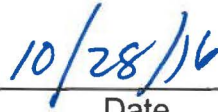


**NOVEMBER 9, 2016 CITY COUNCIL AGENDA
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Agenda dated November 9, 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



M. Elizabeth Reich
Chief Financial Officer



Date

RECEIVED

2016 OCT 28 PM 3:46

CITY SECRETARY
DALLAS, TEXAS



COUNCIL AGENDA

November 9, 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.

Handgun Prohibition Notice for Meetings of Government Entities

"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, NOVEMBER 9, 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 - 31

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 9:15 a.m.

Items 32 - 38

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

Items 39 - 47

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

AGENDA
CITY COUNCIL MEETING
NOVEMBER 9, 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 October 26, 2016 City Council Meeting

CONSENT AGENDA

Aviation

2. A resolution authorizing **(1)** the issuance and sale of Love Field Airport Modernization Corporation General Airport Revenue Bonds, Series 2016; in an aggregate principal amount not to exceed \$131,000,000; and **(2)** enacting other provisions in connection therewith - Financing: This action has no cost consideration to the City
3. Authorize an Other Transaction Agreement with the Federal Aviation Administration for a Limited Design and Implementation Reimbursable Agreement for the mitigation of impacts to the Instrument Landing System control cabling due to the rehabilitation of Taxiway Bravo at Dallas Love Field - Not to exceed \$79,196 - Financing: Aviation Capital Construction Funds
4. Authorize an application for and acceptance of a grant from the Federal Aviation Administration for the federal share of the eligible capital improvement projects at Dallas Love Field - Not to exceed \$988,086 - Financing: Federal Aviation Administration Airport Improvement Program Grant Funds

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

5. Authorize a three-year service contract for grounds maintenance services for Library facilities - Christopher James Lofton dba Edens Touch Landscape Management, most advantageous proposer of five - Not to exceed \$855,360 - Financing: Current Funds (subject to annual appropriations)
6. Authorize a six-year service contract for preventive maintenance and repair services for the City's outdoor warning siren system - West Shore Services, Inc., most advantageous proposer of two - Not to exceed \$567,368 - Financing: Current Funds (subject to annual appropriations)
7. Authorize a three-year subscription and maintenance contract for a business information and process automation management system - Salesforce distributed by Carahsoft Technology Corporation, through the Department of Information Resources - Not to exceed \$5,024,646 - Financing: Current Funds (subject to annual appropriations)
8. Authorize a five-year concession contract, with two two-year renewal options, for the operation of snack vending machines at City facilities - Compass Group USA, Inc., only responsive proposer of two - Estimated Annual Average Net Revenue: \$13,260
9. Authorize a three-year master agreement for traffic radar units - Applied Concepts, Inc. through the Houston-Galveston Area Council of Governments - Not to exceed \$239,010 - Financing: Current Funds
10. Authorize a three-year master agreement for lead free brass fittings and accessories - Fortiline, Inc. in the amount of \$933,900, Mueller Co., LLC in the amount of \$623,500, ACT Pipe & Supply, Inc. in the amount of \$223,300, 4-Star Hose & Supply, Inc. in the amount of \$29,500, and Winston Water Cooler, LTD in the amount of \$1,800, lowest responsible bidders of five - Total not to exceed \$1,812,000 - Financing: Current Funds (\$48,750), Stormwater Drainage Management Current Funds (\$67,750), and Water Utilities Current Funds (\$1,695,500)

Human Resources

11. Authorize a contract with Dallas Area Rapid Transit for the purchase of 265 annual passes in support of the City's clean air initiative - Not to exceed \$172,000 - Financing: Current Funds (to be partially reimbursed by participating employees)

Mobility & Street Services

12. Authorize Supplemental Agreement No. 4 to the professional services contract with Civil Associates, Inc. for additional engineering design of the crossing gate arms and flashers needed for the Central Business District Fair Park Link from Hall Street to IH 30 - Not to exceed \$85,884, from \$533,499 to \$619,383 - Financing: 2006 Bond Funds

CONSENT AGENDA (Continued)**Office of Emergency Management**

13. Authorize **(1)** acceptance of the 2016 Homeland Security Grant from the Department of Homeland Security, for the Urban Area Security Initiative to provide funding for equipment acquisition, planning and training activities to enable the City to respond to natural and man-made disasters for the period October 1, 2016 through November 30, 2018; and **(2)** execution of the grant agreement - Not to exceed \$5,787,076 - Financing: U.S. Department of Homeland Security Grant Funds

Office of Financial Services

14. Authorize a public hearing to be held on December 14, 2016 to receive comments on proposed changes to the City of Dallas, Citizen Participation Plan for U.S. Department of Housing and Urban Development (HUD) Grants to incorporate revised HUD guidance relating to the new Assessment of Fair Housing and various non-substantive changes - Financing: No cost consideration to the City

Park & Recreation

15. Authorize **(1)** acceptance of a reimbursable matching grant from Collin County in the amount of \$250,000; and **(2)** execution of an Interlocal Agreement with Collin County for the construction of a trail at Moss Glen Park located at 5200 Bentwood Trail - Not to exceed \$250,000 - Financing: Collin County Grant Funds
16. Authorize payment to Dallas County for reimbursement of project costs for the Northaven Trail Phase 2 located at Preston Road heading west mostly through Oncor right-of-way to Denton Drive at the Walnut Hill/Denton DART Station - Not to exceed \$320,000 - Financing: General Obligation Commercial Paper Funds
17. Authorize a contract with DENCO CS Corporation, best value proposer of six, for renovation of the former Jules E. Muchert Army Reserve armory facility which includes offices, maintenance facility conference center and other miscellaneous items for the Dallas Park and Recreation Department Operation and Maintenance Facility located at 10031 East Northwest Highway - Not to exceed \$3,456,648 - Financing: 2006 Bond Funds (\$659,166) and General Obligation Commercial Paper Funds (\$2,797,482)
18. Authorize a contract with JC Commercial, Inc., best value proposer of three, for a new service center building and repairs to an existing warehouse shed for Park Maintenance District 6 located at 10770 Bekay Street - Not to exceed \$2,178,556 - Financing: 2006 Bond Funds (\$810,521) and General Obligation Commercial Paper Funds (\$1,368,035)
19. Authorize an increase in the contract with C. Green Scaping, LP for updated quantities, equipment reconfiguration, erosion control and other miscellaneous items for the wetland supplemental environmental project at the Dallas Zoo located at 650 South R.L. Thornton Freeway - Not to exceed \$263,608, from \$1,570,918 to \$1,834,526 - Financing: Stormwater Drainage Management Capital Construction Funds

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

20. An ordinance amending Chapter 41, Sections 41-1 and 41-2, of the Dallas City Code to prohibit smoking on park grounds without exceptions; providing a definition of park property; providing a penalty not to exceed \$200; providing a saving clause; providing a severability clause; and providing an effective date - Financing: This action has no cost consideration to the City

Police**Internet Crimes Against Children
Continuation Grant**

Note: Item Nos. 21 and 22
must be considered collectively.

21. * Authorize **(1)** an application for and acceptance of the 2017 Internet Crimes Against Children Continuation Grant, from the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, for response to the sexual abuse and exploitation of children facilitated by the use of computer technology related to the investigation of the Internet-facilitated child exploitation, for the period July 1, 2016 through June 30, 2017; and **(2)** execution of the grant agreement - Not to exceed \$488,767 - Financing: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention Grant Funds
22. * Authorize a continuation of cooperative working agreements with the Dallas County District Attorney's Office in the amount of \$5,000, Potter County District Attorney's Office in the amount of \$3,000, Tarrant County District Attorney's Office in the amount of \$7,500, Collin County Sheriff's Office in the amount of \$18,000, Taylor County Sheriff's Office in the amount of \$3,000, Wichita County Sheriff's Office in the amount of \$5,000, Abilene Police Department in the amount of \$5,500, Amarillo Police Department in the amount of \$9,000, Arlington Police Department in the amount of \$13,000, Fort Worth Police Department in the amount of \$10,000, Garland Police Department in the amount of \$13,000, Longview Police Department in the amount of \$15,000, Lubbock Police Department in the amount of \$23,000 and the Dallas Children's Advocacy Center in the amount of \$37,000, for the period July 1, 2016 through June 30, 2017 through the 2017 Internet Crimes Against Children Continuation Grant supplement from July 1, 2016 through June 30, 2017 - Total not to exceed \$167,000 - Financing: This action has no cost consideration to the City
23. Authorize **(1)** an application for and acceptance of the City of Dallas - Intellectual Property Taskforce grant from the U.S. Department of Justice (Bureau of Justice Assistance), to initiate and address intellectual property theft in the areas of piracy, forgery and counterfeiting of various items for the period October 1, 2016 through September 30, 2018; and **(2)** execution of the grant agreement - Not to exceed \$358,534 - Financing: U.S. Department of Justice Grant Funds, Bureau of Justice Assistance Grant Funds

CONSENT AGENDA (Continued)**Police (Continued)**

24. Authorize **(1)** an application for and acceptance of the Dallas Police Athletic League grant from the U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention passed through the Office of the Governor, Criminal Justice Division, to fund the purchase of equipment and protective gear for a boxing club program at the Forest Audelia Boxing Center, and purchase laptops for tutoring and the collection of data for the period October 1, 2016 through September 30, 2017; and **(2)** execution of the grant agreement - Not to exceed \$34,030 - Financing: Office of the Governor, Criminal Justice Division State Grant Funds
25. Authorize **(1)** an amendment to the Interlocal contract with Dallas County Community College District (dba El Centro College) to modify the clauses of the original contract and increase appropriations in an amount not to exceed \$75,000, from \$6,215,373 to \$6,290,373, for the two-year period September 1, 2015 through August 31, 2017; and **(2)** payment to Dallas County Community College District (dba El Centro College) for tuition costs for officers attending theses classes - Not to exceed \$75,000 - Financing: - Texas Higher Education Coordinating Board Funds

Sustainable Development and Construction

26. Authorize the quitclaim of 43 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: \$494,505
27. A resolution authorizing the conveyance of an aerial easement and right-of-way containing approximately 27 acres to the City of Garland for the construction and maintenance of electrical facilities across City-owned Lake Ray Hubbard - Revenue: \$87,059
28. An ordinance granting a private license to Butler Brothers Hospitality Group, LLC, for the use of a total of approximately 314 square feet of aerial space to install, occupy, use and maintain two canopies, one with lettering, one without lettering, over and above a portion of Ervay Street right-of-way, near its intersection with Young Street - Revenue: \$1,000 annually and \$100 one-time fee, plus the \$20 ordinance publication fee
29. An ordinance abandoning a storm water drainage easement to KIPP Dallas-Fort Worth, Inc., the abutting owner, containing approximately 3,812 square feet of land, located near the intersection of St. Augustine and Bruton Roads - Revenue: \$5,400, plus the \$20 ordinance publication fee

CONSENT AGENDA (Continued)

Sustainable Development and Construction (Continued)

30. An ordinance abandoning a water easement to Adler Property Companies, LLP, the abutting owner, containing approximately 1,463 square feet of land, located near the intersection of Perimeter Drive and Corporate Drive, providing for the dedication of approximately 1,386 square feet of land needed for a water easement - Revenue: \$5,400, plus the \$20 ordinance publication fee
31. An ordinance abandoning two alleys to Bishop Arts Village, LLC, the abutting owner, containing a total of approximately 20,000 square feet of land, located near the intersection of Bishop Avenue and 9th Street, and authorizing the quitclaim - Revenue: \$234,000, plus the \$20 ordinance publication fee

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

32. 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)

Trinity Watershed Management

33. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Veterans Land Board of the State of Texas and King E. Rhodes, of an unimproved tract of land containing approximately 65,699 square feet, three slope easements containing a total of approximately 35,859 square feet, and two drainage easements containing a total of approximately 3,693 square feet, located on East Wheatland Road near its intersection with Lancaster Road for the Wheatland Road Improvement Project - Not to exceed \$92,176 (\$88,176 plus closing costs and title expenses not to exceed \$4,000) - Financing: General Obligation Commercial Paper Funds

ITEMS FOR FURTHER CONSIDERATION

Sustainable Development and Construction

34. An ordinance abandoning a portion of Quality Lane to Ainbinder Northwest Highway LLC, the abutting owner, containing approximately 36,127 square feet of land, located near the intersection of Abrams Road and Northwest Highway; authorizing the quitclaim and providing for the dedication of approximately 17,002 square feet of land needed for an easement - Revenue: \$975,068, plus the \$20 ordinance publication fee

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

DESIGNATED PUBLIC SUBSIDY MATTERS

Economic Development

35. Authorize the final renewal option (October 1, 2016 through September 30, 2017) for seven Business Assistance Centers (BACs) for a twelve-month service contract to provide technical assistance, incubator space and other support services to low-to-moderate income persons owning or starting microenterprises listed herein for each contract as follows: **(1)** Greater Dallas Hispanic Chamber of Commerce located at Bill J. Priest Institute 1402 South Corinth Street (BAC #1) in an amount not to exceed \$80,000; **(2)** The Dallas Black Chamber of Commerce located at 2922 Martin Luther King Jr. Boulevard, Building A, Suite 104 (BAC #2) in an amount not to exceed \$80,000; **(3)** CEN-TEX Certified Development Corporation dba Business & Community Lenders (BCL) of Texas to be located at the J. Erik Jonsson Central Library at 1515 Young Street, 5th floor Sammons Small Business Center (BAC #3) in an amount not to exceed \$40,000; **(4)** Business Assistance Center, Inc. located at 1201 West Camp Wisdom Road, Suite 224 (BAC #5) in an amount not to exceed \$80,000; **(5)** Organization of Hispanic Contractors Association dba Regional Hispanic Contractors Association to be located at 3918 North Hampton Road (BAC #6) in an amount not to exceed \$80,000; **(6)** Organization of Hispanic Contractors Association dba Regional Hispanic Contractors Association located at 2210 West Illinois Avenue (BAC #7) in an amount not to exceed \$80,000; and **(7)** CEN-TEX Certified Development Corporation dba Business & Community Lenders (BCL) of Texas located at 1322 Record Crossing (BAC #8) in an amount not to exceed \$80,000 - Total not to exceed \$520,000 - Financing: Current Funds
36. Authorize a New Markets Tax Credit (NMTC) transaction between the Dallas Development Fund (DDF) and its subsidiaries, Capital One N.A. and its subsidiaries (Capital One), and Cristo Rey Dallas High School, Inc., and its affiliates (Developer) for facility improvements and new construction at 1064 North St. Augustine Drive (Project) - Financing: No cost consideration to the City
37. Authorize an amendment to Resolution No. 14-2140, previously approved on December 10, 2014, to increase the Chapter 380 grant agreement amount by \$20,000 to partially offset the \$40,000 cost of enhanced security fencing for the Save A Lot grocery store project located at 3540 Simpson Stuart Road in Dallas, Texas - Not to exceed \$20,000 - Financing: 2012 Bond Funds (subject to appropriations)
38. Authorize **(1)** a start date of June 1, 2016 for grants recommended by the South Dallas/Fair Park Trust Fund Board's grant committee on June 13, 2016 and approved for recommendation to the City Manager by the South Dallas/Fair Park Trust Fund Advisory Board on July 27, 2016; **(2)** amendments to the South Dallas/Fair Park Trust Fund Grant Program to distinguish community and social services grant from economic development grants under the authority of Chapter 380 of the Texas Local Government Code (Chapter 380); and **(3)** an amendment to Resolution No. 15-1264, Section 2.A.b. to separate the eligible programs - Financing: No cost consideration to the City

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

39. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 759 for RR Regional Retail District uses in the location generally bounded by West Mockingbird Lane, Forest Park Road, Empire Central and Maple Avenue
Recommendation of Staff and CPC: Approval, subject to a revised conceptual plan and conditions
Z156-279(WE)
40. A public hearing to receive comments regarding an application for and an ordinance granting an RR Regional Retail District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an MC-3 Multiple Commercial District, on the south side of the President George Bush Turnpike, and the north side of Frankford Road, east of Coit Road
Recommendation of Staff: Approval
Recommendation of CPC: Approval, subject to deed restrictions volunteered by the applicant
Z156-292(JM)
41. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1907 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay on the southeast corner of Samuell Boulevard and North Jim Miller Road
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions
Z156-314(PD)
42. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the southwest side of Peavy Road, northwest of Garland Road
Recommendation of Staff and CPC: Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions
Z156-315(JM)
43. A public hearing to receive comments regarding an application for and an ordinance granting an MU-3 Mixed Use District on property zoned an IR Industrial Research District on the south side of Quaker Street at the terminus of Iberia Avenue
Recommendation of Staff and CPC: Approval
Z156-319(ND)

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

44. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a commercial amusement (inside) for a dance hall and for the sale or service of alcohol in conjunction of a commercial amusement (inside) use on property zoned Subarea 6 within Planned Development District No. 366-D-1 with a D-1 Liquor Control Overlay, on the east side of South Buckner Boulevard, south of Scyene Circle
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
Z156-208(OTH)
45. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-in service on property within Subarea 6 of Planned Development District No. 366-D-1, the Buckner Boulevard Special Purpose District with a D-1 Liquor Control Overlay on the east side of South Buckner Boulevard, between Scyene Road and Bearden Lane
Recommendation of Staff: Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions
Recommendation of CPC: Approval for a two-year period, subject to a site plan and conditions
Z156-320(WE)
46. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 937 for R-7.5(A) Single Family District uses and an open-enrollment charter school on the southwest corner of Korgan Street and South Ewing Avenue
Recommendation of Staff and CPC: Approval, subject to conditions
Z156-328(WE)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

Sustainable Development and Construction (Continued)

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

47. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a liquor store on property zoned Subarea 1 within Planned Development District No. 298, the Bryan Area Special Purpose District at the northwest corner of Ross Avenue and North Haskell Avenue

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

Z156-283(JM)

Note: This item was considered by the City Council at a public hearing on October 26, 2016, and was deferred until November 9, 2016, with the public hearing open

Tax Foreclosed and Seizure Warrant Property Resales
Agenda Item # 26

<u>Parcel No.</u>	<u>Address</u>	<u>Vac/ Imp</u>	<u>Council District</u>	<u>Zoning</u>	<u>Parcel Size</u>	<u>off Amount</u>	<u>Bids Rec'd</u>	<u>Bid Amount</u>	<u>Bid Amount</u>	<u>DCAD</u>	<u>Highest Bidder</u>
1	2314 2nd	V	7	PD-595	.3226	\$14,050.00	11	\$1,000.00	\$11,223.00	\$14,050.00	Leo Watts
2	1312 E. 10th	V	4	PD-388	.1137	\$7,430.00	6	\$1,000.00	\$7,000.00	\$7,430.00	Ciel Elizalde
3	2730 Alaska	V	4	R-7.5(A)	.2602	\$16,855.00	13	\$1,000.00	\$18,091.40	\$17,500.00	Nereida Vasquez
4	409 Avenue A	V	4	R-5(A)	.0832	\$5,000.00	9	\$1,000.00	\$12,600.00	\$5,000.00	Laura Aveton
5	1304 Baden	V	4	LI	.0767	\$4,600.00	7	\$1,000.00	\$3,300.00	\$4,600.00	Aurelio Martinez
6	1308 Baden	V	4	LI	.0808	\$4,600.00	7	\$1,000.00	\$3,300.00	\$4,600.00	Aurelio Martinez
7	1312 Baden	V	4	LI	.0744	\$4,600.00	8	\$1,000.00	\$3,500.00	\$4,600.00	Aurelio Martinez
8	1314 Baden	V	4	LI	.0792	\$4,600.00	7	\$1,000.00	\$3,500.00	\$4,600.00	Aurelio Martinez
9	1318 Baden	V	4	LI	.0805	\$4,600.00	8	\$1,000.00	\$3,300.00	\$4,600.00	Aurelio Martinez
10	1300 Baden	V	4	LI	.0775	\$4,600.00	6	\$1,000.00	\$3,300.00	\$4,600.00	Aurelio Martinez
11	1615 Bannock	V	7	PD-595	.1721	\$6,750.00	4	\$1,000.00	\$4,189.50	\$6,750.00	Kimiaki Itamura
12	1215 Bliss	V	4	LI	.3235	\$10,475.00	3	\$1,000.00	\$2,000.00	\$13,800.00	Lupe Valdez
13	2204	V	4	R-7.5(A)	.1189	\$5,400.00	5	\$1,000.00	\$4,934.00	\$5,400.00	Leo Watts
14	Bonnie View 2437 Cedar Crest	V	4	CR	.7174	\$18,850.00	3	\$1,500.00	\$6,330.00	\$31,250.00	Benito Mojica
15	4413 Cinda Ree	V	4	R-7.5(A)	.2114	\$18,443.00	1	\$1,000.00	\$4,375.00	\$12,000.00	Nextlots Now L.L.C.
16	1009 Claude	V	4	R-5(A)	.1519	\$11,500.00	11	\$1,000.00	\$8,778.00	\$11,500.00	Leo Watts
17	1015 Claude	V	4	R-5(A)	.3348	\$14,380.00	13	\$1,000.00	\$12,100.00	\$14,380.00	Saul Celis
18	2217 Coldbrook	V	8	R-7.5(A)	.1663	\$8,000.00	4	\$1,000.00	\$5,175.00	\$8,000.00	Nextlots Now L.L.C.
19	2415 Dathe	I	7	PD-595	.1215	\$23,370.00	8	\$1,500.00	\$19,000.00	\$23,370.00	S & C Holdings, LLC
20	2961 Eagle	V	4	R-7.5(A)	.3124	\$12,000.00	7	\$1,000.00	\$6,895.00	\$12,000.00	Nextlots Now L.L.C.
21	8300 Elam	V	5	NS(A)	.4505	\$39,250.00	18	\$2,000.00	\$25,100.00	\$39,250.00	Zarina Persaud
22	8314 Elam	V	5	NS(A)	.9305	\$22,750.00	19	\$2,000.00	\$20,895.99	\$22,750.00	Stephene Tolocko
23	6249 Fenway	I	5	R-7.5(A)	.1761	\$29,260.00	15	\$4,000.00	\$32,000.00	\$24,710.00	Ismael Aguilar
24	3120 Fordham	I	4	R-7.5(A)	.3027	\$30,030.00	6	\$4,000.00	\$27,111.00	\$30,030.00	Vibeke Gamber
25	2422 Jordan	I	7	PD-595	.1045	\$47,830.00	10	\$6,000.00	\$24,000.00	\$47,830.00	Quentin McClellan
26	8421 Kingsfield	V	8	R-7.5(A)	.4607	\$7,718.00	2	\$1,000.00	\$3,200.00	\$14,000.00	Benito Mojica
27	3107 Kingsford	I	7	R-7.5(A)	.3500	\$7,352.00	4	\$2,000.00	\$9,112.00	\$20,000.00	James Carter
28	858 W. Laramie	V	8	R-7.5(A)	.2371	\$10,000.00	4	\$1,000.00	\$6,895.00	\$10,000.00	Nextlots Now L.L.C.
29	3907 Latimer	I	7	PD-595	.0765	\$25,419.00	9	\$4,500.00	\$26,600.00	\$50,320.00	Peter Tsai
30	214 S. Moore	V	4	LI	.1033	\$12,635.00	7	\$1,000.00	\$2,567.29	\$7,200.00	Kimiaki Itamura
31	2918 Morgan	V	8	R-7.5(A)	.4598	\$9,000.00	6	\$1,000.00	\$9,285.00	\$9,000.00	Nextlots Now L.L.C.
32	3414 Overton	V	4	R-5(A)	.1877	\$8,887.00	3	\$1,000.00	\$2,375.00	\$11,500.00	Nextlots Now L.L.C.
33	655 Pleasant Meadows	V	5	R-7.5(A)	.2063	\$12,000.00	2	\$1,000.00	\$6,895.00	\$12,000.00	Nextlots Now L.L.C.
34	1206 Presidio	V	4	R-7.5(A)	.2011	\$5,077.00	4	\$1,000.00	\$4,295.00	\$10,000.00	Nextlots Now L.L.C.
35	2910 Prosperity	V	4	R-7.5(A)	.4066	\$10,000.00	2	\$500.00	\$1,121.00	\$10,000.00	Leo Watts
36	3332 Rutledge	I	7	PD-595	.1065	\$27,422.00	1	\$6,000.00	\$7,777.00	\$39,490.00	John D'silva
37	3715 Savage	V	2	PD-67	.0657	\$24,380.00	14	\$1,000.00	\$50,001.00	\$28,280.00	Jesse Smith and Zachary Thompson
38	2517 St. Clair	V	7	PD 595	.1162	\$12,788.00	1	\$1,000.00	\$1,803.00	\$4,000.00	Julius Johnson III
39	3226 Tuskegee	V	7	PD-595	.0585	\$5,000.00	1	\$1,000.00	\$1,799.00	\$5,000.00	Leo Watts
40	3732 Vineyard	V	6	R-5(A)	.1636	\$12,000.00	7	\$1,000.00	\$10,000.00	\$12,000.00	Pedro Lara
41	8734 Wadlington	I	5	R-7.5(A)	.1584	\$31,570.00	19	\$4,000.00	\$31,900.00	\$31,770.00	S & C Holdings, LLC
42	2926 Wilhurt	V	4	R-7.5(A)	2.3010	\$18,509.00	9	\$2,000.00	\$15,101.00	\$24,000.00	Gaspar Alvarez
43	3613 York	I	7	PD-595	.1492	\$38,190.00	13	\$5,000.00	\$31,780.00	\$38,190.00	DHL&G Development Group, LLC

EXECUTIVE SESSION NOTICE

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

1. seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]
2. deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.072]
3. deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.073]
4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]
5. deliberating the deployment, or specific occasions for implementation, of security personnel or devices. [Tex. Govt. Code §551.076]
6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex Govt. Code §551.087]

AGENDA DATE November 9, 2016

ITEM	IND		DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
#	OK	DEF							
1			All	V	NA	NA	NA	NA	Approval of Minutes of the October 26, 2016 City Council Meeting
2			2	C	AVI, CON	NC	NA	NA	A resolution authorizing (1) the issuance and sale of Love Field Airport Modernization Corporation General Airport Revenue Bonds, Series 2016; in an aggregate principal amount not to exceed \$131,000,000; and (2) enacting other provisions in connection therewith - Financing: This action has no cost consideration to the City
3			2	C	AVI	\$79,195.85	NA	NA	Authorize an Other Transaction Agreement with the Federal Aviation Administration for a Limited Design and Implementation Reimbursable Agreement for the mitigation of impacts to the Instrument Landing System control cabling due to the rehabilitation of Taxiway Bravo at Dallas Love Field - Not to exceed \$79,196 - Financing: Aviation Capital Construction Funds
4			2	C	AVI	GT	NA	NA	Authorize an application for and acceptance of a grant from the Federal Aviation Administration for the federal share of the eligible capital improvement projects at Dallas Love Field - Not to exceed \$988,086 - Financing: Federal Aviation Administration Airport Improvement Program Grant Funds
5			All	C	PBD, LIB	\$855,360.00	100.00%	100.00%	Authorize a three-year service contract for grounds maintenance services for Library facilities - Christopher James Lofton dba Edens Touch Landscape Management, most advantageous proposer of five - Not to exceed \$855,360 - Financing: Current Funds (subject to annual appropriations)
6			All	C	PBD, OEM	\$567,368.00	0.00%	0.00%	Authorize a six-year service contract for preventive maintenance and repair services for the City's outdoor warning siren system - West Shore Services, Inc., most advantageous proposer of two - Not to exceed \$567,368 - Financing: Current Funds (subject to annual appropriations)
7			All	C	PBD, CIS	\$5,024,645.23	NA	NA	Authorize a three-year subscription and maintenance contract for a business information and process automation management system - Salesforce distributed by Carahsoft Technology Corporation, through the Department of Information Resources - Not to exceed \$5,024,646 - Financing: Current Funds (subject to annual appropriations)
8			All	C	PBD, EBS	REV \$13,260	NA	NA	Authorize a five-year concession contract, with two two-year renewal options, for the operation of snack vending machines at City facilities - Compass Group USA, Inc., only responsive proposer of two - Estimated Annual Average Net Revenue: \$13,260
9			All	C	PBD, POL	\$239,010.00	NA	NA	Authorize a three-year master agreement for traffic radar units - Applied Concepts, Inc. through the Houston-Galveston Area Council of Governments - Not to exceed \$239,010 - Financing: Current Funds
10			All	C	PBD, TWM, WTR	\$1,812,000.00	65.59%	0.00%	Authorize a three-year master agreement for lead free brass fittings and accessories - Fortiline, Inc. in the amount of \$933,900, Mueller Co., LLC in the amount of \$623,500, ACT Pipe & Supply, Inc. in the amount of \$223,300, 4-Star Hose & Supply, Inc. in the amount of \$29,500, and Winston Water Cooler, LTD in the amount of \$1,800, lowest responsible bidders of five - Total not to exceed \$1,812,000 - Financing: Current Funds (\$48,750), Stormwater Drainage Management Current Funds (\$67,750), and Water Utilities Current Funds (\$1,695,500)
11			N/A	C	HRD	\$172,000.00	NA	NA	Authorize a contract with Dallas Area Rapid Transit for the purchase of 265 annual passes in support of the City's clean air initiative - Not to exceed \$172,000 - Financing: Current Funds (to be partially reimbursed by participating employees)
12			2	C	STS	\$85,884.00	100.00%	80.41%	Authorize Supplemental Agreement No. 4 to the professional services contract with Civil Associates, Inc. for additional engineering design of the crossing gate arms and flashers needed for the Central Business District Fair Park Link from Hall Street to IH 30 - Not to exceed \$85,884, from \$533,499 to \$619,383 - Financing: 2006 Bond Funds
13			All	C	OEM	GT	NA	NA	Authorize (1) acceptance of the 2016 Homeland Security Grant from the Department of Homeland Security, for the Urban Area Security Initiative to provide funding for equipment acquisition, planning and training activities to enable the City to respond to natural and man-made disasters for the period October 1, 2016 through November 30, 2018; and (2) execution of the grant agreement - Not to exceed \$5,787,076 - Financing: U.S. Department of Homeland Security Grant Funds
14			N/A	C	OFS	NC	NA	NA	Authorize a public hearing to be held on December 14, 2016 to receive comments on proposed changes to the City of Dallas, Citizen Participation Plan for U.S. Department of Housing and Urban Development (HUD) Grants to incorporate revised HUD guidance relating to the new Assessment of Fair Housing and various non-substantive changes - Financing: No cost consideration to the City
15			12	C	PKR	GT	NA	NA	Authorize (1) acceptance of a reimbursable matching grant from Collin County in the amount of \$250,000; and (2) execution of an Interlocal Agreement with Collin County for the construction of a trail at Moss Glen Park located at 5200 Bentwood Trail - Not to exceed \$250,000 - Financing: Collin County Grant Funds

AGENDA DATE

November 9, 2016

ITEM	IND		DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
#	OK	DEF							
16			6, 13	C	PKR, STS	\$320,000.00	NA	NA	Authorize payment to Dallas County for reimbursement of project costs for the Northaven Trail Phase 2 located at Preston Road heading west mostly through Oncor right-of-way to Denton Drive at the Walnut Hill/Denton DART Station - Not to exceed \$320,000 - Financing: General Obligation Commercial Paper Funds
17			10	C	PKR	\$3,456,648.00	61.57%	27.46%	Authorize a contract with DENCO CS Corporation, best value proposer of six, for renovation of the former Jules E. Muchert Army Reserve armory facility which includes offices, maintenance facility conference center and other miscellaneous items for the Dallas Park and Recreation Department Operation and Maintenance Facility located at 10031 East Northwest Highway - Not to exceed \$3,456,648 - Financing: 2006 Bond Funds (\$659,166) and General Obligation Commercial Paper Funds (\$2,797,482)
18			10	C	PKR	\$2,178,556.00	32.20%	20.84%	Authorize a contract with JC Commercial, Inc., best value proposer of three, for a new service center building and repairs to an existing warehouse shed for Park Maintenance District 6 located at 10770 Bekay Street - Not to exceed \$2,178,556 - Financing: 2006 Bond Funds (\$810,521) and General Obligation Commercial Paper Funds (\$1,368,035)
19			4	C	PKR, TWM	\$263,608.00	0.00%	100.00%	Authorize an increase in the contract with C. Green Scaping, LP for updated quantities, equipment reconfiguration, erosion control and other miscellaneous items for the wetland supplemental environmental project at the Dallas Zoo located at 650 South R.L. Thornton Freeway - Not to exceed \$263,608, from \$1,570,918 to \$1,834,526 - Financing: Stormwater Drainage Management Capital Construction Funds
20			All	C	PKR	NC	NA	NA	An ordinance amending Chapter 41, Sections 41-1 and 41-2, of the Dallas City Code to prohibit smoking on park grounds without exceptions; providing a definition of park property; providing a penalty not to exceed \$200; providing a saving clause; providing a severability clause; and providing an effective date - Financing: This action has no cost consideration to the City
21			N/A	C	POL	GT	NA	NA	Internet Crimes Against Children Continuation Grant: Authorize (1) an application for and acceptance of the 2017 Internet Crimes Against Children Continuation Grant, from the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, for response to the sexual abuse and exploitation of children facilitated by the use of computer technology related to the investigation of the Internet-facilitated child exploitation, for the period July 1, 2016 through June 30, 2017; and (2) execution of the grant agreement - Not to exceed \$488,767 - Financing: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention Grant Funds
22			N/A	C	POL	NC	NA	NA	Internet Crimes Against Children Continuation Grant: Authorize a continuation of cooperative working agreements with the Dallas County District Attorney's Office in the amount of \$5,000, Potter County District Attorney's Office in the amount of \$3,000, Tarrant County District Attorney's Office in the amount of \$7,500, Collin County Sheriff's Office in the amount of \$18,000, Taylor County Sheriff's Office in the amount of \$3,000, Wichita County Sheriff's Office in the amount of \$5,000, Abilene Police Department in the amount of \$5,500, Amarillo Police Department in the amount of \$9,000, Arlington Police Department in the amount of \$13,000, Fort Worth Police Department in the amount of \$10,000, Garland Police Department in the amount of \$13,000, Longview Police Department in the amount of \$15,000, Lubbock Police Department in the amount of \$23,000 and the Dallas Children's Advocacy Center in the amount of \$37,000, for the period July 1, 2016 through June 30, 2017 through the 2017 Internet Crimes Against Children Continuation Grant supplement from July 1, 2016 through June 30, 2017 - Total not to exceed \$167,000 - Financing: This action has no cost consideration to the City
23			N/A	C	POL	GT	NA	NA	Authorize (1) an application for and acceptance of the City of Dallas - Intellectual Property Taskforce grant from the U.S. Department of Justice (Bureau of Justice Assistance), to initiate and address intellectual property theft in the areas of piracy, forgery and counterfeiting of various items for the period October 1, 2016 through September 30, 2018; and (2) execution of the grant agreement - Not to exceed \$358,534 - Financing: U.S. Department of Justice Grant Funds, Bureau of Justice Assistance Grant Funds
24			N/A	C	POL	GT	NA	NA	Authorize (1) an application for and acceptance of the Dallas Police Athletic League grant from the U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention passed through the Office of the Governor, Criminal Justice Division, to fund the purchase of equipment and protective gear for a boxing club program at the Forest Audelia Boxing Center, and purchase laptops for tutoring and the collection of data for the period October 1, 2016 through September 30, 2017; and (2) execution of the grant agreement - Not to exceed \$34,030 - Financing: Office of the Governor, Criminal Justice Division State Grant Funds

AGENDA DATE

November 9, 2016

ITEM	IND		DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
#	OK	DEF							
25			N/A	C	POL	GT	NA	NA	Authorize (1) an amendment to the Interlocal contract with Dallas County Community College District (dba El Centro College) to modify the clauses of the original contract and increase appropriations in an amount not to exceed \$75,000, from \$6,215,373 to \$6,290,373, for the two-year period September 1, 2015 through August 31, 2017; and (2) payment to Dallas County Community College District (dba El Centro College) for tuition costs for officers attending these classes - Not to exceed \$75,000 - Financing: - Texas Higher Education Coordinating Board Funds
26			2, 4, 5, 6, 7, 8	C	DEV	REV \$494,504.18	NA	NA	Authorize the quitclaim of 43 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: \$494,505
27			9	C	DEV, WTR	REV \$87,059	NA	NA	A resolution authorizing the conveyance of an aerial easement and right-of-way containing approximately 27 acres to the City of Garland for the construction and maintenance of electrical facilities across City-owned Lake Ray Hubbard - Revenue: \$87,059
28			2	C	DEV	REV \$1,100	NA	NA	An ordinance granting a private license to Butler Brothers Hospitality Group, LLC, for the use of a total of approximately 314 square feet of aerial space to install, occupy, use and maintain two canopies, one with lettering, one without lettering, over and above a portion of Ervay Street right-of-way, near its intersection with Young Street - Revenue: \$1,000 annually and \$100 one-time fee, plus the \$20 ordinance publication fee
29			7	C	DEV	REV \$5,400	NA	NA	An ordinance abandoning a storm water drainage easement to KIPP Dallas-Fort Worth, Inc., the abutting owner, containing approximately 3,812 square feet of land, located near the intersection of St. Augustine and Bruton Roads - Revenue: \$5,400, plus the \$20 ordinance publication fee
30			9	C	DEV	REV \$5,400	NA	NA	An ordinance abandoning a water easement to Adler Property Companies, LLP, the abutting owner, containing approximately 1,463 square feet of land, located near the intersection of Perimeter Drive and Corporate Drive, providing for the dedication of approximately 1,386 square feet of land needed for a water easement - Revenue: \$5,400, plus the \$20 ordinance publication fee
31			1	C	DEV	REV \$234,000	NA	NA	An ordinance abandoning two alleys to Bishop Arts Village, LLC, the abutting owner, containing a total of approximately 20,000 square feet of land, located near the intersection of Bishop Avenue and 9th Street, and authorizing the quitclaim - Revenue: \$234,000, plus the \$20 ordinance publication fee
32			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)
33			8	I	TWM, STS, ATT	\$92,176.00	NA	NA	Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Veterans Land Board of the State of Texas and King E. Rhodes, of an unimproved tract of land containing approximately 65,699 square feet, three slope easements containing a total of approximately 35,859 square feet, and two drainage easements containing a total of approximately 3,693 square feet, located on East Wheatland Road near its intersection with Lancaster Road for the Wheatland Road Improvement Project - Not to exceed \$92,176 (\$88,176 plus closing costs and title expenses not to exceed \$4,000) - Financing: General Obligation Commercial Paper Funds
34			9	I	DEV	REV \$975,068	NA	NA	An ordinance abandoning a portion of Quality Lane to Ainbinder Northwest Highway LLC, the abutting owner, containing approximately 36,127 square feet of land, located near the intersection of Abrams Road and Northwest Highway; authorizing the quitclaim and providing for the dedication of approximately 17,002 square feet of land needed for an easement - Revenue: \$975,068, plus the \$20 ordinance publication fee

AGENDA DATE

November 9, 2016

ITEM	IND		DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
#	OK	DEF							
35			All	I	ECO	\$520,000.00	NA	NA	Authorize the final renewal option (October 1, 2016 through September 30, 2017) for seven Business Assistance Centers (BACs) for a twelve-month service contract to provide technical assistance, incubator space and other support services to low-to-moderate income persons owning or starting microenterprises listed herein for each contract as follows: (1) Greater Dallas Hispanic Chamber of Commerce located at Bill J. Priest Institute 1402 South Corinth Street (BAC #1) in an amount not to exceed \$80,000; (2) The Dallas Black Chamber of Commerce located at 2922 Martin Luther King Jr. Boulevard, Building A, Suite 104 (BAC #2) in an amount not to exceed \$80,000; (3) CEN-TEX Certified Development Corporation dba Business & Community Lenders (BCL) of Texas to be located at the J. Erik Jonsson Central Library at 1515 Young Street, 5th floor Sammons Small Business Center (BAC #3) in an amount not to exceed \$40,000; (4) Business Assistance Center, Inc. located at 1201 West Camp Wisdom Road, Suite 224 (BAC #5) in an amount not to exceed \$80,000; (5) Organization of Hispanic Contractors Association dba Regional Hispanic Contractors Association to be located at 3918 North Hampton Road (BAC #6) in an amount not to exceed \$80,000; (6) Organization of Hispanic Contractors Association dba Regional Hispanic Contractors Association located at 2210 West Illinois Avenue (BAC #7) in an amount not to exceed \$80,000; and (7) CEN-TEX Certified Development Corporation dba Business & Community Lenders (BCL) of Texas located at 1322 Record Crossing (BAC #8) in an amount not to exceed \$80,000 - Total not to exceed \$520,000 - Financing: Current Funds
36			5	I	ECO	NC	NA	NA	Authorize a New Markets Tax Credit (NMTC) transaction between the Dallas Development Fund (DDF) and its subsidiaries, Capital One N.A. and its subsidiaries (Capital One), and Cristo Rey Dallas High School, Inc., and its affiliates (Developer) for facility improvements and new construction at 1064 North St. Augustine Drive (Project) - Financing: No cost consideration to the City
37			8	I	ECO	\$20,000.00	NA	NA	Authorize an amendment to Resolution No. 14-2140, previously approved on December 10, 2014, to increase the Chapter 380 grant agreement amount by \$20,000 to partially offset the \$40,000 cost of enhanced security fencing for the Save A Lot grocery store project located at 3540 Simpson Stuart Road in Dallas, Texas - Not to exceed \$20,000 - Financing: 2012 Bond Funds (subject to appropriations)
38			7	I	ECO	NC	NA	NA	Authorize (1) a start date of June 1, 2016 for grants recommended by the South Dallas/Fair Park Trust Fund Board's grant committee on June 13, 2016 and approved for recommendation to the City Manager by the South Dallas/Fair Park Trust Fund Advisory Board on July 27, 2016; (2) amendments to the South Dallas/Fair Park Trust Fund Grant Program to distinguish community and social services grant from economic development grants under the authority of Chapter 380 of the Texas Local Government Code (Chapter 380); and (3) an amendment to Resolution No. 15-1264, Section 2.A.b. to separate the eligible programs - Financing: No cost consideration to the City
39			2	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 759 for RR Regional Retail District uses in the location generally bounded by West Mockingbird Lane, Forest Park Road, Empire Central and Maple Avenue
40			12	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an RR Regional Retail District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an MC-3 Multiple Commercial District, on the south side of the President George Bush Turnpike, and the north side of Frankford Road, east of Coit Road
41			7	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1907 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay on the southeast corner of Samuell Boulevard and North Jim Miller Road
42			9	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the southwest side of Peavy Road, northwest of Garland Road
43			6	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an MU-3 Mixed Use District on property zoned an IR Industrial Research District on the south side of Quaker Street at the terminus of Iberia Avenue

AGENDA DATE November 9, 2016

ITEM	IND								DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
44			7	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a commercial amusement (inside) for a dance hall and for the sale or service of alcohol in conjunction of a commercial amusement (inside) use on property zoned Subarea 6 within Planned Development District No. 366-D-1 with a D-1 Liquor Control Overlay, on the east side of South Buckner Boulevard, south of Scyene Circle
45			5	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-in service on property within Subarea 6 of Planned Development District No. 366-D-1, the Buckner Boulevard Special Purpose District with a D-1 Liquor Control Overlay on the east side of South Buckner Boulevard, between Scyene Road and Bearden Lane
46			4	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 937 for R-7.5(A) Single Family District uses and an open-enrollment charter school on the southwest corner of Korgan Street and South Ewing Avenue
47			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 a liquor store on property zoned Subarea 1 within Planned Development District No. 298, the Bryan Area Special Purpose District at the northwest corner of Ross Avenue and North Haskell Avenue

TOTAL \$15,686,451.08

AGENDA ITEM # 2

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: November 9, 2016

COUNCIL DISTRICT(S): 2

DEPARTMENT: Aviation
City Controller

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

MAPSCO: 34E

SUBJECT

A resolution authorizing **(1)** the issuance and sale of Love Field Airport Modernization Corporation General Airport Revenue Bonds, Series 2016; in an aggregate principal amount not to exceed \$131,000,000; and **(2)** enacting other provisions in connection therewith - Financing: This action has no cost consideration to the City

BACKGROUND

On July 11, 2006, the City entered into the Five Party Agreement with the City of Fort Worth, The Dallas-Fort Worth International Airport Board, American Airlines, Inc., and Southwest to further the repeal of Dallas Love Field flight restrictions imposed by the Wright Amendment. The Five Party Agreement obligated the City to modernize Dallas Love Field, through the Love Field Modernization Program ("LFMP").

The LFMP includes the design and construction of all of the facilities, infrastructure systems and equipment for the operation of a modernized terminal/concourse complex at Dallas Love Field, including the terminal building, aircraft parking apron, fueling system, baggage handling systems, roadways and terminal curbside, and other supporting infrastructure encompassed within the elements of the LFMP.

In order to successfully complete the LFMP, in June 2008, the City Council authorized the creation of a local government corporation, the LFAMC, pursuant to the requirements of Chapter 431, Sub-chapter D of the Texas Transportation Code to aid, assist, and act on behalf of the City in the performance of its governmental functions to facilitate the LFMP and provide a mechanism for financing its costs.

BACKGROUND (Continued)

On January 27, 2010, the City Council approved Resolution No. 10-0360, which authorized the LFAMC to issue bonds, in one or more series, in the principal amount not to exceed \$500,000,000.00, subject to certain parameters set forth in the resolution; authorized the LFAMC to enter into a special facilities agreement, a trust indenture, and a bond purchase agreement; and authorized the City Manager to enter into the special facilities agreement and a revenue credit agreement.

In November 2010, the LFAMC issued its Love Field Airport Modernization Corporation Special Facilities Revenue Bonds, Series 2010 (Southwest Airlines Company - Love Field Modernization Project) in the aggregate principal amount of \$310,000,000.00 ("Series 2010 Bonds").

In May 2012, the LFAMC issued its Love Field Airport Modernization Corporation Special Facilities Revenue Bonds, Series 2012 (Southwest Airlines Co. - Love Field Modernization Project) in the aggregate principal amount of \$146,260,000.00 ("Series 2012 Bonds").

The City, the LFAMC and Southwest are parties to a special facilities agreement and the LFAMC and Wells Fargo Bank, National Association, as trustee, are parties to a trust indenture supporting the LFMP bond financing. Under the special facilities agreement, in consideration of Southwest's desire to manage the LFAMC, Southwest obligated itself to make 100% of the debt service payments on the Series 2010 and Series 2012 Bonds. Southwest provided a guaranty to the trustee that it would make the debt services payments on the Series 2010 and Series 2012 Bonds.

In 2013 and 2014, the City determined that it had an urgent need for additional parking at Dallas Love Field due to increased passenger loads. On January 28, 2015, the City Council authorized a resolution amending: (1) the Program Development Agreement by and among the City of Dallas ("the City"), Southwest Airlines Co. ("Southwest"), and the Love Field Airport Modernization Corporation ("LFAMC"); (2) the Ground Lease for the General Use Building by and between the City and Southwest; and (3) the Airport Use and Lease Agreement between the City and the signatory airlines serving Dallas Love Field to include the development of a future passenger parking garage at Dallas Love Field.

On 2015, the LFAMC approved a resolution authorizing the LFAMC to issue \$130,000,000 in general airport revenue bonds in order to initiate the design and construction of the Love Field parking garage and related improvements ("2015 Aviation Revenue Bonds"). On June 10, 2015, pursuant to Council Resolution No. 15-1051, the City Council authorized the sale of the 2015 Aviation Revenue Bonds. The 2015 Aviation Revenue Bonds constituted the first series of GARBs issued by the LFAMC for the financing of the parking garage and related improvements at Love Field.

BACKGROUND (Continued)

Design and construction of the parking garage and related improvements have advanced to the point where additional bond financing is necessary to complete the work. The LFAMC met prior to November 9, 2016 in order to consider the approval to issue a second series of general airport revenue bonds in the amount of \$131,000,000 ("2016 Aviation Revenue Bonds").

The City plans to use Underwriting Syndicate Team "A", which is comprised of JP Morgan, Bank of America Merrill Lynch, Morgan Stanley, RBC Capital Markets, Raymond James & Assoc., Stephens, Inc., Siebert Cisneros Shank & Co., Cabrera Capital Markets LLC, and Duncan-Williams, Inc. Siebert Cisneros Shank & Co. will be the Bookrunning Senior Manager and RBC Capital Markets will serve as the Co-Senior.

In order to provide security for the payment of the 2016 Aviation Revenue Bonds, the City and the LFAMC entered into a "Project Financing Agreement". The City agreed to transfer to the LFAMC revenues from the operation of Love Field after paying operation and maintenance expenses and funding an operation and maintenance reserve. The LFAMC assigned its rights under the Project Financing Agreement to the trustee administering the funds and accounts to be established for the benefit of the owners of the 2016 Aviation Revenue Bonds.

ESTIMATED SCHEDULE OF PROJECT

Approval of parameters ordinance	November 9, 2016
Pricing	December 8, 2016
Delivery of Proceeds	January 18, 2016

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Approved the Five Party Agreement, on June 28, 2006, by Resolution No. 06-1838.

Authorized the creation of the LFAMC, on June 25, 2008, by Resolution No. 08-1876.

City Council authorized the LFAMC to issue bonds, in one or more series, in the principal amount not to exceed \$500,000,000.00, subject to certain parameters set forth in the resolution; authorized the LFAMC to enter into a special facilities agreement, a trust indenture, and a bond purchase agreement; and authorized the City Manager to enter into the special facilities agreement and a revenue credit agreement on January 27, 2010, by Resolution No. 10-0360.

LFAMC issued the Series 2010 Bonds in the aggregate principal amount of \$310,000,000.00 on November 3, 2010.

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

LFAMC issued the Series 2012 Bonds in the aggregate principal amount of \$146,260,000.00 in May, 2012.

City Council authorized the issuance and sale of Love Field Airport Modernization Corporation General Airport Revenue Bonds, Series 2015; in an aggregate principal amount not to exceed \$130,000,000.00 ("2015 Aviation Revenue Bonds") on June 10, 2015, by Resolution No. 15-1051.

Information about this item on the upcoming bond sale was provided to the Budget, Finance and Audit Committee on October 17, 2016.

LFAMC Board meeting is scheduled on November 3, 2016, to consider approving the issuance of the 2016 Aviation Revenue Bonds.

FISCAL INFORMATION

This action has no cost consideration to the City.

November 9, 2016

WHEREAS, Love Field Airport Modernization Corporation (the "Corporation") was created under the auspices of the City of Dallas, Texas (the "City"); and,

WHEREAS, the Corporation was created in part for the purpose of assisting the development and redevelopment of Dallas Love Field ("Love Field"); and,

WHEREAS, the City desires that the Corporation assist in the financing of components of the Love Field Modernization Program (the "LFMP") at Love Field; and,

WHEREAS, the City and the Board of Directors of the Corporation have determined that it will be advisable to have the Corporation assist the City in financing a parking garage containing approximately 5,000 parking spaces and related infrastructure, together with the associated airport improvements, tasks and activities necessary for the design and construction of the public parking garage located at Love Field, as more fully described in Exhibit A to the hereinafter described Project Financing Agreement (the "Project"); and,

WHEREAS, to that end, the City and the Corporation have negotiated and will authorize the execution of a Project Financing Agreement, dated as of July 1, 2015 (the "Project Financing Agreement"), to provide for the design, construction and financing of the Project; and,

WHEREAS, the Project is a component of the LFMP; and,

WHEREAS, the Corporation and Wells Fargo Bank, National Association, as trustee, have executed and delivered that certain Indenture of Trust, dated as of July 1, 2015 (the "Indenture"); and,

WHEREAS, pursuant to the Indenture, the Corporation issued and delivered its Love Field Airport Modernization Corporation General Airport Revenue Bonds, Series 2015, in the aggregate principal amount of \$109,235,000 (the "Series 2015 Bonds"); and,

WHEREAS, on June 10, 2015, the City Council adopted a "Resolution Approving the Issuance of Bonds by the Love Field Airport Modernization Corporation in an Aggregate Amount not to Exceed \$130,000,000.00 and the Financing Documents Relating to the Sale of the Bonds" (the "City Resolution"), and pursuant to the terms of the City Resolution, the City approved the issuance of the Series 2015 Bonds, the Indenture and the Project Financing Agreement; and,

WHEREAS, the Corporation reserved the right in the Indenture to issue Additional Parity Bonds to finance the Project; and,

November 9, 2016

WHEREAS, the Indenture provides, and the offering documents prepared in the connection with the issuance of the Series 2015 Bonds specified, that certain conditions relating to the issuance of Additional Parity Bonds do not apply to the first \$250,000,000.00 in initial aggregate principal amount of General Airport Revenue Bonds issued by the Corporation to fund the costs of the design and construction of the Parking Garage, funding the Reserve Fund and other funds and accounts established by this Indenture, and related Costs of Issuance; and,

WHEREAS, under the terms of the Project Financing Agreement, the terms of the Project Financing Agreement apply to Additional Parity Bonds, including the Bonds hereinafter described; and,

WHEREAS, it is deemed necessary and advisable that this Resolution be adopted.

Now, Therefore,

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

Section 1. That this resolution (herein referred to as the "Bond Resolution") to be adopted by the Corporation, in substantially the form and substance as attached to this Resolution and made a part hereof for all purposes, are hereby approved, and general airport revenue bonds in a principal amount not to exceed \$131,000,000.00 (the "Bonds"), may be issued for the purpose of providing all or a portion of the cost of the Project; and the Bond Resolution, the Bonds and the Project are hereby approved. The parameters relating to the sale of the Bonds, as set forth in Section 7.1 of the Bond Resolution, must be complied with by the Corporation for the sale and delivery of the Bonds to be effected by the Corporation.

Section 2. That the City agrees that, in connection with the sale and delivery of the Bonds, the City shall comply with the provisions of Section 6.3(c) of the Bond Resolution.

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.

RESOLUTION AUTHORIZING THE ISSUANCE OF LOVE FIELD AIRPORT MODERNIZATION CORPORATION GENERAL AIRPORT REVENUE BONDS, SERIES 2016, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$131,000,000; APPROVING A BOND PURCHASE CONTRACT AND OTHER CONTRACT DOCUMENTS RELATING TO THE SERIES 2016 BONDS; AND CONTAINING OTHER PROVISIONS RELATED THERETO

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE LOVE FIELD AIRPORT MODERNIZATION CORPORATION:

ARTICLE I

RECITALS

WHEREAS, the City Council of the City of Dallas (the “City”) authorized the creation of the Love Field Airport Modernization Corporation (the “Corporation”) as a local government corporation for the public purpose of aiding, assisting, and acting on behalf of the City in the performance of its governmental functions to promote the City, including the development of the geographic areas of the City included at or in the vicinity of Love Field, a general aviation airport owned and operated by the City (“Love Field”); and

WHEREAS, the Corporation has heretofore issued bonds to finance components of the Love Field Modernization Project (the “LFMP”), and the issuance of such bonds was approved by the City Council; and

WHEREAS, the City and the Board of Directors of the Corporation have determined that it will be advisable to have the Corporation assist the City in financing a parking garage containing approximately 5,000 parking spaces and related infrastructure, together with the associated airport improvements, tasks and activities necessary for the design and construction of the public parking garage located at Love Field, as more fully described in Exhibit A to the hereinafter described Project Financing Agreement (the “Project”); and

WHEREAS, to that end, the City and the Corporation have negotiated and executed a Project Financing Agreement, dated as of July 1, 2015 (the “Project Financing Agreement”), to provide for the design, construction and the issuance of bonds from time to time to finance the Project; and

WHEREAS, the Project is a component of the LFMP; and

WHEREAS, the Corporation and Wells Fargo Bank, National Association, as trustee, have executed and delivered that certain Indenture of Trust, dated as of July 1, 2015 (the “Indenture”); and

WHEREAS, pursuant to the Indenture, the Corporation issued and delivered its Love Field Airport Modernization Corporation General Airport Revenue Bonds, Series 2015, in the aggregate principal amount of \$109,235,000 (the “Series 2015 Bonds”); and

WHEREAS, the Corporation reserved the right in the Indenture to issue Additional Parity Bonds to finance the Project; and

WHEREAS, the Indenture provides, and the offering documents prepared in the connection with the issuance of the Series 2015 Bonds specified, that certain conditions relating to the issuance of Additional Parity Bonds do not apply to the first \$250,000,000 in initial aggregate principal amount of General Airport Revenue Bonds issued by the Corporation to fund the costs of the design and construction of the Parking Garage, funding the Reserve Fund and other funds and accounts established by the Indenture, and related Costs of Issuance; and

WHEREAS, under the terms of the Project Financing Agreement, the terms of the Project Financing Agreement apply to Additional Parity Bonds, including the Series 2016 Bonds; and

WHEREAS, as permitted by Chapter 431, Texas Transportation Code, as amended, the Corporation desires to issue bonds upon the terms and conditions and for the purposes herein provided.

ARTICLE II

DEFINITIONS AND INTERPRETATIONS

Section 2.1: Definitions. In this Resolution, the following terms shall have the following meanings, unless the context clearly indicates otherwise. Terms not defined herein shall have the meanings assigned to such terms in the Indenture:

The term "Audit" shall mean the comprehensive annual financial report of the City.

The term "Authorized Denominations" shall mean \$5,000 or any integral multiple of \$5,000.

The term "Authorized Representative" shall mean the President or the Vice President of the Corporation, or any other person designated by the Board of Directors of the Corporation to act in such capacity. For purposes of executing the Purchase Contract, the term "Authorized Representative" includes the Chief Financial Officer of the City.

The term "Comptroller" shall mean the Comptroller of Public Accounts of the State of Texas.

The term "Dated Date" shall mean the dated date of the Bonds as identified in the Purchase Contract.

The term "Defeasance Securities" shall mean (i) Federal Securities, (ii) noncallable obligations of an agency or instrumentality of the United States of America, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date the Corporation adopts or approves proceedings authorizing the issuance of refunding bonds or, if such defeasance is not in connection with the issuance of refunding bonds, on the date the Corporation provides for the funding of an escrow to effect the defeasance of Parity Bonds, are rated as to investment quality by a nationally-recognized investment rating firm not less than "AAA" or its equivalent, (iii) noncallable obligations of a state or an agency or a county, municipality, or other

political subdivision of a state that have been refunded and that, on the date the Corporation adopts or approves proceedings authorizing the issuance of refunding bonds or, if such defeasance is not in connection with the issuance of refunding bonds, on the date the Corporation provides for the funding of an escrow to effect the defeasance of Parity Bonds, are rated as to investment quality by a nationally-recognized investment rating firm not less than "AAA" or its equivalent, or (iv) any other then authorized securities or obligations that may be used to defease obligations such as the Parity Bonds under the then applicable laws of the State of Texas.

The term "Designated Trust Office" shall mean the designated corporate trust office of the Registrar, which, as of the date of adoption of this Resolution, is located in Dallas, Texas.

The term "EMMA" shall mean the Electronic Municipal Market Access system administered by the MSRB.

The term "Federal Securities" shall mean direct, noncallable obligations of the United States of America, including obligations that are unconditionally guaranteed by the United States of America.

The term "Indenture" shall mean the Indenture of Trust dated as of July 1, 2015 between the Corporation and Wells Fargo Bank, National Association, as trustee, and its successors in that capacity.

The term "Issuance Date" shall mean the date on which the Series 2016 Bonds are authenticated by the Registrar and delivered to and paid for by the Underwriters.

The term "Love Field" has the meaning given said term in the preamble to this Resolution.

The term "MSRB" shall mean the Municipal Securities Rulemaking Board.

The terms "Paying Agent", "Paying Agent/Registrar" and "Registrar" shall mean Wells Fargo Bank, National Association, and its successors in that capacity.

The term "Project" shall mean the design and construction of a parking garage containing approximately 5,000 spaces and related infrastructure and improvements, located at Love Field, as more fully described in Exhibit A to the Project Financing Agreement, to be financed with the proceeds of bonds, including the Series 2016 Bonds.

The term "Project Financing Agreement" shall mean the Project Financing Agreement dated as of July 1, 2015, between the City and the Corporation.

The term "Purchase Contract" shall mean the Bond Purchase Agreement between the Corporation and the Underwriters, executed in connection with the sale of the Series 2016 Bonds.

The term "Record Date" shall mean, for any Interest Payment Date, the fifteenth day of the month next preceding each Interest Payment Date.

The term "Resolution" or "Bond Resolution" shall mean this resolution, and all amendments hereof and supplements hereto.

The term "Rule" means SEC Rule 15c2-12, as amended from time to time.

The term "SEC" means the United States Securities and Exchange Commission.

The term "Series 2015 Bonds" shall mean the Corporation's General Airport Revenue Bonds, Series 2015, issued on August 18, 2015, in the aggregate principal amount of \$109,235,000.

The term "Series 2016 Bonds" or "Bonds" shall mean the Corporation's General Airport Revenue Bonds, Series 2016, authorized by this Resolution.

The term "Special Record Date" has the meaning given said term in the FORM OF BOND set forth in Exhibit A to this Resolution.

The term "Underwriters" shall mean _____, as senior managing underwriter, and such other investment banking firms named in the Purchase Contract.

Section 2.2: Interpretations. All terms defined herein and all pronouns used in this Resolution shall be deemed to apply equally to singular and plural and to all genders. The titles and headings of the articles and sections of this Resolution have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof. References to any constitutional, statutory or regulatory provision means such provision as it exists on the date this Resolution is adopted by the Corporation and any future amendments thereto or successor provisions thereof. This Resolution and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein and to sustain the validity of the Parity Bonds and the validity of the lien on and pledge of the Pledged Revenues to secure the payment of the Parity Bonds.

ARTICLE III

TERMS OF THE BONDS

Section 3.1: Maximum Amount, Purpose, Authorization. The Series 2016 Bonds shall be issued in fully registered form, without coupons, numbered consecutively from R-1 upward, in an aggregate principal amount not to exceed \$131,000,000 for the purpose of (1) paying the costs of the Project, (2) making a deposit to the Reserve Fund and (3) paying Costs of Issuance, all under and pursuant to the authority of the Act and all other applicable law.

Section 3.2: Sale of the Series 2016 Bonds. The sale of the Series 2016 Bonds to the Underwriters, at the price, terms and conditions set forth in the Purchase Contract, is hereby approved. The Authorized Representative is hereby authorized to act for and on behalf of the Corporation in connection with the issuance and sale of the Series 2016 Bonds and pursuant to such authority may execute and deliver the Purchase Contract, substantially in the form attached to this Resolution. The Authorized Representative's approval of the Purchase Contract shall be conclusively evidenced by the execution thereof. The execution of the Purchase Contract shall be subject to the terms of Section 7.1 hereof.

Section 3.3: Execution of Series 2016 Bonds. The Series 2016 Bonds shall be signed on behalf of the Corporation by the President and countersigned by the Secretary by their manual, lithographed, or facsimile signatures. Such facsimile signatures on the Series 2016 Bonds shall have the same effect as if each of the Series 2016 Bonds had been signed manually and in person by each of said officers. If any officer of the Corporation whose manual or facsimile signature shall appear on the Series 2016 Bonds shall cease to be such officer before the authentication of such Series 2016 Bonds or before the delivery of such Series 2016 Bonds, such manual or facsimile signature shall nevertheless be valid and sufficient for all purposes as if such officer had remained in such office.

Section 3.4: Approval by Attorney General; Registration by Comptroller. The Series 2016 Bonds to be initially issued shall be delivered to the Attorney General of Texas for examination and approval and shall be registered by the Comptroller. The manually executed registration certificate of the Comptroller substantially in the form provided in Exhibit A to this Resolution shall be affixed or attached to the Series 2016 Bonds to be initially issued and delivered to the Underwriters.

Section 3.5: Authentication. Except for the Series 2016 Bonds to be initially issued, which need not be authenticated by an authorized representative of the Registrar, only such Series 2016 Bonds as shall bear thereon a certificate of authentication substantially in the form provided in Exhibit A to this Resolution, manually executed by an authorized representative of the Registrar, shall be entitled to the benefits of this Resolution or shall be valid or obligatory for any purpose. Such duly executed certificate of authentication shall be conclusive evidence that the Series 2016 Bond so authenticated was delivered by the Registrar hereunder.

The Registrar, when it authenticates a Series 2016 Bond, shall cause the Dated Date to be stamped, typed or imprinted on such Series 2016 Bond. Series 2016 Bonds issued on transfer of or in exchange for other Series 2016 Bonds shall bear the same Dated Date as the Series 2016 Bond or Series 2016 Bonds presented for transfer or exchange.

Section 3.6. Payment of Principal and Interest. The Registrar is hereby appointed as the registrar and paying agent for the Series 2016 Bonds. The principal of the Series 2016 Bonds shall be payable, without exchange or collection charges, in any coin or currency of the United States of America which, on the date of payment, is legal tender for the payment of debts due the United States of America, upon their presentation and surrender as they respectively become due and

payable, whether at maturity or by prior redemption, at the Designated Trust Office. The interest on each Series 2016 Bond shall be payable by check payable on the Interest Payment Date, mailed by the Registrar on or before each Interest Payment Date to the Owner of record as of the Record Date, to the address of such Owner as shown on the Register, or by such other method, acceptable to the Registrar, requested by and at the risk and expense of the Owner.

If the date for the payment of principal or interest on any Series 2016 Bond is not a Business Day, then the date for such payment shall be the next succeeding Business Day, and payment on such date shall have the same force and effect as if made on the original date such payment was due.

Section 3.7. Successor Registrars. The Corporation covenants that at all times while any Series 2016 Bond is Outstanding it will provide a commercial bank or trust company organized under the laws of the State of Texas or other entity duly qualified and legally authorized to act as Registrar for the Series 2016 Bonds. The Corporation reserves the right to change the Registrar for the Series 2016 Bonds on not less than sixty (60) days written notice to the Registrar, so long as any such notice is effective not less than sixty (60) days prior to the next succeeding Principal Installment Payment Date or Interest Payment Date on the Series 2016 Bonds. Promptly upon the appointment of any successor Registrar, the previous Registrar shall deliver the Register or a copy thereof to the new Registrar, and the new Registrar shall notify each Owner, by United States mail, first class postage prepaid, of such change and of the address of the new Registrar. Each Registrar hereunder, by acting in that capacity, shall be deemed to have agreed to the provisions of this Section.

Section 3.8. Special Record Date. If interest on any Series 2016 Bond is not paid on any Interest Payment Date and continues unpaid for thirty (30) days thereafter, the Registrar shall establish a new record date for the payment of such interest, to be known as a "Special Record Date". The Registrar shall establish a Special Record Date when funds to make such interest payment are received from or on behalf of the Corporation. Such Special Record Date shall be fifteen (15) days prior to the date fixed for payment of such past due interest, and notice of the date of payment and the Special Record Date shall be sent by United States mail, first class, postage prepaid, not later than five (5) days prior to the Special Record Date, to each Owner or record of an affected Series 2016 Bond as of the close of business on the day prior to the mailing of such notice.

Section 3.9. Ownership; Unclaimed Principal and Interest. Subject to the further provisions of this Section, the Corporation, the Registrar and any other person may treat the person in whose name any Series 2016 Bond is registered as the absolute Owner of such Series 2016 Bond for the purpose of making and receiving payment of the principal of or interest on such Series 2016 Bond, and for all other purposes, whether such Series 2016 Bond is overdue, and neither the Corporation nor the Registrar shall be bound by any notice or knowledge to the contrary. All payments made to the person deemed to be the Owner of any Series 2016 Bond in accordance with this Section 3.9 shall be valid and effectual and shall discharge the liability of the Corporation and the Registrar upon such Series 2016 Bond to the extent of the sums paid.

Amounts held by the Registrar which represent principal of and interest on the Series 2016 Bonds remaining unclaimed by the Owner after the expiration of three (3) years from the date such amounts have become due and payable shall be reported and disposed of by the Registrar in

accordance with the applicable provisions of Texas law including, to the extent applicable, Title 6 of the Texas Property Code.

Section 3.10. Registration, Transfer, and Exchange. So long as any Series 2016 Bond remains Outstanding, the Registrar shall keep the Register at the Designated Trust Office and, subject to such reasonable regulations as it may prescribe, the Registrar shall provide for the registration and transfer of Series 2016 Bonds in accordance with the terms of this Resolution.

Each Series 2016 Bond shall be transferable only upon the presentation and surrender thereof at the Designated Trust Office of the Registrar, duly endorsed for transfer, or accompanied by an assignment duly executed by the Registered Owner or his authorized representative in form satisfactory to the Registrar. Upon due presentation of any Series 2016 Bond in proper form for transfer, the Registrar shall authenticate and deliver in exchange therefor, within three (3) Business Days after such presentation, a new Series 2016 Bond or Series 2016 Bonds, registered in the name of the transferee or transferees, in Authorized Denominations and of the same maturity, aggregate principal amount, and Dated Date, and bearing interest at the same rate as the Series 2016 Bond or Series 2016 Bonds so presented.

All Series 2016 Bonds shall be exchangeable upon presentation and surrender thereof at the Designated Trust Office of the Registrar for a Series 2016 Bond or Series 2016 Bonds of the same maturity, Dated Date, and interest rate and in any Authorized Denomination, in an aggregate amount equal to the unpaid principal amount of the Series 2016 Bond or Series 2016 Bonds presented for exchange. The Registrar shall be and is hereby authorized to authenticate and deliver exchange Series 2016 Bonds in accordance with the provisions of this Section 3.10. Each Series 2016 Bond delivered in accordance with this Section 3.10 shall be entitled to the benefits and security of this Resolution to the same extent as the Series 2016 Bond or Series 2016 Bonds in lieu of which such Series 2016 Bond is delivered.

The Corporation or the Registrar may require the Owner of any Series 2016 Bond to pay a sum sufficient to cover any tax or other governmental charge that may be imposed in connection with the transfer or exchange of such Series 2016 Bond. Any fee or charge of the Registrar for such transfer or exchange shall be paid by the Corporation.

The Registrar shall not be required to transfer or exchange any Series 2016 Bond during the period beginning on a Record Date or a Special Record Date and ending on the next succeeding Interest Payment Date or to transfer or exchange any Series 2016 Bond called for redemption during the period beginning thirty days prior to the date fixed for redemption and ending on the date fixed for redemption; provided, however, that this limitation shall not apply to the exchange by the Owner of the unredeemed portion of a Series 2016 Bond called for redemption in part.

Section 3.11. Cancellation of Series 2016 Bonds. All Series 2016 Bonds paid or redeemed in accordance with this Resolution, and all Series 2016 Bonds in lieu of which exchange Series 2016 Bonds or replacement Series 2016 Bonds are authenticated and delivered in accordance herewith, shall be canceled and thereafter treated in accordance with the Registrar's document retention policies.

Section 3.12. Mutilated, Lost, or Stolen Series 2016 Bonds. Upon the presentation and surrender to the Registrar of a mutilated Series 2016 Bond, the Registrar shall authenticate and deliver in exchange therefor a replacement Series 2016 Bond of like maturity, Dated Date, interest rate and principal amount, bearing a number not contemporaneously Outstanding. The Corporation or the Registrar may require the Owner of such Series 2016 Bond to pay a sum sufficient to cover any tax or other governmental charge that may be imposed in connection therewith and any other expenses connected therewith, including the fees and expenses of the Registrar.

If any Series 2016 Bond is lost, apparently destroyed, or wrongfully taken, the Corporation, pursuant to the applicable laws of the State of Texas and in the absence of notice or knowledge that such Series 2016 Bond has been acquired by a bona fide purchaser, shall execute and the Registrar shall authenticate and deliver a replacement Series 2016 Bond of like maturity, Dated Date, interest rate and principal amount, bearing a number not contemporaneously Outstanding, provided that the Owner thereof shall have:

- (1) furnished to the Registrar satisfactory evidence of the ownership of and the circumstances of the loss, destruction or theft of such Series 2016 Bond;
- (2) furnished such security or indemnity as may be required by the Registrar to save it and the Corporation harmless;
- (3) paid all expenses and charges in connection therewith, including, but not limited to, printing costs, legal fees, fees of the Registrar and any tax or other governmental charge that may be imposed; and
- (4) met any other reasonable requirements of the Corporation and the Registrar.

If, after the delivery of such replacement Series 2016 Bond, a bona fide purchaser of the original Series 2016 Bond in lieu of which such replacement Series 2016 Bond was issued presents for payment such original Series 2016 Bond, the Corporation and the Registrar shall be entitled to recover such replacement Series 2016 Bond from the person to whom it was delivered or any person taking therefrom, except a bona fide purchaser, and shall be entitled to recover upon the security or indemnity provided therefor to the extent of any loss, damage, cost or expense incurred by the Corporation or the Registrar in connection therewith.

If any such mutilated, lost, apparently destroyed or wrongfully taken Series 2016 Bond has become or is about to become due and payable, the Corporation in its discretion may, instead of issuing a replacement Series 2016 Bond, authorize the Registrar to pay such Series 2016 Bond.

Each replacement Series 2016 Bond delivered in accordance with this Section 3.12 shall be entitled to the benefits and security of this Resolution to the same extent as the Series 2016 Bond or Series 2016 Bonds in lieu of which such replacement Series 2016 Bond is delivered.

Section 3.13: Redemption. The Series 2016 Bonds are subject to redemption under the conditions, on the dates, and for the redemption prices set forth in the Purchase Contract. If less than all of the Series 2016 Bonds are to be redeemed, the Corporation shall determine the particular Series 2016 Bonds or portions thereof to be redeemed.

Principal amounts may be redeemed only in integral multiples of \$5,000. Upon surrender of any Series 2016 Bond for redemption in part, the Registrar, in accordance with Section 3.10 hereof, shall authenticate and deliver in exchange therefor a Series 2016 Bond or Series 2016 Bonds of like maturity, Dated Date, and interest rate in an aggregate principal amount equal to the unredeemed portion of the Series 2016 Bond so surrendered.

Unless waived by the Owner, notice of any redemption identifying the Series 2016 Bonds to be redeemed in whole or in part shall be given by the Registrar at least thirty days prior to the date fixed for redemption by sending written notice by first class mail, postage prepaid, to the Owner of each Series 2016 Bond to be redeemed in whole or in part at the address shown on the Register. Such notices shall state the redemption date, the redemption price, the place at which Series 2016 Bonds are to be surrendered for payment and, if less than all Series 2016 Bonds Outstanding of a particular maturity are to be redeemed, the numbers of the Series 2016 Bonds or portions thereof of such maturity to be redeemed. Any notice given as provided in this Section 3.13 shall be conclusively presumed to have been duly given, whether the Owner receives such notice. By the date fixed for redemption, due provision shall be made with the Registrar for payment of the redemption price of the Series 2016 Bonds or portions thereof to be redeemed, plus accrued interest to the date fixed for redemption. When Series 2016 Bonds have been called for redemption in whole or in part and due provision has been made to redeem the same as herein provided, the Series 2016 Bonds or portions thereof so redeemed shall no longer be regarded as Outstanding except for the purpose of receiving payment solely from the funds so provided for redemption, and the rights of the Owners to collect interest which would otherwise accrue after the redemption date on any Series 2016 Bond or portion thereof called for redemption shall terminate on the date fixed for redemption.

The foregoing notwithstanding, any redemption of Series 2016 Bonds at the option of the Corporation may be made conditional, upon the occurrence of certain conditions as set forth in the Form of Bond as set forth in Exhibit A to this Resolution.

Should ownership of the Series 2016 Bonds be established in accordance with the book-entry-only system of The Depository Trust Company ("DTC"), the Paying Agent for the Series 2016 Bonds shall notify DTC that in the exercise by DTC of the selection of Series 2016 Bonds for redemption, the Series 2016 Bonds shall be so selected by DTC in such a manner that no beneficial owner of Series 2016 Bonds shall own less than \$100,000 in principal amount of any Series 2016 Bonds of any one maturity.

Section 3.14: Limited Obligations. THE SERIES 2016 BONDS ARE A LIMITED OBLIGATION OF THE CORPORATION, PAYABLE SOLELY OUT OF THE TRUST ESTATE, WHICH IS THE SOLE ASSET OF THE CORPORATION PLEDGED THEREFOR. THE SERIES 2016 BONDS ARE OBLIGATIONS SOLELY OF THE CORPORATION AND DO NOT

CONSTITUTE, WITHIN THE MEANING OF ANY STATUTORY OR CONSTITUTIONAL PROVISION, AN INDEBTEDNESS, AN OBLIGATION OR A LOAN OF CREDIT OF THE CITY, THE STATE OF TEXAS, OR ANY OTHER MUNICIPALITY, COUNTY, OR OTHER MUNICIPAL OR POLITICAL CORPORATION OR SUBDIVISION OF THE STATE OF TEXAS. THE CITY IS NOT OBLIGATED TO MAKE PAYMENTS IN SUPPORT OF THE DEBT SERVICE ON THE SERIES 2016 BONDS FROM ANY SOURCES, OTHER THAN THE NET REVENUES AS DESCRIBED IN THE INDENTURE.

ARTICLE IV

FORM OF SERIES 2016 BONDS AND CERTIFICATES

Section 4.1: Forms. The form of the Series 2016 Bonds, including the form of the Registrar's authentication certificate, the form of assignment, and the form of the Comptroller's Registration Certificate for the Series 2016 Bonds to be initially issued, shall be in substantially the form as set forth in Exhibit A to this Resolution.

Section 4.2: Legal Opinion; Cusip Numbers; Bond Insurance. The approving opinion of Bond Counsel and CUSIP Numbers may be printed on the Series 2016 Bonds, but errors or omissions in the printing of such opinion or such numbers shall have no effect on the validity of the Series 2016 Bonds. If bond insurance is obtained by the Underwriters, the Series 2016 Bonds may bear an appropriate legend as provided by the insurer.

ARTICLE V

ADDITIONAL BONDS

Section 5.1: Additional Parity Bonds. The Corporation reserves the right to issue, for any lawful purpose (including the refunding of any previously issued Parity Bonds), one or more series of Additional Parity Bonds payable from and secured by a first lien on the Pledged Revenues, on a parity with the Series 2016 Bonds, and any previously issued Additional Parity Bonds; provided, however, that Additional Parity Bonds may be issued only in accordance with the provisions of Article III of the Indenture.

Section 5.2: Subordinate Lien Obligations. The Corporation reserves the right to issue, for any lawful purpose, Subordinate Lien Obligations secured in whole or in part by liens on the Pledged Revenues that are junior and subordinate to the lien on Pledged Revenues securing payment of the Parity Bonds. Such Subordinate Lien Obligations may be further secured by any other source of payment lawfully available for such purposes.

ARTICLE VI

GENERAL COVENANTS

Section 6.1: Punctual Payment of Parity Bonds. The Corporation will punctually pay or cause to be paid the interest on and principal of all Parity Bonds according to the terms thereof and will faithfully do and perform, and at all times fully observe, any and all covenants, undertakings, stipulations and provisions contained in this Resolution and in any resolution authorizing the issuance of Additional Parity Bonds.

Section 6.2: Accounts, Records, and Audits. So long as any Parity Bond remains Outstanding, the Corporation covenants and agrees that it will maintain a proper and complete system of records and accounts pertaining to the Corporation in which full, true and proper entries will be made of all dealings, transactions, business and affairs which in any way affect or pertain to the Corporation or the Pledged Revenues. The Audit shall be prepared by an independent certified public accountant or independent firm of certified public accountants after the close of each Fiscal Year. Information relating to Love Field and the Net Revenues will be incorporated as part of the Audit. All expenses incurred in preparing Audits shall be payable by the City.

Section 6.3: Pledge and Encumbrance of Pledged Revenues. (a) The Corporation covenants and represents that it has the lawful power to create a lien on and to pledge the Pledged Revenues to secure the payment of the Parity Bonds and has lawfully exercised such power under the Constitution and laws of the State of Texas. The Corporation further covenants and represents that, other than to the payment of the Parity Bonds, the Pledged Revenues are not and will not be made subject to any other lien pledge or encumbrance to secure the payment of any debt or obligation of the Corporation, unless such lien, pledge or encumbrance is junior and subordinate to the lien and pledge securing payment of the Parity Bonds.

(b) Pursuant to the terms of the Project Financing Agreement, the City is obligated to make available to the Corporation Net Revenues, on the dates and in the manner provided in the Project Financing Agreement, in amounts sufficient to pay the principal of and interest on outstanding Parity Bonds, to restore any deficiency in the Reserve Fund, and to pay the fees and expenses of the Trustee and the Paying Agent/Registrar incurred in connection with the administration of the Trust Estate and the payment of debt service on the Parity Bonds. The Corporation has assigned to the Trustee its rights, title and interests in the Net Revenues, and will cause the Trustee to deposit Net Revenues so received to the credit of the Pledged Revenue Fund and used in accordance with the terms of the Indenture.

(c) By approving this Resolution, the City agrees that for so long as any Parity Bond is Outstanding, commencing on the Issuance Date, the City will not amend the Lease or the Project Financing Agreement in a manner that is materially adverse to the interests of the owners of the Parity Bonds.

Section 6.4: Owners' Remedies. This Resolution shall constitute a contract between the Corporation and the Owners of the Parity Bonds from time to time Outstanding and this Resolution shall be and remain irrevocable until the Parity Bonds and the interest thereon shall be fully paid or discharged or provision therefor shall have been made as provided herein. In the event of a default in the payment of the principal of or interest on any of the Parity Bonds or a default in the performance of any duty or covenant provided by law or in this Resolution, the Owner or Owners of any of the Parity Bonds may pursue all legal remedies afforded by the Constitution and laws of the State of Texas to compel the Corporation to remedy such default and to prevent further default or defaults. Without in any way limiting the generality of the foregoing, it is expressly provided that any Owner of any of the Parity Bonds may at law or in equity, by suit, action, mandamus, or other proceedings, enforce and compel performance of all duties required to be performed by the Corporation under this Resolution, the deposit of the Pledged Revenues into the special funds herein provided and in accordance with the terms of the Indenture, and the application of such Pledged Revenues in the manner required in this Resolution. The foregoing notwithstanding, acceleration of the Parity Bonds is not an available remedy. The sole source of the Corporation available for the payment of debt service on the Parity Bonds is and shall be the Pledged Revenues.

Section 6.5: Discharge by Deposit. (a) That any Parity Bond and the interest thereon shall be deemed to be paid, retired and no longer Outstanding (a "Defeased Obligation"), except to the extent hereinafter provided in this Section 6.5, when payment of the principal of such Parity Bond, plus interest thereon to the due date (whether such due date be by reason of maturity or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof, or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to the Paying Agent/Registrar in accordance with an escrow agreement or other similar instrument (the "Future Escrow Agreement") for such payment (1) lawful money of the United States of America sufficient to make such payment or (2) Defeasance Securities that mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money to provide for such payment, and when proper arrangements have been made by the Board with the Trustee for the payment of its services until all Defeased Obligations shall have become due and payable. At such time as a Parity Bond shall be deemed to be a Defeased Obligation hereunder, as aforesaid, such Parity Bond and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of, the Debt Service Fund and the Reserve Fund, and such principal and interest shall be payable solely from such money or Defeasance Securities. Notwithstanding any other provision of this Resolution to the contrary, it is hereby provided that any determination not to redeem Defeased Obligations that is made in conjunction with the payment arrangements specified in clauses (i) or (ii) above shall not be irrevocable; *provided*, that in the proceedings providing for such payment arrangements, the Corporation (1) expressly reserves the right to call the Defeased Obligations for redemption; (2) gives notice of the reservation of that right to the owners of the Defeased Obligations immediately following the making of the payment arrangements; and (3) directs that notice of the reservation be included in any redemption notices that it authorizes.

(b) Any moneys so deposited with the Trustee may be invested at the written direction of the Corporation in Defeasance Securities, maturing in the amounts and times as hereinbefore set forth, and all income from such Defeasance Securities received by the Trustee that is not required for the payment of the Bonds and interest thereon, with respect to which such money has been so deposited, shall be turned over to the Corporation, or deposited as directed in writing by the Corporation. Any Future Escrow Agreement pursuant to which the money and/or Defeasance Securities are held for the payment of Defeased Obligations may contain provisions permitting the investment or reinvestment of such moneys in Defeasance Securities or the substitution of other Defeasance Securities upon the satisfaction of the requirements specified in clauses (i) or (ii) of subsection (a) of this Section. All income from such Defeasance Securities received by the Trustee which is not required for the payment of the Defeased Obligations, with respect to which such money has been so deposited, shall be remitted to the Corporation or deposited as directed in writing by the Corporation.

(c) The Corporation covenants that no deposit will be made or accepted under clause (ii) of subsection (a) of this Section and no use will be made of any such deposit which would cause the Bonds to be treated as "arbitrage bonds" within the meaning of section 148 of the Code.

(d) Notwithstanding any other provisions of this Resolution, all money or Defeasance Securities set aside and held in trust pursuant to the provisions of this Section for the payment of the Bonds, the redemption premium, if any, and interest thereon, shall be applied to and used for the payment of such Bonds, the redemption premium, if any, and interest thereon.

Section 6.6: Registrar and Trustee May Own Parity Bonds. The Registrar and Trustee for the Parity Bonds, in their individual or any other capacity, may become holders or pledges of the Parity Bonds with the same rights they would have if they were not the Registrar or Trustee.

Section 6.7: No Recourse against Corporation Officials. No recourse shall be had for the payment of principal of or interest on any Parity Bonds or for any claim based thereon or on this Resolution against any official of the Corporation or any person executing any Parity Bonds. No member of the Board of Directors of the Corporation or any officer, agent, employee or representative of the Corporation in his or her individual capacity, nor the officers, agents, employees or representatives of the Corporation nor any person executing the Series 2016 Bonds shall be personally liable thereon or be subject to any personal liability or accountability by reason of the issuance thereof, whether by virtue of any constitution, statute or rule of law, or by the enforcement of any assessment or penalty, or otherwise, all such liability being expressly released and waived as a condition of and in consideration for the adoption of this Resolution and the issuance of the Series 2016 Bonds.

ARTICLE VII

PROVISIONS CONCERNING SALE AND APPLICATION OF PROCEEDS OF SERIES 2016 BONDS

Section 7.1: Execution of Documents to Effect Sale of Series 2016 Bonds. An Authorized Representative and other appropriate officers, agents and representatives of the Corporation are hereby authorized to do any and all things necessary or desirable to provide for the issuance and delivery of the Series 2016 Bonds. In respect thereto, the Authorized Representative may execute the Purchase Contract with the Underwriters to effect the sale of the Series 2016 Bonds. In the Purchase Contract, the Authorized Representative shall determine, based upon advice provided by the Corporation's financial advisors, that acceptance of the purchase price for the Series 2016 Bonds is in the best interests of the Corporation. The Authorized Representative is authorized to determine and fix the date of the Series 2016 Bonds, any additional or different designation or title by which the Series 2016 Bonds shall be known, the aggregate principal amount of the Series 2016 Bonds, the date of delivery of the Series 2016 Bonds, the price at which the Series 2016 Bonds will be sold, the years in which the Series 2016 Bonds will mature, the principal amount of Series 2016 Bonds to mature in each of such years, the rate or rates of interest to be borne by or accrue on each such maturity, the interest payment periods, the dates, price, and terms upon and at which the Bonds shall be subject to redemption prior to maturity at the option of the Corporation, as well as any mandatory sinking fund redemption provisions, and all other matters relating to the issuance, sale, and delivery of the Series 2016 Bonds; provided, however, the Authorized Representative shall not execute the Purchase Contract if (a) the aggregate principal amount of the Series 2016 Bonds exceeds \$131,000,000, (b) the price to be paid for the Series 2016 Bonds is less than 95% of the aggregate original principal amount thereof, plus accrued interest, if any, thereon from the date of their delivery, (c) any of the Series 2016 Bonds shall bear interest at a rate greater than 8.00% per annum, and (d) the Series 2016 Bonds shall not have been assigned a rating of at least A- or its equivalent by a nationally recognized rating agency. The authority of the Authorized Representative to execute a Purchase Contract to effect the sale of the Series 2016 Bonds shall expire at 5:00 p.m. on Friday, June 30, 2017.

Section 7.2: Application of Proceeds. Proceeds from the sale of the Series 2016 Bonds shall, promptly upon receipt by the Trustee, be applied in the manner provided for in a certificate executed by an Authorized Representative or the Corporation's financial advisor, acting on behalf of the Corporation.

ARTICLE VIII

TAX EXEMPTION

Section 8.1: General Tax Covenants. The Corporation covenants to take any action to assure, or refrain from any action which would adversely affect, the treatment of the Series 2016 Bonds as obligations described in section 103 of the Code, the interest on which is not includable in

the "gross income" of the holder for purposes of federal income taxation. The Corporation covenants as follows:

(a) to take such action or refrain from such action which would result in the Series 2016 Bonds not being "exempt facility bonds", as defined in section 142(a) of the Code, at least 95 percent of the proceeds of which are used to provide airport facilities (within the meaning of section 142(a) of the Code);

(b) to take such action to assure at all times while the Series 2016 Bonds remain outstanding, the facilities, directly or indirectly, financed with the proceeds thereof will be owned by a governmental unit;

(c) that no part of the facilities, directly or indirectly, financed with the proceeds of the Series 2016 Bonds will constitute: (A) any lodging facility; (B) any retail facility (including food or beverage facilities) in excess of a size necessary to serve passengers and employees at the exempt facility; (C) any retail facility (other than parking) for passengers or the general public located outside the exempt facility terminal; (D) any office building for individuals who are not employees of a governmental unit or of the operating authority for the exempt facility; (E) any industrial park or manufacturing facility; or (F) any residential real property for family units;

(d) that the maturity of the Series 2016 Bonds does not exceed 120 percent of the economic life of the facilities, directly or indirectly, financed with the proceeds of the Bonds, as more specifically set forth in section 147(b) of the Code;

(e) that fewer than 25 percent of the proceeds of the Series 2016 Bonds will be used for the acquisition of land or an interest in such land, unless such land is acquired for noise abatement or wetland preservation or the future use of Love Field, and there is no other significant use of such land;

(f) to refrain from using any portion of the proceeds of the Series 2016 Bonds, directly or indirectly, to acquire or to replace funds which were used, directly or indirectly, to acquire investment property (as defined in section 148(b)(2) of the Code) which produces a materially higher yield over the term of the Series 2016 Bonds, other than investment property acquired with:

(1) proceeds of the Series 2016 Bonds invested for a reasonable temporary period until the proceeds are needed for the purpose for which the Series 2016 Bonds are issued;

(2) amounts invested in a bona fide debt service fund, within the meaning of section 1.148-1(b) of the Treasury Regulations; and

(3) amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed 10 percent of the proceeds of the Series 2016 Bonds;

(g) that any property acquired, directly or indirectly, with the proceeds of the Series 2016 Bonds was not placed-in-service prior to its acquisition unless the provisions of section 147(d) of the Code, relating to rehabilitation, are satisfied;

(h) that the costs of issuance to be financed with the proceeds of the Series 2016 Bonds do not exceed two percent of the proceeds of the Series 2016 Bonds;

(i) to refrain from taking any action that would result in the Series 2016 Bonds being "federally guaranteed" within the meaning of section 149(b) of the Code;

(j) to otherwise restrict the use of the proceeds of the Bonds or amounts treated as proceeds of the Series 2016 Bonds, as may be necessary, to satisfy the requirements of section 148 of the Code (relating to arbitrage);

(k) to create and maintain a Rebate Fund, as required below, to pay to the United States of America at least once during each five-year period (beginning on the date of delivery of the Series 2016 Bonds) an amount that is at least equal to 90 percent of the "Excess Earnings", within the meaning of section 148(f) of the Code, and to pay to the United States of America, not later than 60 days after the Series 2016 Bonds have been paid in full, 100 percent of the amount then required to be paid as a result of Excess Earnings under section 148(f) of the Code; and

(l) to maintain records that will enable the Corporation to fulfill its responsibilities under this Section and section 148 of the Code and to retain the records for at least six years following the final payment of principal and interest on the Series 2016 Bonds.

The Corporation understands that the term "proceeds" includes "disposition proceeds" as defined in the Treasury Regulations and, in the case of refunding bonds, transferred proceeds (if any) and proceeds of the refunded bonds expended prior to the date of the issuance of the Series 2016 Bonds. It is the understanding of the Corporation that the covenants contained in this Resolution are intended to assure compliance with the Code, the Treasury Regulations and any rulings promulgated by the U.S. Department of the Treasury pursuant to the Code. In the event that regulations or rulings are hereafter promulgated which modify or expand provisions of the Code, as applicable to the Series 2016 Bonds, the Corporation will not be required to comply with any covenant contained herein to the extent that such failure to comply, in the opinion of nationally-recognized bond counsel, will not adversely affect the exemption from federal income taxation of interest on the Series 2016 Bonds under section 103 of the Code. In the event that regulations or rulings are hereafter promulgated which impose additional requirements which are applicable to the Series 2016 Bonds, the Corporation agrees to comply with the additional requirements to the extent necessary, in the opinion of nationally-recognized bond counsel, to preserve the exemption from federal income taxation of

interest on the Series 2016 Bonds under section 103 of the Code. In furtherance of the foregoing, the Authorized Representative may execute any documents, certificates or other reports required by the Code and to make such elections, on behalf of the Corporation, which may be permitted by the Code as are consistent with the purpose for the issuance of the Series 2016 Bonds.

In order to facilitate compliance with clause (h) above, a "Rebate Fund" is established and held by the Corporation for the sole benefit of the United States of America, and such Rebate Fund shall not be subject to the claim of any other person, including without limitation the Registered Owners of the Series 2016 Bonds. The Rebate Fund is established for the additional purpose of compliance with section 148 of the Code.

Section 8.2: Allocation of, and Limitation on, Expenditures for the Project. The Corporation covenants to account for on its books and records the expenditure of proceeds from the sale of the Series 2016 Bonds and any investment earnings thereon to be used for the payment of costs of the Project by allocating proceeds to expenditures within eighteen (18) months of the later of the date that (a) the expenditure on the Project is made or (b) the Project is completed. The foregoing notwithstanding, the Corporation shall not expend such proceeds or investment earnings more than sixty (60) days after the later of (a) the fifth anniversary of the date of delivery of the Series 2016 Bonds or (b) the date the Series 2016 Bonds are retired, unless the Corporation obtains an opinion of nationally-recognized bond counsel substantially to the effect that such expenditure will not adversely affect the tax-exempt status of the Series 2016 Bonds. For purposes of this Section, the Corporation shall not be obligated to comply with this covenant if it obtains an opinion of nationally-recognized bond counsel to the effect that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

Section 8.3: Disposition of Project. The Corporation covenants that the property constituting the Project will not be sold or otherwise disposed in a transaction resulting in the receipt by the Corporation of cash or other compensation, unless the Corporation obtains an opinion of nationally-recognized bond counsel substantially to the effect that such sale or other disposition will not adversely affect the tax-exempt status of the Series 2016 Bonds. For purposes of this Section, the portion of the property comprising personal property and disposed of in the ordinary course of business shall not be treated as a transaction resulting in the receipt of cash or other compensation. For purposes of this Section 8.3, the Corporation shall not be obligated to comply with this covenant if it obtains an opinion of nationally-recognized bond counsel to the effect that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest on the Series 2016 Bonds.

Section 8.4: Written Procedures. Unless superseded by another action of the City or the Corporation, to ensure compliance with the covenants contained in this Resolution regarding private business use, remedial action, arbitrage and rebate, the written procedures adopted by the City on August 8, 2012, in the ordinance authorizing the issuance of the City's Waterworks and Sewer System Revenue Refunding Bonds, Series 2012A, shall apply to the Series 2016 Bonds.

ARTICLE IX
CONTINUING DISCLOSURE UNDERTAKING

Section 9.1: Annual Reports. (a) The Corporation shall provide annually to the MSRB, within six months after the end of each Fiscal Year ending in or after 2017, financial information and operating data with respect to the Corporation of the general type set forth in Exhibit B to this Resolution (provided that such information and data is customarily prepared by the Corporation), being the information described in Exhibit B (as such information may be amended or supplemented by an Authorized Representative to conform Exhibit B to the final official statement prepared in connection with the sale of the Series 2016 Bonds). Any financial statements so to be provided shall be (1) prepared in accordance with the accounting principles described in Exhibit B hereto, or such other accounting principles as the Corporation may be required to employ from time to time pursuant to state law or regulation, and (2) audited, if the City commissions an Audit and the Audit is completed within the period during which they must be provided. If the Audit is not complete within such period, then the Corporation shall provide notice that the Audit is not available and provide unaudited financial information of the type described in the numbered tables referenced in Exhibit B by the required time, and will provide the Audit for the applicable Fiscal Year to the MSRB, when and if the audit report on such statements becomes available. Such information shall be transmitted electronically to the MSRB, in such format as prescribed by the MSRB.

(b) If the Corporation changes its Fiscal Year, it will notify the MSRB of the change (and of the date of the new Fiscal Year end) prior to the next date by which the Corporation otherwise would be required to provide financial information and operating data pursuant to this Section. The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document (including an official statement or other offering document, if it is available from the MSRB) that theretofore has been provided to the MSRB or filed with the SEC.

Section 9.2: Disclosure Event Notices. The Corporation shall notify the MSRB, of any of the following events with respect to the Series 2016 Bonds, in a timely manner not in excess of ten Business Days after the occurrence of the event:

1. Principal and interest payment delinquencies;
2. Non-payment related defaults, if material;
3. Unscheduled draws on debt service reserves reflecting financial difficulties;
4. Unscheduled draws on credit enhancements reflecting financial difficulties;
5. Substitution of credit or liquidity providers, or their failure to perform;
6. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701- TEB) or other material notices or determinations with respect to the tax status of the Series 2016 Bonds, or other material events affecting the tax status of the Series 2016 Bonds;
7. Modifications to rights of holders of the Series 2016 Bonds, if material;
8. Series 2016 Bond calls, if material, and tender offers;

9. Defeasances;
10. Release, substitution, or sale of property securing repayment of the Series 2016 Bonds, if material;
11. Rating changes;
12. Bankruptcy, insolvency, receivership or similar event of the Corporation;
13. The consummation of a merger, consolidation, or acquisition involving the Corporation or the sale of all or substantially all of the assets of the Corporation, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
14. Appointment of a successor Trustee or Paying Agent/Registrar or change in the name of the Trustee or the Paying Agent/Registrar, if material.

As used in clause 12 above, the phrase "bankruptcy, insolvency, receivership or similar event" means the appointment of a receiver, fiscal agent or similar officer for the Corporation in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets of the Corporation, or if jurisdiction has been assumed by leaving the Board of Directors of the Corporation and official or officers of the Corporation in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the Corporation. The Corporation shall notify the MSRB, in a timely manner, of any failure by the Corporation to provide financial information or operating data in accordance with subsection (a) of this Section by the time required by such subsection.

Section 9.3: Limitations, Disclaimers, and Amendments. (a) The Corporation shall be obligated to observe and perform the covenants specified in this Article for so long as, but only for so long as, the Corporation remains an "obligated person" with respect to the Series 2016 Bonds within the meaning of the Rule, except that the Corporation in any event will give notice of any deposit made in accordance with this Resolution or applicable law that causes Series 2016 Bonds no longer to be Outstanding.

(b) The provisions of this Article are for the sole benefit of the holders and beneficial owners of the Series 2016 Bonds, and nothing in this Article, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The Corporation undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Article and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the Corporation's financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Article or otherwise, except as expressly provided herein. The Corporation does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Series 2016 Bonds at any future date.

(c) UNDER NO CIRCUMSTANCES SHALL THE CORPORATION BE LIABLE TO THE HOLDER OR BENEFICIAL OWNER OF ANY SERIES 2016 BOND OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CORPORATION, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS ARTICLE, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

(d) No default by the Corporation in observing or performing its obligations under this Article shall comprise a breach of or default under this Resolution for purposes of any other provision of this Resolution. Nothing in this Article is intended or shall act to disclaim, waive, or otherwise limit the duties of the Corporation under federal and state securities laws.

(e) Should the Rule be amended to obligate the Corporation to make filings with or provide notices to entities other than the MSRB, the Corporation agrees to undertake such obligation in accordance with the Rule as amended.

(f) The provisions of this Article may be amended by the Corporation from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the Corporation, but only if (1) the provisions of this Article, as so amended, would have permitted an underwriter to purchase or sell Series 2016 Bonds in the primary offering of the Series 2016 Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule since such offering as well as such changed circumstances and (2) either (A) the holders of a majority in aggregate principal amount (or any greater amount required by any other provision of this Resolution that authorizes such an amendment) of the outstanding Series 2016 Bonds consent to such amendment or (B) a person that is unaffiliated with the Corporation (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interest of the holders and beneficial owners of the Bonds. If the Corporation so amends the provisions of this Article, it shall include with any amended financial information or operating data next provided in accordance with Section 9.1 an explanation, in narrative form, of the reason for the amendment and of the impact of any change in the type of financial information or operating data so provided. The Corporation may also amend or repeal the provisions of this continuing disclosure agreement if the SEC amends or repeals the applicable provision of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, but only if and to the extent that the provisions of this sentence would not prevent an underwriter from lawfully purchasing or selling Series 2016 Bonds in the primary offering of the Series 2016 Bonds.

Section 9.4: Continuing Disclosure Obligation of the City. The City has agreed in the Project Financing Agreement to provide the Corporation with information to enable the Corporation to satisfy its obligations under this Article IX. The Corporation agrees to take such actions that may be necessary or desirable to cause the City to comply with its covenant in the Project Financing Agreement to provide such information to the Corporation in a timely manner.

ARTICLE X

AUTHORIZATION OF AGREEMENTS

The Board hereby approves issuance of the Series 2016 Bonds and all agreements determined by the Board to be necessary in connection with the issuance of the Series 2016 Bonds, including without limitation the following: Paying Agent/Registrar Agreement by and between the Corporation and Wells Fargo Bank, National Association, in substantially the form attached hereto as Exhibit C; the Purchase Contract, in substantially the form approved by the Corporation in connection with the issuance of the Series 2015 Bonds; and any and all other documents and agreements reasonable and necessary to issue the Bonds (collectively, the "Agreements"). The Board, by a majority vote of its members, at a regular meeting, hereby approves the form, terms, and provisions of the Agreements and authorizes the execution and delivery of the Agreements. The Indenture and the Project Financing Agreement remain in full force and effect, and have not been amended or supplemented since the date of delivery of the Series 2015 Bonds.

ARTICLE XI

MISCELLANEOUS

Section 11.1: Further Proceedings. The President, the Vice President, the Secretary, the Treasurer and other appropriate officials of the Corporation are hereby authorized and directed to do any and all things necessary and/or convenient to carry out the intent, purposes and terms of this Resolution, including the execution and delivery of such certificates, documents or papers necessary and advisable.

Section 11.2: Severability. If any Section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such Section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 11.3: Open Meeting. It is hereby officially found and determined that the meeting at which this Resolution was adopted was open to the public, and that public notice of the time, place and purpose of said meeting was given, all as required by the Texas Open Meetings Act, Chapter 551, Texas Government Code.

Section 11.4: Parties Interested. Nothing in this Resolution expressed or implied is intended or shall be construed to confer upon, or to give to, any person or entity, other than the Corporation, the Registrar, and the Owners of the Series 2016 Bonds, any right, remedy or claim under or by reason of this Resolution or any covenant, condition or stipulation hereof, and all covenants, stipulations, promises and agreements in this Resolution shall be for the sole and exclusive benefit of the Corporation, the Registrar, and the Owners of the Series 2016 Bonds.

