MARCH 27, 2019 CITY COUNCIL AGENDA
CERTIFICATION

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Agenda dated March 27, 2019. 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.

for T.C. Broadnax
City Manager

3/8/2019
Date

Sheri Kowalski
for Elizabeth Reich
Chief Financial Officer

3/8/2019
Date

RECEIVED
2019 MAR -8 PM 3:55
CITY SECRETARY
DALLAS, TEXAS

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

COUNCIL AGENDA

March 27, 2019

(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 Secretaria 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 Disabilties 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 de 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 (*pagers*) audibles en la cámara del Ayuntamiento durante audiencias del Ayuntamiento Municipal.

"Los ciudadanos y visitantes presentes durante las asambleas del Ayuntamiento Municipal deben de obedecer las mismas reglas de comportamiento, decoro y buena conducta que se aplican a los miembros del Ayuntamiento Municipal. Cualquier persona que haga comentarios impertinentes, utilice vocabulario obsceno o difamatorio, o que al dirigirse al Ayuntamiento lo haga en forma escandalosa, o si causa disturbio durante la asamblea del Ayuntamiento Municipal, será expulsada de la cámara si el oficial que 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 Governmental 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 pistol oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."

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

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

AGENDA
CITY COUNCIL MEETING
WEDNESDAY, MARCH 27, 2019
ORDER OF BUSINESS

Agenda items for which individuals have registered to speak will be considered no earlier than the time indicated below:

9:00 a.m.	**INVOCATION AND PLEDGE OF ALLEGIANCE**	
	OPEN MICROPHONE	
	MINUTES	Item 1
	CONSENT AGENDA	Items 2 - 43
	ITEMS FOR INDIVIDUAL CONSIDERATION	
No earlier than 9:15 a.m.		Items 44 - 48
	PUBLIC HEARINGS AND RELATED ACTIONS	
1:00 p.m.		Items 49 - 59

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

Invocation and Pledge of Allegiance (Council Chambers)

Agenda Item/Open Microphone Speakers

VOTING AGENDA

1. 19-372 Approval of Minutes of the February 27, 2019 City Council Meeting

CONSENT AGENDA

City Controller's Office

2. 19-344 An ordinance authorizing **(1)** the issuance and sale of City of Dallas, Texas, General Obligation Refunding and Improvement Bonds, Series 2019A, in an aggregate principal amount not to exceed $271,020,000; **(2)** levying a tax in payment thereof; **(3)** awarding the sale thereof and approving execution of a Purchase Agreement, and a Deposit Agreement; **(4)** approving the official statement; **(5)** enacting other provisions relating to the subject; and **(6)** declaring an effective date - Not to exceed $720,000 - Financing: 2019A General Obligation Refunding and Improvement Bond Funds

3. 19-345 An ordinance authorizing **(1)** the issuance and sale of City of Dallas, Texas, General Obligation Refunding Bonds, Series 2019B, in an aggregate principal amount not to exceed $174,705,000; **(2)** levying a tax in payment thereof; **(3)** approving execution of an Escrow Agreement; **(4)** approving the preparation of an official statement; **(5)** enacting other provisions relating to the subject; and **(6)** declaring an effective date - Not to exceed $515,000 - Financing: 2019B General Obligation Refunding Bond Funds

Department of Communication and Information Services

4. 19-407 Authorize a twelve-month contract for data validation services related to human resources and payroll data contained in the City's systems - Premier International Enterprises, Inc. - Not to exceed $936,000 - Financing: General Fund ($468,000) and HR Health Risk Fund ($468,000)

Department of Public Works

5. 19-157 Authorize a twenty-four-month contract for the 2019 Sidewalk and Barrier Free Ramp Improvements Program that includes water and wastewater adjustments in Service Maintenance Areas 1 and 2 - Estrada Concrete Company, LLC, lowest responsible bidder of five - Not to exceed $2,432,725.00 - Financing: Capital Assessment Fund (1998 Bond Funds) ($888,586.00), Street and Transportation (A) Fund (2017 Bond Funds) ($1,431,389.00) and Water Utilities Capital Construction Funds ($112,750.00)

6. 19-302 Authorize a professional services contract with ArchiTexas - Architecture, Planning and Historic Preservation, Inc. for architectural and engineering design and construction administration services for the Bath House Cultural Center located at 521 East Lawther Drive - Not to exceed $131,625.00 - Financing: Cultural Arts (F) Fund (2017 Bond Funds)

7. 19-181 Authorize a professional services contract with ArchiTexas - Architecture, Planning and Historic Preservation, Inc. for architectural and engineering design and construction administration services for the Dallas Black Dance Theater located at 2700 Ann Williams Way - Not to exceed $78,300.00 - Financing: Cultural Arts (F) Fund (2017 Bond Funds)

8. 19-303 Authorize a professional services contract with ArchiTexas - Architecture, Planning and Historic Preservation, Inc. for architectural and engineering design and construction administration services for the Sammons Center located at 3630 Harry Hines Boulevard - Not to exceed $77,300.00 - Financing: Cultural Arts (F) Fund (2017 Bond Funds)

9. 19-298 Authorize a professional services contract with Lina T. Ramey and Associates, Inc. to provide preliminary engineering design to develop three alignments for Wheatland Road from the city limits to University Hills Boulevard - Not to exceed $65,000.00 - Financing: Street and Transportation (A) Fund (2017 Bond Funds)

10. 19-130 Authorize a professional services contract with Professional Service Industries, Inc. dba Intertek-PSI to provide construction material testing services during the construction of the 2019 Maintenance & Street Improvements Project for Service Maintenance Areas 1 through 4 - Not to exceed $179,700.00 - Financing: Street and Alley Improvement Fund ($107,820.00) and General Fund ($71,880.00)

11. 19-197 Authorize a professional services contract with Alliance Geotechnical Group, Inc. to provide construction material testing services during the construction of the 2019 Resurfacing & Street Improvements Contract for Service Maintenance Areas 1 through 4 - Not to exceed $350,475.00 - Financing: Street and Transportation (A) Fund (2017 Bond Funds)

12. 19-286 Authorize a professional services contract with Simon Engineering & Consulting, Inc. for the engineering design of Alley Petition, Street Petition and Target Neighborhood Project Group 17-1302 (list attached to the Agenda Information Sheet) - Not to exceed $252,592.30 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($207,034.80) and Water Utilities Capital Improvement Funds ($45,557.50)

13. 19-7 Authorize a professional services contract with RJN Group, Inc. for the engineering design of Street Reconstruction Group 17-6006 (list attached to the Agenda Information Sheet) - Not to exceed $220,570.80 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($183,250.80) and Water Utilities Capital Improvement Funds ($37,320.00)

14. 19-134 Authorize a professional services contract with Criado & Associates, Inc. for the engineering design of Target Neighborhood Group 17-6008 (list attached to the Agenda Information Sheet) - Not to exceed $156,612.59 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($135,052.09) and Wastewater Capital Improvement Fund ($21,560.50)

15. 18-1233 Authorize a professional services contract with Stream Water Group, Inc. for the engineering design of Alley Reconstruction Group 17-7001 (list attached to the Agenda Information Sheet) - Not to exceed $212,442.72 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($204,350.72) and Wastewater Capital Improvement Fund ($8,092.00)

16. 19-10 Authorize a professional services contract with Atkins North America, Inc. for the engineering design of Thoroughfare Group 17-8006 (list attached to the Agenda Information Sheet) - Not to exceed $740,303.22 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($715,153.22) and Water Capital Improvement Fund ($25,150.00)

Department of Sanitation Services

17. 19-307 Authorize **(1)** an increase in the construction services contract with Hammett Excavation, Inc. for the construction of a 52-acre waste cell, 6B2 and 7 at the McCommas Bluff Landfill to provide revisions and deletions to the contract which have been necessitated by changes in the site conditions and identified through value engineering; and **(2)** an increase in appropriations in an amount not to exceed $556,773.15 in the Sanitation Capital Improvement Fund - Not to exceed $556,773.15, from $5,126,866.33 to $5,683,639.48 - Financing: Sanitation Capital Improvement Funds

Department of Sustainable Development and Construction

18. 19-87 Authorize acquisition from Oncor Electric Delivery Company LLC, of approximately 41,516 square feet of land located in Kaufman County for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed $12,500.00 ($9,340.00, plus closing costs and title expenses not to exceed $3,160.00) - Financing: Water Construction Fund

19. 19-86 Authorize acquisition from Oncor Electric Delivery Company LLC, of approximately 192,576 square feet of land located in Kaufman County for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed $20,000.00 ($16,800.00, plus closing costs and title expenses not to exceed $3,200.00) - Financing: Water Construction Fund

20. 19-85 Authorize acquisition from Oncor Electric Delivery Company LLC, of approximately 357,024 square feet of land located in Kaufman County for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed $36,000.00 ($32,170.00, plus closing costs and title expenses not to exceed $3,830.00) - Financing: Water Construction Fund

21. 19-154 Authorize acquisition from Wendi Rayann Guthrie and Christophe L. Canington, of approximately 7,000 square feet of land improved with a guest cottage, a utility building, fencing and a gravel driveway located in Hunt County for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed $21,000.00 ($18,829.00, plus closing costs and title expenses not to exceed $2,171.00) - Financing: Water Construction Fund

22. 18-1230 An ordinance abandoning a portion of Pearl Street to Flora Parking, LLC, the abutting owner, containing approximately 419 square feet of land, located near the intersection of Flora and Pearl Streets; and authorizing the quitclaim - Revenue: $89,038.00, plus the $20.00 ordinance publication fee

23. 19-236 An ordinance abandoning a portion of a water easement to Palatial Estate Properties, LLC, the abutting owner, containing approximately 2,548 square feet of land, located near the intersection of Brookview and Manchester Drives - Revenue: $5,400.00, plus the $20.00 ordinance publication fee

24. 18-1335 An ordinance abandoning a wastewater easement to Mockingbird Partners, L.P., the abutting owner, containing approximately 10,911 square feet of land, located near the intersection of Mockingbird Lane and Collville Avenue; and providing for the dedication of approximately 3,609 square feet of land needed for a wastewater easement - Revenue: $5,400.00, plus the $20.00 ordinance publication fee

25. 18-1436 An ordinance abandoning portions of a sanitary sewer with temporary working space easement, two water with temporary working space easements and four utility easements to Brixmor Wynnewood Parcel, LLC and Brixmor Holdings 12 SPE, LLC, the abutting owners, containing a total of approximately 44,575 square feet of land, located near the intersection of Wynnewood Drive and Llewellyn Avenue - Revenue: $7,400.00, plus the $20.00 ordinance publication fee

Department of Transportation

26. 19-371 Authorize a twelve-month Transit Service Funding Agreement between Dallas Area Rapid Transit, Downtown Dallas, Inc. and the City of Dallas to provide subsidized on-demand transit for users within the downtown area - Not to exceed $360,000.00 - Financing: Convention and Event Services Fund

Housing & Neighborhood Revitalization

27. 19-361 An ordinance amending Chapter 20A, “Fair Housing” of the Dallas City Code by **(1)** adding Article II, Mixed Income Housing, Sections 20A-22 through 20A-33; **(2)** providing a purpose statement; **(3)** providing the definition of terms; **(4)** providing for a market value analysis category and dwelling unit verification as a precondition of eligibility for the mixed income housing program; **(5)** providing the terms of the mixed income restrictive covenant; **(6)** providing for the administration of the mixed income housing program including requirements related to eligibility verifications, income bands, and affordable rents; **(7)** providing policies for tenant selection and other written policies; **(8)** providing the responsibilities of applicants and eligible households; **(9)** providing that an owner shall not discriminate against holders of housing vouchers; **(10)** providing for compliance and recordkeeping for the mixed income housing program including requirements related to quarterly status reports, affirmative fair housing marketing plans, and audits and inspections; **(11)** providing standard procedures for notifying owners of non-compliance and correcting non-compliance; **(12)** providing for a Mixed Income Housing Development Bonus Application Fee and a Mixed Income Housing Development Bonus Monitoring Fee; **(13)** providing a penalty not to exceed $500.00; **(14)** providing a saving clause; **(15)** providing a severability clause; and **(16)** providing an effective date - Estimated Revenue: $22,447.00 (see Fiscal Information)

Office of Community Care

28. 19-306 Authorize the City Manager and the Office of Community Care/Management Services to accept a donation of a permanent "pop-up" produce stand with built-in refrigeration located at the Martin Luther King, Jr. Community Center with a value of up to $70,000.00 from Leadership Dallas to address the food desert issues in South Dallas through greater integration and expansion of current resources - Financing: No cost consideration to the City

29. 18-1404 Authorize **(1)** the acceptance of a grant from the U.S. Department of Transportation passed through the North Central Texas Council of Governments for the Enhanced Mobility of Seniors and Individuals with Disabilities Program (Grant No. TX-2017-073-01, CFDA 20.513) in the amount of $418,184.00 for the City of Dallas Senior Medical Transportation Program Project to expand current transportation services to include wellness trips, increase the number of trips, and make possible medical trips outside city limits for low-to-moderate-income seniors for the period February 13, 2019 through April 20, 2022; **(2)** the establishment of appropriations in the amount of $418,184.00 in the Enhanced Mobility of Seniors and Individuals with Disabilities Program 17-22 Fund; **(3)** the receipt and deposit of grant funds for reimbursement in the amount of $418,184.00 in the Enhanced Mobility of Seniors and Individuals with Disabilities Program 17-22 Fund; **(4)** a required local match in the amount of $418,184.00 from the General Fund; and **(5)** execution of the Interlocal Cooperative Agreement and all terms, conditions, and documents required by the grant agreement - Total amount $836,368.00 - Financing: Enhanced Mobility of Seniors and Individuals with Disabilities Program Grant Funds ($418,184.00) and General Fund ($418,184.00)

30. 19-304 Authorize Supplemental Agreement No. 4 to extend the service contract with Southern Dallas Link Inc. to continue to administer the Senior Medical Transportation Program by providing transportation services to medical appointments within the city limits for low-to-moderate-income seniors for the period May 1, 2019 through September 30, 2019 - Not to exceed $25,000.00, from $50,000.00 to $75,000.00 - Financing: General Fund

Office of Economic Development

31. 19-342 Authorize a two-year service contract to administer a Workforce Readiness, Placement and Retention Program to provide career pathways training with Oak Cliff Empowered, Inc., in an amount of $374,493.00 the most advantageous proposer of seven - Not to exceed $374,493.00 - Financing: Public/Private Partnership Funds

32. 19-343 Authorize the first amendment to the development agreement with Supreme Bright Dallas II, LLC, Supreme Bright Dallas Parking, LLC and 1712 Commerce TIF, Inc., (collectively, the "Developer") for the 1712 Commerce Street Redevelopment Project in the Downtown Connection TIF District, authorized by Resolution No. 15-0987, previously approved on May 27, 2015 to: **(1)** extend the certificate of occupancy and project completion deadlines for the project from January 1, 2018, to July 1, 2019; and **(2)** as consideration for the requested amendment, increase the minimum private investment for the project from $42,000,000.00 to $43,500,000.00 - Financing: No cost consideration to the City

Office of Procurement Services

33. 19-329 Authorize a three-year master agreement for liquid sodium hypochlorite - FSTI, Inc. in an estimated amount of $472,500.00 and PVS Minibulk, Inc. in an estimated amount of $190,121.40, lowest responsible bidders of four - Total estimated amount of $662,621.40 - Financing: General Fund ($190,121.40) and Dallas Water Utilities Fund ($472,500.00)

34. 19-128 Authorize a three-year master agreement for the purchase of lamps and light bulbs - Dealer's Electric Supply Co. in an estimated amount of $1,901,656, Facility Solutions Group, Inc. in an estimated amount of $1,311,050, Regency Enterprises, Inc. dba Regency Lighting in an estimated amount of $695,252, Voss Electric dba Voss Lighting in an estimated amount of $204,533, and Simba Industries in an estimated amount of $25,200, lowest responsible bidders of eight - Estimated total amount of $4,137,691 - Financing: General Fund ($3,326,300), Dallas Water Utilities Fund ($649,891), and Convention and Event Services Fund ($161,500)

35. 19-102 Authorize Amendment No. 17 to increase the service contract with AssetWorks, LLC for the purchase, installation, hosting, maintenance, and support of mobile fuel island control units and related hardware for the Equipment and Fleet Management Department - Not to exceed $89,065.67, from $5,381,851.95 to $5,470,917.62 - Financing: Equipment and Fleet Management Fund

36. 19-183 Authorize **(1)** Supplemental Agreement No. 2 to increase the service contract for compressed natural gas for equipped fleet vehicles for the Equipment and Fleet Management Department in the amount of $623,490.75, from $2,493,963.36 to $3,117,454.11; and **(2)** Supplemental Agreement No. 2 to increase the service contract for compressed natural gas fuel station parts and maintenance for equipped fleet vehicles for the Equipment and Fleet Management Department in the amount of $114,180.00, from $456,720.00 to $570,900.00 - Clean Energy, a California corporation, registered to do business in Texas as California Clean Energy, Inc. - Total not to exceed $737,670.75, from $2,950,683.36 to $3,688,354.11 - Financing: Equipment and Fleet Management Fund

Office of Strategic Partnerships & Government Affairs

37. 19-367 A resolution consenting to the amendment of the economic incentive agreement (''Agreement'') between the City of Irving and Aviall Services, Inc. for extension of the Agreement term - Financing: No cost consideration to the City

Park & Recreation Department

38. 19-287 Authorize a professional services contract with MESA Design Associates, Inc. dba MESA Design Group for the Samuell-Grand Park/Tenison Glen Golf Course Master Plan Project (Project No. 0330-18-6975-105) located at 6200 East Grand Avenue - Not to exceed $284,200.00 - Financing: Samuell Park Expense Trust Fund

39. 19-335 Authorize an increase in the construction services contract with DENCO CS Corporation for the installation of updated mechanical, electrical, and plumbing systems to comply with the current energy code standards for the Park and Recreation Administrative Offices and Service Center located at 10031 East Northwest Highway - Not to exceed $328,840.20, from $3,528,802.00 to $3,857,642.20 - Financing: Park and Recreation Facilities Fund (2006 Bond Funds)

40. 19-401 Authorize an increase in the construction services contract with The Fain Group, Inc. to add scope of work associated with three regional family aquatic centers at Crawford Memorial Park located at 8700 Elam Road, Fretz Park located at 6994 Belt Line Road, and Samuell Grand Park located at 6200 East Grand Avenue - Not to exceed $194,313.10, from $21,262,469.55 to $21,456,782.65 - Financing: Elgin B. Robertson Land Sale Funds

41. 19-314 Authorize Supplemental Agreement No. 2 to the design-build services contract with Harrison, Walker & Harper, LP. for the design and construction for Fair Park Facility Improvements for additional architectural and engineering services and an increase in the construction package for the renovation of the Aquarium Annex located at 1458 1st Avenue - Not to exceed $440,461.00, from $2,263,859.00 to $2,704,320.00 - Financing: Fair Park Improvements (C) Fund (2017 Bond Funds)

Police Department

42. 19-370 Authorize **(1)** an application for and acceptance of the State of Texas Internet Crimes Against Children Grant (Grant No. 2745105) in the amount of $361,141.52 from the Office of the Governor, Criminal Justice Division to provide for one-year funding for the salaries and fringe benefits of two detectives and one police research specialist, to fund training, direct operating expenses and use of overtime to address the growing problem of technology-facilitated child abuse and exploitation for the period October 1, 2018 through September 30, 2019; **(2)** the establishment of appropriations in an amount not to exceed $361,141.52 in the State Internet Crimes Against Children FY19 Grant Fund; **(3)** the receipt and deposit of grant funds in an amount not to exceed $361,141.52 in the State Internet Crimes Against Children FY19 Grant Fund; and **(4)** execution of the grant agreement - Not to exceed $361,141.52 - Financing: Office of the Governor, Criminal Justice Division State Grant Funds

Water Utilities Department

43. 19-326 Authorize an amendment to the agreement for the Adjustment of Municipal Utilities with the State of Texas, acting through the Texas Department of Transportation, for the design and construction of water and wastewater main relocations and adjustments along Interstate Highway 35E and U.S. Highway 67 from Interstate Highway 30 to Interstate Highway 20, required for the Southern Gateway Project in the amount of $1,385,210.00 - Financing: Water Utilities Capital Improvement Funds ($1,371,378.00) and Water Utilities Capital Construction Funds ($13,832.00)

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

44. 19-373 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)

Department of Transportation

45. 19-299 Authorize an Agreement to Contribute Right-of-Way Funds between the City of Dallas and the Texas Department of Transportation (RCSJ 0009-02-071, CCSJ 0009-02-067) for the purpose of acquiring right-of-way and relocating or adjusting utilities at the intersection of Grand Avenue, Gaston Avenue, and Garland Road in the amount of $106,428.50 - Financing: Street and Transportation (A) Fund (2017 Bond Funds)

Mayor and City Council Office

46. 19-321 An ordinance amending Chapter 6, "Alcoholic Beverages," of the Dallas City Code by amending Section 6-4; **(1)** providing that the spacing requirements for dealers located near churches, schools, day-care centers, child-care facilities, and hospitals do not apply to the West Village area; **(2)** providing a penalty not to exceed $500; **(3)** providing a saving clause; **(4)** providing a severability clause; and **(5)** providing an effective date - Financing: No cost consideration to the City (via Councilmembers Kingston, Griggs, Deputy Mayor Pro Tem Medrano, Narvaez, and Greyson)

ITEMS FOR FURTHER CONSIDERATION

Department of Convention and Event Services

47. 19-390 An ordinance amending Chapter 42A, “Special Events” and Chapter 29A, “Neighborhood Farmers Market” of the Dallas City Code by **(1)** reserving Chapter 29A and rewriting Chapter 42A; **(2)** providing regulations for special events, commercial filming activities, neighborhood markets, and streetlight pole banners; **(3)** providing a penalty not to exceed $2,000.00 for a violation of this chapter governing fire safety, zoning, or public health and sanitation, and $500.00 for all other violations; **(4)** providing a saving clause; **(5)** providing a severability clause; and **(6)** providing an effective date - Financing: No cost consideration to the City (see Fiscal Information) (This item was deferred on February 27, 2019)

Department of Sustainable Development and Construction

48. 19-230 An ordinance abandoning a portion of an alley (also known as Howland Street) to OR Asset Holdings, L.P., the abutting owner, containing approximately 3,588 square feet of land, located near the intersection of Howland and Routh Streets; and authorizing the quitclaim; and providing for the dedication of approximately 3,651 square feet of land needed for a wastewater easement - Revenue: $640,458.00, plus the $20.00 ordinance publication fee (This item was deferred on November 28, 2018, December 12, 2018 and January 23, 2019)

PUBLIC HEARINGS AND RELATED ACTIONS

Department of Sustainable Development and Construction

ZONING CASES - CONSENT

49. 19-353 A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2219 for the sale of alcoholic beverages in conjunction with a restaurant without drive-in service on property zoned Subarea 6 within 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 and CPC: Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and conditions
Z178-305(SM)

50. 19-354 A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1357 for an open-enrollment charter school on property zoned an R-7.5(A) Single Family District, on the northwest corner of Bruton Road and McCutcheon Lane
Recommendation of Staff and CPC: Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a revised traffic management plan and conditions
Z189-104(PD)

51. 19-355 A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge, or tavern on property zoned Subdistrict 1 within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District, on the northeast side of Market Center Boulevard, southeast of Oak Lawn Avenue
Recommendation of Staff and CPC: Approval for a two-year period, subject to a site plan and conditions
Z189-116(CY)

52. 19-356 A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a microbrewery, microdistillery, or winery on property zoned Subarea A within Planned Development District No. 741, on the northeast corner of Olympus Boulevard and Wharf Road
Recommendation of Staff and CPC: Approval for a two-year period with eligibility for automatic renewals for additional two-year periods, subject to a site plan and conditions
Z189-135(PD)

ZONING CASES - INDIVIDUAL

53. 19-357 A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Subdistrict 1E within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District, on the southwest corner of Turtle Creek Boulevard and Hi Line Drive
Recommendation of Staff: Approval, subject to staff's recommended conditions
Recommendation of CPC: Approval, subject to conditions
Z178-268(JM)

54. 19-358 A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development Subdistrict No. 45 within Planned Development District No. 193, the Oak Lawn Special Purpose District, for a public school on property generally bound by Allen Street, McKinney Avenue, Sneed Street, and Cole Avenue
Recommendation of Staff: Denial
Recommendation of CPC: Approval, subject to a revised development plan, a revised landscape plan, a traffic management plan and conditions
Z178-313(PD)

55. 19-359 A public hearing to receive comments regarding an application for an NS(A) Neighborhood Service District with deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District on the northeast corner of West Illinois Avenue and Hollywood Avenue
Recommendation of Staff and CPC: Denial without prejudice
Z178-351(CY)

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

56. 19-204 A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2155 for a recycling buy-back center for the collection of household and industrial metals on property zoned an IM Industrial Manufacturing District, on the southwest line of South Lamar Street between Martin Luther King Jr. Boulevard and Lenway Street
Recommendation of Staff and CPC: Approval for a two-year period, subject to conditions
Z178-361(CT)
Note: This item was deferred by the City Council before opening the public hearing on January 23, 2019, and is scheduled for consideration on March 27, 2019

DEVELOPMENT CODE AMENDMENTS – INDIVIDUAL

57. 19-360 A public hearing to receive comments regarding consideration of amending Chapter 51 and Chapter 51A of the Dallas Development Code to create regulations for mixed income housing development bonuses and an ordinance granting the amendments
Recommendation of Staff: Approval of the Economic Development and Housing Committee recommendation
Recommendation of CPC: Approval
DCA 156-008

MISCELLANEOUS HEARINGS

Office of Budget

58. 19-337 A public hearing to receive comments on the FY 2019-20 Operating, Capital, and Grant & Trust Budgets - Financing: No cost consideration to the City

Office of Environmental Quality & Sustainability

59. 19-369 A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath properties owned by the City of Dallas, located near the intersection of Interstate Highway 30 and South Hill Avenue and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to the City of Dallas by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City
Recommendation of Staff: Approval

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]

7. deliberating security assessments or deployments relating to information resources technology, network security information, or the deployment or specific occasions for implementations of security personnel, critical infrastructure, or security devices. [Tex Govt. Code §551.089]

Agenda Date: March 27, 2019

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
1.	N/A	V	N/A	N/A	Approval of Minutes of the February 27, 2019 City Council Meeting
2.	N/A	C	CCO	$720,000.00	An ordinance authorizing (1) the issuance and sale of City of Dallas, Texas, General Obligation Refunding and Improvement Bonds, Series 2019A, in an aggregate principal amount not to exceed $271,020,000; (2) levying a tax in payment thereof; (3) awarding the sale thereof and approving execution of a Purchase Agreement, and a Deposit Agreement; (4) approving the official statement; (5) enacting other provisions relating to the subject; and (6) declaring an effective date - Not to exceed $720,000 - Financing: 2019A General Obligation Refunding and Improvement Bond Funds
3.	N/A	C	CCO	$515,000.00	An ordinance authorizing (1) the issuance and sale of City of Dallas, Texas, General Obligation Refunding Bonds, Series 2019B, in an aggregate principal amount not to exceed $174,705,000; (2) levying a tax in payment thereof; (3) approving execution of an Escrow Agreement; (4) approving the preparation of an official statement; (5) enacting other provisions relating to the subject; and (6) declaring an effective date - Not to exceed $515,000 - Financing: 2019B General Obligation Refunding Bond Funds
4.	N/A	C	DSV	$936,000.00	Authorize a twelve-month contract for data validation services related to human resources and payroll data contained in the City's systems - Premier International Enterprises, Inc. - Not to exceed $936,000 - Financing: General Fund ($468,000) and HR Health Risk Fund ($468,000)
5.	1, 2, 3, 4, 5, 6, 7, 8	C	PBW	$2,432,725.00	Authorize a twenty-four-month contract for the 2019 Sidewalk and Barrier Free Ramp Improvements Program that includes water and wastewater adjustments in Service Maintenance Areas 1 and 2 - Estrada Concrete Company, LLC, lowest responsible bidder of five - Not to exceed $2,432,725.00 - Financing: Capital Assessment Fund (1998 Bond Funds) ($888,586.00), Street and Transportation (A) Fund (2017 Bond Funds) ($1,431,389.00) and Water Utilities Capital Construction Funds ($112,750.00)
6.	9	C	PBW	$131,625.00	Authorize a professional services contract with ArchiTexas - Architecture, Planning and Historic Preservation, Inc. for architectural and engineering design and construction administration services for the Bath House Cultural Center located at 521 East Lawther Drive - Not to exceed $131,625.00 - Financing: Cultural Arts (F) Fund (2017 Bond Funds)
7.	14	C	PBW	$78,300.00	Authorize a professional services contract with ArchiTexas - Architecture,

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					Planning and Historic Preservation, Inc. for architectural and engineering design and construction administration services for the Dallas Black Dance Theater located at 2700 Ann Williams Way - Not to exceed $78,300.00 - Financing: Cultural Arts (F) Fund (2017 Bond Funds)
8.	2	C	PBW	$77,300.00	Authorize a professional services contract with ArchiTexas - Architecture, Planning and Historic Preservation, Inc. for architectural and engineering design and construction administration services for the Sammons Center located at 3630 Harry Hines Boulevard - Not to exceed $77,300.00 - Financing: Cultural Arts (F) Fund (2017 Bond Funds)
9.	8	C	PBW	$65,000.00	Authorize a professional services contract with Lina T. Ramey and Associates, Inc. to provide preliminary engineering design to develop three alignments for Wheatland Road from the city limits to University Hills Boulevard - Not to exceed $65,000.00 - Financing: Street and Transportation (A) Fund (2017 Bond Funds)
10.	All	C	PBW	$179,700.00	Authorize a professional services contract with Professional Service Industries, Inc. dba Intertek-PSI to provide construction material testing services during the construction of the 2019 Maintenance & Street Improvements Project for Service Maintenance Areas 1 through 4 - Not to exceed $179,700.00 - Financing: Street and Alley Improvement Fund ($107,820.00) and General Fund ($71,880.00)
11.	All	C	PBW	$350,475.00	Authorize a professional services contract with Alliance Geotechnical Group, Inc. to provide construction material testing services during the construction of the 2019 Resurfacing & Street Improvements Contract for Service Maintenance Areas 1 through 4 - Not to exceed $350,475.00 - Financing: Street and Transportation (A) Fund (2017 Bond Funds)
12.	13, 14	C	PBW	$252,592.30	Authorize a professional services contract with Simon Engineering & Consulting, Inc. for the engineering design of Alley Petition, Street Petition and Target Neighborhood Project Group 17-1302 (list attached to the Agenda Information Sheet) - Not to exceed $252,592.30 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($207,034.80) and Water Utilities Capital Improvement Funds ($45,557.50)
13.	6	C	PBW	$220,570.80	Authorize a professional services contract with RJN Group, Inc. for the engineering design of Street Reconstruction Group 17-6006 (list attached to the Agenda Information Sheet) - Not to exceed $220,570.80 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($183,250.80) and Water Utilities Capital Improvement Funds ($37,320.00)
14.	6	C	PBW	$156,612.59	Authorize a professional services contract with Criado & Associates, Inc. for

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					the engineering design of Target Neighborhood Group 17-6008 (list attached to the Agenda Information Sheet) - Not to exceed $156,612.59 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($135,052.09) and Wastewater Capital Improvement Fund ($21,560.50)
15.	7	C	PBW	$212,442.72	Authorize a professional services contract with Stream Water Group, Inc. for the engineering design of Alley Reconstruction Group 17-7001 (list attached to the Agenda Information Sheet) - Not to exceed $212,442.72 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($204,350.72) and Wastewater Capital Improvement Fund ($8,092.00)
16.	8	C	PBW	$740,303.22	Authorize a professional services contract with Atkins North America, Inc. for the engineering design of Thoroughfare Group 17-8006 (list attached to the Agenda Information Sheet) - Not to exceed $740,303.22 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($715,153.22) and Water Capital Improvement Fund ($25,150.00)
17.	8	C	SAN	$556,773.15	Authorize (1) an increase in the construction services contract with Hammett Excavation, Inc. for the construction of a 52-acre waste cell, 6B2 and 7 at the McCommas Bluff Landfill to provide revisions and deletions to the contract which have been necessitated by changes in the site conditions and identified through value engineering; and (2) an increase in appropriations in an amount not to exceed $556,773.15 in the Sanitation Capital Improvement Fund - Not to exceed $556,773.15, from $5,126,866.33 to $5,683,639.48 - Financing: Sanitation Capital Improvement Funds
18.	Outside	C	DEV	$12,500.00	Authorize acquisition from Oncor Electric Delivery Company LLC, of approximately 41,516 square feet of land located in Kaufman County for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed $12,500.00 ($9,340.00, plus closing costs and title expenses not to exceed $3,160.00) - Financing: Water Construction Fund
19.	Outside	C	DEV	$20,000.00	Authorize acquisition from Oncor Electric Delivery Company LLC, of approximately 192,576 square feet of land located in Kaufman County for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed $20,000.00 ($16,800.00, plus closing costs and title expenses not to exceed $3,200.00) - Financing: Water Construction Fund
20.	Outside	C	DEV	$36,000.00	Authorize acquisition from Oncor Electric Delivery Company LLC, of approximately 357,024 square feet of land located in Kaufman County for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed $36,000.00 ($32,170.00, plus closing costs and title expenses not to exceed $3,830.00) - Financing: Water Construction Fund

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
21.	Outside	C	DEV	$21,000.00	Authorize acquisition from Wendi Rayann Guthrie and Christophe L. Canington, of approximately 7,000 square feet of land improved with a guest cottage, a utility building, fencing and a gravel driveway located in Hunt County for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed $21,000.00 ($18,829.00, plus closing costs and title expenses not to exceed $2,171.00) - Financing: Water Construction Fund
22.	14	C	DEV	REV $89,038.00	An ordinance abandoning a portion of Pearl Street to Flora Parking, LLC, the abutting owner, containing approximately 419 square feet of land, located near the intersection of Flora and Pearl Streets; and authorizing the quitclaim - Revenue: $89,038.00, plus the $20.00 ordinance publication fee
23.	13	C	DEV	REV $5,400.00	An ordinance abandoning a portion of a water easement to Palatial Estate Properties, LLC, the abutting owner, containing approximately 2,548 square feet of land, located near the intersection of Brookview and Manchester Drives - Revenue: $5,400.00, plus the $20.00 ordinance publication fee
24.	2	C	DEV	REV $5,400.00	An ordinance abandoning a wastewater easement to Mockingbird Partners, L.P., the abutting owner, containing approximately 10,911 square feet of land, located near the intersection of Mockingbird Lane and Collville Avenue; and providing for the dedication of approximately 3,609 square feet of land needed for a wastewater easement - Revenue: $5,400.00, plus the $20.00 ordinance publication fee
25.	1	C	DEV	REV $7,400.00	An ordinance abandoning portions of a sanitary sewer with temporary working space easement, two water with temporary working space easements and four utility easements to Brixmor Wynnewood Parcel, LLC and Brixmor Holdings 12 SPE, LLC, the abutting owners, containing a total of approximately 44,575 square feet of land, located near the intersection of Wynnewood Drive and Llewellyn Avenue - Revenue: $7,400.00, plus the $20.00 ordinance publication fee
26.	2, 14	C	TRN	$360,000.00	Authorize a twelve-month Transit Service Funding Agreement between Dallas Area Rapid Transit, Downtown Dallas, Inc. and the City of Dallas to provide subsidized on-demand transit for users within the downtown area - Not to exceed $360,000.00 - Financing: Convention and Event Services Fund
27.	All	C	HOU	REV $22,447.00	An ordinance amending Chapter 20A, “Fair Housing” of the Dallas City Code by (1) adding Article II, Mixed Income Housing, Sections 20A-22 through 20A-33; (2) providing a purpose statement; (3) providing the definition of terms; (4) providing for a market value analysis category and dwelling unit verification as a precondition of eligibility for the mixed income housing

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					program; (5) providing the terms of the mixed income restrictive covenant; (6) providing for the administration of the mixed income housing program including requirements related to eligibility verifications, income bands, and affordable rents; (7) providing policies for tenant selection and other written policies; (8) providing the responsibilities of applicants and eligible households; (9) providing that an owner shall not discriminate against holders of housing vouchers; (10) providing for compliance and recordkeeping for the mixed income housing program including requirements related to quarterly status reports, affirmative fair housing marketing plans, and audits and inspections; (11) providing standard procedures for notifying owners of non-compliance and correcting non-compliance; (12) providing for a Mixed Income Housing Development Bonus Application Fee and a Mixed Income Housing Development Bonus Monitoring Fee; (13) providing a penalty not to exceed $500.00; (14) providing a saving clause; (15) providing a severability clause; and (16) providing an effective date - Estimated Revenue: $22,447.00 (see Fiscal Information)
28.	All	C	OCC	NC	Authorize the City Manager and the Office of Community Care/Management Services to accept a donation of a permanent "pop-up" produce stand with built-in refrigeration located at the Martin Luther King, Jr. Community Center with a value of up to $70,000.00 from Leadership Dallas to address the food desert issues in South Dallas through greater integration and expansion of current resources - Financing: No cost consideration to the City
29.	All	C	OCC	$418,184.00	Authorize (1) the acceptance of a grant from the U.S. Department of Transportation passed through the North Central Texas Council of Governments for the Enhanced Mobility of Seniors and Individuals with Disabilities Program (Grant No. TX-2017-073-01, CFDA 20.513) in the amount of $418,184.00 for the City of Dallas Senior Medical Transportation Program Project to expand current transportation services to include wellness trips, increase the number of trips, and make possible medical trips outside city limits for low-to-moderate-income seniors for the period February 13, 2019 through April 20, 2022; (2) the establishment of appropriations in the amount of $418,184.00 in the Enhanced Mobility of Seniors and Individuals with Disabilities Program 17-22 Fund; (3) the receipt and deposit of grant funds for reimbursement in the amount of $418,184.00 in the Enhanced Mobility of Seniors and Individuals with Disabilities Program 17-22 Fund; (4) a required local match in the amount of $418,184.00 from the General Fund; and (5) execution of the Interlocal Cooperative Agreement and all terms, conditions, and documents required by the grant agreement - Total amount $836,368.00 - Financing: Enhanced Mobility of Seniors and Individuals with

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					Disabilities Program Grant Funds ($418,184.00) and General Fund ($418,184.00)
30.	All	C	OCC	$25,000.00	Authorize Supplemental Agreement No. 4 to extend the service contract with Southern Dallas Link Inc. to continue to administer the Senior Medical Transportation Program by providing transportation services to medical appointments within the city limits for low-to-moderate-income seniors for the period May 1, 2019 through September 30, 2019 - Not to exceed $25,000.00, from $50,000.00 to $75,000.00 - Financing: General Fund
31.	All	C	ECO	GT	Authorize a two-year service contract to administer a Workforce Readiness, Placement and Retention Program to provide career pathways training with Oak Cliff Empowered, Inc., in an amount of $374,493.00 the most advantageous proposer of seven - Not to exceed $374,493.00 - Financing: Public/Private Partnership Funds
32.	2, 14	C	ECO	NC	Authorize the first amendment to the development agreement with Supreme Bright Dallas II, LLC, Supreme Bright Dallas Parking, LLC and 1712 Commerce TIF, Inc., (collectively, the "Developer") for the 1712 Commerce Street Redevelopment Project in the Downtown Connection TIF District, authorized by Resolution No. 15-0987, previously approved on May 27, 2015 to: (1) extend the certificate of occupancy and project completion deadlines for the project from January 1, 2018, to July 1, 2019; and (2) as consideration for the requested amendment, increase the minimum private investment for the project from $42,000,000.00 to $43,500,000.00 - Financing: No cost consideration to the City
33.	All	C	POM	$662,621.40	Authorize a three-year master agreement for liquid sodium hypochlorite - FSTI, Inc. in an estimated amount of $472,500.00 and PVS Minibulk, Inc. in an estimated amount of $190,121.40, lowest responsible bidders of four - Total estimated amount of $662,621.40 - Financing: General Fund ($190,121.40) and Dallas Water Utilities Fund ($472,500.00)
34.	All	C	POM	$4,137,691.00	Authorize a three-year master agreement for the purchase of lamps and light bulbs - Dealer's Electric Supply Co. in an estimated amount of $1,901,656, Facility Solutions Group, Inc. in an estimated amount of $1,311,050, Regency Enterprises, Inc. dba Regency Lighting in an estimated amount of $695,252, Voss Electric dba Voss Lighting in an estimated amount of $204,533, and Simba Industries in an estimated amount of $25,200, lowest responsible bidders of eight - Estimated total amount of $4,137,691 - Financing: General Fund ($3,326,300), Dallas Water Utilities Fund ($649,891), and Convention and Event Services Fund ($161,500)

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
35.	All	C	POM	$89,065.67	Authorize Amendment No. 17 to increase the service contract with AssetWorks, LLC for the purchase, installation, hosting, maintenance, and support of mobile fuel island control units and related hardware for the Equipment and Fleet Management Department - Not to exceed $89,065.67, from $5,381,851.95 to $5,470,917.62 - Financing: Equipment and Fleet Management Fund
36.	All	C	POM	$737,670.75	Authorize (1) Supplemental Agreement No. 2 to increase the service contract for compressed natural gas for equipped fleet vehicles for the Equipment and Fleet Management Department in the amount of $623,490.75, from $2,493,963.36 to $3,117,454.11; and (2) Supplemental Agreement No. 2 to increase the service contract for compressed natural gas fuel station parts and maintenance for equipped fleet vehicles for the Equipment and Fleet Management Department in the amount of $114,180.00, from $456,720.00 to $570,900.00 - Clean Energy, a California corporation, registered to do business in Texas as California Clean Energy, Inc. - Total not to exceed $737,670.75, from $2,950,683.36 to $3,688,354.11 - Financing: Equipment and Fleet Management Fund
37.	Outside	C	OSP	NC	A resolution consenting to the amendment of the economic incentive agreement (''Agreement'') between the City of Irving and Aviall Services, Inc. for extension of the Agreement term - Financing: No cost consideration to the City
38.	2	C	PKR	$284,200.00	Authorize a professional services contract with MESA Design Associates, Inc. dba MESA Design Group for the Samuell-Grand Park/Tenison Glen Golf Course Master Plan Project (Project No. 0330-18-6975-105) located at 6200 East Grand Avenue - Not to exceed $284,200.00 - Financing: Samuell Park Expense Trust Fund
39.	10	C	PKR	$328,840.20	Authorize an increase in the construction services contract with DENCO CS Corporation for the installation of updated mechanical, electrical, and plumbing systems to comply with the current energy code standards for the Park and Recreation Administrative Offices and Service Center located at 10031 East Northwest Highway - Not to exceed $328,840.20, from $3,528,802.00 to $3,857,642.20 - Financing: Park and Recreation Facilities Fund (2006 Bond Funds)
40.	2, 5, 11	C	PKR	$194,313.10	Authorize an increase in the construction services contract with The Fain Group, Inc. to add scope of work associated with three regional family aquatic centers at Crawford Memorial Park located at 8700 Elam Road, Fretz Park located at 6994 Belt Line Road, and Samuell Grand Park located at 6200 East Grand Avenue - Not to exceed $194,313.10, from

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					$21,262,469.55 to $21,456,782.65 - Financing: Elgin B. Robertson Land Sale Funds
41.	7	C	PKR	$440,461.00	Authorize Supplemental Agreement No. 2 to the design-build services contract with Harrison, Walker & Harper, LP. for the design and construction for Fair Park Facility Improvements for additional architectural and engineering services and an increase in the construction package for the renovation of the Aquarium Annex located at 1458 1st Avenue - Not to exceed $440,461.00, from $2,263,859.00 to $2,704,320.00 - Financing: Fair Park Improvements (C) Fund (2017 Bond Funds)
42.	All	C	DPD	GT	Authorize (1) an application for and acceptance of the State of Texas Internet Crimes Against Children Grant (Grant No. 2745105) in the amount of $361,141.52 from the Office of the Governor, Criminal Justice Division to provide for one-year funding for the salaries and fringe benefits of two detectives and one police research specialist, to fund training, direct operating expenses and use of overtime to address the growing problem of technology-facilitated child abuse and exploitation for the period October 1, 2018 through September 30, 2019; (2) the establishment of appropriations in an amount not to exceed $361,141.52 in the State Internet Crimes Against Children FY19 Grant Fund; (3) the receipt and deposit of grant funds in an amount not to exceed $361,141.52 in the State Internet Crimes Against Children FY19 Grant Fund; and (4) execution of the grant agreement - Not to exceed $361,141.52 - Financing: Office of the Governor, Criminal Justice Division State Grant Funds
43.	1	C	DWU	$1,385,210.00	Authorize an amendment to the agreement for the Adjustment of Municipal Utilities with the State of Texas, acting through the Texas Department of Transportation, for the design and construction of water and wastewater main relocations and adjustments along Interstate Highway 35E and U.S. Highway 67 from Interstate Highway 30 to Interstate Highway 20, required for the Southern Gateway Project in the amount of $1,385,210.00 - Financing: Water Utilities Capital Improvement Funds ($1,371,378.00) and Water Utilities Capital Construction Funds ($13,832.00)
44.	N/A	I	SEC	NC	Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)
45.	2, 9, 14	I	TRN	$106,428.50	Authorize an Agreement to Contribute Right-of-Way Funds between the City of Dallas and the Texas Department of Transportation (RCSJ 0009-02-071, CCSJ 0009-02-067) for the purpose of acquiring right-of-way and relocating or adjusting utilities at the intersection of Grand Avenue, Gaston Avenue, and

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					Garland Road in the amount of $106,428.50 - Financing: Street and Transportation (A) Fund (2017 Bond Funds)
46.	All	I	MCC	NC	An ordinance amending Chapter 6, "Alcoholic Beverages," of the Dallas City Code by amending Section 6-4; (1) providing that the spacing requirements for dealers located near churches, schools, day-care centers, child-care facilities, and hospitals do not apply to the West Village area; (2) providing a penalty not to exceed $500; (3) providing a saving clause; (4) providing a severability clause; and (5) providing an effective date - Financing: No cost consideration to the City (via Councilmembers Kingston, Griggs, Deputy Mayor Pro Tem Medrano, Narvaez, and Greyson)
47.	All	I	CCT	NC	An ordinance amending Chapter 42A, “Special Events” and Chapter 29A, “Neighborhood Farmers Market” of the Dallas City Code by (1) reserving Chapter 29A and rewriting Chapter 42A; (2) providing regulations for special events, commercial filming activities, neighborhood markets, and streetlight pole banners; (3) providing a penalty not to exceed $2,000.00 for a violation of this chapter governing fire safety, zoning, or public health and sanitation, and $500.00 for all other violations; (4) providing a saving clause; (5) providing a severability clause; and (6) providing an effective date - Financing: No cost consideration to the City (see Fiscal Information) (This item was deferred on February 27, 2019)
48.	14	I	DEV	REV $640,458.00	An ordinance abandoning a portion of an alley (also known as Howland Street) to OR Asset Holdings, L.P., the abutting owner, containing approximately 3,588 square feet of land, located near the intersection of Howland and Routh Streets; and authorizing the quitclaim; and providing for the dedication of approximately 3,651 square feet of land needed for a wastewater easement - Revenue: $640,458.00, plus the $20.00 ordinance publication fee (This item was deferred on November 28, 2018, December 12, 2018 and January 23, 2019)
49.	5	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2219 for the sale of alcoholic beverages in conjunction with a restaurant without drive-in service on property zoned Subarea 6 within 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 and CPC: Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and conditions Z178-305(SM)

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
50.	5	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1357 for an open-enrollment charter school on property zoned an R-7.5(A) Single Family District, on the northwest corner of Bruton Road and McCutcheon Lane Recommendation of Staff and CPC: Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a revised traffic management plan and conditions Z189-104(PD)
51.	6	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge, or tavern on property zoned Subdistrict 1 within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District, on the northeast side of Market Center Boulevard, southeast of Oak Lawn Avenue Recommendation of Staff and CPC: Approval for a two-year period, subject to a site plan and conditions Z189-116(CY)
52.	6	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a microbrewery, microdistillery, or winery on property zoned Subarea A within Planned Development District No. 741, on the northeast corner of Olympus Boulevard and Wharf Road Recommendation of Staff and CPC: Approval for a two-year period with eligibility for automatic renewals for additional two-year periods, subject to a site plan and conditions Z189-135(PD)
53.	6	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Subdistrict 1E within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District, on the southwest corner of Turtle Creek Boulevard and Hi Line Drive Recommendation of Staff: Approval, subject to staff's recommended conditions Recommendation of CPC: Approval, subject to conditions Z178-268(JM)
54.	14	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development Subdistrict No.

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					45 within Planned Development District No. 193, the Oak Lawn Special Purpose District, for a public school on property generally bound by Allen Street, McKinney Avenue, Sneed Street, and Cole Avenue Recommendation of Staff: Denial Recommendation of CPC: Approval, subject to a revised development plan, a revised landscape plan, a traffic management plan and conditions Z178-313(PD)
55.	1	PH	DEV	NC	A public hearing to receive comments regarding an application for an NS(A) Neighborhood Service District with deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District on the northeast corner of West Illinois Avenue and Hollywood Avenue Recommendation of Staff and CPC: Denial without prejudice Z178-351(CY)
56.	7	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2155 for a recycling buy-back center for the collection of household and industrial metals on property zoned an IM Industrial Manufacturing District, on the southwest line of South Lamar Street between Martin Luther King Jr. Boulevard and Lenway Street Recommendation of Staff and CPC: Approval for a two-year period, subject to conditions Z178-361(CT) Note: This item was deferred by the City Council before opening the public hearing on January 23, 2019, and is scheduled for consideration on March 27, 2019
57.	All	PH	DEV	NC	A public hearing to receive comments regarding consideration of amending Chapter 51 and Chapter 51A of the Dallas Development Code to create regulations for mixed income housing development bonuses and an ordinance granting the amendments Recommendation of Staff: Approval of the Economic Development and Housing Committee recommendation Recommendation of CPC: Approval DCA 156-008
58.	N/A	PH	BMS	NC	A public hearing to receive comments on the FY 2019-20 Operating, Capital, and Grant & Trust Budgets - Financing: No cost consideration to the City
59.	2	PH	OEQ	NC	A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath properties owned by the City of Dallas, located near the intersection of

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					Interstate Highway 30 and South Hill Avenue and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to the City of Dallas by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City Recommendation of Staff: Approval

TOTAL $16,884,605.40

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-372 **Item #:** 1.

SUBJECT

Approval of Minutes of the February 27, 2019 City Council Meeting

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-344 **Item #:** 2.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Controller's Office

EXECUTIVE: Elizabeth Reich

SUBJECT

An ordinance authorizing **(1)** the issuance and sale of City of Dallas, Texas, General Obligation Refunding and Improvement Bonds, Series 2019A, in an aggregate principal amount not to exceed $271,020,000; **(2)** levying a tax in payment thereof; **(3)** awarding the sale thereof and approving execution of a Purchase Agreement, and a Deposit Agreement; **(4)** approving the official statement; **(5)** enacting other provisions relating to the subject; and **(6)** declaring an effective date - Not to exceed $720,000 - Financing: 2019A General Obligation Refunding and Improvement Bond Funds

BACKGROUND

Pursuant to elections held in November 2006, 2012, and 2017, the residents of Dallas voted and authorized the City to issue general obligation bonds for the purpose of providing funds for permanent public improvements. The City's Financial Advisors recommend: (1) refunding and retirement of commercial paper notes issued for interim financing; and (2) issuance of improvement bonds to finance capital improvement projects at the City, in an amount not to exceed $271,020,000.

The City's financial advisors, PFM Financial Advisors LLC, recommend issuing up to $271,020,000 in refunding and improvement bonds for the purpose of funding capital improvements, refunding outstanding commercial paper notes, and refunding special obligations of the City.

This ordinance authorizes City staff and financial advisors, subject to parameters, to competitively bid the sale and issuance of City of Dallas, Texas, General Obligation Refunding and Improvement Bonds, Series 2019A, and establishes the maximum par amount of bonds to be issued at $271,020,000.

ESTIMATED SCHEDULE OF PROJECT

Authorized Preparation for Issuance of Bonds	December 2018
Approval of Parameters Ordinance	March 2019
Pricing	April 2019
Delivery of Proceeds	May 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Government Performance and Financial Management Committee was briefed on this item on December 3, 2018.

On December 12, 2018, City Council authorized the preparation of plans for issuance of General Obligation Refunding Bonds, Series 2019A, by Resolution No. 18-1756.

FISCAL INFORMATION

Series 2019A General Obligation Refunding and Improvement Bond Funds - $720,000 (See Attachment I)

M/WBE INFORMATION

See Attachment I for M/WBE participation.

Attachment I

Series 2019A
General Obligation Refunding and Improvement Bonds
$271,020,000

Estimate of Total Bond Issuance Costs and M/WBE Participation

	Fees	Percent of Total Costs
Co-Bond Counsel		
Bracewell (Vendor VS0000056820)	$226,000	31%
West & Associates (Vendor 330805)	80,000	11%
Disclosure Counsel		
Orrick Herrington & Sutcliffe LLP (Vendor VC18413)	80,000	11%
Financial Advisor		
PFM (Vendor VC16222)	183,350	25%
Printing Fee		
TBD	5,000	1%
Paying Agent Fee		
UMB Bank, N.A. (Vendor VS92247)	200	0%
Rating Agencies		
Fitch Ratings (Vendor VC14720)	60,771	8%
S&P Global (Vendor 954974)	69,279	10%
Attorney General Filing Fee	9,500	1%
Misc. Expenses	5,900	1%
Total Issuance Costs	$720,000	100%
Total M/WBE Participation as % of Total Issuance Costs:	$85,000	12%

Note: Payment of fees and expenses is contingent upon the issuance and sale of the General Obligation Refunding and Improvement Bonds, Series 2019A.

ORDINANCE NO. _____
AUTHORIZING THE ISSUANCE OF

CITY OF DALLAS, TEXAS
GENERAL OBLIGATION REFUNDING BONDS
SERIES 2019B

Adopted: March 27, 2019

TABLE OF CONTENTS

Page

ARTICLE I
DEFINITIONS AND OTHER PRELIMINARY MATTERS

Section 1.01. Definitions 1
Section 1.02. Findings 4
Section 1.03. Table of Contents, Titles and Headings 4
Section 1.04. Interpretation 4

ARTICLE II
SECURITY FOR THE BONDS

Section 2.01. Tax Levy for Payment of the Bonds 5

ARTICLE III
AUTHORIZATION; GENERAL TERMS AND PROVISIONS REGARDING THE BONDS

Section 3.01. Authorization 5
Section 3.02. Date, Denomination 6
Section 3.03. Medium 6
Section 3.04. Execution and Initial Registration 7
Section 3.05. Ownership 8
Section 3.06. Registration, Transfer and Exchange 8
Section 3.07. Cancellation and Authentication 9
Section 3.08. Temporary Bonds 10
Section 3.09. Replacement Bonds 10
Section 3.10. Book-Entry-Only System 11
Section 3.11. Successor Securities Depository: Transfer Outside Book-Entry-Only System 12
Section 3.12. Payments to Cede & Co 13

ARTICLE IV
REDEMPTION OF BONDS BEFORE MATURITY

Section 4.01. Limitation on Redemption 13
Section 4.02. Optional Redemption 13
Section 4.03. Mandatory Sinking Fund Redemption 13
Section 4.04. Partial Redemption 13
Section 4.05. Notice of Redemption to Owners 14
Section 4.06. Payment Upon Redemption 14
Section 4.07. Effect of Redemption 15
Section 4.08. Lapse of Payment 15

ARTICLE V
PAYING AGENT/REGISTRAR

Section 5.01. Appointment of Initial Paying Agent/Registrar 15
Section 5.02. Paying Agent/Registrar Agreement 16
Section 5.03. Qualifications 16
Section 5.04. Maintaining Paying Agent/Registrar 16
Section 5.05. Termination 16
Section 5.06. Notice of Change to Owners 16
Section 5.07. Agreement to Perform Duties and Functions 16

TABLE OF CONTENTS
(continued)

Page

Section 5.08. Delivery of Records to Successor 16

ARTICLE VI
FORM OF THE BONDS

Section 6.01. Form Generally 17
Section 6.02. Form of the Bonds 17
Section 6.03. CUSIP Registration 23
Section 6.04. Legal Opinion 23
Section 6.05. Municipal Bond Insurance 23

ARTICLE VII
CREATION OF FUNDS AND ACCOUNTS, INITIAL DEPOSITS AND APPLICATION OF MONEY

Section 7.01. Creation of Funds 23
Section 7.02. Initial Deposits 23
Section 7.03. Interest and Sinking Fund 23
Section 7.04. Escrow Fund 24
Section 7.05. Excess Bond Proceeds 24
Section 7.06. Security of Funds 24

ARTICLE VIII
INVESTMENTS

Section 8.01. Investments 24
Section 8.02. Investment Income 24

ARTICLE IX
PARTICULAR REPRESENTATIONS AND COVENANTS

Section 9.01. Payment of the Bonds 25
Section 9.02. Other Representations and Covenants 25
Section 9.03. Covenants to Maintain Tax-Exempt Status 25

ARTICLE X
DEFAULT AND REMEDIES

Section 10.01. Events of Default 28
Section 10.02. Remedies for Default 28
Section 10.03. Remedies Not Exclusive 29

ARTICLE XI
DISCHARGE

Section 11.01. Discharge 29

ARTICLE XII
SALE AND DELIVERY OF BONDS; APPROVAL OF OFFICIAL STATEMENT; CONTROL AND DELIVERY OF BONDS

Section 12.01. Sale of Bonds; Delivery of Official Statement 30

TABLE OF CONTENTS
(continued)

Page

Section 12.02. Control and Delivery of Bonds 31

ARTICLE XIII
CONTINUING DISCLOSURE UNDERTAKING

Section 13.01. Annual Reports 32
Section 13.02. Material Event Notices 32
Section 13.03. Limitations, Disclaimers and Amendments 33
Section 13.04. Amendments to the Rule 34

ARTICLE XIV
AMENDMENTS; ATTORNEY GENERAL MODIFICATION

Section 14.01. Amendments 35
Section 14.02. Attorney General Modification 35
Section 14.03. Partial Invalidity 35
Section 14.04. No Personal Liability 35

ARTICLE XV
PAYMENT OF REFUNDED OBLIGATIONS; APPROVAL OF ESCROW AGREEMENT; PURCHASE OF ESCROWED SECURITIES

Section 15.01. Payment of Refunded Obligations 35
Section 15.02. Approval of Escrow Agreement 36
Section 15.03. Subscription for Securities 36

ARTICLE XVI
EFFECTIVE IMMEDIATELY

Section 16.01. Effective Immediately 36

SCHEDULE I REFUNDED OBLIGATIONS I-1

EXHIBIT A SALE PARAMETERS A-1

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DALLAS, TEXAS, AUTHORIZING THE ISSUANCE OF CITY OF DALLAS, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2019B IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $174,705,000; LEVYING A TAX IN PAYMENT THEREOF; APPROVING EXECUTION OF AN ESCROW AGREEMENT; APPROVING THE PREPARATION OF AN OFFICIAL STATEMENT; ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE

WHEREAS, there are presently outstanding certain general or special obligations of the City of Dallas, Texas (the "City") described on Schedule I hereto (the "Refunded Obligations"); and

WHEREAS, pursuant to the provisions of Chapter 1207 of the Texas Government Code, as amended ("Chapter 1207"), the City Council of the City is authorized to issue refunding bonds and deposit the proceeds of sale directly with a trust company or commercial bank that is named in the proceedings of the City authorizing execution of an escrow agreement, and such deposit, when made in accordance with such statute, shall constitute the making of firm banking and financial arrangements for the discharge and final payment of the Refunded Obligations; and

WHEREAS, the City Council desires to delegate to the Authorized Officer (as defined herein), pursuant to Chapter 1207, and the parameters set forth in this Ordinance, the authority to approve the amount, the number of series, the interest rate, the price and terms of the bonds authorized hereby and to otherwise take such actions as are necessary and appropriate to effect the sale of the bonds and the refunding of the Refunded Obligations; and

WHEREAS, the City Council hereby finds and determines that the manner in which the refunding is being executed does not make it practicable to calculate a savings amount attributable to the refunding of the Refunded Obligations, but that the refunding contemplated in this Ordinance will benefit the City and is in the best interests of the City; and that such benefit is sufficient consideration for the refunding of the Refunded Obligations; and

WHEREAS, the meeting at which this Ordinance is considered is open to the public as required by law, and public notice of the time, place, and purpose of such meeting was given as required by Chapter 551, Texas Government Code, as amended;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS, TEXAS:

ARTICLE I

DEFINITIONS AND OTHER PRELIMINARY MATTERS

Section 1.01. Definitions. Unless otherwise expressly provided or unless the context clearly requires otherwise in this Ordinance, the following terms shall have the meanings specified below:

"Authorized Officer" means the City Manager of the City, and in his or her absence, the Chief Financial Officer or any Assistant City Manager.

"Bond" means any of the Bonds.

"Bonds" means the "City of Dallas, Texas General Obligation Refunding Bonds, Series 2019B."

"Business Day" means a day that is not a Saturday, Sunday, legal holiday or other day on which banking institutions in the city where the Designated Payment/Transfer Office is located are required or authorized by law or executive order to close.

"Charter" means the Home Rule Charter of the City, as amended.

"City" means the City of Dallas, Texas.

"City Council" means the governing body of the City of Dallas, Texas.

"Closing Date" means the date of the initial delivery of and payment for the Bonds.

"Code" means the Internal Revenue Code of 1986, as amended, including applicable regulations, published rulings and court decisions relating thereto.

"Designated Payment/Transfer Office" means (i) with respect to the initial Paying Agent/Registrar identified in the Pricing Certificate, its corporate trust office as set forth in the final form of the Bond, and (ii) with respect to any successor Paying Agent/Registrar, the office of such successor designated and located as may be agreed upon by the City and such successor.

"DTC" means The Depository Trust Company of New York, New York, or any successor securities depository.

"DTC Participant" means brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC Participants.

"EMMA" means the Electronic Municipal Market Access System.

"Escrow Agent" means the Escrow Agent appointed and approved in the Pricing Certificate.

"Escrow Agreement" means the escrow agreement by and between the City and the Escrow Agent relating to the Refunded Obligations.

"Escrow Fund" means the fund established by Section 7.01 of this Ordinance to hold cash and, if applicable, securities for the payment of the Refunded Obligations.

"Escrow Securities" means (1) direct noncallable obligations of the United States, including obligations that are unconditionally guaranteed by the United States; (2) noncallable obligations of an agency or instrumentality of the United States, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date of hereof, are rated as to investment quality by a nationally recognized investment rating firm not less

than “AAA” or its equivalent; and (3) 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 hereof, are rated as to investment quality by a nationally recognized investment rating firm not less than “AAA” or its equivalent.

“Event of Default” means any event of default as defined in Section 10.01 of this Ordinance.

“Financial Obligation” means a (a) debt obligation; (b) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (c) guarantee of a debt obligation or any such derivative instrument; provided that “Financial Obligation” shall not include municipal securities (as defined in the Securities Exchange Act of 1934, as amended) as to which a final official statement (as defined in the Rule) has been provided to the MSRB consistent with the Rule.

“Fiscal Year” means such fiscal year as shall be prescribed by the Charter and which under the existing Charter commences October 1 and ends September 30 of the following year.

“Initial Bond” means the initial Bond, described in Sections 3.04(d) and 6.02(d) of this Ordinance.

“Interest and Sinking Fund” means the “City of Dallas, Texas, General Obligation Refunding Bonds, Series 2019B, Interest and Sinking Fund,” as established by Section 7.01 of this Ordinance.

“Interest Payment Date” means the date or dates upon which interest on the Bonds is scheduled to be paid until the maturity or prior redemption of the Bonds, such dates being February 15 and August 15 of each year, commencing on the date set forth in the Pricing Certificate.

“MSRB” means the Municipal Securities Rulemaking Board.

“Original Issue Date” means the date designated as such in Section 3.02(a) of this Ordinance.

“Owner” means the person who is the registered owner of a Bond or Bonds, as shown in the Register.

“Paying Agent/Registrar” means UMB Bank, N.A., any successor thereto, or any entity which is appointed as and assumes the duties of paying agent/registrar as provided in this Ordinance.

“Paying Agent/Registrar Agreement” means that Paying Agent/Registrar Agreement, dated as of June 27, 2018 by and between the City and the Paying Agent/Registrar, as amended, modified or supplemented from time to time, and any subsequent paying agent/registrar agreement with any successor entity which is appointed as and assumes the duties of paying agent/registrar for the Bonds.

“Pricing Certificate” means a certificate or certificates to be signed by the Authorized Officer.

"Purchase Agreement" means one or more bond purchase agreements described in Section 12.01(b) of this Ordinance, if any.

"Purchaser" means the initial purchaser(s) of the Bonds as specified in the Pricing Certificate.

"Record Date" means the last Business Day of the month next preceding an Interest Payment Date.

"Refunded Obligations" means those general or special obligations of the City described in Schedule I attached hereto.

"Register" means the Register specified in Section 3.06(a) of this Ordinance.

"Representation Letter" means the Blanket Letter of Representations between the City and DTC applicable to the Bonds.

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

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

"Special Payment Date" means the Special Payment Date prescribed by Section 3.03(b).

"Special Record Date" means the Special Record Date prescribed by Section 3.03(b).

"Term Bonds" has the meaning set forth in Section 4.03(a) hereof.

"Unclaimed Payments" means money deposited with the Paying Agent/Registrar for the payment of principal of or interest on the Bonds as the same come due and payable or money set aside for the payment of Bonds duly called for redemption prior to maturity, and remaining unclaimed by the Owners of such Bonds for 90 days after the applicable payment or redemption date.

Section 1.02. Findings. The declarations, determinations and findings declared, made and found in the preamble to this Ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

Section 1.03. Table of Contents, Titles and Headings. The table of contents, titles and headings of the Articles and Sections of this Ordinance 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 and shall never be considered or given any effect in construing this Ordinance or any provision hereof or in ascertaining intent, if any question of intent should arise.

Section 1.04. Interpretation.

(a) Unless the context requires otherwise, words of the masculine gender shall be construed to include correlative words of the feminine and neuter genders and vice versa, and words of the singular number shall be construed to include correlative words of the plural number and vice versa.

(b) This Ordinance and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein and to sustain the validity of this Ordinance.

(c) Article and section references shall mean references to articles and sections of this Ordinance unless designated otherwise.

ARTICLE II

SECURITY FOR THE BONDS

Section 2.01. Tax Levy for Payment of the Bonds.

(a) The City Council hereby declares and covenants that it will provide and levy a tax legally and fully sufficient for payment of the Bonds, it having been determined that the existing and available taxing authority of the City for such purpose is adequate to permit a legally sufficient tax in consideration of all other outstanding obligations of the City.

(b) In order to provide for the payment of the debt service requirements of the Bonds, being (i) the interest on the Bonds and (ii) a sinking fund for their payment at maturity or a sinking fund of two percent per annum (whichever amount is the greater), there is hereby levied for the current year and each succeeding year thereafter while the Bonds or interest thereon remain outstanding and unpaid, a tax within legal limitations on each $100 assessed valuation of taxable property in the City that is sufficient to pay such debt service requirements, full allowance being made for delinquencies and costs of collection.

(c) The tax levied by this Section shall be assessed and collected each year and applied to the payment of the debt service requirements on the Bonds, and the tax shall not be diverted to any other purpose.

(d) Such ad valorem tax, the collections therefrom, and all amounts on deposit in or required hereby to be deposited to the Interest and Sinking Fund for the Bonds are hereby pledged and committed irrevocably to the payment of the principal of and interest on the Bonds when and as due and payable in accordance with their terms and this Ordinance.

(e) If the liens and provisions of this Ordinance shall be discharged in a manner permitted by Article XI hereof, then the collection of such ad valorem tax may be suspended or appropriately reduced, as the facts may permit, and further deposits to the Interest and Sinking Fund may be suspended or appropriately reduced, as the facts may permit. In determining the aggregate principal amount of outstanding Bonds, there shall be subtracted the amount of any Bonds that have been duly called for redemption and for which money has been deposited in accordance with Article XI herein.

ARTICLE III

AUTHORIZATION; GENERAL TERMS AND PROVISIONS REGARDING THE BONDS

Section 3.01. Authorization. The City's bonds to be designated "City of Dallas, Texas, General Obligation Refunding Bonds, Series 2019B" or such other designations as are set forth in the Pricing Certificate, are hereby authorized to be issued and delivered in accordance with the

Constitution and laws of the State of Texas and the Charter of the City. The Bonds shall be issued in the aggregate principal amount designated in the Pricing Certificate for the public purpose of providing funds to: (i) refund the Refunded Obligations, and (ii) pay the costs incurred in connection with the issuance of the Bonds (including, without limitation, underwriters' discount), under and by virtue of Chapter 1207, Texas Government Code, as amended, and pursuant to Chapter XXI of the Charter of the City. The Authorized Officer is hereby authorized and directed to modify the title of the Series to the extent that, in the judgment of the Authorized Officer, it is necessary or appropriate. The final title and principal amount of the Bonds shall be determined by the Authorized Officer, based on market conditions in the discretion of the Authorized Officer, and set forth in the Pricing Certificate. The Bonds shall be issued in the number of series and aggregate principal amount per series designated in the Pricing Certificate, provided that the aggregate principal amount of the Bonds issued for the purposes described above shall not exceed $174,705,000.

Section 3.02. Date, Denomination. Maturities, Numbers and Interest.

(a) The Bonds shall have the Original Issue Date set forth in the Pricing Certificate, shall be in fully registered form, without coupons, in the denomination of $5,000 or any integral multiple thereof, and shall be numbered separately from one upward or such other designation acceptable to the City and the Paying Agent/Registrar, except the Initial Bond, which shall be numbered T-1.

(b) The Bonds shall mature on February 15 in the years, at the interest rates and in the principal amounts set forth in the Pricing Certificate.

(c) Interest on each Bond shall accrue from the later of the Original Issue Date (or the date of their delivery to the Purchaser, as set forth in the Pricing Certificate) or the most recent Interest Payment Date to which interest has been paid or provided for at the per annum rates of interest specified in the Pricing Certificate. Such interest shall be payable on each Interest Payment Date until the principal amount shall have been paid or provision for such payment shall have been made, and shall be computed on the basis of a 360-day year of twelve 30-day months.

Section 3.03. Medium. Method and Place of Payment: Unclaimed Payments.

(a) The principal of and interest on the Bonds shall be paid in lawful money of the United States of America.

(b) Interest on the Bonds shall be payable to the Owners whose names appear in the Register at the close of business on the Record Date; provided, however, in the event of nonpayment of interest on a scheduled Interest Payment Date and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") shall be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (the "Special Payment Date," which shall be 15 days after the Special Record Date) shall be sent at least five Business Days prior to the Special Record Date by United States mail, first class, postage prepaid, to the address of each Owner of a Bond appearing on the Register at the close of business on the last Business Day next preceding the date of mailing of such notice.

(c) Interest on the Bonds shall be paid by check (dated as of the Interest Payment Date) and sent by the Paying Agent/Registrar to the person entitled to such payment, by United States

mail, first class, postage prepaid, to the address of such person as it appears in the Register, or by such other customary banking arrangements acceptable to the Paying Agent/Registrar and the person to whom interest is to be paid; provided, however, that such person shall bear all risk and expenses of such other customary banking arrangements.

(d) The principal of each Bond shall be paid to the person in whose name such Bond is registered on the due date thereof (whether at the maturity date or the date of prior redemption thereof) upon presentation and surrender of such Bond at the Designated Payment/Transfer Office.

(e) If the date for the payment of the principal of or interest on any Bond is a Saturday, Sunday, legal holiday, or a day on which banking institutions in the city where the Designated Payment/Transfer Office 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 a Saturday, Sunday, legal holiday, or day on which such 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.

(f) Unclaimed Payments shall be segregated in a special account and held in trust, uninvested by the Paying Agent/Registrar, for the account of the Owner of the Bonds to which the Unclaimed Payments pertain. Subject to the provisions of Title 6, Texas Property Code, as amended, Unclaimed Payments remaining unclaimed by the Owners entitled thereto for three years after the applicable payment or redemption date shall be applied to the next payment or payments on the Bonds thereafter coming due and, to the extent any such money remains after the retirement of all outstanding Bonds, shall be paid to the City to be used for any lawful purpose. Thereafter, neither the City, the Paying Agent/Registrar nor any other person shall be liable or responsible to any Owners of such Bonds for any further payment of such unclaimed moneys or on account of any such Bonds, subject to any applicable escheat law or similar law.

Section 3.04. Execution and Initial Registration.

(a) The Bonds shall be executed on behalf of the City by the Mayor and countersigned by the City Secretary and the City Manager, by their manual or facsimile signatures, and the official seal of the City shall be impressed or placed in facsimile thereon. Any facsimile signatures on the Bonds shall have the same effect as if each of the Bonds had been signed manually and in person by each of such officers, and such facsimile seal on the Bonds shall have the same effect as if the official seal of the City had been manually impressed upon each of the Bonds.

(b) In the event that any officer of the City whose manual or facsimile signature appears on the Bonds ceases to be such officer before the authentication of such Bonds or before the delivery thereof, such manual or facsimile signature nevertheless shall be valid and sufficient for all purposes as if such officer had remained in such office.

(c) Except as provided below, no Bond shall be valid or obligatory for any purpose or be entitled to any security or benefit of this Ordinance unless and until there appears thereon the Certificate of Paying Agent/Registrar substantially in the form provided in this Ordinance, duly authenticated by manual execution of the Paying Agent/Registrar. It shall not be required that the same authorized representative of the Paying Agent/Registrar sign the Certificate of Paying Agent/Registrar on all of the Bonds. In lieu of the executed Certificate of Paying Agent/Registrar described above, the Initial Bond delivered on the Closing Date shall have attached thereto the Comptroller's Registration Certificate substantially in the form provided in this Ordinance, manually executed by the Comptroller of Public Accounts of the State of Texas or by his duly

authorized agent, which certificate shall be evidence that the Initial Bond has been duly approved by the Attorney General of the State of Texas and that it is a valid and binding obligation of the City, and has been registered by the Comptroller.

(d) On the Closing Date, the typewritten Initial Bond representing the entire principal amount of the Bonds, payable in stated installments to the Purchaser or its designee, executed by manual or facsimile signature of the Mayor and countersigned by manual or facsimile signatures of the City Secretary and the City Manager, approved by the Attorney General, and registered and manually signed by the Comptroller of Public Accounts will be delivered to the Purchaser or its designee. Upon payment for the Initial Bond, the Paying Agent/Registrar shall cancel the Initial Bond and deliver to DTC on behalf of the Purchaser registered definitive Bonds as described in Section 3.10. To the extent the Paying Agent/Registrar is eligible to participate in DTC's FAST System, as evidenced by agreement between the Paying Agent/Registrar and DTC, the Paying Agent/Registrar shall hold the definitive Bonds in safekeeping for DTC.

Section 3.05. Ownership.

(a) The City, the Paying Agent/Registrar and any other person may treat the person in whose name any Bond is registered as the absolute owner of such Bond for the purpose of making and receiving payment of the principal thereof and premium, if any, thereon, for the further purpose of making and receiving payment of the interest thereon (subject to the provisions herein that interest is to be paid to the person in whose name the Bond is registered on the Record Date or on the Special Record Date, as applicable), and for all other purposes, whether or not such Bond is overdue, and neither the City nor the Paying Agent/Registrar shall be bound by any notice or knowledge to the contrary.

(b) All payments made to the person deemed to be the Owner of any Bond in accordance with this Section shall be valid and effectual and shall discharge the liability of the City and the Paying Agent/Registrar upon such Bond to the extent of the sums paid.

Section 3.06. Registration, Transfer and Exchange.

(a) So long as any Bonds remain outstanding, the City shall cause the Paying Agent/Registrar to keep at the Designated Payment/Transfer Office the Register in which, subject to such reasonable regulations as it may prescribe, the Paying Agent/Registrar shall provide for the registration and transfer of Bonds in accordance with this Ordinance.

(b) Registration of any Bond may be transferred in the Register only upon the presentation and surrender thereof at the Designated Payment/Transfer Office for transfer of registration and cancellation, together with proper written instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of the Bonds, or any portion thereof in any integral multiple of $5,000 for any one maturity, to the assignee or assignees thereof, and the right of such assignee or assignees thereof to have the Bond or any portion thereof registered in the name of such assignee or assignees. No transfer of any Bond shall be effective until entered in the Register. Upon assignment and transfer of any Bond or portion thereof, a new Bond or Bonds will be issued by the Paying Agent/Registrar in exchange for such transferred and assigned Bond. To the extent possible the Paying Agent/Registrar will issue such new Bond or Bonds within not more than three Business Days after receipt of the Bond to be transferred in proper form and with proper instructions directing such transfer.

(c) Any Bond may be exchanged only upon the presentation and surrender thereof at the Designated Payment/Transfer Office, together with a written request therefor duly executed by the Owner or assignee or assignees thereof, or its or their duly authorized attorneys or representatives, with guarantees of signatures satisfactory to the Paying Agent/Registrar, for a Bond or Bonds of the same maturity and interest rate and in any authorized denomination and in an aggregate principal amount equal to the unpaid principal amount of the Bond presented for exchange. If a portion of any Bond is redeemed prior to its schedule maturity as provided herein, a substitute Bond or Bonds having the same maturity date, bearing interest at the same rate, in the denomination or denominations of any integral multiple of $5,000 of any one maturity at the request of the Owner, and in an aggregate principal amount equal to the unredeemed portion thereof, will be issued to the Owner upon surrender thereof for cancellation. To the extent possible, a new Bond or Bonds shall be delivered by the Paying Agent/Registrar to the Owner of the Bond or Bonds within not more than three Business Days after receipt of the Bond to be exchanged in proper form and with proper instructions directing such exchange.

(d) Each Bond issued in exchange for any Bond or portion thereof assigned or transferred shall have the same principal maturity date and shall bear interest at the same rate as the Bond for which it is being exchanged. Each substitute Bond shall bear a letter and/or number to distinguish it from each other Bond. The Paying Agent/Registrar shall exchange the Bonds as provided herein, and each substitute Bond delivered in accordance with this Section shall constitute an original additional contractual obligation of the City and shall be entitled to the benefits and security of this Ordinance to the same extent as the Bond or Bonds in lieu of which such substitute Bond or Bonds are delivered.

(e) The City will pay the Paying Agent/Registrar's reasonable and customary charge for the initial registration or any subsequent transfer or exchange of Bonds, but the Paying Agent/Registrar will require the Owner to pay a sum sufficient to cover any tax or other governmental charge that is authorized to be imposed in connection with the registration, transfer or exchange of a Bond. In addition, the City hereby covenants with the Owners of the Bonds that it will (i) pay the reasonable and standard or customary fees and charges of the Paying Agent/Registrar for its services with respect to the payment of the principal of and interest on the Bonds, when due, and (ii) pay the fees and charges of the Paying Agent/Registrar for services with respect to the transfer, registration and exchange of Bonds as provided herein.

(f) Neither the City nor the Paying Agent/Registrar shall be required to issue, transfer, or exchange any Bond called for redemption, in whole or in part, within 45 days of the date fixed for redemption; provided, however, such limitation shall not be applicable to an exchange by the Owner of the uncalled principal balance of a Bond.

Section 3.07. Cancellation and Authentication.

(a) All Bonds paid in accordance with this Ordinance, and all Bonds in lieu of which exchange Bonds or replacement Bonds are authenticated and delivered in accordance with this Ordinance, shall be cancelled upon the making of proper records regarding such payment, redemption, exchange or replacement. Cancelled Bonds shall be disposed of in accordance with the requirements of the Securities and Exchange Act of 1934 and the regulations promulgated thereunder.

(b) Each substitute Bond issued pursuant to the provisions of Sections 3.06 and 3.09 of this Ordinance, in exchange for or replacement of any Bond or Bonds issued under this Ordinance,

shall have printed thereon a Certificate of the Paying Agent/Registrar, in the form hereinafter set forth. An authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Bond, manually sign and date such Certificate, and no such Bond shall be deemed to be issued or outstanding unless such Certificate is so executed. No additional ordinances, orders, or resolutions need be passed or adopted by the City Council or any other body or person so as to accomplish the foregoing exchange or replacement of any Bond or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution, and delivery of the substitute Bonds in the manner prescribed herein, and such Bonds shall be of customary type and composition and printed, typewritten, lithographed, mimeographed or otherwise produced. Pursuant to Chapter 1201, Texas Government Code, the duty of exchange or replacement of Bonds as aforesaid is hereby imposed upon the Paying Agent/Registrar, and, upon the execution of the above-referenced Certificate of the Paying Agent/Registrar, the exchanged or replaced Bonds shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Initial Bond which originally was delivered pursuant to this Ordinance, approved by the Attorney General, and registered by the Comptroller of Public Accounts.

(c) Bonds issued in exchange or replacement of any other Bond or portion thereof, (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on such Bonds to be payable only to the registered owners thereof, (ii) may be transferred and assigned, (iii) may be exchanged for other Bonds, (iv) shall have the characteristics, (v) shall be signed and sealed, and (vi) shall be payable as to principal and interest, all as provided, and in the manner required or indicated, in the form of Bond set forth in this Ordinance.

Section 3.08. Temporary Bonds.

(a) Following the delivery and registration of the Initial Bond and pending the preparation of definitive Bonds, the proper officers of the City may execute and, upon the City's request, the Paying Agent/Registrar shall authenticate and deliver, one or more temporary Bonds that are printed, lithographed, typewritten, mimeographed or otherwise produced, in any denomination, substantially of the tenor of the definitive Bonds in lieu of which they are delivered, without coupons, and with such appropriate insertions, omissions, substitutions and other variations as the officers of the City executing such temporary Bonds may determine, as evidenced by their signing of such temporary Bonds.

(b) Until exchanged for Bonds in definitive form, such Bonds in temporary form shall be entitled to the benefit and security of this Ordinance.

(c) The City, without unreasonable delay, shall prepare, execute and deliver to the Paying Agent/Registrar the Bonds in definitive form; thereupon, upon the presentation and surrender of the Bond or Bonds in temporary form to the Paying Agent/Registrar, the Paying Agent/Registrar shall cancel the Bonds in temporary form and authenticate and deliver in exchange therefor a Bond or Bonds of the same maturity, in definitive form, in the authorized denomination, and in the same aggregate principal amount, as the Bond or Bonds in temporary form surrendered. Such exchange shall be made without the making of any charge therefor to any Owner.

Section 3.09. Replacement Bonds.

(a) Upon the presentation and surrender to the Paying Agent/Registrar, at the Designated Payment/Transfer Office of a mutilated Bond, the Paying Agent/Registrar shall authenticate and deliver in exchange therefor a replacement Bond of like tenor and principal

amount, bearing a number not contemporaneously outstanding. The City or the Paying Agent/Registrar may require the Owner of such Bond to pay a sum sufficient to cover any tax or other governmental charge that is authorized to be imposed in connection therewith and any other expenses connected therewith.

(b) In the event that any Bond is lost, apparently destroyed or wrongfully taken, the Paying Agent/Registrar, pursuant to the applicable laws of the State of Texas and in the absence of notice or knowledge that such Bond has been acquired by a bona fide purchaser, shall authenticate and deliver a replacement Bond of like tenor and principal amount, bearing a number not contemporaneously outstanding, provided that the Owner first:

(i) furnishes to the Paying Agent/Registrar satisfactory evidence of his or her ownership of and the circumstances of the loss, destruction or theft of such Bond;

(ii) furnishes such security or indemnity as may be required by the Paying Agent/Registrar and the City to save them harmless;

(iii) pays all expenses and charges in connection therewith, including, but not limited to, printing costs, legal fees, fees of the Paying Agent/Registrar and any tax or other governmental charge that is authorized to be imposed; and

(iv) satisfies any other reasonable requirements imposed by the City and the Paying Agent/Registrar.

(c) If, after the delivery of such replacement Bond, a bona fide purchaser of the original Bond in lieu of which such replacement Bond was issued presents for payment such original Bond, the City and the Paying Agent/Registrar shall be entitled to recover such replacement 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 City or the Paying Agent/Registrar in connection therewith.

(d) In the event that any such mutilated, lost, apparently destroyed or wrongfully taken Bond has become or is about to become due and payable, the Paying Agent/Registrar, in its discretion, without the necessity of issuing a replacement Bond, may pay such Bond on the date on which such Bond becomes due and payable.

(e) Each replacement Bond delivered in accordance with this Section shall constitute an original additional contractual obligation of the City and shall be entitled to the benefits and security of this Ordinance to the same extent as the Bond or Bonds in lieu of which such replacement Bond is delivered.

Section 3.10. Book-Entry-Only System.

(a) The definitive Bonds shall be initially issued in the form of a separate single fully registered Bond for each of the maturities thereof. Upon initial issuance, the ownership of each such Bond shall be registered in the name of Cede & Co., as nominee of DTC, and except as provided in Section 3.11 hereof, all of the outstanding Bonds shall be registered in the name of Cede & Co., as nominee of DTC.

(b) With respect to Bonds registered in the name of Cede & Co., as nominee of DTC, the City and the Paying Agent/Registrar shall have no responsibility or obligation to any DTC Participant or to any person on behalf of whom such a DTC Participant holds an interest in the Bonds, except as provided in this Ordinance. Without limiting the immediately preceding sentence, the City and the Paying Agent/Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any DTC Participant with respect to any ownership interest in the Bonds, (ii) the delivery to any DTC Participant or any other person, other than an Owner, as shown on the Register, of any notice with respect to the Bonds, including any notice of redemption, or (iii) the payment to any DTC Participant or any other person, other than an Owner, as shown in the Register of any amount with respect to principal of or interest on the Bonds. Notwithstanding any other provision of this Ordinance to the contrary, the City and the Paying Agent/Registrar shall be entitled to treat and consider the person in whose name each Bond is registered in the Register as the absolute Owner of such Bond for the purpose of payment of principal of and interest on the Bonds, for the purpose of giving notices of redemption and other matters with respect to such Bond, for the purpose of registering transfer with respect to such Bond, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all principal of and interest on the Bonds only to or upon the order of the respective Owners, as shown in the Register as provided in this Ordinance, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to payment of, principal and interest on the Bonds to the extent of the sum or sums so paid. No person other than an Owner, as shown in the register, shall receive a certificate evidencing the obligation of the City to make payments of amounts due pursuant to this Ordinance. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Ordinance with respect to interest checks or drafts being mailed to the registered Owner at the close of business on the Record Date, the word "Cede & Co." in this Ordinance shall refer to such new nominee of DTC.

(c) The Representation Letter between the City and DTC applicable to the City's obligations delivered in book-entry-only form to DTC as securities depository for such obligations, is hereby affirmed.

Section 3.11. Successor Securities Depository: Transfer Outside Book-Entry-Only System. In the event that the City or the Paying Agent/Registrar determines that DTC is incapable of discharging its responsibilities described herein and in the Representation Letter, and that it is in the best interest of the beneficial owners of the Bonds that they be able to obtain certificated Bonds, or in the event DTC discontinues the services described herein, the City or the Paying Agent/Registrar shall (i) appoint a successor securities depository, qualified to act as such under Section 17(a) of the Securities and Exchange Act of 1934, as amended, notify DTC and DTC Participants, as identified by DTC, of the appointment of such successor securities depository and transfer one or more separate Bonds to such successor securities depository or (ii) notify DTC and DTC Participants, as identified by DTC, of the availability through DTC of Bonds and transfer one or more separate Bonds to DTC Participants having Bonds credited to their DTC accounts, as identified by DTC. In such event, the Bonds shall no longer be restricted to being registered in the Register in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names Owners transferring or exchanging Bonds shall designate, in accordance with the provisions of this Ordinance.

Section 3.12. Payments to Cede & Co. Notwithstanding any other provision of this Ordinance to the contrary, so long as any Bonds are registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of and interest on such Bonds, and all notices with respect to such Bonds, shall be made and given, respectively, in the manner provided in the Representation Letter.

ARTICLE IV

REDEMPTION OF BONDS BEFORE MATURITY

Section 4.01. Limitation on Redemption. The Bonds shall be subject to redemption before scheduled maturity only as provided in this Article IV.

Section 4.02. Optional Redemption.

(a) The City reserves the option to redeem Bonds in the manner provided in the form of Bond set forth in Section 6.02 of this Ordinance with such changes as are required by the Pricing Certificate.

(b) The City, at least 45 days before the redemption date (unless a shorter period shall be satisfactory to the Paying Agent/Registrar), shall notify the Paying Agent/Registrar of such redemption date and of the principal amount of Bonds to be redeemed.

Section 4.03. Mandatory Sinking Fund Redemption.

(a) Bonds designated as "Term Bonds," if any, in the Pricing Certificate are subject to scheduled mandatory redemption and will be redeemed by the City, in part at a price equal to the principal amount thereof, without premium, plus accrued interest to the redemption date, out of moneys available for such purpose in the Interest and Sinking Fund for such Bonds, on the dates and in the respective principal amounts as set forth in the Pricing Certificate.

(b) At least forty-five (45) days prior to each scheduled mandatory redemption date, the Paying Agent/Registrar shall select for redemption by lot, or by any other customary method that results in a random selection, or such other method specified in the Pricing Certificate, a principal amount of Term Bonds equal to the aggregate principal amount of such Term Bonds to be redeemed, shall call such Term Bonds for redemption on such scheduled mandatory redemption date, and shall give notice of such redemption, as provided in Section 4.05.

The principal amount of the Term Bonds required to be redeemed on any mandatory sinking fund redemption date pursuant to subparagraph (a) of this Section 4.03 shall be reduced, at the option of the City, by the principal amount of any Term Bonds which, at least 45 days prior to the mandatory sinking fund redemption date (i) shall have been acquired by the City at a price not exceeding the principal amount of such Term Bonds plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation, or (ii) shall have been redeemed pursuant to the optional redemption provisions hereof and not previously credited to a mandatory sinking fund redemption.

Section 4.04. Partial Redemption.

(a) If less than all of the Bonds are to be redeemed pursuant to Section 4.02, the City shall determine the maturity or maturities and the amounts thereof to be redeemed and shall direct

the Paying Agent/Registrar to call by lot or other customary method that results in a random selection of the Bonds, or portions thereof and maturity or maturities and in such principal amounts, for redemption.

(b) A portion of a single Bond of a denomination greater than $5,000 may be redeemed, but only in a principal amount equal to $5,000 or any integral multiple thereof. The Paying Agent/Registrar shall treat each $5,000 portion of the Bond as though it were a single Bond for purposes of selection for redemption.

(c) Upon surrender of any Bond for redemption in part, the Paying Agent/Registrar, in accordance with Section 3.06 of this Ordinance, shall authenticate and deliver an exchange Bond or Bonds in an aggregate principal amount equal to the unredeemed portion of the Bond so surrendered.

(d) The Paying Agent/Registrar shall promptly notify the City in writing of the principal amount to be redeemed of any Bond as to which only a portion thereof is to be redeemed.

Section 4.05. Notice of Redemption to Owners.

(a) The City shall give notice of any redemption of Bonds by sending or causing the Paying Agent/Registrar to send notice of such redemption by United States mail, first class, postage prepaid, not less than 30 days before the date fixed for redemption, to the Owner of each Bond (or part thereof) to be redeemed, at the address shown on the Register at the close of business on the Business Day next preceding the date of mailing such notice.

(b) The notice shall state the redemption date, the redemption price, the place at which the Bonds are to be surrendered for payment, and, if less than all the Bonds outstanding are to be redeemed, an identification of the Bonds or portions thereof to be redeemed.

(c) The City reserves the right to give notice of its election or direction to redeem Bonds under Section 4.02 conditioned upon the occurrence of subsequent events. Such notice may state (i) that the redemption is conditioned upon the deposit of moneys and/or authorized securities, in an amount equal to the amount necessary to effect the redemption, with the Paying Agent/Registrar, or such other entity as may be authorized by law, no later than the redemption date or (ii) that the City retains the right to rescind such notice at any time prior to the scheduled redemption date if the City delivers a certificate of the City to the Paying Agent/Registrar instructing the Paying Agent/Registrar to rescind the redemption notice, and such notice and redemption shall be of no effect if such moneys and/or authorized securities are not so deposited or if the notice is rescinded. The Paying Agent/Registrar shall give prompt notice of any such rescission of a conditional notice of redemption to the affected Owners. Any Bonds subject to conditional redemption where redemption has been rescinded shall remain Outstanding, and the rescission shall not constitute an event of default. Further, in the case of a conditional redemption, the failure of the City to make moneys and/or authorized securities available in part or in whole on or before the redemption date shall not constitute an event of default.

(d) Any notice given as provided in this Section shall be conclusively presumed to have been duly given, whether or not the Owner receives such notice.

Section 4.06. Payment Upon Redemption.

(a) Before or on each redemption date, the Paying Agent/Registrar shall make provision for the payment of the Bonds to be redeemed on such date by setting aside and holding in trust an amount from the Interest and Sinking Fund or otherwise received by the Paying Agent/Registrar from the City sufficient to pay the principal of and accrued interest on such Bonds.

(b) Upon presentation and surrender of any Bond called for redemption at the Designated Payment/Transfer Office of the Paying Agent/Registrar on or after the date fixed for redemption, the Paying Agent/Registrar shall pay the principal of and accrued interest on such Bond to the date of redemption from the money set aside for such purpose.

Section 4.07. Effect of Redemption.

(a) Notice of redemption having been given as provided in Section 4.05 of this Ordinance and subject to any conditions or rights reserved by the City under Section 4.05(c), the Bonds or portions thereof called for redemption shall become due and payable on the date fixed for redemption and, unless the City defaults in the payment of the principal thereof, premium, if any, or accrued interest thereon, such Bonds or portions thereof shall cease to bear interest from and after the date fixed for redemption, whether or not such Bonds are presented and surrendered for payment on such date.

(b) If any Bond or portion thereof called for redemption is not so paid upon presentation and surrender of such Bond for redemption, such Bond or portion thereof shall continue to bear interest at the rate stated on the Bond until paid or until due provision is made for the payment of same.

Section 4.08. Lapse of Payment. Money set aside for the redemption of Bonds and remaining unclaimed by the Owners of such Bonds shall be subject to the provisions of Section 3.03(f) hereof.

ARTICLE V

PAYING AGENT/REGISTRAR

Section 5.01. Appointment of Initial Paying Agent/Registrar.

(a) The selection and appointment of UMB Bank, N.A, to serve as initial Paying Agent/Registrar for the Bonds is hereby approved and confirmed. Books and records relating to the registration, payment, exchange and transfer of the Bonds shall at all times be kept and maintained on behalf of the City by the Paying Agent/Registrar, all as provided herein, in accordance with the terms and provisions of one or more Paying Agent/Registrar Agreements, and such reasonable rules and regulations as the Paying Agent/Registrar and the City may prescribe. It shall be the duty of the Paying Agent/Registrar to obtain from the Owners and record in the Register the address of the Owner of each Bond to which payments with respect to the Bond shall be mailed, as provided herein. The City or its designee shall have the right to inspect the Register during regular business hours of the Paying Agent/Registrar, but otherwise the Paying Agent/Registrar shall keep the Register confidential and, unless otherwise required by law, shall not permit their inspection by any other entity.

(b) The City hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of, premium, if any, and interest on the Bonds. The Paying

Agent/Registrar shall keep proper records of all payment made by the City and the Paying Agent/Registrar with respect to the Bonds, and of all exchanges and replacements of such Bonds, as provided in this Ordinance.

Section 5.02. Paying Agent/Registrar Agreement. The City and the Paying Agent/Registrar have entered into a Paying Agent/Registrar Agreement outlining the services to be provided by the Paying Agent/Registrar with respect to certain obligations issued by the City after July 1, 2018 through July 30, 2023 which includes the Bonds. Pursuant to its terms, the Paying Agent/Registrar Agreement is subject to and controlled by the City Charter and Ordinances of the City. If any conflict exists between such agreement and this Ordinance, this Ordinance shall govern. In that regard, by accepting the positions of paying agent and registrar, the Paying Agent/Registrar agrees that in the event that it shall resign its position as Paying Agent/Registrar, it will continue to serve in such capacity until such time as a successor assumes such duties under this Ordinance. In addition, the Paying Agent agrees to maintain a true and correct copy of the Register.

Section 5.03. Qualifications. Each Paying Agent/Registrar shall be (i) a bank, trust company, financial institution, or other entity duly qualified and legally authorized under applicable law, (ii) authorized under such laws to exercise trust powers, (iii) subject to supervision or examination by a federal or state governmental authority, and (iv) a single entity.

Section 5.04. Maintaining Paying Agent/Registrar.

(a) At all times while any Bonds are outstanding, the City will maintain a Paying Agent/Registrar that is qualified under Section 5.02 of this Ordinance.

(b) If the Paying Agent/Registrar resigns or otherwise ceases to serve as such, the City will promptly appoint a replacement.

Section 5.05. Termination. The City reserves the right to terminate the appointment of any Paying Agent/Registrar by delivering to the entity whose appointment is to be terminated a certified copy of a resolution of the City (i) giving notice of the termination of the appointment and of any contractual agreement, stating the effective date of such termination, and (ii) appointing a successor Paying Agent/Registrar.

Section 5.06. Notice of Change to Owners. Promptly upon each change in the entity serving as Paying Agent/Registrar, the City will cause notice of the change to be sent to each Owner by United States mail, first class, postage prepaid, at the address in the Register, stating the effective date of the change and the name and mailing address of the replacement Paying Agent/Registrar and the mailing address of its Designated Payment/Transfer Office.

Section 5.07. Agreement to Perform Duties and Functions. By accepting the appointment as Paying Agent/Registrar, the Paying Agent/Registrar is deemed to have agreed to the provisions of this Ordinance and that it will perform the duties and functions of Paying Agent/Registrar prescribed hereby.

Section 5.08. Delivery of Records to Successor. If a Paying Agent/Registrar is replaced, such Paying Agent/Registrar, promptly upon the appointment of the successor, will deliver the Register (or a copy thereof) and all other pertinent books and records relating to the Bonds to the successor Paying Agent/Registrar and to the City.

ARTICLE VI

FORM OF THE BONDS

Section 6.01. Form Generally.

(a) The Bonds, including the Registration Certificate of the Comptroller of Public Accounts of the State of Texas to accompany the Initial Bond, and the Certificate of the Paying Agent/Registrar, and the Assignment form to appear on each of the Bonds, (i) shall be generally in the form set forth in this Article, with such appropriate insertions, omissions, substitutions, and other variations as are permitted or required by this Ordinance and the Pricing Certificate, and (ii) may have such letters, numbers, or other marks of identification (including identifying numbers and letters of the Committee on Uniform Securities Identification Procedures of the American Bankers Association) and such legends and endorsements (including any reproduction of an opinion of counsel) thereon as, consistently herewith, may be determined by the City or by the officers executing such Bonds, as evidenced by their execution thereof.

(b) Any portion of the text of any Bonds may be set forth on the reverse side thereof, with an appropriate reference thereto on the face of the Bonds.

(c) The Bonds (except for any temporary Bonds and the Initial Bonds) shall be typewritten, printed, lithographed, or engraved, and may be produced by any combination of these methods or produced in any other similar manner, all as determined by the officers executing such Bonds, as evidenced by their execution thereof.

Section 6.02. Form of the Bonds. The form of the Bonds, including the form of the Registration Certificate of the Comptroller of Public Accounts of the State of Texas, the form of Certificate of the Paying Agent/Registrar and the form of Assignment appearing on the Bonds, shall be generally as follows; provided, however, that the final form of the Bonds shall be set forth in or attached to the Pricing Certificate and shall incorporate and reflect the final terms of the Bonds set forth in the Pricing Certificate:

(a) Form of Bond.

REGISTERED REGISTERED
No. $_____

United States of America
State of Texas
CITY OF DALLAS, TEXAS,
GENERAL OBLIGATION REFUNDING BOND, SERIES 2019B[1]

INTEREST RATE:	MATURITY DATE:	ORIGINAL ISSUE DATE:	CUSIP NO.
_____%	_____	_____[2]	_____

The City of Dallas (the "City"), in the Counties of Dallas, Denton, Collin and Rockwall, State of Texas, for value received, hereby promises to pay to

[1] As may be modified by the Pricing Certificate
[2] Information to be inserted from the Pricing Certificate.

_____

or registered assigns, on the Maturity Date specified above, the principal sum of

_____ DOLLARS

unless this Bond shall have been duly called for prior redemption as provided herein and payment of the principal hereof and accrued but unpaid interest hereon shall have been paid or provided for, and to pay interest on the unpaid principal amount hereof from the later of the Original Issue Date specified above or the most recent Interest Payment Date to which interest has been paid or provided for until payment of such principal amount has been paid or provided for, at the interest rate per annum specified above, computed on the basis of a 360-day year of twelve 30-day months, such interest to be paid semiannually on February 15 and August 15 of each year, commencing _____.[3] All capitalized terms used herein but not defined shall have the meaning assigned to them in the Ordinance (defined below).

The principal of this Bond shall be payable without exchange or collection charges in lawful money of the United States of America upon presentation and surrender of this Bond at the corporate trust office in _____[4] (the "Designated Payment/Transfer Office") of _____,[5] or with respect to a successor Paying Agent/Registrar, at the designated payment/transfer office of such successor. Interest on this Bond is payable by check dated as of the Interest Payment Date, mailed by the Paying Agent/Registrar to the registered owner at the address shown on the registration books kept by the Paying Agent/Registrar or by such other customary banking arrangements acceptable to the Paying Agent/Registrar, requested by and at the risk and expense of, the person to whom interest is to be paid. For the purpose of the payment of interest on this Bond, the registered owner shall be the person in whose name this Bond is registered at the close of business on the " Record Date," which shall be the last Business Day of the month next preceding such Interest Payment Date; provided, however, that in the event of nonpayment of interest on a scheduled payment date and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (the "Special Payment Date" which date shall be 15 days after the Special Record Date) shall be sent at least five Business Days prior to the Special Record Date by United States mail, first class, postage prepaid, to the address of each registered owner of a Bond appearing on the books of the Paying Agent/Registrar at the close of business on the last Business Day preceding the date of mailing of such notice.

If a date for the payment of the principal of or interest on this Bond is a Saturday, Sunday, legal holiday, or a day on which banking institutions in the city where the Designated Payment/Transfer Office 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 such 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.

[3] Information to be inserted from the Pricing Certificate.
[4] Information to be inserted from the Pricing Certificate.
[5] Information to be inserted from the Pricing Certificate.

This Bond is dated _____[6] and is one of a series of fully registered bonds specified in the title hereof issued in the aggregate principal amount of $_____[7] (herein referred to as the "Bonds"), issued pursuant to a certain Ordinance of the City Council of the City (the "Ordinance") for the purpose of providing funds to refund the Refunded Obligations and to pay costs of issuance.

The Bonds and the interest thereon are payable from the levy of a direct and continuing ad valorem tax, within the limit prescribed by law, against all taxable property in the City.

[The City has reserved the option to redeem the Bonds maturing on or after _____, before their respective scheduled maturities in whole or in part in integral multiples of $5,000 on _____ , or on any date thereafter, at a redemption price of par, plus accrued interest to the date fixed for redemption. If less than all of the Bonds are to be redeemed, the City shall determine the maturity or maturities and the amounts thereof to be redeemed and shall direct the Paying Agent/Registrar to call by lot or other customary method that results in random selection of the Bonds, or portions thereof within such maturity or maturities and in such amounts, for redemption.

Bonds maturing on February 15 in each of the years __ through __, inclusive (the "Term Bonds"), are subject to mandatory sinking fund redemption prior to their scheduled maturity, and will be redeemed by the City, in part at a redemption price equal to the principal amount thereof, without premium, plus interest accrued to the redemption date, on the dates and in the principal amounts shown in the following schedule:

Redemption Date	Principal Amount

The Paying Agent/Registrar will select by lot or by any other customary method that results in a random selection the specific Term Bonds (or with respect to Term Bonds having a denomination in excess of $5,000, each $5,000 portion thereof) to be redeemed by mandatory redemption. The principal amount of Term Bonds required to be redeemed on any redemption date pursuant to the foregoing mandatory sinking fund redemption provisions hereof shall be reduced, at the option of the City, by the principal amount of any Bonds which, at least 45 days prior to the mandatory sinking fund redemption date (i) shall have been acquired by the City at a price not exceeding the principal amount of such Bonds plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation, or (ii) shall have been redeemed pursuant to the optional redemption provisions hereof and not previously credited to a mandatory sinking fund redemption.

Notice of such redemption or redemptions shall be given by United States mail, first class, postage prepaid, not less than thirty (30) days before the date fixed for redemption, to the registered

[6] Information to be inserted from the Pricing Certificate.
[7] Information to be inserted from the Pricing Certificate.

owner of each of the Bonds to be redeemed in whole or in part. In the Ordinance, the City reserves the right in the case of an optional redemption to give notice of its election or direction to redeem Bonds conditioned upon the occurrence of subsequent events. Such notice may state (i) that the redemption is conditioned upon the deposit of moneys and/or authorized securities, in an amount equal to the amount necessary to effect the redemption, with the Paying Agent/Registrar, or such other entity as may be authorized by law, no later than the redemption date or (ii) that the City retains the right to rescind such notice at any time prior to the scheduled redemption date if the City delivers a certificate of the City to the Paying Agent/Registrar instructing the Paying Agent/Registrar to rescind the redemption notice, and such notice and redemption shall be of no effect if such moneys and/or authorized securities are not so deposited or if the notice is rescinded. The Paying Agent/Registrar shall give prompt notice of any such rescission of a conditional notice of redemption to the affected owners. Any Bonds subject to conditional redemption where redemption has been rescinded shall remain outstanding, and the rescission shall not constitute an event of default. Further, in the case of a conditional redemption, the failure of the City to make moneys and/or authorized securities available in part or in whole on or before the redemption date shall not constitute an event of default.][8]

As provided in the Ordinance, and subject to certain limitations therein set forth, this Bond is transferable upon surrender of this Bond for transfer at the Designated Payment/Transfer Office, with such endorsement or other evidence of transfer as is acceptable to the Paying Agent/Registrar, and, thereupon, one or more new fully registered Bonds of the same stated maturity, of authorized denominations, bearing the same rate of interest, and for the same aggregate principal amount will be issued to the designated transferee or transferees.

Neither the City nor the Paying Agent/Registrar shall be required to issue, transfer or exchange any Bond called for redemption, in whole or in part, within 45 days of the date fixed for redemption; provided, however, such limitation shall not be applicable to an exchange by the registered Owner of the uncalled principal balance of a Bond.

The City, the Paying Agent/Registrar, and any other person may treat the person in whose name this Bond is registered as the Owner hereof for the purpose of receiving payment as herein provided (except interest shall be paid to the person in whose name this Bond is registered on the Record Date or Special Record Date, as applicable) and for all other purposes, whether or not this Bond be overdue, and neither the City nor the Paying Agent/Registrar shall be affected by notice or knowledge to the contrary.

IT IS HEREBY CERTIFIED AND RECITED that the issuance of this Bond and the series of which it is a part is duly authorized by law; that all acts, conditions and things required to be done precedent to and in the issuance of the Bonds have been properly done and performed and have happened in regular and due time, form and manner, as required by law; that ad valorem taxes upon all taxable property in the City have been levied for and pledged to the payment of the debt service requirements of the Bonds within the limit prescribed by law; and that the total indebtedness of the City, including the Bonds, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the City has caused this Bond to be executed in its name by the manual or facsimile signature of the Mayor of the City and countersigned by the manual or

[8] Insert redemption provisions, if any, and conform as necessary to the Pricing Certificate.

facsimile signature of the City Secretary and the City Manager, and the official seal of the City has been duly impressed or placed in facsimile on this Bond.

_____	_____
City Manager, City of Dallas, Texas	Mayor, City of Dallas, Texas

_____
City Secretary, City of Dallas, Texas

[SEAL]

(b) Form of Certificate of Paying Agent/Registrar. The following Certificate of Paying Agent/Registrar may be deleted from the Initial Bond if the Comptroller's Registration Certificate is attached thereto.

CERTIFICATE OF PAYING AGENT/REGISTRAR

It is hereby certified that this Bond has been issued under the provisions of the Ordinance of the City; and that this Bond has been issued in exchange for or replacement of a bond, bonds or portion of a bond or bonds of an issue which was originally approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

_____
as Paying Agent/Registrar

Dated: _____ By: _____
Authorized Signatory

(c) Form of Assignment.

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns, and transfers unto (print or typewrite name, address and zip code of transferee):

_____

_____

(Social Security or other identifying number: _____the within Bond and all rights hereunder and hereby irrevocably constitutes and appoints attorney to transfer the within Bond on the books kept for registration hereof, with full power of substitution in the premises.

Dated: _____ _____

Signature Guaranteed By:

NOTICE: The signature on this Assignment must correspond with the name of the registered owner as it appears on the face of the within Bond in

_____
Authorized Signatory

every particular and must be guaranteed by an officer of a federal or state bank or a member of the National Association of Securities Dealers.

(d) Initial Bond Insertions.

(i) The Initial Bond shall be in the applicable form set forth in paragraphs (a) and (c) of this Section, except that:

A. immediately under the name of the Bond the headings "INTEREST RATE" and "MATURITY DATE" shall both be completed with the words "As shown below" and the heading "CUSIP NO." shall be deleted; and

B. in the first paragraph of the Bond, the words "on the Maturity Date specified above" shall be deleted and the following will be inserted: "on February 15 in each of the years, in the principal installments and bearing interest at the per annum rates set forth in the following schedule:

Year	Principal Installment	Interest Rate

(Information to be inserted from the Pricing Certificate
as provided in Section 3.02 hereof.)

(ii) Form of Comptroller's Registration Certificate. The following Comptroller's Registration Certificate of the Comptroller of Public Accounts shall appear on each Initial Bond in lieu of the Certificate of Paying Agent/Registrar.

REGISTRATION CERTIFICATE OF
COMPTROLLER OF PUBLIC ACCOUNTS

OFFICE OF THE COMPTROLLER §
OF PUBLIC ACCOUNTS §
OF THE STATE OF TEXAS §

REGISTER NO. _____

I hereby certify that there is on file and of record in my office a certificate of the Attorney General of the State of Texas to the effect that this Bond has been examined by him as required by law, that he finds that it has been issued in conformity with the Constitution and laws of the State of Texas, and that it is a valid and binding general obligation of the City of Dallas, Texas, and that this Bond has this day been registered by me.

WITNESS MY HAND AND SEAL OF OFFICE AT AUSTIN, TEXAS, _____.

_____
Comptroller of Public Accounts
of the State of Texas

[SEAL]

Section 6.03. CUSIP Registration. The City may secure identification numbers through the CUSIP Service Bureau Division of Standard & Poor's Corporation, New York, New York, and may authorize the printing of such numbers on the face of the Bonds. It is expressly provided, however, that the presence or absence of CUSIP numbers on the Bonds shall be of no significance or effect in regard to the legality thereof and neither the City nor the attorneys approving such Bonds as to legality are to be held responsible for CUSIP numbers incorrectly printed on the Bonds.

Section 6.04. Legal Opinion. The approving legal opinions of Norton Rose Fulbright US LLP and Mahomes Bolden PC., Co-Bond Counsel, may be printed on the back of each Bond over the certification of the City Secretary, which may be executed in facsimile.

Section 6.05. Municipal Bond Insurance. If municipal bond guaranty insurance is obtained with respect to the Bonds, the Bonds, including the Initial Bond, may bear an appropriate legend, as provided by the insurer.

ARTICLE VII

CREATION OF FUNDS AND ACCOUNTS, INITIAL DEPOSITS AND APPLICATION OF MONEY

Section 7.01. Creation of Funds. The City hereby establishes the following special funds or accounts to be designated as follows or as otherwise designated in the Pricing Certificate:

(a) "City of Dallas, Texas, General Obligation Refunding Bonds, Series 2019B, Interest and Sinking Fund."

(b) "City of Dallas, Texas, General Obligation Refunding Bonds, Series 2019B, Escrow Fund."

Section 7.02. Initial Deposits. On the Closing Date, the City shall cause the proceeds from the sale of the Bonds to be deposited as follows:

(a) first, an amount equal to all accrued interest, if any, on the Bonds from the Original Issue Date until the Closing Date, plus any additional amounts designated in the Pricing Certificate, shall be deposited to the credit of the Interest and Sinking Fund; and

(b) second, a portion of the proceeds of the Bonds, as set forth in the Pricing Certificate, and used for the purposes described in the preamble hereof shall be deposited to the Escrow Fund and used to pay off the Refunded Obligations; and

(c) third, the remaining balance received on the Closing Date, shall be deposited to a special account of the City and used for the payment of the costs of issuing the Bonds. Any amounts not needed for the payment of costs of issuance shall be deposited to the Interest and Sinking Fund.

Section 7.03. Interest and Sinking Fund.

(a) The taxes levied under Section 2.01 of this Ordinance shall be deposited to the credit of the Interest and Sinking Fund at such times and in such amounts as necessary for the timely payment of the principal of and interest on such Bonds.

(b) If the amount of money in the Interest and Sinking Fund is at least equal to the aggregate principal amount of the outstanding Bonds plus the aggregate amount of interest due and that will become due and payable on such Bonds, no further deposits to that fund need be made. In determining the aggregate principal amount of outstanding Bonds, there shall be subtracted the amount of any Bonds discharged in accordance with Article XI hereof.

(c) Money on deposit in the Interest and Sinking Fund shall be used to pay the principal of and interest on the Bonds as such become due and payable.

Section 7.04. Escrow Fund. The Escrow Fund will be used to pay in full the Refunded Obligations.

Section 7.05. Excess Bond Proceeds.

(a) Upon the payment in full of the Refunded Obligations, any amount that remains in the Escrow Fund shall be transferred to the credit of the Interest and Sinking Fund and segregated in a special escrow account.

(b) The money in such special escrow account shall be used for the payment of principal of and interest on the Bonds, on the respective due dates thereof or dates as of which Bonds have been called for redemption.

Section 7.06. Security of Funds. All moneys on deposit in the funds referred to in this Ordinance shall be secured in the manner and to the fullest extent required by the laws of the State of Texas for the security of public funds, and moneys on deposit in such funds shall be used only for the purposes permitted by this Ordinance.

ARTICLE VIII

INVESTMENTS

Section 8.01. Investments.

(a) Money in the Interest and Sinking Fund created by this Ordinance, at the option of the City, may be invested in such securities or obligations as permitted under applicable law.

(b) Any securities or obligations in which money is so invested shall be kept and held in trust for the benefit of the Owners of the Bonds and shall be sold and the proceeds of sale shall be timely applied to the making of all payments required to be made from the fund from which the investment was made.

(c) To the extent specified in the Pricing Certificate, the money in the Escrow Fund shall be invested in (i) tax-exempt obligations or (ii) securities or obligations that do not have a "higher yield," within the meaning of Section 148(t) of the Code, than the yield on the Bonds.

Section 8.02. Investment Income.

(a) Interest and income derived from investment of the Interest and Sinking Fund shall be credited to such Fund.

(b) Subject to the provisions of Section 8.01(c), the investment and application of money in the Escrow Fund shall be in accordance with the provisions of the Escrow Agreement.

ARTICLE IX

PARTICULAR REPRESENTATIONS AND COVENANTS

Section 9.01. Payment of the Bonds. On or before each Interest Payment Date for the Bonds, and while any of the Bonds are outstanding and unpaid, there shall be made available to the Paying Agent/Registrar, out of the Interest and Sinking Fund, money sufficient to pay such interest on, premium, if any, and principal of the Bonds as will accrue or mature on the applicable Interest Payment Date or date of prior redemption.

Section 9.02. Other Representations and Covenants.

(a) The City will faithfully perform at all times any and all covenants, undertakings, stipulations, and provisions contained in this Ordinance and in each Bond; the City will promptly pay or cause to be paid the principal of and premium, if any, and interest on each Bond on the dates and at the places and manner prescribed in such Bond; and the City will, at the times and in the manner prescribed by this Ordinance, deposit or cause to be deposited the amounts of money specified by this Ordinance.

(b) The City is duly authorized under the laws of the State of Texas to issue the Bonds; all action on its part for the creation and issuance of the Bonds has been duly and effectively taken; and the Bonds in the hands of the Owners thereof are and will be valid and enforceable general obligations of the City in accordance with their terms.

Section 9.03. Covenants to Maintain Tax-Exempt Status.

(a) Definitions. When used in this Section, the following terms have the following meanings:

> "Computation Date" has the meaning set forth in Section 1.148-1(b) of the Regulations.
>
> "Gross Proceeds" means any proceeds as defined in Section 1.148-1(b) of the Regulations, and any replacement proceeds as defined in Section 1.148-1(c) of the Regulations, of the Bonds.
>
> "Investment" has the meaning set forth in Section 1.148-1(b) of the Regulations.
>
> "Rebate Amount" has the meaning set forth in Section 1.148-1(b) of the Regulations.
>
> "Regulations" means any proposed, temporary, or final Income Tax Regulations issued pursuant to Sections 103 and 141 through 150 of the Code, and 103 of the Internal Revenue Code of 1954, which are applicable to the Bonds. Any reference to any specific Regulation shall also mean, as appropriate, any proposed, temporary or final Income Tax Regulation designed to supplement, amend or replace the specific Regulation referenced.

"Yield" of (1) any Investment has the meaning set forth in Section 1.148-5 of the Regulations and (2) the Bonds has the meaning set forth in Section 1.148-4 of the Regulations.

(b) Not to Cause Interest to Become Taxable. The City shall not use, permit the use of, or omit to use Gross Proceeds or any other amounts (or any property the acquisition, construction, or improvement of which is to be financed or refinanced directly or indirectly with Gross Proceeds) in a manner which if made or omitted, respectively, would cause the interest on any Bond to become includable in the gross income, as defined in Section 61 of the Code, of the owner thereof for federal income tax purposes. Without limiting the generality of the foregoing, unless and until the City receives a written opinion of counsel nationally recognized in the field of municipal bond law to the effect that failure to comply with such covenant will not adversely affect the exemption from federal income tax of the interest on any Bond, the City shall comply with each of the specific covenants in this Section.

(c) No Private Use or Private Payments. Except as permitted by Section 141 of the Code and the Regulations and rulings thereunder, the City shall at all times prior to the last Stated Maturity of Bonds:

(i) not use or permit the use of the Gross Proceeds of the Bonds (including all contractual arrangements with terms different than those applicable to the general public) or any property acquired, constructed, or improved with such Gross Proceeds in any activity carried on by any person or entity (including the United States or any agency, department, and instrumentality thereof) other than a state or local government, unless such use is solely as a member of the general public; and

(ii) not directly or indirectly impose or accept any charge or other payment by any person or entity who is treated as using Gross Proceeds of the Bonds or any property the acquisition, construction, or improvement of which is to be financed or refinanced directly or indirectly with such Gross Proceeds other than taxes of general application within the City or interest earned on investments acquired with such Gross Proceeds pending application for their intended purposes.

(d) No Private Loan. Except to the extent permitted by Section 141 of the Code and the Regulations and rulings thereunder, the City shall not use Gross Proceeds of the Bonds to make or finance loans to any person or entity other than a state or local government. For purposes of the foregoing covenant, such Gross Proceeds are considered to be "loaned" to a person or entity if: (1) property acquired, constructed, or improved with such Gross Proceeds is sold or leased to such person or entity in a transaction which creates a debt for federal income tax purposes; (2) capacity in or service from such property is committed to such person or entity under a take-or-pay, output, or similar contract or arrangement; or (3) indirect benefits, or burdens and benefits of ownership, of such Gross Proceeds or any property acquired, constructed, or improved with such Gross Proceeds are otherwise transferred in a transaction which is the economic equivalent of a loan.

(e) Not to Invest at Higher Yield. Except to the extent permitted by Section 148 of the Code and the Regulations and rulings thereunder, the City shall not at any time prior to the final Stated Maturity of the Bonds directly or indirectly invest Gross Proceeds in any Investment (or use Gross Proceeds to replace money so invested), if as a result of such investment the Yield from the Closing Date of all Investments acquired with Gross Proceeds (or with money replaced thereby), whether then held or previously disposed of, exceeds the Yield of the Bonds.

(f) Not Federally Guaranteed. Except to the extent permitted by Section 149(b) of the Code and the Regulations and rulings thereunder, the City shall not take or omit to take any action which would cause the Bonds to be federally guaranteed within the meaning of Section 149(b) of the Code and the Regulations and rulings thereunder.

(g) Information Report. The City shall timely file the information required by Section 149(e) of the Code with the Secretary of the Treasury on Form 8038-G or such other form and in such place as the Secretary may prescribe.

(h) Rebate of Arbitrage Profits. Except to the extent otherwise provided in Section 148(f) of the Code and the Regulations and rulings thereunder:

(i) The City shall account for all Gross Proceeds (including all receipts, expenditures and investments thereof) on its books of account separately and apart from all other funds (and receipts, expenditures and investments thereof) and shall retain all records of accounting for at least six (6) years after the day on which the last Outstanding Bond is discharged. However, to the extent permitted by law, the City may commingle Gross Proceeds of the Bonds with other money of the City, provided that the City separately accounts for each receipt and expenditure of Gross Proceeds and the obligations acquired therewith.

(ii) Not less frequently than each Computation Date, the City shall calculate the Rebate Amount in accordance with rules set forth in Section 148(f) of the Code and the Regulations and rulings thereunder. The City shall maintain such calculations with its official transcript of proceedings relating to the issuance of the Bonds until six years after the final Computation Date.

(iii) As additional consideration for the purchase of the Bonds by the Purchasers and the loan of the money represented thereby and in order to induce such purchase by measures designed to insure the excludability of the interest thereon from the gross income of the Holders thereof for federal income tax purposes, the City shall pay to the United States from an appropriate fund, or if permitted by applicable Texas statute, regulation, or opinion of the Attorney General of the State of Texas, the Interest and Sinking Fund, the amount that when added to the future value of previous rebate payments made for the Bonds equals (i) in the case of a Final Computation Date as defined in Section 1.148-3(e)(2) of the Regulations, one hundred percent (100%) of the Rebate Amount on such date; and (ii) in the case of any other Computation Date, ninety percent (90%) of the Rebate Amount on such date. In all cases, the rebate payments shall be made at the times, in the installments, to the place, and in the manner as is or may be required by Section 148(f) of the Code and the Regulations and rulings thereunder, and shall be accompanied by Form 8038-T or such other forms and information as is or may be required by Section 148(f) of the Code and the Regulations and rulings thereunder.

(iv) The City shall exercise reasonable diligence to assure that no errors are made in the calculations and payments required by paragraphs (ii) and (iii), and if an error is made, to discover and promptly correct such error within a reasonable amount of time thereafter (and in all events within one hundred eighty (180) days after discovery of the error), including payment to the United States of any additional Rebate Amount owed to it, interest thereon, and any penalty imposed under Section 1.148-3(h) of the Regulations.

(i) Not to Divert Arbitrage Profits. Except to the extent permitted by Section 148 of the Code and the Regulations and rulings thereunder, the City shall not, at any time prior to the earlier of the Stated Maturity or final payment of the Bonds, enter into any transaction that reduces the amount required to be paid to the United States pursuant to subsection (h) of this Section because such transaction results in a smaller profit or a larger loss than would have resulted if the transaction had been at arm's length and had the Yield of the Bonds not been relevant to either party.

(j) Elections. The City hereby directs and authorizes the Mayor, Mayor Pro Tem, City Manager, Chief Financial Officer, and City Secretary of the City, individually or jointly, to make elections permitted or required pursuant to the provisions of the Code or the Regulations, as one or more of such persons deems necessary or appropriate in connection with the Bonds, in the Certificate as to Tax Exemption, or similar or other appropriate certificate, form, or document.

(k) Current Refunding; Extraordinary Legal Judgment. The Bonds are issued to refund the Refunded Obligations and the Bonds will be issued less than 90 days before the redemption of the Refunded Obligations. The Refunded Obligations represent an extraordinary legal judgment in an amount in excess of reasonable insurance coverage. Neither the City nor a related party to the City maintains a reserve for such items, such as a self-insurance fund. Neither the City nor a related party to the City has set aside other available amounts for the payment of these types of expenses.

ARTICLE X

DEFAULT AND REMEDIES

Section 10.01. Events of Default. Each of the following occurrences or events for the purpose of this Ordinance is hereby declared to be an "Event of Default," to-wit:

(a) the failure to make payment of the principal of or interest on any of the Bonds when the same becomes due and payable; or

(b) the failure to perform or observe any other covenant, agreement or obligation of the City, which materially, adversely affects the rights of the Owners, including but not limited to, their prospect or ability to be repaid in accordance with this Ordinance, and the continuation thereof for a period of 60 days after notice of such default is given by any Owner to the City.

Section 10.02. Remedies for Default.

(a) Upon the happening of any Event of Default, then and in every case any Owner or an authorized representative thereof, including but not limited to, a trustee or trustees therefor, may proceed against the City for the purpose of protecting and enforcing the rights of the Owners under this Ordinance, by mandamus or other suit, action or special proceeding in equity or at law, in any court of competent jurisdiction, for any relief permitted by law, including the specific performance of any covenant or agreement contained herein, or thereby to enjoin any act or thing that may be unlawful or in violation of any right of the Owners hereunder or any combination of such remedies.

(b) It is provided that all such proceedings shall be instituted and maintained for the equal benefit of all Owners of Bonds then outstanding.

Section 10.03. Remedies Not Exclusive.

(a) No remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or under the Bonds or now or hereafter existing at law or in equity; provided, however, that notwithstanding any other provision of this Ordinance, the right to accelerate the debt evidenced by the Bonds shall not be available as a remedy under this Ordinance.

(b) The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy.

ARTICLE XI

DISCHARGE

Section 11.01. Discharge. The Bonds may be defeased, discharged or refunded in any manner permitted by applicable law.

ARTICLE XII

SALE AND DELIVERY OF BONDS; APPROVAL OF OFFICIAL STATEMENT; CONTROL AND DELIVERY OF BONDS

Section 12.01. Sale of Bonds; Delivery of Official Statement.

(a) The Bonds may be sold pursuant to a competitive sale or a negotiated sale to the Purchaser as specified in the Pricing Certificate and all in accordance with the terms of this Ordinance, including this Section 12.01 (a) and Exhibit A attached hereto, provided that all of the conditions set forth in Exhibit A are satisfied. As authorized by Chapter 1207, Texas Government Code, as amended, the Authorized Officer is authorized to act on behalf of the City upon determining that the conditions set forth in Exhibit A can be satisfied, in selling and delivering the Bonds and carrying out the other procedures specified in this Ordinance, including determining whether to acquire bond insurance for the Bonds, enter into a credit agreement with respect to the Bonds, whether to sell the Bonds in a competitive or negotiated sale, the aggregate principal amount of the Bonds, whether the Bonds shall be in one or more series from time to time, and price at which each of the Bonds will be sold, the identification, and the aggregate principal amount, of the Refunded Obligations and their redemption dates, the number and designation of series of Bonds to be issued, whether the Bonds will be taxable or tax-exempt, the form in which the Bonds shall be issued, the years in which the Bonds will mature, the principal amount to mature in each of such years, the rate of interest to be borne by each such maturity, the first interest payment date, the initial date from which interest will accrue, the dates, prices and terms upon and at which the Bonds shall be subject to redemption prior to maturity at the option of the City and shall be subject to mandatory sinking fund redemption, and all other matters relating to the issuance, sale and delivery of the Bonds, all of which shall be specified in the Pricing Certificate.

The authority granted to the Authorized Officer under this Section 12.01 (a) shall expire at 5:00 p.m., 180 days from the date of this Ordinance, unless otherwise extended by the City Council by separate action.

Any finding or determination made by the Authorized Officer relating to the issuance and sale of the Bonds and the execution of the Purchase Agreement (if any) in connection therewith shall have the same force and effect as a finding or determination made by the City Council.

(b) The Authorized Officer is hereby authorized and directed to execute the successful bid form, in the event the bonds are sold via a competitive sale, for and on behalf of the City and as the act and deed of the City Council. If the Bonds are sold in a negotiated sale, the Authorized Officer is hereby authorized and directed to execute and deliver one or more bond purchase agreements (the "Purchase Agreement"), which Purchase Agreement shall be in the form approved by the Authorized Officer. The Authorized Officer is hereby authorized and directed to approve the final terms and provisions of the Purchase Agreement in accordance with the terms of the Pricing Certificate and this Ordinance, which final terms shall be determined to be the most advantageous reasonably attainable by the City, such approval and determination being evidenced by its execution thereof by the Authorized Officer. All officers, agents and representatives of the City are hereby authorized to do any and all things necessary or desirable to satisfy the conditions set out therein and to provide for the issuance and delivery of the Bonds.

The Initial Bond shall initially be registered in the name of the Purchaser or such other entity as may be specified in the Pricing Certificate.

(c) The City hereby approves the preparation of a Preliminary Official Statement and a Notice of Sale (if any) for use in the initial offering and sale of the Bonds, and authorizes the Authorized Officer to approve the final form and substance of the Preliminary Official Statement and the Notice of Sale (if any) and to deem the Preliminary Official Statement "final" as of its date within the meaning and for the purposes of paragraph (b)(1) of the Rule on behalf of the City. The City hereby authorizes the preparation of a final Official Statement (the "Official Statement") incorporating applicable pricing information pertaining to the Bonds. The Authorized Officer is hereby authorized and directed to authorize the use and distribution of such final Official Statement, with such appropriate variations as shall be approved by the Authorized Officer, by the Purchasers in the offering and sale of the Bonds.

(d) All officers of the City are authorized to take such actions and to execute such documents, certificates and receipts as they may deem necessary and appropriate in order to consummate the delivery of the Bonds in accordance with the terms of sale therefore including, without limitation, the Purchase Agreement (if any). Further, in connection with the submission of the record of proceedings for the Bonds to the Attorney General of the State of Texas for examination and approval of such Bonds, the appropriate officer of the City is hereby authorized and directed to issue a check of the City payable to the Attorney General of the State of Texas as a nonrefundable examination fee in the amount required by Chapter 1202, Texas Government Code (such amount to be the lesser of (i) 1/10th of 1 % of the principal amount of the Bonds or (ii) $9,500).

(e) The obligation of the Purchaser to accept delivery of the Bonds is subject to the Purchaser being furnished with the final, approving opinions of Norton Rose Fulbright US LLP and Mahomes Bolden PC, Co-Bond Counsel for the City, which opinions shall be dated as of and delivered on the Closing Date.

Section 12.02. Control and Delivery of Bonds.

(a) The City Manager is hereby authorized to have control of the Initial Bond and all necessary records and proceedings pertaining thereto pending investigation, examination, and approval of the Attorney General of the State of Texas, registration by the Comptroller of Public Accounts of the State of Texas and registration with, and initial exchange or transfer by, the Paying Agent/Registrar.

(b) After registration by the Comptroller of Public Accounts, delivery of the Initial Bond shall be made to the Purchaser under and subject to the general supervision and direction of the City Manager, against receipt by the City of all amounts due to the City under the terms of sale.

(c) In the event the Mayor, City Secretary or City Manager is absent or otherwise unable to execute any document or take any action authorized herein, the Mayor Pro Tem, any Assistant City Secretary and any Assistant City Manager, respectively, shall be authorized to execute such documents and take such actions, and the performance of such duties by the Mayor Pro Tem, the Assistant City Secretary and the Assistant City Manager shall for the purposes of this Ordinance have the same force and effect as if such duties were performed by the Mayor, City Secretary and City Manager, respectively.

ARTICLE XIII

CONTINUING DISCLOSURE UNDERTAKING

Section 13.01. Annual Reports.

(a) The City shall provide annually to the MSRB, (1) within six months after the end of each fiscal year of the City, financial information and operating data with respect to the City of the general type included in the final Official Statement, being information described in the Pricing Certificate, including financial statements of the City if audited financial statements of the City are then available, and (2) if not provided as part such financial information and operating data, audited financial statements of the City, when and if available. Any financial statements so to be provided shall be (i) prepared in accordance with the accounting principles prescribed by the Generally Accepted Accounting Principles or such other accounting principles as the City may be required to employ, from time to time, by State law or regulation, and (ii) audited, if the City commissions an audit of such statements and the audit is completed within the period during which they must be provided. If the audit of such financial statements is not complete within 12 months after any such fiscal year end, then the City shall file unaudited financial statements within such 12-month period and audited financial statements for the applicable fiscal year, when and if the audit report on such statements becomes available.

(b) If the City 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 City otherwise would be required to provide financial information and operating data pursuant to this Section.

(c) 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 13.02. Material Event Notices.

(a) The City shall provide the following to the MSRB, in an electronic format as prescribed by the MSRB, in a timely manner not in excess of ten (10) business days after the occurrence of the event, notice of any of the following events with respect to the Bonds:

(i) Principal and interest payment delinquencies;

(ii) Non-payment related defaults, if material;

(iii) Unscheduled draws on debt service reserves reflecting financial difficulties;

(iv) Unscheduled draws on credit enhancements reflecting financial difficulties;

(v) Substitution of credit or liquidity providers, or their failure to perform;

(vi) 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 Bonds, or other material events affecting the tax status of the Bonds;

(vii) Modifications to rights of the holders of the Bonds, if material;

(viii) Bond calls, if material, and tender offers;

(ix) Defeasances;

(x) Release, substitution, or sale of property securing repayment of the Bonds, if material;

(xi) Rating changes;

(xii) Bankruptcy, insolvency, receivership or similar event of the City;

(xiii) The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, 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;

(xiv) Appointment of successor or additional paying agent/registrar or the change of name of a paying agent/registrar, if material;

(xv) Incurrence of a Financial Obligation of the City, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the City, any of which affect security holders, if material; and

(xvi) Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the City, any of which reflect financial difficulties.

(b) For these purposes, (a) any event described in paragraph (xii) of this section, is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the City in a proceeding under the United States 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 or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers 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 City, and (b) the City intends the words used in paragraphs (xv) and (xvi) of this section and the definition of Financial Obligation in this section to have the same meanings as when they are used in the Rule, as evidenced by SEC Release No. 34-83885, dated August 20, 2018.

(c) The City shall notify the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with Section 13.01 of this Ordinance by the time required by such Section.

Section 13.03. Limitations, Disclaimers and Amendments.

(a) The City shall be obligated to observe and perform the covenants specified in this Article for so long as, but only for so long as, the City remains an "obligated person" with respect

to the Bonds within the meaning of the Rule, except that the City in any event will give notice of any Bond calls and any defeasances that cause the City to be no longer an "obligated person."

(b) The provisions of this Article are for the sole benefit of the Owners and beneficial owners of the 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 City 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 City'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 City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Bonds at any future date.

UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE OWNER OR BENEFICIAL OWNER OF ANY BOND OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, 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.

(c) No default by the City in observing or performing its obligations under this Article shall constitute a breach of or default under this Ordinance for purposes of any other provisions of this Ordinance.

(d) Nothing in this Article is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

(e) The provisions of this Article may be amended by the City 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 City, but only if (i) the provisions of this Article, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule to the date of such amendment, as well as such changed circumstances, and (ii) either (A) the Owners of a majority in aggregate principal amount (or any greater amount required by any other provisions of this Ordinance that authorizes such an amendment) of the outstanding Bonds consent to such amendment or (B) an entity or individual person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interests of the Owners and beneficial owners of the Bonds. If the City so amends the provisions of this Article, it shall include with any amended financial information or operating data next provided in accordance with Section 13.01 an explanation, in narrative form, of the reasons for the amendment and of the impact of any change in the type of financial information or operating data so provided.

Section 13.04. Amendments to the Rule. In the event the Authorized Officer, in consultation with Co-Bond Counsel and the City's financial advisor, determines that it is necessary or desirable to amend the provisions of this Article XIII in order to facilitate compliance with

amendments to the Rule and related guidance from the SEC, the Authorized Officer may make such changes in the Pricing Certificate for the Bonds.

ARTICLE XIV

AMENDMENTS; ATTORNEY GENERAL MODIFICATION

Section 14.01. Amendments. This Ordinance shall constitute a contract with the Owners, be binding on the City, and shall not be amended or repealed by the City so long as any Bond remains outstanding except as permitted in this Section. The City may, without consent of or notice to any Owners, from time to time and at any time, amend this Ordinance in any manner not detrimental to the interests of the Owners, including the curing of any ambiguity, inconsistency, or formal defect or omission herein. In addition, the City may, with the written consent of the Owners of the Bonds holding a majority in aggregate principal amount of the Bonds then outstanding, amend, add to, or rescind any of the provisions of this Ordinance; provided that, without the consent of all Owners of outstanding Bonds, no such amendment, addition, or rescission shall (i) extend the time or times of payment of the principal of, premium, if any, and interest on the Bonds, reduce the principal amount thereof, the redemption price, or the rate of interest thereon, or in any other way modify the terms of payment of the principal of, or interest on the Bonds, (ii) give any preference to any Bond over any other Bond, or (iii) reduce the aggregate principal amount of Bonds required to be held by Owners for consent to any such amendment, addition, or rescission.

Section 14.02. Attorney General Modification. In order to obtain the approval of the Bonds by the Attorney General of the State of Texas, any provision of this Ordinance may be modified, altered or amended after the date of its adoption if required or requested by the Attorney General in connection with the Attorney General's examination as to the legality of the Bonds and approval thereof in accordance with the applicable law. Such changes, if any, shall be provided to the City Secretary and the City Secretary shall insert such changes into this Ordinance as if approved on the date hereof.

Section 14.03. Partial Invalidity. If any section, paragraph, clause or provision of this Ordinance 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 Ordinance.

Section 14.04. No Personal Liability. No recourse shall be had for payment of the principal of or interest on any Bonds or for any claim based thereon, or on this Ordinance, against any official or employee of the City or any person executing any Bonds.

ARTICLE XV

PAYMENT OF REFUNDED OBLIGATIONS; APPROVAL OF ESCROW AGREEMENT; PURCHASE OF ESCROWED SECURITIES

Section 15.01. Payment of Refunded Obligations. Unless otherwise specified in the Pricing Certificate, the Refunded Obligations are to be paid by the Escrow Agent within five (5) Business Days following the Closing Date, in the principal amount thereof as set forth in the Pricing Certificate.

Section 15.02. Approval of Escrow Agreement.

(a) The Authorized Officer is hereby authorized to select and appoint an Escrow Agent to hold funds to pay off the Refunded Obligations and the Escrow Agent shall be designated in the Pricing Certificate.

(b) The Authorized Officer is hereby authorized to execute and deliver, or cause the execution and delivery by other appropriate City officials, an Escrow Agreement, having such terms and provisions as are approved by the Authorized Officer as evidenced by his execution thereof or the execution thereof by other appropriate City officials. The Escrow Agreement shall contain terms and provisions to be approved by the Authorized Officer including terms and provisions for the purposes of (i) carrying out the program designed for the City, (ii) minimizing the City's costs of refunding, (iii) complying with all applicable laws and regulations relating to the refunding of the Refunded Obligations, (iv) carrying out the other intents and purposes of this Ordinance and (v) complying with the terms set forth in the Pricing Certificate. The execution and delivery by the City Manager of the Escrow Agreement, if necessary, is hereby authorized and approved.

Section 15.03. Subscription for Securities. The Authorized Officer is authorized to make necessary arrangements for and to execute such documents and agreements in connection with the purchase of the Escrow Securities required by and referenced in the Escrow Agreement, if any, as may be necessary for the Escrow Fund and the application for the acquisition of the Escrow Securities is hereby approved and ratified.

ARTICLE XVI

EFFECTIVE IMMEDIATELY

Section 16.01. Effective Immediately. 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, Texas, pertaining thereto, and it is accordingly so ordained.

FINALLY PASSED, APPROVED AND EFFECTIVE this March 27, 2019

APPROVED AS TO FORM:

Christopher J. Caso,
Interim City Attorney
City of Dallas

_____

SCHEDULE I

REFUNDED OBLIGATIONS

Agreed Final Judgment in Cause No. 1-95-107, *George G. Parker, et. al. vs. City of Dallas, Texas*, in the District Court 382nd Judicial District, Rockwall County, Texas, dated February 8, 2019; and

Agreed Final Judgment in Cause No. 1-95-506, *David S. Martin, et. al. vs. City of Dallas, Texas*, in the District Court 382nd Judicial District, Rockwall County, Texas, dated February 8, 2019.

EXHIBIT A

SALE PARAMETERS

In accordance with Section 12.01 (a) of the Ordinance, the following conditions with respect to the Bonds must be satisfied in order for the Authorized Officer to act on behalf of the City in selling and delivering the Bonds to the Purchaser:

(a) the Bonds shall not bear interest at a rate greater than the maximum rate authorized by Chapter 1204, Texas Government Code, as amended;

(b) the aggregate principal amount of the Bonds authorized to be issued for the purposes described in Section 3.01 shall not exceed the limits described in that Section, and the Bonds sold for the purposes of refunding the Refunded Obligations shall be in an amount sufficient, in combination with the net premium from the sale of the Bonds, plus other available funds of the City, if any, to provide for the payment of the Refunded Obligations and the costs and expenses of issuance of the Bonds, including underwriter's discount; and

(c) the maximum term for which the Bonds issued under this Ordinance may be outstanding is twenty (20) years from the date of their issuance.

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-345 **Item #:** 3.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Controller's Office

EXECUTIVE: Elizabeth Reich

SUBJECT

An ordinance authorizing **(1)** the issuance and sale of City of Dallas, Texas, General Obligation Refunding Bonds, Series 2019B, in an aggregate principal amount not to exceed $174,705,000; **(2)** levying a tax in payment thereof; **(3)** approving execution of an Escrow Agreement; **(4)** approving the preparation of an official statement; **(5)** enacting other provisions relating to the subject; and **(6)** declaring an effective date - Not to exceed $515,000 - Financing: 2019B General Obligation Refunding Bond Funds

BACKGROUND

This ordinance authorizes the issuance of General Obligation Refunding Bonds, Series 2019B, to refinance an existing obligation of the City to make payments under the terms of a written settlement agreement as incorporated in a judgment entered by the 382nd District of Rockwall County, Texas.

On June 27, 2018, City Council approved settlement of the lawsuits styled Davis S. Martin, et al. v. City of Dallas, Cause No. 1-95-506, and George G. Parker, et al. v. City of Dallas, Cause No. 1-95-107, in an amount not to exceed $173,312,500, provided that the plaintiffs and the City mutually agreed on the terms of a written settlement agreement by Resolution No. 18-0895. On February 8, 2019, the 382nd District of Rockwall County, Texas entered a judgment in the above-referenced lawsuits incorporating the terms of the written settlement agreement.

Additionally, on December 12, 2018, City Council authorized the preparation of plans and the payment of potential future costs and expenses for the issuance of General Obligation Refunding Bonds, Series 2019B, in a principal amount not to exceed $174,705,000 in satisfaction of the judgment by Resolution No. 18-1757.

This ordinance authorizes City staff and financial advisors, subject to parameters, to competitively bid the sale and issuance of City of Dallas, Texas, General Obligation Refunding Bonds, Series 2019B, and establishes the maximum par amount of bonds to be issued at $174,705,000.

ESTIMATED SCHEDULE OF PROJECT

Authorized Preparation for Issuance of Bonds	December 2018
Approval of Parameters Ordinance	March 2019
Pricing	April 2019
Delivery of Proceeds	May 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Government Performance and Financial Management Committee was briefed on this item on December 3, 2018.

On December 12, 2018, City Council authorized the preparation of plans and the payment of potential future costs and expenses for the issuance of General Obligation Refunding Bonds, Series 2019B, by Resolution No. 18-1757.

FISCAL INFORMATION

2019B General Obligation Refunding Bond Funds - $515,000 (See Attachment I)

M/WBE INFORMATION

See Attachment I for M/WBE participation.

Attachment I

Series 2019B
General Obligation Refunding Bonds
$174,705,000

Estimate of Total Bond Issuance Costs and M/WBE Participation

	Fees	Percent of Total Costs
Co-Bond Counsel		
Norton Rose Fulbright US LLP (Vendor VC0000006239)	$130,000	25%
Mahomes & Bolden PC (Vendor VS0000051822)	90,000	17%
Disclosure Counsel		
Orrick Herrington & Sutcliffe LLP (Vendor VC18413)	60,000	12%
Financial Advisor		
PFM (Vendor VC16222)	126,350	25%
Paying/Escrow Agent		
UMB Bank, N.A. (Vendor VS92247)	2,700	1%
Printing Fee		
TBD	5,000	1%
Rating Agencies		
Fitch Ratings (Vendor VC14720)	39,229	8%
S&P Global (Vendor 954974)	44,721	9%
Attorney General Filing Fee	9,500	2%
Misc. Expenses	7,500	1%
Total Issuance Costs	$515,000	100%
Total M/WBE Participation as % of Total Issuance Costs:	$95,000	18%

Note: Payment of fees and expenses is contingent upon the issuance and sale of the General Obligation Refunding Bonds, Series 2019B.

ORDINANCE NO. _____
AUTHORIZING THE ISSUANCE OF

CITY OF DALLAS, TEXAS
GENERAL OBLIGATION REFUNDING BONDS
SERIES 2019B

Adopted: March 27, 2019

TABLE OF CONTENTS

Page

ARTICLE I
DEFINITIONS AND OTHER PRELIMINARY MATTERS

Section 1.01. Definitions 1
Section 1.02. Findings 4
Section 1.03. Table of Contents, Titles and Headings 4
Section 1.04. Interpretation 4

ARTICLE II
SECURITY FOR THE BONDS

Section 2.01. Tax Levy for Payment of the Bonds 5

ARTICLE III
AUTHORIZATION; GENERAL TERMS AND PROVISIONS REGARDING THE BONDS

Section 3.01. Authorization 5
Section 3.02. Date, Denomination 6
Section 3.03. Medium 6
Section 3.04. Execution and Initial Registration 7
Section 3.05. Ownership 8
Section 3.06. Registration, Transfer and Exchange 8
Section 3.07. Cancellation and Authentication 9
Section 3.08. Temporary Bonds 10
Section 3.09. Replacement Bonds 10
Section 3.10. Book-Entry-Only System 11
Section 3.11. Successor Securities Depository: Transfer Outside Book-Entry-Only System 12
Section 3.12. Payments to Cede & Co 13

ARTICLE IV
REDEMPTION OF BONDS BEFORE MATURITY

Section 4.01. Limitation on Redemption 13
Section 4.02. Optional Redemption 13
Section 4.03. Mandatory Sinking Fund Redemption 13
Section 4.04. Partial Redemption 13
Section 4.05. Notice of Redemption to Owners 14
Section 4.06. Payment Upon Redemption 14
Section 4.07. Effect of Redemption 15
Section 4.08. Lapse of Payment 15

ARTICLE V
PAYING AGENT/REGISTRAR

Section 5.01. Appointment of Initial Paying Agent/Registrar 15
Section 5.02. Paying Agent/Registrar Agreement 16
Section 5.03. Qualifications 16
Section 5.04. Maintaining Paying Agent/Registrar 16
Section 5.05. Termination 16
Section 5.06. Notice of Change to Owners 16
Section 5.07. Agreement to Perform Duties and Functions 16

TABLE OF CONTENTS
(continued)

Page

Section 5.08. Delivery of Records to Successor 16

ARTICLE VI
FORM OF THE BONDS

Section 6.01. Form Generally 17
Section 6.02. Form of the Bonds 17
Section 6.03. CUSIP Registration 23
Section 6.04. Legal Opinion 23
Section 6.05. Municipal Bond Insurance 23

ARTICLE VII
CREATION OF FUNDS AND ACCOUNTS, INITIAL DEPOSITS AND APPLICATION OF MONEY

Section 7.01. Creation of Funds 23
Section 7.02. Initial Deposits 23
Section 7.03. Interest and Sinking Fund 23
Section 7.04. Escrow Fund 24
Section 7.05. Excess Bond Proceeds 24
Section 7.06. Security of Funds 24

ARTICLE VIII
INVESTMENTS

Section 8.01. Investments 24
Section 8.02. Investment Income 24

ARTICLE IX
PARTICULAR REPRESENTATIONS AND COVENANTS

Section 9.01. Payment of the Bonds 25
Section 9.02. Other Representations and Covenants 25
Section 9.03. Covenants to Maintain Tax-Exempt Status 25

ARTICLE X
DEFAULT AND REMEDIES

Section 10.01. Events of Default 28
Section 10.02. Remedies for Default 28
Section 10.03. Remedies Not Exclusive 29

ARTICLE XI
DISCHARGE

Section 11.01. Discharge 29

ARTICLE XII
SALE AND DELIVERY OF BONDS; APPROVAL OF OFFICIAL STATEMENT; CONTROL AND DELIVERY OF BONDS

Section 12.01. Sale of Bonds; Delivery of Official Statement 30

TABLE OF CONTENTS
(continued)

Page

Section 12.02. Control and Delivery of Bonds 31

ARTICLE XIII
CONTINUING DISCLOSURE UNDERTAKING

Section 13.01. Annual Reports 32
Section 13.02. Material Event Notices 32
Section 13.03. Limitations, Disclaimers and Amendments 33
Section 13.04. Amendments to the Rule 34

ARTICLE XIV
AMENDMENTS; ATTORNEY GENERAL MODIFICATION

Section 14.01. Amendments 35
Section 14.02. Attorney General Modification 35
Section 14.03. Partial Invalidity 35
Section 14.04. No Personal Liability 35

ARTICLE XV
PAYMENT OF REFUNDED OBLIGATIONS; APPROVAL OF ESCROW AGREEMENT; PURCHASE OF ESCROWED SECURITIES

Section 15.01. Payment of Refunded Obligations 35
Section 15.02. Approval of Escrow Agreement 36
Section 15.03. Subscription for Securities 36

ARTICLE XVI
EFFECTIVE IMMEDIATELY

Section 16.01. Effective Immediately 36

SCHEDULE I REFUNDED OBLIGATIONS I-1

EXHIBIT A SALE PARAMETERS A-1

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DALLAS, TEXAS, AUTHORIZING THE ISSUANCE OF CITY OF DALLAS, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2019B IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $174,705,000; LEVYING A TAX IN PAYMENT THEREOF; APPROVING EXECUTION OF AN ESCROW AGREEMENT; APPROVING THE PREPARATION OF AN OFFICIAL STATEMENT; ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE

WHEREAS, there are presently outstanding certain general or special obligations of the City of Dallas, Texas (the "City") described on Schedule I hereto (the "Refunded Obligations"); and

WHEREAS, pursuant to the provisions of Chapter 1207 of the Texas Government Code, as amended ("Chapter 1207"), the City Council of the City is authorized to issue refunding bonds and deposit the proceeds of sale directly with a trust company or commercial bank that is named in the proceedings of the City authorizing execution of an escrow agreement, and such deposit, when made in accordance with such statute, shall constitute the making of firm banking and financial arrangements for the discharge and final payment of the Refunded Obligations; and

WHEREAS, the City Council desires to delegate to the Authorized Officer (as defined herein), pursuant to Chapter 1207, and the parameters set forth in this Ordinance, the authority to approve the amount, the number of series, the interest rate, the price and terms of the bonds authorized hereby and to otherwise take such actions as are necessary and appropriate to effect the sale of the bonds and the refunding of the Refunded Obligations; and

WHEREAS, the City Council hereby finds and determines that the manner in which the refunding is being executed does not make it practicable to calculate a savings amount attributable to the refunding of the Refunded Obligations, but that the refunding contemplated in this Ordinance will benefit the City and is in the best interests of the City; and that such benefit is sufficient consideration for the refunding of the Refunded Obligations; and

WHEREAS, the meeting at which this Ordinance is considered is open to the public as required by law, and public notice of the time, place, and purpose of such meeting was given as required by Chapter 551, Texas Government Code, as amended;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS, TEXAS:

ARTICLE I

DEFINITIONS AND OTHER PRELIMINARY MATTERS

Section 1.01. Definitions. Unless otherwise expressly provided or unless the context clearly requires otherwise in this Ordinance, the following terms shall have the meanings specified below:

"Authorized Officer" means the City Manager of the City, and in his or her absence, the Chief Financial Officer or any Assistant City Manager.

