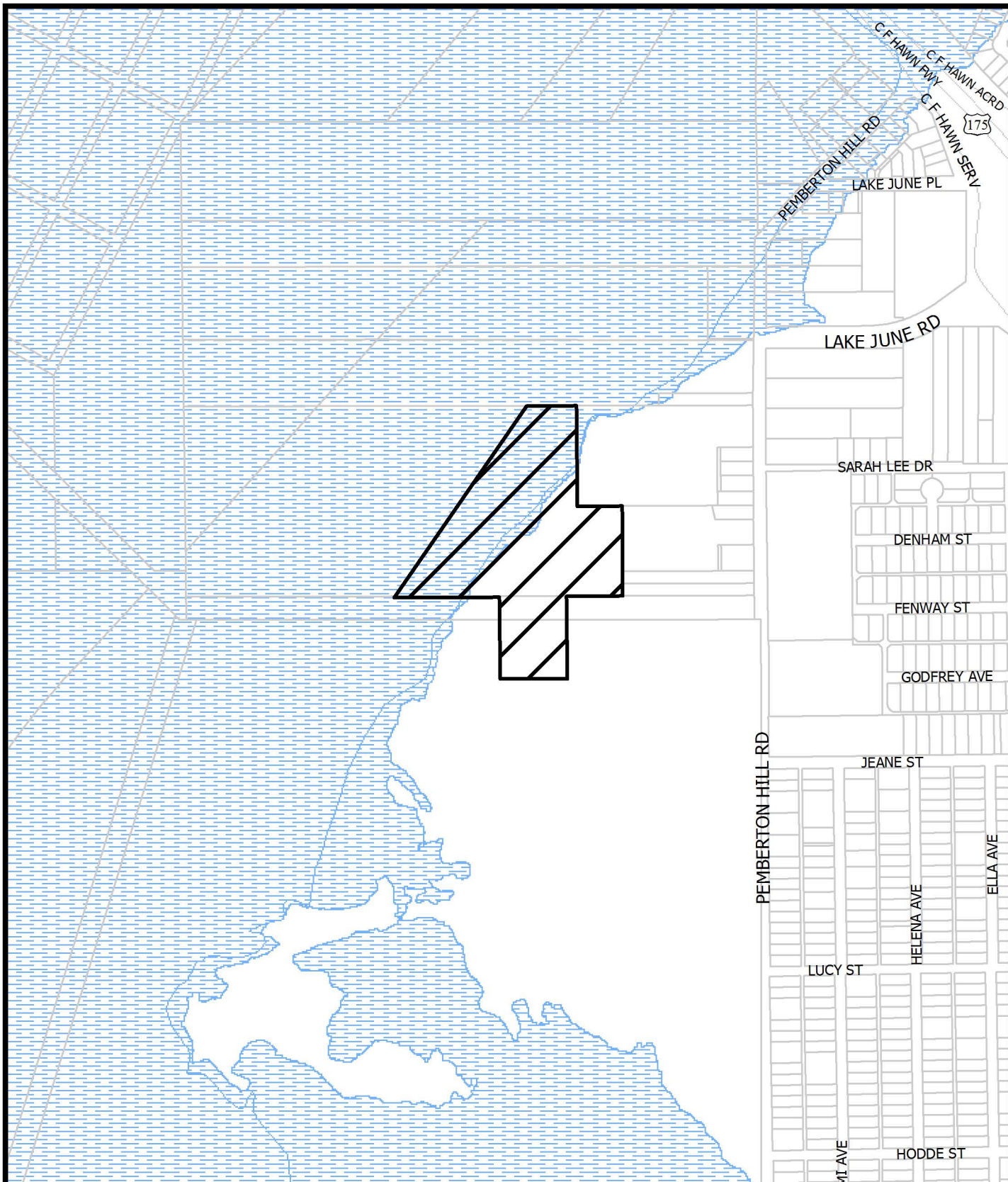
Attached



1:7,200

VICINITY MAP

Ordinance No. 29811



1:7,200

VICINITY MAP

Ordinance No. 30070

AGENDA ITEM # 45

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 2, 3

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 34L 61B-A B E F

SUBJECT

An ordinance correcting **(1)** Planned Development District No. 944 created by Ordinance No. 29890; and **(2)** Planned Development District No. 521, Sections 51P.521.109(4)(A) and 51P.109(5)(B) relating to Subarea E - Financing: No cost consideration to the City

BACKGROUND

During a review of Chapter 51P, staff determined that certain typographic and minor errors occurred when the ordinances were codified.

The City Council, on September 22, 2015, closed the public hearing and approved Ordinance No. 29890 for the creation of Planned Development District No. 944 on the northwest corner of West Mockingbird Lane and Roper Street. Subsequent to the passage of the ordinance it was determined that the Planned Development District number assigned in Ordinance No. 29890 had been previously assigned. The correction ordinance changes the Planned Development District number from 944 to 947.

The City Council, on January 13, 2016, approved Ordinance No. 29989 amending Subdistrict E within Planned Development District No. 521 on property generally along the east line of Mountain Creek Parkway, southwest of West Kiest Boulevard. Subsequent to the passage of the ordinance it was determined the allowed square footage and floor area ratio for warehouse uses cited in Sections 51P.521.109(4)(A) and 51P.109(5)(B) was incorrect. The correction ordinance changes the ratio to correspond with what was presented in the City Council case report. The Council case report indicated that the amendment would allow for up to 1,600,000 square feet of warehouse development.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

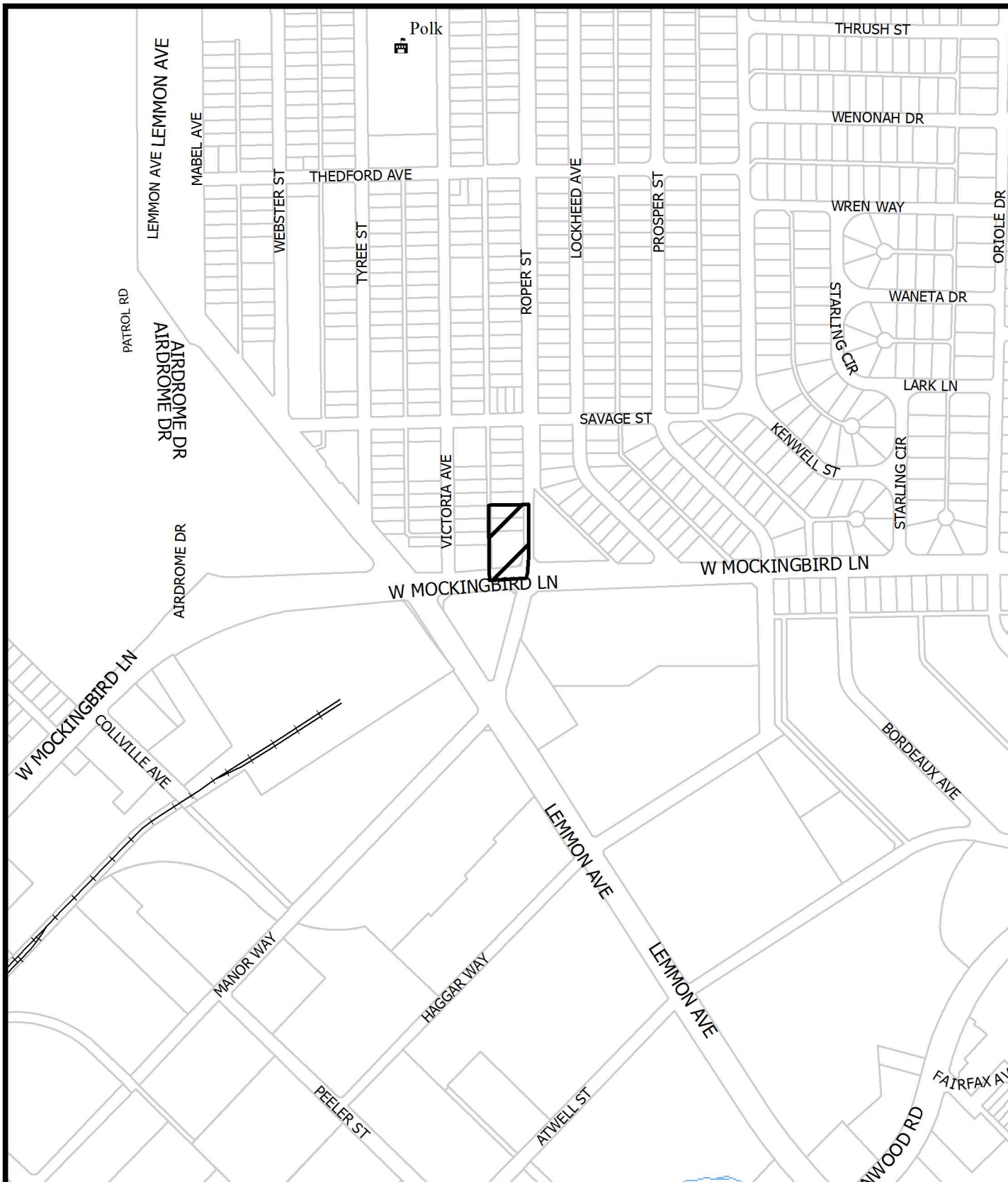
This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

MAPS

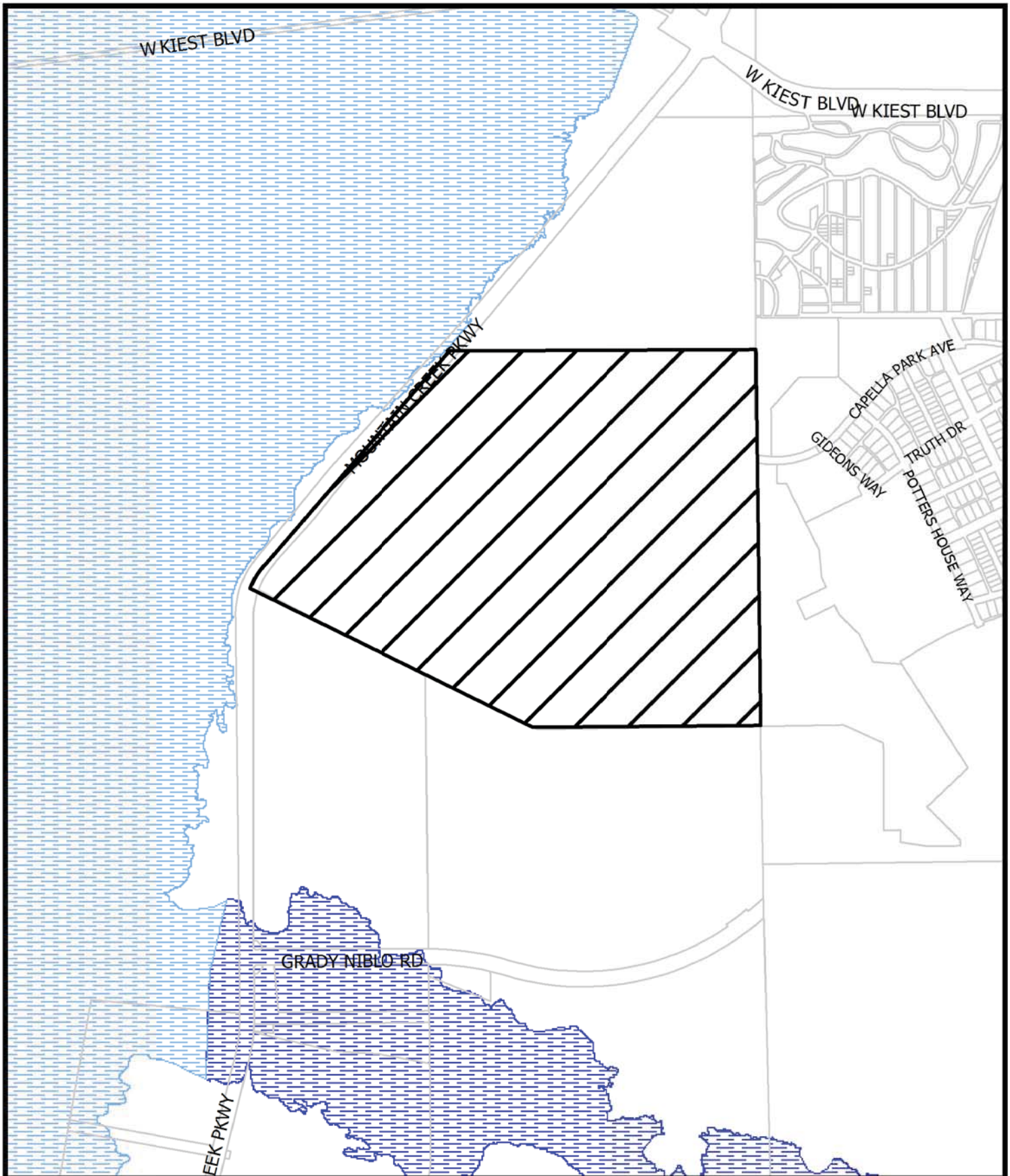
Attached



1:6,000

VICINITY MAP

**Ordinance No.
29890**



1:10,800

VICINITY MAP

Ordinance No. 29989

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 7

DEPARTMENT: Trinity Watershed Management

CMO: Mark McDaniel, 670-3256

MAPSCO: 49 N

SUBJECT

A resolution consenting to the condemnation and acceptance of the award of the Special Commissioners of a drainage easement containing approximately 5,488 square feet of City-owned land to Union Pacific Railroad Company, a Delaware Corporation vs. The City of Dallas, Texas, Cause No. CC-16-00069-A, located at 9100 Cedar Run Drive - Revenue: \$2,600

BACKGROUND

This item consents to the condemnation and acceptance of the award of the Special Commissioners of a drainage easement containing approximately 5,488 square feet of City-owned land to Union Pacific Railroad Company.

This is an eminent domain case filed by Union Pacific Railroad Company against the City for the acquisition of City-owned land. The Petition for Condemnation was filed January 6, 2016. As required by law, the judge appointed three special commissioners to determine the compensation for the acquisition of the property. The Commissioners' hearing was held on June 8, 2016, and determined the property's market value was \$2,600.

Because an entity with condemning authority is seeking to condemn property owned by the City, the City Council needs to formally consent to the acquisition of the property if it has no objection to the acquisition.

The compensation amount is based on an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council will be briefed by memorandum on September 9, 2016.

Information about this item will be provided to the Transportation and Trinity River Project Committee on September 12, 2016.

FISCAL INFORMATION

Revenue: \$2,600

MAP

Attached



UNION PACIFIC RAILROAD

CITY OF DALLAS

O.B. CROWE DRIVE

EDDY SASS COURT

**PROPOSED
CONDEMNATION
PARCEL**



September 14, 2016

A RESOLUTION CONSENTING TO AND AUTHORIZING SETTLEMENT OF A CONDEMNATION SUIT FILED AGAINST THE CITY.

WHEREAS, the City of Dallas owns a tract of land containing approximately 5,488 square feet situated in City Block O/6787, Dallas, Dallas County, Texas, located at 9100 Cedar Run Drive in the City of Dallas, Dallas County, Texas, as described in Exhibit "A", attached herein (the PROPERTY); and

WHEREAS, Union Pacific Railroad Company filed a lawsuit styled Union Pacific Railroad Company, a Delaware Corporation vs. The City of Dallas, Texas, Cause No. CC-16-00069-A, in County Court at Law No. 1 of Dallas County, Texas (the CONDEMNATION SUIT) on January 6, 2016, seeking to acquire a drainage easement in the PROPERTY by eminent domain; and

WHEREAS, the Judge appointed three Special Commissioners to determine the compensation owed for the acquisition of the PROPERTY; and

WHEREAS, the Special Commissioners held a hearing on June 8, 2016, and determined the PROPERTY'S market value was \$2,600 (the COMMISSIONERS' AWARD); and

WHEREAS, the City consents, in this instance, to allow the condemnation of the PROPERTY; and

WHEREAS, the City Council desires to authorize the City Attorney to settle the CONDEMNATION SUIT for the amount of the COMMISSIONERS' AWARD; **Now, Therefore,**

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

SECTION 1. That the City consents to the condemnation of the PROPERTY and authorizes the City Attorney to settle the CONDEMNATION SUIT for the amount of the COMMISSIONERS' AWARD.

SECTION 2. That the City Attorney is authorized to prepare and execute such documents as may be necessary to effect the settlement described herein.

SECTION 3. That any and all proceeds received for the PROPERTY be deposited to General Fund 0001, Dept TWM, Balance Sheet Account 0895 and Trinity Watershed Management shall be reimbursed for the cost of obtaining legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Dept TWM, Unit 3009, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Source 8118.

September 14, 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.

APPROVED AS TO FORM:

CHRISTOPHER D. BOWERS, Interim City Attorney

BY



Assistant City Attorney

BEING a 0.1260 acre tract of land situated in the JOE BADGELY SURVEY ABSTRACT NO. 75, City of Dallas, Dallas County, Texas and being part of Block O/6787 of Cedar Run Phase II, an addition to the City of Dallas, according to the plat thereof recorded in Volume 86077, Page 4952, Plat Records, Dallas County, Texas (P.R.D.C.T.) and being part of that tract of land conveyed to the City of Dallas, recorded in Volume 86077, Page 5704, Deed Records, Dallas County, Texas (D.R.D.C.T.) and being more particularly described as follows:

BEGINNING at a 1/2" iron rod set for corner in the southerly right-of-way line of the Union Pacific Railroad (UPRR) (a 100' R.O.W.) and being the northwest corner of Lot 40, Block L/6787 of said Cedar Run Phase II and being the northeast corner of the said City of Dallas tract of land;

THENCE S 12 deg. 20 min. 36 sec. W, along the west line of said Lot 40 and the east line of said City of Dallas tract of land, a distance of 37.17 feet to a 1/2" iron rod set for corner and being the beginning of a non-tangent curve to the right, having a central angle of 00 deg. 58 min. 42 sec. a radius of 9222.34 feet and a chord which bears S 88 deg. 27 min. 40 sec. W. a distance of 157.46 feet;

THENCE southwesterly, along the said curve, an arc distance of 157.46 feet to a 1/2" iron rod set for corner in the west line of said City of Dallas tract of land and the east line of that tract of land conveyed by deed to DWL Real Estate Inc. recorded in Volume 2002066, Page 8705, D.R.D.C.T.;

THENCE N 26 deg. 17 min. 16 sec. E, along the east line of said DWL Real Estate Inc. tract of land and the west line of said City of Dallas tract of land, a distance of 40.55 feet to a 1/2" iron rod set for corner in the southerly right-of-way line of said UPRR and being the northeast corner of said DWL Real Estate Inc. tract of land and the northwest corner of said City of Dallas tract of land and being in a curve to the left, having a central angle 00 deg. 55 min. 11 sec., a radius of 9186.34 feet and a chord which bears N 88 deg. 22 min. 28 sec. E, a distance of 147.45 feet;

THENCE northeasterly along the southerly right-of-way line of said UPRR and the north line of said City of Dallas tract of and along the said curve, an arc distance of 147.85 feet to the POINT OF BEGINNING and containing 5488 sq. ft. or 0.1260 acres of land.

FIELD NOTES APPROVED:

Just Holt 8/30/2016



KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 2, 6

DEPARTMENT: Trinity Watershed Management
Aviation
Water Utilities

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

MAPSCO: 23Z 24W 33B C D F G H M 34A B E F G J K L P

SUBJECT

Authorize a professional services contract with CDM Smith, Inc. for an engineering feasibility study of the stormwater drainage at Dallas Love Field - Not to exceed \$407,637 - Financing: Stormwater Drainage Management Capital Construction Funds (\$78,819), Water Utilities Capital Construction Funds (\$78,818) and Aviation Capital Construction Funds (\$250,000)

BACKGROUND

This action will authorize a professional services contract with CDM Smith, Inc. for an engineering feasibility study of the stormwater drainage at Dallas Love Field. In 2013, CDM Smith, Inc. completed the Love Field Master Drainage Plan that evaluated onsite and offsite drainage for the airport, and developed several alternatives to address flooding. The alternative to discharge stormwater flows directly into Bachman Lake was not fully investigated due to concerns about the maintenance and operation of Bachman Dam. Concurrently, Dallas Water Utilities has an on-going project to evaluate the condition of Bachman Dam and recommend rehabilitation alternatives. This project is an opportunity to combine departmental efforts into one project to optimize the drainage outfall from the airport.

This study will assess the feasibility of discharging a portion of Dallas Love Field stormwater drainage to Bachman Lake by modifying the dam and removing it as a Texas Commission on Environmental Quality regulated structure. The project will include identification of alternatives to modify Bachman Lake, hydrologic and hydraulic modeling, geotechnical and structural analysis, study of related infrastructure impacts, development of Bachman Lake Park reconfiguration alternatives, costs and benefits analysis, including hike and bike trails; further development of planning and design options to address sedimentation, water depth issues and lake dredging to improve rowing activities and water quality, cost and benefit analyses, and public outreach.

BACKGROUND (Continued)

CDM Smith, Inc. was selected following the Special Need/Justification selection process in accordance with the City of Dallas Administrative Directive 4-5.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	October 2016
Complete Design	July 2017

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract for engineering services on March 9, 2011, by Resolution No. 11-0646.

Information about this item will be provided to the Transportation and Trinity River Project Committee on September 12, 2016.

FISCAL INFORMATION

Stormwater Drainage Management Capital Construction Funds - \$78,819.00
Water Utilities Capital Construction Funds - \$78,818.00
Aviation Capital Construction Funds - \$250,000.00

<u>Council District</u>	<u>Amount</u>
2	\$326,109.60
6	<u>\$ 81,527.40</u>
Total	\$407,637.00

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

CDM Smith, Inc.

Hispanic Female	2	Hispanic Male	4
African-American Female	5	African-American Male	3
Other Female	4	Other Male	18
White Female	11	White Male	41

OWNER

CDM Smith, Inc.

Bob Brashear, President

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a professional services contract with CDM Smith, Inc. for an engineering feasibility study of the stormwater drainage at Dallas Love Field - Not to exceed \$407,637 - Financing: Stormwater Drainage Management Capital Construction Funds (\$78,819), Water Utilities Capital Construction Funds (\$78,818) and Aviation Capital Construction Funds (\$250,000)

CDM Smith, 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	\$387,447.00	95.05%
Total non-local contracts	\$20,190.00	4.95%
TOTAL CONTRACT	\$407,637.00	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	BFDB06673Y0317	\$42,370.00	10.94%
Salcedo Associates	HMDB94641Y1116	\$63,600.00	16.42%
Total Minority - Local		\$105,970.00	27.35%

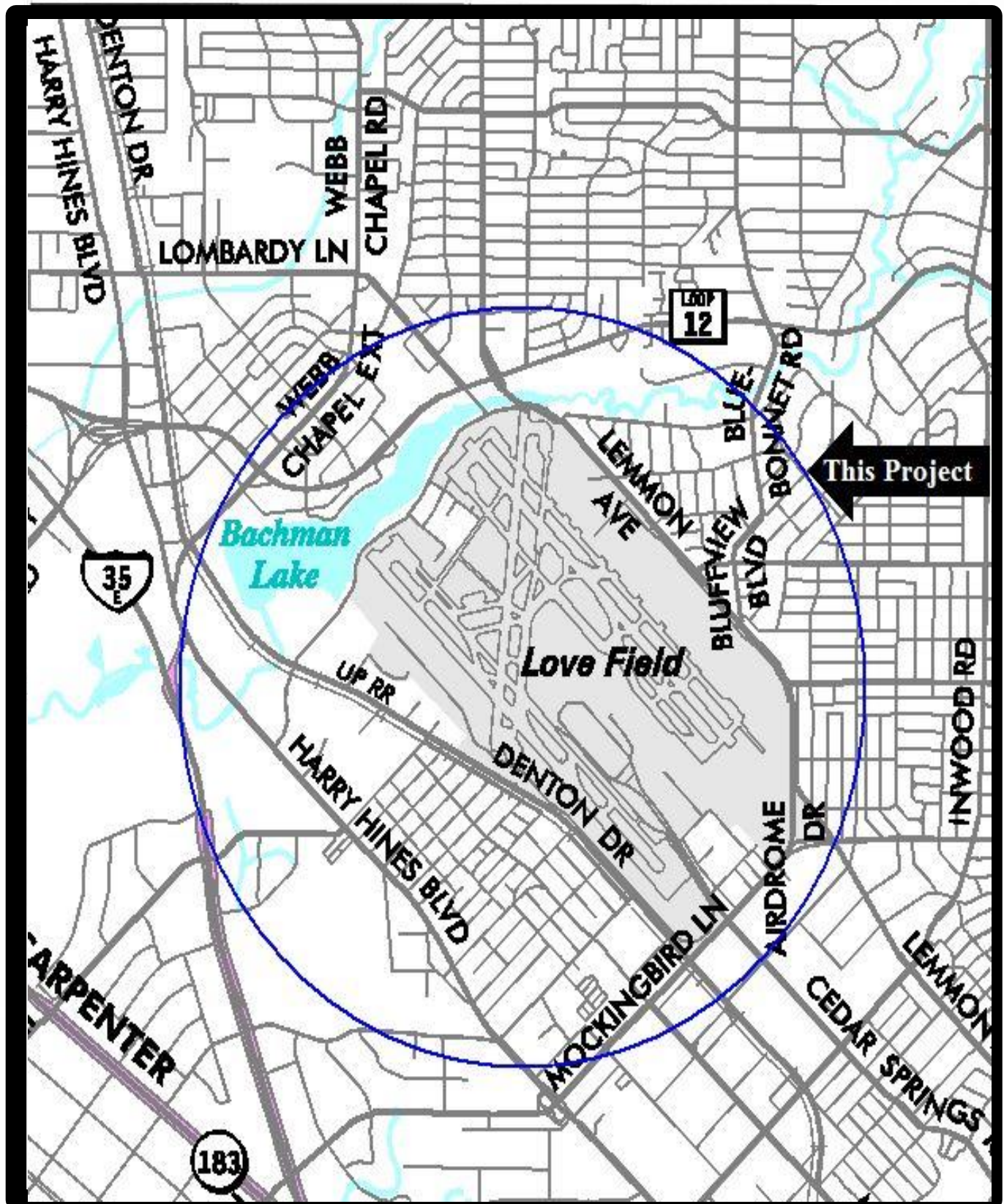
Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$42,370.00	10.94%	\$42,370.00	10.39%
Hispanic American	\$63,600.00	16.42%	\$63,600.00	15.60%
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	\$105,970.00	27.35%	\$105,970.00	26.00%

Love Field Stormwater Drainage



Mapsco 23-Z 24-W 33-B,C,D,F,G,H,M 34-A,B,E,F,G,J,K,L,P

September 14, 2016

WHEREAS, on March 9, 2011, Resolution No. 11-0646 authorized a professional services contract for the Love Field Master Drainage Plan for Dallas Love Field with Camp Dresser & McKee, Inc. in an amount not to exceed \$1,884,500.00; and

WHEREAS, Dallas Water Utilities has an on-going project to evaluate the condition of Bachman Dam and recommend rehabilitation alternatives; and

WHEREAS, there is now an opportunity to combine departmental efforts into one project to optimize the drainage outfall from the airport to Bachman Lake; and

WHEREAS, CDM Smith, Inc. was selected to provide an engineering feasibility study of the stormwater drainage at Dallas Love Field Airport as it relates to Bachman Lake.

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 CDM Smith, Inc. for an engineering feasibility study of the stormwater drainage at Dallas Love Field in an amount not to exceed \$407,637.00, 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:

Stormwater Drainage Management Capital Construction Fund
Fund 0063, Dept. SDM, Unit W134, Activity SD01
Object 3110, Program No. SD16W134, CT SDM416W134VS
Vendor No. 089614, in an amount not to exceed \$ 78,819.00

Water Utilities Capital Construction Fund
Fund 0102, Dept. DWU, Unit CW01,
Object 3070, Program No. 71326X, CT DWU7A1326EN
Vendor No. 089614, in an amount not to exceed \$ 78,818.00

Aviation Capital Construction Fund
Fund 0131, Dept. AVI, Unit W133,
Object 3099, Program No. AVW133, CT AVIW133MPFY16
Vendor No. 089614, in an amount not to exceed \$250,000.00

Total amount not to exceed \$407,637.00

September 14, 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.

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 7, 8

DEPARTMENT: Trinity Watershed Management

CMO: Mark McDaniel, 670-3256

MAPSCO: 57-P T U X Y & Z and 67-B C & D

SUBJECT

Authorize an increase in the construction contract with DCI Contracting, Inc. for vegetative support layer improvements for closed landfill improvements associated with the Simpkins Remediation located at 5950 Elam Road and 6300 Great Trinity Forest Way - Not to exceed \$592,928, from \$2,371,711 to \$2,964,639 - Financing: Stormwater Drainage Management Capital Construction Funds

BACKGROUND

The Elam and South Loop 12 Landfills, also known as Simpkins Landfills, were issued Municipal Solid Waste (MSW) Permit No. 88 on August 29, 1975, by the Texas State Department of Health. Both landfills are located in the vicinity of Great Trinity Forest Way (also known as Loop 12) and Pemberton Hill Road. The total permitted landfill area is approximately 340 acres (85 acres for the Elam Landfill and 255 acres for the South Loop 12 Landfill).

Based on prior environmental investigations by the City and the State of Texas, remediation efforts were planned and constructed to bring environmental conditions at the sites into compliance with state and federal landfill regulations, as required by Texas Commission on Environmental Quality.

Proper regulatory closure of the Elam and South Loop Landfills required significant additional fill to be placed on top of the remediation area(s) to augment and preserve the structural integrity of the existing landfill cap with installation of a healthy vegetative layer to prevent rainfall falling on the landfill from percolating through the underlying waste.

During the construction process, several unanticipated field conditions were encountered that required plan revisions, and adjustment of the plan quantities to reflect as-constructed conditions. Additionally, inclement weather during the FY 14-15 construction season caused several delays and additional work to rectify flood-related site impacts.

BACKGROUND (Continued)

The contractor de-mobilized from the project in late August, 2015, and sought legal remedy for outstanding changes to the plan quantities as bid and constructed. This action is requested pursuant to a formally mediated contract agreement with DCI Contracting, Inc. authorizing an increase in the base contract amount, allowing subsequent contract closeout.

ESTIMATED SCHEDULE OF PROJECT

Began Engineering Design	March 2014
Completed Engineering Design	April 2014
Began Construction	June 2014
Completed Construction	July 2015

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized acquisition of approximately 61 acres from Weir Bros, Partners, L.L.C. on April 28, 2004, by Resolution No. 04-1416.

Authorized acquisition of approximately 1,415 acres from Metropolitan Sand & Gravel Co., L.L.C. on February 13, 2008, by Resolution No. 08-0398.

Authorized settlement in lieu of proceeding further with condemnation for the acquisition of approximately 1,415 acres of land from Metropolitan Sand and Gravel Company, L.L.C. or its successor, and approximately 111 acres of land from Weir Bros. Partners, L.L.C., for the Trinity River Corridor Project on May 28, 2008, by Resolution No. 08-1591.

Authorized a professional services contract with Terracon Consultants, Inc., on October 22, 2008, by Resolution No. 08-2874.

Authorized a lease agreement with the nonprofit corporation, The 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 for engineering design services with Pacheco Koch Consulting Engineers, Inc. on April 9, 2014, by Resolution No. 14-0627.

Authorized a construction contract with L.D. Kemp Excavating, Inc. on April 9, 2014, by Resolution No. 14-0628.

Authorized Supplemental Agreement No. 1 to the professional services contract with Terracon Consultants, Inc., on April 9, 2014, by Resolution No. 14-0629.

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

Authorized a construction contract with DCI Contracting, Inc. on May 14, 2014, by Resolution No. 14-0790.

FISCAL INFORMATION

Stormwater Drainage Management Capital Construction Funds - \$592,927.75

Engineering Design	\$ 842,290.00
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Construction

Original Construction Contract	\$2,371,711.00
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Change Order No. 1 (this action)	<u>\$ 592,927.75</u>
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Total Project Cost	\$3,806,928.75
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Council District

Amount

7	\$197,642.58
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8	<u>\$395,285.17</u>
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Total	\$592,927.75
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OWNER

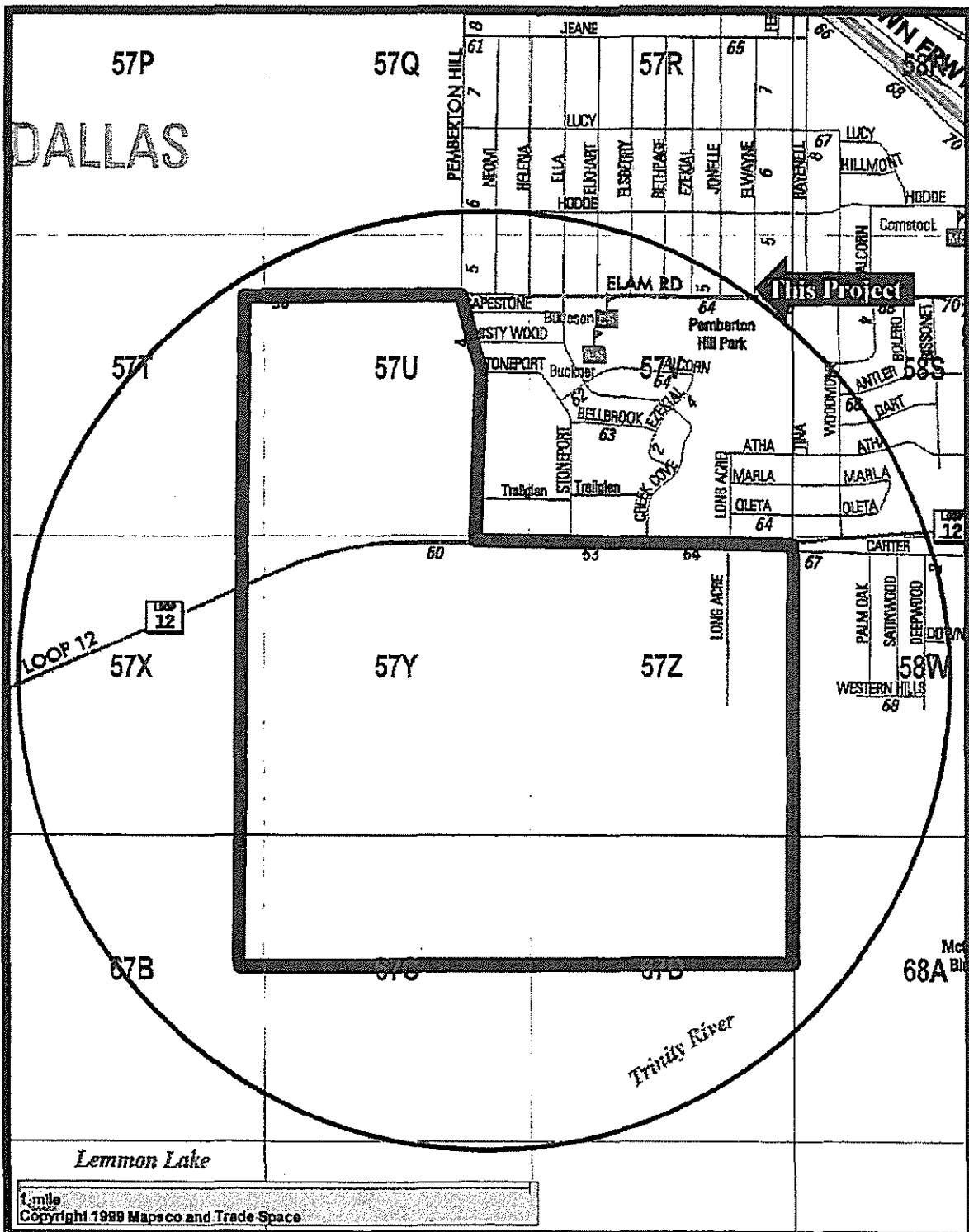
DCI Contracting, Inc.

Greg Sherman, Vice President

MAP

Attached

Simpkins Remediation



Mapsco 57-P, T, U, X, Y, Z, and 67-B, C, D

September 14, 2016

WHEREAS, Terracon Consultants Inc., conducted a Phase I Environmental Site Assessment on August 24, 2005. In addition, Terracon also prepared a Limited Solid Waste Evaluation Report on October 12, 2005, a Limited Site Investigation on January 8, 2008, and a Methane and Landfill Cap Evaluation and Proposed Response Actions on January 30, 2008. Based on the preliminary investigation and findings, Terracon Consultants, Inc. recommends further detailed investigations and assessment, before remedial designs are prepared; and,

WHEREAS, on May 28, 2008, Resolution No. 08-1591 authorized settlement in lieu of proceeding further with condemnation for the acquisition of approximately 1,415 acres of land located near the intersection of Loop 12 and Pemberton Hill Road from Metropolitan Sand and Gravel Company, L.L.C. or its successor, and approximately 111 acres of land located near the intersection of Linfield Road and Hull Avenue from Weir Bros. Partners, L.L.C., for the Trinity River Corridor Project; and

WHEREAS, on May 28, 2008, Resolution No. 08-1591 authorized the City Attorney to assume, on behalf of the City, the responsibility for the costs to remediate environmental conditions on the Metropolitan Tract and the Linfield Tract known by the City as of the date the settlement closed, and to waive any right to contribution for those costs from Metropolitan Sand and Gravel Company, L.L.C. and Weir Brothers Partners, L.L.C., including their officers, successors, and assigns; and

WHEREAS, on October 22, 2008, Resolution No. 08-2874 authorized a professional services contract with Terracon Consultants Inc., for such detailed environmental investigation, assessment, remedial designs, and coordination with Texas Commission on Environmental Quality, in an amount not to exceed \$814,464.00, and,

WHEREAS, on May 15, 2013, Resolution No. 13-0776 authorized a lease agreement with the nonprofit corporation, The 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 an engineering design contract with Pacheco Koch Consulting Engineering, Inc. for the engineering design of improvements associated with Elam Road and Simpkins Remediation in an amount not to exceed \$842,290.00; and,

WHEREAS, on April 9, 2014, Resolution No. 14-0628 authorized a construction contract with L. D. Kemp Excavating, Inc. for the construction of closed landfill improvements for Simpkins Remediation in an amount not to exceed \$2,530,276.20, this being the lowest responsive bid as indicated by the tabulation of bids; and,

September 14, 2016

WHEREAS, on April 9, 2014, Resolution No. 14-0629 authorized Supplemental Agreement No. 1 to the engineering services contract with Terracon Consulting, Inc. for additional detailed environmental investigation, assessment, remedial designs, and coordination with Texas Commission on Environmental Quality (TCEQ) associated with Simpkins Remediation in an amount not to exceed \$273,720.00, increasing the contract from \$814,464.00 to \$1,088,184.00; and,

WHEREAS, on May 14, 2014, Resolution No. 14-0790 authorized the contract with DCI Contracting, Inc. for the construction of vegetative support layer improvements for the closed landfills associated with the Simpkins Remediation Project in an amount not to exceed \$2,371,711.00, this being the lowest of five responsive bids; and,

WHEREAS, it is now necessary to authorize Change Order No. 1 to the contract with DCI Contracting Inc., for vegetative support layer improvements for closed landfill improvements associated with the Simpkins Remediation located at 5950 Elam Road, and 6300 Great Trinity Forest Way, in the amount of \$592,927.75, from \$2,371,711 to \$2,964,638.75.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to increase the contract with DCI Contracting, Inc. for vegetative support layer improvements for closed landfill improvements associated with the Simpkins Remediation located at 5950 Elam Road, and 6300 Great Trinity Forest Way in an amount not to exceed \$592,927.75, from \$2,371,711 to \$2,964,638.75.

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

Stormwater Drainage Management Capital Fund
Fund 0063, Department SDM, Unit 4796, Act. SD01
Obj. 4599, Program # PBSWM007, CT SDM4796BM06
Vendor # VS0000052497, in an amount not to exceed \$592,927.75

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

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 1, 2, 4, 8, 9, 13, Outside City Limits

DEPARTMENT: Water Utilities

CMO: Mark McDaniel, 670-3256

MAPSCO: Various

SUBJECT

Authorize an engineering services contract with Kimley-Horn & Associates, Inc. to provide engineering design services for the replacement and rehabilitation of water and wastewater mains at 14 locations (list attached) - Not to exceed \$2,512,805 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This action consists of providing engineering services for the design and surveying of an estimated 41,281 feet of water and wastewater mains. The project includes approximately 16,270 feet of 8-inch through 42-inch water and wastewater mains and 25,011 feet of 54-inch through 120-inch wastewater mains.

The mains targeted for design were built between 1931 and 1987. These mains contribute to water quality issues, excessive maintenance and service interruptions. In addition, the wastewater mains contribute to excessive amounts of inflow and infiltration into the wastewater collection system, resulting in wastewater overflows and high maintenance costs. The future renewal and replacement of the proposed segments will improve the capacity of the water and wastewater systems and reduce maintenance costs.

The estimated construction cost associated with the targeted mains is approximately \$25,000,000.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	October 2016
Complete Design	October 2017
Begin Construction	December 2017
Complete Construction	March 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Transportation & Trinity River Project Committee on September 12, 2016.

FISCAL INFORMATION

\$2,512,805.00 - Water Utilities Capital Improvement Funds

<u>Council District</u>	<u>Amount</u>
1	\$ 207,500.00
2	\$ 104,000.00
4	\$ 34,000.00
8	\$1,845,000.00
9	\$ 7,305.00
13	\$ 32,000.00
Outside City Limits	<u>\$ 283,000.00</u>
Total	\$2,512,805.00

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Kimley-Horn & Associates, Inc.

Hispanic Female	83	Hispanic Male	127
Black Female	33	Black Male	44
White Female	773	White Male	1588
Other Female	89	Other Male	137

OWNER

Kimley-Horn & Associates, Inc.

Marty S. Paris, P.E., Vice President

MAPS

Attached

Renewal of Water and Wastewater Mains

District 1

Coombs Creek Drive from Falls Drive to Barnard Boulevard
Jefferson Boulevard from Coombs Creek Drive to Cliffdale Avenue

District 2

Alley west of Taos Road from Lemmon Avenue north
Easement east of Inwood Road from Inwood Road east
Peak Street from Worth Street to Victor Street
Worth Street from Peak Street to Carroll Avenue

District 4

Pentagon Parkway from Maryland Avenue to Ledbetter Drive and from Calyx Circle to Paloduro Lane
Pentagon Parkway from Morning Frost Trail to Morning Dew Trail

District 8

*Easement between Dowdy Ferry Road and Middlefield Road from south of Interstate Highway 635 (LBJ Freeway) southeast
*Easement between Dowdy Ferry Road and Teagarden Road from south of Interstate Highway 635 (LBJ Freeway) southeast
Easement south of Interstate Highway 635 (LBJ Freeway) from west of Dowdy Ferry Road northwest
Easement south of Middlefield Road from Southside Wastewater Treatment Plant northwest

District 9

Williamson Road Area from Williamson Road to Lawther Drive

District 13

Rosser Road from Forest Lane to Deep Valley Drive

Outside City Limits

*(Easement between Dowdy Ferry Road and Middlefield Road from south of Interstate Highway 635 (LBJ Freeway) southeast) (See District 8)
*(Easement between Dowdy Ferry Road and Teagarden Road from south of Interstate Highway 635 (LBJ Freeway) southeast) (See District 8)

*Project limits in more than one Council District

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize an engineering services contract with Kimley-Horn & Associates, Inc. to provide engineering design services for the replacement and rehabilitation of water and wastewater mains at 14 locations (list attached) - Not to exceed \$2,512,805 - Financing: Water Utilities Capital Improvement Funds

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

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$2,512,805.00	100.00%
Total non-local contracts	\$0.00	0.00%
TOTAL CONTRACT	\$2,512,805.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

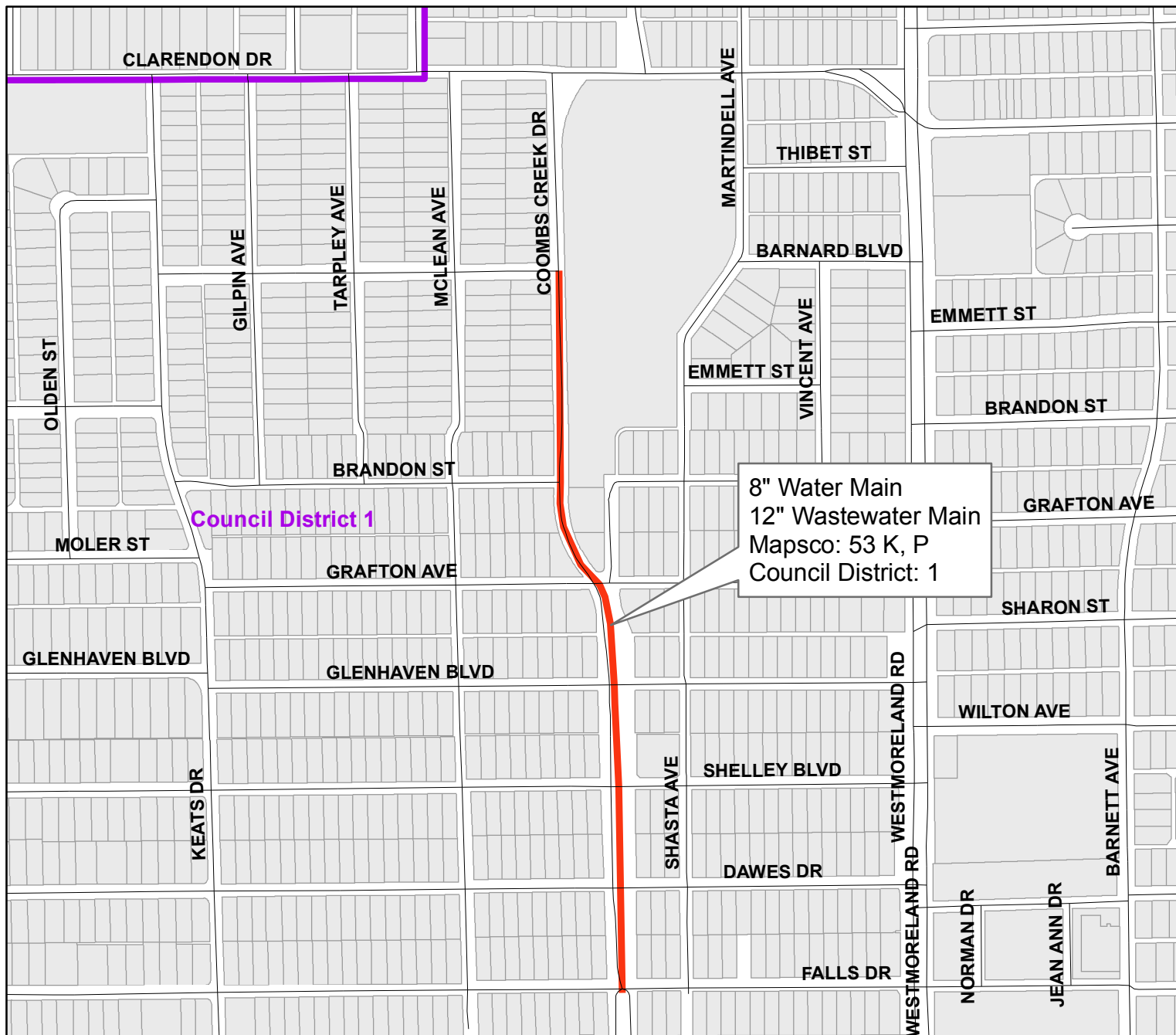
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Alliance Geotechnical Group, Inc.	BMDB94986Y0117	\$62,000.00	2.47%
BDS Technologies, Inc.	BMDB13100Y0517	\$50,500.00	2.01%
Texas Municipal Engineering, Inc.	HMMB63917Y0117	\$90,000.00	3.58%
DAL-TECH Engineering, Inc.	WFWB63908Y0017	\$377,000.00	15.00%
Hayden Consultants, Inc.	WFDB43038Y0817	\$176,000.00	7.00%
Total Minority - Local		\$755,500.00	30.07%

Non-Local Contractors / Sub-Contractors

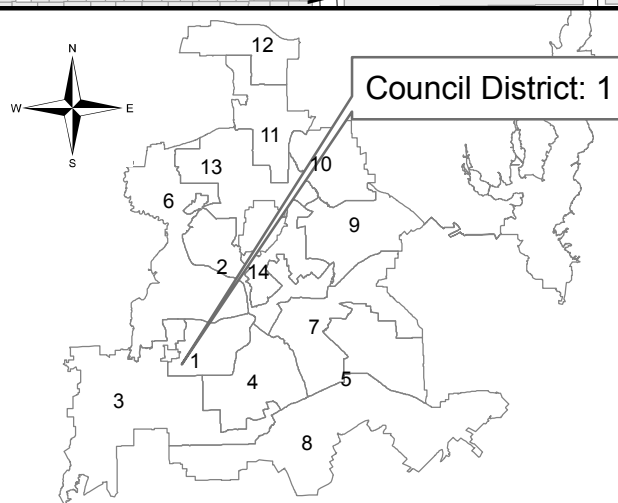
None

TOTAL M/WBE CONTRACT PARTICIPATION

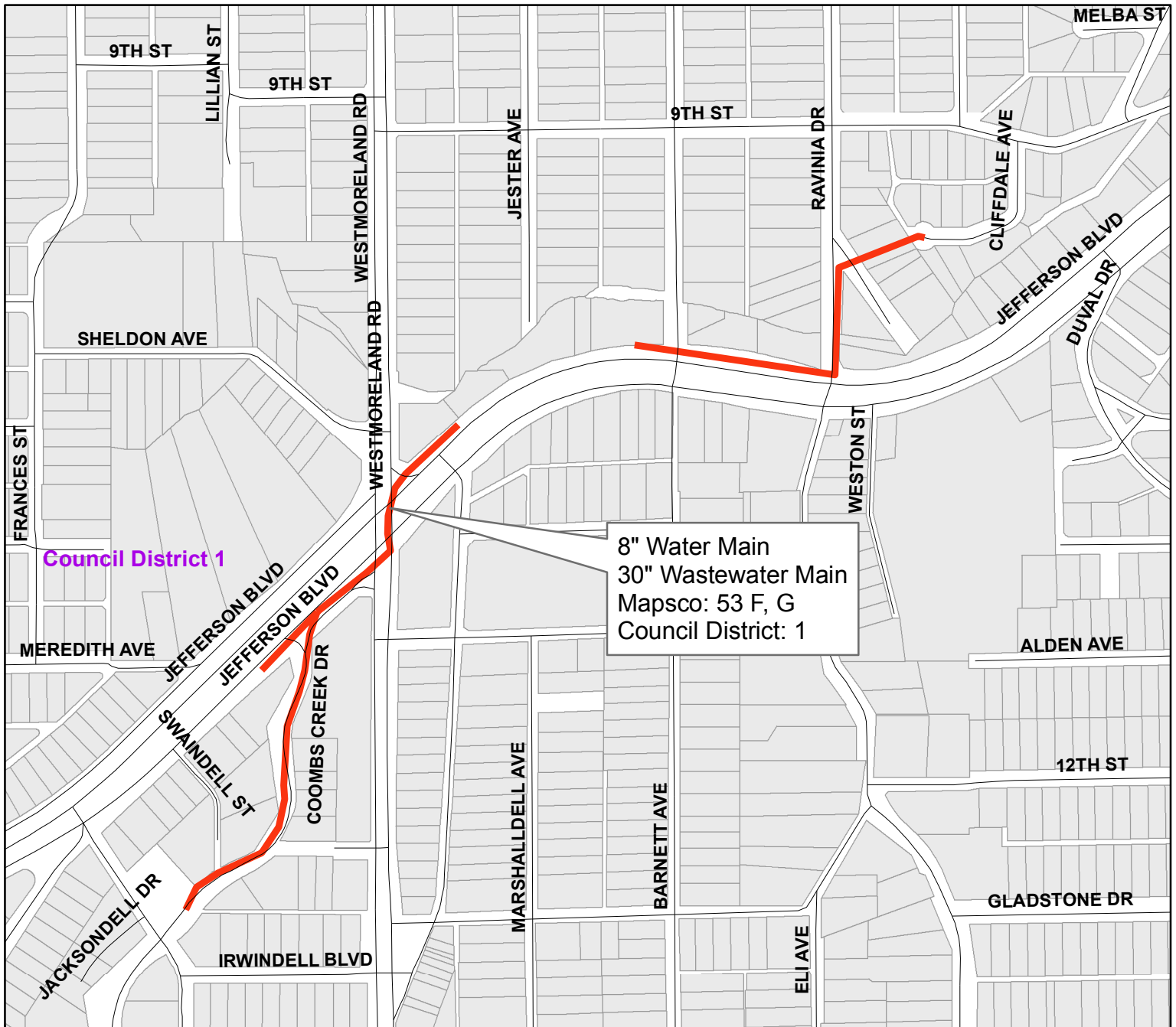
	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$112,500.00	4.48%	\$112,500.00	4.48%
Hispanic American	\$90,000.00	3.58%	\$90,000.00	3.58%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$553,000.00	22.01%	\$553,000.00	22.01%
Total	\$755,500.00	30.07%	\$755,500.00	30.07%



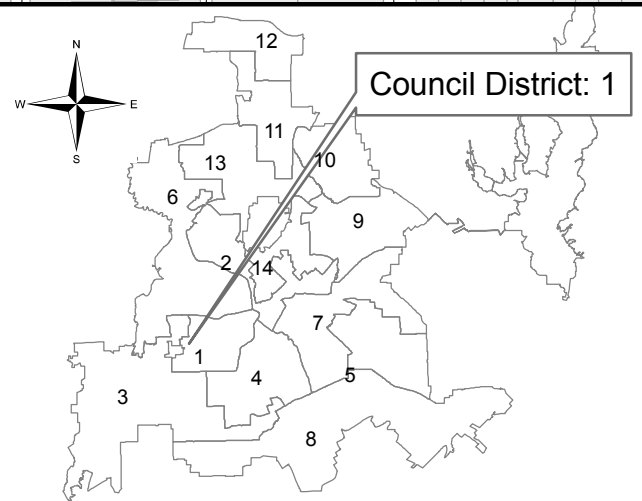
Coombs Creek Drive
from Falls Drive to Barnard Boulevard



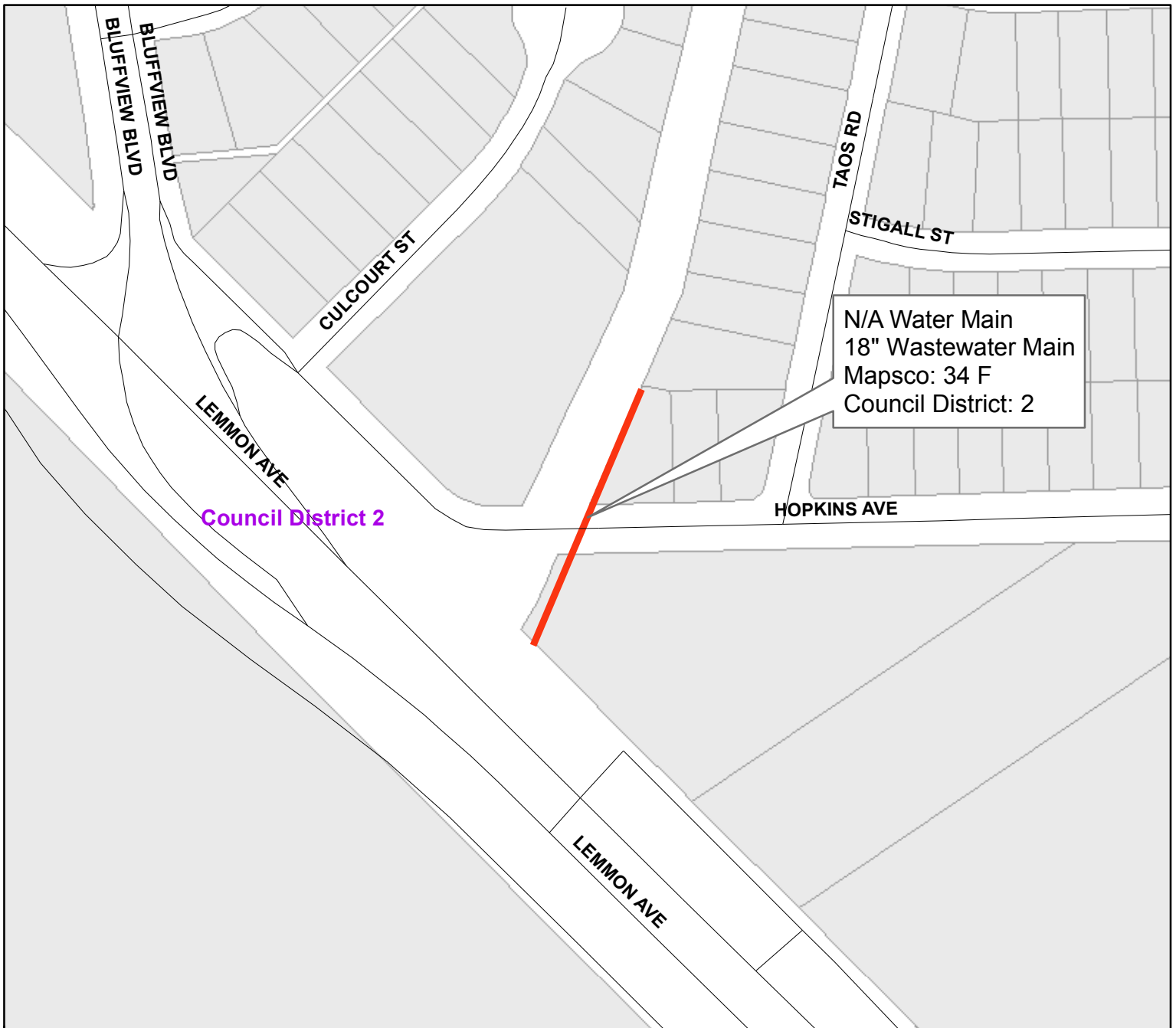
Dallas Water Utilities
Contract No. 16-349/350E
Water and Wastewater Main Renewals
at 14 Locations



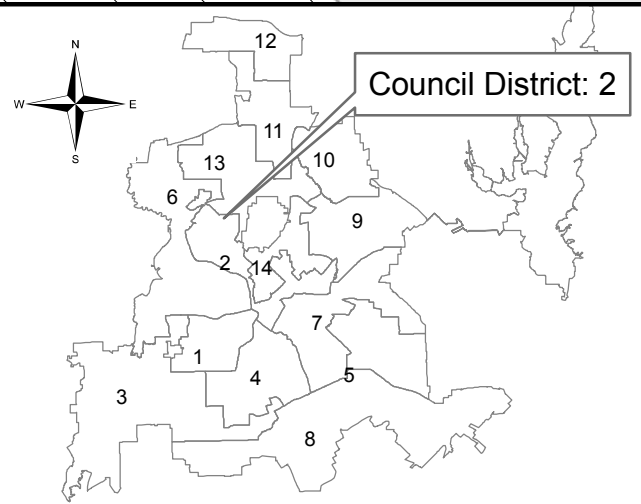
Jefferson Boulevard
from Coombs Creek Drive to Cliffdale Avenue



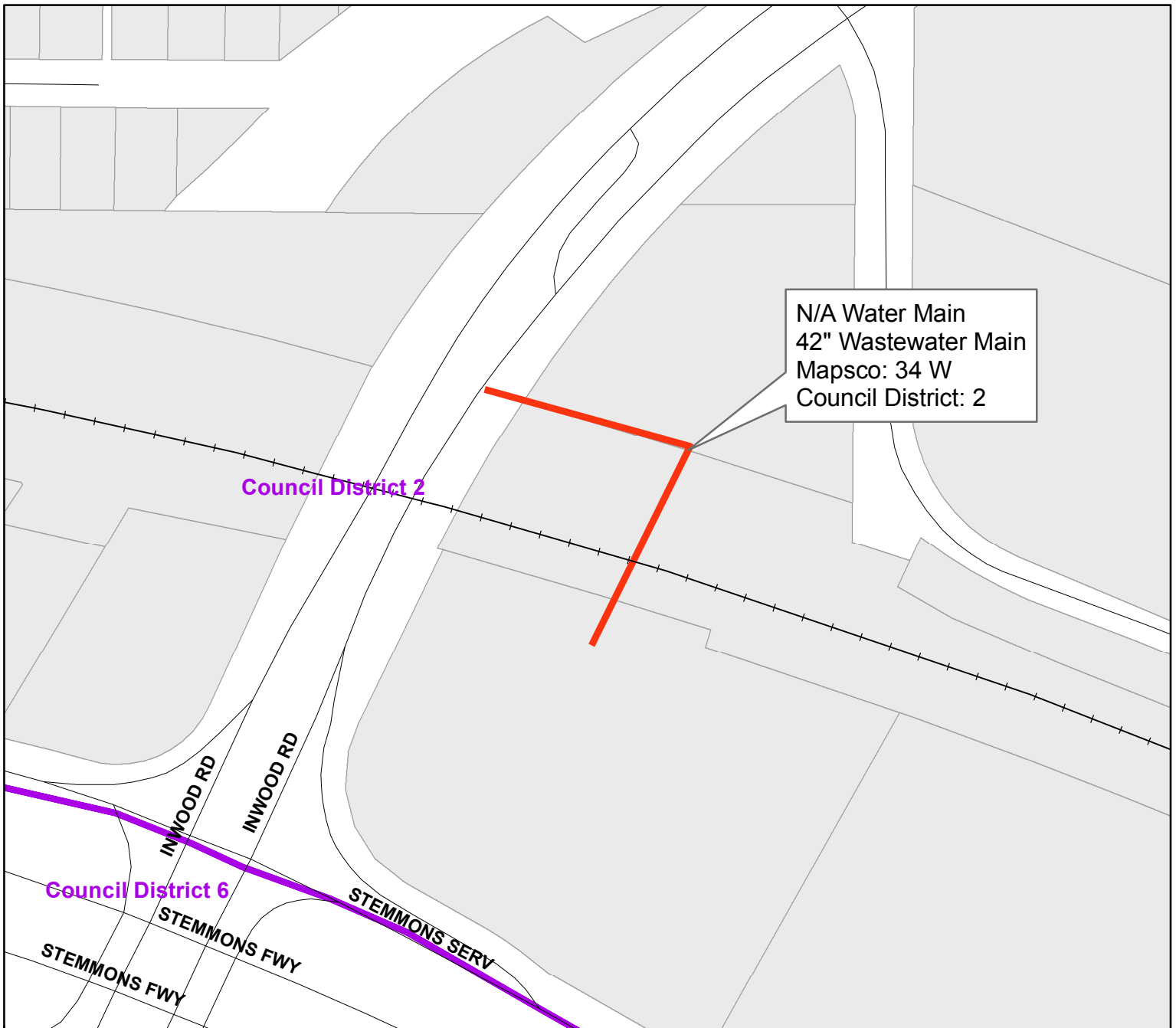
**Dallas Water Utilities
Contract No. 16-349/350E
Water and Wastewater Main Renewals
at 14 Locations**



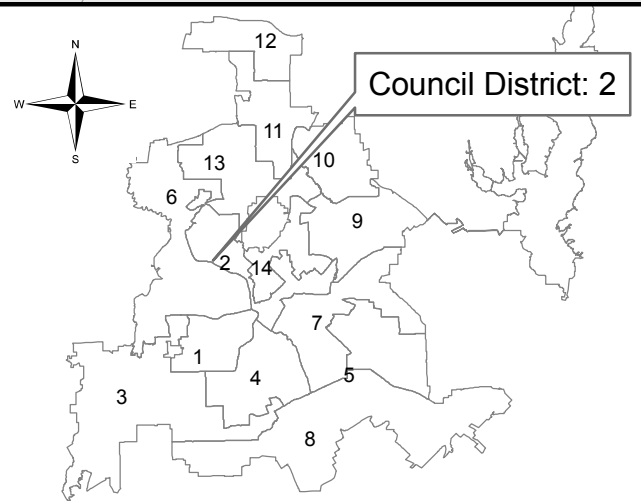
Alley west of Taos Road
from Lemmon Avenue north



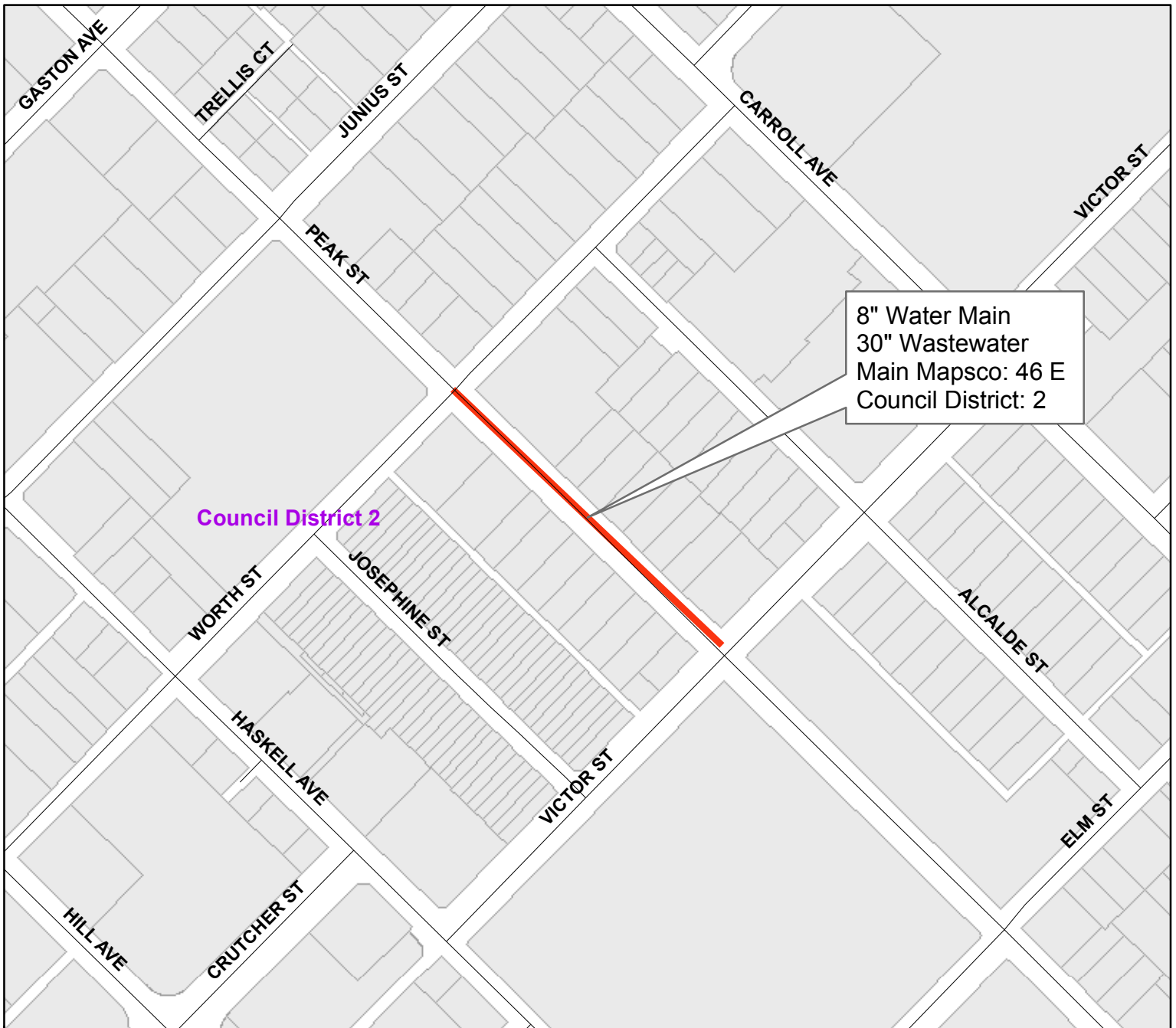
**Dallas Water Utilities
Contract No. 16-349/350E
Water and Wastewater Main Renewals
at 14 Locations**



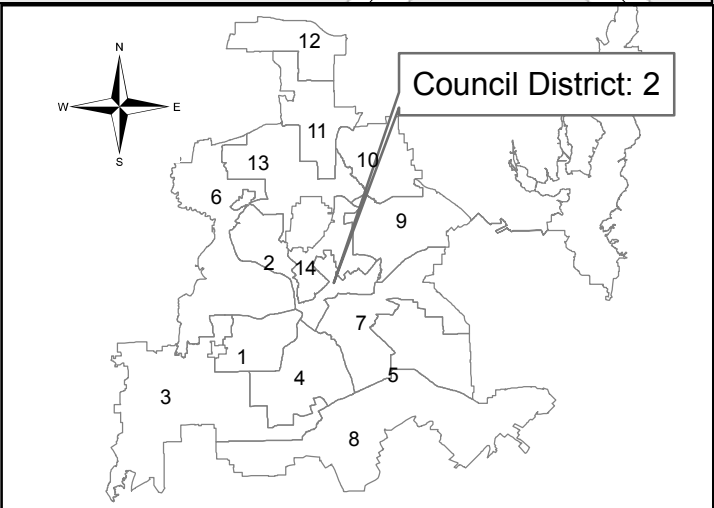
Easement east of Inwood Road
from Inwood Road east



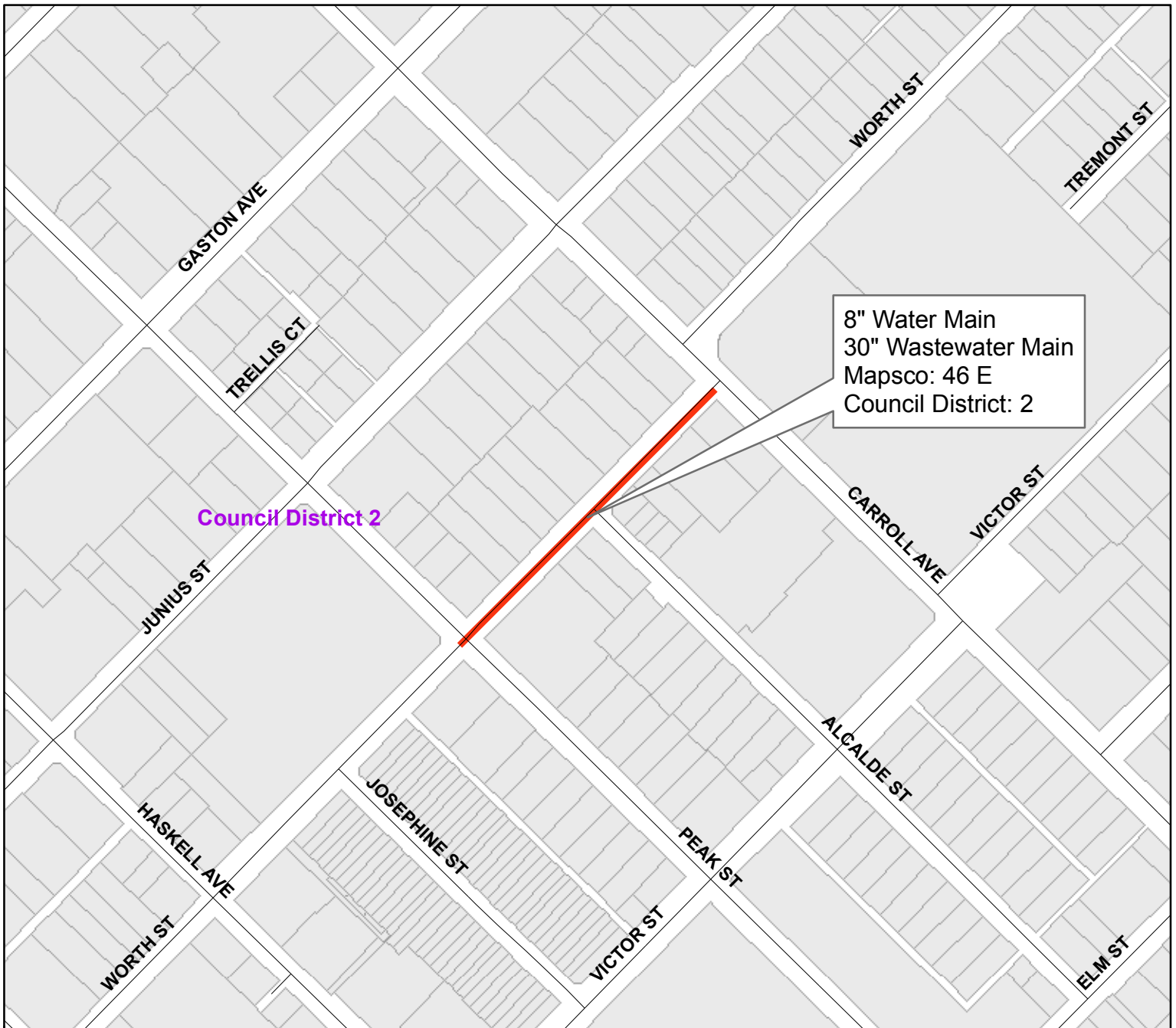
**Dallas Water Utilities
Contract No. 16-349/350E
Water and Wastewater Main Renewals
at 14 Locations**



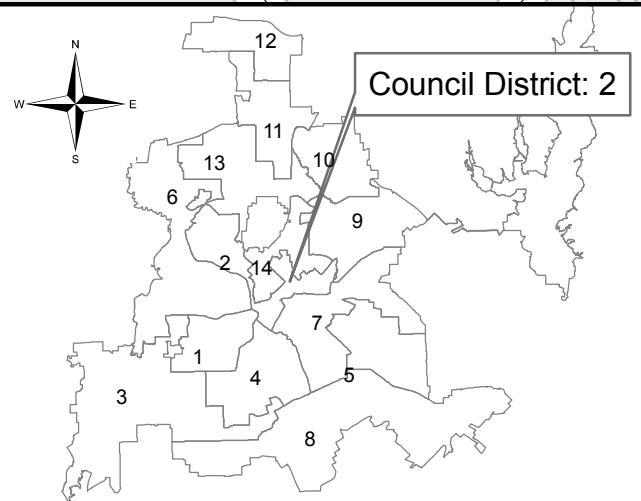
Peak Street
from Worth Street to Victor Street



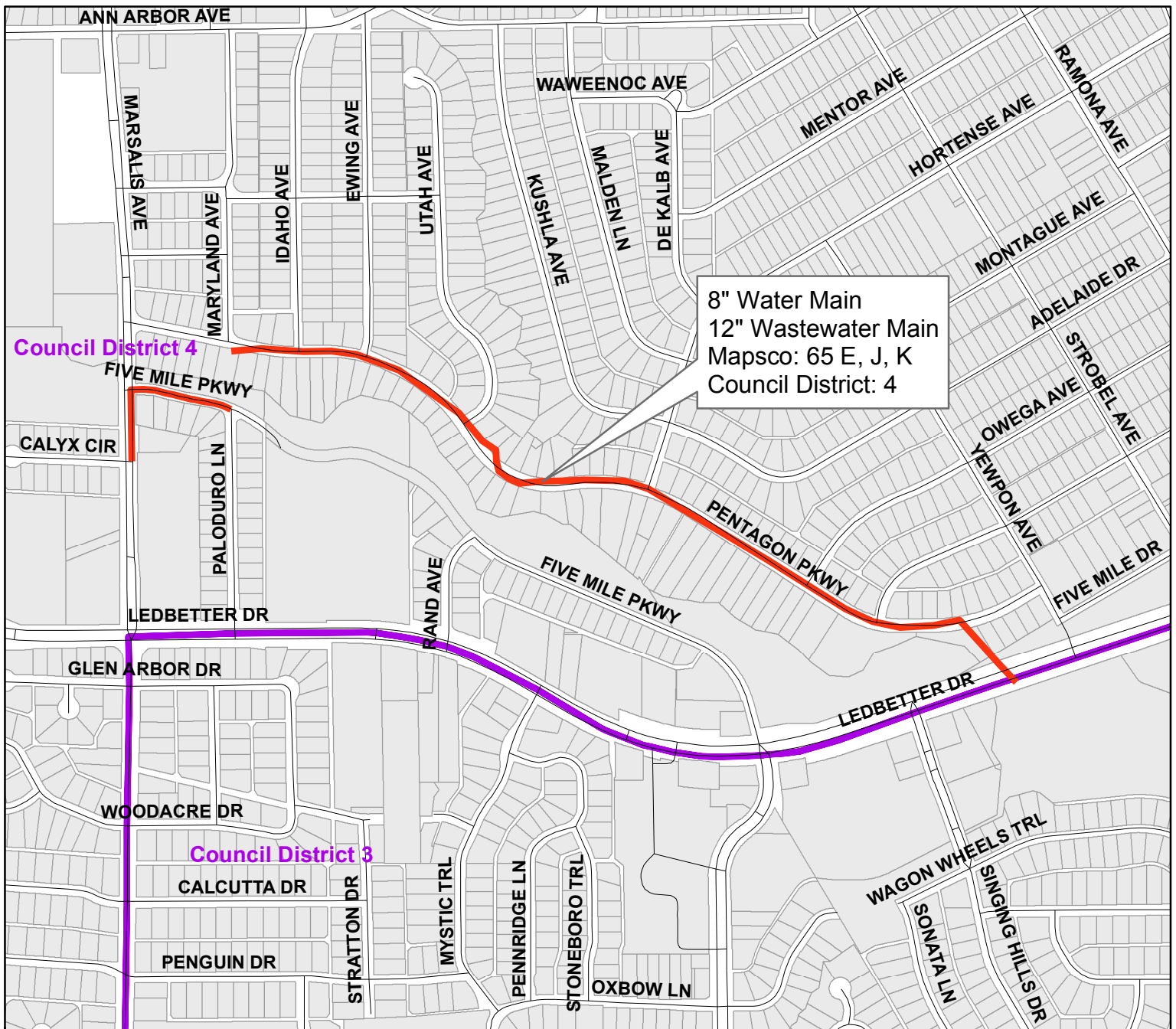
Dallas Water Utilities
Contract No. 16-349/350E
Water and Wastewater Main Renewals
at 14 Locations



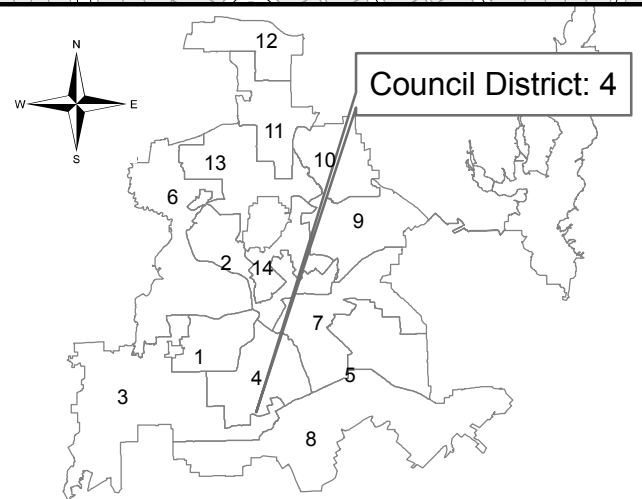
Worth Street
from Peak Street to Carroll Avenue



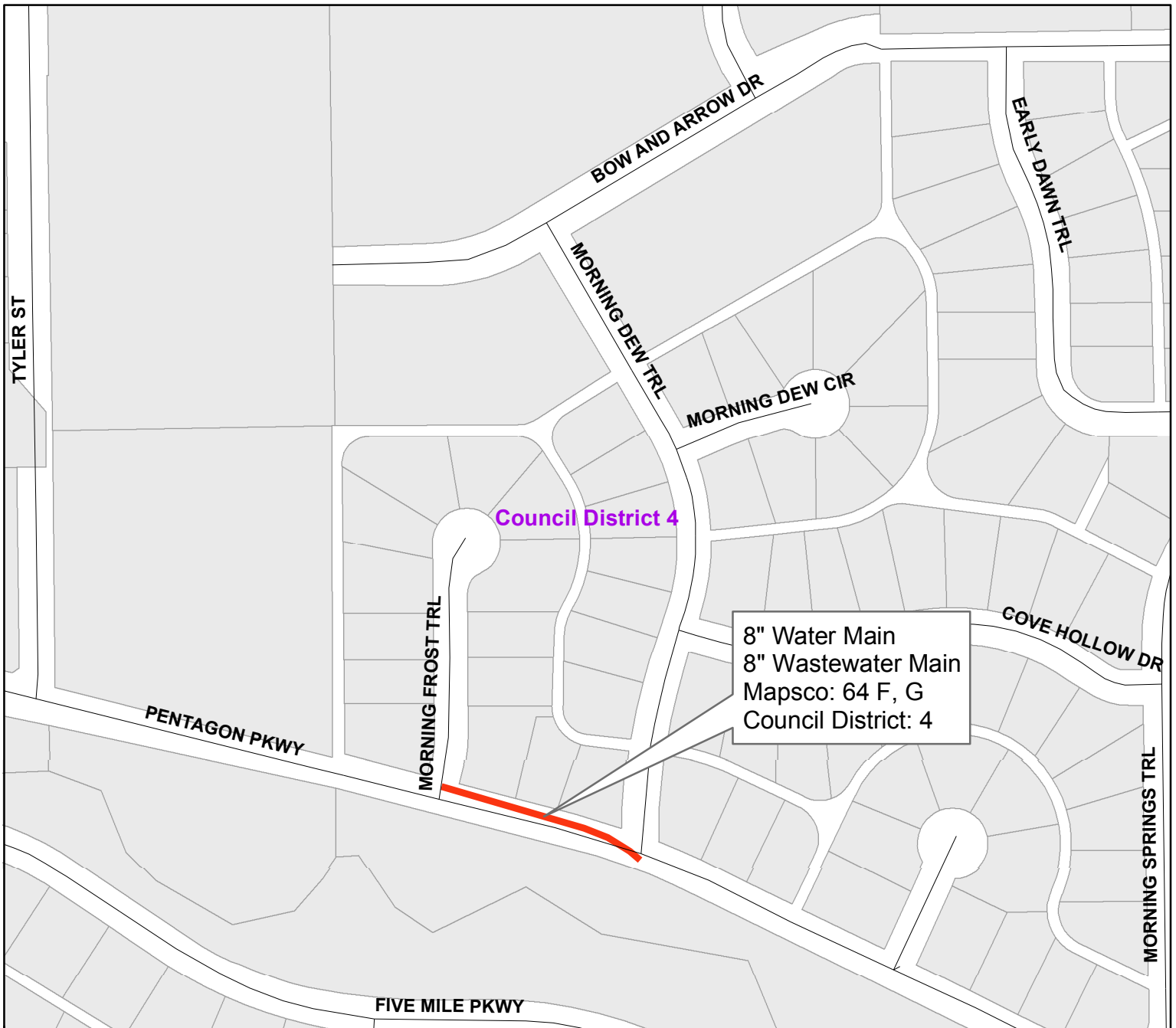
**Dallas Water Utilities
Contract No. 16-349/350E
Water and Wastewater Main Renewals
at 14 Locations**



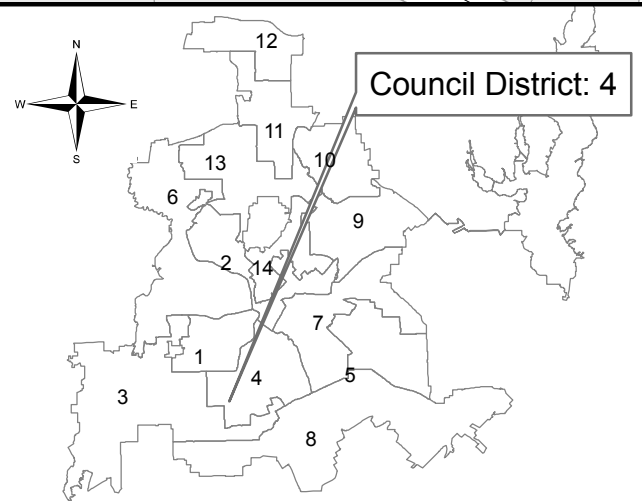
Pentagon Parkway
from Maryland Avenue to Ledbetter Drive
and from Calyx Circle to Paloduro Lane



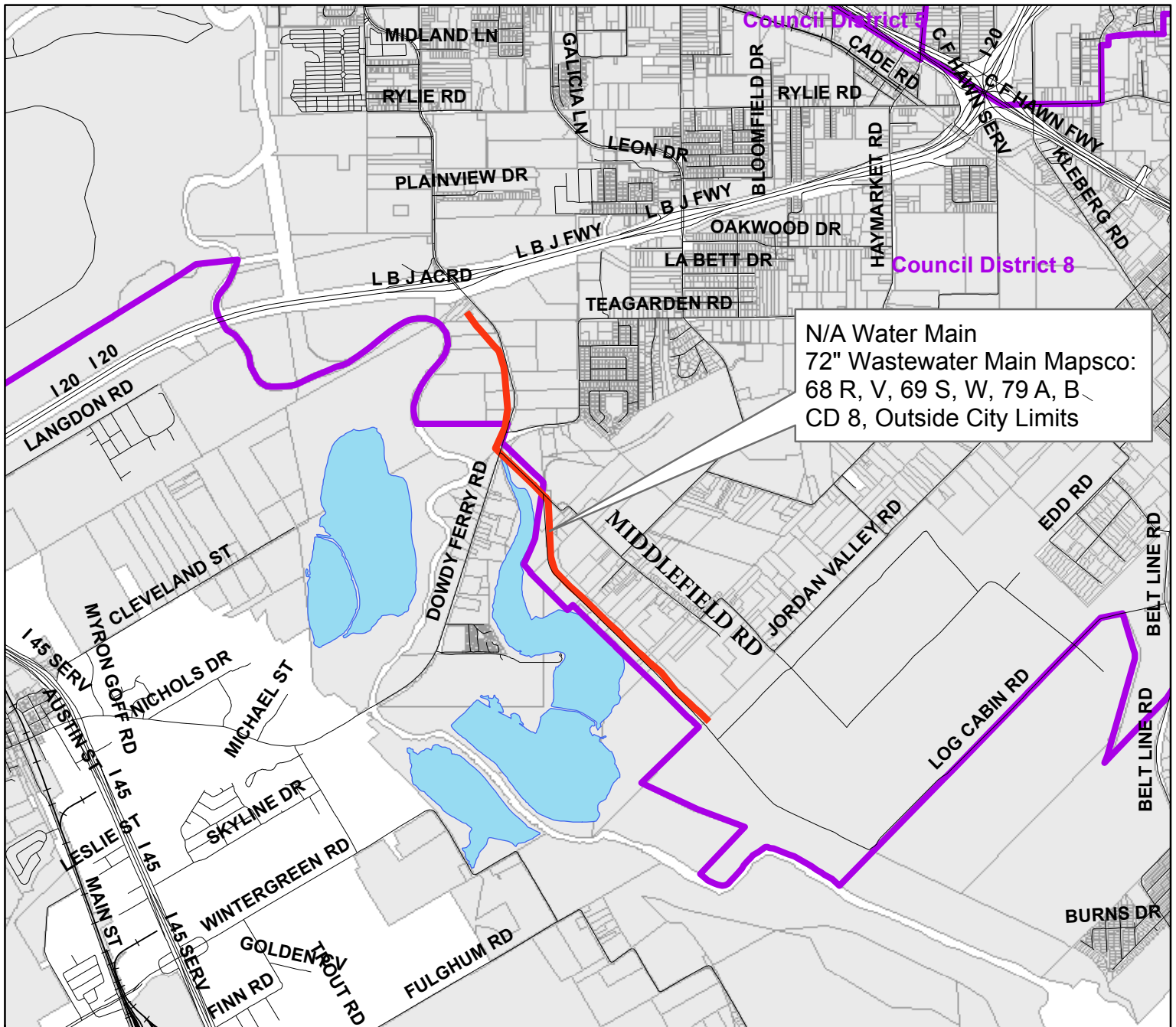
**Dallas Water Utilities
Contract No. 16-349/350E
Water and Wastewater Main Renewals
at 14 Locations**



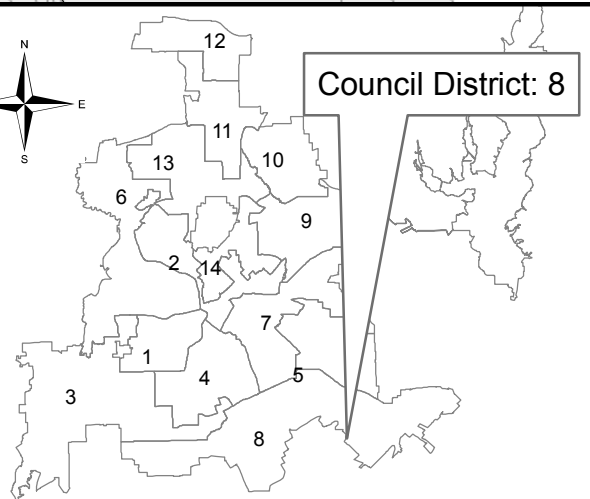
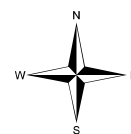
Pentagon Parkway
from Morning Frost Trail to Morning Dew Trail



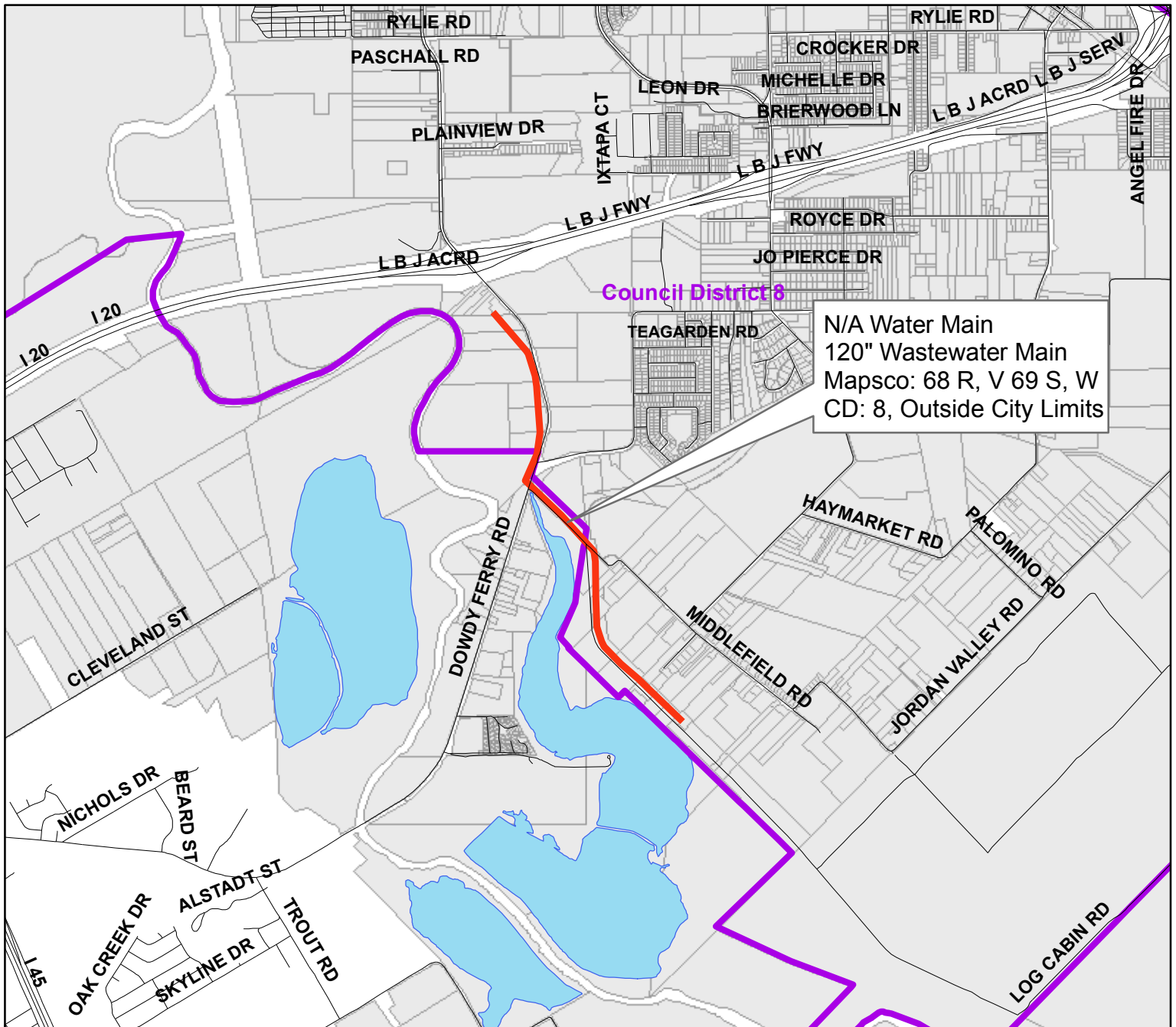
Dallas Water Utilities
Contract No. 16-349/350E
Water and Wastewater Main Renewals
at 14 Locations



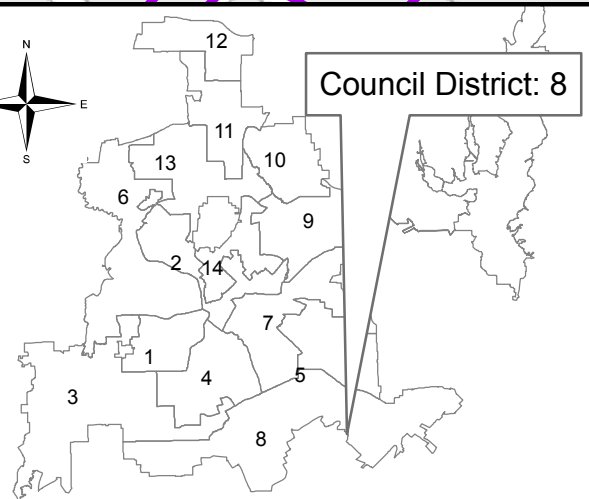
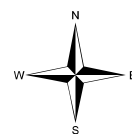
Easement between Dowdy Ferry Road and Middlefield Road
 from south of Interstate Highway 635
 (LBJ Freeway) southeast



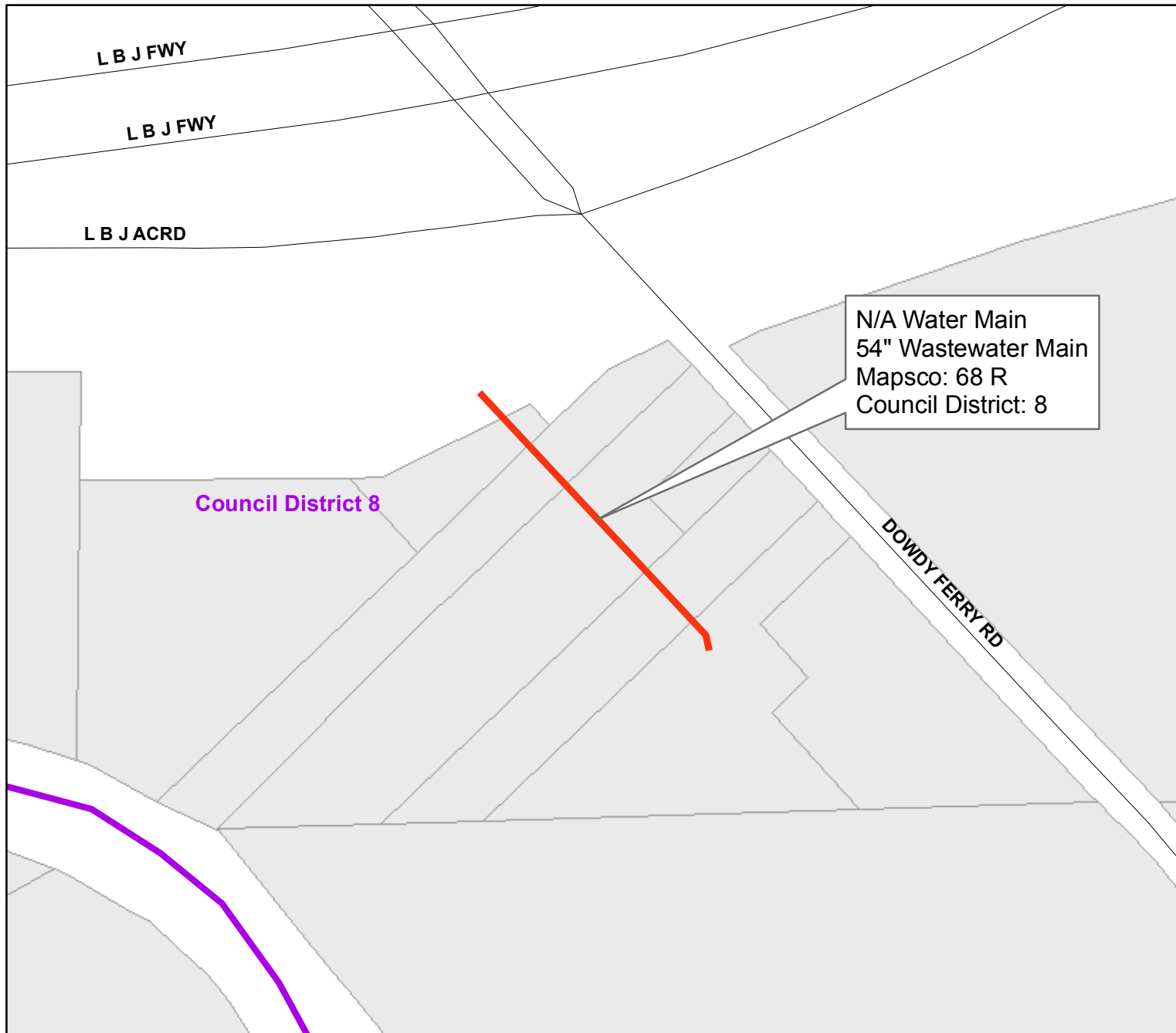
**Dallas Water Utilities
 Contract No. 16-349/350E
 Water and Wastewater Main Renewals
 at 14 Locations**



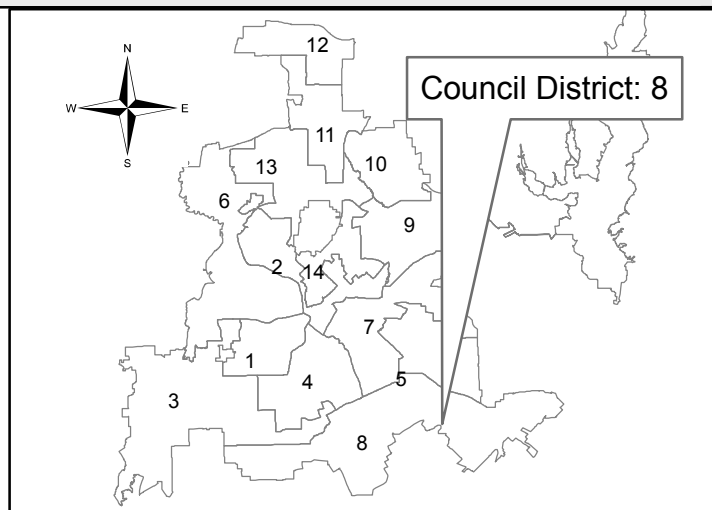
Easement between Dowdy Ferry Road and Teagarden Road
from south of Interstate Highway 635
(LBJ Freeway) southeast



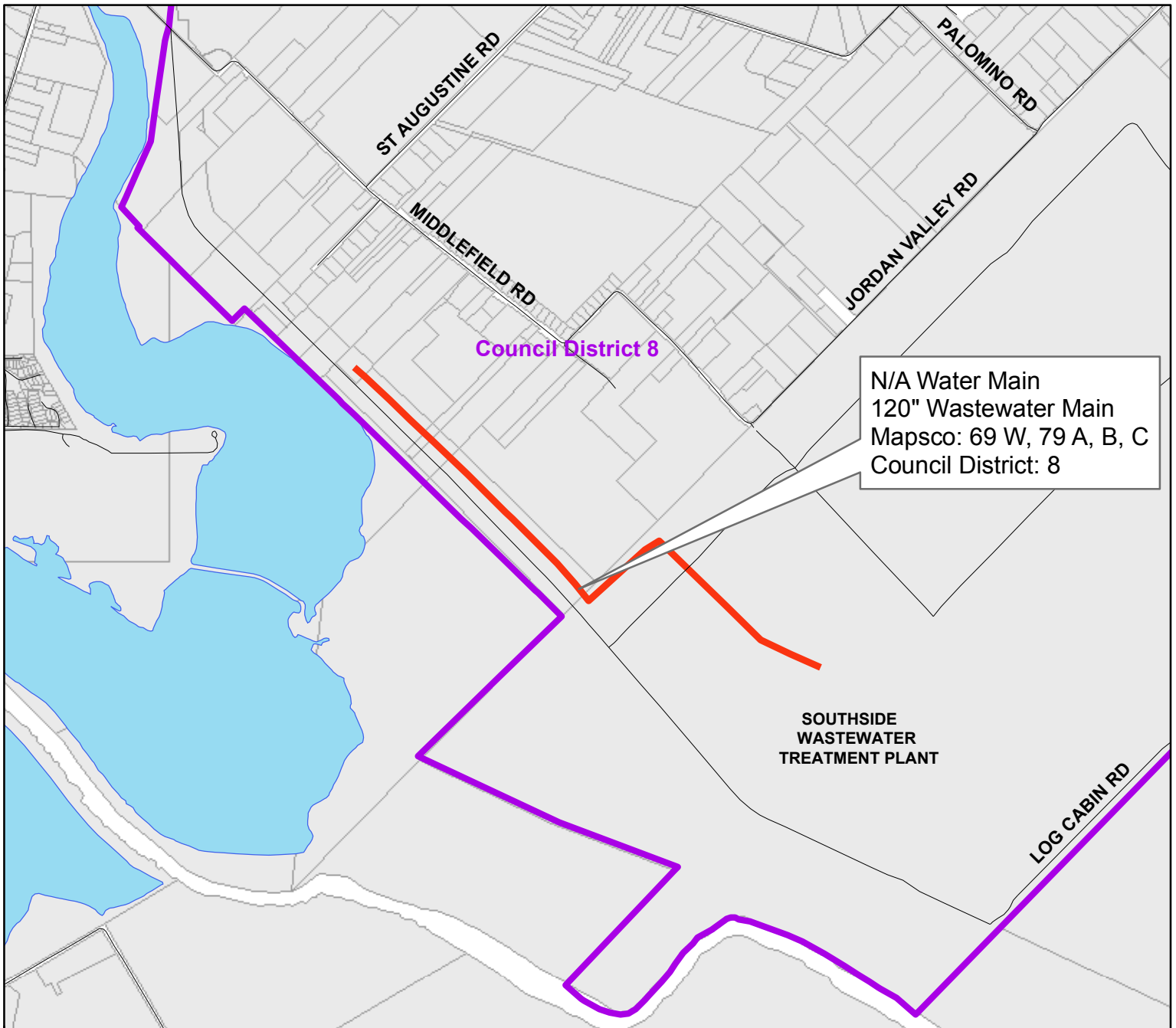
**Dallas Water Utilities
Contract No. 16-349/350E
Water and Wastewater Main Renewals
at 14 Locations**



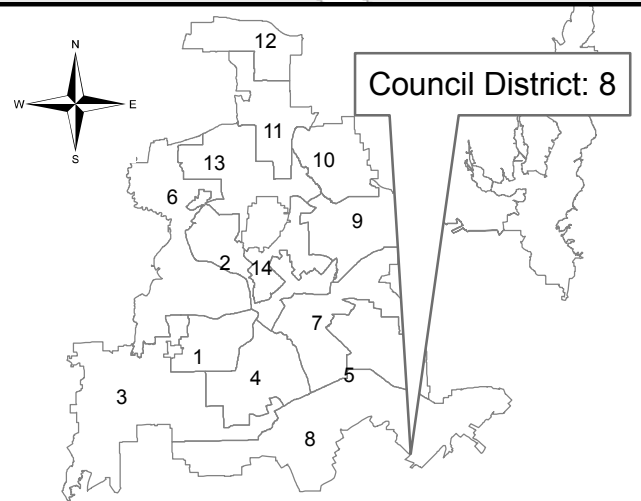
Easement south of Interstate Highway 635
 (LBJ Freeway)
 from west of Dowdy Ferry Road northwest



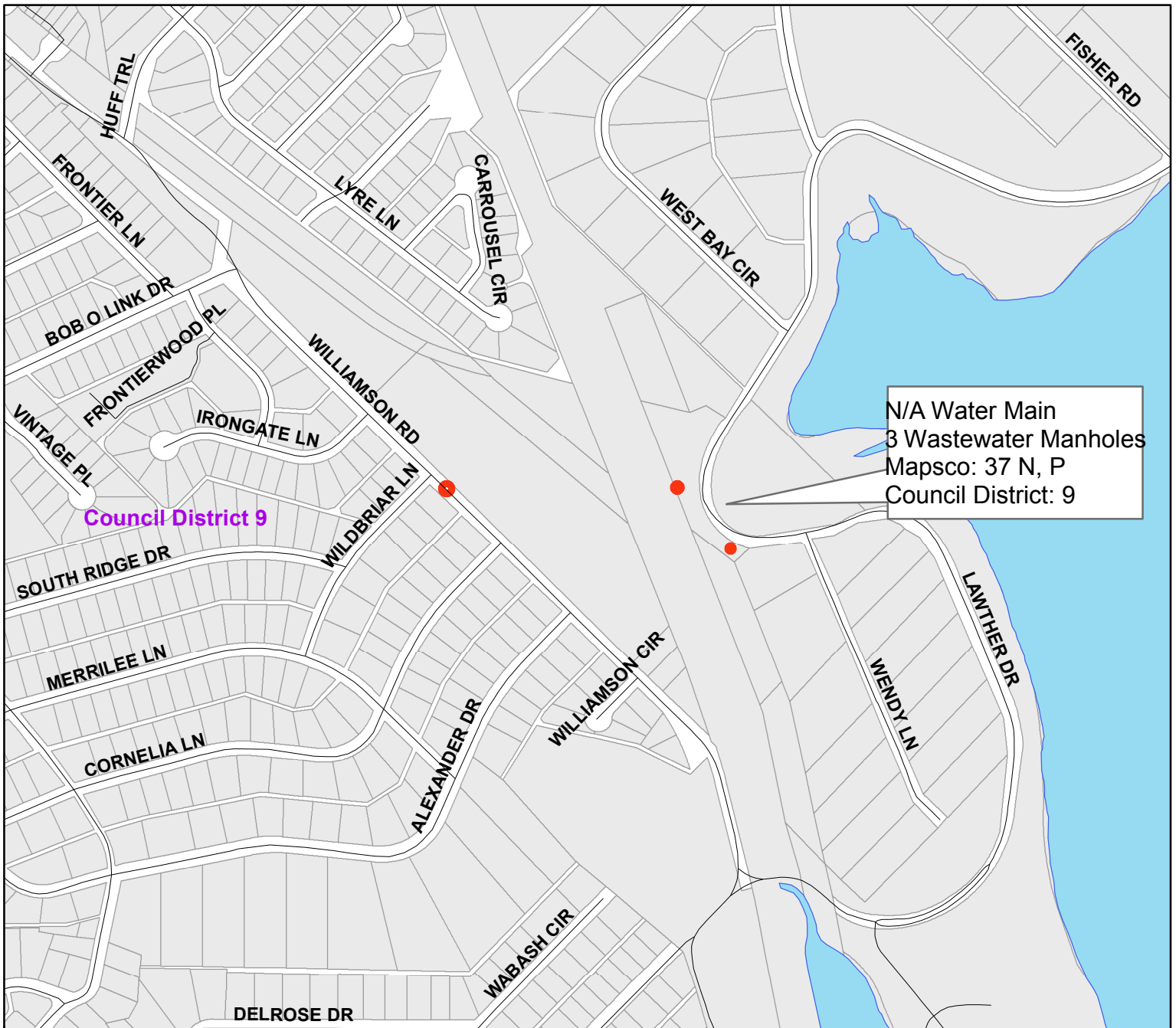
Dallas Water Utilities
Contract No. 16-349/350E
Water and Wastewater Main Renewals
at 14 Locations



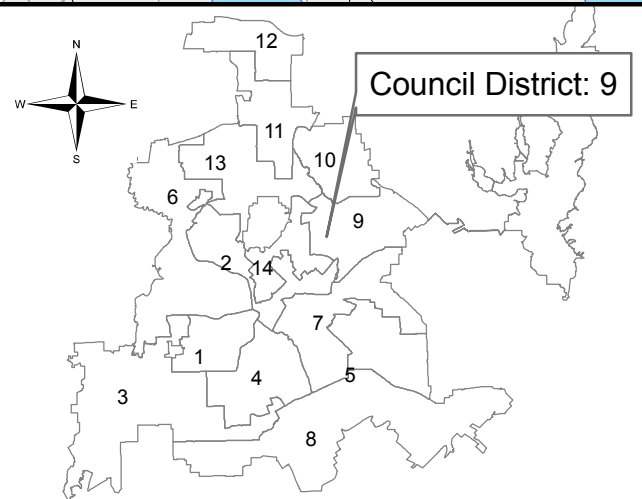
Easement south of Middlefield Road
from Southside Wastewater Treatment Plant northwest



**Dallas Water Utilities
Contract No. 16-349/350E
Water and Wastewater Main Renewals
at 14 Locations**



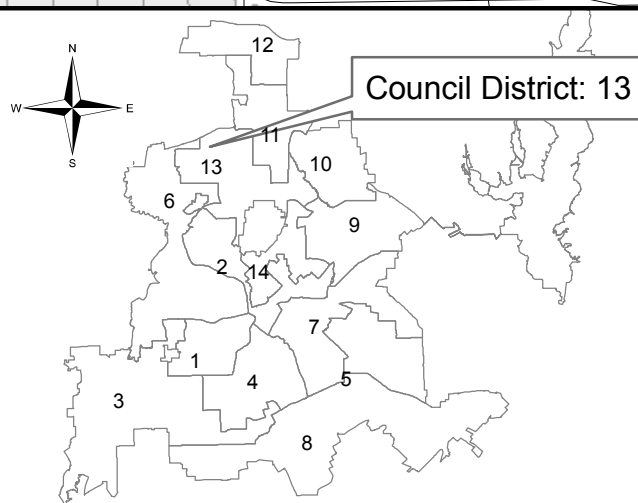
Williamson Road Area
from Williamson Road to Lawther Drive



**Dallas Water Utilities
Contract No. 16-349/350E
Water and Wastewater Main Renewals
at 14 Locations**



Rosser Road
from Forest Lane to Deep Valley Drive



**Dallas Water Utilities
Contract No. 16-349/350E
Water and Wastewater Main Renewals
at 14 Locations**

September 14, 2016

WHEREAS, this action consists of providing engineering design services for the replacement and rehabilitation of water and wastewater mains at 14 locations; and,

WHEREAS, deteriorated water and wastewater mains require excessive maintenance; and,

WHEREAS, engineering services are required for the design, survey, and construction administration to replace deteriorated water mains, and to replace and rehabilitate deteriorated wastewater mains; and,

WHEREAS, Kimley-Horn & Associates, Inc., 12750 Merit Drive, Suite 1000, Dallas Texas 75251, has submitted an acceptable proposal to provide these engineering services.

Now, Therefore,

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

Section 1. That the proposal submitted by Kimley-Horn & Associates, Inc. in the amount of \$2,512,805.00 be approved and the consultant be authorized to perform the required engineering services.

Section 2. That the City Manager is hereby authorized to enter into a contract with Kimley-Horn & Associates, Inc. in the amount of \$2,512,805.00, to provide engineering design services for the replacement and rehabilitation of water and wastewater mains at 14 locations, after having approval of the contract documents by the City Attorney.

Section 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$2,512,805.00 from the Water Capital Improvement Fund and Wastewater Capital Improvement Fund as follows:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>PRO</u>	<u>ENCUMBRANCE</u>	<u>VENDOR</u>
3115	DWU	PW40	4111	716349	CT-DWU716349CP	135447

Kimley-Horn & Associates, Inc. - (Contract No. 16-349E) - \$1,012,805.00

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>PRO</u>	<u>ENCUMBRANCE</u>	<u>VENDOR</u>
2116	DWU	PS40	4111	716350	CT-DWU716350CP	135447

Kimley-Horn & Associates, Inc. - (Contract No. 16-350E) - \$1,500,000.00

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

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 4

DEPARTMENT: Water Utilities

CMO: Mark McDaniel, 670-3256

MAPSCO: 56 J

SUBJECT

Authorize a contract for the construction of Effluent Pump Station rehabilitation improvements at the Central Wastewater Treatment Plant - Archer Western Construction, LLC, lowest responsible bidder of two - Not to exceed \$11,663,700 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

The Central Wastewater Treatment Plant Effluent Pump Station is used to discharge treated plant effluent to the Trinity River during rain events when the river is elevated and the gravity discharge cannot be utilized. The pump station was constructed in 1975 and has a capacity of 310 million gallons per day. Due to its age and the harsh environment in which it operates, rehabilitation improvements are needed in order to extend its service life and take advantage of newer, more efficient treatment technologies.

This action consists of mechanical, electrical and structural improvements to the pump station. The work includes structural concrete repairs to the wet well and rehabilitation of the existing effluent pumps to extend their service life. The work also includes the replacement of pump motors, variable frequency drives and electrical switchgear, which have reached the end of their useful life, with newer, more efficient technology. Other improvements include instrumentation upgrades to better monitor performance and reduce electrical and chemical costs.

BACKGROUND (Continued)

Archer Western Construction, LLC completed contractual activities in the past three years:

	<u>PBW</u>	<u>DWU</u>	<u>PKR</u>
Projects Completed	1	4	1
Change Orders	1	9	1
Projects Requiring Liquidated Damages	0	0	0
Projects Completed by Bonding Company	0	0	0

ESTIMATED SCHEDULE OF PROJECT

Began Design	July 2015
Completed Design	May 2016
Begin Construction	October 2016
Complete Construction	October 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a engineering services contract with Freese and Nichols, Inc. to provide engineering services for the rehabilitation of the Effluent Pump Station at the Central Wastewater Treatment Plant on June 17, 2015, by Resolution No. 15-1190.

Information about this item will be provided to the Transportation & Trinity River Project Committee on September 12, 2016.

FISCAL INFORMATION

\$11,663,700.00 - Water Utilities Capital Improvement Funds

Design	\$ 1,988,925.00
Construction (this action)	<u>\$11,663,700.00</u>
Total Project Cost	\$13,652,625.00

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Archer Western Construction, LLC

Hispanic Female	38	Hispanic Male	1258
Black Female	26	Black Male	219
White Female	38	White Male	575
Other Female	9	Other Male	87

BID INFORMATION

The following bids with quotes were opened on July 8, 2016:

*Denotes successful bidder

<u>Bidders</u>	<u>Bid Amount</u>
*Archer Western Construction, LLC 1411 Greenway Drive Irving, Texas 75038	\$11,663,700.00
Oscar Renda Contracting, Inc.	\$14,568,704.00

OWNER

Archer Western Construction, LLC

Daniel P. Walsh, President

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a contract for the construction of Effluent Pump Station rehabilitation improvements at the Central Wastewater Treatment Plant - Archer Western Construction, LLC, lowest responsible bidder of two - Not to exceed \$11,663,700 - Financing: Water Utilities Capital Improvement Funds

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

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$2,726,652.00	23.38%
Total non-local contracts	\$8,937,048.00	76.62%
TOTAL CONTRACT	\$11,663,700.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

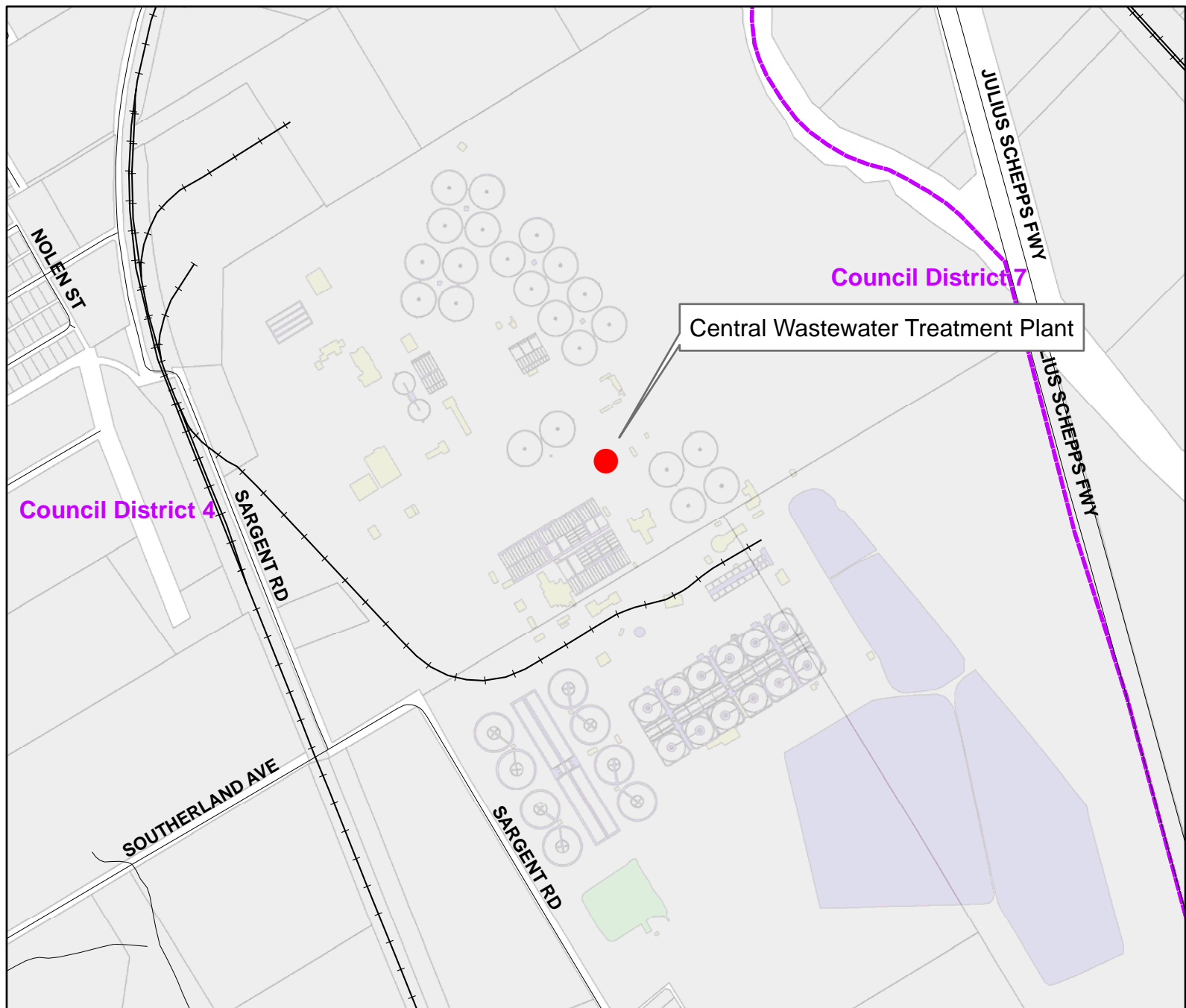
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Garland Heating & Air	HMMB64114Y0217	\$46,880.00	1.72%
Total Minority - Local		\$46,880.00	1.72%

Non-Local Contractors / Sub-Contractors

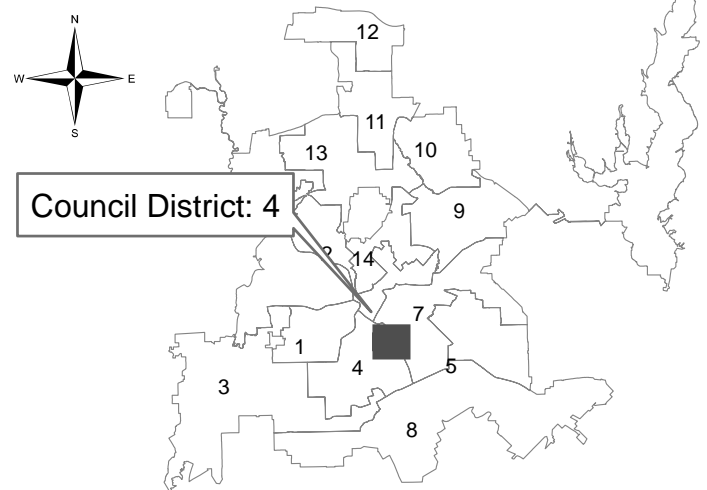
<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
JML Distributing, LLC	WFDB72845Y0417	\$3,153,142.00	35.28%
Total Minority - Non-local		\$3,153,142.00	35.28%

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	\$46,880.00	1.72%	\$46,880.00	0.40%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$3,153,142.00	27.03%
Total	\$46,880.00	1.72%	\$3,200,022.00	27.44%



Mapsco: 56 J



**Dallas Water Utilities
Contract No. 16-102
Central Wastewater Treatment Plant
Effluent Pump Station Rehabilitation Improvements**

September 14, 2016

WHEREAS, bids were received on July 8, 2016 for the construction of Effluent Pump Station rehabilitation improvements at the Central Wastewater Treatment Plant, Contract No. 16-102, listed as follows:

<u>BIDDERS</u>	<u>BID AMOUNT</u>
Archer Western Construction, LLC	\$11,663,700.00
Oscar Renda Contracting, Inc.	\$14,568,704.00

WHEREAS, the bid submitted by Archer Western Construction, LLC, 1411 Greenway Drive, Irving, Texas 75038, in the amount of \$11,663,700.00, is the lowest and best of all bids received.

Now, Therefore,

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

Section 1. That the bid submitted by Archer Western Construction, LLC in the amount of \$11,663,700.00, for doing the work covered by the plans, specifications, and contract documents, Contract No. 16-102, be accepted.

Section 2. That the City Manager is hereby authorized to execute a contract with Archer Western Construction, LLC in the amount of \$11,663,700.00, for the construction of Effluent Pump Station rehabilitation improvements at the Central Wastewater Treatment Plant, after 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 \$11,663,700.00 from the Wastewater Capital Improvement Fund as follows:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>PRO</u>	<u>ENCUMBRANCE</u>	<u>VENDOR</u>
2116	DWU	PS30	4560	716102	CT-DWU716102CP	VS0000064407

Archer Western Construction, LLC - (Contract No. 16-102) - \$11,663,700.00

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

AGENDA ITEM # 51

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 6

DEPARTMENT: Water Utilities

CMO: Mark McDaniel, 670-3256

MAPSCO: 33 C G

SUBJECT

Authorize an increase in the contract with MWH Constructors, Inc. for additional work associated with the construction of water quality and miscellaneous improvements at the Bachman Water Treatment Plant - Not to exceed \$347,740, from \$48,388,312 to \$48,736,052 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

The Bachman Water Treatment Plant was constructed in the late 1920s and underwent expansions in 1936, 1948, and 2006. The most recent expansion brought it to a capacity of 150 million gallons per day. The Bachman Water Treatment Plant is Dallas' only water treatment plant located within the city limits and can serve areas to the north, south, and east of the site.

On June 25, 2014, the City Council awarded a construction contract to MWH Constructors, Inc., for the construction of water quality and miscellaneous improvements at the Bachman Water Treatment Plant. The improvements included modifications to the existing treatment basins, construction of new chemical facilities, flow measurement, and solids handling strategies needed to implement the Water Quality Study recommendations and transition to enhanced organics removal with better stability of water in the distribution system. On August 12, 2015, the City Council awarded Change Order No. 1 for additional construction work resulting from unforeseen site conditions.

BACKGROUND (Continued)

This action will authorize additional work identified during the construction of the water quality and miscellaneous improvements project resulting from unforeseen site conditions. The majority of additional work includes hauling off debris and unsuitable soil material discovered during a deep excavation for a 48-inch drain line and subsequent replacement with select backfill. The work also includes asbestos abatement, demolition of piping and vents concealed behind the walls, and masonry and roof repairs to the 90-year-old administration building. This additional work is required for the Bachman Water Treatment Plant to function as intended, to meet current building codes and to continue providing clean drinking water to customers.

ESTIMATED SCHEDULE OF PROJECT

Began Design	July 2010
Completed Design	May 2014
Began Construction	August 2014
Complete Construction	March 2017

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Carollo Engineers, P.C. to provide engineering services for the Bachman Water Treatment Plant water quality improvements on June 23, 2010, by Resolution No. 10-1640.

Authorized Supplemental Agreement No. 1 with Carollo Engineers, P.C. for additional engineering and design services for the Bachman Water Treatment Plant water quality improvements on March 28, 2012, by Resolution No. 12-0951.

Authorized Supplemental Agreement No. 2 with Carollo Engineers, Inc. (formerly Carollo Engineers, P.C.) for additional engineering services associated with water quality improvements at the Bachman Water Treatment Plant on August 14, 2013, by Resolution No. 13-1334.

Authorized a contract with MWH Constructors, Inc. for the construction of water quality and miscellaneous improvements at the Bachman Water Treatment Plant on June 25, 2014, by Resolution No. 14-1045.

Authorized an increase in the contract with MWH Constructors, Inc. for additional work related to the construction of water quality and miscellaneous improvements at the Bachman Water Treatment Plant on August 12, 2015, by Resolution No. 15-1411.

Information about this item will be provided to the Transportation & Trinity River Project Committee on September 12, 2016.

FISCAL INFORMATION

\$347,739.75 - Water Utilities Capital Improvement Funds

Design	\$ 1,163,554.00
Supplemental Agreement No. 1	\$ 6,296,114.00
Supplemental Agreement No. 2	\$ 1,240,754.00
Construction Contract	\$47,720,500.00
Change Order No. 1	\$ 667,812.00
Change Order No. 2 (this action)	<u>\$ 347,739.75</u>

Total Project Cost \$57,436,473.75

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

MWH Constructors, Inc.

Hispanic Female	2	Hispanic Male	45
Black Female	0	Black Male	0
White Female	0	White Male	10
Other Female	0	Other Male	0

OWNER

MWH Constructors, Inc.

John Abraham, Director

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize an increase in the contract with MWH Constructors, Inc. for additional work associated with the construction of water quality and miscellaneous improvements at the Bachman Water Treatment Plant - Not to exceed \$347,740, from \$48,388,312 to \$48,736,052 - Financing: Water Utilities Capital Improvement Funds

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

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$344,887.75	99.18%
Non-local contracts	\$2,852.00	0.82%
TOTAL THIS ACTION	\$347,739.75	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>
Shankle Concrete & Construction Co.	BMDB84027Y0717	\$20,000.00	5.80%
Ike Painting & Construction Company, Inc.	BMMB54467Y0618	\$3,220.00	0.93%
North Texas Trucking	HMDB25958Y0716	\$87,000.00	25.23%
Total Minority - Local		\$110,220.00	31.96%

Non-Local Contractors / Sub-Contractors

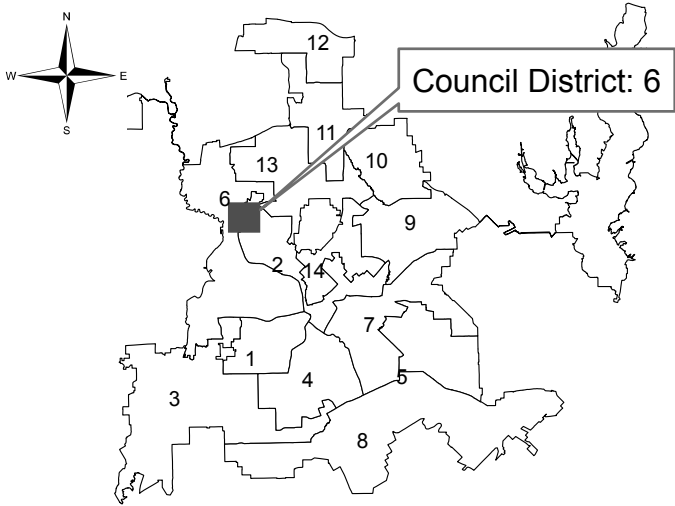
None

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	\$23,220.00	6.68%	\$4,839,455.00	9.93%
Hispanic American	\$87,000.00	25.02%	\$654,337.50	1.34%
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%	\$8,503,901.88	17.45%
Total	\$110,220.00	31.70%	\$13,997,694.38	28.72%



Mapsc0: 33 C, G



September 14, 2016

WHEREAS, on June 25, 2014, the City Council awarded Contract No. 13-125 in the amount of \$47,720,500.00, by Resolution No. 14-1045, to MWH Constructors, Inc., for the construction of water quality and miscellaneous improvements at the Bachman Water Treatment Plant; and,

WHEREAS, on August 12, 2015, the City Council awarded Change Order No. 1 in the amount of \$667,812.00, by Resolution No. 15-1411, for additional work related to the construction of water quality and miscellaneous improvements at the Bachman Water Treatment Plant; and,

WHEREAS, it is necessary to authorize Change Order No. 2 for additional work necessary for hauling off unsuitable fill and replacing with select fill material, renovation of a 90-year-old administration building, and making additional improvements and credits to the contracted work that were identified during the construction of the water quality improvements; and,

WHEREAS, MWH Constructors, Inc., 380 Interlocken Crescent, Suite 200, Broomfield, Colorado 80021, has submitted an acceptable proposal for this additional work; and,

WHEREAS, Dallas Water Utilities recommends that Contract No. 13-125 be increased by \$347,739.75, from \$48,388,312.00 to \$48,736,051.75.

Now, Therefore,

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

Section 1. That the proposed Change Order No. 2 be accepted and that Contract No. 13-125 with MWH Constructors, Inc., be revised accordingly.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$347,739.75 from the Water Capital Improvement Fund as follows:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>PRO</u>	<u>ENCUMBRANCE</u>	<u>VENDOR</u>
3115	DWU	PW30	4550	713125	CT-DWU713125CP	VC0000013103

MWH Constructors, Inc.- (Contract No. 13-125) - \$347,739.75

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

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Water Utilities

CMO: Mark McDaniel, 670-3256

MAPSCO: 40A

SUBJECT

Authorize Supplemental Agreement No. 2 to the Concession Agreement at Lake Ray Hubbard between the City of Dallas and Suntex RHCC Marina, LLC, to extend the contract for a period of five years - Estimated Annual Revenue: \$30,000

BACKGROUND

Lake Ray Hubbard is owned and operated by the City of Dallas. The lake was constructed in the 1960s and currently serves as a major raw water resource for about 2.3 million retail and wholesale customers served by Dallas. Dallas owns the lake area and authorizes concessions and other forms of recreational development, such as marinas, boat ramps, parks, and golf courses to be developed on the lake shoreline area and the lake surface. Captain's Cove Marina is located on the western shoreline of Lake Ray Hubbard and has been in operation since 1970. On September 8, 2011, Suntex RHCC Marina, LLC (Concessionaire) took ownership of the marina and assumed the rights and responsibilities of the existing Concession Agreement. The Concessionaire seeks the City's consent to extend the current Concession Agreement for five (5) years, from October 1, 2031 through September 30, 2036. The concessionaire also requests the City's consent to assign the Concession Agreement to Ray Hubbard SMI, LLC. The five (5) year extension would be consistent with the Concessionaire's loan term. Compensation percentages and minimums for the duration of the Concession Agreement extension have been negotiated as follows:

October 1, 2031 through September 30, 2036 – Seven Percent (7%) of the gross receipts or a guaranteed minimum of \$1,667.67 per month, whichever is greater.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized Supplemental Agreement No. 1 to the Concession Agreement between the City of Dallas and Suntex RHCC Marina, LLC for a period of ten years, on December 12, 2012, by Resolution No. 12-3006.

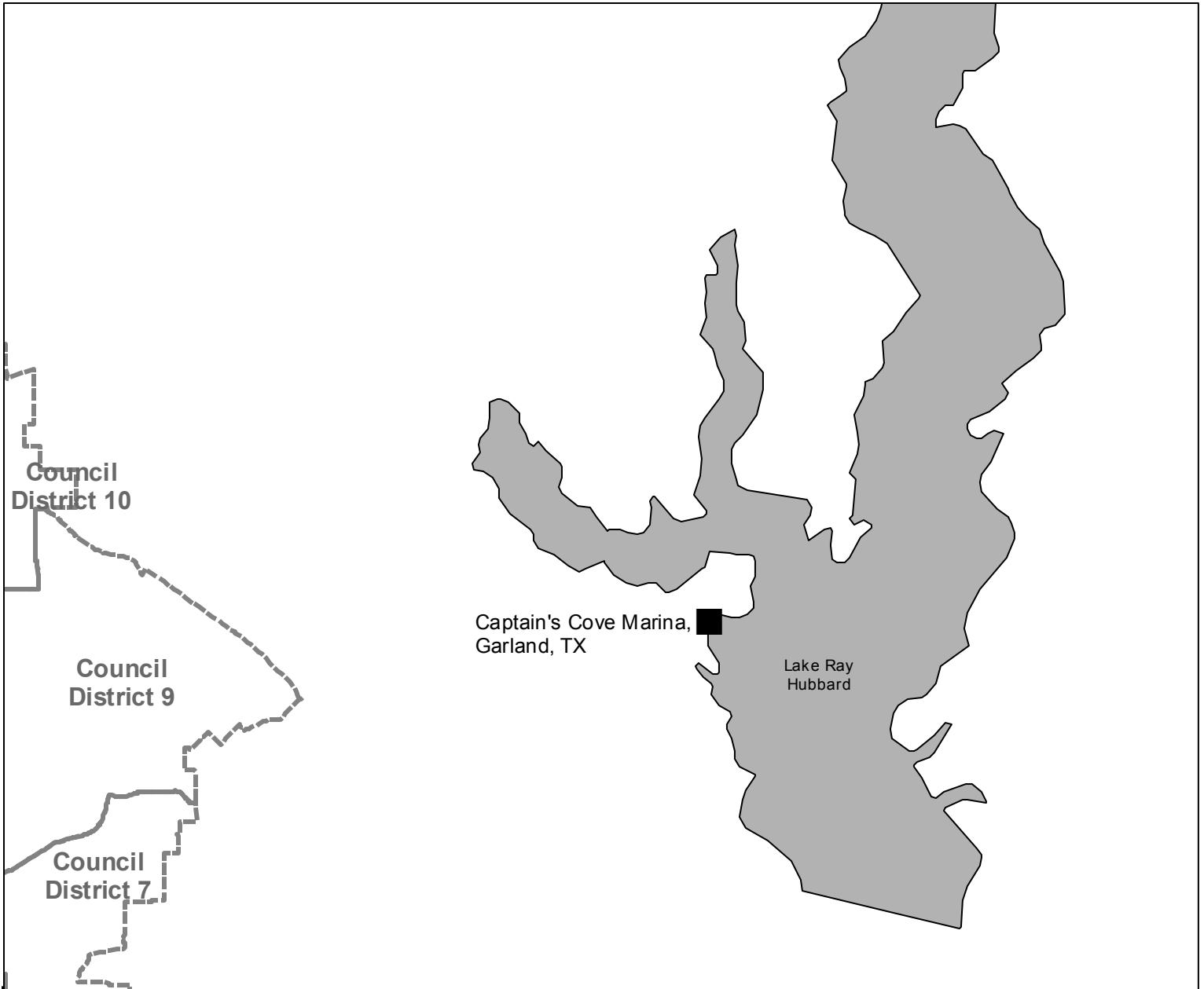
Information about this item will be provided to the Transportation & Trinity River Project Committee on September 12, 2016.

FISCAL INFORMATION

Estimated Annual Revenue: \$30,000.00

MAP

Attached

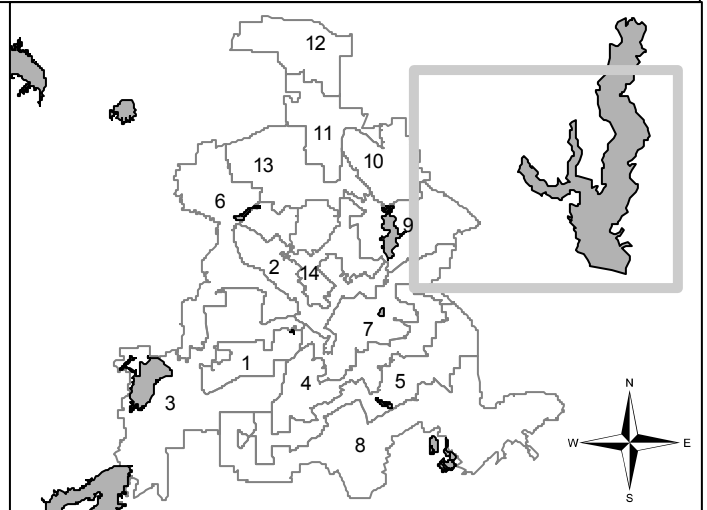


Location: Captain's Cove Marina
5965 Marina Dr, Garland, TX

Mapsco: 40A

Nearest Council District: 9

Department: DWU



**Authorize Supplemental Agreement No. 2 to the Concession Agreement
between the City of Dallas and Suntex RHCC Marina LLC**

September 14, 2016

WHEREAS, the City of Dallas (acting through its Park and Recreation Board) granted the license, right and privilege to operate a public marina complex located at Lake Ray Hubbard to Johnny Williams Marine, Inc. on January 19, 1970; and,

WHEREAS, the City of Dallas granted the assignment of concession agreement to Suntex RHCC Marina, LLC on September 8, 2011; and,

WHEREAS, Suntex RHCC Marina, LLC, requests an extension to the Concession Agreement for a term of five (5) years, and has agreed to the compensation terms stated herein.

Now, Therefore,

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

Section 1. That the operating period of the Concession Agreement between Suntex RHCC Marina, LLC and the City of Dallas be extended for an additional five (5) years, subject to the terms and conditions of the Supplemental Agreement.

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

Section 3. That the Chief Financial Officer is hereby authorized and directed to deposit receipts for service provided under this contract to the Water Utilities Current Fund as follows:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>FUNC</u>	<u>REVENUE RESOURCE CODE</u>
0100	DWU	7005	7REV	8803

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

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Economic Development

CMO: Ryan S. Evans, 671-9837

MAPSCO: 45 M

SUBJECT

Authorize **(1)** a one-year service contract, with four one-year renewal options, with PeopleFund, most advantageous proposer, to administer the City of Dallas CDBG Business Revolving Loan Program (BRLP), for the purpose of making and servicing loans to area businesses and creating and/or retaining jobs for low-to-moderate income persons, in accordance with Department of Housing and Urban Development (HUD) regulations; and **(2)** any unexpended balances of program income and allocations from contract with the previous administrator Southern Dallas Development Corporation (SDDC), be rolled over to fund the City of Dallas CDBG Business Revolving Loan Program - Financing: No cost consideration to the City

BACKGROUND

The purpose of a service contract is to establish firm pricing for services, for a specific term, ordered on an as needed basis. This action will provide a contract to administer the Business Loan Program for the City of Dallas. This action does not encumber funds.

The City of Dallas CDBG Business Revolving Loan Fund Program (BRLP) began in 1989, approved by Council Resolution No.89-0815. SDDC administered the CDBG BRLP from October 1, 1989 to September 30, 2016. The BRLP makes loans to eligible businesses for eligible purposes. From inception to date, this program has approved 198 loans through the Business Revolving Loan Program. The CDBG Business Revolving Loan Program has provided approximately \$19,973,065 in loans to foster economic development; leveraged an estimated \$42,424,502 in private investment; and created/retained 1,993 jobs.

The total cost for operation of the program is funded through the collection of monthly loan payments (accounts receivable) called Program Income and cash on hand from prior years. Current accounts receivable outstanding are estimated to be \$1,807,735. Bank statement cash on hand ending balance as of 7/31/16 is \$236,369.04.

BACKGROUND (Continued)

PeopleFund will make loans to businesses located within the City of Dallas. Every \$35,000 of funds that are lent under the BRLP must result in the creation/retention of one (1) full-time equivalent permanent job to a low to moderate income individual, in accordance with HUD regulations. Program Income generated from the BRLP will be retained by the PeopleFund in order to make new loans and used by PeopleFund to pay for administrating the program through eligible program delivery and administrative costs in accordance with HUD regulations. No General Fund dollars will be used for this contract.

The program however, has not received an appropriation of CDBG funds since 2005, and therefore, has been limited to making new loans from collection of accounts receivable. As new loans have declined Accounts Receivable have continued to decrease and currently are primarily used to cover program operations. The number of loans and loan amounts have also been significantly reduced.

Loan production for past 3 years:

FY 2012/2013	5/\$280,000
FY 2013/2014	4/\$155,000
FY 2014/2015	3/\$243,000

FY 2015/2016 Program Income is projected to be \$275,000 with projected expenses of approximately \$250,000. The program will only be able to make loans from cash reserves. There is no cost consideration to the City.

Portfolio Snapshot as of 8/24/16

21 loans with a total loan balance of	\$1,807,735
Ending bank balance as of 7/31/16	\$236,369.04
Direct delivery expenses paid to date	\$159,756.86
Cash Reserves available to loan	\$176,360

Other Responsibilities and Activities:

- Manage loan portfolio, collections, delinquencies and legal issues
- Business Development support to assist small businesses to access capital
- Fund development to increase operating revenue
- Conduct site visits to CDBG loan recipients and prospects
- Submit monthly reports to the City of Dallas
- Participate in community development workshops and meetings to market SDDC and spur economic development

BACKGROUND (Continued)

- Monitor clients, address and resolve compliance issues as required
- Leverage other loan funds under management to maximize CDBG dollars available for loans
- Provide technical assistance to loan applicants

On December 8, 2015, PeopleFund and Southern Dallas Development Corporation (SDDC) agreed to a statutory merger of the two organizations, the surviving entity being the PeopleFund. Both are non-profit Community Development Financial Institutions (CDFI's) dedicated to support underserved small businesses with loans coupled with business education and training. SDDC staff will remain in place. As a CDFI, PeopleFund is allowed to aggregate jobs created/retained within each CDBG program year in accordance with Code of Federal Regulations Section 570.208 (a)(4)(vi)(1) 570.209 (b)(1)(i) and 570.209 (b)(2)(i,ii,iii).

A Request for Competitive Sealed Proposal to manage the CDBG Business Revolving Loan Program was closed July 7, 2016. PeopleFund was the successful proposer.

PeopleFund was established in 1994 and subsequently became a non-profit 501(c)(3) CDFI and certified SBA state-wide lender. In 2012, PeopleFund embarked on a five-year statewide expansion plan. Current locations are in Austin, Dallas, Ft. Worth, Houston, San Antonio, and McAllen. In 2015, PeopleFund reported Portfolio Activity of \$13,076,242 loaned and 330 loans originated.

PeopleFund will administer the CDBG Business Revolving Loan Program for the City of Dallas on a contractual basis. SDDC staff will manage the program. The program provides capital for entrepreneurs and small businesses and creates and/or retains jobs for low-to-moderate income persons in accordance with HUD regulations. The program also fosters community and economic development in low-to-moderate income communities within the Dallas city limits.

The PeopleFund is governed by a board of directors that will include three (3) appointments by Dallas City Council members. The CDBG Business Revolving Loan Program is managed under HUD and City approved operating guidelines with rates, terms and cost established by the managing entity in compliance with HUD guidelines.

A six-member committee from the following departments reviewed and evaluated the proposals; submitted in response to the RFCSP.

- Office of Economic Development (2)
- Office of Environmental Quality (1)
- Office of Financial Services (1)
- Department of Planning and Urban Design (1)
- Business Development & Procurement Services (1) *

BACKGROUND (Continued)

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

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

- | | |
|---|-----|
| ● Experience/qualifications | 30% |
| ● Staffing plan/approach | 25% |
| ● Program budget | 30% |
| ● 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 1,575 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 June 22, 2016, the City Council adopted the FY 2016-17 Consolidated Plan Budget which included program income estimated at \$275,000 be retained by the sub-recipient to carry out the Community Development Block Grant Business Revolving Loan Program by Resolution No. 16-1066.

The Economic Development Committee was provided information regarding this item on September 2, 2016.

FISCAL INFORMATION

No cost consideration to the City.

M/WBE INFORMATION

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

1,575 - M/WBE and Non-M/WBE vendors were contacted

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

ETHNIC COMPOSITION

PeopleFund

White Male	2	White Female	8
Black Male	1	Black Female	5
Hispanic Male	3	Hispanic Female	12
Other Male	0	Other Female	1

PROPOSAL INFORMATION

The following proposals were received from solicitation number BQZ1616 and were opened on July 21, 2016. This service contract is being awarded in its entirety to the most advantageous proposer.

*Denotes successful proposer

<u>Proposers</u>	<u>Address</u>	<u>Score</u>
*PeopleFund	2801 Swiss Ave. Suite 120 Dallas, Texas 75204	81.80%
LiftFund, Inc.	8828 North Stemmons Fwy. Suite 101 Dallas, Texas 75247	78.00%
New Capital Funding, Inc.	12770 Merit Drive Dallas, Texas 75251	50.80%

OWNER

PeopleFund

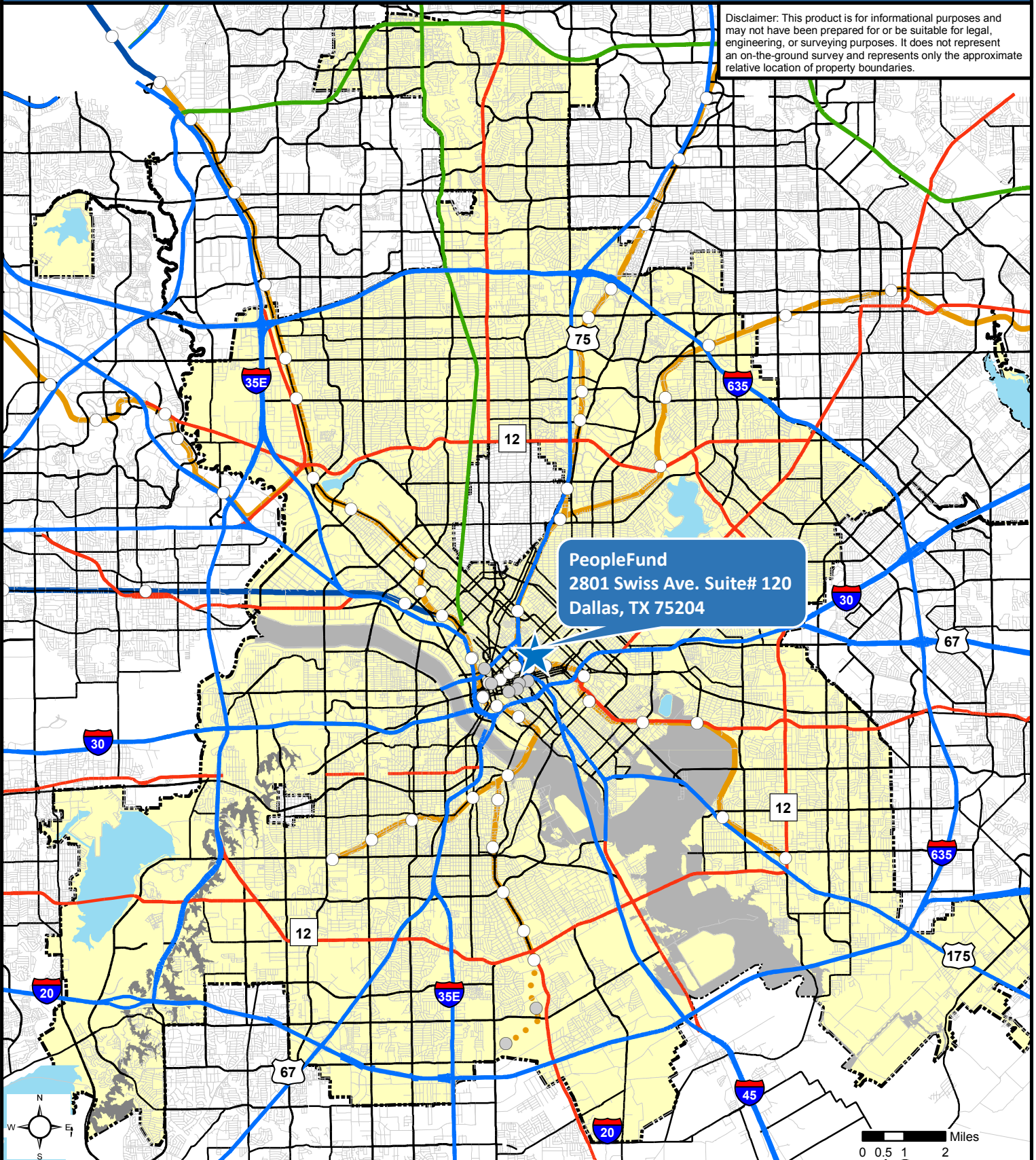
Gary Lindner, President
Irvin Ashford, Jr., Secretary
Kathy D. Burrell, Treasurer

MAP

Attached.

City of Dallas

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 08.18.16, Last Updated 08.18.16 - PeopleFund

Legend



- Rail Station
- DART Light Rail
- Commuter Rail
- Future DART Light Rail
- Future Station
- Freeway
- Tollway
- Highway
- ▨ City of Dallas
- ▨ Flood Plain
- ▨ Lake

Data Source - City of Dallas GIS

September 14, 2016

WHEREAS, on June 22, 2016, the City Council adopted the FY 2016-17 Consolidated Plan Budget which included program income estimated at \$275,000 be retained by the sub-recipient to carry out the Community Development Block Grant Business Revolving Loan Program by Resolution No. 16-1066.

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 (1) a one-year service contract, with four one-year renewal options, with PeopleFund (VS0000070175), most advantageous proposer, to administer the City of Dallas CDBG Business Revolving Loan Program, for the purpose of making and servicing loans to area businesses and creating and/or retaining jobs for low-to-moderate income persons, in accordance with Department of Housing and Urban Development (HUD) regulations.

Section 2. That any unexpended balances of program income and allocations from contract with the previous administrator Southern Dallas Development Corporation, be rolled over to fund the City of Dallas CDBG Business Revolving Loan Program.

Section 3. That PeopleFund will make loans within the City of Dallas to create/retain jobs for Low to Moderate Income (LMI) persons.

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 # 55

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 14

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 35 T

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, and a resolution accepting deed restrictions volunteered by the applicant; and an ordinance repealing Specific Use Permit No. 551 for an Instruction of Charitable and Philanthropic Nature for Special Education, to include a private school use on property zoned an MF-2 Multiple-Family Subdistrict within Planned Development District No. 193, on the southwest corner of Irving Avenue and Oak Lawn Avenue

Recommendation of Staff and CPC: Approval, subject to deed restrictions volunteered by the applicant; and approval of repealing Specific Use Permit No. 551
Z156-193(SM)

FILE NUMBER: Z156-193(SM) **DATE FILED:** January 29, 2016**LOCATION:** Southwest corner of Irving Avenue and Oak Lawn Avenue**COUNCIL DISTRICT:** 14 **MAPSCO:** 35 T**SIZE OF REQUEST:** Approx. 0.30 acres **CENSUS TRACT:** 6.06

APPLICANT/OWNER: Shahab Salehoun**REPRESENTATIVE:** Rob Baldwin

REQUEST: An application for a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, with deed restrictions volunteered by the applicant; and to repeal Specific Use Permit No. 551 for an Instruction of Charitable and Philanthropic Nature for Special Education, to include a private school use on property zoned an MF-2 Multiple-Family Subdistrict within Planned Development District No. 193.

SUMMARY: The purpose of the request is to allow the resident owner to allow a family member to operate a small swimsuit design studio, retail shop, and gallery. Although the request includes a zoning change from a MF-2 Multiple-Family Subdistrict to a GR General Retail Subdistrict, the applicant proposes to volunteer deed restrictions that 1) limit the allowed uses to MF-2 Multiple-Family Subdistrict uses plus five nonresidential uses; office; tailor custom sewing, and millinery; instructional arts studio; handcrafted art work studio; retail stores that are limited to the display and sale of art and clothing; and clothing store uses in the existing building; 2) limit the allowed uses to MF-2 Multiple-Family Subdistrict uses if the existing building is removed; 3) allow the existing building to add rooftop structures so the total height does not exceed 65 feet in height and limit reconstruction to 36 feet in height; and 4) prohibit amplified sound on the roof.

CPC RECOMMENDATION: Approval, subject to deed restrictions volunteered by the applicant; and approval of repealing Specific Use Permit No. 551.

STAFF RECOMMENDATION: Approval, subject to deed restrictions volunteered by the applicant; and approval of repealing Specific Use Permit No. 551.

GUIDING CRITERIA FOR RECOMMENDATION:

Staff recommendation for approval is based upon:

1. *Performance impacts upon surrounding property* – The proposed zoning change is not anticipated to have a negative impact on the surrounding areas. The surrounding land uses are non-residential and therefore the additional non-residential uses proposed in the request are not foreseen to negatively impact surrounding properties.
2. *Traffic impact* – The Engineering Section of the Department of Sustainable Development and Construction has determined that the proposed zoning change 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 Downtown Building Block and is consistent with the forwardDallas! Comprehensive Plan.

BACKGROUND INFORMATION:

- The existing structure on the site was constructed in 1919, according to Dallas Central Appraisal District Records.
- Permit records indicate that the site was used as a dormitory and office building for the adjacent private school, according to a building permits in 1979 and 1980.
- Permit records show that the site was converted into a duplex use for a private owner, according to a building permit that was completed in 2001.
- The applicant purchased the property in June 2013 according to Dallas Central Appraisal District records.

Zoning History: There have been no recent zoning changes requested in the area in the last five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	ROW
Oak Lawn Avenue	Principal Arterial	Variable, ~90'
Irving Avenue	Local Street	60'

Traffic: The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined that it will not have a negative impact on the surrounding street system. The analysis is based upon the traffic worksheet the applicant provided during the application submittal.

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* designates the area of request in the Urban Neighborhood Building Block. The Urban Neighborhoods, including Oak Lawn, the Grand Avenue area in South Dallas, the area near Jefferson Boulevard and the Vickery Meadow area, are predominately residential but are distinguished from other neighborhoods by the wide variety of housing options they provide and easy access to public transit. Housing choices should include single-family detached dwellings, townhomes and low-to midrise condominiums or apartments. These neighborhoods will have concentrations of shops and offices along key corridors or at key intersections, providing important services and job opportunities within walking distance of residences. These areas may have mixed-use buildings with ground floor shops. Areas currently developed with single-family or duplex uses should generally be maintained unless redevelopment is addressed through an Area Planning process. Urban Neighborhood streets will be very pedestrian friendly, providing excellent connectivity to shopping, schools and other community services. Emphasis should be placed on slowing traffic through use of on-street parking and other similar traffic calming measures. Public investments in these areas will focus on parks, pathways, transit stops, pedestrian-oriented landscaping and road improvements. The request is consistent with this building block.

Area Plan:

The Oak Lawn Special Purpose District and the Oak Lawn Plan include the following objectives:

- (1) To achieve buildings more urban in form.
- (2) To promote and protect an attractive street level pedestrian environment with continuous street frontage activities in retail areas.
- (3) To encourage the placement of off-street parking underground or within buildings similar in appearance to non-parking buildings.
- (4) To promote development appropriate to the character of nearby neighborhood uses by imposing standards sensitive to scale and adjacency issues.
- (5) To use existing zoned development densities as a base from which to plan, while providing bonuses to encourage residential development in commercial areas.
- (6) To discourage variances or zoning changes which would erode the quantity or quality of single-family neighborhoods, or would fail to adhere to the standards for multiple-family neighborhoods and commercial areas.
- (7) To promote landscape/streetscape quality and appearance.

The applicant's request is consistent with all of the above objectives because it restricts uses and height to encourage the existing structure to be maintained. The deed restrictions generally restrict the uses allowed on the property to MF-2 uses but allows five additional uses if the existing structure remains: office; tailor, custom sewing, and millinery; instructional arts studio; retail store other than listed; and clothing store. If the existing structure is removed, those five uses are prohibited. Because PD 193 generally adds uses as the intensity of the zoning district increases, the deed restriction translates that the proposed zoning change from MF-2 to GR is only useful if the existing structure is maintained and the deed restriction also only adds those five uses.