Section 11.5: Repealer. All orders, resolutions and ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 11.6: Form of Bond. The FORM OF BOND set forth in Exhibit A to this Resolution shall be revised and completed to reflect the terms of the sale of the Series 2016 Bonds, consistent with the provisions of the Purchase Contract.

Section 11.7: Effective Date. This Resolution shall become effective immediately upon passage by this Corporation and signature of the President of the Corporation.

PASSED AND APPROVED this ____ day of _____, 2016.

By: _____
Name: Shelia Robinson
Title: Vice President, Board of Directors

ATTEST:

By: _____
Name: Corrine Steeger
Title: Secretary, Board of Directors

(SEAL)

EXHIBIT A:

FORM OF BOND

United States of America
State of Texas

Registered

Registered

LOVE FIELD AIRPORT MODERNIZATION CORPORATION
GENERAL AIRPORT REVENUE BOND
SERIES 2016

Interest Rate
%

Date of Delivery

Maturity Date

Cusip No.

Registered Owner:

Principal Amount: _____ Dollars

THE LOVE FIELD AIRPORT MODERNIZATION CORPORATION (the "Issuer"), a not-for-profit local government corporation created under authority of Chapter 431, Subchapter D, Texas Transportation Code (the "Act") by the City of Dallas, Texas (the "City"), for value received, promises to pay, but solely from certain Pledged Revenues as hereinafter provided, to the Registered Owner identified above or registered assigns, on the Maturity Date specified above, upon presentation and surrender of this Bond at the designated corporate trust office in Dallas, Texas (the "Designated Trust Office") of Wells Fargo Bank, National Association, as registrar (the "Registrar"), the principal amount identified above, in any coin or currency of the United States of America which on the date of payment of such principal is legal tender for the payment of debts due the United States of America, and to pay, solely from such Pledged Revenues, interest thereon at the rate shown above, calculated on the basis of a 360-day year of twelve 30-day months, from the later of the Date of Delivery of the Bonds specified above, or the most recent interest payment date to which interest has been paid or duly provided for. Interest on this Bond is payable by check on November 1 and May 1, beginning on November 1, 2015, mailed to the Registered Owner as shown on the books of registration kept by the Registrar as of the fifteenth day of the month next preceding each interest payment date (the "Record Date"), or by such other method, acceptable to the Registrar, requested by and at the risk and expense of the Registered Owner. If interest on this Bond is not paid on any interest payment date specified above, and continues unpaid for thirty (30) days thereafter, the Registrar shall establish a new Record Date for the payment of such interest (a "Special Record Date"). Such Special Record Date shall be established in accordance with the terms of the hereinafter defined Resolution.

IF THE DATE for the payment of the principal of or interest on this Bond shall be a Saturday, Sunday, a legal holiday, or a day on which banking institutions in the city where the Designated Trust Office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

THIS BOND IS ONE OF A DULY AUTHORIZED SERIES OF BONDS dated as of _____, 2016, aggregating \$_____, issued for the purpose of (1) paying the costs of the Project, (2) making an initial deposit to the Reserve Fund, (3) funding capitalized interest on the Bonds, and (4) paying Costs of Issuance, all under and pursuant to the authority of the Act and all other applicable laws, an Indenture of Trust dated as of July 1, 2015 (the "Indenture"), between the Issuer and Wells Fargo Bank, National Association, as trustee (the "Trustee"), and a resolution adopted by the Issuer on _____, 2016 (the "Resolution"). All defined terms not herein defined shall have the meaning attributed thereto in accordance with the terms of the Resolution.

THIS BOND AND THE SERIES OF WHICH IT IS A PART are limited obligations of the Issuer that are payable from, and are equally and ratably secured by a first lien on the "Pledged Revenues", as defined and provided in the Indenture, which Pledged Revenues are required to be set aside and pledged to the payment of the Bonds and all additional bonds and parity contractual obligations issued or entered into on a parity therewith, in the Debt Service Fund and the Reserve Fund maintained for the payment of all such Bonds, all as more fully described and provided for in the Resolution. This Bond and the series of which it is a part, together with the interest thereon, are payable solely from such Pledged Revenues.

THE BONDS maturing on and after November 1, 202_ may be redeemed only in principal amounts of \$5,000 or any integral multiple thereof (an "Authorized Denomination"), at the option of the Issuer, on November 1, 202_, or on any date thereafter, at the redemption price of par plus accrued interest to the date fixed for redemption. If less than all of the Bonds are to be redeemed by the Issuer, the Issuer shall determine the maturity or maturities and the amounts therewith to be redeemed and shall direct the Registrar to call by lot Bonds, or portions thereof, within such maturity or maturities and in such principal amounts, for redemption; *provided*, that during any period in which ownership of the Bonds is determined only by a book entry at a securities depository for the Bonds, if fewer than all of the Bonds of the same maturity and bearing the same interest rate are to be redeemed, the particular Bonds of such maturity and bearing such interest rate shall be selected in accordance with the arrangements between the Issuer and the securities depository.

AT LEAST THIRTY DAYS prior to any date fixed for redemption, notice of any redemption shall be given (i) by the Registrar to the Registered Owner of each Bond or a portion thereof being called for redemption by depositing such notice in the United States mail, first-class, postage pre-paid, addressed to each such registered owner at his address shown on the Registration Books of the Paying Agent/Registrar and (ii) by the Corporation by causing a notice of such redemption to be published one (1) time in a financial journal or publication of general circulation in the United States

of America or the State of Texas carrying as a regular feature notices of municipal bonds called for redemption; provided, however, that the failure to send, mail or receive such notice described in (i) above, or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Bond, and the publication of notice as described in (ii) above shall be the only notice actually required in connection with or as a prerequisite to the redemption of any Bonds. When Bonds or portions thereof have been called for redemption, and due provision has been made to redeem the same, the principal amounts so redeemed shall be payable solely from the funds provided for redemption, and interest which would otherwise accrue on the amounts called for redemption shall terminate on the date fixed for redemption.

WITH RESPECT TO any optional redemption of this Bond, unless the Paying Agent/Registrar has received funds sufficient to pay the principal and premium, if any, and interest on this Bond to be redeemed before giving of a notice of redemption, the notice of redemption may state the Issuer may condition redemption on the receipt by the Paying Agent/Registrar of such funds on or before the date fixed for the redemption, or on the satisfaction of any other prerequisites set forth in the notice of redemption. If a conditional notice of redemption is given and such prerequisites to the redemption and sufficient funds are not received, the notice shall be of no force and effect, the Issuer shall not redeem this Bond and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, that this Bond has not been redeemed.

THIS BOND IS TRANSFERABLE only upon presentation and surrender at the Designated Trust Office of the Registrar, duly endorsed for transfer or accompanied by an assignment duly executed by the Registered Owner or his authorized representative, subject to the terms and conditions of the Resolution.

THIS BOND IS EXCHANGEABLE at the Designated Trust Office of the Registrar for Bonds in principal amounts only in Authorized Denominations, subject to the terms and conditions of the Resolution.

NEITHER THE ISSUER NOR THE REGISTRAR shall be required (i) to make any transfer or exchange of any Bond during the period beginning at the opening of business 15 days before the day of the first mailing of a notice of redemption of Bonds and ending at the close of business on the day of such mailing, or (ii) to transfer or exchange any Bonds so selected for redemption when such redemption is scheduled to occur within 30 calendar days; provided, however, such limitation shall not be applicable to an exchange by the registered owner of the uncalled principal balance of a Bond.

DURING ANY PERIOD in which ownership of the Bonds is determined only by a book entry at a securities depository for the Bonds, if fewer than all of the Bonds of the same maturity and bearing the same interest rate are to be redeemed, the particular Bonds of such maturity and bearing such interest rate shall be selected in accordance with the arrangements between the Issuer and the securities depository; provided, however, that no Bonds shall be redeemed in a manner where the beneficial owner thereof shall own Bonds in any Authorized Denomination.

THIS BOND shall not be valid or obligatory for any purpose or be entitled to any benefit under the Resolution unless this Bond is either (i) registered by the Comptroller of Public Accounts of the State of Texas by registration certificate attached or affixed hereto or (ii) authenticated by the Registrar by due execution of the authentication certificate endorsed hereon.

THE ISSUER HAS RESERVED THE RIGHT to issue additional parity General Airport Revenue Bonds, subject to the restrictions contained in the Indenture and the Resolution, which may be equally and ratably payable from, and secured by a first lien on and pledge of, the Pledged Revenues in the same manner and to the same extent as this Bond and the series of which it is a part.

THE BONDS ARE A LIMITED OBLIGATION OF THE CORPORATION, PAYABLE SOLELY OUT OF THE TRUST ESTATE HELD BY THE TRUSTEE UNDER THE TERMS OF THE INDENTURE, WHICH IS THE SOLE ASSET OF THE CORPORATION PLEDGED THEREFOR. THE BONDS ARE OBLIGATIONS SOLELY OF THE CORPORATION AND DO NOT CONSTITUTE, WITHIN THE MEANING OF ANY STATUTORY OR CONSTITUTIONAL PROVISION, AN INDEBTEDNESS, AN OBLIGATION OR A LOAN OF CREDIT OF THE CITY, THE STATE OF TEXAS, OR ANY OTHER MUNICIPALITY, COUNTY, OR OTHER MUNICIPAL OR POLITICAL CORPORATION OR SUBDIVISION OF THE STATE OF TEXAS. THE CITY IS NOT OBLIGATED TO MAKE PAYMENTS IN SUPPORT OF THE DEBT SERVICE ON THE BONDS FROM ANY SOURCES, OTHER THAN THE NET REVENUES AS DESCRIBED IN THE INDENTURE.

IT IS HEREBY DECLARED AND REPRESENTED that this Bond has been duly and validly issued and delivered; that all acts, conditions, and things required or proper to be performed, exist, and be done precedent to or in the issuance and delivery of this Bond have been performed, existed, and been done in accordance with law; that the Bonds do not exceed any statutory limitation; and that provision has been made for the payment of the principal of and interest on this Bond and all of the Bonds by the creation of the aforesaid lien on and pledge of the Pledged Revenues, as further provided for in the Indenture.

IN WITNESS WHEREOF, the Issuer has caused this Bond to be executed by the manual or facsimile signatures of the President or Vice President and the Secretary.

LOVE FIELD AIRPORT MODERNIZATION
CORPORATION

[Vice] President

(SEAL)

Secretary

FORM OF REGISTRATION CERTIFICATE

COMPTROLLER'S REGISTRATION CERTIFICATE:

REGISTER NO. _____

I hereby certify that this Bond has been examined, certified as to validity, and approved by the Attorney General of the State of Texas, and that this Bond has been registered by the Comptroller of Public Accounts of the State of Texas.

WITNESS MY SIGNATURE AND SEAL this _____.

Comptroller of Public Accounts
of the State of Texas

(SEAL)

FORM OF REGISTRAR'S AUTHENTICATION CERTIFICATE

AUTHENTICATION CERTIFICATE

It is hereby certified that this Bond has been delivered pursuant to the Bond Resolution described in the text of this Bond; and that this Bond is one of a series of Bonds approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

_____, as Registrar

By: _____
Authorized Signature

Date of Authentication: _____

FORM OF ASSIGNMENT

ASSIGNMENT

For value received, the undersigned hereby sells, assigns, and transfers unto

(Please print or type name, address, and zip code of Transferee)

(Please insert Social Security or Taxpayer Identification Number of Transferee)
the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints

attorney to transfer said Bond on the books kept for registration thereof, with full power of substitution in the premises.

DATED: _____

Signature Guaranteed:

Registered Owner

NOTICE: Signature must be guaranteed by an institution which is a participant in the Securities Transfer Agent Medallion Program ("STAMP") or similar program.

NOTICE: The signature above must correspond to the name of the Registered Owner as shown on the face of this Bond in every particular, without any alteration, enlargement or change whatsoever.

**Exhibit B
to
Resolution**

DESCRIPTION OF ANNUAL FINANCIAL INFORMATION

The following information is referred to in Section 9.1 of this Resolution.

Annual Financial Statements and Operating Data

The financial information and operating data with respect to the Corporation to be provided annually in accordance with such Section are as specified (and included in the Appendix or under the headings of the Official Statement referred to) below:

1. The information of the general type included in Tables 1 through ___ of the Official Statement.

2. **"Financial Statements of the City of Dallas, Texas".**

Accounting Principles

The accounting principles referred to in such Section are the accounting principles described in the notes to the financial statements referred to in paragraph 2 above.

Paying Agent Agreement - Exhibit C

PAYING AGENT AGREEMENT

THIS PAYING AGENT AGREEMENT entered into as of _____ 1, 2016 (this "Agreement"), by and between the Love Field Airport Modernization Corporation (the "Issuer"), and Wells Fargo Bank, National Association, a national banking association duly organized and existing under the laws of the United States of America, and having a corporate trust office in Dallas, Texas (the "Bank").

RECITALS

WHEREAS, the Issuer has duly authorized and provided for the issuance of its General Airport Revenue Bonds, as described in Exhibit "A" attached hereto (the "Securities"), such Securities to be issued in fully registered form only as to the payment of principal and interest thereon; and

WHEREAS, the Issuer has selected the Bank to serve as Paying Agent/Registrar in connection with the payment of the principal of, premium, if any, and interest on said Securities and with respect to the registration, transfer and exchange thereof by the registered owners thereof; and

WHEREAS, the Bank has agreed to serve in such capacities for and on behalf of the Issuer and has full power and authority to perform and serve as Paying Agent/Registrar for the Securities;

NOW, THEREFORE, it is mutually agreed as follows:

ARTICLE ONE

APPOINTMENT OF BANK AS PAYING AGENT AND REGISTRAR

Section 1.01. Appointment.

The Issuer hereby appoints the Bank to serve as Paying Agent with respect to the Securities. As Paying Agent for the Securities, the Bank shall be responsible for paying on behalf of the Issuer the principal, premium (if any), and interest on the Securities as the same become due and payable to the registered owners thereof, all in accordance with this Agreement and the "Resolution" (hereinafter defined).

The Issuer hereby appoints the Bank as Registrar with respect to the Securities. As Registrar for the Securities, the Bank shall keep and maintain for and on behalf of the Issuer books and records as to the ownership of said Securities and with respect to the transfer and exchange thereof as provided herein and in the Resolution.

The Bank hereby accepts its appointment, and agrees to serve as the Paying Agent and Registrar for the Securities.

Section 1.02. Compensation.

As compensation for the Bank's services as Paying Agent/Registrar, the Issuer hereby agrees to pay the Bank the fees and amounts as may be agreed upon in writing. The initial fees and amounts payable for the Bank's services as Paying Agent/Registrar are as set forth in Schedule I attached hereto.

In addition, the Issuer agrees to reimburse the Bank upon its request for all reasonable expenses, disbursements and advances incurred or made by the Bank in accordance with any of the provisions hereof (including the reasonable compensation and the expenses and disbursements of its agents and counsel).

ARTICLE TWO

DEFINITIONS

Section 2.01. Definitions.

For all purposes of this Agreement, except as otherwise expressly provided or unless the context otherwise requires:

"Acceleration Date" on any Security means the date on and after which the principal or any or all installments of interest, or both, are due and payable on any Security which has become accelerated pursuant to the terms of the Security.

"Bank Office" means the principal corporate trust office of the Bank as indicated on the signature page hereof. The Bank will notify the Issuer in writing of any change in location of the Bank Office.

"Fiscal Year" means the twelve (12) month period commencing on October 1 of a calendar year and ending September 30 of the next succeeding calendar year, or such other consecutive twelve (12) month period as determined by the Issuer.

"Holder" and "Security Holder" each means the Person in whose name a Security is registered in the Security Register.

"Issuer Request" and "Issuer Order" means a written request or order signed in the name of the Issuer by the President or Vice President of the Issuer, any one or more of said officials, or any other person designated by the Issuer, and delivered to the Bank.

"Legal Holiday" means a day on which the Bank is required or authorized to be closed.

"Person" means any individual, corporation, partnership, joint venture, association, joint stock company, trust, unincorporated organization or government or any agency or political subdivision of a government.

"Predecessor Securities" of any particular Security means every previous Security evidencing all or a portion of the same obligation as that evidenced by such particular Security (and, for the purposes of this definition, any mutilated, lost, destroyed, or stolen Security for

which a replacement Security has been registered and delivered in lieu thereof pursuant to Section 4.06 hereof and the Resolution).

"Proceedings" means the Resolution and the Trust Indenture.

"Redemption Date" when used with respect to any Bond to be redeemed means the date fixed for such redemption pursuant to the terms of the Resolution.

"Resolution" means the resolution or resolutions of the governing body of the Issuer pursuant to which the Securities are issued, certified by the Secretary or any other officer of the Issuer and delivered to the Bank.

"Responsible Officer" when used with respect to the Bank means the officer(s) in the Institutional Trust Services department of the Bank having direct responsibility for administration of the Securities.

"Security Register" means a register maintained by the Bank on behalf of the Issuer providing for the registration and transfer of the Securities.

"Stated Maturity" means the date specified in the Resolution the principal of a Security is scheduled to be due and payable.

"Trust Indenture" means the Indenture of Trust by and between the Issuer and the Bank, as trustee, dated as of July 1, 2015.

Section 2.02. Other Definitions.

The terms "Bank," "Issuer," and "Securities (Security)" have the meanings assigned to them in the recital paragraphs of this Agreement.

The term "Paying Agent/Registrar" refers to the Bank in the performance of the duties and functions of this Agreement.

ARTICLE THREE

PAYING AGENT

Section 3.01. Duties of Paying Agent.

As Paying Agent, the Bank shall, provided adequate collected funds have been provided to it for such purpose by or on behalf of the Issuer, pay on behalf of the Issuer the principal of each Security at its Stated Maturity, Redemption Date, or Acceleration Date, to the Holder upon surrender of the Security to the Bank at the Bank Office.

As Paying Agent, the Bank shall, provided adequate collected funds have been provided to it for such purpose by or on behalf of the Issuer, pay on behalf of the Issuer the interest on each Security when due, by computing the amount of interest to be paid each Holder and preparing and sending checks by United States Mail, first class postage prepaid, on each payment date, to the Holders of the Securities (or their Predecessor Securities) on the respective Record

Date, to the address appearing on the Security Register or by such other method, acceptable to the Bank, requested in writing by the Holder at the Holder's risk and expense.

Section 3.02. Payment Dates.

The Issuer hereby instructs the Bank to pay the principal of and interest on the Securities on the dates specified in the Resolution.

ARTICLE FOUR

REGISTRAR

Section 4.01. Security Register - Transfers and Exchanges.

The Bank agrees to keep and maintain for and on behalf of the Issuer at the Bank Office books and records (herein sometimes referred to as the "Security Register") for recording the names and addresses of the Holders of the Securities, the transfer, exchange and replacement of the Securities and the payment of the principal of and interest on the Securities to the Holders and containing such other information as may be reasonably required by the Issuer and subject to such reasonable regulations as the Issuer and the Bank may prescribe. All transfers, exchanges and replacement of Securities shall be noted in the Security Register.

Every Security surrendered for transfer or exchange shall be duly endorsed or be accompanied by a written instrument of transfer, the signature on which has been guaranteed by an officer of a federal or state bank or a member of the National Association of Securities Dealers, in form satisfactory to the Bank, duly executed by the Holder thereof or his agent duly authorized in writing.

The Bank may request any supporting documentation it feels necessary to effect a re-registration, transfer or exchange of the Securities.

To the extent possible and under reasonable circumstances, the Bank agrees that, in relation to an exchange or transfer of Securities, the exchange or transfer by the Holders thereof will be completed and new Securities delivered to the Holder or the assignee of the Holder in not more than three (3) business days after the receipt of the Securities to be cancelled in an exchange or transfer and the written instrument of transfer or request for exchange duly executed by the Holder, or his duly authorized agent, in form and manner satisfactory to the Paying Agent/Registrar.

The Bank may utilize the services of an agent, to act on behalf of the Bank, in the performance of the services of registrar under the terms of this Agreement.

Section 4.02. Certificates.

The Issuer shall provide an adequate inventory of printed Securities to facilitate transfers or exchanges thereof. The Bank covenants that the inventory of printed Securities will be kept in

safekeeping pending their use, and reasonable care will be exercised by the Bank in maintaining such Securities in safekeeping, which shall be not less than the care maintained by the Bank for debt securities of other political subdivisions or corporations for which it serves as registrar, or that is maintained for its own securities.

Section 4.03. Form of Security Register.

The Bank, as Registrar, will maintain the Security Register relating to the registration, payment, transfer and exchange of the Securities in accordance with the Bank's general practices and procedures in effect from time to time. The Bank shall not be obligated to maintain such Security Register in any form other than those which the Bank has currently available and currently utilizes at the time.

The Security Register may be maintained in written form or in any other form capable of being converted into written form within a reasonable time.

Section 4.04. List of Security Holders.

The Bank will provide the Issuer at any time requested by the Issuer, upon payment of the required fee, a copy of the information contained in the Security Register. The Issuer may also inspect the information contained in the Security Register at any time the Bank is customarily open for business, provided that reasonable time is allowed the Bank to provide an up-to-date listing or to convert the information into written form.

The Bank will not release or disclose the contents of the Security Register to any person other than to, or at the written request of, an authorized officer or employee of the Issuer, except upon receipt of a court order or as otherwise required by law. Upon receipt of a court order and prior to the release or disclosure of the contents of the Security Register, the Bank will notify the Issuer so that the Issuer may contest the court order or such release or disclosure of the contents of the Security Register.

Section 4.05. Return of Cancelled Certificates.

With respect to all Securities paid or redeemed in accordance with the Resolution, and such Securities shall be canceled and thereafter treated in accordance with the Bank's document retention policies.

Section 4.06. Mutilated, Destroyed, Lost or Stolen Securities.

The Issuer hereby instructs the Bank, subject to the applicable provisions of the Proceedings, to deliver and issue Securities in exchange for or in lieu of mutilated, destroyed, lost, or stolen Securities as long as the same does not result in an over-issuance.

In case any Security shall be mutilated, or destroyed, lost or stolen, the Bank, in its discretion, may execute and deliver a replacement Security of like form and tenor, and in the same denomination and bearing a number not contemporaneously outstanding, in exchange and

substitution for such mutilated Security, or in lieu of and in substitution for such destroyed lost or stolen Security, only after (i) the filing by the Holder thereof with the Bank of evidence satisfactory to the Bank of the destruction, loss or theft of such Security, and of the authenticity of the ownership thereof and (ii) the furnishing to the Bank of indemnification in an amount satisfactory to save and hold the Issuer and the Bank harmless. All expenses and charges associated with such indemnity and with the preparation, execution and delivery of a replacement Security shall be borne by the Holder of the Security mutilated, or destroyed, lost or stolen.

Section 4.07. Transaction Information to Issuer.

The Bank will, within a reasonable time after receipt of written request from the Issuer, furnish the Issuer information as to the Securities it has paid pursuant to Section 3.01, Securities it has delivered upon the transfer or exchange of any Securities pursuant to Section 4.01, and Securities it has delivered in exchange for or in lieu of mutilated, destroyed, lost, or stolen Securities pursuant to Section 4.06.

ARTICLE FIVE

THE BANK

Section 5.01. Duties of Bank.

The Bank undertakes to perform the duties set forth herein and agrees to use reasonable care in the performance thereof.

Section 5.02. Reliance on Documents, Etc.

(a) The Bank may conclusively rely, as to the truth of the statements and correctness of the opinions expressed therein, on certificates or opinions furnished to the Bank.

(b) The Bank shall not be liable for any error of judgment made in good faith by a Responsible Officer, unless it shall be proved that the Bank was negligent in ascertaining the pertinent facts.

(c) No provisions of this Agreement shall require the Bank to expend or risk its own funds or otherwise incur any financial liability for performance of any of its duties hereunder, or in the exercise of any of its rights or powers, if it shall have reasonable grounds for believing that repayment of such funds or adequate indemnity satisfactory to it against such risks or liability is not assured to it.

(d) The Bank may rely and shall be protected in acting or refraining from acting upon any resolution, certificate, statement, instrument, opinion, report, notice, request, direction, consent, order, bond, note, security, or other paper or document believed by it to be genuine and to have been signed or presented by the proper party or parties. Without limiting the generality of the foregoing statement, the Bank need not examine the ownership of any Securities, but is protected in acting upon receipt of Securities containing an endorsement or instruction of transfer or power of transfer which appears on its face to be signed by the Holder or an agent of the Holder. The Bank shall not be bound to make any investigation into the facts or matters stated in

a resolution, certificate, statement, instrument, opinion, report, notice, request, direction, consent, order, bond, note, security, or other paper or document supplied by Issuer.

(e) The Bank may consult with counsel, and the written advice of such counsel or any opinion of counsel shall be full and complete authorization and protection with respect to any action taken, suffered, or omitted by it hereunder in good faith and in reliance thereon.

(f) The Bank may exercise any of the powers hereunder and perform any duties hereunder either directly or by or through agents or attorneys of the Bank.

Section 5.03. Recitals of Issuer.

The recitals contained herein with respect to the Issuer and in the Securities shall be taken as the statements of the Issuer, and the Bank assumes no responsibility for their correctness.

The Bank shall in no event be liable to the Issuer, any Holder or Holders of any Security, or any other Person for any amount due on any Security from its own funds.

Section 5.04. May Hold Securities.

The Bank, in its commercial banking or any other capacity, may become the owner or pledgee of Securities and may otherwise deal with the Issuer with the same rights it would have if it were not the Paying Agent/Registrar, or any other agent.

Section 5.05. Moneys Held by Bank.

Money held by the Bank hereunder need not be segregated from any other funds provided appropriate trust accounts are maintained in the name and for the benefit of the Issuer.

The Bank shall be under no liability for interest on any money received by it hereunder.

Subject to the Unclaimed Property Law of the State of Texas, any money deposited with the Bank for the payment of the principal, premium (if any), or interest on Security and remaining unclaimed for three years after the final maturity of the Security has become due and payable will be paid by the Bank to the Issuer if the Issuer so elects, and the Holder of such Security shall hereafter look only to the Issuer for payment thereof, and all liability of the Bank with respect to such moneys shall thereupon cease. If the Issuer does not elect, the Bank is directed to report and dispose of the funds in compliance with Title Six of the Texas Property Code, as amended.

Section 5.06. Indemnification.

To the extent permitted by law, the Issuer agrees to indemnify the Bank for, and hold it harmless against, any loss, liability, or expense incurred without negligence or bad faith on its part, arising out of or in connection with its acceptance or administration of its duties hereunder, including the cost and expense against any claim or liability in connection with the exercise or performance of any of its powers or duties under this Agreement.

Section 5.07. Interpleader.

The Issuer and the Bank agree that the Bank may seek adjudication of any adverse claim, demand, or controversy over its person as well as funds on deposit, in either a Federal or State District Court located in the State of Texas, and agree that service of process by certified or registered mail, return receipt requested, to the address referred to in Section 6.03 of this Agreement shall constitute adequate service. The Issuer and the Bank further agree that the Bank has the right to file a Bill of Interpleader in any court of competent jurisdiction within the State of Texas to determine the rights of any Person claiming any interest herein.

Section 5.08. Depository Trust Company Services.

It is hereby represented and warranted that, in the event the Securities are otherwise qualified and accepted for The Depository Trust Company ("DTC") services or equivalent depository trust services by other organizations, the Bank has the capability and, to the extent within its control, will comply with DTC's Operational Arrangements, which establish requirements for securities to be eligible for such type depository trust services, including, but not limited to, requirements for the timeliness of payments and funds availability, transfer turnaround time, and notification of redemptions and calls.

ARTICLE SIX

MISCELLANEOUS PROVISIONS

Section 6.01. Amendment.

This Agreement may be amended only by an agreement in writing signed by both of the parties hereto.

Section 6.02. Assignment.

This Agreement may not be assigned by either party without the prior written consent of the other.

Section 6.03. Notices.

Any request, demand, authorization, direction, notice, consent, waiver, or other document provided or permitted hereby to be given or furnished to the Issuer or the Bank shall be mailed or delivered to the Issuer or the Bank, respectively, at the addresses shown on the signature page of this Agreement. All such notices shall be effective only upon receipt.

Section 6.04. Effect of Headings.

The Article and Section headings herein are for convenience only and shall not affect the construction hereof.

Section 6.05. Successors and Assigns.

All covenants and agreements herein by the Issuer shall bind its successors and assigns, whether so expressed or not.

Section 6.06. Severability.

In case any provision herein shall be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

Section 6.07. Benefits of Agreement.

Nothing herein, express or implied, shall give to any Person, other than the parties hereto and their successors hereunder, any benefit or any legal or equitable right, remedy, or claim hereunder.

Section 6.08. Entire Agreement.

This Agreement and the Proceedings constitute the entire agreement between the parties hereto relative to the Bank acting as Paying Agent/Registrar and if any conflict exists between his Agreement and the Proceedings, the Proceedings shall govern.

Section 6.09. Counterparts.

This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and all of which shall constitute one and the same Agreement.

Section 6.10. Termination.

This Agreement will terminate (i) on the date of final payment of the principal of and interest on the Securities to the Holders thereof or (ii) may be earlier terminated by either party upon sixty (60) days written notice; provided, however, an early termination of this Agreement by either party shall not be effective until (a) a successor Paying Agent/Registrar has been appointed by the Issuer and such appointment accepted and (b) notice has been given to the Holders of the Securities of the appointment of a successor Paying Agent/Registrar. Furthermore, the Bank and Issuer mutually agree that the effective date of an early termination of this Agreement shall not occur at any time which would disrupt, delay or otherwise adversely affect the payment of the Securities.

Upon an early termination of this Agreement, the Bank agrees to promptly transfer and deliver the Security Register (or a copy thereof), together with other pertinent books and records relating to the Securities, to the successor Paying Agent/Registrar designated and appointed by the Issuer.

The provisions of Section 1.02 and Article Five of this Agreement shall survive and remain in full force and effect following the termination of this Agreement.

Section 6.11. Reporting Requirements.

With respect to the Securities, to the extent required by the Code and the regulations promulgated thereunder, the Bank shall report to the Holders and the Internal Revenue Service (i) the amount of "reportable payments", if any, subject to backup withholding during each year and the amount of tax withheld, if any, with respect to payments of the Securities, and (ii) the amount of interest or amount treated as interest on the Securities and required to be included in the gross income of the Holder thereof.

Section 6.12. Governing Law.

This Agreement shall be construed in accordance with and governed by the laws of the State of Texas.

[EXECUTION PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

Wells Fargo Bank, National Association
Dallas, Texas

By: _____
Title: _____
Address: 1445 Ross Avenue, Second Floor
Dallas, Texas 75202
Attention: Corporate Trust Services

[BANK SEAL]

Love Field Airport Modernization Corporation
Dallas, Texas

By: _____
Title: [Vice] President, Board of Directors
Address: 1500 Marilla
Dallas, Texas 75201

Attest:

Secretary

[SEAL]

Exhibit A

Love Field Airport Modernization Corporation General Airport Revenue Bonds, Series 2016,
issued in the aggregate principal amount of \$_____.

SCHEDULE I

Paying Agent/Registrar Fee Schedule

The Paying Agent/Registrar Fee was combined with the Trustee Fee

AGENDA ITEM # 3

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: November 9, 2016
COUNCIL DISTRICT(S): 2
DEPARTMENT: Aviation
CMO: Ryan S. Evans, 671-9837
MAPSCO: 34E

SUBJECT

Authorize an Other Transaction Agreement with the Federal Aviation Administration for a Limited Design and Implementation Reimbursable Agreement for the mitigation of impacts to the Instrument Landing System control cabling due to the rehabilitation of Taxiway Bravo at Dallas Love Field - Not to exceed \$79,196 - Financing: Aviation Capital Construction Funds

BACKGROUND

The Federal Aviation Administration (FAA) will design the move of its own navigational aids for the rehabilitation of Taxiway Bravo from B1 to B4 and Connectors B3 and B4 project. The FAA has indicated it will provide services limited to labor, travel and expenses required to perform limited technical and/or engineering support for the projects.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Garver, LLC to provide design and preparation of construction documents for the rehabilitation of Taxiway Bravo from B1 to B4 and Connectors B3 and B4, and Runway 18-36 Intersection Improvements at Dallas Love Field on March 25, 2015, by Resolution No. 15-0491.

Authorized Supplemental Agreement No. 2 to the professional services contract with HNTB Corporation to provide design, construction documents and bidding services for a Runway Incursion Project identified by the FAA to be part of the Runway 18-36 Conversion Project at Dallas Love Field on January 27, 2016, by Resolution No. 16-0181.

Authorized a construction contract with Munilla Construction Management, LLC for the Rehabilitation of Taxiway Bravo from B1 to B4 and Connectors B3 and B4 Project at Dallas Love Field on September 28, 2016, by Resolution No. 16-1580.

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

Authorized a construction contract with EAS Contracting, L.P., for the Runway Incursion Mitigation Project at Dallas Love Field on October 11, 2016, by Resolution No. 16-1650.

Information about this item will be provided to the Budget, Finance, and Audit Committee on November 7, 2016.

FISCAL INFORMATION

\$79,195.85 - Aviation Capital Construction Funds

November 9, 2016

WHEREAS, it is now desirable to authorize an Other Transaction Agreement with the Federal Aviation Administration (FAA) for a Limited Design and Implementation Reimbursable Agreement for the mitigation of impacts to the Instrument Landing System (ILS) control cabling due to the rehabilitation of Taxiway Bravo from B1 to B4 and Connectors B3 and B4 project at Dallas Love Field in the amount not to exceed \$79,195.85; and,

WHEREAS, the FAA has indicated it will provide services limited to labor, travel and expenses required to perform limited technical and/or engineering support for the project.

Now, Therefore,

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

Section 1. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$79,195.85 to be paid to the FAA for the services associated with relocating the ILS control cable in accordance to the terms and conditions of the Other Transaction Agreement from:

Aviation Capital Construction Fund
Fund 0131, Dept. AVI, Unit W003, Act. AAIP, Obj. 4111
Program: AVW003, Encumbrance No. CTAVIW003FAAFY17, Comm. Code 92500
Vendor No. 174291, in an amount not to exceed \$79,195.85

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 # 4

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: November 9, 2016
COUNCIL DISTRICT(S): 2
DEPARTMENT: Aviation
CMO: Ryan S. Evans, 671-9837
MAPSCO: 34E

SUBJECT

Authorize an application for and acceptance of a grant from the Federal Aviation Administration for the federal share of the eligible capital improvement projects at Dallas Love Field - Not to exceed \$988,086 - Financing: Federal Aviation Administration Airport Improvement Program Grant Funds

BACKGROUND

The Federal Aviation Administration (FAA) has indicated that the following projects are eligible for federal funding and can participate in an amount up to \$988,086.00 of the actual and eligible project costs. One of the projects has already completed design. Grant funds for these specific projects will be used to reimburse the program.

Rehabilitate Taxiway B from RWY 13L to 18-36 (Realignment)

The existing pavement was assessed in a 2015 Airfield Pavement Condition Survey. The recommendation in the survey was reconstruction. Additionally, the existing airfield drainage needs to be upgraded to conform to current standards.

Runway Incursion Mitigation Project at RWY 18/36

A runway incursion occurs when an aircraft does not stop at the hold sign before it has been cleared to enter the runway for takeoff. The FAA requested this project, which will simplify the geometry in that area, to mitigate future runway incursions. This design will delineate the work required to physically remove a section of Taxiway A from Runway 18/36.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a contract with HNTB Corporation to provide engineering services for the Runway 18-36 Conversion project at Dallas Love Field on April 22, 2015, by Resolution No. 15-0806.

Authorized Supplemental Agreement No. 1 to the professional services contract with HNTB Corporation to provide design, construction documents and bidding services for the physical improvements necessary to convert the existing Runway 18/36 to a taxiway for the Runway 18-36 Conversion Project at Dallas Love Field on October 14, 2015, by Resolution No. 15-1880.

Authorized Supplemental Agreement No. 2 to the professional services contract with HNTB Corporation to provide design, construction documents and bidding services for a Runway Incursion Program project identified by the Federal Aviation Administration to be part of the Runway 18-36 Conversion project at Dallas Love Field on January 27, 2016, by Resolution No. 16-0181.

Information about this item will be provided to the Budget, Finance and Audit Committee on November 7, 2016.

FISCAL INFORMATION

\$988,086.00 - Federal Aviation Administration Airport Improvement Program Grant Funds

Rehabilitation of Taxiway B from RWY 13L to 18-36 (Realignment)	\$789,512.00
Runway Incursion Mitigation Project at RWY 18-36	<u>\$198,574.00</u>
Total	\$988,086.00

November 9, 2016

WHEREAS, the Federal Aviation Administration (FAA) through the Airport Improvement Program (AIP) has indicated that the following Dallas Love Field Projects: Design for Rehabilitation of Taxiway B from RWY 13L to 18-36 (Realignment) and Design for Runway Incursion Mitigation Project at RWY 18-36 are eligible for federal funding from the Federal Aviation Administration; and,

WHEREAS, on April 22, 2015, City Council authorized a contract with HNTB Corporation to provide engineering services for the Runway 18-36 Conversion project at Dallas Love Field, in an amount not to exceed \$236,929.00, by Resolution No. 15-0806; and,

WHEREAS, on October 14 2015, City Council authorized Supplemental Agreement No. 1 to the professional services contract with HNTB Corporation to provide design, construction documents and bidding services for the physical improvements necessary to convert the existing Runway 18/36 to a taxiway for the Runway 18-36 Conversion Project at Dallas Love Field, in an amount not to exceed \$525,492.00, from \$236,929.00 to \$762,421.00, by Resolution No. 15-1880; and,

WHEREAS, on January 27, 2016, City Council authorized Supplemental Agreement No. 2 to the professional services contract with HNTB Corporation to provide design, construction documents and bidding services for a Runway Incursion Program project identified by the Federal Aviation Administration to be part of the Runway 18-36 Conversion project at Dallas Love Field, in an amount not to exceed \$287,434, from \$762,421 to \$1,049,855, by Resolution No. 16-0181; and,

WHEREAS, it is desirable to apply for and accept reimbursement funds from the FAA for the eligible costs of each project.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to apply for and accept reimbursement funds from the Federal Aviation Administration (FAA) (Grant No. 3-48-0062-051-2016/CFDA No. 20.106) in the amount of \$988,086.00 of the estimated costs, and to apply for and accept future increases in the project cost when approved by both the City and the FAA.

Section 2. That upon acceptance of FAA reimbursement funds, the Chief Financial Officer is authorized to receive and deposit funds in the amount of \$789,512.00 for Rehabilitation of Taxiway B from RWY 13L to 18-36 (Realignment) to be deposited in the Aviation Airport Improvement Program (AIP) Grant Fund F491, Dept. AVI, Unit W121, and Revenue Source 9907.

November 9, 2016

Section 3. That upon acceptance of FAA reimbursement funds, the Chief Financial Officer is authorized to receive and deposit funds in the amount of \$198,574.00 for Runway Incursion Mitigation Project at RWY 18-36 to be deposited in the Aviation Airport Improvement Program (AIP) Grant Fund F482, Dept. AVI, Unit W047, and Revenue Source 9907.

Section 4. That the City Manager is hereby authorized to establish appropriations in the Aviation Grant Fund F482, Unit W047, Obj 3099 in an amount not to exceed \$198,574.00 for the Runway Incursion Mitigation Project.

Section 5. That the Chief Financial Officer is hereby authorized to reimburse Aviation Capital Construction Fund 0131, Unit W047, Obj 5011 in an amount not to exceed \$198,574.00 from Aviation Grant Fund F482, Unit W047, Obj. 3099 for project costs under the RIM Project.

Section 6. That the City Manager is hereby authorized to reimburse to the granting agency expenditures identified as ineligible. The City Manager shall notify the appropriate City Council Committee of expenditures identified as ineligible not later than 30 days after the reimbursement.

Section 7. That the City Manager shall keep the appropriate City Council Committee informed of all final granting agency monitoring reports not later than 30 days after the receipt of the report.

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

AGENDA ITEM # 5

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: November 9, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Library

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

MAPSCO: N/A

SUBJECT

Authorize a three-year service contract for grounds maintenance services for Library facilities - Christopher James Lofton dba Edens Touch Landscape Management, most advantageous proposer of five - Not to exceed \$855,360 - 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 allow for grounds maintenance services for Library facilities on a predetermined maintenance schedule as well as a provision for service calls on an as needed basis. This service contract will be used to provide mowing, trimming, weeding, fertilization, pest control, as well as leaf and litter removal at 25 branch libraries and the Central Library. Mowing cycles range from 14 days to 30 days year round, with leaf and litter removal conducted on a weekly basis. Additionally, this contract will allow for irrigation adjustments and inspections.

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

- Library (2)
- Trinity Watershed Management (1)
- Office of Cultural Affairs (1)
- Equipment and Building Services (1)
- Business Development and Procurement Services (2)*

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

BACKGROUND (Continued)

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

- | | |
|---|-----|
| ● Experience/qualifications | 30% |
| ● Cost | 30% |
| ● Staffing plan/approach | 25% |
| ● 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 437 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, BDPS' ResourceLINK Team (RLT) sent notifications 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 26, 2014, City Council authorized a three-year service contract for grounds maintenance services for Library facilities by Resolution No. 14-0496.

On June 17, 2015, City Council authorized a two-year service contract for grounds maintenance services for library facilities by Resolution No. 15-1128.

Information about this item will be provided to the Arts, Culture & Libraries Committee on November 7, 2016.

FISCAL INFORMATION

\$855,360.00 - Current Funds (subject to annual appropriations)

M/WBE INFORMATION

55 - Vendors contacted
54 - No response
1 - Response (Bid)
0 - Response (No bid)
1 - Successful

M/WBE INFORMATION (Continued)

437 - 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

Christopher James Lofton dba Edens Touch Landscape Management

White Male	2	White Female	2
Black Male	3	Black Female	9
Hispanic Male	9	Hispanic Female	0
Other Male	0	Other Female	0

PROPOSAL INFORMATION

Business Development and Procurement Services received the following proposals from solicitation number BQZ1614. We opened them on July 15, 2016. We recommend the City Council award this service contract to the most advantageous proposer by group.

*Denotes successful proposer

<u>Proposers</u>	<u>Address</u>	<u>Score</u>	<u>Amount</u>
*Christopher James Lofton dba Edens Touch Landscape Management	500 E. Arapaho Dr. Suite 302 Richardson, TX 75081	Group 1 - 82.01% Group 2 - 80.92%	\$ 434,520.00 \$ 420,840.00
Good Earth Corporation	8020 Heinen Dr. Dallas, TX 75227	Group 1 - 61.55% Group 2 - 62.18%	\$ 748,440.00 \$ 857,040.00
Weldon's Lawn and Tree, LLC	2460 Shorecrest Dr. Rockwall, TX 75087	Group 1 - 59.20% Group 2 - 61.80%	\$ 313,038.00 \$ 273,789.00
Evan's Mobile Detail	311 Sorrel St. Duncanville, TX 75137	Group 1 - 42.20% Group 2 - 39.46%	\$ 391,260.00 \$ 531,330.00
Lotus Lawns & Landscaping	2242 Locust Ave. Dallas, TX 75216	Group 1 - 22.07% Group 2 - 22.26%	\$2,561,087.40 \$2,686,060.20

OWNER

Christopher James Lofton dba Edens Touch Landscape Management

Stephanie Lofton, President

Bobby Williams, Secretary

Susan Langs, Treasurer

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year service contract for grounds maintenance services for Library facilities - Christopher James Lofton dba Edens Touch Landscape Management, most advantageous proposer of five - Not to exceed \$855,360 - Financing: Current Funds (subject to annual appropriations)

Christopher James Lofton dba Edens Touch Landscape Management is a local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractor.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$855,360.00	100.00%
Total non-local contracts	\$0.00	0.00%
TOTAL CONTRACT	\$855,360.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
TCGI	BFDB33580Y1016	\$203,575.68	23.80%
Christopher James Lofton dba Edens Touch Landscape Management	BMMB61046N0818	\$651,784.32	76.20%
Total Minority - Local		\$855,360.00	100.00%

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$855,360.00	100.00%	\$855,360.00	100.00%
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	\$855,360.00	100.00%	\$855,360.00	100.00%

November 9, 2016

WHEREAS, on March 26, 2014, City Council authorized a three-year service contract for grounds maintenance services for Library facilities by Resolution No. 14-0496; and,

WHEREAS, on June 17, 2015, City Council authorized a two-year service contract for grounds maintenance services for library facilities by Resolution No. 15-1128;

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 Christopher James Lofton dba Edens Touch Landscape Management (VC15712) for grounds maintenance services for Library facilities for a term of three years in an amount not to exceed \$855,360.00, 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 Christopher James Lofton dba Edens Touch Landscape Management shall be based only on the amount of the services directed to be performed by the City and properly performed by Christopher James Lofton dba Edens Touch Landscape Management under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$855,360.00 (subject to annual appropriations) from Service Contract number BQZ1614.

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

AGENDA ITEM # 6

KEY FOCUS AREA: Public Safety

AGENDA DATE: November 9, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Office of Emergency Management

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

MAPSCO: N/A

SUBJECT

Authorize a six-year service contract for preventive maintenance and repair services for the City's outdoor warning siren system - West Shore Services, Inc., most advantageous proposer of two - Not to exceed \$567,368 - 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 preventive maintenance and repair services for the City's outdoor warning siren system (OWS) that currently consists of 156 sirens strategically located throughout the City. The system alerts residents of approaching or existing hazardous conditions throughout the City to ensure the widest possible coverage. Typically the outdoor warning siren system is used as a warning tool in the event of a tornado or other dangerous weather conditions, it is one of the primary means of emergency warnings for Dallas residents and visitors for all types of hazards. Preventive maintenance is done on each siren every three years.

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

- Office of Emergency Management (2)
- Communication and Information Services (1)
- Business Development and Procurement Services (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:

- | | |
|---|-----|
| ● Cost | 35% |
| ● Experience and capability | 30% |
| ● Approach | 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 431 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, BDPS' ResourceLINK Team (RLT) sent notifications 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 August 26, 2015, City Council authorized a six-year service contract, for preventive maintenance and repair services for the City's outdoor warning siren system by Resolution No. 15-1521.

Information about this item will be provided to the Budget, Finance and Audit Committee on November 7, 2016.

FISCAL INFORMATION

\$567,368.00 - Current Funds (subject to annual appropriations)

M/WBE INFORMATION

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

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

M/WBE INFORMATION (Continued)

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

West Shore Services, Inc.

White Male	21	White Female	4
Black Male	0	Black Female	0
Hispanic Male	1	Hispanic Female	0
Other Male	1	Other Female	1

PROPOSAL INFORMATION

Business Development and Procurement Services received the following proposals from solicitation number BHZ1613. We opened them on July 15, 2016. We recommend the City Council award this service contract in its entirety to the most advantageous proposer.

*Denotes successful proposer

<u>Proposers</u>	<u>Address</u>	<u>Amount</u>
*West Shore Services, Inc.	6620 Lake Michigan Dr. Allendale, MI 49401	\$567,368.00
Joe N. Goddard dba Goddard Enterprises	11950 Thousand Oaks Dr. Edmond, OK 73034	\$949,600.00

OWNER

West Shore Services, Inc.

Jefferey J. DuPilka, President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a six-year service contract for preventive maintenance and repair services for the City's outdoor warning siren system - West Shore Services, Inc., most advantageous proposer of two - Not to exceed \$567,368 - Financing: Current Funds (subject to annual appropriations)

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

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$567,368.00	100.00%
TOTAL CONTRACT	\$567,368.00	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%

November 9, 2016

WHEREAS, on August 26, 2015, City Council authorized a six-year service contract, for preventive maintenance and repair services for the City's outdoor warning siren system by Resolution No. 15-1521;

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 West Shore Services, Inc. (VS0000052434) for preventive maintenance and repair services for the City's outdoor warning siren system for a term of six years in an amount not to exceed \$567,368.00, 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 West Shore Services, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by West Shore Services, Inc. under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$567,368.00 (subject to annual appropriations) from Service Contract number MASCMGTFY2017SIRENCT.

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

AGENDA ITEM # 7

KEY FOCUS AREA: E-Gov

AGENDA DATE: November 9, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Communication and Information Services

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

MAPSCO: N/A

SUBJECT

Authorize a three-year subscription and maintenance contract for a business information and process automation management system - Salesforce distributed by Carahsoft Technology Corporation, through the Department of Information Resources - Not to exceed \$5,024,646 - Financing: Current Funds (subject to annual appropriations)

BACKGROUND

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

This contract will allow for access and use of business information and process automation management system to include all maintenance and support. This system is currently being utilized in a few departments. Through this contract the system will be expanded to modernize City processes that are currently not automated and are managed manually. Some of the business processes that will benefit from this system include:

- Citywide Contract Management
- Citywide Audit Implementation Tracking
- Solicitation Process Management
- Internal Controls Process Management
- HIPPA Workflow and Compliance
- IT Governance
- ISO and OHSAS Compliance Management

BACKGROUND (Continued)

The system is flexible and scalable to grow and size the solution to fit the business needs of the City. Services, under this contract also include but may not be limited to the configuration of the software, development of interfaces, support services related to the deployment of the software solution, and end user training. Additionally, the City will acquire technical support services for software related issues or changes.

This service contract will allow for the purchase of up to approximately 1,100 licenses over the term of the contract. The contract also includes professional services for configuration and deployment of the software, development of interfaces, and end user training. Additionally, the system is available on desktop and mobile devices.

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)

Information about this item will be provided to the Budget, Finance and Audit Committee on November 7, 2016.

FISCAL INFORMATION

\$5,024,645.23 - Current Funds (subject to annual appropriations)

ETHNIC COMPOSITION

Carahsoft Technology Corporation

White Male	259	White Female	218
Black Male	13	Black Female	10
Hispanic Male	9	Hispanic Female	12
Other Male	14	Other Female	23

OWNER

Carahsoft Technology Corporation

Craig P. Abod, President
Robert Moore, Vice President

November 9, 2016

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

Section 1. That the City Manager is hereby authorized to execute a subscription and maintenance contract for Salesforce that is distributed by Carahsoft Technology Corporation (VS0000009713) through the Department of Information Resources for a business information and process automation management system for a term of three years in an amount not to exceed \$5,024,645.23, 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 Carahsoft Technology Corporation shall be based only on the amount of the services directed to be performed by the City and properly performed by Carahsoft Technology Corporation under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$5,024,645.23 (subject to annual appropriations) from Service Contract number MASCDV19SFORCE.

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 # 8

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: November 9, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Equipment & Building Services

CMO: Elizabeth Reich, 670-7804
Jill A. Jordan, P.E., 670-5299

MAPSCO: N/A

SUBJECT

Authorize a five-year concession contract, with two two-year renewal options, for the operation of snack vending machines at City facilities - Compass Group USA, Inc., only responsive proposer of two - Estimated Annual Average Net Revenue: \$13,260

BACKGROUND

This concession contract will provide for the operation of snack vending machines at City facilities. This contract will consolidate the management, servicing and accounting for snack machine sales on City properties. There are approximately 130 snack vending machines in approximately 95 locations currently in City buildings, parks, recreation centers and other City owned occupied properties.

This award will grant the rights to the highest ranked proposer to provide snack and ice cream vending machines to include a minimum of 75% of items meeting the City's healthy snack vending criteria in year one, at a revenue of 11% to the City and 100% of the items in year two and onward at a revenue of 10% to the City. Snack vending options will include items such as baked snacks, nuts, popcorn, fruit cups and protein bars. Ice cream vending machines will contain options such as fruit bars and low calorie, no sugar added ice creams. Ice cream vending will be provided at recreation centers and other facilities per request.

BACKGROUND (Continued)

The specific mix of products offered in each vending machine shall meet the following standards (excludes nuts, seeds, whole/dried fruit, cheeses and yogurts):

- less than 200 calories per serving size
- less than 35% of calories from total fat
- 0 grams of trans fat
- less than 10% of calories from saturated fat
- less than 35% of calories from sugars
- less than 250 mg of sodium
- Fried snacks not allowed

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

- Convention and Event Services (1)
- Office of Cultural Affairs (1)
- Library (1)
- Equipment and Building Services (1)
- Park & Recreation (1)
- Business Development and Procurement Services (1)*

*Business Development and Procurement Services only evaluated the fee structure.

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

- Financial terms 60%
- Proposed healthy options and pricing 15%
- Operational plan 15%
- Educational and marketing plan 10%

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 534 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, BDPS' ResourceLINK Team (RLT) sent notifications to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

BACKGROUND (Continued)

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

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 25, 2012, City Council authorized a three-year concession contract for the operation of snack vending machines at City facilities by Resolution No. 12-0271.

On December 7, 2015, the Budget, Finance and Audit Committee was briefed and approved the evaluation criteria and revised healthier options language for this solicitation.

Information about this item will be briefed to the Budget, Finance and Audit Committee on November 7, 2016.

FISCAL INFORMATION

\$13,260.00 - Estimated Annual Average Net Revenue

M/WBE INFORMATION

87 - Vendors contacted

87 - No response

0 - Response (Bid)

0 - Response (No bid)

0 - Successful

534 - 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

Compass Group USA, Inc.

White Male	24,403	White Female	36,056
Black Male	14,694	Black Female	20,610
Hispanic Male	13,063	Hispanic Female	13,715
Other Male	0	Other Female	0

PROPOSAL INFORMATION

Business Development and Procurement Services received the following bids from solicitation number BTZ1601. We opened them on February 12, 2016. We recommend the City Council award this service contract in its entirety to the lowest responsive and responsible bidder.

*Denotes successful proposer

<u>Proposers</u>	<u>Address</u>	<u>Score</u>
*Compass Group USA, Inc.	4301 Beltwood Parkway North Dallas, TX 75244	97.60%
Onyei Enterprise, LLC dba DeSoto Vending	3110 East Ledbetter Dallas, TX 75216	Non-responsive**

**Onyei Enterprise, LLC dba DeSoto Vending was deemed non-responsive due to not meeting specifications.

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

OWNER

Compass Group USA, Inc.

Adrian Meredith, President
Charles Palmer Brown, Vice President
Jennifer McConnell, Secretary
Daniel Thomas, Treasurer

November 9, 2016

WHEREAS, on January 25, 2012, City Council authorized a three-year concession contract for the operation of snack vending machines at City facilities by Resolution No. 12-0271;

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 concession contract with Compass Group USA, Inc. (VC0000011522) for the operation of snack vending machines at City facilities for a term of five-years, with two two-year renewal options, for an estimated annual average net revenue amount of \$13,260.00, upon approval as to form by the City Attorney.

Section 2. That the Chief Financial Officer is hereby authorized to receive and deposit all revenues received from Compass Group USA, Inc. as follows:

<u>Fund</u>	<u>Dept</u>	<u>Unit</u>	<u>Revenue Source</u>	<u>Amount</u>
0001	BMS	1991	7263	\$13,260.00

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

AGENDA ITEM # 9

KEY FOCUS AREA: Public Safety

AGENDA DATE: November 9, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Police

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

MAPSCO: N/A

SUBJECT

Authorize a three-year master agreement for traffic radar units - Applied Concepts, Inc. through the Houston-Galveston Area Council of Governments - Not to exceed \$239,010
- 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 allows for the purchase of traffic radar units for Police to measure motor vehicle speed. These units provide a high standard of quality, reliability, and credibility to the speed enforcement program through fair and equitable speed measurements.

This master agreement will provide both radar and lidar units allowing officers to enforce traffic laws within a wide range of environments. Radar units measure speed very quickly and are commonly used in residential areas and school zones when the user cannot see the vehicle approaching from long distances. These units transmit radio waves which bounce off of the intended target and then measure the change in frequency to determine the speed of the vehicle. These units are very effective in adverse weather conditions and at night as it can be utilized from inside the vehicle. Lidar utilizes a laser beam to determine the distance a vehicle travels over time. Lidar is superior at long ranges, enabling the user to quickly determine the speed and give the officer more time to perform a stop safely. Lidar is vehicle specific, therefore minimizing human error with interpretation of measurements.

BACKGROUND (Continued)

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

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Public Safety Committee on October 24, 2016.

FISCAL INFORMATION

\$239,010.00 - Current Funds

ETHNIC COMPOSITION

Applied Concepts, Inc.

White Male	63	White Female	23
Black Male	4	Black Female	5
Hispanic Male	1	Hispanic Female	6
Other Male	25	Other Female	13

OWNER

Applied Concepts, Inc.

Alan Mead, President

November 9, 2016

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

Section 1. That a master agreement for the purchase of traffic radar units is authorized with Applied Concepts, Inc. (346379) through the Houston-Galveston Area Council of Governments, for a term of three years in an amount not to exceed \$239,010.00.

Section 2. That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for traffic radar units. If a written contract is required or requested for any or all purchases of traffic radar units 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 \$239,010.00 from Master Agreement number BQ1622.

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: November 9, 2016

COUNCIL DISTRICT(S): All

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

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

MAPSCO: N/A

SUBJECT

Authorize a three-year master agreement for lead free brass fittings and accessories - Fortiline, Inc. in the amount of \$933,900, Mueller Co., LLC in the amount of \$623,500, ACT Pipe & Supply, Inc. in the amount of \$223,300, 4-Star Hose & Supply, Inc. in the amount of \$29,500, and Winston Water Cooler, LTD in the amount of \$1,800, lowest responsible bidders of five - Total not to exceed \$1,812,000 - Financing: Current Funds (\$48,750), Stormwater Drainage Management Current Funds (\$67,750), and Water Utilities Current Funds (\$1,695,500)

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 lead free brass fittings and accessories. The City will be able to continue to purchase various types and sizes of brass fittings for general service, water main repairs, and new installations. The City performs approximately 750 water main repairs, 1,100 general service repairs, and 1,050 new installations annually.

The State and Environmental Protection Agency (EPA) regulations requires the fittings to be certified by the National Sanitation Foundation due to placement of the fittings purchased under this agreement within the water distribution system.

This solicitation was structured in a manner which required bidders to submit a percentage discount/markup from manufacturer catalog. This bid resulted in an average discount of 51.78% compared to an average discount of 55.40% received 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 313 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, BDPS' ResourceLINK Team (RLT) sent notifications to 25 chambers of commerce, the DFW Minority Business Council, and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 27, 2012, City Council authorized a two-year master agreement for the purchase of brass fittings by Resolution No. 12-1612.

On October 23, 2013, City Council authorized a three-year master agreement for the purchase of brass fittings by Resolution No. 13-1820.

Information about this item will be provided to the Budget, Finance and Audit Committee on November 7, 2016.

FISCAL INFORMATION

\$ 48,750.00 - Current Funds

\$ 67,750.00 - Stormwater Drainage Management Current Funds

\$1,695,500.00 - Water Utilities Current Funds

M/WBE INFORMATION

57 - Vendors contacted

57 - No response

0 - Response (Bid)

0 - Response (No bid)

0 - Successful

313 - 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

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

Mueller Co., LLC

White Male	391	White Female	37
Black Male	64	Black Female	7
Hispanic Male	1	Hispanic Female	0
Other Male	5	Other Female	1

ACT Pipe & Supply, Inc.

White Male	9	White Female	3
Black Male	1	Black Female	0
Hispanic Male	2	Hispanic Female	0
Other Male	0	Other Female	0

4-Star Hose & Supply, Inc.

White Male	29	White Female	4
Black Male	6	Black Female	0
Hispanic Male	10	Hispanic Female	0
Other Male	2	Other Female	0

Winston Water Cooler, LTD

White Male	24	White Female	8
Black Male	3	Black Female	0
Hispanic Male	11	Hispanic Female	0
Other Male	0	Other Female	0

BID INFORMATION

Business Development and Procurement Services received the following bids from solicitation number BM1612. We opened them on July 15, 2016. We recommend the City Council award this master agreement to the lowest responsive and responsible bidders by line. Information related to this solicitation is available upon request.

BID INFORMATION (Continued)

*Denotes successful bidders

<u>Bidders</u>	<u>Address</u>	<u>Amount</u>
*Fortiline, Inc.	11200 Seagoville Rd. Balch Springs, TX 75100	Multiple Lines
*Mueller Co., LLC	500 W. Eldorado St. Decatur, IL 62525	Multiple Lines
*ACT Pipe & Supply, Inc.	1888 W. Northwest Hwy. Dallas, TX 75220	Multiple Lines
*4-Star Hose & Supply, Inc.	10704 Composite Dr. Dallas, TX 75220	Multiple Lines
*Winston Water Cooler, LTD	6626 Oakbrook Blvd. Dallas, TX 75235	Multiple Lines

OWNERS

Fortiline, Inc.

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

Mueller Co., LLC

Greg Rogowski, President
Mike Williams, Vice President
Chad Mize, Treasurer

ACT Pipe & Supply, Inc.

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

OWNERS (Continued)

4-Star Hose & Supply, Inc.

Keith Culhane, President
Brent Culhane, Vice President

Winston Water Cooler, LTD

Jane Butter, President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year master agreement for lead free brass fittings and accessories - Fortiline, Inc. in the amount of \$933,900, Mueller Co., LLC in the amount of \$623,500, ACT Pipe & Supply, Inc. in the amount of \$223,300, 4-Star Hose & Supply, Inc. in the amount of \$29,500, and Winston Water Cooler, LTD in the amount of \$1,800, lowest responsible bidders of five - Total not to exceed \$1,812,000 - Financing: Current Funds (\$48,750), Stormwater Drainage Management Current Funds (\$67,750), and Water Utilities Current Funds (\$1,695,500)

Mueller Co., LLC is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce. ACT Pipe & Supply, Inc., 4-Star Hose & Supply, Inc., Winston Water Cooler, LTD 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	\$1,188,500.00	65.59%
Total non-local contracts	\$623,500.00	34.41%
TOTAL CONTRACT	\$1,812,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

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

November 9, 2016

WHEREAS, on June 27, 2012, City Council authorized a two-year master agreement for the purchase of brass fittings by Resolution No. 12-1612, and,

WHEREAS, on October 23, 2013, City Council authorized a three-year master agreement for the purchase of brass fittings by Resolution No. 13-1820;

NOW, THEREFORE,

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

Section 1. That a master agreement for the purchase of lead free brass fittings and accessories is authorized with Fortiline, Inc. (VS0000073028) in the amount of \$933,900.00, Mueller Co., LLC (VS0000021750) in the amount of \$623,500.00, ACT Pipe & Supply, Inc. (358157) in the amount of \$223,300.00, 4-Star Hose & Supply, Inc. (161103) in the amount of \$29,500.00, and Winston Water Cooler, LTD (500437) in the amount of \$1,800.00, for a term of three years in a total amount not to exceed \$1,812,000.00.

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

Section 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$1,812,000.00 from Master Agreement number BM1612.

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: November 9, 2016

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Human Resources

CMO: A. C. Gonzalez, 670-3302

MAPSCO: N/A

SUBJECT

Authorize a contract with Dallas Area Rapid Transit for the purchase of 265 annual passes in support of the City's clean air initiative - Not to exceed \$172,000 - Financing: Current Funds (to be partially reimbursed by participating employees)

BACKGROUND

The Dallas Area Rapid Transit (DART) annual pass program is designed to increase DART ridership through a reduced fare to program participants. Passes allow unlimited transportation for a full calendar year (7 days per week) on DART bus, rail and commuter rail routes. It is expected to increase the use of public transportation by City employees, thereby decreasing automobile emissions. Increasing City employees' use of mass transportation is part of the City's clean air strategies. The 2017 program will be effective January 1, 2017, through December 31, 2017.

The DART Pass program is open to permanent civilian and uniformed Fire employees. Uniformed Police employees already ride free of charge on DART transportation routes. The City will purchase approximately 265 annual DART passes which will be partially reimbursed by participating employees through payroll deductions beginning January 1, 2017 through December 31, 2017.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized purchase of 450 bus passes from Dallas Area Rapid Transit on behalf of City employees in support of the City's 2010 clean air initiative on January 27, 2010, by Resolution No. 10-0364.

Authorized purchase of 384 bus passes from Dallas Area Rapid Transit on behalf of City employees in support of the City's 2011 clean air initiative on December 8, 2010, by Resolution No. 10-3001.

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

Authorized purchase of 375 bus passes from Dallas Area Rapid Transit on behalf of City employees in support of the City's 2012 clean air initiative on November 7, 2011, by Resolution No. 11-3027.

Authorized purchase of 343 bus passes from Dallas Area Rapid Transit on behalf of City employees in support of the City's 2013 clean air initiative on December 12, 2012, by Resolution No. 12-2983.

Authorized purchase of 339 bus passes from Dallas Area Rapid Transit on behalf of City employees in support of the City's 2014 clean air initiative on October 23, 2013, by Resolution No. 13-1831.

Authorized purchase of 312 bus passes from Dallas Area Rapid Transit on behalf of City employees in support of the City's 2015 clean air initiative on November 12, 2014, by Resolution 14-1975.

Authorized purchase of 253 bus passes from Dallas Area Rapid Transit on behalf of City employees in support of the City's 2016 clean air initiative on November 10, 2015, by Resolution 15-2071.

FISCAL INFORMATION

Current Funds - \$172,000 (to be partially reimbursed by participating employees)

OWNER

Dallas Area Rapid Transit

Gary Thomas, President and Executive Director

November 9, 2016

WHEREAS, the City Council authorized the City funded Dallas Area Rapid Transit Pass program on January 27, 2010, by Resolution No. 10-0364; and

WHEREAS, the City Council authorized a contract with Dallas Area Rapid Transit for the purchase of 384 annual passes in support of the City's 2011 clean air initiative on December 8, 2010, by Resolution No. 10-3001; and

WHEREAS, the City Council authorized a contract with Dallas Area Rapid Transit for the purchase of 375 annual passes in support of the City's 2012 clean air initiative on November 7, 2011, by Resolution No. 11-3027; and

WHEREAS, the City Council authorized the purchase of 343 bus passes from Dallas Area Rapid Transit on behalf of City employees in support of the City's 2013 clean air initiative on December 12, 2012, by Resolution No. 12-2983; and

WHEREAS, the City Council authorized a contract with Dallas Area Rapid Transit for the purchase of 339 annual passes in support of the City's 2014 clean air initiative on October 23, 2013, by Resolution No. 13-1831; and

WHEREAS, the City Council authorized a contract with Dallas Area Rapid Transit for the purchase of 312 annual passes in support of the City's 2015 clean air initiative on November 12, 2014, by Resolution No. 14-1975; and

WHEREAS, the City Council authorized a contract with Dallas Area Rapid Transit for the purchase of 253 annual passes in support of the City's 2016 clean air initiative on November 10, 2015, by Resolution No. 15-2071; and

WHEREAS, it is the City's desire to execute a one-year contract for the 2017 Calendar year with Dallas Area Rapid Transit to purchase approximately 265 DART passes, the cost of which will be partially reimbursed through employee payroll deductions.

NOW, THEREFORE,

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

Section 1. That the City Manager is hereby authorized to enter into a contract, where a contract is required, after approval as to form by the City Attorney, for the purchase of approximately 265 DART Passes to include Paratransit coupon books on behalf of City employees in support of the City's clean air initiative.

November 9, 2016

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds from Fund 0001, Dept. PER, Unit 1436, Object 5011, Encumbrance No. CT PER14362015 to Dallas Area Rapid Transit (Vendor #232802) for the purchase of approximately 265 passes, on behalf of City employees in an amount not to exceed \$172,000 (to be partially reimbursed through employee payroll deductions).

Section 3. That the Chief Financial Officer is hereby authorized to make employee payroll deductions to reimburse the City to Fund 0001, Dept. PER, Unit 1436, Object 5011 in an amount not to exceed \$172,000.

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

AGENDA ITEM # 12

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: November 9, 2016
COUNCIL DISTRICT(S): 2
DEPARTMENT: Mobility and Street Services
CMO: Jill A. Jordan, P.E., 670-5299
MAPSCO: 46J

SUBJECT

Authorize Supplemental Agreement No. 4 to the professional services contract with Civil Associates, Inc. for additional engineering design of the crossing gate arms and flashers needed for the Central Business District Fair Park Link from Hall Street to IH 30 - Not to exceed \$85,884, from \$533,499 to \$619,383 - Financing: 2006 Bond Funds

BACKGROUND

On January 23, 2008, Resolution No. 08-0324 authorized a professional services contract with Civil Associates, Inc. for design of the Central Business District (CBD) Fair Park Link from Hall Street to IH 30. On April 28, 2010, Resolution No. 10-1065 authorized Supplemental Agreement No. 1 to the professional services contract with Civil Associates, Inc. for additional engineering and surveying services for the CBD Fair Park Link from Hall Street to IH-30. This action will authorize Supplemental Agreement No. 4 to the professional services contract with Civil Associates, Inc. for additional engineering services to design a new crossing gate arm and flasher and modify the two existing crossing gate arms and flashers currently located at the railroad crossing at the Elm Street/Exposition Avenue intersection.

Three crossing gate arms and flashers are needed at the Elm Street/Exposition Avenue intersection to safely accommodate the CBD Fair Park Link.

ESTIMATED SCHEDULE OF PROJECT

Began Design	March 2008
Complete Design	February 2017
Begin Construction	May 2017
Complete Construction	November 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract on January 23, 2008, by Resolution No. 08-0324.

Authorized Supplemental Agreement No. 1 to the professional services contract with Civil Associates, Inc. on April 28, 2010, by Resolution No. 10-1065.

Information about this item was provided to the Transportation and Trinity River Project Committee on October 24, 2016.

FISCAL INFORMATION

2006 Bond Funds - \$85,884.00

Design - STS	\$ 336,422.22
Supplemental Agreement No. 1	\$ 149,361.70
Supplemental Agreement No. 2	\$ 29,693.20
Supplemental Agreement No. 3	\$ 18,022.15
Supplemental Agreement No. 4 (this action)	\$ 85,884.00
Construction	
Paving & Drainage (STS)	\$3,523,364.15 (est.)
Water & Wastewater (DWU)	\$ 383,268.00 (est.)
Right-of-Way Acquisition	<u>\$2,000,000.00 (est.)</u>
Total	\$6,526,015.42 (est.)

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Civil Associates, Inc.

African American Female	0	African American Male	0
Hispanic Female	1	Hispanic Male	2
White Female	1	White Male	10
Other Female	2	Other Male	6

OWNER

Civil Associates, Inc.

Chi Dao, P.E., President, Chief Executive Officer

MAP

Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 4 to the professional services contract with Civil Associates, Inc. for additional engineering design of the crossing gate arms and flashers needed for the Central Business District Fair Park Link from Hall Street to IH 30 - Not to exceed \$85,884, from \$533,499 to \$619,383 - Financing: 2006 Bond Funds

Civil Associates, Inc. is a 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 - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$85,884.00	100.00%
Non-local contracts	\$0.00	0.00%
TOTAL THIS ACTION	\$85,884.00	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>
Civil Associates, Inc.	PMDB59946Y0717	\$7,036.00	8.19%
Total Minority - Local		\$7,036.00	8.19%

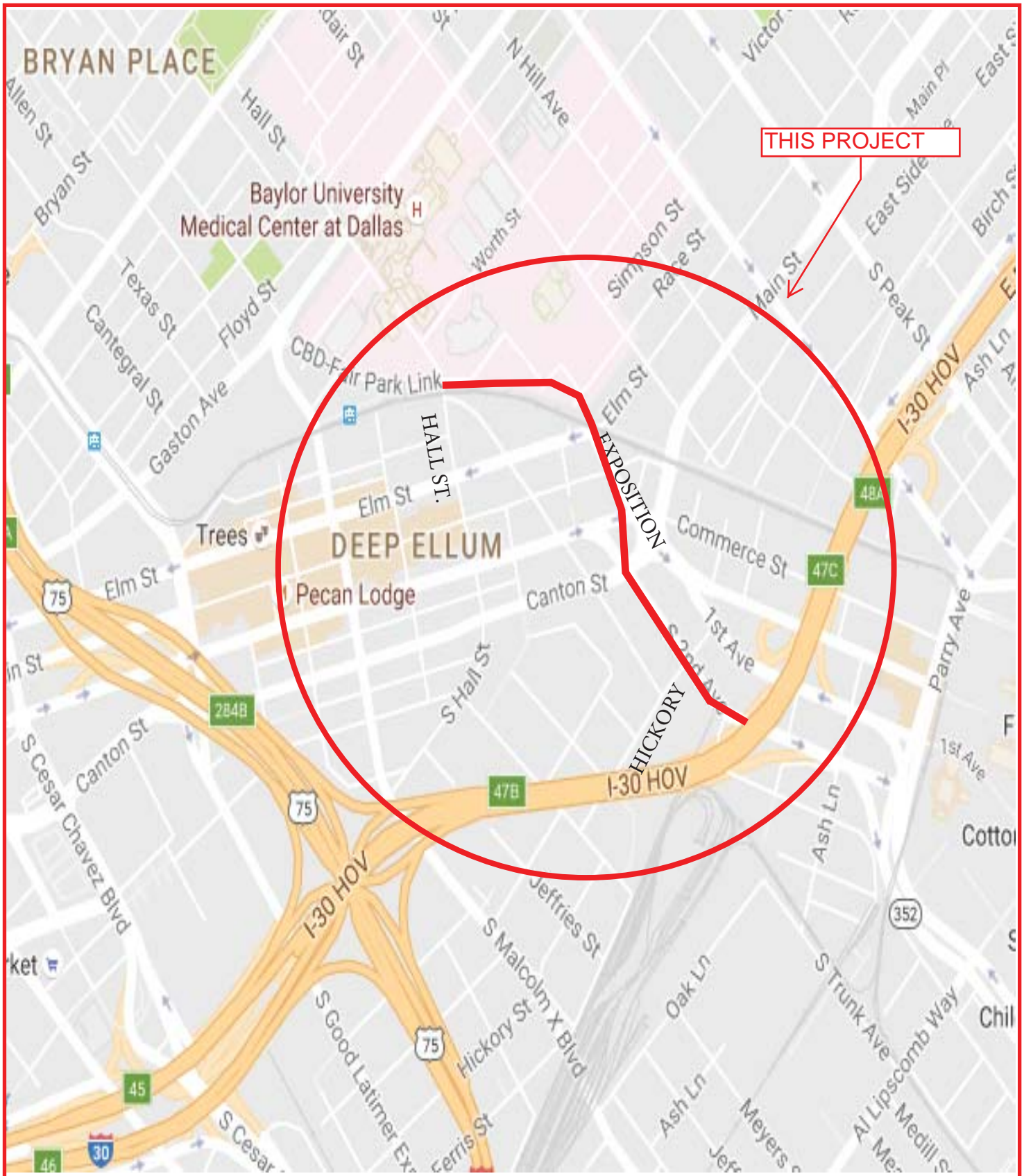
Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

	<u>This Action Amount</u>	<u>Percent</u>	<u>Participation to Date Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$85,493.50	13.80%
Asian American	\$7,036.00	8.19%	\$412,542.07	66.61%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$7,036.00	8.19%	\$498,035.57	80.41%

(CBD) FAIR PARK LINK FROM HALL STREET TO IH 30



November 9, 2016

WHEREAS, on January 23, 2008, Resolution No. 08-0324 authorized a professional services contract with Civil Associates, Inc. for design of the Central Business District (CBD) Fair Park Link from Hall Street to IH 30 in the amount of \$336,422.22; and,

WHEREAS, on April 28, 2010, Resolution No. 10-1065 authorized Supplemental Agreement No. 1 to the professional services contract with Civil Associates, Inc. for additional engineering and surveying services for the CBD Fair Park Link from Hall Street to IH 30 in the amount of \$149,361.70, from \$336,422.22 to \$485,783.92; and,

WHEREAS, on October 2, 2012, Administrative Action No. 12-2595 authorized Supplemental Agreement No. 2 to the professional services contract with Civil Associates, Inc. for additional road-rail intersection design work and coordination with DART in the amount of \$29,693.20, from \$485,783.92 to \$515,477.12; and,

WHEREAS, on January 19, 2016, Administrative Action No. 16-5183 authorized Supplemental Agreement No. 3 to the contract with Civil Associates, Inc. for the conceptual design alternatives to tie-in or terminate Exposition Avenue into Main Street for the future proposed Fair Park Link roadway project in the amount of \$18,022.15, from \$515,477.12 to \$533,499.27; and,

WHEREAS, it is now necessary to authorize Supplemental Agreement No. 4 to the professional services contract with Civil Associates, Inc. for additional engineering design of the crossing gate arms and flashers needed for the CBD Fair Park Link from Hall Street to IH 30 in the amount of \$85,884.00, from \$533,499.27 to \$619,383.27.

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. 4 to the professional services contract with Civil Associates, Inc. for additional engineering design of crossing gate arms and flashers needed for the CBD Fair Park Link from Hall Street to IH 30 in the amount of \$85,884.00, from \$533,499.27 to \$619,383.27.

November 9, 2016

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

Street and Transportation Improvements Fund	
Fund 2T22, Department STS, Unit U203, Act. INGV	
Obj. 4111, Program # PB06U203, CT PBW06U203D1	
Vendor # 512422, in an amount not to exceed	\$85,884.00

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

AGENDA ITEM # 13

KEY FOCUS AREA: Public Safety

AGENDA DATE: November 9, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Emergency Management

CMO: Eric Campbell, 670-3255

MAPSCO: N/A

SUBJECT

Authorize **(1)** acceptance of the 2016 Homeland Security Grant from the Department of Homeland Security, for the Urban Area Security Initiative to provide funding for equipment acquisition, planning and training activities to enable the City to respond to natural and man-made disasters for the period October 1, 2016 through November 30, 2018; and **(2)** execution of the grant agreement - Not to exceed \$5,787,076 - 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. In 2016, the City of Dallas was awarded funds under the Urban Areas Security Initiative (UASI). 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 Texas 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 all linked to a terrorism nexus. 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. 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.

BACKGROUND (Continued)

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 (LE) activities and Management and Administration (M&A) of the grant.

Previous funding from the Homeland Security Grant Program has been used for equipment and programs to support public safety and homeland security initiatives.

Listed below are the levels of funding for each initiative:

Urban Area Security Initiative Grant	\$5,787,075.50
UASI	\$4,370,275.50
LE	\$1,200,000.00
M&A	\$216,800.00

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized the acceptance of the 2012 Homeland Security Grant from the Department of Homeland Security, which includes the Urban Area Security Initiative and the State Homeland Security Grant Program, Grant No. EMW-2012-SS-00018-S01 on October 24, 2012, by Resolution No. 12-2662.

Authorized the acceptance of the 2013 Homeland Security Grant from the Department of Homeland Security, which includes the Urban Area Security Initiative and the State Homeland Security Grant Program, Grant No. EMW-2013-SS-00045 on December 11, 2013, by Resolution No. 13-2063.

Authorized the acceptance of the 2014 Homeland Security Grant from the Department of Homeland Security, which includes the Urban Area Security Initiative and the State Homeland Security Grant Program, Grant No. EMW-2014-SS-00029 on November 12, 2014, by Resolution No. 14-1902.

Authorized the acceptance of the 2015 Homeland Security Grant from the Department of Homeland Security, which includes the Urban Area Security Initiative and the State Homeland Security Grant Program, Grant No. EMW-2015-SS-00081 on January 13, 2016, by Resolution No. 16-0083.

Information about this item was provided to the Public Safety Committee on October 24, 2016.

FISCAL INFORMATION

\$5,787,075.50 – U.S. Department of Homeland Security Grant Funds

November 9, 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 will be used for operating expenses related to emergency response activities; and

WHEREAS, the City of Dallas will benefit from increased preparedness throughout the city.

NOW, THEREFORE,

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

Section 1. That the City Manager is hereby authorized to accept a grant from the U.S. Department of Homeland Security under the Homeland Security Grant Program (CFDA #97.067, Grant #EMW-2016-SS-00056) to fund emergency preparedness operations and planning related to emergency response activities for the period October 1, 2016 through November 30, 2018 in an amount not to exceed \$5,787,075.50.

Section 2. That the Chief Financial Officer is authorized to receive and deposit U.S. Department of Homeland Security Grant Funds in Fund F511, Department MGT, Unit 2757, Revenue Source 6506, not to exceed \$4,370,275.50.

Section 3. That the Chief Financial Officer is authorized to receive and deposit U.S. Department of Homeland Security Grant Funds in Fund F511, Department MGT, Unit 2758, Revenue Source 6506, not to exceed \$1,200,000.00.

Section 4. That the Chief Financial Officer is authorized to receive and deposit U.S. Department of Homeland Security Grant Funds in Fund F511, Department MGT, Unit 2759, Revenue Source 6506, not to exceed \$216,800.00.

Section 5. That the City Manager is authorized to establish appropriations in an amount not to exceed \$4,370,275.50 in Fund F511, Department MGT, Unit 2757.

Section 6. That the City Manager is authorized to establish appropriations in an amount not to exceed \$1,200,000.00 in Fund F511, Department MGT, Unit 2758.

Section 7. That the City Manager is authorized to establish appropriations in an amount not to exceed \$216,800.00 in Fund F511, Department MGT, Unit 2759.

Section 8. That the Chief Financial Officer is authorized to disburse funds from Fund F511, Department MGT, Unit 2757, Obj. 3099, not to exceed \$4,370,275.50.

November 9, 2016

Section 9. That the Chief Financial Officer is authorized to disburse funds from Fund F511, Department MGT, Unit 2758, Obj. 3099, not to exceed \$1,200,000.00.

Section 10. That the Chief Financial Officer is authorized to disburse funds from Fund F511, Department MGT, Unit 2759, Obj. 3099, not to exceed \$216,800.00.

Section 11. That the City Manager is hereby authorized to reimburse to the U.S. 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 12. 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 the receipt of the report.

Section 13. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 14

KEY FOCUS AREA: E-Gov

AGENDA DATE: November 9, 2016

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Office of Financial Services

CMO: Elizabeth Reich, 670-7804

MAPSCO: N/A

SUBJECT

Authorize a public hearing to be held on December 14, 2016 to receive comments on proposed changes to the City of Dallas, Citizen Participation Plan for U.S. Department of Housing and Urban Development (HUD) Grants to incorporate revised HUD guidance relating to the new Assessment of Fair Housing and various non-substantive changes - Financing: No cost consideration to the City

BACKGROUND

HUD recently published a Final Rule at 24 CFR Part 5 regarding a grantee's obligation to Affirmatively Further Fair Housing (AFFH). The new rule sets forth a meaningful and transparent process to identify and understand local and regional fair housing issues and to set goals for improving fair housing choice and access to opportunity. HUD is providing its Consolidated Plan grantees and Public Housing Authorities with an Assessment Tool and a rich set of data within a mapping tool to support the development of the Assessment of Fair Housing (AFH), which is replacing the Analysis of Impediments to Fair Housing Choice (AI).

Under the new AFFH rule, a grantee's citizen participation plan must be amended to comply with the new provisions.

Other minor updates are included to reflect current business processes and procedures.

Federal regulations and the City's Citizen Participation Plan require a public comment period of not less than 30 days and a public hearing be held to allow citizens with reasonable notice and an opportunity to comment on substantial amendments to the plan. Holding a public hearing on December 14, 2016 will meet this requirement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Housing Committee on October 17, 2016.

FISCAL INFORMATION

No cost consideration to the City.

AGENDA ITEM # 15

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

AGENDA DATE: November 9, 2016

COUNCIL DISTRICT(S): 12

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: 656X

SUBJECT

Authorize **(1)** acceptance of a reimbursable matching grant from Collin County in the amount of \$250,000; and **(2)** execution of an Interlocal Agreement with Collin County for the construction of a trail at Moss Glen Park located at 5200 Bentwood Trail - Not to exceed \$250,000 - Financing: Collin County Grant Funds

BACKGROUND

On July 7, 2016, the City of Dallas submitted an application to Collin County Park and Open Space Program for the design and construction of improvements to Moss Glen Park, which currently is undeveloped parkland. The City used the appraised value of the undeveloped parkland, valued at \$1,550,000, as its dollar for dollar matching funds. The estimated cost to build-out the park in accordance with the park master plan is estimated to be over \$992,000. Collin County awarded the City of Dallas \$250,000 which will be used for construction of a loop trail depending upon final construction costs and available funding.

The grant stipulates a 50% matching requirement totaling \$250,000. The value of the undeveloped parkland will be used for the required local match.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council authorized an application for a matching grant through the Collin County Parks and Open Space Project Funding Assistance Program on June 15, 2016, by Resolution No. 16-0977.

On May 19, 2016, the Park and Recreation Board authorized an application for a matching grant through the Collin County Parks and Open Space Project Funding Assistance Program.

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

On October 20, 2016, the Park and Recreation Board authorized this item.

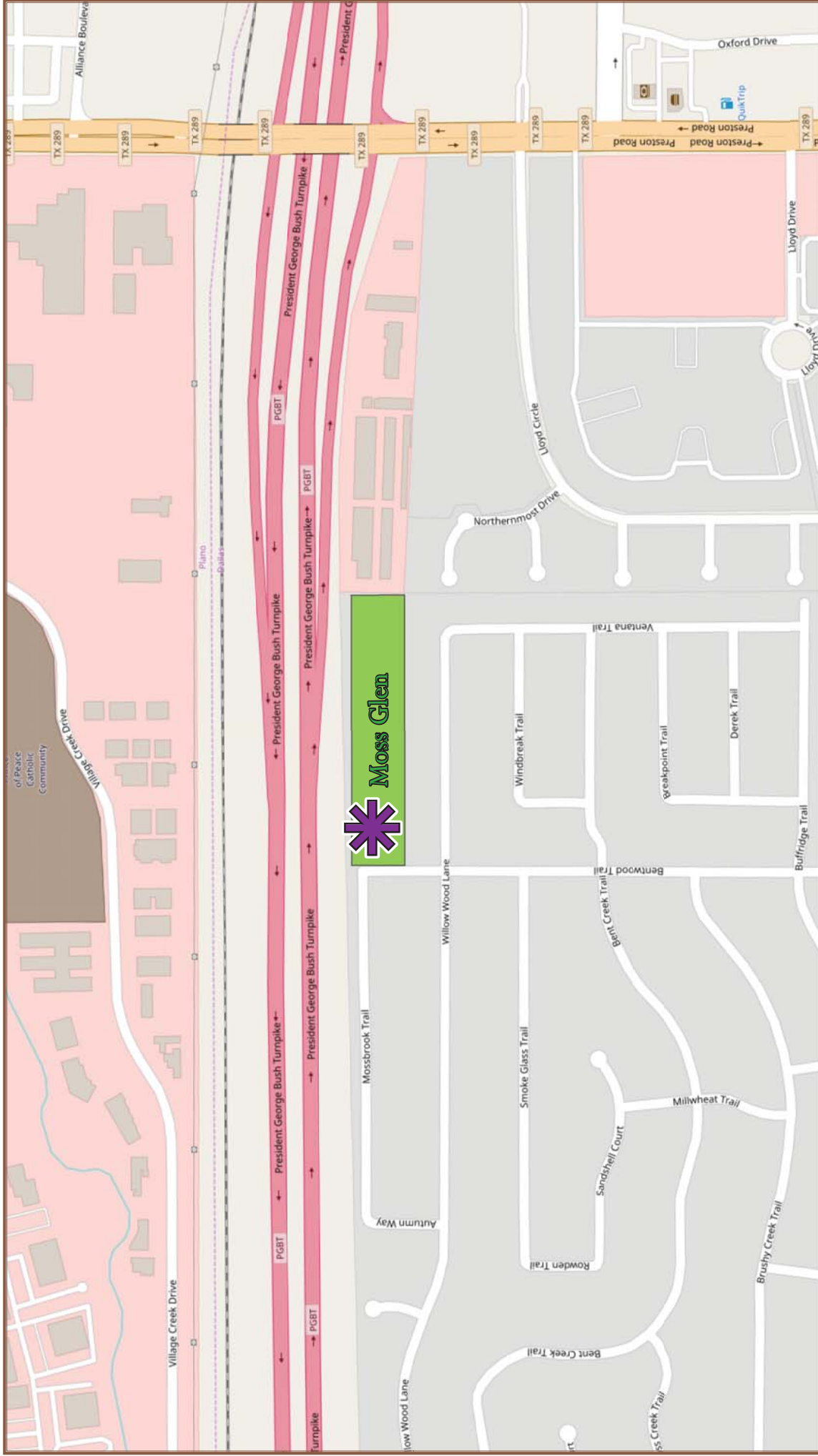
Council was briefed by memorandum regarding this matter on October 21, 2016.

FISCAL INFORMATION

Collin County Grant Funds - \$250,000

MAP

Attached

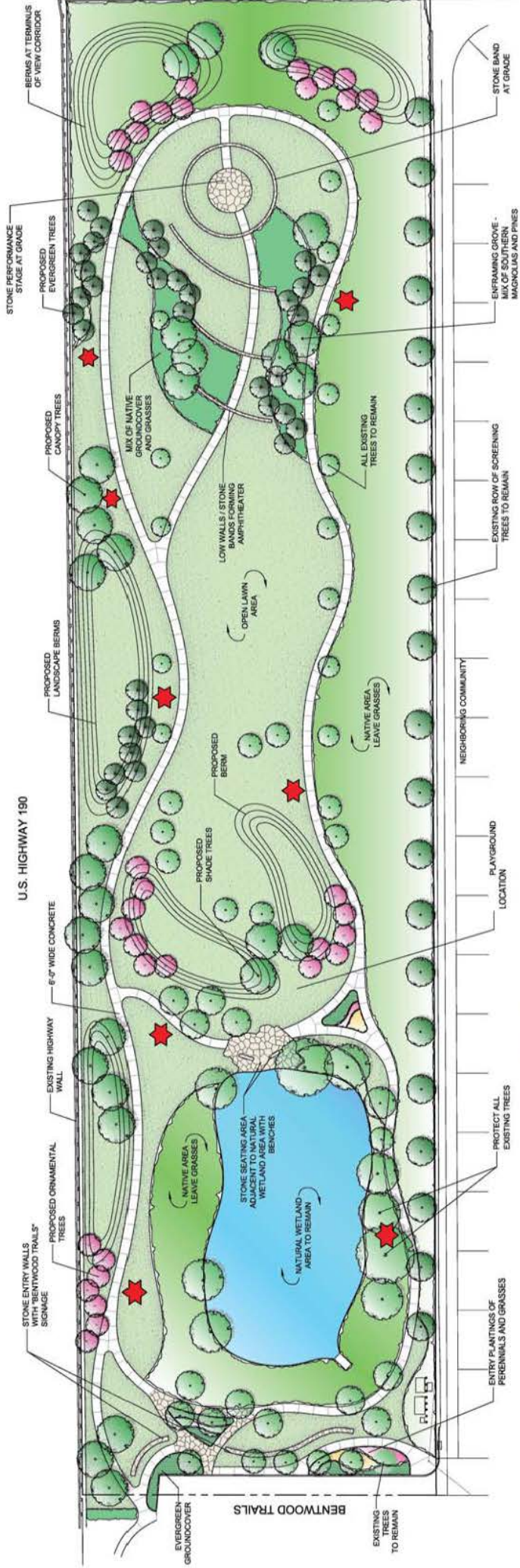


October 20, 2016

Moss Glen Park (5200 Bentwood Trail)

Mapscot
656 X

District
12



Exercise Equipment



DATE: 5/28/2013

MOSS GLEN PARK

CITY OF DALLAS

PARKS AND RECREATION DEPARTMENT

November 9, 2016

WHEREAS, Collin County provides reimbursable matching grants, through the Park and Open Space Project Funding Assistance Program, to public bodies within Collin County to assist them with the development of public parks and open spaces; and

WHEREAS, on June 15, 2016, City Council authorized an application for a matching grant through the Collin County Parks and Open Space Project Funding Assistance Program for the development of Moss Glen Park by Resolution No. 16-0977; and

WHEREAS, the Collin County Parks and Open Space Funding Assistance Program budget appropriated a reimbursable matching grant in the amount of \$250,000 for the purpose of contracting with the City of Dallas for construction of a loop trail at Moss Glen Park; and

WHEREAS, reimbursable matching grant funds are designated in the amount not to exceed \$250,000 for the construction of a loop trail at Moss Glen Park located at 5200 Bentwood Trail; and

WHEREAS, it is deemed feasible and Collin County is willing to enter into an Interlocal Agreement with the City for design and construction of a loop trail and other amenities and improvements.

Now, Therefore,

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

SECTION 1. That the President of the Park and Recreation Board and the City Manager are hereby authorized to **(1)** accept a reimbursable matching grant from Collin County under the Parks and Open Space Project Funding Assistance Program in the amount of \$250,000 for the Moss Glen Park Development Project for the period in which the agreement is effective upon execution by both parties and shall continue in effect annually until final acceptance of the project; and **(2)** execute an Interlocal Agreement with Collin County subject to the terms and conditions of the grant, and to execute the contract after approval as to form by the City Attorney.

SECTION 2. That the Chief Financial Officer is hereby authorized to receive and deposit funds from Collin County in an amount not to exceed \$250,000 in Fund P119, Department PKR, Unit W150, Revenue Code 6512.

SECTION 3. That the City Manager is hereby authorized to establish appropriations in the Collin County Grant Fund, Fund P119, Department PKR, Unit W150, Object 4599 in the amount \$250,000.

November 9, 2016

SECTION 4. That the City Manager is hereby authorized to reimburse to the granting agency expenditures identified as ineligible. Further, the City Manager shall notify the appropriate City Council Committee of expenditures identified as ineligible no later than 30 days after the reimbursement.

SECTION 5. That the City Manager shall keep the appropriate City Council Committee informed of all final granting agency monitoring reports not later than 30 days after the receipt of the report.

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

AGENDA ITEM # 16

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

AGENDA DATE: November 9, 2016

COUNCIL DISTRICT(S): 6, 13

DEPARTMENT: Park & Recreation
Mobility and Street Services

CMO: Willis Winters, 670-4071
Jill A. Jordan, P.E., 670-5299

MAPSCO: 23D G K L N P 24A-D 25A B

SUBJECT

Authorize payment to Dallas County for reimbursement of project costs for the Northaven Trail Phase 2 located at Preston Road heading west mostly through Oncor right-of-way to Denton Drive at the Walnut Hill/Denton DART Station - Not to exceed \$320,000 - Financing: General Obligation Commercial Paper Funds

BACKGROUND

The City of Dallas has partnered with Dallas County to design and construct the Northaven Trail Phase 2. This action will authorize disbursement of funds not to exceed \$320,000 to Dallas County for the City's 50% share of project costs in accordance with the terms of the Program Funding Agreement with Dallas County for the design of the Northaven Trail. This action will reimburse Dallas County for project costs through completion of 30% design.

The City will take over project management responsibilities from 30% through 100% design. The City awarded a professional services contract to Urban Engineers Group, Inc., approved by Resolution No. 16-1453. Urban Engineers Group, Inc. is the consultant retained by Dallas County for design services to 30%.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council authorized a 10-year Master Agreement governing transportation and Major Capital Improvement Projects (MCIP) to be jointly funded and developed by the County and the City on April 13, 2011, by Resolution No. 11-0927.

On October 20, 2011, the Park and Recreation Board authorized a Funding Agreement with Dallas County for the master plan of Northaven Trail.

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

City Council authorized a Funding Agreement with Dallas County for the master plan of Northaven Trail on November 7, 2011, by Resolution No. 11-2977.

City Council authorized First Amendment to the Funding Agreement with Dallas County on December 12, 2012, by Resolution No. 12-3057.

On August 18, 2016, the Park and Recreation Board authorized award of a professional services contract with Urban Engineers Group, Inc. for design services for Northaven Trail Phase 2A.

City Council authorized award of a professional services contract with Urban Engineers Group, Inc. for design services for Northaven Trail Phase 2A on September 14, 2016, by Resolution No. 16-1453.

On October 20, 2016, the Park and Recreation Board authorized this item.

Council was briefed by memorandum regarding this matter on October 21, 2016.

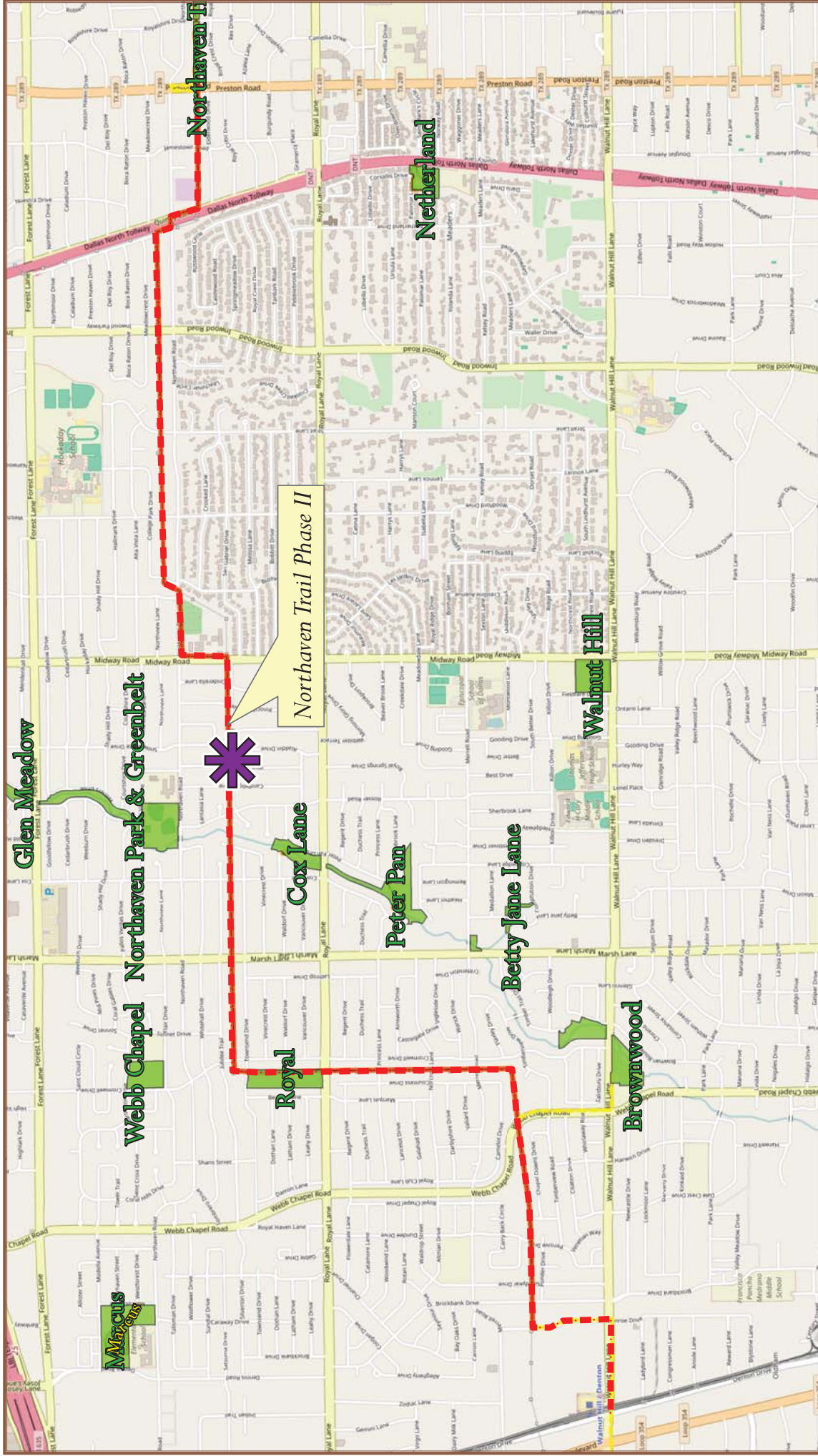
FISCAL INFORMATION

2012 Bond Program (General Obligation Commercial Paper Funds) - \$320,000

<u>Council District</u>	<u>Amount</u>
6	\$ 35,200
13	<u>\$284,800</u>
Total	\$320,000

MAP

Attached



0 800 1,600 3,200 4,800 Feet

Northaven Trail Phase 2 (Preston Rd to Walnut Hill/Denton DART Station)

Mapsco
23 D,G,K,L,N,P
24 A,B,C,D
25 A,B

District
6, 13

October 20, 2016

November 9, 2016

WHEREAS, Chapter 791 of the Texas government Code and Texas Transportation Code Article 251 provides authorization for local governments to contract with one another for the performance of governmental functions and services, and joint funding of transportation projects; and

WHEREAS, on April 13, 2011, Resolution No. 11-0927, authorized a 10-year Master Agreement with Dallas County governing transportation and major capital improvement projects to be jointly funded and developed by the County and the City (Court Order No. 2011-1287); and

WHEREAS, on November 7, 2011, Resolution No. 11-2977 authorized a Funding Agreement with Dallas County for the development of a master plan for an approximate 6.5-mile section of the Northaven Trail between the Walnut Hill/Denton Station and Preston Road in an amount not to exceed \$50,000 (Court Order No. 2012-0295); and

WHEREAS, on December 12, 2012, Resolution No. 12-3057 amended the Funding Agreement with Dallas County to cover the combined project limits for the two projects MCIP 10221 and 10225, scope, and funding to include design and construction of the Northaven Trail's additional phases between the Walnut Hill/Denton Station and the White Rock Creek Trail (Court Order No. 2012-2138); and

WHEREAS, on September 14, 2016, Resolution No. 16-1453 authorized award of a professional services contract with Urban Engineers Group, Inc. for design services for Northaven Trail Phase 2A; and

WHEREAS, it is now necessary to authorize disbursement of funds to Dallas County in accordance with the Funding Agreement as amended.

Now, Therefore,

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

SECTION 1. It is now necessary to authorize disbursement of funds to Dallas County in accordance with the terms and conditions of the Funding Agreement as amended.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds to Dallas County in an amount not to exceed \$320,000 from (2012) Street and Transportation Improvement Fund 4U22, Department STS, Unit S618, Activity HIBT, Object 4111, Program PB12S618, Commodity 92500, CT-PKR17019966, Vendor 014003.

November 9, 2016

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

AGENDA ITEM # 17

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

AGENDA DATE: November 9, 2016

COUNCIL DISTRICT(S): 10

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: 27Z

SUBJECT

Authorize a contract with DENCO CS Corporation, best value proposer of six, for renovation of the former Jules E. Muchert Army Reserve armory facility which includes offices, maintenance facility conference center and other miscellaneous items for the Dallas Park and Recreation Department Operation and Maintenance Facility located at 10031 East Northwest Highway - Not to exceed \$3,456,648 - Financing: 2006 Bond Funds (\$659,166) and General Obligation Commercial Paper Funds (\$2,797,482)

BACKGROUND

On June 17, 2016, six proposals were received for renovation of the former Jules E. Muchert Army Reserve armory facility which includes offices, maintenance facility conference center and other miscellaneous items. DENCO CS Corporation was selected as the best value proposer for the Base Price and Alternate Nos. 1, 2, 3, 5 and 7, in the amount of \$3,456,648.

Proposals based on Request for Competitive Sealed Proposals (RFCSP) are evaluated on specified criteria which include qualifications of the prime contractor and qualifications of sub-contractors, Business Inclusion and Development Plan, proposed construction amount and schedule.

ESTIMATED SCHEDULE OF PROJECT

Began Design	August 2011
Completed Design	July 2016
Begin Construction	November 2016
Complete Construction	November 2017

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 4, 2015, the Park and Recreation Board authorized proceeding with construction procurement.

On October 20, 2016, the Park and Recreation Board authorized award of the contract.

Council was briefed by memorandum regarding this matter on October 21, 2016.