"Bond" means any of the Bonds.

"Bonds" means the "City of Dallas, Texas General Obligation Refunding Bonds, Series 2019B."

"Business Day" means a day that is not a Saturday, Sunday, legal holiday or other day on which banking institutions in the city where the Designated Payment/Transfer Office is located are required or authorized by law or executive order to close.

"Charter" means the Home Rule Charter of the City, as amended.

"City" means the City of Dallas, Texas.

"City Council" means the governing body of the City of Dallas, Texas.

"Closing Date" means the date of the initial delivery of and payment for the Bonds.

"Code" means the Internal Revenue Code of 1986, as amended, including applicable regulations, published rulings and court decisions relating thereto.

"Designated Payment/Transfer Office" means (i) with respect to the initial Paying Agent/Registrar identified in the Pricing Certificate, its corporate trust office as set forth in the final form of the Bond, and (ii) with respect to any successor Paying Agent/Registrar, the office of such successor designated and located as may be agreed upon by the City and such successor.

"DTC" means The Depository Trust Company of New York, New York, or any successor securities depository.

"DTC Participant" means brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC Participants.

"EMMA" means the Electronic Municipal Market Access System.

"Escrow Agent" means the Escrow Agent appointed and approved in the Pricing Certificate.

"Escrow Agreement" means the escrow agreement by and between the City and the Escrow Agent relating to the Refunded Obligations.

"Escrow Fund" means the fund established by Section 7.01 of this Ordinance to hold cash and, if applicable, securities for the payment of the Refunded Obligations.

"Escrow Securities" means (1) direct noncallable obligations of the United States, including obligations that are unconditionally guaranteed by the United States; (2) noncallable obligations of an agency or instrumentality of the United States, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date of hereof, are rated as to investment quality by a nationally recognized investment rating firm not less

than “AAA” or its equivalent; and (3) 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 hereof, are rated as to investment quality by a nationally recognized investment rating firm not less than “AAA” or its equivalent.

“Event of Default” means any event of default as defined in Section 10.01 of this Ordinance.

“Financial Obligation” means a (a) debt obligation; (b) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (c) guarantee of a debt obligation or any such derivative instrument; provided that “Financial Obligation” shall not include municipal securities (as defined in the Securities Exchange Act of 1934, as amended) as to which a final official statement (as defined in the Rule) has been provided to the MSRB consistent with the Rule.

“Fiscal Year” means such fiscal year as shall be prescribed by the Charter and which under the existing Charter commences October 1 and ends September 30 of the following year.

“Initial Bond” means the initial Bond, described in Sections 3.04(d) and 6.02(d) of this Ordinance.

“Interest and Sinking Fund” means the “City of Dallas, Texas, General Obligation Refunding Bonds, Series 2019B, Interest and Sinking Fund,” as established by Section 7.01 of this Ordinance.

“Interest Payment Date” means the date or dates upon which interest on the Bonds is scheduled to be paid until the maturity or prior redemption of the Bonds, such dates being February 15 and August 15 of each year, commencing on the date set forth in the Pricing Certificate.

“MSRB” means the Municipal Securities Rulemaking Board.

“Original Issue Date” means the date designated as such in Section 3.02(a) of this Ordinance.

“Owner” means the person who is the registered owner of a Bond or Bonds, as shown in the Register.

“Paying Agent/Registrar” means UMB Bank, N.A., any successor thereto, or any entity which is appointed as and assumes the duties of paying agent/registrar as provided in this Ordinance.

“Paying Agent/Registrar Agreement” means that Paying Agent/Registrar Agreement, dated as of June 27, 2018 by and between the City and the Paying Agent/Registrar, as amended, modified or supplemented from time to time, and any subsequent paying agent/registrar agreement with any successor entity which is appointed as and assumes the duties of paying agent/registrar for the Bonds.

“Pricing Certificate” means a certificate or certificates to be signed by the Authorized Officer.

"Purchase Agreement" means one or more bond purchase agreements described in Section 12.01(b) of this Ordinance, if any.

"Purchaser" means the initial purchaser(s) of the Bonds as specified in the Pricing Certificate.

"Record Date" means the last Business Day of the month next preceding an Interest Payment Date.

"Refunded Obligations" means those general or special obligations of the City described in Schedule I attached hereto.

"Register" means the Register specified in Section 3.06(a) of this Ordinance.

"Representation Letter" means the Blanket Letter of Representations between the City and DTC applicable to the Bonds.

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

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

"Special Payment Date" means the Special Payment Date prescribed by Section 3.03(b).

"Special Record Date" means the Special Record Date prescribed by Section 3.03(b).

"Term Bonds" has the meaning set forth in Section 4.03(a) hereof.

"Unclaimed Payments" means money deposited with the Paying Agent/Registrar for the payment of principal of or interest on the Bonds as the same come due and payable or money set aside for the payment of Bonds duly called for redemption prior to maturity, and remaining unclaimed by the Owners of such Bonds for 90 days after the applicable payment or redemption date.

Section 1.02. Findings. The declarations, determinations and findings declared, made and found in the preamble to this Ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

Section 1.03. Table of Contents, Titles and Headings. The table of contents, titles and headings of the Articles and Sections of this Ordinance 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 and shall never be considered or given any effect in construing this Ordinance or any provision hereof or in ascertaining intent, if any question of intent should arise.

Section 1.04. Interpretation.

(a) Unless the context requires otherwise, words of the masculine gender shall be construed to include correlative words of the feminine and neuter genders and vice versa, and words of the singular number shall be construed to include correlative words of the plural number and vice versa.

(b) This Ordinance and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein and to sustain the validity of this Ordinance.

(c) Article and section references shall mean references to articles and sections of this Ordinance unless designated otherwise.

ARTICLE II

SECURITY FOR THE BONDS

Section 2.01. Tax Levy for Payment of the Bonds.

(a) The City Council hereby declares and covenants that it will provide and levy a tax legally and fully sufficient for payment of the Bonds, it having been determined that the existing and available taxing authority of the City for such purpose is adequate to permit a legally sufficient tax in consideration of all other outstanding obligations of the City.

(b) In order to provide for the payment of the debt service requirements of the Bonds, being (i) the interest on the Bonds and (ii) a sinking fund for their payment at maturity or a sinking fund of two percent per annum (whichever amount is the greater), there is hereby levied for the current year and each succeeding year thereafter while the Bonds or interest thereon remain outstanding and unpaid, a tax within legal limitations on each $100 assessed valuation of taxable property in the City that is sufficient to pay such debt service requirements, full allowance being made for delinquencies and costs of collection.

(c) The tax levied by this Section shall be assessed and collected each year and applied to the payment of the debt service requirements on the Bonds, and the tax shall not be diverted to any other purpose.

(d) Such ad valorem tax, the collections therefrom, and all amounts on deposit in or required hereby to be deposited to the Interest and Sinking Fund for the Bonds are hereby pledged and committed irrevocably to the payment of the principal of and interest on the Bonds when and as due and payable in accordance with their terms and this Ordinance.

(e) If the liens and provisions of this Ordinance shall be discharged in a manner permitted by Article XI hereof, then the collection of such ad valorem tax may be suspended or appropriately reduced, as the facts may permit, and further deposits to the Interest and Sinking Fund may be suspended or appropriately reduced, as the facts may permit. In determining the aggregate principal amount of outstanding Bonds, there shall be subtracted the amount of any Bonds that have been duly called for redemption and for which money has been deposited in accordance with Article XI herein.

ARTICLE III

AUTHORIZATION; GENERAL TERMS AND PROVISIONS REGARDING THE BONDS

Section 3.01. Authorization. The City's bonds to be designated "City of Dallas, Texas, General Obligation Refunding Bonds, Series 2019B" or such other designations as are set forth in the Pricing Certificate, are hereby authorized to be issued and delivered in accordance with the

Constitution and laws of the State of Texas and the Charter of the City. The Bonds shall be issued in the aggregate principal amount designated in the Pricing Certificate for the public purpose of providing funds to: (i) refund the Refunded Obligations, and (ii) pay the costs incurred in connection with the issuance of the Bonds (including, without limitation, underwriters' discount), under and by virtue of Chapter 1207, Texas Government Code, as amended, and pursuant to Chapter XXI of the Charter of the City. The Authorized Officer is hereby authorized and directed to modify the title of the Series to the extent that, in the judgment of the Authorized Officer, it is necessary or appropriate. The final title and principal amount of the Bonds shall be determined by the Authorized Officer, based on market conditions in the discretion of the Authorized Officer, and set forth in the Pricing Certificate. The Bonds shall be issued in the number of series and aggregate principal amount per series designated in the Pricing Certificate, provided that the aggregate principal amount of the Bonds issued for the purposes described above shall not exceed $174,705,000.

Section 3.02. Date, Denomination. Maturities, Numbers and Interest.

(a) The Bonds shall have the Original Issue Date set forth in the Pricing Certificate, shall be in fully registered form, without coupons, in the denomination of $5,000 or any integral multiple thereof, and shall be numbered separately from one upward or such other designation acceptable to the City and the Paying Agent/Registrar, except the Initial Bond, which shall be numbered T-1.

(b) The Bonds shall mature on February 15 in the years, at the interest rates and in the principal amounts set forth in the Pricing Certificate.

(c) Interest on each Bond shall accrue from the later of the Original Issue Date (or the date of their delivery to the Purchaser, as set forth in the Pricing Certificate) or the most recent Interest Payment Date to which interest has been paid or provided for at the per annum rates of interest specified in the Pricing Certificate. Such interest shall be payable on each Interest Payment Date until the principal amount shall have been paid or provision for such payment shall have been made, and shall be computed on the basis of a 360-day year of twelve 30-day months.

Section 3.03. Medium. Method and Place of Payment: Unclaimed Payments.

(a) The principal of and interest on the Bonds shall be paid in lawful money of the United States of America.

(b) Interest on the Bonds shall be payable to the Owners whose names appear in the Register at the close of business on the Record Date; provided, however, in the event of nonpayment of interest on a scheduled Interest Payment Date and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") shall be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (the "Special Payment Date," which shall be 15 days after the Special Record Date) shall be sent at least five Business Days prior to the Special Record Date by United States mail, first class, postage prepaid, to the address of each Owner of a Bond appearing on the Register at the close of business on the last Business Day next preceding the date of mailing of such notice.

(c) Interest on the Bonds shall be paid by check (dated as of the Interest Payment Date) and sent by the Paying Agent/Registrar to the person entitled to such payment, by United States

mail, first class, postage prepaid, to the address of such person as it appears in the Register, or by such other customary banking arrangements acceptable to the Paying Agent/Registrar and the person to whom interest is to be paid; provided, however, that such person shall bear all risk and expenses of such other customary banking arrangements.

(d) The principal of each Bond shall be paid to the person in whose name such Bond is registered on the due date thereof (whether at the maturity date or the date of prior redemption thereof) upon presentation and surrender of such Bond at the Designated Payment/Transfer Office.

(e) If the date for the payment of the principal of or interest on any Bond is a Saturday, Sunday, legal holiday, or a day on which banking institutions in the city where the Designated Payment/Transfer Office 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 a Saturday, Sunday, legal holiday, or day on which such 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.

(f) Unclaimed Payments shall be segregated in a special account and held in trust, uninvested by the Paying Agent/Registrar, for the account of the Owner of the Bonds to which the Unclaimed Payments pertain. Subject to the provisions of Title 6, Texas Property Code, as amended, Unclaimed Payments remaining unclaimed by the Owners entitled thereto for three years after the applicable payment or redemption date shall be applied to the next payment or payments on the Bonds thereafter coming due and, to the extent any such money remains after the retirement of all outstanding Bonds, shall be paid to the City to be used for any lawful purpose. Thereafter, neither the City, the Paying Agent/Registrar nor any other person shall be liable or responsible to any Owners of such Bonds for any further payment of such unclaimed moneys or on account of any such Bonds, subject to any applicable escheat law or similar law.

Section 3.04. Execution and Initial Registration.

(a) The Bonds shall be executed on behalf of the City by the Mayor and countersigned by the City Secretary and the City Manager, by their manual or facsimile signatures, and the official seal of the City shall be impressed or placed in facsimile thereon. Any facsimile signatures on the Bonds shall have the same effect as if each of the Bonds had been signed manually and in person by each of such officers, and such facsimile seal on the Bonds shall have the same effect as if the official seal of the City had been manually impressed upon each of the Bonds.

(b) In the event that any officer of the City whose manual or facsimile signature appears on the Bonds ceases to be such officer before the authentication of such Bonds or before the delivery thereof, such manual or facsimile signature nevertheless shall be valid and sufficient for all purposes as if such officer had remained in such office.

(c) Except as provided below, no Bond shall be valid or obligatory for any purpose or be entitled to any security or benefit of this Ordinance unless and until there appears thereon the Certificate of Paying Agent/Registrar substantially in the form provided in this Ordinance, duly authenticated by manual execution of the Paying Agent/Registrar. It shall not be required that the same authorized representative of the Paying Agent/Registrar sign the Certificate of Paying Agent/Registrar on all of the Bonds. In lieu of the executed Certificate of Paying Agent/Registrar described above, the Initial Bond delivered on the Closing Date shall have attached thereto the Comptroller's Registration Certificate substantially in the form provided in this Ordinance, manually executed by the Comptroller of Public Accounts of the State of Texas or by his duly

authorized agent, which certificate shall be evidence that the Initial Bond has been duly approved by the Attorney General of the State of Texas and that it is a valid and binding obligation of the City, and has been registered by the Comptroller.

(d) On the Closing Date, the typewritten Initial Bond representing the entire principal amount of the Bonds, payable in stated installments to the Purchaser or its designee, executed by manual or facsimile signature of the Mayor and countersigned by manual or facsimile signatures of the City Secretary and the City Manager, approved by the Attorney General, and registered and manually signed by the Comptroller of Public Accounts will be delivered to the Purchaser or its designee. Upon payment for the Initial Bond, the Paying Agent/Registrar shall cancel the Initial Bond and deliver to DTC on behalf of the Purchaser registered definitive Bonds as described in Section 3.10. To the extent the Paying Agent/Registrar is eligible to participate in DTC's FAST System, as evidenced by agreement between the Paying Agent/Registrar and DTC, the Paying Agent/Registrar shall hold the definitive Bonds in safekeeping for DTC.

Section 3.05. Ownership.

(a) The City, the Paying Agent/Registrar and any other person may treat the person in whose name any Bond is registered as the absolute owner of such Bond for the purpose of making and receiving payment of the principal thereof and premium, if any, thereon, for the further purpose of making and receiving payment of the interest thereon (subject to the provisions herein that interest is to be paid to the person in whose name the Bond is registered on the Record Date or on the Special Record Date, as applicable), and for all other purposes, whether or not such Bond is overdue, and neither the City nor the Paying Agent/Registrar shall be bound by any notice or knowledge to the contrary.

(b) All payments made to the person deemed to be the Owner of any Bond in accordance with this Section shall be valid and effectual and shall discharge the liability of the City and the Paying Agent/Registrar upon such Bond to the extent of the sums paid.

Section 3.06. Registration, Transfer and Exchange.

(a) So long as any Bonds remain outstanding, the City shall cause the Paying Agent/Registrar to keep at the Designated Payment/Transfer Office the Register in which, subject to such reasonable regulations as it may prescribe, the Paying Agent/Registrar shall provide for the registration and transfer of Bonds in accordance with this Ordinance.

(b) Registration of any Bond may be transferred in the Register only upon the presentation and surrender thereof at the Designated Payment/Transfer Office for transfer of registration and cancellation, together with proper written instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of the Bonds, or any portion thereof in any integral multiple of $5,000 for any one maturity, to the assignee or assignees thereof, and the right of such assignee or assignees thereof to have the Bond or any portion thereof registered in the name of such assignee or assignees. No transfer of any Bond shall be effective until entered in the Register. Upon assignment and transfer of any Bond or portion thereof, a new Bond or Bonds will be issued by the Paying Agent/Registrar in exchange for such transferred and assigned Bond. To the extent possible the Paying Agent/Registrar will issue such new Bond or Bonds within not more than three Business Days after receipt of the Bond to be transferred in proper form and with proper instructions directing such transfer.

(c) Any Bond may be exchanged only upon the presentation and surrender thereof at the Designated Payment/Transfer Office, together with a written request therefor duly executed by the Owner or assignee or assignees thereof, or its or their duly authorized attorneys or representatives, with guarantees of signatures satisfactory to the Paying Agent/Registrar, for a Bond or Bonds of the same maturity and interest rate and in any authorized denomination and in an aggregate principal amount equal to the unpaid principal amount of the Bond presented for exchange. If a portion of any Bond is redeemed prior to its schedule maturity as provided herein, a substitute Bond or Bonds having the same maturity date, bearing interest at the same rate, in the denomination or denominations of any integral multiple of $5,000 of any one maturity at the request of the Owner, and in an aggregate principal amount equal to the unredeemed portion thereof, will be issued to the Owner upon surrender thereof for cancellation. To the extent possible, a new Bond or Bonds shall be delivered by the Paying Agent/Registrar to the Owner of the Bond or Bonds within not more than three Business Days after receipt of the Bond to be exchanged in proper form and with proper instructions directing such exchange.

(d) Each Bond issued in exchange for any Bond or portion thereof assigned or transferred shall have the same principal maturity date and shall bear interest at the same rate as the Bond for which it is being exchanged. Each substitute Bond shall bear a letter and/or number to distinguish it from each other Bond. The Paying Agent/Registrar shall exchange the Bonds as provided herein, and each substitute Bond delivered in accordance with this Section shall constitute an original additional contractual obligation of the City and shall be entitled to the benefits and security of this Ordinance to the same extent as the Bond or Bonds in lieu of which such substitute Bond or Bonds are delivered.

(e) The City will pay the Paying Agent/Registrar's reasonable and customary charge for the initial registration or any subsequent transfer or exchange of Bonds, but the Paying Agent/Registrar will require the Owner to pay a sum sufficient to cover any tax or other governmental charge that is authorized to be imposed in connection with the registration, transfer or exchange of a Bond. In addition, the City hereby covenants with the Owners of the Bonds that it will (i) pay the reasonable and standard or customary fees and charges of the Paying Agent/Registrar for its services with respect to the payment of the principal of and interest on the Bonds, when due, and (ii) pay the fees and charges of the Paying Agent/Registrar for services with respect to the transfer, registration and exchange of Bonds as provided herein.

(f) Neither the City nor the Paying Agent/Registrar shall be required to issue, transfer, or exchange any Bond called for redemption, in whole or in part, within 45 days of the date fixed for redemption; provided, however, such limitation shall not be applicable to an exchange by the Owner of the uncalled principal balance of a Bond.

Section 3.07. Cancellation and Authentication.

(a) All Bonds paid in accordance with this Ordinance, and all Bonds in lieu of which exchange Bonds or replacement Bonds are authenticated and delivered in accordance with this Ordinance, shall be cancelled upon the making of proper records regarding such payment, redemption, exchange or replacement. Cancelled Bonds shall be disposed of in accordance with the requirements of the Securities and Exchange Act of 1934 and the regulations promulgated thereunder.

(b) Each substitute Bond issued pursuant to the provisions of Sections 3.06 and 3.09 of this Ordinance, in exchange for or replacement of any Bond or Bonds issued under this Ordinance,

shall have printed thereon a Certificate of the Paying Agent/Registrar, in the form hereinafter set forth. An authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Bond, manually sign and date such Certificate, and no such Bond shall be deemed to be issued or outstanding unless such Certificate is so executed. No additional ordinances, orders, or resolutions need be passed or adopted by the City Council or any other body or person so as to accomplish the foregoing exchange or replacement of any Bond or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution, and delivery of the substitute Bonds in the manner prescribed herein, and such Bonds shall be of customary type and composition and printed, typewritten, lithographed, mimeographed or otherwise produced. Pursuant to Chapter 1201, Texas Government Code, the duty of exchange or replacement of Bonds as aforesaid is hereby imposed upon the Paying Agent/Registrar, and, upon the execution of the above-referenced Certificate of the Paying Agent/Registrar, the exchanged or replaced Bonds shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Initial Bond which originally was delivered pursuant to this Ordinance, approved by the Attorney General, and registered by the Comptroller of Public Accounts.

(c) Bonds issued in exchange or replacement of any other Bond or portion thereof, (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on such Bonds to be payable only to the registered owners thereof, (ii) may be transferred and assigned, (iii) may be exchanged for other Bonds, (iv) shall have the characteristics, (v) shall be signed and sealed, and (vi) shall be payable as to principal and interest, all as provided, and in the manner required or indicated, in the form of Bond set forth in this Ordinance.

Section 3.08. Temporary Bonds.

(a) Following the delivery and registration of the Initial Bond and pending the preparation of definitive Bonds, the proper officers of the City may execute and, upon the City's request, the Paying Agent/Registrar shall authenticate and deliver, one or more temporary Bonds that are printed, lithographed, typewritten, mimeographed or otherwise produced, in any denomination, substantially of the tenor of the definitive Bonds in lieu of which they are delivered, without coupons, and with such appropriate insertions, omissions, substitutions and other variations as the officers of the City executing such temporary Bonds may determine, as evidenced by their signing of such temporary Bonds.

(b) Until exchanged for Bonds in definitive form, such Bonds in temporary form shall be entitled to the benefit and security of this Ordinance.

(c) The City, without unreasonable delay, shall prepare, execute and deliver to the Paying Agent/Registrar the Bonds in definitive form; thereupon, upon the presentation and surrender of the Bond or Bonds in temporary form to the Paying Agent/Registrar, the Paying Agent/Registrar shall cancel the Bonds in temporary form and authenticate and deliver in exchange therefor a Bond or Bonds of the same maturity, in definitive form, in the authorized denomination, and in the same aggregate principal amount, as the Bond or Bonds in temporary form surrendered. Such exchange shall be made without the making of any charge therefor to any Owner.

Section 3.09. Replacement Bonds.

(a) Upon the presentation and surrender to the Paying Agent/Registrar, at the Designated Payment/Transfer Office of a mutilated Bond, the Paying Agent/Registrar shall authenticate and deliver in exchange therefor a replacement Bond of like tenor and principal

amount, bearing a number not contemporaneously outstanding. The City or the Paying Agent/Registrar may require the Owner of such Bond to pay a sum sufficient to cover any tax or other governmental charge that is authorized to be imposed in connection therewith and any other expenses connected therewith.

(b) In the event that any Bond is lost, apparently destroyed or wrongfully taken, the Paying Agent/Registrar, pursuant to the applicable laws of the State of Texas and in the absence of notice or knowledge that such Bond has been acquired by a bona fide purchaser, shall authenticate and deliver a replacement Bond of like tenor and principal amount, bearing a number not contemporaneously outstanding, provided that the Owner first:

(i) furnishes to the Paying Agent/Registrar satisfactory evidence of his or her ownership of and the circumstances of the loss, destruction or theft of such Bond;

(ii) furnishes such security or indemnity as may be required by the Paying Agent/Registrar and the City to save them harmless;

(iii) pays all expenses and charges in connection therewith, including, but not limited to, printing costs, legal fees, fees of the Paying Agent/Registrar and any tax or other governmental charge that is authorized to be imposed; and

(iv) satisfies any other reasonable requirements imposed by the City and the Paying Agent/Registrar.

(c) If, after the delivery of such replacement Bond, a bona fide purchaser of the original Bond in lieu of which such replacement Bond was issued presents for payment such original Bond, the City and the Paying Agent/Registrar shall be entitled to recover such replacement 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 City or the Paying Agent/Registrar in connection therewith.

(d) In the event that any such mutilated, lost, apparently destroyed or wrongfully taken Bond has become or is about to become due and payable, the Paying Agent/Registrar, in its discretion, without the necessity of issuing a replacement Bond, may pay such Bond on the date on which such Bond becomes due and payable.

(e) Each replacement Bond delivered in accordance with this Section shall constitute an original additional contractual obligation of the City and shall be entitled to the benefits and security of this Ordinance to the same extent as the Bond or Bonds in lieu of which such replacement Bond is delivered.

Section 3.10. Book-Entry-Only System.

(a) The definitive Bonds shall be initially issued in the form of a separate single fully registered Bond for each of the maturities thereof. Upon initial issuance, the ownership of each such Bond shall be registered in the name of Cede & Co., as nominee of DTC, and except as provided in Section 3.11 hereof, all of the outstanding Bonds shall be registered in the name of Cede & Co., as nominee of DTC.

(b) With respect to Bonds registered in the name of Cede & Co., as nominee of DTC, the City and the Paying Agent/Registrar shall have no responsibility or obligation to any DTC Participant or to any person on behalf of whom such a DTC Participant holds an interest in the Bonds, except as provided in this Ordinance. Without limiting the immediately preceding sentence, the City and the Paying Agent/Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any DTC Participant with respect to any ownership interest in the Bonds, (ii) the delivery to any DTC Participant or any other person, other than an Owner, as shown on the Register, of any notice with respect to the Bonds, including any notice of redemption, or (iii) the payment to any DTC Participant or any other person, other than an Owner, as shown in the Register of any amount with respect to principal of or interest on the Bonds. Notwithstanding any other provision of this Ordinance to the contrary, the City and the Paying Agent/Registrar shall be entitled to treat and consider the person in whose name each Bond is registered in the Register as the absolute Owner of such Bond for the purpose of payment of principal of and interest on the Bonds, for the purpose of giving notices of redemption and other matters with respect to such Bond, for the purpose of registering transfer with respect to such Bond, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all principal of and interest on the Bonds only to or upon the order of the respective Owners, as shown in the Register as provided in this Ordinance, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to payment of, principal and interest on the Bonds to the extent of the sum or sums so paid. No person other than an Owner, as shown in the register, shall receive a certificate evidencing the obligation of the City to make payments of amounts due pursuant to this Ordinance. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Ordinance with respect to interest checks or drafts being mailed to the registered Owner at the close of business on the Record Date, the word "Cede & Co." in this Ordinance shall refer to such new nominee of DTC.

(c) The Representation Letter between the City and DTC applicable to the City's obligations delivered in book-entry-only form to DTC as securities depository for such obligations, is hereby affirmed.

Section 3.11. Successor Securities Depository: Transfer Outside Book-Entry-Only System. In the event that the City or the Paying Agent/Registrar determines that DTC is incapable of discharging its responsibilities described herein and in the Representation Letter, and that it is in the best interest of the beneficial owners of the Bonds that they be able to obtain certificated Bonds, or in the event DTC discontinues the services described herein, the City or the Paying Agent/Registrar shall (i) appoint a successor securities depository, qualified to act as such under Section 17(a) of the Securities and Exchange Act of 1934, as amended, notify DTC and DTC Participants, as identified by DTC, of the appointment of such successor securities depository and transfer one or more separate Bonds to such successor securities depository or (ii) notify DTC and DTC Participants, as identified by DTC, of the availability through DTC of Bonds and transfer one or more separate Bonds to DTC Participants having Bonds credited to their DTC accounts, as identified by DTC. In such event, the Bonds shall no longer be restricted to being registered in the Register in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names Owners transferring or exchanging Bonds shall designate, in accordance with the provisions of this Ordinance.

Section 3.12. Payments to Cede & Co. Notwithstanding any other provision of this Ordinance to the contrary, so long as any Bonds are registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of and interest on such Bonds, and all notices with respect to such Bonds, shall be made and given, respectively, in the manner provided in the Representation Letter.

ARTICLE IV

REDEMPTION OF BONDS BEFORE MATURITY

Section 4.01. Limitation on Redemption. The Bonds shall be subject to redemption before scheduled maturity only as provided in this Article IV.

Section 4.02. Optional Redemption.

(a) The City reserves the option to redeem Bonds in the manner provided in the form of Bond set forth in Section 6.02 of this Ordinance with such changes as are required by the Pricing Certificate.

(b) The City, at least 45 days before the redemption date (unless a shorter period shall be satisfactory to the Paying Agent/Registrar), shall notify the Paying Agent/Registrar of such redemption date and of the principal amount of Bonds to be redeemed.

Section 4.03. Mandatory Sinking Fund Redemption.

(a) Bonds designated as "Term Bonds," if any, in the Pricing Certificate are subject to scheduled mandatory redemption and will be redeemed by the City, in part at a price equal to the principal amount thereof, without premium, plus accrued interest to the redemption date, out of moneys available for such purpose in the Interest and Sinking Fund for such Bonds, on the dates and in the respective principal amounts as set forth in the Pricing Certificate.

(b) At least forty-five (45) days prior to each scheduled mandatory redemption date, the Paying Agent/Registrar shall select for redemption by lot, or by any other customary method that results in a random selection, or such other method specified in the Pricing Certificate, a principal amount of Term Bonds equal to the aggregate principal amount of such Term Bonds to be redeemed, shall call such Term Bonds for redemption on such scheduled mandatory redemption date, and shall give notice of such redemption, as provided in Section 4.05.

The principal amount of the Term Bonds required to be redeemed on any mandatory sinking fund redemption date pursuant to subparagraph (a) of this Section 4.03 shall be reduced, at the option of the City, by the principal amount of any Term Bonds which, at least 45 days prior to the mandatory sinking fund redemption date (i) shall have been acquired by the City at a price not exceeding the principal amount of such Term Bonds plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation, or (ii) shall have been redeemed pursuant to the optional redemption provisions hereof and not previously credited to a mandatory sinking fund redemption.

Section 4.04. Partial Redemption.

(a) If less than all of the Bonds are to be redeemed pursuant to Section 4.02, the City shall determine the maturity or maturities and the amounts thereof to be redeemed and shall direct

the Paying Agent/Registrar to call by lot or other customary method that results in a random selection of the Bonds, or portions thereof and maturity or maturities and in such principal amounts, for redemption.

(b) A portion of a single Bond of a denomination greater than $5,000 may be redeemed, but only in a principal amount equal to $5,000 or any integral multiple thereof. The Paying Agent/Registrar shall treat each $5,000 portion of the Bond as though it were a single Bond for purposes of selection for redemption.

(c) Upon surrender of any Bond for redemption in part, the Paying Agent/Registrar, in accordance with Section 3.06 of this Ordinance, shall authenticate and deliver an exchange Bond or Bonds in an aggregate principal amount equal to the unredeemed portion of the Bond so surrendered.

(d) The Paying Agent/Registrar shall promptly notify the City in writing of the principal amount to be redeemed of any Bond as to which only a portion thereof is to be redeemed.

Section 4.05. Notice of Redemption to Owners.

(a) The City shall give notice of any redemption of Bonds by sending or causing the Paying Agent/Registrar to send notice of such redemption by United States mail, first class, postage prepaid, not less than 30 days before the date fixed for redemption, to the Owner of each Bond (or part thereof) to be redeemed, at the address shown on the Register at the close of business on the Business Day next preceding the date of mailing such notice.

(b) The notice shall state the redemption date, the redemption price, the place at which the Bonds are to be surrendered for payment, and, if less than all the Bonds outstanding are to be redeemed, an identification of the Bonds or portions thereof to be redeemed.

(c) The City reserves the right to give notice of its election or direction to redeem Bonds under Section 4.02 conditioned upon the occurrence of subsequent events. Such notice may state (i) that the redemption is conditioned upon the deposit of moneys and/or authorized securities, in an amount equal to the amount necessary to effect the redemption, with the Paying Agent/Registrar, or such other entity as may be authorized by law, no later than the redemption date or (ii) that the City retains the right to rescind such notice at any time prior to the scheduled redemption date if the City delivers a certificate of the City to the Paying Agent/Registrar instructing the Paying Agent/Registrar to rescind the redemption notice, and such notice and redemption shall be of no effect if such moneys and/or authorized securities are not so deposited or if the notice is rescinded. The Paying Agent/Registrar shall give prompt notice of any such rescission of a conditional notice of redemption to the affected Owners. Any Bonds subject to conditional redemption where redemption has been rescinded shall remain Outstanding, and the rescission shall not constitute an event of default. Further, in the case of a conditional redemption, the failure of the City to make moneys and/or authorized securities available in part or in whole on or before the redemption date shall not constitute an event of default.

(d) Any notice given as provided in this Section shall be conclusively presumed to have been duly given, whether or not the Owner receives such notice.

Section 4.06. Payment Upon Redemption.

(a) Before or on each redemption date, the Paying Agent/Registrar shall make provision for the payment of the Bonds to be redeemed on such date by setting aside and holding in trust an amount from the Interest and Sinking Fund or otherwise received by the Paying Agent/Registrar from the City sufficient to pay the principal of and accrued interest on such Bonds.

(b) Upon presentation and surrender of any Bond called for redemption at the Designated Payment/Transfer Office of the Paying Agent/Registrar on or after the date fixed for redemption, the Paying Agent/Registrar shall pay the principal of and accrued interest on such Bond to the date of redemption from the money set aside for such purpose.

Section 4.07. Effect of Redemption.

(a) Notice of redemption having been given as provided in Section 4.05 of this Ordinance and subject to any conditions or rights reserved by the City under Section 4.05(c), the Bonds or portions thereof called for redemption shall become due and payable on the date fixed for redemption and, unless the City defaults in the payment of the principal thereof, premium, if any, or accrued interest thereon, such Bonds or portions thereof shall cease to bear interest from and after the date fixed for redemption, whether or not such Bonds are presented and surrendered for payment on such date.

(b) If any Bond or portion thereof called for redemption is not so paid upon presentation and surrender of such Bond for redemption, such Bond or portion thereof shall continue to bear interest at the rate stated on the Bond until paid or until due provision is made for the payment of same.

Section 4.08. Lapse of Payment. Money set aside for the redemption of Bonds and remaining unclaimed by the Owners of such Bonds shall be subject to the provisions of Section 3.03(f) hereof.

ARTICLE V

PAYING AGENT/REGISTRAR

Section 5.01. Appointment of Initial Paying Agent/Registrar.

(a) The selection and appointment of UMB Bank, N.A, to serve as initial Paying Agent/Registrar for the Bonds is hereby approved and confirmed. Books and records relating to the registration, payment, exchange and transfer of the Bonds shall at all times be kept and maintained on behalf of the City by the Paying Agent/Registrar, all as provided herein, in accordance with the terms and provisions of one or more Paying Agent/Registrar Agreements, and such reasonable rules and regulations as the Paying Agent/Registrar and the City may prescribe. It shall be the duty of the Paying Agent/Registrar to obtain from the Owners and record in the Register the address of the Owner of each Bond to which payments with respect to the Bond shall be mailed, as provided herein. The City or its designee shall have the right to inspect the Register during regular business hours of the Paying Agent/Registrar, but otherwise the Paying Agent/Registrar shall keep the Register confidential and, unless otherwise required by law, shall not permit their inspection by any other entity.

(b) The City hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of, premium, if any, and interest on the Bonds. The Paying

Agent/Registrar shall keep proper records of all payment made by the City and the Paying Agent/Registrar with respect to the Bonds, and of all exchanges and replacements of such Bonds, as provided in this Ordinance.

Section 5.02. Paying Agent/Registrar Agreement. The City and the Paying Agent/Registrar have entered into a Paying Agent/Registrar Agreement outlining the services to be provided by the Paying Agent/Registrar with respect to certain obligations issued by the City after July 1, 2018 through July 30, 2023 which includes the Bonds. Pursuant to its terms, the Paying Agent/Registrar Agreement is subject to and controlled by the City Charter and Ordinances of the City. If any conflict exists between such agreement and this Ordinance, this Ordinance shall govern. In that regard, by accepting the positions of paying agent and registrar, the Paying Agent/Registrar agrees that in the event that it shall resign its position as Paying Agent/Registrar, it will continue to serve in such capacity until such time as a successor assumes such duties under this Ordinance. In addition, the Paying Agent agrees to maintain a true and correct copy of the Register.

Section 5.03. Qualifications. Each Paying Agent/Registrar shall be (i) a bank, trust company, financial institution, or other entity duly qualified and legally authorized under applicable law, (ii) authorized under such laws to exercise trust powers, (iii) subject to supervision or examination by a federal or state governmental authority, and (iv) a single entity.

Section 5.04. Maintaining Paying Agent/Registrar.

(a) At all times while any Bonds are outstanding, the City will maintain a Paying Agent/Registrar that is qualified under Section 5.02 of this Ordinance.

(b) If the Paying Agent/Registrar resigns or otherwise ceases to serve as such, the City will promptly appoint a replacement.

Section 5.05. Termination. The City reserves the right to terminate the appointment of any Paying Agent/Registrar by delivering to the entity whose appointment is to be terminated a certified copy of a resolution of the City (i) giving notice of the termination of the appointment and of any contractual agreement, stating the effective date of such termination, and (ii) appointing a successor Paying Agent/Registrar.

Section 5.06. Notice of Change to Owners. Promptly upon each change in the entity serving as Paying Agent/Registrar, the City will cause notice of the change to be sent to each Owner by United States mail, first class, postage prepaid, at the address in the Register, stating the effective date of the change and the name and mailing address of the replacement Paying Agent/Registrar and the mailing address of its Designated Payment/Transfer Office.

Section 5.07. Agreement to Perform Duties and Functions. By accepting the appointment as Paying Agent/Registrar, the Paying Agent/Registrar is deemed to have agreed to the provisions of this Ordinance and that it will perform the duties and functions of Paying Agent/Registrar prescribed hereby.

Section 5.08. Delivery of Records to Successor. If a Paying Agent/Registrar is replaced, such Paying Agent/Registrar, promptly upon the appointment of the successor, will deliver the Register (or a copy thereof) and all other pertinent books and records relating to the Bonds to the successor Paying Agent/Registrar and to the City.

ARTICLE VI

FORM OF THE BONDS

Section 6.01. Form Generally.

(a) The Bonds, including the Registration Certificate of the Comptroller of Public Accounts of the State of Texas to accompany the Initial Bond, and the Certificate of the Paying Agent/Registrar, and the Assignment form to appear on each of the Bonds, (i) shall be generally in the form set forth in this Article, with such appropriate insertions, omissions, substitutions, and other variations as are permitted or required by this Ordinance and the Pricing Certificate, and (ii) may have such letters, numbers, or other marks of identification (including identifying numbers and letters of the Committee on Uniform Securities Identification Procedures of the American Bankers Association) and such legends and endorsements (including any reproduction of an opinion of counsel) thereon as, consistently herewith, may be determined by the City or by the officers executing such Bonds, as evidenced by their execution thereof.

(b) Any portion of the text of any Bonds may be set forth on the reverse side thereof, with an appropriate reference thereto on the face of the Bonds.

(c) The Bonds (except for any temporary Bonds and the Initial Bonds) shall be typewritten, printed, lithographed, or engraved, and may be produced by any combination of these methods or produced in any other similar manner, all as determined by the officers executing such Bonds, as evidenced by their execution thereof.

Section 6.02. Form of the Bonds. The form of the Bonds, including the form of the Registration Certificate of the Comptroller of Public Accounts of the State of Texas, the form of Certificate of the Paying Agent/Registrar and the form of Assignment appearing on the Bonds, shall be generally as follows; provided, however, that the final form of the Bonds shall be set forth in or attached to the Pricing Certificate and shall incorporate and reflect the final terms of the Bonds set forth in the Pricing Certificate:

(a) Form of Bond.

REGISTERED REGISTERED
No. $_____

United States of America
State of Texas
CITY OF DALLAS, TEXAS,
GENERAL OBLIGATION REFUNDING BOND, SERIES 2019B[1]

INTEREST RATE:	MATURITY DATE:	ORIGINAL ISSUE DATE:	CUSIP NO.
_____%	_____	_____[2]	_____

The City of Dallas (the "City"), in the Counties of Dallas, Denton, Collin and Rockwall, State of Texas, for value received, hereby promises to pay to

[1] As may be modified by the Pricing Certificate
[2] Information to be inserted from the Pricing Certificate.

_____

or registered assigns, on the Maturity Date specified above, the principal sum of

_____ DOLLARS

unless this Bond shall have been duly called for prior redemption as provided herein and payment of the principal hereof and accrued but unpaid interest hereon shall have been paid or provided for, and to pay interest on the unpaid principal amount hereof from the later of the Original Issue Date specified above or the most recent Interest Payment Date to which interest has been paid or provided for until payment of such principal amount has been paid or provided for, at the interest rate per annum specified above, computed on the basis of a 360-day year of twelve 30-day months, such interest to be paid semiannually on February 15 and August 15 of each year, commencing _____.[3] All capitalized terms used herein but not defined shall have the meaning assigned to them in the Ordinance (defined below).

The principal of this Bond shall be payable without exchange or collection charges in lawful money of the United States of America upon presentation and surrender of this Bond at the corporate trust office in _____[4] (the "Designated Payment/Transfer Office") of _____,[5] or with respect to a successor Paying Agent/Registrar, at the designated payment/transfer office of such successor. Interest on this Bond is payable by check dated as of the Interest Payment Date, mailed by the Paying Agent/Registrar to the registered owner at the address shown on the registration books kept by the Paying Agent/Registrar or by such other customary banking arrangements acceptable to the Paying Agent/Registrar, requested by and at the risk and expense of, the person to whom interest is to be paid. For the purpose of the payment of interest on this Bond, the registered owner shall be the person in whose name this Bond is registered at the close of business on the " Record Date," which shall be the last Business Day of the month next preceding such Interest Payment Date; provided, however, that in the event of nonpayment of interest on a scheduled payment date and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (the "Special Payment Date" which date shall be 15 days after the Special Record Date) shall be sent at least five Business Days prior to the Special Record Date by United States mail, first class, postage prepaid, to the address of each registered owner of a Bond appearing on the books of the Paying Agent/Registrar at the close of business on the last Business Day preceding the date of mailing of such notice.

If a date for the payment of the principal of or interest on this Bond is a Saturday, Sunday, legal holiday, or a day on which banking institutions in the city where the Designated Payment/Transfer Office 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 such 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.

[3] Information to be inserted from the Pricing Certificate.
[4] Information to be inserted from the Pricing Certificate.
[5] Information to be inserted from the Pricing Certificate.

This Bond is dated _____[6] and is one of a series of fully registered bonds specified in the title hereof issued in the aggregate principal amount of $_____[7] (herein referred to as the "Bonds"), issued pursuant to a certain Ordinance of the City Council of the City (the "Ordinance") for the purpose of providing funds to refund the Refunded Obligations and to pay costs of issuance.

The Bonds and the interest thereon are payable from the levy of a direct and continuing ad valorem tax, within the limit prescribed by law, against all taxable property in the City.

[The City has reserved the option to redeem the Bonds maturing on or after _____, before their respective scheduled maturities in whole or in part in integral multiples of $5,000 on _____ , or on any date thereafter, at a redemption price of par, plus accrued interest to the date fixed for redemption. If less than all of the Bonds are to be redeemed, the City shall determine the maturity or maturities and the amounts thereof to be redeemed and shall direct the Paying Agent/Registrar to call by lot or other customary method that results in random selection of the Bonds, or portions thereof within such maturity or maturities and in such amounts, for redemption.

Bonds maturing on February 15 in each of the years __ through __, inclusive (the "Term Bonds"), are subject to mandatory sinking fund redemption prior to their scheduled maturity, and will be redeemed by the City, in part at a redemption price equal to the principal amount thereof, without premium, plus interest accrued to the redemption date, on the dates and in the principal amounts shown in the following schedule:

Redemption Date	Principal Amount

The Paying Agent/Registrar will select by lot or by any other customary method that results in a random selection the specific Term Bonds (or with respect to Term Bonds having a denomination in excess of $5,000, each $5,000 portion thereof) to be redeemed by mandatory redemption. The principal amount of Term Bonds required to be redeemed on any redemption date pursuant to the foregoing mandatory sinking fund redemption provisions hereof shall be reduced, at the option of the City, by the principal amount of any Bonds which, at least 45 days prior to the mandatory sinking fund redemption date (i) shall have been acquired by the City at a price not exceeding the principal amount of such Bonds plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation, or (ii) shall have been redeemed pursuant to the optional redemption provisions hereof and not previously credited to a mandatory sinking fund redemption.

Notice of such redemption or redemptions shall be given by United States mail, first class, postage prepaid, not less than thirty (30) days before the date fixed for redemption, to the registered

[6] Information to be inserted from the Pricing Certificate.
[7] Information to be inserted from the Pricing Certificate.

owner of each of the Bonds to be redeemed in whole or in part. In the Ordinance, the City reserves the right in the case of an optional redemption to give notice of its election or direction to redeem Bonds conditioned upon the occurrence of subsequent events. Such notice may state (i) that the redemption is conditioned upon the deposit of moneys and/or authorized securities, in an amount equal to the amount necessary to effect the redemption, with the Paying Agent/Registrar, or such other entity as may be authorized by law, no later than the redemption date or (ii) that the City retains the right to rescind such notice at any time prior to the scheduled redemption date if the City delivers a certificate of the City to the Paying Agent/Registrar instructing the Paying Agent/Registrar to rescind the redemption notice, and such notice and redemption shall be of no effect if such moneys and/or authorized securities are not so deposited or if the notice is rescinded. The Paying Agent/Registrar shall give prompt notice of any such rescission of a conditional notice of redemption to the affected owners. Any Bonds subject to conditional redemption where redemption has been rescinded shall remain outstanding, and the rescission shall not constitute an event of default. Further, in the case of a conditional redemption, the failure of the City to make moneys and/or authorized securities available in part or in whole on or before the redemption date shall not constitute an event of default.][8]

As provided in the Ordinance, and subject to certain limitations therein set forth, this Bond is transferable upon surrender of this Bond for transfer at the Designated Payment/Transfer Office, with such endorsement or other evidence of transfer as is acceptable to the Paying Agent/Registrar, and, thereupon, one or more new fully registered Bonds of the same stated maturity, of authorized denominations, bearing the same rate of interest, and for the same aggregate principal amount will be issued to the designated transferee or transferees.

Neither the City nor the Paying Agent/Registrar shall be required to issue, transfer or exchange any Bond called for redemption, in whole or in part, within 45 days of the date fixed for redemption; provided, however, such limitation shall not be applicable to an exchange by the registered Owner of the uncalled principal balance of a Bond.

The City, the Paying Agent/Registrar, and any other person may treat the person in whose name this Bond is registered as the Owner hereof for the purpose of receiving payment as herein provided (except interest shall be paid to the person in whose name this Bond is registered on the Record Date or Special Record Date, as applicable) and for all other purposes, whether or not this Bond be overdue, and neither the City nor the Paying Agent/Registrar shall be affected by notice or knowledge to the contrary.

IT IS HEREBY CERTIFIED AND RECITED that the issuance of this Bond and the series of which it is a part is duly authorized by law; that all acts, conditions and things required to be done precedent to and in the issuance of the Bonds have been properly done and performed and have happened in regular and due time, form and manner, as required by law; that ad valorem taxes upon all taxable property in the City have been levied for and pledged to the payment of the debt service requirements of the Bonds within the limit prescribed by law; and that the total indebtedness of the City, including the Bonds, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the City has caused this Bond to be executed in its name by the manual or facsimile signature of the Mayor of the City and countersigned by the manual or

[8] Insert redemption provisions, if any, and conform as necessary to the Pricing Certificate.

facsimile signature of the City Secretary and the City Manager, and the official seal of the City has been duly impressed or placed in facsimile on this Bond.

_____	_____
City Manager, City of Dallas, Texas	Mayor, City of Dallas, Texas

_____
City Secretary, City of Dallas, Texas

[SEAL]

(b) Form of Certificate of Paying Agent/Registrar. The following Certificate of Paying Agent/Registrar may be deleted from the Initial Bond if the Comptroller's Registration Certificate is attached thereto.

CERTIFICATE OF PAYING AGENT/REGISTRAR

It is hereby certified that this Bond has been issued under the provisions of the Ordinance of the City; and that this Bond has been issued in exchange for or replacement of a bond, bonds or portion of a bond or bonds of an issue which was originally approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

_____
as Paying Agent/Registrar

Dated: _____ By: _____
Authorized Signatory

(c) Form of Assignment.

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns, and transfers unto (print or typewrite name, address and zip code of transferee):

_____

_____

(Social Security or other identifying number: _____the within Bond and all rights hereunder and hereby irrevocably constitutes and appoints attorney to transfer the within Bond on the books kept for registration hereof, with full power of substitution in the premises.

Dated: _____ _____

Signature Guaranteed By:

NOTICE: The signature on this Assignment must correspond with the name of the registered owner as it appears on the face of the within Bond in

_____
Authorized Signatory

every particular and must be guaranteed by an officer of a federal or state bank or a member of the National Association of Securities Dealers.

(d) Initial Bond Insertions.

(i) The Initial Bond shall be in the applicable form set forth in paragraphs (a) and (c) of this Section, except that:

A. immediately under the name of the Bond the headings "INTEREST RATE" and "MATURITY DATE" shall both be completed with the words "As shown below" and the heading "CUSIP NO." shall be deleted; and

B. in the first paragraph of the Bond, the words "on the Maturity Date specified above" shall be deleted and the following will be inserted: "on February 15 in each of the years, in the principal installments and bearing interest at the per annum rates set forth in the following schedule:

Year	Principal Installment	Interest Rate

(Information to be inserted from the Pricing Certificate
as provided in Section 3.02 hereof.)

(ii) Form of Comptroller's Registration Certificate. The following Comptroller's Registration Certificate of the Comptroller of Public Accounts shall appear on each Initial Bond in lieu of the Certificate of Paying Agent/Registrar.

REGISTRATION CERTIFICATE OF
COMPTROLLER OF PUBLIC ACCOUNTS

OFFICE OF THE COMPTROLLER §
OF PUBLIC ACCOUNTS §
OF THE STATE OF TEXAS §

REGISTER NO. _____

I hereby certify that there is on file and of record in my office a certificate of the Attorney General of the State of Texas to the effect that this Bond has been examined by him as required by law, that he finds that it has been issued in conformity with the Constitution and laws of the State of Texas, and that it is a valid and binding general obligation of the City of Dallas, Texas, and that this Bond has this day been registered by me.

WITNESS MY HAND AND SEAL OF OFFICE AT AUSTIN, TEXAS, _____.

_____
Comptroller of Public Accounts
of the State of Texas

[SEAL]

Section 6.03. CUSIP Registration. The City may secure identification numbers through the CUSIP Service Bureau Division of Standard & Poor's Corporation, New York, New York, and may authorize the printing of such numbers on the face of the Bonds. It is expressly provided, however, that the presence or absence of CUSIP numbers on the Bonds shall be of no significance or effect in regard to the legality thereof and neither the City nor the attorneys approving such Bonds as to legality are to be held responsible for CUSIP numbers incorrectly printed on the Bonds.

Section 6.04. Legal Opinion. The approving legal opinions of Norton Rose Fulbright US LLP and Mahomes Bolden PC., Co-Bond Counsel, may be printed on the back of each Bond over the certification of the City Secretary, which may be executed in facsimile.

Section 6.05. Municipal Bond Insurance. If municipal bond guaranty insurance is obtained with respect to the Bonds, the Bonds, including the Initial Bond, may bear an appropriate legend, as provided by the insurer.

ARTICLE VII

CREATION OF FUNDS AND ACCOUNTS, INITIAL DEPOSITS AND APPLICATION OF MONEY

Section 7.01. Creation of Funds. The City hereby establishes the following special funds or accounts to be designated as follows or as otherwise designated in the Pricing Certificate:

(a) "City of Dallas, Texas, General Obligation Refunding Bonds, Series 2019B, Interest and Sinking Fund."

(b) "City of Dallas, Texas, General Obligation Refunding Bonds, Series 2019B, Escrow Fund."

Section 7.02. Initial Deposits. On the Closing Date, the City shall cause the proceeds from the sale of the Bonds to be deposited as follows:

(a) first, an amount equal to all accrued interest, if any, on the Bonds from the Original Issue Date until the Closing Date, plus any additional amounts designated in the Pricing Certificate, shall be deposited to the credit of the Interest and Sinking Fund; and

(b) second, a portion of the proceeds of the Bonds, as set forth in the Pricing Certificate, and used for the purposes described in the preamble hereof shall be deposited to the Escrow Fund and used to pay off the Refunded Obligations; and

(c) third, the remaining balance received on the Closing Date, shall be deposited to a special account of the City and used for the payment of the costs of issuing the Bonds. Any amounts not needed for the payment of costs of issuance shall be deposited to the Interest and Sinking Fund.

Section 7.03. Interest and Sinking Fund.

(a) The taxes levied under Section 2.01 of this Ordinance shall be deposited to the credit of the Interest and Sinking Fund at such times and in such amounts as necessary for the timely payment of the principal of and interest on such Bonds.

(b) If the amount of money in the Interest and Sinking Fund is at least equal to the aggregate principal amount of the outstanding Bonds plus the aggregate amount of interest due and that will become due and payable on such Bonds, no further deposits to that fund need be made. In determining the aggregate principal amount of outstanding Bonds, there shall be subtracted the amount of any Bonds discharged in accordance with Article XI hereof.

(c) Money on deposit in the Interest and Sinking Fund shall be used to pay the principal of and interest on the Bonds as such become due and payable.

Section 7.04. Escrow Fund. The Escrow Fund will be used to pay in full the Refunded Obligations.

Section 7.05. Excess Bond Proceeds.

(a) Upon the payment in full of the Refunded Obligations, any amount that remains in the Escrow Fund shall be transferred to the credit of the Interest and Sinking Fund and segregated in a special escrow account.

(b) The money in such special escrow account shall be used for the payment of principal of and interest on the Bonds, on the respective due dates thereof or dates as of which Bonds have been called for redemption.

Section 7.06. Security of Funds. All moneys on deposit in the funds referred to in this Ordinance shall be secured in the manner and to the fullest extent required by the laws of the State of Texas for the security of public funds, and moneys on deposit in such funds shall be used only for the purposes permitted by this Ordinance.

ARTICLE VIII

INVESTMENTS

Section 8.01. Investments.

(a) Money in the Interest and Sinking Fund created by this Ordinance, at the option of the City, may be invested in such securities or obligations as permitted under applicable law.

(b) Any securities or obligations in which money is so invested shall be kept and held in trust for the benefit of the Owners of the Bonds and shall be sold and the proceeds of sale shall be timely applied to the making of all payments required to be made from the fund from which the investment was made.

(c) To the extent specified in the Pricing Certificate, the money in the Escrow Fund shall be invested in (i) tax-exempt obligations or (ii) securities or obligations that do not have a "higher yield," within the meaning of Section 148(t) of the Code, than the yield on the Bonds.

Section 8.02. Investment Income.

(a) Interest and income derived from investment of the Interest and Sinking Fund shall be credited to such Fund.

(b) Subject to the provisions of Section 8.01(c), the investment and application of money in the Escrow Fund shall be in accordance with the provisions of the Escrow Agreement.

ARTICLE IX

PARTICULAR REPRESENTATIONS AND COVENANTS

Section 9.01. Payment of the Bonds. On or before each Interest Payment Date for the Bonds, and while any of the Bonds are outstanding and unpaid, there shall be made available to the Paying Agent/Registrar, out of the Interest and Sinking Fund, money sufficient to pay such interest on, premium, if any, and principal of the Bonds as will accrue or mature on the applicable Interest Payment Date or date of prior redemption.

Section 9.02. Other Representations and Covenants.

(a) The City will faithfully perform at all times any and all covenants, undertakings, stipulations, and provisions contained in this Ordinance and in each Bond; the City will promptly pay or cause to be paid the principal of and premium, if any, and interest on each Bond on the dates and at the places and manner prescribed in such Bond; and the City will, at the times and in the manner prescribed by this Ordinance, deposit or cause to be deposited the amounts of money specified by this Ordinance.

(b) The City is duly authorized under the laws of the State of Texas to issue the Bonds; all action on its part for the creation and issuance of the Bonds has been duly and effectively taken; and the Bonds in the hands of the Owners thereof are and will be valid and enforceable general obligations of the City in accordance with their terms.

Section 9.03. Covenants to Maintain Tax-Exempt Status.

(a) Definitions. When used in this Section, the following terms have the following meanings:

> "Computation Date" has the meaning set forth in Section 1.148-1(b) of the Regulations.
>
> "Gross Proceeds" means any proceeds as defined in Section 1.148-1(b) of the Regulations, and any replacement proceeds as defined in Section 1.148-1(c) of the Regulations, of the Bonds.
>
> "Investment" has the meaning set forth in Section 1.148-1(b) of the Regulations.
>
> "Rebate Amount" has the meaning set forth in Section 1.148-1(b) of the Regulations.
>
> "Regulations" means any proposed, temporary, or final Income Tax Regulations issued pursuant to Sections 103 and 141 through 150 of the Code, and 103 of the Internal Revenue Code of 1954, which are applicable to the Bonds. Any reference to any specific Regulation shall also mean, as appropriate, any proposed, temporary or final Income Tax Regulation designed to supplement, amend or replace the specific Regulation referenced.

"Yield" of (1) any Investment has the meaning set forth in Section 1.148-5 of the Regulations and (2) the Bonds has the meaning set forth in Section 1.148-4 of the Regulations.

(b) Not to Cause Interest to Become Taxable. The City shall not use, permit the use of, or omit to use Gross Proceeds or any other amounts (or any property the acquisition, construction, or improvement of which is to be financed or refinanced directly or indirectly with Gross Proceeds) in a manner which if made or omitted, respectively, would cause the interest on any Bond to become includable in the gross income, as defined in Section 61 of the Code, of the owner thereof for federal income tax purposes. Without limiting the generality of the foregoing, unless and until the City receives a written opinion of counsel nationally recognized in the field of municipal bond law to the effect that failure to comply with such covenant will not adversely affect the exemption from federal income tax of the interest on any Bond, the City shall comply with each of the specific covenants in this Section.

(c) No Private Use or Private Payments. Except as permitted by Section 141 of the Code and the Regulations and rulings thereunder, the City shall at all times prior to the last Stated Maturity of Bonds:

(i) not use or permit the use of the Gross Proceeds of the Bonds (including all contractual arrangements with terms different than those applicable to the general public) or any property acquired, constructed, or improved with such Gross Proceeds in any activity carried on by any person or entity (including the United States or any agency, department, and instrumentality thereof) other than a state or local government, unless such use is solely as a member of the general public; and

(ii) not directly or indirectly impose or accept any charge or other payment by any person or entity who is treated as using Gross Proceeds of the Bonds or any property the acquisition, construction, or improvement of which is to be financed or refinanced directly or indirectly with such Gross Proceeds other than taxes of general application within the City or interest earned on investments acquired with such Gross Proceeds pending application for their intended purposes.

(d) No Private Loan. Except to the extent permitted by Section 141 of the Code and the Regulations and rulings thereunder, the City shall not use Gross Proceeds of the Bonds to make or finance loans to any person or entity other than a state or local government. For purposes of the foregoing covenant, such Gross Proceeds are considered to be "loaned" to a person or entity if: (1) property acquired, constructed, or improved with such Gross Proceeds is sold or leased to such person or entity in a transaction which creates a debt for federal income tax purposes; (2) capacity in or service from such property is committed to such person or entity under a take-or-pay, output, or similar contract or arrangement; or (3) indirect benefits, or burdens and benefits of ownership, of such Gross Proceeds or any property acquired, constructed, or improved with such Gross Proceeds are otherwise transferred in a transaction which is the economic equivalent of a loan.

(e) Not to Invest at Higher Yield. Except to the extent permitted by Section 148 of the Code and the Regulations and rulings thereunder, the City shall not at any time prior to the final Stated Maturity of the Bonds directly or indirectly invest Gross Proceeds in any Investment (or use Gross Proceeds to replace money so invested), if as a result of such investment the Yield from the Closing Date of all Investments acquired with Gross Proceeds (or with money replaced thereby), whether then held or previously disposed of, exceeds the Yield of the Bonds.

(f) Not Federally Guaranteed. Except to the extent permitted by Section 149(b) of the Code and the Regulations and rulings thereunder, the City shall not take or omit to take any action which would cause the Bonds to be federally guaranteed within the meaning of Section 149(b) of the Code and the Regulations and rulings thereunder.

(g) Information Report. The City shall timely file the information required by Section 149(e) of the Code with the Secretary of the Treasury on Form 8038-G or such other form and in such place as the Secretary may prescribe.

(h) Rebate of Arbitrage Profits. Except to the extent otherwise provided in Section 148(f) of the Code and the Regulations and rulings thereunder:

(i) The City shall account for all Gross Proceeds (including all receipts, expenditures and investments thereof) on its books of account separately and apart from all other funds (and receipts, expenditures and investments thereof) and shall retain all records of accounting for at least six (6) years after the day on which the last Outstanding Bond is discharged. However, to the extent permitted by law, the City may commingle Gross Proceeds of the Bonds with other money of the City, provided that the City separately accounts for each receipt and expenditure of Gross Proceeds and the obligations acquired therewith.

(ii) Not less frequently than each Computation Date, the City shall calculate the Rebate Amount in accordance with rules set forth in Section 148(f) of the Code and the Regulations and rulings thereunder. The City shall maintain such calculations with its official transcript of proceedings relating to the issuance of the Bonds until six years after the final Computation Date.

(iii) As additional consideration for the purchase of the Bonds by the Purchasers and the loan of the money represented thereby and in order to induce such purchase by measures designed to insure the excludability of the interest thereon from the gross income of the Holders thereof for federal income tax purposes, the City shall pay to the United States from an appropriate fund, or if permitted by applicable Texas statute, regulation, or opinion of the Attorney General of the State of Texas, the Interest and Sinking Fund, the amount that when added to the future value of previous rebate payments made for the Bonds equals (i) in the case of a Final Computation Date as defined in Section 1.148-3(e)(2) of the Regulations, one hundred percent (100%) of the Rebate Amount on such date; and (ii) in the case of any other Computation Date, ninety percent (90%) of the Rebate Amount on such date. In all cases, the rebate payments shall be made at the times, in the installments, to the place, and in the manner as is or may be required by Section 148(f) of the Code and the Regulations and rulings thereunder, and shall be accompanied by Form 8038-T or such other forms and information as is or may be required by Section 148(f) of the Code and the Regulations and rulings thereunder.

(iv) The City shall exercise reasonable diligence to assure that no errors are made in the calculations and payments required by paragraphs (ii) and (iii), and if an error is made, to discover and promptly correct such error within a reasonable amount of time thereafter (and in all events within one hundred eighty (180) days after discovery of the error), including payment to the United States of any additional Rebate Amount owed to it, interest thereon, and any penalty imposed under Section 1.148-3(h) of the Regulations.

(i) Not to Divert Arbitrage Profits. Except to the extent permitted by Section 148 of the Code and the Regulations and rulings thereunder, the City shall not, at any time prior to the earlier of the Stated Maturity or final payment of the Bonds, enter into any transaction that reduces the amount required to be paid to the United States pursuant to subsection (h) of this Section because such transaction results in a smaller profit or a larger loss than would have resulted if the transaction had been at arm's length and had the Yield of the Bonds not been relevant to either party.

(j) Elections. The City hereby directs and authorizes the Mayor, Mayor Pro Tem, City Manager, Chief Financial Officer, and City Secretary of the City, individually or jointly, to make elections permitted or required pursuant to the provisions of the Code or the Regulations, as one or more of such persons deems necessary or appropriate in connection with the Bonds, in the Certificate as to Tax Exemption, or similar or other appropriate certificate, form, or document.

(k) Current Refunding; Extraordinary Legal Judgment. The Bonds are issued to refund the Refunded Obligations and the Bonds will be issued less than 90 days before the redemption of the Refunded Obligations. The Refunded Obligations represent an extraordinary legal judgment in an amount in excess of reasonable insurance coverage. Neither the City nor a related party to the City maintains a reserve for such items, such as a self-insurance fund. Neither the City nor a related party to the City has set aside other available amounts for the payment of these types of expenses.

ARTICLE X

DEFAULT AND REMEDIES

Section 10.01. Events of Default. Each of the following occurrences or events for the purpose of this Ordinance is hereby declared to be an "Event of Default," to-wit:

(a) the failure to make payment of the principal of or interest on any of the Bonds when the same becomes due and payable; or

(b) the failure to perform or observe any other covenant, agreement or obligation of the City, which materially, adversely affects the rights of the Owners, including but not limited to, their prospect or ability to be repaid in accordance with this Ordinance, and the continuation thereof for a period of 60 days after notice of such default is given by any Owner to the City.

Section 10.02. Remedies for Default.

(a) Upon the happening of any Event of Default, then and in every case any Owner or an authorized representative thereof, including but not limited to, a trustee or trustees therefor, may proceed against the City for the purpose of protecting and enforcing the rights of the Owners under this Ordinance, by mandamus or other suit, action or special proceeding in equity or at law, in any court of competent jurisdiction, for any relief permitted by law, including the specific performance of any covenant or agreement contained herein, or thereby to enjoin any act or thing that may be unlawful or in violation of any right of the Owners hereunder or any combination of such remedies.

(b) It is provided that all such proceedings shall be instituted and maintained for the equal benefit of all Owners of Bonds then outstanding.

Section 10.03. Remedies Not Exclusive.

(a) No remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or under the Bonds or now or hereafter existing at law or in equity; provided, however, that notwithstanding any other provision of this Ordinance, the right to accelerate the debt evidenced by the Bonds shall not be available as a remedy under this Ordinance.

(b) The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy.

ARTICLE XI

DISCHARGE

Section 11.01. Discharge. The Bonds may be defeased, discharged or refunded in any manner permitted by applicable law.

ARTICLE XII

SALE AND DELIVERY OF BONDS; APPROVAL OF OFFICIAL STATEMENT; CONTROL AND DELIVERY OF BONDS

Section 12.01. Sale of Bonds; Delivery of Official Statement.

(a) The Bonds may be sold pursuant to a competitive sale or a negotiated sale to the Purchaser as specified in the Pricing Certificate and all in accordance with the terms of this Ordinance, including this Section 12.01 (a) and Exhibit A attached hereto, provided that all of the conditions set forth in Exhibit A are satisfied. As authorized by Chapter 1207, Texas Government Code, as amended, the Authorized Officer is authorized to act on behalf of the City upon determining that the conditions set forth in Exhibit A can be satisfied, in selling and delivering the Bonds and carrying out the other procedures specified in this Ordinance, including determining whether to acquire bond insurance for the Bonds, enter into a credit agreement with respect to the Bonds, whether to sell the Bonds in a competitive or negotiated sale, the aggregate principal amount of the Bonds, whether the Bonds shall be in one or more series from time to time, and price at which each of the Bonds will be sold, the identification, and the aggregate principal amount, of the Refunded Obligations and their redemption dates, the number and designation of series of Bonds to be issued, whether the Bonds will be taxable or tax-exempt, the form in which the Bonds shall be issued, the years in which the Bonds will mature, the principal amount to mature in each of such years, the rate of interest to be borne by each such maturity, the first interest payment date, the initial date from which interest will accrue, the dates, prices and terms upon and at which the Bonds shall be subject to redemption prior to maturity at the option of the City and shall be subject to mandatory sinking fund redemption, and all other matters relating to the issuance, sale and delivery of the Bonds, all of which shall be specified in the Pricing Certificate.

The authority granted to the Authorized Officer under this Section 12.01 (a) shall expire at 5:00 p.m., 180 days from the date of this Ordinance, unless otherwise extended by the City Council by separate action.

Any finding or determination made by the Authorized Officer relating to the issuance and sale of the Bonds and the execution of the Purchase Agreement (if any) in connection therewith shall have the same force and effect as a finding or determination made by the City Council.

(b) The Authorized Officer is hereby authorized and directed to execute the successful bid form, in the event the bonds are sold via a competitive sale, for and on behalf of the City and as the act and deed of the City Council. If the Bonds are sold in a negotiated sale, the Authorized Officer is hereby authorized and directed to execute and deliver one or more bond purchase agreements (the "Purchase Agreement"), which Purchase Agreement shall be in the form approved by the Authorized Officer. The Authorized Officer is hereby authorized and directed to approve the final terms and provisions of the Purchase Agreement in accordance with the terms of the Pricing Certificate and this Ordinance, which final terms shall be determined to be the most advantageous reasonably attainable by the City, such approval and determination being evidenced by its execution thereof by the Authorized Officer. All officers, agents and representatives of the City are hereby authorized to do any and all things necessary or desirable to satisfy the conditions set out therein and to provide for the issuance and delivery of the Bonds.

The Initial Bond shall initially be registered in the name of the Purchaser or such other entity as may be specified in the Pricing Certificate.

(c) The City hereby approves the preparation of a Preliminary Official Statement and a Notice of Sale (if any) for use in the initial offering and sale of the Bonds, and authorizes the Authorized Officer to approve the final form and substance of the Preliminary Official Statement and the Notice of Sale (if any) and to deem the Preliminary Official Statement "final" as of its date within the meaning and for the purposes of paragraph (b)(1) of the Rule on behalf of the City. The City hereby authorizes the preparation of a final Official Statement (the "Official Statement") incorporating applicable pricing information pertaining to the Bonds. The Authorized Officer is hereby authorized and directed to authorize the use and distribution of such final Official Statement, with such appropriate variations as shall be approved by the Authorized Officer, by the Purchasers in the offering and sale of the Bonds.

(d) All officers of the City are authorized to take such actions and to execute such documents, certificates and receipts as they may deem necessary and appropriate in order to consummate the delivery of the Bonds in accordance with the terms of sale therefore including, without limitation, the Purchase Agreement (if any). Further, in connection with the submission of the record of proceedings for the Bonds to the Attorney General of the State of Texas for examination and approval of such Bonds, the appropriate officer of the City is hereby authorized and directed to issue a check of the City payable to the Attorney General of the State of Texas as a nonrefundable examination fee in the amount required by Chapter 1202, Texas Government Code (such amount to be the lesser of (i) 1/10th of 1 % of the principal amount of the Bonds or (ii) $9,500).

(e) The obligation of the Purchaser to accept delivery of the Bonds is subject to the Purchaser being furnished with the final, approving opinions of Norton Rose Fulbright US LLP and Mahomes Bolden PC, Co-Bond Counsel for the City, which opinions shall be dated as of and delivered on the Closing Date.

Section 12.02. Control and Delivery of Bonds.

(a) The City Manager is hereby authorized to have control of the Initial Bond and all necessary records and proceedings pertaining thereto pending investigation, examination, and approval of the Attorney General of the State of Texas, registration by the Comptroller of Public Accounts of the State of Texas and registration with, and initial exchange or transfer by, the Paying Agent/Registrar.

(b) After registration by the Comptroller of Public Accounts, delivery of the Initial Bond shall be made to the Purchaser under and subject to the general supervision and direction of the City Manager, against receipt by the City of all amounts due to the City under the terms of sale.

(c) In the event the Mayor, City Secretary or City Manager is absent or otherwise unable to execute any document or take any action authorized herein, the Mayor Pro Tem, any Assistant City Secretary and any Assistant City Manager, respectively, shall be authorized to execute such documents and take such actions, and the performance of such duties by the Mayor Pro Tem, the Assistant City Secretary and the Assistant City Manager shall for the purposes of this Ordinance have the same force and effect as if such duties were performed by the Mayor, City Secretary and City Manager, respectively.

ARTICLE XIII

CONTINUING DISCLOSURE UNDERTAKING

Section 13.01. Annual Reports.

(a) The City shall provide annually to the MSRB, (1) within six months after the end of each fiscal year of the City, financial information and operating data with respect to the City of the general type included in the final Official Statement, being information described in the Pricing Certificate, including financial statements of the City if audited financial statements of the City are then available, and (2) if not provided as part such financial information and operating data, audited financial statements of the City, when and if available. Any financial statements so to be provided shall be (i) prepared in accordance with the accounting principles prescribed by the Generally Accepted Accounting Principles or such other accounting principles as the City may be required to employ, from time to time, by State law or regulation, and (ii) audited, if the City commissions an audit of such statements and the audit is completed within the period during which they must be provided. If the audit of such financial statements is not complete within 12 months after any such fiscal year end, then the City shall file unaudited financial statements within such 12-month period and audited financial statements for the applicable fiscal year, when and if the audit report on such statements becomes available.

(b) If the City 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 City otherwise would be required to provide financial information and operating data pursuant to this Section.

(c) 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 13.02. Material Event Notices.

(a) The City shall provide the following to the MSRB, in an electronic format as prescribed by the MSRB, in a timely manner not in excess of ten (10) business days after the occurrence of the event, notice of any of the following events with respect to the Bonds:

(i) Principal and interest payment delinquencies;

(ii) Non-payment related defaults, if material;

(iii) Unscheduled draws on debt service reserves reflecting financial difficulties;

(iv) Unscheduled draws on credit enhancements reflecting financial difficulties;

(v) Substitution of credit or liquidity providers, or their failure to perform;

(vi) 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 Bonds, or other material events affecting the tax status of the Bonds;

(vii) Modifications to rights of the holders of the Bonds, if material;

(viii) Bond calls, if material, and tender offers;

(ix) Defeasances;

(x) Release, substitution, or sale of property securing repayment of the Bonds, if material;

(xi) Rating changes;

(xii) Bankruptcy, insolvency, receivership or similar event of the City;

(xiii) The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, 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;

(xiv) Appointment of successor or additional paying agent/registrar or the change of name of a paying agent/registrar, if material;

(xv) Incurrence of a Financial Obligation of the City, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the City, any of which affect security holders, if material; and

(xvi) Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the City, any of which reflect financial difficulties.

(b) For these purposes, (a) any event described in paragraph (xii) of this section, is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the City in a proceeding under the United States 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 or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers 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 City, and (b) the City intends the words used in paragraphs (xv) and (xvi) of this section and the definition of Financial Obligation in this section to have the same meanings as when they are used in the Rule, as evidenced by SEC Release No. 34-83885, dated August 20, 2018.

(c) The City shall notify the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with Section 13.01 of this Ordinance by the time required by such Section.

Section 13.03. Limitations, Disclaimers and Amendments.

(a) The City shall be obligated to observe and perform the covenants specified in this Article for so long as, but only for so long as, the City remains an "obligated person" with respect

to the Bonds within the meaning of the Rule, except that the City in any event will give notice of any Bond calls and any defeasances that cause the City to be no longer an "obligated person."

(b) The provisions of this Article are for the sole benefit of the Owners and beneficial owners of the 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 City 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 City'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 City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Bonds at any future date.

UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE OWNER OR BENEFICIAL OWNER OF ANY BOND OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, 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.

(c) No default by the City in observing or performing its obligations under this Article shall constitute a breach of or default under this Ordinance for purposes of any other provisions of this Ordinance.

(d) Nothing in this Article is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

(e) The provisions of this Article may be amended by the City 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 City, but only if (i) the provisions of this Article, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule to the date of such amendment, as well as such changed circumstances, and (ii) either (A) the Owners of a majority in aggregate principal amount (or any greater amount required by any other provisions of this Ordinance that authorizes such an amendment) of the outstanding Bonds consent to such amendment or (B) an entity or individual person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interests of the Owners and beneficial owners of the Bonds. If the City so amends the provisions of this Article, it shall include with any amended financial information or operating data next provided in accordance with Section 13.01 an explanation, in narrative form, of the reasons for the amendment and of the impact of any change in the type of financial information or operating data so provided.

Section 13.04. Amendments to the Rule. In the event the Authorized Officer, in consultation with Co-Bond Counsel and the City's financial advisor, determines that it is necessary or desirable to amend the provisions of this Article XIII in order to facilitate compliance with

amendments to the Rule and related guidance from the SEC, the Authorized Officer may make such changes in the Pricing Certificate for the Bonds.

ARTICLE XIV

AMENDMENTS; ATTORNEY GENERAL MODIFICATION

Section 14.01. Amendments. This Ordinance shall constitute a contract with the Owners, be binding on the City, and shall not be amended or repealed by the City so long as any Bond remains outstanding except as permitted in this Section. The City may, without consent of or notice to any Owners, from time to time and at any time, amend this Ordinance in any manner not detrimental to the interests of the Owners, including the curing of any ambiguity, inconsistency, or formal defect or omission herein. In addition, the City may, with the written consent of the Owners of the Bonds holding a majority in aggregate principal amount of the Bonds then outstanding, amend, add to, or rescind any of the provisions of this Ordinance; provided that, without the consent of all Owners of outstanding Bonds, no such amendment, addition, or rescission shall (i) extend the time or times of payment of the principal of, premium, if any, and interest on the Bonds, reduce the principal amount thereof, the redemption price, or the rate of interest thereon, or in any other way modify the terms of payment of the principal of, or interest on the Bonds, (ii) give any preference to any Bond over any other Bond, or (iii) reduce the aggregate principal amount of Bonds required to be held by Owners for consent to any such amendment, addition, or rescission.

Section 14.02. Attorney General Modification. In order to obtain the approval of the Bonds by the Attorney General of the State of Texas, any provision of this Ordinance may be modified, altered or amended after the date of its adoption if required or requested by the Attorney General in connection with the Attorney General's examination as to the legality of the Bonds and approval thereof in accordance with the applicable law. Such changes, if any, shall be provided to the City Secretary and the City Secretary shall insert such changes into this Ordinance as if approved on the date hereof.

Section 14.03. Partial Invalidity. If any section, paragraph, clause or provision of this Ordinance 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 Ordinance.

Section 14.04. No Personal Liability. No recourse shall be had for payment of the principal of or interest on any Bonds or for any claim based thereon, or on this Ordinance, against any official or employee of the City or any person executing any Bonds.

ARTICLE XV

PAYMENT OF REFUNDED OBLIGATIONS; APPROVAL OF ESCROW AGREEMENT; PURCHASE OF ESCROWED SECURITIES

Section 15.01. Payment of Refunded Obligations. Unless otherwise specified in the Pricing Certificate, the Refunded Obligations are to be paid by the Escrow Agent within five (5) Business Days following the Closing Date, in the principal amount thereof as set forth in the Pricing Certificate.

Section 15.02. Approval of Escrow Agreement.

(a) The Authorized Officer is hereby authorized to select and appoint an Escrow Agent to hold funds to pay off the Refunded Obligations and the Escrow Agent shall be designated in the Pricing Certificate.

(b) The Authorized Officer is hereby authorized to execute and deliver, or cause the execution and delivery by other appropriate City officials, an Escrow Agreement, having such terms and provisions as are approved by the Authorized Officer as evidenced by his execution thereof or the execution thereof by other appropriate City officials. The Escrow Agreement shall contain terms and provisions to be approved by the Authorized Officer including terms and provisions for the purposes of (i) carrying out the program designed for the City, (ii) minimizing the City's costs of refunding, (iii) complying with all applicable laws and regulations relating to the refunding of the Refunded Obligations, (iv) carrying out the other intents and purposes of this Ordinance and (v) complying with the terms set forth in the Pricing Certificate. The execution and delivery by the City Manager of the Escrow Agreement, if necessary, is hereby authorized and approved.

Section 15.03. Subscription for Securities. The Authorized Officer is authorized to make necessary arrangements for and to execute such documents and agreements in connection with the purchase of the Escrow Securities required by and referenced in the Escrow Agreement, if any, as may be necessary for the Escrow Fund and the application for the acquisition of the Escrow Securities is hereby approved and ratified.

ARTICLE XVI

EFFECTIVE IMMEDIATELY

Section 16.01. Effective Immediately. 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, Texas, pertaining thereto, and it is accordingly so ordained.

FINALLY PASSED, APPROVED AND EFFECTIVE this March 27, 2019

APPROVED AS TO FORM:

Christopher J. Caso,
Interim City Attorney
City of Dallas

_____

SCHEDULE I

REFUNDED OBLIGATIONS

Agreed Final Judgment in Cause No. 1-95-107, *George G. Parker, et. al. vs. City of Dallas, Texas*, in the District Court 382nd Judicial District, Rockwall County, Texas, dated February 8, 2019; and

Agreed Final Judgment in Cause No. 1-95-506, *David S. Martin, et. al. vs. City of Dallas, Texas*, in the District Court 382nd Judicial District, Rockwall County, Texas, dated February 8, 2019.

EXHIBIT A

SALE PARAMETERS

In accordance with Section 12.01 (a) of the Ordinance, the following conditions with respect to the Bonds must be satisfied in order for the Authorized Officer to act on behalf of the City in selling and delivering the Bonds to the Purchaser:

(a) the Bonds shall not bear interest at a rate greater than the maximum rate authorized by Chapter 1204, Texas Government Code, as amended;

(b) the aggregate principal amount of the Bonds authorized to be issued for the purposes described in Section 3.01 shall not exceed the limits described in that Section, and the Bonds sold for the purposes of refunding the Refunded Obligations shall be in an amount sufficient, in combination with the net premium from the sale of the Bonds, plus other available funds of the City, if any, to provide for the payment of the Refunded Obligations and the costs and expenses of issuance of the Bonds, including underwriter's discount; and

(c) the maximum term for which the Bonds issued under this Ordinance may be outstanding is twenty (20) years from the date of their issuance.

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-407 **Item #:** 4.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Department of Communication and Information Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize a twelve-month contract for data validation services related to human resources and payroll data contained in the City's systems - Premier International Enterprises, Inc. - Not to exceed $936,000 - Financing: General Fund ($468,000) and HR Health Risk Fund ($468,000)

BACKGROUND

This contract will provide the City subject matter expertise for data validation services. The consultant will assess the City's human resource system and analyze and validate data contained within. They will also compare the data against files and databases from vendors providing benefits to City employees.

The consultant's data validation services will include:

- An assessment and report of the current state of the City's payroll and benefit data
- Reports and scripts for on-going data validation
- Identification of data issues and gaps by downstream systems
- Assessment of payroll deductions compared to selections

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Government Performance & Financial Management Committee will receive this item for consideration on March 18, 2019.

FISCAL INFORMATION

General Fund - $468,000
HR Health Risk Fund- $468,000

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$936,000.00	Professional Services	N/A	N/A	N/A
• The Business Inclusion and Development Plan does not apply to Special Needs contracts.				

PROCUREMENT INFORMATION

In accordance with Administrative Directive 4-5, Paragraph 10.5.6 (A), Special Need/Justification was approved to contract with Premier International Enterprises, Inc.

OWNER

Premier International Enterprises, Inc.

Craig Wood, Chief Executive Officer
Mikel Naples, President

March 27, 2019

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

SECTION 1. That the City Manager is hereby authorized to execute a twelve-month contract with Premier International Enterprises, Inc. (VS100248), approved as to form by the City Attorney, for data validation services related to human resources and payroll data contained in the City's systems, in an amount not to exceed $936,000.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $936,000 to Premier International Enterprises, Inc., as follows:

General Fund Fund 0001, Department BMS, Unit 1991, Object 3070 Encumbrance/Contract No. DSV-2019-00009753 Vendor VS100248	$468,000
HR Health Risk Fund Fund 0260, Department PER, Unit 7906, Object 3070 Encumbrance/Contract No. DSV-2019-00009753 Vendor VS100248	$468,000
Total amount not to exceed	$936,000

SECTION 3. That this contract is designated as Contract No. DSV-2019-00009753.

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.

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-157 **Item #:** 5.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): 1, 2, 3, 4, 5, 6, 7, 8

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a twenty-four-month contract for the 2019 Sidewalk and Barrier Free Ramp Improvements Program that includes water and wastewater adjustments in Service Maintenance Areas 1 and 2 - Estrada Concrete Company, LLC, lowest responsible bidder of five - Not to exceed $2,432,725.00 - Financing: Capital Assessment Fund (1998 Bond Funds) ($888,586.00), Street and Transportation (A) Fund (2017 Bond Funds) ($1,431,389.00) and Water Utilities Capital Construction Funds ($112,750.00)

BACKGROUND

This action will authorize a twenty-four-month sidewalk and barrier free ramp installation paving services contract for the Sidewalk and Barrier Free Ramp Program. The installation of barrier free ramps throughout the city is required in order to be in compliance with the Americans with Disabilities Act. Sidewalk projects in Service Maintenance Areas 1 and 2 will also be implemented through this contract with funding provided in the 2017 Bond Program.

Projects being implemented with this contract include: Park Row Avenue from South Central Expressway to Jeffries Street, Wendelkin Street from Pennsylvania Avenue to Driskell Street, South Boulevard from South Central Expressway to Meadow Street, South Corinth Street (leave outs) from Berwick Avenue to Morrell Avenue, Kiest Boulevard (west side leave outs) from Van Cleave Drive to Southerland Avenue, CF Hawn Freeway (northeast side) from Elam Road to Buckner Boulevard, Military Parkway (north side) from North Prairie Creek Road to Wilbarger Drive, Masters Drive from Elam Road to Big Thicket Drive, Bonnie View Road from Persimmon Road to Highland Woods Drive, West Jefferson Boulevard (south side) from North Westmoreland Road to North Plymouth Road, South Tyler Street (east side) from Illinois Avenue to Lebanon Avenue, Calumet Avenue (west side) from West Jefferson Boulevard to Via St. Catherine, Sylvan Avenue from Singleton Boulevard to Gallagher Street, North Windomere Avenue from Walmsley Street to Stafford Street, South Zang Boulevard from bridge to Pratt Street, South Hampton Road from Red Bird Lane to Camp Wisdom Road, South Cockrell Hill Road (east side) from West Kiest Boulevard to DART Bus Stop, and other locations to be determined in Service Maintenance Areas 1 and 2. These projects will be constructed with funds from the 1998 and 2017 Bond Programs.

Estrada Concrete Company, LLC has had no contractual activities with the City of Dallas within the past three years.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction	May 2019
Complete Construction	May 2021

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on March 25, 2019.

FISCAL INFORMATION

Capital Assessment Fund (1998 Bond Funds) - $888,586.00
Street and Transportation (A) Fund (2017 Bond Funds) - $1,431,389.00
Water Utilities Capital Construction Funds - $112,750.00

Council District	Amount
1	$ 724,807.00
2	$ 116,139.00
3	$ 275,000.00
4	$ 275,035.00
5	$ 262,500.00
6	$ 181,637.00
7	$ 506,582.00
8	$ 91,025.00
Total Amount	$2,432,725.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$2,432,725.00	Construction	25.00%	100.00%	$2,432,725.00
• This contract exceeds the M/WBE goal.				

PROCUREMENT INFORMATION

The following five bids with quotes were received and opened on December 28, 2018.

*Denotes successful bidder

Bidders	Bid Amount
* Estrada Concrete Company, LLC 1623 Garza Avenue Dallas, Texas 75216	$2,432,725.00
NPL Construction Company	$3,097,727.80
New World Contracting	$3,107,962.00
Ragle, Inc.	$3,183,289.00
FNH Construction, LLC.	$3,766,026.00

OWNER

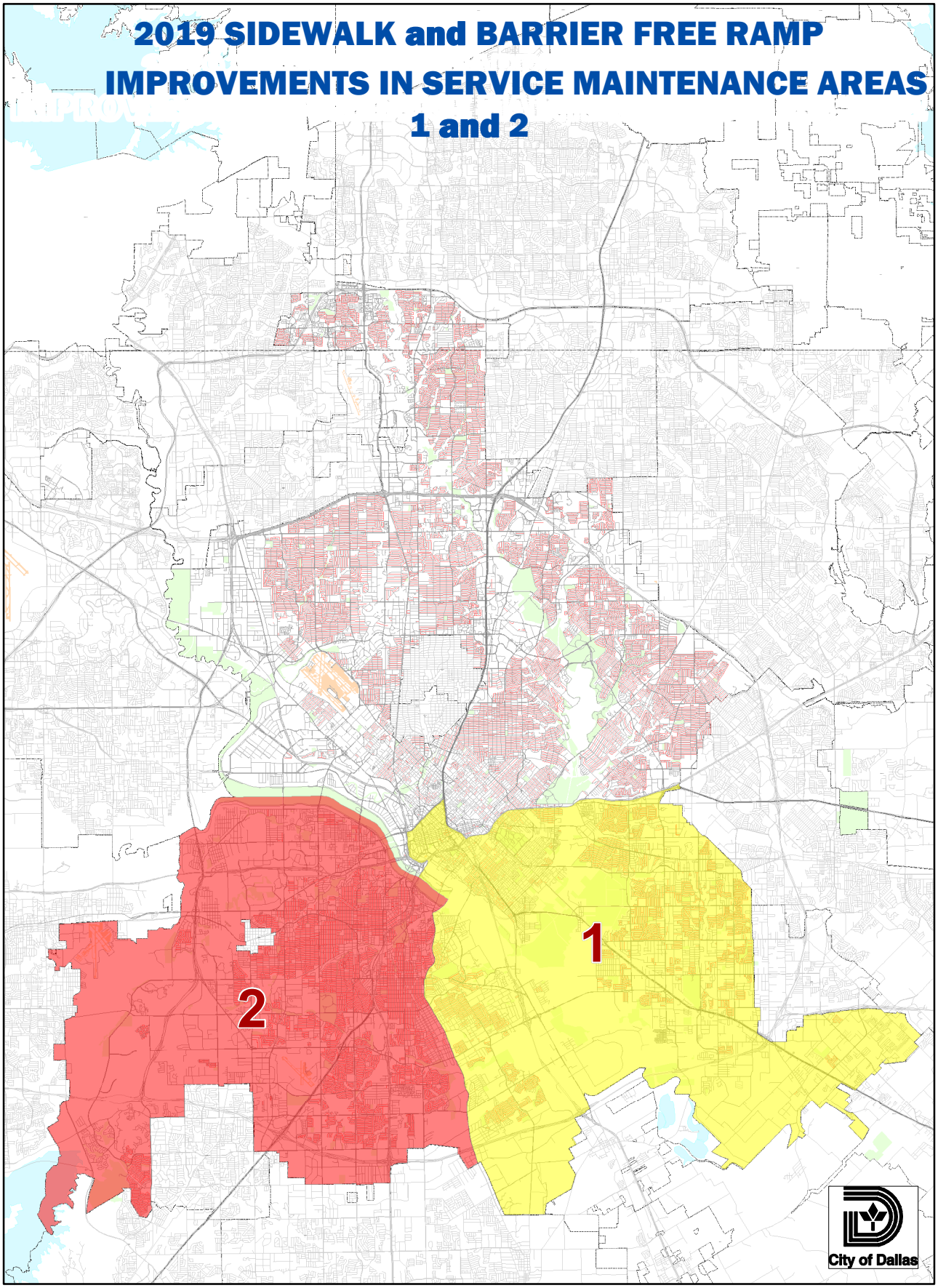
Estrada Concrete Company, LLC

Francisco Estrada, Director

MAP

Attached

2019 SIDEWALK and BARRIER FREE RAMP IMPROVEMENTS IN SERVICE MAINTENANCE AREAS 1 and 2



March 27, 2019

WHEREAS, in November 2017, a Capital Bond Program was approved by voters; and

WHEREAS, bid specifications were developed and publicly advertised for competitive bids associated with the 2019 Sidewalk and Barrier Free Ramp Improvements contract in Service Maintenance Areas 1 and 2; and

WHEREAS, on December 28, 2018, five bids were received for the 2019 Sidewalk and Barrier Free Ramp Improvements in Service Maintenance Areas 1 and 2 that includes water and wastewater adjustments as follows; and

Bidders	**Bid Amount**
Estrada Concrete Company, LLC	$2,432,725.00
NPL Construction Company	$3,097,727.80
New World Contracting	$3,107,962.00
Ragle, Inc.	$3,183,289.00
FNH Construction, LLC.	$3,766,026.00

WHEREAS, the bid submitted by Estrada Concrete Company, LLC in the amount of $2,432,725.00 is the lowest and best of all bids received.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute a twenty-four-month contract with Estrada Concrete Company, LLC, approved as to form by the City Attorney, for the 2019 Sidewalk and Barrier Free Ramp Improvements that includes water and wastewater adjustments in Service Maintenance Areas 1 and 2, in an amount not to exceed $2,432,725.00, this being the lowest responsive bid received as indicated by the tabulation of bids.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $2,432,725.00 to Estrada Concrete Company, LLC, in accordance with the terms and conditions of the contract, as follows:

Capital Assessment Fund
Fund L098, Department PBW, Unit W308, Activity PB19
Object 4530, Program PBSI0001
Encumbrance/Contract No. CX-PBW-2019-00008826
Vendor 511236 $ 888,586.00

SECTION 2. (continued)

Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V146, Activity SIDI Object 4530, Program PB17V146 Encumbrance/Contract No. CX-PBW-2019-00008826 Vendor 511236	$ 200,000.00
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V152, Activity SIDI Object 4530, Program PB17V152 Encumbrance/Contract No. CX-PBW-2019-00008826 Vendor 511236	$ 362,000.00
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V153, Activity SIDI Object 4530, Program PB17V153 Encumbrance/Contract No. CX-PBW-2019-00008826 Vendor 511236	$ 362,807.00
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V165, Activity SIDI Object 4530, Program PB17V165 Encumbrance/Contract No. CX-PBW-2019-00008826 Vendor 511236	$ 161,848.00
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V167, Activity SIDI Object 4530, Program PB17V167 Encumbrance/Contract No. CX-PBW-2019-00008826 Vendor 511236	$ 224,789.00
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V168, Activity SIDI Object 4530, Program PB17V168 Encumbrance/Contract No. CX-PBW-2019-00008826 Vendor 511236	$ 119,945.00
Water Construction Fund Fund 0102, Department DWU, Unit CW42 Object 3221, Program 7A1411X Encumbrance/Contract No. CX-PBW-2019-00008826 Vendor 511236	$ 67,750.00

SECTION 2. (continued)

Wastewater Construction Fund Fund 0103, Department DWU, Unit CS42 Object 3222, Program 7A1412X Encumbrance/Contract No. CX-PBW-2019-00008826 Vendor 511236	$ 45,000.00
Total amount not to exceed	$2,432,725.00

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.

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-302 **Item #:** 6.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): 9

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with ArchiTexas - Architecture, Planning and Historic Preservation, Inc. for architectural and engineering design and construction administration services for the Bath House Cultural Center located at 521 East Lawther Drive - Not to exceed $131,625.00 - Financing: Cultural Arts (F) Fund (2017 Bond Funds)

BACKGROUND

ArchiTexas - Architecture, Planning and Historic Preservation, Inc., was selected following a qualifications-based selection process in accordance with the City of Dallas procurement guidelines.

This action will authorize a professional services contract with ArchiTexas - Architecture, Planning and Historic Preservation, Inc. to provide architectural and engineering design and construction administration services for the Bath House Cultural Center. In this contract, services will include schematic design, design development, construction documents, bid evaluation, and construction administration.

This project includes an upgrade to public restrooms on the first floor to be Americans with Disabilities Act compliant, add one family restroom, improvements to the kitchen area to assist in catering service, design accessible route around the exterior of the building to reach the lower level from the main floor, limited site survey for accessibility design, investigate and design alternates to repair and renovate lower level to include restrooms, drainage, overhead first floor sewer lines, electrical systems and finishes.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	April 2019
Complete Design	July 2019
Begin Construction	September 2019
Complete Construction	March 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure, and Sustainability Committee on March 25, 2019.

FISCAL INFORMATION

Cultural Arts (F) Fund (2017 Bond Funds) - $131,625.00

Estimated Future Cost - Construction - $1,150,625.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$131,625.00	Architectural & Engineering	25.66%	49.20%	$64,765.00
• This contract exceeds the M/WBE goal.				

PROCUREMENT INFORMATION

The City of Dallas received five responses to Requests for Qualifications on November 9, 2018. The Selection Committee short-listed the two best qualified firms; ArchiTexas - Architecture, Planning and Historic Preservation, Inc., and McCoy Collaborative and issued a Request for Proposals. The proposals were received and opened on December 14, 2018.

The Selection Committee ranked ArchiTexas - Architecture, Planning and Historic Preservation, Inc. as the best value proposer to perform the professional services for this project.

OWNER

ArchiTexas - Architecture, Planning and Historic Preservation, Inc.

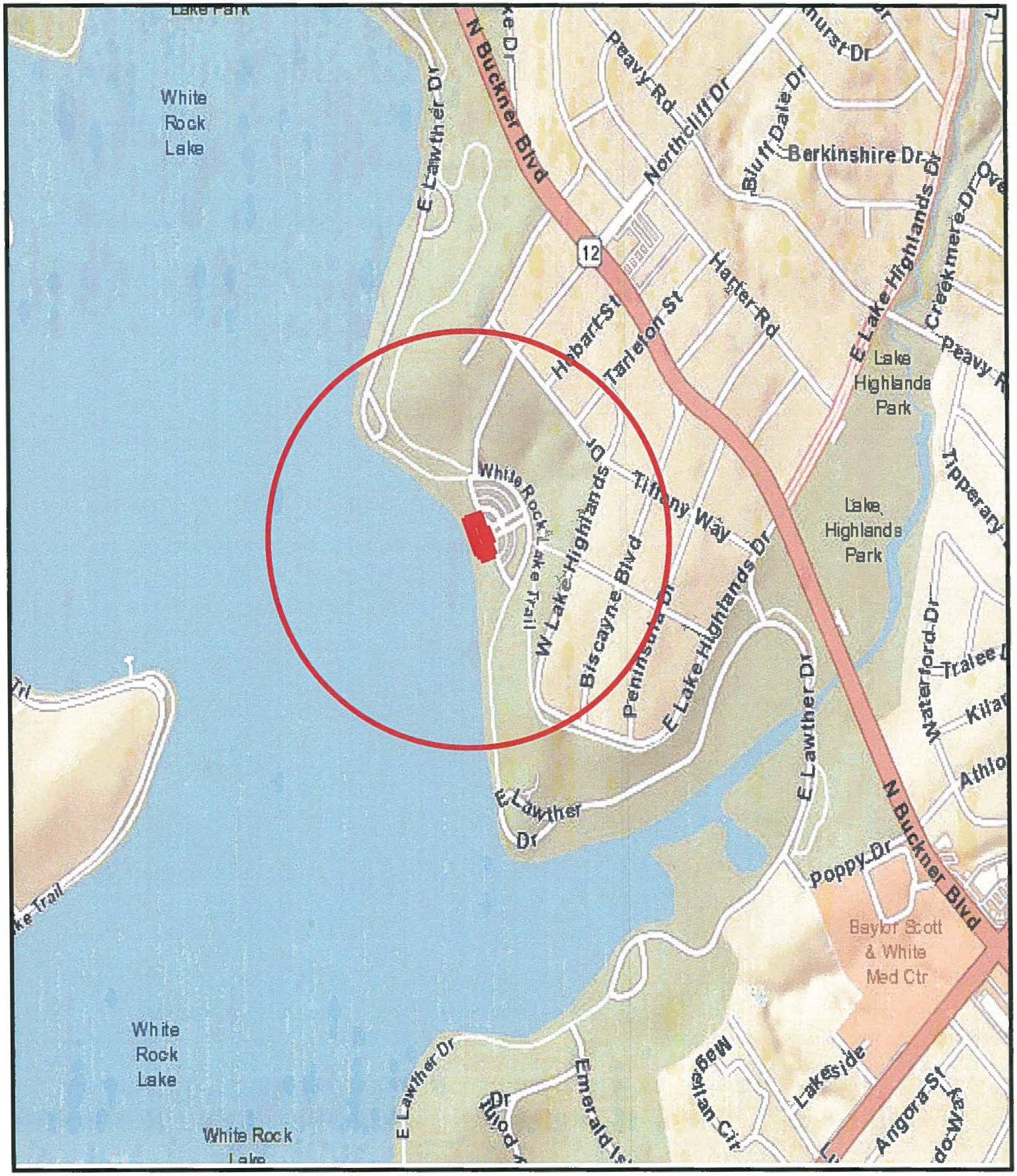
John Allender, Principal
Craig Melde, Senior Principal

MAP

Attached

BATH HOUSE CULTURAL CENTER

521 EAST LAWTHER DRIVE



COUNCIL DISTRICT 9

March 27, 2019

WHEREAS, the citizens of Dallas approved funding in the 2017 Bond Program for the design and construction for the Bath House Cultural Center; and

WHEREAS, at the conclusion of a selection process conducted by City staff, ArchiTexas - Architecture, Planning and Historic Preservation, Inc. was chosen as the most qualified firm to provide professional architectural services for the Bath House Cultural Center; and

WHEREAS, it is now desirable to authorize a professional services contract with ArchiTexas - Architecture, Planning and Historic Preservation, Inc. for architectural and engineering design and construction administration services for the Bath House Cultural Center Improvements at 521 East Lawther Drive, in an amount not to exceed $131,625.00.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute a professional services contract with ArchiTexas - Architecture, Planning and Historic Preservation, Inc., approved as to form by the City Attorney, for architectural and engineering design and construction administration services for the Bath House Cultural Center located at 521 East Lawther Drive, in an amount not to exceed $131,625.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $131,625.00 to ArchiTexas - Architecture, Planning and Historic Preservation, Inc., in accordance with the terms and conditions of the Bath House Cultural Center contract from Cultural Arts (F) Fund, Fund 1V49, Department OCA, Unit VF01, Activity CULF, Object 4112, Program EB17VF01, Encumbrance/Contract No. CX-PBW-2019-00008871, Vendor 134617.

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.

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-181 **Item #:** 7.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): 14

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with ArchiTexas - Architecture, Planning and Historic Preservation, Inc. for architectural and engineering design and construction administration services for the Dallas Black Dance Theater located at 2700 Ann Williams Way - Not to exceed $78,300.00 - Financing: Cultural Arts (F) Fund (2017 Bond Funds)

BACKGROUND

ArchiTexas - Architecture, Planning and Historic Preservation, Inc. was selected following a qualifications-based selection process in accordance with the City of Dallas procurement guidelines.

This action will authorize a professional services contract with ArchiTexas - Architecture, Planning and Historic Preservation, Inc. to provide architectural and engineering design and construction administration services for the Dallas Black Dance Theater. In this contract, services will include schematic design, design development, construction documents, bid evaluation, and construction administration. This project includes waterproofing repair to the existing roof, parapet flashing, clay roof tile, parapet cap, and exterior restoration to include the replacement or repair of exterior damaged windows.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	April 2019
Complete Design	June 2019
Begin Construction	September 2019
Complete Construction	January 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure, and Sustainability Committee on March 25, 2019.

FISCAL INFORMATION

Cultural Arts (F) Fund (2017 Bond Funds) - $78,300.00

Estimated Future Cost - Construction - $687,060.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$78,300.00	Architectural & Engineering	25.66%	6.93%	$5,430.00
• This contract does not meet the M/WBE goal, but complies with good faith efforts.				

PROCUREMENT INFORMATION

The City of Dallas received five responses to Requests for Qualifications on November 9, 2018. The Selection Committee short-listed the two best qualified firms; ArchiTexas - Architecture, Planning and Historic Preservation, Inc. and McCoy Collaborative and issued the Request for Proposals. The proposals were received and opened on December 14, 2018.

The Selection Committee ranked ArchiTexas - Architecture, Planning and Historic Preservation, Inc. as the best value proposer to perform the professional services for this project.

OWNER

ArchiTexas - Architecture, Planning and Historic Preservation, Inc.

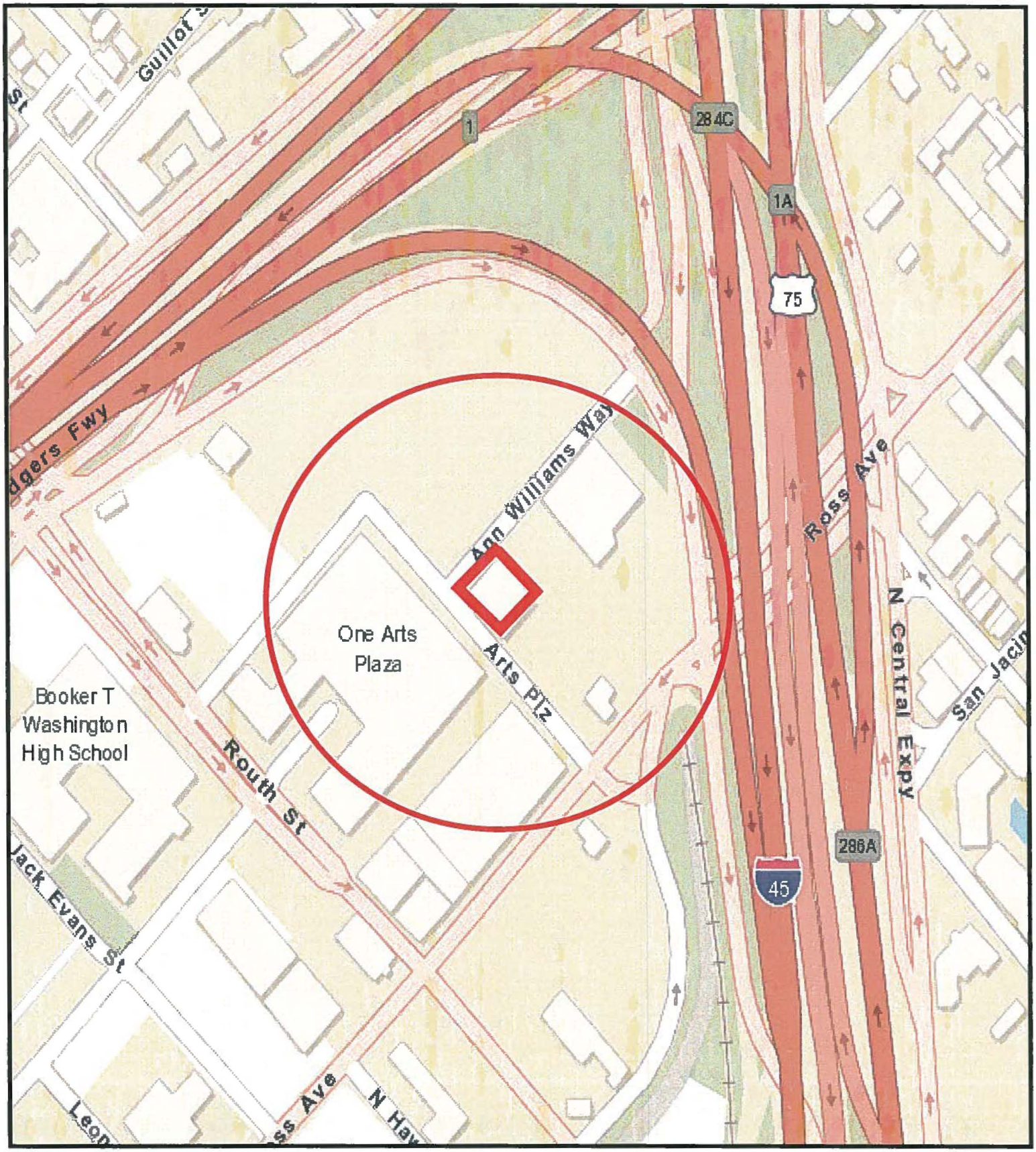
John Allender, Principal
Craig Melde, Senior Principal

MAP

Attached

DALLAS BLACK DANCE THEATER

2700 ANN WILLIAMS WAY



COUNCIL DISTRICT 14

March 27, 2019

WHEREAS, the citizens of Dallas approved funding in the 2017 Bond Program for the design and construction of improvements for the Dallas Black Dance Theater; and

WHEREAS, at the conclusion of a selection process conducted by City staff, ArchiTexas - Architecture, Planning and Historic Preservation, Inc. was chosen as the most qualified firm to provide professional architectural services for the Dallas Black Dance Theater; and

WHEREAS, it is now desirable to authorize a professional services contract with ArchiTexas - Architecture, Planning and Historic Preservation, Inc. for architectural and engineering design and construction administration services for the Dallas Black Dance Theater at 2700 Ann Williams Way, in an amount not to exceed $78,300.00.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute a professional services contract with ArchiTexas - Architecture, Planning and Historic Preservation, Inc., approved as to form by the City Attorney, for architectural and engineering design and construction administration services for the Dallas Black Dance Theater located at 2700 Ann Williams Way, in an amount not to exceed $78,300.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $78,300.00 to ArchiTexas - Architecture, Planning and Historic Preservation, Inc., in accordance with the terms and conditions of the Dallas Black Dance Theater contract from Cultural Arts (F) Fund, Fund 1V49, Department OCA, Unit VF08, Activity CULF, Object 4112, Program EB17VF08, Encumbrance/Contract No. CX-PBW-2019-00008868, Vendor 134617.

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.

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-303 **Item #:** 8.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with ArchiTexas - Architecture, Planning and Historic Preservation, Inc. for architectural and engineering design and construction administration services for the Sammons Center located at 3630 Harry Hines Boulevard - Not to exceed $77,300.00 - Financing: Cultural Arts (F) Fund (2017 Bond Funds)

BACKGROUND

ArchiTexas - Architecture, Planning and Historic Preservation, Inc. was selected following a qualifications-based selection process in accordance with the City of Dallas procurement guidelines.

This action will authorize a professional services contract with ArchiTexas - Architecture, Planning and Historic Preservation, Inc. to provide architectural and engineering design and construction administration services for the Sammons Center. In this contract, services will include schematic design, design development, construction documents, bid evaluation, and construction administration.

This project includes repair and waterproof to the building's brick façade, repoint and repair exterior masonry, repair existing roof and scupper to downspout at the north side of the building, evaluate the roof condition for repairs or replacement, resolve water infiltration and appearance at the exterior wall, investigate and repair any windows to eliminate water infiltration, replace and/or repair two sets of exterior double doors at the first floor assembly room, repair main entrance canopy, and improve drainage.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	April 2019
Complete Design	July 2019
Begin Construction	September 2019
Complete Construction	March 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure, and Sustainability Committee on March 25, 2019.

FISCAL INFORMATION

Cultural Arts (F) Fund (2017 Bond Funds) - $77,300.00

Estimated Future Cost - Construction - $687,960.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$77,300.00	Architectural & Engineering	25.66%	6.47%	$5,000.00
• This contract does not meet the M/WBE goal, but complies with good faith efforts.				

PROCUREMENT INFORMATION

The City of Dallas received five responses to the Requests for Qualifications on November 9, 2018. The Selection Committee short-listed the two best qualified firms; ArchiTexas - Architecture, Planning and Historic Preservation, Inc. and McCoy Collaborative, and issued the Request for Proposals. The proposals were received and opened on December 14, 2018.

The Selection Committee ranked ArchiTexas - Architecture, Planning and Historic Preservation, Inc. as the best-value proposer to perform the professional services for this project.

OWNER

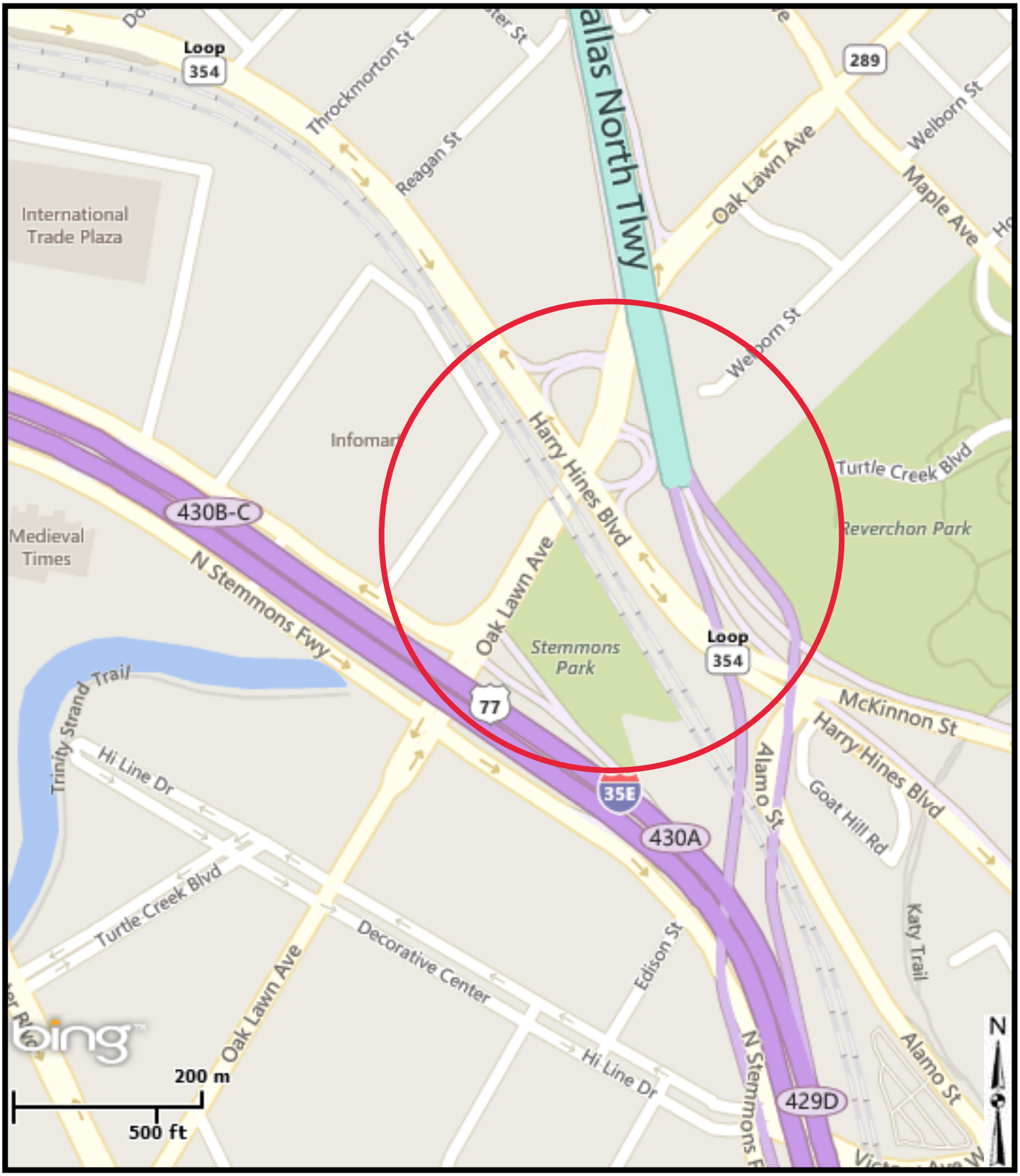
ArchiTexas - Architecture, Planning and Historic Preservation, Inc.

John Allender, Principal
Craig Melde, Senior Principal

MAP

Attached

SAMMONS CENTER
3630 HARRY HINES BOULEVARD



COUNCIL DISTRICT 2

March 27, 2019

WHEREAS, the citizens of Dallas approved funding in the 2017 Bond Program for the design and construction of improvements for the Sammons Center; and

WHEREAS, at the conclusion of a selection process conducted by City staff, ArchiTexas - Architecture, Planning and Historic Preservation, Inc. was chosen as the most qualified firm to provide professional architectural services for the Sammons Center; and

WHEREAS, it is now desirable to authorize a professional services contract with ArchiTexas - Architecture, Planning and Historic Preservation, Inc. for architectural and engineering design and construction administration services for the Sammons Center located at 3630 Harry Hines Boulevard, in an amount not to exceed $77,300.00.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute a professional services contract with ArchiTexas - Architecture, Planning and Historic Preservation, Inc., approved as to form by the City Attorney, for architectural and engineering design and construction administration services for the Sammons Center located at 3630 Harry Hines Boulevard, in an amount not to exceed $77,300.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $77,300.00 to ArchiTexas - Architecture, Planning and Historic Preservation, Inc., in accordance with the terms and conditions of the Sammons Center contract from Cultural Arts (F) Fund, Fund 1V49, Department OCA, Unit VF07, Activity CULF, Object 4112, Program EB17VF07, Encumbrance/Contract No. CX-PBW-2019-00008870, Vendor 134617.

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.

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-298 **Item #:** 9.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): 8

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with Lina T. Ramey and Associates, Inc. to provide preliminary engineering design to develop three alignments for Wheatland Road from the city limits to University Hills Boulevard - Not to exceed $65,000.00 - Financing: Street and Transportation (A) Fund (2017 Bond Funds)

BACKGROUND

The Request for Qualifications (CIZ1721) was issued on May 31, 2018 for the 2017 Bond Projects. The consulting firm, Lina T. Ramey and Associates, Inc., was selected following a qualifications-based selection process in accordance with the City of Dallas procurement guidelines.

This action will authorize a professional services contract with Lina T. Ramey and Associates, Inc. for the preliminary engineering design to provide three alignments for Wheatland Road from the city limits to University Hills Boulevard. The scope of work will include, but not be limited to, preliminary level engineering services to provide an alignment study for three alternative alignments. The study will include an environmental constraints analysis, data collection and analysis, conceptual drainage, documenting major utilities and potential impacts, and traffic projections for establishing the new roadway. The alternative alignments will be presented to the public for input on the selection before the final design begins. The estimated total project cost is $5,200,000.00.

ESTIMATED SCHEDULE OF PROJECT

Begin Study	April 2019
Complete Study	September 2019
Begin Final Design	March 2020
Complete Final Design	September 2021
Begin Construction	March 2022
Complete Construction	September 2023

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on March 25, 2019.

FISCAL INFORMATION

Street and Transportation (A) Fund (2017 Bond Funds) - $65,000.00

Estimated Future Cost - Final Design - $485,000.00
Estimated Future Cost - Construction - $4,250,000.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$65,000.00	Architectural & Engineering	25.66%	100.00%	$65,000.00
• This contract exceeds the M/WBE goal.				

OWNER

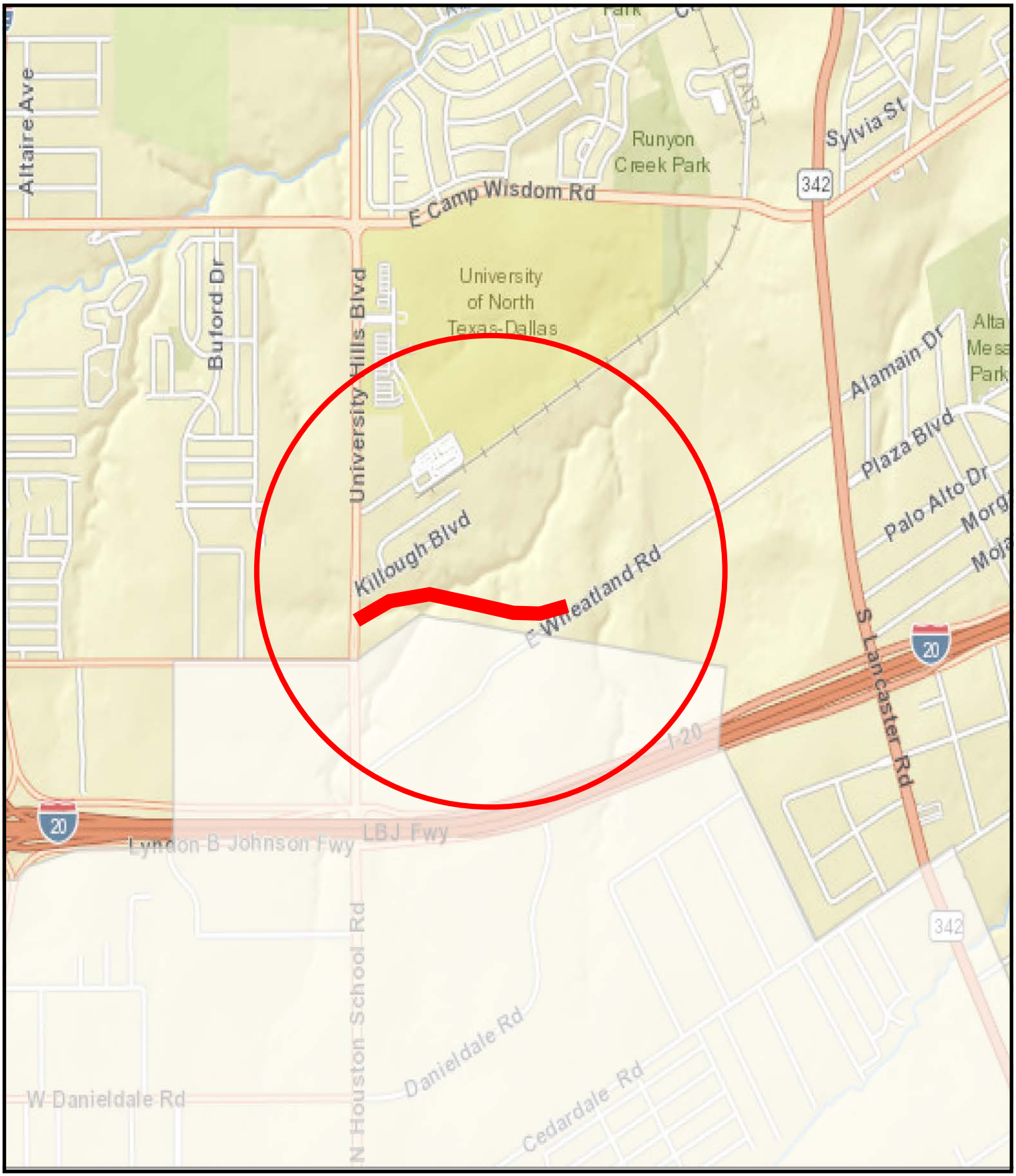
Lina T. Ramey and Associates, Inc.

Lina T. Ramey, P.E., Vice President

MAP

Attached

STREET IMPROVEMENT
WHEATLAND ROAD FROM CITY LIMITS
TO UNIVERSITY HILLS BLVD.



COUNCIL DISTRICT 8

March 27, 2019

WHEREAS, Lina T. Ramey and Associates, Inc. was selected to provide preliminary engineering design to develop three alignments for Wheatland Road from the city limits to University Hills Boulevard.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute a professional services contract with Lina T. Ramey and Associates, Inc., approved as to form by the City Attorney, to provide preliminary engineering design to develop three alignments for Wheatland Road from the city limits to University Hills Boulevard, in an amount not to exceed $65,000.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $65,000.00 to Lina T. Ramey and Associates, Inc., in accordance with the terms and conditions of the contract from the Street and Transportation (A) Fund, Fund 1V22, Department PBW, Unit V145, Object 4111, Activity INGV, Program PB17V145, Encumbrance/Contract No. CX-PBW-2019-00009464, Vendor 356668.

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.

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-130 **Item #:** 10.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): All

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with Professional Service Industries, Inc. dba Intertek-PSI to provide construction material testing services during the construction of the 2019 Maintenance & Street Improvements Project for Service Maintenance Areas 1 through 4 - Not to exceed $179,700.00 - Financing: Street and Alley Improvement Fund ($107,820.00) and General Fund ($71,880.00)

BACKGROUND

The Request for Qualifications (CIZ1728) was issued on August 27, 2018 for the 2018 Construction Material Testing Services Projects. The consulting firm, Professional Service Industries, Inc. dba Intertek-PSI, was selected following a qualifications-based selection process in accordance with the City of Dallas procurement guidelines.

This action will authorize a professional services contract for the construction material testing services for pavement surface improvements of the 2019 Maintenance & Street Improvements Project for Service Maintenance Areas 1 through 4. These testing services are required to assure that the material utilized during construction is in conformance with the quality required by the project specifications.

ESTIMATED SCHEDULE OF PROJECT

Begin Testing	April 2019
Complete Testing	April 2021

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on March 25, 2019.

powered by Legistar™

FISCAL INFORMATION

Street and Alley Improvement Fund - $107,820.00
General Fund - $71,880.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$179,700.00	Architectural & Engineering	25.66%	25.69%	$46,163.00
• This contract exceeds the M/WBE goal.				

OWNER

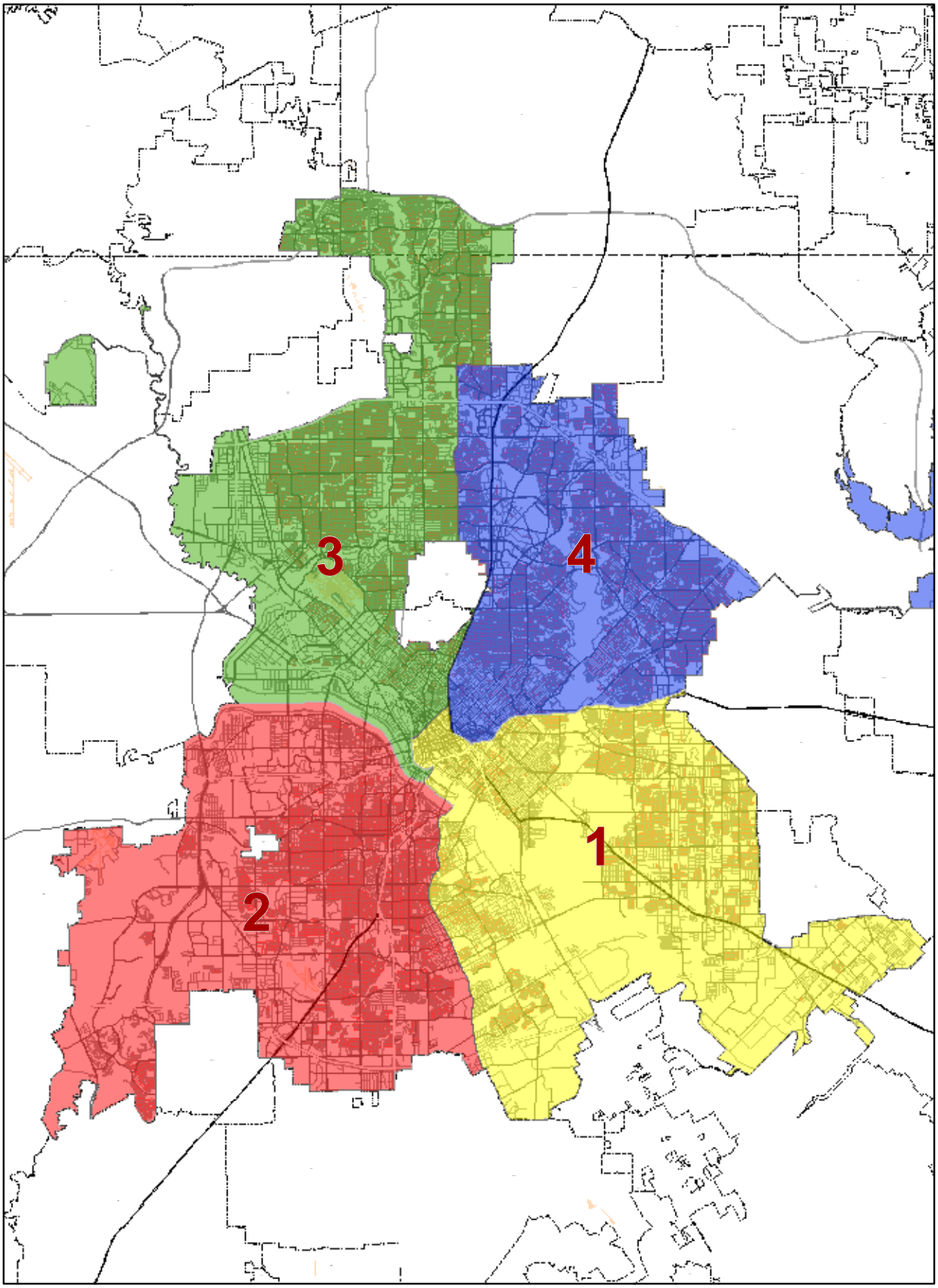
Professional Service Industries, Inc. dba Intertek-PSI

Doyle L. Smith Jr., P.E., Senior Vice President

MAP

Attached

Material Testing - 2019 Resurfacing & Street Improvements
Contract for Service Maintenance Areas 1 through 4



March 27, 2019

WHEREAS, Professional Service Industries, Inc. dba Intertek-PSI was selected to provide construction material testing services during the construction of the 2019 Maintenance & Street Improvements Project for Service Maintenance Areas 1 through 4.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute a professional services contract with Professional Service Industries, Inc. dba Intertek-PSI, approved as to form by the City Attorney, to provide construction material testing services during the construction of the 2019 Maintenance & Street Improvements Project for Service Maintenance Areas 1 through 4, in an amount not to exceed $179,700.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $179,700.00 in accordance with the terms and conditions of the contract to Professional Service Industries, Inc. dba Intertek-PSI, as follows:

Street and Alley Improvement Fund Fund 0715, Department PBW, Unit W222, Activity PB51 Object 4113, Program PBSTA001 Encumbrance/Contract No. CX-PBW-2019-00008885 Vendor VS0000017524	$107,820.00
General Fund Fund 0001, Department PBW, Unit 3008, Activity PB51 Object 4113, Program PBCUR033 Encumbrance/Contract No. CX-PBW-2019-00008885 Vendor VS0000017524	$ 71,880.00
Total amount not to exceed	$179,700.00

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.

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-197 **Item #:** 11.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): All

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with Alliance Geotechnical Group, Inc. to provide construction material testing services during the construction of the 2019 Resurfacing & Street Improvements Contract for Service Maintenance Areas 1 through 4 - Not to exceed $350,475.00 - Financing: Street and Transportation (A) Fund (2017 Bond Funds)

BACKGROUND

The Request for Qualifications (CIZ1728) was issued on August 27, 2018 for the 2018 Construction Material Testing Services Project. The consulting firm, Alliance Geotechnical Group, Inc., was selected following a qualifications-based selection process in accordance with the City of Dallas procurement guidelines.

This action will authorize a professional services contract for the construction material testing services for pavement surface improvements of the 2019 Resurfacing & Street Improvements Contract for Service Maintenance Areas 1 through 4. These testing services are required to assure that the material utilized during construction is in conformance with the quality required by the project specifications.

ESTIMATED SCHEDULE OF PROJECT

Begin Testing	April 2019
Complete Testing	April 2021

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on March 25, 2019.

FISCAL INFORMATION

Street and Transportation (A) Fund (2017 Bond Funds) - $350,475.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$350,475.00	Architectural & Engineering	25.66%	100.00%	$350,475.00
• This contract exceeds the M/WBE goal.				

OWNER

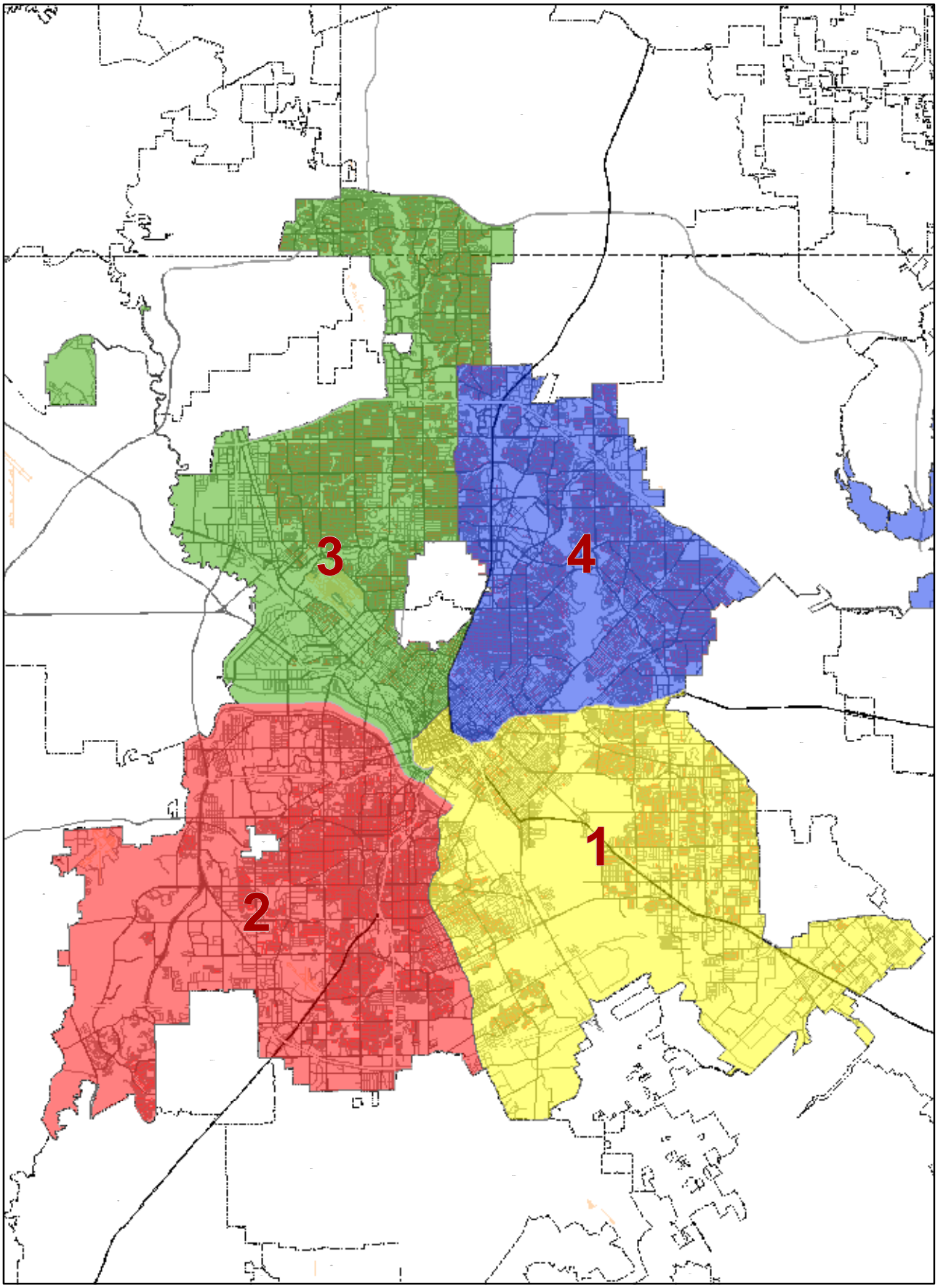
Alliance Geotechnical Group, Inc.

Robert P. Nance, President

MAP

Attached

Material Testing - 2019 Resurfacing & Street Improvements
Contract for Service Maintenance Areas 1 through 4



March, 27, 2019

WHEREAS, Alliance Geotechnical Group, Inc. was selected to provide construction material testing services during the construction of the 2019 Resurfacing & Street Improvements Contract for Service Maintenance Areas 1 through 4.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute a professional services contract with Alliance Geotechnical Group, Inc., approved as to form by the City Attorney, to provide construction material testing services during the construction of the 2019 Resurfacing & Street Improvements Contract for Service Maintenance Areas 1 through 4, in an amount not to exceed $350,475.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds, in an amount not to exceed $350,475.00 in accordance with the terms and conditions of the contract to Alliance Geotechnical Group, Inc., as follows:

Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V962, Activity SRSF Object 4113, Program PB17V962 Encumbrance/Contract No. CX-PBW-2019-00008770 Vendor 338366	$120,000.00
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V344 Activity SRSF Object 4113, Program PB17V344 Encumbrance/Contract No. CX-PBW-2019-00008770 Vendor 338366	$ 80,000.00
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V960, Activity SRSF Object 4113, Program PB17V960 Encumbrance/Contract No. CX-PBW-2019-00008770 Vendor 338366	$ 55,000.00
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V464, Activity SRSF Object 4113, Program PB17V464 Encumbrance/Contract No. CX-PBW-2019-00008770 Vendor 338366	$ 50,475.00

SECTION 2. (continued)

Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V927, Activity SRSF Object 4113, Program PB17V927 Encumbrance/Contract No. CX-PBW-2019-00008770 Vendor 338366	$ 45,000.00
Total amount not to exceed	$350,475.00

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.

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-286 **Item #:** 12.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): 13, 14

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with Simon Engineering & Consulting, Inc. for the engineering design of Alley Petition, Street Petition and Target Neighborhood Project Group 17-1302 (list attached to the Agenda Information Sheet) - Not to exceed $252,592.30 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($207,034.80) and Water Utilities Capital Improvement Funds ($45,557.50)

BACKGROUND

The Request for Qualifications (CIZ1721) was issued on May 31, 2018 for the 2017 Bond Projects. The consulting firm, Simon Engineering & Consulting, Inc., was selected following a qualifications-based selection process in accordance with the City of Dallas procurement guidelines.

This action will authorize a professional services contract with Simon Engineering & Consulting, Inc. for the engineering design of three alley petition projects, one street petition project , and two target neighborhood projects as Alley Petition, Street Petition and Target Neighborhood Project Group 17-1302. The projects will include replacing the existing unimproved alleys and streets with reinforced concrete pavement, curb, gutter, sidewalk, driveway approaches, storm drainage, water and wastewater improvements.

Following are the locations and design costs for each project:

Alley Petition Improvements

Project	Council District	Amount
West Amherst Avenue & Stanford Avenue from Linwood Avenue to Briarwood Lane	13	$33,153.10

Glenleigh Drive and Manning Lane from existing pavement to Manchester Drive	13	$28,369.10
Palo Pinto Avenue and Velasco Avenue from Concho Street to Skillman Street	14	$29,763.10

Street Petition Improvements

Project	Council District	Amount
Dirk Street - Alley South of Martel Avenue to Martel Avenue	14	$29,219.80

Target Neighborhood Improvements

Project	Council District	Amount
Palo Pinto Avenue (5701-5745) and Velasco Avenue (5702-5746) (alley)	14	$46,113.10
West Shore Drive from Santa Fe Trail to Alley North of Coronado Avenue	14	$85,974.10

ESTIMATED SCHEDULE OF PROJECT

Begin Design	May 2019
Complete Design	March 2020
Begin Construction	June 2020
Complete Construction	June 2021

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure, and Sustainability Committee on March 25, 2019.

FISCAL INFORMATION

Street and Transportation (A) Fund (2017 Bond Funds) - $207,034.80
Water Utilities Capital Improvement Funds - $45,557.50

Estimated Future Cost - Construction - $2,013,286.57

Council District	Amount
13	$ 61,522.20
14	$191,070.10
Total	$252,592.30

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$252,592.30	Architectural & Engineering	25.66%	100.00%	$252,592.30
• This contract exceeds the M/WBE goal.				

OWNER

Simon Engineering & Consulting, Inc.