STAFF ANALYSIS:

Land Use Compatibility:

The 0.30 acre site is developed with a two-story residential building atop a parking garage that also contains storage areas for the residence. The applicant proposes to convert a portion of the building to house a small designer clothing operation. The applicant also plans to add rooftop amenities like a pool cabana to the roof. Both of these proposals are prohibited by the MF-2 Subdistrict regulations. However, the applicant has proposed to offer deed restrictions so as to limit development rights and land uses to the additional uses and heights in the existing building in order to preserve the structure and discourage added uses or height if the structure is eventually removed. The request therefore is compatible with surrounding land uses which are summarized in the table below.

Direction	PD 193 Subdistrict	Land Use
Site	MF-2 & SUP No. 551	Duplex
North	GR	Personal Service
East	PD No. 8	Retail & Restaurant
South & West	MF-2	Private School

Development Standards:

Direction	PD 193 Subdistrict	Setbacks		FAR	Height	Lot Coverage
		Front	Side/Rear			
Site	GR with Deed Restrictions	25'	0'/0'	2:1	65'*	60%
North	GR	25'	0'/0'	2:1	120'	80%
East	PD No. 8	35' on Blackburn; 25' on Oak Lawn; 20' Irving	0'/0'	2:1	120'	20-25%
South & West	MF-2	15'	10'/15'	N/A	36'	75%

*Volunteered deed restrictions allow roof top structures to the existing building to be erected up to 65 feet high but limits new construction to 36 feet if the existing building is removed.

The applicant intends to construct rooftop structures to accommodate an outdoor shallow pool and cabana on top of the existing roof, not to add an additional story. The existing structure is built near or higher than the currently allowed 36-foot height limitation, depending on the site's average grade, therefore, rooftop structures are not allowed in the existing zoning district. Although the applicant has requested a GR Subdistrict in

order to achieve height allowances to accommodate their vision, the request volunteers deed restrictions that limit height to 65 feet for rooftop structures added to the existing building and if the existing structure is removed height is limited to 36 feet, the same maximum height as the existing MF-2 Subdistrict. All other types of development standard regulations are equal or more restrictive in the GR Subdistrict as compared to the MF-2 Subdistrict, with the exception of minimum lot size for multifamily development. The GR Subdistrict allows more units, depending on the number of bedrooms, than the MF-2 Subdistrict, but since all uses must conform to the parking requirements for the sum of all uses on site and since the deed restrictions require that new construction is limited to 36 feet in height, those two limiting factors will cause renovation of the existing structure to be comparable to the MF-2 Subdistrict in regards to number of units.

Because the volunteered deed restrictions complement the existing development and the surrounding properties, staff recommendation is for approval of the requested development standards.

Landscaping: Landscaping must be in accordance with the landscaping requirements in Part I of Planned Development District No. 193.

CPC ACTION – August 4, 2016:

Motion: It was moved to recommend **approval** of a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District with deed restrictions volunteered by the applicant, subject to revised deed restrictions volunteered by the applicant; and **approval** of repealing Specific Use Permit No. 551 for an Instruction of Charitable and Philanthropic Nature for Special Education, to include a private school use on property zoned an MF-2 Multiple-Family Subdistrict within Planned Development District No. 193 on the southwest corner of Irving Avenue and Oak Lawn Avenue.

Maker: Houston
Second: Haney
Result: Carried: 13 to 0

For: 13 - Anglin, Rieves, Houston, Davis, Shidid,
Anantasomboon, Haney, Jung, Housewright,
Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Schultz
Vacancy: 1 - District 7

Notices:	Area: 200	Mailed: 9
Replies:	For: 0	Against: 0

Speakers: None

PROPOSED VOLUNTEERED DEED RESTRICTIONS

DEED RESTRICTIONS

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

I.

The undersigned, Shahab Salehoun and Zohreh Malek-Shahmirzadi, a married couple, ("the Owner"), are the owner of the following described property ("the Property"), being Lot 1 of Block 5/1510, City of Dallas ("City"), Dallas County, Texas, and being that same tract of land conveyed to the Owner by John Ridings Lee and Carole M. Lee, a married couple, by deed dated May 28, 2013, and recorded in Instrument Number 201300170581, in the Deed Records of Dallas County, Texas.

II.

The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

1. Except as provided in Items 2 and 3 below, the following main uses are prohibited:

A. Residential uses.

- Hotel and motel.
- Overnight general purpose shelter.

B. Utility and service uses.

- Commercial radio or television transmitting station.
- Sewage treatment plant.
- Water treatment plant.

C. Transportation uses.

- Helistop.

D. Community service uses.

- Post office.
- Halfway house.

E. Medical uses.

- Hospital
- Convalescent and nursing homes, hospice care, and related institutions.
- Medical clinic.
- Medical or scientific laboratory.
- Optical shop.
- Medical appliance fitting and sales.
- Ambulance service.

F. Educational uses.

- Business school.

G. Recreation and entertainment uses.

- Game court center.
- Inside commercial amusement.
- Outside commercial amusement.
- Theatre.
- Wax museum.

H. Bar and restaurant uses.

- Bar, lounge, or tavern.
- Drive-through restaurant.
- Restaurant without drive-through service.
- Private club.
- Catering service.
- Dance hall.

I. Professional, personal service, and custom crafts uses.

- Bank or savings and loan office.
- Barber and beauty shop.
- Mortuary or funeral home.
- Health studio.
- Custom cleaning shop.
- Self service laundry or dry cleaning.
- Laundry or cleaning pick up and receiving station.
- Key shop.
- Shoe repair.
- Travel bureau.
- Broadcasting or recording studio.
- Handcraft bookbinding.

- Photography studio.
- Safe deposit boxes.
- Commercial wedding chapel.

J. Retail uses.

- Antique shop.
- Retail food store.
- Bakery or confectionery shop.
- Book and stationary store.
- Camera shop.
- Cigar, tobacco, and candy store.
- Drug store.
- Liquor store.
- Florist store.
- Feed store.
- Pet shop.
- Furniture store.
- Second hand store.
- Pawn shop.
- Hardware or sporting goods store.
- Home improvement center.
- Hobby and art supplies store.
- Paint and wallpaper store.
- Swimming pool sales and supply.

K. Motor vehicle related uses.

- Auto glass, muffler, or seat cover shop.
- Auto parts sales (inside only).
- Auto repair garage (inside).
- Car wash.
- Service station.
- Surface parking.

L. Commercial uses.

- Appliance fix-it shop.
- Building repair and maintenance shop.
- Plumbing, electrical, air conditioning, and heating shops.
- Tool and equipment rental (inside display only).
- Stone, sand, or gravel mixing.
- Duplication shop.
- Custom print shop.
- Gummed label printing.
- Garden shop, plant sales, or green house.

- Diamond and precious stone sales (wholesale only).

M. Animal related uses.

- Farm or ranch.
- Veterinarian's office.
- Animal clinic without outside runs.

2. If the main structure existing at the adoption of these restrictions is removed, in all or in part, the following additional uses are prohibited:

A. Transportation uses.

- Passenger bus station and terminal.

B. Professional, personal service, and custom craft uses.

- Office.
- Tailor, custom sewing, and millinery.
- Instructional arts studio.

C. Retail uses.

- Retail store other than listed.
- Clothing store.

3. If the main structure existing at the adoption of these restrictions is removed, in all or in part, the following uses prohibited in Item 1 above are allowed:

A. Medical uses.

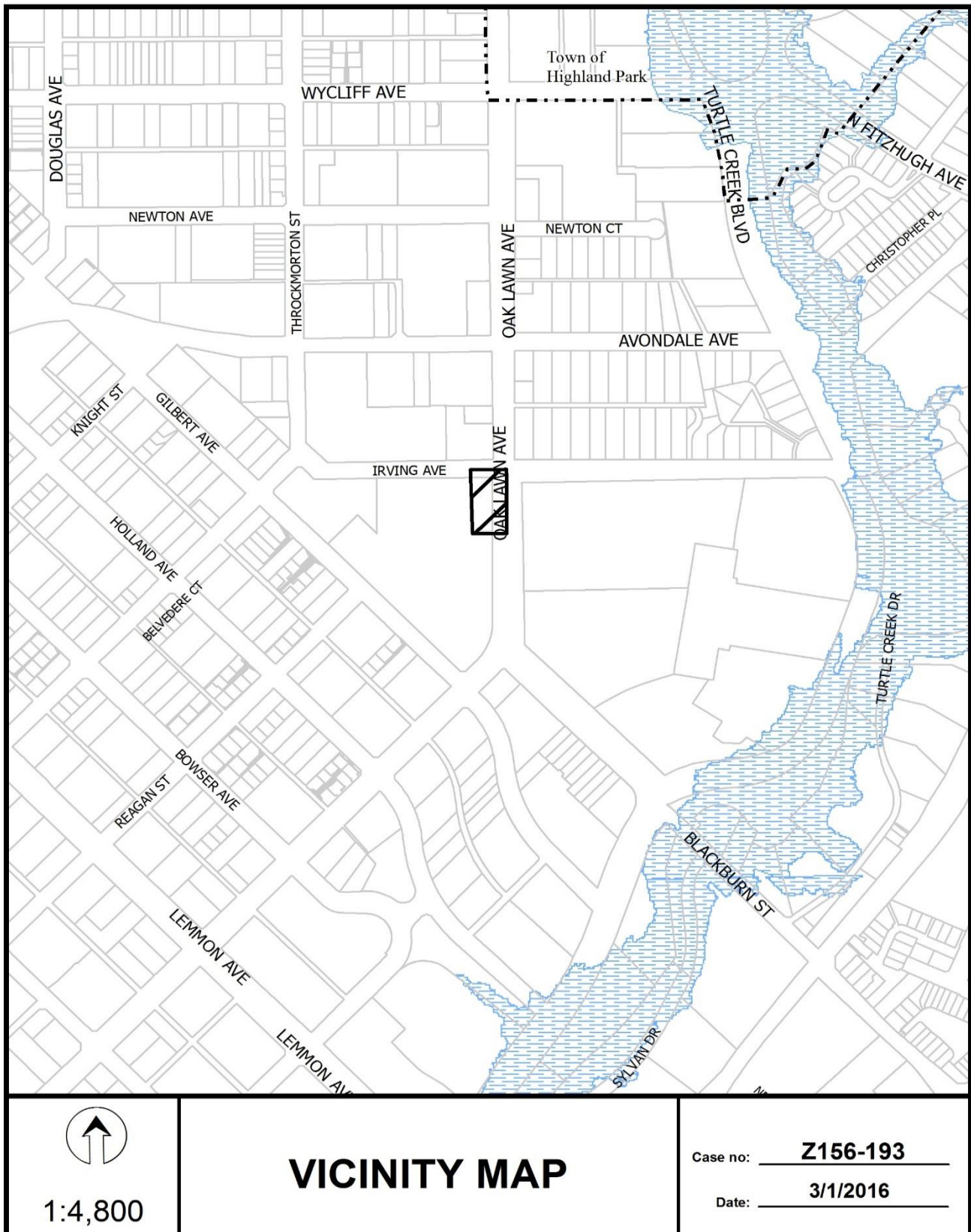
- Convalescent and nursing homes, hospice care, and related institutions.

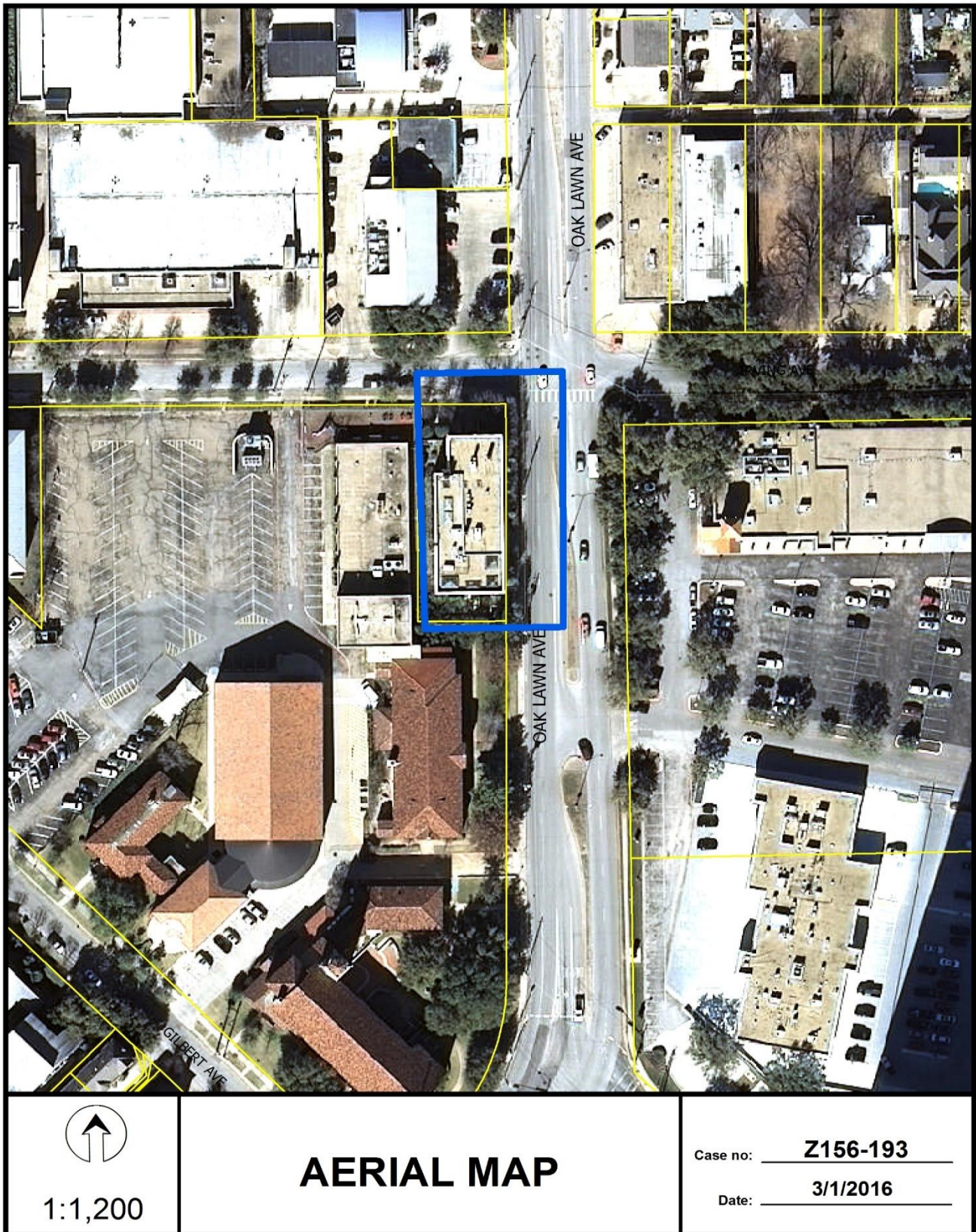
B. Animal related uses.

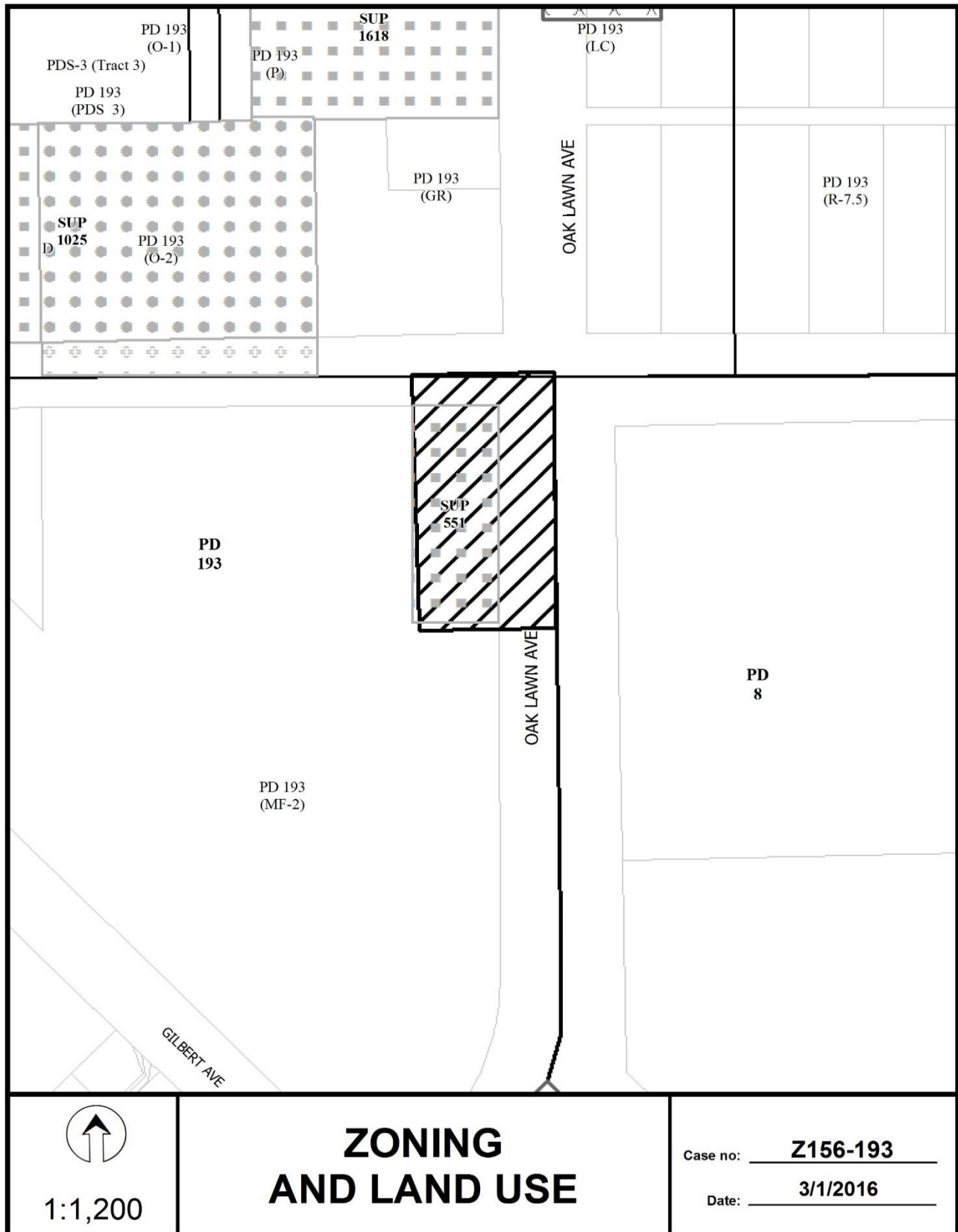
- Farm or ranch.

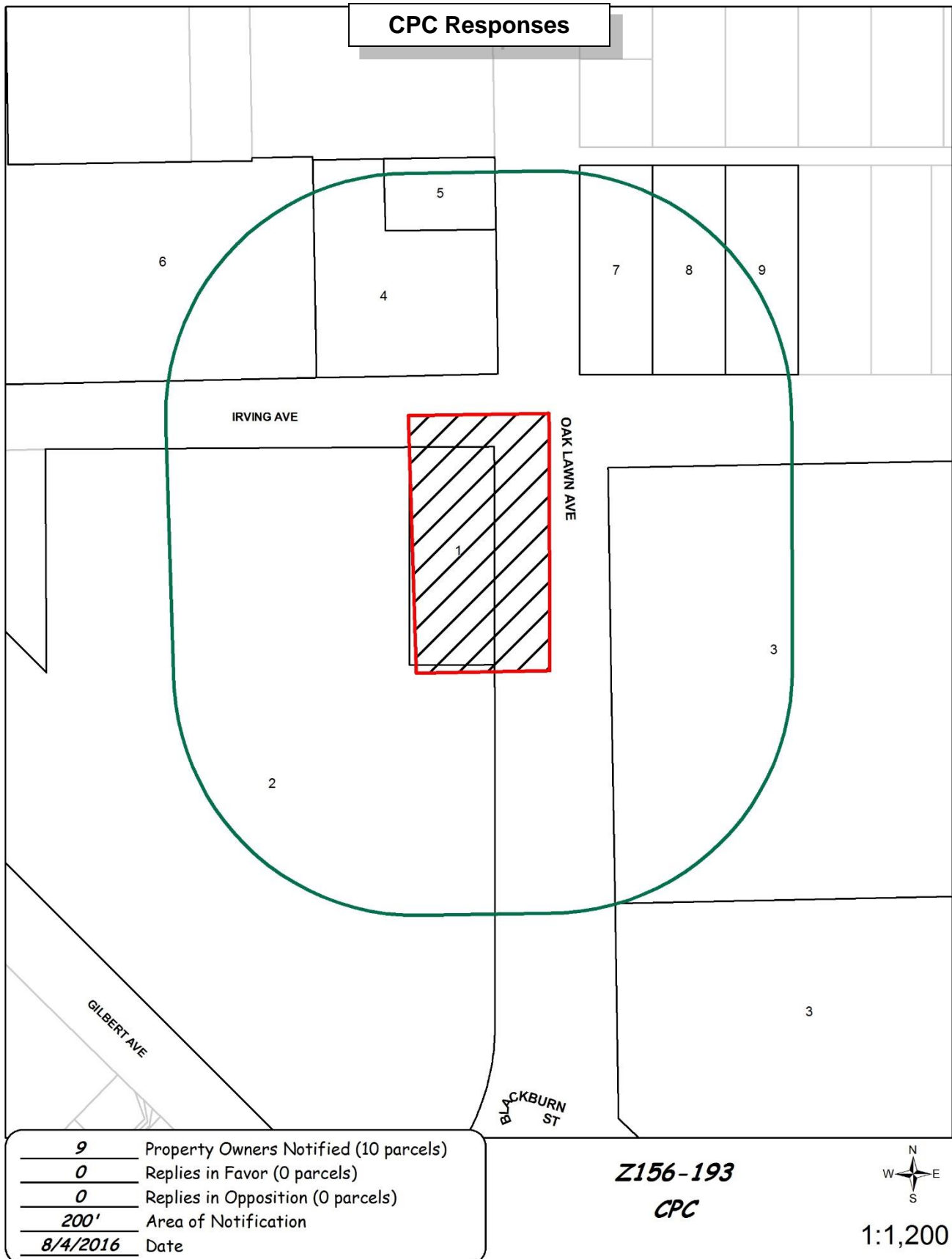
4. Except as provided in this paragraph, the maximum structure height is 36 feet. The maximum structure height for the main structure existing at the adoption of these restrictions is 42 feet. Rooftop amenity structures such as a pool and cabana may be added to the existing main structure up to the maximum height of 65 feet.

5. Amplified sound is prohibited on the roof.









Z156-193(SM)

08/03/2016

Reply List of Property Owners

Z156-193

9 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	3845	OAK LAWN AVE	SALEHOUN SHAHAB & ZOHREH MALEK S
2	3815	OAK LAWN AVE	HOLY TRINITY PARISH
3	3800	IRVING AVE	TC PROPCO I LP
4	3905	OAK LAWN AVE	OAKLAWN P & J LLC
5	3911	OAK LAWN AVE	ESMAILI M REZA &
6	4211	IRVING AVE	SOUTHWESTERN BELL
7	3900	OAK LAWN AVE	MESSINA HOOPER FAMILY ENTERPRISES LTD
8	4309	IRVING AVE	IA IRVING AVENUE INVESTORS LLC
9	4313	IRVING AVE	IA IRVING AVENUE INVESTORS LLC

AGENDA ITEM # 56

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 10

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 27 J

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Tract 2 of Planned Development District No. 795, on the west line of Skillman Street, south of Church Road

Recommendation of Staff and CPC: Approval, subject to a development plan and conditions

Z156-212(WE)

HONORABLE MAYOR & CITY COUNCIL WEDNESDAY, SEPTEMBER 14, 2016
ACM: Ryan S. Evans

FILE NUMBER: Z156-212(WE) **DATE FILED:** February 23, 2016

LOCATION: West line of Skillman Street, south of Church Road

COUNCIL DISTRICT: 10 **MAPSCO:** 27 J

SIZE OF REQUEST: Approx. 1.892 acres **CENSUS TRACT:** 78.24

APPLICANT: David Weekley Homes, LLC

OWNER: LH Skillman Partners LTD

REPRESENTATIVE: Dallas Cothrum, MASTERPLAN

REQUEST: An application for an amendment to Tract 2 of Planned Development District No. 795.

SUMMARY: The request is to permit the development of 17 single family homes in a shared access development. The minimum lot size for the share access development is 3,000 square feet.

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 recommendation for approval of the Planned Development District is based upon:

1. *Performance impacts upon surrounding property* – A single family shared access development at this location is consistent with the Comprehensive Plan and will have a positive impact on the surrounding properties. The adjacent area is developed with single family uses. However, staff has some concerns that the overall design layout of the shared access development does not allow for preservation of additional open space and a pedestrian linkage for the residences.
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 proposed request is in compliance with the forwardDallas! Comprehensive Plan. The request site is located within a Residential Building Block.
4. *Justification for PD Planned Development District Zoning as opposed to a straight zoning district* – The request site is located within PDD No. 795 and the modification to Tract 2 will allow for the development of a shared access development. Tract 2 permits single family uses but the conditions that govern the development do not specify the yard, lot and space regulations for single family uses. The proposed conditions will specifically address the development regulations for the development of a residential uses in a shared access development.

BACKGROUND INFORMATION:

- On June 25, 2008, the City Council approved Planned Development District No. 795 for Retirement housing, Single Family and Office uses.
- On February 13, 2013, the City Council approved an amendment to Tract 1 and Tract 3 of PDD No. 795, a creation of a new Tract 4 within Planned Development District No. 795, a new conceptual plan and conditions for the new Tract.

Zoning History: There has been one zoning case in the area over the past five years.

1. Z123-124 On February 13, 2013, the City Council approved an amendment to Tract 1 and Tract 3 of PDD No. 795, a creation of a new Tract 4 within Planned Development District No. 795, a new conceptual plan and conditions for the new Tract.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Skillman Street	Principal Arterial	100 ft.	100 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 *fowardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *fowardDallas! 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 in a Residential Building Block.

This Building Block represents the life-blood of Dallas, the traditional neighborhood of single-family detached homes. Dallas has many neighborhoods that match this description, including Winnetka Heights, Preston Hollow, Lakewood and Wheatley Place. Single-family dwellings are the dominate land use in these areas. Some shops, restaurants or institutional land uses such as schools and religious centers that serve neighborhood residents may be located at the edges or at key intersections.

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

Area Plans: The request site is located within the boundaries of two land use studies; the Northeast Dallas Neighborhood Improvement Strategy and the District 10 Strategic Plan.

Northeast Dallas Neighborhood improvement Strategy. On November 8, 1995, the City Council adopted the report and the site is located within the Subarea 2 portion of this study. The study makes no specific recommendations as it relates to land use, however, various categories of "issues" have been identified. The general analysis revolves around neighborhood groups and property owners to address the impact of development on city services, schools, as well as suggesting a coordination of private interests and public agencies.

District 10 Strategic Plan. The Strategic Plan was adopted by the City Council on June 14, 2006. The request site is located within an area that is identified as the Skillman Street Corridor. The corridor is identified as an area for a mix of uses within an urban neighborhood. Existing infrastructure includes an existing (LBBJ/Skillman) and (Walnut Hill and Skillman) DART station. The mix of residential uses envisioned for the area (single family and multifamily) should have convenient access to retail and employment centers. Densities are encouraged to be higher than traditional residential neighborhoods. A Tax Financing District has been proposed for the corridor with the following goals:

1. Encourage redevelopment of existing properties, including older multifamily development and underutilized retail space along Skillman and the existing LBJ/Skillman DART station to increase and enhance urban development.
2. Develop vacant land; and
3. Encourage higher density residential uses.

Land Use Compatibility:

The request site is developed with several office buildings. The applicant proposes to raze the existing office development to construct a 17-unit single family shared access development. Tract 1 of Planned Development District No. 795 is under construction with single family uses. The adjacent land uses surrounding the request site is residential uses, except of a cemetery that is located to the south of the site.

	Zoning	Land Use
Site	PDD No. 795, Tract 2	Offices
North	PDD No. 795, Tract 1	Single Family
South	R-7.5(A)	Cemetery
East	MF-1(A)	Multifamily
West	PDD No. 795, Tract 3, R-7.5(A)	Single Family

Development Standards:

<u>DISTRICT</u>	<u>SETBACKS</u>		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
PDD No. 795 Tract 2	15'	10'	0.5 office	36'- residential 24' - office	65%	Proximity Slope Visual Intrusion	Single Family, Office, Retirement housing, Handicapped group dwelling unit

Landscaping: Landscaping of any development will be in accordance with the shared access development landscaping requirements in Article X, except for the following:

- one 1 being a large canopy tree. The other tree can be a small tree.

Parking: A shared access development must provide 0.25 unassigned spaces available for use by visitors and residents for each dwelling unit. Guest parking spaces must be located where they will not impede access from any other guest parking space or dwelling unit to the shared access point. The applicant is providing 6 guest parking spaces for the 17 shared access development.

PDD conditions – The applicant made additional changes to the PDD conditions to reflect the elimination of the office and retirement housing uses in Tract 2. The applicant has made provisions to the rear yard setbacks, which increased the rear yard setbacks from 5 feet to 10 feet when the single family structure is two stories or greater. A minimum of one foot is required for pergolas and shaded structures.

In addition, the applicant has restricted the type of materials for structures that are developed on the northern property line. The materials must consist of a minimum of 85 percent brick or stone, except for exterior fenestrations. The windows of structures facing the northern property line that are located on the third story/floor must be translucent or of glass block or at a height of seven feet or greater.

In addition, the City Plan Commission included additional language that reflected a plane change for residential structures on the northern property line. The additional language is below:

For lots on the northern property line, the northern façade must have at least one change in plane of at least 24 inches from the northern most facade, at intervals of not more than 25 feet, with a change of plane with a width of at least ten (10) feet.

CPC Action (May 19, 2016)

Motion: In considering an application for an amendment to Tract 2 of Planned Development District No. 795, on the west line of Skillman Street, south of Church Road, it was moved to **hold** this case under advertisement until June 16, 2016, and to instruct staff to re-advertise.

Maker: Ridley
Second: Murphy
Result: Carried: 13 to 0

For: 13 - Anglin, Rieves, Houston, Davis,
Anantasomboon, Abtahi, Jung, Housewright,
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 2 - Shidid, Haney
Vacancy: 0

Notices: Area: 500 Mailed: 249
Replies: For: 138 Against: 1

Speakers: None

CPC Action (June 16, 2016)

Motion: In considering an application for an amendment to Tract 2 of Planned Development District No. 795, on the west line of Skillman Street, south of Church Road, it was moved to **hold** this case under advisement until June 30, 2016.

Maker: Housewright
Second: Houston
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves*, Houston, Davis, Shidid*,
Anantasomboon, Haney, Jung, Housewright,
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Abtahi

Vacancy: 0

*out of the room, shown voting in favor

Notices:	Area: 500	Mailed: 249
Replies:	For: 141	Against: 2
Speakers:	None	

CPC Action (June 30, 2016)

Motion: In considering an application for an amendment to Tract 2 of Planned Development District No. 795, on the west line of Skillman Street, south of Church Road, it was moved to **hold** this case under advisement until July 21, 2016.

Maker: Housewright
Second: Abtahi
Result: Carried: 13 to 0

For: 13 - Anglin, Houston*, Shidid, Anantasomboon,
Abtahi, Haney, Jung, Housewright, Schultz, Peadon,
Murphy, Ridley, Tarpley

Against: 0
Absent: 2 - Rieves, Davis
Vacancy: 0

*out of the room, shown voting in favor

Notices:	Area: 500	Mailed: 249
Replies:	For: 141	Against: 3
Speakers:	None	

CPC Action (July 21, 2016)

Motion: In considering an application for an amendment to Tract 2 of Planned Development District No. 795, on the west line of Skillman Street, south of

Church Road, it was moved to **hold** this case under advisement until August 4, 2016.

Maker: Housewright
Second: Houston
Result: Carried: 13 to 0

For: 13 - Anglin, Rieves, Houston, Davis,
Anantasomboon, Abtahi, Haney, Jung,
Housewright, Schultz, Peadon, Ridley*, Tarpley

Against: 0
Absent: 2 - Shidid, Murphy
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 249
Replies: For: 141 Against: 4

Speakers: None

CPC Action (August 4, 2016)

Motion: It was moved to recommend **approval** of an amendment to Tract 2 of Planned Development District No. 795, subject to a revised development plan and revised conditions (as briefed) with the following modifications: 1) Include the following setback language: "For lots on the northern property line the northern façade must have at least one change in plane of at least 24 inches from the northern most façade at intervals of not more than 25 feet with a change of plane with a width of at least 10 feet, and 2) Under additional provision change the word "opaque" to "translucent" in regard to windows on the west line of Skillman Street, south of Church Road.

Maker: Housewright
Second: Peadon
Result: Carried: 13 to 0

For: 13 - Anglin, Rieves, Houston, Davis, Shidid,
Anantasomboon, Haney, Jung, Housewright,
Peadon, Murphy, Ridley, Tarpley

Against: 0

Z156-212(WE)

Absent: 1 - Schultz
Vacancy: 1 - District 7

Notices: Area: 500 Mailed: 249
Replies: For: 141 Against: 4

Speakers: For (Did not speak): Dallas Cothrum, Address not given
Against: None

LIST OF OFFICERS
LH Skillman Partners, LLC

- Jonathan Periman Sr. Founder and Chief Executive Officer
- Jonathan Periman Jr. Manager

LIST OF OFFICERS
David Weekly Homes, LLC

- David Weekley Chairman
- John Johnson CEO

<p>CPC PROPOSED PDD CONDITIONS</p>

SEC. 51P-795.101. LEGISLATIVE HISTORY.

PD 795 was established by Ordinance No. 27236, passed by the Dallas City Council on June 25, 2008.

SEC. 51P-795.102. PROPERTY LOCATION AND SIZE.

PD 795 is established on property located at the southwest corner of Church Road and Skillman Street. The size of PD 795 is approximately 11.9779 acres.

SEC. 51P-795.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) Tracts 1, 3, and 4 are considered to be a residential zoning districts.

(d) Tract 2 is considered to be a nonresidential zoning district for any portion of the tract that is developed with an office use.

(e) Tract 2 is considered to be a residential zoning district for any portion of the tract that is developed with retirement housing, handicapped group dwelling unit, or single family uses.

SEC 51P-795.104. CREATION OF TRACTS.

This district is divided into Tracts 1, 2, 3, and 4 as depicted on the conceptual plan (Exhibit 795A).

SEC. 51P-795.105. EXHIBIT.

The following exhibit is incorporated into this article:

(a) Exhibit 795A: conceptual plan.

(b) Exhibit 795B: development plan Tract 2

SEC. 51P-795.106. CONCEPTUAL PLAN.

Development and use of the Property must comply with the conceptual plan (Exhibit 795A). If there is a conflict between the text of this article and the conceptual plan, the text of this article controls.

SEC. 51P-795.107. DEVELOPMENT PLAN.

A development plan must be approved by the city plan commission before the issuance of any building permit to authorize work in this district. If there is a conflict between the text of this article and a development plan, the text of this article controls.

SEC. 51P-795.108. MAIN USES PERMITTED.

(a) Tract 1. The following uses are the only main uses permitted:

- Financial institution without drive-in window. *[Limited use.]*
- Handicapped group dwelling unit. *[SUP required if spacing component of Section 51A-4.209(3.1) is not met.]*
- Local utilities.
- Retirement housing.
- Single family.

(b) Tract 2. The following uses are the only main uses permitted:

- Handicapped group dwelling unit. *[SUP required if spacing component of Section 51A-4.209(3.1) is not met.]*
- Local utilities.
- ~~[Office.]~~
- ~~[Retirement housing.]~~
- Single family.

(c) Tract 3. The only main uses permitted are those main uses permitted in the R-7.5(A) Single Family District, subject to the same conditions applicable in the R-7.5(A) Single Family District, as set out in Chapter 51A. For example, a use permitted in the R-7.5(A) Single Family District only by specific use permit (SUP) is permitted in this district only by SUP; a use subject to development impact review (DIR) in the R-7.5(A) Single Family District is subject to DIR in this district; etc.

(d) Tract 4. The only main uses permitted are those main uses permitted in the R-7.5(A) Single Family District, subject to the same conditions applicable in the R-7.5(A) Single Family District, as set out in Chapter 51A. For example, a use permitted in the R-7.5(A) Single Family District only by specific use permit (SUP) is permitted in this district only by SUP; a use subject to development impact review (DIR) in the R-7.5(A) Single Family District is subject to DIR in this district; etc.

SEC. 51P-795.109. ACCESSORY USES.

As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

SEC. 51P-795.110. 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 in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.)

(a) In general. Setbacks are not required between tracts.

(b) Perimeter buffer. A 10-foot landscape buffer, measured from the edge of right-of-way, must be provided along Church Road. Except for fences and screening walls, structures are not permitted within 15 feet of Church Road. On Tract 1, except for fences and screening walls, structures are not permitted within 15 feet of Skillman Street.

(c) Front yard.

(1) Tract 1.

(A) For handicapped group dwelling unit, single family, and local utility uses, minimum front yard is 15 feet.

(B) For all other uses, minimum front yard is 25 feet.

(2) Tract 2.

(A) For handicapped group dwelling unit and single family uses, minimum front yard is 15 feet.

(B) For local utility uses, minimum front yard is 20 feet.

(C) For all other uses, minimum front yard is 25 feet.

(3) Tract 3. Minimum front yard is 15 feet.

(4) Tract 4. Minimum front yard is 15 feet.

(d) Side yard.

(1) Tract 1.

(A) For local utility uses, minimum side yard is five feet.

(B) For retirement housing and financial institution uses, minimum side yard is 10 feet.

(C) For handicapped group dwelling unit and single family uses, no side yard is required; however, if a side yard is provided, minimum side yard is five feet.

(2) Tract 2.

(A) For local utility uses, minimum side yard is five feet.

~~[(B) For office use on a lot abutting a residential district, minimum side yard is 20 feet. For all other office uses, minimum side yard is 10 feet.]~~

~~[(C) For retirement housing uses, minimum side yard is 10 feet].~~

(D) For handicapped group dwelling unit and single family uses, no side yard is required; however, if a side yard is provided, minimum yard is five feet.

(3) Tracts 3 and 4. The yard, lot, and space regulations for the R-7.5(A) Single Family District apply.

(e) Rear yard.

(1) Tract 1.

(A) For handicapped group dwelling unit, single family, and local utility uses, minimum rear yard is five feet.

(B) For retirement housing and financial institution uses, minimum rear yard is 20 feet.

(2) Tract 2.

(A) For handicapped group dwelling unit, single family, and local utility uses, minimum rear yard is five feet.

~~[(B) For office uses on a lot abutting a residential district, minimum rear yard is 20 feet. For all other office uses, minimum rear yard is 10 feet.]~~

~~[(C) For retirement housing uses, minimum rear yard is 10 feet.]~~

(3) Tracts 3 and 4. The yard, lot, and space regulations for the R-7.5(A) Single Family District apply.

(f) Shared access development

(1) Tract 2. Minimum yards, as defined in section 51A-4.411, are as follows:

(A) Front yard:

i. Minimum front yard is 25 feet

ii. A minimum 6-foot solid masonry wall must be constructed along Skillman Street, except for driveway openings.

iii. The masonry wall is permitted in the front yard.

(B) Rear yard:

ii. Minimum rear yard is 5 feet

(C) Side yard:

iii Minimum side yard setback is 5 feet for structures less than 16 feet in height

iv. Minimum side yard setback is 10 feet for structures greater than two stories.

vi. A minimum setback of 1 foot is required for pergolas or shaded structures.

(g) Density.

(1) Tract 1.

(A) For handicapped group dwelling unit and single family uses, maximum dwelling unit density is nine units per acre.

(B) For retirement housing uses, maximum number of dwelling units or suites is 250.

(2) Tract 2.

(A) For handicapped group dwelling unit and single family uses, maximum dwelling unit density is nine units per acre.

(B) For Shared Access Development: For single family uses and handicapped group dwelling unit, a shared access development may have a maximum of 17 units.

~~[B (For retirement housing uses, maximum density is 20 dwelling unit or suites per acre.)]~~

(3) Tracts 3 and 4. The yard, lot, and space regulations for the R-7.5(A) Single Family District apply

(g) Floor area ratio.

(1) For office uses, maximum floor area ratio is 0.5:1.

(2) For all other uses, no maximum floor area ratio.

(h) Height.

(1) Tract 1.

(A) For handicapped group dwelling unit, single family, and local utility uses, maximum structure height is 36 feet in height or 570 feet above sea level, whichever is less.

(B) For retirement housing and financial institution uses, maximum structure height is 60 feet when measured from the lowest finished floor to

the highest roof eave, or 570 feet above sea level to the highest roof eave, whichever is less. The highest ridge of the roof may not exceed 28 feet above the highest eave.

(2) Tract 2.

(A) For handicapped group dwelling unit, single family, and local utility uses, maximum structure height is 36 feet in height or 570 feet above sea level, whichever is less.

~~[(B) For office uses, maximum structure height is 24 feet in height or 565 feet above sea level, whichever is less.]~~

~~[(C) For retirement housing uses, maximum structure height is 36 feet in height or 570 feet above sea level, whichever is less, in the location shown on the conceptual plan.]~~

(3) Tract 3.

(A) Maximum height is 24 feet within 50 foot of the west property line, not to exceed 570 feet above sea level, to the highest eave.

(B) Maximum height is 36 feet beyond 50 foot from the west property line, not to exceed 575 feet above sea level to the highest eave.

(4) Track 4. Maximum structure height is 36 feet.

(i) Lot coverage.

(1) Tract 1. Maximum lot coverage is 50 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(2) Tract 2. Maximum lot coverage is 65 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not. For a shared access development, the maximum lot coverage for the development is 65 percent. Maximum lot coverage for individual lots is 80 percent.

(3) Tracts 3 and 4. The yard, lot, and space regulations for the R-7.5(A) Single Family District apply.

(j) Lot size.

(1) For handicapped group dwelling unit and single family uses with no side yard, minimum lot size is 2,000 square feet.

(2) For handicapped group dwelling unit and single family uses with a minimum side yard of five feet, minimum lot size is 5,000 square feet.

(3) For retirement housing, local utility, financial institution, and office uses, no minimum lot size.

(4) For single family and handicapped group dwelling unit uses in a shared access development, minimum lot size is 3,000 square feet.

(k) Stories.

(1) For handicapped group dwelling units and single family uses in Tract 1, maximum number of stories above grade is two.

(2) For local utility uses in Tract 1, maximum number of stories above grade is one.

(3) For retirement housing uses in Tract 1, maximum number of stories above grade is five.

(4) For all other uses, no maximum number of stories.

SEC. 51P-795.111. 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 retirement housing and office uses, Tracts 1, 2, and 3 are considered one lot for off-street parking purposes.

(c) For retirement housing uses, one and one-tenth parking spaces are required for each dwelling unit or suite and must be provided in an enclosed structure.

(d) Off-street loading areas must be at least 30 feet from the perimeter Property line, must be screened by a solid masonry wall with a minimum height of 12 feet, and must be shown on the development plan.

(e) For a shared access development in Tract 2, a minimum of six visitor parking spaces are required.

SEC. 51P-795.112. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-795.113. LANDSCAPING.

(a) Except as provided in this section, landscaping must be provided in accordance with Article X.

(b) Section 51A-10.125(b)(5)(A) does not apply to underground or structured parking spaces.

(c) Trees with a caliper of six inches or greater located in the tree preservation zone as shown on the conceptual plan must be preserved. The qualifying trees within the preservation zone must be placed in a Tree Preservation Easement when platted. If Tract 1 is developed with handicapped group dwelling unit or single family uses, one eight-inch pecan tree may be removed from the tree preservation area

if at least one pecan tree that measures a minimum of 24 inches is preserved and placed in the Tree Preservation Easement.

(d) Sidewalks must be provided along Church Road and Skillman Street with a minimum unobstructed width of six feet.

(e) Shared Access Development: Must comply with Section 51A-1.125(a)(2)(B) Mandatory Landscaping requirements for districts other than single family districts, except for the following:

(i) Each shared access lot must contain a minimum of two trees with a least 1 being a large canopy tree. The other tree can be a small tree.

(ii) Prior to commencement of development on the site, a Tree Protection Plan which meets the plan which meets the requirement of Section 51A-10.136, must be approved by the building official.

(f) Plant materials must be maintained in a healthy, growing condition.

SEC. 51P-795.114. SIGNS.

(a) Tract 1.

(1) Except as provided in this subsection, signs must comply with the provisions for a non-business zoning district in Article VII.

(2) For retirement housing, handicapped group dwelling unit, and single family uses, one monument or wall sign is permitted for each street frontage.

(A) The maximum sign height is eight feet.

(B) The sign must be set back at least five feet from the Property line along Church Road. No setback is required along Skillman Street.

(C) Signs must comply with visibility obstruction regulations.

(D) The maximum effective area of a sign is 60 square feet.

(E) The location of the signs must be shown on the development plan.

(b) Tract 2.

(1) ~~[Except as provided in this subsection,]~~ S[igns] must comply with the provisions for a non-business zoning district in Article VII.

(2) ~~For office uses, signs must comply with the provisions for a business zoning district in Article VII.~~

(3) ~~For retirement housing uses, one monument sign is permitted for each street frontage.~~

- (A) ~~The maximum sign height is eight feet.~~
- (B) ~~No setback is required for the sign.~~
- (C) ~~Signs must comply with visibility obstruction regulations.~~
- (D) ~~The maximum effective area of a sign is 60 square feet.~~
- (E) ~~The location of the signs must be shown on the development plan.~~

(c) Tract 3. Signs must comply with the provisions for a non-business zoning district in Article VII.

(d) Tract 4. Signs must comply with the provisions for a non-business zoning district in Article VII.

SEC. 51P-795.115. EGRESS FROM THE EASTERN ACCESS POINT.

Egress onto Church Road at the eastern access point labeled on the conceptual plan is limited to right turn only. Signs must be posted on the Property to prohibit left turns from the eastern access point.

SEC. 51P-795.116. ADDITIONAL PROVISIONS.

(a) The Property must be properly maintained in a state of good repair and neat appearance.

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

(c) No delivery vehicles are permitted on the Property between 8:00 p.m. and 8:00 a.m. (the next day), Monday through Saturday, and 7:00 p.m. and 9:00 a.m. (the next day) on Sundays.

(d) Dumpsters must be at least 30 feet from the perimeter Property line, must be screened by a solid masonry wall with a minimum height of 12 feet, and must be shown on the development plan.

(e) Office uses existing on Tract 2 prior to the adoption of the latest ordinance are not subject to compliance through the Board of Adjustment.

(f) For shared access within Tract 2 the following standards apply:

(1) Restricted access may be provided per the Dallas Development Code.

(2) For lots on the northern property line of Tract 2, the northern façade must consist of a minimum of 85% brick or stone material, excluding doors, windows or other openings.

(3) For lots on the northern property line windows on a third floor that face to the north must be translucent or of glass block or at a height of 7 feet or greater.

(4) For lots on the northern property line a second or third story balcony is not permitted.

(5) For lots on the northern property line, one canopy tree must be provided for each lot.

(6) For lots on the western most property line, windows on a third floor that face to the west must be translucent or of glass block or at a height of 7 feet or greater.

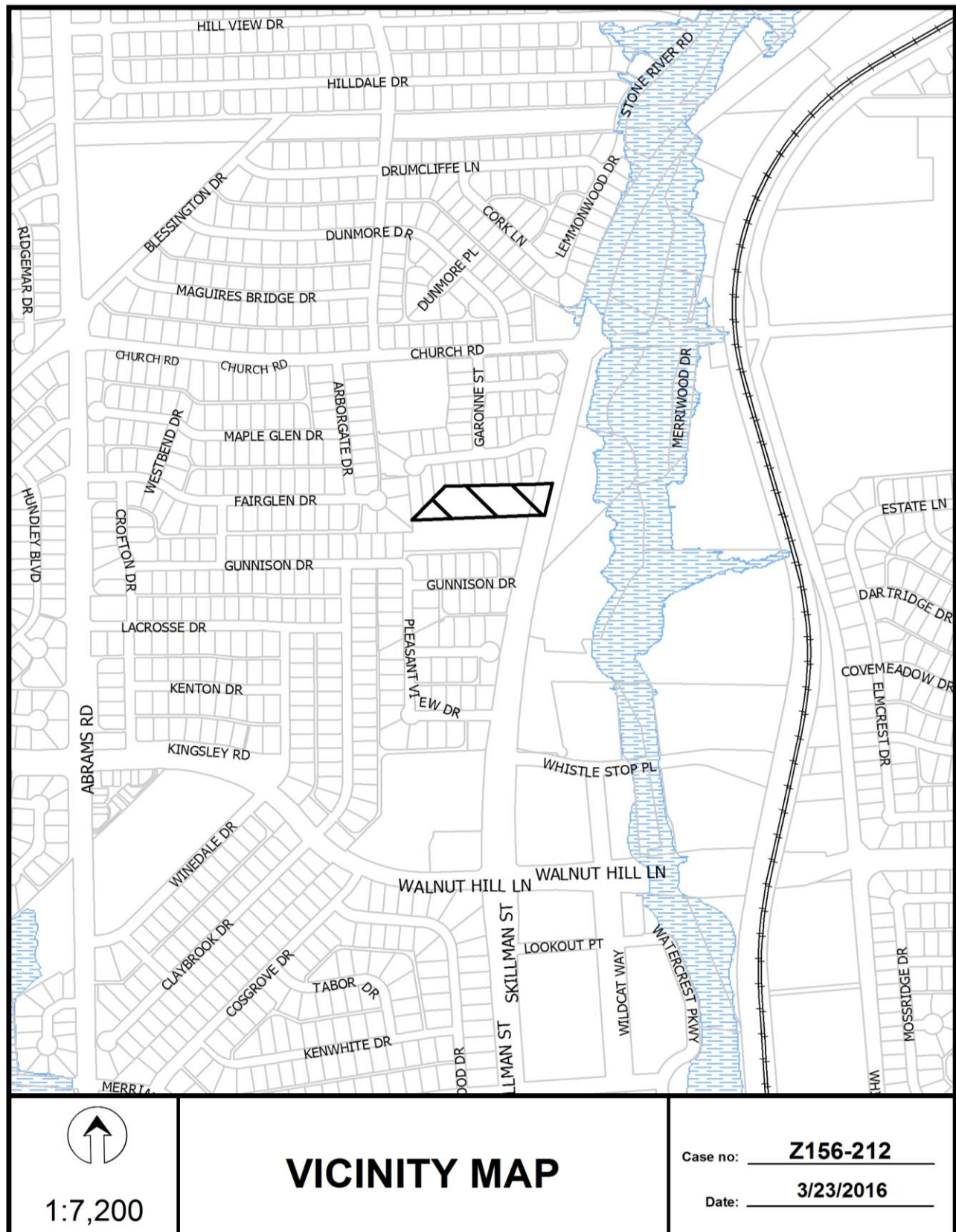
(7) For lots on the northern property line, the northern façade must have at least one change in plane of at least 24 inches from the northern most facade, at intervals of not more than 25 feet, with a change of plane with a width of at least ten (10) feet.

SEC. 51P-795.117. COMPLIANCE WITH CONDITIONS.

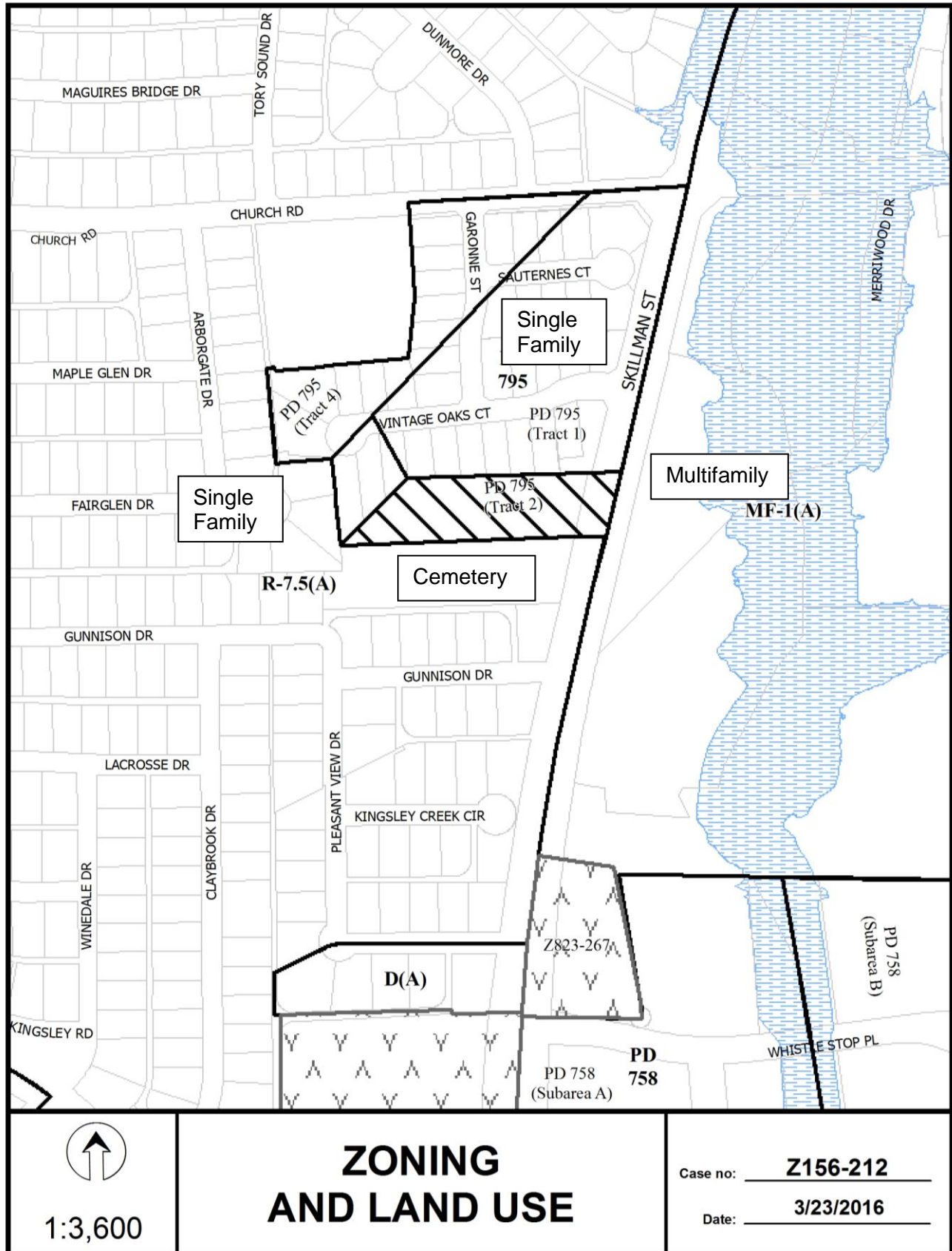
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

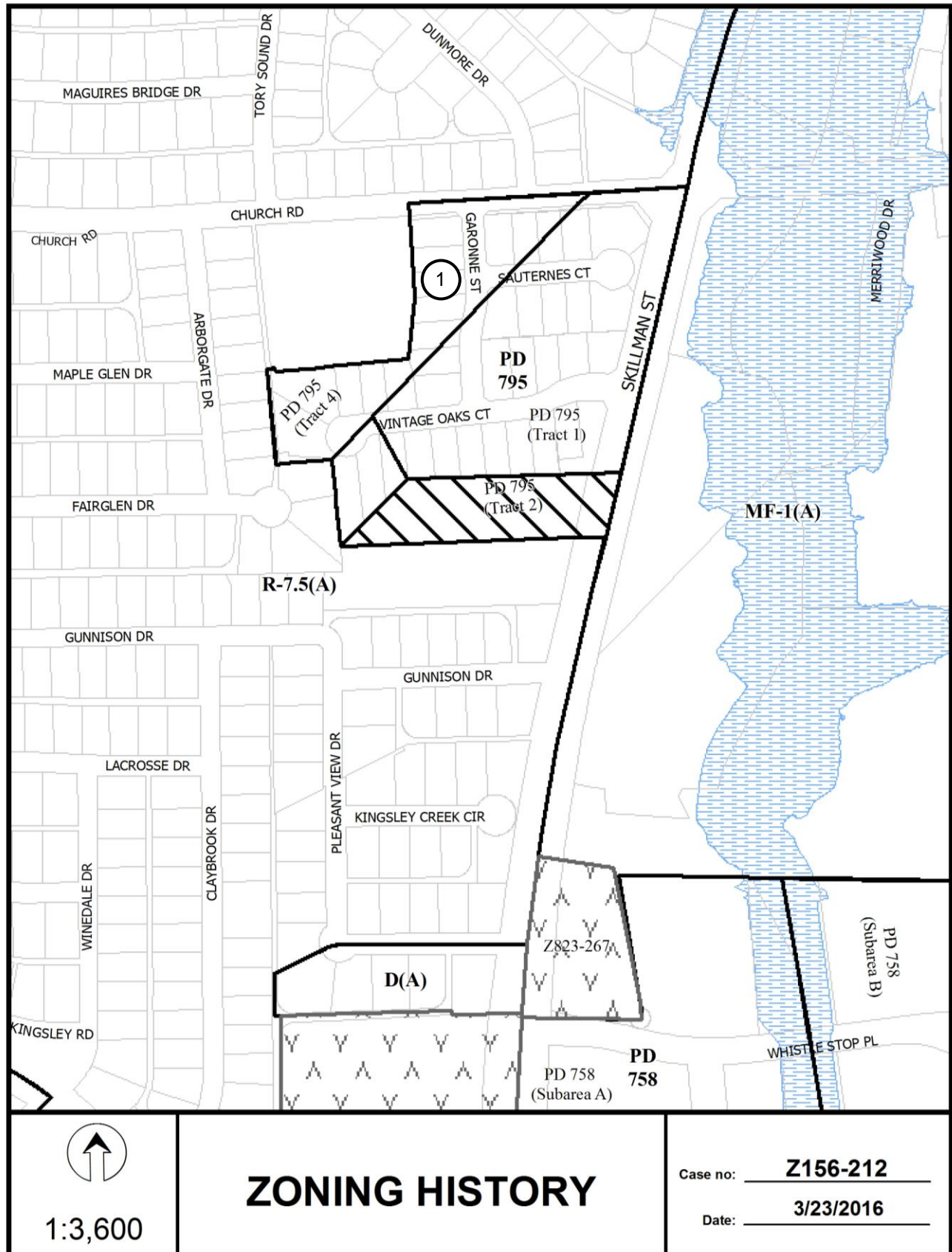
(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Code, the construction codes, and all other ordinances, rules, and regulations of the city.



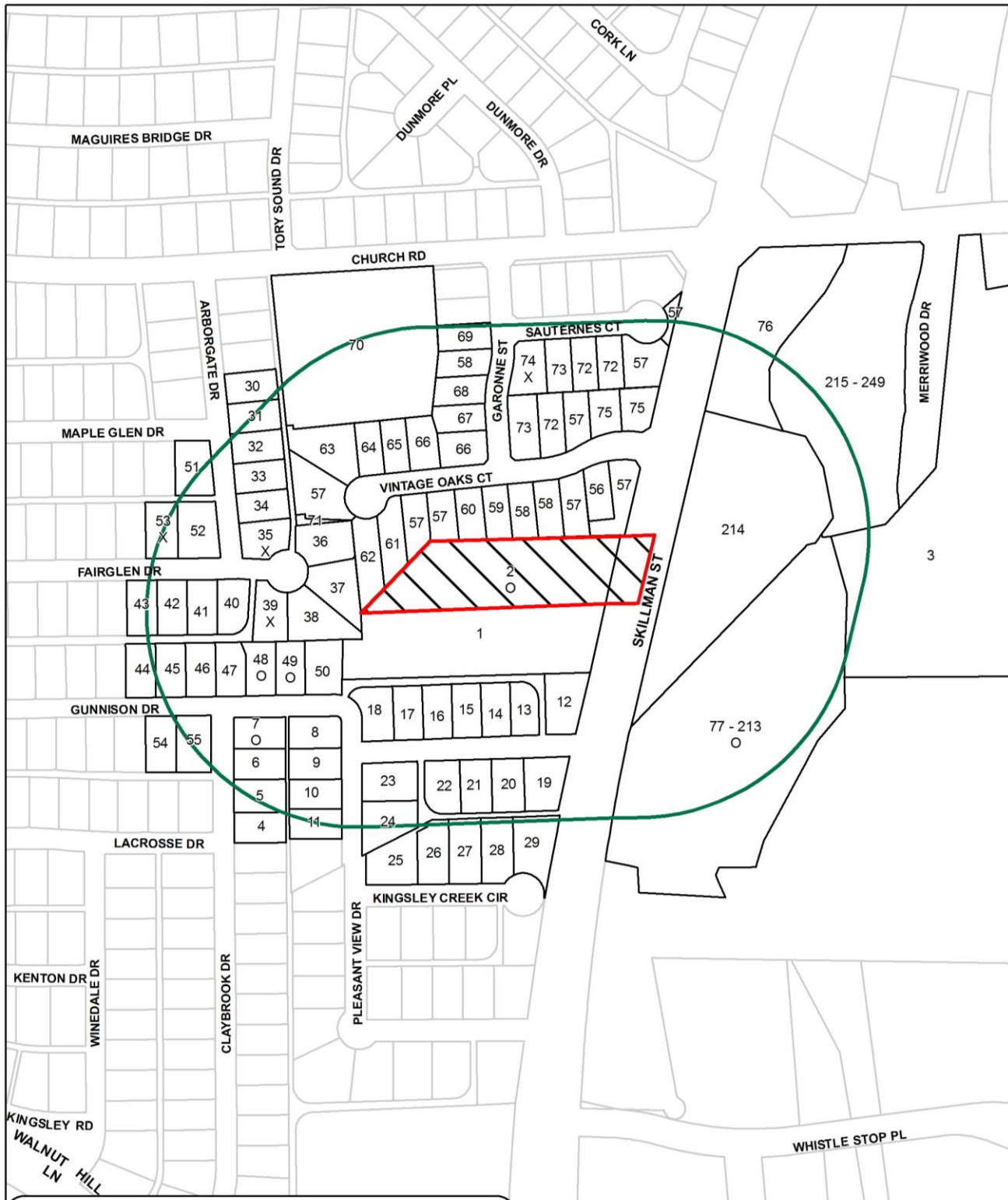








CPC RESPONSES



<u>249</u>	Property Owners Notified (93 parcels)
<u>141</u>	Replies in Favor (5 parcels)
<u>4</u>	Replies in Opposition (4 parcels)
<u>500'</u>	Area of Notification
<u>8/4/2016</u>	Date

Z156-212
CPC



1:3,600

Notification List of Property Owners

Z156-212

249 Property Owners Notified 141 Property Owners in Favor 4 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	7455 SKILLMAN ST	FIELDS CEMETERY UNINCORPATED
O	2	7475 SKILLMAN ST	LH SKILLMAN PARTNERS LTD
	3	9236 CHURCH RD	9236 CHURCH ROAD LP
	4	7302 CLAYBROOK DR	EAMES GEOFFREY E & SARAH F
	5	7304 CLAYBROOK DR	GILBERT JEREMY & ANNE
	6	7306 CLAYBROOK DR	WEGREN BARBARA S
O	7	7312 CLAYBROOK DR	FORTE DONATO C &
	8	7339 PLEASANT VIEW DR	ACKERMAN JON B & JENNIFER F
	9	7333 PLEASANT VIEW DR	HAMILTON EDWARD C
	10	7327 PLEASANT VIEW DR	STALTER IRA A
	11	7323 PLEASANT VIEW DR	SEXTON SAMUEL E & LAURIE KAY
	12	9137 GUNNISON DR	BROOKS MARK
	13	9131 GUNNISON DR	MACKEY MARQUES ELLIOTT
	14	9125 GUNNISON DR	HANEBECK HANNS CHRISTIAN L
	15	9119 GUNNISON DR	JACOBS RICHARD W &
	16	9115 GUNNISON DR	FORSTMAN VALERIE M
	17	9107 GUNNISON DR	DIAMOND THEODORA W & ETAL
	18	9101 GUNNISON DR	HAM OLIVER T JR
	19	9138 GUNNISON DR	SIMMONS ARLIE B &
	20	9126 GUNNISON DR	BISHKIN JANE E &
	21	9120 GUNNISON DR	RAUSCHER EUGENIA BELSKY & ERIC
	22	9116 GUNNISON DR	CAPPS NORMAN &
	23	7326 PLEASANT VIEW DR	ODWYER WILLIAM J &
	24	7322 PLEASANT VIEW DR	WEST THOMAS A
	25	9105 KINGSLEY CREEK CIR	HUMPHREYS JOHNNY LEE LIFE ESTATE &
	26	9111 KINGSLEY CREEK CIR	MENDELSON JULIE

08/03/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	9117 KINGSLEY CREEK CIR	GERMAN DONNA J
	28	9123 KINGSLEY CREEK CIR	FREDERIKSEN PATRICIA A
	29	9129 KINGSLEY CREEK CIR	FOSTER JERRY & ANNE
	30	7611 ARBORGATE DR	MOGK JOHN A
	31	7609 ARBORGATE DR	SANTI FREDERICKA
	32	7607 ARBORGATE DR	WENTZEL DAVID S & LISA
	33	7605 ARBORGATE DR	LUEKEN JENNIFER S
	34	7603 ARBORGATE DR	HARRISON THOMAS V TRUSTEE
X	35	7601 ARBORGATE DR	SEARS LARRY L & MARCIA
	36	9077 FAIRGLEN DR	BRUNKENHOEFER KENNETH W &
	37	9079 FAIRGLEN DR	LILLY STEVEN M & ROBYN M
	38	9078 FAIRGLEN DR	WEDEBERG DAVID N & ALLISON M
X	39	9074 FAIRGLEN DR	TUBBS ROBERT A & SUSAN M
	40	9068 FAIRGLEN DR	BEAUCHAMP WILLIAM
	41	9064 FAIRGLEN DR	MATTHIESEN DAVID B &
	42	9058 FAIRGLEN DR	BURDICK CHARLES & SARAH
	43	9054 FAIRGLEN DR	WHITMIRE YUKI P &
	44	9033 GUNNISON DR	NIEMAN PIET N
	45	9039 GUNNISON DR	MESNER JOSH KYLE & SARAH A
	46	9045 GUNNISON DR	BRUCE ROBERT C & AIMEE C
	47	9051 GUNNISON DR	SPENCER NATHAN L & STEFANIE N
O	48	9057 GUNNISON DR	CUMMINGS LINDSEY C &
O	49	9063 GUNNISON DR	CHANEY JIMMY R
	50	9069 GUNNISON DR	LANDIS JAMES & SAMANTHA
	51	9064 MAPLE GLEN DR	FENDLEY BETTY & DARWIN RAY
	52	9065 FAIRGLEN DR	HARGROVE GENE ALAN &
X	53	9059 FAIRGLEN DR	COOK CYNTHIA A
	54	9040 GUNNISON DR	COMBS REGINALD D &
	55	9046 GUNNISON DR	KLEIN GEORGE D & ANGELA R
	56	9188 VINTAGE OAKS CT	MHI MODELS LTD
	57	9180 VINTAGE OAKS CT	BORDEAUX AT LAKE HIGHLANDS LLC

08/03/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	9172 VINTAGE OAKS CT	CAMBRIDGE HOMES URBAN LLC FKA
	59	9156 VINTAGE OAKS CT	KLIMEK GLEN M &
	60	9148 VINTAGE OAKS CT	MHI PARTNERSHIP LTD
	61	9124 VINTAGE OAKS CT	EDWARDS RONALD & DEBRA LEE
	62	9116 VINTAGE OAKS CT	MHI PARTNERSHIP LTD
	63	9115 VINTAGE OAKS CT	BISHOP DENNIS K & JENNY A
	64	9123 VINTAGE OAKS CT	SHAH SUNIL RAJESH &
	65	9131 VINTAGE OAKS CT	HARRISON WILLIAM M &
	66	9139 VINTAGE OAKS CT	MHI PS LTD
	67	7521 GARONNE ST	NEWELL JAMIE P & EVE K
	68	7533 GARONNE ST	CAMBRIDGE HOMES URBAN LLC
	69	7557 GARONNE ST	MHI PARTNERSHIP LTD
	70	9150 CHURCH RD	FOREST MEADOW BAPTIST CHURCH
	71	9000 VINTAGE OAKS CT	BRUNKENHOEFER KENNETH WANE
	72	9146 SAUTERNES CT	MHI PS LTD
	73	9122 SAUTERNES CT	POWELL & MOON INVESTMENTS LLC DBA
X	74	9110 SAUTERNES CT	HENDERSON TANYA D
	75	9185 VINTAGE OAKS CT	CAMBRIDGE HOMES URBAN LLC
	76	7570 SKILLMAN ST	SKILLMAN CHURCH RD
O	77	7340 SKILLMAN ST	LIPCHITZ MITCHELL J
O	78	7340 SKILLMAN ST	PRYDE TIM
O	79	7340 SKILLMAN ST	HERRERA JUANA
O	80	7340 SKILLMAN ST	GRZYWINSKI VALERIE
O	81	7340 SKILLMAN ST	BLANDING CATHRYN S
O	82	7340 SKILLMAN ST	SKILLMAN 106 SERIES
O	83	7340 SKILLMAN ST	RIEDEL BRENT
O	84	7340 SKILLMAN ST	MILLER MARY
O	85	7340 SKILLMAN ST	SIRMAN GARY &
O	86	7340 SKILLMAN ST	LUONG RONNY
O	87	7340 SKILLMAN ST	TAYLOR SAM

08/03/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	88	7340 SKILLMAN ST	GRAY JAMES DAVID
O	89	7340 SKILLMAN ST	DAVIS TAMARA
O	90	7340 SKILLMAN ST	CARPENTER KATHLEEN T
O	91	7340 SKILLMAN ST	OLIVARES SANDRA M
O	92	7340 SKILLMAN ST	MENSAH KOFI K
O	93	7340 SKILLMAN ST	LAMBERT ARETES ANN
O	94	7340 SKILLMAN ST	GARZA FRANCISCO
O	95	7340 SKILLMAN ST	DUONG THIEC AU
O	96	7340 SKILLMAN ST	AIKENS ESTER T
O	97	7340 SKILLMAN ST	SMITH JILL M
O	98	7340 SKILLMAN ST	
O	99	7340 SKILLMAN ST	SKILLMAN 401 SERIES OLIVER AVE REALTY LLC
O	100	7340 SKILLMAN ST	PARK SUNG MAN & DAI
O	101	7340 SKILLMAN ST	JUSTIZ JOANNE
O	102	7340 SKILLMAN ST	RODRIGUEZ ANA LAURA
O	103	7340 SKILLMAN ST	KYLINS I INC
O	104	7340 SKILLMAN ST	LINZ & ASSOC INC
O	105	7340 SKILLMAN ST	ARRINGTON ANGIE
O	106	7340 SKILLMAN ST	AGUILAR ANDREW D
O	107	7340 SKILLMAN ST	ZOLTON MICHAEL J &
O	108	7340 SKILLMAN ST	KLASSEN KAREN L
O	109	7340 SKILLMAN ST	TRAN JOANN
O	110	7340 SKILLMAN ST	SMITH LAURA A
O	111	7340 SKILLMAN ST	JORDAN CONDOMINIUM
O	112	7340 SKILLMAN ST	DUBOIS PATRICIA ANN
O	113	7340 SKILLMAN ST	HENSON JOSEPH C
O	114	7340 SKILLMAN ST	BLACKBURN JANA D
O	115	7340 SKILLMAN ST	OAKS 510 SERIES OLIVER AVE REALTY LLC
O	116	7340 SKILLMAN ST	TRAN THANH
O	117	7340 SKILLMAN ST	TOBIAS CORRINE
O	118	7340 SKILLMAN ST	MAHER STEPHEN JOSEPH

08/03/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	119	7340 SKILLMAN ST	SHORA SHANNON
O	120	7340 SKILLMAN ST	NGUYEN MICHAEL
O	121	7340 SKILLMAN ST	SPERA GREGORY
O	122	7340 SKILLMAN ST	LAKEVIEW LOAN SERVICING LLC
O	123	7340 SKILLMAN ST	CANTU PATRICIA LORENA GOMEZ
O	124	7340 SKILLMAN ST	RUTLEDGE JAY
O	125	7340 SKILLMAN ST	ESPINAL RAFAEL A
O	126	7340 SKILLMAN ST	SKILLMAN 701 SERIES OLIVER AVE
O	127	7340 SKILLMAN ST	ATKINSON BRAD C
O	128	7340 SKILLMAN ST	PENDERGRASS ALLEN B
O	129	7340 SKILLMAN ST	YOUNG MARY PAULETTE
O	130	7340 SKILLMAN ST	OAKS 705 SERIES
O	131	7340 SKILLMAN ST	SKILLMAN 706 SERIES OF OLIVER AVENUE REALTY LLC
O	132	7340 SKILLMAN ST	LEGG GERALD J
O	133	7340 SKILLMAN ST	ZOLTON FAMILY REV LIV TRU
O	134	7340 SKILLMAN ST	SALSBERY BRANDY ALLISON
O	135	7340 SKILLMAN ST	FENLAW RICK
O	136	7340 SKILLMAN ST	KYLINS LTD
O	137	7340 SKILLMAN ST	SIGNATURE LEASING & MGMT INC
O	138	7340 SKILLMAN ST	KLASSEN KYLE
O	139	7340 SKILLMAN ST	MORALEZ L ANTONIO
O	140	7340 SKILLMAN ST	GARY KIM L
O	141	7340 SKILLMAN ST	JORDAND MICHAEL & DIANA
O	142	7340 SKILLMAN ST	WHITLEY LOU A
O	143	7340 SKILLMAN ST	DAVIS SHIRLEY A
O	144	7340 SKILLMAN ST	NERUDA PPTIES LLC SERIES 808
O	145	7340 SKILLMAN ST	SEWELL MAUREEN E
O	146	7340 SKILLMAN ST	ABRAHAM SUE B
O	147	7340 SKILLMAN ST	WATSON JACK D JR
O	148	7340 SKILLMAN ST	ARRINGTON ANGIE K
O	149	7340 SKILLMAN ST	MOORE DENNIS
O	150	7340 SKILLMAN ST	FLIES LARRY G

08/03/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	151	7340 SKILLMAN ST	KELSO KAREN S
O	152	7340 SKILLMAN ST	SHELTON BRIAN E
O	153	7340 SKILLMAN ST	JORDAN MICHAEL J & DIANE T
O	154	7340 SKILLMAN ST	SHELTON BRIAN E
O	155	7340 SKILLMAN ST	FLIES LARRY G
O	156	7340 SKILLMAN ST	SINGER ARTURO &
O	157	7340 SKILLMAN ST	SHEARER MARK
O	158	7340 SKILLMAN ST	CANTU PATRICIA LORENA GOMEZ
O	159	7340 SKILLMAN ST	MORALEZ ANTONIO
O	160	7340 SKILLMAN ST	CHERRYHOLMES STEVEN D
O	161	7340 SKILLMAN ST	AYALA JUAN JOSE
O	162	7340 SKILLMAN ST	SKILLMAN 1008 SERIES
O	163	7340 SKILLMAN ST	TAYLOR CHRISTOPHER LEE
O	164	7340 SKILLMAN ST	BOOTS JASWINDER & DANIEL
O	165	7340 SKILLMAN ST	CHIU ROBERT J
O	166	7340 SKILLMAN ST	BEST TOLA P
O	167	7340 SKILLMAN ST	SKILLMAN 1014 SERIES
O	168	7340 SKILLMAN ST	EMFK HOLDINGS LLC SERIES A
O	169	7340 SKILLMAN ST	EMFK HOLDINGS LLC SERIES B
O	170	7340 SKILLMAN ST	SMITH REVOCABLE TRUST
O	171	7340 SKILLMAN ST	NOLAN PATRICK ROGER
O	172	7340 SKILLMAN ST	MCCOY MICHAEL L
O	173	7340 SKILLMAN ST	COLLINS CHARI L
O	174	7340 SKILLMAN ST	DORMAN HUBERT MONROE JR & JO ANN
O	175	7340 SKILLMAN ST	DUGGER PAUL KENNETH
O	176	7340 SKILLMAN ST	HINTON ROBERT C JR
O	177	7340 SKILLMAN ST	BARTH BRENDA NAN
O	178	7340 SKILLMAN ST	DELEON MARIA CARMEN
O	179	7340 SKILLMAN ST	HERNANDEZ ANTHONY
O	180	7340 SKILLMAN ST	LEHMBERG LAURIE A
O	181	7340 SKILLMAN ST	MELGOZA DANIEL W

08/03/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	182	7340 SKILLMAN ST	CLAWSON BEVERLY A
O	183	7340 SKILLMAN ST	BELL LISA E
O	184	7340 SKILLMAN ST	HT SOLUTIONS INC
O	185	7340 SKILLMAN ST	BEND HOMEOWNERS ASSOCIATON INC
O	186	7340 SKILLMAN ST	VICTORIO ROSA
O	187	7340 SKILLMAN ST	SMITH REVOCABLE TRUST
O	188	7340 SKILLMAN ST	AOI COMMERCCE SOLUTIONS INC
O	189	7340 SKILLMAN ST	BOOTH ROBERT & LINDA JANSS
O	190	7340 SKILLMAN ST	WILLIAMS BRUCE
O	191	7340 SKILLMAN ST	FIRST UNION NATIONAL BANK
O	192	7340 SKILLMAN ST	ISAWYER PROPERTIES LLC
O	193	7340 SKILLMAN ST	SKEEN CARRIE
O	194	7340 SKILLMAN ST	CACCIATORE DONATO
O	195	7340 SKILLMAN ST	GUILLORY CAROLYN
O	196	7340 SKILLMAN ST	DARROW LISA
O	197	7340 SKILLMAN ST	CHARLIE VENUS TRUST
O	198	7340 SKILLMAN ST	HEADLEY STEVEN & ZSALETTA
O	199	7340 SKILLMAN ST	MAYS JUSTIN RYAN
O	200	7340 SKILLMAN ST	TOBIAS CORRINE HELLMAN
O	201	7340 SKILLMAN ST	ZOLTON MARTY A & LINDA A
O	202	7340 SKILLMAN ST	HEADLEY STEVEN & ZSALETTA
O	203	7340 SKILLMAN ST	GLEASON GLENN H
O	204	7340 SKILLMAN ST	DIY USA INC
O	205	7340 SKILLMAN ST	HOMES OPPORTUNITY LLC
O	206	7340 SKILLMAN ST	QUIGLEY JOHN
O	207	7340 SKILLMAN ST	RODRIGUEZ RAUL LEANDRO
O	208	7340 SKILLMAN ST	TRAN STEVE
O	209	7340 SKILLMAN ST	JOHNSON ELTON &
O	210	7340 SKILLMAN ST	GUILLORY TRINISE
O	211	7340 SKILLMAN ST	DESCHLER WILLIAM
O	212	7340 SKILLMAN ST	WILSON SHARON

08/03/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	213	7340 SKILLMAN ST	GREER RAIVON
	214	7474 SKILLMAN ST	BPI INVESTMENTS LLC
	215	9222 CHURCH RD	LOZANO GILBERT JR
	216	9222 CHURCH RD	MOBLEY MARK R
	217	9222 CHURCH RD	JOHNSON WILLIAM M & VANESSA RAE
	218	9222 CHURCH RD	PENA SOPHIA
	219	9222 CHURCH RD	VERHOEF RACHEL
	220	9222 CHURCH RD	MCNEELY MARTHA E
	221	9222 CHURCH RD	KOK VEASNA SIM
	222	9222 CHURCH RD	PATTERSON DIANE
	223	9222 CHURCH RD	WHELCHER CHRISTALDON
	224	9222 CHURCH RD	LEACH ANNE S
	225	9222 CHURCH RD	CARONNA JOSEPHINE A
	226	9222 CHURCH RD	FORNERO SUSAN
	227	9222 CHURCH RD	STORY ROSALYN
	228	9222 CHURCH RD	HARVEY MARY G
	229	9222 CHURCH RD	DWYER MICHAEL R
	230	9222 CHURCH RD	PREISS NATALIA S
	231	9222 CHURCH RD	GONZALES DELLA L
	232	9222 CHURCH RD	FRITZ JANICE L
	233	9222 CHURCH RD	WALKER SHEILA A
	234	9222 CHURCH RD	FOWLER RAMONA L
	235	9222 CHURCH RD	YOUNG WILLIAM A & MARY ANN
	236	9222 CHURCH RD	LI MENGRAN
	237	9222 CHURCH RD	BADIR NADER
	238	9222 CHURCH RD	ROHE NANCY J
	239	9222 CHURCH RD	CLARY VICTORIA
	240	9222 CHURCH RD	BADRE ABOUELKHEIR
	241	9222 CHURCH RD	SCHRADER JOHN M
	242	9222 CHURCH RD	ABUBAKER FUAD A &
	243	9222 CHURCH RD	TUCKER LINDA

Z156-212(WE)

08/03/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	244	9222 CHURCH RD	MEISENBACH KARL
	245	9222 CHURCH RD	RITZKY SYLVIA ANITA
	246	9222 CHURCH RD	GEORGE CHRISTOPHER J
	247	9222 CHURCH RD	DELEON ROEL
	248	9222 CHURCH RD	CRUM WILLIAM R &
	249	9222 CHURCH RD	MOBLEY MARK R

AGENDA ITEM # 57

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 1

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 54 D

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a new subdistrict and the reduction of Shopfront Overlay No. 7 on properties zoned Subdistrict E, WMU-8 within Planned Development District No. 468, the Oak Cliff Gateway Special Purpose District, generally on the north side of East Davis Street, between North Zang Boulevard and North Beckley Avenue and on the northeast corner of West Neely Street and North Zang Boulevard

Recommendation of Staff and CPC: Approval of a new subdistrict, subject to a development plan and conditions; and approval of the reduction of Shopfront Overlay No. 7

Z156-222(SM)

FILE NUMBER: Z156-222(SM) **DATE FILED:** March 1, 2016

LOCATION: Generally on the north side of East Davis Street, between North Zang Boulevard and North Beckley Avenue and on the northeast corner of West Neely Street and North Zang Boulevard

COUNCIL DISTRICT: 1 **MAPSCO:** 54 D

SIZE OF REQUEST: Approx. 2.77 acres **CENSUS TRACT:** 42.01

APPLICANT: Crescent Communities

REPRESENTATIVE: Rob Baldwin

OWNER: Dallas County Schools

REQUEST: An application for 1) a new subdistrict and 2) the reduction of Shopfront Overlay No. 7 on properties zoned Subdistrict E, WMU-8 within Planned Development District No. 468, the Oak Cliff Gateway Special Purpose District.

SUMMARY: The purpose of the request is to reduce the areas covered by the Shopfront Overlay in order to allow development types that are allowed by the zoning regulations but are not restricted to Mixed Use Shopfront, Civic Building, and Open Space Lot development types. The new subdistrict will require that development comply with a development plan.

CPC RECOMMENDATION: Approval of a new subdistrict, subject to a development plan and conditions; and approval of the reduction of Shopfront Overlay No. 7.

STAFF RECOMMENDATION: Approval of a new subdistrict, subject to a development plan and conditions; and approval of the reduction of Shopfront Overlay No. 7.

GUIDING CRITERIA FOR RECOMMENDATION:

Staff recommends approval based upon:

1. *Performance impacts upon surrounding property* – The area of request and nearby properties have a large Shopfront Overlay placed on top of the zoning district. Shopfront Overlays limit the options for development types that a zoning district allows to ones that include ground story retail, a civic building, or an open space lot. Dallas Development Code states that, “The Shopfront (-SH) Overlay is intended to create pedestrian shopping streets through the designation of specific street frontages with development types that support active uses.”¹

The request preserves the Shopfront Overlay at the southwestern corner of North Zang Boulevard and East Davis Street, which is the closest point of the property to the under-construction trolley stop that is situated diagonally across the intersection from the area of request. The proposed request also maintains the Shopfront Overlay down East Davis Street and wraps north along the frontage of North Beckley Avenue almost to the southern line of the abandoned West Neely Street. The preserved Shopfront Overlay is depicted on the proposed development plan and will be shown on the zoning map, if approved. All other portions in the area of request is proposed to remove the Shopfront Overlay.

Although the underlying zoning district, WMU-8, would allow the development types that are required in a Shopfront Overlay, the areas that are proposed to have the Shopfront Overlay removed will not be required to have development types that include ground story retail, a civic building, or an open space lot. North of the proposed remaining Shopfront Overlay the applicant proposes to line North Zang Boulevard with an apartment development type and then transition to townhome development type further north along North Zang Avenue. The townhouse development type area is outside of the proposed new subdistrict, which lies north of the abandoned West Neely Street.

Staff recommends approval of the reduction of the Shopfront Overlay as proposed because it will allow transitional development types in areas that are between and not in close proximity to trolley stops.

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.

¹ Section 51A-13.301(d)(1) of the Dallas Development Code.

3. *Comprehensive Plan or Area Plan Conformance* – Although the *forwardDallas! Comprehensive Plan* and Trinity Corridor's Oak Cliff Gateway Study Area seem to conflict because they recommend a neighborhood building block and mixed use area on the site, respectively, the proposed request does a good job of balancing the two plans by implementing a mixture of Shopfront Overlays, maintaining the underlying zoning district regulations, and allowing transitional residential uses to buffer the nonresidential areas to the surrounding residential areas.
4. *Justification for Planned Development District Zoning as opposed to a straight zoning district* – The purpose for the new subdistrict is to tie the southern portion of the request to a development plan. While development plans are customary in the majority of planned development districts, they are intentionally omitted from Form Districts and planned development districts based on Form Districts. The reason for this is that planned development districts that only require minimum setbacks and maximum lot coverage have very little to regulate on the aesthetics and the relation of the building to the street. In contrast, Form Districts focus on regulating the form of the building to ensure that the product of the regulations produce development that employs urban design principles that focus on the form and aesthetics of a building to the street but allows flexibility on matters that are not fundamentally important to urban design.

Therefore, staff typically would recommend the new subdistrict is denied (no modifications to the current zoning regulations are proposed in this application other than the introduction of a development plan). However, the incorporation of a development plan allows additional safeguards to ensure that particular development types and standards are enforced.

BACKGROUND INFORMATION:

- In February 2009, the City Council approved Article XIII, which created the form based zoning districts. The Form Based Districts provides an additional tool for the implementation of *ForwardDallas!* And to create walkable urban neighborhoods where higher density mixed uses and mixed housing types promote less dependence on the automobiles.
- On May 13, 2015, the City Council adopted Ordinance No. 29743 which enlarged and amended Planned Development District No. 468, the Oak Cliff Gateway Special Purpose District, to adopt form district regulations with modifications and created 10 Shopfront Overlays.

Zoning History: There have been two recent zoning requests in the vicinity in the last five years.

1. **Z145-341:** On November 10, 2015, the City Council approved a City Plan Commission authorized hearing to adopt a demolition delay overlay.
2. **Z134-135:** On May 26, 2014, the City Council approved Specific Use Permit No. 2079 for a child-care facility.

Thoroughfares/Streets:

Thoroughfare/ Street	Type	Existing ROW	Thoroughfare Plan Description
North Zang Boulevard	Minor Arterial	170'	4 lanes divided, 100' ROW, 72' pavement
West Davis Street	Minor Arterial	Variable	"Study"
North Beckley Avenue	Collector	60'	6 lanes undivided, 100' ROW, with cycle track and off-peak parking
West Neely Street	Local	50' (abandoned)	N/A

COMPREHENSIVE PLAN:

The comprehensive plan does not make a specific land use recommendation related to the request, however the ***forwardDallas! Vision Illustration***, adopted June 2006, is comprised of a series of Building Blocks that depicts general land use patterns. Building Blocks are generalized patterns without well-defined boundaries that indicate where certain types and densities of development might logically occur. The Vision Illustration depicts the request site as within a *Residential Neighborhood* and along a *Multi-Modal Corridor* that runs down Davis Street.

While single family dwellings are the dominate land use in Residential Neighborhood Building Blocks, shops, restaurants, or institutional land uses that serve residents may be located at the edges or at key intersections. The removal of the Shopfront Overlay is consistent with this building block.

A Multi-Modal Corridor Building Block should encourage the redevelopment of aging auto-oriented single family neighborhoods. These areas offer dense mixed use and then transition to multi-family and single family housing at the edge. These corridors should diminish quickly in scale, density, and intensity away from the corridor, respecting existing single family neighborhoods while maintaining a strong focus on transit-orientation and access. Since the Multi-Modal Corridor is along Davis Street, the request is consistent with this building block as it maintains the Shopfront Overlay along Davis Street.

AREA PLAN: Although the comprehensive plan prescribes a combination of a Multi-Modal Corridor and Residential Neighborhood Building Blocks, the request site is also within the Trinity Corridor's Oak Cliff Gateway Study Area Plan, which was revised on December 9, 2009. The plan highlights the area of request as a mixed use area. The area plan states,

Mixed use areas should be carefully designed to concentrate activity near important intersections, gateways, and corridors. Stakeholders from this area expressed the desire for development of a multi-modal, pedestrian-friendly community; access trolley and mass transit services to connect downtown to Methodist Hospital and key parts of north Oak Cliff, such as the Bishop Arts District to the west; and maintaining and enhancing the unique character of north Oak Cliff. The area is envisioned as an urban community that ranges from single family uses to medium- and high-density mixed uses. Transitions between these uses are particularly important in areas such as along Beckley north of Methodist Hospital and the Marsalis and Zang corridors.

The applicant's request is consistent with the Trinity Corridor's Oak Cliff Gateway Study Area Plan as it centers the ground story retail to the corner nearest the trolley stop, continues along West Davis Street, and wraps a portion of the southern sector of North Beckley Avenue. The removal of the Shopfront Overlay in all other portions of the request allows transitional development as it moves closer to established residential areas and away from key intersections.

STAFF ANALYSIS:

Land Use:

	Zoning	Land Use
Site	PDD No. 468 (Subdistrict E) WMU-8, SH-7	Office and undeveloped parcels
North	PDD No. 468 (Subdistrict E) WMU-8, SH-7	Mixed residential and undeveloped parcels
East	PDD No. 468 (Subdistrict D) WMU-5, SH-6	Dallas County School Offices and Bus Storage
South	CR	Restaurant and Retail
South- west	PDD No. 830 (Subdistrict 6) Davis Corridor	Restaurant
West	PDD No. 468 (Subdistrict C) WMU-3	Single Family
North- west	PDD No. 468 (Subdistrict B) WMU-3	Medical Office, Single Family, and undeveloped parcels

Land Use Compatibility:

The Walkable Urban Mixed Use (WMU) Districts are intended to accommodate a mix of compatible uses in close proximity to one another in a pedestrian-friendly environment. The Shopfront (-SH) Overlay is intended to create pedestrian shopping streets through the designation of specific street frontages with development types that support active uses. The WMU-8 District permits a maximum height of 125 feet and eight stories.

Below is a chart showing the differences between the Mixed Use Shopfront, Apartment, and Townhouse and Townhouse Stacked Development Type Standards for Form Districts.

	Mixed Use Shopfront	Apartment	Townhouse Stacked and Townhouse
Primary Street Frontage (minimum)	90%	70%	70%
Ground Story Height (minimum/maximum ft.)	15 / 30	10 / 15	10 / 15
Minimum Ground-Story Transparency along Primary Streets	50% (measured between 0 and 10 feet above adjacent sidewalk)	30% (measured from floor to floor)	30% (measured from floor to floor)
Building Entrance Spacing (maximum linear ft.)	Maximum 100 linear feet	None	None
Blank Wall Area on Primary Street (max linear ft.)	20	30	30
Ground-Story Shopfront Windows	Minimum 60% of surface area on street level	N/A	N/A

The applicant has identified three development types within the area proposed for the new subdistrict that supports pedestrian activity. The three development types are Mixed Use Shopfront, Apartment, and Open Space Lot. Of the 118,671 square feet of private property within the proposed new subdistrict, 94,683 square feet (or 80%) is proposed to be a mixed use development type; 20,150 square feet (or 17%) is proposed to be covered with an apartment development type; and the remaining 3,838 square feet (or 3%) is proposed to contain programmed open space areas as an open space lot development type. The remainder of the area request, north of the abandoned West Neely Street, is intended to be used for a townhouse development type. Although not proposed, a Townhouse Stacked Development type would also be allowed and would follow similar form prescriptions, but allows for residential or office uses on the ground floor.

Z156-222(SM)

The request is compatible with the existing zoning regulations and area plans but improves upon the ability to transition between mixed use and surrounding residential areas by scaling down the Shopfront Overlay to key areas.

Development Standards:

The regulations on the following pages apply to Mixed Use Shopfront, Apartment, Townhouse Stacked, and Townhouse development types.

CPC Action – August 4, 2016:

Motion: It was moved to recommend **approval** of a new subdistrict, subject to a revised development plan (as briefed) and conditions; **approval** of the reduction of Shopfront Overlay No. 7 on properties zoned Subdistrict E, WMU-8 within Planned Development District No. 468, the Oak Cliff Gateway Special Purpose District, generally on the north side of East Davis Street, between North Zang Boulevard and North Beckley Avenue and on the northeast corner of West Neely Street and North Zang Boulevard.

Maker: Anglin
Second: Houston
Result: Carried: 12 to 0

For: 12 - Anglin, Rieves, Houston, Davis, Shidid,
Anantasomboon, Haney, Housewright,
Peadon, Murphy, Ridley, Tarpley

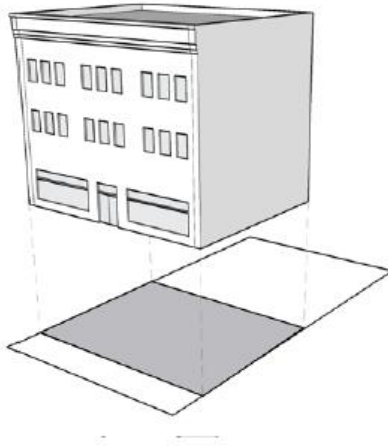
Against: 0
Absent: 1 - Schultz
Vacancy: 1 - District 7
Conflict: 1 - Jung

Notices: Area: 500 Mailed: 133
Replies: For: 7 Against: 0

Speakers: For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226
Against: None

Mu

mixed use shopfront

(b) Mixed Use Shopfront.**(1) Definition.**

A development type intended primarily for ground-story retail and upper-story residential or offices uses.

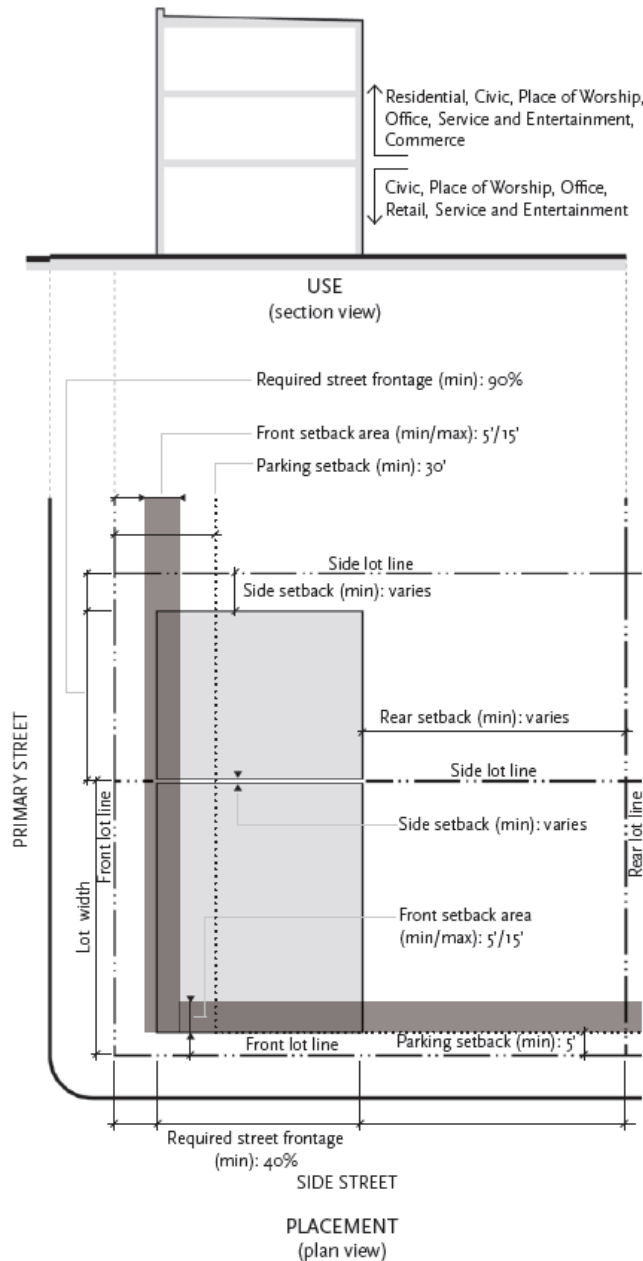
Ground-story spaces should be flexible enough to accommodate a variety of retail and office uses. Upper stories should be used for offices or residential apartments. The building must be pulled up to the street. No on-site surface parking is permitted between the building and the street. On-site surface parking areas must be located to the rear of the building. Primary entrances must be prominent and street-facing. Large storefront windows must be provided to encourage interaction between the pedestrian and the ground-story space.

(2) Character Examples.

Character examples are provided below for illustrative purposes only and are intended to be character examples of the development type and not the streetscape.

**(3) Districts permitted.**

LOW: WMU-3, WMU-5
 MEDIUM: WMU-8, WMU-12
 HIGH: WMU-20, WMU-40
 OVERLAY: -SH

(4) Use and Placement.**BUILDING USE**

A summary of permitted uses by story is shown on the left. For a complete list of permitted uses, see Section 51A-13.306, "Uses." No nonresidential use is permitted above a residential use.

BUILDING PLACEMENT**LOT**

Area (min sf)	none
Area (max sf)	none
Width (min ft)	none
Width (max ft)	none
Lot coverage (max)	100%

FRONT SETBACK AREA

Primary street (min/max ft)	5/15
Side street (min/max ft)	5/15
Service street (min/max ft)	none

REQUIRED STREET FRONTAGE

Primary street (min)	90%
Side street (min)	40%
Service street (min)	none

PARKING SETBACK

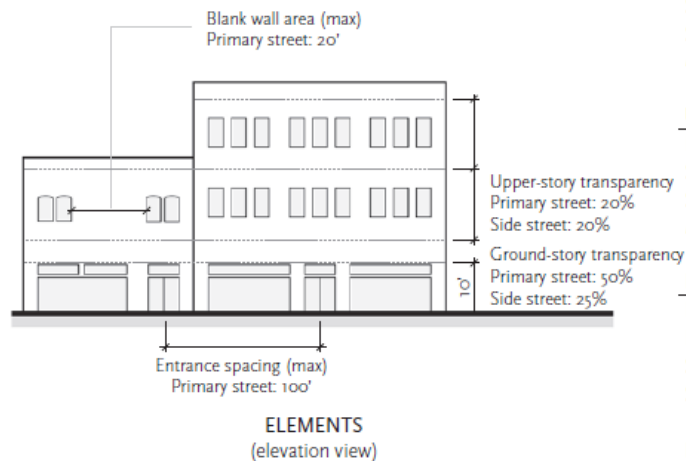
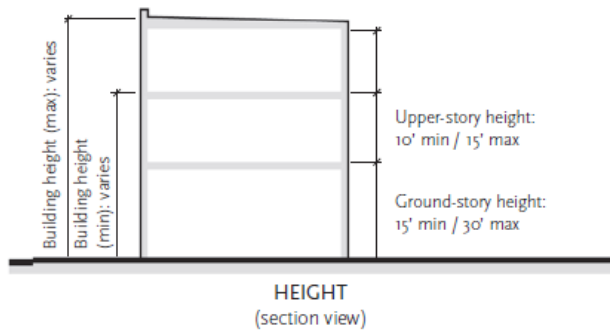
From primary street (min ft)	30
From side street (min ft)	5
From service street (min ft)	5
Abutting single family district (min ft)	10
Abutting multifamily or nonresidential district or alley (min ft)	5

SIDE SETBACK

Abutting single-family district (min ft)	15
Abutting multifamily or nonresidential district (min ft)	0 or 5
Abutting alley (min ft)	5

REAR SETBACK

Abutting single-family district (min ft)	15
Abutting multifamily or nonresidential district (min ft)	5
Abutting alley (min ft)	5
Abutting service street (min ft)	10

(5) Height and Elements.**BUILDING HEIGHT****HEIGHT**

Building height (max stories/ft)	See Section 51A-13.302, "Height"
Building height (min stories)	
WMU-3, -5, -8, -12	2
WMU-20	4
WMU-40	5

STORY HEIGHT

Ground story (min/max ft)	15/30
Upper story (min/max ft)	10/15

BUILDING FACADE**GROUND-STORY TRANSPARENCY**

Primary street facade (min)	50%
Side street facade (min)	25%
Service street facade (min)	none

Measured between 0 and 10 ft above adjacent sidewalk.

UPPER-STORY TRANSPARENCY

Primary street facade (min)	20%
Side street facade (min)	20%
Service street facade (min)	none

Measured from floor to floor.

ENTRANCE

Primary street	required
Entrance spacing (max linear ft)	100
Side street	allowed
Service street	allowed

BLANK WALL AREA

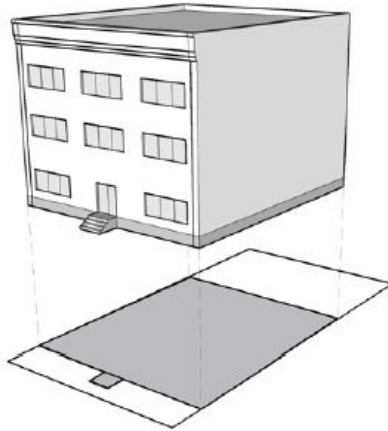
Primary street (max linear ft)	20
Side street (max linear ft)	none
Service street (max linear ft)	none

(6) Ground-Story Shopfront Windows.

A minimum of 60 percent of the street-fronting, street-level window pane surface area must allow views into the ground-story use for a depth of at least four feet. Windows must be clear or unpainted, or, if treated, must be translucent. Spandrel glass or backpainted glass does not comply with this provision.

Apt

apartment

(e) Apartment.**(1) Definition.**

A development type containing three or more dwelling units consolidated into a single structure.

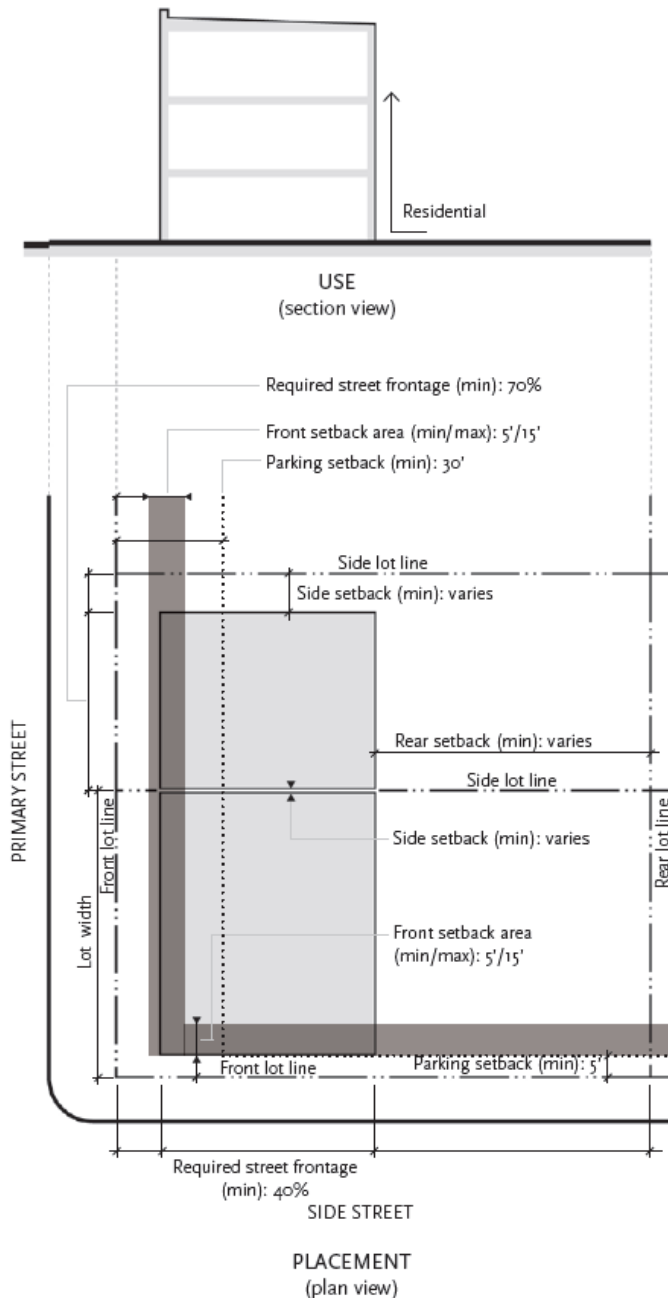
An apartment contains common walls. Dwelling units within a building may be situated either wholly or partially over or under other dwelling units. The building must be pulled up to the street. No on-site surface parking is permitted between the building and the street. On-site surface parking must be located to the rear of the building. The building often shares a common entrance. Primary entrances must be prominent and street-facing. An elevated ground floor for residential uses is recommended to ensure privacy.

(2) Character Examples.

Character examples are provided below for illustrative purposes only and are intended to be character examples of the development type and not the streetscape.

**(3) Districts Permitted.**

LOW:	WMU-3, WMU-5	WR-3, WR-5
MEDIUM:	WMU-8, WMU-12	WR-8, WR-12
HIGH:	WMU-20, WMU-40	WR-20, WR-40

(4) Use and Placement.**BUILDING USE**

A summary of permitted uses is shown on the left. For a complete list of permitted uses, see Section 51A-13.306, "Uses."

BUILDING PLACEMENT**LOT**

Area (min sf)	none
Area (max sf)	none
Width (min ft)	none
Width (max ft)	none
Lot coverage (max)	80%

FRONT SETBACK AREA

Primary street (min/max ft)	5/15
Side street (min/max ft)	5/15
Service street (min/max ft)	none

REQUIRED STREET FRONTAGE

Primary street (min)	70%
Side street (min)	40%
Service street (min)	none

PARKING SETBACK

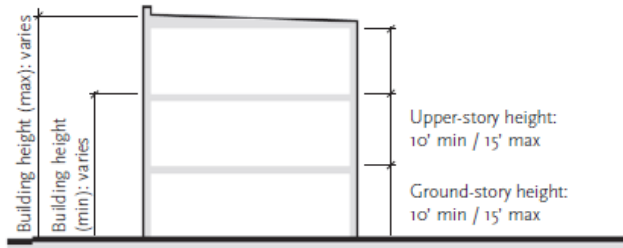
From primary street (min ft)	30
From side street (min ft)	5
From service street (min ft)	5
Abutting single-family district (min ft)	10
Abutting multifamily or nonresidential district or alley (min ft)	5

SIDE SETBACK

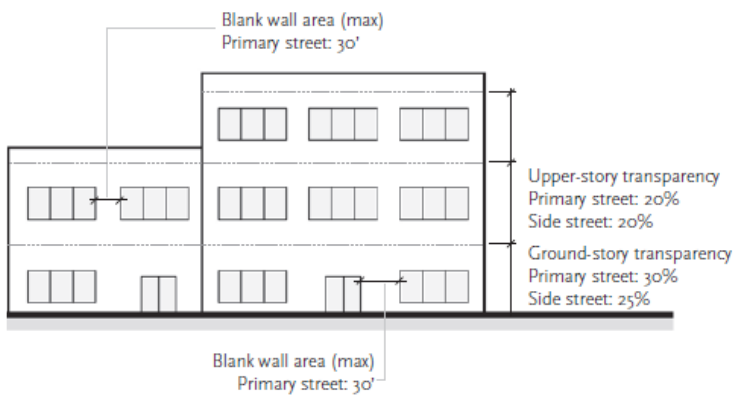
Abutting single-family district (min ft)	15
Abutting multifamily or nonresidential district (min ft)	0 or 5
Abutting alley (min ft)	5

REAR SETBACK

Abutting single-family district (min ft)	15
Abutting multifamily or nonresidential district (min ft)	5
Abutting alley (min ft)	5
Abutting service street (min ft)	10

(5) Height and Elements.

HEIGHT
(section view)



ELEMENTS
(elevation view)

BUILDING HEIGHT**HEIGHT**

Building height (max stories/ft)	See Section 51A-13.302, "Height"
Building height (min stories)	
WMU-3, -5, -8, -12 WR-3, -5, -8, -12	2
WMU-20 WR-20	4
WMU-40 WR-40	5

STORY HEIGHT

Ground story (min/max ft)	10/15
Upper story (min/max ft)	10/15

BUILDING FACADE**GROUND-STORY TRANSPARENCY**

Primary street facade (min)	30%
Side street facade (min)	25%
Service street facade (min)	none
<i>Measured from floor to floor.</i>	

UPPER-STORY TRANSPARENCY

Primary street facade (min)	20%
Side street facade (min)	20%
Service street facade (min)	none
<i>Measured from floor to floor.</i>	

BUILDING ENTRANCE

Primary street	required
Entrance spacing (max linear ft)	none
Side street	allowed
Service street	allowed

BLANK WALL AREA

Primary street (max linear ft)	30
Side street (max linear ft)	none
Service street (max linear ft)	none

(6) Landscaping.

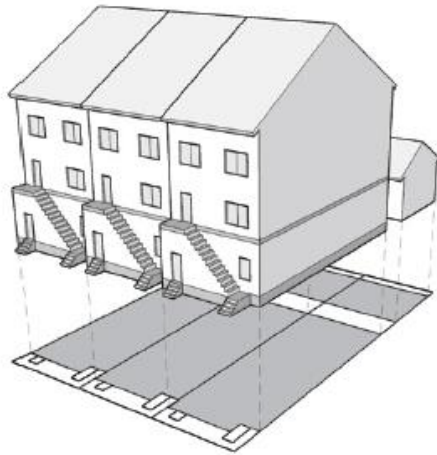
(A) General landscaping standards are set forth in Section 51A-13.304(a)(2), "Landscaping."

(B) One site tree must be provided for every 4,000 square feet of lot area, or portion thereof, or a minimum of four site trees must be provided, whichever is greater.

(C) Site trees must be evenly distributed throughout the development.

(D) Required landscaping may be provided aboveground when configured as on-site open space in accordance with Section 51A-13.303, "Open Space."

townhouse stacked

(f) Townhouse Stacked.**(1) Definition.**

A development type with six or more attached units consolidated into a single structure that creates separate ground-story units for residential or office purposes.

Each unit shares a common side wall and a common floor or ceiling. Units are stacked vertically, however, no more than one unit is permitted above another unit. Each building must contain at least three units horizontally (six units total). Each unit typically has its own external entrance. No on-site surface parking is permitted between the building and the street. Garages facing the primary street are not permitted. An elevated ground floor for residential uses is recommended to ensure privacy.

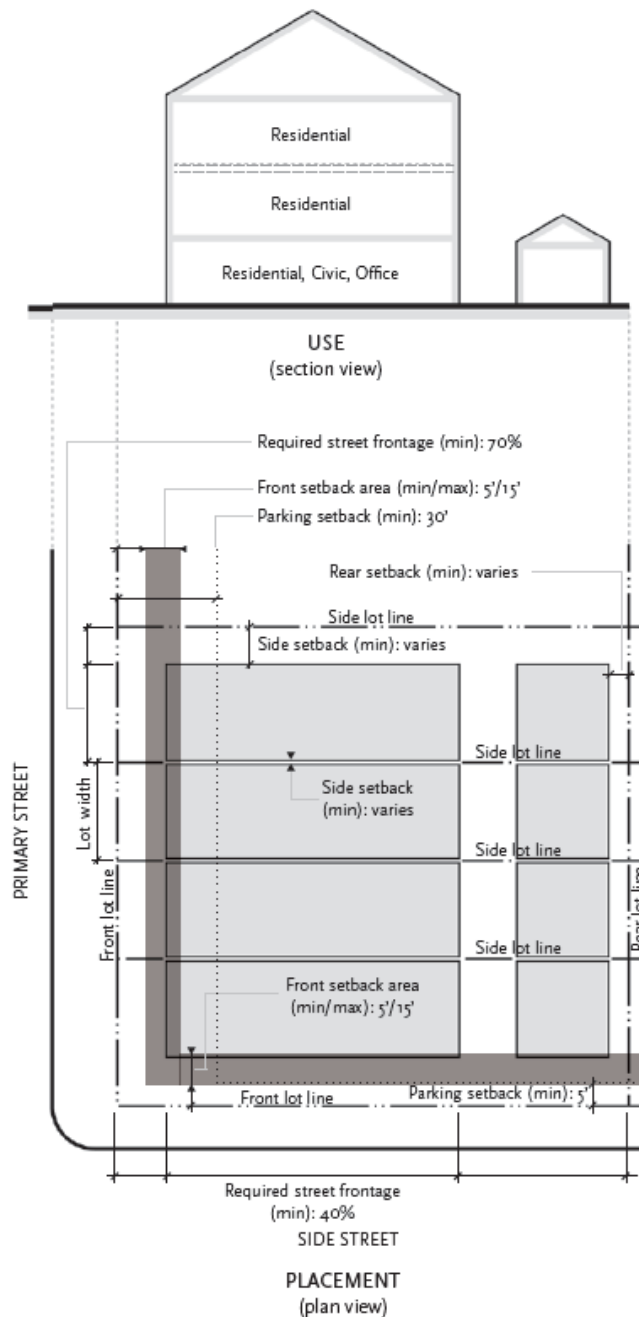
(2) Character Examples.

Character examples are provided below for illustrative purposes only and are intended to be character examples of the development type and not the streetscape.

**(3) Districts Permitted.**

LOW:	WMU-3, WMU-5	WR-3, WR-5
MEDIUM:	WMU-8, WMU-12	WR-8, WR-12

townhouse stacked

(4) Use and Placement.**BUILDING USE**

A summary of permitted uses by story is shown on the left. For a complete list of permitted uses, see Section 51A-13.306, "Uses."

BUILDING PLACEMENT**LOT**

Area (min sf)	1,200
Area (max sf)	none
Width (min ft)	16
Width (max ft)	none
Lot coverage (max)	80%

FRONT SETBACK AREA

Primary street (min/max ft)	5/15
Side street (min/max ft)	5/15
Service street (min/max ft)	none

REQUIRED STREET FRONTAGE

Primary street (min)	70%
Side street (min)	40%
Service street (min)	none

PARKING SETBACK

From primary street (min ft)	30
From side street (min ft)	5
From service street (min ft)	5
Abutting single-family district (min ft)	10
Abutting multifamily or nonresidential district or alley (min ft)	5

SIDE SETBACK

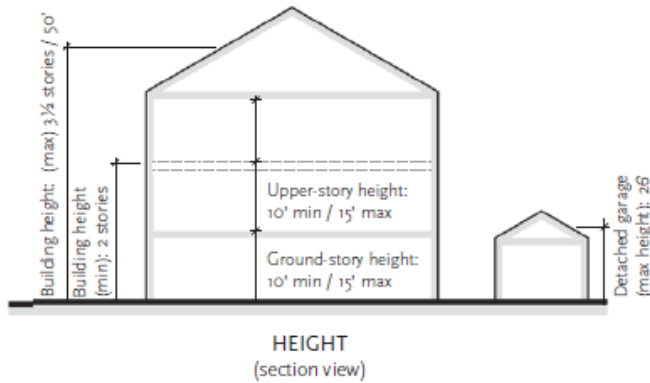
Abutting single-family district (min ft)	10
Abutting multifamily or nonresidential district (min ft)	0 or 5
Abutting alley (min ft)	5

REAR SETBACK

Abutting single-family district (min ft)	24
Abutting multifamily or nonresidential district (min ft)	24
Abutting alley (ft)	3 or 20 or more
Abutting service street (ft)	3 or 20 or more

townhouse stacked

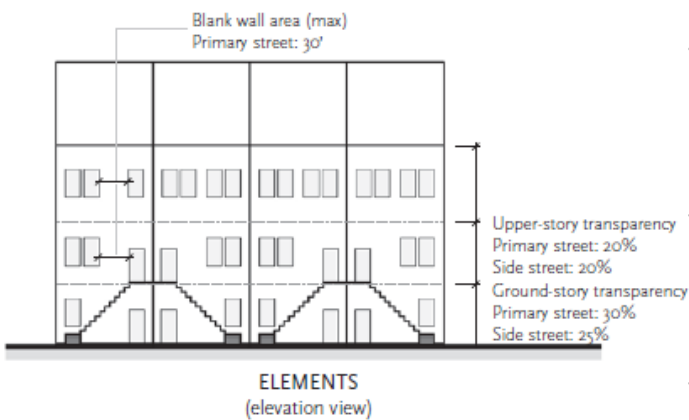
(5) Height and Elements.

**BUILDING HEIGHT****HEIGHT**

Building height (max stories/ft)	
WMU-3, -5, -8, -12 WR-3, -5, -8, -12	3 1/2 / 50
Building height (min stories)	
WMU-3, -5, -8, -12 WR-3, -5, -8, -12	2
Detached garage (max ft)	26

STORY HEIGHT

Ground story (min/max ft)	10/15
Upper story (min/max ft)	10/15

**BUILDING FACADE****GROUND-STORY TRANSPARENCY**

Primary street facade (min)	30%
Side street facade (min)	25%
Service street facade (min)	none
<i>Measured from floor to floor.</i>	

UPPER-STORY TRANSPARENCY

Primary street facade (min)	20%
Side street facade (min)	20%
Service street facade (min)	none
<i>Measured from floor to floor.</i>	

BUILDING ENTRANCE

Primary street	required
Entrance spacing (max linear ft)	none
Side street	allowed
Service street	allowed

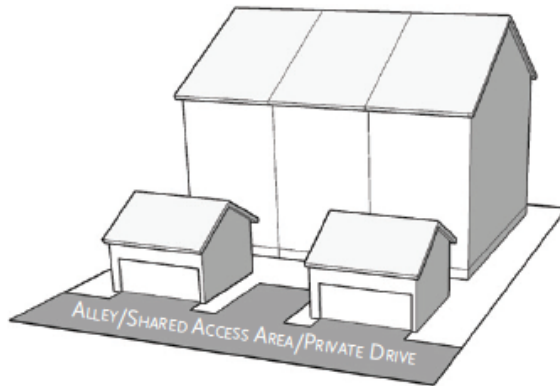
BLANK WALL AREA

Primary street (max linear ft)	30
Side street (max linear ft)	none
Service street (max linear ft)	none

townhouse stacked

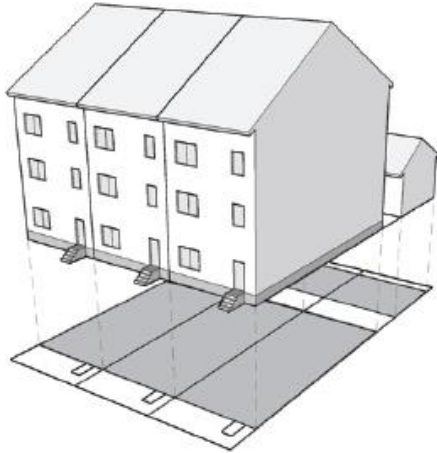
(6) Garage Placement.

- (A) Except for an alley, no garage access is permitted from a public street.
- (B) All vehicular access must be to the rear of the building.
- (C) Where the garage is less than 20 feet from the alley, an automatic garage door opener is required.

**(7) Landscaping.**

- (A) General landscaping standards are set forth in Section 51A-13.304(a)(2), "Landscaping."
- (B) One site tree must be provided in the front yard for each two units stacked vertically on an individually platted lot.
- (C) If more than two units stacked vertically are located on the same lot, the following requirements apply:
 - (i) One site tree must be provided for every 4,000 square feet of lot area, or portion thereof, or a minimum of one site tree must be provided for each set of two units stacked vertically, whichever is greater.
 - (ii) Site trees must be evenly distributed throughout the development.

townhouse

(g) Townhouse.**(1) Definition.**

A development type with three or more attached dwelling units consolidated into a single structure.

Each unit must be separated by a common side wall. A townhouse unit must be more than one story in height, however, units must not be vertically mixed. Each unit must have its own external entrance. No on-site surface parking is permitted between the building and the street. Garages facing the primary street are prohibited. In the RTN district, only one unit per lot is permitted. An elevated ground floor for residential uses is recommended to ensure privacy.

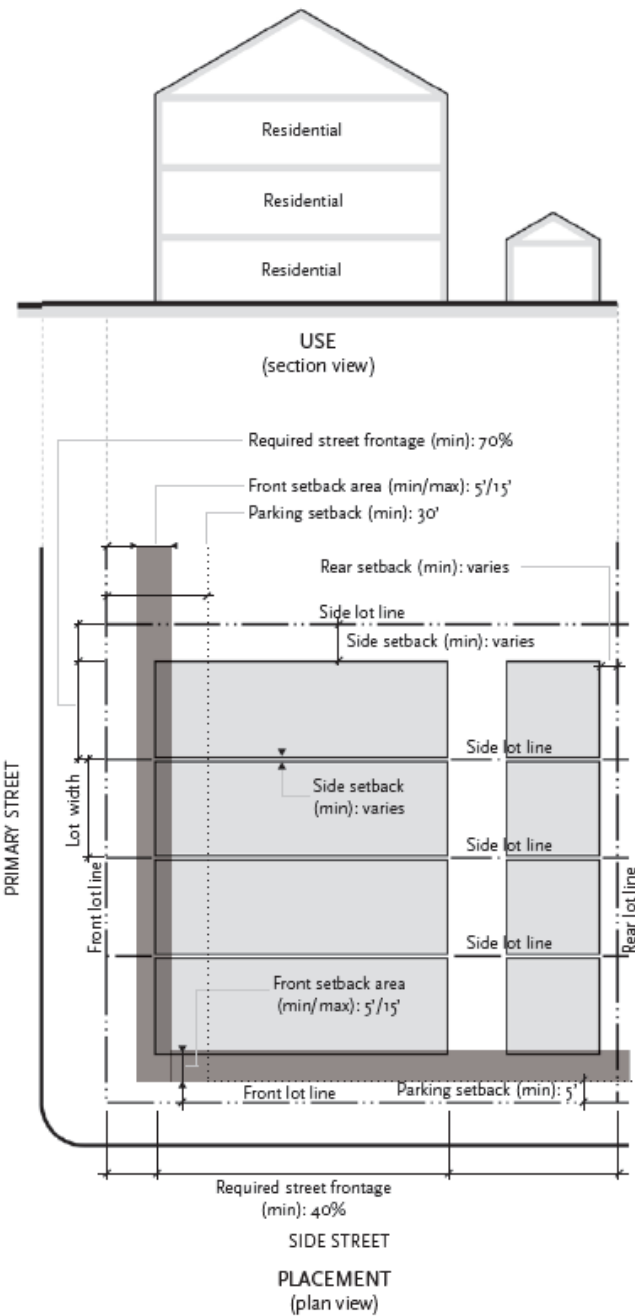
(2) Character Examples.

Character examples are provided below for illustrative purposes only and are intended to be character examples of the development type and not the streetscape.

**(3) Districts Permitted.**

LOW:	WMU-3, WMU-5	WR-3, WR-5	RTN
MEDIUM:	WMU-8, WMU-12	WR-8, WR-12	

(4) Use and Placement.



BUILDING USE

A summary of permitted uses is shown on the left. For a complete list of permitted uses, see Section 51A-13.306, "Uses."

BUILDING PLACEMENT

LOT

Area (min sf)	1,200
Area (max sf)	none
Width (min ft)	16
Width (max ft)	none
Lot coverage (max)	80%

FRONT SETBACK AREA

Primary street (min/max ft)	5/15
Side street (min/max ft)	5/15
Service street (min/max ft)	none

REQUIRED STREET FRONTAGE

Primary street (min)	70%
Side street (min)	40%
Service street (min)	none

PARKING SETBACK

From primary street (min ft)	30
From side street (min ft)	5
From service street (min ft)	5
Abutting single-family district (min ft)	10
Abutting multifamily or nonresidential district or alley (min ft)	5

SIDE SETBACK

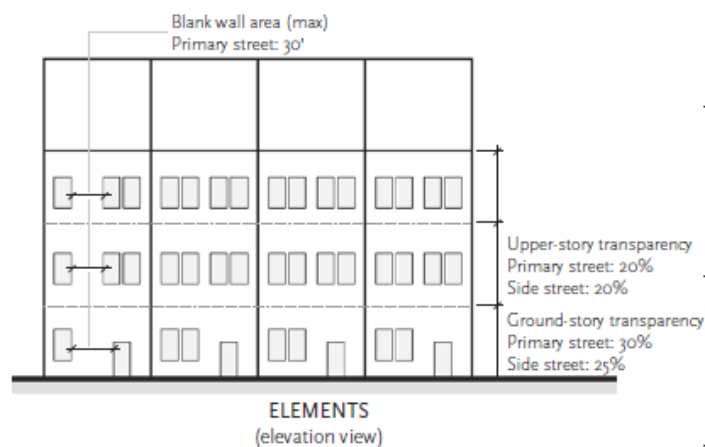
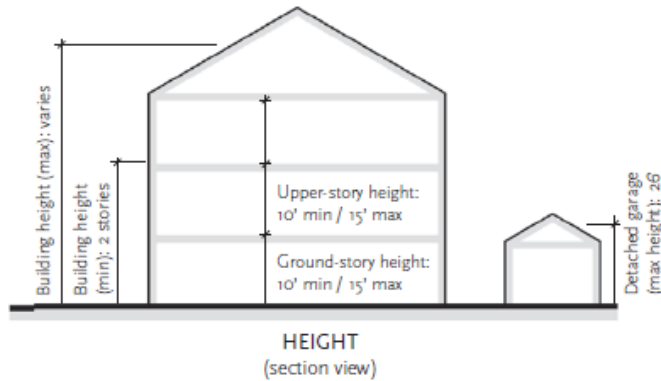
Abutting single-family district (min ft)	10
Abutting multifamily or nonresidential district (min ft)	0 or 5
Abutting alley (min ft)	5

REAR SETBACK

Abutting single-family district (min ft)	24
Abutting multifamily or nonresidential district (min ft)	24
Abutting alley (ft)	3 or 20 or more
Abutting service street (ft)	3 or 20 or more

townhouse

(5) Height and Elements.

**BUILDING HEIGHT****HEIGHT**

Building height (max stories/ft)	
RTN	2½ / 35
WMU-3, -5, -8, -12 WR-3, -5, -8, -12	3½ / 50
Building height (min stories)	
RTN	2
WMU-3, -5, -8, -12 WR-3, -5, -8, -12	2
Detached garage (max ft)	26

STORY HEIGHT

Ground story (min/max ft)	10/15
Upper story (min/max ft)	10/15

BUILDING FACADE**GROUND-STORY TRANSPARENCY**

Primary street facade (min)	30%
Side street facade (min)	25%
Service street facade (min)	none
<i>Measured from floor to floor.</i>	

UPPER-STORY TRANSPARENCY

Primary street facade (min)	20%
Side street facade (min)	20%
Service street facade (min)	none
<i>Measured from floor to floor.</i>	

BUILDING ENTRANCE

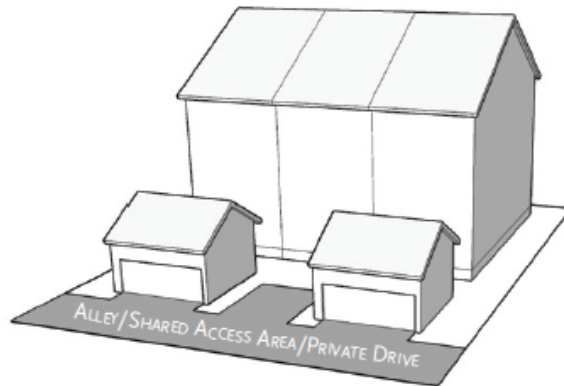
Primary street	required
Entrance spacing (max linear ft)	none
Side street	allowed
Service street	allowed

BLANK WALL AREA

Primary street (max linear ft)	30
Side street (max linear ft)	none
Service street (max linear ft)	none

(6) Garage Placement.

- (A) Except for an alley, no garage access is permitted from a public street.
- (B) All vehicular access must be to the rear of the building.
- (C) Where the garage is less than 20 feet from the alley, an automatic garage door opener is required.

**(7) Landscaping.**

- (A) General landscaping standards and alternative requirements for shared access developments are set forth in Section 51A-13.304(a)(2), "Landscaping."
- (B) Except in a shared access development, one site tree must be provided in the front yard for a townhouse on an individually-platted lot in all districts.
- (C) In a shared access development or if more than one townhouse unit is located on the same lot, the following requirements apply:
 - (i) One site tree must be provided for every 4,000 square feet of lot area, or portion thereof, or a minimum of one site tree must be provided for each individual unit, whichever is greater.
 - (ii) Site trees must be evenly distributed throughout the development.

(8) Townhouses on Individually-Platted Lots.

- (A) Except for the foundation, a dwelling unit must be physically separable from contiguous dwelling units in the event of removal of a dwelling unit. Each party wall must be governed by a set of deed restrictions, stipulating that if a dwelling unit is removed, the party wall stays with the remaining dwelling unit.
- (B) Each dwelling unit must have separate utility services; however, general utility services on land owned and maintained by a homeowner's association are allowed.

LIST OF OFFICERS

Applicant:

Crescent Acquisitions, LLC

Crescent Communities, LLC

Todd Mansfield, President and CEO
Andrew Carmody, President
Brian J. Natwick, President
Robert Whitney Duncan, President
Brian Leary, President
Kevin H. Lambert, CFO
Gary Tyler Niess, Senior Vice President
Alice Zwahlen, Senior Vice President
Stephen E. Yetts, Senior Vice President
James M. Cauley, Senior Vice President
Benjamin L. Collins, Senior Vice President
Jared Ford, Senior Vice President
David Muenks, Senior Vice President
Thomas K. Glenn, Senior Vice President
George L. Hodges, III, Senior Vice President
Donald E. Killoren, Senior Vice President
Scott C. Widener, Executive Vice President
Jaime A. Pou, Senior Vice President

Owners:

Dallas County School Trustees of Dallas County

Larry Duncan
Dr. Paul A. Freeman
James Hubener
Gloria T. Levario
Omar Narvaez
Kyle Renard, MD
C.W. Whitaker

Proposed Amendments to

ARTICLE 468.

PD 468.

Oak Cliff Gateway Special Purpose District

SEC. 51P-468.101. LEGISLATIVE HISTORY.

PD 468 was established by Ordinance No. 23057, passed by the Dallas City Council on March 12, 1997. Ordinance No. 23057 amended Ordinance No. 19455, Chapter 51A of the Dallas City Code, as amended. Ordinance No. 23057 was amended by Ordinance No. 23868, passed by the Dallas City Council on April 28, 1999, and Ordinance No. 25866, passed by the Dallas City Council on January 26, 2005. (Ord. Nos. 19455; 23057; 23868; 25866; 26042; 29743)

SEC. 51P-468.102. PROPERTY LOCATION AND SIZE.

PD 468 is established on property generally bounded by Interstate 30, the Levee on the east side of the Trinity River, Interstate 35E (South R.L. Thornton Freeway), Marsalis Avenue, Eighth Street, Elsbeth Avenue, Neches Street, Bishop Avenue, Colorado Boulevard, and Beckley Avenue. The size of PD 468 is approximately 842.168 acres. (Ord. Nos. 23057; 26042; 26606; 29743)

SEC. 51P-468.103. PURPOSE.

This article provides standards specifically tailored to meet the needs of the Oak Cliff Gateway area of the city, which is hereby designated as an area of historical, cultural, and architectural importance and significance to the citizens of the city. The general objectives of these standards are to promote and protect the health, safety, welfare, convenience, and enjoyment of the public, and in part, to achieve the following:

- (1) Accommodate the existing mix of uses in the area.
- (2) Protect the internal and adjacent stable residential neighborhoods.
- (3) Preserve and enhance the historical, cultural, and architectural significance of the area while specifically encouraging the future historic designation of the following structures:
 - (A) Polar Bear Ice Cream Stand.
 - (B) Mayor William Sergeant Home.

- (C) Grace Presbyterian Church.
- (D) Lee Harvey Oswald Boarding House.
- (4) Strengthen the neighborhood identity.
- (5) Create a more desirable pedestrian environment.
- (6) Periodically review proper zoning of the Property. (Ord. Nos. 23057; 26042; 29743)

SEC. 51P-468.104. DEFINITIONS AND INTERPRETATIONS.

- (a) Unless otherwise stated, the definitions in Chapter 51A apply to this article.
- (b) Unless the context clearly indicates otherwise, in this article:
 - (1) **ACCESSORY DWELLING UNIT** means a dwelling unit accessory to a single family or duplex use that is located in the rear 50 percent of a lot.
 - (2) **ALTERNATIVE ENERGY PLANT** means equipment used to generate power from alternative energy sources using solar panels, turbines, and other power-creating means that have the ability to return some or all of the newly-created power to the energy grid.
 - (3) **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.
 - (4) **AQUARIUM** means an establishment where aquatic animals and plants are kept and exhibited.
 - (5) **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.
 - (6) **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.
 - (7) **BOUTIQUE HOTEL** means a lodging facility with 30 or fewer guest rooms that are rented to occupants on a daily basis for not more than 14 consecutive days; provides food that is prepared onsite; and more than 50 percent of the guest rooms are internal-entry.

(8) BULB-OUT means the area of the sidewalk or curb line that is extended into the street at sidewalk grade to narrow the street and increase pedestrian space.

(9) CUSTOM VEHICLE SHOP means a facility for the restoration, fabrication, modification, display, and sale of customized or modified automobiles, boats, trucks, motorcycles, motor scooters, recreational vehicles, or trailers.

(10) ENTERTAINMENT COMPLEX means a public, multi-use sports, entertainment, and convention facility where people view and participate in events and performances, including theatrical, musical, and dramatic performances; professional or amateur sporting events; and meetings and assemblages.

(11) GOURMET MARKETPLACE means a facility that offers prepared meals, catered meals, and retail grocery items that may include the sale of alcoholic beverages for consumption on-premise or off-premise and that may also allow customers in motor vehicles to pick-up food for off-premise consumption. The display area for the sale of alcoholic beverages may not exceed 40 percent of the floor area for this use.

(12) IDENTIFICATION SIGN means an attached premise sign that identifies the name or logo of the district, business, or tenant.

(13) LEGACY BUILDING means:

(A) a building constructed before 1957 that has:

(i) all original street-facing facades remaining;

(ii) a primary street-facing facade located within 15 feet of a right-of-way line;

(iii) a main entrance that faces Colorado Boulevard, Zang Boulevard, Beckley Avenue, Marsalis Avenue, Jefferson Boulevard, Eighth Street, Tenth Street, Lancaster Avenue, Ewing Avenue, or the southbound Interstate 35E service road;

(iv) window and door openings that total at least 20 percent of the street-facing facades; and

(v) off-street parking located 100 percent outside of the required front yard; or

(B) the Grace Presbyterian Church sanctuary building located on Zang Boulevard between Fifth Street and Sixth Street.

(14) LEGACY BUILDING MIXED USE DEVELOPMENT means a project containing at least three different uses developed as a single project and must include at least one use in a legacy building.

(15) LINER DEVELOPMENT means a development specifically designed to mask a parking structure from a public street or public space.

(16) LIVE/WORK UNIT means an interior space that combines a single occupancy residential use and an office or retail and personal service use. A live/work unit is considered a nonresidential use.

(17) MASSAGE ESTABLISHMENT and MASSAGE mean a massage establishment or massage as defined by Chapter 455 of the Texas Occupation Code, as amended.

(18) MEWS means the public or private right-of-way for pedestrians or low-speed vehicular traffic that provides access to a building, serves as a small street, and may provide access to vehicle parking.

(19) MIXED USE DEVELOPMENT means a combination of any two categories of permitted main uses on a building site.

(20) MOBILE FOOD ESTABLISHMENT means a container or vehicle-mounted food establishment that is designed to be readily moveable and from which food is distributed, sold, or served to an ultimate consumer. The term includes mobile food preparation vehicles and pushcarts.

(21) NEW CONSTRUCTION means construction of a main structure that did not exist on May 13, 2015 or permitted work that increases floor area of a use or structure, excluding uncovered porches and uncovered patios, if the increase in floor area is more than 50 percent for nonresidential projects, more than 65 percent for mixed use projects, or more than 75 percent for residential projects.

(22) PROJECT ANNOUNCEMENT SIGN means an attached premise sign constructed of rigid material, mesh or fabric surface, or a projection of a light image onto a wall face that announces a project, tenant, or activity in the district.

(23) STREETSCAPE means the area between the buildings and edge of the vehicular or parking lanes. The principal streetscape components are curbs, sidewalks, street trees, tree planters, bicycle racks, litter containers, benches, and street lights. Treatments may also include paving materials, street/pedestrian wayfinding signs, parking meters, public art, water features, bollards, and other elements.

(c) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(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 *[SUP]* appearing after a listed use means that the use is permitted by specific use permit only.

(3) 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. (“DIR” means “development impact review.” For more information regarding development impact review generally, see Division 51A-4.800.)

(4) The symbol *[RAR]* appearing after a listed use means that, if the use has a residential adjacency as defined in Section 51A-4.803, 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.)

(e) Unless the context indicates otherwise, for purposes of interpreting Chapter 51A, the subdistricts are considered to be residential or nonresidential as indicated:

- (1) Subdistrict A: residential.
- (2) Subdistrict B: residential.
- (3) Subdistrict C: nonresidential.
- (4) Subdistrict D: nonresidential.
- (5) Subdistrict E **and K**: nonresidential.
- (6) Subdistrict F: nonresidential.
- (7) Subdistrict G: nonresidential.
- (8) Subdistrict H: nonresidential.
- (9) Subdistrict I: nonresidential.

(10) Subdistrict J: nonresidential. (Ord. Nos. 23057; 25866; 26042; 26149; 26190; 28880; 29200; 29280; 29743)

SEC. 51P-468.104.1. EXHIBITS.

The following exhibits are incorporated into this article:

- (1) Exhibit 468A: Subdistrict map.
- (2) Exhibit 468B: Medical use overlay street hierarchy plan.

- (3) Exhibit 468C: Subdistricts B-G required parking chart.
- (4) Exhibit 468D: Subdistrict H master parking and floor area plan supplement.
- (5) Exhibit 468E: Subdistrict H mixed use development parking chart
- (6) Exhibit 468F: Subdistrict H site plan development table.
- (7) Exhibit 468G: Subdistrict K development plan.

SEC. 51P-468.105. CREATION OF SUBDISTRICTS.

(a) This district is known as the Oak Cliff Gateway Special Purpose District, and is divided into the following ~~10~~ 11 subdistricts, as described in Exhibit A of Ordinance No. 23057, as amended, and as shown on the map labelled Exhibit 468A:

- (1) Subdistrict A – Residential Transition (RTN).
- (2) Subdistrict B – Walkable Urban Residential 3 (WR-3).
- (3) Subdistrict C – Walkable Urban Mixed Use 3 (WMU-3).
- (4) Subdistrict D – Walkable Urban Mixed Use 5 (WMU-5).
- (5) Subdistrict E and K – Walkable Urban Mixed Use 8 (WMU-8).
- (6) Subdistrict F – Walkable Urban Mixed Use 12.
- (7) Subdistrict G – Walkable Urban Mixed Use 20.
- (8) Subdistrict H.
- (9) Subdistrict I.
- (10) Subdistrict J.

(b) If there is a conflict between Exhibit A of Ordinance No. 23057, as amended, and Exhibit 468A, Exhibit A, as amended, controls.

(c) Use regulations and development standards for each subdistrict are set out below. (Ord. Nos. 23057; 23868; 25866; 26042; 26149; 26190; 27391; 28880; 29200; 29280; 29743)

SEC. 51P-468.106. SUBDISTRICTS A, B, C, D, E, F, [AND] G, AND K.

(a) General provisions. Except as provided in this subsection, Division 51A-13.100, “General Provisions,” applies.

(1) Nonconforming structures. See Sections 51A-4.704 and 51A-13.102(4)(S) for details on nonconforming structures. In this district, the only work that causes a structure to become more nonconforming is a major renovation. For purposes of this provision, MAJOR RENOVATION means a building permit or series of building permits for the reconstruction, alteration, or modification of a building that increases the floor area that existed on May 13, 2015 by 50 percent or more.

(A) Additions of up to 50 percent of permitted square footage. Additional floor area, building height, and any new construction must comply with the regulations defined by each development type. The additional floor area, building height, and new construction are not required to fill the buildable envelope, but must be contained wholly within the buildable envelope. BUILDABLE ENVELOPE means the three dimensional form within which the horizontal and vertical elements of a structure must be built to comply with the use and placement requirements and with the height and elements requirements in Section 51A-13.304 for each development type.

(B) Additions of more than 50 percent of permitted square footage. The site must come into complete compliance with Article XIII regulations.

(2) Amortization of nonconforming uses. Uses that become nonconforming on May 13, 2015 may not be brought before the board of adjustment for amortization.

(3) Development plan for Subdistrict K. Development and use of the Property in Subdistrict K must comply with the Subdistrict K development plan (Exhibit 468G). If there is a conflict between the text of this article and the Subdistrict K development plan, the text of this article controls.

(b) District regulations. Except as provided in this section, Division 51A-13.300, “District Regulations,” applies.

(1) Subdistrict A. Except as provided in this section, Subdistrict A must comply with the RTN regulations and development standards in Article XIII.

(2) Subdistrict B. Except as provided in this section, Subdistrict B must comply with the WR-3 regulations and development standards in Article XIII.

(3) Subdistrict C. Except as provided in this section, Subdistrict C must comply with the WMU-3 regulations and development standards in Article XIII.

(4) Subdistrict D. Except as provided in this section, Subdistrict D must comply with the WMU-5 regulations and development standards in Article XIII.

(5) Subdistricts E and K. Except as provided in this section, Subdistricts E and K must comply with the WMU-8 regulations and development standards in Article XIII.

(6) Subdistrict F. Except as provided in this section, Subdistrict F must comply with the WMU-12 regulations and development standards in Article XIII.

(7) Subdistrict G. Except as provided in this section, Subdistrict G must comply with the WMU-20 regulations and development standards in Article XIII.

(8) Accessory dwelling units. In Subdistrict A south of Colorado Boulevard, east of Beckley Avenue, and west of Marsalis Avenue, accessory dwelling units are allowed on a lot containing a single-family use. Single-family garages are not required to have vehicular access from an alley.

(9) Detention center, jail, or prison. Detention center, jail, or prison is prohibited as a main use.

(10) Fences and walls. In a door yard, a fence may not exceed four feet in height. In all other required yards, no fence or wall may exceed six feet in height.

(11) Height. The following structures may project a maximum of 12 feet above the maximum structure height specified in a subdistrict:

- (A) Amateur communications tower.
- (B) Cooling tower.
- (C) Clerestory.
- (D) Chimney and vent stack.
- (E) Elevator penthouse or bulkhead.
- (F) Flagpoles.
- (G) Mechanical equipment room.
- (H) Ornamental cupola or dome.
- (I) Parapet wall, limited to a height of four feet.
- (J) Stairway access to roof.
- (K) Roof top deck.
- (L) Skylights.
- (M) Spires and belfries.

- (N) Solar panels.
- (O) Tank designed to hold liquids.
- (P) Visual screens surrounding roof-mounted mechanical equipment.
- (Q) Wind turbines and other integrated renewable energy systems.

(12) Medical and office uses. Medical and office uses are allowed as additional permitted uses in the following areas:

- (A) Subdistrict A, Tract 3.
- (B) Subdistrict A, Tract 4.

(13) Residential proximity slope. The residential proximity slope defined in Section 51A-4.412 governs development in Subdistricts A-G.

(14) Retail uses over 50,000 square feet. A specific use permit is required for retail uses over 50,000 square feet in floor area.

(c) Parking regulations. Except as otherwise provided in this subsection, Division 51A-13.400, "Parking Regulations," applies.

(1) In general. The "Required Parking in WMU and WR Districts Chart" in Section 51A-13.402(a)(2) is replaced by the Subdistricts B-G required parking chart (Exhibit 468C).

(2) Bicycle parking. Consult Division 51A-4.330, "Bicycle Parking Regulations," for bicycle parking requirements.

(3) Delta credits. The maximum parking reduction authorized by this section and Article XIII is the total reduction minus the number of parking spaces currently not provided due to delta credits, as defined in Section 51A-4.704(b)(4)(B). If delta credits exceed the total reduction, delta credits will be used, and no reduction will apply.

(4) Legacy building parking reduction. If the director finds that a building meets the definition of a legacy building, the director may grant the following off-street parking reductions:

(A) For residential uses within a legacy building, required off-street parking may be reduced by up to 25 percent.

(B) For office uses within a legacy building, required off-street parking may be reduced by up to 100 percent.

(C) For retail uses other than restaurant uses within a legacy building, required off-street parking may be reduced by up to 100 percent.

(D) For restaurant uses within a legacy building, required off-street parking may be reduced by up to 25 percent.

(5) Mechanized parking. Consult Division 51A-4.340, “Mechanized Parking,” for mechanized parking regulations.

(6) On-street parking.

(A) Except as provided in this subsection, any on-street parking spaces may be counted as a reduction of the parking requirement of the use adjacent to the on-street parking space.

(i) An on-street parking space may not be used to reduce the required parking for more than one 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 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 ($8 \div 24 = \text{one-third}$). The total of the limited-availability parking spaces will be counted to the nearest whole number, with one half counted as an additional space.

(B) All on-street parking must be approved as to design and construction by the director of public works. On-street parking must be striped in accordance with standard city specifications.

(7) Outdoor covered patios.

(A) For restaurant or bar uses, the outdoor covered patio area is not included in parking requirement calculations for up to 25 percent of the size of the indoor floor area.

(B) For a restaurant use, the combined area of covered and uncovered outdoor dining area that is not included in parking requirement calculations may not exceed 50 percent of the indoor dining area. Any portion of the outdoor dining patio area in excess of the 50 percent of the indoor dining area must be parked in accordance with the Subdistricts B-G required parking chart (Exhibit 468C).

(8) Remote parking.

(A) Remote parking for uses in these subdistricts may not be located outside the boundaries of the district.

(B) Remote parking must be located within a walking distance of 500 feet from the use served by the remote parking unless an extension of walking distance is approved by the building official.

(C) The building official shall extend the walking distance for remote parking to no more than 1,000 feet for up to 50 percent of the required off-street parking unless the extension would:

- (i) significantly discourage patrons of the use from using the remote parking;
- (ii) unreasonable endanger the safety of persons or property; or
- (iii) not otherwise be in the public interest.

(D) A license is required to authorize the extension of walking distance for remote parking beyond 1,000 feet. The building official must require that either a shuttle or an attendant be provided by the applicant as a condition of approval of an extension of the walking distance for remote parking beyond 1,000 feet.

(E) Remote parking may be based on a lease for the remote parking space in lieu of the remote parking agreement required in Section 51A-4.328. The lease must:

- (i) be in writing on a form obtained from the building official;
- (ii) contain legal descriptions of the properties affected;
- (iii) specify the special parking being provided and the hours of operation of any use involved;
- (iv) be governed by the laws of the state of Texas;
- (v) be signed by all lien holders, other than taxing entities, that have an interest in or an improvement on the properties;
- (vi) be for a minimum of three years; and
- (vii) provide that both the owner of the lot occupied by the use and the owner of the remote parking lot shall notify the building official in writing if any provision of the lease is breached or if the lease is modified or terminated.

(d) Minor streets and streetscapes.

(1) Except as provided in this subsection, Division 51A-13.500, "Minor Streets and Streetscapes," applies. This subsection applies only to new construction.

(2) The block lengths and perimeters requirements in Section 51A-13.502(a) may be broken by ungated private streets.

(3) In lieu of compliance with Section 51A-13.503, “Existing Streets,” the following street sections must be completed as follows:

(A) West side of Beckley Avenue between Interstate 30 and Colorado Boulevard. The 14-foot parkway in the right-of-way must include a four-foot planting zone adjacent to the vehicular lanes and a 10-foot sidewalk.

(B) East side of Beckley Avenue between Interstate 30 and Colorado Boulevard. The 14-foot parkway in the right-of-way must include a two-foot planting zone adjacent to the vehicular lanes, an eight-foot, two-way cycle track, and a four-foot sidewalk. An additional six-foot sidewalk is required adjacent to the right-of-way.

(C) West side of Beckley Avenue between Colorado Boulevard and Zang Boulevard. The eight-foot parkway in the right-of-way must include a three-foot planting zone next to the vehicular lanes and a five-foot sidewalk. An additional five-foot sidewalk is required adjacent to the right-of-way.

(D) East side of Beckley Avenue between Colorado Boulevard to Zang Boulevard. The 16-foot parkway in the right-of-way must include a three-foot planting zone next to the vehicular lanes, an eight-foot two-way cycle track, and a five-foot sidewalk. An additional five-foot sidewalk is required adjacent to the right-of-way.

(E) Zang Boulevard between the Jefferson/Houston Viaduct and Colorado Boulevard. The 10-foot parkway in the right-of-way must include a six-foot planting zone adjacent to the vehicular lanes and a four-foot sidewalk. An additional two-foot sidewalk is required adjacent to the right-of-way.

(F) West side of Zang Boulevard between Beckley Avenue and Davis Street. The 14-foot parkway in the right-of-way must include a six-foot planting zone adjacent to the vehicular lanes and an eight-foot sidewalk.

(G) East side of Zang Boulevard between Beckley Avenue and Davis Street. The 12-foot indented parking lane and the 14-foot parkway must include a six-foot planting zone adjacent to the vehicular lanes and an eight-foot sidewalk.

(e) Site development regulations. Division 51A-13.600, “Site Development Regulations,” applies.

(f) Administration. Division 51A-13.700, “Administration,” applies. (Ord. Nos. 25866; 26042; 26149; 26328; 26395; 26750; 27391; 28880; 29200; 29743)

SEC. 51P-468.107 SUBDISTRICT H. through SEC. 51P-468.109. SUBDISTRICT J omitted for brevity.

SEC. 51P-468.110. MEDICAL USE OVERLAY.

(a) Applicability. The provisions in this section apply only in the medical use overlay as shown on the subdistrict map (Exhibit 468A) and only when occupied by a medical use as defined in Section 51A-13.306(d)(4).

(b) Purpose. The medical use overlay is intended to provide flexibility to meet the unique requirements of medical uses including accessibility, building infrastructure, and structure design standards.

(c) Conflict. If there is a conflict between the text of this section and the text of other sections in this article, this section controls. If there is a conflict between the text of this section and Chapter 51A, the text of this section controls.

(d) Street hierarchy plan. The medical use overlay must comply with the medical use overlay street hierarchy plan (Exhibit 468B). Amendments to the hierarchy plan must follow the procedures for the minor amendment process in Section 51A-4.702(h).

(e) Main uses permitted.

(1) In general. Except as provided in this subsection, the following uses are the only main uses permitted:

- Commercial parking lot.
- Medical uses. *[See Section 51A-13.306(d)(4).]*
- Pedestrian sky bridge. *[SUP. See Section 51A-4.217(b)(12). Traffic impact analysis is not required.]*

(2) Active uses. Along Beckley Avenue and Colorado Boulevard, the only uses permitted on street level and as part of a parking structure are active uses as defined in Article XIII.

(f) Yard, lot, and space regulations.

(1) Front yard. Along secondary streets, maximum front yard is 30 feet. Along service streets, no maximum front yard. Pedestrian skybridges may be located in a required front yard.

(2) Side yard. Maximum side yard is 50 feet.

(3) Parking setback. Along non-primary streets, minimum setback for surface parking is 10 feet.

(4) Height. Except along Beckley Avenue and Colorado Boulevard, no minimum structure height is required. Along Colorado Boulevard and Beckley Avenue, structure height must comply with the WMU-20 regulations in Article XIII.

(5) Story height. No minimum or maximum story height.

(6) Block length. Maximum block lengths required by Article XIII may be measured from intervening fire lanes, driveways, pedestrian or bicycle passages, or alleys that serve to divide blockfaces.

(g) Off-street parking regulations.

(1) In general. Except as provided in this subsection, consult the parking regulations in Section 51A-13.402 for the specific off-street parking and loading requirements for medical uses.

(2) Hospital. One space per bed is required.

(3) Pedestrian sky bridge. No parking spaces required.

(4) Parking lots and parking garages.

(A) Required off-street parking for uses in the medical use overlay may be located on any lot within the medical use overlay.

(B) Any parking lot or parking garage located in the medical use overlay must be accessed from any public street in or adjacent to the medical use overlay. New parking garage access from Beckley Avenue or Colorado Boulevard must comply with this article.

(5) Parking fees. Medical uses may charge a fee for required off-street parking.

(h) Facade transparency. Along Beckley Avenue and Colorado Boulevard, minimum facade transparency at street level is 30 percent. Minimum facade transparency above street level is 20 percent.

(i) Single story shopfront development. Single story shopfront development is allowed for medical uses in buildings that do not front on Beckley Avenue or Colorado Boulevard.

(j) Blank walls. Blank walls may be constructed of spandrel glass. (Ord. Nos. 23057; 26042; 29743)

SEC. 51P-468.111. TRANSITIONAL USES.

(a) Application. This section applies to Subdistricts B, C, D, E, _F, and G, and K only.

(b) Purpose. When a form district is initiated, it may not be possible to develop and completely transition the entire area at the inception. Transitional uses are intended to provide an opportunity for owners in a form district to make appropriate use of their Property during the interim period as the district develops. Transitional uses are intended to allow underused or vacant properties to have value between the effective date of this article and the time that full implementation of the zoning changes become practical and feasible with strict compliance.

(c) Specific use permit.

(1) The uses listed in Subsection (d) below are allowed as transitional uses by a specific use permit only.

(2) A specific use permit approved for a transitional use must provided a time limit that may not exceed five years. A specific use permit for a transitional use is not subject to automatic renewal. No off-street parking reductions are allowed.

(3) A specific use permit approved for a transitional use may modify the following regulations if the city council determines that no adverse impact on surrounding properties will result:

(A) Section 51A-13.302, "Height."

(B) Section 51A-13.304, "Development Types."

(C) Section 51A-13.305, "Building Elements."

(4) A specific use permit for a transitional use does not create nonconforming rights in the use, structure, or any modifications to the regulations. Upon expiration of the specific use permit, immediate compliance with all regulations of this article is required.

(5) No expiration for a specific use permit may occur while an application for renewal of the specific use permit is pending before the city plan commission or city council. If an application is pending at the end of the current time limit stated in the specific use permit ordinance, the time limit shall be extended:

(A) until the day following the next succeeding official agenda meeting of the city council after the council makes a final decision to deny the application; or

(B) if the city council votes to create a new time limit, until the effective date of the amending ordinance establishing the new time limit.

(d) List of transitional uses.

(1) All uses permitted in Section 51A-13.306, regardless of the subdistrict in which the use is located.

(2) Crop production.