FISCAL INFORMATION

2006 Bond Funds - \$659,166

General Obligation Commercial Paper Funds - \$2,797,482

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

DENCO CS Corporation

White Male	18	White Female	2
Hispanic Male	24	Hispanic Female	2
Black Male	1	Black Female	0
Other Male	1	Other Female	0

PROPOSAL INFORMATION

The following six proposals were received and opened on June 17, 2016:

*Denotes successful proposer

<u>Proposers</u>	<u>Base Price</u>	<u>Alter. Nos. 1,2,3,5 & 7**</u>	<u>Total Price</u>	<u>Scores</u>
*DENCO CS Corporation 5525 Lyons Road Garland, Texas 75043	\$2,928,114	\$664,324	\$3,592,438	3710.75
MART, Inc. General Contractors	\$3,472,000	\$627,000	\$4,099,000	3709.75
JC Commercial, Inc.	\$3,555,777	\$529,000	\$4,084,777	3558.50
Phoenix I Restoration and Construction, Ltd.	\$3,996,000	\$695,000	\$4,691,000	3538.50

PROPOSAL INFORMATION (Continued)

<u>Proposers</u>	<u>Base Price</u>	<u>Alter. Nos. 1,2,3,5 & 7**</u>	<u>Total Price</u>	<u>Scores</u>
Joe Funk Construction + Diversity Resources Group Joint Venture	\$3,403,064	\$957,633	\$4,360,697	3480.00
Phillips/May Corporation	\$5,385,333	\$1,127,600	\$6,512,933	2921.05

**Alternate No. 1 - provides for installation of cantilevered car shelter.

**Alternate No. 2 - provides for installation of restrooms in Park Maintenance District 1 Building.

**Alternate No. 3 - provides for installation of wood fence at the Park Maintenance District 1 north side of the parking lot.

**Alternate No. 5 - provides for installation of rammed earth wall.

**Alternate No. 7 - provides for installation of gypsum board and furring.

Note: After value engineering, the best and final offer from DENCO CS Corporation for Base Price and Alternate Nos. 1, 2, 3, 5 and 7 was for \$3,456,648.

OWNER

DENCO CS Corporation

Mark Boland, President

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a contract with DENCO CS Corporation, best value proposer of six, for renovation of the former Jules E. Muchert Army Reserve armory facility which includes offices, maintenance facility conference center and other miscellaneous items for the Dallas Park and Recreation Department Operation and Maintenance Facility located at 10031 East Northwest Highway - Not to exceed \$3,456,648 - Financing: 2006 Bond Funds (\$659,166) and General Obligation Commercial Paper Funds (\$2,797,482)

DENCO CS Corporation is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractor.

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$2,128,365.00	61.57%
Total non-local contracts	\$1,328,283.00	38.43%
TOTAL CONTRACT	\$3,456,648.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

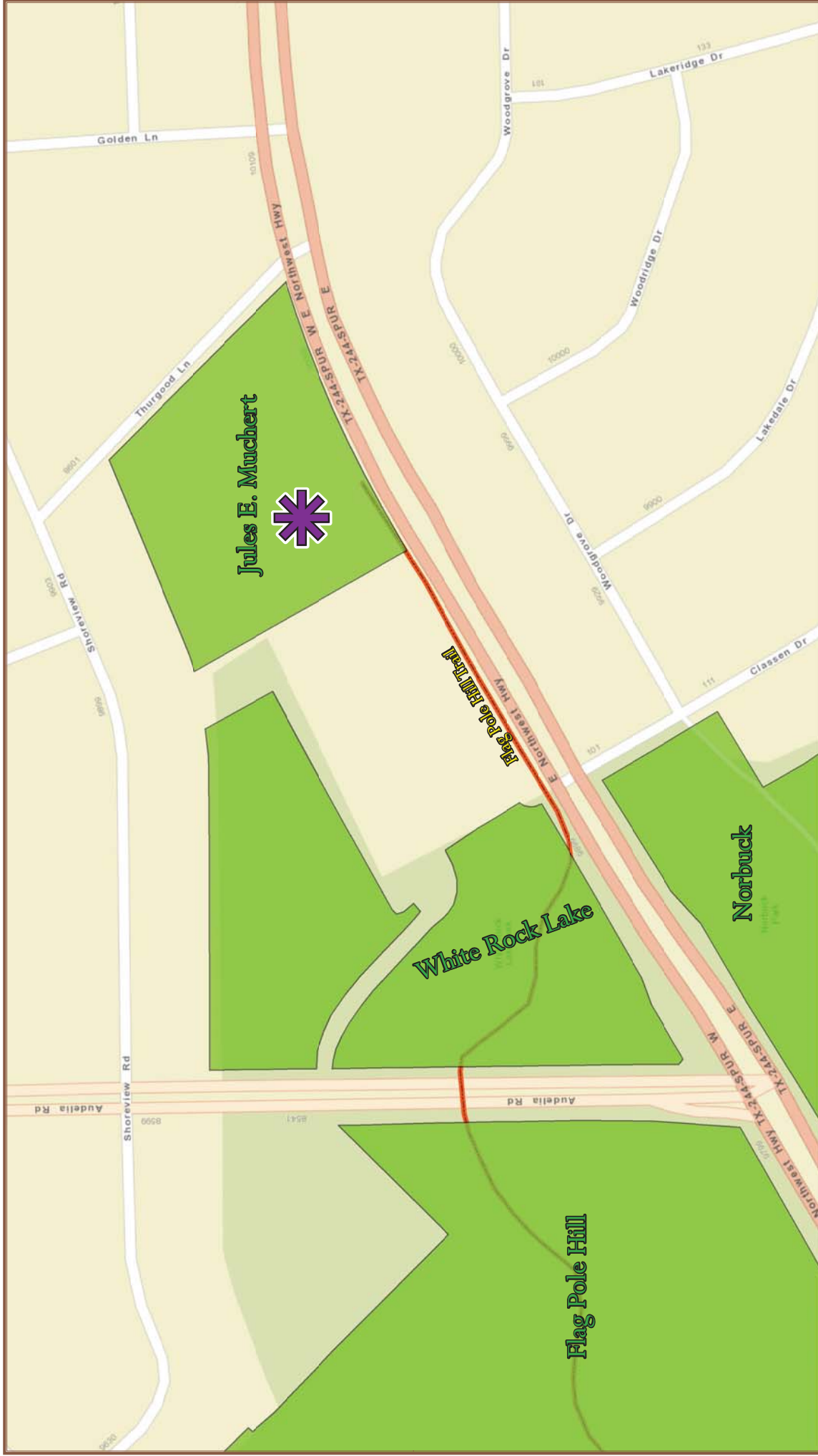
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
OAC Construction	HMMB4794N0417	\$949,120.00	44.59%
Total Minority - Local		\$949,120.00	44.59%

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	\$949,120.00	44.59%	\$949,120.00	27.46%
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	\$949,120.00	44.59%	\$949,120.00	27.46%



District
10

Mapsc
27 Z

Jules E. Muchert Army Reserve Center (10031 East Northwest Highway)

September 15, 2016

November 9, 2016

WHEREAS, on June 17, 2016, six proposals were received for renovation of the former Jules E. Muchert Army Reserve armory facility which includes offices, maintenance facility conference center and other miscellaneous items for the Dallas Park and Recreation Department Operation and Maintenance Facility located at 10031 East Northwest Highway.

<u>Proposers</u>	<u>Base Price</u>	<u>Alter. Nos. 1,2,3,5 & 7**</u>	<u>Total Price</u>	<u>Scores</u>
DENCO CS Corporation	\$2,928,114	\$664,324	\$3,592,648	3710.75
MART, Inc. General Contractors	\$3,472,000	\$627,000	\$4,099,000	3709.75
JC Commercial, Inc.	\$3,555,777	\$529,000	\$4,084,777	3558.50
Phoenix I Restoration and Construction, Ltd.	\$3,996,000	\$695,000	\$4,691,000	3538.50
Joe Funk Construction + Diversity Resources Group Joint Venture	\$3,403,064	\$957,633	\$4,360,697	3480.00
Phillips/May Corporation	\$5,385,333	\$1,127,600	\$6,512,933	2921.05

**Alternate No. 1 - provides for installation of cantilevered car shelter.

**Alternate No. 2 - provides for installation of restrooms in Park Maintenance District 1 Building.

**Alternate No. 3 - provides for installation of wood fence at the Park Maintenance District 1 north side of the parking lot.

**Alternate No. 5 - provides for installation of rammed earth wall.

**Alternate No. 7 - provides for installation of gypsum board and furring.

Note: After value engineering, the best and final offer from DENCO CS Corporation for Base Price and Alternate Nos. 1, 2, 3, 5 and 7 was for \$3,456,648.

WHEREAS, it has been determined that acceptance of the best and final offer from DENCO CS Corporation., in an amount not to exceed \$3,456,648 is the best value for the City of Dallas.

Now, Therefore,

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

November 9, 2016

SECTION 1. That the City Manager is hereby authorized to enter into a contract with DENCO CS Corporation for the renovation of the former Jules E. Muchert Army Reserve armory facility which includes offices, maintenance facility conference center and other miscellaneous items for the Dallas Park and Recreation Department Operation and Maintenance Facility, in an amount not to exceed \$3,456,648.

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

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse in an amount not to exceed \$3,456,648 to DENCO CS Corporation, as follows:

City Hall, City Services and Maintenance Facilities Fund	
Fund 2T60, Department PKR, Unit P762	
Object 4310, Activity AISF, Program PKP762	
CT-PKR16019957, Commodity 91200	
Vendor VS0000062071	\$659,166

General Obligation Commercial Paper Fund	
Fund 4T60, Department PKR, Unit P762	
Object 4310, Activity AISF, Program PKP762	
CT-PKR16019957, Commodity 91200	
Vendor VS0000062071	<u>\$2,797,482</u>

Total amount not to exceed	\$3,456,648
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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 # 18

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

AGENDA DATE: November 9, 2016

COUNCIL DISTRICT(S): 10

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: 28A E

SUBJECT

Authorize a contract with JC Commercial, Inc., best value proposer of three, for a new service center building and repairs to an existing warehouse shed for Park Maintenance District 6 located at 10770 Bekay Street - Not to exceed \$2,178,556 - Financing: 2006 Bond Funds (\$810,521) and General Obligation Commercial Paper Funds (\$1,368,035)

BACKGROUND

On July 8, 2016, three proposals were received for a new service center building and repairs to an existing warehouse shed for the Park Maintenance District 6. JC Commercial, Inc. was selected as the best value proposer for the Base Price and Alternate Nos. 1, 2, 4a, 5, 6 and 7, in the amount of \$2,178,556.

Proposals based on Request for Competitive Sealed Proposals (RFCSP) are evaluated on specified criteria which include qualifications of the prime contractor and qualifications of the sub-contractors, Business Inclusion and Development Plan, proposed construction amount and schedule.

ESTIMATED SCHEDULE OF PROJECT

Began Design	March 2015
Completed Design	June 2016
Begin Construction	November 2016
Complete Construction	March 2017

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 16, 2016, the Park and Recreation Board authorized proceeding with construction procurement.

On October 20, 2016, the Park and Recreation Board authorized award of the contract.

Council was briefed by memorandum regarding this matter on October 21, 2016.

FISCAL INFORMATION

2006 Bond Funds - \$810,521

2006 Bond Program (General Obligation Commercial Paper Funds) - \$1,368,035

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

JC Commercial, Inc.

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

PROPOSAL INFORMATION

The following three proposals were received and opened on July 8, 2016:

*Denotes successful proposer

<u>Proposers</u>	<u>Base Price</u>	<u>Alter. Nos. 1,2 4a,5,6 and 7**</u>	<u>Total Price</u>	<u>Scores</u>
*JC Commercial, Inc. 1801 Lakepointe Dr., Suite 129 Lewisville, Texas 75057	\$2,177,777	\$265,500	\$2,443,277	4712.50
MART, Inc.	\$2,430,000	\$268,000	\$2,698,000	3887.50

PROPOSAL INFORMATION (Continued)

<u>Proposers</u>	<u>Base Price</u>	<u>Alter. Nos. 1,2 4a,5,6 and 7**</u>	<u>Total Price</u>	<u>Scores</u>
DENCO CS Corporation	\$2,424,400	\$279,100	\$2,703,500	3815.00

**Alternate No. 1 - provides for installation of LED lighting fixtures in lieu of fluorescent in open shed.

**Alternate No. 2 - provides for installation of new lockers in lieu of relocating existing lockers.

**Alternate No. 4a - provides for installation and painting of structural columns, beams, supports and other structural members on existing open shed.

**Alternate No. 5 - provides for installation of new metal roofing panels.

**Alternate No. 6 - provides for installation prefabricated metal canopy system.

**Alternate No. 7 - provides for installation of electric motor operation for overhead coiling doors at shop/stock room.

Note: After value engineering, the best and final offer from JC Commercial, Inc. for Base Price and Alternate Nos. 1, 2, 4a, 5, 6 and 7 was for \$2,178,556.

OWNER

JC Commercial, Inc.

Larry Wagnor, President
Trey Wagnor, Vice President
Shannon Capezzuto, Secretary
Holyn Bradford, Treasurer

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a contract with JC Commercial, Inc., best value proposer of three, for a new service center building and repairs to an existing warehouse shed for Park Maintenance District 6 located at 10770 Bekay Street - Not to exceed \$2,178,556 - Financing: 2006 Bond Funds (\$810,521) and General Obligation Commercial Paper Funds (\$1,368,035)

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

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$701,545.00	32.20%
Total non-local contracts	\$1,477,011.00	67.80%
TOTAL CONTRACT	\$2,178,556.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

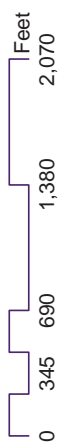
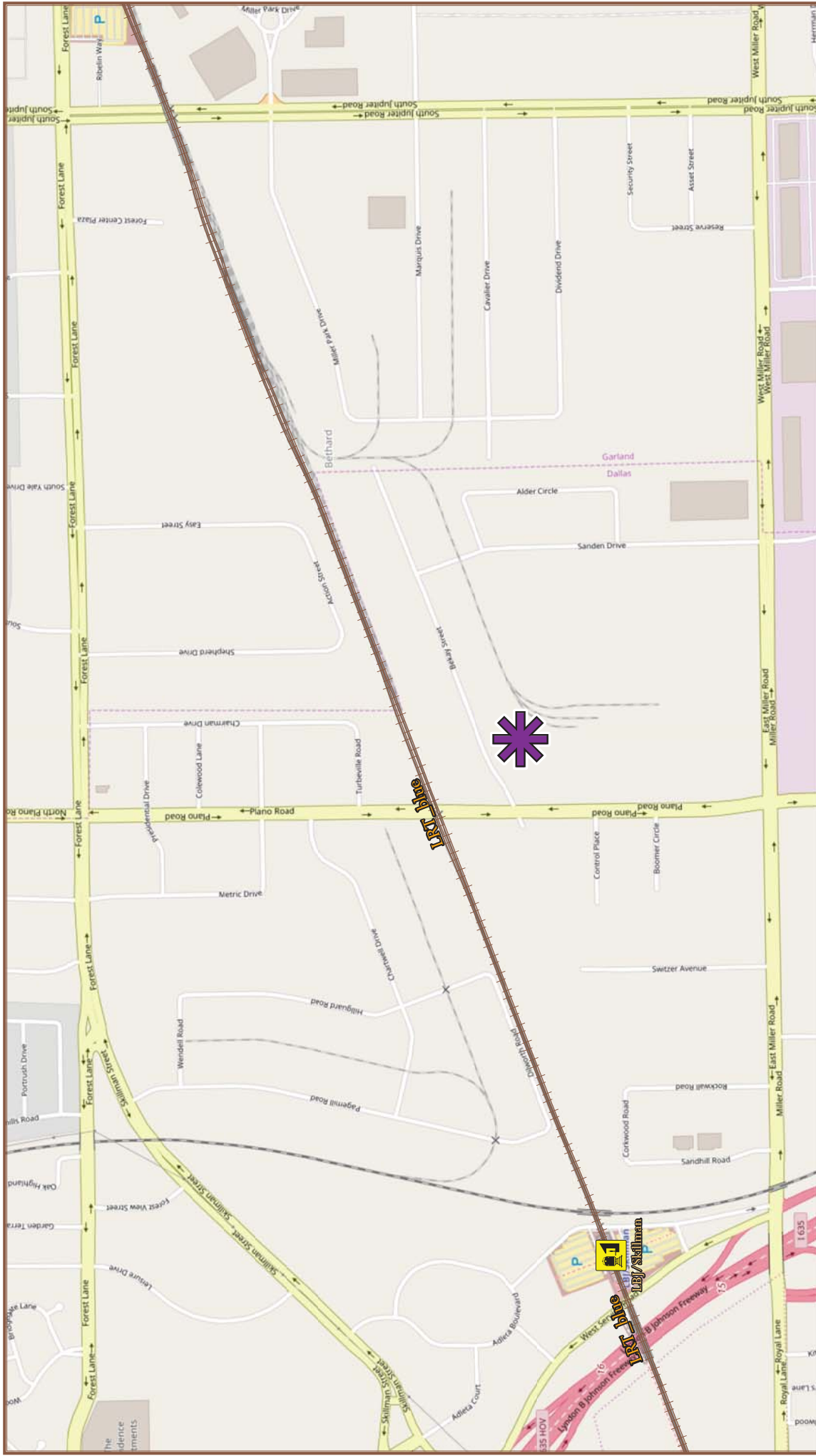
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
West Side Construction	HMDB21926Y1017	\$165,000.00	23.52%
JP Painting	HMDB54324Y0717	\$30,000.00	4.28%
Total Minority - Local		\$195,000.00	27.80%

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Hydrotech of Texas	IMDB85385Y0917	\$40,000.00	2.71%
Blue Star Electric	WFWB74143Y1218	\$175,000.00	11.85%
Hagen Builders Design	WFWB72694N0517	\$32,000.00	2.17%
Apsco	WFWB20731N0917	\$9,500.00	0.64%
JS Wikes Company	WFWB70581Y1217	\$2,500.00	0.17%
Total Minority - Non-local		\$259,000.00	17.54%

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$195,000.00	27.80%	\$195,000.00	8.95%
Asian American	\$0.00	0.00%	\$40,000.00	1.84%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$219,000.00	10.05%
	<hr/>	<hr/>	<hr/>	<hr/>
Total	\$195,000.00	27.80%	\$454,000.00	20.84%



District 10
Mapsc 28 A,E

Park Maintenance District 6 (10770 Bekay Street)

October 20, 2016

November 9, 2016

WHEREAS, on July 8, 2016, three proposals were received for a new service center building and repairs to an existing warehouse shed for Park Maintenance District 6 located at 10770 Bekay Street.

<u>Proposers</u>	<u>Base Price</u>	<u>Alter. Nos. 1,2 4a,5,6 and 7**</u>	<u>Total Price</u>	<u>Scores</u>
JC Commercial, Inc.	\$2,177,777	\$265,500	\$2,443,277	4712.50
MART, Inc.	\$2,430,000	\$268,000	\$2,698,000	3887.50
DENCO CS Corporation	\$2,424,400	\$279,100	\$2,703,500	3815.00

**Alternate No. 1 - provides for installation of LED lighting fixtures in lieu of fluorescent in open shed.

**Alternate No. 2 - provides for installation of new lockers in lieu of relocating existing lockers.

**Alternate No. 4a - provides for installation and painting of structural columns, beams, supports and other structural members on existing open shed.

**Alternate No. 5 - provides for installation of new metal roofing panels.

**Alternate No. 6 - provides for installation prefabricated metal canopy system.

**Alternate No. 7 - provides for installation of electric motor operation for overhead coiling doors at shop/stock room.

Note: After value engineering, the best and final offer from JC Commercial, Inc. for Base Price and Alternate Nos. 1, 2, 4a, 5, 6 and 7 was for \$2,178,556.

WHEREAS, it has been determined that acceptance of the best and final offer from JC Commercial, Inc., in an amount not to exceed \$2,178,556 is the best value for the City of Dallas.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to enter into a contract with JC Commercial, Inc. for a new service center building and repairs to an existing warehouse shed for Park Maintenance District 6, in an amount not to exceed \$2,178,556.

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

November 9, 2016

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse an amount not to exceed \$2,178,556 to JC Commercial, Inc., as follows:

(2006) Park and Recreation Facilities Improvement Fund
Fund 1T00, Department PKR, Unit P763, Object 4310
Activity AISF, Program PKP763.1, CT-PKR17019967
Commodity 91200, Vendor VS0000012563 \$739,775.51

(2006) Park and Recreation Facilities Improvement Fund
Fund 9T00, Department PKR, Unit P763, Object 4310
Activity AISF, Program PKP763.1, CT-PKR17019967
Commodity 91200, Vendor VS0000012563 \$70,745.49

(2006) General Obligation Commercial Paper Fund
Fund 4T00, Department PKR, Unit P763, Object 4310
Activity AISF, Program PKP763.1, CT-PKR17019967
Commodity 91200, Vendor VS0000012563 \$1,368,035.00

Total amount not to exceed \$2,178,556.00

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 # 19

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

AGENDA DATE: November 9, 2016

COUNCIL DISTRICT(S): 4

DEPARTMENT: Park & Recreation
Trinity Watershed Management

CMO: Willis Winters, 670-4071
Mark McDaniel, 670-3256

MAPSCO: 54H M 55E J

SUBJECT

Authorize an increase in the contract with C. Green Scaping, LP for updated quantities, equipment reconfiguration, erosion control and other miscellaneous items for the wetland supplemental environmental project at the Dallas Zoo located at 650 South R.L. Thornton Freeway - Not to exceed \$263,608, from \$1,570,918 to \$1,834,526 - Financing: Stormwater Drainage Management Capital Construction Funds

BACKGROUND

The original contract was awarded to C. Green Scaping, LP, by City Council on November 12, 2014, by Resolution No. 14-1903 for construction of the stormwater wetland supplemental environmental project at the Dallas Zoo, in an amount not to exceed \$1,523,948.09.

Change Order No. 1, was authorized on June 26, 2015, by Administrative Action No. 15-0736 to correct a contract error for the project completion period from 140 calendar days to 273 calendar days at the Dallas Zoo, with zero cost, having no effect on the contract amount.

Change Order No. 2, was authorized on April 26, 2016, by Administrative Action No. 16-0394 to address relocation of electrical services and wetland facility underdrain modifications at the Dallas Zoo, in an amount not to exceed \$46,970.31, making a revised contract amount of \$1,570,918.40.

This action will authorize Change Order No. 3 to the contract with C. Green Scaping, LP, in an amount not to exceed \$263,608.00, from \$1,570,918.40 to \$1,834,526.40 for updated quantities, equipment reconfiguration, erosion control and other miscellaneous items for the wetland supplemental environmental project at the Dallas Zoo.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction November 2016
Complete Construction April 2017

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 24, 2014, the Park and Recreation Board authorized proceeding with advertisement for construction procurement.

On November 6, 2014, the Park and Recreation Board authorized award of the contract.

City Council authorized award of the contract on November 12, 2014, by Resolution No. 14-1903.

On October 20, 2016, the Park and Recreation Board authorized Change Order No. 3.

Council was briefed by memorandum regarding this matter on October 21, 2016.

FISCAL INFORMATION

Stormwater Drainage Management Capital Construction Funds - \$263,608

Construction Contract	\$1,523,948.09
Change Order No. 1	\$0.00
Change Order No. 2	\$46,970.31
Change Order No. 3 (this action)	<u>\$263,608.00</u>

Total amount not to exceed	\$1,834,526.40
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M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

C. Green Scaping, LP

White Male	12	White Female	2
Black Male	11	Black Female	2
Hispanic Male	0	Hispanic Female	0
Other Male	0	Other Female	0

OWNER

C. Green Scaping, LP

Cathleen Ruiz, President
Curtis Green, Vice President

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize an increase in the contract with C. Green Scaping, LP for updated quantities, equipment reconfiguration, erosion control and other miscellaneous items for the wetland supplemental environmental project at the Dallas Zoo located at 650 South R.L. Thornton Freeway - Not to exceed \$263,608, from \$1,570,918 to \$1,834,526 - Financing: Stormwater Drainage Management Capital Construction Funds

C Green Scaping, LP is a non-local, 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	\$263,608.00	100.00%
TOTAL THIS ACTION	<u>\$263,608.00</u>	<u>100.00%</u>

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

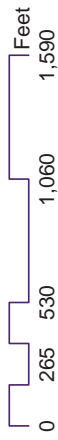
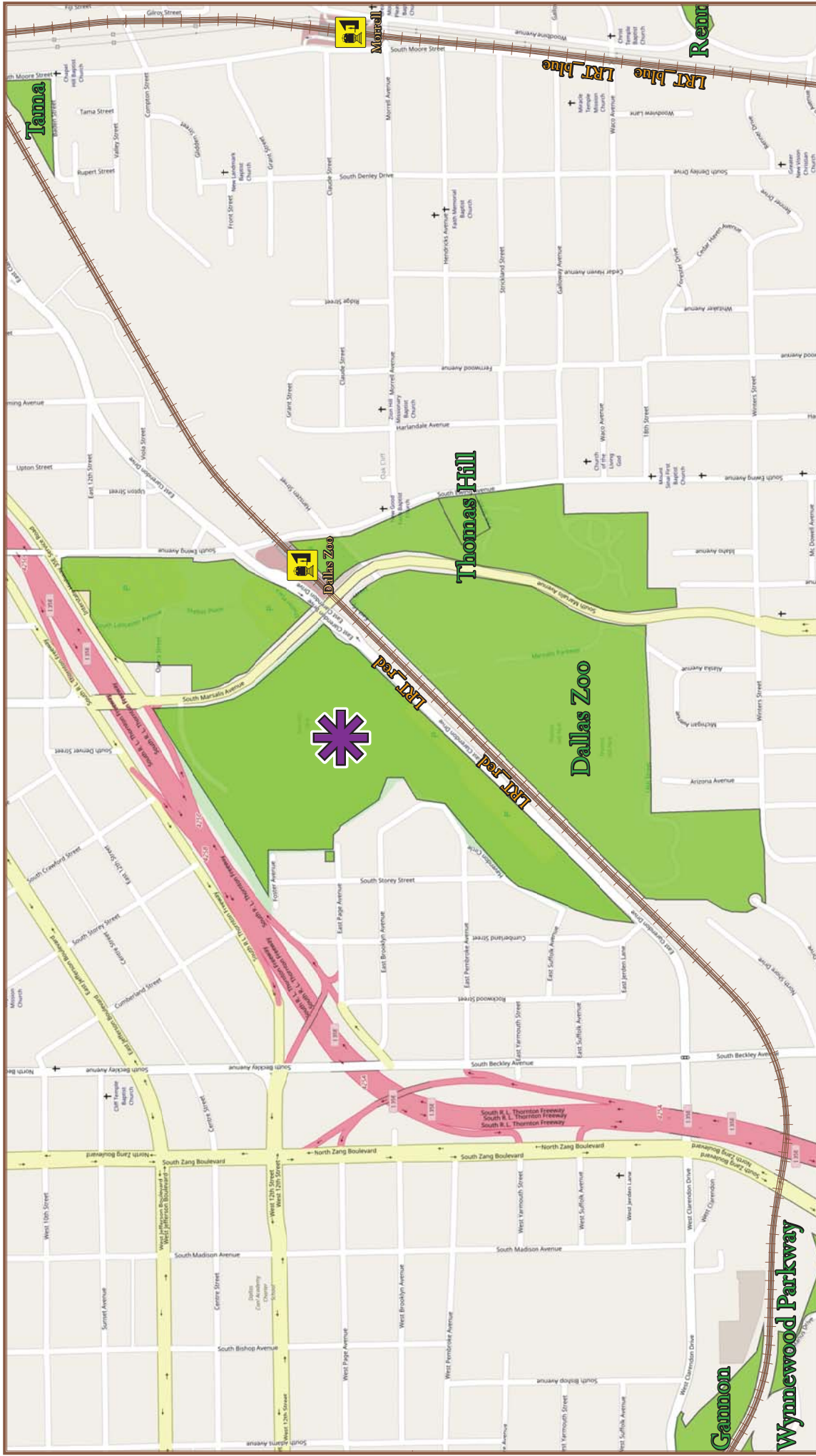
None

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
C Green Scaping, LP	HFDB63808Y0817	\$263,608.00	100.00%
Total Minority - Non-local		<u>\$263,608.00</u>	<u>100.00%</u>

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	\$263,608.00	100.00%	\$1,821,069.04	99.27%
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%	\$13,447.38	0.73%
Total	<u>\$263,608.00</u>	<u>100.00%</u>	<u>\$1,834,516.42</u>	<u>100.00%</u>



October 20, 2016

Dallas Zoo (650 South R.L. Thornton Freeway)

Mapscot
54 H,M
55 E,J

November 9, 2016

WHEREAS, on November 12, 2014, by Resolution No. 14-1903, C. Green Scaping, LP was awarded a contract for construction of the stormwater wetland supplemental environmental project at the Dallas Zoo located at 850 South R.L. Thornton Freeway, in an amount not to exceed \$1,523,948.09; and

WHEREAS, on June 26, 2015, Administrative Action No. 15-0736, authorized Change Order No. 1 to the contract with C. Green Scaping, LP to correct a contract error for the project completion period from 140 calendar days to 273 calendar days at the Dallas Zoo, with zero cost, having no effect on the contract amount; and

WHEREAS, on April 26, 2016, Administrative Action No. 16-0394, authorized Change Order No. 2 to the contract with C. Green Scaping, LP to address relocation of electrical services and wetland facility underdrain modifications at the Dallas Zoo, in an amount not to exceed \$46,970.31, increasing the contract amount from \$1,523,948.09 to \$1,570,918.40; and

WHEREAS, this action is to will authorize Change Order No. 3 to the contract with C. Green Scaping, LP, for updated quantities, equipment reconfiguration, erosion control and other miscellaneous items for the wetland supplemental environmental project at the Dallas Zoo, in an amount not to exceed \$263,608.00, increasing the contract from \$1,570,918.40 to \$1,834,526.40.

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. 3 to the contract with C. Green Scaping, LP for updated quantities, equipment reconfiguration, erosion control and other miscellaneous items for the wetland supplemental environmental project at the Dallas Zoo, in an amount not to exceed \$263,608.00, increasing the contract from \$1,570,918.40 to \$1,834,526.40.

SECTION 2. That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute Change Order No. 3 with C. Green Scaping, LP, after approval as to form by the City Attorney.

November 9, 2016

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse an amount not to exceed \$263,608.00 to C. Green Scaping, LP from Stormwater Drainage Management Capital Construction Fund, Fund 0063, Department SDM, Unit P781, Object 4599, Activity SD01, Program PKWETLAND, CT-PKR14019470, Commodity 91200, Vendor 514347.

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 # 20

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

AGENDA DATE: November 9, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: N/A

SUBJECT

An ordinance amending Chapter 41, Sections 41-1 and 41-2, of the Dallas City Code to prohibit smoking on park grounds without exceptions; providing a definition of park property; providing a penalty not to exceed \$200; providing a saving clause; providing a severability clause; and providing an effective date - Financing: This action has no cost consideration to the City

BACKGROUND

Chapter 41 of the Dallas City Code generally prohibits smoking **(1)** in any indoor enclosed area in the City; **(2)** within 15 feet of any entrance to an indoor or enclosed area in the City and **(3)** in any area designated as nonsmoking by the owner, operator, or person in control of the area and marked with a no smoking sign complying with Section 41-3. The current code does not prohibit smoking outdoors in parks.

On November 6, 2014, the Park and Recreation Board was briefed on proposed changes to the smoking ordinance that would include a ban on smoking outdoors on park property. The briefing included information on benefits, potential challenges and peer and area city comparisons. Staff was directed by the Park and Recreation Board to continue research and to prepare proposed recommendations, changes, and exceptions for consideration by the Administration and Finance Committee of the Park and Recreation Board.

The Administration and Finance Committee had discussed the proposed changes over 2015 with input from staff. After extensive discussions with the committee and stakeholders, staff recommended an amendment to Chapter 41 of the Dallas City Code that would make it an offense for anyone to smoke on park property, with the following exceptions:

BACKGROUND (Continued)

1. Allow partners, Fair Park tenants and special events to designate smoking areas based on criteria developed by the Park and Recreation Department.
2. Allow smoking on golf courses.
3. Allow smoking on park property by actors during filming or theatrical performances as permitted by the Office of Special Events.

On February 18, 2016, the Administration and Finance Committee discussed the exceptions and voted 4-3 to recommend to the Park and Recreation Board an outright ban on smoking outdoors on park property with no exceptions.

On March 10, 2016, the Park and Recreation Board deferred this item and sent the item back to the Administration and Finance Committee for further review.

On May 19, 2016, after further discussion, the Administration and Finance Committee recommended moving forward with a voting action item for the Committee on June 2, 2016, an amendment to Chapter 41 of the Dallas City Code that would make it an offense for anyone to smoke on park property, with the following exceptions:

1. Golf courses between the tee box of the 1st hole and the end of the green of the 18th hole, driving range and open portion of outdoor patios.
2. The Elm Fork Shooting Range.
3. Grandfathering existing contracts between partners and third parties for 12 months from date of implementation (examples include the Dallas Arboretum, Lee Park and Arlington Hall Conservancy).

On June 2, 2016, the Administration and Finance Committee and the Park and Recreation Board recommended the smoking ban with the limited exceptions.

On August 22, 2016, the Quality of Life Committee of City Council discussed this item and recommended that the smoking ban in parks be an outright ban without exceptions and would be brought forward to City Council for consideration.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Park and Recreation Board Briefing on November 6, 2014.

Administration and Finance Committee consideration on December 17, 2015.

Park and Recreation Board deferred the item on December 17, 2015.

Administration and Finance Committee discussion on January 7, 2016.

Administration and Finance Committee discussion on January 21, 2016.

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

Administration and Finance Committee discussion on February 4, 2016.

The Administration and Finance Committee considered this item on February 18, 2016, and voted to recommend that the Park and Recreation Board ban smoking outdoors on park property with no exceptions.

On March 10, 2016, the Park and Recreation Board deferred this item. The item was sent back to the Administration and Finance Committee for further review of the criteria for the three exceptions.

Administration and Finance Committee discussion on April 7, 2016.

Administration and Finance Committee discussion on April 21, 2016.

Administration and Finance Committee discussion on May 5, 2016.

Administration and Finance Committee discussion on May 19, 2016.

Administration and Finance Committee consideration and approval to ban smoking outdoors on park property with limited exceptions on June 2, 2016.

Park and Recreation Board approval of ban on smoking outdoors on park property with limited exceptions on June 2, 2016.

City Council Quality of Life Committee considered and approved ban on smoking outdoors on park property without exceptions on August 22, 2016.

FISCAL INFORMATION

No cost consideration to the City.

ORDINANCE NO. _____

An ordinance amending Chapter 41, "Smoking," of the Dallas City Code by amending Sections 41-1 and 41-2; providing a definition of park property; prohibiting smoking on park property; providing a penalty not to exceed \$200; providing a saving clause; providing a severability clause; and providing an effective date. Now, Therefore,

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

SECTION 1. That Section 41-1, "Definitions," of Article I, "General Prohibitions," of Chapter 41, "Smoking," of the Dallas City Code is amended as follows:

"SEC. 41-1. DEFINITIONS.

In this chapter:

(1) BAR means an establishment principally for the sale and consumption of alcoholic beverages on the premises that derives 75 percent or more of its gross revenue on a quarterly (three-month) basis from the sale or service of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, for on-premises consumption. If an establishment is located in a hotel or motel, the gross revenues of the particular establishment, rather than the gross revenues of the entire hotel or motel, will be used in calculating the percentage of revenues derived from the sale or service of alcoholic beverages.

(2) BILLIARDS means any game played on a cloth-covered table with balls and cue sticks where the balls are struck by the sticks and the balls strike against one another.

(3) BILLIARD HALL means an establishment that:

(A) holds a valid billiard hall license issued by the city under Chapter 9A of this code;

(B) has at least 12 billiard tables that are not coin-operated available for rent to persons desiring to play billiards on the premises; and

(C) derives 70 percent or more of its gross revenue on a quarterly (three-month) basis from the sale or service of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, for on-premises consumption and from the rental of billiard tables and billiard equipment to persons desiring to play billiards on the premises.

(4) CIGAR BAR means a bar that derives 15 percent or more of its gross revenue on a quarterly (three-month) basis from the sale or rental of tobacco, tobacco products, smoking implements, or smoking accessories for on-premises consumption.

(5) DIRECTOR means the director of the department designated by the city manager to enforce and administer this chapter, or the director's designated representative.

(6) EATING ESTABLISHMENT means any establishment that prepares or serves food or beverages, regardless of whether the establishment provides seating or facilities for on-premises consumption. The term includes, but is not limited to, restaurants, coffee shops, cafeterias, short order cafes, fast food establishments, luncheonettes, lunchrooms, soda fountains, food carts, food vending vehicles, and catering establishments.

(7) EMPLOYEE means any person who works for hire at an indoor or enclosed area including an independent contractor with an assigned indoor location.

(8) EMPLOYER means any person who employs one or more employees.

(9) ENCLOSED means an area that:

(A) is closed in overhead by a roof or other covering of any material, whether permanent or temporary; and

(B) has 40 percent or more of its perimeter closed in by walls or other coverings of any material, whether permanent or temporary.

(10) HOSPITAL means any institution that provides medical, surgical, and overnight facilities for patients.

(11) MINOR means any individual under 18 years of age.

(12) PARK PROPERTY means land the city owns or operates and that is planned, developed, or used for active or passive recreation by the public.

(13[2]) PERSON means an individual, firm, partnership, association, or other legal entity.

(14[3]) RETAIL OR SERVICE ESTABLISHMENT means any establishment that sells goods or services to the general public, including but not limited to any eating establishment, bar, hotel, motel, department store, grocery store, drug store, shopping mall, laundromat, bingo parlor, bowling center, billiard hall, or hair styling salon.

(15[4]) SECOND-HAND SMOKE means ambient smoke resulting from the act of smoking.

(16[5]) SMOKE OR SMOKING means inhaling, exhaling, possessing, or carrying any lighted or burning cigar or cigarette, or any pipe or other device that contains lighted or burning tobacco or tobacco products.

(17[6]) TOBACCO SHOP means a retail or service establishment that derives 90 percent or more of its gross revenue on a quarterly (three-month) basis from the sale of tobacco, tobacco products, or smoking implements.

(18[7]) WORKPLACE means any indoor or enclosed area where an employee works for an employer.”

SECTION 2. That Subsection (a) of Section 41-2, “Smoking Prohibited in Certain Areas,” of Article II, “Smoking Prohibitions,” of Chapter 41, “Smoking,” of the Dallas City Code is amended as follows:

“(a) A person commits an offense if he smokes:

- (1) in any indoor or enclosed area in the city;
- (2) within 15 feet of any entrance to an indoor or enclosed area in the city; [or]
- (3) in any area designated as nonsmoking by the owner, operator, or person in control of the area and marked with a no smoking sign complying with Section 41-3; or
- (4) on park property.”

SECTION 3. That, unless specifically provided otherwise by this ordinance or by state law, a person violating a provision of this ordinance is, upon conviction, punishable by a fine not to exceed \$200.

SECTION 4. That Chapter 41 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part

thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 6. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

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

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By _____
Assistant City Attorney

Passed _____

KEY FOCUS AREA: Public Safety

AGENDA DATE: November 9, 2016

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Police

CMO: Eric Campbell, 670-3255

MAPSCO: N/A

SUBJECT

Internet Crimes Against Children Continuation Grant

- * Authorize **(1)** an application for and acceptance of the 2017 Internet Crimes Against Children Continuation Grant, from the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, for response to the sexual abuse and exploitation of children facilitated by the use of computer technology related to the investigation of the Internet-facilitated child exploitation, for the period July 1, 2016 through June 30, 2017; and **(2)** execution of the grant agreement - Not to exceed \$488,767 - Financing: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention Grant Funds
- * Authorize a continuation of cooperative working agreements with the Dallas County District Attorney's Office in the amount of \$5,000, Potter County District Attorney's Office in the amount of \$3,000, Tarrant County District Attorney's Office in the amount of \$7,500, Collin County Sheriff's Office in the amount of \$18,000, Taylor County Sheriff's Office in the amount of \$3,000, Wichita County Sheriff's Office in the amount of \$5,000, Abilene Police Department in the amount of \$5,500, Amarillo Police Department in the amount of \$9,000, Arlington Police Department in the amount of \$13,000, Fort Worth Police Department in the amount of \$10,000, Garland Police Department in the amount of \$13,000, Longview Police Department in the amount of \$15,000, Lubbock Police Department in the amount of \$23,000 and the Dallas Children's Advocacy Center in the amount of \$37,000, for the period July 1, 2016 through June 30, 2017 through the 2017 Internet Crimes Against Children Continuation Grant supplement from July 1, 2016 through June 30, 2017 - Total not to exceed \$167,000 - Financing: This action has no cost consideration to the City

BACKGROUND

The Dallas Police Department has received the 2017 Internet Crimes Against Children (ICAC) Continuation Grant for the period July 1, 2016 through June 30, 2017. The grant will fund the Dallas Crimes Against Children Task Force to reduce crime related to the internet sexual exploitation of children. The ICAC Grant allows the Dallas Police Department to support internet crime operations through designated satellite law enforcement agencies that assist the Dallas Police Department in its efforts to combat internet crimes against children.

This grant will provide funding for the District Attorney's Offices in Dallas, Potter and Tarrant Counties; and the Collin County, Taylor County and Wichita County Sheriff's Offices; and the Police Department in the Cities of Abilene, Amarillo, Arlington, Fort Worth, Garland, Longview and Lubbock. All the funds will be for each agency to use on equipment, training, undercover expenses, and overtime as related to their Internet Crimes Against Children efforts.

This grant will also provide funding for the Dallas Children's Advocacy Center to sponsor scholarships for smaller agencies that normally would not be able to send representative to the 2017 Crimes Against Children Conference to be held in Dallas.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized an application for and acceptance of a supplement award to the 2010 Internet Crimes Against Children Continuation Grant, No. 2010-MC-CX-K037 on November 14, 2012, by Resolution No. 12-2756.

Authorized a continuation of cooperative working agreements with the Arlington Police Department, Garland Police Department, Longview Police Department, Lubbock Police Department, Dallas County District Attorney's Office, Potter County District Attorney's Office, Tarrant County District Attorney's Office, Collin County Sheriff's Office, Taylor County Sheriff's Office, Wichita County Sheriff's Office and the Dallas Children's Advocacy Center through the 2010 Internet Crimes Against Children Continuation Grant on November 14, 2012, by Resolution No. 12-2757.

Authorized an application for and acceptance of the 2013 Internet Crimes Against Children Continuation Grant, No. 2013-MC-FX-K036 on October 23, 2013, by Resolution No. 13-1842.

Authorized a continuation of cooperative working agreements with the Arlington Police Department, Garland Police Department, Longview Police Department, Lubbock Police Department, Dallas County District Attorney's Office, Potter County District Attorney's Office, Tarrant County District Attorney's Office, Collin County Sheriff's Office, Taylor County Sheriff's Office, Wichita County Sheriff's Office and the Dallas Children's Advocacy Center through the 2013 Internet Crimes Against Children Continuation Grant supplement on February 12, 2014, by Resolution No. 14-0299.

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

Authorized an application for and acceptance of a supplement award to the 2014 Internet Crimes Against Children Continuation Grant, No. 2013-MC-FX-K036 on November 12, 2014, by Resolution No. 14-1908.

Authorized a continuation of and an increase in the cooperative working agreements with the Arlington Police Department, Garland Police Department, Longview Police Department, Lubbock Police Department, Dallas County District Attorney's Office, Potter County District Attorney's Office, Tarrant County District Attorney's Office, Collin County Sheriff's Office, Taylor County Sheriff's Office, Wichita County Sheriff's Office and the Dallas Children's Advocacy Center on November 12, 2014, by Resolution No. 14-1909.

Authorized an application for and acceptance of a supplement award to the 2013 Internet Crimes Against Children Continuation Grant, No. 2013-MC-FX-K036 on October 28, 2015, by Resolution No. 15-1956.

Authorized a continuation of cooperative working agreements with the Arlington Police Department, Garland Police Department, Longview Police Department, Lubbock Police Department, Dallas County District Attorney's Office, Potter County District Attorney's Office, Tarrant County District Attorney's Office, Collin County Sheriff's Office, Taylor County Sheriff's Office, Wichita County Sheriff's Office and the Dallas Children's Advocacy Center through the 2013 Internet Crimes Against Children Continuation Grant supplement on October 28, 2015, by Resolution No. 15-1957.

Information about this item was provided to the Public Safety Committee on October 24, 2016.

FISCAL INFORMATION

\$488,767 - U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention Grant Funds

November 9, 2016

WHEREAS, the U.S. Department of Justice, Office of Juvenile and Delinquency Prevention has made continuation grant funds available to aid missing and exploited children during Fiscal Year 2016-2017; and

WHEREAS, such funding was awarded to the City of Dallas on September 16, 2016; and

WHEREAS, it is in the best interest of the City of Dallas to accept such funding.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to apply for and accept the 2017 Internet Crimes Against Children Continuation Grant from the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, new funding period, Grant No. 2016-MC-FX-K034/CFDA #16.543, in an amount not to exceed \$488,767, for the period July 1, 2016 through June 30, 2017, and execute the grant agreement.

Section 2. That the City Manager is hereby authorized to establish appropriations in the amount of \$488,767 in the Internet Crimes Against Children Continuation Grant, Fund F509, Department DPD, Unit 2063, in accordance with Schedule A.

Section 3. That the Chief Financial Officer is hereby authorized to deposit grant funds in an amount not to exceed \$488,767, in Fund F509, Department DPD, Unit 2063, Revenue Source 6506.

Section 4. That the Chief Financial Officer is hereby authorized to disburse grant funds from Fund F509, Department DPD, Unit 2063, an amount not to exceed \$488,767, in accordance to Schedule A.

Section 5. That in the event of loss or misuse of funds, the grantee will return all grant funds to the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, in full. 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 the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, final monitoring reports not later than 30 days after the receipt of the report.

November 9, 2016

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.

Schedule A
Internet Crimes Against Children Continuation Grant
Fund F509, Unit 2063

Obj	Description	Budget
1102	Salaries - Uniform	172,036
1202	Overtime - Uniform	9,500
1302	Pension, Sworn	47,312
1304	Health, Sworn	11,560
1306	FICA	2,494
2731	Data Processing Equipment	3,200
2735	Software Purchase	20,675
3060	Equipment (Outside City)	27,288
3099	Misc Special Services (Contractual)	173,402
3361	Professional Development (Travel)	20,000
3429	Blackberry Fees	1,300
Total Budget		488,767

November 9, 2016

WHEREAS, the City of Dallas applies for grant funds available from the U.S. Department of Justice to aid missing and exploited children; and

WHEREAS, the services of the Abilene Police Department, Amarillo Police Department, Arlington Police Department, Fort Worth Police Department, Garland Police Department, Longview Police Department, Lubbock Police Department, Dallas County District Attorney's Office, Potter County District Attorney's Office, Tarrant County District Attorney's Office, Collin County Sheriff's Office, Taylor County Sheriff's Office, Wichita County Sheriff's Office and the Dallas Children's Advocacy Center are approved by the execution of cooperative working agreements; and

WHEREAS, the 2017 Internet Crimes Against Children Continuation Grant No. 2016-MC-FX-K034 for the period July 1, 2016 through June 30, 2017 was awarded to the City of Dallas on September 16, 2015; and

WHEREAS, the 2017 Internet Crimes Against Children Continuation Grant No. 2016-MC-FX-K034 was accepted and appropriations and expenditures were authorized by the Dallas City Council on November 9, 2016; and

WHEREAS, execution of the Internet Crimes cooperative working agreements with the Abilene Police Department, Amarillo Police Department, Arlington Police Department, Fort Worth Police Department, Garland Police Department, Longview Police Department, Lubbock Police Department, Dallas County District Attorney's Office, Potter County District Attorney's Office, Tarrant County District Attorney's Office, Collin County Sheriff's Office, Taylor County Sheriff's Office, Wichita County Sheriff's Office and the Dallas Children's Advocacy Center must be authorized by the Dallas City Council.

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 respective Internet Crimes cooperative working agreements with the Dallas County District Attorney's Office, Potter County District Attorney's Office, Tarrant County District Attorney's Office, Collin County Sheriff's Office, Taylor County Sheriff's Office, Wichita County Sheriff's Office, Abilene Police Department, Amarillo Police Department, Arlington Police Department, Fort Worth Police Department, Garland Police Department, Lubbock Police Department, Longview Police Department and the Dallas Children's Advocacy Center (per the attached Schedule B), for the period July 1, 2016 through June 30, 2017 through the 2017 Internet Crimes Against Children Continuation Grant supplement from July 1, 2016 through June 30, 2017 as requested for the investigation, prosecution, education, and counseling activities related to the Dallas Internet Crimes Against Children Task Force response to Internet related sexual exploitation of children.

November 9, 2016

Section 2. That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for approved grant related expenses.

Section 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$167,000 of the previously authorized amount of \$488,767, from Service Contract number MASC-ICAC2017, per the attached Schedule B.

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.

SCHEDULE B

Federal- Internet Crimes Against Children Continuation Grant

Fund F509, Unit 2063

	Agency	2016 Allocation	Fund	Dept.	Unit	Obj	Master Agreement Number	Commodity	Vendor No.
1	Dallas County District Attorney's Office	\$ 5,000.00	F509	DPD	2063	3099	MASC ICAC2017	95217	14003
2	Potter County District Attorney's Office	\$ 3,000.00	F509	DPD	2063	3099	MASC ICAC2017	95217	VC0000001926
3	Tarrant County District Attorney's Office	\$ 7,500.00	F509	DPD	2063	3099	MASC ICAC2017	95217	331260
4	Collin County Sheriff's Department	\$ 18,000.00	F509	DPD	2063	3099	MASC ICAC2017	95217	VS0000014264
5	Taylor County Sheriff's Department	\$ 3,000.00	F509	DPD	2063	3099	MASC ICAC2017	95217	VS0000014301
6	Wichita County Sheriff's Department	\$ 5,000.00	F509	DPD	2063	3099	MASC ICAC2017	95217	VC0000008139
7	Abilene Police Department	\$ 5,500.00	F509	DPD	2063	3099	MASC ICAC2017	95217	VC16266
8	Amarillo Police Department	\$ 9,000.00	F509	DPD	2063	3099	MASC ICAC2017	95217	520020
9	Arlington Police Department	\$ 13,000.00	F509	DPD	2063	3099	MASC ICAC2017	95217	520488
10	Fort Worth Police Department	\$ 10,000.00	F509	DPD	2063	3099	MASC ICAC2017	95217	VC16273
11	Garland Police Department	\$ 13,000.00	F509	DPD	2063	3099	MASC ICAC2017	95217	268175
12	Longview Police Department	\$ 15,000.00	F509	DPD	2063	3099	MASC ICAC2017	95217	516362
13	Lubbock Police Department	\$ 23,000.00	F509	DPD	2063	3099	MASC ICAC2017	95217	VC0000009161
14	Dallas Children's Advocacy Center	\$ 37,000.00	F509	DPD	2063	3099	MASC ICAC2017	95217	263854
	Grand Total	\$ 167,000.00							

AGENDA ITEM # 23

KEY FOCUS AREA: Public Safety

AGENDA DATE: November 9, 2016

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Police

CMO: Eric Campbell, 670-3255

MAPSCO: N/A

SUBJECT

Authorize **(1)** an application for and acceptance of the City of Dallas - Intellectual Property Taskforce grant from the U.S. Department of Justice (Bureau of Justice Assistance), to initiate and address intellectual property theft in the areas of piracy, forgery and counterfeiting of various items for the period October 1, 2016 through September 30, 2018; and **(2)** execution of the grant agreement - Not to exceed \$358,534 - Financing: U.S. Department of Justice Grant Funds, Bureau of Justice Assistance Grant Funds

BACKGROUND

This grant will assist in a specialized proactive investigative unit comprised of one Sergeant currently housed at the Jack Evans Police Headquarters.

The grant funds primarily personnel, along with some equipment, supplies, and training. The grant will target offenders who sell counterfeit and piracy items in the City of Dallas and Dallas County. Officers will conduct undercover operations to pinpoint and identify these offenders. The grant will also increase public awareness and education related to the sales of these counterfeit items.

The U.S. Department of Justice (Bureau of Justice Assistance) specifically requires governing body approval for the acceptance of the grant. If accepted this grant will require incorporation into a two year period for fiscal years FY 2016-2017 and FY 2017-2018 General Fund Budget.

The In-kind match is made up of the following components: two detective officers at 75% percent of their time working on the Intellectual Property Taskforce (IPTF) grant activities.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized an application for and acceptance of the Intellectual Property Taskforce grant on November 12, 2014, by Resolution No. 14-1912.

Information about this item was provided to the Public Safety Committee on October 24, 2016.

FISCAL INFORMATION

\$358,534.00 - U.S. Department of Justice Grant Funds, Bureau of Justice Assistance Grant Funds

November 9, 2016

WHEREAS, the U.S. Department of Justice (Bureau of Justice Assistance) as made available a grant for law enforcement projects during the 2016-17 fiscal year; and 2017-2018 fiscal year; and

WHEREAS, such funding was awarded to the City of Dallas on September 27, 2016; and

WHEREAS, it is in the best interest of the City of Dallas to accept such funding.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to apply for and accept the City of Dallas - Intellectual Property Taskforce grant from the U.S. Department of Justice (Bureau of Justice Assistance) (Grant No. 2016-ZP-BX-0003/CFDA #16.752) to initiate and address intellectual property theft in the areas of piracy, forgery and counterfeiting of various items, in an amount not to exceed \$358,534, for the period October 1, 2016 through September 30, 2018, and execute the grant agreement.

Section 2. That the City Manager is hereby authorized to establish appropriations in the Intellectual Property Taskforce fund in the amount of \$358,534 for a two year period in Fund F510, Department DPD, Unit 2098, in accordance with Schedule A.

Section 3. That the Chief Financial Officer is hereby authorized to receive and deposit grant funds in an amount not to exceed \$358,534 in Fund F510, Department DPD, Unit 2098, Revenue Source 6506.

Section 4. That the City Manager is hereby authorized to provide an In-Kind Contribution of two officers to work on this project for two years.

Section 5. That the Chief Financial Officer is hereby authorized to disburse grant funds from Fund F510, Department DPD, Unit 2098, according to Schedule A, in an amount not to exceed \$358,534 for the two year period.

Section 6. That the City Manager is hereby authorized to reimburse to the U.S. Department of Justice (Bureau of Justice Assistance) 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.

November 9, 2016

Section 7. That the City Manager shall keep the appropriate City Council Committee informed of all final U.S. Department of Justice (Bureau of Justice Assistance) monitoring reports not later than 30 days after the receipt of the report.

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

Schedule A
Intellectual Property Taskforce Grant
Fund F510 Unit 2098

<u>Object</u>	<u>Description</u>	<u>Amount</u>
1102	Salaries, Uniform – 1 Sergeant Position	\$199,824
1202	Overtime, Uniform	\$5,738
1302	Pension, Sworn	\$54,952
1304	Health Insurance	\$11,560
1306	FICA/Medicare	
2731	Data Processing Equipment	\$3,300
2770	Audio/Visual Equipment	\$3,300
2890	Miscellaneous Equipment	\$3,300
3060	Equipment Rental vehicles(Outside City)	\$61,200
3361	Professional Development (Travel)registration fees	\$8,600
3420	Communications Equipment Rental(Flash Drives, computer air card, radios, phone supplies)	\$1,000
3429	BlackBerry Charges	\$5,760
	Grant Total	\$358,534

KEY FOCUS AREA: Public Safety

AGENDA DATE: November 9, 2016

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Police

CMO: Eric Campbell, 670-3255

MAPSCO: N/A

SUBJECT

Authorize **(1)** an application for and acceptance of the Dallas Police Athletic League grant from the U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention passed through the Office of the Governor, Criminal Justice Division, to fund the purchase of equipment and protective gear for a boxing club program at the Forest Audelia Boxing Center, and purchase laptops for tutoring and the collection of data for the period October 1, 2016 through September 30, 2017; and **(2)** execution of the grant agreement - Not to exceed \$34,030 - Financing: Office of the Governor, Criminal Justice Division State Grant Funds

BACKGROUND

The Dallas Police Athletic League (PAL) engages Dallas' youth with mentoring, sports, Science, Technology, Engineering and Math (STEM), life skills, cultural art, and other constructive activities that provide alternatives to undesirable behaviors. The Boxing Club program has been part of the constructive influence of police officers and other responsible adults from the community, who volunteer their time to be positive role models. The facilities used by the Dallas PAL program provide athletic and recreational opportunities for youth as an outlet for them to learn discipline and anger management. A primary focus of PAL is to train youth in physical disciplines that also distract and discourage youth from negative lifestyle choices such as gangs, drugs, and criminal activities.

The Dallas PAL Grant award will be used to purchase a boxing ring, equipment and protective gear to establish a boxing club program. The funds will also go to purchase laptops in support of tutoring youth in the program who struggle with homework and academic courses. The laptops will also be used to collect data in support of the program.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Public Safety Committee on October 24, 2016.

FISCAL INFORMATION

\$34,030 - Office of the Governor, Criminal Justice Division State Grant Funds

November 9, 2016

WHEREAS, the Dallas Police Athletic League (PAL) works closely with the City of Dallas Police Department to engage the youth of Dallas in community programs; and

WHEREAS, the Dallas Police Department Dallas PAL grant from the U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention passed through the Office of the Governor, Criminal Justice Division has made funds available for law enforcement projects for the period October 1, 2016 through September 30, 2017; and

WHEREAS, the City of Dallas Police Department was awarded the Dallas PAL grant in the amount of \$34,030; and

WHEREAS, it is in the best interest of the City of Dallas to apply and accept such funding.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to apply for and accept the Dallas Police Athletic League grant from the U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention passed through the Office of the Governor, Criminal Justice Division (Federal/State Award No. 2016-JF-FX-0008/Grant No. 3096201, CFDA #16.540) in the amount of \$34,030 to fund the purchase of equipment and protective gear for a boxing club program at the Forest Audelia Boxing Center, and purchase laptops for tutoring and the collection of data for the period October 1, 2016 through September 30, 2017, and execute the grant agreement.

Section 2. That the Chief Financial Officer is hereby authorized to receive and deposit grant funds in the amount of \$34,030 into Fund F512, Department DPD, Unit 2094, and Revenue Source 6506.

Section 3. That the City Manager is hereby authorized to establish appropriations in the Dallas Police Athletic League grant in the amount of \$34,030 in Fund F512, Department DPD, Unit 2094, in accordance with the attached Schedule.

Section 4. That the Chief Financial Officer is hereby authorized to disburse grant funds in an amount not to exceed \$34,030 in Fund F512, Department DPD, Unit 2094, in accordance with the attached Schedule.

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

November 9, 2016

Section 6. That the City Manager shall keep the appropriate City Council Committee informed of all final granting agency monitoring reports not later than 30 days after receipt of the report.

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

SCHEDULE
Dallas PAL Grant
Fund F512, Dept. DPD, Unit 2094, Revenue Source Code 6506
October 1, 2016 - September 30, 2017

Object Code	Description	Amount
2890	Miscellaneous Equipment	\$ 16,000.00
2731	Data Processing	\$ 10,030.00
4890	Miscellaneous Equipment	\$ 8,000.00
	Grand Total	\$ 34,030.00

KEY FOCUS AREA: Public Safety

AGENDA DATE: November 9, 2016

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Police

CMO: Eric Campbell, 670-3255

MAPSCO: N/A

SUBJECT

Authorize **(1)** an amendment to the Interlocal contract with Dallas County Community College District (dba El Centro College) to modify the clauses of the original contract and increase appropriations in an amount not to exceed \$75,000, from \$6,215,373 to \$6,290,373, for the two-year period September 1, 2015 through August 31, 2017; and **(2)** payment to Dallas County Community College District (dba El Centro College) for tuition costs for officers attending these classes - Not to exceed \$75,000 - Financing: - Texas Higher Education Coordinating Board Funds

BACKGROUND

The City of Dallas contract with the Dallas County Community College District, on behalf of El Centro College, has been amended by modifications of the clauses within the original contract.

The Texas Higher Education Coordinating Board reimburses public colleges and universities for a percentage of classroom instruction and supplies provided by Dallas Police Officers. In partnership with the City of Dallas, El Centro College has reimbursed the City for certifiable instructional hours for the past 40 years.

Recent clarifications to the policies governing the eligibility for acquiring these funds has determined that only tuition based courses are eligible for reimbursement. Per the modifications of the contract, the City will be paid an increase from \$19.24 to \$26.44 from the College for each certifiable instructional hour the Police Department provides. The College's total payment to the City for the duration of this Contract will increase \$75,000.

The College shall invoice the City quarterly tuition at a rate of \$5.00 per student enrollment for In-Service Training classes and \$25.00 per student for each section of the basic peace officer academy not to exceed \$125.00 per participant. The total tuition amount shall not exceed \$75,000.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized renewal of the contract with El Centro College on August 13, 2003, by Resolution No. 03-2169.

Authorized renewal of the contract with El Centro College on August 24, 2005, by Resolution No. 05-2478.

Authorized renewal of the contract with El Centro College on September 26, 2007, by Resolution No. 07-2830.

Authorized renewal of the contract with El Centro College on June 10, 2009, by Resolution No. 09-1456.

Authorized renewal of the contract with El Centro College on June 22, 2011, by Resolution No. 11-1692.

Authorized renewal of the contract with El Centro College on May 22, 2013, by Resolution No. 13-0829.

Authorized renewal of the contract with El Centro College on August 26, 2015 by Resolution No. 15-1554.

Information about this item was provided to the Public Safety Committee on October 24, 2016.

FISCAL INFORMATION

\$75,000 - Texas Higher Education Coordinating Board Funds

November 9, 2016

WHEREAS, the City of Dallas owns and operates a police academy approved by the Texas Higher Education Coordinating Board and the Commission on Law Enforcement Officer Standards and Education; and

WHEREAS, El Centro College of the Dallas County Community College District (hereafter referred to as the "College") has agreed to place all basic training for police recruits, including regular and reserve, and in-service training for veteran officers, in its Community Service Program; and

WHEREAS, El Centro College, in partnership with City of Dallas, has provided instructional hour support using funds reimbursed to public colleges and universities for a percentage of classroom instruction and supplies from the Texas Education Coordinating Board for the past 40 years; and

WHEREAS, recent clarifications to the policies governing the eligibility for acquiring these funds has determined that only tuition based courses are eligible for reimbursement, thereby necessitating changes, also known as First Amendment to the Interlocal Contract between City of Dallas and Dallas County Community College District (dba El Centro College) to ensure corresponding reimbursement to 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 amend the Interlocal contract with Dallas County Community College District (dba El Centro College) to ensure corresponding reimbursement to the City and to modify the clauses of the original contract for the two-year period September 1, 2015 through August 31, 2017.

Section 2. That the City Manager is hereby authorized to increase appropriations in an amount not to exceed \$75,000, from \$6,215,373.06 to \$6,290,373.06 during the two-year term of this contract, in accordance with the attached Schedule A.

Section 3. That the Chief Financial Officer is hereby authorized to receive and deposit funds in an amount not to exceed \$75,000 into Fund 0699, Department DPD, Unit 6303, Revenue Source 6526.

November 9, 2016

Section 4. That the Chief Financial Officer is hereby authorized to disburse funds from Fund 0699, Department DPD, Unit 6303, Object 3361, MASC - El Centro in accordance with the attached Schedule A, and make payment to Dallas County Community College District (dba El Centro College) for the tuition costs of the officers that attend these classes in an amount not to exceed \$75,000.

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

SCHEDULE A

Texas Higher Education Coordinating Board

Fund 0699, Unit 6303

September 1, 2015 - August 31, 2017

OBJT	Current Budget	Increase for 2015- 2017 Budget	2015-2017 Budget
1202	70,000		70,000
2110	87,000		87,000
2120	57,000		57,000
2185			0
2200			0
2231	337,313		337,313
2232			0
2252			0
2261	41,000		41,000
2280	2,391,254		2,391,254
2590			0
2710	135,700		135,700
2720			0
2730			0
2731	265,203.53		265,204
2735			0
2760			0
2770	160,519.37		160,519
2780	100,725.36		100,725
2790	91000		91,000
2860	1000		1,000
2890	60000		60,000
3030	3000		3,000
3040			0
3050	25000		25,000
3053			0
3060	20000		20,000
3070	173000		173,000
3085	9560		9,560
3090	14700		14,700
3099	177200		177,200
3110	72475		72,475
3150	1000		1,000
3210	128000		128,000
3320			0
3340	10000		10,000
3341	13000		13,000
3361	420,657.80	75,000	495,658
3363			0

SCHEDULE A

Texas Higher Education Coordinating Board

Fund 0699, Unit 6303

September 1, 2015 - August 31, 2017

OBJT	Current Budget	Increase for 2015- 2017 Budget	2015-2017 Budget
3364			0
3420	15000		15,000
3435	3000		3,000
3450	4000		4,000
3549			0
3610	5000		5,000
4310	38000		38,000
4420	8000		8,000
4710	220583		220,583
4720	63000		63,000
4731	449461		449,461
4735			0
4740	16000		16,000
4760	11000		11,000
4770	355000		355,000
4780	40000		40,000
4860	2000		2,000
4890	120021		120,021
5110			0
	\$6,215,373.06	\$75,000.00	\$6,290,373.06

AGENDA ITEM # 26

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: November 9, 2016

COUNCIL DISTRICT(S): 2, 4, 5, 6, 7, 8

DEPARTMENT: Sustainable Development and Construction

CMO: Mark McDaniel, 670-3256

MAPSCO: 34L 43K 46U V X 49S 55B E F L R S 56B G S T W X 57R 58U
V Z 59N R 65A 69A-P 69B 76A

SUBJECT

Authorize the quitclaim of 43 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: \$494,505

BACKGROUND

This item authorizes the quitclaim of 43 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)

Information about this item will be provided to the Economic Development Committee on November 7, 2016.

FISCAL INFORMATION

Revenue: \$494,504.18

OWNERS

DHL&G Development Group, LLC

Chaowen Liu, Managing Member

Nextlots Now L.L.C.

Lee J. Schmitt, Managing Member

S & C Holdings, LLC

Stanley Smith, Managing Member

Clinton Garland, Managing Member

Aurelio Martinez

Benito Mojica

Ciel Elizalde

Gaspar Alvarez

Ismael Aguilar

James Carter

John D'Silva

Jesse Smith

Julius Johnson III

Kimiaki Itamura

Laura Aveton

Leo Watts

Lupe Valdez

Nereida Vasquez

Pedro Lara

Peter Tsai

OWNERS (continued)

Quentin McClellan

Saul Celis

Stephene Tolocko

Vibeke Gamber

Zachary Thompson

Zarina Persaud

MAP

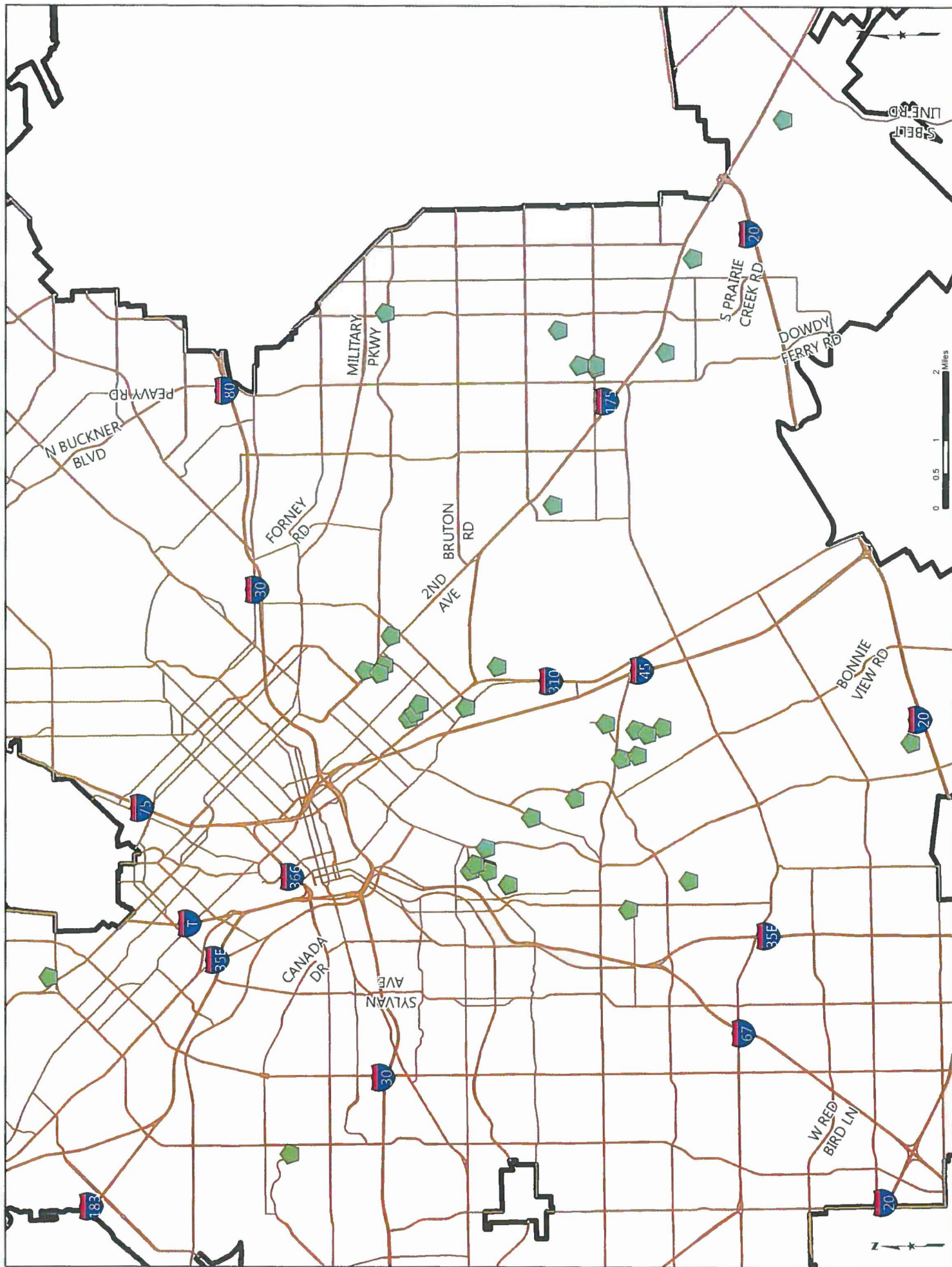
Attached

**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	2314 2ND	V	7	PD-595	.3226	\$14,050.00	11	\$1,000.00	\$11,223.00	\$14,050.00	Leo Watts
2	1312 E. 10TH	V	4	PD-388	.1137	\$7,430.00	6	\$1,000.00	\$7,000.00	\$7,430.00	Ciel Elizalde
3	2730 ALASKA	V	4	R-7.5(A)	.2602	\$16,855.00	13	\$1,000.00	\$18,091.40	\$17,500.00	Nereida Vasquez
4	409 AVENUE A	V	4	R-5(A)	.0832	\$5,000.00	9	\$1,000.00	\$12,600.00	\$5,000.00	Laura Avelton
5	1304 BADEN	V	4	LI	.0767	\$4,600.00	7	\$1,000.00	\$3,300.00	\$4,600.00	Aurelio Martinez
6	1308 BADEN	V	4	LI	.0808	\$4,600.00	7	\$1,000.00	\$3,300.00	\$4,600.00	Aurelio Martinez
7	1312 BADEN	V	4	LI	.0744	\$4,600.00	8	\$1,000.00	\$3,500.00	\$4,600.00	Aurelio Martinez
8	1314 BADEN	V	4	LI	.0792	\$4,600.00	7	\$1,000.00	\$3,500.00	\$4,600.00	Aurelio Martinez
9	1318 BADEN	V	4	LI	.0805	\$4,600.00	8	\$1,000.00	\$3,300.00	\$4,600.00	Aurelio Martinez
10	1300 BADEN	V	4	LI	.0775	\$4,600.00	6	\$1,000.00	\$3,300.00	\$4,600.00	Aurelio Martinez
11	1615 BANNOCK	V	7	PD-595	.1721	\$6,750.00	4	\$1,000.00	\$4,189.50	\$6,750.00	Kimiaki Itamura
12	1215 BLISS	V	4	LI	.3235	\$10,475.00	3	\$1,000.00	\$2,000.00	\$13,800.00	Lupe Valdez
13	2204 BONNIE VIEW	V	4	R-7.5(A)	.1189	\$5,400.00	5	\$1,000.00	\$4,934.00	\$5,400.00	Leo Watts
14	2437 CEDAR CREST	V	4	CR	.7174	\$18,850.00	3	\$1,500.00	\$6,330.00	\$31,250.00	Benito Mojica
15	4413 CINDA REE	V	4	R-7.5(A)	.2114	\$18,443.00	1	\$1,000.00	\$4,375.00	\$12,000.00	Nextlots Now L.L.C.
16	1009 CLAUDE	V	4	R-5(A)	.1519	\$11,500.00	11	\$1,000.00	\$8,778.00	\$11,500.00	Leo Watts
17	1015 CLAUDE	V	4	R-5(A)	.3348	\$14,380.00	13	\$1,000.00	\$12,100.00	\$14,380.00	Saul Celis
18	2217 COLDBROOK	V	8	R-7.5(A)	.1663	\$8,000.00	4	\$1,000.00	\$5,175.00	\$8,000.00	Nextlots Now L.L.C.
19	2415 DATHE	I	7	PD-595	.1215	\$23,370.00	8	\$1,500.00	\$19,000.00	\$23,370.00	S & C Holdings, LLC
20	2961 EAGLE	V	4	R-7.5(A)	.3124	\$12,000.00	7	\$1,000.00	\$6,895.00	\$12,000.00	Nextlots Now L.L.C.
21	8300 ELAM	V	5	NS(A)	.4505	\$39,250.00	18	\$2,000.00	\$25,100.00	\$39,250.00	Zarina Persaud
22	8314 ELAM	V	5	NS(A)	.9305	\$22,750.00	19	\$2,000.00	\$20,895.99	\$22,750.00	Stephene Tolocko
23	6249 FENWAY	I	5	R-7.5(A)	.1761	\$29,260.00	15	\$4,000.00	\$32,000.00	\$24,710.00	Ismael Aguilar
24	3120 FORDHAM	I	4	R-7.5(A)	.3027	\$30,030.00	6	\$4,000.00	\$27,111.00	\$30,030.00	Vibeke Gamber
25	2422 JORDAN	I	7	PD-595	.1045	\$47,830.00	10	\$6,000.00	\$24,000.00	\$47,830.00	Quentin McClellan
26	8421 KINGSFIELD	V	8	R-7.5(A)	.4607	\$7,718.00	2	\$1,000.00	\$3,200.00	\$14,000.00	Benito Mojica

**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
27	3107 KINGSFORD	I	7	R-7.5(A)	.3500	\$7,352.00	4	\$2,000.00	\$9,112.00	\$20,000.00	James Carter
28	858 W. LARAMIE	V	8	R-7.5(A)	.2371	\$10,000.00	4	\$1,000.00	\$6,895.00	\$10,000.00	Nextlots Now L.L.C.
29	3907 LATIMER	I	7	PD-595	.0765	\$25,419.00	9	\$4,500.00	\$26,600.00	\$50,320.00	Peter Tsai
30	214 S. MOORE	V	4	LI	.1033	\$12,635.00	7	\$1,000.00	\$2,567.29	\$7,200.00	Kimiaki Itamura
31	2918 MORGAN	V	8	R-7.5(A)	.4598	\$9,000.00	6	\$1,000.00	\$9,285.00	\$9,000.00	Nextlots Now L.L.C.
32	3414 OVERTON	V	4	R-5(A)	.1877	\$8,887.00	3	\$1,000.00	\$2,375.00	\$11,500.00	Nextlots Now L.L.C.
33	655 PLEASANT MEADOWS	V	5	R-7.5(A)	.2063	\$12,000.00	2	\$1,000.00	\$6,895.00	\$12,000.00	Nextlots Now L.L.C.
34	1206 PRESIDIO	V	4	R-7.5(A)	.2011	\$5,077.00	4	\$1,000.00	\$4,295.00	\$10,000.00	Nextlots Now L.L.C.
35	2910 PROSPERITY	V	4	R-7.5(A)	.4066	\$10,000.00	2	\$500.00	\$1,121.00	\$10,000.00	Leo Watts
36	3332 RUTLEDGE	I	7	PD-595	.1065	\$27,422.00	1	\$6,000.00	\$7,777.00	\$39,490.00	John D'Silva
37	3715 SAVAGE	V	2	PD-67	.0657	\$24,380.00	14	\$1,000.00	\$50,001.00	\$28,280.00	Jesse Smith and Zachary Thompson
38	2517 ST. CLAIR	V	7	PD 595	.1162	\$12,788.00	1	\$1,000.00	\$1,803.00	\$4,000.00	Julius Johnson III
39	3226 TUSKEGEE	V	7	PD-595	.0585	\$5,000.00	1	\$1,000.00	\$1,799.00	\$5,000.00	Leo Watts
40	3732 VINEYARD	V	6	R-5(A)	.1636	\$12,000.00	7	\$1,000.00	\$10,000.00	\$12,000.00	Pedro Lara
41	8734 WADLINGTON	I	5	R-7.5(A)	.1584	\$31,570.00	19	\$4,000.00	\$31,900.00	\$31,770.00	S & C Holdings, LLC
42	2926 WILHURT	V	4	R-7.5(A)	2.3010	\$18,509.00	9	\$2,000.00	\$15,101.00	\$24,000.00	Gaspar Alvarez
43	3613 YORK	I	7	PD-595	.1492	\$38,190.00	13	\$5,000.00	\$31,780.00	\$38,190.00	DHL&G Development Group, LLC



November 9, 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:

November 9, 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	2314 2ND	Lot 4, Block 1823	V	1, 2, 3	9/11 & 9/12	11	\$1,000.00	\$11,223.00	Leo Watts
2	1312 E. 10TH	Part of Lots 6 and 7, Block 1/3390	V	1, 2, 3	9/11 & 9/12	6	\$1,000.00	\$7,000.00	Ciel Elizalde
3	2730 ALASKA	Lot 9 and the south half of Lot 8, Block 40/4210	V	1, 2, 3	9/11 & 9/12	13	\$1,000.00	\$18,091.40	Nereida Vasquez
4	409 AVENUE A	Lot 14, Block 4715	V	1, 2, 3	9/11 & 9/12	9	\$1,000.00	\$12,600.00	Laura Aveton
5	1304 BADEN	Lot 11, Block 3391	V	1, 2, 3	9/11 & 9/12	7	\$1,000.00	\$3,300.00	Aurelio Martinez
6	1308 BADEN	Lot 10, Block 3391	V	1, 2, 3	9/11 & 9/12	7	\$1,000.00	\$3,300.00	Aurelio Martinez
7	1312 BADEN	Lot 9, Block 3391	V	1, 2, 3	9/11 & 9/12	8	\$1,000.00	\$3,500.00	Aurelio Martinez
8	1314 BADEN	Lot 8, Block 3391	V	1, 2, 3	9/11 & 9/12	7	\$1,000.00	\$3,500.00	Aurelio Martinez
9	1318 BADEN	Lot 7, Block 3391	V	1, 2, 3	9/11 & 9/12	8	\$1,000.00	\$3,300.00	Aurelio Martinez
10	1300 BADEN	Lot 12, Block 3391	V	1, 2, 3	9/11 & 9/12	6	\$1,000.00	\$3,300.00	Aurelio Martinez
11	1615 BANNOCK	Lot 12, Block C/1687	V	1, 2, 3	9/11 & 9/12	4	\$1,000.00	\$4,189.50	Kimiaki Itamura
12	1215 BLISS	Lots 13 and 14, Block 3391	V	1, 2, 3	9/11 & 9/12	3	\$1,000.00	\$2,000.00	Lupe Valdez
13	2204 BONNIE VIEW	Lot 1, Block B/7541	V	1, 2, 3	9/11 & 9/12	5	\$1,000.00	\$4,934.00	Leo Watts
14	2437 CEDAR CREST	Tract 3, 125x262.3x112x47x223, Block 1449	V	1, 2, 3	9/11 & 9/12	3	\$1,500.00	\$6,330.00	Benito Mojica
15	4413 CINDA REE	Lot 15, Block 8631	V	1, 2, 3	9/11 & 9/12	1	\$1,000.00	\$4,375.00	Nextlots Now L.L.C.
16	1009 CLAUDE	Lot 2, Block E/3394	V	1, 2, 3	9/11 & 9/12	11	\$1,000.00	\$8,778.00	Leo Watts
17	1015 CLAUDE	Lot 3, Block E/3394	V	1, 2, 3	9/11 & 9/12	13	\$1,000.00	\$12,100.00	Saul Celis
18	2217 COLDBROOK	Lot 14, Block 2	V	1, 2, 3	9/11 & 9/12	4	\$1,000.00	\$5,175.00	Nextlots Now L.L.C.
19	2415 DATHE	Lot 14, Block A/1711	I	1, 2, 3	9/11 & 9/12	8	\$1,500.00	\$19,000.00	S & C Holdings, LLC
20	2951 EAGLE	Lot 33, Block A/6086	V	1, 2, 3	9/11 & 9/12	7	\$1,000.00	\$6,895.00	Nextlots Now L.L.C.

*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
21	8300 ELAM	Lot 1, Block 6352	V	1, 2, 3	9/11 & 9/12	18	\$2,000.00	\$25,100.00	Zarina Persaud
22	8314 ELAM	Lot 11, Block 6352	V	1, 2, 3	9/11 & 9/12	19	\$2,000.00	\$20,895.99	Stephene Tolocko
23	6249 FENWAY	Lot 20, Block 6/6253	I	1, 2, 3	9/11 & 9/12	15	\$4,000.00	\$32,000.00	Ismael Aguilar
24	3120 FORDHAM	Tract 5, Block 14/8617	I	1, 2, 3	9/11 & 9/12	6	\$4,000.00	\$27,111.00	Vibeke Gamber
25	2422 JORDAN	Northeast 40 feet of Lot 2, Block B/1713	I	1, 2, 3	9/11 & 9/12	10	\$6,000.00	\$24,000.00	Quentin McClellan
26	8421 KINGSFIELD	Lot 4 and the east 30 feet of Lot 5, Block 7866	V	1, 2, 3	9/11 & 9/12	2	\$1,000.00	\$3,200.00	Benito Mojica
27	3107 KINGSFORD	Lot 2A, Block 6784	I	1, 2, 3	9/11 & 9/12	4	\$2,000.00	\$9,112.00	James Carter
28	858 W. LARAMIE	Lot 12, Block 2/7799	V	1, 2, 3	9/11 & 9/12	4	\$1,000.00	\$6,895.00	Nextlots Now L.L.C.
29	3907 LATIMER	Lot 3, Block H4/1736	I	1, 2, 3	9/11 & 9/12	9	\$4,500.00	\$26,600.00	Peter Tsai
30	214 S. MOORE	Tract 5, Block 5916	V	1, 2, 3	9/11 & 9/12	7	\$1,000.00	\$2,567.29	Kimiaki Itamura
31	2918 MORGAN	Lot 2, Block 14/7614	V	1, 2, 3	9/11 & 9/12	6	\$1,000.00	\$9,285.00	Nextlots Now L.L.C.
32	3414 OVERTON	East half of Lot 24, Block G/6094	V	1, 2, 3	9/11 & 9/12	3	\$1,000.00	\$2,375.00	Nextlots Now L.L.C.
33	655 PLEASANT MEADOWS	Lot 48, Block C/6691	V	1, 2, 3	9/11 & 9/12	2	\$1,000.00	\$6,895.00	Nextlots Now L.L.C.
34	1206 PRESIDIO	Lot 3, Block 23/4069	V	1, 2, 3	9/11 & 9/12	4	\$1,000.00	\$4,295.00	Nextlots Now L.L.C.
35	2910 PROSPERITY	Lot 70, Block 6080	V	1, 2, 3	9/11 & 9/12	2	\$500.00	\$1,121.00	Leo Watts
36	3332 RUTLEDGE	Part of Lot 1, Block 5/1789	I	1, 2, 3	9/11 & 9/12	1	\$6,000.00	\$7,777.00	John D'Silva
37	3715 SAVAGE	Parts of Lots 19 and 20, Block N/2604	V	1, 2, 3	9/11 & 9/12	14	\$1,000.00	\$50,001.00	Jesse Smith and Zachary Thompson
38	2517 ST. CLAIR	Lots 26 and 27, Block 21/2563	V	1, 2, 3	9/11 & 9/12	1	\$1,000.00	\$1,803.00	Julius Johnson III
39	3226 TUSKEGEE	The northeast 6 feet of Lot 68 and the southwest 19 feet of Lot 69, Block 1804	V	1, 2, 3	9/11 & 9/12	1	\$1,000.00	\$1,799.00	Leo Watts

*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
40	3732 VINEYARD	Lot 9, Block 21/7146	V	1, 2, 3	9/11 & 9/12	7	\$1,000.00	\$10,000.00	Pedro Lara
41	8734 WADLINGTON	Lot 55-D, Block 6348	I	1, 2, 3	9/11 & 9/12	19	\$4,000.00	\$31,900.00	S & C Holdings, LLC
42	2926 WILHURT	Part of Blocks 9/8617 and 10/8617	V	1, 2, 3	9/11 & 9/12	9	\$2,000.00	\$15,101.00	Gaspar Alvarez
43	3613 YORK	Lot 33, Block 2/2128	I	1, 2, 3	9/11 & 9/12	13	\$5,000.00	\$31,780.00	DHL&G Development Group, LLC

*1=CITY, 2=DISD, 3=COUNTY, 4=STATE (All properties are located in the City of Dallas, Dallas County, Texas)

AGENDA ITEM # 27

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: November 9, 2016

COUNCIL DISTRICT(S): 9

DEPARTMENT: Sustainable Development and Construction
Water Utilities

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

MAPSCO: 10B-T

SUBJECT

A resolution authorizing the conveyance of an aerial easement and right-of-way containing approximately 27 acres to the City of Garland for the construction and maintenance of electrical facilities across City-owned Lake Ray Hubbard - Revenue: \$87,059

BACKGROUND

This item authorizes the conveyance of an aerial easement and right-of-way containing approximately 27 acres to the City of Garland for the construction and maintenance of electrical facilities across City-owned Lake Ray Hubbard. This property will be used to replace existing electrical lines. The purchase price of \$87,059 is based on an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Economic Development Committee on November 7, 2016.

FISCAL INFORMATION

Revenue: \$87,059

MAP

Attached

November 9, 2016

WHEREAS, the City of Dallas owns a tract of land which is used for Lake Ray Hubbard; and

WHEREAS, the City of Garland has requested an aerial easement and right-of-way over and across said land for the construction, maintenance and use of electrical facilities containing approximately 27 acres of land, located across Lake Ray Hubbard, Dallas County, Texas; and being more fully described in Exhibit "A" attached hereto and made a part of hereof for all purposes; and

WHEREAS, the Interlocal Agreement and Lease between the City of Dallas and City of Garland dated July 20, 1999, contemplates the granting of easement rights.

NOW, THEREFORE,

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

SECTION 1. That upon receipt of **EIGHTY SEVEN THOUSAND AND FIFTY NINE DOLLARS AND NO/100 (\$87,059.00)** from the City of Garland, the City Manager or designee is authorized to execute an Aerial Easement and Right-Of-Way, to be attested by the City Secretary upon approval as to form by the City Attorney.

SECTION 2. That the sale proceeds shall be deposited into the General Fund 0001, Dept. DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction, Real Estate Division shall be reimbursed for administrative costs incurred (Fund 0001, Dept. DEV, Unit 1183, Object 5011). Any remaining proceeds shall be transferred to the Water and Sewer Revenue Fund 0100, Dept. DWU, Unit 7005, Revenue Source 8428.

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

APPROVED AS TO FORM:
LARRY E. CASTO, City Attorney

By: Bryan N. Ryan II
Assistant City Attorney

EXHIBIT A

GENERAL NOTES

1. Bearings of lines in the accompanying description reference Grid North of the Texas Coordinate System of 1983, North Central Zone derived through a real-time kinematic global positioning satellite survey (RTK GPS) using the Leica GeoNET® RTK network.
2. The convergence (mapping) angle at the point of beginning is: 1° 05' 13"
3. Reported distances are horizontal surface distances measured in U.S. Survey Feet computed using a combined factor of 0.99988 (TxDOT Published value for Rockwall County) by the formula:
Surface Distance = Grid Distance / 0.99988.
4. Coordinate values reported herein are in U.S. Survey Feet and refer to The Texas Coordinate System of 1983, North Central Zone with corrections processed using the GeoNET® RTK network for Dallas and Fort Worth, Texas.
5. The recovery of monuments cited and described in the following field notes were found by an actual on-the-ground survey made on August 28th, September 2nd and 3rd of 2014.

BEING a strip of 100 feet in width containing 26.648 acres of land situated in Rockwall County and Collin County, Texas, over and across thirteen (13) parcels of land granted to the City of Dallas, and being part of the L. B. Outlaw Survey, Abstract No. 173 in Rockwall County, Texas, and over and across three (3) parcels of land granted to the City of Dallas, and being part of the L. B. Outlaw Survey, Abstract No. 676 and the J. Strickland Survey, Abstract No. 794 in Collin County, Texas, and listed in order from east to west as follows:

PARCEL	COUNTY	ABST.	GRANTOR	VOL./PG.	INST.	ACREAGE
DD-58	Rockwall	A-173	Lola M. Kinser, et al	65-553	D	32.9
DD-57	Rockwall	A-173	Ishmael Leon Whitsell, et ux	73-279	D	39.58
DD-30	Rockwall	A-173	George C. Kinser, et ux	75-150	D	28.66
DD-25	Rockwall	A-173	W.T. Limerick, et ux	74-631	D	133.95
DD-27	Rockwall	A-173	Charlie Joe Bozman, et al	81-382	D	10
DD-7	Rockwall	A-173	Charlie Joe Bozman, et al	81-382	D	40
DD-5	Rockwall	A-173	W.T. Limerick, et ux	74-346	D	44.18
DD-42	Rockwall	A-173	W.B. McCartney, et ux	76-26	D	220
DD-37	Rockwall	A-173	R.A. Snead, Jr., et al	67-259	D	11
DD-38	Rockwall	A-173	Nell DeWitt Rush Snead, et al	66-528	D	6
DD-39	Rockwall	A-173	Emma Hanna Rochell, et al	66-555	D	10
DD-36	Rockwall	A-173	O.T. Stanfield	71-462	D	17
DD-32	Rockwall	A-173	Albert J. Nelson, et al	76-242	D	10
DD-2	Collin	A-676	Roland Boyd	685-833	WD	10
EE-5B	Collin	A-794	Agnes Burney	608-563	WD	138.2
EE-5A	Collin	A-794	Agnes Burney	608-563	WD	1.43

FIELD NOTES APPROVED:

1/14/15



Said 100-foot strip of land being more particularly described as follows:

BEGINNING at a point in the westerly line of the aforementioned Parcel designated as DD-58 containing 32.9 acres of land described in the deed to the City of Dallas recorded in Volume 65, at Page 553 of the Deed Records of Rockwall County, Texas, said point bears S. 20°41'19" W. a distance of 202.62 feet from a concrete monument found in place on August 28, 2014, with a metallic disk inscribed City of Dallas Marker DD57-2 as noted on Sheet 147 of LAKE RAY HUBBARD Dallas Water Utilities Property Map on file with City of Dallas Survey Department and having coordinates of:

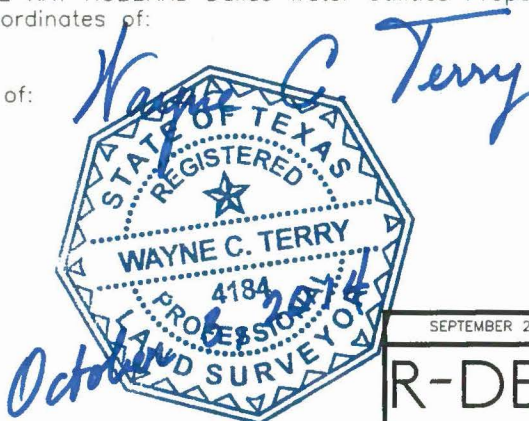
X: 2,579,788.99 feet

Y: 7,042,958.21 feet

Said beginning point having coordinates of:

X: 2,579,717.42 feet

Y: 7,042,768.68 feet



Sheet 1 of 6

SEPTEMBER 2014

2238-14

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618 MAIN STREET GARLAND, TEXAS 75040

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EXHIBIT A

(description continued)

[Course 1] THENCE N 64°25'18"E departing said westerly line of Parcel DD-58 for a distance of 11,567.05 feet to a point in the easterly line of the aforementioned Parcel designated as EE-5A containing 1.43 acres of land described in the deed to the City of Dallas recorded in Volume 608, at Page 563 of the Deed Records of Collin County, Texas, and having coordinates of:

X: 2,590,149.32 feet

Y: 7,047,761.98 feet

From said point in the easterly line of the aforementioned Parcel designated as EE-5A a concrete monument found in place on September 3, 2014, with a metallic disk inscribed City of Dallas Marker EE4-2 as shown on Sheet 135 of LAKE RAY HUBBARD Dallas Water Utilities Property Map on file with City of Dallas Survey Department bears with the easterly line of Parcel EE-5B and Parcel EE-4 the following three courses and distances:

1. N 19°46'14"W a distance of 74.50 feet

2. N 01°26'27"W a distance of 239.12 feet

Said concrete monument having coordinates of:

X: 2,590,118.11 feet

Y: 7,048,071.09 feet

THENCE in a southeasterly direction with the easterly line of the aforementioned Parcel designated as EE-5A the following two courses and distances:

[Course 2] S 19°46'14"E a distance of 59.35 feet;

[Course 3] S 37°03'27"E a distance of 41.80 feet to a point from which a concrete monument found in place on September 2, 2014, with a metallic disk inscribed City of Dallas Marker EE5-4 as shown on Sheet 135 of LAKE RAY HUBBARD Dallas Water Utilities Property Map on file with City of Dallas Survey Department bears S 37°03'27"E with the easterly line of Parcel EE-5A a distance of 248.55 feet and having coordinates of:

X: 2,590,344.33 feet

Y: 7,047,474.47 feet;

[Course 4] THENCE S 64°25'18"W parallel with and 100.00 feet southeast of Course 1 above for a distance of 11,633.22 feet to a point in the westerly line of the aforementioned Parcel DD-58 and having coordinates of:

X: 2,579,703.00 feet

Y: 7,042,650.93 feet;

From said point in the westerly line of the aforementioned Parcel designated as DD-58 a concrete monument found in place on August 28, 2014, with a metallic disk inscribed City of Dallas Marker DD60-3 as shown on Sheet 147 of LAKE RAY HUBBARD Dallas Water Utilities Property Map on file with City of Dallas Survey Department bears with the easterly line of Parcel DD-58 and Parcel DD-60 the following four courses and distances:

1. S 16°55'26"E a distance of 115.76 feet

2. S 24°34'19"W a distance of 174.63 feet

3. S 03°56'26"E a distance of 327.67 feet

4. S 13°54'44"W a distance of 366.82 feet

Said concrete monument having coordinates of:

X: 2,579,598.42 feet

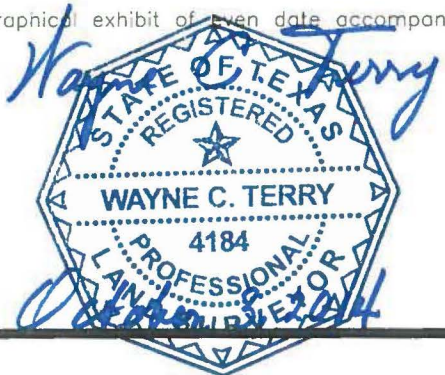
Y: 7,041,698.54 feet

THENCE with the westerly line of the aforementioned Parcel designated as DD-58 the following two courses and distances:

[Course 5] N 16°55'26"W a distance of 46.07 feet;

[Course 6] N 20°41'19"E a distance of 78.77 feet to the POINT OF BEGINNING and containing 26.648 acres of land.

A graphical exhibit of even date accompanies this exhibit.



Sheet 2 of 6

SEPTEMBER 2014

2238-14

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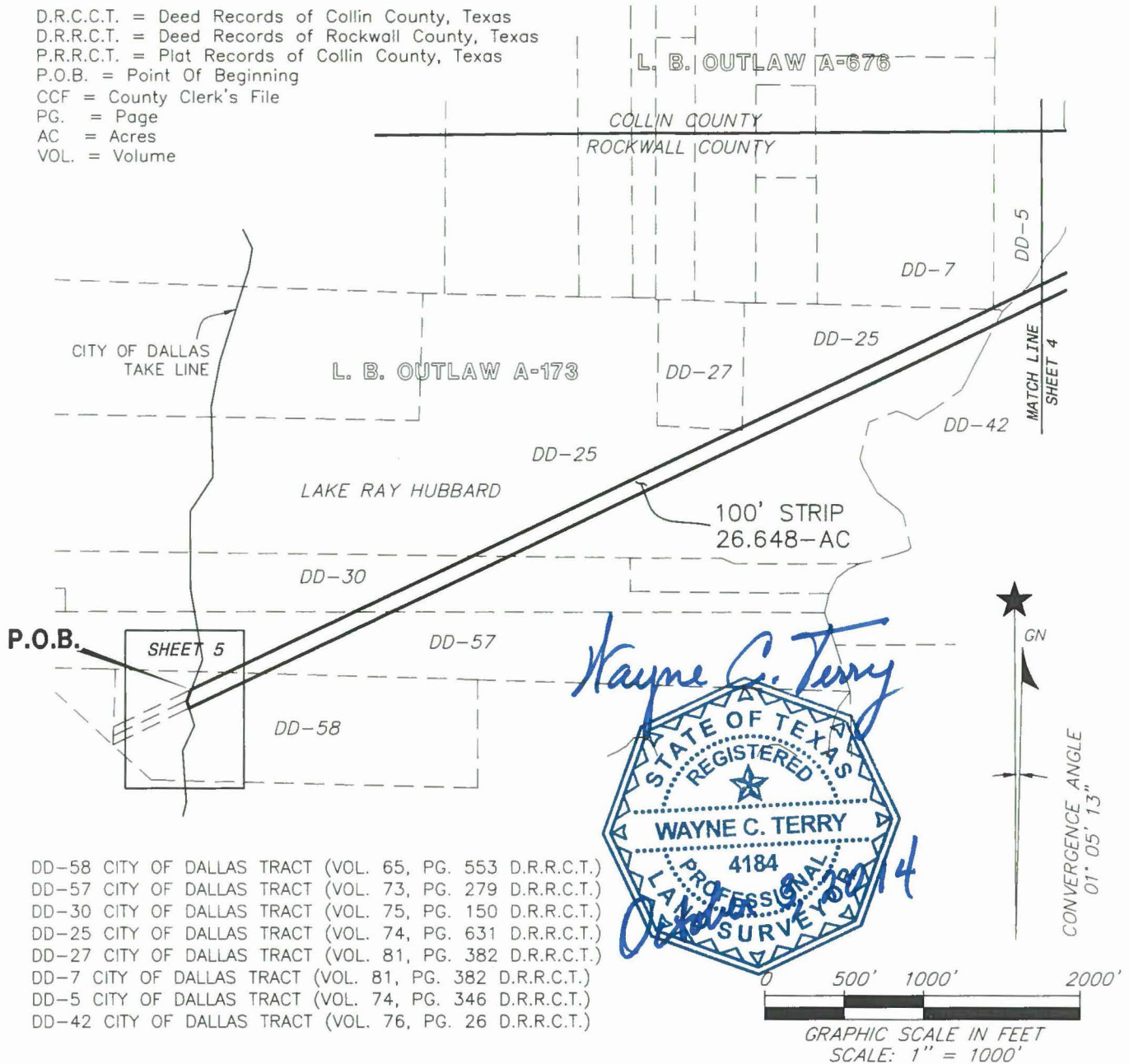
618 MAIN STREET GARLAND, TEXAS 75040

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EXHIBIT A

26.648-ACRE TRACT OF LAND PART OF THE L. B. OUTLAW SURVEY, ABST. No. 173 IN ROCKWALL COUNTY, TEXAS, PART OF THE J. STRICKLAND SURVEY, ABST. No. 794 AND L. B. OUTLAW SURVEY, ABST. No. 676, IN COLLIN COUNTY, TEXAS

D.R.C.C.T. = Deed Records of Collin County, Texas
D.R.R.C.T. = Deed Records of Rockwall County, Texas
P.R.R.C.T. = Plat Records of Collin County, Texas
P.O.B. = Point Of Beginning
CCF = County Clerk's File
PG. = Page
AC = Acres
VOL. = Volume



DD-58 CITY OF DALLAS TRACT (VOL. 65, PG. 553 D.R.R.C.T.)
DD-57 CITY OF DALLAS TRACT (VOL. 73, PG. 279 D.R.R.C.T.)
DD-30 CITY OF DALLAS TRACT (VOL. 75, PG. 150 D.R.R.C.T.)
DD-25 CITY OF DALLAS TRACT (VOL. 74, PG. 631 D.R.R.C.T.)
DD-27 CITY OF DALLAS TRACT (VOL. 81, PG. 382 D.R.R.C.T.)
DD-7 CITY OF DALLAS TRACT (VOL. 81, PG. 382 D.R.R.C.T.)
DD-5 CITY OF DALLAS TRACT (VOL. 74, PG. 346 D.R.R.C.T.)
DD-42 CITY OF DALLAS TRACT (VOL. 76, PG. 26 D.R.R.C.T.)