Voranique "Nikki" Simon, P.E., President

MAPS

Attached

Alley Petition, Street Petition and Target Neighborhood Project Group 17-1302

Alley Petition Improvements

Project	**Council District**
West Amherst Avenue & Stanford Avenue from Linwood Avenue to Briarwood Lane	13
Glenleigh Drive and Manning Lane from existing pavement to Manchester Drive	13
Palo Pinto Avenue and Velasco Avenue from Concho Street to Skillman Street	14

Street Petition Improvements

Project	
Dirk Street - Alley South of Martel Avenue to Martel Avenue	14

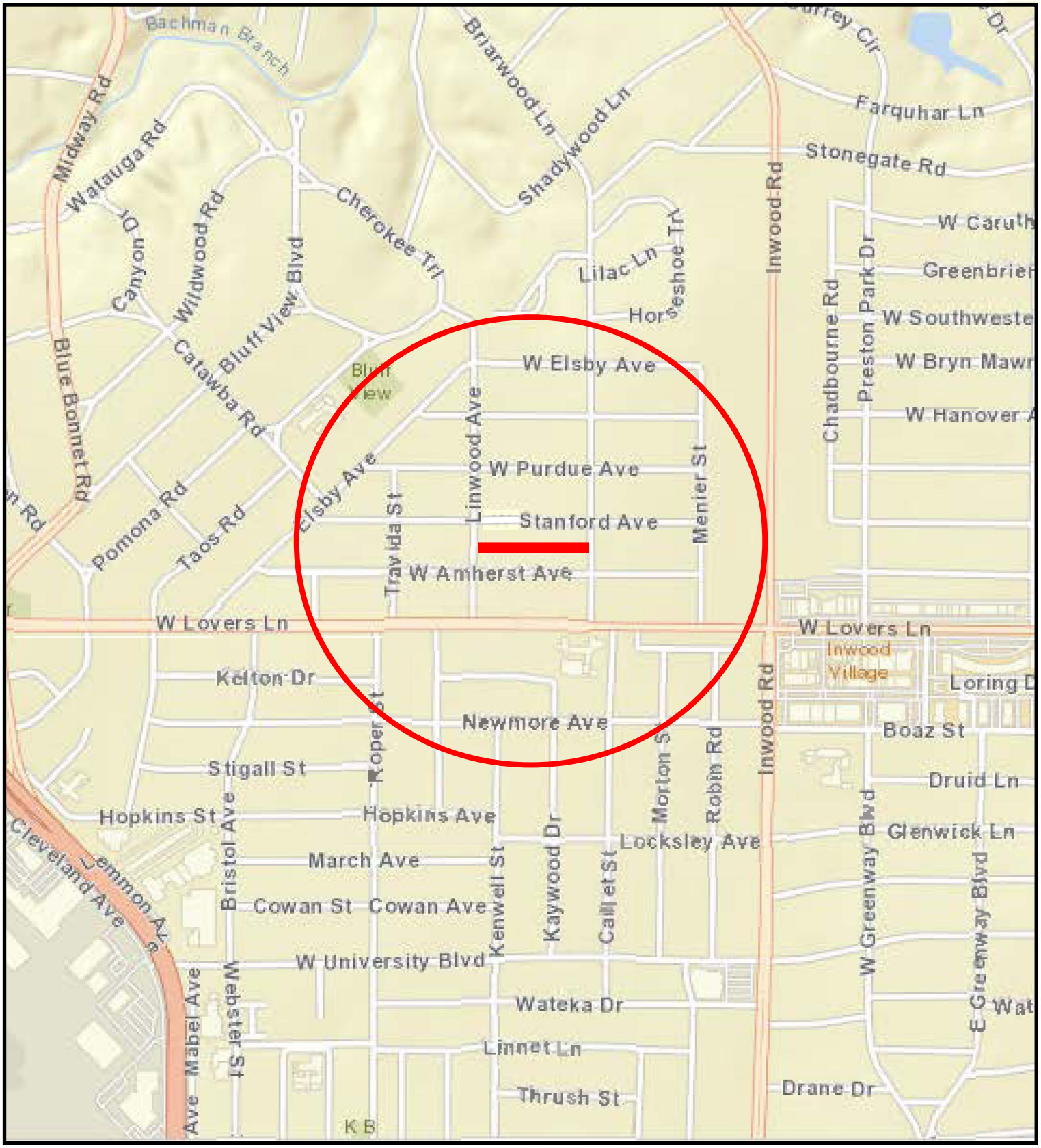
Target Neighborhood Improvements

Project	
Palo Pinto Avenue (5701-5745) and Velasco Avenue (5702-5746) (alley)	14
West Shore Drive from Santa Fe Trail to Alley North of Coronado Avenue	14

ALLEY PETITION

WEST AMHERST AVENUE & STANFORD AVENUE

FROM LINWOOD AVENUE TO BRIARWOOD LANE

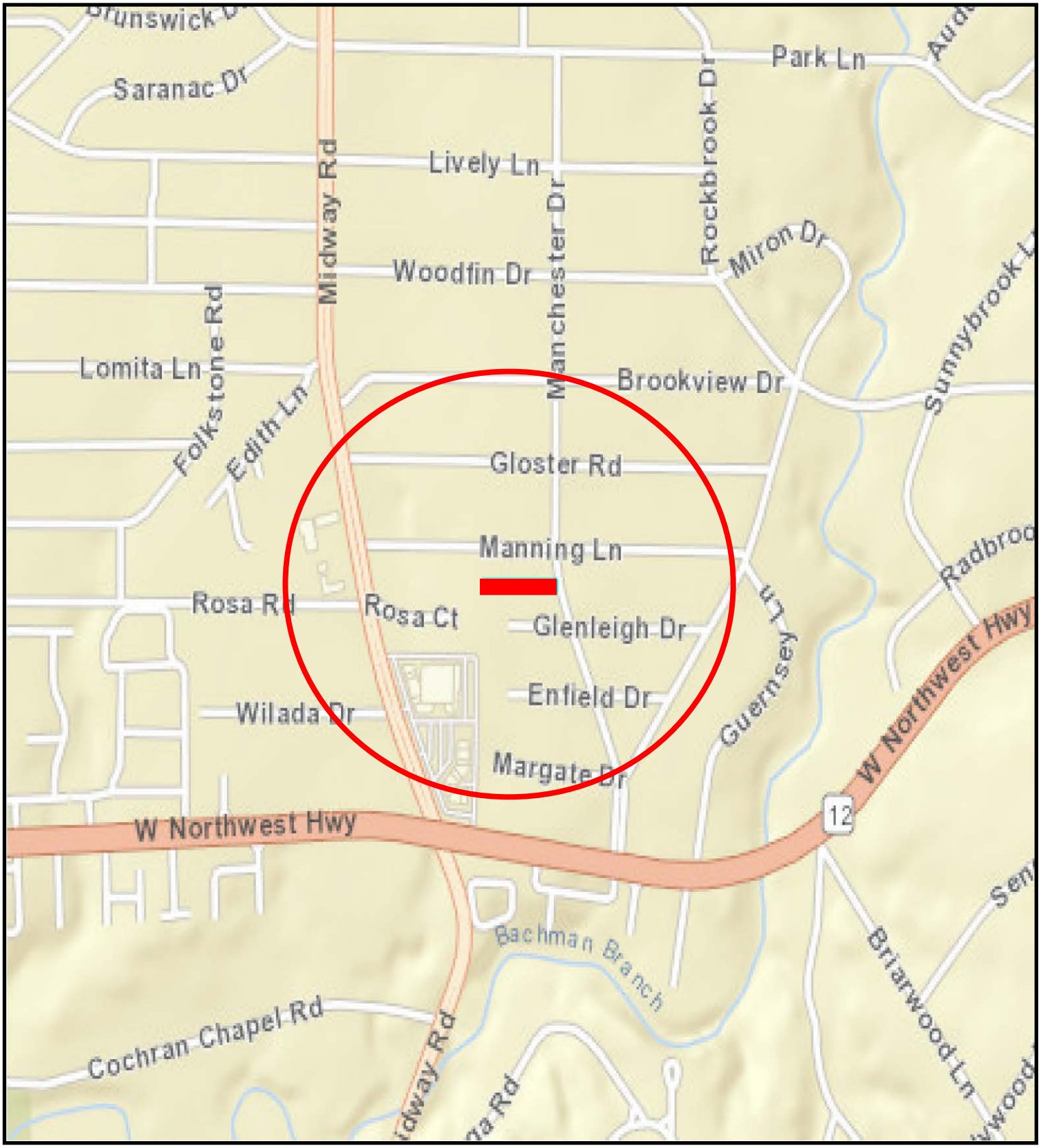


COUNCIL DISTRICT 13

ALLEY PETITION

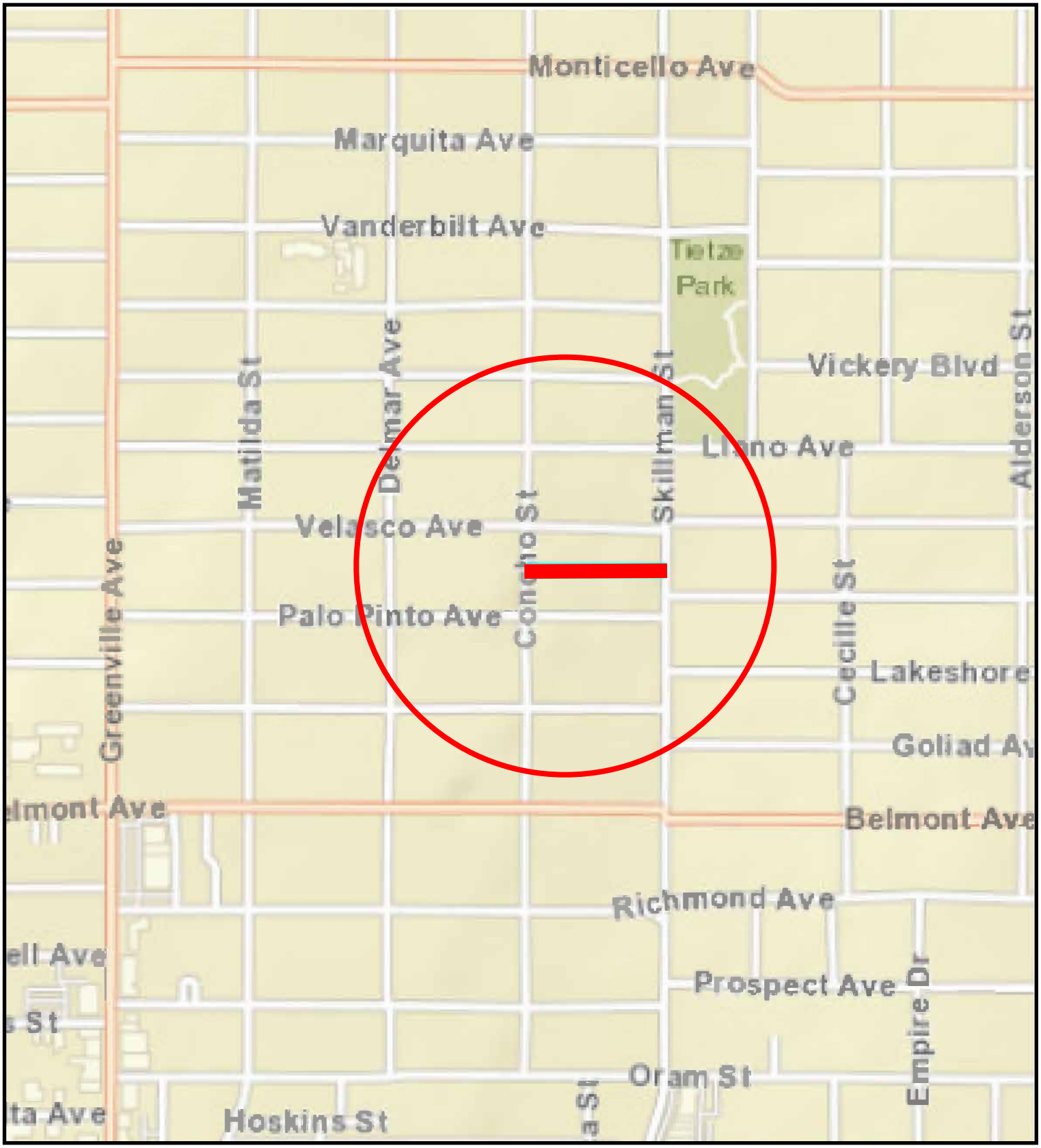
GLENLEIGH DRIVE AND MANNING LANE

FROM EXISTING PAVEMENT TO MANCHESTER DRIVE



COUNCIL DISTRICT 13

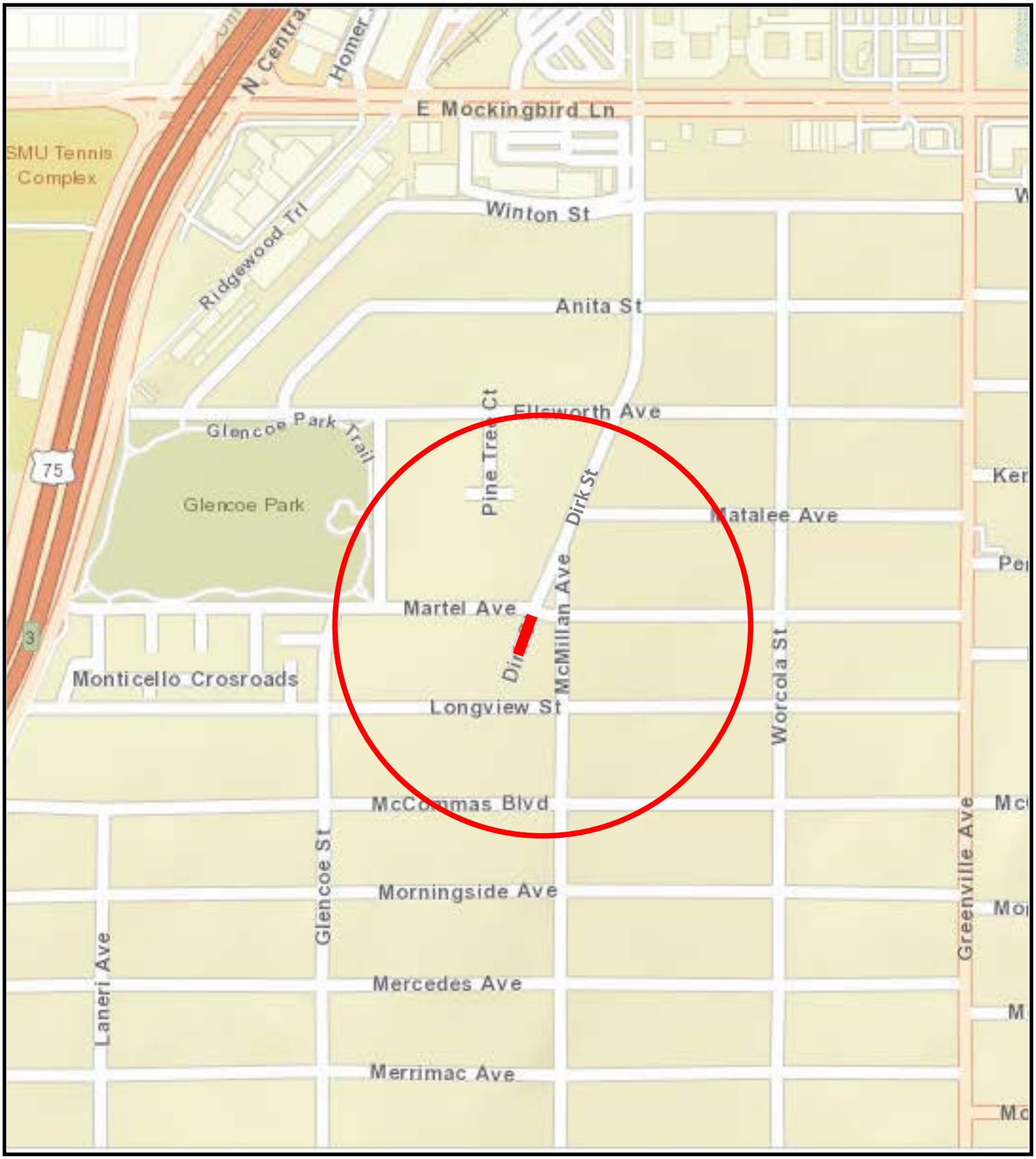
ALLEY PETITION
PALO PINTO AVENUE & VELASCO AVENUE
FROM CONCHO STREET TO SKILLMAN STREET



COUNCIL DISTRICT 14

STREET PETITION

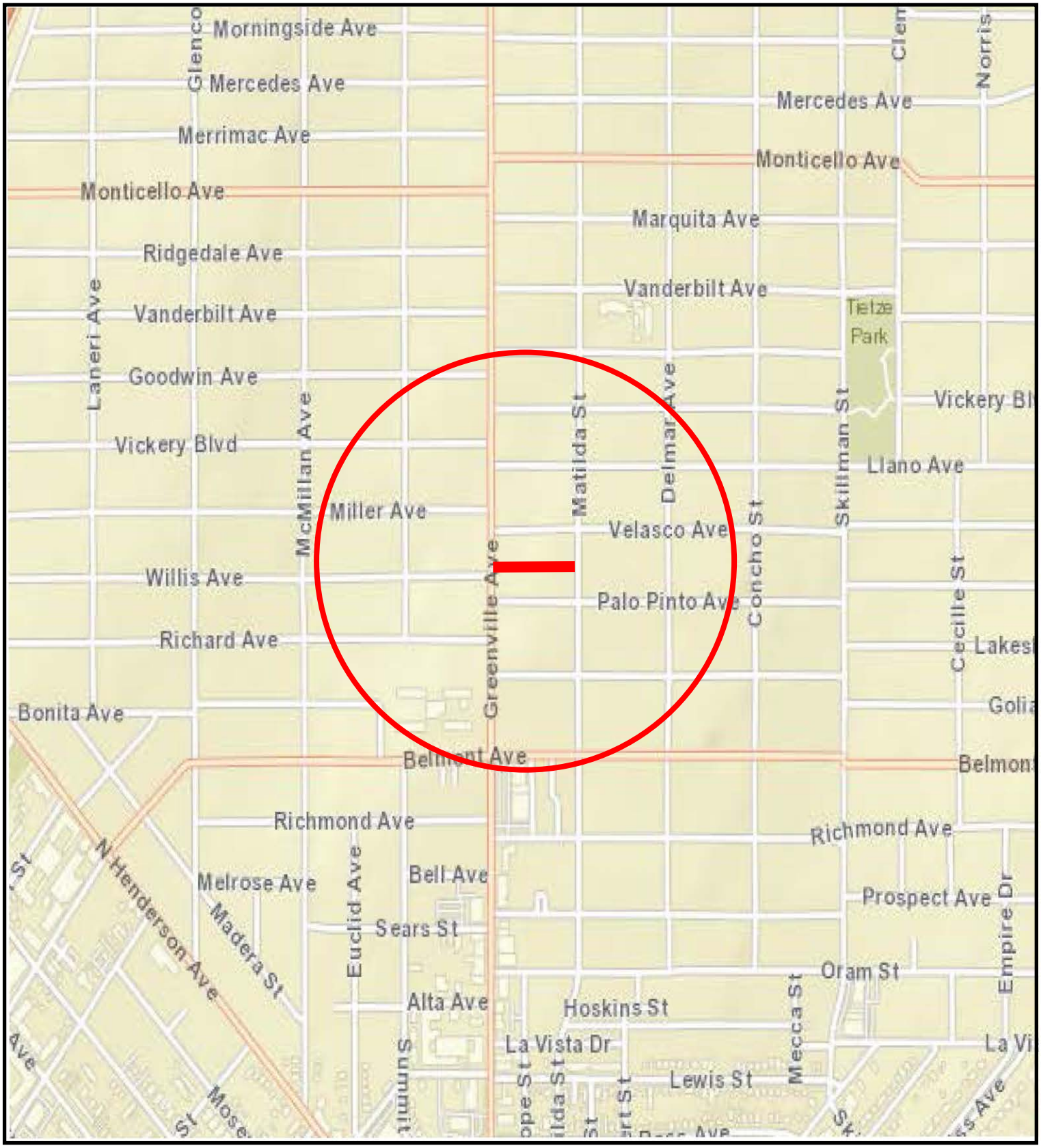
DIRK STREET - ALLEY SOUTH OF MARTEL AVENUE TO MARTEL AVENUE



COUNCIL DISTRICT 14

TARGET NEIGHBORHOOD

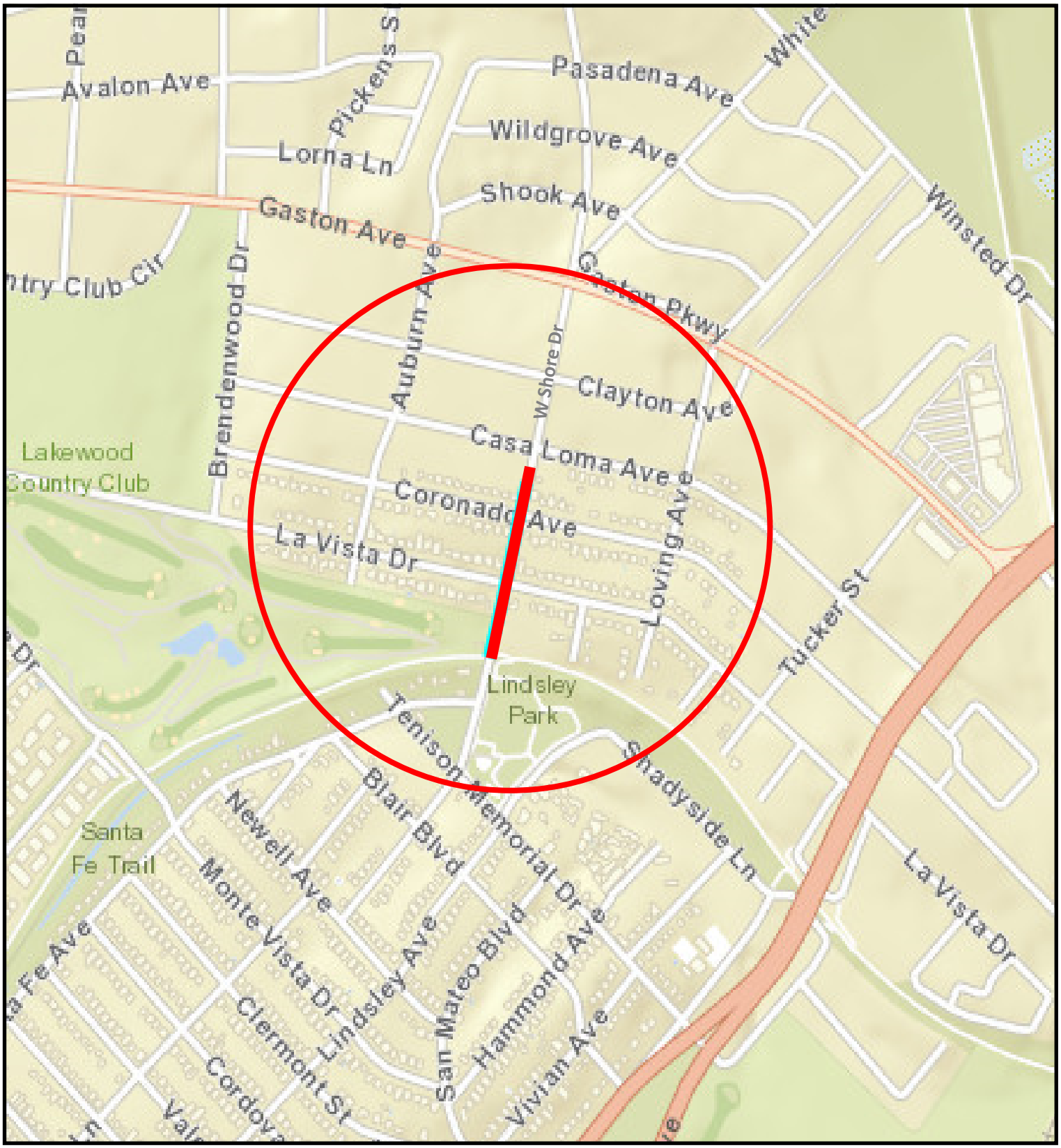
5701-5745 PALO PINTO AVENUE &
5702-5746 VELASCO AVENUE (ALLEY)



COUNCIL DISTRICT 14

TARGET NEIGHBORHOOD

WEST SHORE DRIVE FROM SANTA FE TRAIL TO ALLEY NORTH OF CORONADO AVENUE



COUNCIL DISTRICT 14

March 27, 2019

WHEREAS, Simon Engineering & Consulting, Inc. was selected to provide engineering design for Alley Petition, Street Petition and Target Neighborhood Group 17-1302.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute a professional services contract with Simon Engineering & Consulting, Inc., approved as to form by the City Attorney, for engineering design services for the indicated projects, in an amount not to exceed $252,592.30.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $252,592.30 in accordance with the terms and conditions of the contract:

Simon Engineering & Consulting, Inc. for the engineering design of alley petition, street petition and target neighborhood projects on: West Amherst Avenue and Stanford Avenue from Linwood Avenue to Briarwood Lane (alley); Glenleigh Drive and Manning Lane from existing pavement to Manchester Drive (alley); Dirk Street – Alley South of Martel Avenue to Martel Avenue; Palo Pinto Avenue and Velasco Avenue from Concho Street to Skillman Street (alley); Palo Pinto Avenue (5701-5745) and Velasco Avenue (5702-5746) (alley); and West Shore Drive from Santa Fe Trail to Alley North of Coronado Avenue:

Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V005, Activity APET Object 4111, Program PB17V005 Encumbrance/Contract No. CX-PBW-2019-00009439 Vendor VS0000052965	$ 33,153.10
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V004, Activity APET Object 4111, Program PB17V004 Encumbrance/Contract No. CX-PBW-2019-00009439 Vendor VS0000052965	$ 20,116.60
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V006, Activity APET Object 4111, Program PB17V006 Encumbrance/Contract No. CX-PBW-2019-00009439 Vendor VS0000052965	$ 29,763.10

SECTION 2. (continued)

Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit VA06, Activity TGTN Object 4111, Program PB17VA06 Encumbrance/Contract No. CX-PBW-2019-00009439 Vendor VS0000052965	$ 28,358.10
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit VA07, Activity TGTN Object 4111, Program PB17VA07 Encumbrance/Contract No. CX-PBW-2019-00009439 Vendor VS0000052965	$ 73,204.10
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V187, Activity STPT Object 4111, Program PB17V187 Encumbrance/Contract No. CX-PBW-2019-00009439 Vendor VS0000052965	$ 22,439.80
Water Capital Improvement Fund Fund 3115, Department DWU, Unit PW42 Object 4111, Program 719211 Encumbrance/Contract No. CX-PBW-2019-00009439 Vendor VS0000052965	$ 19,301.20
Wastewater Capital Improvement Fund Fund 2116, Department DWU, Unit PS42 Object 4111, Program 719212 Encumbrance/Contract No. CX-PBW-2019-00009439 Vendor VS0000052965	$ 26,256.30
Total amount not to exceed	$252,592.30

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.

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-7 **Item #:** 13.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): 6

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with RJN Group, Inc. for the engineering design of Street Reconstruction Group 17-6006 (list attached to the Agenda Information Sheet) - Not to exceed $220,570.80 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($183,250.80) and Water Utilities Capital Improvement Funds ($37,320.00)

BACKGROUND

The Request for Qualifications (CIZ1721) was issued on May 31, 2018 for the 2017 Bond Projects. The consulting firm, RJN Group, Inc., was selected following a qualifications-based selection process in accordance with the City of Dallas procurement guidelines.

This action will authorize a professional services contract with RJN Group, Inc. for the engineering design of three local street reconstruction projects as Street Reconstruction Group 17-6006. The scope will include replacing the existing deteriorating concrete streets with reinforced concrete pavement, curb, gutter, sidewalk, driveway approaches, drainage system, and water and wastewater improvements.

Following are the locations and design costs for each project:

Street Reconstruction - Local Streets - Improvements

Project	Council District	Amount
Babcock Drive from Bernal Drive to Canada Drive	6	$51,221.10
Halifax Street from Cash Road to Pulaski Street	6	$93,478.60
Quebec Street from Sharp Street to Mockingbird Lane	6	$75,871.10

ESTIMATED SCHEDULE OF PROJECT

Begin Design	May 2019
Complete Design	May 2020
Begin Construction	October 2020
Complete Construction	December 2021

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure, and Sustainability Committee on March 25, 2019.

FISCAL INFORMATION

Street and Transportation (A) Fund (2017 Bond Funds) - $183,250.80
Water Utilities Capital Improvement Funds - $37,320.00

Estimated Future Cost - Construction - $2,122,225.60

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$220,570.80	Architectural & Engineering	25.66%	26.66%	$58,800.00
• This contract exceeds the M/WBE goal.				

OWNER

RJN Group, Inc.

Daniel Jackson, P.E., Vice President

MAPS

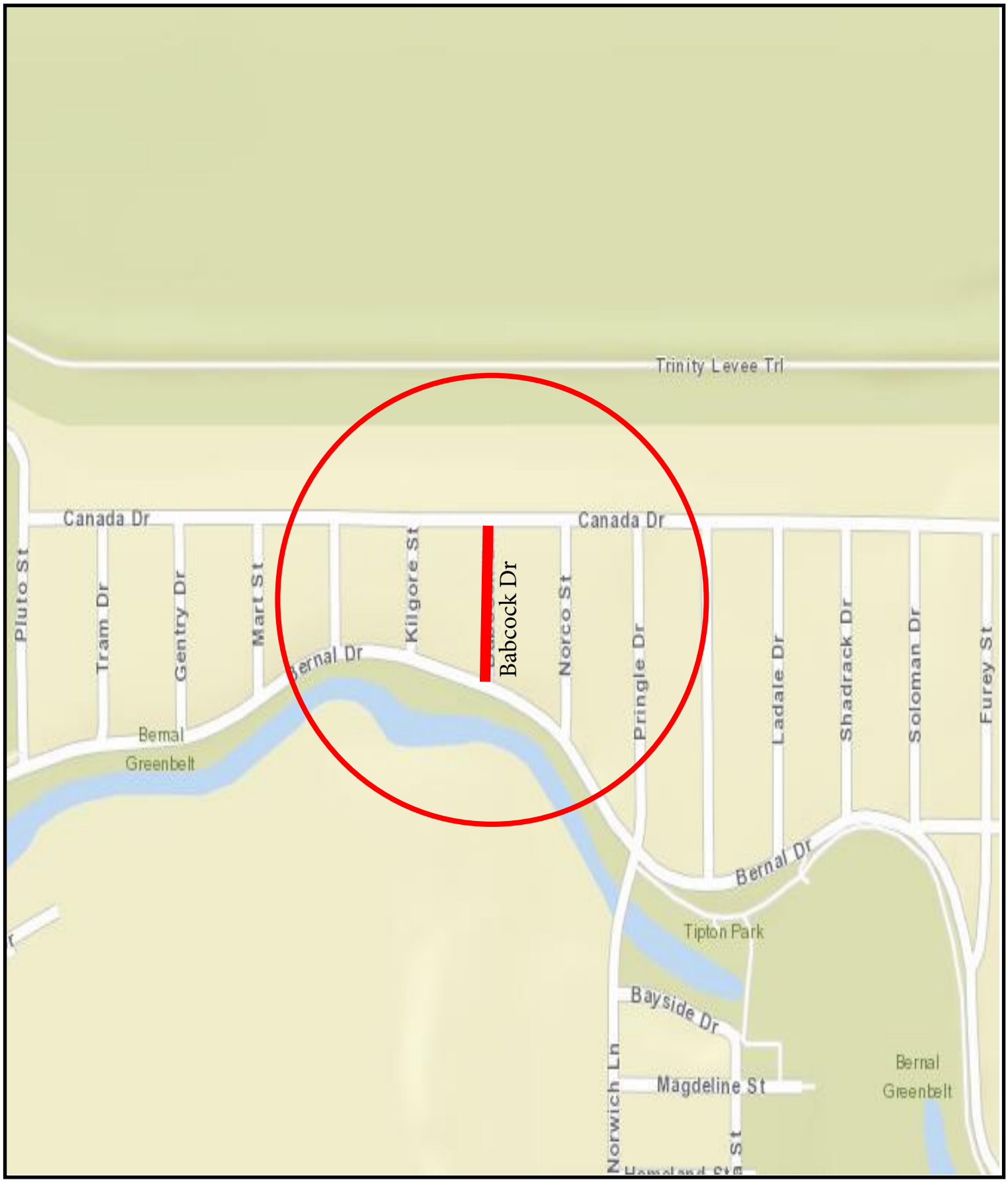
Attached

Street Reconstruction Group 17-6006

Street Reconstruction - Local Streets - Improvements

Project	Council District
Babcock Drive from Bernal Drive to Canada Drive	6
Halifax Street from Cash Road to Pulaski Street	6
Quebec Street from Sharp Street to Mockingbird Lane	6

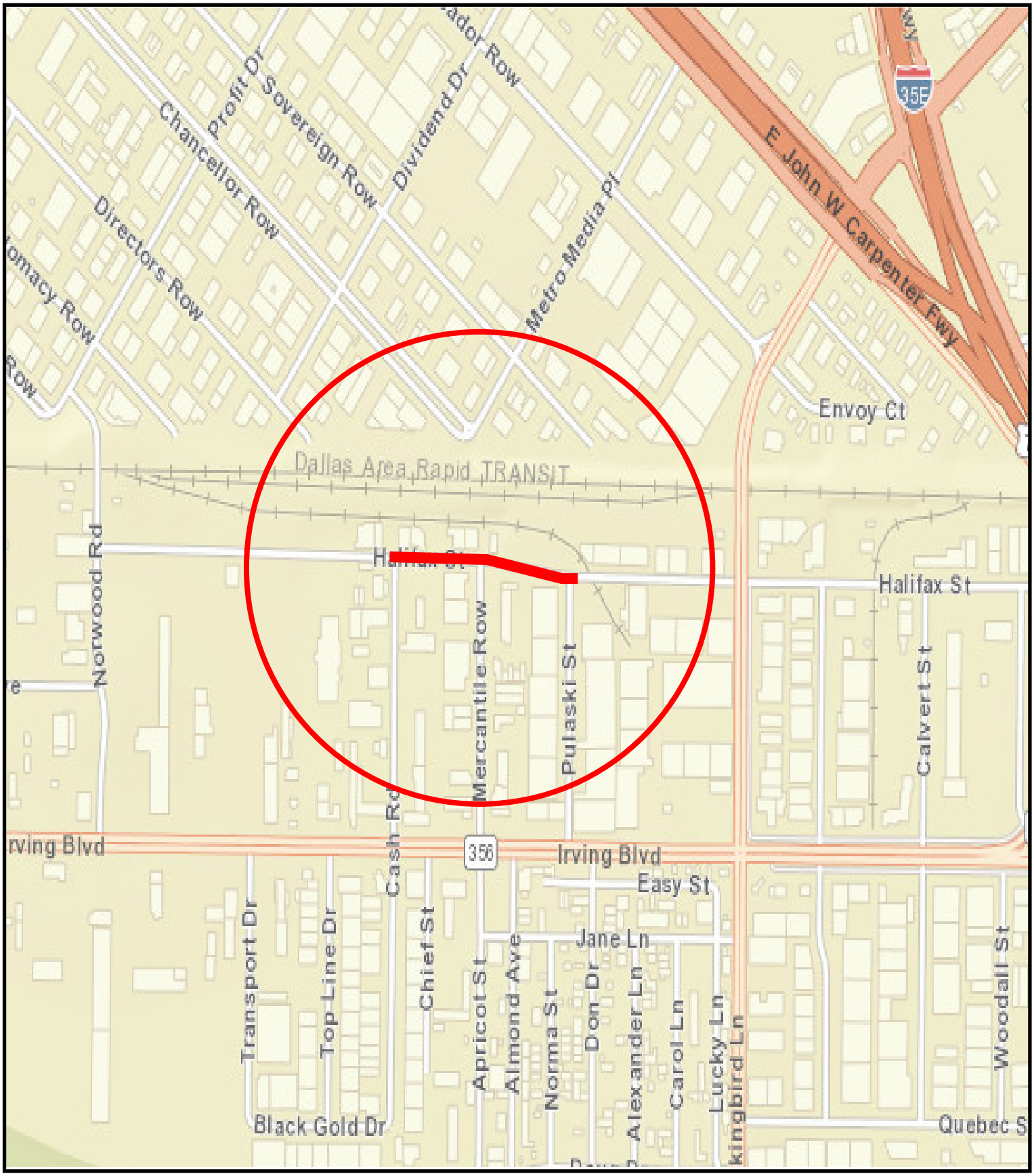
STREET RECONSTRUCTION
BABCOCK DRIVE FROM BERNAL DRIVE TO CANADA DRIVE



COUNCIL DISTRICT 6

STREET RECONSTRUCTION

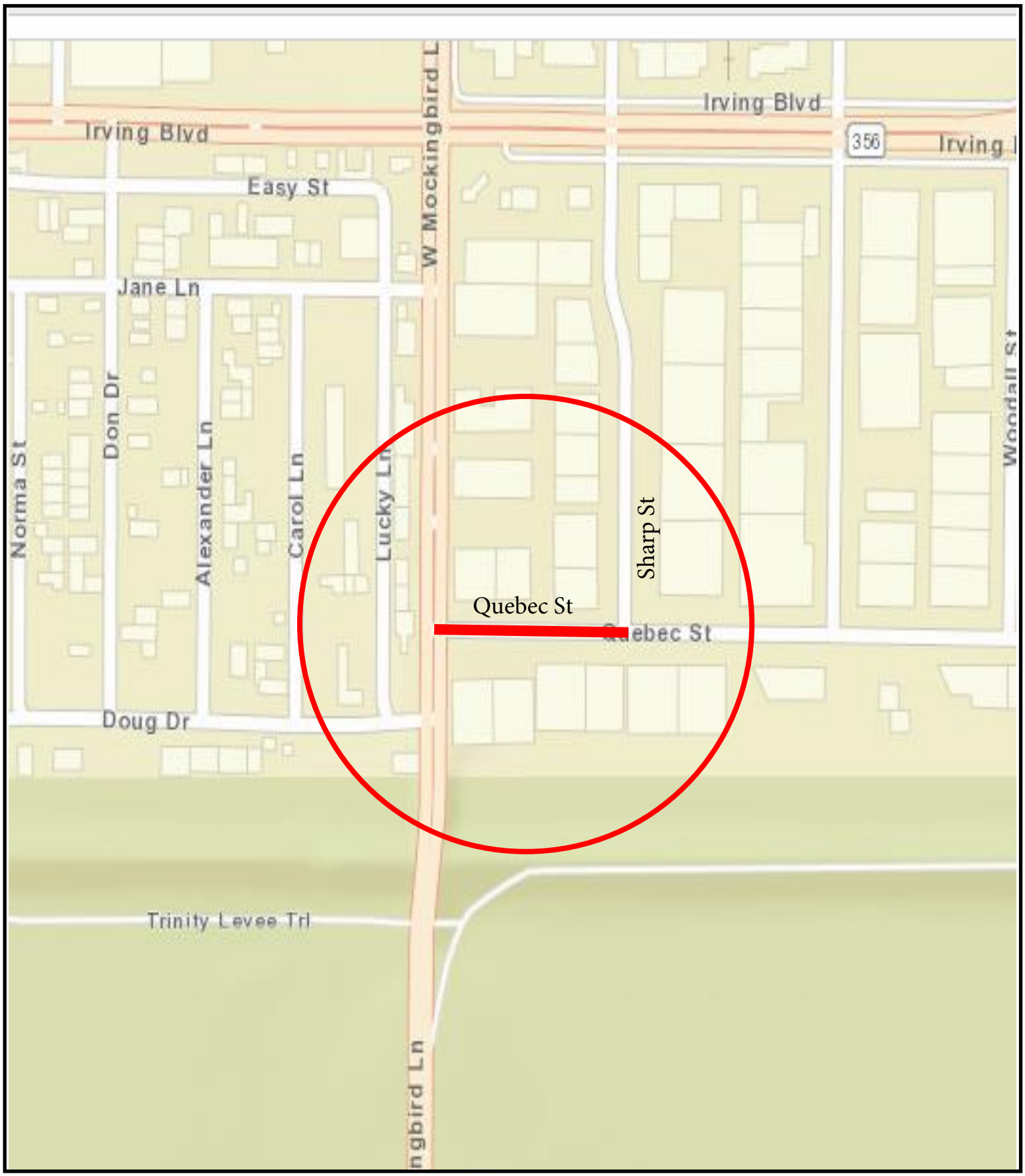
HALIFAX STREET FROM CASH ROAD TO PULASKI STREET



COUNCIL DISTRICT 6

STREET RECONSTRUCTION

QUEBEC STREET FROM SHARP STREET TO MOCKINGBIRD LANE



COUNCIL DISTRICT 6

March 27, 2019

WHEREAS, RJN Group, Inc. was selected to provide engineering design for Street Reconstruction Group 17-6006.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute a professional services contract with RJN Group, Inc., approved as to form by the City Attorney, for engineering design services for the indicated projects, in an amount not to exceed $220,570.80.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $220,570.80 in accordance with the terms and conditions of the contract:

RJN Group, Inc. for the engineering design of street reconstruction projects of local streets on: Babcock Drive from Bernal Drive to Canada Drive; Halifax Street from Cash Road to Pulaski Street; and Quebec Street from Sharp Street to Mockingbird Lane:

Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V256, Activity SREC Object 4111, Program PB17V256 Encumbrance/Contract No. CX-PBW-2019-00009395 Vendor 244922	$ 38,201.10
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V206, Activity SREC Object 4111, Program PB17V206 Encumbrance/Contract No. CX-PBW-2019-00009395 Vendor 244922	$ 82,448.60
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V260, Activity SREC Object 4111, Program PB17V260 Encumbrance/Contract No. CX-PBW-2019-00009395 Vendor 244922	$ 62,601.10

SECTION 2. (continued)

Water Capital Improvement Fund Fund 3115, Department DWU, Unit PW42 Object 4111, Program 719233 Encumbrance/Contract No. CX-PBW-2019-00009395 Vendor 244922	$ 22,392.00
Wastewater Capital Improvement Fund Fund 2116, Department DWU, Unit PS42 Object 4111, Program 719234 Encumbrance/Contract No. CX-PBW-2019-00009395 Vendor 244922	$ 14,928.00
Total amount not to exceed	$220,570.80

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.

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-134 **Item #:** 14.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): 6

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with Criado & Associates, Inc. for the engineering design of Target Neighborhood Group 17-6008 (list attached to the Agenda Information Sheet) - Not to exceed $156,612.59 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($135,052.09) and Wastewater Capital Improvement Fund ($21,560.50)

BACKGROUND

The Request for Qualifications (CIZ1721) was issued on May 31, 2018 for the 2017 Bond Projects. The consulting firm, Criado & Associates, Inc., was selected following a qualifications-based selection process in accordance with the City of Dallas procurement guidelines.

This action will authorize a professional services contract with Criado & Associates, Inc. for the engineering design of two street improvements as Target Neighborhood Group 17-6008. These target neighborhood improvements will include replacing the existing deteriorating street asphalt pavement with reinforced concrete pavement, curb, gutter, sidewalk, driveway approaches, paving marking, possible replacement of the drainage system, and wastewater improvements.

Following are the locations and design costs for each project:

Target Neighborhood Group 17-6008

Street Improvements

Project	Council District	Amount
North Arcadia Drive from South Ira Avenue to South Tillery Avenue	6	$77,534.26

North Ira Avenue from North Arcadia Drive to West Jefferson Boulevard	6	$79,078.33

ESTIMATED SCHEDULE OF PROJECT

Begin Design	June 2019
Complete Design	June 2020
Begin Construction	August 2020
Complete Construction	August 2021

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure, and Sustainability Committee on March 25, 2019.

FISCAL INFORMATION

Street and Transportation (A) Fund (2017 Bond Funds) - $135,052.09
Wastewater Capital Improvement Fund - $21,560.50

Estimated Future Cost - Construction - $1,200,416.42

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$156,612.59	Architectural & Engineering	25.66%	100.00%	$156,612.59
• This contract exceeds the M/WBE goal.				

OWNER

Criado & Associates, Inc.

Cristina Criado, P.E., President

MAPS

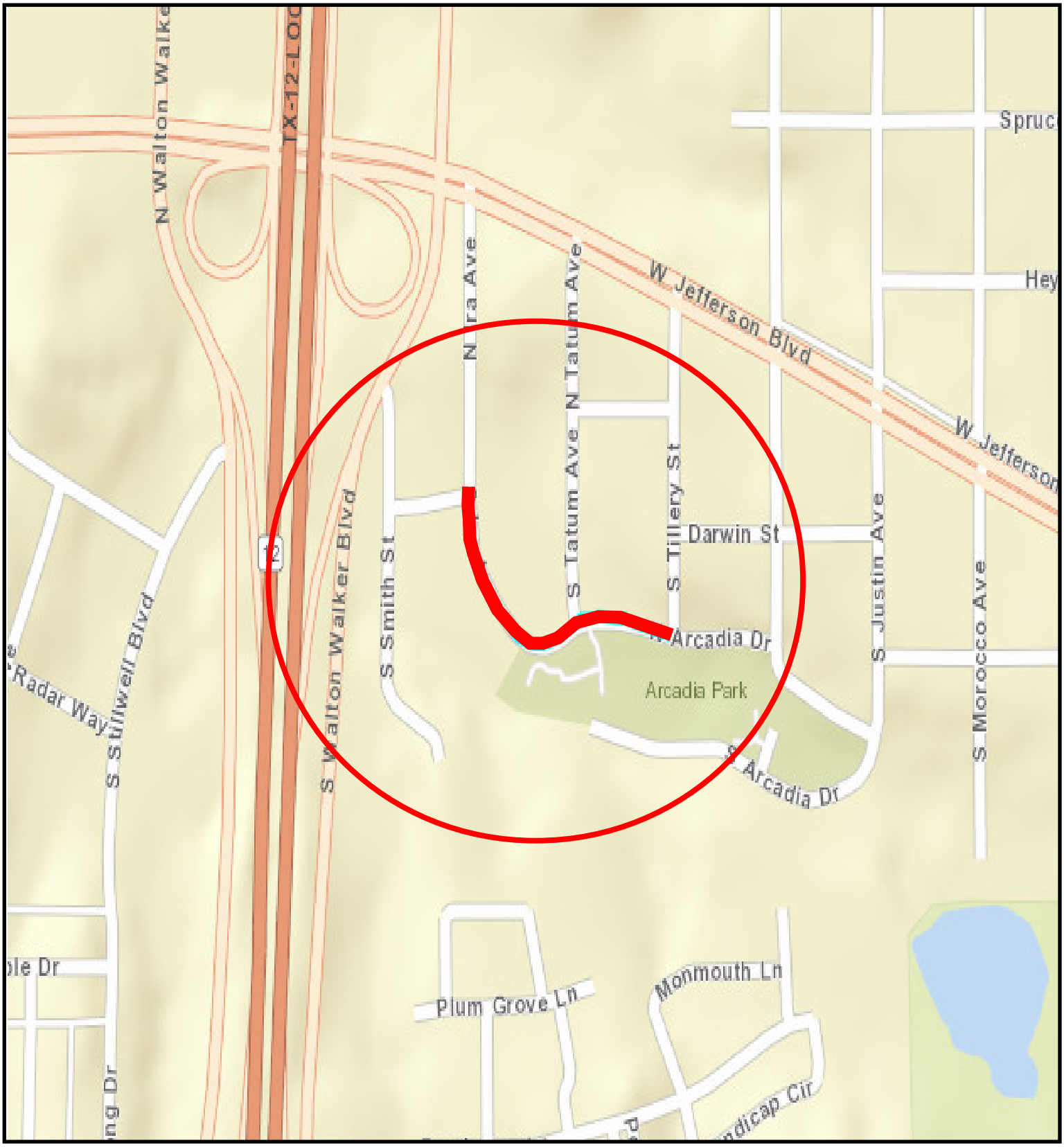
Attached

Target Neighborhood Group 17-6008

Street Improvements

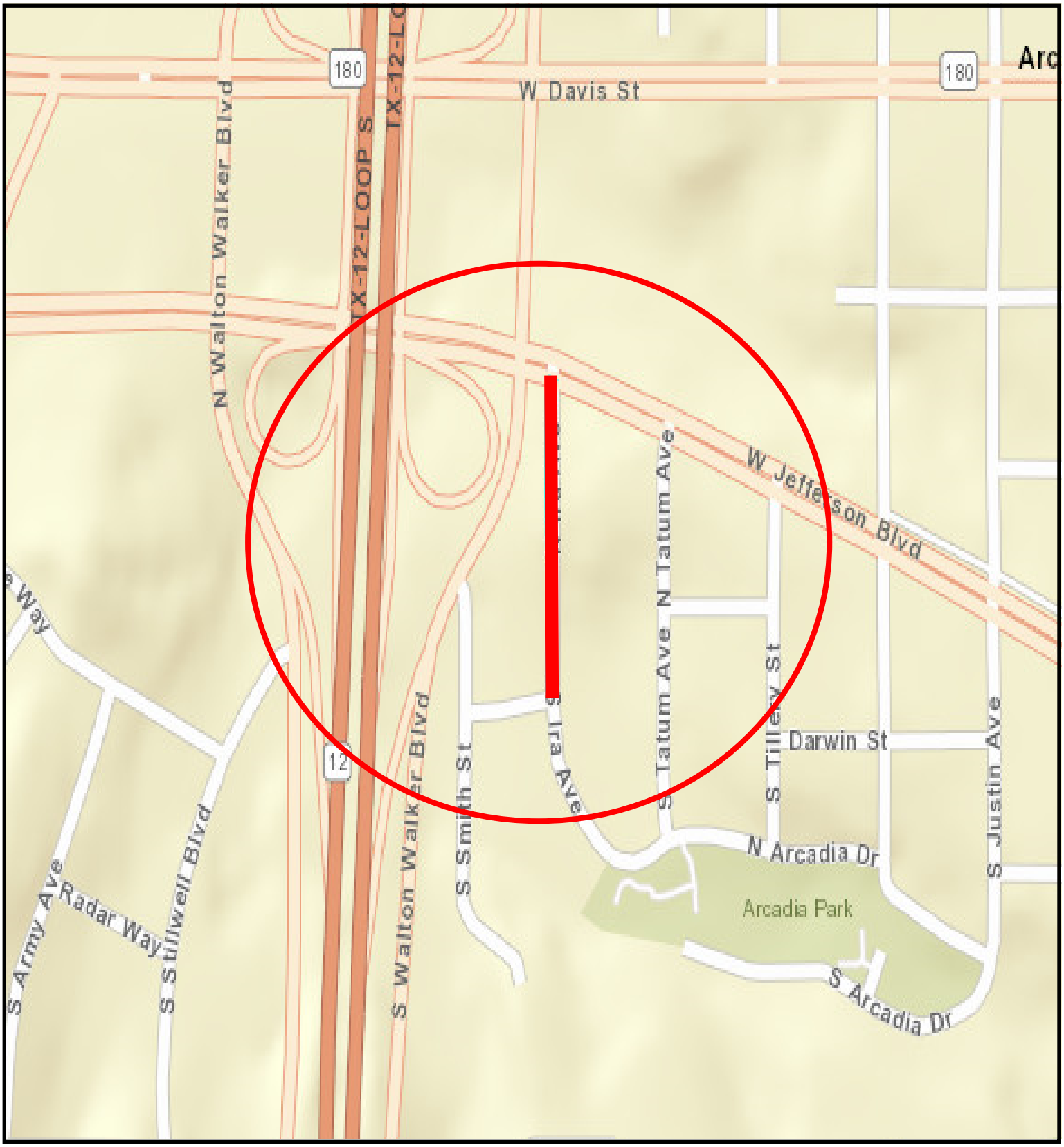
Project	Council District
North Arcadia Drive from South Ira Avenue to South Tillery Avenue	6
North Ira Avenue from North Arcadia Drive to West Jefferson Boulevard	6

TARGET NEIGHBORHOOD
NORTH ARCADIA DRIVE FROM SOUTH IRA AVENUE TO SOUTH TILLERY AVENUE



COUNCIL DISTRICT 6

TARGET NEIGHBORHOOD
NORTH IRA AVENUE FROM NORTH ARCADIA DRIVE TO WEST JEFFERSON BOULEVARD



COUNCIL DISTRICT 6

March 27, 2019

WHEREAS, Criado & Associates, Inc. was selected to provide engineering design for Target Neighborhood Group 17-6008.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute a professional services contract with Criado & Associates, Inc., approved as to form by the City Attorney, for the engineering design of Target Neighborhood Group 17-6008, in an amount not to exceed $156,612.59.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $156,612.59 in accordance with the terms and conditions of the contract:

Criado & Associates, Inc. for the engineering design of Target Neighborhood Improvement Projects as follows: Street Improvements - North Arcadia Drive from South Ira Avenue to South Tillery Avenue; and North Ira Avenue from North Arcadia Drive to West Jefferson Boulevard:

Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V998, Activity TGTN Object 4111, Program PB17V998 Encumbrance/Contract No. CX-PBW-2019-00009397 Vendor VS89559	$ 77,534.26
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V999, Activity TGTN Object 4111, Program PB17V999 Encumbrance/Contract No. CX-PBW-2019-00009397 Vendor VS89559	$ 57,517.83
Wastewater Capital Improvement Fund Fund 2116, Department DWU, Unit PS42 Object 4111, Program 719232 Encumbrance/Contract No. CX-PBW-2019-00009397 Vendor VS89559	$ 21,560.50
Total amount not to exceed	$156,612.59

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.

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 18-1233 **Item #:** 15.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): 7

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with Stream Water Group, Inc. for the engineering design of Alley Reconstruction Group 17-7001 (list attached to the Agenda Information Sheet) - Not to exceed $212,442.72 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($204,350.72) and Wastewater Capital Improvement Fund ($8,092.00)

BACKGROUND

The Request for Qualifications (CIZ1721) was issued on May 31, 2018 for the 2017 Bond Projects. The consulting firm, Stream Water Group, Inc., was selected following a qualifications-based selection process in accordance with the City of Dallas procurement guidelines.

This action will authorize a professional services contract with Stream Water Group, Inc. for the engineering design of six alley reconstruction projects as Alley Reconstruction Group 17-7001. The alley reconstruction projects will include replacing the existing deteriorating concrete alleys with new reinforced concrete pavement, storm drainage improvements and wastewater main replacement.

Following are the locations and design costs for each project:

Alley Reconstruction Improvements

Project	Council District	Amount
Cinnabar Drive (4403-4451) and Symphony Lane (6102-6150)	7	$33,607.12
Everglade Road (5605-5831) and Twineing Street (5606-5824)	7	$45,391.72

Meadowick Lane (5710-5814) and Ponderosa Circle (5274-5290)	7	$28,726.32
Samuell Boulevard (6024-6300) and Symphony Lane (6205-6441)	7	$45,654.32
Symphony Lane (6206-6440) and Cinnabar Drive (4307-4339)	7	$30,863.12
Elliott Drive (7129-7195) and Rolling Fork Drive (7130-7184)	7	$28,200.12

ESTIMATED SCHEDULE OF PROJECT

Begin Design	May 2019
Complete Design	May 2020
Begin Construction	November 2020
Complete Construction	December 2021

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure, and Sustainability Committee on March 25, 2019.

FISCAL INFORMATION

Street and Transportation (A) Fund (2017 Bond Funds) - $204,350.72
Wastewater Capital Improvement Fund - $8,092.00

Estimated Future Cost - Construction - $1,943,844.14

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$212,442.72	Architectural & Engineering	25.66%	100.00%	$212,442.72
• This contract exceeds the M/WBE goal.				

OWNER

Stream Water Group, Inc

Shamsul Arefin, P.E., Certified Floodplain Manager, President

MAPS

Attached

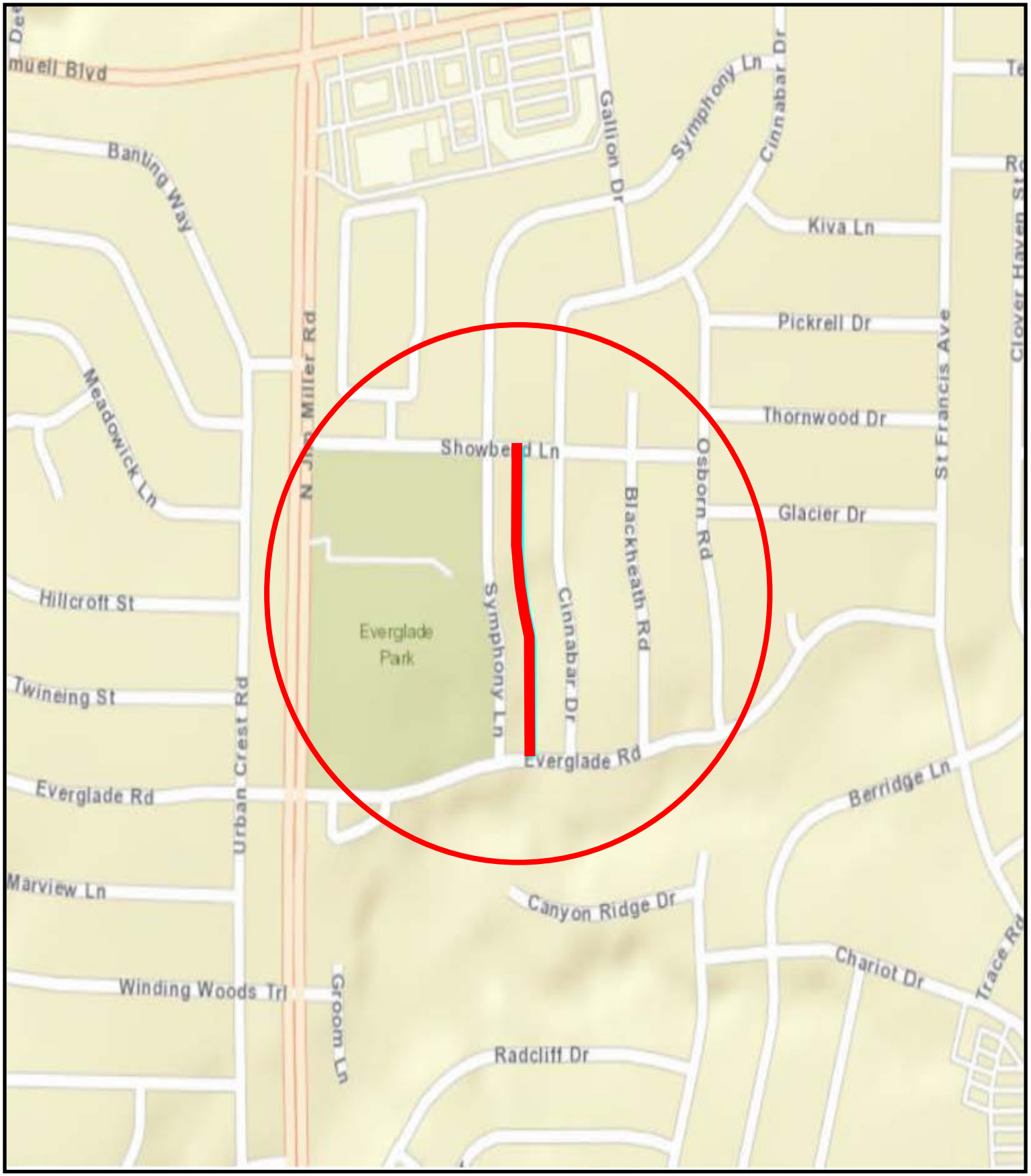
Alley Reconstruction Group 17-7001

Alley Reconstruction Improvements

Project	**Council District**
Cinnabar Drive (4403-4451) and Symphony Lane (6102-6150)	7
Everglade Road (5605-5831) and Twineing Street (5606-5824)	7
Meadowick Lane (5710-5814) and Ponderosa Circle (5274-5290)	7
Samuell Boulevard (6024-6300) and Symphony Lane (6205-6441)	7
Symphony Lane (6206-6440) and Cinnabar Drive (4307-4339)	7
Elliott Drive (7129-7195) and Rolling Fork Drive (7130-7184)	7

ALLEY RECONSTRUCTION

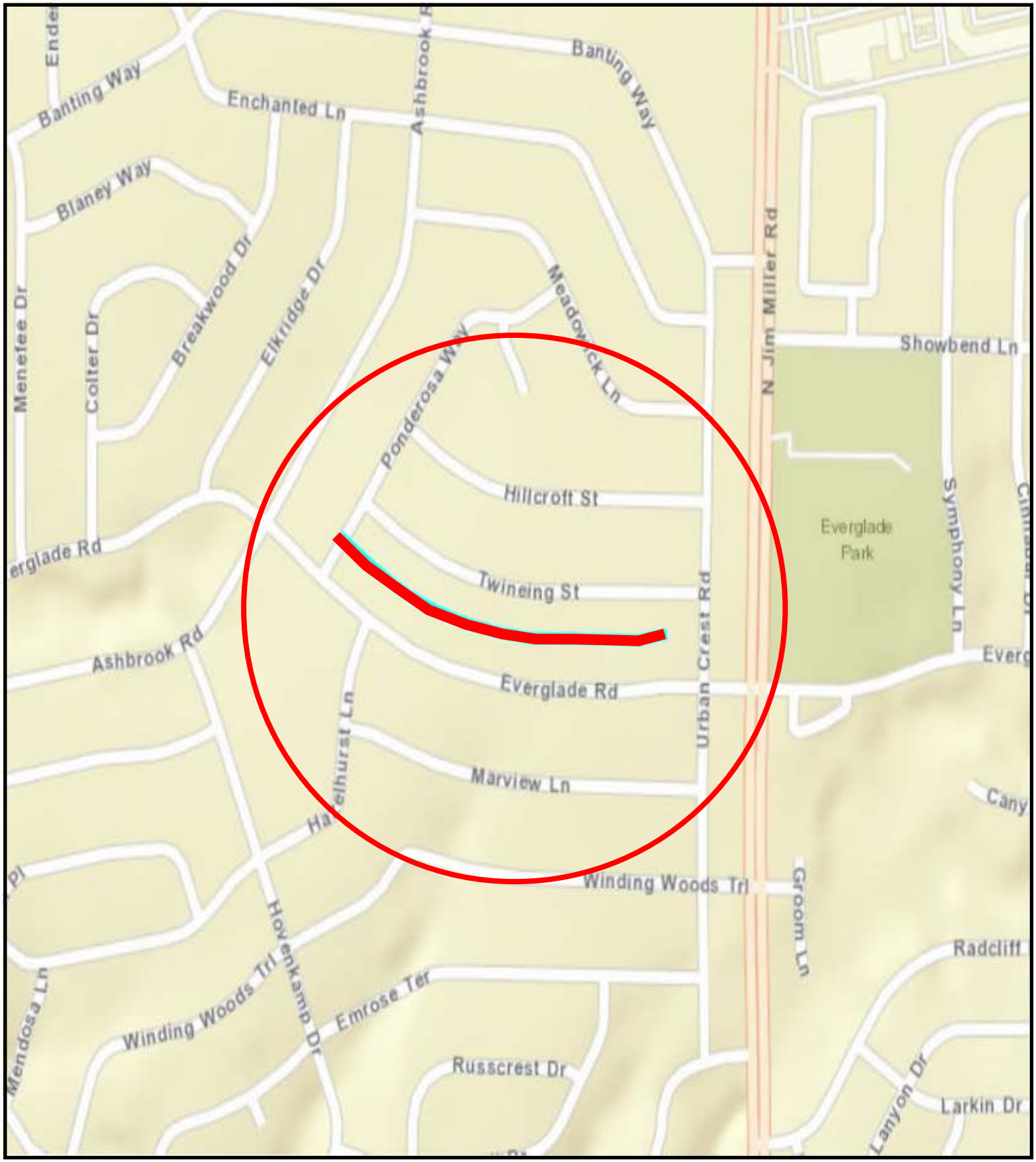
4403-4451 CINNABAR DRIVE & 6102-6150 SYMPHONY LANE



COUNCIL DISTRICT 7

ALLEY RECONSTRUCTION

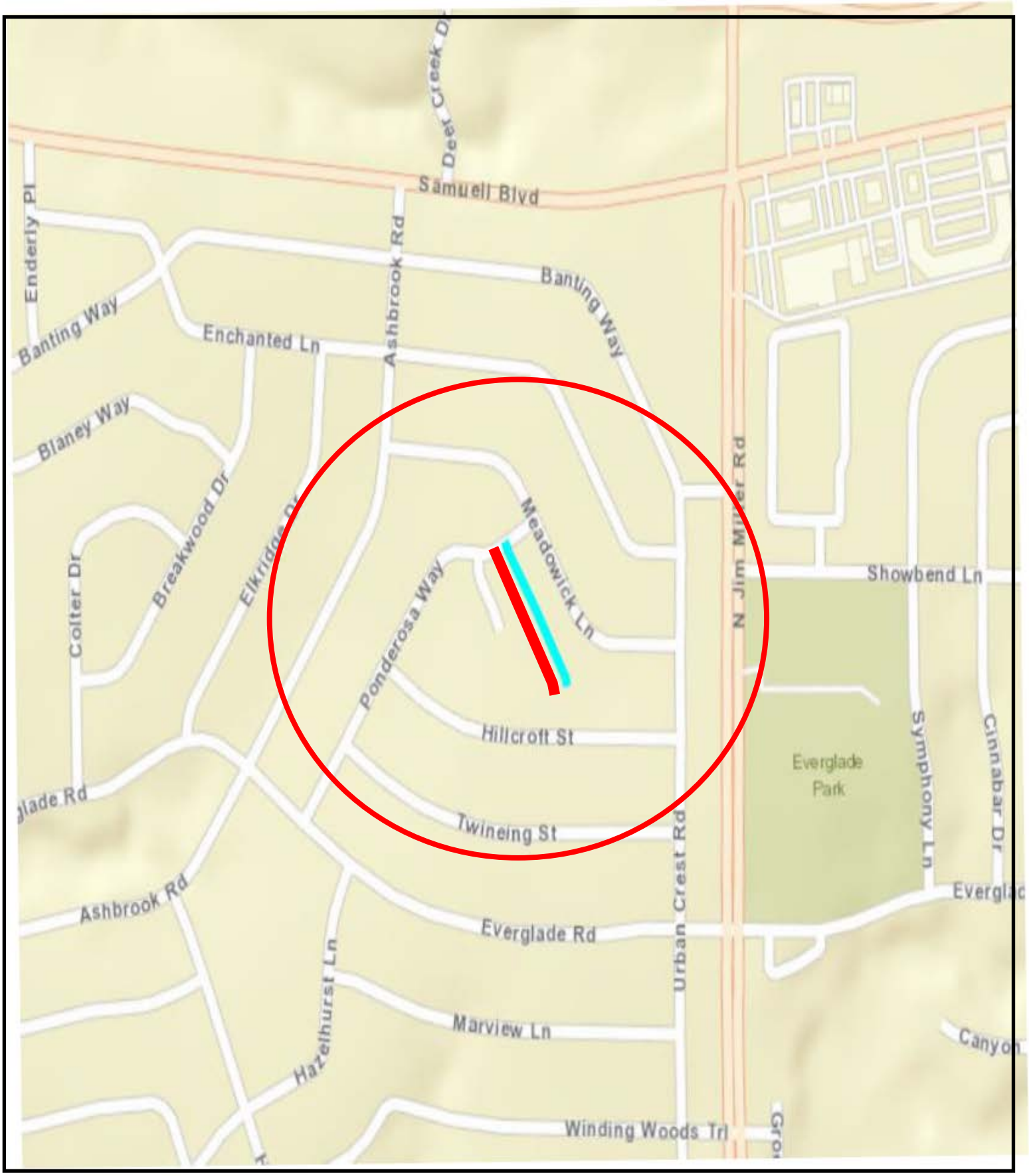
5605-5831 EVERGLADE ROAD & 5606-5824 TWINEING STREET



COUNCIL DISTRICT 7

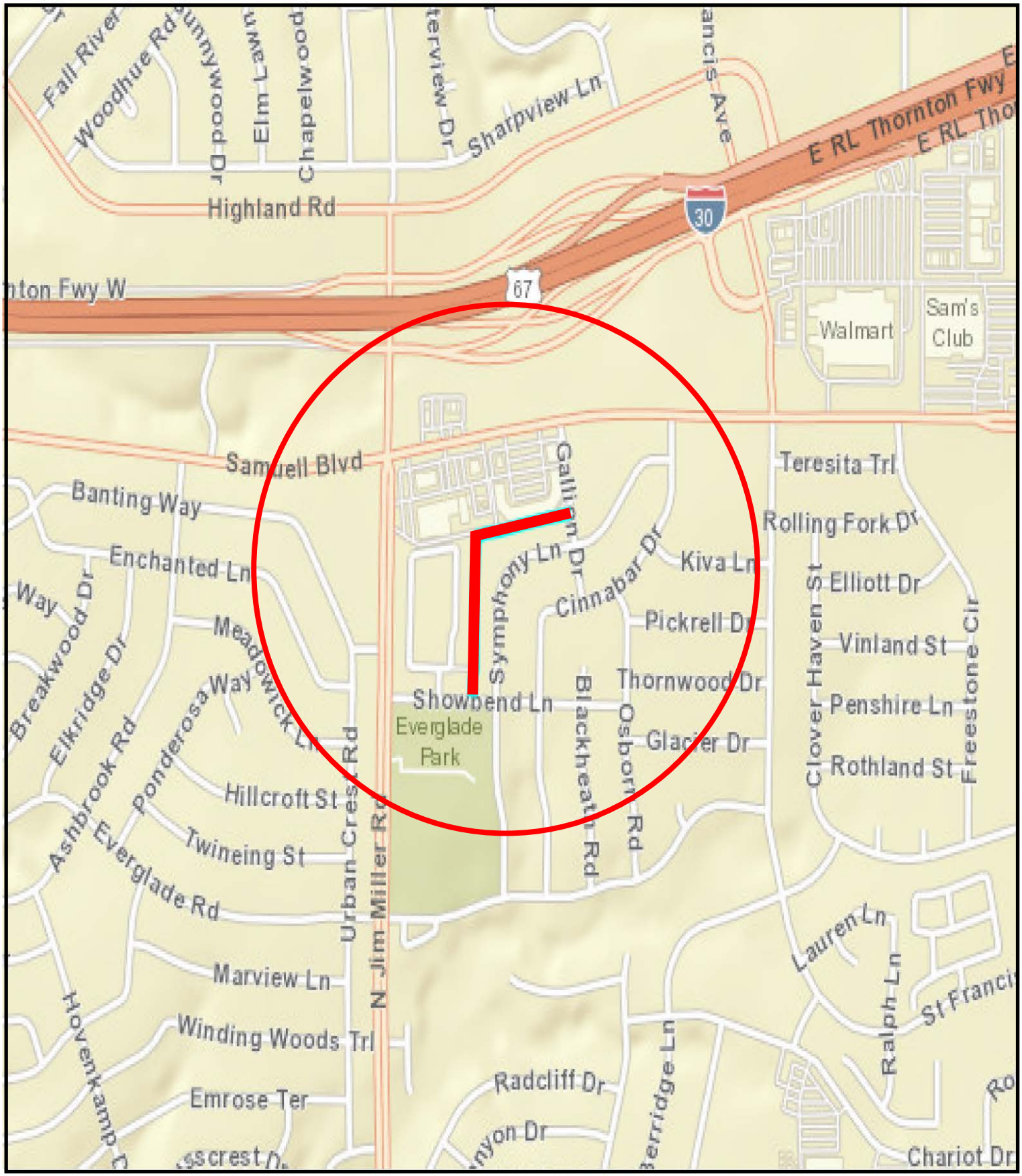
ALLEY RECONSTRUCTION

5710-5814 MEADOWICK LANE & 5274-5290 PONDEROSA CIRCLE



COUNCIL DISTRICT 7

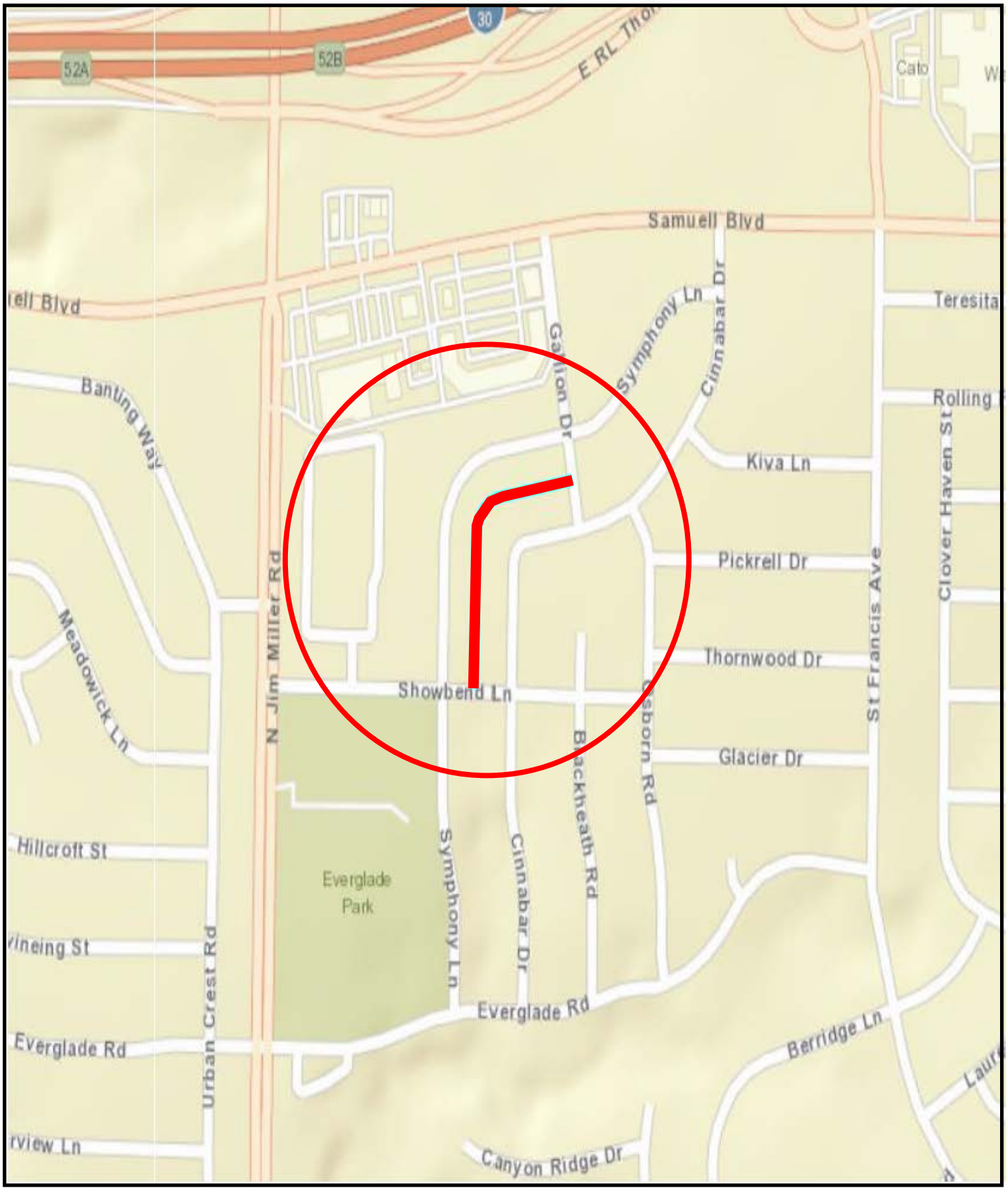
ALLEY RECONSTRUCTION
6024-6300 SAMUELL BOULEVARD
& 6205-6441 SYMPHONY LANE



COUNCIL DISTRICT 7

ALLEY RECONSTRUCTION

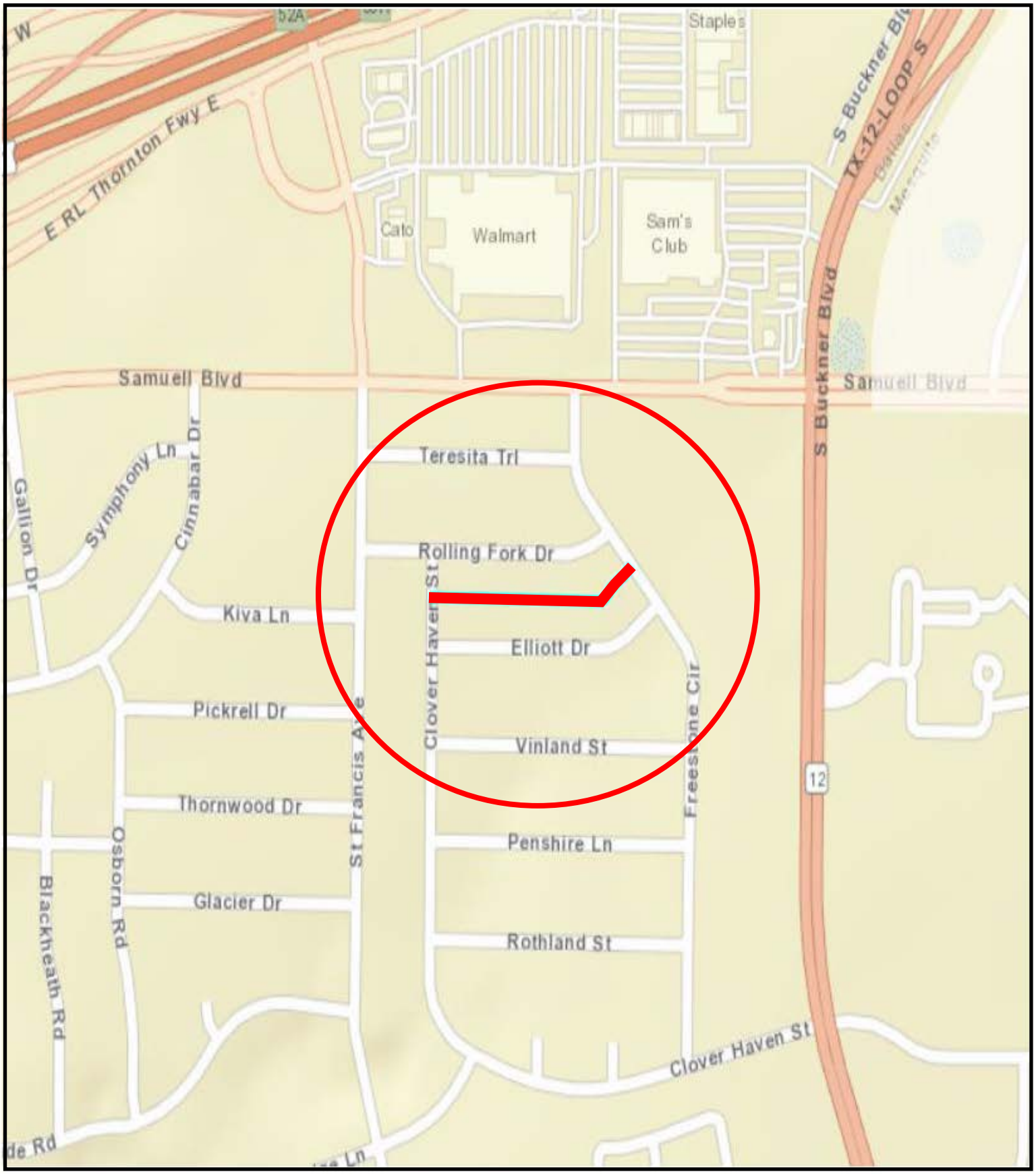
6206-6440 SYMPHONY LANE & 4307-4339 CINNABAR DRIVE



COUNCIL DISTRICT 7

ALLEY RECONSTRUCTION

7129-7195 ELLIOTT DRIVE & 7130-7184 ROLLING FORK DRIVE



COUNCIL DISTRICT 7

WHEREAS, Stream Water Group, Inc. was selected to provide engineering design of Alley Reconstruction Group 17-7001.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute a professional services contract with Stream Water Group, Inc., approved as to form by the City Attorney, for engineering design services for the indicated projects, in an amount not to exceed $212,442.72.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $212,442.72 in accordance with the terms and conditions of the contract:

Stream Water Group, Inc. for the engineering design of alley reconstruction projects on: Cinnabar Drive (4403-4451) and Symphony Lane (6102-6150); Everglade Road (5605-5831) and Twineing Street (5606-5824); Meadowick Lane (5710-5814) and Ponderosa Circle (5274-5290); Samuell Boulevard (6024-6300) and Symphony Lane (6205-6441); Symphony Lane (6206-6440) and Cinnabar Drive (4307-4339); and Elliott Drive (7129-7195) and Rolling Fork Drive (7130-7184):

Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V048, Activity AREC Object 4111, Program PB17V048 Encumbrance/Contract No. CX-PBW-2019-00009407 Vendor 509473	$33,607.12
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V053, Activity AREC Object 4111, Program PB17V053 Encumbrance/Contract No. CX-PBW-2019-00009407 Vendor 509473	$45,391.72
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V055, Activity AREC Object 4111, Program PB17V055 Encumbrance/Contract No. CX-PBW-2019-00009407 Vendor 509473	$20,634.32
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V056, Activity AREC Object 4111, Program PB17V056 Encumbrance/Contract No. CX-PBW-2019-00009407 Vendor 509473	$45,654.32

SECTION 2. (continued)

Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V057, Activity AREC Object 4111, Program PB17V057 Encumbrance/Contract No. CX-PBW-2019-00009407 Vendor 509473	$ 30,863.12
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit V059, Activity AREC Object 4111, Program PB17V059 Encumbrance/Contract No. CX-PBW-2019-00009407 Vendor 509473	$ 28,200.12
Wastewater Capital Improvement Fund Fund 2116, Department DWU, Unit PS42 Object 4111, Program 719152 Encumbrance/Contract No. CX-PBW-2019-00009407 Vendor 509473	$ 8,092.00
Total amount not to exceed	$212,442.72

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.

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-10 **Item #:** 16.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): 8

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with Atkins North America, Inc. for the engineering design of Thoroughfare Group 17-8006 (list attached to the Agenda Information Sheet) - Not to exceed $740,303.22 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) ($715,153.22) and Water Capital Improvement Fund ($25,150.00)

BACKGROUND

The Request for Qualifications (CIZ1721) was issued on May 31, 2018 for the 2017 Bond Projects. The consulting firm, Atkins North America, Inc., was selected following a qualifications-based selection process in accordance with the City of Dallas procurement guidelines.

This action will authorize a professional services contract with Atkins North America, Inc. for the engineering design of two thoroughfare projects as Thoroughfare Group 17-8006. The improvements will include replacing the existing deteriorating streets with reinforced concrete pavement, curb, drainage improvements, sidewalk, driveway approaches, paving marking, and water improvements. Also, the improvements on Crouch Road from Old Ox Drive to South Lancaster Road, will include bridge replacement and channel improvements at Runyon Springs Branch.

Edd Road from Seagoville Road to Garden Grove Drive is funded for design and right-of-way acquisition only.

Following are the locations and design costs for each project:

Thoroughfare - Improvements

Project	Council District	Amount
Crouch Road from Old Ox Drive to South Lancaster Road	8	$433,611.92

Edd Road from Seagoville Road to Garden Grove Drive	8	$306,691.30

ESTIMATED SCHEDULE OF PROJECT

Begin Design	May 2019
Complete Design	September 2020
Begin Construction	March 2021
Complete Construction	March 2023

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure, and Sustainability Committee on March 25, 2019.

FISCAL INFORMATION

Street and Transportation (A) Fund (2017 Bond Funds) - $715,153.22
Water Capital Improvement Fund - $25,150.00

Estimated Future Cost - Construction - $6,294,929.30

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$740,303.22	Architectural & Engineering	25.66%	37.14%	$274,939.00
• This contract exceeds the M/WBE goal.				

OWNER

Atkins North America, Inc.

Chris Hocate, P.E., Senior Division Manager

MAPS

Attached

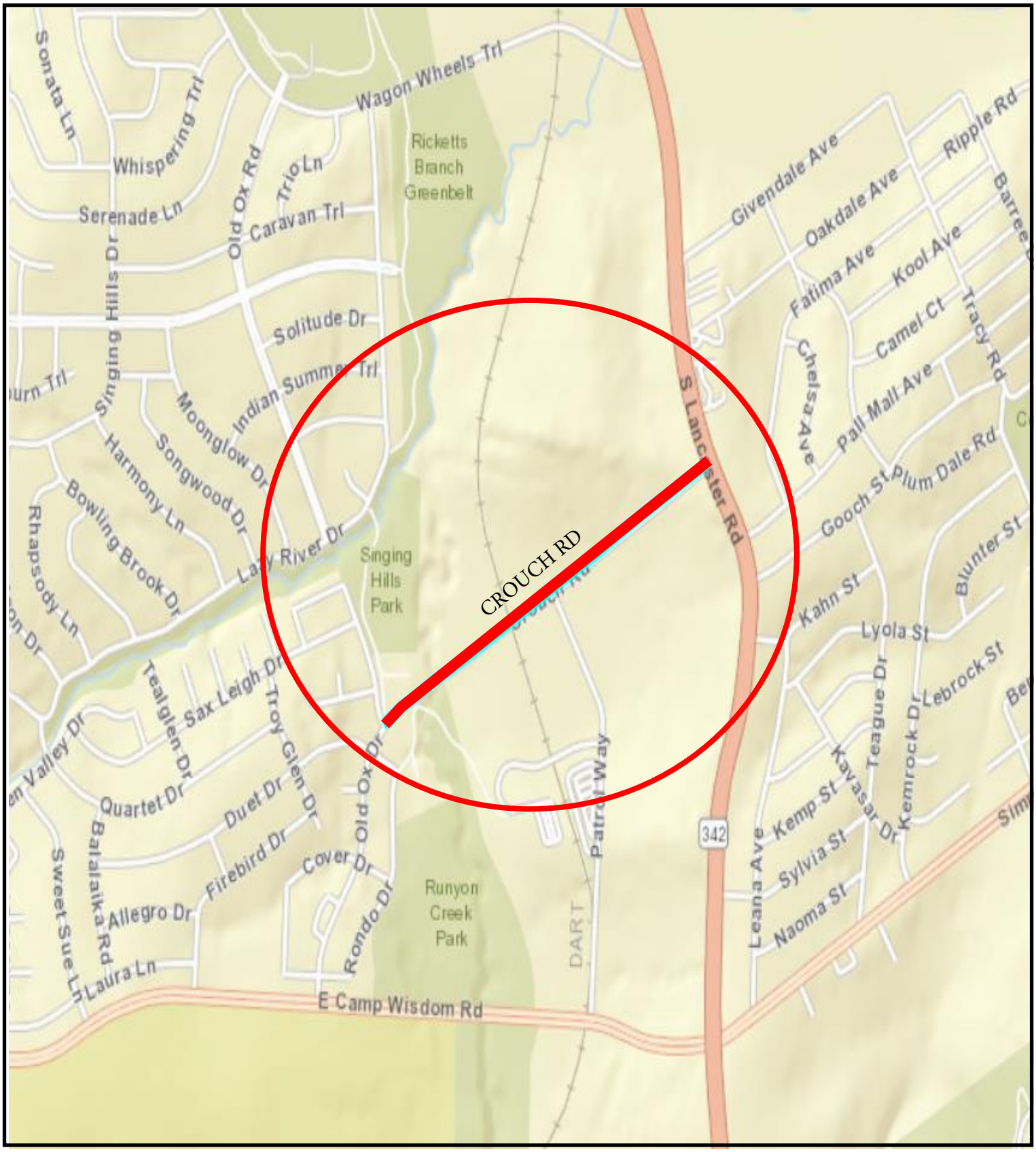
Thoroughfare Group – 17-8006

Thoroughfare - Improvements

Project	**Council District**
Crouch Road from Old Ox Drive to South Lancaster Road	8
Edd Road from Seagoville Road to Garden Grove Drive	8

THOROUGHFARES

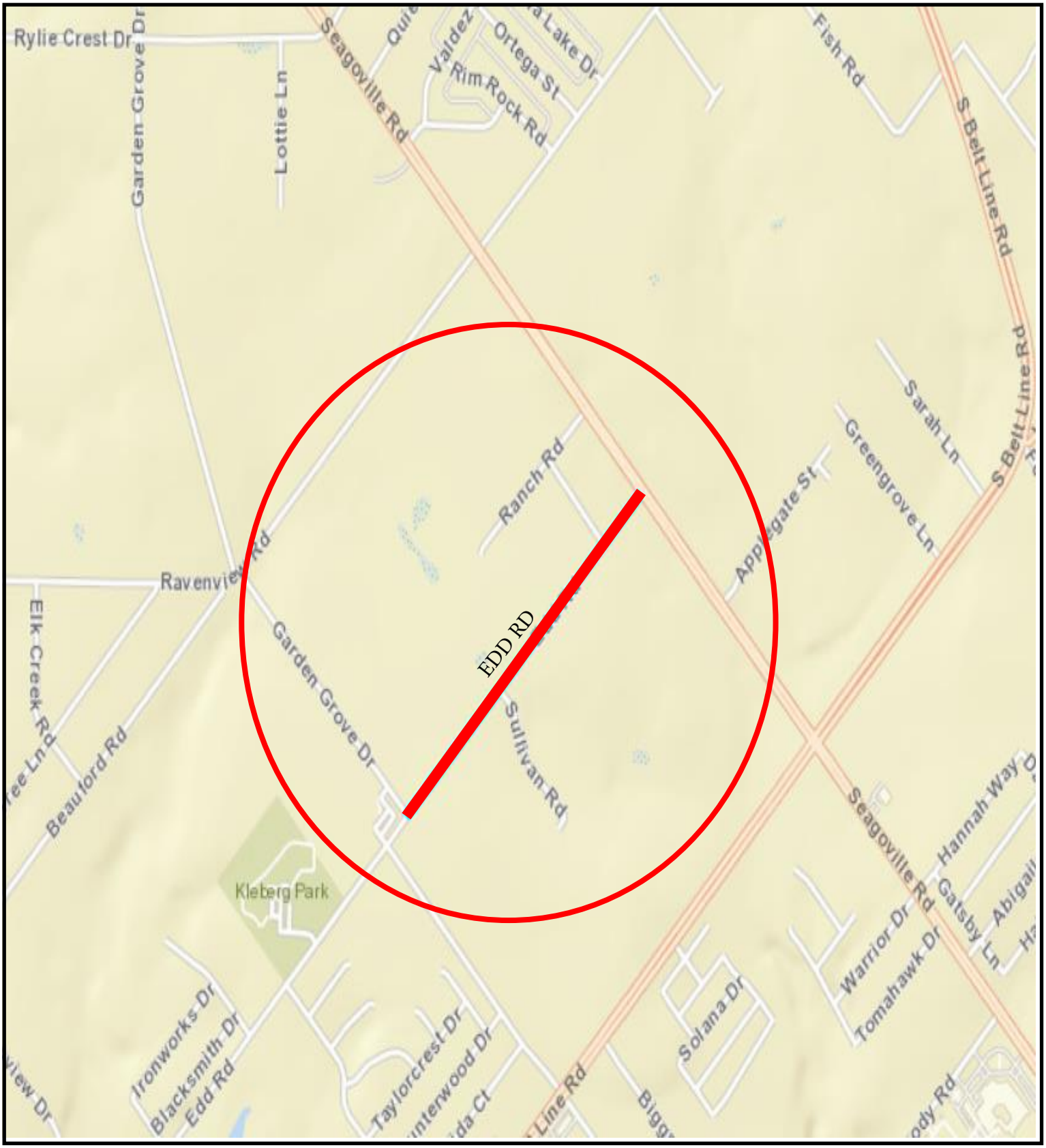
CROUCH ROAD FROM OLD OX DRIVE TO S. LANCASTER ROAD



COUNCIL DISTRICT 8

THOROUGHFARES

EDD ROAD FROM SEAGOVILLE ROAD TO GARDEN GROVE DRIVE



COUNCIL DISTRICT 8

March 27, 2019

WHEREAS, Atkins North America, Inc. was selected to provide engineering design for Thoroughfare Group 17-8006.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute a professional services contract with Atkins North America, Inc., approved as to form by the City Attorney, for engineering design services for the indicated projects, in an amount not to exceed $740,303.22.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $740,303.22 in accordance with the terms and conditions of the contract:

Atkins North America, Inc. for the engineering design of two thoroughfare projects on: Crouch Road from Old Ox Drive to South Lancaster Road; and Edd Road from Seagoville Road to Garden Grove Drive:

Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit VA19, Activity THRF Object 4111, Program PB17VA19 Encumbrance/Contract No. CX-PBW-2019-00009484 Vendor 066365	$433,611.92
Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit VA20, Activity THRF Object 4111, Program PB17VA20 Encumbrance/Contract No. CX-PBW-2019-00009484 Vendor 066365	$281,541.30
Water Capital Improvement Fund Fund 3115, Department DWU, Unit PW42 Object 4111, Program 719261 Encumbrance/Contract No. CX-PBW-2019-00009484 Vendor 066365	$ 25,150.00
Total amount not to exceed	$740,303.22

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.

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-307 **Item #:** 17.

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): 8

DEPARTMENT: Department of Sanitation Services

EXECUTIVE: Joey Zapata

SUBJECT

Authorize **(1)** an increase in the construction services contract with Hammett Excavation, Inc. for the construction of a 52-acre waste cell, 6B2 and 7 at the McCommas Bluff Landfill to provide revisions and deletions to the contract which have been necessitated by changes in the site conditions and identified through value engineering; and **(2)** an increase in appropriations in an amount not to exceed $556,773.15 in the Sanitation Capital Improvement Fund - Not to exceed $556,773.15, from $5,126,866.33 to $5,683,639.48 - Financing: Sanitation Capital Improvement Funds

BACKGROUND

The McCommas Bluff Landfill is a 2,048-acre property, of which 965 acres are permitted for waste disposal. As one cell is being filled, another is being planned and prepared for use. The Department of Sanitation Services utilizes a Capital Improvement Fund, supported by landfill revenues, to fund waste cell development projects. Current waste cells are estimated to reach capacity in June 2019, not including an additional 12+ months of cell capacity permitted for construction and demolition type debris in previously filled areas that now have capacity due to settlement. All new waste cells are constructed in accordance with state and federal regulations. This change order will allow contract revisions to accommodate changes in specific site conditions as outlined in Exhibit A. The 52-acre waste cell construction is currently projected to remain on schedule throughout the implementation of the proposed changes. The completion of this project will provide needed disposal capacity for the landfill's waste stream until approximately June 2023.

The site condition changes that resulted in the need for this change order stemmed from historic fall rainfall amounts during the construction of this project. The site has received over 40 inches of rain since excavation began in August of 2018 and over 27 inches of rain in September and October alone. As a result, increased resources were devoted to stormwater management, stormwater infrastructure maintenance and execution of emergency stormwater management plans. Additionally, the soil borrow areas for waste cell construction were often impacted and flooded. At the time the project was bid, estimates were utilized to determine the excavation needs of the project; however, after two weeks of non-stop pumping activity in the designated soil borrow area, the topography was

appreciably different than anticipated, soils were over saturated, and the volume of usable soil was less than anticipated. A different soil borrow area had to be utilized and this required new stormwater management alignments, new haul roads and additional earthen ramps to be constructed to support the project activities. Soil borrow availability and the diversion of landfill staff time to managing stormwater issues has created a backlog of landfill operational needs that need to be addressed. Support infrastructure (e.g., roads and access ramps) to the new waste cell was originally planned for completion by landfill staff, but the diversion of resources and a backlog of other operational needs have necessitated the need to increase the waste cell construction scope to add this work.

Staff contracted with Biggs & Mathews Environmental, Inc. (BME) to provide construction management services for this 52-acre project. BME worked collaboratively with the Hammett Excavation, Inc. (waste-cell contractor) and McCommas Landfill staff to develop and evaluate value engineering opportunities to address the site condition challenges created. Value engineering addresses the specific needs of current problems by utilizing economies of scale and future modeling to determine the best and most cost-efficient solution. The results of those efforts are included in Exhibits A-E (attached):

- Exhibit A - Line-item narrative
- Exhibit B - Revised Schedule of Values
- Exhibit C - Site plan
- Exhibit D - Ramp to Working Face
- Exhibit E - Quote for Services

This action will authorize Change Order No. 1 to the construction contract with Hammett Excavation, Inc. The additional amount for the additional construction services for this Supplemental Agreement request is $556,773.15, as itemized in Exhibit B.

ESTIMATED SCHEDULE OF PROJECT

Began Construction	July 2018
Complete Construction	September 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 13, 2018, City Council authorized a contract with Hammett Excavation Inc., for the construction of a 52-acre waste cell, cell 6B2 and 7, at the McCommas Bluff Landfill; and site improvements that included upgraded drain pumps, control panels, electric service and discharge systems by Resolution No. 18-0817.

Information about this item will be provided to the Quality of Life, Arts & Culture Committee on March 25, 2019.

FISCAL INFORMATION

Sanitation Capital Improvement Funds - $556,773.15

Construction Contract	$5,126,866.33
Change Order No. 1 (this action)	$ 556,773.15
Total	$5,683,639.48

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$556,773.15	Construction	25.00%	0.00%	$0.00
• This contract does not meet the M/WBE goal, but complies with good faith efforts.				
• Change Order No. 1 - 44.97% Overall M/WBE participation				

OWNER

Hammett Excavation, Inc.

Gaylon Hammett, President

EXHIBIT A - Request for Change Order No. 1

McCommas Bluff Landfill Cells 6B2 and 7 Construction

Item No. 3 – Temporary Controls

Temporary controls include dewatering both groundwater and surface water from the construction area. The plans originally provided for the contractor to install temporary pumps at the eastern side of Borrow Area 2. However, after it was determined that an insufficient quantity of sand protective cover material was available in this area the limits of Borrow Area 2 had to be expanded to the north and west.

Since the temporary dewatering sump and pump must to be relocated to dewater the expanded borrow area, the City has requested that contractor install a long term pumping station that will be usable by the City after the project is completed.

The contractor will relocate the sump, discharge pipes and discharge point from the future Cell 8 to the future Cell 9 to provide an improved long-term stormwater pumping station (see Exhibit C). The pumping station will include a 20' x20' aggregate paved pad to hold up to 3 pumps, a 12" diameter HDPE discharge pipe from the pump pad to the outside toe of the levee, a manifold to allow up to 3 pumps to be connected to the discharge pipe, and a sump excavated to the underlying rock. Expansion of the borrow area will also require the contractor to excavate ditches and regrade the surface to direct groundwater and surface water away from the excavation and to the new pumping station. Item No. 3 is increased to include these additional items.

Item No. 4 – Clearing and Grubbing

Based on the final configuration of the excavation within Borrow Area 1, less clearing and grubbing was required than was predicted. Item No. 4 is decreased to provide the actual quantity.

Item No. 5 – Stripping of Topsoil

Based on the final configuration of the excavation within Borrow Area 1, less stripping of topsoil was required than was predicted. Item No. 5 is decreased to provide the actual quantity.

Item No. 6 – General Excavation within Cells 6B2 and 7

Cells 6B2 and 7 were under water during the design phase, therefore the excavation bid quantity was estimated from older topographic data. After the contractor dewatered the cell area, a field survey was performed and the actual excavation quantity was calculated. Based on the survey, less excavation was performed within Cells 6B2 and 7 than was predicted. Item No. 6 is decreased to provide the actual quantity.

Item No. 7 – General Excavation within Borrow Area 1

Additional excavation was performed within Borrow Area 1 because less soil was available from within Cells 6B2 and 7 and more earthfill was required to backfill areas with unsuitable soils (see Item No. 12). Item No. 7 is increased to provide the actual quantity.

EXHIBIT A - Request for Change Order No. 1

McCommas Bluff Landfill Cells 6B2 and 7 Construction

Item No. 8 – General Excavation within Borrow Area 2

Borrow Area 2 was expanded because less soil was available from within Cells 6B2 and 7, more earthfill was required to backfill areas with unsuitable soils (see Item No. 12), and an insufficient quantity of sand was available within the original borrow limits. The expanded borrow area cut off access from the landfill to Borrow Area 1, therefore an access road and ramp had to be installed to provide access to Borrow Area 1 (see Exhibit C). For these reasons, additional excavation was performed within Borrow Area 2. Item No. 8 is increased to provide the actual quantity.

Item No. 9 – Debris Relocation

The City had relocated some of the debris from within Cells 6B2 and 7 prior to the start of the project so less debris had to be relocated by the contractor. Item No. 9 is decreased to provide the actual quantity.

Item No. 10 – Unsuitable Material Excavation

The contractor encountered a large wet soft area where the water had previously been ponded in Cells 6B2 and 7. This unsuitable material had to be excavated to the underlying rock and backfilled with general earthfill to provide a firm stable subgrade for the liner system. More unsuitable material had to be excavated from within Cells 6B2 and 7 than was predicted. Item No. 10 is increased to provide the actual quantity.

Item No. 11 – Rock Excavation

Rock was not encountered within the excavation for Cells 6B2 and 7. Item No. 11 is decreased to zero.

Item No. 12 – General Earthfill

Since much of Cells 6B2 and 7 were under water during the design phase, the general earthfill bid quantity was estimated from older topographic data. After the contractor dewatered the cell area, a field survey was performed and the actual general earthfill quantity was calculated. Based on the survey, more general earthfill was placed within Cells 6B2 and 7. In addition, more general earthfill was required to backfill areas with unsuitable soils (see Item No. 10) and to build the access ramp to Borrow Area 1 through the expanded Borrow Area 2 (see Item No. 8). Item No. 12 is increased to provide the actual quantity.

EXHIBIT A - Request for Change Order No. 1

McCommas Bluff Landfill Cells 6B2 and 7 Construction

Item No. 13 - Underdrain

The bid quantity included optional underdrains for isolated wet soft areas that could not be excavated. Less underdrain was installed because all wet soft areas were excavated and backfilled. Item No. 13 is decreased to provide the actual quantity.

Item No. 29 – Leachate Pumps, Control Panels, Electric Service and Discharge Systems

The bid was based on an overhead electric service being provided to the contractor adjacent to each riser vault. Since Oncor did not extended the overhead electric service as planned, the contractor must install a buried electric service from the meter at Cell 6B1 to the riser vaults at Cell 6B2 (see Exhibit B). Item No. 29 is increased to provide the additional buried electric service.

Item No. 34 – Toe Drain Pumps, Control Panels, Electric Service and Discharge System

Due to the record rainfall, the capacity of the pump in the north sump has been slightly exceeded by the infiltration rate. The City has requested that the contractor replace the pump with a higher capacity pump. Item No. 34 is increased to provide the new pump.

Item No. 36 – Borrow Area 2 Soil to Top of Landfill

As Borrow Area 2 was expanded and Borrow Area 1 became flooded, the City was unable to access borrow soil without impeding the contractor's operations. Therefore, the City directed the contractor to haul soil from Borrow Area 2 to the top of the landfill. Since the bid price for General Excavation within Borrow Area 2 (Item No. 8) includes only hauling soil to Cell 6B2 and 7, Item No. 36 is added to provide for excavating soil from Borrow Area 2 and hauling it to the top of the landfill.

Item No. 37 – Clearing and Hauling to Brush Grinder

As Borrow Area 2 is expanded and the pumping station is relocated (see Item No. 3) the contractor must clear the trees from the area within the future Cells 8 and 9. The City has requested that these trees be hauled to the brush grinder (see Exhibit C). Since the bid price for Clearing and Grubbing (Item No. 4) includes only stockpiling trees adjacent to the cleared area, Item No. 37 is added to provide for clearing trees from Borrow Area 2 and hauling them to brush grinder.

Item No. 38 – Cell Access Ramp and Pad Fill

The contractor must remove debris and soil overburden within the expanded Borrow Area 2 to expose the sand protective cover material. Since the debris and soil overburden is not suitable for use in the cell construction project but must be excavated, the City has requested that the contractor use this material to construct an access ramp and pad into the new cell. The contractor will install a 50-foot wide access ramp from the south perimeter levee road to a turnaround pad in Cell 6B2 (see Exhibits C and D). Item No. 38 is added to provide both the excavation and fill for the ramp and pad.

EXHIBIT A - Request for Change Order No. 1

McCommas Bluff Landfill Cells 6B2 and 7 Construction

Item No. 39 – Haul Road Fill

Expansion of Borrow Area 2 and the relocation of the pumping station will cutoff access over the north perimeter levee to Borrow Area 1. Since the contractor must remove debris and soil overburden which is not suitable for use in the cell construction within the expanded Borrow Area 2, the City has requested that the contractor use this material to construct an access ramp and road from Borrow Area 1 to the north side of the landfill. The contractor will install a 40-foot wide access ramp from the north perimeter levee road to a Sector 3b (see Exhibits C and D). Item No. 39 is added to provide both the excavation and fill for the ramp and road.

Item No. 40 – Haul Road Subgrade Preparation

The contractor must remove vegetation and soft wet soils from the subgrade prior to constructing the haul road and ramp (Item No. 39). Item No. 40 is added to provide the subgrade preparation for the haul road.

Item No. 41 – Aggregate Pavement

The cell access ramp and pad (Item No. 38) must be paved with aggregate to provide a usable all weather route for customers to access the new landfill cell. The contractor will furnish and install geotextile and an 8-inch thick section of 3" recycled concrete aggregate on the cell access ramp and turnaround pad (see Exhibit D). The City has also requested that the contractor install a 6-inch thick section of 1" aggregate that will be furnished by the City on the cell access ramp and turnaround pad. Item No. 41 is added to provide material and installation of the geotextile and 3" aggregate and installation of the 1"aggregate.

Item No. 42 – Brush Relocation

The contractor must remove stockpiled trees and brush within the expanded Borrow Area 2 to expose the sand protective cover material. The contractor will relocate the stockpiled trees and brush to the brush grinder (see Exhibit C). Item No. 42 has been added to provide relocation of the stockpiled trees and brush.

EXHIBIT A - Request for Change Order No. 1

McCommas Bluff Landfill Cells 6B2 and 7 Construction

Schedule

The original contract requires that Cell 6B2 be completed by February 25, 2019 and that Cell 7 be completed by September 23, 2019. Change Order No. 1 revises the completion time as follows:

Cell 6B2	May 6, 2019
Cell 7	May 6, 2019
All other work	September 23, 2019

Cost

The net change in value for Change Order No. 1 is $556,773.15, which is 10.9 % of the original contract amount. The additions and deletions to the contract values are provided in Exhibit B.

EXHIBIT A - Request for Change Order No. 1

McCommas Bluff Landfill Cells 6B2 and 7 Construction

Background

The Cell 6B2 and 7 Construction Contract includes construction of approximately 52 acres of lined landfill cells and improvements to the west toe drain. Cells 6B2 and 7 will provide approximately 12,000,000 cy of solid waste disposal capacity, which will take about 5 years to fill.

The contract start date was July 30, 2018 and the contract completion date is September 23, 2019. Hammett Excavation began work on August 6, 2018, at which time much of the construction area was under water. Hammett pumped surface water from the construction area nonstop for two weeks then began earthwork activities. The site has experienced unusually high rainfall volumes since the construction began. Record rainfall totals were recorded during September and October and over 38 inches of rain have fallen at the site since the project began.

The record rainfalls have presented many challenges to the construction project and the landfill operations, including:

- During a heavy rain event on October 17, 2018, storm water overtopped a diversion berm in the active Cell 6B1 and washed waste into the construction area. The City notified the contractor to cease all dewatering activities until they could determine if the storm water was contaminated. The City notified the contractor to resume dewatering operations on October 23, 2018.
- The wet flooded conditions have limited access to the borrow areas outside and inside of the perimeter levee for both the City and the contractor. Finding areas for the City to excavate cover soil without impeding the contractor's operations has been difficult to impossible.
- The high rainfall volume has substantially increased the infiltration into the west toe drain. The increased infiltration has at times exceeded the capacity of the submersible pump in the north toe drain sump.

Representatives of the City, Biggs & Mathews Environmental and Hammett Excavation have met weekly since the beginning of the project to review the progress and evaluate value engineering opportunities. This proactive process has identified changes to the project scope which will keep the project on schedule and mitigate negative impacts to the project budget while improving the functionality of the landfill cell, storm water controls and borrow areas. Even with the aforementioned challenges, the project is currently projected to be completed in April 2019, which will be 5 months before the contract completion date.

This change order has been requested by the City to provide the following revisions, additions and deletions to the construction contract which have been necessitated by changes in site conditions or identified through value engineering. The revised schedule of values is provided on Exhibit B, the site plan is provided on Exhibit C, the cell access ramp plan is provided on Exhibit D and Hammett Excavation's price quote is provide on Exhibit E.

EXHIBIT B - REVISED SCHEDULE OF VALUES
McCOMMAS BLUFF LANDFILL CELLS 6B2 AND 7 CONSTRUCTION

Item No.	Unit	Description	Unit Price	Quantity		Price			
				Original	Revised	Original	Additions	Deletions	Revised
1	LS	Mobilization and Demobilization	$ 77,000.00	1	1	$ 77,000.00			$ 77,000.00
2	LS	Safety	$ 4,500.00	1	1	$ 4,500.00			$ 4,500.00
3	LS	Temporary Controls	$ 100,115.00	1	1.43	$ 100,115.00	$ 43,049.45		$ 143,164.45
4	AC	Clearing and Grubbing	$ 1,200.00	20	15	$ 24,000.00		$ 6,000.00	$ 18,000.00
5	CY	Stripping of Top Soil	$ 2.09	32,270	25,107	$ 67,444.30		$ 14,970.67	$ 52,473.63
6	CY	General Excavation within Cell 6B2 and 7	$ 1.73	105,600	96,016	$ 182,688.00		$ 16,580.32	$ 166,107.68
7	CY	General Excavation within Borrow Area 1	$ 2.02	240,300	268,000	$ 485,406.00	$ 55,954.00		$ 541,360.00
8	CY	General Excavation within Borrow Area 2	$ 1.73	297,600	346,534	$ 514,848.00	$ 84,655.82		$ 599,503.82
9	CY	Debris Relocation	$ 2.22	26,450	19,837	$ 58,719.00		$ 14,680.86	$ 44,038.14
10	CY	Unsuitable Material Excavation	$ 2.44	10,000	45,000	$ 24,400.00	$ 85,400.00		$ 109,800.00
11	CY	Rock Excavation	$ 2.30	2,000	0	$ 4,600.00		$ 4,600.00	$ -
12	CY	General Earthfill	$ 0.10	290,400	366,144	$ 29,040.00	$ 7,574.40		$ 36,614.40
13	LF	Underdrain	$ 25.25	3,000	2,050	$ 75,750.00		$ 23,987.50	$ 51,762.50
14	LF	Sidewall Drain	$ 38.05	1,810	1,810	$ 68,870.50			$ 68,870.50
15	LS	Crossing 1 and Crossing 2	$ 2,370.00	1	1	$ 2,370.00			$ 2,370.00
16	LF	Exiting Liner Tie-in	$ 4.90	3,090	3,090	$ 15,141.00			$ 15,141.00
17	SY	Compacted Soil Liner	$ 0.06	250,660	250,660	$ 15,039.60			$ 15,039.60
18	SY	Geomembrane Subgrade Preparation	$ 0.13	250,660	250,660	$ 32,585.80			$ 32,585.80
19	SY	Protective Cover	$ 0.06	250,800	250,800	$ 15,048.00			$ 15,048.00
20	LF	North Future Liner Tie-in	$ 4.90	802	802	$ 3,929.80			$ 3,929.80
21	LF	Future Liner Tie-in	$ 4.90	1,733	1,733	$ 8,491.70			$ 8,491.70
22	LF	Anchor Trench	$ 3.70	1,750	1,750	$ 6,475.00			$ 6,475.00
23	SF	Geomembrane	$ 0.56	2,262,920	2,262,920	$ 1,268,592.95			$ 1,268,592.95
24	SF	Geocomposite	$ 0.59	2,262,920	2,262,920	$ 1,337,385.72			$ 1,337,385.72
25	CY	Protective Cover Pad and Berm	$ 1.78	3,500	3,500	$ 6,230.00			$ 6,230.00
26	LF	Leachate Collection Trench	$ 71.74	5,154	5,154	$ 369,747.96			$ 369,747.96
27	LS	Leachate Sumps and Risers	$ 37,229.49	1	1	$ 37,229.49			$ 37,229.49
28	LS	Leachate Riser Vaults	$ 18,764.00	1	1	$ 18,764.00			$ 18,764.00
29	LS	Leachate Pumps, Control Panels, Electric Services and Discharge Systems	$ 101,886.96	1	1.18	$ 101,886.96	$ 18,339.65		$ 120,226.61
30	LF	Leachate Forcemain	$ 39.25	1,270	1,270	$ 49,847.50			$ 49,847.50
31	LS	Underdrain Sump and Riser	$ 14,383.81	1	1	$ 14,383.81			$ 14,383.81
32	LS	Underdrain Riser Vault	$ 3,500.00	1	1	$ 3,500.00			$ 3,500.00
33	LS	Underdrain Pump, Control Panel, Electric Service and Discharge System	$ 36,700.00	1	1	$ 36,700.00			$ 36,700.00
34	LS	Toe Drain Pumps, Control Panels, Electric Services, Discharge Systems	$ 64,950.00	1	1.15	$ 64,950.00	$ 9,742.50		$ 74,692.50
35	LF	Intercell Berm	$ 0.44	2,696	2,696	$ 1,186.24			$ 1,186.24
36	CY	Borrow Area 2 Soil to Top of Landfill	$ 2.22	0	20,000	$ -	$ 44,400.00		$ 44,400.00
37	AC	Clearing and Hauling to Brush Grinder	$ 3,900.00	0	6	$ -	$ 23,400.00		$ 23,400.00
38	CY	Cell Access Ramp and Pad Fill	$ 3.24	0	21,121	$ -	$ 68,432.04		$ 68,432.04
39	CY	Haul Road Fill	$ 2.99	0	24,000	$ -	$ 71,760.00		$ 71,760.00
40	LF	Haul Road Subgrade Preparation	$ 2.95	0	2,000	$ -	$ 5,900.00		$ 5,900.00
41	SY	Aggregate Pavement	$ 16.08	0	6,333	$ -	$ 101,834.64		$ 101,834.64
42	CY	Brush Relocation	$ 4.90	0	3,500	$ -	$ 17,150.00		$ 17,150.00
						$ 5,126,866.33	**$ 637,592.50**	**$ 80,819.35**	**$ 5,683,639.48**

Net Change **$ 556,773.15**
Percent Change **10.9%**

Exhibit C

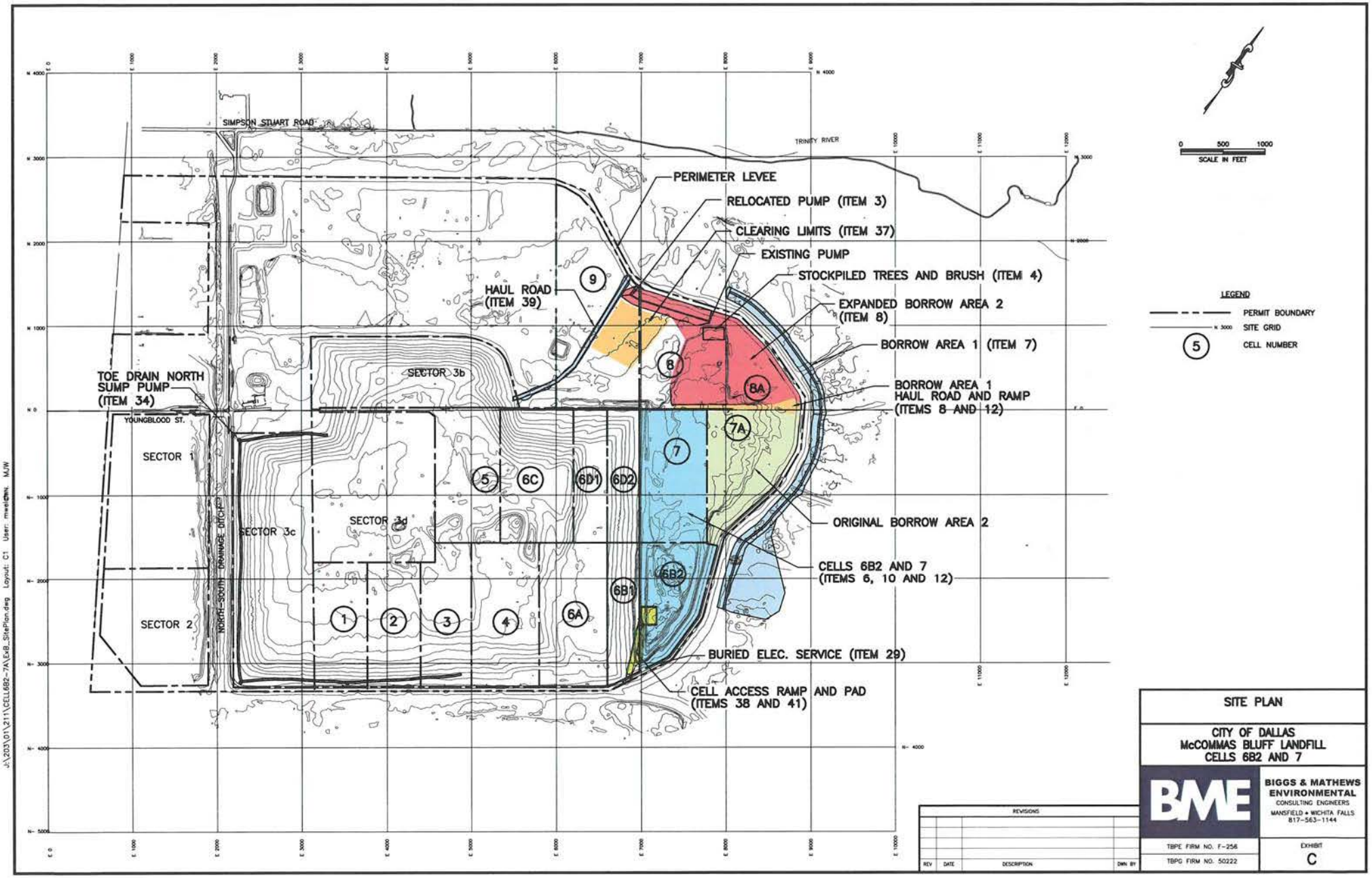

SIMPSON STUART ROAD
TRINITY RIVER
PERIMETER LEVEE
RELOCATED PUMP (ITEM 3)
CLEARING LIMITS (ITEM 37)
EXISTING PUMP
STOCKPILED TREES AND BRUSH (ITEM 4)
HAUL ROAD (ITEM 39)
EXPANDED BORROW AREA 2 (ITEM 8)
BORROW AREA 1 (ITEM 7)
BORROW AREA 1 HAUL ROAD AND RAMP (ITEMS 8 AND 12)
TOE DRAIN NORTH SUMP PUMP (ITEM 34)
YOUNGBLOOD ST.
SECTOR 1
SECTOR 2
SECTOR 3b
SECTOR 3c
SECTOR 3d
NORTH-SOUTH DRAINAGE DITCH
ORIGINAL BORROW AREA 2
CELLS 6B2 AND 7 (ITEMS 6, 10 AND 12)
BURIED ELEC. SERVICE (ITEM 29)
CELL ACCESS RAMP AND PAD (ITEMS 38 AND 41)
9
8
8A
7
7A
5
6C
6D1
6D2
6B2
6B1
6A
1
2
3
4
0 500 1000
SCALE IN FEET
LEGEND
PERMIT BOUNDARY
SITE GRID
CELL NUMBER
REVISIONS
REV
DATE
DESCRIPTION
DWN BY
SITE PLAN
CITY OF DALLAS
McCOMMAS BLUFF LANDFILL
CELLS 6B2 AND 7
BME
BIGGS & MATHEWS ENVIRONMENTAL
CONSULTING ENGINEERS
MANSFIELD • WICHITA FALLS
817-563-1144
TBPE FIRM NO. F-256
TBPG FIRM NO. 50222
EXHIBIT
C

Exhibit D

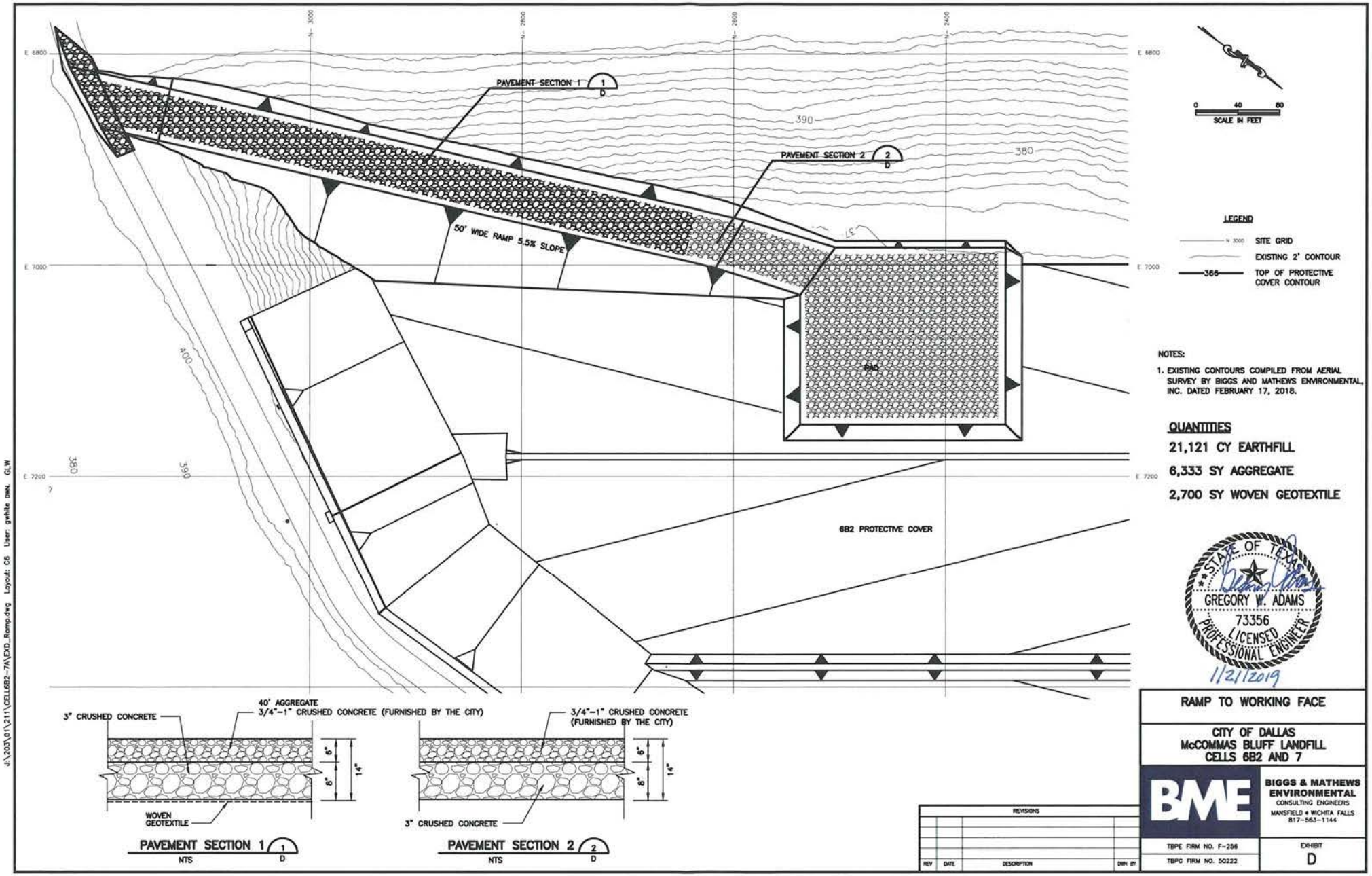

PAVEMENT SECTION 1 1/D
PAVEMENT SECTION 2 2/D
50' WIDE RAMP 5.5% SLOPE
PAD
6B2 PROTECTIVE COVER
390
380
400
E 6800
E 7000
E 7200
N 3000
N 2800
N 2600
N 2400
0 40 80
SCALE IN FEET
LEGEND
SITE GRID
EXISTING 2' CONTOUR
366 TOP OF PROTECTIVE COVER CONTOUR
NOTES:
1. EXISTING CONTOURS COMPILED FROM AERIAL SURVEY BY BIGGS AND MATHEWS ENVIRONMENTAL, INC. DATED FEBRUARY 17, 2018.
QUANTITIES
21,121 CY EARTHFILL
6,333 SY AGGREGATE
2,700 SY WOVEN GEOTEXTILE
STATE OF TEXAS
GREGORY W. ADAMS
73356
LICENSED
PROFESSIONAL ENGINEER
1/21/2019
3" CRUSHED CONCRETE
40' AGGREGATE
3/4"-1" CRUSHED CONCRETE (FURNISHED BY THE CITY)
6"
8"
14"
WOVEN GEOTEXTILE
PAVEMENT SECTION 1 1/D
NTS
3/4"-1" CRUSHED CONCRETE (FURNISHED BY THE CITY)
3" CRUSHED CONCRETE
PAVEMENT SECTION 2 2/D
NTS
REVISIONS
REV DATE DESCRIPTION DWN BY
RAMP TO WORKING FACE
CITY OF DALLAS
McCOMMAS BLUFF LANDFILL
CELLS 6B2 AND 7
BME
BIGGS & MATHEWS ENVIRONMENTAL
CONSULTING ENGINEERS
MANSFIELD • WICHITA FALLS
817-563-1144
TBPE FIRM NO. F-256
TBPG FIRM NO. 50222
EXHIBIT
D
J:\203\01\211\CELL6B2-7A\EXD_Ramp.dwg Layout: C6 User: gwhite DWN. GLW

EXHIBIT E - QUOTE FOR ADDITIONALS SERVICES FOR McCOMMAS BLUFF LANDFILL CELLS 6B2 AND 7 CONSTRUCTION

Item No.	Unit	Description	Unit Price	Quantity	Price
3	LS	Temporary Controls-Relocate Pump Station Ditch Borrow Area	$ 43,049.45	1	$ 43,049.45
29	LS	Leachate Pumps-Additional Underground Electric	$ 18,339.65	1	$ 18,339.65
34	LS	Toe Drain Pumps-Upgrade Pump	$ 9,742.50	1	$ 9,742.50
36	CY	Borrow Area 2 Soil to Top of Landfill	$ 2.22	20,000	$ 44,400.00
37	AC	Clearing and Hauling Brush to Brush Grinder	$ 3,900.00	6	$ 23,400.00
38	CY	Cell Access Ramp and Fill Pad	$ 3.24	21,121	$ 68,432.04
39	CY	Haul Road Fill	$ 2.99	24,000	$ 71,760.00
40	LF	Haul Road Subgrade Preparation	$ 2.95	2,000	$ 5,900.00
41	SY	Aggregate Pavement	$ 16.08	6,333	$ 101,834.64
42	CY	Brush Relocation	$ 4.90	3,500	$ 17,150.00
Total					**$ 404,008.28**

By: [signature]
Title: President
Date: 2/1/19

March 27, 2019

WHEREAS, on June 13, 2018, City Council authorized a contract with Hammett Excavation Inc., for the construction of a 52-acre waste cell, cell 6B2 and 7, at the McCommas Bluff Landfill, and site improvements that included upgraded drain pumps, control panels, electric service and discharge systems by Resolution No. 18-0817; and

WHEREAS, site conditions of the McCommas Bluff Landfill and needed value-engineered improvements necessitated Change Order No. 1 to continue the construction of 52-acre waste cell, cell 6B2 and 7, and site improvements.

Now, Therefore,

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

SECTION 1. That an increase in the construction services contract with Hammett Excavation, Inc. (Change Order No. 1) is authorized for the construction of a 52-acre waste cell, 6B2 and 7 at the McCommas Bluff Landfill to provide revisions and deletions to the contract which have been necessitated by changes in the site conditions and identified through value engineering, in an amount not to exceed $556,773.15, increasing the contract amount from $5,126,866.33 to $5,683,639.48.

SECTION 2. That the City Manager is hereby authorized to increase appropriations in an amount not to exceed $556,773.15 in the Sanitation Capital Improvement Fund, Fund 0593, Department SAN, Unit P400, Object 4599.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $556,773.15 to Hammett Excavation, Inc. from the Sanitation Capital Improvement Fund, Fund 0593, Department SAN, Unit P400, Object 4599, Program SAN Cell 6B2 & 7, Encumbrance/Contract No. CX-SAN-2018-00006544, Vendor VS0000075903.

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.

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-87 **Item #:** 18.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): Outside City Limits

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize acquisition from Oncor Electric Delivery Company LLC, of approximately 41,516 square feet of land located in Kaufman County for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed $12,500.00 ($9,340.00, plus closing costs and title expenses not to exceed $3,160.00) - Financing: Water Construction Fund

BACKGROUND

This item authorizes the acquisition from Oncor Electric Delivery Company LLC, of approximately 41,516 square feet of land located in Kaufman County. This property will be used for the construction of a 144-inch raw water transmission line for the Lake Tawakoni 144-inch Transmission Pipeline Project. The consideration is based on an independent appraisal. There are no relocation benefits associated.

This acquisition is part of the right-of-way required to construct approximately 32 miles of pipeline from Lake Tawakoni to the Interim Balancing Reservoir located in Terrell, Texas and then to the Eastside Water Treatment Plant located in Sunnyvale, Texas. The new raw water pipeline will augment the existing 72-inch and 84-inch pipelines. The construction of this pipeline will give Dallas Water Utilities the ability to utilize the full capacity of both the Lake Tawakoni and the Lake Fork raw water supply to meet the current city needs and future water demands.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on March 25, 2019.

FISCAL INFORMATION

Water Construction Fund - $12,500.00 ($9,340.00, plus closing costs and title expenses not to exceed $3,160.00)

powered by Legistar™

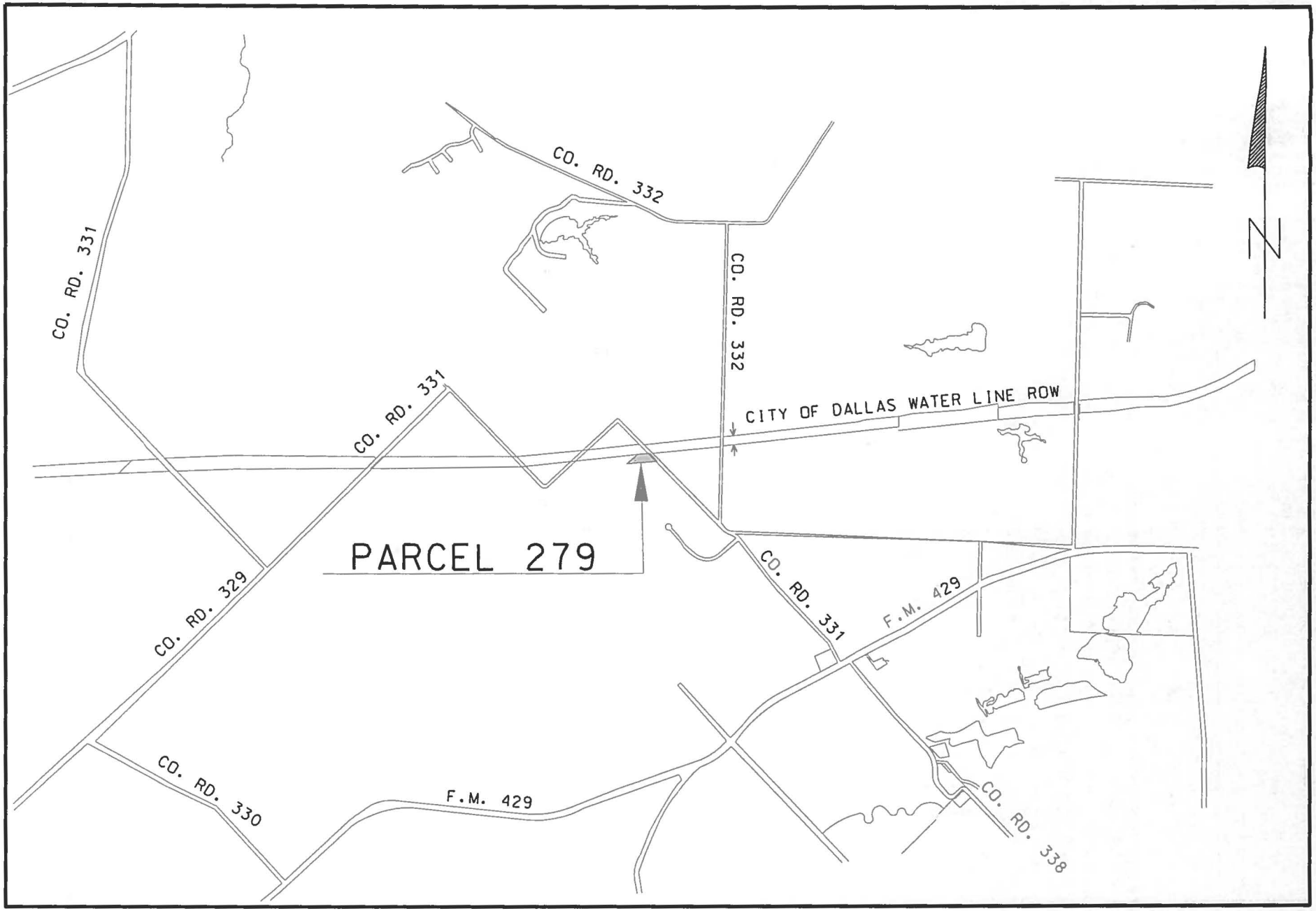
OWNER

Oncor Electric Delivery Company LLC

Dennis L. Patton, Attorney-in-Fact

MAP

Attached



VICINITY MAP

APPROXIMATE SCALE 1"= 2000'

P:\05515-LakeTawakoni\Parcel\ParcelsMap_279.dgn Plotted on 12/23/2013 at 11:21:40 AM By: jason Project: City Of Dallas Plot Driver: dteprinter.pltcfg PenTable: dte.tbl

March 27, 2019

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

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

"CITY": The City of Dallas

"PROPERTY": Approximately 41,516 square feet of land located in Kaufman County, Texas, and being the same property more particularly described in Exhibit "A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto.

"PROJECT": Lake Tawakoni 144-inch Transmission Pipeline

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

"PROPERTY INTEREST": Fee Simple Title, subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the form instrument more particularly described in Exhibit "B" attached hereto and made a part hereof for all purposes.

"OWNER": Oncor Electric Delivery Company LLC, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"PURCHASE AMOUNT": $9,340.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed $3,160.00

"AUTHORIZED AMOUNT": Not to exceed $12,500.00

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 CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

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

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

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

SECTION 6. That in the event this acquisition closes, the Chief Financial Officer is hereby authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Water Construction Fund, Fund 0102, Department DWU, Unit CW20, Activity RWPT, Program 704041, Object 4210, Encumbrance/Contract No. CX-DWU-2019-00008626. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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

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

APPROVED AS TO FORM:
CHRISTOPHER J. CASO, Interim City Attorney

BY: _____
Assistant City Attorney

Exhibit A

FIELD NOTES
DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN
KAUFMAN COUNTY, TEXAS
Parcel: 279

BEING a 0.9531 acre tract of land in the E. Ables Survey, Abstract No. 6, in Kaufman County, Texas, and being part of a called 1.057 acre tract of land described in Warranty Deed to Oncor Electric Delivery Company, LLC, dated March 19, 2010, as recorded in Volume 3736, Page 470, of the Official Public Records of Kaufman County, Texas (O.P.R.K.C.T.), part of a called 1.058 acre tract of land described in Warranty Deed to Oncor Electric Delivery Company, LLC, dated March 29, 2010, as recorded in Volume 3741, Page 70, O.P.R.K.C.T., and part of a called 0.890 acre tract of land described in Special Warranty Deed to Oncor Electric Delivery Company, LLC, dated March 23, 2010, as recorded in Volume 3737, Page 415, O.P.R.K.C.T., and being more particularly described as follows:

BEGINNING at a 3/8-inch iron rod found at the northwest corner of said Oncor 0.890 acre tract, being in the south line of a City of Dallas Water Line Right-of-Way (130' Right-of-Way), recorded in Volume 440, Page 375, of the Deed Records of Kaufman County, Texas, (D.R.K.C.T.);

THENCE North 81 degrees 35 minutes 44 seconds East, with the northwest line of said Oncor 0.890 acre tract and the southeast line of said City of Dallas tract, passing at a distance of 169.63 feet, the northeast corner of said Oncor 0.890 acre tract and the northwest corner of said Oncor 1.058 acre tract, and continuing a total distance of 179.25 feet to a 1/2-inch iron rod with red cap stamped "DAL-TECH" (hereinafter referred to as "with cap") set at the northeast corner of said Oncor 1.058 acre tract, being in southwest line of a called 37.23 acre tract of land described in Warranty Deed to B.J. Baker and wife, Jeannine Baker, dated March 3, 1989, as recorded in Volume 955, Page 434, D.R.K.C.T., and being the approximate center of Kaufman County Road No. 331 (variable width Right-of-Way by Use and Occupation);

THENCE South 46 degrees 28 minutes 56 seconds East, departing the southeast line of said City of Dallas tract and with the southwest line of said Baker tract and the northeast line of said Oncor 1.058 acre tract and along the center of said County Road No. 331, a distance of 94.33 feet to a 1/2-inch iron rod with cap set at the east corner of said Oncor 1.058 acre tract and the north corner of said Oncor 1.057 acre tract;

THENCE South 46 degrees 36 minutes 01 second East, with the northeast line of said Oncor 1.057 acre tract and the southwest line of said Baker tract and continuing along the center of said County Road No. 331, a distance of 70.94 feet to a 1/2-inch iron rod with cap set;

THENCE South 81 degrees 35 minutes 44 seconds West, departing the northeast line of said Oncor 1.057 acre tract, the southwest line of said Baker tract and said County Road No. 331, a distance of 459.57 feet to a 1/2-inch iron rod with cap set in the northwest line of said Oncor 0.890 acre tract;

THENCE North 45 degrees 29 minutes 51 seconds East, with the northwest line of said Oncor 0.890 acre tract, a distance of 220.65 feet to the POINT OF BEGINNING and containing 41,516 square feet or 0.9531 acres of land, more or less.

FIELD NOTES APPROVED: 4/4/14

Exhibit A

FIELD NOTES
DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN
KAUFMAN COUNTY, TEXAS
Parcel: 279

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

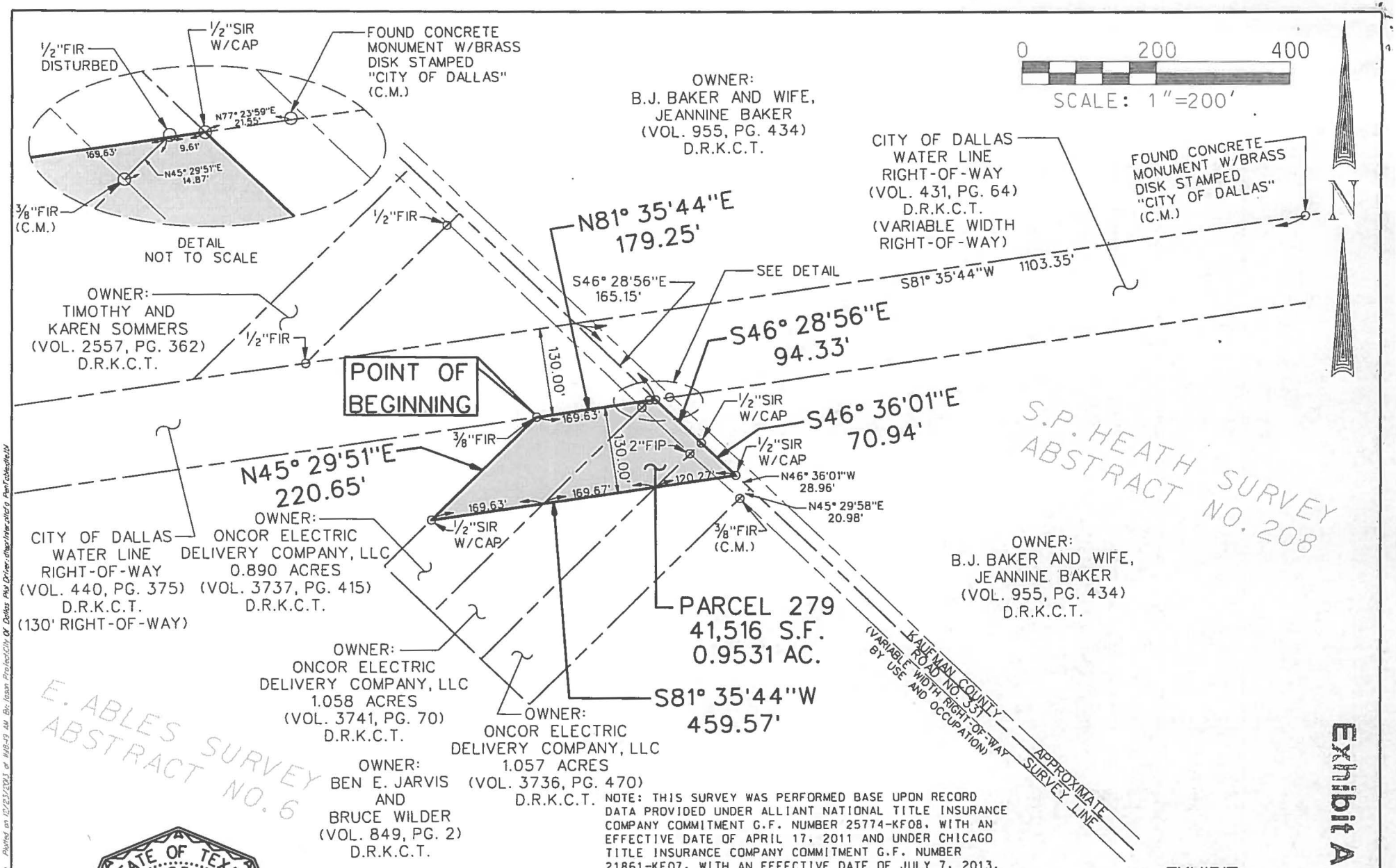
A plat of even survey date herewith accompanies this legal description.

Company Name: DAL-TECH Engineering, Inc.
TBPLS Firm No. 10123500

By: _____ Date: 1.9.14

Surveyor's Name: Patrick J. Baldasaro
Registered Professional Land Surveyor
Texas No. 5504

STATE OF TEXAS
REGISTERED
PATRICK J. BALDASARO
5504
PROFESSIONAL
LAND SURVEYOR



NOTE: THIS SURVEY WAS PERFORMED BASE UPON RECORD DATA PROVIDED UNDER ALLIANT NATIONAL TITLE INSURANCE COMPANY COMMITMENT G.F. NUMBER 25774-KF08, WITH AN EFFECTIVE DATE OF APRIL 17, 2011 AND UNDER CHICAGO TITLE INSURANCE COMPANY COMMITMENT G.F. NUMBER 21861-KF07, WITH AN EFFECTIVE DATE OF JULY 7, 2013.

STATE OF TEXAS REGISTERED PATRICK J. BALDASARO 5504 PROFESSIONAL LAND SURVEYOR

1-9-14

LEGEND:

S.F.	SQUARE FEET
C.M.	CONTROL MONUMENT
O FIR	FOUND IRON ROD
O FIP	FOUND IRON PIPE
O 1/2"SIR W/CAP	1/2" SET IRON ROD WITH A RED PLASTIC CAP STAMPED "DAL-TECH" OR "DTE"
O SX	SET "X" CUT IN CONCRETE
O FPK	FOUND PK. NAIL
O SPK	SET PK. NAIL

ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83 TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, ACCORDING TO MEASUREMENTS MADE AT NGS CONTINUOUSLY OPERATING REFERENCE STATIONS COLLIN CORS ARP, DALLAS CORS ARP, KAUFMAN CORS ARP, TYLER CORS ARP, AND PARIS CORS ARP. THE KAUFMAN COUNTY SCALE FACTOR OF 1.000114077 AS PUBLISHED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, DALLAS DISTRICT WAS USED FOR THIS PROJECT.

EXHIBIT
OF A
RIGHT-OF-WAY ACQUISITION
SITUATED IN THE
E. ABLES SURVEY, ABSTRACT NO. 6
KAUFMAN COUNTY, TEXAS
FOR THE
CITY OF DALLAS
BY
DAL-TECH ENGINEERING, INC., 17400 DALLAS PKWY., SUITE 110
DALLAS, TEXAS 75287, TEL. (972)250-2727, FAX (972)250-4774

DATE: DEC 13	REVISED: -	SCALE: 1" = 200'	SHEET 3 OF 3

Exhibit A

P:\0955\dwg\Tract\ROW\Parcel\PAR-279.dwg Plotted on 12/23/2013 at 11:18:43 AM By: Ivan Project:City Of Dallas PM Driver: dwgprintwithstyle PenTable:fine.tbl

EXHIBIT B

SPECIAL WARRANTY DEED

THE STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF DALLAS §

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

That **ONCOR ELECTRIC DELIVERY COMPANY LLC.**, a Delaware limited liability company, ("Grantor"), for and in consideration of the sum of NINE THOUSAND THREE HUNDRED FORTY AND NO/100 DOLLARS ($9,340.00), and other good and valuable consideration to Grantor in hand paid by the **CITY OF DALLAS,** a Texas Municipal Corporation, ("Grantee"), whose address is 1500 Marilla Street, Dallas, Texas 75202, the receipt and sufficiency of which is hereby acknowledged, has Granted, Sold and Conveyed, and by these presents does Grant, Sell and Convey unto said Grantee all that certain tract or parcel of land ("the "Property") situated in the E. Ables Survey, Abstract No. 6, Kaufman, County, Texas and being a portion of a called 1.057 acre tract of land described in the deeded recorded in Volume 3736,Page 470 of the Deed Records of Kaufman County, Texas, part of a called 1.058 acre tract of land, as recorded in Volume 3741, Page 70, (O.P.R.K.C.T.), and part of a called 0.890 acre tract of land as recorded in Volume 3737, Page 415, (O.P.R.K.C.T.)- more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes. Grantor represents that it does not own oil, gas and other mineral in and under the Property, which are not included in this conveyance; provided, however, to the extent that grantor does own any interest in such oil, gas or other minerals, it waives all rights of ingress and egress to the surface of the Property for the purposes of exploring, developing, mining or drilling for same., and incorporated herein by reference for all purposes.

THIS CONVEYANCE IS EXPRESSLY MADE SUBJECT TO THE FOLLOWING: Easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded restrictions, reservations, covenants, conditions, mineral severances, and other instruments, other than liens and conveyances, that affect the Property; rights of adjoining owners in any walls and fences situated on a common boundary; and discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements.

Grantor hereby expressly acknowledges and agrees that Grantee has thoroughly inspected and examined the Property to the extent deemed necessary by Grantee in order to enable Grantee is relying solely up the inspection, examination, and evaluation of the

property by Grantee, and that Grantee is purchasing the property on an "AS IS and WITHOUT FAULTS" basis, without representations, warranties or covenants, express or implied, of any kind or nature.

Grantor, for the consideration and subject to the above stated exceptions and reservations from conveyance, grants, sells and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the above stated exceptions, when the claim is by, through, or under the Grantor but not otherwise.

EXECUTED this _____day of _____, 2019 to be effective as of the _____ day of _____, A.D. 2019

Oncor Electric Delivery Company LLC, a Delaware
Limited liability company

By:_____
Name: Jill L. Alvarez
Title: Attorney-in-Fact

ACKNOWLEDGMENT

THE STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TARRANT §

BEFORE ME, the undersigned authority, a Notary public in and for the State of Texas, on this day personally appeared Jill L. Alvarez, Attorney-in-Fact, known to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purpose and consideration therein expressed, in the capacity therein stated, and as the act and deed of said Oncor Electric Delivery Company LLC, a Delaware limited liability company, on behalf of said company.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ___ day of _____, A.D. 2019.

_____
Notary Public in and for the State of Texas
Printed Name: _____
My Commission Expires: _____

AFTER RECORDING, RETURN TO:
City of Dallas, Department of Development Services
Real Estate Division
320 East Jefferson Boulevard, Room 203
Dallas, Texas 75203
Attn: Chris Roman
Log No. 40511

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-86 **Item #:** 19.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): Outside City Limits

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize acquisition from Oncor Electric Delivery Company LLC, of approximately 192,576 square feet of land located in Kaufman County for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed $20,000.00 ($16,800.00, plus closing costs and title expenses not to exceed $3,200.00) - Financing: Water Construction Fund

BACKGROUND

This item authorizes the acquisition from Oncor Electric Delivery Company LLC, of approximately 192,576 square feet of land located in Kaufman County. This property will be used for the construction of a 144-inch raw water transmission line for the Lake Tawakoni 144-inch Transmission Pipeline Project. The consideration is based on an independent appraisal. There are no relocation benefits associated.

This acquisition is part of the right-of-way required to construct approximately 32 miles of pipeline from Lake Tawakoni to the Interim Balancing Reservoir located in Terrell, Texas and then to the Eastside Water Treatment Plant located in Sunnyvale, Texas. The new raw water pipeline will augment the existing 72-inch and 84-inch pipelines. The construction of this pipeline will give Dallas Water Utilities the ability to utilize the full capacity of both the Lake Tawakoni and the Lake Fork raw water supply to meet the current city needs and future water demands.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on March 25, 2019.

FISCAL INFORMATION

Water Construction Fund - $20,000.00 ($16,800.00, plus closing costs and title expenses not to exceed $3,200.00)

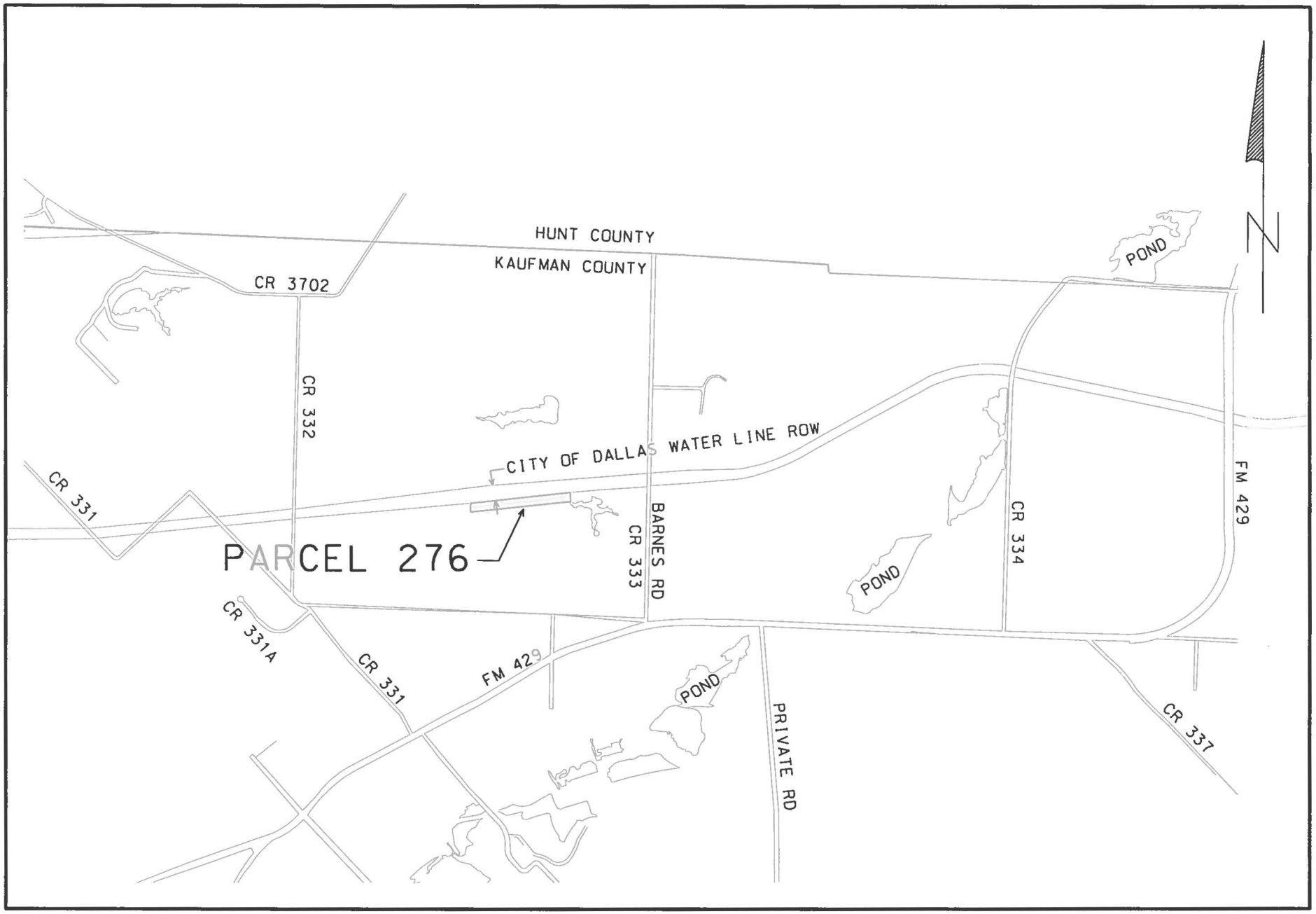
OWNER

Oncor Electric Delivery Company LLC

Dennis L. Patton, Attorney-in-Fact

MAP

Attached



VICINITY MAP

APPROXIMATE SCALE 1"= 2000'

March 27, 2019

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

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

"CITY": The City of Dallas

"PROPERTY": Approximately 192,576 square feet of land located in Kaufman County, Texas, and being the same property more particularly described in Exhibit "A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto.

"PROJECT": Lake Tawakoni 144-inch Transmission Pipeline

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

"PROPERTY INTEREST": Fee Simple Title, subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the form instrument more particularly described in Exhibit "B" attached hereto and made a part hereof for all purposes.

"OWNER": Oncor Electric Delivery Company LLC, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"PURCHASE AMOUNT": $16,800.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed $3,200.00

"AUTHORIZED AMOUNT": Not to exceed $20,000.00

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

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

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

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

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

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

SECTION 6. That in the event this acquisition closes, the Chief Financial Officer is hereby authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Water Construction Fund, Fund 0102, Department DWU, Unit CW20, Activity RWPT, Program 704041, Object 4210, Encumbrance/Contract No. CX-DWU-2019-00008625. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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

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

APPROVED AS TO FORM:
CHRISTOPHER J. CASO, Interim City Attorney

BY: _____
Assistant City Attorney

Exhibit A

FIELD NOTES
DESCRIBING A TRACT OF LAND TO BE ACQUIRED FOR THE RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN KAUFMAN COUNTY, TEXAS
Parcel: 276

BEING a 4.421 acre tract of land in the R. Mead Survey, Abstract No. 325, and being located in Kaufman County, Texas, and being a part of a 6.791 acre tract of land described in Warranty Deed to Oncor Electric Delivery Company, LLC., dated August 12, 2011, as recorded in Volume 4035, Page 242 of the Deed Records of Kaufman County, Texas (D.R.K.C.T.), and being more particularly described as follows:

COMMENCING at a found concrete monument with a brass disk stamped "City of Dallas" on the west line of Kaufman County Road No. 332, an unrecorded right-of-way, said point also being in the northwest line of a City of Dallas Water Line Right-of-Way (130-feet wide) as recorded in Volume 431, Page 64, D.R.K.C.T;

THENCE North 81 degrees 35 minutes 54 seconds East, departing the west line of said Kaufman County Road No. 332 along the northwest line of said City of Dallas Water Line Right-of-Way as recorded in Volume 431, Page 64, a distance of 20.46 feet to a PK nail set for the northeast corner of said City of Dallas Water Line Right-of-Way as recorded in Volume 431, Page 64, and the northwest corner of a City of Dallas Water Line Right-of-Way (variable width) as recorded in Volume 446, Page 183, D.R.K.C.T., said point also being in said Kaufman County Road No. 332;

THENCE South 00 degrees 31 minutes 16 seconds East, along the common line of the east line of said City of Dallas Water Line Right-of-Way, as recorded in Volume 431, Page 64, and the west line of said City of Dallas Water Line Right-of-Way, as recorded in Volume 446, Page 183, along said Kaufman County Road No. 332, a distance of 131.20 feet to a PK nail set in the west line of a tract of land described in Warranty Deed with Vendor's Lien to John T. Clayton and Margaret Clayton, dated April 7, 1958, as recorded in Volume 416, Page 397, D.R.K.C.T.;

THENCE North 81 degrees 35 minutes 54 seconds East, departing the west line of said Clayton tract and said Kaufman County Road No. 332 and along the southeast line of said City of Dallas Water Line Right-of-Way, as recorded in Volume 446, Page 183, a distance of 2,652.00 feet to a concrete monument with a brass disk stamped "City of Dallas" at the POINT OF BEGINNING, being the northwest corner of said 6.791 acre tract and in the east line of said Clayton tract, said point also being the southwest corner of a City of Dallas Water Line Right-of-Way (variable width) as recorded in Volume 430, Page 361, D.R.K.C.T. ;

THENCE North 81 degrees 35 minutes 54 seconds East, with the common line of the north line of said 6.791 tract and the southeast line of said City of Dallas Water Line Right-of-Way, as recorded in Volume 430, Page 361, a distance of 1,482.00 feet to a 1/2-inch iron rod found at the northeast corner of said 6.791 acre tract and the northwest corner of a tract of land described in Warranty Deed with Vendor's Lien to Stacie Uhrim, a single woman, dated November 12, 2002, as recorded in Volume 2115, Page 210, D.R.K.C.T., said point being South 85 degrees 11 minutes 33 seconds West, a distance of 47.58 feet from a concrete monument with a brass disk stamped "City of Dallas" found;

FIELD NOTES
DESCRIBING A TRACT OF LAND TO BE ACQUIRED FOR THE RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN
KAUFMAN COUNTY, TEXAS
Parcel: 276

THENCE South 00 degrees 27 minutes 13 seconds East, departing the southeast line of said City of Dallas Water Line Right-of-Way, as recorded in Volume 430, Page 361, and with the east line of said 6.791 acre tract, a distance of 45.14 feet to a 1/2-inch iron rod found;

THENCE South 00 degrees 33 minutes 24 seconds East, continuing with the east line of said 6.791 acre tract, a distance of 86.10 feet (not set, inaccessible);

THENCE South 81 degrees 35 minutes 54 seconds West, departing the east line of said 6.791 acre tract, a distance of 1480.76 feet to a 1/2-inch iron rod with a red plastic cap stamped "DAL-TECH" set in the west line of said 6.791 acre tract and the east line of said Clayton tract;

THENCE North 01 degree 03 minutes 32 seconds West, with said west and east lines, a distance of 131.08 feet to the POINT OF BEGINNING AND CONTAINING 192,576 square feet or 4.421 acres of land, more or less.

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

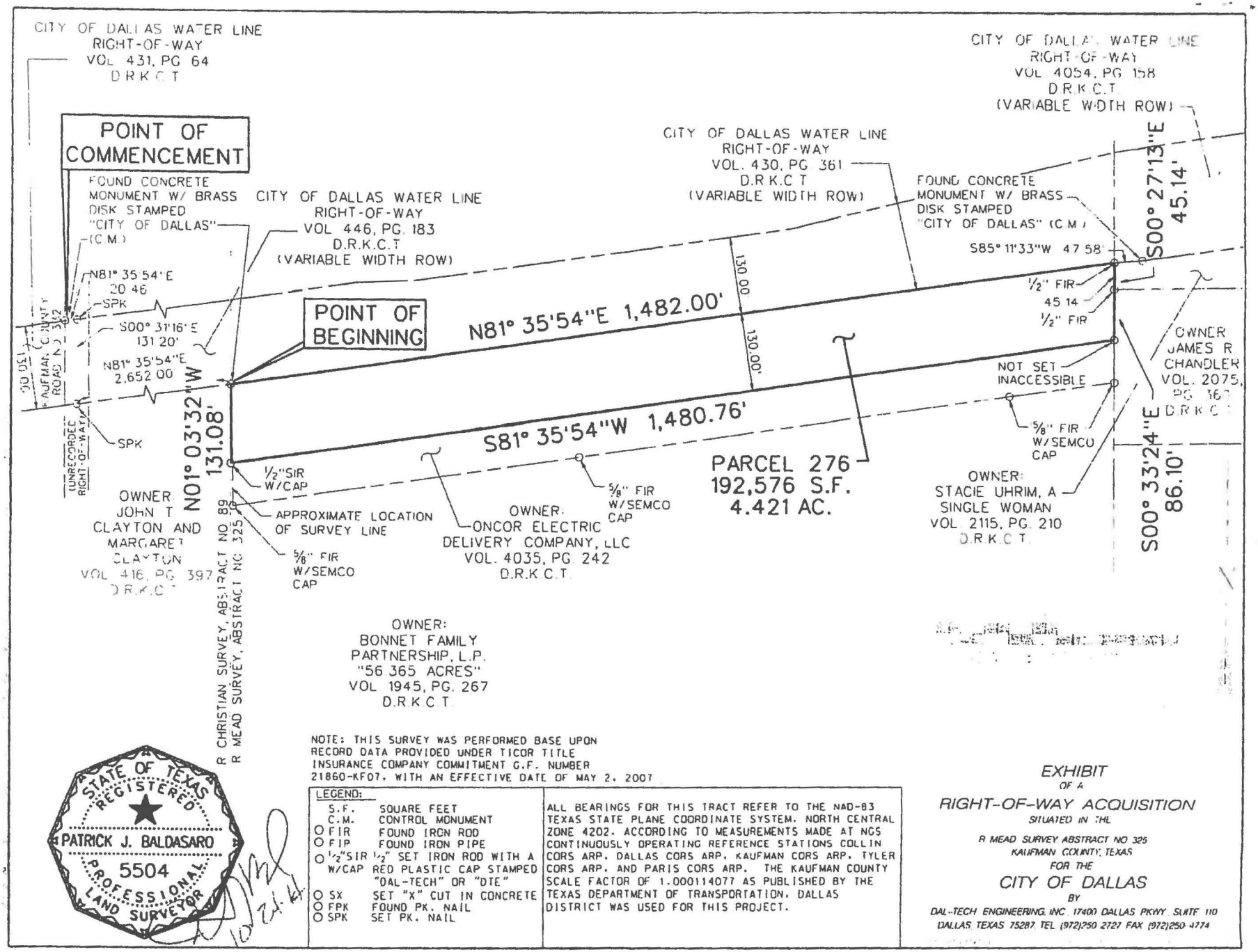
A plat of even survey date herewith accompanies this legal description.