- (3) Building repair and maintenance shop.
- (4) Catering service, large scale.
- (5) Electronics service center.
- (6) Tool or equipment rental.
- (7) Lumber, brick, or building materials sales yard.
- (8) Recycling collection center.
- (9) Outdoor recreation, including, but not limited to, country club with private membership, private recreation center, club, or area (outside), public golf course, and commercial amusement (outside).
- (10) Nursery or plant sales on an open lot. (Ord. Nos. 23057; 26042; 26190; 29743)

SEC. 51P-468.112. HIGH-RISE TOWER CONFIGURATION AND ORIENTATION REQUIREMENTS.

(a) Applicability. This section applies to building sites in Subdistrict G north of Greenbriar Lane and Subdistrict H that are adjacent to or abutting the Trinity River levee.

(b) Tower separation. A minimum tower separation of 100 feet is required.

(c) Tower floor proportion. To prevent a wall effect along the Trinity River, any portion of a building greater than 75 feet in height must comply with the following:

(1) For a tower with an average floor plate of 12,500 square feet or less, tower dimension or orientation restrictions are not required.

(2) Towers with an average floor plate greater than 12,500 square feet must comply with the following:

(A) The longest floorplate dimension for a tower greater than 75 feet in height must be oriented to be perpendicular to the nearest Trinity River axis. The perpendicular tower orientation is permitted a variation up to 10 degrees from perpendicular axis.

(B) Variations in the building shape and architectural facade are permitted, but the primary mass of the building tower must be as compact as possible to maintain the perpendicular tower orientation.

(C) Floor plate dimensions may not exceed 130 feet in width and 300 feet in length.

(3) Towers may not have floor plates greater than 30,000 square feet. (Ord. Nos. 25866; 26042; 26328; 26750; 27391; 29743)

SEC. 51P-468.113. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI. (Ord. Nos. 23057; 26042; 29743)

SEC. 51P-468.114. ADDITIONAL PROVISIONS.

(a) Subject to engineering approval, permeable pavement is allowed for surface parking lots, provided that individual parking spaces are clearly marked in accordance with city standards.

(b) The Property must be properly maintained in a state of good repair and neat appearance.

(c) 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. 23057; 26042; 29743)

SEC. 51P-468.115. COMPLIANCE WITH CONDITIONS.

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city.

(b) The building official shall not issue a building permit to authorize work, or 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. (Ord. Nos. 23057; 26042; 29743)

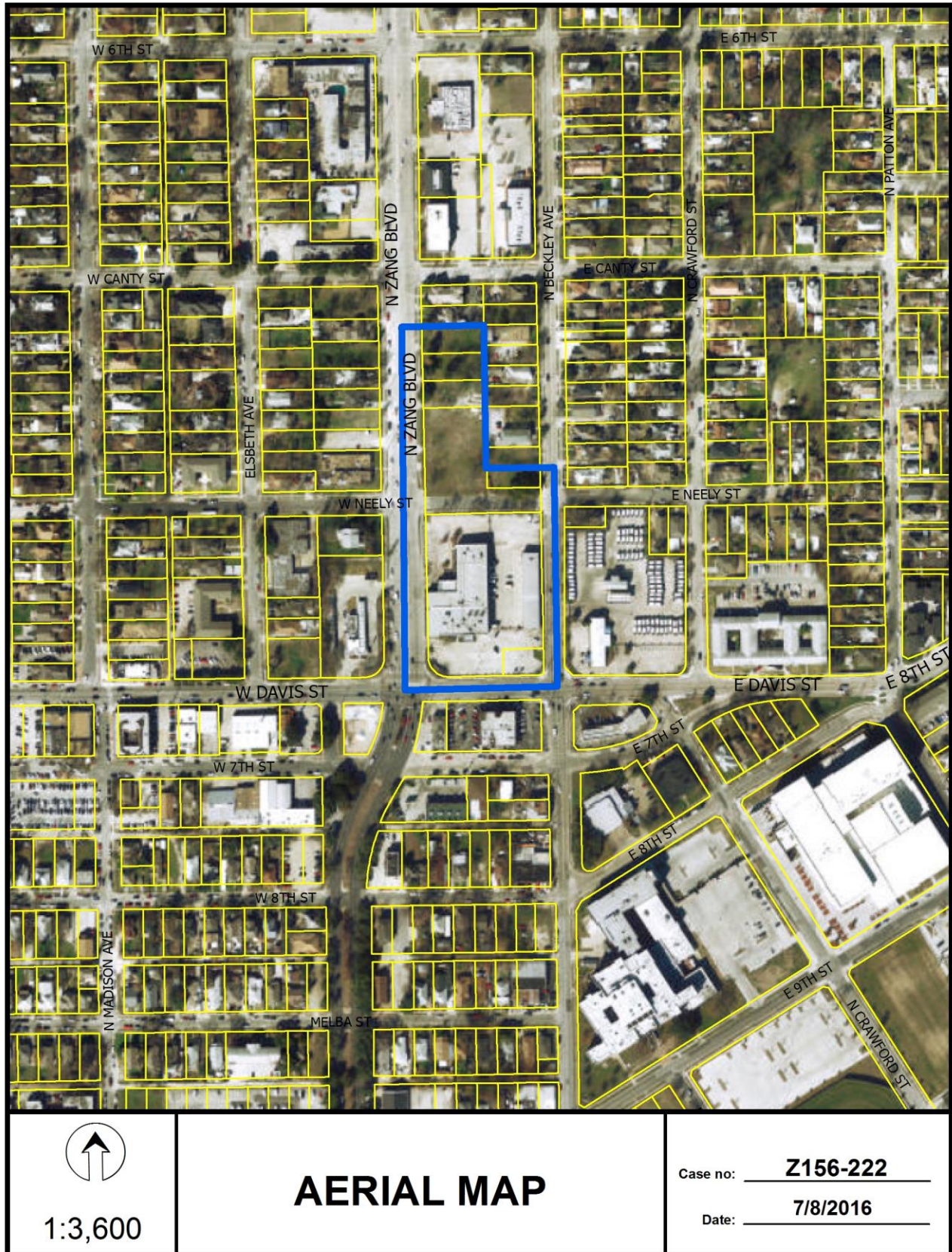
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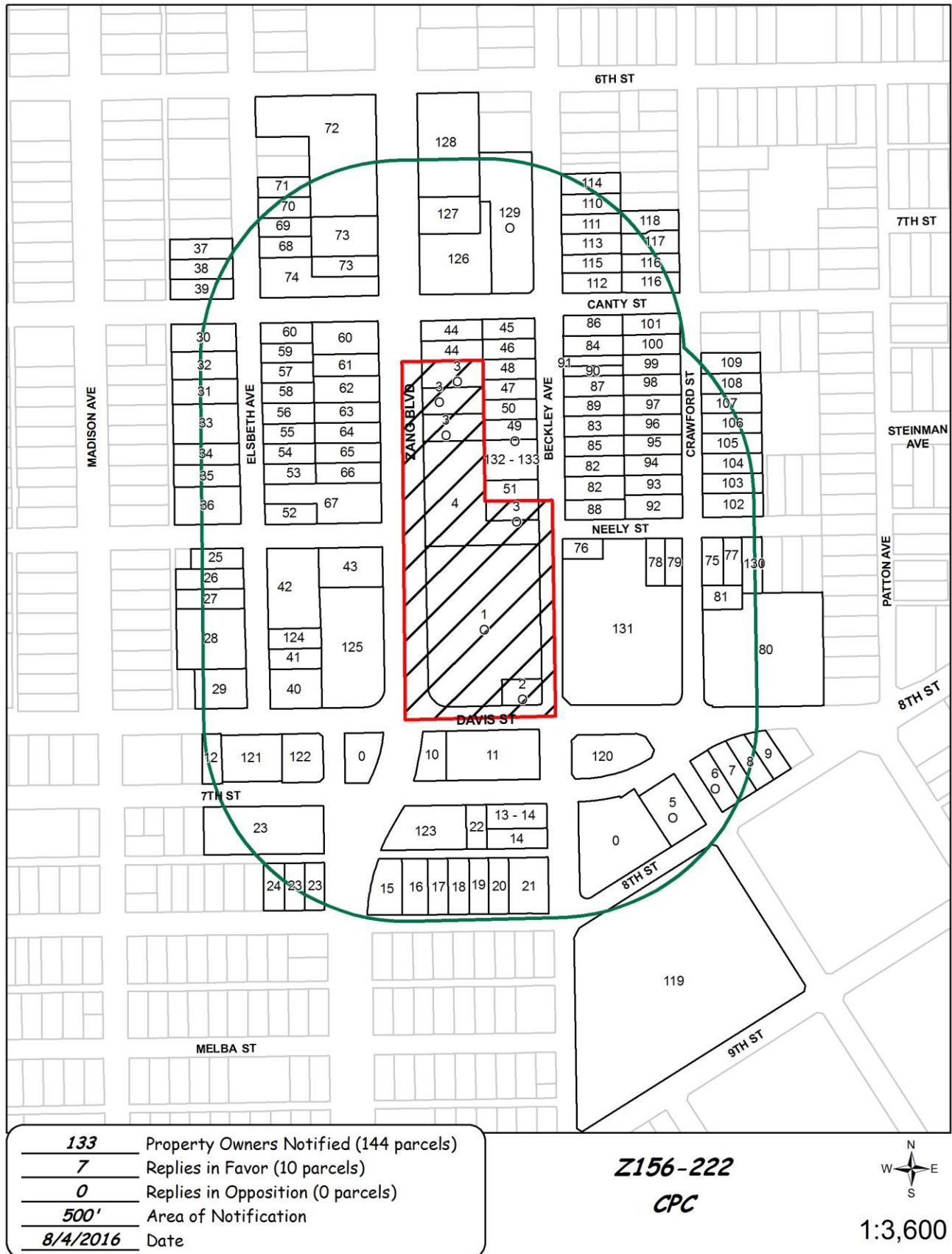


Apt APARTMENT

 MIXED USE SHOPFRONT OPEN SPACE LOT







08/03/2016

Reply List of Property Owners***Z156-222******133 Property Owners Notified******7 Property Owners in Favor******0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	612 N ZANG BLVD	DALLAS COUNTY SCHOOL
O	2	601 N BECKLEY AVE	DALLAS COUNTY SCHOOL TRUS
O	3	718 N ZANG BLVD	DALLAS COUNTY SCHOOLS
	4	710 N ZANG BLVD	DALLAS COUNTY SCHOOLS
O	5	125 E 8TH ST	SALA GARRY W
O	6	201 E 8TH ST	GOMEZ JOHN M &
	7	207 E 8TH ST	GOMEZ JOHN MARTIN
	8	215 E 8TH ST	RUIZ RAMON & BERTHA A
	9	211 E 8TH ST	TORRES MARIA
	10	510 N ZANG BLVD	BANJO VENTURES LTD
	11	108 W DAVIS ST	LA ESTRELLA DE CUELLAR INC
	12	218 W DAVIS ST	ENGLISH FAMILY LTD PS
	13	421 N BECKLEY AVE	1260 WEST SPRING
	14	423 N BECKLEY AVE	AUCTION PPTIES LLC
	15	400 N ZANG BLVD	SRK PROPERTIES LLC
	16	125 W 8TH ST	MORIEL BENITO
	17	119 W 8TH ST	SERRANO JESUS R & LUCIA
	18	117 W 8TH ST	FUENTES VICENTE M
	19	115 W 8TH ST	TOLOCKO MARK
	20	111 W 8TH ST	LAMAS PRIMITIVO
	21	105 W 8TH ST	WILSON ED
	22	114 W 7TH ST	RUIZ MANUEL SNS
	23	409 N ZANG BLVD	216 W 7TH LLC
	24	213 W 8TH ST	HERNANDEZ MARCELINA
	25	629 ELSBETH ST	629 ELSBETH ST LLC
	26	627 ELSBETH ST	ACQUISTO MICHAEL F

08/03/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	621 ELSBETH ST	MENAECHEGARY JACQUELINE
	28	615 ELSBETH ST	MATRIX PARTNERS LP
	29	609 ELSBETH ST	WEST DAVIS INVESTMENTS LLC
	30	210 W CANTY ST	MACIAS JESUS & IRMA V
	31	727 ELSBETH ST	MARTINEZ JOSE SANTOS &
	32	733 ELSBETH ST	MACIAS EDGAR A
	33	719 ELSBETH ST	ACQUISTO AMY F
	34	713 ELSBETH ST	FLORES DORA
	35	709 ELSBETH ST	CANALES ROBERTO M &
	36	701 ELSBETH ST	701 ELSBETH LLC &
	37	809 ELSBETH ST	A & E HOUSING LLC
	38	805 ELSBETH ST	MARTINEZ AGUSTIN
	39	801 ELSBETH ST	CLIMER NICHOLAS I &
	40	600 ELSBETH ST	ALIGN LP
	41	610 ELSBETH ST	FLORES JUAN &
	42	630 ELSBETH ST	BALLAS VICTOR E BALLAS LLC
	43	635 ZANG PL	BISHOP 1910 PARTNERS LTD
	44	732 N ZANG BLVD	FAZ ISMAEL
	45	737 N BECKLEY AVE	BUSTAMANTE ANTONIO &
	46	735 N BECKLEY AVE	L J GROUP
	47	727 N BECKLEY AVE	LOPEZ ISRAEL
	48	733 N BECKLEY AVE	LOPEZ ISRAEL
O	49	719 N BECKLEY AVE	TONGRA LP
	50	723 N BECKLEY AVE	YBARRA MARY MAGDALENA
	51	707 N BECKLEY AVE	GOMEZ RAY
	52	700 ELSBETH ST	BROOKS NICHOLAS
	53	708 ELSBETH ST	3M 707 ZANG LLC
	54	712 ELSBETH ST	3M 707 ZANG LLC
	55	716 ELSBETH ST	LEE MARIE E
	56	720 ELSBETH ST	AFA DEVELOPMENT LLC
	57	732 ELSBETH ST	PENA JESUS H &

08/03/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	726	ELSBETH ST	GAUCIN ROGER
59	734	ELSBETH ST	CASTILLO GERARDO
60	736	ELSBETH ST	BISHOP AVE PROPERTIES LLC
61	733	N ZANG BLVD	PENA IRMA
62	727	N ZANG BLVD	CHERNOCK CHRISTIAN
63	723	N ZANG BLVD	GOMEZ CELIA O
64	719	N ZANG BLVD	BANCO POPULAR NORTH AMERICA
65	715	N ZANG BLVD	3M 707 ZANG LLC
66	707	N ZANG BLVD	HERSH KAPLAN RAY
67	707	N ZANG BLVD	HERSH BERNARD J ETAL
68	810	ELSBETH ST	COUCH KEDRIC
69	814	ELSBETH ST	LOPEZ BENITO JR
70	818	ELSBETH ST	ELAINE S GORENSTEIN
71	820	ELSBETH ST	TOVAR MARTIN
72	835	N ZANG BLVD	GEMSK LLC
73	813	N ZANG BLVD	ARELLANO MIGUEL
74	801	N ZANG BLVD	BECKLEY PROPERTIES LTD
75	202	E NEELY ST	CASIAS MARIA DE CARMEN VILLA &
76	632	N BECKLEY AVE	PEREZ MAXIMO JR & PETRA
77	204	E NEELY ST	CUEVAS MAGDALENA A
78	116	E NEELY ST	PRADO MINERVA
79	120	E NEELY ST	AGUIRRE ANDRES &
80	205	E DAVIS ST	CFS 1 LTD
81	620	N CRAWFORD ST	DOMINGUEZ MARIA G &
82	710	N BECKLEY AVE	MARTINEZ SILVERIO SR
83	716	N BECKLEY AVE	CALDERON JORGE A
84	732	N BECKLEY AVE	MONTOYA BLANCA E L
85	714	N BECKLEY AVE	YBARRA MAGDALENA
86	736	N BECKLEY AVE	FIRA MARIA DEL CARMEN
87	724	N BECKLEY AVE	ADAMS JARED J
88	702	N BECKLEY AVE	MARTINEZ BENJAMIN

08/03/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
89	720	N BECKLEY AVE	ORTIZ JESUS & MARIA
90	728	N BECKLEY AVE	MOLLETT KENYA
91	730	N BECKLEY AVE	DIODATI MONICA CHIARA
92	701	N CRAWFORD ST	ARECHAR FRANCISCO &
93	707	N CRAWFORD ST	GONZALEZ BAYRON R &
94	711	N CRAWFORD ST	JASSO JUANA H &
95	715	N CRAWFORD ST	CHAVEZ ROMEO
96	719	N CRAWFORD ST	LOPEZ JUAN C
97	723	N CRAWFORD ST	TORRES OLGA M
98	727	N CRAWFORD ST	TORRES OLGA M
99	731	N CRAWFORD ST	GOEN ERIK D
100	735	N CRAWFORD ST	DIAZ MARIA TERESA
101	739	N CRAWFORD ST	DIAZ ELENO NINO &
102	700	N CRAWFORD ST	CENDEJAS VICENTE A
103	706	N CRAWFORD ST	ROJAS HUMBERTO CARLOS &
104	710	N CRAWFORD ST	MUNIZ MIGUEL & MARIA D C
105	714	N CRAWFORD ST	JUAREZ MARIO
106	718	N CRAWFORD ST	VALVERDE PABLO
107	722	N CRAWFORD ST	JUAREZ MARIO & EDILIA A
108	728	N CRAWFORD ST	FLORES MAURILIO &
109	730	N CRAWFORD ST	ORTIZ JESUS &
110	818	N BECKLEY AVE	PEDRO STEPHANIE
111	812	N BECKLEY AVE	TORRES MARTIN
112	800	N BECKLEY AVE	PEREZ EVANGELINA
113	808	N BECKLEY AVE	SAUCEDO NICOLAS & MARIA
114	820	N BECKLEY AVE	GARCIA RAFAEL QUEVEDO &
115	804	N BECKLEY AVE	LEVY JARED
116	801	N CRAWFORD ST	SALDIVAR FAMILY I LIMITED PARTNERSHIP
117	809	N CRAWFORD ST	MENDEZ MANUEL
118	811	N CRAWFORD ST	ESTRADA FEDERICO &
119	201	E 9TH ST	Dallas ISD

08/03/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	120	150 E DAVIS ST	GARNER BRIAN S
	121	204 W DAVIS ST	204 WD LTD
	122	202 W DAVIS ST	AJEDL LLC
	123	122 W 7TH ST	Z WASH LTD
	124	612 ELSBETH ST	BRIONES MARIA & ADOLFO
	125	235 W DAVIS ST	SRI REAL ESTATE PROPERTIES
	126	810 N ZANG BLVD	AHA GROUP LP
	127	820 N ZANG BLVD	SBK INVESTMENT LLC
	128	830 N ZANG BLVD	JT REALTY INC
O	129	815 N BECKLEY AVE	SHERRY IRWIN H & DALIA D TRUST NO 1
	130	208 E NEELY ST	BAUTISTA MANUEL
	131	111 E DAVIS ST	DALLAS COUNTY SCHOOL
	132	711 N BECKLEY AVE	BECKLEY LLC
	133	711 N BECKLEY AVE	ROBINSON DARIN A

AGENDA ITEM # 58

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 2

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 46 A

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Tract 3 to allow single family or multifamily uses within Planned Development District No. 324 on the east corner of Scurry Street and Burlew Street

Recommendation of Staff and CPC: Approval, subject to a development/landscape plan and conditions

Z156-226(WE)

HONORABLE MAYOR & CITY COUNCIL WEDNESDAY, SEPTEMBER 14, 2016
ACM: Ryan S. Evans

FILE NUMBER: Z156-226(WE) **DATE FILED:** March 8, 2016

LOCATION: East corner of Scurry Street and Burlew Street

COUNCIL DISTRICT: 2 **MAPSCO:** 46 A

SIZE OF REQUEST: Approx. 6,799 sq. ft. **CENSUS TRACT:** 15.03

APPLICANT: Green Brick Partners

OWNER: James M. Makens

REPRESENTATIVE: Robert Baldwin

REQUEST: An application for an amendment to Tract 3 to allow single family or multifamily uses within Planned Development District No. 324.

SUMMARY: The purpose of this request is to amend Tract 3 to allow a 10-unit residential project. The units may be in a shared access development or be detached units within a multifamily development. The applicant would like the flexibility to plat as a shared access development or in the same configuration but as a multifamily development.

CPC RECOMMENDATION: **Approval**, subject to a development/landscape plan and conditions.

STAFF RECOMMENDATION: **Approval**, subject to a development/landscape plan and conditions.

GUIDING CRITERIA FOR RECOMMENDATION:

Staff recommends approval based upon:

1. *Performance impacts upon surrounding property* – The amendment to Tract 3 to develop a 10-unit project should not have any negative impact on the surrounding uses. Planned Development District No. 324 is developed with industrial type uses on Tract 1 and 2. The development of residential units on Tract 3 could spur additional residential development in the area. The surrounded area is developed with various single family and multifamily uses, but there are large areas of undeveloped land.
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 a Campus Building Block. The request site is consistent with the *forwardDallas!* Comprehensive Plan.
4. *Justification for PD Planned Development District Zoning as opposed to a straight zoning district* –The applicant's request for an amendment to Tract 3 of Planned Development District No. 324 will eliminate 7,810 square feet of office, industrial (inside) or warehouse uses. The applicant is proposing to construct a 10-unit residential project. In addition, the applicant proposes alternate landscape requirements due to overhead utilities lines that are in conflict with the proposed street trees.

Zoning History: There have not been any zoning cases in the area over the past five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Scurry Street	Local	50 ft.	50 ft.
N. Carroll Avenue	Local	60 ft.	60 ft.
Bryan Street	Minor Arterial	80 ft.	80 ft.
Burlew Street	Local	40 ft.	40 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 fowardDallas! Comprehensive Plan was adopted by the City Council in June 2006. The fowardDallas! 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 in a Campus District.

The Campus Building Block focuses on areas around large master-planned educational, institutional or business facilities outside the Downtown. The University of North Texas campus was the motivating factor for creating this Building Block, although other examples exist, such as the areas around the Southwestern Medical District, the Baylor University Medical Center, the Veterans Administration Hospital and Pinnacle Park. Campus Building Blocks often act as smaller versions of a complete community and include a range of single-family and multifamily housing for students, employees and visitors. A variety of offices, shops, services and open space should exist to support the major campus employer and area residents. Over time, areas such as UNT can take on a "university town" feel as they mature. All Campus Building Block areas should have convenient transit options as an integral component. Economic development efforts should capitalize on the spin-off employment opportunities generated by the primary employers.

LAND USE ELEMENT:

GOAL 1.2 Promote desired development.

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns

Land Use Compatibility:

	Zoning	Land Use
Site	Tract 3 of PDD No. 324	Undeveloped
Northeast	Tract 2 of PDD No. 324	Undeveloped, Industrial
Southeast	Tract 1 of PDD No. 324, MU-1	Industrial, Surface parking lot
Northeast	PDD 298 Subdistrict 9 - MF-2(A)	Undeveloped
Southwest	PDD 298 Subdistrict 9 - MF-2(A)	Undeveloped, Single Family

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
PDD No. 324 - existing	Tr 1 - 5' Tr. II & III - 15'	Tr. 1 - no min. Tr. II & III - 5'	Max. fl. area 66,677 sq. ft. Max Tr.1 - 43,820 Max. Tr.2- 15,047	36'	80%	Proximity Slope Visual Intrusion	Industrial (inside), wholesale, Office
PDD No. 324 - proposed Tract 3	5'	5'	10-Units	36'	80%	Proximity Slope Visual Intrusion	Single Family

Landscaping: PD No. 324 requires that the landscaping must be provided as shown on the landscape plan. The landscaping for the 10-unit residential development for Tract 3 will comply with the development plan/landscape plan. Due to the size of the site and the conflict between the street trees and overhead utilities, the site will not meet the landscaping requirement in Article X.

	Code Requirements	CPC's Proposal
Site Trees 1:4000 sq. ft.	4 trees	6 trees
Street Trees* Large canopy trees	1:25 ft.	1:30 ft. Ornamental trees*
Landscape Area	20% of the land	Approx. 15% of the land

Note:* The Development Code allows the Director to replace the large trees for a smaller tree if there is a conflict with the utilities.

CPC Action (August 4, 2016)

Motion: It was moved to recommend **approval** of an amendment to Tract 3 to allow single family or multifamily uses, subject to a revised development/landscape plan and revised conditions (as briefed) within Planned Development District No. 324 on the east corner of Scurry Street and Burlew Street.

Maker: Rieves
Second: Anglin
Result: Carried: 13 to 0

For: 13 - Anglin, Rieves, Houston, Davis, Shidid,
Anantasomboon, Haney, Jung, Housewright,
Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Schultz
Vacancy: 1 - District 7

Notices: Area: 500 Mailed: 67
Replies: For: 2 Against: 0

Speakers: For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226
Against: None

<p>LIST OF OFFICERS Green Brick Partners.</p>
--

- James R. Brickman CEO and Director
- Richard A. Costello CFO
- Jed Dolson President

CPC PROPOSED PDD CONDITIONS

SEC. 51P-324.101. LEGISLATIVE HISTORY.

PD 324 was established by Ordinance No. 20484, passed by the Dallas City Council on October 25, 1989. Ordinance No. 20484 amended Ordinance No. 19455, Chapter 51A of the Dallas City Code, as amended.

SEC. 51P-324.102. PROPERTY LOCATION AND SIZE.

PD 324 is established on property generally located at the west corner of Carroll Avenue and Bryan Street. The size of PD 324 is approximately 1.914 acres.

SEC. 51P-324.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and provisions contained in Chapter 51A apply to this article.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article refer to articles, divisions, or sections in Chapter 51A.

(c) Tracts I and II are considered to be a non-residential zoning district.

(d) Tract III is considered to be a residential zoning district.

SEC. 51P-324.103.1. EXHIBITS.

The following exhibits are incorporated into this article:

(1) Exhibit 324A: Tract I and II development plan.

(2) Exhibit 324B: landscape plan.

(3) Exhibit 324C: Tract III development/landscape plan

SEC. 51P-324.104. DEVELOPMENT PLAN.

(a) Tracts I and II. Development and use of the Property must comply with the Tract I and II [detailed] development plan[s] (Exhibit 324A). If there is a conflict between the text of this article and the development plan, the text of this article controls.

(b) Tract III. Development and use of the Property must comply with the Tract III development/landscape plan (Exhibit 324C). If there is a conflict between the texts of this article and the development/landscape plan, the text of this article control.

SEC. 51P-324.105. USES.

(a) Tracts I and II. The following uses are the only main uses permitted [on the Property]:

--[(1)] Office.

--[(2)] Industrial (inside), limited to fabric sewing.

--[(3)] Warehouse, limited to a facility for the inside storage and distribution of items produced or manufactured at the industrial (inside) uses located on the Property

(b) Tract III. The following uses are the only main uses permitted:

--Handicapped group dwelling unit. *[SUP required if spacing component of Section 51A-209(b)(3) is not met.]*

--Local utilities

--Multifamily

--Single family

SEC. 51P-324.106. MAXIMUM FLOOR AREA AND DENSITY.

(a) Maximum floor area on the Property. Floor area for non-residential uses on the Property is limited to 66,677 square feet.

(b) Maximum floor areas on Tract I.

(1) Maximum floor area permitted on Tract I is 43,820 square feet.

(2) Maximum floor areas for all uses permitted on Tract I are as follows:

<u>Use Category</u>	<u>Maximum Floor Area</u> <u>(in square feet)</u>
Office	800
Industrial (inside)	16,900
Warehouse	25,368

(c) Maximum floor areas on Tract II.

(1) Maximum floor area permitted on Tract II is 15,047 square feet.

(2) Maximum floor areas for all uses permitted on Tract II are as follows:

<u>Use Category</u>	<u>Maximum Floor Area</u> <u>(in square feet)</u>
Office	800
Industrial (inside)	15,047
Warehouse	14,247

(d) Maximum density in [floor area on] Tract III. Maximum [floor area] density on Tract III is [~~7,810 square feet~~] 10-units.

SEC. 51P-324.107. HEIGHT.

Maximum height for any structure on the Property is 36 feet.

SEC. 51P-324.108. LOT COVERAGE.

(a) Maximum lot coverage permitted on ~~the Property~~ Tracts I and II, including parking structures, is 80 percent.

(b) Except as provided in this section, Tract III is consider to be one Lot.

(c) Maximum lot coverage permitted on Tract III is 60 percent

SEC. 51P-324.109. SETBACKS.

(a) Tract I. The setbacks required for all structures on Tract I are as follows:

(1) Five-foot front yard setback.

(2) No minimum side and rear yard setbacks.

(b) Tract[s] II [~~and III~~]. The setbacks required for all structures on Tract[s] II [~~and III~~] are as follows:

(1) Fifteen-foot front yard setback.

(2) Five-foot side and rear yard setbacks.

(c) Tract III. The setbacks required for all structures on Tract III are as follows:

(1) Five-foot front yard setback.

(2) Five-foot side and rear yard setbacks.

SEC. 51P-324.110. OFF-STREET PARKING.

(a) Tracts I and II.

(1) Parking required. Parking must be provided in accordance with the Tract I and II [detailed] development plan[s]. Parking for any future development not shown on the Tract I and II [detailed] development plan[s] and for any expansion or conversion of the existing uses must be provided in accordance with the requirements of the Dallas Development Code.

~~(2[b]) Parking demand study. The owner must submit a parking demand study to the department of public works and transportation three years from October 25, 1989. The study must delineate the existing parking layout, the demand for parking, and any changes in the number of people employed at the existing facility.~~

(b) Tract III. Two spaces per dwelling unit are required.

(d) Tract III. Development must provide 0.25 unassigned spaces for use by visitors or residents for each dwelling unit

SEC. 51P-324.110.1. TRACT III DEVELOPMENT.

(a) If developed as a shared access development, except as provided in this section, the regulations in Section 51A-4.411. "Shared Access Development" apply.

(b) The development must be provided as shown on the development plan/landscape plan (Exhibit 324C).

(c) Ingress and egress from the Property must be provided in location shown on the Tract III development plan. No other ingress or egress is permitted.

(d) The shared access area or driveway must have a minimum pavement width of 20 feet. Pavement widths are measured perpendicularly from the edge of pavement to the edge of pavement.

(e) Tract II is considered a multifamily district for determining lot coverage and lot area.

SEC. 51P-324.111. LANDSCAPING.

(a) Landscaping must be provided as shown on the landscape plans (Exhibit 324B). All landscaping must be installed within six months of October 25, 1989. ~~[All plant material must be maintained in a healthy, growing condition at all times.]~~

(b) Tract III Shared development.

Landscaping must be provided in accordance with the development plan/landscape plan (Exhibit 324 C).

(c) Plant materials must be maintained in a healthy, growing condition.

SEC. 51P-324.112. SIGNS.

(a) Except as provided in this section, ~~[All]~~ signs must comply with the provisions for non-business zoning districts ~~[contained]~~ in Article VII, ~~“Sign Regulations.”~~

(b) For a shared access development, monument signs are prohibited.

SEC. 51P-324.113. ~~[GENERAL REQUIREMENTS.]~~ 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 [the requirements of all other applicable ordinances, rules,] and regulations, and with all ordinances, rules, and regulations of the city.

SEC. 51P-324.114. ~~[PAVING.]~~ 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. ~~[director of public works and transportation.]~~

~~[SEC. 51P-324.115. COMPLIANCE WITH CONDITIONS.]~~

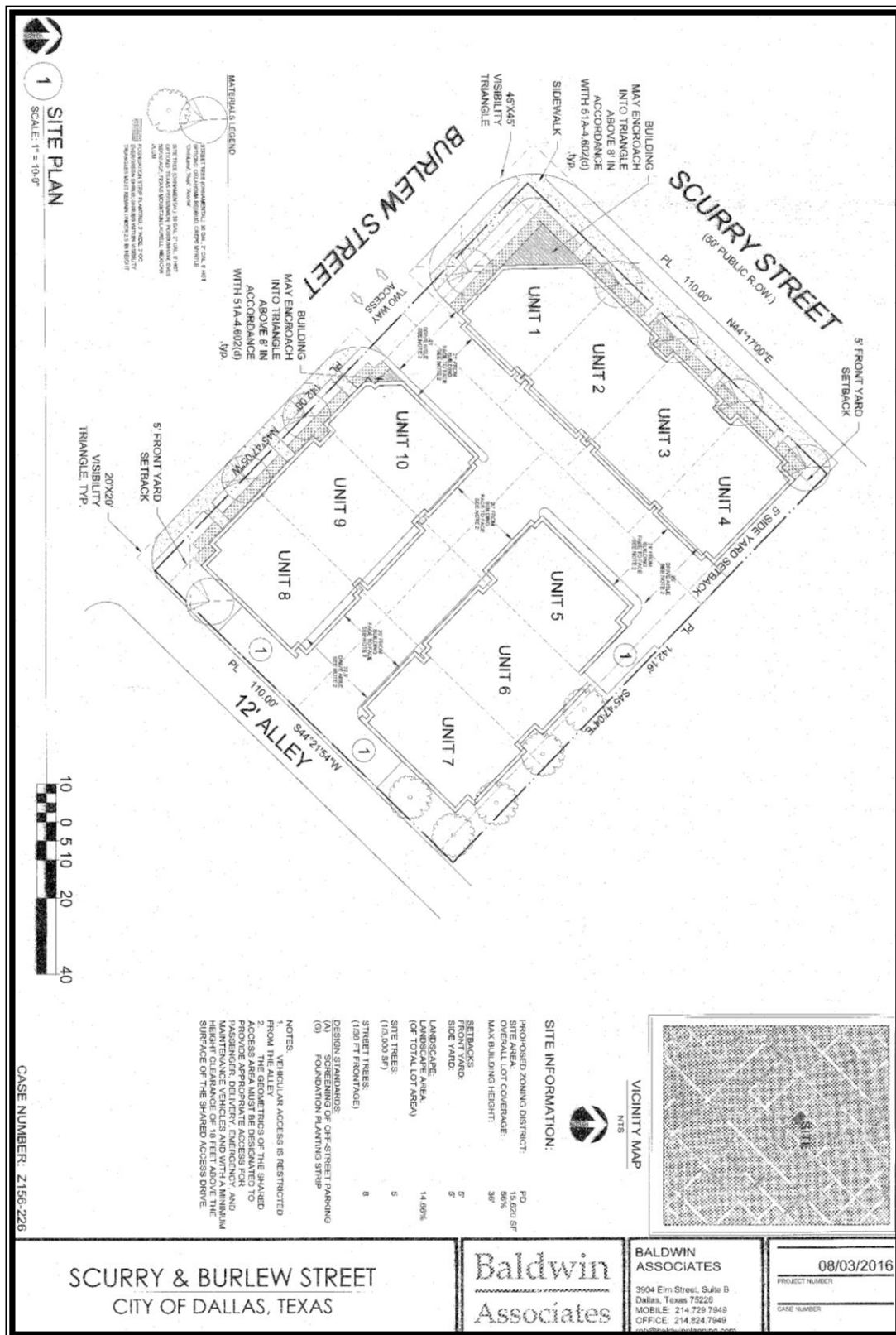
(b) The building official shall not issue a building permit to authorize work or certificate of occupancy to authorize the operation of [for] a use, [in this PD] until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other applicable ordinances, rules, and regulations of the city.

Z156-226(WE)

~~SEC. 51P-324.116. ZONING MAP.~~

~~PD 324 is located on Zoning Map No. I-8. (Ord. Nos. 20484; 25850)~~

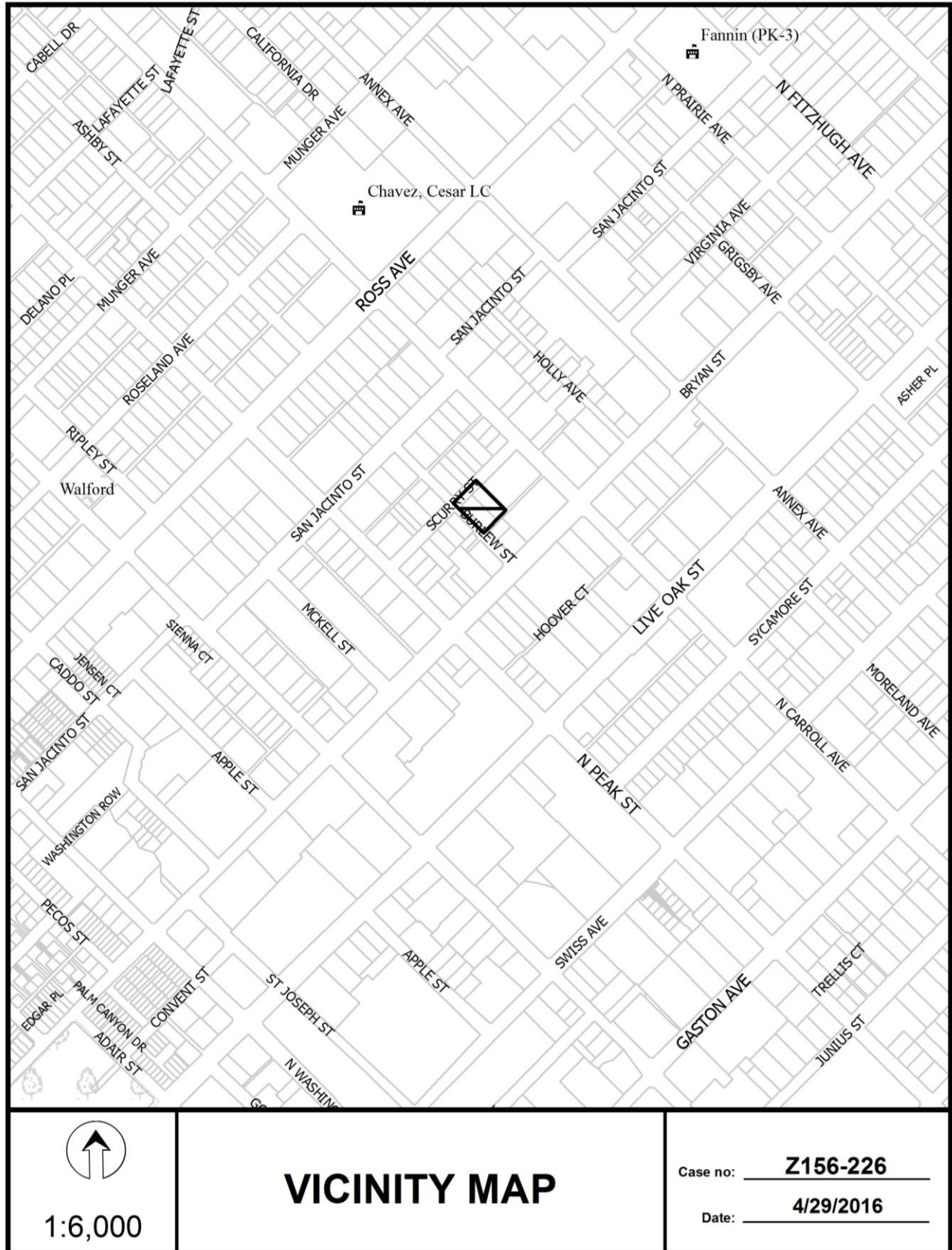
PROPOSED DEVELOPMENT PLAN

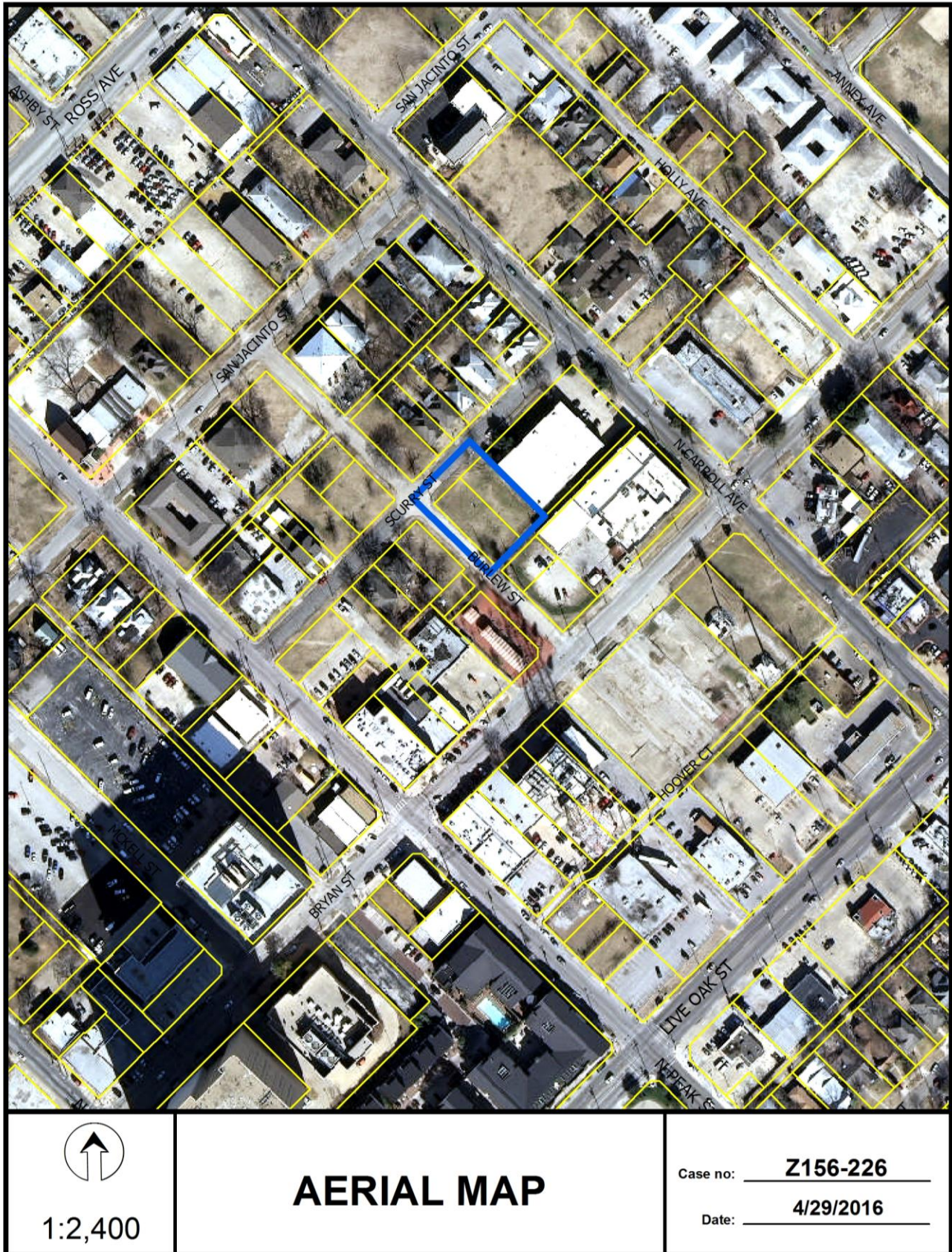


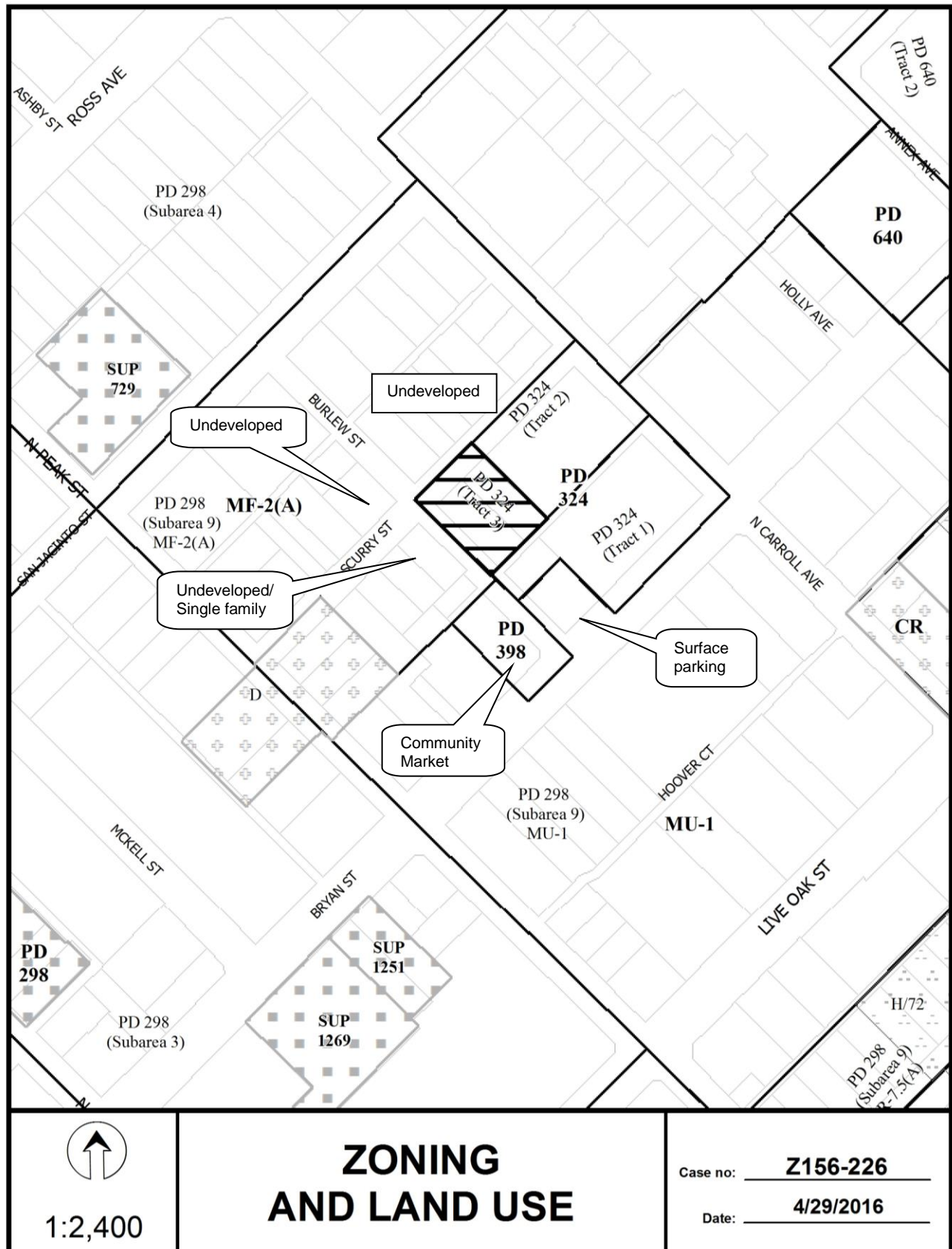




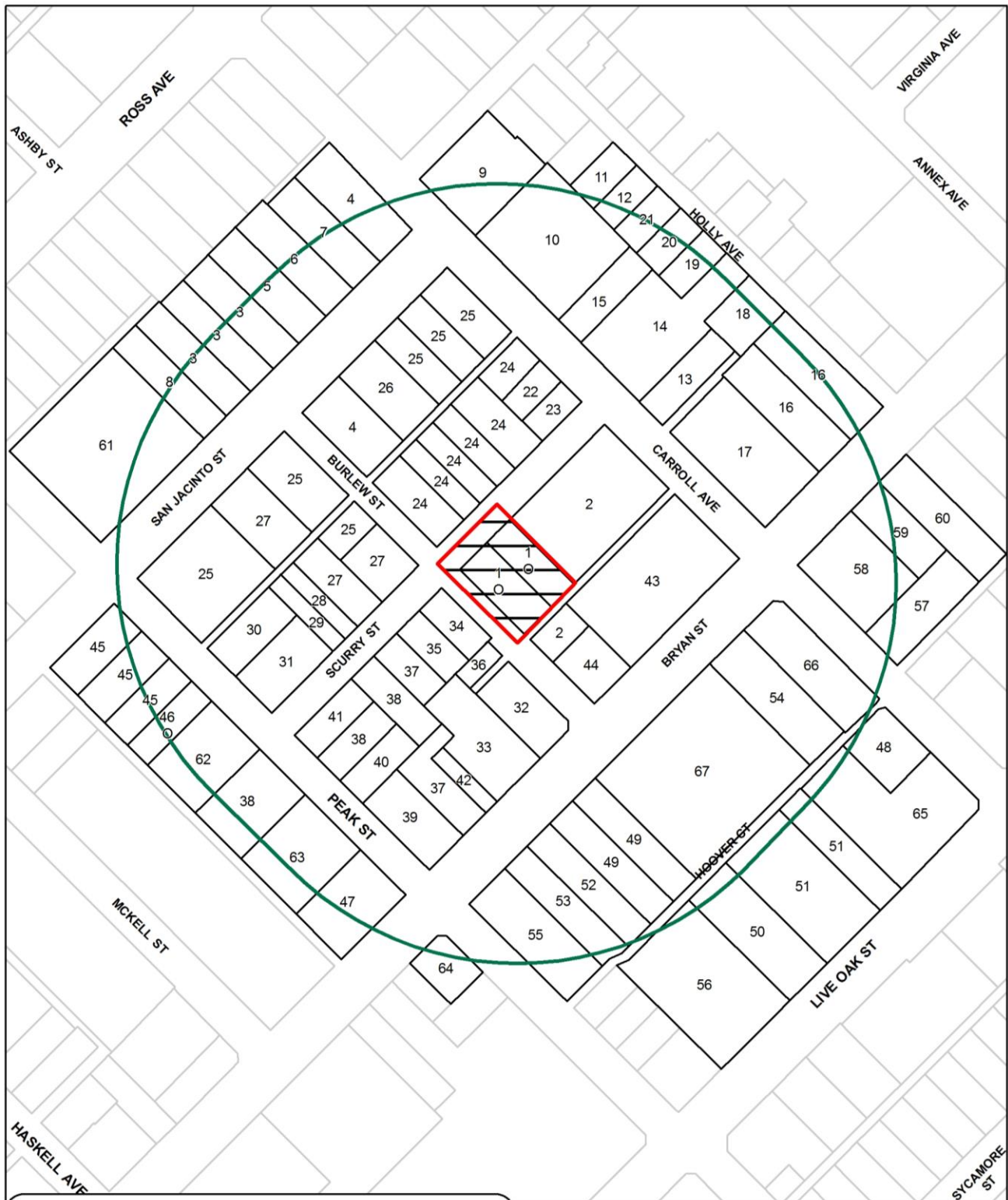
Z156-226(WE)







CPC RESPONSES



<u>67</u>	Property Owners Notified (92 parcels)
<u>2</u>	Replies in Favor (3 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>500'</u>	Area of Notification
<u>8/4/2016</u>	Date

Z156-226
CPC



1:2,400

Notification List of Property Owners

Z156-226

67 Property Owners Notified 2 Property Owners in Favor 0 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	4404 SCURRY ST	MAKENS LENDER JAMES M
	2	1408 BURLEW ST	KIPNESS MAX
	3	4403 SAN JACINTO ST	SAFEBUY PROPERTIES LLC
	4	1607 N CARROLL AVE	RGR PROPERTIES LLC
	5	4407 SAN JACINTO ST	TOMAINO PROPERTIES LP
	6	4411 SAN JACINTO ST	ROUSAN APARTMENTS LLC
	7	4415 SAN JACINTO ST	PYLON HOMES CO
	8	4319 SAN JACINTO ST	EMANUEL LUTHERAN CHURCH
	9	1530 N CARROLL AVE	CITY CHURCH INTERNATIONAL
	10	1518 N CARROLL AVE	GRAHAM MORTGAGE CORPORATION
	11	1519 HOLLY ST	GAMEZ SIXTO
	12	1517 HOLLY ST	ESPINOZA MARICRUZ
	13	1416 N CARROLL AVE	LEE ALDRIC
	14	1500 N CARROLL AVE	MCINTYRE COURTNEY ANNE
	15	1510 N CARROLL AVE	QUINTERO BERTIN
	16	4515 BRYAN ST	LIFT EDUCATION
	17	1412 N CARROLL AVE	YONG & JD INC
	18	1413 HOLLY ST	ESPINOZA ARMANDO SR
	19	1505 HOLLY ST	MENDEZ JESUS G &
	20	1511 HOLLY ST	GUAJARDO LUIS A
	21	1515 HOLLY ST	PAREDES URIEL
	22	1505 N CARROLL AVE	THREE MAD OX LLC
	23	1501 N CARROLL AVE	1501 N CARROLL LLC
	24	1509 N CARROLL AVE	TWO MAD OX LLC
	25	1515 N CARROLL AVE	HB CAPITAL DALLAS LP
	26	4406 SAN JACINTO ST	PHAN LORN C

08/03/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	4321 SCURRY ST	URBAN SOUTHWEST EASTSIDE LP
	28	4313 SCURRY ST	PACHECO MARIA
	29	4311 SCURRY ST	GOMEZ AUGUSTINE
	30	1508 N PEAK ST	PEAK 1508 LLC
	31	1502 N PEAK ST	OLD EAST PEAK LLC
	32	4319 BRYAN ST	NIDAM SAGI
	33	4315 BRYAN ST	4315 BRYAN ST PROPERTIES LLC
	34	4324 SCURRY ST	RECONCILIATION OUTREACH
	35	4320 SCURRY ST	ISYA LTD PS
	36	1413 BURLEW ST	SUN LAND RESERVE OF AMERICA INC
	37	4316 SCURRY ST	RECONCILIATION OUTREACH
	38	4310 SCURRY ST	RECONCILIATION OUTREACH
	39	4301 BRYAN ST	RECONCILIATION OUTREACH
	40	1412 N PEAK ST	RECONCILIATION OUTREACH
	41	1420 N PEAK ST	RECONCILIATION OUTREACH MINISTRIES
	42	4311 BRYAN ST	RECONCILIATION OUTREACH
	43	1401 N CARROLL AVE	J & J COMPANY
	44	4401 BRYAN ST	KIPNESS PROPERTY CO LTD
	45	1521 N PEAK ST	RECONCILIATION OUTREACH
O	46	1509 N PEAK ST	WORDEN JACQUELYN M
	47	4217 BRYAN ST	PICCOLA ERNEST CHARLES
	48	1305 N CARROLL AVE	NWC CARROLL LIVE OAK LTD
	49	4318 BRYAN ST	BORDERCOMM PARTNERS LP
	50	4321 LIVE OAK ST	MILLER TRIPLETS
	51	4409 LIVE OAK ST	BILLINGSLY L B INV CO
	52	4316 BRYAN ST	4316 BRYAN ST LP
	53	4308 BRYAN ST	ABERNETHY MEDIA
	54	4416 BRYAN ST	HUYNH LONG & KIMYEN T
	55	4302 BRYAN ST	CASS DON E TR
	56	4311 LIVE OAK ST	LILLARD FRANK H &
	57	1316 N CARROLL AVE	BURGER KING CORPORATION

Z156-226(WE)

08/03/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	4502 BRYAN ST	FONBERG REAL ESTATE INV
	59	4510 BRYAN ST	QUANTUM BUILDING
	60	4514 BRYAN ST	BRYAN RIDGE JOINT VENTURE
	61	4301 SAN JACINTO ST	EMANUEL LUTHERAN CHURCH
	62	1503 N PEAK ST	RECONCILIATION OUTREACH
	63	1411 N PEAK ST	RECONCILIATION OUTREACH
	64	1333 N PEAK ST	WRPV XI VUE LO DALLAS LP
	65	4423 LIVE OAK ST	LUCKY JAMAL USA LLC
	66	1321 N CARROLL AVE	1250 WDT LTD
	67	4408 BRYAN ST	DFW MLA OPPORTUNITY

AGENDA ITEM # 59

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 2

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 46 E

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a CR Community Retail District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an LO-3 Limited Office District, on the west corner of North Haskell Avenue and Worth Street

Recommendation of Staff and CPC: Approval, subject to deed restrictions volunteered by the applicant

Z156-268(AR)

FILE NUMBER: Z156-268(AR) **DATE FILED:** May 26, 2016

LOCATION: West corner of North Haskell Avenue and Worth Street

COUNCIL DISTRICT: 2 **MAPSCO:** 46 E

SIZE OF REQUEST: 0.257 acres **CENSUS TRACT:** 22.00

APPLICANT: Owen Malloy Investments

OWNER: Owen Malloy Investments

REPRESENTATIVE: Viggo Ulrich

REQUEST: An application for a CR Community Retail District with deed restrictions volunteered by the applicant on property zoned an LO-3 Limited Office District.

SUMMARY: The purpose of this request is to accommodate a restaurant use in the current structures located on the premises. The deed restrictions will limit the following uses: auto service center, car wash, dry cleaning or laundry store, general merchandise or food store 3,500 square feet or less, general merchandise store greater than 3,500 square feet, liquor store, motor vehicle fueling station, pawn shop, and tower or antenna for cellular communication. The deed restrictions will also limit the hours of allowed outside amplification.

CPC RECOMMENDATION: Approval, subject to deed restrictions volunteered by the applicant.

STAFF RECOMMENDATION: Approval, subject to deed restrictions volunteered by the applicant.

GUIDING CRITERIA FOR STAFF RECOMMENDATION:

Staff recommends approval based upon:

1. *Performance impacts upon surrounding property* – The proposed CR Community Retail District will remain consistent with the existing commercial and office uses in the surrounding area. The proposed zoning will match the existing CR District located southeast of the site.
2. *Traffic impact* – The proposed zoning change is located on a principal arterial street and will not have a negative impact on the existing street system.
3. *Comprehensive Plan or Area Plan Conformance* – The *forwardDallas! Comprehensive Plan* shows that the request site is located in the Campus District Building Block. The proposed use is consistent with this Building Block by providing a service to “support the major campus employer and area residents.”

BACKGROUND INFORMATION:

- The current business operating on the site is classified as a “Business School” for the culinary arts. A CO (Certificate of Occupancy) was issued for Vestals Culinary Arts Center on October 28, 2015.
- This site has received CO’s for various catering and restaurant uses dating back to 1983.
- The applicant proposes to add a restaurant element to the existing use.

Zoning History: There have not been any recent zoning changes requested in the area within the last five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
North Haskell Ave	Principal Arterial	50 ft.
Worth St	Local	50 ft.

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 within a Campus District Building Block.

The Campus Building Block focuses on areas around large master-planned educational, institutional or business facilities outside the Downtown. The University of North Texas campus was the motivating factor for creating this Building Block, although other

examples exist, such as the areas around the Southwestern Medical District, the Baylor University Medical Center, the Veterans Administration Hospital and Pinnacle Park. Campus Building Blocks often act as smaller versions of a complete community and include a range of single-family and multifamily housing for students, employees and visitors. A variety of offices, shops, services and open space should exist to support the major campus employer and area residents.

The proposed zoning change complies with the intent of the Campus District Building Block established in the *forwardDallas!* Comprehensive Plan.

Surrounding Land Use:

	Zoning	Land Use
Site	LO-3	Business School
Northeast	LO-3	Office
Southeast	CR	Commercial
Southwest	LO-3	Undeveloped
Northwest	LO-3	Office

Land Use Compatibility: The request site is approximately 0.257 acres of land and is currently partially developed with a 1,540 square foot occupied structure operating as a business school for the catering industry. The northern parcel on the site is currently undeveloped. The adjacent land use surrounding the request site consists of office uses to the northeast, a commercial auto repair shop to the southeast, undeveloped land to the southwest, and office uses to the northwest. A parking lot in an MC-3 District exists to the east of the site.

The purpose of the CR District is to accommodate a restaurant use in the current structure located on the site. The restaurant use will provide the applicant the opportunity to expand the existing business to provide retail service for the surrounding area. The applicant has volunteered deed restrictions to limit the following uses: dry cleaning or laundry store, motor vehicle fueling station, tower or antenna for cellular communications, auto service center, car wash, liquor store, and pawn shop in the event of a change in use of the site.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
LO-3 - existing Limited Office	15'	20' adjacent to residential OTHER: No Min.	1.75 FAR	115' 9 stories	80%	Proximity Slope Visual Intrusion	Office
CR – applicant's proposal Community Retail	15'	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office	54' 4 stories	60%	Proximity Slope Visual Intrusion	Retail & personal service, office

Landscaping: All landscaping must comply with the requirements of Article X.

Z156-268(AR)

Partners

Owner:

Owen Malloy Investments, LLC
6326 Prospect Ave
Dallas, TX 75214

Robert Heidger, President

DEED RESTRICTIONS

THE STATE OF TEXAS)

) KNOW ALL PERSONS BY THESE PRESENTS:

COUNTY OF DALLAS)

I.

The undersigned, Owen Malloy Investments, LLC (“the Owner”), is the owner of the following described property (“the Property”), Being a portion of Lots 9 and 10, in Block 790, of W.B. Miller's Revised Addition, an addition to the City of Dallas, Dallas County, Texas, according to the Map thereof recorded in Volume 84, Page 597, Map Records, Dallas County, Texas, same being that tract of land conveyed to Owen Malloy Investments LLC, a Texas limited liability company, by deed recorded in Instrument No. 201600100943, Official Public Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a point for corner, said corner being the intersection of the Southeast corner of N. Haskell Avenue (public right-of-way), and being the Northwest corner of Worth Street (public right-of-way);

THENCE South 45 degrees 00 minutes 00 seconds West, along the Northwest line of said Worth Street, a distance of 85.00 feet to a point for corner;

THENCE North 45 degrees 52 minutes 40 seconds West, along the Southwest line of herein described tract, a distance of 130.35 feet to a point for corner;

THENCE North 45 degrees 00 minutes 00 seconds East, along the Southeast line of herein described tract, a distance of 85.00 feet to a point for corner;

THENCE South 45 degrees 52 minutes 40 seconds East, along the Southwest line of herein described tract, a distance of 130.35 feet to the POINT OF BEGINNING and containing 11,078 square feet or 0.25 acres of land.

II.

The owner does hereby impress all of the Property with the following deed restrictions (“restrictions”), to wit:

1. The following main use is not permitted:
 - Auto service center.
 - Car wash.

- Dry cleaning or laundry 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.
 - Pawn shop.
 - Tower or antenna for cellular communication.
2. Outside amplification is limited to the hours of 8:00 AM to 10:00 PM, Sunday through Thursday and 8:00 AM to 12:00 AM, Friday and Saturday.

III.

These restrictions shall continue in full force and effect for a period of 20 years from the date of execution, and shall automatically be extended for additional periods of 10 years unless amended or terminated in the manner specified in this document.

CPC ACTION - August 4, 2016:

Motion: It was moved to recommend **approval** of a CR Community Retail District with deed restriction volunteered by the applicant, subject to revised deed restrictions volunteered by the applicant (as briefed) on property zoned an LO-3 Limited Office District, on the western corner of North Haskell Avenue and Worth Street.

Maker: Rieves

Second: Anglin

Result: Carried: 13 to 0

For: 13 - Anglin, Reives, Houston, Davis, Shidid,
Anantasomboon, Haney*, Jung, Housewright,
Peadon, Murphy, Ridley, Tarpley

Against: 0

Absent: 1 - Schultz

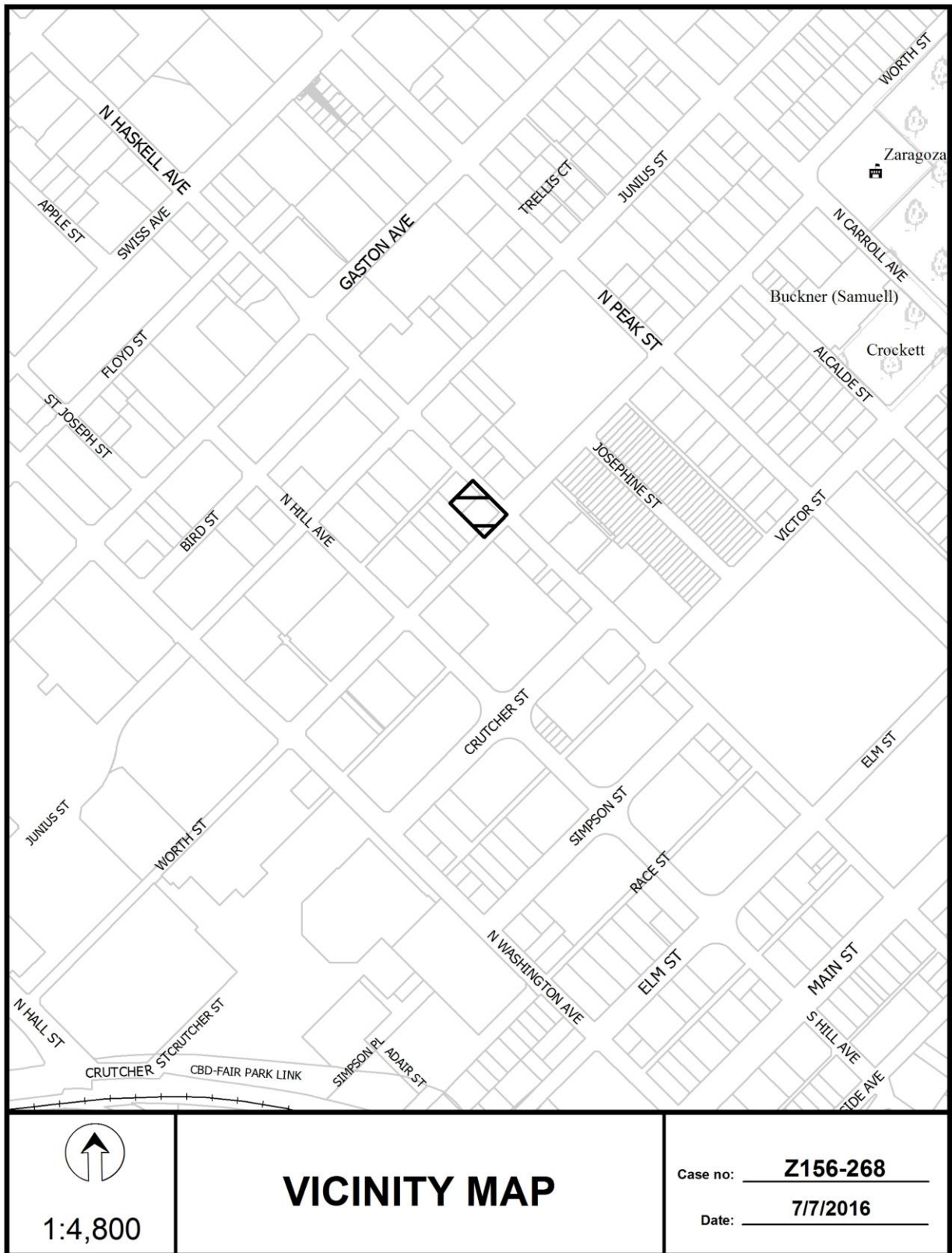
Vacancy: 1 - District 7

*out of the room, shown voting in favor

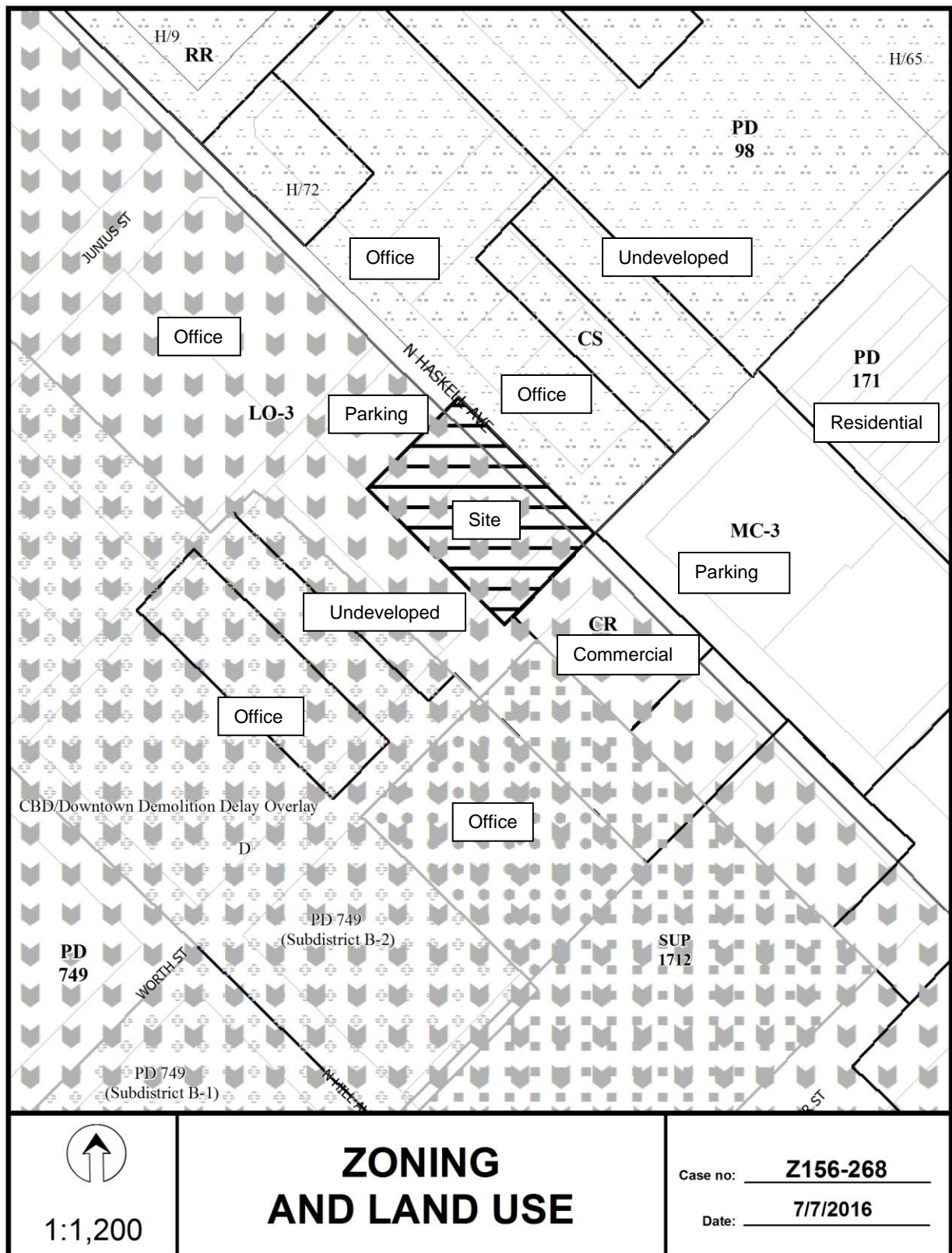
Notices: Area: 200 Mailed: 25

Replies: For: 1 Against: 0

Speakers: For: Viggo Ulrich, 2801 Lawing Ln., Rowlett, TX, 75088
Against: None







CPC Responses



08/03/2016

Reply List of Property Owners***Z156-268******25 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	607 N HASKELL AVE	COLEMAN JAMES E JR
	2	601 N HASKELL AVE	MARSON INVESTMENTS LLC
	3	613 N HASKELL AVE	OWENS FRED D MD &
	4	4008 JUNIUS ST	BAYLOR HEALTH CARE SYSTEM
	5	4020 JUNIUS ST	BAYLOR HEALTH CARE SYSTEM
	6	4016 JUNIUS ST	BAYLOR UNIVERSITY MED CTR
	7	4001 WORTH ST	BAYLOR HEALTH CARE SYSTEM
	8	4015 WORTH ST	INCA MANAGEMENT LLC
	9	4021 WORTH ST	BAYLOR HEALTH CARE SYS I
	10	4025 WORTH ST	BAYLOR HEALTH CARE SYSTEM
	11	4112 JUNIUS ST	DUJKA PAUL JR &
O	12	618 N HASKELL AVE	THOMI MARK S
	13	612 N HASKELL AVE	OWENS FRED D &
	14	4107 WORTH ST	KHADIVI KAMBIZ
	15	608 N HASKELL AVE	OWENS FRED D MD & ROBERT M OWENS MD
	16	520 N HASKELL AVE	Dallas ISD
	17	527 N HASKELL AVE	ANGEL RANGEL V
	18	517 N HASKELL AVE	METZ DENNIS P
	19	4026 JUNIUS ST	BAYLOR HEALTH CARE SYSTEM
	20	4104 JUNIUS ST	FRED D OWNES MD & ROBERT
	21	629 N PEAK ST	EAST DALLAS CHRISTIAN
	22	571 JOSEPHINE ST	MURPHY LOYCE
	23	9011 WORTH ST	DTS ASSOC LTD
	24	4004 WORTH ST	BAYLOR HEALTH CARE SYSTEM
	25	4004 WORTH ST	HRT PROPERTIES OF TX LTD

AGENDA ITEM # 60

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 14, 2016
COUNCIL DISTRICT(S): 14
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: 36 Y

SUBJECT

A public hearing to receive comments regarding a Landmark Commission authorized hearing to consider an Historic Overlay for Lakewood Theater on property zoned Subdistrict J in Planned Development District No. 281, the Lakewood Special Purpose District on the northwest side of Abrams Road, southwest of La Vista Drive and an ordinance granting the Historic Overlay for the Lakewood Theater

Recommendation of Staff: Approval, subject to staff's recommended preservation criteria

Recommendation of CPC: Approval, subject to preservation criteria

Recommendation of Landmark Commission: Approval, subject to preservation criteria
Z156-186(MD)

FILE NUMBER: Z156-186(MD)

DATE FILED: September 8, 2015

LOCATION: Northwest side of Abrams Road, southwest of La Vista Drive

COUNCIL DISTRICT: 14

MAPSCO: 36-Y

SIZE OF REQUEST: .43 acres

CENSUS TRACT: 0014.00

APPLICANT/OWNER: W. W. Willingham III

REPRESENTATIVE: Santos Martinez

REQUEST: A Landmark Commission Authorized Hearing to consider an Historic Overlay for Lakewood Theater on property zoned Subdistrict J in Planned Development District No. 281, the Lakewood Special Purpose District.

SUMMARY: The Lakewood Theater was constructed in 1938 by the Interstate Theater Circuit Inc., a Dallas-based company built and led by Dallasite Karl Hoblitzelle. The Art Deco theater was designed by Dallas architect H. F. Pettigrew of Pettigrew and Worley, and built by Edward T. Moore with Dines & Kraft and George P. O'Rourke Construction Company. A significant property must meet 3 of 10 designation criteria. This property has been determined to meet 8.

CPC RECOMMENDATION: Approval, subject to preservation criteria.

LANDMARK COMMISSION RECOMMENDATION: Approval, subject to preservation criteria.

STAFF RECOMMENDATION: Approval, subject to staff's recommended preservation criteria.

GUIDING CRITERIA FOR RECOMMENDATION:

Staff recommends approval based upon the following:

1. Both the Landmark Commission and its Designation Committee have determined this complex to be historically significant under eight designation criteria. These criteria are: history, heritage and culture; significant persons; architecture; Architect or master builder; historic context; unique visual feature; national and state recognition; and historic education.
2. The proposed historic overlay will protect the primary facades facing along Abrams Road while allowing for new storefront infill and construction in build zones.
3. The overlay designation does not change the base zoning or permitted uses for the property.
4. The request complies with the Comprehensive Plan.

BACKGROUND INFORMATION:

- After Lakewood Theater was authorized by the Landmark Commission on September 8, 2015, the Designation Committee of the Landmark Commission met twice (September 23 and October 21, 2015) with the Owner and Owner's representatives to work on the landmark nomination form and preservation criteria.
- This preservation criteria also includes protection of the historic murals by interior decorator/muralist Eugene Gilboe and artist Perry Nichols located in the lobby space as well as specific parking allowances.
- The Designation Committee approved the designation report, comprised of the landmark nomination form and preservation criteria, on October 21, 2015.
- The Landmark Commission approved the designation on December 7, 2015.

STAFF ANALYSIS:

Comprehensive Plan:

The historic overlay is consistent with the Land Use, Environment and Neighborhoods Elements of the Comprehensive Plan. Historic preservation has played a key role in defining Dallas' unique character. Preservation of open spaces that are historically and environmentally significant creates a direct, visual link to the past, contributing to a "sense of place."

Goal 1.4 Coordinate Planning Activities to Balance Transportation, Land Use, Infrastructure and the Environment

Policy 1.4.3 Embrace environmental sustainability.

Goal 6.4 Identify, Protect and Restore Open Space

Policy 6.4.1 Identify and prioritize ecologically sensitive areas.

Policy 6.4.2 Protect open space.

Policy 6.4.3 Acquire natural areas.

Policy 6.4.4 Restore and manage sensitive areas.

Goal 7.2 Preservation of Historic and Cultural Assets

Policy 7.2.3 Support education and community awareness.

Policy 7.2.4 Protect historic and cultural assets.

Parking:

Historic research indicates that the theater in 1938 had 1,102 seats. When Chapter 51 was enacted in 1947, four seats required one parking space. Based on the latest Certificate of Occupancy in 2004, the seating of the theater was reduced to 924, which would have required 231 spaces. Prior to 1947, parking was not required by Code. Uses in existence before 1947 did not have to provide parking if the use continued in the same size. The required parking per the 1947 Code that were not provided were considered Delta Credits. If the size of the use decreased or the use changed that required fewer spaces, Delta Credits were lost. If the change required more parking, the use must provide the additional spaces over the Delta Credit number.

The Landmark Commission recommended parking for a theater use be reduced by 231 spaces (current Delta Credits). All other uses would be required to park to Code.

Staff's recommendation is to not require parking for any use located inside the existing theater space. A dance hall use located anywhere on the property would need to park to Code. Chapter 51A does not allow Delta Credits be used for required parking for a dance hall. Uses located within any buildings constructed after the establishment of the Historic Overlay must park to Code. Staff believes this recommendation would encourage the adaptive re-use of the existing structure while protecting the historic structure.

The Applicant's request is to not require parking for office; restaurant, food, and drink services; retail or personal service uses in any location on the site.

Based on the request from the Applicant, CPC approved the recommendation for parking in Section 11.1 to include the following language: "No parking is required for any use operating within the Main Building or the 1980's Addition."

Additional CPC recommendations:

During the CPC hearing, the Applicant requested several additional changes to the Landmark Commission recommended preservation criteria. The changes include 1) removing roofing materials having to be preserved and maintained; 2) adding additional language about a Certificate of Appropriateness application not being required for repair of the roof, roof flashing, roof mounted mechanical and electrical equipment, or for the installation of new, or the replacement of existing mechanical or electrical equipment, including new mechanical penthouse or elevator penthouse, provided it complies with the screening and set back requirements described in Section 9.2; and 3) allowing for greater leeway on signage on the protected façade A1 to include possible signage on the existing marquee. CPC recommended approval of these requests.

CPC ACTION – June 30, 2016

Z156-156(MP)

Motion: It was moved to recommend **approval** of a Landmark Commission Authorized Hearing to consider an Historic Overlay for Lakewood Theater, subject to staff's recommended preservation criteria with the following modifications: 1) In the ordinance, Section 3, insert at the beginning of the first sentence "Subject to the Preservation Criteria described below," 2) In the Preservation Criteria revised section regarding ROOFS, to read as follows: "6.1 The historic slope, amassing and configuration of the roof must be preserved and maintained.", 3) In the Preservation Criteria revised ROOFS, Section 6.2 to read as follows: "A Certificate of Appropriateness is not required for repair of the roof, roof flashing, roof mounted mechanical and electrical equipment, or for the installation of new, or the replacement of existing mechanical or electrical equipment, including new mechanical penthouse or elevator penthouse, provided it complies with the screening and set back requirements described in Section 9.2", 4) In Preservation Criteria, Section 10.2(a) revise as follows: Strike the sentence "Such new signage is restricted to the area of the existing marquee signage where interchangeable letters could be hung.", and 5) In Preservation Criteria, Section 11.1 include the following language (applicable to uses for existing buildings): "No parking is required for any use operating within the Main Building or the 1980's Addition." on property zoned Subdistrict J in Planned Development District No. 281, the Lakewood Special Purpose District on the northwest side of Abrams Road, southwest of La Vista Drive.

Maker: Ridley
Second: Murphy
Result: Carried: 13 to 0

For: 10 - Anglin, Houston*, Shidid, Anantasomboon,
Abtahi, Haney, Jung, Housewright, Schultz,
Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 2 – Rieves, Davis
Vacancy: 0

Notices: Area: 200 Mailed: 15
Replies: For: 3 Against: 0

Speakers: For: Tommy Mann, 2728 N. Harwood St., Dallas, TX, 75201
For (Did not speak): Norman Alston, 400 N. Ervay St., Dallas, TX, 75201
Against: None
Staff: Mark Doty, Chief Historic Planner

LANDMARK COMMISSION ACTION: (December 7, 2015)

This item appeared on the Commission's discussion agenda.

Motion: Approval, subject to preservation criteria with Section 3 to follow staff recommendation, Section 11 modified that delta credits as determined by Building Inspection be maintained for theatre use any change in use will require compliance with the Development Code.

Maker: *Tapscott

Second: Birch

Results: 13/0

Ayes: Amonett, Birch, Birrer, Bowers, Flabiano,
Gadberry, Jordan, Maten, Parsons, *Sherman,
Tapscott, Thomas-Drake, Williams

Against: None

Absent: Childers, Johnson, Seale

Vacancies: Dist. 7 and 10

Dallas Landmark Commission
Landmark Nomination Form

1. Name**historic:** Lakewood Theater**and/or common:****date:** 1938**2. Location****address:** 1825 Abrams Road, Dallas, Texas 75214**location/neighborhood:** Munger Place Heights**block:** 6 **lot:** 1884 ½ **land survey:** R. Ray Survey, Abstract 1242 **tract size:**
10,153 SF**3. Current Zoning****current zoning:** Planned Development District 281 Subdistrict J**4. Classification**

Category	Ownership	Status	Present Use	_____museum
_____district	_____public	_____occupied	_____agricultural	_____park
<input checked="" type="checkbox"/> building(s)	<input checked="" type="checkbox"/> private	<input checked="" type="checkbox"/> unoccupied	<input checked="" type="checkbox"/> commercial	_____residence
_____structure	_____both	<input checked="" type="checkbox"/> work in progress	_____educational	_____religious
_____site	Public	Accessibility	_____entertainment	_____scientific
_____object	Acquisition	<input checked="" type="checkbox"/> yes:restricted	_____government	_____transportation
	_____in progress	_____yes:unrestricted	_____industrial	_____other, specify
	_____being considered	_____no	_____military	_____

5. Ownership**Current Owner:** WW Willingham Family Limited Partnership No. II, K&B La Vista Texas, Ltd., K&B Collins Texas, Ltd., K&B Josey Texas, Ltd, Garner 720, Ltd as tenants-in-common.**Contact:** Craig Kinney**Phone:** (214) 343-9119**Address:** 8525 Ferndale Rd, Suite 204**City:** Dallas**State:** TX**Zip:** 75238**6. Form Preparation****Date:** October 5, 2015

Z156-186(MD)

Name & Title: Nicky DeFreece Emery, Architectural Historian and Conservator on behalf of
Alston Architects

Organization: Adapt/re:Adapt Preservation and Conservation, LLC

Contact: Nicky DeFreece Emery

Phone: 214-417-7910

7. Representation on Existing Surveys

<i>Alexander Survey (citywide)</i>	<i>local</i>	<i>state</i>	<i>national</i>	<i>National Register</i>
<i>H.P.L. Survey (CBD)</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>Recorded TX Historic Ldmk</i>
<i>Oak Cliff</i>				<i>TX Archaeological Ldmk</i>
<i>Victorian Survey</i>				
<i>Dallas Historic Resources Survey, Phase</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<i>high</i>	<i>medium</i>	<i>low</i>	

For Office Use Only

Date Rec'd: _____ Survey Verified: Y N by: _____ Field Check by: _____ Petitions Needed: Y N
Nomination: _____ Archaeological Site _____ Structure(s) _____ Structure & Site _____ District _____

8. *Historic Ownership*

original owner: Dines and Kraft, owners; Interstate Theater Circuit, Inc. (Karl Hoblitzelle), theater lease holder

significant later owner(s):

9. Construction Dates

original: 1938
alterations/additions:

10. Architect

original construction: H. F. Pettigrew, Pettigrew and Worley
alterations/additions:

11. Site Features

natural: located in the urbanized area of Lakewood on a triangular lot, surrounded by retail development, parking, and city streets at the intersection of Abrams and La Vista

urban design: Part of Lakewood Shopping Center, a retail strip center

12. Physical Description

Condition, check one:

 excellent

X *good*

___fair

_____ *deteriorated*

ruins

unexposed

unaltered

 altered

Check one:

 original site

moved(date)

Describe present and original (if known) physical appearance. Include style(s) of architecture, current condition and relationship to surrounding fabric (structures, objects, etc). Elaborate on pertinent materials used and style(s) of architectural detailing, embellishments and site details.

The Lakewood Theater¹ was designed as a free-standing building but shares a wall with a later building that currently contains the Balcony Bar and the Arcade Bar. The bulk of the L-shaped theater is set back and to the left, expressed in a large mass that is stepped down, in typical Art Deco fashion, to the stage area. The entrance features a large V-shaped projecting marquee with a 100-foot-tall red and green neon-lit tower reading "Lakewood" on the left and a smaller version of the same tower element on the right in front of where the addition now stands. The porcelain enamel front, towers, attraction board and marquee ceiling were all built and installed by Dallas's famous Texlite sign company.² The entrance marquee is neon-lit and made of enameled metal panels on which is printed a graphic pattern. Built into this system are movie poster displays and other theater necessities such as a ticket booth. The remainder of the building is faced in stucco sculpted to achieve its stepped effect and the base of the wall is accented with a darker maroon color.

Multiple glass doors lead to the two-story lobby decorated in red, gold, pink, and green. A dramatic staircase designed by Henry Potter of Potter Art Metal Studios, Dallas and containing aluminum and brass moldings leads to the balcony level. Whimsical murals behind the concession area and along the upper lobby walls and balcony depict Disney characters Mickey Mouse, Donald Duck, and Goofy, as well as princes, soldiers, dancers, cowboys, and international figures in traditional costume. The murals were painted by Perry Nichols, one of the famed "Dallas Nine" artists. The lobby features a grand piano-shaped mirrored ceiling of peach-colored glass manufactured by Alamo Plate Glass Company. The walls of the restrooms picture brightly colored bird figures against a backdrop of red, gold, pink, and green.³

Inside the auditorium, life-sized female sculptures by José Martin (a French sculptor who also executed sculptures for the 1936 Texas Centennial and other locations in Dallas), aisle lighting, neon wall fixtures adorn the room, which hold 1,000 seats. The Lakewood was one of Dallas's first air-conditioned theaters. It was also innovative in providing in-seat audio jacks for the hearing impaired. By 1956, the theater boasted Dallas's first automated paid parking lot in front of the building; at an unknown date it installed a seating area for wheelchairs.⁴

Renovations and alterations of the theater are known to have occurred in 1952, when the box office was relocated and a concession area installed; in 1953, when the screen was enlarged; and in 1969, when the a new box office was added, entrance doors relocated and replaced, and first floor restrooms remodeled. In 1983, a major renovation resulted in the restoration of several of the murals, and

1 Portions of this document adapted from "Lakewood Theater: Historical Significance," unpublished document prepared by Preservation Dallas, September 4, 2015, with contributions by Nicky DeFreece Emery, Nancy McCoy, and David Preziosi.

2 "Texlite Grows to National Leadership," Dallas Morning News, April 20, 1957:2.

3 The Lakewood Starwalk, Jeanette Howeth Crumpler and James H. Davis, Nortex Press, Austin, TX, 1998:9-10.

4 "Theater Installs Special Area For Patrons in Wheel Chairs," Dallas Morning News, September 11, 1956.

"Automation Comes to Parking," Dallas Morning News, September 29, 1956.

reportedly some murals were painted over with flowers, although the location and extent is unknown. The proscenium curtain, carpet, and seats were also replaced at the time. A mural over the concession area was painted over at an unknown date.

The Lakewood Theater is currently in good condition. It has been vacant for several months while awaiting a new tenant. Remediation work including removal of asbestos in the auditorium and bathroom ceilings has been undertaken. Auditorium seats were removed to facilitate the remediation.

13. Historical Significance

Statement of historical and cultural significance. Include: cultural influences, special events and important personages, influences on neighborhood, on the city, etc.

Design and Construction of the Lakewood Theater

The Lakewood Theater was constructed in 1938 by the Interstate Theater Circuit Inc., a Dallas-based company built and led by Dallasite Karl Hoblitzelle. The theater was designed by Dallas architect H. F. Pettigrew of Pettigrew and Worley,⁵ and built by Edward T. Moore with Dines & Kraft and George P. O'Rourke Construction Company.⁶ At the Lakewood, Pettigrew worked with interior decorator/muralist Eugene Gilboe and artist Perry Nichols. Nichols, one of the "Dallas Nine" artists prolific during the 1930s and 1940s, worked regularly with Gilboe. By 1940 they had worked together to execute 30 murals for theaters and public buildings, including the Lakewood and Inwood theaters.⁷

Karl Hoblitzelle

Karl Hoblitzelle arrived in Dallas from St. Louis in the early 1900s, founding a series of vaudeville theaters known as the Interstate Amusement Company. In 1905 he opened the Majestic Theater at St. Paul and Commerce streets, later replaced by the larger Majestic Theater on Elm Street (John Eberson and Lang & Witchell, 1921). The name of the company was changed in 1921 to the Interstate Theater Circuit when the theaters began showing films. After the Depression, Hoblitzelle sought new markets for his theaters, choosing the Lakewood neighborhood of East Dallas for expansion due to the area's growth. Lakewood developers Dines & Kraft leased land for construction of the new theater, retaining ownership of the property until 1983.⁸

Pettigrew and Worley

In addition to the design of the Lakewood Theater, Pettigrew and Worley were the architects of the Wynnewood Theater (demolished 1999), Circle Theater, and Forest theaters in Dallas, and the Ridgelea Theater in Fort Worth (1950, significantly altered).⁹ Pettigrew and Worley were also associated with

⁵ The Lakewood often has been erroneously attributed to architect John Eberson, who designed the Majestic Theater for Hoblitzelle.

⁶ "Anniversary," Dallas Morning News, November 4, 1938:1.

⁷ "Eugene Gilboe" and "Perry Nichols" in *Texas Painters, Sculptors & Graphic Artists: A Biographical Dictionary of Artists in Texas Before 1942*, John E. and Deborah Powers, Woodmont Books, Austin, 2000.

"Dallas Nine," in *The Handbook of Texas Online*, Kendall Curlee, <http://www.tshaonline.org/handbook/online/articles/kjd01>, accessed August 29, 2015.

⁸ The Lakewood Starwalk, Jeanette Howeth Crumpler and James H. Davis, Nortex Press, Austin, TX, 1998:9.

⁹ Lost Dallas, Mark Doty, Arcadia, Charleston, SC, 2012:108.

Interstate Theatre Collection Finding Guide, Texas/Dallas History & Archives, Dallas Public Library, Texas Archival Resources Online, <http://www.lib.utexas.edu/taro/dalpub/07701/dpub-07701p3.html>, accessed August 29, 2015.

Hoblitzelle's St. Andrew's Place development in University Park with LaRoche and Dahl (1940), among other residential projects.¹⁰

Eugene Gilboe

Eugene Gilboe was the supervisor of the interior design and murals of the Lakewood Theater, working with Pettigrew and Worley, and with mural artist Perry Nichols. Gilboe (1881-1964) was born in Oslo and studied at the Royal Academy of Arts and Decoration in Norway. He came to Texas in 1933 to work with George Dahl on the University of Texas Library and Student Union in Austin and later to serve as the colorist and reportedly to oversee the color and decorative treatments of the Texas Centennial Exposition in Dallas, including the North Texas fresco in the Hall of State, executed by Arthur Starr Niendorff with Perry Nichols assisting. Gilboe remained in Dallas until his death, and under the partnership of Franklin and Gilboe Company and later as Eugene Gilboe Decorating Company, came to specialize in theater decoration for the Publix theater chain. Gilboe is credited with decorating at least 26 theaters in Texas, including the Forest Theater near Fair Park, the Village Theater in Highland Park, and the Granada, Capitan, and Fulton theaters in Houston, among others. He is listed in Buie Harwood's "Decorating Texas" as responsible for 35 buildings across the state, including the Adolphus and Stoneleigh hotels, the Eperson building in Houston, and several buildings at the University of Texas at Austin. Very few of his murals survive.¹¹

Perry Nichols¹²

Perry Nichols executed the Lakewood Theater murals under designer Eugene Gilboe, along with two other noted Dallas artists, Harry Carnohan and Victor Lallier. Nichols lived from 1911-1992. His teachers and principal noticed Nichols' artistic abilities at Vickery Place School. He subsequently attended Bryan Street High School, where he met fellow artist William Lester, and graduated from Woodrow Wilson High School, where he served as art editor of the school's yearbook. The single most influential teacher of Nichols' career probably was Eleanor Benners at Woodrow, an accomplished artist

"Movie Theaters Designed by H. F. Pettigrew," Cinema Treasures, <http://cinematreasures.org/architects/84>, accessed August 29, 2015.

10 Interstate Theatre Collection Finding Guide, Texas/Dallas History & Archives, Dallas Public Library, Texas Archival Resources Online, <http://www.lib.utexas.edu/taro/dalpub/07701/dpub-07701p3.html>, accessed August 29, 2015.

11 "E. J. Gilboe Dies at 83," Dallas Morning News, November 16, 1964:4.

Decorating Texas, Buie Harwood, Texas Christian University Press, Fort Worth, 1993.

David Bush, e-mail communication, August 29, 2015.

Eugene Gilboe, Biographical Sketches: Centennial Artists, Dallas Historical Society, File A38.3.

Fair Park Deco, Jim Parsons and David Bush, TCU Press, Fort Worth, Texas, 2012.

12 This section adapted from "Perry Nichols Art Work and Papers: A Guide to the Collection," Ellen Buie Niewyk. Available at <http://www.lib.utexas.edu/taro/smu/00140/smu-00140.html>, presented by Dr. Sam Ratcliffe to City of Dallas Landmark Commission, September 8, 2015. Used with permission.

in her own right. Outside of school, Nichols studied under two of the Southwest's most significant 20th C. artists, Frank Reaugh and Alexandre Hogue.

By age 17, his work was being selected in local juried exhibitions. After one year's service in the Army in San Antonio, he returned to Dallas. In 1932, he exhibited with eight other Texas artists at the Dallas Public Art Gallery in the Exhibition of Young Dallas Painters (All young men under thirty years of age). It was from this exhibition that the term "The Dallas Nine" originated. During this same period, Nichols worked with local theatres in designing sets and costumes for Dallas Little Theatre, Fair Park Auditorium, and Dallas City Hall auditorium.

Nichols assisted with art projects at the Texas Centennial in 1936, including the North Texas mural in the Hall of State under Arthur Starr Niendorff, plaster bas reliefs along the Esplanade, and works at the Hall of Religion under Pierre Bourdelle. In 1938, he was one of the founding members of the Lone Star Printmakers and participated in the group's first circuit of prints. In the same year his painting, Flood Stage, received the Kiest Purchase Prize from the Dallas Museum of Fine Arts and was exhibited at the New York World's Fair in 1939.

During this time, Perry Nichols was also building a reputation as an accomplished mural painter for businesses such as the Baker Hotel and the Sears department store on Ross Avenue. And, by 1940, in cooperation with Dallas decorator Eugene Gilboe, he had executed thirty murals for theatres and public buildings in Texas, Oklahoma, Arkansas, New Mexico, and Mississippi. These included Dallas's Arcadia, Inwood, and Lakewood theatres. Nichols also executed a large mural for the Lone Star Gas Company Exhibits Building at the State Fair of Texas. But he is probably best known for the immense mural he completed in 1949, assisted by eight other artists, in the lobby of the Dallas Morning News Building.

Aside from a 3-year stint as Head of the Art Department at Hockaday in the 1940s, Nichols worked as an independent artist and teacher, exhibiting at Dallas area galleries in the 1960s and 70s. In 1985, his work was included in the inaugural exhibition at the newly-constructed Dallas Museum of Art's exhibition, Lone Star Regionalism: The Dallas Nine and Their Circle. This exhibition marked a resurgence in interest in the work of Perry Nichols, Jerry Bywaters, the Doziers, and other Texas regionalist artists. This interest has only increased in the last 30 years among art collectors and scholars as well as the general public, as evidenced by the warm reception given recently to the installation of glass works by Octavio Medellin at Love Field.

José Martin

French sculptor José Martin (1891-1985) was the son of a woodcarver, hailing from a family of craftsmen. He studied at the Ecole des Beaux-Arts, but with the onset of World War I, left school to

volunteer for the army. He was eventually wounded, earning several decorations. Following the war, he returned to the Ecole for a time, but left in 1919 to support his family as a designer in the Compagnie des Arts Français, a leader in the Art Deco style. His art was commissioned for a number of public buildings including pediments of the Opera House at Marseille with Antoine Sartorio, and exterior décor of the Palais de la Méditerranée in Nice, among other pieces. Martin came to the United States in 1927, working briefly in Milwaukee, Cleveland, and New York where he worked on the decorative ceiling of the Waldorf Astoria. In 1933, he returned to Chicago to work at the Chicago World's Fair, where he and Raoul Jossset created bas reliefs at the fountain in the rotunda of the Federal Building and "American Executive Power."

At the request of Donald Nelson and Raoul Jossset, Martin came to Texas in 1936 to work as a sculptor for the Texas Centennial Exposition in Fair Park. Among his works are "Pioneer Woman" (or "Founders Statue") from the design by Raoul Jossset and Donald Nelson; "France," "Mexico," and the "United States" sculptures with Jossset, and "Confederacy" with Lawrence Tenney Stevens at the Hall of Transportation (Centennial Building); "Fish Fountain" at the Administration Building with Jossset; and "Spirit of the Centennial" from the design by Jossset. He also sculpted the stylized eagle atop the Federal Building with Jossset. In 1938, Martin sculpted the two female figures flanking the proscenium at the Lakewood Theater. Martin became well known in Dallas, and created numerous works of art throughout the city and state. Among his numerous works are the Baylor Medical Alumni Library bas reliefs with Pierre Bourdelle (1941), the sculpture of Christ in the pediment of the University Park United Methodist Church (1949), decorations and statue at the Highland Park Methodist Chapel, the woman and child sculptures at the Scottish Rite Hospital with Jossset, and the War Dead Memorial at Restland Memorial Park (1947). He also designed the elevator doors of the Mercantile National Bank in Dallas. During World War II, Martin briefly relocated to Seattle to work as a combat aircraft designer for North American Aviation. José Martin is featured in the Census of French Sculpture in American Public Collections, a comprehensive catalog of French sculpture in the United States in public collections.¹³

Theater History

The Lakewood Theater opened on October 27, 1938, showing "Love Finds Andy Hardy" starring Mickey Rooney, Judy Garland, and Lana Turner. It was immediately successful, drawing movie-goers from throughout East Dallas. It continued operation during World War II, providing a respite during difficult times. After the war, East Dallas boomed with post-war subdivisions springing up throughout

¹³ Oral histories, Jose Martin, October 27, 1973 and January 27, 1984. Dallas Public Library Oral History Files. Fair Park, Dallas, 1936, in French Sculpture Census, available online at <http://frenchsculpture.org/en/home>, accessed October 5, 2015.

Fair Park Deco, Jim Parsons and David Bush, TCU Press, Fort Worth, Texas, 2012.

Lakewood and in the surrounding area. The 1950s brought a decrease in movie attendance with the proliferation of television in private homes. To compete, the Lakewood undertook several alterations in 1952, including installing a concession bar in the lobby, and remodeling the front of the building to relocate the box office. The screen was enlarged in 1953, and again in the 1960s. A new box office was added, the entrance doors replaced, and first floor restrooms remodeled in 1969. In the 1970s, the theater faced more competition with the introduction of multi-screen theaters. In 1973 the theater lease was sold to Sam Chernoff (with Dines and Kraft remaining as building owners), who began showing “dollar movies” but attendance still declined, as did the rest of the Lakewood Shopping Center. Business owners and residents of the area made an attempt to provide incentives and create a historic overlay for the center, but this was not successful. The theater closed in October 1983 as the leaseholder faced renovation costs that would make it competitive with multi-screen movie theaters. The next month, B.B. Barr purchased the Lakewood Theater from Dines and Kraft and began a restoration effort.^{14, 15}

The 1984 restoration included repair or replacement of the roof, floors, carpet, curtains, and the stage curtain. Barbara Young Interiors oversaw the renovations, and many East Dallas artists and craftspeople took part. The lobby murals were retouched and sealed by artist Corky Pearson, Jim Cunningham, and Raymond Hernandez. Brighter colors replaced the original subdued pinks, greens, and reds. Additional murals depicting flowers and plants were painted near the stage and screen. The ceiling decoration was enhanced, as were the walls in the auditorium. A new three-tiered concession area was designed by Dan Boucher of Design Three; the stage apron was extended to accommodate live performances. Seats were recovered, and loveseats and some standard seats were removed and donated to nearby churches. A 1927 3/8 Robert-Melton organ that originally was located in the Old Mill Theatre at 1525 Elm (later the Rialto) was donated by the American Theater Organ Society, and installed in 1985. The exterior was little changed during the restoration, but the small tower and the tower and marquee lights were repaired and computerized by Jim Ashmore. The exterior walk was repaved with granite stars carved with names of donors imbedded in red concrete. In 1988, the 50th anniversary of the theater, the Balcony Club and Arcade opened. The next year, a fountain was installed across from the theater in the “esplanade” area. The fountain was pink stucco with red tile and embedded with granite stars. For several years, the theater had a resurgence, but by 1993, attendance once again declined and the theater again closed. The Lakewood changed hands again in 1996, with Mark Miranda and Jim Christon buying the theater and

14 The Lakewood Starwalk, Jeanette Howeth Crumpler and James H. Davis, Nortex Press, Austin, TX, 1998:10-11.
Dallas City Permits No. 874[ill], August 7, 1952; No. 76823, March 2, 1969

15 A hot dog stand had been added to the building site at the eastern (stage) side by 1952. A permit for a “candy stand” had been filed at the City in 1941, and this may have been the same structure. A violation notice for a substandard structure was issued by the City on February 13, 1973, but the permit does not specify if the violation was for the theater or the hot dog stand, but in April, a permit to demolish the hot dog stand was filed, and granted on

adjoining shops. It was leased by Keith McKeague in 1996 for special events, meetings, parties, and movies. The Theater and portions of the retail strip were purchased by the current owners in 2007.^{16, 17}

Unlike its contemporaries throughout Dallas and the state, which have been demolished or severely altered, the Lakewood Theater retains the vast majority of its original design. Its iconic round pylons, the trademark of the suburban Dallas Interstate Theater, remain. Other theaters of that era have been modified to include multiple screens, as in the Inwood Theater and Village Theater, or for new use, as in Casa Linda Theater. Changes at the Lakewood have included the front doors, the ticket booth and possibly other minor elements, but even the decorative painting of the interior is still intact. The Lakewood retains its historic integrity to an exceptional degree, representing the unique period of time when America's fascination with movies was at its height.

Lakewood Theater in Context

Lakewood, located in East Dallas, was a concept of Dr. W. F. Pearson who owned 184 acres of land north of the Lakewood Country Club to Westlake Drive. Seeing development potential of the property in the early 1920s, he sold the land to developers Albert Dines and Lee R. Kraft of Dines and Kraft. Dines and Kraft were known for their use of the existing landscape, and they did so in Lakewood, including Westlake Park (1928), Gastonwood, and Country Club Estates. The neighborhood contains a variety of architectural styles, including French Eclectic, English Tudor, Colonial Revival, and Spanish Eclectic, with numerous architect-designed houses, including several by C. D. Hutsell. Lakewood became Dallas's most sought after neighborhood in the late 1920s and 1930s, with many oilmen and prominent merchants calling it home. The neighborhood overlooks White Rock Lake (1912) and its rolling landscape remains one of the most advantageous residential locations in Dallas.¹⁸

The Lakewood Theater is among the complex of buildings centered at Abrams Road and Gaston Avenue that have come to be known as the Lakewood Shopping Center. Begun in 1924 with "Doc" Harrell's Drugstore at the southwest corner of Gaston and Abrams, it quickly grew. In 1924, Leo Corrigan partnered with Dines and Kraft to purchase a portion of the Lakewood Country Club's property. In 1934 Skillern's Drug Store and Wyatt Food Store, designed by J. N. McCammon, was

June 8 (Dallas City permits No. 1584, February 12, 1941; No. ill., June 8, 1973).

16 The Lakewood Starwalk, Jeanette Howeth Crumpler and James H. Davis, Nortex Press, Austin, TX, 1998:10-11.

"Our Robert Morton Theatre Pipe Organ at the Lakewood Theatre," North Texas Chapter of the American Theatre Organ Society Brochure, n.d., Preservation Dallas vertical file, Lakewood Theater.

17 A mural over the concession stand that depicted animal figures was painted over at an unknown date.

18 "Lakewood," in *Dallasights*, American Institute of Architects Dallas Chapter, 1978:130-131.

"Lakewood," in *A Guide to the Older Neighborhoods of Dallas*, Historic Preservation League, Inc., Dallas, TX, 1986:44.

built at the triangular intersection of Gaston and Abrams. Three years later an ice cream parlor that became the Lakewood Library opened, followed by the Lakewood Theater and Lakewood Hotel in 1938. The “retail village” was to be modeled after the Highland Park Shopping Center. Lakewood residents initially fought construction of the shopping center, and sought to have the area re-zoned to residential use, citing it would encroach upon the neighborhood. The shopping center succeeded, becoming a retail center for East Dallas.

The shopping center and surrounding neighborhoods had declined by the early 1970s, however—a product of re-zoning and “white flight,” when attempts to redevelop it were considered. The shopping center itself had suffered from years of congestion and parking hazards. This led to what became known as the “Abrams By-Pass War,” wherein the Lakewood neighborhood, business owners, the City, and County fought for what was best for the retail hub. The plan intended to redevelop the center with the addition of more retail space and parking; and improve vehicular and pedestrian circulation by widening Gaston, expanding Abrams creating a bypass around the shopping center to allow traffic to flow from East Dallas to Downtown. Abrams Road through the shopping center would essentially become a parking lane and pedestrian mall. The plan called for right-of-way acquisition of private land, which along with the size of the bypass, impacts to neighborhoods, and the list of potential beneficiaries of redevelopment proved to be very controversial. Ultimately, the bypass was completed in 1985, diverting Abrams one block east around the Lakewood Shopping Center. While the landscaped pedestrian mall was not realized, the center did revitalize, and continues to be a thriving retail hub for East Dallas.¹⁹

Statement of Significance

The Lakewood Theater represents the historical development and cultural characteristics of 1930s development of the Lakewood Neighborhood and East Dallas, the City of Dallas, and possibly the State of Texas. It is identified with Dallasite Karl Hoblitzelle, noted theater owner, civic leader, philanthropist, and founder of the Interstate Amusement Company. The theater embodies the distinguishing characteristics of the Art Deco style and is a rare example of construction methods implemented for movie house design of the 1930s and represents the rarely surviving works of architect H. F. Pettigrew of Pettigrew & Worley, interior designer Eugene Gilboe, muralist Perry Nichols, and sculptor José Martin. It also represents the work of the Dallas firms Texlite, Potter Art Metal Studios, Alamo Plate Glass Company; and builders Dines and Kraft. The Lakewood Theater is related directly to its context

¹⁹ “Dreams and Reality: Lakewood Shopping Center” Lakewood Advocate, September 25, 2015.

“Retail Village to be Erected Near Lakewood,” Dallas Morning News, March 9, 1934.

“The Abrams By-Pass War,” in Lakewood—Memories and Spirit, Jeanette Howeth Crumpler and James H. Davis, Nortex Press, Austin, TX, 2003:27-47.

“How the Abrams bypass threw East Dallas for a loop,” Lakewood Advocate, September 23, 2015.

within the distinctive Lakewood Shopping Center, of which it is the keystone; and is the most important icon of the Lakewood neighborhood and East Dallas as a whole.

The Lakewood Theater, including its prominent lighted pylons, is believed one of the most fully intact Interstate Theaters remaining in Texas, and is therefore a unique location of a singular physical characteristic representing the established and familiar feature of the Lakewood/East Dallas neighborhoods, the City of Dallas, and the State of Texas. It is a source of pride and is culturally significant. The theater appears to be eligible for inclusion in the National Register of Historic Places at the local and state level, as a Texas State Antiquities Landmark (formerly known as State Archeological Landmark), and as a Recorded Texas Historic Landmark.

The Lakewood Theater represents an era of architectural, social, and economic history that allows an understanding of how the theater, Lakewood/East Dallas Neighborhood, and City of Dallas was used by past generations.

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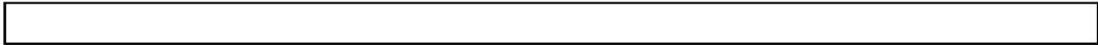
Lakewood Advocate. Dallas, TX, various.

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Sherrod, D. Troy. *Historic Dallas Theatres*. Charleston, SC: Arcadia, 2014.



15. Attachments

 X *District or Site Map*

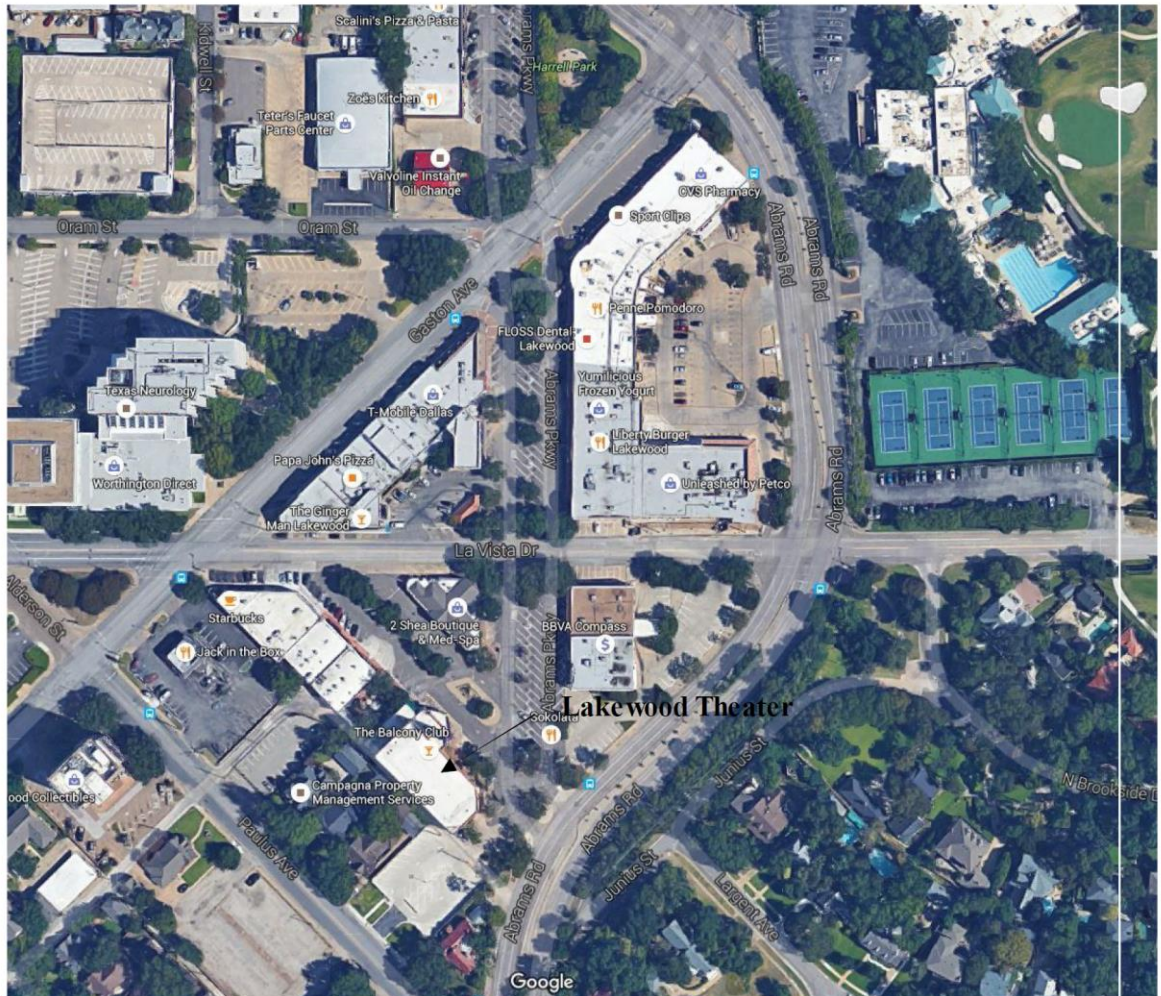
Site Plan

 X *Photos (historic & current)*

 Additional descriptive material

 Footnotes

 Other: _____

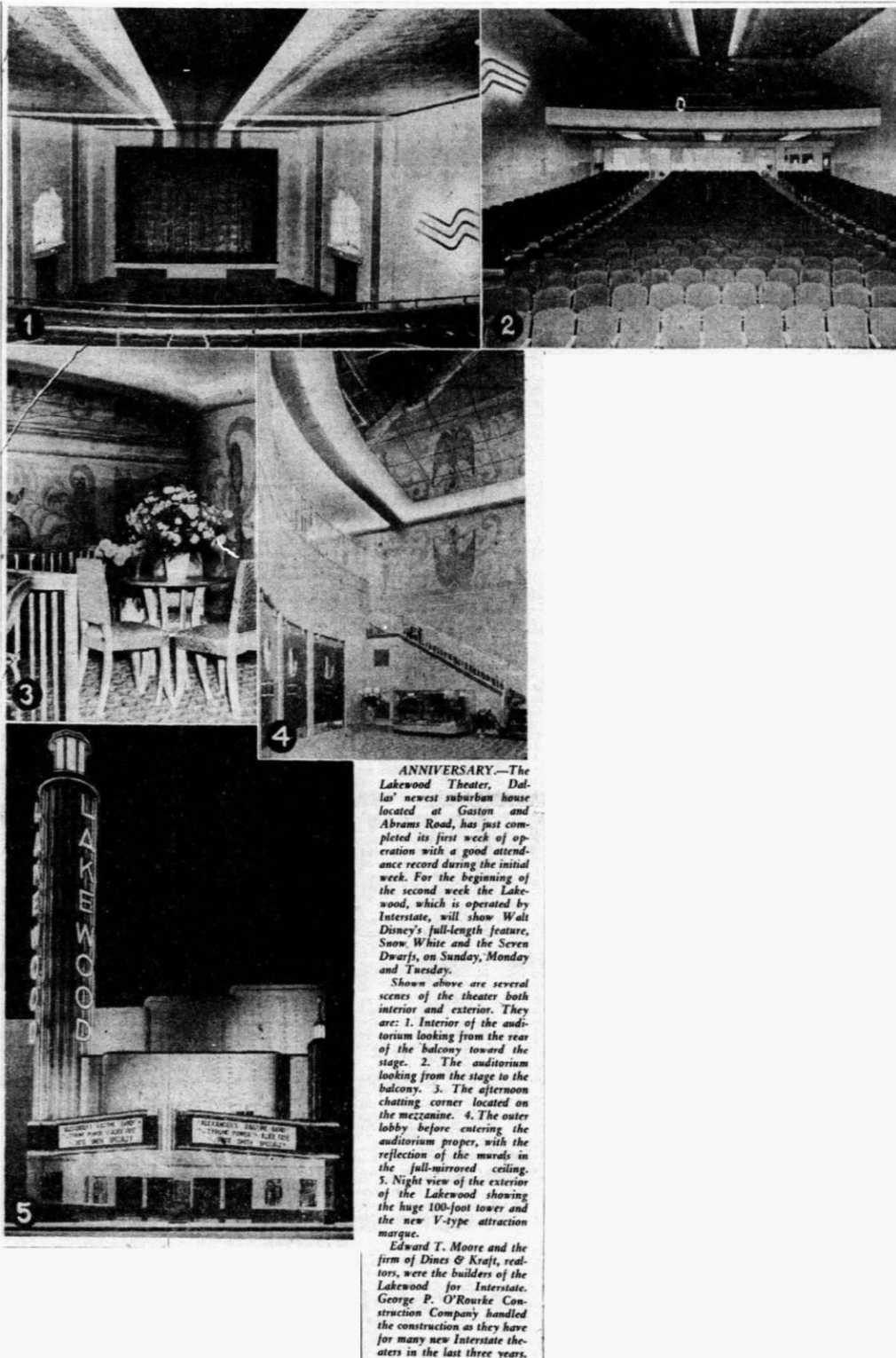


Aerial map, Lakewood Shopping Center with Lakewood Theater indicated



Rendering of Lakewood Theater, H.F. Pettigrew, 1939

Headline: Melodramatic Succor for Gable and Loy Beats Public to Razz; **Article Type:** Ne
Dallas Morning News (Dallas, Texas) • 11-04-1938 • Page One





Lakewood Theater, ca. 1946, courtesy of Preservation Dallas, gift of Lovita Irby; note configuration of doors and location of box office at center of entrance



Lakewood Shopping Center, date unknown, From the collections of the Texas/Dallas History and Archives Division, Dallas Public Library



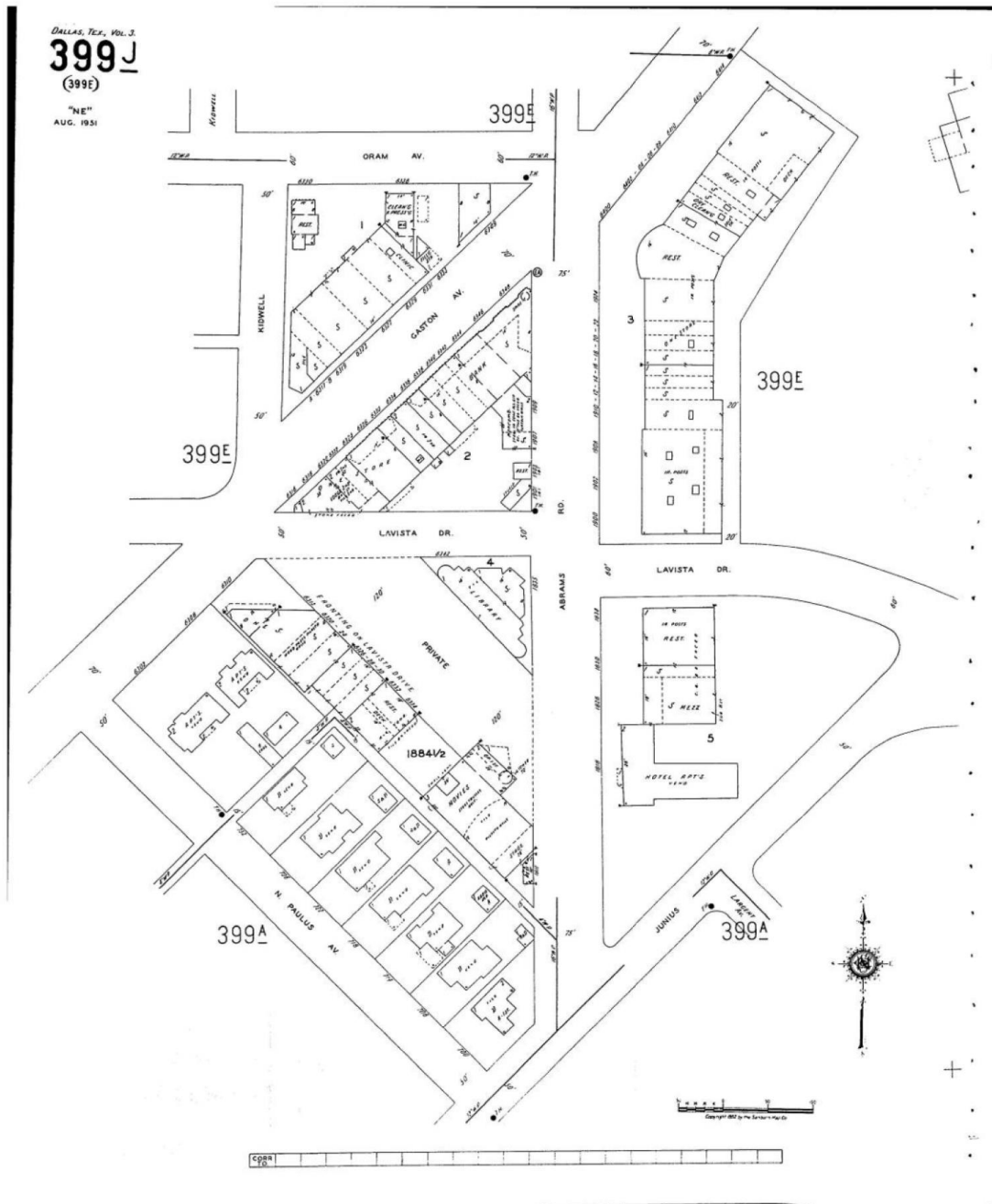
Lakewood Theater, ca. 1954, From the collections of the Texas/Dallas History and Archives Division, Dallas Public Library; note location of box office to left of entrance



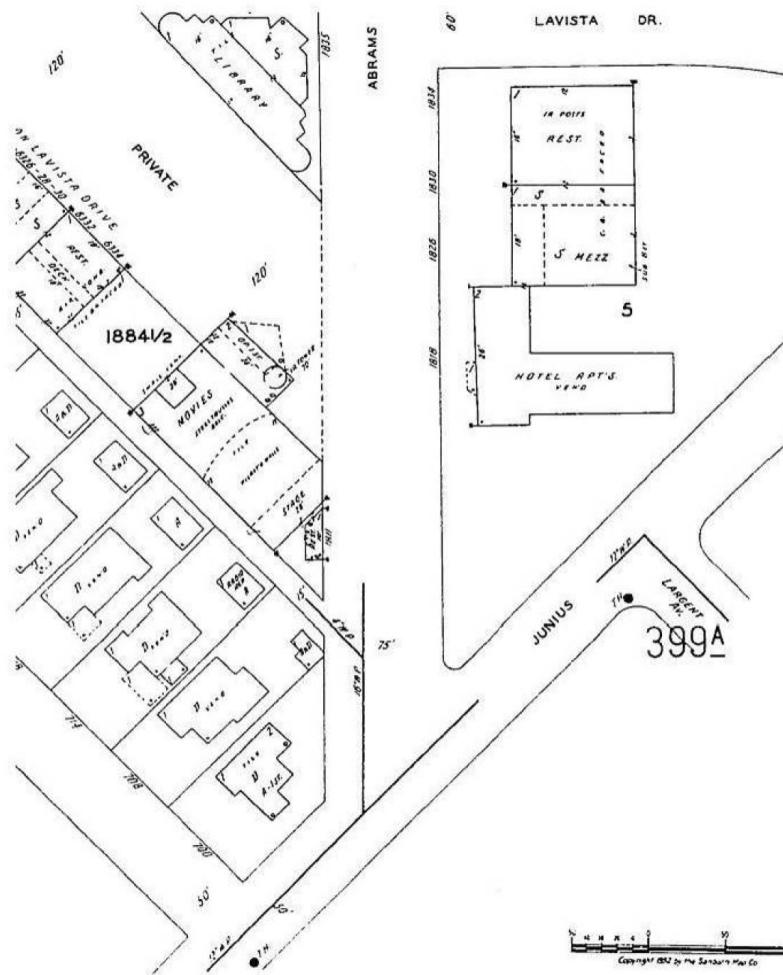
Lakewood Theater, ca. 1962, From the collections of the Texas/Dallas History and Archives Division, Dallas Public Library; note location of box office at left of entrance and reconfiguration of entrance doors compared to 1942 photograph



Lakewood Theater lobby ceiling, mural, and balcony handrail, date unknown, From the collections of the Texas/Dallas History and Archives Division, Dallas Public Library



Sanborn Fire Insurance Map, 1952, p. 399j showing configuration of Lakewood Shopping Center



Detail of Sanborn Fire Insurance Map, 1952, p. 399j; note location of hot dog stand



Lakewood Theater, ca. 1974, courtesy of Preservation Dallas; note hot dog stand is no longer present at exterior stage wall; opening is present



Lakewood Theater, ca. 1974, courtesy of Preservation Dallas; note one story dance studio at current location of Balcony Club



Lakewood Theater, ca. 1985, courtesy of Preservation Dallas



Current View of Lakewood Theater, Dallas Morning News

16. Inventory of Structures-Historic District Only (Page ___ of ___)

Please complete this form for each structure in a proposed historic district

a. Location and Name

b. Development History

Original owner:

Architect/builder:

Construction/alteration dates:

c. Architectural Significance

Dominant style:

Condition:

Alterations:

d. Category

Contributing ____

excellent example of an architectural style that is typical of or integral to the district; retaining essential integrity of design

Compatible ____

supportive of the district in age, style and massing but is not representative of the significant style, period and detailing, or area of significance typical of the district

Non-contributing ____

intrusive; detracts from the character of the district

e. Statement of Significance

17. Designation Criteria

X **History, heritage and culture:**

Represents the historical development, ethnic heritage or cultural characteristics of the city, state, or country.

 Historic event: *Location of or association with the site of a significant historic event.*

X **Significant persons:**

Identification with a person or persons who significantly contributed to the culture and development of the city, state, or country.

X **Architecture:** *Embodiment of distinguishing characteristics of an architectural style, landscape design, method of construction, exceptional craftsmanship, architectural innovation, or contains details which represent folk or ethnic art.*

X **Architect or master builder:** *Represents the work of an architect, designer or master builder whose individual work has influenced the development of the city, state or country.*

X **Historic context:** *Relationship to other distinctive buildings, sites, or areas which are eligible for preservation based on historic, cultural, or architectural characteristics.*

X **Unique visual feature:** *Unique location of singular physical characteristics representing an established and familiar visual feature of a neighborhood, community or the city that is a source of pride or cultural significance.*

 Archeological: *Archeological or paleontological value in that it has produced or can be expected to produce data affecting theories of historic or prehistoric interest.*

X **National and state recognition:** *Eligible of or designated as a National Historic Landmark, Recorded Texas Historic Landmark, State Archeological Landmark, American Civil Engineering Landmark, or eligible for inclusion in the National Register of Historic Places.*

X **Historic education:** *Represents as era of architectural, social, or economic*

*history that allows an understanding of how
the place or area was used by past
generations.*

<i>Recommendation</i>

The Designation Task Force requests the Landmark Commission to deem this nominated landmark meritorious of designation as outlined in Chapter 51 and Chapter 51A, Dallas Development Code.

Further, the Designation Task Force endorses the Preservation Criteria, policy recommendations and landmark boundary as presented by the Department of Planning and Development.

Date:

*Chair
Designation Task Force*

*Chair
Designation Task Force*

Historic Preservation Planner

ORDINANCE NO. _____

An ordinance changing the zoning classification on the following property:

[Property Description]:

by establishing Historic Overlay District No. [REDACTED] (Lakewood Theater); providing procedures, regulations, and preservation criteria for structures and property in the district; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding the rezoning of the Property described in this ordinance; and

WHEREAS, the city council finds that the Property is an area of historical, cultural, and architectural importance and significance to the citizens of the city; and

WHEREAS, the city council finds that it is in the public interest to establish this historic overlay district; Now, Therefore,

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

SECTION 1. That the zoning classification is changed by establishing Historic Overlay District No. [REDACTED] [on the property described in Exhibit A (“the Property”), which is attached to and made a part of this ordinance.] [on the following property (“the Property”):]

[Property Description]

SECTION 2. That the establishment of this historic overlay district shall not affect the existing underlying zoning classification of the Property, which shall remain subject to the regulations of the underlying zoning district. If there is a conflict, the regulations in this ordinance control over the regulations of the underlying zoning district.

SECTION 3. Subject to and as modified by the preservation criteria below, a person shall not alter the Property, or any portion of the exterior of a structure on the Property, or place, construct, maintain, expand, demolish, or remove any structure on the Property without first obtaining a certificate of appropriateness or certificate for demolition or removal in accordance with the Dallas Development Code, as amended, and this ordinance. All alterations to the Property must comply with the preservation criteria attached to and made a part of this ordinance as Exhibit *[A or B]*.

SECTION 4. That the building official shall not issue a building permit or a certificate of occupancy for a use on the Property until there has been full compliance with this ordinance, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the City of Dallas.

SECTION 5. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000. In addition to punishment by fine, the City may, in accordance with state law, provide civil penalties for a violation of this ordinance, and institute any appropriate action or proceedings to prevent, restrain, correct, or abate the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, demolition, or removal of a building, structure, or land on the Property.

SECTION 6. That the zoning ordinances of the City of Dallas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 7. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

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

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By _____
Assistant City Attorney

Passed _____

EXHIBIT [A or B]
PRESERVATION CRITERIA
LAKEWOOD THEATER
ADDRESS OR LOCATION

1. GENERAL.

- 1.1 All demolition, maintenance, new construction, public works, renovations, repairs, and site work in this district must comply with these preservation criteria.
- 1.2 Any alterations to property within this district must comply with the regulations in Chapter 51A of the Dallas City Code, as amended. If there is a conflict, these preservation criteria control.
- 1.3 Certificate of appropriateness.
 - a. Except as otherwise noted in these preservation criteria, a person may not alter a site within this district, or alter, place, construct, maintain, or expand any structure on the site without first obtaining a certificate of appropriateness in accordance with Section 51A-4.501 of the Dallas Development Code, as amended, and these preservation criteria.
 - b. The certificate of appropriateness review procedure outlined in Section 51A-4.501 of the Dallas Development Code, as amended, applies to this district.
 - c. After the work authorized by the certificate of appropriateness is commenced, the applicant must make continuous progress toward completion of the work, and the applicant shall not suspend or abandon the work for a period in excess of 180 days. The Director may, in writing, authorize a suspension of the work for a period greater than 180 days upon written request by the applicant showing circumstances beyond the control of the applicant.
- 1.4 A person may not demolish or remove any structure in this district without first obtaining a certificate for demolition or removal in accordance with Section 51A-4.501 of the Dallas Development Code, as amended.
- 1.5 Preservation and restoration materials and methods used must be consistent with the Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library.
- 1.6 No person shall allow a structure in this district to deteriorate through demolition by neglect. Demolition by neglect is neglect in the maintenance of a structure that results in deterioration of the structure and threatens preservation of the structure.

All structures in this district must be preserved against deterioration and kept free from structural defects. See Section 51A-4.501 of the Dallas Development Code, as amended, for regulations concerning demolition by neglect.

1.7 Consult Article XI, "Development Incentives," of the Dallas Development Code, as amended, for tax incentives that may be available in this district.

1.8 The period of historic significance for this district is the period from 1938 to 1965.

2. DEFINITIONS.

2.1 Unless defined in this section, the definitions in Chapter 51A of the Dallas City Code, as amended, apply.

2.2 APPROPRIATE means typical of the historic architectural style, compatible with the character of this district, and consistent with these preservation criteria.

2.3 CERTIFICATE OF APPROPRIATENESS means a certificate required by Section 51A-4.501 of the Dallas Development Code, as amended, and these preservation criteria.

2.4 CONTRIBUTING STRUCTURE means a structure that retains its essential architectural integrity of design and whose architectural style is typical of or integral to this district.

2.5 DIRECTOR means the Director of the Department of Sustainable Development and Construction or the Director's representative.

2.6 DISTRICT means Historic Overlay District No. _____, the Lakewood Theater Historic Overlay District. This district contains the property described in Section 1 of this ordinance and as shown on Exhibit B1.

2.7 ERECT means to attach, build, draw, fasten, fix, hang, maintain, paint, place, suspend, or otherwise construct.

2.8 FENCE means a structure or hedgerow that provides a physical barrier, including a fence gate.

2.9 MAIN BUILDING means the _____ building, as shown on Exhibit B1.

2.10 NO-BUILD ZONE means that part of this district in which no new construction may take place.

2.11 PROTECTED means an architectural or landscaping feature that must be retained and maintain its historic appearance, as near as practical, in all aspects.

- 2.12 REAL ESTATE SIGN means a sign that advertises the sale or lease of an interest in real property.

3. BUILDING SITE AND LANDSCAPING.

- 3.1 New construction is prohibited in the no-build zone shown on Exhibit B1.
- 3.2 The Main Building, shown on Exhibit B1, is protected
- 3.3 The 1980's Addition, shown on Exhibit B1, is not protected.
- 3.4 New driveways, sidewalks, steps, and walkways must be constructed of brick, brush finish concrete, stone, or other appropriate material. Artificial grass, exposed aggregate, and outdoor carpet are not permitted.
- 3.5 New mechanical equipment may not be placed or erected in the no-build zones shown on Exhibit B1. Mechanical equipment placed on the ground shall be screened.
- 3.6 Landscaping.
- a. Existing trees are not protected.
 - b. Outdoor lighting must be appropriate and enhance the structure.
 - c. Landscaping must be appropriate, enhance the structure and surroundings, and not obscure significant views of protected facades.
- 3.7 Fences.
- a. Fences are permitted, but design and placement must be appropriate and must not block significant views of the historic structure. No fences may be placed in front of Protected Facade A1 shown on Exhibit B2.
 - b. Fence height is limited to four feet above adjacent finished grade or at minimum height required by the Texas Alcoholic Beverage Commission.
 - c. Fences may be constructed of metal, masonry, wood, stucco, stone, or other material deemed appropriate. There are no transparency requirements for fences.

4. FACADES.

- 4.1 Protected facades.
- a. The facades shown on Exhibit B2 are protected as described below.

1. Facades A1 and A2 are protected from ground level to top of parapet, including historic tower signage and movie marquee signage.
 2. Protected Facade B1 is protected from the point where the parapet meets the roof to the top of the parapet.
 3. Protected Facade B2 is protected from a line 16 feet above grade to the top of the parapet.
 4. Facade B3 is not protected, but all work on this facade is subject to the Certificate of Appropriateness process. This facade may receive new windows, entrances, or similar openings equivalent to up to 75% of the linear footage of the facade. Additionally, up to 100 percent of this non-protected facade may attach to adjacent new construction.
 5. Facades C and D are not protected, but all work on these facades is subject to the Certificate of Appropriateness process. Up to 100 percent of Facade D may attach to adjacent new construction.
 6. Facades E and F are not protected and modifications to them are not subject to the Certificate of Appropriateness process.
- b. Reconstruction, renovation, repair, or maintenance of protected facades must be appropriate and must employ materials similar to the historic materials in texture, color, pattern, grain, and module size.
 - c. Historic solid-to-void ratios of protected facades must be maintained.
- 4.2 Reconstruction, renovation, repair, or maintenance of nonprotected facades must be compatible with protected features.
 - 4.3 Wood siding, trim, and detailing must be restored wherever practical.
 - 4.4 All exposed wood must be painted, stained, or otherwise preserved.
 - 4.5 Historic materials must be repaired if possible; they may be replaced only when necessary.
 - 4.6 Paint must be removed in accordance with the Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library, before refinishing.

- 4.7 Aluminum siding, exterior finish and insulation systems (EFIS), EFIS coatings and vinyl cladding are not permitted.
- 4.8 Historic color must be maintained wherever practical. Color schemes for non-masonry elements should conform to any available documentation as to historic color.
- 4.9 Exposing and restoring historic finish materials is recommended.
- 4.10 Cleaning of the exterior of a structure must be in accordance with the Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library. Sandblasting and other mechanical abrasive cleaning processes are not permitted.

5. FENESTRATION AND OPENINGS.

- 5.1 Historic doors and windows must remain intact except when replacement is necessary due to damage or deterioration.
- 5.2 Replacement of doors and windows that have been altered and no longer match the historic appearance is recommended.
- 5.3 Replacement doors and windows must express profile, muntin and mullion size, light configuration, and material to match the historic.
- 5.4 Storm doors and windows are permitted if they are appropriate and match the existing doors and windows in profile, width, height, proportion, glazing material, and color.
- 5.5 Decorative ironwork and burglar bars are not permitted over doors or windows of protected facades. Interior mounted burglar bars are permitted if appropriate.
- 5.6 Glass and glazing must match historic materials as much as practical. Films and tinted or reflective glazings are not permitted on glass on protected facades and facade B3. Clear, low-e glazing is acceptable on all facades.
- 5.7 New door and window openings in protected facades are permitted only where there is evidence that historic openings have been filled or the safety of life is threatened.
- 5.8 The Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library, should be referred to for acceptable techniques to improve the energy efficiency of historic fenestration.

6. ROOFS.

CPC recommendation and applicant request:

- | | |
|-----|--|
| 6.1 | The historic slope, massing, and configuration of the roof must be preserved and maintained. |
|-----|--|

Landmark commission and staff recommendation:

- | | |
|-----|---|
| 6.1 | The historic slope, massing, configuration, and materials of the roof must be preserved and maintained. |
|-----|---|

CPC recommendation and applicant request:

- | | |
|-----|--|
| 6.2 | A Certificate of Appropriateness is not required for repair of the roof, roof flashing, roof mounted mechanical equipment, or for the installation of new, or the replacement of existing mechanical or electrical equipment, including new mechanical penthouse or elevator penthouse, provided it complies with the screening and setback requirements in Section 9.2. |
|-----|--|

Landmark commission and staff recommendation:

- | | |
|-----|--|
| 6.2 | A Certificate of Appropriateness is not required for repair of the roof. |
|-----|--|

- 6.3 Historic coping, parapets, and roof trim must be retained, and should be repaired with material matching in size, finish, module, and color.
- 6.4 Mechanical equipment, skylights, and solar panels on the roof must be set back or screened so that they are not visible to a person standing at ground level within an area that extends up to 25 feet outside of the designation boundary.

7. EMBELLISHMENTS AND DETAILING.

- 7.1 The following architectural elements are considered important features and are protected:
1. Large and small towers on either end of the marquee on Protected Facade A1, including historic lighting and signage.
 2. Theater marquee on Protected Facade A1.
 3. Box office on Protected Facade A1.
 4. Movie poster display cases on Protected Facade A1.
 5. Stepped parapets on Protected Facade B2.
 6. Terrazzo paving.

- 7.2 Tower Lighting. Decorative and signage lighting on the two towers is protected in configuration, extent, and color. Lighting may be replaced and repaired with new materials that substantially mimic the historic conditions. New lighting technology, such as LED, is permitted provided it closely resembles the historic neon tube lighting in diameter, section length, configuration, and color. Variable color lighting is permitted provided the original color of each tube is established and can be achieved by the new lighting system. No animation or movement of the lighting is permitted unless documentation is provided that shows the animation or movement was available during the period of historic significance.

8. PRESERVATION CRITERIA FOR THE INTERIOR.

- 8.1 The historic mural paintings shown on Exhibit B3 are considered important features and are protected:
1. Historic mural paintings must be left in place and may be covered to present a different, non-historic face to the interior. This shall be done in a way that is protective of the murals and does not damage or contribute to the deterioration of the mural paintings, their support system, or substrate as determined through the Certificate of Appropriateness process. Such protective measures shall not attach to or touch the mural paintings in any way, nor shall they penetrate the mural paintings at any point. Covering the mural paintings by painting directly onto them is specifically not allowed. In addition, measures must be in place that will protect the mural paintings temporarily, as needed, from damage or deterioration during the installation of the covering system. Details of the covering system, including its components and attachment or anchorage details must be submitted for review prior to commencing the work.
 2. Historic mural paintings may be removed for restoration, preservation, and reinstallation upon a finding that murals were executed on canvas or other backing material that is suitable for their removal for restoration. Assessment, planning, removal, restoration, and reinstallation must be done under the direct supervision of a qualified decorative arts conservator.
 3. Restoration of the historic mural paintings may include cleaning of the murals and/or removal of non-historic paint that may have been added by someone other than the original artists. Such cleaning and paint removal shall be conducted under the direct supervision of a qualified decorative arts conservator.
- 8.2 Except as provided in 8.1, all other interior features and components are not protected and not subject to these criteria or the Certificate of Appropriateness process.

9. NEW CONSTRUCTION AND ADDITIONS.

- 9.1 Stand-alone new construction is not permitted in the no-build zones shown on Exhibit B1.
- 9.2 Vertical additions to the main building are not permitted except for the installation of an elevator penthouse or similar accessory construction, provided the construction is set back or screened so that it is not visible to a person standing at ground level within an area that extends up to 25 feet outside of the designation boundary.
- 9.3 Horizontal additions to the main building are permitted at locations shown on Exhibit B1 and are limited in height as indicated on Exhibit B1.
- 9.4 The color, details, form, materials, and general appearance of new construction and additions must be compatible with the existing historic structure.
- 9.5 New construction and additions must have appropriate color, detailing, massing, and materials.
- 9.6 The height of new construction and additions must not exceed the height of the historic structure and are otherwise limited as specified in these criteria.
- 9.7 Aluminum siding, exterior finish and insulation system (EFIS), and vinyl cladding are not permitted.
- 9.8 New construction and additions must be designed so that connections between new construction or additions and the historic structure are clearly discernible as suggested by the Secretary of the Interior in Preservation Brief No. 14. A clear definition of the transition between new construction or additions and the historic structure must be established and maintained. Historic details in the coping, eaves, and parapet of the historic structure must be preserved and maintained at the point where the historic structure abuts new construction or additions.

10. SIGNS.

- 10.1 Existing tower signs and marquee are historic architectural features and are not counted against the maximum allowable signage allowed by the Dallas City Code.

City plan commission recommendation and applicant request:

- | |
|--|
| 10.2 New signage on Protected Facade A1 is only allowed for tenants occupying the space immediately behind the marquee. This new signage must be static and may be internally illuminated. |
|--|

Landmark commission and staff recommendation:

- | | |
|------|---|
| 10.2 | New signage on Protected Facade A1 is only allowed for tenants occupying the space immediately behind the marquee. Such new signage is restricted to the area of the existing marquee signage where interchangeable letters could be hung. This new signage must be static and may be internally illuminated. |
|------|---|
- 10.3 New signage on Protected Facade B1 is only permitted if a single tenant occupies the entire leaseable area of the main building.
- 10.4 Signage on Protected Facade B2 is permitted.
- 10.5 New signage on non-protected facades is permitted.
- 10.6 All signs must comply with the provisions of the Dallas City Code, as amended.
- 10.7 Temporary political campaign signs and temporary real estate signs may be erected without a certificate of appropriateness.

11. OFF-STREET PARKING REDUCTION FOR THEATER USE.

City plan commission recommendation:

- | | |
|------|---|
| 11.1 | No parking is required for any use operating within the main building or the 1980's addition. Additions to the main building or to the 1980's addition must provide parking in accordance with the Dallas Development Code. |
|------|---|

Landmark Commission recommendation:

- | | |
|------|--|
| 11.1 | For a theater use, required off-street parking is reduced by 231 parking spaces. |
|------|--|

Staff recommendation:

- | | |
|------|---|
| 11.1 | No off-street parking is required for any use operating within the main building. |
|------|---|

Applicant request:

- | | |
|------|--|
| 11.1 | No parking is required for office, restaurant, food, and drink services, retail, or personal service uses, or some combination of these four uses in the Main Building shown on Exhibit B. |
| 11.2 | No parking is required for office, restaurant, food, and drink services, retail, or personal service uses, or some combination of these four uses in the Addition shown on Exhibit B. |
| 11.3 | No parking is required for office, restaurant, food, and drink services, retail, or personal service uses, or some combination of these four uses in any new floor area constructed in those areas shown on Exhibit B. |

12. ENFORCEMENT.

- 12.1 A person who violates these preservation criteria is guilty of a separate offense for each day or portion of a day during which the violation is continued, from the first day the unlawful act was committed until either a certificate of appropriateness is obtained or the property is restored to the condition it was in immediately prior to the violation.
- 12.2 A person is criminally responsible for a violation of these preservation criteria if:
- a. the person knowingly commits the violation or assists in the commission of the violation;
 - b. the person owns part or all of the property and knowingly allows the violation to exist;
 - c. the person is the agent of the property owner or is an individual employed by the agent or property owner; is in control of the property; knowingly allows the violation to exist; and fails to provide the property owner's name, street address, and telephone number to code enforcement officials; or
 - d. the person is the agent of the property owner or is an individual employed by the agent or property owner, knowingly allows the violation to exist, and the citation relates to the construction or development of the property.
- 12.3 Any person who adversely affects or demolishes a structure in this district in violation of these preservation criteria is liable pursuant to Section 315.006 of the Texas Local Government Code for damages to restore or replicate, using as many of the original materials as possible, the structure to its appearance and setting prior to the violation. No certificates of appropriateness or building permits will be issued for construction on the site except to restore or replicate the structure. When these restrictions become applicable to a site, the Director shall cause to be filed a verified notice in the county deed records and these restrictions shall be binding on future owners of the property. These restrictions are in addition to any fines imposed.
- 12.4 Prosecution in municipal court for a violation of these preservation criteria does not prevent the use of other enforcement remedies or procedures provided by other city ordinances or state or federal laws applicable to the person charged with or the conduct involved in the offense.

EXHIBIT B1

Lakewood Theater

1825 Abrams Parkway
Dallas, Texas 75214

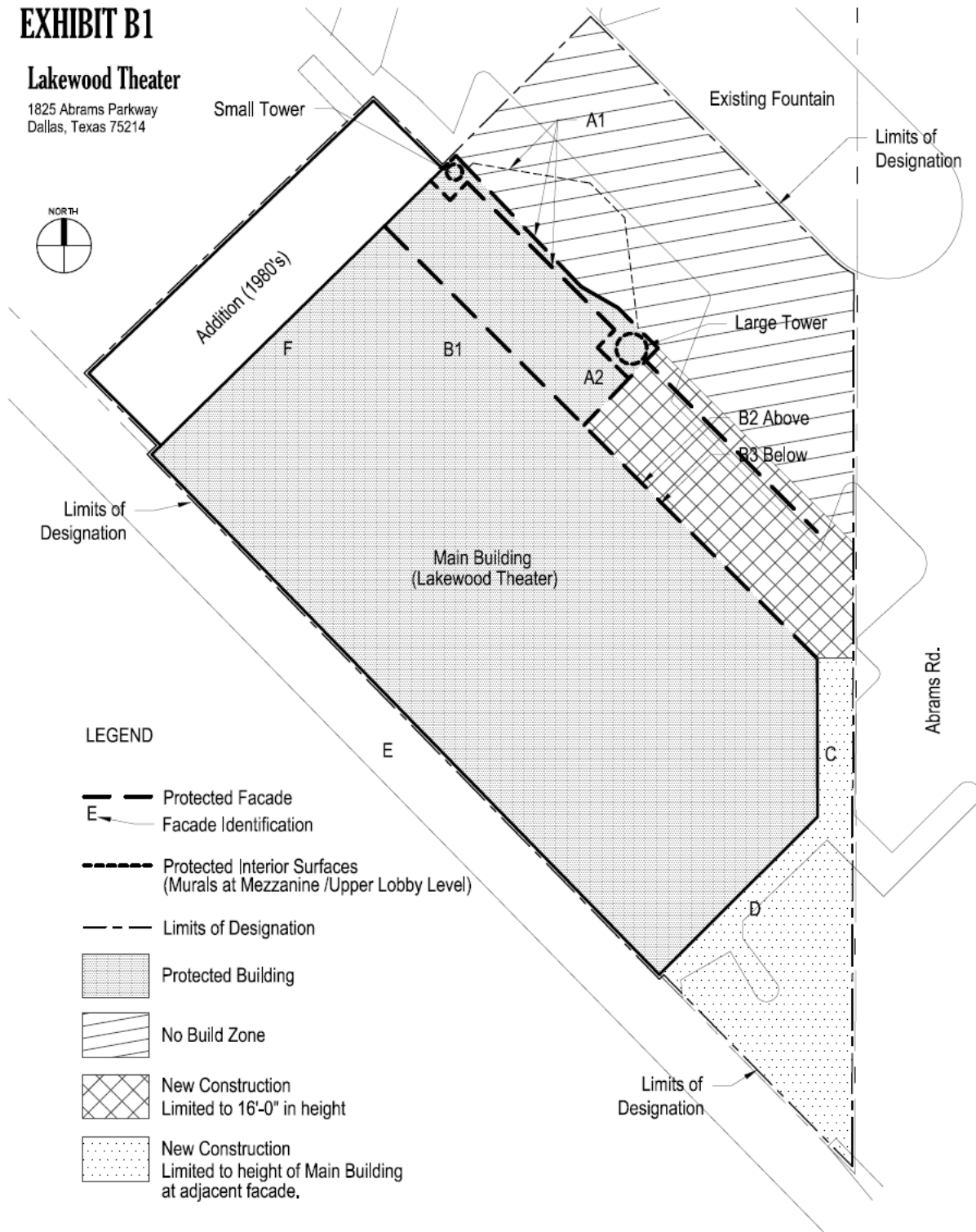
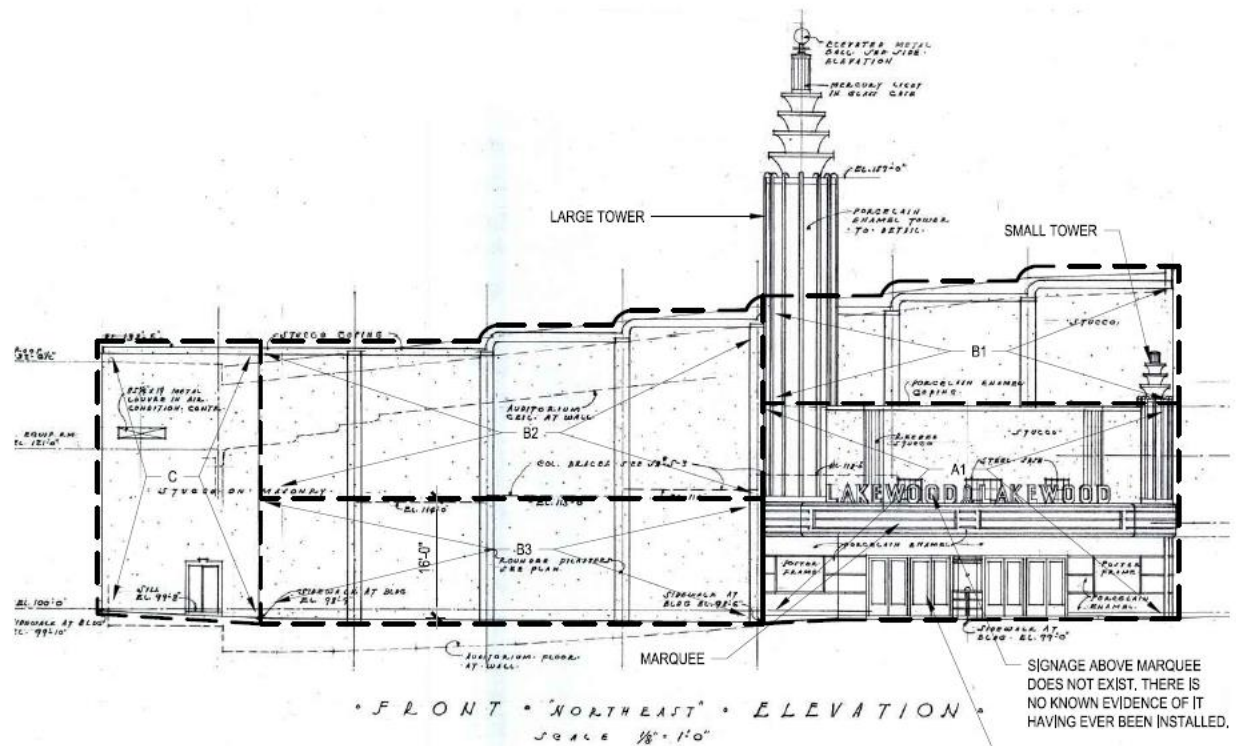


EXHIBIT B2

Lakewood Theater

1825 Abrams Parkway
Dallas, Texas 75214



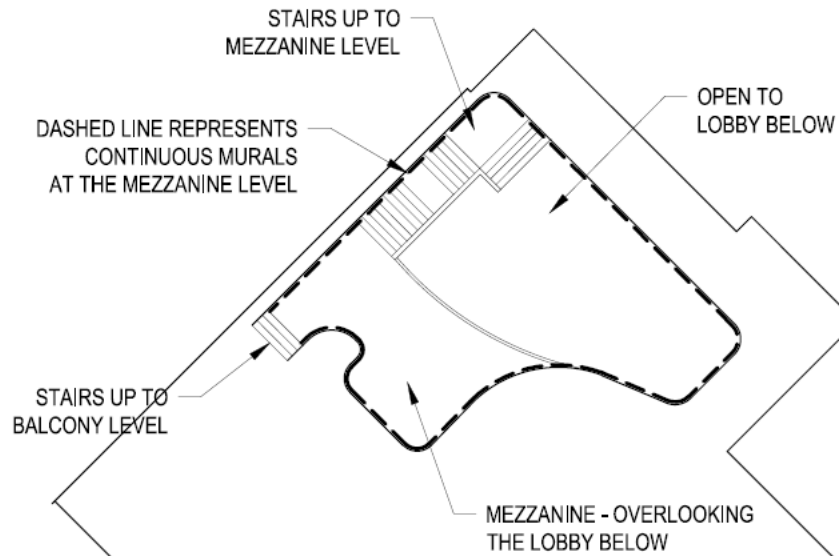
ELEVATION

This exhibit uses an elevation from the original 1938 construction drawings. Some details and conditions have changed since that time. Field verify all existing conditions before proceeding.