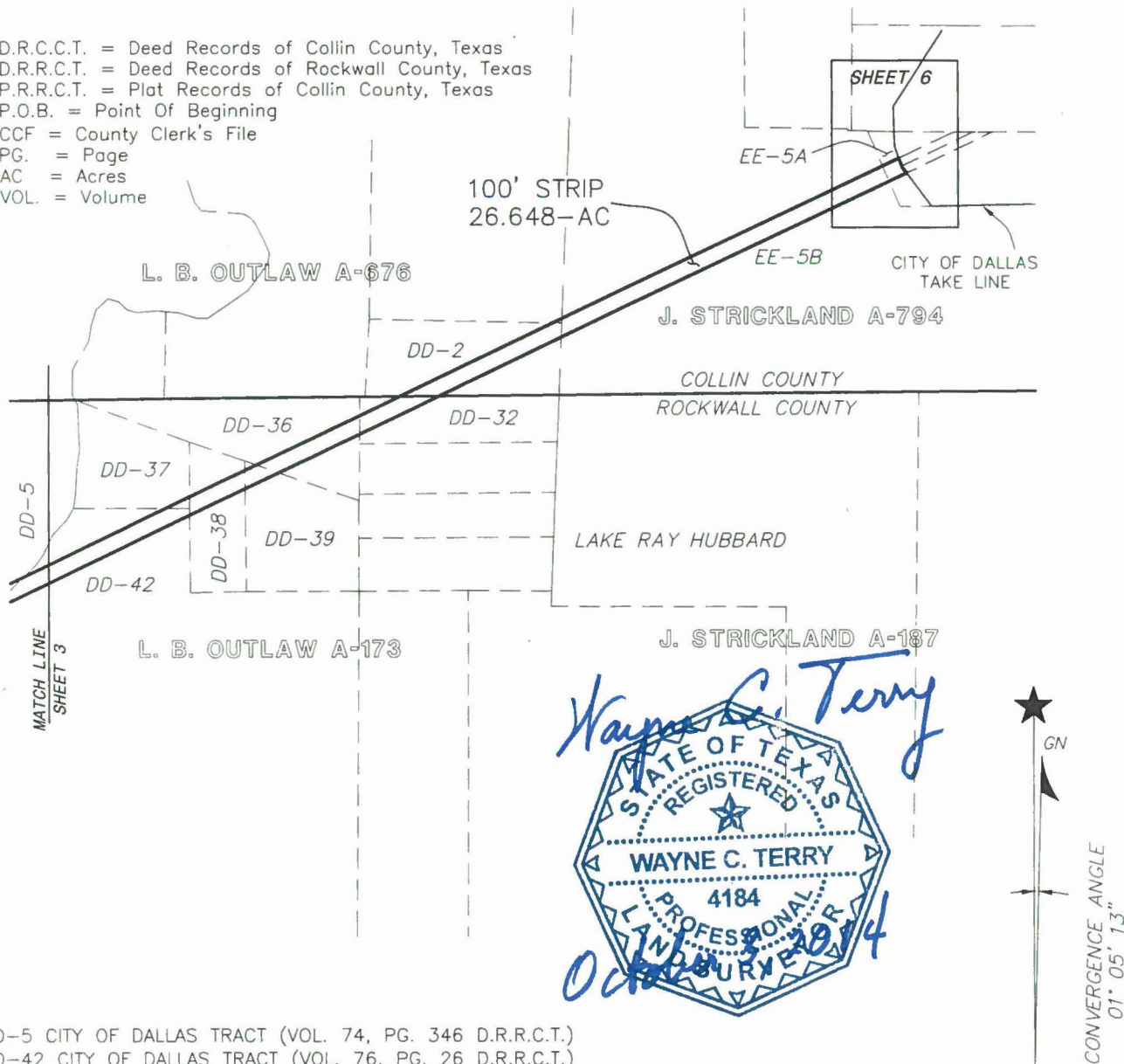
NOTE: Parcels shown hereon are based on the graphical configuration illustrated on RAY HUBBARD DAM AND RESERVOIR, Property Line and City Limits Map Filed as 610R-1 with the City of Dallas Surveying Department.

A description of even date accompanies this exhibit.

Sheet 3 of 6	
SEPTEMBER 2014	2238-14
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PG. = Page
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VOL. = Volume



DD-5 CITY OF DALLAS TRACT (VOL. 74, PG. 346 D.R.R.C.T.)
DD-42 CITY OF DALLAS TRACT (VOL. 76, PG. 26 D.R.R.C.T.)
DD-37 CITY OF DALLAS TRACT (VOL. 67, PG. 259 D.R.R.C.T.)
DD-38 CITY OF DALLAS TRACT (VOL. 66, PG. 528 D.R.R.C.T.)
DD-39 CITY OF DALLAS TRACT (VOL. 66, PG. 555 D.R.R.C.T.)
DD-36 CITY OF DALLAS TRACT (VOL. 71, PG. 462 D.R.R.C.T.)
DD-32 CITY OF DALLAS TRACT (VOL. 76, PG. 242 D.R.R.C.T.)
DD-2 CITY OF DALLAS TRACT (VOL. 685, PG. 833 D.R.C.C.T.)
EE-5B CITY OF DALLAS TRACT (VOL. 608, PG. 563 D.R.C.C.T.)
EE-5A CITY OF DALLAS TRACT (VOL. 608, PG. 563 D.R.C.C.T.)

NOTE: Parcels shown hereon are based on the graphical configuration illustrated on RAY HUBBARD DAM AND RESERVOIR, Property Line and City Limits Map Filed as 610R-1 with the City of Dallas Surveying Department.

A description of even date accompanies this exhibit.



SEPTEMBER 2014		2238-14	
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Sheet 4 of 6

EXHIBIT A

26.648-ACRE TRACT OF LAND

PART OF THE L. B. OUTLAW SURVEY, ABST. No. 173 IN ROCKWALL COUNTY, TEXAS, PART OF THE J. STRICKLAND SURVEY, ABST. No. 794 AND L. B. OUTLAW SURVEY, ABST. No. 676, IN COLLIN COUNTY, TEXAS

GMF = Metallic disk on a concrete foundation
stamped "CITY OF DALLAS MARKER ####-#
ELEVATION" found

D.R.C.C.T. = Deed Records of Collin County, Texas
D.R.R.C.T. = Deed Records of Rockwall County, Texas
P.R.R.C.T. = Plat Records of Collin County, Texas
P.O.B. = Point Of Beginning

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PG. = Page
AC = Acres
VOL. = Volume

L. B. OUTLAW SURVEY A-173

See Sheet 147 of LAKE RAY
HUBBARD Dallas Water Utilities
Property Map on file with City of
Dallas Survey Department.

X. 2,579,788.99
Y. 7,042,958.21

CITY OF DALLAS
TRACT DD-57
VOL. 73 PG. 279
D.R.R.C.T.

WATERMARK ROCKWALL
VOL. F, PG. 400
P.R.R.C.T.

P.O.B.
X. 2,579,717.42
Y. 7,042,768.68

LOT 17 BLOCK 1
D.R. HORTON-TEXAS, LTD.
CCF# 2012-00472945
D.R.R.C.T.

WATERMARK ON LAKE
RAY HUBBARD OWNERS
ASSOCIATION
CCF# 2012-00472946
D.R.R.C.T.

EASEMENT AND RIGHT-OF-WAY
BENNETT L. WOOLEY, JR., ET AL TO
CITY OF GARLAND
JUNE 5, 1971
VOL. 117, PG. 239
D.R.R.C.T.

LOT 18 BLOCK 1
D.R. HORTON-TEXAS, LTD.
CCF# 2012-00472945
D.R.R.C.T.

CITY OF DALLAS
TRACT DD-58
VOL. 65 PG. 553
D.R.R.C.T.

X. 2,579,703.00
Y. 7,042,650.93

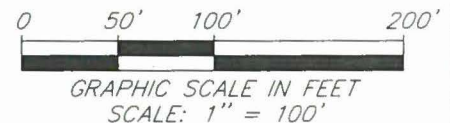
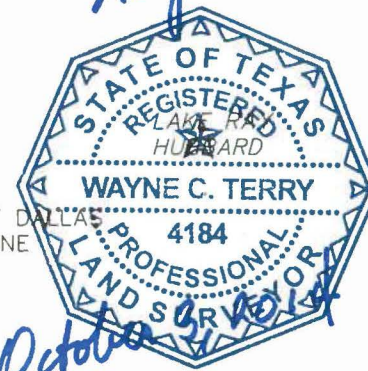
CITY OF DALLAS
TAKE LINE

LINE	BEARING	DISTANCE
L1	N 16°55'26" W	46.07'
L2	N 20°41'19" E	78.77'
L3	S 09°35'17" E	302.35'
L7	S 03°56'26" E	327.67'
L8	S 13°54'44" W	366.82'

See Sheet 147 of LAKE RAY
HUBBARD Dallas Water Utilities
Property Map on file with City
of Dallas Survey Department.

GMF
DD60-3
X. 2,579,598.42
Y. 7,041,698.54

CITY OF DALLAS
TRACT DD-60
VOL. 69 PG. 337
D.R.R.C.T.



Sheet 5 of 6

SEPTEMBER 2014

2238-14

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A description of even date accompanies this exhibit.

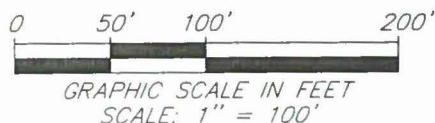
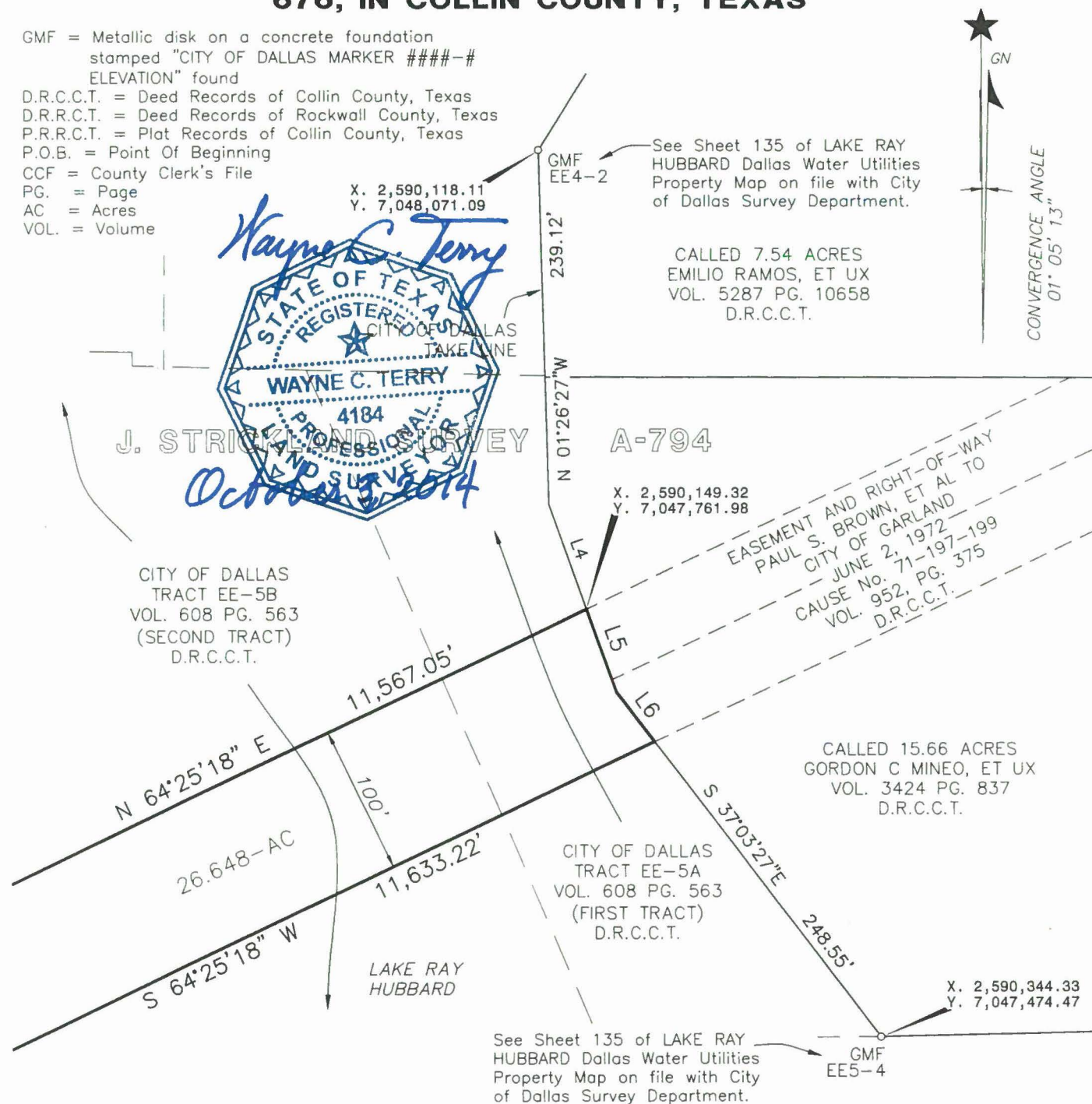
EXHIBIT A

26.648-ACRE TRACT OF LAND

PART OF THE L. B. OUTLAW SURVEY, ABST. No. 173 IN ROCKWALL COUNTY, TEXAS, PART OF THE J. STRICKLAND SURVEY, ABST. No. 794 AND L. B. OUTLAW SURVEY, ABST. No. 676, IN COLLIN COUNTY, TEXAS

GMF = Metallic disk on a concrete foundation
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ELEVATION" found

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P.O.B. = Point Of Beginning
CCF = County Clerk's File
PG. = Page
AC = Acres
VOL. = Volume



LINE	BEARING	DISTANCE
L4	N 19°46'14" W	74.50'
L5	S 19°46'14" E	59.35'
L6	S 37°03'27" E	41.80'

A description of even date accompanies this exhibit.

Sheet 6 of 6

SEPTEMBER 2014	2238-14
R-DELTA ENGINEERS, INC.	
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AGENDA ITEM # 28

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: November 9, 2016

COUNCIL DISTRICT(S): 2

DEPARTMENT: Sustainable Development and Construction

CMO: Mark McDaniel, 670-3256

MAPSCO: 45Q

SUBJECT

An ordinance granting a private license to Butler Brothers Hospitality Group, LLC, for the use of a total of approximately 314 square feet of aerial space to install, occupy, use and maintain two canopies, one with lettering, one without lettering, over and above a portion of Ervay Street right-of-way, near its intersection with Young Street - Revenue: \$1,000 annually and \$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 a total of approximately 314 square feet of aerial space to install, occupy, use and maintain two canopies, one with signage, one without signage, over and above a portion of Ervay Street right-of-way, near its intersection with Young 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)

Information about this item will be provided to the Economic Development Committee on November 7, 2016.

FISCAL INFORMATION

Revenue: \$1,000 annually and \$100 one-time fee, plus the \$20 ordinance publication fee

OWNER

Butler Brothers Hospitality Group, LLC

Alterra 500 South Ervay, LLC

Mukemmel Sarimsakci, Manager

MAP

Attached

—



ORDINANCE NO. _____

An ordinance granting a private license to Butler Brothers Hospitality Group, LLC, to occupy, maintain and utilize aerial space over and above a portion of Ervay Street right-of-way located near its intersection with Young Street adjacent to City Block F/100 within the limits hereinafter more fully described, for the purpose of installing two (2) canopies, one with lettering and one without lettering; providing for the terms and conditions of this license; providing for the annual compensation to be paid to the City of Dallas for the canopy with lettering; providing for an additional one-time fee compensation to be paid to the City of Dallas for the canopy without lettering; 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 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 the sum of **ONE THOUSAND AND NO/100 (\$1,000.00) DOLLARS** annually for the license herein granted for the one canopy with lettering, following the effective date of ordinance, said sum to become due and payable on the 2nd day of January each year, in advance, during the term hereof; provided however, that the first payment due hereunder in the sum of **ONE THOUSAND AND NO/100 (\$1,000.00) DOLLARS** shall be paid prior to the final passage of this ordinance and shall cover the consideration for 2016.

In addition, **GRANTEE** shall pay to the City of Dallas a one-time license fee in the sum of **ONE HUNDRED AND NO/100 (\$100.00) DOLLARS** for the license herein granted for the one canopy without lettering, said sum to be paid prior to the final passage of this ordinance and shall cover the consideration for the one canopy, in accordance with the special fees established by Section 43-115.1 of the Dallas City Code for the license term. 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 annual 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, one canopy with lettering and one canopy without lettering.

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** shall obtain a TDLR/American Disability Act review and inspection must be performed and results provided to the City.
- b) **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. **GRANTEE** shall maintain six feet of unobstructed sidewalk on Young Street and Marilla Street.

SECTION 8. 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 9. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 10. That this license may not be assigned without prior 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 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 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 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:
LARRY E. CASTO
City Attorney

BY 
Assistant City Attorney

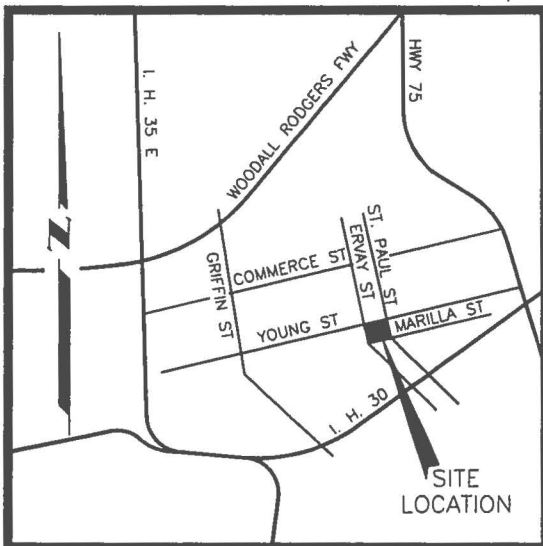
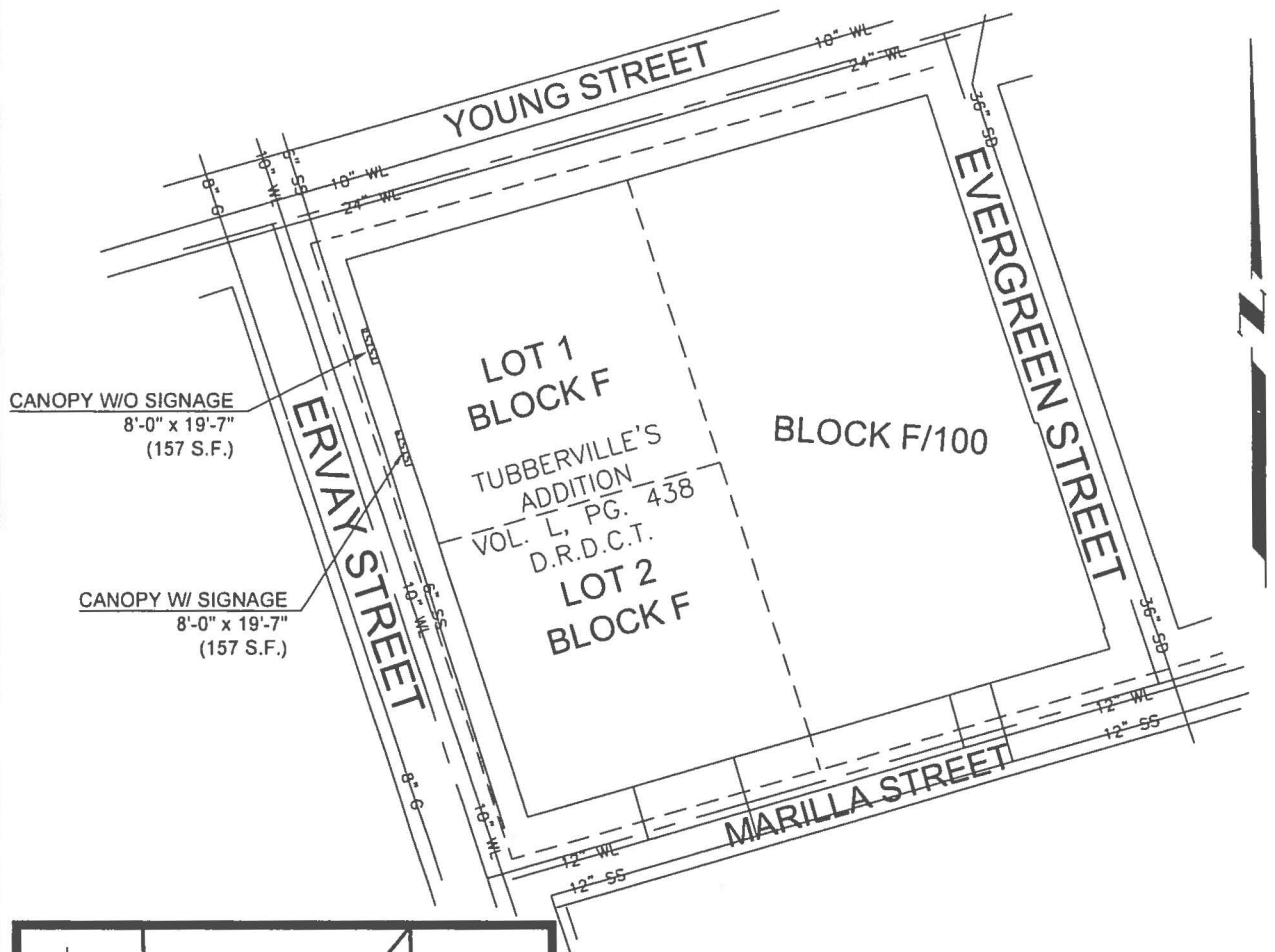
DAVID COSSUM
Director of Department of Sustainable
Development and Construction

BY 
Assistant Director

Passed _____.

LICENSE AGREEMENT **EXHIBIT A**

PART OF ERVAY STREET ADJACENT TO CITY BLOCK F/100 AND LOT 1 & 2, BLOCK F CITY OF DALLAS, DALLAS COUNTY, TEXAS



LEGEND

CANOPY W/ SIGNAGE @ 157 S.F.



CANOPY W/O SIGNAGE @ 157 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 # 29

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: November 9, 2016

COUNCIL DISTRICT(S): 7

DEPARTMENT: Sustainable Development and Construction

CMO: Mark McDaniel, 670-3256

MAPSCO: 59B

SUBJECT

An ordinance abandoning a storm water drainage easement to KIPP Dallas-Fort Worth, Inc., the abutting owner, containing approximately 3,812 square feet of land, located near the intersection of St. Augustine and Bruton Roads - Revenue: \$5,400, plus the \$20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a storm water drainage easement to KIPP Dallas-Fort Worth, Inc., the abutting owner. The area will be included with the property of the abutting owner for the new development of KIPP Pleasant Grove Primary, a charter school. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Economic Development Committee on November 7, 2016.

FISCAL INFORMATION

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

OWNER

KIPP Dallas-Fort Worth, Inc.

Peter Brodsky, President

MAP

Attached



Log: 43181

Applicant: KIPP Dallas-Fort Worth, Inc.

Mapsco: 59B

Abandonment: 

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of a storm water drainage easement, located in City Block 6756 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to KIPP Dallas-Fort Worth, Inc.; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of KIPP Dallas-Fort Worth, Inc., a Texas nonprofit corporation; hereinafter referred to as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said easement is no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

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

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

SECTION 1. That the City of Dallas hereby abandons and relinquishes all of its right, title and interest in and to the tract of land described in Exhibit A, attached hereto and made a part hereof; subject, however, to the conditions hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 (\$5,400.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Section 8, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all its right, title and interest in and to the certain tract or parcel of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

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

SECTION 4. That the 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, relinquishment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

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

SECTION 7. That the abandonment, relinquishment and quitclaim provided for herein shall extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon, relinquish and quitclaim.

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold 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 area described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A, (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which **GRANTEE**, its successors and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. **GRANTEE**, its successors and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, “Hazardous Substance” means the following: (a) any “hazardous substances” under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any “hazardous substance” under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any “hazardous chemicals” or “toxic chemicals” under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any “hazardous waste” under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any “chemical substance” under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That 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 shall deliver to **GRANTEE** a 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 10. 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:
LARRY E. CASTO
City Attorney

DAVID COSSUM
Director of Department of Sustainable
Development and Construction

BY


Assistant City Attorney

BY


Assistant Director

Passed _____.

**10' STORM WATER DRAINAGE EASEMENT ABANDONMENT
BLOCK NUMBER 6756
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

EXHIBIT A

BEING a 3,812 square foot (0.0875 acre) tract of land situated in the James B. Masters Survey, Abstract Number 935, City of Dallas, Dallas County, Texas, Official City of Dallas Block Number 6756, and being part of a called 4.996 acre tract of land described in Special Warranty Deed with Vendor's Lien to KIPP Dallas-Fort Worth, Inc., as recorded in Instrument Number 201600007208 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), and being part of a 10' Storm Water Drainage Easement, as recorded in Volume 532, Page 1510 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described as follows:

COMMENCING at a 1/2-inch set iron rod with a yellow plastic cap stamped "HALFF" (hereafter referred to as "with cap) for the northwest corner of said 4.996 acre tract and the southwest corner of Lot 21, Block H/6756 of ST. AUGUSTINE MANOR ADDITION, an addition to the City of Dallas, Dallas County, Texas, as recorded in Instrument Number 200600229552, O.P.R.D.C.T on the east right-of-way line of St. Augustine Road (a 60-foot wide right-of-way), from which a 2-inch found metal post for witness bears South 48 degrees 10 minutes 38 seconds East, a distance of 0.28 of a foot;

THENCE South 00 degrees 48 minutes 27 seconds East, with the east right-of-way line of said St. Augustine Road and with the west line of said 4.996 acre tract, a distance of 191.68 feet to the POINT OF BEGINNING, said point being the northwest corner of said 10' Storm Water Drainage Easement;


THENCE departing the east right-of-way line of said St. Augustine Road and the west line of said 4.996 acre tract, with the west, north, and east lines of said 10' Storm Water Drainage Easement, the following courses and distances to wit:

North 89 degrees 11 minutes 33 seconds East, a distance of 5.00 feet to the point of curvature of a non-tangent circular curve to the left having a radius of 97.44 feet, whose chord bears North 20 degrees 12 minutes 23 seconds East, a distance of 69.88 feet;

Northeasterly, with said curve, through a central angle of 42 degrees 01 minute 41 seconds an arc length of 71.47 feet to the end of said curve;

North 89 degrees 11 minutes 33 seconds East, a distance of 10.00 feet to the point of curvature of a non-tangent circular curve to the right having a radius of 107.44 feet, whose chord bears South 23 degrees 01 minute 09 seconds West, a distance of 86.81 feet;

Southwesterly, with said curve, through a central angle of 47 degrees 39 minutes 12 seconds an arc length of 89.36 feet to the end of said curve;

(For SPRG use only)	
Reviewed By:	<u></u>
Date:	<u>03.29.2016</u>
SPRG NO.:	<u>3649</u>

**10' STORM WATER DRAINAGE EASEMENT ABANDONMENT
BLOCK NUMBER 6756
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

EXHIBIT A

South 00 degrees 48 minutes 27 seconds East, a distance of 3.08 feet to a point for corner;

South 88 degrees 32 minutes 27 seconds East, a distance of 108.84 feet to the point of curvature of a tangent circular curve to the right having a radius of 155.00 feet, whose chord bears South 70 degrees 44 minutes 09 seconds East, a distance of 94.79 feet;

Southeasterly, with said curve, through a central angle of 35 degrees 36 minutes 36 seconds an arc length of 96.33 feet to the point of tangency;

South 52 degrees 55 minutes 52 seconds East, a distance of 91.72 feet to a point for corner;

THENCE South 89 degrees 14 minutes 41 seconds West, departing the the east line of said 10' Storm Water Drainage Easement, over and across said 4.996 acre tract, a distance of 16.30 feet to the west line of said 10' Storm Water Drainage Easement;

THENCE with the west and south lines of said 10' Storm Water Drainage Easement, the following courses and distances to wit:

North 52 degrees 55 minutes 52 seconds West, a distance of 78.84 feet to the point of curvature of a tangent circular curve to the left having a radius of 145.00 feet, whose chord bears North 70 degrees 44 minutes 10 seconds West, a distance of 88.68 feet;

Northwesterly, with said curve, through a central angle of 35 degrees 36 minutes 35 seconds an arc length of 90.12 feet to the point of tangency;

North 88 degrees 32 minutes 27 seconds West, a distance of 108.44 feet to a point for corner;

South 89 degrees 11 minutes 33 seconds West, a distance of 5.00 feet to the east right-of-way line of said St. Augustine Road for corner;

North 00 degrees 48 minutes 27 seconds West, a distance of 27.26 feet to the POINT OF BEGINNING AND CONTAINING 3,812 square feet or 0.0875 of an acre of land, more or less.

(For SPRG use only)

Reviewed By: JB
Date: 03.29.2016
SPRG NO.: 3649

Page 2 of 4
3/24/16

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10' STORM WATER DRAINAGE EASEMENT ABANDONMENT
BLOCK NUMBER 6756
CITY OF DALLAS, DALLAS COUNTY, TEXAS

EXHIBIT A

Basis of Bearing is the Texas State Plane Coordinate System, North Central Zone, North American Datum of 1983.

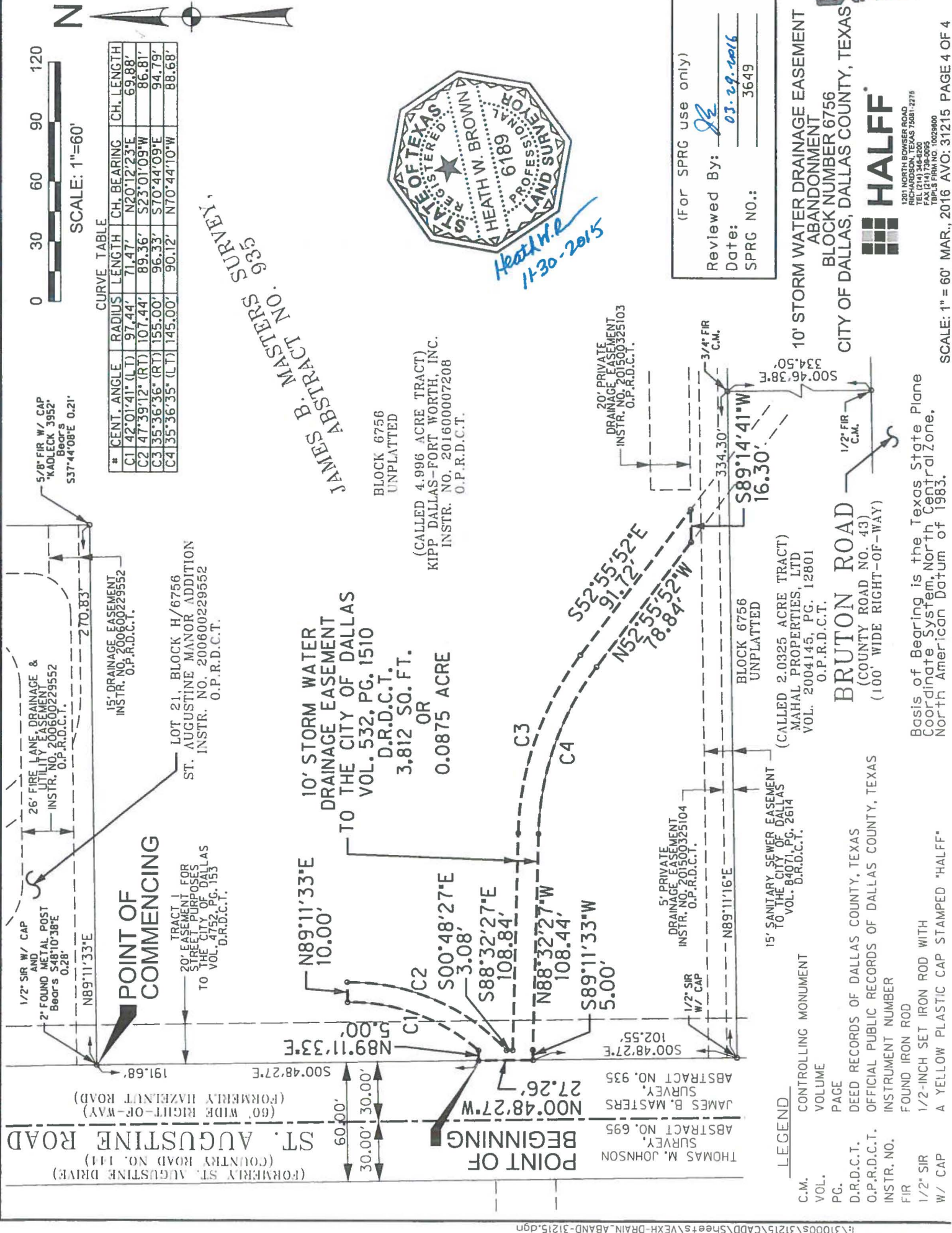
I, Heath W. Brown, a Registered Professional Land Surveyor, hereby certify that the legal description hereon and the accompanying plat of even date represent an actual survey made on the ground under my supervision.

Heath W. B. 11-30-2015

Heath W. Brown
Registered Professional Land Surveyor
Texas No. 6189
Halff Associates, Inc.,
1201 North Bowser Rd.
Richardson, Texas 75081
TBPLS Firm No. 10029600



(For SPRG use only)	
Reviewed By:	<u>[Signature]</u>
Date:	<u>03.29.2016</u>
SPRG NO.:	<u>3649</u>



CURVE TABLE

#	CENT. ANGLE	RADIUS	LENGTH	CH. BEARING	CH. LENGTH
C1	42°01'41" (L.T.)	97.44'	71.47'	N20°12'23"E	69.88'
C2	47°39'12" (R.T.)	107.44'	89.36'	S23°01'09"W	86.81'
C3	35°36'36" (R.T.)	155.00'	96.33'	S70°44'09"E	94.79'
C4	35°36'35" (L.T.)	145.00'	90.12'	N70°44'10"W	88.68'



Heath W.B.
11-30-2015

(For SPRG use only)

Reviewed By: JE

Date: 03.29.2016

SPRG NO.: 3649



1201 NORTH BOWSER ROAD
RICHARDSON, TEXAS 75081-2718
TEL (972) 235-0900
FAX (972) 235-0905
TBP L3 FIRM NO. 10028600

AGENDA ITEM # 30

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: November 9, 2016
COUNCIL DISTRICT(S): 9
DEPARTMENT: Sustainable Development and Construction
CMO: Mark McDaniel, 670-3256
MAPSCO: 29-W

SUBJECT

An ordinance abandoning a water easement to Adler Property Companies, LLP, the abutting owner, containing approximately 1,463 square feet of land, located near the intersection of Perimeter Drive and Corporate Drive, providing for the dedication of approximately 1,386 square feet of land needed for a water easement - Revenue: \$5,400, plus the \$20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a water easement to Adler Property Companies, LLP, the abutting owner. The area will be included with the property of the abutting owner for the building expansion and redevelopment of Sports City Toyota. The owner will dedicate approximately 1,386 square feet of land for a water easement. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Economic Development Committee on November 7, 2016.

FISCAL INFORMATION

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

OWNER

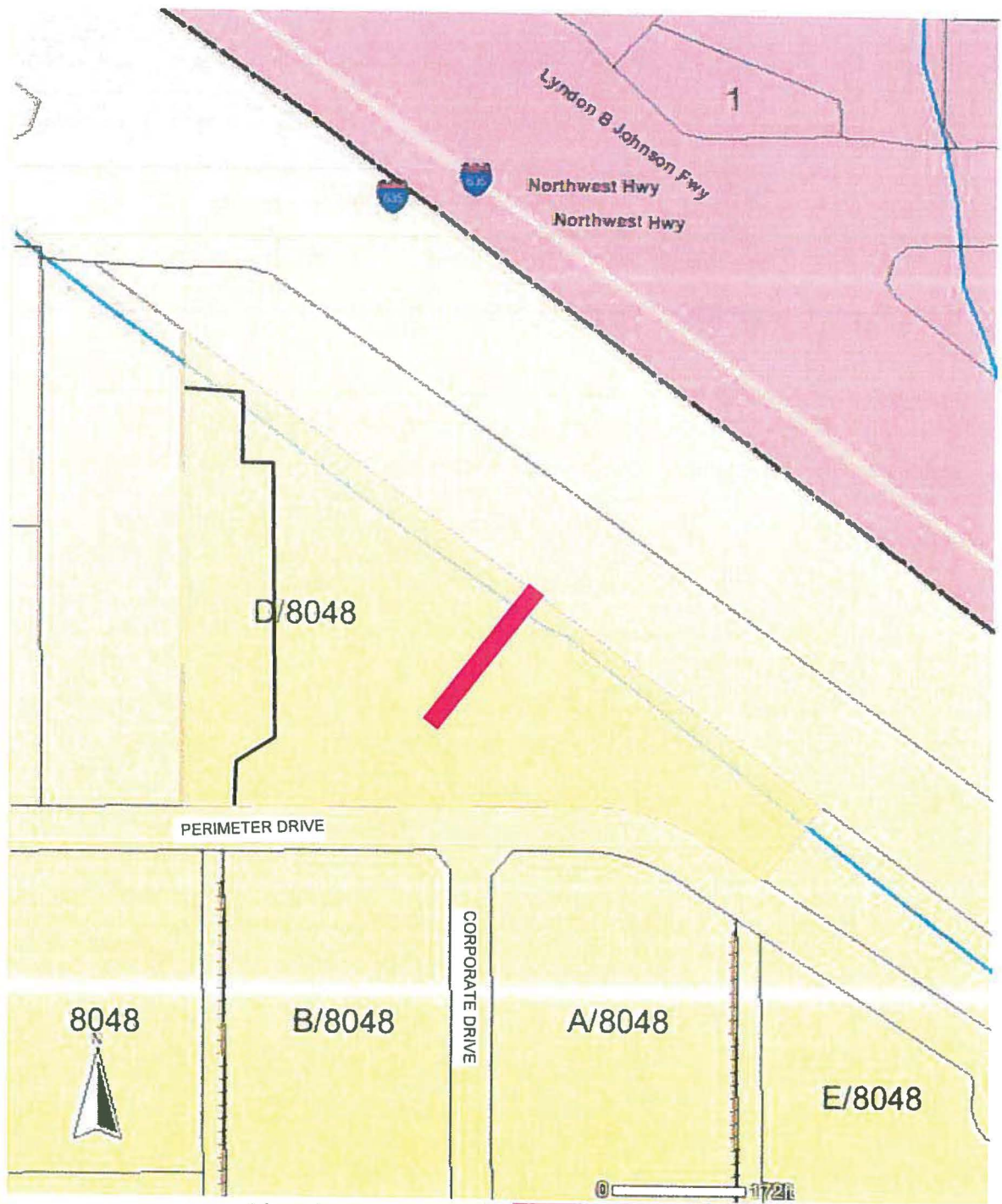
Adler Property Companies, LLP


JRE Aquila II, LLC


John R. Eagle, Managing Member

MAP

Attached



Abandonment area = 

Dedication area = 

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of a water easement, located in City Block D/8048 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Adler Property Companies, LLP; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the conveyance of a new easement to the City of Dallas and the relocation of existing facilities; 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 a future effective date for the abandonment, relinquishment and quitclaim made herein; providing for the payment of the publication fee; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Adler Property Companies, LLP, a Texas limited partnership; hereinafter referred to as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said water easement is no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

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

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

SECTION 1. That the City of Dallas hereby abandons and relinquishes all of its right, title and interest in and to the tract of land described in Exhibit A, attached hereto and made a part hereof; subject, however, to the conditions and future effective date hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 (\$5,400.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Sections 8 and 9, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all its right, title and interest in and to the certain tract or parcel of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

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

SECTION 4. That the 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, relinquishment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

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

SECTION 7. That the abandonment, relinquishment and quitclaim provided for herein shall extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon, relinquish and quitclaim.

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, to the extent allowed by law, 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 area described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A, (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which **GRANTEE**, its successors and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. **GRANTEE**, its successors and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.26 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 this abandonment, relinquishment and quitclaim of the City's right, title and interest in and to said portion of water easement shall not become effective until and unless: (i) the existing installations and facilities are relocated, at **GRANTEE's** expense, to the new easement to be provided by **GRANTEE** and acceptable to the Director of Department of Sustainable Development and Construction, as is hereinafter provided; and (ii) plans for the construction and relocation of installations within the new easement are approved by the Director of Department of Sustainable Development and Construction; and (iii) said construction and relocation of installations are completed, approved and accepted in writing by the Director of Department of Sustainable Development and Construction. 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 10. That the abandonment, relinquishment and quitclaim made herein shall be subject to **GRANTEE** conveying property to the City of Dallas for a water easement within 90 days of the effective date of this ordinance, in, under, through, across and along certain properties located in City Block D/8048 as part of the consideration for the property herein abandoned by the City of Dallas and QUITCLAIMED to the **GRANTEE**. Said property to be conveyed shall be acceptable to the Director of Department of Sustainable Development and Construction of the City of Dallas and contain approximately 1,386 square feet of land, a description is attached hereto and made a part hereof as Exhibit B. Failure to convey the above described easement as set forth shall render this ordinance null and void and of no further effect.

SECTION 11. That at such time as the instrument described in Section 10 above is executed and delivered to the City of Dallas and has been approved as to form by the City Attorney it be accepted, and thereafter, the Director of Department of Sustainable Development and Construction is authorized and directed to record said instrument in the Deed Records of Dallas County, Texas; and the recorded instrument shall be forwarded to the City Secretary for permanent record.

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 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 shall deliver to **GRANTEE** a 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:
LARRY E. CASTO
City Attorney

DAVID COSSUM
Director of Department of Sustainable
Development and Construction

BY 
Assistant City Attorney

BY 
Assistant Director

Passed _____

EXHIBIT A

**WATER EASEMENT ABANDONMENT
SPORT CITY TOYOTA
LOT 3A, BLOCK D/8048
SOLOMON DIXON SURVEY, ABSTRACT NO. 408
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

BEING a 1,463 square feet or 0.034 acre tract of land situated in the S. Dixon Survey, Abstract No. 408, City of Dallas, Dallas County, Texas, the subject tract being part of Lot 3A, Block D/8048, Sport City Toyota, according to the Final Plat thereof recorded in Volume 85253, Page 2489, Deed Records, Dallas County, Texas (DRDCT), as conveyed by Special Warranty Deed to Adler Property Companies, L.L.C., recorded in Volume 96006, Page 2895 DRDCT, and being all of a 15 foot wide water main easement created by said final plat, with the subject tract being more particularly described as follows:

COMMENCING at a 1/2" iron rod found on the north line of Perimeter Drive, a called 60 foot wide right-of-way created by the Final Plat of Perimeter Business Park, First Installment, and recorded in Volume 73124, Page 1232 DRDCT, for the southwest corner of said Lot 3A, and being the southeast corner of Lot 2A, Block D/8048, Sport City Toyota, as conveyed by Special Warranty Deed (with Vendor's Lien) to Garland Hospitality Group LLC, recorded in Instrument Number 20080353683, Official Public Records, Dallas County, Texas (OPRDCT), and from which a 5/8" iron rod with plastic cap found for the northwest corner of said Lot 3A, and for the northeast corner of said Lot 2A, bears N 00°14'21" W, 605.62 feet;

THENCE N 89°22'25" E, 251.98 feet along the north line of Perimeter Drive and the south line of said Lot 3A to the southwest corner of said easement;

THENCE N 00°14'21" W, 26.80 feet along the west line thereof to a point for corner;

THENCE N 36°01'18" E, 62.04 feet continuing along the west line thereof to a point for the POINT OF BEGINNING of the subject tract;

THENCE N 36°01'18" E, 97.54 feet continuing along the west line thereof to a point for the northwest corner of said easement;

THENCE S 53°58'42" E, 15.00 feet along the north line thereof to a point for the northeast corner of said easement;

THENCE S 36°01'18" W, 97.54 feet along the east line of said easement to a point for corner;

THENCE N 53°58'42" W, 15.00 feet through said easement to the POINT OF BEGINNING with the subject tract containing 1,463 square feet or 0.034 acres of land.

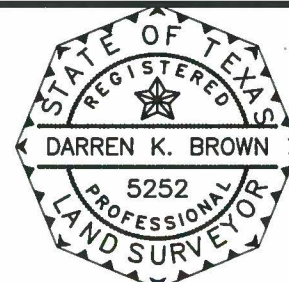
PAGE 1 OF 2



(For SPRG use only)	
Reviewed By:	<u>David Scott</u>
Date:	<u>10-27-16</u>
SPRG No:	<u>3805</u>

A plat of even date accompanies this legal description.

Basis of bearing: State Plane Coordinate System, Texas North Central Zone (4202), North American Datum 83, (CORS96)



D.K.B.
DARREN K. BROWN, R.P.L.S. 5252

Drawn By:	Checked By:	Scale	Date	Job No.
ED	DKB		10/26/16	15-100

EXHIBIT A

WATER EASEMENT ABANDONMENT
SPORT CITY TOYOTA
LOT 3A, BLOCK D/8048
SOLOMON DIXON SURVEY, ABSTRACT NO. 408
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Lot 3A, Block D/8048
SPORT CITY TOYOTA
Vol. 85253, Pg. 2498 DRDCT
(Adler Property Companies, L.L.C.
Vol. 96006, Pg. 2895 DRDCT)

5/8" CIRF
(CM)

Lot 2A, Block D/8048, SPORT CITY TOYOTA

Vol. 85253, Pg. 2498 DRDCT
(Garland Hospitality Group LLC - Inst. No. 20080353683 OPRDCT)

N 00°14'21" W ~ 605.62'

1/2" IRF
(CM)

POINT OF
COMMENCING

S. DIXON SURVEY
ABSTRACT NO. 408

N 36°01'18" E
62.04'

15' Water Main Esmt.
Vol. 85253, Pg. 2498 DRDCT
(portion to remain)

N 00°14'21" W
26.80'

N 89°22'25" E
251.98'

POINT OF
BEGINNING

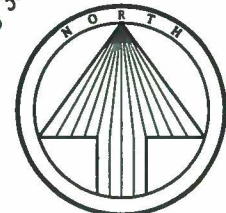
N 53°58'42" W
15.00'

15' San. Sewer Esmt.
Vol. 85253, Pg. 2498
DRDCT

75' Lone Star Gas Esmt.
Vol. 73078, Pg. 2361
DRDCT

N 36°01'18" E ~ 97.54'

S 36°01'18" W ~ 97.54'



15 0 15 30
1" = 30'

Water Line
Easement
Abandonment
0.034 Ac.
(1,463 S.F.)

10' X 15' Water Esmt.
Inst. No. 200600006236
OPRDCT

LEGEND

OPRDCT	Official Public Records, Dallas County, Texas
DRDCT	Deed Records, Dallas County, Texas
Inst. No.	Instrument Number
Vol.	Volume
Pg.	Page
S.F.	Square Feet
1/2" IRF	1/2" iron rod found
1/2" CIRF	1/2" iron rod with plastic cap found
IRS	1/2" iron rod with plastic cap stamped "SPIARSENG" set
(CM)	Controlling Monument
R.O.W.	Right of way

PERIMETER DRIVE

60' R.O.W. per plat
Vol. 73124, Pg. 1232 DRDCT

PAGE 2 OF 2

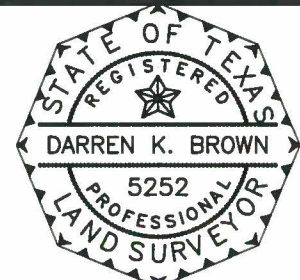
SPIARS
ENGINEERING
785 Custer Road, Suite 100 • Plano, TX 75075 • (972) 422-8077
TBPE No. F-2121 • TBPLB No. F-10643100

(For SPRG use only)

Reviewed By: David Scott
Date: 10-27-16
SPRG No: 3805

A legal description of even date accompanies this plat.

Basis of bearing: State Plane Coordinate System, Texas North Central Zone (4202), North American Datum 83, (CORS96)



DKB

DARREN K. BROWN, R.P.L.S. 5252

Drawn By:	Checked By:	Scale	Date	Job No.
ED	DKB	1" = 30'	10/26/16	15-100

EXHIBIT B

**WATER EASEMENT
SPORT CITY TOYOTA
LOT 3A, BLOCK D/8048
S. DIXON SURVEY, ABSTRACT NO. 408
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

BEING a 1,386 square foot tract of land situated in the S. Dixon Survey, Abstract No. 408, City of Dallas, Dallas County, Texas, the subject tract being part of Lot 3A, Block D/8048, Sport City Toyota, according to the Final Plat thereof recorded in Volume 85253, Page 2498, Deed Records, Dallas County, Texas (DRDCT), as conveyed by Special Warranty Deed to Adler Property Companies, L.L.C., recorded in Volume 96006, Page 2895 DRDCT, with the subject tract being more particularly described as follows:

COMMENCING at a 1/2" iron rod found on the north line of Perimeter Drive, a called 60 foot wide right-of-way created by the Final Plat of Perimeter Business Park, First Installment, and recorded in Volume 73124, Page 1232 DRDCT, for the southwest corner of said Lot 3A, and being the southeast corner of Lot 2A, Block D/8048, Sport City Toyota, as conveyed by Special Warranty Deed (with Vendor's Lien) to Garland Hospitality Group LLC, recorded in Instrument Number 20080353683, Official Public Records, Dallas County, Texas (OPRDCT), and from which a 5/8" iron rod with plastic cap found for the northwest corner of said Lot 3A, and for the northeast corner of said Lot 2A, bears N 00°14'21" W, 605.62 feet;

THENCE N 89°22'25" E, 35.00 feet along the north line of Perimeter Drive and the south line of said Lot 3A to a point for POINT OF BEGINNING of the subject tract, said point being the southeast corner of an existing 15 foot wide water main easement created by said Final Plat of Lot 3A, Block D/8048, Sport City Toyota;

THENCE N 00°14'21" W, 11.55 feet along the east line of said easement to a point for corner;

THENCE N 44°45'39" E, 27.29 feet departing said line to a point for corner;

THENCE N 00°14'21" W, 146.49 feet to a point for corner;

THENCE S 89°45'39" W, 19.30 feet to a point on the east line of said easement, for corner;

THENCE N 00°14'21" W, 32.66 feet along the east line of said easement to a point for the northeast corner thereof;

THENCE S 89°22'25" W, 35.00 feet along the north line of said easement to a point on the west line of said Lot 3A, and on the east line of said Lot 2A, Block D/8048, for the northwest corner of said easement;

THENCE N 00°14'21" W, 5.00 feet along the west line of said Lot 3A and along the east line of said Lot 2A to a point for corner;

THENCE N 89°22'25" E, 40.00 feet departing said common line, to a point for corner;

THENCE S 00°14'21" E, 32.70 feet to a point for corner;

THENCE N 89°45'39" E, 19.30 feet to a point for corner;

THENCE S 00°14'21" E, 153.56 feet to a point for corner;

THENCE S 44°45'39" W, 27.29 feet to a point for corner;

THENCE S 00°14'21" E, 9.44 feet to a point on the north line of Perimeter Drive and the south line of said Lot 3A;

THENCE S 89°22'25" W, 5.00 feet along the north line of Perimeter Drive and the south line of said Lot 3A to the POINT OF BEGINNING with the subject tract containing 1,386 square feet or 0.032 acres of land.

(For SPRG use only)

Reviewed By: David Scott

Date: 8.15.16

SPRG No: 3771

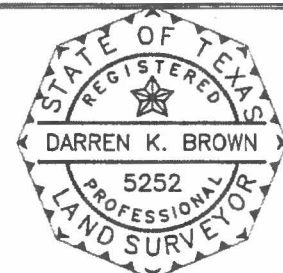
PAGE 1 OF 2



785 Custer Road, Suite 100 - Plano, TX 75075 - (972) 422-8077
TDPE No. P-2121 - TDPLS No. P-10043100

A plat of even date accompanies this legal description.

Basis of bearing: State Plane Coordinate System, Texas North Central Zone (4202), North American Datum 83, (CORS96)



DKB
DARREN K. BROWN, R.P.L.S. 5252

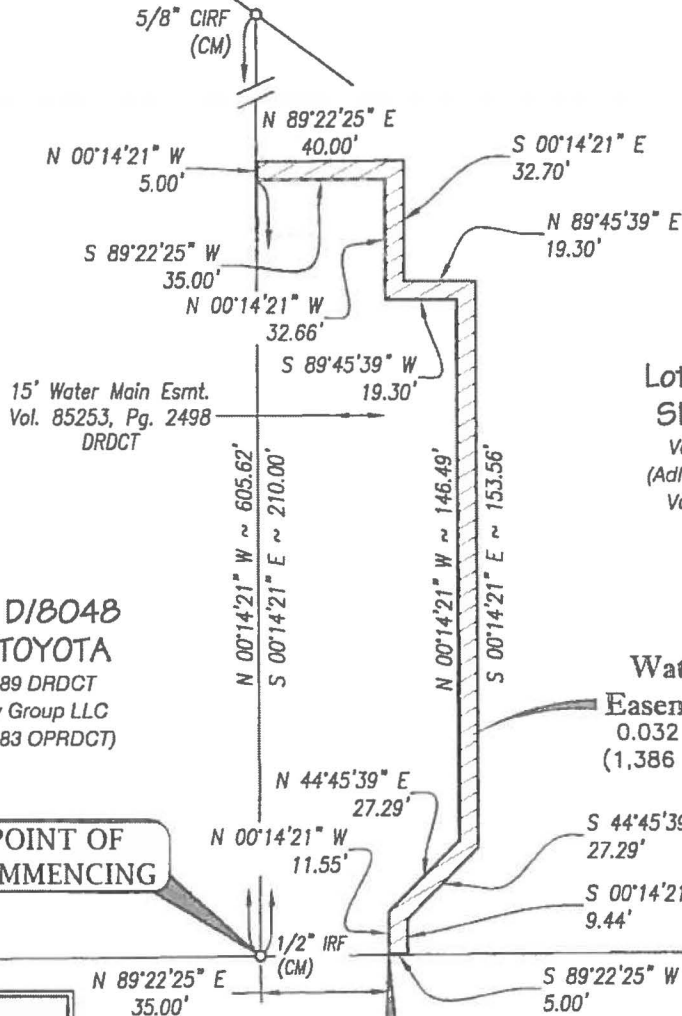
Drawn By:	Checked By:	Scale	Date	Job No.
ED	DKB		3/4/16	15-100

EXHIBIT B

WATER EASEMENT
SPORT CITY TOYOTA
LOT 3A, BLOCK D/8048
S. DIXON SURVEY, ABSTRACT NO. 408
CITY OF DALLAS, DALLAS COUNTY, TEXAS



25 0 25 50
1" = 50'



Lot 2A, Block D/8048
SPORT CITY TOYOTA
Vol. 85253, Pg. 2489 DRDCT
(Garland Hospitality Group LLC
Inst. No. 20080353683 OPRDCT)

Lot 3A, Block D/8048
SPORT CITY TOYOTA
Vol. 85253, Pg. 2498 DRDCT
(Adler Property Companies, L.L.C.
Vol. 96006, Pg. 2895 DRDCT)

Water
Easement
0.032 Ac.
(1,386 S.F.)

S. DIXON SURVEY
ABSTRACT NO. 408

POINT OF
COMMENCING

POINT OF
BEGINNING

PERIMETER DRIVE
60' R.O.W. per plat
Vol. 73124, Pg. 1232 DRDCT

LEGEND	
OPRDC	Official Public Records, Dallas County, Texas
DRDCT	Deed Records, Dallas County, Texas
Inst. No.	Instrument Number
Vol.	Volume
Pg.	Page
S.F.	Square Feet
1/2" IRF	1/2" iron rod found
1/2" CIRF	1/2" iron rod with plastic cap found
IRS	1/2" iron rod with plastic cap stamped "SPARSENG" set
(CM)	Controlling Monument
R.O.W.	Right of way

PAGE 2 OF 2

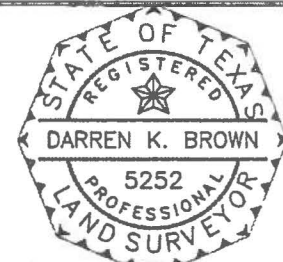
SPIARS
ENGINEERING
788 Custer Road, Suite 100 - Plano, TX 75078 - (972) 422-0077
TXPE No. F-2121 - TOLPS No. F-10043100

Drawn By:	Checked By:	Scale	Date	Job No.
ED	DKB	1" = 50'	3/4/16	15-100

(For SPRG use only)
Reviewed By: David Scott
Date: 8-15-16
SPRG No: 3771

A legal description of even date accompanies this plat.

Basis of bearing: State Plane Coordinate System, Texas North Central Zone (4202), North American Datum 83, (CORS96)



DKB
DARREN K. BROWN, R.P.L.S. 5252

AGENDA ITEM # 31

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: November 9, 2016
COUNCIL DISTRICT(S): 1
DEPARTMENT: Sustainable Development and Construction
CMO: Mark McDaniel, 670-3256
MAPSCO: 54C, 54G

SUBJECT

An ordinance abandoning two alleys to Bishop Arts Village, LLC, the abutting owner, containing a total of approximately 20,000 square feet of land, located near the intersection of Bishop Avenue and 9th Street, and authorizing the quitclaim - Revenue: \$234,000, plus the \$20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of two alleys to Bishop Arts Village, LLC, the abutting owner. The area will be included with the property of the abutting owner for single family, multifamily, and medical office development. The abandonment fee is based on an independent appraisal.

Notices were sent to 51 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)

Information about this item will be provided to the Economic Development Committee on November 7, 2016.

FISCAL INFORMATION

Revenue: \$234,000, plus the \$20 ordinance publication fee

OWNER

Bishop Arts Village, LLC

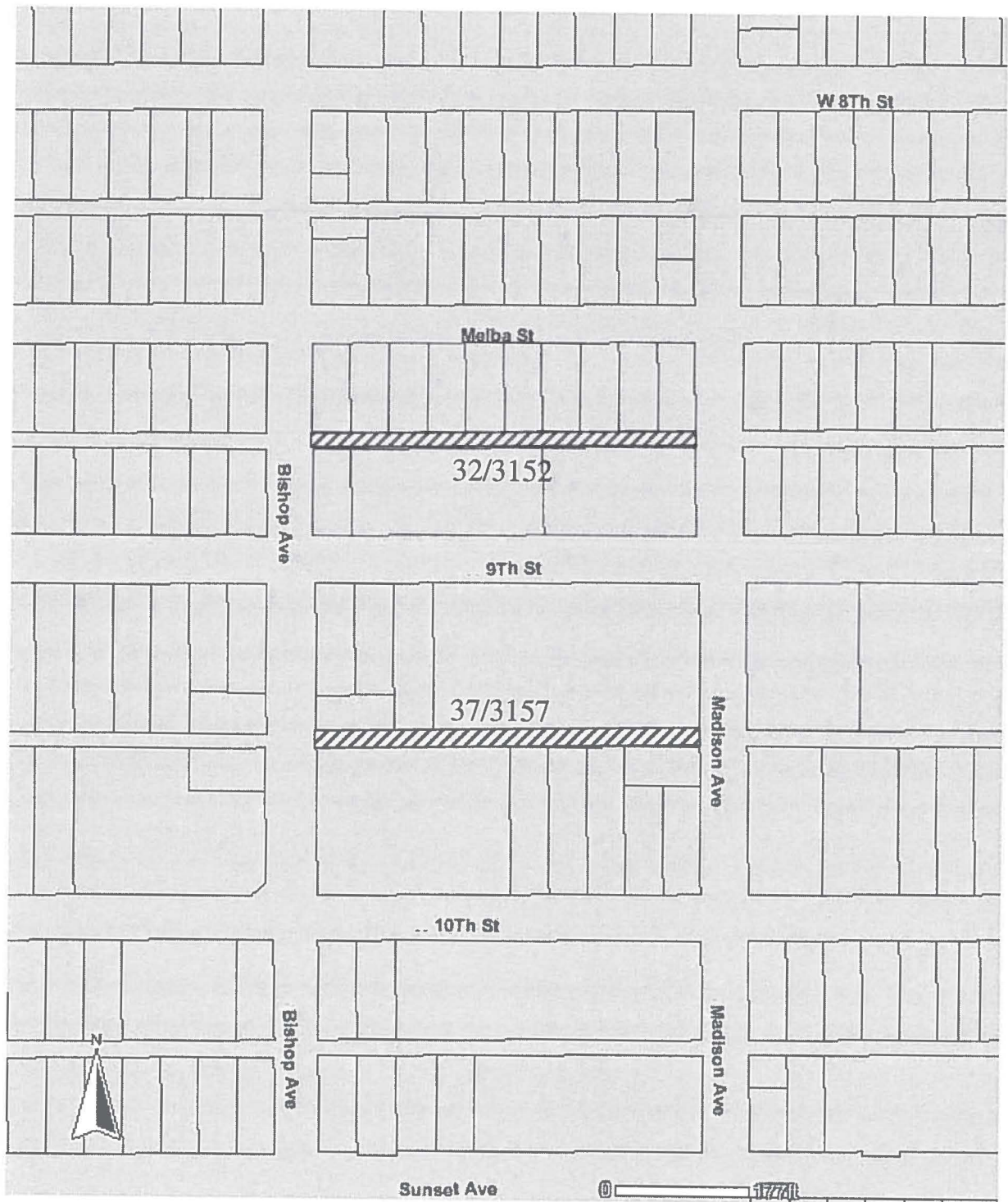
Exxir Capital Management

Exxir Capital Management LLC

Michael Nazerian, Managing Member

MAP

Attached



Abandonment areas = 

ORDINANCE NO. _____

An ordinance providing for the abandonment of two alleys located adjacent to City Blocks 32/3152 and 37/3157 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Bishop Arts Village, LLC; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Bishop Arts Village, LLC, a Texas limited liability company, hereinafter referred to as **GRANTEE**, deems it advisable to abandon and quitclaim the hereinafter described tracts of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said alleys are not needed for public use, and same should be abandoned and quitclaimed to **GRANTEE**, as hereinafter stated; and **WHEREAS**, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the public will be served by abandoning and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms and conditions hereinafter more fully set forth; **Now, Therefore**,

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

SECTION 1. That the tracts of land described in Exhibit A, which is attached hereto and made a part hereof for all purposes, be and the same is abandoned, vacated and closed insofar as the right, title and interest of the public are concerned; subject, however, to the conditions hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **TWO HUNDRED THIRTY-FOUR THOUSAND AND NO/100 DOLLARS (\$234,000.00)** paid by **GRANTEE**, and the further consideration described in Sections 8, 9, and 10, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all of its right, title and interest in and to the certain tracts of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

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

SECTION 4. That the 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 are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise, and are further subject to the conditions contained in Exhibit B, which is attached hereto and made a part hereof for all purposes.

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

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

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold 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 area described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A, (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which **GRANTEE**, its successors and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. **GRANTEE**, its successors and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, “Hazardous Substance” means the following: (a) any “hazardous substances” under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any “hazardous substance” under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any “hazardous chemicals” or “toxic chemicals” under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any “hazardous waste” under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any “chemical substance” under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended.

References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall file a final replat of the adjoining properties prior to the issuance of any building permits affecting the 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 area is 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 the Texas Excavation Safety System (Texas 811) to have facilities marked and located within the abandonment areas prior to excavations.

SECTION 11. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall, immediately upon the passage of this ordinance, close, barricade and/or place signs in the areas described in Exhibit A in accordance with detailed plans approved by the Director of Department of Sustainable Development and Construction. **GRANTEE's** responsibility for keeping the areas described in Exhibit A closed, barricaded and/or the signs in place shall continue until the street improvements and intersection returns are removed by **GRANTEE**, its successors and assigns, to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 12. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the abandonment area is located, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee:

(i) shall deliver to **GRANTEE** a certified copy of this ordinance, and (ii) is authorized to and shall prepare and deliver a **QUITCLAIM DEED** with regard to the areas abandoned herein, to **GRANTEE** hereunder, same to be executed by the City Manager on behalf of the City of Dallas, attested by the City Secretary and approved as to form by the City Attorney. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 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:
LARRY E. CASTO
City Attorney

DAVID COSSUM
Director of Department of Sustainable
Development and Construction

BY


Assistant City Attorney

BY


Assistant Director

Passed _____.

ALLEY ABANDONMENT

EXHIBIT A-TRACT 1

Dallas Land and Loan Company Addition No. Two
Part of Block 32/3152
George L. Leonard Survey, Abstract No. 770
City of Dallas, Dallas County, Texas

DESCRIPTION, of a 10,000 square foot (0.230 acre) tract of land situated in the George L. Leonard Survey, Abstract No. 770, City of Dallas, Dallas County, Texas and part of Block 32/3152, an Official Number of the City of Dallas, Texas; said tract being all of that certain 20-foot wide alley crossing Block 32/3152, dedicated by the plat of Dallas Land and Loan Company Addition No. Two, an addition to the City of Dallas, Texas according to the plat recorded in Volume 106, Page 230 of the Deed Records of Dallas County, Texas and transcribed in Volume 3, Page 530 of the Map Records of Dallas County, Texas; said abandonment tract being bounded on the west by the east right-of-way line of Bishop Avenue and on the east by the west right-of-way line of Madison Avenue; said 10,000 square foot tract being more particularly described as follows:

BEGINNING, at a 1/2-inch iron rod found for corner at the intersection of the south right-of-way line of said 20-foot wide alley and the said west line of Madison Avenue (a 60-foot wide right-of-way); said point being the northeast corner of Lot 10 of said Block 32/3152 and the northeast corner of a tract of land described as "Tract 1" in Special Warranty Deed to Man Partners II, LLC recorded in Instrument Number 20080175300 of the Official Public Records of Dallas County, Texas;

THENCE, South 89 degrees, 21 minutes, 09 seconds West, departing the said west line of Madison Avenue and along the south line of said 20-foot wide alley; the north line of Lots 1 through 10 of said Block 32/3152; the north line of said "Tract 1"; and the north line of a tract of land described in General Warranty Deed to Bishop Arts Village, LLC recorded in Instrument Number 201300091315 of said Official Public Records, a distance of 500.00 feet to a point for corner (not monumented) at the intersection of the said south line of the 20-foot wide alley and the said east line of Bishop Avenue (a 60-foot wide right-of-way); said point being the northwest corner of said Lot 1 and the northwest corner of said Bishop Arts Village tract;

THENCE, North 01 degrees, 06 minutes, 51 seconds West, along the projected east line of said Bishop Avenue and the west terminus of said 20-foot wide alley, a distance of 20.00 feet to a point for corner (not monumented) at the intersection of the north line of said 20-foot wide alley and the said east line of Bishop Avenue; said point being the southwest corner of Lot 20 of said Block 32/3152 and the southwest corner of a tract of land described in General Warranty Deed to Bishop Arts Village, LLC recorded in Instrument Number 201400187574 of said Official Records;

THENCE, North 89 degrees, 21 minutes, 09 seconds East, departing the said east line of Bishop Avenue and along the said north line of the 20-foot wide alley; the south line of Lots 11 through 20 of said Block 32/3152; the south line of the second referenced Bishop Arts Village tract; the south lines of various tracts of land described in Special Warranty Deed to Bishop Arts Village, LLC recorded in Instrument Number 201400188249; and the south lines of those tracts of land described in General Warranty Deeds to Bishop Arts Village, LLC recorded in Instrument Numbers 20130087174 and 201400318537, all of said Official Public Records, a distance of 500.00 feet to a point for corner (not monumented) at the intersection of the said north line of the 20-foot wide alley and the said west line of Madison Avenue; said point being the southeast corner of said Lot 11 and a southeast corner of a Bishop Arts Village tract recorded in said Instrument Number 201400188249;

REVIEWED BY
JL 2-19-15
SPAL 3155

ALLEY ABANDONMENT

Dallas Land and Loan Company Addition No. Two
Part of Block 32/3152
George L. Leonard Survey, Abstract No. 770
City of Dallas, Dallas County, Texas

EXHIBIT A-TRACT 1

THENCE, South 01 degrees, 06 minutes, 51 seconds East, along the projected west line of said Madison Avenue and the east terminus of said 20-foot wide alley, a distance of 20.00 feet to the POINT OF BEGINNING;

CONTAINING, 10,000 square feet or 0.230 acres of land, more or less.

Bearing system for this survey is based on the North American Datum of 1983 (2011), Texas State Plane Coordinate System, North Central Texas Zone 4202.

(A survey plat of even survey date herewith accompanies this description.)

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the tract of land described.

John S. Andricopoulos 09/22/2014
Registered Professional Land Surveyor No. 6354
Pacheco Koch Consulting Engineers, Inc.
8350 N. Central Expwy, #1000, Dallas TX 75206
(972) 235-3031
TX Reg. Surveying Firm LS-10008000



REVISED: 01/21/2015

3018-14.290EX2.doc
3018-14.290EX2.dwg sbp

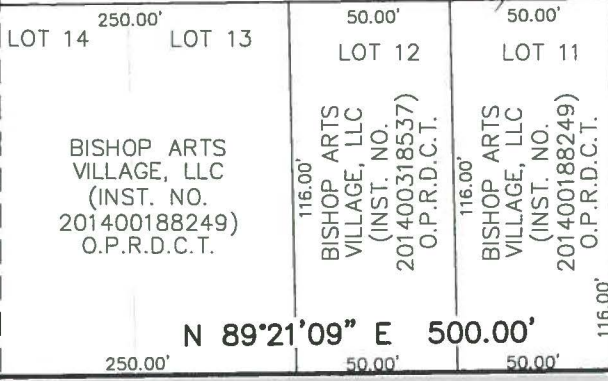
(For SPRG use only)

Reviewed By: JL
Date: 2-19-15
SPRG NO: 3155

MELBA STREET

(60' WIDE RIGHT-OF-WAY)

BLOCK 32/3152
DALLAS LAND AND LOAN
COMPANY ADDITION NO. TWO
(VOL. 106, PG. 230)
D.R.D.C.T.
(VOL. 3, PG. 530)
M.R.D.C.T.



MADISON AVENUE

(60' WIDE RIGHT-OF-WAY)
(VOL. 3, PG. 530, M.R.D.C.T.)

EXHIBIT A-TRACT 1

(C.M.)

LOT 20
BLOCK 31/3151
DALLAS LAND AND
LOAN COMPANY
ADDITION NO. TWO
(VOL. 106, PG. 230)
D.R.D.C.T.
(VOL. 3, PG. 530)
M.R.D.C.T.
ALLEY
(20' WIDE
RIGHT-OF-WAY)

LEGEND	
—	LOT LINE
—	ABANDONMENT
—	PARCEL LINE
—	PROPERTY LINE & R.O.W. LINE
○	POINT FOR CORNER
⊗	1/2-INCH IRON ROD FOUND
⊠	3/8-INCH IRON ROD FOUND
▽	1/2-INCH IRON ROD WITH "R.P.L.S.#4898" CAP FOUND
(C.M.)	- CONTROLLING MONUMENT
M.R.D.C.T.	MAP RECORDS DALLAS COUNTY, TEXAS
D.R.D.C.T.	DEED RECORDS DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS DALLAS COUNTY, TEXAS
VOL.	VOLUME
PG.	PAGE
INST. NO.	INSTRUMENT NUMBER
P.O.B.	POINT OF BEGINNING

N 89°21'09" E 500.00'
(VOL. 3, PG. 530, M.R.D.C.T.)

S 01°06'51" E
20.00'

P.O.B.

BLOCK 32/3152
DALLAS LAND AND LOAN
COMPANY ADDITION NO. TWO
(VOL. 106, PG. 230)
D.R.D.C.T.
(VOL. 3, PG. 530)
M.R.D.C.T.

20' WIDE ALLEY
ABANDONMENT
10,000 SF
(0.230 AC)

LOT 1 LOT 2
BLOCK 31/3151
DALLAS LAND AND
LOAN COMPANY
ADDITION NO. TWO
(VOL. 106, PG. 230)
D.R.D.C.T.
(VOL. 3, PG. 530)
M.R.D.C.T.

LOT 7 LOT 8 LOT 9 LOT 10
MAN PARTNERS II, LLC
(INST. NO. 20080175300)
O.P.R.D.C.T.

NINTH STREET

(60' WIDE RIGHT-OF-WAY)

(For SPRG use only)

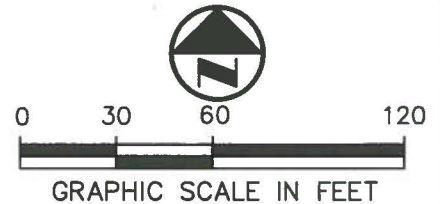
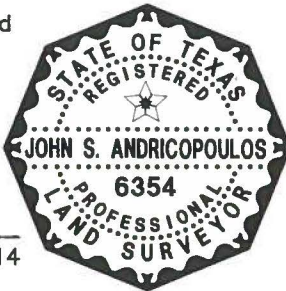
Reviewed By: JL
Date: 2-9-15
SPRG NO: 3155

The undersigned, Registered Professional Land Surveyor, hereby certifies that this plat of survey accurately sets out the metes and bounds of the tract of land described.

John S. Andricopoulos
Registered Professional
Land Surveyor No. 6354

09/22/2014

REVISED:
01/21/2015



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 North American Datum of 1983 (2011), Texas State Plane Coordinate System, North Central Texas Zone 4202.

ALLEY ABANDONMENT

DALLAS LAND AND LOAN
COMPANY ADDITION NO. TWO
PART OF BLOCK 32/3152
GEORGE L. LEONARD SURVEY,
ABSTRACT NO. 770,
CITY OF DALLAS, DALLAS COUNTY, TEXAS
SHEET 3 OF 4

Pacheco Koch
DALLAS ■ FORT WORTH ■ HOUSTON
8350 N. CENTRAL EXPWY. SUITE 1000
DALLAS, TX 75206 972.235.3031
TX REG. ENGINEERING FIRM F-469
TX REG. SURVEYING FIRM LS-10008000

DRAWN BY SBP	CHECKED BY JSA	SCALE 1"=60'	DATE SEPT. 2014	JOB NUMBER 3018-14.290
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EXHIBIT A-TRACT 1

MELBA STREET

(60' WIDE RIGHT-OF-WAY)

BLOCK 32/3152
DALLAS LAND AND LOAN
COMPANY ADDITION NO. TWO
(VOL. 106, PG. 230)
D.R.D.C.T.
(VOL. 3, PG. 530)
M.R.D.C.T.



(C.M.)

A VENUE

ALLEY

(20' WIDE
RIGHT-OF-WAY)

LOT 12 LOT 11
BLOCK 33/3153
DALLAS LAND
AND LOAN
COMPANY
ADDITION NO. TWO
(VOL. 106,
PG. 230)
D.R.D.C.T.
(VOL. 3, PG. 530)
M.R.D.C.T.

LOT 20
BISHOP ARTS
VILLAGE, LLC
(INST. NO.
201400187574)
O.P.R.D.C.T.

50.00'
LOT 19
BISHOP ARTS
VILLAGE, LLC
(INST. NO.
201400188249)
O.P.R.D.C.T.

50.00'
LOT 18
BISHOP ARTS
VILLAGE, LLC
(INST. NO.
201300087174)
O.P.R.D.C.T.

LOT 17 LOT 16 LOT 15
250.00'
BISHOP ARTS VILLAGE, LLC
(INST. NO. 201400188249)
O.P.R.D.C.T.

N 89°21'09" E 500.00'

(VOL. 3, PG. 530, M.R.D.C.T.)

N 01°06'51" W
20.00'

S 89°21'09" W 500.00'

BLOCK 32/3152
DALLAS LAND AND LOAN
COMPANY ADDITION NO. TWO
(VOL. 106, PG. 230)
D.R.D.C.T.
(VOL. 3, PG. 530)
M.R.D.C.T.

20' WIDE ALLEY
ABANDONMENT
10,000 SF
(0.230 AC)

"TRACT 1"
MAN PARTNERS II, LLC
(INST. NO. 20080175300)
O.P.R.D.C.T.

NINTH STREET

(60' WIDE RIGHT-OF-WAY)

MATCHLINE (SEE PAGE 3)

LEGEND

	LOT LINE
	ABANDONMENT PARCEL LINE
	PROPERTY LINE & R.O.W. LINE
	POINT FOR CORNER
	1/2-INCH IRON ROD FOUND
	1/2-INCH IRON PIPE FOUND
(C.M.)	CONTROLLING MONUMENT
M.R.D.C.T.	MAP RECORDS DALLAS COUNTY, TEXAS
D.R.D.C.T.	DEED RECORDS DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS DALLAS COUNTY, TEXAS
VOL.	VOLUME
PG.	PAGE
INST. NO.	INSTRUMENT NUMBER

REVISED: 01/21/2015

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 North American Datum of 1983 (2011), Texas State Plane Coordinate System, North Central Texas Zone 4202.

ALLEY ABANDONMENT

DALLAS LAND AND LOAN
COMPANY ADDITION NO. TWO
PART OF BLOCK 32/3152
GEORGE L. LEONARD SURVEY,
ABSTRACT NO. 770,
CITY OF DALLAS, DALLAS COUNTY, TEXAS
SHEET 4 OF 4

Pacheco Koch

8350 N. CENTRAL EXPWY. SUITE 1000
DALLAS, TX 75206 972.235.3031
TX REG. ENGINEERING FIRM F-469
TX REG. SURVEYING FIRM LS-10008000

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
SBP	JSA	1"=60'	SEPT. 2014	3018-14.290

REVIEWED BY
JC 2-19-15
SPR 3-15

EXHIBIT A-TRACT 2

ALLEY ABANDONMENT

Dallas Land and Loan Company Addition No. Two
Part of Block 37/3157
George L. Leonard Survey, Abstract No. 770
City of Dallas, Dallas County, Texas

DESCRIPTION, of a 10,000 square foot (0.230 acre) tract of land situated in the George L. Leonard Survey, Abstract No. 770, City of Dallas, Dallas County, Texas and part of Block 37/3157, an Official Number of the City of Dallas, Texas; said tract being all of that certain 20-foot wide alley crossing Block 37/3157, dedicated by the plat of Dallas Land and Loan Company Addition No. Two, an addition to the City of Dallas, Texas according to the plat recorded in Volume 106, Page 230 of the Deed Records of Dallas County, Texas and transcribed in Volume 3, Page 530 of the Map Records of Dallas County, Texas (MRDCT); said abandonment tract being bounded on the west by the east right-of-way line of Bishop Avenue (formerly known as Monroe Avenue) and on the east by the west right-of-way line of Madison Avenue; said 10,000 square foot tract being more particularly described as follows:

BEGINNING, at a 1/2-inch iron rod with "B. SALTER RPLS #5597" cap found for corner at the intersection of the south right-of-way line of said 20-foot wide alley and the said west line of Madison Avenue (a 60-foot wide right-of-way - Volume 3, Page 530, MRDCT); said point being the northeast corner of Lot 10 of said Block 37/3157 and the northeast corner of a tract of land described as "Tract 3" in Special Warranty Deed to Kensington Riverfall, LLC., recorded in Instrument No. 201500091642, of the Official Public Records of Dallas County, Texas (OPRDCT);

THENCE, South 89 degrees, 21 minutes, 09 seconds West, departing the said west line of Madison Avenue and along the said south line of the 20-foot wide alley and along the north line of Lots 1 through 10 of said Block 37/3157; the north line of said "Tract 3"; a north line of a tract of land described in General Warranty Deed to Bishop Arts Village, LLC recorded in Instrument Number 201100204165, OPRDCT; and the north line of a tract of land described as "Tract 2" in Special Warranty Deed to Man Partners II, LLC recorded in Instrument Number 20080175300, OPRDCT, a distance of 500.00 feet to a 1/2-inch iron rod found for corner at the intersection of the said south line of the 20-foot wide alley and the said east line of Bishop Avenue (a 60-foot wide right-of-way); said point being the northwest corner of said Lot 1 and the northwest corner of said "Tract 2";

THENCE, North 01 degrees, 06 minutes, 51 seconds West, along the projected east line of said Bishop Avenue and the west terminus of said 20-foot wide alley, a distance of 20.00 feet to a 1/2-inch iron rod found for corner at the intersection of the north right-of-way line of said 20-foot wide alley and the said east line of Bishop Avenue; said point being the southwest corner of Lot 20, of said Block 37/3157 and a southwest corner of Tract 10, a tract of land described in Special Warranty Deed to Bishop Arts Village, LLC recorded in Instrument Number 201400188249, OPRDCT;

THENCE, North 89 degrees, 21 minutes, 09 seconds East, departing the said east line of Bishop Avenue and along the said north line of the 20-foot wide alley; the south line of lots 11 through 20 of said Block 37/3157; a south line of said Tract 10, the second referenced Bishop Arts Village tract; the south line of Lot 18 described in Quit Claim Deed to Bishop Arts Village, LLC, as recorded in Instrument Number 20160072658, OPRDCT; and a south line of the first referenced Bishop Arts Village tract, a distance of 500.00 feet to a point for corner (not monumented) at the intersection of the said north line of the 20-foot wide alley and the said west

(For SPRG use only)

Reviewed By: David Scott
Date: 5.18.16
SPRG NO: 3154

EXHIBIT A-TRACT 2

ALLEY ABANDONMENT

Dallas Land and Loan Company Addition No. Two
Part of Block 37/3157
George L. Leonard Survey, Abstract No. 770
City of Dallas, Dallas County, Texas

line of Madison Avenue; said point being the southeast corner of said Lot 11 and the southeast corner of the first referenced Bishop Arts Village tract;

THENCE, South 01 degrees, 06 minutes, 51 seconds East, along the projected west line of said Madison Avenue and the east terminus of said 20-foot wide alley, a distance of 20.00 feet to the POINT OF BEGINNING;

CONTAINING, 10,000 square feet or 0.230 acres of land, more or less.

Bearing system for this survey is based on the North American Datum of 1983 (2011), Texas State Plane Coordinate System, North Central Texas Zone 4202.

(A survey plat of even survey date herewith accompanies this description.)

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the tract of land described.

 5/10/16
Paul Hubert Date of Survey 09/22/2014
Registered Professional Land Surveyor No. 1942
Pacheco Koch Consulting Engineers, Inc.
7557 Rambler Rd, #1400, Dallas TX 75231
(972) 235-3031
TX Reg. Surveying Firm LS-10008000

REVISED OWNERSHIP: 01/15/2016
Address City Comments 5/10/16

3018-14.290EX1.doc
3018-14.290EX1.dwg sbp

(For SPRG use only)

Reviewed By: David Scott
Date: 5.18.16
SPRG NO: 3154

NINTH

(60' WIDE RIGHT-OF-WAY)

STREET

GRAPHIC SCALE IN FEET

LOT 14 LOT 13 LOT 12 LOT 11

BLOCK 37/3157
DALLAS LAND AND LOAN
COMPANY ADDITION
NO. TWO
(VOL. 106, PG. 230)
D.R.D.C.T.
(VOL. 3, PG. 530)
M.R.D.C.T.

BISHOP ARTS VILLAGE, LLC
(INST. NO. 201100204165)
O.P.R.D.C.T.

N 89°21'09" E 500.00'

350.00'

(VOL. 3, PG. 530, M.R.D.C.T.)

**MADISON
AVENUE**
(60' WIDE RIGHT-OF-WAY)
(VOL. 3, PG. 530, M.R.D.C.T.)

LOT 20

LOT 19

0 30 60 120

BLOCK 38/3158
DALLAS LAND
AND LOAN COMPANY
ADDITION NO. TWO
(VOL. 106, PG. 230)
D.R.D.C.T.
(VOL. 3, PG. 530)
M.R.D.C.T.

ALLEY

(20' WIDE RIGHT-OF-WAY)

S 01°06'51" E

20.00'

S 89°21'09" W 500.00'

(C.M.)

P.O.B.

BISHOP ARTS
VILLAGE, LLC
(INST. NO.
201100204165)
O.P.R.D.C.T.

BLOCK 37/3157
DALLAS LAND AND LOAN
COMPANY ADDITION NO. TWO
(VOL. 106, PG. 230)
D.R.D.C.T.
(VOL. 3, PG. 530)
M.R.D.C.T.

"TRACT 3"
KENSINGTON RIVERFALL, LLC
INST. NO. 201500091642
O.P.R.D.C.T.

LOT 7

LOT 8 LOT 9 LOT 10

100.00'

150.00'

(C.M.)

LOT 1

LOT 2

BLOCK 38/3158
DALLAS LAND
AND LOAN COMPANY
ADDITION NO. TWO
(VOL. 106, PG. 230)
D.R.D.C.T.
(VOL. 3, PG. 530)
M.R.D.C.T.

(For SPRG use only)

Reviewed By: David ScottDate: 5/18/16SPRG NO: 3154**TENTH
STREET**

(60' WIDE RIGHT-OF-WAY)

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 North American Datum of 1983 (2011), Texas State Plane Coordinate System, North Central Texas Zone 4202.

ALLEY ABANDONMENT

DALLAS LAND AND LOAN
COMPANY ADDITION NO. TWO

PART OF BLOCK 37/3157
GEORGE L. LEONARD SURVEY,
ABSTRACT NO. 770,

CITY OF DALLAS, DALLAS COUNTY, TEXAS
SHEET 3 OF 4

The undersigned, Registered Professional Land Surveyor, hereby certifies that this plat of survey accurately sets out the metes and bounds of the tract of land described.



Paul Hubert
Registered Professional
Land Surveyor No. 1942

REVISED OWNERSHIP
1-15-16

**Pacheco Koch**

7557 RAMBLER ROAD, SUITE 1400
DALLAS, TX 75231 972.235.3031
TX REG. ENGINEERING FIRM F-469
TX REG. SURVEYING FIRM LS-10008000

DRAWN BY
SBP

CHECKED BY
JSA

SCALE
1"=60'

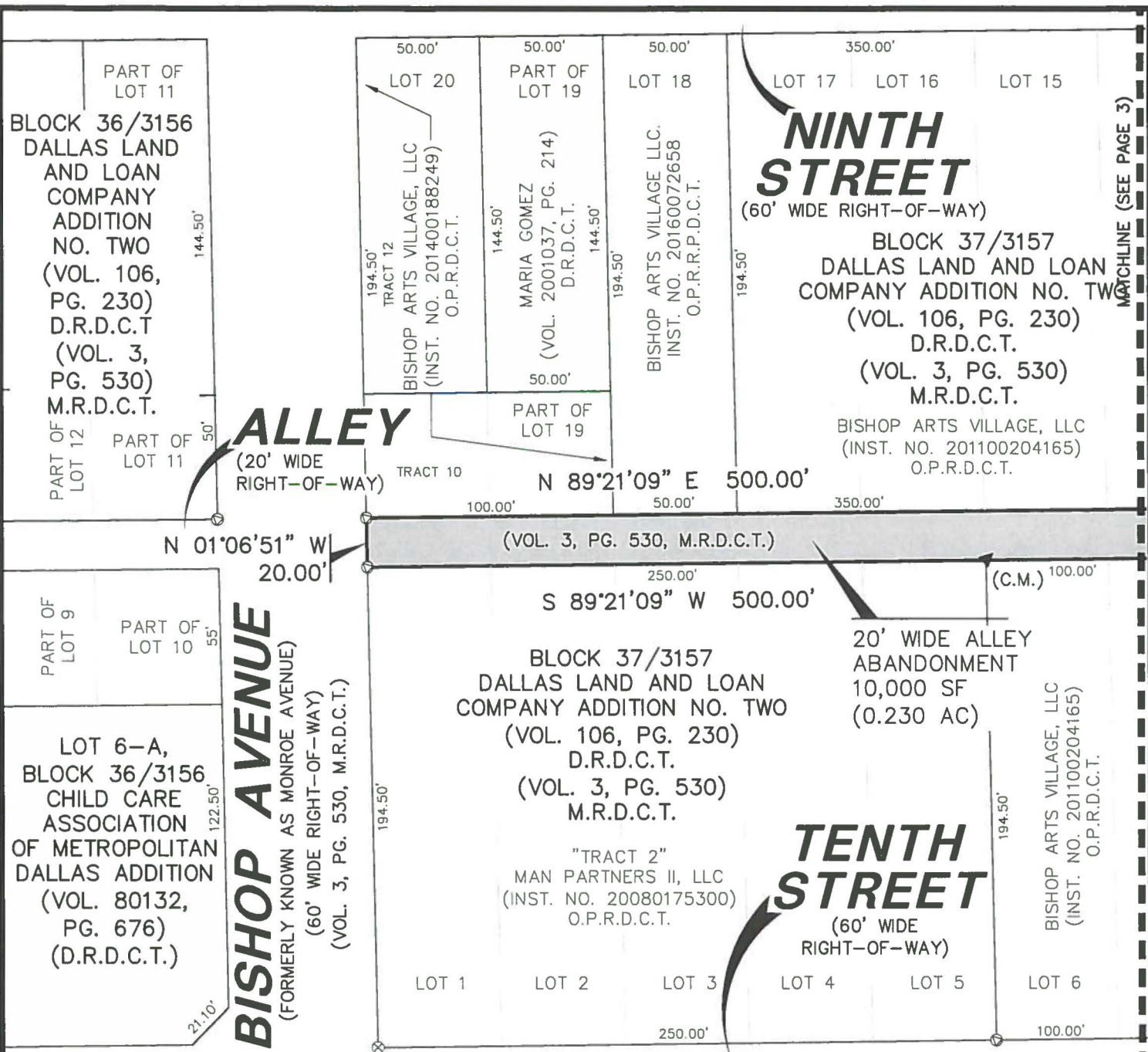
DATE
SEPT. 2014

JOB NUMBER
3018-14.290

M:\DWG-30\3018-14.290\DWG\SURVEY C3D 2012\3018-14.290EX1.DWG

05/10/2016 - 4:01PM

JHUBERT



MATCHLINE (SEE PAGE 3)

LEGEND	
	LOT LINE
	ABANDONMENT PARCEL LINE
	PROPERTY LINE & R.O.W. LINE
	1/2-INCH IRON ROD FOUND
	1/2-INCH IRON ROD WITH "SURVEYING ASSOCIATES" CAP FOUND
	"+" CUT IN CONCRETE FOUND
(C.M.)	- CONTROLLING MONUMENT
M.R.D.C.T.	MAP RECORDS DALLAS COUNTY, TEXAS
D.R.D.C.T.	DEED RECORDS DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS DALLAS COUNTY, TEXAS
VOL.	VOLUME
PG.	PAGE
INST. NO.	INSTRUMENT NUMBER



(For SPRG use only)

Reviewed By: David Scott
Date: 5-18-16
SPRG NO: 3154



7557 RAMBLER ROAD, SUITE 1400
DALLAS, TX 75231 972.235.3031
TX REG. ENGINEERING FIRM F-469
TX REG. SURVEYING FIRM LS-10008000

ALLEY ABANDONMENT

DALLAS LAND AND LOAN
COMPANY ADDITION NO. TWO
PART OF BLOCK 37/3157
GEORGE L. LEONARD SURVEY,
ABSTRACT NO. 770,
CITY OF DALLAS, DALLAS COUNTY, TEXAS
SHEET 4 OF 4

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
SBP	JSA	1"=60'	SEPT. 2014	3018-14.290

EXHIBIT B

ADDITIONAL ABANDONMENT PROVISIONS

That as a condition hereof, this abandonment is subject to any utilities or communication facilities, including without limitation water and wastewater lines, gas lines, and storm sewers, ("Facilities") presently located within the abandoned area described in Exhibit "A", owned and/or operated by the City of Dallas or any utility or communications company, public or private, ("Utility") and to the rights of any Utility for the use of the abandoned area for its Facilities. It is the intent of the foregoing to confirm and maintain and there is hereby reserved and excepted unto the City of Dallas, and not abandoned or conveyed hereunder, an easement (to which this abandonment is made expressly subject) over, upon, under, through, in, and across the abandoned area for each Utility for its respective Facilities located therein at the time of this abandonment, together with the right to make any subsequent alterations, additions, expansions, upgrades or modifications to such Facilities as may, from time to time be deemed necessary or convenient by the Utility owning and/or operating same. No buildings, structures (above or below ground) or trees shall be constructed or placed within the abandoned area without written consent of each affected Utility. Each Utility shall have the full right to remove and keep removed all or part of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective Facilities lying within the abandoned area and shall at all times have the full right of ingress and egress to or from and upon the abandoned area for the purposes of reconstructing, removing, relocating, inspecting, patrolling, maintaining, expanding, upgrading, and/or adding to all or part of its Facilities without the necessity at any time of procuring the permission of anyone. The easement reserved hereunder and the conditions and restrictions to which this abandonment is subject shall remain for the benefit of the applicable Utility and/or operators of the Facilities until said Facilities are removed and relocated from the abandoned area. The relocation, removal or adjustment of any or all such Facilities, if made necessary by GRANTEE'S (whether one or more natural persons or legal entities) use of the abandonment area, shall be at the expense of GRANTEE herein, or GRANTEE'S successors and assigns. Should GRANTEE'S relocation or removal of the Facilities require the obtaining of new easements, the acquisition of same shall be at the expense of GRANTEE, GRANTEE'S successors and assigns. If any of the Facilities (or relocations thereof) are allowed to remain on any part of the abandoned area, the easements and buildings restrictions provided herein shall remain thereon. Upon removal or relocation of all of the Facilities, any easements reserved or created herein relating to such removed or relocated Facilities shall terminate, and any building restrictions herein created shall cease.

AGENDA ITEM # 33

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: November 9, 2016

COUNCIL DISTRICT(S): 8

DEPARTMENT: Trinity Watershed Management
Mobility and Street Services
City Attorney's Office

CMO: Mark McDaniel, 670-3256
Jill A. Jordan, P.E., 670-5299
Larry Casto, 670-3491

MAPSCO: 75D

SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Veterans Land Board of the State of Texas and King E. Rhodes, of an unimproved tract of land containing approximately 65,699 square feet, three slope easements containing a total of approximately 35,859 square feet, and two drainage easements containing a total of approximately 3,693 square feet, located on East Wheatland Road near its intersection with Lancaster Road for the Wheatland Road Improvement Project - Not to exceed \$92,176 (\$88,176 plus closing costs and title expenses not to exceed \$4,000) - Financing: General Obligation Commercial Paper Funds

BACKGROUND

This item authorizes the acquisition of an unimproved tract of land containing approximately 65,699 square feet, three slope easements containing a total of approximately 35,859 square feet, and two drainage easements containing a total of approximately 3,693 square feet, from Veterans Land Board of the State of Texas and King E. Rhodes. This property is located on East Wheatland Road near its intersection with Lancaster Road and will be used for the Wheatland Road Improvement Project. The consideration is based upon an independent appraisal, reviewed and adjusted by staff.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Transportation and Trinity River Project Committee on October 24, 2016.

FISCAL INFORMATION

2006 Bond Funds (General Obligation Commercial Paper Funds) - \$92,176 (\$88,176 plus closing costs and title expenses not to exceed \$4,000)

OWNERS

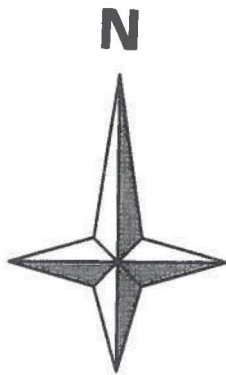
Veterans Land Board of the State of Texas

Matthew Elledge, Executive Secretary

King E. Rhodes

MAP

Attached



E. WHEATLAND ROAD

LANCASTER ROAD

Slope
Easement

Drainage
Easement

Right-of-Way
Acquisition

Drainage
Easement

Slope
Easement

Slope
Easement

Right-of-Way to be Acquired



Slope Easements to be Acquired



Drainage Easements to be Acquired



November 9, 2016

A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS APPROPRIATION AND/OR CONDEMNATION FOR PUBLIC USE.

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

"CITY": The City of Dallas.

"PROPERTY": Six tracts containing a total of approximately 105,251 square feet of property located in Dallas County, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Wheatland Road Improvement Project

"USE": The construction, installation, use, and maintenance of a new section of roadway, together with such appurtenant facilities as may be necessary.

"PROPERTY INTEREST": Parcel No. 3 - Fee Simple, Parcel Nos. 3A, 3B & 3C - Slope Easement, and Parcel Nos. 3-ia & 3-ib - Drainage Easement

"OWNER": Veterans Land Board of the State of Texas and King E. Rhodes, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"OFFER AMOUNT": \$88,176.00

"CLOSING COSTS AND TITLE EXPENSES ": Not to exceed \$4,000.00

"AUTHORIZED AMOUNT": \$92,176.00

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

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

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

November 9, 2016

SECTION 3. That for the purpose of acquiring the PROPERTY INTEREST in the PROPERTY, the Assistant Director of the Department of Sustainable Development and Construction Department, Real Estate Division, or such person as she may designate, is hereby authorized and directed to offer the OFFER AMOUNT as payment for the PROPERTY INTEREST in the PROPERTY.

SECTION 4. That in the event the OWNER accepts the OFFER AMOUNT, the Chief Financial Officer is authorized and directed to draw a warrant in favor of the OWNER, the then current owner of record, or the title company closing the transaction described herein in the OFFER AMOUNT payable out of 2006 Bond Funds: Fund No. 4T22, Department STS, Unit U803, Activity THRF, Program No. PB06U803, Object 4210, Encumbrance No. CT-ST06U803A3, CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: Fund No. 4T22, Department STS, Unit U803, Activity THRF, Program No. PB06U803, Object 4230, Encumbrance No. CT-ST06U803A4. The OFFER AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 5. That the CITY is to have possession of the PROPERTY at closing; and the CITY will pay the CLOSING COSTS AND TITLE EXPENSES. In the event of condemnation, the CITY will pay costs as may be assessed by the Special Commissioners or the court. Further, that expenses determined by the City Attorney to be necessary are authorized for payment. All costs and expenses described in this section shall be paid from the previously described funds.

SECTION 6. That if the OWNER refuses to accept the OFFER AMOUNT, the CITY will appropriate the PROPERTY INTEREST in the PROPERTY for the PROJECT under the laws of eminent domain and the provisions of the Charter of the City of Dallas. In such case, the City Attorney is authorized and requested to file the necessary proceeding(s) and take the necessary action for the prompt acquisition of the PROPERTY INTEREST in the PROPERTY by condemnation or in any manner provided by law.

SECTION 7. That in the event it is subsequently determined that additional persons other than those named herein have an interest in the PROPERTY, the City Attorney is authorized and directed to join said parties as defendants in said condemnation proceedings or suit(s).

SECTION 8. That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

SECTION 9. That OWNER has been provided with a copy of the Landowner's Bill of Rights as required by Texas Property Code Section 21.0112.

November 9, 2016

SECTION 10. That in the event the City Attorney files a condemnation proceeding because the OWNER refused to accept the OFFER AMOUNT; and in the event the special commissioners appointed by the Court return an award that is the same amount or less than the OFFER AMOUNT, the City Attorney is hereby authorized to deposit the award in the registry of the Court and to settle the condemnation proceeding, or if the condemnation proceeding becomes a lawsuit, the lawsuit, for an amount not to exceed the OFFER AMOUNT; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the OFFER AMOUNT made payable to the County Clerk of Dallas County, to be deposited into the registry of the Court, to enable the CITY to take possession of the PROPERTY without further action of the Dallas City Council; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed \$4,000.00 for CLOSING COSTS AND TITLE EXPENSES in favor of the title company closing the transaction described herein. The Award, CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 11. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:
LARRY E. CASTO, City Attorney

BY 
Assistant City Attorney

**Field Notes Describing a 65,699 Square Foot Tract of Land
To Be Acquired in Block 7609
From King E. Rhodes**

Being a 65,699 Square Foot (1.5082 Acre) tract of land situated in the Robert Simonton Survey, Abstract No. 1277, in the City of Dallas, Dallas County, Texas, lying in Block 7609 (official City of Dallas Block Numbers), and being a portion of the 22.0197 acre tract of land conveyed to King E. Rhodes by Contract of Sale and Purchase, recorded in Volume 2002187, Page 125 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at the most Westerly corner of said 22.0197 Acre tract, lying on the Southeast Right-of-Way line of Wheatland Road (a 50' Right-of-Way) and being also the most Northerly corner of a tract of land conveyed to Crescent Real Estate Equities Limited Partnership by deed recorded in Volume 97092, Page 2778 of the Deed Records of Dallas County, Texas, from which a ½ inch dia. Iron Rod found bears North 33°44'10" West a distance of 1.24 feet:

THENCE South 37°05'20" East, departing the last said Southeast Right-of-Way line of Wheatland road and with the common line between said Rhodes and Crescent Real Estate tracts, a distance of 394.78 feet to a 5/8 in dia. Iron Rod with cap marked "DALLAS" (hereinafter referred to as "5/8" I.R. w/COD cap") set at the Northwest corner and **POINT OF BEGINNING** of the herein described tract of land:

THENCE North 90°00'00" East, departing the last said common line between said Rhodes and Crescent Real Estate tracts, a distance of 275.64 feet to a 5/8" I.R. w/COD cap set at the Point of Curvature of a Curve to the Left:

THENCE Northeasterly along said Curve, having a Radius of 660.00 feet, a Central Angle of 31°16'43", an Arc Length of 360.31 feet and a Chord which bears North 74°21'38" East a distance of 355.85 to a 5/8" I.R. w/COD cap set at the Point of Tangency:

THENCE North 58°43'17" East a distance of 211.47 feet to a 5/8" I.R. w/COD cap set at the Northeast corner of the herein described tract of land, on the common line with a tract of land conveyed to the Sun NLF Ltd. Partnership by deed recorded in Volume 95125, Page 768 of the Deed Records of Dallas County, Texas:

THENCE South 7°19'12" East with the common line between said Rhodes and Sun NLF Ltd. tracts a distance of 87.54 feet to a 5/8" I.R. w/COD cap set at the Southeast corner of the herein described tract of land:

THENCE South 58°43'17" West, departing the last said common line between the Rhodes and Sun NLF Ltd. tracts, a distance of 175.92 feet to a 5/8" I.R. w/COD cap set at the Point of Curvature of a Curve to the Right:

**Field Notes Describing a 65,699 Square Foot Tract of Land
To Be Acquired in Block 7609
From King E. Rhodes**

THENCE Southwesterly along said Curve, having a Radius of 740.00 feet, a Central Angle of $31^{\circ}16'43''$, an Arc Length of 403.98 feet and a Chord which bears South $74^{\circ}21'38''$ West a distance of 398.98 feet to a $5/8''$ I.R. w/COD cap set at the Point of Tangency:

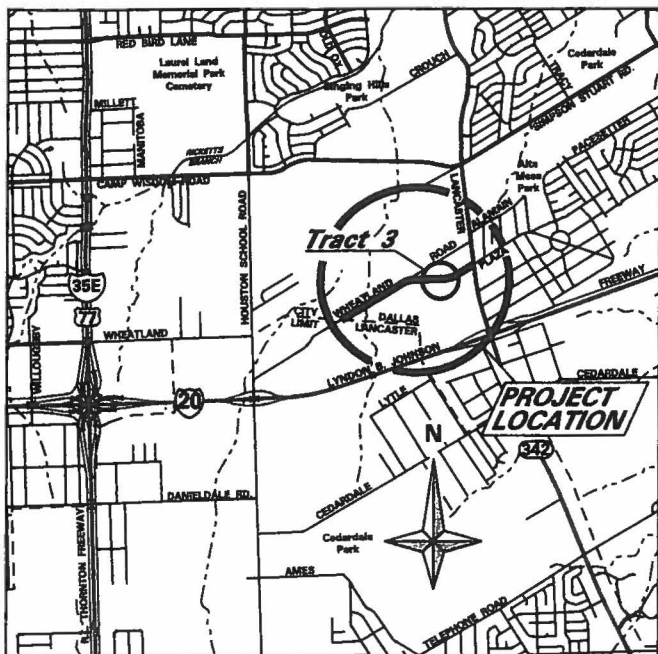
THENCE South $90^{\circ}00'00''$ West a distance of 215.16 feet to a $5/8''$ I.R. w/COD cap set at the Southwest corner of the herein described tract of land, on the above referenced common line between the Rhodes and Crescent Real Estate tracts:

THENCE North $37^{\circ}05'17''$ West along the common line between said Rhodes and Crescent Real Estate tracts a distance of 100.29 feet to the **POINT OF BEGINNING**, containing 65,699 Square Feet, or 1.5082 Acres of land.

BASIS OF BEARINGS: Bearings are based on the common line between the King E. Rhodes and Crescent Real Estate Equities Limited Partnership tracts, at South $37^{\circ}05'17''$ East, monumented as noted and derived from Global Positioning System observations using the North Texas Cooperative Real Time Kinematic Survey, Virtual Reference Station System, North American Datum of 1983.