Company Name: DAL-TECH Engineering, Inc.
TBPLS Firm No. 10123500

By: _____ Date: 10-2-14

STATE OF TEXAS REGISTERED PATRICK J. BALDASARO 5504 PROFESSIONAL LAND SURVEYOR

Surveyor's Name: Patrick J. Baldasaro
Registered Professional Land Surveyor
Texas No. 5504



NOTE: THIS SURVEY WAS PERFORMED BASE UPON RECORD DATA PROVIDED UNDER TICOR TITLE INSURANCE COMPANY COMMITMENT G.F. NUMBER 21860-KF07, WITH AN EFFECTIVE DATE OF MAY 2, 2007

LEGEND:

S.F.	SQUARE FEET
C.M.	CONTROL MONUMENT
O FIR	FOUND IRON ROD
O FIP	FOUND IRON PIPE
O 1/2"SIR W/CAP	1/2" SET IRON ROD WITH A RED PLASTIC CAP STAMPED "DAL-TECH" OR "DTE"
O SX	SET "X" CUT IN CONCRETE
O FPK	FOUND PK. NAIL
O SPK	SET PK. NAIL

ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83 TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202. ACCORDING TO MEASUREMENTS MADE AT NGS CONTINUOUSLY OPERATING REFERENCE STATIONS COLLIN CORS ARP, DALLAS CORS ARP, KAUFMAN CORS ARP, TYLER CORS ARP, AND PARIS CORS ARP. THE KAUFMAN COUNTY SCALE FACTOR OF 1.000114077 AS PUBLISHED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, DALLAS DISTRICT WAS USED FOR THIS PROJECT.

EXHIBIT
OF A
RIGHT-OF-WAY ACQUISITION
SITUATED IN THE
R. MEAD SURVEY ABSTRACT NO. 325
KAUFMAN COUNTY, TEXAS
FOR THE
CITY OF DALLAS
BY
DAL-TECH ENGINEERING, INC. 17400 DALLAS PKWY. SUITE 110
DALLAS, TEXAS 75287 TEL. (972)250-2727 FAX (972)250-4774

Exhibit A

EXHIBIT B

SPECIAL WARRANTY DEED

THE STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF DALLAS §

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

That **ONCOR ELECTRIC DELIVERY COMPANY LLC.**, a Delaware limited liability company, ("Grantor"), for and in consideration of the sum of SIXTEEN THOUSAND EIGHT HUNDRED AND NO/100 DOLLARS ($16,800.00), and other good and valuable consideration to Grantor in hand paid by the **CITY OF DALLAS,** a Texas Municipal Corporation, ("Grantee"), whose address is 1500 Marilla Street, Dallas, Texas 75202, the receipt and sufficiency of which is hereby acknowledged, has Granted, Sold and Conveyed, and by these presents does Grant, Sell and Convey unto said Grantee all that certain tract or parcel of land ("the "Property") situated in the R. Mead Survey, Abstract No. 325, Kaufman, County, Texas and being a portion of a called 6.791 acre tract of land described in the deeded recorded in Volume 4035,Page 242 of the Deed Records of Kaufman County, Texas more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes. Grantor represents that it does not own oil, gas and other mineral in and under the Property, which are not included in this conveyance; provided, however, to the extent that grantor does own any interest in such oil, gas or other minerals, it waives all rights of ingress and egress to the surface of the Property for the purposes of exploring, developing, mining or drilling for same., and incorporated herein by reference for all purposes.

THIS CONVEYANCE IS EXPRESSLY MADE SUBJECT TO THE FOLLOWING: Easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded restrictions, reservations, covenants, conditions, mineral severances, and other instruments, other than liens and conveyances, that affect the Property; rights of adjoining owners in any walls and fences situated on a common boundary; and discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements.

Grantor hereby expressly acknowledges and agrees that Grantee has thoroughly inspected and examined the Property to the extent deemed necessary by Grantee in order to enable Grantee is relying solely up the inspection, examination, and evaluation of the property by Grantee, and that Grantee is purchasing the property on an "AS IS and WITHOUT FAULTS" basis, without representations, warranties or covenants, express or

implied, of any kind or nature.

Grantor, for the consideration and subject to the above stated exceptions and reservations from conveyance, grants, sells and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the above stated exceptions, when the claim is by, through, or under the Grantor but not otherwise.

EXECUTED this _____day of _____, 2019 to be effective as of the _____ day of _____, A.D. 2019

Oncor Electric Delivery Company LLC, a Delaware
Limited liability company

By:_____
Name: Jill L. Alvarez
Title: Attorney-in-Fact

ACKNOWLEDGMENT

THE STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TARRANT §

BEFORE ME, the undersigned authority, a Notary public in and for the State of Texas, on this day personally appeared Jill L. Alvarez, Attorney-in-Fact, known to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purpose and consideration therein expressed, in the capacity therein stated, and as the act and deed of said Oncor Electric Delivery Company LLC, a Delaware limited liability company, on behalf of said company.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ___ day of _____, A.D. 2019.

_____
Notary Public in and for the State of Texas
Printed Name: _____
My Commission Expires: _____

AFTER RECORDING, RETURN TO:
City of Dallas, Department of Development Services
Real Estate Division
320 East Jefferson Boulevard, Room 203
Dallas, Texas 75203
Attn: Chris Roman
Log No. 37384

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-85 **Item #:** 20.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): Outside City Limits

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize acquisition from Oncor Electric Delivery Company LLC, of approximately 357,024 square feet of land located in Kaufman County for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed $36,000.00 ($32,170.00, plus closing costs and title expenses not to exceed $3,830.00) - Financing: Water Construction Fund

BACKGROUND

This item authorizes the acquisition from Oncor Electric Delivery Company LLC, of approximately 357,024 square feet of land located in Kaufman County. This property will be used for the construction of a 144-inch raw water transmission line for the Lake Tawakoni 144-inch Transmission Pipeline Project. The consideration is based on an independent appraisal. There are no relocation benefits associated.

This acquisition is part of the right-of-way required to construct approximately 32 miles of pipeline from Lake Tawakoni to the Interim Balancing Reservoir located in Terrell, Texas and then to the Eastside Water Treatment Plant located in Sunnyvale, Texas. The new raw water pipeline will augment the existing 72-inch and 84-inch pipelines. The construction of this pipeline will give Dallas Water Utilities the ability to utilize the full capacity of both the Lake Tawakoni and the Lake Fork raw water supply to meet the current city needs and future water demands.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on March 25, 2019.

FISCAL INFORMATION

Water Construction Fund - $36,000.00 ($32,170.00, plus closing costs and title expenses not to exceed $3,830.00)

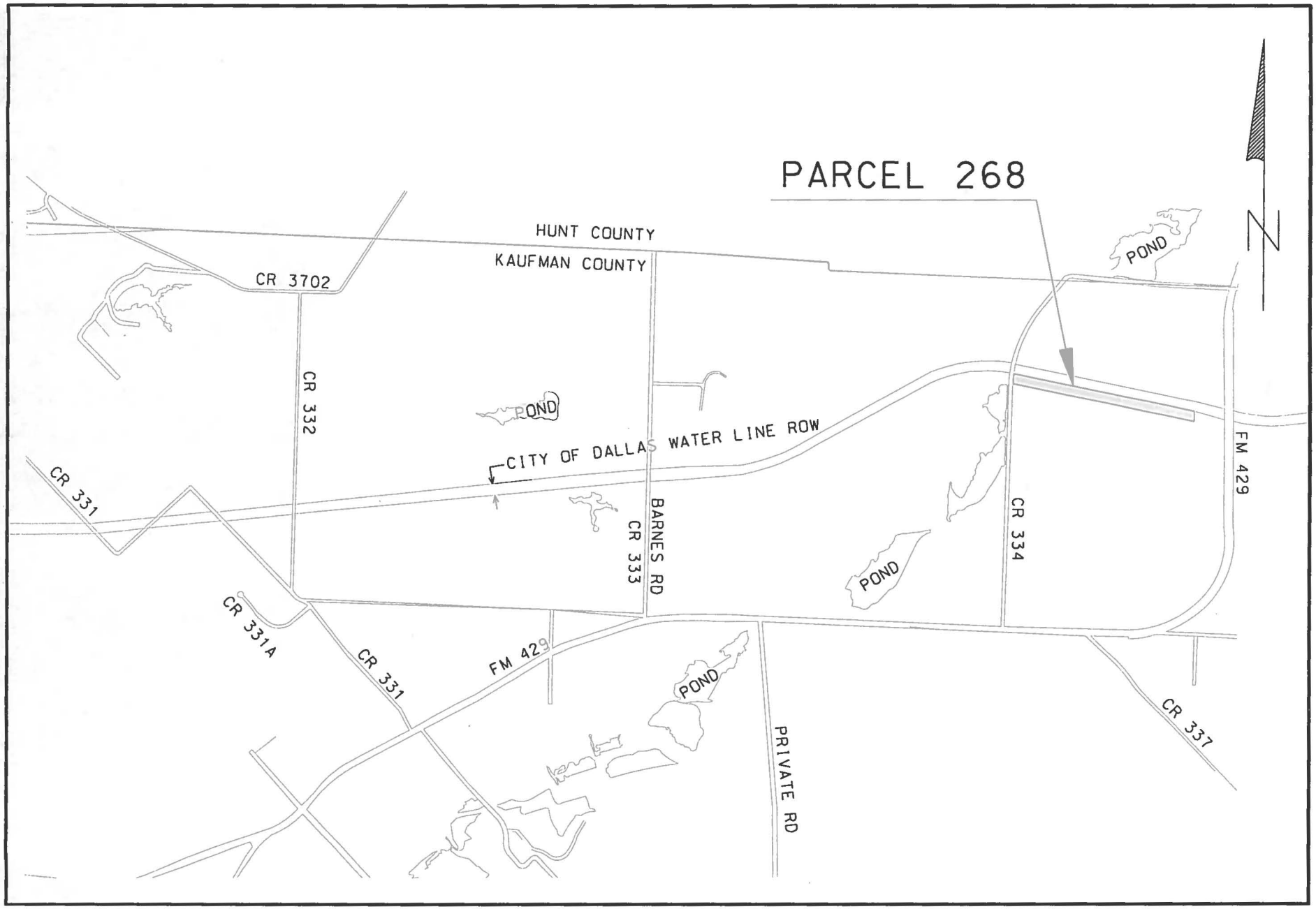
OWNER

Oncor Electric Delivery Company LLC

Dennis L. Patton, Attorney-in-Fact

MAP

Attached



VICINITY MAP

APPROXIMATE SCALE 1"= 2000'

March 27, 2019

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

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

"CITY": The City of Dallas

"PROPERTY": Approximately 357,024 square feet of land located in Kaufman County, Texas, and being the same property more particularly described in Exhibit "A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto.

"PROJECT": Lake Tawakoni 144-inch Transmission Pipeline

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

"PROPERTY INTEREST": Fee Simple Title, subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the form instrument more particularly described in Exhibit "B" attached hereto and made a part hereof for all purposes.

"OWNER": Oncor Electric Delivery Company LLC, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"PURCHASE AMOUNT": $32,170.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed $3,830.00

"AUTHORIZED AMOUNT": Not to exceed $36,000.00

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

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

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

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

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

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

SECTION 6. That in the event this acquisition closes, the Chief Financial Officer is hereby authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Water Construction Fund, Fund 0102, Department DWU, Unit CW20, Activity RWPT, Program 704041, Object 4210, Encumbrance/Contract No. CX-DWU-2019-00008621. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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

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

APPROVED AS TO FORM:
CHRISTOPHER J. CASO, Interim City Attorney

BY: _____
Assistant City Attorney

Exhibit A

FIELD NOTES
DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN
KAUFMAN COUNTY, TEXAS
Parcel: 268

BEING an 8.196 acre tract of land in the Z. Moore Survey, Abstract No. 332, in Kaufman County, Texas, and being part of a called 9.625 acre tract of land in Special Warranty Deed to Oncor Electric Delivery Company LLC, a Delaware limited liability company, dated January 31, 2013, as recorded in Volume 4303, Page 254, Deed Records Kaufman County, Texas (D.R.K.C.T.), and part of a called 3.015 acre tract of land in Special Warranty Deed to Oncor Electric Delivery Company LLC, a Delaware limited liability company, dated January 31, 2013, as recorded in Volume 4303, Page 247, D.R.K.C.T., and being more particularly described as follows:

BEGINNING at a 5/8-inch iron rod found at the northwest corner of said 9.625 acre Oncor tract, the southwest corner of a City of Dallas Water Line Right-of-Way (variable width), as recorded in Volume 441, Page 368, D.R.K.C.T., and the northeast corner of a called 34.686 acre tract of land described in a deed to Kenneth Lane, as recorded in Volume 4429, Page 10, D.R.K.C.T.;

THENCE South 80 degrees 43 minutes 28 seconds East, with the north line of said 9.625 acre Oncor tract and the southerly line of said City of Dallas Water Line Right-of-Way recorded in Volume 441, Page 368, a distance of 1,050.84 feet to a 1/2-inch iron rod with red cap stamped "DAL-TECH" (hereinafter referred to as "with cap") set;

THENCE South 69 degrees 24 minutes 48 seconds East, continuing with said north and south line, a distance of 101.97 feet to a 1/2-inch iron rod with cap set;

THENCE South 80 degrees 43 minutes 28 seconds East, continuing with said north and south line, passing at a distance of 1,451.61 feet, a 5/8-inch iron rod with cap stamped, "SEMPCO" found at the east corner of said 9.265 acre Oncor tract, the northwest corner of said 3.015 acre Oncor tract, a south corner of said City of Dallas Water Line Right-of-Way tract recorded in Volume 441, Page 368, and the west corner of a City of Dallas Water Line Right-of-Way (130 foot wide Right-of-Way at this point) recorded in Volume 439, Page 119, D.R.K.C.T., continuing with the north line of said 3.015 acre Oncor tract, and the south line of said City of Dallas Water Line Right-of-Way recorded in Volume 439, Page 119, a total distance of 1,583.22 feet to a 1/2–inch rod with cap set at the northeast corner of said 3.015 acre Oncor tract, and the southeast corner of said City of Dallas Water Line Right-of-Way tract recorded in Volume 439, Page 119,;

THENCE South 04 degrees 29 minutes 36 seconds East, with the east line of said 3.015 acre Oncor tract, a distance of 133.84 feet to a 1/2–inch rod with cap set;

THENCE North 80 degrees 43 minutes 28 seconds West, departing the east line of said 3.015 acre Oncor tract, a distance of 1,627.94 feet to a 1/2-inch iron rod with cap set;

THENCE North 69 degrees 24 minutes 48 seconds West, a distance of 101.97 feet to a 1/2-inch iron rod with cap set;

THENCE North 80 degrees 43 minutes 28 seconds West, a distance of 943.14 feet to a 1/2-inch iron rod with cap set;

FIELD NOTES APPROVED: 7/16/14

Exhibit A

FIELD NOTES
DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN
KAUFMAN COUNTY, TEXAS
Parcel: 268

THENCE South 83 degrees 05 minutes 46 seconds West, a distance of 71.89 feet to a 1/2-inch iron rod with cap set in the west line of said 9.625 acre Oncor tract and the east line of said Lane tract;

THENCE North 00 degrees 28 minutes 30 seconds West, with the west line of said 9.625 acre Oncor tract and the east line of said Lane tract, a distance of 152.23 feet to the POINT OF BEGINNING and containing 357,024 square feet (8.196 Acres), of land, more or less.

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

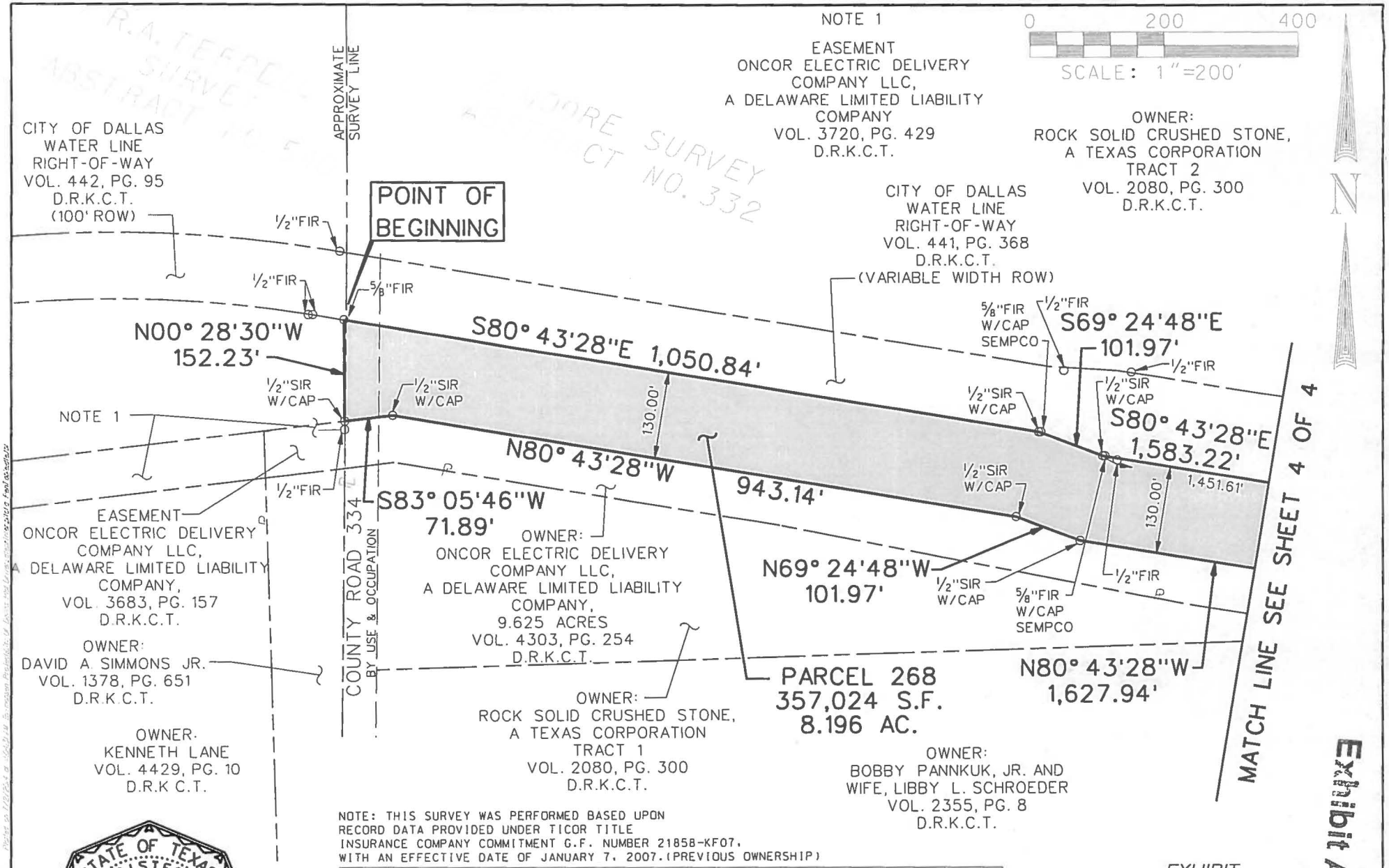
A plat of even survey date herewith accompanies this legal description.

Company Name: DAL-TECH Engineering, Inc.
TBPLS Firm No. 10123500

By: _____ Date: 7.7.14

Surveyor's Name: Patrick J. Baldasaro
Registered Professional Land Surveyor
Texas No. 5504

STATE OF TEXAS
REGISTERED
PATRICK J. BALDASARO
5504
PROFESSIONAL
LAND SURVEYOR



NOTE: THIS SURVEY WAS PERFORMED BASED UPON RECORD DATA PROVIDED UNDER TICOR TITLE INSURANCE COMPANY COMMITMENT G.F. NUMBER 21858-KF07, WITH AN EFFECTIVE DATE OF JANUARY 7, 2007.(PREVIOUS OWNERSHIP)

STATE OF TEXAS
REGISTERED
PATRICK J. BALDASARO
5504
PROFESSIONAL
LAND SURVEYOR

7-17-14

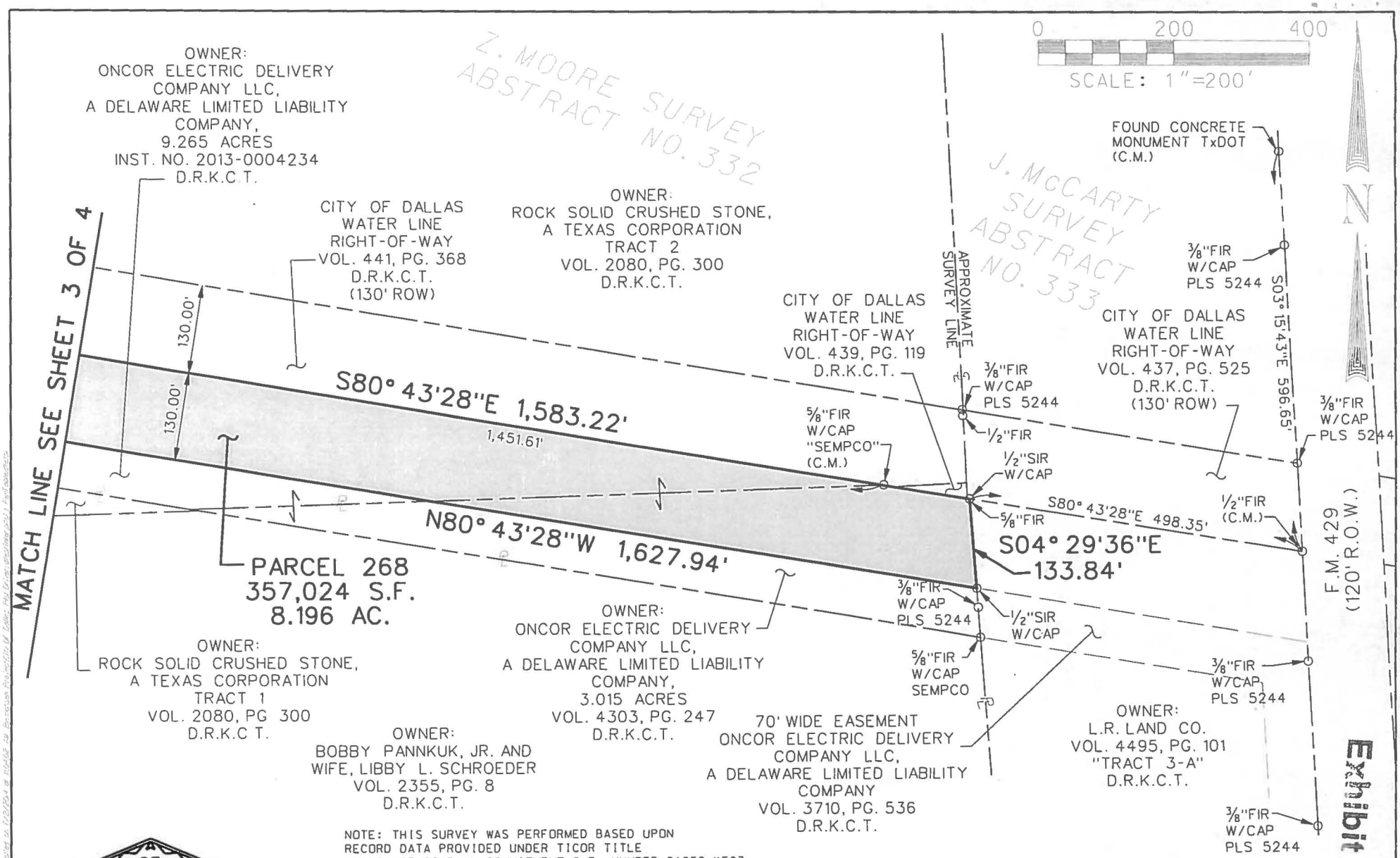
LEGEND:

S.F.	SQUARE FEET
C.M.	CONTROL MONUMENT
○ FIR	FOUND IRON ROD
○ FIP	FOUND IRON PIPE
○ 1/2"SIR W/CAP	1/2" SET IRON ROD WITH A RED PLASTIC CAP STAMPED "DAL-TECH" OR "DTE"
○ SX	SET "X" CUT IN CONCRETE
○ FPK	FOUND PK. NAIL
○ SPK	SET PK. NAIL

ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83 TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, ACCORDING TO MEASUREMENTS MADE AT NGS CONTINUOUSLY OPERATING REFERENCE STATIONS COLLIN CORS ARP, DALLAS CORS ARP, KAUFMAN CORS ARP, TYLER CORS ARP, AND PARIS CORS ARP. THE KAUFMAN COUNTY SCALE FACTOR OF 1.000114077 AS PUBLISHED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, DALLAS DISTRICT WAS USED FOR THIS PROJECT.

EXHIBIT
OF A
RIGHT-OF-WAY ACQUISITION
SITUATED IN THE
Z. MOORE SURVEY, ABSTRACT NO. 332
KAUFMAN COUNTY, TEXAS
FOR THE
CITY OF DALLAS
BY
DAL-TECH ENGINEERING, INC., 17400 DALLAS PKWY., SUITE 110
DALLAS, TEXAS 75287, TEL. (972)250-2727, FAX (972)250-4774

DATE-7/2/2014 | REVISED - | SCALE-1"=200' | SHEET 3 OF 4



NOTE: THIS SURVEY WAS PERFORMED BASED UPON RECORD DATA PROVIDED UNDER TICOR TITLE INSURANCE COMPANY COMMITMENT G.F. NUMBER 21858-KF07, WITH AN EFFECTIVE DATE OF JANUARY 7, 2007.

STATE OF TEXAS REGISTERED PATRICK J. BALDASARO 5504 PROFESSIONAL LAND SURVEYOR

7-7-14

LEGEND:

S.F.	SQUARE FEET
C.M.	CONTROL MONUMENT
○ FIR	FOUND IRON ROD
○ FIP	FOUND IRON PIPE
○ 1/2"SIR W/CAP	1/2" SET IRON ROD WITH A RED PLASTIC CAP STAMPED "DAL-TECH" OR "DTE"
○ SX	SET "X" CUT IN CONCRETE
○ FPK	FOUND PK. NAIL
○ SPK	SET PK. NAIL

ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83 TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, ACCORDING TO MEASUREMENTS MADE AT NGS CONTINUOUSLY OPERATING REFERENCE STATIONS COLLIN CORS ARP, DALLAS CORS ARP, KAUFMAN CORS ARP, TYLER CORS ARP, AND PARIS CORS ARP. THE KAUFMAN COUNTY SCALE FACTOR OF 1.000114077 AS PUBLISHED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, DALLAS DISTRICT WAS USED FOR THIS PROJECT.

EXHIBIT
OF A
RIGHT-OF-WAY ACQUISITION
SITUATED IN THE
Z. MOORE SURVEY, ABSTRACT NO. 332
KAUFMAN COUNTY, TEXAS
FOR THE
CITY OF DALLAS
BY

DAL-TECH ENGINEERING, INC., 17400 DALLAS PKWY., SUITE 110
DALLAS, TEXAS 75287, TEL. (972)250-2727, FAX (972)250-4774

DATE: 7/2/2014 | REVISED: | SCALE: 1" = 200' | SHEET 4 OF 4

EXHIBIT B

SPECIAL WARRANTY DEED

THE STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF DALLAS §

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

That **ONCOR ELECTRIC DELIVERY COMPANY LLC.**, a Delaware limited liability company, ("Grantor"), for and in consideration of the sum of THIRTY-TWO THOUSAND ONE HUNDRED SEVENTY AND NO/100 DOLLARS ($32,170.00), and other good and valuable consideration to Grantor in hand paid by the **CITY OF DALLAS,** a Texas Municipal Corporation, ("Grantee"), whose address is 1500 Marilla Street, Dallas, Texas 75202, the receipt and sufficiency of which is hereby acknowledged, has Granted, Sold and Conveyed, and by these presents does Grant, Sell and Convey unto said Grantee all that certain tract or parcel of land ("the "Property") situated in the Z. Moore Survey, Abstract No. 332, Kaufman, County, Texas and being a portion of a called 8.196 acre tract of land described in the deeded recorded in Volume 4303,Page 254 of the Deed Records of Kaufman County, Texas, and part of a called 3.015 acre tract as recorded in Volume 4303, Page 247, D.R.K.C.T. more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes. Grantor represents that it does not own oil, gas and other mineral in and under the Property, which are not included in this conveyance; provided, however, to the extent that grantor does own any interest in such oil, gas or other minerals, it waives all rights of ingress and egress to the surface of the Property for the purposes of exploring, developing, mining or drilling for same., and incorporated herein by reference for all purposes.

THIS CONVEYANCE IS EXPRESSLY MADE SUBJECT TO THE FOLLOWING: Easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded restrictions, reservations, covenants, conditions, mineral severances, and other instruments, other than liens and conveyances, that affect the Property; rights of adjoining owners in any walls and fences situated on a common boundary; and discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements.

Grantor hereby expressly acknowledges and agrees that Grantee has thoroughly inspected and examined the Property to the extent deemed necessary by Grantee in order to enable Grantee is relying solely up the inspection, examination, and evaluation of the property by Grantee, and that Grantee is purchasing the property on an "AS IS and

WITHOUT FAULTS" basis, without representations, warranties or covenants, express or implied, of any kind or nature.

Grantor, for the consideration and subject to the above stated exceptions and reservations from conveyance, grants, sells and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the above stated exceptions, when the claim is by, through, or under the Grantor but not otherwise.

EXECUTED this _____day of _____, 2019 to be effective as of the _____ day of _____, A.D. 2019

Oncor Electric Delivery Company LLC, a Delaware
Limited liability company

By:_____
Name: Jill L. Alvarez
Title: Attorney-in-Fact

ACKNOWLEDGMENT

THE STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TARRANT §

BEFORE ME, the undersigned authority, a Notary public in and for the State of Texas, on this day personally appeared Jill L. Alvarez, Attorney-in-Fact, known to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purpose and consideration therein expressed, in the capacity therein stated, and as the act and deed of said Oncor Electric Delivery Company LLC, a Delaware limited liability company, on behalf of said company.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ___ day of _____, A.D. 2019.

_____
Notary Public in and for the State of Texas
Printed Name: _____
My Commission Expires: _____

AFTER RECORDING, RETURN TO:
City of Dallas, Department of Development Services
Real Estate Division
320 East Jefferson Boulevard, Room 203
Dallas, Texas 75203
Attn: Chris Roman
Log No. 41463

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-154 **Item #:** 21.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): Outside City Limits

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize acquisition from Wendi Rayann Guthrie and Christophe L. Canington, of approximately 7,000 square feet of land improved with a guest cottage, a utility building, fencing and a gravel driveway located in Hunt County for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed $21,000.00 ($18,829.00, plus closing costs and title expenses not to exceed $2,171.00) - Financing: Water Construction Fund

BACKGROUND

This item authorizes the acquisition from Wendi Rayann Guthrie and Christophe L. Canington, of approximately 7,000 square feet of land improved with a guest cottage, a utility building, fencing and a gravel driveway located in Hunt County. This property will be used for the construction of a 144-inch raw water transmission line for the Lake Tawakoni 144-inch Transmission Pipeline Project. The consideration is based on an independent appraisal. There are no relocation benefits associated.

This acquisition is part of the right-of-way required to construct approximately 32 miles of pipeline from Lake Tawakoni to the Interim Balancing Reservoir located in Terrell, Texas and then to the Eastside Water Treatment Plant located in Sunnyvale, Texas. The new raw water pipeline will augment the existing 72-inch and 84-inch pipelines. The construction of this pipeline will give Dallas Water Utilities the ability to utilize the full capacity of both the Lake Tawakoni and the Lake Fork raw water supply to meet the current city needs and future water demands.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on March 25, 2019.

FISCAL INFORMATION

Water Construction Fund - $21,000.00 ($18,829.00, plus closing costs and title expenses not to exceed $2,171.00)

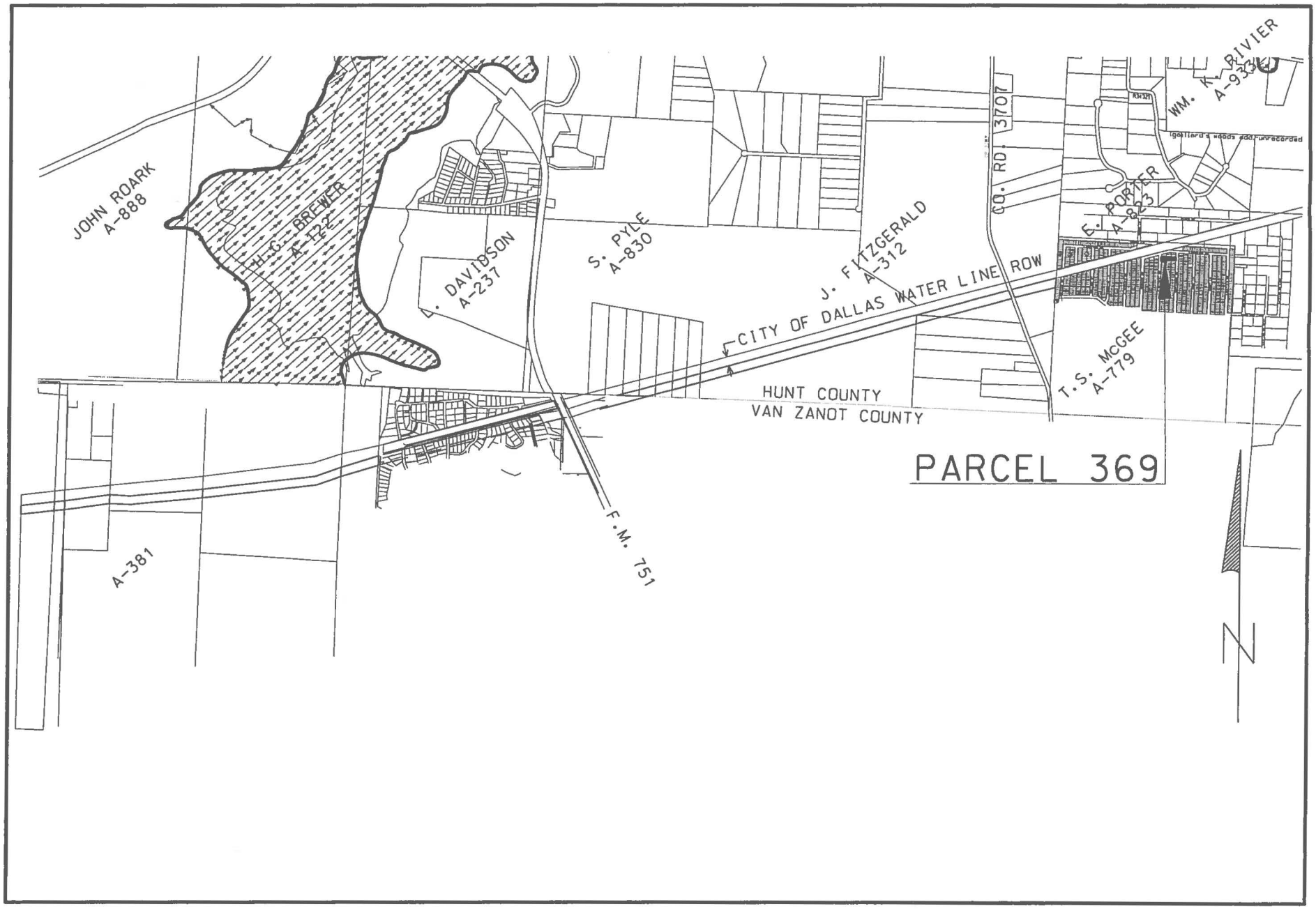
OWNERS

Wendi Rayann Guthrie

Christophe L. Canington

MAP

Attached



P:\0515-LakeTawakoni\Parcel\ParcelsMap_369.dgn Plotted on 4/27/2015 at 2:29:59 PM By: jason Project:City Of Dallas Plot Driver: dtprinter.pltcfg PenTable:dte.tbl

VICINITY MAP

APPROXIMATE SCALE 1"= 2000'

March 27, 2019

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

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

"CITY": The City of Dallas

"PROPERTY": Approximately 7,000 square feet of land located in Hunt County, Texas, and being the same property more particularly described in Exhibit "A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto.

"PROJECT": Lake Tawakoni 144-inch Transmission Pipeline

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

"PROPERTY INTEREST": Fee Simple Title, subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the form instrument more particularly described in Exhibit "B" attached hereto and made a part hereof for all purposes.

"OWNER": Wendi Rayann Guthrie and Christophe L. Canington, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"PURCHASE AMOUNT": $18,829.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed $2,171.00

"AUTHORIZED AMOUNT": Not to exceed $21,000.00

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

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

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

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

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

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

SECTION 6. That in the event this acquisition closes, the Chief Financial Officer is hereby authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Water Construction Fund, Fund 0102, Department DWU, Unit CW20, Activity RWPT, Program 704041, Object 4210, Encumbrance/Contract No. CX-DWU-2019-00008628. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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

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

APPROVED AS TO FORM:
CHRISTOPHER J. CASO, Interim City Attorney

BY: _____
Assistant City Attorney

Exhibit A

FIELD NOTES
DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN
HUNT COUNTY, TEXAS
Parcel: 369

BEING a 7,000 square foot (0.1607 acre) tract of land in the T. McGee Survey, Abstract No. 779, being all of Lots 4, 41, 77 and 78, Block V of the Waco Bay Estates Subdivision, Phase III as recorded in Volume 400, Page 631-633 of the Plat Records of Hunt County, Texas, said Lots 4, 41, 77 and 78 being described in Warranty Deed with Vendor's Lien to Lance Wade Guthrie and spouse, Wendi Rayann Guthrie, dated April 27, 2010, as recorded in Document No. 2010-4630 of the Official Public Records of Hunt County, Texas.

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

A plat of even survey date herewith accompanies this legal description.

Company Name: DAL-TECH Engineering, Inc.
TBPLS Firm No. 10123500

By: _____ Date: 4.28.15

STATE OF TEXAS
REGISTERED
PATRICK J. BALDASARO
5504
PROFESSIONAL
LAND SURVEYOR

Surveyor's Name: Patrick J. Baldasaro
Registered Professional Land Surveyor
Texas No. 5504

FIELD NOTES APPROVED:
6/1/15

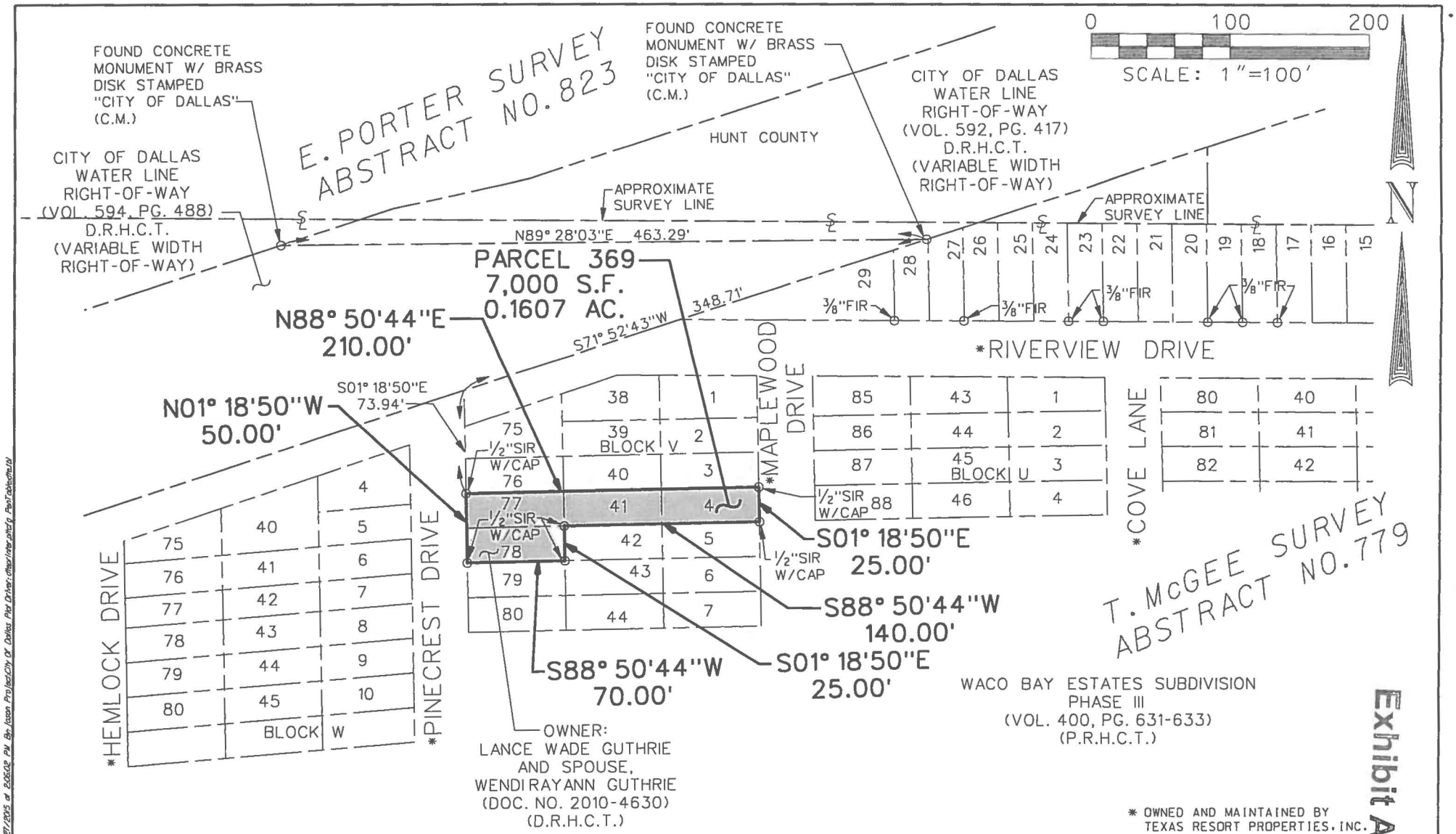


Exhibit A

NOTE: THIS SURVEY WAS PERFORMED BASED UPON RECORD DATA PROVIDED UNDER TITLE RESOURCES GUARANTY COMPANY COMMITMENT G.F. NUMBER 1182860, WITH AN EFFECTIVE DATE OF JULY 29, 2013.

STATE OF TEXAS REGISTERED PATRICK J. BALDASARO 5504 PROFESSIONAL LAND SURVEYOR

4-28-15

LEGEND:

S.F.	SQUARE FEET
C.M.	CONTROL MONUMENT
O FIR	FOUND IRON ROD
O FIP	FOUND IRON PIPE
O 1/2"SIR W/CAP	1/2" SET IRON ROD WITH A RED PLASTIC CAP STAMPED "DAL-TECH" OR "DTE"
O SX	SET "X" CUT IN CONCRETE
O FPK	FOUND PK. NAIL
O SPK	SET PK. NAIL

ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83 TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, ACCORDING TO MEASUREMENTS MADE AT NGS CONTINUOUSLY OPERATING REFERENCE STATIONS COLLIN CORS ARP, DALLAS CORS ARP, KAUFMAN CORS ARP, TYLER CORS ARP, AND PARIS CORS ARP. THE KAUFMAN COUNTY SCALE FACTOR OF 1.000114077 AS PUBLISHED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, DALLAS DISTRICT WAS USED FOR THIS PROJECT.

EXHIBIT
OF A
RIGHT-OF-WAY ACQUISITION
SITUATED IN THE
T McGEE SURVEY, ABSTRACT NO. 779
HUNT COUNTY, TEXAS
FOR THE
CITY OF DALLAS
BY
DAL-TECH ENGINEERING, INC., 17400 DALLAS PKWY, SUITE 110
DALLAS, TEXAS 75287, TEL. (972)250-2727, FAX (972)250-4774
TBPLS FIRM NO. 10123500

DATE- APR. 2015	REVISED -	SCALE- 1" = 100'	SHEET 2 OF 2

P:\0255-LakeTawakoni\Parcels\PAR-369.dgn Plotted on 4/28/2015 at 8:06:02 PM By: Jason Project:City Of Dallas Plot Driver: dtwr/inter.pltcfg PenTable:dtu.tbl

EXHIBIT B

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

WARRANTY DEED

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

That Wendi Rayann Guthrie and Christophe L. Canington, a married couple (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Hunt, State of Texas, for and in consideration of the sum of EIGHTEEN THOUSAND EIGHT HUNDRED TWENTY NINE DOLLARS AND 00/100 DOLLARS ($18,829.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, all of the property described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

SPECIAL PROVISIONS: NONE

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto City, its successors and assigns forever, and Grantor binds Grantor and Grantor's heirs, executors, administrators or successors, to Warrant and Forever Defend all and singular the said premises unto City, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

EXECUTED this _____ day of _____, _____.

_____
Wendi Rayann Guthrie

_____
Christophe L. Canington

* * * * * * * * * * * * * * * * * * * *

EXHIBIT B

STATE OF TEXAS '
COUNTY OF HUNT '

This instrument was acknowledged before me on _____
by Wendi Rayann Guthrie.

_____
Notary Public, State of TEXAS

STATE OF TEXAS '
COUNTY OF HUNT '

This instrument was acknowledged before me on _____
by Christophe L. Canington.

_____
Notary Public, State of TEXAS

* * * * * * * * * * * * * * * * * * * *

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

Warranty Deed Log No. 44016

Exhibit A

FIELD NOTES
DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN
HUNT COUNTY, TEXAS
Parcel: 369

BEING a 7,000 square foot (0.1607 acre) tract of land in the T. McGee Survey, Abstract No. 779, being all of Lots 4, 41, 77 and 78, Block V of the Waco Bay Estates Subdivision, Phase III as recorded in Volume 400, Page 631-633 of the Plat Records of Hunt County, Texas, said Lots 4, 41, 77 and 78 being described in Warranty Deed with Vendor's Lien to Lance Wade Guthrie and spouse, Wendi Rayann Guthrie, dated April 27, 2010, as recorded in Document No. 2010-4630 of the Official Public Records of Hunt County, Texas.

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

A plat of even survey date herewith accompanies this legal description.

Company Name: DAL-TECH Engineering, Inc.
TBPLS Firm No. 10123500

By: _____ Date: 4.28.15

STATE OF TEXAS REGISTERED PATRICK J. BALDASARO 5504 PROFESSIONAL LAND SURVEYOR

Surveyor's Name: Patrick J. Baldasaro
Registered Professional Land Surveyor
Texas No. 5504

FIELD NOTES APPROVED: 6/1/15

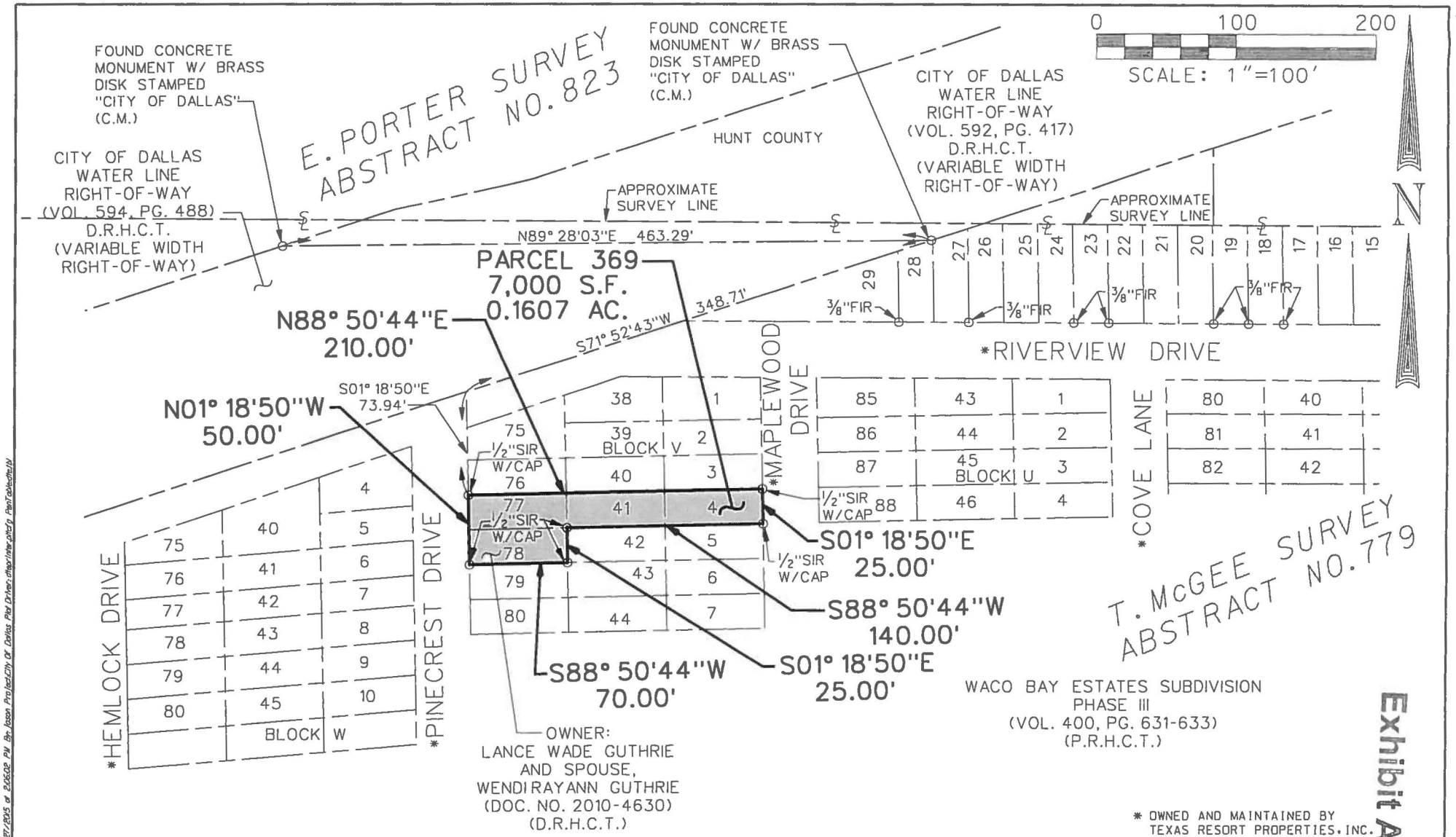


Exhibit A

* OWNED AND MAINTAINED BY TEXAS RESORT PROPERTIES, INC.

NOTE: THIS SURVEY WAS PERFORMED BASED UPON RECORD DATA PROVIDED UNDER TITLE RESOURCES GUARANTY COMPANY COMMITMENT G.F. NUMBER 1182860, WITH AN EFFECTIVE DATE OF JULY 29, 2013.

STATE OF TEXAS REGISTERED PATRICK J. BALDASARO 5504 PROFESSIONAL LAND SURVEYOR

4-28-15

LEGEND:

S.F.	SQUARE FEET
C.M.	CONTROL MONUMENT
○ FIR	FOUND IRON ROD
○ FIP	FOUND IRON PIPE
○ 1/2"SIR W/CAP	1/2" SET IRON ROD WITH A RED PLASTIC CAP STAMPED "DAL-TECH" OR "DTE"
○ SX	SET "X" CUT IN CONCRETE
○ FPK	FOUND PK. NAIL
○ SPK	SET PK. NAIL

ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83 TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, ACCORDING TO MEASUREMENTS MADE AT NGS CONTINUOUSLY OPERATING REFERENCE STATIONS COLLIN CORS ARP, DALLAS CORS ARP, KAUFMAN CORS ARP, TYLER CORS ARP, AND PARIS CORS ARP. THE KAUFMAN COUNTY SCALE FACTOR OF 1.000114077 AS PUBLISHED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, DALLAS DISTRICT WAS USED FOR THIS PROJECT.

EXHIBIT
OF A
RIGHT-OF-WAY ACQUISITION
SITUATED IN THE
T McGEE SURVEY, ABSTRACT NO. 779
HUNT COUNTY, TEXAS
FOR THE
CITY OF DALLAS
BY
DAL-TECH ENGINEERING, INC., 17400 DALLAS PKWY., SUITE 110
DALLAS, TEXAS 75287, TEL. (972)250-2727, FAX (972)250-4774
TBPLS FIRM NO. 10123500

DATE- APR.2015	REVISED -	SCALE- 1"=100'	SHEET 2 OF 2

P:\105-Lake Cove\Parcels\PAR-369.dgn Plotted on 4/28/2015 at 2:05:02 PM By: Jason Project\City Of Dallas Plot Drivers\dwg\Interceptor\g PlotTo\Hotfix.tbl

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 18-1230 **Item #:** 22.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): 14

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

An ordinance abandoning a portion of Pearl Street to Flora Parking, LLC, the abutting owner, containing approximately 419 square feet of land, located near the intersection of Flora and Pearl Streets; and authorizing the quitclaim - Revenue: $89,038.00, plus the $20.00 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a portion of Pearl Street to Flora Parking, LLC, the abutting owner. The area will be included with the property of the abutting owner for entry to an underground parking garage. The abandonment fee is based on an independent appraisal.

Notices were sent to 64 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 Mobility Solutions, Infrastructure & Sustainability Committee on March 25, 2019.

FISCAL INFORMATION

Revenue: $89,038.00, plus the $20.00 ordinance publication fee

OWNER

Flora Parking, LLC

Graham Greene, Manager

MAP

Attached

N
W E
S

Abandonment area of Pearl Street

ORDINANCE NO. _____

An ordinance providing for the abandonment of a portion of Pearl Street located adjacent to City Block 528 in the City of Dallas and County of Dallas, Texas; subject to a reverter; providing for the quitclaim thereof to Flora Parking, 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 Flora Parking, LLC, a Texas limited liability company, hereinafter referred to as **GRANTEE**, deems it advisable to abandon and quitclaim, subject to a reverter, the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions and reverter herein provided, said is portion of Pearl Street is not needed for public use, and same should be abandoned and quitclaimed to **GRANTEE**, as hereinafter stated; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the public will be served by abandoning and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms, conditions and reverter hereinafter more fully set forth.

Now, Therefore,

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

SECTION 1. That the 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 reverter and the conditions hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **EIGHTY-NINE THOUSAND THIRTY-EIGHT AND NO/100 DOLLARS ($89,038.00)** paid by **GRANTEE**,

and the further consideration described in Sections 8, 9, 10, and 11, the City of Dallas does by these presents **QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, the reverter, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all of its right, title and interest in and to that certain tract of land hereinabove described in Exhibit A. Provided however, that if **GRANTEE,** its successors and assigns, fails to file a final replat of the adjoining properties as required in Section 10 of this ordinance by the earlier of (i) the date applicable pursuant to the requirements of the Dallas Development Code Chapter 51A-8.403(a)(4)(D) which provides in pertinent part, as may be amended:

> "(D) Except as provided in this subparagraph, a preliminary plat approved by the commission expires five years after the commission action date approving the plat if no progress has been made toward completion of the project in accordance with Texas Local Government Code Section 245.005. An approved minor plat, amending plat (minor), or an administrative plat expires two years after the commission action date approving the plat or within two years after the date of the subdivision administrator's action letter approving the administrative plat if no progress has been made toward completion of the project in accordance with Texas Local Government Code Section 245.005";

or (ii) the date that is the sixth anniversary of the passage of this ordinance; THEN this ordinance and quitclaim shall be rendered null and void and the right, title and easement of the public shall absolutely revert without any necessity for suit or re-entry by the City; and no act or omission on the part of the City, its successors and assigns, shall be a waiver of the operation or enforcement of this ordinance. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE**.

SECTION 3. That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions and conditions of this ordinance.

SECTION 4. That the Chief Financial Officer is hereby authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund, 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, Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 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 acknowledge per the City of Dallas Central Business District Streets and Vehicular Circulation Plan, Section 51A-9, Pearl Street requires 100 feet of right-of-way and shall adhere to maintaining the required right-of-way.

SECTION 10. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall file a final replat of the adjoining properties prior to the issuance of any building permits affecting the tract of land abandoned and quitclaimed herein. This final replat shall be recorded by **GRANTEE** in the official real property records of the county in which the abandoned area is located after its approval by the City Plan Commission of the City of Dallas.

SECTION 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, 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, subject to a reverter interest, to **GRANTEE** hereunder, same to be executed by the City Manager on behalf of the City of Dallas, attested by the City Secretary and approved as to form by the City Attorney. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 13. That this ordinance is also designated for City purposes as Contract No. DEV-2019-00009092.

SECTION 14. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
CHRISTOPHER J. CASO,
Interim City Attorney

BY: _____
Assistant City Attorney

KRIS SWECKARD, Director
Department of Sustainable Development and Construction

BY: Lorita Williams
SOR
Assistant Director

Passed _____.

DS/44622

EXHIBIT A

STREET ABANDONMENT
PART OF PEARL STREET
ADJACENT TO CITY OF DALLAS BLOCK NUMBER 528
SITUATED IN THE
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 419 square foot (0.0096 acre) tract of land situated in the John Grigsby Survey, Abstract Number 495, City of Dallas, Dallas County, Texas, Adjacent to City of Dallas Block Number 528, and being part of Pearl Street (created by Volume 52, Page 582, D.R.D.C.T., variable width right-of-way), and being part of that tract of land described as Tract 2 in Quitclaim Deed to City of Dallas, as recorded in Instrument Number 201500081469, O.P.R.D.C.T., and being part of a tract of land described in Agreed Judgment Deed to State of Texas, as recorded in Volume 84020, Page 3739 of the Deed Records of Dallas County, Texas (D.R.D.C.T.) being more particularly described as follows:

BEGINNING at a PK nail found with shiner stamped "HALFF" (hereinafter referred to as "with shiner") for the northwest corner of that tract of land described as Tract II in Special Warranty deed to Arts District Properties, Ltd., as recorded in Volume 98103, Page 66, D.R.D.C.T., and an "ell" corner of said State of Texas tract, said corner being on the southwest right-of-way line of Pearl Street (created in Court No. 83-2891-D, Volume 84020, Page 3739, D.R.D.C.T., and Volume 78249, Page 3889, D.R.D.C.T., Volume 52, Page 582-583, D.R.D.C.T., variable width right-of-way);

THENCE over and across said City of Dallas tract, the following bearings and distances:

North 08 degrees 55 minutes 21 seconds East, a distance of 39.19 feet to a corner (not monumented);

South 37 degrees 48 minutes 53 seconds East, a distance of 15.23 feet to a corner (not monumented);

South 08 degrees 55 minutes 21 seconds West, a distance of 36.32 feet to a corner (not monumented), said corner being on the northeast line of said Tract II, the southwest line of said City of Dallas tract, and the southwest right-of-way line of said Pearl Street;

THENCE North 46 degrees 45 minutes 01 second West, with northeast line of said Tract II, the southwest line of said City of Dallas tract, and the southwest right-of-way line of said Pearl Street, a distance of 13.43 feet to the POINT OF BEGINNING AND CONTAINING 419 square feet or 0.0096 acres of land, more or less.

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 7/27/17
SPRG NO.: 4056

EXHIBIT A

STREET ABANDONMENT
PART OF PEARL STREET
ADJACENT TO CITY OF DALLAS BLOCK NUMBER 528
SITUATED IN THE
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Basis of Bearing: State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983. 2011 Adjustment, Epoch 2010.00. All coordinates and distances shown hereon are US Survey Feet, displayed in surface values and may be converted to grid by dividing by the TxDOT Surface Adjustment Factor of 1.000136506.

This metes and bounds description was prepared with an exhibit of even date.

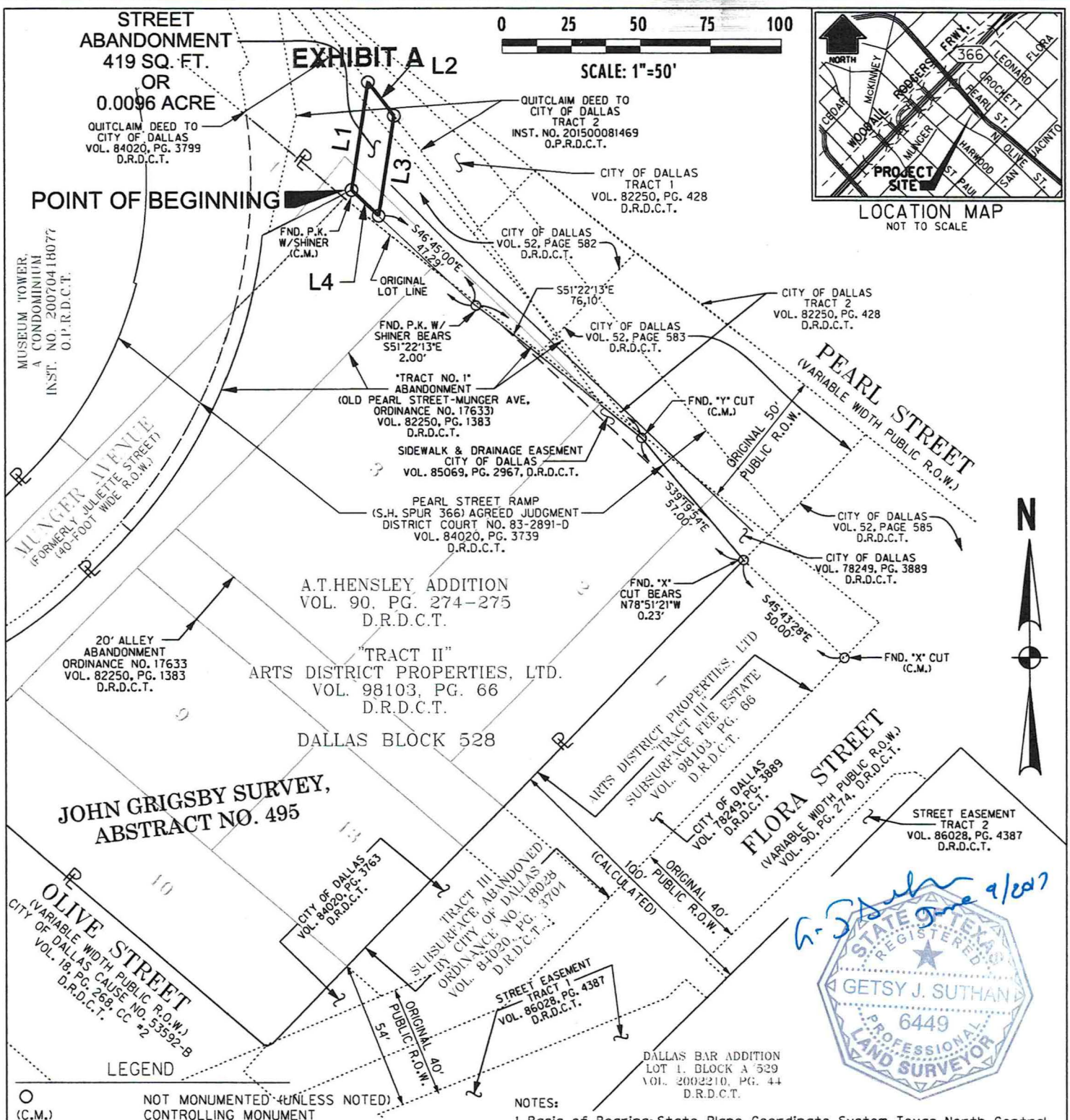
This survey was prepared without the benefit of a title commitment. Easement may exists where none are shown.

G. J. Suthan June 9/2017

Getsy J. Suthan
Registered Professional Land Surveyor
Texas No. 6449
Halff Associates, Inc.,
1201 North Bowser Rd.
Richardson, Texas 75081
713-588-2466
TBPLS Firm No. 10029600

STATE OF TEXAS
REGISTERED
GETSY J. SUTHAN
6449
PROFESSIONAL
LAND SURVEYOR

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 7/27/17
SPRG NO.: 4056



LEGEND

O	NOT MONUMENTED (UNLESS NOTED)
(C.M.)	CONTROLLING MONUMENT
FIR	FOUND IRON ROD
R.O.W.	RIGHT-OF-WAY
SQ. FT.	SQUARE FEET
VOL. PG.	VOLUME AND PAGE
INST. NO.	INSTRUMENT NUMBER
D.R.D.C.T.	DEED RECORDS DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORD DALLAS COUNTY, TEXAS
— — — —	EASEMENT LINE
—— ——	LOT LINE
PL	PROPERTY LINE
CC	COUNTY COURT

NOTES:

1. Basis of Bearing: State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983, 2011 Adjustment, Epoch 2010.00. All coordinates and distances shown hereon are US Survey Feet, displayed in surface values and may be converted to grid by dividing by the TxDOT Surface Adjustment Factor of 1.000136506.
2. This exhibit was prepared with a metes and bounds description of even date.
3. This survey was prepared without the benefit of a title commitment.

LINE	BEARING	DISTANCE
1	N08°55'21"E	39.19'
2	S37°48'53"E	15.23'
3	S08°55'21"W	36.32'
4	N46°45'01"W	13.43'

(For SPRG use only)

Reviewed By: A. Rodriguez

Date: 7/27/17

SPRG NO.: 4056

STREET ABANDONMENT
PART OF PEARL STREET
ADJACENT TO CITY OF DALLAS BLOCK NUMBER 528
SITUATED IN THE
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

HALFF

TBPLS FIRM NO. 10029600

HALFF ASSOCIATES, INC. ENGINEERS ~ SURVEYORS
1201 NORTH BOWSER ROAD ~ RICHARDSON, TEXAS ~ 75081-2275
SCALE: 1"=50 (214)346-6200 AVO. 30735 JULY, 2017

7/24/2017 9:53:23 AM ah2472 HALFF I:\30000s\30735\CADD\Sheets\S101\EXH-EXHIBIT-05-30735.DGN Sheet 2S_IRC5240_MON_FS_FW_CR.plt

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.

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-236 **Item #:** 23.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): 13

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

An ordinance abandoning a portion of a water easement to Palatial Estate Properties, LLC, the abutting owner, containing approximately 2,548 square feet of land, located near the intersection of Brookview and Manchester Drives - Revenue: $5,400.00, plus the $20.00 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a portion of a water easement to Palatial Estate Properties, LLC, the abutting owner. The area will be included with the property of the abutting owner for construction of a new single-family residence. 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 Mobility Solutions, Infrastructure & Sustainability Committee on March 25, 2019.

FISCAL INFORMATION

Revenue: $5,400.00, plus the $20.00 ordinance publication fee

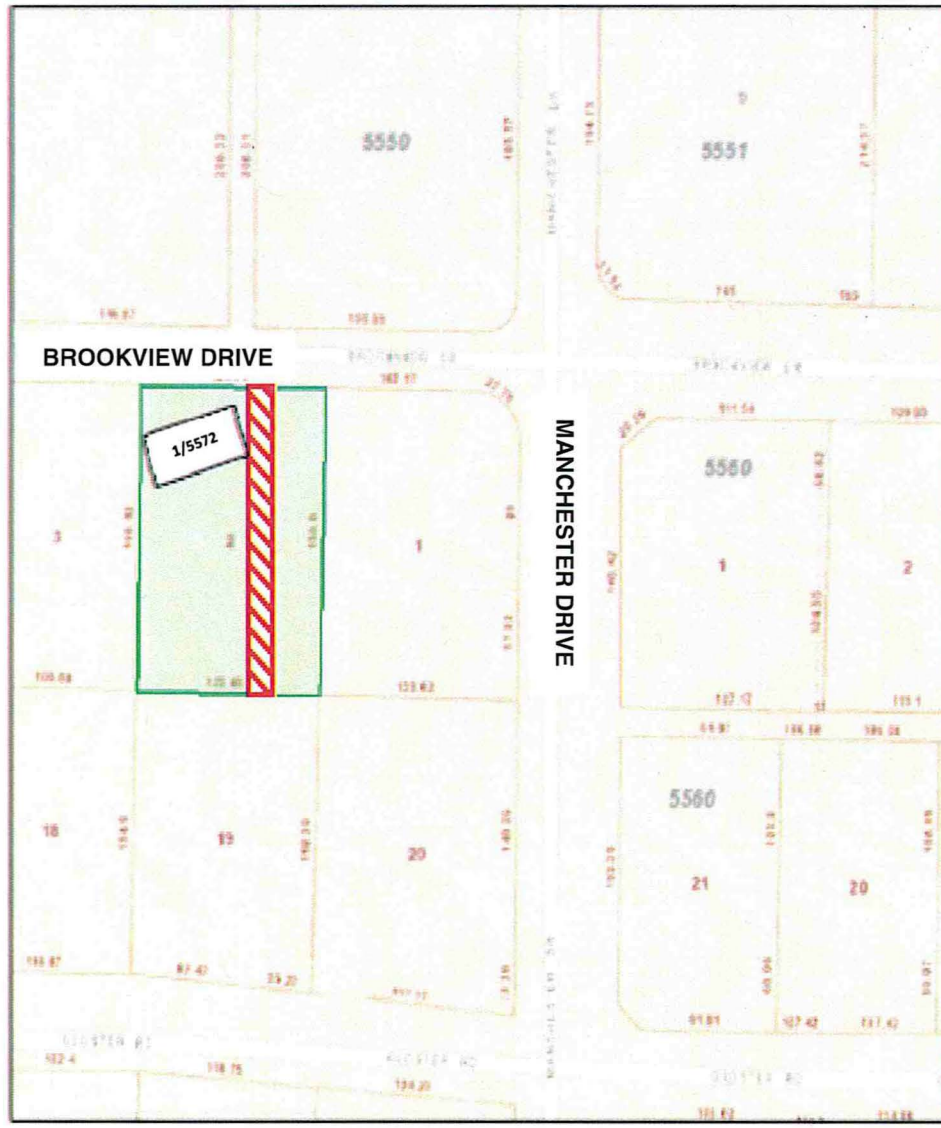
OWNER

Palatial Estate Properties, LLC

Lawrence Klinghoffer, Manager

MAP

Attached


5550
5551
BROOKVIEW DRIVE
1/5572
MANCHESTER DRIVE
5560
5560
ABANDONMENT AREA

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of a water easement abandonment, located in City Block 1/5572 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Palatial Estate Properties, LLC; 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 Palatial Estate Properties, LLC, a Texas limited liability company, 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 portion of 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 hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 DOLLARS ($5,400.00)** 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 hereby authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund, 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, Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 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, 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 is also designated for City purposes as Contract No. DEV-2019-00009177.

SECTION 11. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
CHRISTOPHER J. CASO,
Interim City Attorney

BY: _____
Assistant City Attorney

KRIS SWECKARD, Director
Department of Sustainable Development and Construction

BY: Lanita Williams
SOR Assistant Director

Passed _____.

DS/47068

EXHIBIT A

DATE: 01/04/2019
JOB NO.19-01-008
SHEET 1 OF 2

WATER EASEMENT ABANDONMENT

MANCHESTER DOWNS
LOT 2, BLOCK 1/5572
JAMES L. FARQUHAR SURVEY, ABSTRACT NO. 455
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING A 2,548 SQUARE FOOT OR 0.0584 ACRE TRACT OF LAND SITUATED IN THE JAMES L. FARQUHAR SURVEY, ABSTRACT NO. 455, AND BEING PART OF CITY OF DALLAS BLOCK NO. 1/5572, AND BEING A PART OF LOT 2, BLOCK 1/5572, OF MANCHESTER DOWNS, AN ADDITION TO THE CITY OF DALLAS, TEXAS, ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 9, PAGE 235, OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS, AND ALSO BEING ALL OF THAT PORTION OF THE 15 FOOT WATER EASEMENT RECORDED IN VOLUME 1716, PAGE 41, OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS, SITUATED IN SAID LOT 2, AND BEING A PART OF THAT CERTAIN TRACT OF LAND CONVEYED TO PALATIAL ESTATE PROPERTIES, LLC, BY WARRANTY DEED WITH VENDER'S LIEN RECORDED UNDER COUNTY CLERK'S FILE NO. 201800264881, OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 1/2" IRON ROD FOUND FOR CORNER (CONTROLLING MONUMENT) IN THE SOUTH RIGHT-OF-WAY LINE OF BROOKVIEW DRIVE (60' RIGHT-OF-WAY, VOLUME 9, PAGE 235), AT THE NORTHEAST CORNER OF SAID LOT 2 COMMON TO THE NORTHWEST CORNER OF LOT 1 OF SAID ADDITION;

THENCE SOUTH 90°00'00" WEST ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID BROOKVIEW DRIVE, A DISTANCE OF 43.75 FEET TO A POINT FOR CORNER AT THE PLACE OF BEGINNING OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 00°27'16" EAST DEPARTING THE SOUTH RIGHT-OF-WAY LINE OF SAID BROOKVIEW DRIVE, A DISTANCE OF 169.84 FEET TO A POINT FOR CORNER IN THE SOUTH LINE OF SAID LOT 2 AND THE NORTH LINE OF LOT 19, FROM WHICH AN "X" FOUND FOR REFERENCE AT THE SOUTHEAST CORNER OF SAID LOT 2 BEARS NORTH 90°00'00" EAST, A DISTANCE OF 44.01 FEET;

THENCE SOUTH 90°00'00" WEST ALONG THE SOUTH LINE OF SAID LOT 2 AND THE NORTH LINE OF SAID LOT 19, A DISTANCE OF 15.00 FEET TO A POINT FOR CORNER, FROM WHICH AN "X" FOUND FOR REFERENCE AT THE SOUTHWEST CORNER OF SAID LOT 2 BEARS SOUTH 90°00'00" WEST, A DISTANCE OF 65.09 FEET;

THENCE NORTH 00°27'16" WEST DEPARTING THE SOUTH LINE OF SAID LOT 2 AND THE NORTH LINE OF SAID LOT 19, A DISTANCE OF 169.84 FEET TO A POINT FOR CORNER IN THE SOUTH RIGHT-OF-WAY LINE OF SAID BROOKVIEW DRIVE, FROM WHICH A 1/2" IRON ROD (CONTROLLING MONUMENT) FOUND FOR REFERENCE AT THE NORTHWEST CORNER OF SAID LOT 2 BEARS, SOUTH 90°00'00" WEST, A DISTANCE OF 65.00 FEET;

THENCE NORTH 90°00'00" EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID BROOKVIEW DRIVE, A DISTANCE OF 15.00 FEET TO THE PLACE OF BEGINNING AND CONTAINING 2,548 SQUARE FEET OR 0.0584 ACRES OF LAND.

STATE OF TEXAS
REGISTERED
JASON L. MORGAN
5587
PROFESSIONAL
LAND SURVEYOR

JASON L. MORGAN RPLS 5587

(FOR SPRG USE ONLY)
REVIEWED BY: DL
DATE: 01.28.19
SPRG NO. 4749

BASIS OF BEARINGS:

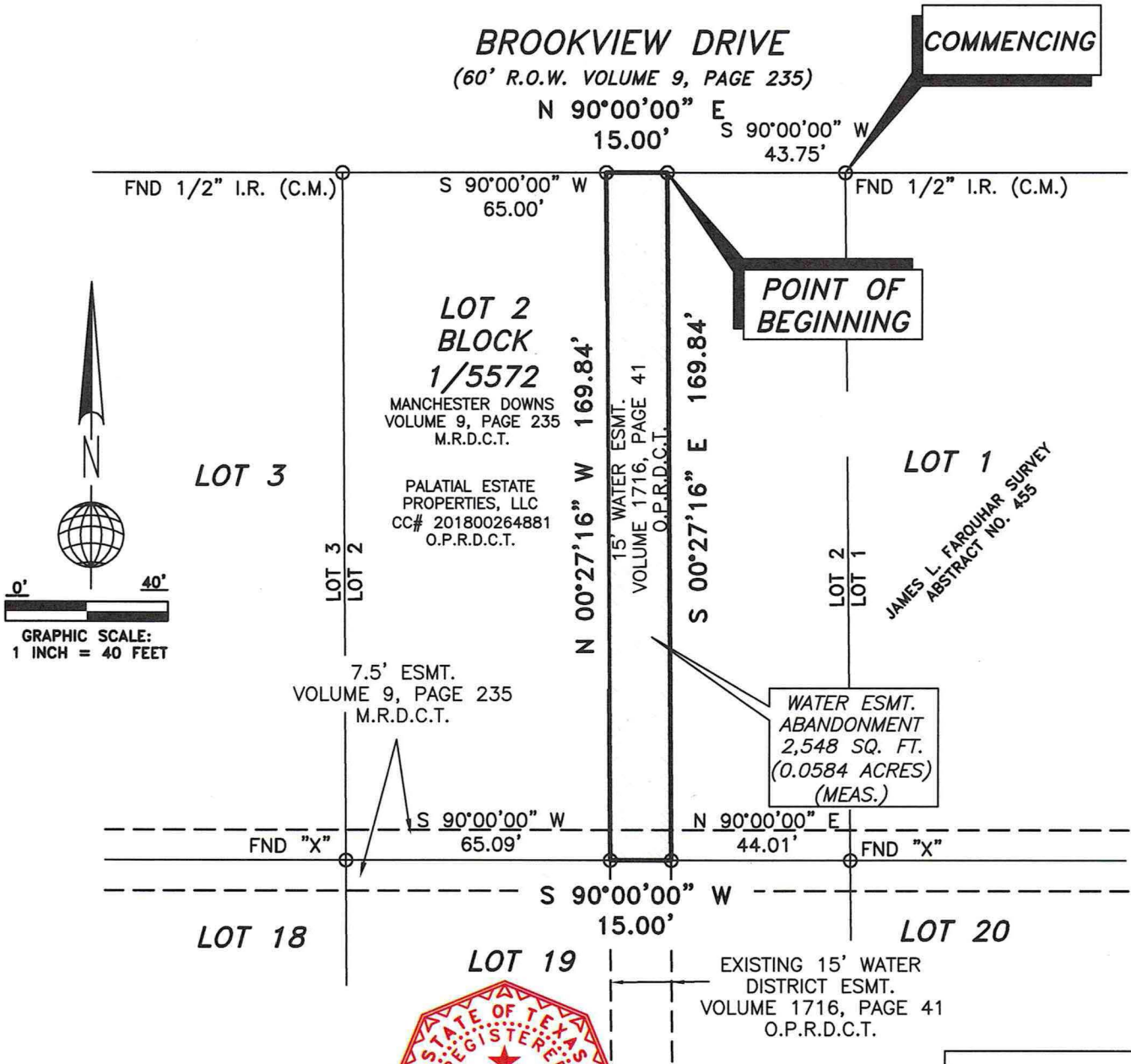
BASIS OF BEARING IS THE SOUTH RIGHT-OF-WAY LINE OF BROOKVIEW DRIVE BEING NORTH 90°00'00" EAST AS SHOWN ON PLAT RECORDED IN VOLUME 9, PAGE 235, OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS. MONUMENTED AS NOTED.

PREPARED BY:
JASON L. MORGAN, R.P.L.S. NO. 5587
GLOBAL LAND SURVEYING, INC.
2030 "G" AVENUE, SUITE 1104
PLANO, TEXAS, 75074
OFFICE: (972) 881-1700
FAX: (972) 423-1083
FIRM NO. 10016300

EXHIBIT A
WATER EASEMENT ABANDONMENT

DATE: 01/04/2019
JOB NO.19-01-008
SHEET 2 OF 2

MANCHESTER DOWNS
LOT 2, BLOCK 1/5572
JAMES L. FARQUHAR SURVEY, ABSTRACT NO. 455
CITY OF DALLAS, DALLAS COUNTY, TEXAS



STATE OF TEXAS
REGISTERED
JASON L. MORGAN
5587
PROFESSIONAL
LAND SURVEYOR

JASON L. MORGAN RPLS 5587

(FOR SPRG USE ONLY)
REVIEWED BY: DR
DATE: 01.28.19
SPRG NO. 4749

LEGEND:
ESMT.=EASEMENT
FND 1/2" I.R.= FOUND 1/2" IRON ROD
(C.M.)= CONTROLLING MONUMENT
CC# = COUNTY CLERK'S FILE NO.
M.R.D.C.T.= MAP RECORDS, DALLAS COUNTY, TEXAS
O.P.R.D.C.T.= DEED RECORDS, DALLAS COUNTY, TEXAS

BASIS OF BEARINGS:

BASIS OF BEARING IS THE SOUTH RIGHT-OF-WAY LINE OF BROOKVIEW DRIVE BEING NORTH 90°00'00" EAST AS SHOWN ON PLAT RECORDED IN VOLUME 9, PAGE 235, OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS. MONUMENTED AS NOTED.

PREPARED BY:
JASON L. MORGAN, R.P.L.S. NO. 5587
GLOBAL LAND SURVEYING, INC.
2030 "G" AVENUE, SUITE 1104
PLANO, TEXAS, 75074
OFFICE: (972) 881-1700
FAX: (972) 423-1083
FIRM NO. 10016300

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 18-1335 **Item #:** 24.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

An ordinance abandoning a wastewater easement to Mockingbird Partners, L.P., the abutting owner, containing approximately 10,911 square feet of land, located near the intersection of Mockingbird Lane and Collville Avenue; and providing for the dedication of approximately 3,609 square feet of land needed for a wastewater easement - Revenue: $5,400.00, plus the $20.00 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a wastewater easement to Mockingbird Partners, L.P., the abutting owner. The area will be included with the property of the abutting owner to relocate the existing wastewater main to expand parking. The owner will dedicate approximately 3,609 square feet of land needed for a wastewater 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 Mobility Solutions, Infrastructure & Sustainability Committee on March 25, 2019.

FISCAL INFORMATION

Revenue: $5,400.00, plus the $20.00 ordinance publication fee

OWNER

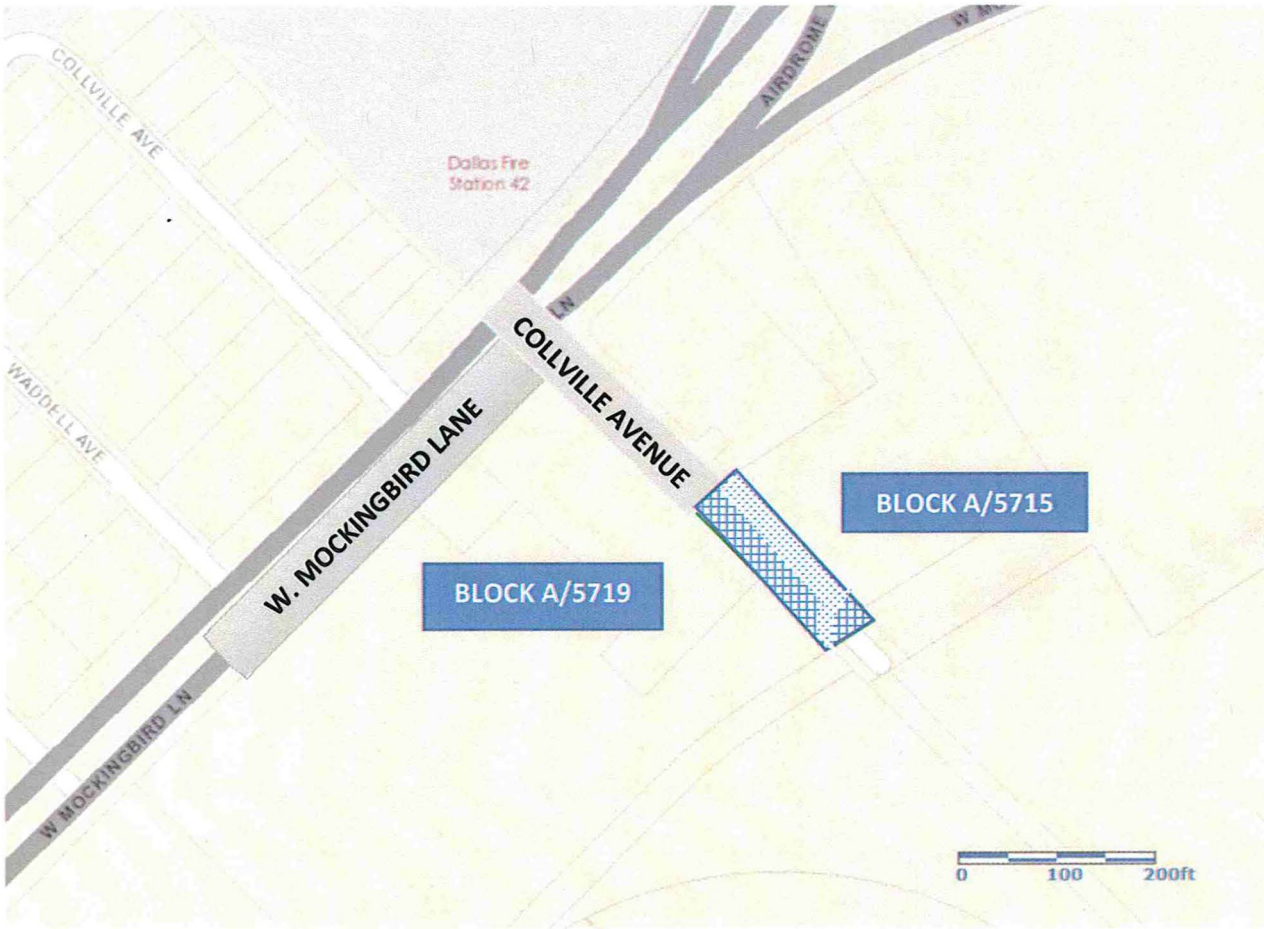
Mockingbird Partners, L.P.

Mockingbird Investment Corp

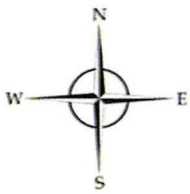
Stephen J. Rogers, President

MAP

Attached



[LMJ1]



WASTEWATER EASEMENT ABANDONMENT

WASTEWATER EASEMENT DEDICATION

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of a wastewater easement, located adjacent to City Block A/5715 and A/5719 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Mockingbird Partners, L.P.; 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 Mockingbird Partners, L.P., a Delaware 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 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 DOLLARS ($5,400.00)** 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, 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 hereby authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund, 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, Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 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, 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 this abandonment, relinquishment and quitclaim of the City's right, title and interest in and to said wastewater 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. **GRANTEE** will grant the new easement at no cost consideration to the City and 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. Failure to relocate to the new easement in accordance with the terms of this section shall render this ordinance null and void and of no further effect.

SECTION 10. That as a condition of this abandonment and relinquishment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall record a final replat of adjoining properties within one year after passage of this ordinance showing the dedication of not less than 3,609 square feet for a wastewater easement in City Blocks A/5715 and A/5719 satisfactory to the Director of Department of Sustainable Development and Construction. This final replat shall be recorded by **GRANTEE** in the Deed Records of Dallas County, Texas after its approval by the City Plan Commission of the City of Dallas. Failure to record a final replat in accordance with the terms of this section shall render this ordinance null and void, and of no further effect. Further, the final replat shall be filed with the Department of Sustainable Development and Construction of the City of Dallas before a certified copy of this ordinance shall be delivered to **GRANTEE**.

SECTION 11. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2 and the recording of the final replat as set forth in Section 10, 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 12. That this ordinance is also designated for City purposes as Contract No. DEV-2018-00007602.

SECTION 13. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
CHRISTOPHER J. CASO,
Interim City Attorney

BY: _____
Assistant City Attorney

KRIS SWECKARD, Director
Department of Sustainable Development and Construction

BY: _____
Assistant Director

Passed _____.

JL/46210

Exhibit A

WASTEWATER EASEMENT
ABANDONMENT
COLLVILLE AVENUE
ADJACENT TO BLOCKS A/5715 AND A/5719
MILES BENNETT SURVEY, ABSTRACT No. 52
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Being a 10,911 square foot (0.2505 acres) tract of land situated in the Miles Bennett Survey, Abstract No. 52, City of Dallas, Dallas County, Texas, being all of that Wastewater Easement recorded in Instrument Number 201700238267, Official Public Records, Dallas County, Texas, lying within that portion of Collville Avenue as abandoned by Ordinance Number 30438, recorded in Quitclaim Deed to Mockingbird Partners, L.P., in Instrument Number 201700356489, Official Public Records, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a 3/8" iron rod found for corner (Volume 90112, Page 3924, Deed Records, Dallas County, Texas) at the intersection of the southeasterly right-of-way line of Mockingbird Lane (formerly Fielder Avenue, a variable width right-of-way as created by plat of Revised Map of Cedar Springs Park recorded in Volume 3, Page 376, Map Records, Dallas County, Texas, Replat of Dallas Love Field Industrial Subdivision recorded in Instrument Number 201500293681, Official Public Records, Dallas County, Texas, Deed recorded in Volume 3269, Page 534, Deed Records, Dallas County, Texas and Warranty Deed recorded in Volume 4154, Page 125, Deed Records, Dallas County, Texas) and the cut-off line between the southeasterly right-of-way line of said Mockingbird Lane and the southwesterly right-of-way line of said Collville Avenue (fifty-three feet wide at this point as created by Warranty Deed recorded in Volume 2047, Page 570 and the plat of Binkley-Richardson Addition recorded in Volume 86135, Page 5485, Deed Records, Dallas County, Texas), said rod being the most northerly west corner of said Lot 1B;

THENCE South 04° 57' 11" East, along said cut-off line and the westerly line of said Lot 1B, a distance of 14.14 feet to a point at the intersection of said cut-off line and the northeasterly right-of-way line of said Collville Avenue, said point being the most southerly west corner of said Lot 1B;

THENCE South 49° 58' 30" East, along the northeasterly right-of-way line of said Collville Avenue and the southwesterly line of said Lot 1B, passing a 25 foot by 25 foot right-of-way dedication recorded in Instrument Number 201700238266, Official Public Records, Dallas County, Texas, continuing along the northeasterly right-of-way line of said Collville Avenue and the southwesterly line of said Lot 1B, a distance of 204.76 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" found for corner and the **POINT OF BEGINNING**, said rod being the westerly common corner between said Lot 1B and Lot 2, Block A/5717, said Binkley-Richardson Addition, the north corner of said Wastewater Easement and the north corner of said Collville Avenue Abandonment;

THENCE South 49° 58' 30" East, along the northeasterly line of said Collville Avenue Abandonment and said Wastewater Easement and the southwesterly line of said Lot 2, a distance of 194.66 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" found for corner at an angle point, said rod being the southerly corner of said Lot 2;

THENCE South 53° 15' 29" West, continuing along the northeasterly line of said Collville Avenue Abandonment and said Wastewater Easement, a distance of 3.08 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" found for corner at an angle point;

(For SPRG use only)
Reviewed By: G.S
Date: 1-17-19
SPRG NO.: 4611

Exhibit A

WASTEWATER EASEMENT
ABANDONMENT
COLLVILLE AVENUE
ADJACENT TO BLOCKS A/5715 AND A/5719
MILES BENNETT SURVEY, ABSTRACT No. 52
CITY OF DALLAS, DALLAS COUNTY, TEXAS

THENCE South 49° 58' 30" East, continuing along the northeasterly line of said Collville Avenue Abandonment and said Wastewater Easement, a distance of 18.30 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" found for corner, said rod being the east corner of said Collville Avenue Abandonment and said Wastewater Easement, from which a 1/2" iron rod with yellow plastic cap stamped "NDM" found at the south corner of Lot 3, Block A/5715, Sewell Lexus Addition, an addition to the City of Dallas according to the plat recorded in Volume 2002208, Page 98, Deed Records, Dallas County, Texas, bears South 49° 58' 30" East a distance of 593.60 feet;

THENCE South 52° 50' 00" West, along the southeasterly line of said Collville Avenue Abandonment and said Wastewater Easement, a distance of 51.28 feet to a 1/2" iron rod with yellow plastic cap stamped "RLG INC" found for corner, said rod being the south corner of said Collville Avenue Abandonment and said Wastewater Easement and the easterly corner of Lot 3, Block A/5719, Thirty-Three Hundred Mockingbird Addition, an addition to the City of Dallas, Dallas County, Texas according to the plat recorded in Volume 2003121, Page 129, Deed Records, Dallas County, Texas;

THENCE North 49° 58' 30" West, along the southwesterly line of said Collville Avenue Abandonment and said Wastewater Easement and the northeasterly line of said Lot 3, passing the northeasterly common corner of said Lot 3 and Lot 5, Block A/5719, said Thirty-Three Hundred Mockingbird Addition, continuing along the southwesterly line of said Collville Avenue Abandonment and said Wastewater Easement and the northeasterly line of said Lot 5 a total distance of 200.88 feet to a chiseled "X" in concrete found for corner, said "X" being the west corner of said Collville Avenue Abandonment and said Wastewater Easement, from which the easterly north corner of said Lot 5 bears North 49° 58' 30" West a distance of 204.87 feet;

THENCE South 40° 01' 30" West, departing the northeasterly line of said Lot 5, along the northwesterly line of said Collville Avenue Abandonment and said Wastewater Easement, a distance of 53.00 feet to the **POINT OF BEGINNING**, containing 10,911 square feet or 0.2505 acres, more or less.

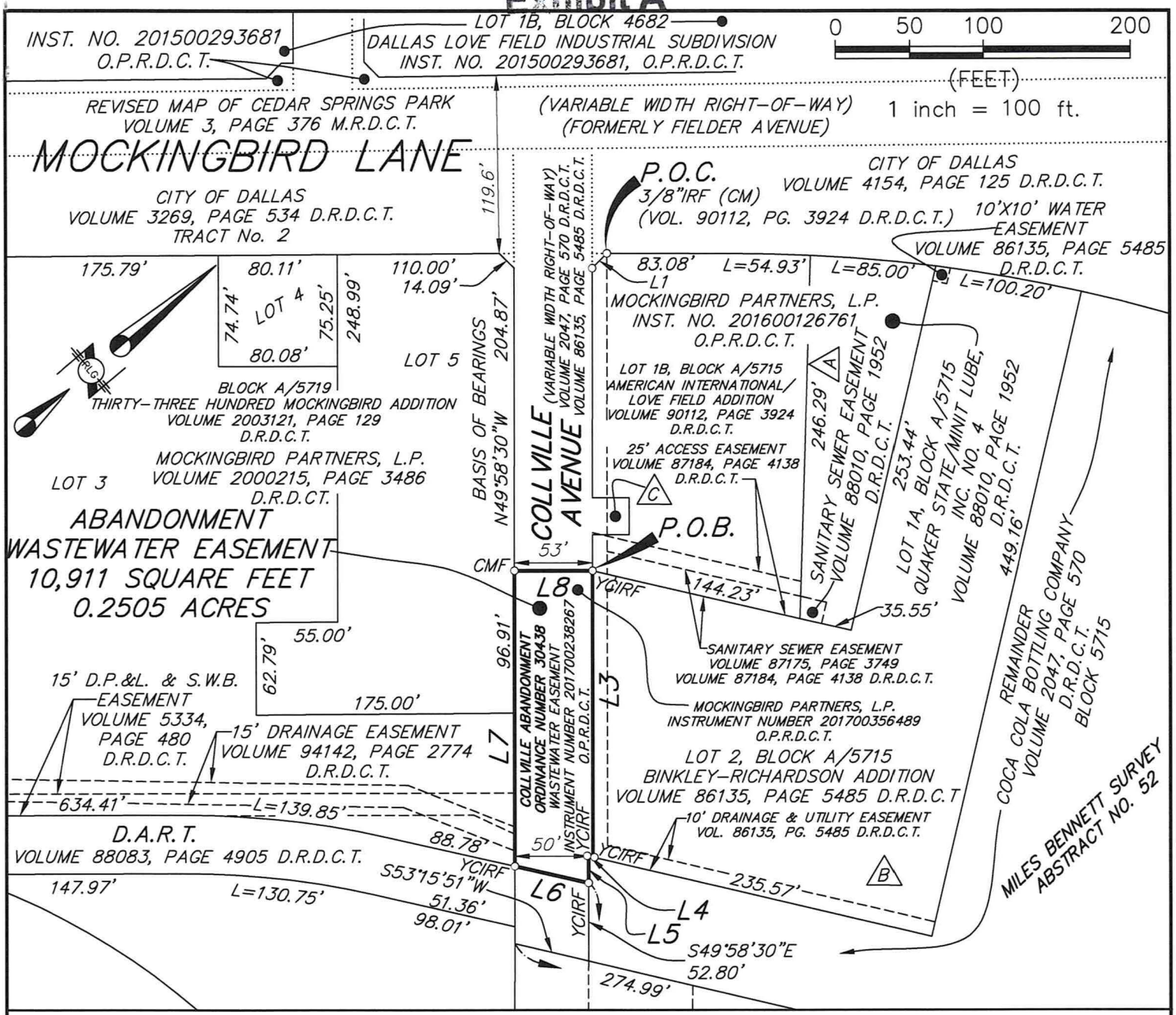
Basis of Bearings: The northeasterly line (S49°58'30"E) of Block A/5719, Thirty-Three Hundred Mockingbird Addition recorded in Volume 2003121, Page 129, Deed Records, Dallas County, Texas.

Dale R. White R.P.L.S. No. 4762
01-16-2018
08-16-2018 revised
01-11-2019 revised

STATE OF TEXAS
REGISTERED
DALE R. WHITE
4762
PROFESSIONAL
LAND SURVEYOR

(For SPRG use only)
Reviewed By: G.S.
Date: 1-17-19
SPRG NO.: 4611

Exhibit A



MATCH LINE SHEET 4 OF 4

BASIS OF BEARINGS: THE NORTHEASTERLY LINE (N49°58'30"W) OF BLOCK A/5719, THIRTY-THREE HUNDRED MOCKINGBIRD ADDITION RECORDED IN VOLUME 2003121, PAGE 129, DEED RECORDS, DALLAS COUNTY, TEXAS.

STATE OF TEXAS
REGISTERED
DALE R. WHITE
4762
PROFESSIONAL
LAND SURVEYOR

DALE R. WHITE R.P.L.S. No. 4762
01-16-2018
08-16-2018 revised
01-11-2019 revised

RAYMOND L. GOODSON JR., INC.
12001 N. CENTRAL EXPY, STE 300
DALLAS, TX. 75243
214-739-8100
rlg@rlginc.com
TEXAS PE REG #F-493
TBPLS REG #100341-00

WASTEWATER EASEMENT ABANDONMENT COLLVILLE AVENUE

ADJACENT TO BLOCKS A/5715 AND A/5719
MILES BENNETT SURVEY, ABSTRACT No. 52
CITY OF DALLAS, DALLAS COUNTY, TEXAS

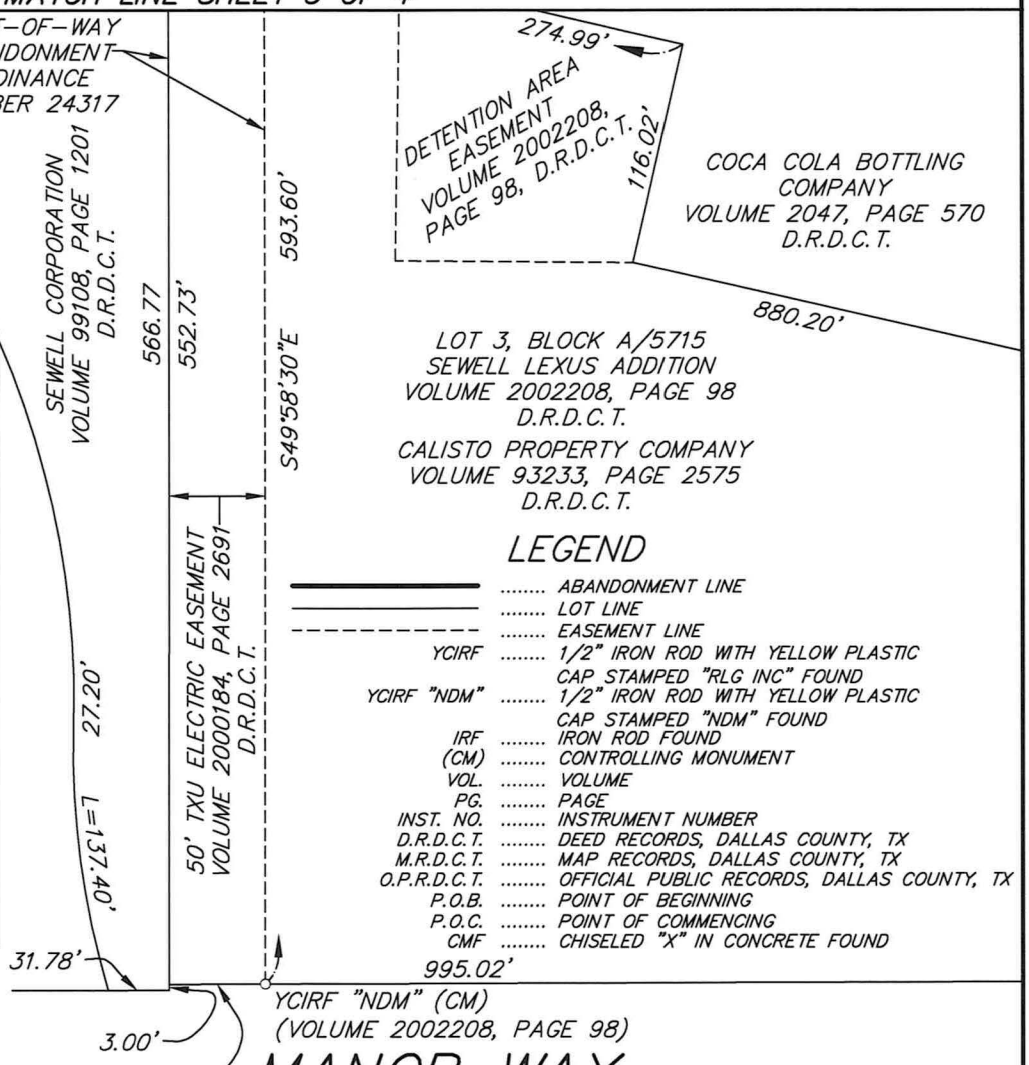
(For SPRG use only)
Reviewed By: G.S.
Date: 1-17-19
SPRG NO.: 4611

SCALE	1" = 100'	DATE 01-16-2018		SHEET	3 OF 4
JOB NO.	1711.087.002	E-FILE	16128WA.dwg	DWG NO.	26,748X

0 50 100 200
(FEET)
1 inch = 100 ft.

Exhibit A

MATCH LINE SHEET 3 OF 4



LINE TABLE		
LINE	BEARING	LENGTH
L1	S04°57'11"E	14.14'
L2	S49°58'30"E	204.76'
L3	S49°58'30"E	194.66'
L4	S53°15'29"W	3.08'
L5	S49°58'30"E	18.30'
L6	S52°50'00"W	51.28'
L7	N49°58'30"W	200.88'
L8	S40°01'30"W	53.00'

LEGEND

	..... ABANDONMENT LINE
	..... LOT LINE
	..... EASEMENT LINE
YCIRF	..... 1/2" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "RLG INC" FOUND
YCIRF "NDM"	..... 1/2" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "NDM" FOUND
IRF	..... IRON ROD FOUND
(CM)	..... CONTROLLING MONUMENT
VOL.	..... VOLUME
PG.	..... PAGE
INST. NO.	..... INSTRUMENT NUMBER
D.R.D.C.T.	..... DEED RECORDS, DALLAS COUNTY, TX
M.R.D.C.T.	..... MAP RECORDS, DALLAS COUNTY, TX
O.P.R.D.C.T.	..... OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TX
P.O.B.	..... POINT OF BEGINNING
P.O.C.	..... POINT OF COMMENCING
CMF	..... CHISELED "X" IN CONCRETE FOUND

BASIS OF BEARINGS: THE NORTHEASTERLY LINE (N49°58'30"W) OF BLOCK A/5719, THIRTY-THREE HUNDRED MOCKINGBIRD ADDITION RECORDED IN VOLUME 2003121, PAGE 129, DEED RECORDS, DALLAS COUNTY, TEXAS.

(A) WALRAT PARTNERSHIP, LTD.
INSTRUMENT NUMBER 201100109216, O.P.R.D.C.T.

(B) PS TEXAS HOLDINGS, LTD., VOLUME 96252, PG. 1751 D.R.D.C.T.

(C) 25'x25' RIGHT-OF-WAY DEDICATION
INSTRUMENT NUMBER 201700238266, O.P.R.D.C.T.

RAYMOND L. GOODSON JR., INC.
12001 N. CENTRAL EXPY, STE 300
DALLAS, TX. 75243
214-739-8100
rlg@rlginc.com
TEXAS PE REG #F-493
TBPLS REG #100341-00

WASTEWATER EASEMENT ABANDONMENT COLLVILLE AVENUE

ADJACENT TO BLOCKS A/5715 AND A/5719
MILES BENNETT SURVEY, ABSTRACT No. 52
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)
Reviewed By: G.S.
Date: 1-17-19
SPRG NO.: 4611

SCALE	1" = 100'	DATE 01-16-2018		SHEET	4 OF 4
JOB NO.	1711.087.002	E-FILE	16128WA.dwg	DWG NO.	26,748X

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 18-1436 **Item #:** 25.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): 1

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

An ordinance abandoning portions of a sanitary sewer with temporary working space easement, two water with temporary working space easements and four utility easements to Brixmor Wynnewood Parcel, LLC and Brixmor Holdings 12 SPE, LLC, the abutting owners, containing a total of approximately 44,575 square feet of land, located near the intersection of Wynnewood Drive and Llewellyn Avenue - Revenue: $7,400.00, plus the $20.00 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of portions of a sanitary sewer with temporary working space easement, two water with temporary working space easements and four utility easements to Brixmor Wynnewood Parcel, LLC and Brixmor Holdings 12 SPE, LLC, the abutting owners. The areas will be included with the property of the abutting owners to construct a new movie theatre and fitness gym. The cost for this abandonment is calculated pursuant to the Dallas City Code, therefore, no appraisal is required.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Mobility Solutions, Infrastructure & Sustainability Committee on March 25, 2019.

FISCAL INFORMATION

Revenue: $7,400.00, plus the $20.00 ordinance publication fee

OWNERS

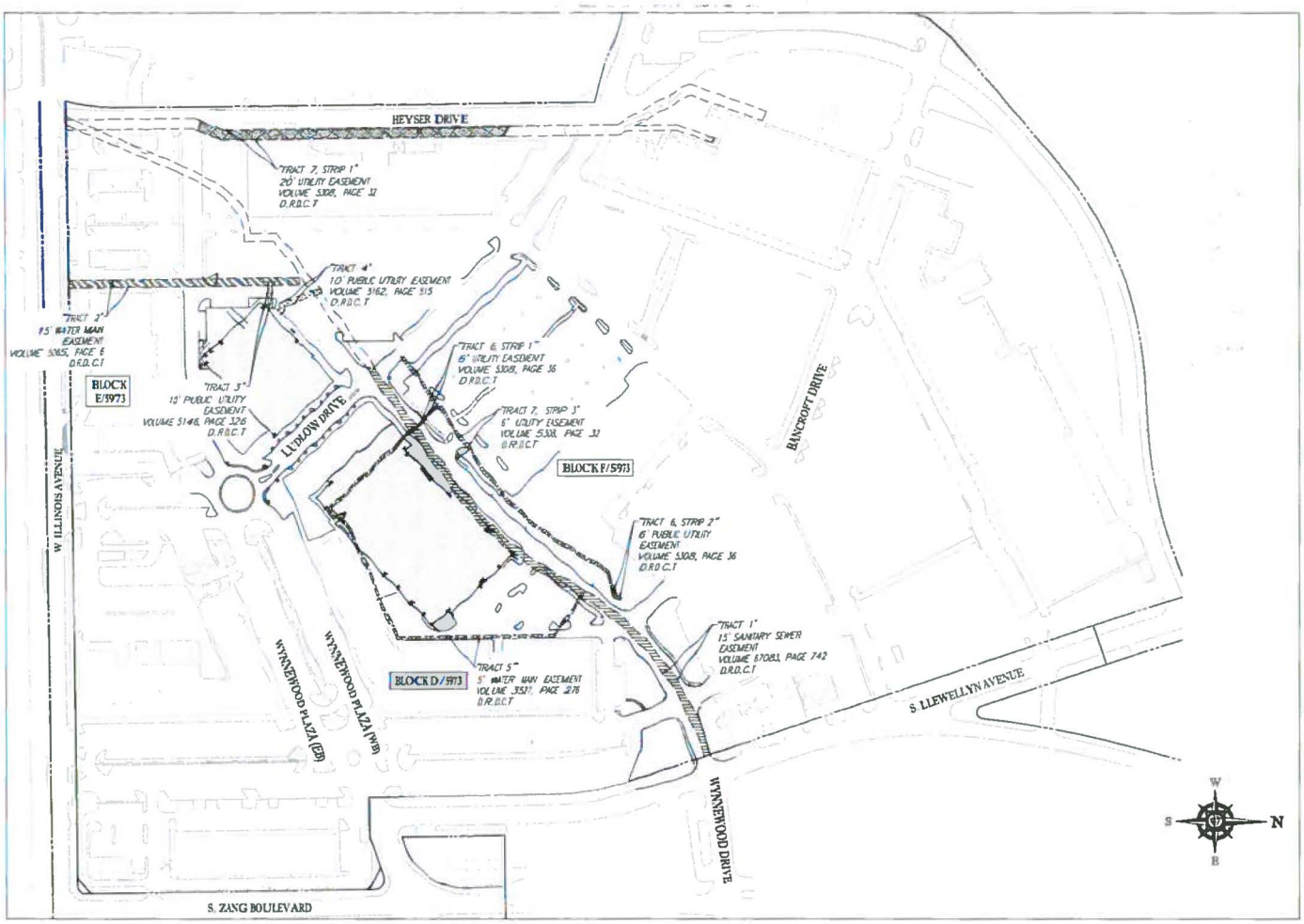
Brixmor Wynnewood Parcel, LLC

Brixmor Holdings 12 SPE, LLC

James M. Taylor, Manager

MAP

Attached



Abandonment Areas

Tract 1 - 12' Sanitary Sewer - Vol. 67083 p. 742 - Tr 1
Tract 2 - 15' Water Main - Vol. 5065 p. 6 - Tr 2
Tract 3 - 10' Public Utility - Vol. 5146 p. 326 - Tr 3
Tract 4 - 10' Public Utility - Vol. 5162 p. 515 - Tr 4
Tract 5 - 5' Water Main - Vol. 3527 p. 276 - Tr 5
Tract 6 - Utility (Strip 1, Strip 2) - Vol. 5308 p. 36 - Tr 6
Tract 7 - Utility (Strip 1, Strip 3) - Vol. 5308 p. 32 - Tr 7

Tr 1, 2, 5 - All have Temporary Working Space Easements

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of portions of a sanitary sewer with temporary working space easement, two (2) water with temporary working space easements and four (4) utility easements, located in City Blocks D/5973, E/5973 and F/5973 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Brixmor Wynnewood Parcel, LLC and Brixmor Holdings 12 SPE, LLC; 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 abandonments herein; providing for the consideration to be paid to the City of Dallas; 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 Brixmor Wynnewood Parcel, LLC, a Delaware limited liability company and Brixmor Holdings 12 SPE, LLC, a Delaware limited liability company; hereinafter referred to collectively as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tracts of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said easements are 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 tracts 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 **SEVEN THOUSAND FOUR HUNDRED AND NO/100 DOLLARS ($7,400.00)** paid by **GRANTEE**, and the further consideration described in Sections 8 and 9, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all its right, title and interest in and to the certain tracts or parcels of land hereinabove described in Exhibit A.

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 hereby authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund, 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, Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 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**, their successors and assigns, agree

to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the areas described in Exhibit A by **GRANTEE**, their successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the areas set out in Exhibit A, (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the areas described in Exhibit A, which **GRANTEE**, their successors and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the areas set out in Exhibit A. **GRANTEE**, their 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 to **GRANTEE** herein, **GRANTEE** shall:

a) acknowledges Atmos has facilities in the area and installing a new main near Exhibit A – Tract 2. Atmos reserve the rights of ingress and egress for utility easements shown in Exhibit A Tracts 3, 4, 6 and 7.

b) acknowledges Spectrum has facilities in the area and **GRANTEE** shall reimburse Spectrum for any cost and provide a path in order to relocate existing conflicts.

SECTION 10. 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 11. That this ordinance is also designated for City purposes as Contract No. DEV-2019-00009221 for Brixmor Wynnewood Parcel, LLC and DEV-2019-00008229 for Brixmor Holdings 12 SPE, LLC.

SECTION 12. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
CHRISTOPHER J. CASO,
Interim City Attorney

BY: _____
Assistant City Attorney

KRIS SWECKARD, Director
Department of Sustainable Development and Construction

BY: Lorita Williams
SOR
Assistant Director

Passed _____.

MG/46263

EXHIBIT A-TRACT 1

15' SANITARY SEWER EASEMENT ABANDONMENT

WYNNEWOOD VILLAGE SHOPPING CENTER BLOCKS D/5973 & F/5973
J.W. WRIGHT SURVEY ABSTRACT NO. 1551
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a centerline description for a portion of a 15 foot wide Sanitary Sewer Easement situated in the J.W. Wright Survey, Abstract No. 1551, Dallas, Dallas County, Texas, as recorded in Volume 67083, Page 742, Deed Records Dallas County Texas, being part of that tract described by Special Warranty Deed to Centro NP Holdings 12 SPEC LLC, as recorded in Instrument No. 201000202337, Official Public Records Dallas County Texas, (O.P.R.D.C.T.), City of Dallas City Blocks D/5973 and F/5973, and being part of Wynnewood Shopping Village as recorded in Volume 22, Page 149, Map Records Dallas County Texas (M.R.D.C.T.), and being more particularly described by metes and bounds as follows: bearings referenced to the north line of Illinois Avenue (S 89°09'57" W) as determined by GPS observation based on Western Data System VRS Network (NAD (83) referenced to the Texas Coordinate System of 1983, North Central Zone 4202, Geoid Model 12A):

COMMENCING at a Mag Nail found in the east line of said Wynnewood Shopping Village, being the intersection of the west right of way line of Llewellyn Avenue (80 foot right of way) as recorded in Volume 12, Page 78A, M.R.D.C.T. and and Wynnewood Plaza (60 foot right of way) as recorded in Volume 12, Page 443A, M.R.D.C.T.;

THENCE North 00°58'52" West with said west right of way, a distance of 360.25 feet to a found 1/2-inch iron rod for the beginning of a curve to the left;

THENCE along said curve to the left and continuing with said right of way having a central angle of 17°40'04", a radius of 532.93 feet, an arc distance of 164.33 feet, and a chord of North 09°48'54" West 163.68 feet to a 1/2-inch capped iron rod found;

THENCE North 18°38'56" West, a distance of 153.92 feet to the POINT OF BEGINNING, being the beginning of a curve to the left;

THENCE leaving said right of way along said curve to the left, having a central angle of 43°39'01", a radius of 545.67 feet, an arc distance of 405.73 feet, and a chord of South 52°20'42" West, 415.71 feet to a point for corner;

THENCE South 30°31'11" West, a distance of 85.07 feet to the beginning of a curve to the right.

THENCE along said curve to the right having a central angle of 23°51'00", a radius of 545.67 feet, an arc distance of 227.14 feet, and a chord of South 42°26'41" West, 225.50 feet to a point for corner;

THENCE South 54°22'11" West, a distance of 293.02 feet to the POINT OF TERMINATION.

ABBREVIATIONS	ABBREVIATIONS
M.R.D.C.T.= MAP RECORDS DALLAS COUNTY, TEXAS	PG.= PAGE
D.R.D.C.T.= DEED RECORDS DALLAS COUNTY, TEXAS	ESMT.= EASEMENT
O.P.R.D.C.T.= OFFICIAL PUBLIC RECORDS DALLAS COUNTY, TEXAS	IRF= IRON ROD FOUND
INST. NO.= INSTRUMENT NUMBER	U.E.= UTILITY EASEMENT
VOL.= VOLUME	S.S.E.= STORM SEWER EASEMENT
	CL= CENTERLINE DESCRIPTION

© COPYRIGHT 2018

STATE OF TEXAS REGISTERED PAUL HUBERT 1342 PROFESSIONAL LAND SURVEYOR
Paul Hubert 12-13-18

Adams Surveying Company, LLC
P.O. Box 833059
Richardson, TX 75083
Phone: (469) 317-0250
Fax: (214) 295-9844
TBPLS Firm Registration No. 10177500

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NO.
BT	PH	1" = 100'	12/13/18	17064

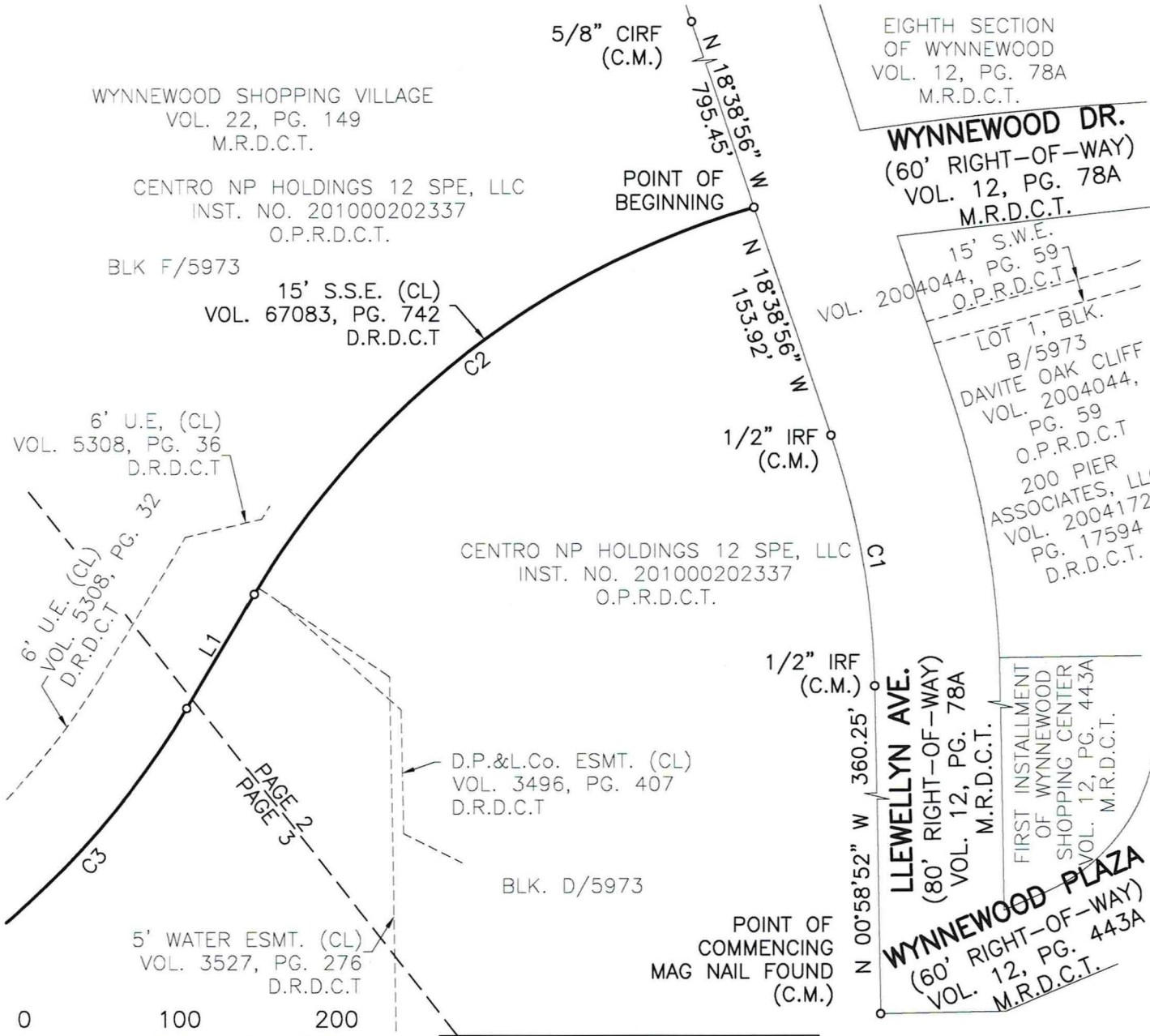
(For SPRG use only)
REVIEWED BY: A. Rodriguez
DATE: 12/18/18
S.P.R.G. NO: 4675
PAGE 1 OF 3

"Z:\ASC Jobs\Jobs 2017\17064 Wynnewood Village\EASEMENT\Easement Abandonments

EXHIBIT A-TRACT 1

15' SANITARY SEWER EASEMENT ABANDONMENT

WYNNEWOOD VILLAGE SHOPPING CENTER BLOCKS D/5973 & F/5973
J.W. WRIGHT SURVEY ABSTRACT NO. 1551
CITY OF DALLAS, DALLAS COUNTY, TEXAS



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 30°31'11" W	85.07'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	532.93'	164.33'	163.68'	N 09°48'54" W	17°40'04"
C2	545.67'	415.71'	405.73'	S 52°20'42" W	43°39'01"
C3	545.67'	227.14'	225.50'	S 42°26'41" W	23°51'00"

© COPYRIGHT 2018

The Basis of Bearing is based on the north line of Illinois Avenue (S 89°09'57" W), as determined by GPS observation based on Western Data System VRS Network (NAD (83) referenced to the Texas Coordinate System of 1983, North Central Zone 4202, Geoid Model 12A).

Adams Surveying Company, LLC
P.O. Box 833059
Richardson, TX 75083
Phone: (469) 317-0250
Fax: (214) 295-9844
TBPLS Firm Registration No. 10177500

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NO.
BT	PH	1" = 100'	12/13/18	17064

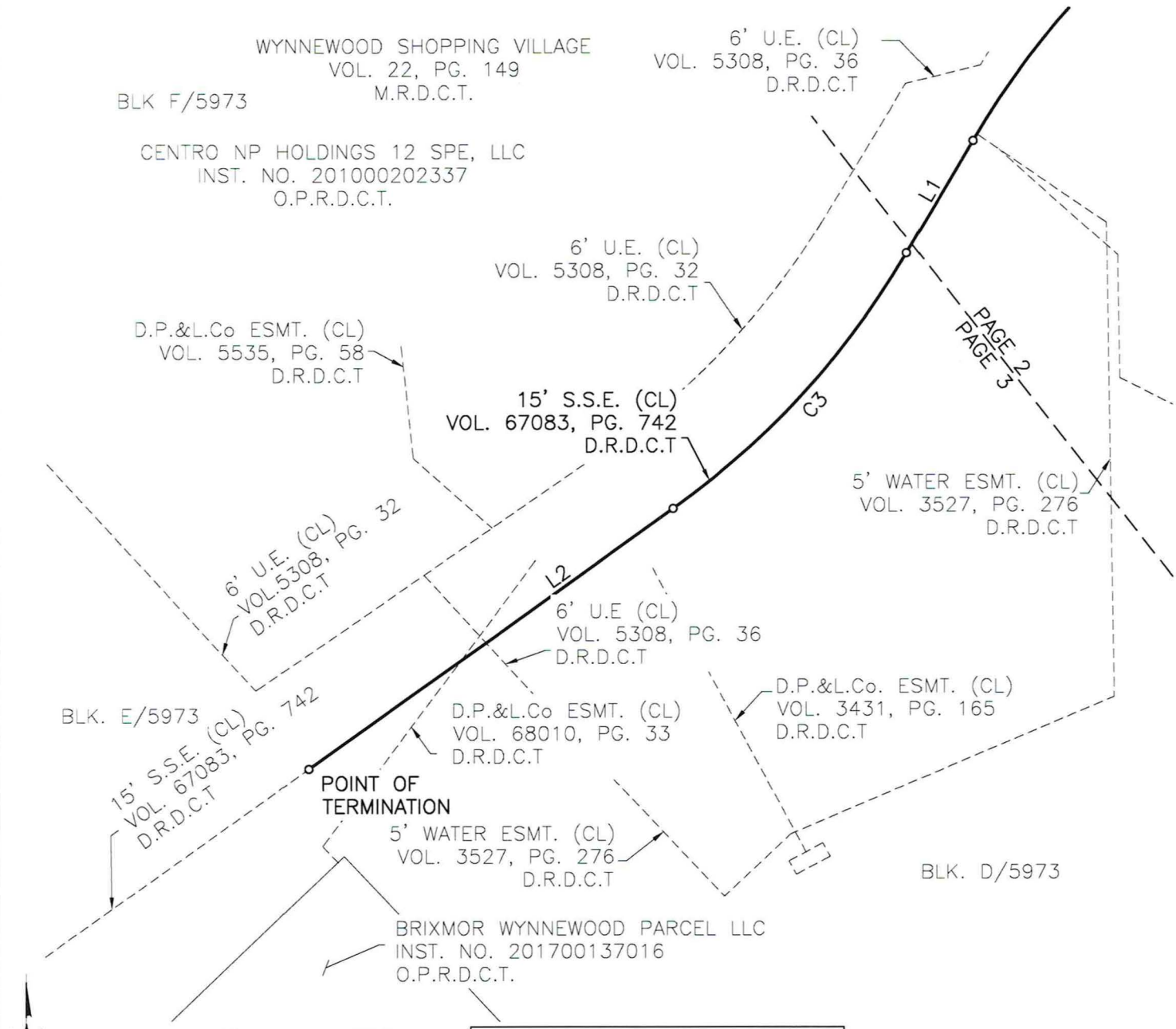
(For SPRG use only)
REVIEWED BY: A. Rodriguez
DATE: 12/18/18
S.P.R.G. NO: 4675
PAGE 2 OF 3

"Z:\ASC Jobs\Jobs 2017\17064 Wynnewood Village\EASEMENT\Easement Abandonments

EXHIBIT A-TRACT 1

15' SANITARY SEWER EASEMENT ABANDONMENT

WYNNEWOOD VILLAGE SHOPPING CENTER BLOCKS D/5973 & F/5973
J.W. WRIGHT SURVEY ABSTRACT NO. 1551
CITY OF DALLAS, DALLAS COUNTY, TEXAS



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 30°31'11" W	85.07'
L2	S 54°22'11" W	293.02'

© COPYRIGHT 2018

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C3	545.67'	227.14'	225.50'	S 42°26'41" W	23°51'00"

The Basis of Bearing is based on the north line of Illinois Avenue (S 89°09'57" W), as determined by GPS observation based on Western Data System VRS Network (NAD (83) referenced to the Texas Coordinate System of 1983, North Central Zone 4202, Geoid Model 12A).

STATE OF TEXAS
REGISTERED
PAUL HUBERT
1842
PROFESSIONAL
LAND SURVEYOR
Paul Hubert
12/13/18

Adams Surveying Company, LLC
P.O. Box 833059
Richardson, TX 75083
Phone: (469) 317-0250
Fax: (214) 295-9844
TBPLS Firm Registration No. 10177500

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NO.
BT	PH	1" = 100'	12/13/18	17064

(For SPRG use only)
REVIEWED BY: A. Rodriguez
DATE: 12/18/18
S.P.R.G. NO: 4675
PAGE 3 OF 3

"Z:\ASC Jobs\Jobs 2017\17064 Wynnewood Village\EASEMENT\Easement Abandonments

15' WATER MAIN EASEMENT ABANDONMENT

WYNNEWOOD SHOPPING VILLAGE ADDITION
BLOCKS E/5973 AND F/5973
J.W. WRIGHT SURVEY ABSTRACT NO. 1551
CITY OF DALLAS, DALLAS COUNTY, TEXAS

EXHIBIT A-TRACT 2

BEING a centerline description for all of that City of Dallas Water Main Easement situated in the J.W. Wright Survey, Abstract No. 1551, Dallas, Dallas County, Texas, as recorded in Volume 5065, Page 6, Deed Records Dallas County Texas (D.R.D.C.T.), being part of that tract described by Special Warranty Deed to Centro NP Holdings 12 SPEC LLC, as recorded in Instrument No. 201000202337, Official Public Records Dallas County Texas, (O.P.R.D.C.T.), City of Dallas Blocks E/5973 and F/5973, and being part of Wynnewood Shopping Village Addition as recorded in Volume 22, Page 149, Map Records Dallas County Texas (M.R.D.C.T.), and being more particularly described by metes and bounds as follows: bearings referenced to the north line of Illinois Avenue (S 89°09'57" W) as determined by GPS observation based on Western Data System VRS Network (NAD (83) referenced to the Texas Coordinate System of 1983, North Central Zone 4202, Geoid Model 12A):

COMMENCING at a 1/2 inch iron rod found for the southwest corner of said Wynnewood Shopping Village Addition, a point in the north right of way line of Illinois Avenue (100-foot right of way) as recorded in Volume 9, Page 165, M.R.D.C.T. and Volume 10, Page 322A, M.R.D.C.T., being the southeast corner of Lot 2, Block, 1/5973 Pinnacle Prep Addition as recorded in Instrument Number 201200188102, O.P.R.D.C.T., from which a 3/8-inch iron rod found bears along a non-tangent curve to the left having a central angle of 12°01'56", a radius of 458.83 feet, an arc distance of 96.36 feet, and a chord of North 07°45'19" East, 96.18 feet;

THENCE North 89°09'57" East, along said north right of way a distance of 357.05 feet to the POINT OF BEGINNING, from which a 3/8-inch iron rod bears North 89°09'57" East, 1184.34 feet ;

THENCE North 00°07'03" East, passing the common line of Blocks E/5973 and F/5973 at a distance of 249.23 feet, continuing for a total distance of 445.00 feet to the POINT OF TERMINATION.

ABBREVIATIONS	ABBREVIATIONS
M.R.D.C.T.= MAP RECORDS DALLAS COUNTY, TEXAS	ESMT.= EASEMENT
D.R.D.C.T.= DEED RECORDS DALLAS COUNTY, TEXAS	C.M.= CONTROLLING MONUMENT
O.P.R.D.C.T.= OFFICIAL PUBLIC RECORDS DALLAS COUNTY, TEXAS	IRF= IRON ROD FOUND
VOL.= VOLUME	CL= CENTERLINE DESCRIPTION
PG. = PAGE	U.E.= UTILITY EASEMENT
F.K.A. = FORMALLY KNOWN AS	S.S.E.= STORM SEWER EASEMENT
	A.N.= ABSTRACT NO.

© COPYRIGHT 2018

STATE OF TEXAS REGISTERED PAUL HUDDLESTON 12/13/18 PROFESSIONAL LAND SURVEYOR

Adams Surveying Company, LLC
P.O. Box 833059
Richardson, TX 75083
Phone: (469) 317-0250
Fax: (214) 295-9844
TBPLS Firm Registration No. 10177500

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NO.
BT	PH	1" = 100'	12/13/18	17064

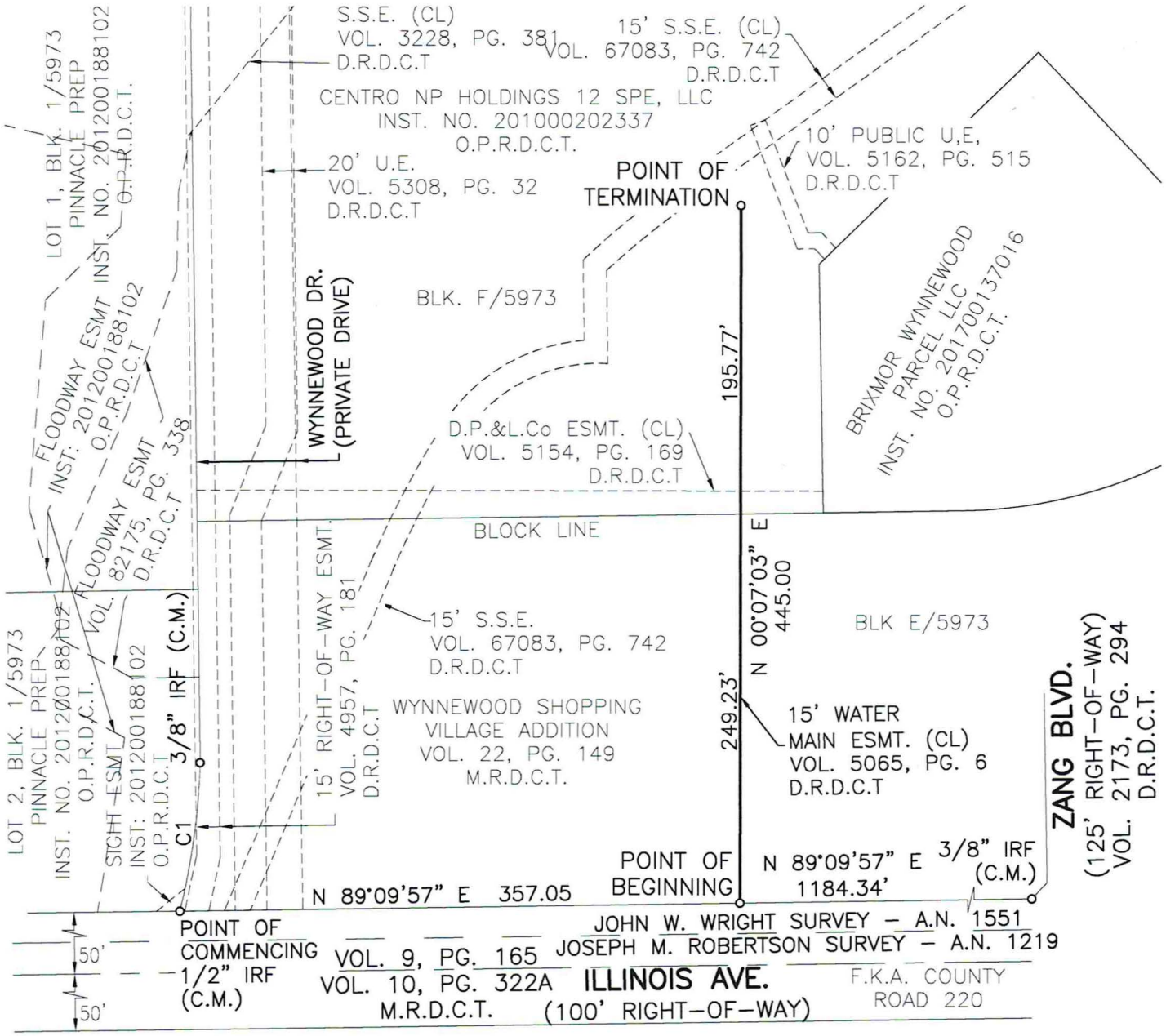
(For SPRG use only)
REVIEWED BY: A. Rodriguez
DATE: 12/18/18
S.P.R.G. NO: 4676
PAGE 1 OF 2

"Z:\ASC Jobs\Jobs 2017\17064 Wynnewood Village\EASEMENT\Easement Abandonments

15' WATER MAIN EASEMENT ABANDONMENT

WYNNEWOOD SHOPPING VILLAGE ADDITION
BLOCKS E/5973 AND F/5973
J.W. WRIGHT SURVEY ABSTRACT NO. 1551
CITY OF DALLAS, DALLAS COUNTY, TEXAS

EXHIBIT A-TRACT 2



© COPYRIGHT 2018

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	458.83'	96.36'	96.18'	N 07°45'19" E	12°01'56"

The Basis of Bearing is based on the north line of Illinois Avenue (S 89°09'57" W), as determined by GPS observation based on Western Data System VRS Network (NAD (83) referenced to the Texas Coordinate System of 1983, North Central Zone 4202, Geoid Model 12A).

STATE OF TEXAS REGISTERED PAUL HYLAND 5811 PROFESSIONAL LAND SURVEYOR
Paul Hyland 12/13/18

Adams Surveying Company, LLC
P.O. Box 833059
Richardson, TX 75083
Phone: (469) 317-0250
Fax: (214) 295-9844
TBPLS Firm Registration No. 10177500

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NO.
BT	PH	1" = 100'	12/13/18	17064

(For SPRG use only)
REVIEWED BY: A. Rodriguez
DATE: 12/18/18
S.P.R.G. NO: 4676
PAGE 2 OF 2

"Z:\ASC Jobs\Jobs 2017\17064 Wynnewood Village\EASEMENT\Easement Abandonments

10' PUBLIC UTILITY EASEMENT ABANDONMENT

WYNNEWOOD SHOPPING VILLAGE ADDITION
BLOCK F/5973
J.W. WRIGHT SURVEY ABSTRACT NO. 1551
CITY OF DALLAS, DALLAS COUNTY, TEXAS

EXHIBIT A-TRACT 3

BEING a centerline description for all of that City of Dallas Public Utility Easement situated in the J.W. Wright Survey, Abstract No. 1551, Dallas, Dallas County, Texas, as recorded in Volume 5146, Page 326, Deed Records Dallas County Texas (D.R.D.C.T.), being part of that tract described by Special Warranty Deed to Centro NP Holdings 12 SPEC LLC, as recorded in Instrument No. 201000202337, Official Public Records Dallas County Texas, (O.P.R.D.C.T.),City of Dallas City Block F/5973, and being part of Wynnewood Shopping Village Addition as recorded in Volume 22, Page 149, Map Records Dallas County Texas (M.R.D.C.T.), and being more particularly described by metes and bounds as follows: bearings referenced to the north line of Illinois Avenue (S 89°09'57" W) as determined by GPS observation based on Western Data System VRS Network (NAD (83) referenced to the Texas Coordinate System of 1983, North Central Zone 4202, Geoid Model 12A):

COMMENCING at a 1/2 inch iron rod found for the southwest corner of said Wynnewood Shopping Village Addition, a point in the north right of way line of Illinois Avenue (100-foot right of way), as recorded in Volume 9, Page 165, M.R.D.C.T. and Volume 10, Page 322A, M.R.D.C.T., being the southeast corner of Lot 2, Block, 1/5973 Pinnacle Prep Addition as recorded in Instrument Number 201200188102, O.P.R.D.C.T.;

THENCE North 89°09'57" East with the said north right of way line of Illinois Avenue, a distance of 351.99 feet to a point, from which a 3/8-inch iron rod found bears North 89°09'57" East, 1189.40 feet;

THENCE North 00°07'03" East, 5.06 feet parallel and with the centerline of a 15 foot Water Main Easement, as recorded in Volume 5065, Page 6, Deed Records Dallas County Texas (D.R.D.C.T.), a distance of 396.02 feet to the POINT OF BEGINNING

THENCE South 89°52'55" East, a distance of 55.00 feet to the POINT OF TERMINATION, being on the west line of a tract described by Warranty Deed to Brixmor Wynnewood Parcel LLC, as recorded in Instrument No. 201700137016, O.P.R.D.C.T.

ABBREVIATIONS	ABBREVIATIONS
M.R.D.C.T.= MAP RECORDS DALLAS COUNTY, TEXAS	ESMT.= EASEMENT
D.R.D.C.T.= DEED RECORDS DALLAS COUNTY, TEXAS	C.M.= CONTROLLING MONUMENT
O.P.R.D.C.T.= OFFICIAL PUBLIC RECORDS DALLAS COUNTY, TEXAS	IRF= IRON ROD FOUND
VOL.= VOLUME	CL= CENTERLINE DESCRIPTION
PG. = PAGE	U.E.= UTILITY EASEMENT
	S.S.E.= STORM SEWER EASEMENT
	F.K.A.= FORMERLY KNOW AS

© COPYRIGHT 2018

STATE OF TEXAS REGISTERED PROFESSIONAL LAND SURVEYOR
Paul Hulett
12/13/18

Adams Surveying Company, LLC
P.O. Box 833059
Richardson, TX 75083
Phone: (469) 317-0250
Fax: (214) 295-9844
TBPLS Firm Registration No. 10177500

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NO.
BT	PH	1" = 100'	12/13/18	17064

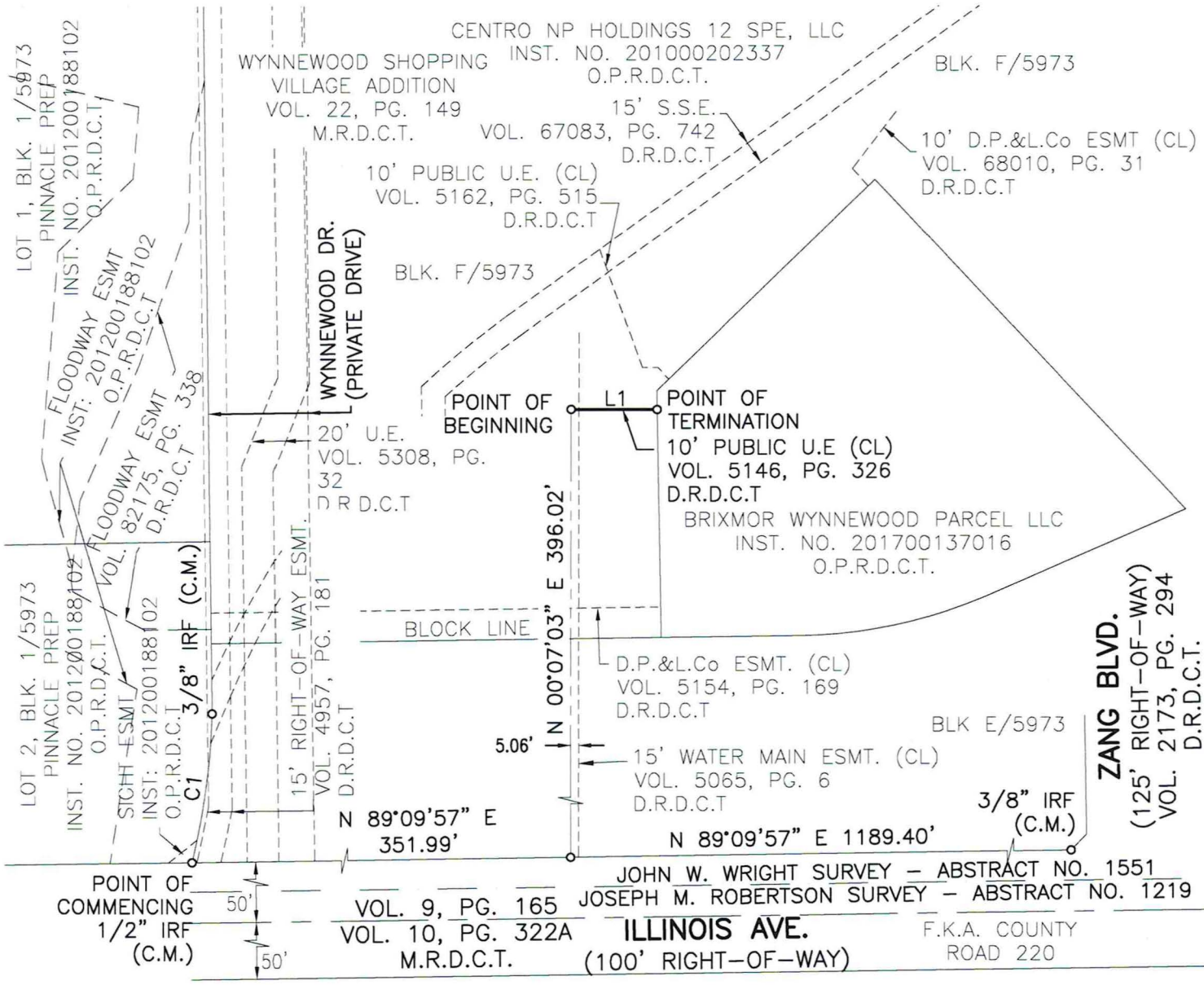
(For SPRG use only)
REVIEWED BY: A. Rodriguez
DATE: 12/18/18
S.P.R.G. NO: 4677
PAGE 1 OF 2

"Z:\ASC Jobs\Jobs 2017\17064 Wynnewood Village\EASEMENT\Easement Abandonments

10' PUBLIC UTILITY EASEMENT ABANDONMENT

WYNNEWOOD SHOPPING VILLAGE ADDITION
BLOCK F/5973
J.W. WRIGHT SURVEY ABSTRACT NO. 1551
CITY OF DALLAS, DALLAS COUNTY, TEXAS

EXHIBIT A-TRACT 3



0 100 200

SCALE= 1:100

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 89°52'55" E	55.00'

© COPYRIGHT 2018

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	458.83'	96.36'	96.18'	N 07°45'19" E	12°01'56"

The Basis of Bearing is based on the north line of Illinois Avenue (S 89°09'57" W), as determined by GPS observation based on Western Data System VRS Network (NAD (83) referenced to the Texas Coordinate System of 1983, North Central Zone 4202, Geoid Model 12A).

STATE OF TEXAS REGISTERED PAUL HUBERT 12/13/18 LAND SURVEYOR

Adams Surveying Company, LLC
P.O. Box 833059
Richardson, TX 75083
Phone: (469) 317-0250
Fax: (214) 295-9844
TBPLS Firm Registration No. 10177500

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NO.
BT	PH	1" = 100'	12/13/18	17064

(For SPRG use only)
REVIEWED BY: A. Rodriguez
DATE: 12/18/18
S.P.R.G. NO: 4677
PAGE 2 OF 2

"Z:\ASC Jobs\Jobs 2017\17064 Wynnewood Village\EASEMENT\Easement Abandonments

10' PUBLIC UTILITY EASEMENT ABANDONMENT

WYNNEWOOD SHOPPING VILLAGE ADDITION
BLOCK F/5973
J.W. WRIGHT SURVEY ABSTRACT NO. 1551
CITY OF DALLAS, DALLAS COUNTY, TEXAS

EXHIBIT A-TRACT 4

BEING a centerline description for all of that City of Dallas Public Utility Easement situated in the J.W. Wright Survey, Abstract No. 1551, Dallas, Dallas County, Texas, as recorded in Volume 5162, Page 515, Deed Records Dallas County Texas (D.R.D.C.T.), being part of that tract described by Special Warranty Deed to Centro NP Holdings 12 SPEC LLC, as recorded in Instrument No. 201000202337, Official Public Records Dallas County Texas, (O.P.R.D.C.T.),City of Dallas City Block F/5973, and being part of Wynnewood Shopping Village Addition as recorded in Volume 22, Page 149, Map Records Dallas County Texas, (M.R.D.C.T.) and being more particularly described by metes and bounds as follows: bearings referenced to the north line of Illinois Avenue (S 89°09'57" W) as determined by GPS observation based on Western Data System VRS Network (NAD (83) referenced to the Texas Coordinate System of 1983, North Central Zone 4202, Geoid Model 12A):

COMMENCING at a 1/2 inch iron rod found for the southwest corner of said Wynnewood Shopping Village Addition, a point in the north right of way line of Illinois Avenue (100–foot right of way), as recorded in Volume 9, Page 165, M.R.D.C.T., and Volume 10, Page 322A, M.R.D.C.T., being the southeast corner of Lot 2, Block, 1/5973 Pinnacle Prep Addition as recorded in Instrument Number 201200188102, O.P.R.D.C.T.;

THENCE North 89°09'57" East with the said north right of way line of Illinois Avenue, a distance of 370.08 feet to a point, from which a 3/8–inch iron found bears North 89°89°09'57" East, 1171.31 feet;

THENCE North 00°07'03" East 13.03 feet parallel and with the centerline of a 15 foot Water Main Easement, as recorded in Volume 5065, Page 6, Deed Records Dallas County Texas (D.R.D.C.T.), a distance of 497.59 feet to the POINT OF BEGINNING;

THENCE South 19°58'00" East, a distance of 80.00 feet to a point for corner;

THENCE East, a distance of 10.00 feet to a point for corner;

THENCE South 42°28'00" East, a distance of 10.00 feet to the POINT OF TERMINATION, being on the northwest line and 10.5 feet from the northwest corner of a tract described by Warranty Deed to Brixmor Wynnewood Parcel LLC, as recorded in Instrument No. 201700137016, O.P.R.D.C.T.