EXHIBIT B3

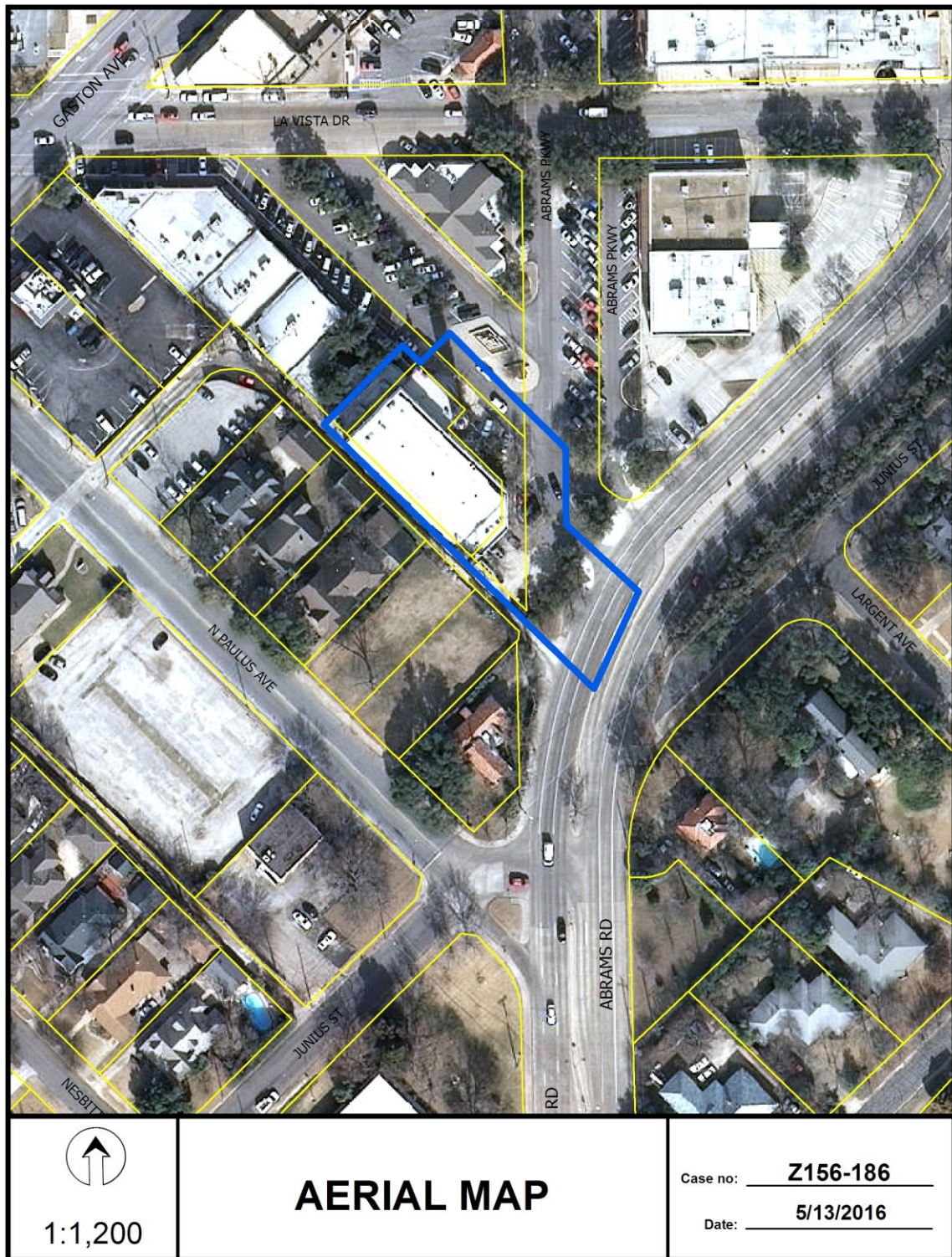
Lakewood Theater

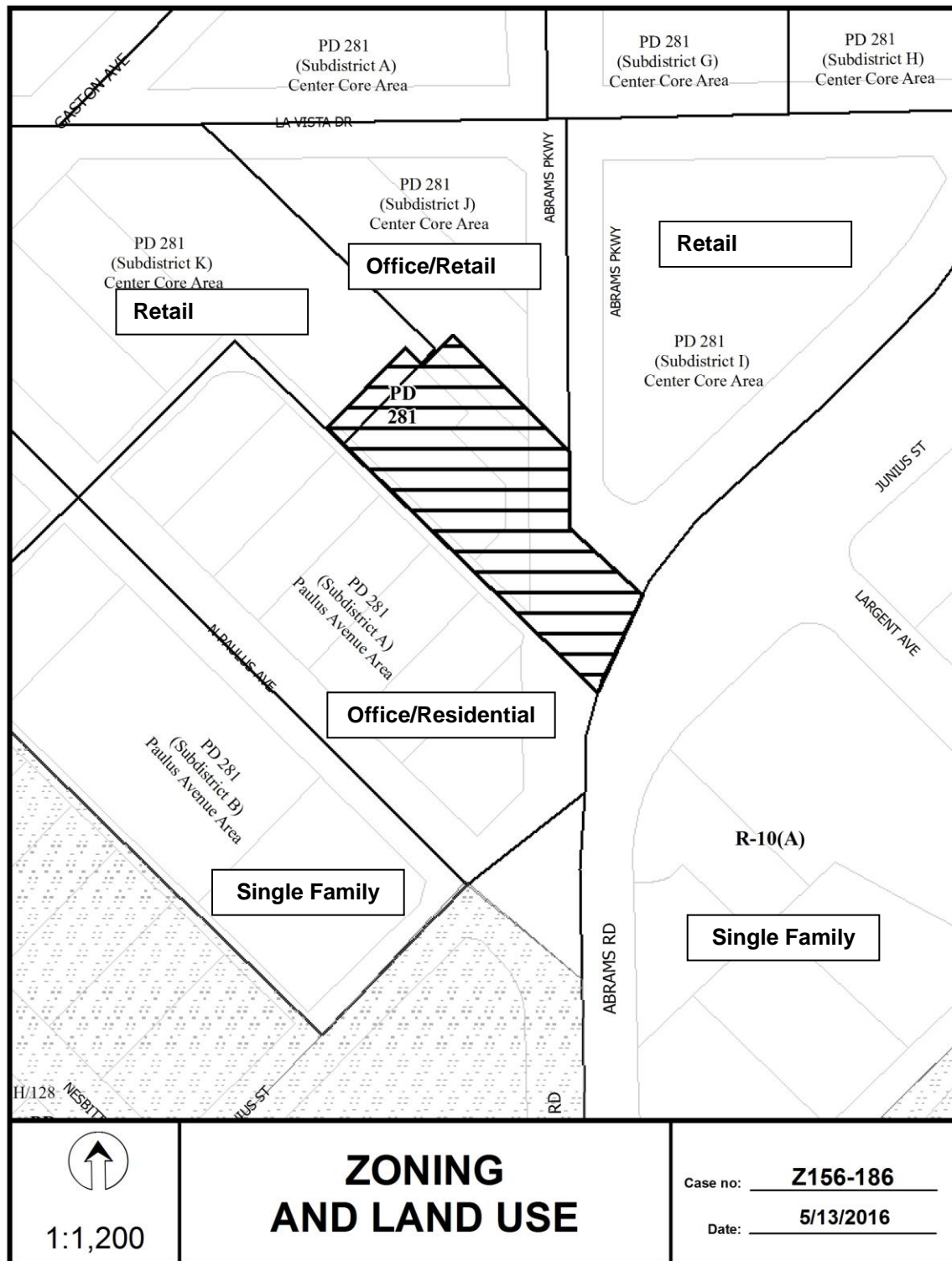
1825 Abrams Parkway
Dallas, Texas 75214



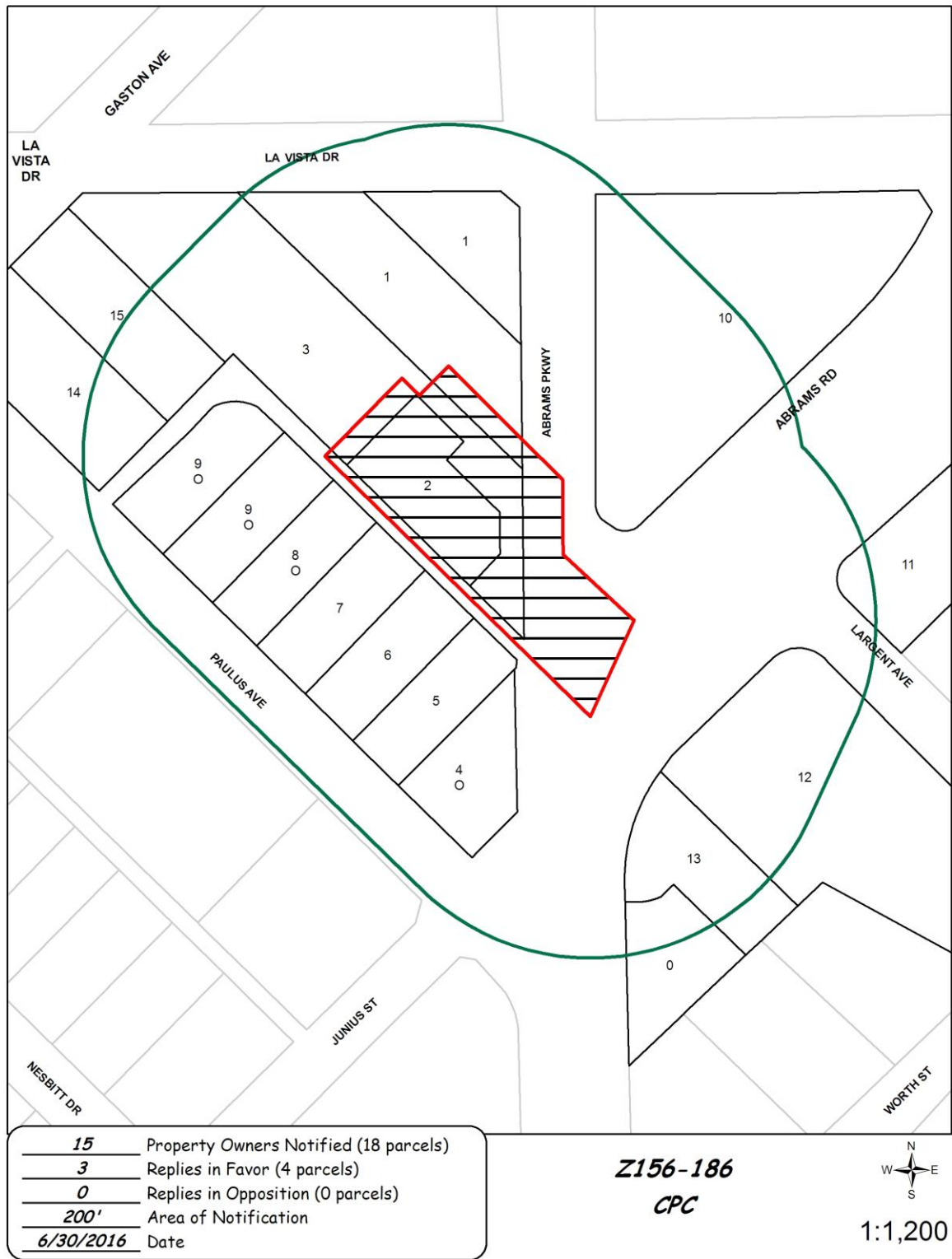
**PROTECTED MURAL
LOCATION KEYPLAN**







CPC Responses



06/29/2016

Reply List of Property Owners
Z156-186

15 Property Owners Notified***3 Property Owners in Favor******0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	6342 LA VISTA DR	DIENERMILLS LLC
	2	1825 ABRAMS RD	LAKEWOOD INTERESTS LLC
	3	6312 LA VISTA DR	WILLINGHAM W W III ET AL
O	4	700 PAULUS AVE	SLOCUM WILLIAM C III
	5	708 PAULUS AVE	WILLINGHAM WW 3 TRUSTEE &
	6	714 PAULUS AVE	WILLINGHAM W W III TR &
	7	718 PAULUS AVE	MCBEE DAVID
O	8	722 PAULUS AVE	ASMAR JASON
O	9	726 PAULUS AVE	CAMPAGNA ANTHONY J
	10	1824 ABRAMS RD	1924 ABRAMS LTD
	11	626 LARGENT AVE	STROH DENA DENOYER &
	12	611 LARGENT AVE	A & A RESIDENTIAL DESIGN LLC
	13	6216 JUNIUS ST	LAKE DONNA M
	14	6308 GASTON AVE	JACK IN THE BOX
	15	6308 GASTON AVE	PROBERT WILLET TA

AGENDA ITEM # 61

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 1

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 54 E

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a new tract for instructional arts studio and theatre uses within Tract I of Planned Development District No. 87; and an ordinance granting a Specific Use Permit for a theatre use with consideration being given to a Specific Use Permit for a theatre and instructional arts studio uses on the northeast corner of South Windomere Avenue and West 12th Street

Recommendation of Staff: Approval of a new tract, subject to staff's recommended conditions; and approval of a Specific Use Permit for instructional arts studio and theatre uses for a two-year period, subject to staff's recommended site plan and staff's recommended conditions

Recommendation of CPC: Approval of a new tract, subject to conditions; and approval of a Specific Use Permit for instructional arts studio and theatre uses for a five-year period, subject to a site plan and conditions

Z156-219(SM)

FILE NUMBER: Z156-219(SM)

DATE FILED: February 29, 2016

LOCATION: Northeast corner of South Windomere Avenue and West 12th Street

COUNCIL DISTRICT: 1

MAPSCO: 54 E

SIZE OF REQUEST: Approx. 0.56 Acres

CENSUS TRACT: 52.00

APPLICANT/OWNER: Nostalgic Habitats, LLC

REPRESENTATIVES: Jonathan G. Vinson, Jackson Walker, LLP

REQUEST: An application for a new tract for instructional arts studio and theatre uses within Tract I of Planned Development District No. 87; and a Specific Use Permit for a theatre use with consideration being given to a Specific Use Permit for instructional arts studio and theatre uses.

SUMMARY: The applicant proposes to renovate the existing structure to (1) allow an instructional arts studio by right with additional conditions, (2) allow a theatre by Specific Use Permit, and (3) specify parking requirements for both uses.

CPC RECOMMENDATION: Approval of a new tract, subject to conditions; and approval of a Specific Use Permit for instructional arts studio and theatre uses for a five-year period, subject to a site plan and conditions.

STAFF RECOMMENDATION: Approval of a new tract, subject to staff's recommended conditions; and approval of a Specific Use Permit for instructional arts studio and theatre uses for a two-year period, subject to staff's recommended site plan and staff's recommended conditions.

GUIDING CRITERIA FOR RECOMMENDATION:

Staff recommends approval of staff's recommended conditions in the request based upon:

1. *Performance impacts upon surrounding property* – The request site is on the corner of a collector street and local residential street within a historic district. The site currently contains a church building that was constructed in 1929 according to the applicant. The last church to occupy the building vacated prior to November 2009 and the applicant reports that previous repurposing attempts to convert the structure into a single family use have failed and the building is in disrepair. The applicant proposes two new, and reportedly symbiotic uses, an instructional arts studio and a theatre to occupy the original church building. These uses are more commonly described by the applicant as a facility that teaches and practices in the arts. The instructional arts studio use will primarily be located the basement which contains five classrooms, an office, a group meeting area, work area, and storage rooms and will instruct persons of all ages, including school-aged children from the arts school across the street in visual and performance arts. In order to showcase the student's growth and provide for performances on a community theatre scale, an additional use is requested, a theatre use. The applicant has offered conditions within the Specific Use Permit application and planned development conditions that address some neighborhood concerns about both uses. However, staff recommends that both new uses are conditioned within a Specific Use Permit in order to allow for periodic review of the entire facility.
2. *Traffic impact* – Staff recommends that the existing building is limited to maintain vehicular access on Windomere. It cannot directly access W 12th Street because the existing building is historically protected and the Dallas Development Code prohibits access from a nonresidential parking to a residentially zoned alley. There are 20 parking spaces on site that the applicant originally reported will accommodate the majority of the parking requirement for each use proposed. The request does not include parking requirement reductions, with the exception that a single family use only requires one space instead of two, however, the request utilizes compatibly overlapping hours for the two new uses and allows a remote parking agreement by lease with nonresidentially zoned property. Compatibly overlapping hours in other words, means the theatre and instructional arts studio will share parking spaces by staggering the peak demand hours so as to not need the full sum of parking requirements for both uses provided on the site. Based on the final total gross square footage of the instructional arts studio and the number of seats, the parameters that determine minimum off-street parking requirements, additional remote parking may be required in a nearby non-residentially zoned property. The applicant has requested that remote parking by lease also be approved in order to accommodate remote parking with nonresidentially zoned districts in lieu of a parking agreement filed in the deed records. The Engineering Section of Sustainable Development and Construction has also reviewed this request and has no objections with staff's recommendation. However, the

Engineering Section of Sustainable Development and Construction has also reviewed the alternate development/site plan that the applicant requests and objects to the alley access and has not concluded whether or not the new parking layout would be able to accommodate self-parked vehicles because the plan is not dimensioned.

3. *Comprehensive Plan or Area Plan Conformance* – The request lies within the residential neighborhood building block of *Forward Dallas!*. Although these two uses are not typically recommended within this building block, staff recommends approval of staff's recommended site plan because the uses may not access the alley and the proposed new uses can be more closely monitored with a Specific Use Permit and re-evaluated during the renewal process. Additionally, the applicant has proposed a neighborhood supporting use that will both complement the adjacent school and utilize adaptive reuse to restore a historic neighborhood facility.

BACKGROUND INFORMATION:

- An article in the Dallas Morning News from October 30, 1929 announced the ground breaking ceremony of the Winnetka Congregational Church.
- Planned Development District No. 87 was established by Ordinance No. 15067, passed by the Dallas City Council on December 15, 1975. Planned Development District No. 87 refers to the interpretations of Chapter 51, unless otherwise stated.
- Chapter 51 of the Dallas Development Code includes two uses that pertain to the request, an instructional arts studio and theatre.
 - An instructional arts studio is defined as, "A facility for the instructing, coaching, or counseling in art, music, ceramics, drama, speech, dance, or similar personal skills or arts."¹
 - A theatre is defined as, "A facility for showing motion pictures or theatrical performances to an audience inside an enclosed structure."²

Zoning History*:

1. Z134-149

Request, Disposition, and Date

On June 25, 2014, the City Council approved an amendment to Planned Development District No. 306 for a public school and a community service center.

¹ Reference Section 51-4.210(19) of the Dallas Development Code

² Reference Section 51-4.208(8) of the Dallas Development Code

Thoroughfares/Streets: Designation; Explanation; Right-Of-Way

W 12th Street Collector; Minimum-4 lanes-undivided; 80' ROW

S Windomere Avenue Local; N/A; 60' ROW

Traffic: The Engineering Section of the Department of Sustainable Development and Construction has reviewed the applicant's traffic impact analysis and staff's recommended site plan and determined it will not negatively impact the surrounding street system. Alternatively, the applicant has submitted a revised site/development plan that accesses a gravel alley that is shared with other residentially zoned properties and uses. The Engineering Section of the Department of Sustainable Development and Construction recommends that the alley be paved to Street Standards and is limited to non-peak hours and assumes the parking layout meets off-street parking standards (the plan is not dimensioned and therefore it is not ascertained to whether it meets minimum standards). Current Planning staff does not support off-street parking within the front yard setback, access to a residential alley, or the revised parking layout. Further, since the site is located within a historic district, Landmark Commission approval is needed to allow the resubmitted site/development plan proposed by the applicant. Landmark Commission does not meet again until August 1st and the applicant has not met the deadline for the Landmark Commission to consider the site change.

Chapter 51 of the Dallas Development Code requires one parking space for each 200 square feet of floor area and one space for each four seats for a theatre use. The applicant has proposed to share parking between the two uses on site with compatibly overlapping or mutually exclusive hours of operation and supplement the theatre parking, if needed, with a remote parking agreement by lease with the nonresidential lot on the east side of the adjacent alley.

Due to the changes proposed on the revised site/development plan submitted by the applicant, staff recommends the previously approved plan, with alley access prohibited, be approved in lieu of the applicant's site/development plan.

STAFF ANALYSIS:

Comprehensive Plan:

The comprehensive plan does not make a specific land use recommendation related to the request, however the ***forwardDallas! Vision Illustration***, adopted June 2006, is comprised of a series of Building Blocks that depicts general land use patterns. Building

Blocks are generalized patterns without well-defined boundaries that indicate where certain types and densities of development might logically occur.

The Vision Illustration depicts the request site as within a *Residential Neighborhood*. While single family dwellings are the dominate land use in such areas, shops, restaurants, or institutional land uses that serve residents may be located at the edges or at key intersections.

In general, the applicant's proposal to utilize adaptive reuse at this location is consistent with the residential building block described in the Comprehensive Plan when a Specific Use Permit is required for both proposed uses.

Surrounding Land Uses and Zoning:

Direction	Zoning	Land Use
Site	PD No. 87 (Tract I), H/15	Vacant
North	PD No. 87 (Tract I), H/15	Single Family
East	PD No. 87 (Tract I and III), H/15	Single Family and Office
South	PD No. 306	Public School and a community service center
West	PD No. 87 (Tract I), H/15	Single Family

Land Use Compatibility:

The 0.56 acre site is located on the corner of two streets and contains a historic church building and is proposed to be restored with Landmark Commission approval with the site largely remaining unchanged other than cosmetic changes that include restoration of the building facades, new landscaping, hardscape renovations, and fence repair or replacement. The applicant has made an application for the September 6 Landmark Commission hearing. The building itself is located west of a nonresidential tract in PD No. 87 and north of a public school. Single family uses lie east of the existing parking lot and to the west and north of the request site. The structure is proposed to be restored and contain two new uses, an instructional arts studio use and a theatre use.

Staff recommends approval of the new tract on the condition that both uses are restricted to a Specific Use Permit for a two-year period. The short time frame will allow an opportunity to review if the new uses are compatible with surrounding properties, need additional conditions, or if they are not compatible with surrounding properties.

City Plan Commission (CPC) followed staff recommendation of allowing both uses by Specific Use Permit and recommended a five year time period. CPC also recommended allowing the applicant to use the exit into the alley from the parking lot with the requirement that a right turn only sign be posted.

CPC Action:
July 21, 2016

Motion I: It was moved to recommend **approval** of a new tract for instructional arts studio and theatre uses, subject to staff's recommended conditions with an exception to follow the applicant's recommended ordinance language regarding alleys and add "Right turn only" and "Exit only" signs to the property within Tract I of Planned Development District No. 87; and **approval** of a Specific Use Permit for instructional arts studio and theatre uses for a five-year period, subject to applicant's requested site plan and staff's recommended conditions with the following modification: Hours of operation meaning any open and operating hours of the facility be Monday through Thursday, 7:00 a.m. to 10:00 p.m., Friday and Saturday from 7:00 a.m. to 11:00 p.m., Sunday 9:00 a.m. to 5:00 p.m., and on School days no opening or operation prior to 9:00 a.m. on the northeast corner of South Windomere Avenue and West 12th Street.

Maker: Anglin
Second: Abtahi
Result: Carried: 11 to 1

For: 11 - Anglin, Rieves, Houston, Davis, Abtahi, Haney,
Jung, Housewright, Schultz, Peadon, Tarpley

Against: 1 - Ridley
Absent: 2 - Shidid, Murphy
Vacancy: 0
Abstained: 1 - Anantasomboon**

**abstained from voting, due to bus tour requirement

Amending Motion: It was moved to amend the main motion to exclude front yard parking within the setback area.

Maker: Ridley
Second: Jung
Result: Failed: 6 to 6

For: 6 - Rieves, Haney, Jung, Housewright, Peadon,
Ridley

Against: 6 - Anglin, Houston, Davis, Abtahi, Schultz, Tarpley
Absent: 2 - Shidid, Murphy
Vacancy: 0
Abstained: 1 - Anantasomboon**

**abstained from voting, due to bus tour requirement

Z156-219(SM)

Notices: Area: 500 Mailed: 106
Replies: For: 18 Against: 9

Speakers: For: Jonathan Vinson, 2323 Ross Ave., Dallas, TX, 75201
Todd Lott, 6722 Lakewood Blvd., Dallas, TX, 75214
Auastasia Muñoz, 1505 Elm St., Dallas, TX, 75201
John Terrill, 417 S. Clinton Ave., Dallas, TX, 75208
Christine Baril, 824 N. Clinton Ave., Dallas, TX, 75208
Anna Hagan, 204 S. Willomet Ave., Dallas, TX, 75208
Sue Hounsel, 308 S. Windomere Ave., Dallas, TX, 75208
For (Did not speak): Eliseo Ruiz, 214 S. Willomet Ave., Dallas, TX, 75208
Against: None
Against (Did not speak): Christine Thomas, 318 S. Windomere Ave., Dallas, TX, 75208

Directors and Officers of Applicant/Property Owner

Nostalgic Habitats, LLC

Todd R. Lott, Manager and President

Laila F. Lott, Manager

PROPOSED AMENDING CONDITIONS

ARTICLE 87.

PD 87.

SEC. 51P-87.101. LEGISLATIVE HISTORY.

PD 87 was established by Ordinance No. 15067, passed by the Dallas City Council on December 15, 1975. Ordinance No. 15067 amended Ordinance No. 10962, Chapter 51 of the 1960 Revised Code of Civil and Criminal Ordinances of the City of Dallas. Ordinance No. 15067 was amended by Ordinance No. 15251, passed by the Dallas City Council on August 16, 1976. On October 14, 1981, the Dallas City Council adopted Ordinance No. 17164, which repealed Ordinance Nos. 15067 and 15251 and re-established PD 87. Ordinance No. 17164 was amended by Ordinance No. 18171, passed by the Dallas City Council on February 15, 1984. On August 15, 1984, the Dallas City Council passed Ordinance No. 18369, which combined the PD conditions and historic overlay district regulations of Ordinance No. 17165, passed by the Dallas City Council on October 14, 1981, and repealed portions of both Ordinance Nos. 17164 and 17165. Ordinance No. 18369 was amended by Ordinance No. 19493, passed by the Dallas City Council on March 4, 1987, and Ordinance No. 21794, passed by the Dallas City Council on September 8, 1993. (Ord. Nos. 10962; 15067; 15251; 17164; 17165; 18171; 18369; 19493; 21794; 25423)

SEC. 51P-87.102. PROPERTY LOCATION AND SIZE.

PD 87 is established on property generally located south of Davis Street, north of Twelfth Street, east of Waverly Drive, and west of Polk Street. The size of PD 87 is approximately 183.93 acres. (Ord. Nos. 17164; 18171; 25423)

SEC. 51P-87.103. RECONCILIATION WITH OTHER ORDINANCES.

(a) The provisions of Ordinance Nos. 17164 and 17165, and the Dallas Development Code, as amended, apply to the Winnetka Heights Historic District unless expressly modified or repealed by this article. In the event of a conflict, the provisions of this article control.

(b) The Property descriptions for Tracts I, II, III, IV(a), IV(b), IV(c), and IV(d) are described in the Exhibit A attached to Ordinance No. 27947. Exhibit 87C is a graphic representation of the tracts in PD 87.” (Ord. Nos. 18369; 25423; 25550; 25552; 27947)

SEC. 51P-87.104. INTERPRETATIONS.

(a) Unless otherwise stated, the 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. (Ord. 25423)

SEC. 51P-87.105. DEFINITIONS.

(a) In this article:

(1) BLOCK means an area bounded by streets on all sides.

(1.0) A-FRAME SIGN means a portable detached premise sign that is hinged at the top and is made of durable, rigid materials such as wood, plastic, or metal.

(1.1) BED AND BREAKFAST means a lodging use that has no more than five guest rooms; provides accommodations for periods not to exceed five nights; serves no meals other than breakfast; and is a member of, or certified by, a recognized bed and breakfast association such as the National Bed and Breakfast Association (NBBA) or Historic and Hospitality Accommodation of Texas.

(1.2) BLADE SIGN means a sign that projects perpendicularly from a main building facade and is visible from both sides.

(2) BLOCKFACE means all of the lots on one side of a block.

(3) CERTIFICATE OF APPROPRIATENESS means a certificate issued by the city to authorize certain work to be performed in this district. (See Section 51P-87.120 of this article and Section 51-4.501.)

(4) COLUMN means the entire column, including the base and capital, if any.

(5) COMMISSION means the city plan commission.

(6) COMMITTEE means the landmark committee created under Section 51-3.103.

(6.1) CONTRIBUTING STRUCTURE means a structure that retains its essential architectural integrity of design and whose architectural style is typical of or integral to the historic district.

(7) CORNER LOT means a lot that has frontage on two different streets.

(8) CORNER SIDE FACADE means the facade of a main building on a corner lot that faces the side street.

(9) CORNER SIDE YARD means a side yard that abuts a street.

(10) FENCE means a structure or hedgerow that provides a physical barrier, and includes a fence gate.

(11) FINISHED PORCH FLOOR ELEVATION means the vertical distance measured from grade to the completed floor surface of the porch.

(12) FRONT YARD means the portion of a lot that abuts a street and extends across the width of the lot between the street and the main building and lines parallel to and extending outward from the front facade of the main building.

(13) LOT means a building site, as defined in the Dallas Development Code.

(13.1) MIXED USE DEVELOPMENT means a development that has both main residential and main nonresidential uses on the same building site.

(14) MOVE-IN BUILDING means a building that has been moved onto an existing lot.

(15) ONE-HALF STORY means a finished room in the attic.

(16) PARKWAY means the area between a public sidewalk and the street.

(17) PERIOD COMMERCIAL BUILDING means a building originally constructed for nonresidential uses and representing Art Deco, Spanish Colonial Revival, or English Tudor influenced architectural styles typical of the period from 1900 to 1935.

(18) PLANTER BOX means a permanent container for plants that is non-movable.

(19) PRESERVATION CRITERIA means the standards considered by the director, committee, commission, and city council in determining whether a certificate of appropriateness should be granted or denied.

(19.1) PROJECTING SIGN means an attached sign projecting more than 12 inches from a building at an angle other than parallel to the facade.

(20) REAR YARD means:

(A) on an interior lot, the portion of the lot between the side lot lines that extends across the width of the lot between the main building and lines parallel to and extending outward from the rear facade of the main building and the rear lot line; and

(B) on a corner lot, the portion of the lot that extends between the interior side lot line and a line parallel to and extending outward from the rear of the corner side facade, and between the rear lot line and the main building and a line parallel to and extending outward from the interior side corner of the rear facade.

(20.1) REMOTE SURFACE PARKING LOT means a nonstructural passenger-vehicle parking facility where at least 30 percent of its parking spaces are subject to remote parking agreements and where the remaining parking spaces may serve as off-site parking for a valet service that may charge a fee.

(21) RESIDENTIAL BUILDING means a building that contains only residential uses.

(22) SCREENING means a structure or planting that provides a visual barrier.

(23) SIDE YARD means any portion of a lot not occupied by a main building that is not a front or rear yard. "Side yard" includes "corner side yard."

(24) STORY means the portion of a building between any two successive floors, or between any given floor and the ceiling above it.

(25) THIS DISTRICT means the Winnetka Heights Historic District.

(26) TRIM COLOR means a paint color other than the dominant color. Wood colored translucent stains are not trim colors. Furthermore, trim color does not include the color of screen and storm doors and windows, gutters, downspouts, porch floors, and ceilings.

(b) Except as otherwise provided in this section, the definitions in Section 51-2.102 apply to this article. In the event of a conflict, the definitions in this section control. (Ord. Nos. 18369; 25423; 27947)

SEC. 51P-87.105.1. EXHIBITS.

The following exhibits are incorporated into this article:

- (1) Exhibit 87A: graphics
- (2) Exhibit 87B: tree list.
- (3) Exhibit 87C: tract map.
- (4) Exhibit 87D: mixed use development parking chart.

CPC recommendation:

Denial of subparagraph (5) because CPC recommends the instructional arts studio use by allowed by specific use permit.

Applicant requested:

- (5) Exhibit 87E: instructional arts studio development plan.

SEC. 51P-87.106. REVIEW PROCEDURES FOR CERTIFICATES OF APPROPRIATENESS.

(a) In general. The review procedure for routine maintenance and replacement and the standard review procedure outlined in Section 51-4.501 apply to this district, except as expressly modified by this section.

(b) Review by the director.

(1) Routine maintenance and replacement. The director shall review applications for routine maintenance and replacement in accordance with the procedure outlined in Section 51-4.501. Routine maintenance and replacement includes, but is not limited to the process of cleaning (including water blasting and stripping); repainting an item the same color; and replacing, duplicating, or stabilizing deteriorated or damaged architectural features. (For more information regarding routine maintenance and replacement, see Section 51-4.501.)

(2) Minor exterior alterations. In addition to the above, the director shall review an application for a certificate of appropriateness for one or more of the following minor exterior alterations as if the work were routine maintenance and replacement:

(A) the application, installation, maintenance, or replacement of:

- (i) storm windows and doors;

- (ii) window and door screens;
- (iii) gutters and downspouts of the same color as the dominant or a trim color;
- (iv) skylights and solar panels;
- (v) a wood or chain link fence that is not painted or stained;
- (vi) a chimney located on an accessory building, or on the rear 50 percent of a main building and not part of the corner side facade;
- (vii) an awning located on an accessory building, or on the rear facade of a main building; and
- (viii) lights located at ground level, in a tree or shrub, along eaves and soffits, or on accessory buildings; and

(B) the restoration of original architectural elements that does not include the use of paint of a color other than the current dominant color.

(c) Review by the committee, commission, and city council.

(1) The standards contained in this section should be used by the committee in making its recommendation to the commission, and by the city council when considering an appeal from a decision made by the commission.

(2) The commission shall review all applications for certificates of appropriateness forwarded to it by the director and committee. In reviewing an application, the commission shall determine whether the proposed work complies with the preservation criteria and regulations contained in this article and all other applicable ordinances. If the proposed work complies, the commission shall grant the certificate.

(3) Except as otherwise provided in this section, if the proposed work does not comply with or is not addressed by the preservation criteria and regulations contained in this article or any other applicable ordinance, the commission shall deny the certificate.

(4) If the proposed work is the restoration of original architectural elements and will not have an adverse effect on the external architectural features, future preservation, maintenance, or use of a structure or blockface in this district, or

of this district as a whole, the commission shall grant the certificate. In determining whether the proposed work constitutes the restoration of original architectural elements, the commission shall consider all available materials, including but not limited to photographs and drawings showing the original appearance of the building and its surrounding property at the time of construction.

(5) If the proposed work is not addressed by the preservation criteria and regulations contained in this article and all other applicable ordinances, and will not have an adverse effect on the external architectural features, future preservation, maintenance, or use of a structure or blockface in this district, or of this district as a whole, the commission shall grant the certificate.

(d) Appeals. A decision made by the director or commission to grant a certificate of appropriateness may not be appealed. A decision made by the director or the commission to deny a certificate of appropriateness may be appealed only by the applicant. (Ord. Nos. 18369; 25423)

SEC. 51P-87.107. NOTICE REQUIREMENTS.

(a) Certificate of appropriateness applications. The following notice requirements apply to this district:

(1) When required. The director shall give the notice required by this section only when a person applies for a certificate of appropriateness to construct a new main building, or to move a main building onto an existing lot.

(2) Content of notice. The notice required by this section must contain a description of the lot where the main building will be constructed or moved, and the date, time, and location of the committee meeting at which the application will be considered.

(3) Manner of notification. The notice required by this section is a written notice to be given not less than 21 days before the committee meeting at which the application will be considered. Notice is given by depositing the notice properly addressed and postage paid in the United States Mail to the property owners entitled to notice under Paragraph (4) of this section as evidenced by the last approved city tax roll.

(4) Who must be notified. The director shall notify the following persons in this district whenever notice is required by this section:

(A) The owners of all lots in the blockface of the area of request.

(B) The owners of all lots in the blockface across the street from the area of request.

(C) If the area of request is a corner lot, the owners of all other corner lots at the same intersection.

CPC recommended:

(b) Tract I(a). In Tract 1(a), the Property owner shall submit a copy of any of the following applications to the Winnetka Heights Neighborhood Association at the address P.O. Box 5327, Dallas TX 75208, at least 30 days prior to the filing with the city of any said application:

(1) an application for a specific use permit;

(2) an application for a minor amendment to an approved specific use permit site plan ;

(3) an application for a variance or special exception

Applicant requested:

~~(b) Tract I(a). In Tract 1(a), the Property owner shall submit a copy of any of the following applications to the Winnetka Heights Neighborhood Association at the address P.O. Box 5327, Dallas TX 75208, at least 30 days prior to the filing with the city of any said application:~~

~~(1) an application for a specific use permit;~~

~~(2) an application for a minor amendment to an approved specific use permit site plan ;~~

~~(3) an application for a variance or special exception~~

SEC. 51P-87.108. PROCEDURAL CHANGES WHEN NOTICE IS REQUIRED.

The procedural time requirements in Section 51-4.501 applicable to the committee and the commission apply to this district, except in those cases where notice is required under Section 51P-87.107 of this article. In such cases, the committee shall make its recommendation within 45 days of receipt of the application by the director. If final action has not been taken by the committee and the commission within 55 days of the director's receipt of the application:

(1) the director shall issue a certificate of appropriateness to the applicant for the proposed work; and

(2) if all requirements of the Dallas Development Code and the construction codes are met and a building permit is required for the proposed work, the building official shall issue a building permit to the applicant for the proposed work. (Ord. Nos. 18369; 25423)

SEC. 51P-87.109. USE REGULATIONS FOR TRACTS I AND I(a).

The following use regulations apply to all property in Tracts I and I(a):

(1) Uses that were illegal on October 14, 1981, are illegal uses under this article. Nonconforming uses only terminate under the provisions of Sections 51-4.704(a)(1), (2), (3), and (4).

(2) Except as otherwise provided below, uses are limited to residential uses (including single-family, duplex, and multiple-family uses) and other uses permitted in an R-7.5 Single-Family District.

(3) The number of dwelling units in a structure may not be increased. If the number of dwelling units in a structure is reduced, or the structure is replaced with another structure containing a lesser number of dwelling units, the structure shall thereafter be limited to the lesser number of dwelling units.

(4) A club house use is permitted in Block A/3269 at the northwest corner of Rosemont Avenue and Eighth Street.

(5) The community service facility use currently being operated by the Salvation Army is permitted at the northeast corner of Jefferson Avenue and Rosemont Avenue on Lots 1, 2, 3, 4, 5, and 6 in City Block 29/3286. Required off-street parking for the facility is permitted on Lot 11 in City Block 30/3287.

CPC recommendation:

(6) In Tract I(a), an instructional arts studio and theatre are allowed by specific use permit.

Applicant requested:

(6) In Tract I(a), an instructional arts studio is allowed with the following conditions:

(A) Development plan. Development and use of the Property must comply with the instructional arts studio development plan (Exhibit 87E). If there is a conflict between the text of this article and the instructional arts studio development plan, the text of this article controls.

(B) Lighting. Detached light fixtures are limited to 20 feet in height and must be shielded and directed away from surrounding properties.

(C) Outside amplification. Outside amplification is prohibited.

(D) Queuing. Queuing is only permitted inside the Property. Drop-off and pick-up are not permitted within the city rights-of-way.

(7) In Tract I(a), a theatre is allowed by specific use permit.

SEC. 51P-87.110. DEVELOPMENT STANDARDS FOR TRACTS S I AND I(a).

(a) In general. Except as otherwise provided in this section, the development standards in the Dallas Development Code, as amended, applicable to an R-7.5 Single-Family District apply to all property in Tracts S I and I(a). In the event of a conflict, the provisions of this section control.

(b) Height requirements. Maximum permitted heights for all buildings and structures are:

- (1) 36 feet for a main building or structure; and
- (2) 24 feet for an accessory building or structure.

(c) Lot size requirements. Lots must conform to the following standards:

- (1) Each lot must have a minimum area of 7,500 square feet and a minimum depth of 150 feet.
 - (2) Each corner lot must have a width of no less than 50 feet and no more than 100 feet.
 - (3) Each interior lot must have a width:
 - (A) of no less than 50 feet and no more than 75 feet; or
 - (B) that is within five percent of the average width of all interior lots on the blockface.
 - (4) Lots platted on or before October 14, 1981, are legal building sites, even though they may not conform to the requirements of this section.
- (d) Maximum lot coverage. Maximum permitted lot coverage for all buildings and structures combined is 35 percent.

(e) Minimum front yard.

(1) All buildings and structures must have a minimum front yard setback of 25 feet.

(2) A main building on an interior lot must have a front yard setback that is:

(A) equal to that of the closest main building on either side of the lot in the same blockface; or

(B) between those of the closest main buildings on either side of the lot in the same blockface.

(3) A main building on a corner lot must have a front yard setback that is within five percent of that of the closest main building in the same blockface.

(f) Minimum rear yard. Minimum permitted rear yard setbacks for all buildings and structures are:

(1) 15 feet for a main building or structure; and

(2) five feet for an accessory building or structure.

(g) Minimum side yards. All buildings and structures must have a minimum side yard setback of 10 feet if the side yard contains a driveway not covered by a porte cochere. Otherwise, minimum side yard setback is five feet.

(h) Off-street parking requirements.

(1) Single-family and duplex uses must provide at least one off-street parking space for each dwelling unit.

(2) The off-street parking requirements in the Dallas Development Code, as amended, applicable to multiple-family uses in an MF-1 Multiple-Family District apply to multiple-family uses in this tract.

(3) Except as provided in this paragraph, t[T]he off-street parking requirements in the Dallas Development Code, as amended, applicable to nonresidential uses in residential districts apply to nonresidential uses in these [this] tracts.

(4) In Tract I(a), except as provided in Division 51-4.320, an instructional arts studio and a theater may

share onsite parking with compatibly overlapping hours without a special parking agreement.

(5) In Tract I(a), an agreement authorizing an instructional arts studio or a theater to use remote parking for nonresidential uses may be based on a lease for the remote parking space in lieu of the remote parking agreement required in Section 51A-4.328. The lease must:

(A) be in writing on a form obtained from the building official;

(B) contain legal descriptions of the properties affected;

(C) specify the special parking being provided and the hours of operation of any use involved;

(D) be governed by the laws of the state of Texas;

CPC recommended:

(E) be for a minimum term of three years; and

Applicant requested:

(E) be for a minimum term of three years; and

CPC recommended:

(F) provide that both the owner of the lot occupied by the instructional arts studio or theater and the owner of the remote parking lot shall notify the building official in writing if any provision of the lease is breached or if the lease is modified or terminated.

Applicant requested:

(F) provide that both the owner of the lot occupied by the instructional arts studio or theater and the owner of the remote parking lot shall notify the building official in writing if any provision of the lease is breached or if the lease is modified or terminated.

CPC recommended:

(6) In Tract I(a), Vehicles may access the alley immediately adjacent to Tract I(a) on the east, as shown on the instructional arts studio site plan. Right turn and exit only signs are required at the alley access point.

(7) In Tract I(a), off-street parking is allowed in the front yard as shown on the instructional arts studio and theatre site plan and screening of the parking in the required front yard is as shown on the site plan.

Staff recommendation:

Denial of subparagraphs (h)(6) and (h)(7).

Applicant requested:

(6) In Tract I(a), Vehicles may access the alley immediately adjacent to Tract I(a) on the east, as shown on the instructional arts studio development plan. Right turn and exit only signs are required at the alley access point.

(7) In Tract I(a), off-street parking is allowed in the front yard as shown on the instructional arts studio development plan and is not required to be screened in the required front yard.

(i) Screening.

(1) In general. Screening is required in the rear and side yards of a nonresidential use constructed after October 14, 1981, if the use is adjacent to a residential use, whether separated by an alley or not. All screening must be at least six feet in height.

(2) Materials. Screening must consist of a solid fence or natural vegetation of an evergreen variety of at least 60 percent density at the time of planting. Natural vegetation must be maintained in a healthy growing condition at all times. [See Section 51P-87.111(b)(2) for more specific standards regarding fences.]

(j) Signs.

(1) In general. The provisions for non-business zoning districts in Article VII, "Sign Regulations," apply to all signs in this tract.

(2) Size restrictions. A detached sign must have a height of eight feet or less, and an effective area of 32 square feet or less. [See Section 51P-87.111(a)(15) for additional standards applicable to signs.]

(k) Story requirements.

(1) All buildings on one or more of the following lots must have at least two stories:

(A) All lots in Part A of City Block 1/3269.

- (B) Lots 8 and 9 in City Block 1/3318.
- (C) Lots 12 through 22 in City Block 16/3275.
- (D) Lots 9 through 15 in City Block 38/3295.
- (E) Lots 3 and 4 in City Block 3/3267.
- (F) Lots 1 and 2 in City Block 32/3289.
- (G) Lots 6 through 10 in City Block 14/3271.

(2) All buildings on one or more of the following lots must have less than two stories:

- (A) Lots 1 through 6 in Block 29/3286.
- (B) Lots 1 and 2 in Block 3/3267.
- (C) Lots 7 through 9 in Block 37/3294.
- (D) Lots 1 through 5 in Block 10/3260.
- (E) Lots 1 through 5 in Block 9/3261.
- (F) Lots 6 through 12 in Block 33/3280.
- (G) Lots 1 through 8 in Block 24/3277.
- (H) Lots 9 through 13 in Block 46/3291.
- (I) Lots 28 through 30 in Block 45/3292.
- (J) Lots 1 through 11 in Block 21/3263. (Ord. Nos. 18369; 25423)

SEC. 51P-87.111. PRESERVATION CRITERIA FOR TRACTS I AND I(a).

(a) Building placement, form, and treatment.

(1) Accessory buildings. Accessory buildings are only permitted in the rear yard and must be compatible with the scale, shape, roof form, materials, detailing, and color of the main building.

(2) Additions. All additions to a building must be compatible with the dominant horizontal or vertical characteristics, scale, shape, roof form, materials, detailing, and color of the building.

(3) Architectural detail. Materials, colors, structural and decorative elements, and the manner in which they are used, applied, or joined together must be typical of the style and period the main building and compatible with the other buildings on the blockface.

(4) Awnings. Metal and corrugated plastic awnings are only permitted on an accessory building or the rear facade of a main building. Other awnings must be typical of the style and period of the main building.

(5) Building placement. All buildings must be placed so as not to adversely affect the rhythm of spaces between buildings on the blockface.

(6) Building widths. Minimum permitted widths for main buildings are:

(A) 25 feet for a main building on an interior lot; and

(B) 35 feet for a main building on a corner lot.

(7) Chimneys. All chimneys must be compatible with the style and period of the main building. Chimneys on the front 50 percent of a main building or on a corner side facade must be:

(A) constructed of brick, stucco, natural stone, or other materials that match or are compatible in texture, color, and style with the main building; and

(B) of a style and proportion that is typical of the style and period of the main building.

(8) Color.

(A) Brick surfaces. Brick surfaces not previously painted must not be painted unless the applicant establishes that:

(i) the painting is absolutely necessary to restore or preserve the brick; or

(ii) the color and texture of replacement brick cannot be matched with that of the existing brick surface.

(B) Certain colors prohibited. Fluorescent and metallic colors are not permitted on the exterior of any structure in this district.

(C) Dominant and trim colors. All structures must have a dominant color and no more than two trim colors. The colors of a structure must be complementary of each other and the overall character of this district.

(D) Gutters and downspouts. Gutters and downspouts must be of a color that matches or complements the color scheme of the structure.

(E) Roof colors. Roof colors must complement the style and overall color scheme of the structure.

(F) Stain. The use and color of stain must be typical of the style and period of the structure.

(9) Columns.

(A) Function. Columns are only permitted as vertical supports near the front entrance of the main building or as vertical supports for porches.

(B) Materials. Columns must be constructed of brick, stucco, wood, cut stone, or other materials that look typical of the style and period of the main building. No pipe or wrought iron columns are permitted.

(C) Style. Columns must be of a style typical of the style and period of the main building.

(D) Width dimensions. The width of a column shaft at its widest point must be at least:

(i) one-eighth of the height of the column for a one-story column; and

(ii) one-tenth of the height of the column for a two-story column.

(10) Facade materials.

(A) In general. The only permitted facade materials are brick, wood siding, cut stone, and stucco. All facade treatments and materials must be typical of the style and period of the main building.

(B) Brick. All exposed brick on facades must be fired brick as defined by the American Standard Testing Materials Designation C-1267-5A, Type Grade FBS-SW.

(C) Wood facades. Existing wood facades must be preserved as wood facades. Wood shingles are not permitted as a primary facade material, but may be used in roof gables and on columns and foundation skirts in a manner that is typical of the style and period of the main building.

(11) Front entrances and porches.

(A) Detailing. Railings, moldings, tilework, carvings, and other detailing and architectural decorations on front entrances and porches must be typical of the style and period of the main building.

(B) Enclosures. A front entrance or porch may not be enclosed with any material, including iron bars, glass, and mesh screening.

(C) Facade openings. Porches must not obscure or conceal any facade openings in the main building.

(D) Floor coverings. Carpeting is not permitted as a porch floor or step covering.

(E) Style. Each main building must have a front porch or entry treatment with a shape, roof form, materials, and colors that are typical of the style and period of the building. A front entrance or porch must reflect the dominant horizontal and vertical characteristics of the main building.

(12) Garages. Doors on garages attached to the main building may not face the street.

(13) Porte cocheres. Porte cocheres must be preserved as architectural features and not be enclosed by fences, gates, or other structures or materials.

(14) Roof forms.

(A) Eaves or soffit height. The eaves or soffit height of a main building must be within 10 percent of the eaves or soffit height of the closest main building in this district of a similar style and having the same number of stories.

(B) Materials and colors. Roof materials and colors must complement the style and overall color scheme of the structure. Tar and gravel (built-up) is only permitted as a roof material on covered porches and porte cocheres with flat roofs.

(C) Overhang. Minimum permitted roof overhang for a new or move-in main building is 18 inches. A replacement roof on an existing building must have an overhang that is equal to or greater than the overhang of the roof it replaces.

(D) Patterns. Roof patterns of a main building must be typical of the style and period of the architecture of the building.

(E) Skylights and solar panels.

(i) Except as otherwise provided in this subsection, skylights and solar panels are only permitted on:

(aa) the rear 50 percent of the roof of a main building on an interior lot;

(bb) the rear inside quadrant of the roof of a main building on a corner lot; and

(cc) the roof of an accessory building in the rear yard.

(ii) The commission may allow skylights and solar panels at another location on a building if their placement does not have an adverse effect on the architecture of the building, blockface, or this district as a whole.

(F) Slope and pitch. The degree and direction of roof slope and pitch must be typical of the style and period of the main building and compatible with existing building forms in this district. Flat or Mansard roof designs are not permitted on main or accessory buildings or structures, except that a covered porch or porte cochere may have a flat roof that is typical of the style and period of the main building.

(15) Signs. Signs must not obscure significant architectural features of a building. The shape, materials, color, design, and letter style of signs must be typical of and compatible with the style and period of the architecture of buildings on the same premise and in this district as a whole. [See Section 51P-87.110(j) for additional standards applicable to signs.]

(16) Stairs. Second and third story exterior staircases are only permitted on accessory buildings and the rear 50 percent of the main building, except that they are not permitted on a corner side facade.

(17) Windows and doors.

(A) Front facade openings. The total number of window and door openings (combined) in the front facade of the main building must be equal to or

greater than the total number of original window and door openings (combined) in that facade. The number of door openings in the front facade of the main building must not be increased. Each story of a front facade of the main building must contain at least two windows or one window and a door.

(B) Glass. Clear, decorative stained, and clear leaded glass may be permitted in any window opening, except that decorative stained glass is not permitted in a front door. Reflective, tinted, opaque, and mirrored glass and plastic are not permitted in any opening. Translucent glass is not permitted, except in a bathroom window.

(C) Screens, storm doors, and storm windows. Screens, storm doors, and storm windows may be permitted if:

(i) their frames are painted or colored to match or complement the color scheme of the main building; and

(ii) they do not obscure significant features of the windows and doors they cover.

(D) Security and ornamental bars. Security and ornamental bars are only permitted on an accessory building or the rear facade of the main building.

(E) Shutters. Shutters must be typical of the style and period of the building and appear to be installed in a manner to perform their intended function.

(F) Style.

(i) All windows and doors in the front facade of the main building must be proportionally balanced in a manner typical of the style and period of the building.

(ii) No single, fixed plate glass is allowed except as part of an original period design. The size and proportion of window and door openings located on the front and side facades of the main building must be typical of the style and period of the building.

(iii) All windows, doors, and lights in the front and side facades of the main building must be typical of the style and period of the building. Windows must contain at least two lights (window panes). Front doors must contain at least one light. Sidelights must be compatible with the door.

(iv) The frames of windows must be trimmed in a manner typical of the style and period of the building.

(b) Landscaping.

(1) Certain items prohibited in front and corner side yards. The following items are not permitted in the front and corner side yards:

- (A) Above-ground meters.
- (B) Berms.
- (C) Cacti.
- (D) Pylons and similar structures.
- (E) Rock or sculpture gardens.
- (F) Vegetable gardens.

(2) Fences.

(A) Form.

(i) Fences must be constructed and maintained in a vertical position.

(ii) The top edge of a fence must be along a line that is either horizontal, or substantially parallel to grade. Except in the case of a picket, chain link, or wrought iron fence, the top edge of a fence must be flat.

(B) Height. Maximum permitted height for a fence is nine feet.

(C) Location.

(i) The following are the only types of fences permitted in the front yard: white wood picket fences and dark green, dark brown, or black wrought iron fences. A fence in the front yard may not exceed two feet in height unless a taller fence is needed to satisfy screening requirements for parking in front of nonresidential uses.

(ii) A fence in an interior side yard must be located in the rear 50 percent of the side yard and behind the rearmost side projection of the main building, except that the commission may allow a fence to be located anywhere in an interior side yard if it determines that the fence does not screen all or any portion of a significant architectural feature of a main building on the same or an adjacent lot.

(iii) A fence in the corner side yard must not be directly in front of the corner side facade, except that the commission may allow a fence that is directly in front of all or any portion of the rear 50 percent of the corner side facade if:

(aa) more screening is necessary to insure privacy due to unusually high pedestrian or vehicular traffic; and

(bb) the fence does not screen all or any portion of a significant architectural feature of the main building.

(iv) A fence in the corner side yard must be set back a minimum of two feet from a public sidewalk.

(v) A fence must run either parallel or perpendicular to a building wall or lot line.

(vi) A fence on a vacant lot must be set back a distance that is equal to or greater than the setback of the front facade of the closest main building in the same blockface. In the case of a single interior vacant lot, the setback of the fence must be equal to or greater than the setback of the front facade of the main building on the adjacent lot with the greater setback.

(D) Materials. A fence must be constructed of one or more of the following materials: metal or plastic-coated chain link, wrought iron, wood, or stucco. The use of brick in a fence is not permitted, except as part of a structural column, or a base that is two feet or less in height. Exposed concrete blocks are not permitted.

(E) Masonry columns and bases.

(i) The color, texture, pattern, and dimensions of masonry and the color, width, type, and elevation of mortar joints in a fence column or base must match the masonry and mortar joints of the main building as nearly as practicable.

(ii) All exposed brick in a fence column or base must be fired brick as defined by the American Standard Testing Materials Designation C-126-75A, Type Grade FBS-SW.

(F) Metal fences.

(i) Wrought iron and metal fences must be compatible with the style and period of the main building.

(ii) If a wrought iron or metal fence is painted or colored, the color must be black, dark green, or dark brown and complement the color of the main building.

(G) Wooden fences.

(i) All wooden structural posts must be at least four inches in diameter (nominal size).

(ii) The side of a wooden fence facing a public street must be the finished side.

(iii) Wooden fences may be painted or stained a color that is complementary to the main building.

(3) Foundation plantings. Foundation plantings may not:

(A) screen significant architectural features of the main building;
or

(B) exceed two feet in height above the finished porch floor elevation unless they are part of an overall landscape plan approved by the commission.

(4) Outdoor lighting. Outdoor light fixtures must be compatible with the style and period of the main building and not obscure or conflict with significant architectural details of the building. Overhead and exposed wiring and conduit for outdoor lighting is not permitted.

(5) Parkway plantings. Only grass, trees, and flowers are permitted in the parkway. All trees in the parkway must be selected from the list labelled as Exhibit 87B, placed a uniform distance apart, and planted along a line parallel to the street. Flower beds may not comprise more than 50 percent of the parkway area.

(6) Pavement, filler, and edging materials. Pavement and filler and edging materials, such as landscape timbers, gravel, and bark, used in landscape beds in the front and corner side yards must be reviewed by the commission as part of an overall landscape plan if the landscape beds collectively comprise more than 25 percent of the combined areas of the front and corner side yards. No more than 50 percent of the front yard of a residential use may be covered by pavement or filler materials.

(7) Planter boxes. Planter boxes must be:

(A) 18 inches or less in height;

(B) 36 inches or less in depth;

(C) an integral part of the main building; and

(D) constructed of brick, natural stone, or smooth-finished concrete that matches or is compatible in texture, color, and style with the main building.

(8) Retaining walls. Retaining walls are not permitted in the front and side yards, except to preserve a natural or existing slope, or to make a slope similar to that of an adjacent lot. The height of a retaining wall may not exceed the height of the slope it retains. A retaining wall must be constructed of unpainted natural stone, brick, stucco, or smooth-finished concrete that is compatible in texture, color, and style with the main building.

(9) Sidewalks, driveways, and curbing.

(A) Materials.

(i) No exposed aggregate, asphaltic, or artificially colored concrete or epoxy resin is permitted as a sidewalk, driveway, or curbing material.

(ii) All public sidewalks and curbing must be constructed of brush finish concrete.

(iii) All private sidewalks and driveways must be constructed of concrete, gravel, or brick that matches or is compatible in texture, color, and style with the main building.

(B) Width, style, and spacing.

(i) The maximum permitted width of a driveway in the front yard is 10 feet. The driveway width may be expanded to 20 feet at any point behind the front facade.

(ii) Ribbon driveways are permitted, but only if the ribbons are at least one foot wide.

(iii) Circular driveways are not permitted in the front yard.

(iv) A driveway constructed in the front yard must be spaced a minimum of one foot from an existing driveway on an adjacent lot. (Ord. Nos. 18369; 25423)

SEC. 51P-87.112. USE REGULATIONS FOR TRACT II.

The following use regulations apply to all property in Tract II:

(1) Uses that were illegal on October 14, 1981, are illegal uses under this article. Nonconforming uses only terminate under the provisions of Sections 51-4.704(a)(1), (2), (3), and (4).

(2) Except as otherwise provided below, uses are limited to those uses permitted in an O-1 Office District.

(3) A self-service laundry or dry cleaning use is permitted on Lot 1 in City Block 41/3298.

(4) Lot 13 in City Block 35/3282 and Lot 11 in City Block 36/3283 must be used as parking for adjacent office uses, or may be developed with uses permitted in an R-7.5 Single-Family District. (Ord. Nos. 18369; 25423)

SEC. 51P-87.113. DEVELOPMENT STANDARDS FOR TRACT II.

(a) In general. Except as otherwise provided in this section, the development standards in the Dallas Development Code, as amended, applicable to an O-1 Office District apply to all property in Tract II. In the event of a conflict, the provisions of this section control.

(b) Off-street parking requirements.

(1) Single-family uses must provide at least one off-street parking space for each dwelling unit.

(2) The off-street parking requirements in the Dallas Development Code, as amended, applicable to multiple-family uses in an MF-1 Multiple-Family District apply to multiple-family uses in this tract.

(3) The off-street parking requirements in the Dallas Development Code, as amended, applicable to nonresidential uses in an O-1 Office District apply to nonresidential uses in this tract.

(c) Screening.

(1) In general. Screening is required in the rear and side yards of a nonresidential use constructed after October 14, 1981, if the use is adjacent to a residential use, whether separated by an alley or not. All screening must be at least six feet in height.

(2) Materials. Screening must consist of a solid wood fence, masonry fence, or natural vegetation of an evergreen variety of at least 60 percent density at the time of planting. Natural vegetation must be maintained in a healthy growing condition at all times. [See Sections 51P-87.114(b) and 51P-87.111(b)(2) for more specific standards regarding fences.]

(d) Setbacks. All new buildings and parking areas must be located on or behind the front setback line of the closest main residential building fronting on a north/south street.

(e) Signs.

(1) In general. The provisions for non-business zoning districts in Article VII, "Sign Regulations," apply to all signs in this tract.

(2) Size restrictions. A detached sign located on a premise fronting on Jefferson Boulevard must have a height of eight feet or less, and an effective area of 32 square feet or less. [See Section 51P-87.114(a)(4) for additional standards applicable to signs.] (Ord. Nos. 18369; 25423)

SEC. 51P-87.114. PRESERVATION CRITERIA FOR TRACT II.

(a) Building placement, form, and treatment.

(1) Awnings. Awnings must be made of fabric and complement the main building in style and color.

(2) Facade materials. Primary facade materials are limited to wood, brick, stone, and stucco.

(3) New or move-in buildings. The scale and style of new and move-in buildings fronting on Jefferson Boulevard must complement the scale and style of surrounding residential structure in this district.

(4) Signs. Signs must not obscure significant architectural features of a building. The shape, materials, color, design, and letter style of signs must be typical of and compatible with the style and period of the architecture of buildings on the same premise and in this district as a whole. [See Section 51P-87.113(e) for additional standards applicable to signs.]

(b) Landscaping. Except as otherwise provided below, the preservation criteria for landscaping in Tract I apply to all property in Tract II. For nonresidential uses only:

(1) asphaltic concrete is permitted as a driveway or parking surface material; and

(2) driveways providing ingress and egress from Jefferson Boulevard may have a maximum width of 25 feet. (Ord. Nos. 18369; 25423)

SEC. 51P-87.115. USE REGULATIONS FOR TRACT III.

The following use regulations apply to all property in Tract III:

(1) Uses that were illegal on October 14, 1981, are illegal uses under this article. Nonconforming uses only terminate under the provisions of Sections 51-4.704(a)(1), (2), (3), and (4).

(2) Except as otherwise provided below, uses are limited to nonresidential uses permitted in an NS Neighborhood Service District. (Ord. Nos. 21794; 25423; 25550; 25552; 27947)

SEC. 51P-87.116. DEVELOPMENT STANDARDS FOR TRACT III.

(a) In general. Except as otherwise provided in this section, the development standards in the Dallas Development Code applicable to an NS Neighborhood Service District apply to all property in Tract III. In the event of a conflict, the provisions of this section control.

(b) Screening.

(1) In general. Screening is required in the rear and side yards of a nonresidential use constructed after October 14, 1981, if the use is adjacent to a residential use, whether separated by an alley or not. All screening must be at least six feet in height.

(2) Materials. Screening must consist of a solid wood fence, masonry fence, or natural vegetation of an evergreen variety of at least 60 percent density at the time of planting. Natural vegetation must be maintained in a healthy growing condition at all times. [See Section 51P-87.111(b)(2) for more specific standards regarding fences.]

(c) Signs. The provisions for non-business zoning districts in Article VII, "Sign Regulations," apply to all signs in Tract III. [See Section 51P-87.117(a)(8) for additional standards applicable to signs.] (Ord. Nos. 18369; 25423; 25550; 25552; 27947)

SEC. 51P-87.117. PRESERVATION CRITERIA FOR TRACT III.

(a) Building placement, form, and treatment.

(1) Additions. All additions to a building must be architecturally compatible with the building and complementary to its horizontal and vertical characteristics, scale, shape, roof form, materials, and color.

(2) Alterations. An alteration to a period commercial building must preserve the original architectural style of the building. An alteration to any other type of building must be typical of the style and period of the building.

(3) Awnings. Awnings must be made of fabric and complement the main building in style and color.

(4) Facade materials. All facade treatments and materials must be typical of the style and period of the building. Wood, brick, ceramic tile, stone, and stucco are permitted facade materials. Other facade materials, including glass block and stained glass, may be permitted as part of a facade treatment that is compatible with the style and architecture of period commercial buildings.

(5) Main entrances. The main entrance of a commercial building fronting on Davis Street must face that street.

(6) New buildings. New buildings must be complementary in scale, proportion, setback, height, facade materials, roof form, and color to one or more of the existing period commercial buildings in this tract.

(7) Screening materials. Screening must consist of a solid wood fence, masonry wall, or natural vegetation of an evergreen variety of at least 60 percent density at the time of planting. Concrete blocks are not permitted. Natural vegetation must be maintained in a healthy growing condition at all times.

(8) Signs. Attached signs must not obscure significant architectural features of a building. The shape, design, materials, color, and letter style of signs should be typical of the style and period of the architecture of buildings on the same premise and in this district as a whole. [See Section 51P-87.116(c) for additional standards applicable to signs.]

(9) Windows and doors. Mirrored, opaque, and translucent glasses are not permitted in a window or door opening.

(b) Landscaping. Except as otherwise provided below, the preservation criteria for landscaping in Tract I apply to all property in Tract III. For nonresidential uses only:

(1) asphaltic concrete is permitted as a driveway or parking surface material; and

(2) driveways may have a maximum width of 25 feet. (Ord. Nos. 18369; 25423; 25550; 25552; 27947)

SEC. 51P-87.117.1. USE REGULATIONS FOR TRACTS IV(a), IV(b), IV(c), AND IV(d).

(a) Main uses permitted.

(1) Uses that were illegal on October 14, 1981, are illegal uses under this article. Nonconforming uses only terminate under the provisions of Sections 51-4.704(a)(1), (2), (3), and (4).

(2) Except as provided in this paragraph, the only main uses permitted are those main uses permitted in the NS Neighborhood Service District, subject to the same conditions applicable in the NS Neighborhood Service District, as set out in Chapter 51. For example, a use permitted in the NS Neighborhood Service 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 NS Neighborhood Service District is subject to DIR in this district; etc.

(3) The following main uses are also permitted:

- Antique shop.
- Bed and breakfast.
- Catering service.
- Furniture store.
- Garden shop, plant sales, or greenhouse.
- Remote surface parking lot.
- Retail store other than listed *[By right if 5,000 square feet of floor area or less; otherwise by SUP.]*
- Theater. *[By right in Tract IV(b); by SUP only in Tracts IV(a), IV(c), and IV(d).]*

(b) Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51-4.217. For more information regarding accessory uses, consult Section 51-4.217. (Ord. 27947)

**SEC. 51P-87.117.2. DEVELOPMENT STANDARDS FOR TRACTS
IV(a), IV(b), IV(c), AND IV(d).**

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51-4.400. If there is a conflict between this section and Division 51-4.400, this section controls.)

(a) Front yard. Except as provided in this subsection, minimum front yard is 10 feet. For lots fronting on Davis Street, no minimum front yard is required, but the maximum front yard is 10 feet.

(b) Side and rear yard. No minimum side or rear yard.

(c) Density. No maximum number of dwelling units.

(d) Floor area ratio. No maximum floor area ratio.

(e) Height.

(1) Except as provided in this paragraph, maximum structure height is 36 feet.

(2) In Tract IV(b), a tower structure may project a maximum of 14 feet above the maximum structure height, have a maximum horizontal cross section of five feet, and may not project more than three feet into the right-of-way.

(f) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(g) Lot size. No minimum lot size.

(h) Stories. Maximum number of stories above grade is three.

(i) Off-street parking requirements.

(1) In general. Except as provided in this paragraph, consult the use regulations in Division 51-4.200 for the specific off-street parking and loading requirements for each use.

(A) Multiple-family uses. A minimum of one off-street parking space per bedroom is required with a maximum of two off-street parking spaces per dwelling unit.

(B) Restaurant use.

(i) A minimum of one off-street parking space per 125 square feet of floor area is required.

(ii) If an outdoor dining area, whether covered or not, is within 20 feet of, and has direct access to, a street, sidewalk, or publically accessible open space, the outdoor dining area is not included in the parking requirement calculations for up to 25 percent of the size of the indoor floor area. Any portion of the outdoor dining area in excess of 25 percent of the size of the indoor floor area must be parked in accordance with Subsection (i)(1)(B)(i).

(2) Parking reductions.

(A) Bicycle parking. Off-street parking spaces required for a use may be reduced by one space for each four bicycle parking stations provided for that use, up to a maximum of three off-street parking spaces per lot.

(B) Contributing structures. For residential uses within a contributing structure, off-street parking requirements may be reduced an additional 25 percent. For nonresidential uses no off-street parking is required.

(C) Mixed use development parking.

(i) In general. The off-street parking requirement for a mixed use development may be reduced in accordance with the mixed use development parking chart (Exhibit 87D).

(ii) Calculation of adjusted standard off-street parking requirement. The adjusted off-street parking requirement for a mixed use development is calculated as follows:

(aa) The standard parking requirements for each of the uses in the mixed use development must be ascertained.

(bb) The parking demand for each use is determined for each of the five times of day shown in the mixed use development parking chart by multiplying the standard off-street parking requirement for each use by the percentage in the chart assigned to the category of use. If a use in the development does not fall within one of the categories shown in the mixed use development parking chart, the percentage assigned to that use is 100 percent for all five times of day.

(cc) The “time of day” columns are totaled to produce sums that represent the aggregate parking demand for the development at each time of day. The largest of these five sums is the adjusted off-street parking requirement for the development.

(iii) Minimum parking requirement. If one or more of the main uses in a mixed use development is a nonresidential use, the minimum parking requirement for the mixed use development cannot be reduced to a number of spaces that is less than the sum of the standard parking spaces required for each of the nonresidential uses in the mixed use development.

(D) On-street parking. Except as provided in this subparagraph, any on-street parking spaces that abut the building site may be counted as a reduction in the off-street parking requirement of the use adjacent to the on-street parking space. On street parking must be striped in accordance with standard city specifications.

(i) An on-street parking space may not be used to reduce the required parking for more than one use, except that an on-street parking space may be used to reduce the combined total parking requirement for a mixed use development.

(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 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 the parking space ($8 / 24 = 1/3$). The total number of the limited-availability parking spaces will be counted to the nearest whole number, with one-half counted as an additional space.

(E) Tree preservation. Off-street parking spaces required for a use may be reduced by one space for each protected tree (as defined in Article X) retained on site that would otherwise have to be removed to provide the required off-street parking for that use.

(j) Remote parking.

(1) For nonresidential uses and mixed use developments, remote parking is permitted if the requirements of Division 51-4.320, “Special Parking Regulations,” are met, including the landscape requirements, except that the remote parking may be within a walking distance of 1,000 feet from the use served.

(2) An agreement authorizing a nonresidential use or a mixed use development to use remote parking for nonresidential uses may be based on a lease of the remote parking spaces only if the lease:

(A) is in writing;

- (B) contains legal descriptions of the properties affected;
- (C) specifies the special parking being provided and the hours of operation of any use involved;
- (D) is governed by the laws of the state of Texas;
- (E) is signed by all owners of the properties affected;
- (F) signed by all lienholders, other than taxing entities, that have an interest in or an improvement on the properties;
- (G) is for a minimum term of three years; and
- (H) provides both the owner of the lot occupied by the nonresidential use or mixed use development use and the owner of the remote parking lot shall notify the building official in writing if there is a breach of any provision of the lease, or if the lease is modified or terminated.

(3) The remote parking provisions of this subsection and Division 51-4.320 shall not affect or cause a reduction in delta credits.

(k) Screening.

(1) In general. Except as provided in this paragraph, screening is required in the rear and side yards of a nonresidential use constructed after October 14, 1981, if the use is adjacent to a residential use, whether separated by an alley or not. All screening must be at least six feet in height.

(2) Materials. Except as provided in this paragraph, screening must consist of a solid wood fence, masonry fence, or natural vegetation of an evergreen variety of at least 60 percent density at the time of planting. Natural vegetation must be maintained in a healthy growing condition at all times. [See Section 51P-87.111(b)(2) for more specific standards regarding fences.]

(l) Signs.

(1) In general.

(A) Except as provided in this subsection, signs must comply with the provisions for business zoning districts in Article VII.

(B) Except for A-frame signs and movement control signs for parking, detached signs are prohibited.

(2) Signs in the right-of-way. All signs located in or intruding into the public right-of-way must have approval by the director of public works and

transportation to prevent conflict with government signs. If the director of public works and transportation determines that a previously-approved sign must be removed or relocated because of safety requirements or changing traffic conditions, the relocation or removal must be done at the owner's expense within 30 days.

(3) A-frame signs. The following regulations apply:

- (A) A-frame signs may identify a business use.
- (B) The maximum size of an A-frame sign is 32 inches wide and 36 inches tall.
- (C) An A-frame sign may only be displayed when the business it identifies is open.
- (E) A-frame signs may be located on the sidewalk if a minimum of four feet of unobstructed sidewalk area is provided, and all necessary licenses and permits have been obtained.
- (F) Only one A-frame sign is permitted for each business use.
- (G) A-frame signs must be separated by a minimum of 50 feet.
- (H) A-frame signs may not be located within 25 feet of an intersection or within a visibility triangle.

(4) Blade signs. The following regulations apply:

- (A) Blade signs must be attached premise signs.
- (B) Blade signs may not be internally illuminated.
- (C) There is no limit on the number of blade signs.
- (D) The maximum effective area for blade signs is 30 square feet.
- (E) The lowest part of a blade sign may be located no lower than 12 feet and no higher than 25 feet above street level.
- (F) A blade sign may not project more than three feet into the right-of-way.
- (G) A blade sign may not be located closer than 15 feet to another projecting sign.

(5) Tract IV(b). The following additional signs are permitted:

(A) Marquee sign.

(i) Only a theater use may have a marquee sign.

(ii) Only one marquee sign is permitted.

(iii) A minimum clearance over a sidewalk of 9.6 feet is required.

(iv) A marquee sign may project into a right-of-way but may not project beyond the edge of curb.

(v) A marquee sign may have a maximum of three faces, and no face of a marquee sign may exceed 80 square feet.

(B) Blade sign.

(i) One blade sign is permitted.

(ii) Only a theater use may have a blade sign.

(iii) The lowest part of a blade sign may be located no lower than 12 feet and no higher than 25 feet above street level.

(iv) A blade sign may project into the right-of-way but may not project beyond the edge of curb.

(v) A blade sign may have a maximum of two faces, and no face of a blade sign may exceed 135 square feet. (Ord. 27947)

SEC. 51P-87.117.3. PRESERVATION CRITERIA FOR TRACTS IV(a), IV(b), IV(c), AND IV(d).

(a) Tracts IV(a) and IV(b).

(1) Building placement, form, and treatment.

(A) Additions. All additions to a building must be architecturally compatible with the building and complementary to its horizontal and vertical characteristics, scale, shape, roof form, materials, and color.

(B) Alterations. An alteration to a period commercial building must preserve the original architectural style of the building. An alteration to any other type of building must be typical of the style and period of the building.

(C) Awnings. Awnings must be made of fabric and complement the main building in style and color.

(D) Facade materials. All facade treatments and materials must be typical of the style and period of the building. Wood, brick, ceramic tile, stone, and stucco are permitted facade materials. Other facade materials, including glass block and stained glass, may be permitted as part of a facade treatment that is compatible with the style and architecture of period commercial buildings.

(E) Main entrances. The main entrance of a commercial building fronting on Davis Street must face that street.

(F) New buildings. New buildings must be complementary in scale, proportion, setback, height, facade materials, roof form, and color to one or more of the existing period commercial buildings in this tract.

(G) Screening materials. Screening must consist of a solid wood fence, masonry wall, or natural vegetation of an evergreen variety of at least 60 percent density at the time of planting. Concrete blocks are not permitted. Natural vegetation must be maintained in a healthy growing condition at all times.

(H) Signs. Attached signs must not obscure significant architectural features of a building. The shape, design, materials, color, and letter style of signs should be typical of the style and period of the architecture of buildings on the same premise and in this district as a whole. [See Section 51P-87.116(d) for additional standards applicable to signs.]

(I) Windows and doors. Mirrored, opaque, and translucent glasses are not permitted in a window or door opening.

(2) Landscaping. Except as otherwise provided in this paragraph, the preservation criteria for landscaping in Tract I apply. For nonresidential uses only:

(A) asphaltic concrete is permitted as a driveway or parking surface material; and

(B) driveways may have a maximum width of 25 feet.

(b) Tract IV(c).

(1) Building placement, form, and treatment.

(A) Additions. All additions to a building must be architecturally compatible with the building and complementary to its horizontal and vertical characteristics, scale, shape, roof form, materials, and color.

(B) Alterations. An alteration to a period commercial building must preserve the original architectural style of the building. An alteration to any other type of building must be typical of the style and period of the building.

(C) Awnings. Awnings must be made of fabric and complement the main building in style and color.

(D) Facade materials. All facade treatments and materials must be typical of the style and period of the building. Wood, brick, ceramic tile, stone, and stucco are permitted facade materials. Other facade materials, including glass block and stained glass, may be permitted as part of a facade treatment that is compatible with the style and architecture of period commercial buildings.

(E) Main entrances. The main entrance of a commercial building fronting on Davis Street must face that street.

(F) New buildings. New buildings must be complementary in scale, proportion, setback, height, facade materials, roof form, and color to one or more of the existing period commercial buildings in this tract.

(G) Screening materials. Screening must consist of a solid wood fence, masonry wall, or natural vegetation of an evergreen variety of at least 60 percent density at the time of planting. Concrete blocks are not permitted. Natural vegetation must be maintained in a healthy growing condition at all times.

(H) Signs. Attached signs must not obscure significant architectural features of a building. The shape, design, materials, color, and letter style of signs should be typical of the style and period of the architecture of buildings on the same premise and in this district as a whole. [See Section 51P-87.116(d) for additional standards applicable to signs.]

(I) Windows and doors. Mirrored, opaque, and translucent glasses are not permitted in a window or door opening.

(J) Fences. Fences are permitted in the front and corner side yard only if they are at least 70 percent open, made of metal, and do not exceed eight feet in height. Chain link fences are allowed only if they are not in a yard that fronts on a street.

(2) Landscaping. Except as otherwise provided below, the preservation criteria for landscaping in Tract I and IA. For nonresidential uses only:

(A) asphaltic concrete is permitted as a driveway or parking surface material; and

(B) driveways may have a maximum width of 25 feet.

(d) Tract IV(d).

(1) Building placement, form, and treatment.

(A) Accessory buildings. Accessory buildings are only permitted in the rear yard and must be compatible with the scale, shape, roof form, materials, detailing, and color of the main building.

(B) Additions. All additions to a building must be compatible with the dominant horizontal or vertical characteristics, scale, shape, roof form, materials, detailing, and color of the building.

(C) Architectural detail. Materials, colors, structural and decorative elements, and the manner in which they are used, applied, or joined together must be typical of the style and period the main building and compatible with the other buildings on the blockface.

(D) Awnings. Metal and corrugated plastic awnings are only permitted on an accessory building or the rear facade of a main building. Other awnings must be typical of the style and period of the main building.

(E) Building placement. All buildings must be placed so as not to adversely affect the rhythm of spaces between buildings on the blockface.

(F) Building widths. Minimum permitted widths for main buildings are:

(i) 25 feet for a main building on an interior lot; and

(ii) 35 feet for a main building on a corner lot.

(G) Chimneys. All chimneys must be compatible with the style and period of the main building. Chimneys on the front 50 percent of a main building or on a corner side facade must be:

(i) constructed of brick, stucco, natural stone, or other materials that match or are compatible in texture, color, and style with the main building; and

(ii) of a style and proportion that is typical of the style and period of the main building.

(H) Color.

(i) Brick surfaces. Brick surfaces not previously painted must not be painted unless the applicant establishes that:

(aa) the painting is absolutely necessary to restore or preserve the brick; or

(bb) the color and texture of replacement brick cannot be matched with that of the existing brick surface.

(ii) Certain colors prohibited. Fluorescent and metallic colors are not permitted on the exterior of any structure in this district.

(iii) Dominant and trim colors. All structures must have a dominant color and no more than two trim colors. The colors of a structure must be complementary of each other and the overall character of this district.

(iv) Gutters and downspouts. Gutters and downspouts must be of a color that matches or complements the color scheme of the structure.

(v) Roof colors. Roof colors must complement the style and overall color scheme of the structure.

(vi) Stain. The use and color of stain must be typical of the style and period of the structure.

(I) Columns.

(i) Function. Columns are only permitted as vertical supports near the front entrance of the main building or as vertical supports for porches.

(ii) Materials. Columns must be constructed of brick, stucco, wood, cut stone, or other materials that look typical of the style and period of the main building. No pipe or wrought iron columns are permitted.

(iii) Style. Columns must be of a style typical of the style and period of the main building.

(iv) Width dimensions. The width of a column shaft at its widest point must be at least:

(aa) one-eighth of the height of the column for a one-story column; and

(bb) one-tenth of the height of the column for a two-story column.

(J) Facade materials.

(i) In general. The only permitted facade materials are brick, wood siding, cut stone, and stucco. All facade treatments and materials must be typical of the style and period of the main building.

(ii) Brick. All exposed brick on facades must be fired brick as defined by the American Standard Testing Materials Designation C-1267-5A, Type Grade FBS-SW.

(iii) Wood facades. Existing wood facades must be preserved as wood facades. Wood shingles are not permitted as a primary facade material, but may be used in roof gables and on columns and foundation skirts in a manner that is typical of the style and period of the main building.

(K) Front entrances and porches.

(i) Detailing. Railings, moldings, tile work, carvings, and other detailing and architectural decorations on front entrances and porches must be typical of the style and period of the main building.

(ii) Enclosures. A front entrance or porch may not be enclosed with any material, including iron bars, glass, and mesh screening.

(iii) Facade openings. Porches must not obscure or conceal any facade openings in the main building.

(iv) Floor coverings. Carpeting is not permitted as a porch floor or step covering.

(v) Style. Each main building must have a front porch or entry treatment with a shape, roof form, materials, and colors that are typical of the style and period of the building. A front entrance or porch must reflect the dominant horizontal and vertical characteristics of the main building.

(L) Garages. Doors on garages attached to the main building may not face the street.

(M) Porte cocheres. Porte cocheres must be preserved as architectural features and not be enclosed by fences, gates, or other structures or materials.

(N) Roof forms.

(i) Eaves or soffit height. The eaves or soffit height of a main building must be within 10 percent of the eaves or soffit height of the closest main building in this district of a similar style and having the same number of stories.

(ii) Materials and colors. Roof materials and colors must complement the style and overall color scheme of the structure. Tar and gravel (built-up) is only permitted as a roof material on covered porches and porte cocheres with flat roofs.

(iii) Overhang. Minimum permitted roof overhang for a new or move-in main building is 18 inches. A replacement roof on an existing building must have an overhang that is equal to or greater than the overhang of the roof it replaces.

(iv) Patterns. Roof patterns of a main building must be typical of the style and period of the architecture of the building.

(v) Skylights and solar panels.

(aa) Except as otherwise provided in this subsection, skylights and solar panels are only permitted on:

(AA) the rear 50 percent of the roof of a main building on an interior lot;

(BB) the rear inside quadrant of the roof of a main building on a corner lot; and

(CC) the roof of an accessory building in the rear yard.

(bb) The commission may allow skylights and solar panels at another location on a building if their placement does not have an adverse effect on the architecture of the building, blockface, or this district as a whole.

(vi) Slope and pitch. The degree and direction of roof slope and pitch must be typical of the style and period of the main building and compatible with existing building forms in this district. Flat or Mansard roof designs are not permitted on main or accessory buildings or structures, except that a covered porch or porte cochere may have a flat roof that is typical of the style and period of the main building.

(M) Signs. Signs must not obscure significant architectural features of a building. The shape, materials, color, design, and letter style of signs must be typical of and compatible with the style and period of the architecture of buildings on the same premise and in this district as a whole. [See Section 51P-87.110(j) for additional standards applicable to signs.]

(N) Stairs. Second and third story exterior staircases are only permitted on accessory buildings and the rear 50 percent of the main building, except that they are not permitted on a corner side facade.

(O) Windows and doors.

(i) Front facade openings. The total number of window and door openings (combined) in the front facade of the main building must be equal to or greater than the total number of original window and door openings (combined) in that facade. The number of door openings in the front facade of the main building must not be increased. Each story of a front facade of the main building must contain at least two windows or one window and a door.

(ii) Glass. Clear, decorative stained, and clear leaded glass may be permitted in any window opening, except that decorative stained glass is not permitted in a front

door. Reflective, tinted, opaque, and mirrored glass and plastic are not permitted in any opening. Translucent glass is not permitted, except in a bathroom window.

(iii) Screens, storm doors, and storm windows. Screens, storm doors, and storm windows may be permitted if:

(aa) their frames are painted or colored to match or complement the color scheme of the main building; and

(bb) they do not obscure significant features of the windows and doors they cover.

(iv) Security and ornamental bars. Security and ornamental bars are only permitted on an accessory building or the rear facade of the main building.

(v) Shutters. Shutters must be typical of the style and period of the building and appear to be installed in a manner to perform their intended function.

(vi) Style.

(aa) All windows and doors in the front facade of the main building must be proportionally balanced in a manner typical of the style and period of the building.

(bb) No single, fixed plate glass is allowed except as part of an original period design. The size and proportion of window and door openings located on the front and side facades of the main building must be typical of the style and period of the building.

(cc) All windows, doors, and lights in the front and side facades of the main building must be typical of the style and period of the building. Windows must contain at least two lights (window panes). Front doors must contain at least one light. Sidelights must be compatible with the door.

(dd) The frames of windows must be trimmed in a manner typical of the style and period of the building.

(2) Landscaping.

(A) Certain items prohibited in front and corner side yards. The following items are not permitted in the front and corner side yards:

(i) Above-ground meters.

(ii) Berms.

(iii) Cacti.

(iv) Pylons and similar structures.

(v) Rock or sculpture gardens.

(vi) Vegetable gardens.

(B) Fences.

(i) Form.

(aa) Fences must be constructed and maintained in a vertical position.

(bb) The top edge of a fence must be along a line that is either horizontal, or substantially parallel to grade. Except in the case of a picket, chain link, or wrought iron fence, the top edge of a fence must be flat.

(ii) Height. Maximum permitted height for a fence is nine feet.

(iii) Location.

(aa) The following are the only types of fences permitted in the front yard: white wood picket fences and dark green, dark brown, or black wrought iron fences. A fence in the front yard may not exceed two feet in height unless a taller fence is needed to satisfy screening requirements for parking in front of nonresidential uses.

(bb) A fence in an interior side yard must be located in the rear 50 percent of the side yard and behind the rearmost side projection of the main building, except that the commission may allow a fence to be located anywhere in an interior side yard if it determines that the fence does not screen all or any portion of a significant architectural feature of a main building on the same or an adjacent lot.

(cc) A fence in the corner side yard must not be directly in front of the corner side facade, except that the commission may allow a fence that is directly in front of all or any portion of the rear 50 percent of the corner side facade if:

(AA) more screening is necessary to insure privacy due to unusually high pedestrian or vehicular traffic; and

(BB) the fence does not screen all or any portion of a significant architectural feature of the main building.

(dd) A fence in the corner side yard must be set back a minimum of two feet from a public sidewalk.

(ee) A fence must run either parallel or perpendicular to a building wall or lot line.

(ff) A fence on a vacant lot must be set back a distance that is equal to or greater than the setback of the front facade of the closest main building in the same blockface. In the case of a single interior vacant lot, the setback of the fence must be equal to or greater than the setback of the front facade of the main building on the adjacent lot with the greater setback.

(iv) Materials. A fence must be constructed of one or more of the following materials: metal or plastic-coated chain link, wrought iron, wood, or stucco. The use of brick in a fence is not permitted, except as part of a structural column, or a base that is two feet or less in height. Exposed concrete blocks are not permitted.

(v) Masonry columns and bases.

(aa) The color, texture, pattern, and dimensions of masonry and the color, width, type, and elevation of mortar joints in a fence column or base must match the masonry and mortar joints of the main building as nearly as practicable.

(bb) All exposed brick in a fence column or base must be fired brick as defined by the American Standard Testing Materials Designation C-126-75A, Type Grade FBS-SW.

(vi) Metal fences.

(aa) Wrought iron and metal fences must be compatible with the style and period of the main building.

(bb) If a wrought iron or metal fence is painted or colored, the color must be black, dark green, or dark brown and complement the color of the main building.

(vii) Wooden fences.

(aa) All wooden structural posts must be at least four inches in diameter (nominal size).

(bb) The side of a wooden fence facing a public street must be the finished side.

(cc) Wooden fences may be painted or stained a color that is complementary to the main building.

(C) Foundation plantings. Foundation plantings may not:

(i) screen significant architectural features of the main building; or

(ii) exceed two feet in height above the finished porch floor elevation unless they are part of an overall landscape plan approved by the commission.

(D) Outdoor lighting. Outdoor light fixtures must be compatible with the style and period of the main building and not obscure or conflict with significant architectural details of the building. Overhead and exposed wiring and conduit for outdoor lighting is not permitted.

(E) Parkway plantings. Only grass, trees, and flowers are permitted in the parkway. All trees in the parkway must be selected from the list labelled as Exhibit 87B, placed a uniform distance apart, and planted along a line parallel to the street. Flower beds may not comprise more than 50 percent of the parkway area.

(F) Pavement, filler, and edging materials. Pavement and filler and edging materials, such as landscape timbers, gravel, and bark, used in landscape beds in the front and corner side yards must be reviewed by the commission as part of an overall landscape plan if the landscape beds collectively comprise more than 25 percent of the combined areas of the front and corner side yards. No more than 50 percent of the front yard of a residential use may be covered by pavement or filler materials.

(G) Planter boxes. Planter boxes must be:

- (i) 18 inches or less in height;
- (ii) 36 inches or less in depth;
- (iii) an integral part of the main building; and
- (iv) constructed of brick, natural stone, or smooth-finished concrete that matches or is compatible in texture, color, and style with the main building.

(H) Retaining walls. Retaining walls are not permitted in the front and side yards, except to preserve a natural or existing slope, or to make a slope similar to that of an adjacent lot. The height of a retaining wall may not exceed the height of the slope it retains. A retaining wall must be constructed of unpainted natural stone, brick, stucco, or smooth-finished concrete that is compatible in texture, color, and style with the main building.

(I) Sidewalks, driveways, and curbing.

(i) Materials.

(aa) No exposed aggregate, asphaltic, or artificially colored concrete or epoxy resin is permitted as a sidewalk, driveway, or curbing material.

(bb) All public sidewalks and curbing must be constructed of brush finish concrete.

(cc) All private sidewalks and driveways must be constructed of concrete, gravel, or brick that matches or is compatible in texture, color, and style with the main building.

(ii) Width, style, and spacing.

(aa) The maximum permitted width of a driveway in the front yard is 10 feet. The driveway width may be expanded to 20 feet at any point behind the front facade.

(bb) Ribbon driveways are permitted, but only if the ribbons are at least one foot wide.

(cc) Circular driveways are not permitted in the front yard.

(dd) A driveway constructed in the front yard must be spaced a minimum of one foot from an existing driveway on an adjacent lot. (Ord. 27947)

SEC. 51P-87.118. NONCONFORMING USES AND STRUCTURES.

(a) In general. Except as otherwise provided in this section, Section 51-4.704, relating to nonconforming uses and structures, applies to all uses and structures in this district.

(b) Rebuilding damaged or destroyed structures. If a nonconforming structure is damaged or destroyed, the structure may be rebuilt at the same location without the approval of the board of adjustment. (Ord. Nos. 18369; 25423)

SEC. 51P-87.119. GRAPHICS.

Graphics that illustrate the requirements of this article are labelled as Exhibit 87A. In the event of a conflict, the text of this article controls over any graphic display in Exhibit 87A. (Ord. Nos. 18369; 25423)

SEC. 51P-87.120. ENFORCEMENT.

(a) Certificate of appropriateness required. A person commits an offense if, without first obtaining a certificate of appropriateness from the city expressly authorizing the act, he:

(1) places or constructs a main or accessory building on property in this district;

(2) makes exterior alterations to a main or accessory building in this district; or

(3) places, constructs, installs, or maintains a structure (including a tent), plant, or landscape item outside of a building on property in this district.

(b) Defenses to prosecution.

(1) It is a defense to prosecution under Subsections (a)(2) and (a)(3) that the act was:

(A) performed in a rear yard and the alteration, structure, or item is six feet or less in height;

(B) performed in a side yard, and the alteration, structure, or item is six feet or less in height or totally screened by a fence or hedge;

(C) the installation, maintenance, or replacement of plant materials not prohibited in the preservation criteria for the property;

(D) the installation, maintenance, or replacement of security or ornamental bars on the rear facade of the main building or on an accessory building;

(E) the installation, maintenance, or replacement of a lawn sprinkler system;

(F) the installation, maintenance, and replacement of an air conditioning unit in a side or rear yard; or

(G) the installation or maintenance of a special purpose sign.

(2) It is a defense to prosecution under Subsection (a)(3) that the structure, plant, or landscape item was temporarily placed, constructed, or installed. For purposes of this subsection, an act is temporary in nature if it occurs no more than two time periods during the calendar year for a maximum of five days per time period.

(3) There is no defense to prosecution for a violation of Subsection (a)(1).

(c) Additional offenses. A person commits an offense if he violates the use regulations or development standards in Sections 51P-87.109, 51P-87.110, 51P-87.112, 51P-87.113, 51P-87.115, and 51P-87.116 of this article.

(d) Criminal responsibility. A person is criminally responsible for a violation if he:

(1) commits or assists in the commission of an act in violation; or

(2) owns part or all of the land or a structure on the land where a violation exists. (Ord. Nos. 18369; 25423)

SEC. 51P-87.121. STREETS AND PAVING.

All paved areas, permanent drives, streets, and drainage structures, if any, shall be constructed in accordance with standard city specifications adopted for such purpose to the satisfaction of the director of public works and transportation. (Ord. Nos. 17164; 25423; 26102)

SEC. 51P-87.122. BUILDING OFFICIAL.

The building official shall not issue a building permit or certificate of occupancy for a use in this district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other applicable ordinances, rules, and regulations of the city. (Ord. Nos. 18369; 25423; 26102)

~~SEC. 51P-87.123. ZONING MAP.~~

~~PD 87 is located on Zoning Map No. L-6.]~~ (Ord. Nos. 19493; 25423)

Proposed SUP Conditions

CPC and Staff recommendation:

1. USES: The only uses authorized by this specific use permit are an instructional arts studio and theater.

Applicant requested:

1. USE: The only use authorized by this specific use permit is a theater.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

CPC recommendation:

3. TIME LIMIT: This specific use permit expires on [five years].

Staff recommendation:

3. TIME LIMIT: This specific use permit expires on [two years].

Applicant requested:

3. TIME LIMIT: This specific use permit expires on [five years], but is eligible for automatic renewal for additional five-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)
4. LIGHTING. Detached light fixtures are limited to 20 feet in height and must be shielded and directed away from surrounding properties.
5. OUTSIDE AMPLIFICATION. Outside amplification is prohibited.

CPC recommendation:

6. HOURS OF OPERATION: The instructional arts studio and theater may only operate between 7:00 AM and 10:00 PM, Monday through Thursday; 7:00 AM and 11:00 PM, Friday through Saturday; and 9:00 AM and 5:00 PM, Sunday. On school days, no opening or operation before 9:00 AM.

Staff recommendation:

- | |
|--|
| 6. <u>PERFORMANCE TIMES</u> : Theater performances may only operate between 10:00 AM and 9:00 PM, Monday through Thursday; 10:00 AM and 10:00 PM, Friday through Saturday; and 11:00 AM and 5:00 PM, Sunday. |
|--|

Applicant requested:

- | |
|--|
| 6. <u>PERFORMANCE TIMES</u> : Theater performances may only operate between 7:00 AM and 9:00 PM, Monday through Wednesday; 7:00 AM and 11:00 PM, Thursday through Saturday; and 9:00 AM and 5:00 PM, Sunday. |
|--|

CPC recommendation:

- | |
|--|
| 7. <u>SEATING</u> : The maximum number of fixed seating for a theater use is 120 seats; if portions of seating areas in the theater are not equipped with fixed seats, benches, or pews, the maximum seating area is 840 square feet. 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. |
|--|

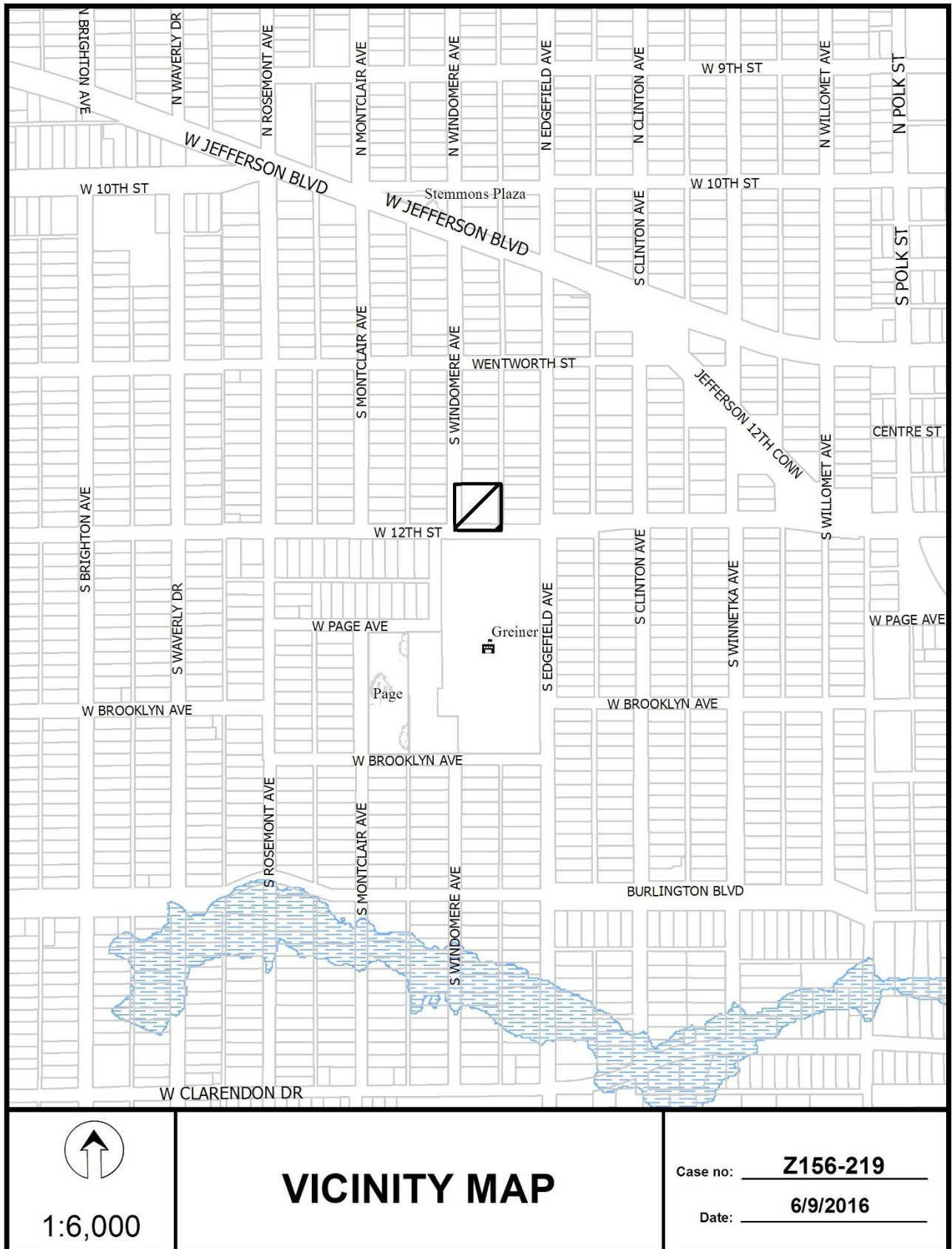
Applicant requested:

- | |
|--|
| 7. <u>SEATING</u> : The maximum number of seating for a theater use is 120 seats |
|--|
8. QUEUING. Queuing is only permitted inside the Property. Drop-off and pick-up are not permitted within the city rights-of-way.
9. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
10. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

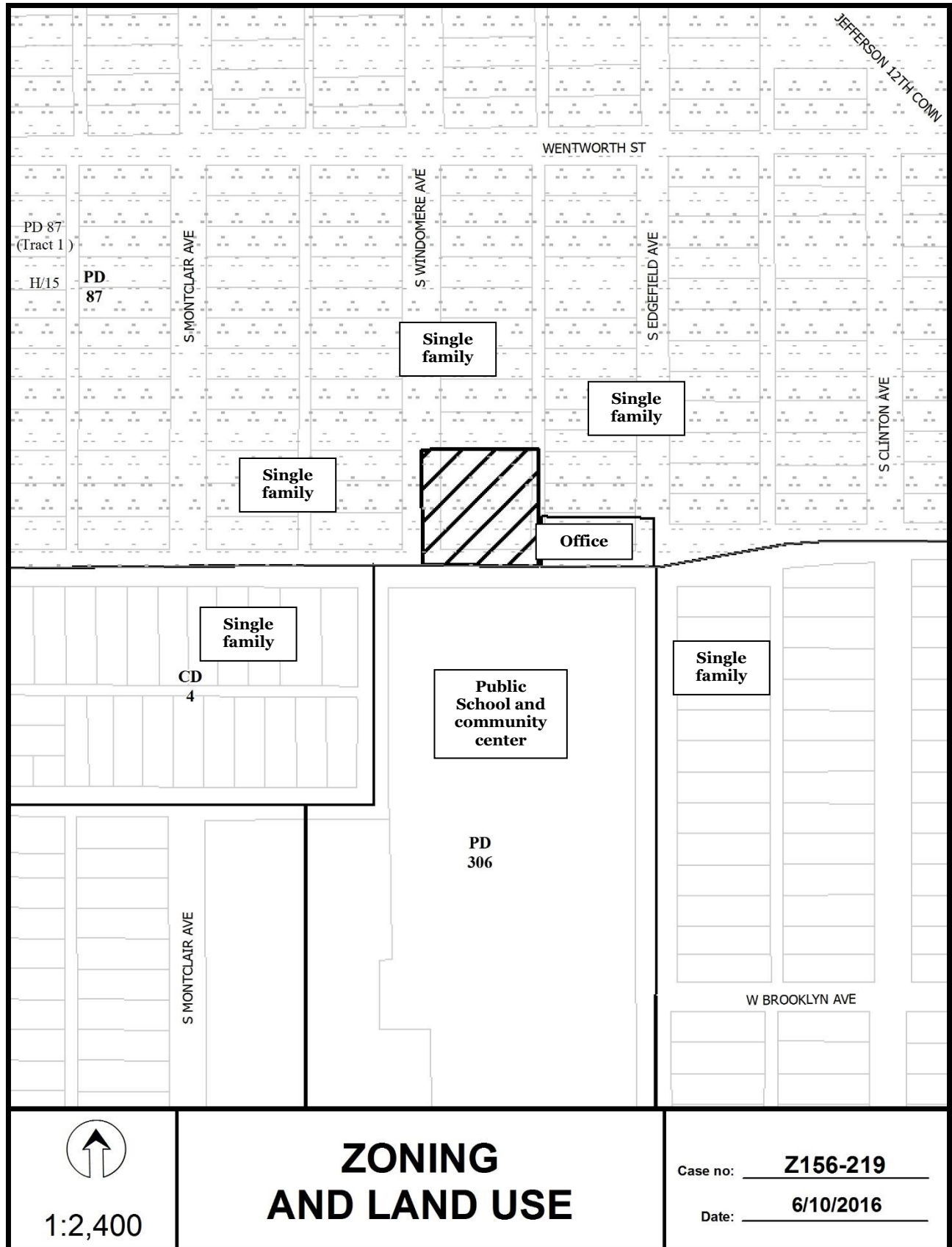
Staff recommends
alley access be
prohibited.

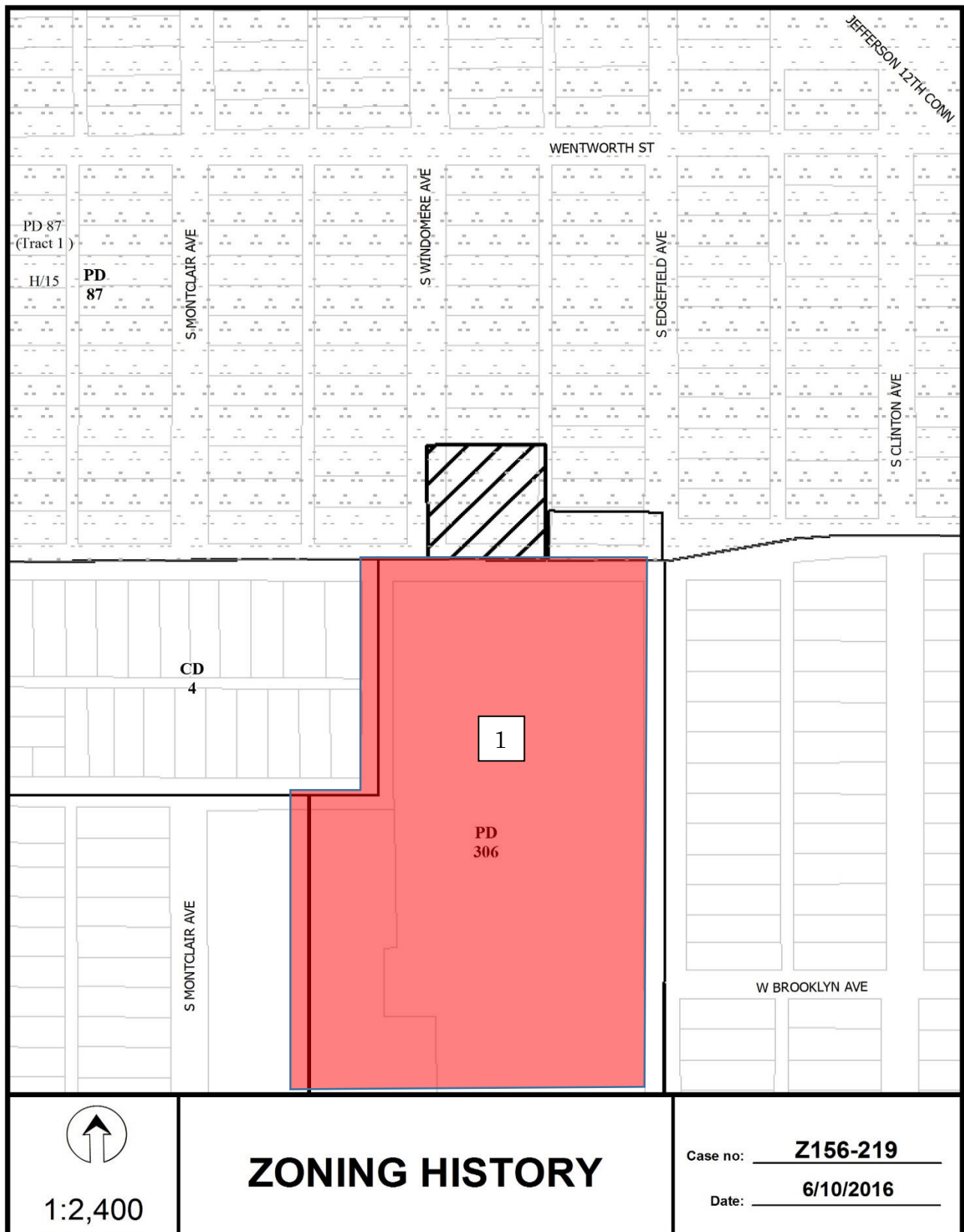


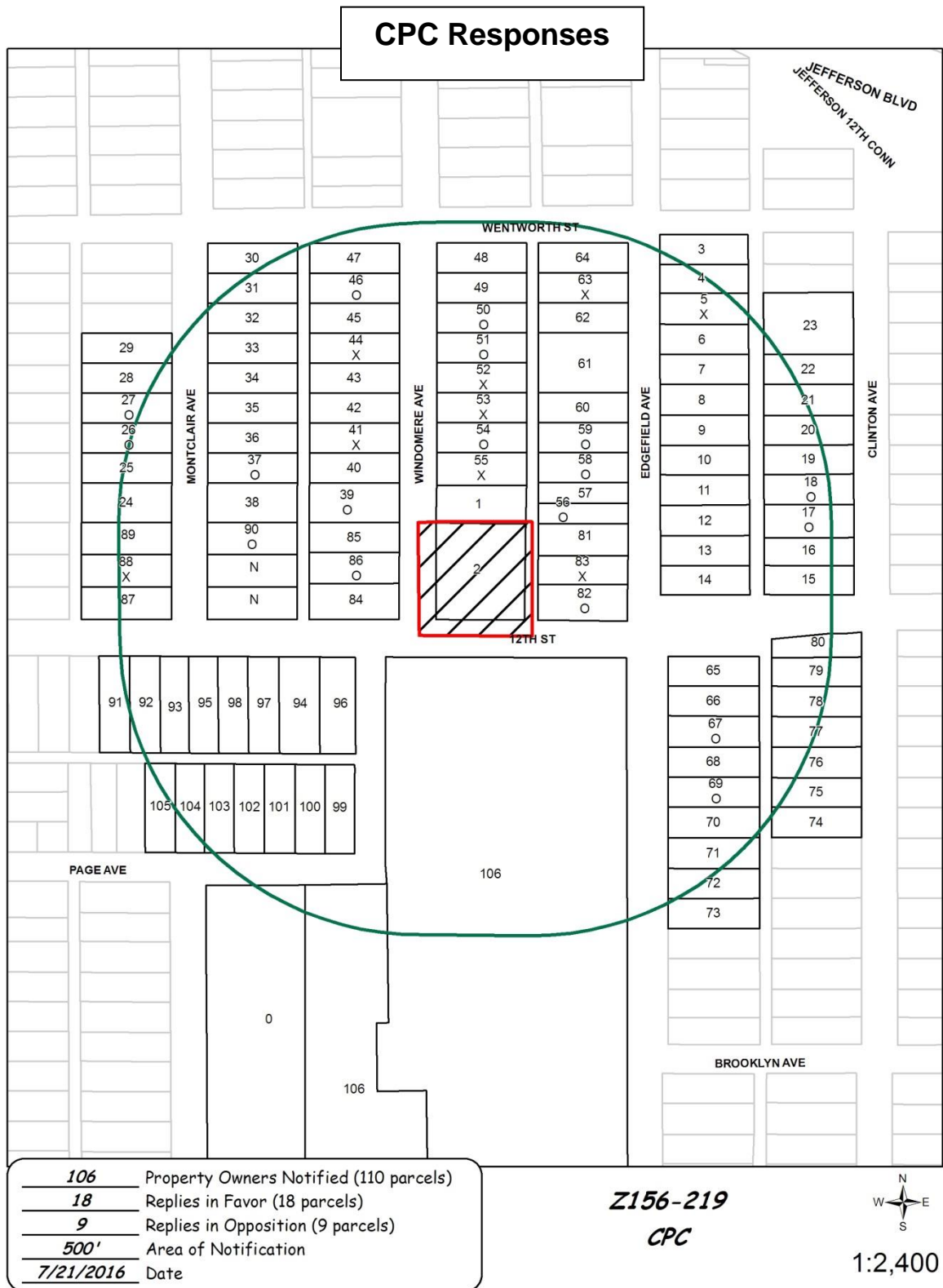












07/20/2016

Reply List of Property Owners***Z156-219******106 Property Owners Notified******18 Property Owners in Favor******9 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	332 S WINDOMERE AVE	DELAMETTER JACK II
	2	410 S WINDOMERE AVE	PHAN QUAN &
	3	300 S EDGEFIELD AVE	HOLLAND JOHN T
	4	306 S EDGEFIELD AVE	NINO JUAN JOSE
X	5	310 S EDGEFIELD AVE	ROMANO ROBERT
	6	312 S EDGEFIELD AVE	CERVANTES BELINDA &
	7	318 S EDGEFIELD AVE	FRAYRE HEATHER LEIGH & LEO
	8	322 S EDGEFIELD AVE	MENDEZ ROSA MARIA
	9	326 S EDGEFIELD AVE	HARDER WESLEY K
	10	328 S EDGEFIELD AVE	GONZALEZ STEVE J
	11	334 S EDGEFIELD AVE	HSBC BANK USA NATL ASSN TR
	12	336 S EDGEFIELD AVE	WOY MITZI
	13	340 S EDGEFIELD AVE	MAEKER ROBERT COLIN
	14	342 S EDGEFIELD AVE	BENOLD LAURA &
	15	427 S CLINTON AVE	JOHNSON AMY A &
	16	423 S CLINTON AVE	SCHMITZ ROBERT & SHAWN
O	17	417 S CLINTON AVE	JENKINS DON L &
O	18	413 S CLINTON AVE	KRODEL JOHN K
	19	409 S CLINTON AVE	RAMIREZ PEDRO & RACHEL
	20	405 S CLINTON AVE	CANNON CHRISTOPHER M & EMILY
	21	401 S CLINTON AVE	FONTENOT JONATHAN
	22	317 S CLINTON AVE	PEREZ ISABEL Y &
	23	311 S CLINTON AVE	KNIGHT ALFRED H
	24	335 S MONTCLAIR AVE	CHARTIER NANCY ANN
	25	331 S MONTCLAIR AVE	BURTON THOMAS R & DONNA
O	26	327 S MONTCLAIR AVE	WHITE CAROLE J

07/20/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	27	323 S MONTCLAIR AVE	WHITE CAROLE JOAN
	28	317 S MONTCLAIR AVE	ERWIN DENNIS W JR &
	29	315 S MONTCLAIR AVE	ESPARZA MARIA DEL CARMEN
	30	300 S MONTCLAIR AVE	HASTINGS JEFFREY
	31	304 S MONTCLAIR AVE	JACOBS JOHN T
	32	310 S MONTCLAIR AVE	SKINNER JESSICA & ANTHONY
	33	314 S MONTCLAIR AVE	LITKE ADAM DAVID &
	34	318 S MONTCLAIR AVE	LONION TROY
	35	322 S MONTCLAIR AVE	KEATON TY &
	36	324 S MONTCLAIR AVE	LONION TROY D
O	37	330 S MONTCLAIR AVE	CREEL CHRISTOPHER &
	38	334 S MONTCLAIR AVE	CHENOWETH JEFFREY STEPHEN
O	39	335 S WINDOMERE AVE	MITCHAM BRANDON &
	40	331 S WINDOMERE AVE	WALTON BRUCE E & CATHY
X	41	327 S WINDOMERE AVE	SEABOLT JOHN PAUL
	42	323 S WINDOMERE AVE	MORALES GERARDO &
	43	319 S WINDOMERE AVE	HUBBARD CHESTER CLAY
	45	311 S WINDOMERE AVE	AVINA JOSEPH &
O	46	305 S WINDOMERE AVE	VINTON PAUL A & MINDY K
	47	301 S WINDOMERE AVE	PAINE JAMES DENNIS
	48	302 S WINDOMERE AVE	FLOCKE NOELLE L
	49	306 S WINDOMERE AVE	306 S WINDOMERE LLC
O	50	308 S WINDOMERE AVE	HOUNSEL SCOTT R & SUE K
O	51	310 S WINDOMERE AVE	KITTO WILLIAM J & SARA A
X	52	318 S WINDOMERE AVE	THOMAS CHRISTINE K
X	53	322 S WINDOMERE AVE	ADAMS VICTOR
O	54	326 S WINDOMERE AVE	JONES TURNER
X	55	330 S WINDOMERE AVE	VELASCO WILLIAM M II
O	56	335 S EDGEFIELD AVE	BLANKENSHIP CORY &
	57	333 S EDGEFIELD AVE	REYNOLDS CHRISTOPHER DOUG
O	58	329 S EDGEFIELD AVE	HOBRA TSCHK REVOCABLE TRUST

07/20/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	59	327 S EDGEFIELD AVE	SIKRI SUNIT &
	60	321 S EDGEFIELD AVE	SANCHEZ JUAN &
	61	317 S EDGEFIELD AVE	MARTINEZ JOSEPH R
	62	309 S EDGEFIELD AVE	GALLEGOS PEDRO
X	63	305 S EDGEFIELD AVE	MILLER FABIAN ERROL
	64	301 S EDGEFIELD AVE	EDGEFIELD LLC
	65	506 S EDGEFIELD AVE	GALVAN JOSE G
	66	510 S EDGEFIELD AVE	SALDIVAR ALFREDO
O	67	514 S EDGEFIELD AVE	RODRIGUEZ MANUEL &
	68	518 S EDGEFIELD AVE	HOWARD ROBERT L
O	69	522 S EDGEFIELD AVE	MONTEMAYOR ANSELMO
	70	526 S EDGEFIELD AVE	ALDRED FAMILY 2 LIMITED
	71	602 S EDGEFIELD AVE	MARQUEZ JUAN V & ALICIA
	72	606 S EDGEFIELD AVE	MEDINA ANTONIO O &
	73	610 S EDGEFIELD AVE	KEITH KOREY LANE
	74	527 S CLINTON AVE	CASTRO MARISOL & LUIS
	75	521 S CLINTON AVE	BENAVIDES RAMONA M
	76	517 S CLINTON AVE	RODRIGUEZ FRANCISCO &
	77	515 S CLINTON AVE	GLITZ JOSHUA ALLEN & JESSICA
	78	507 S CLINTON AVE	SENGSATHEUANE WINDY SUZY
	79	505 S CLINTON AVE	SMITH GLORIA
	80	501 S CLINTON AVE	WELLS FARGO BANK
	81	337 S EDGEFIELD AVE	RAMIREZ LORENZO
O	82	345 S EDGEFIELD AVE	LULAC NATL EDUCATION
	84	411 S WINDOMERE AVE	LARA IGNACIO H &
	85	401 S WINDOMERE AVE	PHELPS TIMOTHY NICHOLAS & VI
	87	411 S MONTCLAIR AVE	LOPEZ REBECCA RUTH &
X	88	407 S MONTCLAIR AVE	MARIS RUSSELL A LIFE ESTATE
	89	339 S MONTCLAIR AVE	WALKER TERI L
O	90	402 S MONTCLAIR AVE	MCCUIN VERONICA MAY
	91	1606 W 12TH ST	GARCIA SEVERA H

07/20/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	92	1602 W 12TH ST	VILLAREAL SIMONA
	93	1522 W 12TH ST	BENITEZ ELVIA
	94	1504 W 12TH ST	ESPINOZA LUCAS J &
	95	1518 W 12TH ST	SERRANO PROPERTIES
	96	1500 W 12TH ST	ISBELL FAMILY LTD PS
	97	1508 W 12TH ST	MARTINEZ MARIA
	98	1512 W 12TH ST	HERNANDEZ JASON
	99	525 S WINDOMERE AVE	RESIDENTIAL COUNSELING LLC
	100	1505 W PAGE AVE	REYES FRANCES LOUISE &
	101	1507 W PAGE AVE	DEPRIX LLC
	102	1509 W PAGE AVE	ERRISURIZ MARLENE &
	103	1511 W PAGE AVE	STOKER BOBBIE
	104	1513 W PAGE AVE	MEDINA ANGEL &
	105	1519 W PAGE AVE	ARRINGTON JACKIE JUNE
	106	600 S MONTCLAIR AVE	DALLAS ISD
O	A1	407 S WINDOMERE AVE	PEREZ MICHAEL &
X	A2	341 S EDGEFIELD AVE	HASH LONNIE WATSON JR
X	A3	315 S WINDOMERE AVE	PRITCHARD JASON

AGENDA ITEM # 62

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 2

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 45 L

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge or tavern and a commercial amusement (inside) limited to a live music venue on property zoned Tract A within Planned Development District No. 269, on the southeast corner of Commerce Street and Murray Street

Recommendation of Staff: Approval for a three-year period, subject to a site plan and conditions

Recommendation of CPC: Approval for a two-year period, subject to a site plan and conditions

Z156-245(OTH)

FILE NUMBER: Z156-245(OTH)

DATE FILED: April 8, 2016

LOCATION: Southeast corner of Commerce Street and Murray Street.

COUNCIL DISTRICT: 2

MAPSCO: 45 - L

SIZE OF REQUEST: Approx. 0.20 acres

CENSUS TRACT: 204.00

APPLICANT: John LaRue – Deep Ellum Art Company

OWNER: COMMERCE CANTON INVESTORS, LLC

REPRESENTATIVE: Audra Buckley, Permitted Development

REQUEST: An application for a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge or tavern and a commercial amusement (inside) limited to a live music venue on property zoned Tract A within Planned Development District No. 269.

SUMMARY: The applicant proposes to use the property for an alcoholic beverage establishment limited to a bar, lounge, or tavern and a commercial amusement (inside) limited to a live music venue [Deep Ellum Art Company]. On June 12, 2013, the City Council approved this Specific Use Permit for a three-year period.

CPC RECOMMENDATION: **Approval** for a two-year period, subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a three-year period, subject to a site plan and conditions.

GUIDING CRITERIA FOR STAFF RECOMMENDATION:

The following factors are listed in Chapter 51A of the Dallas Development Code to guide the determination as to whether or not an SUP shall be granted. Staff has listed its findings based upon each component below:

1. *Compatibility with surrounding uses and community facilities* – The alcoholic beverage establishment limited to a bar, lounge or tavern and a commercial (inside) limited to a live music venue does not impact compatibility with the surrounding land uses. The property is surrounded by lofts, office, retail and H/92 to the north, parking lot to the east; undeveloped and vacant to the south and office and retail to the west. The proposed uses compliment the character of the Deep Ellum area.
2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The alcoholic beverage establishment limited to a bar, lounge or tavern and a commercial (inside) limited to a live music venue contributes to the viability of the area.
3. *Not a detriment to the public health, safety, or general welfare* – The alcoholic beverage establishment limited to a bar, lounge or tavern and a commercial (inside) limited to a live music venue is not a detriment to the public health, safety or general welfare of the public.
4. *Conforms in all other respects to all applicable zoning regulations and standards* – Based on information depicted on the site plan, the proposed use complies with all applicable zoning regulations and standards of the City of Dallas.

Zoning History: There has not been any zoning request in the area within the last five years.

Thoroughfares/Streets:

Thoroughfares/Street	Type	Existing ROW
Commerce Street	Collector	80 ft.
Murray Street	Local Street	50 ft.

Traffic:

The Engineering Section of the Department of Sustainable Development and Construction reviewed the request and determined that it will not impact the surrounding roadway system.

STAFF ANALYSIS:**Comprehensive Plan:**

The fowardDallas! Comprehensive Plan was adopted by the City Council in June 2006. The fowardDallas! Comprehensive Plan outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The Plan identifies the request site as being in the Urban 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 midrise commercial towers to townhomes and small corner shops. Good access to transit is a critical element. Similar to Downtown, the Urban Mixed-Use Building Blocks offer employment and housing options and are important economic growth areas for businesses. People on foot or bike can enjoy interesting storefronts at ground level with benches, public art, on-street parking and wide sidewalks, creating an appealing streetscape. Large parking areas and other auto-oriented land uses are typically located at the edges.

The proposed use of the property complies with the intent of the comprehensive plan.

Surrounding Land Uses:

	Zoning	Land Use
Site	PD No. 269	Vacant
North	PD No. 269	Multifamily, office and retail
East	PD No. 269 & H/92	Parking lot
South	PD No. 269	Undeveloped, vacant
West	PD No. 269	Office and retail

Land Use Compatibility:

The approximately 0.20 acre site is zoned Tract A within Planned Development District No. 269, is developed with a 4,993 square feet one-story building. The property is adjacent to a parking lot for the multifamily use across Commerce Street to the east;

and vacant and undeveloped to the south. Surrounding uses are multifamily, office and retail to the north; and office and retail to the west.

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.

In general, the request complies with the above provisions.

Parking:

Parking must be provided in accordance to Planned Development District No. 269. Planned Development District No. 269 underwent a major amendment where the parking requirements for an inside commercial amusement use other than a dance hall uses; no off-street parking spaces are required for the first 2,500 square feet of the floor area. The proposed use has a total of 4,993 square feet of which 2,500 are exempt from parking requirements. Therefore, the remaining 2,493 square feet will be parked at 1 space per 100 square feet of the proposed use. The required off-street parking for the use is 23 off-street parking spaces. The applicant is providing four parking spaces on site, located to the east of the building. The Planned Development District allows for remote parking on a separate lot that is within walking distance of the use served. The applicant is providing the remaining 19 parking spaces with a parking agreement. A parking agreement must be filed with the application for the Certificate of Occupancy for the proposed uses.

Landscaping:

Landscape in this District must comply with all landscaping requirements set forth for the CA-1(A) District, and should be consistent with any design guidelines for the district approved by City Council. However, the proposed use does not trigger any landscaping.

Z156-245(OTH)

Police Records:

There has been only one offense during the last five years:

DATE1	OFFENSE	ADDRESS	PREMISE
5/6/2011	THEFT/BMV	03200 COMMERCE ST	PARKING LOT

**CPC ACTION:
August 4, 2016**

Motion: It was moved to recommend **approval** of a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge or tavern and a commercial amusement (inside) limited to a live music venue for a two-year period, subject to a site plan and staff's recommended conditions (as briefed) with the following modifications: 1) Off-Street Parking to read as follows: "A minimum of 4 off-street parking spaces with two required to be handicap parking be provided on the Property in the location shown on the attached site plan", and 2) include "A minimum of 23 additional parking spaces must be provided in accordance with the remote and special parking requirements of Planned Development District 269." on property zoned Tract A within Planned Development District No. 269, on the southeast corner of Commerce Street and Murray Street.

Maker: Rieves
Second: Houston
Result: Carried: 13 to 0

For: 13 - Anglin, Reives, Houston, Davis, Shidid,
Anantasomboon, Haney*, Jung, Housewright,
Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Schultz
Vacancy: 1 - District 7

*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 11
Replies: For: 3 Against: 3

Speakers: For: Audra Buckley, 416 S. Ervay St., Dallas, TX, 75201
Against: None

Z156-245(OTH)

Partners and Principles

Property Owner:

Commerce Canton Investors, LLC

Director and Managing Member: Richard Flaten

CPC SUP CONDITIONS
Z156-245(OTH)

1. **USE:** The only use authorized by this specific use permit is a bar, lounge or tavern and an inside commercial amusement limited to a live music venue.
2. **SITE PLAN:** Use and development of the Property must comply with the attached site plan.

CPC Recommendation:

3. **TIME LIMIT:** This specific use permit expires on (two-years from the passage of this ordinance).

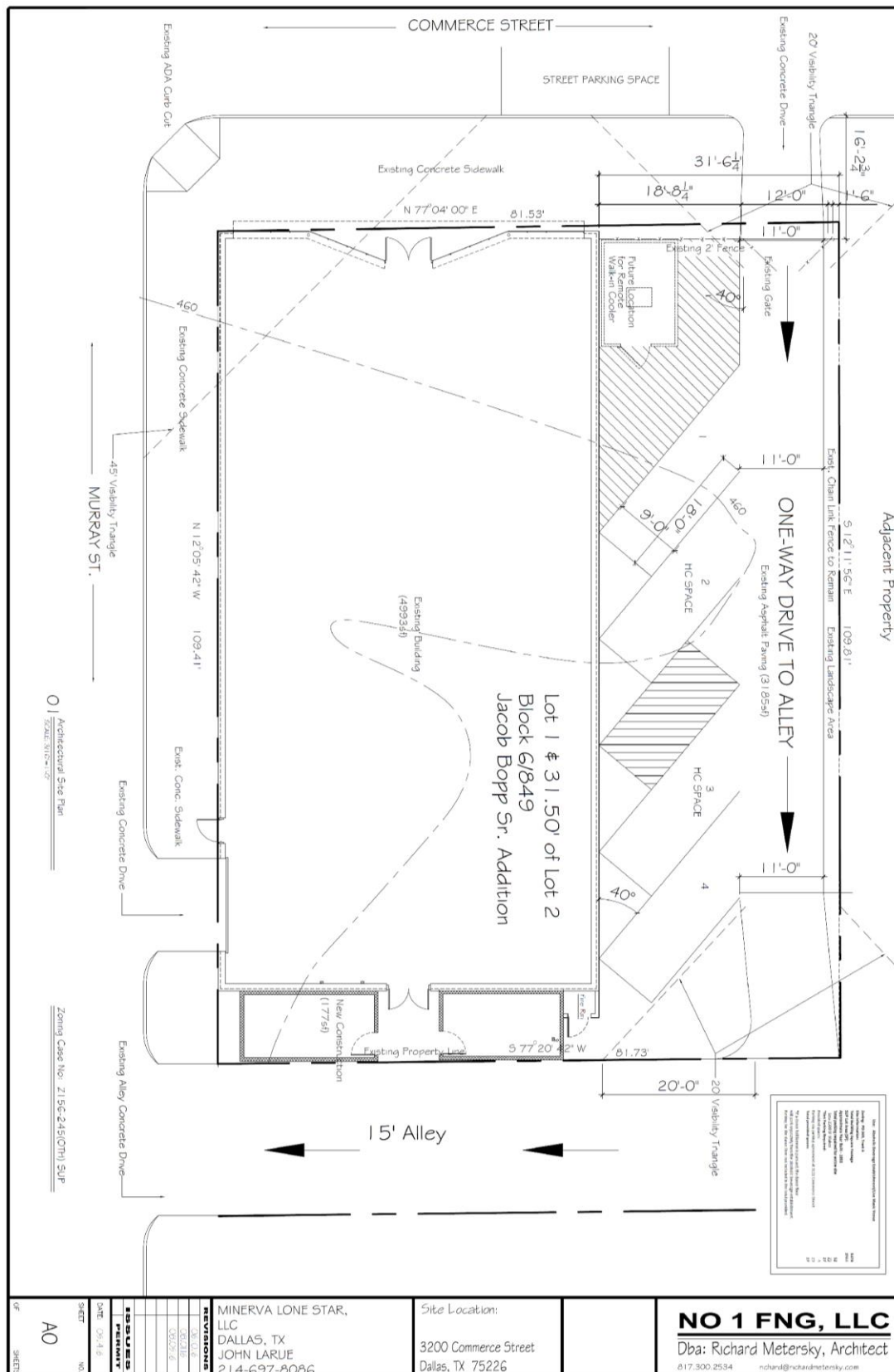
Staff Recommendation:

3. **TIME LIMIT:** This specific use permit expires on (three-years from the passage of this ordinance).

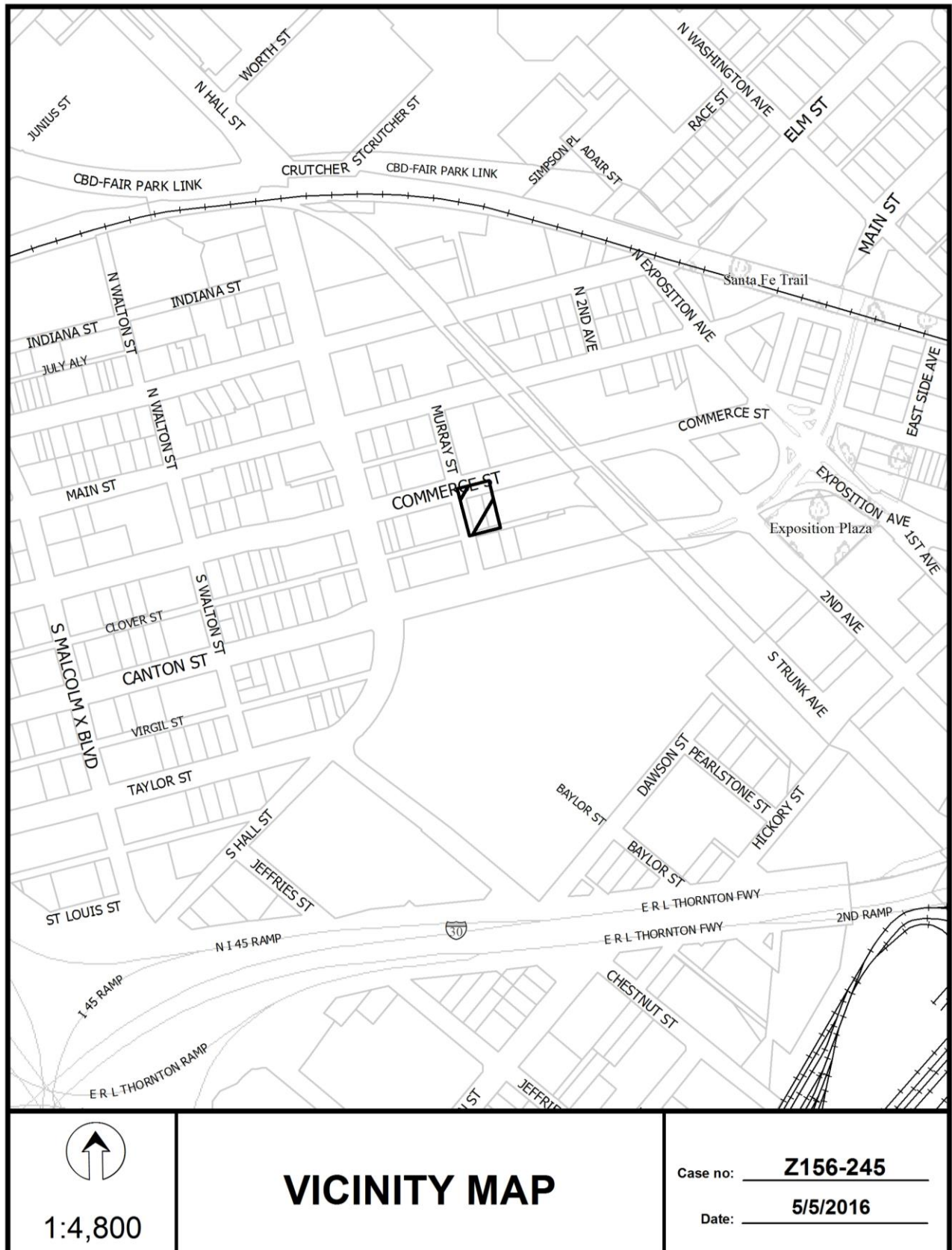
4. **FLOOR AREA:** The maximum floor area is 4,993 square feet in the location shown on the attached site plan.
5. **HOURS OF OPERATION:** The live music venue may only operate from 6:00 p.m. to 12:00 a.m. (midnight) Monday through Thursday, Friday from 6:00 p.m. to 2:00 a.m., Saturday 11:00 a.m. to 2:00 a.m. and Sunday 11:00 a.m. to 12:00 a.m. (midnight). The alcoholic beverage establishment may only operate from 6:00 p.m. to 2:00 a.m. Monday through Friday and 11:00 a.m. to 2:00 a.m. Saturday and Sunday.
6. **OFF-STREET PARKING:** A minimum of four off-street parking spaces must be provided on the Property in the location shown on the attached site plan. A minimum of 19 additional parking spaces must be provided in accordance with the remote and special parking requirements of Planned Development District 269. Delta credits, as defined in Section 51A-4.704(b)(4)(A), may not be used to meet the off-street parking requirement.
7. **OUTSIDE SPEAKERS:** Outside speakers are prohibited.
8. **MAINTENANCE:** The Property must be properly maintained in a state of good repair and neat appearance.

9. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

PROPOSED SITE PLAN



Z156-245(OTH)



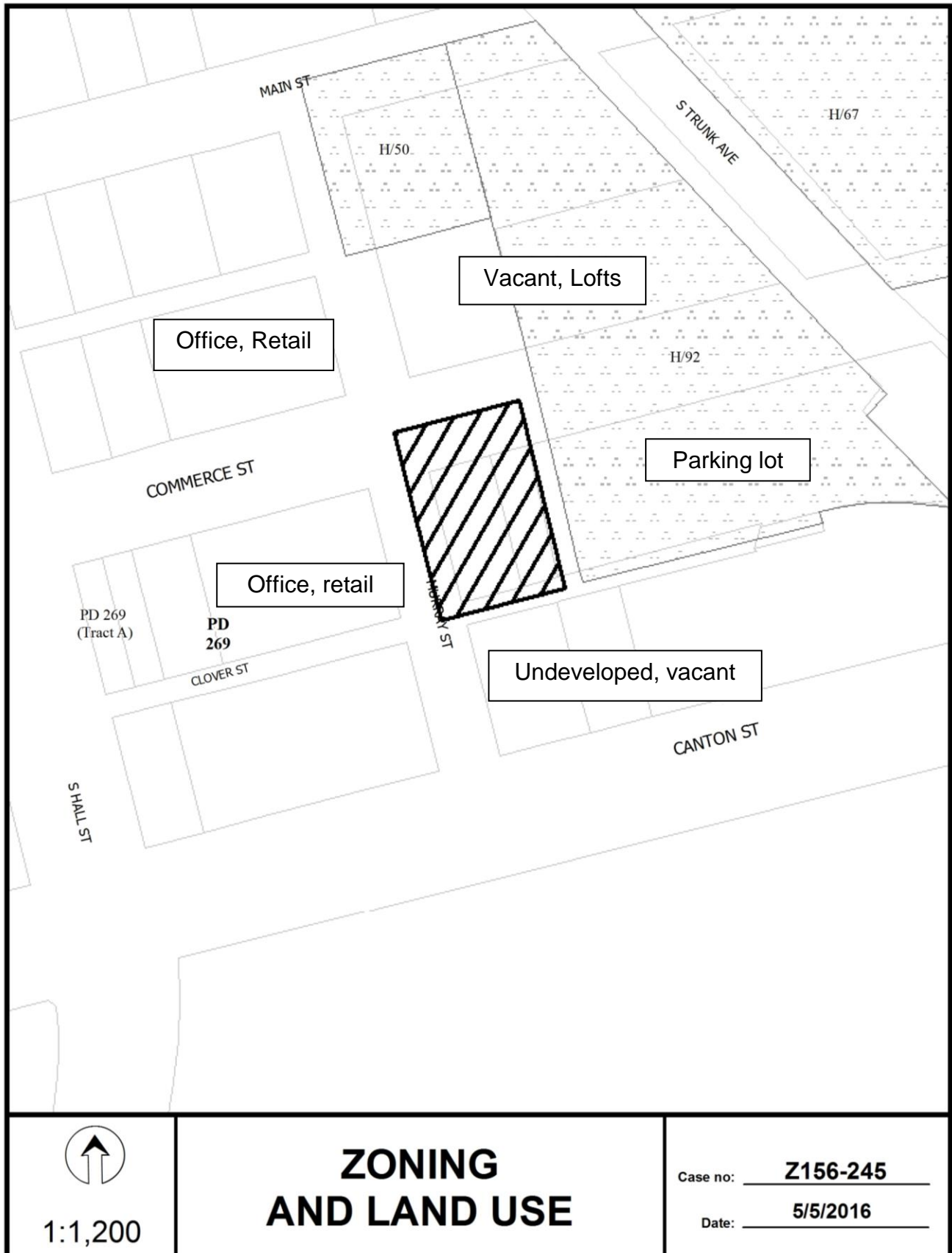


1:1,200

AERIAL MAP

Case no: Z156-245

Date: 5/5/2016



CPC RESPONSES



08/03/2016

Reply List of Property Owners

Z156-245

11 Property Owners Notified

3 Property Owners in Favor

3 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	3200 COMMERCE ST	COMMERCECANTON INVESTORS LLC
X	2	3210 MAIN ST	WESTDALE FUTURA LOFTS LTD
	3	3112 MAIN ST	MAIN MURRAY L L C
	4	3105 COMMERCE ST	BALLAS VICTOR
	5	3117 COMMERCE ST	SMITH ED W MACHINE WORK
X	6	3200 MAIN ST	WESTDALE FUTURA LOFTS LTD
	7	3106 COMMERCE ST	PROVINCE LANE LC
O	9	3111 CANTON ST	OBER PHILIP B &
X	10	3215 CANTON ST	WESTDALE PPTIES AMERICA I
	11	3225 CANTON ST	ALFORD ENTERPRISES
O	A1	3116 COMMERCE ST	WEINBERG ROBERT

AGENDA ITEM # 63

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 2

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 Planned Development Subdistrict for O-2 Office Subdistrict uses on property zoned an O-2 Office Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the north corner of North Harwood Street and Randall Street

Recommendation of Staff and CPC: Approval, subject to a development plan, landscape plan, and conditions

Z156-207(SM)

Note: This item was considered by the City Council at a public hearing on August 10, 2016, and was deferred until September 14, 2016, with the public hearing open

FILE NUMBER: Z156-207(SM) **DATE FILED:** February 12, 2016

LOCATION: North corner of North Harwood Street and Randall Street

COUNCIL DISTRICT: 2 **MAPSCO:** 45 E

SIZE OF REQUEST: Approx. 0.737 acres **CENSUS TRACT:** 19.00

APPLICANT: Crescent Acquisitions, LLC

OWNER: MAC Randall Owners, LLC

REPRESENTATIVE: Rob Baldwin, Baldwin Associates

REQUEST: An application for a Planned Development Subdistrict for O-2 Office Subdistrict uses on property zoned an O-2 Office Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District.

SUMMARY: The purpose of the request is to provide a multifamily development with consideration of the following: 1) decrease setbacks; 2) increase floor area ratio for residential uses; 3) provide for alternative landscaping along the street frontages and, 4) require pedestrian amenities.

CPC RECOMMENDATION: Approval, subject to a development plan, landscape plan, and conditions.

STAFF RECOMMENDATION: Approval, subject to a development plan, landscape plan, and conditions.

BACKGROUND INFORMATION:

- The existing structure on the site completed construction on May 5, 2003 and is one story and contains 10,855 square feet according to permit records. The owner name and DBA on the certificate of occupancy is “Reading & Radio Resource”.
- Articles published by the Dallas Morning News and KERA notes that the Reading and Radio Resource provided services to the blind and illiterate that included reading the newspaper and other audible literary activities. KERA noted the approximate closure of the business in January 2015.

Zoning History: There have been four recent zoning changes requested in the area.

1. **Z134-274** – On October 8, 2014 Council approved 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 on the south corner of McKinnon Street and Ivan Street.
2. **Z123-117** – On February 13, 2013 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 on the south corner of McKinnon Street and Wolf Street.
3. **Z134-314** – On March 25, 2015 Council approved an amendment to Planned Development Subdistrict No. 16 for O-2 Office Subdistrict uses within Planned Development District No. 193, the Oak Lawn Special Purpose District on the south corner of McKinnon Street and Wolf Street.
4. **Z134-140** – On April 22, 2015 Council approved the renewal of Specific Use Permit No. 1822 for an attached non-premise sign and an amendment to Tract I, Planned Development Subdistrict No. 11 of Planned Development District No. 193, the Oak Lawn Special Purpose District with Historic Overlay H/64, the Magnolia Station Historic District on north corner of Lyte Street and North Houston Street.

Thoroughfares/Streets:

Thoroughfare/Street	Type	ROW
Mckinnon Street aka Dallas North Tollway	Minor Arterial	Variable
Randall Street	Local Street	40 ft.
N. Harwood Street	Local Street	60 ft.

Comprehensive Plan: The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies that support the applicant's request for an Office development. The request site is located on the outer edge of the Downtown Building Blocks.

The Downtown 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.

LAND USE**GOAL 1.2 PROMOTE DESIRED DEVELOPMENT**

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

URBAN DESIGN**Goal 5.1 Promote a sense of place, safety and workability**

Policy 5.1.2 Define urban character in Downtown and urban cores

Area Plans:

The Oak Lawn Special Purpose District and the Oak Lawn Plan include the following objectives:

- (1) To achieve buildings more urban in form.
- (2) To promote and protect an attractive street level pedestrian environment with continuous street frontage activities in retail areas.

(3) To encourage the placement of off-street parking underground or within buildings similar in appearance to non-parking buildings.

(4) To promote development appropriate to the character of nearby neighborhood uses by imposing standards sensitive to scale and adjacency issues.

(5) To use existing zoned development densities as a base from which to plan, while providing bonuses to encourage residential development in commercial areas.

(6) To discourage variances or zoning changes which would erode the quantity or quality of single-family neighborhoods, or would fail to adhere to the standards for multiple-family neighborhoods and commercial areas.

(7) To promote landscape/streetscape quality and appearance.

The applicant's request for a new PDS meets the above listed objectives. The Property will be redeveloped with a 2300,000 square foot residential building that will have approximately 21 stories, including a six-story parking garage above the ground floor lobby.

The proposed development requests to increase the maximum floor area ratio for residential uses from 4.5:1 to 7.5:1 however, the site only increases FAR for residential uses and maintains the remaining yard, lot, and space regulations of the O-2 subdistrict, which the exception of reducing the front yard setback along Randall Street from 20 feet to 10 feet. The increase in FAR and reduction of the Randall Street front yard setback is recommended by staff because it is consistent and does not exceed the heights or reduces the setbacks more than adjacent recent planned development subdistricts and additional pedestrian amenities are offered.

The applicant has submitted a landscape plan that will comply generally with the landscaping requirements in Part 1 of PDD No. 193. The plan moves street trees closer to the building in order to obtain the minimum number required by PDD No. 193 but are located out of visibility triangles for safety purposes.

STAFF ANALYSIS:**Land Use Compatibility:**

Direction	PD 193 Subdistrict	Land Use
Site	O-2	Vacant; Multifamily proposed
Northwest	PDS 16	Office
Northeast	PDS 52	Multifamily
East	PDS 88	Multifamily
Southeast	PDS 79 (Sub A)	Undeveloped
Southwest	O-2	Hotel

The 0.737 acre site is developed with a one-story vacant building and is proposed to contain a multifamily building that complies with the height requirements of the O-2 Subdistrict, which is 240 feet or approximately 21 stories. The adjacent property that is immediately to the northwest of the site, and the only other property on the block, is a 22 story office building with seven levels of a parking garage that was completed January 19, 2016 according to permit records. A 30-story multifamily building is located to the northeast of the site, across McKinnon Street; permit records show the development completed construction November 14, 2008. The development to the east, diagonally across the intersection of McKinnon Street and Randall Street, is a four story multifamily building that completed construction November 9, 2008, according to permit records; the development also contains a few non-residential ground floor tenants for the residents. The development to the southeast is currently undeveloped but on February 27, 2013, Council approved a Subarea A in Subdistrict No. 79 that allows LC uses with a maximum height of 365 feet and FAR equivalency of 8.5. Finally, the development to the southwest, or across Harwood Street, is a four story hotel.

The proposed subdistrict is compatible with surrounding land uses.

Development Standards:

Direction	District	Setbacks		Density	Height	Lot Coverage
		Front	Side/Rear			
Site	Applicant's proposed PDS	20'; 10' on Randall	10'/10'	7.2:1 FAR for residential; 4.0:1 for other uses	240'	75%
Northwest	PDS No. 16 O-2 Office uses	20' on McKinnon; 0' on Wolf and Harwood	0'/0'	4:1 FAR	300'	80%
Northeast	PDS No. 52 O-2 uses	10'	10'	250 units/acre; 5.5:1 FAR for residential; 5.0:1 for other uses	350'	85%
East	PDS No. 88 O-2 uses	20'	10'/10'	4:1 FAR	240'	75%
Southeast	PDS No. 79 (Sub A) LC uses	0'	0'	8.5:1 FAR equivalency (350,000 SF)	365'	No max
Southwest	O-2 Office uses	20'	10'/10'	4:1 FAR	240'	75%

The applicant's request for a new subdistrict will generally reflect the O-2 Office Subdistrict development rights and standards on the property. The applicant has requested the following development standard modifications from the O-2 Office Subdistrict: 1) increase in FAR for residential uses from 4.5 to 7.2 and 2) decrease the front yard setback on Randall Street from 20 feet to 10 feet with specific pedestrian oriented encroachments allowed in the front yard setbacks such as planters, retaining walls, landscape features, patios, stairs, steps, and ramps that do not exceed five feet in height.

The proposed multifamily development will be constructed with a ground story lobby and amenities ground floor with a 7-level parking structure, and up to 15 stories of multifamily uses.

The request also includes a mixture of required and additional amenities that will facilitate a pedestrian street-scape. The required amenities are in addition to typical PD 193 street scape requirements but also require a bench and trash receptacle per frontage and requires enhanced pavement where a sidewalk crosses a driveway or loading zone. The additional amenities provide for a minimum of one out of five amenities that would enhance the street level activity for the site. In short, these amenities include awnings, canopies, or arcades along Randall Street; pedestrian street lamps; extending the enhanced pavement to span the entire sidewalk along all streets; public art; or a permanent water feature.

Planned Development District No. 193 limits the floor area of retail and certain additional uses on the street level of a building to a maximum of 2,000 square feet. The applicant is not proposing to increase the maximum structure height of 240 feet that is allowed within the O-2 Office subdistrict, which is less than or equal to surrounding properties, as reflected in the above development standards table.

The setbacks are comparable to the adjacent development on the same block in PDS No. 16 to the northwest. The proposed however, provides a greater setback on Harwood, consistent with the O-2 Office Subdistrict, and will provide the minimum side setback for the O-2 Subdistrict, while the adjacent PDS No. 16 does not require a side or rear yard setback.

Staff recommendation is for approval of the requested development standards.

Landscaping: Landscaping must be provided as shown on the attached landscape plan. The applicant will have to mitigate protected trees that will be removed from the site.

Conceptual elevation rendering: The applicant has requested that a unique exhibit be a part of the planned development subdistrict conditions. The rendering has no objective criteria, such as dimensions or a scaled drawing, to condition a permit upon and therefore the City Plan Commission and staff recommend that the rendering be denied as a part of the planned development subdistrict.

CPC ACTION – JUNE 2, 2016:

Motion: It was moved to recommend **approval** of a Planned Development Subdistrict for O-2 Office Subdistrict uses, subject to a development plan, landscape plan and staff's recommended conditions on property zoned an O-2 Office Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the north corner of North Harwood Street and Randall Street.

Maker: Rieves
Second: Anglin
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston, Davis, Shidid,
Anantasomboon, Abtahi, Haney, Jung,
Schultz*, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Housewright
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 296
Replies: For: 0 Against: 15

Speakers: For: Robert Baldwin, 3904 Elm St., Dallas, TX, 75226
Michael Skinner, 2900 McKinnon St., Dallas, TX, 75201
For (Did not speak): Russ Bernhardt, 2900 McKinnon St., Dallas, TX, 75201
Against: Melody Paradise, 2501 N. Harwood St., Dallas, TX, 75201
Jeff Rennells, 2501 N. Harwood St., Dallas, TX, 75201
Jeffery Smith, 2501 N. Harwood St., Dallas, TX, 75201
James Stroope, 2917 Bookhout St., Dallas, TX, 75201

List of Officers

Applicant:

Crescent Acquisitions, LLC

Crescent Communities, LLC

Todd Mansfield, President and CEO

Andrew Carmody, President

Brian J. Natwick, President

Robert Whitney Duncan, President

Brian Leary, President

Kevin H. Lambert, CFO

Gary Tyler Niess, Senior Vice President

Alice Zwahlen, Senior Vice President

Stephen E. Yetts, Senior Vice President

James M. Cauley, Senior Vice President

Benjamin L. Collins, Senior Vice President

Jared Ford, Senior Vice President

David Muenks, Senior Vice President

Thomas K. Glenn, Senior Vice President

George L. Hodges, III, Senior Vice President

Donald E. Killoren, Senior Vice President

Scott C. Widener, Executive Vice President

Jaime A. Pou, Senior Vice President

Owner:

MAC Randall Owners LLC

Mac Randall Investors, LP

Mac Randall Investors GP, LLC

Dean Macfarlan, Manager

CPC RECOMMENDED PDS CONDITIONS

Division S-____. PD Subdistrict ____.

SEC. S-____.101. LEGISLATIVE HISTORY.

PD Subdistrict ____ was established by Ordinance No. ____, passed by the Dallas City Council on ____.

SEC. S-____.102. PROPERTY LOCATION AND SIZE.

PD Subdistrict ____ is established on property located at the southwest corner of Randall Street and McKinnon Street. The size of PD Subdistrict ____ is approximately 0.737 acre.

SEC. S-____.103. PURPOSE.

The standards of this division complement the development pattern in the area and recognize the area's unique identity as a gateway into downtown and a bridge between downtown and Oak Lawn. The objectives of these standards are as follows:

- (1) To promote the health, safety, welfare, convenience, and enjoyment of the public.
- (2) To achieve buildings more urban in form.
- (3) To promote a pedestrian environment that connects to public open space.
- (4) To encourage development that complements nearby properties.
- (5) To achieve buildings efficient in design and use of space while providing view corridors, light, and air to nearby properties.
- (6) To create development flexibility that promotes active pedestrian use.

SEC. S-____.104. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51 and Part I of this article apply to this division. If there is a conflict, this division controls. If there is a conflict between Chapter 51 and Part I of this article, Part I of this article controls.

(b) In this division, SUBDISTRICT means a subdistrict of PD 193.

(c) Unless otherwise stated, all references to articles, divisions, or sections in this division are to articles, divisions, or sections in Chapter 51.

(d) This subdistrict is considered to be a nonresidential zoning district.

SEC. S-____.105. EXHIBITS.

The following exhibits are incorporated into this article:

- (1) Exhibit ____A: development plan.
- (2) Exhibit ____B: landscape plan.

CPC and Staff recommended:

Denial of subparagraph 3. The rendering has no objective criteria to qualify if a permit application complies with the proposed rendering.
--

Applicant requested:

- | |
|--|
| (3) Exhibit ____C: conceptual elevation rendering. |
|--|

SEC. S-____.106. DEVELOPMENT PLAN.

(a) Development and use of the Property must comply with the development plan (Exhibit ____A). If there is a conflict between the text of this article and the development plan, the text of this article controls.

CPC and Staff recommendation:

Denial of subparagraph (b). These items, if they require a permit or are needed to meet minimum requirements, are typically shown on a development plan.
--

Applicant requested:

(b) Bicycle racks, retaining walls five feet or less in height, pedestrian amenities listed in Section S-____.114, and other permitted front yard encroachments in this district are not required to be shown on a development plan.
--

SEC. S-____.107. MAIN USES PERMITTED.

The only main uses permitted in this subdistrict are those main uses permitted in the O-2 Office Subdistrict, subject to the same conditions applicable in the O-2 Office Subdistrict, as set out in Part I of this article. For example, a use permitted in the O-2 Office Subdistrict only by specific use permit (SUP) is permitted in this subdistrict only by SUP; a

use subject to development impact review (DIR) in the O-2 Office Subdistrict is subject to DIR in this subdistrict; etc.

SEC. S-____.108. ACCESSORY USES.

As a general rule, an accessory use is permitted in any subdistrict in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51P-193.108. For more information regarding accessory uses, consult Section 51P-193.108.

SEC. S-____.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 Part I of this article. If there is a conflict between this section and Part I of this article, this section controls.)

(a) In general. Except as provided in this section, the yard, lot, and space regulations for the O-2 Office Subdistrict apply.

(b) Front yard.

(1) Randall Street. Minimum front yard is 10 feet.

(2) McKinnon Street. Minimum front yard is 20 feet from the property line and a minimum of 16 feet from the street easement as shown on the development plan.

(3) Harwood Street. Minimum front yard is 20 feet.

(4) Encroachments. Planters, retaining walls, landscape features, patios, stairs, steps, and ramps that do not exceed five feet in height may encroach 10 feet into the front yard setback.

(c) Floor area ratio. Maximum floor area ratio for residential uses is 7.2:1.

SEC. S-____.110. OFF-STREET PARKING AND LOADING.

Consult Part I of this article for the specific off-street parking and loading requirements for each use.

SEC. S-____.111. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. S-____.112. LANDSCAPING.

(a) Landscaping must be provided as shown on the landscape plan (Exhibit ____B). If there is a conflict between the text of this article and the landscape plan, the text of this article controls.

(b) A minimum unobstructed sidewalk width of eight feet is required. No parkway planting area is required.

(c) Plant materials must be maintained in a healthy, growing condition.

SEC. S-____.113. SIGNS.

Signs must comply with the provisions for business zoning districts in Article VII.

SEC. S-____.114. PEDESTRIAN AMENITIES.

(a) The following pedestrian amenities must be provided between the building facade and the curb. If the street-level building facade is recessed by an arcade, required pedestrian amenities may be provided within the arcade area.

(1) Required amenities. The following amenities must be provided on each building site:

(A) One bench per frontage.

(B) One trash receptacle per frontage.

(C) Enhanced pavement where a sidewalk crosses a driveway or loading zone. Enhanced pavement must consist of a contrasting color and texture, such as colored stamped concrete or brick pavers.

(2) Additional amenities. A minimum of one of the following amenities must be provided on each building site.

(A) Awnings, canopies, or arcades with a minimum length of 25 feet per 100 feet of a building facade along Randall Street.

(B) Pedestrian street lamps (free-standing or wall-mounted) at one lamp per 75 feet of frontage. Light fixtures may not exceed 18 feet in height and must be directed downward and away from adjacent properties.

(C) Enhanced sidewalk with stamped concrete or brick pavers for the full width of the sidewalk along each frontage.

(D) Public art approved in writing by the director of cultural affairs or the cultural affairs commission.

(E) Permanent water feature that is integrated into the landscaping, screening walls, or adjacent to the sidewalk.

CPC and Staff recommendation:

Denial of Section 11X. The rendering has no objective criteria to qualify if a permit application complies with the proposed rendering.

Applicant proposed

SEC. S-___.11X. CONCEPTUAL ELEVATION RENDERING.
--

<p>The conceptual elevation rendering in Exhibit ___C is a perspective of the proposed building at the northeast corner of the Property looking towards Randall Street. Elevations for the street level of a multiple family structure must generally comply with Exhibit __C in consideration of quality of materials, quality of landscaping, and transparency provided by glass, recesses, or open corridors. Final materials and percentages of transparency will be determined by compliance with the Dallas Building Code.</p>
--

SEC. S-___.115. ADDITIONAL PROVISIONS.

(a) The Property must be properly maintained in a state of good repair and neat appearance.