Scott Holt
7/6/2016





LOCATOR MAP

NOT TO SCALE

1/2" I.R. Fnd.; Bears 1.24'
N33°44'20"W. POINT OF
COMMENCING

King E. Rhodes
Vol. 2002187, Pg. 0125

**65,699 Square Foot
(1.5082 Acre) Tract
To Be Acquired**

Rad. = 660.00'
Δ = 31°16'43"
Length = 360.31'
Chord Brs: 355.85'
N74°21'38"E

58" I.R. wCOD Cap Set
POINT OF BEGINNING

100.29'
N37°05'17"W

275.64'
N90°00'0"E

215.16'
S90°00'0"W

Rad. = 740.00'
Δ = 31°16'43"
Length = 403.98'
Chord Brs: 398.98'
S74°21'38"W

**Crescent Real Estate
Equities Limited Partnership**
Vol. 97092, Pg. 2778

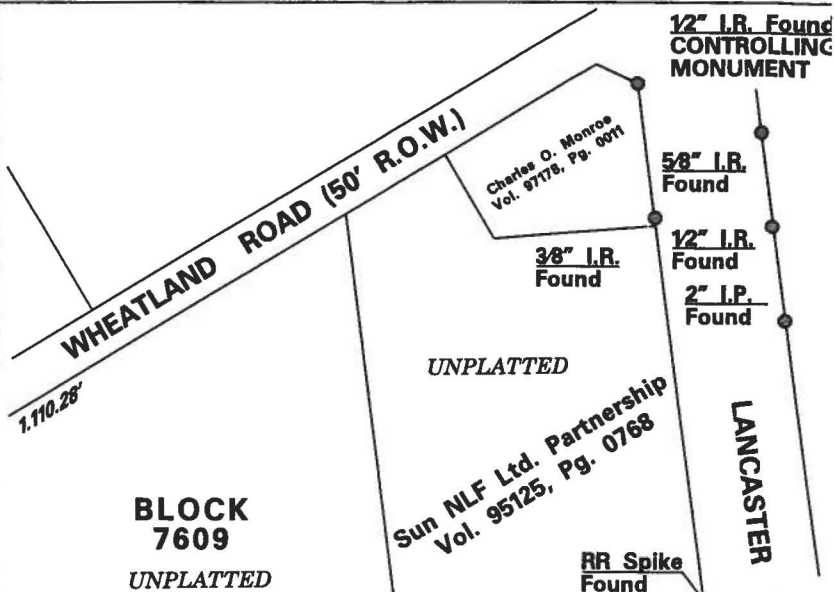
**ROBERT SIMONTON
SURVEY**
Abstract #1277

**BLOCK
7609**
UNPLATTED

1/2" I.R. Found
CONTROLLING
MONUMENT

⊙ 58" I.R. wCOD Cap Set

□ **Property to be Acquired**



UNPLATTED

Sun NLF Ltd. Partnership
Vol. 95125, Pg. 0768

**BLOCK
7616**

87.54'
S07°19'12"E

38" I.R.
Found

38" I.R.
Found

0 100 200 300

Sheet 3 of 3

LOCATOR MAP: Parcel No. 3

Wheatland Road			
From Lancaster City Limits to Lancaster Road			
DEPT. OF PUBLIC WORKS & TRANSPORTATION			
SURVEY DIVISION CITY OF DALLAS, TEXAS			
OPER. NAME	DESIGN FILE NAME	SCALE	DATE
S. Holt	N:\ENGR\SURVEY\HOLT\Wheatland\Wheatland Field Notes.dgn	As Noted	5-27-10
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
J. Chambers	S. Holt	Block 7605	311D-4147-12

**Field Notes Describing Slope Easements
To Be Acquired in Block 7609
From King E. Rhodes**

PARCEL 3-A:

Being a 10,619 Square Foot (0.244 Acre) tract of land situated in the Robert Simonton Survey, Abstract No. 1277, in the City of Dallas, Dallas County, Texas, lying in Block 7609 (official City of Dallas Block Numbers), and being a portion of the 22.0197 acre tract of land conveyed to King E. Rhodes by Contract of Sale and Purchase, recorded in Volume 2002187, Page 125 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 5/8 inch diameter Iron Rod with cap marked "CITY OF DALLAS" (hereinafter referred to as "5/8" I.R. w/COD cap") set at the intersection of the South line of the approved realignment location of Wheatland Road (an 80-foot Right-of-Way per approved Council Alignment) with the Southwest boundary line of said King E. Rhodes tract, being also the Northeast line of a tract of land conveyed to Crescent Real Estate by Deed recorded in Volume 97092, Page 2778 of the Deed Records of Dallas County, Texas, from which a ½ inch diameter Iron Rod found at the common Southeast corner of said Crescent Real Estate and King E. Rhodes properties bears South 36°16'35" East a distance of 655.22 feet:

THENCE North 90°00'00" East with the said approved South line of Wheatland Road, departing the common line between said King E. Rhodes and Crescent Real Estate properties, over and across a portion of said King E. Rhodes property a distance of 215.16 feet to the Point of Curvature of a Curve to the Left:

THENCE Northeasterly, continuing with the said approved South line of Wheatland Road and along said Curve to the Left, having a Radius of 740 feet, a Central Angle of 15°50'11", an Arc Length of 205.54 feet and a Chord which bears North 82°04'54" East a distance of 203.88 feet to the most Easterly corner of the herein described tract of land (not monumented):

Thence South 66°41'28" West, departing the said approved South line of Wheatland Road, continuing over and across a portion of said King E. Rhodes property a distance of 70.88 feet to the Point of Curvature of a Curve to the Right (not monumented):

THENCE Southwesterly, continuing over and across a portion of said King E. Rhodes property and along said Curve to the Right, having a Radius of 545.76 feet, a Central Angle of 27°55'21", an Arc Length of 221.62 feet and a Chord which bears South 80°39'09" West a distance of 219.43 feet to the Point of Tangency (not monumented):

Field Notes Describing Slope Easements
To Be Acquired in Block 7609
From King E. Rhodes

THENCE North 85°23'10" West, continuing over and across a portion of said King E. Rhodes property a distance of 116.01 feet to the intersection with the above said common line with the Crescent Real Estate property, being also the Southwest corner of the herein described tract of land (not monumented):

THENCE North 37°05'17" West with the common line between said Crescent Real Estate and King E. Rhodes properties a distance of 32.93 feet to the **POINT OF BEGINNING**, containing 10,619 Square Feet, or 0.244 Acres of land.

BASIS OF BEARINGS: Bearings are based on the State Plane Coordinate System, North American Datum of 1983, Texas North Central Zone 4202 (2011).



Scott Holt

Field Notes Describing Slope Easements
To Be Acquired in Block 7609
From King E. Rhodes

PARCEL 3-B:

Being a 3,558 Square Foot (0.081 Acre) tract of land situated in the Robert Simonton Survey, Abstract No. 1277, in the City of Dallas, Dallas County, Texas, lying in Block 7609 (official City of Dallas Block Numbers), and being a portion of the 22.0197 acre tract of land conveyed to King E. Rhodes by Contract of Sale and Purchase, recorded in Volume 2002187, Page 125 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 5/8" I.R. w/COD cap set at the intersection of the South line of the approved realignment location of Wheatland Road (an 80-foot Right-of-Way per approved Council Alignment) with the Northeast boundary line of said King E. Rhodes tract, being also the Southwest line of a tract of land conveyed to Sun NLF Limited Partnership by Deed recorded in Volume 95125, Page 768 of the Deed Records of Dallas County, Texas, from which the Southwest corner of said Sun NLF Limited Partnership tract bears South 07°19'12" East a distance of 86.79 feet:

THENCE South 07°19'12" East, departing the last said approved South line of Wheatland Road and with the common line between said King E. Rhodes and Sun NLF Limited Partnership properties a distance of 19.88 feet to the Southeast corner of the herein described tract of land (not monumented):

THENCE South 61°07'54" West, departing the common line between said King E. Rhodes and Sun NLF Limited Partnership properties, over and across a portion of said King E. Rhodes property a distance of 147.93 feet to an outside corner of the herein described tract of land (not monumented):

THENCE South 62°15'33" West, continuing over and across a portion of said King E. Rhodes property a distance of 52.24 feet to an outside corner of the herein described tract of land (not monumented):

THENCE South 66°44'50" West, continuing over and across a portion of said King E. Rhodes property a distance of 46.70 feet to the Point of Curvature of a Curve to the Right (not monumented):

Field Notes Describing Slope Easements
To Be Acquired in Block 7609
From King E. Rhodes

THENCE Southwesterly, continuing over and across a portion of said King E. Rhodes property and along said Curve to the Right, having a Radius of 524.98 feet, a Central Angle of $10^{\circ}55'50''$, an Arc Length of 100.15 feet and a Chord which bears South $72^{\circ}12'44''$ West a distance of 100.00 feet to the intersection with the said approved South line of Wheatland Road, being also the most Westerly corner of the herein described tract of land (not monumented):

THENCE Northeasterly, continuing over and across a portion of said King E. Rhodes property and with the approved South line of Wheatland Road, along a curve to the Left having a Radius of 740.00 feet, a Central Angle of $13^{\circ}43'29''$, an Arc Length of 177.26 feet and a Chord which bears North $65^{\circ}35'01''$ East a distance of 176.84 feet to the Point of Tangency (not monumented)

THENCE North $58^{\circ}43'17''$ East, continuing with the said approved South line of Wheatland Road, over and across a portion of said King E. Rhodes property a distance of 175.92 feet to the **POINT OF BEGINNING**, containing 3,558 Square Feet, or 0.081 Acres of land.

BASIS OF BEARINGS: Bearings are based on the State Plane Coordinate System, North American Datum of 1983, Texas North Central Zone 4202 (2011).



Scott Holt
8/12/14

**Field Notes Describing Slope Easements
To Be Acquired in Block 7609
From King E. Rhodes**

PARCEL 3-C:

Being a 21,682 Square Foot (0.498 Acre) tract of land situated in the Robert Simonton Survey, Abstract No. 1277, in the City of Dallas, Dallas County, Texas, lying in Block 7609 (official City of Dallas Block Numbers), and being a portion of the 22.0197 acre tract of land conveyed to King E. Rhodes by Contract of Sale and Purchase, recorded in Volume 2002187, Page 125 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 5/8" I.R. w/COD cap set at the intersection of the North line of the approved realignment location of Wheatland Road (an 80-foot Right-of-Way per approved Council Alignment) with the Northeast boundary line of said King E. Rhodes tract, being also the Southwest line of a tract of land conveyed to Sun NLF Limited Partnership by Deed recorded in Volume 95125, Page 768 of the Deed Records of Dallas County, Texas, from which the Southwest corner of said Sun NLF Limited Partnership tract bears South 07°19'12" East a distance of 174.51 feet:

THENCE South 58°43'17" West, over and across a portion of said King E. Rhodes property and with the said approved North line of Wheatland Road a distance of 211.47 feet to a 5/8" I.R. w/COD Cap set at the Point of Curvature of a Curve to the Right:

THENCE Southwesterly, continuing with the said approved North line of Wheatland Road, over and across a portion of said King E. Rhodes property and along said Curve to the Right, having a Radius of 660.00 feet, an Central Angle of 31°16'43", an Arc Length of 360.31 feet and a Chord which bears South 74°21'38" West a distance of 355.85 feet to a 5/8" I.R. w/COD Cap set at the Point of Tangency:

THENCE South 90°00'00" West, continuing with the said approved North line of Wheatland Road, over and across a portion of said King E. Rhodes property a distance of 275.64 feet to a 5/8" I.R. w/COD Cap set at the intersection with the Southwest boundary line of said King E. Rhodes tract, being also the Northeast line of a tract of land conveyed to Crescent Real Estate by Deed recorded in Volume 97092, Page 2778 of the Deed Records of Dallas County, Texas, from which a ½ inch diameter Iron Rod found at the common Southeast corner of said Crescent Real Estate and King E. Rhodes properties bears South 36°16'35" East a distance of 788.44 feet:

**Field Notes Describing Slope Easements
To Be Acquired in Block 7609
From King E. Rhodes**

THENCE North 37°05'17" West, departing the said approved North line of Wheatland Road and with the common line between said Crescent Real Estate and King E. Rhodes properties a distance of 18.43 feet to the Northwest corner of the herein described tract of land (Not monumented):

THENCE North 88°33'03" East, departing the common line with said Crescent Real Estate property, over and across a portion of said King E. Rhodes property a distance of 127.99 feet to an outside corner of the herein described tract of land (not monumented):

THENCE Easterly and Northeasterly, continuing over and across a portion of said King E. Rhodes property the following courses and distances:

South 85°50'27" East a distance of 72.24 feet to an inside corner of the herein described tract of land (not monumented).

South 86°07'45" East a distance of 144.10 feet to an inside corner of the herein described tract of land (not monumented).

North 76°45'04" East a distance of 47.07 feet to an inside corner of the herein described tract of land (not monumented).

North 60°03'00" East a distance of 140.31 feet to an inside corner of the herein described tract of land (not monumented).

North 52°52'07" East a distance of 45.38 feet to an outside corner of the herein described tract of land (not monumented).

North 56°50'17" East a distance of 46.57 feet to an inside corner of the herein described tract of land (not monumented).

North 53°20'07" East a distance of 61.88 feet to an outside corner of the herein described tract of land (not monumented).

North 59°58'58" East a distance of 149.21 feet to the intersection with the above referenced common line with the Sun NLF Limited Partnership tract, being also the Northeast corner of the herein described tract of land (not monumented).

Field Notes Describing Slope Easements
To Be Acquired in Block 7609
From King E. Rhodes

THENCE South 07°19'12" East with the said common line between the King E. Rhodes and Sun NLF Limited Partnership properties a distance of 47.67 feet to the **POINT OF BEGINNING**, containing 21,682 Square Feet, or 0.498 Acres of Land.

BASIS OF BEARINGS: Bearings are based on the State Plane Coordinate System, North American Datum of 1983, Texas North Central Zone 4202 (2011).



Scott Holt
2/12/14

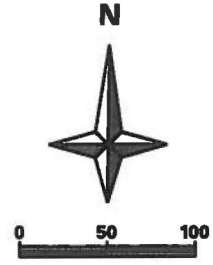
WHEATLAND ROAD
(50' Right-of-Way.)

**ROBERT SIMONTON
SURVEY**
Abstract #1277

King E. Rhodes
Vol. 2002187, Pg. 125
(Unplatted)

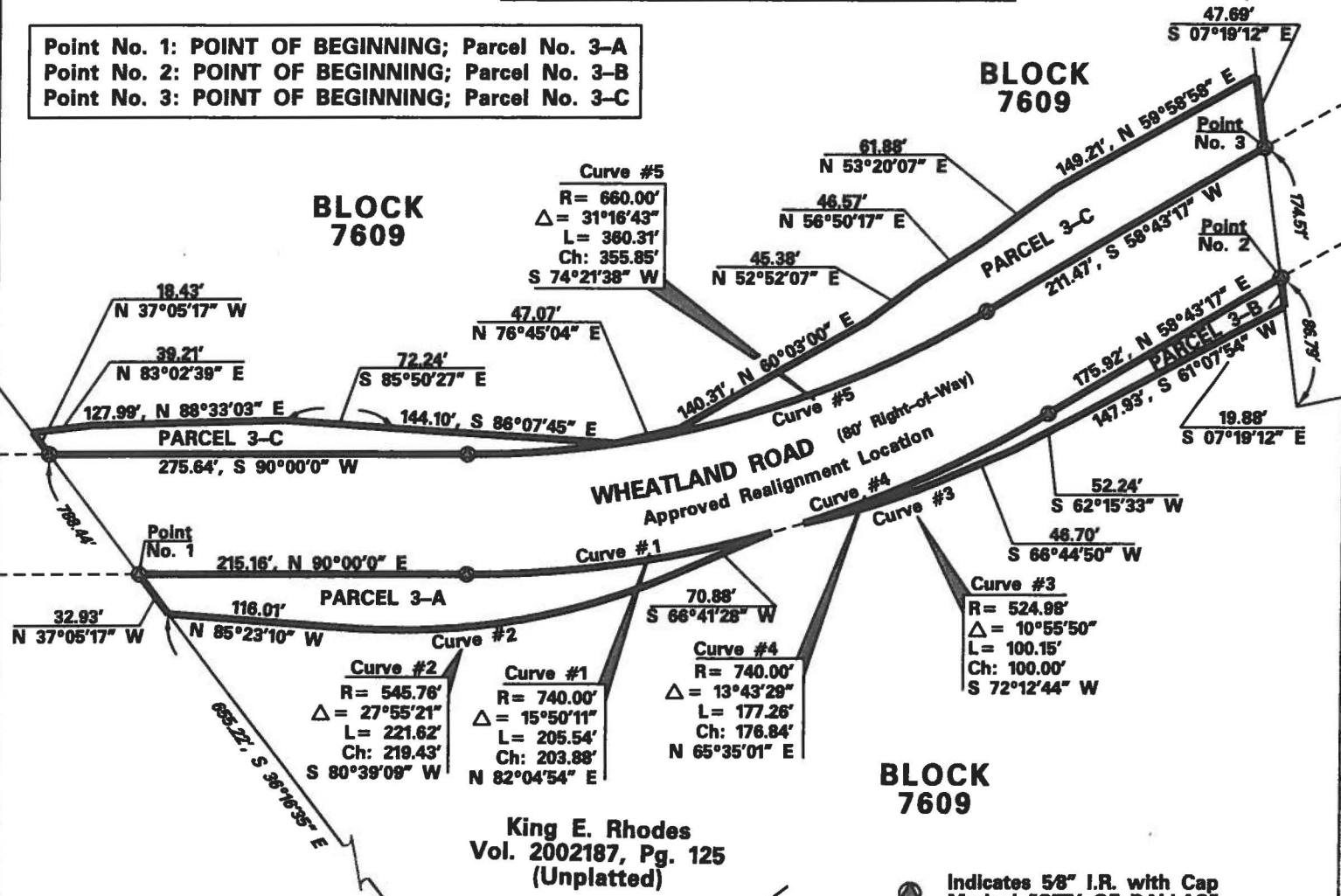
Point No.	Coordinates
1	N=6924636.8496 E=2495823.6732
2	N=6924556.8496 E=2495884.1505
3	N=6924755.7459 E=2496633.8698
4	N=6924842.5753 E=2496622.7159

Sun NLF Limited Partnership
Vol. 95125, Pg. 768
(Unplatted)



PARCEL 3-A - 10,619 Sq. Ft. (0.244 Ac.)
PARCEL 3-B - 3,558 Sq. Ft. (0.081 Ac.)
PARCEL 3-C - 21,682 Sq. Ft. (0.498 Ac.)

Point No. 1: POINT OF BEGINNING; Parcel No. 3-A
Point No. 2: POINT OF BEGINNING; Parcel No. 3-B
Point No. 3: POINT OF BEGINNING; Parcel No. 3-C



King E. Rhodes
Vol. 2002187, Pg. 125
(Unplatted)

**BLOCK
7609**

Indicates 5/8" I.R. with Cap
Marked "CITY OF DALLAS"

Crescent Real Estate
Vol. 97092, Pg. 2778
(Unplatted)

1/2" I.R. Found
CONTROLLING
MONUMENT

Parcels 3-A, 3-B & 3-C Sheet 8 of 8

Wheatland Road From Lancaster City Limits to Lancaster Road			
DEPT. OF PUBLIC WORKS & TRANSPORTATION SURVEY DIVISION CITY OF DALLAS, TEXAS			
OPER. NAME	DESIGN FILE NAME	SCALE	DATE
S. Holt	N:\ENGR\SURVEY\HOLT\Wheatland\Wheatland Field Notes.dgn	As Noted	7-29-14
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
J. Chambers	S. Holt	Block 7605	311D-4147-9

**Field Notes Describing a 501 Square Foot (0.012 Acre)
Drainage Easement To Be Acquired in Block 7609
From King E. Rhodes**

PARCEL 3-ia:

Being a 501 Square Foot (0.012 Acre) tract of unplatted land situated in the Robert Simonton Survey, Abstract No. 1277, in the City of Dallas, Dallas County, Texas, lying in Block 7609 (official City of Dallas Block Numbers), and being a portion of the 22.0197 acre tract of land conveyed to King E. Rhodes by Contract of Sale and Purchase, recorded in Volume 2002187, Page 125 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at a 5/8 inch diameter Iron Rod with cap marked "CITY OF DALLAS" set at the Point of Tangency of a Curve on the Southeast Right-of-Way line of the approved relocation alignment of Wheatland Road (a planned 80-foot wide Right-of-Way):

THENCE North 58°43'17" East with the said approved Southeast line of Wheatland Road, over and across a portion of said King E. Rhodes property a distance of 36.72 feet to the most Southerly corner and **POINT OF BEGINNING** of the herein described tract of land (not monumented):

THENCE North 58°43'17" East, continuing with the said approved Southeast line of Wheatland Road, over and across a portion of said King E. Rhodes property a distance of 25.17 feet to the most Northerly corner of the herein described tract of land (not monumented):

Thence South 30°44'14" East, departing the said approved Southeast line of Wheatland Road, continuing over and across a portion of said King E. Rhodes property a distance of 20.04 feet to the most Easterly corner of the herein described tract of land (not monumented):

THENCE South 59°15'46" West, continuing over and across a portion of said King E. Rhodes property a distance of 25.17 feet to the most Southerly corner of the herein described tract of land (not monumented):

THENCE North 30°44'14" West, continuing over and across a portion of said King E. Rhodes property a distance of 19.80 feet to the **POINT OF BEGINNING**, containing 501 Square Feet, or 0.012 Acres of land.

BASIS OF BEARINGS: Bearings are based on the State Plane Coordinate System, North American Datum of 1983, Texas North Central Zone 4202 (2011).

Scott Holt
10/31/2014



**Field Notes Describing a 3,192 Square Foot (0.073 Acre)
Drainage Easement To Be Acquired in Block 7609
From King E. Rhodes**

PARCEL 3-1b:

Being a 3,192 Square Foot (0.073 Acre) tract of unplatted land situated in the Robert Simonton Survey, Abstract No. 1277, in the City of Dallas, Dallas County, Texas, lying in Block 7609 (official City of Dallas Block Numbers), and being a portion of the 22.0197 acre tract of land conveyed to King E. Rhodes by Contract of Sale and Purchase, recorded in Volume 2002187, Page 125 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at a 5/8 inch diameter Iron Rod with cap marked "CITY OF DALLAS" set at the Point of Tangency of a Curve on the Northwest Right-of-Way line of the approved relocation alignment of Wheatland Road (a planned 80-foot wide Right-of-Way):

THENCE North 58°43'17" East with the said approved Northwest line of Wheatland Road, over and across a portion of said King E. Rhodes property a distance of 9.74 feet to the most Southerly corner and POINT OF BEGINNING, of the herein described tract of land (not monumented):

THENCE North 31°16'43" East, departing the last said approved Northwest line of Wheatland Road and continuing over and across a portion of said King E. Rhodes property a distance of 39.90 feet to the most Westerly corner of the herein described tract of land (not monumented):

THENCE North 58°43'17" East, continuing over and across a portion of said King E. Rhodes property a distance of 80.00 feet to the most Northerly corner of the herein described tract of land (not monumented):

THENCE South 31°16'43" East, continuing over and across apporportion of said King E. Rhodes property a distance of 39.90 feet to the intersection with the above said approved Northwest line of Wheatland Road, being also the most Easterly corner of the herein described tract of land (not monumented):

THENCE South 58°43'17" West, with the said approved Northwest line of Wheatland Road and continuing over and across a portion of said King E. Rhodes property a distance of 80.00 feet to the POINT OF BEGINNING, containing 3,192 Square Feet, or 0.073 Acres of land.

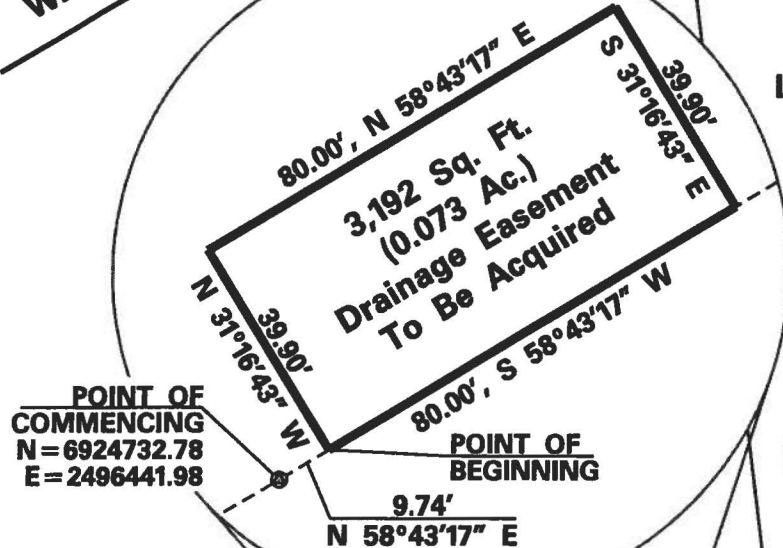
BASIS OF BEARINGS: Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983 (2011).

Scott Holt
10/31/2014



WHEATLAND RD.

Please Note: Unable to show Controlling Monumentation on this Drawing.
For Information Concerning Controlling Monuments, Please See Drawing
311D-4147, on File in the City of Dallas Survey Records Vault.



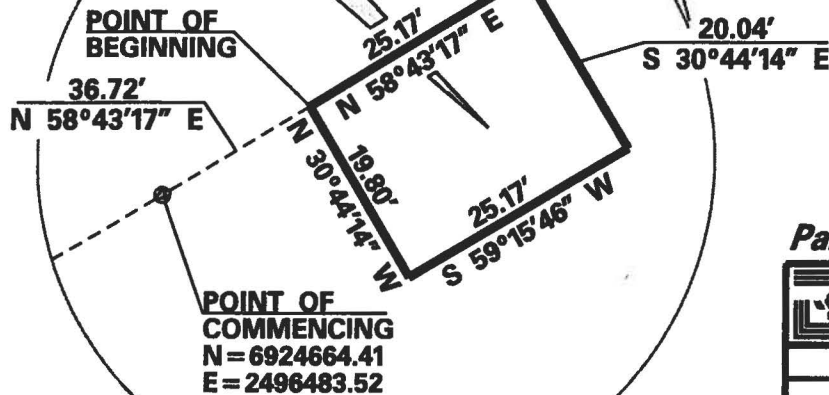
BLOCK
7609
Unplatted

**Drainage
Easement 3-ib**

King E.
Rhodes
Vol. 2002187
Pg. 125

ROBERT SIMONTON
SURVEY
Abstract #1277

501 Sq. Ft. (0.012 Ac.)
Drainage Easement
To Be Acquired



**Drainage
Easement 3-ia**

Sun NLF
Limited Partnership
Vol. 95125
Pg. 768

BLOCK
7616

R.R. Spike
Found

12" I.R.
Found

Yvonne Simmons
Vol. 2005151, Pg. 3183

PK Nail
Found

25.63'
N 25°35'43" E

38.89'
S 62°59'43" E

457.62', N 58°47'35" E
Wheatland Road
Approved Relocation

BLOCK
7616
Unplatted

Property Line

Approved Realignment
Location Wheatland Road
Planned 80-Foot Right-of-
Way Width.

King E.
Rhodes
Vol. 2002187
Pg. 125



Indicates 5/8" I.R. with Cap
Marked "CITY OF DALLAS"

Parcel 3-ia, 3-ib

Sheet 3 of 3

Wheatland Road			
From Lancaster City Limits to Lancaster Road			
DEPT. OF PUBLIC WORKS & TRANSPORTATION			
SURVEY DIVISION CITY OF DALLAS, TEXAS			
OPER. NAME	DESIGN FILE NAME	SCALE	DATE
S. Holt	R:\ENR\SURVEY\HOLT\Wheatland\Wheatland Field Notes.dgn	As Noted	10-30-14
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
J. Chambers	S. Holt	Block 7609	311D-4147-12

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: November 9, 2016
COUNCIL DISTRICT(S): 9
DEPARTMENT: Sustainable Development and Construction
CMO: Mark McDaniel, 670-3256
MAPSCO: 26-Z

SUBJECT

An ordinance abandoning a portion of Quality Lane to Ainbinder Northwest Highway LLC, the abutting owner, containing approximately 36,127 square feet of land, located near the intersection of Abrams Road and Northwest Highway; authorizing the quitclaim and providing for the dedication of approximately 17,002 square feet of land needed for an easement - Revenue: \$975,068, plus the \$20 ordinance publication fee

BACKGROUND

This item is on the addendum because additional review time was required. This item authorizes the abandonment of a portion of Quality Lane to Ainbinder Northwest Highway LLC, the abutting owner. The area will be included with the property of the abutting owner for a retail center. The owner will dedicate approximately 17,002 square feet of land needed for an easement. The abandonment fee is based on an independent appraisal.

Notices were sent to five property owners located within 300 feet of the proposed abandonment area. There was one response received in opposition to this request.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Economic Development Committee will be briefed by memorandum regarding this item.

On October 26, 2016, this item was deferred by Councilmember Clayton.

FISCAL INFORMATION

Revenue: \$975,068, plus the \$20 ordinance publication fee

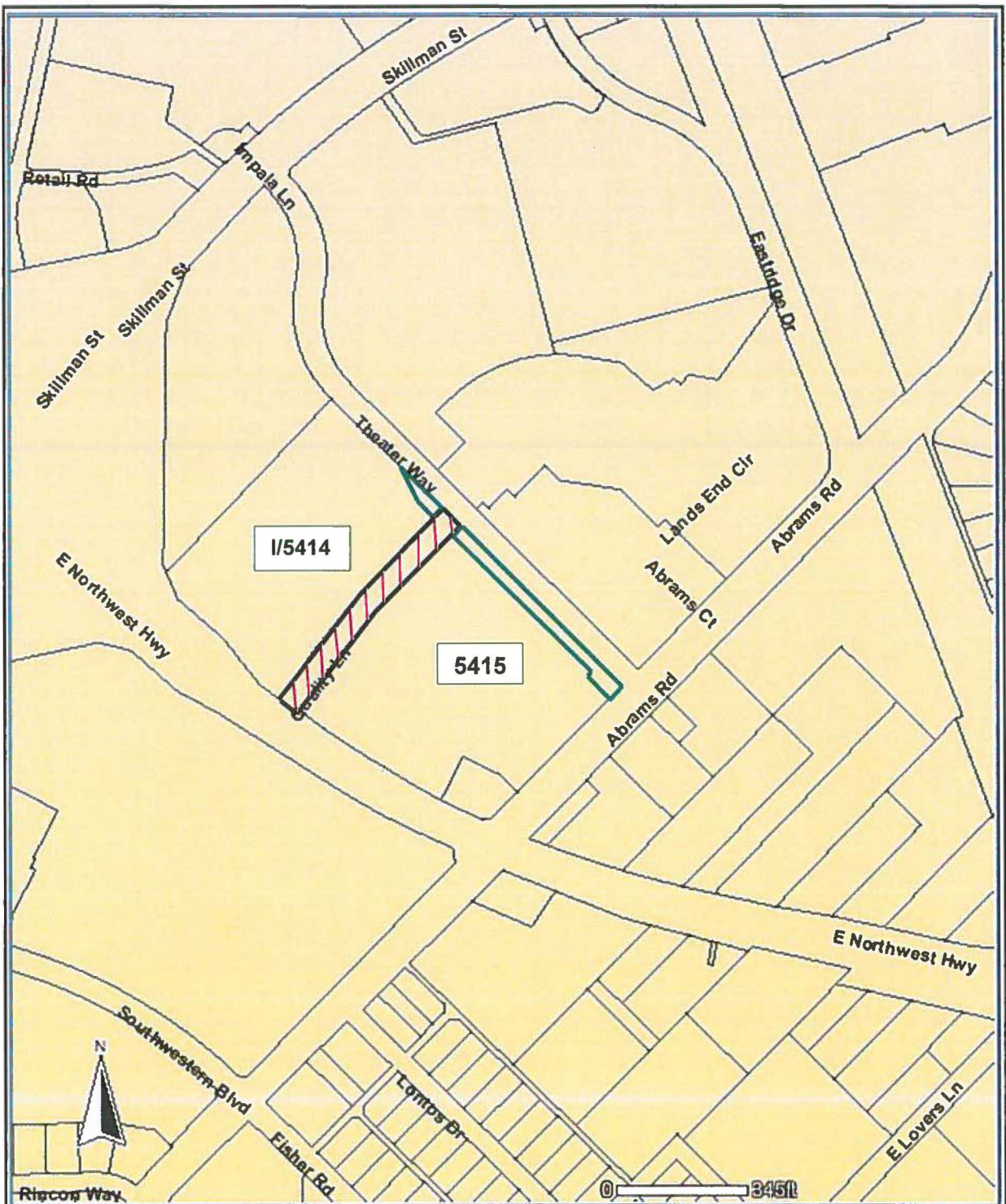
OWNER

Ainbinder Northwest Highway LLC

Barton L. Duckworth, Manager

MAP

Attached



**Dallas Central
Appraisal District**
www.dallascad.org

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.



Abandonment Area



Dedication Area

ORDINANCE NO. _____

An ordinance providing for the abandonment of a portion of Quality Lane located adjacent to City Blocks I/5414 and 5415 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Ainbinder Northwest Highway LLC; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; 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; providing a future effective date for this abandonment; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Ainbinder Northwest Highway LLC, a Texas limited liability company, hereinafter referred to as **GRANTEE**, deems it advisable to abandon and quitclaim the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said portion of Quality Lane is not needed for public use, and same should be abandoned and quitclaimed to **GRANTEE**, as hereinafter stated; and

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

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

SECTION 1. That the tract of land described in Exhibit A, which is attached hereto and made a part hereof for all purposes, be and the same is abandoned, vacated and closed insofar as the right, title and interest of the public are concerned; subject, however, to the conditions and future effective date hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **NINE HUNDRED SEVENTY-FIVE THOUSAND AND SIXTY EIGHT AND NO/100 DOLLARS (\$975,068.00)** paid by **GRANTEE**, and the further consideration described in Sections 8, 9, 10 and 11, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all of its right, title and interest in and to the certain tract of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

SECTION 3. That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, future effective date 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 are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise, and are further subject to the conditions contained in Exhibit B, which is attached hereto and made a part hereof for all purposes.

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

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

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold 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 area described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which **GRANTEE**, its successors and assigns, agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. **GRANTEE**, its successors and assigns, hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended.

References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall record a final replat of the adjoining properties within one year of the effective date of this ordinance showing the dedication by easement of not less than 17,002 square feet in City Block 5415 for the extension of Theater Way street eastward to connect to Abrams Road. This final replat shall be recorded by **GRANTEE** in the official real property records of the county in which the abandoned area and the dedicated property are located, after its approval by the City Plan Commission of the City of Dallas. This abandonment shall not be effective unless and until this dedication is completed and failure to record a final replat in accordance with the term of this section shall render this ordinance null and void and of no further effect. Further, the final replat shall be recorded in the official real property records of the county in which the abandoned area is located before a certified copy of this ordinance shall be delivered to **GRANTEE**.

SECTION 10. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall:

- a) upon final replat, extend, at no cost to the City, Theater Way street eastward to connect to Abrams Road via street easement pursuant to Section 9 above to provide vehicular and pedestrian access and include a minimum six feet sidewalk and minimum ten feet landscape buffer reviewed by Planning and Urban Design and Sustainable Development and Construction.
- b) upon approval by City Council Zoning and City Plan Commission of zoning case Z156-255, **GRANTEE** shall ensure the Planned Development (PD) includes provisions for a pedestrian connection from Northwest Highway to the main building entrance of the development of at least five feet minimum width with plans reviewed by Planning and Urban Design and Sustainable Development and Construction.
- c) shall contact 1-800-DIG-TESS to have Time Warner Cable facilities marked and located within affected easements before any excavations are begun.

- d) at **GRANTEE's** expense, **GRANTEE** shall relocate City of Dallas emergency response outdoor warning siren #136 located adjacent City Block I/5414. Relocation of the existing siren must occur within 90 days of written notice given to Office of Emergency Management (OEM) city department. Relocation must be approved and coordinated with OEM. **GRANTEE** shall agree to acceptable insurance and indemnification requirements as set forth reviewed and approved by OEM.

SECTION 11. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall, immediately upon the effectiveness of this abandonment, close, barricade and/or place signs in the area described in Exhibit A in accordance with detailed plans approved by the Director of Department of Sustainable Development and Construction. **GRANTEE's** responsibility for keeping the area described in Exhibit A closed, barricaded and/or the signs in place shall continue until the street improvements and intersection returns are removed by **GRANTEE**, its successors and assigns, to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 12. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the abandonment area is located, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, and the filing of the final replat set forth in Section 9, the Director of Department of Sustainable Development and Construction, or designee: (i) shall deliver to **GRANTEE** a certified copy of this ordinance, and (ii) is authorized to and shall prepare and deliver a **QUITCLAIM DEED** with regard to the area abandoned herein, to **GRANTEE** hereunder, same to be executed by the City Manager on behalf of the City of Dallas, attested by the City Secretary and approved as to form by the City Attorney. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 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:

LARRY E. CASTO

City Attorney

BY


Assistant City Attorney

DAVID COSSUM

**Director of Department of Sustainable
Development and Construction**

BY


Assistant Director

Passed _____.

EXHIBIT A

**STREET ABANDONMENT
QUALITY LANE
ADJACENT TO BLOCKS 5415 & I/5414
BUFFALO BAYOU, BRAZOS & COLORADO RAILROAD COMPANY SURVEY,
ABSTRACT NO. 191
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

BEING a 36,127 square foot (0.8294 acre) tract of land situated in the Buffalo Bayou, Brazos & Colorado Railroad Company Survey, Abstract Number 191, City of Dallas, Dallas County, Texas, adjacent to City of Dallas Block Numbers 5415 and I/5414, and being part of Quality Lane (a 60-foot wide right-of-way), as dedicated by plat of MEDALLION CENTER NO. 2, an addition to the City of Dallas, Dallas County, Texas, as recorded in Volume 51, Page 221 of the Map Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a 1/2-inch found iron rod on the northwest right-of-way line of Abrams Road (a variable width right-of-way) for the east corner of Block 5415 of said MEDALLION CENTER NO. 2 addition, the south corner of a called 12.944 acre tract of land described in deed to WPA Investment Group, Ltd., as recorded in Instrument Number 200900094431 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), and the east corner a called 7.3139 acre tract of land described as Tract 1 in deed to Ainbinder Northwest HWY LLC, as recorded in Instrument Number 201600127601, O.P.R.D.C.T., the same being a called 7.314 acre tract of land described as Tract 1 in deed to Ainbinder Northwest HWY LLC, as recorded in Instrument Number 201600127602, O.P.R.D.C.T.;

THENCE North 45 degrees 35 minutes 11 seconds West, with the northeast line of said MEDALLION CENTER NO. 2 addition, with the northeast line of said 7.3139 acre and 7.314 acre tracts, and with the southwest line of said 12.944 acre tract, passing at a distance of 295 feet a point (not monumented) for the approximate location of the northwest line of the William Irwin Survey, Abstract Number 668 and the southeast line of said Buffalo Bayou, Brazos & Colorado Railroad Company Survey, Abstract Number 191, and continuing with the northeast line of said MEDALLION CENTER NO. 2 addition, the northeast line of said 7.3139 acre and 7.314 acre tracts, and the southwest line of said 12.944 acre tract, in all, a total distance of 590.00 feet to a 1/2-inch set iron rod with a plastic cap stamped "HALFF" for the POINT OF BEGINNING, said point being the common east corner of said Quality Lane and north corner of said MEDALLION CENTER NO. 2 addition, a west corner of said 12.944 acre tract, the north corner of said 7.3139 acre and 7.314 acre tracts, and the south corner of Theater Way (formerly known as Impala Lane, a 60-foot wide right-of-way), as recorded in Volume 795, Page 1325 of the Deed Records of Dallas County, Texas (D.R.D.C.T.);

(For SPRG use only)

Reviewed by: David Scott
Date: 10.5.16
SPRG No. 3692

Page 1 of 5
10/4/16

LD0_8294 (Quality Lane Abandonment).docx

EXHIBIT A

**STREET ABANDONMENT
QUALITY LANE
ADJACENT TO BLOCKS 5415 & I/5414
BUFFALO BAYOU, BRAZOS & COLORADO RAILROAD COMPANY SURVEY,
ABSTRACT NO. 191
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

THENCE South 44 degrees 24 minutes 49 seconds West, with the common southeast right-of-way line of said Quality Lane and northwest line of said MEDALLION CENTER NO. 2 addition, and with the northwest line of said 7.3139 acre and 7.314 acre tracts, a distance of 279.65 feet to a 5/8-inch found iron rod with a plastic cap stamped "RPLS 2304" for the point of curvature of a tangent circular curve to the left having a radius of 1,289.69 feet, whose chord bears South 40 degrees 04 minutes 49 seconds West, a distance of 194.89 feet;

THENCE Southwesterly, continuing with the common southeast right-of-way line of said Quality Lane and northwest line of said MEDALLION CENTER NO. 2 addition, the northwest line of said 7.3139 acre and 7.314 acre tracts, and with said curve, through a central angle of 08 degrees 40 minutes 00 seconds, an arc distance of 195.08 feet to a 5/8-inch found iron rod with a plastic cap stamped "RPLS 2304" for the point of tangency;

THENCE South 35 degrees 44 minutes 49 seconds West, continuing with the common southeast right-of-way line of said Quality Lane and northwest line of said MEDALLION CENTER NO. 2 addition, and the northwest line of said 7.3139 acre and 7.314 acre tracts, a distance of 123.51 feet to a point (not monumented) for corner, from which a 5/8-inch found iron rod bears South 35 degrees 44 minutes 49 seconds West, a distance of 40.00 feet for the common south corner of said Quality Lane and west corner of said MEDALLION CENTER NO. 2 addition, and the west corner of said 7.3139 acre and 7.314 acre tracts at the intersection of the southeast right-of-way line of said Quality Lane with the northeast right-of-way line of Northwest Highway/Loop 12 (a variable width right-of-way);

THENCE North 52 degrees 58 minutes 54 seconds West, departing the common southeast right-of-way line of said Quality Lane and northwest line of said MEDALLION CENTER NO. 2 addition, and the northwest line of said 7.3139 acre and 7.314 acre tracts, over and across said Quality Lane, a distance of 60.01 feet to a point (not monumented) on northwest right-of-way line of said Quality Lane, the southeast line of the remainder of Lot A, Block I/5414 of MEDALLION CENTER NO. 3, an addition to the City of Dallas, Dallas County, Texas, as recorded in Volume 877, Page 1456, D.R.D.C.T., and the southeast line of a called 5.973 acre tract of land described as Tract 2 in deed to Ainbinder Northwest HWY LLC, as recorded in Instrument Number 201600127601, O.P.R.D.C.T., the same being a called 5.979 acre tract of land described as Tract 2 in deed to Ainbinder Northwest HWY LLC, as recorded in Instrument Number 201600127602, O.P.R.D.C.T., from which a 5/8-inch found iron rod bears South 35 degrees 44 minutes 49 seconds West, a distance of 40.55 feet for the south corner of said Lot A, Block I/5414 and the south corner of said 5.973 acre and 5.979 acre tracts at the intersection of the projection of the northwest right-of-way line of said Quality Lane with the northeast right-of-way line of said Northwest Highway/Loop 12;

(For SPRG use only)

Reviewed by: David Scott
Date: 10-5-16
SPRG No. 3692

Page 2 of 5
10/4/16

LD0_8294 (Quality Lane Abandonment).docx

EXHIBIT A

**STREET ABANDONMENT
QUALITY LANE
ADJACENT TO BLOCKS 5415 & I/5414
BUFFALO BAYOU, BRAZOS & COLORADO RAILROAD COMPANY SURVEY,
ABSTRACT NO. 191
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

THENCE North 35 degrees 44 minutes 49 seconds East, with the northwest right-of-way line of said Quality Lane, with the southeast line of said Lot A, Block I/5414, and with the southeast line of said 5.973 acre and 5.979 acre tracts, a distance of 122.18 feet to a 1/2-inch set iron rod with a plastic cap stamped "HALFF" for the point of curvature of a tangent circular curve to the right having a radius of 1,349.69 feet, whose chord bears North 40 degrees 04 minutes 49 seconds East, a distance of 203.96 feet;

THENCE Northeasterly, continuing with the northwest right-of-way line of said Quality Lane, the southeast line of said Lot A, Block I/5414, the southeast line of said 5.973 acre and 5.979 acre tracts, and with said curve, through a central angle of 08 degrees 40 minutes 00 seconds, passing at an arc distance of 184.65 feet a point (not monumented) for the common east corner of said Lot A, Block I/5414 and south corner of Lot B, Block I/5414 of said MEDALLION CENTER NO. 3 addition, and continuing with the northwest right-of-way line of said Quality Lane, the southeast line of said 5.973 acre and 5.979 acre tracts, and said curve, and with the southeast line of said Lot B, Block I/5414, in all, a total arc distance of 204.16 feet to a point (unable to set) for the point of tangency;

THENCE North 44 degrees 24 minutes 49 seconds East, continuing with the northwest right-of-way line of said Quality Lane, the southeast line of said 5.973 acre and 5.979 acre tracts, and the southeast line of said Lot B, Block I/5414, a distance of 279.65 feet to a found fence corner post (cut off at base of post) for the north corner of said Quality Lane, from which a 1/2-inch set iron rod with a plastic cap stamped "HALFF" bears North 44 degrees 24 minutes 49 seconds East, a distance of 0.84 feet for the east corner of said Lot B, Block I/5414, the east corner of said 5.973 acre and 5.979 acre tracts at the intersection of the projection of the northwest right-of-way line of said Quality Lane with the southwest right-of-way line of said Theater Way;

THENCE South 45 degrees 35 minutes 11 seconds East, departing the southeast line of said Lot B, Block I/5414 and the southeast line of said 5.973 acre and 5.979 acre tracts, and with the northeast right-of-way line of said Quality Lane and with the southwest right-of-way line of said Theater Way, a distance of 60.00 feet to the POINT OF BEGINNING and containing 36,127 square feet or 0.8294 of an acre, more or less.

(For SPRG use only)

Reviewed by: David Scott
Date: 10.5.16
SPRG No. 3692

Page 3 of 5
10/4/16

LD0_8294 (Quality Lane Abandonment).docx

EXHIBIT A

**STREET ABANDONMENT
QUALITY LANE
ADJACENT TO BLOCKS 5415 & I/5414
BUFFALO BAYOU, BRAZOS & COLORADO RAILROAD COMPANY SURVEY,
ABSTRACT NO. 191
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

The Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983. Adjustment Realization 2011.

Heath W. B. 3-17-2015

Heath W. Brown
Registered Professional Land Surveyor
Texas No. 6189
Halff Associates, Inc.,
1201 North Bowser Rd.
Richardson, Texas 75081
214-346-6326
TBPLS Firm No. 10029600



(For SPRG use only)

Reviewed by: David Scott
Date: 10.5.16
SPRG No. 3692

Page 4 of 5
10/4/16

LD0_8294 (Quality Lane Abandonment).docx

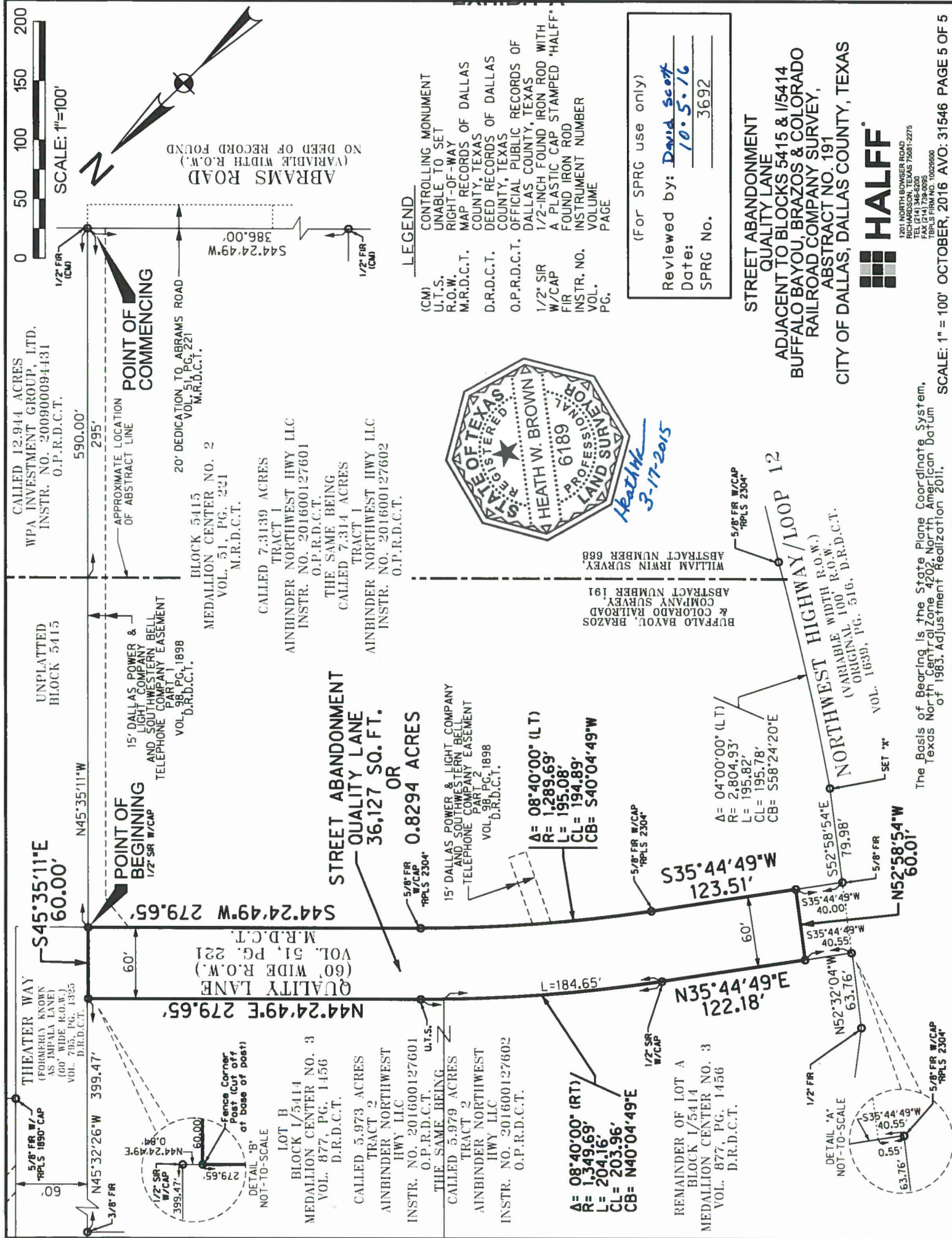


EXHIBIT B

ADDITIONAL ABANDONMENT PROVISIONS

That as a condition hereof, this abandonment is subject to any utilities or communication facilities, including without limitation water and wastewater lines, gas lines, and storm sewers, ("Facilities") presently located within the abandoned area described in Exhibit "A", owned and/or operated by the City of Dallas or any utility or communications company, public or private, ("Utility") and to the rights of any Utility for the use of the abandoned area for its Facilities. It is the intent of the foregoing to confirm and maintain and there is hereby reserved and excepted unto the City of Dallas, and not abandoned or conveyed hereunder, an easement (to which this abandonment is made expressly subject) over, upon, under, through, in, and across the abandoned area for each Utility for its respective Facilities located therein at the time of this abandonment, together with the right to make any subsequent alterations, additions, expansions, upgrades or modifications to such Facilities as may, from time to time be deemed necessary or convenient by the Utility owning and/or operating same. No buildings, structures (above or below ground) or trees shall be constructed or placed within the abandoned area without written consent of each affected Utility. Each Utility shall have the full right to remove and keep removed all or part of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective Facilities lying within the abandoned area and shall at all times have the full right of ingress and egress to or from and upon the abandoned area for the purposes of reconstructing, removing, relocating, inspecting, patrolling, maintaining, expanding, upgrading, and/or adding to all or part of its Facilities without the necessity at any time of procuring the permission of anyone. The easement reserved hereunder and the conditions and restrictions to which this abandonment is subject shall remain for the benefit of the applicable Utility and/or operators of the Facilities until said Facilities are removed and relocated from the abandoned area. The relocation, removal or adjustment of any or all such Facilities, if made necessary by GRANTEE'S (whether one or more natural persons or legal entities) use of the abandonment area, shall be at the expense of GRANTEE herein, or GRANTEE'S successors and assigns. Should GRANTEE'S relocation or removal of the Facilities require the obtaining of new easements, the acquisition of same shall be at the expense of GRANTEE, GRANTEE'S successors and assigns. If any of the Facilities (or relocations thereof) are allowed to remain on any part of the abandoned area, the easements and buildings restrictions provided herein shall remain thereon. Upon removal or relocation of all of the Facilities, any easements reserved or created herein relating to such removed or relocated Facilities shall terminate, and any building restrictions herein created shall cease.

AGENDA ITEM # 35

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: November 9, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Economic Development

CMO: Mark McDaniel, 670-3256

MAPSCO: 33 V 43 H 45 Q V 46 T 53 V 64 T

SUBJECT

Authorize the final renewal option (October 1, 2016 through September 30, 2017) for seven Business Assistance Centers (BACs) for a twelve-month service contract to provide technical assistance, incubator space and other support services to low-to-moderate income persons owning or starting microenterprises listed herein for each contract as follows: **(1)** Greater Dallas Hispanic Chamber of Commerce located at Bill J. Priest Institute 1402 South Corinth Street (BAC #1) in an amount not to exceed \$80,000; **(2)** The Dallas Black Chamber of Commerce located at 2922 Martin Luther King Jr. Boulevard, Building A, Suite 104 (BAC #2) in an amount not to exceed \$80,000; **(3)** CEN-TEX Certified Development Corporation dba Business & Community Lenders (BCL) of Texas to be located at the J. Erik Jonsson Central Library at 1515 Young Street, 5th floor Sammons Small Business Center (BAC #3) in an amount not to exceed \$40,000; **(4)** Business Assistance Center, Inc. located at 1201 West Camp Wisdom Road, Suite 224 (BAC #5) in an amount not to exceed \$80,000; **(5)** Organization of Hispanic Contractors Association dba Regional Hispanic Contractors Association to be located at 3918 North Hampton Road (BAC #6) in an amount not to exceed \$80,000; **(6)** Organization of Hispanic Contractors Association dba Regional Hispanic Contractors Association located at 2210 West Illinois Avenue (BAC #7) in an amount not to exceed \$80,000; and **(7)** CEN-TEX Certified Development Corporation dba Business & Community Lenders (BCL) of Texas located at 1322 Record Crossing (BAC #8) in an amount not to exceed \$80,000 - Total not to exceed \$520,000 - Financing: Current Funds

BACKGROUND

Since 1993, the City has been using Community Development Block Grant (CDBG) funds in addition to other funding sources to fund the technical assistance and other support services of the Business Assistance Centers (BACs) in the City to promote community and economic development.

BACKGROUND (Continued)

The City has recognized the importance of its role in supporting entrepreneurial and microenterprise business development by supporting the BAC program. BACs under this contract are to be located within the City boundaries and, following terms and conditions of the original contract, will provide technical assistance, incubator space and other support services to microenterprises. Per HUD regulations “microenterprise” means a business having five or fewer employees, one or more of whom own the business.

Technical assistance related microenterprise development services may include, but not be limited to: business counseling, seminars/training, incubator space, business plan development and loan packaging assistance, financial and business management seminars and other eligible services which foster economic development opportunities for qualified low-to-moderate income (LMI) persons who already own or who are interested starting a microenterprise.

For FY2016-17 the funding source for this program has changed from Federal HUD funds to General Fund.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 25, 2008, City Council authorized the adoption of the FY2008-09 Consolidated Plan Budget which included funding for the Business Assistance Center Program by Resolution No. 08-1807.

On July 31 and August 7, 2008, the City made a Request For Competitive Sealed Proposals (RFCSP) from organizations to establish, manage, and operate microenterprise Business Assistance Centers within the City of Dallas.

On October 2, 2008, the Economic Development Committee was briefed on the BAC program and the FY 2008-09 contracts.

On November 3, 2008, the Economic Development Committee was briefed on the City-BAC-HUD meetings and the recommendation for FY 2008-09 contract award. Several issues were discussed including clarification of the program, eligibility, documentation and reporting requirements, monitoring of the FY 2007-08 contracts and renewal of the contracts for FY 2008-09.

On November 10, 2008, City Council authorized the award and funding for six existing BACs for a twelve-month service contract with two additional twelve-month renewal options by Resolution No. 08-3118.

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

On March 25, 2009, the FY 2008-09 Consolidated Plan Reprogramming Budget authorized the funding for two additional BACs for six-month service contracts by Resolution No. 09-0856.

On June 24, 2009, City Council authorized the adoption of the FY 2009-10 Consolidated Plan Budget which included funding of \$640,000 for the BAC Program by Resolution No. 09-1635.

On September 21, 2009, a memo was submitted to the Economic Development Committee regarding the BAC program and the FY 2009-10 contracts.

On September 23, 2009, City Council authorized the first renewal option with the BACs for FY 2009-10 by Resolution No. 09-2296.

On June 23, 2010, City Council authorized the adoption of the FY 2009-10 Consolidated Plan Budget which included funding of \$640,000 for the BAC Program by Resolution No. 10-1594.

On September 20, 2010, a memo was submitted to the Economic Development Committee regarding the BAC program and the FY 2010-11 contracts.

On September 22, 2010, City Council authorized the adoption of the second renewal option with the BACs for FY 2010-11 by Resolution No. 10-2416.

On June 22, 2011, City Council authorized the adoption of the FY 2011-12 Consolidated Plan Budget which included funding of \$640,000 for the BAC Program by Resolution No. 11-1679.

On June 24 and June 30, 2011, the City made a Request For Competitive Sealed Proposals (RFCSP) from organizations to establish, manage, and operate microenterprise Business Assistance Centers within the City of Dallas.

On September 6, 2011, a memo was submitted to the Economic Development Committee regarding the BAC program and the FY 2011-12 contracts.

On September 28, 2011, City Council authorized the adoption of a twelve-month contract with two additional twelve-month renewal options, each subject to funding availability for eight BACs by Resolution No. 11-2567.

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

On June 27, 2012, City Council authorized the adoption of the FY 2012-13 Consolidated Plan Budget which included funding of \$640,000 for the BAC Program by Resolution No. 12-1629.

On September 17, 2012 a memo was submitted to the Economic Development Committee regarding the BAC program and FY 2012-13 contracts.

On September 26, 2012, City Council authorized the first renewal option of a twelve-month contract with eight BACs by Resolution No. 12-2362.

On June 26, 2013, City Council authorized the adoption of the FY 2013-14 Consolidated Plan Budget which included funding of \$640,000 for the BAC Program by Resolution No. 13-1142.

On September 3, 2013, a memo was submitted to the Economic Development Committee regarding the BAC program and FY 2013-14 contracts.

On September 25, 2013, City Council authorized the second renewal option of a twelve-month contract with eight BACs by Resolution Nos. 13-1705 and 13-1707.

On June 25, 2014, City Council authorized the adoption of the FY 2014-15 Consolidated Plan Budget which included funding of \$640,000 for the BAC Program by Resolution No. 14-1001.

On August 7 and August 14, 2014, the City made a Request For Competitive Sealed Proposals (RFCSP) from organizations to establish, manage, and operate microenterprise Business Assistance Centers within the City of Dallas.

On October 3, 2014, a memo was submitted to the Economic Development Committee regarding City Council consideration for FY 2014-15 BAC program management and operation of new contracts.

On October 8, 2014, City Council authorized a twelve-month contract for five BACs by Resolution No. 14-1732.

On December 18, and December 25, 2014, the City made a Request For Competitive Sealed Proposals (RFCSP) from organizations to establish, manage, and operate three additional microenterprise Business Assistance Centers within the City of Dallas.

On April 6, 2015, information about this item was provided to the Economic Development Committee.

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

On April 8, 2015, City Council authorized a contract for the period of April 8, 2015 through September 30, 2015 for three BACs by Resolution No. 15-0689.

On June 10, 2015, City Council authorized the adoption of the FY 2015-16 Consolidated Plan Budget which included funding of \$640,000 for the BAC Program by Resolution No. 15-1055.

On September 8, 2015, information about this item was provided to the Economic Development Committee.

On September 8, 2015, City Council authorized the first renewal option for seven Business Assistance Centers (BACs) for a twelve-month service contract, with one additional twelve-month renewal option, total not to exceed \$560,000 by Resolution No. 15-1796.

On August 15, 2016, information about this item was provided to the Economic Development Committee.

On September 21, 2016, the City Council authorized the adoption of the FY 2016-17 Budget which included funding for this item by Resolution No. 16-1526.

On October 17, 2016, information about this item was provided to the Economic Development Committee.

FISCAL INFORMATION

\$520,000 - Current Funds

OWNER(S)

**Greater Dallas Hispanic Chamber of Commerce (GDHCC) – Bill J. Priest Institute
1402 S. Corinth Street**

Rick Ortiz, President

**Dallas Black Chamber of Commerce Business Development Corporation- Martin
Luther King Jr. Boulevard**

Marnese Elder, Interim President

**CEN-TEX Certified Development Corporation dba Business & Community Lenders
(BCL) of Texas-Central Library-Young Street**

Raquel Valdez, President

Business Assistance Center, Inc.- Camp Wisdom Rd

Van Howard, President

OWNER(S) (Continued)

Organization of Hispanic Contractors Association
dba Regional Hispanic Contractors Association- N Hampton Rd
John H. Martinez-D, President

Organization of Hispanic Contractors Association
dba Regional Hispanic Contractors Association-West Illinois Ave
John H. Martinez-D, President

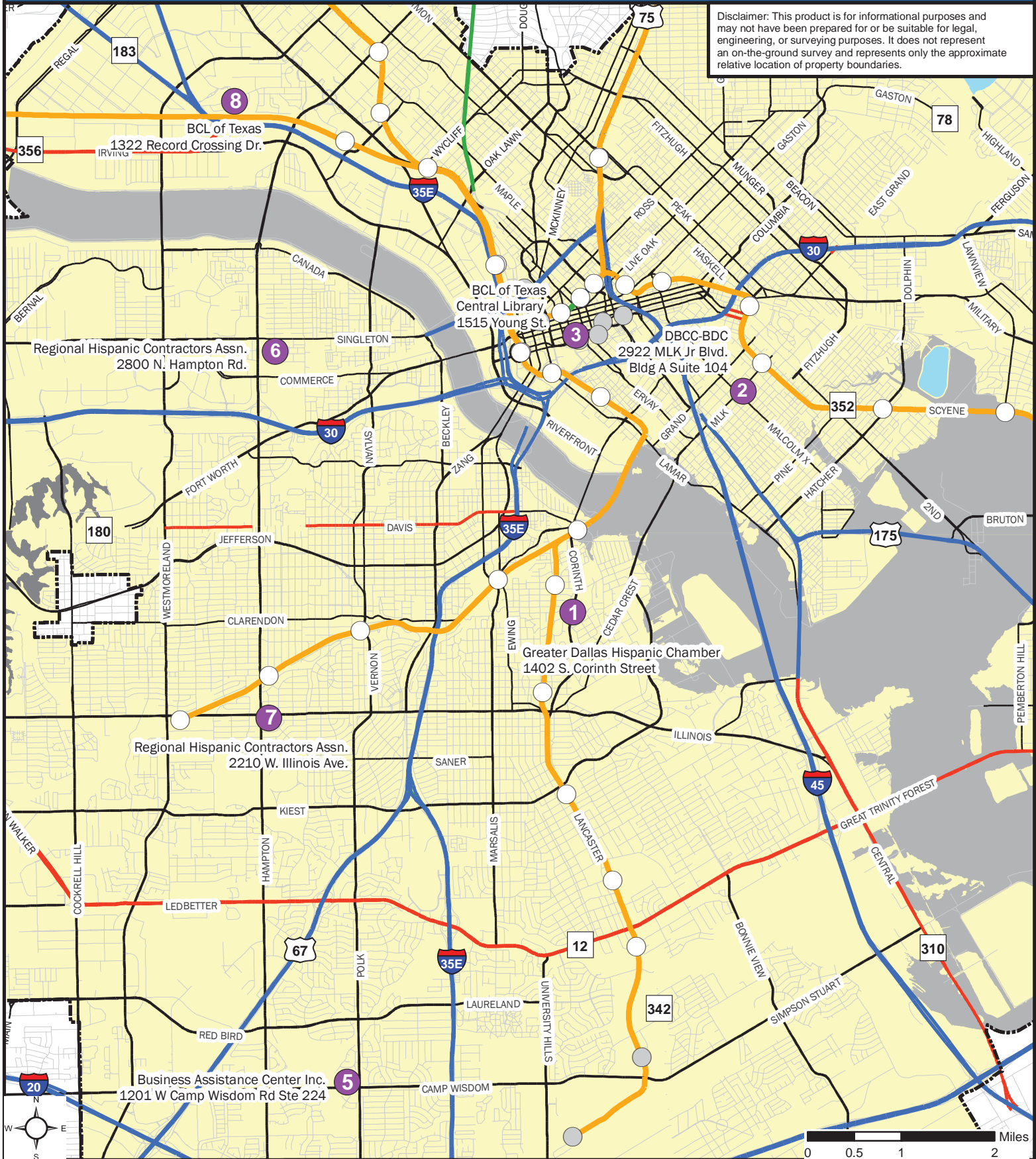
CEN-TEX Certified Development Corporation dba Business & Community Lenders
(BCL) of Texas-Record Crossing
Raquel Valdez, President

MAP

Attached.

Business Assistance Centers

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



**DALLAS
ECONOMIC
DEVELOPMENT**

Research & Information Division
214.670.1685
dallas-ecodev.org

Created 8.21.08, Last Updated 10.25.16 - BACs_Candidates.TCG

Legend

- BAC
- Rail Station
- Future Station

- DART Light Rail
- Commuter Rail
- Freeway

- Tollway
- Highway
- Arterial
- Local Road

- Flood Plain
- Lake
- City of Dallas

Source: City of Dallas, 2016

November 9, 2016

WHEREAS, the City recognizes the importance of its role in local economic development; and

WHEREAS, on June 25, 2008, the City Council authorized the adoption of the FY 2008-09 Consolidated Plan Budget which included funding for the Business Assistance Center Program by Resolution No. 08-1807; and

WHEREAS, on July 31 and August 7, 2008, the City made a Request For Competitive Sealed Proposals (RFCSP) from organizations to establish, manage, and operate microenterprise Business Assistance Centers (BAC) within the City of Dallas; and

WHEREAS, on October 2, 2008, the Economic Development Committee was briefed on the BAC program and the FY 2008-09 contracts; and

WHEREAS, on November 3, 2008, the Economic Development Committee was briefed and updated on the City-BAC-HUD meetings and the recommendation for FY 2008-09 contract award; and

WHEREAS, on November 10, 2008, the City Council authorized the award and funding for six existing BACs for a twelve-month service contract with two additional twelve-month renewal options by Resolution No. 08-3118; and

WHEREAS, on March 25, 2009, the FY 2008-09 Consolidated Plan Reprogramming Budget authorized the funding for two additional BACs for six-month service contracts by Resolution No. 09-0856; and

WHEREAS, on June 24, 2009, the City Council authorized the adoption of the FY 2009-10 Consolidated Plan Budget which included funding of \$640,000 for the BAC Program by Resolution No. 09-1635; and

WHEREAS, on September 21, 2009, a memo was submitted to the Economic Development Committee regarding the BAC program and the FY 2009-10 contracts; and

WHEREAS, on September 23, 2009, the City Council authorized the first renewal option with the BACs for FY 2009-10 by Resolution No. 09-2296; and

WHEREAS, on June 23, 2010, the City Council authorized the adoption of the FY 2009-10 Consolidated Plan Budget which included funding of \$640,000 for the BAC Program by Resolution No. 10-1594; and

WHEREAS, on September 20, 2010, a memo was submitted to the Economic Development Committee regarding the BAC program and the FY 2010-11 contracts; and

November 9, 2016

WHEREAS, on September 22, 2010, the City Council authorized the adoption of the second renewal option with the BACs for FY 2010-11 by Resolution No. 10-2416; and

WHEREAS, on June 22, 2011, the City Council authorized the adoption of the FY 2011-12 Consolidated Plan Budget which included funding of \$640,000 for the BAC Program by Resolution No. 11-1679; and

WHEREAS, on June 24 and June 30, 2011, the City made a Request For Competitive Sealed Proposals (RFCSP) from organizations to establish, manage, and operate microenterprise Business Assistance Centers within the City of Dallas; and

WHEREAS, on September 6, 2011, a memo was submitted to the Economic Development Committee regarding the BAC program and the FY 2011-12 contracts; and

WHEREAS, on September 28, 2011, City Council authorized the adoption of a twelve-month contract with two additional twelve-month renewal options, each subject to funding availability for eight BACs by Resolution No. 11-2567; and

WHEREAS, on June 27, 2012, City Council authorized the adoption of the FY 2012-13 Consolidated Plan Budget which included funding of \$640,000 for the BAC Program by Resolution No. 12-1629; and

WHEREAS, on September 17, 2012, a memo was submitted to the Economic Development Committee regarding the BAC program and FY 2012-13 contracts; and

WHEREAS, on September 26, 2012, City Council authorized the first renewal option of a twelve-month contract with eight BACs by Resolution No. 12-2362; and

WHEREAS, on June 26, 2013, City Council authorized the adoption of the FY 2013-14 Consolidated Plan Budget which included funding of \$640,000 for the BAC Program by Resolution No. 13-1142; and

WHEREAS, on September 16, 2013, a memo was submitted to the Economic Development Committee regarding the BAC program and FY 2013-14 contracts; and

WHEREAS, on September 25, 2013, City Council authorized the second renewal option of a twelve-month contract with eight BACs by Resolution Nos. 13-1705 and 13-1707; and

WHEREAS, on June 25, 2014, the City Council authorized the adoption of the FY 2014-15 Consolidated Plan Budget which included funding of \$640,000 for the BAC Program by Resolution No. 14-1001; and

November 9, 2016

WHEREAS, on August 7 and August 14, 2014, the City made a Request For Competitive Sealed Proposals (RFCSP) from organizations to establish, manage, and operate microenterprise Business Assistance Centers within the City of Dallas; and

WHEREAS, on October 3, 2014, a memo was submitted to the Economic Development Committee regarding City Council consideration for FY 2014-15 BAC program management and operation new contracts; and

WHEREAS, on October 8, 2014, City Council authorized a twelve-month contract for five BACs by resolution No. 14-1732; and

WHEREAS, on December 18, and December 25, 2014, the City made a Request For Competitive Sealed Proposals (RFCSP) from organizations to establish, manage, and operate three additional microenterprise Business Assistance Centers within the City of Dallas; and

WHEREAS, on April 6, 2015, the Economic Development Committee was briefed by memorandum regarding upcoming items for City Council Consideration; and

WHEREAS, on April 8, 2015, City Council authorized a contract for the period of April 8, 2015 through September 30, 2015 for three BACs by Resolution No. 15-0689.; and

WHEREAS, on June 10, 2015, the City Council authorized the adoption of the FY 2015-16 Consolidated Plan Budget which included funding of \$640,000 for the BAC Program by Resolution No 15-1055; and

WHEREAS, on September 8, 2015, information about this item was provided to the Economic Development Committee; and

WHEREAS, on September 8, 2015, City Council authorized the first renewal option for seven Business Assistance Centers (BACs) for a twelve-month service contract, with one additional twelve-month renewal option, total not to exceed \$560,000 by Resolution No. 15-1796; and

WHEREAS, on August 15, 2016, information about this item was provided to the Economic Development Committee; and

WHEREAS, on September 21, 2016, the City Council authorized the adoption of the FY 2016-17 Budget which included funding for this item by Resolution No. 16-1526; and

WHEREAS, on October 17, 2016, information about this item was provided to the Economic Development Committee.

November 9, 2016

NOW, THEREFORE,**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

Section 1. That the City Manager, is hereby authorized the final renewal option (October 1, 2016 through September 30, 2017) for seven Business Assistance Centers (BACs) for a twelve-month service contract to provide technical assistance, incubator space and other support services to low-to-moderate income persons owning or starting microenterprises listed herein for each contract as follows: (1) Greater Dallas Hispanic Chamber of Commerce located at Bill J. Priest Institute 1402 South Corinth Street (BAC #1) in an amount not to exceed \$80,000; (2) The Dallas Black Chamber of Commerce located at 2922 Martin Luther King Jr. Boulevard, Building A, Suite 104 (BAC #2), in an amount not to exceed \$80,000; (3) CEN-TEX Certified Development Corporation dba Business & Community Lenders (BCL) of Texas to be located at the J. Erik Jonsson Central Library at 1515 Young Street, 5th floor Sammons Small Business Center (BAC #3) in an amount not to exceed \$40,000; (4) Business Assistance Center, Inc. located at 1201 West Camp Wisdom Road, Suite 224 (BAC #5) in an amount not to exceed \$80,000; (5) Organization of Hispanic Contractors Association dba Regional Hispanic Contractors Association to be located at 3918 North Hampton Road (BAC #6) in an amount not to exceed \$80,000; (6) Organization of Hispanic Contractors Association dba Regional Hispanic Contractors Association located at 2210 West Illinois Avenue (BAC #7) in an amount not to exceed \$80,000; and (7) CEN-TEX Certified Development Corporation dba Business & Community Lenders (BCL) of Texas located at 1322 Record Crossing (BAC #8) in an amount not to exceed \$80,000; for a total not to exceed \$520,000.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds from: Current Funds in the amount not to exceed \$520,000 in accordance with the BAC contract provisions, as follows:

<u>BAC</u>	<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>MASC</u>	<u>VENDOR NO.</u>	<u>AMOUNT</u>
1	0001	ECO	2748	3070	ECO2748A001	255288	\$80,000
2	0001	ECO	2749	3070	ECO2749A002	190640	\$80,000
3	0001	ECO	2750	3070	ECO2750A003	VS0000057437	\$40,000
5	0001	ECO	2751	3070	ECO2751A004	VC0000010212	\$80,000
6	0001	ECO	2752	3070	ECO2752A005	504570	\$80,000
7	0001	ECO	2753	3070	ECO2753A006	504570	\$80,000
8	0001	ECO	2754	3070	ECO2754A007	VS0000057437	\$80,000

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

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: November 9, 2016

COUNCIL DISTRICT(S): 5

DEPARTMENT: Office of Economic Development

CMO: Mark McDaniel, 670-3256

MAPSCO: N/A

SUBJECT

Authorize a New Markets Tax Credit (NMTC) transaction between the Dallas Development Fund (DDF) and its subsidiaries, Capital One N.A. and its subsidiaries (Capital One), and Cristo Rey Dallas High School, Inc., and its affiliates (Developer) for facility improvements and new construction at 1064 North St. Augustine Drive (Project) - Financing: No cost consideration to the City

BACKGROUND

The City of Dallas authorized the creation of the Dallas Development Fund (DDF), a non-profit Community Development Entity (CDE), by Resolution No. 09-0461 on February 11, 2009, to apply for a New Markets Tax Credit (NMTC) allocation from the U.S. Department of Treasury's Community Development Financial Institutions Fund in its 2009 funding cycle. DDF was awarded a \$55 million allocation under the 2009 cycle, and that allocation was officially accepted by DDF on March 31, 2010. DDF applied for additional allocation in 2012, and was awarded \$30 million in the 2012 funding cycle, and again applied for allocation in 2014, and was awarded \$45 million under that funding cycle. DDF has awarded \$32 million under the 2014 funding cycle and all of its previous allocations.

The NMTC program permits taxpayers to receive a credit against federal income taxes for making qualified equity investments in designated CDEs. These investments must be used by the CDE for projects and investments in low-income communities, as defined by the NMTC program. The credit provided to the investor totals 39 percent of the cost of the investment and is claimed over a 7-year credit allowance period.

On October 11, 2016, DDF considered and approved a NMTC transaction between DDF, Capital One, and the Developer. This NMTC allocation will use up to \$7 million of DDF's \$45 million NMTC allocation; Capital One will provide an additional \$2.5 million from its allocation, bringing the total allocation amount for this project to \$9.5 million. Capital One is the investor of the \$9.5 million NMTC tax credits, which will in turn generate approximately \$2.9 million in net NMTC equity for the benefit of the Project.

BACKGROUND (Continued)

Cristo Rey Dallas College Prep (“CRD”) is a nonprofit private Catholic high school providing high-quality college prep education to low- and moderate-income students of all faiths. CRD’s mission is to see its student graduate high school, enroll in college, and graduate from college. CRD is the 30th independent school within the Cristo Rey Network, a national network of Catholic high schools serving low-income students. Key to the Cristo Rey model is its innovative Corporate Work Study Program (“CWSP”) where students work one day a week at a professional services firm that subsidizes tuition while providing students with hard and soft skills and access to professional networks. Across the network, Cristo Rey graduates are completing college at a rate of four times non-Cristo Rey students of the same income cohort.

Located in Pleasant Grove, CRD was founded in 2014 and is now entering its second school year (2016-2017) with nearly 246 9th and 10th grade students. When it reaches full capacity, CRD will have 550 9th-12th grade students. CRD’s student body is nearly exclusively minority (approximately 94% Hispanic) with a median gross family income of \$37,000 and an average family size of 4.7. CRD has a family income cap of 75% of the national median household income (per capita), or \$14,594 per household member. CRD determines income eligibility using a formula involving the national per capita Median Household Income (\$14,594) times the number of family members. For a family of five, the maximum household income would be \$72,970. Tuition is sliding scale with an average tuition of \$804 and a cap of \$2,000 per year.

The NMTC Project will transform CRD’s campus from an aging elementary school designed with a capacity of 250 children to a modern high school serving 550 low to moderate income youth. The Project centers on the construction of a new 31,000 SF LEED-certified academic building that includes 15 classrooms, 4 state-of-the-art science labs, and administrative offices. The Project also includes extensive site work and some general repairs to the existing classroom building. This Project is the first phase of a multi-phase development for CRD that is anticipated to include the construction of building to house a gym, dining hall, and library/technology center, as well as new athletic fields and a welcome center.

The Project is located at 1064 North St. Augustine Drive in Pleasant Grove. The Project qualifies as highly distressed with median family income less than 60% of regional median (52.95%), poverty over 30% (43.40%), and unemployment over 1.5 times the national average (12.90%; 1.63 times national average).

Cristo Rey Dallas provides rigorous, college-prep curriculum and will be expanding to serve 550 students. The new facility will help CRD build on the school’s early successes; CRD’s inaugural class of 130 freshmen improved an average of two grade levels in math and English language skills during their first year.

BACKGROUND (Continued)

Additionally, the cohort raised its skills in math and reading: the class increased from 48% to 70% of students scoring above the national average in math, and from 62% to 79% scoring about the national average in reading. Moreover, students reading at an appropriate level for literacy development increased by 27%.

Cristo Rey's Corporate Work Study Program pairs students with an entry-level, professional services job in a range of industries (including legal, financial, nonprofit, and real estate). A team of four students "shares" one job, so that each student works one day a week, plus an extra day every 4th week. CRD's current partners include companies like AT&T, The Dallas Morning News, Lincoln Property Company, and PricewaterhouseCoopers. Students are employed in a variety of functions including accounting, human resources, office services, finance, information technology, and marketing/business development.

The CWSP program has multiple benefits for the students. Each employer pays CRD \$32,000 per year per job team, which helps to deeply subsidize the tuition for students. The positions provide valuable work experience with a strong emphasis on development of soft skills, such as time management, working on teams, and communicating with adults. The CWSP also provides access to professional contacts and networks that can help access jobs post high school.

Cristo Rey Network is a proven model for increasing the number of low-income high school graduates who complete college. Across the network, 88% of the Class of 2013 has enrolled in college versus 66% of all high school graduates and 61% of Black and Hispanic high school graduates. Network-wide, 36% of the graduating Class of 2009 has earned a bachelor's degree, as compared to less than 10% of individuals from the same income cohort. The Class of 2009 has also obtained associate's degrees (7%) not included in the above figure.

Cristo Rey Dallas has a strong focus on serving Southern Dallas. Approximately 74% of entering freshmen are from Dallas and 62% are from Southern Dallas. CRD has significant neighborhood support and a close relationship with DISD middle schools. CRD hosts recruiting events throughout Southern Dallas.

But for DDF's NMTC financing, CRD would be unable to accommodate the anticipated 390 students entering and returning to the school in the fall of 2017. Currently, CRD's facilities are at maximum capacity with its current freshmen and sophomore classes. DDF will allow CRD to build the facility to support adding an additional class in fall 2017, and not have to draw down on capital campaign proceeds designated for operations. With the core academic space that will support a full 550 students, CRD can then focus on raising funds for additional phases of library, recreation, and administration that will further enhance student education.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 11, 2009, the City Council authorized the creation of the Dallas Development Fund (DDF), a non-profit Community Development Entity (CDE).

On January 13, 2010, the City Council authorized the acceptance of the \$55 million NMTC allocation.

On January 19, 2010, the Economic Development Committee was briefed on the DDF and the NMTC program.

On September 21, 2015, the Economic Development Committee was briefed on the DDF and the NMTC program.

On October 11, 2016, the Dallas Development Fund was briefed on the Cristo Rey Dallas College Prep project and approved the transaction.

Information about this item was provided to the Economic Development Committee on October 17, 2016.

FISCAL INFORMATION

No cost consideration to the City.

OWNER

Cristo Rey Dallas High School, Inc.

Kelby Woodard, President

November 9, 2016

WHEREAS, the City is committed to supporting enhanced economic development opportunities for low-income communities within the City and to low-income persons residing within those communities; and

WHEREAS, the United States Department of Treasury has established the New Markets Tax Credit (NMTC) program to stimulate investments in predominately low-income communities; and

WHEREAS, the goals and purposes of the NMTC program are consistent with and complementary to the economic development programs previously established by the City to support expanded economic development opportunities for low-income communities within the City and to low-income persons residing within those communities; and

WHEREAS, under the NMTC program, tax credits are competitively awarded annually by the Treasury Department through its Community Development Financial Institutions (CDFI) Fund to qualified Community Development Entities (CDEs) after review and evaluation of applications submitted by CDEs, which are then made available to investors; and

WHEREAS, the City of Dallas created the Dallas Development Fund (DDF) as a non-profit Texas corporation in order to apply for an award under the NMTC program; and

WHEREAS, the DDF was awarded a \$55 million NMTC allocation under the 2009 NMTC program; and

WHEREAS, the DDF was awarded a \$30 million NMTC allocation under the 2012 NMTC program; and

WHEREAS, the DDF was awarded a \$45 million NMTC allocation under the 2014 NMTC program; and

WHEREAS, the DDF board has approved awarding of up to \$7 million in NMTC allocation to Cristo Rey Dallas High School, Inc. for improvements to Cristo Rey Dallas College Prep located at 1064 North St. Augustine Drive.

NOW, THEREFORE,

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

November 9, 2016

Section 1. That the City Council hereby authorizes a New Markets Tax Credit (NMTC) transaction between the Dallas Development Fund (DDF) and its subsidiaries, Capital One N.A. and its subsidiaries (Capital One), and Cristo Rey Dallas High School, Inc., and its affiliates (Developer) for facility improvements and new construction at 1064 North St. Augustine Drive as further described in **Attachment A**.

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

DATE: October 11, 2016

SUBJECT: Cristo Rey Dallas College Prep

FROM: City of Dallas Office of Economic Development

Project Overview

Project Sponsor: Cristo Rey Dallas College Prep

Cristo Rey Dallas College Prep (“CRD”) is a nonprofit private Catholic high school providing high-quality college prep education to low and moderate-income students of all faiths. CRD’s mission is to see its student graduate high school, enroll in college, and graduate from college. CRD is the 30th independent school within the Cristo Rey Network, a national network of Catholic high schools serving low-income students. Key to the Cristo Rey model is its innovative Corporate Work Study Program (“CWSP”) where students work one day a week at a professional services firm that subsidizes tuition while providing students with hard and soft skills and access to professional networks. Across the network, Cristo Rey graduates are completing college at a rate of four times non-Cristo Rey students of the same income cohort.

Located in the Pleasant Grove neighborhood in Southern Dallas, CRD was founded in 2014 and is now entering its second school year (2016-2017) with nearly 246 9th and 10th grade students. When it reaches full capacity, CRD will have 550 9th-12th grade students. CRD’s student body is nearly exclusively minority (approximately 94% Hispanic) with a median gross family income of \$37,000 and an average family size of 4.7. CRD determines income eligibility using a formula involving the national per capita Median Household Income (\$14,594) times the number of family members. For a family of five, the maximum household income would be \$72,970. Tuition is sliding scale with an average tuition of \$804 and a cap of \$2,000 per year.

Project Description

The NMTC Project will transform CRD’s campus from an aging elementary school designed to serve 250 children to a modern high school serving 550 low to moderate-income youth. The Project centers on the construction of a new 31,000 SF LEED-certified academic building that includes 15 classrooms, 4 state-of-the-art science labs, and administrative offices. The Project also includes extensive site work and some general repairs to the existing classroom building. This Project is the first phase of a multi-phase development for CRD that is anticipated to include the construction of building to house a gym, dining hall, and library/technology center, as well as new athletic fields and a welcome center. Select project images are provided in Exhibit 2.

The Project is located at 1064 North St. Augustine Drive in the Pleasant Grove neighborhood of Southern Dallas. The Project qualifies as highly distressed with median family income less than 60% of regional median (52.95%), poverty over 30% (43.40%), and unemployment over 1.5 times the national average

(12.90%; 1.63 times national average). The site is located along a DART bus line, and 2.5 miles from the Buckner DART station, and is accessible to I-20, I-30, and I-635.

Related/Sponsoring Entities

The NMTC borrower is anticipated to be a newly created nonprofit affiliate of CRD, which will improve the Project site. This new affiliate will be a Qualified Active Low-Income Community Business. The Leverage Lender and Tenant is anticipated to be Cristo Rey Dallas High School, Inc.

Financing Terms

NMTC Allocation

Up to \$7 million in allocation from Dallas Development Fund (“DDF”).

Up to \$2.5 million in allocation from Capital One Community Reinvestment Fund (“COCRF”), a Community Development Entity with a national footprint, based in New Orleans. COCRF is a subsidiary of the bank Capital One, N.A.

Between DDF and COCRF’s allocation, a total of \$9.5 million in allocation is anticipated.

NMTC Investor

Capital One, N.A. (“Capital One”)

Anticipated Closing Costs and Fees

DDF will charge upfront fees totaling 4% of the QEI (estimated at \$280,000). In addition, DDF will charge an annual Asset Management Fee of \$24,500 per year.

DDF will separately secure reimbursement for costs associated with closing this transaction, as well as audit and tax return preparation costs associated with maintaining the financing structure during the 7-year NMTC compliance period.

Financing Structure

As NMTC Equity Investor, Capital One is anticipated to provide a total of approximately \$3.149 million in NMTC Equity (\$0.85 pricing) to support the \$9.5 million in total allocation from DDF and COCRF. CRD will provide approximately \$6.491 million in the form of a “Leverage Loan” for the transaction. The underlying sources for the Leverage Loan will include a combination of CRD cash, monetization/recapitalization of recent expenditures, and a capital campaign bridge loan that is anticipated to be from Frost Bank. Capital One will form a special purpose investment fund entity and will be responsible for management of this fund. The equity and leverage debt will be combined to capitalize an investment fund (a subsidiary of Capital One), which in turn will make a Qualified Equity Investment (“QEI”) of up to \$7 million into a subsidiary of Dallas Development Fund (“DDF Sub-CDE”) and pay a 2% CDE Fee to DDF. This fund will also make a QEI of up to \$2.5 million into a subsidiary of COCRF (“COCRF Sub-CDE”).

DDF and COCRF, through the aforementioned Sub-CDEs, will in turn make Qualified Low-Income Community Investment (“QLICI”) loans to the QALICB. Pursuant to DDF’s Allocation Agreement, DDF will

take a fee of 2% of the QEI in order to finance its activities. The total QLICI loans to the QALICB will be up to approximately \$9.36 million, including a \$6.86 million from DDF Sub-CDE and \$2.5 million from the COCRF Sub-CDE. Beyond the \$9.36 million in QLICI loans, CRD will contribute the \$737,942 balance of funds to the QALICB needed to complete the Project.

Project sources and uses are provided in Exhibit 1.

Closing Timeline

This Project financing is expected to close in the Fourth Quarter of 2016.

Community Benefits and Need for Assistance

Community Benefits

High-Quality Academics: CRD will expand its rigorous, college-prep curriculum to serve 550 students. The new facility will help CRD to build on the school's early successes; CRD's inaugural class of 130 freshmen improved an average of two grade levels in math and English language skills during their first year. Additionally, the cohort raised its skills in math and reading: the class increased from 48% to 70% of students scoring above the national average in math, and from 62% to 79% scoring about the national average in reading. Moreover, students reading at an appropriate level for literacy development increased by 27%.

Work Study Opportunities: The Corporate Work Study Program pairs students with an entry-level, professional services job in a range of industries (including legal, financial, nonprofit, and real estate). A team of four students "shares" one job, so that each student works one day a week, plus an extra day every 4th week. CRD's current partners include companies like AT&T, The Dallas Morning News, Lincoln Property Company, PricewaterhouseCoopers, and Sidley Austin. Students are employed in a variety of functions including accounting, human resources, office services, finance, information technology, and marketing/business development.

The CWSP program has multiple benefits for the students. Each employer pays CRD \$32,000 per year per job team, which helps to deeply subsidize the tuition for students. The positions provide valuable work experience with a strong emphasis on development of soft skills, such as time management, working on teams, and communicating with adults. The CWSP also provides access to professional contacts and networks that can help access jobs post high school and also provide valuable support and mentorship to students who are continuing on to college.

Post-High School Success: Cristo Rey Network is a proven model for increasing the number of low-income high school graduates who complete college. For the classes of 2008-2014, 88% of Cristo Rey graduates enrolled in 4-year colleges, compared to 64% of low-income high school graduates and 81% of high-income population. Network-wide, 36% of the graduating Class of 2009 has earned a bachelor's degree, as compared to less than 10% of individuals from the same income cohort. The Class of 2009 has also obtained associate's degrees (7%) not included in the above figure.

Outreach and Presence in Southern Dallas: Located in the Pleasant Grove neighborhood of Southern Dallas, CRD has a strong focus on serving Southern Dallas. Approximately 74% of entering freshmen are from Dallas and 62% are from Southern Dallas. CRD has significant neighborhood support and a close relationship with DISD middle schools. Most of CRD's students come from the Dallas public-school system rather than parochial schools, and CRD hosts recruiting events throughout Southern Dallas.

Need For NMTC Assistance

But for DDF's NMTC financing, CRD would be unable to accommodate the anticipated 390 students entering and returning to the school in the fall of 2017. Currently, CRD's facilities are at maximum capacity with its current freshmen and sophomore classes. DDF will allow CRD to build the facility to support adding an additional class in fall 2017, and not have to draw down on capital campaign proceeds designated for operations. With the core academic space that will support a full 550 students, CRD can then focus on raising funds for additional phases of library, recreation, and administration that will further enhance student education.

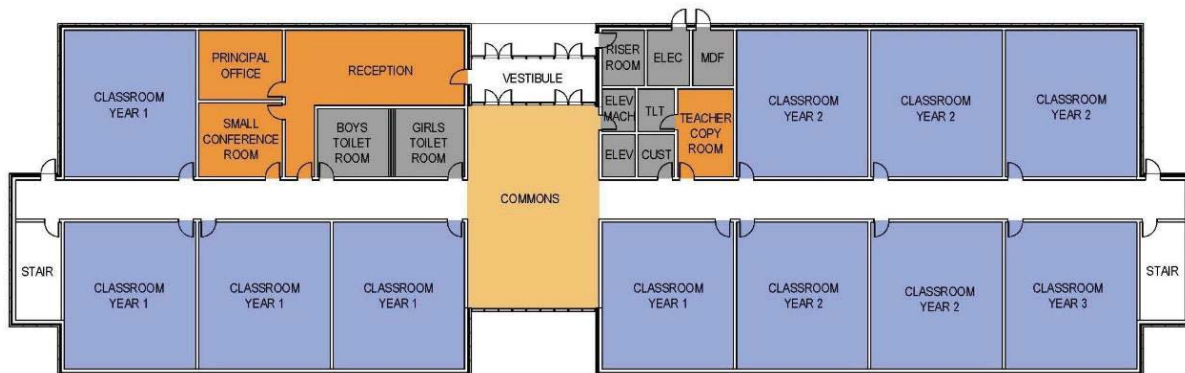
Exhibit 1: Proposed Project Sources and Uses (preliminary)

Sources	Total
Net NMTC Equity (Net of all up-front CDE costs/fees)	\$ 2,869,250
Short-Term Bridge Loan/Equity (for portion of prior expenditures)	\$ 898,572
Cash in Hand	\$ 1,972,762
Portion of Capital Campaign Bridge Loan (Frost Bank)	\$ 3,619,416
Capital Campaign Proceeds/Additional Cristo Rey Dallas Funds	\$ 737,942
Total Base Project Sources	\$ 10,097,942
Uses	Total
Part 1 Costs Incurred Prior to Closing	\$ 470,060
Part 2 Costs Incurred Prior to Closing	\$ 428,512
Soft Costs	\$ 169,002
Parking Lot	\$ 651,763
Site Work - Shell	\$ 922,260
Construction Costs - Shell	\$ 4,833,144
FF&E	\$ 216,125
Hard Costs - Interior Finish Out	\$ 1,554,341
Capitalized Interest	\$ 60,060
Base Project Costs	\$ 9,305,267
Reserves for CDE Asset Management, Audit/Tax	\$ 267,500
Arranger Fee (consultant retained by CRD)	\$ 260,175
Closing/Legal (allowance)	\$ 265,000
Total Uses	\$ 10,097,942

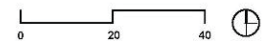
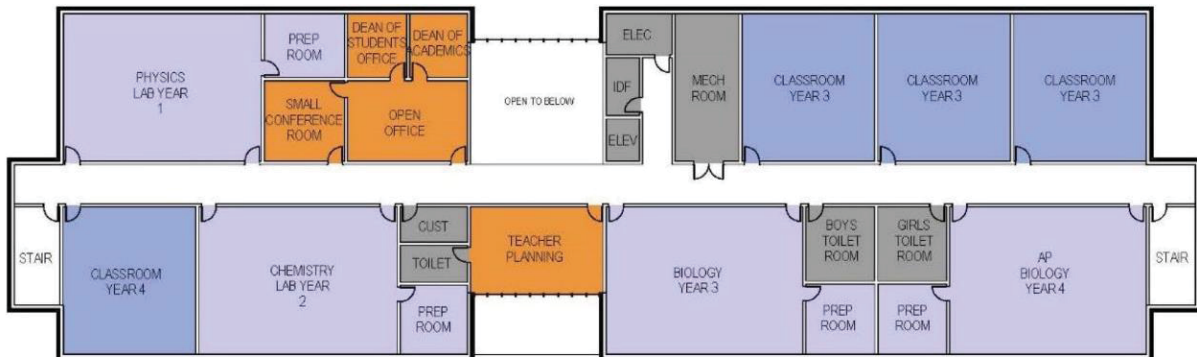
Exhibit 2: Project Images



New Academic Building



Academic Building, Lower Level Floor Plan



Academic Building, Upper Level Floor Plan

AGENDA ITEM # 37

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: November 9, 2016

COUNCIL DISTRICT(S): 8

DEPARTMENT: Office of Economic Development

CMO: Mark McDaniel, 670-3256

MAPSCO: 66 Q

SUBJECT

Authorize an amendment to Resolution No. 14-2140, previously approved on December 10, 2014, to increase the Chapter 380 grant agreement amount by \$20,000 to partially offset the \$40,000 cost of enhanced security fencing for the Save A Lot grocery store project located at 3540 Simpson Stuart Road in Dallas, Texas - Not to exceed \$20,000 - Financing: 2012 Bond Funds (subject to appropriations)

BACKGROUND

By Resolution Nos. 13-1864 and 14-0845, City Council authorized two (2) grants totaling \$2.8 million dollars for the development of a Save A Lot grocery in an area defined as a Food Desert by USDA and 6,000 sq. ft. of retail space at 3540 Simpson Stuart Road. Total cost of the project was \$4.050 million dollars. The Developer, Joseph Kemp invested \$150K and Frost Bank provided financing totaling \$1.1 million.

Wooden fencing was included in the total project cost. However, a plan to purchase and demolish very old low income multi-family housing directly behind the store has not materialized. Under the circumstances, brick fencing is a more secure option.

Total cost of the fencing is \$40,000. The Grantee will pay \$20,000 and is asking the City to share in this unexpected cost.

KRR Construction, LTD. is nearing completion of the redevelopment of a commercial strip at 3540 Simpson Stuart Road. The project will utilize 2.3 acres of undeveloped land to the east of the current commercial strip for retail development in conjunction with the grocery store. Acquisition and redevelopment of the property will further the City's goals for development in the Southern Sector.

The location is in the Education Corridor as defined by the Mayor's Grow South Initiative. KRR Construction, LTD. has over 35 years of experience in the construction industry. The company's concentration has been multi-family with over 2,000 units built. They have partnered on several commercial developments.

BACKGROUND (Continued)

The proposed development will complement a recent \$2 million investment in a convenience store service station, a new city library relocated just to the south of the grocery store site and the upgrade of Highland Hills Blvd, the northern boundary of the new library. The original plan to demolish multi-family units directly behind the store and replace with a different use was intended to complete the redevelopment of the southeast quadrant of the intersection.

PRIOR ACTION, REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 26, 2013, the City Council approved a development loan in the amount of \$2,500,000 for the acquisition of improved property at 6271 Highland Hills Drive for demolition and redevelopment of a blighted 150 unit apartment complex by Resolution No. 13-1158.

On October 7, 2013, the Economic Development Committee was briefed on the Simpson Stuart/Bonnie View Grocery Store Project.

On October 23, 2013, City Council authorized a Chapter 380 Grant Agreement in the amount of \$1,500,000 to KRR Construction, LTD for the acquisition and redevelopment of improved property located at 3540 Simpson Stuart Road, Dallas, Texas for a grocery store by Resolution No. 13-1864.

On December 10, 2014, City Council authorized an increase in funding of \$1,300,000 for the Chapter 380 Economic Development Grant with KRR Construction, LTD thereby increasing the Contract from \$1,500,000 to a total amount not to exceed \$2,800,000 for the purchase and installation of business and personal property and equipment required pursuant to the terms and conditions of a Lease Agreement with Moran Foods (Save A Lot) for the Simpson Stuart grocery store project by Resolution No. 14-2140.

Information about this item was provided to the Economic Development Committee on October 17, 2016.

FISCAL INFORMATION

\$20,000 – 2012 Bond Funds (subject to appropriations)

OWNER

KRR Construction, LTD.

Joseph Kemp, President

DEVELOPER

KRR Construction, LTD.

Joseph Kemp, President

MAP

Attached.



CONCEPT

[A = 19,570sf New Library]

[B = 6,500sf Exxon]

[C = Sr Development 220 units + 3.97 Future Dev]

[D = 16,500sf Grocery]

[E = + 22,000sf Neighborhood Retail]

November 9, 2016

WHEREAS, the City recognizes the importance of its role in local economic development; and

WHEREAS, on June 23, 2010, the City Council elected to continue its participation in economic development grants pursuant to Chapter 380 of the Texas Local Government Code by Resolution No. 10-1721, as amended; and

WHEREAS, KRR Construction, LTD., wishes to partner with the City of Dallas to develop the property located at 3540 Simpson Stuart Road in Dallas to commercial and retail uses to include a full service grocery store; and

WHEREAS, the acquisition and redevelopment of the Properties will further the City's goals for development in southern Dallas; and

WHEREAS, brick fencing will enhance the safety and security of patrons and staff at the property being redeveloped.

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 execute an amendment to Resolution No. 14-2140, previously approved on December 10, 2014 to increase the Chapter 380 grant agreement amount by \$20,000 to partially offset the \$40,000 cost of enhanced security fencing for the Save A Lot grocery store project located at 3540 Simpson Stuart Road in Dallas, Texas - Total not to exceed \$20,000.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds from Fund 3U52, Department ECO, Unit S801, Activity PPPF, Object Code 3016, Vendor Number VC0000011993 in an amount not to exceed \$20,0000.

Section 3. That all other terms of the grant shall remain the same.

Section 4. That nothing in this resolution shall be construed as a binding contract or agreement upon the City, that it is subject to available funding, and there will be no liability or obligation on the City until final contract documents are approved, executed and final closing completed.

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 # 38

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: November 9, 2016

COUNCIL DISTRICT(S): 7

DEPARTMENT: Office of Economic Development

CMO: Mark McDaniel, 670-3256

MAPSCO: N/A

SUBJECT

Authorize **(1)** a start date of June 1, 2016 for grants recommended by the South Dallas/Fair Park Trust Fund Board's grant committee on June 13, 2016 and approved for recommendation to the City Manager by the South Dallas/Fair Park Trust Fund Advisory Board on July 27, 2016; **(2)** amendments to the South Dallas/Fair Park Trust Fund Grant Program to distinguish community and social services grant from economic development grants under the authority of Chapter 380 of the Texas Local Government Code (Chapter 380); and **(3)** an amendment to Resolution No. 15-1264, Section 2.A.b. to separate the eligible programs - Financing: No cost consideration to the City

BACKGROUND

On July 27, 2016, the South Dallas Fair Park Trust Fund (Trust Fund) Advisory Board recommended to the City Manager for approval, the attached list of grantees for funding (Exhibit A), however, some of the services were started or completed prior to approval by the Trust Fund board. In order to address the delay in approving some of the grants, City Council approval is required since approval by Administrative Action would not allow for retroactivity of the funding. Additionally, the programs will be more clearly defined and separated between community and social services grants funded under the authority of the City Council and economic development grants authorized under state law. In the past, all services approved by the Board have been characterized as Chapter 380 economic development grants, so it is necessary to correct this mischaracterization going forward.

The South Dallas Fair Park Trust Fund (Trust Fund) was authorized in 1987 when City Council adopted the South Dallas Fair Park neighborhood preservation and Economic Development plan. Commencing operations in FY'94, the Trust Fund's goals were established and remain to facilitate community and neighborhood development through grants and loans that support: (1) community programs that assist human service needs as well as (2) promote business and economic development activity. A recent Mayor's Fair Park Task Force recommended maintaining the current South Dallas Fair Park Trust Fund and its structure.

BACKGROUND (Continued)

The Trust Fund's Advisory Board, appointed by City Council, reviews and recommends all loan and grant transactions to the City. Transactions greater than \$70,000 require Council approval in accordance with City policy. In the past 10 years, the Trust Fund has made 250 grants totaling \$3.6M and \$660K in loans. All loans originated since 2007 are current or paid in full, with no anticipated loan recovery issues.

City Council Resolution No. 89-3605 established funding for the Trust Fund and set a minimum annual funding target of \$500,000.

Aggregate appropriations since 1994 fell significantly short of the \$500,000 annual funding target by a total of approximately \$3.6 million (\$5 million with inflation), largely because the Visitors Formula used for determining funds due the Trust Fund was not implemented. The minimum \$500,000 annual funding target, is viewed necessary to support and administer existing loan and grant programs. As such, a new funding structure for the Trust Fund ensuring that the annual target of \$500,000 is achieved is as follows:

- (1) Fair Park Activities: Gexa ticket sales and Flea Market/Antique sales (Visitors Formula is eliminated as a source of funding) with a funding target of at least \$500,000.
- (2) If revenue from Fair Park Activities do not reach \$500K in any fiscal year, the shortfall will be augmented by the City's Public Private Partnership Fund (PPPF) up to \$500,000.
- (3) If revenues reach \$500,000 in any fiscal year, no PPPF will be required.
- (4) Funding from "Fair Park Activities" will be capped at \$1million annually.
- (5) Additional funding may be generated from principal and interest payments from Trust Fund loans, interest on Trust Fund balances as well as sponsorship from enterprise activity (above and beyond the funding target of at least \$500,000 from Fair Park Activities).