ABBREVIATIONS

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

ABBREVIATIONS

ESMT.= EASEMENT

C.M.= CONTROLLING MONUMENT

IRF= IRON ROD FOUND

CL= CENTERLINE DESCRIPTION

U.E.= UTILITY EASEMENT

S.S.E.= STORM SEWER EASEMENT

F.K.A.= FORMERLY KNOW AS

© COPYRIGHT 2018

STATE OF TEXAS REGISTERED PAUL HULBERT 1904 PROFESSIONAL LAND SURVEYOR
Paul Hulbert 12/13/18

Adams Surveying Company, LLC
P.O. Box 833059
Richardson, TX 75083
Phone: (469) 317-0250
Fax: (214) 295-9844
TBPLS Firm Registration No. 10177500

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NO.
BT	PH	1" = 100'	12/13/18	17064

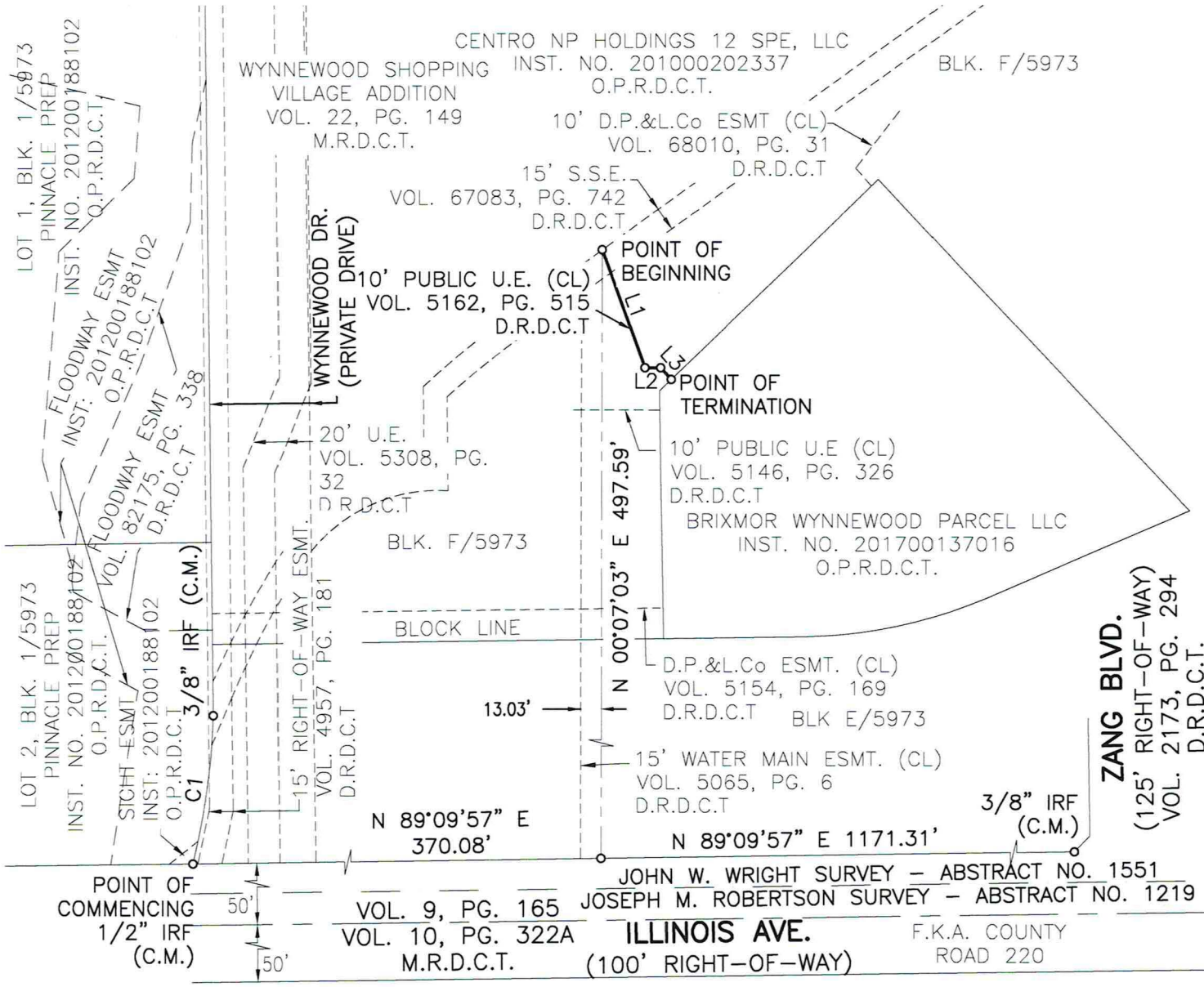
(For SPRG use only)
REVIEWED BY: A. Rodriguez
DATE: 12/18/18
S.P.R.G. NO: 4678
PAGE 1 OF 2

"Z:\ASC Jobs\Jobs 2017\17064 Wynnewood Village\EASEMENT\Easement Abandonments

10' PUBLIC UTILITY EASEMENT ABANDONMENT

WYNNEWOOD SHOPPING VILLAGE ADDITION
BLOCK F/5973
J.W. WRIGHT SURVEY ABSTRACT NO. 1551
CITY OF DALLAS, DALLAS COUNTY, TEXAS

EXHIBIT A-TRACT 4



0 100 200

SCALE= 1:100

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 19°58'00" E	80.00'
L2	N 90°00'00" E	10.00'
L3	S 42°28'00" E	10.00'

© COPYRIGHT 2018

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	458.83'	96.36'	96.18'	N 07°45'19" E	12°01'56"

The Basis of Bearing is based on the north line of Illinois Avenue (S 89°09'57" W), as determined by GPS observation based on Western Data System VRS Network (NAD (83) referenced to the Texas Coordinate System of 1983, North Central Zone 4202, Geoid Model 12A).

STATE OF TEXAS REGISTERED PROFESSIONAL LAND SURVEYOR PAUL HUBERT 12/13/18

Adams Surveying Company, LLC
P.O. Box 833059
Richardson, TX 75083
Phone: (469) 317-0250
Fax: (214) 295-9844
TBPLS Firm Registration No. 10177500

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NO.
BT	PH	1" = 100'	12/13/18	17064

(For SPRG use only)
REVIEWED BY: A. Rodriguez
DATE: 12/18/18
S.P.R.G. NO: 4678
PAGE 2 OF 2

"Z:\ASC Jobs\Jobs 2017\17064 Wynnewood Village\EASEMENT\Easement Abandonments

WATER EASEMENT ABANDONMENT
WYNNEWOOD SHOPPING VILLAGE ADDITION
BLOCK D/5973
J.W. WRIGHT SURVEY ABSTRACT NO. 1551
CITY OF DALLAS, DALLAS COUNTY, TEXAS

EXHIBIT A-TRACT 5

BEING a centerline description for all of that 5 foot wide Water Easement situated in the J.W. Wright Survey, Abstract No. 1551, Dallas, Dallas County, Texas, as recorded in Volume 3527 Page 276, Deed Records Dallas County Texas, being part of that tract described by Special Warranty Deed to Centro NP Holdings 12 SPEC LLC, as recorded in Instrument No. 201000202337, Official Public Records Dallas County Texas, (O.P.R.D.C.T.), and being part of Wynnewood Shopping Village Addition as recorded in Volume 22, Page 149, Map Records Dallas County Texas (M.R.D.C.T.), part of City Block D/5973. and being more particularly described by metes and bounds as follows: bearings referenced to the north line of Illinois Avenue (S 89°09'57" W) as determined by GPS observation based on Western Data System VRS Network (NAD (83) referenced to the Texas Coordinate System of 1983, North Central Zone 4202, Geoid Model 12A):

COMMENCING at a Mag Nail found in the west right of way line of Llewellyn Avenue (80-foot right of way) as recorded in recorded in Volume 12, Page 78A, M.R.D.C.T., and being in the east line of said Wynnewood Shopping Village Addition;

THENCE North 00°58'52" West with the west right of way line of said Llewellyn Avenue and the said east line of Wynnewood Shopping Village Addition, a distance of 360.25 feet to a 1/2 inch iron rod found for the beginning of a tangent curve to the left;

THENCE with said tangent curve to the left, having a central angle of 17°40'04", a radius of 532.93 feet, an arc distance of 164.33 feet, and a chord of North 09°48'54" West, 163.68 feet to a 1/2-inch iron rod found;

THENCE South 75°51'31" West leaving said west right of way line of said Llewellyn Avenue and the said east line of Wynnewood Shopping Village, a distance of 385.05 feet to the POINT OF BEGINNING;

THENCE South 55°45'10" East, a distance of 108.51 feet to a point;

THENCE South 00°56'55" East, a distance of 309.90 feet to a point;

THENCE South 66°56'05" West, a distance of 229.01 feet to a point;

THENCE South 46°37'39" West, a distance of 59.46 feet to a point;

THENCE North 43°22'21" West, a distance of 181.00 feet to the POINT OF TERMINATION.

ABBREVIATIONS	ABBREVIATIONS
M.R.D.C.T.= MAP RECORDS DALLAS COUNTY, TEXAS	C.M.= CONTROLLING MONUMENT
D.R.D.C.T.= DEED RECORDS DALLAS COUNTY, TEXAS	CL= CENTERLINE DESCRIPTION
O.P.R.D.C.T.= OFFICIAL PUBLIC RECORDS DALLAS COUNTY, TEXAS	ESMT.= EASEMENT
VOL.= VOLUME	IRF= IRON ROD FOUND
PG.= PAGE	U.E.= UTILITY EASEMENT
	S.S.E.= STORM SEWER EASEMENT

STATE OF TEXAS REGISTERED PAUL HUBERT 12/13/18 PROFESSIONAL LAND SURVEYOR

© COPYRIGHT 2018

Adams Surveying Company, LLC
P.O. Box 833059
Richardson, TX 75083
Phone: (469) 317-0250
Fax: (214) 295-9844
TBPLS Firm Registration No. 10177500

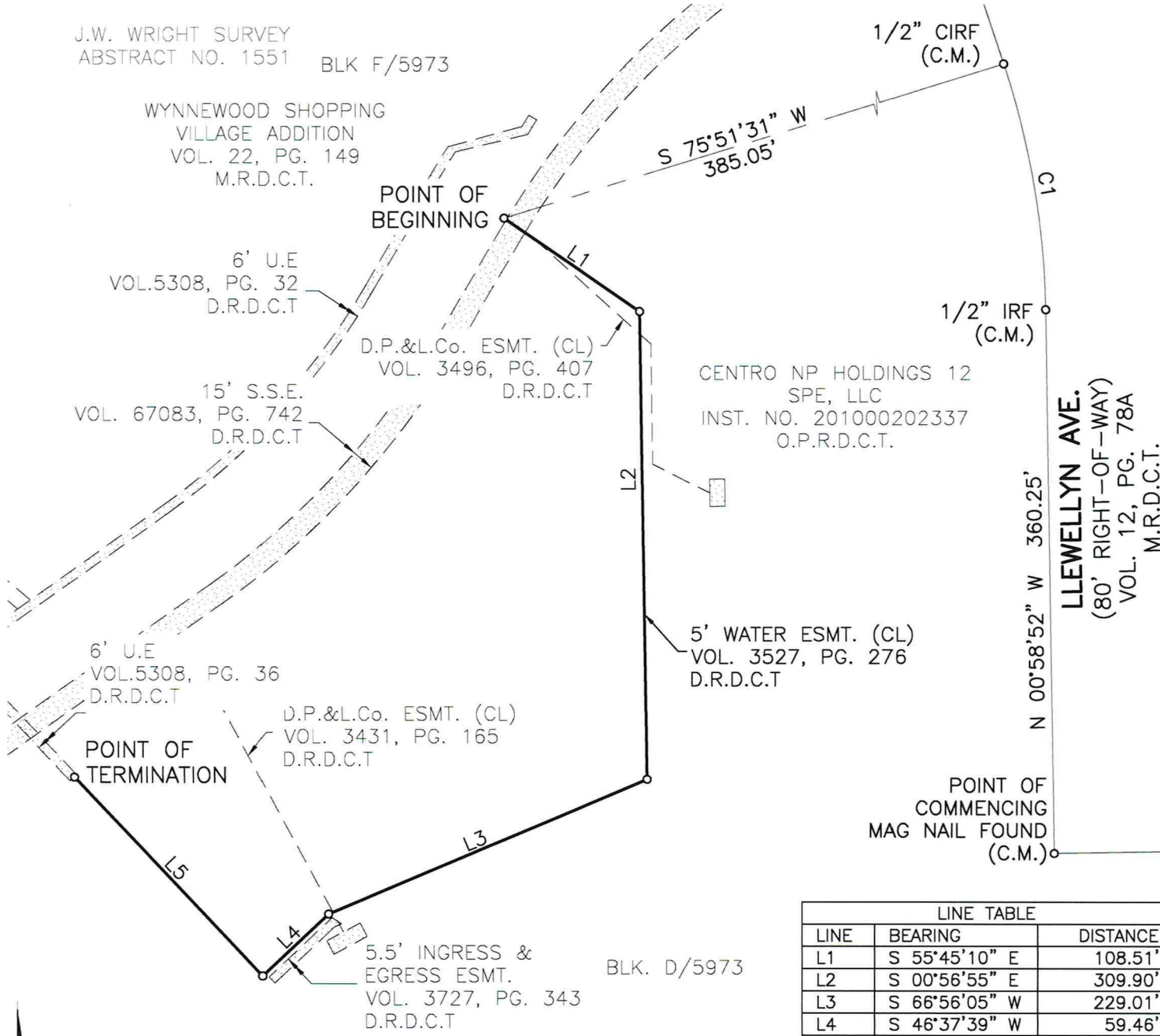
DRAWN BY	CHECKED BY	SCALE	DATE	JOB NO.
BT	PH	1" = 100'	12/13/18	17064

(For SPRG use only)
REVIEWED BY: A. Rodriguez
DATE: 12/18/18
S.P.R.G. NO: 4679

"Z:\ASC Jobs\Jobs 2017\17064 Wynnewood Village\EASEMENT\Easement Abandonments

WATER EASEMENT ABANDONMENT
WYNNEWOOD SHOPPING VILLAGE ADDITION
BLOCK D/5973
J.W. WRIGHT SURVEY ABSTRACT NO. 1551
CITY OF DALLAS, DALLAS COUNTY, TEXAS

EXHIBIT A-TRACT 5



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 55°45'10" E	108.51'
L2	S 00°56'55" E	309.90'
L3	S 66°56'05" W	229.01'
L4	S 46°37'39" W	59.46'
L5	N 43°22'21" W	181.00'

CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	532.93'	164.33'	163.68'	N 09°48'54" W	17°40'04"

© COPYRIGHT 2018

0 100 200

SCALE= 1:100

The Basis of Bearing is based on the north line of Illinois Avenue (S 89°09'57" W), as determined by GPS observation.

STATE OF TEXAS REGISTERED PAUL HUBERT 1972 PROFESSIONAL LAND SURVEYOR
Paul Hubert 12/13/18

Adams Surveying Company, LLC
P.O. Box 833059
Richardson, TX 75083
Phone: (469) 317-0250
Fax: (214) 295-9844
TBPLS Firm Registration No. 10177500

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NO.
BT	PH	1" = 100'	12/13/18	17064

(For SPRG use only)
REVIEWED BY: A. Rodriguez
DATE: 12/18/18
S.P.R.G. NO: 4679
PAGE 2 OF 2

"Z:\ASC Jobs\Jobs 2017\17064 Wynnewood Village\EASEMENT\Easement Abandonments

UTILITY EASEMENT ABANDONMENT
WYNNEWOOD SHOPPING VILLAGE ADDITION
BLOCK D/5973
J.W. WRIGHT SURVEY ABSTRACT NO. 1551
CITY OF DALLAS, DALLAS COUNTY, TEXAS

EXHIBIT A-TRACT 6

EASEMENT STRIP NO. 1

BEING a centerline description for all of a 6 foot wide Utility Easement, called Easement Strip No. 1, situated in the J.W. Wright Survey, Abstract No. 1551, Dallas, Dallas County, Texas, as recorded in Volume 5308, Page 36, Deed Records Dallas County Texas, being part of that tract described by Special Warranty Deed to Centro NP Holdings 12 SPE LLC, as recorded in Instrument No. 201000202337, Official Public Records Dallas County Texas, (O.P.R.D.C.T.), City of Dallas City Blocks D/5973 and F/5973, and being part of Wynnewood Shopping Village Addition as recorded in Volume 22, Page 149, Map Records Dallas County Texas (M.R.D.C.T.), and being more particularly described by metes and bounds as follows: bearings referenced to the north line of Illinois Avenue (S 89°09'57" W) as determined by GPS observation based on Western Data System VRS Network (NAD (83) referenced to the Texas Coordinate System of 1983, North Central Zone 4202, Geoid Model 12A):

COMMENCING at a Mag Nail found in the west right of way line of Llewellyn Avenue (80-foot right of way) as recorded in Volume 12, Page 78A, M.R.D.C.T., and being in the east line of said Wynnewood Shopping Village Addition;

THENCE North 00°58'52" West with the west right of way line of said Llewellyn Avenue and the said east line of Wynnewood Shopping Village Addition, a distance of 360.25 feet to a 1/2 inch iron rod found for the beginning of a tangent curve to the left;

THENCE with said tangent curve to the left, having a central angle of 17°40'04", a radius of 532.93 feet, an arc distance of 164.33 feet, and a chord of North 09°48'54" West, 163.68 feet to a 1/2-inch iron rod found;

THENCE South 82°53'28" West leaving said west right of way line of said Llewellyn Avenue and the said east line of Wynnewood Shopping Village, a distance of 363.11 feet to the POINT OF BEGINNING;

THENCE South 31°30'00" West a distance of 10.00 feet, to a point for corner;

THENCE South 76°30'00" West, a distance of 50.00 feet, POINT OF TERMINATION.

ABBREVIATIONS	ABBREVIATIONS
M.R.D.C.T.= MAP RECORDS DALLAS COUNTY, TEXAS	ESMT.= EASEMENT
D.R.D.C.T.= DEED RECORDS DALLAS COUNTY, TEXAS	C.M.= CONTROLLING MONUMENT
O.P.R.D.C.T.= OFFICIAL PUBLIC RECORDS DALLAS COUNTY, TEXAS	IRF= IRON ROD FOUND
VOL.= VOLUME	CL= CENTERLINE DESCRIPTION
PG. = PAGE	U.E.= UTILITY EASEMENT
	S.S.E.= STORM SEWER EASEMENT

STATE OF TEXAS REGISTERED PAUL HUBERT PROFESSIONAL LAND SURVEYOR

© COPYRIGHT 2018

Adams Surveying Company, LLC
P.O. Box 833059
Richardson, TX 75083
Phone: (469) 317-0250
Fax: (214) 295-9844
TBPLS Firm Registration No. 10177500

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NO.
BT	PH	1" = 100'	12/13/18	17064

(For SPRG use only)
REVIEWED BY: A. Rodriguez
DATE: 12/18/18
S.P.R.G. NO: 4680
PAGE 1 OF 3

UTILITY EASEMENT ABANDONMENT
WYNNEWOOD SHOPPING VILLAGE ADDITION
BLOCK D/5973
J.W. WRIGHT SURVEY ABSTRACT NO. 1551
CITY OF DALLAS, DALLAS COUNTY, TEXAS

EXHIBIT A-TRACT 6

EASEMENT STRIP NO. 2

BEING a centerline description for all of a 6 foot wide Utility Easement, called Easement Strip No. 2, situated in the J.W. Wright Survey, Abstract No. 1551, Dallas, Dallas County, Texas, as recorded in Volume 5308, Page 36, Deed Records Dallas County Texas, being part of that tract described by Special Warranty Deed to Centro NP Holdings 12 SPE LLC, as recorded in Instrument No. 201000202337, Official Public Records Dallas County Texas, (O.P.R.D.C.T.), City of Dallas City Blocks D/5973 and F/5973, and being part of Wynnewood Shopping Village Addition as recorded in Volume 22, Page 149, Map Records Dallas County Texas (M.R.D.C.T.), and being more particularly described by metes and bounds as follows: bearings referenced to the north line of Illinois Avenue (S 89°09'57" W) as determined by GPS observation based on Western Data System VRS Network (NAD (83) referenced to the Texas Coordinate System of 1983, North Central Zone 4202, Geoid Model 12A):

COMMENCING at a Mag Nail found in the west right of way line of Llewellyn Avenue (80–foot right of way) as recorded in recorded in Volume 12, Page 78A, M.R.D.C.T., and being in the east line of said Wynnewood Shopping Village Addition;

THENCE North 00°58'52" West with the west right of way line of said Llewellyn Avenue and the said east line of Wynnewood Shopping Village Addition, a distance of 360.25 feet to a 1/2 inch iron rod found for the beginning of a tangent curve to the left;

THENCE with said tangent curve to the left, having a central angle of 17°40'04", a radius of 532.93 feet, an arc distance of 164.33 feet, and a chord of North 09°48'54" West, 163.68 feet to a 1/2–inch iron rod found;

THENCE South 82°53'28" West leaving said west right of way line of said Llewellyn Avenue and the said east line of Wynnewood Shopping Village Addition, a distance of 363.11 feet to a point, being the beginning of a 6 foot wide Utility Easement, called Easement Strip No. 1, as recorded in Volume 5308 Page 36, Deed Records Dallas County Texas;

THENCE with the centerline of said Easement No. 1 the following courses:

South 31°30'00" West a distance of 10.00 feet to a point;

South 76°30'00" West a distance of 50.00 feet to a point, also being the beginning of a non–tangent curve in the centerline of a 6 foot Utility Easement, called Easement Strip No. 3, as recorded in Volume 5308, Page 32, D.R.D.C.T.;

THENCE with the centerline of said Easement Strip No. 3 the following courses:

With said non–tangent curve to the left, having a central angle of 01°53'53", a radius of 603.72 feet, an arc distance of 20.00 feet, and a chord of South 30°32'59" West, 20.00 feet to a point;

South 31°29'56" West, a distance of 85.07 feet to the beginning of a curve to the right;

Along said curve to the right having a central angle of 23°51'01", a radius of 487.67 feet, an arc distance of 203.00, and a chord of South 43°25'26" West, 201.54 feet to a point;

South 55°20'56" West, a distance of 147.59 feet to the POINT OF BEGINNING;

THENCE South 42°23'26" East, a distance of 109.50 feet to the POINT OF TERMINATION, being the end of an existing Water Easement as recorded in Volume 3527, Page 276, Deed Records Dallas County Texas.

© COPYRIGHT 2018

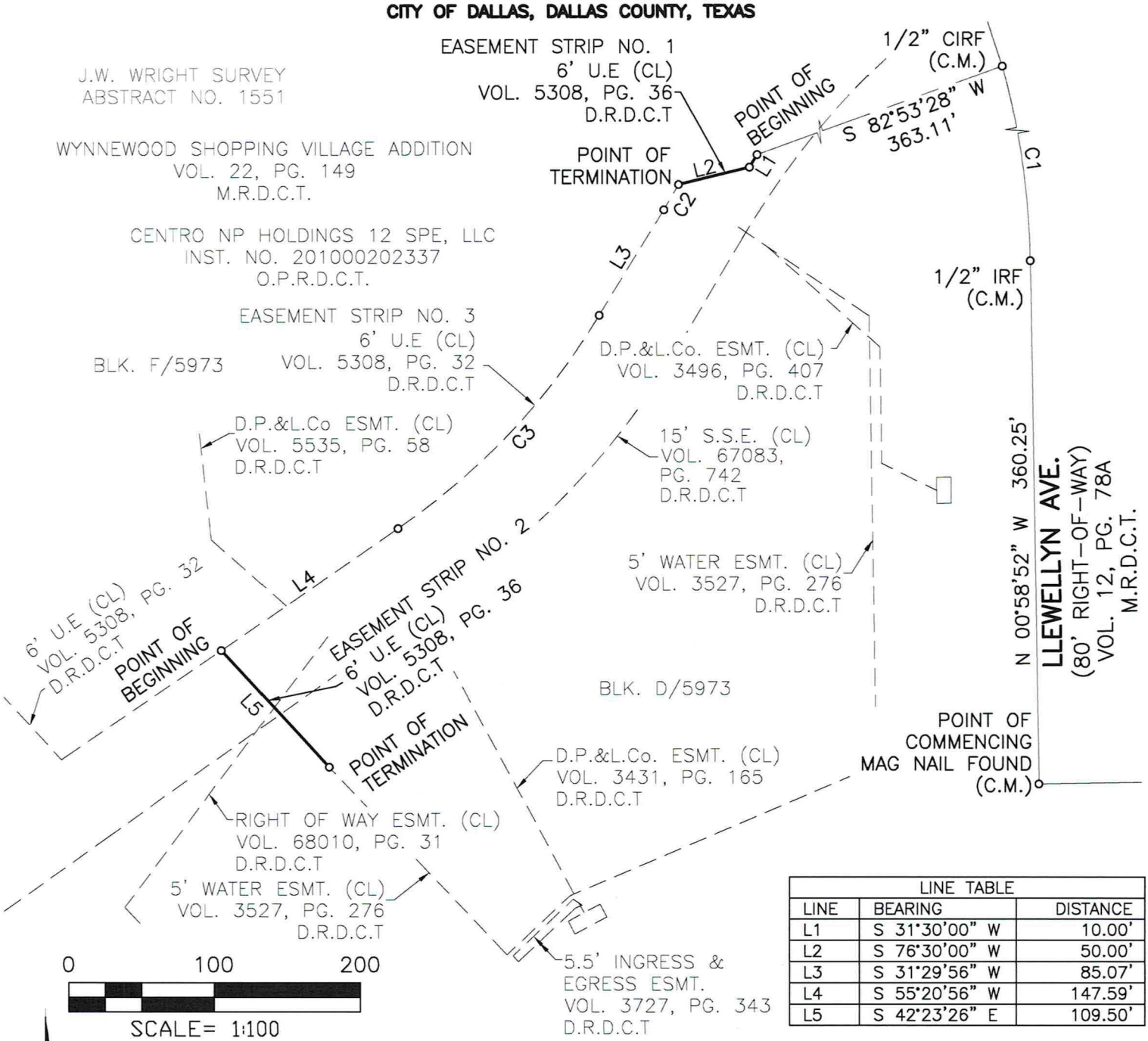
Adams Surveying Company, LLC
P.O. Box 833059
Richardson, TX 75083
Phone: (469) 317–0250
Fax: (214) 295–9844
TBPLS Firm Registration No. 10177500

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NO.
BT	PH	1" = 100'	12/13/18	17064

(For SPRG use only)
REVIEWED BY: A. Rodriguez
DATE: 12/18/18
S.P.R.G. NO: 4680
PAGE 2 OF 3

UTILITY EASEMENT ABANDONMENT
WYNNEWOOD SHOPPING VILLAGE ADDITION
BLOCK D/5973
J.W. WRIGHT SURVEY ABSTRACT NO. 1551
CITY OF DALLAS, DALLAS COUNTY, TEXAS

EXHIBIT A-TRACT 6



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 31°30'00" W	10.00'
L2	S 76°30'00" W	50.00'
L3	S 31°29'56" W	85.07'
L4	S 55°20'56" W	147.59'
L5	S 42°23'26" E	109.50'

CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	532.93'	164.33'	163.68'	N 09°48'54" W	17°40'04"
C2	603.72'	20.00'	20.00'	S 30°32'59" W	1°53'53"
C3	487.67'	203.00'	201.54'	S 43°25'26" W	23°51'01"

© COPYRIGHT 2018

The Basis of Bearing is based on the north line of Illinois Avenue (S 89°09'57" W), as determined by GPS observation based on Western Data System VRS Network (NAD (83) referenced to the Texas Coordinate System of 1983, North Central Zone 4202, Geoid Model 12A).

STATE OF TEXAS REGISTERED PAUL HUBERT 4680 PROFESSIONAL LAND SURVEYOR

Adams Surveying Company, LLC
P.O. Box 833059
Richardson, TX 75083
Phone: (469) 317-0250
Fax: (214) 295-9844
TBPLS Firm Registration No. 10177500

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NO.
BT	PH	1" = 100'	12/13/18	17064

(For SPRG use only)
REVIEWED BY: A. Rodriguez
DATE: 12/18/18
S.P.R.G. NO: 4680
PAGE 3 OF 3

"Z:\ASC Jobs\Jobs 2017\17064 Wynnewood Village\EASEMENT\Easement Abandonments

UTILITY EASEMENT ABANDONMENT
WYNNEWOOD SHOPPING VILLAGE ADDITION
BLOCKS D/5973 AND F/5973
J.W. WRIGHT SURVEY ABSTRACT NO. 1551
CITY OF DALLAS, DALLAS COUNTY, TEXAS

EXHIBIT A-TRACT 7

EASEMENT STRIP NO. 1

BEING a centerline description for a portion of a 20 foot City of Dallas Public Utility Easement, called Easement Strip No. 1, situated in the J.W. Wright Survey, Abstract No. 1551, Dallas, Dallas County, Texas, as recorded in Volume 5308, Page 32, Deed Records Dallas County Texas (D.R.D.C.T.), being part of that tract described by Special Warranty Deed to Centro NP Holdings 12 SPE LLC, as recorded in Instrument No. 201000202337, Official Public Records Dallas County Texas, (O.P.R.D.C.T.), City of Dallas City Blocks E/5973 AND F/5973, and being part of Wynnewood Shopping Village Addition as recorded in Volume 22, Page 149, Map Records Dallas County Texas, and being more particularly described by metes and bounds as follows: bearings referenced to the north line of Illinois Avenue (S 89°09'57" W) as determined by GPS observation based on Western Data System VRS Network (NAD (83) referenced to the Texas Coordinate System of 1983, North Central Zone 4202, Geoid Model 12A):

COMMENCING at a 1/2 inch iron rod found for the southwest corner of said Wynnewood Shopping Village Addition, a point in the north right of way line of Illinois Avenue (100–foot right of way) being the southeast corner of Lot 2, Block, 1/5973 Pinnacle Prep Addition as recorded in Instrument Number 201200188102, O.P.R.D.C.T., from which a 3/8–inch iron rod found bears along a non–tangent curve to the left having a central angle of 12°01'56", a radius of 458.83 feet, an arc distance of 96.36 feet, and a chord of North 07°45'19" West, 96.18 feet;

THENCE North 89°09'57" East, along said north right of way a distance of 47.97 feet to a point in the centerline of said Easement Strip No. 1, from which a 3/8–inch iron rod bears North 89°09'57" East, 1493.42 feet;

THENCE North 00°39'46" West, leaving said right of way a distance of 248.00 feet to a point;

THENCE North 21°50'14" East, a distance of 15.03 feet to the POINT OF BEGINNING;

THENCE North 21°50'14" East, a distance of 46.37 feet to a point for corner;

THENCE North 00°39'46" West, a distance of 563.36 feet to the POINT OF TERMINATION.

ABBREVIATIONS	ABBREVIATIONS
M.R.D.C.T.= MAP RECORDS DALLAS COUNTY, TEXAS	ESMT.= EASEMENT
D.R.D.C.T.= DEED RECORDS DALLAS COUNTY, TEXAS	C.M.= CONTROLLING MONUMENT
O.P.R.D.C.T.= OFFICIAL PUBLIC RECORDS DALLAS COUNTY, TEXAS	IRF= IRON ROD FOUND
VOL.= VOLUME	CL= CENTERLINE DESCRIPTION
PG. = PAGE	U.E.= UTILITY EASEMENT
	S.S.E.= STORM SEWER EASEMENT
	F.K.A.= FORMERLY KNOWS AS

STATE OF TEXAS REGISTERED PAUL HEBERT 1947 PROFESSIONAL LAND SURVEYOR
Paul Hebert 12/13/18

© COPYRIGHT 2018

Adams Surveying Company, LLC
P.O. Box 833059
Richardson, TX 75083
Phone: (469) 317–0250
Fax: (214) 295–9844
TBPLS Firm Registration No. 10177500

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NO.
BT	PH	1" = 100'	12/13/18	17064

(For SPRG use only)
REVIEWED BY: A. Rodriguez
DATE: 12/18/18
S.P.R.G. NO: 4705

"Z:\ASC Jobs\Jobs 2017\17064 Wynnewood Village\EASEMENT\Easement Abandonments

UTILITY EASEMENT ABANDONMENT
WYNNEWOOD SHOPPING VILLAGE ADDITION
BLOCKS E/5973 AND F/5973
J.W. WRIGHT SURVEY ABSTRACT NO. 1551
CITY OF DALLAS, DALLAS COUNTY, TEXAS

EXHIBIT A-TRACT 7

EASEMENT STRIP NO. 3

BEING a centerline description for a portion of a 6 foot wide Utility Easement, called Easement Strip No. 3, situated in the J.W. Wright Survey, Abstract No. 1551, Dallas, Dallas County, Texas, as recorded in Volume 5308 Page 32, Deed Records Dallas County Texas, being part of that tract described by Special Warranty Deed to Centro NP Holdings 12 SPE LLC, as recorded in Instrument No. 201000202337, Official Public Records Dallas County Texas, (O.P.R.D.C.T.), City of Dallas City Blocks D/5973 and F/5973, and being part of Wynnewood Shopping Village Addition as recorded in Volume 22, Page 149, Map Records Dallas County Texas, (M.R.D.C.T.) and being more particularly described by metes and bounds as follows: bearings referenced to the north line of Illinois Avenue (S 89°09'57" W) as determined by GPS observation based on Western Data System VRS Network (NAD (83) referenced to the Texas Coordinate System of 1983, North Central Zone 4202, Geoid Model 12A):

COMMENCING at a Mag Nail found in the west right of way line of of Llewellyn Avenue (80–foot right of way) as recorded in recorded in Volume 12, Page 78A, M.R.D.C.T., and being in the east line of said Wynnewood Shopping Village Addition;

THENCE North 00°58'52" West with the west right of way line of said Llewellyn Avenue and the said east line of Wynnewood Shopping Village, a distance of 360.25 feet to a 1/2 inch iron rod found for the beginning of a tangent curve to the left;

THENCE with said tangent curve to the left, having a central angle of 17°40'04", a radius of 532.93 feet, an arc distance of 164.33 feet, and a chord of North 09°48'54" West, 163.68 feet to a 1/2–inch iron rod found;

THENCE South 81°03'44" West leaving said west right of way line of said Llewellyn Avenue and the said east line of Wynnewood Shopping Village, a distance of 419.25 feet to the POINT OF BEGINNING, also being the beginning of a non–tangent curve to the left;

THENCE along said curve to the left, having a central angle of 01°53'53, a radius of 603.72 feet, an arc distance of 20.00 feet, and a chord of South 30°32'59" West, 20.00 feet to a point for corner;

THENCE South 31°29'56" West, a distance of 85.07 feet to the beginning of a tangent curve to the right;

THENCE along said curve to the right having a central angle of 23°51'01", a radius of 487.67 feet, an arc distance of 203.00, and a chord of South 43°25'26" West, 201.54 feet to a point for corner;

THENCE South 55°20'56" West, a distance of 281.00 feet to the POINT OF TERMINATION.

© COPYRIGHT 2018

STATE OF TEXAS REGISTERED PAUL HILBERT 1813 PROFESSIONAL LAND SURVEYOR
12/13/18

Adams Surveying Company, LLC
P.O. Box 833059
Richardson, TX 75083
Phone: (469) 317–0250
Fax: (214) 295–9844
TBPLS Firm Registration No. 10177500

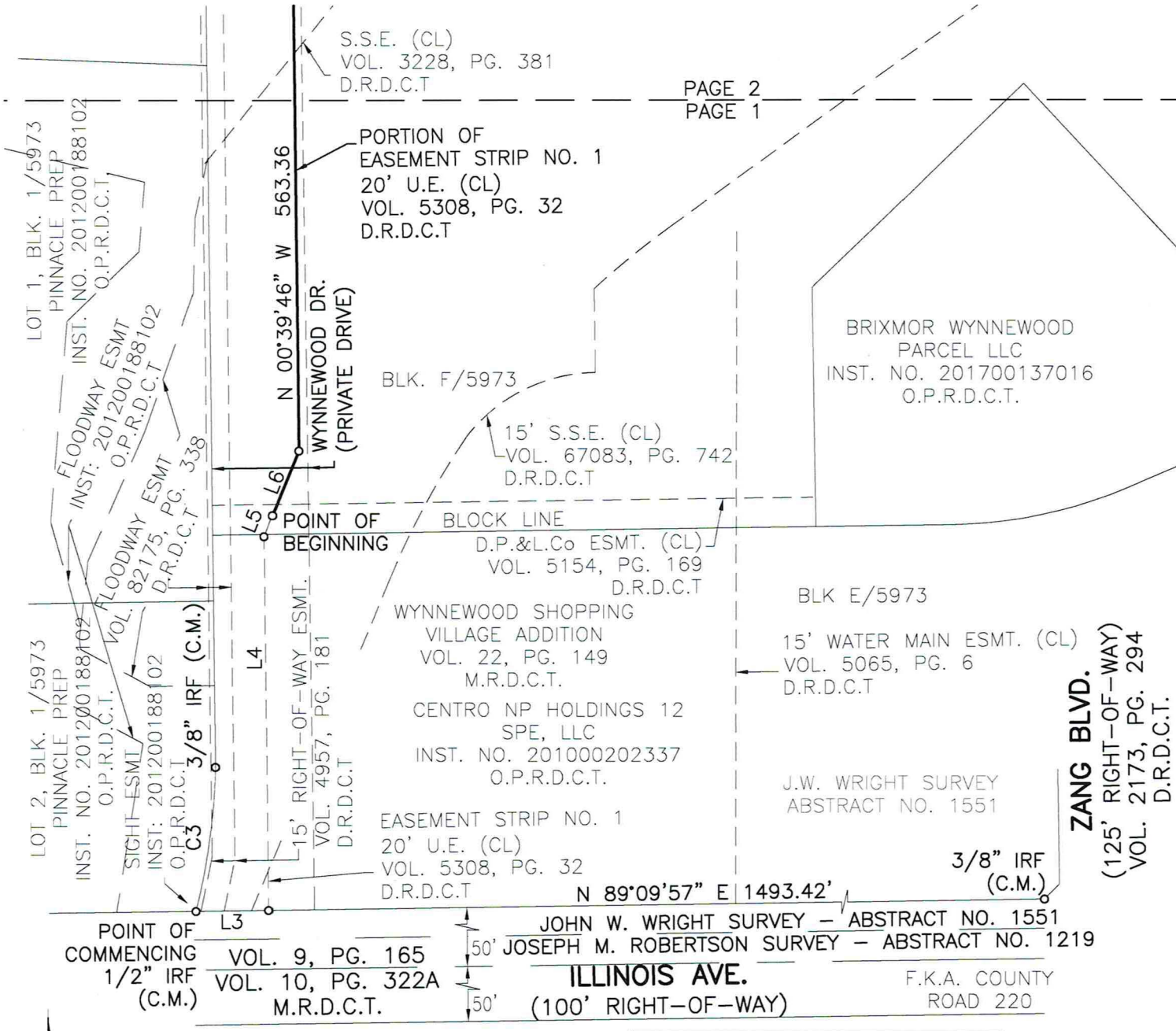
DRAWN BY	CHECKED BY	SCALE	DATE	JOB NO.
BT	PH	1" = 100'	12/13/18	17064

(For SPRG use only)
REVIEWED BY: A. Rodriguez
DATE: 12/18/18
S.P.R.G. NO: 4705
PAGE 2 OF 5

"Z:\ASC Jobs\Jobs 2017\17064 Wynnewood Village\EASEMENT\Easement Abandonments

UTILITY EASEMENT ABANDONMENT
WYNNEWOOD SHOPPING VILLAGE ADDITION
BLOCKS E/5973 AND F/5973
J.W. WRIGHT SURVEY ABSTRACT NO. 1551
CITY OF DALLAS, DALLAS COUNTY, TEXAS

EXHIBIT A-TRACT 7



LINE TABLE					
LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L3	N 89°09'57" E	47.97'	L5	N 21°50'14" E	15.03'
L4	N 00°39'46" W	248.00'	L6	N 21°50'14" E	46.37'

© COPYRIGHT 2018

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C3	458.83'	96.36'	96.18'	N 07°45'19" E	12°01'56"

The Basis of Bearing is based on the north line of Illinois Avenue (S 89°09'57" W), as determined by GPS observation based on Western Data System VRS Network (NAD (83) referenced to the Texas Coordinate System of 1983, North Central Zone 4202, Geoid Model 12A).

Adams Surveying Company, LLC
P.O. Box 833059
Richardson, TX 75083
Phone: (469) 317-0250
Fax: (214) 295-9844
TBPLS Firm Registration No. 10177500

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NO.
BT	PH	1" = 100'	12/13/18	17064

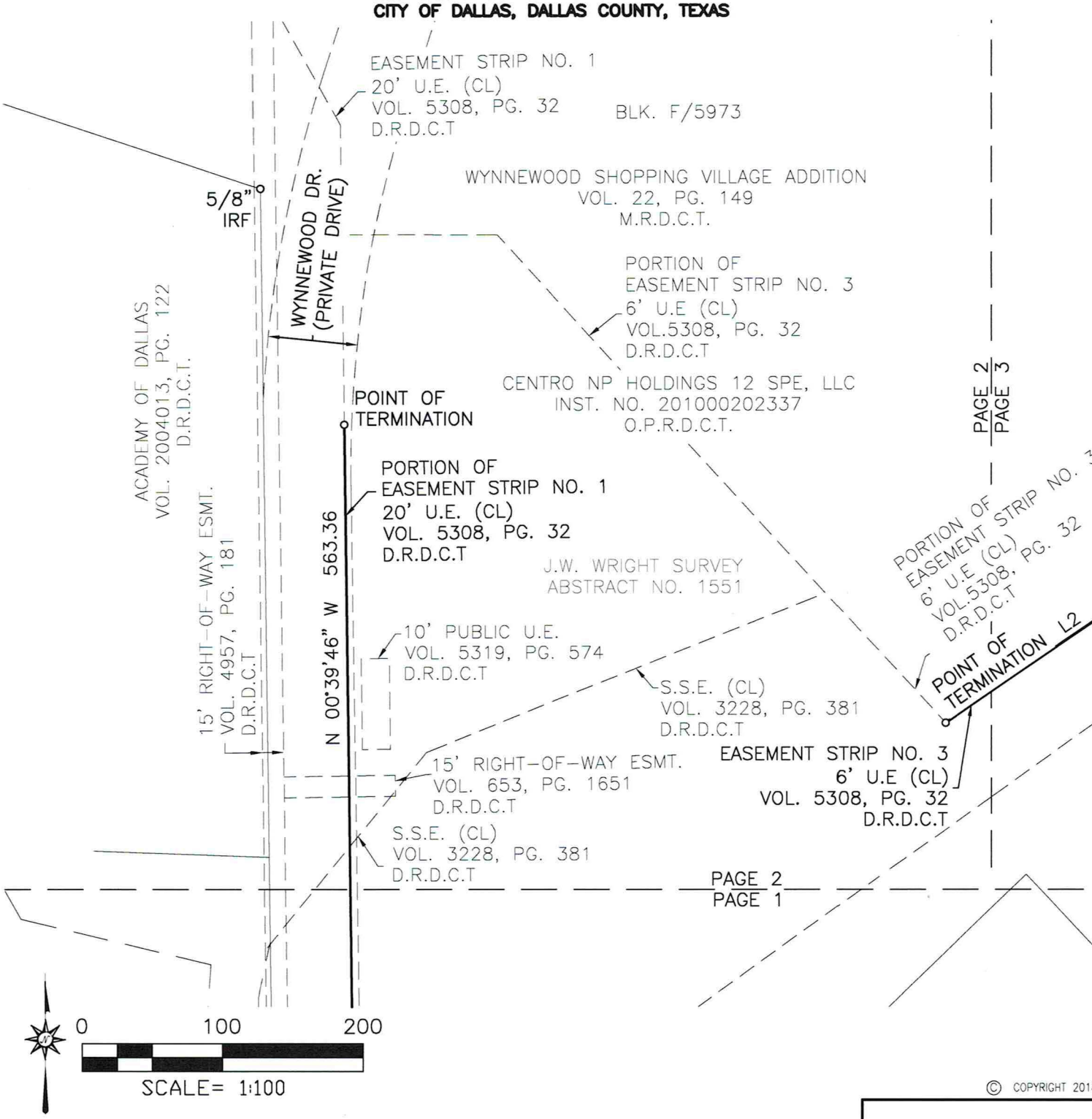
(For SPRG use only)
REVIEWED BY: A. Rodriguez
DATE: 12/18/18
S.P.R.G. NO: 4705
PAGE 3 OF 5

"Z:\ASC Jobs\Jobs 2017\17064 Wynnewood Village\EASEMENT\Easement Abandonments

UTILITY EASEMENT ABANDONMENT

WYNNEWOOD SHOPPING VILLAGE ADDITION
BLOCKS E/5973 AND F/5973
J.W. WRIGHT SURVEY ABSTRACT NO. 1551
CITY OF DALLAS, DALLAS COUNTY, TEXAS

EXHIBIT A-TRACT 7



© COPYRIGHT 2018

The Basis of Bearing is based on the north line of Illinois Avenue (S 89°09'57" W), as determined by GPS observation based on Western Data System VRS Network (NAD (83) referenced to the Texas Coordinate System of 1983, North Central Zone 4202, Geoid Model 12A).

Adams Surveying Company, LLC
P.O. Box 833059
Richardson, TX 75083
Phone: (469) 317-0250
Fax: (214) 295-9844
TBPLS Firm Registration No. 10177500

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NO.
BT	PH	1" = 100'	12/13/18	17064

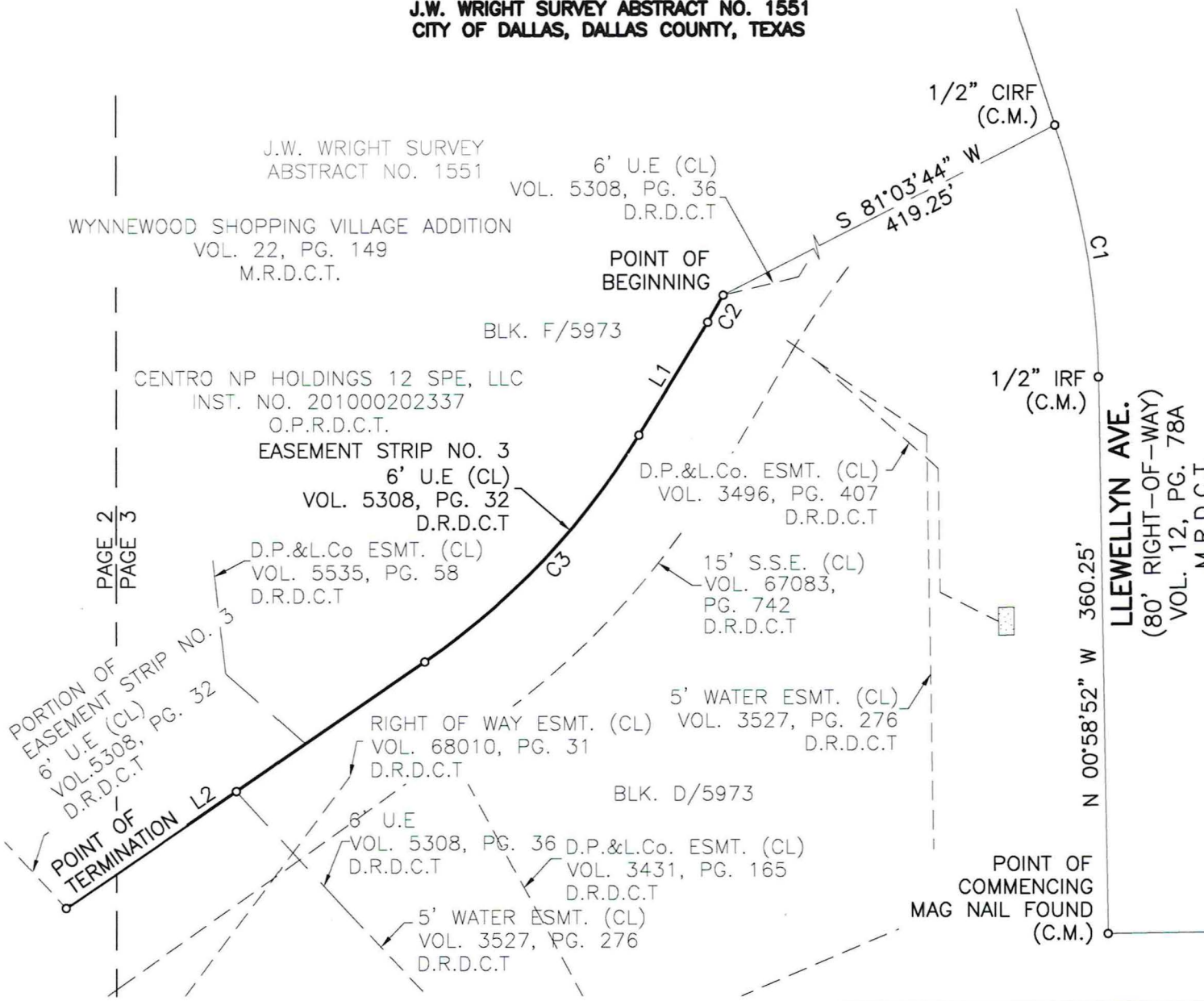
(For SPRG use only)
REVIEWED BY: A. Rodriguez
DATE: 12/18/18
S.P.R.G. NO: 4705
PAGE 4 OF 5

STATE OF TEXAS REGISTERED PAUL HUBERT 5942 PROFESSIONAL LAND SURVEYOR
12/13/18

"Z:\ASC Jobs\Jobs 2017\17064 Wynnewood Village\EASEMENT\Easement Abandonments

UTILITY EASEMENT ABANDONMENT
WYNNEWOOD SHOPPING VILLAGE ADDITION
BLOCKS D/5973 AND F/5973
J.W. WRIGHT SURVEY ABSTRACT NO. 1551
CITY OF DALLAS, DALLAS COUNTY, TEXAS

EXHIBIT A-TRACT 7



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 31°29'56" W	85.07'
L2	S 55°20'56" W	281.00'

CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	532.93'	164.33'	163.68'	N 09°48'54" W	17°40'04"
C2	603.72'	20.00'	20.00'	S 30°32'59" W	1°53'53"
C3	487.67'	203.00'	201.54'	S 43°25'26" W	23°51'01"

© COPYRIGHT 2018

The Basis of Bearing is based on the north line of Illinois Avenue (S 89°09'57" W), as determined by GPS observation based on Western Data System VRS Network (NAD (83) referenced to the Texas Coordinate System of 1983, North Central Zone 4202, Geoid Model 12A).

STATE OF TEXAS REGISTERED PAUL HUBERT 5142 LICENSED LAND SURVEYOR 12/18/18

Adams Surveying Company, LLC
P.O. Box 833059
Richardson, TX 75083
Phone: (469) 317-0250
Fax: (214) 295-9844
TBPLS Firm Registration No. 10177500

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NO.
BT	PH	1" = 100'	12/13/18	17064

(For SPRG use only)
REVIEWED BY: A. Rodriguez
DATE: 12/18/18
S.P.R.G. NO: 4705
PAGE 5 OF 5

"Z:\ASC Jobs\Jobs 2017\17064 Wynnewood Village\EASEMENT\Easement Abandonments

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-371 **Item #:** 26.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): 2, 14

DEPARTMENT: Department of Transportation

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a twelve-month Transit Service Funding Agreement between Dallas Area Rapid Transit, Downtown Dallas, Inc. and the City of Dallas to provide subsidized on-demand transit for users within the downtown area - Not to exceed $360,000.00 - Financing: Convention and Event Services Fund

BACKGROUND

The Transit Service Funding Agreement is intended to provide subsidized on-demand transit for users within the downtown area. This on-demand service will replace the current D-Link fixed route service which is set to end in March 2019.

Dallas Area Rapid Transit (DART) will provide this new service by coordinating access to private Transportation Network Companies such as Uber or Lyft. Where needed, DART will also use other contractors who operate accessible vehicles. Riders will be picked up and dropped off wherever they request, provided it is in the downtown service area between 10:30 a.m. and 9:30 p.m. Each rider will be charged $1.00 for each trip and may expect to share the trip with other riders going in the same direction. This downtown service area is shown on the attached map.

Riders may access and pay for this service by using DART's *GoPass* smartphone application. Riders without a smartphone may call DART's Service Call.

The total annual cost for this on-demand service is estimated to be $1,200,000.00. The agreement shared cost is as follows:

- DART (50%, up to $600,000.00)
- Downtown Dallas, Inc. (DDI) (20%, up to $240,000.00)
- City of Dallas (30%, up to $360,000.00)

Fare box recovery is the proportion of operating expenses that is covered by the fares paid by passengers. It is estimated to be $162,000.00 and would offset service cost.

As this is a new and innovative service, Transportation staff will closely review the service on an ongoing basis and evaluate it for ridership, reliability, and safety. Staff will bring updates to the Mobility Solutions, Infrastructure, and Sustainability Committee.

This action will authorize the Transit Service Funding Agreement between DART, DDI, and the City of Dallas to provide the on-demand transit service fund contribution up to $360,000.00.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 9, 2019, City Council authorized Supplemental Agreement No. 1 to extend the Shuttle Funding Agreement between DART, DDI, and the City of Dallas for a four month period of the D-Link operation by Resolution No. 19-0090.

Information on this item was provided to the Mobility Solutions, Infrastructure and Sustainability Committee on February 25, 2019.

FISCAL INFORMATION

Convention and Event Services Fund - $360,000.00

Council District	Amount
2	$210,810.00
14	$149,190.00
Total	$360,000.00

MAP

Attached

Downtown On-Demand Transit Service Area

Council Districts 2, 14

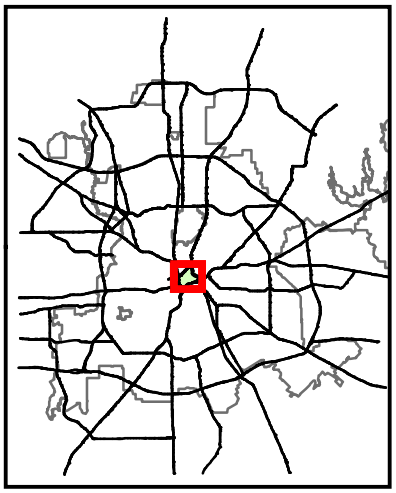
N
W E
S

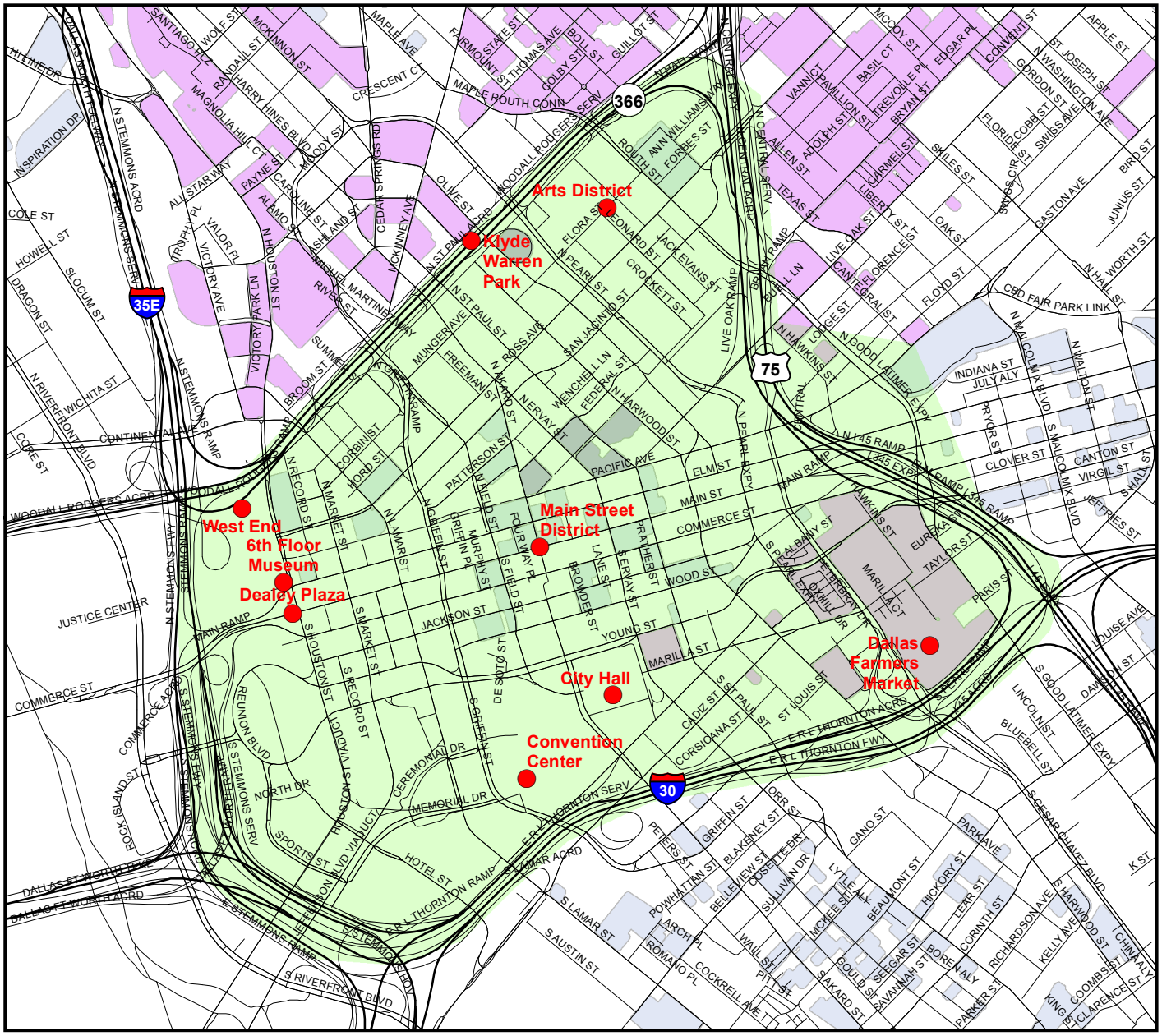
1:20,000

- Downtown Attractions
- On-Demand Transit Service Area

Market Value Analysis

- A
- B
- C
- D
- E
- F
- G
- H
- I
- NA





Map by Transportation GIS, February 2019

March 27, 2019

WHEREAS, with the increase in Dallas convention and tourism business, downtown residential and multi-use housing, a growing employment base, and completed parks and attractions, Downtown Dallas, Inc. (DDI) has identified a specific need for subsidized transit service to major destinations in and around the Central Business District; and

WHEREAS, on January 9, 2019, City Council authorized Supplemental Agreement No. 1 to extend the Shuttle Funding Agreement between Dallas Area Rapid Transit (DART), DI, and the City of Dallas for a four-month period of the D-Link operation by Resolution No. 19-0090; and

WHEREAS, ridership on the tourist-focused downtown bus service Route 722 (D-Link) has continued to fall short of targeted expectations; and

WHEREAS, the City of Dallas, DDI and DART have collaborated to evaluate the demand for an enhanced downtown transit service as well as plan the most appropriate service to meet that need.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute a twelve-month Transit Service Funding Agreement between Dallas Area Rapid Transit, Downtown Dallas, Inc. and the City of Dallas, approved as to form by the City Attorney, to provide subsidized on-demand transit for users within the downtown area, in an amount not to exceed $360,000.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $360,000.00 in accordance with the terms and conditions of the agreement from Convention and Event Services Fund, Fund 0080, Department CCT, Unit 7840, Object 3099, Vendor 232802.

SECTION 3. That this contract is designated as Contract No. TRN- 2019-0000961.

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.

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-361 **Item #:** 27.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): All

DEPARTMENT: Housing & Neighborhood Revitalization

EXECUTIVE: T.C. Broadnax

SUBJECT

An ordinance amending Chapter 20A, “Fair Housing” of the Dallas City Code by **(1)** adding Article II, Mixed Income Housing, Sections 20A-22 through 20A-33; **(2)** providing a purpose statement; **(3)** providing the definition of terms; **(4)** providing for a market value analysis category and dwelling unit verification as a precondition of eligibility for the mixed income housing program; **(5)** providing the terms of the mixed income restrictive covenant; **(6)** providing for the administration of the mixed income housing program including requirements related to eligibility verifications, income bands, and affordable rents; **(7)** providing policies for tenant selection and other written policies; **(8)** providing the responsibilities of applicants and eligible households; **(9)** providing that an owner shall not discriminate against holders of housing vouchers; **(10)** providing for compliance and recordkeeping for the mixed income housing program including requirements related to quarterly status reports, affirmative fair housing marketing plans, and audits and inspections; **(11)** providing standard procedures for notifying owners of non-compliance and correcting non-compliance; **(12)** providing for a Mixed Income Housing Development Bonus Application Fee and a Mixed Income Housing Development Bonus Monitoring Fee; **(13)** providing a penalty not to exceed $500.00; **(14)** providing a saving clause; **(15)** providing a severability clause; and **(16)** providing an effective date - Estimated Revenue: $22,447.00 (see Fiscal Information)

BACKGROUND

In a public hearing scheduled for March 27, 2019, the City Council will consider a proposed amendment to Chapters 51 and 51A of the Dallas Development Code that proposes to encourage the development of mixed-income housing in Multifamily and Mixed Use Districts by offering development bonuses in return for providing a percentage of units to be reserved for families within certain income bands.

Adoption of this ordinance amending Chapter 20A, “Fair Housing” of the Dallas City Code will create the regulatory framework that guides a developer’s compliance with mixed income housing development bonuses.

This item was originally considered by the City Council on December 12, 2018. Based on stakeholder feedback, and with approval from the Economic Development and Housing Committee, this item has been modified as follows:

- the term “voucher payment standard” has been replaced with “payment standard” and the definition of “payment standard” references the definition of the same term found in 24 CFR Section 982.4. The modification was made so that the City’s definition aligns with the commonly-used definition of payment standard; and
- the proposed ordinance no longer contains a cross reference in Section 20A-30 to Section 20A-4.1 (which prohibits discrimination against holders of housing vouchers in all housing accommodations that benefit from a subsidy approved by the City Council). This modification was made in order to clarify that a developer who receives a mixed income housing development bonus is prohibited from discriminating against holders of housing vouchers; and
- the proposed ordinance contains a pre-application meeting fee of $92.00, a Mixed Income Housing Development Bonus Application Fee of $625.00 and a Mixed Income Housing Development Bonus Monitoring Fee of $3,736.00. In December 2018, the Housing and Neighborhood Revitalization Department received the results of a fee study related to the costs to the City of monitoring developments participating in the mixed income housing program. The study examined the full costs of evaluating developments during the permitting process as well as during the proposed affordability period. The study examined costs related to meeting with developers during the permitting phase, reviewing and approving restrictive covenants and affirmative fair housing marketing plans, reviewing quarterly compliance reports, and conducting onsite inspections and monitoring. The proposed fees allow for full cost recovery.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Zoning Ordinance Advisory Committee (ZOAC) considered an amendment to the Dallas Development Code to allow for mixed income housing development bonuses (formerly referred to as incentive zoning) at 12 public meetings between June 22, 2017 and September 6, 2018, and on September 20, 2018, ZOAC recommended the proposal move to the City Plan Commission. On October 4, 2018, the City Plan Commission (CPC) recommended approval of the amendment.

On November 5, 2018, the Economic Development and Housing Committee (Committee) was briefed on the proposed amendment to the Dallas Development Code to allow for mixed income housing development bonuses along with a proposed amendment to Chapter 20A of the Dallas City Code to create the mixed income housing program. The committee voted to forward both ordinance amendments to the full Council for approval subject to a modification of the affordability period from 15 to 20 years.

On December 12, 2018, the City Council referred the item back to the Committee for further consideration after receiving proposed changes to the Development Code and Chapter 20A amendments from The Real Estate Council (TREC), Legal Aid of North West Texas (LANWT), and the Inclusive Communities Project (ICP) by Resolution No. 18-1391.

The Economic Development and Housing Committee was briefed regarding this item on February 4, 2019.

powered by Legistar™

FISCAL INFORMATION

Estimated Revenue: $22,447.00

Program Requirement	Fee
Pre-application meeting	$ 92.00
Initial first year activities (including receiving a development bonus, filing the mixed-income restrictive covenant, and initial leasing)	$ 625.00
Compliance monitoring during affordability period	$3,736.00

2-25-19

ORDINANCE NO. _____

An ordinance amending Chapter 20A, "Fair Housing," of the Dallas City Code by adding Article II, "Mixed-Income Housing"; providing regulations for a mixed-income housing program; providing a penalty not to exceed $500; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

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

SECTION 1. That Chapter 20A, "Fair Housing," of the Dallas City Code is amended by adding a new Article II, "Mixed-Income Housing," to read as follows:

"**Article II Mixed-Income Housing.**

SEC. 20A-22. PURPOSE.

This article is adopted to implement the provisions and goals of the comprehensive housing policy, affirmatively further fair housing, create and maintain available and affordable housing throughout Dallas, promote greater fair housing choices, and overcome patterns of segregation and concentrations of poverty.

SEC. 20A-23. APPLICABILITY.

This article applies to developments seeking a development bonus under Division 51A-4.1100 and other properties enrolled in a mixed-income housing program.

SEC. 20A-24. DEFINITIONS AND INTERPRETATIONS.

(a) Definitions. In this article:

(1) ADJUSTED INCOME has the definition assigned to that term in 24 CFR §5.611, as amended.

(2) AFFIRMATIVE FAIR HOUSING MARKETING PLAN means a marketing strategy designed to attract renters of all majority and minority groups, regardless of race, color, religion, sex, disability, familial status, or national origin.

(3) AFFORDABLE RENT means: (i) a monthly rental housing payment, less an allowance for utilities, that does not exceed 30 percent of an eligible household's adjusted income divided by 12, or (ii) the voucher payment standard.

(4) ANNUAL INCOME has the definition assigned to that term in 24 CFR §5.609, as amended.

(5) APPLICANT means a household applying to lease a reserved dwelling unit.

(6) AREA MEDIAN FAMILY INCOME ("AMFI") means the median income for the Dallas, TX HUD Metro Fair Market Rent Area, adjusted for family size, as determined annually by the Department of Housing and Urban Development.

(7) DEPARTMENT means the housing and neighborhood revitalization department as designated by the city manager to enforce and administer this article and includes representatives, agents, or department employees designated by the director.

(8) DEVELOPMENT means the structure or structures located on the Property receiving a development bonus.

(9) DEVELOPMENT BONUS means yard, lot, and space bonuses that can be obtained by meeting the requirements in this division and Chapter 51A.

(10) DEVELOPMENT BONUS RESTRICTIVE COVENANT means a covenant running with the land that meets the requirements of this chapter.

(11) DIRECTOR means the director of the department of housing and neighborhood revitalization.

(12) ELIGIBLE HOUSEHOLDS means households with an adjusted income within the required income band or voucher holders, regardless of income.

(13) FAMILY means family as defined in 24 CFR §5.403, as amended.

DRAFT

(14) HANDBOOK means the HUD Handbook 4350.3: Occupancy Requirements of Subsidized Multifamily Housing Programs, as periodically revised and published by HUD.

(15) HUD means the United States Department of Housing and Urban Development.

(16) INCOME means income as defined by 24 CFR §5.609.

(17) INCOME BAND means the range of household adjusted incomes between a pre-determined upper limit and a pre-determined lower limit generally stated in terms of a percentage of area median family income adjusted for family size.

(17) MARKET VALUE ANALYSIS ("MVA") means the most recent official study that was commissioned by and prepared for the city to assist residents and policy-makers to understand the elements of their local residential real estate markets.

(18) MIXED-INCOME HOUSING PROGRAM means a program administered by the department in which each owner using a development bonus participates.

(19) MIXED-INCOME HOUSING RESTRICTIVE COVENANT means the instrument securing the terms and enforcement of this division.

(20) OPTIONAL AMENITIES means services or features that are not included in the monthly rent, including access to premium parking and concierge services, among other services.

(21) OWNER means the entity or person who owns the development or Property during the rental affordability period, including the owner's employees, agents, or contractors.

(22) PROPERTY means the land and all improvements as more particularly described in the mixed-income restrictive covenant.

(23) RENTAL AFFORDABILITY PERIOD means the period that the reserved dwelling units may only be leased to and occupied by eligible households.

(24) RESERVED DWELLING UNIT means the rental units in a development available to be leased to and occupied by eligible households, or which are currently leased to and occupied by eligible households and are leased at affordable rental rates.

(25) UNIT TYPE means the kind of unit broken out by number of bedrooms in the unit, or, if the unit is a specialty unit, a description of the type of specialty unit, such as efficiency, one bedroom, two bedroom, loft, penthouse, etc.

(26) UTILITY ALLOWANCE means the reasonable allowance for tenant-furnished utilities and other services as published annually by the Dallas Housing Authority.

(27) VOUCHER HOLDER means a holder of a housing voucher, including vouchers directly or indirectly funded by the federal, state, or local government.

(28) VOUCHER PAYMENT STANDARD means the maximum monthly assistance payment for a family assisted in the voucher program (before deducting the total tenant payment by the family).

(b) Interpretations. For uses or terms found in Chapter 51, the regulations in Section 51A-4.702(a)(6)(C) apply in this division.

SEC. 20A-25. MARKET VALUE ANALYSIS CATEGORY AND RESERVED DWELLING UNIT VERIFICATIONS.

(a) In general. An owner shall obtain a market value analysis ("MVA") category verification and shall sign a form provided by the department acknowledging receipt of information regarding the minimum and maximum percentage of reserved dwelling units for that category, if applicable, as a precondition to participating in the mixed-income housing program.

(b) Reserved dwelling unit verification. A development using a mixed-income development bonus in Division 51A-4.1100 may reserve no more than 50 percent of the dwelling units in each development for households at or below 80 percent of Area Median Family Income. This maximum percentage of reserved dwelling units may be waived for developments that are enrolled in a program administered by the Department of Housing and Neighborhood Revitalization and authorized by the city council that furthers the public purposes of the city's housing policy and affirmatively furthers fair housing.

(c) Procedure for obtaining a market value analysis category and reserved dwelling unit verification.

(1) An owner shall attend an in-person meeting with the director to review the terms of the mixed-income housing program, including the MVA category and reserved dwelling unit verification.

(2) Before the meeting, the owner shall disclose the following information on a form provided by the director:

(A) the legal description and address of the property;

(B) any restrictive covenants or contracts that will require the owner to lease dwelling units at a specific rent for a specific term of years, along with the number of units; and

(C) any other information determined by the director to be necessary to aid in the determination of whether the owner is eligible to participate in the mixed-income housing program.

(3) At the close of the meeting, the director shall sign and date the MVA category verification and the owner shall sign and date the reserved dwelling unit verification for the Property. Copies of the signed verifications will be provided to the owner.

(d) Expiration of market value analysis category and reserved dwelling unit verifications. MVA category and reserved dwelling unit verifications expire one year after the date of issuance if the owner has not filed a mixed-income restrictive covenant in the real property records related to the property for which the MVA category and reserved dwelling unit verifications were issued and made reasonable progress, as defined in Section 311.3 of Chapter 52 of the Dallas City Code on the Property that will be subject to the mixed-income restrictive covenant.

SEC. 20A-26. MIXED-INCOME RESTRICTIVE COVENANT.

(a) In general. A mixed-income restrictive covenant must be executed and recorded in accordance with this section on a form provided by the city. The instrument must:

(1) be signed by all owners of the Property;

(2) be signed by all lienholders, other than taxing entities, having an interest in the Property;

(3) contain a legal description of the Property;

(4) specify the number of any required reserved dwelling units and the income band applicable to each unit;

(5) be a covenant running with the land;

(6) be for a term of 20 years with five-year auto renewals unless terminated by a subsequent written instrument;

(7) state that all signatories agree to defend, indemnify, and hold harmless the City of Dallas from and against all claims or liabilities arising out of or in connection with the instrument;

(8) state that it may only be amended or terminated by a subsequent written instrument that is:

(A) signed by all owners of the Property and all lienholders, other than taxing entities;

(B) approved by the director;

(C) approved as to form by the city attorney; and

(D) recorded and made a part of the deed records of the county or counties in which the Property is located;

(9) state that the owner agrees to comply with all the requirements of this article, including the submission of quarterly unit status reports, maintaining the development in compliance with the city's health and safety ordinances, full cooperation with any audits and inspections conducted pursuant to the mixed-income housing program including providing access to all records required to be maintained in accordance with this article and allowing the physical inspection of the property, compliance with the city's Mixed-Income Housing Program Manual maintained by the Department of Housing and Neighborhood Revitalization, and continued compliance with maintenance of the physical attributes of the property in accordance with this article;

(10) state that the owner agrees to maintain the property in compliance with all federal, state, and local health and safety regulations;

(11) state that the owner agrees to notify the city within 30 days of any change in ownership, default, foreclosure, or bankruptcy;

(12) state that it may be enforced by the City of Dallas;

(13) state that it shall be governed by the laws of the State of Texas; and

(14) be approved by the director and be approved as to form by city attorney.

(b) Commencement and termination of rental affordability period. The rental affordability period begins on the date the first reserved dwelling unit is occupied by an eligible household and continues until the expiration of the term of years stated in the mixed-income restrictive covenant, unless the term has been tolled and extended due to the owner's substantial noncompliance with the mixed-income housing program.

(c) Instrument to be recorded. A true and correct copy of the fully executed mixed-income restrictive covenant must be recorded in the deed records of the county or counties in which the property is located. The instrument will not be considered effective until it is recorded in the deed records in accordance with this article and a recorded copy of the instrument is filed with the director.

(d) Amendment of instrument. A recorded mixed-income restrictive covenant may be amended to adjust the number of reserved dwelling units in a development.

SEC. 20A-27. ADMINISTRATION OF THE MIXED-INCOME HOUSING PROGRAM.

(a) Compliance with the handbook. Except as provided in this subsection, the intent of the mixed-income housing program is that the owner shall conduct eligibility determinations in accordance with the handbook.

(b) Exceptions. The following mandatory items in the handbook do not apply to the mixed-income housing program:

(1) inquiries regarding or documentation of the immigration status of an applicant or eligible household;

(2) use of HUD forms, unless specifically required in this division;

(3) compliance with HUD requirements that are specific to a HUD program and are not generally-applicable; and

(4) use of the Enterprise Income Verification (EIV) system.

(c) Eligibility determinations in general. An owner shall determine whether an applicant is eligible to lease and occupy a reserved dwelling unit before approving the applicant for tenancy and thereeafter on an annual basis.

(d) Eligibility determination prior to approving an applicant for tenancy. An owner shall determine:

(1) family size in accordance with the handbook;

(2) annual income and adjusted income in accordance with the handbook and 24 CFR Part 5;

(3) whether the applicant's adjusted income is within the income bands applicable to the reserved dwelling units in the property; and

(4) if the applicant's adjusted income is within the income bands applicable to the reserved dwelling units in the property, whether there are any reserved units at the property that are currently available for lease to and occupancy by an applicant and are dwelling units of adequate size, per the owner's general occupancy standards that must:

(A) take into account all persons residing in the household and follow the guidelines set forth in the handbook and in accordance with the Fair Housing Act;

(B) prevent both over-occupancy and under-occupancy of units. In general, a two-person per bedroom standard is appropriate; and

DRAFT

(C) take into account the specific size of bedrooms and units, configuration of the unit, and age of children who may be occupying the unit (if any), among other factors.

(d) Determination of family size. An owner shall use the broad definition of family as defined in 24 CFR §5.403 and may not engage in any discriminatory housing practices as defined in Section 20A-4 of this chapter.

(e) Income limits. The department will annually publish income limits to be used in determining an applicant's eligibility to lease a reserved dwelling unit or a household's eligibility to renew the lease on a reserved dwelling unit. The department shall use the income limits published annually by HUD for the Dallas, TX HUD Metro Fair Market Rent Area, adjusted for family size, as the basis for the department's income limits.

(f) Income bands. An owner shall ensure that reserved dwelling units are only leased to and occupied by eligible households in accordance with the development bonus restrictive covenant. For the mixed-income housing program, units must be reserved for families with adjusted annual incomes within the following bands, except that voucher holders may be selected to occupy any reserved dwelling unit:

(1) Income band 1: 81-100 percent of AMFI;

(2) Income band 2: 61-80 percent of AMFI; and

(3) Income band 3: 51-60 percent of AMFI.

Eligible households making less than the minimum AMFI for a particular income band may be counted as a higher income band provided that they are charged an affordable rent.

(g) Affordable rents.

(1) An owner shall ensure that an affordable rent is charged to eligible households occupying reserved dwelling units.

(2) An owner is responsible for calculating the affordable rent before approving the applicant for tenancy and on an annual basis based on the eligible household's adjusted income reported during the annual certification.

(A) After completing the annual eligibility certification process, the owner shall adjust the rent upwards or downwards so that it remains an affordable rent.

(B) An owner shall provide a minimum of 30 days written notice to the eligible household before a rent change. The notice must include a summary of how the change was calculated.

DRAFT

(3) The calculated rent must include all monthly charges or fees that are mandatory for all tenants but does not need to include charges or fees for optional amenities. The owner may not impose expenses or fees that are applicable only to reserved dwelling units.

(h) Annual certification of eligibility. An owner shall conduct an annual certification of household income and composition for each eligible household as follows:

(1) Except as provided in this paragraph, eligible households leasing reserved dwelling units may satisfy the annual certification process by self-certifying their eligibility using a form provided by the director. For reserved dwelling units subject to Subsection (i)(2), this paragraph does not apply.

(2) Every six years during the property's affordability period, the owner shall conduct the annual certification of each eligible household leasing a reserved dwelling unit in accordance with Subsection (c), regardless of the number of years the eligible household has leased a reserved dwelling unit.

(3) Annual certification must be completed at least 30 days before the annual anniversary of the initial lease date.

(4) An owner shall send at least one written notice to the eligible household at least 90 days in advance of the annual anniversary of the initial lease date requesting all information needed to conduct the annual certification in compliance with this division.

(5) An owner shall not conduct a certification on less than an annual basis unless requested to do so by an eligible household. An owner shall conduct the interim certification in the same manner as conducting an annual certification. An owner may charge a reasonable fee to cover the administrative costs associated with conducting an interim certification.

(6) If an owner fails to complete the annual certification within 120 days of the lease anniversary date, the reserved dwelling unit will be considered out of compliance and the mixed-income restrictive covenant term will be extended for the period of non-compliance. The non-compliance can be cured by completing the annual certification or designating another unit as a reserved dwelling unit and leasing it to an eligible household.

(i) Over- and under-income eligible households. This subsection is intended to provide a reasonable time period for eligible households and owners to respond to an eligible household's changing economic circumstances.

(1) If an eligible household's adjusted income at the annual certification exceeds the highest income for which the unit is reserved, the unit remains in compliance until the next annual certification so long as the owner continues to charge an affordable rent.

(2) If an eligible household's adjusted income at the annual certification falls below the lowest income for which the unit is reserved, an owner shall provide written notice to the director so that the director can determine whether the eligible household is eligible for any

available subsidies. The unit remains in compliance until the next annual certification so long as the owner continues to charge a rent amount that does not exceed the prior year's affordable rent.

(3) If an eligible household's adjusted income either exceeds the highest income for which the reserved dwelling unit is reserved or falls below the lowest income for which the reserved dwelling unit is reserved at a consecutive annual recertification:

(A) the owner may begin charging the household market rate rents and the unit is no longer a reserved dwelling unit. The next comparably sized unit to become available will be deemed a reserved dwelling unit; or

(B) if the owner is required to provide reserved dwelling units to more than one income band and the eligible household's adjusted income falls within the income band for an alternative reserved dwelling unit, the owner may allow the household to lease an alternative reserved dwelling unit, if available or the owner may re-designate the eligible household's current reserved dwelling unit to the appropriate income band.

(j) Additional requirements and prohibitions.

(1) The reserved dwelling unit for which an applicant is applying to lease, or for which an eligible household leases, must be the applicant's or eligible household's only residence.

(2) An owner may not allow an eligible household to sublease or otherwise accept compensation for allowing a person or persons who are not documented members of the eligible household, pursuant to the owner's lease agreement with the eligible household, to occupy a reserved dwelling unit, regardless of the terms or length of the occupancy.

(3) Any financial assistance that a student receives under the Higher Education Act of 1965, from private sources, or from an institution of higher education that is in excess of the amounts received for tuition shall be included in annual income, except if the student will live with his or her parents and his or her parents are voucher holders.

SEC. 20A-28. TENANT SELECTION AND OTHER WRITTEN POLICIES.

(a) Tenant selection and other policies should:

(1) be reasonably related to the mixed-income housing program eligibility criteria and the applicant's ability to perform the obligations of the lease;

(2) provide for the selection of tenants from a written waiting list in the chronological order of their application, insofar as is practicable;

(3) give prompt written notification to any rejected applicant stating the grounds for the rejection; and

(4) be consistent with this article.

(b) Owners shall create the following written policies and retain written records related to the following policies:

(1) reasonable accommodations;

(2) affirmative marketing;

(3) applicant screening criteria;

(4) tenant selection criteria;

(5) policies for opening and closing the waiting list;

(6) waiting list preferences, if any;

(7) procedures for rejecting ineligible tenants;

(8) occupancy standards;

(9) non-renewal and termination notices; and

(10) unit transfers.

SEC. 20A-29. APPLICANT AND ELIGIBLE HOUSEHOLD RESPONSIBILITIES.

(a) Applicants and eligible households who lease a reserved dwelling unit shall timely provide the owner all documents and information required by this article to be used to determine income, adjusted income, and family size.

(b) An eligible household who is leasing a reserved dwelling unit at the time the director conducts an audit, upon written request by the director, shall timely provide the director with all documents and information required by this article to be used to determine annual income, adjusted income, and family size.

(c) An eligible household's failure to timely provide requested information and documents to the owner or director upon written request does not constitute an offense. However, if the director is unable to verify that the household is an eligible household, the reserved dwelling unit may be deemed non-compliant and the owner is no longer required by this ordinance to charge an affordable rent. The non-compliance can be cured by completing and providing any required documentation to the director.

SEC. 20A-30. NON-DISCRIMINATION.

An owner shall not discriminate against holders of housing vouchers, including vouchers directly or indirectly funded by the federal government.

SEC. 20A-31. COMPLIANCE, REPORTING, AND RECORDKEEPING.

(a) In general. An owner must comply with the city's mixed-income housing policy during the term of the mixed-income restrictive covenant.

(b) Use of forms. If the director publishes mandatory forms to be used in the mixed-income housing program, which may be amended from time to time, the owner shall use those forms. The director may also publish non-mandatory forms that an owner may use.

(c) Management policies. An owner is responsible for ensuring that his or her employees and agents, including third-party management companies, are aware of and comply with the development bonus restrictive covenant and the mixed-income housing program.

(d) Recordkeeping.

(1) An owner shall maintain documentation including, but not limited to, applications, waitlists, first-hand or third-party verification of income and assets, leases for reserved dwelling units, and rents and any fees charged for reserved dwelling units.

(2) An owner shall maintain all required documentation in the eligible household's file at the development or maintain the documentation in an electronic format as long as the documentation can be accessed by onsite employees and provided in a timely fashion to the director upon request.

(3) An owner shall maintain documentation of all income verification efforts and household composition reviews throughout the term of each eligible household's tenancy and for at least three years after the eligible household moves out.

(e) Quarterly status reports. An owner shall submit quarterly status reports on a form provided by the director, as described below, in January, April, July, and October on or before the 10th day of the month. The report must include:

(1) the total number of dwelling units on the property;

(2) the total number of reserved dwelling units on the property;

(3) a list of all reserved dwelling units on the property, identified by unit number and unit type;

(4) for each reserved dwelling unit:

(A) the applicable income bands;

(B) the current affordable rent, utility allowance, and any fees charged;

(C) the occupancy status as of the last day of the previous month for the reporting period. For example, the report due October 10th should report occupancy as of September 30th of the same year;

(D) the adjusted income of the eligible household leasing and occupying the unit; and

(E) the most recent eligibility date for the eligible household leasing and occupying the unit;

(5) a signed statement by the owner acknowledging compliance with this division; and

(6) any other information requested by the director that is reasonably related to the mixed-income housing program.

(f) First and final quarterly status reports. An owner shall submit:

(1) the first quarterly status report before the 10th day of the month following the end of the first quarter in which the affordability period began; and

(2) the final quarterly status report on the 20th anniversary of the beginning of the rental affordability period, or a date determined by the director due to the tolling of and extension of the rental affordability period. The director shall verify that the owner has completed all applicable requirements of this division. If all requirements are completed the director shall sign the submitted final quarterly status report before it is filed with the building official.

(g) Affirmative fair housing marketing plan.

(1) Before an eligible household leases and occupies a reserved dwelling unit, an owner shall create an affirmative fair housing marketing plan and shall follow the affirmative fair housing marketing plan at all times during the rental affordability period.

(2) The affirmative fair housing marketing plan shall be in writing and shall be submitted to and receive written approval from the director at least 30 days before an owner starts marketing a unit in the property for initial occupancy.

(3) The affirmative fair housing marketing plan must describe the advertising, outreach, community contacts, and other marketing activities that inform potential renters of the existence of the reserved dwelling units.

(4) The director shall approve or deny the affirmative fair housing marketing plan within 60 days after a complete plan is submitted to the director.

(A) Approval. The director shall approve the affirmative fair housing marketing plan if it complies with the requirements of this division.

(B) Denial. The director shall deny the affirmative fair housing marketing plan if it does not comply with this division. If the director denies the affirmative fair housing marketing plan, he or she shall state in writing the specific reasons for denial. If denied, the owner shall immediately submit a new affirmative fair housing marketing plan.

(h) Audit and inspection.

(1) Any report, policy, or procedure that is required to be created and maintained by this article may be reviewed and audited by the director. An owner shall provide the director with all documentation necessary for the director to verify the accuracy of the information included in the report, policy, or procedure.

(2) The director may also randomly, regularly, and periodically select a sample of tenants occupying reserved dwelling units for the purpose of income verification. Any information received pursuant to this subsection is confidential and may only be used for the purpose of verifying income to determine eligibility for occupancy of the reserved dwelling units.

(i) Consent to substitute.

(1) For properties with three-bedroom or larger dwelling units, if an owner cannot locate eligible households to lease three-bedroom or larger dwelling units, and if the director is satisfied that the owner has made best efforts to lease the three bedroom or larger dwelling units, if applicable, including full compliance with the affirmative fair housing marketing plan, with written consent from the director, an owner may from time to time substitute on a two-for-one basis additional two bedroom dwelling units and/or on a three-to-one basis additional one bedroom dwelling units to meet the pro rata distribution requirements described in Section 51A-4.1106(f).

(2) Before granting written consent, the director shall review and approve an amended affirmative fair housing marketing plan detailing how the owner will target marketing to larger households who could qualify to lease the three-bedroom dwelling units (and larger dwelling units, if applicable). The director's written consent must include a time period during which the agreed-upon substitutions satisfy the pro rata distribution requirements.

DRAFT

SEC. 20A-32. VIOLATIONS, CORRECTIVE ACTION PERIOD, AND PENALTY.

(a) In general. An owner who fails to take an action required by this article or who takes an action prohibited by this division commits an offense.

(b) Form of notice. The director shall give an owner written notice any time the director determines that an owner is not in compliance with the mixed-income housing program or the mixed-income restrictive covenants.

(c) Corrective action period and extensions of mixed-income restrictive covenants.

(1) For a violation other than a violation that poses an imminent hazard or threat to health and safety, the director shall provide written notice of a 30-day corrective action period for failure to file a quarterly unit status report and a 90 day corrective action period for other violations.

(2) During the corrective action period, an owner will have the opportunity to show that either the owner or the property was never in noncompliance or that the event of noncompliance has been corrected. Sufficient documentation of correction must be received by the director during the corrective action period for an event to be considered corrected during the corrective action period.

(3) For a violation other than a violation that poses an imminent hazard or threat to health and safety, and only for good cause, the director may extend the corrective action period for up to three months from the date of the notice to the owner.

(4) If an owner fails to resolve all violations of this article during the corrective action period, the director may issue citations, seek relief provided in the deed restrictions, extend the mixed-income restrictive covenants term for the period equal to a term of non-compliance, and take any other actions allowed by law.

SEC. 20A-33. FEES.

Program Requirement	**Fee**
Pre-application meeting	$92.00
Initial first year activities (including receiving a development bonus, filing the mixed-income restrictive covenant, and initial leasing.)	$625.00
Compliance monitoring during affordability period	$3,736.00

SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed $500.

SECTION 3. That Chapter 20A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. 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 5. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

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

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, Interim City Attorney

By_____
Assistant City Attorney

Passed_____

DRAFT

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-306 **Item #:** 28.

STRATEGIC PRIORITY: Human and Social Needs

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Community Care

EXECUTIVE: Nadia Chandler-Hardy

SUBJECT

Authorize the City Manager and the Office of Community Care/Management Services to accept a donation of a permanent “pop-up” produce stand with built-in refrigeration located at the Martin Luther King, Jr. Community Center with a value of up to $70,000.00 from Leadership Dallas to address the food desert issues in South Dallas through greater integration and expansion of current resources - Financing: No cost consideration to the City

BACKGROUND

The proposed Project has multiple components intentionally organized to allow scalability to best match the Leadership Dallas 19 class expectations and to provide flexibility in the event financial, timeline, or regulatory issues arise. The goal with each component is to address the food desert issues in South Dallas through greater integration and expansion of current resources, through improved awareness of resources within the community, and through increasing community knowledge around nutrition and healthy food preparation.

The components are: 1) enhancing direct community access to fresh produce by constructing a permanent, “popup” produce stand with built-in refrigeration; 2) raising awareness and providing education to the community about these available, healthy, resources through a single-day, activity-based, celebratory event to be held at the Martin Luther King, Jr. Community Center (MLKCC); 3) expanding the MLKCC’s existing Freedom Garden and Beautification Project (painting/commissioning a MLKCC mural on a storage shipping container on site). Though limited in size and scope, the MLKCC currently has a Freedom Garden and Seedling Farm that is open to the public to serve as a backdrop for gardening based educational activities, as a location where community members can grow their own vegetables and plants on MLKCC grounds, and as a farm for seedlings available for free pickup by community members wishing to establish their own personal gardens; and 4) increasing available supply of locally sourced, fresh produce and dairy by constructing a walk-in refrigeration unit at Bonton Farms’ existing property.

powered by Legistar™

This proposed Project aims to improve access to healthy food options in South Dallas neighborhoods designated as Food and Drug Administration (FDA) 'food deserts' through the connection and enhancement of a local community center and urban farm. Because of the complex, multi-faceted nature of the healthy food access issues that face 1/5th of the residents of our city, this project suggests partnership with multiple organizations to increase the Project's impact and longevity.

This Project aims to 1) increase the available supply of fresh produce within an identified FDA food desert; 2) provide awareness and educational opportunities within the community relative to healthy, fresh foods - how to get it, how to cook with it, and how to grow it yourself; 3) increase the capacity of an established urban farm to store and share its food supply; and 4) improve the community.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Human and Social Needs Committee on March 18, 2019.

FISCAL INFORMATION

No cost consideration to the City.

powered by Legistar™

March 27, 2019

WHEREAS, there is a need to increase the available supply of fresh produce within an identified Food and Drug Administration (FDA) food desert, and to provide awareness and educational opportunities within the community relative to healthy, fresh foods; and

WHEREAS, to improve access to healthy food options in South Dallas neighborhoods designated as FDA 'food deserts' through the connection and enhancement of a local community center and urban farm.

Now, Therefore,

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

SECTION 1. That the City Manager and the Office of Community Care/Management Services are hereby authorized to accept a donation of a permanent "pop-up" produce stand with built-in refrigeration located at the Martin Luther King, Jr. Community Center with a value of up to $70,000.00 from Leadership Dallas to address the food desert issues in South Dallas through greater integration and expansion of current resources, approved as to form by the City Attorney.

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

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 18-1404 **Item #:** 29.

STRATEGIC PRIORITY: Human and Social Needs

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Community Care

EXECUTIVE: Nadia Chandler-Hardy

SUBJECT

Authorize **(1)** the acceptance of a grant from the U.S. Department of Transportation passed through the North Central Texas Council of Governments for the Enhanced Mobility of Seniors and Individuals with Disabilities Program (Grant No. TX-2017-073-01, CFDA 20.513) in the amount of $418,184.00 for the City of Dallas Senior Medical Transportation Program Project to expand current transportation services to include wellness trips, increase the number of trips, and make possible medical trips outside city limits for low-to-moderate-income seniors for the period February 13, 2019 through April 20, 2022; **(2)** the establishment of appropriations in the amount of $418,184.00 in the Enhanced Mobility of Seniors and Individuals with Disabilities Program 17-22 Fund; **(3)** the receipt and deposit of grant funds for reimbursement in the amount of $418,184.00 in the Enhanced Mobility of Seniors and Individuals with Disabilities Program 17-22 Fund; **(4)** a required local match in the amount of $418,184.00 from the General Fund; and **(5)** execution of the Interlocal Cooperative Agreement and all terms, conditions, and documents required by the grant agreement - Total amount $836,368.00 - Financing: Enhanced Mobility of Seniors and Individuals with Disabilities Program Grant Funds ($418,184.00) and General Fund ($418,184.00)

BACKGROUND

The City of Dallas Senior Medical Transportation Program provides transportation services to medical appointments for low-to-moderate-income seniors who are 60 years of age and older that reside within the city of Dallas. The program has historically provided transportation services to seniors by contracting with a transportation services provider. The City of Dallas is expanding these services to include a variety of transportation services, including program application support, referrals and service navigation, and transportation services for medical services and wellness programs. North Central Texas Council of Governments (NCTCOG) funding will enable the City of Dallas to enhance services to better serve low-to-moderate-income Dallas seniors.

powered by Legistar™

The NCTCOG is a voluntary association of, by and for local governments, and was established to assist local governments in planning for common needs, cooperating for mutual benefit, and coordinating for sound regional development. NCTCOG's purpose is to strengthen both the individual and collective power of local governments and to help them recognize regional opportunities, eliminate unnecessary duplication, and make joint decisions.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Human and Social Needs Committee on March 18, 2019.

FISCAL INFORMATION

Enhanced Mobility of Seniors and Individuals with Disabilities Program Grant Funds - $418,184.00
General Fund - $418,184.00

March 27, 2019

WHEREAS, the City of Dallas Senior Medical Transportation Program will expand its service to include wellness trips, increase the number of trips and make medical trips outside the city limits for low-to-moderate-income seniors; and

WHEREAS, the Regional Transportation Council approved projects for the Enhanced Mobility of Seniors and Individuals with Disabilities Program in the City of Dallas; and

WHEREAS, on October 26, 2017, the North Central Texas Council of Governments (NCTCOG) was authorized by the NCTCOG Executive Board to enter into an agreement with the City of Dallas; and

WHEREAS, the City of Dallas is an eligible subrecipient of the Program and desires to accept the federal funds from the Federal Transit Administration through the NCTCOG.

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 Transportation passed through the North Central Texas Council of Governments for the Enhanced Mobility of Seniors and Individuals with Disabilities Program (Grant No. TX-2017-073-01, CFDA 20.513) in the amount of $418,184.00 for the City of Dallas Senior Medical Transportation Program Project to expand current transportation services to include wellness trips, increase the number of trips, and make possible medical trips outside city limits for low-to-moderate-income seniors for the period February 13, 2019 through April 20, 2022; provide a required local match in the amount up to $418,184.00 over three years; and execute the Interlocal Cooperative Agreement and all terms, conditions, and documents required by the agreement, approved as to form by the City Attorney.

SECTION 2. That the City Manager is hereby authorized to establish appropriations in the amount of $418,184.00 in the Enhanced Mobility of Seniors and Individuals with Disabilities Program 17-22 Fund, Fund F572, Department MGT, Unit 3805, Object 3099.

SECTION 3. That the Chief Financial Officer is hereby authorized to receive and deposit grant funds for reimbursement in the amount of $418,184.00 in the Enhanced Mobility of Seniors and Individuals with Disabilities Program 17-22 Fund, Fund F572, Department MGT, Unit 3805, Revenue Code 6506.

SECTION 4. That the Chief Financial Officer is hereby authorized to disburse funds in the amount of $418,184.00 from the Enhanced Mobility of Seniors and Individuals with Disabilities Program 17-22 Fund, Fund F572, Department MGT, Unit 3805, Object 3099.

SECTION 5. That the Chief Financial Officer is hereby authorized to disburse local match funds in the amount of $418,184.00 from the General Fund, Fund 0001, Department MGT, Units 4305 and 4307, Object 3099.

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

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

SECTION 8. That the City Manager or his designee is authorized to provide additional information, make adjustments, and take other actions related to the implementation of the grant as may be necessary to satisfy the North Central Texas Council on Governments.

SECTION 9. That this contract is designated as Contract No. MGT-2019-00008363.

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

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-304 **Item #:** 30.

STRATEGIC PRIORITY: Human and Social Needs

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Community Care

EXECUTIVE: Nadia Chandler-Hardy

SUBJECT

Authorize Supplemental Agreement No. 4 to extend the service contract with Southern Dallas Link Inc. to continue to administer the Senior Medical Transportation Program by providing transportation services to medical appointments within the city limits for low-to-moderate-income seniors for the period May 1, 2019 through September 30, 2019 - Not to exceed $25,000.00, from $50,000.00 to $75,000.00 - Financing: General Fund

BACKGROUND

On April 26, 2018, Administrative Action No. 18-5721 authorized a three-month service contract with Southern Dallas Link Inc., in an amount not to exceed $24,367.50. The contract began on May 1, 2018 and terminated on July 31, 2018.

On July 23, 2018, Administrative Action No. 18-6256 authorized Supplemental Agreement No. 1 with Southern Dallas Link Inc. to extend the service contract from July 31, 2018 through September 30, 2018 and increase the contract by $9,100.00, from $24,367.50 to $33,467.50.

On September 14, 2018, Administrative Action No. 18-6511 authorized Supplemental Agreement No. 2 with Southern Dallas Link Inc. to extend the service contract from October 1, 2018 through January 31, 2019 and increase the contract by $15,207.00, from $33,467.50 to $48,674.50.

On February 13, 2019, Administrative Action No. 19-5236 authorized Supplemental Agreement No. 3 with Southern Dallas Link Inc. to extend the service contract from February 1, 2019 through April 30, 2019 and increase the contract by $1,325.50, from $48,674.50 to $50,000.00.

The extension of the contract calls for Southern Dallas Link Inc. to continue to provide transportation services for the Senior Medical Transportation Program. The program provides transport services to and from scheduled medical appointments within the city limits for low-to-moderate-income seniors aged 60 and above, who reside within the City of Dallas. Currently there are 2,027 seniors enrolled in the program.

powered by Legistar™

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Human and Social Needs Committee on March 18, 2019.

FISCAL INFORMATION

General Fund - $25,000.00

WHEREAS, on April 26, 2018, Administrative Action No. 18-5721 authorized a three-month service contract with Southern Dallas Link Inc. to provide transport services to and from scheduled medical appointments within the city limits for low-to-moderate-income seniors aged 60 and above, who reside within the city of Dallas for the period May 1, 2018 through July 31, 2018, in an amount not to exceed $24,367.50; and

WHEREAS, on July 23, 2018, Administrative Action No. 18-6256 authorized Supplemental Agreement No. 1 to extend the term of the agreement for three-months from July 31, 2018 to September 30, 2018 and increase the contract amount by $9,100.00, from $24,367.50 to $33,467.50; and

WHEREAS, on September 14, 2018, Administrative Action No. 18-6511 authorized Supplemental Agreement No. 2 to extend the term of the agreement for three-months from October 1, 2018 to January 31, 2019 and increase the amount by $15,207.00, from $33,467.50 to $48,674.50; and

WHEREAS, on February 13, 2019, Administrative Action No. 19-5236 authorized Supplemental Agreement No. 3 to extend the term of the agreement until January 31, 2019 and to increase the contract amount by $1,325.50, from $48,674.50 to $50,000.00.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute Supplemental Agreement No. 4 to extend the service contract with Southern Dallas Link Inc., approved as to form by the City Attorney, to continue to administer the Senior Medical Transportation Program by providing transportation services to and from scheduled medical appointments within the city limits for low-to-moderate-income seniors aged 60 and above, who reside within the city of Dallas, for the period May 1, 2019 through September 30, 2019, in an amount not to exceed $25,000.00, from $50,000.00 to $75,000.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $25,000.00 from General Fund, Fund 0001, Department MGT, Unit 4297, Object 3070, Encumbrance/Contract No. OCC-2019-00009518, Vendor VC18573.

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.

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-342 **Item #:** 31.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Economic Development

EXECUTIVE: T.C. Broadnax

SUBJECT

Authorize a two-year service contract to administer a Workforce Readiness, Placement and Retention Program to provide career pathways training with Oak Cliff Empowered, Inc., in an amount of $374,493.00 the most advantageous proposer of seven - Not to exceed $374,493.00 - Financing: Public/Private Partnership Funds

BACKGROUND

On March 2, 2016, JPMorgan Chase consultants presented to the City Council an overview of the skills gap report, New Skills at Work. According to the report, the City of Dallas (City) has one of the highest concentrations of poverty in the nation. Many residents, especially in high poverty areas throughout the City, are unemployed and/or underemployed, have low skills and lack specific industry skills which prevents them from benefitting from the region's economic growth, and the region has a growing need for middle skilled workers that is not currently being met.

In response to the Chase report, the City's Office of Economic Development developed the Workforce Readiness, Placement and Retention Program.

In May of 2016, and through the Request for Competitive Sealed Proposals (RFCSP) process, the City sought proposals from non-profit entities to provide cohort-based, industry certified, career-pathways training, wrap-around support services, and sustainable employment. The intent of this Workforce Program is to fund an integrated continuum of neighborhood organizations, educational institutions, and employers who can train and prepare low income, targeted groups (formerly incarcerated, out-of-school youth, and single parents) for placement in permanent career opportunities in growing industries within the City of Dallas. Identified industries include healthcare, logistics/warehouse distribution, construction, information technology, and advanced manufacturing.

On May 10, 2017, four awards were made under the 2016 RFCSP for a total of $1.5 million; however, only two organizations, CitySquare and Serve West Dallas remain under contract.

Habitat for Humanity never executed a contract, and Transformance Inc. defaulted under the terms of the agreement; the funds associated with these contracts have been reprogrammed to support this workforce training program cohort.

Serve West Dallas and its collaborating partners, El Centro, Mountain View, Anthem Strong Families, and Baylor, Scott, and White administered a Healthcare Career Pathway training program (Step Forward) and support services for out-of-school youth, ages 18-24. Training consisted of workforce training courses including: patient care tech, electrocardiography, phlebotomy, and lab practicums, and soft skills training, including life skills, and workforce essential skills. Students are also prepared for the successful completion of the State Certification Examination. Program participants are hired by Baylor, Scott, and White and Baylor University Medical Center at an entry-level starting salary of approximately $25,000.00 per year. Students can advance to $35,000.00 per year with on-going career pathway training to middle skill occupations and stackable certifications paid by the employer. Upon placement, students received mentoring, career counseling, and retention follow-up services for six months to one year. Within the past year, 51 students have completed the initial job readiness training, and 28 (with a goal of 45) are now employed with a placement rate of 40%. Twelve of the students have been employed for six months. Ten students have successfully passed their State Certification Exam. The program will train, place, and retain 25 additional individuals, who are currently enrolled in training at El Centro and Mountain View College, within the next four months under the current contract. This will bring the total placed to 53 students.

CitySquare provides a Construction Career Pathway Program (WorkPaths Build4Success) targeted to formerly incarcerated Dallas residents. Program participants (Fellows) participate in an eight-week pre-apprenticeship construction training in trade areas such as welding, electrical, and plumbing, at Northlake Community College. Participants receive training in Work Essential Skills and are provided support services such as bus passes, housing, work clothing and supplies, and other resources. Program participants completing the program are placed with construction companies such as JMEG, LLC, Stephens Pipe and Steel, and Southgate Constructors. Starting wages range from $12.00 to $17.00 per hour. A three-month On-the-Job (OJT) Training Program is underway with HILTI Tools. Individuals who successfully complete the training program are hired permanently starting at $14.00 per hour. CitySquare has trained 113 individuals; 60 have obtained pre-apprenticeship certifications and are permanently employed with a 67% placement rate. Thirty individuals have maintained employment for a minimum of six months. CitySquare will train and place an additional 30 individuals within the next four months.

Both programs will complete their contracts November 2019.

In September of 2018, the City of Dallas (City) issued a RFCSP seeking proposals for additional cohort-based, certificate-earning, career-pathways job training programs ("workforce training program"). The proposals requested a collaborative workforce partnership, including employers, that enables low-skilled, under-employed and/or unemployed Dallas residents to attain gainful employment. The City of Dallas proposed to award funds to two community-based, non-profit organizations to offer a cohort-based, career pathway training, employment, and retention program designed to prepare unemployed and under-employed low-income residents for employment/career opportunities in a regional high demand industry. Low income residents are defined as individuals with household incomes at or less than 80% of the City's median household income (qualifying income would be $36,172.00 or less). The City intended to provide two awards under this solicitation:

powered by Legistar™

one that focuses on a targeted population of the formerly incarcerated and one that serves a general population. The City is prepared to move forward on the general population at this time.

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

- Office of Economic Development (2)
- Office of Budget/Grant Administration (1)
- Office of Equity & Human Rights (1)
- Operations and Performance Administrator (1)
- Office of Procurement Services (1)*

*The Office of Procurement Services only evaluated cost and the Office of Business Diversity evaluated the Business Inclusion and Development Plan.

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

- Capability & Expertise 25%
- Program Budget 30%
- Approach & Methodology 30%
- Business Inclusion & Development Plan 15%

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 2,499 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services 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, the Office of Business Diversity sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

On November 10, 2015, City Council authorized a living wage policy that requires contractors to pay their employees a “living wage” rate as established annually by the Massachusetts Institute of Technology Living Wage Calculator for Dallas County by Resolution No. 15-2141. The current calculated living wage during the solicitation process of this contract is $11.15; the selected vendor meets this requirement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On March 2, 2016, JPMorgan Chase & Co. provided an overview of the skills gap report, New Skills at Work to the City Council.

On June 20, 2016, Office of Economic Development was briefed on the proposed Workforce Readiness, Placement and Retention “Continuum of Service” Pilot Program.

Information regarding the initial workforce cohort referenced in this item was briefed to the Economic Development Committee on April 17, 2017.

On May 10, 2017, City Council authorized $1.5 million for four contracts for the Workforce Readiness, Employment, and Retention Pilot Program by Resolution No. 17-0766.

Information about the initial workforce cohort referenced in this item was briefed to the Economic Development and Housing Committee on January 16, 2018. Recommendations were made to amend contracts.

On February 28, 2018, City Council authorized certain amendments to the contracts for CitySquare and Serve West Dallas for the Workforce Readiness, Placement and Retention Program by Resolution No. 17-0766.

Information about this item will be provided to the Economic Development and Housing Committee on March 18, 2019.

FISCAL INFORMATION

Public/Private Partnership Funds - $374,493.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$374,493.00	Other Services	N/A	N/A	N/A
• The Business Inclusion and Development Plan does not apply to nonprofit organizations.				

PROCUREMENT INFORMATION

Method of Evaluation for Award Type:

Request for Proposal	• Utilized for professional, personal, revenue, and planning services • Recommended offeror is the responsible offeror whose proposal most closely meets established criteria for the services advertised, based on demonstrated competence and qualifications at a fair and reasonable price • Always involves the evaluation by committee • Allows for negotiation on contract terms, including price

The Office of Procurement Services received the following proposals from solicitation number BTZ1825. We opened them on October 19, 2018. We recommend the City Council award this service contract to the most advantageous proposer by group. Information related to this solicitation is available upon request.

*Denotes successful proposer

General Population

Bidder	Address	Score
Oak Cliff Empowered, Inc	1001 North Bishop Dallas, Texas 75208	92.60
Goodwill Industries of Dallas, Inc.	3020 North Westmoreland Road Dallas, Texas 75212	79.80
Vickery Meadow Learning Center dba Literacy Achieves	4144 North Central Expressway Dallas, Texas 75204	68.00
Community Council of Greater Dallas	1341 West Mockingbird Lane Dallas, Texas 75247	62.40
Year UP-DallasFort Worth	701 Elm Street Dallas, Texas 75202	59.60
Zan W. Holmes Jr. Community Outreach Center	2606 Martin Luther King Jr. Boulevard Dallas, Texas 75215	57.80
The Avenue Proactive Resource Center	3010 Morgan Drive Dallas, Texas 75241	42.20

The recommended vendor is Oak Cliff Empowered, Inc. Oak Cliff Works, a program of Oak Cliff Empowered, Inc. the nonprofit arm of the Oak Cliff Chamber of Commerce, provides a career pathway training in the healthcare industry.

Program collaborative partners, Dallas County Community College District and Methodist Health System, will provide a 22-week Patient Care Technician training and other stackable credentials leading to a nationally recognized PCT certification. Unemployed and underemployed (of which 50% will be single-parents or between ages of 18-24) Dallas residents will participate in the industry-specific training and receive other support services such as childcare, transportation assistance, financial literacy and work supplies and uniforms. Program participants receive intensive case management through-out the training program and up to one-year post-employment. A minimum of 53 individuals will complete training and achieve a career pathway opportunity with a healthcare provider.

OWNER

Oak Cliff Empowered, Inc.

Kiyundra Gulley, President and Chief Executive Officer

March 27, 2019

WHEREAS, on May 10, 2017, City Council authorized a pilot program and funding for four contracts under the Workforce Readiness, Placement, and Retention Program in an amount not to exceed $1.5 million to provide career pathways training for the unemployed and underemployed residents in the City of Dallas by Resolution No. 17-0766; and

WHEREAS, on February 28, 2018, the recommended amendments were approved by the City Manager and remain consistent with the overall mission of the Program and the purpose is to increase Program effectiveness and increase Program participation; and

WHEREAS, Habitat for Humanity declined their contract and Transformance, Inc. contract was terminated, leaving two agencies under contract from the original four awardees; and

WHEREAS, the City of Dallas will provide up to $374,493.00 of remaining program city funds to a community-based, non-profit organization to offer cohort-based, career pathway training, employment, and retention programs designed to prepare unemployed and under-employed low income residents for employment/career opportunities in regionally high demand industries.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute a two-year service contract with Oak Cliff Empowered, Inc., approved as to the form by the City Attorney, to administer a Workforce Readiness, Placement and Retention Program to provide career pathways training, in an amount not to exceed $374,493.00, as defined in the Request for Competitive Sealed Proposals.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $374,493.00 to Oak Cliff Empowered, Inc. from Public/Private Partnership Fund, Fund 0352, Department ECO, Unit W178, Object 3072, Activity PPPF, Service Contract No. ECO-2019-00009251, Vendor VC19382.

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.

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-343 **Item #:** 32.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): 2, 14

DEPARTMENT: Office of Economic Development

EXECUTIVE: T.C. Broadnax

SUBJECT

Authorize the first amendment to the development agreement with Supreme Bright Dallas II, LLC, Supreme Bright Dallas Parking, LLC and 1712 Commerce TIF, Inc., (collectively, the "Developer") for the 1712 Commerce Street Redevelopment Project in the Downtown Connection TIF District, authorized by Resolution No. 15-0987, previously approved on May 27, 2015 to: **(1)** extend the certificate of occupancy and project completion deadlines for the project from January 1, 2018, to July 1, 2019; and **(2)** as consideration for the requested amendment, increase the minimum private investment for the project from $42,000,000.00 to $43,500,000.00 - Financing: No cost consideration to the City

BACKGROUND

On May 27, 2015, City Council authorized a development agreement, between the City of Dallas ("City") and Developer and committed a TIF subsidy in the amount of $10,500,000.00 for the 1712 Commerce Street Redevelopment Project by Resolution No. 15-0987. The project included converting the 1712 Commerce building into a dual-branded hotel with 244 rooms (Residence Inn 121 rooms; AC Hotel by Marriott 123 rooms). The hotel opened October 12, 2017. Construction of a parking garage to support the 1712 Commerce building and 1700 Commerce building (also owned by the Developer) was a material component of the TIF project.

On September 27, 2017, an unidentified individual set fire to the parking garage under construction. The fire lasted over an hour causing extensive damage to the garage. Specialized testing was required to determine the extent of damage to the concrete structure that had been completed and how much of the structure would have to be demolished and reconstructed. Testing was completed and a report outlining the remediation process was issued January 26, 2018. The report required demolition and reconstruction of two floors of the garage and additional repairs to be completed after the steel and concrete construction of all floors is complete. After receiving the report, the Developer re-negotiated the principal construction contracts for the project and re-construction commenced on April 1, 2018. Demolition of damaged areas was completed on September 30, 2018. The Developer anticipates completing construction by July of 2019.

As a result of the fire, completion of the garage was delayed significantly and the Developer has requested an extension of the project's completion deadlines from January 1, 2018 to July 1, 2019. As consideration for the extension request, the Developer has agreed to increase the minimum private investment for the project from $42,000,000.00 to $43,500,000.00.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 27, 2015, City Council authorized a development agreement with Supreme Bright Dallas II, LLC, Supreme Bright Dallas parking, LLC and 1712 Commerce TIF, Inc. to reimburse eligible project costs related to environmental remediation, demolition, street/utility improvements and façade improvements associated with the 1712 Commerce Street Redevelopment Poject located at 1712 Commerce Street in an amount not to exceed $4,800,000.00 and an Economic Development TIF Grant in an amount not to exceed $5,700,000.00, for a total TIF incentive not to exceed $10,500,000.00 from revenues accruing to Tax Increment Financing Reinvestment Zone Eleven (Downtown Connection TIF District) by Resolution No. 15-0987.

On December 13, 2018, the Downtown Connection TIF District Board of Directors recommended approval of an amendment of the development agreement with Supreme Bright Dallas II, LLC, Supreme Bright Dallas Parking, LLC and 1712 Commerce TIF, Inc., for the 1712 Commerce Street Redevelopment Project in the Downtown Connection TIF District, authorized by Resolution No. 15-0987, previously approved on May 27, 2015 to: (1) extend the certificate of occupancy and project completion deadlines for the project from January 1, 2018, to July 1, 2019; and (2) as consideration for the requested amendment, increase the minimum private investment for the project from $42,000,000.00 to $43,500,000.00.

Information about this item will be provided to the Economic Development and Housing Committee on March 18, 2019.

FISCAL INFORMATION

No cost consideration to the City.

PROJECT COUNCIL DISTRICT

14

OWNER/DEVELOPER

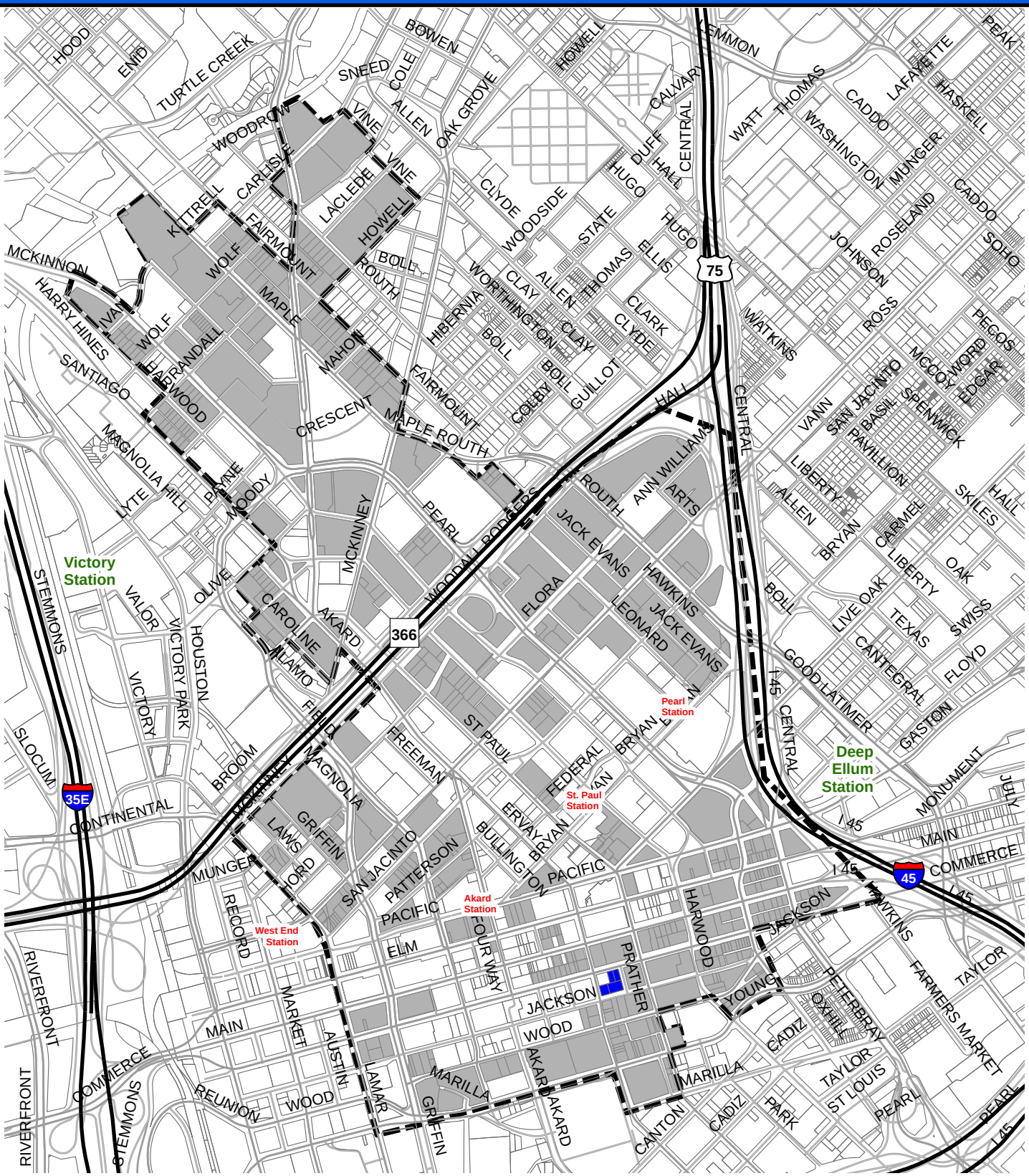
Supreme Bright Dallas II, LLC,
Supreme Bright Dallas Parking, LLC
1712 Commerce TIF, Inc.

Mehul Patel, President

MAP

Attached

1712 Commerce Redevelopment Project



City of Dallas
Office of Economic Development

City of Dallas

Area Redevelopment Division
http://www.Dallas-EcoDev.org

Created 3/2015

Legend

- 1712 Commerce Hotel Project
- Downtown Connection TIF Boundary
- Downtown Connection TIF Parcels
- Properties Outside of TIF

Exhibit A

- Rail Station
- DART Red Line
- DART Blue Line
- DART Green Line
- DART Orange Line
- Trinity Railway Express

N
W E
S

WHEREAS, the City recognizes the importance of its continued role in local economic development; and

WHEREAS, on June 8, 2005, City Council authorized the establishment of Tax Increment Financing Reinvestment Zone Number Eleven, (the "Downtown Connection TIF District") in accordance with the Tax Increment Financing Act, as amended, Chapter 311 of the Texas Tax Code, Vernon's Texas Codes Annotated (the "Act") to promote development and redevelopment in the Uptown and Downtown areas through the use of tax increment financing by Resolution No. 05-1779; Ordinance No. 26020; and

WHEREAS, on August 29, 2005, City Council authorized the adoption of the Downtown Connection Tax Increment Financing District Project Plan and Reinvestment Zone Financing Plan (the "Project and Financing Plan") by Resolution No. 05-2544; Ordinance No. 26096; and

WHEREAS, on May 27, 2015, City Council authorized a development agreement (the "Agreement) with Supreme Bright Dallas II, LLC, Supreme Bright Dallas parking, LLC and 1712 Commerce TIF, Inc. (the "Developer") to reimburse eligible project costs related to environmental remediation, demolition, street/utility improvements and façade improvements associated with the 1712 Commerce Street Redevelopment Project located at 1712 Commerce Street in an amount not to exceed $4,800,000.00 and an Economic Development TIF Grant in an amount not to exceed $5,700,000.00, for a total TIF incentive not to exceed $10,500,000.00 from revenues accruing to Tax Increment Financing Reinvestment Zone Eleven (Downtown Connection TIF District) by Resolution No. 15-0987; and

WHEREAS, on September 27, 2017, an unidentified individual set fire to the parking garage under construction. The fire, which lasted for over an hour, caused extensive damage to the garage, requiring specialized structural testing to determine how much of the garage will have to be demolished and reconstructed; and

WHEREAS, the Developer notified the City through a letter dated December 28, 2017of the fire and its effect on their ability to complete the Project in accordance with the Agreement; and

WHEREAS, on January 26, 2018, a specialized testing report was issued outlining the remediation process for the garage, requiring demolition and reconstruction of two floors of the garage and additional repairs to be completed after the steel and concrete construction of all floors is complete; and

WHEREAS, on November 28, 2018, the Developer submitted a letter to the City requesting an extension of the project's completion deadlines; and

WHEREAS, on December 13, 2018, the Downtown Connection TIF District Board of Directors recommended approval of an amendment to the Agreement to extend the completion deadline from January 1, 2018 to July 1, 2019 and to increase the minimum private investment for the project from $42,000,000.00 to $43,500,000.00.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute the first amendment to the development agreement with Supreme Bright Dallas II, LLC, Supreme Bright Dallas Parking, LLC and 1712 Commerce TIF, Inc., (collectively, the "Developer") for the 1712 Commerce Street Redevelopment Project in the Downtown Connection TIF District, authorized by Resolution No. 15-0987, previously approved on May 27, 2015 to: **(1)** extend the certificate of occupancy and project completion deadlines for the project from January 1, 2018, to July 1, 2019; and **(2)** as consideration for the requested amendment, increase the minimum private investment for the project from $42,000,000.00 to $43,500,000.00, approved as to form by the City Attorney.

SECTION 2. That, with the exception of the amendments described above, all other requirements of the Agreement for the 1712 Commerce Street Redevelopment Project will remain in full force and effect.

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

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-329 **Item #:** 33.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Procurement Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize a three-year master agreement for liquid sodium hypochlorite - FSTI, Inc. in an estimated amount of $472,500.00 and PVS Minibulk, Inc. in an estimated amount of $190,121.40, lowest responsible bidders of four - Total estimated amount of $662,621.40 - Financing: General Fund ($190,121.40) and Dallas Water Utilities Fund ($472,500.00)

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 according to annual budgetary appropriations. The estimated amount is intended as guidance rather than a cap on spending under the agreement, so that actual need combined with the amount budgeted will determine the amount spent under this agreement. We anticipate the following City departments will use this agreement:

- Water Utilities Department
- Park and Recreation Department

This master agreement will provide sodium hypochlorite (bleach) to be used in water treatment processes throughout the City. Bleach is used to boost chlorine and maintain disinfection levels in accordance with State of Texas regulatory standards. These applications require high quality, commercial grade 12.5 percent sodium hypochlorite in solution form. The sodium hypochlorite is delivered in 4,500 gallon tank trucks and transferred to storage tanks where it is dosed directly into the water lines throughout the City. In addition, sodium hypochlorite will be used at Bahama Beach Water Park facilities, City Hall Fountain, Spray Grounds, and various City swimming pools.

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 1,072 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services 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, the Office of Business sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 22, 2014, City Council authorized a two-year master agreement for sodium hypochlorite (bleach) with Petra Chemical Company and FSTI, Inc. by Resolution No. 14-1783.

The Government Performance & Financial Management Committee will receive this item for consideration on March 18, 2019.

FISCAL INFORMATION

General Fund - $190,121.40 (Estimated amount)
Dallas Water Utilities Fund - $472,500.00 (Estimated amount)

Fund	FY 2018-19	FY 2019-20	FY 2020-21
General Fund	$63,373.80	$63,373.80	$63,373.80
Dallas Water Utilities Fund	$32,000.00	$220,250.00	$220,250.00
Total	$95,373.80	$283,623.80	$283,623.80

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$662,621.40	Goods	18.00%	71.31%	$472,500.00
• This contract exceeds the M/WBE goal.				

PROCUREMENT INFORMATION

Method of Evaluation for Award Type:

Low Bid	• Recommended vendor is based on the lowest competitive quoted price, who is also technically and financially capable of performing and completing the contract, and otherwise meets all material specification requirements
	• Negotiations are not allowed

The Office of Procurement Services received the following bids from solicitation number BG1902. We opened them on February 1, 2019. We recommend the City Council award this master agreement to the lowest responsive and responsible bidders by group. Information related to this solicitation is available upon request.

*Denotes successful bidders

Bidders	Address	Amount
*FSTI, Inc.	6300 Bridgepoint Pkwy Austin, TX 78730	Multiple Groups
*PVS Minibulk, Inc.	10900 Harper Ave. Detroit, MI 48213	Multiple Groups
DCC	2929 Storey Ln. Dallas, TX 75220	Multiple Groups
Petra Chemical Company	2929 Storey Ln. Dallas, TX 75220	Multiple Groups

OWNERS

FSTI, Inc.

Staci Barton, President

PVS Minibulk, Inc.

Timothy F. Nicholson, President

March 27, 2019

WHEREAS, on October 22,2014, City Council authorized a two-year master agreement for sodium hypochlorite (bleach) with Petra Chemical Company in the amount of $267,300.00 and FSTI, Inc. in the amount of $82,500.00, by Resolution No. 14-1783.

Now, Therefore,

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

SECTION 1. That a master agreement for the purchase of liquid sodium hypochlorite is authorized with FSTI, Inc. (VS0000023020) in the estimated amount of $472,500.00 and PVS Minibulk, Inc. (VC16463) in the estimated amount of $190,121.40, approved as to form by the City Attorney, for a term of three years in a total estimated amount of $662,621.40. The amount payable pursuant to this master agreement may exceed the estimated amount, but may not exceed the amount of budgetary appropriations for this master agreement during its term.

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

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an estimated amount of at least $662,621.40, but not more than the amount of budgetary appropriations for this master agreement during its term to FSTI, Inc. and PVS Minibulk, Inc. from Master Agreement Contract No. POM-2019-00009535.

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.

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-128 **Item #:** 34.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Procurement Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize a three-year master agreement for the purchase of lamps and light bulbs - Dealer's Electric Supply Co. in an estimated amount of $1,901,656, Facility Solutions Group, Inc. in an estimated amount of $1,311,050, Regency Enterprises, Inc. dba Regency Lighting in an estimated amount of $695,252, Voss Electric dba Voss Lighting in an estimated amount of $204,533, and Simba Industries in an estimated amount of $25,200, lowest responsible bidders of eight - Estimated total amount of $4,137,691 - Financing: General Fund ($3,326,300), Dallas Water Utilities Fund ($649,891), and Convention and Event Services Fund ($161,500)

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 according to annual budgetary appropriations. The estimated amount is intended as guidance rather than a cap on spending under the agreement, so that actual need combined with the amount budgeted will determine the amount spent under this agreement. We anticipate the following City departments will use this agreement:

- Department of Convention and Event Services
- Building Services Department
- Fire-Rescue Department
- Water Utilities Department
- Office of Cultural Affairs
- Park and Recreation Department
- Police Department

This master agreement will provide various size and types of energy efficient light bulbs, tubes and LEDs for all City facilities. Energy efficient light bulbs and tubes have replaced standard bulbs throughout most City facilities.

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 481 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services 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, the Office of Business Diversity sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 27, 2014, City Council authorized a five-year master agreement for energy efficient light bulbs, tubes and LEDs for City facilities with Facility Solutions Group, Voss Electric Co. dba Voss Lighting, Simba Industries, Inc., and Triton Supply, Inc. by Resolution No. 14-1354.

The Government Performance & Financial Management Committee will receive this item for consideration on March 18, 2019.

FISCAL INFORMATION

General Fund - $3,326,300.00 (Estimated amount)
Dallas Water Utilities Fund - $649,891.00 (Estimated amount)
Convention and Event Services Fund - $161,500.00 (Estimated amount)

Fund	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22
General Fund	$1,067,766.67	$1,108,766.66	$1,108,766.67	$41,000.00
Dallas Water Utilities Fund	$185,630.34	$232,130.33	$232,130.33	$0
Convention and Event Services Fund	$60,000.00	$60,000.00	$41,500.00	$0
Total	$1,313,397.01	$1,400,896.99	$1,382,397.00	$41,000.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$4,137,691.00	Goods	18.00%	16.27%	$673,013.00
• This contract does not meet the M/WBE goal, but complies with good faith efforts.				

PROCUREMENT INFORMATION

Method of Evaluation for Award Type:

Low Bid	• Recommended vendor is based on the lowest competitive quoted price, who is also technically and financially capable of performing and completing the contract, and otherwise meets all material specification requirements • Negotiations are not allowed

The Office of Procurement Services received the following bids from solicitation number BI1816. We opened them on November 11, 2018. We recommend the City Council award this master agreement to the lowest responsive and responsible bidders by group. Information related to this solicitation is available upon request.

*Denotes successful bidders

Bidders	**Address**	**Amount**
*Dealer's Electric Supply Co.	2320 Columbus Ave. Waco, TX 76701	Multiple Groups
*Facility Solutions Group, Inc.	2525 Walnut Hill Ln. Dallas, TX 75229	Multiple Groups
*Regency Enterprises, Inc. dba Regency Lighting	9261 Jordan Ave. Chatsworth, CA 91311	Multiple Groups
*Voss Electric dba Voss Lighting	11420 Ferrell Dr. Suite 304 Farmers Branch, TX 75236	Multiple Groups
*Simba Industries	753 Port America Pl. Suite 210 Grapevine, TX 76051	Multiple Groups
Stanford Precision	3372 Garden Brook Dr. Farmers Branch, TX 75234	Multiple Groups
Mavich, LLC	525 Commerce St. Southlake, TX 76092	Multiple Groups
Telecom Electric Supply Company	1304 Capital Ave. Plano, TX 75074	Multiple Groups

OWNERS

Dealer's Electrical Supply Co.

Scott Bracey, President
Chris Lanham, Vice President

Facility Solutions Group, Inc.

William Graham, President
Steve Byrne, Vice President

Regency Enterprises, Inc. dba Regency Lighting

Evan Regenstreif, Chief Executive Officer
Judah Regenstreif, President
Scott Anderson, President

Voss Electric dba Voss Lighting

Robert Jensen, President
Stephen Sanderson, Vice President

Simba Industries

Vickie L. Kasten, Owner

March 27, 2019

WHEREAS, on August 27, 2014, City Council authorized a five-year master agreement for energy efficient light bulbs, tubes and LEDs for City facilities with Facility Solutions Group in the amount of $839,784, Voss Electric Co. dba Voss Lighting in the amount of $790,322, Simba Industries, Inc. in the amount of $379,372, and Triton Supply, Inc. in the amount of $216,255, by Resolution No. 14-1354.

Now, Therefore,

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

SECTION 1. That the a master agreement for the purchase of lamps and light bulbs is authorized with Dealer's Electric Supply Co. (VS93195) in the estimated amount of $1,901,656, Facility Solutions Group, Inc. (VS0000010481) in the estimated amount of $1,311,050, Regency Enterprises, Inc. dba Regency Lighting (VS0000061649) in the estimated amount of $695,252, Voss Electric dba Voss Lighting (238705) in the estimated amount of $204,533, and Simba Industries (519720) in the estimated amount of $25,200, approved as to form by the City Attorney, for a term of three years in a total estimated amount of $4,137,691. The amount payable pursuant to this master agreement may exceed the estimated amount, but may not exceed the amount of budgetary appropriations for this master agreement during its term.

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

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an estimated amount of at least $4,137,691, but not more than the amount of budgetary appropriations for this master agreement during its term to Dealer's Electric Supply Co., Facility Solutions Group, Inc., Regency Enterprises, Inc. dba Regency Lighting, Voss Electric dba Voss Lighting, and Simba Industries from Master Agreement Contract No. POM-2019-00009153.

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.

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-102 **Item #:** 35.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Procurement Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize Amendment No. 17 to increase the service contract with AssetWorks, LLC for the purchase, installation, hosting, maintenance, and support of mobile fuel island control units and related hardware for the Equipment and Fleet Management Department - Not to exceed $89,065.67, from $5,381,851.95 to $5,470,917.62 - Financing: Equipment and Fleet Management Fund

BACKGROUND

This amendment will provide for the purchase, installation, hosting, maintenance, and support of mobile fuel island control units (ICU) for use with the City's M5 Fleet Management System. The addition of these fuel ICUs will allow the Equipment and Fleet Management Department (EFM) to accurately track fuel being transported from bulk storage tanks to smaller dispensing stating located throughout the city. Examples of these smaller dispensing stations include, but are not limited to, service centers and fire stations where fuel is dispensed directly into vehicles or equipment.

The new fuel ICUs include devices that are installed at the bulk storage tanks to monitor how much fuel is being loaded into a tanker truck. Additionally, a similar ICU will be installed on the tanker truck that will track the amount of fuel being transferred from the truck to a dispensing station. The addition of these mobile ICUs will offer EFM improved accountability and management of fuel stored in City owned tanks located throughout the city. EFM bulk fueling operations services approximately 95 different locations such as:

- Fire-Rescue stations
- Water utility plant facilities
- Sanitation landfill locations
- Park and Recreation centers
- Watershed management facilities

On November 10, 2015, the City Council authorized a living wage policy that requires contractors to pay their employees a “living wage” rate as established annually by the Massachusetts Institute of Technology Living Wage Calculator for Dallas County by Resolution No. 15-2141. The current calculated living wage during the solicitation process of this contract is $11.15; the selected vendor meets this requirement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 11, 2015, City Council authorized a five-year service contract for ongoing hosting for the Fleet Data Management System and related hardware; and a five-year service contract for maintenance and support for the FuelFocus software with AssetWorks, LLC by Resolution 15-0265.

The Government Performance & Financial Management Committee will receive this item for consideration on March 18, 2019.

FISCAL INFORMATION

Equipment and Fleet Management Fund - $89,065.67

M/WBE INFORMATION

In accordance with the City’s Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$89,065.67	Other Services	23.80%	0.00%	$0.00
• This contract does not meet the M/WBE goal, but complies with good faith efforts.				
• Supplemental Agreement No. 17 - 0.00% Overall M/WBE participation				

OWNER

AssetWorks, LLC

John H. Hines III, President

March 27, 2019

WHEREAS, on February 11, 2015, City Council authorized a five-year service contract for ongoing hosting for the Fleet Data Management System and related hardware; and a five-year service contract for maintenance and support for the FuelFocus software with AssetWorks, LLC, by Resolution 15-0265; and

WHEREAS, on November 2, 2015, Administrative Action 15-7156 authorized Amendment No. 16 to add funds and amend the contract to utilize professional services provisioned under Optional Future Services of Amendment no. 15 with AssetWorks, LLC; and

WHEREAS, on February 11, 2019, Administrative Action 19-5276 authorized Amendment No. 18 to update to the interface with the City's AMS Advantage 3 Financial System with AssetWorks, LLC.

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 Amendment No. 17 to increase the service contract with AssetWorks, LLC (243388), approved as to form by the City Attorney, for the purchase, installation, hosting, maintenance, and support of mobile fuel island control units and related hardware for the Equipment and Fleet Management Department, in an amount not to exceed $89,065.67, from $5,381,851.95 to $5,470,917.62.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $89,065.67 to AssetWorks, LLC from Master Agreement Service Contract No. DSV-2017-00001908.

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.

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-183 **Item #:** 36.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Procurement Services

EXECUTIVE: Elizabeth Reich

SUBJECT

Authorize **(1)** Supplemental Agreement No. 2 to increase the service contract for compressed natural gas for equipped fleet vehicles for the Equipment and Fleet Management Department in the amount of $623,490.75, from $2,493,963.36 to $3,117,454.11; and **(2)** Supplemental Agreement No. 2 to increase the service contract for compressed natural gas fuel station parts and maintenance for equipped fleet vehicles for the Equipment and Fleet Management Department in the amount of $114,180.00, from $456,720.00 to $570,900.00 - Clean Energy, a California corporation, registered to do business in Texas as California Clean Energy, Inc. - Total not to exceed $737,670.75, from $2,950,683.36 to $3,688,354.11 - Financing: Equipment and Fleet Management Fund

BACKGROUND

These Supplemental Agreements will allow the Equipment and Fleet Management Department to continue providing compressed natural gas (CNG) for the City's fleet vehicles and the maintenance support for the City's two CNG stations. These stations provide overnight filling of vehicles, thus saving staff time and ensuring completely filled tanks at the beginning of each shift. The contractor makes frequent trips to each site to verify that the facility is operating properly. Preventative maintenance will be performed per equipment manufacturer requirements, including the compressors in which failed components are repaired or replaced as needed. These two stations provide an average of 21,000 gallons of CNG monthly.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On March 23, 2016, City Council authorized a three-year acquisition contract, which resulted in a service contract, for compressed natural gas for equipped fleet vehicles with Clean Energy dba California Clean Energy, Inc. by Resolution No. 16-0419.

On March 23, 2016, City Council authorized a three-year service contract for compressed natural gas fuel station parts and maintenance for equipped fleet vehicles with Clean Energy dba California Clean Energy, Inc. by Resolution No. 16-0420.

The Government Performance & Financial Management Committee will receive this item for consideration on March 18, 2019.

FISCAL INFORMATION

Equipment and Fleet Management Fund - $737,670.75

FY2019-20 $368,835.37
FY2020-21 $368,835.39

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$737,670.75	Goods	18.00%	0.00%	0.00%
• This contract does not meet the M/WBE goal, but complies with good faith efforts.				
• Supplemental Agreement No. 2 - 0.00% Overall M/WBE Participation				

OWNER

Clean Energy, a California corporation, registered to do business in Texas as California Clean Energy, Inc.

Andrew J. Littlefair, President
Mitchell W. Pratt, Secretary

WHEREAS, on March 23, 2016, City Council authorized a three-year acquisition contract, which resulted in a service contract, for compressed natural gas for equipped fleet vehicles with Clean Energy dba California Clean Energy, Inc., in an amount not to exceed $2,493,963.36, by Resolution No. 16-0419; and

WHEREAS, on March 23, 2016, City Council authorized a three-year service contract for compressed natural gas fuel station parts and maintenance for equipped fleet vehicles with Clean Energy dba California Clean Energy, Inc., in an amount not to exceed $456,720.00, by Resolution No. 16-0420; and

WHEREAS, on March 4, 2019, Administrative Action No. 19-5499 authorized Supplemental Agreement No. 1 to extend the service contract for one year for compressed natural gas for equipped fleet vehicles with Clean Energy, a California corporation, registered to do business in Texas as California Clean Energy, Inc. from March 22, 2019 to March 21, 2020; and

WHEREAS, on March 4, 2019, Administrative Action No. 19-0139 authorized Supplemental Agreement No. 1 to extend the service contract for one year for compressed natural gas fuel station parts and maintenance for equipped fleet vehicles with Clean Energy, a California corporation, registered to do business in Texas as California Clean Energy, Inc. from March 22, 2019 to March 21, 2020.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute **(1)** Supplemental Agreement No. 2 to increase the service contract for compressed natural gas for equipped fleet vehicles for the Equipment and Fleet Management Department, in the amount of $623,490.75, increasing the service contract amount from $2,493,963.36 to $3,117,454.11; and **(2)** Supplemental Agreement No. 2 to increase the service contract for compressed natural gas fuel station parts and maintenance for equipped fleet vehicles for the Equipment and Fleet Management Department, in the amount of $114,180.00, increasing the service contract amount from $456,720.00 to $570,900.00, in a total amount not to exceed $737,670.75, increasing the contracts from $2,950,683.36 to $3,688,354.11, with Clean Energy, a California corporation, registered to do business in Texas as California Clean Energy, Inc. (VC14154), approved as to form by the City Attorney.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $737,670.75 to Clean Energy, a California corporation, registered to do business in Texas as California Clean Energy, Inc. from Service Contract No. BQ1605.

SECTION 3. That these contracts are designated as Contract Nos. POM-2019-00009399 and POM-2019-00009400.

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.

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-367 **Item #:** 37.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): Outside City Limits

DEPARTMENT: Office of Strategic Partnerships & Government Affairs

EXECUTIVE: Kimberly Bizor Tolbert

SUBJECT

A resolution consenting to the amendment of the economic incentive agreement (''Agreement'') between the City of Irving and Aviall Services, Inc. for extension of the Agreement term - Financing: No cost consideration to the City

BACKGROUND

The Dallas/Fort Worth International Airport Board (the ''Board'') requests the Owner Cities of Dallas and Fort Worth approve an amendment to the Agreement with Aviall Services, Inc. (''Aviall'') on Dallas/Fort Worth International Airport (''DFW Airport'') property until 2031. Aviall's corporate headquarters has been on DFW Airport property, within City of Irving limits, since 2001.

Aviall has agreed to remain at the location, pending approval of the Agreement, and to provide the following public benefits:

- Maintain business operations and renew current lease for a minimum of 605,000 square feet of warehouse/office located at 2750 and 2755 Regent Boulevard
- Retain 951 current employees in the region
- Create at least 100 new full-time jobs at the current location by December 31, 2023

Aviall's retention will maintain and enhance the commercial and industrial economic and employee base as well as provide direct revenues to the Owner Cities and City of Irving. As a result of the Agreement, the City of Irving estimates that by the end of tax year 2031, Dallas and Fort Worth will receive $5.4 Million in total business property tax revenues. It is estimated that $309,137.00 will be distributed this year to the Cities of Dallas and Fort Worth, based on 2018 tax assessments.

Aviall, a Boeing subsidiary, is the world's largest diversified aircraft parts distributor delivering airplane parts and repair services. The company manages inventory for the global aerospace and defense industry and holds significant inventory at its facility in Irving. All employees reside in North Texas, with 30 percent of employees residing within the city limits of Dallas, Fort Worth, and Irving.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 26, 2014, City Council authorized a resolution consenting to proposed changes to the Agreement between the City of Irving and Aviall Services, Inc. by Resolution No. 14-0395.

On February 14, 2019, the City of Irving approved this Agreement at their City Council Meeting.

On March 7, 2019, the Dallas/Fort Worth International Airport Board approved this item at their Board Meeting.

The Economic Development and Housing Committee will be briefed on this item on March 18, 2019.

FISCAL INFORMATION

No cost consideration to the City.

March 27, 2019

WHEREAS, on November 11, 1998, City Council approved Resolution No. 98-3297 authorizing an Interlocal Agreement between the Dallas/Fort Worth International Airport Board, a joint board of the cities of Dallas, Texas and Fort Worth, Texas (the "Board"), the City of Fort Worth, Texas and the City of Irving, Texas, which was executed on December 21, 1998, for sharing of revenue generated from property located in the City of Irving and within the boundaries of the Dallas/Fort Worth International Airport ("DFW Airport") (the "Interlocal Agreement"); and

WHEREAS, the Interlocal Agreement provides that the Board and the governing bodies of Dallas and Fort Worth must approve any requested tax exemptions, abatements, or Chapter 380 agreements pertaining to developments within the geographic boundaries of DFW Airport property that are subject to the Interlocal Agreement; and

WHEREAS, the City of Irving, with the consent of the Board, Dallas, and Fort Worth, entered into an economic development grant agreement with Aviall Services, Inc. ("Aviall") dated February 22, 2001, which was renewed on September 7, 2006 and amended on February 6, 2014, for the development of property by Aviall within the geographic boundaries of the DFW Airport (collectively the ''Agreement"); and

WHEREAS, on February 14, 2019, the Irving City Council pursuant to Resolution No. RES-2019-55, and subject to the approval of the Board and the governing bodies of Dallas, and Fort Worth, approved an amendment to the Agreement to extend the term in order to maintain and enhance the commercial, industrial economic, and employment development and to provide direct revenues to DFW Airport and the cities of Irving, Dallas, and Fort Worth; and

WHEREAS, the Board approved the amendment to the Agreement on March 7, 2019 pursuant to Resolution No. 2019-03-057; and

WHEREAS, the City of Dallas' approval of the amendment to the Agreement is contingent upon the city of Fort Worth's approval of the amendment to the Agreement.

Now, Therefore,

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

SECTION 1. That the City of Dallas hereby consents to an amendment to the Agreement between the City of Irving and Aviall Services, Inc. for the extension of the Agreement term.

SECTION 2. That the approval contained in this resolution is subject to the same approval by the governing body of the City of Fort Worth.

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.

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-287 **Item #:** 38.

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): 2

DEPARTMENT: Park & Recreation Department

EXECUTIVE: Willis C. Winters

SUBJECT

Authorize a professional services contract with MESA Design Associates, Inc. dba MESA Design Group for the Samuell-Grand Park/Tenison Glen Golf Course Master Plan Project (Project No. 0330-18-6975-105) located at 6200 East Grand Avenue - Not to exceed $284,200.00 - Financing: Samuell Park Expense Trust Fund

BACKGROUND

This action will authorize a professional services contract with MESA Design Associates, Inc. dba MESA Design Group for the Samuel-Grand Park/Tenison Glen Golf Course Master Plan Project. Funds from the Samuell Park Expense Trust Fund will be used for this project. The master plan will cover master planning services for Samuell-Grand Park and Tenison Glen Golf Course as well as evaluate potential enhancements to the Tenison Glen Golf Course Clubhouse. The context-sensitive study will recommend improvements to the parks, opinions of probable costs, and prioritizations. The scope of work will include: study of golf and non-golf programming options; inventory of site and programming and assessment thereof; market analysis to establish market related goals; preparation of a diagrammatic framework plan; cost options and phasing, and repurposing or redesign of Tenison Glen Golf Course. Public engagement is an important component of the study, including multiple meetings with park staff, two online survey of stakeholders, two public workshops organized by a public engagement consultant, five individual meetings with stakeholders, and presentation of findings to the Park and Recreation Board.

On July 20, 2017, a Request for Qualifications (RFQ) was issued for Master Planning Services for the Samuell-Grand Park/Tenison Glen Golf Course Master Plan Project. Ten firms responded. A five-member committee of City staff selected three firms to submit proposals. On March 28, 2018, a Request for Proposals (RFP) was issued for this project. A five-member committee of City staff reviewed proposals and interviewed each of the three firms invited to submit proposals. MESA Design Associates, Inc. dba MESA Design Group was selected as the most qualified firm for this project.

ESTIMATED SCHEDULE OF PROJECT

Begin Master Plan May 2019
Complete Master Plan March 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 14, 2019, the Park and Recreation Board authorized a professional services contract with MESA Design Associates, Inc. dba MESA Design Group.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on March 25, 2019.

FISCAL INFORMATION

Samuell Park Expense Trust Fund - $284,200.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE%	M/WBE $
$284,200.00	Architectural & Engineering	25.66%	26.03%	$73,970.00
• This contract exceeds the M/WBE goal.				

PROCUREMENT INFORMATION

Three proposals were received and opened on March 28, 2018. This professional services contract is being awarded in its entirety to the most qualified proposer.

*Denotes most qualified proposer

Proposers	Address	Rank
* MESA Design Associates, Inc. dba MESA Design Group	2001 North Lamar Street Suite 100 Dallas, Texas 75202	1
Freese and Nichols, Inc.	2711 Haskell Avenue Suite 3300 Dallas, Texas 75204	2
Pacheco Koch Consulting Engineers, Inc.	7557 Rambler Road Suite 1400 Dallas, Texas 75231	3

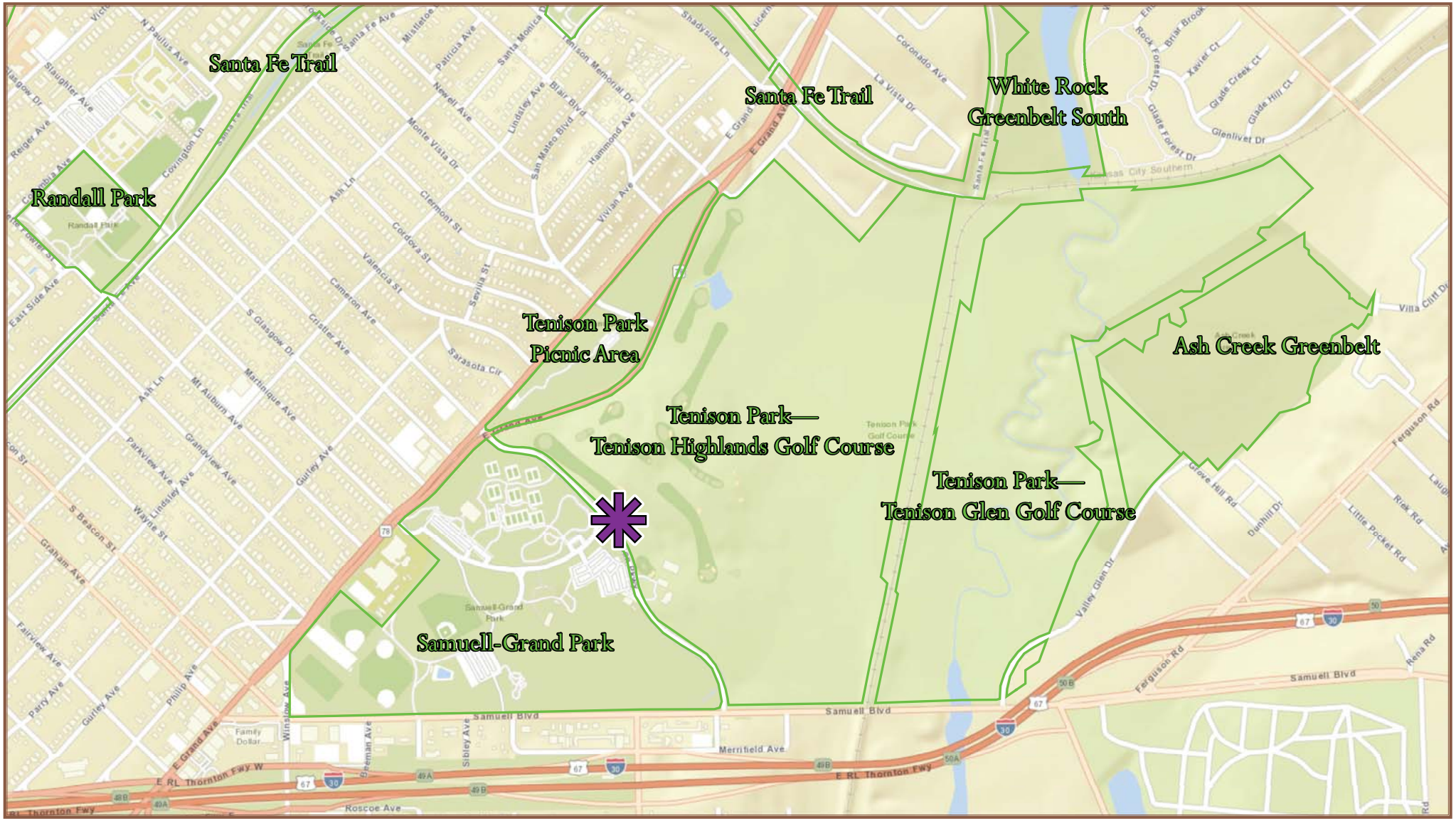
OWNER

MESA Design Associates, Inc. dba MESA Design Group

Stan Cowan, President

MAP

Attached



Dallas Park & Recreation

Samuell-Grand Park/Tenison Glen Golf Course Master Plan
(6200 East Grand Avenue)

District (2)

March 27, 2019

WHEREAS, on July 20, 2017, a Request for Qualifications was issued for the Samuell-Grand Park/Tenison Glen Golf Course Master Plan Project located at 6200 East Grand Avenue; and

WHEREAS, on March 28, 2018, a Request for Proposals was issued to the three shortlisted firms; and

WHEREAS, in accordance with Administrative Directive 4-5, MESA Design Associates, Inc. dba MESA Design Group was selected as the most qualified firm for this project; and

WHEREAS, it is now desirable to authorize a professional services contract with MESA Design Associates, Inc. dba MESA Design Group, for this project, in an amount not to exceed $284,200.00.

Now, Therefore,

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

SECTION 1. That President of the Park and Recreation Board and the City Manager are hereby authorized to execute a professional services contract with MESA Design Associates, Inc. dba MESA Design Group, approved as to form by the City Attorney, for the Samuell-Grand Park/Tenison Glen Golf Course Master Plan Project (Project No. 0330-18-6975-105) located at 6200 East Grand Avenue, in an amount not to exceed $284,200.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $284,200.00 to MESA Design Associates, Inc. dba MESA Design Group from Samuell Park Expense Trust Fund, Fund 0330, Department PKR, Unit 6975, Object 4112, Activity STMP, Program PK19SGTG, Encumbrance/Contract No. CX-PKR-2019-00009074, Commodity 92500, Vendor 124108.

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.

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-335 **Item #:** 39.