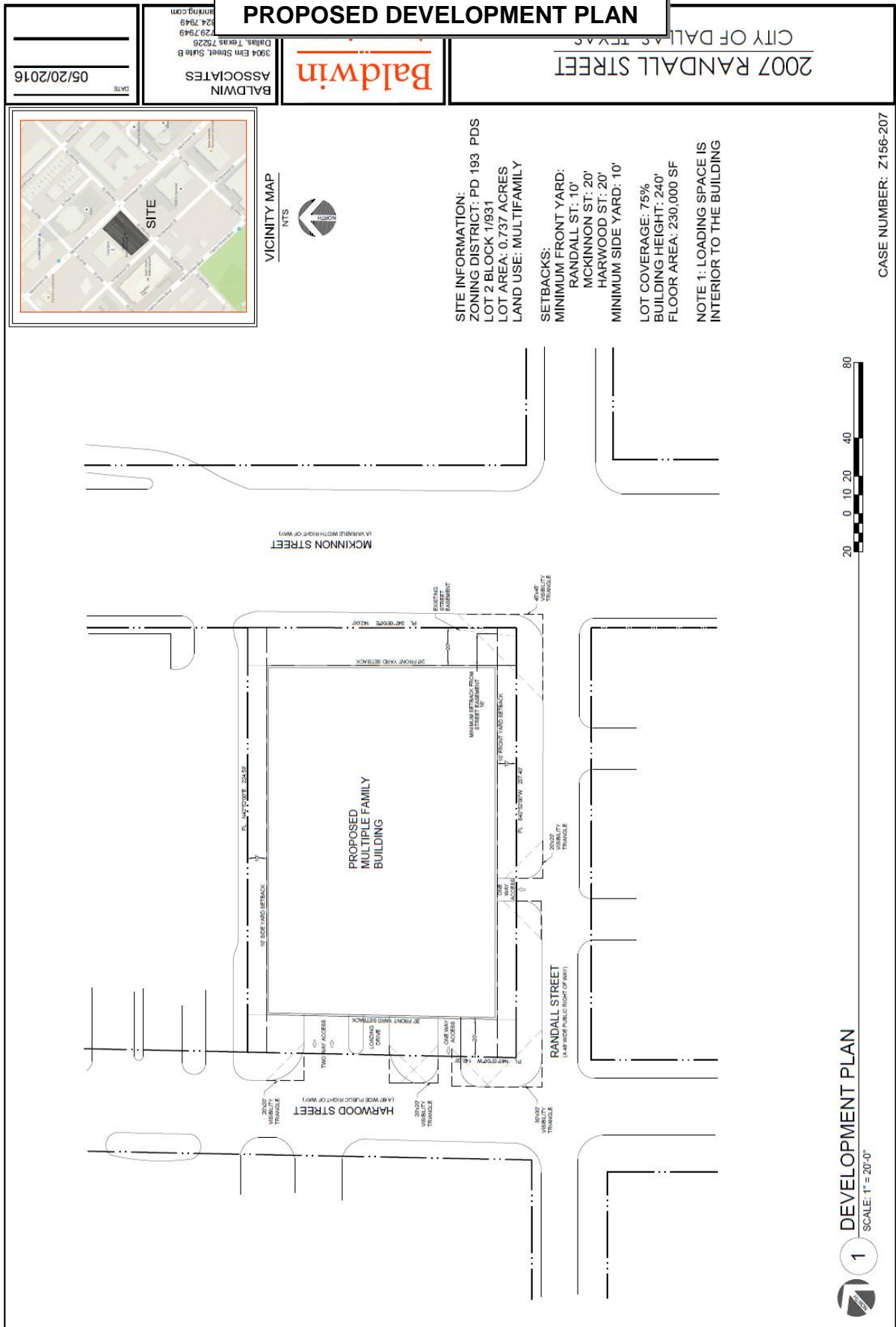
(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

(c) Development and use of the Property must comply with Part I of this article.

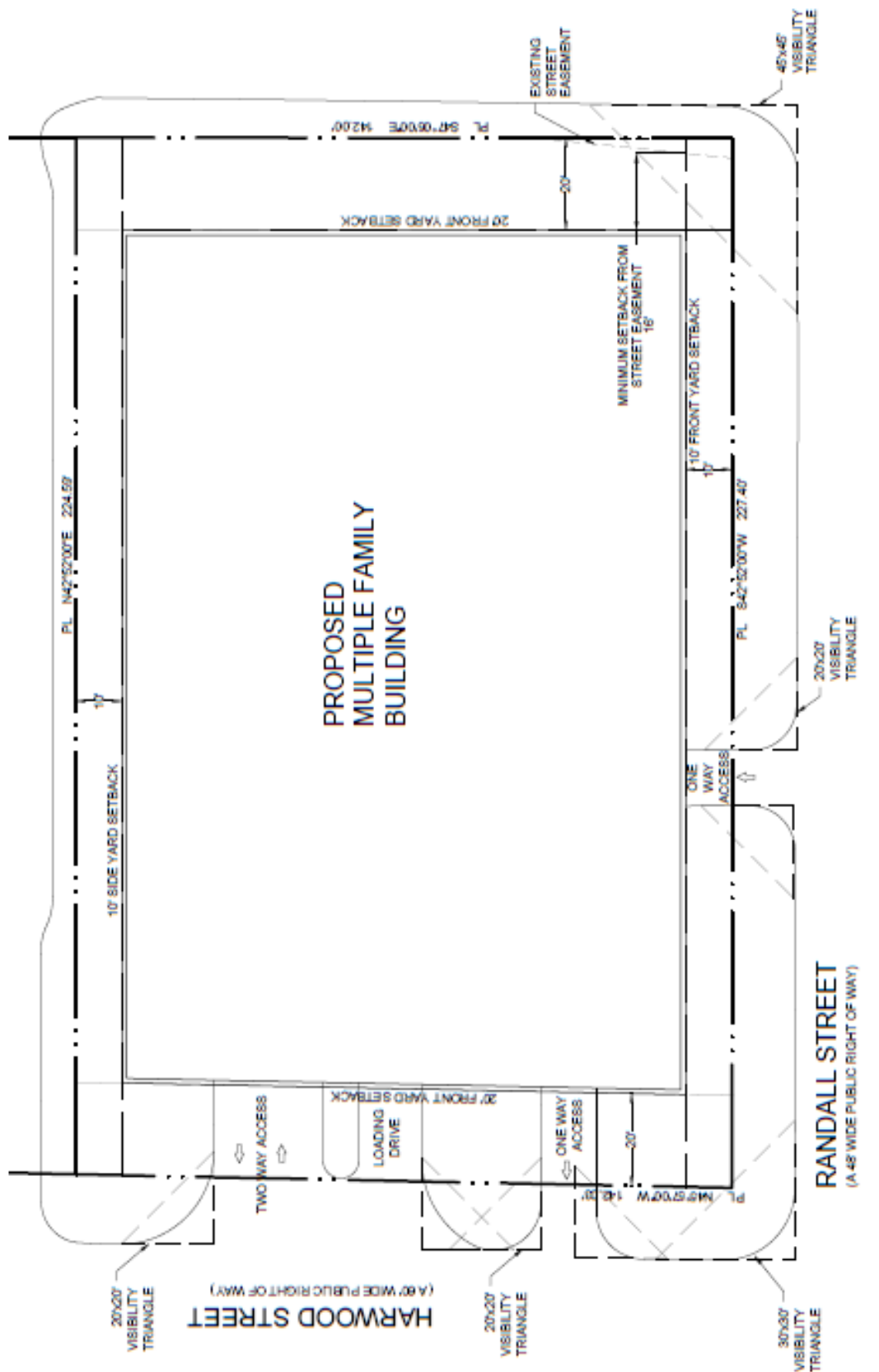
SEC. S-___.116. COMPLIANCE WITH CONDITIONS.

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city.

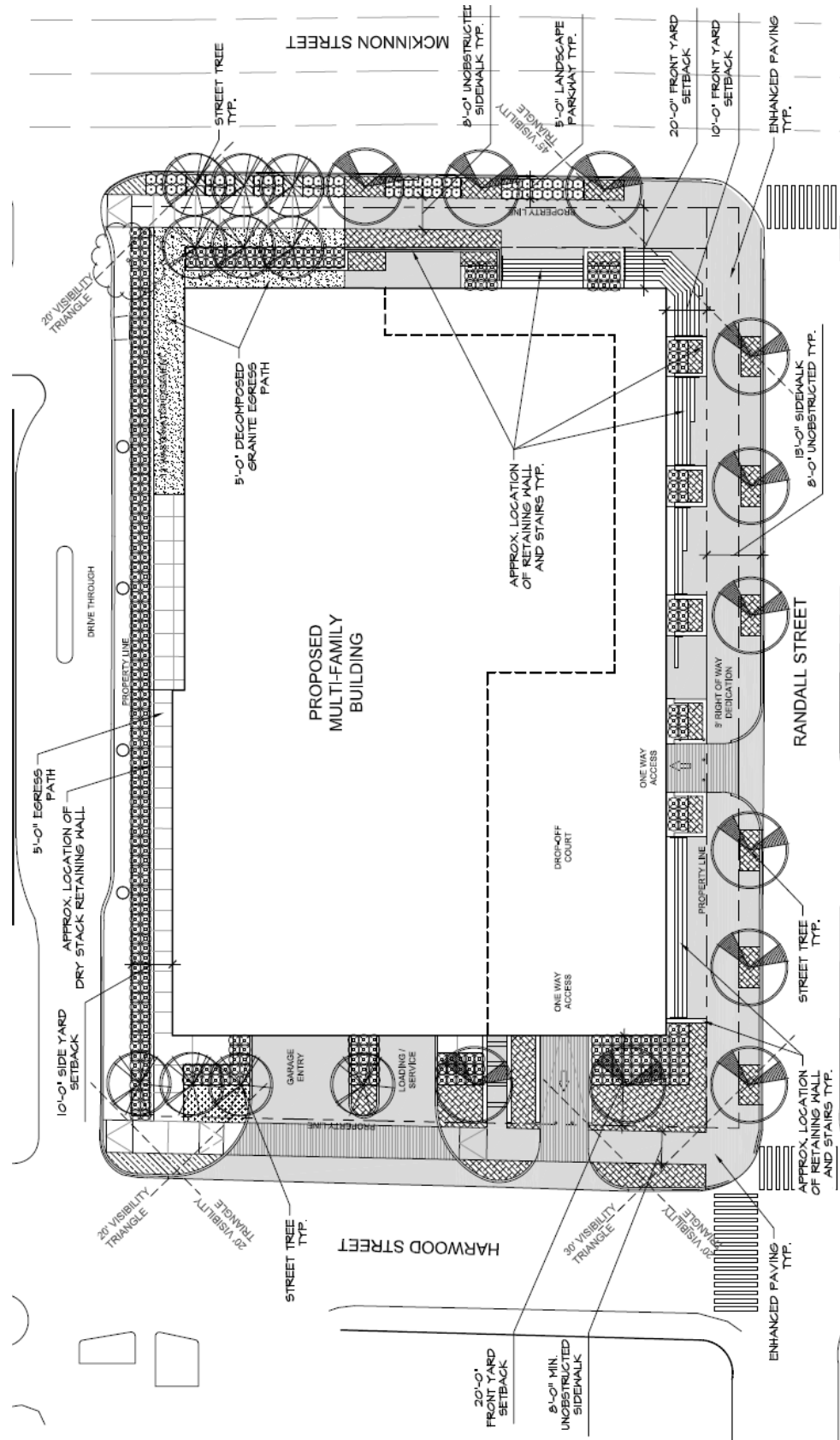
(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, in this subdistrict until there has been full compliance with this division, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.



ENLARGED PROPOSED DEVELOPMENT PLAN



ENLARGED PROPOSED LANDSCAPE PLAN



PROPOSED LANDSCAPE PLAN NOTES

STREET TREES

	LOT FRONTAGE (FEET)	STREET TREES REQUIRED (LOT FRONTAGE / 25)	STREET TREES PROVIDED
HARWOOD STREET	142	6	0 *
RANDALL STREET	227	9	6 **
McKINNON STREET	142	6	6

* 1 TREES PROVIDED BEHIND SIDEWALK (CONSISTENT W/ OTHER PROPERTIES IN HARWOOD DISTRICT)
 ** DUE TO 45' VISIBILITY TRIANGLE AT RANDALL AND McKINNON

LANDSCAPE REQUIREMENTS

	O2 SUBDISTRICT REQUIRED	O2 SUBDISTRICT PROVIDED
LOT AREA	--	32,068 SF
FRONT YARD	--	7,780 SF
FRONT YARD SETBACK	20'	10' RANDALL 20' McKINNON 20' HARWOOD
SIDE YARD SETBACK	10'	10'
LANDSCAPE SITE AREA (SHRUBS, GROUNDCOVER, TUNF)	6,414 SF (MIN. 20% LOT) 4,668 SF (MIN. 60% FRONT YARD)	4,910 SF (8% LOT) 4,125 SF (38% FRONT YARD)
GENERAL PLANTING AREA (SHRUBS, GROUNDCOVER)	3,207 SF (MIN. 50% LSA) 2,334 SF (MIN. 50% FRONT YARD)	4,910 SF (78% REQ. LSA) 4,125 SF (38% FRONT YARD)
SPECIAL PLANTING AREA (SHRUBS ONLY)	641 SF (MIN. 20% GPA) 467 SF (MIN. 6% FRONT YARD)	2,419 SF (78% REQ. GPA) 1,632 SF (20% FRONT YARD)
PARKWAY PLANTING AREA (GROUNDCOVER, FLOWERS, TUNF)	5'-0"	5'-0" ***

*** LANDSCAPE PARKWAY IS NOT CONTINUOUS ALONG RANDALL STREET IN AN EFFORT TO MAKE IT FEEL MORE URBAN
 AND RESPOND TO THE CONTEXT OF THE HARWOOD DISTRICT

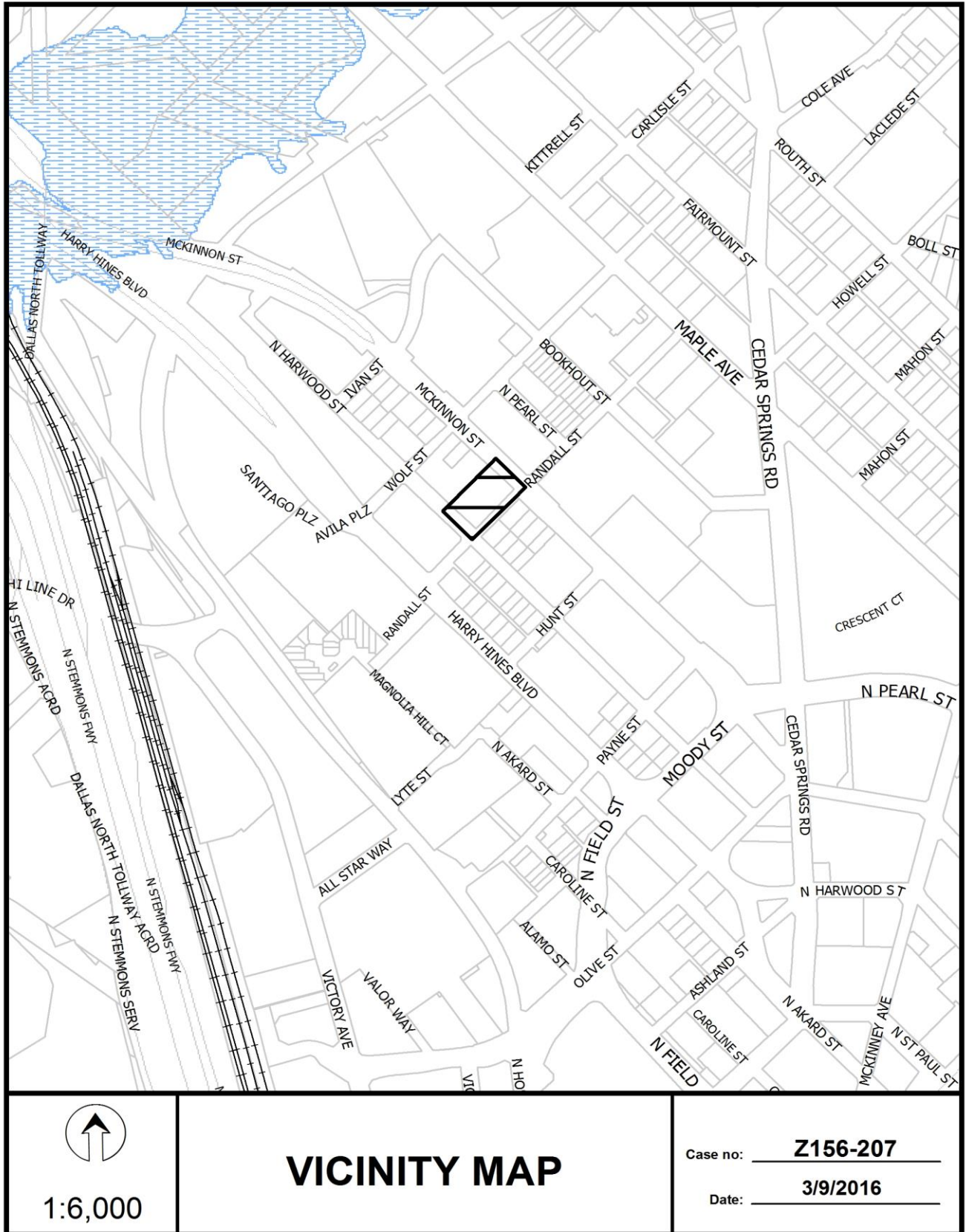
PLANTING SCHEDULE:

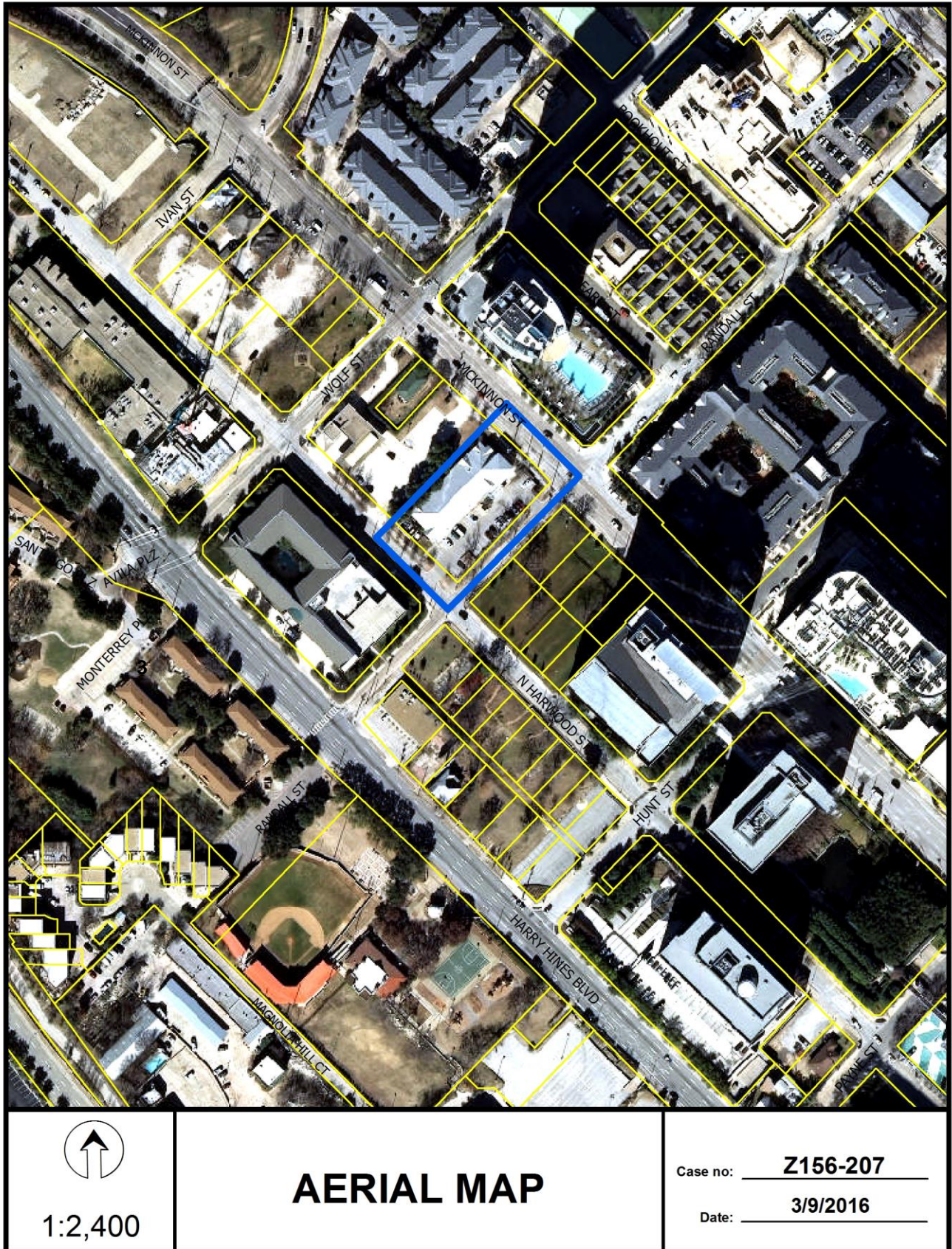
QTY.	SYMBOL	COMMON / BOTANICAL NAME	SIZE	COMMENTS
11		ULMUS AMERICANA 'PRINCETON' / PRINCETON ELM OR ULMUS CRASSIFOLIA / CEDAR ELM OR QUERCUS SHUMARDII / SHUMARD OAK	3 1/2" MIN.	MATCHED SPECIMENS 14' CLR. ABOVE PAVEMENT 8' CLR. ABOVE PUBLIC SIDEWALK
10		QUERCUS VIRGINIANA 'GVYIA' / HIGHRISE LIVE OAK	3 1/2" MIN.	MATCHED SPECIMENS 14' CLR. ABOVE PAVEMENT 8' CLR. ABOVE PUBLIC SIDEWALK
		SHRUB (TBD)	5 GAL. MIN.	3'-0" O.C. MAX.
		SHRUB (TBD)	3 GAL. MIN.	3'-0" O.C. MAX.
		SHRUB / PERENNIAL / GROUNDCOVER MIX (TBD)	1 GAL. MIN.	VARIES
		GROUNDCOVER (TBD)	1 GAL. MIN.	1'-0" O.C. TRIANGULAR SPACED
		GROUNDCOVER (TBD)	1 GAL. MIN.	1'-0" O.C. MAX. TRIANGULAR SPACED

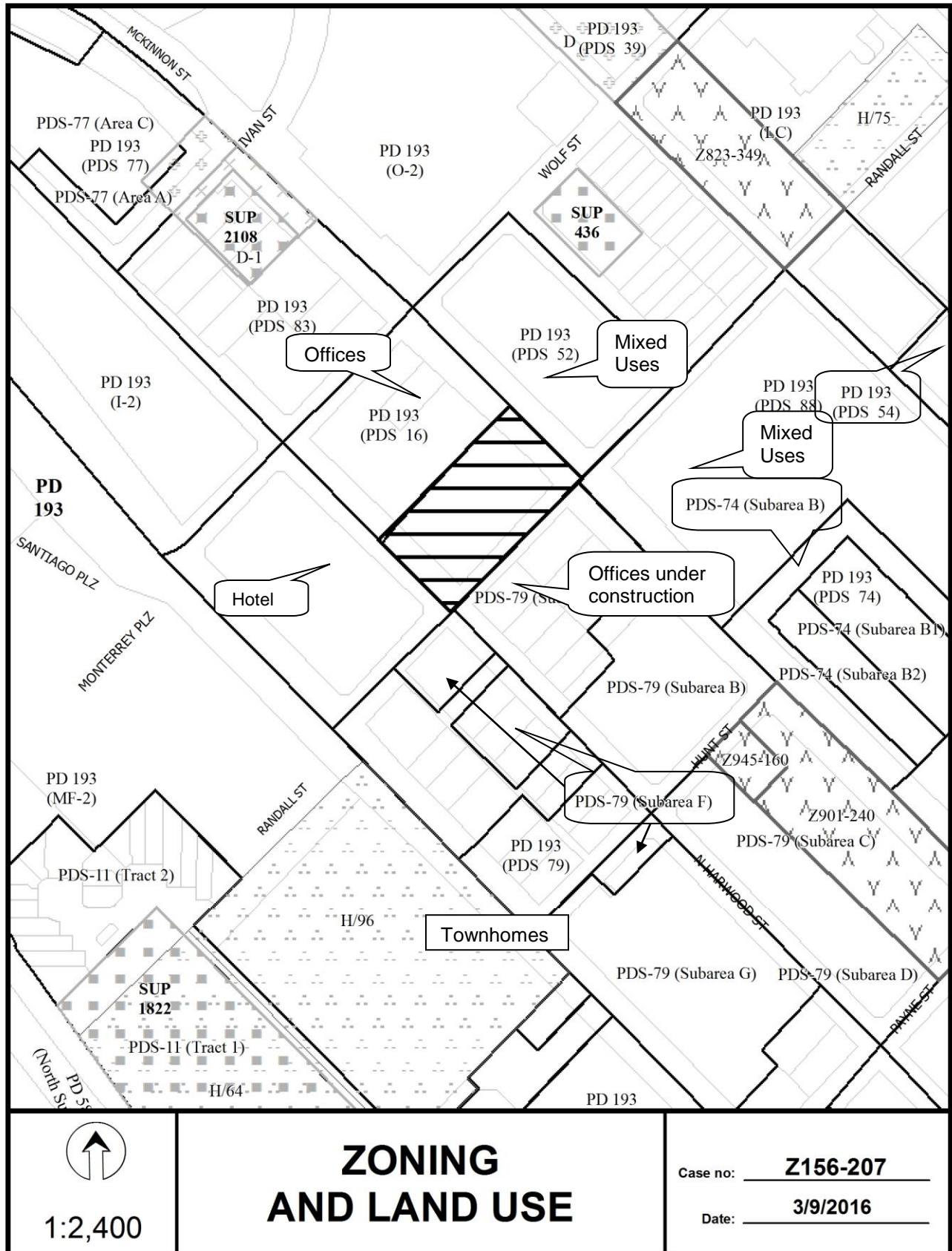
2007 Randall – Board Rendered Street View at McKinnon

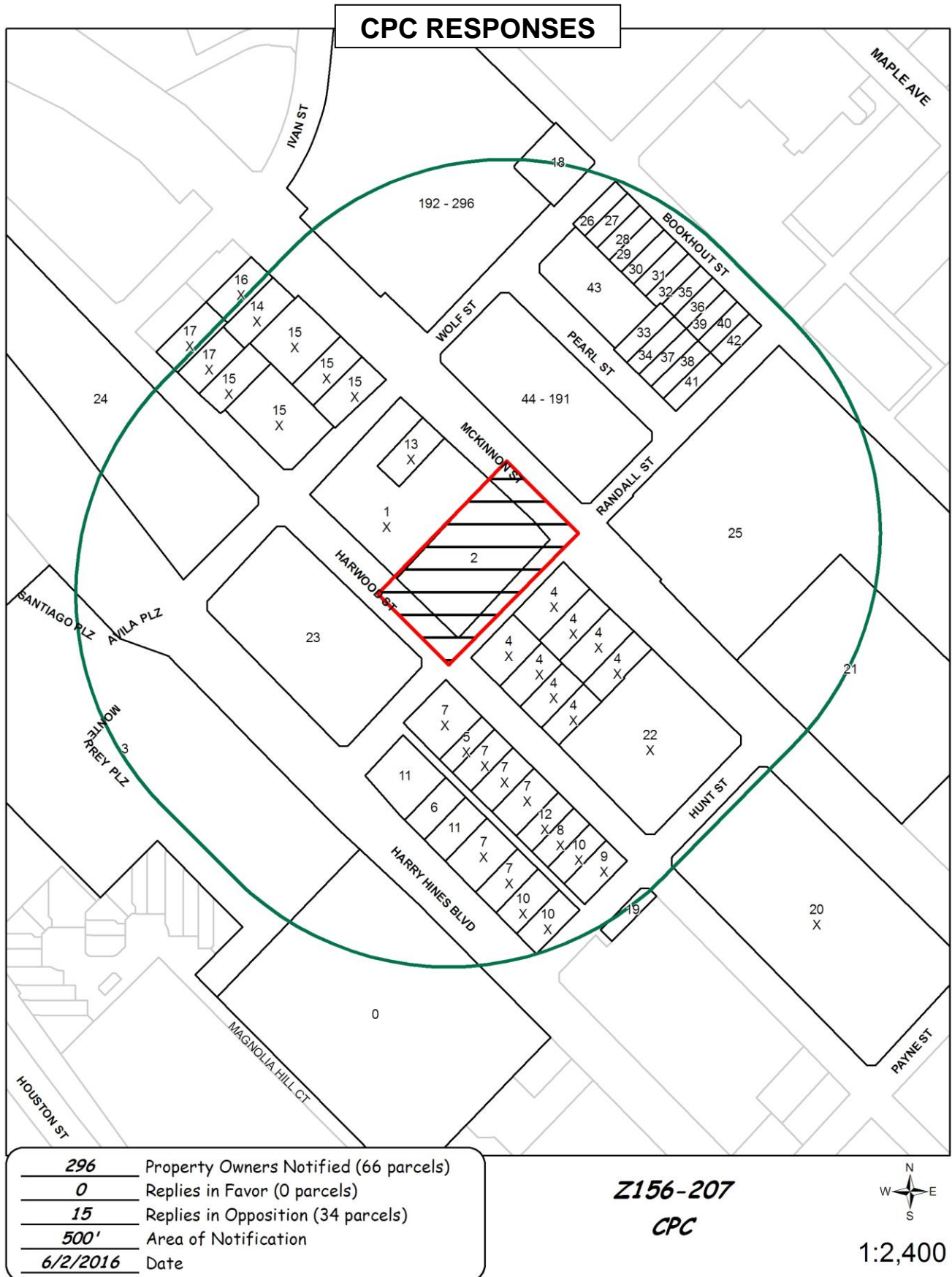
**APPLICANT PROPOSED CONCEPTUAL
ELEVATION RENDERING**











06/06/2016

Reply List of Property Owners***Z156-207******296 Property Owners Notified 0 Property Owners in Favor 15 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
X	1	2950 N HARWOOD ST	INTERNATIONAL CENTER DEVELOPMENT
	2	2007 RANDALL ST	MAC RANDALL OWNERS LLC
	3	2901 HARRY HINES BLVD	DALLAS HOUSING AUTHORITY
X	4	2819 MCKINNON ST	HARWOOD INTERNATIONAL CENTER V LP
	6	2818 HARRY HINES BLVD	AVALOS SAMUEL R III ET AL
X	7	2825 N HARWOOD ST	HPO INC
X	8	2807 N HARWOOD ST	HPO INC
X	9	2801 N HARWOOD ST	ROLEX TEXAS REALTY
X	10	2805 N HARWOOD ST	HARWOOD INTERNATIONAL CENTER XIII LP
	11	2830 HARRY HINES BLVD	VILLASANA CHARLES
X	12	2809 N HARWOOD ST	GLAZER JUDY B
X	13	2921 MCKINNON ST	INTERNATIONAL CENTER DEVELOPMENT
X	14	3015 MCKINNON ST	ONE HARWOOD BLVD LTD
X	15	3009 MCKINNON ST	ONE HARWOOD BLVD LTD
X	16	3019 MCKINNON ST	ONE HARWOOD BOULEVARD LTD
X	17	3016 N HARWOOD ST	ONE HARWOOD BOULEVARD LTD
	18	3001 BOOKHOUT ST	LANGFORD JAMES E
	19	2737 N HARWOOD ST	JAGANNATHAN SURAJ
X	20	2728 N HARWOOD ST	INTERNATIONAL CENTER II LLC
	21	2728 MCKINNON ST	ALTA UPTOWN LLC
X	22	2828 N HARWOOD ST	INTERNATIONAL CENTER
	23	2914 HARRY HINES BLVD	RLJ III SF DALLAS UT LP
	24	3000 HARRY HINES BLVD	NORTH TEXAS PUBLIC
	25	2820 MCKINNON ST	WINDSOR AT TRIANON LP
	26	2925 BOOKHOUT ST	MCCUTCHIN TRACY L

06/06/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	2923	BOOKHOUT ST	GROGAN WILLIAM &
28	2921	BOOKHOUT ST	SANTINI NOEL O
29	2919	BOOKHOUT ST	CORRIGAN DEWITT BENTSEN
30	2917	BOOKHOUT ST	LEVIEUX JANE STUART
31	2915	BOOKHOUT ST	MORGAN T S
32	2911	BOOKHOUT ST	CLARK MARK C
33	2912	N PEARL ST	CLARK JON
34	2910	N PEARL ST	JOHNSON MARGARET
35	2909	BOOKHOUT ST	MCNULTY DIANE S
36	2907	BOOKHOUT ST	GATTMAN CHRISTOPHER JONATHAN
37	2908	N PEARL ST	SHERRY STEVEN D
38	2906	N PEARL ST	MILES BRANDON
39	2905	BOOKHOUT ST	SASO DAN &
40	2903	BOOKHOUT ST	BALDWIN LAURA C
41	2902	N PEARL ST	ONEAL J SCOTT & CAROL
42	2901	BOOKHOUT ST	HOANG DANE
43	2920	N PEARL ST	HARTNETT PROPERTIES CO
44	2900	MCKINNON ST	KARCHMER DON A
45	2900	MCKINNON ST	BOWDEN BILLY C
46	2900	MCKINNON ST	LACY DOMINIC N
47	2900	MCKINNON ST	DEPA MARYLINE
48	2900	MCKINNON ST	BURDORF BRIAN
49	2900	MCKINNON ST	FARREN SUZANN D
50	2900	MCKINNON ST	JOHNSON LONNIE
51	2900	MCKINNON ST	UNIT 308 MCKINNON LLC
52	2900	MCKINNON ST	KARCHMER DON A REVOCABLE TRUST THE
53	2900	MCKINNON ST	INTERNATIONAL CENTER DEV
54	2900	MCKINNON ST	AKINA RENEE A TR &
55	2900	MCKINNON ST	OXFORD ENTERPRISES INC
56	2900	MCKINNON ST	LEW MATTHEW J
57	2900	MCKINNON ST	TERRY SHAWN D

06/06/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	2900	MCKINNON ST	FITZGERALD STEPHEN R & LOUISE A LIFE EST
59	2900	MCKINNON ST	POP LIFE LLC
60	2900	MCKINNON ST	LICHTENSTEIN DAVID G
61	2900	MCKINNON ST	SALINAS PAUL
62	2900	MCKINNON ST	HAYWARD GORDON H
63	2900	MCKINNON ST	RAOOFI PARHAM
64	2900	MCKINNON ST	MALLOY HELEN
65	2900	MCKINNON ST	UNIT 508 MCKINNON LLC
66	2900	MCKINNON ST	AM ESTATE LLC
67	2900	MCKINNON ST	FILIPOVIC JIRI
68	2900	MCKINNON ST	HARPER LEONA MARIE
69	2900	MCKINNON ST	CARVEN LARRY A
70	2900	MCKINNON ST	GOSS TIM K
71	2900	MCKINNON ST	WARREN MARK T
72	2900	MCKINNON ST	AZURE 608 TRUST
73	2900	MCKINNON ST	BORRELLI JOSEPH JR & CINDY ANNE
74	2900	MCKINNON ST	SHAH BIPIN C
75	2900	MCKINNON ST	FRANKEL JEFFREY S
76	2900	MCKINNON ST	MARTIN BRYAN R
77	2900	MCKINNON ST	FRANCOIS SERGE P
78	2900	MCKINNON ST	DEWAN MASHRUR M & AFREEN M
79	2900	MCKINNON ST	DENNIS DAVID & JANIE
80	2900	MCKINNON ST	KECK MARK C
81	2900	MCKINNON ST	NEELAKANTAN ARVIND
82	2900	MCKINNON ST	LE MENER FAMILY TR THE
83	2900	MCKINNON ST	SNB LIMITED PARTNERSHIP
84	2900	MCKINNON ST	CARBONNEAU KRISTINA A
85	2900	MCKINNON ST	LANDAVERDE CARMEN E
86	2900	MCKINNON ST	ABRAMOV BORIS &
87	2900	MCKINNON ST	HILL CHARLES W & JANA L
88	2900	MCKINNON ST	BORNO MOUNIR Y &

06/06/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
89	2900	MCKINNON ST	BLUME WENDY L
90	2900	MCKINNON ST	ALKEMY GROUP LTD THE
91	2900	MCKINNON ST	ABEL ELIZABETH
92	2900	MCKINNON ST	MEDAVARAPU BALAKRISHNA &
93	2900	MCKINNON ST	SHEEHAN DANIEL
94	2900	MCKINNON ST	CHAN MINSANG
95	2900	MCKINNON ST	WYNN RALPH T
96	2900	MCKINNON ST	MAULTSBY VANCE K JR & BETH M
97	2900	MCKINNON ST	MUHL BRANDEN BOWEN
98	2900	MCKINNON ST	GILBERT LOREEN TRUST THE
99	2900	MCKINNON ST	EVOL REAL ESTATE OF TEXAS LLC
100	2900	MCKINNON ST	SKINNER MICHAEL A &
101	2900	MCKINNON ST	VUILLEMOT WILLIAM G &
102	2900	MCKINNON ST	HOOPER ROBERT SCOTT
103	2900	MCKINNON ST	TIGGES GARY
104	2900	MCKINNON ST	SANDLIN MARK R
105	2900	MCKINNON ST	GUTIERREZ JAVIER
106	2900	MCKINNON ST	SPEER M L
107	2900	MCKINNON ST	STONE CHRISTOPHER & SUSAN
108	2900	MCKINNON ST	MECHANIC DONALD A
109	2900	MCKINNON ST	DUWAJI IYAD
110	2900	MCKINNON ST	MOLLOY HELEN
111	2900	MCKINNON ST	STANLEY CLIFFORD V & SHELBY OHAIR
112	2900	MCKINNON ST	POINDEXTER ALONZO J &
113	2900	MCKINNON ST	MCDONALD LAUREN A
114	2900	MCKINNON ST	GROSSBERG MARK P
115	2900	MCKINNON ST	TISEO LOUIE
116	2900	MCKINNON ST	KELLY JOSEPH J
117	2900	MCKINNON ST	LELAND JANET SWARTZ
118	2900	MCKINNON ST	ARMSTRONG CAPPY RAY &
119	2900	MCKINNON ST	CUTLER WILLIAM P

06/06/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
120	2900	MCKINNON ST	GALLMANN WILLIAM H III & JOELLYN A
121	2900	MCKINNON ST	DREWS R ERIC & BARBARA B
122	2900	MCKINNON ST	SAVAGE ROBERT W & SUSAN L
123	2900	MCKINNON ST	NIR ADI & SHERYL
124	2900	MCKINNON ST	HAKERT JAMES DAMIAN &
125	2900	MCKINNON ST	MARTTER RICHARD P &
126	2900	MCKINNON ST	MAULDIN JOHN F
127	2900	MCKINNON ST	ELLEN MARTIN M &
128	2900	MCKINNON ST	NAZNAT LP
129	2900	MCKINNON ST	SHAH BIPIN & MRUNALINI
130	2900	MCKINNON ST	SCHUBERT JOEL S
131	2900	MCKINNON ST	NILTA PROPERTY HOLDINGS LP
132	2900	MCKINNON ST	BRAYMAN JONATHAN L
133	2900	MCKINNON ST	GLADDEN JEFFREY R
134	2900	MCKINNON ST	MJC VENTURES LP
135	2900	MCKINNON ST	ROEHM DAVID O
136	2900	MCKINNON ST	NATHANSON DAVID HARRY
137	2900	MCKINNON ST	SMATHERS CONSULTING LLC
138	2900	MCKINNON ST	LAM GUY KWOKHUNG &
139	2900	MCKINNON ST	CHOQUETTE ANGELA V
140	2900	MCKINNON ST	VICIOSO BELINDA &
141	2900	MCKINNON ST	DALLAS HIGHRISE LLC
142	2900	MCKINNON ST	MCKINNON STREET CAPITAL LLC AZURE 2003
143	2900	MCKINNON ST	KHAN AMINUL HAQ & SURAIYA NASREEN
144	2900	MCKINNON ST	DEVINE MARTIN J
145	2900	MCKINNON ST	BORICK STEVEN J REV TR THE
146	2900	MCKINNON ST	ANCHONDO ELSA ESTHER CARRILLO
147	2900	MCKINNON ST	UPTOWN DREAMS LLC
148	2900	MCKINNON ST	GAUTIER ELISE M

06/06/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	149	2900 MCKINNON ST	MACATEE WILLIAM F JR
	150	2900 MCKINNON ST	FARRANT MALCOLM A
	151	2900 MCKINNON ST	TICE DAVID W
	152	2900 MCKINNON ST	GROSCHUP STEPHANIE CHRISTIN
	153	2900 MCKINNON ST	KHOSHNOUDI FAMILY TRUST
	154	2900 MCKINNON ST	TWO PLUS FOUR ENTERPRISE LTD
	155	2900 MCKINNON ST	FLORIN COMPANY LTD
	156	2900 MCKINNON ST	MOOLJI ALY
	157	2900 MCKINNON ST	YU KUN WON & JAE EUN
	158	2900 MCKINNON ST	RICHARDSON MICHAEL D
	159	2900 MCKINNON ST	MAGUIRE MICHAEL F & COLLEEN J
	160	2900 MCKINNON ST	MAGUIRE MICHAEL F & COLLEEN J
	161	2900 MCKINNON ST	HARRIS CYNTHIA H &
	162	2900 MCKINNON ST	BROWN IRWIN J
	163	2900 MCKINNON ST	FUSCO EDWARD JR &
	164	2900 MCKINNON ST	UPTOWN DREAMS LLC
	165	2900 MCKINNON ST	MONSOUR FAMILY LP
	166	2900 MCKINNON ST	WESTPARK CAPITAL MGT LLC
	167	2900 MCKINNON ST	RIBELIN GLENDA A
	168	2900 MCKINNON ST	HENRIETTA EDWARD B TR &
	169	2900 MCKINNON ST	LYNCH PETER H
	170	2900 MCKINNON ST	HASTINGS EXCHANGE LLC
	171	2900 MCKINNON ST	DUWAJI IYAD &
	172	2900 MCKINNON ST	GLOBER DEIRDRE DENMAN
	173	2900 MCKINNON ST	MCMORRAN MICHAEL &
	174	2900 MCKINNON ST	VANDERPOOL NICK III
	175	2900 MCKINNON ST	DEWAN MAHBUB & AFREEN
	176	2900 MCKINNON ST	ISSA IMRAN A
	177	2900 MCKINNON ST	BACHMAN MARVIN A & YVONNE
	178	2900 MCKINNON ST	SLUGOCKI MAREK &
	179	2900 MCKINNON ST	MCALLISTER STEVEN K
	180	2900 MCKINNON ST	LUTER JASON S

06/06/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
181	2900	MCKINNON ST	ALBERT MARK & SARA MELNICK
182	2900	MCKINNON ST	MUELLERBARBIER J GABRIEL
183	2900	MCKINNON ST	FIJOLEK RICHARD M
184	2900	MCKINNON ST	MDC LLC
185	2900	MCKINNON ST	GUTIERREZ JAVIER G
186	2900	MCKINNON ST	2802/2902 PARTNERS LP
187	2900	MCKINNON ST	HUNT LAURA
188	2900	MCKINNON ST	RANADE PRASHANT NARAYAN &
189	2900	MCKINNON ST	TROTTER JAMES F
190	2900	MCKINNON ST	BRADY GREGORY A
191	2900	MCKINNON ST	TWENTYONE LLC
192	2201	WOLF ST	BAUER SARAH J
193	2201	WOLF ST	BENAVIDES OSCAR JR
194	2201	WOLF ST	SOHN TED
195	2201	WOLF ST	MEADE KRISTYN L
196	2201	WOLF ST	KUBAN KATHERINE
197	2201	WOLF ST	HARPER HOLLY
198	2201	WOLF ST	FLEMING JEFFREY H
199	2201	WOLF ST	LUBBOCK NATIONAL BANK
200	2201	WOLF ST	LUBBOCK NATIONAL BANK
201	2201	WOLF ST	LUBBOCK NATIONAL BANK CF
			BENNY VALEK SELF DIRE IRA
202	2201	WOLF ST	FREEMAN JAMES M
203	2201	WOLF ST	CLARKE NICHOLAS S
204	2201	WOLF ST	ADKINS MICHELLE M
205	2201	WOLF ST	KEELER DOCTOR
206	2201	WOLF ST	MUNDO TILE LTD
207	2201	WOLF ST	SALAZAR MONICA
208	2201	WOLF ST	HOFKER BEATRIX
209	2201	WOLF ST	LUU MYDA
210	2201	WOLF ST	TRORB INC
211	2201	WOLF ST	NEWMAN PHILIP

06/06/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
212	2201	WOLF ST	SINGH PARDIP
213	2201	WOLF ST	LEEDS JESSICA BONNIE
214	2201	WOLF ST	MARTINEZ DEE
215	2201	WOLF ST	LE BETSY
216	2201	WOLF ST	BARANSI RAMZI
217	2201	WOLF ST	SOHN TED S
218	2201	WOLF ST	BIDA DAN F
219	2201	WOLF ST	SULLIVAN PATRICK E
220	2201	WOLF ST	NATIONAL PRIME COMMERCIAL LLC
221	2201	WOLF ST	BOND DANA
222	2201	WOLF ST	BUNN IAN
223	2201	WOLF ST	KIM JUNG O
224	2201	WOLF ST	LUBBOCK NATIONAL BANK CUSTODIAN FOR
225	2201	WOLF ST	MANCENIDO PATRICK
226	2201	WOLF ST	RAJAGOPALAN SRIDHARAN &
227	2201	WOLF ST	SMITH NATALIE
228	2201	WOLF ST	BREKKE CORTNEE E
229	2201	WOLF ST	SCHONERT BECKY
230	2201	WOLF ST	BAKER ALEXANDERA L
231	2201	WOLF ST	DIEBOLT DOUG J & KATIE L
232	2201	WOLF ST	DIXON DENNIE W & LOANN P
233	2201	WOLF ST	KARIMI AKHTAR
234	2201	WOLF ST	RILEY ASHLEY NICOLE
235	2201	WOLF ST	DIAZ SAMUEL
236	2201	WOLF ST	LOZOFF RONALD L
237	2201	WOLF ST	KALLIPALLI BHUPALA R & USHA R GANGA
238	2201	WOLF ST	PUPKO INVESTORS LLC
239	2201	WOLF ST	URIOSTE JOSE RAFAEL
240	2201	WOLF ST	NAQUIN JOSHUA P & SANJA PISAC NAQUIN
241	2201	WOLF ST	MEYER NATALIE

06/06/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
242	2201	WOLF ST	GANT LESLIE
243	2201	WOLF ST	STANDERFER JOSH T
244	2201	WOLF ST	BROWN CHARLES H III
245	2201	WOLF ST	WELCH CHRISTOPHER ANDREW
246	2201	WOLF ST	VICK JEFFREY B
247	2201	WOLF ST	WOODS NICOLE M &
248	2201	WOLF ST	KELLERVILLE LLC
249	2201	WOLF ST	TRORB INC
250	2201	WOLF ST	BURNS REVOCABLE TRUST
251	2201	WOLF ST	HOFFMANN DONNA
252	2201	WOLF ST	WEAVER LUKE AVERY &
253	2201	WOLF ST	HILL JEAN
254	2201	WOLF ST	PINCKNEY JAMES S II
255	2201	WOLF ST	ZEBA REALTY LLC
256	2201	WOLF ST	MOORE KELLY ANNE
257	2201	WOLF ST	BRILL BRIAN ERIC & KELLY MOORE
258	2201	WOLF ST	TAYLOR CHRISTOPHER
259	2201	WOLF ST	RODRIGUEZ ELISA
260	2201	WOLF ST	GANT GREG & HONOR
261	2201	WOLF ST	SHAUL JOSH
262	2201	WOLF ST	HENSLEY CHRISTOPHER T &
263	2201	WOLF ST	LUBBOCK NATIONAL BANK CUSTODIAN FOR
264	2201	WOLF ST	KJT GROUP
265	2201	WOLF ST	HANKINS PAUL G &
266	2201	WOLF ST	NEMATI MEHDI & SHAHIN
267	2201	WOLF ST	LEE JAMES HENRY III &
268	2201	WOLF ST	TOPAZ 6107 LAND TRUST
269	2201	WOLF ST	SMITH MELODY
270	2201	WOLF ST	WULKE NICHOLAS
271	2201	WOLF ST	LITTLE BRADLEY C & LAURA L
272	2201	WOLF ST	NOWICKI MILOSZ
273	2201	WOLF ST	WARSHAUER JEREMY TAKASHI

06/06/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	274	2201 WOLF ST	WILSON SKYE
	275	2201 WOLF ST	PENSCO TRUST CO
	276	2201 WOLF ST	LUBBOCK NATIONAL BANK
	277	2201 WOLF ST	SAM JANAY M
	278	2201 WOLF ST	WURTELE JOSEPH H JR &
	279	2201 WOLF ST	AKINTOLA OMOLOLA E &
	280	2201 WOLF ST	ADDO TAYO A
	281	2201 WOLF ST	FOURMENT CHRISTOPHER L
	282	2201 WOLF ST	KORB RONALD DEAN & NICKI
	283	2201 WOLF ST	BEADLING PETER JOHN &
	284	2201 WOLF ST	RAMEY ISABEL ZAINA
	285	2201 WOLF ST	MA YOU J
	286	2201 WOLF ST	REEVES GEORGE WP
	287	2201 WOLF ST	RUIZGARCIA ERIKA PATRICIA
	288	2201 WOLF ST	KOH PATRICK & SHANNON
	289	2201 WOLF ST	MEHTA SATISH & HEMLATA
	290	2201 WOLF ST	KEITH KRISTY
	291	2201 WOLF ST	SRINIVASAN JAYANTH
	292	2201 WOLF ST	CULLUM PAMELA G
	293	2201 WOLF ST	ROY DAVE A
	294	2201 WOLF ST	OSBURN KEVIN A
	295	2201 WOLF ST	KOUZBARI MAHMOOD
	296	2201 WOLF ST	OUZTS SUSAN &
X	A1	2821 N HARWOOD ST	SANCHEZ TRINIDAD ESTATE

AGENDA ITEM # 64

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 1

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 54 E

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2066 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned CR-D-1 Community Retail District with a D-1 Liquor Control Overlay, on the northwest corner of West Jefferson Boulevard and North Brighton Avenue

Recommendation of Staff and CPC: Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions

Z156-240(OTH)

Note: This item was considered by the City Council at a public hearing on August 10, 2016, and was deferred until September 14, 2016, with the public hearing open

FILE NUMBER: Z156-240(OTH)

DATE FILED: March 3, 2016

LOCATION: Northwest corner of West Jefferson Boulevard and North Brighton Avenue

COUNCIL DISTRICT: 1

MAPSCO: 54 - E

SIZE OF REQUEST: Approx. 0.27 acres

CENSUS TRACT: 46.00

APPLICANT: Moe Barakat

OWNER: Patrick Henson

REPRESENTATIVE: Parvez Malik, Business Zoom

REQUEST: An application to renew Specific Use Permit No. 2066 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned CR-D-1 Community Retail District with a D-1 Liquor Control Overlay.

SUMMARY: The applicant is proposing to continue selling beer and wine in conjunction with the existing convenience store [U Stop Mart].

CPC RECOMMENDATION: Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions.

STAFF RECOMMENDATION: Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions.

GUIDING CRITERIA FOR STAFF RECOMMENDATION:

The following factors are listed in Chapter 51A of the Dallas Development Code to guide the determination as to whether or not an SUP shall be granted. Staff has listed its findings based upon each component below:

1. *Compatibility with surrounding uses and community facilities* – The sale of alcoholic beverages in conjunction with the existing general merchandise or food store 3,500 square feet or less will not impact compatibility with the surrounding land uses. The area’s existing land uses is comprised of small shops and businesses that serve the adjacent residential neighborhoods.
2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The sale of alcoholic beverages in conjunction with the existing general merchandise or food store neither contributes to nor deters the welfare of adjacent properties.
3. *Not a detriment to the public health, safety, or general welfare* – The sale of alcoholic beverages is not expected to be a detriment to the public health, safety or general welfare of the public.
4. *Conforms in all other respects to all applicable zoning regulations and standards* – Based on information depicted on the site plan, the proposed development complies with all applicable zoning regulations and standards of the City of Dallas.

Zoning History: There has been one zoning change in the area within the last five years.

1. **Z123-328** On January 18, 2014 the City Council approved a D-1 Liquor Control Overlay and a Specific Use Permit No. 2066 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR-D Community Retail District with a D Liquor Control Overlay on property located on the northwest corner of West Jefferson Boulevard and North Brighton Avenue. (subject site)

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
West Jefferson Boulevard	Minor arterial	100 feet
North Brighton Avenue	Local	60 feet

Traffic:

The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined that the proposed change in the site plan will have no impact on the surrounding street system.

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 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.

Surrounding Land Uses:

	Zoning	Land Use
Site	CR D-1	Retail
North	D(A)	Single family
East	R-7.5(A)	Single family
South	CR	Retail and personal services
West	CR-D	Auto related use

Land Use Compatibility:

The request site is approximately .27 acres of land and is currently developed with a 697 square feet convenience store and a motor vehicle fueling station. The property is surrounded by residential uses to the north and east, retail and personal service uses to the south and vehicle related use to the west. The applicant is proposing to continue the sale of beer and wine for off-premise consumption in conjunction with the existing general merchandise or food store and the motor vehicle fueling station.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The general merchandise use is also regulated by Chapter 12B of the Dallas City Code, Convenience Stores. This chapter applies to all convenience stores, which is defined as any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and has less than 10,000 square feet of retail floor space; the term does not include any business that has no retail floor space accessible to the public. The purpose of Chapter 12B is to protect the health, safety,

and welfare of the citizens of the city of Dallas by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime that occurs in convenience stores in the city. The business is currently in compliance with this requirement.

Development Standards:

District	Setbacks		Density	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
CR-D-1	15'	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office	54' 4 stories	60%	Proximity Slope Visual Intrusion	Retail & personal service, office

Parking:

The Dallas Development Code requires off-street parking to be provided for a general merchandise or food store use at one space for each 200 square feet of floor area and two parking spaces for the motor vehicle fueling station. The existing structure is 697 square feet. The required parking is three parking spaces for the building portion of the use plus two spaces for the motor vehicle fueling station. Required parking must be provided as shown on the existing site plan.

Landscaping:

Landscaping is required in accordance with Article X of the Dallas Development Code. However, the applicant's request does not trigger any Article X requirements, as no new construction is proposed on the site.

Screening:

The conditions require that the applicant provide an eight-foot solid screening fence along the property line abutting the single family residential district. The applicant is complying with this request.

Site Plan:

The existing site plan shows a proposed gate for fuel delivery, the driveway to be closed and a minimum of two planters where the ingress point once existed. The gate for fuel delivery is installed; the driveway is closed, a flower bed was built and the plantings are in good condition and maintained.

Police Records:

The police department provided the following police records from 2011 to 2016:

1909 W Jefferson Boulevard Police Records 2011-2016	
DATE1	UCR_OFFDES
2011	
8/14/2011	Not Coded MULTIPLE ROBBERY INCIDENT
3/11/2011	Not Coded MULTIPLE ROBBERY INCIDENT
2012	
5/15/2012	Not Coded MULTIPLE ROBBERY INCIDENT
2013	
3/8/2013	BURGLARY-BUSINESS
9/3/2013	Not Coded MULTIPLE ROBBERY INCIDENT
2014	
1/31/2014	ROBBERY-BUSINESS
5/12/2014	Not Coded MULTIPLE ROBBERY INCIDENT
2015	
3/4/2015	ROBBERY-BUSINESS
2016	
1/17/2016	BURGLARY-BUSINESS

**CPC ACTION:
JUNE 16, 2016**

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2066 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions on property zoned CR-D-1 Community Retail with a D-1 Liquor Control Overlay, on the northwest corner of West Jefferson Boulevard and North Brighton Avenue

Maker: Anglin
Second: Davis
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston, Davis, Shidid*,
Anantasomboon, Haney, Jung, Housewright,
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Abtahi
Vacancy: 0

*out of the room, shown voting in favor

Notices:	Area: 200	Mailed: 32
Replies:	For: 0	Against: 4

Speakers: None

PARTNERS AND PRINCIPLES

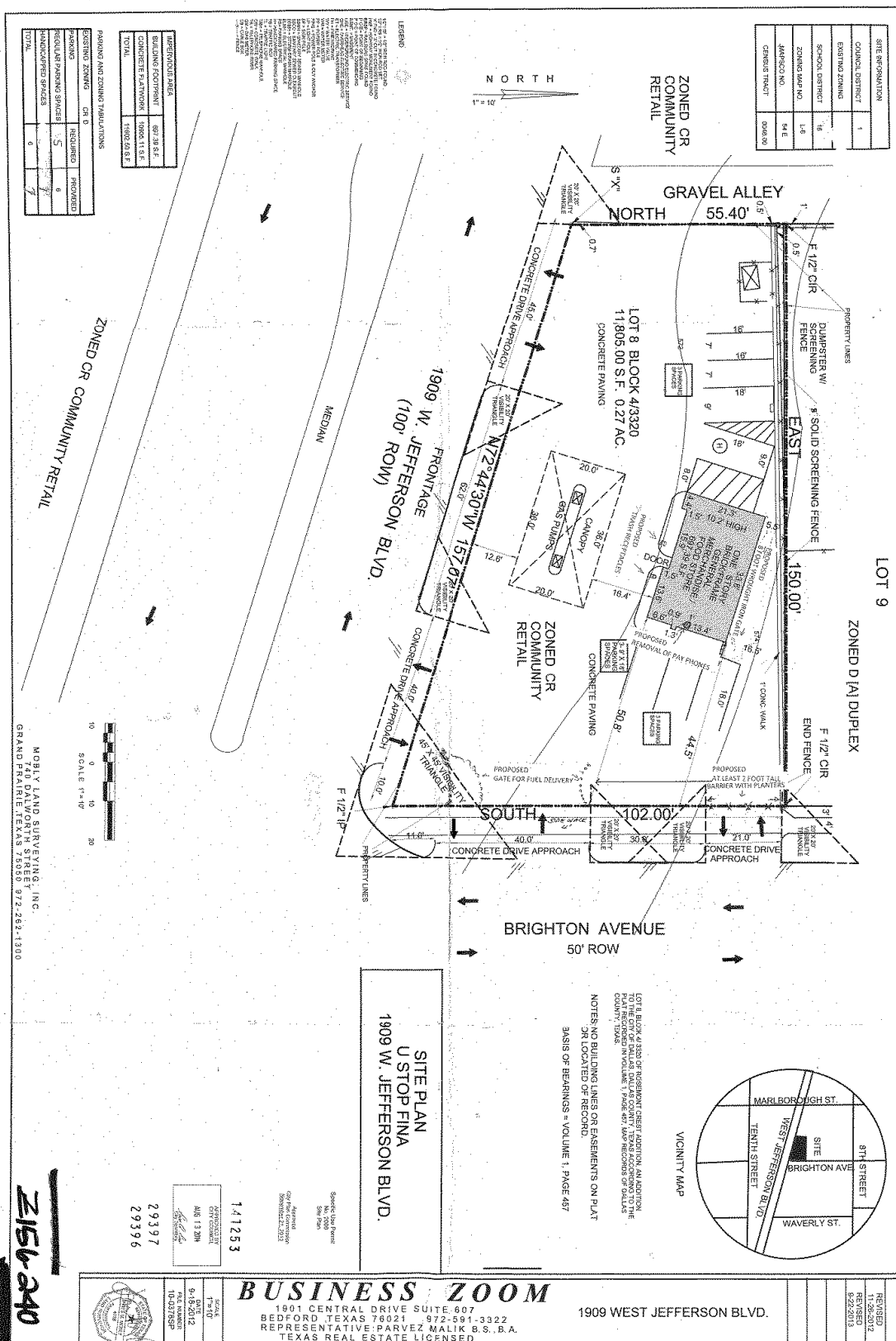
Applicant/Tenant

Patrick Henson – President/Secretary
Vanna Tang – V. President/Treasurer

PROPOSED CONDITIONS
SUP No. 2066
Z156-240

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store use 3,500 square feet or less.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on (two years) ~~August 13, 2016~~, but is eligible for automatic renewal for additional five-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)
4. SCREENING: An eight-foot solid screening fence must be provided in the location shown on the site plan.
5. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
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

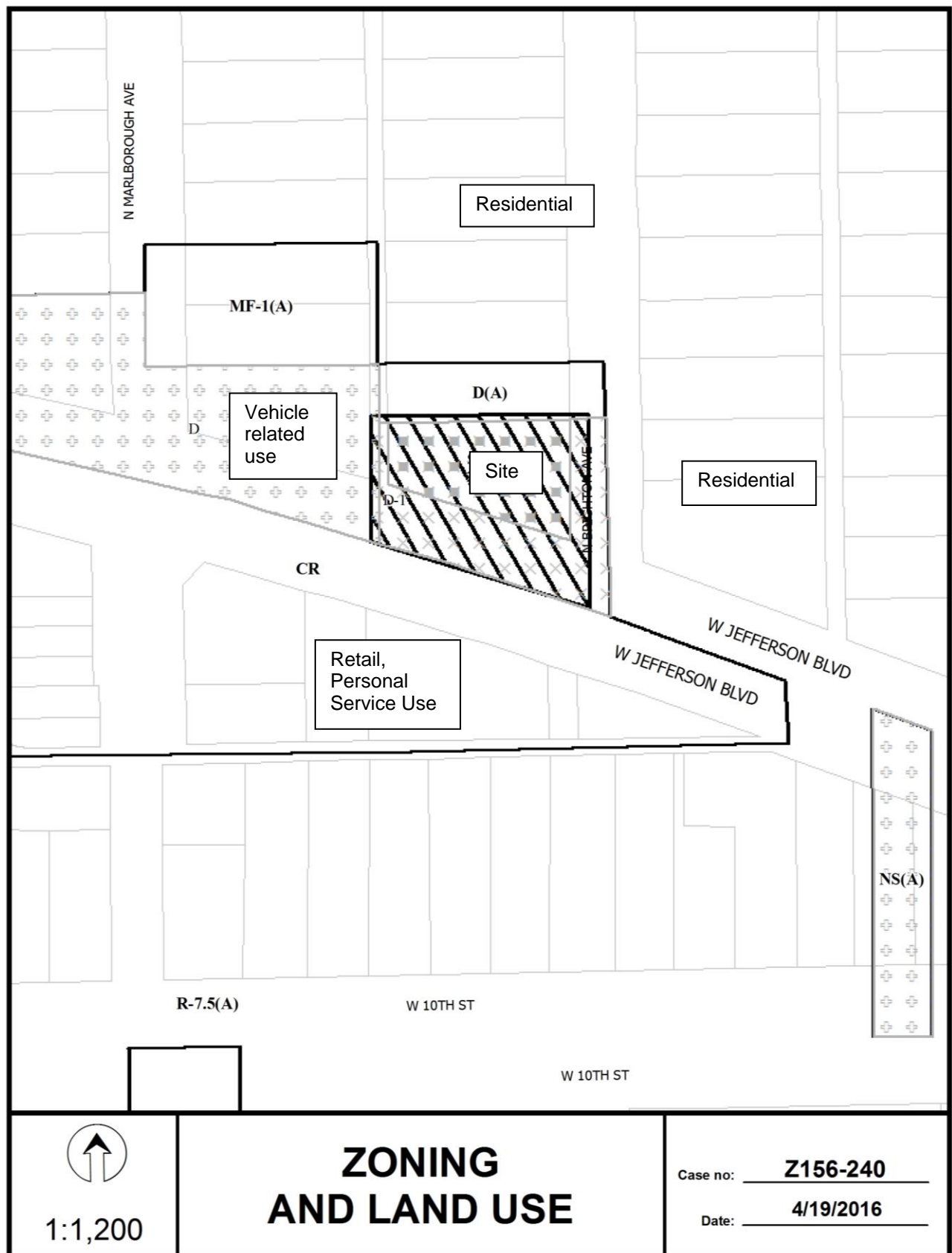


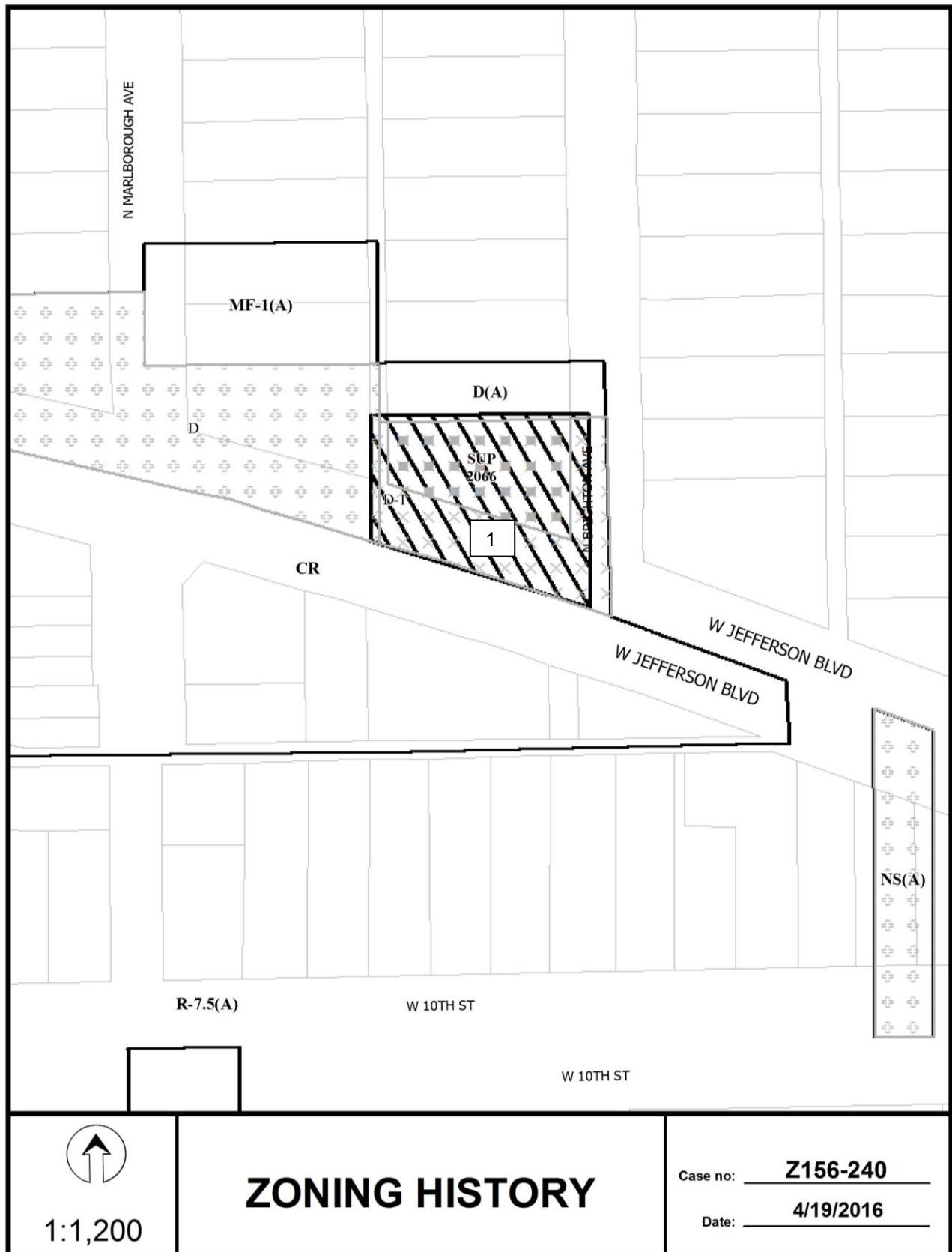
Z156-240(OTH)



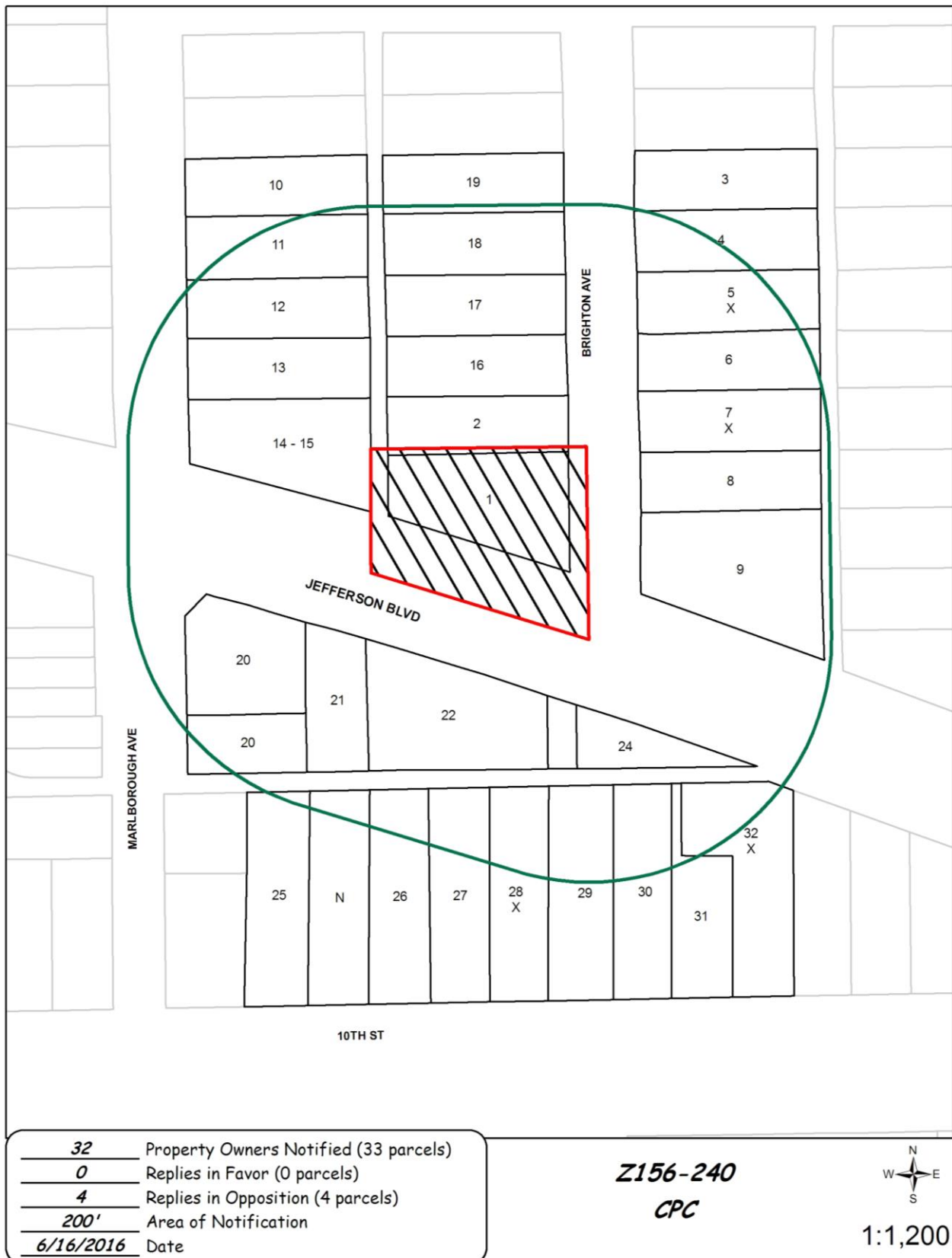
Z156-240(OTH)







CPC RESPONSES



06/15/2016

Reply List of Property Owners***Z156-240******32 Property Owners Notified******0 Property Owners in Favor******4 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	1909 W JEFFERSON BLVD	BARAKAT MOE
	2	211 N BRIGHTON AVE	AVILA JAIME &
	3	228 N BRIGHTON AVE	MCCOY SARA & KALLEN
	4	224 N BRIGHTON AVE	COUNCIL JOHN C
X	5	220 N BRIGHTON AVE	ANGEL ANGELA J
	6	216 N BRIGHTON AVE	BRADY ROSEANN
X	7	212 N BRIGHTON AVE	DOWPROCACCINI ANNA M &
	8	208 N BRIGHTON AVE	TAYLOR STEPHANIE S
	9	204 N BRIGHTON AVE	ALLEN DONALD LEE
	10	218 N MARLBOROUGH AVE	OLGUIN JULIAN
	11	216 N MARLBOROUGH AVE	LOZADA GERARDO
	12	210 N MARLBOROUGH AVE	MOSITOS LLC
	13	206 N MARLBOROUGH AVE	VALPARAISO HOLDINGS LLC
	14	1919 W JEFFERSON BLVD	SAMUEL PETER
	15	1919 W JEFFERSON BLVD	SAMUEL PETER & SUSHEILA
	16	217 N BRIGHTON AVE	EQUABLE INV CORP
	17	221 N BRIGHTON AVE	EDWARDS J B & MARSHA H
	18	225 N BRIGHTON AVE	FERNANDEZ MAUREEN F & ANTHONY
	19	229 N BRIGHTON AVE	HOUGHTON JAMIN & HILARIE
	20	108 N MARLBOROUGH AVE	BALLAS VICTOR
	21	1916 W JEFFERSON BLVD	BALLAS VICTOR &
	22	1910 W JEFFERSON BLVD	DIAZ OCTAVIO
	23	1900 W JEFFERSON BLVD	NOLAN PATRICK & ROSE ANNA
	24	1836 W JEFFERSON BLVD	VA CAPITAL LLC
	25	1917 W 10TH ST	GALLEGOS JESUS C ET AL
	26	1913 W 10TH ST	MACIAS JOSE A JR &

Z156-240(OTH)

06/15/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	1909 W 10TH ST	JIMENEZ ARNULFO JR &
X	28	1903 W 10TH ST	NILES KERRY W
	29	1827 W 10TH ST	BETANCOURT EVA L
	30	1825 W 10TH ST	PALOMO MANUEL LIFE ESTATE
	31	1821 W 10TH ST	CARR BRYAN
X	32	1817 W 10TH ST	MELGOZA JOSE JJ &

AGENDA ITEM # 65

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 6

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 42 R

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1954 for a commercial amusement (inside) limited to a Class A dance hall on property zoned a CR Community Retail District on the northwest corner of Singleton Boulevard and Peoria Avenue

Recommendation of Staff: Approval for a two-year period, subject to conditions

Recommendation of CPC: Approval for a two-year period with eligibility for automatic renewals for additional two-year periods, subject to conditions

Z156-241(WE)

Note: This item was considered by the City Council at a public hearing on August 10, 2016, and was deferred until September 14, 2016, with the public hearing open

HONORABLE MAYOR & CITY COUNCIL WEDNESDAY, SEPTEMBER 14, 2016
ACM: Ryan S. Evans

FILE NUMBER: Z156-241(WE)

DATE FILED: March 29, 2016

LOCATION: Singleton Boulevard and Peoria Avenue, northwest corner

COUNCIL DISTRICT: 6

MAPSCO: 42R

SIZE OF REQUEST: Approx. 0.77 acres

CENSUS TRACT: 106.01

APPLICANT / OWNER: Flores Ballroom

REPRESENTATIVE: Rodolfo R. Flores

REQUEST: An application for the renewal of Specific Use Permit No. 1954 for a commercial amusement (inside) limited to a Class A dance hall on property zoned a CR Community Retail District.

SUMMARY: The purpose of the request is to allow for the continued use of a dance floor within an existing structure that is operating as a ballroom/banquet hall [Flores Ballroom 4615].

STAFF RECOMMENDATION: **Approval** for a two-year period, subject to conditions.

CPC RECOMMENDATION: **Approval** for a two-year period with eligibility for automatic renewals for additional two-year periods, subject to conditions

GUIDING CRITERIA FOR RECOMMENDATION:

The following factors are listed in Chapter 51A of the Dallas Development Code to guide the determination as to whether or not an SUP shall be granted. Staff has listed its findings based upon each component below:

1. *Compatibility with surrounding uses and community facilities* – The existing structure is being used as a ballroom/banquet hall. The request site is adjacent to community retail type uses that are on Singleton Boulevard. The surrounding area is developed with a mix of community retail, commercial, industrial and single family uses. The surface parking lot on the request site is a buffer between the commercial amusement (inside) use and the adjacent residential uses. The applicant proposes to continue this use on the property and is not requesting any changes to existing conditions or site plan.
2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The commercial amusement inside use is considered compatible with the adjacent land uses, and was not considered detrimental to the public health, safety, or general welfare of the city when the SUP was originally issued.
3. *Not a detriment to the public health, safety, or general welfare* – This use will not be a detriment to the public health, safety or general welfare of the community.
4. *Conforms in all other respects to all applicable zoning regulations and standards* – The request site conforms to all applicable zoning regulations and standards.

Zoning History: There have been two zoning case in the area over the past five years.

1. Z112-128 On April 16, 2012, the City Council approved Specific Use Permit No. 1954 for a commercial amusement (inside) limited to a dance hall for a two year period. [request site]
2. Z134-172 On August 13, 2014, the City Council approved Specific Use Permit No. 1954 for a commercial amusement (inside) limited to a dance hall for a two year period. [request site]

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Singleton Boulevard	Principal Arterial	80 ft.	100 ft.
Peoria Avenue	Local	50 ft.	50 ft.

Traffic: The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined that 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. The *forwardDallas!* Vision Illustration is comprised of a series of Building Blocks that show general land use patterns. They are generalized patterns without well-defined boundaries that indicate where certain types and densities of development might logically occur. The Comprehensive Plan shows that the request site is on the outer edge of an Industrial area.

Industrial Areas, which offer important employment opportunities, occupy large areas of land and usually are near major roads and heavy rail lines. Evolving technology and the need for freight movement through Dallas to the rest of the country and internationally means this sector can offer good opportunities for jobs. Logistics and warehousing, a growing industry with strong potential for upward mobility of skilled workers, would thrive in such areas. Examples include Southport and the Agile Port, parts of West Dallas along I-30, and the Stemmons industrial area. These areas include a mix of low- and medium-density industrial buildings and industrial yards and have large surface parking for cars and trucks. Industrial Areas rely on quality road access and may be linked to rail for freight purposes. Street lanes are wide and intersections are large. Transit, sidewalks and other pedestrian improvements are limited.

Community Retail Districts may be appropriate at key intersections to support the surrounding neighborhood. Specific Use Permits are utilized to ensure compatibility of certain uses at the edges of these neighborhoods.

Land Use Compatibility: The surrounding land uses are residential to the north, vacant retail to the east, retail to the west, and industrial uses to the south. Adjacent property is sparsely developed with single-family uses and vacant parcels.

	Zoning	Land Use
Site	CR w/SUP No. 1954	Commercial amusement (inside)
North	R-5(A)	Single Family
South	IM	Industrial
East	CS	Commercial
West	CR	Retail and personal service

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 request does not appear to have an adverse impact on the surrounding zoning and land uses.

Development Standards:

<u>DISTRICT</u>	<u>SETBACKS</u>		<u>Density</u>	<u>Height</u>	<u>Lot Coverage</u>	<u>Special Standards</u>	<u>PRIMARY Uses</u>
	<u>Front</u>	<u>Side/Rear</u>					
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

Landscaping: Landscaping must be provided in accordance with the landscaping requirements in Article X, as amended. Since there is no additional impervious coverage, no additional landscaping is required.

Parking: The off-street parking requirements for a commercial amusement (inside) use is one space for each 100 square feet of floor area and a dance hall is one space per 25 square feet of floor area. The applicant is providing the required 109 off-street parking spaces.

CPC Action (June 2, 2016)

Motion: It was moved to recommend **approval** of a renewal of Specific Use Permit No. 1954 for a commercial amusement (inside) limited to a Class A dance hall for a two-year period with eligibility for automatic renewals for additional two-year periods, subject to conditions on property zoned a CR Community Retail District on the northwest corner of Singleton Boulevard and Peoria Avenue.

Maker: Anglin
Second: Houston
Result: Carried: 13 to 0

For: 13 - Anglin, Rieves, Houston, Davis, Shidid, Abtahi,
Haney, Jung, Schultz, Peadon, Murphy, Ridley,
Tarpley

Against: 0
Absent: 2 - Anantasomboon, Housewright
Vacancy: 0

Notices:	Area: 300	Mailed: 26
Replies:	For: 2	Against: 0

Speakers: None

<p>LIST OF OFFICERS Flores Ballroom</p>
--

- Rodolfo Flores, Partner
- Marcus Flores, Partner
- David Flores, Partner

CPC SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is commercial amusement (inside) limited to a Class A dance hall.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

CPC Recommendation

3. TIME LIMIT: This specific use permit expires on ~~[August 13, 2016]~~ two-year period from the passage of this ordinance), but is eligible for automatic renewal for additional two-year period, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced).

Staff's Recommendation

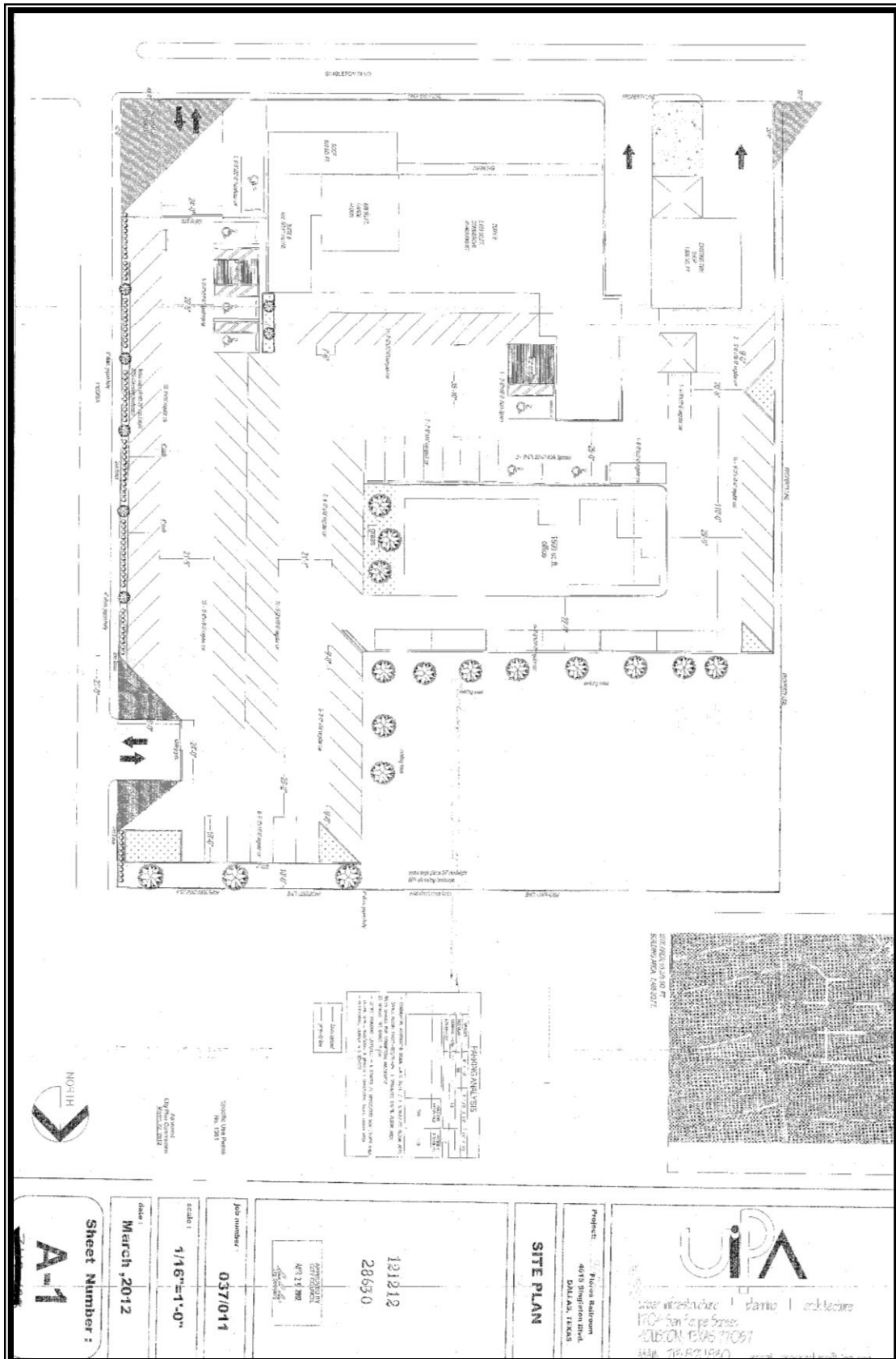
3. TIME LIMIT: This specific use permit expires on ~~[August 13, 2016]~~, (two-year period from the passage of this ordinance.

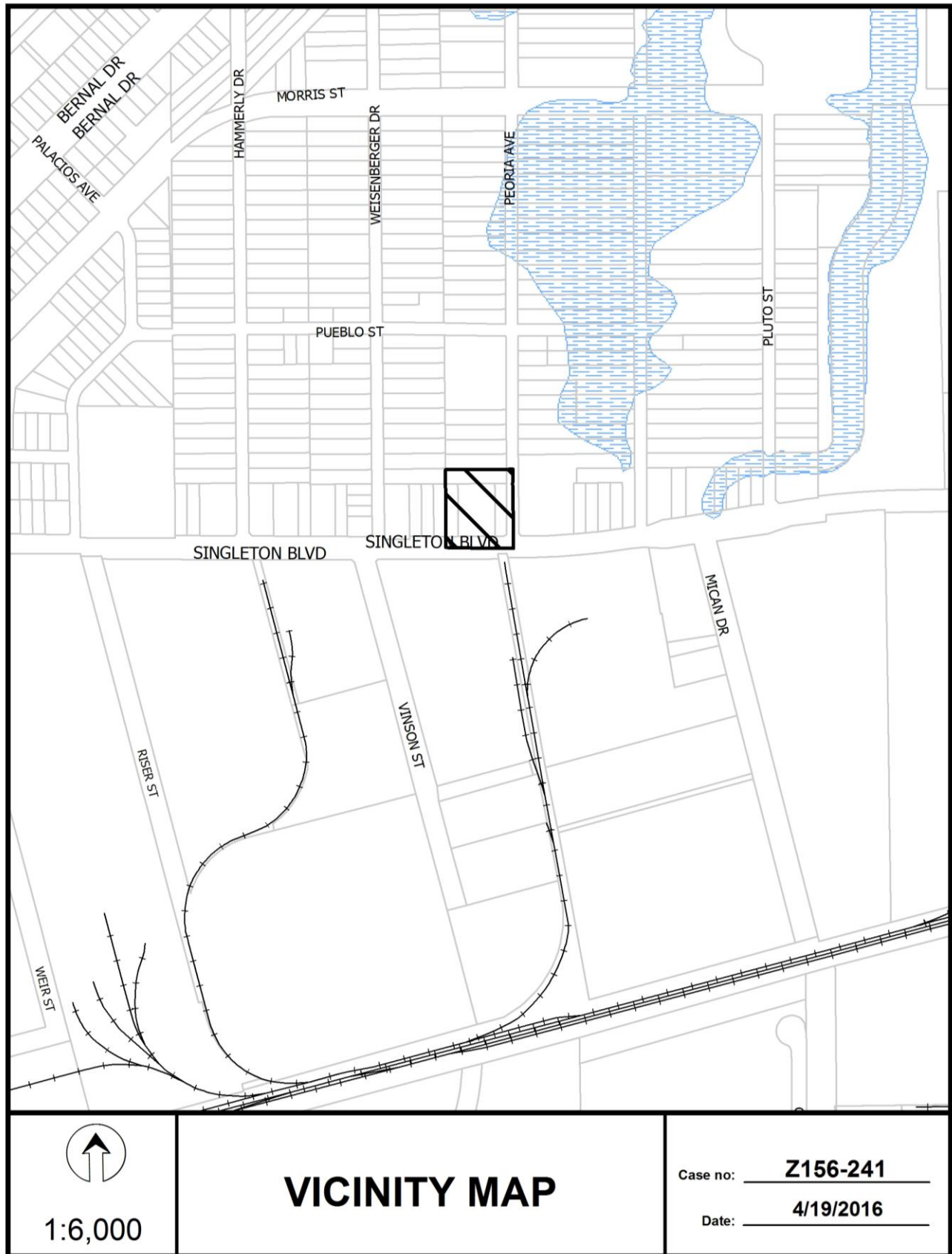
4. LANDSCAPING: Landscaping must be provided as shown on the attached site plan.
5. FLOOR AREA: The maximum dance floor area is 625 square feet in the location shown on the site plan.
6. HOURS OF OPERATION: The commercial amusement (inside) limited to a Class A dance hall may only operate between 8:00 a.m. and 10:00 p.m., Monday through Thursday, and between 8:00 a.m. and 1:00 a.m. (the next day), Friday and Saturday.
7. PARKING: Parking must be located as shown on the attached site plan. Delta credits may not be used to meet the off-street parking requirements.
8. SCREENING: ~~[Before the issuance of a certificate of occupancy,]~~ A[a] solid screening fence must be maintained ~~[installed]~~ along the northern Property line in the locations shown on the attached site plan.

9. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

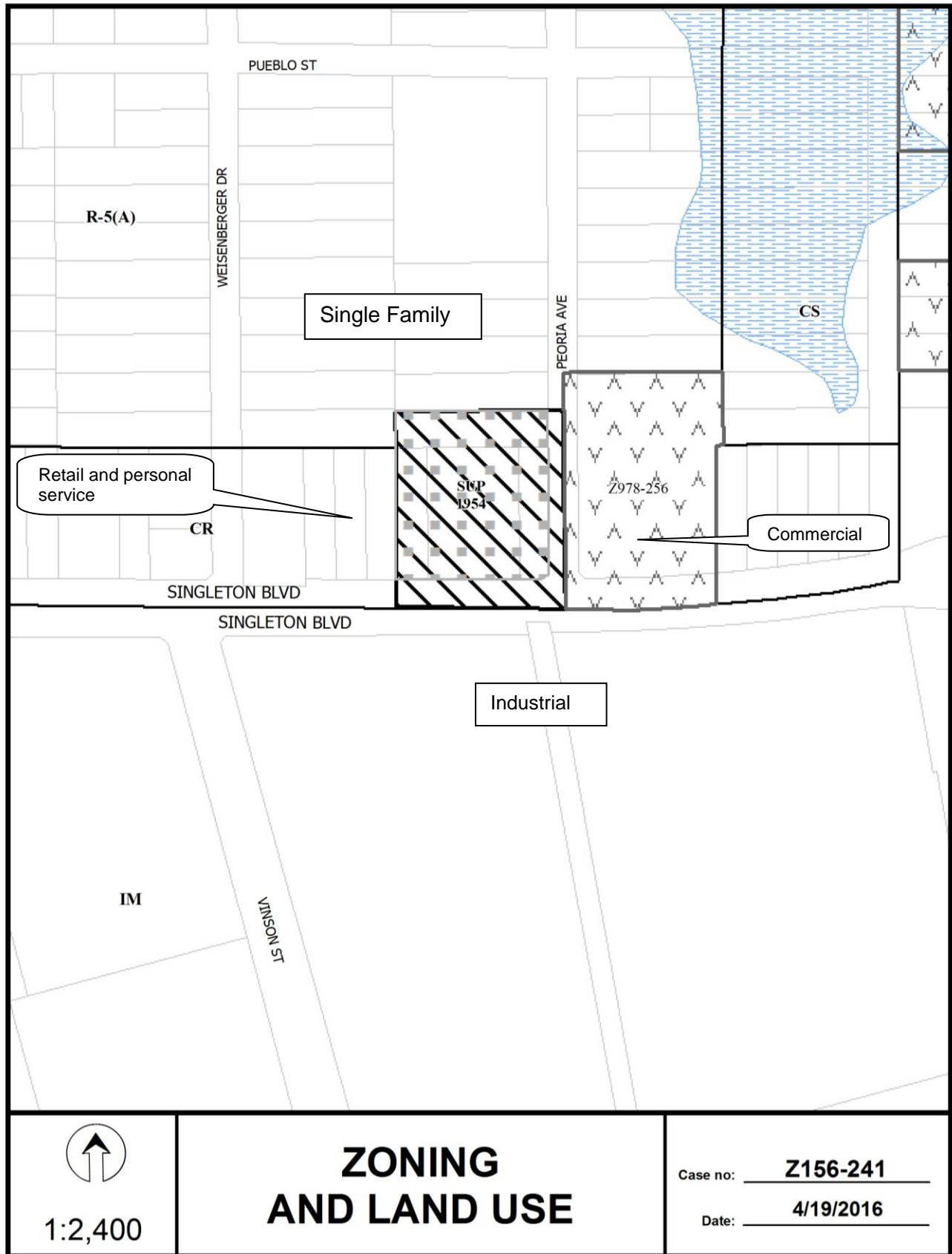
10. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

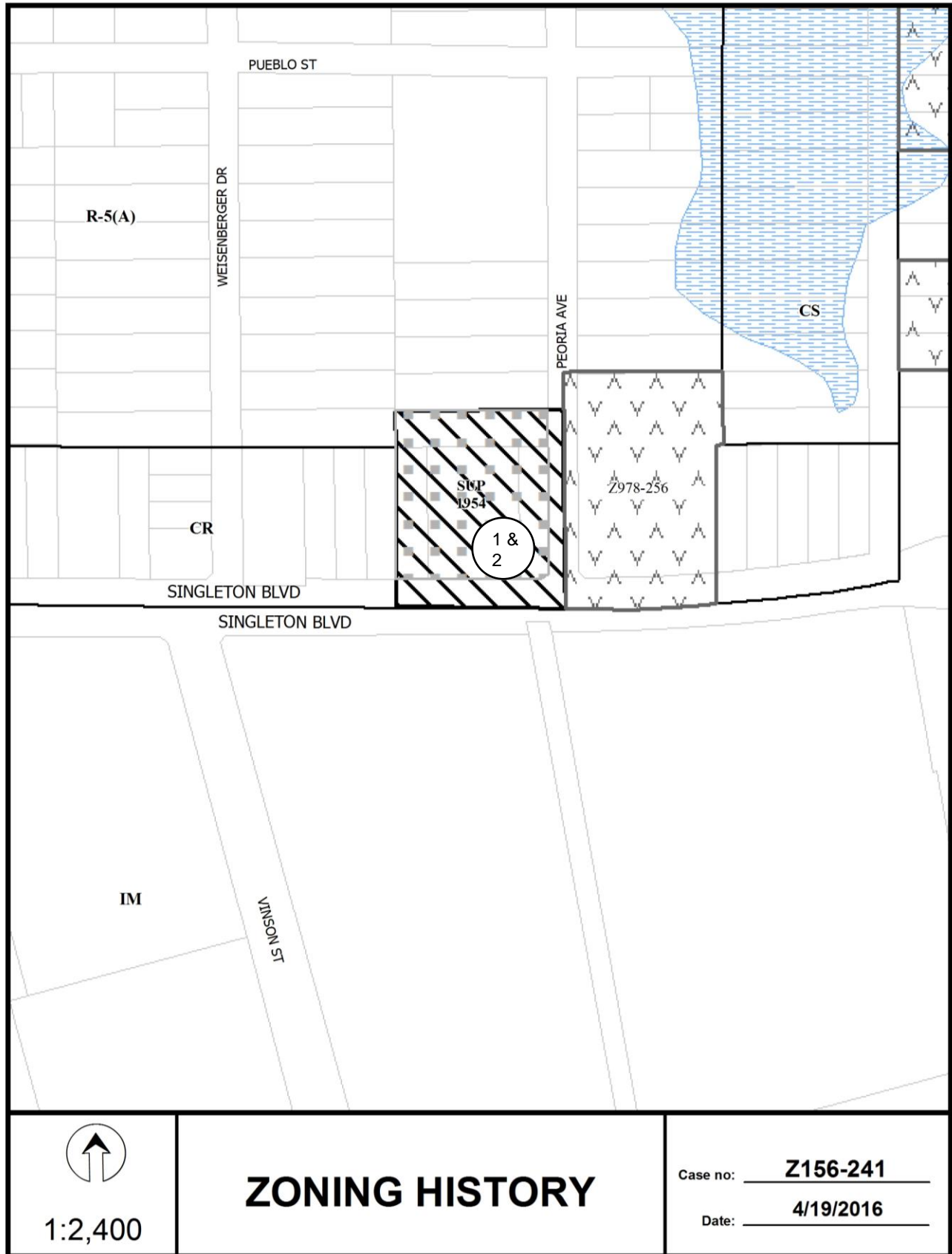
APPROVED SITE PLAN



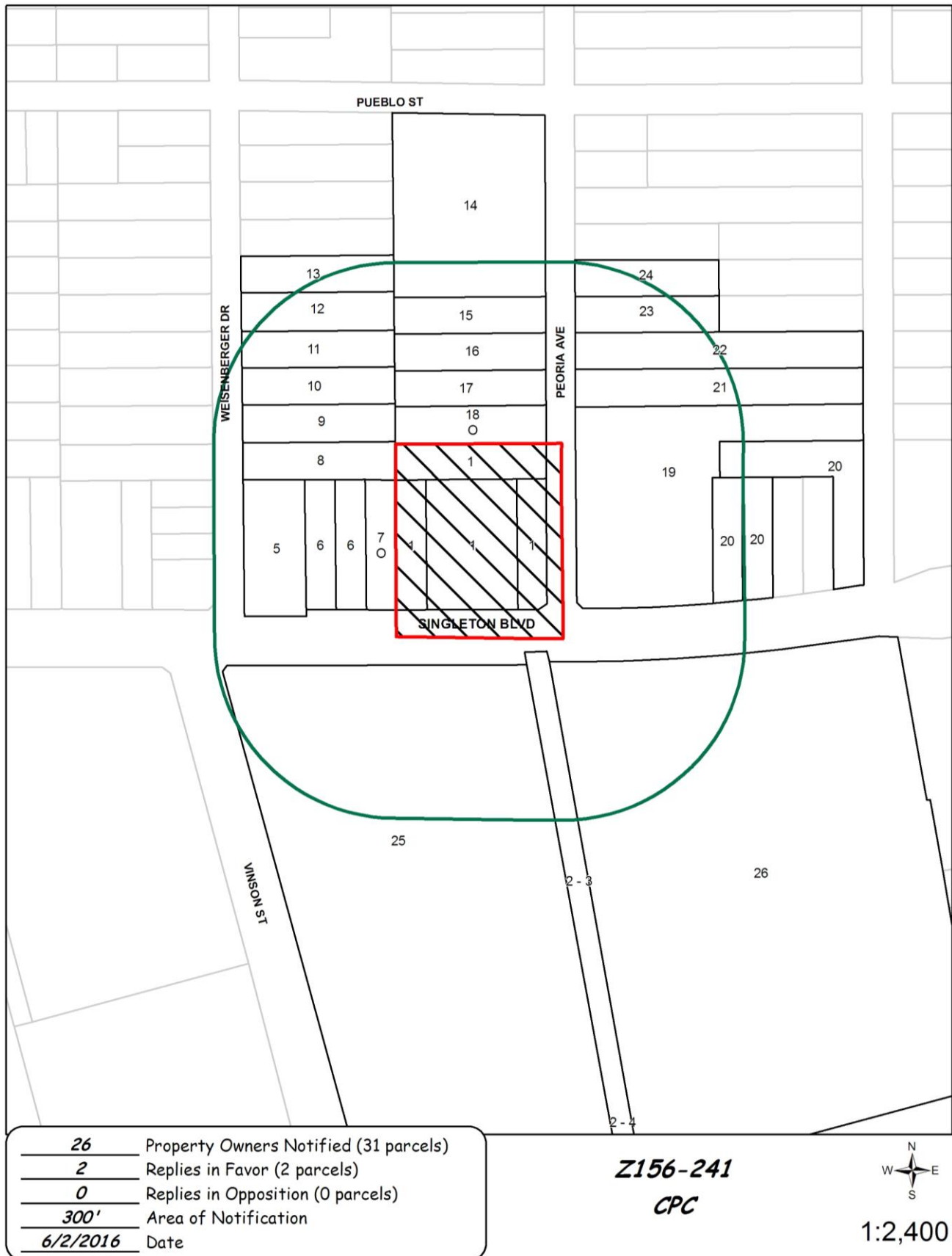








CPC RESPONSES



Notification List of Property Owners

Z156-241

26 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	3021	PEORIA AVE	FLORES DAVID &
	2	4401	LINFIELD RD	ST LOUIS S W RAILWAY CO
	3	9999	NO NAME ST	UNION PACIFIC RR CO
	4	4401	LINFIELD RD	ST LOUIS S W RAILWAY CO
	5	4639	SINGLETON BLVD	CHU DAVID
	6	4631	SINGLETON BLVD	CHU DAVID C
O	7	4623	SINGLETON BLVD	CHU DAVID CHAEWUNG
	8	3020	WEISENBERGER DR	HERNANDEZ ADRIANA
	9	3026	WEISENBERGER DR	IBARRA LUVIA & RUBEN
	10	3030	WEISENBERGER DR	SANTIAGO MARIBEL HERNANDEZ DE
	11	3102	WEISENBERGER DR	MARTINEZ GABERIEL H
	12	3108	WEISENBERGER DR	PENA FLORENTINA EST OF
	13	3112	WEISENBERGER DR	QUEZADA ALEJANDRA P
	14	3125	PEORIA AVE	FIRST LAOTIAN BAPTIST CHURCH OF DALLAS
	15	3107	PEORIA AVE	DABOUB CATHERINE MARY
	16	3103	PEORIA AVE	SANCHEZ MARIO
	17	3031	PEORIA AVE	VARGAS ANTONIO & LUCILA
O	18	3025	PEORIA AVE	RAMOS JESUS ANTONIO &
	19	4535	SINGLETON BLVD	BENITEZ FREDIS
	20	4519	SINGLETON BLVD	VILLATOLE FREDIS BENITEZ
	21	3030	PEORIA AVE	SALAZAR MANUEL &
	22	3102	PEORIA AVE	LUNA JOHN JR &
	23	3108	PEORIA AVE	LUNA JOHN & GENOVEA
	24	3112	PEORIA AVE	LUNA JOHN & GENOVEVA
	25	4606	SINGLETON BLVD	G T INDUSTRIAL PROPERTIES INC
	26	4528	SINGLETON BLVD	HEAT TREATMENT SVCS INC

AGENDA ITEM # 66

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 2

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 34 Z; 35 W

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to, and an expansion of, Planned Development Subdistrict No. 78 for MF-2 Multiple-Family District uses on property zoned an MF-2 Multiple Family Subdistrict and Planned Development Subdistrict No. 78 within Planned Development District No. 193, the Oak Lawn Special Purpose District, in an area generally bound by Fairmount Street, Reagan Street, Brown Street, and Douglas Avenue and excluding property on the west corner of Reagan Street and Brown Street

Recommendation of Staff and CPC: Approval, subject to a Tract III conceptual plan and conditions

Z156-229(OTH)

Note: This item was considered by the City Council at a public hearing on August 24, 2016, and was deferred until September 14, 2016, with the public hearing open

FILE NUMBER: Z156-229(OTH)

DATE FILED: March 11, 2016

LOCATION: Generally bound by Fairmount Street, Reagan Street, Brown Street, and Douglas Avenue and excluding property on the west corner of Reagan Street and Brown Street.

COUNCIL DISTRICT: 2

MAPSCO: 34-Z & 35-W

SIZE OF REQUEST: Approx. 7.06 acres

CENSUS TRACT: 5

REPRESENTATIVE: Rob Baldwin, Baldwin Associates

APPLICANT: Maple Multi-family, LLC

OWNER: Multiple owners

REQUEST: An application to amend and expand Planned Development Subdistrict No. 78 for MF-2 Multiple-Family District uses on property zoned an MF-2 Multiple Family Subdistrict and Planned Development Subdistrict No. 78 within Planned Development District No. 193, the Oak Lawn Special Purpose District.

SUMMARY: The applicant is requesting the expansion to develop the property with multiple-family units as the existing development in Tracts I and II in Planned Development Subdistrict No. 78. The size of the addition is 3.51 acres. The applicant is proposing to build 350 dwelling units on the expansion site.

CPC RECOMMENDATION: **Approval**, subject to a Tract III conceptual plan and conditions.

STAFF RECOMMENDATION: **Approval**, subject to a Tract III conceptual plan and conditions.

DESIGNATED ZONING CASE

BACKGROUND INFORMATION:

- The request site is currently developed with multifamily and single family residential uses. The expansion area is currently developed with multiple family units. There are 99 apartments and condominiums on the property.
- On October 22, 2008, Planned Development Subdistrict No. 78 was established for multifamily uses. The PDS varied the density, front yard, height, and parking from the MF-2 Multifamily Subdistrict it was zoned previously.

Zoning History:

1. Z112-144 On March 28, 2012, the City Council approved an amendment to Planned Development Subdistrict No. 78 within Planned Development District No 193 in an area generally bounded by Knight Street, Brown Street, Throckmorton Street, and Fairmount Street.
2. Z156-164 On June 2, 2016 the City Plan Commission recommended approval for a Planned Development Subdistrict for MF-2 Multiple Family District with office and retail uses on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District located on Area bounded by the Dallas North Tollway, Fairmount Street and Knight Street. The case is scheduled for the August 10, 2016 City Council hearing.

Thoroughfares/Streets:

Thoroughfares/Street	Type	Existing ROW
Brown Street	Local	50 ft
Throckmorton Street	Local	50 ft
Fairmount Street	Local	50 ft
Knight Street	Local	50 ft

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The Plan classifies the area as 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.

Area Plan:

The Oak Lawn Special Purpose District and the Oak Lawn Plan include the following objectives:

- (1) To achieve buildings more urban in form.
- (2) To promote and protect an attractive street level pedestrian environment with continuous street frontage activities in retail areas.
- (3) To encourage the placement of off-street parking underground or within buildings similar in appearance to non-parking buildings.
- (4) To promote development appropriate to the character of nearby neighborhood uses by imposing standards sensitive to scale and adjacency issues.
- (5) To use existing zoned development densities as a base from which to plan, while providing bonuses to encourage residential development in commercial areas.
- (6) To discourage variances or zoning changes which would erode the quantity or quality of single-family neighborhoods, or would fail to adhere to the standards for multiple-family neighborhoods and commercial areas.
- (7) To promote landscape/streetscape quality and appearance.

The proposed development supports objective numbers 1, 3, and 4. The applicant is building a parking garage that will be wrapped by residential units, thus encouraging the placement of off-street parking within buildings disguising the appearance of parking garages. The applicant's request also complies with the following objectives: 2 & 5: by proposing multiple family development in an already existing multiple family zoned and

developed property. The applicant will comply with landscape requirements specified in PDS No. 78 providing amenities that enhance the pedestrian environment supporting Objective 7.

Land Use Compatibility:

Currently, the request site is developed with multiple-family and single family. Tract I is developed with 242 units, Tract II is developed with 368 units. The proposed Tract III will be redeveloped with 350 units. According to the applicant's representative, there are 99 units currently in the proposed new Tract. The surrounding uses are multiple-family, institutional, single family and undeveloped to the north; and retail, undeveloped and multiple-family to the south.

The request site is zoned PDS No. 78 for MF-2 Multiple Family Subdistrict uses and an MF-2 Multiple-Family Subdistrict. The applicant is requesting to expand PDS No. 78 to develop the property with multiple-family units as the existing development in Tracts I and II. The applicant proposes to provide urban design elements, increase density and lot coverage. The applicant is proposing to redevelop the new subdistrict with 350 multifamily units, approximately 100 units per acre. The development will have a parking structure wrapped halfway by a residential building. However, the applicant is proposing 12,000 square feet for open space in the new subdistrict, which Tract I and Tract II do not have.

The applicant is proposing an 85 percent lot coverage, which is a 10 percent lot coverage increase compared to Tracts I and II. An MF-2 Subdistrict allows 60 percent lot coverage. Tracts I and II are allowed 75 percent lot coverage. Staff is not supportive of this portion of the request because a portion of the parking garage will be above ground approximately 4 to 6 feet, which is considered lot coverage. The applicant is proposing a 12,000 square feet of open space above the parking garage for which the applicant is justifying an additional ten percent lot coverage. The City Plan Commission recommended approval of the 85 percent lot coverage. Also, the applicant has requested an increase in number of floors to six. Tract I has a maximum of four floors, and Tract III has a maximum of five floors. The City Plan Commission and staff support six floors for Tract III.

The surrounding MF-2 Multiple Family Subdistrict allows for a maximum height of 36 feet with an additional 12 feet for mechanical equipment and other listed structures. Staff is comfortable with the requested height of 75 feet plus an additional 12 feet for mechanical equipment and clerestory for the property. Similar development has occurred in the surrounding area and in Tracts I and II of the PDS. The proposed development for Tract III is a continuation of the development existing in Tracts I and II.

Development Standards:

DISTRICT	SETBACKS		Density FAR	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
Proposed							
PDS 78 Tract III Multiple family	10'	10'	350 Dwelling Units	75' 6 stories /garage 6 stories	85%	Pedestrian amenities, façade standards	Multiple family
Existing							
PDS 78 Tract I Multiple family	10-15'	10'	277 Dwelling Units	54'	75%		Multiple family
PDS 78 Tract II Multiple family	10-15'	10'	370 Dwelling Units	75'	75%		Multiple family
Existing MF-2	15'	10'/15'	Min lot 1,000 sq. ft. 800 sq ft – E 1,000 sq. ft – 1 BR 1,200 sq ft – 2 BR +150 sq ft each add BR	36'	60%	Proximity Slope	Multifamily, duplex, single family

Traffic:

The Engineering Section of the Building Inspection Division of the Department of Development Services has reviewed the requested use and determined the proposal will not have a significant impact on the street system.

Parking:

The applicant is not requesting any changes for parking requirements for the proposed new Tract. Parking requirements must comply with SEC. S-78.109. OFF-STREET PARKING AND LOADING.

Landscaping:

The applicant is not requesting any changes in the existing landscaping conditions in PDS No. 78. Landscaping requirements for proposed Tract III must comply with SEC. S-78.112 LANDSCAPING. This Section provides specific requirements for tree preservation; height and caliper for trees located on the parkway; and screening.

CPC ACTION:
July 21, 2016

Motion: It was moved to recommend **approval** of an amendment to and an expansion of a Planned Development Subdistrict No. 78 for MF-2 Multiple-Family Subdistrict use, subject to a conceptual plan and staff's recommended revised conditions with the exception of accepting the applicant's request of 85 percent lot coverage on property zoned an MF-2 Multiple Family Subdistrict and Planned Development Subdistrict No. 78 within Planned Development District No. 193, the Oak Lawn Special Purpose District, in an area generally bounded by Fairmount Street, Knight Street, Brown Street and Reagan Street excluding the property on the west corner of Brown Street and Reagan Street.

Maker: Rieves
Second: Ridley
Result: Carried: 13 to 0

For: 13 - Anglin, Rieves, Houston, Davis,
Anantasomboon, Abtahi, Haney, Jung,
Housewright, Schultz, Peadon, Ridley, Tarpley

Against: 0
Absent: 2 - Shidid, Murphy
Vacancy: 0

Notices: Area: 500 Mailed: 376
Replies: For: 8 Against: 0

Speakers: For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226
For (Did not speak): Matthew Enzler, 3819 Maple Ave., Dallas, TX, 75219
Against: None

List of Partners/Principals/Officers

Applicant:

Maple Multi-Family TX Land L.P.

Anne L. Raymond, Manager
Kenneth J. Valach, Vice President
Mathew D. Schildt, Vice President
Megan T. Smith, Vice President
Scott D. David, Vice President
Stephen Bancroft, Vice President
Timothy Hogan, Vice President

Owners:

Property 1 – 4210 Fairmount Street

AFA Apartments, LP

DCH 107 Fairmount, LP

Maple Multi-Family Development, LLC

Kenneth J. Valach – President
Alec Schiffer – VP
Alice Tanchel – VP
Anthony Ditteaux – VP
Bruce N. Dorfman – VP
Clifford A Breining – VP / Trasurer
Donna C. Kruger – VP
E. Garth Erdossy – VP
Elliot Howell – VP
Gillian S. Cho – VP
James M. Bernadinelli – VP
John Ready – VP
Juie Davis – VP
Karl Hirschey – VP
Leonard Wood – VP
M. Scot David – VP
Mark R Hoyt – VP
Matthew D Schildt – VP
Matthew S. Enzler – VP
Megan T. Smith – VP
Nylavare R. Raphael – VP
Peggy Bertsch – VP
Robert H. Brooks – VP
Sean D. Rae -VP
Stephen Bancroft – VP
Sue O'Bannon – VP
Susan D. Vckery – VP
William W. Thompson – VP
Lee Ann Shamblin – VP
Cheryl Christy – VP
Nadia Petrova – VP

Property 2 – 4110 Fairmount

Behringer Harvard Fairmount Project Owner LP

Behringer Harvard Fairmount Investors, LP

Kenneth J. Valach – President

Alec Schiffer – VP

Alice Tanchel – VP

Anthony Ditteaux – VP

Bruce N. Dorfman – VP

Clifford A Breining – VP / Trasurer

Donna C. Kruger – VP

E. Garth Erdossy – VP

Elliot Howell – VP

Gillian S. Cho – VP

James M. Bernadinelli – VP

John Ready – VP

Julie Davis – VP

Karl Hirschey – VP

Leonard Wood – VP

M. Scot David – VP

Mark R Hoyt – VP

Matthew D Schildt – VP

Matthew S.ENZler – VP

Megan T. Smith – VP

Nylavare R. Raphael – VP

Peggy Bertsch – VP

Robert H. Brooks – VP

Sean D. Rae -VP

Stephen Bancroft – VP

Sue O'Bannon – VP

Susan D. Vckery – VP

William W. Thompson – VP

Lee Ann Shamblin – VP

Cheryl Christy – VP

Nadia Petrova – VP

Property 3 - 4014 Fairmount Street and 2612 Throckmorton:

Village Square Apartments, LLC

Manager: Conti MM5, LLC

Carlos P. Vaz, Manager

Steward Hsu, Member

Property 4 - 2612 Throckmorton:

Village Square Apartments, LLC

Manager: Conti MM5, LLC

Carlos P. Vaz, Manager

Steward Hsu, Member

Z156-229(OTH)

Property 5 - 2660 Throckmorton Street:

Horizon West Condominiums: Jack Gian, agent

John J. and Lorraine A. Horan

Janet Shepard

Justin A. Martin

Kelly S.L. Lee

Trumah, LLC

Chava E. Kamenetsky, sole member

Edward Heyland and Barry Carpenter

Derek Christiansen

Joseph Pflanzner and Jia Pflanzner

Robert C. Darley

James A. and Annette M. Morriss

Cliff Ulrich

Property 6 - 2621 Reagan Street:

2621 Reagan LLC

Marc Birnbaum, Managing Partner

Amendment to Division S-78.

PD Subdistrict 78.

SEC. S-78.101. LEGISLATIVE HISTORY.

PD Subdistrict 78 was established by Ordinance No. 27367, passed by the Dallas City Council on October 22, 2008. (Ord. Nos. 27367; 29033)

SEC. S-78.102. PROPERTY LOCATION AND SIZE.

PD Subdistrict 78 is established on property generally bounded by Douglas Avenue, Brown Street, ~~Throckmorton Street~~, Reagan Street and Fairmount Street. The size of PD Subdistrict 78 is approximately ~~7.27~~ 10.78 acres. (Ord. Nos. 27367; 29033)

SEC. S-78.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51 and Part I of this article apply to this division. If there is a conflict, this division controls. If there is a conflict between Chapter 51 and Part I of this article, Part I of this article controls.

(b) In this division, SUBDISTRICT means a subdistrict of PD 193.

(c) Unless otherwise stated, all references to articles, divisions, or sections in this division are articles, divisions, or sections in Chapter 51.

(d) This subdistrict is considered to be a residential zoning district.

(e) This subdistrict is divided into ~~two~~ three tracts: Tract I ~~and~~, Tract II, and Tract III. (Ord. Nos. 27367; 29033)

SEC. S-78.104. EXHIBITS.

The following exhibits are incorporated into this division:

(1) Exhibit S-78A: Tract I development plan.

(2) Exhibit S-78B: Tract II conceptual plan.

(3) Exhibit S-78C: Tract III conceptual plan. (Ord. Nos. 27367; 29033)

SEC. S-78.105. CONCEPTUAL PLAN.

Development and use of Tract II must comply with the Tract II conceptual plan (Exhibit S-78B). Development and use of Tract III must comply with the Tract III conceptual plan (Exhibit S-78C). If there is a conflict between the text of this division and the conceptual plan, the text of this division controls. (Ord. Nos. 27367; 29033)

SEC. S-78.105.1. DEVELOPMENT PLAN.

(a) Tract I. Development and use of Tract I must comply with the Tract I development plan (Exhibit S-78A). If there is a conflict between the text of this division and the development plan, the text of this division controls.

(b) Tract II. A development plan must be approved by the city plan commission before issuance of any building permit to authorize work in Tract II. If there is a conflict between the text of this division and the development plan, the text of this division controls.

(c) Tract III. A development plan must be approved by the city plan commission before issuance of any building permit to authorize work in Tract III. If there is a conflict between the text of this division and the development plan, the text of this division controls.

SEC. S-78.106. MAIN USES PERMITTED.

The only main uses permitted in this subdistrict are those main uses permitted in the MF-2 Multiple Family Subdistrict, subject to the same conditions applicable in the MF-2 Multiple Family Subdistrict, as set out in Part I of this article. For example, a use permitted in the MF-2 Multiple Family Subdistrict only by specific use permit (SUP) is permitted in this subdistrict only by specific use permit (SUP); a use subject to development impact review (DIR) in the MF-2 Multiple Family Subdistrict is subject to DIR in this subdistrict; etc. (Ord. Nos. 27367; 29033)

SEC. S-78.107. ACCESSORY USES.

(a) As a general rule, an accessory use is permitted in any subdistrict in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51P-193.108. For more information regarding accessory uses, consult Section 51P- 193.108.

(b) The following accessory uses are prohibited:

- Amateur communication tower.
- Open storage.
- Private stable. (Ord. Nos. 27367; 29033)

SEC. S-78.108. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Part I of this article. In the event of a conflict between this section and Part I of this article, this section controls.)

(a) In general. Except as provided in this section, the yard, lot, and space regulations for the MF-2 Multiple Family Subdistrict apply.

(b) Multiple family uses.

(1) Front yard.

(A) Minimum front yard is 10 feet.

(B) In Tract II and Tract III, stoops are allowed to encroach five feet into the front yard setback.

(2) Side and rear yard. Minimum side and rear yards are 10 feet.

(3) Density.

(A) Tract I. The maximum number of dwelling units is 277.

(B) Tract II. The maximum number of dwelling units is 370.

(B) Tract III. The maximum number of dwelling units is 350.

(4) Height.

(A) Tract I. Maximum structure height is 54 feet.

(B) Tract II and Tract III. Maximum structure height is 75 feet.

(C) Elevators, mechanical equipment, and clerestory may extend up to 12 feet above the maximum structure height. Parapet walls may extend up to four feet above the maximum structure height.

CPC Recommendation:

(5) Lot coverage.

(A) Tract I and Tract II. Maximum lot coverage is 75 percent.

(B) Tract III. Maximum lot coverage is 85 percent.

(C) Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

Staff's Recommendation:

(5) Lot coverage.

(A) Tract I and Tract II. Maximum lot coverage is 75 percent.

(B) Tract III. Maximum lot coverage is 75 percent.

(C) Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(6) Stories.

(A) Tract I. Maximum number of stories for residential uses is four. Maximum number of stories for parking structures is five.

(B) Tract II. Maximum number of stories for residential uses is five. Maximum number of stories for parking structures is six

(C) Tract III. Maximum number of stories for residential uses is six. Maximum number of stories for parking structures is six.

(7) Building separation and courtyards. In Tract II and Tract III, Section 51P-193.107(a)(3)(E)(ii), (iii), and (iv) do not apply. (Ord. Nos. 27367; 29033)

SEC. S-78.109. OFF-STREET PARKING AND LOADING.

(a) In general. Except as provided in this section, consult Part I of this article for the specific off-street parking and loading requirements for each use.

(b) Multiple family uses in Tract I and II. One-and-a-half off-street parking spaces are required for each dwelling unit. Of the required off-street parking spaces, a quarter space per dwelling unit must be reserved for guest parking.

SEC. S-78.110. SIDEWALKS.

A minimum unobstructed sidewalk width of eight feet must be provided along all street frontages. (Ord. Nos. 27367; 29033)

SEC. S-78.111. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI. (Ord. Nos. 27367; 29033)

SEC. S-78.112. LANDSCAPING.

(a) In general. Except as provided in this division, landscaping and screening must be provided in accordance with Part I of this article.

(b) Tree preservation. Protected trees must be preserved in accordance with Article X. The protective fencing and tree mitigation requirements apply to all uses. No grading may occur and no building permit may be issued to authorize work on the Property until required protective fencing is inspected and approved by the building official.

(c) Height and caliper.

(1) Except as provided in this subsection, parkway trees must have a minimum height of 12 feet and a minimum caliper of three-and-a-half inches measured at a point 12 inches above the root ball at the time of installation.

(2) If the building official determines that a tree with a minimum height of 12 feet will interfere with utilities, a parkway tree may have a minimum height of six feet and a minimum caliper of two inches measured at a point 12 inches above the root ball at the time of installation

(d) Screening. Off-street loading spaces abutting a street must be screened by a minimum three-foot-wide planting area with minimum three-foot-tall evergreen shrubs spaced a minimum of three feet on center.

(e) Maintenance. Plant materials must be maintained in a healthy, growing condition. (Ord. Nos. 27367; 29033)

SEC. S-78.113. SIGNS.

Signs must comply with the provisions for non-business zoning districts in Article VII. (Ord. Nos. 27367; 29033)

SEC. S-78.114. URBAN DESIGN ELEMENTS FOR RESIDENTIAL USES.

(a) Entries.

(1) In each tract, a minimum of 80 percent of the street-facing, street-level dwelling units must have:

(A) individual entries directly from the outside;

(B) street access; and

(C) improved paths connecting the dwelling unit to the sidewalk.

(2) Street-facing, street-level dwelling units with an individual entry may be gated and private yards may be fenced if the fencing is a minimum of 70 percent open.

(3) In each tract, a minimum of 70 percent of the street-facing, street-level dwelling units must have individual entries, stoops, or porches that are elevated between six and 30 inches above the finished sidewalk grade, measured to the top of the entry, stoop, or porch.

(4) Stoops and porches are encouraged for each street-facing, street-level dwelling unit.

(b) Facades.

(1) To break up the monotony created by long facade walls, street-facing facades must have building articulation with a minimum depth of one foot every 50 feet of length.

(2) A minimum of two different facade materials must be provided on each street-facing facade.

(c) Architectural elements. Architectural elements, such as the following, must be provided at all building corners and at public entry points: architecturally prominent public entrances, canopies, awnings, attached towers, or turrets.

(d) Pedestrian amenities. A minimum of two of each of the following pedestrian amenities must be provided along each street frontage: benches, trash receptacles, and bicycle racks.

(e) Open space in Tract III. A minimum of 12,000 square feet of private open space such as an outside roof deck, rooftop garden, pool area, or similar outside common area is required.

SEC. S-78.115. ADDITIONAL PROVISIONS.

(a) The Property must be properly maintained in a state of good repair and neat appearance.

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

(c) Except as otherwise specified in this division or shown on the development plan, development and use of the Property must comply with Part I of this article. (Ord. Nos. 27367; 29033)

SEC. S-78.116. COMPLIANCE WITH CONDITIONS.

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

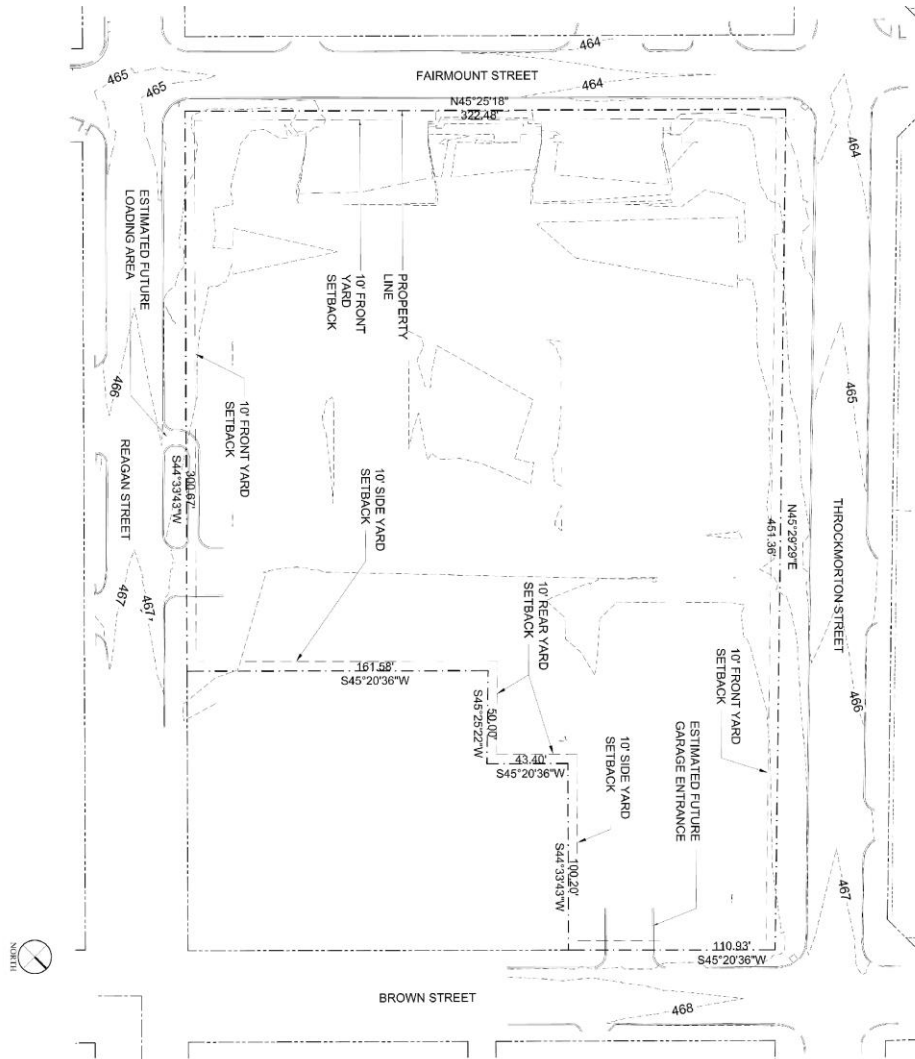
(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, in this subdistrict until there has been full compliance with this division, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. Nos. 27367; 29033).

PROPOSED CONCEPTUAL PLAN TRACT III

Locality Map



Use: Multi-Family
Gross Area: 2.65 Acres
Max. Lot Coverage: 85%
Net Residential Density: 132 units/ac
Max. Height: 75 feet



7156A-229

Project Number:	20150318.00
Drawn by:	CS, KAC
Checked by:	CS, KAC
Approved by:	CS, KAC
Scale:	AS SHOWN
Notes:	1. This plan was prepared by JHP Architects, Inc. for the purpose of showing the proposed development and is not to be used for any other purpose without the written consent of JHP Architects, Inc.

Trammel Crow Residential
Alexan Maple
Fairmount St. & Reagan St.
Dallas, Texas



JHP
Architects, Inc.
1000 Ross Avenue, Suite 1000
Dallas, Texas 75202
Phone: 214-495-5555
Fax: 214-495-5555

EXISTING DEVELOPMENT PLAN TRACT I

Exhibit S-78A

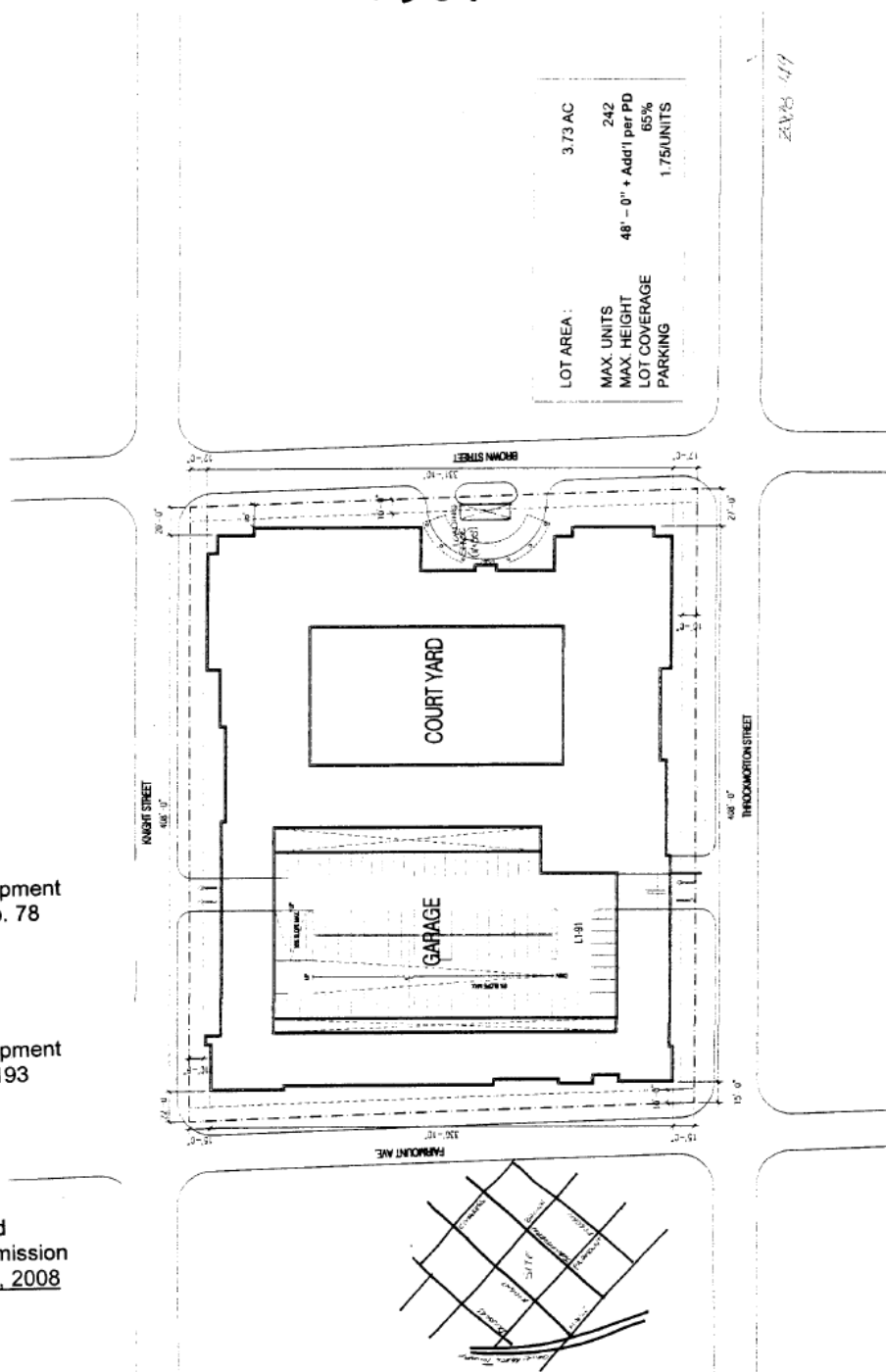
082883

27367

Planned Development
Subdistrict No. 78

Planned Development
District No. 193

Approved
City Plan Commission
September 18, 2008

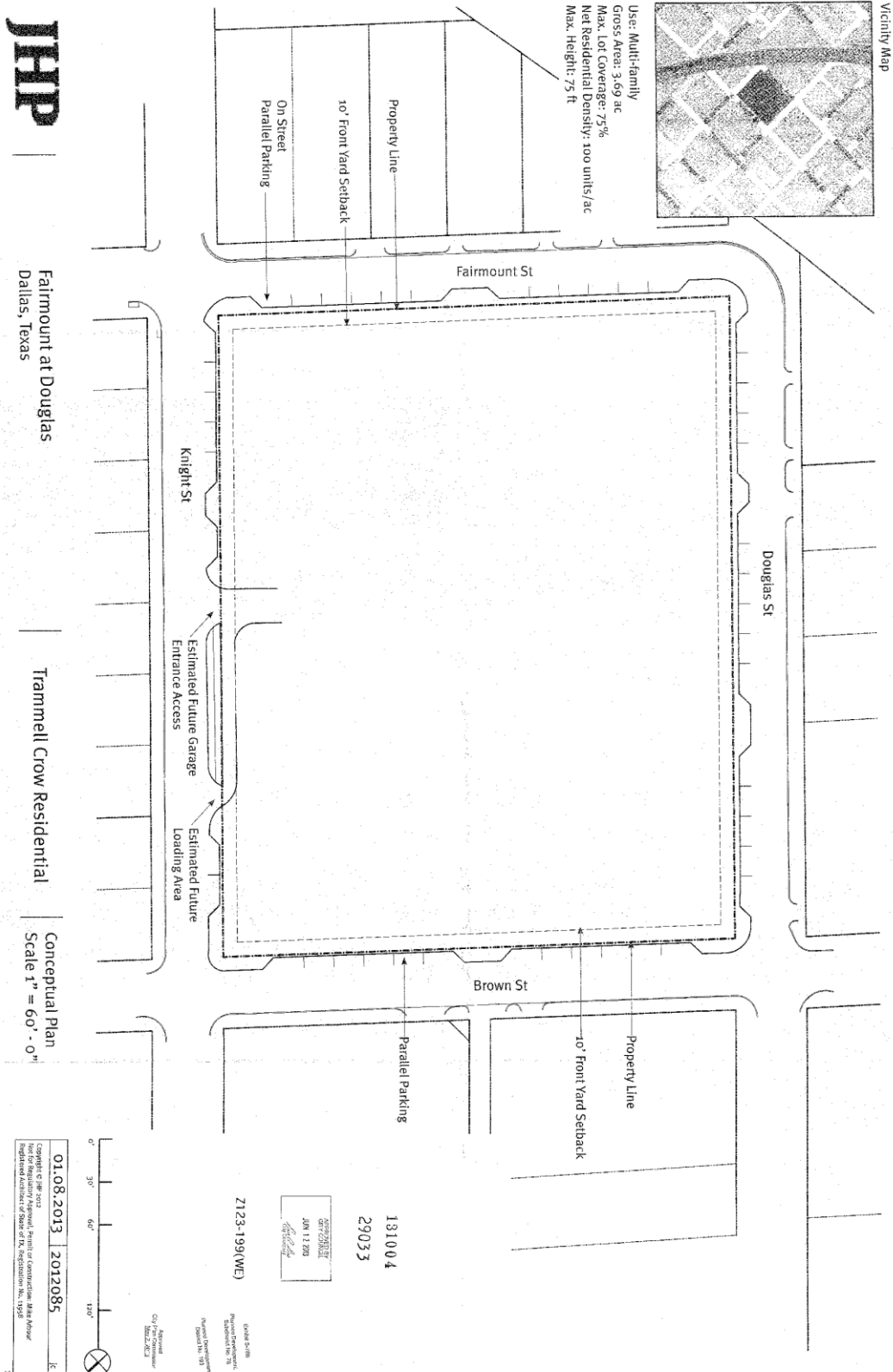


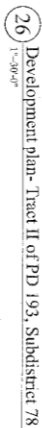
Scale: 1" = 30'-0"

Ister Development Company | Dallas, Texas

Development Plan

EXISTING CONCEPTUAL PLAN TRACT II





ALEXAN FAIRMOUNT II
Dallas, Texas



HMP Architecture / Urban Design
8340 Meadow Road Suite 150
Dallas, Texas 75239
Telephone: 214-363-5686
Fax: 214-363-9565

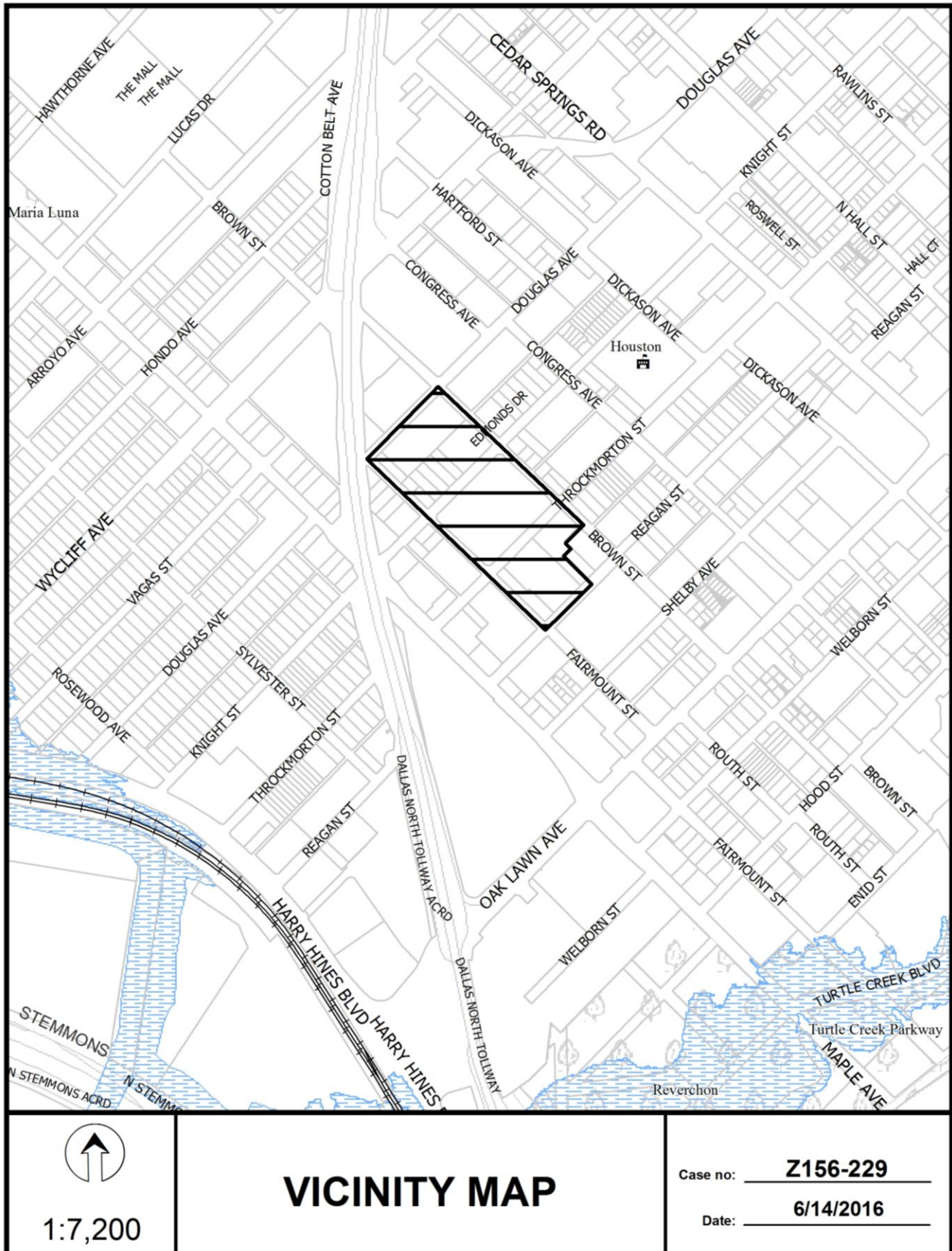
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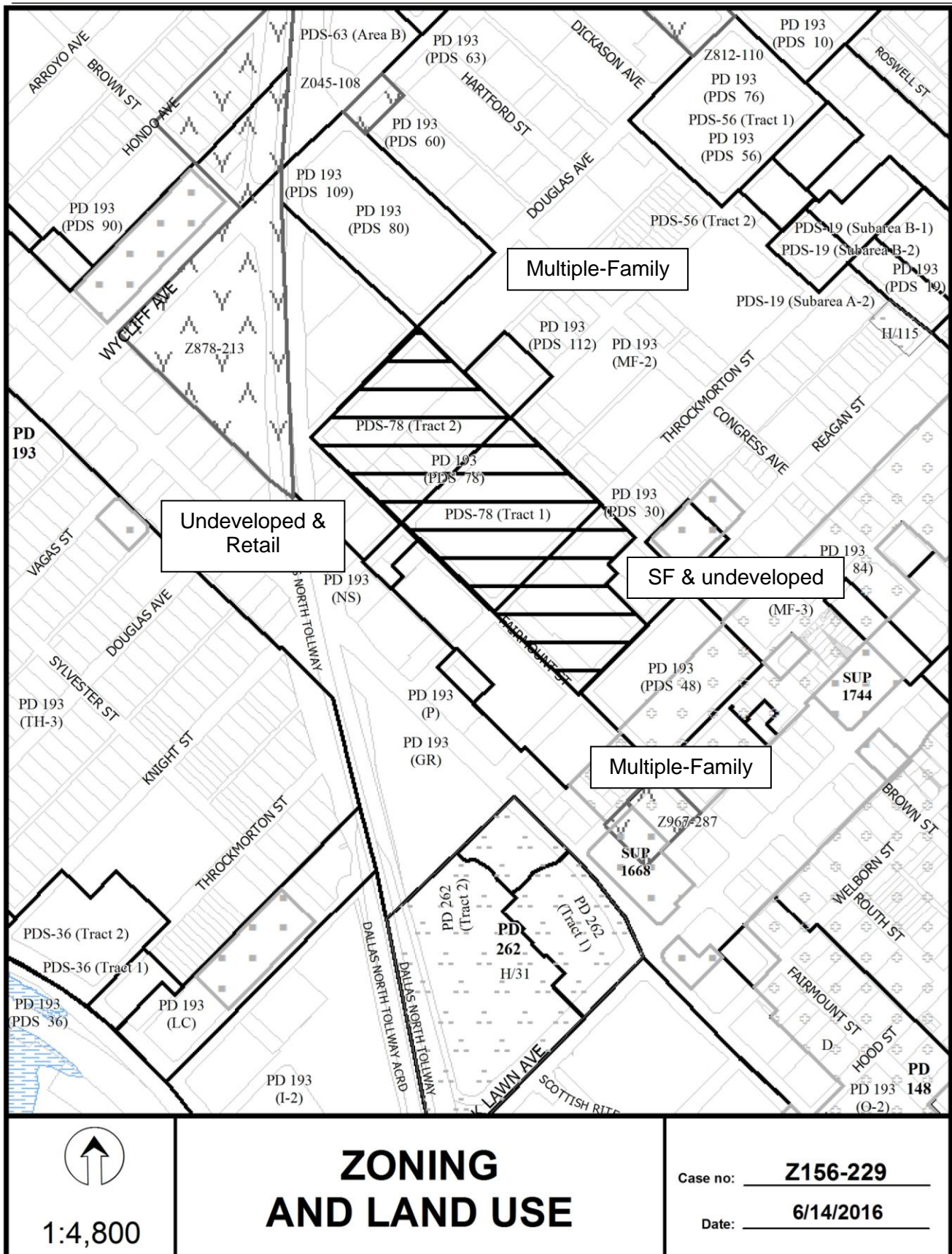
PLANNED DEPLOYMENT DATE
VDS N=48

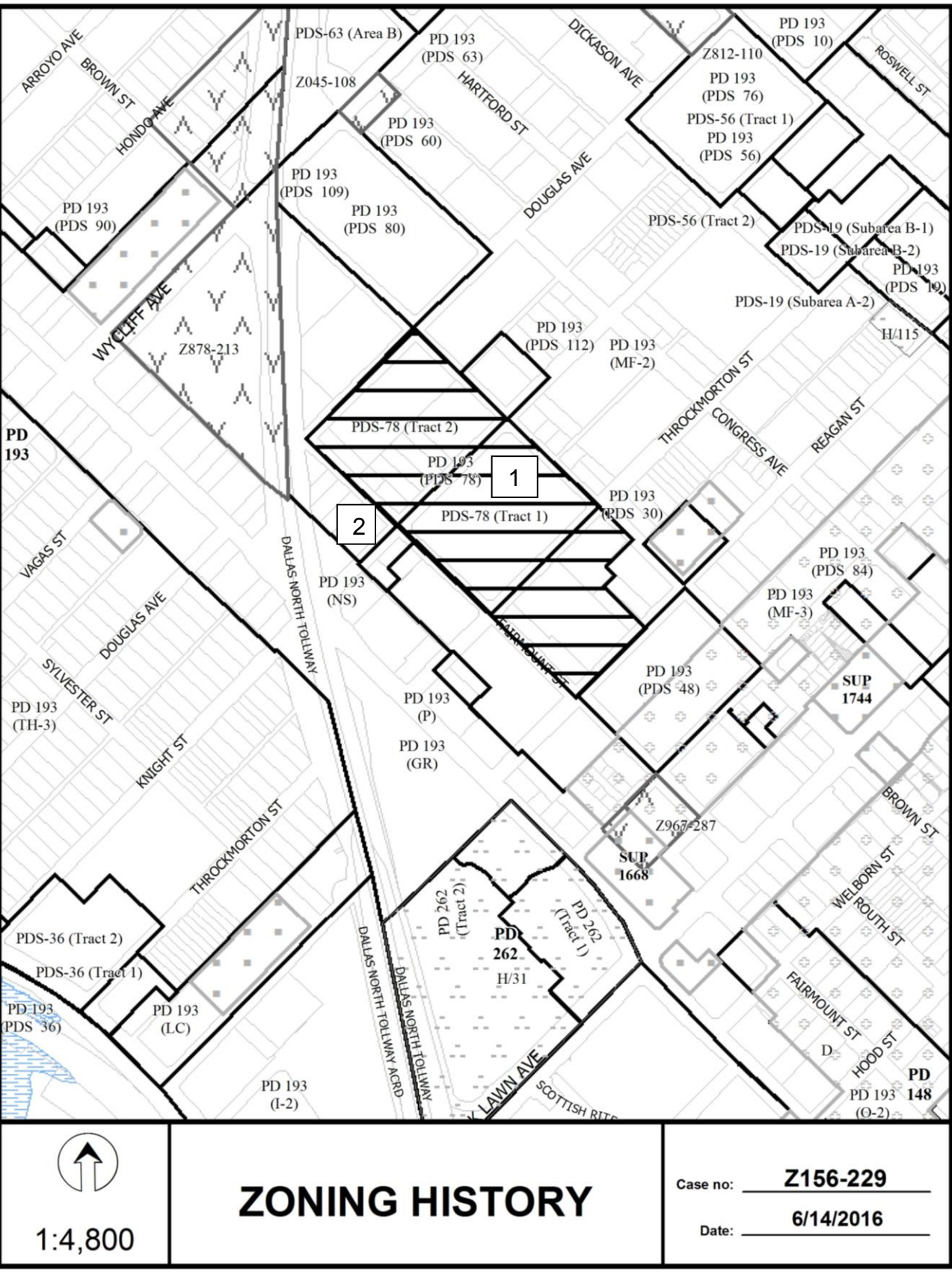
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DEVELOPMENT PLAN
TRACT II of PD-78
012-124

Z156-229(OTH)







CPC RESPONSES



07/20/2016

Reply List of Property Owners***Z156-229******376 Property Owners Notified******8 Property Owners in Favor******0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	2631 REAGAN ST	PINAR INC
	2	2627 REAGAN ST	MAYORGA HAYDEE
O	3	2621 REAGAN ST	2621 REAGAN LLC
	4	2612 THROCKMORTON ST	VILLAGE SQUARE APARTMENTS LLC
	5	4014 FAIRMOUNT ST	VILLAGE SQUARE APARTMENTS LLC
O	6	2624 DOUGLAS AVE	AFA APARTMENTS LP
O	7	2619 KNIGHT ST	AFA APARTMENTS LP
O	8	2611 KNIGHT ST	AFA APARTMENTS LIMITED PS
O	9	4210 FAIRMOUNT ST	AFA APARTMENTS LP
	10	4110 FAIRMOUNT ST	BEHRINGER HARVARD FAIRMOUNT
	11	2660 THROCKMORTON ST	HORAN LORRAINE A TR
	12	2662 THROCKMORTON ST	DARLEY ROBERT C ESTATE OF
	13	2664 THROCKMORTON ST	SHEPHERD JANET
	14	2674 THROCKMORTON ST	MORRISS JAMES A ETUX
	15	2678 THROCKMORTON ST	SHEPHERD JANET SUE
	16	2680 THROCKMORTON ST	CHRISTIENSEN DEREK
	17	2682 THROCKMORTON ST	VANGOOL ALFRED &
	18	2686 THROCKMORTON ST	HEYLAND EDWARD &
	19	2688 THROCKMORTON ST	TRUMAH LLC
	20	2690 THROCKMORTON ST	MARTIN JUSTIN A
	21	2694 THROCKMORTON ST	LEE KELLY S L
	22	2696 THROCKMORTON ST	ULRICH CLIFF
	23	2706 KNIGHT ST	WHITE KNIGHT LP
	24	4118 BROWN ST	OSTERMANN CHARLES J &
	25	2700 KNIGHT ST	OSTERMANN CHARLES
	26	4114 BROWN ST	TEXAS INTOWN HOMES LLC

07/20/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	2701 THROCKMORTON ST	CALVIN COLLEEN Y
O	28	2705 THROCKMORTON ST	WEST OLIN N
	29	2701 REAGAN ST	RESOURCE CENTER OF DALLAS INC
	30	2715 REAGAN ST	RESOURCE CENTER
	31	2719 REAGAN ST	CLARK JAMES B &
	32	2734 THROCKMORTON ST	D A COMMERCIAL LLC
	33	2716 THROCKMORTON ST	MARTIN ROBERT GLEN &
	34	2716 THROCKMORTON ST	ATCHESON FRANK
	35	2714 THROCKMORTON ST	LEE JEFREY M
	36	2714 THROCKMORTON ST	ASAFF JAMES H
	37	2712 THROCKMORTON ST	CHILDS TYLER J
	38	2712 THROCKMORTON ST	JANG DANIEL G
	39	2710 THROCKMORTON ST	MAGELLAN FUNDING
	40	4040 BROWN ST	4040 BROWN STREET LLC
	41	2707 SHELBY AVE	DSIHGA LLC
	42	3915 CONGRESS AVE	ROSE JAMES E
	43	2714 REAGAN ST	REINFELD CAROLYN M
	44	2708 REAGAN ST	DILDINE ROBERT D
	45	2620 SHELBY AVE	OAK LAWN PARTNERS LP
	46	2630 SHELBY AVE	GUYNN ANDY ZANE
	47	4024 MAPLE AVE	SOUTH TOLLWAY 3920 LP
	48	3902 MAPLE AVE	PAPPAS JASON &
	49	2507 SHELBY AVE	PAPPAS HARRIS PROPERTIES LLC
	50	2501 OAK LAWN AVE	GAEDEKE HOLDINGS II LTD
	51	2519 OAK LAWN AVE	WEISFELD HERSCHEL A
	52	2800 DOUGLAS AVE	SCHUMACHER STEPPING STONE
	53	2801 KNIGHT ST	KNIGHT STREET APARTMENTS LLC
	54	2717 KNIGHT ST	MUNIZ CIRILO P
	55	2719 KNIGHT ST	LUNA MARY
	56	2723 KNIGHT ST	GARZA CECELIA
	57	2729 KNIGHT ST	MCCLAIN CAROLYN

07/20/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	4213 CONGRESS AVE	BAZLEH JASMIN
	59	4300 CONGRESS AVE	CONGRESS AVE DOUGLAS AVE LLC
	60	4122 MAPLE AVE	TECHNICALLY SCOTTISH I LTD
	61	4125 FAIRMOUNT ST	WALIZADA MOHAMMAD S &
	62	4121 FAIRMOUNT ST	PENFOLD CRAIG PPTIES INC
	63	2507 KNIGHT ST	CHERTKOEV GOCHA
	64	4201 FAIRMOUNT ST	AHF OP ACQUISITIONS LLC
	65	4215 FAIRMOUNT ST	AHF OP ACQUISITION LLC
	66	2516 WYCLIFF AVE	TEXAS TURNPIKE AUTHORITY
	67	4300 MAPLE AVE	HARVEY JOHNNY P
	68	4244 MAPLE AVE	BELL WARREN H TRUSTEE
	69	4242 MAPLE AVE	ANDOR PROPERTIES LLC
	70	4226 MAPLE AVE	GRTP LTD
	71	4222 MAPLE AVE	PRESCOTT INTERESTS LTD
	72	4251 MAPLE AVE	JUREK PROPERTIES LTD
	73	4231 MAPLE AVE	EBENEZER IGLESIA
	74	4211 MAPLE AVE	DALLAS COMMUNITY CENTER
	75	4211 MAPLE AVE	ALZATE ALDEMAR
	76	2702 SHELBY ST	TWILIGHT PROPERTIES LLC
	77	2704 SHELBY ST	PATEL RUPESH R &
	78	2706 SHELBY ST	TOMANEK CRAIG A
	79	3822 BROWN ST	PETERS KIM L
	80	2626 REAGAN ST	IMT CAPITAL SEVILLE LP
	81	2517 SHELBY AVE	SHELBY TOWNHOMES OWN ASSO
	82	2517 SHELBY AVE	NAIK MAYUR
	83	2517 SHELBY AVE	HALL DAVID M
	84	2517 SHELBY AVE	AUSTIN TANGULAR
	85	2517 SHELBY AVE	GARZA LORI A
	86	2519 SHELBY AVE	SONG MARIA &
	87	2519 SHELBY AVE	MARTINEZ DAVID RICHARD & HETHER LEWIS
O	88	2519 SHELBY AVE	KINSER EVAN W

07/20/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	89	2519 SHELBY AVE	PATEL NIMIT
	90	2701 KNIGHT ST	CLASSIC NEIGHBORHOOD FC HOLDINGS LL
	91	2713 KNIGHT ST	STERLING PROPERTIES LTD
	92	3819 MAPLE AVE	OLD PARKLAND UNIT K LLC
	93	4343 CONGRESS AVE	TRG WYCLIFF LP
	94	4338 CONGRESS AVE	TRG WYCLIFF LP
	95	4114 MAPLE AVE	ASHMORE RETAIL PROPERTIES INC
O	96	4111 FAIRMOUNT ST	BEHRINGER HARVARD FAIRMOUNT
	97	4234 MAPLE AVE	DAO SON & TRAM
	98	2706 REAGAN ST	MANSOUR INTERESTS INC
	99	2706 REAGAN ST	MANSOUR INTERESTS INC
	100	2728 REAGAN ST	MARTINEZ SANTOS & MARIA
	101	2728 REAGAN ST	LUCAS KARIN
	102	2728 REAGAN ST	MACDONALD ARIANNE LINSLEY & EWAN GRAEME
	103	2728 REAGAN ST	CARMONA NICHOLAS
	104	2728 REAGAN ST	REAGAN STREET UNIT 203
	105	2728 REAGAN ST	WILLIAMS TERRY WAYNE
	106	4039 CONGRESS AVE	GIKAS BRENDA C
	107	4039 CONGRESS AVE	SANTOSUOSSO JEFFREY M & TARA L
	108	4039 CONGRESS AVE	BURNETT BROOKE
	109	4039 CONGRESS AVE	BERGGREN BARBARA A
	110	2720 REAGAN ST	BELL JAMES HALL
	111	2720 REAGAN ST	BELL JAMES H
	112	2720 REAGAN ST	FORT WORTH LIVING LTD
	113	2720 REAGAN ST	REYNOSO EZEQUIEL &
	114	2720 REAGAN ST	FORT WORTH LIVING LTD
	115	2720 REAGAN ST	REYARANDA LLC
	116	2720 REAGAN ST	SMITH THOMAS S JR TR &
	117	2720 REAGAN ST	LESZINSKI SLAWOMIR TRUST
	118	2720 REAGAN ST	THOMAS WOODROW W

07/20/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	119	2720 REAGAN ST	CAMPBELL MARIE
	120	2720 REAGAN ST	HERBERT ROBERT A
	121	2720 REAGAN ST	LAWSON MARK
	122	2720 REAGAN ST	MATHISON ROBERT
	123	2720 REAGAN ST	ANDERSON JONATHAN &
	124	2720 REAGAN ST	HERBERT ROBERT A
	125	2720 REAGAN ST	REYNOSO VICTOR & LESLIE
	126	2720 REAGAN ST	REAGAN 2720 102 LAND TRUST
	127	2720 REAGAN ST	STRUNK APRIL &
	128	2720 REAGAN ST	MILSTEAD JAN
	129	2720 REAGAN ST	MALDONADO BENITO JR
	130	2720 REAGAN ST	BARAJAS NICOLAS
	131	2722 KNIGHT ST	BARRI MOSTAFA
	132	2722 KNIGHT ST	ROBERTSON LORRAINE
	133	2722 KNIGHT ST	LIN KERRI
	134	2722 KNIGHT ST	SINHO VIPLAV
	135	2722 KNIGHT ST	SHAVE DAVID T &
	136	2722 KNIGHT ST	ILIFF COLE W
	137	2722 KNIGHT ST	ROBERTSON CHARLES ARNOLD
	138	2722 KNIGHT ST	MALIK ANJALI
	139	2722 KNIGHT ST	BROWN SARA
	140	2722 KNIGHT ST	FUNK JOSEPH M & CATHRYN L
	141	2722 KNIGHT ST	CHANTHARAJ JUDITH
	142	2722 KNIGHT ST	BUI HUNG
	143	2722 KNIGHT ST	BALFOUR MARGARET
	144	2722 KNIGHT ST	MADDOX RONALD L
	145	2722 KNIGHT ST	ARRIETA DORA E
	146	2722 KNIGHT ST	PASCUZZI MICHAEL
	147	2722 KNIGHT ST	EMPIRE RENTALS LLC
	148	2722 KNIGHT ST	MCALOON STEVEN P &
	149	2722 KNIGHT ST	BALFOUR ELLEN P
	150	2722 KNIGHT ST	SCURLOCK DELOIS C

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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
151	2722	KNIGHT ST	RODRIGUEZ CHRISTOPHER &
152	2722	KNIGHT ST	THOMAS KIMBERLY L
153	2722	KNIGHT ST	LEUNG RONALD
154	2722	KNIGHT ST	GILLIAM BRADLEY N
155	2722	KNIGHT ST	SERIES 2722 KNIGHT
156	2722	KNIGHT ST	VILLARREAL D SCOTT
157	2722	KNIGHT ST	CRUZ JOSE MICHAEL
158	2722	KNIGHT ST	STICKLER RUSTIN E
159	2722	KNIGHT ST	MOHIUDDIN IMRAN
160	2722	KNIGHT ST	27 ONE INC
161	2722	KNIGHT ST	LUETHE TROY
162	2722	KNIGHT ST	CAS TEX NEDA LLC
163	2722	KNIGHT ST	SOLIS CARLOS QUINONES
164	2722	KNIGHT ST	GARGIULO MICHAEL R
165	2722	KNIGHT ST	27 ONE INC
166	2712	KNIGHT ST	WOODRUFF L MARK
167	2722	KNIGHT ST	VASQUEZ JANICE V
168	2722	KNIGHT ST	LEE TIFFANY C
169	2712	KNIGHT ST	ROBERTSON CHARLES ARNOLD
170	2722	KNIGHT ST	SULLIVAN PATRICK
171	2722	KNIGHT ST	LOWENSTEIN MARK D
172	2722	KNIGHT ST	TOMASI SALVATORE
173	2722	KNIGHT ST	BELL KRISTAPHER JAMES
174	2722	KNIGHT ST	DARLING ROBERT E JR
175	2722	KNIGHT ST	MILLER SANDRA JEAN
176	2722	KNIGHT ST	MARTIN BRITT M
177	2722	KNIGHT ST	PORTER CARRIE A
178	2722	KNIGHT ST	DEARDURFF CHRISTOPHER D
179	2722	KNIGHT ST	MALLOY MICHAEL G
180	2722	KNIGHT ST	QUARLES STEPHANIE
181	2722	KNIGHT ST	PALETTI ERIC N

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<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	182	2722 KNIGHT ST	MEZZACAPPA DAVID J
	183	2722 KNIGHT ST	DOTZLER JEFFREY PATRICK
	184	2722 KNIGHT ST	LAE INVESTMENTS LLC
	185	2722 KNIGHT ST	RYNER JAMES M
	186	2722 KNIGHT ST	PASH PENELOPE
	187	2722 KNIGHT ST	LOZA LEONSO
	188	2722 KNIGHT ST	RADDEMANN ROBERT J
	189	2722 KNIGHT ST	RODGERS BRENT
	190	2702 DOUGLAS AVE	ADAMS RICK &
	191	2702 DOUGLAS AVE	BAGG DAVID
	192	2710 DOUGLAS AVE	ANWEILER DAVID W
	193	2710 DOUGLAS AVE	KAHN RICHARD
	194	2702 DOUGLAS AVE	ARMSTRONG HENRIA D E M &
	195	2702 DOUGLAS AVE	LEE SO JA
	196	2702 DOUGLAS AVE	REEP GARY J
	197	2710 DOUGLAS AVE	HODGES PHILIP
	198	2702 DOUGLAS AVE	CHAUHAN VANDANA
	199	2702 DOUGLAS AVE	ADAMS RICK
	200	2702 DOUGLAS AVE	ARMSTRONG MARLEE N
	201	2710 DOUGLAS AVE	HODGES PHILIP
	202	2710 DOUGLAS AVE	RODGERS RICHARD F
	203	2710 DOUGLAS AVE	BORGERS FREDERICK & CHRISTINE C
	204	2710 DOUGLAS AVE	DARBY JOHN P JR
	205	2702 DOUGLAS AVE	MILLER ELIZABETH DIANE
	206	2702 DOUGLAS AVE	FRUHWIRTH RICK E
	207	2710 DOUGLAS AVE	SOLTANI Omid
	208	2702 DOUGLAS AVE	SILVA SERGIO
	209	2710 DOUGLAS AVE	KUERBITZ CHARLES RAY
	210	2702 DOUGLAS AVE	DICKSON JAMES T
	211	2710 DOUGLAS AVE	ARENDSE CHERIE MICHELLE &
	212	2702 DOUGLAS AVE	CORSEY FLOYD

07/20/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
213	2702	DOUGLAS AVE	JEFFREY MARK A
214	2702	DOUGLAS AVE	PARK JAY H
215	2702	DOUGLAS AVE	COOK JIMMY DALE TESTMENTARY TRUST
216	2702	DOUGLAS AVE	TRAMEL JAY &
217	2702	DOUGLAS AVE	ALLEN ALBERT
218	2702	DOUGLAS AVE	ANWEILER DAVID W
219	2702	DOUGLAS AVE	POLLARD MARSHALL CRAIG & RONALD DEAN LEWIS
220	2710	DOUGLAS AVE	MITCHELL CYNTHIA R &
221	2702	DOUGLAS AVE	BOOTH MARC H
222	2702	DOUGLAS AVE	NONESUCH PLACE CONDO ASSN
223	2710	DOUGLAS AVE	STEWART RANDY &
224	2702	DOUGLAS AVE	DUONG VY
225	2710	DOUGLAS AVE	LE KHANH N
226	2702	DOUGLAS AVE	JOHNSON GARY L
227	2702	DOUGLAS AVE	RAINBOW ESTATE LLC
228	2702	DOUGLAS AVE	QIAN YUXIAO
229	2710	DOUGLAS AVE	KIRBY KEVIN S
230	2702	DOUGLAS AVE	CAMBIASSO GRISEL SOLANGE
231	2702	DOUGLAS AVE	WEDGE REV LIVING TRUST
232	2710	DOUGLAS AVE	BAKER MICHAEL J
233	2702	DOUGLAS AVE	YOUNG JENNIFER E
234	2710	DOUGLAS AVE	BARRON DAVID L
235	2702	DOUGLAS AVE	BANKS JOHN L JR & SUSAN
236	3819	MAPLE AVE	OLD PARKLAND UNIT A LLC
237	3949	OAK LAWN AVE	OLD PARKLAND UNIT B LLC
238	3953	MAPLE AVE	OLD PARKLAND UNIT C LLC
239	3963	MAPLE AVE	OLD PARKLAND UNIT D LLC
240	4001	MAPLE AVE	TRT OLD PARKLAND LLC
241	2215	OAK LAWN AVE	OLD PARKLAND UNIT G LLC
242	2215	OAK LAWN AVE	OLD PARKLAND UNIT H LLC

07/20/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
243	3819	MAPLE AVE	OLD PARKLAND UNIT K LLC
244	4323	BROWN ST	SHEPHERD JANET
245	2627	DOUGLAS AVE	HILL DANIEL
246	2627	DOUGLAS AVE	PEDRAZA JAVIER
247	2627	DOUGLAS AVE	LOPEZ STEVE
248	2627	DOUGLAS AVE	DOMINGUEZ JOSE JORGE &
249	2627	DOUGLAS AVE	ADAMS MELVIN C
250	2627	DOUGLAS AVE	TAYLOR KENT L
251	2627	DOUGLAS AVE	BUSHNELL R WAYNE
252	2627	DOUGLAS AVE	KERR LAURA ELIZABETH
253	2627	DOUGLAS AVE	AKBARI LEYLA
254	2627	DOUGLAS AVE	STONE GARY
255	2627	DOUGLAS AVE	COLEMAN RONALD M & JULIE
256	2627	DOUGLAS AVE	SHEPHERD MICHAEL L
257	2627	DOUGLAS AVE	CAKAJ ILIR
258	2627	DOUGLAS AVE	MATA JOSE M
259	2627	DOUGLAS AVE	LEGROS GAETAN LUC
260	2627	DOUGLAS AVE	PHILLIPS STEVEN &
261	2627	DOUGLAS AVE	CRUZ GUSTAVO
262	2627	DOUGLAS AVE	NGUYEN LE BA
263	2627	DOUGLAS AVE	WILLIAMS SANDIE
264	2627	DOUGLAS AVE	MCELROY HOWARD WYNNE
265	2627	DOUGLAS AVE	HENNIG GWEN
266	2627	DOUGLAS AVE	TODD ANTHONY &
267	2627	DOUGLAS AVE	BETANCOURT ADRIANA
268	2627	DOUGLAS AVE	HAVARD DOUG
269	2627	DOUGLAS AVE	TRAN LINDA VAN
270	2627	DOUGLAS AVE	ZHONG CHUN LI PENG
271	2627	DOUGLAS AVE	GUZMAN MARIO C
272	2627	DOUGLAS AVE	DOMINGUEZ JOSE JORGE &
273	2627	DOUGLAS AVE	PETE LEO A
274	2627	DOUGLAS AVE	HESS CRAIG

07/20/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
275	2627	DOUGLAS AVE	COLEMAN RONALD M
276	2627	DOUGLAS AVE	TRAN LINDA V
277	2627	DOUGLAS AVE	CUNNINGHAM CRAIG
278	2627	DOUGLAS AVE	MCHUGH JOHN
279	2627	DOUGLAS AVE	DEJEAN GERALD G
280	2627	DOUGLAS AVE	HUTTON JERRY B JR
281	2627	DOUGLAS AVE	POTTS DIMITRI R
282	2627	DOUGLAS AVE	QUINTANILLA JOE
283	2627	DOUGLAS AVE	REYARANDA LLC
284	2627	DOUGLAS AVE	GANDY JASON
285	2627	DOUGLAS AVE	COLEMAN RONALD M &
286	2627	DOUGLAS AVE	RODRIGUEZ GRACIELA
287	2627	DOUGLAS AVE	SMITH RONALD W
288	2627	DOUGLAS AVE	GOLDBERG RUTH
289	2627	DOUGLAS AVE	ZUNIGA JUAN ANTONIO & MARIA
290	2627	DOUGLAS AVE	HERRERA JUAN LOPEZ &
291	2627	DOUGLAS AVE	LACEY CATHRYN
292	2627	DOUGLAS AVE	GANDY JASON
293	2627	DOUGLAS AVE	CAKAJ ILIR
294	2627	DOUGLAS AVE	MCHUGH JOHN
295	2627	DOUGLAS AVE	PARRIS ABIGAIL
296	2627	DOUGLAS AVE	SEVILLA MANAGEMENT LLC
297	2627	DOUGLAS AVE	CASTELLANOS BRUNELLA N & CIRO
298	2627	DOUGLAS AVE	LOPEZ ZULEMA
299	4323	BROWN ST	HERNANDEZ DANIELLA N
300	4323	BROWN ST	TILLERY JAMES WAYNE
301	4323	BROWN ST	BROWNE JOSE A
302	4323	BROWN ST	PARRA BERTHA
303	4323	BROWN ST	SHEPHERD JANET
304	4323	BROWN ST	SHEPHERD MICHAEL L
305	4323	BROWN ST	AGUILAR ROXANA PALACIOS &

07/20/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
306	4323	BROWN ST	REYARANDA LLC
307	4323	BROWN ST	PRINCIPE SELENE A TRUST AGREEMENT
308	4323	BROWN ST	SOISSON CHRISTIAN
309	4323	BROWN ST	QUEZADA ARNOLDO & MARA BIATRIZ
310	4323	BROWN ST	SLAGLE JODY GLYN
311	4323	BROWN ST	SHEPHERD MICHAEL
312	4323	BROWN ST	STEPHAN JERALD M
313	4323	BROWN ST	CASTRO GEORGE L
314	4323	BROWN ST	CUMMINGS JOHN LYNN
315	4323	BROWN ST	MERCADO EDUARDO V
316	4323	BROWN ST	PARRA MARITHZA
317	4323	BROWN ST	CATHEY GARY A
318	4323	BROWN ST	SOTELO ALFREDO H &
319	4323	BROWN ST	FAUST DANNY K
320	4323	BROWN ST	BUSTAMANTE CESAR MEDINA
321	2727	REAGAN ST	DARLING KATHERINE S
322	2727	REAGAN ST	FREEMAN SCOTT GEORGE
323	2727	REAGAN ST	TERRY MILES A
324	2727	REAGAN ST	APODACA DONNIE M II
325	2727	REAGAN ST	RALSTON ASHLEY
326	2727	REAGAN ST	BRADANESE JAMES R
327	2727	SHELBY AVE	WESTBROOK LAFAY
328	2727	SHELBY AVE	NARVARTE ANTONIO
329	2727	SHELBY AVE	NARVARTE ANTONIO &
330	2727	SHELBY AVE	ROMANIELLO MICHAEL
331	2727	SHELBY AVE	PAUNER ROGER LEE
332	2727	SHELBY AVE	ALTOM JEANA
333	2727	SHELBY AVE	ELEY GARY TALBERT
334	2727	SHELBY AVE	NARVARTE ANTONIO &
335	2727	SHELBY AVE	DOUBET ALEXANDER W
336	2727	SHELBY AVE	GUY STANLEY E &

07/20/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
337	2727	SHELBY AVE	KELLY BRIAN K
338	2727	SHELBY AVE	KUEHNE JOHN W
339	2727	SHELBY AVE	LESZINSKI SLAWOMIR
340	2727	SHELBY AVE	KROL FLORENCE D
341	2727	SHELBY AVE	OLSON DREE A
342	2727	SHELBY AVE	SHAFFER ALAN
343	2727	SHELBY AVE	YIN LONGDA
344	2727	SHELBY AVE	BAKER SUZANNE
345	2727	SHELBY AVE	CORTEZ SANTOS
346	2727	SHELBY AVE	HOSSEINY NEDA
347	2727	SHELBY AVE	HARROD J MICHAEL TR
348	2727	SHELBY AVE	BURT TERRY W
349	2727	SHELBY AVE	GOODREAU DARRIN LEE
350	3824	BROWN ST	SHELBY/BROWN TOWNHOMES LP
351	3824	BROWN ST	PECK THOMAS ROBBINS III &
352	3824	BROWN ST	VAUTROT DENNIS
353	2606	SHELBY AVE	CURTIN JAMES M & KELLEY B
354	2606	SHELBY AVE	AMUNDSON LUCAS 2003 ASSET MGMT TRUST
355	2606	SHELBY AVE	HORSESHOE BUILDERS LP
356	2606	SHELBY AVE	STAFFORD MARK ALEXANDER
357	2606	SHELBY AVE	MURPHY JONATHAN M
358	2606	SHELBY AVE	LEAL MARCIAL III &
359	2606	SHELBY AVE	NPDF I INVESTMENT PROPERTIES LLC
360	2606	SHELBY AVE	ROONEY MATTHEW M & DIANNA J
361	2606	SHELBY AVE	MEIER MICHAEL J &
362	2606	SHELBY AVE	SMART BRITTANY A
363	2606	SHELBY AVE	GANNAWAY KERRY G &
364	2606	SHELBY AVE	NPDF II INVESTMENT PROPERTIES LLC
365	2606	SHELBY AVE	HEDA RAVI & MONIKA
366	2606	SHELBY AVE	SCB REAL ESTATE INVESTMENT INC
367	2606	SHELBY AVE	STRICKLAND JEREMY K

Z156-229(OTH)

07/20/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	368	2606 SHELBY AVE	BALTER JEFFREY C &
	369	2606 SHELBY AVE	WAITE SARA A
	370	2606 SHELBY AVE	VO HELEN
	371	2606 SHELBY AVE	EYSTER DONNA &
	372	3911 FAIRMOUNT ST	BUTSUAMLAK AMANUEL
	373	3911 FAIRMOUNT ST	HUNTER BRYAN
	374	3911 FAIRMOUNT ST	CULBERT SHERRY
	375	3911 FAIRMOUNT ST	BUTSUAMLAK AMANUEL &
	376	3911 FAIRMOUNT ST	TSEGGAY HADDAS &

AGENDA ITEM # 67

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: All

SUBJECT

A public hearing to receive comments regarding amendments to Section 51A-4.602 the fence, screening and visual obstruction regulations in Chapter 51A of the Dallas Development Code to address materials and open surface area for fences that are not required by Code and an ordinance granting the amendments

Recommendation of Staff and CPC: Approval
DCA156-001

FILE NUMBER: DCA 156-001

DATE INITATED: January 11, 2016

TOPIC: Non-Required Fence Regulations

COUNCIL DISTRICT: All

CENSUS TRACTS: All

PROPOSAL: Consideration of amendments to Section 51A-4.602 the fence, screening and visual obstruction regulations in Chapter 51A of the Dallas Development Code to address materials and open surface area for fences that are not required by Code.