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 18, 1987, City Council approved and adopted the South Dallas/Fair Park Neighborhood Preservation and Economic Development Plan to establish the South Dallas/Fair Park Trust Fund by Resolution No. 87-0632.

On November 8, 1989, City Council, acting on certain recommendations put forth by the Fair Park Task Force authorized the creation of guidelines and projects concerning the Trust Fund by Resolution No. 89-3605.

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

On August 26, 1992, City Council affirmed its commitment to the Trust Fund and directed the City Manager and South Dallas/Fair Park Trust Fund Board to submit recommendations for a long-range plan for the Trust Fund.

On March 24, 1993, City Council authorized certain recommendations contained in the long-range plan submitted for the Trust Fund by Resolution No. 93-1145.

On October 27, 1999, City Council authorized the replacement of Resolution No. 93-1145 regarding the programs and administration of the Trust Fund by Resolution No. 99-3439.

On February 25, 2004, City Council authorized the clarification of unused Trust Fund monies under certain conditions may be used in subsequent fiscal years by Resolution No. 04-0801.

On June 28, 2006, City Council authorized replacement of Resolution No. 99-3439 and modified certain policies, procedures and guidelines for operating the South Dallas/Fair Park Trust Fund by Resolution No. 06-1833.

On October 10, 2007, City Council authorized amendments to Resolution No. 06-1833, policies, procedures and guidelines for operating the South Dallas/Fair Park Trust Fund by Resolution No. 07-2962.

On June 1, 2015, the Economic Development Committee recommended approval of the proposed funding and program amendments.

On June 17, 2015, City Council authorized the establishment of funding sources to total a minimum \$500,000 annually for operating the south Dallas Fair Park Trust by Resolution No. 07-2962.

Information about this item was provided to the Economic Development Committee on October 17, 2016.

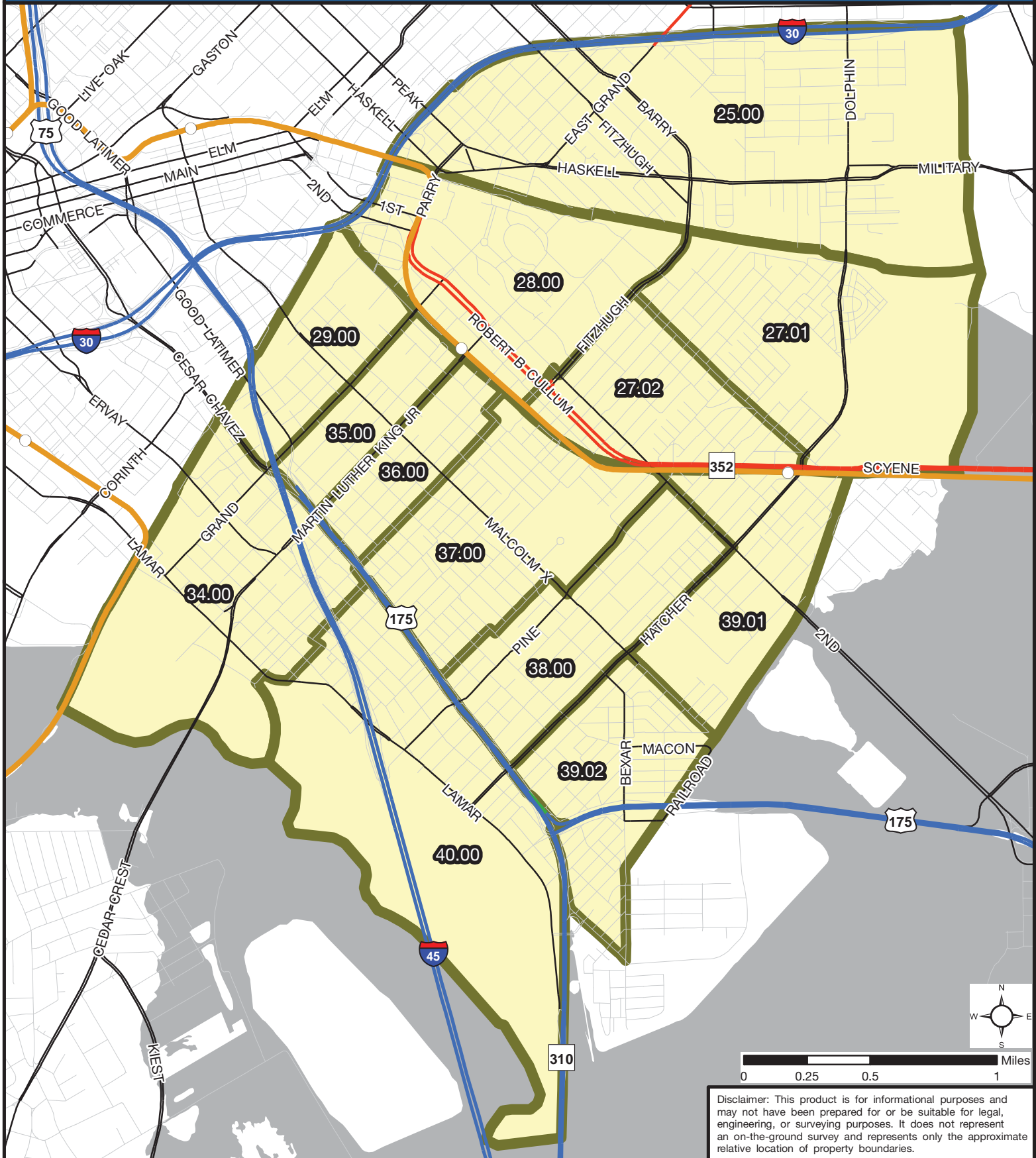
FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached.

South Dallas / Fair Park Trust Fund Eligible Area



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

**DALLAS
ECONOMIC
DEVELOPMENT**

Research & Information Division
214.670.1685
dallas-ecodev.org

Created 8.6.2012 - SDFP_TrustFund.TCG

Legend

South Dallas / Fair Park Trust Fund Eligible Census Tract

Rail Station

DART Light Rail

Source: City of Dallas, 2012

Freeway

Highway

Arterial

Local Road

Flood Plain

November 9, 2016

WHEREAS, pursuant to Chapter 380 of the Texas Local Government Code, the governing body of a municipality may establish and provide for the administration of programs, including programs for making loans and grants of public money to promote state or local economic development and to stimulate business and commercial activity in the municipality; and

WHEREAS, on February 18, 1987, City Council authorized the adoption of the South Dallas/Fair Park Neighborhood Preservation and Economic Development Plan which established the South Dallas/Fair Park Trust Fund (sometimes herein called the "Trust Fund") by Resolution No. 87-0632; and

WHEREAS, on November 8, 1989, City Council, acting on certain recommendations put forth by the Fair Park Task Force, authorized Resolution No. 89-3605 which created guidelines and projects concerning the Trust Fund; and

WHEREAS, on August 26, 1992, City Council affirmed its commitment to the Trust Fund and directed the City Manager and South Dallas/Fair Park Trust Fund Board (Board) to submit recommendations for a long-range plan for the Trust Fund; and

WHEREAS, on March 24, 1993, the City Council approved and adopted certain recommendations contained in the long-range plan submitted for the Trust Fund by Resolution No. 93-1145; and

WHEREAS, on October 27, 1999, City Council authorized Resolution No. 99-3439 to replace and rescind Resolution No. 93-1145 regarding the programs and administration of the Trust Fund; and

WHEREAS, on February 25, 2004, City Council authorized that unused Trust Fund monies under certain conditions may be used in subsequent fiscal years by Resolution No. 04-0801; and

WHEREAS, on June 28, 2006, the City Council approved Resolution No. 06-1833 to replace and rescind Resolution No. 99-3439; and

WHEREAS, on October 10, 2007, pursuant to Resolution No. 07-2962, City Council authorized amendments to Resolution No. 06-1833 providing modifications to certain policies, procedures and guidelines for funding sources, administrative cost and name change for operating the South Dallas/Fair Park Trust Fund; and

WHEREAS, it has been determined that, in part, due to its complexity, the Visitors Formula intended to be established in Resolution No. 87-0632 in order to provide revenues for the South Dallas/Fair Park Trust Fund was never implemented and monies from this source of revenue was not appropriated by previous City Councils; and

November 9, 2016

WHEREAS, monies have now been identified to provide the South Dallas/Fair Park Trust Fund with funds to restore the money that would have been set aside for the Trust Fund under the Visitors Formula, but not appropriated by the City; and

WHEREAS, additional programs for the Trust Fund have been identified for which monies may be appropriated on an annual basis in order to assist the purpose of the Trust Fund; and

WHEREAS, additional revisions to South Dallas Fair Park Trust Fund programs and operations have been proposed and the City now desires to implement; and

WHEREAS, on June 17, 2015, pursuant to Resolution No. 15-1264 the City replaced Resolutions No. 06-1833 and No. 07-2962 and re-established certain policies, programs, procedures and guidelines for the South Dallas Fair Park Trust Fund.

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 (1) authorize a start date of June 1, 2016, for grants recommended by the South Dallas/Fair Park Trust Fund Board's grant committee on June 13, 2016 and approved for recommendation to the City Manager by the South Dallas/Fair Park Trust Fund Advisory Board on July 27, 2016 (Exhibit A); (2) authorize amendments to the South Dallas/Fair Park Trust Fund Grant Program to distinguish community and human services grants from economic development grants funded under the authority of Chapter 380 of the Texas Local Government Code (Chapter 380); and (3) amend City Resolution No. 15-1264, Section 2.A.b. to separate the eligible programs.

Section 2. That the City Council approves the following regarding the Trust Fund:

- a. Business and economic development initiatives Funded under Chapter 380 of the Texas Local Government Code to:
 - (i) promote local economic development
 - (ii) improve and stimulate business and commercial activities/opportunities
 - (iii) create and retain jobs
 - (iv) provide job related assistance

November 9, 2016

Section 2. (Continued)

- (b) Community services programs funded under the authority of the City Council that:
 - (i) Provide human services assistance:

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
South Dallas Fair Trust Fund
2015/16 Grants
November 9, 2016

Community Based Non Profit Grants

Advocates for Community Transformation. Grant Amount \$34,000. Project: Program to Eliminate Crime and Urban Blight in Frazier/Mill City Neighborhoods.

The program is intended to encourage development and enhance the quality of life for residents by eliminating drug houses and other unoccupied structures through legal advocacy among residents with pro bono legal support. Funds will be used for neighborhood meetings and to contract with Caruth Police Institute and SMU Center on Research and Evaluation to establish a baseline in order to determine progress and success. Program period extends over 3 years. Funding is requested for 6/1/16 – 6/1/17.

Alley's House. Grant Amount \$35,000. Program/Project: Outreach and Pathways Program

The program will provide counselling, innovative learning, workforce development modules and a stable environment for at least 180 teen age mothers. The program will be offered at two (2) SD/FP community locations (Madison and Lincoln High Schools). The series of 5 five week curriculums will be ongoing from 8/1/16 – 7/31/17 Funding will be used for curriculum, contract instructors and meeting expenses.

African American Museum: Grant Amount \$16,000 Program/Project: South Dallas Literacy Program.

The program is intended to enlighten SD/FP residents about issues and conditions facing their community and encouraging them to actively participate in activities that impact their quality of life. Efforts to recruit residents to engage have fallen short and decisions are being developed by those from outside of the community. The Museum will provide workshops, presentations and lectures as well as assist with forming Book Clubs to peak interest. The program will take place from September 2016 through June 2017 and expects to engage at least 1,200 community residents. Funding will be used for contract speakers and meeting expenses.

Business Assistance Center: Grant Amount \$26,175. Program/Project: Project 3E: Educate, Empower, Employ.

The Grantee will partner with Inspiring Greatness Consulting to provide soft skills, life skills, professional development and job readiness training for employment in the field of construction management. Training will be for six weeks, 9/6/16 – 10/12/16 for 25 people who will be placed in jobs within 1 week of completing the course. Funding will be used for contract instructors and curriculums.

Exhibit A
South Dallas Fair Trust Fund
2015/16 Grants
November 9, 2016

Community Based Non Profit Grants

Circle of Support: Grant Amount \$22,400. Project/Program: Girls S.M.A.R.T. (Science, Math, Art, Reading, Technology) Summer Learning Program.

The program provides academic and enrichment learning, leadership development and life skills to at risk females pre K – 9th grade who live in the SD/FP community. This Summer program helps girls to believe that they can achieve at higher levels and embark upon careers that will increase their chances of escaping poverty through higher paying jobs. Funding will be used for transportation, food and contract instructors. The program will run for six weeks, June 10, 2016 – July 22, 2016.

On the Road Lending: Grant Amount \$35,000. Project/Program First Step Provisional Transportation

The program helps low/moderate income working people obtain loans to buy reliable, affordable, transportation so that they can acquire and keep jobs. The program includes financial literacy that teaches participants to manage their finances and avoid predatory lenders. The program expects to provide 12 to 15 clients with dependable transportation in 2016. Funds will be used for contract instructors. The program is ongoing.

North Texas Capacity Builders (NTCB): Grant Amount \$34,000. Program/Project: Capacity Building Self Sufficiency Construction and Business Program.

The program enhances the capacity, knowledge, growth and sustainability of non-profit and for profit programs. NTCB will be working with non-profit North Texas Fatherhood Initiative program enrollees to grow their capacity by providing small business technical assistance to graduates who are small business owners and sub – contractors. The program will work with 6 – 10 business owners. Funds will be used for contract personnel. Training will be provided at various locations in the SD/FP community, 6/21/16 – 9/22/16.

Skill Quest: Grant Amount 28,350. **Project/Program:** High School to Careers Program

The program provides a workforce development program that removes barriers to completing a career Certification, case management to coach students through the curriculum, places participants in jobs paying family living wages and follows their progress for one year after placement.

Exhibit A
South Dallas Fair Trust Fund
2015/16 Grants
November 9, 2016

Community Based Non Profit Grants

The Skill Quest High School to Careers Program will have participants from Madison and Lincoln High Schools. Certifications will be offered in automotive, construction, health care, info tech, logistics and para legal. Program period is 6/18/16 – 5/3/17. The goal is to have 75% enrolled in Comm. College by 12/31/16 and 40 participants placed in job by 6/30/17.

Transformance Inc. Grant Amount \$35,000. Project/Program: Pocket Change KIDS and AIM (accountable, inspirational, motivational) Financial Capability for Parents.

The program promotes sound financial management for parents and children through curriculums that helps participants to understand credit, how to decrease debt and establish savings. The program empowers participants to achieve financial freedom through financial management that will lead to economic independence. Independence. The program is targeting 500 youth and 100 adults. The program will start 8/17/16 and end 8/17/17. Funds will be used for meeting expenses and contract personnel.

North Texas Conference of the United Methodist Church, ZIP Code Connection: In collaboration with Communities Foundation. Grant Amount \$35,000. Program/Project: Boots on the Ground.

The program addresses poverty by convening stakeholders (residents, churches and other organizations to learn about the issues and best practices in collaboration with partners and leveraging local and external financial and decision assets to support positive transformation. It will connect residents to resources such as Workforce Development programs and transportation options and other resources to remove barriers to getting a job and keeping it. Program duration 6/21/16 – 5/16/17. Funds will be used for community meeting expenses and professional and contract support.

Zan Holmes Community Outreach Center: Grant Amount \$35,000. Program/Project: Dream Academy

The Academy provides instruction to 25 students in writing, social studies, math, science and reading, enhancing their literacy and likelihood of successful higher education that will prepare them for upper income employment. Program duration 10/4/16 – 2/13/17. Funds will be used for contract personnel

Exhibit A
South Dallas Fair Trust Fund
2015/16 Grants
November 9, 2016

Community Based Non Profit Grants

Challenge Grants

Dallas Black Dance Theatre: Grant Amount \$5,000. Project/Program: In School and Outreach Residency

The program will provide dance training and arts education activities for SDFP students seeking careers in the fine arts. 80 students. 9/2016 – 5/2017. Post program survey for progress and skills development Funds will be used for transportation and contract personnel.

EDGE Education Group: Grant Amount \$5,000. Program/Project: Community Financial Literacy Program

The program provides financial literacy for Freshman (and others who can attend) students at Madison High School. Program time: weekly for 2 hours on Thursday afternoon. Program will be provided 9/1/16 – 10/20/16 Funds will be used for curriculum and materials

Education First Step: Grant Amount \$5,000. Project/Program: Braswell Education and Enrolment Initiative

The Grantee works to improve the quality and availability of early childhood education for economically disadvantaged children by keeping small daycare businesses operating, growing and profitable in low income neighborhoods. The initiative will assist a quality day care center in the SDFP community, with teacher certification, facility attractiveness and student enrollment growth. The program will run from 6/1/16 to 5/31/17. The goal is 98% of teachers accredited and re accredited. Web site traffic up 25%. Funds will be used for materials and staff development fees.

Generation to Generation: Grant Amount \$5,000. Project/Program: Social Skills for Success

The Grantee teaches critical life skills to at risk youth. The program teaches soft skills to SDFP students grades K – 6, enhancing their social and emotional maturity. Classes will be provided 2 times weekly at the T.R. Hoover Center from 9/16/16 – 5/ 2017. 60 students will be given Pre Evaluation / Post Evaluation in conversational skills, problem solving, managing emotional distress and positive social behavior. Funds will be used for snacks, materials and facility usage and contract instructors.

Exhibit A
South Dallas Fair Trust Fund
2015/16 Grants
November 9, 2016

Community Based Non Profit Grants

National Kidney Foundation: Grant Amount \$5,000. Program/Project: KEEP – Healthy Kidney Screenings

The program helps to prevent kidney and urinary tract diseases, improve the health and well-being of individuals and families affected by kidney disease and increase the availability of all organs for transplant. Kidney failure is prevalent in low income communities and communities of color. Screenings reduce health issues that prevent residents from participating in the work force. Program duration: 1,000 SDFP screenings from 8/1/16 - 4/2017. Funds will be used for screening materials.

St. Philips School and Community Center: Grant Amount \$5,000. Program/Project: Senior Citizens Education and Enrichment Program

The program provides education and community services to low/moderate income families in the Trust Fund area. The enrichment program is focused on updating skills for older workers. The program also provides other resources such as legal clinics, transportation for meds, and food pantry. 50 – 150 people weekly on Tuesday and Thursday, June 1, 2016 – June 1, 2017. Funds will be used for Program expenses.

Victory Baptist Church: Grant Amount \$5,000. Program/Project Victory SOAR Program

The Victory SOAR Program provides reading and educational services to 24 students, to improve literacy and educational attainment. Program period 4/10/16 – 9/11/16. Formal diagnostic assessments will be used to track progress in reading fluency and comprehension (March and November) post and pre. Ages 3 – 7. Funds will be used for curriculum, snacks and testing materials.

Public Safety Grants

Abounding Prosperity: Grant Amount \$10,000. Program/Project: No Shade Peer Mentoring

The Grantee provides services to address the health, social and economic disparities affecting African American men with an emphasis on the LGBT community. The grant will help to reduce street prostitution that offends residents, deters development in the community and increases incarceration which reduces employment opportunities for offenders.

Exhibit A
South Dallas Fair Trust Fund
2015/16 Grants
November 9, 2016

Community Based Non Profit Grants

Peer mentors who are former sex workers will build individual relationships to reduce recidivism for 20-50 men. Will meet monthly; Ongoing from June 1, 2016 – June 1, 2017. Funds will be used for meeting expenses, curriculum, and contract personnel.

Jubilee Park Community Center: Grant Amount \$10,000. Program/Project: Public Safety Initiative

The program aims to empower residents to help with crime reduction to encourage economic development in the community. Residents learn how to assist with video surveillance and how to improve community relations with DPD. The goal is to engage 3,000 residents and 20 businesses and hold a National Night Out activity. Funds will be used for community meetings, a DPD Appreciation event and National Night Out. Activities planned for July, 2016 through July, 2017.

AGENDA ITEM # 39

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: November 9, 2016

COUNCIL DISTRICT(S): 2

DEPARTMENT: Sustainable Development and Construction

CMO: Mark McDaniel, 670-3256

MAPSCO: 34 N

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 759 for RR Regional Retail District uses in the location generally bounded by West Mockingbird Lane, Forest Park Road, Empire Central and Maple Avenue

Recommendation of Staff and CPC: Approval, subject to a revised conceptual plan and conditions

Z156-279(WE)

FILE NUMBER: Z156-279(WE) **DATE FILED:** June 10, 2016

LOCATION: Generally bounded by West Mockingbird Lane, Forest Park Road, Empire Central and Maple Avenue

COUNCIL DISTRICT: 2 **MAPSCO:** 34-N

SIZE OF REQUEST: Approx. 31.02 acres **CENSUS TRACT:** 04.06

APPLICANT / OWNER: Mockingbird Venture Partners, LLC
M & M Venture, LLC

REPRESENTATIVE: Bill Dahlstrom
Jackson Walker

REQUEST: An application for an amendment to Planned Development District No. 759 for RR Regional Retail District uses.

SUMMARY: The purpose of the request is to allow for an increase in the total buildable floor area for office and lodging uses. The applicant is also proposing to revise the parking requirements for the proposed uses.

CPC RECOMMENDATION: Approval, subject to a revised conceptual plan and conditions.

STAFF RECOMMENDATION: Approval, subject to a revised conceptual plan and conditions.

BACKGROUND INFORMATION:

- On June 27, 2007, the City Council approved Planned Development District No. 759 for RR Regional Retail District uses.
- On May 22, 2013, the City Council approved an amendment to Planned Development District No. 759 for RR Regional Retail uses. The amendment permitted the applicant to separate the site into three Subdistricts to redevelop approximately 365,000 square feet of retail uses in Subdistrict I, and approximately 1,300 multifamily units or 75 dwellings per acre in Subdistrict II-A and Subdistrict II-B.
- The applicant's request is to increase the overall floor area, height and density of the proposed mixed use development. The total floor area for the lodging, office and retail and personal service uses will increase from 365,000 square feet to 715,000 square feet. The overall height of the lodging and office uses in Subdistrict I and Subdistrict II will increase from 155 feet to 200 feet and the density of the multifamily use will increase from 75 dwellings per acre to 85 dwelling units per acre.
- The yard, lot and space regulations in Subdistrict II and Subdistrict III are governed by the MF-3(A) Multifamily District.
- The surrounding land uses consist of industrial, manufacturing, commercial and single family uses.

Zoning History: There have been three zoning changes requested in the area during the past five years.

- | | |
|-------------|---|
| 1. Z067-188 | On June 27, 2007, the City Council approved a Planned Development District for RR Regional Retail District uses on property zoned an IM Industrial Manufacturing District and IR Industrial Research District [request site]. |
| 2. Z123-177 | On May 23, 2013, the City Council approved an amendment to Planned Development District No. 759 for RR Regional Retail District uses [request site]. |
| 3. Z123-340 | On March 26, 2014, the City Council approved an amendment to Planned Development District No. 759 for RR Regional Retail District uses [request site]. |

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Mockingbird Lane	Minor Arterial	100 ft.	100 ft.
Maple Avenue	Collector	60 ft.	60 ft.
Empire Central	Collector	44.2 ft.	44 ft.
Forest Park	Local Street	40 ft.	40 ft.
Hawes Street	Local Street	50 ft.	50 ft.

Land Use:

	Zoning	Land Use
Site	PDD No. 759	Undeveloped, Hotel under construction
Northeast	IR, CS	Industrial, Single Family
Southeast	MU-2, IR	Industrial, Undeveloped, Multifamily,
Northwest	IR, CS	Industrial, Nursery, Commercial, Single Family
Southwest	IR	Industrial

Comprehensive Plan: The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request, but also recommends protecting Dallas' floodplains. The continuation of the zoning that permits residential and non-residential uses within the area is in compliance with the Economic Development Element and Urban Design Element that are outlined in *forwardDallas!*

Economic**Goal 2.1** Promote Balanced Growth.

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

Goal 2.2 Engage in strategic economic development

Policy 2.2.6 Restore Dallas as the foremost retail location in the region.

Urban Design**Goal 5.2** Strengthen community and neighborhood identity

Policy 5.2.4 Enhance retail, industrial and business operations

Area Plan: The request site lies within the Love Field – West Land Use Study, January 1987, and recommends light industrial or industrial research uses for the area. The area contains a mixture of land uses, from a paint manufacturing company to professional and corporate offices, and commercial facilities. The Study states that light industrial or industrial research uses are appropriate because the request site is adjacent to a residential area.

STAFF ANALYSIS:

Land Use Compatibility: The 31.02 acre site is irregularly shaped and is primarily undeveloped with the exception the development of a hotel use and a retail distribution center. The surrounding land uses consist of various industrial and commercial uses. There are several single family uses that are developed adjacent to the proposed site, southeast of Empire Central. The single family dwellings are non-conforming because the development is located within an IR Industrial Research District. The zoning surrounding the request site is an IR Industrial Research District and an MU-2 Mixed Use District. In addition, the site is located adjacent to a medical district and is in close proximity to Dallas Love Field.

In June 27, 2007, the City Council created Planned Development District No. 759 for RR Regional Retail uses that permitted several modifications to the development standards. These modifications included 1) alternative options for tree mitigation, and 2) design standards for general merchandise greater than 100,000 square feet of floor area on any structure greater than 75,000 square feet with some modification to the tree planting requirements.

In May 22, 2013, the City Council approved an amendment to Planned Development District No. 759. The amendment permitted the applicant to separate the site into three Subdistricts to redevelop approximately 365,000 square feet of retail uses in Subdistrict I, and approximately 1,300 multifamily units or 75 dwellings per acre in Subdistrict II-A and Subdistrict II-B.

The applicant's current request for an amendment to Planned Development District No. 759 will allow for an increase in the development rights of the property that permits the development of non-residential and residential uses on site. The applicant is requesting to increase the overall floor area, height and density of the proposed mixed use development in order to create an office hub that will be supported by the proposed multifamily uses in Subdistrict II and Subdistrict II-B and the retail and personal services that are proposed in Subdistrict I.

The overall total floor area for the entire mixed use development in Subdistrict I and Subdistrict II will increase from 365,000 square feet to 715,000 square feet. The number of guest rooms for the lodging will increase from 300 guest rooms to 500 guest

rooms. The additional guest rooms will accommodate the new lodging development. Moreover, the increase in the overall floor area for the mixed use development will give the applicant the flexibility to develop the site with the additional office, multifamily or lodging uses.

The proposed request will also increase the residential density on site. Even though the development of the multifamily uses in Subdistrict II and Subdistrict II-B are governed by the MF-3(A) Multifamily District development standards, which permits a maximum density of 90 dwellings per acre, the PDD currently permits a maximum of 75 dwelling units per acre. The applicant is proposing to increase the density to 85 units per acre.

Staff has reviewed and supports the applicant request for an amendment to Planned Development District No. 759. The request for an amendment to Planned Development District No. 759 should not have an adverse impact on the surrounding areas, subject to conditions.

Development Standards:

<u>DISTRICT</u>	<u>SETBACKS</u>		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
Planned Development District No. 759 - existing Regional retail	15'	15'	Overall 1.5 FAR	Office & lodging – 155 ft. Other: 65 ft. to 95 ft.	80%	Proximity Slope U-form setback Visual Intrusion	Retail & personal service, office, Multifamily, Lodging
Planned Development District No. 759 - Proposed Regional retail	15'	15'	1.5 FAR 2.0 FAR – lodging 2.5 FAR office	200 ft. – Office 155 ft. – Lodging Other; 65 ft. to 95 ft.	80%	Proximity Slope U-form setback Visual Intrusion	Retail & personal service, office, Multifamily, Lodging

Landscaping: Landscaping will be maintained in accordance with Article X, as amended and big box standards for any building greater than 75,000 square feet. There are no changes to the landscape section of PDD No. 759.

Traffic: The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not impact the surrounding street system for the proposed development. The infrastructure improvements identified in the applicant's Traffic Impact Analysis Report, West Love TIA, update, August 2016, will be implemented and will suffice for the proposed amendment to Planned Development District No. 759, and will include the following changes.

The developer should provide funding for design, construction of:

1. Extending the eastbound left-turn lane on Mockingbird Lane at Drive No. 2
2. Restriping the southbound approach Forest Park Road to have a left turn only lane and a shared through/right Developer / operator/ owner should provide an update of TIA due 6 months after the issuance of Certificates of Occupancy exceeding 300,000 SF of office uses within the PD boundary (Maximum is 600,000 SF). The TIA will evaluate existing signal phasing at:

Mockingbird Lane at Forest Park Road: Monitoring for northbound and southbound protected left-turn phasing on Forest Park Road; and

Mockingbird Lane at Maple Avenue: Monitoring for northbound and southbound protected left-turn phasing on Maple Avenue.

CPC Action (October 6, 2016)

Motion: It was moved to recommend **approval** of an amendment to Planned Development District No. 759 for RR Regional Retail District uses, subject to a revised conceptual plan and revised conditions with the following modification: In Subarea 2B allow maximum height 48 ft. and applying the residential proximity slope in Subarea 2B in the location generally bounded by West Mockingbird Lane, Forest Park Road, Empire Central and Maple Avenue.

Maker: Rieves
Second: Ridley
Result: Carried: 10 to 3

For: 10 - Rieves, Shidid, Anantasomboon, Haney, Jung,
Housewright, Peadon, Murphy, Ridley, Tarpley

Against: 3 - Anglin, Davis, Schultz
Absent: 1 - Houston
Vacancy: 1 - District 7

Notices: Area: 500 Mailed: 92
Replies: For: 7 Against: 2

Speakers: For: Bill Dahlstrom, 2323 Ross Ave., Dallas, TX, 75201
For (Did not speak): Jorge Ramirez, 6717 Minosa Ln., Dallas, TX, 75230
Against: None

<p style="text-align: center;">LIST OF OFFICERS Mockingbird Venture Partners, LLC</p>
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Mockingbird Venture Partners, LLC
A Delaware Limited Liability Company

Sole Managing Member: Highridge Asset Management, LLC
A Delaware Limited Liability Company

Sole Managing Member: Highridge Management, Inc
A California Corporation

Highridge Asset Management, LLC - Officers

- John S. Long – President
- Steven A. Berlinger – Executive VP/CFO
- Jack L. Mahoney – VP
- Eugene S. Rosenfield – VP
- Parviz Vaghti – VP
- Linda Kasai – VP/Secretary

Directors:

- John S. Long
- Steven A. Berlinger

<p>LIST OF OFFICERS M&M Hotel Ventures, LLC</p>
--

Atlantic Hotels Group

- Perry Molubhoy
- Salim Molubhoy
- Arzu Molubhoy

Civitas Capital

- Daniel Healy
- David Perel
- Caroline Perel

PARKING DEMAND ANALYSIS REPORT
Love Field Business Hotel

Introduction

DeShazo Group, Inc. is an engineering consulting firm providing licensed engineers skilled in the field of traffic/transportation engineering and parking design and demand analysis. The services of DeShazo were retained by M&M Venture II to study the parking provisions for a proposed business hotel located at 2345 W Mockingbird Lane in Dallas, Texas.

The proposed hotel is part of a mixed use development known as West Love, currently under design phase within a mile of Love Field Airport. The subject hotel will include 4,345 square feet of meeting space in addition to other limited hotel ancillary areas (i.e. lobby, common areas) but no services for outside (non-guests) customers. Some features of the proposed hotel are designed to increase the market share of airport-based business travelers. The hotel will provide a private shuttle for hotel guests with service to/from the Airport as well as valet parking services for guests and patrons.

This report presents a summary of a technical evaluation of the parking needs for the proposed use and recommended on-site parking supply. Findings of this analysis are intended to support a reduction of the default off-street parking requirements by city code.

Code Parking Requirement

The property is currently zoned under Planned Development (PD) District 759 and subject to the parking requirements stipulated in section 51P-759.110(c). The parking requirement for lodging uses is *one space for each guest room*; no parking is required for any ancillary areas including meeting space.

NOTE: As stipulated in PD 759, the entire development is considered one lot and should be calculated as a whole for purposes of City Code off-street parking regulations.

Unique Parking Characteristics

As reported by the hotel operators, the proposed parking supply will adequately serve the cumulative parking demands generated by the hotel use. The hotel will serve a significant portion of airport-based travelers with direct access to the hotel's airport shuttle service. Consequently, the anticipated parking demand for the proposed hotel is presumably lower than that of similar hotels not located near a major airport.

Also, the inherent characteristics of shared parking will result in a reduction of overall parking demand for the site. To a significant degree, synergy will exist at the West Love development—more specifically between the hotel and other uses—which generates a reduced parking demand by allowing one parking space to serve a dual trip purpose. For example, when a hotel guest patronizes the restaurant, a single parking space is simultaneously serving both uses.

In addition, the hotel owners currently operate a similar hotel approximately six miles away from DFW Airport, with similar shuttle and airport-based business travelers. Records compiled by the hotel owner indicate peak parking demands range between *0.7 to 0.75 spaces per room*. A general comment from the hotel operators is that a significant amount of guests arrive via alternative modes of transportation (e.g., taxi, Uber, shuttle services).

Other general characteristics common to business hotels include business groups who occupy multiple rooms by the same company and share transportation—another significant reduction from the default average parking demand for hotels.

Published Data

As a validation for the recommended parking rate for the proposed business hotel, published parking demand data is available from the *Institute of Transportation Engineers* (ITE). Their *Parking Generation* manual, 4th Edition (2010) provides a reliable compilation of parking demand data from various land uses collected around the country over several years.

ITE defines a business hotel (LU 312) as “...places of lodging aimed toward the business traveler. These hotels provide sleeping accommodations and other limited facilities, such as breakfast buffet bar and afternoon beverage bar... Each unit is a large single room. Business hotels provide very few or none of the supporting facilities provided at hotels or suite hotels and are usually smaller in size.” **Table 1** provides an excerpt of the ITE *Parking Generation* manual.

Table 1. Published Parking Demand Data for Business Hotels

	Weekday	Saturday
Observed Range	0.25-0.85 vehicles per occupied room	0.58-0.75 vehicles per occupied room
Average Peak Parking Demand	0.60 vehicles per room	0.66 vehicles per occupied room
85 th Percentile	0.75 vehicles per occupied room	0.72 vehicles per occupied room

SOURCE: the Institute of Transportation Engineers (ITE) Parking Generation manual, 4th Edition (2010), LU 312

Based upon the ITE data, the 85th percentile peak parking demand (a design value) for business hotels equates to 0.75 parked vehicles per occupied room for a weekday and 0.72 for a Saturday. In fact, the actual recommended parking demand for the proposed hotel may be reduced considering a significant proportion of guests are Airport-based business travelers who utilize Airport shuttle services provided by the hotel.

Furthermore, DeShazo has conducted numerous parking accumulation studies of existing hotel developments in the DFW area over several years. The actual peak parking demand for business hotels with close proximity to regional airports and urban areas has been studied on numerous occasions. As with the ITE studies, data have consistently found parking demands lower than the default one parking space per guest room at peak times.

Recommended parking supply

Our recommended minimum parking supply for the proposed business hotel is 0.75 vehicles per room in accordance with the 85th percentile data compiled by the Institute of Transportation Engineers for other hotels of similar characteristics. The recommended supply is based on an assessment of the proposed hotel's unique parking generation characteristics including site location and modes of transportation.

Summary

This study documents the parking needs for the proposed business hotel at West Love. A parking reduction from the default City Code parking requirement for hotel use is justified based on the development strategic location and site's characteristics. The projected parking demand is exclusive of the needs for adjacent uses. Furthermore, the requested parking reduction will not create a traffic hazard nor restrict the hotel's (or adjacent properties) parking operations during typical peak hours. It is also presumed that it is in the best interest of the property owners to provide an appropriate parking environment to their clients.

The proposed business hotel should provide at least 0.75 vehicles per room. Any reduction that meets this recommendation is warranted based upon the following considerations as specified in the Dallas Development Code §51A-4.311(a)(2):

(A) The extent of which the parking spaces provided will be assigned, shared, or packed.

The proposed parking supply will be exclusively available for the hotel with valet service during all times of business operations. Additional off-site spaces are not formally included in this study.

(B) The parking demand characteristics for the occupancy for which the reduction is requested.

According to the ITE *Parking Generation* manual (4th Edition), the projected average parking demand for the subject business hotel is 139 parking spaces based on an average rate of 0.66 *vehicles per occupied room*. (See reference in **Appendix**.) Furthermore, the projected parking generation for this use is expected to be significantly reduced by airport-shuttle service.

(C) Whether or not the subject property is part of a modified delta overlay district.

The requested parking reduction is based upon the site's unique parking demand characteristics and is not based upon any special zoning adjustments.

(D) The current and probably future capacities of adjacent streets based upon city's thoroughfare plan.

The surrounding street system is mature and is generally constructed to the anticipated ultimate plans. The site provides ample site access to the surrounding roadway network.

(E) The availability of public transit and the likelihood of its use.

The site is located within reach of airport shuttle services. The subject site is also located approximately one mile of DART Rail System's Green and Orange lines (Inwood/Love Field Station, Inwood Road at Denton Drive). Several DART public bus routes (39, 524, 526, 527, 529) are within walking distance and provide an alternative mode of transportation for employees and guests.

(F) The feasibility of parking mitigation measures and the likelihood of their effectiveness.

The use of alternative modes of transportation is a significant factor in the determination of an adequate parking supply for the proposed business hotel. Airport shuttle service and DART public transit are attractive parking mitigation measures as they present a viable transportation alternative mainly for employees. The site's strategic location is also attractive to airport-based business travelers who opt to rely on alternative modes of transportation without car rental. The recommended parking supply for the hotel should include efficiencies as a result of use of alternate travel modes (e.g., airport shuttle, Uber, Lyft) and by the synergy among uses (e.g., hotel guests attending an evening function on site).

END OF MEMO

PROPOSED PDD CONDITIONS

ARTICLE 759.

PD 759.

SEC. 51P-759.101. LEGISLATIVE HISTORY.

PD 759 was established by Ordinance No. 26871, passed by the Dallas City Council on June 27, 2007.

SEC. 51P-759.102. PROPERTY LOCATION AND SIZE.

(a) PD 759 is established on property located at the northeast corner of West Mockingbird Lane and Forest Park Road. The size of PD 759 is approximately 31.02 acres.

(b) This district is divided into three Subdistricts: Subdistrict I, Subdistrict II-A and Subdistrict II-B.

SEC. 51P-759.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article.

(1) SHOPPING CENTER SIGN means a sign that identifies several owners, tenants, or occupants within the district.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This district is considered to be a nonresidential zoning district.

SEC. 51P-759.103.1 EXHIBIT.

The following exhibit is incorporated in this article: Exhibit 759A: conceptual plan.

SEC. 51P-759.104. CONCEPTUAL PLAN.

(a) Except as provided in this section, development and use of the Property must comply with the conceptual plan (Exhibit 759A). If there is a conflict between the text of this article and the conceptual plan, the text of this article controls.

(b) The conceptual plan only shows the approximate location of ingress/egress points. The final location of the ingress/egress points must be shown on the development plan.

(1) Except as provided in this subsection, no ingress or egress is permitted to or from Empire Central.

(2) Ingress and egress to and from Subdistrict II-B Is permitted on Empire Central.

SEC. 51P-759.105. DEVELOPMENT PLAN.

(a) A development plan must be approved by the city plan commission before issuance of any building permit to authorize work in this district.

(b) The development plan does not have to show all phases of development if separate phases are proposed. If separate phases are proposed, however, a development plan for each phase must be approved by the city plan commission before the issuance of a building permit to authorize work in that phase of development.

(c) If there is a conflict between the text of this article and the development plan, the text of this article controls.

(d) Before approval of a development plan for any portion or all of the Property, a tree survey, grading and drainage plan, and utilities plan for that portion of the Property must be submitted to the building official.

SEC. 51P-759.106. MAIN USES PERMITTED.

(a) Except as provided in this section, the only main uses permitted in this district are those main uses permitted in the RR Regional Retail District, subject to the same conditions applicable in the RR Regional Retail District, as set out in Chapter 51A. For example, a use permitted in the RR Regional Retail 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 RR Regional Retail District is subject to DIR in this district, etc.

(b) The following uses [~~Multifamily uses~~] are permitted by right in Subdistrict II-A and Subdistrict II-B only.

(i) Residential Uses

- Handicapped group dwelling
- Singe Family
- Local Utilities
- Multifamily

SEC. 51P-759.107. ACCESSORY USES.

As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

SEC. 51P-759.108. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.)

(a) In general.

(1) Subdistrict I. Except as provided in this section, the yard, lot, and space regulations for the RR Regional Retail District apply.

(2) Subdistrict II-A and Subdistrict II-B: Except as provided in this section, the yard, lot, and space regulations for the MF-3(A) Multifamily District apply.

(3) For the purpose of the development standards and parking in this planned development district, the Property is considered as one lot.

(b) Front yard.

(1) Except as provided in this subsection, no front yard setback is required

(2) Minimum front yard is 5 feet at the boundaries of this district, as shown on the conceptual plan.

(3) Minimum front yard is 15 feet along Empire Central.

(c) Side and rear yard. Minimum side and rear yard is 5 feet at the boundaries of this district. Otherwise, no side and rear yard setback is required.

(d) Floor area ratio.

(1) Except as provided in this subsection, maximum floor area ratio is 1.5.

(2) For lodging [~~and office~~] uses, maximum floor area ratio is 2.0.

(3) For office uses, maximum floor area ratio is 2.5

~~[(3)]~~(4) For multifamily and residential uses, no maximum floor area ratio.

(e) Floor area:

(1) All subareas. Maximum total floor area for all uses on the Property other than lodging and residential is ~~[365,000]~~ 715,000 square feet.

(2) Subdistrict I. Maximum total floor area for all uses other than lodging, ~~[and]~~ residential, and office is ~~[175,000]~~ 65,000 square feet.

(3) Subdistrict I and Subdistrict II-A ~~[and Subdistrict II-B]~~. Maximum total floor area for ~~[all use other than lodging and residential]~~ office is ~~[190,000]~~ 600,000 square feet.

(4) Subdistrict II-B. Maximum total floor area for all uses other than lodging and residential uses is 50,000 square feet.

(f) Height.

(1) Subdistrict I.

(A) Except as provided in this paragraph, maximum structure height is 95 feet.

(B) For lodging ~~[and office uses]~~, maximum structure height is 155 feet.

(C) For office uses, maximum structure height is 200 feet.

(2) Subdistrict II-A.

(A) Except as provided in this paragraph ~~m~~[M]aximum structure height is 90 feet.

(B) For office uses, maximum structure height is 200 feet.

(3) Subdistrict II-B. Maximum structure height is 65 feet.

(g) Density / Guest rooms.

(1) Subdistrict II-A and Subdistrict II-B. Overall maximum density is ~~[7]~~85 units per acre.

(2) Subdistrict I & Subdistrict II-A. Maximum number of guest rooms for all lodging uses is ~~[300]~~ 500.

(h) Lot Coverage. Maximum lot coverage is 80 percent.

(i) Urban form setback. An additional 20-foot front yard setback is required for that portion a structure over 60 feet in height.

(j) Tower Spacing. An additional side and rear yard setback of one foot for each two feet in height above 60 feet is required for that portion of a structure over 60 feet in height, up to a total setback of 30 feet. This subsection does not require a total side or rear setback greater than 30 feet.

SEC. 51P-759.109. DESIGN STANDARDS.

(a) Except as provided in this section, the design standards and procedures in Section 51A-4.605 apply to any retail uses, personal service uses, or combination thereof, totalling 75,000 square feet or more of floor area and located within the same structure.

(b) Trees planted in planters count toward the tree planting requirements in Section 51A-4.605(a)(8)(F).

(c) The city plan commission, whether or not a specific use permit is required, may approve a site plan that does not comply with the requirements of the design standards provided that:

(1) strict compliance with the design standards is impractical due to site constraints or would result in substantial hardship;

(2) the site plan complies with the spirit and intent of the design standards;

(3) the site plan furthers the stated purpose of the design standards; and

(4) the variation or exception from the design standards will not adversely affect surrounding properties.

(d) For amendments to the design standards site plan, the city plan commission shall follow the same procedures used for approval of minor amendments to development plans, and the fee for a minor plan amendment shall apply.

SEC. 51P-759.110. 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. Consult Division 51A-4.300 for information regarding off-street parking and loading generally.

(b) The required parking for nonresidential uses, except for restaurant uses, office uses, furniture store uses and lodging uses is 4[-5] spaces per 1,000 square feet of floor area. In addition, one off-street parking space must be provided for every 500

square feet of covered outdoor sales area and one off-street parking space must be provided for every 2,000 square feet of open outdoor sales area.

(c) The following off-street parking requirements apply to office and lodging uses:

(1) Office: one space per 333 square feet of floor area.

(2) Lodging: ~~[one]~~ 0.75 space for each guest room.

(d) For purposes of the off-street parking regulations, the Property is considered one lot.

SEC. 51P-759.111. ROADWAY IMPROVEMENTS.

(a) Each application for a building permit or certificate of occupancy must be supplemented with a cumulative floor area calculation for the district and the number of off-street parking required for each retail use.

(b) No certificate of occupancy may be issued for any use in the district once the cumulative floor area for the district reaches 50,000 square feet, until the roadway improvements specified in this section are completed. The following road improvements must be provided on Mockingbird Lane, with final design and construction approved by the director of public works and transportation:

(1) Lengthen the existing eastbound left-turn lane of Driveway No. 6, as shown on the conceptual plan, to a minimum of 150 feet storage.

(2) No on-site driveway is allowed on either side of Drive 5 within 50 feet of Mockingbird Lane right-of-way, as shown on the conceptual plan.

(2) The developer should provide funding for design, construction of:

(a) Extending the eastbound left-turn lane on Mockingbird Lane at Drive No. 2

(b) Restriping the southbound approach Forest Park Road to have a left turn only lane and a shared through/right Developer / operator/ owner should provide an update of TIA due 6 months after the issuance of Certificates of Occupancy exceeding 300,000 SF of office uses within the PD boundary (Maximum is 600,000 SF). The TIA will evaluate existing signal phasing at:

(i) Mockingbird Lane at Forest Park Road: Monitoring for northbound and southbound protected left-turn phasing on Forest Park Road; and

(ii) Mockingbird Lane at Maple Avenue: Monitoring for northbound and southbound protected left-turn phasing on Maple Avenue.

SEC. 51P-759.112. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-759.113. LANDSCAPING.

(a) In general.

(1) Except as otherwise provided in this section, landscaping must be provided in accordance with Article X.

(2) Street trees are not required on a platted lot with less than 25 feet of street frontage.

(3) Required street trees may be planted in adjacent parkways as described in Subsection 51P-759.113(b)(1) and (2), provide that all private licensing requirements of the city code and charter are met. Street trees may be counted toward the requirements for site trees.

(4) Plant materials must be maintained in a healthy, growing condition.

(b) Parkway planting strips

(1) Minimum parkway planting strip adjacent to Mockingbird Lane, measured from back of curb, is six feet.

(2) Minimum parkway planting strip adjacent to Forest Park Road, Hawes Street, and Maple Avenue, measured from back of curb, is five feet.

(c) Tree mitigation.

(1) Except as provided in this section, tree mitigation must be provided in accordance with Article X.

(2) Except as provided in this section, tree mitigation in flood plain areas must be provided in accordance with Article V.

(3) Tree mitigation must be completed within 24 months after issuance of a tree removal permit.

(d) Alternative tree mitigation. The building official shall evaluate the conditions of trees used for alternate tree mitigation during first landscape on the Property.

SEC. 51P-759.113.1. SIDEWALKS.

(a) Sidewalks along Mockingbird Lane must have a minimum unobstructed width of seven feet.

(b) Sidewalks along Forest Park Road, Hawes Street, and Maple Avenue must have a minimum unobstructed width of six feet.

SEC. 51P-759.114. SIGNS.

(a) In general. Except as provided in this section, signs must comply with the provisions for business zoning districts in Article VII.

(b) Monument signs. All detached signs, except for shopping center signs, must be monument signs.

(c) Shopping center signs.

(1) For shopping center signs only, the premise is considered the entire Property.

(2) Shopping center signs may only be located adjacent to Mockingbird Lane.

(3) One shopping center sign is permitted for every 300 feet of street frontage.

(4) Shopping center signs must be located at least 400 feet apart.

(5) Shopping center signs may not exceed 35 feet in height or 250 square feet in effective area.

SEC. 51P-759.115. 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.

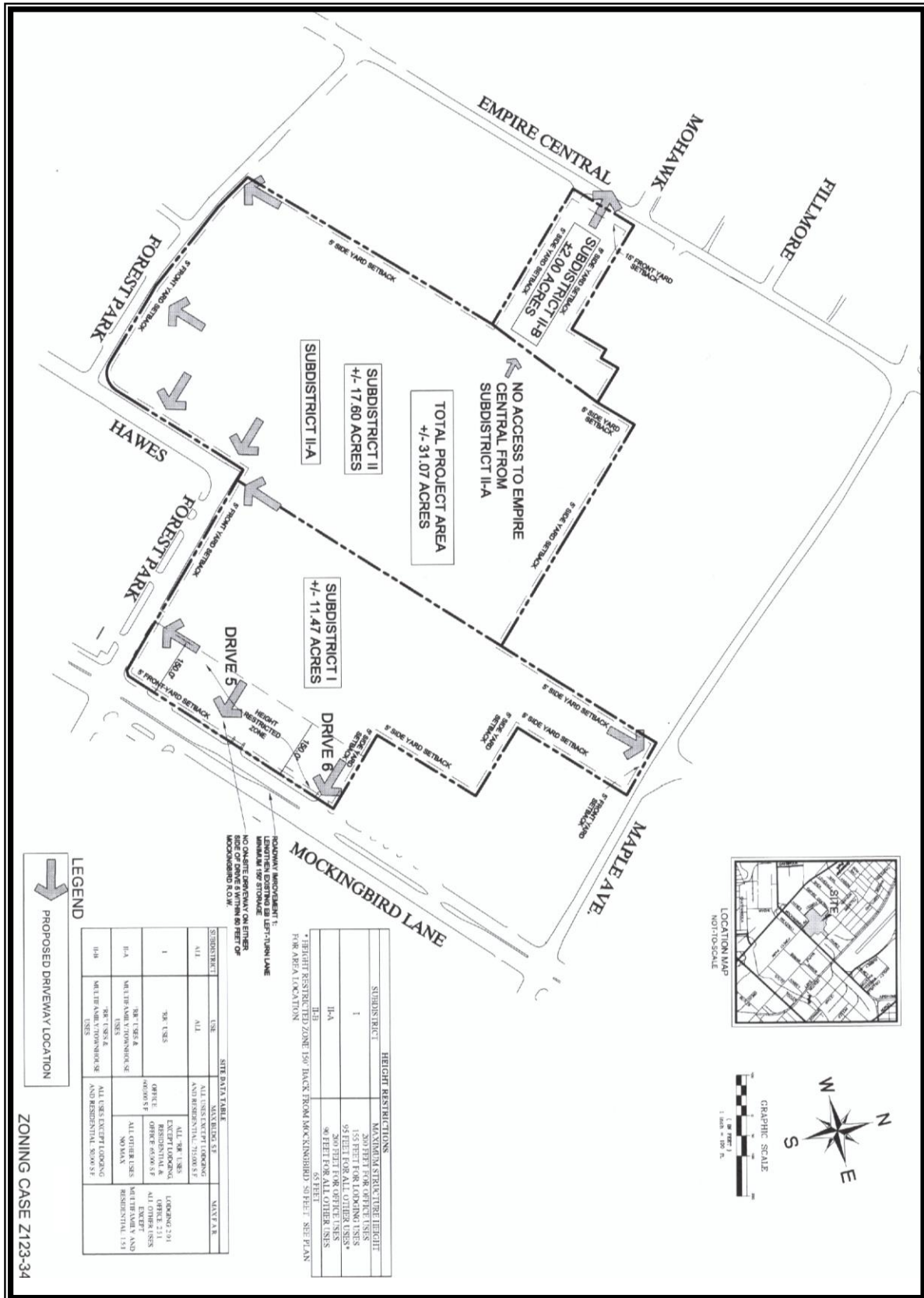
(c) Pedestrian connectivity between Mockingbird Lane and the multifamily and retail uses within the Property shall be shown on the development plan.

SEC. 51P-759.116. COMPLIANCE WITH CONDITIONS.

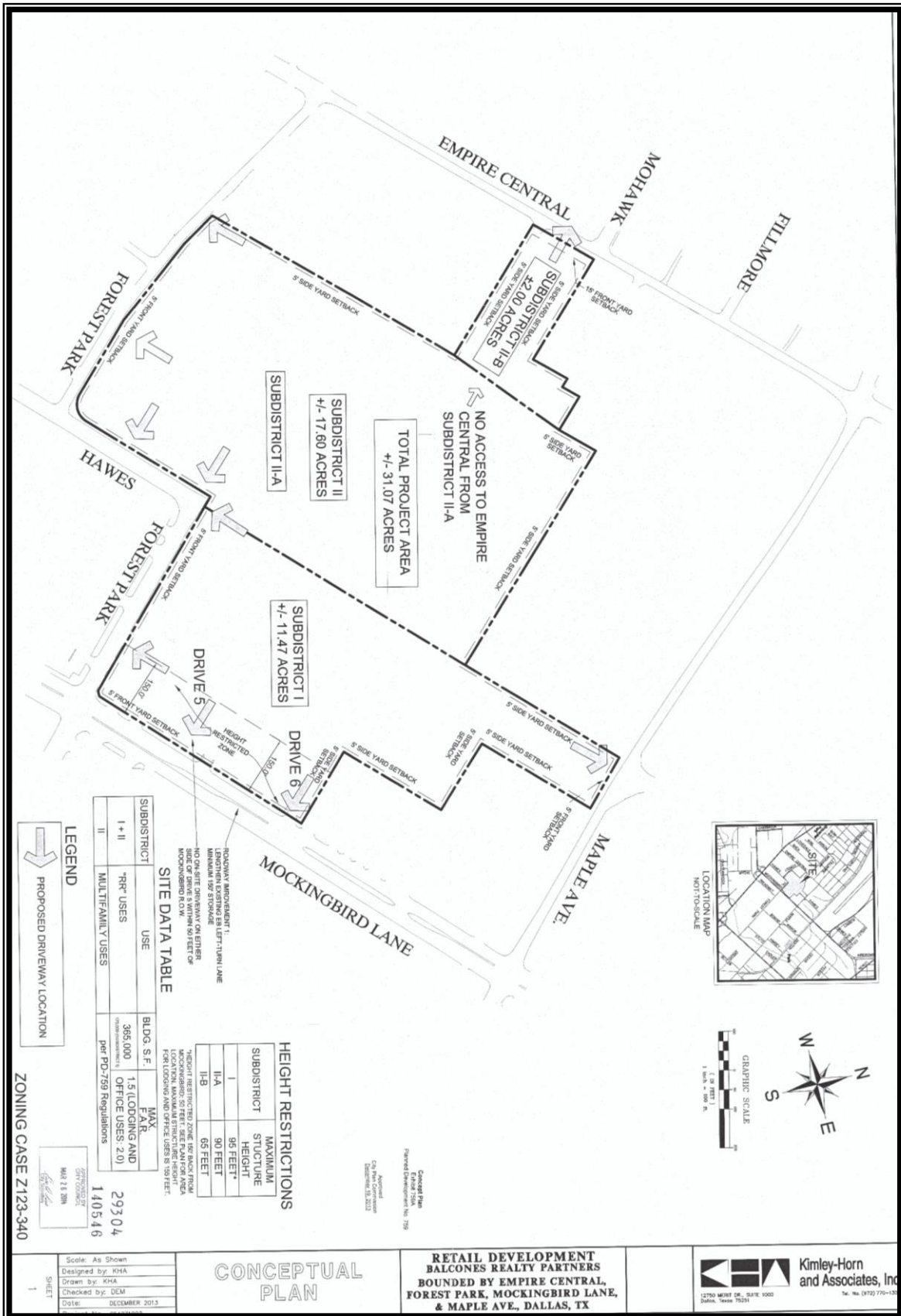
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

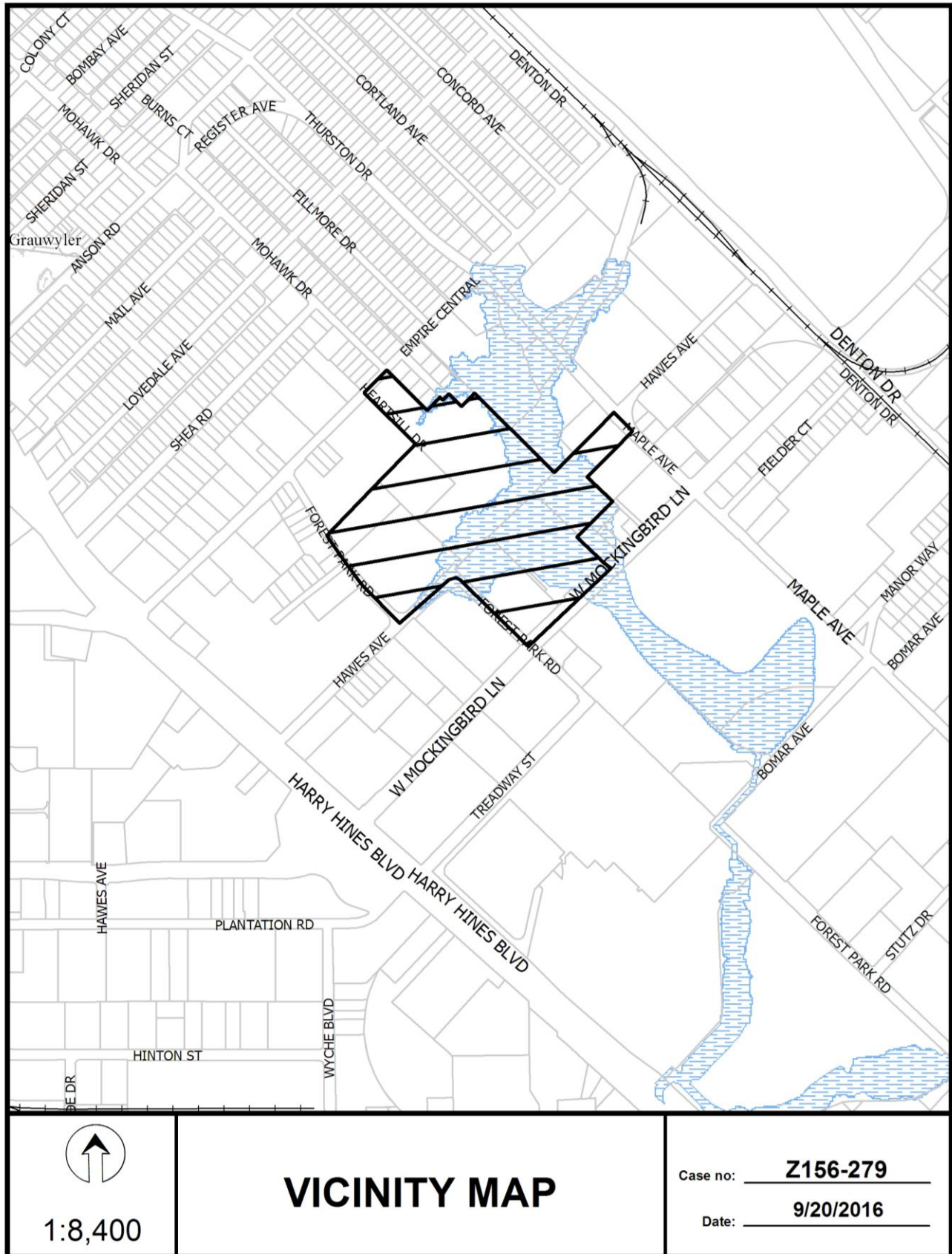
(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use in this district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

PROPOSED CONCEPTUAL PLAN

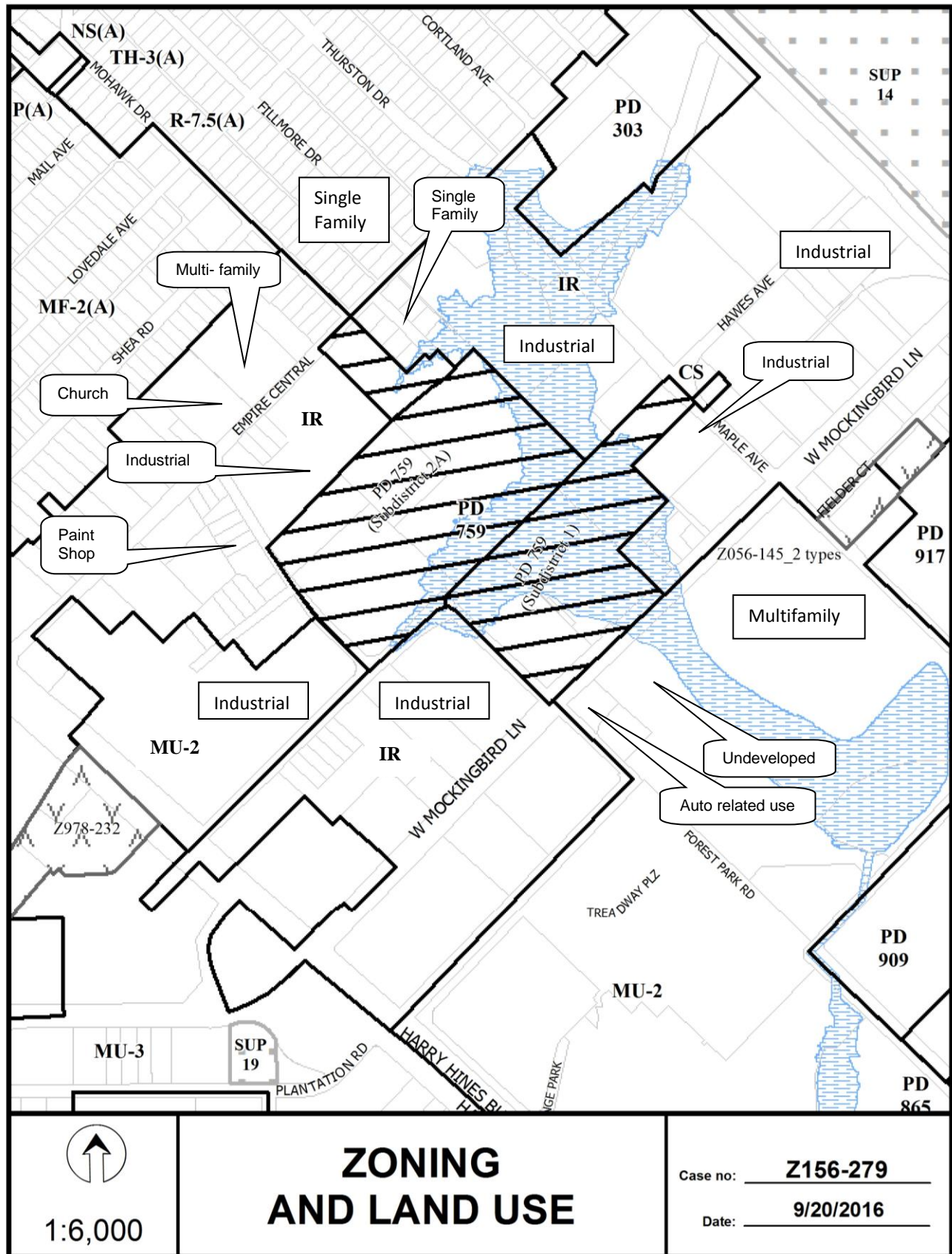


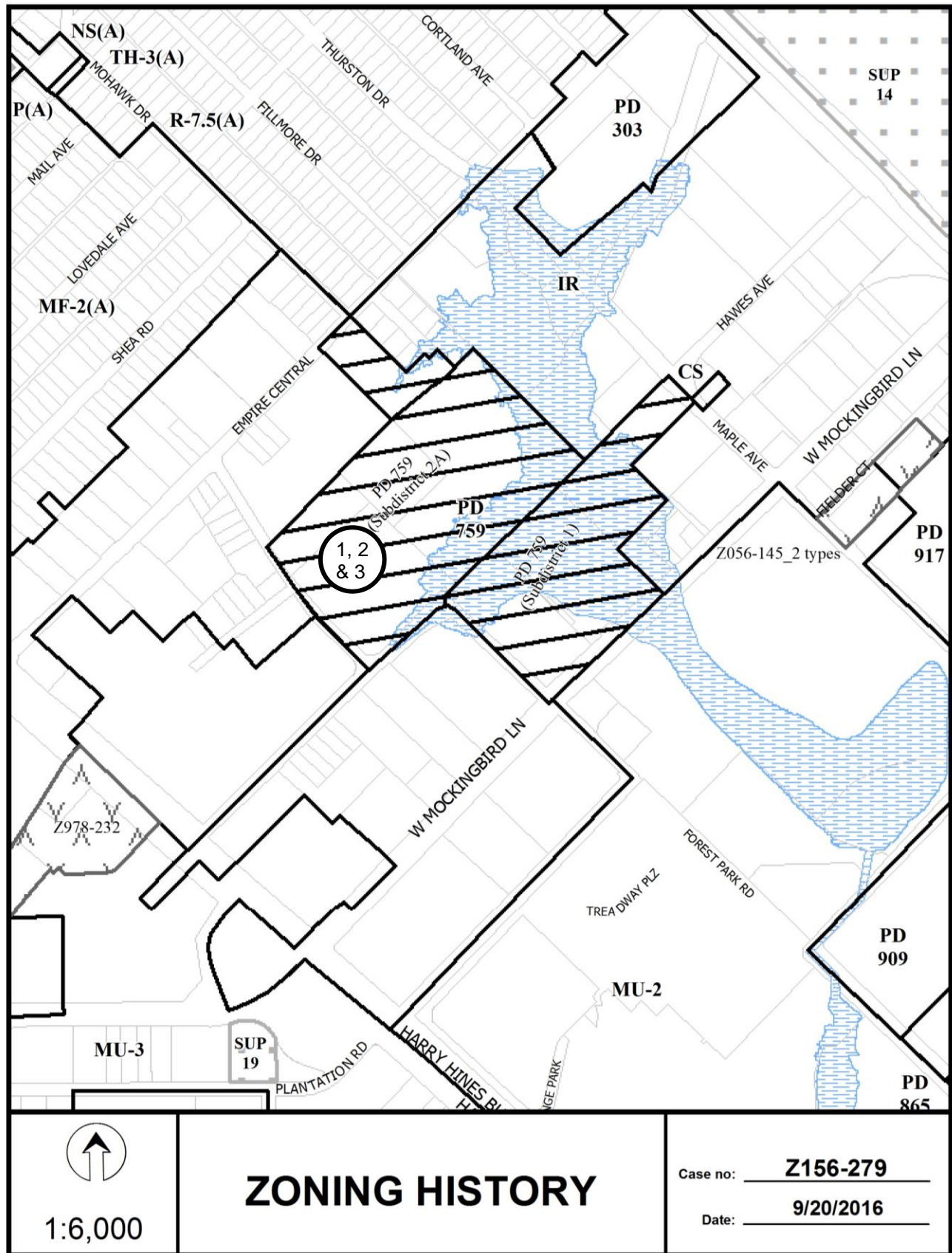
APPROVED CONCEPTUAL PLAN



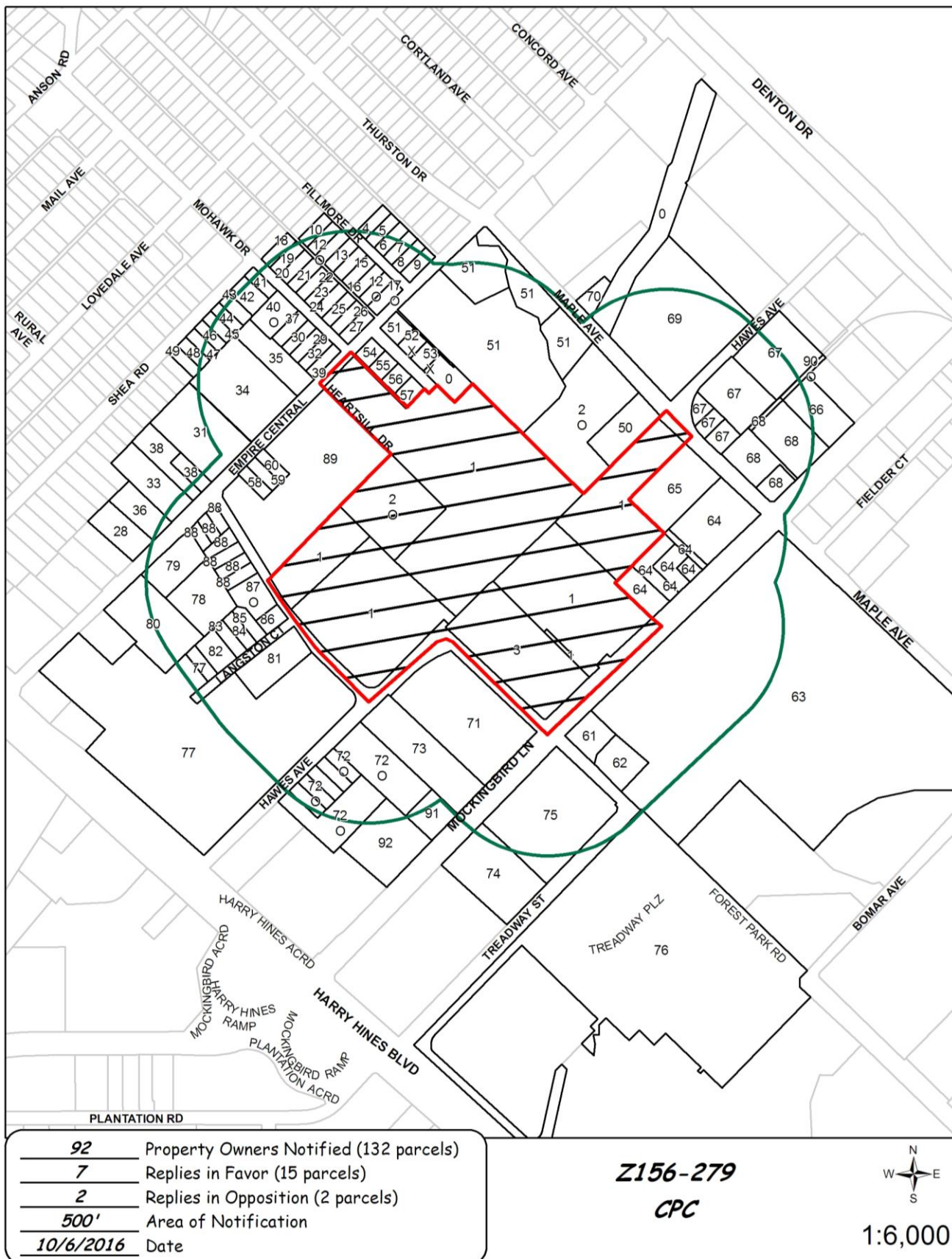








CPC RESPONSES



Notification List of Property

Z156-279

92 Property Owners Notified 7 Property Owners in Favor 2 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	6820 FOREST PARK RD	MOCKINGBIRD VENTURE PARTNERS LLC
O	2	6721 MAPLE AVE	MOCKINGBIRD VENTURE PARTNERS
	3	2333 W MOCKINGBIRD LN	M&M HOTEL VENTURE LLC
	4	7110 FILLMORE DR	TAH HOLDING LP
	5	7106 FILLMORE DR	WEAR JOHN G
	6	7102 FILLMORE DR	RANGEL MARICELA A &
	7	7010 FILLMORE DR	PLASCENCIA MARIO
	8	7006 FILLMORE DR	PULLEN MELVIN L
	9	7002 FILLMORE DR	CONDE EPIFANIA
	10	7123 FILLMORE DR	TORRES TOMAS
	11	7119 FILLMORE DR	CERVANTES MANUEL JR
O	12	7115 FILLMORE DR	CROUCH COLEMAN R
	13	7111 FILLMORE DR	VALLES JOSE L ET AL
	14	7107 FILLMORE DR	GONZALEZ MIGUEL
	15	7103 FILLMORE DR	CARLOS CONSTANTINE
	16	7011 FILLMORE DR	FLORES GUADALUPE
O	17	7003 FILLMORE DR	CROUCH C R
	18	7126 MOHAWK DR	GUTIERREZ MERCEDEZ
	19	7122 MOHAWK DR	PERALEZ DOROTHY
	20	7118 MOHAWK DR	FAZ AVELINO S
	21	7114 MOHAWK DR	GONZALEZ FRANCISCO &
	22	7110 MOHAWK DR	RIVERA LORENZA
	23	7106 MOHAWK DR	FLORES JESUS E
	24	7102 MOHAWK DR	RAMIREZ LORENZO & MARIA
	25	7010 MOHAWK DR	GONZALES GUSTAVO
	26	7006 MOHAWK DR	WOHLGEMUTH BRIAN LEE & MARGARITA A

10/05/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	7002 MOHAWK DR	NELSON DARRELL PATRICK
	28	2103 EMPIRE CENTRAL	BFH PPTIES LLC
	29	7011 MOHAWK DR	CASTRO PEDRO D
	30	7103 MOHAWK DR	MARTINEZ JUAN
	31	2145 EMPIRE CENTRAL	IGLESIA DE CRISTO EMPIRE CENTRAL
	32	7007 MOHAWK DR	MORALES JESUS S &
	33	2121 EMPIRE CENTRAL	LUAU JOINT VENTURE
	34	2203 EMPIRE CENTRAL	KOKO JOINT VENTURE
	35	2221 EMPIRE CENTRAL	PLEASANT RUN LANCASTER
	36	2115 EMPIRE CENTRAL	2115 EMPIRE CENTRAL LLC
	37	7107 MOHAWK DR	SALAS ANTONIO
	38	2133 EMPIRE CENTRAL	1250 WDT LTD
	39	7003 MOHAWK DR	MARTINEZ PATRICIA
O	40	7111 MOHAWK DR	KENDRICK PROPERTIES II LIMITED
	41	2234 SHEA RD	RENTERIA RODOLFO M
	42	2226 SHEA RD	GUAJARDO ROLANDO J & MARIA C GONZALEZ
	43	2222 SHEA RD	BARRERA GILBERTO &
	44	2218 SHEA RD	ALMAGUER ELIAS & MERCEDES
	45	2214 SHEA RD	RAMIREZ RAUL &
	46	2210 SHEA RD	LOPEZ TEODORO JAIMES
	47	2206 SHEA RD	RODRIGUEA JOSE ANGEL
	48	2202 SHEA RD	CHAVEZ DOLORES G
	49	2162 SHEA RD	MACIAS ROMAN & FLOR
	50	6707 MAPLE AVE	TEXAS UTILITIES ELEC CO
	51	2414 EMPIRE CENTRAL	MAPLE EMPIRE LLC
X	52	6922 MOHAWK DR	WATTACHERIL JOSEPH J
X	53	6910 MOHAWK DR	JACOB JOSEPH W
	54	6925 MOHAWK DR	TINSLEY CLAUDIA ANNE M
	55	6919 MOHAWK DR	ABAUNZA DENIS E & A OMEGA
	56	6911 MOHAWK DR	TUNIS BENJAMIN ESTATE OF

10/05/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	57	6907 MOHAWK DR	QUINN DENISE MARIE
	58	2148 EMPIRE CENTRAL	BFH LTD
	59	2152 EMPIRE CENTRAL	SOLIS GLORIA B
	60	2156 EMPIRE CENTRAL	HERNANDEZ DAVID PAEZ &
	61	2304 W MOCKINGBIRD LN	LG MOCKINGBIRD FOREST LLC
	62	6516 FOREST PARK RD	TAYLOR THOMAS W
	63	6535 MAPLE AVE	BOARD OF REGENTS OF THE UNIVERSITY
	64	2449 W MOCKINGBIRD LN	GREENWAY-MOCKINGBIRD LP
	65	6627 MAPLE AVE	6627 MAPLE AVENUE LLC
	66	2601 W MOCKINGBIRD LN	SPC MOCKINGBIRD DEPOT
	67	6638 MAPLE AVE	SOUTHWEST AIRLINES CO
	68	2525 W MOCKINGBIRD LN	LG MAPLE MOCKINGBIRD LLC
	69	6700 MAPLE AVE	JONES BLAIR CO
	70	6814 MAPLE AVE	GARCIA JORGE
	71	2221 W MOCKINGBIRD LN	GENUINE PARTS COMPANY
O	72	2128 HAWES AVE	HARRY HINES VENTURE II LP
	73	2130 HAWES AVE	JL & JB PROPERTIES INC
	74	2126 W MOCKINGBIRD LN	BOARD OF REGENTS OF THE UNIVERSITY OF
	75	2200 W MOCKINGBIRD LN	BOARD OF REGENTS OF THE
	76	6303 FOREST PARK RD	BOARD OF REGENTS OF THE UNIVERSITY
	77	6814 HARRY HINES BLVD	SCARBOROUGH FOREST PARK IV LP
	78	2102 EMPIRE CENTRAL	BAR ROBERT E &
	79	2102 EMPIRE CENTRAL	BARD ROBERT E &
	80	2040 EMPIRE CENTRAL	GIRLS INCORPORATED OF
	81	6835 FOREST PARK RD	SONG JIN HEE
	82	2119 LANGSTON CT	DERUTA LLC
	83	2123 LANGSTON CT	FORESTPARK SERVICES LLC
	84	2127 LANGSTON CT	VALDEZ FRANCISCO

Z156-279(WE)

10/05/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>	
	85	2131	LANGSTON CT	MCRAE MICHAEL C
	86	6901	FOREST PARK RD	FORD LEVERNE R &
O	87	6911	FOREST PARK RD	DOUBLE E PROPERTIES
	88	6921	FOREST PARK RD	IMPRUNETTA LLC
	89	6930	FOREST PARK RD	BFH LTD
O	90	2608	W MOCKINGBIRD LN	REARDEN INVESTMENT PARTNERS IV
	91	2121	W MOCKINGBIRD LN	MESQUITE CREEK
	92	2111	W MOCKINGBIRD LN	MESQUITE CREEK DEV INC

AGENDA ITEM # 40

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: November 9, 2016
COUNCIL DISTRICT(S): 12
DEPARTMENT: Sustainable Development and Construction
CMO: Mark McDaniel, 670-3256
MAPSCO: 6 G

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an RR Regional Retail District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an MC-3 Multiple Commercial District, on the south side of the President George Bush Turnpike, and the north side of Frankford Road, east of Coit Road

Recommendation of Staff: Approval

Recommendation of CPC: Approval, subject to deed restrictions volunteered by the applicant

Z156-292(JM)

FILE NUMBER: Z156-292(JM)

DATE FILED: June 24, 2016

LOCATION: On the south side of the President George Bush Turnpike, and the north side of Frankford Road, east of Coit Road

COUNCIL DISTRICT: 12

MAPSCO: 6-G

SIZE OF REQUEST: ±14.00 acres

CENSUS TRACT: 0318.04

APPLICANT/OWNER: 1-90/Frankford Partners LTD

REPRESENTATIVE: Brad Williams, Winstead PC

REQUEST: An application for an RR Regional Retail District with deed restrictions volunteered by the applicant on property zoned an MC-3 Multiple Commercial District.

SUMMARY: The applicant proposes to rezone the 14 acre tract to allow for the development of a vehicle display, sales, or service use. Proposed volunteered deed restrictions will limit general merchandise or food stores greater than 100,000 square feet.

CPC RECOMMENDATION: Approval, subject to deed restrictions volunteered by the applicant.

STAFF RECOMMENDATION: Approval

BACKGROUND INFORMATION:

- The 14.00 acre request site is currently vacant.
- The applicant proposes to rezone the property to allow for a vehicle sales lot.
- Surrounding land uses include office, showroom/warehouse, retirement multifamily, open enrollment charter school, and abutting city limits for Richardson to the east and Plano to the north.
- Going from an MC-3 to an RR District will allow fourteen (14) additional uses. Some are allowed by right, others with special provisions. Some of the uses now permitted were already allowed with an SUP or other special provisions.
- At the CPC hearing, the applicant volunteered deed restrictions to prohibit general merchandise or food stores greater than 100,000 square feet.
- Development standards are similar, with only a notable change in height—a reduction. MC-3 allows up to 115' and the requested RR District only allows 70'.

Zoning History:

1. **Z112-146(MW):** On April 11, 2012, City Council approved an amendment Planned Development District No. 695 by providing a new development plan, landscape plan, and PDD conditions regarding ingress/egress, and temporary signage.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
President George Bush Turnpike Service Road	Local	Varies
Frankford Road	Principal Arterial (M-6-D(A) to S-4-D)	70-100 feet

Traffic: The Engineering Division of the Sustainable Development and Construction Department reviewed the proposed zoning and determined it will not have a negative impact on the existing street system.

Comprehensive Plan: The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The comprehensive plan does not make a specific land use recommendation related to the request, however the *forwardDallas! Vision Illustration* is comprised of a series of Building Blocks that depict general land use patterns.

The proposed RR Regional Retail District is described as being for the development of regional-serving retail, personal service, and office uses. This district is not intended to be located in areas of low density residential development. This district ultimately supports the intended Building Block.

The subject site is located on a freeway. The purpose of rezoning the parcel is to develop the land with a vehicle display, sales, or service use. This use will provide variety to the shopping corridor, as well as jobs in the area. These characteristics support the *Business Center or Corridor* Building Block.

Finally, the proposed zoning request meets the following goals and objectives of the comprehensive plan:

LAND USE ELEMENT

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

GOAL 2.4 CREATE AND MAINTAIN AN ENVIRONMENT FRIENDLY TO BUSINESSES AND ENTREPRENEURS

Policy 2.4.2 Restore Dallas as the premier city for conducting business within the region.

A business friendly environment is essential for Dallas to maintain competitiveness in the regional and global marketplace. With such close proximity to other cities, supporting a change in zoning which will complement the area will also provide for investment and job growth in a competitive region of north Dallas.

Land Use Compatibility:

	Zoning	Land Use
Site	MC-3	Vacant land
North	City of Plano	PGB Turnpike, vacant land, office and personal service
East	City of Richardson	Office
South	LI & PDD No. 695 w/SUP No. 764	Office, showroom/warehouse and retirement community
West	MC-3	Vacant land

The request site is 14.00 acres situated along the south line of the President George Bush Turnpike Service Road. There seems to be a boom of development in this area, with the recent construction of a large scale office use further east, a new office under construction to the immediate east, a new open enrollment charter school use to the west, and a retirement community to the southwest. The rezoning of this property will have similar uses to what is currently allowed, while minimizing the height of what could be. If the developer does proceed to provide a vehicle display, sales, or service use as indicated, it would add a retail use not currently provided in the area.

The Regional Retail District adds 14 uses, primarily in the commercial and business service, institutional and community service, and retail and personal service use categories. Eleven of those uses are new, of which only two allow for no special provisions or considerations. More information is provided under Development Standards and Land Use Comparison sections of this report.

Development Standards:

DISTRICT	Setbacks		FAR	Height	Lot Coverage	Primary Uses
	Front	Side/Rear				
Existing						
MC-3 Multiple Commercial	15' Urban Form	0' Tower Spacing	Varies	115' RPS	80%	Commercial & business service, institutional and community service, retail & personal service, office, and utility and public service uses. A few industrial uses.
Proposed						
RR Regional Retail	15' Urban Form	0'	0.5 to 1.5	70' RPS	80%	Commercial & business service, institutional and community service, retail & personal service, office, and utility and public service uses. A few industrial uses.

Land Use Comparison: The following table identifies the changes in allowable uses from the existing zoning designation, to the proposed. Fourteen new uses would be allowed under the new RR Regional Retail District. These 14 uses are not exclusive of all uses allowed in the RR District. At the CPC public hearing, the applicant volunteered deed restrictions to prohibit general merchandise or food store greater than 100,000 square feet.

	Proposed	Existing
Use	RR	MC-3
Building repair and maintenance shop.	RAR	
Machinery, heavy equipment, or truck sales and services.	RAR	
Vehicle or engine repair or maintenance.	RAR	
Community Service Center.	X	SUP
Halfway house.	SUP	
Hospital.	SUP	RAR
Lodging or boarding house.	X	
Animal shelter or clinic with outside runs.	SUP	
General merchandise or food store 100,000 square feet or more.	Prohibited in DR	SUP
Home improvement center, lumber, brick or building materials sales yard.	RAR	
Outside sales.	SUP	
Pawn shop.	X	
Vehicle display, sales, and service.	RAR	
Commercial bus station and terminal.	DIR	
<p><i>X indicates permitted by right.</i> <i>SUP indicates permitted with a Specific Use Permit.</i> <i>RAR indicates permitted, but subject to Residential Adjacency Review.</i> <i>DIR indicates permitted, but subject to Development Impact Review.</i> <i>Check Use indicates permitted, but that the use must conform to specific regulations in different districts, as outlined in the Development Code.</i> <i>By CBO Authorization indicates that the use may be allowed with permission from the Chief Building Official.</i> <i>DR indicates the use has been prohibited by volunteered deed restrictions.</i> <i>Alternating color pattern indicates a new category of uses.</i></p>		

LIST OF PARTNERS/PRINCIPALS/OFFICERS

Land Owner: I-190/Frankford Partners, LTD

General Partner: Beltway Development Corporation

Limited Partner: Daryl N. Snadon
Chairman, Beltway Commercial Real Estate

Z156-292

CPC Action
October 6, 2016:

Motion: It was moved to recommend **approval** of an RR Regional Retail District, subject to deed restrictions volunteered by the applicant to include prohibiting the use of a general merchandise store greater than 100,000 sq. ft. on property zoned an MC-3 Multiple Commercial District, on the south side of the President George Bush Turnpike, and the north side of Frankford Road, east of Coit Road.

Maker: Peadon
Second: Anglin
Result: Carried: 13 to 0

For: 13 - Anglin, Rieves*, Davis, Shidid,
Anantasomboon, Haney*, Jung, Housewright,
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Houston
Vacancy: 1 - District 7

*out of the room, shown voting in favor

Notices:	Area: 400	Mailed: 10
Replies:	For: 0	Against: 0

Speakers: For: Tommy Mann, 500 Winstead Building, Dallas, TX, 75201
Against: None

DEED RESTRICTIONS VOLUNTEERED BY THE APPLICANT

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

I.

The undersigned, I-190/FRANKFORD PARTNERS, LTD., a Texas limited partnership (the “Owner”), is the owner of the following described property (the “Property”), being in particular an approximately 14.000 acre tract of land out of the Martha McBride Survey, Abstract No. A0553, City of Dallas (“City”), Collin County, Texas, and being a portion of that same tract of land conveyed to the Owner by the University of Texas at Dallas, by deed dated August 21, 2008, and recorded as Instrument No. 20080822001022170 in the Deed Records of Collin County, Texas, and being more particularly described by metes and bounds in Exhibit A, attached hereto and incorporated herein by reference.

II.

The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

The following use is not permitted on the Property:

— General merchandise or food store 100,000 square feet or more.

III.

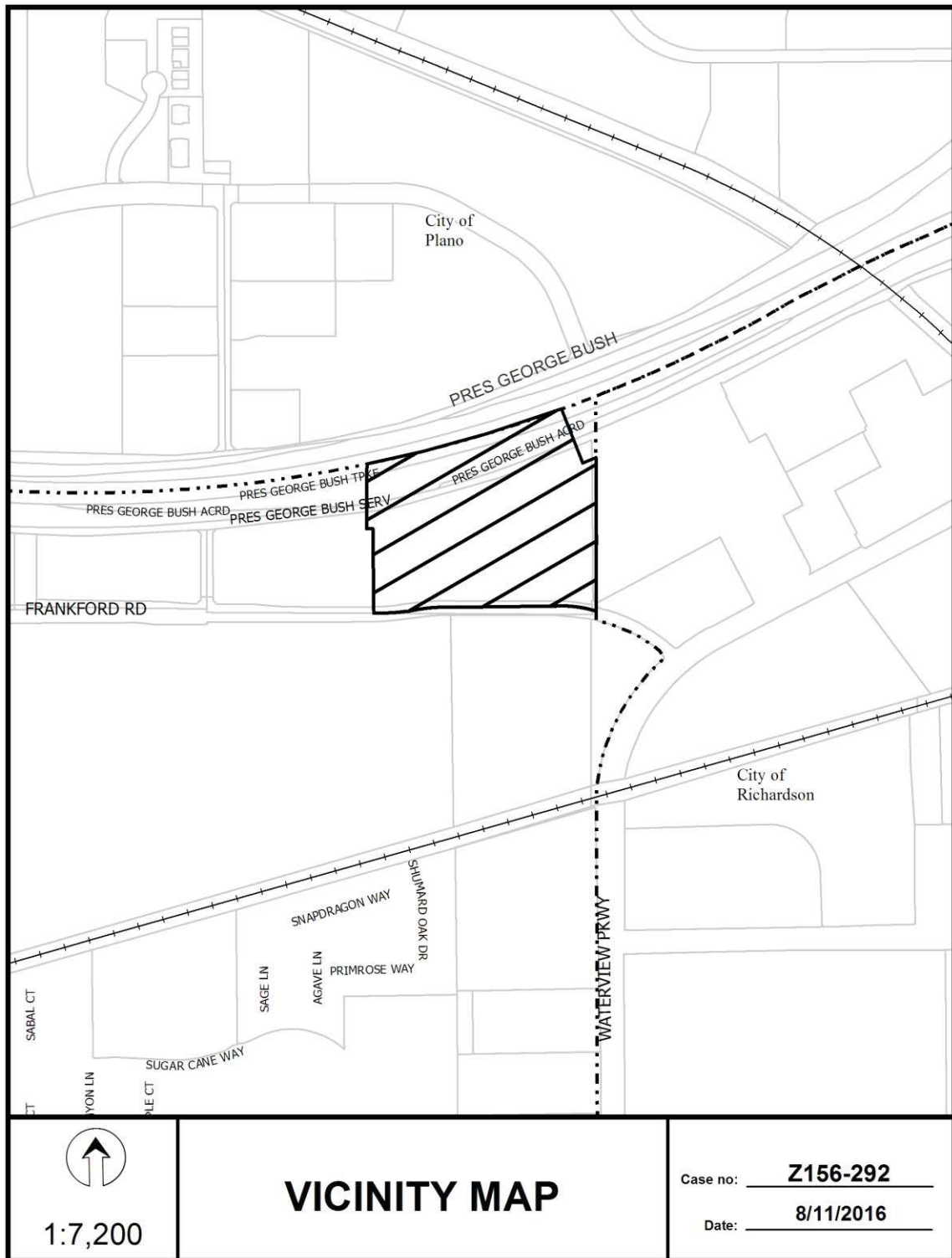
These restrictions shall continue in full force and effect for a period of 20 years from the date of execution, and shall automatically be extended for additional periods of 10 years unless amended or terminated in the manner specified in this document.

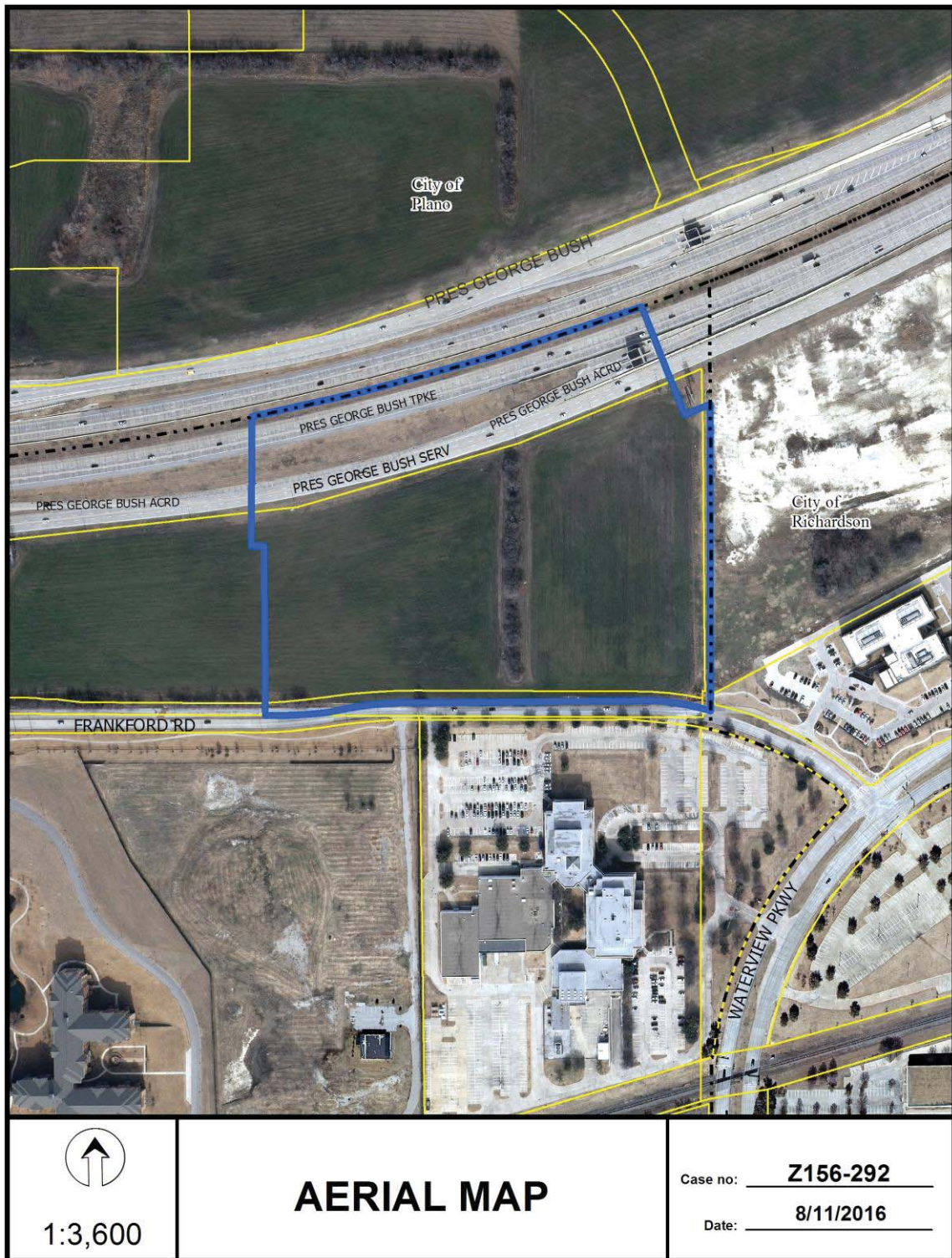
IV.

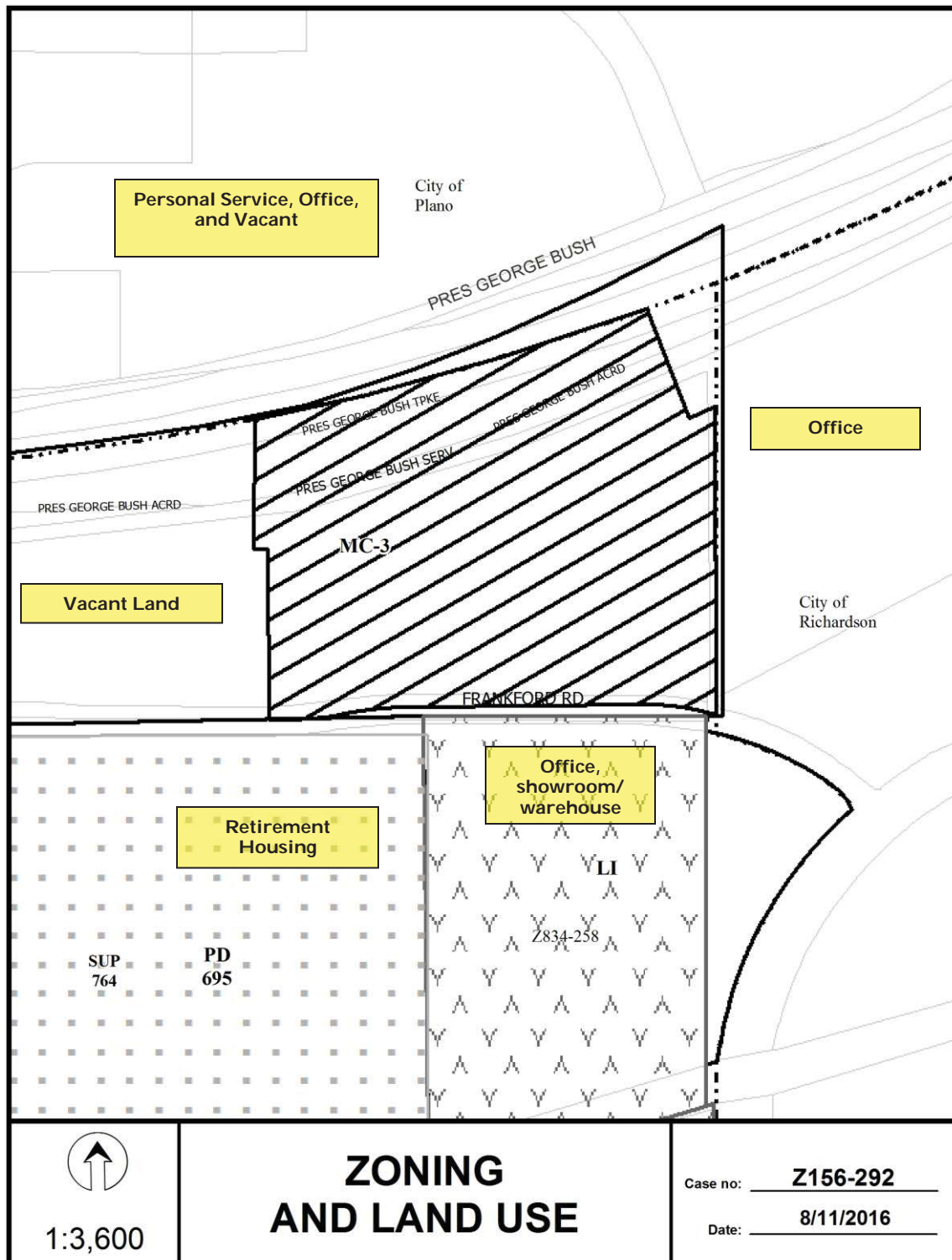
These restrictions may be amended or terminated as to any portion of the Property, upon application to the City of Dallas by the current owner of that portion of the Property, without the concurrence of the owners of the remaining portion of the Property. These restrictions may be amended or terminated only after a public hearing before the City Plan Commission and a public hearing before and approval by the City Council of the City. Notice of the public hearings must be given as would be required by law for a zoning change on the Property. The amending or terminating instrument must be approved as to form by the city attorney. If the City Council approves an amendment or termination of these restrictions, the Owner must then file the amending or terminating instrument in the Deed Records of the county or counties where the Property is located at his or her sole cost and expense before the amendment or termination becomes effective.

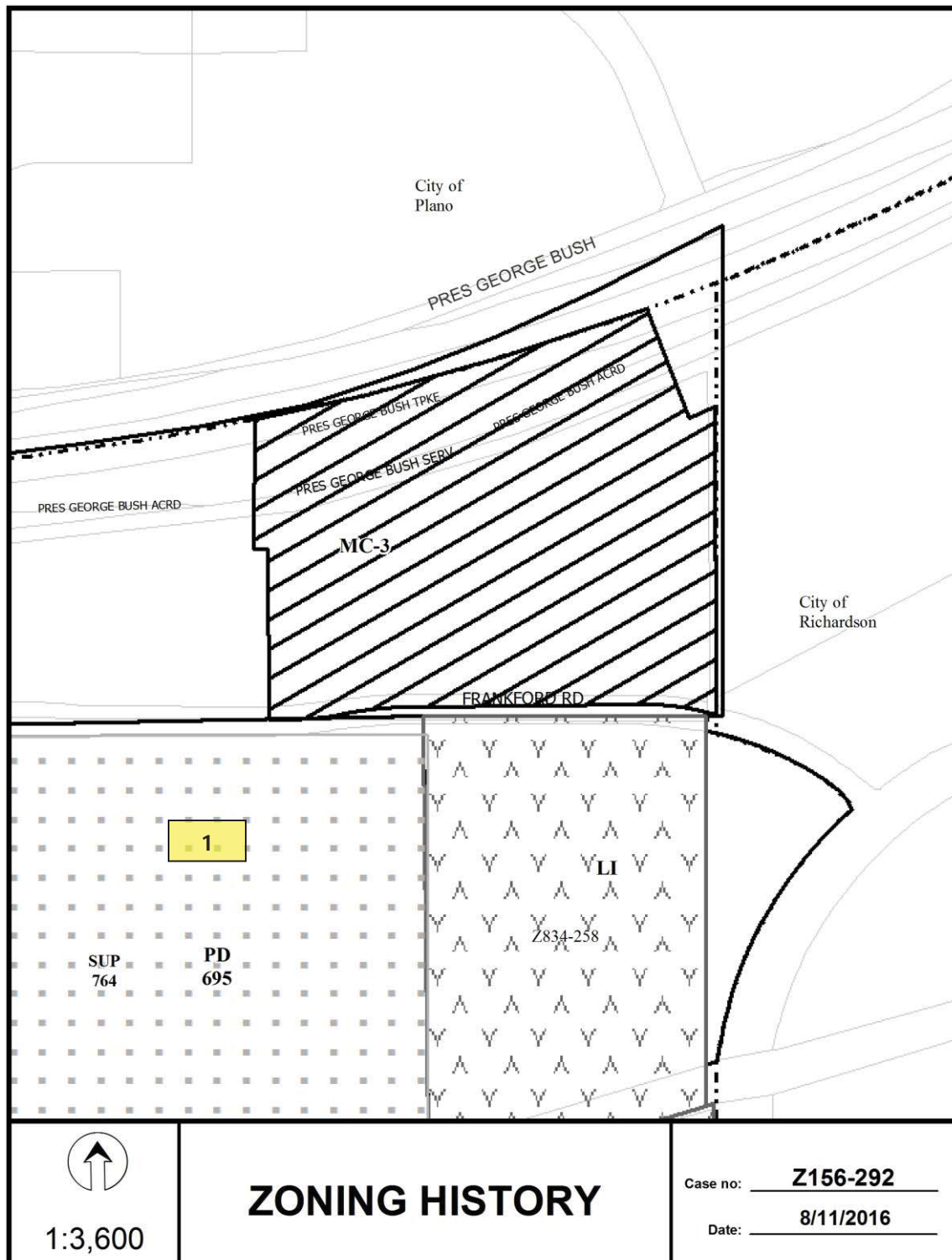
V.

These restrictions are not intended to restrict the right of the Council to exercise its legislative duties and powers insofar as zoning of the Property is concerned.