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): 10

DEPARTMENT: Park & Recreation Department

EXECUTIVE: Willis C. Winters

SUBJECT

Authorize an increase in the construction services contract with DENCO CS Corporation for the installation of updated mechanical, electrical, and plumbing systems to comply with the current energy code standards for the Park and Recreation Administrative Offices and Service Center located at 10031 East Northwest Highway - Not to exceed $328,840.20, from $3,528,802.00 to $3,857,642.20 - Financing: Park and Recreation Facilities Fund (2006 Bond Funds)

BACKGROUND

On November 9, 2016, City Council authorized a construction contract with DENCO CS Corporation for the renovation of the former Jules E. Muchert Army Reserve facility located at 10031 E. Northwest Highway, in an amount not to exceed $3,456,648.00, by Resolution No. 16-1809.

On October 29, 2018, Administrative Action No. 18-1006 authorized Change Order No. 1 to the construction services contract DENCO CS Corporation for sanitary sewer lines and concrete work, in an amount not to exceed $45,154.00, increasing the contract from $3,456,648.00 to $3,501,802.00.

On January 3, 2019, Administrative Action No. 19-0132 authorized Change Order No. 2 to the construction services contract with DENCO CS Corporation for information technology pathways, in an amount not to exceed $27,000.00, increasing the contract from $3,501,802.00 to $3,528,802.00.

This action will authorize Change Order No. 3 to the construction services contract with DENCO CS Corporation for the installation of updated mechanical, electrical, and plumbing systems at Park and Recreation Administrative Offices and Service Center located at 10031 East Northwest Highway to comply with the 2015 International Energy Conservation Code (IECC) regulations in an amount not to exceed $328,840.20, increasing the contract amount from $3,528,802.00 to $3,857,642.20. The original design of this building was based on 2006 IECC. The State Energy Conservation Office amended 34 Texas Administrative Code §19.53 establishing the 2015 IECC as the energy code for commercial construction, effective November 1, 2016.

The scope of work includes demolition and installation of a new heating, ventilation and air conditioning (HVAC) system in lieu of modifications to the existing HVAC system, revisions to the electrical and plumbing systems, and the certified test and balance of the new system.

ESTIMATED SCHEDULE OF PROJECT

Began Construction	May 2018
Complete Construction	September 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 20, 2016, the Park and Recreation Board authorized a construction contract with DENCO CS Corporation.

On November 9, 2016, City Council authorized a construction contract with DENCO CS Corporation for the renovation of the former Jules E. Muchert Army Reserve facility located at 10031 E. Northwest Highway by Resolution No. 16-1809.

On February 28, 2019, the Park and Recreation Board authorized an increase in the construction services contract with DENCO CS Corporation.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on March 25, 2019.

FISCAL INFORMATION

Park and Recreation Facilities Fund (2006 Bond Funds) - $328,840.20

Original Contract Amount	$3,456,648.00
Change Order No. 1	$ 45,154.00
Change Order No. 2	$ 27,000.00
Change Order No. 3 (this action)	$ 328,840.20
Total amount not to exceed	$3,857,642.20

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$328,840.20	Construction	25.00%	0.00%	$0.00
• This contract does not meet the M/WBE goal, but complies with good faith efforts.				
• Change Order No. 3 - 31.27% Overall M/WBE participation				

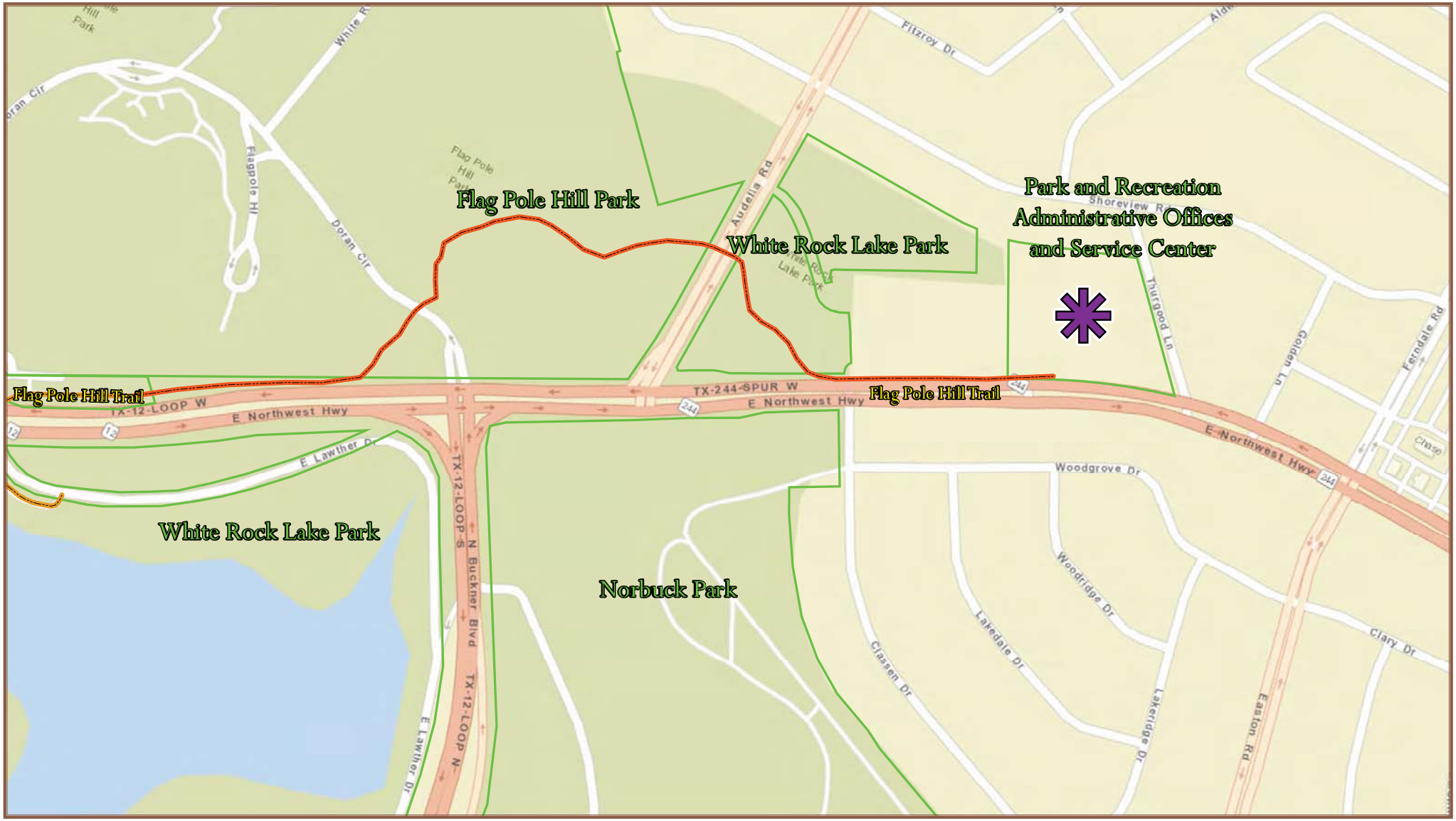
OWNER

DENCO CS Corporation

Steven J. Smith, Director of Construction

MAP

Attached



0 150 300 600 900 Feet

1 in = 300 ft

Dallas Park & Recreation

Park and Recreation Administrative Offices and Service Center
(10031 East Northwest Highway)

District (10)

March 27, 2019

WHEREAS, on November 9, 2016, City Council authorized a construction contract with DENCO CS Corporation for the renovation of former Jules E. Muchert Army Reserve armory facility located at 10031 E. Northwest Highway, in an amount not to exceed $3,456,648.00, by Resolution No. 16-1809; and

WHEREAS, on October 29, 2018, Administrative Action No. 18-1006 authorized Change Order No. 1 to the construction services contract for DENCO CS Corporation, in an amount not to exceed $45,154.00, increasing the contract amount from $3,456,648.00 to $3,501,802.00.

WHEREAS, on January 3, 2019, Administrative Action No. 19-0132 authorized Change Order No. 2 to the construction services contract with DENCO CS Corporation for information technology pathways, in an amount not to exceed $27,000.00, increasing the contract amount from $3,501,802.00 to $3,528,802.00; and

WHEREAS, this action will authorize Change Order No. 3 for the installation of updated mechanical, electrical, and plumbing systems at Park and Recreation Administrative Offices and Service Center located at 10031 East Northwest Highway to comply with the 2015 International Energy Conservation Code regulations, in an amount not to exceed $328,840.20, increasing the contract amount from $3,528,802.00 to $3,857,642.20.

Now, Therefore,

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

SECTION 1. That an increase in the construction services contract with DENCO CS Corporation (Change Order No. 3) is authorized for the installation of updated mechanical, electrical, and plumbing systems to comply with the current energy code regulations for the Park and Recreation Administrative Offices and Service Center located at 10031 East Northwest Highway, in an amount not to exceed $328,840.20, increasing the contract amount from $3,528,802.00 to $3,857,642.20.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $328,840.20 to DENCO CS Corporation, as follows:

Park and Recreation Facilities Fund	
Fund 2T00, Department PKR, Unit P762	
Object 4599, Activity AISF, Program PKP762	
Encumbrance CT-PKR-16019957	
Commodity 91200, Vendor VS0000062071	$ 29,332.93

SECTION 2. (continued)

Park and Recreation Facilities Fund Fund 3T00, Department PKR, Unit P762 Object 4599, Activity AISF, Program PKP762 Encumbrance CT-PKR-16019957 Commodity 91200, Vendor VS0000062071	$299,507.27
Total amount not to exceed	$328,840.20

SECTION 3. That this contract is designated as Contract No. PKR-2018-00008042.

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.

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-401 **Item #:** 40.

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): 2, 5, 11

DEPARTMENT: Park & Recreation Department

EXECUTIVE: Willis C. Winters

SUBJECT

Authorize an increase in the construction services contract with The Fain Group, Inc. to add scope of work associated with three regional family aquatic centers at Crawford Memorial Park located at 8700 Elam Road, Fretz Park located at 6994 Belt Line Road, and Samuell Grand Park located at 6200 East Grand Avenue - Not to exceed $194,313.10, from $21,262,469.55 to $21,456,782.65 - Financing: Elgin B. Robertson Land Sale Funds

BACKGROUND

On June 28, 2017, City Council authorized a contract with The Fain Group, Inc., for construction of three regional family aquatic centers (Package 1) at Crawford Memorial Park located at 8700 Elam Road, Fretz Park located at 6994 Belt Line Road, and Samuell Grand Park located at 6200 East Grand Avenue, in an amount not to exceed $20,562,297.00 (Crawford Park $7,219,772.00, Fretz Park $6,445,526.00, Samuell Grand Park $6,896,999.00), by Resolution No. 17-1085.

On February 14, 2018, City Council authorized Change Order No. 1 to the construction services contract with The Fain Group, Inc. to add increased scope of work associated with three regional family aquatic centers at Crawford Memorial Park located at 8700 Elam Road, Fretz Park located at 6994 Belt Line Road, and Samuell Grand Park located at 6200 East Grand Avenue, in an amount not to exceed $351,666.61, increasing the contract amount from $20,562,297.00 to $20,913,963.61 by Resolution No. 18-0291, to modify the location of the filtration building to accommodate a future right-of-way on Hillcrest Road at Fretz Park, re-route the existing water line which serves the recreation center and the aquatic center at Fretz Park, install a three-phase primary electrical power feed at Crawford Memorial Park, and add gates to the perimeter fence at Crawford Memorial Park and Samuell Grand Park aquatic centers.

On April 11, 2018, City Council authorized Change Order No. 2 to the construction services contract with The Fain Group, Inc. to furnish, assemble and install picnic tables, trash receptacles and umbrellas at Crawford Memorial Park, Fretz Park and Samuell Grand Park aquatic centers, in an amount not to exceed $198,526.73, increasing the contract amount from $20,913,963.61 to $21,112,490.34 by Resolution No. 18-0551.

On April 13, 2018, Administrative Action No. 18-0170 authorized Change Order No. 3 to the construction services contract with The Fain Group, Inc. for added scope of work at Crawford Regional Aquatic Center to add 125 feet of left turn lane on Prairie Creek Road for entry into Crawford Memorial Park for north bound traffic, in an amount not to exceed $42,154.69.

On May 11, 2018, Administrative Action No. 18-0248 authorized Change Order No. 4 to the construction services contract with The Fain Group, Inc. for added scope of work to install a security keypad door hardware system for: 10 doors at Crawford Regional Aquatic Center, 11 doors at Fretz Regional Aquatic Center, and 10 doors Samuell Grand Regional Aquatic Center, in an amount not to exceed $36,483.75.

On June 13, 2018, Administrative Action No. 18-0406 authorized Change Order No. 5 to the construction services contract with The Fain Group, Inc. for added scope of work to: install seven security shutters at Crawford Regional Aquatic Center and install wall tile and fiberglass reinforced plastic panels at Samuell Grand Regional Aquatic Center, in an amount not to exceed $39,855.53.

On November 7, 2018, Administrative Action No. 18-1089 authorized Change Order No. 6 to the contract with the Fain Group, Inc. for additional boring for the electrical main conduits and moving a light pole and electrical control box in the median for the left turn lane on Prairie Creek Road at Crawford Memorial Park in an amount not to exceed $31,485.24.

This action will authorize Change Order No. 7 to the construction services contract with The Fain Group, Inc. The added scope of work will include the following:

- Crawford Regional Aquatic Center

  Add a mop sink and floor drain, increase grease trap size, roof drains, piping and downspouts, data drops, fiberglass reinforced plastic panels, wall finish, masonry changes, window and counter shutter, sod, automatic closing sliding windows, extend electrical in median on Prairie Creek Road and single hung windows, increasing the total construction cost to $7,708,511.36.

- Fretz Regional Aquatic Center

  Add a mop sink and floor drain, increase grease trap size, AT&T ground box, electrical for garbage disposal, data drops, removal of Oncor light pole, ceiling changes, automatic closing sliding windows, fence railings, door locks, z-framing for masonry, fence panels, moving irrigation meter, landscape revisions and hand sink, increasing the total construction cost to $6,653,067.34.

- Samuell Grand Regional Aquatic Center

  Utility and drainage adjustments, stone under slides and along bathhouse, sod, increase grease trap size, data drops, furr-out at concessions, masonry changes, automatic closing sliding windows, handrails, door change, concrete at concessions breezeway, and painting, increasing the total construction cost amount to $7,095,203.95.

powered by Legistar™

ESTIMATED SCHEDULE OF PROJECT

Began Construction	September 2017
Complete Construction	May 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 9, 2015, City Council authorized the professional services contract for Phase 1 Implementation by Resolution No. 15-2271.

On December 1, 2016, the Park and Recreation Board authorized proceeding with advertisement for construction procurement.

On May 18, 2017, the Park and Recreation Board authorized a professional services contract for construction of three regional family aquatic centers at Crawford Memorial Park, Fretz Park and Samuell Grand Park for Package 1.

On June 28, 2017, City Council authorized a contract with The Fain Group, Inc. for construction of three regional family aquatic centers at Crawford Memorial Park, Fretz Park and Samuell Grand Park for Package 1, by Resolution No. 17-1085.

On January 25, 2018, the Park and Recreation Board authorized Change Order No. 1 to the construction services contract with The Fain Group, Inc.

On February 14, 2018, City Council authorized Change Order No. 1 to the construction services contract with The Fain Group, Inc. to add increased scope of work associated with three regional aquatic centers located at Crawford Memorial Park, Fretz Park and Samuell Grand Park by Resolution No. 18-0291.

On March 22, 2018, the Park and Recreation Board authorized Change Order No. 2 to the construction services contract with The Fain Group, Inc.

Information about this item was provided to the Quality of Life, Arts and Culture Committee on April 9, 2018.

On April 11, 2018, City Council authorized Change Order No. 2 to the construction services contract with The Fain Group, Inc., in an amount not to exceed $198,526.73, from $20,913,963.61 to $21,112,490.34, for an increase in the contract to furnish, assemble and install picnic tables, trash receptacles and umbrellas at Crawford Memorial Park, Fretz Park and Samuell Grand Park aquatic centers by Resolution No. 18-0551.

The Park and Recreation Board will consider this item on March 21, 2019.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on March 25, 2019.

FISCAL INFORMATION

Elgin B. Robertson Land Sale Funds - $194,313.10

Original Contract Amount	$20,562,297.00
Change Order No. 1	$ 351,666.61
Change Order No. 2	$ 198,526.73
Change Order No. 3	$ 42,154.69
Change Order No. 4	$ 36,483.75
Change Order No. 5	$ 39,855.53
Change Order No. 6	$ 31,485.24
Change Order No. 7 (this action)	$ 194,313.10
Total amount	$21,456,782.65

Council District	Amount
2	$ 98,796.91
5	$ 53,592.69
11	$ 41,923.50
Total	$194,313.10

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$194,313.10	Construction	25.00%	20.18%	$29,204.05
• This contract does not meet the M/WBE goal, but complies with good faith efforts.				
• Change Order No. 7 - 42.03% Overall M/WBE participation				

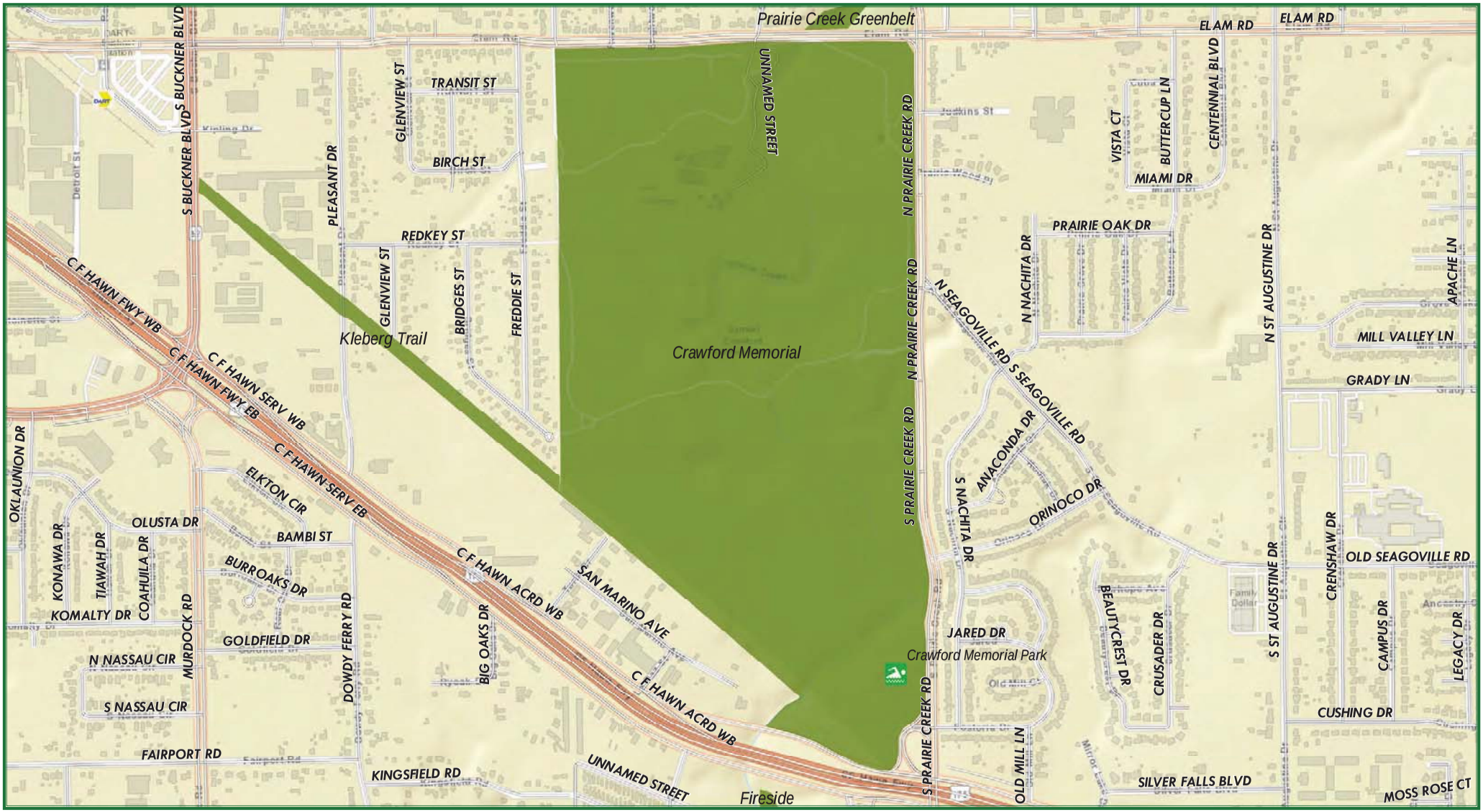
OWNER

The Fain Group, Inc.

Larry Frazier, President

MAPS

Attached



Dallas Park & Recreation

Crawford Memorial Park Aquatic Center
8700 Elam Road

0 295 590 1,180 1,770 2,360 Feet

Mapsco 59 W

CD 5

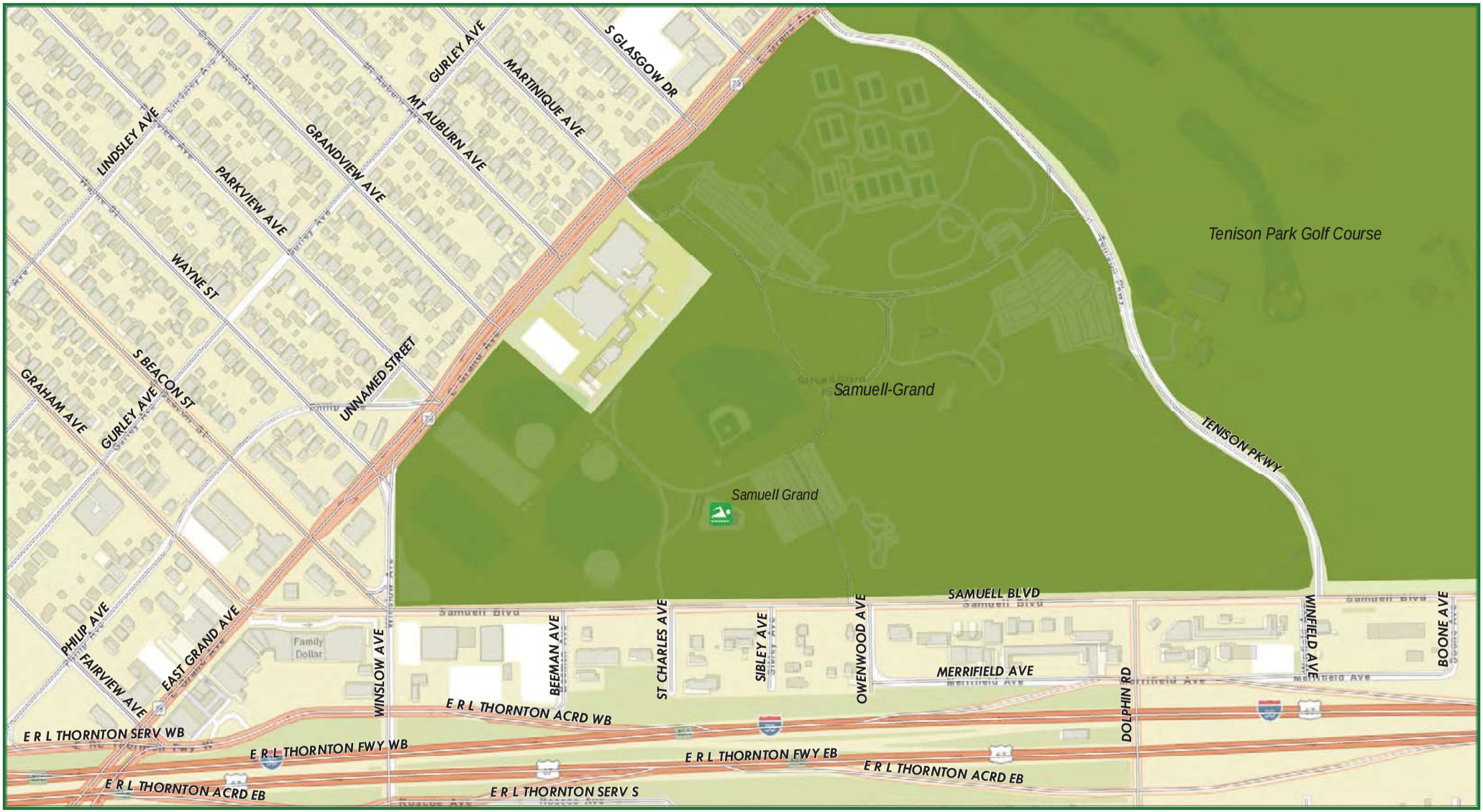
Dallas Park & Recreation

Fretz Park Aquatic Center
6994 Belt Line Rd

0 112.5 225 450 675 900 Feet

Mapsco 15 H

CD 11



Dallas Park & Recreation

Samuell Grand Park Aquatic Center
6200 E. Grand Avenue

0 150 300 600 900 1,200 Feet

Mapsco 47 E

CD 2

WHEREAS, on June 28, 2017, City Council authorized a contract with The Fain Group, Inc., for construction of three regional family aquatic centers (Package 1) at Crawford Memorial Park located at 8700 Elam Road, Fretz Park located at 6994 Belt Line Road, and Samuell Grand Park located at 6200 East Grand Avenue, in an amount not to exceed $20,562,297.00 (Crawford Park $7,219,772, Fretz Park $6,445,526.00, Samuell Grand Park $6,896,999.00), by Resolution No. 17-1085; and

WHEREAS, on February 14, 2018, City Council authorized Change Order No. 1 to the construction services contract with The Fain Group, Inc. to add increased scope of work associated with three regional family aquatic centers at Crawford Memorial Park located at 8700 Elam Road, Fretz Park located at 6994 Belt Line Road, and Samuell Grand Park located at 6200 East Grand Avenue, in an amount not to exceed $351,666.61, increasing the contract amount from $20,562,297.00 to $20,913,963.61, by Resolution No. 18-0291; and

WHEREAS, on April 11, 2018, City Council authorized Change Order No. 2 to the construction services contract with The Fain Group, Inc. to furnish, assemble and install picnic tables, trash receptacles and umbrellas at Crawford Memorial Park, Fretz Park and Samuell Grand Park aquatic centers, in an amount not to exceed $198,526.73, increasing the contract amount from $20,913,963.61 to $21,112,490.34, by Resolution No. 18-0551; and

WHEREAS, on April 13, 2018, Administrative Action No. 18-0170 authorized Change Order No. 3 to the construction services contract with The Fain Group, Inc. for added scope of work associated with the Crawford Regional Aquatic Center to add 125' of left turn lane on Prairie Creek Road for entry into Crawford Memorial Park for north bound traffic, in an amount not to exceed $42,154.69, increasing the contract amount from $21,112,490.34 to $21,154,645.03; and

WHEREAS, on May 11, 2018, Administrative Action No. 18-0248 authorized Change Order No. 4 to the construction services contract with The Fain Group, Inc. for added scope of work to install a security keypad door hardware system for: 10 doors at Crawford Regional Aquatic Center, 11 doors at Fretz Regional Aquatic Center, and 10 doors Samuell Grand Regional Aquatic Center, in an amount not to exceed $36,483.75, increasing the contract amount from $21,154,645.03 to $21,191,128.78; and

WHEREAS, on June 13, 2018, Administrative Action No. 18-0406 authorized Change Order No. 5 to the construction services contract with The Fain Group, Inc. for added scope of work to: install seven security shutters Crawford Regional Aquatic Center and install wall tile and fiberglass reinforced plastic panels at Samuell Grand Regional Aquatic Center, in an amount not to exceed $39,855.53, increasing the contract amount from $21,191,128.78 to $21,230,984.31; and

March 27, 2019

WHEREAS, on November 7, 2018, Administrative Action No. 18-1089 authorized Change Order No. 6 to the contract with the Fain Group, Inc. for additional boring for the electrical main conduits and moving a light pole and electrical control box in the median for the left turn lane on Prairie Creek Road at Crawford Memorial Park, in an amount not to exceed $31,485.24, increasing the contract amount from $21,230,984.31 to $21,262,469.55; and

WHEREAS, this action will authorize Change Order No. 7 to the construction services contract with The Fain Group, Inc. to add increased scope of work associated with the Crawford Regional Aquatic Center, Fretz Regional Aquatic Center and Samuell Grand Regional Aquatic Center, in an amount not to exceed $194,313.10, increasing the contract amount from $21,262,469.55 to $21,456,782.65.

Now, Therefore,

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

SECTION 1. That an increase in the construction services contract with The Fain Group, Inc. (Change Order No. 7) is authorized to add increased scope of work associated with the Crawford Regional Aquatic Center, Fretz Regional Aquatic Center and Samuell Grand Regional Aquatic Center, in an amount not to exceed $194,313.10, increasing the contract amount from $21,262,469.55 to $21,456,782.65.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $194,313.10 to The Fain Group, Inc. from Elgin B. Robertson Land Sale Funds as follows:

Crawford Regional Aquatic Center
Fund 0467, Department PKR, Unit W109
Object 4599, Activity AQFC, Program PKP945.6
Encumbrance/Contract No. CX-PKR-2017-00001818
Commodity 91200, Vendor VS0000040276 $ 53,592.69

Fretz Regional Aquatic Center
Fund 0467, Department PKR, Unit W109
Object 4599, Activity AQFC, Program PKP945.1
Encumbrance/Contract No. CX-PKR-2017-00001818
Commodity 91200, Vendor VS0000040276 $ 41,923.50

SECTION 2. (continued)

Samuell Grand Regional Aquatic Center	
Fund 0467, Department PKR, Unit W109	
Object 4599, Activity AQFC, Program PKP945.2	
Encumbrance/Contract No. CX-PKR-2017-00001818	
Commodity 91200, VS000004027	$ 98,796.91
Total amount not to exceed	$194,313.10

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.

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-314 **Item #:** 41.

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): 7

DEPARTMENT: Park & Recreation Department

EXECUTIVE: Willis C. Winters

SUBJECT

Authorize Supplemental Agreement No. 2 to the design-build services contract with Harrison, Walker & Harper, LP. for the design and construction for Fair Park Facility Improvements for additional architectural and engineering services and an increase in the construction package for the renovation of the Aquarium Annex located at 1458 1st Avenue - Not to exceed $440,461.00, from $2,263,859.00 to $2,704,320.00 - Financing: Fair Park Improvements (C) Fund (2017 Bond Funds)

BACKGROUND

On June 27, 2018, City Council authorized a design-build services contract with Harrison, Walker & Harper, LP. for pre-design and pre-construction services, an early construction package, and architectural and engineering services for the design and construction of Fair Park Facility Improvements for Music Hall located at 909 1st Avenue, African American Museum located at 3536 Grand Avenue and Aquarium Annex located at 1458 1st Avenue by Resolution No. 18-0997. The original contract award included pre-design and pre-construction services and architectural and engineering services for the design and construction of the facility improvements at the Music Hall at Fair Park, African American Museum and Aquarium Annex. The original contract award also included an early construction package for the Music Hall in the amount of $600,000.00 to address the needs for Americans with Disabilities Act (ADA) items and an ADA accessible elevator.

On November 28, 2018, City Council authorized Supplemental Agreement No. 1 to the design-build contract with Harrison, Walker & Harper, LP. authorized additional architectural and engineering design services and an increase in the early construction package for an elevator and Americans with Disabilities Act improvements in the amount of $723,556.00 and an increase in the early construction package to add exterior lighting in the amount of $610,000.00, for a total amount not to exceed $1,333,556.00, increasing the contract amount from $930,303.00 to $2,263,859.00, by Resolution No. 18-1714.

This action will authorize Supplemental Agreement No. 2 to the design-build services contract with Harrison, Walker & Harper, LP. for additional architectural and engineering services and an increase in the construction package for the renovation of the Aquarium Annex, in an amount not to exceed $440,461.00, increasing the contract amount from $2,263,859.00 to $2,704,320.00. The renovation includes repairs to the exterior wall, door and window framing; glass pane replacement; improvements to the front door approach and rest room to comply with the ADA; structural repairs; ceiling replacement; plumbing fixtures replacement; lighting system replacements; heating, ventilation and air conditioning (HVAC) replacement; fire alarm replacement; and security system replacement.

This design-build services contract has and will continue to assess, prioritize and provide design solutions for the following needs: (1) Music Hall at Fair Park: ADA improvements, water infiltration, roof leaks, plumbing line repairs, carpeting and other repairs as identified by the assessment; and (2) African American Museum: building sign, water infiltration, stage railing, carpeting, HVAC system, lighting, security and other repairs as identified by the assessment.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction	April 2019
Complete Construction	September 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 7, 2018, the Park and Recreation Board authorized a design-build services contract with Harrison, Walker & Harper, LP.

Information about this item was provided to the Quality of Life, Arts and Culture Committee on June 25, 2018.

On June 27, 2018, City Council authorized a design-build services contract with Harrison, Walker & Harper, LP. for pre-design and pre-construction services, an early construction package, and architectural and engineering services for the design and construction of Fair Park Facility Improvements for Music Hall located at 909 1st Avenue, African American Museum located at 3536 Grand Avenue and Aquarium Annex located at 1458 1st Avenue by Resolution No. 18-0997.

On November 1, 2018, the Park and Recreation Board deferred this item to the November 15, 2018 agenda.

On November 15, 2018, the Park and Recreation Board authorized Supplemental Agreement No. 1 to the design-build services contract with Harrison, Walker & Harper, LP.

Information about this item was provided to the Quality of Life, Arts and Culture Committee on November 26, 2018.

On November 28, 2018, City Council authorized Supplemental Agreement No. 1 to the design-build services contract with Harrison, Walker & Harper, LP. for the design and construction for Fair Park Facility Improvements for additional architectural and engineering design services and an increase in the early construction package for an elevator, Americans with Disabilities Act improvements and to add exterior lighting for the Music Hall located at 909 1st Avenue by Resolution No. 18-1714.

powered by Legistar™

On February 28, 2019, the Park and Recreation Board authorized a Supplemental Agreement No. 2 to the design-build services contract with Harrison, Walker & Harper, LP.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on March 25, 2019.

FISCAL INFORMATION

Fair Park Improvements (C) Fund (2017 Bond Funds) - $440,461.00

Original Design-Build Contract	$ 930,303.00
Supplemental Agreement No. 1	$1,333,556.00
Supplemental Agreement No. 2 (this action)	$ 440,461.00
Total amount not to exceed	$2,704,320.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$440,461.00	Construction	25.00%	17.69%	$77,900.00
• This contract does not meet the M/WBE goal, but complies with good faith efforts.				
• Supplemental Agreement No. 2 - 65.59% Overall M/WBE participation				

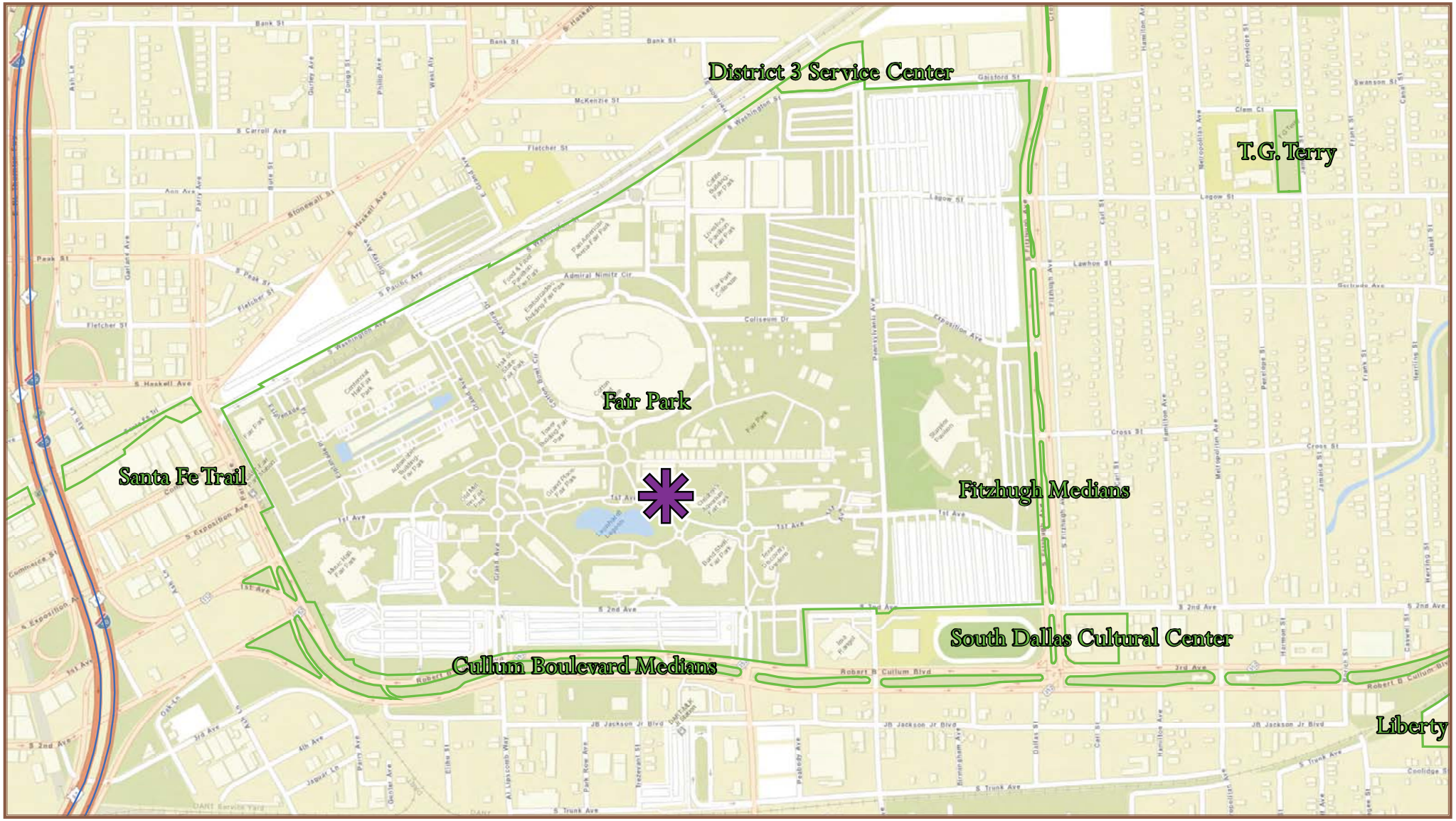
OWNER

Harrison, Walker & Harper, LP.

Jordan Harper, Chief Executive Officer

MAP

Attached



0 255 510 1,020 1,530 Feet

1 in = 500 ft

Dallas Park & Recreation

Fair Park Aquarium Annex
(1458 1st Avenue)

District 7

March 27, 2019

WHEREAS, on June 27, 2018, City Council authorized a design-build services contract with Harrison, Walker & Harper, LP. for pre-design and pre-construction services, an early construction package, and architectural and engineering services for the design and construction of Fair Park Facility Improvements for Music Hall located at 909 1st Avenue, African American Museum located at 3536 Grand Avenue and Aquarium Annex located at 1458 1st Avenue, in an amount not to exceed $930,303.00, by Resolution No. 18-0997; and

WHEREAS, on November 28, 2018, City Council authorized Supplemental Agreement No. 1 to the design-build services contract with Harrison, Walker & Harper, LP. for the design and construction for Fair Park Facility Improvements for additional architectural and engineering design services and an increase in the early construction package for an elevator, Americans with Disabilities Act improvements and to add exterior lighting for the Music Hall located at 909 1st Avenue, in an amount not to exceed $1,333,556.00, from $930,303.00 to $2,263,859.00, by Resolution No. 18-1714; and

WHEREAS, this action will authorize Supplemental Agreement No. 2 to the design-build services contract with Harrison, Walker & Harper, LP. for the design and construction for Fair Park Facility Improvements for additional architectural and engineering services and an increase in the construction package for the renovation of the Aquarium Annex located at 1458 1st Avenue, in an amount not to exceed $440,461.00, increasing the contract amount from $2,263,859.00 to $2,704,320.00.

Now, Therefore,

BE IT RESOLVED BY 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 execute Supplemental Agreement No. 2 to the design-build services contract with Harrison, Walker & Harper, LP., approved as to form by the City Attorney, for the design and construction for Fair Park Facility Improvements for additional architectural and engineering services and an increase in the construction package for the renovation of the Aquarium Annex located at 1458 1st Avenue, in an amount not to exceed $440,461.00, increasing the contract amount from $2,263,859.00 to $2,704,320.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $440,461.00 to Harrison, Walker & Harper, LP., as follows:

Fair Park Improvements (C) Fund
Fund 1V02, Department PKR, Unit VC11
Object 4111, Activity FPRK, Program PK17VC11
Encumbrance/Contract No. CX-PKR-2018-00006532
Commodity 90625, Vendor 513339 $ 30,900.00

SECTION 2. (continued)

Fair Park Improvements (C) Fund	
Fund 1V02, Department PKR, Unit VC11	
Object 4559, Activity FPRK, Program PK17VC11	
Encumbrance/Contract No. CX-PKR-2018-00006532	
Commodity 90625, Vendor 513339	$409,561.00
Total amount not to exceed	$440,461.00

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.

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-370 **Item #:** 42.

STRATEGIC PRIORITY: Public Safety

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): All

DEPARTMENT: Police Department

EXECUTIVE: Jon Fortune

SUBJECT

Authorize **(1)** an application for and acceptance of the State of Texas Internet Crimes Against Children Grant (Grant No. 2745105) in the amount of $361,141.52 from the Office of the Governor, Criminal Justice Division to provide for one-year funding for the salaries and fringe benefits of two detectives and one police research specialist, to fund training, direct operating expenses and use of overtime to address the growing problem of technology-facilitated child abuse and exploitation for the period October 1, 2018 through September 30, 2019; **(2)** the establishment of appropriations in an amount not to exceed $361,141.52 in the State Internet Crimes Against Children FY19 Grant Fund; **(3)** the receipt and deposit of grant funds in an amount not to exceed $361,141.52 in the State Internet Crimes Against Children FY19 Grant Fund; and **(4)** execution of the grant agreement - Not to exceed $361,141.52 - Financing: Office of the Governor, Criminal Justice Division State Grant Funds

BACKGROUND

Increases in internet-based crimes against children continue to be a serious concern across the nation and within the city of Dallas. These offenses pertain to children ranging in age from newborn to 17 years old who are victims of internet and/or technology facilitated crimes. The State of Texas Internet Crimes Against Children Grant allows the City to supplement current efforts by funding staff to investigate and research these crimes. The grant funded positions are part of a larger team working together to solve and eliminate internet crimes and trafficking against children.

The 2018-19 State of Texas Internet Crimes Against Children Grant will provide $361,141.52 to enhance the response of the Dallas Crimes Against Children Task Force in the area of prevention, investigation, and prosecution of computer-facilitated systems and other technology. Staff is responsible for the investigation of cyber tips originating at National Center for Missing and Exploited Children, cell phone forensics, computer and electronic device preview and evidence analysis, suspect and witness interviews, surveillance operations, arrests, and other critical tasks. In fiscal year (FY) 17-18, staff assigned to this grant were able to investigate 293 cyber tips, conduct 39 forensic exams, and made 12 felony arrests for charges related to the sexual exploitation of children. In FY 18 -19, staff has already made 9 felony arrests for charges related to the sexual exploitation of children.

The grant will provide one-year funding for the salaries and fringe benefits of two detectives and one police research specialist. Funds will also be utilized for training, direct operating expenses, purchase of equipment, and use of overtime to address the growing problem of technology-facilitated child abuse and exploitation. There is no cash match or in-kind cost to the City of Dallas.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 22, 2014, City Council authorized acceptance of a grant from the Office of the Governor, Criminal Justice Division, for response to the sexual abuse and exploitation of children facilitated by the use of computer technology by Resolution No. 14-0185.

On October 28, 2015, City Council authorized acceptance of a grant from the Office of the Governor, Criminal Justice Division, for response to the sexual abuse and exploitation of children facilitated by the use of computer technology by Resolution No. 15-1958.

On August 9, 2017, City Council authorized acceptance of a grant from the Office of the Governor, Criminal Justice Division, for response to the sexual abuse and exploitation of children facilitated by the use of computer technology by Resolution No. 17-1175.

On September 26, 2018, City Council authorized acceptance of a grant from the Office of the Governor, Criminal Justice Division, for response to the sexual abuse and exploitation of children facilitated by the use of computer technology by Resolution No. 18-1401.

Information about this item will be provided to the Public Safety and Criminal Justice Committee on March 25, 2019.

FISCAL INFORMATION

Office of the Governor, Criminal Justice Division State Grant Funds - $361,141.52

March 27, 2019

WHEREAS, the State of Texas, Office of the Governor, Criminal Justice Division (CJD) has made funds available to aid missing and exploited children during Fiscal Year 2018-2019; and

WHEREAS, the increased program and funding source will benefit the City of Dallas in its endeavor to reduce crime and improve public safety; and

WHEREAS, the City of Dallas agrees that in the event of loss or misuse of the CJD funds, the City of Dallas assures that the funds will be returned to the CJD in full; and

WHEREAS, the City of Dallas designates the City Manager or an Assistant City Manager as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency; 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 State of Texas Internet Crimes Against Children Grant (Grant No. 2745105), from the Office of the Governor, Criminal Justice Division in the amount of $361,141.52 to provide for one-year funding for the salaries and fringe benefits of two detectives and one police research specialist, to fund training, direct operating expenses and use of overtime to address the growing problem of technology-facilitated child abuse and exploitation for the period October 1, 2018 through September 30, 2019; and execute the grant agreement and all terms, conditions and documents required by the grant with the Office of the Governor, Criminal Justice Division, approved as to form by the City Attorney.

SECTION 2. That the City Manager is hereby authorized to establish appropriations in an amount not to exceed $361,141.52, in the State Internet Crimes Against Children FY19 Grant Fund, Fund S338, Department DPD, Unit 3877, various Object Codes, in accordance with the attached Schedule A.

SECTION 3. That the Chief Financial Officer is hereby authorized to receive and deposit grant funds in an amount not to exceed $361,141.52 into the State Internet Crimes Against Children FY19 Grant Fund, Fund S338, Department DPD, Unit 3877, Revenue Code 6516.

SECTION 4. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $361,141.52 from the State Internet Crimes Against Children FY19 Grant Fund, Fund S338, Department DPD, Unit 3877, various Object Codes, in accordance with the attached Schedule A.

SECTION 5. That in the event of loss or misuse of funds, the City of Dallas will return all grant funds to the Office of the Governor, Criminal Justice Division, in full.

SECTION 6. That the City Manager is hereby authorized to reimburse the Office of the Governor, Criminal Justice Division in the event of loss, or misuse of funds, in full. The City Manager shall notify the appropriate City Council Committee of any return of grants funds not later than 30 days after the reimbursement.

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

SECTION 8. That this contract is designated as Contract No. DPD-2019-00009612.

SECTION 9. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

Schedule A

State Internet Crimes Against Children Grant
Fund S338, Unit 3877
Fiscal Year 2018-2019

Obj. Code	Description	OOG Funds
1101	Civilian Salaries	$ 51,486.02
1102	Sworn Salaries	$ 173,648.10
1202	Overtime - Uniform	$ 20,000.00
1301	Pension - Civilian	$ 7,394.29
1302	Pension - Uniform	$ 54,112.54
1303	Life	$ 72.00
1304	Health	$ 21,582.00
1306	FICA	$ 3,248.01
1309	Wellness	$ 81.00
2181	Fleet Fuel and Lube	$ 2,380.36
3361	Professional Development	$ 25,000.00
3410	Equipment and Automotive Rental	$ 2,137.20
	Program Totals	$ 361,141.52

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-326 **Item #:** 43.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): 1

DEPARTMENT: Water Utilities Department

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize an amendment to the agreement for the Adjustment of Municipal Utilities with the State of Texas, acting through the Texas Department of Transportation, for the design and construction of water and wastewater main relocations and adjustments along Interstate Highway 35E and U.S. Highway 67 from Interstate Highway 30 to Interstate Highway 20, required for the Southern Gateway Project in the amount of $1,385,210.00 - Financing: Water Utilities Capital Improvement Funds ($1,371,378.00) and Water Utilities Capital Construction Funds ($13,832.00)

BACKGROUND

This amendment is for the design and construction of water and wastewater main relocations and adjustments in conjunction with the paving and drainage improvements by the Texas Department of Transportation (TxDOT) through a Design-Build Agreement with Pegasus Link Constructors on Interstate 35E and U.S. Highway 67. Pursuant to the Design-Build Agreement between TxDOT and the Design-Build Contractor, the Design-Build Contractor has undertaken the obligation to design and construct the Southern Gateway Project, which includes necessary water and wastewater main relocation and adjustments.

Under this amendment the cost of utility relocations by the improvements at U.S. Highway 67 from Interstate Highway 20 to Interstate Highway 35E will be funded by Dallas Water Utilities. Dallas Water Utilities will provide funding for engineering cost and construction cost.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction	April 2019
Complete Construction	June 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On March 28, 2018, City Council authorized an agreement for the Adjustment of Municipal Utilities with the State of Texas, acting through the Texas Department of Transportation, for water and

wastewater main relocations along Interstate Highway 35E and U.S. Highway 67 from Interstate Highway 30 to Interstate Highway 20, the Southern Gateway Project by Resolution No. 18-0458.

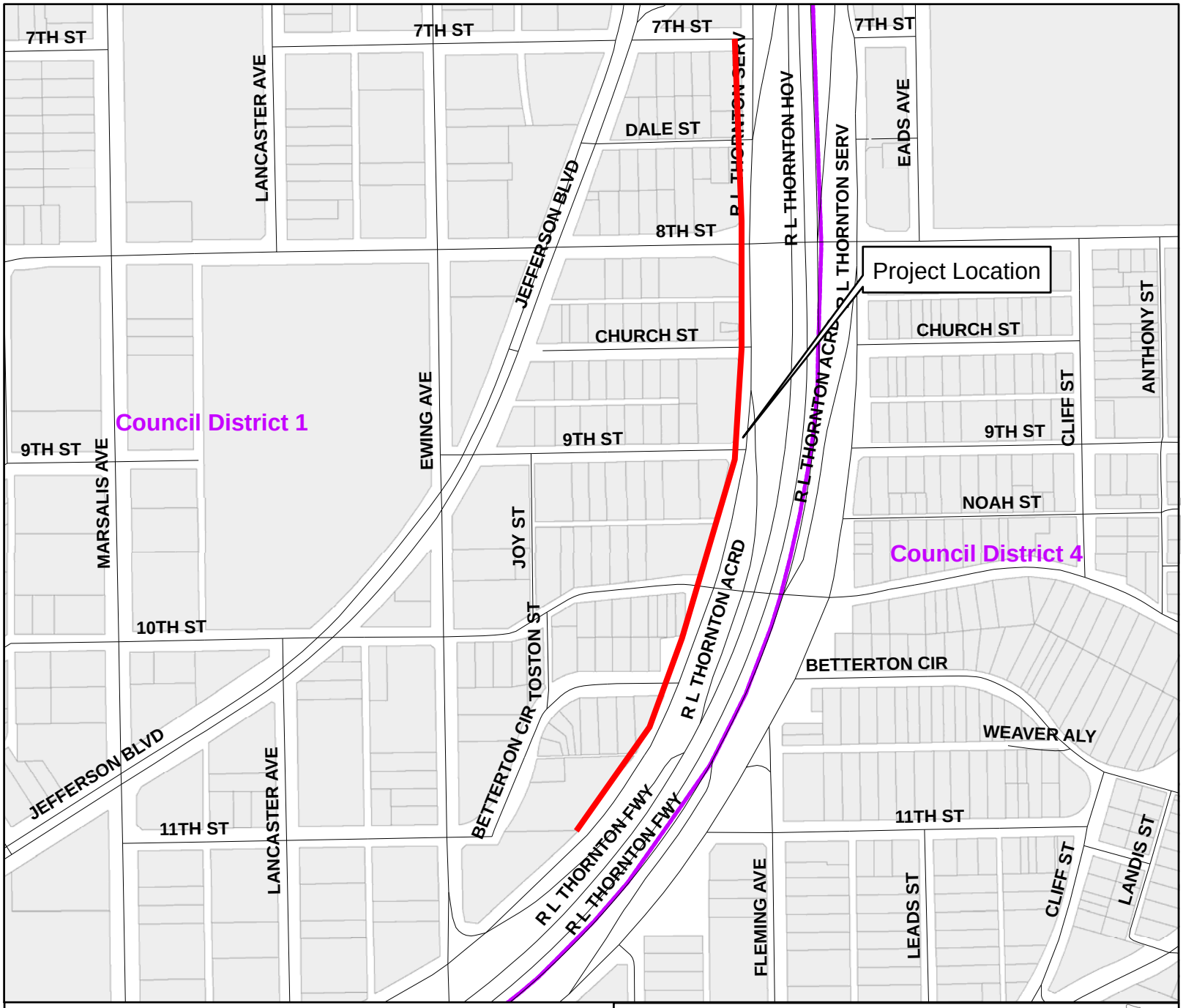
Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on March 25, 2019.

FISCAL INFORMATION

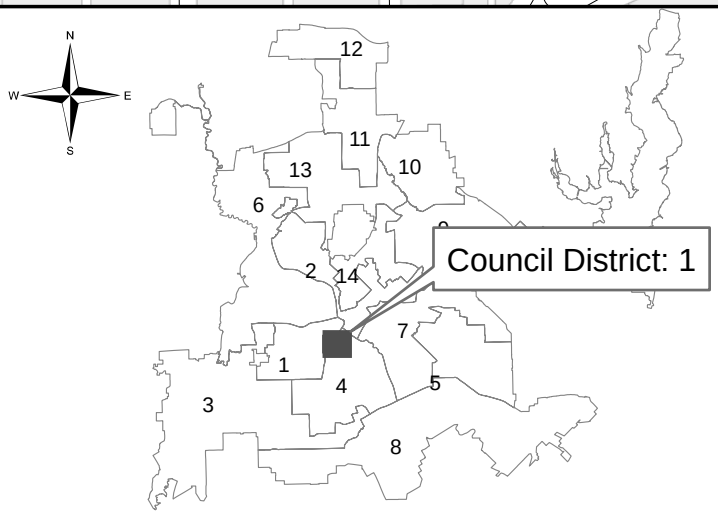
Water Utilities Capital Improvement Funds - $1,371,378.00
Water Utilities Capital Construction Funds - $13,832.00

MAP

Attached



Mapsco: 55 A



Dallas Water Utilities
Contract No. 17-319/320F
Water Main Relocations and Adjustments

March 27, 2019

WHEREAS, the Texas Department of Transportation (TxDOT) proposes to construct paving and drainage improvements at Interstate Highway 35E (Stemmons Freeway) and U.S. Highway 67 (Marvin D. Love Freeway), the "Southern Gateway Project"; and

WHEREAS, the design and construction of the Southern Gateway Project will be completed by Pegasus Link Constructors through a Design-Build Contract with TxDOT; and

WHEREAS, Dallas Water Utilities has existing water and wastewater mains in conflict with the Southern Gateway Project that will require relocation and adjustments to facilitate the project; and

WHEREAS, under the agreement for the Adjustment of Municipal Utilities with the State of Texas, acting through TxDOT, the Design-Build Contractor is responsible for the design and construction of the water and wastewater relocations and adjustments; and

WHEREAS, TxDOT is responsible for the cost of the Reimbursable Utility Adjustments, including indirect costs and Dallas Water Utilities will be responsible for the cost of the Non-Reimbursable Utility Adjustments; and

WHEREAS, the agreement for the Adjustment of Municipal Utilities will allow TxDOT to proceed with the Design-Build Contract, and provide contract administration; and

WHEREAS, the amendment to the agreement for the Adjustment of Municipal Utilities will allow Dallas Water Utilities to provide funding of $1,385,210.00 for the relocation of water and wastewater utilities along U.S. Highway 67 from Interstate Highway 30 to Interstate Highway 20.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute an amendment to the agreement for the Adjustment of Municipal Utilities with the State of Texas, acting through the Texas Department of Transportation, approved as to form by the City Attorney, for the design and construction of water and wastewater main relocations and adjustments along Interstate Highway 35E and U.S. Highway 67 from Interstate Highway 30 to Interstate Highway 20, required for the Southern Gateway Project.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in the amount of $1,385,210.00 to the Texas Department of Transportation, as follows:

Water Capital Improvement Fund Fund 3115, Department DWU, Unit PW42 Object 4550, Program 717319, Vendor 020318 Encumbrance/Contract No. CX-DWU-2018-00005441	$1,280,425.00
Wastewater Capital Improvement Fund Fund 2116, Department DWU, Unit PS42 Object 4560, Program 717320, Vendor 020318 Encumbrance/Contract No. CX-DWU-2018-00005441	$ 90,953.00
Water Construction Fund Fund 0102, Department DWU, Unit CW42 Object 3221, Program 717319X, Vendor 020318 Encumbrance/Contract No. CX-DWU-2018-00005441	$ 8,470.00
Wastewater Construction Fund Fund 0103, Department DWU, Unit CS42 Object 3222, Program 717320X, Vendor 020318 Encumbrance/Contract No. CX-DWU-2018-00005441	$ 5,362.00
Total amount	$1,385,210.00

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.

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-373 **Item #:** 44.

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Secretary’s Office

SUBJECT

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)

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-299 **Item #:** 45.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): 2, 9, 14

DEPARTMENT: Department of Transportation

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize an Agreement to Contribute Right-of-Way Funds between the City of Dallas and the Texas Department of Transportation (RCSJ 0009-02-071, CCSJ 0009-02-067) for the purpose of acquiring right-of-way and relocating or adjusting utilities at the intersection of Grand Avenue, Gaston Avenue, and Garland Road in the amount of $106,428.50 - Financing: Street and Transportation (A) Fund (2017 Bond Funds)

BACKGROUND

The Texas Department of Transportation (TxDOT) is developing a project to improve the operation at the intersection of SH 78 at Gaston Avenue in east Dallas. This intersection is also known as the Garland Road, Gaston Avenue, and Grand Avenue intersection or merely the 3G Intersection. In addition to improving vehicle flow, TxDOT also sought to better accommodate bicycle and pedestrian movement within the intersection.

TxDOT evaluated several alternatives for reconfiguring the 3G Intersection and presented five alternatives for public review and comment in public stakeholders' meetings in September and December of 2016. Following public feedback, these alternatives were reduced to the two most favored. Option 1 is a traditional T intersection with a straight alignment between Garland Road and Grand Avenue. Option 2 is a "Reverse T" intersection with a curved alignment between Garland Road and Gaston Avenue. Option 2 was presented by TxDOT as the preferred alternative in a public hearing on November 13, 2018. On December 21, 2018, TxDOT approved Option 2.

Completing Option 2 will require the acquisition of additional right-of-way and may require relocating or adjusting existing utilities within the right-of-way. TxDOT has estimated the cost of the additional right-of-way and utility work to be $1,064,285.00. Ninety percent of this cost will be covered by State funds but a City match of ten percent ($106,428.50) is required. The right-of-way acquisition and utility relocation processes will be administered by TxDOT.

This action will authorize an Agreement to Contribute Right-of-Way Funds with TxDOT and allocate $106,428.50 towards the right-of-way acquisition and utility relocation.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information on this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on March 25, 2019.

FISCAL INFORMATION

Street and Transportation (A) Fund (2017 Bond Funds) - $106,428.50

Council District	Amount
2	$ 35,476.17
9	$ 35,476.17
14	$ 35,476.16
Total	$106,428.50

MAPS

Attached

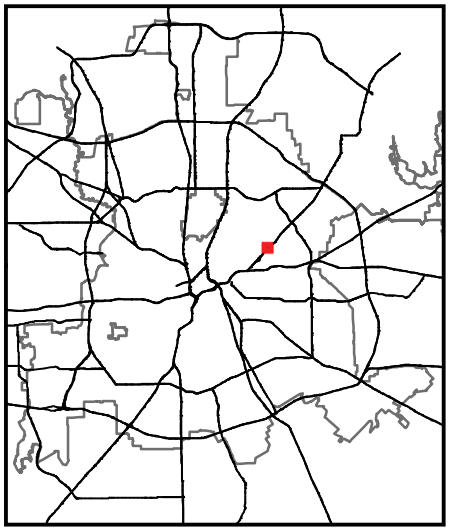
Option 2
TxDOT SH 78 at Gaston Intersection Project (3G)

Council District 2, 9, 14
Mapsco 37-X

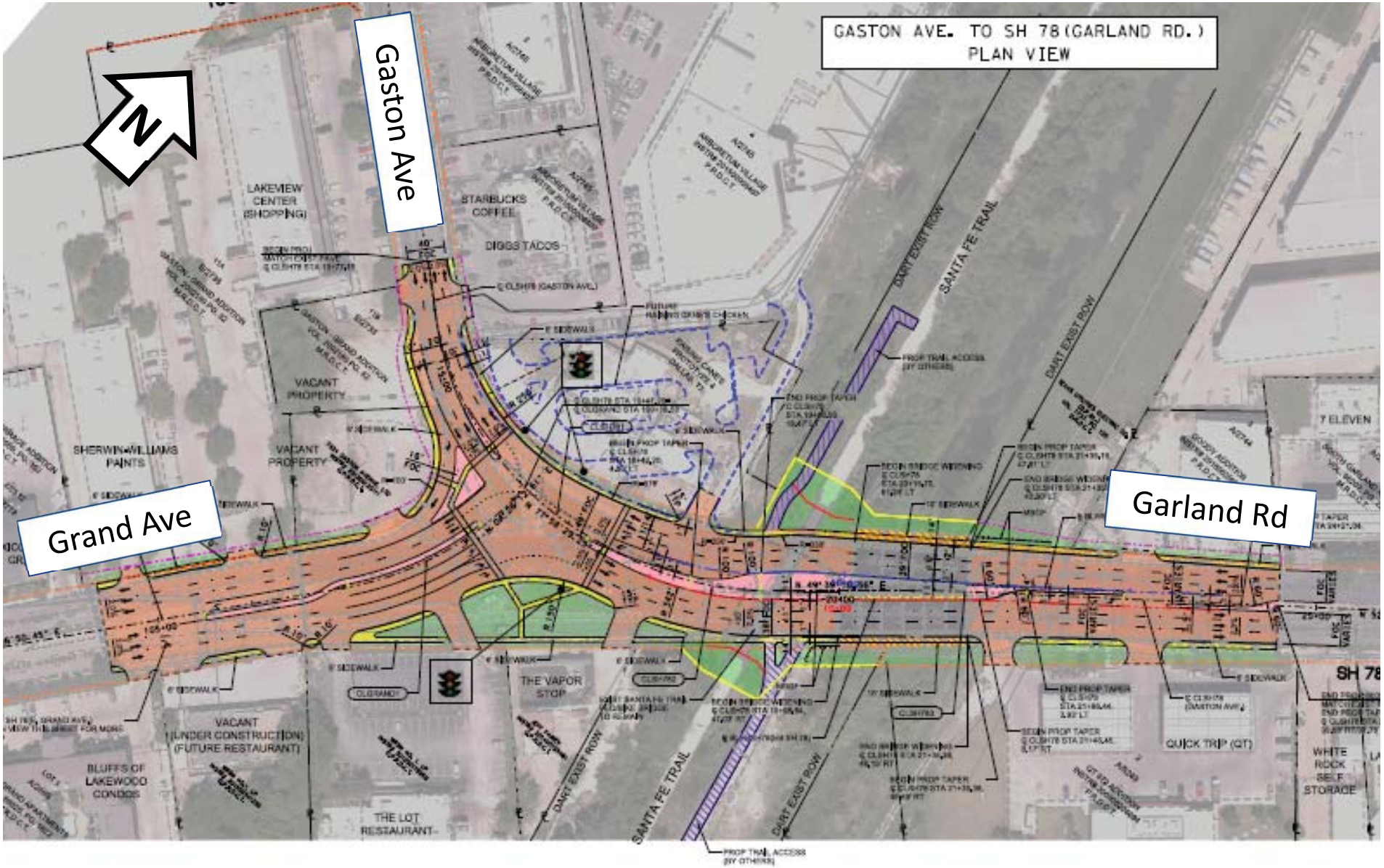
N
W E
S

0 150 300 600 Feet

Project Location
Market Value Analysis
A
B
C
D
E
F
G
H
I
NA



Map by Transportation GIS, February 2019



TxDOT Option Two Schematic – Reverse Tee Intersection

SH 78 at Gaston Intersection Project (3G)

March 27, 2019

WHEREAS, the City of Dallas recognizes the emerging evolution of transportation infrastructure in the City of Dallas and the importance of providing an integrated transportation system that balances the needs of pedestrians, transit, bicycles and automobiles; and

WHEREAS, the State has deemed it necessary to make certain intersection improvements on State Highway 78 at Gaston Avenue and this intersection project will necessitate the acquisition of right-of-way and the relocating and adjusting of utilities; and

WHEREAS, the City of Dallas requests that the State assume responsibility for acquisition of all necessary right-of-way and adjustment of utilities for this intersection project; and

WHEREAS, the City of Dallas desires to enter into a fixed price joint participation agreement pursuant to 43 TAC §15.52 to contribute to the State funding participation as defined in 43 TAC §15.55 for the cost of acquiring the right-of-way and relocating or adjusting utilities for the proper improvement of the State Highway System.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to execute an Agreement to Contribute Right-of-Way Funds between the City of Dallas and the Texas Department of Transportation (RCSJ 0009-02-071, CCSJ 0009-02-067), approved as to form by the City Attorney, for the purpose of acquiring right-of-way and relocating or adjusting utilities at the intersection of Grand Avenue, Gaston Avenue, and Garland Road, in the amount of $106,428.50.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds to the Texas Department of Transportation for the purpose of acquiring right-of-way and relocating or adjusting utilities at the intersection of Grand Avenue, Gaston Avenue, and Garland Road in the amount of $106,428.50, from the Street and Transportation (A) Fund, Fund 1V22, Department TRN, Unit V132, Activity INGV, Object 4230, Program PB17V132, Encumbrance/Contract No. CX-TRN-2019-00009392, Vendor 239588.

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.

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-321 **Item #:** 46.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): All

DEPARTMENT: Mayor and City Council Office

EXECUTIVE: T.C. Broadnax

SUBJECT

An ordinance amending Chapter 6, "Alcoholic Beverages," of the Dallas City Code by amending Section 6-4; **(1)** providing that the spacing requirements for dealers located near churches, schools, day-care centers, child-care facilities, and hospitals do not apply to the West Village area; **(2)** providing a penalty not to exceed $500; **(3)** providing a saving clause; **(4)** providing a severability clause; and **(5)** providing an effective date - Financing: No cost consideration to the City (via Councilmembers Kingston, Griggs, Deputy Mayor Pro Tem Medrano, Narvaez, and Greyson)

BACKGROUND

Section 6-4 of the Dallas City Code requires most businesses that sell alcoholic beverages to be located at least 300 feet from a church, school, hospital, day-care center, or child-care facility. Variances to the spacing requirements in Section 6-4 are allowed, but only for certain types of alcohol businesses.

West Village has developed into a thriving retail and entertainment area. Several businesses are interested in locating at West Village, but do not fit into the types of alcohol businesses eligible for a variance. Moreover, enforcement of the spacing requirements in West Village is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on applicants for alcohol permits, does not serve its intended purpose, and is not effective or necessary. The proposed code amendment would provide an exception to the spacing requirements in the West Village area.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

powered by Legistar™

Memorandum

REC EIVED

2019 FEB - i itH f't; a,

. CjTY SECPtETAJY
DAt.lAS. TEX AS

City of Dallas

oATE January 23, 2019

rn The Michael S. Rawlings

FROM Philip T. Kingston, Councilmember, District 14

suBJEcT **Request for Placement of Agenda Item - Council Member(s)**

ITEM/ISSUE PROPOSED FOR COUNCIL CONSIDERATION:

Pursuant to Section 9.3 of the City Council Rules of Procedure, please post the following item on the first **[VOTING OR BRIEFING]** agenda scheduled at least 72 hours after receipt of this request:

An ordinance amending Chapter 6, "Alcoholic Beverages," of the Dallas City Code by amending Section 6-4; providing that the spacing requirements for dealers located near churches, schools, day-care centers, child-care facilities, and hospitals do not apply to the West Village area; providing a penalty not to exceed $500; providing a saving clause; providing a severability clause; and providing an effective date.

BRIEF BACKGROUND:

Section 6-4 of the Dallas City Code requires most businesses that sell alcoholic beverages to be located at least 300 feet from a church, school, hospital, day-care center, or child-care facilityVariances to the spacing requirements in Section 6-4 are allowed, but only for certain types of alcohol businesses.

West Village has developed into a thriving retail and entertainment area. Several businesses are interested in locating at West Village, but do not fit into the types of alcohol businesses eligible for a variance. Moreover, enforcement of the spacing requirements in West Village is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on applicants for alcohol permits, does not serve its intended purpose, and is not effective or necessary. The proposed code amendment would provide an exception to the spacing requirements in the West Village area.

Submitted for consideration by:

Philip Kingston D14

Printed Name, District #

Signature

Supporting Council Member Signatures (4 Signatures Only):

Ken Griggs,	
Printed Name, District#	ignature
AJ""f'-"'\ f-1\Jvv- Z.	
rinted Name, District #	ignature
Omar Narvaez	
Printed Name, District#	Signa re
SANDY GREYSON	Si g :'iG
Printed Name, District#	

Attachment: Draft Ordinance

c: Honorable Council Members
T.C. Broadnax, City Manager
Chris Caso, Interim City Attorney
Carol Smith, Interim City Auditor
Bilierae Johnson, City Secretary
Scott Goldstein, Chief of Policy and Communications, Office of the Mayor

01-23-19

ORDINANCE NO. _ _ _ _

An ordinance amending Chapter 6, "Alcoholic Beverages," of the Dallas City Code by amending Section 6-4; providing that the spacing requirements for dealers located near churches, schools, day-care centers, child-care facilities, and hospitals do not apply to the West Village area; providing a penalty not to exceed $500; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Subsection (f) of Section 6-4, "Dealers Located Near Churches, Schools, Day-Care Centers, Child-Care Centers, and Hospitals; Variances," of Chapter 6, "Alcoholic Beverages," of the Dallas City Code is amended to read as follows:

"(f) This section does not apply to:

(1) the area bounded by the south side of Woodall Rodgers Freeway, the east side of Stemmons Freeway (I-35E), the north side ofR.L. Thornton Freeway (I-30), and the west side of Central Expressway (U.S. 75); [eF]

(2) Planned Development District No. 269 (the Deep Ellum/Near East Side District); or

ill the area bounded by Lemmon Avenue East. McKinney Avenue. Blackbum Street. and Cole Avenue (West Village)."

SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed $500.

SECTION 3. That Chapter 6 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. 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 5. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

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

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, Interim City Attorney

By_____
Assistant City Attorney

Passed_____

Each councilmember signing the three-person request to place an item on the agenda must review and confirm that they have read and agree with the draft ordinance by dating, initialing, and placing their district number below.

1/23	1/28	1/28		2/6
DATE	DATE	DATE	DA	DATE
		AM		OG
CM INITIALS	CM INITIALS	CM INITIALS	CMNG ALS	CM INITIALS
14	1	2		1
DIST. NO.	DIST. NO.	DIST. NO.	DIST. NO.	DIST. NO.

ORDINANCE NO. _____

An ordinance amending Chapter 6, "Alcoholic Beverages," of the Dallas City Code by amending Section 6-4; providing that the spacing requirements for dealers located near churches, schools, day-care centers, child-care facilities, and hospitals do not apply to the West Village area; providing a penalty not to exceed $500; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Subsection (f) of Section 6-4, "Dealers Located Near Churches, Schools, Day-Care Centers, Child-Care Centers, and Hospitals; Variances," of Chapter 6, "Alcoholic Beverages," of the Dallas City Code is amended to read as follows:

"(f) This section does not apply to:

(1) the area bounded by the south side of Woodall Rodgers Freeway, the east side of Stemmons Freeway (I-35E), the north side of R.L. Thornton Freeway (I-30), and the west side of Central Expressway (U.S. 75); [~~or~~]

(2) Planned Development District No. 269 (the Deep Ellum/Near East Side District); or

(3) the area bounded by Lemmon Avenue East, McKinney Avenue, Blackburn Street, and Cole Avenue (West Village)."

SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed $500.

SECTION 3. That Chapter 6 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. 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 5. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

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

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, Interim City Attorney

By_____

Assistant City Attorney

Passed _____

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-390 **Item #:** 47.

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): All

DEPARTMENT: Department of Convention and Event Services

EXECUTIVE: Joey Zapata

SUBJECT

An ordinance amending Chapter 42A, “Special Events” and Chapter 29A, “Neighborhood Farmers Market” of the Dallas City Code by **(1)** reserving Chapter 29A and rewriting Chapter 42A; **(2)** providing regulations for special events, commercial filming activities, neighborhood markets, and streetlight pole banners; **(3)** providing a penalty not to exceed $2,000.00 for a violation of this chapter governing fire safety, zoning, or public health and sanitation, and $500.00 for all other violations; **(4)** providing a saving clause; **(5)** providing a severability clause; and **(6)** providing an effective date - Financing: No cost consideration to the City (see Fiscal Information) (This item was deferred on February 27, 2019)

BACKGROUND

The amended ordinance, Chapter 42A “Special Events” of the Dallas City Code, consolidates information from the current version of Chapter 42A “Special Events,” Chapter 29A “Neighborhood Farmers Markets,” Administrative Directive 2-46 “Commercial Filming Policy” and adds additional information related to streetlight pole banners. This ordinance amendment better defines the roles and duties of the Convention and Event Services (CES) - Office of Special Events (OSE) and updates regulations, policies and fee structures.

The Quality of Life, Arts, and Culture Committee (QOLAC) was briefed on April 9, 2018 about current OSE permitting authority and functions, known challenges with current operations and City Code, planned operational improvements and process enhancements. OSE received Committee input and approval to move forward with surveys, stakeholder meetings, completing a fee study and revisions.

On November 26, 2018, QOLAC was briefed about proposed updates to the special events ordinance. Proposed revisions addressed existing gaps and deficiencies in the ordinance, incorporated public and stakeholder input, included researched best practices and the results of a new fee study conducted in the summer of 2018.

Amendments to the ordinance address public concerns including: parking, traffic closures/detours, public notices and flexibility in permitting based on event size and other features for each application. QOLAC members requested that OSE conduct additional meetings with the film industry, Arts District community and other external stakeholders to ensure their concerns about revisions were addressed.

Following the November briefing, OSE hosted nine additional meetings with internal and external stakeholders. The feedback included concerns about the organization and navigability of the ordinance, requests to provide clarity of language, difficulty in understanding permit requirements, and concerns over fees and insurance requirements. OSE worked with the City Attorney's Office (CAO) to add definitions, re-organize sections, standardize language across all permit types and include more details that improve clarity while making the ordinance more transparent and easier to understand. Some fees and fee tiers were updated and insurance requirements were revised in consultation with the Office of Risk Management.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Quality of Life, Arts and Culture Committee was briefed on current OSE authority, functions and challenges with Chapter 42A "Special Events" on April 9, 2018.

The Quality of Life, Arts and Culture Committee was briefed on proposed ordinance changes amending Chapter 42A "Special Events" on November 26, 2018.

The Quality of Life, Arts and Culture Committee was briefed with updated proposed ordinance changes and clarifications to Chapter 42A "Special Events" ordinance on February 11, 2019.

On February 27, 2019, this item was deferred by Councilmember Sandy Greyson.

FISCAL INFORMATION

Cost consideration to others. This ordinance corrects deficiencies (identified in a fee study) in the current permit structure, by aligning application costs to those which require the most time and resources. Currently, pricing is based on event attendance, which does not account for the complexity of the event. Applicants will now be charged based on the new special event permit tiers: simple, moderate, complex. It also develops a la carte and discount pricing models for additional permit components.

powered by Legistar™

ORDINANCE NO. _____

An ordinance amending Chapter 29A, "Neighborhood Farmers Market," and Chapter 42A, "Special Events," of the Dallas City Code by reserving Chapter 29A and rewriting Chapter 42A; providing regulations for special events, commercial filming activities, neighborhood markets, the Dallas Farmers Market, and streetlight pole banners; providing a penalty not to exceed $2,000 for a violation of this chapter governing fire safety, zoning, or public health and sanitation, and $500 for all other violations; 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 Chapter 29A, "Neighborhood Farmers Markets," of the Dallas City Code is amended to read as follows:

"CHAPTER 29A.
RESERVED. [~~NEIGHBORHOOD FARMERS MARKETS.~~

~~ARTICLE I.~~
~~GENERAL PROVISIONS.~~

~~SEC. 29A-1.~~ **~~PURPOSE.~~**

~~The purpose of this chapter is to facilitate the promotion of neighborhood farmers markets within the city to support the local economy, to encourage sustainable living, and to create a more positive image of the city.~~

~~SEC. 29A-2.~~ **~~DEFINITIONS.~~**

~~In this chapter:~~

~~(1) APPLICANT means a person who has filed a written application for a neighborhood farmers market permit.~~

~~(2) CENTRAL BUSINESS DISTRICT means the area bounded by Woodall Rogers Freeway on the north, Central Expressway and Julius Schepps Freeway on the east, Interstate Highway 30 on the south, and Interstate Highway 35E on the west.~~

~~(3) CITY means the city of Dallas, Texas.~~

~~(4) DALLAS FARMERS MARKET means a permanent, indoor and outdoor marketplace on public and private property where produce, merchandise, food, or other products are distributed, offered for sale, or sold to consumers and that is:~~

~~(A) bounded by Marilla Street on the north, northbound Cesar Chavez Boulevard on the east, Interstate Highway 30 on the south, and Harwood Street on the west; and~~

~~(B) described in and subject to a master agreement with the city adopted on February 27, 2013 by Resolution No. 13-0447 and the operating covenants with the city contained in lease and deed documents authorized on March 27, 2013 by Resolution Nos. 13-0535, 13-0536, 13-0537, 13-0538, and 13-0539.~~

~~(5) DIRECTOR means the person designated by the city manager to implement, administer, and enforce this chapter, and includes any designated representative of the director.~~

~~(6) NEIGHBORHOOD FARMERS MARKET or MARKET means:~~

~~(A) a temporary, outdoor marketplace on private property:~~

~~(i) where produce, merchandise, food, or other products are distributed, offered for sale, or sold directly to consumers by the persons that have raised, grown, made, crafted, processed, or produced the products;~~

~~(ii) for which the estimated number of vendors and attendees for any day of the market does not exceed 1,000;~~

~~(iii) that is not being operated as part of a special event permitted under Chapter 42A of this code; and~~

~~(iv) that involves one or more of the following activities:~~

~~(aa) the sale of merchandise, food, or beverages on private property where otherwise prohibited by ordinance;~~

~~(bb) the erection of stalls or tents on private property where otherwise prohibited by ordinance;~~

~~(cc) the placement of portable toilets on private property where otherwise prohibited by ordinance; or~~

~~(dd) the placement of temporary no-parking, directional, over-size, or identification signs or banners on private property where otherwise prohibited by ordinance; or~~

~~(B) the Dallas Farmers Market.~~

~~(7) NEIGHBORHOOD FARMERS MARKET PERMIT means written approval to hold a neighborhood farmers market issued by the director under this chapter.~~

~~(8) PERMIT HOLDER means a person issued a neighborhood farmers market permit.~~

~~(9) PERSON means an individual, firm, partnership, corporation, association, or other legal entity.~~

~~(10) VENDOR means a person who distributes, offers for sale, or sells produce, merchandise, food, or other products at a neighborhood farmers market.~~

~~SEC. 29A-3. GENERAL AUTHORITY AND DUTY OF DIRECTOR.~~

~~(a) The director shall implement, administer, and enforce the provisions of this chapter.~~

~~(b) The director has authority to issue a neighborhood farmers market permit that authorizes one or more of the activities described in Section 29A-2(6)(A)(iv) when requirements of this chapter have been met.~~

~~SEC. 29A-4. CHAPTER CUMULATIVE.~~

~~(a) The provisions of this chapter are cumulative of all city ordinances. Tent permits, building permits, electrical permits, food establishment permits, alcoholic beverage permits and licenses, and all other permits and licenses required by ordinance or other law for specific activities to be conducted in conjunction with or as part of the neighborhood farmers market must be applied for separately, in accordance with the applicable ordinance or law. The director shall receive and coordinate applications for any city-issued permit or license required in addition to the neighborhood farmers market permit.~~

~~(b) Application for a neighborhood farmers market permit authorizes appropriate city departments to issue permits for the activities described in Section 29A-2(6)(A)(iv) in locations where the activity would otherwise be prohibited by ordinance.~~

~~ARTICLE II.~~
~~NEIGHBORHOOD FARMERS MARKET PERMITS.~~

~~SEC. 29A-5.~~ **~~APPLICATION; ISSUANCE.~~**

~~(a) A person desiring to hold a neighborhood farmers market shall apply for a neighborhood farmers market permit by filing with the director a written application upon a form provided for that purpose. Each application must be accompanied by the required application fee. An application must be filed not less than 30 days before the neighborhood farmers market is to begin. The director may waive the 30-day filing requirement if the application can be processed in less than 30 days, taking into consideration the number and types of permits required to be issued in conjunction with the neighborhood farmers market.~~

~~(b) An application must contain the following information:~~

~~(1) The name, address, and telephone number of the applicant and of any other persons responsible for the conduct of the neighborhood farmers market.~~

~~(2) The street address of the proposed location of the neighborhood farmers market; the name, address, and telephone number of the property owner; and a copy of the consent required by Section 29A-10(c), if applicable.~~

~~(3) A description of the neighborhood farmers market, including a proposed schedule of the dates and hours of operation for the market (not to exceed 28 operating days in any calendar year, none of which may be consecutive days), except that this requirement does not apply to the Dallas Farmers Market.~~

~~(4) The estimated number of vendors and attendees for each day of the market.~~

~~(5) A drawing showing the area to be used for the neighborhood farmers market, along with proposed structures, tents, fences, barricades, signs, and banners.~~

~~(6) Provisions for parking with a designation of where "No Parking" signs will be used.~~

~~(7) Details of the sale of merchandise or the sale or serving of food or alcoholic or nonalcoholic beverages at the market, including but not limited to the names of participating vendors, a description of items to be sold, and the percentages of food and nonfood items to be sold.~~

~~(8) Details of how the applicant will clean up after the neighborhood farmers market each day.~~

~~(9) Proof that the applicant possesses or is able to obtain all licenses and permits required by this code or other city ordinances or by state law for the conduct of the neighborhood farmers market.~~

~~(10) If the applicant is a corporation, copies of a current certificate of account status issued by the Texas Comptroller's Office and a current certificate of existence issued by the Texas Secretary of State's Office, or, if the corporation is not incorporated in or holding a certificate of authorization in the State of Texas, copies of similar current certificates from the state in which the corporation is incorporated.~~

~~(11) A description (including but not limited to the name, date, location, and size) of each neighborhood farmers market that the applicant conducted or sponsored, or participated in conducting or sponsoring, within the preceding two years.~~

~~(12) Any other information the director determines necessary for the administration and enforcement of this chapter.~~

~~(c) Upon receipt of the completed application, the director shall forward a copy of the application to the building official and the departments of police, fire- rescue, risk management, code compliance, and transportation. The building official and each department shall review the application and return it, with any comments, to the director within 10 working days after receipt.~~

~~(d) The building official, departments, and the director may prescribe licenses, permits, and authorizations required by other city ordinances or applicable law, restrictions, regulations, safeguards, and other conditions necessary for the safe and orderly conduct of a neighborhood farmers market, to be incorporated into the permit before issuance.~~

~~(e) After reviewing the application and comments, the director shall issue the neighborhood farmers market permit unless denial is required by Section 29A-8. A neighborhood farmers market permit expires one year after issuance and may be renewed by applying in accordance with this section.~~

~~**SEC. 29A-6. FEES.**~~

~~An applicant for a neighborhood farmers market permit shall pay the following fees to conduct the market:~~

~~(1) A nonrefundable application fee of:~~

~~(A) $250 for a neighborhood farmers market in which the estimated number of vendors does not exceed 35;~~

~~(B) $350 for a neighborhood farmers market in which the estimated number of vendors is more than 35 but does not exceed 70; or~~

~~(C) $400 for the Dallas Farmers Market.~~

~~(2) All fees for permits and licenses required by other city ordinances to conduct specific activities in conjunction with or as part of the neighborhood farmers market.~~

~~SEC. 29A-7. INDEMNIFICATION.~~

~~An applicant for a neighborhood farmers market permit must execute a written agreement to indemnify the city and its officers and employees against all claims of injury or damage to persons or property, whether public or private, arising out of the conduct of the market.~~

~~SEC. 29A-8. DENIAL OR REVOCATION.~~

~~(a) The director shall deny a neighborhood farmers market permit if:~~

~~(1) a neighborhood farmers market permit has been previously granted in the calendar year to another neighborhood farmers market that is located within one mile of the proposed market and has the same or overlapping operating dates and times as the proposed market, except that this restriction does not apply when the proposed market is the Dallas Farmers Market;~~

~~(2) the proposed neighborhood farmers market will unreasonably disrupt the orderly flow of traffic, and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available;~~

~~(3) the applicant fails to adequately provide for:~~

~~(A) the protection of the vendors and attendees at the neighborhood farmers market;~~

~~(B) maintenance of public order in and around the neighborhood farmers market location;~~

~~(C) crowd security, taking into consideration the size of the market; or~~

~~(D) emergency vehicle access.~~

~~(4) the applicant fails to comply with or the proposed neighborhood farmers market will violate a city ordinance or other applicable law, unless the prohibited conduct or activity would be allowed under this chapter;~~

~~(5) the applicant makes a false statement of material fact on an application for a neighborhood farmers market permit or fails to properly complete an application for a neighborhood farmers market permit;~~

~~(6) the applicant fails to provide proof that the applicant possesses or is able to obtain a license or permit required by another city ordinance or other applicable law for the conduct of all activities included as part of the neighborhood farmers market;~~

~~(7) the applicant has had a neighborhood farmers market permit revoked within the preceding 14 months;~~

~~(8) the applicant or a vendor at the applicant's market has committed, within the preceding 14 months, two or more violations of a provision of a neighborhood farmers market permit or this chapter;~~

~~(9) the applicant fails to pay any outstanding fees assessed under Section 29A-6 of this chapter for the proposed neighborhood farmers market or for a past neighborhood farmers market;~~

~~(10) a neighborhood farmers market has been conducted at the location of the proposed neighborhood farmers market on at least 40 days during the same calendar year in which the proposed market is to be conducted, except that this restriction does not apply to the Dallas Farmers Market;~~

~~(11) the chief of the police department, the chief of the fire-rescue department, or the director determines that the neighborhood farmers market would pose a serious threat to the public health, safety, or welfare;~~

~~(12) the applicant or any other person responsible for the conduct or sponsorship of the neighborhood farmers market is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or other person;~~

~~(13) the applicant has a history of conducting or sponsoring a neighborhood farmers market in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner; or~~

~~(14) the applicant, if it is a corporation, fails to provide copies of a current certificate of account status and current certificate of existence as required by Section 29A-5(b)(10).~~

~~(b) The director shall revoke a neighborhood farmers market permit if:~~

~~(1) the permit holder failed to comply with or the neighborhood farmers market is in violation of any provision of the neighborhood farmers market permit, a city ordinance, or any other applicable law;~~

~~(2) the permit holder made a false statement of material fact on an application for a neighborhood farmers market permit or failed to properly complete an application for a neighborhood farmers market permit;~~

~~(3) the chief of the police department, the chief of the fire-rescue department, or the director determines that the neighborhood farmers market poses a serious threat to the public health, safety, or welfare;~~

~~(4) the permit holder failed to pay any outstanding fees assessed under Section 29A-6 of this chapter for the proposed neighborhood farmers market or for a past neighborhood farmers market;~~

~~(5) the permit holder or any other person responsible for the conduct or sponsorship of the neighborhood farmers market is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the permit holder or other person; or~~

~~(6) the permit holder, if it is a corporation, failed to provide copies of a current certificate of account status and current certificate of existence as required by Section 29A-5(b)(10).~~

~~SEC. 29A-9. APPEAL FROM DENIAL OR REVOCATION OF A NEIGHBORHOOD FARMERS MARKET PERMIT.~~

~~If the director denies the issuance or renewal of a permit or revokes a permit, the director shall send to the applicant or permit holder by certified mail, return receipt requested, written notice of the denial or revocation and of the right to an appeal. The applicant or permit holder may appeal the decision of the director to a permit and license appeal board in accordance with Section 2-96 of this code.~~

~~ARTICLE III.~~
~~MISCELLANEOUS PROVISIONS.~~

~~SEC. 29A-10. LOCATION OF A NEIGHBORHOOD FARMERS MARKET.~~

~~(a) A neighborhood farmers market may not be conducted:~~

~~(1) in the central business district;~~

~~(2) in a single family, duplex, or townhouse zoning district as defined in the Dallas Development Code;~~

~~(3) within one mile of another neighborhood farmers market permitted under this chapter that has the same or overlapping operating dates and times;~~

~~(4) at any location other than the one listed in the permit application; or~~

~~(5) at any location where one or more neighborhood farmers markets have already been conducted a total of 28 days during the particular calendar year.~~

~~(b) The restrictions of Subsections (a)(1), (2), (3), and (5) of this section do not apply to the Dallas Farmers Market.~~

~~(c) If the permit holder does not own the property on which the neighborhood farmers market will be conducted, the permit holder shall obtain the written consent of the property owner to conduct the market on the property. The permit holder shall present the written consent to the director or any peace officer upon request.~~

~~SEC. 29A-11. OPERATION OF A NEIGHBORHOOD FARMERS MARKET.~~

~~(a) A neighborhood farmers market may not be operated more than 40 days at the same location in a calendar year and may not be operated on consecutive days.~~

~~(b) A neighborhood farmers market may only be operated between the hours of 8 a.m. and 7 p.m. on any day of the week.~~

~~(c) The neighborhood farmers market may only be operated in accordance with the schedule filed with the director at the time of permit application. Amendment to the schedule may be approved by the director during the calendar year if the changes do not conflict with the schedule of another neighborhood farmers market. An amendment request must be received by the director at least 10 days before implementing any changes.~~

~~(d) No more than 70 vendors may participate in a neighborhood farmers market. Each stall area used by a vendor may not exceed 10 feet by 15 feet.~~

~~(e) When the main use of the property is open for business, not more than 25 percent of the total area of the parking lot for the property may be used for a neighborhood farmers market.~~

~~(f) All litter, tents, stalls, food, merchandise, and other evidence of the neighborhood farmers market must be removed from the premises at the end of each market day.~~

~~(g) Subsections (a) through (f) of this section do not apply to the Dallas Farmers Market, which shall operate in compliance with its agreements and covenants with the city.~~

~~SEC. 29A-12. PRODUCTS AT A NEIGHBORHOOD FARMERS MARKET.~~

~~(a) Products that may be sold at a neighborhood farmers market include, but are not limited to, the following:~~

~~(1) Fruits, vegetables, honey, eggs, nuts, herbs, and mushrooms.~~

~~(2) Meats.~~

~~(3) Dairy products.~~

~~(4) Prepared foods, including but not limited to baked goods, packaged foods, and oils.~~

~~(5) Arts and crafts, including but not limited to jewelry, candles, natural skin care products, soaps, art, knitting, quilts, and pottery.~~

~~(6) Garden items, including but not limited to plants, flowers, and soil.~~

~~(b) At least one half of the vendors participating in a neighborhood farmers market must sell produce or other food items.~~

~~(c) All products distributed, offered for sale, or sold at a neighborhood farmers market must have been raised, grown, made, crafted, processed, or produced by the vendor in a Texas county completely or partially located within a 150-mile radius of Dallas County, except that the 150-mile radius requirement does not apply to produce or other food items determined by the director to be unavailable from vendors in the radius area. No products may be offered for resale. This subsection does not apply to the Dallas Farmers Market.~~

~~(d) Live animals may not be distributed, offered for sale, or sold at a neighborhood farmers market.~~

~~SEC. 29A-13. VENDOR'S STATEMENT.~~

~~(a) Each calendar year before vending at a neighborhood farmers market, a vendor shall sign and provide to the permit holder a written statement that:~~

~~(1) all products to be distributed, offered for sale, or sold at the neighborhood farmers market by the vendor have been raised, grown, made, crafted, processed, or produced by the vendor in compliance with all applicable federal, state, and local laws and in a Texas county completely or partially located within a 150-mile radius of Dallas County (or in an area from which the director, pursuant to Section 29A-12(c), allows certain produce or other food items to be distributed, offered for sale, or sold at the market because of the unavailability of those items from vendors in the radius area); and~~

~~(2) no product is being offered for resale.~~

~~(b) The permit holder shall maintain a vendor statement for each vendor operating at the neighborhood farmers market and shall present the vendors' statements to the director or any peace officer upon request.~~

~~(c) Subsections (a) and (b) of this section do not apply to the Dallas Farmers Market.~~

~~**ARTICLE IV.**~~
~~**ENFORCEMENT.**~~

~~**SEC. 29A-14. OFFENSES.**~~

~~(a) A person commits an offense if he commences or conducts a neighborhood farmers market:~~

~~(1) without a neighborhood farmers market permit; or~~

~~(2) in violation of any provision of a neighborhood farmers market permit, this chapter, or any other city ordinance or applicable law.~~

~~(b) It is a defense to prosecution under this section that the neighborhood farmers market was being lawfully conducted pursuant to a valid special events permit issued under Chapter 42A of this code.~~

~~(c) The culpable mental state required for the commission of an offense under this chapter is governed by Section 1-5.1 of this code.~~

~~**SEC. 29A-15. PENALTY.**~~

~~(a) A person who violates a provision of this chapter or a requirement of a neighborhood farmers market permit is guilty of a separate offense for each day or part of a day during which the violation is committed or continued.~~

~~(b) Each offense is punishable by a fine not to exceed:~~

~~(1) $2,000 for a violation of a provision of this chapter or a requirement of a neighborhood farmers market permit governing fire safety, zoning, or public health and sanitation, including dumping of refuse; or~~

~~(2) $500 for all other violations of this chapter or requirements of a neighborhood farmers market permit.~~]"

SECTION 2. That Chapter 42A, "Special Events," of the Dallas City Code is amended to read as follows:

"CHAPTER 42A.
SPECIAL EVENTS; COMMMERCIAL FILMING; NEIGHBORHOOD MARKETS; DALLAS FARMERS MARKET; STREETLIGHT POLE BANNERS.

ARTICLE I.
GENERAL PROVISIONS.

SEC. 42A-1. PURPOSE.

The purpose of this chapter is to facilitate the promotion of temporary outdoor activities including special events, commercial filming, neighborhood markets, the Dallas Farmers Market, and streetlight pole banners [~~activities~~] within the city, as defined in this chapter, [~~especially within the central business district, to create a more positive image of the city and to stimulate significant economic growth in the city. To this end, it is~~] T[~~t~~]he city's overall goal is [~~intent~~] to encourage activities [~~and give high priority to established special events~~] that benefit [~~have a record of significantly benefiting~~] the city, stimulate economic growth, and provide a vibrant, active community for all citizens. The city gives priority [~~and~~] to established special events [~~that promote commercial film development in the city~~].

SEC. 42A-2. DEFINITIONS.

In this chapter:

(1) AMPLIFIED SOUND means any sound projected or transmitted by artificial means, including but not limited to, loudspeakers, amplifiers, powered megaphones, or similar devices.

(2) APPLICANT means a person who has submitted an [~~filed a written~~] application for a special event, commercial filming, neighborhood market, Dallas Farmers Market, or streetlight pole banner permit. This term includes the person submitting the application, the secondary person listed on the application, and any person or organization that an applicant applies for a permit on behalf of, the secondary contact listed on the application, as well any third party providing contracted functions to a special event, commercial filming activity, neighborhood market, Dallas Farmers Market, or streetlight pole banner, and the owner or property manager of the property or venue where a special event, commercial filming activity, or neighborhood market will occur if a lease or contract has been executed, or will be executed, or if the property owner has provided written approval for the special event, neighborhood market, Dallas Farmers Market, or commercial filming activity, and the property owner or manager is providing services to the event.

(3) APPLICATION PROCESSING FEE means a non-refundable fee required at the time application submission.

(4) B-ROLL means filming of beauty and background shots on, or of, city property that includes no more than three people on foot filming using no equipment other than a camera and a tripod.

(5) CENTRAL BUSINESS DISTRICT means the area bounded by Woodall Rodgers Freeway on the north, Central Expressway and Julius Schepps Freeway on the east, Interstate Highway 30 on the south, and Interstate Highway 35E on the west.

(6[~~2~~]) CITY means the city of Dallas, Texas.

[~~(3) CITY-LICENSED VENDOR means any person licensed or permitted under this code or another city ordinance to sell or offer for sale food, beverages, goods, or services at or within a specific location or area in the city.~~]

(7[4]) CITY-SPONSORED ACTIVITY [~~SPECIAL EVENT~~] means a temporary outdoor activity [~~special event~~] that the city council, by resolution, or the city manager, by written notice, has:

(A) determined to be directly related to a recognized function of city government;

(B) declared the city a cosponsor of the event; and

(C) committed the city to significantly sharing in initiating, financing, supporting, and conducting the event.

(8) CLEAN ZONE means a geographically defined area surrounding a permitted activity footprint or event host venues, where temporary restrictions are enforced related to temporary advertising, signage, structures, transient merchants, vendors, or otherwise licensed activities.

(9) COMMERCIAL FILMING means digital, film, or any other technology used to capture a visual image and sound recording on public or private property for commercial purposes including, but not limited to B-roll, still photography, commercials, documentaries, feature films, television series, television movies, television shows, webisodes, public service announcements, music videos, student films, corporate shoots, or advertisements, which involves one or more of the following:

(A) closing or restricting a public street or restricting access to public property.

(B) filming effects on private or public property that may be disruptive to surrounding residences and businesses such as outdoor lighting before sunrise or after sunset, or outdoor amplified sound.

(C) filming effects on private or public property that may disrupt public safety such as depicting a crime or the use of firearms, prop weapons, special effects, stunts, car chases, or pyrotechnics in view or hearing of the general public or adjacent properties.

(D) erection of a tent larger than 399 square feet in area or erection of multiple tents with a cumulative area of over 399 square feet.

(E) installation of a temporary structure or portable toilets on public or private property where otherwise prohibited by ordinance.

(F) filming on public or private property that includes staging production related equipment on public property, including sidewalks, that will impact pedestrian or vehicular traffic, or running cable across a public sidewalk.

(G) filming of the official flag, shield, seal, service mark, badge, or any other insignia of the city.

(H) filming on or of any city property including city hall plaza.

(I) filming of city equipment or vehicles.

(J) installation of temporary directional signs, identification signs, or banners that are placed in or over a public right-of-way, or on private property where otherwise prohibited by ordinance.

(10) DAILY FEE means a fee charged for any rolling 24-hour period.

(11[~~5~~]) DALLAS FARMERS MARKET means a permanent, indoor and outdoor market on public and private property where produce, merchandise, food, or other products are distributed, offered for sale, or sold and [~~the area~~] that is:

(A) bounded by Marilla Street on the north, northbound Cesar Chavez Boulevard on the east, Interstate Highway 30 on the south, and Harwood Street on the west; and

(B) described in and subject to a master agreement with the city adopted on February 27, 2013 by Resolution No. 13-0447 and the operating covenants with the city contained in lease and deed documents authorized on March 27, 2013 by Resolution Nos. 13- 0535, 13-0536, 13-0537, 13-0538, and 13-0539.

(12) DIRECTOR means the person designated by the city manager to implement, administer, and enforce this chapter, and includes any designated representative of the director.

[~~(6) DEMONSTRATION means a public display of the attitude of assembled persons toward a person, cause, issue, or other matter.~~]

(13[~~7~~]) ESTABLISHED SPECIAL EVENT means an event or activity that:

(A) occurs at least once a year;

(B) has an average expected attendance exceeding 1,000 [~~participants and spectators~~] for each day of the event or activity;

(C) [~~significantly~~] contributes to positive advertising and economic growth of the city; and

(D) is open to the public, with or without an entry fee.

(14) EXPECTED TOTAL ATTENDANCE means the estimated attendance at a special event as estimated by the applicant on an application. Expected total attendance includes all event staff, spectators, participants, and attendees.

(15) FIRST AMENDMENT ACTIVITY means all expressive personal religious or political beliefs and associative activity on the public right-of-way that is protected by the United States and Texas constitutions, including freedom of speech, freedom of the press, freedom of assembly, and the right to petition.

(16) HIGH IMPACT AREA means an area included on the list published annually in accordance with Section 42A-10.

(17) INTERMITTENT TRAFFIC CONTROL means the control of the flow of traffic to temporarily, and for brief periods of time (two minutes or less), stop or slow the flow of vehicular traffic.

(18) MAJOR CHANGE means any change to an application that requires subsequent public safety or departmental review. Examples include, but are not limited to, route changes, location or venue changes, date changes, changes in expected attendance, adding alcohol distribution, and changes to complex scenes.

(19) MOVING EVENT means an event that is not confined to a fixed location.

(20) NEIGHBORHOOD MARKET means a temporary outdoor marketplace outside of the central business district on private property, or on city property with approval of the department controlling the property, where produce, merchandise, food, or other products are distributed, offered for sale, or sold directly to consumers by the persons that have raised, grown, made, crafted, processed, or produced the products.

(21) NEWS MEDIA means photographing, filming, or recording for the purpose of daily news gathering and spontaneous, unplanned news broadcasts and news segments.

(22) PERMIT means an official document authorizing the activation of an approved activity granted by the director as required under this chapter.

(23) PERMIT HOLDER means a person issued a permit under this chapter. This term includes the applicant and any person or organization on behalf of which an applicant applies for a permit on behalf of, as well as the owner or manager of property where a special event, commercial filming activity, neighborhood market, or Dallas Farmers Market activity will occur.

(24[~~8~~])PERSON means an individual, firm, partnership, corporation, association, or other legal entity.

(25) PRELIMINARY LETTER means a document sent by the director to the applicant outlining all requirements that must be met prior to permit issuance.

(26[~~9~~]) SPECIAL EVENT means a temporary outdoor gathering, with an expected total attendance greater than 100, which involves one or more of the following on [~~a temporary event or gathering, including a special event parade, using either~~] private or public property where otherwise prohibited by ordinance[~~, in which the estimated number of participants and spectators exceeds 75 during any day of the event and that involves one or more of the following activities, except when the activity is for construction or housemoving purposes only~~]:

(A) closing or restricting of a public street lane, alley, or sidewalk;

(B) restricting access to [~~blocking or restriction of~~] public property;

(C) sale of merchandise, food, alcohol, or other beverages [~~on public property outside the central business district, or on private property~~] where otherwise not permitted as a neighborhood market or by an annual Dallas Farmers Market permit [~~prohibited by ordinance~~];

(D) erection of a tent larger than 399 square feet in area or erection of multiple tents with a cumulative area of over 399 square feet [~~on public property, or on private property where otherwise prohibited by ordinance~~];

(E) installation of a temporary stage, bandshell, outdoor projection technology, trailer, van, [~~portable building,~~] grandstand, [~~or~~] bleachers, or portable toilets for [~~on~~] public use [~~property, or on private property where otherwise prohibited by ordinance~~];

(F) use of city hall plaza [~~placement of portable toilets on public property, or on private property where otherwise prohibited by ordinance~~]; [~~or~~]

(G) a run, walk, ride, or special event parade; [~~placement of temporary no-parking, directional, over-size, or~~]

(H) placement of temporary no parking, directional, oversized, or identification signs or banners in connection with an event that are placed in or over a public right-of-way, or on private property where otherwise prohibited by ordinance; or

(I) clean zone enforcement.

(27) SPECIAL EVENT PARADE means the assembly of 100 or more persons whose gathering is for the common design of traveling or marching in procession from one location to another location for the purpose of advertising, promoting, celebrating, or commemorating a thing, person, date, or event that is not directly related to the expression of feelings and beliefs on current political, religious, or social issues.

(28) STREET CLOSURE means any lane or street closure that impacts or disrupts the flow of traffic, regardless of the length of time, unless the closure is intermittent.

(29) STREETLIGHT POLE BANNER means a temporary sign suspended between brackets and attached to utility or streetlight poles in city right-of-way, designed for an approved activity, an historical or commemorative event within the city, or identification of a public improvement district.

(30) TENT means any structure, enclosure, or shelter constructed of fabric or other pliable material supported by any manner except by air or the contents protected by the material.

(34) TRAFFIC CONTROL PLAN means a plan designed for the purpose of safely and efficiently managing traffic or arranging for DART detours associated with a special event, commercial filming activity, neighborhood market, or Dallas Farmers Market activity.

[(~~10) SPECIAL EVENT MANAGER means the person designated by the city manager to implement, administer, and enforce this chapter, and includes any designated representative of the special event manager.~~

~~(11) SPECIAL EVENT PARADE means the assembly of three or more persons whose gathering is for the common design of traveling or marching in procession from one location to any other location for the purpose of advertising, promoting, celebrating, or commemorating a thing, person, date, or event that is not directly related to the expression of feelings and beliefs on current political, religious, or social issues.~~

~~(12) SPECIAL EVENT PERMIT means written approval to hold a special event granted by the special event manager under this chapter.~~]

SEC. 42A-3. GENERAL AUTHORITY AND DUTY OF DIRECTOR [~~SPECIAL EVENT MANAGER~~].

(a) The director [~~special event manager~~] shall implement, administer, and enforce the provisions of this chapter.

(b) The director [~~special event manager~~] has authority to issue a [~~special event~~] permit that authorizes one or more of the activities described in Sections 42A-2(9), 42A-2(11), 42A-2(20), or 42A-2(26) when requirements of this chapter have been met.

(c) The director, police chief, and fire chief may require public safety measures that exceed the minimum standards set forth in this chapter based on specific event risk and threat factors identified by the appropriate city departments. [~~In addition to other duties designated by this chapter, the city manager, or the city council, the special event manager shall provide for the enhancement of commercial film development in the city by assisting the film industry in:~~

~~(1) identifying film locations;~~

~~(2) securing required permits;~~

~~(3) coordinating traffic and security needs; and~~

~~(4) providing information.~~]

(d) The director may impose additional permit requirements for any activity as required in this chapter if the total attendance is expected to exceed the applicant's expected total attendance or if the activity is held in a high impact area.

(e) The director may decline or propose alternate dates, times, street closures, venues, or routes, or impose additional requirements upon a permit holder based on public safety or impacts on local residents and businesses.

SEC. 42A-4. CHAPTER CUMULATIVE.

(a) The provisions of this chapter are cumulative of all city ordinances. Except as provided in Subsection (c), tent permits, building permits, electrical permits, food establishment permits, alcoholic beverage licenses, and all other permits and licenses required by ordinance or other law for specific activities to be conducted in conjunction with or as part of the special event, commercial filming activity, neighborhood market, or the Dallas Farmers Market must be applied for separately, in accordance with the applicable ordinance or law. [~~The special event manager shall receive and coordinate applications for any city-issued permit or license required in addition to the special event permit~~].

(b) Application for a special event permit, commercial filming permit, neighborhood market permit, Dallas Farmers Market permit, or streetlight pole banner permit authorizes appropriate city departments to issue permits for the activities authorized by this chapter [~~described in Section 42A-2(9) in locations where the activity would otherwise be prohibited by ordinance~~].

(c) A license for the use of the public right-of-way required by Article VI of Chapter 43 of this code [~~The following permits and licenses~~], and any fees applicable to obtaining the [~~those permits and~~] license[~~s~~], is [~~are~~] not required for a special event, commercial filming activity, neighborhood market, or Dallas Farmers Market conducted in compliance with this chapter and the terms of a valid special event permit, commercial filming permit, neighborhood market permit, or Dallas Farmers Market permit[~~:~~

~~(1) A license for the use of public right-of-way required by Article VI of Chapter 43 of this code.~~

~~(2) A central business district concession license or location permit required by Division 2, Article XII of Chapter 50 of this code~~].

SEC. 42A-5. EXEMPTIONS.

The provisions of this chapter do not apply to:

(1) a special event conducted entirely on:

(A) property under the control of the park and recreation board; [~~or~~]

(B) the "convention center" [~~or "reunion arena"~~] as defined in Section 43-127 of this code; or

(C) public property managed by an organization with a lease or operating agreement with the city that details special event permit exemptions.

(2) a funeral procession [~~parade, as defined in Section 28-186(4) of this code, for which a permit has been issued under Article XVI of Chapter 28 of this code, except that a special event permit must be obtained for any activity not covered by the parade permit that is conducted in conjunction with the parade and that comes within the definition of a special event~~];

(3) First Amendment activities [~~a demonstration at a fixed location other than the roadway of a street~~];

(4) a neighborhood block party that is conducted on a single block and is expected to have fewer than 200 attendees [~~farmers market (other than the Dallas Farmers Market), as defined in Section 29A-2(6) of this code, for which a permit has been issued under Chapter 29A of this code, except that a special event permit must be obtained if the market is being conducted in conjunction with other activities for which a special event permit is required by or has been issued under this chapter; or~~]

(5) escort vehicles; [~~the distribution, offering for sale, or sale of produce, merchandise, food, or other products to consumers at the Dallas Farmers Market in compliance with a neighborhood farmers market permit issued under Chapter 29A of this code, except that a special event permit must be obtained for any event or activity, not covered by the neighborhood farmers market permit, that is conducted at the Dallas Farmers Market in conjunction with or in addition to the distribution, offering for sale, or sale of produce, merchandise, food, or other products to consumers and that comes within the definition of a special event.~~]

(6) moving a structure in accordance with the Dallas Building Code;

(7) photography or filming for personal use;

(8) any filming activity that does not meet the definition of commercial filming;

(9) any filming activity on public property managed by an organization with a lease or operating agreement with the city that details commercial event permit exemptions;

(10) filming by news organizations in conjunction with daily newsgathering, spontaneous unplanned television news broadcasts or news segment reports produced for air on the same day or within a short timeframe; or

(11) commercial filming on, or of, public property related to the typical daily reporting, journalism, and publication activities of journalists, media, and bloggers, except where filming activity meets the definition of commercial filming or includes access to city staff and resources. In such cases, approval to film on city property is required by the department responsible for oversight of the property.

SEC. 42A-6. FEES [~~VENDORS AT A SPECIAL EVENT~~].

(a) Special event permit. An applicant for a special event permit shall pay the following application processing fees:

Special Event Application Processing Fees*	
Base Application Fee Based On Expected Total Attendance	
<200	$50
201 - 400	$80
401 - 800	$100
801 - 1000	$150
1,001 - 2,000	$200
2,001 - 4,000	$300
4,001 - 8,000	$400
8,001 - 12,000	$500
12,001 - 20,000	$600
20,001+	$700
Plus the following application processing fees:	
No Street Closure - An event with no street closures.	$0
Static Street Closure Event (Simple) - An event with a set footprint that is limited to one block on residential/neighborhood streets and does not involve the closure of any intersections.	$50
Static Street Closure Event (Moderate) - An event with a set footprint that includes the closure of one to three street blocks or intersections.	$100
Static Street Closure Event (Complex) - An event with a set footprint that includes the closure of four or more street blocks or intersections, or any closure in a high impact area.	$200

Moving Event (Simple) - A moving event that is limited to trails and residential or neighborhood streets.	$75
Moving Event (Moderate) - A moving event on city streets other than residential/neighborhood streets and outside of a high impact area.	$150
Moving Event (Complex) - A moving event of which any part moves through a high impact area.	$300

* No application processing fees for a special event that is open to the public and being conducted at the Dallas Farmers Market as produced by the Dallas Farmers Market in compliance with the market's agreements and covenants with the city.

[~~Not less than 10 days before a special event begins, the special event manager shall deliver notice to every city-licensed vendor lawfully operating at or within a location or area in which the special event will be conducted.~~]

(b) Commercial filming permit. An applicant for a commercial filming permit shall pay the following application processing fees:

COMMERCIAL FILMING APPLICATION PROCESSING FEES	
Base Application Fee (per project)	$50
In addition, select the applicable daily fee:	
Commercial Filming (Simple) - B-roll (Permit required for city property only) with unlimited locations; and/or, filming activity at one location with no parking restrictions, no street/lane closures, or no intermittent traffic control (Permit required for City Property only).	$25
Commercial Filming (Moderate) - No street/lane closures; maximum two locations; includes legal parking restrictions and intermittent traffic control.	$100
Commercial Filming (Complex) - Any street/lane closure or need for a traffic control plan; maximum two locations; and/or filming effects on private or public property that may disrupt public safety such as depicting a crime or the use of firearms, prop weapons, special effects, stunts, car chases, or pyrotechnics in view or hearing of the general public or adjacent properties.	$300
In addition, select the applicable other fees:	
Additional Single Location (exceeding the minimum two per day)	$50
Retroactive B-roll - Per location (related to a current active permit only).	$150
*Project-based filming will be assessed a maximum application processing fee of $1,250 for a project that includes up to seven filming days.	

(1) Student filming that meets the requirements of Section 42A-20(n) is exempt from the fees in this subsection.

(2) Project-based filming will be assessed a maximum application processing fee of $500 for a project that includes three or fewer filming days, and a maximum application processing fee of $1,000 for a project that includes four or more filming days. [~~The notice must include:~~

~~(1) the date, hours, and location of the special event;~~

~~(2) any special requirements that the city- licensed vendor must meet to operate at the special event, including:~~

~~(A) any locations from which the vendor is prohibited from vending, a map of which must be included with the notice;~~

~~(B) any designated food, beverage, or product brand being promoted by the special event sponsor that the vendor is required to sale or advertise, provided that the vendor is only required to make expenditures for the actual food, beverage, or product to be sold; and~~

~~(C) any special payment procedures for the sale of any food, beverage, product, or service;~~

~~(3) a statement that the special event manager may be contacted with any questions or comments concerning the special event.~~]

(c) Neighborhood market. An applicant for a neighborhood market permit shall pay the following application processing fees:

NEIGHBORHOOD MARKET ANNUAL APPLICATION PROCESSING FEES	
Base Application Fee	$100
Per every 10 vendors	$25
Street Closure Fee - Simple (1 block, no intersections)	$50

(d) Streetlight pole banners. An applicant for a streetlight pole banner shall pay the following application processing fees:

STREET POLE BANNER APPLICATION PROCESSING FEES	
Base Application Fee	$100
Per Pole Fee	$20
Permitted event - First 5 poles at no charge, additional poles will be invoiced at full price (banners must be related to permitted event).	*5 poles at no charge*
Public Improvement District - First 10 poles at no charge, additional poles will be invoiced at full price (banners must be related to PID identification/beautification).	*10 poles at no charge*

[~~The special event manager may order any city-licensed vendor who violates the special requirements of the notice to cease, for the duration of the special event, selling or offering for~~

~~sale food, beverages, goods, or services at any location within 25 feet of the area designated in the special event permit for the conduct of the special event.~~]

(e) Dallas Farmers Market. An applicant for a Dallas Farmers Market permit shall pay an annual application processing fee of $400.

(f) Additional application processing fees for all permit types.

(1) A late application processing fee of $40 per day is required, in addition to the applicable application processing fees required by Subsections (a), (b), (c), (d), and (e) of this section, if the application is filed with the director less than the minimum number calendar days required by Sections 42A-12, 42A-21, 42A-28, 42A-36, or 42A-40 before the scheduled activity is to begin.

(2) An application processing fee of $50 per minor change to an application requested by the applicant.

(3) An application processing fee of $5,000 for a full or half street closure of the Margaret Hunt Hill Bridge for a period of 24 hours or less. A full or half street closure of the Margaret Hunt Hill Bridge is only permitted four times per calendar year.

(4) An application processing fee of $2,000 for a partial lane closure of the Margaret Hunt Hill Bridge for a period of 24 hours or less.

(5) An application processing fee of $500 for a clean zone.

(6) An application processing fee of $50 if alcohol will be provided at a permitted activity.

(7) An application processing fee of $150 if alcohol will be sold at a permitted activity.

(g) Additional city department related fees when applicable.

(1) A fee of $1,500 for the required activation of the office of emergency management for a planned permitted activity where the expected attendance is 30,000 or more.

(2) A parking meter hooding or removal fee, computed in accordance with Section 28-114.12 of this code, for each parking meter required by the applicant to be hooded or removed for a planned permitted activity.

(3) A rental fee for city equipment and property used by the applicant for a planned permitted activity.

(4) A fee for the number of Dallas police officers, Dallas fire/rescue officers, or vehicles required by Sections 42A-13, 42A-14, 42A-24, and 42A-25 to provide security, crowd control, and traffic control at a permitted activity.

(5) A fee to reimburse the city for direct costs incurred by the city in providing services at a permitted activity; direct costs include, but are not limited to, the reasonable costs of setup, cleanup, public safety, oversight of city facilities and equipment, electrical services, construction, placement and retrieval of city equipment, and other related services beyond what the city would provide to the general public in the ordinary course of its daily operations.

(6) Fee for all other required permits and licenses must be paid.

(h) Non-profit applicants. The base application fee for all application types will be reduced by 50 percent for a certified 501(c)(3) non-profit applicant.

(i) List of charges. A current list of charges for the items, services, and personnel described in Subsections (g)(3), (4), and (5) and in Subsection (j), and for any other items, services, or personnel that may be required under this chapter, must be maintained by the director and published annually to the office of special events website. The chiefs of the police department and fire-rescue department shall provide to the director the current schedule of charges for the personnel and vehicles described in Subsection (g)(5).

(j) Security deposit. Not less than 10 days before the date of the planned permitted activity, the applicant shall deposit with the appropriate city department an amount equal to a security deposit for any city equipment or property rented under Subsection (g)(3), to be refunded to the applicant if the equipment or property is returned undamaged to the city.

(k) Police and fire/rescue fees. The applicant shall pay any remaining fees owed for all public safety expenses incurred by a special event, commercial filming project, or neighborhood market within 15 business days after receipt of an invoice from the city.

(l) Waiver. All or part of the application processing fees required by this section to be paid to the city for a city-sponsored activity may be waived by approval of the city manager or by city council resolution.

(m) Fee credit. If an application or permit is cancelled due to an Act of God and the permitted activity is rescheduled for an available date within 60 days from the original event date, any previously paid application processing fees will be credited toward the rescheduled date [~~A city-licensed vendor commits an offense if he continues to sell or offer for sale food, beverages, goods, or services from a location in violation of the special event manager's order~~].

[~~ARTICLE II.~~
~~SPECIAL EVENT PERMITS.~~]

SEC. 42A-7. INDEMNIFICATION.

An applicant for a permit issued under this chapter shall execute an agreement to indemnify the city and its officers and employees against all claims of injury or damage to persons or property, whether public or private, arising out of the permitted activity.

SEC. 42A-8. APPEAL FROM DENIAL OR REVOCATION OF A PERMIT.

(a) If the director denies the issuance of a permit or revokes a permit, after three attempts to contact by phone or email, the director shall send the applicant or permit holder by certified mail, return receipt requested, written notice of the denial or revocation and of the right of appeal. Mailed notice shall be deemed received and effective three days after the date of mailing whether the notice was actually received or not or whether the notice was returned unclaimed or undeliverable.

(b) The applicant or permit holder may appeal the decision of the director to the permit and license appeal board in accordance with Section 2-96 of this code.

SEC. 42A-9. AMPLIFIED OUTDOOR SOUND AND LIGHTING.

(a) Except as provided in this section, amplified outdoor sound and lighting is allowed in conjunction with a permit issued under this chapter only between the hours of 8:00 a.m. and 10:00 p.m.

(b) The director may grant a variance to Subsection (a) if he determines that allowing outdoor amplified sound or lighting during additional hours will not result in an excessive negative impact on the quality of life of surrounding residences and businesses.

SEC. 42A-10. HIGH IMPACT AREAS.

(a) The director shall publish a list of high impact areas on the office of special events website annually.

(b) A committee shall meet at least once annually to determine the list of high impact areas. The committee must be comprised of the office of special events and representatives of at least five city departments and partner agencies.

(c) The committee shall consider the following factors in determining which areas to designate as high impact areas:

(1) Construction in the area.

(2) Complaints received by the director.

(3) Input from citizens.

(4) Historical event and location knowledge of committee members.

SEC. 42A-11. CLEAN ZONE.

(a) The operational restrictions within a clean zone are imposed to negate the impact of a planned permitted activity on neighboring businesses and residents and to protect the integrity of the host and sponsors of the permitted activity. A clean zone does not affect any existing operations, signage, or permitted activity associated with a business's typical operations.

(b) The director may designate the duration and geographic boundaries of a clean zone following consultation with the chief of police and all applicable departments.

(c) The boundaries of a clean zone, as well as any requirements and restrictions for the clean zone, must be in writing and included in the terms of the permit.

(d) If a clean zone is approved, the applicant shall deliver notice a minimum of seven days before the permitted activity begins, at the applicant's expense, to all registered homeowners' associations, religious institutions, schools, and owners or occupants of real property within the boundaries of the area of the clean zone. Notice must include, but not be limited to, the location, boundaries, effective dates and times, and the requirements and restrictions of the clean zone. Complete documentation of this effort must be submitted to the director and approved prior to permit issuance.

ARTICLE II.
SPECIAL EVENT PERMITS.

SEC. 42A-12. APPLICATION; ISSUANCE.

(a) A person desiring to hold a special event shall submit an online [~~apply for a special event permit by filing with the special event manager a written~~] application with the office of special events [~~upon a form provided for that purpose. Each application must be accompanied by the required application fee~~]. An application must be filed not less than the number of calendar [~~45~~] days indicated in the following table before the special event is to begin. The director [~~special event manager~~] may waive the [~~45-day~~] filing requirement if the application is submitted within five days of the submission due deadline and the application can be processed in less than the number of calendar [~~45~~] days indicated on the chart, taking into consideration the number and types of additional licenses and permits that may be required to be issued in conjunction with the special event permit and the extent of public safety, department, or agency review required based on the scope of the event. An outdoor activity that meets the

requirements for obtaining a permit under another article of this chapter is not required to obtain a special event permit.

NO STREET CLOSURES	30 calendar days
STATIC CLOSURES	60 calendar days
MOVING EVENTS	120 calendar days

(b) An application must be completed in full before it can be invoiced. An application will not be processed, and the date and venue will not be confirmed until the application processing fee has been paid. Submission of a complete application does not guarantee a special event permit will be issued. All requirements must be met prior to permit issuance. [~~contain the following information:~~

~~(1) the name, address, and telephone number of the applicant and of any other persons responsible for the conduct of the special event;~~

~~(2) a description of the special event, including any historical and promotional information, and requested dates and hours of operation for the event;~~

~~(3) the estimated number of participants and spectators at the special event;~~

~~(4) a drawing showing the area or route to be used during the special event, along with proposed structures, tents, fences, barricades, signs, banners, and restroom facilities;~~

~~(5) provisions for parking with a designation of where "No Parking" signs will be used;~~

~~(6) details of how applicant proposes to provide for security, crowd control, and traffic control and for any medical or other emergency;~~

~~(7) the time and location of street closings, if any are requested;~~

~~(8) details of the sale of merchandise or the sale or serving of food or alcoholic or nonalcoholic beverages at the special event, designating any street vendors or peddlers involved;~~

~~(9) a description of animals to be used in the special event, if any;~~

~~(10) a description of each motor vehicle to be used in the special event and proof that each vehicle is covered by insurance meeting the minimum requirements of:~~

~~(A) Section 42A-10 of this chapter, if the estimated number of participants and spectators at the special event exceeds 2,500 for any day of the event; or~~

~~(B) the Texas Motor Vehicle Safety Responsibility Act (Chapter 601, Texas Transportation Code), as amended, if the estimated number of participants and spectators at the special event does not exceed 2,500 for any day of the event;~~

~~(11) the name of each person who will operate a motor vehicle as part of the special event and proof that each person holds a valid driver's license;~~

~~(12) details of how the applicant will clean up the area used after the special event, if on public property;~~

~~(13) proof that the applicant possesses or is able to obtain all licenses and permits required by this code or other city ordinance or by state law for the conduct of the special event;~~

~~(14) if the applicant is a corporation, copies of a current certificate of account status issued by the Texas Comptroller's Office and a current certificate of existence issued by the Texas Secretary of State's Office, or, if the corporation is not incorporated in or holding a certificate of authorization in the State of Texas, copies of similar current certificates from the state in which the corporation is incorporated; and~~

~~(15) a description (including but not limited to the name, date, location, and size) of each special event that the applicant conducted or sponsored, or participated in conducting or sponsoring, within the preceding two years.~~]

(c) Upon receipt of the completed application, the director [~~special event manager~~] shall forward a copy of the application to all applicable city departments and partner agencies for review [~~the building official, to the departments of police, fire-rescue, equipment and building services, risk management, transportation, sanitation services, and code compliance, and to Dallas area rapid transit (DART)~~]. If the application must be reviewed for public safety, public safety agencies will review the application first, followed by a review by partner agencies. If any part of the scheduled activity [~~special event~~] is to be held on or adjacent to property that is exempt from this chapter under Section 42A-5, the director [~~special event manager~~] shall also include [~~forward a copy of the application to~~] the department that manages or controls the exempt property in the review of the application. Each department and partner agency [~~DART~~] shall review the application and return it, with any comments, to the director [~~special event manager~~] within 10 business [~~working~~] days of receipt of the request requiring a response. If no response is received, the director may proceed with permitting, however, if an application requires a public safety review, the director must wait for the public safety review response before proceeding. If any department denies the application, or a resolution cannot be reached, the permit will be denied.

(d) If the proposed scheduled activity will be held on private property and the applicant does not own the property, the applicant shall obtain the written consent of the property owner to conduct the scheduled activity on the property with the authorization including the date and time of the scheduled activity. The written consent must be submitted at the time of application. The applicant shall present the written consent to the director or any peace officer

upon request. [~~The departments, DART, and the special event manager may prescribe licenses, permits, and authorizations required by other city ordinances or applicable law, restrictions, regulations, safeguards, and other conditions necessary for the safe and orderly conduct of a special event, to be incorporated into the permit before issuance.~~]

(e) The director shall cancel a special event permit application if:

(1) a special event permit has been granted or is in the review process for another special event at the same or a nearby place and the same time;

(2) an established special event is customarily held at the same or a nearby place and the same time as the proposed special event;

(3) the proposed special event will occupy any part of a freeway, expressway, or tollway;

(4) the proposed special event will unreasonably disrupt the orderly flow of traffic, and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available;

(5) the proposed special event cannot comply with high impact area parameters;

(6) the applicant makes a false statement of material fact on an application for a special event permit or fails to properly complete an application for a special event permit;

(7) the applicant had a special event permit revoked within the preceding 14 months;

(8) the applicant has committed, within the preceding 14 months, two or more violations of a provision of a special event permit or this chapter;

(9) the applicant has conducted or sponsored one or more special events within the city on at least 60 days of the same calendar year during which the proposed special event is to be held; or

(10) the applicant has a history of conducting or sponsoring special events in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner.

(f) If the director determines that an application requires additional information in order to make a decision, or if additional fees will be required to process the application, the application will be considered incomplete and cancelled if the applicant does not supply the additional information or fees after the director has sent two reminder emails and made one reminder phone call after a period of 10 calendar days without a response from the applicant.

(g) If the director determines that an applicant has failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the proposed scheduled activity or a past scheduled activity, the application will be deemed incomplete and the application will be cancelled. An application that has been cancelled under this subsection cannot be re-filed for 12 months.

(h) If the applicant makes major changes to the original submission of an application, after the five-month courtesy review, this will result in the original permit application being deemed incomplete and cancelled. A revised permit application will be required, along with new application processing fees if the applicant wishes to pursue the application.

(i) An application that has been cancelled because it is incomplete cannot be appealed under Section 42A-8 and all application processing fees are forfeited.

(j) After reviewing and confirming all permit requirements have been met [~~the application and comments~~], the director [~~special event manager~~] shall issue the special event permit unless denial or revocation is required by Section 42A-20 [~~42A-13~~]. Except as provided in this subsection, a [~~A~~] special event permit will be issued for a period not to exceed 10 consecutive days. A special event permit for a city-sponsored event on city hall plaza will be issued for a period not to exceed 30 consecutive days. A special event permit may be extended [~~renewed, without payment of the application fee,~~] for additional consecutive 10-day periods not to exceed 60 days in a calendar year [~~during which a special event will be conducted, unless the time limitations set forth in Section 42A-13(a)(12) of this chapter would be exceeded~~]. All applicable fees must be paid for any permit extension.

(k) In granting a permit, the city may provide city services and equipment for city-sponsored activities and other events in accordance with the city's special event in-kind sponsorship guidelines and subject to approval of the city manager.

[~~**SEC. 42A-8. FEES.**~~

~~(a) Special event permit. An applicant for a special event permit shall pay the following fees to conduct the special event:~~

~~(1) A nonrefundable application fee of:~~

~~(A) $30 for a special event (other than one involving commercial filming activity) in which the estimated number of participants and spectators in any day of the event exceeds 75 but does not exceed 200;~~

~~(B) $50 for a special event (other than one involving commercial filming activity) in which the estimated number of participants and spectators in any day of the event exceeds 200 but does not exceed 400;~~

~~(C) $75 for a special event (other than one involving commercial filming activity) in which the estimated number of participants and spectators in any day of the event exceeds 400 but does not exceed 800;~~

~~(D) $100 for a special event (other than one involving commercial filming activity) in which the estimated number of participants and spectators in any day of the event exceeds 800 but does not exceed 1,000;~~

~~(E) $250 for a special event (other than one involving commercial filming activity) in which the estimated number of participants and spectators in any day of the event exceeds 1,000 but does not exceed 20,000;~~

~~(F) $500 for a special event (other than one involving commercial filming activity) in which the estimated number of participants and spectators in any day of the event exceeds 20,000;~~

~~(G) $250 for a special event involving commercial filming activity, regardless of the estimated number of participants and spectators in any day of the event, except that the fee is $50 if the special event requires:~~

~~(i) only street closings and/or traffic management services; or~~

~~(ii) only the hooding of parking meters; and~~

~~(H) no application fee for a special event that is open to the public and being conducted at the Dallas Farmers Market in compliance with the market's agreements and covenants with the city.~~

~~(2) All fees for permits and licenses required by other city ordinances to conduct specific activities in conjunction with or as part of the special event.~~

~~(3) A parking meter hooding or removal fee, computed in accordance with Section 28-114.12 of this code, for each parking meter required by the applicant to be hooded or removed for the special event.~~

~~(4) A rental fee for city equipment and property, including but not limited to barricades and street fixtures, used by the applicant for the special event.~~

~~(5) A fee for the number of Dallas police officers required by Section 42A-12 to provide security, crowd control, and traffic control at the special event.~~

~~(6) A fee to reimburse the city for direct costs incurred by the city in providing services at the special event; direct costs include, but are not limited to, the reasonable costs of setup, cleanup, electrical services, construction, placement of "No Parking" signs and other traffic control devices, and other related services beyond what the city would provide to the general public in the ordinary course of its daily operations.~~

~~(7) A fee of $40, in addition to the applicable application fee required by Paragraph (1) of this subsection, if:~~

~~(A) the application for a special event is filed with the special event manager less than 45 days before the special event is scheduled to begin; or~~

~~(B) changes are requested to a previously submitted application that, in the opinion of the special event manager, substantially modify the scope or nature of the special event.~~

~~(8) A fee for the number of Dallas emergency medical personnel and emergency medical vehicles required by Section 42A-11.1 to provide first aid and emergency medical services at the special event.~~

~~(b) A current list of charges for the items, services, and personnel described in Subsections (a)(4), (5), (6), and (8) and in Subsection (c)(3) must be maintained in the special event manager's office and made available for public inspection during normal business hours. The chief of the police department shall provide to the special event manager the current schedule of charges for the personnel described in Subsection (a)(5), and the chief of the fire-rescue department shall provide to the special event manager the current schedule of charges for the personnel and vehicles described in Subsection (a)(8).~~

~~(c) Not less than 10 days before the date of the special event as shown on the special event permit, the applicant shall deposit with the special event manager an amount equal to:~~

~~(1) all permit and license fees required by Subsection (a)(2);~~

~~(2) one-third of the estimated fees required by Subsections (a)(3), (4), and (6); and~~

~~(3) a security deposit for any city equipment or property rented under Subsection (a)(4), to be refunded to the applicant if the equipment or property is returned undamaged to the city.~~

~~(d) The applicant shall pay any remaining fees owed the city for a special event within 60 days after the special event ends. The applicant may, upon written request to the special event manager, obtain a refund of any fee deposited with the special event manager for a service that the city did not provide for the special event.~~

~~(e) All or part of the fees required by Subsection (a) to be paid to the city for a city-sponsored special event may be waived by city council resolution.]~~

SEC. 42A-13. SECURITY; CROWD CONTROL; AND TRAFFIC CONTROL.

(a) An applicant for a special event permit shall provide police officers for security, crowd control, and traffic control at the special event in accordance with Subsection (b) and the following schedule:

Number of Participants and Spectators at Special Event	**Minimum Number of Police Officers Required***
0 to 250	0 or 2
251 to 1,500	2 - 4
1,501 to 3,000	4 - 6
3,001 to 5,000	6 - 15
over 5,000	15 plus 1 police officer for every 1,000 participants and spectators over 5,000 at the special event

* The minimum number of officers in the above table may vary depending on the scope of the event, the sale or service of alcohol, on-stage talent, event geography, historical knowledge of the event, police intelligence, and any other factor that is determined to impact public safety.

(b) The director, upon recommendation from the chief of the Dallas police department, may require a number of police officers, in addition to those required in Subsection (a), if:

(1) any alcoholic beverage is sold, served, or otherwise made available at the special event;

(2) special needs for increased security, crowd control, or traffic control are created by:

(A) the topography or size of the special event location;

(B) weather conditions at the special event; or

(C) the time of day during which the special event is conducted;

(3) the special event requires street closures or rerouting of vehicular or pedestrian traffic; or

(4) the history of the particular special event indicates that a greater number of police officers are required to protect the public health, safety, and welfare.

(c) The police officers required to be provided at a special event by this section must be sworn members of the Dallas police department, except that the chief of the Dallas police department may authorize a special event applicant or permit holder to provide peace officers from other jurisdictions or entities if the chief determines that an insufficient number of Dallas police officers will be available for a particular special event. Off-duty jobs for Dallas police

officers at a special event must comply with the Dallas Police Department General Orders and Code of Conduct.

(d) A permit holder must provide the name, phone number, and email address of an individual who will be available following submission of an application through the end of the event, as well as at the special event site the day of the special event, to respond to any questions or concerns from police officers or code compliance officers. This individual shall meet police officers or code enforcement officers at the special event site within one hour of being contacted by telephone or email.

(e) If the police department requires a traffic control plan in conjunction with a special event, the plan must include the following:

(1) the route and footprint of the special event.

(2) all street closures.

(3) lane restrictions.

(4) alternate through traffic routes.

(5) footprint for event staging.

(6) any start line and finish line.

(7) dedicated locations shared rides and shuttles.

(8) the type and location of all traffic control devices.

(f) A traffic control plan required by Subsection (e) must receive approval from the directors of public works and transportation, and the chief of police.

SEC. 42A-14. EMERGENCY MEDICAL SERVICES.

(a) An applicant for a special event permit shall provide, in accordance with Subsection (b) and the following schedule, emergency medical personnel and emergency medical vehicles to perform first aid and emergency medical services at the special event as required in the preliminary letter:

NUMBER OF EMERGENCY MEDICAL PERSONNEL/VEHICLES REQUIRED (based on estimated total attendance and scope of the special event)					
Type of Emergency Medical Personnel or	**1 - 100 participants/ spectators**	**101 - 3,000 participants/ spectators**	**3,001 - 5,000 participants/ spectators**	**5,001 - 25,000 participants/ spectators**	**Over 25,000 participants/ spectators**

Vehicle Required					
Paramedics	0	2	6	8	14
EMS Supervisors	0	1	1	3	5
Emergency Medical Vehicles	0	1	1	4	7

The fire chief may determine, based on the event scope, special needs, or risks, that emergency medical services will be provided via the 911 emergency response system.

(b) The director, upon recommendation of the chief of the Dallas fire-rescue department, may require a number of emergency medical personnel and emergency medical vehicles, in addition to those required in Subsection (a), if:

(1) any alcoholic beverage is sold, served, or otherwise made available at the special event;

(2) special needs for increased emergency medical services are created by:

(A) the topography or size of the special event location;

(B) weather conditions at the special event; or

(C) the time of day during which the special event is conducted;

(3) the special event requires street closures or rerouting of vehicular or pedestrian traffic that may affect emergency access to the special event;

(4) the special event involves specific activities that create a higher risk of illness or injury to persons participating in or attending the event, including but not limited to rodeos, sporting or athletic events, events involving motor vehicles, or marathons; or

(5) the history of the particular special event indicates that a greater number of emergency medical personnel or emergency medical vehicles are required to protect the public health, safety, and welfare.

(c) The emergency medical personnel required to be provided at a special event by this section must be sworn members of the Dallas fire-rescue department, except that the chief of the Dallas fire- rescue department may authorize a special event applicant or permit holder to provide emergency medical personnel from other jurisdictions or entities if the chief determines that an insufficient number of Dallas fire-rescue officers will be available for a particular special event. Off-duty jobs for Dallas fire- rescue officers at a special event must comply with the Dallas Fire-Rescue Rules and Regulations.

SEC. 42A-15. INSURANCE.

(a) An applicant for a permit to hold a special event in which the estimated number of participants and spectators exceeds 2,500 for any day of the event shall procure and keep in full force and effect for the duration of the event insurance written by an insurance company approved by the State of Texas and acceptable to the city and issued in the standard form approved by the Texas Department of Insurance. All provisions of each policy must be acceptable to the city. Each policy must name the city and its officers, employees, and appointed representatives as additional insureds. The coverage provisions of each policy must provide coverage for any loss or damage that may arise to any person or property by reason of the conduct of the special event by the applicant.

(b) Insurance is required in the following types and amounts:

(1) Commercial general liability insurance must be provided with combined single limits of liability for bodily injury and property damage of not less than:

(A) $500,000 for each occurrence, for an estimated daily number of participants and spectators of 2,501 to 4,999; or

(B) $1,000,000 for each occurrence, for an estimated daily number of participants and spectators of 5,000 or more.

(2) If a special event includes vehicles, aircraft, or other equipment, devices, or activities that are excluded from coverage in the commercial general liability insurance policy required in Paragraph (1) of this subsection, then separate additional liability insurance coverage for the applicable exclusion must be provided by the applicant or the aircraft provider with combined single limits of liability for bodily injury and property damage of not less than:

(A) $500,000 for each occurrence, for an estimated daily number of participants and spectators of 2,501 to 4,999; or

(B) $1,000,000 for each occurrence, for an estimated daily number of participants and spectators of 5,000 or more.

(3) If any alcoholic beverage is sold, served, or otherwise made available at the special event, then separate additional liquor liability insurance must be provided by the alcoholic beverage license holder in an amount of not less than $1,000,000 for each claim.

(4) If any fireworks, pyrotechnics, explosives, or other special effects are displayed at the special event, then separate additional general liability insurance must be provided by the pyrotechnics company in an amount of not less than $3,000,000 for each claim.

(5) If security guards (other than Dallas police officers or city staff) are used at the special event, then separate additional security guard liability insurance must be provided by the security guard company in an amount of not less than $1,000,000 for each claim.

(6) If emergency response or first aid stations (other than stations staffed by only Dallas fire-rescue officers or city staff) are provided at the special event, then separate additional medical liability insurance must be provided by the applicant in an amount of not less than $1,000,000 for each claim, and if ambulance service (other than service provided by Dallas fire-rescue officers and vehicles) is provided, then separate additional automobile liability insurance must be provided by the emergency response or ambulance provider in an amount of not less than $1,000,000 combined single limit for each claim.

(7) If amusement rides are provided at the special event, proof of separate additional general liability insurance meeting the state liability and coverage requirements for each particular ride must be provided by the applicant or the amusement ride provider, along with a current certificate of inspection for each ride.

(8) If animals are part of the special event, then separate additional general liability insurance covering any bodily injury and property damage caused by animals must be provided by the applicant or the animal provider in an amount of not less than $500,000 for each claim.

(9) If the special event is conducted at a city-owned facility, general liability insurance must be provided by the applicant in an amount of not less than $500,000 for each claim.

(c) In addition to the insurance requirements of Subsection (b) of this section, the director may require additional insurance for a special event if such additional insurance is recommended by the city's risk manager as being necessary for the protection of the city or the public health, safety, and welfare.

(d) If a facility or other property owned or managed by the city is subject to both the insurance requirements of this chapter and insurance requirements established by another city ordinance, an official city action, a city lease or use agreement, or other applicable law, then the insurance requirements with the greater limits and coverages must be met to conduct the special event at the facility or property.

(e) An original certificate of insurance completed by an authorized agent of the insurance company and evidencing each insurance coverage required under this section must be delivered to the director at least 15 days before the special event begins.

(f) A special event permit will not be issued until the insurance requirements have been verified by the city's third-party provider.

SEC. 42A-16. STREET CLOSURES.

(a) Street closures may require approval from DART and the following departments: police, public works, and transportation.

(b) A permit holder must provide notice of street closures in accordance with Section 42A-18.

(c) The police department may require a traffic control plan at the expense of the applicant. If a traffic control plan is required, it must be approved by the police department prior to permit issuance.

(d) All traffic apparatus required to fulfil a traffic control plan must be acquired at the applicant's expense.

(e) The director may require accommodations if a proposed street closure will restrict access to public or private parking, residences, businesses, or places of worship.

SEC. 42A-17. PARKING.

(a) A complete parking plan must be submitted with each special event application. The director may waive this requirement for special events with an expected total attendance of less than 250.

(b) The parking plan must demonstrate that adequate parking will be available to accommodate the expected total attendance.

(c) The parking plan must be approved prior to the issuance of a special event permit.

(d) Meter hooding and no parking zones in connection a special event must be limited to the shortest time feasible. "No parking" signs must be posted a minimum of 24 hours in advance of the special event and follow a standard format approved by the director.

(e) Additional parking requirements or restrictions may be implemented for areas determined to be high impact areas in accordance with Section 42A-10 or in areas with known parking issues.

(f) When the main use of the property is open for business and the designated parking is to be activated as part of the event space, the applicant must demonstrate that provisions have been made to provide remote parking in an amount that is adequate to replace the parking spaces being utilized as part of the event space.

(g) When activating an event in a multi-tenant parking lot, and when the tenants are open for business, not more than 25 percent of the total area of the shared available parking may be activated for the permitted activity.

(h) When restricting public or private parking, including handicapped accessible parking, the applicant must provide adequate alternate parking.

SEC. 42A-18[~~9~~]. NOTICE.

(a) An applicant for a permit to hold a special event [~~in which the estimated number of participants and spectators exceeds 500 during any day of the special event~~] shall deliver notice[~~,~~] at [~~least 30 days before the special event begins,~~] the applicant's expense, [~~deliver notice~~] to all owners or occupants of real property abutting the [~~boundaries of the area in which the special~~] event or [~~will be conducted, including all owners or occupants of real property abutting the~~] route of a moving [~~progressive~~] event such as a special event parade or marathon, as well as all owners and occupants of real property in adjoining impacted areas as determined by the director. The director will determine the most appropriate method of notification according to the following table:

NOTIFICATION REQUIREMENTS FOR PERMITTED SPECIAL EVENTS							
COMMUNICATION TYPES	**NO STREET CLOSURE**	**STATIC CLOSURE EVENTS**			**MOVING EVENTS**		
Notifications are NOT required for outdoor events with an expected attendance of 250 or fewer people and with no street/lane closures.	X	**Simple**	**Moderate**	**Complex**	**Simple**	**Moderate**	**Complex**
Neighborhood/Residential based events: notify all owners and occupants of real property abutting the event area and all those impacted by the event a minimum of 15 days prior to the event date utilizing a minimum of two of the following communication methods: email distribution; electronic notification through web app. e.g. NextDoor; yard signs along the event footprint; posting in a neighborhood association/PTA/PTO newsletter and/or social media page; hand delivered; or mailed.		X	X	X	X	X	X
Deliver written notice to all owners and occupants of real property abutting the event area and all those impacted by the event a minimum of 30 days prior to the event date (mail, hand delivered, or door hanger).				X			X
Deliver written notice to all owners and occupants of real property abutting the event area and all those impacted by the event a minimum of 15 days prior to the event date (mail, hand delivered, or door hanger). Zone specific communication pieces apply.		X	X	X	X	X	X
Direct communication and notification is required via in-person or phone and a follow-up email to all major employers; multi-family housing; places of worship; and neighborhood associations abutting the event area and all those impacted by the event.			X	X	X	X	X
Contact Waze, Google etc. to request street closures be posted.				X		X	X
Council members are encouraged to post district specific event details to social media.	X	X	X	X	X	X	X

Council members are encouraged to distribute district specific street closure details to stakeholders from OSE weekly report.		X	X	X	X	X	X
Develop targeted (zone specific) communication. Utilize digital neighborhood based platforms and available databases to communicate street closures specific to neighborhoods and business zones impacted.					X	X	X
Develop targeted (zone specific) communication. Provide OSE a final communication piece to distribute to community stakeholders through the City Council Office and OSE (available database).				X	X	X	X
OSE to create and distribute a Traffic Advisory.				X			X
OSE to create and distribute a City Hall Announcement for all City Hall Plaza permitted events and all events that impact city hall garage access.	X			X			X
OSE to post event to web calendar with hyperlink to event website for maps, street closures, rerouting information etc.	X	X	X	X	X	X	X
Provide communication piece to be distributed by OSE through OSE email database (to be developed).		X	X	X	X	X	X

The director will determine the specific notification requirements based on a variety of factors including but not limited to: event size, dates, times, footprint, anticipated impact, and historical knowledge of the event.

(b) Notice must include any information that is required to be provided in the template approved by the director prior to distribution. [~~The notice must be delivered to the address of each abutting property.~~

~~(c) The notice must state that an application for a special event permit has been filed for the location and that interested persons may contact the special event manager with their comments.~~

~~**SEC. 42A-10. INSURANCE.**~~

~~(a) An applicant for a permit to hold a special event in which the estimated number of participants and spectators exceeds 2,500 for any day of the event shall procure and keep in full force and effect for the duration of the event insurance written by an insurance company approved by the State of Texas and acceptable to the city and issued in the standard form approved by the Texas Department of Insurance. All provisions of each policy must be acceptable to the city. Each policy must name the city and its officers and employees as additional insureds. The coverage provisions of each policy must provide coverage for any loss or damage that may arise to any person or property by reason of the conduct of the special event by the applicant.~~

~~(b) Insurance is required in the following types and amounts:~~

~~(1) Commercial general liability insurance must be provided with combined single limits of liability for bodily injury and property damage of not less than:~~

~~(A) $500,000 for each occurrence, for an estimated daily number of participants and spectators of 2,501 to 4,999; or~~

~~(B) $1,000,000 for each occurrence, for an estimated daily number of participants and spectators of 5,000 or more.~~

~~(2) If a special event includes vehicles, aircraft, or other equipment, devices, or activities that are excluded from coverage in the commercial general liability insurance policy required in Paragraph (1) of this subsection, then separate additional liability insurance coverage for the applicable exclusion must be provided with combined single limits of liability for bodily injury and property damage of not less than:~~

~~(A) $500,000 for each occurrence, for an estimated daily number of participants and spectators of 2,501 to 4,999; or~~

~~(B) $1,000,000 for each occurrence, for an estimated daily number of participants and spectators of 5,000 or more.~~

~~(3) If any alcoholic beverage is sold, served, or otherwise made available at the special event, then separate additional liquor liability insurance must be provided by the alcoholic beverage license holder in an amount of not less than $1,000,000 for each claim.~~

~~(4) If any fireworks or other special effects are displayed at the special event, then separate additional general liability insurance must be provided by the pyrotechnics company in an amount of not less than $3,000,000 for each claim.~~

~~(5) If security guards (other than Dallas police officers or city staff) are used at the special event, then separate additional security guard liability insurance must be provided by the security guard company in an amount of not less than $1,000,000 for each claim.~~

~~(6) If emergency response or first aid stations (other than stations staffed by only Dallas fire-rescue officers or city staff) are provided at the special event, then separate additional medical liability insurance must be provided by the applicant in an amount of not less than $1,000,000 for each claim, and if ambulance service (other than service provided by Dallas fire-rescue officers and vehicles) is provided, then separate additional automobile liability insurance must be provided by the ambulance provider in an amount of not less than $1,000,000 combined single limit for each claim.~~

~~(7) If amusement rides are provided at the special event, proof of separate additional general liability insurance meeting the state liability and coverage requirements for each particular ride must be provided by the applicant, along with a current certificate of inspection for each ride.~~

~~(8) If animals are part of the special event, then separate additional general liability insurance covering any bodily injury and property damage caused by animals must be provided by the applicant in an amount of not less than $500,000 for each claim.~~

~~(9) If the special event is conducted at a city- owned facility that is not covered by insurance requirements established by a city lease and use agreement, then separate~~

~~additional general liability insurance must be provided by the applicant in an amount of not less than $500,000 for each claim.~~

~~(c) In addition to the insurance requirements of Subsection (b) of this section, the special event manager may require additional insurance for a special event if such additional insurance is recommended by the city's risk manager as being necessary for the protection of the city or the public health, safety, and welfare.~~

~~(d) If a facility or other property owned or managed by the city is subject to both the insurance requirements of this chapter and insurance requirements established by another city ordinance, an official city action, a city lease or use agreement, or other applicable law, then the insurance requirements with the greater limits and coverages must be met to conduct the special event at the facility or property.~~

~~(e) An original certificate of insurance completed by an authorized agent of the insurance company and evidencing each insurance coverage required under this section must be delivered to the special event manager at least 10 days before the special event begins.~~

~~SEC. 42A-11. INDEMNIFICATION.~~

~~An applicant for a special event permit must execute a written agreement to indemnify the city and its officers and employees against all claims of injury or damage to persons or property, whether public or private, arising out of the special event.~~

~~SEC. 42A-11.1. EMERGENCY MEDICAL SERVICES.~~

~~(a) An applicant for a special event permit shall provide, in accordance with Subsection (b) and the following schedule, emergency medical personnel and emergency medical vehicles to perform first aid and emergency medical services at the special event:~~

[MINIMUM NUMBER OF EMERGENCY MEDICAL PERSONNEL/VEHICLES REQUIRED (based on number of participants and spectators at the special event)					
Type of Emergency Medical Personnel or Vehicle Required	**1 – 2,500 participants/ spectators**	**2,501 - 10,000 participants/ spectators**	**10,001 - 25,000 participants/ spectators**	**25,001 - 50,000 participants/ spectators**	**Over 50,000 participants/ spectators**
Paramedics	0	4	8	8	10
EMS Supervisors	0	1	2	3	3
Emergency Medical	0	1	1	2	2]

~~**Vehicles**~~					

~~(b) The special event manager, upon recommendation of the chief of the Dallas fire-rescue department, may require a number of emergency medical personnel and emergency medical vehicles, in addition to those required in Subsection (a), if:~~

~~(1) any alcoholic beverage is sold, served, or otherwise made available at the special event;~~

~~(2) special needs for increased emergency medical services are created by:~~

~~(A) the topography or size of the special event location;~~

~~(B) weather conditions at the special event; or~~

~~(C) the time of day during which the special event is conducted;~~

~~(3) the special event requires street closures or rerouting of vehicular or pedestrian traffic that may affect emergency access to the special event;~~

~~(4) the special event involves specific activities that create a higher risk of illness or injury to persons participating in or attending the event, including but not limited to rodeos, sporting or athletic events, events involving motor vehicles, or marathons; or~~

~~(5) the history of the particular special event indicates that a greater number of emergency medical personnel or emergency medical vehicles are required to protect the public health, safety, and welfare.~~

~~(c) The emergency medical personnel required to be provided at a special event by this section must be sworn members of the Dallas fire-rescue department, except that the chief of the Dallas fire- rescue department may authorize a special event applicant or permit holder to provide emergency medical personnel from other jurisdictions or entities if the chief determines that an insufficient number of Dallas fire-rescue officers will be available for a particular special event. Off-duty jobs for Dallas fire- rescue officers at a special event must comply with the Dallas Fire-Rescue Rules and Regulations.~~

~~SEC. 42A-12. SECURITY; CROWD CONTROL; AND TRAFFIC CONTROL.~~

~~(a) An applicant for a special event permit shall provide police officers for security, crowd control, and traffic control at the special event in accordance with Subsection (b) and the following schedule:~~

~~**Number of Participants and Spectators at Special Event**~~	~~**Minimum Number of Police Officers Required**~~

~~0 to 250~~	~~0~~
~~251 to 1,500~~	~~2~~
~~1,501 to 3,000~~	~~4~~
~~3,001 to 5,000~~	~~6~~
~~over 5,000~~	~~6 plus 1 police officer for every 1,000 participants and spectators over 5,000 at the special event~~

~~(b) The special event manager, upon recommendation of the chief of the Dallas police department, may require a number of police officers, in addition to those required in Subsection (a), if:~~

~~(1) any alcoholic beverage is sold, served, or otherwise made available at the special event;~~

~~(2) special needs for increased security, crowd control, or traffic control are created by:~~

~~(A) the topography or size of the special event location;~~

~~(B) weather conditions at the special event; or~~

~~(C) the time of day during which the special event is conducted;~~

~~(3) the special event requires street closures or rerouting of vehicular or pedestrian traffic; or~~

~~(4) the history of the particular special event indicates that a greater number of police officers are required to protect the public health, safety, and welfare.~~

~~(c) The police officers required to be provided at a special event by this section must be sworn members of the Dallas police department, except that the chief of the Dallas police department may authorize a special event applicant or permit holder to provide peace officers from other jurisdictions or entities if the chief determines that an insufficient number of Dallas police officers will be available for a particular special event. Off-duty jobs for Dallas police officers at a special event must comply with the Dallas Police Department General Orders and Code of Conduct.~~]

SEC. 42A-<u>19</u>[~~12.1~~]. PORTABLE RESTROOM <u>AND TRASH RECEPTACLE</u> REQUIREMENTS.