SUMMARY: The proposal amends the development code to prohibit certain materials that are not traditionally meant for use in fence panels; and to stipulate that fence panels in single-family districts having less than 50 percent open surface area may not be located less than five feet from the front lot line.

CPC RECOMMENDATION: Approval

STAFF RECOMMENDATION: Approval

BACKGROUND

On May 26, 2015, and August 10, 2015, staff briefed the City Council Quality of Life & Environment Committee on proposed code amendments to the provisions regulating outside storage. During these briefings staff was directed to provide information on Dallas' existing standards for non-required fencing and to research non-required fence standards and materials in other cities.

On December 15, 2015, staff held a public meeting on Accessory Dwelling Units and Non-Required Fences to receive initial thoughts and concerns from residents. Invitations were e-mailed to: the Strategic Customer Service email list; the Sustainable Development & Construction Department's Early Notification List; the Zoning Ordinance Committee's Notification List; contacts at the Dallas Homeowner's League; contacts at the Dallas Builder's Association; and City Council offices. Twenty-four people attended the meeting, however, most comments were addressing Accessory Dwelling Units. Regarding non-required fences, the only concerns expressed were about the use of corrugated metal as a material for residential fences.

On January 11, 2016, the City Council Quality of Life & Environment Committee discussed the existing standards for non-required fencing and directed staff to proceed to the Zoning Ordinance Committee (ZOC) with a code amendment to regulate certain types of non-required fence materials.

On April 7, 2016, the Zoning Ordinance Committee was briefed on this item. The Committee asked staff to look at possible standards for the use of corrugated metal in residential fencing (including, the gauge of the metal) and to ensure that construction fencing was excluded from proposed regulations.

On April, 21, 2016, the Zoning Ordinance Committee was briefed on the item and presented with staff's recommendation as well as some optional language. After discussion and questions, the Committee voted to send staff's recommendation to the City Plan Commission.

On May 19, 2016, the City Plan Commission recommended approval of the proposed amendments and directed staff to clarify the application of open surface area to retaining walls in the front yard of properties in single family districts. This clarification is reflected in the attached draft ordinance.

On August 8, 2016 the City Council Quality of Life & Environment Committee received a briefing memo on City Plan Commission's recommendation which included a note reflecting that the City Plan Commission recommended ordinance inadvertently did not allow the use of barbed wired by utility and public service uses located in residential districts (as is the current practice); and staff's recommendation to address this issue. The Committee voted to send the City Plan Commission's recommendation on to City Council as recommended, with no changes to address the use of barbed wire by utility and public service uses in residential districts.

GENERAL INFO/STAFF ANALYSIS:

A non-required fence is a fence that is installed as an option, and is not required by the Dallas Development Code (Code). The City does not regulate materials for fences that are not required by the Code (Chapter 51A) however, Dallas City Code (Chapter 27) establishes minimum maintenance standards for all fences. When a fence is required by the Code, it is specified in the use provisions and the materials are specified. Some land uses that have required fencing/screening include: metal salvage facilities; outside storage; vehicle storage lots; and sand, gravel or earth sales and storage. No changes are proposed to any of the regulations governing materials for fencing and screening required by the Code.

In residential districts, a fence permit is only required for fences exceeding four feet in height when they are located in a required front yard and six feet in height on the remainder of the lot. Building permits are only required for fences when they exceed nine feet in height (at that height fences are considered structures). An application for a fence permit requires: a permit application, two copies of a site plan showing the location of fences and gates, and a fee (which is a minimum \$100 if the valuation is \$10,000 or less).

In FY 2013-14, 1,022 (stand-alone) fence permits were issued and an additional 10 were issued as part of a master permit. In FY 2014-15, 1,120 (stand-alone) fence permits were issued and an additional 32 were issued as part of a master permit.

PROPOSED AMENDMENTS

Amend Dallas Development Code, Section 51A-4.602 Fence, Screening and Visual Obstruction Regulations by adding language under Subsection (a) "Fence standards" to:

- prohibit sheet metal, corrugated metal, fiberglass panels, plywood, and plastic materials (not commercially preformed into fence panels and that are less than 7/8-inch in thickness) from use in fence panels;
- prohibit barbed wire and razor wire in residential districts other than in the A(A) Agricultural District;
- specify that in single family districts (as in multifamily districts), no fence panel having less than 50 percent open surface area may be located less than five feet from the front lot line.

The proposed amendments prohibit materials that are not traditionally meant to be used for fences from being used. By adding the proposed language under Subsection (a) "Fence standards" it allows property owners who desire to use a prohibited material for "specialty" decorative fencing, to go to the Board of Adjustment for a special exception.

To address City Plan Commission's concerns regarding the application of the open surface area to retaining walls in the front yard of properties in single family districts, staff has clarified in the draft ordinance that the provision does not apply to retaining walls as defined in the ordinance. Additionally, the proposed amendments, would prohibit barbed wire from being used in residential districts other than A(A) Agricultural districts. This provision would, unintentionally, prevent barbed wire and razor ribbon to be used by utility

and public service uses that are located in residential districts. Staff's recommendation adds language that allows utility and public service uses to use barbed wire or razor ribbon wire if it is six feet or more above grade and does not project beyond the property line, as is the current practice.

No changes are proposed to Chapter 51, Section 4.602 Fence, Screening, and Visual Obstruction Regulations of the Dallas Development Code as this section incorporates by reference, the language of Section 51A-4.602 as it exists today and as it may be amended in the future.

CPC ACTION

May 19, 2016

Motion: It was moved to recommend **approval** of amendments to Section 51A-4.602 the fence, screening and visual obstruction regulations in Chapter 51A of the Dallas Development Code to address materials and open surface area for fences that are not required by Code to include the following: Prohibit barbed wire and razor ribbon in residential district, except in an Agricultural District.

Maker: Murphy
Second: Schultz
Result: Carried 12 to 0

For: 12 - Anglin, Rieves, Davis*, Anantasomboon,
Abtahi, Jung, Housewright, Schultz, Peadon,
Murphy, Ridley, Tarpley

Against: 0
Absent: 3 Houston, Shidid, Haney
Vacancy: 0

*out of the room, shown voting in favor

Speakers: None

8-9-16

ORDINANCE NO. _____

An ordinance amending Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code by amending Section 51A-4.602; providing certain materials are prohibited; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

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

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

SECTION 1. That Subsection (a), "Fence Standards," of Section 51A-4.602, "Fence, Screening and Visual Obstruction Regulations," of Division 51A-4.600, "Regulations of Special Applicability," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(a) Fence standards. Unless otherwise specifically provided for in this chapter, fences must be constructed and maintained in accordance with the following regulations.

(1) In this subsection:

(A) FENCE PANELS means the portions of the fence located between the posts or columns.

(B) RETAINING WALL means a wall designed to hold in place earthen or similar materials and to prevent the material from sliding away or eroding.

(2) A person shall not erect or maintain a fence in a required yard more than nine feet above grade. In all residential districts except multifamily districts, a fence may not exceed four feet above grade when located in the required front yard, except when the required front yard is governed by the side or rear yard regulations pursuant to Section 51A-4.401.

([2]3) In single family districts, no fence panel having less than 50 percent open surface area may be located less than five feet from the front lot line. This paragraph does not apply to retaining walls.

(A) In this subsection, FENCE PANELS means the portions of the fence located between the posts or columns.

(B) In this paragraph, RETAINING WALL means a wall designed to hold in place earthen or similar materials and to prevent the material from sliding away or eroding.

(4) In multifamily districts, a fence located in the required front yard may be built to a maximum height of six feet above grade if all conditions in the following subparagraphs are met:

(A) No lot in the blockface may be zoned as a single family or duplex district

(B) No gates for vehicular traffic may be located less than 20 feet from the back of the street curb.

(C) No fence panel having less than 50 percent open surface area may be located less than five feet from the front lot line. ~~[For purposes of this subsection, fence panels are the portions of the fence located between the posts or columns.]~~

(5[3]) If a fence panel setback is required under Paragraph (3[2])(C), the entire setback area, except for driveways and sidewalks, must be located within 100 feet of a verifiable water supply and landscaped with living evergreen shrubs or vines recommended for local use by the park and recreation director. Initial plantings must be calculated to cover a minimum of 30 percent of the fence panel(s) within three years after planting. Shrubs or vines must be planted 24 inches on center over the entire length of the setback area unless a landscape architect recommends otherwise.

(6[4]) Unless all of the conditions in Paragraphs (2) and (3) are met, a fence in a multifamily district may not exceed four feet above grade when located in the required front yard, except when the required front yard is governed by the side or rear yard regulations pursuant to Section 51A-4.401.

(7[5]) Fence heights shall be measured from:

(A) In single family and duplex districts:

(i) the top of the fence to the level of the ground on the inside and outside of any fence within the required front yard. The fence height shall be the

greater of these two measurements. If the fence is constructed on fill material that alters grade, as determined by the building official, the height of the artificially altered grade shall be included in the height of the fence. For purposes of this provision, artificially altered grade means the placement of fill material on property that exceeds a slope of one foot of height for three feet of distance; and

(ii) the top of the fence to the level of the ground on the inside of the fence in the required side or rear yard.

(B) In all other zoning districts, fence heights shall be measured from the top of the fence to the level of the ground on the inside of the fence.

~~[(6) The board may grant a special exception to the fence standards in this subsection when, in the opinion of the board, the special exception will not adversely affect neighboring property.]~~

~~(8[7]) A fence may not be located within an easement without the prior written approval by the agencies having interest in the easement.~~

~~(9[8]) Except as provided in this subsection, the following fence materials are prohibited: [A person shall not use barbed wire for fencing unless:]~~

(A) Sheet metal;

(B) Corrugated metal;

(C) Fiberglass panels;

(D) Plywood;

(E) Plastic materials other than preformed fence pickets and fence panels with a minimum thickness of seven-eighths of an inch;

CPC RECOMMENDATION

(F) Barbed wire and razor ribbon (concertina wire) in residential districts other than an A(A) Agricultural District; and

STAFF RECOMMENDATION

(F) Barbed wire and razor ribbon (concertina wire) in residential districts other than an A(A) Agricultural District or for utility and public service uses when the barbed wire or razor ribbon (concertina wire) is six feet or more above grade and does not project beyond the property line; and

(G) Barbed wire and razor ribbon (concertina wire) in nonresidential districts unless the barbed wire or razor ribbon (concertina wire) is six feet or more above grade[; and

(B) ~~the barbed wire]~~ and does not project beyond the property line.

(10[44]) All fences must provide firefighting access to the side and rear yard.

(11) The board may grant a special exception to the fence standards in this subsection when, in the opinion of the board, the special exception will not adversely affect neighboring property.”

SECTION 3. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 4. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 6. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By DRAFT Assistant City Attorney

Passed _____

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 1

DEPARTMENT: Planning and Urban Design

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

MAPSCO: 54B F

SUBJECT

A public hearing to receive comments to amend the City of Dallas' Thoroughfare Plan to change the dimensional classification of **(1)** Tyler Street from Canty Street to Pembroke Avenue from an existing couplet (EXST CPLT) to a special two-lane undivided roadway (SPCL 2U) with parking within 60-feet of right-of-way; and **(2)** Polk Street from Canty Street to Pembroke Avenue from an existing couplet (EXST CPLT) to a special two-lane undivided roadway (SPCL 2U) with bicycle facilities within 60-feet of right-of-way; and at the close of the hearing, authorize an ordinance implementing the change - Financing: No cost consideration to the City

BACKGROUND

The Department of Economic Development has requested an amendment to the Thoroughfare Plan to change the operational characteristics of the couplet Tyler Street and Polk Street between Canty Street and Pembroke Avenue. The proposed complete street project will increase quality of life by calming traffic speeds in the corridor. The proposed design will enhance multi-modal connectivity for pedestrians and cyclists by adding bicycle facilities in the corridor. The Public Works Department conducted a study to determine the feasibility of the proposed road diet. Although the proposed street cross section reduces auto capacity by one lane, it can accommodate traffic volumes.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The City Plan Commission Transportation Committee acted on this item on May 5, 2016, and held this item under advisement until July 21, 2016.

The City Plan Commission Transportation Committee acted on the item on July 21, 2016, and followed staff recommendation of approval.

The City Plan Commission acted on this item on August 18, 2016, and followed staff recommendation of approval.

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

Information about this item will be provided to the Transportation and Trinity River Project Committee on September 12, 2016.

FISCAL INFORMATION

No cost consideration to the City

MAP

Attached

Tyler Street

Canty Street to Pembroke Avenue

Polk Street

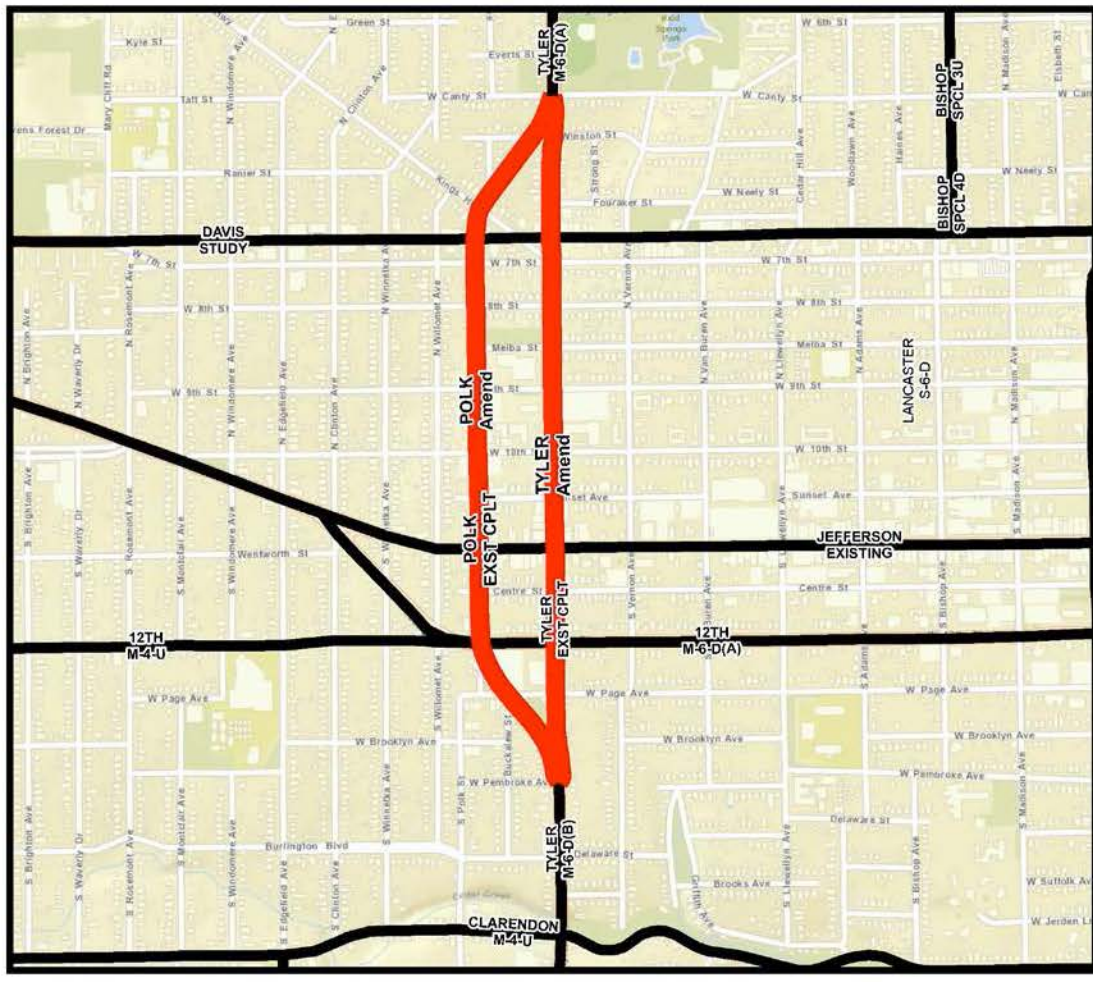
Canty Street to Pembroke Avenue

Council District 1

MAPSCO: 54B,F



Thoroughfare Plan Amendment Map



KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 6

DEPARTMENT: Housing/Community Services

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

MAPSCO: 43H 44J N

SUBJECT

A public hearing to receive comments on the proposed sale of eight unimproved properties acquired by the taxing authorities from the Sheriff to Dallas Neighborhood Alliance for Habitat, Inc., a qualified non-profit organization; and, at the close of the public hearing, authorize the City Manager to: **(1)** quitclaim eight unimproved properties to Dallas Neighborhood Alliance for Habitat, Inc., using the HB110 process of the City's Land Transfer Program; and **(2)** release the City's non-tax liens included in the foreclosure judgment together with post-judgment non-tax liens, if any (list attached) - Revenue: \$8,000

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, that it acquired from the Sheriff through tax foreclosure and which it holds, as a trustee, for itself and the other taxing jurisdictions, 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 be sold by quitclaim deed that includes 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 require 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.

BACKGROUND (continued)

Prior to the approval of any sale, the Code requires that the City Council provide certain notices to the public and hold a public hearing to receive comments on the proposed sale of the land.

Dallas Neighborhood Alliance for Habitat, Inc., (DNAfH) submitted a proposal to construct eight (8) single-family homes with the homes containing approximately 1,378 square feet on the eight unimproved HB110 process-eligible, Land Transfer Program properties, identified on Exhibit A, attached to the resolution, for purchase by a low to moderate income homebuyers at a proposed sales price of \$95,000 to \$110,000 with construction to begin in September 2019.

This item calls for a public hearing to allow the public an opportunity to comment on the proposed sale of the eight unimproved properties to DNAfH, and, at the close of the public hearing, authorizes the sale of the properties to DNAfH, 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 August 10, 2016, City Council authorized a public hearing to receive comments on the proposed sale by quitclaim deed of eight unimproved properties acquired by the taxing jurisdictions from the Sheriff to DNAfH, by Resolution No. 16-1192.

Information about this item will be provided to the Housing Committee on September 6, 2016.

FISCAL INFORMATION

Revenue - \$8,000

OWNER

Dallas Neighborhood Alliance for Habitat, Inc.

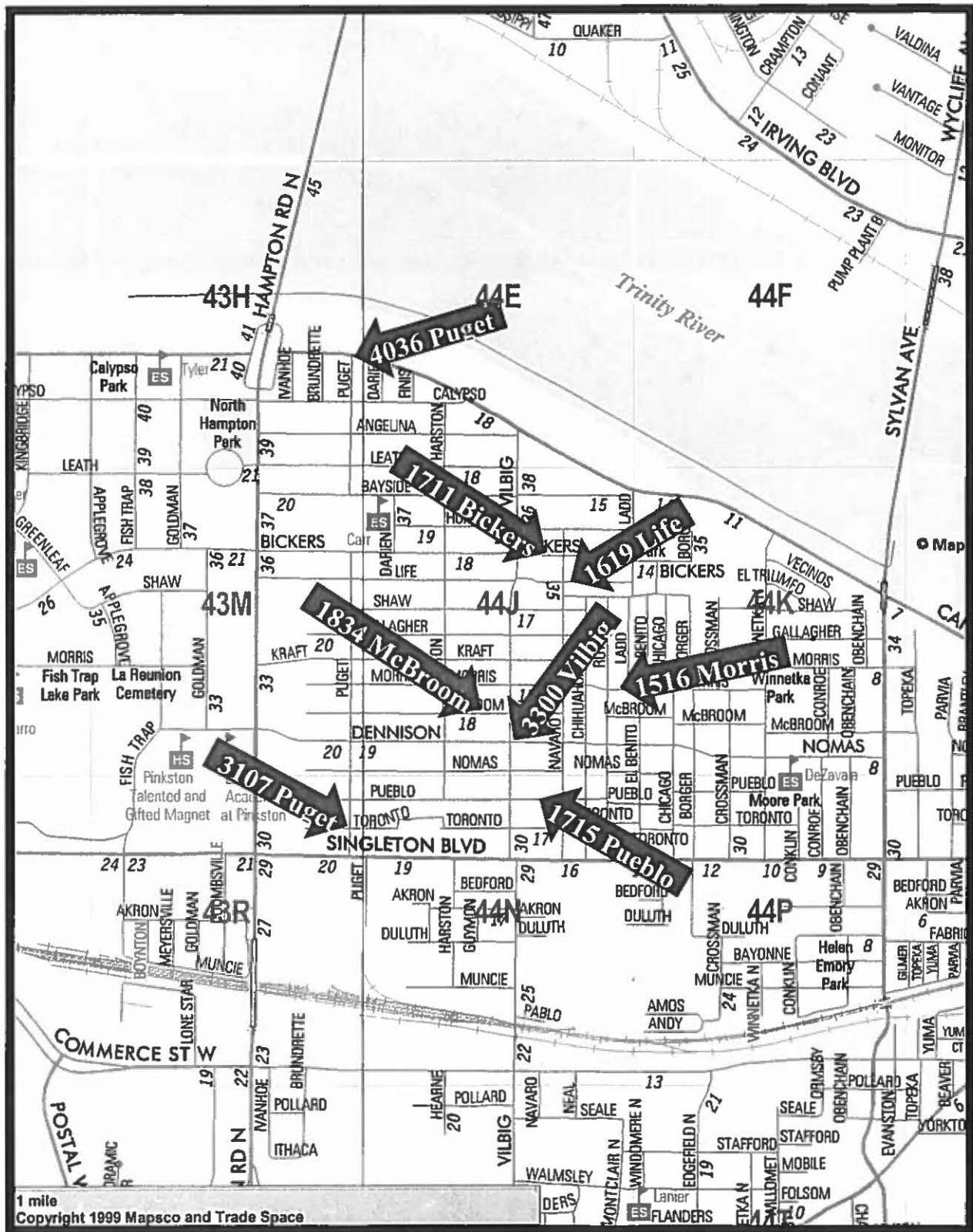
Bill Hall, Chief Executive Officer

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>	<u>Council District</u>
1.	1715 Pueblo	Dallas Neighborhood Alliance for Habitat, Inc.	44N	\$9,600	\$1,000.00	V	R-5(A)	6
2.	1516 Morris	Dallas Neighborhood Alliance for Habitat, Inc.	44J	\$7,590	\$1,000.00	V	R-5(A)	6
3.	1619 Life	Dallas Neighborhood Alliance for Habitat, Inc.	44J	\$8,210	\$1,000.00	V	R-5(A)	6
4.	1711 Bickers	Dallas Neighborhood Alliance for Habitat, Inc.	44J	\$8,070	\$1,000.00	V	R-5(A)	6
5.	3300 Vilbig	Dallas Neighborhood Alliance for Habitat, Inc.	44J	\$8,640	\$1,000.00	V	CR	6
6.	1834 McBroom	Dallas Neighborhood Alliance for Habitat, Inc.	44J	\$9,050	\$1,000.00	V	R-5(A)	6
7.	3107 Puget	Dallas Neighborhood Alliance for Habitat, Inc.	44N	\$9,000	\$1,000.00	V	R-5(A)	6
8.	4036 Puget	Dallas Neighborhood Alliance for Habitat, Inc.	43H	\$8,130	\$1,000.00	V	R-5(A)	6



MAPSCO 43H, 44J, 44N

September 14, 2016

WHEREAS, the 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, that it acquired from the Sheriff through tax foreclosure and which it holds, as a trustee, for itself and the other taxing jurisdictions, 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 that includes 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 require 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 provide certain notices to the public and hold a public hearing to receive comments on the proposed sale of the land; and

WHEREAS, Dallas Neighborhood Alliance for Habitat, Inc., submitted a proposal to construct eight (8) single-family homes with the homes containing approximately 1,378 square feet on eight 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 homebuyer at a proposed sales price of \$95,000 to \$110,000 with construction to begin in September 2019; 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:

September 14, 2016

Section 1. That upon receipt of the requisite monetary consideration from Dallas Neighborhood Alliance for Habitat, Inc., (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 non-profit organization develop the property 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

September 14, 2016

- (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 quitclaim deed for the property is 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.

September 14, 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 City Controller 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	1715 Pueblo Lot 7, Homestead Addition Block C7/116	Dallas Neighborhood Alliance for Habitat, Inc.	1	\$1,000.00
2	1516 Morris Lot 10, Wheeler & Reuss Eagle Ford Addition Block E7/111	Dallas Neighborhood Alliance for Habitat, Inc.	1	\$1,000.00
3	1619 Life Lot 15, Homestead Gardens Addition Block B7/120	Dallas Neighborhood Alliance for Habitat, Inc.	1	\$1,000.00
4	1711 Bickers Lot 8, Homestead Gardens Addition Block F7/120	Dallas Neighborhood Alliance for Habitat, Inc.	1	\$1,000.00
5	3300 Vilbig Lot 13, Homestead Manor Addition Block 2/7117	Dallas Neighborhood Alliance for Habitat, Inc.	1	\$1,000.00
6	1834 McBroom Lot 17, Victory Gardens Addition Block F7/122	Dallas Neighborhood Alliance for Habitat, Inc.	1	\$1,000.00
7	3107 Puget Lot 6, Victory Gardens No. 4 Addition Block 15/7126	Dallas Neighborhood Alliance for Habitat, Inc.	1	\$1,000.00
8	4036 Puget Lot 1, Roosevelt Manor 1st Inst., Addition Block 5/7130	Dallas Neighborhood Alliance for Habitat, Inc.	1	\$1,000.00
TOTAL				\$8,000.00

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 6

DEPARTMENT: Office Of Environmental Quality

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

MAPSCO: 23 N

SUBJECT

A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by Highland Industrial Properties, LP, located near the intersection of Shady Trail and Manana Drive and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to Highland Industrial Properties, LP, by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City

Recommendation of Staff: Approval

BACKGROUND

Based on information provided by the Applicant, the designated property is underlain by groundwater that is encountered at approximately 8 to 13 feet below ground surface (bgs) and is within alluvial sand, silt, and clay which is approximately 16 feet thick. This groundwater bearing unit overlies the Eagle Ford Shale, which forms an underlying regional aquitard to vertical migration of groundwater and contaminants in the site vicinity and is 300 to 700 feet thick. The direction of groundwater flow beneath the designated property is towards the southwest. The groundwater has been affected by volatile organic compounds (VOCs) trichloroethylene, 1,1-dichloroethene, 1,2-dichloroethane, cis-1,2-dichloroethylene, and vinyl chloride; semi-volatile organic compounds (SVOCs) n-nitrosodi-n-propylamine; and lead at concentrations above groundwater ingestion standards. The potential offsite sources of the VOCs are multiple former industrial facilities located north and east of the designated property that used or stored similar chemicals and have documented VOC contamination. Groundwater contamination is believed to have migrated to the designated property through the north-south flowing utility corridor extending southward down Shady Trail. The source of the n-nitrosodi-n-propylamine and lead are unknown.

BACKGROUND (Continued)

The designated property was entered into the Voluntary Cleanup Program (VCP) administered by the Texas Commission on Environmental Quality (TCEQ) in February 2012 and is designated as VCP Facility ID No. 2476.

The applicant has requested that the City support its application for a Municipal Setting Designation (MSD). A public meeting will be held on September 7, 2016 to receive comments and concerns. Notices of the meeting were sent to 266 property owners within 2,500 feet of the property and 94 private well owners within 5 miles of the property. There are no other municipalities within one-half mile of the property.

This item is a municipal setting designation ordinance prohibiting the use of potable groundwater beneath property located near the intersection of Shady Trail and Manana Drive including adjacent street rights-of-way; and supporting the issuance of a MSD by TCEQ.

The applicant's current plan is to obtain closure through the Voluntary Cleanup Program supported by a MSD. Currently, the designated property is occupied by commercial offices and warehouses with one tenant that is a global wholesaler and distributor of new and used cellular phones and accessories and a second tenant that conducts coin wrapping services. The anticipated future use of the designated property is to remain the same.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Quality of Life and Environment Committee on September 12, 2016.

FISCAL INFORMATION

No cost consideration to the City

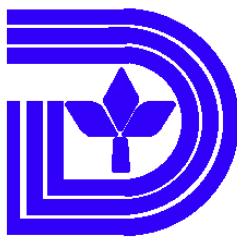
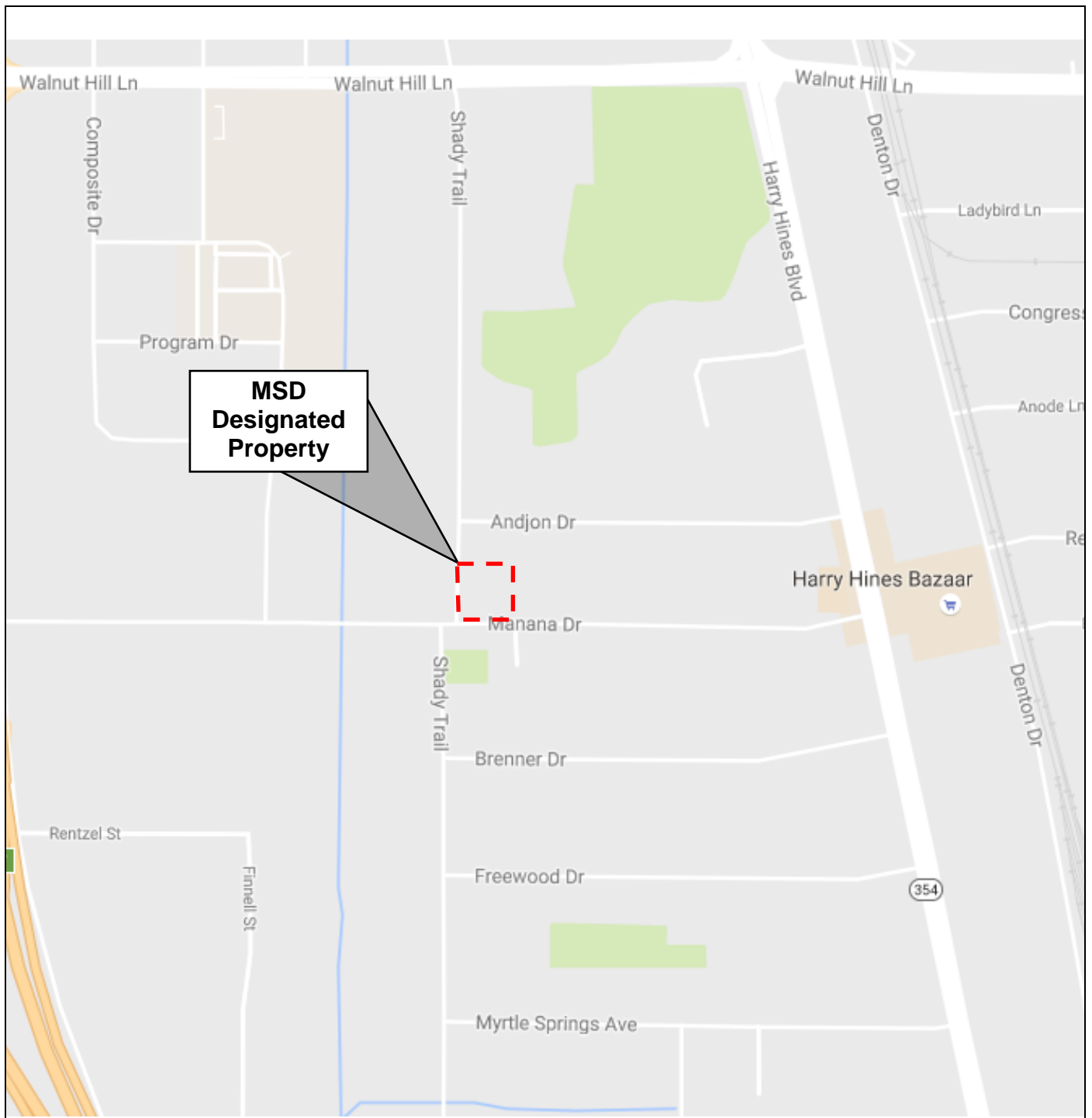
OWNER

Highland Industrial Properties, LP

Highland Industrial Properties GP, LLC, General Partner
Howard L. Lawson, Manager

MAP

Attached



CITY OF DALLAS



Municipal Setting Designation

Designated Property Boundary Map

MSD Log OEQ0056

Applicant – Highland Industrial Properties, LP

10760 Shady Trail

Dallas, TX 75220

ORDINANCE NO. _____

A municipal setting designation ordinance prohibiting the use of designated groundwater from beneath property generally located at 10760 Shady Trail and supporting issuance of a municipal setting designation certificate by the Texas Commission on Environmental Quality; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, Subchapter W, “Municipal Setting Designations,” of Chapter 361, “Solid Waste Disposal Act,” of the Texas Health and Safety Code authorizes the Texas Commission on Environmental Quality to create municipal setting designations; and

WHEREAS, Section 51A-6.108, “Municipal Setting Designation Ordinance,” of Article VI, “Environmental Performance Standards,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code authorizes municipal setting designation ordinances prohibiting the use of designated groundwater as potable water and thereby enable the Texas Commission on Environmental Quality to certify a municipal setting designation for designated property; and

WHEREAS, the city council finds that:

(1) the eligibility criteria of Section 361.803 of the Texas Health and Safety Code have been met;

(2) this municipal setting designation ordinance will not have an adverse effect on the current or future water resource needs or obligations of the city of Dallas;

(3) there is a public drinking water supply system that satisfies the requirements of Chapter 341 of the Texas Health and Safety Code and that supplies or is capable of supplying drinking water to the designated property and property within one-half mile of the designated property; and

(4) this municipal setting designation ordinance is necessary because the concentration of contaminants of concern exceed ingestion protective concentration levels for human ingestion; and

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

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

SECTION 1. That for purposes of this municipal setting designation ordinance, the “designated property” means the property described in Exhibit A, attached to the ordinance.

SECTION 2. That for purposes of this municipal setting designation ordinance, “designated groundwater” means water below the surface of the designated property to a depth of 200 feet.

SECTION 3. That use of the designated groundwater from beneath the designated property as potable water is prohibited.

SECTION 4. That the use of the designated groundwater from beneath public rights-of-way included in the designated property as potable water is prohibited.

SECTION 5. That the following uses of or contacts with the designated groundwater are prohibited:

- (1) Human consumption or drinking.
- (2) Showering or bathing.
- (3) Cooking.
- (4) Irrigation of crops for human consumption.

SECTION 6. That the following conditions are imposed on the designated property and designated groundwater:

- (1) The potable use of the designated groundwater from beneath the designated property is prohibited.

- (2) The potable use of the designated groundwater from beneath public rights-of-way included in the designated property is prohibited.
- (3) The portion of the designated property assigned TCEQ Voluntary Cleanup Program Identification No. 2476 must receive a Certificate of Completion from the Texas Commission on Environmental Quality by no later than September 14, 2018.

SECTION 7. That the city council supports the application to the Texas Commission on Environmental Quality for a municipal setting designation on the designated property, with the following comments:

- (1) The Texas Commission on Environmental Quality, as the state agency chartered to protect human health and the environment, is requested to thoroughly review the conditions of the designated property and issue a certificate of completion only when all contaminants of concern, through the applicable routes of exposure, have been addressed.

SECTION 8. That the public rights-of-way immediately adjacent to the designated property must be included, at no additional cost to the city of Dallas, in the application to the Texas Commission on Environmental Quality.

SECTION 9. That a state or federal program must address the entire non-ingestion protective concentration level exceedance zone originating from sources on the designated property or migrating from the designated property no later than September 14, 2016. That within this time period, the applicant shall provide the managing director of the office of environmental quality documentation, including a certificate of completion from the Texas Commission on Environmental Quality, that it has been addressed to the satisfaction of the agency administering the program. If it has not been addressed, the managing director of the office of environmental quality may, for good cause, take any of the following actions:

- (1) allow additional time to address the non-ingestion protective concentration level exceedance zone;

- (2) request a review by the Texas Commission on Environmental Quality or the agency administering the program;
- (3) recommend to the city council that this municipal setting designation ordinance be repealed;
- (4) request additional information or documentation from the applicant; or
- (5) pursue other actions that the managing director of the office of environmental quality believes may be warranted.

SECTION 10. That any person owning, operating, or controlling the designated property remains responsible for complying with all applicable federal and state laws and regulations; all ordinances, rules, and regulations of the city of Dallas; and all environmental regulations, and that this municipal setting designation ordinance in itself does not change any environmental assessment or cleanup requirements applicable to the designated property.

SECTION 11. That any person owning, operating, or controlling any portion of the designated property is responsible for ensuring compliance with this ordinance with respect to their portion of the designated property. Allowing use of designated ground water for potable purposes or failure to provide the managing director of the office of environmental quality with required documentation is a violation of this ordinance and may result in the ordinance being repealed for that portion of the designated property.

SECTION 12. That approval of this municipal setting designation ordinance shall not be construed to subject the city of Dallas to any responsibility or liability for any injury to persons or damages to property caused by any contaminant of concern.

SECTION 13. That within 30 days after adoption of this municipal setting designation ordinance, the applicant shall provide the managing director of the office of environmental quality with an electronic file showing the location of the designated property and the designated groundwater in a format compatible with the city of Dallas' geographic information system.

SECTION 14. That within 60 days after adoption of this municipal setting designation ordinance, the managing director of the office of environmental quality shall file a certified copy of this municipal setting designation ordinance in the deed records of the county where the designated property is located.

SECTION 15. That within 60 days after adoption of this municipal setting designation ordinance, the managing director of the office of environmental quality shall send a certified copy of this municipal setting designation ordinance to the applicant and the Texas Commission on Environmental Quality, and that the managing director of the office of environmental quality shall notify the Texas Commission on Environmental Quality 60 days prior to any amendment or repeal of this municipal setting designation ordinance.

SECTION 16. That the applicant shall provide the managing director of the office of environmental quality with a copy of the municipal setting designation certificate issued by the Texas Commission on Environmental Quality pursuant to Section 361.807 of the Texas Health and Safety Code within 30 days after issuance of the certificate.

SECTION 17. That the applicant shall provide the managing director of the office of environmental quality with a copy of the certificate of completion or other documentation issued by the Texas Commission on Environmental Quality showing that any site investigations and response actions required pursuant to Section 361.808 of the Texas Health and Safety Code have been completed to the satisfaction of the Texas Commission on Environmental Quality within the time period required. The managing director of the office of environmental quality may, for good cause, extend the time for submitting the documentation.

SECTION 18. That the applicant shall notify the managing director of the office of environmental quality in writing if the applicant determines that notice is required to be sent to an owner of other property beyond the boundaries of the designated property under Title 30 Texas Administrative Code, Chapter 30, Section 350.55(b), and provide the name of the property owner, the property address, and a copy of the notice sent to the property owner.

SECTION 19. That a person violating a provision of this municipal setting designation ordinance, upon conviction, is punishable by a fine not to exceed \$2,000, and that the Texas Commission on Environmental Quality shall be notified of any violations.

SECTION 20. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this municipal setting designation ordinance.

SECTION 21. That the terms and provisions of this municipal setting designation ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 22. That this municipal setting designation ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER D. BOWERS, Interim City Attorney

By _____
Assistant City Attorney

Passed _____

10760 Shady Trail, Dallas, Tx - 1.89 Acres

Being all that certain tract of land situated in the James Mathews Survey, Abstract Number 955, City of Dallas, Dallas County, Texas and being all of Lot 2 in Block D-1, of Highland Industrial Park No. 2, an addition to said City, according to the Replat thereof recorded in Volume 43, Page 183, Map Records of said County, and being a part of the right-of-way of Manana Drive and Shady Trail; the subject tract being more particularly described as follows;

BEGINNING at a point for the Northeast corner of said Lot 2;

Thence South 00 degrees 55 minutes 00 seconds East a distance of 284.83 feet to a point in the South right-of-way of said Manana Drive;

Thence South 89 degrees 52 minutes 00 seconds West a distance of 290.70 feet to a point at the intersection of the South right-of-way of said Manana Drive and the West right-of-way of said Shady Trail;

Thence North 00 degrees 18 minutes 50 seconds West with the West right-of-way thereof a distance of 284.38 feet to a point;

Thence North 89 degrees 46 minutes 51 seconds East, passing a ½" iron rod found for the Northwest corner of said Lot 2 at 61.12 feet, and continuing along said course a total distance of 287.70 feet to the PLACE OF BEGINNING and enclosing 1.89 acres of land more or less.

FLOOD STATEMENT: I have reviewed the F.E.M.A. Flood Insurance Rate Map for the City of Dallas, Community Number 480171 effective date 8-23-2001 and that map indicates as scaled, that this property is within "Non-Shaded Zone X" defined as " Areas determined to be outside the 0.2% annual chance flood (500-year)" as shown on Panel 310 J of said map.

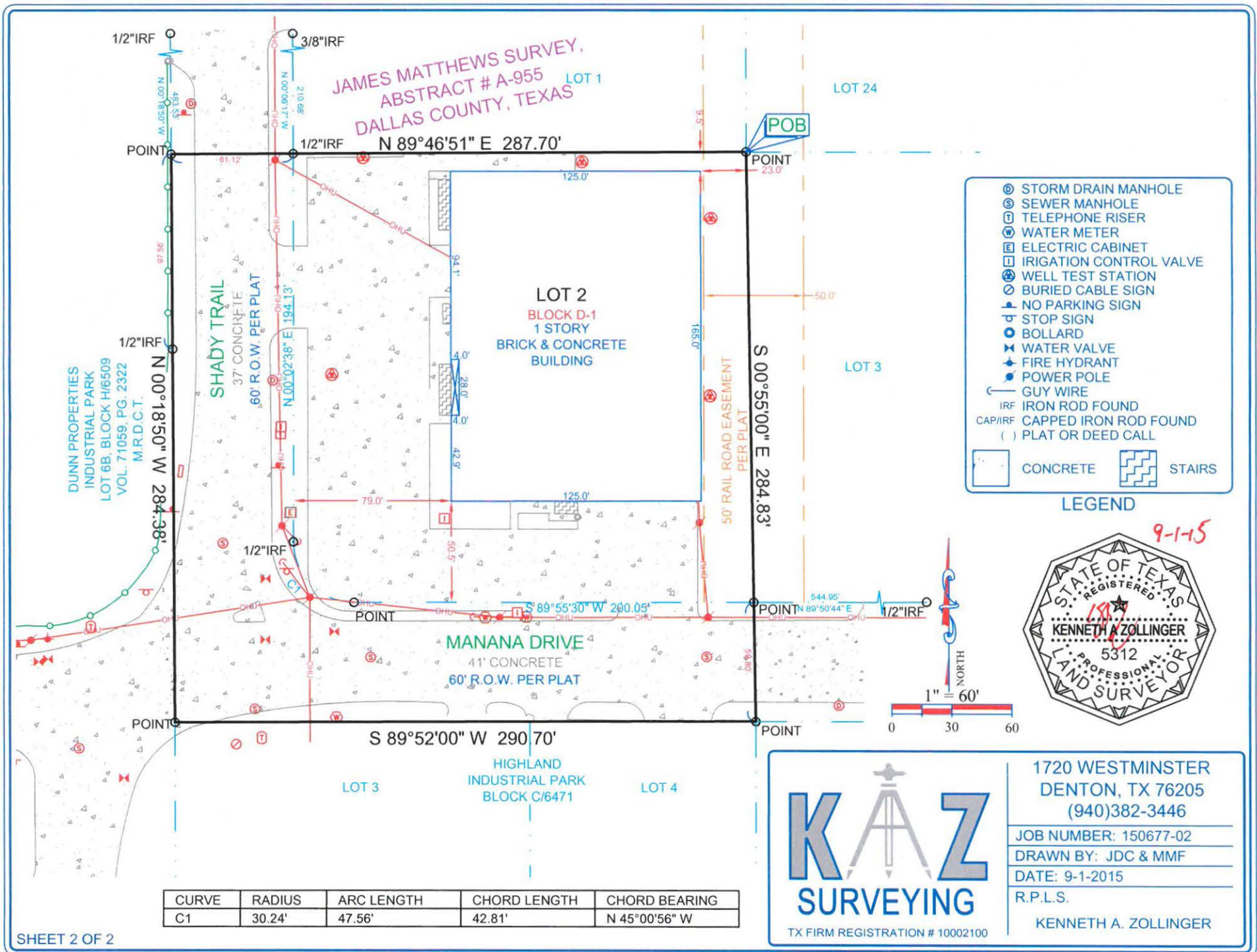
NOTE: This survey is certified to Enviromental Claims Management, Inc.

NOTE: This survey correctly represents the results of an on-the-ground survey made under my direction and supervision on 8-27-2015. There are no visible or apparent intrusions or protrusions except as shown hereon.



 TX FIRM REGISTRATION # 10002100	1720 WESTMINSTER DENTON, TX 76205 (940)382-3446
	JOB NUMBER: 150677-02
	DRAWN BY: JDC & MMF
	DATE: 9-1-2015
	R.P.L.S. KENNETH A. ZOLLINGER

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AGENDA ITEM # 71

KEY FOCUS AREA: E-Gov

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Office of Financial Services

CMO: M. Elizabeth Reich, 670-7804

MAPSCO: N/A

SUBJECT

A public hearing to receive comments on the proposed \$0.7842/\$100 property tax rate for the 2016-17 fiscal year; City Council will vote to adopt the proposed tax rate on Wednesday, September 21, 2016 at Dallas City Hall, 6ES at 9:00 a.m. - Financing: No cost consideration to the City

BACKGROUND

The City Manager's recommended FY 2016-17 budget includes a tax rate of \$0.7812/\$100. On August 24, 2016, Council voted to consider a tax rate not to exceed \$0.7842/\$100. To set a property tax rate above the FY 2016-17 calculated effective rate of \$0.7490/\$100, State law requires two special public hearings on the tax rate.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council held a Budget Workshop on August 9, 2016.

City Council was briefed on the proposed tax rate at a Budget Workshop on August 24, 2016.

City Council authorized two public hearings on August 24, 2016; to be held on September 7, 2016 and September 14, 2016.

City Council is scheduled to hold a public hearing on September 7, 2016.

FISCAL INFORMATION

No cost consideration to the City

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 14

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 35 T

SUBJECT

A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from Holy Trinity Catholic School required by Section 6-4 of the Dallas City Code to allow a wine and beer retailer's off-premise permit (Chapter 26) for a general merchandise or food store with 10,000 square feet or more floor area [Randall's Beverage Company, Inc., dba Randall's (Store #3569)] on the east line of Oak Lawn Avenue south of Irving Avenue - AV156-003 - Financing: No cost consideration to the City

BACKGROUND

Section 6-4 of Chapter 6, "Alcoholic Beverages," of the Dallas City Code allows Council to grant a variance from the usual spacing required between an alcohol business and a protected use. The usual spacing requirement is 300 feet in a direct line from the property line of the private school to the property line of the place of business.

The standard for approval of the variance is that:

A. the application is for one of the following permits pursuant to the following chapters of the Texas Alcoholic Beverage Code:

- (i) a brewer's permit, Chapter 12;
- (ii) a distiller's and rectifier's permit, Chapter 14;
- (iii) a winery permit, Chapter 16;
- (iv) a wine and beer retailer's permit, Chapter 25;
- (v) a wine and beer retailer's off-premise permit, Chapter 26;
- (vi) a mixed beverage permit with a food and beverage certificate, Chapter 28;
or
- (vii) a manufacturer's license, Chapter 62.

BACKGROUND (Continued)

B. the application is for one of the following land uses:

- (i) general merchandise or food store use with 10,000 square feet or more of floor area
- (ii) restaurant without drive-in or drive-through service with a food and beverage certificate pursuant to the Texas Alcoholic Beverage Code;
- (iii) alcoholic beverage establishment limited to a microbrewery, microdistillery, or winery; or
- (iv) alcoholic beverage manufacturing.

C. alcoholic beverages will not be sold by drive-in or drive-through service; and

D. enforcement of the spacing requirements in this particular instance:

- (i) is not in the best interest of the public;
- (ii) constitutes waste or inefficient use of land or other resources;
- (iii) creates an undue hardship on an applicant for an alcohol permit;
- (iv) does not serve its intended purpose;
- (v) is effective or necessary; or
- (vi) for any other reason that the City Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

An application for a waiver of the spacing requirements was submitted on July 29, 2016, by Randall's Beverage Company, Inc., dba Randall's (Store #3569). Holy Trinity Catholic School, located to the west of the request site, creates the need for the variance.

The applicant has submitted the attached letter providing a statement of why the variance meets the standard of approval.

The approximately 4.595 acre request site, which is located in Planned Development District No. 8, is currently occupied by retail uses. The request site is surrounded by single family uses to the north, a multifamily use to the east, financial institutions and offices to the south, a private school is to the west.

The public school is located to the west of the request site. While the required spacing from a school is measured property line to property line, the walking distance from the entrance of the school to the proposed restaurant is approximately 818 feet. Due to the protected site being across a major street that contains retail uses, staff has no objection to this request.

This item requires two seconds to pass.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 9, 2009, the City Council approved an amendment to Section 6-4 of Chapter 6, "Alcoholic Beverages," of the Dallas City Code to allow a process for a variance to the spacing requirements between a business selling alcohol and a public or private school.

On October 26, 2011, September 26, 2012, and January 22, 2014, the City Council further amended Section 6-4 of Chapter 6.

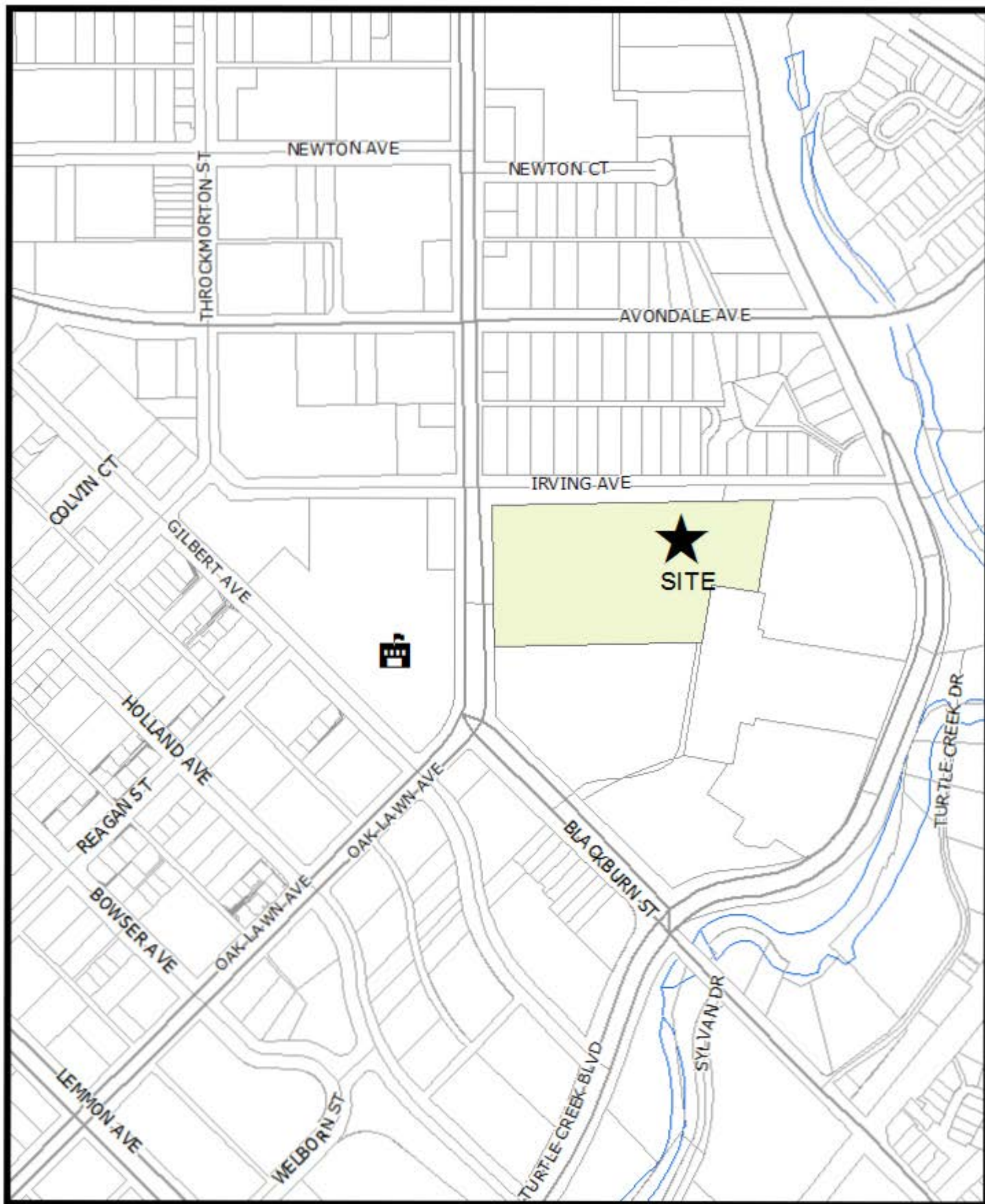
On April 22, 2015, the City Council approved Resolution No. 15-0798 at the request site to waive the spacing requirements to the Holy Trinity Catholic School.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached.



AV156-003



1:4,000



Approximate location of business
requesting alcohol variance



Land use requiring spacing from
business requesting alcohol sales: school



CITY OF DALLAS

APPLICATION FOR A VARIANCE FROM THE MINIMUM DISTANCE REGULATIONS RELATED TO THE SALE OF ALCOHOLIC BEVERAGES

Chapter 6—Alcoholic Beverages, City of Dallas Code of Ordinances

Applicant Randall's Beverage Company Inc.
(Must match the business name on TABC application)

Contact person, title Gardere Wynne Sewell LLP, Marcus Schwartz (Representative) Property owner's name TC PROPCO I, LP & TC PROPCO II, LP
(Land owner, business owner, representative)

Contact person's phone (512) 542-7012 Address of request site 3878 Oak Lawn Ave., #180, Dallas, TX 75219

Contact person's address 600 Congress Ave., Ste. 3000, Austin, TX 78701 Protected use's address 3815 Oak Lawn Ave., Dallas, TX 75219

Type of protected use:

- ☐ Church
- ☐ Public school / open-enrollment charter school
- ☒ Private school
- ☐ Public hospital
- ☐ Daycare/child-care facility

Type of business seeking to sell alcohol:

- ☐ Alcoholic beverage manufacturing
- ☒ General merchandise or food store with 10,000 square feet or more floor area
- ☐ Microbrewery, microdistillery, or winery
- ☐ Restaurant without drive-in or drive-through service

Type of TABC permit(s) to be sought:

- ☐ Brewer's permit, "B" / Manufacturer's license, "BA"
- ☐ Distiller's and rectifier's permit, "D"
- ☐ Food and beverage certificate, "FB"
- ☐ Mixed beverage permit, "MB"
- ☒ Wine and beer retailer's off-premise permit, "BQ"
- ☐ Wine and beer retailer's permit, "BG"
- ☐ Winery, "G"

The nonrefundable variance application fee is \$1,200.00 and the sign fee, which is between \$10 and \$50 depending on street frontages. A statement explaining how the request meets the standard below is required as part of this application. The burden of proving that the request meets the standard is solely the responsibility of the applicant. Additional evidence supporting the request may be submitted along with this application.

Enforcement of the spacing requirements in this particular instance (1) is not in the best interest of the public; (2) constitutes waste or inefficient use of land or other resources; (3) creates an undue hardship on an applicant for an alcohol permit; (4) does not serve its intended purpose; is not effective or necessary; or (5) for any other reason that the city council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

REQUIRED ATTACHMENTS:

- ☒ Statement of request
- ☒ List of officers for alcohol business and property owner
- ☒ Sealed alcohol survey showing 300 foot radius and door to door measurements (*protected use must be indicated on this survey*)

AUTHORIZATION BY PROPERTY OWNER(S)

I, Robert Dozier, the owner of the property to be considered, hereby authorize the above business and representative to file this application for a variance from the requirements of Chapter 6, Section 6-4 of the City of Dallas Code of Ordinances.

Robert Dozier
Owner's Printed Name

[Signature]
Owner's Signature

APPLICANT ACKNOWLEDGEMENT AND AFFIDAVIT

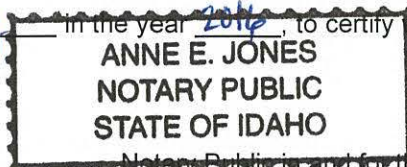
I have read, examined, and completed this application; and know the information provided to be true and correct. I hereby apply for a variance from the distance requirements in Chapter 6, Section 6-4 of the City of Dallas Code of Ordinances. I understand that this application, including all submitted documentation, are public information and can be made available through an Open Records Request per the Texas Public Information Act (Texas Government Code, Chapter 552).

RANDALL'S BEVERAGE COMPANY, INC.

Applicant's Printed Name

By: [Signature]
Applicant Signature LAURA A. DONALD - Vice Pres.

Sworn to and subscribed before me by on this day 27 of July in the year 2016, to certify which witness my hand and seal of office.



Anne E Jones, commission expires 03/21/2017
Date received: 7/29/16

Receipt No.: 6653Case number: AV156-003

Signs: 3 = \$30

July 28, 2016

City of Dallas
City Council/Department of Development Services
1500 Marilla St. #5BN
Dallas, TX 75201

Re: **Randall's Beverage Company Inc. d/b/a Randall's
(Store #3569) Variance Request for 3878 Oak Lawn
Ave., #180, Dallas, TX 75219**

Dear Sir/Madam,


TC Propco I, LP & TC Propco II, LP are the current owners of the property located at 3878 Oak Lawn Avenue, #180, Dallas, TX.

This letter is meant to inform you that TC Propco I, LP and TC Propco II, LP as owners, hereby give consent to Randall's Beverage Company Inc. to seek a variance to allow alcohol sales at its location at 3878 Oak Lawn Avenue, #180, Dallas, TX and for its representative, Gardere Wynne Sewell LLP, to act on the owner's behalf to do and perform any act in connection with the application for variance from the City of Dallas in order for said location to allow for beer and wine sales for off-premise consumption at the business located thereon.

Sincerely,

TC PROPCO I, LP
a Delaware limited partnership

By: TC PROPCO GP, LLC
a Delaware limited liability
company, its general partner

By: 
Robert Dozier
Vice President

TC PROPCO II, LP
a Delaware limited partnership

By: TC PROPCO GP, LLC
a Delaware limited liability
company, its general partner

By: 
Robert Dozier
Vice President

July 27, 2016

City of Dallas
City Council/Department of Development Services
1500 Marilla St. #5BN
Dallas, TX 75201

Re: **Randall's Beverage Company Inc. d/b/a Randall's
(Store #3569) Variance Request for 3878 Oak Lawn
Ave., #180, Dallas, TX 75219**

Dear Sir/Madam,

Randall's Beverage Company Inc. d/b/a Randall's (Store #3569) has rights to the property located at 3878 Oak Lawn Ave., #180, Dallas, TX 75219.

This letter is meant to inform you that Randall's Beverage Company Inc., hereby gives consent for its representative, Gardere Wynne Sewell LLP, to act on Randall's Beverage Company Inc.'s behalf to do and perform any act in connection with an application for variance from the City of Dallas in order for said location to allow for beer and wine sales for off-premise consumption at the business located thereon.

Sincerely,



Laura A. Donald
Vice President & Assistant Secretary
of Randall's Beverage Company Inc.

B. C.

Working together to be the *favorite local supermarket™*

Marcus Schwartz
Direct Number (512) 542-7012
Facsimile (512) 542-7212
[REDACTED]

July 28, 2016

VIA LONE STAR OVERNIGHT

Dallas City Council/Ms. Neva Dean
City of Dallas Department of Sustainable Development and Construction
1500 Marilla Street, Room 5B North
Dallas, TX 75201
(214) 670-4209

Re: Randall's Beverage Company Inc. d/b/a Randall's (Store #3569), located at 3878 Oak Lawn Ave., #180, Dallas, TX 75219, Request Statement for Variance

Dear Council Members/Ms. Dean:

My firm represents, Randall's Beverage Company Inc. (hereinafter Randall's), d/b/a Randall's (Store #3569), as the applicant's representative, in this its request for a variance from the City of Dallas to allow for the sale of beer and wine sales (for off-premise consumption only) at the business of Randall's, located at 3878 Oak Lawn Ave., #180, Dallas, TX 75219 (the "Store"). This letter should accompany the variance application attached hereto and is meant to act as the variance statement of request.

Should you have any questions or require further information or explanation regarding anything found herein, please do not hesitate to contact me at (512) 542-7012 or via email at [REDACTED]:

Statement of Variance Request

Randall's seeks to allow for the operation of a grocery store at the Store's location. This location previously housed a Fresh Market which received a variance for alcohol sales. Randall's currently operates 12 TABC licensed locations in the City of Dallas under its Tom Thumb stores and is a socially responsible corporate citizen of Dallas. Randall's along with its parent company, Albertsons Companies, Inc. is committed to being an active part of the communities where it does business, and its employees enthusiastically support local organizations that are important to the community. Randall's contributes to The Safeway Foundation (Safeway is another Albertsons Company), which works hand in hand with local non-profit organizations,

supporting healthier children and healthier neighborhoods. As a local example, The Cooper Institute in Dallas has a childhood obesity program which is supported by The Safeway Foundation.

This variance request to allow for beer and wine off-premise sales, is meant to provide customers of Randall's with additional products to the wide variety it will already offer to its customers. Randall's already sells beer and wine for off-premise consumption from 12 current Dallas Tom Thumb locations and will provide the same appropriate levels of control over the sales of its alcoholic beverage offerings at the Store for the benefit of all its customers and the community.

Randall's trains employees to identify potential symptoms or signs of intoxication so that such sales can be avoided. Additionally, to ensure sales to minors are not made, its alcohol training policies require all cashiers to ask for identification for persons that appear to be age 30 or younger. The cash register system also requires cashiers to enter a birth date when alcohol is sold to ensure the customer is age appropriate. Identification technology such as ID encoded identifiers and black light has been implemented to ensure identification is valid. Randall's also utilizes the BARS program, a third party which sends in youthful looking mystery shoppers to ensure identification is properly asked for. If a cashier does not ask for ID or does not enter the proper birthdate in the register system, the employee is given a "red card" and a final warning. Any subsequent "red card" results in termination. Should a Store fail the BARS program, all cashiers must undergo retraining on alcohol sales policies. If TABC determines a sale to minor has been made, the employee which made the sale is terminated. Randall's considers it a privilege to sell restricted products, such as beer and wine, and it will ensure that they are sold in a legal and responsible manner should this variance be granted.

Store Specifics

The Store will be located on east side of Oak Lawn Ave. between Irving Ave. and Blackburn St. To the immediate west of Store across Oak Lawn Ave. is the Holy Trinity Catholic School, a private school. While the front door to front door measurement from the Holy Trinity Catholic School to The Fresh Market will be well beyond 300 feet, because the property lines between the school and Store are within 300 feet, the Store is considered to be within 300 feet of a private school. This variance is requested to allow for the sale of beer and wine for off-premise consumption at the Store, notwithstanding its proximity to the school.

Randall's meets the standard of approval for variances pursuant to the ordinances of the City of Dallas. Randall's will apply for a wine & beer retailer's off-premise permit (a "BQ" permit) from the Texas Alcoholic Beverage Commission (the "TABC") should this variance request be granted. The location is a general merchandise or food store with 10,000 square feet or more of floor area, it will not sell alcohol by drive-in or drive-through service, and the enforcement of the spacing requirements in this instance does not serve its intended purpose and is not effective or necessary.

This area of Dallas is wet for beer and wine off-premise sales. At this very location which Randall's is now applying, The Fresh Market was granted a variance for alcohol sales by the Dallas City Council last year. Further, in the same shopping center, Zoe's Kitchen sells beer and wine for on-premise consumption at 3878 Oak Lawn Ave., Ste. 314 and World Market currently sells beer and wine for off-premise consumption at 3888 Oak Lawn Ave. Randall's would respectfully ask for the same privileges as these retailers have or currently enjoy.

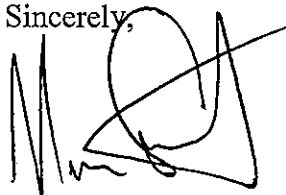
Should the Variance be Granted

Should this variance request be granted, the introduction of beer and wine sales for off-premise consumption will not change the actual use of the premises. The Store will still be a retail establishment that is primarily a neighborhood grocery store. Alcohol sales will not substantially increase traffic congestion or create overcrowding in the establishment or in the immediately surrounding areas. This is especially the case as there is already a beer and wine off-premise seller in the immediate area. Randall's designs its stores to be customer friendly and customers would still be able to pick out their desired products, whether this includes wine and beer or not, pay for these products, and quickly exit the Store.

Randall's strives to provide a safe and welcoming environment to its customers and its community. It is believe that because this variance is for off-premise consumption, the likelihood of incidents involving drunkenness, disorderly conduct, or raucous behavior is greatly reduced and will likely be non-existent. The Store will be run in a safe, sanitary, and welcoming manner for the citizens of Dallas if the requested variance is granted. Randall's will not product excessive noise, dirt, litter or odors in the Store or the surrounding area. The introduction of beer and wine sales will not change how Randall's will operate this location. As such, no disturbance to the Holy Trinity Catholic School, surrounding property owners, or the community at large should occur and compliance with all city ordinance and state laws will be followed.

For these reasons, Randall's Beverage Company Inc. d/b/a Randall's (Store #3569) respectfully requests approval of a variance for the Store.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marcus Schwartz', with a large, stylized 'M' and 'S'.

Marcus Schwartz

APPLICANT
Randall's Beverage Company Inc.

Company Address:

Tax Division,
5918 Stoneridge Mall Road,
Pleasanton, CA 94588

Company Officers and Directors:

NAME	TITLE
Robert A. Gordon	Director
Miles Kendall	President/Secretary/Treasurer/Director
Gary Owen	Vice President/Director
Laura A. Donald	Vice President/Assistant Secretary
Gary Owen	Vice President
Bradley S. Fox	Assistant Treasurer
Gerald Franklin	Assistant Secretary
William G. Harris	Assistant Vice President/Assistant Secretary

OWNER OF PROPERTY
TC PROPCO I, LP & TC PROPCO II, LP

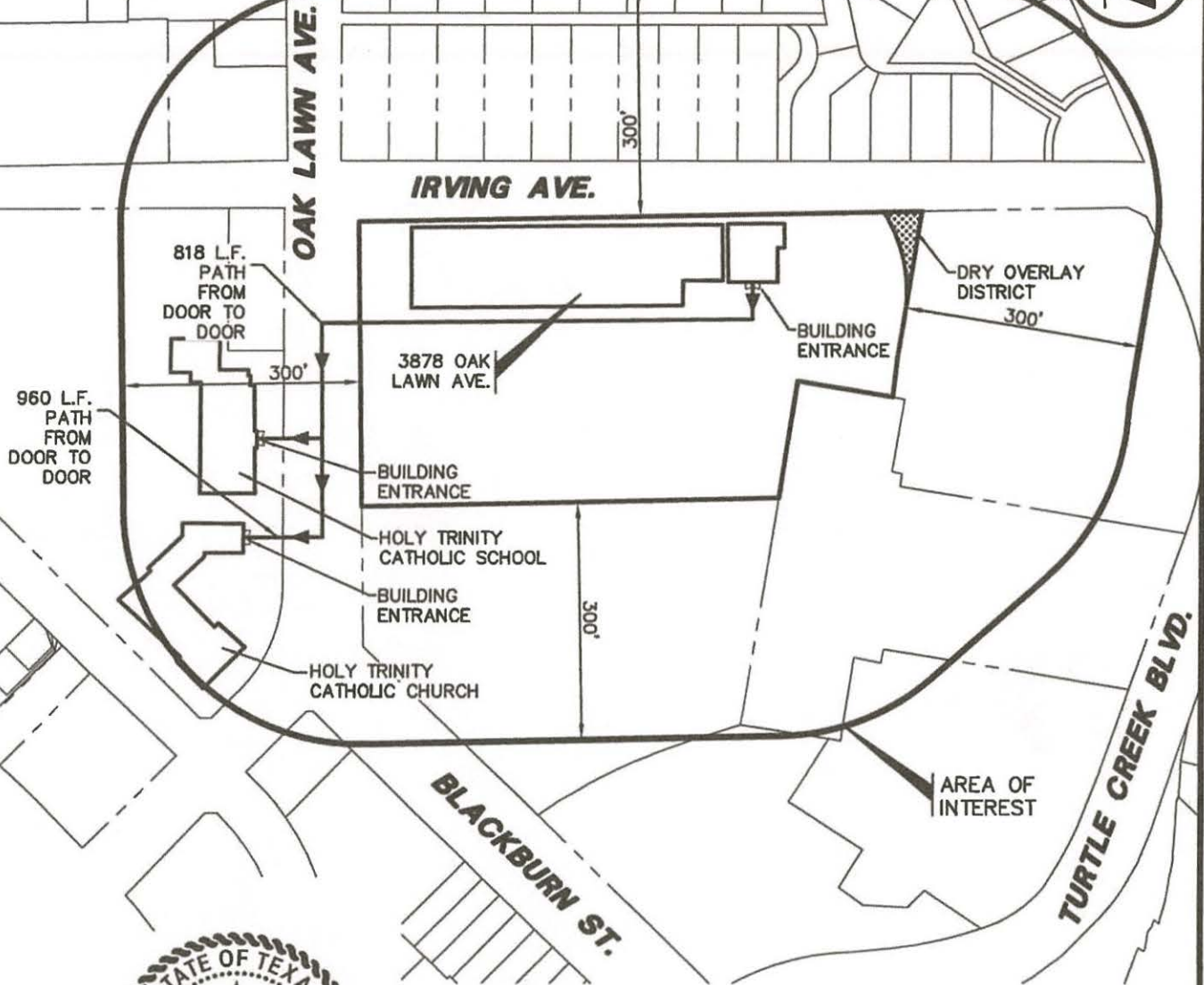
Partnerships' Address:

c/o Lincoln Property Co.
2000 McKinney Ave, Ste. 1000
Dallas, TX 75201

Partnerships' Officers and Directors:

NAME	TITLE
TC Propco GP, LLC	General Partner of TC Propco I, LP & TC Propco II, LP
Mack Pogue	Chairman/Director
William Clay Duvall	President/Director
Nancy A. Davis	Vice President/Secretary/Treasurer
Leigh Ann Everett	Assistant Secretary
Robert Dozier	Executive VP

0 100 200 400
GRAPHIC SCALE IN FEET



NOTES:

1. I have conducted (or caused to be conducted) a physical inspection of the area and a diligent search of public records to determine if the place of business is located near any protected uses. The survey map shows that the place of business where alcoholic beverages will be sold does not meet the location requirements in Dallas City Code Section 6-4.
2. Distances shown are based on City of Dallas GIS aerial information and are not the result of an on the ground survey.
3. Results from online resources and field observations, as shown, do indicate that a protected use is located within the required minimum distances as determined by the City of Dallas measurement methods upon date of signature.

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY THELMA FLORES BOX, P.E. 76346 ON 07/29/2016. ALTERATION OF A SEALED DOCUMENT WITHOUT PROPER NOTIFICATION TO THE RESPONSIBLE ENGINEER IS AN OFFENSE UNDER THE TEXAS ENGINEERING PRACTICE ACT.



Pacheco Koch

DALLAS • FORT WORTH • HOUSTON

7557 RAMBLER ROAD, SUITE 1400
DALLAS, TX 75231 PH: 972.235.3031
TX REG. ENGINEERING FIRM F-469
TX REG. SURVEYING FIRM LS-100080-00

**TABC ALCOHOL
PERMIT EXHIBIT**

3878 OAK LAWN AVENUE STE. 180,
CITY OF DALLAS, DALLAS COUNTY, TEXAS

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
KAH	TFB	1"=200'	07/29/2016	3156-16.347

September 14, 2016

WHEREAS, Subsection 6-4(g) of the Dallas City Code authorizes the City Council to grant variances from the alcohol spacing requirements prescribed by Subsection 6-4(a) of the Dallas City Code; and

WHEREAS, Randall's Beverage Company, Inc., dba Randall's (Store #3569) have submitted an application for a wine and beer retailer's off-premise permit pursuant to Chapter 26 of the Texas Alcoholic Beverage Code for a general merchandise or food store with 10,000 square feet or more floor area, and is requesting a variance to the alcohol spacing requirements for a property on the east line of Oak Lawn Avenue south of Irving Avenue, east of Holy Trinity Catholic School, a private school; and

WHEREAS, the City Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, finds that enforcement of the alcohol spacing requirements in this particular instance:

- (1) is not in the best interest of the public;
- (2) constitutes waste or inefficient use of land or other resources;
- (3) creates an undue hardship on an applicant for an alcohol permit;
- (4) does not serve its intended purpose; and
- (5) is not effective or necessary; and

WHEREAS, the City Council desires to grant the alcohol spacing variance; **Now, Therefore,**

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

Section 1. That the variance to the alcohol spacing requirements for Randall's Beverage Company, Inc., dba Randall's (Store #3569), for property on the east line of Oak Lawn Avenue south of Irving Avenue, north east of Holy Trinity Catholic School, a private school, is granted, subject to the following conditions:

- (1) This alcohol spacing variance is valid only for a wine and beer retailer's off-premise permit pursuant to Chapter 26 of the Texas Alcoholic Beverage Code.
- (2) This alcohol spacing variance is valid only for a general merchandise or food store with 10,000 square feet or more floor area in the location shown on the attached location map.
- (3) Alcoholic beverages may not be sold by drive-in or drive-through service.

September 14, 2016

- (4) This alcohol spacing variance is valid for subsequent renewals of the alcohol permit.
- (5) This alcohol spacing variance may not be transferred to another location or to another alcohol permit holder.

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

APPROVED AS TO FORM:

CHRISTOPHER D. BOWERS, Interim City Attorney

By _____
Assistant City Attorney

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 2, 14

DEPARTMENT: Office of Economic Development

CMO: Ryan S. Evans, 671-9837

MAPSCO: 45 F G J K L M N P Q R

SUBJECT

Dallas Downtown Improvement District

- * A public hearing concerning the proposed levy of assessment for the Dallas Downtown Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City
- * An ordinance approving and adopting the final 2017 Service Plan, the final 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Dallas Downtown Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; providing for City participation in the District in an amount not to exceed \$651,427 and providing for an effective date - Total not to exceed \$651,427 - Financing: Current Funds (\$443,651) and Convention and Event Services Current Funds (\$207,776) (subject to appropriations)

BACKGROUND

Annually, City Council calls and holds a public hearing to consider the proposed assessment rate for property in the Public Improvement Districts ("PID") and authorizes the Service Plan for each PID.

BACKGROUND (Continued)

At the adjournment of the hearing on the proposed assessments, the City Council must hear and pass on any objections to a proposed assessment and may amend a proposed assessment on any parcel. After hearing and passing on the objections, the City Council by ordinance shall levy the assessment as a special assessment on the property.

The Downtown Dallas Inc. provided City staff with the proposed District Service Plan for 2017 and the proposed Assessment Plan for 2016 for review, and staff found the services and improvements to be advisable and recommended approval subject to the public hearing on September 14, 2016.

The public improvement district Service Plan is outlined in the following way:

- (a) **Nature of the Services and Improvements.** The proposed services and improvements to be provided in the District include Downtown Safety Patrol program, safety awareness and education programs, Clean Team program, operation of the mass transportation facilities, landscaping, banner program, installation and maintenance of trash containers, promotion of downtown, installation of lighting, implement signage and wayfinding system, development of new public and green space, and related expenses incurred in establishing, administering and operating the District as authorized by the Act. The purpose of the District is to supplement and enhance services within the District, but not to replace or supplant existing City services provided within the District.
- (b) **Estimated Cost of the Services and Improvements.** During the next five (5) year period, the estimated annual cost of the improvements and services provided by the District is expected to begin at approximately \$6,581,041 in 2017 and reach \$6,874,000 in 2021. The total estimated assessment to be collected during the next five year period is approximately \$33,229,696.05. The District shall incur no bonded indebtedness.
- (c) **Boundaries.** The boundaries of the District are shown on the attached Map of the District.
- (d) **Method of Assessment.** The assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The gross assessment amount for 2016 is estimated to be \$7,284,008. This amount is approximately equal to \$0.129 per \$100.00 of appraised value, as determined by the Dallas Central Appraisal District.

BACKGROUND (Continued)

Once levied, this assessment apportionment shall not increase during the 2017 service plan year.

The real property of jurisdictions and entities that have obtained an exemption from City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

- (e) **Apportionment of costs between the District and the Municipality as a Whole.** The assessment is levied on the real property and real property improvements in the District according to the value of such property. Levying the assessment for the services and improvements based on the appraised value of the property results in the apportionment of the costs on the basis of special benefits accruing to the property.

The City of Dallas has contractually agreed to pay assessments against exempt City property in the District. City right-of-way, railroad right-of-way, parks and cemeteries are not specially benefitted and therefore are not subject to assessment. Payment of assessments by other exempt jurisdictions and entities must also be established by contract.

For FY 2016-17, the estimated City participation is approximately \$651,427 (this amount excludes an estimated \$380,721 assessment for the Convention Center Hotel property under the auspices of a Local Government Corporation). Every dollar of City assessment paid to the District will leverage approximately \$10 of assessments paid by private property owners. As a contributor, the City of Dallas will be represented on the governing Boards of Directors.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 24, 1992, City Council authorized the Dallas Downtown Improvement District by Resolution No. 92-2445.

On August 9, 2006, City Council authorized the renewal of the District for a seven-year period by Resolution Nos. 06-2048 and 06-2049.

On June 12, 2013, City Council authorized the renewal of the District for a seven-year period by Resolution No.13-1015.

On September 10, 2014, City Council authorized the assessment rate for 2014 by Ordinance No. 29456.

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

On September 9, 2015, City Council authorized the assessment rate for 2015 by Ordinance No. 29860.

Information about this item was provided to the Economic Development Committee on August 15, 2016.

On August 24, 2016, City Council authorized a public hearing to be held on September 14, 2016 to receive comments on the proposed 2016 Assessment Rate and final approval of the 2016 Service Plan.

Council will be briefed by memorandum regarding this matter on September 2, 2016.

On June 22, 2016, the City Council adopted the FY 2016-17 Consolidated Plan Budget which included program income estimated at \$275,000 be retained by the sub-recipient to carry out the Community Development Block Grant Business Revolving Loan Program by Resolution No. 16-1066.

The Economic Development Committee was provided information regarding this item on September 2, 2016.

FISCAL INFORMATION

\$443,651 - Current Funds

\$207,776 - Convention and Event Services Current Funds (subject to appropriations)

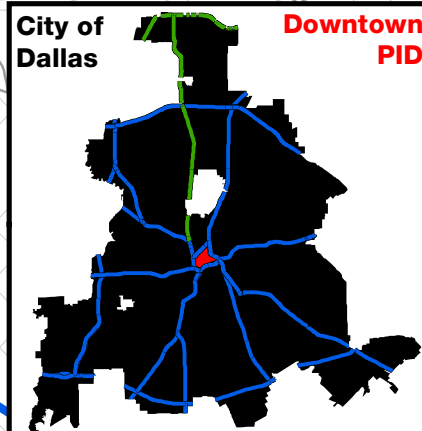
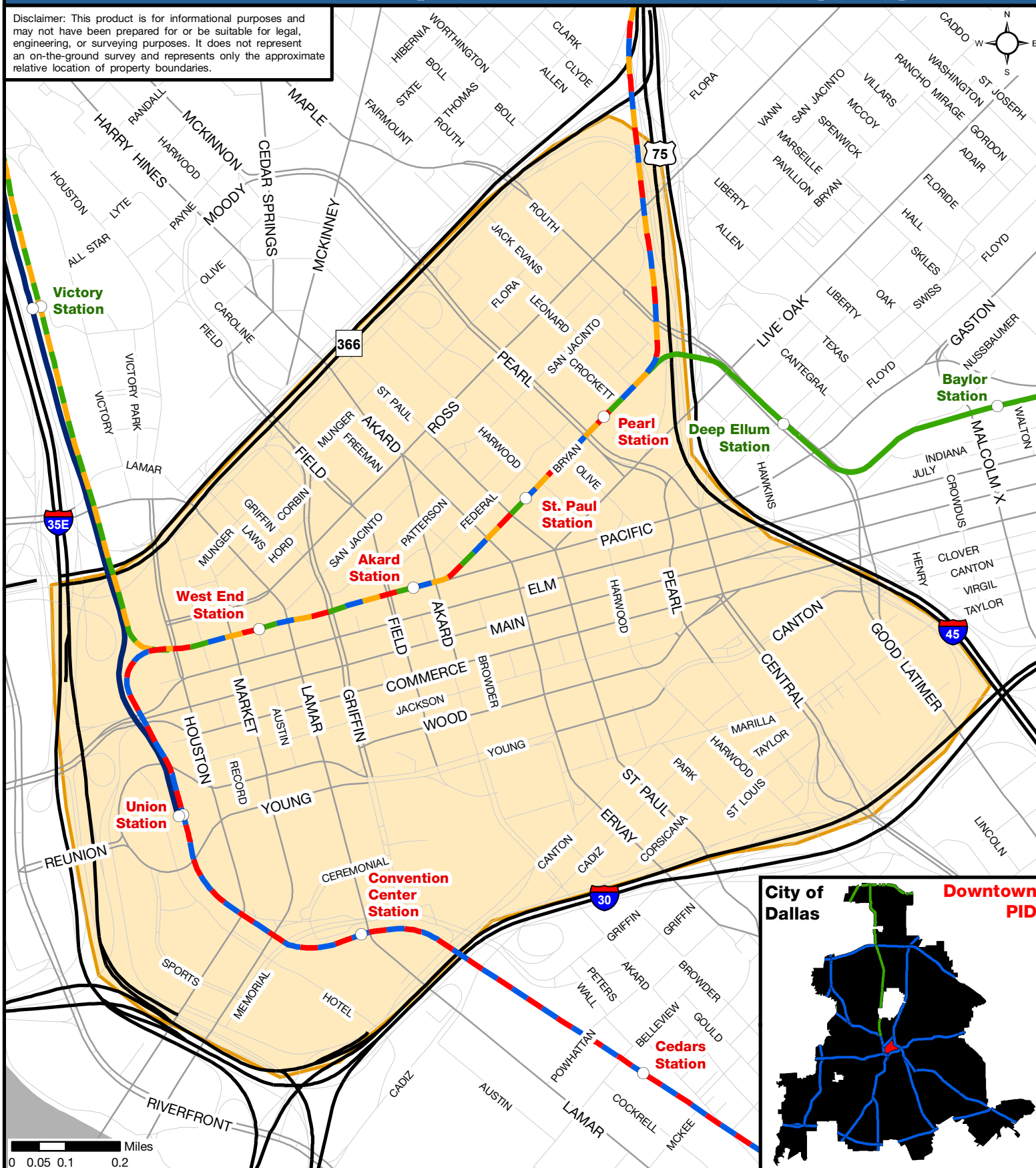
<u>Council District</u>	<u>Amount</u>
2	\$521,142
14	<u>\$130,285</u>
Total	\$651,427

MAP

Attached.

Downtown Improvement District (DID)

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



**DALLAS
ECONOMIC
DEVELOPMENT**

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Legend

- Downtown Improvement District
- Rail Station
- DART Red Line
- DART Blue Line
- DART Green Line
- DART Orange Line
- Trinity Railway Express
- Freeway or Tollway
- Arterial
- Local Road
- Flood Plain

Source: Rail Lines - DART, 2010; Parcels - DCAD, 2009; All Other Data - City of Dallas, 2010

ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING THE FINAL 2017 SERVICE PLAN, THE FINAL 2016 ASSESSMENT PLAN, AND THE 2016 ASSESSMENT ROLL (TO BE KEPT ON FILE WITH THE CITY SECRETARY); ESTABLISHING CLASSIFICATIONS FOR THE APPORTIONMENT OF COSTS AND THE METHODS OF ASSESSING SPECIAL ASSESSMENTS FOR THE SERVICES AND IMPROVEMENTS TO PROPERTY IN THE DALLAS DOWNTOWN IMPROVEMENT DISTRICT (DISTRICT); CLOSING THE HEARING AND LEVYING A SPECIAL ASSESSMENT ON PROPERTY IN THE DISTRICT FOR SERVICES AND IMPROVEMENTS TO BE PROVIDED IN THE DISTRICT DURING 2017; PROVIDING FOR REIMBURSEMENT OF CITY ADMINISTRATIVE COST FOR OPERATIONAL OVERSIGHT OF THE DISTRICT; FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF THE 2016 ASSESSMENT; PROVIDING FOR CITY PARTICIPATION IN THE DISTRICT IN AN AMOUNT NOT TO EXCEED \$651,427.00 AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code ("Act") allows for the creation of public improvement districts; and

WHEREAS, on June 24, 1992, City Council established the Dallas Downtown Improvement District (the "District"), as shown on the attached **Exhibit A - Map of the District**, pursuant to the Act finding that the Act's requirements and supplemental services and improvements were feasible and conferred a special benefit to the property in the District, designated Downtown Dallas Inc. as the manager of the District, authorized a contract for management services; and approved the District Service Plan, and annual updates by Resolution No. 92-2445; and

WHEREAS, on August 9, 2006, City Council authorized the renewal of the District for a seven-year period by Resolution Nos. 06-2048 and 06-2049; and

WHEREAS, on June 12, 2013, City Council authorized the renewal of the District for a seven-year period by Resolution No.13-1015; and

WHEREAS, City Council must review the proposed 2017 Service Plan and hold a public hearing to receive comments and pass on any objections to the 2016 Assessment Plan raised by any owner of property located within the District and at the conclusion of the hearing to levy the assessment for the purpose of providing supplemental services and improvements; and

WHEREAS, on August 15, 2016, information about this item was presented to the Economic Development Committee; and

WHEREAS, on August 24, 2016, the City Council authorized a public hearing to be held on September 14, 2016, to receive comments on the proposed 2016 Assessment Rate and final approval of 2017 Service Plan; and

WHEREAS, Downtown Dallas Inc. provided City staff with the proposed District 2017 Service Plan and 2016 Assessment Plan as shown in **Exhibits B and C**; and

WHEREAS, City Council desires to authorize and adopt the Assessment Roll that was filed with the City Secretary and subject to public inspection in the City's official records prior to the public hearing; and

WHEREAS, City Council finds that the supplemental services and improvements described in the Service Plan and Assessment Plan are feasible and advisable and will serve the needs and desires of the property owners, and that an assessment apportioned in an amount equal to a rate of \$0.129 per \$100.00 of appraised value of property or improvements to the property in the District, as determined by the Dallas Central Appraisal District (DCAD) is reasonable and adequate.

NOW, THEREFORE,

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

SECTION 1. That City Council shall adopt an ordinance approving and adopting the final 2017 Service Plan, the final 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; and providing for an effective date.

SECTION 2. That the recitals and findings listed above are true and correct and that the action of the City Council closing the public hearing in these proceedings is hereby ratified and confirmed.

SECTION 3. That the assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The gross assessment amount for 2016 is estimated to be \$7,284,008. This amount shall be apportioned in an amount approximately equal to \$0.129 per \$100.00 of appraised value, as determined by the Dallas Central Appraisal District. Once levied, this assessment rate shall not increase during the 2017 service plan year.

SECTION 3. (Continued)

The City of Dallas has contractually agreed to pay assessments against exempt City property in the District. City right-of-way, railroad right-of-way, parks and cemeteries are not specially benefitted and therefore are not subject to assessment. Payment of assessments by other exempt jurisdictions and entities must also be established by contract.

SECTION 4. That City Council hereby authorizes and adopts the final 2017 Service Plan, the final 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary) apportioning the total cost of the services and improvements to be assessed against property in the District for fiscal year ending December 31, 2016, of approximately \$6,581,041.00. The Assessment Roll apportions the assessment against each parcel of land in the District and is subject to public inspection in the City's official records.

SECTION 5. That the Chief Financial Officer is hereby authorized to disburse funds from:

Fund 0001, Department BMS, Unit 1991, Object 3599 to pay assessments on City-owned property benefitting from services and improvements provided by the District in an amount not to exceed \$443,651, subject to annual appropriations; and

Fund 0080, Department CCT, Unit 7840, Object 3599 to pay assessments on City-owned property benefitting from services and improvements provided by the District in an amount not to exceed \$207,776, subject to annual appropriations.

For a total not to exceed \$651,427.

SECTION 6. That notice of City Council's intention to consider the proposed assessments at a public hearing on September 14, 2016 at 1:00 p.m. in the City Council Chamber, 1500 Marilla Street, Dallas, Texas was published in the official newspaper of the City of Dallas, Texas before the 10th day before the date of the hearing. The notice stated: (1) the date, time and place of the hearing; (2) the general nature of the services and improvements; (3) the cost of the services and improvements; (4) the boundaries of the District; and (5) that written or oral objections will be considered at the hearing.

SECTION 7. That Dallas City staff mailed to the owners of property liable for assessment notice of the hearing as the ownership appears on the City tax roll. The notice contained the information required by the Act. The notice was mailed before the 10th day before the date of the hearing to the last known address of the property owner on the City tax roll. The failure of the property owner to receive notice does not invalidate the proceeding.

SECTION 8. That City Council finds that the assessments should be made and levied against the respective parcels of property within the District and against the owners thereof, and are substantially in proportion to the special benefits accrued to the respective parcels of property by means of the services and improvements in the District for which such assessments are levied, and further finds that in each case the property assessed is specially benefited by means of the said services and improvements in the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State and that the proceedings of the City heretofore held with reference to the formation of the District and the imposition of assessments for said services and improvements are in all respects valid and regular.

SECTION 9. That there shall be and is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money as listed in the Assessment Roll on file with the City Secretary and subject to public inspection, and the several amounts assessed against the same, and the owners thereof.

SECTION 10. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight percent (8%) per annum, provided, however, that such interest rate shall not exceed the maximum amount allowed by law, together with reasonable fees and the costs of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for state, county, school district and municipality ad valorem taxes and are a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien is effective from the date of this ordinance until the assessment is paid and may be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body.

SECTION 11. That the assessments levied herein shall be due and payable in full on or before January 31, 2017. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including, costs and fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body. The owner of the assessed property may pay at any time the entire assessment, with interest that has accrued on the assessment, on any lot or parcel.

SECTION 12 That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 13. That as part of the assessment levied herein, and as a part of the service plan, the District shall reimburse to City, administrative costs for the day to day operations conducted by city staff for the District, which amount shall be paid by the District to City upon receipt of an invoice; and that the Chief Financial Officer is hereby authorized to establish Fund 0694, Department ECO, to support recovery of the costs incurred by the Office of Economic Development for such day to day operational costs incurred.

SECTION 14. That the Chief Financial Officer be authorized to accept and deposit any and all revenues received from the District in Fund 0694, Department ECO, Unit 9877, Revenue Source 7399; and that the Chief Financial Officer be authorized to transfer annually, funds in amounts to be determined based upon costs incurred and related rates then in effect, from Fund 0694, Department ECO, Unit 9877, to General Fund 0001, Department ECO, Unit 1161 and Unit 1163, Object 5011, to reimburse the Office of Economic Development for administrative costs incurred for the day to day operational oversight of the District.

SECTION 15. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.

SECTION 16. That this ordinance 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 ordained.

APPROVED AS TO FORM

CHRISTOPHER D. BOWERS
INTERIM CITY ATTORNEY

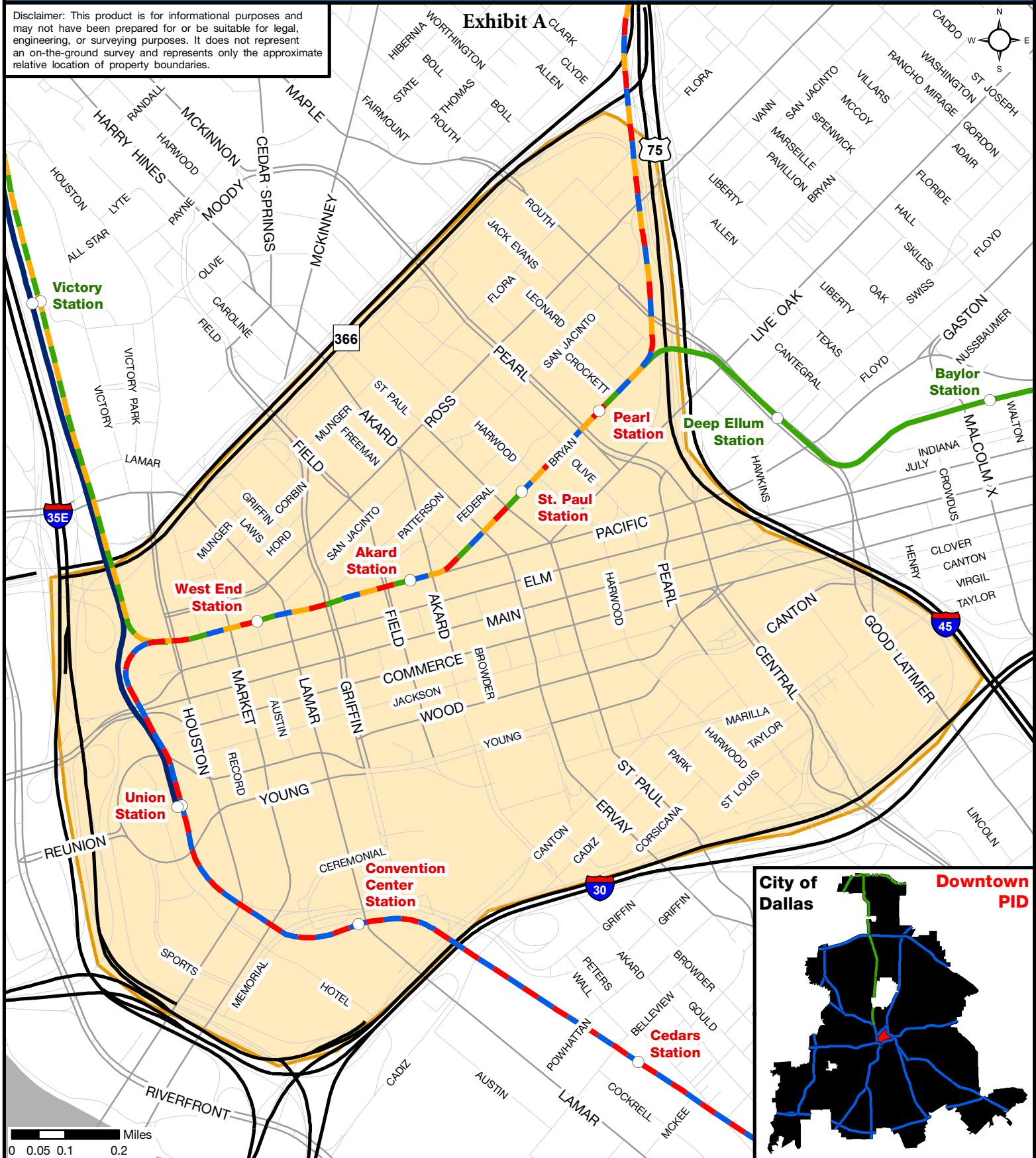
By: 
Assistant City Attorney

Passed and correctly enrolled _____

Downtown Improvement District (DID)

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.

Exhibit A



**DALLAS
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DEVELOPMENT**

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Created 3.17.10. Last Updated 8.31.11 - PID_Downtown.TCG

Legend

Downtown Improvement District

Rail Station

DART Red Line

DART Blue Line

DART Green Line

DART Orange Line

Trinity Railway Express

Freeway or Tollway

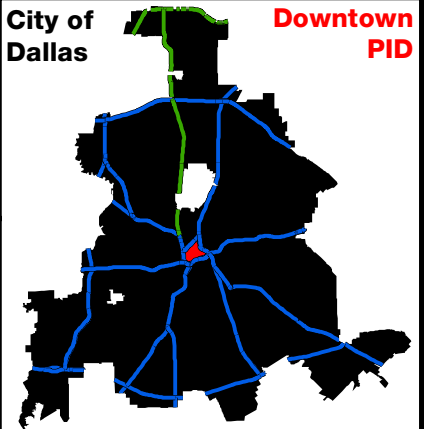
Arterial

Local Road

Flood Plain

**City of
Dallas**

**Downtown
PID**



Source: Rail Lines - DART, 2010; Parcels - DCAD, 2009; All Other Data - City of Dallas, 2010

Exhibit B

Dallas Downtown Improvement District (DID)

Service Plan 2017-2021

	<i>2017 Budget</i>	<i>2018 Budget</i>	<i>2019 Budget</i>	<i>2020 Budget</i>	<i>2021 Budget</i>
REVENUES & RESERVES					
Fund balance from previous year	\$556.00	\$2,843.00	\$1,685.61	\$1,829.48	\$1,069.94
Net assessment revenue*	\$6,501,328.00	\$6,572,842.61	\$6,645,143.88	\$6,718,240.46	\$6,792,141.10
Exempt jurisdictions	\$81,500.00	\$81,500.00	\$81,500.00	\$81,500.00	\$81,500.00
Interest on cash balances	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00
Other income & contributions	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL INCOME & RESERVES	\$6,583,884.00	\$6,657,685.61	\$6,728,829.48	\$6,802,069.94	\$6,875,211.05
EXPENDITURES					
Organization & Administration	\$825,525.00	\$850,000.00	\$875,000.00	\$900,000.00	\$925,000.00
Capital Improvements ¹	\$282,245.00	\$286,000.00	\$292,000.00	\$297,000.00	\$302,000.00
Transportation and Improvements ²	\$382,202.00	\$385,000.00	\$388,000.00	\$390,000.00	\$392,000.00
Communications & Events ³	\$1,240,815.00	\$1,245,000.00	\$1,250,000.00	\$1,255,000.00	\$1,260,000.00
Services and Improvements ⁴	\$1,310,045.00	\$1,325,000.00	\$1,340,000.00	\$1,355,000.00	\$1,370,000.00
Safety ⁵	\$2,540,209.00	\$2,565,000.00	\$2,582,000.00	\$2,604,000.00	\$2,625,000.00
TOTAL EXPENDITURES	\$6,581,041.00	\$6,656,000.00	\$6,727,000.00	\$6,801,000.00	\$6,874,000.00
FUND BALANCE/RESERVES	\$2,843.00	\$1,685.61	\$1,829.48	\$1,069.94	\$1,211.05

Notes

* 2016 Assessment less admin fees, delinquent and/or protested accounts contingency and exempt accounts removed by the County.

¹ Public Improvements, landscape and parks.

² Downtown circulator, operation and maintenance of mass transportation facilities.

³ Special supplemental service for promotion and improvement of the DID, including, entertainment and events, and retail recruitment.

⁴ Community programs, Clean Team, environmental enhancements and sanitation.

⁵ Downtown Safety Patrol, Homeless outreach, education & coordination.



**DOWNTOWN
DALLAS INC**

901 Main Street
Suite 7100
Dallas, TX 75202
p 214.744.1270
f 214.744.1986

Downtown Dallas, Inc. Improvement District 2017 Assessment Plan

The costs of the services and improvements by the District will be paid primarily by special assessment against properties in the District. Annual assessments are based on the total value of real property and real property improvements as determined by the Dallas Central Appraisal District ("DCAD").

The District service area is shown on a map attached hereto. The assessment to be levied for properties in the District service area is \$0.1290 per \$100 of appraised value. Dependent upon future District property values and the changing needs of the District, the assessment rate stated above is not anticipated to change in the next five years. Actual assessment rates and levies will be set by the Dallas City Council subject to a maximum of \$0.15 per \$100 of value and according to procedures stipulated by Chapter 372 of the Texas Local Government Code.

As provided by Chapter 372 of The Code, the City of Dallas is responsible for payments of assessments against exempt municipal property in the District. Properties not liable for assessment include City rights-of-way and properties not owned by the City of Dallas but have obtained an exemption from the City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code). Payment of assessments by other exempt jurisdictions shall be established by contract.

AGENDA ITEMS # 75,76

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 2, 7, 14

DEPARTMENT: Office of Economic Development

CMO: Ryan S. Evans, 671-9837

MAPSCO: 45 G L M R and 46 J K

SUBJECT

Deep Ellum Public Improvement District

- * A public hearing concerning the proposed levy of assessment for the Deep Ellum Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City
- * An ordinance approving and adopting the final 2017 Service Plan, the final 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; and providing for an effective date - Financing: No cost consideration to the City

BACKGROUND

Annually, City Council calls and holds a public hearing to consider the proposed assessment for property in the Public Improvement Districts ("PID") and authorizes the Service Plan for each PID. At the adjournment of the hearing on the proposed assessments, the City Council must hear and pass on any objections to a proposed assessment and may amend a proposed assessment on any parcel. After hearing and passing on the objections, the City Council by ordinance shall levy the assessment as a special assessment on the property.

BACKGROUND (Continued)

The Deep Ellum Foundation provided City staff with the proposed District Service Plan for 2017 and the proposed Assessment Plan for 2016 for review, and staff found the services and improvements to be advisable and recommended approval subject to the public hearing on September 14, 2016.

The public improvement district Service Plan is outlined in the following way:

- (a) **Nature of the Services and Improvements.** The proposed services and improvements to be provided in the District include public safety, graffiti control, landscaping, park improvements, trash pick-up, neighborhood improvements, acquisition, construction, operation and maintenance of mass transportation facilities, marketing and promotional activities, distinctive lighting and signage, business development and recruitment to promote the area as the Deep Ellum Entertainment District and related expenses incurred in establishing, administering and operating the District as authorized by the Act.
- (b) **Estimated Cost of the Services and Improvements.** During the next five (5) year period, the estimated annual cost of the improvements and services provided by the District is expected to begin at approximately \$392,167 in 2017 and reach \$432,879 in 2021. The total estimated assessments to be collected for during the next five year period is approximately \$2,255,998. The District shall incur no bonded indebtedness.
- (c) **Boundaries.** The boundaries of the District are located wholly within the City of Dallas, Texas, as shown in the attached map.
- (d) **Method of Assessment.** The assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The assessment amount for 2016 is proposed to be \$399,442. This amount is approximately equal to \$0.12 per \$100.00 of appraised value as determined by the Dallas Central Appraisal District. Once levied, this assessment apportionment shall not increase during the 2017 service plan year.

The real property of jurisdictions and entities that have obtained an exemption from City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

BACKGROUND (Continued)

- (e) **Apportionment of costs between the District and the Municipality as a Whole.** The assessment is levied on the real property and real property improvements in the District according to the value of such property. Levying the assessment for the services and improvements based on the appraised value of the property results in the apportionment of the costs on the basis of special benefits accruing to the property. No assessment, however, will be levied against exempt City property in the District. The City of Dallas is not responsible for payment of assessment against exempt City property in the District. City rights-of-way, railroad right-of-way, City parks and cemeteries are not specially benefitted and therefore are not subject to PID assessment.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 25, 1999, City Council authorized creation of the Deep Ellum Public Improvement District by Resolution No. 99-2604.

Additionally, the Deep Ellum Public Improvement District PID was renewed for a period of seven-years in 2006 and 2013.

On September 10, 2015, City Council authorized the assessment rate for 2015 by Ordinance No. 29861.

Information about this item was provided to the Economic Development Committee on August 15, 2016.

On August 24, 2016, City Council authorized a public hearing to be held on September 14, 2016, to receive comments on the proposed 2016 Assessment Rate and final approval of the 2017 Service Plan.

The Economic Development Committee was provided information regarding this item on September 2, 2016.

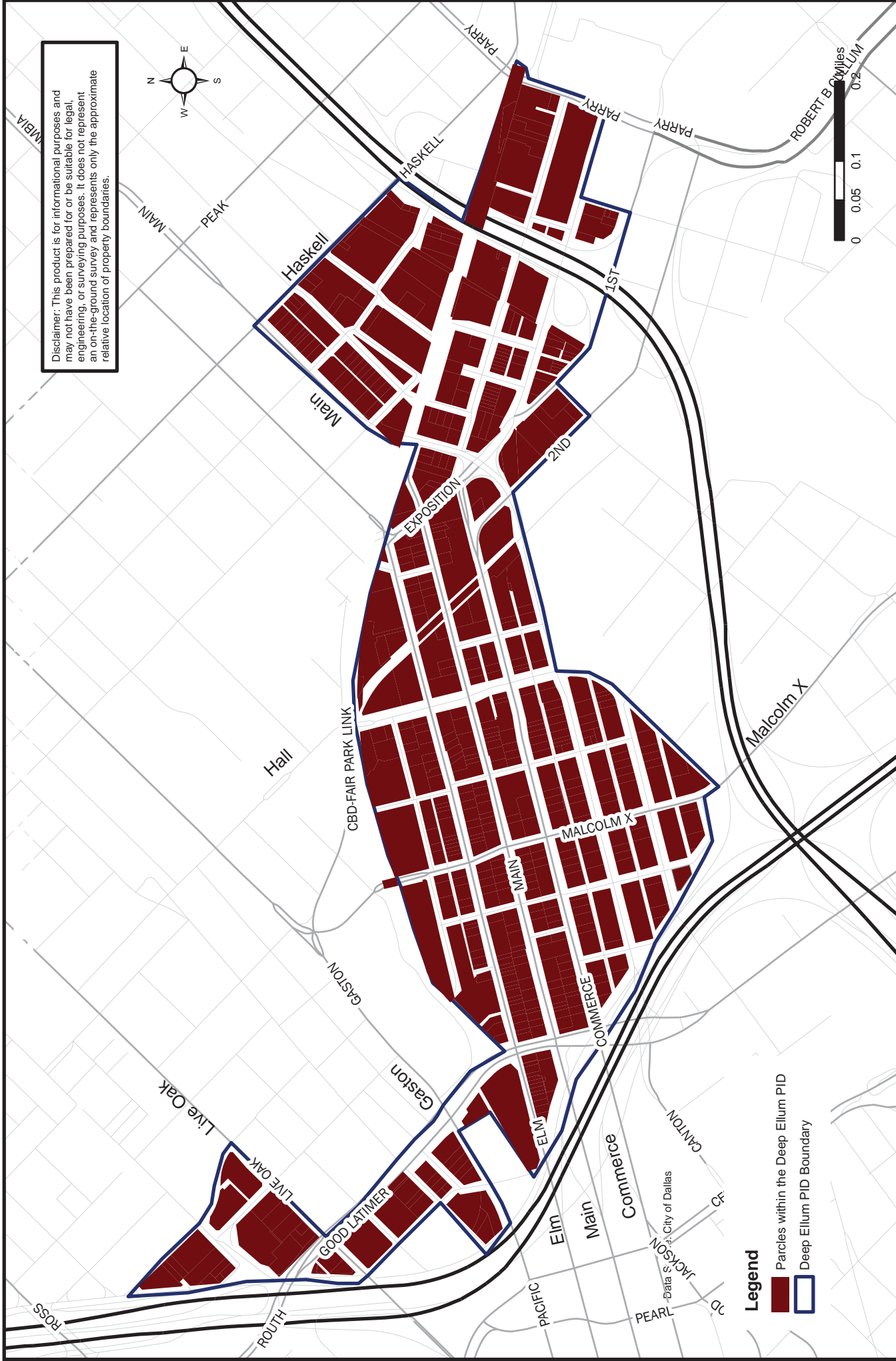
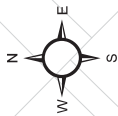
FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached.

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



- Legend**
- Parcels within the Deep Ellum PID
 - Deep Ellum PID Boundary

DALLAS
ECONOMIC
DEVELOPMENT
Area Redevelopment Division
214.670.1685
dallas-ecodev.org
Created 08/2013

Deep Ellum PID Boundary Map

ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING THE FINAL 2017 SERVICE PLAN, THE FINAL 2016 ASSESSMENT PLAN, AND THE 2016 ASSESSMENT ROLL (TO BE KEPT ON FILE WITH THE CITY SECRETARY); ESTABLISHING CLASSIFICATIONS FOR THE APPORTIONMENT OF COSTS AND THE METHODS OF ASSESSING SPECIAL ASSESSMENTS FOR THE SERVICES AND IMPROVEMENTS TO PROPERTY IN THE DEEP ELLUM PUBLIC IMPROVEMENT DISTRICT (DISTRICT); CLOSING THE HEARING AND LEVYING A SPECIAL ASSESSMENT ON PROPERTY IN THE DISTRICT FOR SERVICES AND IMPROVEMENTS TO BE PROVIDED IN THE DISTRICT DURING 2017; PROVIDING FOR REIMBURSEMENT OF CITY ADMINISTRATIVE COSTS FOR OPERATIONAL OVERSIGHT OF THE DISTRICT; FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF THE 2016 ASSESSMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code (the "Act") allows for the creation of public improvement districts; and

WHEREAS, on August 25, 1999 City Council established the Deep Ellum Public Improvement District (the District), pursuant to the Act, finding that the petition satisfied the Act's requirements and the supplemental services and improvements were feasible and conferred a special benefit to the property in the District, designated Deep Ellum Foundation as the manager of the District and authorized a contract for management services; and approved the District Service Plan, by Resolution No. 99-2604; and

WHEREAS, City Council has subsequently authorized the renewal of the District in 2006 and 2013 as shown on the attached **Exhibit A - Map of the District**; and

WHEREAS, on September 14, 2016, City Council authorized the 2017 Service Plan and 2016 Assessment Plan by Ordinance No. 29861; and

WHEREAS, City Council must review the proposed 2017 Service Plan and hold a public hearing to receive comments and pass on any objections to the 2016 Assessment Plan any owner of property located within the District and, at the conclusion of the hearing to levy the assessment for the purpose of providing supplemental services and improvements; and

WHEREAS, on August 15, 2016, information about this item was presented to the Economic Development Committee; and

WHEREAS, on August 24, 2016, City Council authorized a public hearing to be held on September 14, 2016, to receive comments on the proposed 2016 Assessment Rate and approval of the final 2017 Service Plan; and

WHEREAS, the Deep Ellum Foundation provided City staff with the proposed District 2017 Service Plan and 2016 Assessment Plan as shown in **Exhibits B and C**; and

WHEREAS, City Council desires to authorize and adopt the Assessment Roll that was filed with the City Secretary and subject to public inspection in the City's official records prior to the public hearing; and

WHEREAS, City Council finds that the supplemental services and improvements described in the Service Plan and Assessment Plan are feasible and advisable and will serve the needs and desires of the property owners, and that an assessment apportioned in an amount equal to a rate of \$0.12 per \$100.00 of appraised value of property or improvements to the property in the District, as determined by the Dallas Central Appraisal District (DCAD), is reasonable and adequate.

NOW, THEREFORE,

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

SECTION 1. That City Council shall adopt an ordinance approving and adopting the final 2017 Service Plan, the final 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Deep Ellum Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; and providing for an effective date.

SECTION 2. That the recitals and findings listed above are true and correct and that the action of City Council closing the public hearing in these proceedings is hereby ratified and confirmed.

SECTION 3. That the assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The assessment amount for 2016 is proposed to be \$399,442. This amount shall be apportioned in an amount approximately equal to \$0.12 per \$100.00 of appraised value as determined by the Dallas Central Appraisal District. Once levied, this assessment rate shall not increase during the 2017 service plan year.

SECTION 4. That City Council hereby authorizes and adopts the final 2017 Service Plan, the final 2016 Assessment Plan and the 2016 Assessment Roll to be kept on file with the City Secretary apportioning the total cost of the services and improvements to be assessed against property in the District for fiscal year ending December 31, 2016, of approximately \$392,167. The Assessment Roll apportions the assessment against each parcel of land in the District and is subject to public inspection in the City's official records.

SECTION 5. That notice of City Council's intention to consider the proposed assessments at a public hearing on September 14, 2016 at 1:00 p.m. in the City Council Chamber, 1500 Marilla Street, Dallas, Texas was published in the official newspaper of the City of Dallas, Texas before the 10th day before the date of the hearing. The notice stated: (1) the date, time and place of the hearing; (2) the general nature of the services and improvements; (3) the cost of the services and improvements; (4) the boundaries of the District; and (5) that written or oral objections will be considered at the hearing.

SECTION 6. That Dallas City staff mailed to the owners of property liable for assessment notice of the hearing as the ownership appears on the City tax roll. The notice contained the information required by the Act. The notice was mailed before the 10th day before the date of the hearing to the last known address of the property owner on the City tax roll. The failure of the property owner to receive notice does not invalidate the proceeding.

SECTION 7. That City Council finds that the assessments should be made and levied against the respective parcels of property within the District and against the owners thereof, and are substantially in proportion to the special benefits accrued to the respective parcels of property by means of the services and improvements in the District for which such assessments are levied, and further finds that in each case the property assessed is specially benefited by means of the said services and improvements in the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State and that the proceedings of the City heretofore held with reference to the formation of the District and the imposition of assessments for said services and improvements are in all respects valid and regular.

SECTION 8. That there shall be and is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money as listed in the Assessment Roll on file with the City Secretary and subject to public inspection, and the several amounts assessed against the same, and the owners thereof.

SECTION 9. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight percent (8%) per annum, provided, however, that such interest rate shall not exceed the maximum amount allowed by law, together with reasonable fees and the costs of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for state, county, school district and municipality ad valorem taxes and are a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien is effective from the date of this ordinance until the assessment is paid and may be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body.

SECTION 10. That the assessments levied herein shall be due and payable in full on or before January 31, 2017. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including, costs and fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body. The owner of the assessed property may pay at any time the entire assessment, with interest that has accrued on the assessment, on any lot or parcel.

SECTION 11. That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 12. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.

SECTION 13. That this ordinance 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 ordained.

APPROVED AS TO FORM

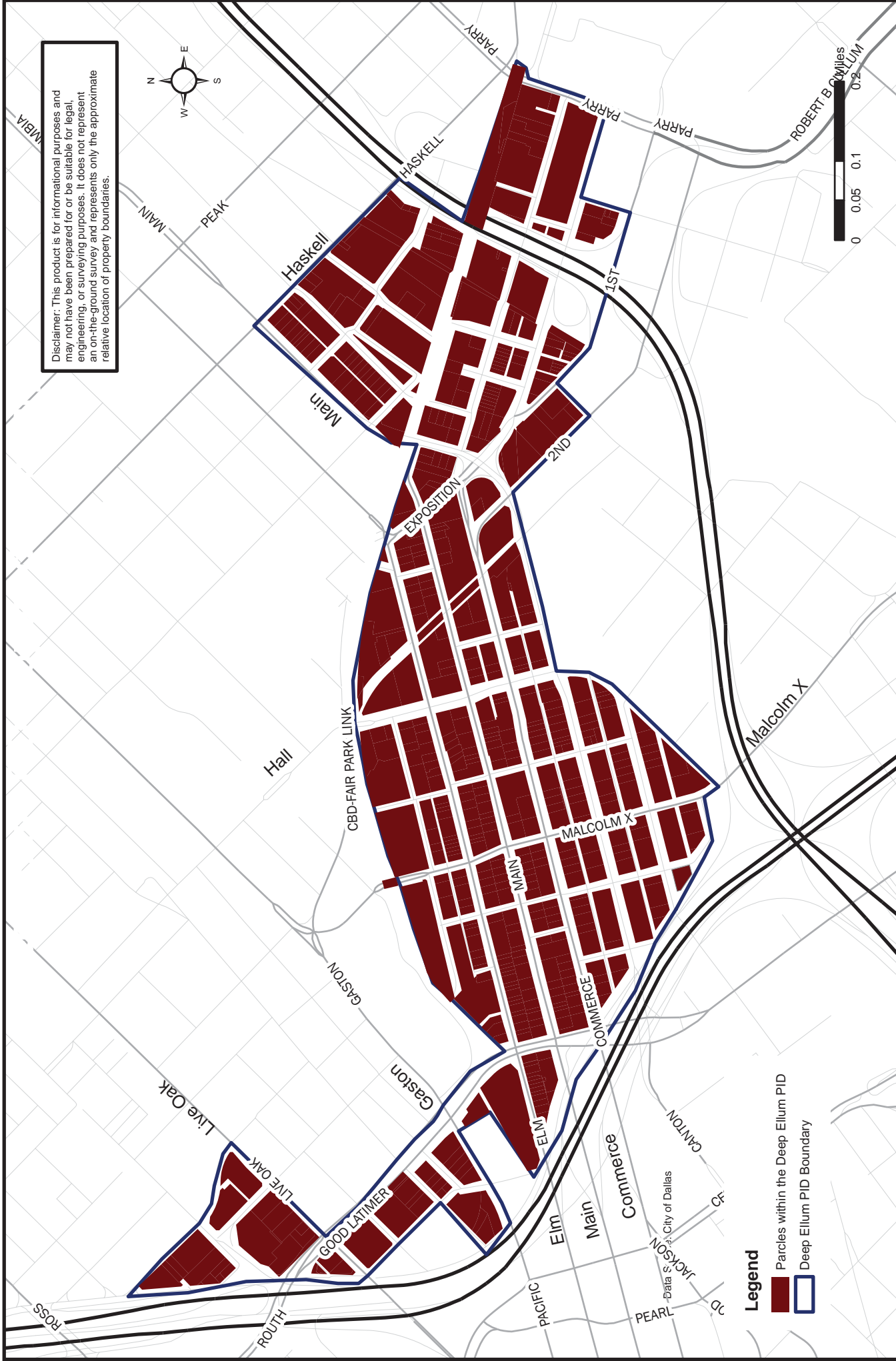
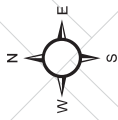
CHRISTOPHER D. BOWERS
INTERIM CITY ATTORNEY

By: _____


Assistant City Attorney

Passed and correctly enrolled _____

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



- Legend**
- Parcels within the Deep Ellum PID
 - Deep Ellum PID Boundary

DALLAS
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Created 08/2013

Deep Ellum PID Boundary Map Exhibit A

EXHIBIT B DEEP ELLUM PID Service Plan 2017-2021					
	2017	2018	2019	2020	2021*
Revenues and Reserves	BUDGET	BUDGET	BUDGET	BUDGET	BUDGET
Net Assessment Revenue	\$399,442.25	\$423,814.25	\$449,648.57	\$477,032.95	\$506,060.39
Fund balance from previous year ⁶	\$68,394.40	\$33,332.52	\$10,721.61	\$1,673.04	\$7,374.50
Interest on cash balances	\$912.87	\$958.51	\$1,006.44	\$1,056.76	\$1,109.60
Projected Adjustment for Property Tax Protest	-\$43,250.00	-\$45,412.50	-\$47,683.13	-\$50,067.28	-\$52,570.65
Total Income and Reserves	\$425,499.52	\$412,692.78	\$413,693.49	\$429,695.47	\$461,973.85
Improvements ¹	\$68,675.00	18%	\$70,391.88	\$72,151.67	\$75,804.35
Transportation and related expenses ²	\$24,805.00	6%	\$25,425.13	\$26,060.75	\$27,380.08
Business Development and Recruitment ³	\$14,350.00	4%	\$14,708.75	\$15,076.47	\$15,839.71
Marketing and Promotion ⁴	\$171,397.00	44%	\$175,681.93	\$180,073.97	\$184,575.82
Public Safety ⁵	\$21,525.00	5%	\$22,063.13	\$22,614.70	\$23,180.07
Administration	\$62,320.00	16%	\$63,878.00	\$65,474.95	\$67,111.82
Financial Audit and Insurance	\$29,095.00	7%	\$29,822.38	\$30,567.93	\$31,332.13
Total Expenditures	\$392,167.00	\$401,971.18	\$412,020.45	\$422,320.97	\$432,878.99
Fund Balance/Reserves	\$33,332.52	\$10,721.61	\$1,673.04	\$7,374.50	\$29,094.86
1. Graffiti control, landscaping, park improvements, trash pickup and neighborhood improvements 2. Acquisition, construction, operation and maintenance of transportation facilities and wayfinding signage including neighborhood parking programs 3. Business development and recruitment to promote the District 4. Marketing, website, and other promotional activities including but not limited to wifi 5. Safety and security related initiatives including but not limited to lighting and signage 6. The Public Improvement District started 2015 with a carry over balance of approximately \$200,000 accumulated from unspent funds from the Categories of Improvements, Business Development, and Marketing and Promotion. The Carry over funds is the rest of loss of staff to oversee the management of these categories for most of FY 2015. Following the hiring of a new Executive Director, who started June 1, 2015, and the expansion of the DEPID boundaries in 2014 the DEPID has requested to spend the carry over balance for delayed neighborhood projects, which will include testing Crowodus Street as a pedestrian corridor, neighborhood-wide parking strategies, art mural projects and a new professionally done Deep Ellum website.					
*The original service plan covers 2017-2020. This plan shows years 2017-2021. Any year beyond 2020 is an estimate pending a successful renewal.					

Exhibit C

Deep Ellum Public Improvement District 2016 Assessment Plan

The cost of the services and improvements provided by the Deep Ellum Public Improvement District (DEPID) will be paid primarily by special assessments against property in the District. Annual assessments will be based on the total value of real property and improvements as certified by the Dallas Central Appraisal District.

All property owners not exempt from assessment will be assessed at a uniform rate. For the tax year of 2016, the rate continues to be \$0.12 per \$100.00 of value. Assessments will be carried out in accordance with procedures stipulated in Chapter 372 of the Texas Local Government Code.

The City of Dallas shall not be responsible for payment of assessments against exempt City property in the District. DEPID will recognize and honor exemptions listed by the Dallas Central Appraisal District, including homestead, disability, senior citizen and exemptions for property owned by tax-exempt entities. Payment of the DEPID assessment by any exempt owners must be established by contract.

DEPID's assessments will be collected by Dallas County for the City of Dallas, in accordance with the management contract between the City of Dallas and The Deep Ellum Foundation, the non-profit corporation that manages the District.

Sincerely,



Jon Hetzel, Deep Ellum Foundation President

AGENDA ITEMS # 77,78

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 14

DEPARTMENT: Office of Economic Development

CMO: Ryan S. Evans, 671-9837

MAPSCO: 45 E F G K and L

SUBJECT

Klyde Warren Park/Dallas Arts District Public Improvement District

- * A public hearing concerning the proposed levy of assessment for the Klyde Warren Park/Dallas Arts District Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City
- * An ordinance approving and adopting the final 2017 Service Plan, which includes shifting among budget categories in excess of 20% as permitted by Resolution No. 14-1074, the 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; and providing for an effective date - Financing: No cost consideration to the City

BACKGROUND

Annually, City Council calls and holds a public hearing to consider the proposed assessment for property in the Public Improvement Districts (PID) and authorizes the Service Plan for each PID.

BACKGROUND (Continued)

At the adjournment of the hearing on the proposed assessments, the City Council must hear and pass on any objections to a proposed assessment and may amend a proposed assessment on any parcel. After hearing and passing on the objections, the City Council by ordinance shall levy the assessment as a special assessment on the property.

The Woodall Rodgers Park Foundation provided City staff with the proposed District Service Plan for 2017 and the proposed Assessment Plan for 2016 for review, and staff found the services and improvements to be advisable and recommended approval subject to the public hearing on September 14, 2016.

Resolution 14-1075, approved on June 25, 2014, which authorized creating the District, granted the Woodall Rodgers Park Foundation discretion to make modifications or substitutions within Service Plan categories if such changes serve the common interest of owners and tenants in the District and the increase and/or decrease in the amount allocated to any program category does not exceed twenty (20%) of the budgeted amount for that category. Adjustments that exceed 20% require City Council approval. In 2016, the Woodall Rodgers Park Foundation solicited a security vendor using the same scope as was previously being provided. Because the winning proposer's fees were well below the current contract, the Woodall Rodgers Park Foundation found cost savings in the Security category of the Service Plan. At the same time, continued high pedestrian use of Klyde Warren Park has led to increased maintenance costs, and the Woodall Rodgers Park Foundation has requested that the PID assessment savings from the Security line item be shifted to other allowable Service Plan line items. The only item that exceeds the 20% shift of categories is the Security line item.

The public improvement district Service Plan is outlined in the following way:

- (a) Nature of the Services and Improvements.** The purpose of the District is to supplement and enhance services and improvements for properties specifically benefitted by their proximity to KWP and DAD, but not to replace or supplant existing City or other services provided. The general nature of the proposed services and improvements to be performed by the District for KWP and DAD includes security, sanitation, graffiti control and landscape improvements, marketing and promotional activities, distinctive lighting and signage, landscaping and water features, KWP/DAD improvements, trash pick-up, cultural enhancement, programs, and related expenses incurred in establishing, administering and operating the District as authorized by the Act.
- (b) Estimated Cost of the Services and Improvements.** During the next five (5) year period, the estimated annual cost of the improvements and services provided by the District is expected to begin at approximately \$1,047,742 in 2017 and reach \$900,578 in 2021.

BACKGROUND (Continued)

The total estimated assessments to be collected during the next five year period is approximately \$4,495,704. The District shall incur no bonded indebtedness.

- (c) **Boundaries.** The boundaries of the District are shown on the attached Map of the District.
- (d) **Method of Assessment.** The assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The assessment amount for 2016 is proposed to be \$1,047,742. This amount is approximately equal to \$.025 per \$100.00 of appraised value as determined by the Dallas Central Appraisal District. Once levied, this assessment apportionment shall not increase during the 2017 service plan year. The annual assessment rate is capped and shall not exceed \$0.025 per \$100.00 valuation.

The real property of jurisdictions and entities that have obtained an exemption from City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

- (e) **Apportionment of costs between the District and the Municipality as a Whole.** The assessment is levied on the real property and real property improvements in the District according to the value of such property. Levying the assessment for the services and improvements based on the appraised value of the property results in the apportionment of the costs on the basis of special benefits accruing to the property. No assessment, however, will be levied against exempt City property in the District. The City of Dallas is not responsible for payment of assessment against exempt City property in the District. City rights-of-way, railroad right-of-way, City parks and cemeteries are not specially benefitted and therefore are not subject to PID assessment.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 13, 2013, City Council authorized creation of the Klyde Warren Park Public Improvement District by Resolution No. 13-1375.

On June 25, 2014, City Council authorized the dissolution of the Klyde Warren Park Public Improvement District by Resolution No. 14-1073.

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

On June 25, 2014, City Council authorized the creation of the Klyde Warren Park/Dallas Arts District Public Improvement District for a period of seven-years and designated the Woodall Rodgers Park Foundation as the management entity for the District by Resolution No. 14-1074.

Information about this item was provided to the Economic Development Committee on August 15, 2016.

On August 24, 2016, City Council authorized a public hearing to be held on September 14, 2016, to receive comments on the proposed 2016 Assessment Rate and final approval of the 2017 Service Plan.

The Economic Development Committee was provided information regarding this item on September 2, 2016.

FISCAL INFORMATION

No cost consideration to the City.

MAP

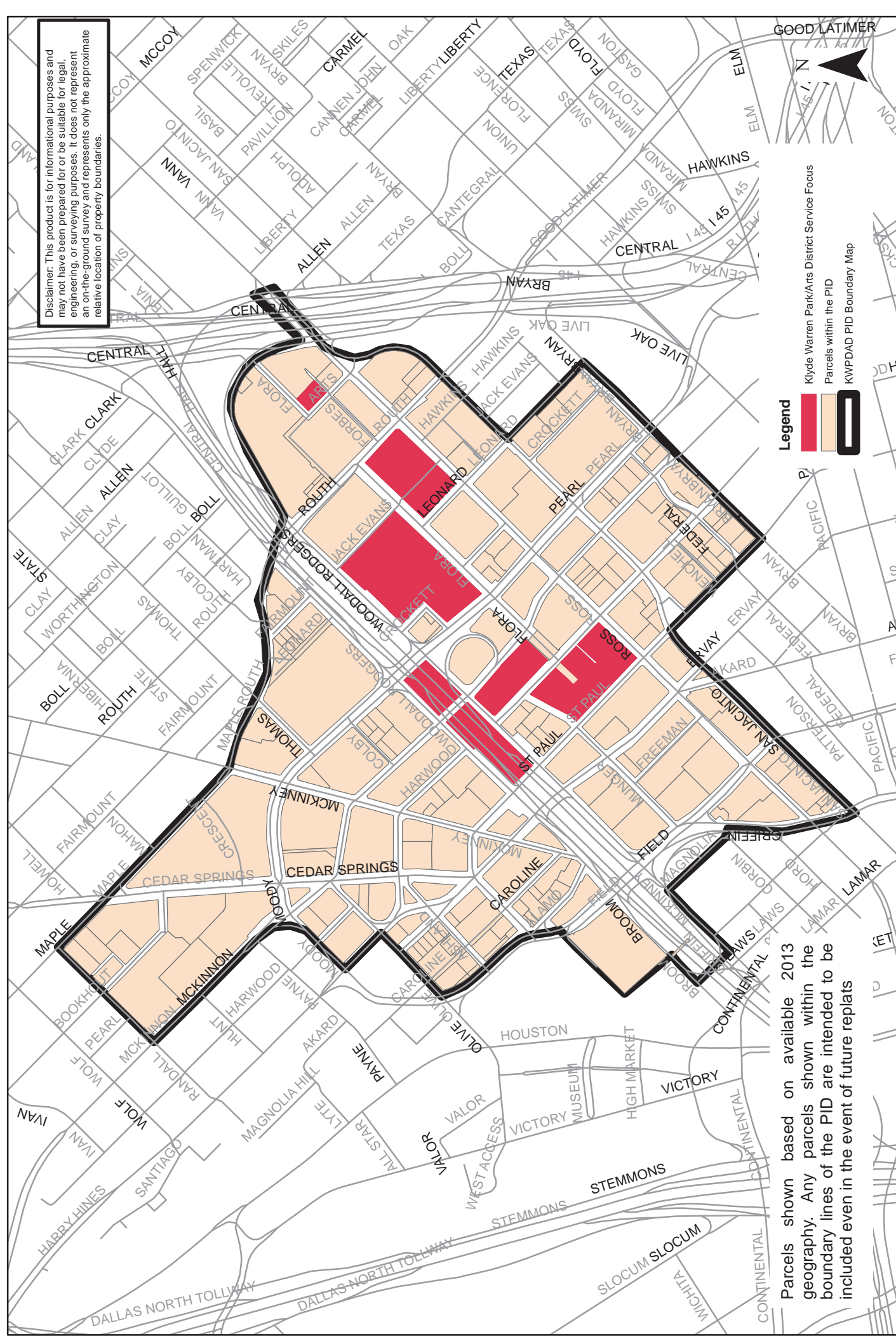
Attached.

GOOD LATIMER



Parcels shown based on available 2013 geography. Any parcels shown within the boundary lines of the PID are intended to be included even in the event of future replats

Klyde Warren Park/Arts District PID (KWP/DADPID) Boundary Map



ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING THE FINAL 2017 SERVICE PLAN, WHICH INCLUDES SHIFTING AMONG BUDGET CATEGORIES IN EXCESS OF 20% AS PERMITTED BY RESOLUTION 14-1074, THE FINAL 2016 ASSESSMENT PLAN, AND THE 2016 ASSESSMENT ROLL (TO BE KEPT ON FILE WITH THE CITY SECRETARY); ESTABLISHING CLASSIFICATIONS FOR THE APPORTIONMENT OF COSTS AND THE METHODS OF ASSESSING SPECIAL ASSESSMENTS FOR THE SERVICES AND IMPROVEMENTS TO PROPERTY IN THE KLYDE WARREN PARK/DALLAS ARTS DISTRICT PUBLIC IMPROVEMENT DISTRICT (DISTRICT); CLOSING THE HEARING AND LEVYING A SPECIAL ASSESSMENT ON PROPERTY IN THE DISTRICT FOR SERVICES AND IMPROVEMENTS TO BE PROVIDED IN THE DISTRICT DURING 2017; PROVIDING FOR REIMBURSEMENT OF CITY ADMINISTRATIVE COSTS FOR OPERATIONAL OVERSIGHT OF THE DISTRICT; FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF THE 2016 ASSESSMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code (the "Act") allows for the creation of public improvement districts; and

WHEREAS, on June 25, 2014, City Council established the Klyde Warren Park/Dallas Arts District Public Improvement District (District), as shown on the attached **Exhibit A - Map of the District**, pursuant to the Act, finding that the petition satisfied the Act's requirements and the supplemental services and improvements were feasible and conferred a special benefit to the property in the District; designated Woodall Rodgers Park Foundation as the manager of the District and authorized a contract for management services; and approved the District Service Plan, by Resolution No. 14-1074; and

WHEREAS, City Council must review the proposed 2017 Service Plan and hold a public hearing to receive comments and pass on any objections to the 2016 Assessment Plan raised by any owner of property located within the District and, at the conclusion of the hearing to levy the assessment for the purpose of providing supplemental services and improvements; and

WHEREAS, on August 15, 2016, information about this item was presented to the Economic Development Committee; and

WHEREAS, on August 24, 2016, City Council authorized a public hearing to be held on September 14, 2016, to receive comments on the proposed 2016 Assessment Rate and final approval of the 2017 Service Plan; and

WHEREAS, the Woodall Rodgers Foundation provided City staff with the proposed District 2017 Service Plan and 2016 Assessment Plan as shown in **Exhibits B and C**; and

WHEREAS, City Council desires to authorize and adopt the Assessment Roll that was filed with the City Secretary and subject to public inspection in the City's official records prior to the public hearing; and

WHEREAS, City Council finds that the supplemental services and improvements described in the Service Plan and Assessment Plan are feasible and advisable and will serve the needs and desires of the property owners, and that an assessment apportioned in an amount equal to a rate of \$.025 per \$100.00 of appraised value of property or improvements to the property located in the District, as determined by the Dallas Central Appraisal District (DCAD), is reasonable and adequate.

NOW, THEREFORE,

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

SECTION 1. That City Council shall adopt an ordinance approving and adopting the final 2017 Service Plan, the 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Klyde Warren Park/Dallas Arts District Public Improvement District(District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; and providing for an effective date.

SECTION 2. That the recitals and findings listed above are true and correct and that the action of the City Council closing the public hearing in these proceedings is hereby ratified and confirmed.

SECTION 3. That the assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The assessment amount for 2016 is proposed to be \$1,047,742. This amount shall be apportioned in an amount approximately equal to \$.025 per \$100.00 of appraised value as determined by the Dallas Central Appraisal District. Once levied, this assessment rate shall not increase during the 2017 service plan year. The annual assessment rate is capped and shall not exceed \$.025 per \$100.00 evaluation.

SECTION 4. That City Council hereby authorizes and adopts the final 2017 Service Plan, the final 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary apportioning the total cost of the services and improvements to be assessed against property in the District for fiscal year ending December 31, 2016, of approximately \$1,047,742. The Assessment Roll apportions the assessment against each parcel of land in the District and is subject to public inspection in the City's official records.

Section 5. That City Council hereby approves a decrease in the Security line item in the 2017 Service Plan by more than 20% of the budgeted amount for that category and shifting of funds from Security cost savings to other Service Plan budget categories.

SECTION 6. That notice of City Council's intention to consider the proposed assessments at a public hearing on September 14, 2016 at 1:00 p.m. in the City Council Chamber, 1500 Marilla Street, Dallas, Texas was published in the official newspaper of the City of Dallas, Texas before the 10th day before the date of the hearing. The notice stated: (1) the date, time and place of the hearing; (2) the general nature of the services and improvements; (3) the cost of the services and improvements; (4) the boundaries of the District; and (5) that written or oral objections will be considered at the hearing.

SECTION 7. That Dallas City staff mailed to the owners of property liable for assessment notice of the hearing as the ownership appears on the City tax roll. The notice contained the information required by the Act. The notice was mailed before the 10th day before the date of the hearing to the last known address of the property owner on the City tax roll. The failure of the property owner to receive notice does not invalidate the proceeding.

SECTION 8. That City Council finds that the assessments should be made and levied against the respective parcels of property within the District and against the owners thereof, and are substantially in proportion to the special benefits accrued to the respective parcels of property by means of the services and improvements in the District for which such assessments are levied, and further finds that in each case the property assessed is specially benefited by means of the said services and improvements in the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State, and that the proceedings of the City heretofore held with reference to the formation of the District and the imposition of assessments for said services and improvements are in all respects valid and regular.

SECTION 9. That there shall be and is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money as listed in the Assessment Roll on file with the City Secretary and subject to public inspection, and the several amounts assessed against the same, and the owners thereof.

SECTION 10. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight percent (8%) per annum, provided, however, that such interest rate shall not exceed the maximum amount allowed by law, together with reasonable fees and the costs of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for state, county, school district and municipality ad valorem taxes and are a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien is effective from the date of this ordinance until the assessment is paid and may be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body.

SECTION 11. That the assessments levied herein shall be due and payable in full on or before January 31, 2017. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including, costs and fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body. The owner of the assessed property may pay at any time the entire assessment, with interest that has accrued on the assessment, on any lot or parcel.

SECTION 12. That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 13. That as part of the assessment levied herein, and as a part of the service plan, the District shall reimburse to City, administrative costs for the day to day operations conducted by city staff for the District, which amount shall be paid by the District to City upon receipt of an invoice; and that the Chief Financial Officer is hereby authorized to establish Fund 0694, Department ECO, to support recovery of the costs incurred by the Office of Economic Development for such day to day operational costs incurred.

SECTION 14. That the Chief Financial Officer is hereby authorized to accept and deposit any and all revenues received from the District in Fund 0694, Department ECO, Unit 9879, Revenue Source 7399; and that the Chief Financial Officer be authorized to transfer annually, funds in amounts to is hereby determined based upon costs incurred and related rates then in effect, from Fund 0694, Department ECO, Unit 9879, to General Fund 0001, Department ECO, Unit 1161 and Unit 1163, Object 5011, to reimburse the Office of Economic Development for administrative costs incurred for the day to day operational oversight of the District.

SECTION 15. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.

SECTION 16. That this ordinance 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 ordained.