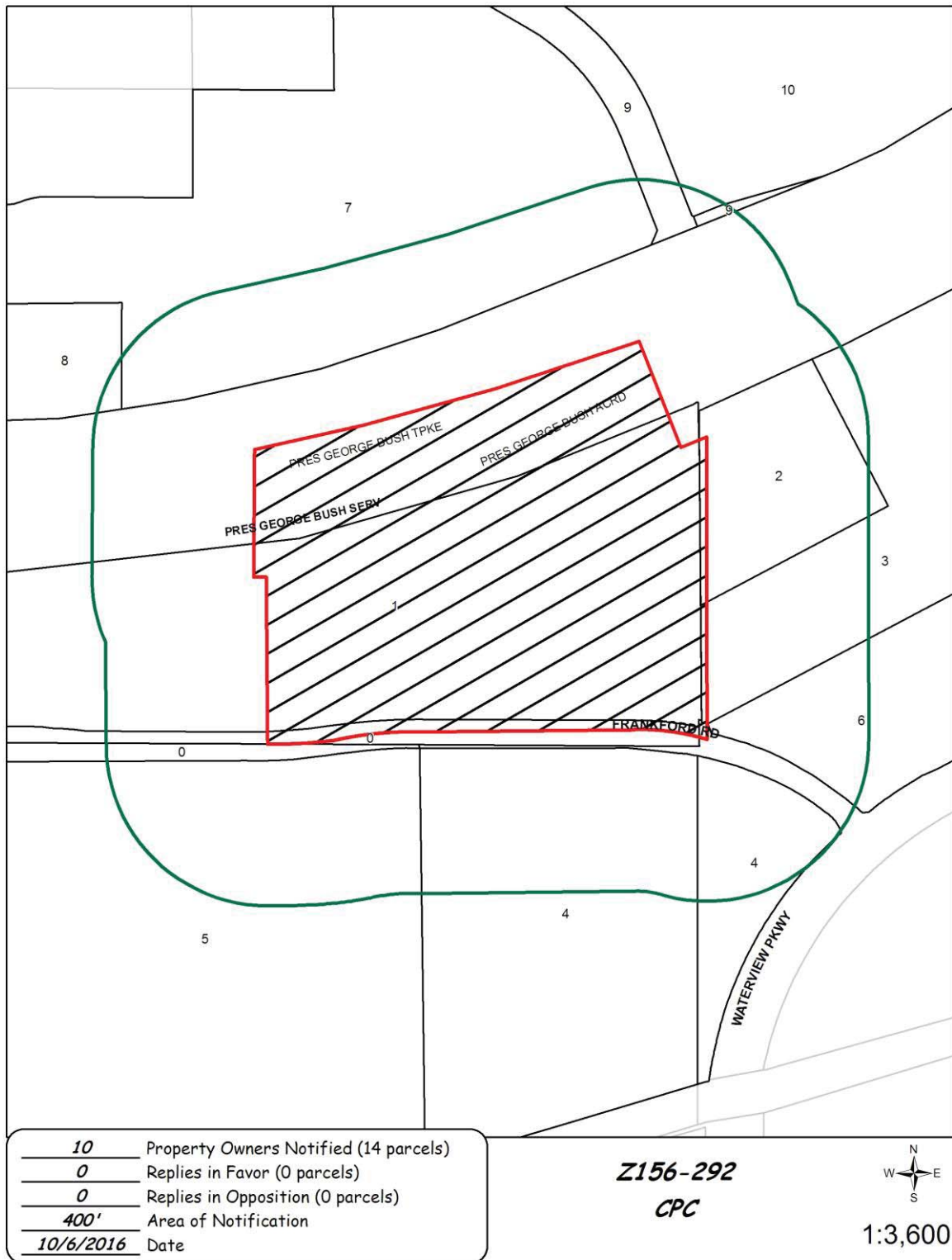








CPC RESPONSES



10/05/2016

Reply List of Property Owners***Z156-292******10 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		FRANKFORD RD	I-190/FRANKFORD PARTNERS LTD
2	1351	W PRESIDENT GEORGE BUSH HWY	EMINENT MEDICAL CENTER LLC
3	1323	W PRESIDENT GEORGE BUSH HWY	GRANITE 190 CENTER LTD
4	18325	WATERVIEW PKWY	PRIME DIAMOND INVESTMENT LTD
5	8000	FRANKFORD RD	REDWOOD-ERC DALLAS LLC
6	3351	WATERVIEW PKWY	MPT OF RICHARDSON LP
7			U OF TX AT DALLAS
8			SILVERGLEN POND ASSOCIATION INC
9		MAPLESHADE LN	PLANO CITY OF
10			MY POSSIBILITIES A 501(cX3) ORGANIZATION

AGENDA ITEM # 41

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: November 9, 2016

COUNCIL DISTRICT(S): 7

DEPARTMENT: Sustainable Development and Construction

CMO: Mark McDaniel, 670-3256

MAPSCO: 48 E

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1907 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay on the southeast corner of Samuel Boulevard and North Jim Miller Road

Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions

Z156-314(PD)

FILE NUMBER: Z156-314(PD)

DATE FILED: July 25, 2016

LOCATION: Southeast corner of Samuell Boulevard and North Jim Miller Road

COUNCIL DISTRICT: 7

MAPSCO: 48-E

SIZE OF REQUEST: ± 0.98 acres

CENSUS TRACT: 122.07

REPRESENTATIVE: Santos Martinez, Masterplan

APPLICANT: CVS Corporation

OWNER: Michael Parker

REQUEST: An application for the renewal of Specific Use Permit No. 1907 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay.

SUMMARY: The applicant proposes to continue the sale of alcoholic beverages for off-premise consumption in conjunction with the existing general merchandise or food store [CVS]. On November 13, 2016, SUP No. 1907 will expire as no automatic renewal was granted.

CPC RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions.

STAFF RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions.

BACKGROUND INFORMATION:

- The site is developed with a 10,800 square foot one-story commercial structure.
- On October 10, 2011, the City Council approved SUP No. 1907 for a two-year period.
- On May 13, 2015, the City Council approved the renewal of SUP No. 1907 for an 18 month period.
- There are no changes to the site plan.

Zoning History:

There have been two recent zoning cases in the immediate area relevant to this request.

- 1. Z134-181** On January 13, 2016, the City Council approved Specific Use Permit No. 2169 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less located on the southwest corner of Jim Miller Road and Samuell Boulevard.
- 2. Z156-114** On January 27, 2016, the City Council approved Specific Use Permit No. 2179 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet located on the south side of Samuell Boulevard, east of North Jim Miller Road.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Samuell Boulevard	Principal Arterial	120 ft.	120 ft.
N. Jim Miller Road	Principal Arterial	100 ft.	100 ft.

Traffic:

During the initial request the Engineering Division of the Sustainable Development and Construction Department reviewed the request and determined that the existing development would not have a negative impact on the surrounding street system and the Engineering Division maintains this recommendation.

Surrounding Land Use:

Direction	Zoning	Land Use
Site	RR-D-1	General Merchandise or Food Store
North	RR-D-1	Auto related use & restaurants
South	RR-D	Retail, restaurants & personal service
East	RR-D	Retail, restaurants & personal service
West	RR-D	Auto related use, retail, restaurants & personal service

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 site meets the following goals and objectives of the comprehensive plan.

LAND USE

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

The request site is located in an area that is consistent with the Business Center or Corridor Building Block: 1) the residential land uses south and west of the site are separated from the retail and personal services uses by parking lots; 2) the varied retail and personal service uses are within close proximity of one another; 3) the site allows patron access within walking distance from established residential areas to the south and west of the Samuell Boulevard corridor; and 4) the site is approximately 546 feet south of IH-30, allowing easy accessibility to a major highway and emphasizing efficient movement of vehicles. Additionally the site is approximately 50 feet south of a bus stop; making the site transit oriented.

STAFF ANALYSIS:**Land Use Compatibility:**

The 0.98 acre request site is developed with a one story, 10,800 square foot general merchandise or food store greater than 3,500 square feet. The applicant proposes to continue the sale of alcohol in conjunction with the existing use of the property. The "D-1" Overlay District is a Liquor Control Overlay District which requires a Specific Use Permit in order to sale or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

The site is surrounded by retail and personal service uses, with an auto service center and retail to the north (across Samuell Blvd, a standard-four-lane-divided thoroughfare road); retail, restaurants and personal service development to the south and east; and auto service centers, retail, restaurants & personal service to the west (across Jim Miller Road).

The use in conjunction with the sale and consumption of alcoholic beverages for consumption on or off premises is compatible with the surrounding land uses and provides a service to this area of the city. The small number of police calls seems to indicate the site is not a negative impact on adjacent properties.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
RR-D-1 Regional retail	15'	20' adjacent to residential OTHER: No Min.	1.5 FAR overall 0.5 office	70' 5 stories	80%	Proximity Slope U-form setback Visual Intrusion	Retail & personal service, office

Landscaping:

The applicant does not propose new construction at this time; therefore, no landscaping is required.

Police Report:

A copy of police reports for the period of December 11, 2013 to July 4, 2016:

September 2015 - July 2016

Dallas Police Department Reports					
Public Offense Search Results					
UCR_Offense	Incident Num	Address	Watch	Date	Time
Vandalism & Criminal Mischief	165539-2016	6004 Samuell Blvd	U	07/04/16	23:02

December 2013 – January 2014

Dallas Police Department Reports								
Public Offense Search Results								
UCR_Offense	UCR1	Service #	Offense Date	Complainant	Block	Street	Beat	Reporting Area
Other Offenses	26420	0021378-B	1/26/2014	*City of Dallas	6004	Samuell Blvd	318	1217
Robbery	3211	0030076-B	1/27/2014	*CVS Pharmacy #6966	6004	Samuell Blvd	318	1217
Theft	6932	0021370-B	1/28/2014	*CVS	6004	Samuell Blvd	318	1217
Theft	6902	0085925-B	1/29/2014	*CVS Pharmacy #6966	6004	Samuell Blvd	318	1217

<p>LIST OF OFFICERS CVS</p>
--

- Thomas Ryan Chairman of the Board
- Larry Merio President, COO
- Thomas S. Mofatt Vice President and Assistant Secretary

City Plan Commission Action:
October 6, 2016:

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1907 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site/landscape plan and conditions on property zoned a RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay on the southeast corner of Samuel Boulevard and North Jim Miller Road.

Maker: Shidid
Second: Murphy
Result: Carried: 13 to 0

For: 13 - Anglin, Rieves, Davis, Shidid,
Anantasomboon, Haney, Jung, Housewright, Schultz, Peadon,
Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Houston
Vacancy: 1 - District 7

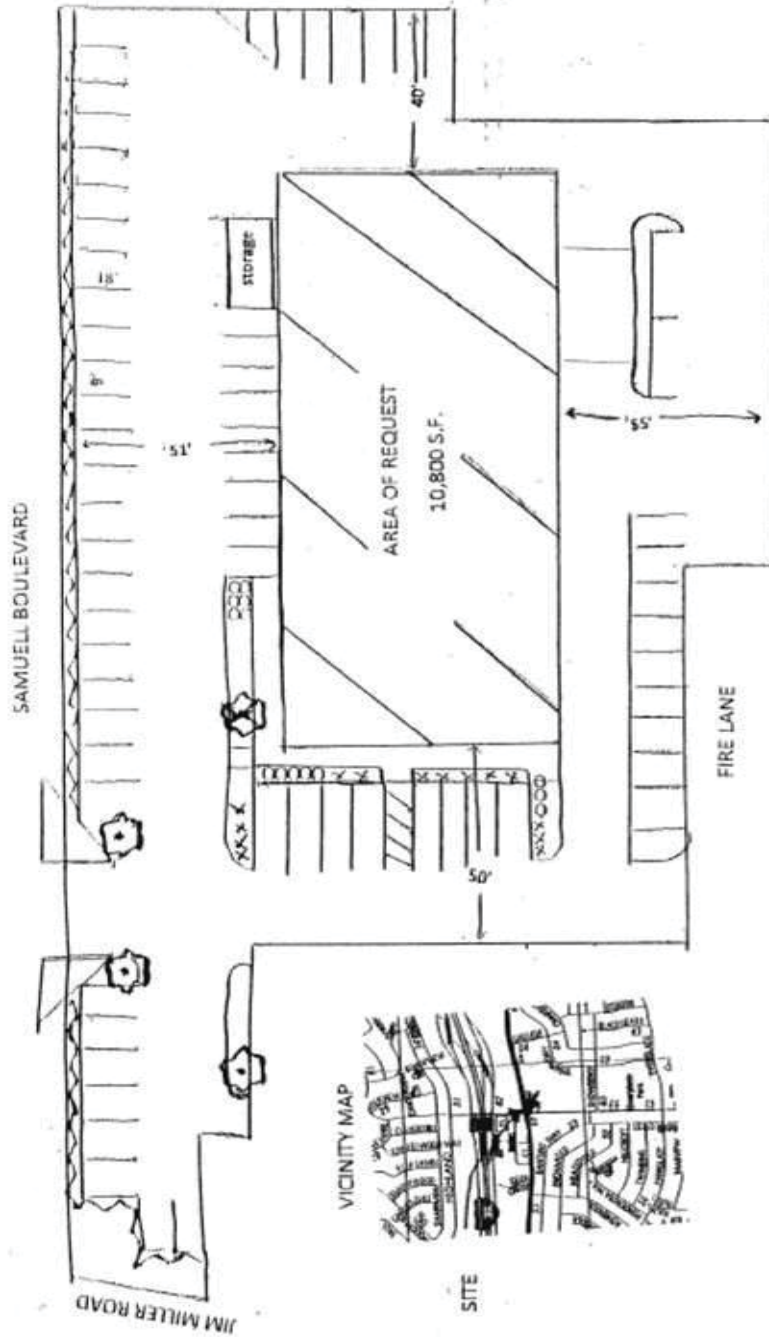
Notices:	Area: 200	Mailed:	13
Replies:	For: 0	Against:	0

Speakers: None

Proposed SUP Conditions

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet.
2. SITE/LANDSCAPE PLAN: Use and development of the Property must comply with the attached site/landscape plan.
3. TIME LIMIT: This specific use permit expires on ~~November 13, 2016~~. (five-year period from the passage of this ordinance), but is eligible for automatic renewal for additional five-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced).
4. INGRESS/EGRESS: Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.
5. PARKING: Off-street parking must be located as shown on the attached site plan.
6. DRIVE-THROUGH WINDOW: A retail use may not use a drive-through window for retail sales of alcoholic beverages.
7. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
8. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

Existing Site Plan



Site Summary SCALE: 1"=30'

Existing Zoning: RR with D-1 Overlay

Request: SUP for off premise alcohol consumption associated with a general merchandise store greater than 3,500 s.f.

Lot Area: .98 acres

Existing Use: general merchandise store greater than 3,500 s.f.

Existing Building Area: 10,800 s.f.

Required Parking: 54

Provided Parking: 65

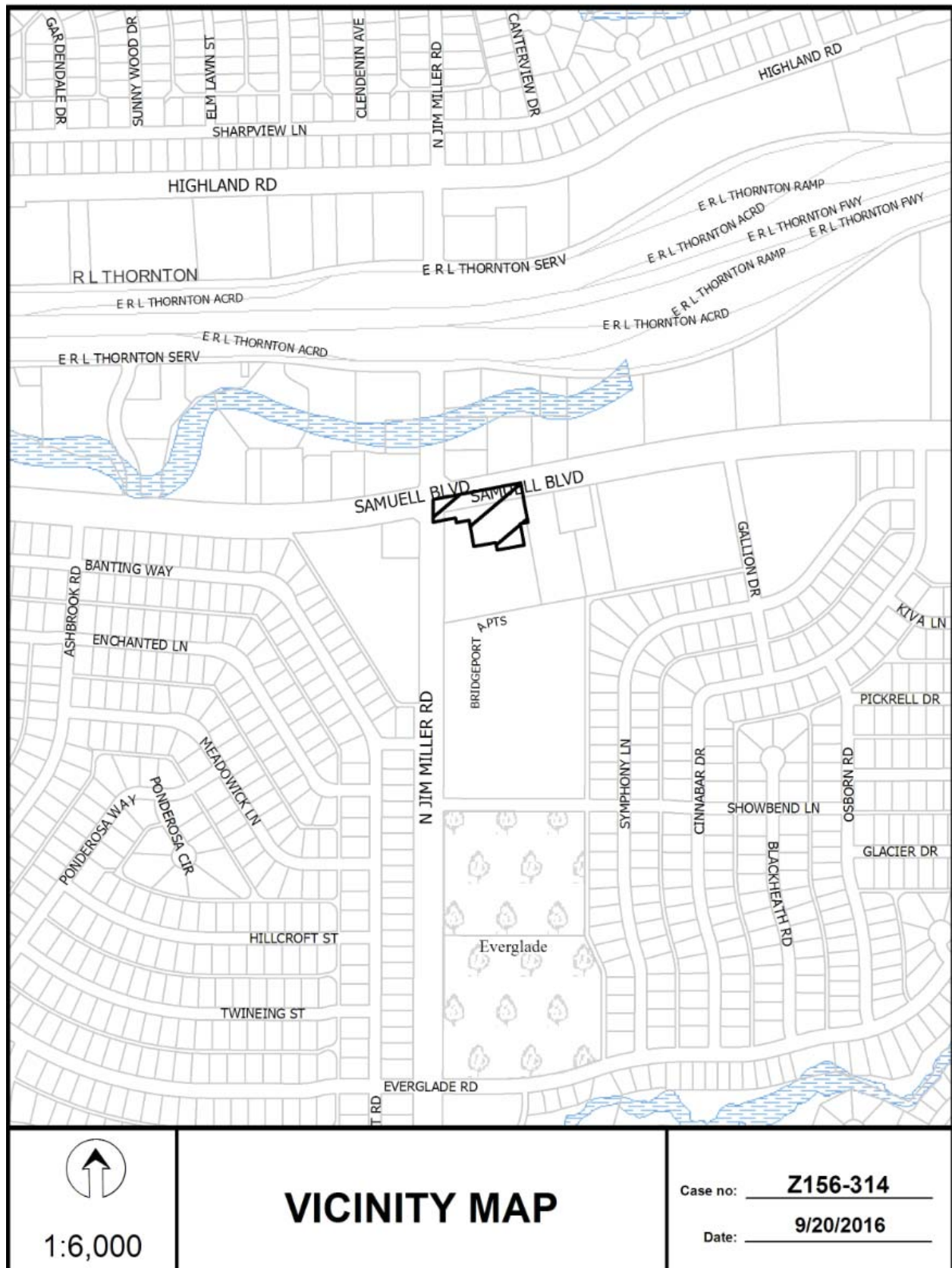
00 EXISTING BUFORD HOLLY SHRUBS

~ EXISTING PARKING LOT SCREENING (BUFORD HOLLY)

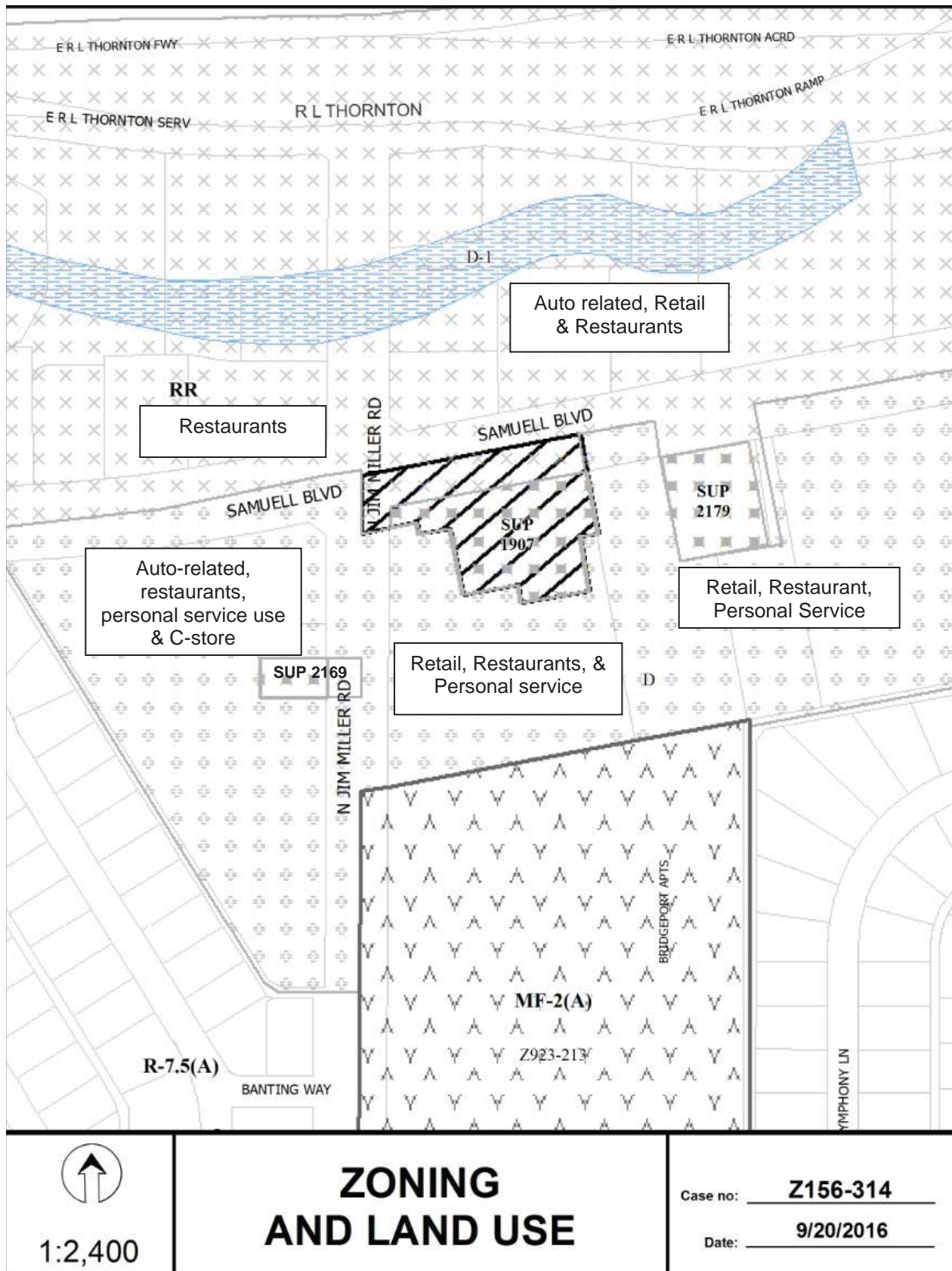
⊗ EXISTING 6" LIGUSTRUM

⊙ EXISTING 6" SWEETGUM

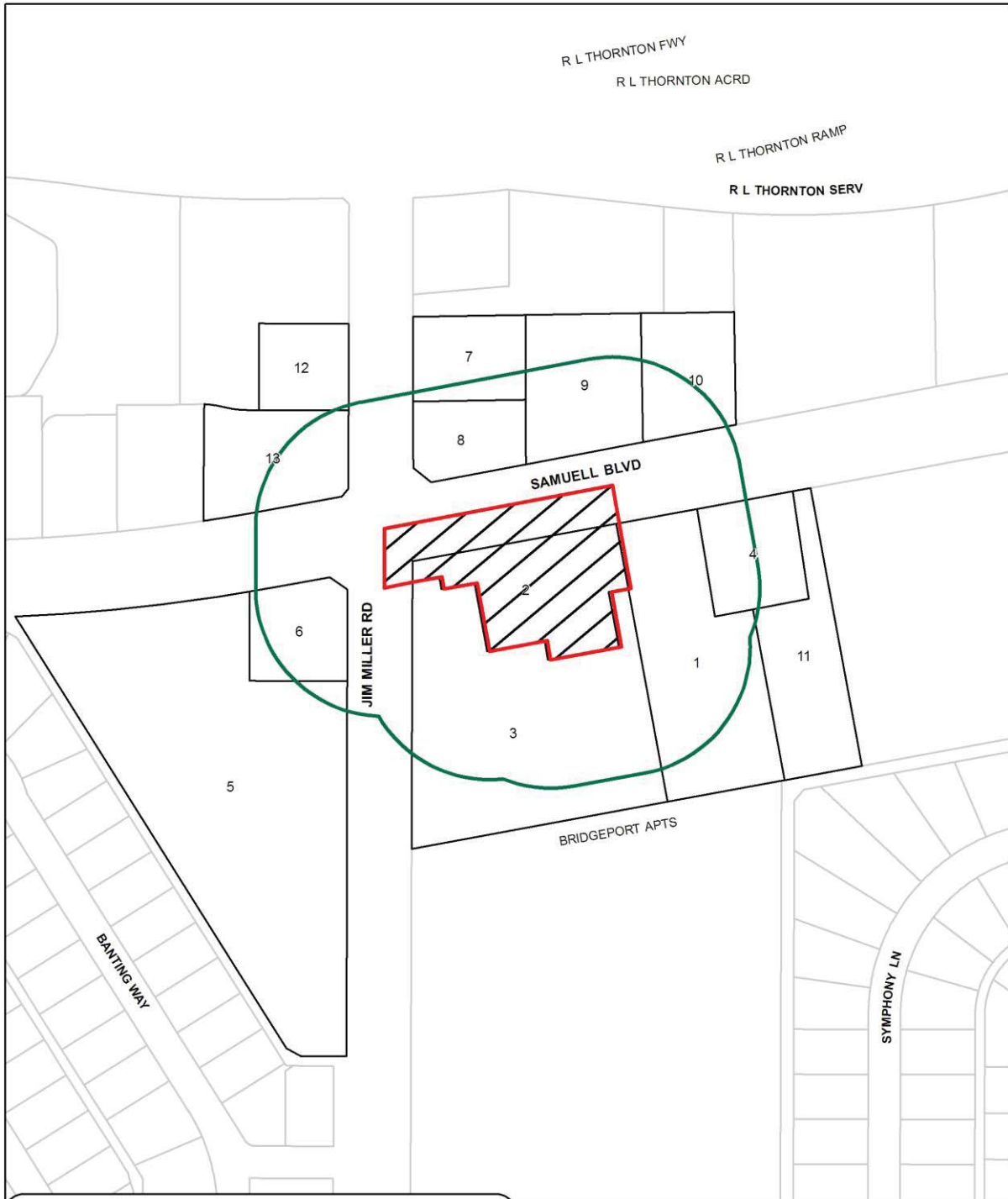
XX EXISTING LARGE EVERGREEN SHRUBS







CPC RESPONSES



<u>13</u>	Property Owners Notified (13 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>10/6/2016</u>	Date

Z156-314
CPC



1:2,400

10/05/2016

Reply List of Property Owners

Z156-314

13 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	6118	SAMUELL BLVD	BALLAS VICTOR
2	6004	SAMUELL BLVD	PARKER MICHAEL
3	5470	N JIM MILLER RD	CFIC LLC
4	6000	SAMUELL BLVD	CHUNG JOE INKI TR &
5	5409	N JIM MILLER RD	JIM MILLER SHOPPING CENTER LP
6	5475	N JIM MILLER RD	ISSA DAVID
7	5514	N JIM MILLER RD	INTERSTATE VENTURES LLC
8	5510	N JIM MILLER RD	DAY MARIE L
9	6885	SAMUELL BLVD	FIREBRAND PROPERTIES LP
10	6155	SAMUELL BLVD	SAMUELL RETAIL LTD
11	6024	SAMUELL BLVD	DRY WAYNE F
12	5575	N JIM MILLER RD	SIDERIS BASIL K ET AL
13	5555	N JIM MILLER RD	SIDERIS BASIL K ET AL

AGENDA ITEM # 42

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: November 9, 2016

COUNCIL DISTRICT(S): 9

DEPARTMENT: Sustainable Development and Construction

CMO: Mark McDaniel, 670-3256

MAPSCO: 38 J; K

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the southwest side of Peavy Road, northwest of Garland Road

Recommendation of Staff and CPC: Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions

Z156-315(JM)

FILE NUMBER: Z156-315(JM)

DATE FILED: July 25, 2016

LOCATION: Southwest side of Peavy Road, northwest of Garland Road

COUNCIL DISTRICT: 9

MAPSCO: 38-J; K

SIZE OF REQUEST: ±0.97 acres

CENSUS TRACT: 82.00

REPRESENTATIVE: Sammy J. Mandell III

APPLICANT/OWNER: Peavy Plaza, LLC

REQUEST: An application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay.

SUMMARY: The applicant proposes to sell beer and wine for on-premise and off-premise consumption in conjunction with a proposed restaurant (The Greenville Avenue Pizza Company). Another suite in the shopping center has an SUP for the sale of alcoholic beverages in conjunction with a liquor store.

CPC RECOMMENDATION: **Approval** for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The ±0.972 -acre request site is developed with a ±10,278-square foot commercial building.
- The applicant proposes to sell beer and wine for on-premise and off-premise consumption in conjunction with a restaurant in a 1,000-square foot suite.
- The site has one existing SUP within a ±2,248-square foot suite. SUP No. 2004 is for the sale of beer and wine in conjunction with a liquor store. While the business operates as a specialty/gourmet food store, over 50% of sales are from beer and wine; thereby, designating the site as a liquor store.
- The liquor store use is permitted by right under the CR zoning. The sale of alcoholic beverages on the property requires a specific use permit due to the D-1 Liquor Control Overlay.
- The request site is surrounded by commercial and residential to the north; retail to the east, retail to the south, and residential to the west.

Zoning History:

1. **Z145-210(CG):** On Wednesday, June 17, 2015, the City Council approved the renewal of Specific Use Permit No. 2004 for the sale of alcoholic beverages in conjunction with a liquor store for a two-year period.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Peavy Road	Collector	Variable Width up to 60'
Garland Road	Principal Arterial	Variable Width up to 100'

Traffic: The Engineering Division of the Sustainable Development and Construction Department reviewed the proposed zoning and determined it will not have a negative impact on the existing street system.

Comprehensive Plan: The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The comprehensive plan does not make a specific land use recommendation related to the request, however the *forwardDallas! Vision Illustration* is comprised of a series of Building Blocks that depict general land use patterns. Building Blocks are generalized

patterns without well-defined boundaries that indicate where certain types and densities of development might logically occur. The Plan identifies the request site being along a *Transit or Multi-Modal Corridor*. Transit centers support a compact mix of employment, retail, cultural facilities and housing. Multi-modal corridors should encourage the redevelopment of aging auto-oriented commercial strip development while respecting existing single family neighborhoods.

The proposed development of a restaurant and the sale of alcoholic beverages for on-premise and off-premise consumption will provide a new service to the surrounding residential neighborhood. Continued reinvestment in this commercial strip center will help ensure relevance to the neighborhood, as well as aesthetic value.

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

A goal of the *forwardDallas!* Vision is to create a healthy balance between jobs and households throughout Dallas by adding about 220,000 households and about 400,000 jobs between the years 2000 and 2030. The City should facilitate balanced growth with the goal of achieving and maintaining a sustainable tax base. Tools and strategies for achieving the City's economic development land use goals should direct public investment and encourage private partnerships.

ECONOMIC ELEMENT

GOAL 2.4 CREATE AND MAINTAIN AN ENVIRONMENT FRIENDLY TO BUSINESSES AND ENTREPRENEURS

A business friendly environment is essential for Dallas to maintain competitiveness in the regional and global marketplace.

Land Use Compatibility: The ±0.972-acre request site is a ±1,000-square foot proposed restaurant located within a multi-tenant commercial strip development. The subject unit is currently vacant. The applicant proposes to sell beer and wine for on-premise and off-premise consumption in conjunction with a restaurant. The use is permitted by right; however the sale of alcoholic beverages on this property requires a Specific Use Permit.

The "D-1" Overlay District is a Liquor Control Overlay District which requires an individual to obtain a Specific Use Permit in order to sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

	Zoning	Land Use
Site	CR-D-1, SUP No. 2004	Multi-tenant commercial building, Liquor Store
North	D(A)	Residential
Northeast	CR	Retail, Daycare
Southeast	CR	Retail
West	R-7.5(A)	Single-family residential

The request site is surrounded by residential to the north; retail and a daycare to the northeast, retail to the southeast, and residential 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.

The commercial development currently exists. Tenants rotate in and out providing a variety of services to the adjoining neighborhoods. The longevity is market-based. The proposed development would provide a new opportunity for retail by neighbors. The use is consistent with existing and previous uses in the commercial center. By offering new opportunities for the residents, the request supports the overall quality of life for adjoining neighborhoods.

The applicant's request, subject to the attached conditions, is consistent with the intent of the Dallas Development Code. The initial short time period will allow the request be reevaluated to ensure the use is appropriate in this location.

Parking: Pursuant to the Dallas Development Code, the off-street parking requirement for a restaurant is one (1) space per 100 square feet of floor area. Therefore, the ±1,000-square foot restaurant requires ten parking spaces. The applicant has provided 58 spaces, as depicted on the site plan. While a breakdown states the uses within the facility and how parking is provided for each unit, the focus of this application is on the restaurant use and required ten parking spaces.

Landscaping: The applicant does not propose new construction at this time; therefore, no landscaping is required.

Police Report: Staff requested a police report for the subject site. In a three-year period, there were seven calls for service, two incidents, and two arrests. The incidents were (1) in November 2013, vandalism and criminal mischief, and (2) in April 2015, narcotics. The arrests made were for (1) in April 2015, possession of marijuana, and (2) in May 2015, theft and possession of marijuana.

Officers

1411 Peavy Road

Owner

Peavy Plaza LLC
3620 Huffines Blvd – Suite 722
Carrollton, TX 75010

Officers

Owner

Peavy Plaza, LLC
3620 Huffines Blvd – Suite 722
Carrollton, TX 75010

Mihey Yeom, Director

Applicant

Dallasgoodfriend package, LLC
1154 Peavy Road
Dallas, TX 75218

Manager = Usvsthem, Corp.
1154 Peavy Road
Dallas, TX 75218

Usvsthem, Corp.

Matthew Tobin, Director
9919 Galway Drive
Dallas, TX 75218

Joshua Yingling, Director
2306 Wild Oak Drive
Dallas, TX 75218

List of Partners/Principals/Officers

Mandell Family Ventures, LLC.

DBA: Greenville Avenue Pizza Company

Sammy Mandell 100% member

CPC Action
October 6, 2016:

Motion: It was moved to recommend **approval** of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the southwest side of Peavy Road, northwest of Garland Road.

Maker: Shidid
Second: Murphy
Result: Carried: 13 to 0

For: 13 - Anglin, Rieves, Davis, Shidid,
Anantasomboon, Haney, Jung, Housewright,
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Houston
Vacancy: 1 - District 7

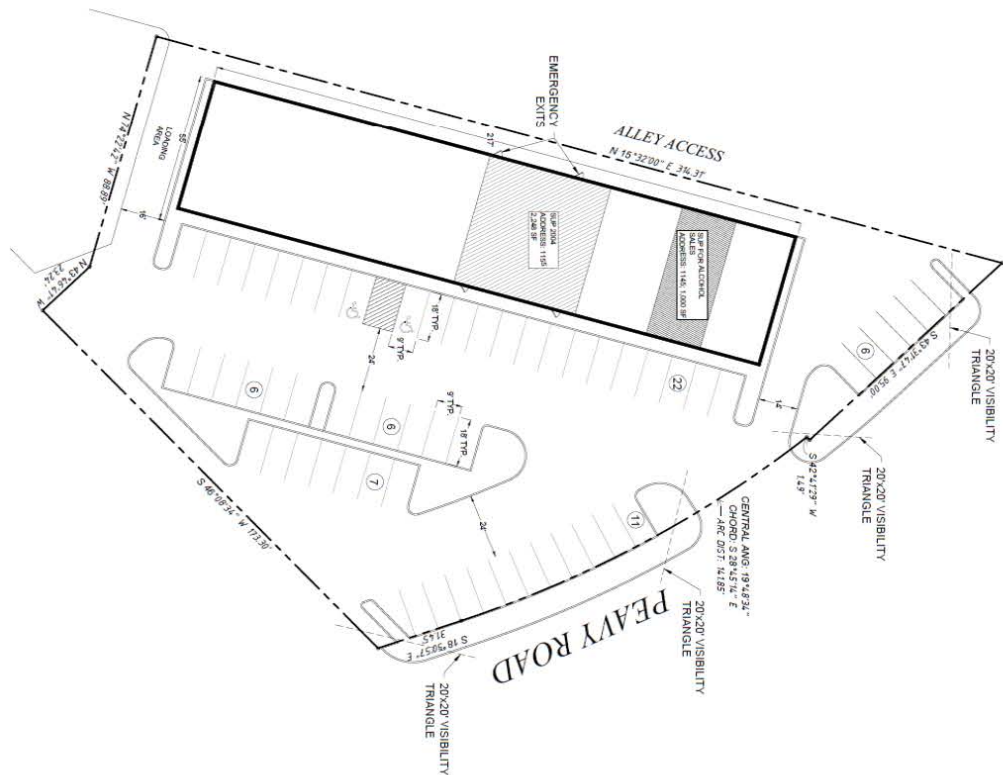
Notices: Area: 200 Mailed: 22
Replies: For: 3 Against: 1

Speakers: None

Proposed SUP Conditions

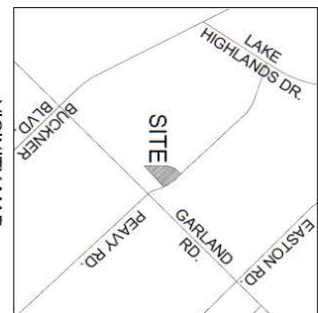
1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a restaurant.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit is expires on (two years), but is eligible 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. MAINTENANCE: The property must be properly maintained in a state of good repair and neat appearance.
5. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

Site Plan



VICINITY MAP

NTS



SUP SITE PLAN: 1145 PLAYA ROAD		RETAIL			
CURRENT ZONING: CR WITH D-1 OVERLAY		10,278 SF			
USE:		43,124 SF (0.9999 AC.)			
BLDG. AREA:		0.25			
LOT AREA:		0.25			
FLOOR AREA RATIO (MAX 0.75):		0.25			
LOT COVERAGE (MAX 60%):		0.25			
STOREHEIGHT:		1 STORY			
PARKING DATA:					
Greenville Avenue South Company					
Address:	Use:	Sq. Ft. per CD:	Ratio:		
1141 Playa	RETAIL/RETAIL FOOD	3000	1:200		
1143 Playa	PERSONAL SERVICE	1000	1:100		
1145 Playa	PERSONAL SERVICE	1000	1:200		
1147 Playa	RETAIL/RETAIL FOOD	3000	1:200		
1149 Playa	RETAIL/RETAIL FOOD	3000	1:200		
1151 Playa	RETAIL/RETAIL FOOD	3000	1:200		
1153 Playa	RETAIL/RETAIL FOOD	3000	1:200		
1155 Playa	RETAIL/RETAIL FOOD	3000	1:200		
1157 Playa	RETAIL/RETAIL FOOD	3000	1:200		
1159 Playa	RETAIL/RETAIL FOOD	3000	1:200		
1161 Playa	RETAIL/RETAIL FOOD	3000	1:200		
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1145 PEAVY ROAD
CITY OF DALLAS, TEXAS

Baldwin

Associates

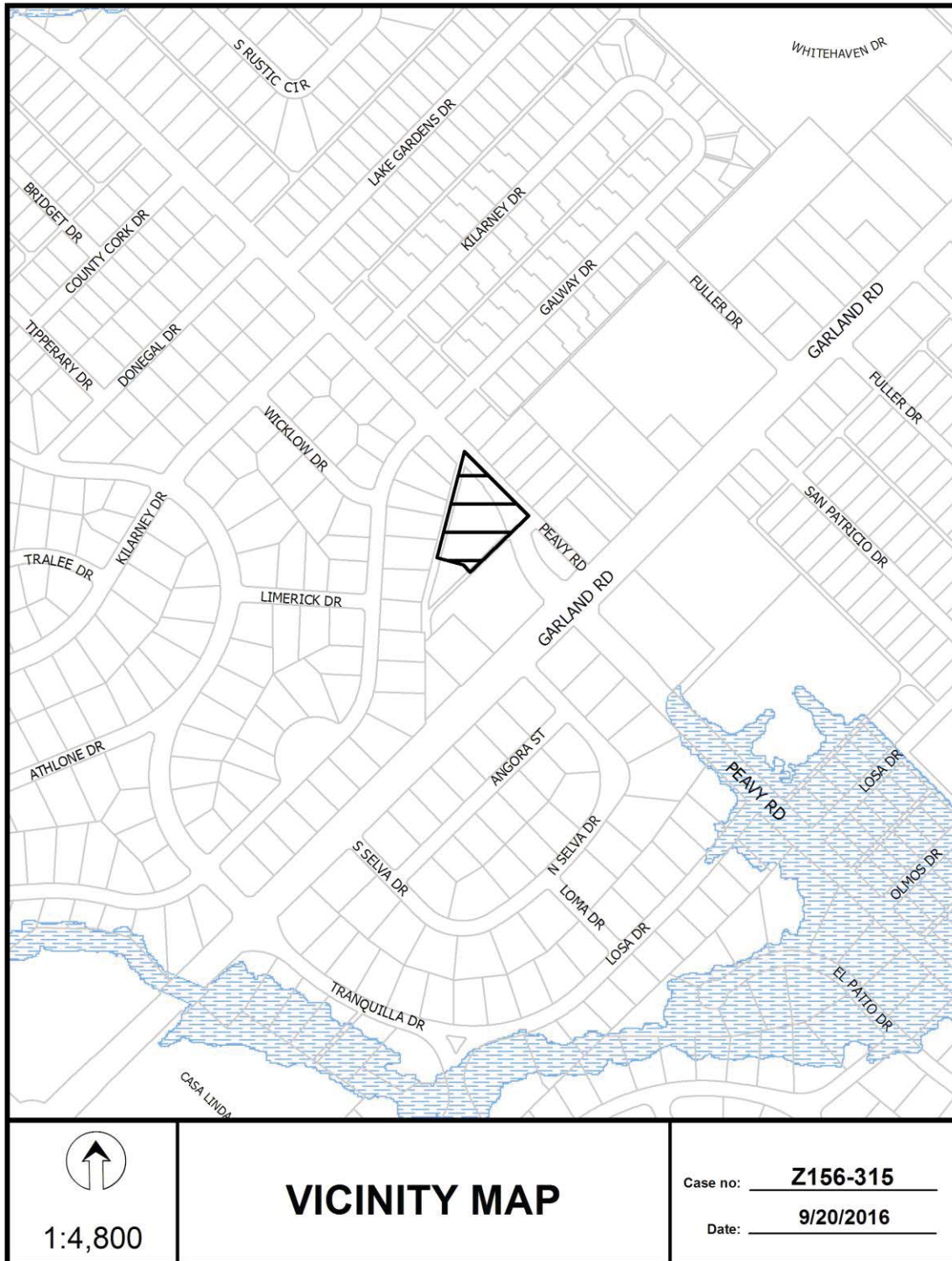
**BALDWIN
ASSOCIATES**

3904 Elm Street, Suite B
Dallas, Texas 75226
MOBILE: 214.729.7949
OFFICE: 214.824.7949
rob@baldwinplanning.com

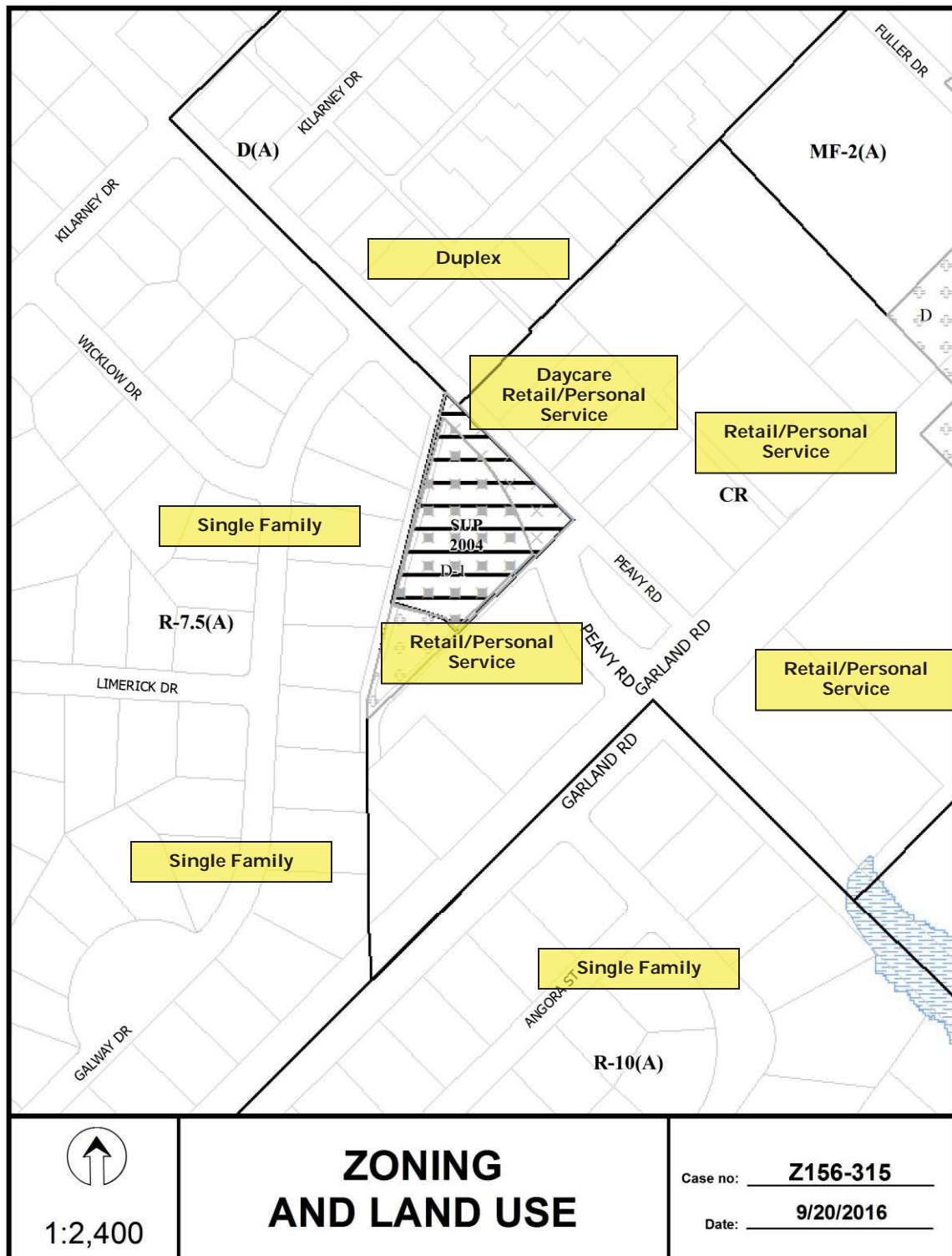
09/19/2016

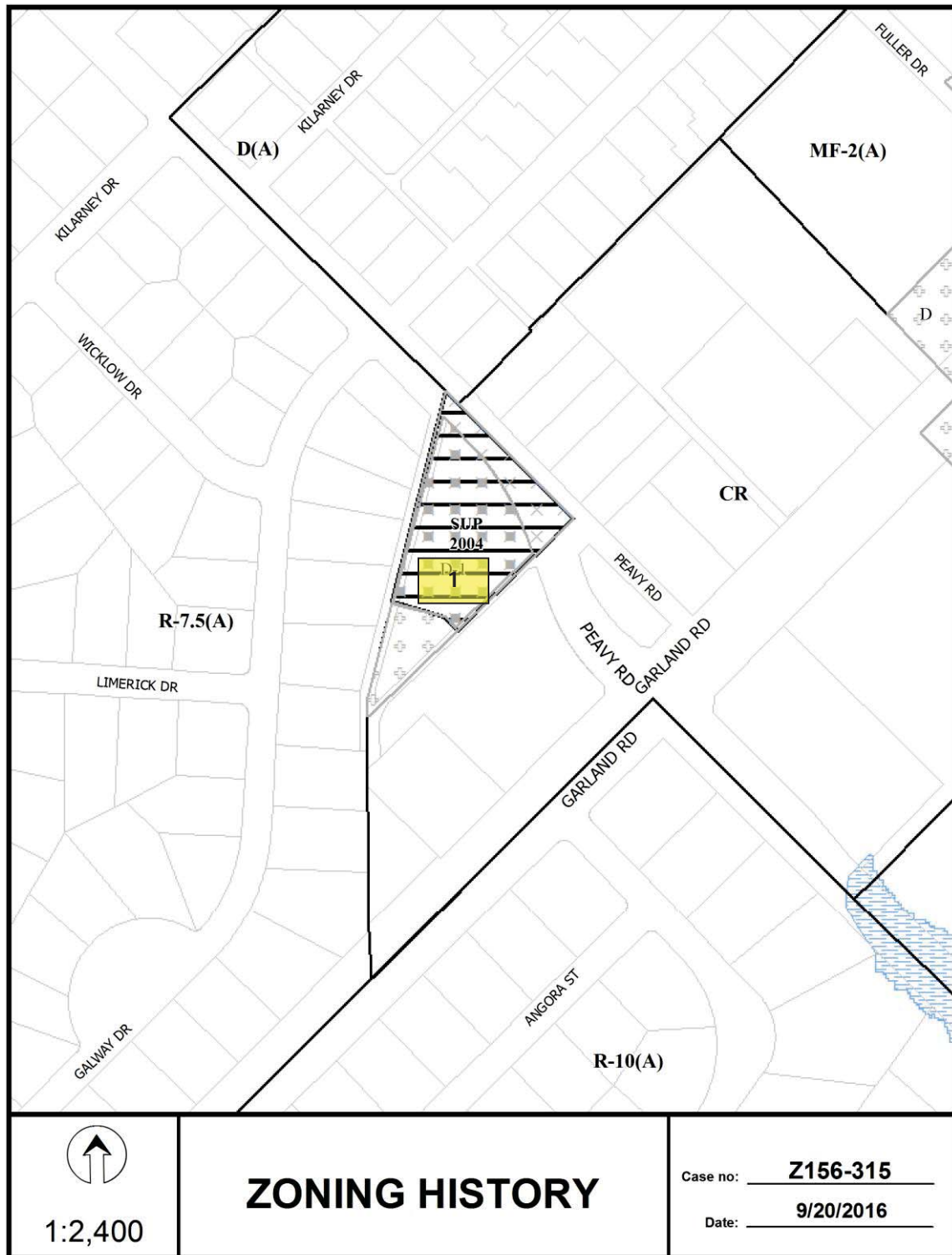
PROJECT NUMBER

CASE NUMBER

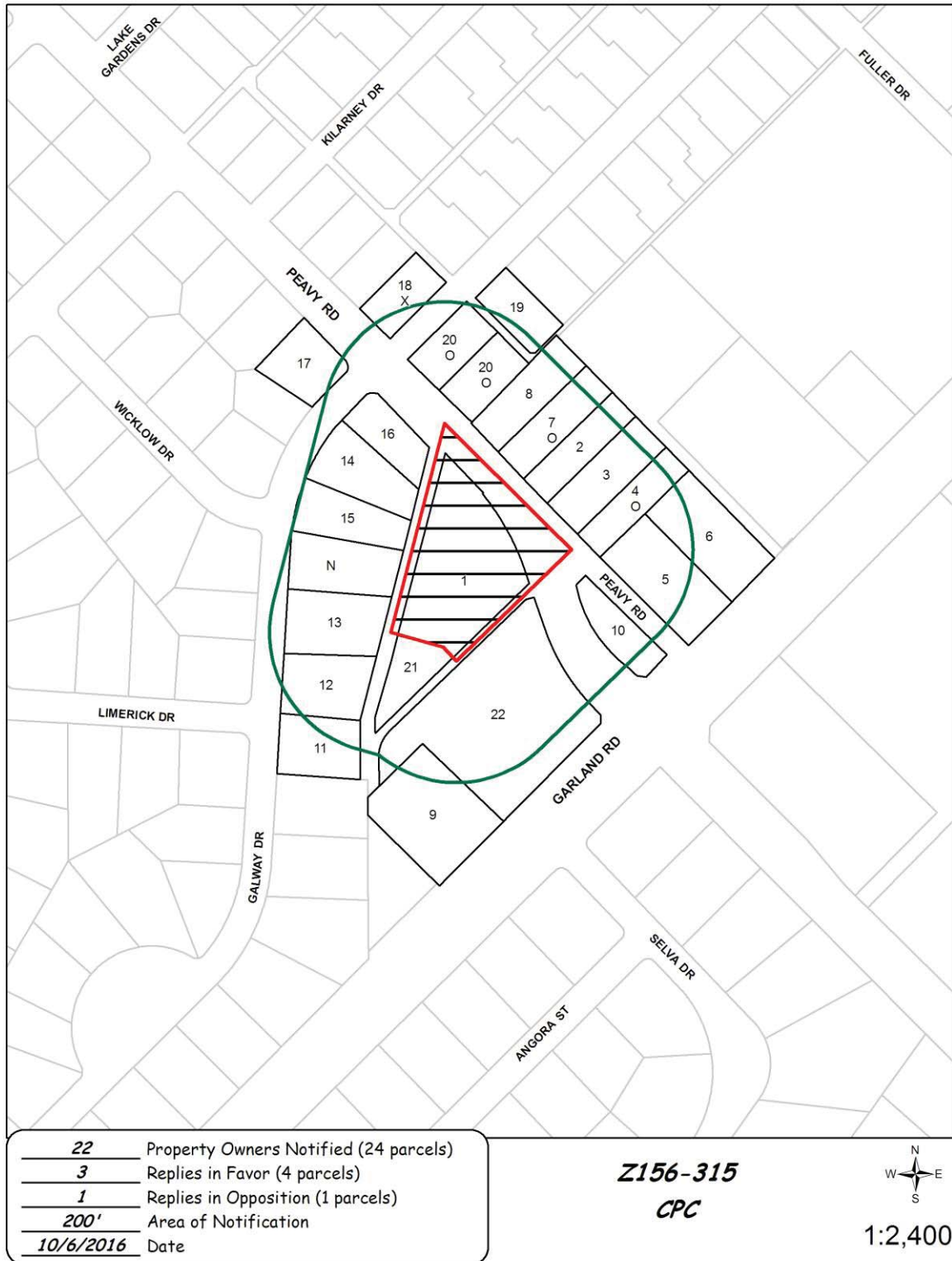








CPC RESPONSES



10/05/2016

Reply List of Property Owners***Z156-315******22 Property Owners Notified******3 Property Owners in Favor******1 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	1141 PEAVY RD	PEAVY PLAZA LLC
	2	1146 PEAVY RD	AMERICAN DISTRIBUTING COMPANY
	3	1154 PEAVY RD	MLM ROSS LLC
O	4	1160 PEAVY RD	REDTAIL COMMERCIAL LLC
	5	10001 GARLAND RD	CONDOR K LTD
	6	10011 GARLAND RD	ANGELL EARL M & PATSY R
O	7	1144 PEAVY RD	MONOPOLY PL DUPLEXES LTD
	8	1140 PEAVY RD	SHAW JEFFREY A
	9	9925 GARLAND RD	GARLAND PEAVY ASSOCS
	10	9947 GARLAND RD	DALLAS ALISHAH
	11	9926 GALWAY DR	ANDERSON DAVID
	12	9934 GALWAY DR	SHAW JAY CARL
	13	9942 GALWAY DR	MAXWELL WILLIAM RICHARD &
	14	9966 GALWAY DR	ALTOM JOHNNY W &
	15	9958 GALWAY DR	GARDNER BRIT & SARAH
	16	9972 GALWAY DR	ALDRETE MIGUEL
	17	9973 GALWAY DR	FREEMAN CLIFFORD RAY JR
X	18	1118 PEAVY RD	MONROE JOWANNA
	19	10014 GALWAY DR	MORENO JOSE
O	20	1132 PEAVY RD	MONOPOLY PLACE DUPLEXES
	21	1195 PEAVY RD	GARLAND PEAVY ASSOCIATES
	22	9937 GARLAND RD	9937 GARLAND ROAD

AGENDA ITEM # 43

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: November 9, 2016

COUNCIL DISTRICT(S): 6

DEPARTMENT: Sustainable Development and Construction

CMO: Mark McDaniel, 670-3256

MAPSCO: 44 A

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an MU-3 Mixed Use District on property zoned an IR Industrial Research District on the south side of Quaker Street at the terminus of Iberia Avenue

Recommendation of Staff and CPC: Approval

Z156-319(ND)

FILE NUMBER: Z156-319(ND)

DATE FILED: July 28, 2016

LOCATION: South side of Quaker Street at the terminus of Iberia Avenue.

COUNCIL DISTRICT: 6

MAPSCO: 44A

SIZE OF REQUEST: Approx. 0.61acres

CENSUS TRACT: 100.00

APPLICANT / OWNER: Zang Real Estate, LLC

REPRESENTATIVE: Audra Buckley

REQUEST: An application for an MU-3 Mixed Use District on property zoned an IR Industrial Research District.

SUMMARY: The purpose of the request is to allow the conversion of the existing building into four live/work units with an office showroom/warehouse element.

CPC RECOMMENDATION: Approval

STAFF RECOMMENDATION: Approval

BACKGROUND:

- The site contains a 12,000 square foot warehouse building and surface parking lot.
- The property was issued a Certificate of Occupancy an office/showroom/warehouse in 1979.

Zoning History: There have been three zoning case in the area over the past five years.

1. Z156-138 - On March 23, 2016, the City Council approved an MU-3 Mixed Use District on property zoned an IR Industrial Research District south on the northeast corner of Burgess Boulevard and Iberia Avenue. (not shown on map).
2. Z156-298 – On September 28, 2016, the City Council approved an MU-3 Mixed Use District on property zoned an IR Industrial Research District on the north side of Mississippi Avenue, between Gretna Street and Algiers Street. (not shown on map).

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Mississippi Avenue	Local	50 ft.	50 ft.
Iberia Avenue	Local	50 ft.	50 ft.
Quaker Street	Local	Varies	50 ft.

Traffic: The Engineering Division of the Sustainable Development and Construction Department 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.

Land Use Element

Goal 1.1 Align Land Use Strategies with Economic Development Priorities

Policy 1.15 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

Implementation Measure 1.1.5.1 Recognize adopted area/neighborhood plans in guiding development and zoning decisions.

Economic Element

Goal 2.1 Promote Balanced Growth

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

The Plan identifies the request site being within an Urban Mixed-Use Building Block. The request to have live/work units epitomizes the Urban Mixed-Use Building Block. If this are continues to transitions to include live/work units and more people live in the area, other uses may follow for a vibrant neighborhood.

AREA PLAN:

Stemmons Corridor-Southwestern Medical District Area: The request site is located within the Urban Mixed Use – Medium designation of the Stemmons Corridor-Southwestern Medical District. The report recommends the following type of mix developments that could be developed in the general area: residential, office, retail, and moderate density developments. In addition, the plan emphasize pedestrian and bike friendly development. Integrating residential uses in this area is consistent with the projections for the area.

Land Use:

	Zoning	Land Use
Site	IR	Vacant warehouse
North	IR	Office, warehouse
South	IR	Trinity River Greenbelt
East	IR	Vacant Office/ showroom/warehouse
West	IR	Undeveloped

Land Use Compatibility: The property consists of a vacant building with surface parking. Uses surrounding the property primarily consist of industrial, office/showroom and warehouse uses with a several vacant buildings.

The addition of live/work units in the area should not have a negative impact on the surrounding uses. The streets in the area dead end into Mississippi Avenue and Quaker Street, which parallels the levee.

Development Standards:

<u>DISTRICT</u>	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
IR- existing Industrial research	15'	30' adjacent to residential OTHER: No Min.	2.0 FAR overall 0.75 office/ retail 0.5 retail	200' 15 stories	80%	Proximity Slope Visual Intrusion	Industrial, wholesale distribution & storage, supporting office & retail
MU-3 —. proposed Mixed use-3	15'	20' adjacent to residential OTHER: No Min.	3.2 FAR base 4.0 FAR maximum + bonus for residential	270' 20 stories	80%	Proximity Slope U-form setback Tower spacing Visual Intrusion	Office, retail & personal service, lodging, residential, trade center

Landscaping: Landscaping must be provided in accordance with the landscaping requirements in Article X, as amended.

Z156-319(ND)

List of Members – Zang Real Estate, LLC.

Managing Member: Alireza Talebi

Z156-319

CPC Action – October 6, 2016

Motion: It was moved to recommend **approval** of an MU-3 Mixed Use District on property zoned an IR Industrial Research District on the south side of Quaker Street at the terminus of Iberia Avenue.

Maker: Shidid
Second: Murphy
Result: Carried: 13 to 0

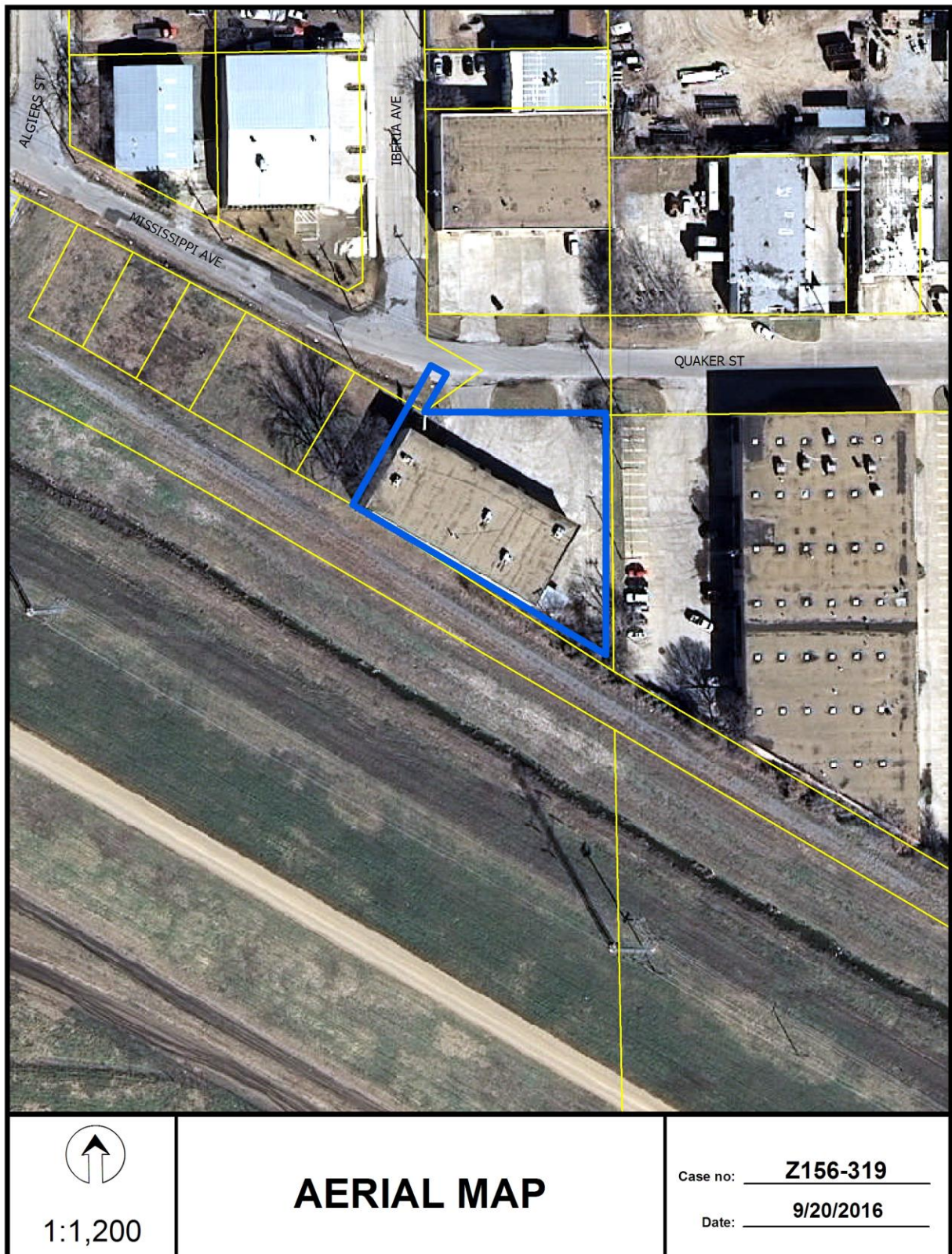
For: 13 - Anglin, Rieves, Davis, Shidid,
Anantasomboon, Haney, Jung, Housewright,
Schultz, Peadon, Murphy, Ridley, Tarpley

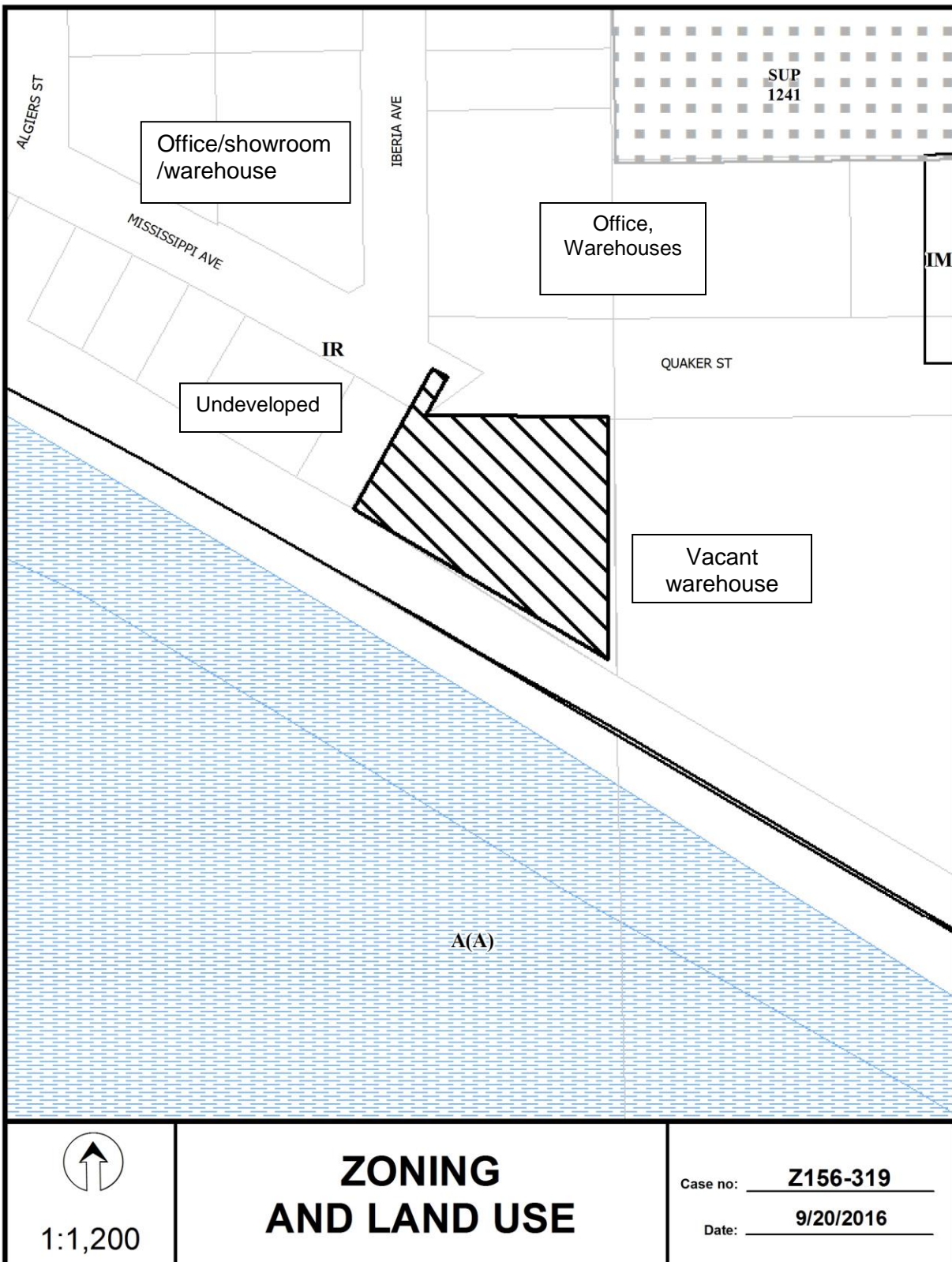
Against: 0
Absent: 1 - Houston
Vacancy: 1 - District 7

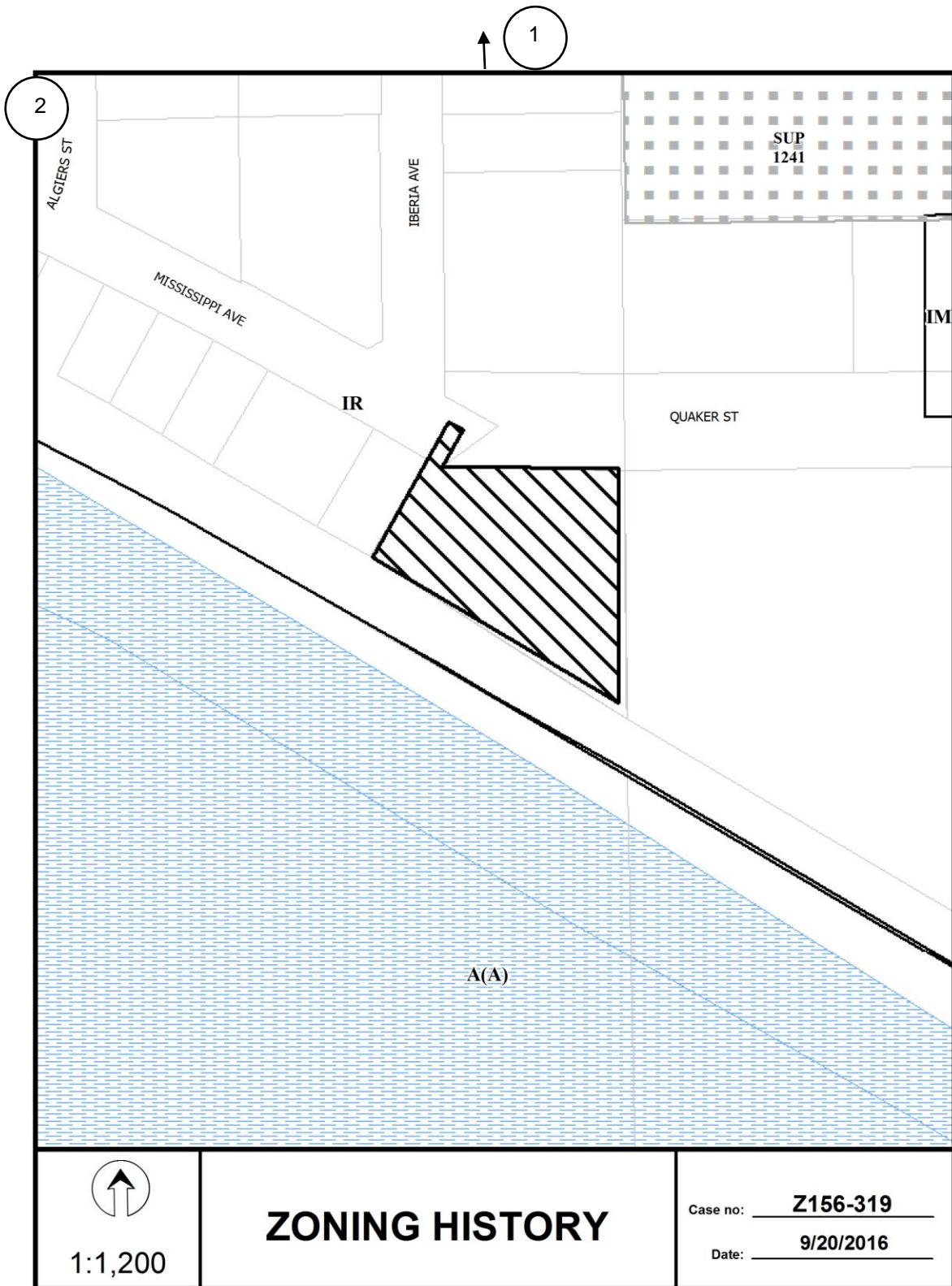
Notices:	Area: 200	Mailed: 6
Replies:	For: 0	Against: 0

Speakers: None









CPC RESPONSES



<u>6</u>	Property Owners Notified (12 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>10/6/2016</u>	Date

Z156-319
CPC



1:1,200

Z156-319(ND)

10/05/2016

Reply List of Property Owners

Z156-319

6 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	1000	QUAKER ST	OUELLETTE JARRETT
2	1101	QUAKER ST	HENDRIX DAVID C &
3	1108	QUAKER ST	SLATE RIVER PPTIES LP
4	1210	MISSISSIPPI AVE	TEXAS UTILITIES ELEC CO
5	1027	QUAKER ST	HENDRIX MISSISSIPPI
6	4715	IBERIA AVE	PANNELL ASSET DEV LLC

AGENDA ITEM # 44

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: November 9, 2016
COUNCIL DISTRICT(S): 7
DEPARTMENT: Sustainable Development and Construction
CMO: Mark McDaniel, 670-3256
MAPSCO: 48 U

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a commercial amusement (inside) for a dance hall and for the sale or service of alcohol in conjunction of a commercial amusement (inside) use on property zoned Subarea 6 within Planned Development District No. 366-D-1 with a D-1 Liquor Control Overlay, on the east side of South Buckner Boulevard, south of Scyene Circle

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

Z156-208(OTH)

FILE NUMBER: Z156-208(OTH)

DATE FILED: February 17, 2016

LOCATION: On the east side of South Buckner Boulevard, south of Scyene Circle

COUNCIL DISTRICT: 7

MAPSCO: 48-U

SIZE OF REQUEST: ±1.22 acres

CENSUS TRACT: 90.00

APPLICANT/ OWNER: Teresa Hernandez

REQUEST: An application for a Specific Use Permit for a commercial amusement (inside) for a dance hall and for the sale or service of alcohol in conjunction of a commercial amusement (inside) use on property zoned Subarea 6 within Planned Development District No. 366-D-1 with a D-1 Liquor Control Overlay.

SUMMARY: The applicant proposes to use the property for a commercial amusement (inside) for a dance hall and for the sale or service of alcohol in conjunction of a commercial amusement (inside) use. The applicant proposes to have events such as quinceañeras, graduations, weddings, sweet sixteen and other types of celebrations and allow alcohol to be served during the events.

The City Council, at its August 10, 2016, Council hearing, remanded the case to City Plan Commission to include the alcohol sales and service portion in the SUP. The applicant is not proposing to sell alcohol as part of the business, but would like the ability for patrons to serve it during events.

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.

Background:

- The 53,318 square feet property is developed with 6,708 square feet separated in two suites. The property is currently vacant and was formerly used as a pawn shop.
- The applicant proposes to use the property as a commercial amusement (inside) use for a dance hall to rent for events such as quinceañeras, graduations, etc. The applicant would like to have the option to allow patrons to serve alcohol during the events.

Zoning History: There has been one zoning requests in the area within the last five years.

- 1. Z134-105** On November 10, 2015, the City Council approved a new subarea and Specific Use Permit No. 2160 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a one year period on property zoned Tract 2A, Subarea 1 of Planned Development District No. 366, the Buckner Boulevard Special Purpose District with a D-1 Liquor Control Overlay for a period of one year, located on the northwest corner of Scyene Road and South Buckner Boulevard.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Buckner Boulevard	Principal Arterial	Variable

Land Use:

	Zoning	Land Use
Site	Subarea 6 w/in PD No. 366 with D-1 Overlay	Vacant structure
North	Subarea 6 w/in PD No. 366 with D Overlay, PD No. 75 and CR	Convalescent nursing home/ medical facility, multifamily & Retail
East	Subarea 6 w/in PD No. 366 with D Overlay	Multifamily & Retail
South	Subarea 6 w/in PD No. 366 with D Overlay	Retail and Mini-warehouse
West	Subarea 2 w/in PD No. 366 with D Overlay	Mini-warehouse

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 request for an SUP for a commercial amusement (inside) limited to a dance hall is located on a property surrounded by retail uses and a major thoroughfare. The property is not adjacent to residential.

The forwardDallas! Comprehensive Plan outlines several goal and policy to support the applicant's request:

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

Policy 2.1.3 Support efforts to grow retail and residential opportunities in the Southern Sector.

Land Use Compatibility:

The 1.22 acres request site is developed with a one story, 6,708 square feet vacant building. The request site is surrounded by a convalescent nursing home/medical facility, multifamily and retail to the north (across Scyene Circle, a six-lane thoroughfare); multifamily development to the east; mini-warehouse and cemetery to the west (across Buckner Boulevard); and mini-warehouse and retail uses to the south.

The applicant proposes to utilize the property for a commercial amusement (inside) for a dance hall and for the sale or service of alcohol in conjunction of a commercial amusement (inside) use. The applicant is proposing to use the property for events such as weddings, birthday parties, 15th and Sweet 16th birthday parties, baptisms, and graduations. The proposed hours of operation for the dance hall and the sale or service of alcohol in conjunction with the dance hall are from Tuesday through Sunday from 12:00 noon until 2:00 a.m. (the following day). The applicant would like the opportunity for patrons to serve alcohol as part of the events.

In addition to the events center, the applicant proposes to have Zumba and exercise classes seven days a week from 9:00 a.m. to 6:00 p.m. in the building.

A commercial amusement (inside) for a dance hall is required to have an SUP within Subarea 6 of PD No. 366. The sale or service of alcohol in conjunction with a commercial amusement (inside) is also required to have an SUP due to the D-1 Liquor Control Overlay. Some commercial amusement (inside) uses are allowed by right (billiard hall, bowling alley or skate rink) and others, like the dance hall, require an SUP. The SUP request would only regulate a dance floor.

The zoning regulations for the property do not allow alcoholic beverage establishments such as a bar, lounge or tavern; a microbrewery, microdistillery, or winery; and private-club bar. A zoning change would be required to allow such uses.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The proposed use is compatible with the surrounding commercial uses. Staff does not foresee any potential adverse effects on the adjacent uses as the operation will cease at a specific time. A short time period is suggested to allow the evaluation of the operations of the use and the impact in the neighboring area.

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the requested amendment and determined that it will not significantly impact the surrounding roadway system.

Parking:

The property will have two suites, each with a dance floor. Suite A is approximately 2,416 with a 180 square feet dance floor. Suite B is approximately 3,112 square feet and will have a 320 square feet dance floor. Parking must be provided pursuant to Sec. 51A-4.200 of the Dallas Development Code.

The commercial amusement (inside) for a dance hall requires one (1) space per 100 square feet of floor area; the dance hall portion requires one (1) space per 25 square feet of dance floor. For the two suites combined, 5,528 square feet, the parking requirement is 55 spaces. For the two dance floors combined, 500 square feet, the parking requirement is 20 spaces. A total of 75 parking spaces is required for the

Z156-208(OTH)

proposed uses. The applicant is providing 86 parking spaces as depicted on the site plan.

Landscaping:

Landscaping is required in accordance with PD No. 366. The applicant is not proposing any additions to the existing structure. The construction of the off-street parking will require a building permit, which will include landscaping of the site.

CPC ACTION:
October 6, 2016

Motion: It was moved to recommend **approval** of a Specific Use Permit for a commercial amusement (inside) for a dance hall and for the sale or service of alcohol in conjunction with a commercial amusement inside use for a two-year period, subject to a site plan and conditions on property zoned Subarea 6 within Planned Development District No. 366–D-1 with a D-1 Liquor Control Overlay on the east side of South Buckner Boulevard, south of Scyene Circle.

Maker: Shidid
Second: Schultz
Result: Carried: 13 to 0

For: 13 - Anglin, Rieves, Davis, Shidid,
Anantasomboon*, Haney, Jung, Housewright*,
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Houston
Vacancy: 1 - District 7

*out of the room, shown voting in favor

Notices: Area: 300 Mailed: 15
Replies: For: 1 Against: 2

Speakers: For (Did not speak): Teresa Hernandez, 804 Trailwood Dr., Desoto, TX, 75115
Against: None

Proposed SUP Conditions

Z156-208

1. USE: The only uses authorized by this specific use permit are a commercial amusement (inside) for a dance hall and the sale or service of alcohol in conjunction of a commercial amusement (inside) use.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

CPC Recommendation:

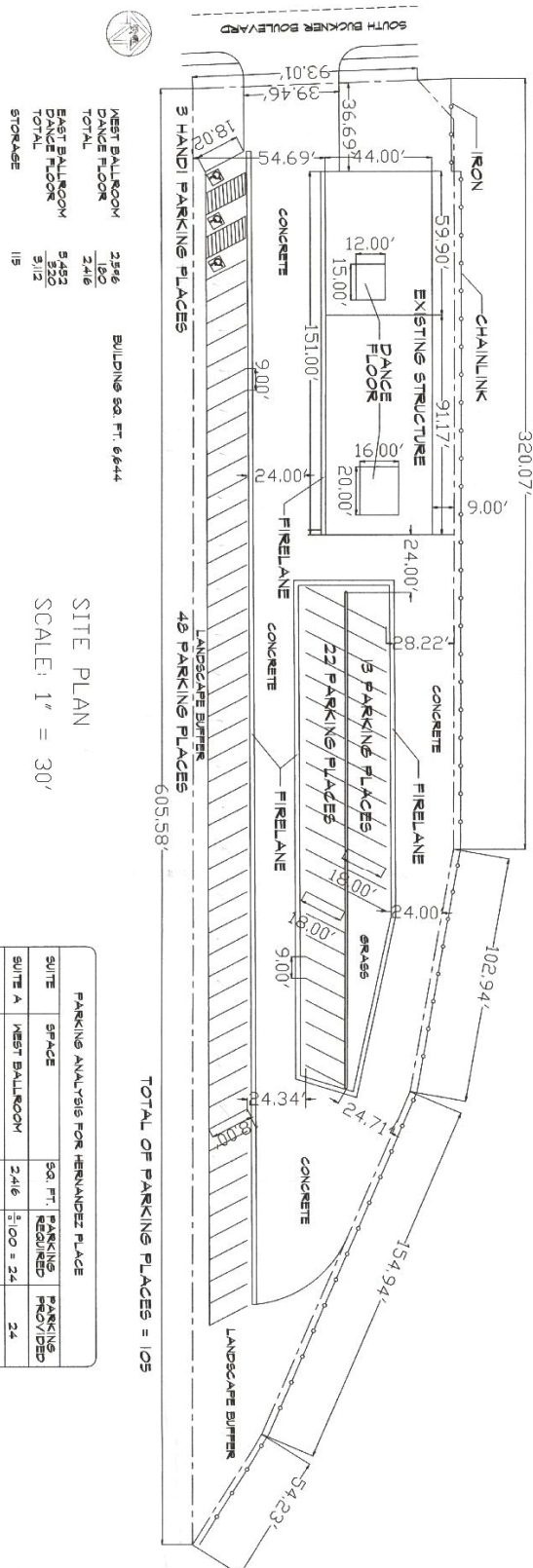
3. TIME LIMIT: This specific use permit expires on (two years).

Staff Recommendation:

3. TIME LIMIT: This specific use permit expires on (three years).

4. DANCE FLOOR AREA: The dance floor area for suite A is limited to 180 square feet. The dance floor for suite B is limited to 320 square feet.
5. FLOOR AREA: The floor area for suite A is limited to 2,416 square feet. The floor area for suite B is limited to 3,112 square feet.
6. HOURS OF OPERATION: The dance hall may only operate from 12:00 p.m. (noon) to 2:00 a.m. Tuesdays to Sundays.
7. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
8. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

PROPOSED SITE PLAN



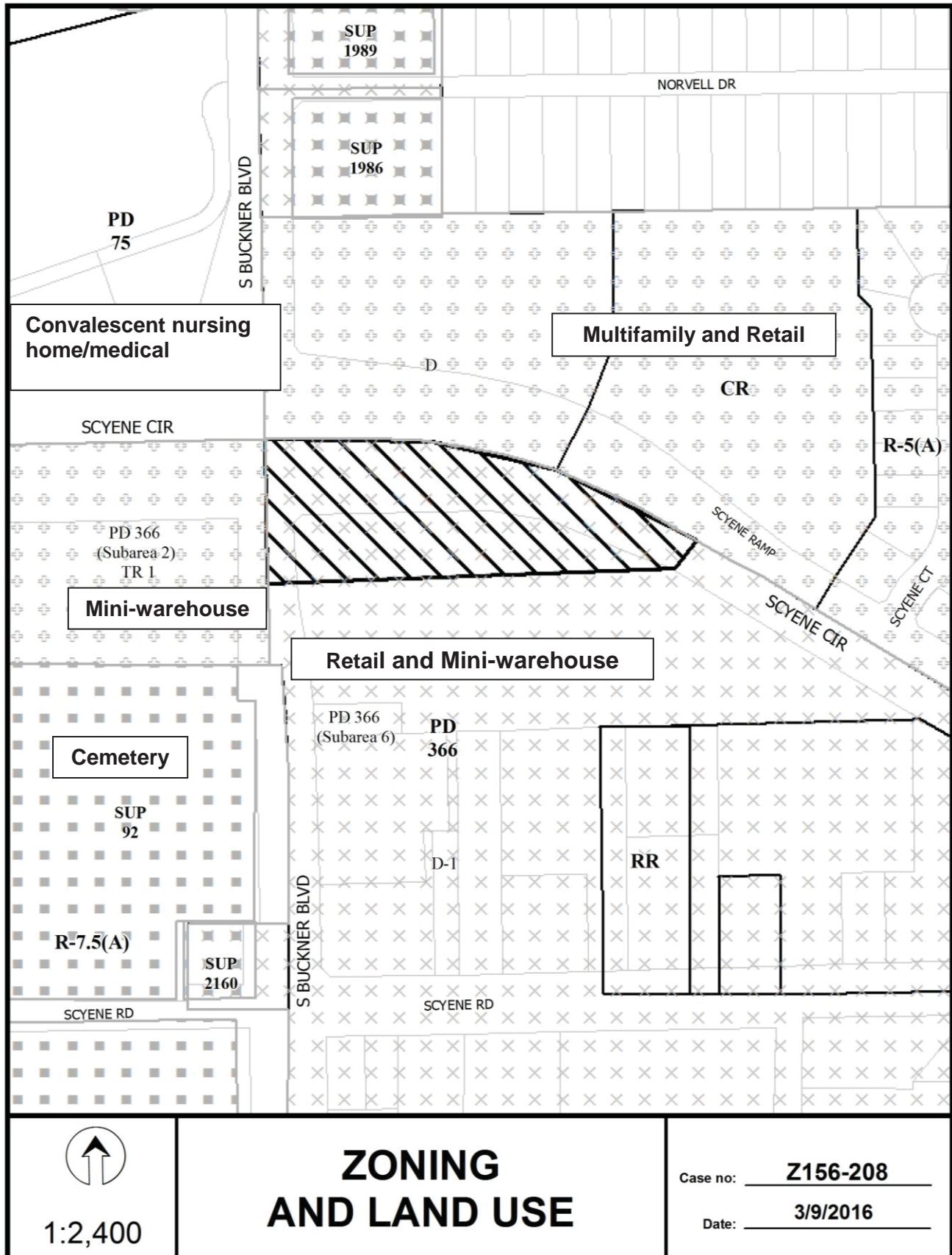
PARKING ANALYSIS FOR HERNADEZ PLACE			
SUITE	SPACE	SQ. FT.	PAVING PROVIDED
SUITE A	MEET BALLROOM	216	100 = 24
SUITE A	DANCE FLOOR	180	25 = 7
SUITE B	MEET BALLROOM	312	100 = 51
SUITE B	DANCE FLOOR	520	25 = 15
	HAND CAP		TOTAL 5
			TOTAL 18
			TOTAL 86

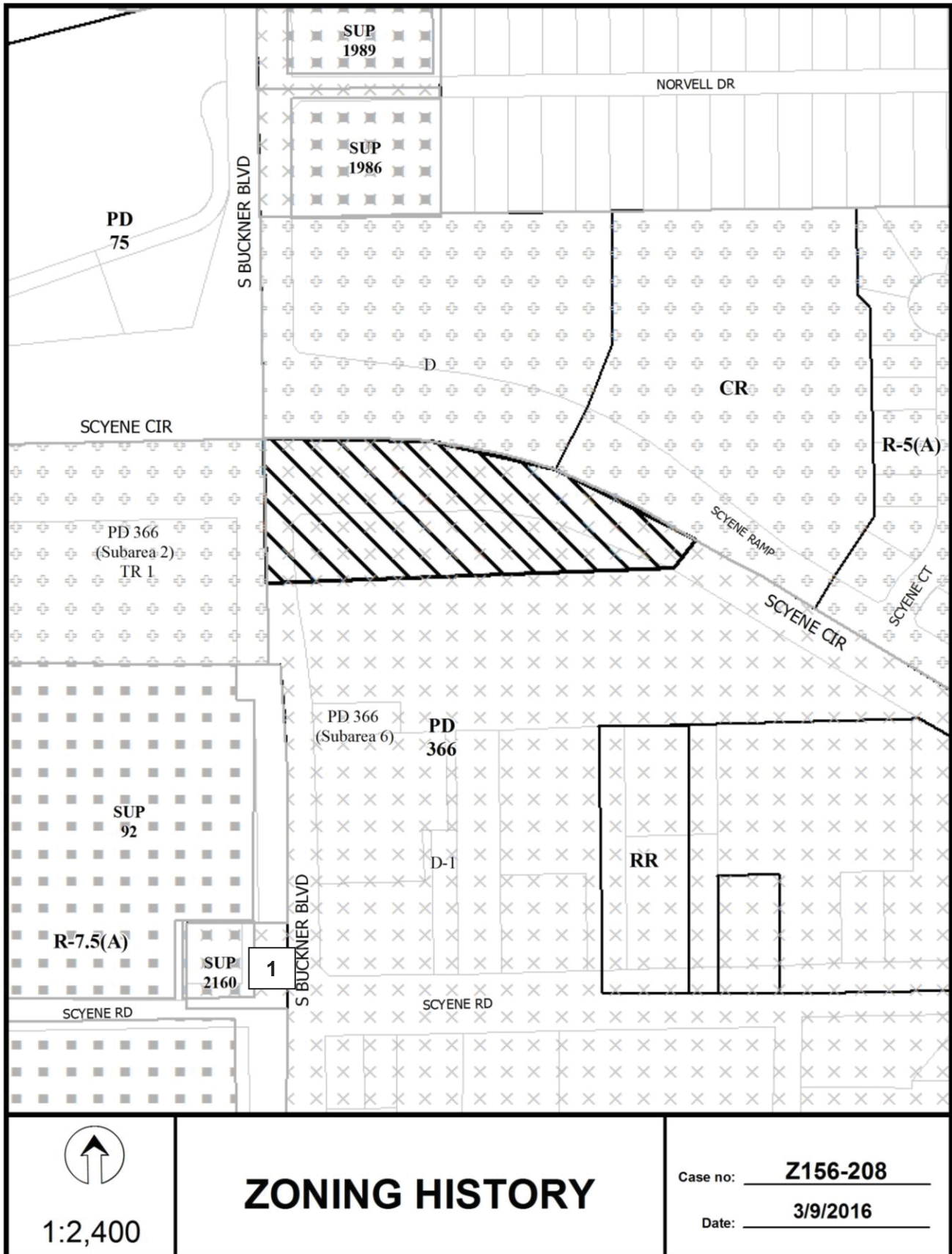
Total spaces required	75
Total spaces provided	86

Z156-208(OTH)









ZONING HISTORY

Case no: **Z156-208**

Date: **3/9/2016**

CPC RESPONSES



10/05/2016

Reply List of Property Owners
Z156-208

15 Property Owners Notified***1 Property Owners in Favor******2 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	3210 S BUCKNER BLVD	SH 708-716 LLC
	2	3230 S BUCKNER BLVD	MOSLEY L G & JYNNIFER
	3	3151 S BUCKNER BLVD	PLEASANT MOUND CEMETERY
	4	3505 S BUCKNER BLVD	BUCKNER SCYENE SNF LTD
	5	8149 SCYENE RD	WIMBERLY JOANNE
	6	8151 SCYENE RD	VALDEZ ANGEL
	7	8127 SCYENE RD	JACKSON WILLIE RAY
O	8	3118 S BUCKNER BLVD	UGWONALI FELIX C &
X	9	3241 S BUCKNER BLVD	ACCESS-BUCKNER LTD
X	10	8201 SCYENE RD	FORD ROBERT L
	11	3110 S BUCKNER BLVD	FIRST CASH LTD
	12	3311 SCYENE CT	RYAN TIM & KATHLEEN
	13	3307 SCYENE CT	COAHUILAS RAUL B
	14	3303 SCYENE CT	GUEVARA BENITO &
A1	3402	S BUCKNER BLVD	TACP DCREEK LP
A2	8181	SCYENE CIR	TACP DCREEK LP

AGENDA ITEM # 45

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: November 9, 2016

COUNCIL DISTRICT(S): 5

DEPARTMENT: Sustainable Development and Construction

CMO: Mark McDaniel, 670-3256

MAPSCO: 48 Y

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-in service on property within Subarea 6 of Planned Development District No. 366-D-1, the Buckner Boulevard Special Purpose District with a D-1 Liquor Control Overlay on the east side of South Buckner Boulevard, between Scyene Road and Bearden Lane

Recommendation of Staff: Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions

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

Z156-320(WE)

FILE NUMBER: Z156-320(WE) **DATE FILED:** July 28, 2016
LOCATION: East side of South Buckner Boulevard, between Scyene Road and Bearden Lane
COUNCIL DISTRICT: 5 **MAPSCO:** 48-Y
SIZE OF REQUEST: Approx. 0.7643 acres **CENSUS TRACT:** 90.00

APPLICANT: Mariana Roman
OWNER: William Freedman
REPRESENTATIVE: Audra Buckley, Permitted Development

REQUEST: An application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-in service on property within Subarea 6 of Planned Development District No. 366-D-1, the Buckner Boulevard Special Purpose District with a D-1 Liquor Control Overlay.

SUMMARY: The purpose of the request is to allow a restaurant use to serve beer and wine [Tacubaya].

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

STAFF RECOMMENDATION: Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The request site that is developed within a multi-tenant, one-story, retail development and is located in a D-1 Liquor Control Overlay. The 1,200 square foot vacant space will be used for a restaurant without drive-in service. In addition, the proposed use will use a 433 square foot outdoor patio space.
- The restaurant without drive-in service is permitted by right within Planned Development District No. 366. The D-1 Liquor Control Overlay requires a Specific Use Permit to serve alcoholic beverages within the use.
- The surrounding land uses consist of a variety of retail and personal service uses, medical clinic and single family uses.

Zoning History: There has been one zoning change requested in the area during the past five years.

1. Z123-220 On June 26, 2013, the City Council approved a D-1 Liquor Control Overlay on property zoned of Subarea 6 within Planned Development District No. 366-D with a Liquor Control Overlay on the east line of South Buckner Boulevard, south of Scyene Road and a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property within Subarea 6 of Planned Development District No. 366, the Buckner Boulevard Special Purpose District with a D Liquor Control Overlay for a five year period with eligibility for additional five years periods.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
S. Buckner Boulevard	Principal Arterial	80 ft.	80 ft.

Land Use:

	Zoning	Land Use
Site	Subarea 6, PDD No. 366 with a D-1	Retail and personal service
North	Subarea 6, PDD No. 366 with a D-1	Restaurant, surface parking
South	Subarea 6, PDD No. 366 with a D-1	Medical Clinic
East	Subarea 6, PDD No. 366 with a D-1, SUP No. 2034	General merchandise or food store
West	Subarea 1, PDD No. 366 with a D-1	General merchandise or food store

COMPREHENSIVE PLAN: The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The addition of a new restaurant to occupy a vacancy within an existing multi-tenant retail development will provide additional economic development opportunities within the City. The following goal and policy supports the proposed request.

ECONOMIC ELEMENT**GOAL 2.4 CREATE AND MAINTAIN AN ENVIRONMENT FRIENDLY TO BUSINESSES AND ENTREPRENEURS**

Policy 2.4.2 Restore Dallas as the premier city for conducting business within the region.

STAFF ANALYSIS:

Land Use Compatibility: The 0.7643 acre site is developed within a one story, multi-tenant retail development. The applicant's request is to allow alcoholic beverages to be served in a proposed 1,200 square foot restaurant without drive-in service. In addition, the use will have a 423 square foot outdoor patio on the east side. A Specific Use Permit is required to serve alcohol beverages in the D-1 Liquor Control Overlay.

The surrounding land uses consist of a variety of retail and personal service uses, and a medical clinic.

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 proposed request is consistent with the surrounding development in the area. The existing vacant space within a retail development will be renovated to operate a restaurant without drive-in service. The addition of another restaurant use within the retail development could provide another choice of restaurants people can experience within the shopping center. The adjacent area is development will retail and personal service uses.

Development Standards:

<u>DISTRICT</u>	<u>SETBACKS</u>		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
PDD No. 366 (Subarea 6)	15' OTHER: No Min.	20' adjacent to residential OTHER: No Min.	0.5 office, retail & personal service & lodging 0.75 FAR overall	45' 3 stories	80%	Proximity Slope Visual Intrusion	Retail & personal service, office

Landscaping: Landscaping of any development will be in accordance with Article X, as amended. However, due to the site not increasing any impervious surface or floor area, landscaping a portion of the site is not required.

Traffic and Parking: The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system.

The parking requirement for a restaurant use is one space per 100 square feet of floor area. Based on the total floor area within the proposed building, the applicant will have to provide 12 spaces. Since the proposed restaurant use is located within an existing retail development, a parking analysis revealed that the applicant needs an additional six spaces to meet their off-street parking requirements.

The applicant has provided staff with a parking agreement that shows the additional six off-street parking spaces that are needed to meet the off-street parking requirements. The additional off-street parking spaces are located on the south side of Scylene Road, and north of the existing retail parking area. The distance between the off-street parking where the request site is located and the additional six parking spaces as identified on remote parking agreement is 225 feet.

CPC Action (October 6, 2016)

Motion: It was moved to recommend **approval** of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-in service for a two-year period, subject to a site plan and conditions on property within Subarea 6 of Planned Development District No. 366-D-1, the Buckner Boulevard Special Purpose District, with a D-1 Liquor Control Overlay on the east side of South Buckner Boulevard, between Scyene Road and Bearden Lane.

Maker: Shidid
Second: Murphy
Result: Carried: 13 to 0

For: 13 - Anglin, Rieves, Davis, Shidid,
Anantasomboon, Haney, Jung, Housewright,
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Houston
Vacancy: 1 - District 7

Notices: Area: 200 Mailed: 6
Replies: For: 1 Against: 0

Speakers: None

**CPC PROPOSED SUP
CONDITIONS**

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a restaurant without drive-in service.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

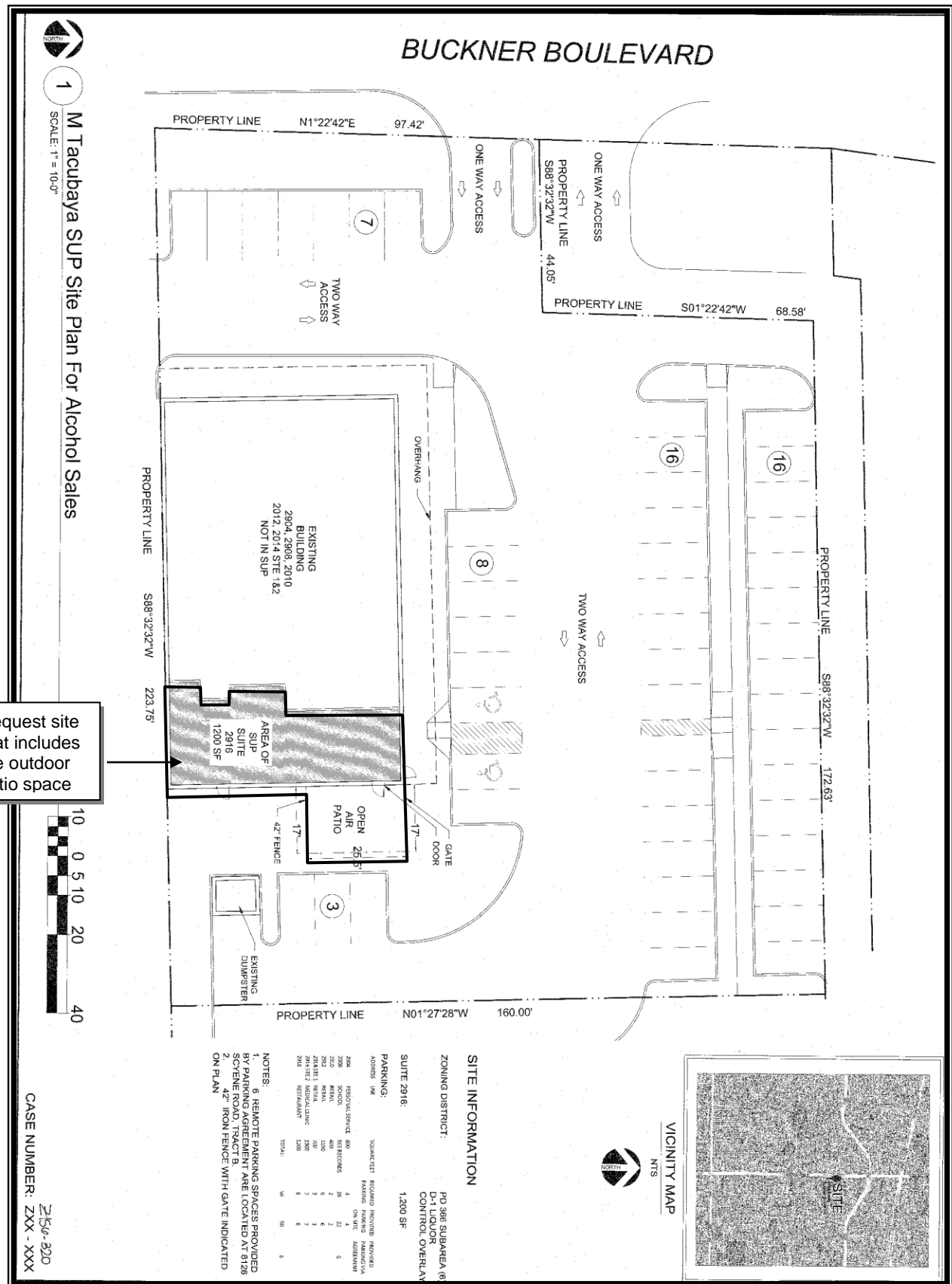
CPCs Recommendation

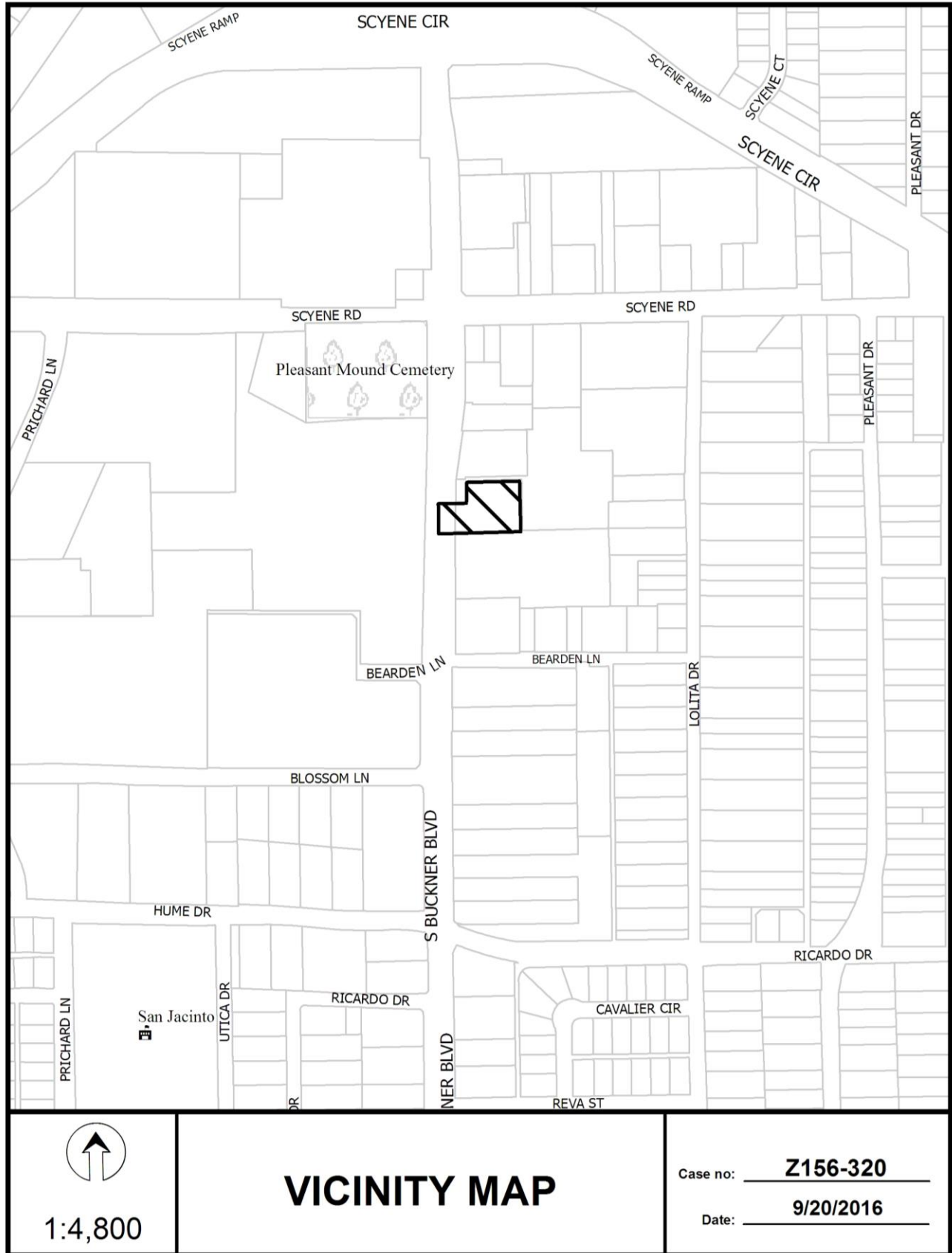
3. TIME LIMIT: This specific use permit expires on_____, (two-year period from the passage of this ordinance).