(a) An applicant for a special event permit shall provide portable restrooms <u>and trash receptacles</u> at the special event in accordance with Subsection (b) and the following table:

MINIMUM NUMBER OF RESTROOM UNITS AND TRASH RECEPTACLES REQUIRED										
EXPECTED ATTENDANCE	**HOURS OF EVENT**									
	1	**2**	**3**	**4**	**5**	**6**	**7**	**8**	**9**	**10**
500 - 599	2	4	4	5	6	7	9	9	10	12
600 - 699	2	4	5	6	7	7	9	10	11	12
700 - 799	3	5	6	6	7	8	10	10	11	12
800 - 899	3	5	6	7	8	8	10	11	12	13
900 – 999	4	6	7	7	8	9	11	11	12	13
1,000 – 1,999	4	6	8	8	9	9	11	12	13	13
2,000 – 2,999	5	6	9	12	14	16	18	20	23	25
3,000 – 3,999	6	9	12	16	20	24	26	30	34	38
4,000 – 4,999	8	13	16	22	25	30	35	40	45	50
5,000 – 5,999	12	15	20	25	31	38	44	50	56	63
6,000 – 6,999	13	17	24	30	37	45	53	60	67	75
7,000 – 7,999	13	19	27	35	44	53	62	70	79	88
8,000 – 8,999	14	21	31	40	50	60	70	80	90	100
9,000 – 9,999	14	23	34	45	57	68	79	90	102	113
10,000 – 14,999	15	25	38	50	63	75	88	100	113	125
15,000 – 19,999	20	38	56	75	94	113	131	150	169	188
20,000 – 24,999	25	50	75	100	125	150	175	200	225	250
25,000 - 29,999	38	69	99	130	160	191	221	252	282	313
30,000 – 34,999	46	82	119	156	192	229	266	302	339	376
35,000 – 39,999	53	96	139	181	224	267	310	352	395	438
40,000 – 44,999	61	109	158	207	256	305	354	403	452	501
45,000 – 49,999	68	123	178	233	288	343	398	453	508	563
50,000 – 54,999	76	137	198	259	320	381	442	503	564	626
55,000 – 59,999	83	150	217	285	352	419	486	554	621	688
60,000 – 64,999	91	164	237	311	384	457	531	604	677	751
65,000 – 69,999	98	177	257	336	416	495	575	654	734	813

70,000 – 74,999	106	191	277	362	448	533	619	704	790	876
75,000 – 79,999	113	205	296	388	480	571	663	755	846	938
80,000 – 84,999	121	218	316	414	512	609	707	805	903	1001
85,000 – 89,999	128	232	336	440	544	647	751	855	959	1063
90,000 -94,999	136	246	356	466	576	686	796	906	1016	1126
95,000 - 99,999	143	259	375	491	607	724	840	956	1072	1188
100,000 or more	151	273	395	517	639	762	884	1006	1128	1251

[~~MINIMUM NUMBER OF RESTROOM UNITS REQUIRED~~										
~~Estimated Number of Participants and Spectators Attending Event Daily~~	**~~Length of Event (in hours) Per Day~~**									
	~~1~~	**~~2~~**	**~~3~~**	**~~4~~**	**~~5~~**	**~~6~~**	**~~7~~**	**~~8~~**	**~~9~~**	**~~10~~**
~~1 - 50~~	~~1~~	~~1~~	~~1~~	~~1~~	~~2~~	~~2~~	~~2~~	~~2~~	~~2~~	~~2~~
~~51 - 100~~	~~2~~	~~2~~	~~2~~	~~2~~	~~2~~	~~3~~	~~3~~	~~3~~	~~3~~	~~3~~
~~101 - 250~~	~~3~~	~~3~~	~~3~~	~~3~~	~~4~~	~~4~~	~~4~~	~~6~~	~~6~~	~~6~~
~~251 - 500~~	~~4~~	~~4~~	~~4~~	~~4~~	~~6~~	~~6~~	~~8~~	~~8~~	~~8~~	~~8~~
~~501 - 1,000~~	~~4~~	~~5~~	~~6~~	~~7~~	~~7~~	~~8~~	~~8~~	~~8~~	~~9~~	~~9~~
~~1,001 - 2,000~~	~~6~~	~~10~~	~~12~~	~~13~~	~~14~~	~~14~~	~~14~~	~~15~~	~~15~~	~~15~~
~~2,001 - 3,000~~	~~9~~	~~14~~	~~17~~	~~19~~	~~20~~	~~21~~	~~21~~	~~21~~	~~21~~	~~21~~
~~3,001 - 4,000~~	~~12~~	~~19~~	~~23~~	~~25~~	~~28~~	~~28~~	~~28~~	~~30~~	~~30~~	~~30~~
~~4,001 - 5,000~~	~~15~~	~~23~~	~~32~~	~~32~~	~~34~~	~~36~~	~~36~~	~~36~~	~~36~~	~~36~~
~~5,001 - 6,000~~	~~17~~	~~28~~	~~34~~	~~38~~	~~40~~	~~42~~	~~42~~	~~42~~	~~42~~	~~42~~
~~6,001 - 7,000~~	~~20~~	~~32~~	~~40~~	~~44~~	~~46~~	~~48~~	~~50~~	~~50~~	~~50~~	~~50~~
~~7,001 - 8,000~~	~~23~~	~~38~~	~~46~~	~~50~~	~~54~~	~~57~~	~~57~~	~~57~~	~~57~~	~~57~~
~~8,001 - 10,000~~	~~30~~	~~46~~	~~57~~	~~63~~	~~66~~	~~69~~	~~69~~	~~72~~	~~72~~	~~72~~]

(b) The director [~~special event manager~~] may require additional restroom units if:

(1) the estimated number of participants and spectators exceeds 100,000 during any day of the special event;

(2) the estimated duration of the special event exceeds 10 hours on any day of the event;

(3) any alcoholic beverage is sold, served, or otherwise made available at the special event; or

(4) the history of the particular special event indicates that a greater number of portable restroom units are required for public health, safety, and welfare.

(c) At least five percent of the portable restrooms required by this section must comply with the Americans With Disabilities Act of 1990, 42 U.S.C. Section 12101, *et seq.*

SEC. 42A-20[~~13~~]. DENIAL OR REVOCATION.

(a) The director [~~special event manager~~] shall deny a special event permit if:

(1) the applicant fails to meet any of the requirements outlined and defined in the preliminary letter; [~~a special event permit has been granted for another special event at the same place and time;~~]

(2) [~~an established special event is customarily held at the same place and time as the proposed special event;~~

~~(3) the proposed special event will occupy any part of a freeway, expressway, or tollway;~~

~~(4) the proposed special event will unreasonably disrupt the orderly flow of traffic, and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available;~~

~~(5) the applicant fails to adequately provide for:~~

~~(A) the protection of special event participants and spectators;~~

~~(B) maintenance of public order in and around the special event location;~~

~~(C) security, crowd control, or traffic control, taking into consideration the size of the special event;~~

~~(D) emergency vehicle access and the provision of emergency medical services and personnel; or~~

~~(E) portable restroom facilities for the special event as required by Section 42A-12.1~~.

~~(6) the applicant fails to comply with or the proposed special event will violate a city ordinance or other applicable law, unless the prohibited conduct or activity would be allowed under this chapter;~~

~~(7) the applicant makes a false statement of material fact on an application for a special event permit or fails to properly complete an application for a special event permit;~~

~~(8)~~] the applicant fails to provide proof that the applicant possesses or is able to obtain a license or permit required by another city ordinance or other applicable law for the conduct of all activities included as part of the special event;

(3[~~9~~]) the applicant has had a special event permit revoked within the preceding 14 months;

(4[~~10~~]) the applicant has received [~~committed~~], within the preceding 14 months, two or more notices of violation[~~s~~] or citations related to [~~of~~] a provision of a special event permit or this chapter;

[(~~11) the applicant fails to pay any outstanding fees assessed under Section 42A-8 of this chapter for the proposed special event or for a past special event;~~

(~~12~~) ~~the applicant has conducted or sponsored one or more special events within the city on at least 60 days of the same calendar year during which the proposed special event is to be held, except that this 60- day limitation does not apply to a special event that:~~

~~(A) involves a commercial movie production; or~~

~~(B) is being conducted at the Dallas Farmers Market in compliance with the market's agreements and covenants with the city;~~]

(5[~~13~~]) the chief of the police department, the chief of the fire-rescue department, or the director [~~special event manager~~] determines that the special event would pose a serious threat to the public health, safety, or welfare;

(6[~~14~~]) the applicant or any other person responsible for the conduct or sponsorship of the special event is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or other person;

(7[~~15~~]) the applicant has a history of conducting or sponsoring special events in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner;

[~~(16) an event has been previously scheduled for the same time on property described in Section 42A-5(1) that is adjacent to the location of the proposed special event; or~~

~~(17) the applicant, if it is a corporation, fails to provide copies of a current certificate of account status and current certificate of existence as required by Section 42A-7(b)(14)~~];

(8) the director is notified of any code violation on the property where the special event will be held; or

(9) an event will interfere with the rights of nearby residents to the quiet, peaceable, and undisturbed enjoyment of their property.

(b) The director [~~special event manager~~] shall revoke a special event permit if:

(1) the applicant fails to comply with or the special event is in violation of any provision of the special event permit, a city ordinance, or any other applicable law;

(2) the permit holder made a false statement or omission of material fact on an application for a special event permit [~~or failed to properly complete an application for a special event permit~~];

(3) the chief of the police department, the chief of the fire-rescue department, or the director [~~special event manager~~] determines that the special event poses a serious threat to the public health, safety, or welfare;

(4) the permit holder fails to maintain public order in and around the special event location;

(5) the permit holder failed to pay any outstanding fees assessed under Section 42A-6 [~~42A-8~~] of this chapter for the proposed special event or for a past special event;

(6[~~5~~]) the director is notified that the permit holder or any other person responsible for the conduct or sponsorship of the special event is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the permit holder or other person; or

(7[~~6~~]) the director is notified of any code violations on the property where the special event will be held. [~~permit holder, if it is a corporation, failed to provide copies of a current certificate of account status and current certificate of existence as required by Section 42A-7(b)(14).~~

~~SEC. 42A-14. APPEAL FROM DENIAL OR REVOCATION OF A SPECIAL EVENT PERMIT.~~

~~If the special event manager denies the issuance of a permit or revokes a permit, the special event manager shall send to the applicant or permit holder by certified mail, return receipt requested, written notice of the denial or revocation and of the right to an appeal. The applicant or permit holder may appeal the decision of the special event manager to a permit and license appeal board in accordance with Section 2-96 of this code.~~]

ARTICLE III.
COMMERCIAL FILMING PERMIT.

SEC. 42A-21. APPLICATION; ISSUANCE.

(a) Any person who desires to undertake commercial filming is required to submit an online application with the office of special events. An application must be filed not less than the number of days indicated in the following table before the commercial filming activity is to begin. The director may waive the filing requirement if the application is submitted and the application can be processed in less than the number of days indicated on the chart, taking into consideration the number of additional licenses and permits that may be required to be issued in conjunction with the commercial filming permit and the extent of public safety, department, or agency review required based on the scope of the commercial filming. An activity that qualifies for a commercial filming permit under this article is not required to obtain a special event permit under Article II of this chapter.

Commercial Filming type	**Required number of application processing days**
Student or Commercial Filming (Simple) application	Two business days
Commercial Filming (Moderate) application/permit	Three business days
Commercial Filming (Complex) application/permit	Five business days

(b) An application must be completed in full before it can be invoiced. An application will not be processed until the application processing fees have been paid.

(c) Upon receipt of the completed application, the director shall forward a copy of the application to all applicable city departments and partner agencies for review. If the application must be reviewed for public safety, public safety agencies will review the application first, followed by a review by partner agencies. If any part of the scheduled activity is to be held on or adjacent to property that is exempt from this chapter under Section 42A-5, the director shall also include department that manages or controls the exempt property in the review of the application. Each department and partner agency shall review the application and return it, with any comments, to the director within 24 hours of receipt requiring a response. If no response is received, the director may proceed with permitting, however, if an application requires a public safety review, the director must wait for the public safety review response before proceeding. If any department denies the application, or a resolution cannot be reached, the permit will be denied.

(d) If the proposed commercial filming activity will be held on private property, the commercial filming activity requires a permit, and the applicant does not own the property, the applicant shall obtain the written consent of the property owner to conduct the commercial filming activity on the property with the authorization including the date and time of the scheduled activity. The written consent must be submitted at the time of application. The applicant shall present the written consent to the director or any peace officer upon request.

(e) Changes to a commercial filming application must be submitted in writing by the applicant and accompanied by any fees required by Section 42A-6. No changes can be made to an application on the scheduled filming date.

(f) If the director determines that an application requires additional information in order to make a decision, or if additional fees will be required to process the application, the application will be considered incomplete and cancelled if the applicant does not supply the additional information or fees after the director has sent two reminder emails and made one reminder phone call after a period of 10 business days without a response from the applicant. An application that has been cancelled because it is incomplete cannot be appealed under Section 42A-8.

(g) The director shall cancel a commercial filming permit if:

(1) another permit has been granted under this chapter or is in the review process at the same or a nearby place and the same time and no reasonable means of accommodating both requests is available without undue quality of life or public safety impact;

(2) the proposed commercial filming activity will occupy any part of a freeway, expressway, or tollway;

(3) the proposed commercial filming activity will unreasonably disrupt the orderly flow of traffic, and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available; or

(4) the proposed commercial filming cannot comply with high impact parameters.

(h) Major changes to the original submission of an application will result in the original permit application being deemed incomplete and cancelled. A revised permit application will be required, along with new application processing fees if the applicant wishes to pursue the application.

(i) If the director determines that an applicant has failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the proposed commercial filming activity or a past commercial filming activity, the application will be deemed incomplete and the application will be cancelled. An application that has been cancelled under this subsection cannot be re-filed for 12 months.

(j) An application that has been cancelled because it is incomplete cannot be appealed under Section 42A-8 and all fees associated with the application processing fees are forfeited.

(k) Submission of a complete application does not guarantee a commercial filming permit will be issued. All requirements must be met prior to permit issuance.

(l) Prior to the issuance of a permit for a student film:

(1) the student shall submit a letter on school letterhead from the student's professor or teacher outlining the following:

(A) the student's name;

(B) filming dates;

(C) confirmation that the applicant is a currently enrolled student in good standing;

(D) the name of the class the student is taking; and

(E) confirmation that the film project is for school credit.

(2) the applicant, each crew member, and talent that is participating in the film shoot is required to complete and submit a waiver release form to the office of special events.

(m) Unless cancellation or denial is required by this section or Section 42A-26, after reviewing and confirming all permit requirements have been met, the director shall issue a commercial filming permit if he finds:

(1) The commercial filming activity will not:

(A) interfere with vehicular traffic or pedestrian movement,

(B) interfere with or endanger the public peace, health, safety, or welfare,

(C) interfere with the rights of nearby residents to the quiet, peaceable, and undisturbed enjoyment of their property,

(D) interfere with normal governmental operations,

(E) threaten to result in damage or detriment to public property,

(F) result in the city incurring costs or expenditures in either money or personnel not reimbursed in advance by the applicant,

(G) impede, obstruct, or interfere with the operation of emergency vehicles or equipment in or through the permit area, or adversely affect the city's ability to perform municipal functions or furnish city services in the vicinity of the permitted area.

(H) constitute a fire or safety hazard and that all proper safety precautions will be taken as is reasonably necessary to protect the public peace, health, safety, or general welfare,

(I) require the diversion of such a large number of police officers to properly police the activity that it interferes with the normal level of police protection for all other areas of the city, and

(2) The applicant has provided the required documentation to city departments.

(n) A commercial filming permit may be issued for a permit not exceeding 10 consecutive days.

(o) Additional licenses and permits may be required by this code or other city ordinances or state law based on the scope of the commercial filming activity.

SEC. 42A-22. NOTICE.

(a) An applicant for commercial film permit, when restricting parking or the public right-of-way (including sidewalks), or when film equipment or special effects impact quality of life, shall notify all residents and business owners impacted by the commercial filming activity a minimum of two business days before commencing the commercial filming activity.

(b) Notice must include any information that is required to be provided in the template approved by the director prior to distribution.

(c) The notice must state that an application for a commercial filming permit has been filed for the location and that interested persons may contact the director with their comments.

SEC. 42A-23. INSURANCE.

(a) Except as provided in this section, an applicant for a commercial filming permit shall procure and keep in full force and effect for the duration of the commercial filming activity insurance written by an insurance company approved by the State of Texas and acceptable to the city and issued in the standard form approved by the Texas Department of Insurance. All provisions of each policy must be acceptable to the city. Each policy must name the city and its officers, employees, and appointed representatives as additional insureds. The coverage provisions of each policy must provide coverage for any loss or damage that may arise to any person or property by reason of the conduct of the commercial filming activity by the applicant.

(b) Insurance is required in the following types and amounts:

(1) Commercial general liability insurance must be provided with combined single limits of liability for bodily injury and property damage of not less than $1,000,000 for each occurrence with a $2,000,000 annual aggregate.

(2) If a commercial filming activity includes vehicles, business automotive liability insurance covering owned, hired, and non-owned vehicles, with a combined single limit for bodily injury (including death) and property damage of $500,000 per occurrence. If the commercial filming activity involves stunts or car chases, the business automotive liability insurance must be increased to $3,000,000 per occurrence.

(3) If a commercial filming activity includes aircrafts, aircraft liability insurance covering owned, hired, and non-owned aircraft with a minimum limit of $5,000,000 per occurrence.

(4) If any fireworks, pyrotechnics, explosives, or other special effects are utilized as part of the commercial filming activity, then separate additional general liability insurance must be provided by the applicant or pyrotechnic provider in an amount of not less than $3,000,000 for each claim, with a $3,000,000 annual aggregate.

(5) If filming occurs at or on a city facility or premise, worker's compensation insurance with statutory limits. Filming at other locations does not require worker's compensation insurance. Worker's compensation insurance is not required for B-roll filming where the applicant provides a written statement that all photographers, staff, and crew will have both feet on the ground during filming.

(6) Employer's liability insurance with the following minimum limits for bodily injury by:

(A) accident, $500,000 per each accident; and

(B) disease, $500,000 per employee with a per policy aggregate of $500,000.

(c) In addition to the insurance requirements of Subsection (b) of this section, the director may require additional insurance for a commercial filming activity if such additional insurance is recommended by the city's risk manager as being necessary for the protection of the city or the public health, safety, and welfare.

(d) If a facility or other property owned or managed by the city is subject to both the insurance requirements of this chapter and insurance requirements established by another city ordinance, an official city action, a city lease or use agreement, or other applicable law, then the insurance requirements with the greater limits and coverages must be met to conduct the commercial filming activity at the facility or property.

(e) An original certificate of insurance completed by an authorized agent of the insurance company and evidencing each insurance coverage required under this section must be delivered to the director at least two days before the commercial filming activity begins.

(f) A commercial filming permit will not be issued until the insurance requirements have been verified by the city's third-party provider.

SEC. 42A-24. EMERGENCY MEDICAL SERVICES.

(a) The director, upon recommendation of the chief of the Dallas fire-rescue department, may require a number of emergency medical personnel and emergency medical vehicles, onsite at the commercial filming location to perform first aid and emergency medical services at the commercial filming location. Requirements for emergency medical services may be adjusted for:

(1) the topography or size of the commercial filming activity;

(2) weather conditions

(3) the time of day;

(4) required street closures or rerouting of vehicular or pedestrian traffic that may affect emergency access to the commercial filming location; and

(5) whether the commercial filming activity involves specific features that create a higher risk of illness or injury to persons participating in or attending the commercial filming activity.

(b) The emergency medical personnel required to be provided at a commercial filming location by this section must be sworn members of the Dallas fire-rescue department, except that the chief of the Dallas fire-rescue department may authorize a commercial filming applicant or permit holder to provide emergency medical personnel from other jurisdictions or entities if the chief determines that an insufficient number of Dallas fire-rescue officers will be available for a particular commercial filming activity. Off-duty jobs for Dallas fire-rescue officers at a commercial filming location must comply with the Dallas Fire-Rescue Rules and Regulations.

SEC. 42A-25. SECURITY; CROWD CONTROL; AND TRAFFIC CONTROL.

(a) The director, upon recommendation of the chief of the Dallas police department, may require a number of police officers, to provide security, crowd control and traffic management. Special needs for onsite security, crowd control, or traffic control may be adjusted for:

(1) the topography or size of the commercial filming activity;

(2) weather conditions

(3) the time of day;

(4) required street closures or rerouting of vehicular or pedestrian traffic that may affect emergency access to the commercial filming location; and

(5) the history of the application indicates that a greater number of police officers are required to protect the public health, safety, and welfare.

(b) The police officers required to be provided at a commercial filming location by this section must be sworn members of the Dallas police department, except that the chief of the Dallas police department may authorize a commercial filming applicant or permit holder to provide peace officers from other jurisdictions or entities if the chief determines that an insufficient number of Dallas police officers will be available. Off-duty jobs for Dallas police officers must comply with the Dallas Police Department General Orders and Code of Conduct.

(c) The applicant shall provide the director with the name, badge number, and phone number of the assigned lead police officer hired to provide services during filming. The applicant shall provide the name and badge number of all other hired police officers.

(d) The applicant shall provide all hired police officers with a copy of the commercial filming permit.

(e) The onsite Dallas police supervisor may increase the number of police officers, in addition to the number specified in the commercial filming permit, if special needs for security, crowd control, or traffic control are created by the size of the filming or spectators. The applicant shall bear all costs related to the additional police officers.

(f) A permit holder must provide the name, phone number, and email address of an individual who will be available following submission of an application through the end of the commercial filming activity, as well as at the commercial filming location the day of the commercial filming activity, to respond to any questions or concerns from police officers or code compliance officers. This individual shall meet police officers or code enforcement officers at the commercial filming location within one hour of being contacted by telephone or email.

(g) If the director requires a traffic control plan in conjunction with a commercial filming permit, the plan must include the following:

(1) the route and footprint of the commercial filming activity.

(2) all street closures.

(o) lane restrictions.

(p) alternate through traffic routes.

(q) footprint for staging.

(r) the type and location of all traffic control devices.

(h) A traffic control plan required by Subsection (f) must receive approval from the directors of public works and transportation, and the chief of police.

SEC. 42A-26. PARKING.

(a) A complete parking plan must be submitted with each commercial filming application.

(b) The parking plan must demonstrate that adequate parking will be available to accommodate the expected total attendance.

(c) The parking plan must be approved prior to the issuance of a commercial filming permit.

(d) Meter hooding and no parking zones in connection with a commercial filming activity must be limited to the shortest time feasible. No parking signs must be posted a minimum of 24 hours in advance of the commercial filming activity and follow a standard format approved by the director.

(e) Additional parking requirements or restrictions may be implemented for areas determined to be high impact areas in accordance with Section 42A-10 or in areas with known parking issues.

(f) When the main use of the property is open for business and the designated parking is to be activated as part of the commercial filming activity, the applicant must demonstrate that provisions have been made to provide remote parking in an amount that is adequate to replace the parking spaces being utilized as part of the commercial filming activity.

(g) When filming in a multi-tenant parking lot and when the tenants are open for business, not more than 25 percent of the total area of the shared available parking may be activated for the permitted activity.

SEC. 42A-27. DENIAL OR REVOCATION.

(a) The director shall deny a commercial filming permit if:

(1) the applicant fails to adequately provide for:

(A) the protection of commercial filming participants and spectators;

(B) maintenance of public order in and around the commercial filming location;

(C) security, crowd control, or traffic control, taking into consideration the size of the commercial filming activity; or

(D) emergency vehicle access and the provision of emergency medical services and personnel;

(2) the applicant fails to comply with or the proposed commercial filming activity will violate a city ordinance or other applicable law, unless the prohibited conduct or activity would be allowed under this chapter;

(3) the applicant makes a false statement of material fact on an application for a commercial filming permit or fails to properly complete an application for a commercial filming permit;

(4) the applicant fails to provide proof that the applicant possesses or is able to obtain a license or permit required by another city ordinance or other applicable law for the conduct of all activities included as part of the commercial filming activity;

(5) the applicant has had a commercial filming permit revoked within the preceding 14 months;

(6) the applicant has received, within the preceding 14 months, two or more notices of violations or citations related to a provision of a commercial filming permit or this chapter;

(7) the chief of the police department, the chief of the fire-rescue department, or the director determines that the commercial filming activity would pose a serious threat to the public health, safety, or welfare;

(8) the applicant or any other person responsible for the conduct or sponsorship of the commercial filming activity is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or other person;

(9) the applicant has a history of conducting or sponsoring commercial filming activities in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner; or

(10) a commercial filming activity will interfere with the rights of nearby residents to the quiet, peaceable, and undisturbed enjoyment of their property.

(b) The director shall revoke a commercial filming permit if:

(1) the applicant fails to comply with or the commercial filming activity is in violation of any provision of the commercial filming permit, a city ordinance, or any other applicable law;

(2) the permit holder made a false statement of material fact on an application for a commercial filming permit or failed to properly complete an application for a commercial filming;

(3) the chief of the police department, the chief of the fire-rescue department, or the director determines that the commercial filming activity poses a serious threat to the public health, safety, or welfare;

(4) the permit holder failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the proposed commercial filming activity or for a past commercial filming activity;

(5) the director is notified that the permit holder or any other person responsible for the conduct or sponsorship of the commercial filming activity is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the permit holder or other person; or

(6) the director is notified of any code violations on the property where the commercial filming activity will be held.

ARTICLE IV.
NEIGHBORHOOD MARKET.

SEC. 42A-28. APPLICATION; ISSUANCE.

(a) A person desiring to hold a neighborhood market shall submit an online application with the office of special events. An application must be filed not less than 30 business days before the neighborhood market is to begin. The director may waive the filing requirement if the application is submitted within five days of the submission due deadline and the application can be processed in less than the number of calendar days required, taking into consideration the number and types of additional licenses and permits that may be required to be issued in conjunction with the neighborhood market permit and the extent of public safety, department, or agency review required based on the scope of the market. An activity that qualifies for a neighborhood market permit under this article is not required to obtain a special event permit under Article II of this chapter.

(b) An application must be completed in full before it can be invoiced. An application will not be processed, and the date and venue will not be confirmed until the application processing fee has been paid. Submission of a complete application does not guarantee a neighborhood market permit will be issued. All requirements must be met prior to permit issuance.

(c) If the director determines that an application requires additional information in order to make a decision, or if additional fees will be required to process the application, the application will be considered incomplete and cancelled if the applicant does not supply the additional information or fees after the director has sent two reminder emails and made one reminder phone call after a period of 10 business days without a response from the applicant.

(d) Upon receipt of the completed application, the director shall forward a copy of the application to all applicable city departments and partner agencies for review. If the application must be reviewed for public safety, public safety agencies will review the application first, followed by a review by partner agencies. If any part of the scheduled activity is to be held on or adjacent to property that is exempt from this chapter under Section 42A-5, the director shall also include the department that manages or controls the exempt property in the review of the application. Each department and partner agency shall review the application and return it, with any comments, to the director within 10 business days of receipt requiring a response. If no response is received, the director may proceed with permitting; however, if an application requires a public safety review, the director must wait for the public safety review response before proceeding. If any department denies the application, or a resolution cannot be reached, the permit will be denied.

(e) The director shall cancel a neighborhood market permit application if:

(1) a neighborhood market permit has been granted or is in the review process for another neighborhood market at the same or a nearby place and the same time.

(2) an established neighborhood market is customarily held at the same or a nearby place and the same time as the proposed neighborhood market.

(3) the proposed neighborhood market will occupy any part of a freeway, expressway, or tollway.

(4) the proposed neighborhood market will unreasonably disrupt the orderly flow of traffic, and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available.

(5) the proposed neighborhood market cannot comply with high impact parameters.

(6) the applicant makes a false statement of material fact on an application for a neighborhood market permit or fails to properly complete an application for a neighbouhood market permit.

(7) the applicant had a neighborhood market permit revoked within the preceding 14 months.

(8) the applicant has received, within the preceding 14 months, two or more notices of violations or citations related to a provision of a neighborhood market permit or this chapter.

(9) the applicant has a history of conducting or sponsoring neighborhood markets in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner.

(f) If the director determines that an applicant has failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the proposed scheduled activity or a past scheduled activity, the application will be deemed incomplete and the application will be cancelled. An application that has been cancelled under this subsection cannot be re-filed for 12 months.

(g) If the applicant makes major changes to the original submission of an application, this will result in the original permit application being cancelled. A revised permit application will be required, along with new application processing fees if the applicant wishes to pursue the application.

(h) An application that has been cancelled because it is incomplete cannot be appealed under Section 42A-8 and all application processing fees are forfeited.

(i) After reviewing the application and comments, the director shall issue the neighborhood market permit unless denial is required by Section 42A-35. A neighborhood market permit expires one year after issuance and may only be issued for 46 nonconsecutive days in a year.

SEC. 42A-29. LOCATION OF A NEIGHBORHOOD MARKET.

(a) A neighborhood market may not be conducted:

(1) in the central business district;

(2) in a single family, duplex, or townhouse zoning district as defined in the Dallas Development Code;

(3) within one mile of another neighborhood market permitted under this chapter that has the same or overlapping operating dates and times;

(4) at any location where one or more neighborhood markets have already been conducted a total of 28 days during the particular calendar year;

(5) at any location other than the one listed in the permit application;

(6) at a public park; or

(7) on a sidewalk.

(b) If the permit holder does not own the property on which the neighborhood market will be conducted, the permit holder shall obtain the written consent of the property owner to conduct the neighborhood market on the property. The permit holder shall present the written consent to the director or any peace officer upon request.

SEC. 42A-30. OPERATION OF A NEIGHBORHOOD MARKET.

(a) A neighborhood market must operate a minimum of 12 days in a calendar year at the same location, but may not be operated more than 46 days at the same location in a calendar year and may not be operated on consecutive days.

(b) A neighborhood market may only be operated between the hours of 8 a.m. and 10 p.m. on any day of the week.

(c) The neighborhood market may only be operated in accordance with the schedule filed with the director at the time of permit application. An amendment to the schedule may be approved by the director during the calendar year. An amendment request and the required change fee must be received by the director at least 15 days before implementing any changes.

(d) Except as provided in this subsection, no more than 75 vendors may participate in a neighborhood market. Two of the 46 market days may be designated as holiday or specialty markets, and as such, will allowed up to 100 vendors.

(e) Each stall area used by a vendor may not exceed 10 feet by 15 feet.

(f) All litter, tents, stalls, food, merchandise, and other evidence of the neighborhood market must be removed from the premises at the end of each market day.

(g) A permit holder must provide the name, phone number, and email address of an individual who will be available following submission of an application through the end of the neighborhood market, as well as at the neighborhood market site the day of the neighborhood market, to respond to any questions or concerns from police officers or code compliance officers. This individual shall meet police officers or code enforcement officers at the neighborhood market site within one hour of being contacted by telephone or email.

SEC. 42A-31. STREET CLOSURES.

(a) Street closures are limited to one block with no intersections.

(b) Street closures may require approval from DART and the following departments: police, public works, and transportation.

(c) A permit holder must provide notice of street closures in accordance with Section 42A-18.

(d) The police department may require a traffic control plan at the expense of the applicant. If a traffic control plan is required, it must be approved by the police department prior to permit issuance.

(e) All traffic apparatus required to fulfill a traffic control plan must be acquired at the applicant's expense.

(f) The director may require accommodations if a proposed street closure will restrict access to public or private parking, residences, businesses, or places of worship.

SEC. 42A-32. PARKING.

(a) A complete parking plan must be submitted with each neighborhood market application. The director may waive this requirement for neighborhood markets with an expected total attendance of less than 250.

(b) The parking plan must demonstrate that adequate parking will be available to accommodate the expected total attendance.

(c) The parking plan must be approved prior to the issuance of a neighborhood market permit.

(d) Meter hooding and no parking zones in connection a special event must be limited to the shortest time feasible. "No parking" signs must be posted a minimum of 24 hours in advance of the neighborhood market and follow a standard format approved by the director.

(e) Additional parking requirements or restrictions may be implemented for areas determined to be high impact areas in accordance with Section 42A-10 or in areas with known parking issues.

(f) When the main use of the property is open for business and the designated parking is to be activated as part of the neighborhood market space, the applicant must demonstrate that provisions have been made to provide remote parking in an amount that is adequate to replace the parking spaces being utilized as part of the neighborhood market space.

(g) When activating an event in a multi-tenant parking lot, and when the tenants are open for business, not more than 25 percent of the total area of the shared available parking may be activated for the permitted activity.

(h) When restricting public or private parking, including handicapped accessible parking, the applicant must provide adequate alternate parking.

SEC. 42A-33. PRODUCTS AT A NEIGHBORHOOD MARKET.

(a) Products that may be sold at a neighborhood market include, but are not limited to, the following:

(1) Fruits, vegetables, honey, eggs, nuts, herbs, and mushrooms.

(2) Meats.

(3) Dairy products.

(4) Prepared foods, including but not limited to baked goods, packaged foods, and oils.

(5) Arts and crafts, including but not limited to jewelry, candles, natural skin care products, soaps, art, knitting, quilts, and pottery.

(6) Garden items, including but not limited to plants, flowers, and soil.

(b) At least 30 percent of the vendors participating in a neighborhood market must sell produce or other food items.

(c) All products distributed, offered for sale, or sold at a neighborhood market must have been raised, grown, made, crafted, processed, or produced by the vendor in a Texas county or within a 150-mile radius of Dallas County, except that the 150-mile radius requirement does not apply to produce or other food items determined by the director to be unavailable from vendors in the radius area. No products may be offered for resale.

(d) Live animals may not be distributed, offered for sale, or sold at a neighborhood market.

SEC. 42A-34. VENDOR'S STATEMENT.

(a) Each calendar year before vending at a neighborhood market, a vendor shall sign and provide the permit holder with a written statement that:

(1) all products to be distributed, offered for sale, or sold at the neighborhood market by the vendor have been raised, grown, made, crafted, processed, or produced by the vendor in compliance with all applicable federal, state, and local laws and in a Texas county or within a 150-mile radius of Dallas County (or in an area from which the director, pursuant to Section 42A-33(c), allows certain produce or other food items to be distributed, offered for sale, or sold at the market because of the unavailability of those items from vendors in the radius area); and

(2) no product is being offered for resale.

(b) The permit holder shall maintain a vendor statement for each vendor operating at the neighborhood market and shall present the vendors' statements to the director or any peace officer upon request.

SEC. 42A-35. DENIAL OR REVOCATION.

(a) The director shall deny a neighborhood market permit if:

(1) a neighborhood market permit has been previously granted in the calendar year to another neighborhood market that is located within two miles of the proposed market;

(2) the proposed neighborhood market will unreasonably disrupt the surrounding areas or the orderly flow of traffic, and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available;

(3) the applicant fails to adequately provide for:

(A) the protection of the vendors and attendees at the neighborhood market;

(B) maintenance of public order in and around the neighborhood market location;

(C) crowd security, taking into consideration the size of the neighborhood market; or

(D) emergency vehicle access.

(4) the applicant fails to comply with or the proposed neighborhood market will violate a city ordinance or other applicable law, unless the prohibited conduct or activity would be allowed under this article;

(5) the applicant makes a false statement of material fact on an application for a neighborhood market permit or fails to properly complete an application for a neighborhood market permit;

(6) the applicant has had a neighborhood market permit revoked within the preceding 14 months;

(7) the applicant or a vendor at the applicant's neighborhood market has received, within the preceding 14 months, two or more notices of violations or citations related to a provision of a neighborhood market permit or this chapter;

(8) a neighborhood market has been conducted at the location of the proposed neighborhood market on at least 40 days during the same calendar year in which the proposed neighborhood market is to be conducted, except that this restriction does not apply to the Dallas Farmers Market;

(9) the chief of the police department, the chief of the fire-rescue department, or the director determines that the neighborhood market would pose a serious threat to the public health, safety, or welfare;

(10) the applicant or any other person responsible for the conduct or sponsorship of the neighborhood market is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or other person or the applicant fails to

pay any outstanding fees assessed under Section 42A-6 of this chapter for the proposed neighborhood market or for a past neighborhood market; or

(11) the applicant has a history of conducting or sponsoring a neighborhood market in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner.

(b) The director shall revoke a neighborhood market permit if:

(1) the permit holder failed to comply with or the neighborhood market is in violation of any provision of the neighborhood market permit, a city ordinance, or any other applicable law;

(2) the permit holder made a false statement of material fact on an application for a neighborhood market permit or failed to properly complete an application for a neighborhood market permit;

(3) the chief of the police department, the chief of the fire-rescue department, or the director determines that the neighborhood market poses a serious threat to the public health, safety, or welfare;

(4) the permit holder failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the proposed neighborhood market or for a past neighborhood market;

(5) the permit holder or any other person responsible for the conduct or sponsorship of the neighborhood market is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the permit holder or other person;

(6) the applicant fails to provide proof that the applicant possesses or is able to obtain a license or permit required by another city ordinance or other applicable law for the conduct of all activities included as part of the neighborhood farmers market; or

(7) the director is notified of any code violations on the property where the neighborhood market will be held.

ARTICLE V.
DALLAS FARMERS MARKET.

SEC. 42A-36. APPLICATION; ISSUANCE.

(a) The Dallas Farmers Market shall submit an online application with the office of special events. An application must be filed not less than 30 business days before the Dallas Farmers Market is to begin.

(b) An application must contain all of the required information.

(c) An application for a Dallas Farmers Market permit must be accompanied by the appropriate fees as required by Section 42A-6. An application for a Dallas Farmers Market permit will not be processed until the required fees have been paid.

(d) Incomplete applications will not be accepted. Submission of a complete application does not guarantee a permit will be issued.

(e) If the director determines that an application requires additional information in order to make a decision, or if additional fees will be required to process the application, the application will be considered incomplete and cancelled if the applicant does not supply the additional information or fees after the director has sent two reminder emails and made one reminder phone call after a period of 10 business days without a response from the applicant.

(f) Upon receipt of the completed application, the director shall forward a copy of the application to all applicable city departments and partner agencies for review. If the application must be reviewed for public safety or partner agencies, public safety agencies will review the application first, followed by a review by partner agencies. Each department and partner agency shall review the application and return it, with any comments, to the director within 10 business days of receipt requiring a response. Each review phase is allowed 10 business days. Review phases run sequentially with public safety review getting the first 10 business days and department and partner agency review getting the second 10 business days. If no response is received, the director may proceed with permitting, however, if an application requires a public safety review, the director must wait for the public safety review response before proceeding. If any department denies the event request, or a resolution cannot be reached, a permit will be denied.

(g) The director shall cancel a Dallas Farmers Market permit application if:

(1) a Dallas Farmers Market permit has been granted or is in the review process for another Dallas Farmers Market at the same or a nearby place and the same time.

(2) an established Dallas Farmers Market is customarily held at the same or a nearby place and the same time as the proposed Dallas Farmers Market.

(3) the proposed Dallas Farmers Market will occupy any part of a freeway, expressway, or tollway.

(4) the proposed Dallas Farmers Market will unreasonably disrupt the orderly flow of traffic, and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available.

(5) the proposed Dallas Farmers Market cannot comply with high impact parameters.

(6) the applicant makes a false statement of material fact on an application for a Dallas Farmers Market permit or fails to properly complete an application for Dallas Farmers Market permit.

(7) the applicant had a Dallas Farmers Market permit revoked within the preceding 14 months.

(8) the applicant has received, within the preceding 14 months, two or more notices of violations or citations related to a provision of a Dallas Farmers Market permit or this chapter.

(9) the applicant has a history of conducting or sponsoring the Dallas Farmers Market in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner.

(h) The building official, departments, and the director may prescribe licenses, permits, and authorizations required by other city ordinances or applicable law, restrictions, regulations, safeguards, and other conditions necessary for the safe and orderly conduct of the Dallas Farmers Market to be incorporated into the permit before issuance.

(i) Major changes to the original submission of an application require the submission of a new permit application along with new application processing fees. The original permit application will be deemed incomplete and cancelled.

(j) After reviewing the application and comments, the director shall issue a Dallas Farmers Market permit unless denial is required by Section 42A-39. A Dallas Farmers Market permit expires one year after issuance.

SEC. 42A-37. OPERATIONS OF DALLAS FARMERS MARKET.

(a) The Dallas Farmers Market may only be operated between the hours of 8 a.m. and 10 p.m. on any day of the week.

(b) The Dallas Farmers Market may only be operated in accordance with the schedule filed with the director at the time of permit application. An amendment to the schedule may be approved by the director during the calendar year. The request and the required change fee must be received by the director in writing at least 15 days before implementing any changes.

(c) A permit holder must provide the name, phone number, and email address of an individual who will be available following submission of an application through the end of the Dallas Farmers Market, as well as at the Dallas Farmers Market site the day of the permitted activity, to respond to any questions or concerns from police officers or code compliance officers. This individual shall meet police officers or code enforcement officers at the Dallas Farmers Market site within one hour of being contacted by telephone or email.

SEC. 42A-38. PRODUCTS AT DALLAS FARMERS MARKET.

(a) Products that may be sold at the Dallas Farmers Market include, but are not limited to, the following:

(1) Fruits, vegetables, honey, eggs, nuts, herbs, and mushrooms.

(2) Meats.

(3) Dairy products.

(4) Prepared foods, including but not limited to baked goods, packaged foods, and oils.

(5) Arts and crafts, including but not limited to jewelry, candles, natural skin care products, soaps, art, knitting, quilts, and pottery.

(6) Garden items, including but not limited to plants, flowers, and soil.

(b) At least 30 percent of the vendors participating in the Dallas Farmers Market must sell produce or other food items.

(c) Live animals may not be distributed, offered for sale, or sold at the Dallas Farmers Market.

SEC. 42A-39. DENIAL OR REVOCATION.

(a) The director shall deny a Dallas Farmers Market permit if:

(1) the applicant fails to meet any of the requirements outlined and defined in the preliminary letter;

(2) the applicant fails to provide proof that the applicant possesses or is able to obtain a license or permit required by another city ordinance or other applicable law for the conduct of all activities included as part of the Dallas Farmers Market;

(3) the applicant has had a Dallas Farmers Market permit revoked within the preceding 14 months;

(4) the applicant has received within the preceding 14 months, two or more notices of violations or citations related to a provision of the Dallas Farmers Market permit or this chapter;

(5) the chief of the police department, the chief of the fire-rescue department, or the director determines that the Dallas Farmers Market would pose a serious threat to the public health, safety, or welfare;

(6) the applicant or any other person responsible for the conduct or sponsorship of the Dallas Farmers Market is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or other person;

(7) the applicant has a history of conducting or sponsoring the Dallas Farmers Market in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner;

(8) the director is notified of any code violation on the property where the Dallas Farmers Market will be held; or

(9) the Dallas Farmers Market will interfere with the rights of nearby residents to the quiet, peaceable, and undisturbed enjoyment of their property.

(b) The director shall revoke a Dallas Farmers Market permit if:

(1) the applicant fails to comply with or the market is in violation of any provision of the Dallas Farmers Market permit, a city ordinance, or any other applicable law;

(2) the permit holder made a false statement or omission of material fact on an application for the Dallas Farmers Market permit;

(3) the chief of the police department, the chief of the fire-rescue department, or the director determines that the market poses a serious threat to the public health, safety, or welfare;

(4) the permit holder fails to maintain public order in and around the market location;

(5) the permit holder failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the market or for a past market;

(6) the director is notified that the permit holder or any other person responsible for the conduct or sponsorship of the market is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the permit holder or other person; or

(7) the director is notified of any code violations on the property.

ARTICLE VI.
STREETLIGHT POLE BANNERS.

SEC. 42A-40. APPLICATION; ISSUANCE.

(a) Except as provided for a streetlight pole banner in a special provision sign district in Chapter 51A of this code, an application for a streetlight pole banner permit must comply with the requirements in this section. If there is a conflict between a requirement in this section and a requirement for a streetlight pole banner in a special provision sign district in Chapter 51A, the requirement in Chapter 51A prevails.

(b) The application for a permit authorizing the placement of streetlight pole banners must be submitted online to the office of special events at least 30 business days prior to the proposed streetlight pole banner installation date.

(c) The permit process does not begin until a complete application is received by the office of special events and the application processing fee has been received.

(d) The director shall respond in writing by email to the applicant within three business days of receipt of the application acknowledging receipt of the application.

(e) The director shall review the application to determine whether the requested streetlight poles are available for the erection of streetlight pole banners. If the requested streetlight poles are not available, the applicant must resubmit an alternate list of requested streetlight poles within 48 hours of receiving the preliminary letter. If alternate streetlight poles are not submitted within 48 hours of receiving the preliminary letter, the process will continue with only the available poles.

(f) If the director determines a departmental or partner agency review process is necessary, 10 business days will be granted for completion of review.

(g) The director shall provide the applicant with a preliminary letter containing the requirements for permit issuance upon completion of departmental and partner agency review.

(h) The director shall issue a streetlight pole banner permit for a time period not to exceed 60 days upon receipt of all required materials and fees.

(i) The director may cancel an application for a streetlight pole banner permit if:

(1) a streetlight pole banner permit has been granted or is in the review process for another streetlight pole banner permit with the same poles and during the same time period;

(2) the applicant makes a false statement of material fact on an application for a streetlight pole banner permit or fails to properly complete an application for a streetlight pole banner permit;

(3) the applicant had a streetlight pole banner permit revoked within the preceding 14 months;

(4) the applicant has received, within the preceding 14 months, two or more notices of violations or citations related to a provision of a streetlight pole banner permit or this chapter; or

(5) the applicant has a history of conducting the installation, maintenance, or removal of streetlight pole banners in a disorderly or unsafe manner.

(j) If the director determines that an application requires additional information in order to make a decision, or if additional fees will be required to process the application, the application will be considered incomplete and cancelled if the applicant does not supply the additional information or fees after the director has sent two reminder emails and made one reminder phone call after a period of 10 calendar days without a response from the applicant.

(k) If the director determines that an applicant has failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the proposed installation of the streetlight pole banners, the application will be deemed incomplete and the application will be cancelled. An application that has been cancelled under this subsection cannot be re-filed for 12 months.

(l) If the applicant makes major changes to the original submission of an application after the preliminary letter has been issued, this will result in the original permit application being deemed incomplete and cancelled. A revised permit application will be required, along with new application processing fees if the applicant wishes to pursue the application.

(m) An application that has been cancelled cannot be appealed under Section 42A-8 and all application processing fees are forfeited.

(n) An applicant may not submit more than one streetlight pole banner permit application at a time.

(o) A streetlight pole banner permit application may not be submitted more than one year prior to the banner installation date.

(p) An applicant may not submit a request to extend a streetlight pole banner permit to the office of special events earlier than two weeks prior to the expiration of an existing streetlight pole banner permit.

(q) A streetlight pole banner permit may be extended in additional 60-day increments based upon availability of the streetlight poles.

(r) Streetlight pole banner permits may be renewed for a maximum of one year.

(s) The director shall assess all applicable streetlight pole banner fees in 60-day increments.

(t) Applications for streetlight pole banners in the arts district must be from cultural institutions located in the arts district. The Arts District Foundation shall provide the office of special events a map with pole assignments for each cultural institution each calendar year.

(u) Applications for streetlight pole banners for pre-determined signature events within the downtown area including, but not limited to, Main Street, Commerce Street, and Elm

Street, have a right of first refusal. All other permit applications will be processed on a first-come, first-serve basis.

(v) After reviewing and confirming all permit requirements have been met, the director shall issue the streetlight pole banner permit unless denial or revocation is required by Section 42A-31. Except as provided in this subsection, a streetlight pole banner permit will be issued for a period of 60 consecutive days. A streetlight pole banner permit for a Public Improvement District will be issued for a period of 90 consecutive days. A streetlight pole banner permit may be extended for additional consecutive 60-day periods not to exceed a year. All applicable fees must be paid for any permit extension.

SEC. 42A-41. DENIAL OR REVOCATION.

(a) The director shall deny a streetlight pole banner permit if:

(1) the applicant fails to meet any of the requirements outlined and defined in the preliminary letter;

(2) the applicant fails to provide proof that the applicant possesses or is able to obtain a license or permit required by another city ordinance or other applicable law for the conduct of all activities included as part of the installation, maintenance, or removal of the streetlight pole banners;

(3) the applicant has had a streetlight pole banner permit revoked within the preceding 14 months;

(4) the applicant has received, within the preceding 14 months, two or more notices of violations or citations related to a provision of a streetlight pole banner permit or this chapter;

(5) the chief of the police department, the chief of the fire-rescue department, or the director determines that the installation, maintenance, or removal of the streetlight pole banners would pose a serious threat to the public health, safety, or welfare;

(6) the applicant or any other person responsible for the installation, maintenance, or removal of the streetlight pole banners is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or other person; or

(7) the applicant has a history of conducting the installation, maintenance, or removal of streetlight pole banners in a disorderly or unsafe manner.

(b) The director shall revoke a streetlight pole banner permit if:

(1) the applicant fails to comply with, or the streetlight pole banners are in violation of any provision of the streetlight pole banner permit, a city ordinance, or any other applicable law;

(2) the permit holder made a false statement or omission of material fact on an application for a streetlight pole banner permit;

(3) the chief of the police department, the chief of the fire-rescue department, or the director determines that the installation, maintenance, or removal of the streetlight pole banners pose a serious threat to the public health, safety, or welfare;

(4) the permit holder fails to maintain public order in and around the installation, maintenance, or removal of the streetlight pole banners;

(5) the permit holder failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the installation, maintenance, or removal of the streetlight pole banners; or

(6) the director is notified that the permit holder or any other person responsible for the conduct or sponsorship of the installation, maintenance, or removal of the streetlight pole banners is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the permit holder or other person.

SEC. 42A-42. INSURANCE.

(a) A person installing a streetlight pole banner shall procure and keep in full force and effect insurance written by an insurance company approved by the State of Texas and acceptable to the city and issued in the standard form approved by the Texas Department of Insurance. All provisions of each policy must be acceptable to the city. Each policy must name the city and its officers, employees, and appointed representatives as additional insureds. The coverage provisions of each policy must provide coverage for any loss or damage that may arise to any person or property by reason of the installation of the streetlight pole banner by the applicant.

(b) Insurance required under this article must include a cancellation provision in which the insurance company is required to notify the director in writing not fewer than 30 days before cancelling the insurance policy or before making a reduction in coverage.

(c) Insurance is required in the following types and amounts:

(1) Commercial general liability insurance must be provided with combined single limits of liability for bodily injury and property damage of not less than $1,000,000 for each occurrence with a $2,000,000 annual aggregate.

(2) Business automotive liability insurance covering owned, hired, and non-owned vehicles, with a combined single limit for bodily injury (including death) and property damage of $1,000,000 per occurrence.

(3) Worker's compensation insurance with statutory limits.

(4) Employer's liability insurance with the following minimum limits for bodily injury by:

(A) accident, $1,000,000 per each accident; and

(B) disease, $1,000,000 per employee with a per policy aggregate of $1,000,000.

(5) Umbrella liability insurance following the form of the primary liability coverage described in Subsection (a) and providing coverage with minimum combined bodily injury (including death) and property damage limit of $1,000,000 per occurrence and $1,000,000 annual aggregate.

(d) In addition to the insurance requirements of Subsection (c) of this section, the director may require additional insurance for a streetlight pole banner if such additional insurance is recommended by the city's risk manager as being necessary for the protection of the city or the public health, safety, and welfare.

(e) If a facility or other property owned or managed by the city is subject to both the insurance requirements of this chapter and insurance requirements established by another city ordinance, an official city action, a city lease or use agreement, or other applicable law, then the insurance requirements with the greater limits and coverages must be met to erect a streetlight pole banner at the facility or property.

(f) A streetlight pole banner permit will not be issued until the insurance requirements have been verified by the city's designated third-party provider.

SEC. 42A-43. STREETLIGHT POLE BANNER REGULATIONS.

(a) In general.

(1) Except as provided for a streetlight pole banner in a special provision sign district in Chapter 51A of this code, streetlight pole banners must comply with the requirements in this section. If there is a conflict between a requirement in this section and a requirement for a streetlight pole banner in a special provision sign district in Chapter 51A, the requirement in Chapter 51A prevails.

(2) A streetlight pole banner must be in general compliance with the streetlight pole design manual published by the office of special events.

(3) The sign hardware for a streetlight pole banner may be left in place between displays of a banner.

(4) A streetlight pole banner and its sign hardware must:

(A) be mounted on a streetlight pole;

(B) be at least 12 feet above grade, unless it overhangs a roadway, in which case it must be at least 15 feet above grade;

(C) be made out of weather resistant and rust proof material especially designed for outdoor use;

(D) be printed on both sides of material;

(E) not be illuminated;

(F) not project more than three feet from the pole onto which it is mounted;

(G) not exceed 25 square feet in effective area;

(H) not obstruct the view of traffic or any traffic control devices or impede or endanger the flow of traffic; and

(I) not interfere with emergency equipment, including fire, police, medical, electrical, commercial vehicles and trucks, or bus transportation.

(5) The maximum number of streetlight pole banners is two per pole, with each banner on one opposite side of the pole.

(b) Public improvement districts. Streetlight pole banner permits granted to a public improvement district must comply with the standards in this subsection.

(1) Streetlight pole banners may not be permitted for more than 90 days.

(2) Streetlight poles must be located within the geographic boundaries of the public improvement district.

ARTICLE VII.
ENFORCEMENT.

SEC. 42A-44[~~15~~]. OFFENSES.

(a) A person commits an offense if he commences set up or conducts a special event, commercial filming activity, or neighborhood market, or erects a streetlight pole banner:

(1) without a [~~special event~~] permit issued under this chapter or, for a streetlight pole banner in a special provision sign district, a sign permit issued under Chapter 51A of this code; or

(2) in violation of any provision of a [~~special event~~] permit issued under this chapter, this chapter, or any other city ordinance or applicable law.

(b) A person commits an offense if he is the individual named by the permit holder as the contact person for the event and he fails to meet police officers or code enforcement officers at the site of the special event, commercial filming activity, or neighborhood market within one hour of being contacted by a police officer or code enforcement officer by telephone or email.

(c) The [~~A~~] culpable mental state [~~is not~~] required for the commission of an offense under this chapter is governed by S[~~s~~]ection 1-5.1 of this code.

(d) This chapter may be enforced by the director of the office of special events, the director of code compliance, the chief of police, the fire chief, or their designated representatives.

SEC. 42A-45[~~16~~]. PENALTY.

(a) A person who violates a provision of this chapter or a requirement of a [~~special event~~] permit issued under this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed or continued.

(b) Each offense is punishable by a fine not to exceed:

(1) $2,000 for a violation of a provision of this chapter or a requirement of a [~~special event~~] permit governing fire safety, zoning, or public health and sanitation, including dumping of refuse; or

(2) $500 for all other violations of this chapter or requirements of a [~~special event~~] permit issued under this chapter."

SECTION 3. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed $2,000.

SECTION 4. That Chapters 29A and 42A 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 on June 1, 2019, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, Interim City Attorney

By_____
Assistant City Attorney

Passed_____

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-230 **Item #:** 48.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): 14

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

An ordinance abandoning a portion of an alley (also known as Howland Street) to OR Asset Holdings, L.P., the abutting owner, containing approximately 3,588 square feet of land, located near the intersection of Howland and Routh Streets; and authorizing the quitclaim; and providing for the dedication of approximately 3,651 square feet of land needed for a wastewater easement - Revenue: $640,458.00, plus the $20.00 ordinance publication fee (This item was deferred on November 28, 2018, December 12, 2018 and January 23, 2019)

BACKGROUND

This item authorizes the abandonment of a portion of an alley (also known as Howland Street) to OR Asset Holdings, L.P., the abutting owner. The area will be included with the property of the abutting owner for the construction of a mixed-use development. The owner will dedicate approximately 3,651 square feet of land needed for a wastewater easement. The abandonment fee is based on an independent appraisal.

Notices were sent to 28 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 was provided to the Mobility Solutions, Infrastructure & Sustainability Committee on November 26, 2018.

On November 28, 2018, this item was deferred by Councilmember Philip T. Kingston.

On December 12, 2018, this item was deferred by Councilmember Philip T. Kingston.

On January 23, 2019, this item was deferred by Councilmember Philip T. Kingston.

FISCAL INFORMATION

Revenue: $640,458.00, plus the $20.00 ordinance publication fee

OWNER

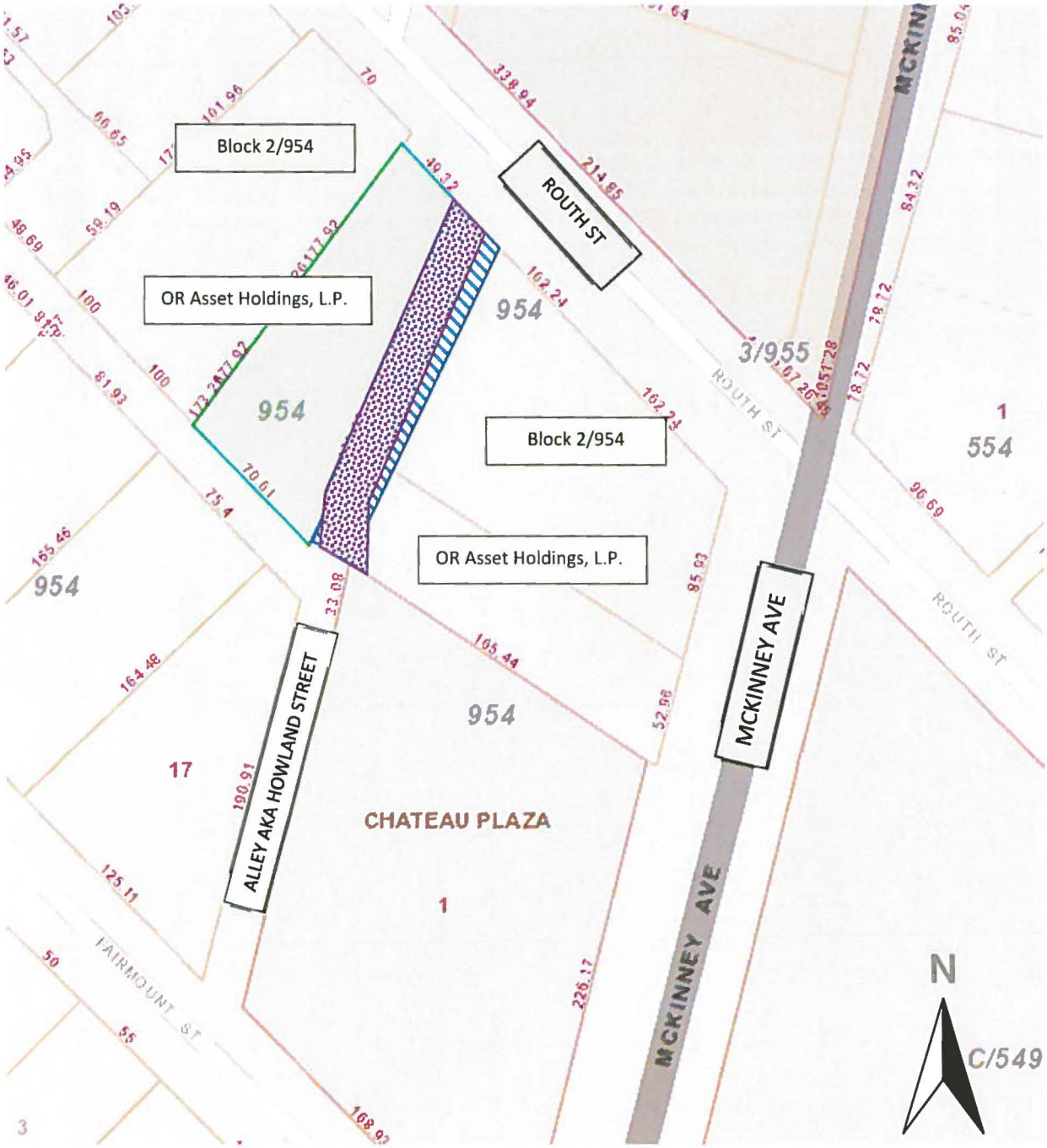
OR Asset Holdings, L.P.

OR Asset Holdings Management, LLC, General Partner

Oscar Renda, Manager

MAP

Attached



ABANDONMENT AREA:

DEDICATION AREA:

ORDINANCE NO. _____

An ordinance providing for the abandonment of a portion of an alley (also known as Howland Street) located adjacent to City Block 2/954 in the City of Dallas and County of Dallas, Texas; subject to a reverter; providing for the quitclaim thereof to OR Asset Holdings, L.P; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the conveyance of needed land to the City of Dallas; 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 OR Asset Holdings, L.P., a Texas limited partnership, hereinafter referred to as **GRANTEE**, deems it advisable to abandon and quitclaim, subject to a reverter, the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions and reverter herein provided, said portion of an alley also referred publicly as Howland Street is not needed for public use, and same should be abandoned and quitclaimed to **GRANTEE**, as hereinafter stated; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the public will be served by abandoning and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms, conditions and reverter hereinafter more fully set forth.

Now, Therefore,

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

SECTION 1. That the 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 reverter and the conditions and future effective date hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **SIX HUNDRED FORTY THOUSAND FOUR HUNDRED FIFTY-EIGHT AND NO/100 DOLLARS ($640,458.00)** paid by **GRANTEE**, and the further consideration described in Sections 8, 9, 10, 11 and 13, the City of Dallas does by these presents **QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date, the reverter, 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. Provided however, that if **GRANTEE,** its successors and assigns, fails to file a final replat of the adjoining properties as required in Section 10 of this ordinance by the earlier of (i) the date applicable pursuant to the requirements of the Dallas Development Code Chapter 51A-8.403(a)(4)(D) which provides in pertinent part, as may be amended:

> "(D) Except as provided in this subparagraph, a preliminary plat approved by the commission expires five years after the commission action date approving the plat if no progress has been made toward completion of the project in accordance with Texas Local Government Code Section 245.005. An approved minor plat, amending plat (minor), or an administrative plat expires two years after the commission action date approving the plat or within two years after the date of the subdivision administrator's action letter approving the administrative plat if no progress has been made toward completion of the project in accordance with Texas Local Government Code Section 245.005";

or (ii) the date that is the sixth anniversary of the passage of this ordinance; THEN this ordinance and quitclaim shall be rendered null and void and the right, title and easement of the public shall absolutely revert without any necessity for suit or re-entry by the City; and no act or omission on the part of the City, its successors and assigns, shall be a waiver of the operation or enforcement of this ordinance. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE**.

SECTION 3. That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, future effective date and conditions of this ordinance.

SECTION 4. That the Chief Financial Officer is hereby authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund, 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, Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 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 located before a certified copy of this ordinance shall be delivered to **GRANTEE**.

SECTION 9. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall file a final replat of the adjoining properties prior to the issuance of any building permits affecting the tract of land abandoned and quitclaimed herein. This final replat shall be recorded by **GRANTEE** in the official real property records of the county in which the abandoned area is located after its approval by the City Plan Commission of the City of Dallas.

SECTION 10. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall convey a wastewater easement to the City of Dallas, within 90 days of the effective date of this ordinance, in, under, through, across and along certain properties located in City Block 2/954 containing approximately

3,651 square feet of land, a description of which is attached hereto and made a part hereof as Exhibit C. This abandonment shall not be effective unless and until this dedication is completed as herein provided and failure to convey the above described property as set forth shall render this ordinance null and void and 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 official real property records of the county in which the subject property is located; and the recorded instrument shall be forwarded to the City Secretary for permanent record.

SECTION 12. 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 ordinance, 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 13. 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 completion of the dedication set forth in Section 10, 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, subject to a reverter interest, to **GRANTEE** hereunder, same to be executed by the City Manager on behalf of the City of Dallas, attested by the City Secretary and approved as to form by the City Attorney. The Director of Department of

Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 14. That this ordinance is also designated for City purposes as Contract No. DEV-2018-00005620.

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

APPROVED AS TO FORM:
CHRISTOPHER J. CASO,
Interim City Attorney

BY: _____
Assistant City Attorney

KRIS SWECKARD, Director
Department of Sustainable Development and Construction

BY: Laura Williams
SOR
Assistant Director

Passed _____.

AB/45559

ALLEY RIGHT-OF-WAY ABANDONMENT

Exhibit A

MAHONS SUBDIVISION OF HOMESTEAD
ADJACENT TO BLOCK 2/954
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Being a 3,588 square foot (0.082 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, adjacent to City of Dallas Block 2/954, Dallas County, Texas, and being a part of an unnamed public right-of-way (called 40 foot right-of-way), created by Mahons Subdivision of Homestead, an Addition to the City of Dallas, Dallas County, Texas, according to the map recorded in Volume 90, Page 610, Deed Records, Dallas County, Texas, adjacent to a tract of land conveyed to OR Asset Holdings, LP, a Texas limited partnership, described as Tract 1 and Tract 2, by Special Warranty Deed recorded in Instrument No. 201000127406, Official Public Records, Dallas County, Texas, said 3,600 square foot tract being also part of a 20 foot alley called out in Deed from S.A. Mahon to J.G. Davis, filed December 22, 1894, recorded in Volume 192, Page 262, Deed Records, Dallas County, Texas, and in Deed from S.A. Mahon to W.S. Shaw, filed April 9, 1892, recorded in Volume 153, Page 556, Deed Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at an "X" found at the common North corner of Lot 1, Block 2/954 of Chateau Plaza Addition, an Addition to the City of Dallas, Dallas County, Texas, according to the map recorded in Volume 85012, Page 3579, Deed Records, Dallas County, Texas and the Southwest corner of said OR Asset Holdings Tract I, said point being on the East right-of-way line of said alley;

THENCE North 12 degrees 13 minutes 51 seconds East, along the West line of said OR Asset Holdings Tract 1, a distance of 0.52 feet to a point for corner and the POINT OF BEGINNING;

THENCE North 62 degrees 54 minutes 31 seconds West, leaving said West line of OR Asset Holdings Tract 1 and traversing through said alley, a distance of 24.06 feet to a point for corner on the East line of a tract of land conveyed to said OR Asset Holdings, LP, described as Tract 2, from which a 1/2 inch iron rod found at the Southeast corner of said OR Asset Holdings Tract 2, for witness having a bearing and distance of South 26 degrees 58 minutes 41 seconds West, 0.50 feet;

THENCE North 26 degrees 58 minutes 41 seconds East, along the East line of said OR Asset Holdings, Tract 2, a distance of 182.87 feet to a 1/2 inch iron rod with a yellow cap stamped "CBG Surveying, Inc." set at the Northeast corner of said OR Asset Holdings, Tract 2, said point being on the Southwest right-of-way line of Routh Street (50 foot right-of-way), created by said Mahons Subdivision of Homestead (southerly 25 feet);

THENCE South 36 degrees 13 minutes 22 seconds East, leaving said corner and traversing through said alley, a distance of 22.41 feet to a 1/2 inch iron rod with a yellow cap stamped "CBG Surveying, Inc." set at the North corner of aforementioned OR Asset Holdings, Tract 1;

THENCE traversing along the West line of said OR Asset Holdings, Tract 1 as follows:

South 26 degrees 58 minutes 41 seconds West, a distance of 157.39 feet to a 1/2 inch iron rod with a yellow cap stamped "CBG Surveying, Inc." set for corner;

South 12 degrees 13 minutes 51 seconds West, a distance of 15.95 feet to the POINT OF BEGINNING and containing 3,588 square feet or 0.082 of an acre of land.

(For SPRG use only)
Reviewed By: JD
Date: 10/11/2018
SPRG No.: 4426

GENERAL NOTES:
BEARINGS ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, NAD83 (2011).

BRYAN CONNALLY
R.P.L.S. NO. 5513

STATE OF TEXAS
REGISTERED
BRYAN CONNALLY
5513
PROFESSIONAL
LAND SURVEYOR

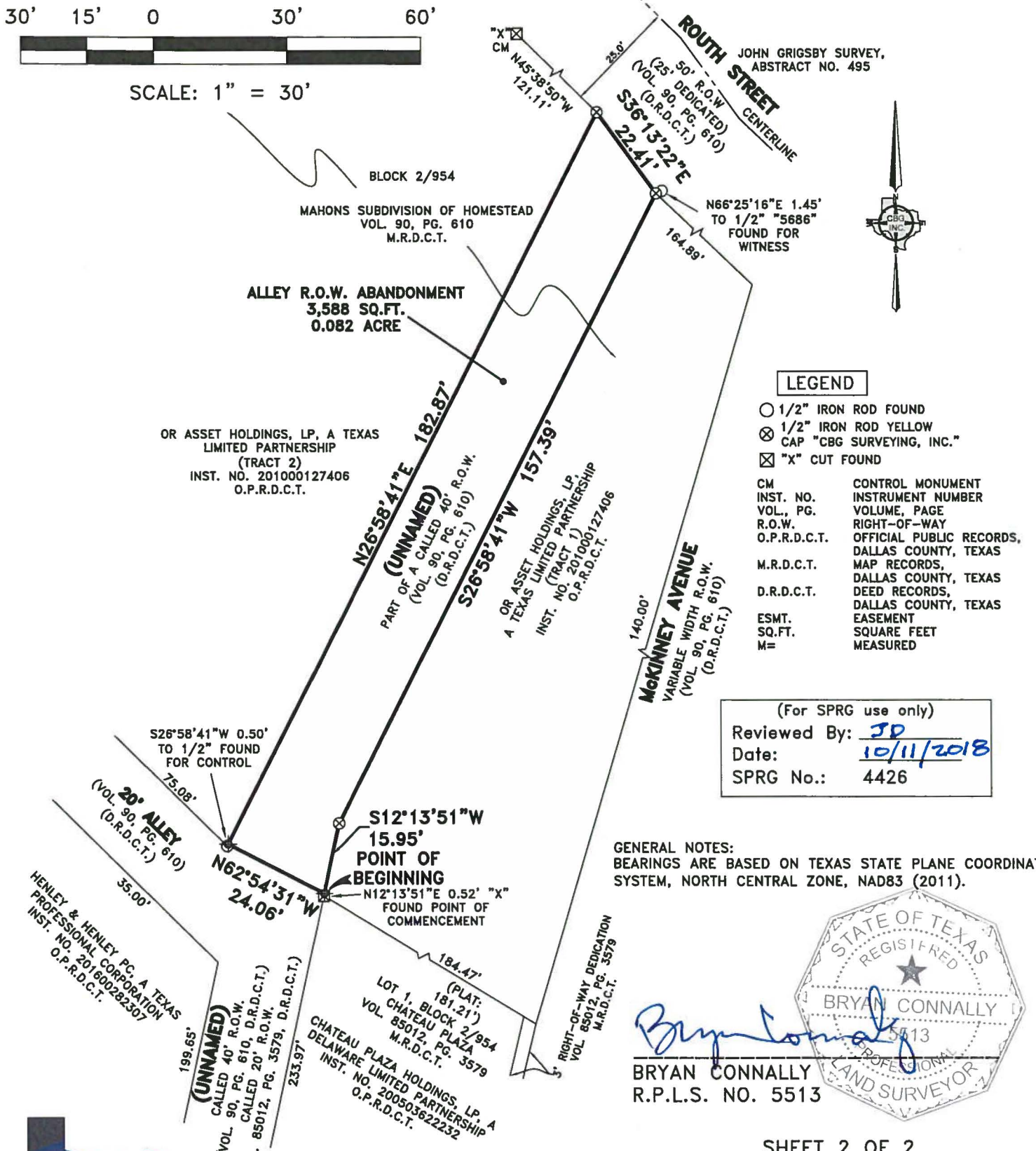
CBG Surveying, Inc.
PLANNING SURVEYING
12025 Shiloh Road • Suite 230 Dallas, Texas 75228
P 214.349.9485 F 214.349.2216
Firm No. 10168800
www.cbgincfx.com

SHEET 1 OF 2
JOB NO. 1726059-1
DRAWN BY: MC
DATE: 12/27/17
REV: 08/27/18

ALLEY RIGHT-OF-WAY ABANDONMENT

Exhibit A

MAHONS SUBDIVISION OF HOMESTEAD
ADJACENT TO BLOCK 2/954
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS



LEGEND

- ○ 1/2" IRON ROD FOUND
- ⊗ 1/2" IRON ROD YELLOW CAP "CBG SURVEYING, INC."
- ☒ "X" CUT FOUND

CM	CONTROL MONUMENT
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
R.O.W.	RIGHT-OF-WAY
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS, DALLAS COUNTY, TEXAS
D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
ESMT.	EASEMENT
SQ.FT.	SQUARE FEET
M=	MEASURED

(For SPRG use only)
Reviewed By: JD
Date: 10/11/2018
SPRG No.: 4426

GENERAL NOTES:
BEARINGS ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, NAD83 (2011).

STATE OF TEXAS REGISTERED BRYAN CONNALLY 5513 PROFESSIONAL LAND SURVEYOR

BRYAN CONNALLY
R.P.L.S. NO. 5513

CBG Surveying, Inc.

PLANNING • SURVEYING
12025 Shiloh Road • Suite 230 • Dallas, Texas 75228
P 214.349.9485 • F 214.349.2216
Firm No. 10168800
www.cbginctx.com

SHEET 2 OF 2
JOB NO. 1726059-1
DRAWN BY: MC
SCALE: 1"=30'
DATE: 12/27/17
REV: 08/27/18

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.

Exhibit C

WASTEWATER EASEMENT
MAHONS SUBDIVISION OF HOMESTEAD
ADJACENT TO AND A PART OF BLOCK 2/954
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Being a 3,651 square foot (0.0838 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas Block 2/954, Dallas County, Texas, and being a part of an unnamed public right-of-way (called 40 foot right-of-way), created by Mahons Subdivision of Homestead, an Addition to the City of Dallas, Dallas County, Texas, according to the map recorded in Volume 90, Page 610, Deed Records, Dallas County, Texas, being a part of a tract of land conveyed to OR Asset Holdings, LP, a Texas limited partnership, described as Tract 1 and Tract 2, by Special Warranty Deed recorded in Instrument No. 201000127406, Official Public Records, Dallas County, Texas, said 3,651 square foot tract also being a part of a 20 foot alley as called out in Deed from S.A. Mahon to J.G. Davis, filed December 22, 1894, recorded in Volume 192, Page 262, Deed Records, Dallas County, Texas, and in Deed from S.A. Mahon to W.S. Shaw, filed April 9, 1892, recorded in Volume 153, Page 556, Deed Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an "X" found at the common North corner of Lot 1, Block 2/954 of Chateau Plaza Addition, an Addition to the City of Dallas, Dallas County, Texas, according to the map recorded in Volume 85012, Page 3579, Deed Records, Dallas County, Texas and the Southwest corner of said OR Asset Holdings Tract I, said point being on the East right-of-way line of said alley;

THENCE North 12 degrees 13 minutes 51 seconds East, along the West line of said OR Asset Holdings Tract 1, a distance of 0.52 feet to an "X" set for corner;

THENCE leaving said West line of OR Asset Holdings Tract 1 and traversing through said alley as follows:

North 62 degrees 54 minutes 31 seconds West, a distance of 18.37 feet to an "X" set for corner;

North 12 degrees 33 minutes 09 seconds East, passing at a distance of 22.84 feet, the East line of said tract of land conveyed to said OR Asset Holdings, LP, described as Tract 2, and traversing through said Tract 2 a total distance of 33.30 feet to a mag nail set for corner;

THENCE North 25 degrees 08 minutes 33 seconds East, continuing to traverse through said OR Asset Holdings, Tract 2, a distance of 153.06 feet to an "X" set for corner on the Southwest right-of-way line of Routh Street (50 foot right-of-way), created by said Mahons Subdivision of Homestead (southerly 25 feet), from which an x-cut found for witness, bears North 45 degrees 38 minutes 50 seconds West, a distance of 113.25 feet;

THENCE South 45 degrees 38 minutes 50 seconds East, along said Southwest right-of-way line of Routh Street, a distance of 7.87 feet to an "X" set at the East corner of said OR Asset Holdings, Tract 2;

THENCE leaving said corner and traversing through said alley as follows:

South 36 degrees 13 minutes 22 seconds East, a distance of 14.32 feet to an "X" set for corner;

South 25 degrees 08 minutes 33 seconds West, a distance of 141.40 feet to a mag nail set for corner;

South 12 degrees 33 minutes 09 seconds West, passing at a distance of 10.78 feet, the West line of aforementioned OR Asset Holdings, Tract 1, and traversing through said Tract 1 a total distance of 36.97 feet to a "Y" set for corner on the North line of aforementioned Lot 1, Block 2/954;

THENCE North 58 degrees 50 minutes 38 seconds West, along the North line of said Lot 1, Block 2/954, a distance of 2.34 feet to the POINT OF BEGINNING and containing 3,651 square feet or 0.0838 of an acre of land.

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 10/10/18
SPRG No.: 4640

GENERAL NOTES:
BEARINGS ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, NAD83 (2011).

STATE OF TEXAS REGISTERED BRYAN CONNALLY 5513 PROFESSIONAL SURVEYOR

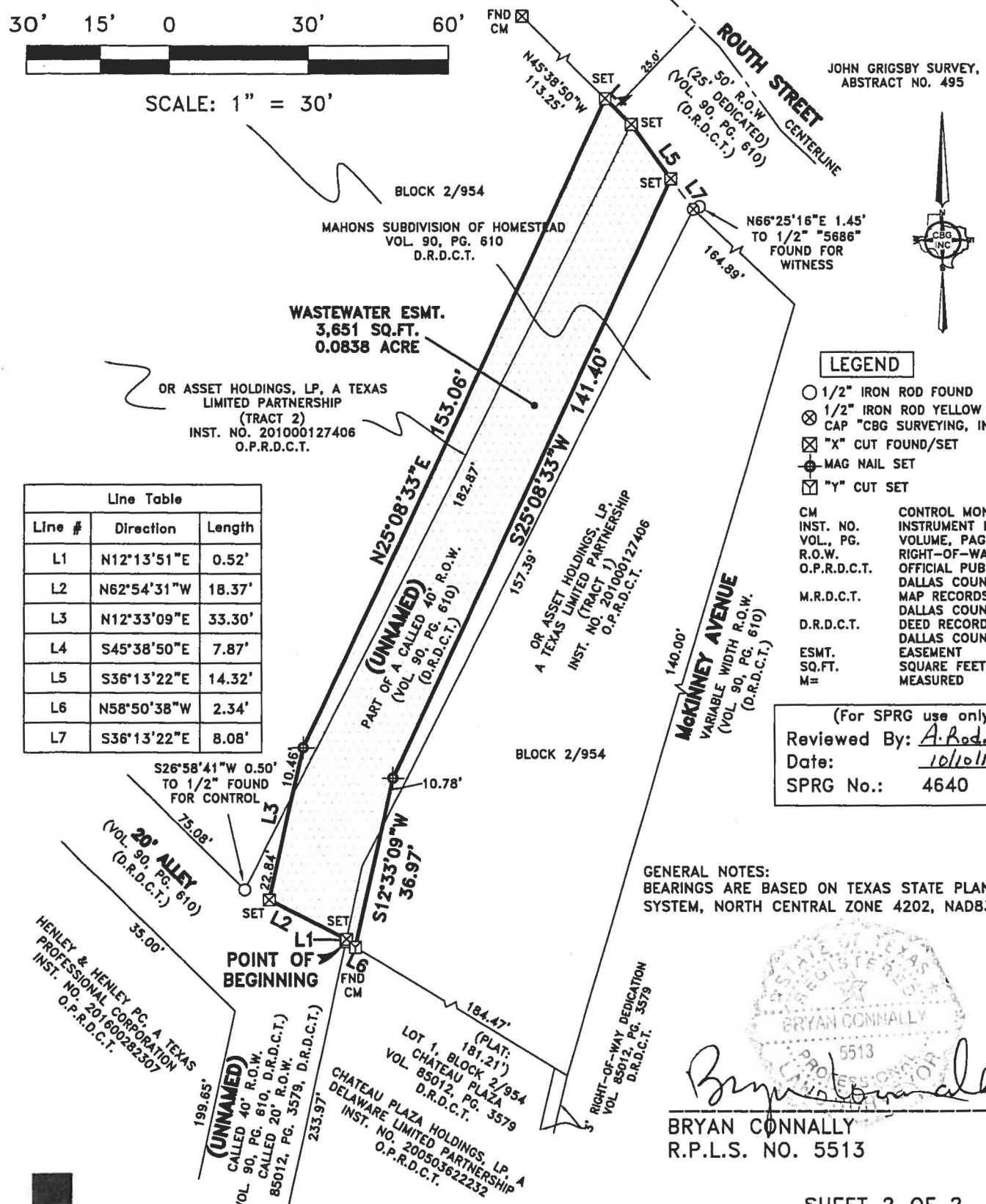
BRYAN CONNALLY
R.P.L.S. NO. 5513

CBG Surveying, Inc.
PLANNING SURVEYING
12025 Shiloh Road • Suite 230 Dallas, Texas 75228
P 214.349.9485 F 214.349.2216
Firm No. 10168800
www.cbginctx.com

SHEET 1 OF 2
JOB NO. 1726059-2
DRAWN BY: MC
DATE: 10/02/18

Exhibit C

WASTEWATER EASEMENT
MAHONS SUBDIVISION OF HOMESTEAD
ADJACENT TO AND A PART OF BLOCK 2/954
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS



Line Table		
Line #	Direction	Length
L1	N12°13'51"E	0.52'
L2	N62°54'31"W	18.37'
L3	N12°33'09"E	33.30'
L4	S45°38'50"E	7.87'
L5	S36°13'22"E	14.32'
L6	N58°50'38"W	2.34'
L7	S36°13'22"E	8.08'

LEGEND

- ○ 1/2" IRON ROD FOUND
- ⊗ 1/2" IRON ROD YELLOW CAP "CBG SURVEYING, INC." SET
- ⊠ "X" CUT FOUND/SET
- MAG NAIL SET
- "Y" CUT SET

CM	CONTROL MONUMENT
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
R.O.W.	RIGHT-OF-WAY
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS, DALLAS COUNTY, TEXAS
D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
ESMT.	EASEMENT
SQ.FT.	SQUARE FEET
M=	MEASURED

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 10/10/18
SPRG No.: 4640

GENERAL NOTES:
BEARINGS ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, NAD83 (2011).

STATE OF TEXAS REGISTERED BRYAN CONNALLY 5513 PROFESSIONAL LAND SURVEYOR

BRYAN CONNALLY
R.P.L.S. NO. 5513

SHEET 2 OF 2
JOB NO. 1726059-2
DRAWN BY: MC
SCALE: 1"=30'
DATE: 10/02/18

CBG Surveying, Inc.
PLANNING • SURVEYING
12025 Shiloh Road • Suite 230 • Dallas, Texas 75228
P 214.349.9485 • F 214.349.2216
Firm No. 10168800
www.cbginctx.com

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-353 **Item #:** 49.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): 5

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2219 for the sale of alcoholic beverages in conjunction with a restaurant without drive-in service on property zoned Subarea 6 within 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 and CPC: Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and conditions
Z178-305(SM)

powered by Legistar™

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, MARCH 27, 2019**

ACM: Majed Al-Ghafry

FILE NUMBER:	Z178-305(SM)	**DATE FILED:**	July 23, 2018
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

REQUEST: An application for the renewal of Specific Use Permit No. 2219 for the sale of alcoholic beverages in conjunction with a restaurant without drive-in service on property zoned Subarea 6 within Planned Development District No. 366-D-1, the Buckner Boulevard Special Purpose District with a D-1 Liquor Control Overlay.

SUMMARY: The applicant requests to allow an existing restaurant use [M Tacubaya] to continue to serve beer and wine.

CPC RECOMMENDATION: **Approval** for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and conditions.

BACKGROUND INFORMATION:

- The request site 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 indoor space and 433 square-foot outdoor patio is used for a restaurant without drive-in service. The applicant proposes to obtain permits for the existing outdoor patio cover that was not included in the original SUP No. 2219 ordinance.

- 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.

- On November 9, 2016, City Council approved Specific Use Permit No. 2034 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.

Zoning History: There have been three zoning changes requested in the area during the past five years.

1. **Z156-183:** On August 9, 2017, City Council approved an amendment to Planned Development District No. 366 on property located generally along both sides of South Buckner Boulevard from Heinan Drive and Hoyle Avenue on the north to the T. & N.O. Railroad on the south, and along Lake June Road between Carbona Drive on the west and Pleasant Drive on the east.

2. **Z167-125:** On February 22, 2017, City Council amended and renewed Specific Use Permit No. 2034 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 additional five-year periods, subject to a site plan and conditions.

3. **Z156-320:** On November 9, 2016, City Council approved Specific Use Permit No. 2034 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.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
S. Buckner Boulevard	Principal Arterial	80 ft.	80 ft.

COMPREHENSIVE PLAN: The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

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:

Surrounding Land Uses:

	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

Land Use Compatibility:

The site is developed with a one-story, multi-tenant retail development. The applicant requests to continue to sell alcoholic beverages in an existing 1,200-square-foot restaurant without drive-in service with a 423-square-foot outdoor patio. A Specific Use Permit is required to serve alcoholic 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 continued sale of alcoholic beverages in conjunction with the existing restaurant should not be a detriment to the adjacent properties because the Specific Use Permit requires periodic review to ensure the site continues to comply with approved plans and other regulations; therefore, staff supports the request.

Parking:

Pursuant to the Dallas Development Code, the off-street parking requirement for all proposed uses within the existing shopping center is 67 and 50 parking spaces are provided on site and 17 out of 28 parking spaces are provided in a remote parking agreement within an automotive repair shop parking lot on the south side of Scyene Road, north of the existing retail parking area.

Since the SUP was originally approved, a roof structure has been erected in the area noted as “open air patio” without obtaining a permit. The applicant proposes to obtain a permit for the structure prior to the Council hearing and has provided a revised site plan to show the patio cover.

Market Value Analysis

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. The area of request is within in the vicinity of “F” MVA clusters.

Police Report:

Staff obtained the following list of offenses from the Dallas Police Department since November 9, 2016.

Incident No.	Date	Time	Offense	Description	Premise	MO
242893-2017	10/22/2017	12:00:00 PM	Robbery-individual	Robbery	Parking Lot (All Others)	Susp pointed a gun at comp and took comp's vehicle
111005-2015	5/17/2015	9:20:00 AM	Alarm incident	Alarm incident	Restaurant/Food Service/TABC Location	False alarm

CPC Action
September 20, 2018

Motion: In considering an application for the renewal of Specific Use Permit No. 2219 for the sale of alcoholic beverages in conjunction with a restaurant without drive-in service on property zoned Subarea 6 within 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, it was moved to **hold** this case under advisement until November 1, 2018.

Maker: Murphy
Second: Davis
Result: Carried: 14 to 0

For: 14 - West, Rieves, Davis, Shidid, Carpenter, Mack, Lewis, Jung, Housewright, Schultz*, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 1 - District 3

*out of the room, shown voting in favor

Notices:	Area:	200	Mailed:	6
Replies:	For:	0	Against:	0

Speakers: None

CPC Action
November 1, 2018

Motion: In considering an application for the renewal of Specific Use Permit No. 2219 for the sale of alcoholic beverages in conjunction with a restaurant without drive-in service on property zoned Subarea 6 within 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, it was moved to **hold** this case under advisement until December 13, 2018.

Maker: Shidid
Second: Murphy
Result: Carried: 13 to 0

For: 13 - West, Rieves, Davis, Shidid, Carpenter, Lewis, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 2 - District 3, District 7

Notices:	Area:	200	Mailed:	6
Replies:	For:	0	Against:	0

Speakers: None

CPC Action
December 13, 2018

Motion: In considering an application for the renewal of Specific Use Permit No. 2219 for the sale of alcoholic beverages in conjunction with a restaurant without drive-in service on property zoned Subarea 6 within 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, it was moved to **hold** this case under advisement until January 17, 2019.

Maker: Shidid
Second: Ridley
Result: Carried: 13 to 0

For: 13 - MacGregor, Rieves, Davis*, Shidid, Carpenter, Lewis, Jung, Housewright, Schultz, Peadon, Murphy*, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 2 - District 3, District 7

*out of the room, shown voting in favor

Notices:	Area:	200	Mailed:	6
Replies:	For:	0	Against:	0

Speakers: None

CPC Action
January 17, 2019

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2219 for the sale of alcoholic beverages in conjunction with a restaurant without drive-in service for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and conditions on property zoned Subarea 6 within 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: Schultz
Result: Carried: 10 to 0

For: 10 - MacGregor, Davis, Shidid, Carpenter, Lewis, Jung, Housewright, Schultz, Murphy, Tarpley

Against: 0
Absent: 1 - Ridley
Vacancy: 4 - District 2, District 3, District 7, District 12

Notices:	Area:	200	Mailed:	6
Replies:	For:	0	Against:	0

Speakers: None

CPC Recommended
SUP No. 2219 Renewal

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.

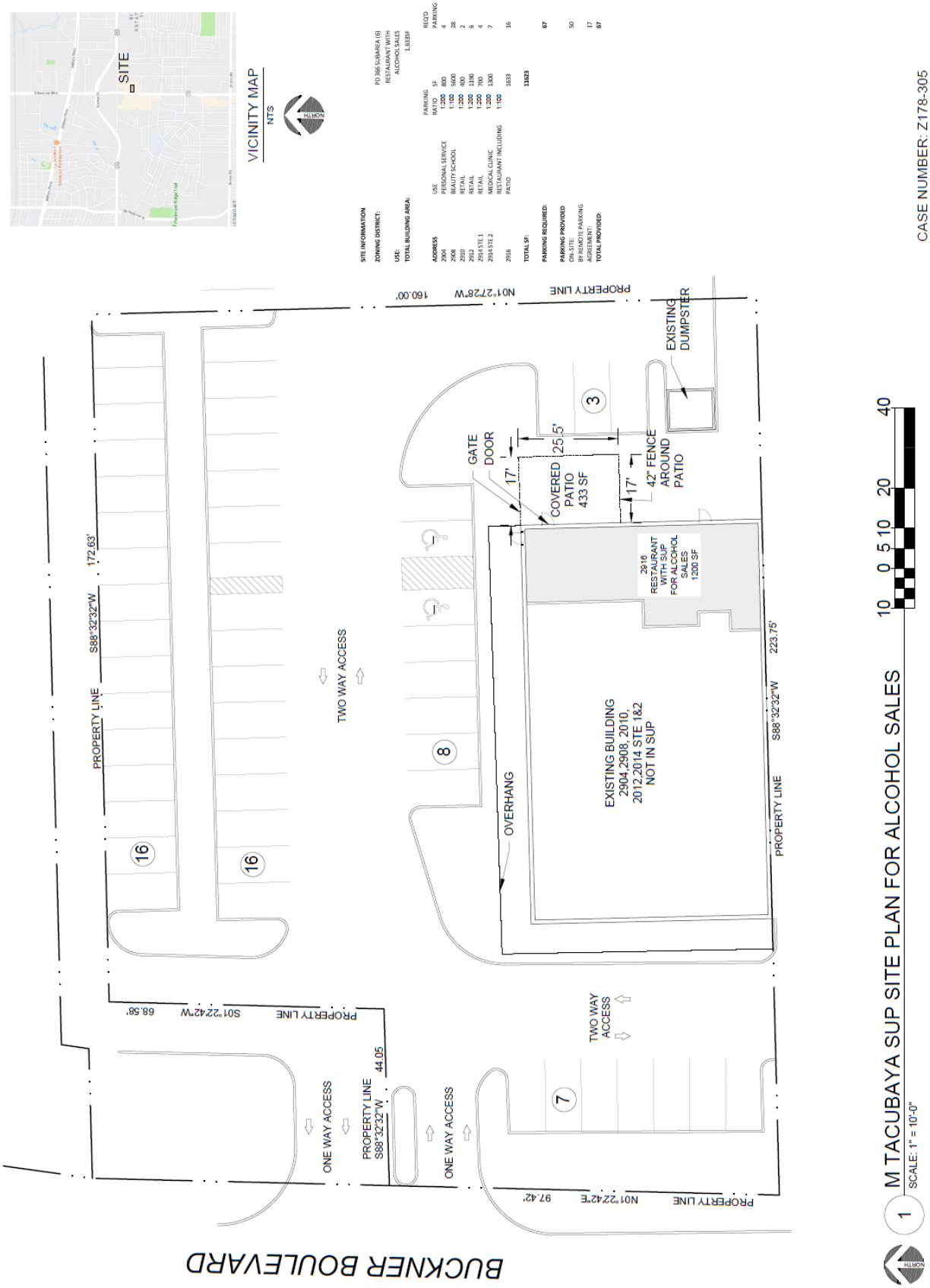
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

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) [~~November 9, 2018~~].

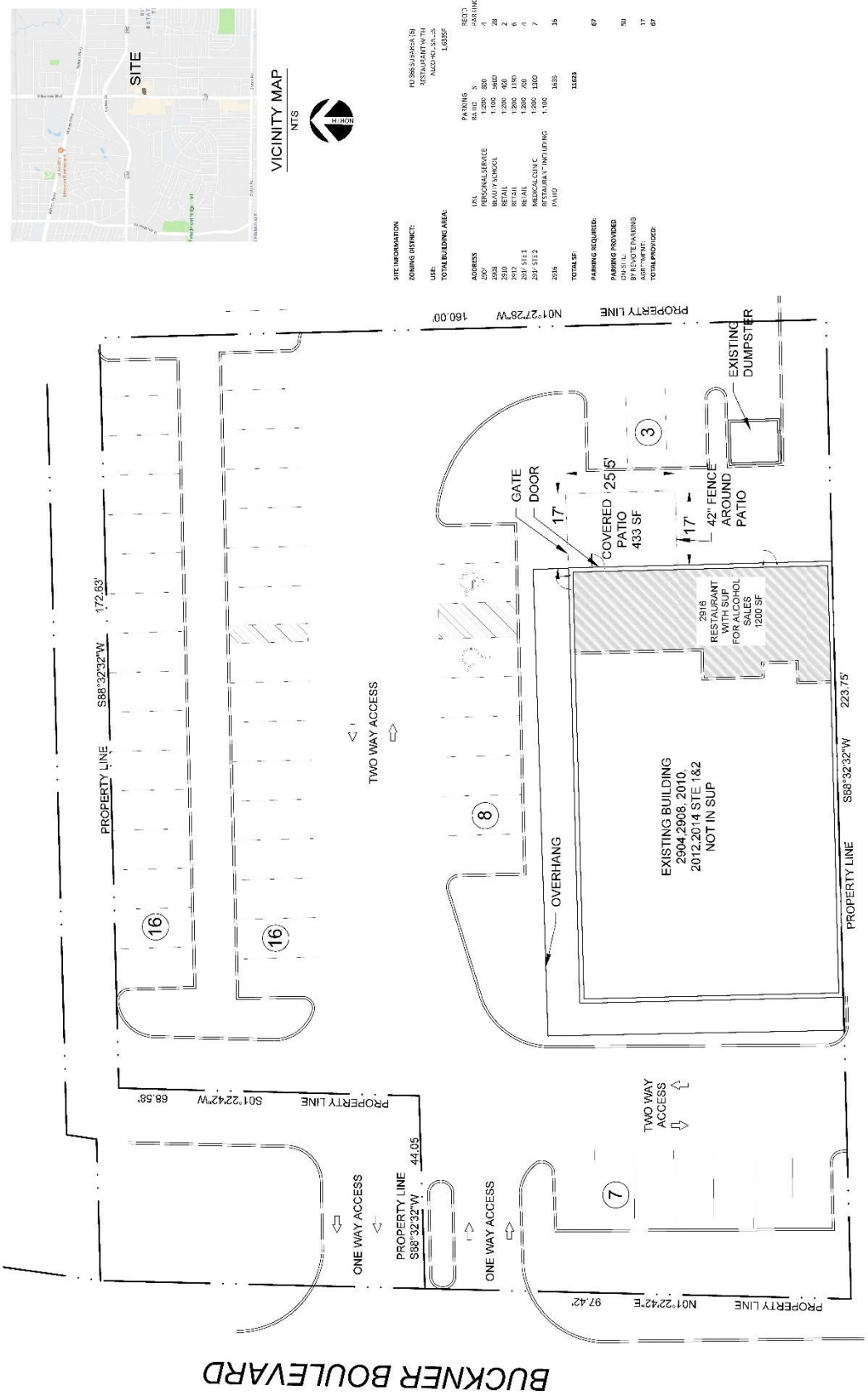
4. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

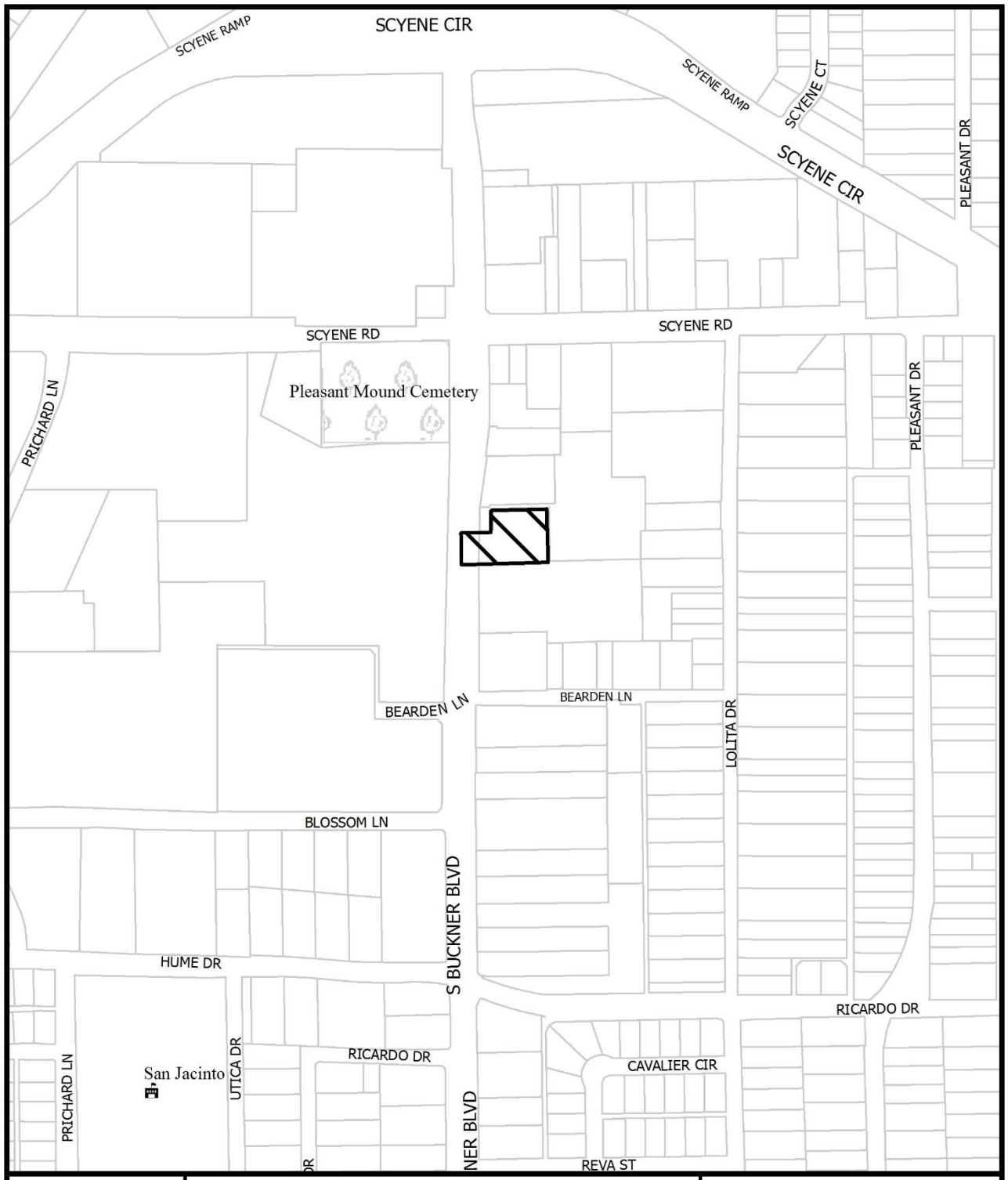
5. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

EXISTING SITE PLAN



PROPOSED SITE PLAN



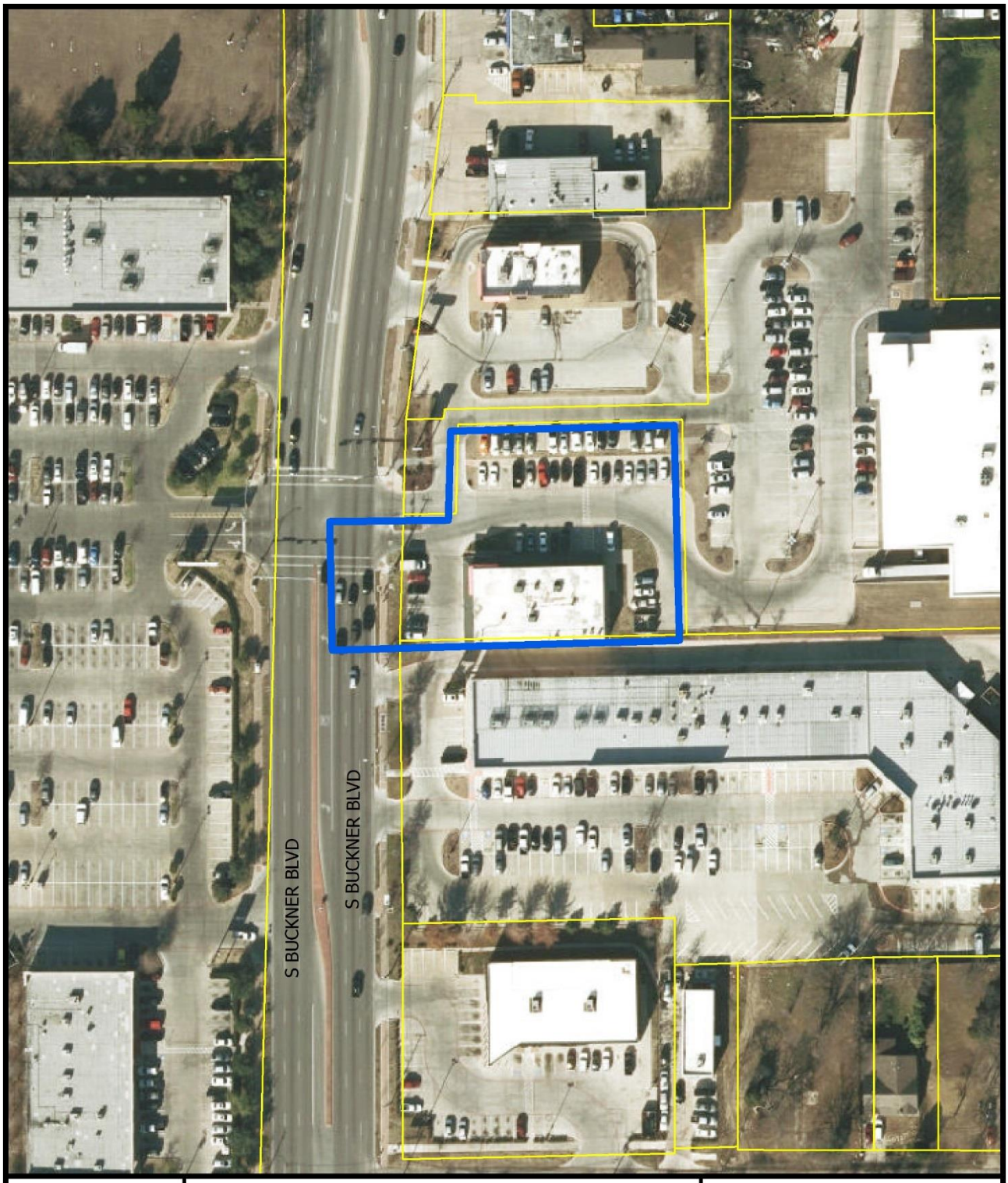


1:4,800

VICINITY MAP

Case no: Z178-305

Date: 9/5/2018

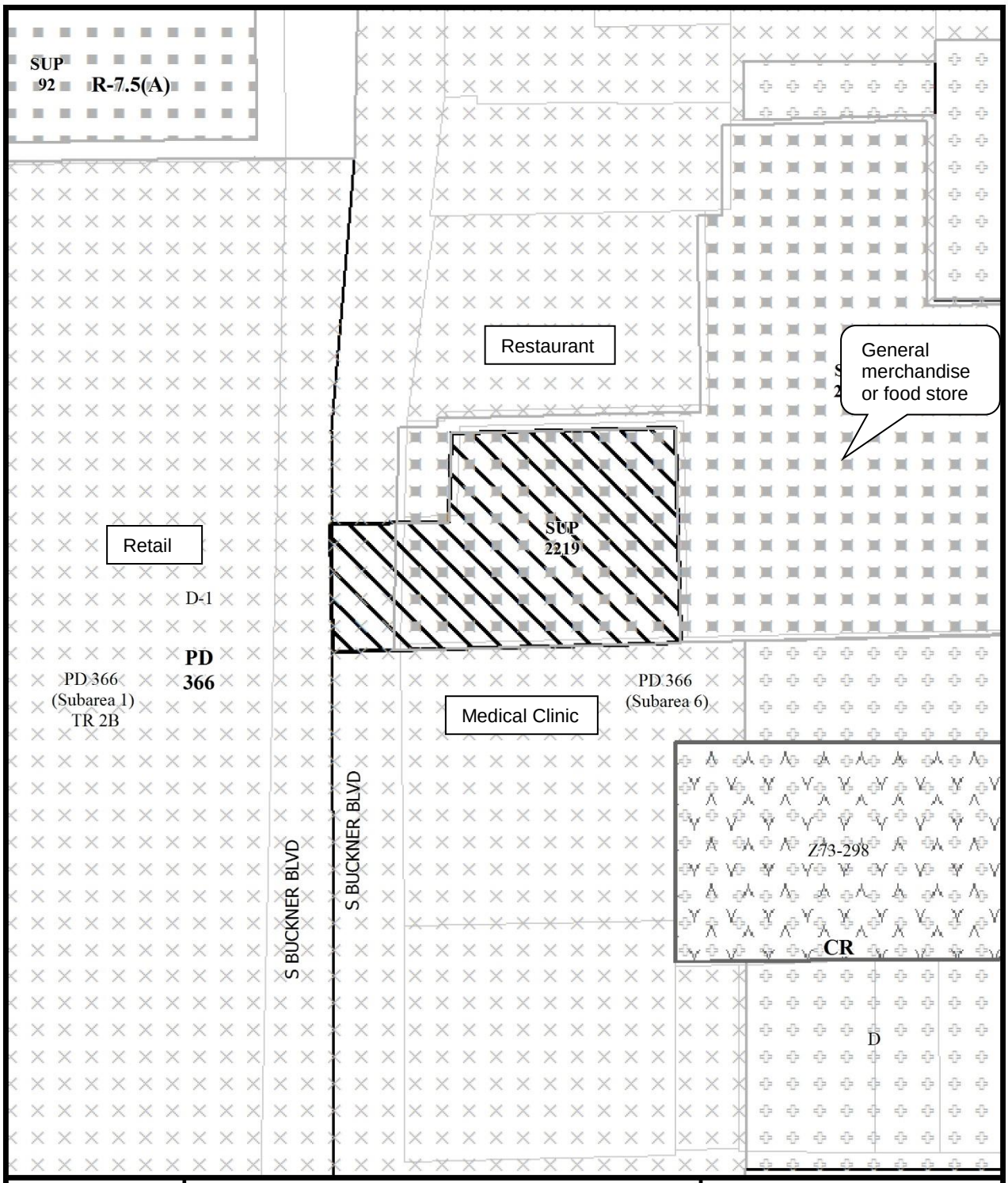


1:1,200

AERIAL MAP

Case no: Z178-305

Date: 9/5/2018

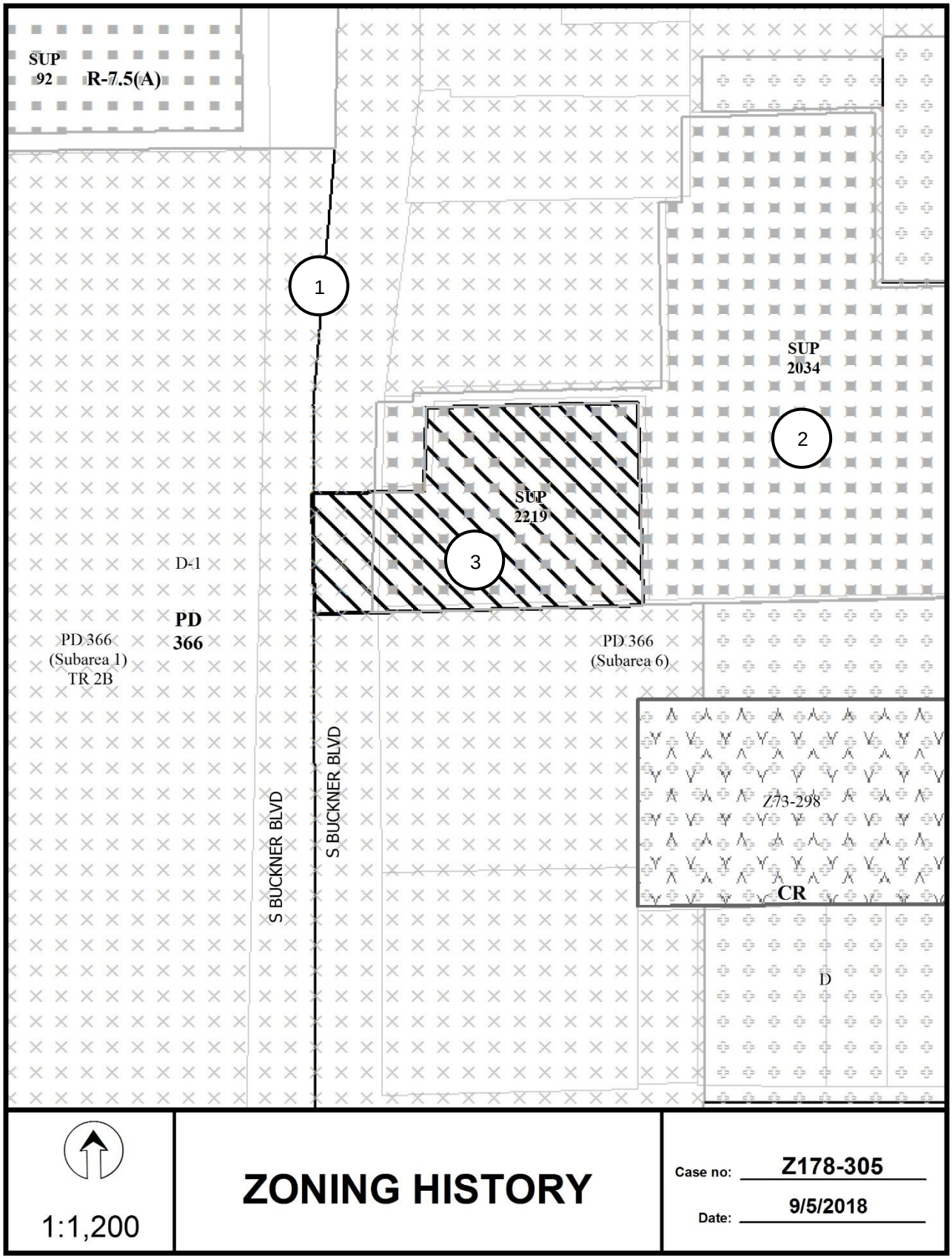


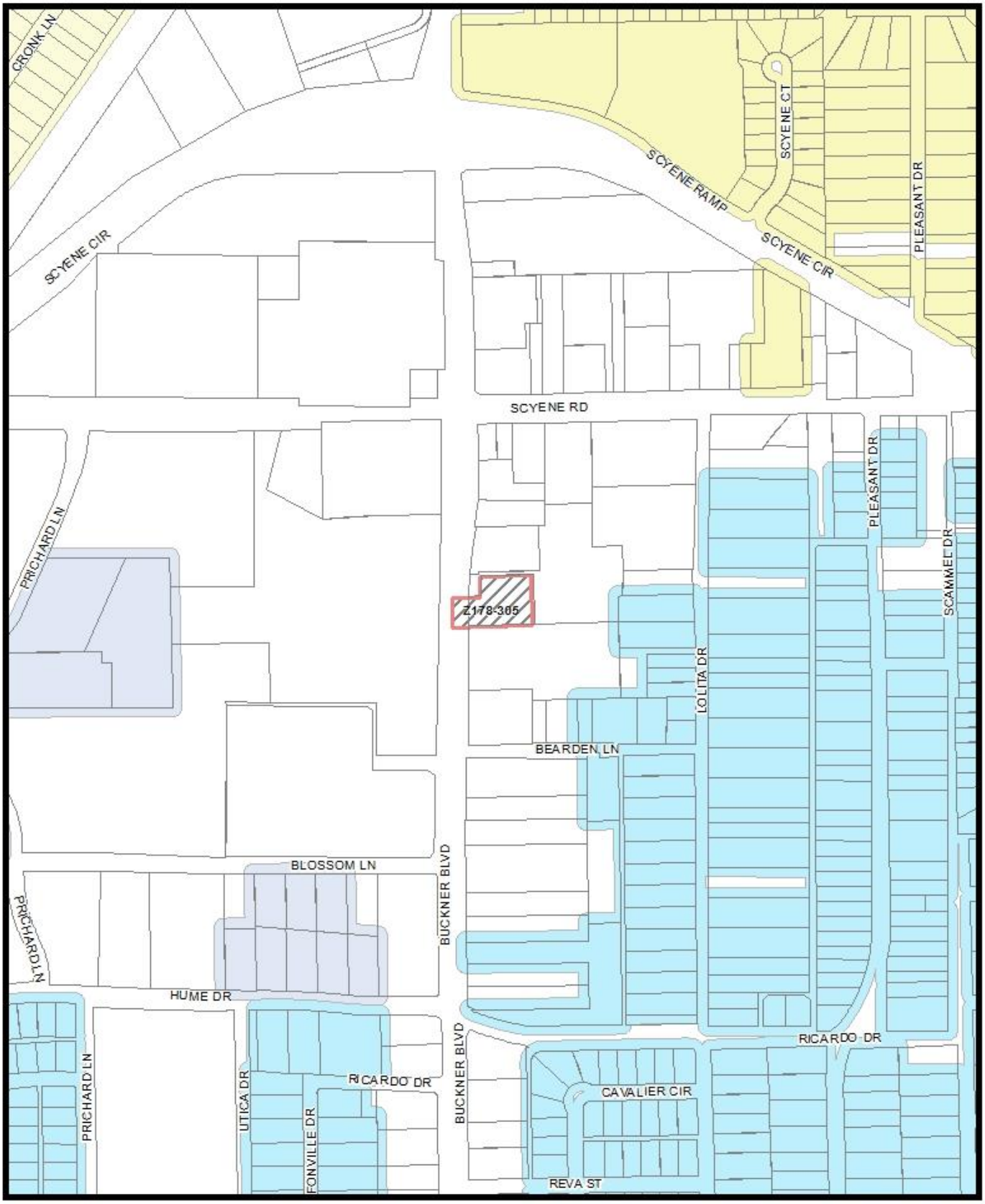
1:1,200

ZONING AND LAND USE

Case no: Z178-305

Date: 9/5/2018


SUP
92
R-7.5(A)
1
SUP
2034
2
SUP
2219
3
D-1
PD
366
PD 366
(Subarea 1)
TR 2B
PD 366
(Subarea 6)
S BUCKNER BLVD
S BUCKNER BLVD
Z73-298
CR
D
1:1,200
ZONING HISTORY
Case no: Z178-305
Date: 9/5/2018

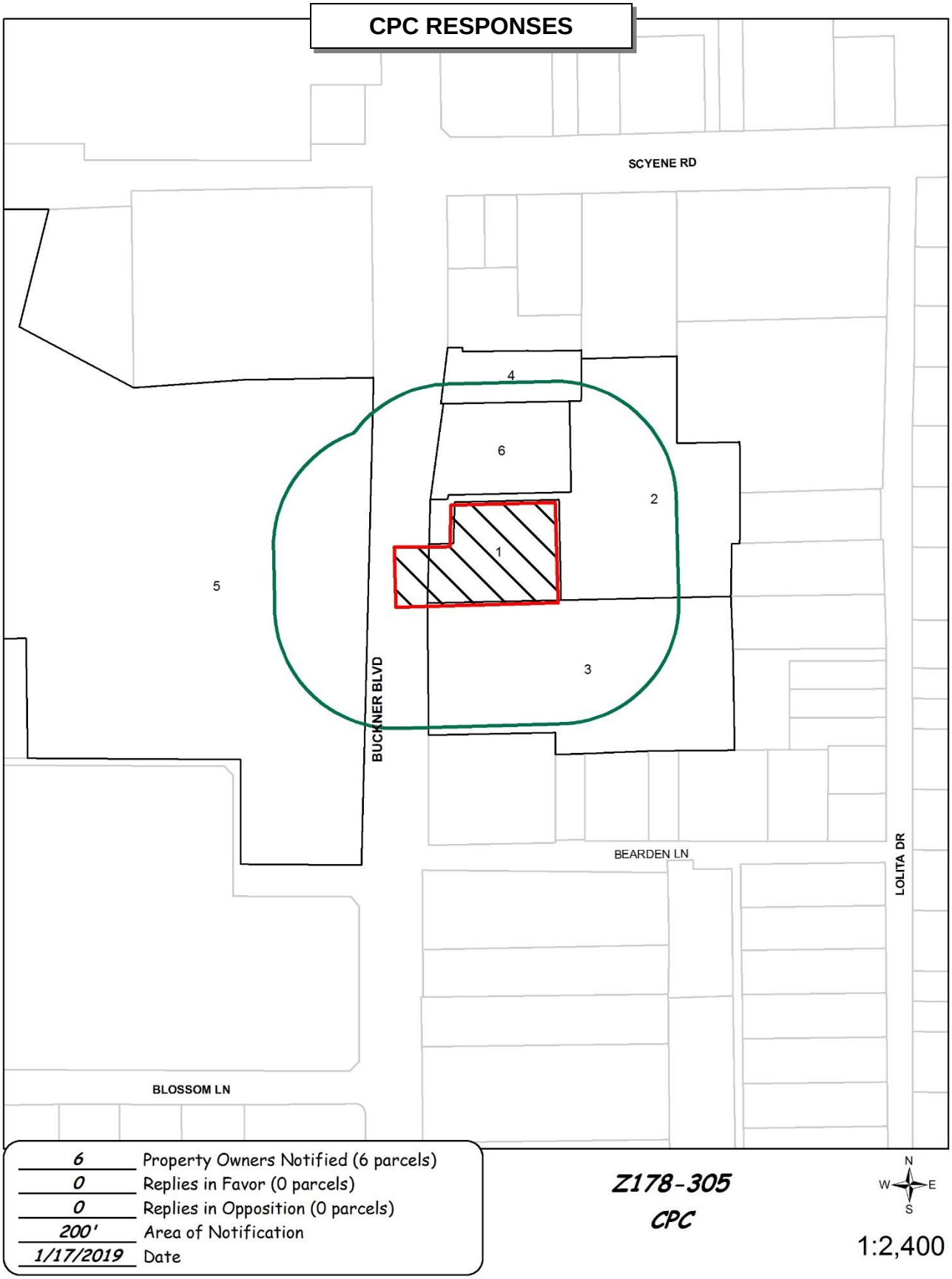


MVA Cluster A B C D E F G H I NA

1:4,800

Market Value Analysis

Printed Date: 9/7/2018


CPC RESPONSES
SCYENE RD
BUCKNER BLVD
BEARDEN LN
LOLITA DR
BLOSSOM LN
1
2
3
4
5
6
6 Property Owners Notified (6 parcels)
0 Replies in Favor (0 parcels)
0 Replies in Opposition (0 parcels)
200' Area of Notification
1/17/2019 Date
Z178-305
CPC
N
W
E
S
1:2,400

01/16/2019

Reply List of Property Owners

Z178-305

6 Property Owners Notified ***0 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	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

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-354 **Item #:** 50.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): 5

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1357 for an open-enrollment charter school on property zoned an R-7.5(A) Single Family District, on the northwest corner of Bruton Road and McCutcheon Lane
Recommendation of Staff and CPC: Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a revised traffic management plan and conditions
Z189-104(PD)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, MARCH 27, 2019**

ACM: Majed Al-Ghafry

FILE NUMBER:	Z189-104(PD)	**DATE FILED:**	October 4, 2018
LOCATION:	Northwest corner of Bruton Road and McCutcheon Lane		
COUNCIL DISTRICT:	5	**MAPSCO:**	58 D
SIZE OF REQUEST:	± 3.975 acres	**CENSUS TRACT:**	90.00

APPLICANT/OWNER: A+ Charter Schools Inc. f.k.a Riley Faith Family Academy

REPRESENTATIVE: Audra Buckley, Permitted Development

REQUEST: An application for the renewal of Specific Use Permit No. 1357 for an open-enrollment charter school on property zoned an R-7.5(A) Single Family District.

SUMMARY: The purpose of the request is to continue the operation of the school for grades kindergarten through 12. The school has an enrollment of 573 students with a total student capacity of 600 and a maximum of 26 classrooms.

CPC RECOMMENDATION: **Approval** for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a revised traffic management plan and conditions.

STAFF RECOMMENDATION: **Approval** for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a revised traffic management plan and conditions.

BACKGROUND INFORMATION:

- On May 13, 1998, SUP No. 1357 for a private school was originally approved by City Council for a permanent time period. [Z078-268]

- On January 28, 2009, the City Council approved an amendment to SUP No. 1357 changing the use to allow an open-enrollment charter school [kindergarten through eighth grade] for a ten-year time period with eligibility for ten-year automatic renewals. [Z978-182]

- On October 23, 2013, the City Council approved an amendment to SUP No. 1357 to allow the administration to include grades 9th through 12th in their curriculum and modifications to the site plan and traffic management plan that reflected changes to the surface parking lot. The changes were made to provide a more efficient circulation pattern for vehicular traffic during student drop-off and pick-up. [Z123-318]

- On November 12, 2013, the City Council approved the amendment with no change to the time period; however, the applicant missed the September 30, 2018, deadline to submit the application for an automatic renewal.

- The representative is now requesting renewal of SUP No. 1357 to continue the operation of the school for grades kindergarten through 12 with an enrollment of 573 students with a maximum capacity of 600 students and 26 classrooms. No current amendments are proposed with this request.

- On January 18, 2019, a revised Traffic Management Plan was provided to staff depicting the correct enrollment and classification of grades.

Zoning History: There have been two zoning requests in the area within the past five years. One of the requests was for the amendment of the SUP on the subject site.

1. **Z156-132:** On February 10, 2016, the City Council approved the renewal of Specific Use Permit No. 1439 for a child-care facility on property zoned an MF-2(A) Multifamily District.

2. **Z123-318:** On October 23, 2013, the City Council approved an amendment to Specific Use Permit No. 1357 for an open-enrollment charter school on property zoned an R-7.5(A) Single Family District.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Bruton Road	Principal Arterial	100 ft.	100 ft.
McCutcheon Lane	Local	60 ft.	60 ft.

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. The TMP was reviewed and approved by the Engineering and Transportation Division and was shown to have met the traffic study update requirements.

Land Use:

	Zoning	Land Use
Site	R-7.5(A), SUP No. 1357	Open-enrollment charter school
North	R-7.5(A)	Single Family
East	R-7.5(A)	Single Family
South	R-7.5(A), SUP No. 1202	Single Family, child-care facility
West	R-7.5(A)	Church

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 complies with the following land use goals and policies 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.

1.1.5.7 Ensure that neighborhoods are served by and accessible to neighborhood commercial areas, parks and open space, libraries and schools. Encourage the development of these facilities in priority Area Plans.

NEIGHBORHOOD PLUS

Policy 4.2 Support and leverage emerging school quality and school choice programs.

STAFF ANALYSIS:

Land Use Compatibility:

The 3.95-acre campus is developed as an open-enrollment charter school. The representative's request for a renewal of Specific Use Permit No. 1357 will allow for the continued operation of the school.

The open-enrollment charter school has a student enrollment of approximately 573 students from grades kindergarten to twelfth and is permitted to have a maximum of 26 classrooms. The school's administration has designated three existing driveway approaches for ingress/egress onto the site along McCutcheon Lane. Two of the three points of access is secured by a controlled access gate that remains closed during school hours.

The land uses surrounding the request site are primarily single family with a child-care facility use to the south and a church use to the west. The location of the open-enrollment charter school is compatible with the surrounding land uses and provides another choice to serve educational needs within the community.

There are no changes to the existing conditions. In October 2013, the City Council approved an amendment to Specific Use Permit No. 1357 for an open-enrollment charter school to allow the administration to include grades 9th through twelfth in their curriculum and modifications to the site plan and traffic management plan that reflected changes to the surface parking lot for a ten-year period with eligibility for automatic renewals for addition ten-year periods, subject to a site plan, traffic management plan and conditions; however the applicant missed the June 28, 2013 deadline to submit the application for an automatic renewal.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

Parking:

The requirement for off-street parking for a school, pursuant to the Dallas Development Code is;

- one and one-half space for each kindergarten/elementary school classroom;
- three and one-half space for each junior high/middle school classroom; and
- nine and one-half space for each senior high school classroom.

The total number of classrooms determines the number of required parking spaces. The school consists of 26 classrooms with twelve kindergarten/elementary school classrooms (1.5 x 12 = 18), nine high/middle school classroom (3.5 x 9 = 32), and five high school classrooms (9.5 x 5 = 48). Therefore, the number of required off-street parking spaces for the existing school is 98 spaces. The applicant is exceeding this requirement by providing 117 off-street parking spaces.

Landscaping:

Landscaping of any development will be in accordance with the attached site plan. The renewal of Specific Use Permit No. 1357 will not trigger any additional landscaping requirements.

Market Value Analysis:

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. The area of request is while not in an MVA category is surrounded by an MVA “F” category to the north and an MVA “G” category the east.

LIST OF OFFICERS
A+ Charter Schools, Inc.

- Theda Marie Green, President
- Charles Oliver, Vice President
- Karen Belknap, Director Emeritus
- Brenton White, Chief Administrative Officer
- Linda Davis, Secretary
- Ernest Crowley, Member
- Jeanne Campbell, Member
- Diana Cruz, Member

CPC ACTION:
February 7, 2019

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1357 for an open-enrollment charter school for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a revised traffic management plan and conditions on property zoned an R-7.5(A) Single Family District, on the northwest corner of Bruton Road and McCutcheon Lane.

Maker: Shidid
Second: Murphy
Result: Carried: 9 to 0

For: 9 - Davis, Shidid, Carpenter, Lewis, Jung, Housewright, Murphy, Ridley, Tarpley

Against: 0
Absent: 2 - MacGregor, Schultz
Vacancy: 4 - District 2, District 3, District 7, District 12

Notices: Area: 300 Mailed: 49
Replies: For: 1 Against: 0

Speakers: For: None
For (Did not speak): Audra Buckley, Address not given
Against: None

CPC RECOMMENDED CONDITIONS

1. **USE:** The only use authorized by this specific use permit is an open-enrollment charter school.

2. **SITE PLAN:** Use and development of the Property must comply with the attached site plan.

3. **TIME LIMIT:** This specific use permit expires on ten-year period, but is eligible for automatic renewal for additional ten-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.) ~~January 28, 2019~~

4. **PARKING:** Parking must be as shown on the attached site plan.

5. **LANDSCAPING:** Before the issuance of a certificate of occupancy for an open-enrollment charter school, landscaping must be provided as shown on the attached site plan. Plant materials must be maintained in a healthy, growing condition.

6. **HOURS OF OPERATION:** The open-enrollment charter school may only operate between 7:00 a.m. and 5:00 p.m., Monday through Saturday.

7. **INGRESS/ EGRESS:** Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.

8. **CLASSROOMS:** The maximum number of classrooms is 26. Classes are limited to kindergarten through twelfth grade.

9. **TRAFFIC MANAGEMENT PLAN:**

(a) In general. Operation of a public school other than an open-enrollment charter school must comply with the traffic management plan (Exhibit B).

(b) Queuing. Queuing is only permitted inside the Property. Student drop-off and pick-up are not permitted within city rights-of-way.

(c) Traffic study.

(i) The Property owner or operator shall prepare a traffic study evaluating the sufficiency of the traffic management plan. The initial traffic study was submitted to the director by **November 1, 2009**. The Property owner or operator shall submit annual updates of the traffic study to the director by November 1st of each year.

(ii) The traffic study must be in writing, performed by a licensed engineer, based on a minimum of four samples taken on different school days at different drop-off and pick-up times over a two-week period, and must contain an analysis of the following:

(A) ingress and egress points;

(B) queue lengths;

(C) number and location of personnel assisting with loading and unloading of students;

(D) drop-off and pick-up locations;

(E) drop-off and pick-up hours for each grade level;

(F) hours for each grade level;

(G) circulation;

(iii) Within 30 days after submission of a traffic study, the director shall determine if the current traffic management plan is sufficient.

(A) If the director determines that the current traffic management plan is sufficient, the director shall notify the applicant in writing.

(B) If the director determines that the current traffic management plan results in traffic hazards or traffic congestion, the director shall require the Property owner to submit an amended traffic management plan. If the Property owner fails to submit an amended traffic management plan within 30 days, the director shall notify the city plan commission.

(d) Amendment process.

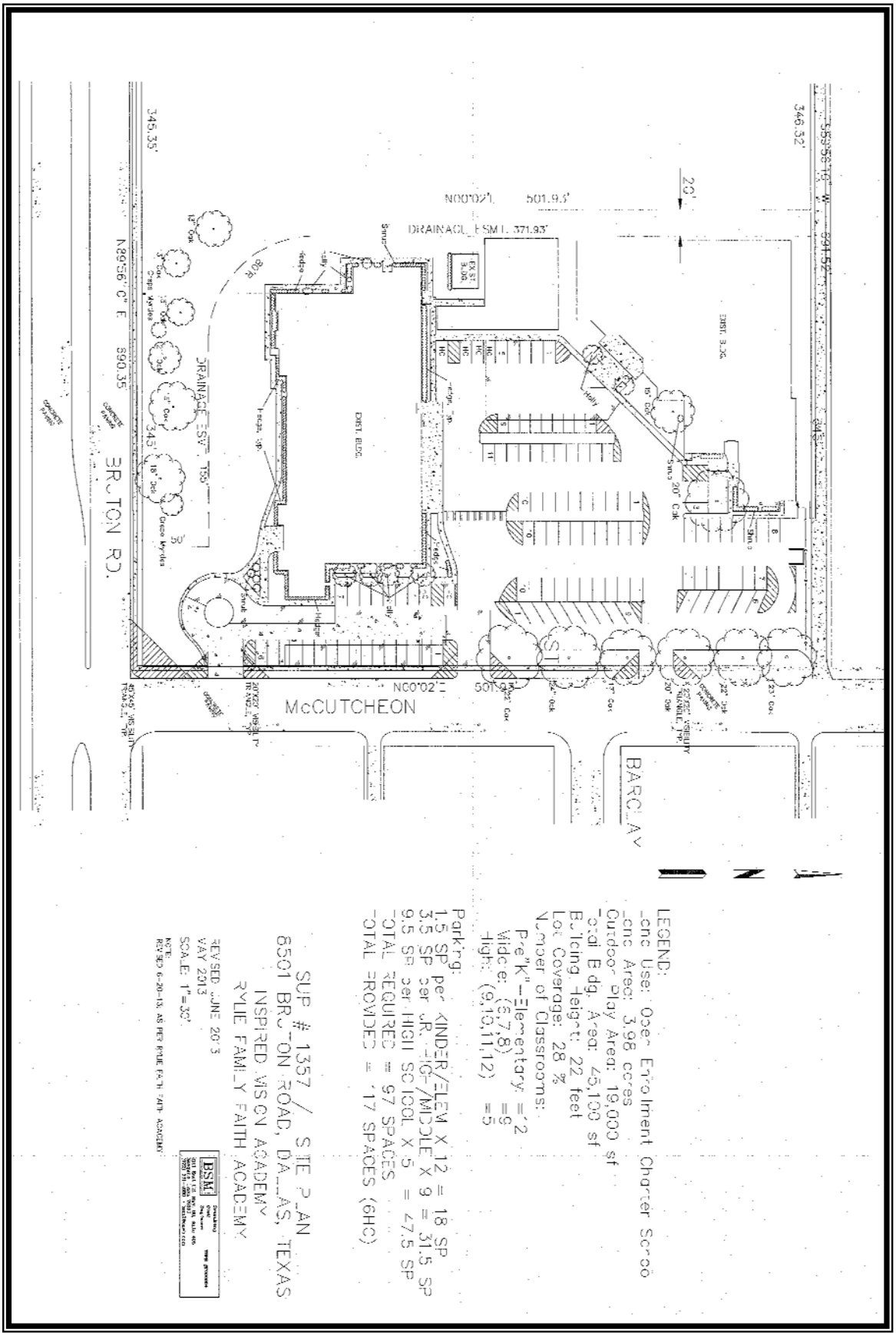
(i) A traffic management plan may be amended using the minor plan amendment fee and public hearing process in Section 51A-1.105(k)(3) of Chapter 51A fi the Dallas City Code, as amended.

(ii) The city plan commission shall authorize changes in a traffic management plan if the proposed amendments improve queuing or traffic circulation; eliminate traffic hazards; or decrease traffic congestion.

10. **MAINTENANCE:** The Property must be properly maintained in a state of good repair and neat appearance.

11. **GENERAL REQUIREMENTS:** Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

EXISTING SITE PLAN



Revised Traffic Management Plan

DeShazo Group

Traffic. Transportation Planning. Parking. Design.

Texas Registered Engineering Firm F-3199

STATE OF TEXAS
JOHN J. DeSHAZO
11490
REGISTERED PROFESSIONAL ENGINEER

January 17, 2019

Technical Memorandum

To: Mr. Tony Valdez — A+ Charter Schools, INC

From: DeShazo Group, Inc.

Date: January 17, 2019

Re: Traffic Management Plan Update for the A+ Charter School in 8501 Bruton Road
DeShazo Project No. 18112

INTRODUCTION

DeShazo Group, Inc. (DeShazo) is an engineering consulting firm based in Dallas, Texas providing licensed engineers and planners skilled in the field of traffic and transportation engineering. The services of DeShazo were retained by A+ Charter School to provide a traffic management plan (TMP) update for their School located at 8501 Bruton Road in Dallas, Texas.

The School is currently in operation at the subject site with an enrollment of 573 students in grades K through 12. The School is proposing improvements to current facilities, to provide for a student capacity of 600 students. The School is currently operating under regulations provided in SUP 1357; approval by the City of Dallas is required in order to gain entitlements for the proposed modifications.

As part of the SUP approval process, submittal of a TMP to the City of Dallas is required as a record of the preferred strategies to be used by the School to ensure overall traffic safety and efficiency. This TMP is intended to assess existing and anticipated traffic conditions at the School during the morning drop-off and afternoon pick-up peak periods on the basis of satisfying these objectives. By consent of the TMP, the School agrees to be held self-accountable for the enforcement of the strategies presented herein until and unless the City of Dallas deems further measures are necessary. (NOTE: In this report, the term "parent" refers to any individual who is involved in the drop-off or pick-up of one or more students at the School.)

TRAFFIC MANAGEMENT PLAN

A school TMP is important to safely achieve an optimum level of traffic flow and circulation during peak traffic periods associated with student drop-off and pick-up. By properly managing the vehicular traffic generated during critical periods, the safety and efficiency of other modes of travel—including pedestrian traffic—will also inherently improve, and the operational impact on the public street system should also be minimized. **This plan, however, should not be considered a comprehensive set of instructions to ensure adequate safety; it should be used as a tool to facilitate a safer and more efficient environment.**

School Operational Characteristics

As required by the City of Dallas, DeShazo observed on-site traffic on four different visits at the following times.

- Friday, September 7, 2018, during student dismissal
- Wednesday, September 12, 2018, during student dismissal
- Thursday, September 13, 2018, during student arrival
- Thursday, September 13, 2018 during student dismissal

Table 1 summarizes the operational characteristics for A+ Charter School assumed in this analysis:

Table 1. School Operational Characteristics

	Existing Conditions	Proposed Conditions
Enrollment:	*Total (Grades K -12th): 573 students*	*Capacity: 600 students (100 per grade)*
Daily Start/End Schedule	All Grades: >Start: 7:50 AM >End: 3:10 PM	No significant change
Approximate Number of Students Travelling by Mode Other Than Drop-off/Pick-up:	By School Bus: ≅ 5% By Walking: ≅ 5% By Self-Driving: < 1% By Other: negligible	No significant changes
Approximate Number of Students With Alternate Schedules (i.e., Arrive/Depart Outside of Normal Peak Times):	Approximately 35% (extracurricular activities, etc.)	No significant change

NOTE #1: To the highest degree practical, the accounts of "existing conditions" presented in this report were based upon actual on-site observations conducted by DeShazo during typical school day(s) conditions and from personal interviews of school representatives. The analyses and recommendations presented in this report for "proposed" or "future" conditions were based upon evaluations of "existing conditions" and may be supplemented by DeShazo's professional judgment and experience. "Proposed"/"Future" conditions are intended to reflect the anticipated day-to-day conditions at full occupancy.

NOTE #2: Occasional functions or other events may be held at the school, which generate traffic outside of the traditional peak drop-off and pick-up periods. While some of the measures presented in this report may be applicable in such cases, traffic characteristics other than those directly associated with the primary drop-off and pick-up periods are not the subject of this analysis.

EXISTING TRAFFIC CONDITIONS

Site Access and Circulation

The subject site currently has three total driveways, and all are on McCutcheon Lane. During the pick-up and drop-off periods, parents driving vehicles to the site generally enter from "Driveway 1" (northernmost driveway) and exit from the site at Driveway 2 (middle driveway) and "Driveway 3" (southernmost driveway).

Parents who pick-up on-site either park in the available parking spaces on site or circulates through the parking lot aisles. During the morning drop-off period, a similar circulation pattern is used.

Passenger Unloading/Loading and Vehicle Queuing

During the afternoon pick-up period, A+ Charter School employs an unmanaged protocol during the pick-up period whereby parents may generally park on and off-site. In fact, observations indicated that during peak dismissal period only ten parent vehicles queue or park on-site while 90 park on Bruton Rd, McCutcheon Ln, and Barclay St. Once students are released they find their parents wherever they are parked.

Assuming that the number of vehicles generated during the afternoon pick-up period is directly proportional to the number of students enrolled, the peak queue for the future conditions at full occupancy can be estimated. A summary of the peak number of vehicles is provided in **Table 2**.

Table 2. Peak Vehicles In Queue

	Existing Conditions (Observed)	**Proposed Conditions (Estimated)**
Peak Number of Parent-Vehicles	Approximately 100	No significant change (approximately 105)

RECOMMENDATIONS

The following recommendations are provided by DeShazo to A+ Charter School for the management of vehicular traffic generated by the school during peak traffic conditions. [NOTE: Generally, traffic delays and congestion that occurs during the afternoon pick-up period is notably greater than the traffic generated during the morning drop-off period due to the timing and concentration characteristics. In most instances, achieving efficiency during the afternoon period is most critical, while the morning traffic operations require nominal active management. Therefore, except where stated otherwise, the recommendations provided herein pertain specifically to the afternoon period operations.]

General

To maximize personal safety, any passenger loading (or unloading) within the public right-of-way should be avoided at all times.

To minimize liabilities, no persons other than deputized officers of the law should engage or attempt to influence traffic operations in public right-of-way.

To the extent possible, all queuing and parking of parent-vehicles should also be accommodated within the school site boundaries. For circumstances where this cannot be avoided, coordination with the City of Dallas staff members responsible for traffic operations in the area should take place so that appropriate traffic control devices can be installed. Adjustments to school procedures and policies may be necessary in order to promote on-site pick-up/drop-off.

The full cooperation of all school staff members, students, and parents is crucial for the success of a Traffic Management Plan. Proper training of school staff on the duties and expectations pertaining to the Plan is recommended. Sufficient communications at the beginning of each school term (and otherwise, as needed) with students and parents on their duties and expectations is also recommended.

Site Circulation Plan

Based upon DeShazo's review of the site conditions and the anticipated needs of traffic during peak conditions, the site traffic circulation plan depicted in **Exhibit 1** is recommended. This plan was designed with the intent of optimizing the on-site vehicular circulation and retention of vehicle queuing in a manner that promotes safety and operational efficiency.

The recommended plan provides approximately 2,323 linear feet of on-site vehicular queuing (i.e., storage for up to 105 vehicles @ 22 feet per vehicle). At the expected enrollment of 600 students, DeShazo estimates that the peak number of vehicles in queue may be up to 105 vehicles based upon existing observations. Under this scenario, the site is considered capable of accommodating this magnitude of vehicles in queue simultaneously with the assistance of school personnel; however, no significant amount of surplus queue space is expected.

As depicted in **Exhibit 1**, there are two loading areas. One for the primary queue and a second loading area for the additional queue. The primary queue accommodates approximately 72% (75 vehicles) of the site's queueing space and the additional queue accommodates the other 28% (30 vehicles) of the site's total queueing space. The School will need to designate which loading area each student is picked-up during the dismissal period. This may depend on the student's last class location, last name, or the student's grade.

The plan includes recommended configuration of temporary traffic control devices (such as traffic cones, etc.) that shall be installed on a daily basis when typical traffic conditions are expected. An appropriate number of school staff shall be assigned to fulfill the duties of student supervision, traffic control, and other related duties as generally depicted on the plan.

Staff directing traffic at the intersecting point of two queue lanes (and other areas, where appropriate) should, in lieu of simple hand gestures, procure and use reversible hand-paddle signs with the messages (and symbols) for STOP and for SLOW (i.e., proceed slowly). Optional additional equipment used by staff may include whistles (for audible warnings) and flashlights (for visual warnings) in order to better-gain the attention of motorists.

SUMMARY

This TMP is to be used by A+ Charter School to provide safe and efficient transportation of students, staff, and faculty to and from the site. The Plan was developed with the intent of optimizing safety and efficiency and the goal of accommodating vehicular traffic generated by the school at peak traffic periods within the site. The details of the TMP shall be reviewed by the school on a regular basis to confirm its effectiveness.

END OF MEMO

SCHOOL REVIEW AND COMMITMENT

This plan was developed for A+ Charter School with the intent of optimizing safety and efficiency related to vehicular traffic generated by the School during peak traffic periods. A concerted effort and full participation by the School administration, staff, students and parents are essential to maintain safe and efficient traffic operations.

The School has reviewed the Traffic Management Plan and is in support of the strategies presented herein.

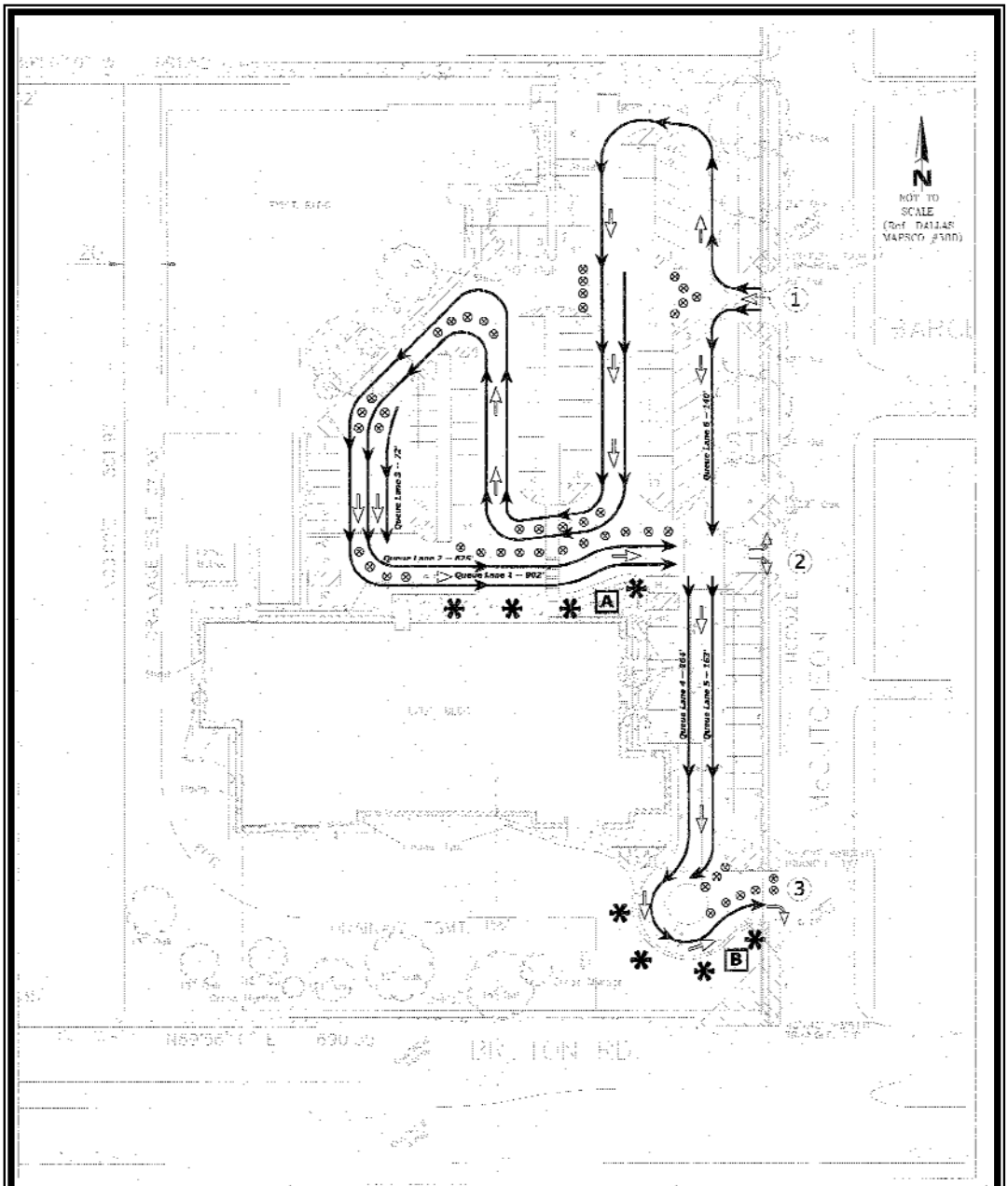
The School is committed to continually reviewing and assessing the effectiveness of the TMP and if warranted, will implement changes in the interest of increasing safety, efficiency and minimizing impacts on the surrounded community.