APPROVED AS TO FORM

CHRISTOPHER D. BOWERS
CITY ATTORNEY

By: 
Assistant City Attorney

Passed and correctly enrolled _____

**DALLAS
ECONOMIC
DEVELOPMENT**
Area Redevelopment
214.670.1685
dallas-ecodev.org

**KLYDE WARREN PARK/DALLAS ARTS DISTRICT PID BUDGET
SERVICE PLAN 2017**

EXHIBIT B

REVENUE	2017 Proposed	2018 Original Plan ¹	2019 Original Plan ¹	2020 Original Plan ¹	2021 Original Plan ¹
Fund Balance from previous year					
Net assessment revenue	\$1,047,742.00	\$824,156.21	\$848,880.90	\$874,347.33	\$900,577.75
TOTAL REVENUE	\$1,047,742.00	\$824,156.21	\$848,880.90	\$874,347.33	\$900,577.75
EXPENDITURES					
		*Allocation %			
² Security	\$211,736.67	20.21%	\$353,005.88	\$363,596.06	\$385,739.06
³ Sanitation	\$220,891.84	21.08%	\$179,122.66	\$184,496.34	\$195,732.17
⁴ Scrubbing and power washing pavers	\$0.00	0.00%	\$11,795.81	\$12,149.69	\$12,514.18
Waste disposal	\$14,666.41	1.40%	\$14,154.98	\$14,579.63	\$15,467.53
Landscape improvements	\$212,244.95	20.26%	\$39,515.98	\$40,701.46	\$43,180.18
Water features and general maintenance	\$84,023.07	8.02%	\$12,385.60	\$12,757.17	\$13,534.08
⁵ Cultural enhancement (programs)	\$82,143.43	7.84%	\$43,919.17	\$45,236.74	\$47,991.66
⁶ Marketing and promotion	\$75,202.04	7.18%	\$98,116.32	\$101,059.81	\$107,214.35
Administration	\$42,087.94	4.02%	\$27,538.72	\$28,364.88	\$30,092.30
Liability insurance and financial audit	\$70,422.95	6.72%	\$24,063.47	\$24,785.37	\$26,294.80
Holiday lighting and Decorations	\$26,393.85	2.52%	\$11,795.81	\$12,149.69	\$12,889.60
⁷ Signage	\$7,928.85	0.76%	\$8,741.81	\$9,004.06	\$9,552.42
Contingency	\$0.00	0.00%	\$0.00	\$0.00	\$0.00
TOTAL OPERATING EXPENDITURES	\$1,047,742.00	100.00%	\$824,156.21	\$848,880.90	\$900,577.75
FUND BALANCE/ RESERVES	\$0.00	0.00%	\$0.00	\$0.00	\$0.00
<p>KWP and DAD will support the remaining operating costs of their organizations, which is not included in the Service Plan</p> <p>* Allocation % for 2017 Proposed Budget only</p> <p>¹ Assumes a 3% increase in property values each year based on future Uptown and Downtown development; These amounts are from the service plan originally approved by City Council on June 25, 2014 in Resolution 14-1075. These amounts do not represent an estimate of future collections and should not be taken as such.</p> <p>² 24 hour security at KWP; Off-duty police and crossing guards at DAD</p> <p>³ Trash pickup, general cleaning, graffiti control and improvements</p> <p>⁴ Pavement (sidewalk) detail cleaning, staining and restoration</p> <p>⁵ Partial cost of European and Christmas Markets, programming activities, will grow yearly</p> <p>⁶ Partial cost of promoting the district, PR, advertising, free Wi-Fi, website and Kiosk</p> <p>⁷ Wayfinding signage</p>					

Exhibit C

Klyde Warren Park/Dallas Arts District Public Improvement District Assessment Plan

The costs of the services and improvements by the District will be paid primarily by special assessment against properties in the District. Annual assessments are based on the total value of real property and real property improvements as determined by the Dallas Central Appraisal District ("DCAD").

The Klyde Warren Park/Dallas Arts District Public Improvement District (PID) proposed assessment rate for 2017 is \$0.025 per \$100 of appraised value. The annual assessment rate shall not exceed \$0.025 per \$100 valuation. City right-of-way, railroad right-of-way, City parks and cemeteries are not specially benefitted and therefore are not subject to PID assessment. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 14

DEPARTMENT: Office of Economic Development

CMO: Ryan S. Evans, 671-9837

MAPSCO: 35 Q R U V

SUBJECT

Knox Street Public Improvement District

- * A public hearing concerning the proposed levy of assessment for the Knox Street Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City
- * An ordinance approving and adopting the final 2017 Service Plan, the final 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; and providing for an effective date - Financing: No cost consideration to the City

BACKGROUND

Annually, City Council calls and holds a public hearing to consider the proposed assessment for property in the Public Improvement Districts ("PID") and authorizes the Service Plan for each PID. At the adjournment of the hearing on the proposed assessments, the City Council must hear and pass on any objections to a proposed assessment and may amend a proposed assessment on any parcel.

BACKGROUND (Continued)

After hearing and passing on the objections, the City Council by ordinance shall levy the assessment as a special assessment on the property.

The Knox Street Public Improvement District provided City staff with the proposed District Service Plan for 2017 and the proposed Assessment Plan for 2016 for review, and staff found the services and improvements to be advisable and recommended approval subject to the public hearing on September 14, 2016.

The public improvement district Service Plan is outlined in the following way:

- (a) **Nature of the Services and Improvements.** The proposed services and improvements to be provided in the District include public safety and security, lighting, sidewalk and streetscape, operation and maintenance of public improvements, landscaping improvements including plantings and hardscape, District marketing and promotional activities and improvements authorized by the Act.
- (b) **Estimated Cost of the Services and Improvements.** During the next five (5) year period, the estimated annual cost of the improvements and services provided by the District is expected to begin at approximately \$906,935 in 2017 (prior to funding the Knox Complete Street project), \$292,996 in 2018 and reach \$321,164 in 2021. The total estimated assessments to be collected during the next five year period is approximately \$1,510,248. The District shall incur no bonded indebtedness. Carryover funds accumulated through 2016 will be used to fund capital improvement projects such as gateway markers and streetscape improvements and/or possibly in conjunction with Knox Complete Streets (and related feasibility study costs). Capital Improvements include traffic studies related to Knox Complete Streets and Cole-McKinney Two Way Conversion, as well as gateway marker costs. The Capital Improvements for 2016 reflects anticipated spending the majority of carryover funds collected from prior years to complement the Knox Complete Streets project.
- (c) **Boundaries.** The boundaries of the District are located wholly within the City of Dallas, Texas, as shown in the attached map.
- (d) **Method of Assessment.** The assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The assessment amount for 2016 is proposed to be \$284,462. This amount is approximately equal to \$0.15 per \$100.00 of appraised value as determined by the Dallas Central Appraisal District.

BACKGROUND (Continued)

Once levied, this assessment apportionment shall not increase during the 2017 service plan year.

The real property of jurisdictions and entities that have obtained an exemption from City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

- (e) **Apportionment of costs between the District and the Municipality as a Whole.** The assessment is levied on the real property and real property improvements in the District according to the value of such property. Levying the assessment for the services and improvements based on the appraised value of the property results in the apportionment of the costs on the basis of special benefits accruing to the property. No assessment, however, will be levied against exempt City property in the District. The City of Dallas is not responsible for payment of assessment against exempt City property in the District. City rights-of-way, railroad right-of-way, City parks and cemeteries are not specially benefitted and therefore are not subject to PID assessment.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 25, 1999, City Council authorized creation of the Knox Street Public Improvement District by Resolution No. 10-1670.

On September 9, 2015, City Council authorized the assessment rate for 2015 by Ordinance No. 29663.

Information about this item was provided to the Economic Development Committee on August 15, 2016.

On August 24, 2016, City Council authorized a public hearing to be held on September 14, 2016, to receive comments on the proposed 2016 Assessment Rate and final approval of the 2017 Service Plan.

The Economic Development Committee was provided information regarding this item on September 2, 2016.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached.

Knox Street PID



City of Dallas

Office of Economic Development

<http://www.Dallas-EcoDev.org>

Created 04/2010

ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING THE FINAL 2017 SERVICE PLAN, THE FINAL 2016 ASSESSMENT PLAN, AND THE 2016 ASSESSMENT ROLL (TO BE KEPT ON FILE WITH THE CITY SECRETARY); ESTABLISHING CLASSIFICATIONS FOR THE APPORTIONMENT OF COSTS AND THE METHODS OF ASSESSING SPECIAL ASSESSMENTS FOR THE SERVICES AND IMPROVEMENTS TO PROPERTY IN THE KNOX STREET PUBLIC IMPROVEMENT DISTRICT (DISTRICT); CLOSING THE HEARING AND LEVYING A SPECIAL ASSESSMENT ON PROPERTY IN THE DISTRICT FOR SERVICES AND IMPROVEMENTS TO BE PROVIDED IN THE DISTRICT DURING 2017; PROVIDING FOR REIMBURSEMENT OF CITY ADMINISTRATIVE COSTS FOR OPERATIONAL OVERSIGHT OF THE DISTRICT; FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF THE 2016 ASSESSMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code (the “Act”) allows for the creation of public improvement districts; and

WHEREAS, on June 23, 2010, City Council established the Knox Street Public Improvement District (the District), pursuant to the Act finding that the petition satisfied the Act’s requirements and the supplemental services and improvements were feasible and conferred a special benefit to the property in the District, designated Knox Street Public Improvement District Corporation as the manager of the District, and authorized a contract for management services; and approved the District Service Plan, by Resolution No. 09-1679; and

WHEREAS, on September 9, 2015, City Council authorized the 2016 Service Plan and 2015 Assessment Plan by Ordinance No. 29663 as shown on the attached **Exhibit A - Map of the District**; and

WHEREAS, City Council must review the proposed 2017 Service Plan and hold a public hearing to receive comments and pass on any objections to the 2016 Assessment Plan raised by any owner of property located within the District, and at the conclusion of the hearing to levy the assessment for the purpose of providing supplemental services and improvements; and

WHEREAS, on August 15, 2016, information about this item was presented to the Economic Development Committee; and

WHEREAS, on August 24, 2016, City Council authorized a public hearing to be held on September 14, 2016, to receive comments on the proposed 2016 Assessment Rate and final approval of the 2017 Service Plan; and

WHEREAS, the Knox Street Public Improvement District Corporation provided City staff with the proposed District 2017 Service Plan and 2016 Assessment Plan as shown in **Exhibits B and C**; and

WHEREAS, City Council desires to authorize and adopt the Assessment Roll that was filed with the City Secretary and subject to public inspection in the City's official records prior to the public hearing; and

WHEREAS, City Council finds that the supplemental services and improvements described in the Service Plan and Assessment Plan are feasible and advisable and will serve the needs and desires of the property owners, and that an assessment apportioned in an amount equal to a rate of \$0.15 per \$100.00 of appraised value of property or improvements to the property in the District, as determined by the Dallas Central Appraisal District (DCAD), is reasonable and adequate.

NOW, THEREFORE,

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

SECTION 1. That City Council shall adopt an ordinance approving and adopting the proposed and final 2017 Service Plan, the 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Knox Street Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; and providing for an effective date.

SECTION 2. That the recitals and findings listed above are true and correct and that the action of City Council closing the public hearing in these proceedings is hereby ratified and confirmed.

SECTION 3. That the assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The assessment amount for 2016 is proposed to be \$284,462.

SECTION 3. (Continued)

This amount shall be apportioned in an amount approximately equal to \$0.15 per \$100.00 of appraised value as determined by the Dallas Central Appraisal District. Once levied, this assessment rate shall not increase during the 2017 service plan year.

SECTION 4. That City Council hereby authorizes and adopts the final 2017 Service Plan, the final 2016 Assessment Plan, and the 2016 Assessment Roll (to be kept on file with the City Secretary apportioning the total cost of the services and improvements to be assessed against property in the District for fiscal year ending December 31, 2016, of approximately \$906,935. The Assessment Roll apportions the assessment against each parcel of land in the District and is subject to public inspection in the City's official records.

SECTION 5. That notice of City Council's intention to consider the proposed assessments at a public hearing on September 14, 2016 at 1:00 p.m. in the City Council Chamber, 1500 Marilla Street, Dallas, Texas was published in the official newspaper of the City of Dallas, Texas before the 10th day before the date of the hearing. The notice stated: (1) the date, time and place of the hearing; (2) the general nature of the services and improvements; (3) the cost of the services and improvements; (4) the boundaries of the District; and (5) that written or oral objections will be considered at the hearing.

SECTION 6. That Dallas City staff mailed to the owners of property liable for assessment notice of the hearing as the ownership appears on the City tax roll. The notice contained the information required by the Act. The notice was mailed before the 10th day before the date of the hearing to the last known address of the property owner on the City tax roll. The failure of the property owner to receive notice does not invalidate the proceeding.

SECTION 7. That City Council finds that the assessments should be made and levied against the respective parcels of property within the District and against the owners thereof, and are substantially in proportion to the special benefits accrued to the respective parcels of property by means of the services and improvements in the District for which such assessments are levied, and further finds that in each case the property assessed is specially benefited by means of the said services and improvements in the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State and that the proceedings of the City heretofore held with reference to the formation of the District and the imposition of assessments for said services and improvements are in all respects valid and regular.

SECTION 8. That there shall be and is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money as listed in the Assessment Roll on file with the City Secretary and subject to public inspection, and the several amounts assessed against the same, and the owners thereof.

SECTION 9. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight percent (8%) per annum, provided, however, that such interest rate shall not exceed the maximum amount allowed by law, together with reasonable fees and the costs of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for state, county, school district and municipality ad valorem taxes and are a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien is effective from the date of this ordinance until the assessment is paid and may be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body.

SECTION 10. That the assessments levied herein shall be due and payable in full on or before January 31, 2017. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including, costs and fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body. The owner of the assessed property may pay at any time the entire assessment, with interest that has accrued on the assessment, on any lot or parcel.

SECTION 11. That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 12. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.

SECTION 13. That this ordinance 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 ordained.

APPROVED AS TO FORM

CHRISTOPHER D. BOWERS
INTERIM CITY ATTORNEY

By: 
Assistant City Attorney

Passed and correctly enrolled _____

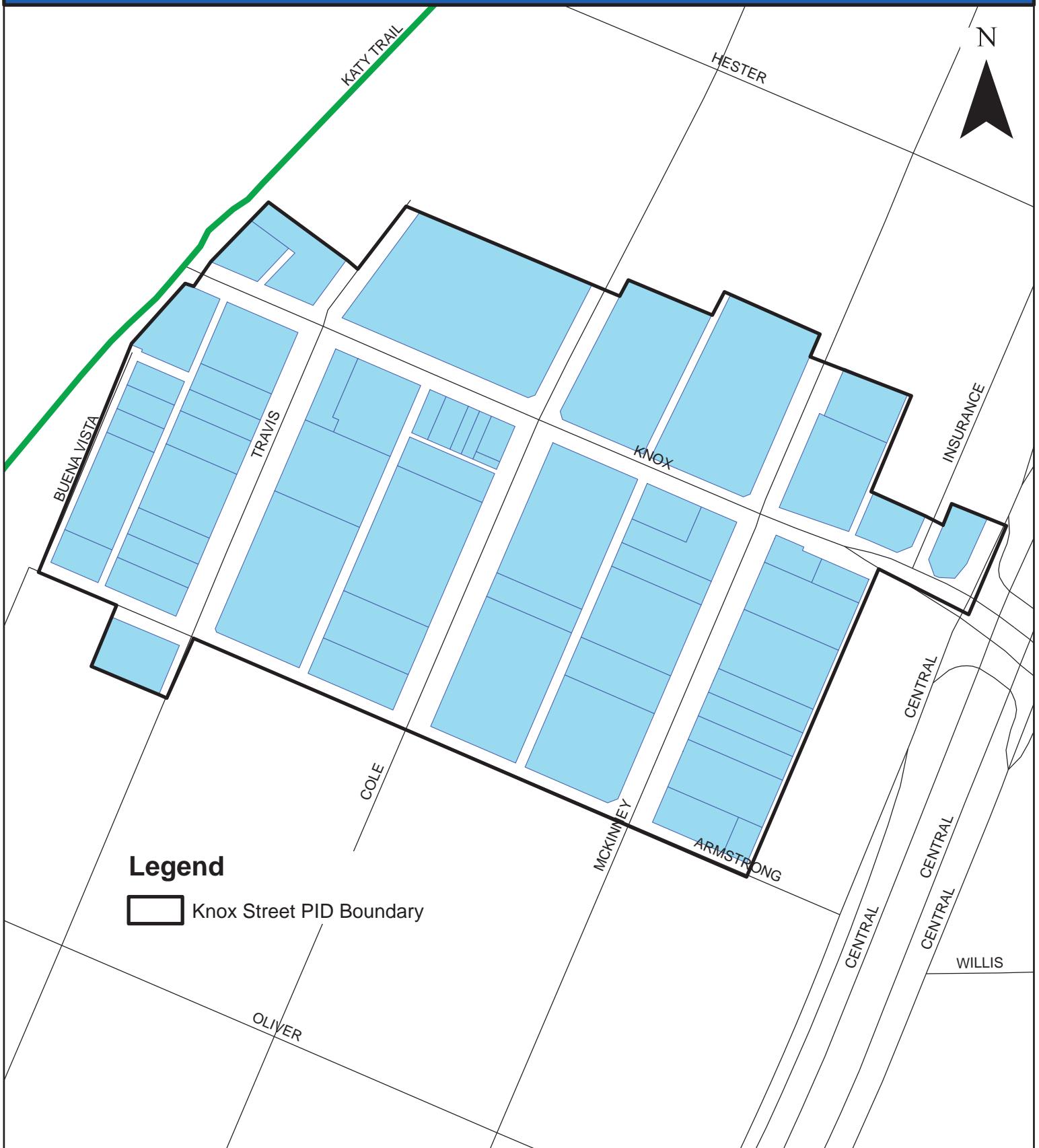


Exhibit B

Knox Street Public Improvement District - Five Year Budget / Service Plan

	2017 Budget	2018 Budget*	2019 Budget*	2020 Budget*	2021 Budget*
INCOME					
Carryover Fund Balance From Previous Year	\$ 632,473	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000
Net Assessment Revenue	\$ 284,462	\$ 292,996	\$ 301,786	\$ 310,839	\$ 320,165
TOTAL INCOME & RESERVES	\$ 916,935	\$ 302,996	\$ 311,786	\$ 320,840	\$ 330,164
EXPENSES					
Capital Improvements ⁽³⁾	\$ 750,038	\$ 147,565	\$ 152,715	\$ 158,020	\$ 164,483
Public Safety and Security ⁽⁴⁾	\$ 46,350	\$ 47,741	\$ 49,173	\$ 50,648	\$ 52,167
Marketing & Promotion ⁽⁵⁾	\$ 85,000	\$ 86,827	\$ 88,709	\$ 90,647	\$ 92,643
PID Renewal Fee ⁽⁷⁾	\$ 15,000	\$ -	\$ -	\$ -	\$ -
Insurance & Audit	\$ 10,399	\$ 10,711	\$ 11,033	\$ 11,364	\$ 11,704
Administrative ⁽⁶⁾	\$ 148	\$ 152	\$ 157	\$ 161	\$ 166
TOTAL EXPENSES	\$ 906,935	\$ 292,996	\$ 301,786	\$ 310,840	\$ 321,164
Current Net Income ⁽²⁾	\$ (622,473)	\$ 0	\$ 0	\$ (0)	\$ (1,000)
TOTAL CARRYOVER FUNDS AT YEAR END	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 9,000

⁽¹⁾ 2017 Assessments are proposed to be set at the maximum rate of \$0.15 per \$100 of taxable value.

⁽²⁾ 2017 Budget Revenues are based on 2016 certified tax roll with a 10% reduction applied for potential protest and refunds.

⁽³⁾ Carryover funds will be used to fund capital improvement projects such as (but not limited to) gateway markers and streetscape improvements and/or possibly in conjunction with Knox Complete Streets (and related feasibility study costs). 2015 Capital Improvements includes traffic studies related to Knox Complete Streets and Cole-Mckinney Two Way Conversion. 2016 reflects the gateway marker. 2017 Capital Improvements reflects anticipated spend of majority of carryover from

⁽⁴⁾ Security includes private security patrol, off-duty police, camera and related security systems equipment and monitoring.

⁽⁵⁾ Website, marketing, social media, branding, banners, special events and Christmas lights

⁽⁶⁾ Printing, mailing, notice, legal, audit and miscellaneous administrative expenses.

⁽⁷⁾ Payment to City of Dallas upon successful renewal of PID.

⁽²⁾ Actual Revenues (ie Cash Basis) in these years. 2015 Revenues include \$17,642.28 for TY 2016 received in 2015 Q4. Future years are on a tax year basis.

⁽¹⁾ Subject to successful renewal in 2017.

^(**) PID Oversight Charges started in FY 2012-2013, shown here as expenses one year later. FY 2013-2014, FY 2014-2015 and FY 2015-2016 are included in 2016 Forecast since not billed yet. Starting 2016, includes \$2.75 per account fee.

EXHIBIT C
KNOX STREET PUBLIC IMPROVEMENT DISTRICT
ASSESSMENT PLAN 2016

The cost of the services and improvements provided by the Knox Street Public Improvement District will be paid primarily by assessments against real properties within the Knox Street Public Improvement District boundaries. Annual assessments will be based on the value of real property and improvements as certified by the Dallas Central Appraisal District.

The cost of improvements and services in the district will be assessed by application of a single rate applied to all non-exempt property on the combined value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The assessment rate for 2016 is proposed at \$0.15 per \$100.00 of appraised value. The annual assessment rate, during the seven-year life of the District, will not exceed \$0.15 per \$100.00 of appraised value as determined by the Dallas Central Appraisal District.

The Knox Street PID assessments will be collected by the Dallas County Tax Office in accordance with the contract with the City of Dallas and in accordance with the management contract between the City of Dallas and the Knox Street Improvement District Corporation.

AGENDA ITEMS # 81,82

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 9, 10, 13

DEPARTMENT: Office of Economic Development

CMO: Ryan S. Evans, 671-9837

MAPSCO: 27 B C E F G H J K L N P S T W X & 26 Z

SUBJECT

Lake Highlands Public Improvement District

- * A public hearing concerning the proposed levy of assessment for the Lake Highlands Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District – Financing: No cost consideration to the City
- * An ordinance approving and adopting the final 2017 Service Plan, the 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; and providing for an effective date – Financing: No cost consideration to the City

BACKGROUND

Annually, City Council calls and holds a public hearing to consider the proposed assessment for property in the Public Improvement Districts (PID) and authorizes the Service Plan for each PID. At the adjournment of the hearing on the proposed assessments, the City Council must hear and pass on any objections to a proposed assessment and may amend a proposed assessment on any parcel. After hearing and passing on objections, the City Council by ordinance shall levy the assessment as a special assessment on the property.

BACKGROUND (Continued)

The Lake Highlands Improvement District Corporation provided City staff with the proposed District Service Plan for 2017 and the proposed Assessment Plan for 2016 for review, and staff found the services and improvements to be advisable and recommended approval subject to the public hearing on September 14, 2016.

The public improvement district Service Plan is outlined in the following way:

- (a) **Nature of the Services and Improvements.** The proposed services and improvements to be provided in the District include enhanced security and public safety, capital improvements, improvement of common areas, landscaping, trash/litter removal, graffiti control, marketing and promotional activities, distinctive lighting and signage, business development and recruitment to promote the area, and related expenses incurred in establishing, administering and operating the District as authorized by the Act.
- (b) **Estimated Cost of the Services and Improvements.** During the next five (5) year period, the estimated annual cost of the improvements and services provided by the District is expected to begin at approximately \$498,633 in 2017 and reach \$1,044,879 in 2021. The total estimated assessments to be collected during the next five year period is approximately \$3,608,989. The District shall incur no bonded indebtedness.
- (c) **Boundaries.** The boundaries of the District are shown on the attached Map of the District.
- (d) **Method of Assessment.** The assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The assessment amount for 2016 is proposed to be \$498,333. This amount is approximately equal to \$0.13 per \$100.00 of appraised value as determined by the Dallas Central Appraisal District. Once levied, this assessment apportionment shall not increase during the 2017 service plan year.

The real property of jurisdictions and entities that have obtained an exemption from City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes.

BACKGROUND (Continued)

Property owned by persons already receiving and qualifying for 65-or-older homestead exemption under Section 11.13 (c) or (d) of the Texas Property Tax Code will be exempt from assessment. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

- (e) **Apportionment of costs between the District and the Municipality as a Whole.** The assessment is levied on the real property and real property improvements in the District according to the value of such property. Levying the assessment for the services and improvements based on the appraised value of the property results in the apportionment of the costs on the basis of special benefits accruing to the property. No assessment, however, will be levied against exempt City property in the District. The City of Dallas is not responsible for payment of assessment against exempt City property in the District. City rights-of-way, railroad right-of-way, City parks and cemeteries are not specially benefitted and therefore are not subject to PID assessment.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 25, 2008, City Council authorized creation of the Lake Highlands Public Improvement District by Resolution No. 08-1866.

Additionally, the Lake Highlands PID was renewed for a period of seven years on August 12, 2015 by Resolution No 15-1473.

On September 9, 2015, City Council authorized the assessment rate for 2015 by Ordinance No. 29864.

Information about this item was provided to the Economic Development Committee on August 15, 2016.

On August 24, 2016, City Council authorized a public hearing to be held on September 14, 2016, to receive comments on the proposed 2016 Assessment Rate and final approval of the 2017 Service Plan.

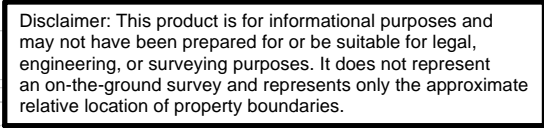
The Economic Development Committee was provided information regarding this item on September 2, 2016.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached.



ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING THE FINAL 2017 SERVICE PLAN, THE FINAL 2016 ASSESSMENT PLAN, AND THE 2016 ASSESSMENT ROLL (TO BE KEPT ON FILE WITH THE CITY SECRETARY); ESTABLISHING CLASSIFICATIONS FOR THE APPORTIONMENT OF COSTS AND THE METHODS OF ASSESSING SPECIAL ASSESSMENTS FOR THE SERVICES AND IMPROVEMENTS TO PROPERTY IN THE LAKE HIGHLANDS PUBLIC IMPROVEMENT DISTRICT (DISTRICT); CLOSING THE HEARING AND LEVYING A SPECIAL ASSESSMENT ON PROPERTY IN THE DISTRICT FOR SERVICES AND IMPROVEMENTS TO BE PROVIDED IN THE DISTRICT DURING 2017; PROVIDING FOR REIMBURSEMENT OF CITY ADMINISTRATIVE COSTS FOR OPERATIONAL OVERSIGHT OF THE DISTRICT; FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF THE 2016 ASSESSMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code ("Act") allows for the creation of public improvement districts; and

WHEREAS, on June 25, 2008, City Council established the Lake Highlands Public Improvement District (District), pursuant to the Act, finding that the petition satisfied the Act's requirements and the supplemental services and improvements were feasible and conferred a special benefit to the property in the District, designated Lake Highlands Improvement District Corporation as the manager of the District, authorized a contract for management services; and approved the District Service Plan, by Resolution No. 08-1866; and

WHEREAS, City Council has subsequently authorized the renewal of the District on August 12, 2015 by Resolution No 15-1473 as shown on the attached **Exhibit A - Map of the District**; and

WHEREAS, on September 9, 2015, City Council authorized the 2015 Service Plan and 2014 Assessment Plan by Ordinance No. 29864; and

WHEREAS, City Council must review the proposed 2017 Service Plan and hold a public hearing to receive comments and pass on any objections to the 2016 Assessment Plan raised by any owner of property located within the District, and, at the conclusion of the hearing to levy the assessment for the purpose of providing supplemental services and improvements; and

WHEREAS, on August 15, 2016, information about this item was presented to the Economic Development Committee; and

WHEREAS, on August 24, 2016, City Council authorized a public hearing to be held on September 14, 2016, to receive comments on the proposed 2016 Assessment Rate and final approval of the 2017 Service Plan; and

WHEREAS, the Lake Highlands Improvement District Corporation provided City staff with the proposed District 2017 Service Plan and 2016 Assessment Plan as shown in **Exhibits B and C**; and

WHEREAS, City Council desires to authorize and adopt the Assessment Roll that was filed with the City Secretary and subject to public inspection in the City's official records prior to the public hearing; and

WHEREAS, City Council finds that the supplemental services and improvements described in the Service Plan and Assessment Plan are feasible and advisable and will serve the needs and desires of the property owners, and that an assessment apportioned in an amount equal to a rate of \$0.13 per \$100.00 of appraised value of the property or improvements to the property in the District, as determined by the Dallas Central Appraisal District (DCAD), is reasonable and adequate.

NOW, THEREFORE,

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

SECTION 1. That City Council shall adopt an ordinance approving and adopting the final 2017 Service Plan, the 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Lake Highlands Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; and providing for an effective date.

SECTION 2. That the recitals and findings listed above are true and correct and that the action of the City Council closing the public hearing in these proceedings is hereby ratified and confirmed.

SECTION 3. That the assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The assessment amount for 2016 is proposed to be \$498,333. This amount shall be apportioned in an amount approximately equal to \$0.13 per \$100.00 of appraised value as determined by the Dallas Central Appraisal District.

SECTION 3. (Continued)

Once levied, this assessment rate shall not increase during the 2017 service plan year. The real property of jurisdictions and entities that have obtained an exemption from City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. Property owned by persons already receiving and qualifying for 65-or-older homestead exemption under Section 11.13 (c) or (d) of the Texas Property Tax Code will be exempt from assessment. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

SECTION 4. That City Council hereby authorizes and adopts the final 2017 Service Plan, the final 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary apportioning the total cost of the services and improvements to be assessed against property in the District for fiscal year ending December 31, 2016, of approximately \$498,633. The Assessment Roll apportions the assessment against each parcel of land in the District and is subject to public inspection in the City's official records.

SECTION 5. That notice of City Council's intention to consider the proposed assessments at a public hearing on September 14, 2016 at 1:00 p.m. in the City Council Chamber, 1500 Marilla Street, Dallas, Texas was published in the official newspaper of the City of Dallas, Texas before the 10th day before the date of the hearing. The notice stated: (1) the date, time and place of the hearing; (2) the general nature of the services and improvements; (3) the cost of the services and improvements; (4) the boundaries of the District; and (5) that written or oral objections will be considered at the hearing.

SECTION 6. That Dallas City staff mailed to the owners of property liable for assessment notice of the hearing as the ownership appears on the City tax roll. The notice contained the information required by the Act. The notice was mailed before the 10th day before the date of the hearing to the last known address of the property owner on the City tax roll. The failure of the property owner to receive notice does not invalidate the proceeding.

SECTION 7. That City Council finds that the assessments should be made and levied against the respective parcels of property within the District and against the owners thereof, and are substantially in proportion to the special benefits accrued to the respective parcels of property by means of the services and improvements in the District for which such assessments are levied, and further finds that in each case the property assessed is specially benefited by means of the said services and improvements in the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State and that the proceedings of the City heretofore held with reference to the formation of the District and the imposition of assessments for said services and improvements are in all respects valid and regular.

SECTION 8. That there shall be and is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money as listed in the Assessment Roll on file with the City Secretary and subject to public inspection, and the several amounts assessed against the same, and the owners thereof.

SECTION 9. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight percent (8%) per annum, provided, however, that such interest rate shall not exceed the maximum amount allowed by law, together with reasonable fees and the costs of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for state, county, school district and municipality ad valorem taxes and are a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien is effective from the date of this ordinance until the assessment is paid and may be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body.

SECTION 10. That the assessments levied herein shall be due and payable in full on or before January 31, 2017. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including, costs and fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body. The owner of the assessed property may pay at any time the entire assessment, with interest that has accrued on the assessment, on any lot or parcel.

SECTION 11. That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 12. That as part of the assessment levied herein, and as a part of the service plan, the District shall reimburse to City, administrative costs for the day to day operations conducted by city staff for the District, which amount shall be paid by the District to City upon receipt of an invoice; and that the Chief Financial Officer is hereby authorized to establish Fund 0694, Department ECO, to support recovery of the costs incurred by the Office of Economic Development for such day to day operational costs incurred.

SECTION 13. That the Chief Financial Officer is hereby authorized to accept and deposit any and all revenues received from the District in Fund 0694, Department, ECO, Unit 9881, Revenue Source 7399; and that the Chief Financial Officer be authorized to transfer annually, funds in amounts to be determined based upon costs incurred and related rates then in effect, from Fund 0694, Department. ECO, Unit 9881, to General Fund 0001, Department ECO, Unit 1161 and Unit 1163, Object 5011, to reimburse the Office of Economic Development for administrative costs incurred for the day to day operational oversight of the District.

SECTION 14. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.

SECTION 15. That this ordinance 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 ordained.

APPROVED AS TO FORM

CHRISTOPHER D. BOWERS
INTERIM CITY ATTORNEY

By: 
Assistant City Attorney

Passed and correctly enrolled _____

Exhibit B					
LAKE HIGHLANDS PUBLIC IMPROVEMENT DISTRICT FIVE YEAR SERVICE PLAN (2017-2021)					
	2017	2018	2019	2020	2021
INCOME					
Net Assessment					
Interest on Cash Balance	\$498,333.00	\$554,273.19	\$667,509.27	\$844,395.11	\$1,044,478.69
Surplus Carried Forward	\$300.00	\$300.00	\$400.00	\$400.00	\$400.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total Income	\$498,633.00	\$554,573.19	\$667,909.27	\$844,795.11	\$1,044,878.69
EXPENSES					
Renewal/Creation Fee		0%			
Public Safety ⁽¹⁾	45.00%	\$224,384.85	45%	\$380,157.80	45%
Improvements ⁽²⁾	33.00%	\$164,548.89	33%	\$278,782.39	33%
Promotion ⁽³⁾	6.00%	\$29,917.98	6%	\$50,687.71	6%
Administration ⁽⁴⁾	10.00%	\$49,863.30	10%	\$84,479.51	10%
Audit	2.00%	\$9,972.66	2%	\$16,895.90	2%
Insurance	4.00%	\$19,945.32	4%	\$33,791.80	4%
	100.00%				
Total Expenses		\$554,573.19	\$667,909.27	\$844,795.11	\$1,044,878.69
Surplus Carried Forward	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Notes:					
⁽¹⁾ Regular Security Patrol, patrol vehicle lease and related expenses					
⁽²⁾ Design and construction of public infrastructure improvements and supplemental enhancements of common areas including non standard ROW, medians and parks					
⁽³⁾ Website, marketing and outreach, marketing materials, promotion, community events, business development					
⁽⁴⁾ Office supplies, administration, notice mailings					

Exhibit C
LAKE HIGHLANDS PUBLIC IMPROVEMENT DISTRICT
2016 ASSESSMENT PLAN

The cost of the services and improvements provided by the Lake Highlands Public Improvement District will be paid primarily by assessments against real properties within the Lake Highlands Public Improvement District boundaries. Annual assessments will be based on the value of real property and improvements as certified by the Dallas Central Appraisal District.

The service area is identified on the enclosed map. All properties will be assessed at a uniform rate. The proposed assessment rate for the 2016 is proposed at \$0.13 per \$100.00 of appraised value. Each subsequent year, a recommended assessment rate will be determined by the budget prepared by the management corporation. Assessment will be carried out in accordance with procedures stipulated in Chapter 372 of the Texas Local Government Code.

Properties not liable for assessment include City rights-of-way, City-owned park properties and properties not owned by the City of Dallas but have obtained an exemption from the City of Dallas real property taxes pursuant to the Texas Property Code (exempt under the provisions of Section 11.24 and 11.28 of the Property Tax Code), and property owned by persons already receiving and qualifying for the 65-or-older homestead exemption (under Section 11.13(c) or (d) of the Texas Property Tax Code. Payment of assessment by other exempt jurisdictions must be established by contract.

The District's assessments will be collected by Dallas County or other collection agent as determined by the City of Dallas, in accordance with management contract between the City of Dallas and the Lake Highlands Improvement District Corporation, the non-profit management corporation for the District.

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 6

DEPARTMENT: Office of Economic Development

CMO: Ryan S. Evans, 671-9837

MAPSCO: 44 H D and 45 E

SUBJECT

Oak Lawn-Hi Line Public Improvement District

- * A public hearing concerning the proposed levy of assessment for the Oak Lawn-Hi Line Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District – Financing: No cost consideration to the City
- * An ordinance approving and adopting the final 2017 Service Plan, the 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; and providing for an effective date – Financing: No cost consideration to the City

BACKGROUND

Annually, City Council calls and holds a public hearing to consider the proposed assessment for property in the Public Improvement Districts (PID) and authorizes the Service Plan for each PID. At the adjournment of the hearing on the proposed assessments, the City Council must hear and pass on any objections to a proposed assessment and may amend a proposed assessment on any parcel. After hearing and passing on objections, the City Council by ordinance shall levy the assessment as a special assessment on the property.

BACKGROUND (Continued)

The Oak Lawn-Hi Line Improvement District Corporation provided City staff with the proposed District Service Plan for 2017 and the proposed Assessment Plan for 2016 for review, and staff found the services and improvements to be advisable and recommended approval subject to the public hearing on September 14, 2016.

The public improvement district Service Plan is outlined in the following way:

- (a) **Nature of the Services and Improvements.** The proposed services and improvements to be provided in the District include enhance security and public safety within the District, litter and graffiti control, public improvements, landscape improvements including planting, hardscape and street furniture within public open space and public right-of-way and related services and improvements that are authorized by the Act.
- (b) **Estimated Cost of the Services and Improvements.** During the next five (5) year period, the estimated annual cost of the improvements and services provided by the District is expected to begin at approximately \$374,321 in 2017 and reach \$742,438 in 2021. The total estimated assessments to be collected during the next five year period is approximately \$2,558,378. The District shall incur no bonded indebtedness.
- (c) **Boundaries.** The boundaries of the District are shown on the attached Map of the District.
- (d) **Method of Assessment.** The assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The assessment amount for 2016 is proposed to be \$345,736. This amount is approximately equal to \$0.15 per \$100.00 of appraised value as determined by the Dallas Central Appraisal District. Once levied, this assessment apportionment shall not increase during the 2017 service plan year.

The real property of jurisdictions and entities that have obtained an exemption from City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

BACKGROUND (Continued)

- (e) **Apportionment of costs between the District and the Municipality as a Whole.** The assessment is levied on the real property and real property improvements in the District according to the value of such property. Levying the assessment for the services and improvements based on the appraised value of the property results in the apportionment of the costs on the basis of special benefits accruing to the property. No assessment, however, will be levied against exempt City property in the District. The City of Dallas is not responsible for payment of assessment against exempt City property in the District. City rights-of-way and City parks are not subject to assessment.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 24, 2009, City Council authorized creation of the Oak Lawn-Hi Line Public Improvement District by Resolution No. 09-1679.

Additionally, the Oak Lawn-Hi Line PID was renewed for a period of seven years on June 15, 2016 by Resolution No 16-1022.

On September 9, 2015, City Council authorized the assessment rate for 2015 by Ordinance No. 29865.

Information about this item will be provided to the Economic Development Committee on August 15, 2016.

On August 24, 2016, City Council authorized a public hearing to be held on September 14, 2016, to receive comments on the proposed 2016 Assessment Rate and final approval of the 2017 Service Plan.

The Economic Development Committee was provided information regarding this item on September 2, 2016.

FISCAL INFORMATION

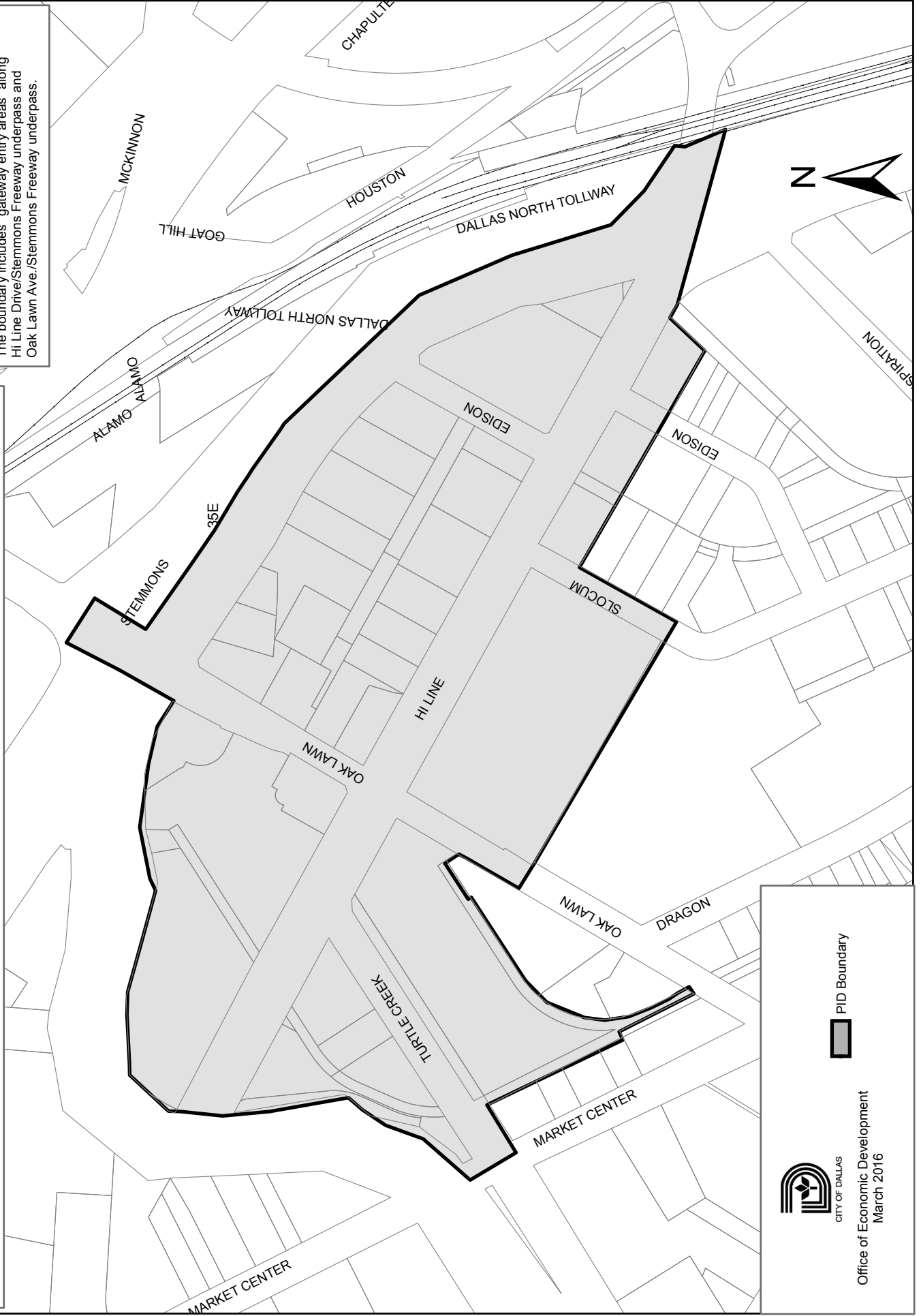
No cost consideration to the City.

MAP

Attached.

Oak Lawn - Hi Line Public Improvement District

Note: Parcels shown based on available 2015 geography. Any parcels shown within the boundary lines of the PID are intended to be included even in the event of future replats creating new or reconfigured parcels. The boundary includes "gateway entry areas" along Hi Line Drive/Stemmons Freeway underpass and Oak Lawn Ave./Stemmons Freeway underpass.



CITY OF DALLAS
Office of Economic Development
March 2016

PID Boundary

ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING THE FINAL 2017 SERVICE PLAN, THE FINAL 2016 ASSESSMENT PLAN, AND THE 2016 ASSESSMENT ROLL (TO BE KEPT ON FILE WITH THE CITY SECRETARY); ESTABLISHING CLASSIFICATIONS FOR THE APPORTIONMENT OF COSTS AND THE METHODS OF ASSESSING SPECIAL ASSESSMENTS FOR THE SERVICES AND IMPROVEMENTS TO PROPERTY IN THE OAK LAWN-HI LINE PUBLIC IMPROVEMENT DISTRICT (DISTRICT); CLOSING THE HEARING AND LEVYING A SPECIAL ASSESSMENT ON PROPERTY IN THE DISTRICT FOR SERVICES AND IMPROVEMENTS TO BE PROVIDED IN THE DISTRICT DURING 2017; PROVIDING FOR REIMBURSEMENT OF CITY ADMINISTRATIVE COSTS FOR OPERATIONAL OVERSIGHT OF THE DISTRICT; FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF THE 2016 ASSESSMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code (the Act) allows for the creation of public improvement districts; and

WHEREAS, on June 24, 2009, the City Council established the Oak Lawn Hi-Line Public Improvement District (the District), pursuant to the Act, finding that the petition satisfied the Act's requirements and the supplemental services and improvements were feasible and conferred a special benefit to the property in the District; designated Oak Lawn-Hi Line Improvement District Corporation as the manager of the District and authorized a contract for management services; and approved the District Service Plan, by Resolution No. 09-1679; and

WHEREAS, on June 15, 2016, City Council authorized the renewal of the District by Resolution No. 16-1022 as shown on the attached **Exhibit A - Map of the District**; and

WHEREAS, on September 9, 2015, City Council authorized the 2016 Service Plan and 2015 Assessment Plan by Ordinance No. 29865; and

WHEREAS, City Council must review the proposed 2017 Service Plan and hold a public hearing to receive comments and pass on any objections to the 2016 Assessment Plan raised by any owner of property located within the District, and, at the conclusion of the hearing to levy the assessment for the purpose of providing supplemental services and improvements; and

WHEREAS, on August 15, 2016, information about this item was presented to the Economic Development Committee; and

WHEREAS, on August 24, 2016, City Council authorized a public hearing to be held on September 14, 2016, to receive comments on the proposed 2016 Assessment Rate and final approval of the 2017 Service Plan; and

WHEREAS, the Oak Lawn-Hi Line Improvement District Corporation provided City staff with the proposed District 2017 Service Plan and 2016 Assessment Plan as shown in **Exhibits B and C**; and

WHEREAS, City Council desires to authorize and adopt the Assessment Roll that was filed with the City Secretary and subject to public inspection in the City's official records prior to the public hearing; and

WHEREAS, City Council finds that the supplemental services and improvements described in the Service Plan and Assessment Plan are feasible and advisable and will serve the needs and desires of the property owners, and that an assessment apportioned in an amount equal to a rate of \$0.15 per \$100.00 of appraised value of property or improvements to the property in the District, as determined by the Dallas Central Appraisal District (DCAD), is reasonable and adequate.

NOW, THEREFORE,

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

SECTION 1. That City Council shall adopt an ordinance approving and adopting the final 2017 Service Plan, the 2016 Assessment Plan, and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Oak Lawn-Hi Line Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; and providing for an effective date.

SECTION 2. That the recitals and findings listed above are true and correct and that the action of the City Council closing the public hearing in these proceedings is hereby ratified and confirmed.

SECTION 3. That the assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The assessment amount for 2016 is proposed to be \$345,736.

SECTION 3. (Continued)

This amount shall be apportioned in an amount approximately equal to \$0.15 per \$100.00 of appraised value as determined by the Dallas Central Appraisal District. Once levied, this assessment rate shall not increase during the 2017 service plan year.

SECTION 4. That City Council hereby authorizes and adopts the final 2017 Service Plan, the final 2016 Assessment Plan, and the 2016 Assessment Roll (to be kept on file with the City Secretary apportioning the total cost of the services and improvements to be assessed against property in the District for fiscal year ending December 31, 2016, of approximately \$374,321. The Assessment Roll apportions the assessment against each parcel of land in the District and is subject to public inspection in the City's official records.

SECTION 5. That notice of City Council's intention to consider the proposed assessments at a public hearing on September 14, 2016 at 1:00 p.m. in the City Council Chamber, 1500 Marilla Street, Dallas, Texas was published in the official newspaper of the City of Dallas, Texas before the 10th day before the date of the hearing. The notice stated: (1) the date, time and place of the hearing; (2) the general nature of the services and improvements; (3) the cost of the services and improvements; (4) the boundaries of the District; and (5) that written or oral objections will be considered at the hearing.

SECTION 6. That Dallas City staff mailed to the owners of property liable for assessment notice of the hearing as the ownership appears on the City tax roll. The notice contained the information required by the Act. The notice was mailed before the 10th day before the date of the hearing to the last known address of the property owner on the City tax roll. The failure of the property owner to receive notice does not invalidate the proceeding.

SECTION 7. That City Council finds that the assessments should be made and levied against the respective parcels of property within the District and against the owners thereof, and are substantially in proportion to the special benefits accrued to the respective parcels of property by means of the services and improvements in the District for which such assessments are levied, and further finds that in each case the property assessed is specially benefited by means of the said services and improvements in the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State, and that the proceedings of the City heretofore held with reference to the formation of the District and the imposition of assessments for said services and improvements are in all respects valid and regular.

SECTION 8. That there shall be and is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money as listed in the Assessment Roll on file with the City Secretary and subject to public inspection, and the several amounts assessed against the same, and the owners thereof.

SECTION 9. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight percent (8%) per annum, provided, however, that such interest rate shall not exceed the maximum amount allowed by law, together with reasonable fees and the costs of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for state, county, school district and municipality ad valorem taxes and are a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien is effective from the date of this ordinance until the assessment is paid and may be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body.

SECTION 10. That the assessments levied herein shall be due and payable in full on or before January 31, 2017. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including, costs and fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body. The owner of the assessed property may pay at any time the entire assessment, with interest that has accrued on the assessment, on any lot or parcel.

SECTION 11. That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 12. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.

SECTION 13. That this ordinance 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 ordained.

APPROVED AS TO FORM

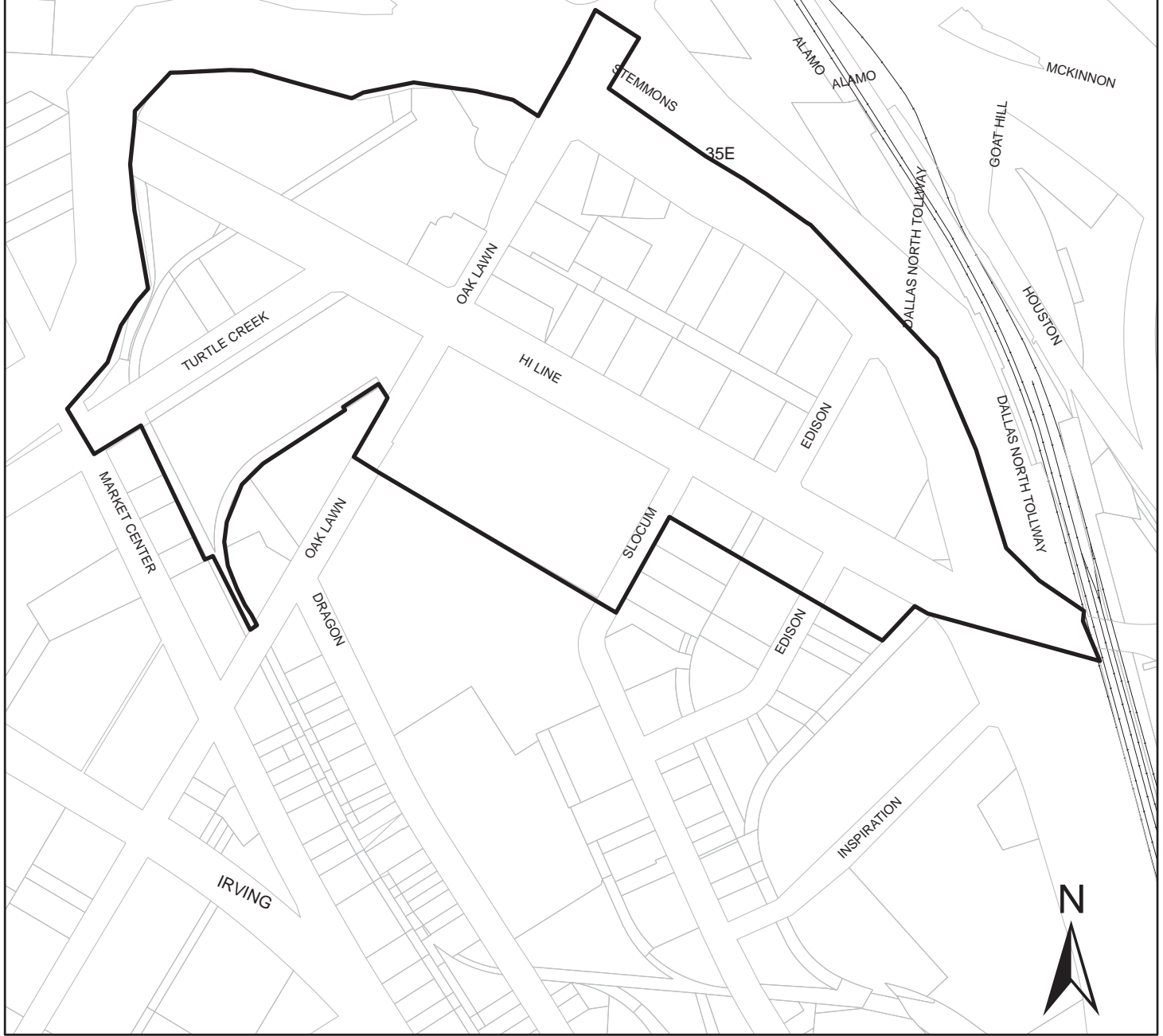
CHRISTOPHER D. BOWERS
INTERIM CITY ATTORNEY

By: _____


Assistant City Attorney

Passed and correctly enrolled _____

Note: Parcels shown based on available 2015 geography. Any parcels shown within the boundary lines of the PID are intended to be included even in the event of future replats creating new or reconfigured parcels. The boundary includes "gateway entry areas" along Hi Line Drive/Stemmons Freeway underpass and Oak Lawn Ave./Stemmons Freeway underpass.



Oak Lawn - Hi Line Public Improvement District

Exhibit A

 PID Boundary



CITY OF DALLAS S

Office of Economic Development
March 2016

Exhibit B
Oak Lawn-Hi Line Public Improvement District--Five Year Service Plan

	2017	2018	2019	2020	2021
INCOME					
Net assessment revenue ⁽¹⁾	\$345,736	\$368,860	\$490,988	\$610,447	\$742,346
Interest on cash balances	\$82	\$84	\$87	\$90	\$92
Other income & contributions ⁽²⁾	\$28,503	\$6,241	\$0	\$0	\$0
TOTAL INCOME	\$374,321	\$375,185	\$491,075	\$610,537	\$742,438
EXPENDITURES					
Security/PID Patrol ⁽³⁾	\$115,000	\$115,000	\$115,000	\$120,000	\$120,000
Area Improvements ⁽⁴⁾	\$216,000	\$186,000	\$216,000	\$216,000	\$266,000
General Administrative ⁽⁵⁾	\$25,200	\$25,200	\$25,200	\$27,200	\$27,200
Marketing/Promotion ⁽⁶⁾	\$1,136	\$32,000	\$35,000	\$35,000	\$40,000
Capital Improvements ⁽⁷⁾			\$82,890	\$195,352	\$272,253
Insurance and Audit ⁽⁸⁾	\$16,985	\$16,985	\$16,985	\$16,985	\$16,985
TOTAL EXPENDITURES	\$374,321	\$375,185	\$491,075	\$610,537	\$742,438

Oak Lawn-Hi Line Public Improvement District--Assessment Plan

The assessment amount is approximately equal to \$0.15 per \$100.00 of appraised value as determined by the Dallas Central Appraisal District (DCAD).

Notes

1. Net assessment reflects the deduction of City and County fees from the gross assessment collection.
2. Expenditures are anticipated to exceed net assessment revenue and interest income in the earlier years. Deficits will be met with property owner donations.
3. Public Safety consists of contract security patrols inside PID boundary.
4. Area improvements include landscape/irrigation to include turf, trees and periodic flower changes as well as litter and graffiti control. Maintenance of above standard improvements including benches, trash receptacles and bike racks is included. Periodic improvements to refurbish specialty signage and painting treatments.
4. General Administrative costs include management fee, annual tax preparation, bookkeeping charges and postage for public notices
6. Marketing/ Promotion is public information dissemination primarily through the Dallas Design District website. A branding effort is also proposed during the next 7 year term.
7. Capital improvements may include transportation planning/design for gateway improvements and phased implementation of those improvements. The feasibility of overhead utility burial to improve the aesthetics of the area will be studied and funded as budget allows with potential to leverage other sources of funding. Other improvements may include additional benches, trash cans, signage, sidewalk/median improvement projects, installing a signature fountain or adding art pieces to the District.
8. Insurance expense provides for liability coverage binder and cost of required annual financial audit

**OAK LAWN - HI LINE PUBLIC IMPROVEMENT DISTRICT
2016 ASSESSMENT PLAN**

The cost of the services and improvements provided by the Oak Lawn-Hi Line Public Improvement District will be paid primarily by assessments against real properties within the Oak Lawn-Hi Line Public Improvement District boundaries. Annual assessments will be based on the value of real property and improvements as certified by the Dallas Central Appraisal District.

The cost of improvements and services in the district will be assessed by application of a single rate applied to all non-exempt property on the combined value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The 2016 assessment rate is proposed at \$0.15 per \$100.00 of appraised value. The annual assessments rate, during the seven-year life of the District, will not exceed \$0.15 per \$100.00 of appraised value as determined by the Dallas Central Appraisal District.

The District shall pay the costs of the services and improvements by special assessment against the real property and real property improvements. The City of Dallas is not responsible for payment of assessments against exempt City property in the District, which is specially benefited. City rights-of-way and city parks are not subject to assessment. Properties otherwise exempt from ad valorem taxes are not subject to assessment. Payment of assessment by other exempt jurisdictions must be established by contract.

The Oak Lawn Hi Line PID assessments will be collected by the Dallas County Tax Office in accordance with the contract with the City of Dallas and in accordance with the management contract between the City of Dallas and the Oak Lawn-Hi Line Improvement District Corporation.

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 12

DEPARTMENT: Office of Economic Development

CMO: Ryan S. Evans, 671-9837

MAPSCO: 5 T U X Y

SUBJECT

Prestonwood Public Improvement District

- * A public hearing concerning the proposed levy of assessment for the Prestonwood Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District – Financing: No cost consideration to the City
- * An ordinance approving and adopting the final 2017 Service Plan, the final 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; and providing for an effective date – Financing: No cost consideration to the City

BACKGROUND

Annually, City Council calls and holds a public hearing to consider the proposed assessment for property in the Public Improvement Districts (“PID”) and authorizes the Service Plan for each PID. At the adjournment of the hearing on the proposed assessments, the City Council must hear and pass on any objections to a proposed assessment and may amend a proposed assessment on any parcel. After hearing and passing on the objections, the City Council by ordinance shall levy the assessment as a special assessment on the property.

BACKGROUND (Continued)

The Prestonwood Homeowners Association provided City staff with the proposed District Service Plan for 2017 and the proposed Assessment Plan for 2016 for review, and staff found the services and improvements to be advisable and recommended approval subject to the public hearing on September 14, 2016.

The public improvement district Service Plan is outlined in the following way:

- (a) **Nature of the Services and Improvements.** The proposed services and improvements to be provided in the District include enhanced public safety and security related improvements within the District as authorized by the Act.
- (b) **Estimated Cost of the Services and Improvements.** During the next five (5) year period, the estimated annual cost of the improvements and services provided by the District is expected to begin at approximately \$316,580 in 2017 and reach \$316,580 in 2021. The total estimated assessments to be collected for during the next five year period is approximately \$1,998,627. The District shall incur no bonded indebtedness.
- (c) **Boundaries.** The boundaries of the District are located wholly within the City of Dallas, Texas, as shown in the attached map.
- (d) **Method of Assessment.** The assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The assessment amount for 2016 is proposed to be \$353,929. This amount is approximately equal to \$0.0825 per \$100.00 of appraised value as determined by the Dallas Central Appraisal District. Once levied, this assessment apportionment shall not increase during the 2017 service plan year.

The real property of jurisdictions and entities that have obtained an exemption from City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

BACKGROUND (Continued)

- (e) **Apportionment of costs between the District and the Municipality as a Whole.** The assessment is levied on the real property and real property improvements in the District according to the value of such property. Levying the assessment for the services and improvements based on the appraised value of the property results in the apportionment of the costs on the basis of special benefits accruing to the property. No assessment, however, will be levied against exempt City property in the District. The City of Dallas is not responsible for payment of assessment against exempt City property in the District. City rights-of-way, railroad right-of-way, City parks and cemeteries are not specially benefitted and therefore are not subject to PID assessment.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 14, 1997, City Council authorized the establishment of the Prestonwood Public Improvement District by Resolution No. 97-1575.

Additionally, the Prestonwood PID was renewed for a period of seven years in 2004 and 2011.

On September 9, 2015, City Council authorized the assessment rate for 2015 by Ordinance No. 29866.

Information about this item was provided to the Economic Development Committee on August 15, 2016.

On August 24, 2016, City Council authorized a public hearing to be held on September 14, 2016, to receive comments on the proposed 2016 Assessment Rate and final approval of the 2017 Service Plan.

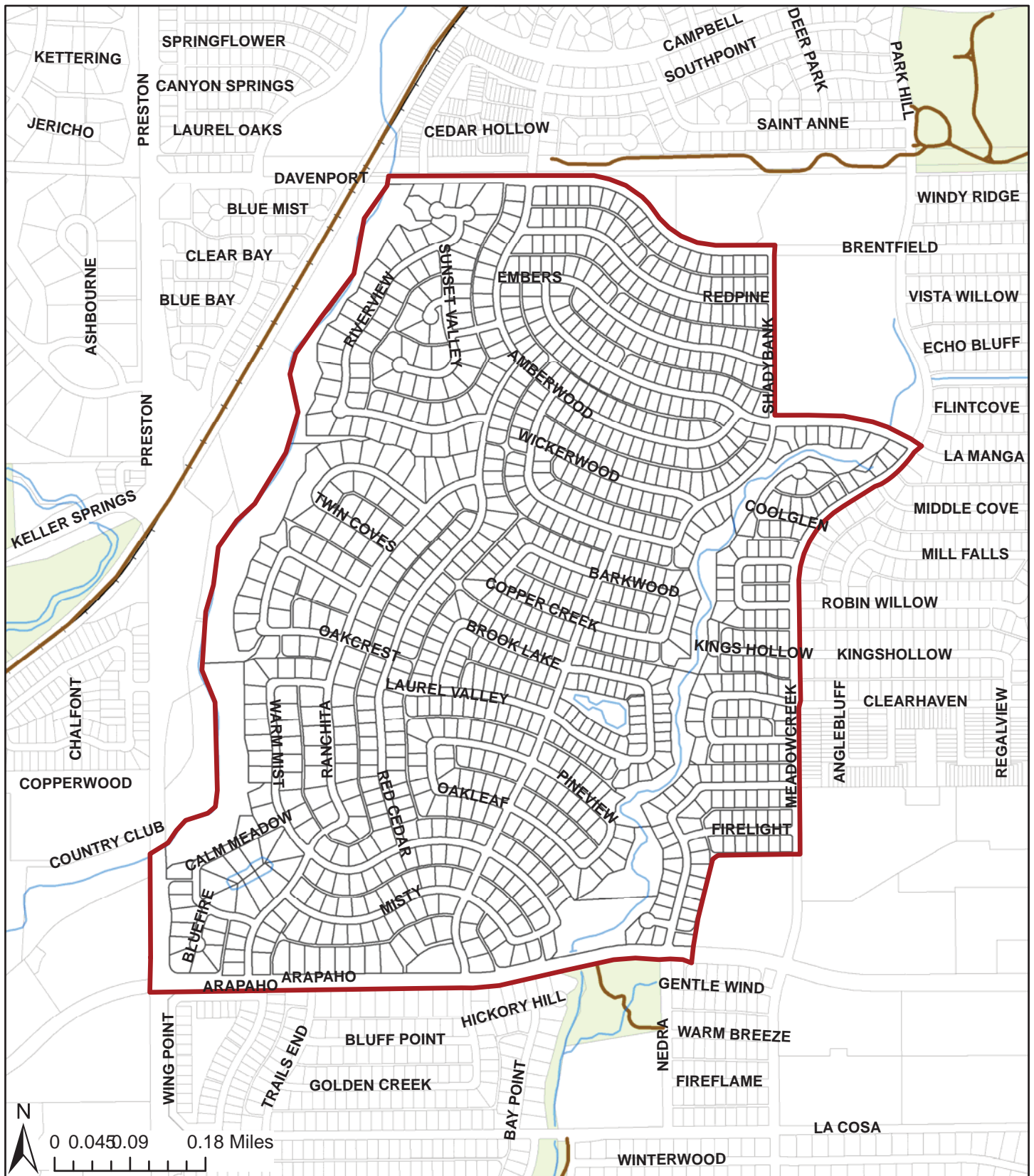
The Economic Development Committee was provided information regarding this item on September 2, 2016.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached.



Prestonwood PID Boundary Map

Prestonwood PID Boundary



City of Dallas

Office of Economic Development
August 2007

ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING THE FINAL 2017 SERVICE PLAN, THE FINAL 2016 ASSESSMENT PLAN, AND THE 2016 ASSESSMENT ROLL (TO BE KEPT ON FILE WITH THE CITY SECRETARY); ESTABLISHING CLASSIFICATIONS FOR THE APPORTIONMENT OF COSTS AND THE METHODS OF ASSESSING SPECIAL ASSESSMENTS FOR THE SERVICES AND IMPROVEMENTS TO PROPERTY IN THE PRESTONWOOD PUBLIC IMPROVEMENT DISTRICT (DISTRICT); CLOSING THE HEARING AND LEVYING A SPECIAL ASSESSMENT ON PROPERTY IN THE DISTRICT FOR SERVICES AND IMPROVEMENTS TO BE PROVIDED IN THE DISTRICT DURING 2016; PROVIDING FOR REIMBURSEMENT OF CITY ADMINISTRATIVE COSTS FOR OPERATIONAL OVERSIGHT OF THE DISTRICT;—FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF THE 2017 ASSESSMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code (the “Act”) allows for the creation of public improvement districts; and

WHEREAS, on May 14, 1997, City Council established the Prestonwood Public Improvement District (District), as shown on the attached **Exhibit A - Map of the District**, pursuant to the Act, finding that the petition satisfied the Act’s requirements and the supplemental services and improvements were feasible and conferred a special benefit to the property in the District, designated Prestonwood Homeowners Association as the manager of the District, and authorized a contract for management services; and approved the District Service Plan, by Resolution No. 97-1575; and

WHEREAS, City Council has subsequently authorized the renewal of the Prestonwood Public Improvement District (District) in 2004 and 2011; and

WHEREAS, on September 14, 2015, City Council authorized the 2016 Service Plan and 2015 Assessment Plan by Ordinance No. 29866; and

WHEREAS, City Council must review the proposed 2017 Service Plan and hold a public hearing to receive comments and pass on any objections to the 2016 Assessment Plan raised by any owner of property located within the District and, at the conclusion of the hearing to levy the assessment for the purpose of providing supplemental services and improvements; and

WHEREAS, on August 15, 2016, information about this item was presented to the Economic Development Committee; and

WHEREAS, on August 24, 2016, City Council authorized a public hearing to be held on September 14, 2016, to receive comments on the proposed 2016 Assessment Plan and approval of the final 2017 Service Plan; and

WHEREAS, the Prestonwood Homeowners Association provided City staff with the proposed District 2017 Service Plan and 2016 Assessment Plan as shown in **Exhibits B and C**; and

WHEREAS, City Council desires to authorize and adopt the Assessment Roll that was filed with the City Secretary and subject to public inspection in the City's official records prior to the public hearing; and

WHEREAS, City Council finds that the supplemental services and improvements described in the Service Plan and Assessment Plan are feasible and advisable and will serve the needs and desires of the property owners, and that an assessment apportioned in an amount equal to a rate of \$0.0825 per \$100.00 of appraised value of property or improvements to the property in the District, as determined by the Dallas Central Appraisal District (DCAD), is reasonable and adequate.

NOW, THEREFORE,

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

SECTION 1. That City Council shall adopt an ordinance approving and adopting the final 2017 Service Plan, the final 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Prestonwood Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; and providing for an effective date.

SECTION 2. That the recitals and findings listed above are true and correct and that the action of City Council closing the public hearing in these proceedings is hereby ratified and confirmed.

SECTION 3. That the assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The assessment amount for 2016 is proposed to be \$353,929.

SECTION 3. (Continued)

This amount shall be apportioned in an amount approximately equal to \$0.0825 per \$100.00 of appraised value as determined by the Dallas Central Appraisal District. Once levied, this assessment rate shall not increase during the 2017 service plan year.

SECTION 4. That City Council hereby authorizes and adopts the final 2017 Service Plan, the final 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary apportioning the total cost of the services and improvements to be assessed against property in the District for fiscal year ending December 31, 2016, of approximately \$316,580. The Assessment Roll apportions the assessment against each parcel of land in the District and is subject to public inspection in the City's official records.

SECTION 5. That notice of City Council's intention to consider the proposed assessments at a public hearing on September 14, 2016 at 1:00 p.m. in the City Council Chamber, 1500 Marilla Street, Dallas, Texas was published in the official newspaper of the City of Dallas, Texas before the 10th day before the date of the hearing. The notice stated: (1) the date, time and place of the hearing; (2) the general nature of the services and improvements; (3) the cost of the services and improvements; (4) the boundaries of the District; and (5) that written or oral objections will be considered at the hearing.

SECTION 6. That Dallas City staff mailed to the owners of property liable for assessment notice of the hearing as the ownership appears on the City tax roll. The notice contained the information required by the Act. The notice was mailed before the 10th day before the date of the hearing to the last known address of the property owner on the City tax roll. The failure of the property owner to receive notice does not invalidate the proceeding.

SECTION 7. That City Council finds that the assessments should be made and levied against the respective parcels of property within the District and against the owners thereof, and are substantially in proportion to the special benefits accrued to the respective parcels of property by means of the services and improvements in the District for which such assessments are levied, and further finds that in each case the property assessed is specially benefited by means of the said services and improvements in the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State and that the proceedings of the City heretofore held with reference to the formation of the District and the imposition of assessments for said services and improvements are in all respects valid and regular.

SECTION 8. That there shall be and is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money as listed in the Assessment Roll on file with the City Secretary and subject to public inspection, and the several amounts assessed against the same, and the owners thereof.

SECTION 9. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight percent (8%) per annum, provided, however, that such interest rate shall not exceed the maximum amount allowed by law, together with reasonable fees and the costs of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for state, county, school district and municipality ad valorem taxes and are a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien is effective from the date of this ordinance until the assessment is paid and may be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body.

SECTION 10. That the assessments levied herein shall be due and payable in full on or before January 31, 2016. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including, costs and fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body. The owner of the assessed property may pay at any time the entire assessment, with interest that has accrued on the assessment, on any lot or parcel.

SECTION 11. That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 12. That as part of the assessment levied herein, and as a part of the service plan, the District shall reimburse to City, administrative costs for the day to day operations conducted by city staff for the District, which amount shall be paid by the District to City upon receipt of an invoice; and that the Chief Financial Officer is hereby authorized to establish Fund 0694, Department ECO, to support recovery of the costs incurred by the Office of Economic Development for such day to day operational costs incurred.

SECTION 13. That the Chief Financial Officer is hereby authorized to accept and deposit any and all revenues received from the District in Fund 0694, Department, ECO, Unit 9882, Revenue Source 7399; and that the Chief Financial Officer be authorized to transfer annually, funds in amounts to be determined based upon costs incurred and related rates then in effect, from Fund 0694, Department ECO, Unit 9882, to General Fund 0001, Department ECO, Unit 1161 and Unit 1163, Object 5011, to reimburse the Office of Economic Development for administrative costs incurred for the day to day operational oversight of the District.

SECTION 14. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.

SECTION 15. That this ordinance 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 ordained.

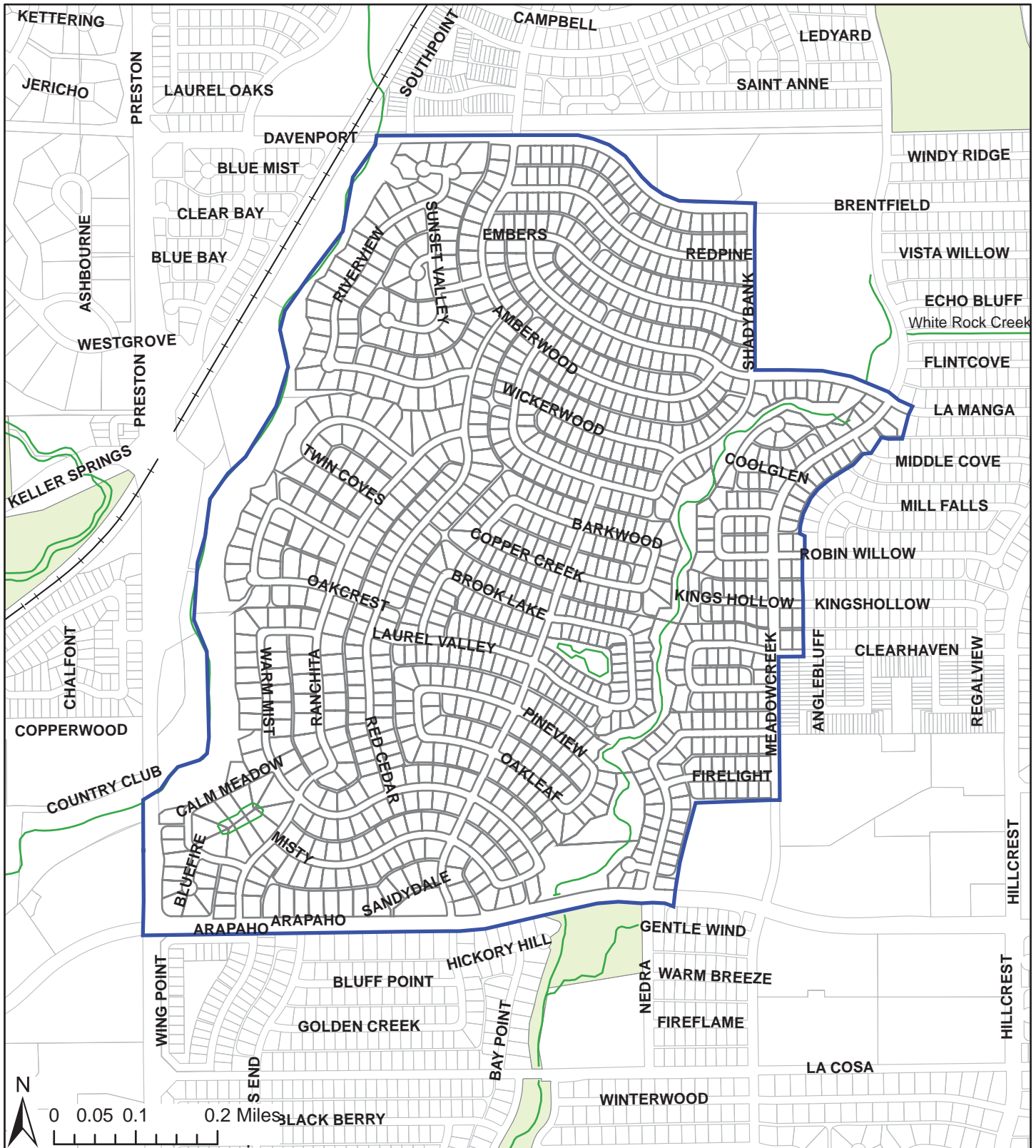
APPROVED AS TO FORM

CHRISTOPHER D. BOWERS
INTERIM CITY ATTORNEY

By: 
Assistant City Attorney

Passed and correctly enrolled _____

EXHIBIT A



Prestonwood PID Boundary Map

 Prestonwood PID Boundary



City of Dallas

Office of Economic Development
August 2006

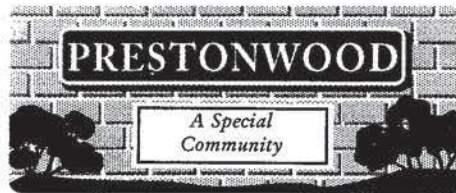
Exhibit B

Prestonwood Public Improvement District Service Plan 2017-2021

Revenue & Reserves		<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
Calendar Year Beginning Balance		\$ 20,499	\$ 37,349	\$ 46,469	\$ 63,951	\$ 88,288
Net Assessment Revenue		\$ 333,430	\$ -	\$ 325,700	\$ 334,061	\$ 340,918
Exempt Jurisdictions		\$ -	\$ -	\$ -	\$ -	\$ -
Interest on Cash balances		\$ -	\$ -	\$ -	\$ -	\$ -
Total Income & Reserves		\$ 353,929	\$ 363,049	\$ 380,531	\$ 404,868	\$ 410,790
PID Services						
Public Safety		\$ 302,080	\$ 302,080	\$ 302,080	\$ 302,080	\$ 302,080
Audit & Insurance		\$ 12,000	\$ 12,000	\$ 12,000	\$ 12,000	\$ 12,000
Administrative		\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500
Total Disbursements		\$ 316,580	\$ 316,580	\$ 316,580	\$ 316,580	\$ 316,580
Reserve		<u>\$ 37,349</u>	<u>\$ 46,469</u>	<u>\$ 63,951</u>	<u>\$ 88,288</u>	<u>\$ 94,210</u>

Assumptions

- Assumes no increase in average hourly rate for contracted officers, but portion of RESERVES could be used for safety patrol wage increase if warranted.
- Assumes annual audit fees of \$5,000 and \$7,000 insurance expense shared with PHA.
- Assumes an estimated annual increase in home valuations.
- Assumes payment of PID renewal fee of \$15,000 in 2017 included in PID Oversight Charge from City.



HOMEOWNERS ASSOCIATION
P. O. Box 795682
Dallas, Texas 75379

**Prestonwood Public Improvement District
2016 Assessment Plan**

The cost of the services and improvements provided by the Prestonwood Improvement District will be paid primarily by assessments against real properties within Prestonwood Public Improvement District (PID) boundaries. Annual assessments will be based on the value of real property and improvements as certified by the Dallas Central Appraisal District.

The 2016 assessment rate for the property in the Prestonwood PID is proposed at \$0.08250 per \$100.00 of value. Assessments will be carried out in accordance with procedures stipulated in Chapter 372 of the Texas Local Government Code.

The District shall pay the costs of the services and improvements by special assessment against the real property and real property improvements. The City of Dallas is not responsible for the payment of assessments against exempt City property in the District which is specifically benefitted. City rights-of-way, parks and cemeteries are not subject to assessment. Payment of assessments by other exempt jurisdictions and entities must be established by contract. No such contract is in place, nor is any proposed.

The Prestonwood PID's assessments will be collected by the Dallas County Tax Office in accordance with the contract with the City of Dallas and in accordance with the management contract between the City of Dallas and the Prestonwood Homeowners Association.

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 2, 7

DEPARTMENT: Office of Economic Development

CMO: Ryan S. Evans, 671-9837

MAPSCO: N/A

SUBJECT

South Dallas/Fair Park Public Improvement District

- * A public hearing concerning the proposed levy of assessment for the South Dallas/Fair Park Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District – Financing: No cost consideration to the City
- * An ordinance approving and adopting the final 2017 Service Plan, the final 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; and providing for an effective date – Financing: No cost consideration to the City

BACKGROUND

Annually, City Council calls and holds a public hearing to consider the proposed assessment for property in the Public Improvement Districts (PID) and authorizes the Service Plan for each PID. At the adjournment of the hearing on the proposed assessments, the City Council must hear and pass on any objections to a proposed assessment and may amend a proposed assessment on any parcel. After hearing and passing on the objections, the City Council by ordinance shall levy the assessment as a special assessment on the property.

BACKGROUND (Continued)

The Alliance for Greater Works provided City staff with the proposed District Service Plan for 2017 and the proposed Assessment Plan for 2016 for review, and staff found the services and improvements to be advisable and recommended approval subject to the public hearing on September 14, 2016.

The public improvement district Service Plan is outlined in the following way:

- (a) **Purpose of the District; General Nature of the Proposed Services and Improvements.** The purpose of the District is to supplement and enhance services provided within the District, but not to replace or supplant existing City services provided within the District. The general nature of the proposed services and improvements to be performed by the District includes enhanced security and public safety, capital improvements, improvement of common areas, landscaping, trash/litter removal, graffiti control, marketing and promotional activities, distinctive lighting and signage, business development and recruitment to promote the area, and related expenses incurred in establishing, administering and operating the District as authorized by the Act.
- (b) **Estimated Cost; No Bonded Indebtedness.** During the five (5) year period, the estimated annual cost of the improvements and services provided by the District is expected to begin at approximately \$95,481 in 2017 and reach \$166,820 by 2021. The total estimated assessments to be collected during the next five year period is approximately \$601,698. The District shall not incur bonded indebtedness.
- (c) **Boundaries.** The boundaries of the District are shown on the attached Map of the District.
- (d) **Method of Assessment.** The assessment shall apportion the costs each year among the property owners on the basis of special benefit accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be based on the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The assessment amount for 2016 is proposed to be \$95,481.44. This amount is approximately equal to \$0.15 per \$100.00 of appraised value as determined by the Dallas Central Appraisal District. Once levied, this assessment apportionment shall not increase during the 2017 service plan year. The real property of jurisdictions and entities that have obtained an exemption from City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

BACKGROUND (Continued)

- (e) **Apportionment of Cost between the District and the Municipality as a Whole.** The District shall pay the costs of the services and improvements by special assessment against the real property and real property improvements. The real property of jurisdictions and entities that have obtained an exemption from City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. The City of Dallas is not responsible for payment of assessment against exempt City property in the District. City right-of-way, railroad right-of-way, City parks and cemeteries are not specially benefitted and therefore are not subject to PID assessment.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 10, 2016, City Council authorized the creation of the South Dallas/Fair Park Public Improvement District for a period of seven-years and designated the Alliance for Greater Works as the management entity for the District.

Information about this item was provided to the Economic Development Committee on August 15, 2016.

On August 24, 2016, City Council authorized a public hearing to be held on September 14, 2016, to receive comments on the proposed 2016 Assessment Rate and final approval of the 2017 Service Plan.

The Economic Development Committee was provided information regarding this item on September 2, 2016.

FISCAL INFORMATION

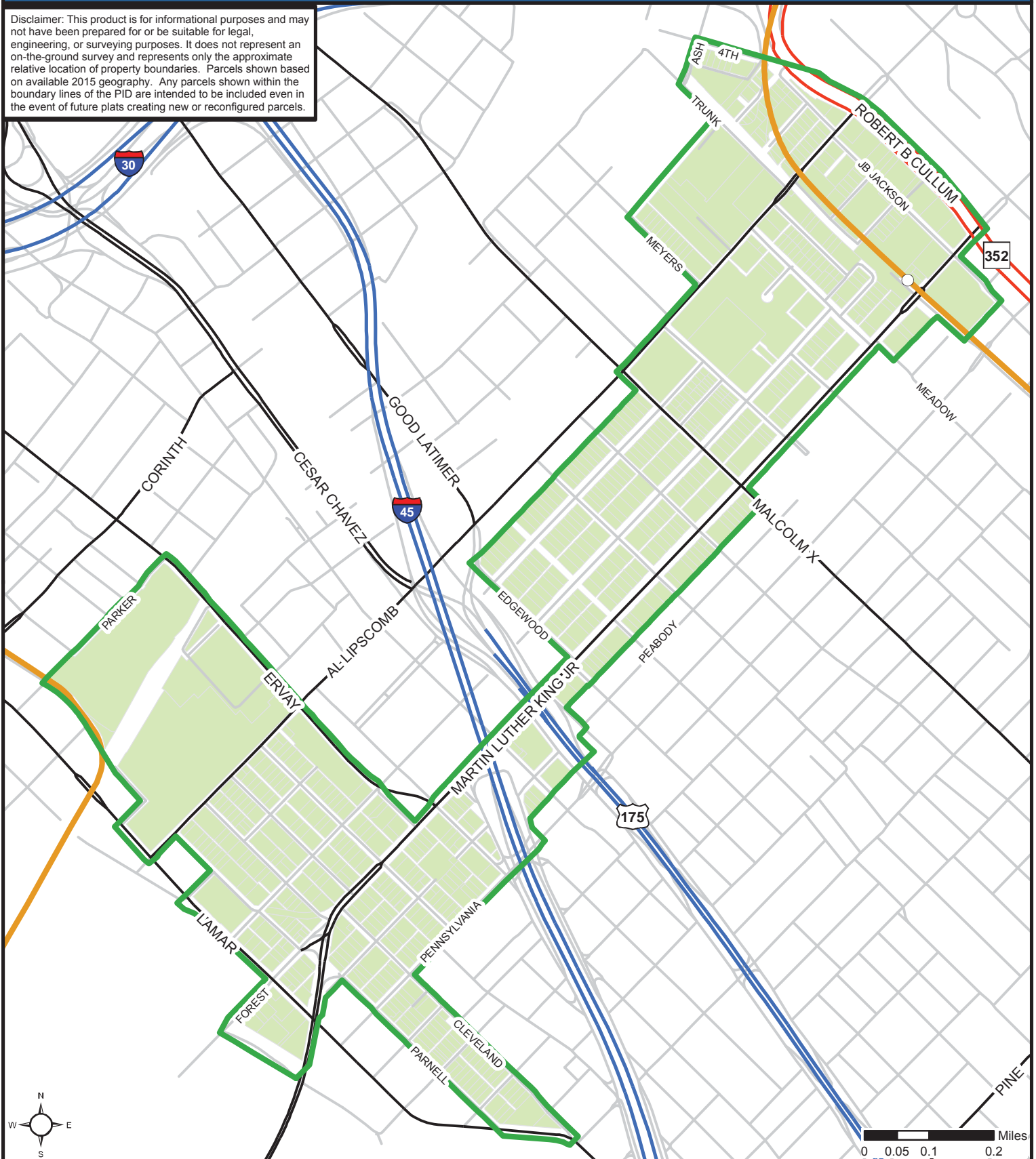
No cost consideration to the City.

MAP

Attached.

South Dallas-Fair Park PID Parcels

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. Parcels shown based on available 2015 geography. Any parcels shown within the boundary lines of the PID are intended to be included even in the event of future plats creating new or reconfigured parcels.



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ECONOMIC
DEVELOPMENT**

Research & Information Division
214.670.1685
dallas-ecodev.org

Created 9.24.2015, Updated 7.5.2016 - PID_Option6.TCG

Legend

- Proposed Parcel for Inclusion
- pid_southdallas
- Rail Station

- DART Light Rail
- Freeway
- Highway

- Arterial
- Local Road

Source: Parcels - Dallas CAD, 2015; All Other Data - City of Dallas, 2016

ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING THE FINAL 2017 SERVICE PLAN, THE FINAL 2016 ASSESSMENT PLAN, AND THE 2016 ASSESSMENT ROLL (TO BE KEPT ON FILE WITH THE CITY SECRETARY); ESTABLISHING CLASSIFICATIONS FOR THE APPORTIONMENT OF COSTS AND THE METHODS OF ASSESSING SPECIAL ASSESSMENTS FOR THE SERVICES AND IMPROVEMENTS TO PROPERTY IN THE SOUTH DALLAS/FAIR PARK PUBLIC IMPROVEMENT DISTRICT (DISTRICT); CLOSING THE HEARING AND LEVYING A SPECIAL ASSESSMENT ON PROPERTY IN THE DISTRICT FOR SERVICES AND IMPROVEMENTS TO BE PROVIDED IN THE DISTRICT DURING 2017; PROVIDING FOR REIMBURSEMENT OF CITY ADMINISTRATIVE COSTS FOR OPERATIONAL OVERSIGHT OF THE DISTRICT; FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF THE 2016 ASSESSMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code (the "Act") allows for the creation of public improvement districts; and

WHEREAS, on August 10, 2016, City Council authorized established the South Dallas/Fair Park Public Improvement District (District), as shown on the attached **Exhibit A - Map of the District**, pursuant to the Act, finding that the petition satisfied the Act's requirements and the supplemental services and improvements were feasible and conferred a special benefit to the property in the District; designated the Alliance for Greater Works as the manager of the District and authorized a contract for management services; and approved the District Service Plan, by Resolution No. 16-1249; and

WHEREAS, City Council must review the proposed 2017 Service Plan and hold a public hearing to receive comments and pass on any objections to the 2016 Assessment Plan raised by any owner of property located within the District and, at the conclusion of the hearing to levy the assessment for the purpose of providing supplemental services and improvements; and

WHEREAS, on August 15, 2016, information about this item was presented to the Economic Development Committee; and

WHEREAS, on August 24, 2016, City Council authorized a public hearing to be held on September 14, 2016, to receive comments on the proposed 2016 Assessment Rate and final approval of the 2017 Service Plan; and

WHEREAS, the Alliance for Greater Works provided City staff with the proposed District 2017 Service Plan and 2016 Assessment Plan as shown in **Exhibits B and C**; and

WHEREAS, City Council desires to authorize and adopt the Assessment Roll that was filed with the City Secretary and subject to public inspection in the City's official records prior to the public hearing; and

WHEREAS, City Council finds that the supplemental services and improvements described in the Service Plan and Assessment Plan are feasible and advisable and will serve the needs and desires of the property owners, and that an assessment apportioned in an amount equal to a rate of \$0.15 per \$100.00 of appraised value of property or improvements to the property located in the District, as determined by the Dallas Central Appraisal District (DCAD), is reasonable and adequate.

NOW, THEREFORE,

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

SECTION 1. That City Council shall adopt an ordinance approving and adopting the proposed and final 2017 Service Plan, the 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the South Dallas/Fair Park Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; and providing for an effective date.

SECTION 2. That the recitals and findings listed above are true and correct and that the action of the City Council closing the public hearing in these proceedings is hereby ratified and confirmed.

SECTION 3. That the assessment shall apportion the costs each year among the property owners on the basis of special benefit accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be based on the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The assessment amount for 2016 is proposed to be \$95,481. This amount shall be apportioned in an amount approximately equal to \$0.15 per \$100.00 of appraised value as determined by the Dallas Central Appraisal District. Once levied, this assessment rate shall not increase during the 2017 service plan year.

SECTION 4. That City Council hereby authorizes and adopts the final 2017 Service Plan, the final 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary) apportioning the total cost of the services and improvements to be assessed against property in the District for fiscal year ending December 31, 2016, of approximately \$95,481. The Assessment Roll apportions the assessment against each parcel of land in the District and is subject to public inspection in the City's official records.

SECTION 5. That notice of City Council's intention to consider the proposed assessments at a public hearing on September 14, 2016 at 1:00 p.m. in the City Council Chamber, 1500 Marilla Street, Dallas, Texas was published in the official newspaper of the City of Dallas, Texas before the 10th day before the date of the hearing. The notice stated: (1) the date, time and place of the hearing; (2) the general nature of the services and improvements; (3) the cost of the services and improvements; (4) the boundaries of the District; and (5) that written or oral objections will be considered at the hearing.

SECTION 6. That Dallas City staff mailed to the owners of property liable for assessment notice of the hearing as the ownership appears on the City tax roll. The notice contained the information required by the Act. The notice was mailed before the 10th day before the date of the hearing to the last known address of the property owner on the City tax roll. The failure of the property owner to receive notice does not invalidate the proceeding.

SECTION 7. That City Council finds that the assessments should be made and levied against the respective parcels of property within the District and against the owners thereof, and are substantially in proportion to the special benefits accrued to the respective parcels of property by means of the services and improvements in the District for which such assessments are levied, and further finds that in each case the property assessed is specially benefited by means of the said services and improvements in the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State, and that the proceedings of the City heretofore held with reference to the formation of the District and the imposition of assessments for said services and improvements are in all respects valid and regular.

SECTION 8. That there shall be and is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money as listed in the Assessment Roll on file with the City Secretary and subject to public inspection, and the several amounts assessed against the same, and the owners thereof.

SECTION 9. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight percent (8%) per annum, provided, however, that such interest rate shall not exceed the maximum amount allowed by law, together with reasonable fees and the costs of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for state, county, school district and municipality ad valorem taxes and are a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien is effective from the date of this ordinance until the assessment is paid and may be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body.

SECTION 10. That the assessments levied herein shall be due and payable in full on or before January 31, 2017. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including, costs and fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body. The owner of the assessed property may pay at any time the entire assessment, with interest that has accrued on the assessment, on any lot or parcel.

SECTION 11. That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 12. That as part of the assessment levied herein, and as a part of the service plan, the District shall reimburse to City, administrative costs for the day to day operations conducted by city staff for the District, which amount shall be paid by the District to City upon receipt of an invoice; and that the Chief Financial Officer is hereby authorized to establish Fund 0694, Department ECO, to support recovery of the costs incurred by the Office of Economic Development for such day to day operational costs incurred.

SECTION 13. That the Chief Financial Officer is hereby authorized to accept and deposit any and all revenues received from the District in Fund 0694, Department ECO, Unit W140, Revenue Source 7399; and that the Chief Financial Officer be authorized to transfer annually, funds in amounts to is hereby determined based upon costs incurred and related rates then in effect, from Fund 0694, Department ECO, Unit W140, Object 3090, Activity PIDA, to General Fund 0001, Department ECO, Unit 1161 and Unit 1163, Object 5011, to reimburse the Office of Economic Development for administrative costs incurred for the day to day operational oversight of the District.

SECTION 14. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.

SECTION 15. That this ordinance 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 ordained.

APPROVED AS TO FORM

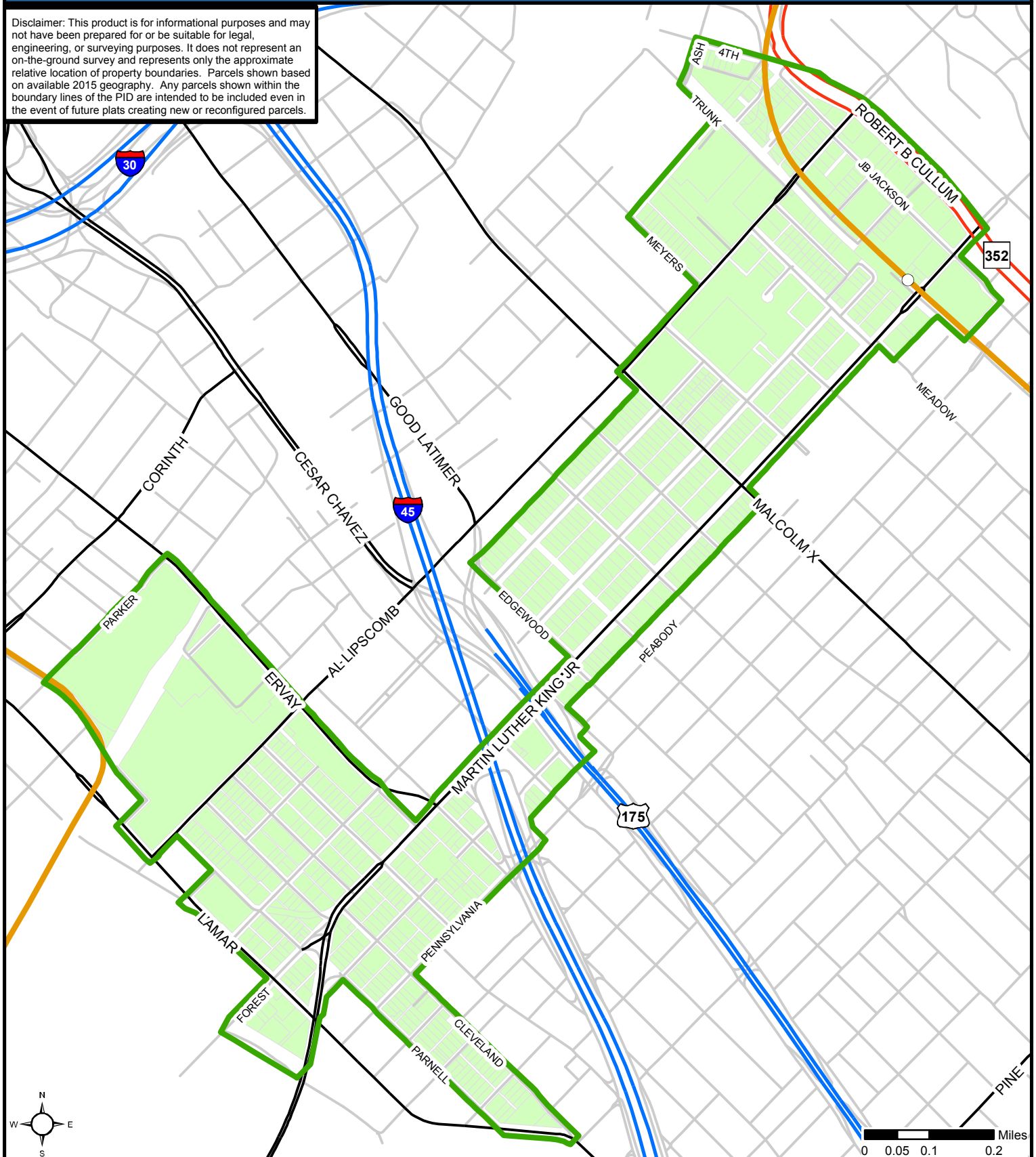
CHRISTOPHER D. BOWERS
CITY ATTORNEY

By: 
Assistant City Attorney

Passed and correctly enrolled _____

South Dallas-Fair Park PID Parcels

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. Parcels shown based on available 2015 geography. Any parcels shown within the boundary lines of the PID are intended to be included even in the event of future plats creating new or reconfigured parcels.



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Legend

- Proposed Parcel for Inclusion
- pid_southdallas
- Rail Station

- DART Light Rail
- Freeway
- Highway

- Arterial
- Local Road

Source: Parcels - Dallas CAD, 2015; All Other Data - City of Dallas, 2016

South Dallas/Fair Park Public Improvement District

Service Plan Budget (2017-2021)

	(Yr 1) 2017	(Yr 2) 2018	(Yr 3) 2019	(Yr 4) 2020	(Yr 5) 2021
INCOME					
Net Assessment	95,481	105,030	115,533	132,862	152,792
Interest on Cash Balance					
Surplus Carried forward	-	2,864	6,101	9,750	14,029
Total Income	95,481.44	107,894.03	121,633.81	142,612.70	166,820.45

EXPENDITURES

(1) Public Safety	42,967	37,763	42,572	42,784	41,705	25%
(2) Improvements	23,870	43,158	48,654	64,176	83,410	50%
(3) Promotion	9,548	5,395	6,082	7,131	8,341	5%
(4) Administration	9,548	10,789	12,163	14,261	16,682	10%
(5) Contingency/Carryover	2,864	3,237	3,649	4,278	5,005	3%
(6) Insurance	4,774	5,395	6,082	7,131	8,341	5%
(7) Audit	1,910	2,158	2,433	2,852	3,336	2%
	100%	100%	100%	100%	100%	
Total Expenses	95,481.44	107,894.03	121,633.81	142,612.70	166,820.45	

- (1) Public Safety: Courtesy patrol, patrol vehicles, safety related expenses
 (2) Improvements: Landscaping, lighting, sidewalks, streets, parks, fountains, roadways, improvement related expenses
 (3) Promotion: Outreach, business development, marketing, website, forums, promotion related expenses
 (4) Administration: Office supplies, administration, mailings, administrative related expenses
 (5) Contingency/Carryover: Contingency allocation for other expenditures; future capital improvement project
 (6) Insurance: Insurance policy
 (7) Audit: Annual audit fee

Exhibit C

South Dallas/Fair Park Public Improvement District Assessment Plan

The costs of the services and improvements by the District will be paid primarily by special assessment against properties in the District. Annual assessments are based on the total value of real property and real property improvements as determined by the Dallas Central Appraisal District ("DCAD").

The South Dallas/Fair Park Public Improvement District (PID) proposed assessment rate for 2017 is \$0.15 per \$100 of appraised value. Actual assessment rates and levies will be set by the Dallas City Council subject to a maximum of \$0.15 per \$100 of value and according to procedures stipulated by Chapter 372 of the Texas Local Government Code. City right-of-way, railroad right-of-way, City parks and cemeteries are not specially benefitted and therefore are not subject to PID assessment. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 2

DEPARTMENT: Office of Economic Development

CMO: Ryan S. Evans, 671-9837

MAPSCO: 45 T U X Y

SUBJECT

South Side Public Improvement District

- * A public hearing concerning the proposed levy of assessment for the South Side Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District – Financing: No cost consideration to the City
- * An ordinance approving and adopting the final 2017 Service Plan, the final 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; and providing for an effective date – Financing: No cost consideration to the City

BACKGROUND

Annually, City Council calls and holds a public hearing to consider the proposed assessment for property in the Public Improvement Districts (PID) and authorizes the Service Plan for each PID. At the adjournment of the hearing on the proposed assessments, the City Council must hear and pass on any objections to a proposed assessment and may amend a proposed assessment on any parcel. After hearing and passing on the objections, the City Council by ordinance shall levy the assessment as a special assessment on the property.

BACKGROUND (Continued)

The South Side Quarter Development Corporation provided City staff with the proposed District Service Plan for 2017 and the proposed Assessment Plan for 2016 for review, and staff found the services and improvements to be advisable and recommended approval subject to the public hearing on September 14, 2016.

The public improvement district Service Plan is outlined in the following way:

- (a) **Nature of the Services and Improvements.** The purpose of the District is to supplement and enhance services provided within the District, but not to replace or supplant existing City services provided within the District. The general nature of the proposed services and improvements to be provided in the District include enhanced security; safety and security related services to promote the District; services to enhance and protect property values, improve infrastructure, streetscape, and service of common areas; business recruitment; marketing; and other services and improvements as authorized by the Act.
- (b) **Estimated Cost of the Services and Improvements.** During the next five (5) year period, the estimated annual cost of the improvements and services provided by the District is expected to begin at approximately \$186,500 in 2017 and reach \$201,500 in 2021. The total estimated assessments to be collected during the next five year period is approximately \$981,431. The District shall incur no bonded indebtedness.
- (c) **Boundaries.** The boundaries of the District are shown on the attached Map of the District.
- (d) The assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The assessment amount for 2016 is proposed to be \$192,931. This amount is approximately equal to \$0.15 per \$100.00 of appraised value for the District's premium service area and \$0.12 per \$100.00 of appraised value for its standard service area as determined by the Dallas Central Appraisal District. Once levied, this assessment apportionment shall not increase during the 2017 service plan year.

The real property of jurisdictions and entities that have obtained an exemption from City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes.

BACKGROUND (Continued)

Payment of assessments by other exempt jurisdictions and entities must be established by contract.

- (e) **Apportionment of costs between the District and the Municipality as a Whole.** The assessment is levied on the real property and real property improvements in the District according to the value of such property. Levying the assessment for the services and improvements based on the appraised value of the property results in the apportionment of the costs on the basis of special benefits accruing to the property. No assessment, however, will be levied against exempt City property in the District. The City of Dallas is not responsible for payment of assessment against exempt City property in the District. City rights-of-way, railroad rights-of-way, City parks and cemeteries are not specially benefitted and therefore are not subject to PID assessment.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 10, 2005, City Council authorized creation of the South Side Public Improvement District by Resolution No. 05-2230.

Additionally, the South Side PID was renewed for a period of seven years on June 13, 2012 by Resolution No. 12-1585.

On September 9, 2015, City Council authorized the assessment rate for 2015 by Ordinance No. 29867.

Information about this item was provided to the Economic Development Committee on August 15, 2016.

On August 24, 2016, City Council authorized a public hearing to be held on September 14, 2016, to receive comments on the proposed 2016 Assessment Rate and final approval of the 2017 Service Plan.

The Economic Development Committee was provided information regarding this item on September 2, 2016.

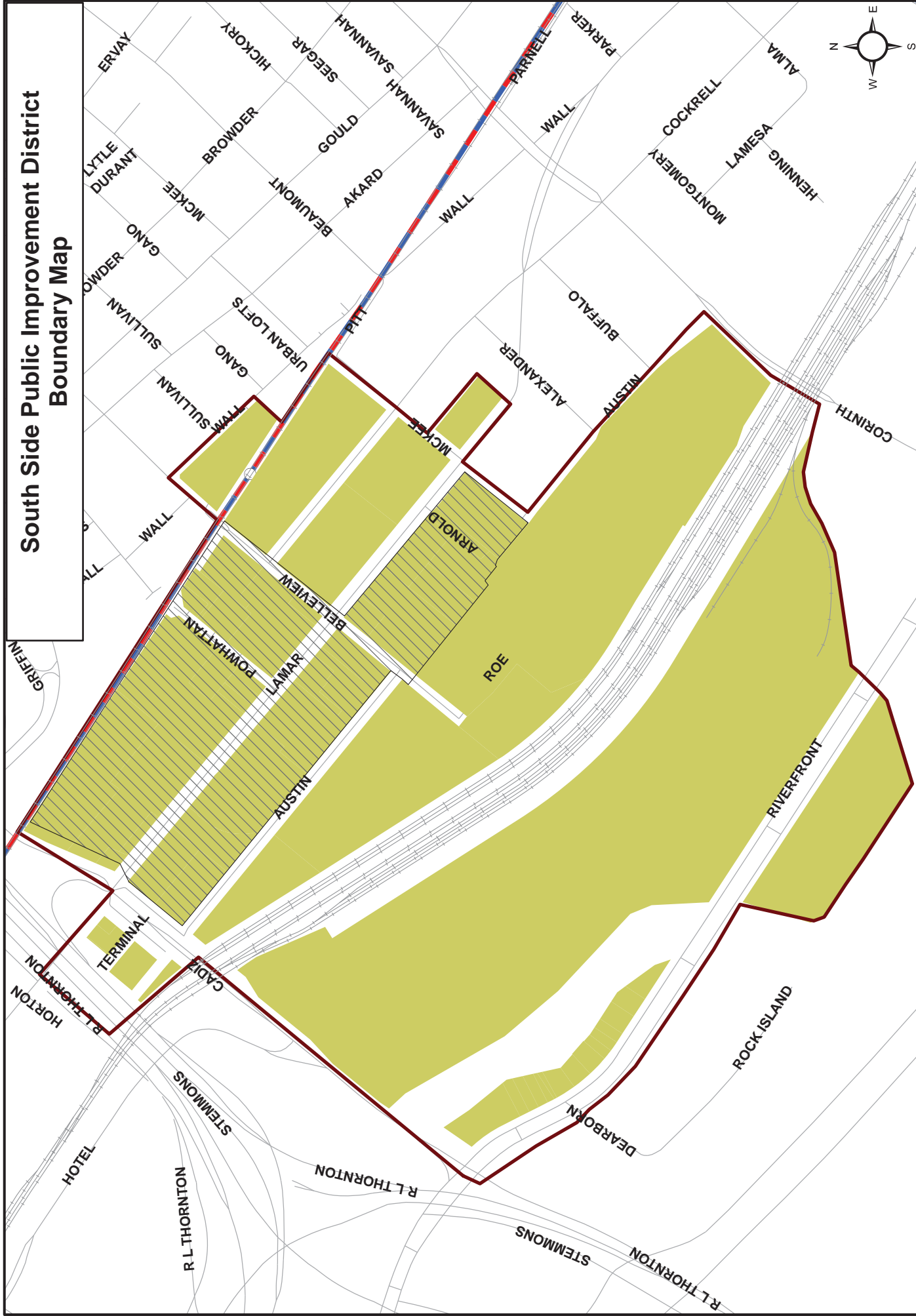
FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached.

South Side Public Improvement District Boundary Map



Legend

- South Side PID Boundary
- South Side PID Premium Boundary

Parcels shown based on available 2014 geography. Any parcels shown within the boundary lines of the PID are intended to be included even in the event of future replats creating new or reconfigured parcels.



City of Dallas
Office of Economic Development
Created August 2015

ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING THE FINAL 2017 SERVICE PLAN, THE FINAL 2016 ASSESSMENT PLAN, AND THE 2016 ASSESSMENT ROLL (TO BE KEPT ON FILE WITH THE CITY SECRETARY); ESTABLISHING CLASSIFICATIONS FOR THE APPORTIONMENT OF COSTS AND THE METHODS OF ASSESSING SPECIAL ASSESSMENTS FOR THE SERVICES AND IMPROVEMENTS TO PROPERTY IN THE SOUTH SIDE PUBLIC IMPROVEMENT DISTRICT (DISTRICT); CLOSING THE HEARING AND LEVYING A SPECIAL ASSESSMENT ON PROPERTY IN THE DISTRICT FOR SERVICES AND IMPROVEMENTS TO BE PROVIDED IN THE DISTRICT DURING 2017; PROVIDING FOR REIMBURSEMENT OF CITY ADMINISTRATIVE COSTS FOR OPERATIONAL OVERSIGHT OF THE DISTRICT; FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF THE 2016 ASSESSMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code (the "Act") allows for the creation of public improvement districts; and

WHEREAS, on August 10, 2005, City Council established the South Side Public Improvement District (the District) pursuant to the Act, finding that the petition satisfied the Act's requirements and the supplemental services and improvements were feasible and conferred a special benefit to the property in the District, designated South Side Quarter Development Corporation as the manager of the District and authorized a contract for management services; and approved the District Service Plan, by Resolution No. 05-2230; and

WHEREAS, City Council has subsequently authorized the renewal of the District on June 13, 2012 by Resolution No. 12-1585 as shown on the attached **Exhibit A - Map of the District**; and

WHEREAS, on September 9, 2015, City Council authorized the 2016 Service Plan and 2015 Assessment Plan by Ordinance No. 29867; and

WHEREAS, City Council must review the proposed 2017 Service Plan and hold a public hearing to receive comments and pass on any objections to the 2016 Assessment Plan raised by any owner of property located within the District, and, at the conclusion of the hearing to levy the assessment for the purpose of providing supplemental services and improvements; and

WHEREAS, on August 15, 2016, information about this item was presented to the Economic Development Committee; and

WHEREAS, on August 24, 2016, City Council authorized a public hearing to be held on September 14, 2016, to receive comments on the proposed 2016 Assessment Plan and approval of the final 2017 Service Plan; and

WHEREAS, the South Side Quarter Development Corporation provided City staff with the proposed District 2017 Service Plan and 2016 Assessment Plan as shown in **Exhibits B and C**; and

WHEREAS, City Council desires to authorize and adopt the Assessment Roll that was filed with the City Secretary and subject to public inspection in the City's official records prior to the public hearing; and

WHEREAS, City Council finds that the supplemental services and improvements described in the Service Plan and Assessment Plan are feasible and advisable and will serve the needs and desires of the property owners, and that an assessment apportioned in an amount equal to a rate of \$0.15 per \$100.00 of appraised value of property or improvements to the property in the District's premium service area and \$0.12 per \$100.00 of appraised value of property or improvements to the property in its standard service area, as determined by the Dallas Central Appraisal District (DCAD), is reasonable and adequate.

NOW, THEREFORE,

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

SECTION 1. That City Council shall adopt an ordinance approving and adopting the final 2017 Service Plan, the final 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the South Side Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; and providing for an effective date.

SECTION 2. That the recitals and findings listed above are true and correct and that the action of the City Council closing the public hearing in these proceedings is hereby ratified and confirmed.

SECTION 3. That the assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The assessment amount for 2016 is proposed to be \$192,931.

SECTION 3. (Continued)

This amount shall be apportioned in an amount approximately equal to \$0.15 per \$100.00 of appraised value for the District's premium service area and \$0.12 per \$100.00 of appraised value for its standard service area as determined by the Dallas Central Appraisal District. Once levied, this assessment rate shall not increase during the 2017 service plan year.

The real property of jurisdictions and entities that have obtained an exemption from City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

SECTION 4. That City Council hereby authorizes and adopts the final 2017 Service Plan, the final 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary apportioning the total cost of the services and improvements to be assessed against property in the District for fiscal year ending December 31, 2016, of approximately \$197,726. The Assessment Roll apportions the assessment against each parcel of land in the District and is subject to public inspection in the City's official records.

SECTION 5. That notice of City Council's intention to consider the proposed assessments at a public hearing on September 14, 2016 at 1:00 p.m. in the City Council Chamber, 1500 Marilla Street, Dallas, Texas was published in the official newspaper of the City of Dallas, Texas before the 10th day before the date of the hearing. The notice stated: (1) the date, time and place of the hearing; (2) the general nature of the services and improvements; (3) the cost of the services and improvements; (4) the boundaries of the District; and (5) that written or oral objections will be considered at the hearing.

SECTION 6. That Dallas City staff mailed to the owners of property liable for assessment notice of the hearing as the ownership appears on the City tax roll. The notice contained the information required by the Act. The notice was mailed before the 10th day before the date of the hearing to the last known address of the property owner on the City tax roll. The failure of the property owner to receive notice does not invalidate the proceeding.

SECTION 7. That City Council finds that the assessments should be made and levied against the respective parcels of property within the District and against the owners thereof, and are substantially in proportion to the special benefits accrued to the respective parcels of property by means of the services and improvements in the District for which such assessments are levied, and further finds that in each case the property assessed is specially benefited by means of the said services and improvements in the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State, and that the proceedings of the City heretofore held with reference to the formation of the District and the imposition of assessments for said services and improvements are in all respects valid and regular.

SECTION 8. That there shall be and is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money as listed in the Assessment Roll on file with the City Secretary and subject to public inspection, and the several amounts assessed against the same, and the owners thereof.

SECTION 9. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight percent (8%) per annum, provided, however, that such interest rate shall not exceed the maximum amount allowed by law, together with reasonable fees and the costs of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for state, county, school district and municipality ad valorem taxes and are a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien is effective from the date of this ordinance until the assessment is paid and may be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body.

SECTION 10. That the assessments levied herein shall be due and payable in full on or before January 31, 2017. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including, costs and fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body. The owner of the assessed property may pay at any time the entire assessment, with interest that has accrued on the assessment, on any lot or parcel.

SECTION 11. That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 12. That as part of the assessment levied herein, and as a part of the service plan, the District shall reimburse to City, administrative costs for the day to day operations conducted by city staff for the District, which amount shall be paid by the District to City upon receipt of an invoice; and that the Chief Financial Officer be authorized to establish Fund 0694, Department ECO, to support recovery of the costs incurred by the Office of Economic Development for such day to day operational costs incurred.

SECTION 13. That the Chief Financial Officer is hereby authorized to accept and deposit any and all revenues received from the District in Fund 0694, Department ECO, Unit 9886, Revenue Source 7399; and that the Chief Financial Officer be authorized to transfer annually, funds in amounts to be determined based upon costs incurred and related rates then in effect, from Fund 0694, Department ECO, Unit 9886, to General Fund 0001, Department ECO, Unit 1161 and Unit 1163, Object 5011, to reimburse the Office of Economic Development for administrative costs incurred for the day to day operational oversight of the District.

SECTION 14. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.

SECTION 15. That this ordinance 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 ordained.

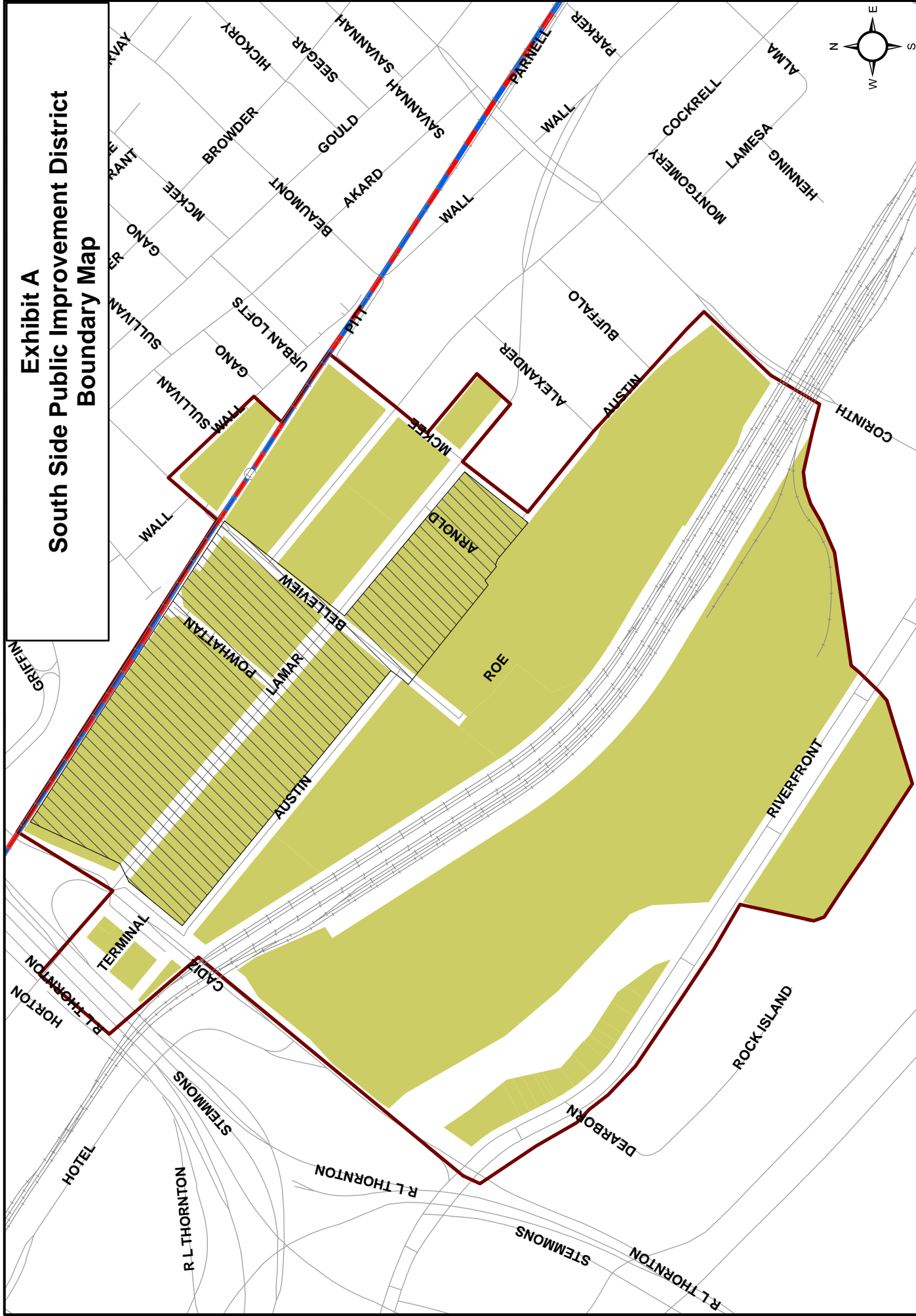
APPROVED AS TO FORM

CHRISTOPHER D. BOWERS
INTERIM CITY ATTORNEY

By: 
Assistant City Attorney

Passed and correctly enrolled _____

Exhibit A South Side Public Improvement District Boundary Map



City of Dallas
Office of Economic Development
Created August 2015

Parcels shown based on available 2014 geography. Any parcels shown within the boundary lines of the PID are intended to be included even in the event of future replats creating new or reconfigured parcels.

Legend

South Side PID Boundary

South Side PID Premium Boundary

0 0.05 0.1 0.2 Miles

Exhibit B

South Side Public Improvement District Service Plan 2017-2021

	2017	2018	2019	2020	2021
NET TOTAL ASSESSMENTS	\$ 192,931.00	\$ 194,500.00	\$ 196,000.00	\$ 198,000.00	\$ 200,000.00
Surplus/Deficit from previous year	\$ 6,639.87	\$ 13,070.87	\$ 15,070.87	\$ 14,570.87	\$ 9,070.87
Estimated Annual Income to District	\$ 199,570.87	\$ 207,570.87	\$ 211,070.87	\$ 212,570.87	\$ 209,070.87
Public Improvements					
Distinctive lighting/signs					
Water, wastewater, drainage					
Fountains					
Special Supplemental Services					
Park improvements ⁽¹⁾	\$ 65,000.00	\$ 65,500.00	\$ 67,000.00	\$ 67,500.00	\$ 68,000.00
Public safety/security ⁽²⁾	\$ 60,000.00	\$ 60,000.00	\$ 60,500.00	\$ 60,500.00	\$ 61,000.00
Public art projects ⁽³⁾		\$ 5,000.00		\$ 5,000.00	
Business recruitment/marketing ⁽⁴⁾	\$ 20,000.00	\$ 20,000.00	\$ 25,000.00	\$ 25,000.00	\$ 26,000.00
Cultural events ⁽⁵⁾	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
Administration	\$ 25,000.00	\$ 25,000.00	\$ 26,500.00	\$ 27,000.00	\$ 27,000.00
Audit ⁽⁶⁾	\$ 6,500.00	\$ 6,500.00	\$ 6,500.00	\$ 7,000.00	\$ 7,500.00
Insurance ⁽⁷⁾	\$ 5,000.00	\$ 5,500.00	\$ 6,000.00	\$ 6,500.00	\$ 7,000.00
Estimated Annual Expenses to District	\$ 186,500.00	\$ 192,500.00	\$ 196,500.00	\$ 203,500.00	\$ 201,500.00
SURPLUS (DEFICIT)	\$ 13,070.87	\$ 15,070.87	\$ 14,570.87	\$ 9,070.87	\$ 7,570.87

(1) Dog park/pedestrian area/plaza improvements

(2) RHI security group patrol and ensure safety throughout PID

(3) mural and artistic updates to beautify PID

(4) marketing and promotional ads & events, website maintenance & development

(5) events and programs to enrich the culture of the historic area

(6) Audit line item also includes quarterly and annual accounting charges

(7) Insurance line item covers both insurance and legal fees



Exhibit C

SOUTH SIDE QUARTER PUBLIC IMPROVEMENT DISTRICT 2016 ASSESSMENT PLAN

The cost of the services and improvements provided by the South Side Public Improvement District will be paid primarily by assessments against real properties within the South Side Public Improvement District boundaries. Annual assessments will be based on the value of real property and improvements as certified by the Dallas Central Appraisal District.

The 2016 assessment rate for the property in the premium service area is proposed at \$0.15 per \$100.00 of value. The 2016 assessment rate for the property in the standard service area is proposed at \$0.12 per \$100.00. Assessments will be carried out in accordance with procedures stipulated in Chapter 372 of the Texas Local Government Code.

The District shall pay the costs of the services and improvements by special assessment against the real property and real property improvements. The City of Dallas shall not be responsible for payment of assessments against exempt City property including City rights-of-way and parks. Payment of assessments by other tax-exempt owners must be established by contract. No such contracts are in place at present.

The South Side PID's assessments will be collected by the Dallas County Tax Office in accordance with the contract with the City of Dallas and in accordance with the management contract between the City of Dallas and the South Side Quarter Development Corporation.

AGENDA ITEMS # 91,92

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

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

DEPARTMENT: Office of Economic Development

CMO: Ryan S. Evans, 671-9837

MAPSCO: N/A

SUBJECT

Tourism Public Improvement District

- * A public hearing concerning the proposed levy of assessment for the Tourism Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District - Financing: No cost consideration to the City
- * An ordinance approving and adopting the final Service Plan for 2016-17, the final 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments on Dallas hotels with 100 or more rooms, for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; and providing for an effective date - Financing: No cost consideration to the City

BACKGROUND

Annually, City Council calls and holds a public hearing to consider the proposed assessment for property in the Public Improvement Districts (PID) and authorizes the Service Plan for each PID. At the adjournment of the hearing on the proposed assessments, the City Council must hear and pass on any objections to a proposed assessment and may amend a proposed assessment on any hotel. After hearing and passing on the objections, the City Council by ordinance shall levy the assessment as a special assessment on the property.

BACKGROUND (Continued)

The Dallas Tourism Public Improvement District Corporation provided City staff with the proposed Service Plan for 2016-17 and proposed 2016 Assessment Plan for review, and staff found the services and improvements to be advisable and recommended approval subject to the public hearing on September 14, 2016.

The public improvement district Service Plan is outlined in the following way:

- (a) **Nature of the Services and Improvements.** The proposed services and improvements to be provided in the District include marketing, business recruitment, and promotional activities authorized by the Act for improvement and promotion of the district, including the provision of incentives by the Dallas Convention and Visitors Bureau to organizations to encourage them to bring their large and city wide meetings to Dallas and to fund additional marketing by the Dallas Convention and Visitors Bureau to increase hotel stays within the City.
- (b) **Estimated Cost of the Services and Improvements.** During the next thirteen (13) year period, the estimated annual cost of the improvements and services provided by the District is expected to begin at approximately \$16,528,576 in 2016-17 and reach \$29,682,948 in 2028-29; however, in no event shall the assessment amount exceed two percent of the price paid to hotels for a room in a hotel. The total estimated assessments to be collected during the next thirteen year period is approximately \$292,770,388. In the event the District requires additional funds, the District shall re-petition the hotel owners for such an increase. The District shall not incur bonded indebtedness.

The service plan budget and assessment amount are subject to annual review by the tourism public improvement district board, and are subject to an annual public hearing and approval by the City Council.
- (c) **Boundaries.** The District is located wholly within the City of Dallas, Texas. The boundaries of the District are shown on the attached map of the District.
- (d) **Method of Assessment.** The District assessment will be levied on hotels with 100 or more rooms ("qualifying hotels") located within the District. The proposed cost of the services and improvements to be provided shall be assessed in a manner that results in imposing equal shares of the cost of the services qualifying on hotels that are similarly benefitted. Under the Act, the apportionment of the cost of the services against property in the District territory must be made on the basis of special benefits accruing to the property because of the services and improvements provided. The total cost of the services and improvements to be provided shall be apportioned at a rate of 2% of room-nights sold at qualifying hotels located within the District territory until the budget for services and improvements for the year is reached.

BACKGROUND (Continued)

Accordingly, those qualifying hotels that sell more rooms will pay a greater portion of the assessment since those properties benefit more from the promotion and marketing services provided by the District. Rooms that are not subject to the City's hotel occupancy tax shall not be included for the District assessment. The total assessment must be reviewed and approved annually by the Dallas City Council. The total assessment amount for the year may be less than the amount budgeted for the year, but it shall not be more than the amount budgeted for the year as shown in the adopted service plan.

- (e) **Apportionment of costs between the District and the Municipality as a Whole.** The District shall continue to pay the cost of the supplemental services described in the Service Plan by assessment against the hotels with 100 or more rooms within the District, including City-owned qualifying hotels located within the District territory, such as the Omni Hotel.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 13, 2012, City Council authorized the creation of the Tourism Public Improvement District for a five year period by Resolution No. 12-1581.

Additionally, the Tourism PID was renewed for a period of thirteen years on August 10, 2016 by Resolution No. 16-1250.

On September 9, 2015, City Council authorized the assessment rate for 2015 by Ordinance No. 29868.

Information about this item was provided to the Economic Development Committee on August 15, 2016.

On August 24, 2016, City Council authorized a public hearing to be held on September 14, 2016, to receive comments on the proposed 2016 Assessment Rate and final approval of the 2017 Service Plan.

The Economic Development Committee was provided information regarding this item on September 2, 2016.

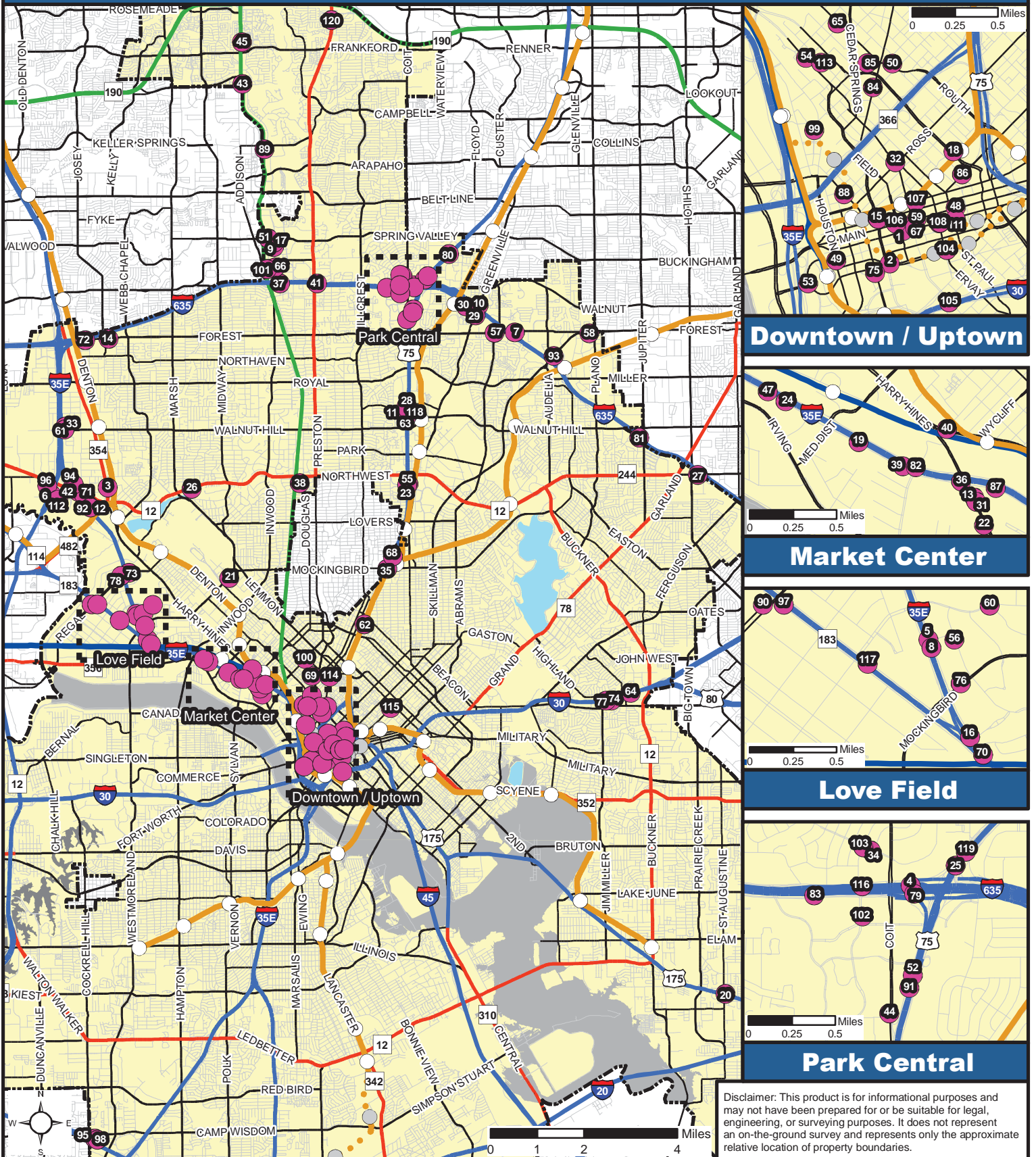
FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached.

Tourism PID Hotels



**DALLAS
ECONOMIC
DEVELOPMENT**

Research & Information Division
214.670.1685
dallas-ecodev.org

Created 5.30.2016, Updated 6.2.2016 - Tourism_PID_2016.TCG

Source: Hotel List - Dallas CVB, 2016; All Other Data - City of Dallas, 2016

ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING THE FINAL SERVICE PLAN FOR 2016-17, THE FINAL 2016 ASSESSMENT PLAN, AND THE 2016 ASSESSMENT ROLL (TO BE KEPT ON FILE WITH THE CITY SECRETARY); ESTABLISHING CLASSIFICATIONS FOR THE APPORTIONMENT OF COSTS AND THE METHODS OF ASSESSING SPECIAL ASSESSMENTS FOR THE SERVICES AND IMPROVEMENTS TO PROPERTY IN THE TOURISM PUBLIC IMPROVEMENT DISTRICT (DISTRICT); CLOSING THE HEARING AND LEVYING A SPECIAL ASSESSMENT ON PROPERTY IN THE DISTRICT FOR SERVICES AND IMPROVEMENTS TO BE PROVIDED IN THE DISTRICT DURING 2017; PROVIDING FOR REIMBURSEMENT OF CITY ADMINISTRATIVE COSTS FOR OPERATIONAL OVERSIGHT OF THE DISTRICT; FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF THE 2016 ASSESSMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code (the "Act") allows for the creation of public improvement districts; and

WHEREAS, on June 13, 2012, City Council established the Tourism Public Improvement District (the District) pursuant to the Act, finding that the petition satisfied the Act's requirements and the supplemental services and improvements were feasible and conferred a special benefit to the property in the District, designated the Dallas Tourism Public Improvement District Corporation as the manager of the District and authorized a contract for management services; and approved the District Service Plan, by Resolution No. 12-1581; and

WHEREAS, City Council has subsequently authorized the renewal of the District on August 10, 2016 by Resolution No. 16-1250 as shown on the attached **Exhibit A - Map of the District**; and

WHEREAS, on September 9, 2015, City Council authorized the Service Plan for 2015-16 and 2015 Assessment Plan by Ordinance No. 29868; and

WHEREAS, City Council must review the proposed Service Plan for 2016-17 and hold a public hearing to receive comments and pass on any objections to the 2016 Assessment Plan raised by any owner of property located within the District, and, at the conclusion of the hearing to levy the assessment for the purpose of providing supplemental services and improvements; and

WHEREAS, on August 15, 2016, information about this item was presented to the Economic Development Committee; and

WHEREAS, on August 24, 2016, the City Council authorized a public hearing to be held on September 14, 2016, to receive comments on the proposed 2016 Assessment Plan and approval of the final Service Plan for 2016-17; and

WHEREAS, the Dallas Tourism Public Improvement District Corporation provided City staff with the proposed District Service Plan for 2016-17 and 2016 Assessment Plan as shown in **Exhibits B and C**; and

WHEREAS, City Council desires to authorize and adopt the Assessment Roll that was filed with the City Secretary and subject to public inspection in the City's official records prior to the public hearing; and

WHEREAS, City Council finds that the supplemental services and improvements described in the Service Plan and Assessment Plan are feasible and advisable and will serve the needs and desires of the hotel property owners and that the apportionment of the cost among the hotel properties with 100 or more rooms for the services and improvements based on a 2% rate on hotel room nights sold are reasonable and adequate.

NOW, THEREFORE,

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

SECTION 1. That City Council shall adopt an ordinance approving and adopting the final Service Plan for 2016-17, the final 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Tourism Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; and providing for an effective date.

SECTION 2. That the recitals and findings listed above are true and correct and that the action of the City Council closing the public hearing in these proceedings is hereby ratified and confirmed.

SECTION 3. That the TPID assessment will be levied on hotels with 100 or more rooms ("qualifying hotels") located within the TPID territory attached hereto as **Exhibit A-1**. The proposed cost of the services and improvements to be provided shall be assessed in a manner that results in imposing equal shares of the cost of the services on qualifying hotels that are similarly benefitted. The apportionment of the cost of the services against property in the TPID territory must be made on the basis of special benefits accruing to the property because of the services and improvements provided.

SECTION 3. (Continued)

Accordingly, those qualifying hotels that sell more rooms shall pay a greater portion of the assessment since those properties benefit more from the promotion and marketing services provided by the district. The total cost of the services and improvements to be provided shall be apportioned at a rate of 2% of room-nights sold at qualifying hotels located within the TPID territory until the budget for services and improvements for the year is collected. Rooms that are not subject to the City's hotel occupancy tax shall not be included for the TPID assessment. There are no exempt jurisdictions or entities that meet the definition of "qualifying hotels". City-owned hotels such as the Omni are subject to this assessment.

SECTION 4. That City Council hereby authorizes and adopts the final Service Plan for 2016-17, the final 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary apportioning the total cost of the services and improvements to be assessed against property in the District for fiscal year ending December 31, 2016, of approximately \$16,528,576. The Assessment Roll apportions the assessment against each parcel of land in the District and is subject to public inspection in the City's official records.

SECTION 5. That notice of City Council's intention to consider the proposed assessments at a public hearing on September 14, 2016 at 1:00 p.m. in the City Council Chamber, 1500 Marilla Street, Dallas, Texas was published in the official newspaper of the City of Dallas, Texas before the 10th day before the date of the hearing. The notice stated: (1) the date, time and place of the hearing; (2) the general nature of the services and improvements; (3) the cost of the services and improvements; (4) the boundaries of the District; and (5) that written or oral objections will be considered at the hearing.

SECTION 6. That Dallas City staff mailed to the owners of property liable for assessment notice of the hearing as the ownership appears on the City tax roll. The notice contained the information required by the Act. The notice was mailed before the 10th day before the date of the hearing to the last known address of the property owner on the City tax roll. The failure of the property owner to receive notice does not invalidate the proceeding.

SECTION 7. That City Council finds that the assessments should be made and levied against the respective parcels of property within the District and against the owners thereof, and are substantially in proportion to the special benefits accrued to the respective parcels of property by means of the services and improvements in the District for which such assessments are levied, and further finds that in each case the property assessed is specially benefited by means of the said services and improvements in the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State, and that the proceedings of the City heretofore held with reference to the formation of the District and the imposition of assessments for said services and improvements are in all respects valid and regular.

SECTION 8. That there shall be and is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money as listed in the Assessment Roll on file with the City Secretary and subject to public inspection, and the several amounts assessed against the same, and the owners thereof.

SECTION 9. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight percent (8%) per annum, provided, however, that such interest rate shall not exceed the maximum amount allowed by law, together with reasonable fees and the costs of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for state, county, school district and municipality ad valorem taxes and are a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien is effective from the date of this ordinance until the assessment is paid and may be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body.

SECTION 10. That the assessments levied herein shall be due and payable in full on or before January 31, 2017. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including, costs and fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body. The owner of the assessed property may pay at any time the entire assessment, with interest that has accrued on the assessment, on any lot or parcel.

SECTION 11. That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 12. That as part of the assessment levied herein, and as a part of the service plan, the District shall reimburse to City, administrative costs for the day to day operations conducted by city staff for the District, which amount shall be paid by the District to City upon receipt of an invoice; and that the Chief Financial Officer be authorized to establish Fund 0694, Dept. ECO, to support recovery of the costs incurred by the Office of Economic Development for such day to day operational costs incurred.

SECTION 13. That the Chief Financial Officer is hereby authorized to accept and deposit any and all revenues received from the District in Fund 0694, Dept, ECO, Unit 9884, Revenue Source 7399; and that the Chief Financial Officer be authorized to transfer annually, funds in amounts to be determined based upon costs incurred and related rates then in effect, from Fund 0694, Dept. ECO, Unit 9884, to General Fund 0001, Dept. ECO, Unit 1161 and Unit 1163, Object 5011, to reimburse the Office of Economic Development for administrative costs incurred for the day to day operational oversight of the District.

SECTION 14. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.

SECTION 15. That this ordinance 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 ordained.

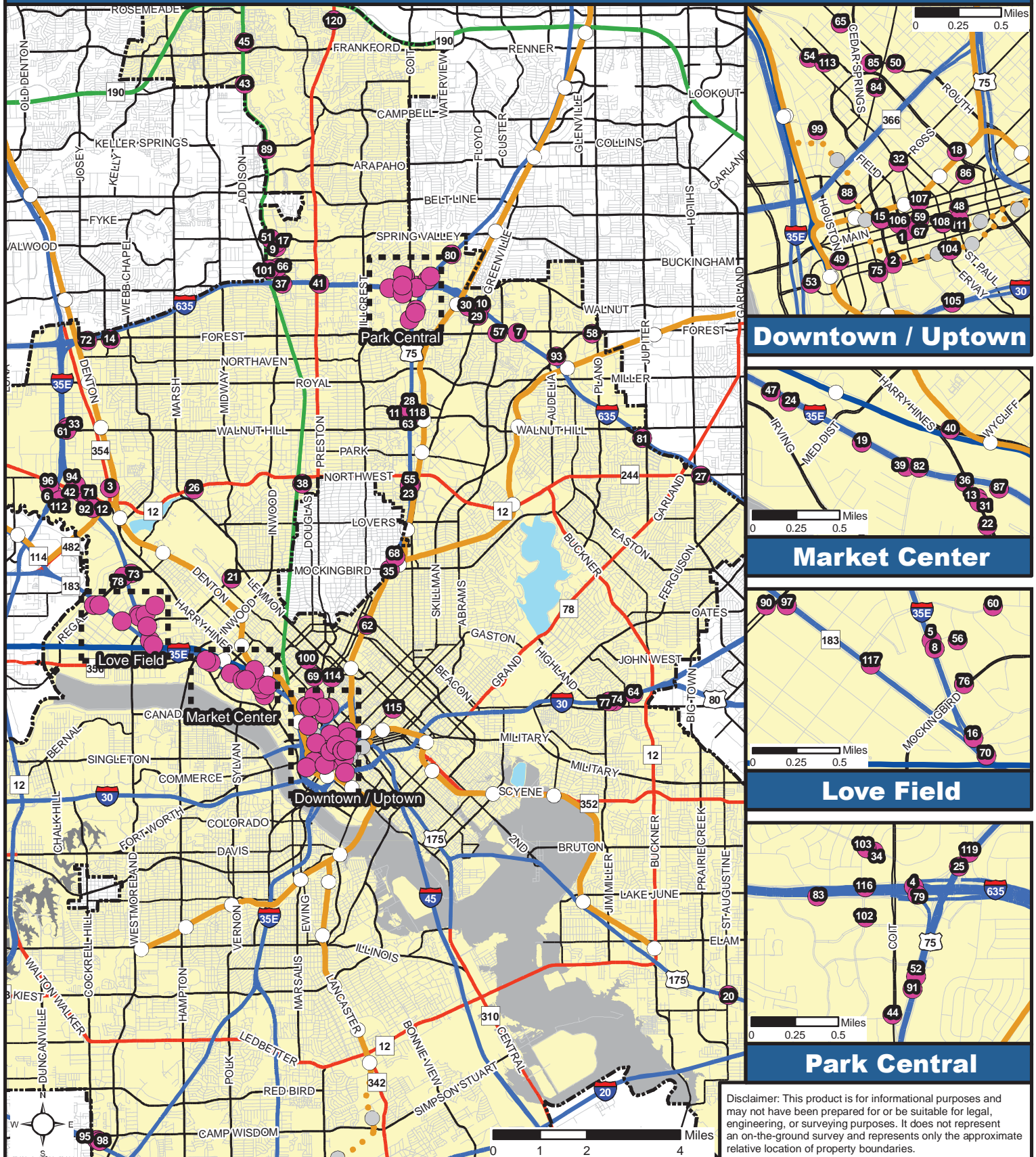
APPROVED AS TO FORM

CHRISTOPHER D. BOWERS
INTERIM CITY ATTORNEY

By: 
Assistant City Attorney

Passed and correctly enrolled _____

Tourism PID Hotels



**DALLAS
ECONOMIC
DEVELOPMENT**

Research & Information Division
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Created 5.30.2016, Updated 6.2.2016 - Tourism_PID_2016.TCG

Source: Hotel List - Dallas CVB, 2016; All Other Data - City of Dallas, 2016

Exhibit A-1

Hotels Properties that Comprise the Tourism PID

Hotel Name	Street Address	Rooms
Hyatt Regency Dallas	300 Reunion Boulevard	1,120
La Quinta Inn & Suites Dallas Downtown	302 South Houston Street	120
Rosewood Crescent	400 Crescent Court	220
Sheraton Dallas Hotel	400 North Olive Street	1,840
TownePlace Suites Dallas Downtown	500 South Ervay Street	132
Omni Dallas Hotel	555 South Lamar Street	1,001
Dallas Marriott City Center	650 North Pearl Street	416
Lorenzo Hotel	1011 South Akard Street	237
Crowne Plaza Dallas Downtown	1015 Elm Street	293
Homewood Suites by Hilton Dallas Downtown	1025 Elm Street	130
Aloft Dallas Downtown	1033 Young Street	193
Sterling Hotel Dallas	1055 Regal Row	360
Westin Dallas	1201 Main Street	323
Love Field Hotel and Suites	1241 West Mockingbird Lane	348
Adolphus Hotel	1321 Commerce Street	422
Magnolia Hotel Dallas Downtown	1401 Commerce Street	329
The Joule	1530 Main Street	160
Knights Inn Market Center	1550 Empire Central	111
Ramada Dallas Love Field	1575 Regal Row	201
Hilton Garden Inn Downtown	1600 Pacific Avenue	171
Motel 6 Dallas - Market Center	1625 Regal Row	130
Hampton Inn & Suites Downtown	1700 Commerce Street	176
AC Hotels by Marriott Dallas Downtown	1712 Commerce Street	120
Residence Inn Dallas Downtown	1712 Commerce Street	121
Fairmont Dallas	1717 North Akard Street	545
Springhill Suites Dallas Downtown/West End	1907 North Lamar Street	148
Curio Collection Statler Hotel & Residences	1914 Commerce Street	161
Hotel Indigo	1933 Main Street	170
DoubleTree by Hilton Hotel Dallas Market Center	2015 Market Center Boulevard	227
Sheraton Suites Market Center Dallas	2101 North Stemmons Freeway	251
Fairfield Inn & Suites Dallas Medical Market Center	2110 Market Center Boulevard	116
The Ritz-Carlton, Dallas	2121 McKinney Avenue	218
Courtyard Dallas Medical/Market Center	2150 Market Center Boulevard	184
Hilton Anatole	2201 North Stemmons Freeway	1,608
Renaissance Dallas Hotel	2222 North Stemmons Freeway	514
Holiday Inn Express & Suites Dallas	2225 Connector Drive	100
Holiday Inn Express & Suites Dallas Stemmons	2287 West Northwest Highway	103
MCM Elegante Dallas	2320 West Northwest Highway	197
Hilton Garden Inn Dallas/Market Center	2325 North Stemmons Freeway	240
Hotel ZaZa Dallas	2332 Leonard Street	167

Exhibit A-1

Hotel Name	Street Address	Rooms
Country Inn & Suites by Carlton Dallas Love Field	2383 Stemmons Trail	110
Studio 6 Dallas Northwest #6035	2395 Stemmons Trail	189
La Quinta Inn & Suites Dallas I35 Walnut Hill Lane	2421 Walnut Hill Lane	121
W Dallas - Victory	2440 Victory Park Lane	252
Dallas Marriott Suites Medical/Market Center	2493 North Stemmons Freeway	265
Motel 6 Dallas - Galleria #4657	2660 Forest Lane	114
Embassy Suites by Hilton Dallas Market Center	2727 North Stemmons Freeway	248
Homewood Suites Dallas Market Center	2747 North Stemmons Freeway	137
Unnamed Hotel @ The Lexi	2815 North Harwood Street	110
Rosewood Mansion on Turtle Creek	2821 Turtle Creek Boulevard	143
Hyatt House Dallas/Uptown	2914 Harry Hines Boulevard	141
Le Meridien Dallas, The Stoneleigh	2927 Maple Avenue	170
Courtyard Dallas Northwest	2930 Forest Lane	146
Warwick Melrose Hotel Dallas	3015 Oak Lawn Avenue	184
Dream Dallas	3207 McKinney Avenue	128
DoubleTree by Hilton Hotel Dallas Love Field	3300 West Mockingbird	244
Embassy Suites by Hilton Dallas Love Field	3880 West Northwest Highway	248
element Dallas East	4005 Gaston Avenue	151
Townhouse Suites	4150 Independence Drive	108
Super 7 Inn Dallas Southwest	4220 Independence Drive	128
La Quinta Inn & Suites Dallas Uptown	4440 North Central Expressway	101
Holiday Inn Dallas Market Center	4500 Harry Hines Boulevard	200
Hyatt Place Dallas North by the Galleria	5229 Spring Valley Road	121
The Highland Dallas	5300 East Mockingbird Lane	198
Hilton Dallas Lincoln Centre	5410 Lyndon B Johnson Freeway	500
Hilton Dallas/Park Cities	5954 Luther Lane	224
Holiday Inn Express & Suites North Dallas at Preston	6055 Lyndon B Johnson Freeway	103
Magnolia Hotel Dallas Park Cities	6070 North Central Expressway	300
Residence Inn Dallas Market Center	6950 North Stemmons Freeway	142
Crowne Plaza Dallas Market Center	7050 North Stemmons Freeway	354
Residence Inn Dallas Park Central	7642 Lyndon B Johnson Freeway	139
Wyndham Dallas Suites Park Central	7800 Alpha Road	295
The Grand Hotel	7815 Lyndon B Johnson Freeway	145
Hawthorn Suites by Wyndham Park Central	7880 Alpha Road	114
Candlewood Suites Dallas Market Center	7930 North Stemmons Freeway	150
Best Western Plus Dallas Hotel & Conference Center	8051 Lyndon B Johnson Freeway	197
Ramada Dallas North	8102 Lyndon B Johnson Freeway	200
Budget Suites of America Empire Central/Dallas	8150 North Stemmons Freeway	408
InTown Suites Dallas/Market Center Extended Stay	8201 Brookriver Drive	135
Hyatt House Dallas/Lincoln Park	8221 North Central Expressway	155

Exhibit A-1

Hotel Name	Street Address	Rooms
DoubleTree by Hilton Hotel Dallas Campbell Centre	8250 North Central Expressway	300
La Quinta Inn & Suites Dallas Love Field	8300 John W Carpenter Freeway	102
Stay Express Inn Dallas Fair Park Downtown	8303 East R L Thornton Freeway	102
Motel 6 Dallas - Fair Park #4616	8510 East R L Thornton Freeway	105
Lamplighter Motel	9001 East R L Thornton Freeway	107
Extended Stay America - Dallas - Vantage Point Dr.	9019 Vantage Point Drive	134
Super 8 Dallas Love Field Market Center	9229 John W Carpenter Freeway	110
InTown Suites Dallas Northeast Extended Stay	9355 Forest Lane	145
Budget Suites of America North Dallas	9519 Forest Lane	348
Super 7 Inn	9626 C F Hawn Freeway	118
Studio 6 Dallas Garland/Northeast #5003	9801 Adleta Court	126
La Quinta Inn & Suites Dallas North Central	10001 North Central Expressway	127
Budget Suites of America Loop 12/Dallas	10222 North Walton Walker Boulevard	282
Anchor Motel	10230 Harry Hines Boulevard	126
Hampton Inn & Suites Dallas	10310 North Central Expressway	124
Courtyard Dallas Central Expressway	10325 North Central Expressway	160
Express Studios	10326 Finnell Street	146
Residence Inn Dallas Central Expressway	10333 North Central Expressway	103
Super 7 Inn Dallas	10335 Gardner Road	100
InTown Suites Garland Extended Stay	10477 Metric Drive	135
Hampton Inn & Suites Dallas North I-35 at Walnut Hill	11069 Composite Drive	113
Regency Hotel	11350 Lyndon B Johnson Freeway	236
Extended Stay America - Dallas - Coit Rd.	12121 Coit Road	133
Extended Stay America - Dallas - Greenville Ave.	12270 Greenville Avenue	116
Studio 6 Dallas Richardson/North #5010	12301 North Central Expressway	133
Hyatt Place Dallas/Park Central	12411 North Central Expressway	126
Candlewood Suites Dallas Park Central	12525 Greenville Avenue	122
Executive Inn	12670 East Northwest Highway	120
The Westin Dallas Park Central	12720 Merit Drive	536
Embassy Suites by Hilton Dallas Park Central	13131 North Central Expressway	279
La Quinta Inn & Suites Dallas North	13175 North Central Expressway	124
The Westin Galleria Dallas	13340 Dallas Parkway	448
Le Meridien Dallas by the Galleria	13402 Noel Road	258
Red Roof Inn - Dallas Richardson	13685 North Central Expressway	121
Candlewood Suites Dallas Galleria	13939 Noel Road	134
Embassy Suites by Hilton Dallas Near the Galleria	14021 Noel Road	150
Staybridge Suites Dallas Addison	16060 Dallas Parkway	129
Crossland Economy Studios - Dallas - North Addison - Tollway	17425 Dallas Parkway	120
Extended Stay America - Dallas - Frankford Road	18470 North Dallas Parkway	118
InTown Suites Dallas North, Plano Extended Stay	19059 Preston Road	121

Exhibit B

Tourism Public Improvement District (PID) Service Plan														
Fiscal Year	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	13-year Total
Assessment Revenue	\$ 16,528,576	\$ 17,355,005	\$ 18,222,755	\$ 19,133,893	\$ 20,090,588	\$ 21,095,117	\$ 22,149,873	\$ 23,257,367	\$ 24,420,235	\$ 25,641,247	\$ 26,923,309	\$ 28,269,474	\$ 29,682,948	\$ 292,770,388
Categories	%													
Incentives & Sales Efforts	42.5%	\$ 7,024,645	\$ 7,375,877	\$ 7,744,671	\$ 8,131,905	\$ 8,538,500	\$ 8,965,425	\$ 9,413,696	\$ 9,884,381	\$ 10,378,600	\$ 10,897,530	\$ 11,442,406	\$ 12,014,527	\$ 124,427,415
Marketing (Promotion/Advertising)	35.0%	\$ 5,785,002	\$ 6,074,252	\$ 6,377,964	\$ 6,696,863	\$ 7,031,706	\$ 7,383,291	\$ 7,752,456	\$ 8,140,078	\$ 8,547,082	\$ 8,974,436	\$ 9,423,158	\$ 9,894,316	\$ 102,469,636
Site Visits & Familiarization Tours	10.0%	\$ 1,652,858	\$ 1,735,501	\$ 1,822,276	\$ 1,913,389	\$ 2,009,059	\$ 2,109,512	\$ 2,214,987	\$ 2,325,737	\$ 2,442,023	\$ 2,564,125	\$ 2,692,331	\$ 2,826,947	\$ 29,277,039
Event Funding Application Pool	7.5%	\$ 1,239,643	\$ 1,301,625	\$ 1,366,707	\$ 1,435,042	\$ 1,506,794	\$ 1,582,134	\$ 1,661,240	\$ 1,744,302	\$ 1,831,518	\$ 1,923,094	\$ 2,019,248	\$ 2,120,211	\$ 21,957,779
Operations/Research/Administration	5.0%	\$ 826,429	\$ 867,750	\$ 911,138	\$ 956,695	\$ 1,004,529	\$ 1,054,756	\$ 1,107,494	\$ 1,162,868	\$ 1,221,012	\$ 1,282,062	\$ 1,346,165	\$ 1,413,474	\$ 14,638,519
Total Expenses	100.0%	\$ 16,528,576	\$ 17,355,005	\$ 18,222,755	\$ 19,133,893	\$ 20,090,588	\$ 21,095,117	\$ 22,149,873	\$ 23,257,367	\$ 24,420,235	\$ 25,641,247	\$ 26,923,309	\$ 28,269,474	\$ 292,770,388

Note: Expenditures are limited to actual collections, which can not exceed the 2% fee on each occupied room as defined in the petition.

Exhibit C

Tourism Public Improvement District 2016 Assessment Plan

The cost of the services and improvements provided by the Tourism Public Improvement District ("District") will be levied by special assessment against Dallas hotels located within the District territory with 100 or more rooms ("qualifying hotels") based on hotel room nights sold. The total cost of the services and improvements to be provided shall be apportioned at a rate of 2% of room-nights sold at qualifying hotels until the budget for services and improvements for the year is reached. Rooms that are not subject to the City's hotel occupancy tax shall not be included for the District assessment.

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 14

DEPARTMENT: Office of Economic Development

CMO: Ryan S. Evans, 671-9837

MAPSCO: 35 X Y and 45 A B C F G K

SUBJECT

Uptown Public Improvement District

- * A public hearing concerning the proposed levy of assessment for the Uptown Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District – Financing: No cost consideration to the City
- * An ordinance approving and adopting the final 2017 Service Plan, the final 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; and providing for an effective date – Financing: No cost consideration to the City

BACKGROUND

Annually, City Council calls and holds a public hearing to consider the proposed assessment for property in the Public Improvement Districts (PID) and authorizes the Service Plan for each PID. At the adjournment of the hearing on the proposed assessments, the City Council must hear and pass on any objections to a proposed assessment and may amend a proposed assessment on any parcel. After hearing and passing on the objections, the City Council by ordinance shall levy the assessment as a special assessment on the property.

BACKGROUND (Continued)

Uptown Dallas, Inc., provided City staff with the proposed District Service Plan for 2017 and the proposed Assessment Plan for 2016 for review, and staff found the services and improvements to be advisable and recommended approval subject to the public hearing on September 14, 2016.