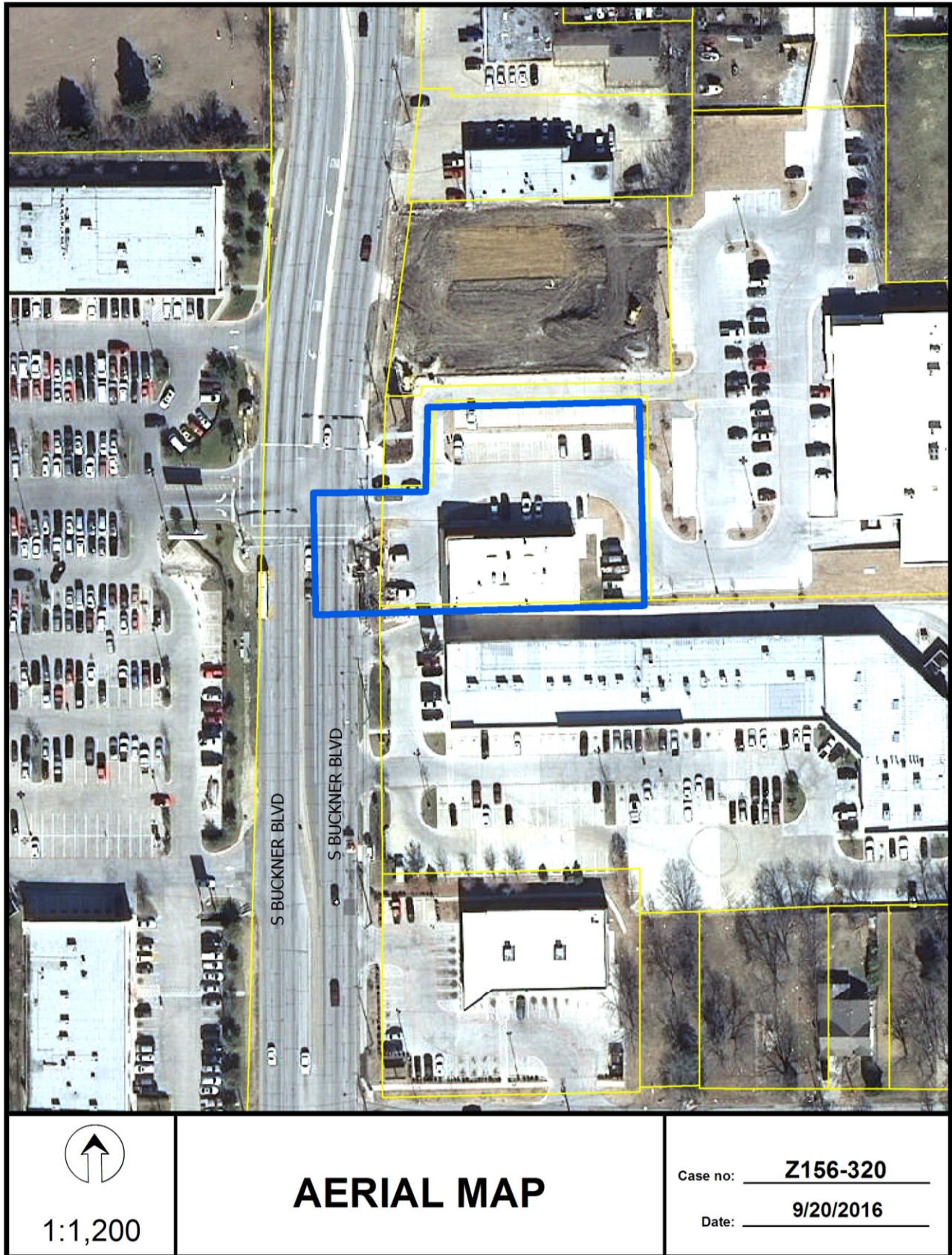
Staff's Recommendation

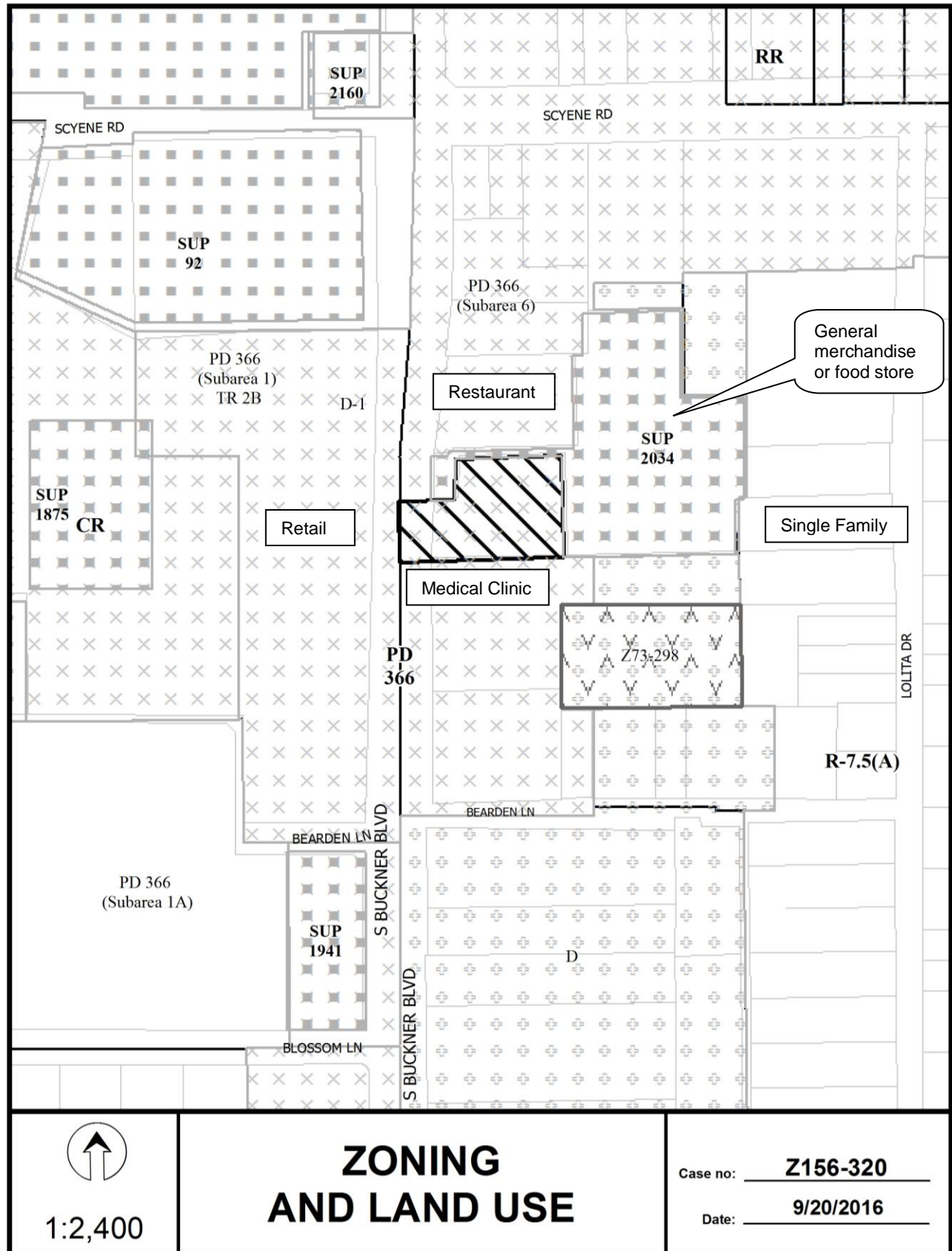
3. TIME LIMIT: This specific use permit expires on_____, (two-year period from the passage of this ordinance), but is eligible for automatic renewal for additional five-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced).
4. INGRESS/EGRESS: Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.
5. 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.

PROPOSED SITE PLAN



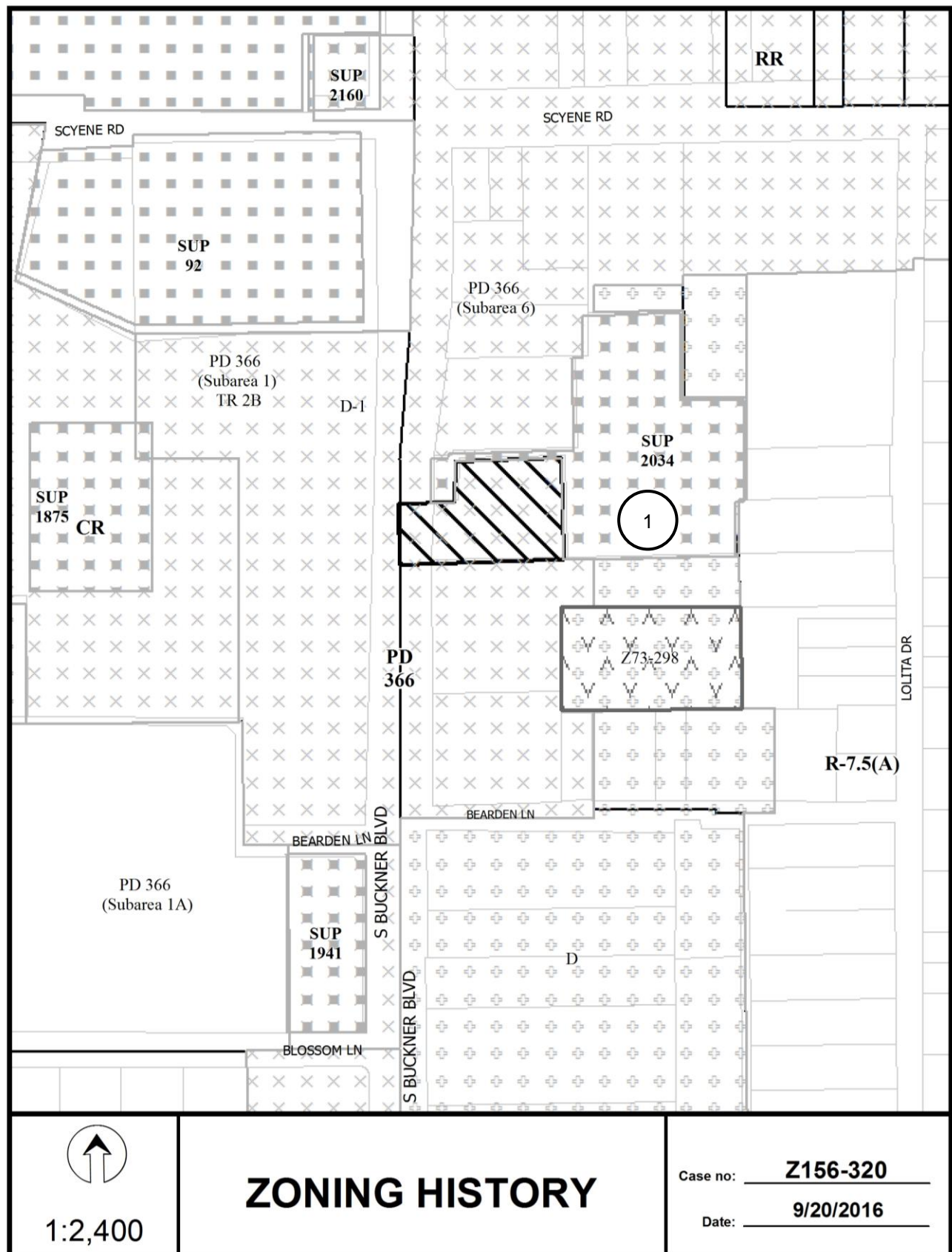




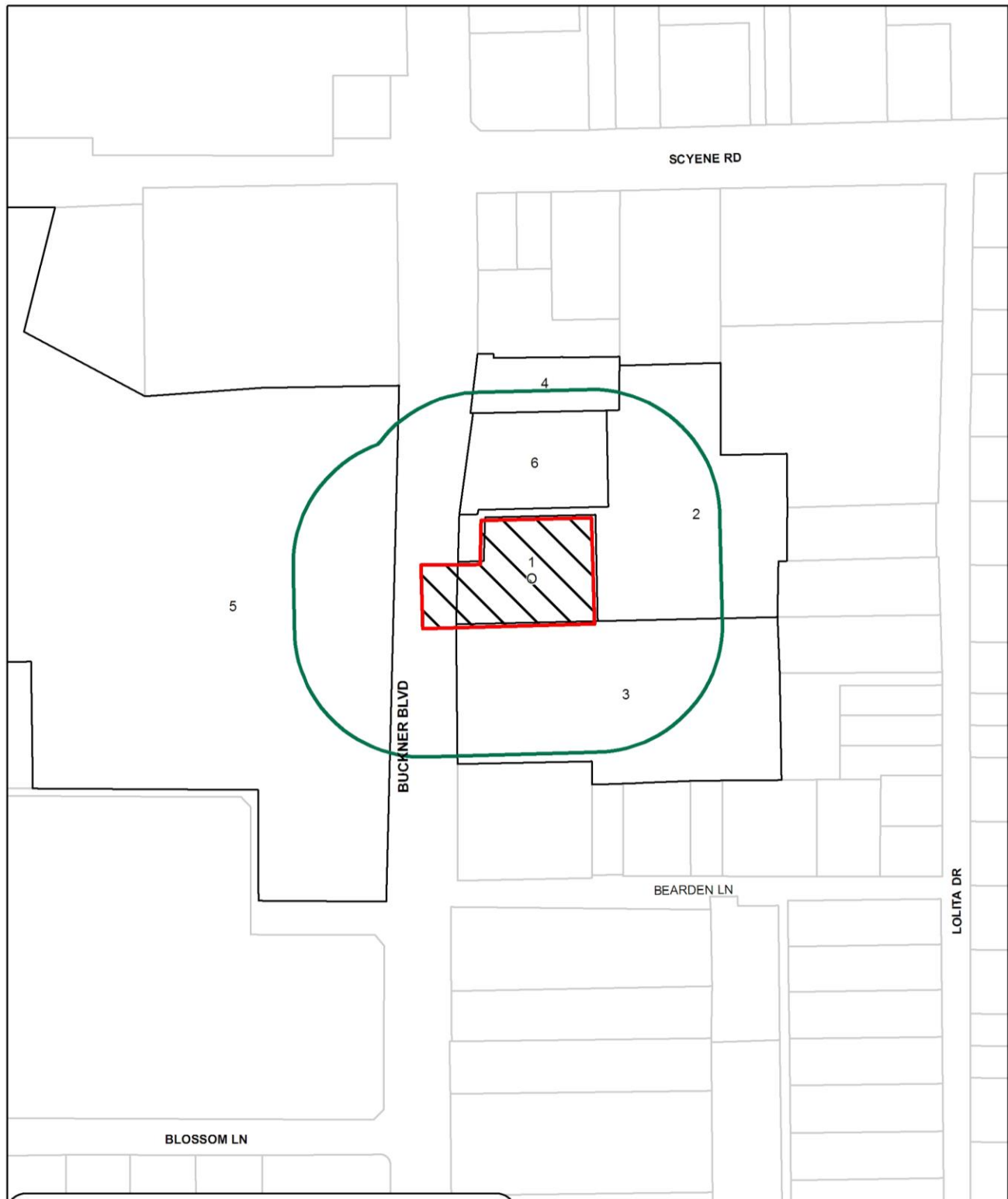


ZONING AND LAND USE

Case no: **Z156-320**
Date: **9/20/2016**



CPC RESPONSES



<u>6</u>	Property Owners Notified (6 parcels)
<u>1</u>	Replies in Favor (1 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>10/6/2016</u>	Date

Z156-320
CPC



1:2,400

Notification List of Property Owners

Z156-320

6 Property Owners Notified 1 Property Owners in Favor 0 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	2904 S BUCKNER BLVD	FREEMAN WILLIAM R
	2	2926 S BUCKNER BLVD	ALDI LLC
	3	2902 S BUCKNER BLVD	PAN LIANYA &
	4	2942 S BUCKNER BLVD	HEAVER PROPERTIES LIMITED
	5	8000 SCYENE RD	BUCKNER PARTNERSHIP LP
	6	2930 S BUCKNER BLVD	FWP BUCKNER BLVD TX LLC

AGENDA ITEM # 46

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: November 9, 2016

COUNCIL DISTRICT(S): 4

DEPARTMENT: Sustainable Development and Construction

CMO: Mark McDaniel, 670-3256

MAPSCO: 55 N

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 937 for R-7.5(A) Single Family District uses and an open-enrollment charter school on the southwest corner of Korgan Street and South Ewing Avenue

Recommendation of Staff and CPC: Approval, subject to conditions
Z156-328(WE)

Evans

FILE NUMBER: Z156-328(WE) **DATE FILED:** December 23, 2014

LOCATION: Korgan Street and South Ewing Avenue, southwest corner

COUNCIL DISTRICT: 4 **MAPSCO:** 55-N

SIZE OF REQUEST: Approx. 4.885 acres **CENSUS TRACT:** 54.00

APPLICANT / OWNER: KIPP Dallas – Fort Worth, Inc.

REPRESENTATIVE: Tommy Mann and Laura Hoffman, Winstead, PC
City of Dallas

REQUEST: An application for an amendment to Planned Development District No. 937 for R-7.5(A) Single Family District uses and an open-enrollment charter school.

SUMMARY: The purpose of the request is to allow for modifications to the non-business sign regulations that will allow two additional attached premise signs to be placed on the school's eastern and northern facades.

CPC RECOMMENDATION: Approval, subject to conditions.

STAFF RECOMMENDATION: Approval, subject to conditions.

BACKGROUND INFORMATION:

- On February 25, 2013, the City Council approved Planned Development District for R-7.5(A) and open-enrollment charter school uses on property zoned an R-7.5(A) Single Family District and a CR Community Retail District.
- The request site is developed within an 81,298-square foot open-enrollment charter school from grades pre-kindergarten to eighth.
- The applicant's request to amend Planned Development District No. 937 will allow for a 182-square foot attached premise sign on the primary façade and a 169-square foot attached premise sign on the secondary facade. The primary façade is located on the northern façade, which faces Korgan Street.
- Currently, the open-enrollment charter school has one monument sign on the southeast quadrant of the campus, with an effective area of approximately 175 square feet. The school is allowed one attached sign on each façade. The non-business sign regulations limits the signs to a maximum of 40 square feet of effective area and eight words per façade.
- On June 30, 2016, the City Plan Commission approved a waiver of the two year waiting period. The approval of the wavier allowed the applicant to submit a new application prior to February 25, 2017.
- The surrounding land uses consist primarily of single family residential uses and several retail and personal service uses that are adjacent to the properties southern property line.

Zoning History: There has been one zoning change in the surrounding area in the last five years.

1. Z145-149 On February 25, 2015, the City Council approved Planned Development District for R-7.5(A) and open-enrollment charter school uses on property zoned an R-7.5(A) Single Family District and a CR Community Retail District on the southwest corner of Korgan Street and South Ewing Avenue.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Korgan Street	Local	25 ft.	25 ft.
South Ewing Avenue	Local	60 ft.	60 ft.

Traffic: The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not have a detrimental impact on the surrounding street system. There are no changes to the Traffic Management Plan.

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 additional signage that is being proposed to identify the entrances to the elementary and middle school buildings does not enhance nor detract from the neighborhood's character.

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics.

URBAN DESIGN

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY

Policy 5.2.2 Promote the character of the city's significant districts, linkages and areas.

STAFF ANALYSIS:

Land Use:

	Zoning	Land Use
Site	PDD No. 937	Open-enrollment charter school
North	R-7.5(A), CR	Single Family
South	R-7.5(A), CR	Retail and personal service, single family
East	CR	Retail
West	R-7.5(A)	Single Family

Land Use Compatibility: The 4.885 acre site is developed with a two story open-enrollment charter school. The proposed amendment to Planned Development District No. 937 will allow the applicant to add two signs to clearly identify the elementary and middle schools. The signs will be installed on the northern and eastern facades. The charter school is compatible with the adjacent uses. Even though the school is in a predominately residential area, the southern portion of the school is developed adjacent to a small retail development. The portion of the retail development is located within a Community Retail District. There are no additional changes to the conditions.

Development Standards:

<u>DISTRICT</u>	<u>SETBACKS</u>		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
Proposed PDD Charter School	25'- S. Ewing St., 15' Korgan St.	5'	1 Dwelling Unit/ 7,500 sq. ft.	35'	35%		Single family, Charter School

Landscaping: Landscaping of any development will be in accordance Article X, as amended. The request will not trigger any landscaping requirements on the site.

Signage: Currently, there is one monument sign located in the southeastern quadrant of the campus. The PD allowed the monument sign to have an effective area of 175 square feet. Under the current regulations, the school is allowed one attached sign on each façade not to exceed 40 square feet of effective area each conforming to the nonbusiness zoning district sign regulations.

The school proposes to add two attached signs several times the size currently allowed. The increase in the allowable effective area of the proposed signs would generally comply with the business district sign regulations instead of the nonbusiness sign regulations. The business regulations allow signs to have up to eight words above four inches in height as long as the signs do not exceed 25 percent (primary) or 15 percent (secondary) of the total façade. The applicant indicated the increase in size will provide more visibility in identifying the entrances to the elementary and middle school.

Below is a comparison chart of the sign regulations.

PDD No. 937 Non-business attached signs regulations	Development Code attached business premise sign regulations	CPCs Recommendation (additional signs)
Facades		
<ul style="list-style-type: none"> - 1 sign per façade per occupant of premise. - 40 square feet in effective area. 	<ul style="list-style-type: none"> - Primary – combined effective area of all attached signs may not exceed 25 percent of total area of façade - Secondary - combined effective area of all attached signs may not exceed 15 percent of total area of façade 	<ul style="list-style-type: none"> - Primary – 16 percent of total area of façade 185 square feet of effective area - Secondary – 14 percent of total area of façade 185 square feet of effective area
Words / characters		
<ul style="list-style-type: none"> - Words consisting of characters all of which are less than four inches in height may be used without limit as to number. - Maximum of eight words consisting of characters in excess of four inches in height 	<ul style="list-style-type: none"> - On any building façade, a maximum of eight words which contains any character of a height equal to or exceeding four inches and pertain to any premise or non-residential occupancy. - Words consisting of characters less than four inches in height high may be used without limit. 	<ul style="list-style-type: none"> - Per Business sign regulations - Words will be limited to school's name

CPC Action (October 6, 2016)

Motion: It was moved to recommend **approval** of an amendment to Planned Development District No. 937 for R-7.5(A) Single Family District and an open-enrollment charter school, subject to conditions on the southwest corner of Korgan Street and South Ewing Avenue.

Maker: Shidid
Second: Murphy
Result: Carried: 13 to 0

For: 13 - Anglin, Rieves, Davis, Shidid,
Anantasomboon, Haney, Jung, Housewright,
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Houston
Vacancy: 1 - District 7

Notices:	Area: 500	Mailed: 187
Replies:	For: 8	Against: 1

Speakers: None

<p>LIST OF OFFICERS KIPP Dallas – Fort Worth, Inc.</p>

Peter Brodsky	President/Director
David Ellett	Director/Treasurer
Curtis Carlson	Director/Secretary
Clint McDonough	Director
Sharon Lyle	Director/Superintendent
Edwin Flores	Director
David Monaco	Director
Cherri Musser	Director
Maria Mendez	Director
Victor Mendiola	Director
Erin Patton	Director
Michael Sorrell	Director
Jessica W. Thorne	Director
Nicole Weeldreyer	Director
James Young	Director

CPC PROPOSED PDD CONDITIONS

SEC. 51P-937.101. LEGISLATIVE HISTORY.

PD 937 was established by Ordinance No. 29665, passed by the Dallas City Council on February 25, 2015.

SEC. 51P-937.102. PROPERTY LOCATION AND SIZE.

PD 937 is established on property on the southwest corner of Korgan Court and Ewing Avenue. The size of PD 937 is approximately 4.89 acres.

SEC. 51P-937.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This district is considered to be a residential zoning district.

SEC. 51P-937.104. EXHIBITS.

The following exhibits are incorporated into this article:

(1) Exhibit 937A: development plan.

(2) Exhibit 937B: traffic management plan.

SEC. 51P-937.105. DEVELOPMENT PLAN.

(a) For an open-enrollment charter school, development and use of the Property must comply with the development plan (Exhibit 937A). If there is a conflict between the text of this article and the development plan, the text of this article controls.

(b) For all other uses, no development plan is required, and the provisions of Section 51A- 4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply.

SEC. 51P-937.106. MAIN USES PERMITTED.

(a) Except as provided in this section, the only main uses permitted are those main uses permitted in the R-7.5(A) Single Family District, subject to the same conditions applicable in the R- 7.5(A) Single Family District, as set out in Chapter 51A. For example, a use permitted in the R-7.5(A) Single Family District only by specific use permit (SUP) is permitted in this district only by SUP, a use subject to development impact review (DIR) in the R-7.5(A) Single Family District is subject to DIR in this district, etc.

- (b) Open-enrollment charter school is permitted by right.

SEC. 51P-937.107. ACCESSORY USES.

As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217. (Ord. 29665)

SEC. 51P-937.108. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A- 4.400, this section controls.)

- (a) In general. Except as provided in this section, the yard, lot, and space regulations for the R-7.5(A) Single Family District apply.

- (b) Open-enrollment charter school.

- (1) Front yard. Minimum front yard is 15 feet along Korgan Court.

- (2) Height. Maximum structure height is 35 feet

- (3) Lot coverage. Maximum lot coverage is 40 percent. Above-ground parking structures are included in lot coverage calculations. Surface parking lots and underground parking structures are not.

SEC. 51P-937.109. OFF-STREET PARKING AND LOADING.

Consult the off-street parking and loading regulations (Division 51A-4.300 et seq.) for information regarding off-street parking and loading generally.

SEC. 51P-937.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-937.111. LANDSCAPING.

- (a) Landscaping must be provided in accordance with Article X.
- (b) Plant materials must be maintained in a healthy, growing condition.

SEC. 51P-937.112. TRAFFIC MANAGEMENT PLAN

(a) In general. Operation of an open-enrollment charter school must comply with the traffic management plan (Exhibit 937B).

(b) Queuing. Queuing is only permitted inside the Property. Student drop-off and pickup are not permitted within city rights-of-way.

(c) Traffic Study.

(1) The Property owner or operator shall prepare a traffic study evaluating the sufficiency of the traffic management plan. The initial traffic study must be submitted to the director by March 1, 2016. After the initial traffic study, the Property owner or operator shall submit updates of the traffic study to the director by March 1st of each even-numbered year.

(2) The traffic study must be in writing, performed by a licensed engineer, based on a minimum of four samples taken on different school days at different drop-off and pick-up times over a two-week period, and must contain an analysis of the following:

(A) ingress and egress points;

(B) queue lengths;

(C) number and location of personnel assisting with loading and unloading of students;

(D) drop-off and pick-up locations;

(E) drop-off and pick-up hours for each grade level;

(F) hours for each grade level; and

(G) circulation.

(3) Within 30 days after submission of a traffic study, the director shall determine if the current traffic management plan is sufficient.

(A) If the director determines that the current traffic management plan is sufficient, the director shall notify the applicant in writing.

(B) If the director determines that the current traffic management plan results in traffic hazards or traffic congestion, the director shall require the Property owner to submit an amended traffic management plan. If the Property owner fails to submit an amended traffic management plan within 30 days, the director shall notify the city plan commission.

(d) Phase II. Before issuance of a building permit for Phase II, the Property owner or operator shall:

(1) submit additional data to the director showing the number of students who live within walking distance of the school, how many students actually walk to school, and how many students use public transportation; and

(2) submit an amended traffic management plan.

(e) Amendment process.

(1) A traffic management plan may be amended using the minor plan amendment fee and public hearing process in Section 51A-1.105(k)(3).

(2) The city plan commission shall authorize changes in a traffic management plan if the proposed amendments improve queuing or traffic circulation; eliminate traffic hazards; or decrease traffic congestion.

SEC. 51P-937.113. SIGNS.

(a) Except as provided in this section, signs must comply with the provisions for nonbusiness zoning districts contained in Article VII.

(b) For an open-enrollment charter school, one monument sign is permitted in the location shown on the development plan. The maximum effective area for the monument sign is 175 square feet.

(c) Two attached signs with a maximum effective area of 185 square feet per sign and characters 40 inches or less in height area allowed.

(d) Illuminated attached signs are prohibited.

(e) The two attached premise signs may only display the name of the open-enrollment charter school.

SEC. 51P-937.114. FENCES.

(a) For an open-enrollment charter school, a perimeter fence with a minimum height of six feet must be provided in the location shown on the development plan.

(b) For an open-enrollment charter school, the outdoor play area must be enclosed by a minimum four-foot-high fence, as shown on the development plan.

(c) The fence materials may consist of chain link, masonry, wood, wrought iron, or any combination of these materials.

SEC. 51P-937.115. OPEN-ENROLLMENT CHARTER SCHOOL.

- (a) Classrooms. The maximum number of classrooms is 45.
- (b) Hours of operation. An open-enrollment charter school may only operate between 7:00 a.m. and 6:00 p.m., Monday through Friday.
- (c) Ingress-egress. Ingress and egress must be provided in the locations shown on the development plan. No other ingress or egress is permitted.
- (d) On street parking. On street parking is prohibited on the south side of Korgan Street. The property owner shall post "No Parking" signs on the south side of Korgan Street prior to the start of school operations.
- (e) Drive B. Vehicles exiting Drive B as shown on the traffic management plan are restricted to right turns only.

SEC. 51P-937.116. ADDITIONAL PROVISIONS.

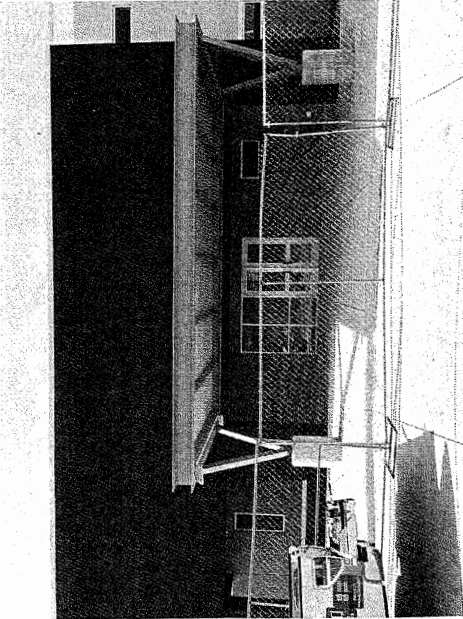
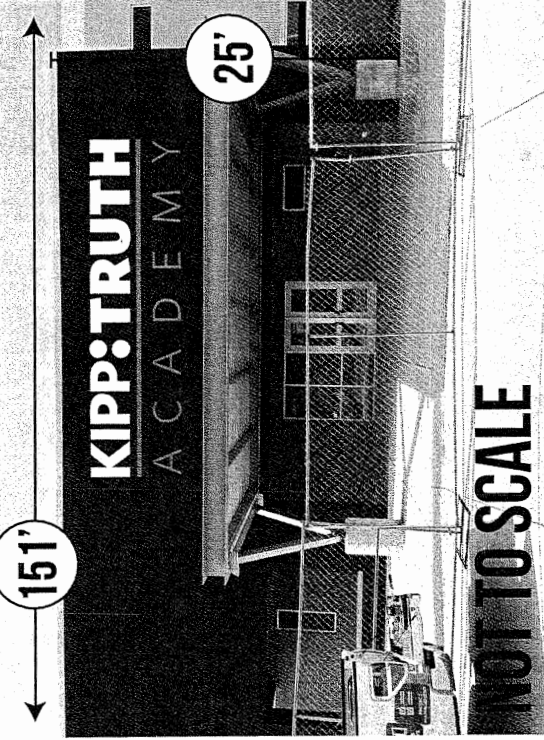
- (a) The Property must be properly maintained in a state of good repair and neat appearance.
- (b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City.

SEC. 51P-937.117. 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 City.
- (b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy for a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

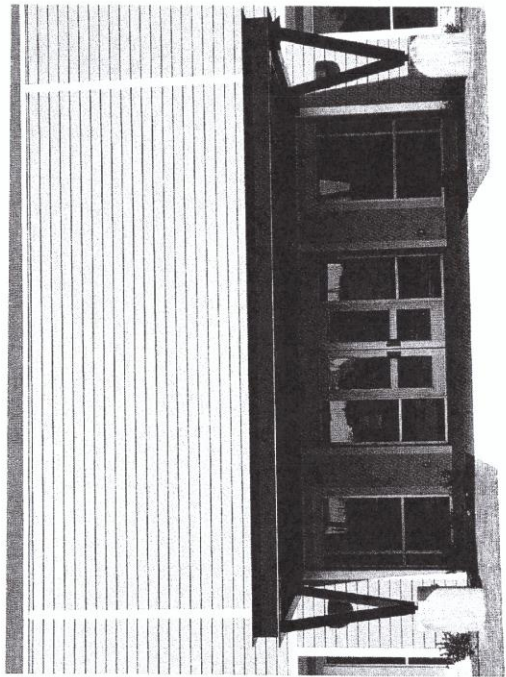
PROPOSED SIGN LOCATION

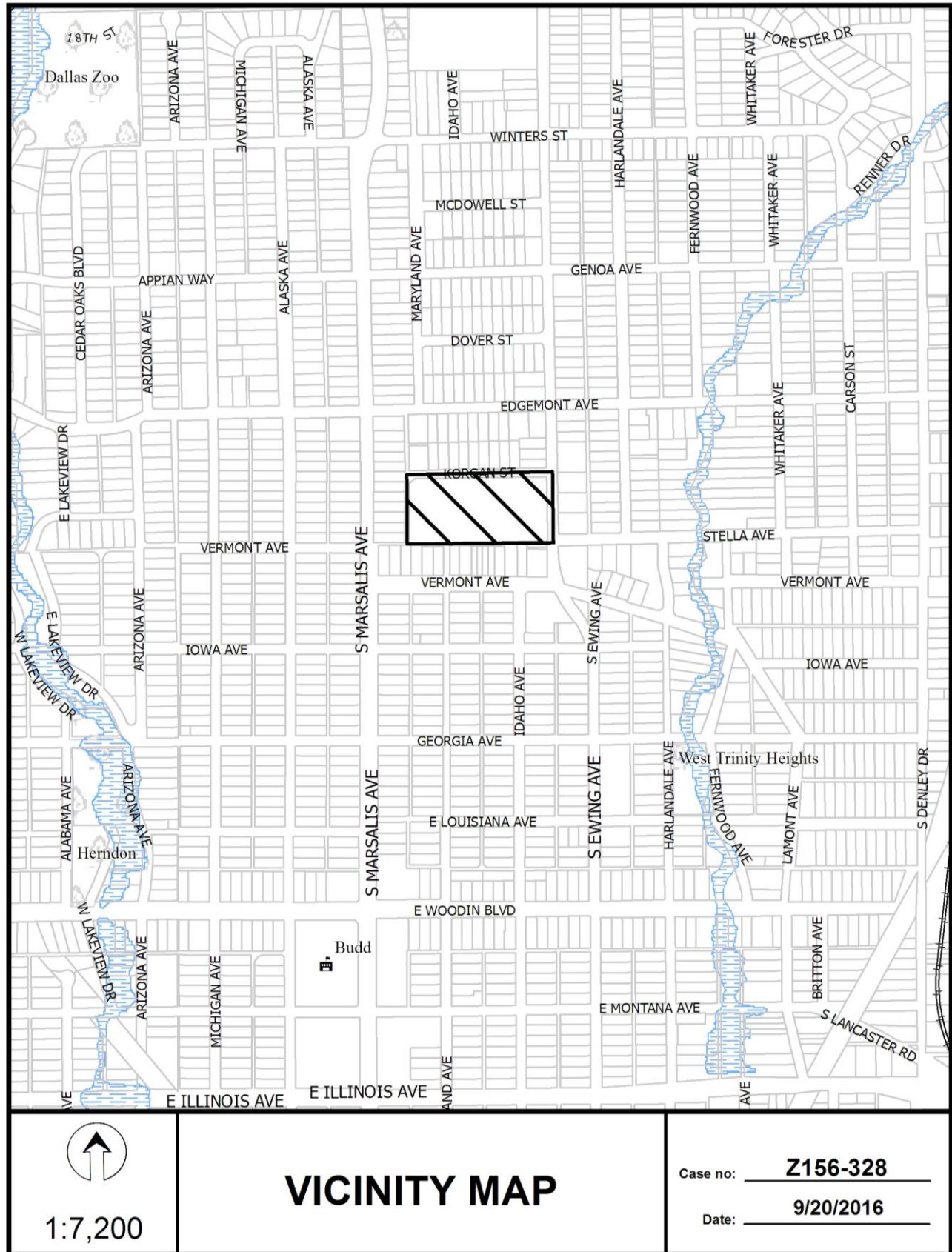
Primary façade
For illustration Purposes only

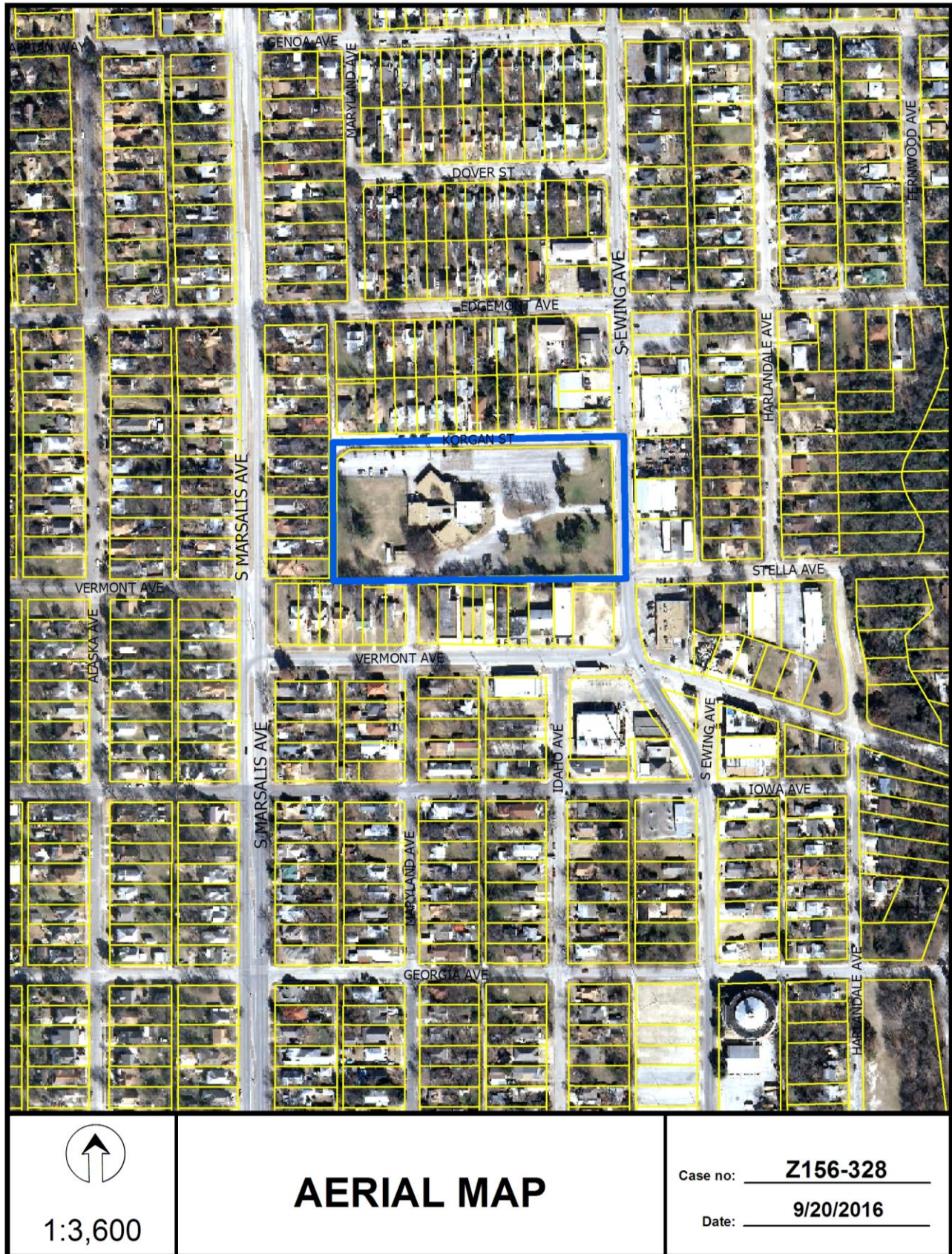
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p style="text-align: center;">EXISTING</p>  </div> <div style="width: 45%; text-align: center;"> <p style="font-size: 2em; font-weight: bold;">26'</p> </div> </div>	<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p style="text-align: center;">PROPOSED</p>  </div> <div style="width: 45%; text-align: center;"> <p style="font-size: 2em; font-weight: bold;">144 C</p> </div> </div>
<p style="text-align: center;">7'</p> <p style="text-align: center;">KIPP:TRUTH</p> <p style="text-align: center;">A C A D E M Y</p>	<p style="text-align: center;">151'</p> <p style="text-align: center;">KIPP:TRUTH</p> <p style="text-align: center;">A C A D E M Y</p>
<p>NOT TO SCALE</p>	
<p>2"</p>	
<p>25'</p>	
<p>2156-328</p>	
<p>2</p>	
<p>DATE: / / REV #:</p>	
<p>FASTSIGNS <input type="checkbox"/> APPROVE <input type="checkbox"/> REVISE BY:</p>	
<p>Invoice/Client: 5.18.16 / KIPP - Ewing</p>	
<p>Location: 1545 S. Ewing Ave. Dallas, TX. 75216</p>	
<p>Description: Flush - Stud Mounted 2" Deep Non-Illuminated Channel Letters</p>	
<p>Building: 25' x 151'</p>	
<p>Sign Specs: 7' x 26'</p>	
<p>Square Footage: 182 Sq Ft</p>	
<p>TSCL# 18501</p>	
<p>Sales Rep. S. LEOPARD</p>	
<p>Designer M. MOYA</p>	
<p><small>© COPYRIGHT 2002, Kipp Signs Inc. All Rights Reserved. Signs Inc. and its logo are registered trademarks of Kipp Signs Inc. and may not be reproduced in part or whole without written permission from Kipp Signs Inc.</small></p>	

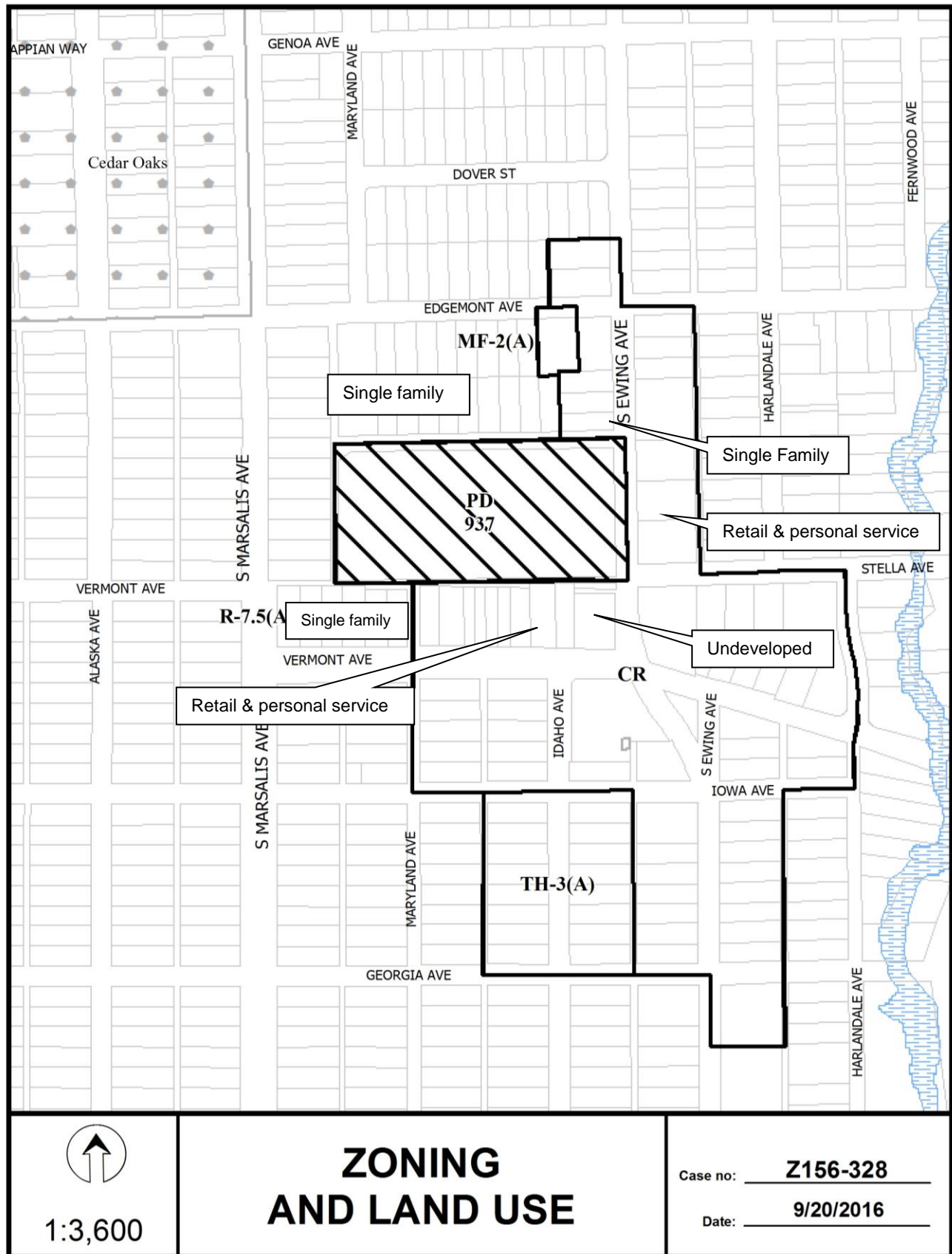
PROPOSED SIGN LOCATION

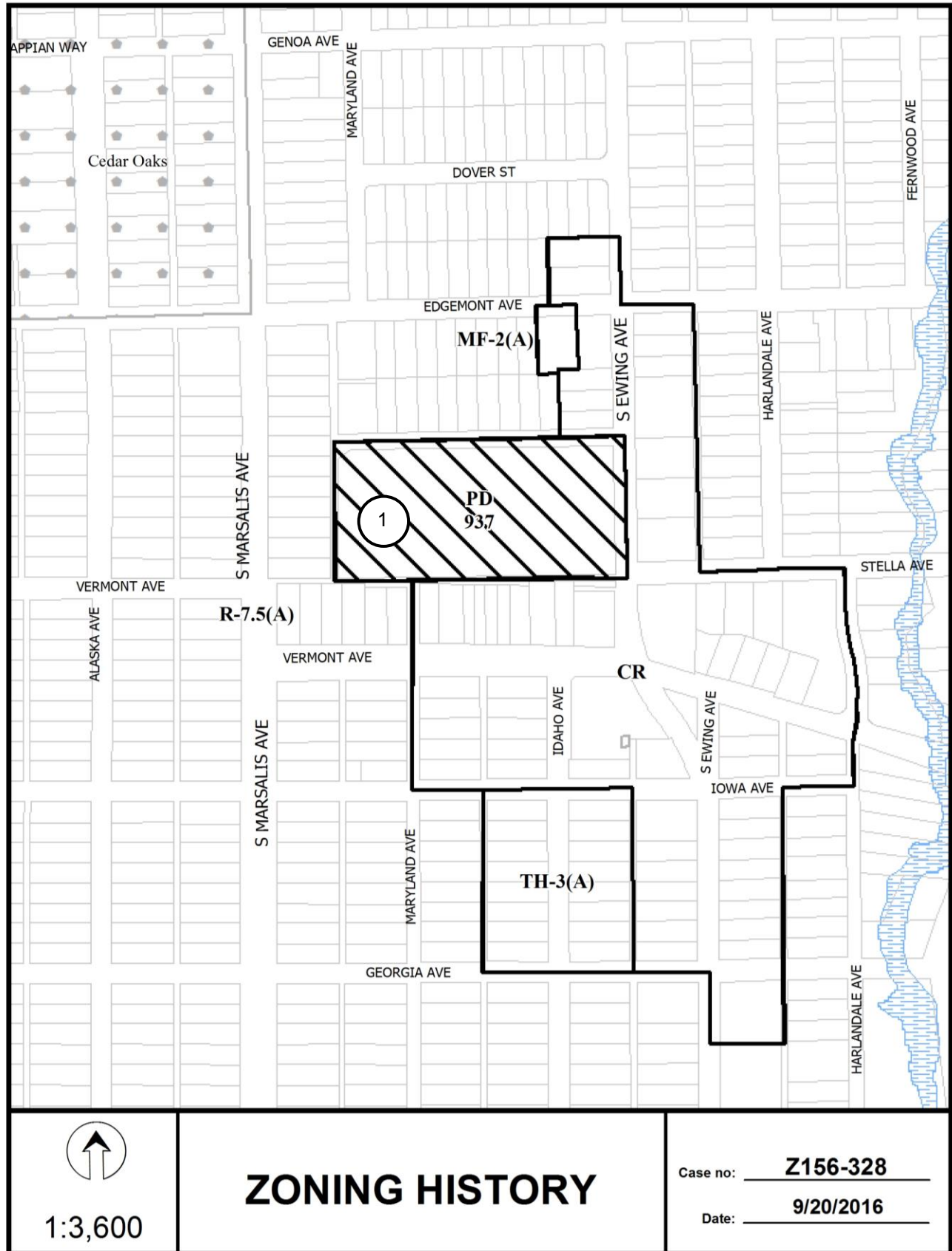
Secondary façade
For illustration Purposes only

<p>EXISTING</p> 	<p>PROPOSED</p> 	<p>26'</p>	<p>6.5' KIPP:TRUTH ELEMENTARY SCHOOL</p>	<p>36"</p>	<p>533 C 144 C</p>	<p>DATE: / / REV #: 2</p>
			<p>FASTSIGNS <input type="checkbox"/> APPROVE <input type="checkbox"/> REVISE BY:</p> <p>2400 Westport Pkwy, Ste. 900 Ft. Worth, Texas 76177 PH 817-439-1170</p> <p>TSCL# 18501 Sales Rep. S. LEOPARD Designer M. MOYA</p>	<p>Invoice/Client: 5.18.16 / KIPP - Ewing</p> <p>Location: 1545 S. Ewing Ave. Dallas, TX. 75216</p> <p>Description: Flush - Stud Mounted 2" Deep Non-Illuminated Channel Letters</p>	<p>Building: 25' x 151'</p> <p>Sign Specs: 6.5' x 26'</p> <p>Square Footage: 169 Sq Ft</p>	

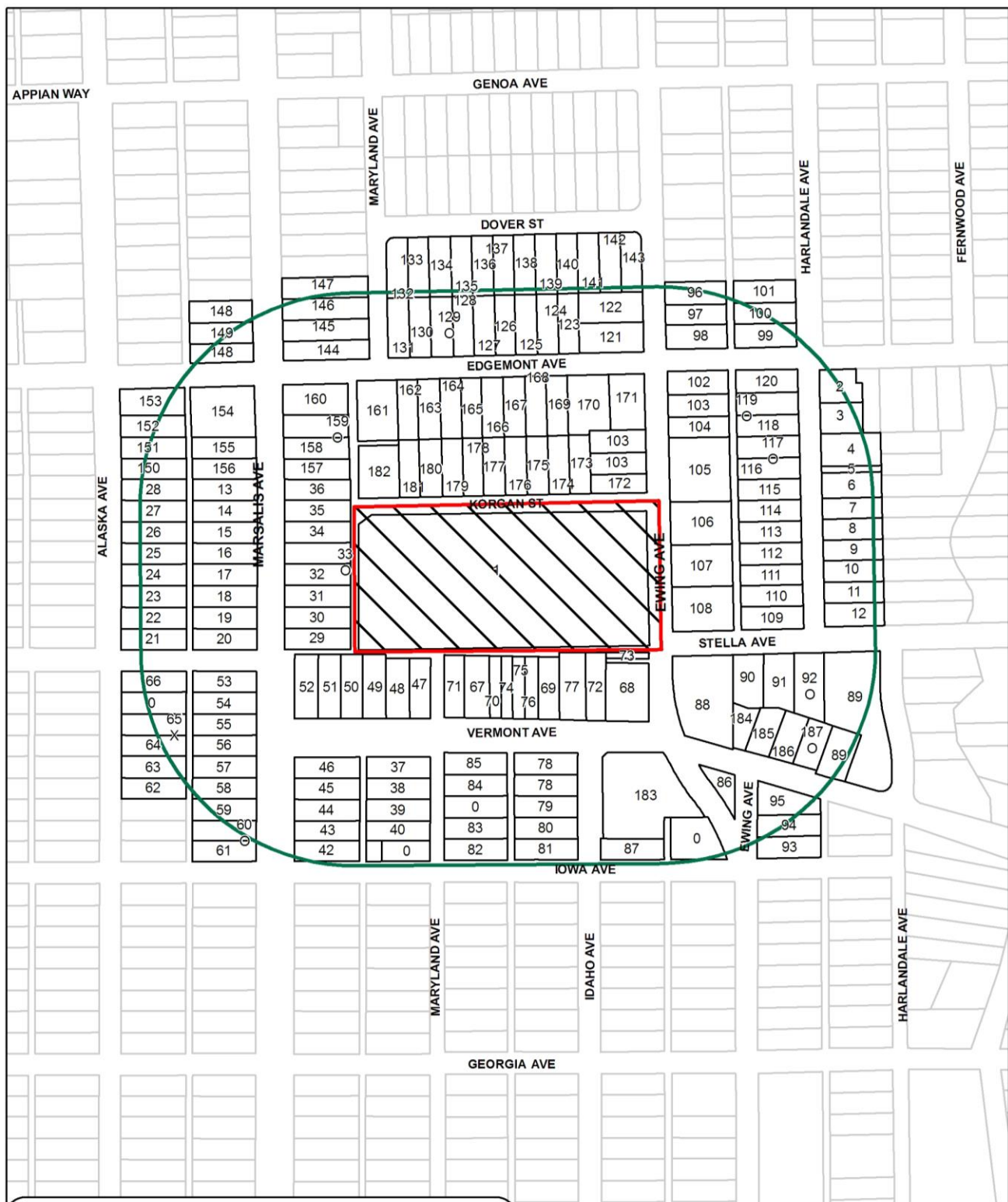








CPC RESPONSES



<u>187</u>	Property Owners Notified (196 parcels)
<u>8</u>	Replies in Favor (8 parcels)
<u>1</u>	Replies in Opposition (1 parcels)
<u>500'</u>	Area of Notification
<u>10/6/2016</u>	Date

Z156-328
CPC



1:3,600

Notification List of Property Owners

Z156-328(WE)

187 Property Owners Notified 8 Property Owners in Favor 1 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	1545 S EWING AVE	KIPP DALLAS FORT WORTH INC
	2	1500 HARLANDALE AVE	FINLEY I D
	3	1508 HARLANDALE AVE	DICKERSON SHARRIAN &
	4	1514 HARLANDALE AVE	TAYLOR JIMMY LEE &
	5	1522 HARLANDALE AVE	KING JUANITA
	6	1522 HARLANDALE AVE	POMPA ELVIRA
	7	1526 HARLANDALE AVE	POMPA RICARDO
	8	1530 HARLANDALE AVE	BROWN LOU E
	9	1534 HARLANDALE AVE	SMITH MARY L
	10	1538 HARLANDALE AVE	SIMMONS ERMA JEAN
	11	1542 HARLANDALE AVE	SANCHEZ GABRIEL
	12	1546 HARLANDALE AVE	ESTEBEZ ARACELY
	13	1603 S MARSALIS AVE	MCDUFF MARY K
	14	1607 S MARSALIS AVE	VERNON CLARK
	15	1611 S MARSALIS AVE	LEIJAGARCIA SOTERO
	16	1615 S MARSALIS AVE	MEADOWS BETTY MAY
	17	1619 S MARSALIS AVE	HAMILTON LILLIE ANN
	18	1623 S MARSALIS AVE	SHEFFIELD FRANCES
	19	1627 S MARSALIS AVE	RODRIGUEZ YSIDRO & CARMEN
	20	1631 S MARSALIS AVE	PASTERNAK VERONICA &
	21	1630 ALASKA AVE	POSADA MANUEL & MARIA D C
	22	1628 ALASKA AVE	HICKS DORIS
	23	1622 ALASKA AVE	YANG SENG
	24	1618 ALASKA AVE	HMK LTD
	25	1614 ALASKA AVE	MCDOWELL MERDIS
	26	1610 ALASKA AVE	RUTHERFORD ODESSIA

10/05/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	1606 ALASKA AVE	MEDINA LUIS &
	28	1602 ALASKA AVE	MARTINEZ YOLANDA GONZALEZ &
	29	1628 S MARSALIS AVE	MORGAN HORACE RAY
	30	1622 S MARSALIS AVE	MONROY MARY ANGELES
	31	1620 S MARSALIS AVE	KING GLORIA G WILSON
	32	1618 S MARSALIS AVE	PENA GERMAN & ALEJANDRA
O	33	1614 S MARSALIS AVE	PENA LUIS C & RAMONA
	34	1610 S MARSALIS AVE	ARREOLA RAUL &
	35	1606 S MARSALIS AVE	RIBERA FRANCISCO
	36	1602 S MARSALIS AVE	IGBOKWE OBI I
	37	1719 MARYLAND AVE	TAYLOR JAN &
	38	1723 MARYLAND AVE	CLEWIS ALVIN JR
	39	1727 MARYLAND AVE	URQUIZA GABRIEL &
	40	1729 MARYLAND AVE	KELLY FAYE CLARK
	41	705 IOWA AVE	NOBLE ELNORA
	42	1734 S MARSALIS AVE	HERNANDEZ FRANCISCO
	43	1730 S MARSALIS AVE	MENDOZA JUANA
	44	1726 S MARSALIS AVE	TIRADO FRANCISCO &
	45	1722 S MARSALIS AVE	URQUIZA GABRIEL & ARACELI
	46	1718 S MARSALIS AVE	JONES LEVATE B
	47	723 VERMONT AVE	NICKELBERRY NORMAN
	48	719 VERMONT AVE	RUVALCABA ENRIQUE
	49	715 VERMONT AVE	HOLLOMAN EUGEN C & VERA ANGELA BROWN
	50	711 VERMONT AVE	DOUGLAS JOHNNIE LEE
	51	707 VERMONT AVE	PEEL RUTH ANN
	52	701 VERMONT AVE	HENDERSON MINNIE
	53	1703 S MARSALIS AVE	CUELLARCAMPOS ARTURO &
	54	1707 S MARSALIS AVE	BEECHUM LEAMON JR ESTATE
	55	1711 S MARSALIS AVE	VILLEGAS MOISES &
	56	1715 S MARSALIS AVE	SEGURA MARIO & ROSAURA IVONE PENA
	57	1719 S MARSALIS AVE	DABBS DARRYL & DONNA

10/05/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	S MARSALIS AVE	LIVING LIFE HOLY TEMPLE
	59	S MARSALIS AVE	LIVING LIFE HOLY TEMPLE
O	60	S MARSALIS AVE	DELGADILLO JESUS A &
	61	S MARSALIS AVE	JONES JESSIE MAE
	62	ALASKA AVE	HERNANDEZ JOSE
	63	ALASKA AVE	LEDEZMA JUAN HERNANDEZ &
	64	ALASKA AVE	MARCELL EVELYN O
X	65	ALASKA AVE	BOYD FRANCIS
	66	ALASKA AVE	CASTILLO MARTIN
	67	VERMONT AVE	MCNEELY RODNEY D
	68	S EWING AVE	RUEDA JUAN & CAMILA
	69	VERMONT AVE	SAAD AL ABOUDI
	70	VERMONT AVE	MECCA TEMPLE #98
	71	VERMONT AVE	THOMAS KENNETH
	72	VERMONT AVE	RUEDA JUAN ROMAN
	73	S EWING AVE	HEIDEN NADINE
	74	VERMONT AVE	HOSANA FULL GOSPEL
	75	VERMONT AVE	YANKELEWITZ SARA W
	76	VERMONT AVE	HAMMOND RONNIE
	77	VERMONT AVE	STRINGER ALLEN WAYNE &
	78	IDAHO AVE	IGLESIA ALAS DE AGUILA AG
	79	IDAHO AVE	GARCIA JOHANNA S &
	80	IDAHO AVE	GONZALEZ OMAR
	81	IDAHO AVE	RAMIREZ JOSE
	82	MARYLAND AVE	COOK MILDRED EST OF
	83	MARYLAND AVE	HAYNES JERRY
	84	MARYLAND AVE	LOPEZ SALVADOR
	85	MARYLAND AVE	MALONE JOE E
	86	S EWING AVE	BURKINS TAMBRA
	87	IDAHO AVE	HOUSE OF REFUGE CHURCH OF
	88	VERMONT AVE	BALLAS VICTOR

10/05/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	89	1025 VERMONT AVE	FULL GOSPEL FIRST MISSION BAPTIST CHURCH INC
	90	816 STELLA AVE	MATA EDWARD
	91	822 STELLA AVE	HERNANDEZ GUADALUPE JR &
O	92	828 STELLA AVE	COPELAND WILLIE FAMILY TRUST
	93	1734 S EWING AVE	NEW SOLOMON CHURCH OF THE LIVING WORD
	94	1730 S EWING AVE	LIGHTHOUSE GOSPEL CENTER CHURCH
	95	1724 S EWING AVE	BRYAN DENROY SR
	96	1438 S EWING AVE	NELSON HARON & VERNA
	97	1442 S EWING AVE	CRUZ EDITH REACHI &
	98	1444 S EWING AVE	BENAVIDES OSCAR
	99	1445 HARLANDALE AVE	BROADNAX JASANDER
	100	1441 HARLANDALE AVE	VALDEZ HORTENSIA L
	101	1439 HARLANDALE AVE	DICKERSON CASTER
	102	1502 S EWING AVE	BROOKS VELMA LRSHIP
	103	1504 S EWING AVE	BROOKS VELMA
	104	1510 S EWING AVE	HAMPTON QUINCY C
	105	1514 S EWING AVE	MCNEELY RODNEY N
	106	1526 S EWING AVE	MCNEELY RODNEY D
	107	1536 S EWING AVE	REYES ROGELIO &
	108	1538 S EWING AVE	WATERS B J
	109	1547 HARLANDALE AVE	RAINES ELMA L
	110	1543 HARLANDALE AVE	THOMPSON O V
	111	1539 HARLANDALE AVE	MELGAREJO GRISELDA
	112	1535 HARLANDALE AVE	TIPPS TENEISHA L
	113	1531 HARLANDALE AVE	HILL ALBERT D
	114	1527 HARLANDALE AVE	MCPHERSON STEVEN ALLEN &
	115	1523 HARLANDALE AVE	MOORE CARRIETTA
	116	1519 HARLANDALE AVE	GUERRAFRANCO JOSE AMADO
O	117	1515 HARLANDALE AVE	ROY CLOVA LEE
	118	1511 HARLANDALE AVE	LEWIS STEPHANIE L

10/05/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	119	1507 HARLANDALE AVE	RICHARD JEWEL
	120	1501 HARLANDALE AVE	NOYOLA MARIA LUISA
	121	1445 S EWING AVE	GRIFFIN RODNEY D
	122	1443 S EWING AVE	SEED TO HARVEST REAL ESTATE LLC
	123	735 EDGEMONT AVE	HOWELL MARGIE REE
	124	731 EDGEMONT AVE	CASTILLO JESUS &
	125	727 EDGEMONT AVE	TURNER CURTIS M &
	126	723 EDGEMONT AVE	DUARTE FELIPE &
	127	719 EDGEMONT AVE	BANDA ROBERTO
	128	715 EDGEMONT AVE	WASHINGTON MELVIN E
O	129	711 EDGEMONT AVE	HOLYFIELD THERON
	130	707 EDGEMONT AVE	COLEMAN CECIL B
	131	703 EDGEMONT AVE	BUNTON LILLIAN
	132	702 DOVER ST	NIXON MARTHA JO
	133	706 DOVER ST	POSADA HUMBERTO
	134	710 DOVER ST	MEDRANO ANTONIO
	135	714 DOVER ST	CONTRERAS SILVIA &
	136	718 DOVER ST	ROJAS MARIA
	137	722 DOVER ST	FOSTER JANICE M
	138	726 DOVER ST	SMITH TRACEY &
	139	730 DOVER ST	DELGADO HUMBERTO
	140	734 DOVER ST	VAZQUEZ JOSE & CECILIA
	141	738 DOVER ST	GREEN MINNIE W EST OF
	142	742 DOVER ST	SANCHEZ PPTY MGMT INC
	143	744 DOVER ST	PIZARRO CAROLYN
	144	1446 S MARSALIS AVE	LEFFALL EDWIN O
	145	1442 S MARSALIS AVE	ROJAS SILVINO &
	146	1438 S MARSALIS AVE	CGSZ LLC
	147	1434 S MARSALIS AVE	ARNOLD CORNELIUS M
	148	1439 S MARSALIS AVE	GONZALEZ NAYELI
	149	1443 S MARSALIS AVE	GONZALEZ JOSE & MARIA T
	150	1514 ALASKA AVE	MARTINEZ JOHNNY R

10/05/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	151	1510 ALASKA AVE	BALLARD TERESA
	152	1506 ALASKA AVE	JACKSON LULA E
	153	1502 ALASKA AVE	HEARN LAFAYETTE
	154	1503 S MARSALIS AVE	ROBINSON SYLVIA A
	155	1511 S MARSALIS AVE	RAMIREZ FELIX
	156	1515 S MARSALIS AVE	RUNNELS EARSEL
	157	1516 S MARSALIS AVE	THOMPSON CHARLES
	158	1512 S MARSALIS AVE	MUNOZ MARIANA
O	159	1508 S MARSALIS AVE	FRENCH PATRICIA
	160	1502 S MARSALIS AVE	WILLIAMS JOYCE
	161	702 EDGEMONT AVE	HOLLOWAY DORIS P
	162	706 EDGEMONT AVE	ZUNIGA JOSE
	163	710 EDGEMONT AVE	VILLARREAL GUADALUPE
	164	714 EDGEMONT AVE	MORALES ARELI & FRANCISCA
	165	718 EDGEMONT AVE	PEREZ CARLOS COLMENERO &
	166	722 EDGEMONT AVE	ARREZ MAGDALENA
	167	726 EDGEMONT AVE	RECORD BESSIE MAE CROSBY
	168	730 EDGEMONT AVE	GARCIA GUADALUPE &
	169	734 EDGEMONT AVE	VILLEGAS AUGUSTINA
	170	740 EDGEMONT AVE	JOSEPH GEORGE K
	171	1505 S EWING AVE	MONEY DOUGLAS L
	172	1523 S EWING AVE	GOMEZ GUADALUPE
	173	739 KORGAN ST	VERDIN JOAQUIN JR &
	174	735 KORGAN ST	VERDIN JOSE RAMON &
	175	731 KORGAN ST	ROBERTS ANDREW JR
	176	727 KORGAN ST	TREVINO ANDRES G
	177	723 KORGAN ST	TREVINO GUILLERMINA
	178	719 KORGAN ST	TREVINO ENRIQUE G &
	179	715 KORGAN ST	TREVINO ANTONIO D
	180	711 KORGAN ST	TREVINO TONY D
	181	707 KORGAN ST	HILL CURTIS L

Z156-328(WE)

10/05/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	182	703 KORGAN ST	ADAMES SANTOS P
	183	900 VERMONT AVE	BASSAMPOUR FATEMAH
	184	1013 VERMONT AVE	RODRIGUEZ J RITO
	185	1015 VERMONT AVE	HERNANDEZ JOSE GUADALUPE
	186	1017 VERMONT AVE	HERNANDEZ GUADALUPE &
O	187	1019 VERMONT AVE	COPELAND CONCRETE

AGENDA ITEM # 47

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: November 9, 2016
COUNCIL DISTRICT(S): 2
DEPARTMENT: Sustainable Development and Construction
CMO: Mark McDaniel, 670-3256
MAPSCO: 45 D

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a liquor store on property zoned Subarea 1 within Planned Development District No. 298, the Bryan Area Special Purpose District at the northwest corner of Ross Avenue and North Haskell Avenue

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

Z156-283(JM)

Note: This item was considered by the City Council at a public hearing on October 26, 2016, and was deferred until November 9, 2016, with the public hearing open

FILE NUMBER:	Z156-283(JM)	DATE FILED:	June 13, 2016
LOCATION:	Northwest corner of Ross Avenue and North Haskell Avenue		
COUNCIL DISTRICT:	2	MAPSCO:	45-D
SIZE OF REQUEST:	Approx. 0.57 acres	CENSUS TRACT:	8.00

APPLICANT / OWNER: Alain Karatepeyan; 4101-11 Ross Avenue Joint Venture

REPRESENTATIVE: Alain Karatepeyan

REQUEST: An application for a Specific Use Permit for a liquor store on property zoned Subarea 1 within Planned Development District No. 298, the Bryan Area Special Purpose District

SUMMARY: The applicant proposes to operate a liquor store use within an existing multi-tenant commercial building.

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

STAFF RECOMMENDATION: Approval for a two-year period, subject to a site plan and conditions.

GUIDING CRITERIA FOR 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 area is largely commercial. Certain lots are vacant, providing an opportunity for redevelopment. This use is compatible with the surrounding area.
2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The requested use will be consistent with the commercial nature of the area. Additionally, it will provide services to nearby single family neighborhoods to the north.
3. *Not a detriment to the public health, safety, or general welfare* – The request is not foreseen to be a detriment to the public health, safety, or general welfare.
4. *Conforms in all other respects to all applicable zoning regulations and standards* – The request does not require any modifications to the applicable zoning regulations.

Zoning History:**1. Z123-287(JH)**

On August 28, 2013, the City Council approved an application to renew Specific Use Permit No. 1753 for a liquor store within the Subarea 8 portion of Planned Development District No. 298, the Bryan Area Special Purpose District, on the west corner of Haskell Avenue and San Jacinto Street.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Ross Avenue	Community Collector	80 ft.	Existing
Haskell Street	Principal Arterial	50 ft.—160 ft.	Existing

Development Standards:

<u>DISTRICT</u>	<u>SETBACKS</u>		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
PD No. 298 Subarea 1	5' min 15' max	0' or 10' Side 5' Rear	NA	120'	90%	Proximity Slope Visual Intrusion	Commercial, Business Services, Institutional, Lodging, Office, Recreational, Residential, Retail, & Utility Uses

Traffic: The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system.

Comprehensive Plan:

The *forwardDallas!* Comprehensive Plan designates the area of request in the Multi-modal corridor. This Building Block should encourage the redevelopment of aging auto-oriented single family neighborhoods. These areas offer dense mixed use and then transition to multifamily 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.

The proposed zoning request meets the following goals and objectives of the comprehensive plan:

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

Implementation Measure 1.1.5.3 Encourage neighborhood-serving office, retail, or other non-residential uses to be located in residential community areas, primarily on significant roadways or at key intersections.

This request supports that goal by providing new shops in walking distance for existing single family structures, and promoting the overall redevelopment of the area. The location, on a Multi-modal corridor and adjacent to single-family uses, blends well as a new retail use at this key intersection within this neighborhood.

Area Plan: The Bryan Area Study of 1988 determined that a Planned Development District was appropriate to help organize and enhance the development potential in an area of East Dallas adjacent to and northeast of the Central Business District. Beginning in March 2004, an evaluation study was conducted to determine if development was meeting the objectives of the Bryan Area Study and to make recommendations to adjust regulations that were falling short. The original study identified eight objectives: (1) promote urban character; (2) encourage residential development; (3) encourage redevelopment and commercial activity; (4) establish the Bryan Area as a regional health care complex of Dallas; (5) enhance the physical appearance and promote urban character within the Bryan Area; (6) reinforce the multi-cultural character of the Bryan Area; (7) focus commercial/retail redevelopment opportunities to the Village Center; and (8) establish linkages to regional activity centers.

Subsequent to that study, an evaluation study was conducted and found that objectives 3 and 7 were off track. Specifically, Ross Avenue was divided into a few subdistricts of

differing regulations and the predominance of auto-related uses was identified as a redevelopment inhibitor. The recommendations of the evaluation study identified changes to PD No. 298 to encourage the desired development for the Ross Avenue corridor, namely: (1) subdistricts 1, 2, and 3 were combined along Ross Avenue to encourage uniform regulations for this gateway corridor; (2) razor wire and barbed wired fencing was prohibited and desired fencing materials listed; and (3) compliance dates for nonconforming uses along Ross Avenue were determined necessary to achieve the desired urban scale development and improve opportunity to maximize development potential.

Redevelopment is occurring on Ross Avenue and this request supports the changing uses along the gateway corridor.

Land Use Compatibility:

	Zoning	Land Use
Site	PDD No. 298 Subdistrict 1	Commercial Plaza; Proposed Liquor Store
North, Northeast	PDD No. 298 Subdistrict 1	Park and Single Family Residential
Southeast	PDD No. 298 Subdistrict 1	Retail
Southwest	PDD No. 298 Subdistrict 1	Vacant Land
West	PDD No. 298 Subarea 1	Vacant Auto Shop

The subject site is part of a multi-tenant commercial property. The liquor store will add a variety to the area within walking distance to single family neighborhoods to the north and northeast. The commercial plaza offers a variety of retail and personal services uses including: restaurant, hair and nail salons, and a dental office. The previous use was a medical clinic. The proposed use would be less intensive in nature.

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.

Landscaping: Landscaping of any development will be in accordance with Article X, as amended.

PARTNERS 4101-11 ROSS AVENUE JOINT VENTURE

6/13/2016

Alain Karatepeyan
Dallas LiquorLand
4101 Ross Ave STE 500
Dallas TX 75204

List of Principals: *of: 4101-11 Ross Avenue JV.*

- Mitchell Rasansky- Manager
- Peter Fonberg- Manager

Z156-283

CPC Action
September 1, 2016:

Motion I: It was moved to recommend **denial without prejudice** of a Specific Use Permit for a liquor store on property zoned Subarea 1 within Planned Development District No. 298, the Bryan Area Special Purpose District on the northwest corner of Ross Avenue and North Haskell Avenue.

Maker: Rieves
Second: Ridley
Result: Failed: 5 to 9

For: 5 - Rieves, Haney, Jung, Housewright, Ridley

Against: 9 - Anglin, Houston, Davis, Shidid, Anantasomboon,
Schultz, Peadon, Murphy, Tarpley

Absent: 0

Vacancy: 1 - District 7

Motion II: It was moved to recommend **approval** of a Specific Use Permit for a liquor store for a two-year period, subject to a site plan and conditions with an additional condition for hours of operation from 1:00 p.m. to 9:00 p.m. on property zoned Subarea 1 within Planned Development District No. 298, the Bryan Area Special Purpose District on the northwest corner of Ross Avenue and North Haskell Avenue.

Maker: Anglin
Second: Houston
Result: Carried: 10 to 4

For: 10 - Anglin, Houston, Davis, Shidid, Anantasomboon,
Jung, Schultz, Peadon, Murphy, Tarpley

Against: 4 - Rieves, Haney, Housewright, Ridley

Absent: 0

Vacancy: 1 - District 7

Notices: Area: 200 Mailed: 18
Replies: For: 0 Against: 1

Speakers: For: Alain Karatepeyan, 3631 Word St., Dallas, TX, 75204
Adam Tucker, 2110 Peak St., Dallas, TX, 75204
Ivan Pacheco, 5200 Gaston Ave., Dallas, TX, 75214
Doyle Watson Jr., 4108 Live Oak St., Dallas, TX, 75204
Gayl Hobbs, 4207 Live Oak St., Dallas, TX, 75204
Against: Brent Foster, 4101 Ross Ave., Dallas, TX, 75219
Virginia McAlester, 5703 Swiss Ave., Dallas, TX, 75214

Blu Chappel, 4101 Ross Ave., Dallas, TX, 75219
Jim Anderson, 4706 Swiss Ave., Dallas, TX, 75204

CPC Action
August 18, 2016:

Motion: In considering an application for a Specific Use Permit for a liquor store on property zoned Subarea 1 within Planned Development District No. 298, the Bryan Area Special Purpose District on the northwest corner of Ross Avenue and North Haskell Avenue, it was moved to **hold** this case under advisement until September 1, 2016.

Maker: Rieves
Second: Houston
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston, Davis, Shidid,
Anantasomboon, Haney, Jung, Housewright,
Schultz, Peadon, Murphy, Ridley, Tarpley

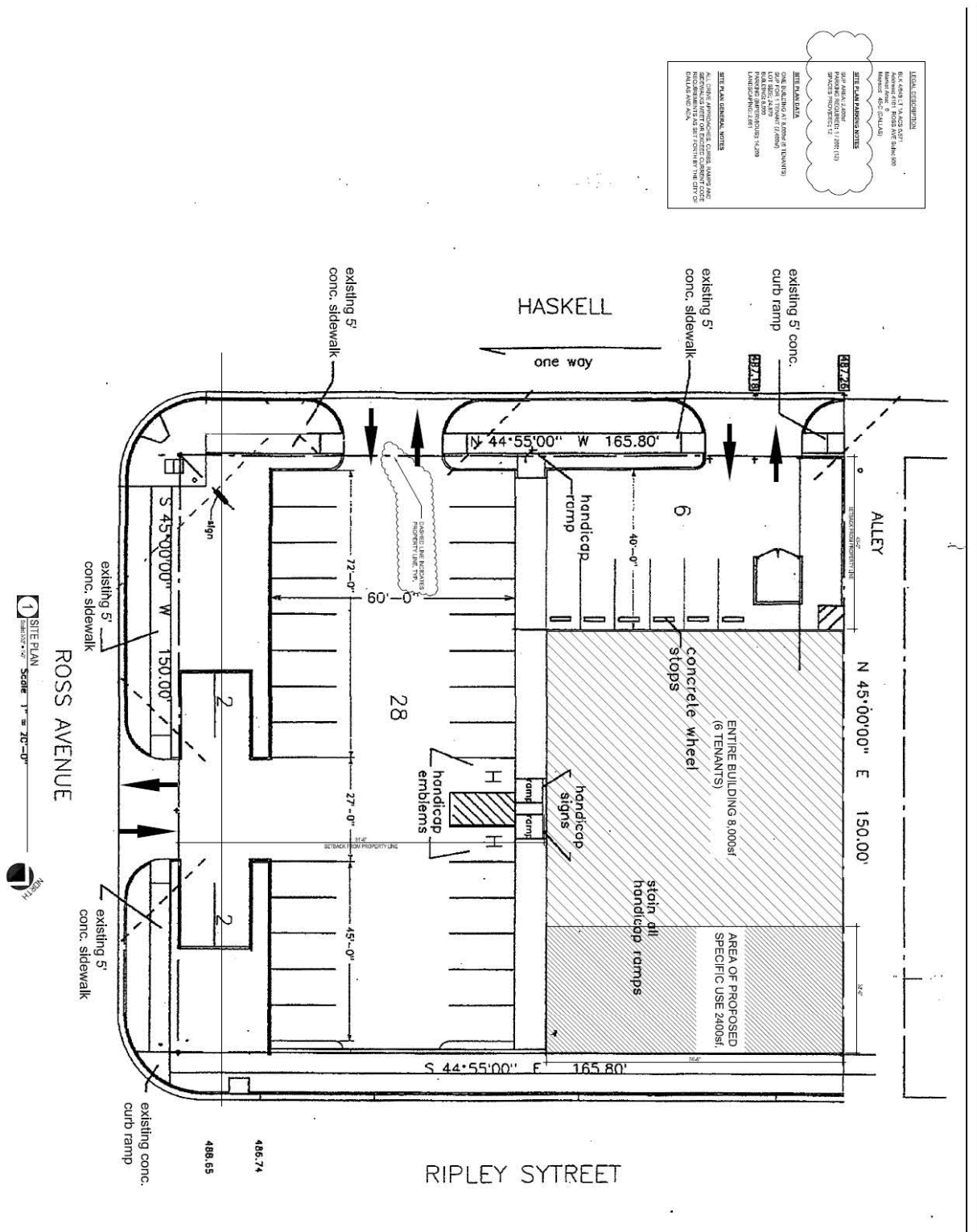
Against: 0
Absent: 0
Vacancy: 1 - District 7

Notices: Area: 200 Mailed: 18
Replies: For: 0 Against: 1

Speakers: For: Alain Karatepeyan, 3631 Word St., Dallas, TX, 75204
Against: Virginia McAlester, 5703 Swiss Ave., Dallas, TX, 75214

PROPOSED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is a liquor store.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on TWO YEARS.
4. FLOOR AREA: The maximum floor area for a liquor store is 2,400 square feet 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.



PROJECT:
DALLAS LIQUORLAND
410 ROSS AVE
DALLAS, TEXAS 75204

PROJECT NUMBER:
1612

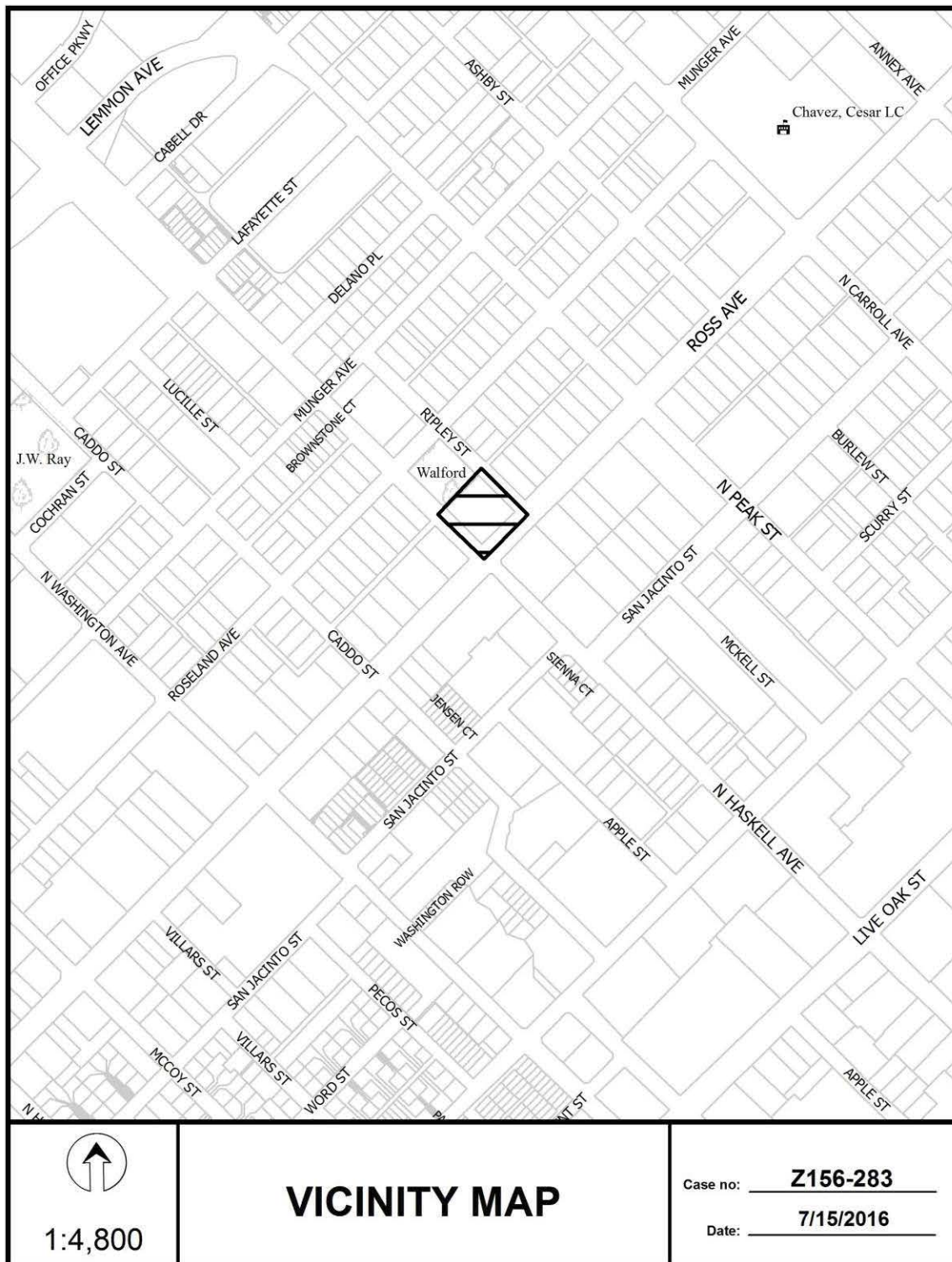
ISSUE:
1612

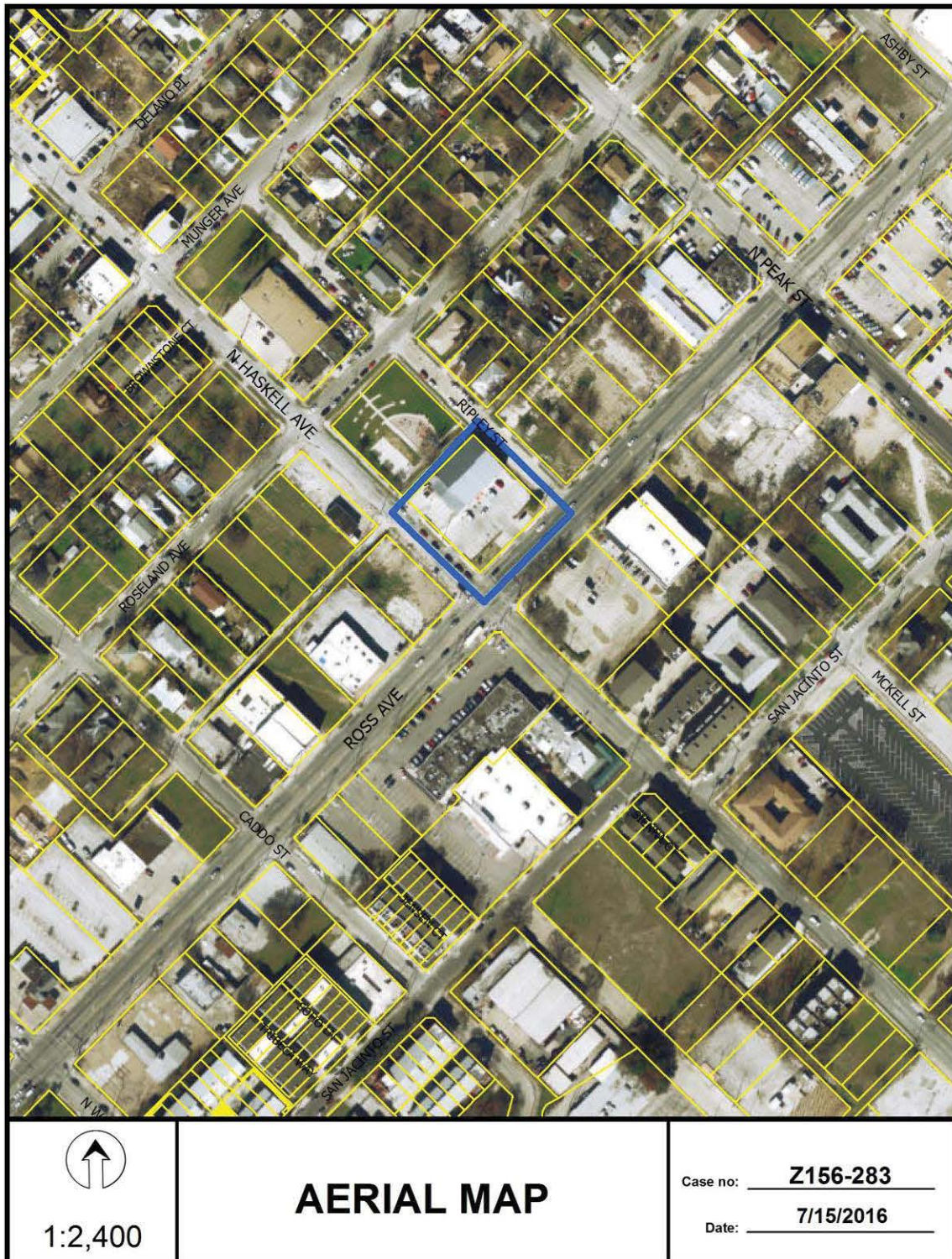
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2	10/1/12	ISSUED FOR PERMIT
3	10/1/12	ISSUED FOR PERMIT
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5	10/1/12	ISSUED FOR PERMIT
6	10/1/12	ISSUED FOR PERMIT
7	10/1/12	ISSUED FOR PERMIT
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10	10/1/12	ISSUED FOR PERMIT

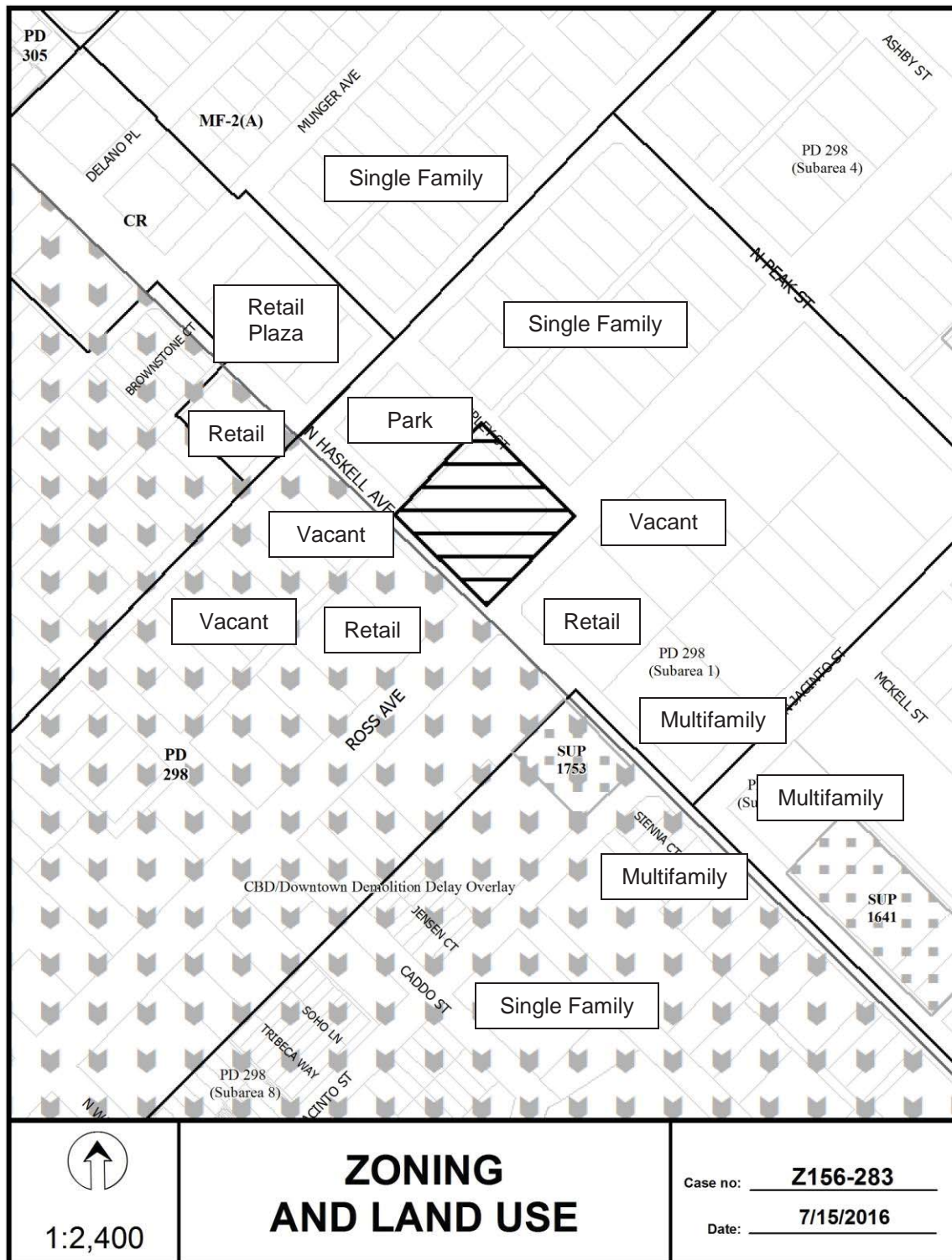
CONSULTANT:

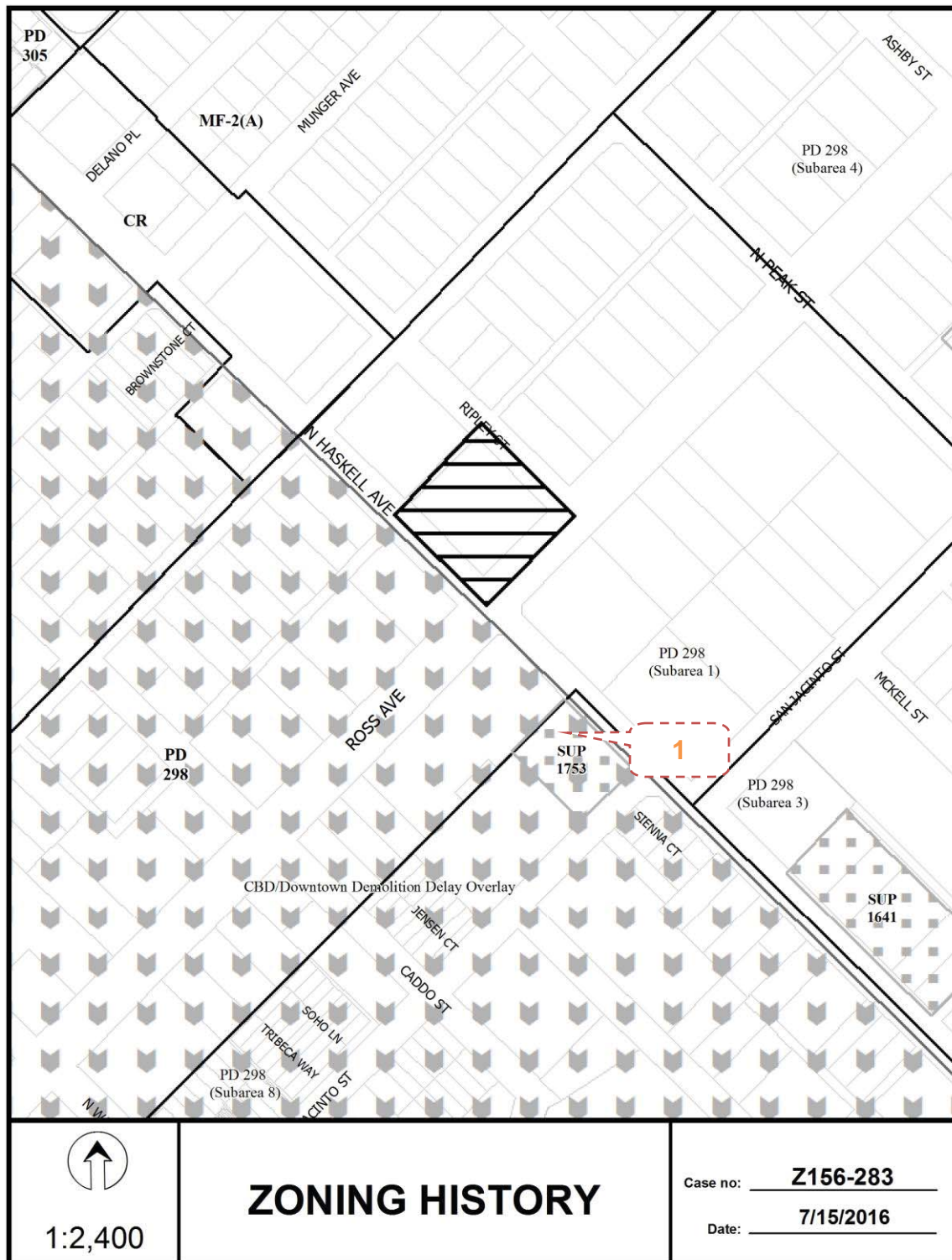
SEAL:

SHEET NUMBER:
A001
SITE PLAN

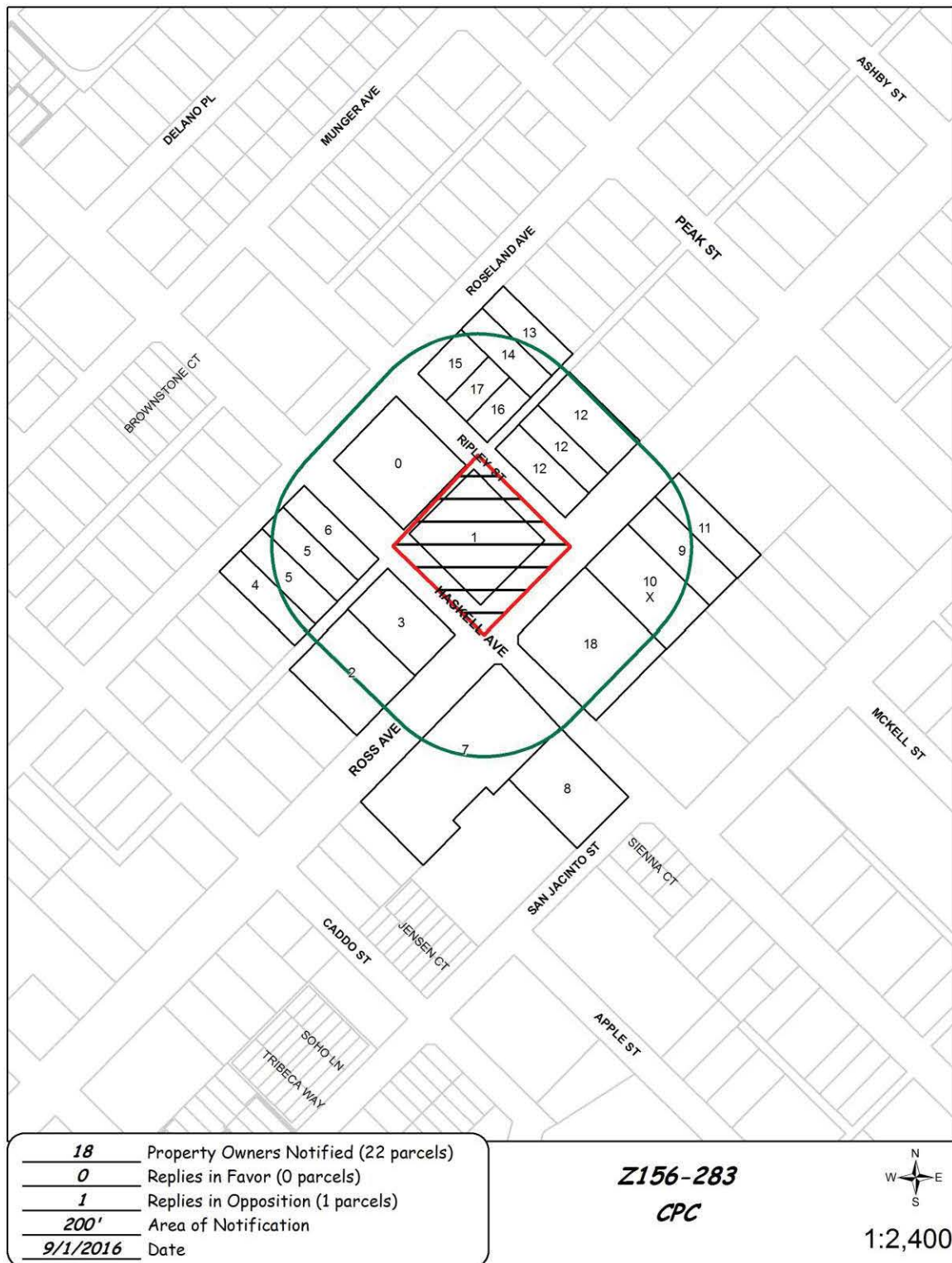








CPC RESPONSES



08/31/2016

Reply List of Property Owners***Z156-283******18 Property Owners Notified******0 Property Owners in Favor******1 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	4101 ROSS AVE	4101-11 ROSS AVENUE
	2	4001 ROSS AVE	PRESCOTT INTERESTS LTD
	3	4017 ROSS AVE	TOMAINO PROPERTIES LP
	4	4004 ROSELAND AVE	MH RESIDENTIAL PROPERTIES 4 LLC
	5	4008 ROSELAND AVE	MH RESIDENTIAL PROPERTIES1 LLC
	6	4016 ROSELAND AVE	TOMAINO PPTIES LP
	7	4004 ROSS AVE	ROSS AVE RETAIL LLC
	8	1605 N HASKELL AVE	CASS DON TR
	9	4206 ROSS AVE	4206 ROSS PARTNERS LTD
X	10	4202 ROSS AVE	COMMANDERS GIFT LLC
	11	4210 ROSS AVE	PAGANELLA HOLDINGS LLC
	12	4201 ROSS AVE	4201 ROSS LTD
	13	4214 ROSELAND AVE	ORTA REINALDO
	14	4210 ROSELAND AVE	KIM RACHEL
	15	4202 ROSELAND AVE	MCKENZIE RHODIA M
	16	1714 RIPLEY ST	VEGA CHONITA ARREDONDO
	17	1718 RIPLEY ST	LONGORIA CRECENCIA
	18	4202 ROSS AVE	4206 ROSS PARTNERS LTD