The public improvement district Service Plan is outlined in the following way:

- (a) **Nature of the Services and Improvements.** The purpose of the District is to supplement and enhance services provided within the District, but not to replace or supplant existing City services provided within the District. The general nature of the proposed services and improvements to be provided in the District include enhanced public safety and security, lighting, sidewalk and streetscape improvements, landscaping improvements including plantings, hardscape, trolley operation and capital improvements, District marketing and promotional activities and improvements as authorized by the Act.
- (b) **Estimated Cost of the Services and Improvements.** During the next five (5) year period, the estimated annual cost of the improvements and services provided by the District is expected to begin at approximately \$2,301,074 in 2017 and reach \$2,779,031 in 2021. The total estimated assessments to be collected during the next five year period is approximately \$12,448,089. The District shall incur no bonded indebtedness.
- (c) **Boundaries.** The boundaries of the District are shown on the attached Map of the District.
- (d) **Method of Assessment.** The assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The assessment amount for 2016 is proposed to be \$2,245,574. This amount is approximately equal to \$0.0450 per \$100.00 of appraised value as determined by the Dallas Central Appraisal District. Once levied, this assessment apportionment shall not increase during the 2017 service plan year.

The real property of jurisdictions and entities that have obtained an exemption from City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes.

BACKGROUND (Continued)

Property owned by tax-exempt religious organizations will be exempt from assessment as will property owned by persons already receiving and qualifying for 65-or-older homestead exemption under Section 11.13 (c) or (d) of the Texas Property Tax Code. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

- (e) **Apportionment of costs between the District and the Municipality as a Whole.** The assessment is levied on the real property and real property improvements in the District according to the value of such property. Levying the assessment for the services and improvements based on the appraised value of the property results in the apportionment of the costs on the basis of special benefits accruing to the property. No assessment, however, will be levied against exempt City property in the District. The City of Dallas is not responsible for payment of assessment against exempt City property in the District. City rights-of-way, City parks and cemeteries are not specially benefitted and therefore are not subject to PID assessment.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 23, 1993, City Council authorized the creation of the Uptown Public Improvement District by Resolution No. 93-2501.

Additionally, the Uptown PID was renewed for a period of five years in 2000 and for periods of seven years in 2005 and 2012.

On September 9, 2015, City Council authorized the assessment rate for 2015 by Ordinance No. 29870.

Information about this item was provided to the Economic Development Committee on August 15, 2016.

On August 24, 2016, City Council authorized a public hearing to be held on September 14, 2016, to receive comments on the proposed 2016 Assessment Rate and final approval of the 2017 Service Plan.

The Economic Development Committee was provided information regarding this item on September 2, 2016.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached.

Uptown Public Improvement District Boundary Map

Legend

 Uptown PID Boundary

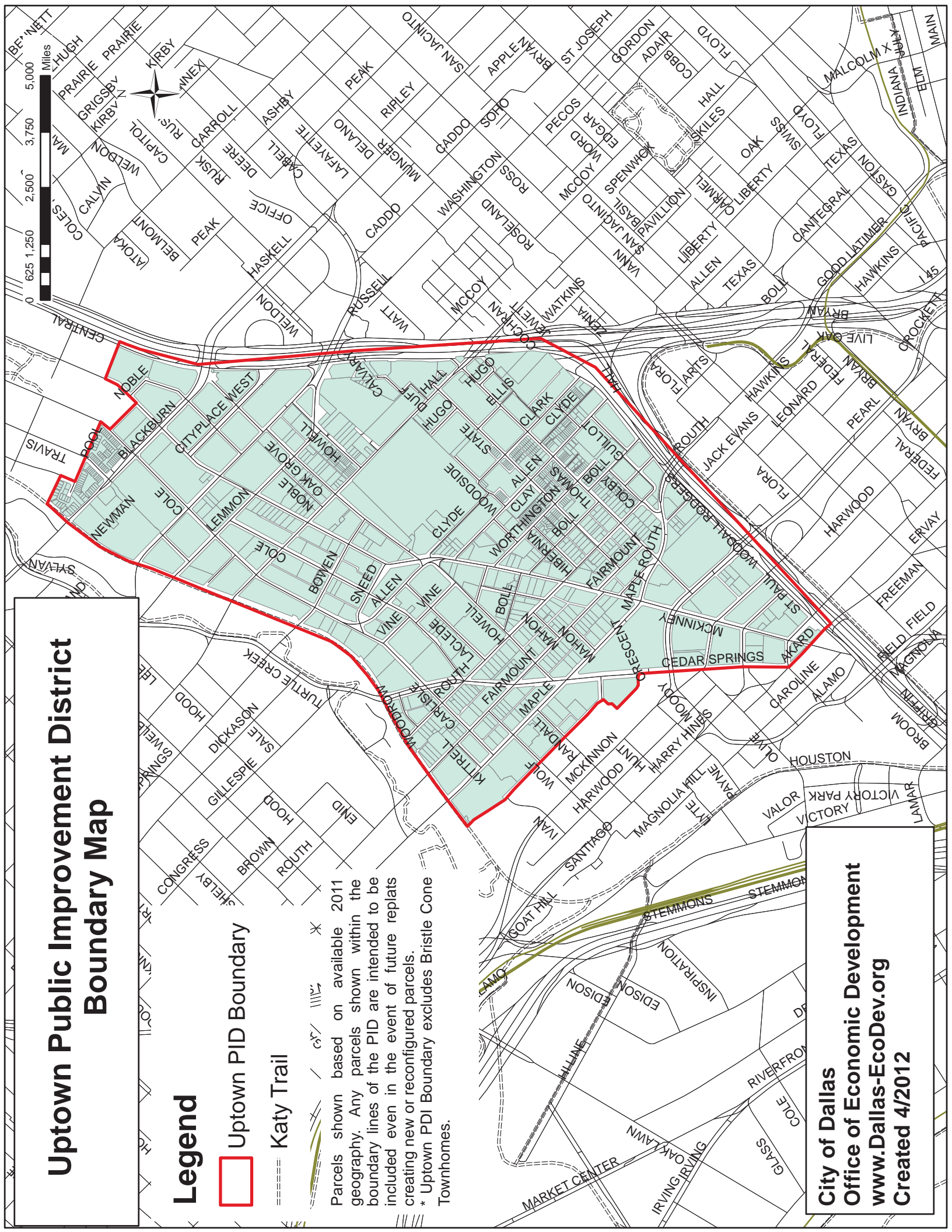
 Katy Trail

 * Uptown PDI Boundary excludes Bristle Cone Townhomes.

Parcels shown based on available 2011 geography. Any parcels shown within the boundary lines of the PID are intended to be included even in the event of future replats creating new or reconfigured parcels.

* Uptown PDI Boundary excludes Bristle Cone Townhomes.

City of Dallas
Office of Economic Development
www.Dallas-EcoDev.org
Created 4/2012



ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING THE FINAL 2017 SERVICE PLAN, THE FINAL 2016 ASSESSMENT PLAN, AND THE 2016 ASSESSMENT ROLL (TO BE KEPT ON FILE WITH THE CITY SECRETARY); ESTABLISHING CLASSIFICATIONS FOR THE APPORTIONMENT OF COSTS AND THE METHODS OF ASSESSING SPECIAL ASSESSMENTS FOR THE SERVICES AND IMPROVEMENTS TO PROPERTY IN THE UPTOWN PUBLIC IMPROVEMENT DISTRICT (DISTRICT); CLOSING THE HEARING AND LEVYING A SPECIAL ASSESSMENT ON PROPERTY IN THE DISTRICT FOR SERVICES AND IMPROVEMENTS TO BE PROVIDED IN THE DISTRICT DURING 2017; PROVIDING FOR REIMBURSEMENT OF CITY ADMINISTRATIVE COSTS FOR OPERATIONAL OVERSIGHT OF THE DISTRICT; FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF THE 2016 ASSESSMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code (the "Act") allows for the creation of public improvement districts; and

WHEREAS, on June 23, 1993, City Council established the Uptown Public Improvement District (the District) pursuant to the Act, finding that the petition satisfied the Act's requirements and the supplemental services and improvements were feasible and conferred a special benefit to the property in the District, designated Uptown Dallas, Inc., as the manager of the District and authorized a contract for management services; and approved the District Service Plan, by Resolution No. 93-2501; and

WHEREAS, City Council has subsequently authorized the renewal of the District in 2000, 2005 and 2012 as shown on the attached **Exhibit A - Map of the District**; and

WHEREAS, on September 9, 2015, City Council authorized the 2016 Service Plan and 2015 Assessment Plan by Ordinance No. 29870; and

WHEREAS, City Council must review the proposed 2017 Service Plan and hold a public hearing to receive comments and pass on any objections to the 2016 Assessment Plan raised by any owner of property located within the District, and, at the conclusion of the hearing to levy the assessment for the purpose of providing supplemental services and improvements; and

WHEREAS, on August 15, 2016, information about this item was presented to the Economic Development Committee; and

WHEREAS, on August 24, 2016, City Council authorized a public hearing to be held on September 14, 2016, to receive comments on the proposed 2016 Assessment Plan and approval of the final 2017 Service Plan; and

WHEREAS, Uptown Dallas, Inc., provided City staff with the proposed District 2017 Service Plan and 2016 Assessment Plan as shown in **Exhibits B and C**; and

WHEREAS, City Council desires to authorize and adopt the Assessment Roll that was filed with the City Secretary and subject to public inspection in the City's official records prior to the public hearing; and

WHEREAS, City Council finds that the supplemental services and improvements described in the Service Plan and Assessment Plan are feasible and advisable and will serve the needs and desires of the property owners, and that an assessment apportioned in an amount equal to a rate of \$0.0450 per \$100.00 of appraised value of property or improvements to the property in the District, as determined by the Dallas Central Appraisal District (DCAD), is reasonable and adequate.

NOW, THEREFORE,

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

SECTION 1. That City Council shall adopt an ordinance approving and adopting the final 2017 Service Plan, the final 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Uptown Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; and providing for an effective date.

SECTION 2. That the recitals and findings listed above are true and correct and that the action of the City Council closing the public hearing in these proceedings is hereby ratified and confirmed.

SECTION 3. That the assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The assessment amount for 2016 is proposed to be \$2,245,574.

SECTION 3. (Continued)

This amount shall be apportioned in an amount approximately equal to \$0.0450 per \$100.00 of appraised value as determined by the Dallas Central Appraisal District. Once levied, this assessment rate shall not increase during the 2017 service plan year.

The real property of jurisdictions and entities that have obtained an exemption from City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. Property owned by tax-exempt religious organizations will be exempt from assessment as will property owned by persons already receiving and qualifying for 65-or-older homestead exemption under Section 11.13 (c) or (d) of the Texas Property Tax Code. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

SECTION 4. That City Council hereby authorizes and adopts the final 2017 Service Plan, the final 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary apportioning the total cost of the services and improvements to be assessed against property in the District for fiscal year ending December 31, 2016, of approximately \$2,259,647. The Assessment Roll apportions the assessment against each parcel of land in the District and is subject to public inspection in the City's official records.

SECTION 5. That notice of City Council's intention to consider the proposed assessments at a public hearing on September 14, 2016 at 1:00 p.m. in the City Council Chamber, 1500 Marilla Street, Dallas, Texas was published in the official newspaper of the City of Dallas, Texas before the 10th day before the date of the hearing. The notice stated: (1) the date, time and place of the hearing; (2) the general nature of the services and improvements; (3) the cost of the services and improvements; (4) the boundaries of the District; and (5) that written or oral objections will be considered at the hearing.

SECTION 6. That Dallas City staff mailed to the owners of property liable for assessment notice of the hearing as the ownership appears on the City tax roll. The notice contained the information required by the Act. The notice was mailed before the 10th day before the date of the hearing to the last known address of the property owner on the City tax roll. The failure of the property owner to receive notice does not invalidate the proceeding.

SECTION 7. That City Council finds that the assessments should be made and levied against the respective parcels of property within the District and against the owners thereof, and are substantially in proportion to the special benefits accrued to the respective parcels of property by means of the services and improvements in the District for which such assessments are levied, and further finds that in each case the property assessed is specially benefited by means of the said services and improvements in the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State, and that the proceedings of the City heretofore held with reference to the formation of the District and the imposition of assessments for said services and improvements are in all respects valid and regular.

SECTION 8. That there shall be and is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money as listed in the Assessment Roll on file with the City Secretary and subject to public inspection, and the several amounts assessed against the same, and the owners thereof.

SECTION 9. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight percent (8%) per annum, provided, however, that such interest rate shall not exceed the maximum amount allowed by law, together with reasonable fees and the costs of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for state, county, school district and municipality ad valorem taxes and are a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien is effective from the date of this ordinance until the assessment is paid and may be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body.

SECTION 10. That the assessments levied herein shall be due and payable in full on or before January 31, 2017. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including, costs and fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body. The owner of the assessed property may pay at any time the entire assessment, with interest that has accrued on the assessment, on any lot or parcel.

SECTION 11. That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 12. That as part of the assessment levied herein, and as a part of the service plan, the District shall reimburse to City, administrative costs for the day to day operations conducted by city staff for the District, which amount shall be paid by the District to City upon receipt of an invoice; and that the Chief Financial Officer be authorized to establish Fund 0694, Dept. ECO, to support recovery of the costs incurred by the Office of Economic Development for such day to day operational costs incurred.

SECTION 13. That the Chief Financial Officer be authorized to accept and deposit any and all revenues received from the District in Fund 0694, Dept, ECO, Unit 9886, Revenue Source 7399; and that the Chief Financial Officer be authorized to transfer annually, funds in amounts to be determined based upon costs incurred and related rates then in effect, from Fund 0694, Dept. ECO, Unit 9886, to General Fund 0001, Dept. ECO, Unit 1161 and Unit 1163, Object 5011, to reimburse the Office of Economic Development for administrative costs incurred for the day to day operational oversight of the District.

SECTION 14. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.

SECTION 15. That this ordinance 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 ordained.

APPROVED AS TO FORM

CHRISTOPHER D. BOWERS
INTERIM CITY ATTORNEY

By: _____



Assistant City Attorney

Passed and correctly enrolled _____

Uptown Public Improvement District Boundary Map Exhibit A

Legend

 Uptown PID Boundary

 Katy Trail

 Parcels shown based on available 2011 geography. Any parcels shown within the boundary lines of the PID are intended to be included even in the event of future replats creating new or reconfigured parcels.

* Uptown PDI Boundary excludes Bristle Cone Townhomes.

City of Dallas
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Created 4/2012

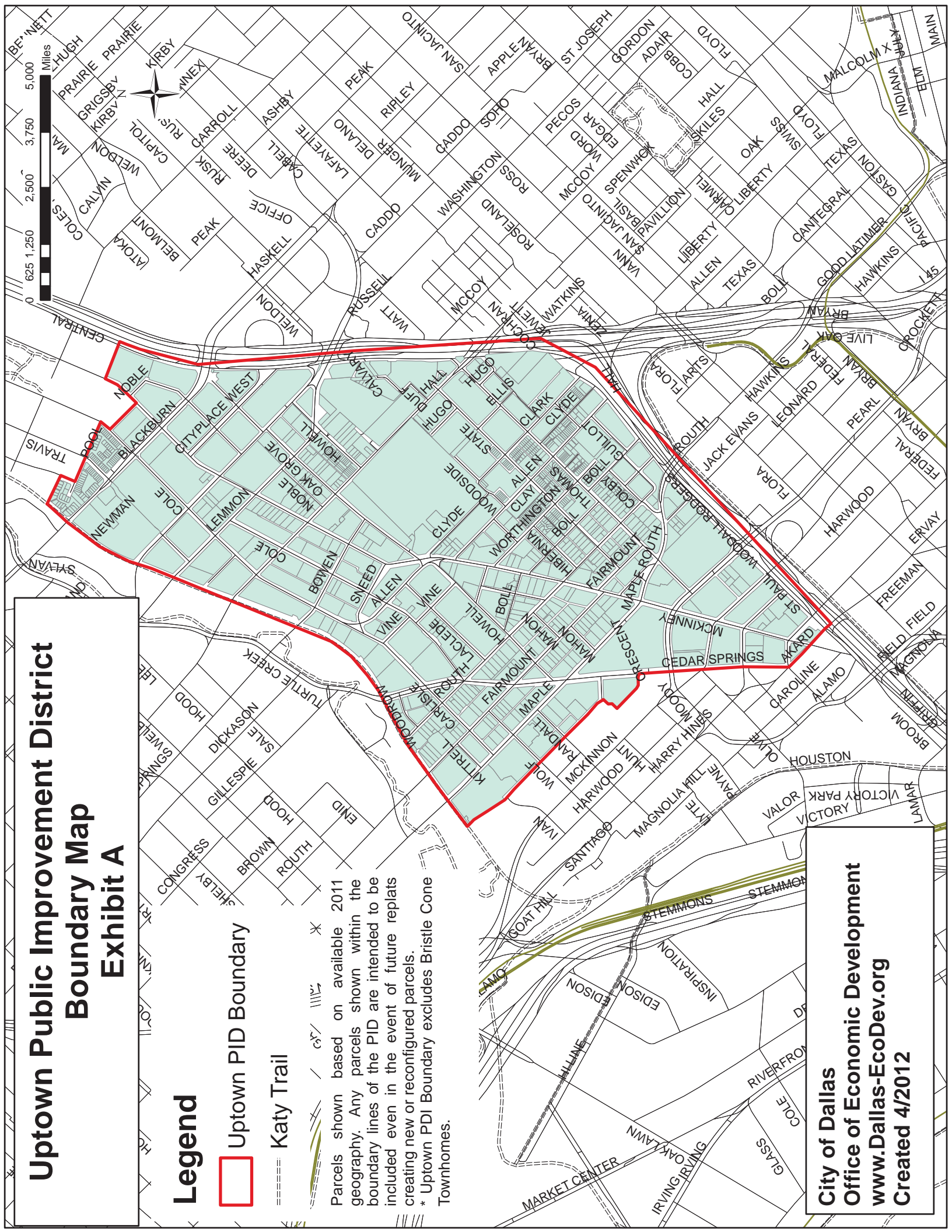


Exhibit B

UPTOWN PUBLIC IMPROVEMENT DISTRICT SERVICE PLAN (2017 - 2021)					
Income	2017	2018	2019	2020	2021
Net Assessments	\$2,245,574	\$2,323,153	\$2,536,066	\$2,625,265	\$2,718,031
Interest	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000
Uptown Dallas, Inc. service fees (memberships)	\$13,500	\$14,000	\$14,000	\$14,000	\$14,000
Marketing Sponsorships (for events)	\$40,000	\$45,000	\$45,000	\$45,000	\$45,000
Total	\$2,301,074	\$2,384,153	\$2,597,066	\$2,686,265	\$2,779,031
Expenditures					
Capital Improvements ¹	\$690,322	\$715,246	\$779,120	\$805,879	\$833,709
(Median Landscaping, gateway markers, walking trails, parks, streetscape, Katy Trail).					
Services	\$525,269	\$546,038	\$599,267	\$621,566	\$644,758
(Off-duty police, trolley operations, traffic & parking, marketing and promotion)					
Landscape Improvements ¹	\$690,322	\$715,246	\$779,120	\$805,879	\$833,709
(Landscape, tree care, street & sidewalk sweeping, trash cans, graffiti removal, grates).					
Finance & Administration ¹	\$345,161	\$357,623	\$389,560	\$402,940	\$416,855
(Staff Salaries & benefits, rent, office expenses, audit, insurance).					
Griggs Park Improvements ²	\$0	\$0	\$0	\$0	\$0
Contingency ³	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000
Total	\$2,301,074	\$2,384,153	\$2,597,066	\$2,686,265	\$2,779,031
¹ Millions of dollars in new construction within the District has brought about increases in population, workforce and visitor traffic thereby increasing the expenses and resources that are necessary to address its needs in the referenced ² The elimination of expenses for the Griggs Park Improvements is because the related projects are being finalized and near completion. ³ Contingency funds: Allowance made for anticipated assessment refunds due to protests by property owners					

EXHIBIT C
2016 ASSESSMENT PLAN Uptown
Public Improvement District

The cost of the services and improvements provided by the Uptown Public Improvement District will be paid primarily by special assessments against properties in the District. Annual assessments will be based on the total value of real property and improvements as determined by the Dallas Central Appraisal District.

All property owners not exempt from assessment will be assessed at a uniform rate. In 2016, the proposed rate continues to be 4.5 cents per \$100 of value. Assessments will be carried out in accordance with procedures stipulated in Chapter 372 of the Texas Local Government Code.

The City of Dallas shall not be responsible for payment of assessments against exempt City property in the District. The District's cemeteries, which operate on a nonprofit basis and are not specifically benefited by most of the improvements and services, are one class of tax-exempt properties. Accordingly, the cemeteries will be exempt from assessment. Property owned by tax-exempt religious organizations will be exempt from assessment and property owned by persons already receiving and qualifying for 65-or-older homestead exemption under Section 11.13 (c) or (d) of the Texas Property Tax Code. Payment of assessment by other exempt jurisdictions must be established by contract. No such contracts are in place, nor are any proposed. City rights-of-way and city parks are exempt from assessment. Properties otherwise exempt from ad valorem taxes are not subject to assessment.

UPID's assessments will be collected by Dallas County or other contractor chosen by the City of Dallas, in accordance with the management contract between the City of Dallas and Uptown Dallas, Inc., the non-profit corporation that manages the District.

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 14

DEPARTMENT: Office of Economic Development

CMO: Ryan S. Evans, 671-9837

MAPSCO: 35 M and 36 A B E F J K

SUBJECT

University Crossing Public Improvement District

- * A public hearing concerning the proposed levy of assessment for the University Crossing Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District – Financing: No cost consideration to the City
- * An ordinance approving and adopting the final 2017 Service Plan, the 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; and providing for an effective date – Financing: No cost consideration to the City

BACKGROUND

Annually, City Council calls and holds a public hearing to consider the proposed assessment for property in the Public Improvement Districts (PID) and authorizes the Service Plan for each PID. At the adjournment of the hearing on the proposed assessments, the City Council must hear and pass on any objections to a proposed assessment and may amend a proposed assessment on any parcel. After hearing and passing on objections, the City Council by ordinance shall levy the assessment as a special assessment on the property.

BACKGROUND (Continued)

The University Crossing Improvement District Corporation (dba UCPIID, Inc.) provided City staff with the proposed District Service Plan for 2017 and the proposed Assessment Plan for 2016 for review, and staff found the services and improvements to be advisable and recommended approval subject to the public hearing on September 14, 2016.

The public improvement district Service Plan is outlined in the following way:

- (a) **Nature of the Services and Improvements.** The proposed services and improvements to be provided in the District include police safety patrol's for the area, safety awareness and education programs, landscaping, banner program, installation and maintenance of trash containers, promotion of the University Crossing area, implement signage and wayfinding systems, management of new and existing public and green space, and related expenses incurred in establishing, administering and operating the District as authorized by the Act.
- (b) **Estimated Cost of the Services and Improvements.** During the next five (5) year period, the estimated annual cost of the improvements and services provided by the District is expected to begin at approximately \$1,037,000 in 2017 and reach \$854,000 in 2021. Carryover funds accumulated through 2017 will be used to support capital improvement projects related to the Mockingbird Lane Pedestrian Bridge and Trail Expansion. The total estimated assessments to be collected during the next five year period is approximately \$4,076,000. The District shall incur no bonded indebtedness.
- (c) **Boundaries.** The boundaries of the District are shown on the attached Map of the District.
- (d) **Method of Assessment.** The assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The assessment amount for 2016 is proposed to be \$783,000. This amount is approximately equal to \$0.10 per \$100.00 of appraised value as determined by the Dallas Central Appraisal District. Once levied, this assessment apportionment shall not increase during the 2017 service plan year.

BACKGROUND (Continued)

With the exception of Southern Methodist University (SMU), the real property of jurisdictions and entities that have obtained an exemption from the City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. SMU has agreed to participate in the University Crossing Public Improvement District (PID) by contract with the University Crossing Improvement District Corporation through special assessment based on all taxable and tax exempt real property owned by SMU or SMU affiliates within the University Crossing PID.

- (e) **Apportionment of costs between the District and the Municipality as a Whole.** The assessment is levied on the real property and real property improvements in the District according to the value of such property. Levying the assessment for the services and improvements based on the appraised value of the property results in the apportionment of the costs on the basis of special benefits accruing to the property. No assessment, however, will be levied against exempt City property in the District. The City of Dallas is not responsible for payment of assessment against exempt City property in the District. City right-of-way, railroad right-of-way, parks and cemeteries are not specially benefitted and therefore are not subject to assessment.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 12, 2013, City Council authorized creation of the University Crossing Public Improvement District by Resolution No. 13-1016.

On September 9, 2015, City Council authorized the assessment rate for 2015 by Ordinance No. 29869.

Information about this item was provided to the Economic Development Committee on August 15, 2016.

On August 24, 2016, City Council authorized a public hearing to be held on September 14, 2016, to receive comments on the proposed 2016 Assessment Rate and final approval of the 2017 Service Plan.

The Economic Development Committee was provided information regarding this item on September 2, 2016.

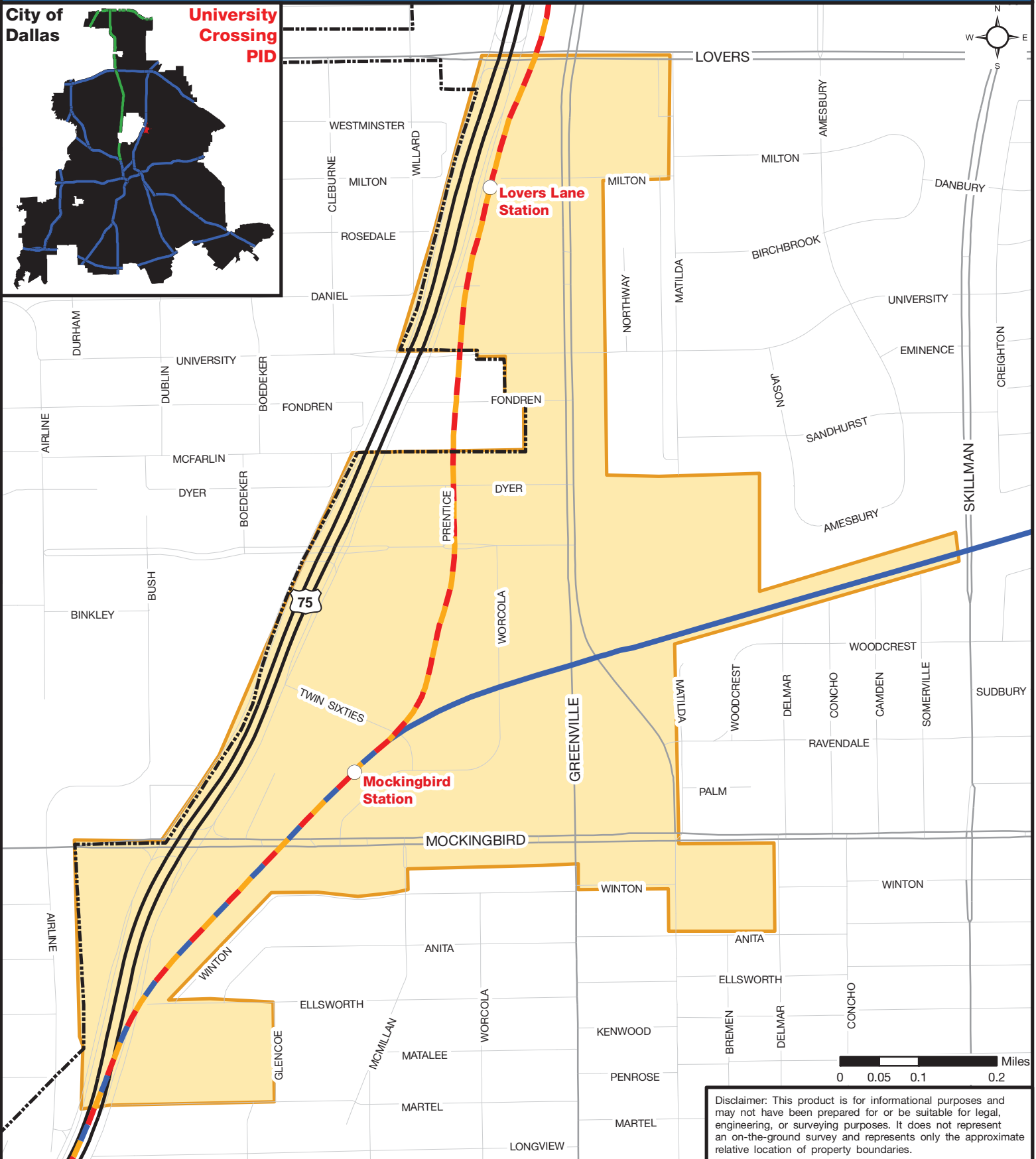
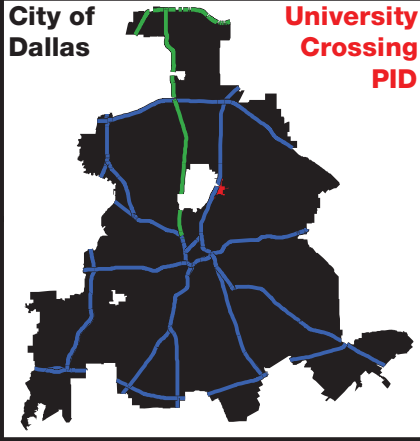
FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached.

University Crossing Public Improvement District



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 6.19.2013 - PID_University.TCG

Legend

- University Crossing PID
- City of Dallas
- Rail Station

- DART Red Line
- DART Blue Line
- DART Orange Line

- Freeway or Tollway
- Arterial
- Local Road

Source: City of Dallas, 2013

ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING THE FINAL 2017 SERVICE PLAN, THE FINAL 2016 ASSESSMENT PLAN, AND THE 2016 ASSESSMENT ROLL (TO BE KEPT ON FILE WITH THE CITY SECRETARY); ESTABLISHING CLASSIFICATIONS FOR THE APPORTIONMENT OF COSTS AND THE METHODS OF ASSESSING SPECIAL ASSESSMENTS FOR THE SERVICES AND IMPROVEMENTS TO PROPERTY IN THE UNIVERSITY CROSSING PUBLIC IMPROVEMENT DISTRICT (DISTRICT); CLOSING THE HEARING AND LEVYING A SPECIAL ASSESSMENT ON PROPERTY IN THE DISTRICT FOR SERVICES AND IMPROVEMENTS TO BE PROVIDED IN THE DISTRICT DURING 2017; PROVIDING FOR REIMBURSEMENT OF CITY ADMINISTRATIVE COSTS FOR OPERATIONAL OVERSIGHT OF THE DISTRICT; FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF THE 2016 ASSESSMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code (the Act) allows for the creation of public improvement districts; and

WHEREAS, on June 12, 2013, City Council established the University Crossing Public Improvement District (District), as shown on the attached **Exhibit A - Map of the District**, pursuant to the Act and found that the petition satisfied the Act's requirements and the supplemental services and improvements were feasible and conferred a special benefit to the property in the District, designated University Crossing Improvement District Corporation (dba UCPIID, Inc.) as the manager of the District, and authorized a contract for management services; and approved the District Service Plan by Resolution No. 13-1016; and

WHEREAS, on September 9, 2015, City Council authorized the 2016 Service Plan and 2015 Assessment Plan by Ordinance No 29869; and

WHEREAS, City Council must review the proposed 2017 Service Plan and hold a public hearing to receive comments and pass on any objections to the 2016 Assessment Plan raised by any owner of property located within the District, and, at the conclusion of the hearing to levy the assessment for the purpose of providing supplemental services and improvements; and

WHEREAS, on August 15, 2016, information about this item was presented to the Economic Development Committee; and

WHEREAS, on August 24, 2016, City Council authorized a public hearing to be held on September 14, 2016, to receive comments on the proposed 2016 Assessment Rate and final approval of the 2017 Service Plan; and

WHEREAS, the UCPIID, Inc. provided City staff with the proposed District 2017 Service Plan and 2016 Assessment Plan as shown in **Exhibits B and C**; and

WHEREAS, City Council desires to authorize and adopt the Assessment Roll that was filed with the City Secretary and subject to public inspection in the City's official records prior to the public hearing; and

WHEREAS, City Council finds that the supplemental services and improvements described in the Service Plan and Assessment Plan are feasible and advisable and will serve the needs and desires of the property owners, and that an assessment apportioned in an amount equal to a rate of \$0.10 per \$100.00 of appraised value of property or improvements to the property, as determined by the Dallas Central Appraisal District (DCAD), is reasonable and adequate.

NOW, THEREFORE,

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

SECTION 1. That City Council shall adopt an ordinance approving and adopting the final 2017 Service Plan, the 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the University Crossing Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; and providing for an effective date.

SECTION 2. That the recitals and findings listed above are true and correct and that the action of the City Council closing the public hearing in these proceedings is hereby ratified and confirmed.

SECTION 3. That the assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The assessment amount for 2016 is proposed to be \$783,000. This amount shall be apportioned in an amount approximately equal to \$0.10 per \$100.00 of appraised value as determined by the Dallas Central Appraisal District. Once levied, this assessment rate shall not increase during the 2017 service plan year.

SECTION 3. (Continued)

With the exception of Southern Methodist University (SMU), the real property of jurisdictions and entities that have obtained an exemption from the City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. SMU has agreed to participate in the University Crossing Public Improvement District (PID) by contract with the University Crossing Improvement District Corporation through special assessment based on all taxable and tax exempt real property owned by SMU or SMU affiliates within the University Crossing PID.

SECTION 4. That City Council hereby authorizes and adopts the final 2017 Service Plan, the final 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary apportioning the total cost of the services and improvements to be assessed against property in the District for fiscal year ending December 31, 2016, of approximately \$1,037,000. The Assessment Roll apportions the assessment against each parcel of land in the District and is subject to public inspection in the City's official records.

SECTION 5. That notice of City Council's intention to consider the proposed assessments at a public hearing on September 14, 2016 at 1:00 p.m. in the City Council Chamber, 1500 Marilla Street, Dallas, Texas was published in the official newspaper of the City of Dallas, Texas before the 10th day before the date of the hearing. The notice stated: (1) the date, time and place of the hearing; (2) the general nature of the services and improvements; (3) the cost of the services and improvements; (4) the boundaries of the District; and (5) that written or oral objections will be considered at the hearing.

SECTION 6. That Dallas City staff mailed to the owners of property liable for assessment notice of the hearing as the ownership appears on the City tax roll. The notice contained the information required by the Act. The notice was mailed before the 10th day before the date of the hearing to the last known address of the property owner on the City tax roll. The failure of the property owner to receive notice does not invalidate the proceeding.

SECTION 7. That City Council finds that the assessments should be made and levied against the respective parcels of property within the District and against the owners thereof, and are substantially in proportion to the special benefits accrued to the respective parcels of property by means of the services and improvements in the District for which such assessments are levied, and further finds that in each case the property assessed is specially benefited by means of the said services and improvements in the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State and that the proceedings of the City heretofore held with reference to the formation of the District and the imposition of assessments for said services and improvements are in all respects valid and regular.

SECTION 8. That there shall be and is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money as listed in the Assessment Roll on file with the City Secretary and subject to public inspection, and the several amounts assessed against the same, and the owners thereof.

SECTION 9. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight percent (8%) per annum, provided, however, that such interest rate shall not exceed the maximum amount allowed by law, together with reasonable fees and the costs of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for state, county, school district and municipality ad valorem taxes and are a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien is effective from the date of this ordinance until the assessment is paid and may be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body.

SECTION 10. That the assessments levied herein shall be due and payable in full on or before January 31, 2017. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including, costs and fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body. The owner of the assessed property may pay at any time the entire assessment, with interest that has accrued on the assessment, on any lot or parcel.

SECTION 11. That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 12. That as part of the assessment levied herein, and as a part of the service plan, the District shall reimburse to City, administrative costs for the day to day operations conducted by city staff for the District, which amount shall be paid by the District to City upon receipt of an invoice; and that the Chief Financial Officer is hereby authorized to establish Fund 0694, Department ECO, to support recovery of the costs incurred by the Office of Economic Development for such day to day operational costs incurred.

SECTION 13. That the Chief Financial Officer is hereby authorized to accept and deposit any and all revenues received from the District in Fund 0694, Department ECO, Unit 9885, Revenue Source 7399; and that the Chief Financial Officer be authorized to transfer annually, funds in amounts to be determined based upon costs incurred and related rates then in effect, from Fund 0694, Department ECO, Unit 9885, to General Fund 0001, Department ECO, Unit 1161 and Unit 1163, Object 5011, to reimburse the Office of Economic Development for administrative costs incurred for the day to day operational oversight of the District.

SECTION 14. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.

SECTION 15. That this ordinance 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 ordained.





APPROVED AS TO FORM

CHRISTOPHER D. BOWERS
INTERIM CITY ATTORNEY

By: 
Assistant City Attorney

Passed and correctly enrolled _____

Legend

-  trail_master
-  University Crossing PID Boundary
-  Glencoe_park
-  University Crossing PID Parcels

Parcels shown based on available 2012 geography. Any parcels shown within the boundary lines of the PID are intended to be included even in the event of future replats creating new or reconfigured parcels.

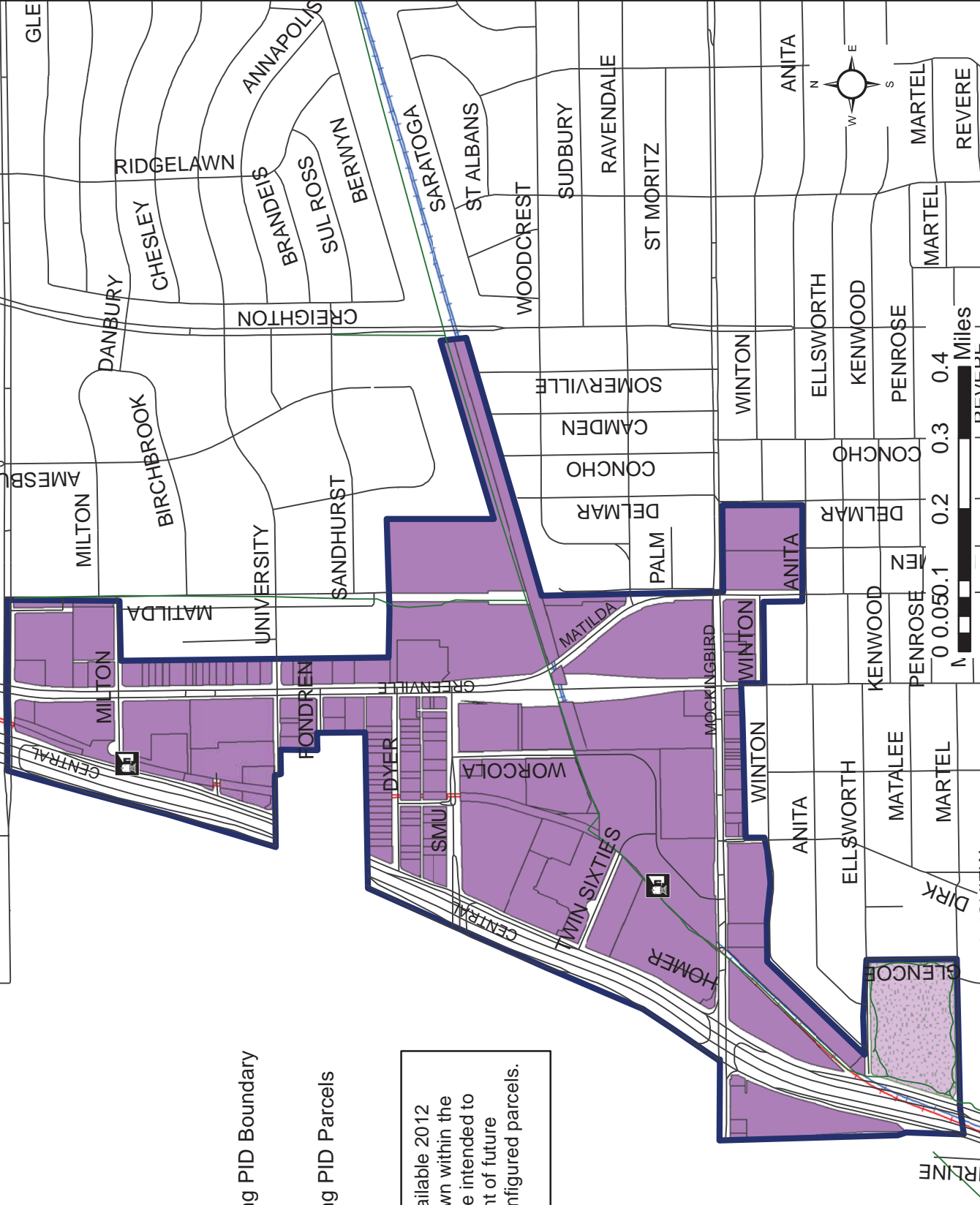


Exhibit A University Crossing Public Improvement District Boundary Map

Exhibit B
University Crossing Public Improvement District - Five Year Budget Projections

	2017 Budget	2018 Budget	2019 Budget	2020 Budget	2021 Budget*
INCOME					
Fund balance from previous year ⁸	750,000	499,000	243,000	0	0
Net assessment revenue	783,000	799,000	815,000	831,000	848,000
Exempt jurisdictions	0	0	0	0	0
Interest on cash balances	3,000	4,000	5,000	6,000	6,000
Other income & contributions	0	0	0	0	0
TOTAL INCOME¹	\$1,536,000	\$1,302,000	\$1,063,000	\$837,000	\$854,000
EXPENDITURES					
Security ²	223,000	228,000	233,000	238,000	243,000
Improvements ³	449,000	458,000	449,000	210,000	214,000
Public Area Maintenance ⁴	138,000	141,000	144,000	147,000	150,000
Promotion and Communication ⁵	81,000	83,000	85,000	87,000	89,000
Organization & Administration ⁶	116,000	118,000	120,000	122,000	124,000
Audit & Insurance ⁷	30,000	31,000	32,000	33,000	34,000
TOTAL EXPENDITURES	\$1,037,000	\$1,059,000	\$1,063,000	\$837,000	\$854,000
FUND BALANCE/RESERVES	\$499,000	\$243,000	\$0	\$0	\$0

NOTES:

1 The income is net of City/County PID and collection fees based on a \$0.10 per \$100 contribution on the total tax value of the area minus the \$2.75 per account County fee and approximately \$5,000 in City fees. 1.5% of the assessment is assumed to not be paid due to delinquencies.

2 Police patrol of the University Crossing area, owner safety coordination, safety enhancements in lighting, etc.

3 Public Improvements, landscape, parks and pedestrian amenities for the PID.

4 Sidewalk, public planters, waste disposal, clean area programs, and landscape improvements throughout the University Crossing area.

5 University Crossing area coordination among owners, program services for area promotion and awareness

6 Expenses of the PID and salary of PID director.

7 Annual audit of the PID finances and liability insurance for the PID.

8 Fund balances carried over from 2014, 2015 and 2016 will be used across all major categories to support the Mockingbird Lane Pedestrian Bridge and Trail Expansion construction to begin in 2016 and continue through 2018. These are primarily spent in the improvement category. These will be times with the actual completion of these projects.

**The PID is authorized by the City Council thru 2020. The 2021 budget estimate is pending successful renewal of the PID in 2020.*

Exhibit C
University Crossing Public Improvement District
Assessment Plan 2016

The costs of the services and improvements by the District will be paid primarily by special assessment against properties in the District. Annual assessments are based on the total value of real property and real property improvements as determined by the Dallas Central Appraisal District ("DCAD").

The University Crossing Public Improvement District (PID) proposed assessment rate for 2016 is \$0.10 per \$100 of appraised value. Actual assessment rates and levies will be set by the Dallas City Council subject to a maximum of \$0.15 per \$100 of value and according to procedures stipulated by Chapter 372 of the Texas Local Government Code. City right-of-way, railroad right-of-way, parks and cemeteries are not specially benefitted and therefore are not subject to assessment. With the exception of Southern Methodist University (SMU), payment of assessments by other exempt jurisdictions and entities must also be established by contract. SMU has agreed to participate in the University Crossing PID by contract with the University Crossing Improvement District Corporation through special assessment based on all taxable and tax exempt real property owned by SMU or SMU affiliates within the University Crossing PID.

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 13

DEPARTMENT: Office of Economic Development

CMO: Ryan S. Evans, 671-9837

MAPSCO: 26 F K L N Q R S T U V Y and Z; 27 N and S

SUBJECT

Vickery Meadow Public Improvement District

- * A public hearing concerning the proposed levy of assessment for the Vickery Meadow Public Improvement District (District), in accordance with Chapter 372 of the Texas Local Government Code, for the purpose of providing supplemental public services, to be funded by assessments on property in the District – Financing: No cost consideration to the City
- * An ordinance approving and adopting the final 2017 Service Plan, the final 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the District; closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; and providing for an effective date – Financing: No cost consideration to the City

BACKGROUND

Annually, City Council calls and holds a public hearing to consider the proposed assessment for property in the Public Improvement Districts (“PID”) and authorizes the Service Plan for each PID. At the adjournment of the hearing on the proposed assessments, the City Council must hear and pass on any objections to a proposed assessment and may amend a proposed assessment on any parcel.

BACKGROUND (Continued)

After hearing and passing on the objections, the City Council by ordinance shall levy the assessment as a special assessment on the property.

The Vickery Meadow Management Corporation provided City staff with the proposed District Service Plan for 2017 and the proposed Assessment Plan for 2016 for review, and staff found the services and improvements to be advisable and recommended approval subject to the public hearing on September 14, 2016.

The public improvement district Service Plan is outlined in the following way:

- (a) **Nature of the Services and Improvements.** The proposed services and improvements to be provided in the District include public safety, graffiti control, landscaping, park improvements, trash pick-up, neighborhood improvements, acquisition, construction, operation and maintenance of mass transportation facilities, marketing and promotional activities, distinctive lighting and signage, business development and recruitment to promote the area as the Vickery Meadow Entertainment District and related expenses incurred in establishing, administering and operating the District as authorized by the Act.
- (b) **Estimated Cost of the Services and Improvements.** During the next five (5) year period, the estimated annual cost of the improvements and services provided by the District is expected to begin at approximately \$895,420 in 2017 and reach \$1,582,529 in 2021. The total estimated assessments to be collected for during the next five year period is approximately \$6,155,309. The District shall incur no bonded indebtedness.
- (c) **Boundaries.** The boundaries of the District are located wholly within the City of Dallas, Texas, as shown in the attached map.
- (d) **Method of Assessment.** The assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The assessment amount for 2016 is proposed to be \$674,020. This amount is approximately equal to \$0.10 per \$100.00 of appraised value for the premium service area in the District and \$0.05 per \$100.00 of appraised value for the standard service area. Once levied, this assessment apportionment shall not increase during the 2017 service plan year.

BACKGROUND (Continued)

The real property of jurisdictions and entities that have obtained an exemption from City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. Payment of assessments by other exempt jurisdictions and entities must be established by contract.

- (e) **Apportionment of costs between the District and the Municipality as a Whole.** The assessment is levied on the real property and real property improvements in the District according to the value of such property. Levying the assessment for the services and improvements based on the appraised value of the property results in the apportionment of the costs on the basis of special benefits accruing to the property. No assessment, however, will be levied against exempt City property in the District. The City of Dallas is not responsible for payment of assessment against exempt City property in the District. City rights-of-way, railroad right-of-way, City parks and cemeteries are not specially benefitted and therefore are not subject to PID assessment.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 23, 1993, City Council authorized creation of the Vickery Meadow Public Improvement District by Resolution No. 93-2502.

Additionally, the Vickery Meadow PID was renewed for a period of five years in 1998 and 2003, and seven years in 2008 and 2015.

On September 9, 2015, City Council authorized the assessment rate for 2015 by Ordinance No. 29871.

Information about this item was provided to the Economic Development Committee on August 15, 2016.

On August 24, 2016, City Council authorized a public hearing to be held on September 14, 2016, to receive comments on the proposed 2016 Assessment Rate and final approval of the 2017 Service Plan.

The Economic Development Committee was provided information regarding this item on September 2, 2016.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached.

ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING THE FINAL 2017 SERVICE PLAN, THE FINAL 2016 ASSESSMENT PLAN, AND THE 2016 ASSESSMENT ROLL (TO BE KEPT ON FILE WITH THE CITY SECRETARY); ESTABLISHING CLASSIFICATIONS FOR THE APPORTIONMENT OF COSTS AND THE METHODS OF ASSESSING SPECIAL ASSESSMENTS FOR THE SERVICES AND IMPROVEMENTS TO PROPERTY IN THE VICKERY MEADOW PUBLIC IMPROVEMENT DISTRICT (DISTRICT); CLOSING THE HEARING AND LEVYING A SPECIAL ASSESSMENT ON PROPERTY IN THE DISTRICT FOR SERVICES AND IMPROVEMENTS TO BE PROVIDED IN THE DISTRICT DURING 2017; PROVIDING FOR REIMBURSEMENT OF CITY ADMINISTRATIVE COSTS FOR OPERATIONAL OVERSIGHT OF THE DISTRICT; FIXING CHARGES AND LIENS AGAINST THE PROPERTY IN THE DISTRICT AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF THE 2016 ASSESSMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code (the "Act") allows for the creation of public improvement districts; and

WHEREAS, on June 23, 1993, City Council established the Vickery Meadow Public Improvement District (the District), pursuant to the Act, finding that the petition satisfied the Act's requirements and the supplemental services and improvements were feasible and conferred a special benefit to the property in the District, designated Vickery Meadow Management Corporation as the manager of the District, and authorized a contract for management services; and approved the District Service Plan, by Resolution No. 93-2502; and

WHEREAS, City Council has subsequently authorized the renewal of the Vickery Meadow Public Improvement District (District) in 1998, 2003, 2008, and 2015; and

WHEREAS, on September 9, 2015, City Council authorized the 2016 Service Plan and 2015 Assessment Plan by Ordinance No. 29871 as shown on the attached **Exhibit A - Map of the District**; and

WHEREAS, City Council must review the proposed 2017 Service Plan and hold a public hearing to receive comments and pass on any objections to the 2016 Assessment Plan raised by any owner of property located within the District and, at the conclusion of the hearing to levy the assessment for the purpose of providing supplemental services and improvements; and

WHEREAS, on August 15, 2016, information about this item was presented to the Economic Development Committee; and

WHEREAS, on August 24, 2016, City Council authorized a public hearing to be held on September 14, 2016, to receive comments on the proposed 2016 Assessment Plan and approval of the final 2017 Service Plan; and

WHEREAS, the Vickery Meadow Management Corporation provided City staff with the proposed District 2017 Service Plan and 2016 Assessment Plan as shown in **Exhibits B and C**; and

WHEREAS, City Council desires to authorize and adopt the Assessment Roll that was filed with the City Secretary and subject to public inspection in the City's official records prior to the public hearing; and

WHEREAS, City Council finds that the supplemental services and improvements described in the Service Plan and Assessment Plan are feasible and advisable and will serve the needs and desires of the property owners, and that an assessment apportioned in an amount equal to a rate for the premium service area in the District is \$0.10 per \$100.00 of appraised value and the assessment rate for the standard service area is \$0.05 per \$100.00 of appraised value of property or improvements to the property in the District, as determined by the Dallas Central Appraisal District (DCAD), is reasonable and adequate.

NOW, THEREFORE,

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

SECTION 1. That City Council shall adopt an ordinance approving and adopting the final 2017 Service Plan, the final 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary); establishing classifications for the apportionment of costs and the methods of assessing special assessments for the services and improvements to property in the Vickery Meadow Public Improvement District (District); closing the hearing and levying a special assessment on property in the District, for services and improvements to be provided during 2017; providing for reimbursement of city administrative costs for operational oversight of the District; fixing charges and liens against the property in the District and against the owners thereof; providing for the collection of the 2016 assessment; and providing for an effective date.

SECTION 2. That the recitals and findings listed above are true and correct and that the action of City Council closing the public hearing in these proceedings is hereby ratified and confirmed.

SECTION 3. That the assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be assessed according to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The assessment amount for 2016 is proposed to be \$674,020.

SECTION 3. (Continued)

This amount is approximately equal to \$0.10 per \$100.00 of appraised value for the premium service area in the District and \$0.05 per \$100.00 of appraised value for the standard service area. Once levied, this assessment rate shall not increase during the 2017 service year.

SECTION 4. That City Council hereby authorizes and adopts the final 2017 Service Plan, the final 2016 Assessment Plan and the 2016 Assessment Roll (to be kept on file with the City Secretary apportioning the total cost of the services and improvements to be assessed against property in the District for fiscal year ending December 31, 2016, of approximately \$895,420. The Assessment Roll apportions the assessment against each parcel of land in the District and is subject to public inspection in the City's official records.

SECTION 5. That notice of City Council's intention to consider the proposed assessments at a public hearing on September 14, 2016 at 1:00 p.m. in the City Council Chamber, 1500 Marilla Street, Dallas, Texas was published in the official newspaper of the City of Dallas, Texas before the 10th day before the date of the hearing. The notice stated: (1) the date, time and place of the hearing; (2) the general nature of the services and improvements; (3) the cost of the services and improvements; (4) the boundaries of the District; and (5) that written or oral objections will be considered at the hearing.

SECTION 6. That Dallas City staff mailed to the owners of property liable for assessment notice of the hearing as the ownership appears on the City tax roll. The notice contained the information required by the Act. The notice was mailed before the 10th day before the date of the hearing to the last known address of the property owner on the City tax roll. The failure of the property owner to receive notice does not invalidate the proceeding.

SECTION 7. That City Council finds that the assessments should be made and levied against the respective parcels of property within the District and against the owners thereof, and are substantially in proportion to the special benefits accrued to the respective parcels of property by means of the services and improvements in the District for which such assessments are levied, and further finds that in each case the property assessed is specially benefited by means of the said services and improvements in the District, and further finds that the apportionment of costs of the services and improvements is in accordance with the law in force in this City and the State and that the proceedings of the City heretofore held with reference to the formation of the District and the imposition of assessments for said services and improvements are in all respects valid and regular.

SECTION 8. That there shall be and is hereby levied and assessed against the parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sums of money as listed in the Assessment Roll on file with the City Secretary and subject to public inspection, and the several amounts assessed against the same, and the owners thereof.

SECTION 9. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight percent (8%) per annum, provided, however, that such interest rate shall not exceed the maximum amount allowed by law, together with reasonable fees and the costs of collection, if incurred, are hereby declared to be and are made a first and prior lien against the property assessed, superior to all other liens and claims except liens and claims for state, county, school district and municipality ad valorem taxes and are a personal liability of and charge against the owners of the property regardless of whether the owners are named. The lien is effective from the date of this ordinance until the assessment is paid and may be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body.

SECTION 10. That the assessments levied herein shall be due and payable in full on or before January 31, 2017. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof, including, costs and fees, shall be enforced by the governing body in the same manner that an ad valorem tax lien against real property may be enforced by the governing body. The owner of the assessed property may pay at any time the entire assessment, with interest that has accrued on the assessment, on any lot or parcel.

SECTION 11. That all assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 12. That as part of the assessment levied herein, and as a part of the service plan, the District shall reimburse to City, administrative costs for the day to day operations conducted by city staff for the District, which amount shall be paid by the District to City upon receipt of an invoice; and that the Chief Financial Officer is hereby authorized to establish Fund 0694, Department ECO, to support recovery of the costs incurred by the Office of Economic Development for such day to day operational costs incurred.

SECTION 13. That the Chief Financial Officer is hereby authorized to accept and deposit any and all revenues received from the District in Fund 0694, Department, ECO, Unit 9888, Revenue Source 7399; and that the Chief Financial Officer is hereby authorized to transfer annually, funds in amounts to be determined based upon costs incurred and related rates then in effect, from Fund 0694, Department ECO, Unit 9888, to General Fund 0001, Department ECO, Unit 1161 and Unit 1163, Object 5011, to reimburse the Office of Economic Development for administrative costs incurred for the day to day operational oversight of the District.

SECTION 14. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of the Public Improvement District Assessment Act, Chapter 372 of the Texas Local Government Code, as amended.

SECTION 15. That this ordinance 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 ordained.

APPROVED AS TO FORM

CHRISTOPHER D. BOWERS
INTERIM CITY ATTORNEY

By: _____


Assistant City Attorney

Passed and correctly enrolled _____

Exhibit B

VICKERY MEADOW PUBLIC IMPROVEMENT DISTRICT

	2017 BUDGET	2018 BUDGET	2019 BUDGET	2020 BUDGET	2021 BUDGET
REVENUES:					
Net Assessment	\$674,020.00	\$932,974.00	\$1,432,974.00	\$1,534,412.00	\$1,580,928.65
Interest Income	\$1,400.00	\$1,500.00	\$1,600.00	\$1,600.00	\$1,600.00
Surplus Carried Forward ⁹	<u>\$220,000.00</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>
<u>TOTAL REVENUE</u>	\$895,420.00	\$937,911.67	\$1,439,263.56	\$1,543,208.32	\$1,582,528.65
DISBURSEMENTS:					
Administrative Expenses ¹		10%	10%	10%	10%
Park Lane Place Improvements (VM TIF) ²	\$89,542.00	\$93,791.17	\$143,926.36	\$154,320.83	\$158,252.87
Midtown Park Improvements ³	\$71,633.60	8%	8%	8%	8%
Community Service Expenses ⁴	\$26,862.60	3%	3%	3%	3%
Safety & Security Expenses ⁵	\$17,908.40	2%	2%	2%	2%
Property Standard Expenses ⁶	\$340,259.60	38%	38%	38%	38%
Public Relations Expenses ⁷	\$116,404.60	13%	13%	13%	13%
Economic Development Expense ⁸	\$62,679.40	7%	7%	7%	7%
Capital Improvements ⁹	\$17,908.40	2%	2%	2%	2%
Insurance & Audit Expenses	\$134,313.00	15%	15%	15%	15%
<u>TOTAL DISBURSEMENTS</u>	\$895,420.00	\$937,911.67	\$1,439,263.56	\$1,543,208.32	\$1,582,528.65

Notes:

- Office Management & Items Required by PID Contract
- Improvements of common areas in the Park Lane Development, lower than expected; based on development timeline
- Improvements of common areas in the Mid-Town Development, lower than expected; based on delayed development
- Community Enrichment Activities, Youth Development Activities, & Special Events
- Crime Database, Security Patrols, & Crime Prevention
- Landscaping, Litter Removal, Graffiti Abatement, Cart Pickup
- Marketing & Promotional Activities
- Neighborhood Planning & Recruitment of Business
- Large-scale Street Improvements, Sidewalks, Acquisition, Enhanced Landscaping, Etc. Large scale projects may require funds to be carried over multiple years.
- Increases in Projected Values in 2018-2019 is contingent on completion of the Mid-Town
- The Public Improvement District started 2015 with a fund balance of \$250,000,000 planned for large-scale street improvements and enhanced landscaping. Time table has been delayed due to staff transitions.

EXHIBIT C

VICKERY MEADOW IMPROVEMENT DISTRICT 2016 ASSESSMENT PLAN

The costs of the services and improvements by the Vickery Meadow Improvement District will be paid primarily by assessments against real properties within the District's boundaries. Annual assessments will be based on the value of real property and improvements as certified by the Dallas Central Appraisal District ("DCAD").

The 2015 assessment rate for the property in the premium service area is proposed at \$.10 per \$100 value. The 2015 assessment rate for the property in the standard service area is proposed at \$.05 per \$100 value. Assessments will be carried out in accordance with procedures stipulated in Chapter 372 of the Texas Local Government Code. The City of Dallas shall not be responsible for payment of assessments against exempt City property including City rights-of-way and parks. Payment of assessment by other tax-exempt owners must be established by contract. No such contracts are in place at present.

The Vickery Meadow PID assessments will be collected by the Dallas County Tax Office in accordance with the contract with the City of Dallas and in accordance with the management contract between the City of Dallas and the Vickery Meadow Management Corporation.

**SEPTEMBER 14, 2016 CITY COUNCIL ADDENDUM
CERTIFICATION**

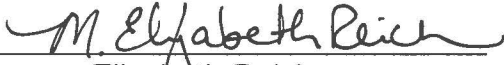
This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated September 14, 2016. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City 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



Elizabeth Reich
Chief Financial Officer



Date

RECEIVED

2016 SEP -9 PM 4:38

CITY SECRETARY
DALLAS, TEXAS

**ADDENDUM
CITY COUNCIL MEETING
WEDNESDAY, SEPTEMBER 14, 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 - 52

CONSENT ADDENDUM

Items 1 - 4

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 9:15 a.m.

Items 53 - 54
Addendum Items 5 - 7

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

Items 55 - 98

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
SEPTEMBER 14, 2016
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A. M.**

ADDITIONS:

Closed Session

Personnel (Sec. 551.074 T.O.M.A.)

- Discussion regarding the search for and hiring of a candidate for the position of city attorney.

CONSENT ADDENDUM

Business Development & Procurement Services

1. Authorize a three-year service contract to provide fire alarm monitoring, closed circuit television camera monitoring and annual fire alarm inspections for the Woodall Rodgers Deck Plaza Tunnel - CMC Network Solutions, LLC, most advantageous proposer of two
- Not to exceed \$474,370 - Financing: Current Funds (subject to annual appropriations)

Public Works Department

2. Authorize a construction contract with EAS Contracting, L.P., lowest responsible bidder of two for the construction of the Airfield Pavement Repairs Project at Dallas Love Field
- Not to exceed \$934,573 - Financing: Aviation Current Funds (subject to appropriations)
3. Authorize Supplemental Agreement No. 2 to the professional services contract with Garver, LLC to provide full time on-site construction administration and management services for the Airfield Pavement Repairs Project at Dallas Love Field - Not to exceed \$314,464, from \$1,372,730 to \$1,687,194 - Financing: Aviation Current Funds (subject to appropriations)

Trinity Watershed Management

4. Authorize the conveyance of an easement and right-of-way containing approximately 28,981 square feet of land to Oncor Electric Delivery Company LLC for the installation, use, and maintenance of electric facilities across City-owned land located on Great Trinity Forest Way near its intersection with South Longacre Lane – Financing: No cost consideration to the City

**ADDENDUM
CITY COUNCIL MEETING
SEPTEMBER 14, 2016**

ADDITIONS: (Continued)

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

5. A resolution designating absences by Deputy Mayor Pro Tem Erik Wilson and Councilmember Lee M. Kleinman as being for "Official City Business" - Financing: No cost consideration to the City

DESIGNATED PUBLIC SUBSIDY MATTERS

Housing/Community Services

6. Authorize an amendment to Resolution No. 16-0847, previously approved on May 25, 2016, for a housing development loan with City Wide Community Development Corporation, a certified Community Housing Development Organization, to **(1)** increase the number of units from five to eleven; and **(2)** increase funds from \$225,000 to \$975,000 for construction of single family homes located on scattered sites - Not to exceed \$750,000 - Financing: 2012-13 HOME Investment Partnership Program Grant Funds (\$488,913) and 2013-14 HOME Investment Partnership Program Grant Funds (\$261,087)
7. Authorize an amendment to Resolution No. 16-1224, previously approved on August 10, 2016, for a housing development loan with South Dallas Fair Park/Innercity Community Development Corporation, a certified Community Housing Development Organization, to **(1)** increase the number of units from five to eleven; **(2)** increase funding from \$320,000 to \$1,220,000; and **(3)** to extend the contract from March 30, 2017 to December 31, 2017 for scattered sites located in the Fair Park area - Not to exceed \$900,000 - Financing: FY 2014-15 HOME Program Income #1 (\$800,000) and 2015-16 HOME Investment Partnership Program Grant Funds (\$100,000)

ADDENDUM DATE September 14, 2016

ITEM	IND								DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
1			14	C	PBD, STS	\$474,370.00	35.00%	35.00%	Authorize a three-year service contract to provide fire alarm monitoring, closed circuit television camera monitoring and annual fire alarm inspections for the Woodall Rodgers Deck Plaza Tunnel - CMC Network Solutions, LLC, most advantageous proposer of two - Not to exceed \$474,370 - Financing: Current Funds (subject to annual appropriations)
2			2	C	PBW, AVI	\$934,572.69	0.00%	30.85%	Authorize a construction contract with EAS Contracting, L.P., lowest responsible bidder of two for the construction of the Airfield Pavement Repairs Project at Dallas Love Field - Not to exceed \$934,573 - Financing: Aviation Current Funds (subject to appropriations)
3			2	C	PBW, AVI	\$314,464.00	2.25%	33.60%	Authorize Supplemental Agreement No. 2 to the professional services contract with Garver, LLC to provide full time on-site construction administration and management services for the Airfield Pavement Repairs Project at Dallas Love Field - Not to exceed \$314,464, from \$1,372,730 to \$1,687,194 - Financing: Aviation Current Funds (subject to appropriations)
4			8	C	TWM	NC	NA	NA	Authorize the conveyance of an easement and right-of-way containing approximately 28,981 square feet of land to Oncor Electric Delivery Company LLC for the installation, use, and maintenance of electric facilities across City-owned land located on Great Trinity Forest Way near its intersection with South Longacre Lane - Financing: No cost consideration to the City
5			N/A	I	SEC	NC	NA	NA	A resolution designating absences by Deputy Mayor Pro Tem Erik Wilson and Councilmember Lee M. Kleinman as being for "Official City Business" - Financing: No cost consideration to the City
6			4, 8	I	HSG	GT	NA	NA	Authorize an amendment to Resolution No. 16-0847, previously approved on May 25, 2016, for a housing development loan with City Wide Community Development Corporation, a certified Community Housing Development Organization, to (1) increase the number of units from five to eleven; and (2) increase funds from \$225,000 to \$975,000 for construction of single family homes located on scattered sites - Not to exceed \$750,000 - Financing: 2012-13 HOME Investment Partnership Program Grant Funds (\$488,913) and 2013-14 HOME Investment Partnership Program Grant Funds (\$261,087)
7			7	I	HSG	GT	NA	NA	Authorize an amendment to Resolution No. 16-1224, previously approved on August 10, 2016, for a housing development loan with South Dallas Fair Park/Innecity Community Development Corporation, a certified Community Housing Development Organization, to (1) increase the number of units from five to eleven; (2) increase funding from \$320,000 to \$1,220,000; and (3) to extend the contract from March 30, 2017 to December 31, 2017 for scattered sites located in the Fair Park area - Not to exceed \$900,000 - Financing: FY 2014-15 HOME Program Income #1 (\$800,000) and 2015-16 HOME Investment Partnership Program Grant Funds (\$100,000)

TOTAL \$1,723,406.69

ADDENDUM ITEM # 1

KEY FOCUS AREA: Public Safety

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 14

DEPARTMENT: Business Development & Procurement Services
Street Services

CMO: M. Elizabeth Reich, 670-7804
Jill A. Jordan, P.E., 670-5299

MAPSCO: 14F

SUBJECT

Authorize a three-year service contract to provide fire alarm monitoring, closed circuit television camera monitoring and annual fire alarm inspections for the Woodall Rodgers Deck Plaza Tunnel - CMC Network Solutions, LLC, most advantageous proposer of two - Not to exceed \$474,370 - Financing: Current Funds (subject to annual appropriations)

BACKGROUND

This item was placed on the addendum to allow for continued services without interruption.

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

This service contract will provide ongoing operation and maintenance services for fire alarm, fire protection, access control and camera systems (CCTV) including monitoring, testing, inspection and repair for the Woodall Rodgers Deck Plaza Tunnel.

On February 25, 2009, City Council authorized an interlocal agreement with the Texas Department of Transportation (TxDOT) for the inspection, operation and maintenance of the Woodall Rodgers Deck Plaza Tunnel now referred to as Klyde Warren Deck Park. This agreement obligates the City to perform monitoring of the tunnel as well as maintenance of the cameras in the tunnel and regular fire inspection and maintenance. The testing and annual inspection requires that the monitoring contractor comply with the National Fire Protection Act – Section 72 and other codes governing testing and annual inspections.

BACKGROUND (Continued)

A seven member committee from the following departments reviewed and evaluated all two proposals that were submitted:

- Street Services (1)
- Public Works Department (1)
- Park & Recreation (2)
- Office of Risk Management (1)
- Business Development and Procurement Services (2)*

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

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

- Cost 40%
- Capability and expertise 25%
- Overall approach/methodology 20%
- Business Inclusion and Development Plan 15%

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 2,012 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 September 26, 2012, City Council authorized a three-year service contract for fire and Closed Circuit Television Camera monitoring and annual fire alarm inspections for the Woodall Rodgers Deck Park Tunnel Project by Resolution No. 12-2427.

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

On October 8, 2014, City Council authorized an increase to the contract for Closed Circuit Television Camera monitoring requirements for revised cycle times for Klyde Warren Park Tunnel in an amount of \$46,496.00, from \$436,640.00 to \$483,136.00 by Resolution No 14-1686.

Information about this item will be provided to the Transportation & Trinity River Project Committee on September 12, 2016.

FISCAL INFORMATION

\$474,370.00 - Current Funds (subject to annual appropriations)

M/WBE INFORMATION

337 - Vendors contacted

337 - No response

0 - Response (Bid)

0 - Response (No bid)

0 - Successful

2,012 - 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. 12-2236 as amended.

ETHNIC COMPOSITION

CMC Network Solutions, LLC

White Male	17	White Female	2
Black Male	3	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 BCZ1615 and were opened on June 17, 2016. 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>
*CMC Network Solutions, LLC	2700 Research Dr., #100 Plano, TX 75074	79.40%	\$471,870.00
Siemens Industry, Inc.	8600 N. Royal Ln., #100 Irving, TX 75063	61.14%	\$918,874.83

OWNER**CMC Network Solutions, LLC**

Scott Broekemeier, Principal

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year service contract to provide fire alarm monitoring, closed circuit television camera monitoring and annual fire alarm inspections for the Woodall Rodgers Deck Plaza Tunnel - CMC Network Solutions, LLC, most advantageous proposer of two - Not to exceed \$474,370 - Financing: Current Funds (subject to annual appropriations)

CMC Network Solutions, LLC is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following subcontractor.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$166,029.50	35.00%
Total non-local contracts	\$308,340.50	65.00%
TOTAL CONTRACT	\$474,370.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
	BMDB17688Y0517	\$166,029.50	100.00%
GREAT SOUTHWESTERN FIRE & Safety			
Total Minority - Local		\$166,029.50	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	\$166,029.50	100.00%	\$166,029.50	35.00%
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	\$166,029.50	100.00%	\$166,029.50	35.00%

September 14, 2016

WHEREAS, on September 26, 2012, City Council authorized a three-year service contract for fire and Closed Circuit Television Camera monitoring and annual fire alarm inspections for the Woodall Rodgers Deck Park Tunnel Project by Resolution No. 12-2427; and,

WHEREAS, on October 8, 2014, City Council authorized an increase to the contract for Closed Circuit Television Camera monitoring requirements for revised cycle times for Klyde Warren Park Tunnel in an amount of \$46,496.00, from \$436,640.00 to \$483,136.00 by Resolution No 14-1686; and,

WHEREAS, on January 19, 2016, Administrative Action No. 16-5214 authorized an eight-month extension to the service contract for fire and Closed Circuit Television Camera monitoring and annual fire alarm inspections at Klyde Warren Park from February 1, 2016 to September 30, 2016 and an increase in the amount of \$50,000.00, from \$483,136.00 to \$533,136.00;

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 CMC Network Solutions, LLC (VC16003) for fire alarm monitoring, closed circuit television camera monitoring and annual fire alarm inspections for the Woodall Rodgers Deck Plaza Tunnel for a term of three years in an amount not to exceed \$474,370.00, 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 CMC Network Solutions, LLC shall be based only on the amount of the services directed to be performed by the City and properly performed by CMC Network Solutions, LLC under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$474,370.00 (subject to annual appropriations) from Service Contract number BCZ1615.

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

ADDENDUM ITEM # 2

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 2

DEPARTMENT: Public Works Department
Aviation

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

MAPSCO: 33D H; 34A E F J K

SUBJECT

Authorize a construction contract with EAS Contracting, L.P., lowest responsible bidder of two for the construction of the Airfield Pavement Repairs Project at Dallas Love Field - Not to exceed \$934,573 - Financing: Aviation Current Funds (subject to appropriations)

BACKGROUND

This item is submitted as an addendum item because funding complexities from the multiple sources required extra time to resolve. In addition, the project is time sensitive in order to mitigate the identified runway incursions.

This action will authorize a construction contract with EAS Contracting, L.P. the lowest responsible bidder of two for the construction of the Airfield Pavement Repairs Project at Dallas Love Field.

On March 25, 2015, Resolution No. 15-0491 authorized a design services contract with Garver, LLC. The construction administration and management services, as required by the City's engineering contract and by Federal Aviation Administration's Advisory Circular 5370-12B, Quality Management for Federally Funded Airport Construction Projects, is being considered by Council as a concurrent item.

The project consists of seven areas on the airfield at Dallas Love Field that are experiencing concrete failures. The airfield pavement at Dallas Love Field has experienced accelerated deterioration due to increased aircraft traffic and severe weather cycles. Heavy spring rains in May 2015, followed by the dry weather in July and August 2015, combined with the increase in traffic, has led to accelerated deterioration of pavement conditions on the airfield.

BACKGROUND (Continued)

The design contract developed engineering plans and specifications for the rehabilitation of the distressed areas. Repairs to the pavement will include full and partial depth repairs, joint sealants, and full panel replacements in some areas. Those areas include the following:

1. Taxiway Alpha
2. Taxiway Bravo 5
3. Taxiway Delta
4. Taxiway Bravo
5. Runway 18/36 intersection with Bravo
6. Taxiway Lima/Taxiway Charlie
7. Runway 13R-31L - various locations

This contract will provide the construction services necessary for the pavement repairs.

ESTIMATED SCHEDULE OF PROJECT

Began Design	November 2015
Completed Design	May 2016
Begin Construction	October 2016
Complete Construction	June 2017

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Garver, LLC, on March 25, 2015, by Resolution No. 15-0491.

Information about this item will be provided to the Transportation and Trinity River Project Committee on September 12, 2016.

FISCAL INFORMATION

Aviation Current Funds - \$934,572.69 (subject to appropriations)

Design	\$1,323,890.00
Supplemental Agreement No. 1	\$ 48,840.00
Supplemental Agreement No. 2 (concurrent action)	\$ 314,464.00
Construction (this action)	<u>\$ 934,572.69</u>
Total Project Cost	\$2,621,766.69

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

EAS Contracting, L.P.

Hispanic Female	0	Hispanic Male	69
African-American Female	0	African-American Male	7
Other Female	0	Other Male	2
White Female	5	White Male	63

BID INFORMATION

The following bids were received and opened on June 10, 2016:

*Denotes successful bidder

<u>BIDDERS</u>	<u>BID AMOUNT</u>
*EAS Contracting, L.P. 6013 CR 437 Princeton, TX 75407	\$ 934,572.69
Gibson Inc.	\$1,061,052.50

OWNER

EAS Contracting, L.P.

Carroll Edwards, President/Partner
Jerry Mills, Partner
Ray Naizer, Partner

MAP

Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a construction contract with EAS Contracting, L.P., lowest responsible bidder of two for the construction of the Airfield Pavement Repairs Project at Dallas Love Field - Not to exceed \$934,573 - Financing: Aviation Current Funds (subject to appropriations)

EAS Contracting, L.P. 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	\$0.00	0.00%
Total non-local contracts	\$934,572.69	100.00%
TOTAL CONTRACT	\$934,572.69	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

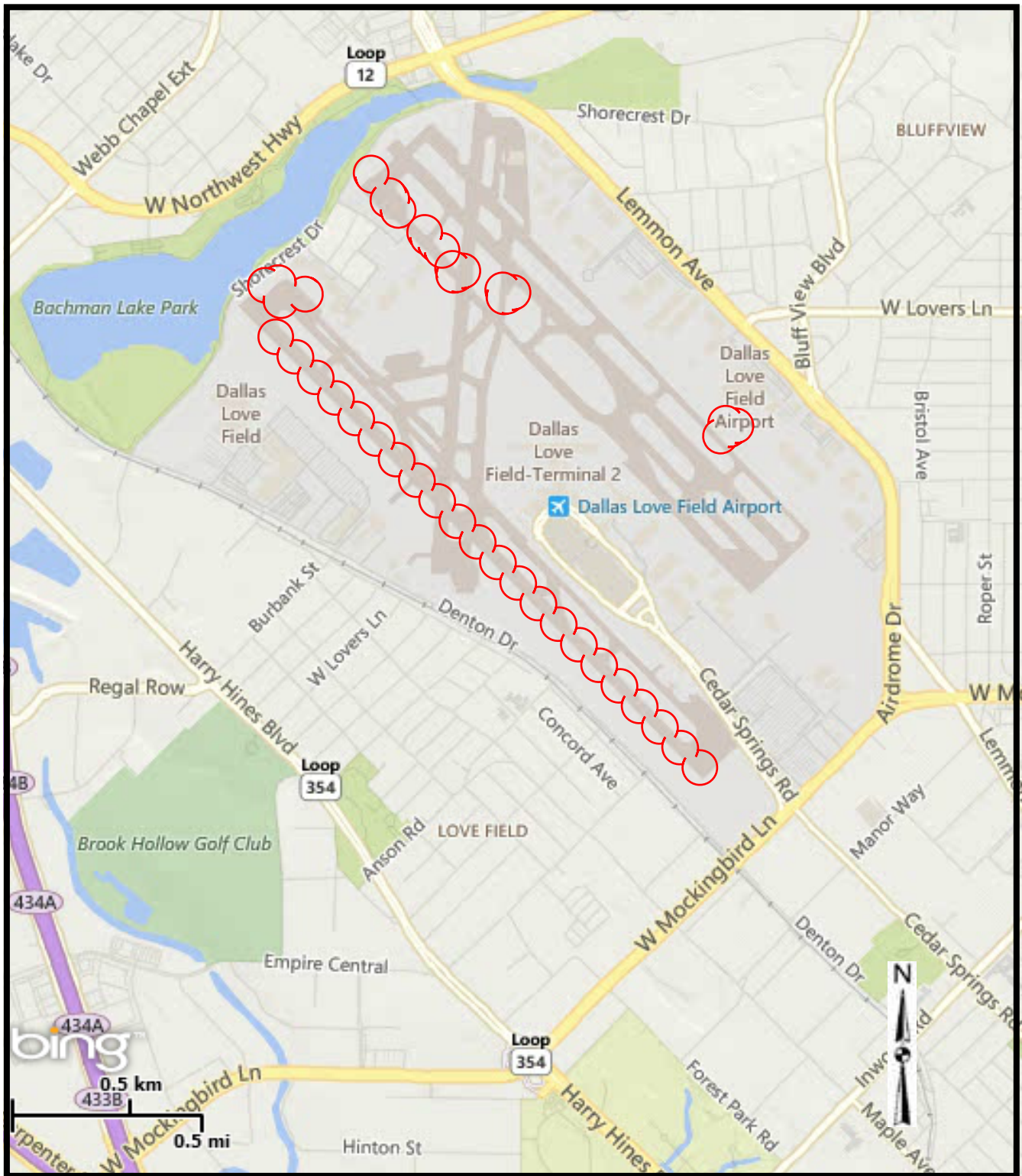
Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Chambers Engineering, LLC	BMMB49099N0518	\$183,671.14	19.65%
Alliance Geotechnical Group Inc.	BMDB94988Y0117	\$11,950.00	1.28%
W. O. E. Construction, Inc.	WFWD22300N0517	\$92,702.55	9.92%
Total Minority - Non-local		\$288,323.69	30.85%

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%	\$195,621.14	20.93%
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%	\$92,702.55	9.92%
Total	\$0.00	0.00%	\$288,323.69	30.85%

DALLAS LOVE FIELD PAVEMENT REPAIRS



DALLAS LOVE FIELD

33D H; 34A E F J K

September 14, 2016

WHEREAS, the Department of Aviation identified seven areas on the airfield at Dallas Love Field that have experienced pavement failures; and,

WHEREAS, on March 25, 2015, Resolution No. 15-0491 authorized a professional services contract with Garver, LLC for the Pavement Rehabilitation and Reconstruction Project at Dallas Love Field in the amount of \$1,323,890.00; and,

WHEREAS, on October 23, 2015, Administrative Action No. 15-7086 authorized Supplemental Agreement No. 1 to the professional services contract with Garver, LLC to provide all design and preparation of construction documents for the Airfield Pavement Repairs Project at Dallas Love Field in the amount of \$48,840.00, from \$1,323,890.00 to \$1,372,730.00; and,

WHEREAS, engineering plans and specifications were developed and publically advertised; and,

WHEREAS, two bids were received and opened on June 10, 2016 for the Airfield Pavement Repairs Project at Dallas Love Field, as follows:

<u>BIDDERS</u>	<u>BID AMOUNT</u>
EAS Contracting, L.P.	\$ 934,572.69
Gibson Associates Inc.	\$1,061,052.50

WHEREAS, it is now desirable to authorize a construction contract with EAS Contracting, L.P. for the construction of the Airfield Pavement Repairs Project at Dallas Love Field in an amount not to exceed \$934,572.69.

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 construction contract with EAS Contracting, L.P. to provide construction services for the Airfield Pavement Repairs Project at Dallas Love Field, in an amount not to exceed \$934,572.69, after it has been approved as to form by the City Attorney.

September 14, 2016

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$934,572.69 (subject to appropriations) to be paid to EAS Contracting, L.P. in accordance with the terms and conditions of the contract from:

Aviation Current Fund
Fund 0130, Dept. AVI, Unit 7712, Account AAIP,
Object 3099, Program #AVIEAS, CT AVI7712EAFY16
Vendor # 518115, in an amount not to exceed \$934,572.69

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 # 3

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 2

DEPARTMENT: Public Works Department
Aviation

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

MAPSCO: 33D H; 34A E F J K

SUBJECT

Authorize Supplemental Agreement No. 2 to the professional services contract with Garver, LLC to provide full time on-site construction administration and management services for the Airfield Pavement Repairs Project at Dallas Love Field - Not to exceed \$314,464, from \$1,372,730 to \$1,687,194 - Financing: Aviation Current Funds (subject to appropriations)

BACKGROUND

This item is submitted as an addendum item because funding complexities from the multiple sources required extra time to resolve. In addition, the project is time sensitive in order to mitigate the identified runway incursions.

This action will authorize Supplemental Agreement No. 2 to the professional services contract with Garver, LLC to provide full time on-site construction administration and management services for the Airfield Pavement Repairs Project at Dallas Love Field in an amount not to exceed \$314,464.00, from \$1,372,730.00 to \$1,687,194.00.

The construction services contract associated with this item is being considered by council as a concurrent item.

The project consists of seven areas on the airfield at Dallas Love Field that are experiencing concrete failures. The airfield pavement at Dallas Love Field has experienced accelerated deterioration due to increased aircraft traffic and severe weather cycles. Heavy spring rains in May 2015, followed by the dry weather in July and August 2015, combined with the increase in traffic, has led to accelerated deterioration of pavement conditions on the airfield.

BACKGROUND (Continued)

The design contract developed engineering plans and specifications for the rehabilitation of the distressed areas. Repairs to the pavement will include full and partial depth repairs, joint sealants, and full panel replacements in some areas. Those areas include the following:

1. Taxiway Alpha
2. Taxiway Bravo 5
3. Taxiway Delta
4. Taxiway Bravo
5. Runway 18/36 intersection with Bravo
6. Taxiway Lima/Taxiway Charlie
7. Runway 13R-31L - various locations

This contract will provide full time on-site construction administration and management services for the Airfield Pavement Repairs Project at Dallas Love Field.

ESTIMATED SCHEDULE OF PROJECT

Began Design	November 2015
Completed Design	May 2016
Begin Construction	October 2016
Complete Construction	June 2017

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Garver, LLC on March 25, 2015, by Resolution No. 15-0491.

Information about this item will be provided to the Transportation and Trinity River Project Committee on September 12, 2016.

FISCAL INFORMATION

Aviation Current Funds - \$314,464.00 (subject to appropriations)

Professional Services Contract	\$1,323,890.00
Supplemental Agreement No. 1	\$ 48,840.00
Supplemental Agreement No. 2 (this action)	\$ 314,464.00
Construction (concurrent action)	<u>\$ 934,572.69</u>
Total Project Cost	\$2,621,766.69

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Garver, LLC

Hispanic Female	2	Hispanic Male	7
African-American Female	3	African-American Male	8
White Female	95	White Male	318
Other Female	6	Other Male	9

OWNER

Garver, LLC

Daniel H. Williams, President
Brock E. Hoskins, Senior Vice President
Herbert J. Parker, Senior Vice President

MAP

Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 2 to the professional services contract with Garver, LLC to provide full time on-site construction administration and management services for the Airfield Pavement Repairs Project at Dallas Love Field - Not to exceed \$314,464, from \$1,372,730 to \$1,687,194 - Financing: Aviation Current Funds (subject to appropriations)

Garver, 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: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$7,085.00	2.25%
Non-local contracts	\$307,379.00	97.75%
TOTAL THIS ACTION	\$314,464.00	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.	BMDB64782Y0716	\$3,500.00	49.40%
Southwest Testing Laboratories	HFDB85904Y0617	\$3,585.00	50.60%
Total Minority - Local		\$7,085.00	100.00%

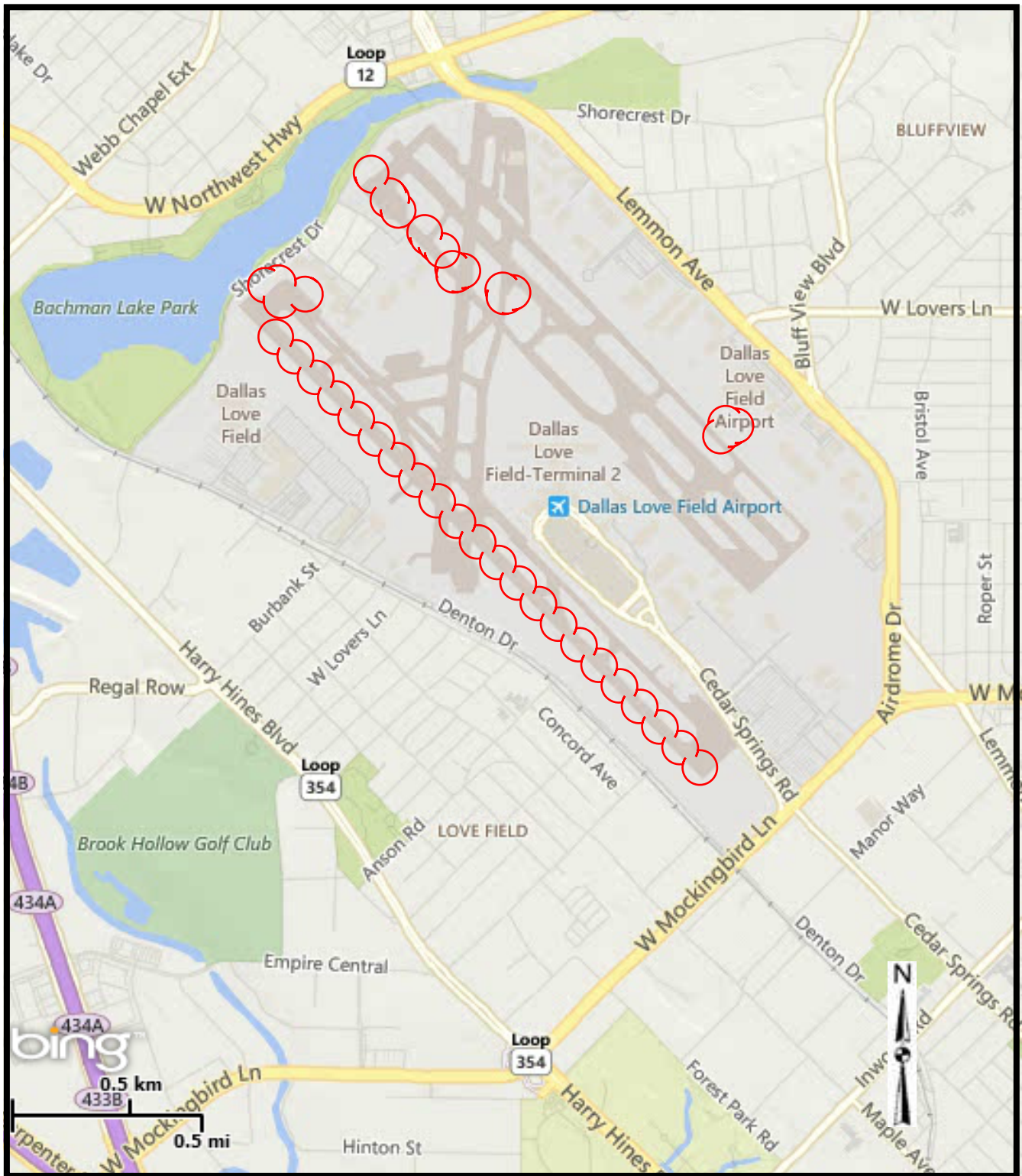
Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Williams CM Group	WFDB16721Y0717	\$200,040.00	65.08%
Total Minority - Non-local		\$200,040.00	65.08%

TOTAL M/WBE PARTICIPATION

	This Action		Participation to Date	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$3,500.00	1.11%	\$131,924.79	7.82%
Hispanic American	\$0.00	0.00%	\$197,270.71	11.69%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$203,625.00	64.75%	\$237,712.50	14.09%
	<hr/>	<hr/>	<hr/>	<hr/>
Total	\$207,125.00	65.87%	\$566,908.00	33.60%

DALLAS LOVE FIELD PAVEMENT REPAIRS



DALLAS LOVE FIELD

33D H 34A E F J K

September 14, 2016

WHEREAS, the Department of Aviation identified seven areas on the airfield at Dallas Love Field that have experienced pavement failures; and,

WHEREAS, on March 25, 2015, Resolution No. 15-0491 authorized a professional services contract with Garver, LLC for the Pavement Rehabilitation and Reconstruction Project at Dallas Love Field in the amount of \$1,323,890.00; and,

WHEREAS, on October 23, 2015, Administrative Action No. 15-7086 authorized Supplemental Agreement No. 1 to the professional services contract with Garver, LLC to provide all design and preparation of construction documents for the Airfield Pavement Repairs Project at Dallas Love Field in the amount of \$48,840.00, from \$1,323,890.00 to \$1,372,730.00; and,

WHEREAS, construction administration and management services with Garver, LLC, would be developed under a supplemental agreement at a later date; and,

WHEREAS, it is now necessary to authorize Supplemental Agreement No. 2 to the professional services contract with Garver, LLC to provide full time on-site construction administration and management services for the Airfield Pavement Repairs Project at Dallas Love Field, in an amount not to exceed \$314,464.00, from \$1,372,730.00 to \$1,687,194.00.

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. 2 to the professional services contract with Garver, LLC to provide full time on-site construction administration and management services for the Airfield Pavement Repairs Project at Dallas Love Field, in an amount not to exceed \$314,464.00, from \$1,372,730.00 to \$1,687,194.00, 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 an amount not to exceed \$314,464.00 (subject to appropriations) to be paid to Garver, LLC in accordance with the terms and conditions of the contract from:

Aviation Current Fund	
Fund 0130, Department AVI, Unit 7722, ACTV AV06,	
Object 3099, Program AVI7722, CT AVI7722GAFY16	
Vendor #VS0000016343 in an amount not to exceed	\$314,464.00

September 14, 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.

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 14, 2016
COUNCIL DISTRICT(S): 8
DEPARTMENT: Trinity Watershed Management
CMO: Mark McDaniel, 670-3256
MAPSCO: 57Z

SUBJECT

Authorize the conveyance of an easement and right-of-way containing approximately 28,981 square feet of land to Oncor Electric Delivery Company LLC for the installation, use, and maintenance of electric facilities across City-owned land located on Great Trinity Forest Way near its intersection with South Longacre Lane – Financing: No cost consideration to the City

BACKGROUND

This item is on the addendum to expedite the processing of the easement in order to meet the project schedule.

This item authorizes the conveyance of an easement and right-of-way to Oncor Electric Delivery Company LLC, located on Great Trinity Forest Way near its intersection with South Longacre Lane. This easement and right-of-way will allow for the installation, use, and maintenance of electric facilities to service the Trinity Forest Golf Course.

The property is currently leased to The Company of Trinity Forest Golfers, Inc., a Texas nonprofit corporation.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

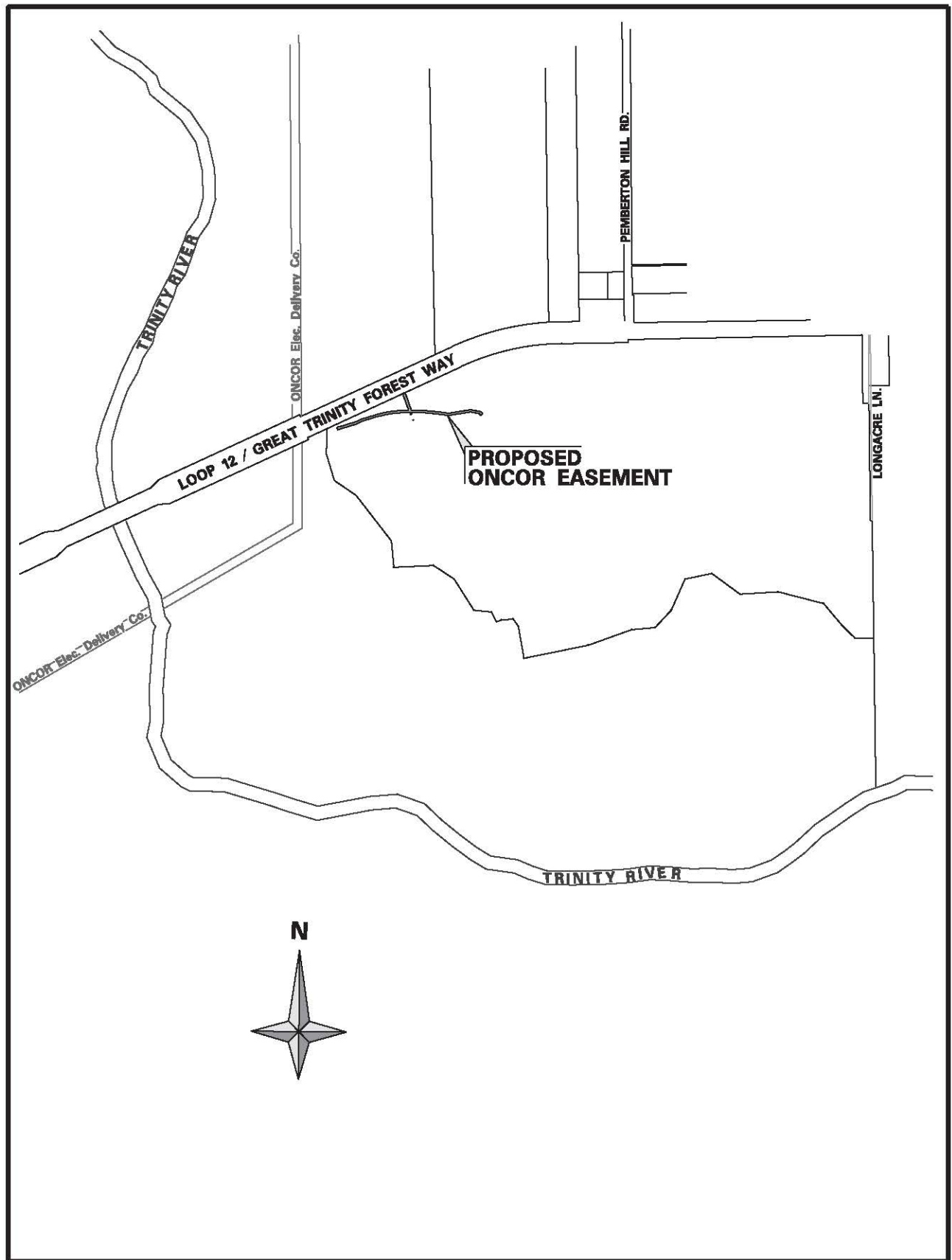
Information about this item was provided to the Transportation and Trinity River Project Committee on September 12, 2016.

FISCAL INFORMATION

No cost consideration to the City

MAP

Attached



September 14, 2016

WHEREAS, the City of Dallas owns certain land being part of Block 6258, Dallas, Dallas County, Texas, which is currently being developed for use as the Trinity Forest Golf Course, being the same land conveyed to the City of Dallas by deed recorded in Instrument No. 20080250127 of the Official Public Records of Dallas County Texas; and

WHEREAS, Oncor Electric Delivery Company LLC has requested an Easement and Right-of-Way containing approximately 28,981 square feet of land, being more fully described in Exhibit A, attached hereto and incorporated herein for all purposes (the Easement); for the construction, maintenance and use of electric facilities; and

WHEREAS, the property is currently leased to The Company of Trinity Forest Golfers, Inc., a Texas nonprofit corporation; and

WHEREAS, pursuant to said Lease Agreement, Section 7.08, Zoning and Platting; Permits and Other Approvals, the Lessee is required to bear the cost for any necessary easements; and

WHEREAS, the City of Dallas needs and desires said utility service to provide service to the Trinity Forest Golf Course; **Now Therefore**,

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

SECTION 1. That the City Manager or his designee is authorized to execute and deliver to Oncor Electric Delivery Company LLC, an Easement and Right-of-Way to be attested by the City Secretary upon approval as to form by the City Attorney, for the construction, maintenance and use of electric facilities to service the Trinity Forest Golf Course, as to approximately 28,981 square feet of land described in Exhibit A.

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

APPROVED AS TO FORM:

Christopher D. Bowers, Interim City Attorney

BY: Bryan N. Egan
Assistant City Attorney

28,981 Square Feet/0.665 Acre
ONCOR ELECTRIC DELIVERY COMPANY, LLC EASEMENT
 Part of "Tract 2" in Special Warranty Deed to the City of Dallas
 And situated in City Block 6258
 Gideon Pemberton Survey, Abstract No. 1155
 City of Dallas, Dallas County, Texas

DESCRIPTION, of a 28,981 square foot (0.665 acre) tract of land situated in the Gideon Pemberton Survey, Abstract No. 1155, City of Dallas, Dallas County, Texas and in Block 6258, Official Block Numbers of the City of Dallas, Texas; said tract being part of that certain tract of land described as "Tract 2" in Special Warranty Deed to the City of Dallas recorded in Instrument No. 20080250127 of the Official Public Records of Dallas County, Texas; said 28,981 square foot (0.665 acre) tract being more particularly described as follows (Bearing system for this survey is based on the State Plane Coordinate System, North American Datum of 1983 (2011), Texas North Central Zone 4202. Distances reported have been scaled by applying the TxDOT Dallas County surface adjustment factor of 1.000136506):

BEGINNING, at 5/8-inch iron rod with blue "PACHECO KOCH" cap set (hereinafter referred to as "iron rod set") in the southeast right-of-way line of Loop 12 (Great Trinity Forest Way, a variable width right-of-way) and a northwest line of said "Tract 2"; said point being North 65 degrees, 13 minutes, 30 seconds East, a distance of 914.51 feet from a 1/2-inch iron rod with "PACHECO KOCH" cap found (Controlling Monument);

THENCE, North 65 degrees, 13 minutes, 30 seconds East, along the said south line of Loop 12 (Great Trinity Forest Way) and the said northwest line of "Tract 2", a distance of 20.09 feet to an iron rod set; said point being South 65 degrees, 13 minutes, 30 seconds West, a distance of 691.27 feet from a 3.25-inch aluminum disk stamped "LCI" found (Controlling Monument) at a point of curvature in the said southeast line of Loop 12 (Great Trinity Forest Way);

THENCE, departing the said southeast line of Loop 12 (Great Trinity Forest Way) and the said northwest line of "Tract 2" and into and across said "Tract 2", the following twenty-nine (29) calls:

South 19 degrees, 27 minutes, 31 seconds East, a distance of 208.64 feet to an iron rod set; said point being the beginning of a non-tangent curve to the right;

In an easterly direction, along said curve to the right, having a central angle of 09 degrees, 15 minutes, 02 seconds, a radius of 2,496.25 feet, a chord bearing and distance of South 85 degrees, 09 minutes, 51 seconds East, 402.59 feet, an arc distance of 403.03 feet to a point at the end of said curve;

North 81 degrees, 09 minutes, 47 seconds East, a distance of 256.92 feet to an iron rod set;

South 79 degrees, 02 minutes, 04 seconds East, a distance of 104.45 feet to an iron rod set;

South 59 degrees, 28 minutes, 53 seconds East, a distance of 27.23 feet to an iron rod set;

South 30 degrees, 31 minutes, 07 seconds West, a distance of 21.50 feet to an iron rod set;

FIELD NOTES APPROVED:

APR 8/30/12



28,981 Square Feet/0.665 Acre
ONCOR ELECTRIC DELIVERY COMPANY, LLC EASEMENT
Part of "Tract 2" in Special Warrant Deed to the City of Dallas
And situated in City Block 6258
Gideon Pemberton Survey, Abstract No. 1155
City of Dallas, Dallas County, Texas

North 59 degrees, 28 minutes, 53 seconds West, a distance of 23.00 feet to an iron rod set;

North 30 degrees, 31 minutes, 07 seconds East, a distance of 6.50 feet to an iron rod set;

North 59 degrees, 28 minutes, 53 seconds West, a distance of 1.65 feet to an iron rod set;

North 79 degrees, 02 minutes, 04 seconds West, a distance of 99.25 feet to an iron rod set;

South 81 degrees, 09 minutes, 47 seconds West, a distance of 256.72 feet to an iron rod set; said point being the beginning of a non-tangent curve to the left;

In a westerly direction, along said curve to the left, having a central angle of 11 degrees, 35 minutes, 27 seconds, a radius of 2,481.25 feet, a chord bearing and distance of North 86 degrees, 16 minutes, 42 seconds West, 501.10 feet, an arc distance of 501.95 feet to a point at the end of said curve; said point being the beginning of a non-tangent curve to the left;

In a westerly direction, along said curve to the left, having a central angle of 13 degrees, 17 minutes, 13 seconds, a radius of 1,120.75 feet, a chord bearing and distance of South 80 degrees, 42 minutes, 20 seconds West, 259.32 feet, an arc distance of 259.90 feet to a point at the end of said curve;

South 72 degrees, 59 minutes, 58 seconds West, a distance of 190.76 feet to an iron rod set;

South 64 degrees, 30 minutes, 12 seconds West, a distance of 65.99 feet to an iron rod set;

South 73 degrees, 00 minutes, 00 seconds West, a distance of 195.67 feet to an iron rod set;

South 59 degrees, 33 minutes, 23 seconds West, a distance of 20.23 feet to an iron rod set;

South 30 degrees, 26 minutes, 37 seconds East, a distance of 2.50 feet to an iron rod set;

South 59 degrees, 33 minutes, 23 seconds West, a distance of 20.00 feet to an iron rod set;

North 30 degrees, 26 minutes, 37 seconds West, a distance of 20.00 feet to an iron rod set;

North 59 degrees, 33 minutes, 23 seconds East, a distance of 20.00 feet to an iron rod set;

South 30 degrees, 26 minutes, 37 seconds East, a distance of 2.50 feet to an iron rod set;

28,981 Square Feet/0.665 Acre
ONCOR ELECTRIC DELIVERY COMPANY, LLC EASEMENT
Part of "Tract 2" in Special Warrant Deed to the City of Dallas
And situated in City Block 6258
Gideon Pemberton Survey, Abstract No. 1155
City of Dallas, Dallas County, Texas

North 59 degrees, 33 minutes, 23 seconds East, a distance of 22.00 feet to an iron rod set;

North 73 degrees, 00 minutes, 00 seconds East, a distance of 196.18 feet to an iron rod set;

North 64 degrees, 30 minutes, 12 seconds East, a distance of 65.99 feet to an iron rod set;

North 72 degrees, 59 minutes, 58 seconds East, a distance of 192.16 feet to an iron rod set; said point being the beginning of a non-tangent curve to the right;

In an easterly direction, along said curve to the right, having a central angle of 13 degrees, 17 minutes, 52 seconds, a radius of 1,135.75 feet, a chord bearing and distance of North 80 degrees, 42 minutes, 14 seconds East, 263.01 feet, an arc distance of 263.60 feet to a point at the end of said curve; said point being the beginning of a non-tangent curve to the right;

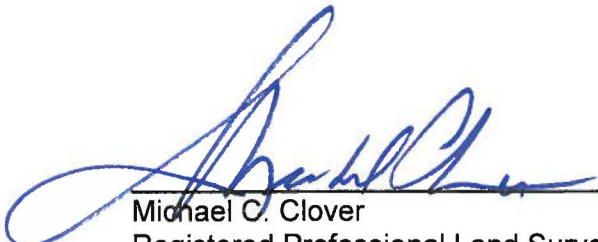
In an easterly direction, along said curve to the right, having a central angle of 01 degrees, 47 minutes, 58 seconds, a radius of 2,496.25 feet, a chord bearing and distance of North 88 degrees, 49 minutes, 27 seconds East, 78.40 feet, an arc distance of 78.40 feet to an iron rod set at the end of said curve;

North 19 degrees, 27 minutes, 31 seconds West, a distance of 199.73 feet to the POINT OF BEGINNING;

CONTAINING, 28,981 square feet or 0.665 acres of land, more or less.

(A survey plat of even survey date herewith accompanies this description.)

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the easement tract described.


Michael C. Clover Date 08/30/2016
Registered Professional Land Surveyor No. 5225
Pacheco Koch, LLC
7557 Rambler Road, Suite 1400, Dallas TX 75231
(972) 235-3031
TX Reg. Surveying Firm LS-10193805

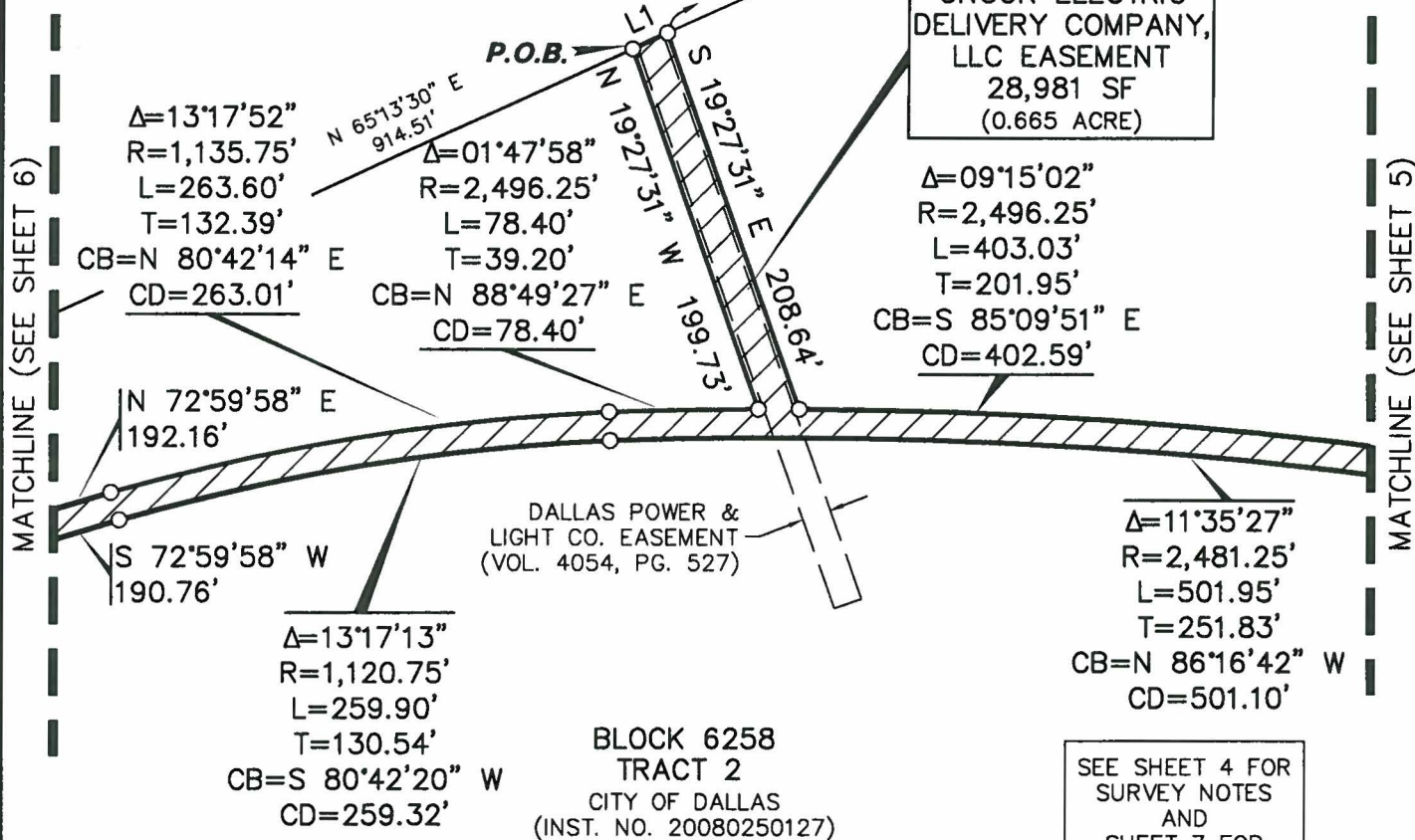
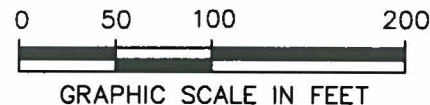


LEGEND

- PROPERTY LINE
 NEW EASEMENT LINE
 EXISTING EASEMENT LINE
 5/8-INCH IRON ROD W/
 BLUE "PACHECO KOCH"
 "EASEMENT" CAP SET
 (C.M.) - CONTROLLING MONUMENT
 P.O.B. - POINT OF BEGINNING

**LOOP 12/
GREAT TRINITY
FOREST WAY**
(VARIABLE WIDTH RIGHT-OF-WAY)

STATE OF TEXAS
 (VOL. 2429, PG. 538) (VOL. 2916, PG. 544)
 (VOL. 2429, PG. 533) (VOL. 2191, PG. 380)
 (VOL. 2435, PG. 217) (VOL. 2849, PG. 448)
 (VOL. 2435, PG. 214) (VOL. 2849, PG. 453)
 (VOL. 2899, PG. 368) (VOL. 2435, PG. 218)

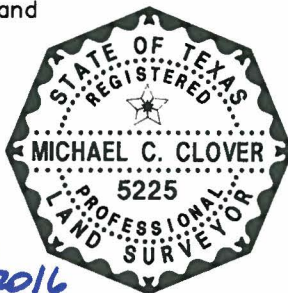


The undersigned, Registered Professional Land Surveyor, hereby certifies that this plat of survey accurately sets out the metes and bounds of the easement tract described.

Michael O. Clover
Registered Professional
Land Surveyor No. 5225

Date

08/30/2016



Pacheco Koch

7557 RAMBLER ROAD, SUITE 1400
DALLAS, TX 75231 972.235.3031
TX REG. ENGINEERING FIRM F-14439
TX REG. SURVEYING FIRM LS-10193805

DRAWN BY
LMG

CHECKED BY
MCC

SCALE
1"=100'

DATE
AUGUST 2016

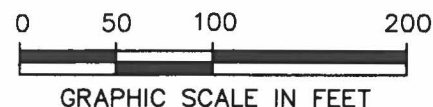
JOB NUMBER
2741-15.114

**28,981 Square Feet/
0.665 Acre
ONCOR ELECTRIC
DELIVERY COMPANY,
LLC EASEMENT**

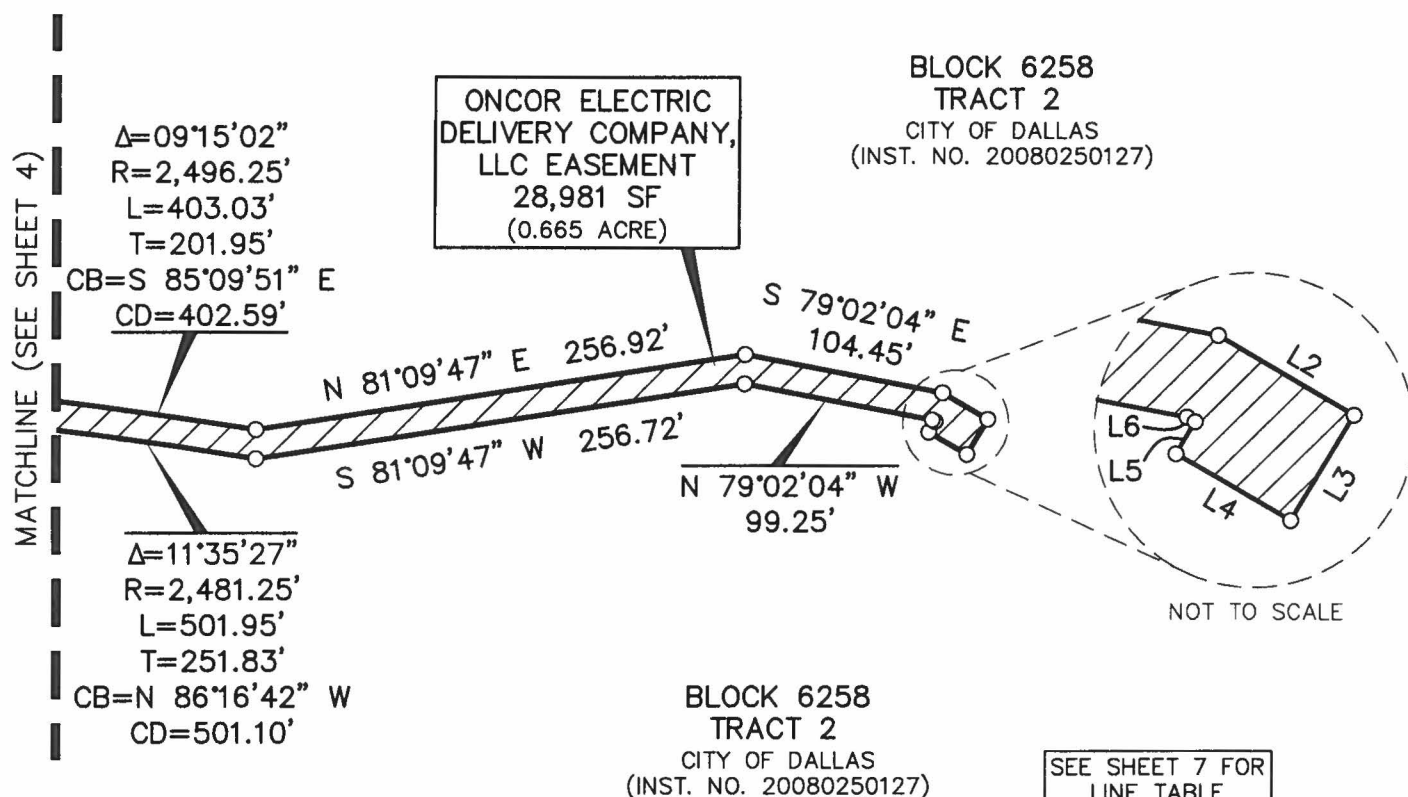
PART OF "TRACT 2" IN SPECIAL WARRANTY
DEED TO THE CITY OF DALLAS
AND SITUATED IN CITY BLOCK 6258,
GIDEON PEMBERTON SURVEY,
ABSTRACT NO. 1155
CITY OF DALLAS, DALLAS COUNTY, TEXAS
SHEET 4 OF 7

LEGEND

	PROPERTY LINE
	NEW EASEMENT LINE
	EXISTING EASEMENT LINE
	5/8-INCH IRON ROD W/ BLUE "PACHECO KOCH" "EASEMENT" CAP SET
(C.M.)	CONTROLLING MONUMENT
P.O.B.	POINT OF BEGINNING



(K
(M.)



NOTES:

1. A metes and bounds description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based on the State Plane Coordinate System, North American Datum of 1983 (2011), Texas North Central Zone 4202. Distances reported have been scaled by applying the TxDOT Dallas County surface adjustment factor of 1.000136506.



Pacheco Koch

7557 RAMBLER ROAD, SUITE 1400
DALLAS, TX 75231 972.235.3031
TX REG. ENGINEERING FIRM F-14439
TX REG. SURVEYING FIRM LS-10193805

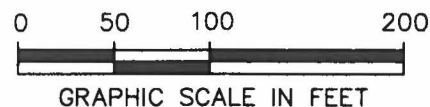
DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
LMG	MCC	1"=100'	AUGUST 2016	2741-15.114

**28,981 Square Feet/
0.665 Acre
ONCOR ELECTRIC
DELIVERY COMPANY,
LLC EASEMENT**

PART OF "TRACT 2" IN SPECIAL WARRANTY
DEED TO THE CITY OF DALLAS
AND SITUATED IN CITY BLOCK 6258,
GIDEON PEMBERTON SURVEY,
ABSTRACT NO. 1155
CITY OF DALLAS, DALLAS COUNTY, TEXAS
SHEET 5 OF 7

LEGEND

	PROPERTY LINE
	NEW EASEMENT LINE
	EXISTING EASEMENT LINE
	5/8-INCH IRON ROD W/ BLUE "PACHECO KOCH" "EASEMENT" CAP SET
(C.M.)	CONTROLLING MONUMENT
P.O.B.	POINT OF BEGINNING



LOOP 12/ GREAT TRINITY FOREST WAY

(VARIABLE WIDTH RIGHT-OF-WAY)
STATE OF TEXAS
(VOL. 2429, PG. 538) (VOL. 2916, PG. 544)
(VOL. 2429, PG. 533) (VOL. 2191, PG. 380)
(VOL. 2435, PG. 217) (VOL. 2849, PG. 448)
(VOL. 2435, PG. 214) (VOL. 2849, PG. 453)
(VOL. 2899, PG. 368) (VOL. 2435, PG. 218)

1/2-INCH IRON ROD
W/ "PACHECO KOCH"
CAP FOUND (C.M.)
(1/2-INCH IRON ROD FOUND
BEARS: S 01°33' W, 1.1')

235.10'

279.06'

5/8-INCH IRON
ROD W/ "DALLAS"
CAP FOUND (C.M.)

NOT TO SCALE

ONCOR ELECTRIC
DELIVERY COMPANY,
LLC EASEMENT
28,981 SF
(0.665 ACRE)

BLOCK 6258
TRACT 2
CITY OF DALLAS
(INST. NO. 20080250127)

MATCHLINE (SEE SHEET 4)

NOTES:

1. A metes and bounds description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based on the State Plane Coordinate System, North American Datum of 1983 (2011), Texas North Central Zone 4202. Distances reported have been scaled by applying the TxDOT Dallas County surface adjustment factor of 1.000136506.

SEE SHEET 4 FOR
SURVEYOR'S CERTIFICATION

SEE SHEET 7 FOR
LINE TABLE

**28,981 Square Feet/
0.665 Acre
ONCOR ELECTRIC
DELIVERY COMPANY,
LLC EASEMENT**

PART OF "TRACT 2" IN SPECIAL WARRANTY
DEED TO THE CITY OF DALLAS
AND SITUATED IN CITY BLOCK 6258,
GIDEON PEMBERTON SURVEY,
ABSTRACT NO. 1155
CITY OF DALLAS, DALLAS COUNTY, TEXAS
SHEET 6 OF 7



Pacheco Koch

7557 RAMBLER ROAD, SUITE 1400
DALLAS, TX 75231 972.235.3031
TX REG. ENGINEERING FIRM F-14439
TX REG. SURVEYING FIRM LS-10193805

DRAWN BY
LMG

CHECKED BY
MCC

SCALE
1"=100'

DATE
AUGUST 2016

JOB NUMBER
2741-15.114

<i>LINE TABLE</i>		
<i>LINE</i>	<i>BEARING</i>	<i>LENGTH</i>
L1	N 65° 13' 30" E	20.09'
L2	S 59° 28' 53" E	27.23'
L3	S 30° 31' 07" W	21.50'
L4	N 59° 28' 53" W	23.00'
L5	N 30° 31' 07" E	6.50'
L6	N 59° 28' 53" W	1.65'
L7	S 59° 33' 23" W	20.23'
L8	S 30° 26' 37" E	2.50'
L9	S 59° 33' 23" W	20.00'
L10	N 30° 26' 37" W	20.00'
L11	N 59° 33' 23" E	20.00'
L12	S 30° 26' 37" E	2.50'
L13	N 59° 33' 23" E	22.00'

SEE SHEET 4 FOR
SURVEYOR'S CERTIFICATION



7557 RAMBLER ROAD, SUITE 1400
DALLAS, TX 75231 972.235.3031
TX REG. ENGINEERING FIRM F-14439
TX REG. SURVEYING FIRM LS-10193805

DRAWN BY LMG	CHECKED BY MCC	SCALE NONE	DATE AUGUST 2016	JOB NUMBER 2741-15.114
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**28,981 Square Feet/
0.665 Acre
ONCOR ELECTRIC
DELIVERY COMPANY,
LLC EASEMENT**

PART OF "TRACT 2" IN SPECIAL WARRANTY
DEED TO THE CITY OF DALLAS
AND SITUATED IN CITY BLOCK 6258,
GIDEON PEMBERTON SURVEY,
ABSTRACT NO. 1155
CITY OF DALLAS, DALLAS COUNTY, TEXAS
SHEET 7 OF 7

ADDENDUM ITEM # 5

KEY FOCUS AREA: E-Gov

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Secretary

CMO: Rosa A. Rios, 670-3738

MAPSCO: N/A

SUBJECT

A resolution designating absences by Deputy Mayor Pro Tem Erik Wilson and Councilmember Lee M. Kleinman as being for "Official City Business" - Financing: No cost consideration to the City

BACKGROUND

This item is on the addendum to allow council members additional time to request approval of their outstanding absences (if applicable) as "Official City Business."

Chapter III, Section 4(e) of the Dallas City Charter provides in part, "If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city council member's compensation...for that year will be reduced proportionately by the percentage of meetings missed.... Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which compensation reduction is required... but will be counted as though the member had attended the meetings that are missed while so engaged in city business."

Section 4.11(b) of the City Council Rules of Procedure provides that an absence by a council member for (1) attending a meeting or conference of a professional organization of or association of municipalities or municipal officers, (2) testifying at a legislative hearing at the request of the mayor, the city council, the chair of the council's legislative affairs committee or the city manager, or (3) attending a meeting of a board, commission, or committee to which the council member has been appointed by the mayor or the city council, will automatically be deemed to be for "official city business at the direction of the city council" and will not be counted against a city council member for purposes of determining the council member's annual compensation.

BACKGROUND (Continued)

Section 4.11(c) of the City Council Rules of Procedure provides that, in addition to those absences automatically considered to be on "official city business at the direction of the city council" under Section 4.11(b) above, the city council may by resolution designate whenever a council member's absence is for official city business and not counted as a missed meeting for purposes of determining the council member's annual compensation under Chapter III, Section 4 of the Dallas City Charter.

The proposed resolution authorizes and directs the city secretary to amend the minutes of city council meetings, without further city council action or approval, to reflect when the absences by designated council members have been deemed by the city council to be for "official city business."

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

September 14, 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, Deputy Mayor Pro Tem Erik Wilson and Councilmember Lee M. Kleinman participated in event(s) and/or meeting(s), as described in **Exhibit A** attached, which required them to miss all or part of one or more city council meeting(s) or committee meeting(s) on the date(s) noted;

Now, Therefore,

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

September 14, 2016

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 Deputy Mayor Pro Tem Erik Wilson and Councilmember Lee M. Kleinman because of their participation in any event(s) and/or meeting(s) will not be counted against them in determining their annual compensation under Chapter III, Section 4 of the Dallas City Charter.

SECTION 2. That, in accordance with Section 4.11(a) of the City Council Rules of Procedure, the City Secretary shall maintain a record of the absence on official city business so that such absence(s) will not count against Deputy Mayor Pro Tem Erik Wilson and Councilmember Lee M. Kleinman in determining their annual compensation under Chapter III, Section 4 of the Dallas City Charter.

SECTION 3. That the City Secretary is authorized and directed to amend the minutes of each city council meeting held on the date(s) specified in Exhibit A, if applicable, to reflect that the absence(s) by Deputy Mayor Pro Tem Erik Wilson and Councilmember Lee M. Kleinman as described in Exhibit A, were for "official city business," and no further city council action or approval of those minutes is required.

SECTION 4. That this resolution shall take effect immediately from and after its passage in accordance with the 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
Erik Wilson	8/8/2016	Transportation and Trinity River Project Committee	Representing Mayor Rawlings at the Vox Native Choir Luncheon at the Dallas County Club.	Absent more than 50%
Lee M. Kleinman	9/6/2016	Budget, Finance & Audit Committee	Attended a meeting with the City Manager.	Absent

ADDENDUM ITEM # 6

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 4, 8

DEPARTMENT: Housing/Community Services

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

MAPSCO: 65C 65U

SUBJECT

Authorize an amendment to Resolution No. 16-0847, previously approved on May 25, 2016, for a housing development loan with City Wide Community Development Corporation, a certified Community Housing Development Organization, to **(1)** increase the number of units from five to eleven; and **(2)** increase funds from \$225,000 to \$975,000 for construction of single family homes located on scattered sites - Not to exceed \$750,000 - Financing: 2012-13 HOME Investment Partnership Program Grant Funds (\$488,913) and 2013-14 HOME Investment Partnership Program Grant Funds (\$261,087)

BACKGROUND

This item is on the addendum due to legal deadlines before the next available agenda.

In August 2016, Sherman Roberts, President of City Wide Community Development Corporation (CWCDC), requested an increase in units and funds for an existing housing development loan. The increased demand for housing in the area as a result of the many efforts in Grow South has caused a back log of potential homebuyers. CWCDC currently has additional lots in inventory to construct the six additional units of single family housing.

CWCDC is a certified Community Housing Development Organization (CHDO) and has had prior contracts with the City to develop homes in Dallas. CWCDC completed construction and rented 42 multifamily units in this area to low-income households. Fifty percent of the construction on the original five single family units has been completed on three homes. CWCDC owns additional lots located on scattered sites and has obtained gap financing with a private lender for a portion of the construction costs of the six additional units. Estimated additional private leverage will be \$1,100,000.

BACKGROUND (continued)

The City will provide HOME funds for gap financing for a portion of the construction costs for eleven homes to be built out and sold. The homes will be 3 bedroom with 2 baths and approximately 1,400 sq. ft. The construction and sale of the units will be completed by May 25, 2018. A lien will be placed on the property and released on a partial basis as each unit is built out and sold to an eligible homebuyer. In conformance with federal regulations, all buyers must have household incomes at or below 80% of area median family income.

City Council approval of this item will authorize the City Manager to execute an amendment to the loan documents with CWCDC for these funds, subject to environmental clearance by the City of Dallas and HUD for the six additional lots.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 10, 2015, City Council approved the City of Dallas FY 2015-16 Consolidated Plan Budget for federal funds which included the HOME Investment Partnership Funds, CHDO Development Loans, by Resolution No. 15-1055.

On January 13, 2016, City Council approved the Owner Occupied Housing Development Program Statement by Resolution No. 16-0079.

On May 25, 2016, City Council approved the housing development loan agreement with CWCDC, by Resolution No. 16-0847.

Information about this item was provided to the Housing Committee on September 6, 2016.

FISCAL INFORMATION

2012-13 HOME Investment Partnership Program Grant Funds - \$488,913

2013-14 HOME Investment Partnership Program Grant Funds - \$261,087

<u>Council District</u>	<u>Amount</u>
4	\$500,000
8	<u>\$250,000</u>
Total	\$750,000

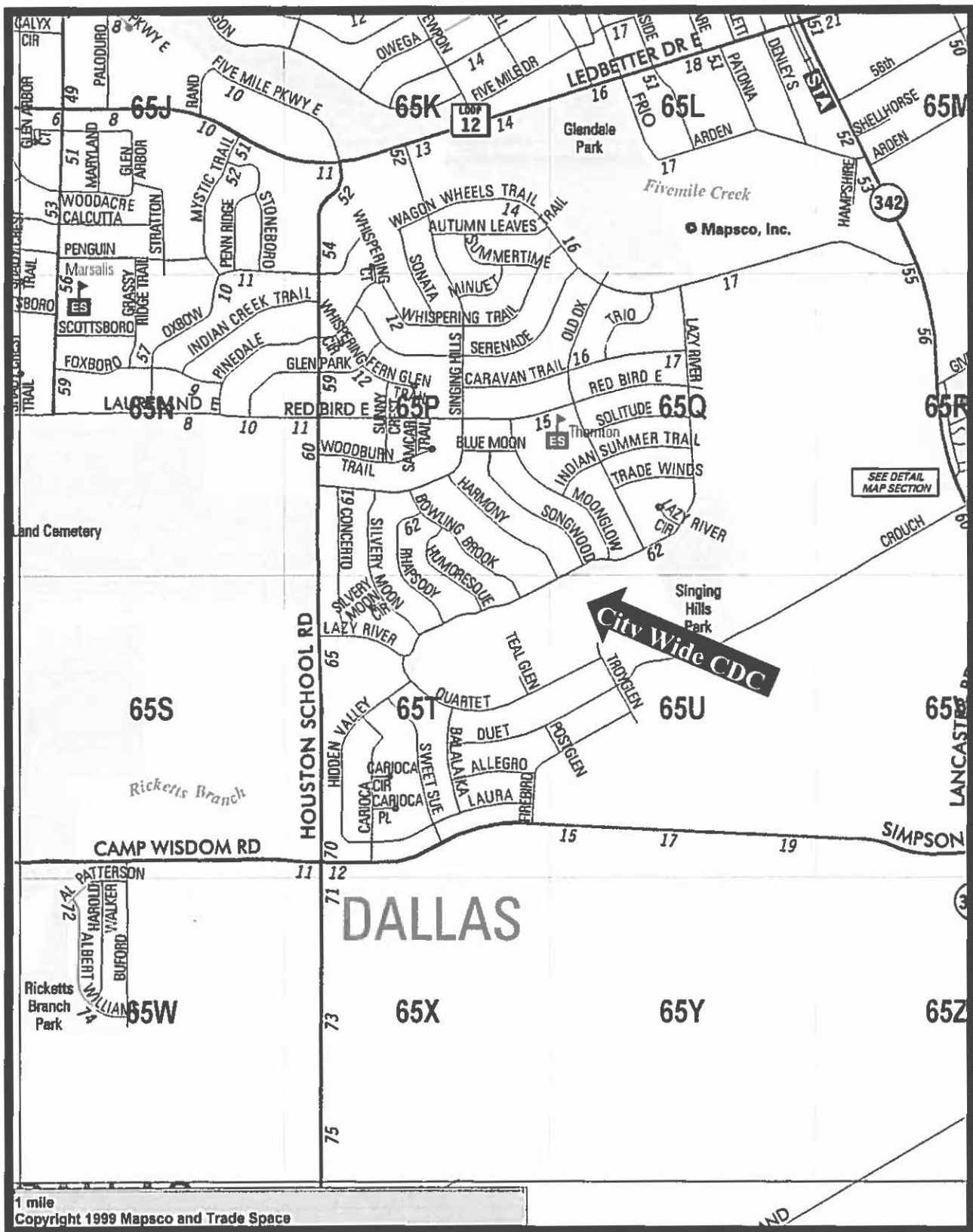
OWNER/DEVELOPER

**City Wide Community
Development Corporation**

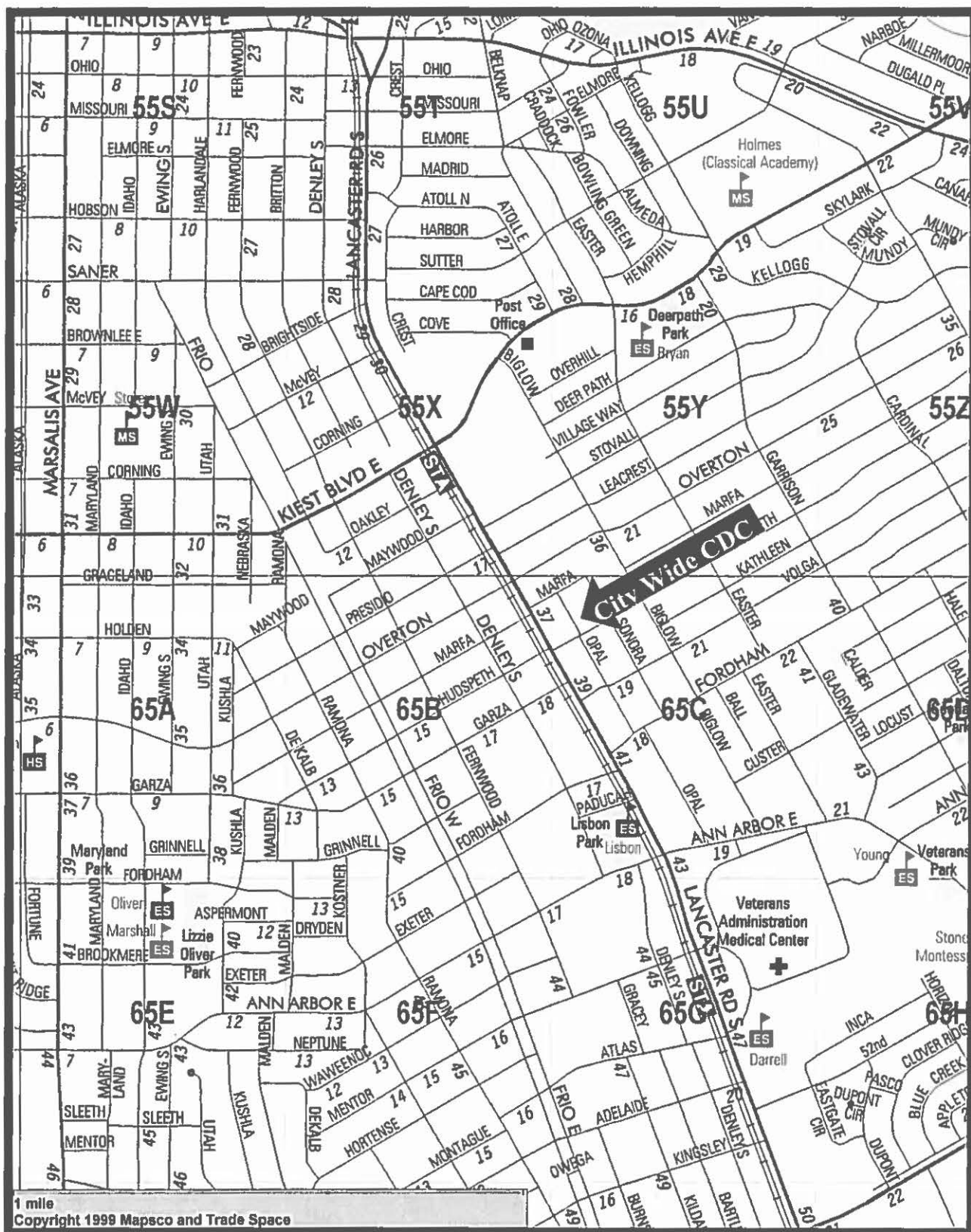
Sherman Roberts, President

MAPS

Attached



MAPSCO 65U



MAPSCO 65C

September 14, 2016

WHEREAS, the development of owner occupied units for households with varied income levels is a high priority of the City of Dallas to create more housing choices; and

WHEREAS, on June 10, 2015, City Council approved the City of Dallas FY 2015-16 Consolidated Plan Budget for federal funds which included the HOME Investment Partnership Funds, CHDO Development Loans, by Resolution No. 15-1055; and

WHEREAS, on January 13, 2016, City Council approved the Owner Occupied Housing Development Program Statement, by Resolution No. 16-0079; and

WHEREAS, on May 25, 2016, City Council approved the housing development loan agreement with City Wide Community Development Corporation (CWCDC), by Resolution No. 16-0847; and

WHEREAS, CWCDC proposes to work with the City of Dallas to undertake the development of single family units for the Scattered Sites Project in the Lancaster Corridor area; and

WHEREAS, the City desires for CWCDC to develop single family homes for households with household incomes 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 execute an amendment to a housing development loan to (1) increase the number of units from five to eleven; and (2) increase funds from \$225,000 to \$975,000 for construction of single family homes located on scattered sites.

Section 2. That the terms of the loan agreement include:

- (a) CWCDC must execute an amended note payable for \$975,000 with 0% interest and deferred payments until completion with the City of Dallas.
- (b) CWCDC will execute a lien through a Deed of Trust and deed restriction for a 15-year term.
- (c) CWCDC will use the funds to gap the construction costs for the units and will repay any net proceeds from the sale of the units after repayment of the first lender lien. Upon such repayment the remaining debt attributable to the unit will be forgiven and lien partially released.
- (d) CWCDC will have until May 25, 2018 to fully complete the project and sell the units to income eligible households.
- (e) The City will subordinate first lien position to the interim construction lender.

September 14, 2016

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

Section 4. That the Chief Financial Officer is hereby authorized to disburse funds in accordance with this resolution as follows:

City Wide Community Development Corporation Vendor # VS0000026872

<u>Fund</u>	<u>Dept</u>	<u>Unit</u>	<u>Object Code</u>	<u>Program #</u>	<u>Program Name</u>	<u>Encumbrance</u>	<u>Amount</u>
HM12	HOU	893E	3015	HMHOCWCD	CWCDC-5SDAL	HOUHM14G211	\$488,913
HM13	HOU	236F	3015	HMHOCWCD	CWCDC-5SDAL	HOUHM14G211	\$261,087

Section 5. That the City Controller is hereby authorized to record notes receivable - developers loan in balance sheet account (033F) and deferred revenue-home loans in (0859) in funds HM12 and HM13 for the amount of the loan.

Section 6. 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.

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

ADDENDUM ITEM # 7

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 7

DEPARTMENT: Housing/Community Services

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

MAPSCO: 46Q 46R

SUBJECT

Authorize an amendment to Resolution No. 16-1224, previously approved on August 10, 2016, for a housing development loan with South Dallas Fair Park/Innercity Community Development Corporation, a certified Community Housing Development Organization, to **(1)** increase the number of units from five to eleven; **(2)** increase funding from \$320,000 to \$1,220,000; and **(3)** to extend the contract from March 30, 2017 to December 31, 2017 for scattered sites located in the Fair Park area - Not to exceed \$900,000 - Financing: FY 2014-15 HOME Program Income #1 (\$800,000) and 2015-16 HOME Investment Partnership Program Grant Funds (\$100,000)

BACKGROUND

This item is on the addendum due to legal deadlines before the next available agenda.

In September 2016, Diane Ragsdale, Managing Director of South Dallas Fair Park/Innercity Community Development Corporation (ICDC), requested an increase in units, funds and an extension to the completion date for an existing housing development loan in the Fair Park area. The demand for housing in the area has significantly increased and has caused a back log of potential homebuyers in ICDC's program. ICDC currently has additional lots in inventory and has in process several lots with the Land Bank.

ICDC is a certified Community Housing Development Organization (CHDO) and has had several prior contracts with the City to build housing. ICDC has gap financing in place with Capital One and is under contract with two builders. The original five homes are under contract to be sold to eligible homebuyers and are awaiting completion to purchase the homes. Upon completion, homebuyers will have a 15-year deed restriction on the homes to maintain affordability.

BACKGROUND (continued)

The City will provide HOME funds for gap financing a portion of the construction costs for an additional six homes to be built out and sold. The homes will be 3 bedroom with 2 baths and approximately 1,400 sq. ft. The construction and occupancy of the units will be completed by December 31, 2017s. A lien will be placed on the property and released on a partial basis as each unit is built out and a homebuyer is approved. Estimated private leverage will be \$1,815,000.

City Council approval of this agenda item will authorize the City Manager to execute the loan documents with ICDC for these funds, subject to environmental clearance by the City of Dallas and HUD.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 10, 2015, City Council approved the City of Dallas FY 2015-16 Consolidated Plan Budget for federal funds which included the HOME Investment Partnership Funds, CHDO Development Loans, by Resolution No. 15-1055.

On June 10, 2015, City Council approved the housing development loan agreement with ICDC, by Resolution No. 15-1080.

On August 10, 2016, City Council approved an amendment to the housing development loan agreement with ICDC, by Resolution No. 16-1224.

Information about this item was provided to the Housing Committee on September 6, 2016.

FISCAL INFORMATION

FY 2014-15 HOME Program Income #1 - \$800,000

2015-16 HOME Investment Partnership Program Grant Funds - \$100,000

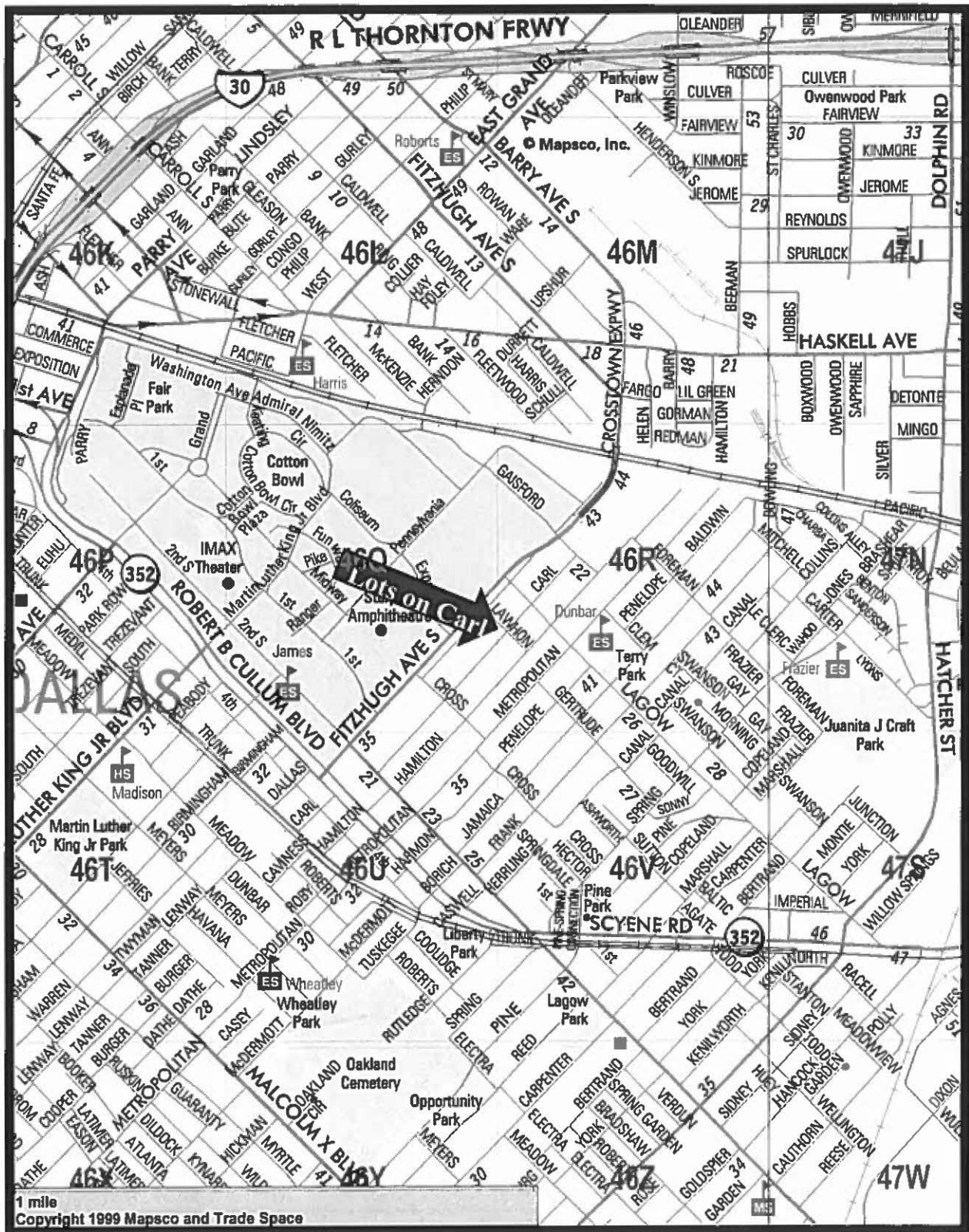
OWNER/DEVELOPER

**South Dallas Fair Park/Innercity Community
Development Corporation**

Diane Ragsdale, Managing Director

MAP

Attached



MAPSCO 46Q & 46R

September 14, 2016

WHEREAS, the development of owner occupied units for households with varied income levels is a high priority of the City of Dallas; and

WHEREAS, on June 10, 2015, City Council approved the City of Dallas FY 2015-16 Consolidated Plan Budget for federal funds which included the HOME Investment Partnership Funds CHDO Development Loans, by Resolution No. 15-1055; and

WHEREAS, the Community Housing Development Organization (CHDO) Program requires a CHDO Set-Aside Project commitment within 24-months of receiving the FY 2014-15 CHDO Operating Assistance Grant award and this project satisfies that requirement; and

WHEREAS, on June 10, 2015, City Council approved the housing development loan agreement with South Dallas Fair Park/Innercity Community Development Corporation (ICDC), by Resolution No. 15-1080; and

WHEREAS, on August 10, 2016, City Council approved an amendment to the housing development loan agreement with ICDC, by Resolution No. 16-1224; and

WHEREAS, ICDC proposes to work with the City of Dallas to undertake the development of eleven scattered sites in the Fair Park area; and

WHEREAS, the City desires for ICDC to develop owner occupied units for households at or below 80% of Area Median Family Income; **NOW, THEREFORE**,

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

Section 1. That following approval as to form by the City Attorney, the City Manager is authorized to execute an amendment for a housing development loan to (1) increase the number of units from five to eleven; (2) increase funding from \$320,000 to \$1,220,000; and (3) to extend the contract from March 30, 2017 to December 31, 2017 for scattered sites located in the Fair Park area.

Section 2. That the terms of the loan agreement include:

- (a) ICDC must execute an amended note payable of \$1,220,000 to the City of Dallas for the loan.
- (b) ICDC will execute an amended lien through a Deed of Trust and deed restriction for a 15-year term for the affordable units.
- (c) ICDC will use the funds to interim finance and gap the construction costs for the units and will repay the proceeds from the sale of the units, after payment of the first lender lien. Upon repayment, the debt will be forgiven and the lien released.

September 14, 2016

Section 2. (continued)

- (d) ICDC will have two years to complete construction. Occupancy must be completed within 6 months after construction of the units.
- (e) ICDC must build and occupy the affordable units to low and moderate income families with incomes at or below 80% of area median family income.
- (f) The City will subordinate first lien position to the interim construction lender.

Section 3. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute releases of liens and terminate deed restrictions on the properties upon compliance with the loan terms and deed restrictions.

Section 4. That the Chief Financial Officer is hereby authorized to disburse funds in accordance with this resolution as follows:

South Dallas Fair Park/Innercity Community Development Corporation
Vendor #266539

<u>Fund</u>	<u>Dept</u>	<u>Unit</u>	<u>Object Code</u>	<u>Program #</u>	<u>Program Name</u>	<u>Encumbrance</u>	<u>Amount</u>
14M1	HOU	489G	3015	HM05FPAR	CHDO-FAIRPARK	HOU4384G159	\$800,000
HM15	HOU	644H	3015	HM05FPAR	CHDO-FAIRPARK	HOU4384G159	\$100,000

Section 5. That the City Controller is hereby authorized to record notes receivable - developers loan in balance sheet account (033F) and deferred revenue-home loans in (0859) in funds 14M1 and HM15 for the amount of the loan.

Section 6. 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.

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.

REVISED AGENDA ITEM # 33

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 14, 2016

COUNCIL DISTRICT(S): 4, 2, 14

DEPARTMENT: Planning and Urban Design
Convention and Event Services

CMO: Alan Sims, Chief of Neighborhood Plus, 670-1611
Ryan S. Evans, 671-9837

MAPSCO: 44 Z Y; 45 E F J K L N P Q S T W; ~~54 B C D F G H~~

SUBJECT

Authorize a Funding Agreement between Dallas Area Rapid Transit, Downtown Dallas, Inc. and the City of Dallas for a one-year extension of the D-Link, downtown shuttle service operation - Not to exceed \$400,000 - Financing: Convention and Event Services Current Funds (subject to annual appropriations)

BACKGROUND

The downtown shuttle service operation commenced on November 4, 2013, as a two-year demonstration project to respond to the demand for a tourist focused downtown bus circulator service as well as plan the most appropriate shuttle to meet the needs of tourists, downtown residents, employees, and visitors. Dallas Area Rapid Transit (DART) collaborated with the City of Dallas and Downtown Dallas Inc. (DDI) and created Route 722, also referred to as the D-Link. The D-Link provides shuttle services to the Omni Convention Center Hotel, Klyde Warren Park, and the Perot Museum of Nature and Science along with other Central Business District and North Oak Cliff major destinations such as the Bishop Arts District.

An evaluation of the D-Link shuttle service operation has determined through the ridership numbers that it was well received by visitors, businesses and residents. Daily ridership exceeds initial projections, is consistent and peaks during major conventions and summer months. The route currently operates between Downtown Dallas and North Oak Cliff and also serves the Cedars Station in the evening hours. The operating schedule is Monday through Saturday every 15 minutes from 11:00 a.m. to 11:30 p.m. and there is no fee to utilize the service.

BACKGROUND (Continued)

The annual operating cost of this service is \$1.8 million. The City of Dallas (City) will contribute \$400,000 per year, Downtown Dallas, Inc. will contribute \$306,849 per year and the DART Board agreed to provide the remaining funds to operate the service. The City will make 12 monthly payments of \$33,333.33.

This action will authorize a Funding Agreement between Dallas Area Rapid Transit, Downtown Dallas, Inc. and the City of Dallas for a one-year extension of the downtown shuttle service operation with a financial contribution of \$400,000 annually.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was briefed to the Transportation and Trinity River Project Committee on August 22, 2016.

FISCAL INFORMATION

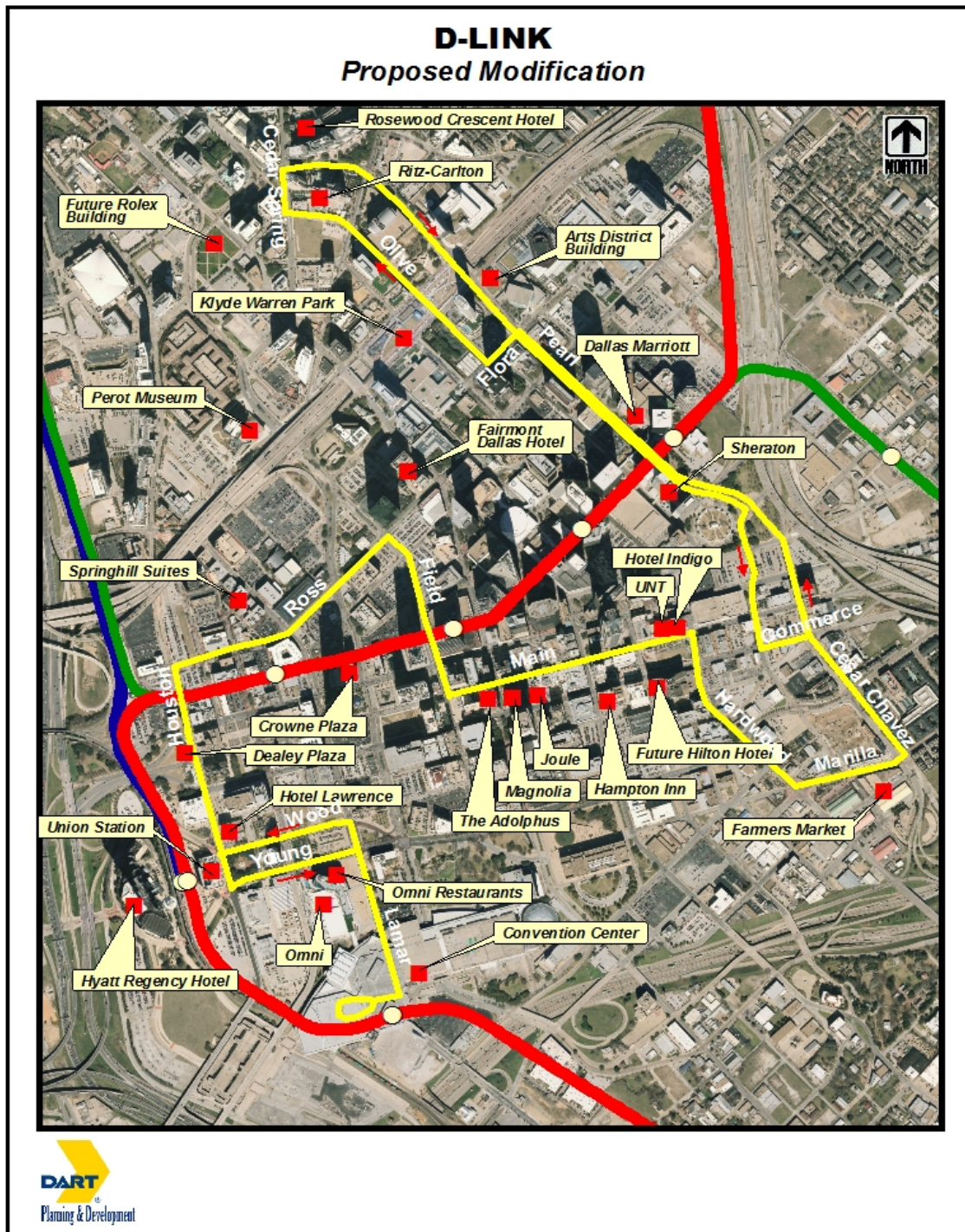
\$400,000.00 - Convention and Event Services Current Funds (subject to annual appropriations)

<u>Council District</u>	<u>Amount</u>
4	\$172,000
2	\$ -64,000 <u>171,429</u>
14	<u>\$164,000</u> <u>228,571</u>
Total	\$400,000

MAP

Attached

MAP 1- 722 SHUTTLE SERVICE (Effective August 29, 2016)



Route 722 Service Schedule (Effective August 29, 2016)

Route 722 will operate every 15-minutes from 11AM until 11:30PM Monday thru Saturday.

September 14, 2016

WHEREAS, the increase in the Dallas convention business, downtown residential housings, growing employment base, and completed parks and attractions, Downtown Dallas, Inc. (DDI) has identified a specific need for bus circulator service to major destinations in and around the Central Business District; and,

WHEREAS, the City of Dallas, DDI, and Dallas Area Rapid Transit (DART) have collaborated to evaluate the demand for a tourist focused downtown bus service as well as plan the most appropriate shuttle to meet that need; and,

WHEREAS, DART proposes to conduct a two-year demonstration project of the Downtown Bus Circulator for approximately \$1,800,000 per year with annual contributions from the City of Dallas of \$400,000 and DDI in the amount of \$306,849; and,

WHEREAS, the City of Dallas, DART and DDI desire to enter into an agreement outlining the establishment of Route 722, detailing the proposed stops and hours of operation for the demonstration project; and,

WHEREAS, this agreement is intended to define the financial commitment and responsibilities of the Parties; and,

WHEREAS, it is now desirable to authorize a Funding Agreement between Dallas Area Rapid Transit, Downtown Dallas, Inc. and the City of Dallas for a one-year extension of the downtown shuttle service operation also known as the D-Link in an amount not to exceed \$400,000.00.

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 Funding Agreement between Dallas Area Rapid Transit, Downtown Dallas, Inc. and the City of Dallas for a one-year extension of the D-Link, downtown shuttle service operation in an amount not to exceed \$400,000.00.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in accordance with the terms and conditions of the agreement from Convention Center Operating Fund 0080, Dept. CCT, Unit 7840, Obj. 3099, Vendor No. 232802, in an amount not to exceed \$400,000.00 (subject to annual appropriations).

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