Antonio Valdez — 01/17/2019

Tony Valdez, Director of Maintenance
A+ Charter

Date

Traffic Management Plan Circulation Map



School Information

Current Enrollment: 488 Students
Maximum Allowed Enrollment: 600 Students
Academic (Current): K - 8th Grades
Academic (Proposed): K - 12th Grades
Hours: 7:45 AM-3:30 PM

Vehicular Queue:

	Primary Queue Veh./(Ft.)	Additional Parking Vacant Spaces	Total Veh./(Ft.)
Projected Demand*	128 (2,816')	(Approx.) --	128 (2,816')
Available Capacity	98 (2,166')	30** (Out of 121 spaces)	128 (2,166')
NET Surplus/(Deficiency)	(30) (650')	30	0

* Based upon observations at the existing campus on May 13, 2013.
** Estimated parking supply available for afternoon pick-up operations.
NOTE: Vehicular queue in linear feet is calculated at 22 ft. per passenger vehicle.

Legend

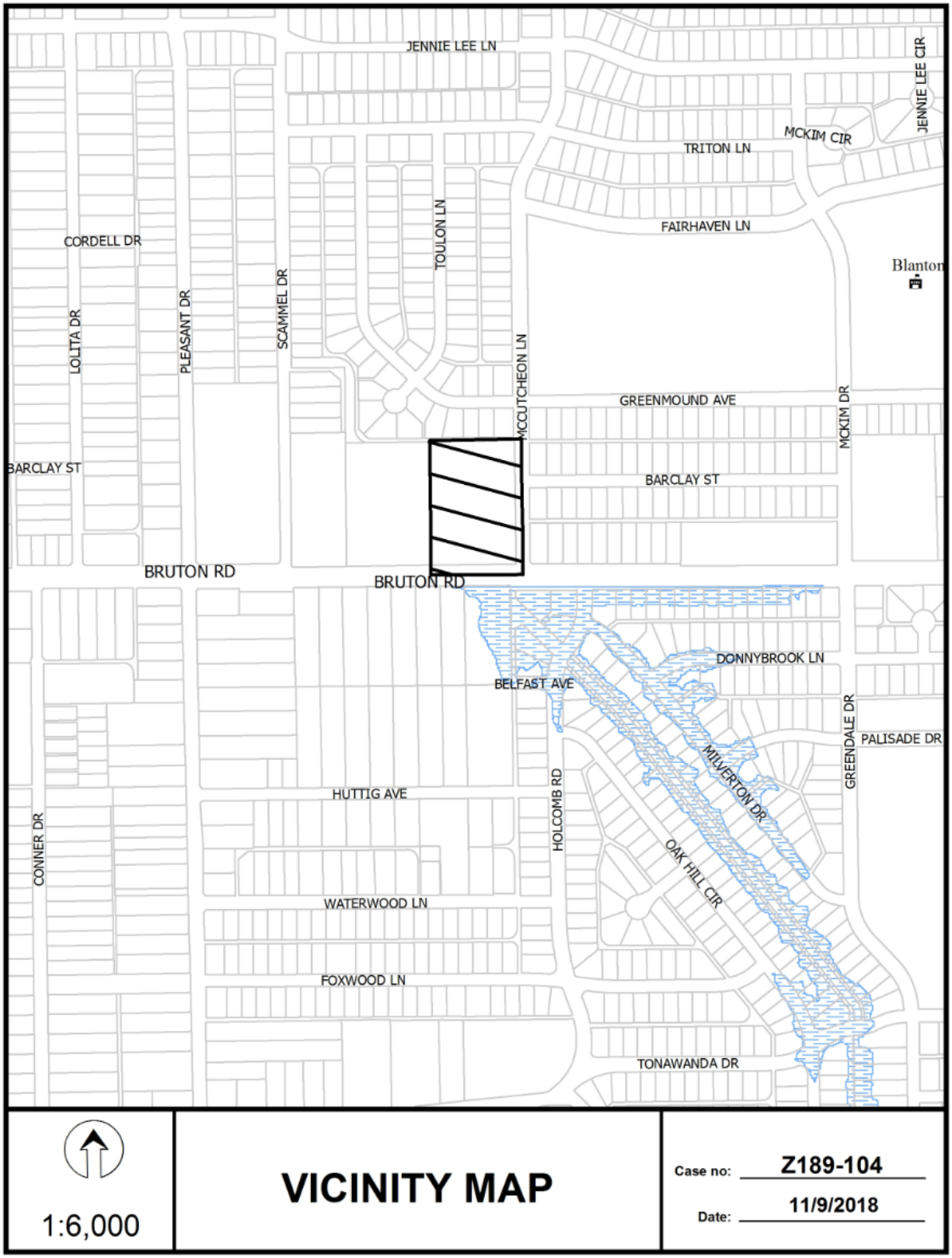
- Circulation Path
- Passenger Vehicle Queue
- A — Drop-off/Pick-up Area (Primary)
- B — Drop-off/Pick-up Area (Additional)
- * * Staff Assistance
- # School Driveway Nomenclature
- Temporary Traffic Cones

NOTE: This Traffic Management Plan was developed to prevent the queuing of drop-off/pick-up related vehicles within the city right-of-way. The school administration should adhere to this TMP and any deficiency due to spill over of queuing into undesignated areas of the city right-of-way, including roadway travel lanes, should be corrected by the school immediately.

Traffic Management Plan — **Z 123-318** — EXHIBIT 1

Inspired Vision Academy Traffic Management Plan

Site plan (base) is prepared by RSM Engineers, Inc

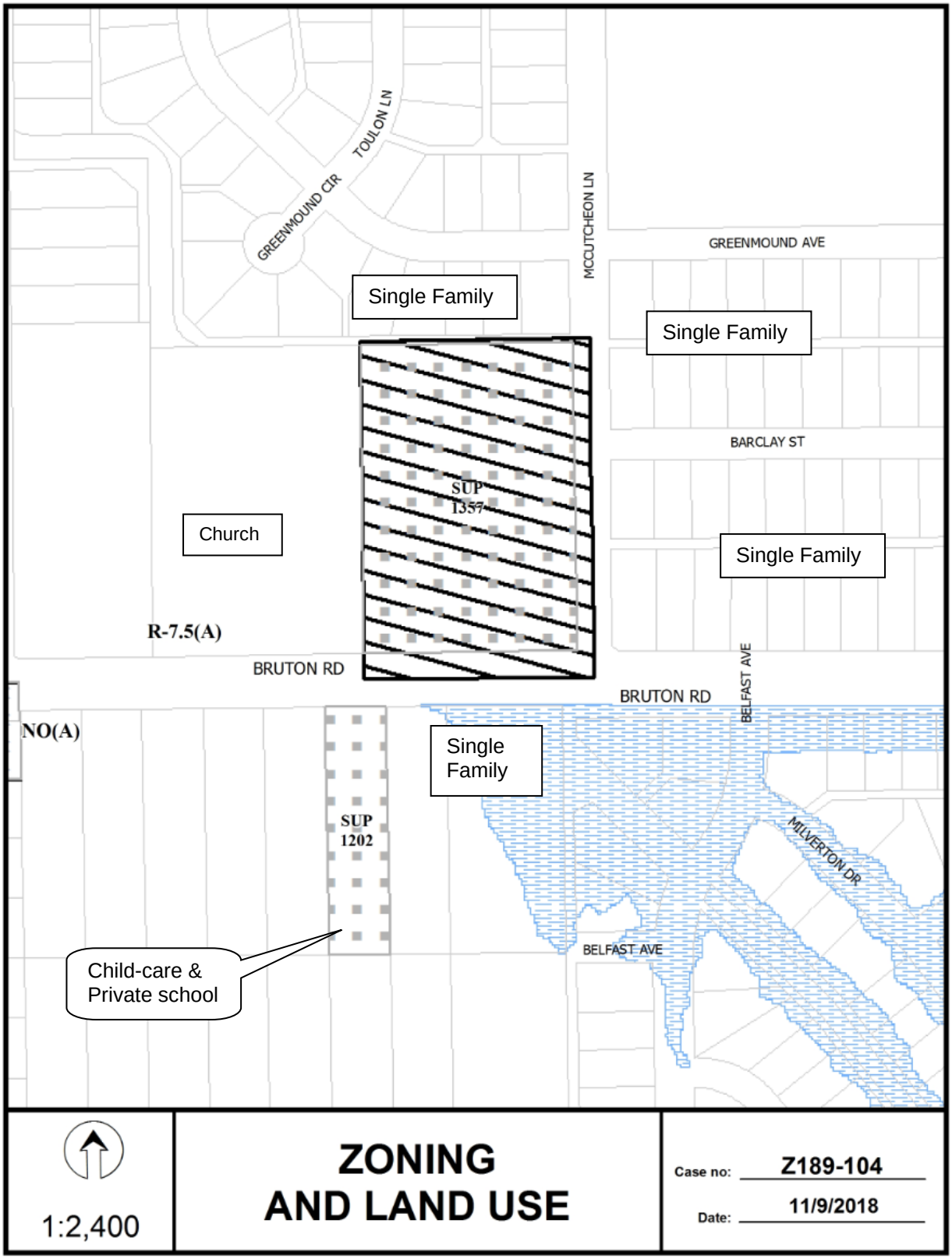

JENNIE LEE LN
JENNIE LEE CIR
MCKIM CIR
TRITON LN
FAIRHAVEN LN
TOULON LN
CORDELL DR
LOLITA DR
PLEASANT DR
SCAMMEL DR
MCCUTCHEON LN
GREENMOUND AVE
MCKIM DR
BARCLAY ST
BARCLAY ST
BRUTON RD
BRUTON RD
DONNYBROOK LN
BELFAST AVE
GREENDALE DR
PALISADE DR
MILVERTON DR
HUTTIG AVE
HOLCOMB RD
CONNER DR
OAK HILL CIR
WATERWOOD LN
FOXWOOD LN
TONAWANDA DR
1:6,000
VICINITY MAP
Case no: Z189-104
Date: 11/9/2018

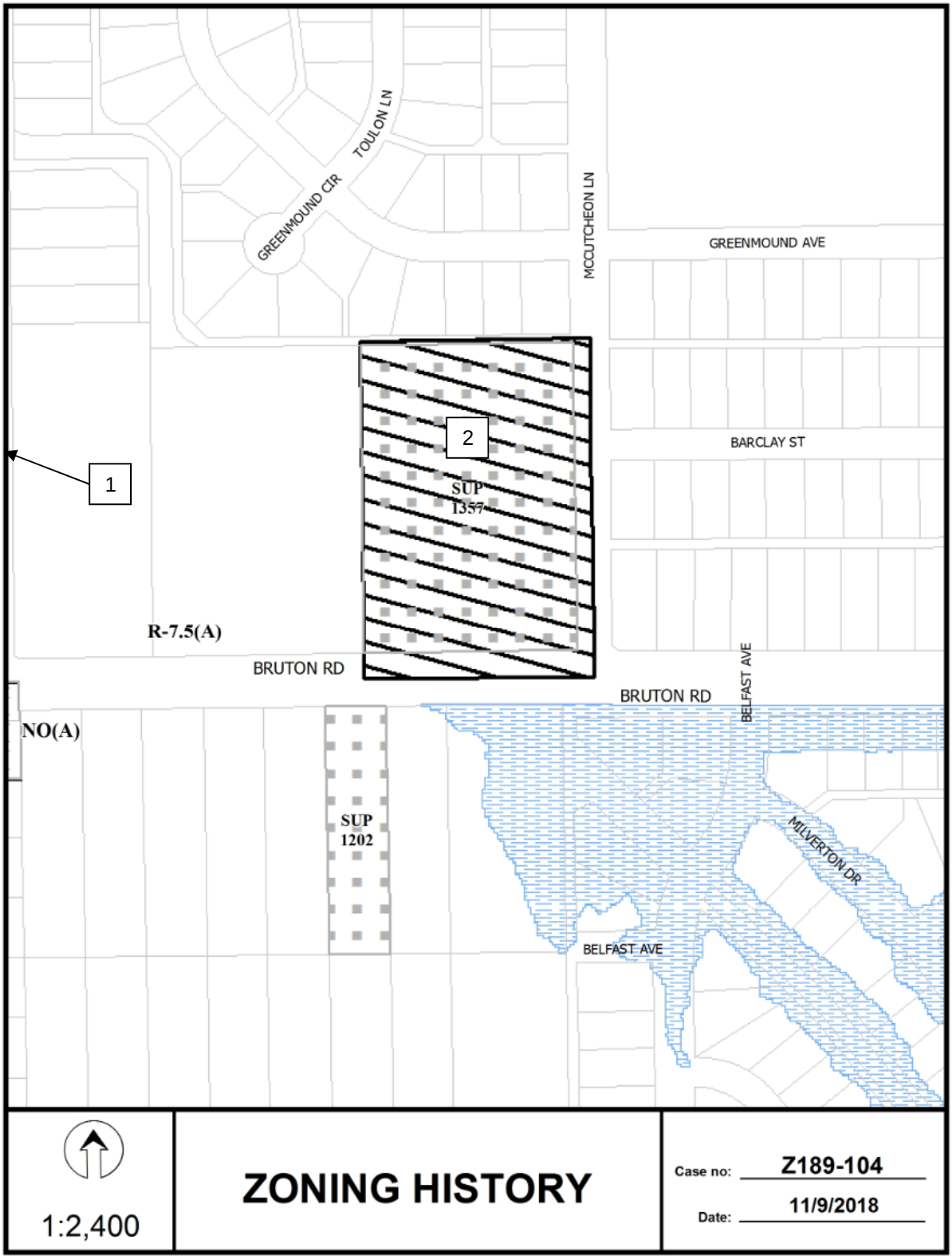
1:2,400

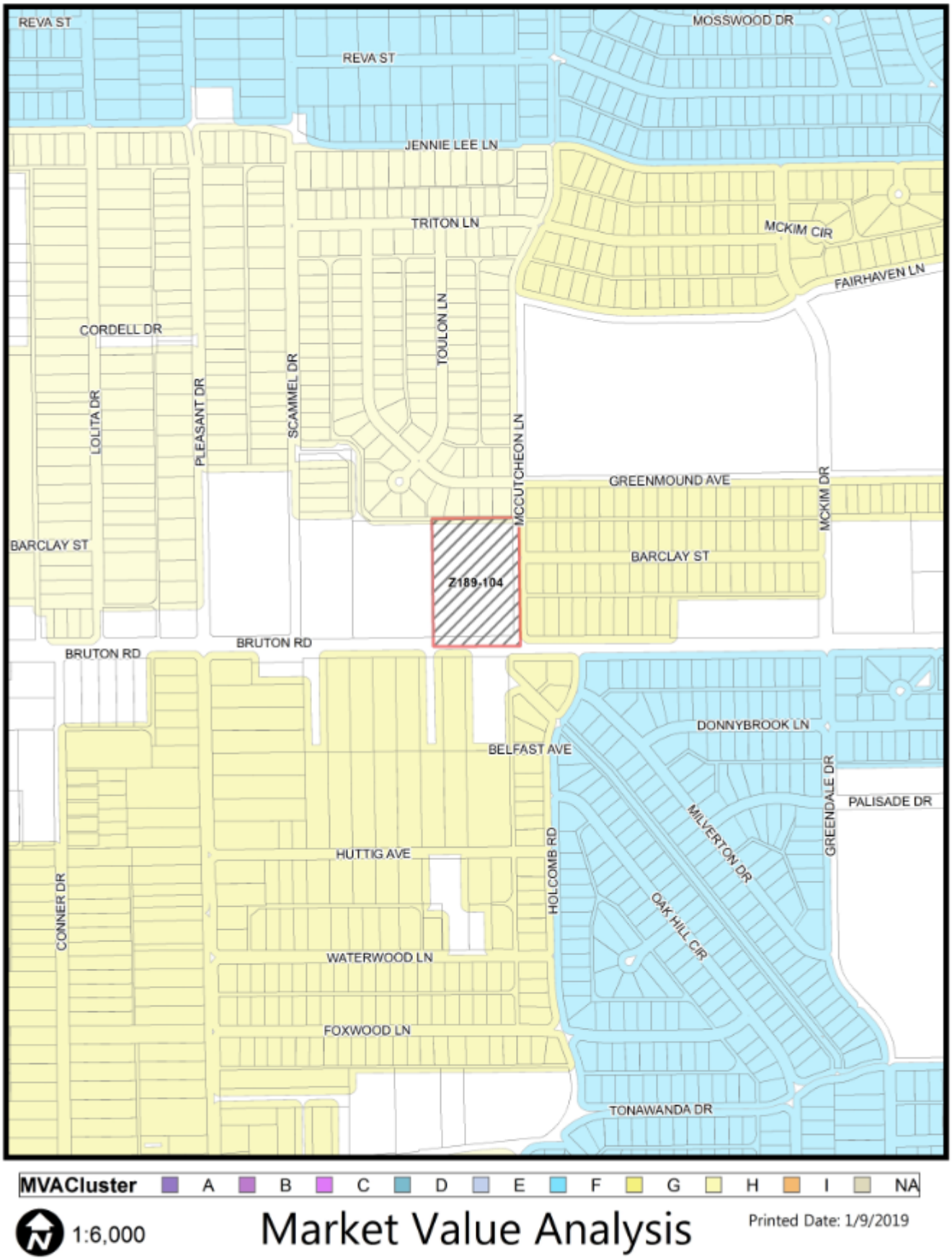
AERIAL MAP

Case no: Z189-104

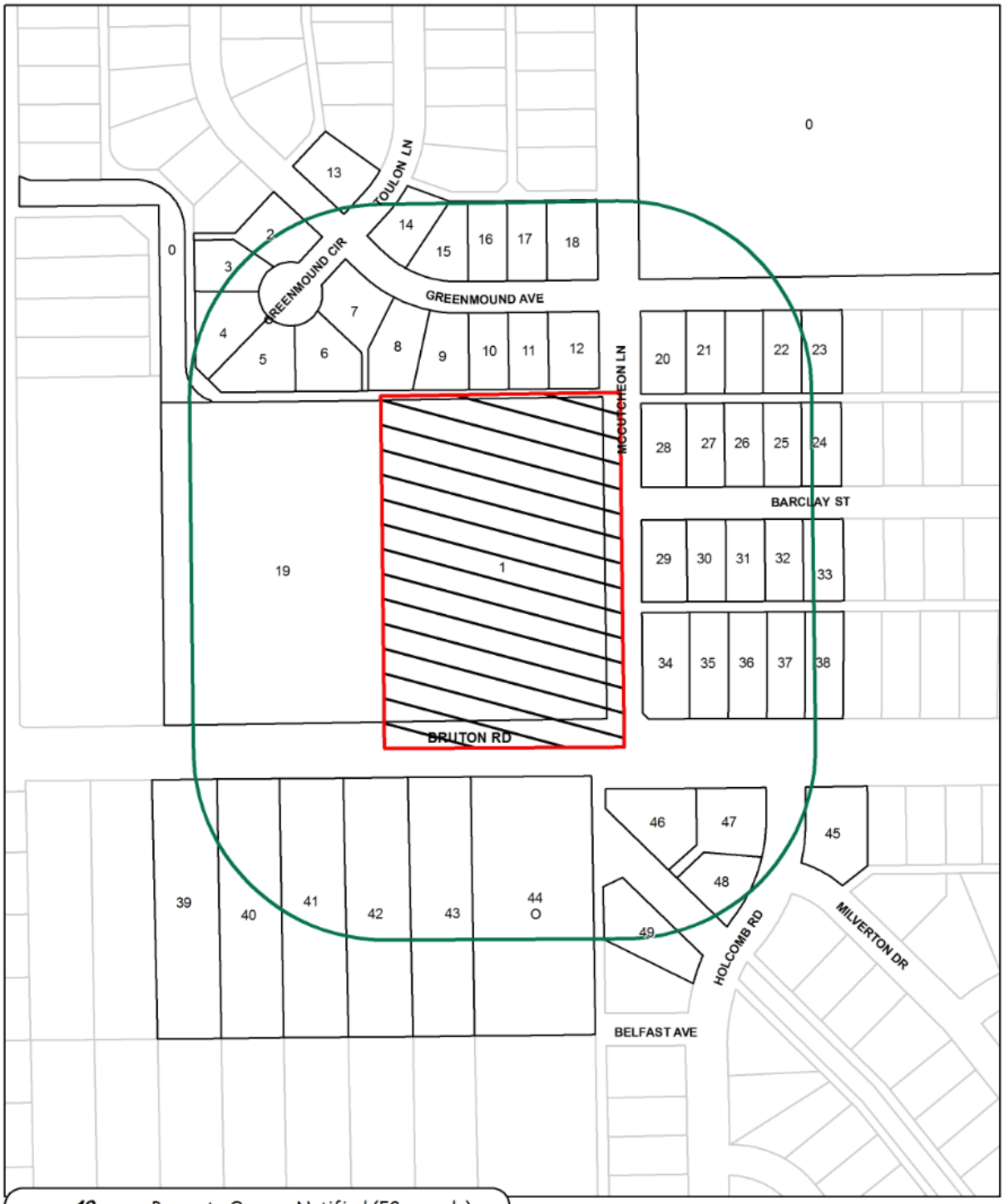
Date: 11/9/2018


TOULON LN
GREENMOUND CIR
MCCUTCHEON LN
GREENMOUND AVE
Single Family
Single Family
BARCLAY ST
SUP
1357
Church
Single Family
R-7.5(A)
BRUTON RD
BRUTON RD
BELFAST AVE
NO(A)
Single
Family
SUP
1202
MILVERTON DR
BELFAST AVE
Child-care &
Private school
1:2,400
ZONING
AND LAND USE
Case no: Z189-104
Date: 11/9/2018


TOULON LN
GREENMOUND CIR
MCCUTCHEON LN
GREENMOUND AVE
BARCLAY ST
2
1
SUP
1357
R-7.5(A)
BRUTON RD
BRUTON RD
BELFAST AVE
NO(A)
SUP
1202
MILVERTON DR
BELFAST AVE
1:2,400
ZONING HISTORY
Case no: Z189-104
Date: 11/9/2018


REVA ST
REVA ST
MOSSWOOD DR
JENNIE LEE LN
TRITON LN
MCKIM CIR
FAIRHAVEN LN
CORDELL DR
TOULON LN
LOLITA DR
PLEASANT DR
SCAMMEL DR
MCCUTCHEON LN
GREENMOUND AVE
MCKIM DR
BARCLAY ST
BARCLAY ST
Z189-104
BRUTON RD
BRUTON RD
DONNYBROOK LN
BELFAST AVE
GREENDALE DR
PALISADE DR
MILVERTON DR
HUTTIG AVE
HOLCOMB RD
OAK HILL CIR
CONNER DR
WATERWOOD LN
FOXWOOD LN
TONAWANDA DR
MVACluster A B C D E F G H I NA
1:6,000
Market Value Analysis
Printed Date: 1/9/2019

CPC RESPONSES



49	Property Owners Notified (52 parcels)
1	Replies in Favor (1 parcels)
0	Replies in Opposition (0 parcels)
300'	Area of Notification
2/7/2019	Date

Z189-104
CPC

N W E S

1:2,400

02/06/2019

Reply List of Property Owners

Z189-104

49 Property Owners Notified ***1 Property Owner in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*	*Owner*
	1	8501 BRUTON RD	A+ CHARTER SCHOOLS INC
	2	8432 GREENMOUND AVE	GIL JOSE & SANDRA
	3	8438 GREENMOUND AVE	MORENO MARTIN & TERESA
	4	8442 GREENMOUND AVE	SCOTT RALPH A
	5	8446 GREENMOUND AVE	BROOKS SANDRA E
	6	8450 GREENMOUND AVE	RUIZ JOSE GERONIMO LARA &
	7	8456 GREENMOUND AVE	GOMEZ JOSE
	8	8510 GREENMOUND AVE	RODRIGUEZ PEDRO & TERESA
	9	8514 GREENMOUND AVE	MUIR EVERTON D & JULLIAN
	10	8518 GREENMOUND AVE	SERRANO J ANGEL &
	11	8522 GREENMOUND AVE	MACALUSO FRANK & JOAN
	12	8526 GREENMOUND AVE	VERGARA VICENTE
	13	2207 TOULON LN	BAEZA MARIA I GOMEZ
	14	8505 GREENMOUND AVE	MALDONADO ROBERT
	15	8511 GREENMOUND AVE	SURBER ARVINA
	16	8517 GREENMOUND AVE	TOVAR MARIA O &
	17	8521 GREENMOUND AVE	CLICK DAVID IVEN
	18	8525 GREENMOUND AVE	WATKINS TANYA M
	19	8401 BRUTON RD	CENTRO CRISTIANO ELOHIM BAPTIST CHURCH
	20	8606 GREENMOUND AVE	DELACRUZ JUAN J LOZA &
	21	8610 GREENMOUND AVE	NAJERA MANUELA OROZCO &
	22	8620 GREENMOUND AVE	SANDERS WILLIAM &
	23	8626 GREENMOUND AVE	AMAYA IRIS
	24	8635 BARCLAY ST	IBARRA ANGEL CALVILLO
	25	8629 BARCLAY ST	WALMSLEY JEFFREY &
	26	8621 BARCLAY ST	GIBBONS GARY A & ANN

02/06/2019

Reply	*Label #*	*Address*	*Owner*
	27	8615 BARCLAY ST	BENNETT MARTHA CHRISTINE
	28	8605 BARCLAY ST	MERCADO REINA
	29	8604 BARCLAY ST	JONES OLEN T
	30	8614 BARCLAY ST	MENDOZA MIGUEL SANCHEZ
	31	8620 BARCLAY ST	PRYOR LANARVALL D
	32	8628 BARCLAY ST	VALDEZ GEORGINA
	33	8634 BARCLAY ST	GUYNES HELEN EUGENIA
	34	8601 BRUTON RD	GONZALES ALICIA
	35	8615 BRUTON RD	HAMILTON ROBERT
	36	8621 BRUTON RD	MATA ELIAS N &
	37	8627 BRUTON RD	AVILES FEBRONIA &
	38	8633 BRUTON RD	LEVINGSTON MAGGIE EST OF &
	39	8406 BRUTON RD	MEDINA G MARCO ANTONIO
	40	8414 BRUTON RD	MIRELES PAUL & DEBBIE L
	41	8422 BRUTON RD	LOREDO REYNALDO &
	42	8430 BRUTON RD	MARTINEZ JUAN J & IRMA G
	43	8506 BRUTON RD	GOMEZ SILVANO
O	44	8514 BRUTON RD	CACERES ANTONIA O &
	45	8708 BRUTON RD	BENITEZ ARCADIO
	46	8610 BRUTON RD	MOJICA LORENZO &
	47	2059 HOLCOMB RD	GREEN ELIJAH
	48	2053 HOLCOMB RD	CERDA ESMERALDA GONZALES &
	49	2041 HOLCOMB RD	RIVERA RAFAEL HUMBERTO

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-355 **Item #:** 51.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): 6

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge, or tavern on property zoned Subdistrict 1 within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District, on the northeast side of Market Center Boulevard, southeast of Oak Lawn Avenue
Recommendation of Staff and CPC: Approval for a two-year period, subject to a site plan and conditions
Z189-116(CY)

powered by Legistar™

HONORABLE MAYOR AND CITY COUNCIL **WEDNESDAY MARCH 27, 2019**

ACM: Majed Al-Ghafry

FILE NUMBER:	Z189-116(CY)	**DATE FILED:**	October 30, 2018
LOCATION:	Northeast side of Market Center Boulevard, southeast of Oak Lawn Avenue		
COUNCIL DISTRICT:	6	**MAPSCO:**	44 H
SIZE OF REQUEST:	Approx. 0.18 acres	**CENSUS TRACT:**	100.00

OWNER/APPLICANT: Floyd Method Southwest LTD

REPRESENTATIVE: Santos Martinez, Masterplan

REQUEST: An application for a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge, or tavern on property zoned Subdistrict 1 within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District.

SUMMARY: The purpose of this request is to operate an alcoholic beverage establishment in an approximately 1,696-square-foot suite within an existing one-story 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.

BACKGROUND INFORMATION:

- Planned Development District No. 621 was established by City Council on August 28, 2002, and contains approximately 421 acres divided into 11 subdistricts.

- The area of request is within Subdistrict 1 and is currently developed with a one-story, approximately 3,375-square-foot building containing an office/ showroom warehouse use.

- The applicant proposes to operate an alcoholic beverage establishment in an approximately 1,696-square-foot suite that will be located in the rear of the existing building.

- An alcoholic beverage establishment is allowed in Subdistrict 1 by SUP only.

Zoning History: There have not been any zoning changes in the vicinity during the last five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Required ROW
Market Center Boulevard	Principal Arterial	100 feet	106 feet

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. However, staff indicated that the indented parking on Market Center Boulevard will be subject to Engineering's approval at the time of permitting.

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 complies with the following land use goals and policies of the Comprehensive Plan:

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.1 Ensure than zoning is flexible enough to respond to changing economic conditions.

URBAN DESIGN ELEMENT

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

Land Use:

	Zoning	Land Use
Site	PD No. 621 Subdistrict 1	Office/Showroom Warehouse
North	PD No. 621 Subdistrict 1 with SUP No. 2082	Office/Showroom Warehouse, General Merchandise and Motor Fueling Station
East	PD No. 621 Subdistrict 1	Office/Showroom Warehouse
South	PD No. 621 Subdistrict 1	Restaurant
West	PD No. 621 Subdistrict 1	Restaurant, Personal Service

Land Use Compatibility:

The approximate 0.18-acre site is zoned Subdistrict 1 within Planned Development District No. 621 and is currently developed with an approximate 3,375-square-foot, one-story building containing an office/showroom warehouse use. The applicant proposes to operate an alcoholic beverage establishment in an approximately 1,696-square-foot suite within the existing building. The alcoholic beverage establishment use is allowed in the existing zoning by SUP only.

Uses surrounding the area of request, include a mix of office/showroom warehouse uses primarily located to the north and east of the area of request; and retail and personal service uses including restaurants located to the south across Market Center Boulevard, to the northwest directly adjacent to the area of request, and further northwest at the intersection of Oak Lawn Avenue and Market Center Boulevard. A general merchandise or food store with motor vehicle fueling station is also located at this intersection.

Subdistrict 1 within PD No. 621 is considered a transit-oriented, mixed-use zoning district for the development of combinations of medium to high-density residential, retail, and office uses. Day-time and night-time activity is encouraged in this district. Recent developments and the adaptive reuse of existing structures in the area surrounding the subject site, are promoting this dynamic mix of uses. The proposed use will be compatible with the surrounding area and is not foreseen to have a negative impact from a land use perspective.

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 bar, lounge, or tavern will contribute to the character of the neighborhood and promote further reinvestment in the area. Staff recommends approval of the request for an initial two-year period to allow for a review of the use within a short time period and reevaluate the use's compatibility with surrounding uses.

Market Value Analysis

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. The site is not within an identifiable MVA Category; however, it is in proximity to an "E" MVA Cluster to the north on the southeast line of Turtle Creek Boulevard.

Parking:

The parking regulations in Subdistrict 1 within Planned Development District No. 621, require one off-street parking space for every 105 square feet of floor area of an alcoholic beverage establishment use; and one space per 1,100 square foot of floor

area up to 20,000 square feet for an office/showroom warehouse use [Sec.51P-621.110(b)(1)]

For the proposed bar, lounge or tavern, a total of 16 parking spaces will be required [1,696 sf / 105 = 16 spaces] and the existing office/showroom warehouse use will require a minimum of two parking spaces [1,694 sf / 1,100 = 1.54 ~ 2 spaces].

As depicted on the site plan, 13 off-street parking spaces are provided in the rear of the property and five on-street parking are located in front of the existing building for a total of 18 parking spaces.

The parking regulations for PD No. 621 also include provisions for parking reductions that allow to credit on-street parking towards the off-street parking requirement of uses on the building site, even if the parking, backing or maneuvering must be performed in the public right-of-way. [Sec. 51P-621-110(b)(2)(C)]

With this taken into account, the site will comply with the parking requirement for both uses. Additionally, according to the applicant, and as stated in the proposed SUP conditions, the proposed bar, lounge, or tavern use will limit the hours of operation to hours on which the office/showroom warehouse use will be closed.

Landscaping:

The request will not trigger landscaping requirements per PD No. 621 and Article X of the Dallas Development code, as amended.

Dallas Police Department:

Staff requested a report of site-related crime statistics for a time period starting February 2016 to date. The list of reported crime statistics obtained includes only two calls placed to the emergency call system on April 2017. The report is provided below:

Master_Incident _Number	Response _Date	Response_ Time	Watch	Problem	Location_Name	Address
17-0727341	4/17/2017	5:02:00 PM	3	21B - Business Hold Up	J&M BEER BARN	1622 Market Center Blvd
17-0724277	4/17/2017	8:22:00 AM	2	21B - Business Hold Up	A-1 SECURITY CENTER	1622 Market Center Blvd

CPC ACTION
February 7, 2019

Motion: It was moved to recommend **approval** of a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge, or tavern for a two-year period, subject to a site plan and revised conditions (as briefed) on property zoned Subdistrict 1 within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District, on the northeast side of Market Center Boulevard, southeast of Oak Lawn Avenue.

Maker: Ridley
Second: Murphy
Result: Carried: 9 to 0

For: 9 - Davis, Shidid, Carpenter, Lewis, Jung, Housewright, Murphy, Ridley, Tarpley

Against: 0
Absent: 2 - MacGregor, Schultz
Vacancy: 4 - District 2, District 3, District 7, District 12

Notices:	Area:	200	Mailed:	22
Replies:	For:	2	Against:	6

Speakers: None

LIST OF OFFICERS

Floyd/ Method/ Southwest, LTD.

- Attoyac Investments, L.C. General Partner
    - Henry Seeligson President
    - Suzanne S. Nash Vice President & Secretary
    - H. Chris Seeligson Treasurer

PROPOSED SUP CONDITIONS

1. USE: The only uses authorized by this specific use permit is an alcoholic beverage establishment limited to a bar, lounge, or tavern.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

3. TIME LIMIT: This specific use permit expires on [two years from the passage of this ordinance].

4. FLOOR AREA: The maximum floor area is 1,696 square feet in the location shown on the attached site plan.

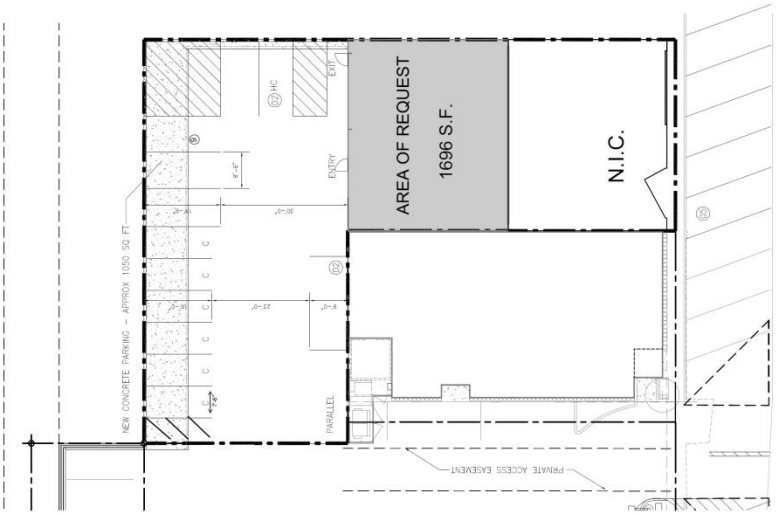
5. HOURS OF OPERATION: The alcoholic beverage establishment limited to a bar, lounge, or tavern may only operate from 6:00 p.m. to 12:00 a.m. (the next day) Monday through Thursday, and from 6:00 p.m. to 2:00 a.m. (the next day) Friday and Saturday.

6. PARKING: Parking must be located as shown on the attached site plan.

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



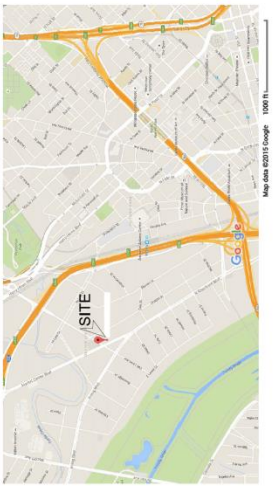
ARCHITECTURAL SITE PLAN

PLAN NORTH TRUE NORTH

Z189-116

SITE SUMMARY

ZONING PDD 621 SD 1
LOT AREA 1.9 acres
PROPOSED USE Alcoholic beverage establishment
FLOOR AREA 1696 S.F.
OTHER USES office showroom warehouse
REQUIRED PARKING 18
PROVIDED PARKING 18



VICINITY MAP

1:4,800

VICINITY MAP

Case no: Z189-116

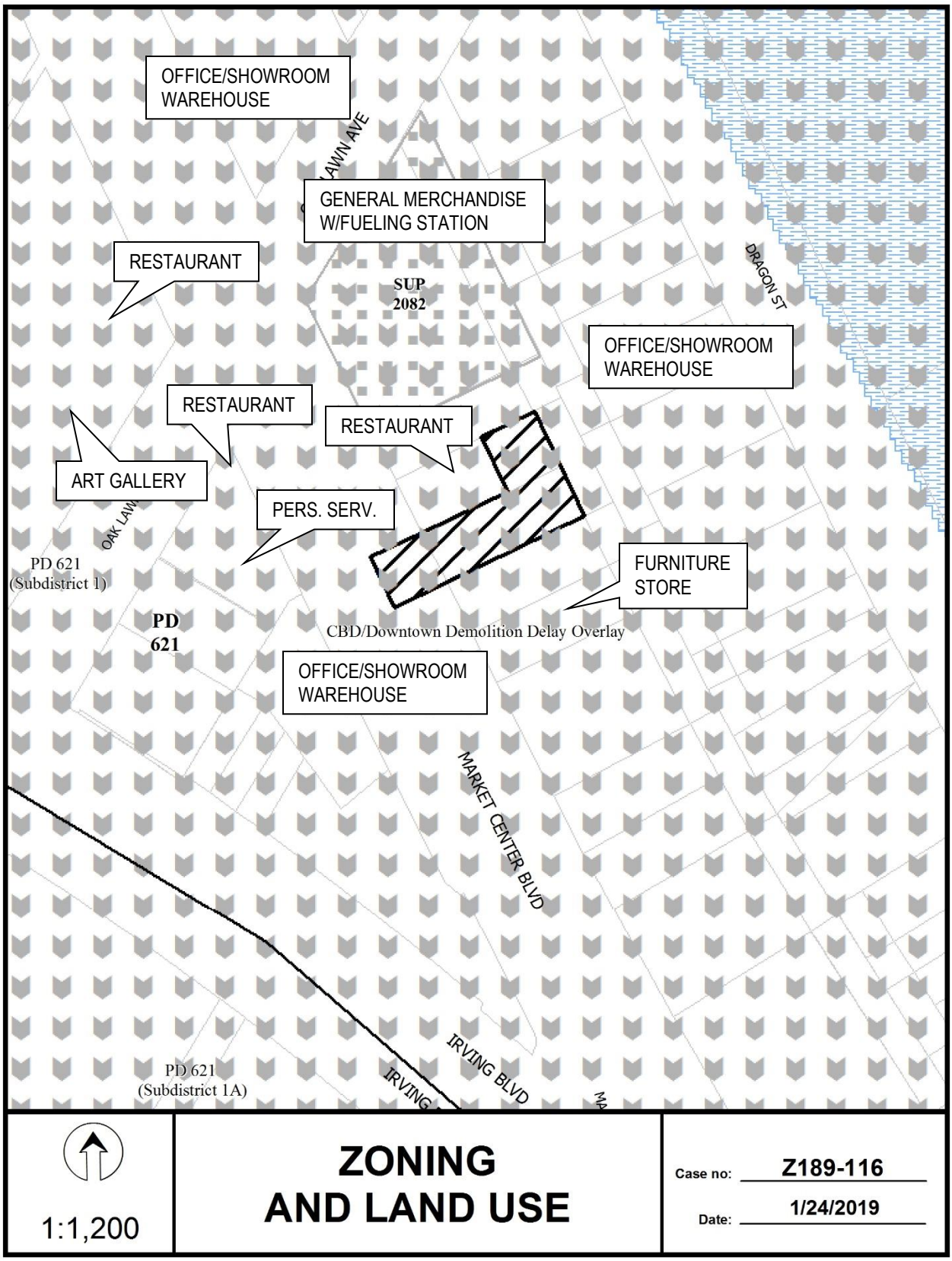
Date: 1/24/2019

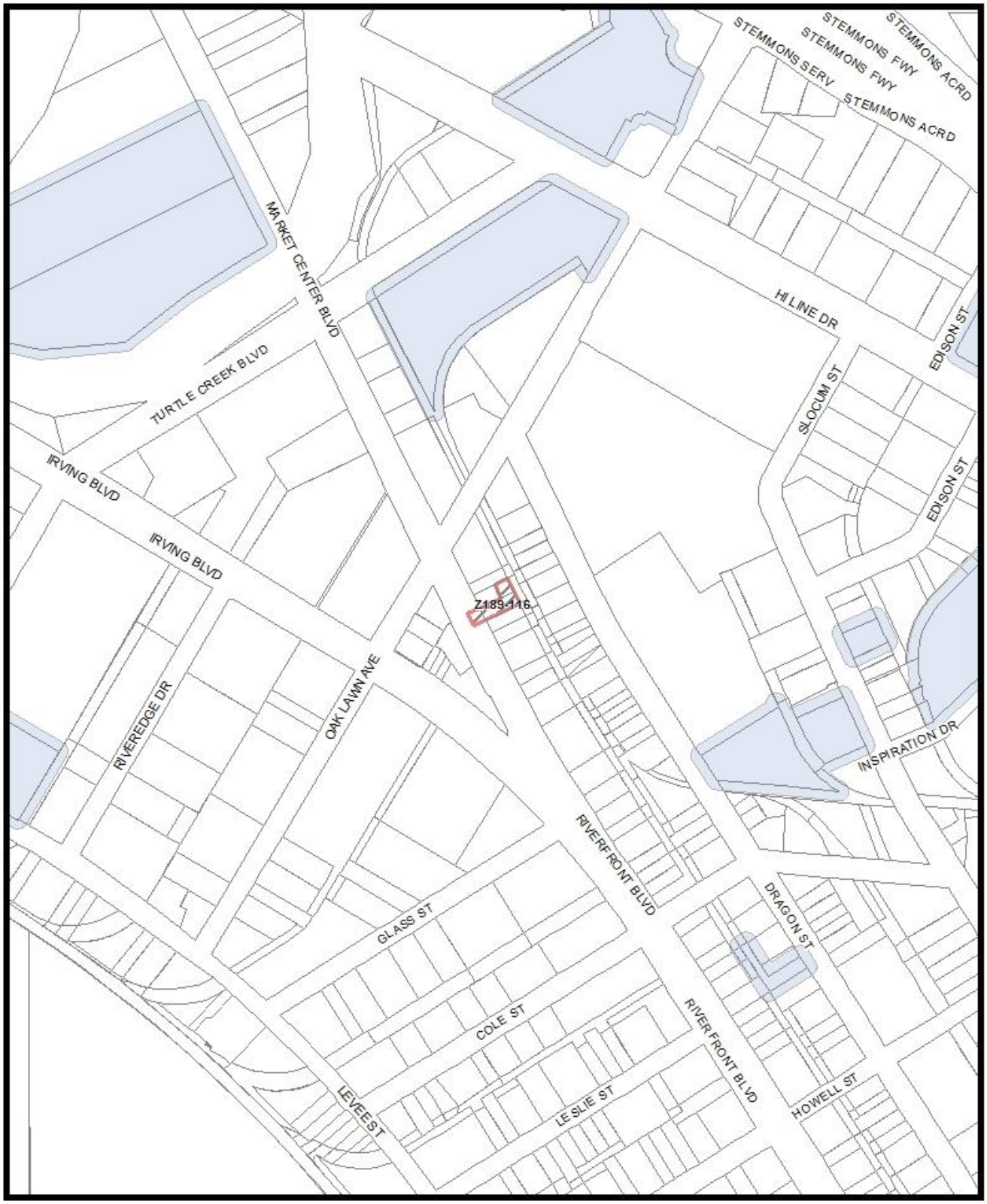
1:1,200

AERIAL MAP

Case no: Z189-116

Date: 1/24/2019


OFFICE/SHOWROOM WAREHOUSE
GENERAL MERCHANDISE W/FUELING STATION
RESTAURANT
SUP 2082
DRAGON ST
OFFICE/SHOWROOM WAREHOUSE
RESTAURANT
RESTAURANT
ART GALLERY
PERS. SERV.
OAK LAWN
PD 621 (Subdistrict 1)
FURNITURE STORE
PD 621
CBD/Downtown Demolition Delay Overlay
OFFICE/SHOWROOM WAREHOUSE
MARKET CENTER BLVD
IRVING BLVD
PD 621 (Subdistrict 1A)
1:1,200
ZONING AND LAND USE
Case no: Z189-116
Date: 1/24/2019



Legend

1:4,800

Market Value Analysis

Printed Date: 1/24/2019

CPC RESPONSES

22	Property Owners Notified (42 parcels)
2	Replies in Favor (3 parcels)
6	Replies in Opposition (8 parcels)
200'	Area of Notification
2/7/2019	Date

Z189-116
CPC

N W E S

1:1,200

02/06/2019

Reply List of Property Owners

Z189-116

22 Property Owners Notified ***2 Property Owners in Favor*** ***6 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
O	1	1622	MARKET CENTER BLVD	FLOYD METHOD SOUTHWEST LTD
	2	1602	MARKET CENTER BLVD	XFP LTD PS
	3	1606	MARKET CENTER BLVD	K&B INVESTMENTS INC
	4	1614	MARKET CENTER BLVD	PADIAN JOSEPH J
	5	1626	MARKET CENTER BLVD	1632 MARKET CENTER LLC
	6	1632	MARKET CENTER BLVD	1632 MARKET CENTER LLC
O	7	1634	MARKET CENTER BLVD	1634 MARKET CENTER LLC
	8	1643	DRAGON ST	SKL AND ALCSL REVOCABLE TRUST
	9	1633	DRAGON ST	YANG EBDAL
	10	1631	DRAGON ST	YANG EBDAL MEI YING
	11	1627	DRAGON ST	ASHORALI GHASEM
	12	1621	DRAGON ST	MUSE FAMILY ENTERPRISES LTD
X	13	1611	DRAGON ST	ZUEGER SECOND FAMILY LTD
	14	1607	DRAGON ST	LAMY ODILE MARIE
	15	1605	DRAGON ST	1605 DRAGON LLC
	16	1601	MARKET CENTER BLVD	CONSTANCE TRINITY TRIANGLE LTD
X	17	1611	DRAGON ST	ZUEGER 2ND FAMILY LTD PR
X	18	1615	DRAGON ST	THE ZUEGER 2ND FAMILY LP
X	19	1300	OAK LAWN AVE	ZUEGER DAVID M
	20	1300	OAK LAWN AVE	1634 MARKET CENTER LLC
X	21	1611	DRAGON ST	ZUEGER SECOND FAMILY LTD
X	22	1611	DRAGON ST	ZUEGER SECOND FAMILY LP

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-356 **Item #:** 52.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): 6

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a microbrewery, microdistillery, or winery on property zoned Subarea A within Planned Development District No. 741, on the northeast corner of Olympus Boulevard and Wharf Road
Recommendation of Staff and CPC: Approval for a two-year period with eligibility for automatic renewals for additional two-year periods, subject to a site plan and conditions
Z189-135(PD)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, MARCH 27, 2019**

ACM: Majed Al-Ghafry

FILE NUMBER:	Z189-135(PD)	**DATE FILED:**	November 21, 2018
LOCATION:	Northeast corner of Olympus Boulevard and Wharf Road		
COUNCIL DISTRICT:	6	**MAPSCO:**	11A L
SIZE OF REQUEST:	± 69,572 sq. ft.	**CENSUS TRACT:**	141.27

OWNER: CWR3 Land, Ltd

REPRESENTATIVE: Rob Baldwin, Baldwin Associates

REQUEST: An application for a Specific Use Permit for an alcoholic beverage establishment limited to a microbrewery, microdistillery, or winery on property zoned Subarea A within Planned Development District No. 741.

SUMMARY: The purpose of the request is to allow the operation of a 901-square-foot winery within an existing building. [Landon Winery]

CPC RECOMMENDATION: **Approval** for a two-year period with eligibility for automatic renewals for additional two-year periods, subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a two-year period with eligibility for automatic renewals for additional two-year periods, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- PDD No. 741 was established by Ordinance No. 26233, passed by the Dallas City Council on January 25, 2006.

- The request site is currently developed with one-story and two-story structures containing approximately 30,109 square feet.

- The request site is zoned Subarea A within PDD No. 741 and allows retail and office uses.

Zoning History: There have been three zoning changes in the area in the past five years.

1. **Z178-284:** On September 26, 2018, the City Council approved an amendment to the development plan and landscape plan for Subarea A within Planned Development District No. 741.

2. **Z167-031** On October 19, 2017, City Commission approved the development plan and landscape plan for Subarea A within Planned Development District No. 741.

3. **Z156-296** On September 28, 2016, City Council approved an amendment to Planned Development No. 741 to expand Subarea A by incorporating 36.984 acres of land reclaimed from North Lake and all four acres of Subarea H.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Olympus Boulevard	Local	79 feet
Wharf Road	Local	39 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not significantly impact the surrounding roadway system.

Land Use:

	Zoning	Land Use
Site	PDD No. 741, Sub. A	Retail, Office
North	PDD No. 741, Sub. A	Retail, Restaurant
East	PDD No. 741, Sub. A	Open Space, Outdoor Dog Run
South	PDD No. 741, Sub. C	Office, Surface Parking Lot
West	PDD No. 741 Sub. A	Office, Parking Garge
Northwest	PDD No. 741 Sub. A	Multifamily

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 complies with the following land use goals and policies of the Comprehensive Plan:

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.

URBAN DESIGN ELEMENT.

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

Land Use Compatibility:

The approximate 69,572-square-foot area of request is zoned Subarea A within PDD No. 741 and is developed with multi-tenant one-story and two-story buildings on the northeast corner of Olympus Boulevard and Wharf Road. The use will operate out of Suite 130 at 3121 Olympus Boulevard and will be served by a 1,370-square-foot uncovered outdoor patio.

The Dallas Development Code, as amended defines a microbrewery, microdistillery or winery as an establishment for the manufacture, blending, fermentation, processing and packaging of alcoholic beverages with a floor area of 10,000 square feet or less that takes place wholly inside a building. A facility that only provides tasting, or retail sale of alcoholic beverages is not a microbrewery, microdistillery or winery use.

The use will require a current winery permit (G) under Chapter 16 of the Texas Alcoholic Beverage Commission Code. This permit authorizes the holder to manufacture, bottle, label and package wine containing not more than 24% alcohol by volume; sell or buy wine from permit holders authorized to purchase and sell wine including wholesalers, winery and wine bottler's permittees; sell wine to ultimate consumers for consumption on the winery premises or in unbroken packages for off-premise consumption; and dispense free wine for consumption on the winery premises.

Surrounding properties include North Lake to the north, multifamily and office uses to the west and east, and multifamily and office uses to the south.

None of the uses in the proximity of the existing winery are uses listed in Sec. 6-4(a)(4) of the Dallas Development Code nor in Sec.109.33 and Sec.109.331 of the Texas Alcoholic Beverage Commission (TABC) code, as protected uses such as school, hospital, church and child-care uses that need to meet a required distance from establishments that sell alcohol.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

In general, the applicant's request is consistent with the general provisions for a Specific Use Permit and is considered compatible with the surrounding uses. Staff recommends approval for a three-year period; however, staff does not recommend approval of automatic renewals due to the ongoing construction of the area. Staff cannot determine what affects the use may pose on adjacent uses until construction within the PDD is complete.

Market Value Analysis

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. The area of request is not within an identifiable MVA category; however, it is in proximity to a "E" MVA cluster to the south across Cypress Waters Boulevard.

Parking:

Pursuant to the provisions of Dallas Development Code, an alcoholic beverage establishment requires one space per 100 square feet of floor area. Therefore, the proposed 901-square-foot alcoholic beverage establishment limited to a microbrewery, microdistillery or winery requires nine spaces.

Per the proposed site plan, 53 off-street spaces are provided for all uses on the request site.

Landscaping:

No new construction is proposed by this application. New construction would require landscaping in accordance with the provisions of PDD No. 741

List of Officers

CWR3 Land, Ltd

Henry GP, LLC	General Partner
Henry Billingsley	Member/Manager
Kenneth Mabry	Manager
Kimberly Meyer	Manager

CPC ACTION:
FEBRUARY 7, 2019

Motion: It was moved to recommend **approval** of a Specific Use Permit for an alcoholic beverage establishment limited to a microbrewery, microdistillery, or winery for a two-year period with eligibility for automatic renewals for additional two-year periods, subject to a site plan and revised conditions (as briefed) on property zoned Subarea A within Planned Development District No. 741, on the northeast corner of Olympus Boulevard and Wharf Road.

Maker: Ridley
Second: Murphy
Result: Carried: 9 to 0

For: 9 - Davis, Shidid, Carpenter, Lewis, Jung, Housewright, Murphy, Ridley, Tarpley

Against: 0
Absent: 2 - MacGregor, Schultz
Vacancy: 4 - District 2, District 3, District 7, District 12

Notices: Area: 200 Mailed: 7
Replies: For: 5 Against: 0

Speakers: None

CPC RECOMMENDED CONDITIONS

1. USE: The only use authorized by this specific use permit is an alcoholic beverage establishment limited to a microbrewery, microdistillery, or winery.

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, but is eligible for automatic renewal for additional TWO-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 FLOOR AREA: The maximum floor area is 901 square feet in the location shown on the attached site plan.

5 PATIO:

   A. An outdoor patio is only allowed in the location shown on the attached site plan.

   B. The maximum floor area of the patio is 1,370 square feet.

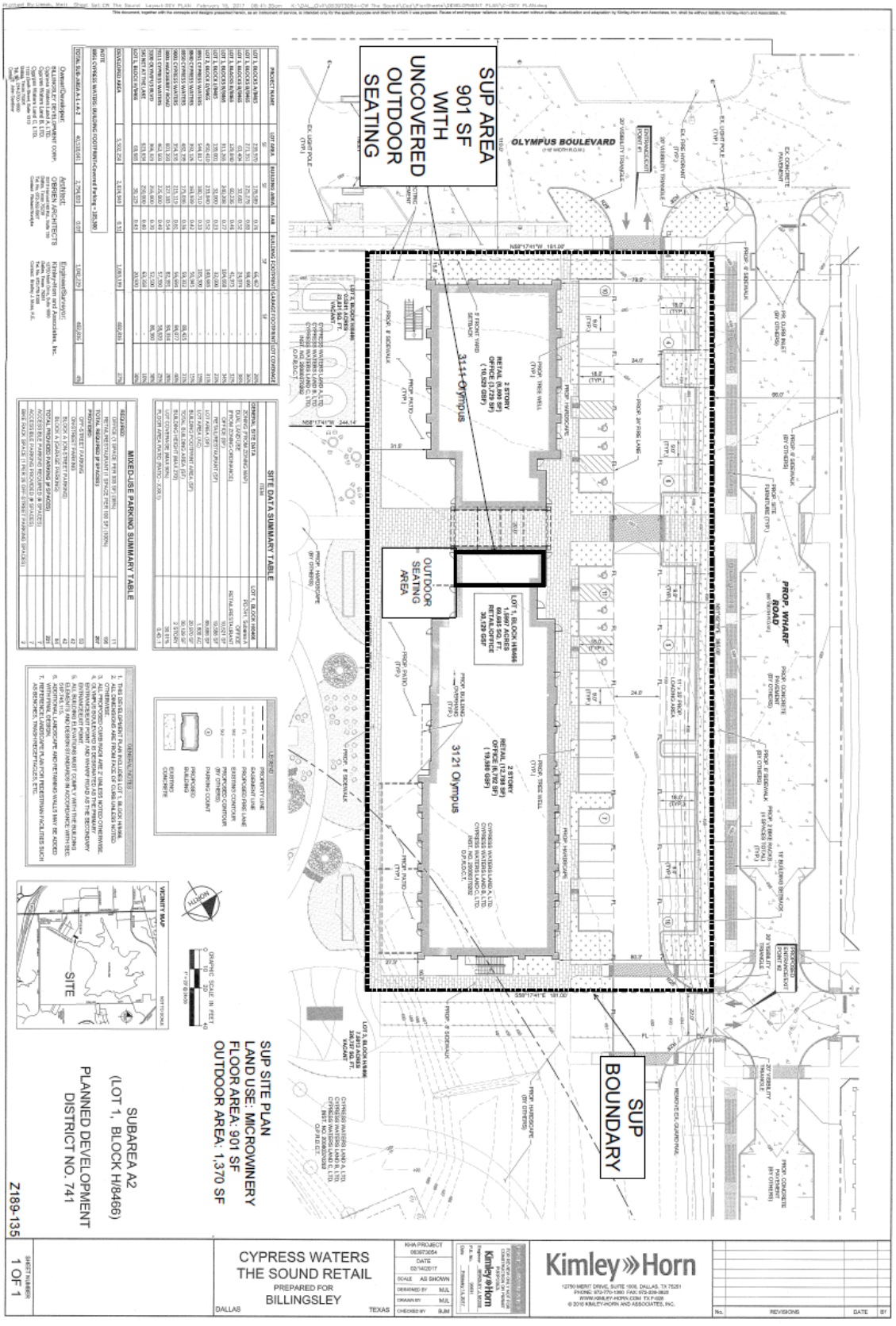
   C. The patio must be uncovered.

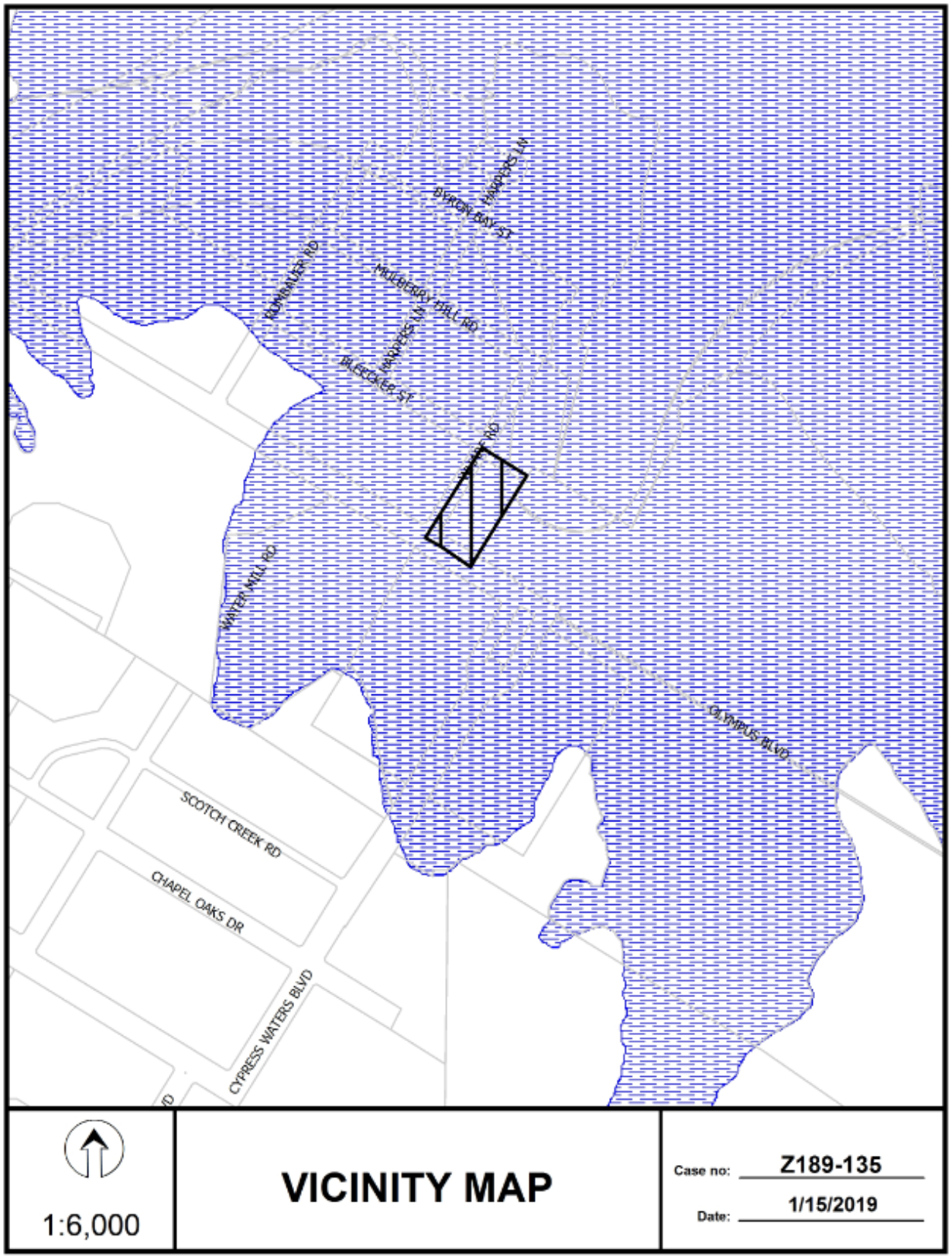
6 OUTDOOR SPEAKERS: Use of loudspeakers outdoors is prohibited between the hours of 12:00 a.m. and 2:00 a.m.

7 MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

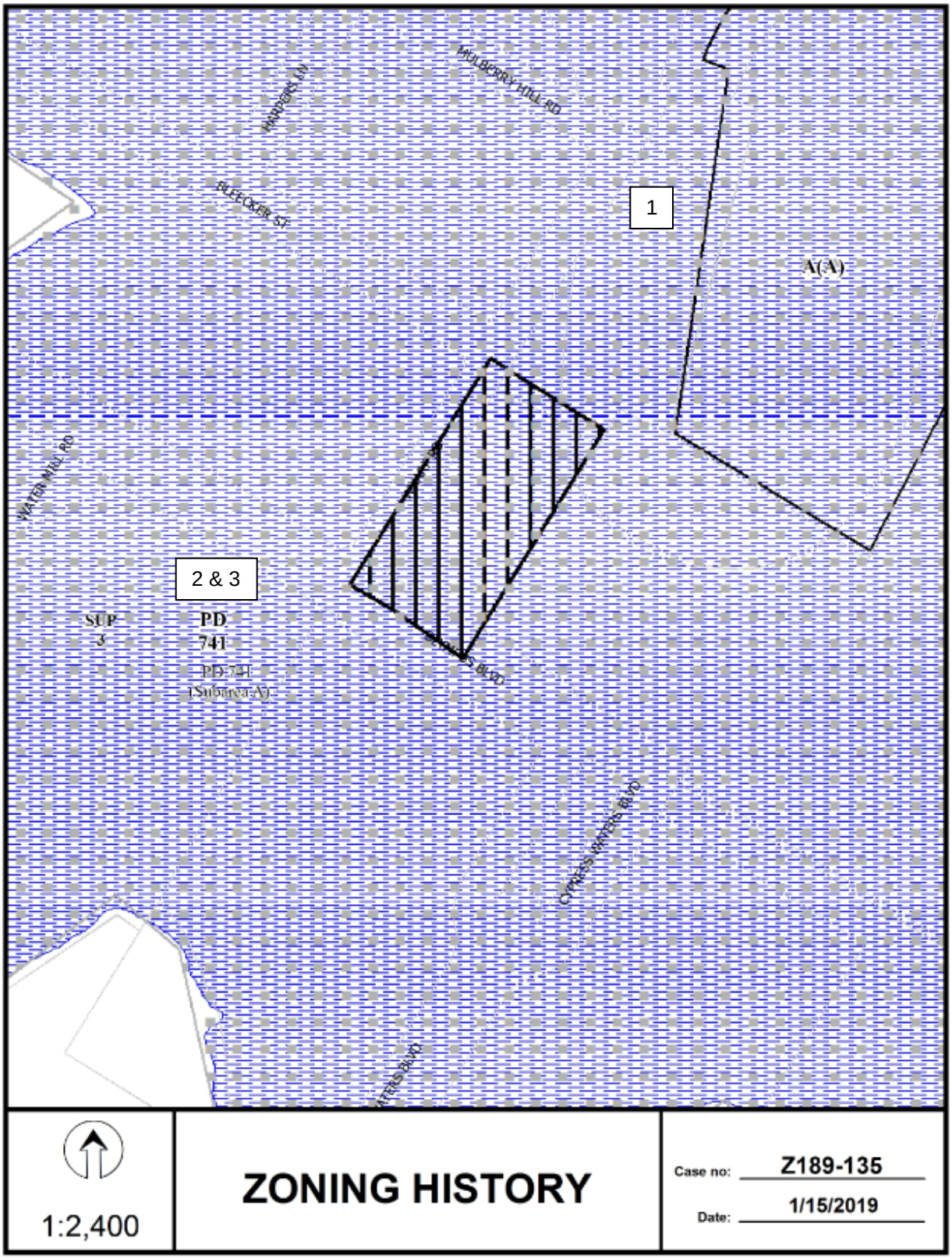
8 GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

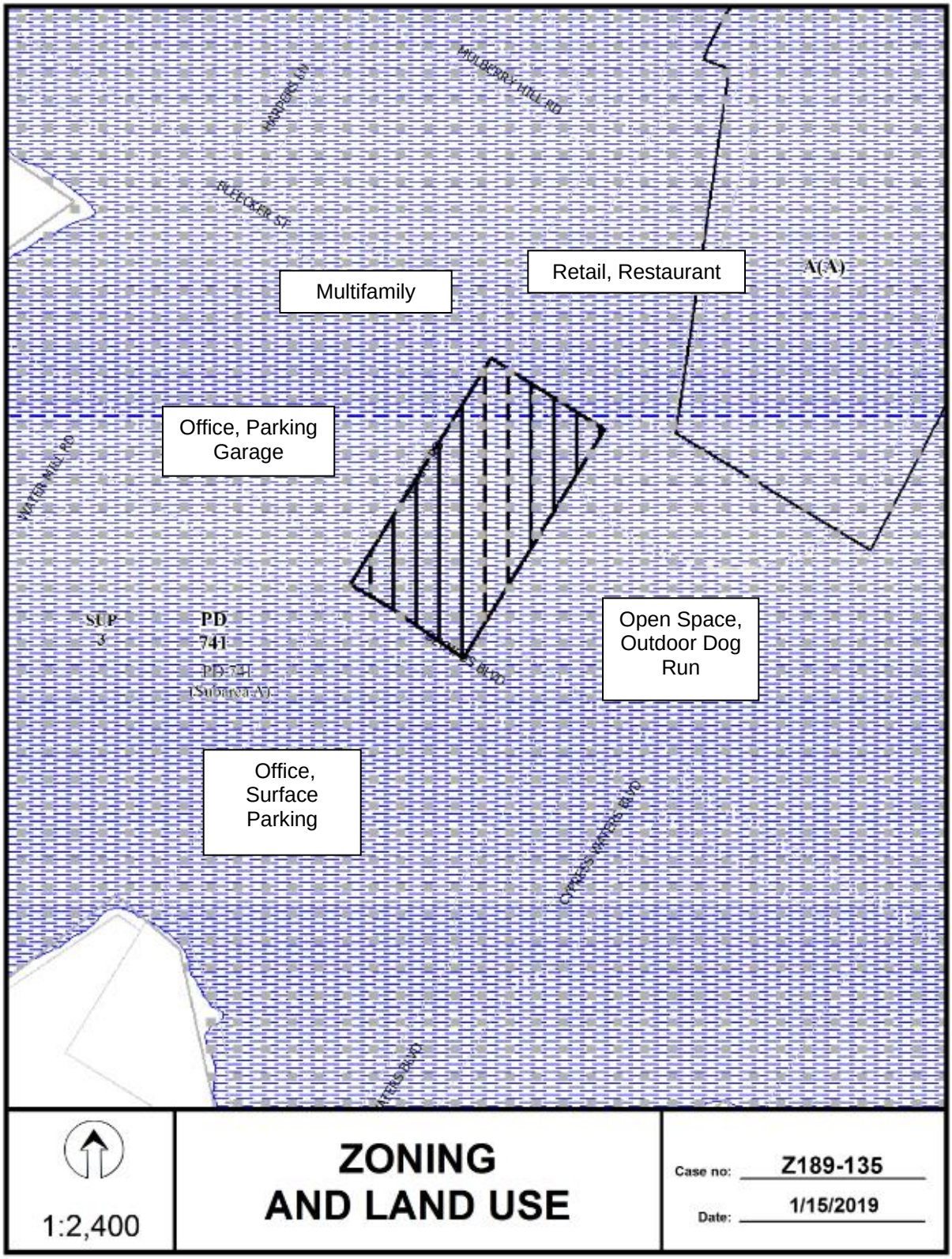
PROPOSED SITE PLAN

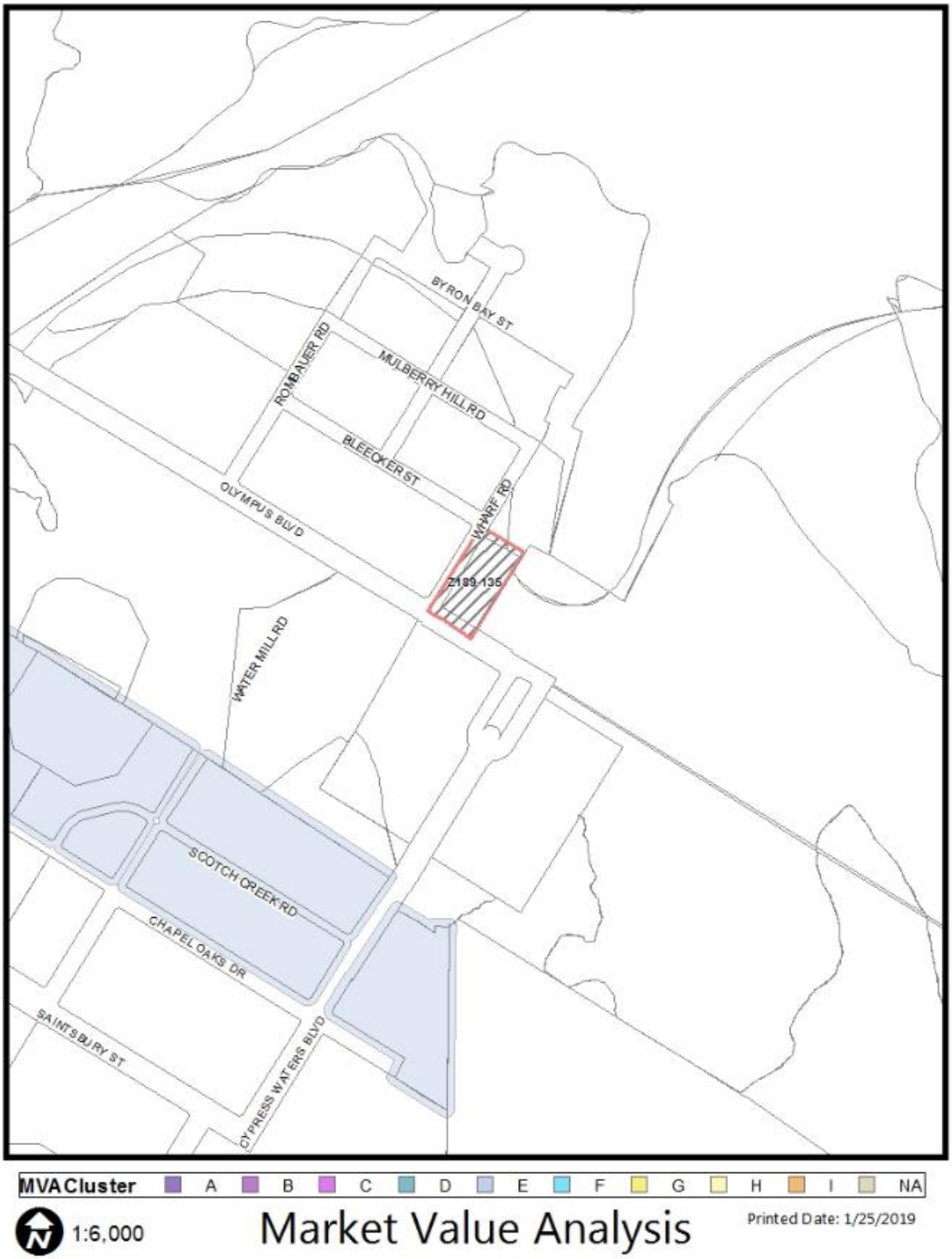



HARPER LN
BYRON BAY ST
YORKTOWN RD
MULBERRY HILL RD
HARPER LN
BLEECKER ST
WATER MILL RD
OLYMPUS BLVD
SCOTCH CREEK RD
CHAPEL OAKS DR
CYPRESS WATERS BLVD
1:6,000
VICINITY MAP
Case no: Z189-135
Date: 1/15/2019

MULBERRY HILL RD
HARPERS LN
BLEECKER ST
WATER MILL RD
WHARF RD
OLYMPUS BLVD
CYPRESS WATERS BLVD
ATERS BLVD
1:2,400
AERIAL MAP
Case no: Z189-135
Date: 1/15/2019


MULBERRY HILL RD
HANDLEY LN
BLEECKER ST
1
A(A)
WATER HILL RD
2 & 3
SUP
3
PD
741
PD 741
(Subarea A)
CYPRESS WATERS BLVD
CYPRESS WATERS BLVD
1:2,400
ZONING HISTORY
Case no: Z189-135
Date: 1/15/2019


MULBERRY HILL RD
HARRIS LN
FLETCHER ST
Multifamily
Retail, Restaurant
A(A)
Office, Parking Garage
WATER MILL RD
SUP 3
PD 741
PD 741 (Subdistrict A)
Open Space, Outdoor Dog Run
Office, Surface Parking
CONNES WATER BLVD
1:2,400
ZONING AND LAND USE
Case no: Z189-135
Date: 1/15/2019



MVA Cluster A B C D E F G H I NA

1:6,000

Market Value Analysis

Printed Date: 1/25/2019

CPC RESPONSES

02/06/2019

Reply List of Property Owners

Z189-135

7 Property Owners Notified ***5 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
O	1	9000	DYNAMO DR	CWR3 LAND LTD
O	2	9000	DYNAMO DR	CWR4 LAND LTD
	3	9000	DYNAMO DR	COPPELL CITY OF
O	4	3100	OLYMPUS BLVD	CYPRESS WATER LAND A LTD
O	5	3100	OLYMPUS BLVD	CWO8 LAND LTD
O	6	3201	OLYMPUS BLVD	CW SHORELINE LAND LTD
	7	9655	WHARF RD	SOUN A LAND LTD

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-357 **Item #:** 53.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): 6

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Subdistrict 1E within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District, on the southwest corner of Turtle Creek Boulevard and Hi Line Drive
Recommendation of Staff: Approval, subject to staff's recommended conditions
Recommendation of CPC: Approval, subject to conditions
Z178-268(JM)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, MARCH 27, 2019**

ACM: Majed Al-Ghafry

FILE NUMBER: Z178-268(JM) **DATE FILED:** May 29, 2018

LOCATION: Southwest corner of Turtle Creek Boulevard and Hi Line Drive

COUNCIL DISTRICT: 6 **MAPSCO:** 44 H

SIZE OF REQUEST: 1.05 acres **CENSUS TRACT:** 100

APPLICANT/OWNER: DD Dunhill Hotel, LLC

REPRESENTATIVE: William S. Dahlstrom, Jackson Walker, LLP

REQUEST: An application for an amendment to Subdistrict 1E within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District.

SUMMARY: The purpose of this request is to amend the parking, sidewalk, and sign regulations for a hotel currently under construction [Virgin Hotel].

CPC RECOMMENDATION: **Approval**, subject to conditions.

STAFF RECOMMENDATION: **Approval**, subject to staff's recommended conditions.

BACKGROUND INFORMATION:

- Planned Development District No. 621 was created by City Council on August 28, 2002. Since its inception, there have been several amendments for the creation of new subdistricts. There are 11 existing subdistricts, with two additional new subdistricts currently under review.

- The 1.05-acre site is currently being developed with a 17-story hotel with a maximum of 268 rooms and a four-story parking garage [Virgin Hotel], an approximately 2,846-square-foot restaurant, and an approximately 2,055-square-foot bar.

- The request to amend Subdistrict 1E will allow:
    - A reduction in parking for a hotel use from 264 parking spaces to 147 parking spaces. This is a reduction of 117 parking spaces, or 44 percent, for the hotel use.
    - Sidewalks to be located between zero feet and 10 feet from the back of the projected street curb on Hi Line Drive to allow for the preservation of existing trees.
    - Sidewalks to be located between zero feet and 12 feet from the back of the projected street curb on Turtle Creek Boulevard to allow for the preservation of existing trees.
    - One rooftop-mounted metal framework premise sign with up to 1,200 square feet of total effective area which may be illuminated internally, externally, or both, with a minimum 6.5 percent dedicated to identifying the Design District.

Zoning History: There have been two zoning cases in the area over the past five years.

1. **Z156-228:** On August 10, 2016, the City Council approved a new Subdistrict (Subdistrict 1H) on property zoned Subdistrict 1 within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District, located at the northeast line and terminus of Hi Line Drive northwest of Oak Lawn Avenue.

2. **Z156-131:** On March 23, 2016, the City Council approved a new Subdistrict (Subdistrict 1E) on property zoned Subdistrict 1 within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District, located at the west corner of Hi Line Drive and Turtle Creek Boulevard. *This is the subject site.*

Thoroughfares/Streets:

Thoroughfares/Street	Type	Existing ROW	Proposed ROW
Hi Line Drive	Collector	80 feet	80 feet
Turtle Creek Boulevard	Minor Arterial	130 feet	130 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the applicant's request and traffic impact analysis and determined it will not negatively impact the surrounding street system.

Surrounding Land Uses:

	Zoning w/in PD No. 621	Land Use
Site	Subdistrict 1E	Hotel (under construction)
North	Subdistrict 1 & 1H	Surface Parking and Office
East	Subdistrict 1	Multifamily, Restaurant, Personal Service—Hair Salon
South	Subdistrict 1	Multifamily
West	Subdistrict 1	Office Showroom/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 complies with the following land use goals and policies of the Comprehensive Plan:

ECONOMIC ELEMENT

GOAL 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

GOAL 2.2 ENGAGE IN STRATEGIC ECONOMIC DEVELOPMENT

Policy 2.2.1 Focus economic development efforts on revitalization of the Trinity River Corridor.

URBAN DESIGN ELEMENT

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

Policy 5.1.1 Promote pedestrian-friendly streetscapes.

AREA PLAN:

The subject site is located within the Trinity River Corridor Comprehensive Land Use Plan, Downtown-Lakes District. The report identifies that the area will continue to have the most intense development pattern in Dallas. With the highest development intensity in this plan, this area extends across IH-35 from Downtown Dallas to the Trinity River levees and continues across the river to Oak Cliff and West Dallas. This development pattern should extend the existing downtown fabric and take full advantage of the appealing amenities planned in the central part of the Trinity River Corridor. Other land use modules provide for mixed use urban development as well. Mixed Use – High Density; Mixed Use – Adaptive Reuse; Residential Urban and Residential Riverside modules are all included in the plans for this district. The result should be a variety of exciting new urban neighborhoods and business areas.

Land Use Compatibility:

PD No. 621 was adopted by the City Council on August 28, 2002. Since its inception, there have been several amendments for the creation of new subdistricts. There are currently 11 subdistricts, with additional new subdistricts under review. The subject site encompasses all of Subdistrict 1E, which was approved by City Council on March 23, 2016.

Prior to the creation of the PD, the approximate 421 acres was comprised of various commercial and industrial uses. The area has experienced a redevelopment of various parcels that are more mixed use in application. The PD contains a commitment to a design package by providing enhanced open space, a variety of retail and personal service uses, all within close proximity to mass transit and components of the trail system.

The 1.05-acre site is currently being developed with a 17-story hotel with 268 rooms and a four-story parking garage [Virgin Hotel], a 2,846 square-foot restaurant, and

2,055 square-foot bar. Surrounding land uses include office and surface parking to the north; multifamily, restaurant, and personal service-hair salon to the east; multifamily to the south; and, office/showroom warehouse to the west.

The current request is to amend Subdistrict 1E to allow for the following changes to the existing conditions:

- A reduction in parking for a hotel use from 264 parking spaces, to 147 parking spaces. This is a reduction of 117 parking spaces, or 44 percent for the hotel use.
- Sidewalks to be located between zero feet and 10 feet from the back of the projected street curb on Hi Line Drive to allow for the preservation of existing trees. Sidewalks to be located between zero feet and 12 feet from the back of the projected street curb on Turtle Creek Boulevard to allow for the preservation of existing trees.
- One rooftop-mounted metal framework premise sign with up to 1,200 square feet of total effective area which may be illuminated internally, externally, or both, with a minimum 6.5 percent dedicated to identifying the Design District.

Staff generally supports the requests made, except related to the requested rooftop sign, as further discussed in the section on signs below.

Market Value Analysis:

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. While the area of request is not identified, surrounding properties to the east, south, and further west across Market Center Boulevard are categorized as being within a “E” MVA cluster.

Parking:

PD No. 621 refers to the Dallas Development Code for parking a hotel use. Hotels with guest rooms from one to 250 require one parking space per room. For rooms 251 to 500, 0.75 spaces are required per room. The current proposal is to have a maximum of 268 hotel rooms which would require 264 parking spaces.

A parking demand study was submitted to support the proposed reduction in parking requested. The analysis states that a parking valet will be utilized for the hotel. The

parking study noted the overlapping uses would consolidate required parking since patrons of the hotel may also utilize other services on-site, such as the restaurant. Additionally, the study notes the likelihood of ride sharing and the use of public transportation. Staff from the Engineering Division reviewed the report and found the assumptions made to be acceptable.

A reduction for the hotel use from 264 spaces for the 268 guest rooms, to 147 parking spaces is equal to 117 less parking spaces, or a 44 percent reduction for the hotel use.

Landscaping:

The new development will be subject to the requirements of PD No. 621, which generally follow Article X with additional specifications regarding tree species, street trees, landscaping in the public right-of-way, landscaping in railbeds, parking lot buffers, plant requirements, landscape plans at the time of building permits, open space fund, and parking/landscaping zones. No modifications to the landscaping requirements are associated with this request.

Sidewalks:

The intent behind separating pedestrians from immediate curb adjacency is to provide for a more comfortable and walkable experience. In some cases for the site, there are mature trees that inhibit the ideal sidewalk placement. The applicant would prefer to preserve these stately oak trees. The provisions being amended would allow for up to 50 percent of the sidewalk surrounding the site to meander towards and abut the curb in an effort to preserve those existing trees. The Chief Arborist reviewed this request and supports the attempt to preserve the trees.

Signs:

PD No. 621 refers to the business district sign regulations in the Dallas Development Code. No rooftop signs are permitted, per Section 51A-7.1804(e) and 51A-7.203. The applicant has requested to allow one rooftop-mounted metal framework premise sign with up to 1,200 square feet of total effective area which may be illuminated internally, externally, or both, with a minimum 6.5 percent dedicated to identifying the Design District. A rendering was provided in association with this request, but is not entered as an official exhibit for the request.

Rooftop signs are currently allowed in four Special Provision Sign Districts. A comparison between those signs to the current request is outlined in the table below:

District	**Quantity**	**Height/ Stories**	**Size**	**Other Provisions**
Proposed for 1E, PD No. 621	*One*		*1,200 square feet*	• *6.5 percent district identification.* • *In compliance with Dallas Fire Code and approved by fire marshal.*
West End Historic Sign District	One per façade	Six stories	800 square feet	
Market Center Sign Subdistrict (Farmer's Market)	Two in the district; one per building.		1,200 square feet	• 15 percent district identification. • In compliance with Dallas Fire Code and approved by fire marshal.
Victory Sign District "B"	Two in Subdistrict B		No limitation	• CA required from CPC • Meets all building codes. • Public hearing at CPC.
Victory Sign District "A"	13 in Subdistrict A		8,500 square feet for entertainment complex; no max for others	• For entertainment complex only • 10-word limit

Rooftop signs are prohibited in the City of Dallas, except in special p sign districts where the signs are regulated and used as an element of a total sign package for an area. The current request is to allow for one rooftop sign, with no justification for why this site should be the district identifier for the Design District, a 421-acre PD area. Staff cannot support this request.

CPC Action
February 7, 2019

Motion: It was moved to recommend **approval** of an amendment, subject to staff's recommended conditions with the exception to include the applicant's requested additional condition under SEC. 51P-621.1163. SIGNS., to read as follows: "(d) In Subdistrict 1E, one rooftop-mounted metal framework premise sign is permitted, subject to the following conditions: (1) A rooftop-mounted metal framework premise sign may be illuminated internally or externally or both. (2) A rooftop-mounted premise sign may not exceed 1,200 square feet in effective area. (3) At least 6.5 percent of the effective area of a rooftop-mounted premise sign must identify the Design District. (4) A rooftop-mounted premise sign must comply with the Dallas Fire Code and must be approved by the Fire Marshal before a sign permit may be approved by the director. (5) A rooftop-mounted metal framework premise sign may be placed only on the top story of the building." to Subdistrict 1E within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District, on the southwest corner of Turtle Creek Boulevard and Hi Line Drive.

Maker: Carpenter
Second: Housewright
Result: Carried: 8 to 0

For: 8 - Davis, Shidid, Carpenter, Lewis, Housewright, Murphy, Ridley, Tarpley

Against: 0
Absent: 2 - MacGregor, Schultz
Vacancy: 4 - District 2, District 3, District 7, District 12
Conflict: 1 - Jung**

**out of the room, when vote taken

Notices: Area: 500 Mailed: 24
Replies: For: 0 Against: 0

Speakers: For: Jonathan Vinson, 2323 Ross Ave., Dallas, TX, 75201
Against: None

List of Officers

DD Dunhill Hotel LLC

1. William Hutchinson, President
2. Timothy Denker, Vice President

Z178-268

CPC Recommended

Proposed Revised PD Conditions for Subdistrict 1E

ARTICLE 621.

PD 621.

Old Trinity and Design District Special Purpose District

SEC. 51P-621.101. LEGISLATIVE HISTORY.

PD 621 was established by Ordinance No. 25013, passed by the Dallas City Council on August 28, 2002. (Ord. 25013)

SEC. 51P-621.102. PROPERTY LOCATION AND SIZE.

PD 621 is established on property generally bounded by Sylvan Avenue/Wycliff Avenue on the northwest, the meanders of the old channel of the Trinity River on the north, Interstate 35 on the east, Continental Avenue on the south, and the Trinity River Floodway on the west. The size of PD 621 is approximately 421.0323 acres. (Ord. Nos. 25013; 25560; 27006; 29127)

SEC. 51P-621.102.1. CREATION OF SUBDISTRICTS.

(a) Name. This special purpose district is to be known as the Old Trinity and Design District Special Purpose District.

(b) Creation of subdistricts.

(1) This special purpose district is divided into 11 subdistricts. Exhibit 621A describes the boundaries of each subdistrict. The map labeled Exhibit 621B shows the boundaries of each subdistrict. In case of a conflict, the verbal description in Exhibit 621A controls over the map in Exhibit 621B.

(2) Subdistricts 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, and 1I are transit-oriented, mixed- use zoning districts for the development of combinations of medium to high-density residential, retail, and office uses. Development should encourage residential, retail, office, and lodging uses in compatible combinations within walking distance of DART light-rail stations; conserve energy; provide for efficient traffic circulation; conserve land; minimize

vehicular travel; encourage both day-time and night-time activity; encourage use of mass transit; increase pedestrian activity; and encourage bicycle usage. Subdistricts 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G 1H, and 1I retain the potential for limited industrial and warehouse uses.

(3) Subdistrict 2 is for MU-3 Mixed Use District uses, bus or rail transit vehicle maintenance or storage facility uses, and commercial bus station and terminal uses. (Ord. Nos. 25013; 26975; 27006; 27280; 28231; 28819; 30040; 30041; 30042; 30347)

SEC. 51P-621.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions in Chapter 51A apply to this article. The following definitions apply to this special purpose district:

(1) ANTIQUE SHOP means an establishment for the retail sale of articles such as glass, china, furniture, or similar furnishings and decorations that have value and significance as a result of age, design, or sentiment.

(2) ART GALLERY means an establishment where original works of art or limited editions of original works of art are bought, sold, loaned, appraised, or exhibited to the general public.

(3) ART OR CRAFT PRODUCTION FACILITY means a facility for the production of handcrafted art or craft products through processes such as kiln firing, glass blowing, welding, or woodworking and for sale of the products to the general public.

(4) BEER OR WINE MANUFACTURING means an enclosed facility that processes and manufactures alcoholic beverages. This use does not include the processing or manufacturing of distilled spirits.

(5) BUS OR RAIL TRANSIT VEHICLE MAINTENANCE OR STORAGE FACILITY means a facility for the maintenance, repair, or storage of bus, rail, or other transit vehicles, including the following accessory uses: sleeping facilities for bus, rail or transit vehicle drivers, vehicle paint and body shop, vehicle washing, vehicle fueling facilities, sanitary hoppers, oil storage, package express services, bus charter sales, offices, training facilities, vehicle storage, vehicle sales, and communication antennas.

(6) CANOPY TREE means a species of tree that normally bears crown foliage no lower than six feet above ground upon maturity.

(7) DUMPSTER means a movable container holding two cubic yards or more of garbage.

(8) FACADE means any separate face of a building that is visible from a street, alley, or railbed.

(9) MAJOR MODIFICATION means reconstruction, alteration, or renovation of an original building that exceeds 50 percent of the value of the original building assessed by the Dallas Central Appraisal District or any increase in the floor area of an original building if the expansion is over 50 percent for nonresidential projects, over 65 percent for mixed use projects, and over 75 percent for residential projects.

(10) MASSAGE ESTABLISHMENT means any building, room, place, or establishment, other than a regularly licensed hospital, where manipulated massage or manipulated exercises are practiced upon the human body by anyone not a duly licensed physician or chiropractor whether with or without the use of mechanical, therapeutic, or bathing devices, and includes Turkish bathhouses. This term does not include, however, duly licensed beauty parlors or barbershops or a place wherein registered physical therapists treat only patients recommended by a licensed physician and operated only under such physician's direction. "MASSAGE" means any process consisting of kneading, rubbing, or otherwise manipulating the skin of the body of a human being, either with the hand or by means of electrical instruments or apparatus, or other special apparatus, but does not include massage by duly licensed physicians and chiropractors, and registered physical therapists who treat only patients recommended by a licensed physician and who operate only under such physician's direction, nor massage of the face practiced by beauty parlors or barbershops duly licensed under the penal code of the state.

(11) MEANDERS OF THE OLD TRINITY RIVER CHANNEL means the old Trinity River channel within this special purpose district, as shown on the map label[l]ed Exhibit 621C.

(12) MIXED USE PROJECT means a development, on a single building site, that contains more than one use.

(13) NEW CONSTRUCTION means construction of a main structure that is not an original building.

(14) OPENING means a door, window, passageway, or any other similar architectural feature through which light or solid objects may pass.

(15) ORIGINAL BUILDING means a structure existing on the date of the establishment of this special purpose district, but does not include a structure that has undergone a major modification.

(16) OUTSIDE SEATING means the area between an omitted wall line and the structural wall when the area is used solely for seating of patrons.

(17) PIERCING SALON means a facility in which body piercing is performed. BODY PIERCING means the creation of an opening in an individual's body, other than in an individual's earlobe, to insert jewelry or another decoration.

(18) SPORTS PRACTICE FACILITY means a private recreation center,

club, or area that includes a combination of the following: two full basketball courts, locker rooms, plunge pools, weight room and training area, a lounge area, and offices for staff.

(19) RAILBEDS means the areas shown on the map labelled Exhibit 621D.

(20) TATTOO STUDIO means an establishment in which tattooing is performed. TATTOOING means the practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment.

(21) WALKING DISTANCE means the distance from the nearest point of a parking lot to the nearest public entrance of a main use, measured along the most convenient pedestrian walkway.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This special purpose district is considered to be a mixed use zoning district.

(d) The following rules apply in interpreting the use regulations in this article:

(1) The absence of a symbol appearing after a listed use means that the use is permitted by right.

(2) The symbol *[L]* appearing after a listed use means that the use is permitted by right as a limited use only. (For more information regarding limited uses, see Section 51A-4.218, "Limited Uses.")

(3) The symbol *[SUP]* appearing after a listed use means that the use is permitted by specific use permit only.

(4) The symbol *[DIR]* appearing after a listed use means that a site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803, "Site Plan Review."

("DIR" means "development impact review." For more information regarding development impact review generally, see Division 51A-4.800, "Development Impact Review.")

(5) The symbol *[RAR]* appearing after a listed use means that, if the use has a residential adjacency as defined in Section 51A-4.803, "Site Plan Review," a site plan must be submitted and approved in accordance with the requirements of that section. ("RAR" means "residential adjacency review." For more information regarding residential adjacency review generally, see Division 51A-4.800, "Development Impact Review.") (Ord. Nos. 25013; 25560; 28231; 30347)

SEC. 51P-621.103.1. EXHIBITS.

The following exhibits are incorporated into this article:

(1) Exhibit 621A: Property and Subdistrict Descriptions.

(2) Exhibit 621B: Subdistrict Map.

(3) Exhibit 621C: Meanders of the Old Trinity River Channel.

(4) Exhibit 621D: Existing Railbeds.

(5) Exhibit 621E: List of Native Plants.

(6) Exhibit 621F: The Old Trinity and Design District "Woonerf-Living Streets" Conceptual Plan.

(7) Exhibit 621G: Tower Diagrams for Subdistrict 1A.

(8) Exhibit 621H: Tower Orientation.

(9) Exhibit 621I: Tower Diagram for Subdistrict 1E.

(10) Exhibit 621J: Tower Diagram for Subdistrict 1F.

(11) Exhibit 621K: Tower Diagram for Subdistrict 1G. (Ord. Nos. 28231; 30040; 30041; 30042)

SEC. 51P-621.104. CONCEPTUAL PLAN.

There is no conceptual plan for this special purpose district. (Ord. 25013)

SEC. 51P-621.105. DEVELOPMENT PLAN.

(a) Except as otherwise provided in this article, no development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply.

(b) Development of the railbeds as woonerf, as described in Exhibit 621F, is encouraged. The provisions of Exhibit 621F are not required. (Ord. Nos. 25013; 25560)

SEC. 51P-621.106. MAIN USES PERMITTED.

(a) Subdistricts 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, and 1I.

(1) Agricultural uses.

None permitted.

(2) Commercial and business service uses.

-- Building repair and maintenance shop. *[RAR]*
-- Catering service.
-- Commercial cleaning or laundry plant. *[SUP]*
-- Custom business services.
-- Custom woodworking, furniture construction, or repair.
-- Electronics service center.
-- Job or lithographic printing. *[RAR]*
-- Labor hall. *[SUP]*
-- Machine or welding shop. *[RAR]*
-- Medical or scientific laboratory.
-- Technical school.
-- Tool or equipment rental.

(3) Industrial uses.

-- Beer or wine manufacturing. *[Limited to Subdistricts 1C, 1D, and 1I.]*
-- Industrial (inside) for light manufacturing.
-- Industrial (inside). *[RAR]*
-- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

(4) Institutional and community service uses.

-- Adult day care facility.
-- Child-care facility.
-- Church.
-- College, university, or seminary.
-- Community service center. *[SUP]*
-- Convent or monastery.
-- Halfway house. *[SUP]*
-- Hospital. *[RAR]*
-- Library, art gallery, or museum.
-- Open-enrollment charter school. *[SUP]*
-- Private school other than open-enrollment charter school. *[SUP]*
-- Public school other than open-enrollment charter school. *[SUP]*

(5) Lodging uses.

-- Hotel or motel. *[RAR]*
-- Lodging or boarding house. *[SUP]*

(6) Miscellaneous uses.

-- Carnival or circus (temporary). *[By special authorization of the building official]*
-- Temporary construction or sales office.

(7) Office uses.

-- Financial institution without drive-in window.
-- Financial institution with drive-in window. *[SUP, except with RAR only for lots adjacent to Oak Lawn Avenue, Market Center Boulevard, or Turtle Creek Boulevard]*
-- Medical clinic or ambulatory surgical center.
-- Office.

(8) Recreation uses.

-- Country club with private membership.
-- Private recreation center, club, or area. *[See Section 51P-621.117(c) for use with a seating capacity of 10,000 or more in Subdistrict 1I.]*
-- Public park, playground, or golf course.

(9) Residential uses.

-- College dormitory, fraternity, or sorority house. *[SUP]*
-- Duplex.
-- Group residential facility. *[SUP required if the spacing component of Section 51A-4.209(3) is not met. Permitted in this subdistrict subject to the same requirements as if located in an MU-3 Mixed Use District]*
-- Handicapped group dwelling unit. *[SUP required if the spacing component of Section 51A-4.209(3.1) is not met. Permitted in this subdistrict subject to the same requirements as if located in an MU-3 Mixed Use District]*
-- Multifamily.
-- Retirement housing. *[SUP]*
-- Single family.

(10) Retail and personal service uses.

-- Alcoholic beverage establishments. *[SUP, except that a microbrewery, micro-distillery, or winery is permitted by right in Subdistrict 1I. See Section 51A-4.210(b)(4).]*
-- Ambulance service. *[RAR]*
-- Animal shelter or clinic without outside run. *[RAR]*
-- Animal shelter or clinic with outside run. *[SUP]*
-- Antique shop.
-- Art gallery.
-- Art or craft production facility. *[Limited to 5,000 square feet or less of floor area.]*
-- Auto service center. *[SUP]*
-- Billiard hall. *[SUP]*
-- Bingo parlor. *[SUP]*
-- Business school.
-- Car wash. *[SUP]*
-- Commercial amusement (inside). *[See Section 51A-4.210(b)(7). Except as otherwise provided, permitted in this subdistrict subject to the same requirements as if located in an MU-3 Mixed Use District. Class E dancehalls, as defined in Chapter 14 of the Dallas City Code, are not permitted. Billiard hall by SUP only. Bingo parlor by SUP only. In Subdistrict 1I, see Section 51P-621.117(c) for use with a seating capacity of 10,000 or more.]*
-- Commercial parking lot or garage.
-- Dry cleaning or laundry store.
-- Furniture store.
-- General merchandise or food store 3,500 square feet or less.
-- General merchandise or food store greater than 3,500 square feet.
-- Home improvement center, lumber, brick, or building materials sales yard.
-- Household equipment and appliance repair.
-- Liquor store.
-- Massage establishment. *[SUP]*
-- Mortuary, funeral home, or commercial wedding chapel.
-- Motor vehicle fueling station. *[SUP]*
-- Nursery, garden shop, or plant sales.
-- Outside sales. *[SUP]*
-- Personal service uses.
-- Piercing salon. *[SUP]*
-- Restaurant without drive-in or drive-through service.
-- Restaurant with drive-in or drive-through service. *[SUP]*
-- Swap or buy shop. *[SUP]*
-- Taxidermist.
-- Tattoo studio. *[SUP]*
-- Temporary retail use.

-- Theater. *[Limited to 1,000 seats or fewer, except in Subdistrict 1I. See Section 51P-621.117(c) for use with a seating capacity of 10,000 or more in Subdistrict 1I.]*
-- Truck stop. *[SUP]*
-- Vehicle display, sales, and service. *[SUP]*

(11) Transportation uses.

-- Heliport. *[SUP]*
-- Helistop. *[SUP]*
-- Railroad passenger station. *[SUP]*
-- Transit passenger shelter.
-- Transit passenger station or transfer center. *[By SUP or city council resolution.]*

(12) Utility and public service uses.

-- Electrical substation.
-- Local utilities.
-- Police or fire station.
-- Post office.
-- Radio, television, or microwave tower. *[RAR]*
-- Tower/antenna for cellular communication.
-- Utility or government installation other than listed. *[SUP]*

(13) Wholesale, distribution, and storage uses.

-- Auto auction. *[SUP]*
-- Contractor's maintenance yard. *[RAR]*
-- Mini-warehouse. *[SUP, except with RAR only if all on-site circulation is internal to the structure.]*
-- Office showroom/warehouse.
-- Recycling drop-off container. *[SUP required if the requirements of -- Subparagraph (E) of Section 51A-4.213(11.2) are not satisfied.]*
-- Trade center.
-- Warehouse.

(b) Subdistrict 2.

(1) Except as otherwise provided in this subsection, the uses permitted in this subdistrict are the same as those uses permitted in the MU-3 Mixed Use District, subject to the same conditions applicable in the MU-3 Mixed Use District, as set out in the Dallas Development Code, as amended. For example, a use permitted in the MU-3 Mixed Use District only by specific use permit (SUP) is permitted in this special purpose district only by

SUP; a use subject to development impact review (DIR) in the MU-3 Mixed Use District is subject to DIR in this special purpose district; etc.

(2) The following use is permitted in this subdistrict subject to residential adjacency review:

-- Bus or rail transit vehicle maintenance or storage facility. *[RAR]*

(3) The following use is permitted in this subdistrict by specific use permit only:

-- Commercial bus station and terminal. *[SUP]*

(Ord. Nos. 25013; 25560; 26975; 27280; 28231; 28819; 30040; 30041; 30042; 30347)

SEC. 51P-621.107. ACCESSORY USES.

(a) As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, see Section 51A-4.217.

(b) The following accessory uses are not permitted in Subdistricts 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, and 1I:

-- Accessory medical/infectious waste incinerator.
-- Accessory pathological waste incinerator.
-- Amateur communications tower.
-- Day home.
-- General waste incinerator.
-- Private stable.

(c) Except as otherwise provided in this section, accessory uses in Subdistrict 2 must comply with the accessory use regulations applicable to the MU-3 Mixed Use District.

(d) The following accessory uses are permitted by SUP only:

-- Accessory outside storage. *[SUP]*
-- Pedestrian skybridges. *[SUP]* (Ord. Nos. 25013; 25560; 26975; 27280; 28231;

SEC. 51P-621.108. CREATION OF A BUILDING SITE.

(a) The building official shall not issue a certificate of occupancy or a building permit until:

(1) a building site has been established under Section 51A-4.601, "Creation of a Building Site"; or

(2) the yard, lot, and space requirements of a lot or parcel can be determined from property lines described in deed records. (Ord. 25013)

SEC. 51P-621.109. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. In the event of a conflict between this section and Division 51A-4.400, this section controls.)

(a) Subdistricts 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, and 1I.

(1) Front yard. No minimum front yard.

(2) Side and rear yard. No minimum side or rear yard.

(3) Density. No maximum density.

(4) Floor area.

(A) For Subdistricts 1, 1A, 1C, and 1D, maximum floor area ratio is 4.0.

(B) For Subdistrict 1B, maximum floor area is 449,316 square feet.

(C) Except as provided in this subparagraph, for Subdistrict 1E, maximum floor area is 186,437 square feet.

(i) Mix of uses with a hotel or motel use. Maximum floor area may be increased to 450,000 square feet if a structure contains a hotel or motel use with a minimum of 150 guest rooms and a minimum of 7,000 square feet of floor area for retail and personal service uses at street level.

(aa) If a restaurant without drive-in or drive-through service is located at street level, an outside seating area of 700 square feet, for all restaurants combined, must be provided and must face a public right-of-way or abandoned railroad right-of-way.

(bb) An outside seating area does not count toward the minimum 7,000 square feet of floor area requirement for retail and personal service uses.

(ii) Mix of uses without a hotel or motel use. Maximum floor area may be increased to 450,000 square feet if a multifamily use with a minimum of 135 dwelling units has a minimum of 7,000 square feet of floor area for retail and personal service uses at street level.

(aa) If a restaurant without drive-in or drive-through service is located at street level, an outside seating area of 700 square feet, for all restaurants combined, must face a public right-of-way or abandoned railroad right-of-way.

(bb) An outside seating area does not count toward the minimum 7,000 square feet of floor area requirement for retail and personal service uses.

(D) Except as provided in this subparagraph, for Subdistrict 1F, maximum floor area is 268,330 square feet. Maximum floor area may be increased to 295,000 square feet if a structure contains a minimum of 3,000 square feet of floor area for retail and personal service uses located at street level.

(i) If a restaurant without drive-in or drive-through service is located at street level as part of the 3,000 square feet of floor area requirement for retail and personal service uses, an outside seating area of 800 square feet, for all restaurants combined, must be provided along Edison Street and the southeastern Property line.

(ii) An outside seating area does not count toward the minimum 3,000 square feet of floor area requirement for retail and personal service uses.

(E) Except as provided in this subparagraph, for Subdistrict 1G, maximum floor area is 245,678 square feet.

(i) Mix of uses with a hotel or motel use. Maximum floor area may be increased to 450,000 square feet if a structure contains a:

(aa) hotel or motel use with a minimum of 100 guest rooms;

(bb) a multifamily use with a minimum of 120 dwelling units;

and

(cc) a minimum of 4,000 square feet of floor area for retail and personal service uses at ground level.

(11) If a restaurant without drive-in or drive-through service is located at ground level, an outside seating area of 500 square feet, for all restaurants combined, must be provided and must face a Property line other than Stemmons Freeway.

(22) An outside seating area does not count toward the minimum 4,000 square feet of floor area requirement for retail and personal service uses.

(ii) Mix of uses without a hotel or motel use. Maximum floor area may be increased to 450,000 square feet if a structure contains a multifamily use with a minimum of 200 dwelling units and a minimum of 4,000 square feet of floor area for retail and personal service uses located at ground level.

(aa) If a restaurant without drive-in or drive-through service is located at ground level, an outside seating area of 500 square feet, for all restaurants combined, must be provided and must face a Property line other than Stemmons Freeway.

(bb) An outside seating area does not count toward the minimum 4,000 square feet of floor area requirement for retail and personal service uses.

(F) Except as provided in this subparagraph, in Subdistrict 1H, maximum floor area ratio is 4.0. Maximum floor area ratio may be increased to 5.0 for a residential use if it complies with the following:

(i) Any ground-story blank wall area, as defined in Section 51A- 13.201(5), along Hi Line Drive does not exceed a maximum of 30 linear feet.

(ii) A minimum of 70 percent of the lot width along Hi Line Drive contains a building facade within 20 feet of the Property line.

(iii) A minimum of 75 percent of a structure at street level along Hi Line Drive must have one or more of the following:

(aa) residential units with direct street level access to the sidewalk;

(bb) for the portion of the structure that contains a lobby, a ground-story facade providing a minimum of 50 percent window pane surface area that allows views into the structure at a minimum depth of four feet; or

(cc) a publically accessible open space area that complies with the criteria of Section 51P-621.109(a)(5.1)(G).

(iv) The sidewalk along Hi Line Drive has a minimum unobstructed width of eight feet.

(G) Except as provided in this subparagraph, in Subdistrict 1I, maximum floor area ratio is 4.0. Maximum floor area ratio may be increased to 5.5 for mixed-uses if it complies with the following:

(i) Any ground-story blank wall area, as defined in Section 51A- 13.201(5), along Inspiration Drive does not exceed a maximum of 20 linear feet.

(ii) A minimum of 70 percent of the lot width along Inspiration Drive contains a building facade within 20 feet of the Property line.

(iii) A minimum of 75 percent of a structure at street level along Inspiration Drive has one or more of the following:

(aa) if a restaurant without drive-in or drive-through service is located at ground level, an outside seating area of at least 500 square feet, for all restaurants combined, is provided and faces a Property line other than the one along Stemmons Freeway;

(bb) residential units with direct street level access to the sidewalk;

(cc) for the portion of the structure that contains a non-residential use, a ground-story facade providing a minimum of 50 percent window pane surface area that allows views into the structure at a minimum depth of four feet; or

(dd) a publically accessible open space area that complies with the criteria of Section 51P-621.109(a)(5.1)(G).

(5) Height.

(A) Except as provided in this subsection, maximum height is:

(i) 150 feet for buildings having an FAR for residential uses of 0.5 or more; and

(ii) 130 feet for all other buildings and structures.

(B) In Subdistricts 1E, 1F, 1G, 1H, and 1I, mechanical equipment, elevator overrides, penthouses, parapet walls, and related equipment and structures may extend an additional 10 feet in height above the maximum structure height.

(5.1) Height bonuses for Subdistricts 1A, 1B, 1D, 1E, 1F, 1G, 1H, and 1I. One or more of the following height bonuses may be combined to achieve a maximum building height of 270 feet for Subdistricts 1A, 1B, and 1D, a maximum building height of 300 feet for Subdistricts 1E, 1F, 1G, and 1H, and a maximum building height of 350 feet for Subdistrict 1I. In Subdistrict 1F, the development must comply with Section 51P-621.109(a)(4)(D)(i) and (ii) to receive a height bonus. In Subdistrict 1G, the development must comply with Section 51P-621.109(a)(4)(E)(i) or (ii) to receive a height bonus. In Subdistrict 1H, the development must comply with Section 51P-621.109(a)(4)(F)(i) through (iv) to receive a height bonus. In Subdistrict 1I, once the following height bonuses are used to reach a building height of 350 feet, a structure may be built to any legal height allowed by the Federal Aviation Administration.

(A) Tower size and orientation. Building height may be increased a maximum of 60 feet if (See Exhibit 621G for Subdistrict 1A. See Exhibit 621H for Subdistrict 1B. See Exhibit 6211 for Subdistrict 1E. See Exhibit 621J for Subdistrict 1F. See Exhibit 621K for Subdistrict 1G. See Exhibit 621L for Subdistrict 1H.):

(i) in Subdistrict 1A and 1D:

(aa) the portion of the building above 75 feet in height has a floor plate of 12,500 square feet or less; and

(bb) the tower dimension perpendicular to the east Trinity River levee is at least three times longer than the tower dimension parallel to the east Trinity River levee (tower dimension is measured at the widest point of the building facade).

(ii) in Subdistrict 1B:

(aa) the portion of the building above 75 feet has a floor plate of 25,000 square feet or less;

(bb) the tower is oriented as indicated on Exhibit 621H; and

(cc) the longer tower dimension is at least three times longer than the short tower dimension (tower dimension is measured at the widest point of the building facade).

(iii) in Subdistricts 1E and 1G:

(aa) the portion of the building above 85 feet has a floor plate of 25,000 square feet or less;

(bb) the tower is oriented as indicated on Exhibit 6211 (for Subdistrict 1E) or Exhibit 621K (for Subdistrict 1G); and

(cc) the longer tower dimension is at least two times longer than the short tower dimension (tower dimension is measured at the widest point of the building facade).

(iv) in Subdistrict 1F:

(aa) the portion of the building above 75 feet has a floor plate of 25,000 square feet or less;

(bb) the tower is oriented as indicated on Exhibit 621J; and

(cc) the longer tower dimension is at least one-and-a-half times longer than the short tower dimension (tower dimension is measured at the widest point of the building facade).

(v) in Subdistrict 1H:

(aa) the portion of a building above 85 feet has a floor plate of 25,000 square feet or less;

(bb) towers are oriented as indicated on Exhibit 621L; and

(cc) the longer tower dimension is at least one and a half times longer than the short tower dimension (tower dimension is measured at the widest point of the building facade).

(B) Street-level parking structure concealment. Building height may be increased a maximum of 36 feet if:

(i) the building is located in Subdistricts 1A, 1B, 1D, or 1H and: (aa) the building has street-level office showroom/warehouse, office, restaurant, or residential uses that conceal 100 percent of the street-level parking structure facade; and

(bb) the street-level uses have a minimum depth of 30 feet measured from the building facade.

(ii) the building is located in Subdistrict 1E and except as provided in this subparagraph:

(aa) the development complies with Section 51P 621.109(a)(4)(C)(i) or (ii);

(bb) one hundred percent of the street-level parking structure facade is screened as follows:

(I) the building has street-level office showroom/warehouse, office, restaurant, hotel or motel, retail and personal service, or residential uses that conceal a minimum of 85 percent of the street-level parking structure facade (excluding driveway entrances);

(II) the remainder of the street-level parking structure facade is screened with a solid material that is architecturally compatible with the main building.

(cc) the street-level uses have a minimum depth of 30 feet measured from the building facade.

(iii) the building is located in Subdistrict 1F and:

(aa) the building has street-level office showroom/warehouse, office, restaurant, hotel or motel, retail and personal service, or residential uses that conceal 100 percent of the street-level parking structure facade facing Edison Street (excluding driveway entrances);

(bb) any street-level parking structure facade must provide screening that is architecturally compatible with the building and conceals a minimum of 50 percent of the street- level parking structure facade facing Stemmons Freeway (excluding driveway entrances); and

(cc) the street-level uses have a minimum depth of 30 feet measured from the building facade.

(iv) the building is located in Subdistrict 1G and:

(aa) except as provided in this provision, the building has ground-level office showroom/warehouse, office, restaurant, hotel or motel, retail and personal service, or residential uses that conceal 70 percent of the ground-level parking structure facade on the south side of the parking structure;

(bb) the ground-level uses have a minimum depth of 30 feet measured from the building facade; and

(cc) for facades facing Stemmons Freeway, ground-level office showroom/warehouse, office, restaurant, hotel or motel, retail and personal service, or residential uses or screening of any portion of a ground-level parking structure facade are not required.

(v) the building is located in Subdistrict 1I and:

(aa) except as provided in this provision, the building has ground-level office showroom/warehouse, office, restaurant, hotel or motel, retail and personal service, or residential uses that conceal 70 percent of the ground-level parking structure facade. The remainder of the street-level parking structure facade must be screened with a solid material that is architecturally compatible with the main building.

(bb) the ground-level uses have a minimum depth of 30 feet measured from the building facade; and

(cc) for facades facing Stemmons Freeway, ground-level office showroom/warehouse, office, restaurant, hotel or motel, retail and personal service, or residential uses or screening of any portion of a ground-level parking structure facade are not required.

(C) <u>LEED rating</u>.

(i) Building height may be increased a maximum of 12 feet if the building is eligible for silver, gold, or platinum designation under the United States Green Building Leadership in Energy and Environmental Design (LEED) rating system.

(ii) <u>Determination of eligibility</u>.

(aa) A United States Green Building Council's Leadership in Energy and Environmental Design (LEED) checklist, effective May 1, 2004, must be submitted with an application for a building permit for development, indicating how development will comply with a certified designation. The development plans submitted for a building permit must be certified by a LEED accredited professional designated by the department of sustainable development and construction.

(bb) Before the issuance of a building permit, the building official shall determine that the project is consistent with the standards and criteria for a LEED certified designation.

(cc) If the developer is unable to achieve all of the green building rating system points identified on the checklist, the developer must replace any points not achieved with other green building rating system points acceptable under the United States Green Building Council's LEED rating system.

(dd) The checklist, certified development plans, and any supporting documents and templates related to the points previously approved by the city for the LEED certified level designation must be submitted with an application for a certificate of occupancy. A certificate of occupancy may not be issued until a LEED accredited professional designated by the department of sustainable development and construction certifies that the building complies with the LEED certified designation.

(D) Pedestrian amenities. Building height may be increased a maximum of 12 feet if the building achieves 25 points under Section 51P-621.113(c)(3).

(E) Public art or water feature. In Subdistricts 1E, 1F, 1G, 1H, and 1I, building height may be increased a maximum of 15 feet if:

(i) in Subdistricts 1E, and 1F, the building achieves 15 points under Section 51P-621.113(c)(4);

(ii) the public art or water feature is located in exterior open space and has a minimum of 600 square feet of land area, and includes a minimum of two of the following:

(aa) benches and/or seat walls;

(bb) trash receptacles;

(cc) shade structure, awning, trees; and

(iii) In Subdistrict 1E, the development complies with Section 51P-621.109(a)(4)(C)(i) or (ii).

(F) Electric charging stations. In Subdistricts 1E, 1F, 1G, 1H, and 1I, building height may be increased a maximum of 15 feet if the development provides a minimum of five electric charging stations for the charging of electrically-powered motor vehicles, with a minimum of two of the stations that are accessible to the public. For purposes of this subparagraph, accessible to the public means an electric charging station that is visible from a public right-of-way or signage or other identification if either or all of the spaces are located within a structure.

(G) Publicly accessible open space. In Subdistricts 1F, 1H, and 1I, building height may be increased a maximum of 40 feet if street-level publicly accessible open space is provided in accordance with this subparagraph. If building height is increased under this subparagraph, it may not be increased an additional 15 feet under Subparagraph (E) for the same open space.

(i) The open space must have a minimum of 1,000 square feet of land area.

(ii) The open space must be clearly visible and adjacent to, or a part of, a public sidewalk, subject to the following maximum elevations between the grade of the sidewalk and the grade of the open space:

Publicly Accessible Open Space Elevation

Open Space Land Area	**Maximum elevation above sidewalk grade**
500 square feet or less	6 inches or less
501-1,000 square feet	12 inches or less
1,001-2,000 square feet	2 feet or less
2,001-3,000 square feet	3 feet or less
3,001 square feet and greater	4 feet or less

(iii) The open space may not be designed to allow vehicular access.

(iv) In Subdistrict 1F, obstructions are not allowed above the plaza except awnings, trellises, or similar structures to enhance usability. In Subdistricts 1H and 1I, obstructions with a minimum clearance of 14 feet in height from the grade of the plaza are allowed within the publically accessible open space.

(v) A minimum of 25 percent of the land area must be improved with plantings, sculptures, pools, or similar features.

(vi) A minimum of 25 percent of the land area must be improved to provide shade, using trees, awnings, shade structures, or other means to provide users refuge from the elements.

(vii) Lighting must be provided to maintain a minimum of 0.2 footcandles across all walkable and seating areas inside and adjacent to the open space area. Illumination must be provided from one hour after sunset to one hour after sunrise.

(viii) All light sources that illuminate the open space area must be shielded from direct view.

(ix) The open space must provide a minimum of three of the

following:

(aa) seating areas.

(bb) children's play area.

(cc) water feature.

(dd) public art.

(ee) historical monument.

(ff) trash and recycling receptacles.

(gg) windows and doors from an abutting building facing the public art.

(hh) drinking fountains.

(H) Sports practice facility. In Subdistrict 1I, building height may be increased a maximum of 50 feet if a sports practice facility is constructed.

(I) Public trail. In Subdistrict 1I, building height may be increased a maximum of 75 feet if a public trail is provided extending from Slocum Street along the southern boundary of Subdistrict 1I and connecting to the existing DART Victory Station. The public trail must meet the park and recreation department standards for hike and bike trails, measuring a minimum of 12 feet in width and composed of a minimum of five-inch-thick reinforced concrete with a minimum shoulder of 24 inches. Amenities such as trash receptacles, benches, bubblers, lighting, signage, striping, traffic control devices, and other trail- related items must be included if required by park and recreation department staff during the design of the trail. Other trail-related items include landscaping which coordinates with the development. The public trail must be reviewed and approved by the park board. Upon connection to the DART Victory Station, a 25- foot easement must be dedicated exclusively to the city to assure its availability to the public for pedestrian access. Upon dedication to the city, maintenance will be completed by the city.

(i) A development agreement approved by the city council that details infrastructure and service provisions and phasing and assigns cost responsibilities for the provision of recreational services and facilities is required before this this provision is satisfied.

(ii) If the Texas Department of Transportation or DART denies the application to connect the trail through right-of-way to the DART Victory Station and no other reasonable means of connection is available; or, if the park and recreation department, park

board, and property owner cannot come to an agreement for the design of the trail, then in-lieu of providing the trail connection and to satisfy the requirement of this bonus, a contribution may be made to the Old Trinity and Design District Open Space Fund as described in Section 51P-621.112(b)(6)(A). The contribution will be determined based on an estimate of the cost of the construction of the proposed trail. The estimate must be provided by the developer and approved by the park and recreation department.

a. Building site coverage.

i. Except as provided in this paragraph, maximum building site coverage is 100 percent.

ii. For Subdistricts 1A, 1B, and 1F, any portion of a building that is above 75 feet in height may not have a floor plate greater than 60 percent of the lot area or 25,000 square feet, whichever is less (See Exhibit 621G for Subdistrict 1A. See Exhibit 621H for Subdistrict 1B. See Exhibit 621J for Subdistrict 1F.).

iii. For Subdistricts 1E, 1G, and 1H any portion of a building that is above 85 feet in height may not have a floor plate greater than 60 percent of the lot area or 25,000 square feet, whichever is less (See Exhibit 621I for Subdistrict 1E. See Exhibit 621K for Subdistrict 1G. See Exhibit 621L for Subdistrict 1H.)

iv. In Subdistrict 1I, except as provided in this subparagraph, any portion of a building that is above 130 feet in height may have a floor plate of up to 60 percent of the lot area or 40,000 square feet, whichever is less.

1. A building containing a commercial amusement (inside) use with a seating capacity of more than 12,500, is not subject to this floor plate limitation.

2. A development plan for a building referenced in Romanette (i) above must be approved by the city plan commission confirming that the tower dimension perpendicular to views of downtown to the east is at least two times longer than the tower dimension parallel to views to the southeast (tower dimension is measured at the widest point of the building facade).

b. Building site size. No minimum building site size.

c. Stories. No maximum number of stories.

(dd) Subdistrict 2.

a. Except for a bus or rail transit vehicle maintenance or storage facility, the yard, lot, and space regulations applicable to the MU-3 Mixed Use District, as amended, apply to this subdistrict.

b. The following yard, lot, and space regulations apply to bus or rail transit vehicle maintenance or storage facility uses:

i. Front yard. No minimum front yard.

ii. Side and rear yard. No minimum side or rear yard.

iii. Density. No maximum density.

iv. Floor area. Maximum floor area ratio (FAR) is 4.0.

v. Height. Maximum structure height is 200 feet.

vi. Building site coverage. Maximum building site coverage is 100 percent.

vii. Building site size. No minimum building site size.

viii. Stories. No maximum number of stories. (Ord. Nos. 25013; 25560; 26975; 27280; 28231; 28819; 30040; 30041; 30042; 30347)

SEC. 51P-621.110. OFF-STREET PARKING AND LOADING.

(a) General requirements applicable to all subdistricts.

(1) Except as otherwise provided in this section, off-street parking and loading must be provided in compliance with Division 51A-4.300, "Off-Street Parking and Loading Regulations." In the event of a conflict between this section and Division 51A-4.300, this section controls.

(2) If several uses are located on a single building site, the off-street parking requirement is the sum of the requirements for each use, and off-street parking spaces for one use may not be counted toward the off-street parking requirement of another use, except as otherwise provided in this section.

(3) If more than 10 off-street parking spaces are required, handicapped

parking must be provided pursuant to Section 51A-4.305, "Handicapped Parking Regulations."

(b) Subdistricts 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, and 1I.

(1) Except for the uses listed below, consult the use regulations in Division 51A¬4.200, "Use Regulations," for the specific off-street parking requirements for each use.

(A) Alcoholic beverage establishment. One space per 105 square feet of floor area. No parking is required for outside seating up to 10 percent of the total floor area of the alcoholic beverage establishment. Outside seating may not be converted to interior floor area unless the additional required parking is provided.

(B) Antique shop. One space per 600 square feet of floor area.

(C) Art gallery. One space per 600 square feet of floor area.

(D) Art or craft production facility. One space per 1,000 square feet of floor area.

(E) Beer or wine manufacturing. One space per 600 square feet of floor area.

(F) Dance hall. One space per 25 square feet of floor area.

(G) Duplex.

(i) One space per dwelling unit with one or fewer bedrooms.

(ii) Two spaces per dwelling unit with more than one bedroom.

(iii) In Subdistrict 1B, parking may be gated or otherwise secured if Dallas Fire Code requirements are met.

(H) Furniture store. One space per 1,000 square feet of floor area.

(I) General merchandise or food store 3,500 square feet or less. One space per 275 square feet of floor area.

(J) General merchandise or food store greater than 3,500 square feet. One space per 275 square feet of floor area.

(K) Hotel or motel. 0.55 spaces per guest room *[300 rooms or less only; Subdistrict 1E*

(L) *only]*.

(M) Multifamily.

(i) One-and-one-half spaces per dwelling unit.

(ii) In Subdistricts 1B and 1I, parking may be gated or otherwise secured if Dallas Fire Code requirements are met.

(N) Office. One space per 358 square feet of floor area.

(O) Office showroom/warehouse. One space per 1,100 square feet of floor area up to 20,000 square feet, and one space per 4,100 square feet of floor area over 20,000 square feet.

(P) Personal service uses. One space per 275 square feet of floor area.

(Q) Restaurant. One space per 105 square feet of floor area. No parking is required for outside seating up to 10 percent of the total floor area of the restaurant. Outside seating may not be converted to interior floor area unless the additional required parking is provided.

(R) Single family.

(i) One space per dwelling unit with one or fewer bedrooms.

(ii) Two spaces per dwelling unit with more than one bedroom.

(iii) In Subdistrict 1B, parking may be gated or otherwise secured if Dallas Fire Code requirements are met.

(2) Parking reductions.

(A) Bicycle parking. The off-street parking requirement for nonresidential uses located within 600 feet of the centerpoint of the intersection of Slocum Street and Cole Street may be reduced by 10 percent if:

(i) one five-bicycle parking stand for each 100 feet of street frontage is provided in the front yard of the building site; and

(ii) a minimum 12-foot-wide pedestrian and bicycle path is

provided to link the building site with a DART light rail station.

(B) Employment centers adjacent to shuttle or bus stops. The following uses may provide off-street parking as specified if the use is within 1,000 feet of a shuttle stop or bus stop that provides a direct link to the Victory rail transit station or the Market Center rail transit station and if the use has 75,000 or more square feet of floor area:

(i) Industrial (inside). One space per 750 square feet of floor area.

(ii) Office. One space per 450 square feet of floor area.

(C) On-street parking. On-street parking spaces adjacent to a building site may be credited toward the off-street parking requirement of uses on the building site, even if the parking, backing, or maneuvering must be performed in the public right-of-way. On-street parking must be striped in accordance with standard city specifications.

(i) Head-in parking. One head-in parking space may be credited for each nine feet of frontage of the building site. Angled head-in parking must be angled more than 60 degrees but less than 90 degrees to the curb. The closest point of any angled head-in parking space may not be located closer than 10 feet to any perpendicular (90 degree) head-in parking space.

(ii) Parallel parking. One parallel parking space may be credited for each 22 feet of frontage of the building site.

(D) Special exception. The board of adjustment may grant a special exception of up to 50 percent of the required off-street parking upon the findings and considerations listed in Section 51A-4.311. The board of adjustment may impose conditions on the special exception.

(3) Delta theory.

(A) Except as otherwise provided in this paragraph, see Section 51A- 4.704(b)(4). In the event of a conflict between this paragraph and Section 51A-4.704(b)(4), this section controls.

(B) The right to carry forward nonconforming parking and loading spaces does not terminate.

(4) Special parking.

(A) In general. Except as otherwise provided in this paragraph, see Division 51A-4.320, "Special Parking Regulations."

(B) Special parking allowed. Except as specifically modified in this section, required off-street parking may be special parking.

(C) Remote parking for nonresidential uses.

(i) Required off-street parking for nonresidential uses may be remote parking.

(ii) Remote parking for nonresidential uses must be located within 1,000 feet of the use served by the remote parking. The building official may extend the distance for remote parking to no more than 1,500 feet if a shuttle from the remote parking is provided. A license is required to authorize an extension of distance beyond 1,500 feet.

(iii) Remote parking lots must meet on-site parking landscape requirements.

(iv) Parking located in a railbed may be used as remote parking.

(D) Shared parking. Except for residential uses in Subdistrict 1B, if more than one type of use is located on a building site, all uses on the building site must share parking. Table 1 must be used to calculate the required off-street parking spaces when parking is shared. The number of off-street parking spaces that must be provided for the development is the largest number of spaces required under any of the five time-of-day columns. For example, in the morning, a development with residential and office uses must provide 80 percent of the off-street parking that would normally be required for the residential uses and 100 percent of the off-street parking that would normally be required for the office uses. Likewise, in the afternoon, that development must provide 60 percent of the off-street parking that would normally be required for the residential uses and 100 percent of the off-street parking that would normally be required for the office uses. A similar calculation must be performed for each time of day. If the number of spaces required in the morning is greater than the number of spaces required during any other time of day, then the number of spaces required in the morning must be provided. Likewise, if the number of spaces required in the late afternoon is greater than the number of spaces required during any other time of day, then the number of spaces required in the late afternoon must be provided.

Table 1: Shared Parking Table
(For calculating the parking requirement for shared parking)

	%	%	%	%	%
Use Category	Mornin	Noo	Afternoo	Late	Evenin
Residential	80	60	60	70	100
Office-related	100	80	100	85	35

Retail-related	60	75	70	65	70
Bar and	20	100	30	30	100
Warehouse/					
Showroom	100	75	100	65	35
All other	100	100	100	100	100

(5) Cash in lieu of required parking. A property owner may make a one-time cash payment to the Old Trinity and Design District Parking Fund in lieu of providing required parking for a use in an original building. The amount of the payment is calculated by using the following formula:

National median cost per square foot x 350 x Dallas cost index x Number of required spaces not provided x .75 = Payment required

where "national median cost per square foot" is the national median cost per square foot of a parking space in a parking garage. Both the "national median cost per square foot" and the "Dallas cost index" must be derived from the most recent issue of Building Construction Cost Data, published by the Robert Snow Means Company, Inc., of Kingston, Massachusetts, unless another comparable publication is designated by the director. The department shall administer a city account to be known as the Old Trinity and Design District Parking Fund. Funds from the Old Trinity and Design District Parking Fund must be used only for the acquisition or construction of parking garages or other parking improvements within Subdistricts 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, [~~and~~] 1H, and 1I. The payment into the Old Trinity and Design District Parking Fund is due at the time of application for a building permit.

(6) Fees for required parking. Fees may be charged for use of required parking.

(7) Parking structure screening. In Subdistricts 1E, 1F, 1G, 1H, and 1I, any portion of a street-level parking structure facade that is concealed by a street-level use is considered screened.

(c) Subdistrict 2. The off-street parking requirement for a bus or rail transit vehicle maintenance or storage facility is one space per 1,500 square feet of floor area. For all other uses, consult the use regulations contained in Division 51A-4.200, “Use Regulations,” for the specific off-street parking/loading requirements for each use. (Ord. Nos. 25013; 25560; 26975; 27280; 28231; 28819; 30040; 30041; 30042; 30347)

SEC. 51P-621.111. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI. (Ord. 25013)

SEC. 51P-621.112. LANDSCAPING.

(a) General requirements applicable to all subdistricts.

(1) Required tree species. All required trees must be from the following list of Texas native species:

Scientific name	Common name
Aesculus glaba v. arguta	**Texas buckeye**
Aesculus pavia	**Red buckeye**
Bumelia lanuginosa	**Woolly-bucket bumelia**
Carya illinoinensis	**Pecan**
Carya texana	**Black hickory**
Cercis canadensis v. Canadensis	**Eastern redbud**
Diospyros virginiana	**Common persimmon**
Ilex decidua	**Deciduous holly**
Ilex vomitoria	**Yaupon holly**
Juglans nigra	**Black walnut**
Juniperus virginiana	**Eastern red cedar**
Morus rubra	**Red mulberry**
Myrica cerifera	**Wax myrtle**
Prunus mexicana	**Mexican plum**
Quercus macrocarpa	**Bur oak**
Quercus marilandica	**Blackjack oak**
Quercus shumardii	**Shumard red oak**
Quercus stellata	**Post oak**
Quercus virginiana	**Live Oak**
Rhamnus caroliniana	**Carolina buckthorn**
Rhus copallina	**Flameleaf sumac**
Rhus virens	**Evergreen sumac**
Sapindus drummondii	**Western soapberry**
Sophora affinis	**Eve's necklace**
Taxodium distichum	**Bald cypress**
Ulmus americana	**American elm**
Ulmus crassifolia	**Cedar elm**
Viburnum rufidulum	**Rusty blackhaw viburnum**
Zanthoxylum clavaherculis	**Hercules' club**

(2) Prohibited trees.

(A) The following trees may not be planted within this special purpose district:

Scientific name	Common name
Populus deltoides	**Cottonwood**
Albizia julbrissen	**Mimosa**

(B) Bradford pears (pyrus calleryana) may be planted as site trees. Bradford pears may not be used as street trees, used as landscape buffer trees, or planted in the public right-of-way.

(3) Street trees.

(A) In Subdistricts 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, and 1I, one street tree must be provided per 25 feet of street frontage, with a minimum of one street tree per building site. In Subdistrict 2, one street tree must be provided per 50 feet of street frontage, with a minimum of one street tree per building site.

(B) Street trees must be located on the building site within 50 feet of the projected street curb, except that street trees may be located in the public right-of-way if all private licensing requirements of the city code and charter are met and a right-of-way landscape permit is obtained from the city. For purposes of this subparagraph, "projected street curb" means the future location of the street curb consistent with the City of Dallas Thoroughfare Plan as determined by the director of public works and transportation.

(C) Street trees must be provided for all new construction.

(4) Landscaping in the public right-of-way.

(A) Landscaping may be located in the public right-of-way if a right-of-way landscape permit is obtained from the city.

(B) Plants in the public right-of-way may not obstruct visibility or create a traffic hazard. See Section 51A-4.602(d), "Visual Obstruction Regulations."

(C) The city council hereby grants a non-exclusive revocable license to the owners or tenants (with written consent of the owner) of all property within this special purpose district for the exclusive purpose of authorizing compliance with the landscaping requirements of this special purpose district. An owner or tenant is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a right-of-way landscape permit in accordance with the Dallas Building Code. This private license will not terminate at the end of any specific time period; however, the city council reserves the right to terminate this license at will, by resolution passed by the city council, at any time such termination becomes necessary. The determination by the city council of the need for termination is final and binding. The city shall become entitled to possession of the licensed area without giving any notice and without the necessity of legal proceedings to obtain possession when, in its judgment, the purpose or use of the license is inconsistent with the public use of the right-of-way or when the purpose or use of the license is likely to become a nuisance or threat to public safety. Upon termination of the license by the city council, each owner or tenant shall remove all improvements and installations in the public rights-of-way to the satisfaction of the director of public works and transportation.

(D) A property owner or tenant is not required to comply with any right-of- way landscaping requirement to the extent that compliance is made impossible due to the city council's revocation of a right-of-way landscape permit or the revocation of the private license granted under this subsection.

(E) Upon the installation of landscaping in the public right-of-way, the owners or tenants shall procure, pay for, and keep in full force and effect commercial general liability insurance coverage with an insurance company authorized to do business in the State of Texas and otherwise acceptable to the city, covering, but not limited to, the liability assumed under the private license granted under this subsection, with combined single limits of liability for bodily injury and property damage of not less than $1,000,000 for each occurrence, and $2,000,000 annual aggregate. Coverage under this liability policy must be on an occurrence basis and the city shall be named as additional insured. Proof of such insurance must be sent to: Office of Risk Management, City of Dallas, 1500 Marilla, Dallas, Texas 75201, and the policy must provide for 30 days prior written notice to the Office of Risk Management of cancellation, expiration, non-renewal, or material change in coverage. All subrogation rights for loss or damage against the city are hereby waived to the extent that they are covered by this liability insurance policy.

(F) Each owner or tenant is responsible for maintaining the landscaping in a healthy, growing condition, and for keeping the premises safe and in good condition and repair, at no expense to the city, and the city is absolutely exempt from any requirements to make repairs or maintain the landscaping. The granting of a license for landscaping under this subsection does not release the owner or tenant from liability for the installation or maintenance of trees and landscaping in the public right-of- way.

(5) Visual obstruction regulations. A property owner is not required to comply with the landscaping requirements of this section to the extent that compliance is made impossible by Subsection (d), "Visual Obstruction Regulations," of Section 51A-4.602, "Fence, Screening, and Visual Obstruction Regulations."

(b) Subdistricts 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, and 1I.

(1) General requirement. Except as otherwise provided in this section, landscaping must be provided as required by Article X.

(2) Landscaping in railbeds.

(A) Any landscaping planted in the area to the centerline of a railbed may be used to satisfy required landscaping for the adjacent property. Landscaping planted in a railbed may not be located in an access easement.

(B) The requirements of Section 51A-10.125(b)(5), "Parking Lot Trees," do not apply to parking located within a railbed.

(3) Parking lot buffer. A five-foot-wide landscaped strip must be located

along any edge of a parking lot or parking structure that is visible at grade level from a street. A minimum three-inch- caliper tree must be located every 15 feet, or fraction thereof, or clustered every 30 feet within the landscaped strip.

(4) Plant requirements. Plants used to satisfy the landscape requirements must comply with the following requirements:

(A) A large evergreen shrub must have the ability to grow to a minimum height of three feet within three years.

(B) Solid sod or hydro-mulch grass may be used.

(C) Artificial plant materials may not be used.

(D) Any required landscaping that dies must be replaced.

(5) Landscape plan. A landscape plan must accompany any application for a building permit to expand floor area if the expansion is over 50 percent for nonresidential projects, over 65 percent for mixed use projects, or over 75 percent for residential projects. A landscape plan must earn at least 50 points (out of a total of 155 possible points.) The points awarded for providing these features are provided in parentheses. Existing landscaping qualifies for points.

(A) Lighting. (Total possible points = 20) Ten points each are awarded for providing tree lighting, light bollards, light poles, building facade lighting, or landscaped area lighting, up to a maximum of 20 points. The lighting provided must be at least 1.5 foot-candles in intensity over adjacent pedestrian areas.

(B) Landscaping on rooftops and facades. (Total possible points = 30) Ten points each are awarded for large planters, hanging planters, exterior embedded or extended planters, and vine supports on rooftops or along front facades up to a maximum of 30 points. Vines within ground-based planters must be able to extend above one-half the total height of the ground story of the main structure.

(C) Landscape buffer. (Total possible points = 25) The landscape buffer must be a minimum of 80 square feet. A mix of plant materials may be used.

(D) Tree canopy at the street frontage. (Total possible points = 20) Points may be obtained for planting canopy trees along the entire street frontage, exclusive of vehicular and pedestrian entrances and exits. The trees may be planted in the right-of-way if a right-of-way landscape permit is obtained. Ten points are awarded for planting these trees at a density of one tree per 30 linear feet of street frontage and 20 points are awarded for planting these trees at a density of one tree per 15 linear feet of street frontage. Note: Power lines may affect the types of trees used.

(E) Seasonal color landscaping. (Total possible points = 20) Points

may be obtained for providing a landscape area for seasonal color in planting beds, raised planters, or pots. Five points are awarded for a landscape area that is equal to at least one-fourth of a square foot multiplied by the number of feet of street frontage. Ten points are awarded for a landscape area that is equal to at least one- half of a square foot multiplied by the number of feet of street frontage. Fifteen points are awarded for a landscape area that is equal to at least three-fourths of a square foot multiplied by the number of feet of street frontage. The plants in the landscape area must be changed at least twice per year with the appropriate seasonal color plants. This area must contain the appropriate seasonal landscaping at all times except when the landscaping is being changed at the beginning of a new season.

(F) Native plant landscaping. (Total possible points = 20) Points may be obtained for providing a landscape area containing native plants. Five points are awarded for a landscape area that is equal to at least one-fourth of a square foot multiplied by the number of feet of street frontage. Ten points are awarded for a landscape area that is equal to at least one-half of a square foot multiplied by the number of feet of street frontage. Fifteen points are awarded for a landscape area that is equal to at least three-fourths of a square foot multiplied by the number of feet of street frontage. Native plants listed in Exhibit 621E must be used.

(G) Creation of open space. (Total possible points = 20) Five points are awarded per 200 square feet of open space if the open space is a minimum of 500 feet from the building site but within this special purpose district. For purposes of this subparagraph, "open space" means a space containing no structures or pavement at or above grade, and containing only grass or other vegetation. Open space must be available for use by the public. The open space must be maintained in a state of good repair and neat appearance at all times by the owner of the property for which the building permit was issued.

(6) Open space fund. If a property owner in Subdistricts 1, 1A, 1B, 1C, 1D, 1E, 1F, 1H, and 1I cannot plant all of the required trees on the building site, or the property owner in Subdistricts 1G and 1I cannot plant all of the required trees on the building site or within 1,000 feet of the building site, the property owner shall comply with the following requirements for no more than 50 percent of the required trees:

(A) Make a payment into the Old Trinity and Design District Open Space Fund. The department shall administer a city account to be known as the Old Trinity and Design District Open Space Fund. Funds from the Old Trinity and Design District Open Space Fund must be used only for acquiring and maintaining property for parks and open-space within this special purpose district. The amount of the payment required per tree not planted is calculated by using the formula for appraising the value of a two-inch-caliper tree, as derived from the most recent edition of the *Guide for Establishing Values of Trees and Other Plants* published by the Council of Tree and Landscape Appraisers, unless another publication is designated by the building official, and adding the cost of planting and maintaining a two-inch tree for two years.

(B) Plant trees within:

(i) portals to the Trinity River (as identified in the Trinity River Corridor Comprehensive Land Use Plan) within this special purpose district,

(ii) along that portion of the Old Trinity Trail within this special purpose district, or

(iii) along the meanders of the Old Trinity River channel, as shown.

(7) Parking/landscaping zone. Where there is at least a 70-foot space between buildings, a parking/landscaping zone meeting the following requirements is allowed in the space between the two buildings, but is not required. The composition of the parking/landscaping zone, moving from one building façade across to the other building façade, is as follows:

(A) First, a minimum six-foot-wide sidewalk parallel to the façade of the first building.

(B) Second, a parking area between six feet from the first building façade to 16 feet from the first building façade. This parking area must have angled head-in parking at an angle of 60 degrees to 90 degrees. A landscaped area containing one tree must be located between every fifth parking stall. Trees in the parking area must be spaced 46 to 50 feet on center, and must be 12 to 16 feet away from the first building façade. One parking stall may be omitted to allow for a loading dock to remain functional.

(C) Third, a minimum of 26 feet of right-of-way for the two-way traffic in the middle.

(D) Fourth, a matching parking area from between 16 feet from the second building façade to six feet from the second building façade.

(E) Fifth, a matching six-foot-wide sidewalk parallel to the façade of the second building.

(c) Subdistrict 2. Except as otherwise provided in this section, all properties in Subdistrict 2 must comply with Article X. (Ord. Nos. 25013; 25560; 26975; 27280; 28231; 28819; 30040; 30041; 30042; 30347)

SEC. 51P-621.113. ARCHITECTURAL DESIGN GUIDELINES.

(a) Purpose. The architectural design guidelines of this section are intended to preserve the historical, cultural, and architectural importance and significance of Subdistricts 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, and 1I. These architectural design guidelines are intended

to encourage adaptive reuse of existing buildings; new contemporary and creative construction and major modifications that will enhance the architectural character of the district; and sustainable, green, energy efficient design and construction.

(b) Facade requirements for new construction and major modifications in Subdistricts 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, and 1I.

(1) Facades must be brick, concrete masonry, glass, hollow tile, stone, or other fireproof materials, except that wooden siding, wooden sheets, and metal may not be used on more than 50 percent of any facade.

(2) Facades consisting of more than 80 percent glass, excluding glass block, are prohibited.

(3) The maximum permitted reflectance of glass used as a facade material varies depending on where the glass is used. The reflectance of glass used on the first two stories may not exceed 15 percent. The reflectance of glass used above the first two stories may not exceed 27 percent. Reflectance is the percentage of available visible light energy reflected away from the exterior surface of the glass. The higher the percentage, the more visible light reflected and the more mirror-like the glass will appear.

(c) Design test requirements in Subdistricts 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, and 1I. New construction or a major modification must earn at least 50 points for properties with a floor area ratio of 2.0 or less, and at least 70 points for properties with floor area ratios greater than 2.0 (out of 205 possible points). The total possible points in any category are provided in parentheses.

(1) Maintenance of original facades. (Total possible points = 10) Ten points are awarded for the adaptive reuse of an original building if its original facade design elements are not altered.

(2) Ground floor uses, building facades, and roofs. (Total possible points = 20) Points may be earned as follows:

(A) Retail and showroom uses. Ten points are awarded if a building's ground floor (excluding halls, restrooms, utility areas, and other public spaces) is allocated to retail and personal service uses or office showroom/warehouse uses.

(B) Restaurant uses. Ten points are awarded if a building's ground floor (excluding halls, restrooms, utility areas, and other public spaces) includes restaurant uses.

(C) Facade treatments. Ten points are awarded if the building's front facade is given texture and complexity by the inclusion of ground level entries more than 14 feet in height, porticos, indented entries, belt coursing or other horizontal banding, grid coursing, articulation of window openings, corner pilasters, rustication of the first floor,

changes of color, or ornamental iron.

(3) Pedestrian amenities. (Total possible points = 25) Five points each are awarded for benches, trash receptacles, awnings/canopies, bicycle parking racks, and pedestrian street lamps. These items should be creative and contemporary. Pedestrian amenities must be located within the curb-to- building area of the building site, but, if a hardship prohibits locating these in the curb-to-building area of the building site, the amenities may be placed within the public right-of-way as long as they meet city standards and licensing requirements and do not block free movement of pedestrians. Pedestrian amenities must be maintained and operated by the owner of the building site. If there is more than one owner, all owners are jointly responsible for maintenance. Such amenities include:

(A) Benches or exterior seating areas (maximum of one every 50 feet).

(B) Trash receptacles (maximum of five points).

(C) Awnings/canopies along the front facade.

(D) One five-bicycle stand per 100 feet of street frontage.

(E) At least one pedestrian street lamp (freestanding or wall mounted) per 50 feet of street frontage.

(4) Public art or water features. (Total possible points = 15) Fifteen points are awarded for public art or water features costing at least $2,500, limited to one per building site. In order to qualify for public art points, the public art must be visible from a public right-of-way at all times. Examples of public art could include art in an atrium or lobby that is visible from a public right-of-way, art incorporated into the sidewalk or building facade, or freestanding art. For purposes of this paragraph, "water features" means: fountains, pools, mechanical water jets, or similar water devices.

(5) Paving material. (Total possible points = 15) Five points are awarded per one- third increment of an outdoor private walkway area accessible to the public that is covered by decorative pavement. For purposes of this paragraph, "decorative pavement" means: colored concrete pavers; brick; stone; stamped, textured, or colored concrete; and exterior grade tile.

(6) Pedestrian orientation of building facade. (Total possible points = 20) Twenty points are awarded if a minimum of 25 percent of the front facade has transparent display windows or windows affording views into retail, office, or lobby space. The transparency requirement applies to the first 16 feet of height of the facade.

(7) Structured parking facilities. (Total possible points = 50) Fifty points are awarded for a structured parking facility if the design matches the facade of a new building or architecturally complements the facade of an original building.

(8) Energy conservation. (Total possible points = 15) Ten points are awarded for using solar, geothermal, or other non-petroleum, non-coal energy sources. Five points are awarded for planting twice the number of canopy trees required by Section 51P-621.112, "Landscaping."

(9) Permeable surface. (Total possible points = 15) Five points are awarded each third of an outdoor walkway or driveway with a permeable surface.

(10) LEED's credit. (Total possible points = 20) Twenty points are awarded for a project with a floor area ratio of more than 2 0 when the project complies with the following:

(A) A United States Green Building Council's Leadership in Energy and Environmental Design (LEED) Checklist, effective May 1, 2004, must be submitted with an application for a building permit for development, indicating how development will comply with a certified designation (26 to 32 project points). The development plans submitted for a building permit must be certified by a LEED accredited professional designated by the department of sustainable development and construction. Prior to the issuance of a building permit, the building official shall determine that the project is consistent with the standards and criteria for a LEED certified designation.

(B) If the developer is unable to achieve all of the green building rating system points identified on the checklist, the developer must replace any points not achieved with other green building rating system points acceptable under the United States Green Building Council's LEED rating system.

(C) All supporting documentation and templates related to the points previously approved by the city for the LEED certified level designation must be submitted with an application for a certificate of occupancy. A certificate of occupancy may not be issued until a LEED accredited professional designated by the department of sustainable development and construction certifies that the building complies with the LEED certified designation (26 to 32 project points).

(d) Approval by development plan. The city plan commission may approve new construction or a major modification that does not meet the requirements of Subsections (b) and (c) of this section if the development plan and elevations show that the new construction or major modification is consistent with the spirit and intent of this section.

(e) Fences and Walls in Subdistricts 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, and 1I. Fences and walls longer than 200 feet adjacent to any public street must be designed to prevent visual monotony through use of offsets, changes of materials and textures, gates or openings, or landscaping. (Ord. Nos. 25013; 25560; 26975; 27280; 28231; 28819; 30040; 30041; 30042; 30347)

SEC. 51P-621.114. SITE DESIGN REQUIREMENTS.

(a) Above-grade off-street parking. Parking is permitted on any level of a building.

(b) Median and curb cuts along Industrial Boulevard. Median and curb cuts to access railbeds for off-street parking from Industrial Boulevard, between Continental Avenue and Sylvan/Wycliff Avenue, must be approved by the director of public works and transportation. Traffic must be one-way from Industrial Boulevard westbound to Levee Street.

(c) Sidewalk standards for new construction.

(1) In general.

(A) Sidewalks complying with the standards of this subsection must be provided for all new construction.

(B) If a sidewalk is to be located in a front yard, a sidewalk easement must be dedicated to the city to assure its availability to the public for pedestrian access.

(C) Except as otherwise provided in this subsection, the requirements of Chapter 43, "Streets and Sidewalks," apply to all sidewalks.

(2) Location.

(A) Sidewalks must be located along the entire length of the street frontage.

(B) On state highways, sidewalks must be provided in the parkway, subject to Texas Department of Transportation approval. If Texas Department of Transportation approval cannot be obtained, the property is exempt from this requirement.

(C) (i) Except as provided in Subparagraph 51P-621.114(c)(2)(C)(ii) below, sidewalks must be located between five feet and 10 feet from the back of the projected street curb, except that sidewalks on Oak Lawn Avenue, Irving Boulevard, Market Center Boulevard, and Turtle Creek Boulevard must be located between five feet and 12 feet from the back of the projected street curb. Sidewalks may be located farther from the projected street curb to the extent necessary to preserve existing trees or structures or to comply with landscaping requirements.

(ii) In Subdistrict 1E, sidewalks must be located between zero feet and 10 feet from the back of the projected street curb, except that sidewalks on Oak Lawn Avenue, Irving Boulevard, Market Center Boulevard, and Turtle Creek Boulevard must be located between zero feet and 12 feet from the back of the projected street curb, but no more than 50 percent of the length of all sidewalks may be immediately adjacent to the street curb. In Subdistrict 1E, sidewalks may be located either closer to or farther from the projected street

curb to the extent necessary to preserve existing trees or structures or to comply with landscaping requirements.

(D) In Subdistricts 1E, 1F, 1G, and 1I, design and construction must be level with any connecting sidewalk for sidewalks crossing drive approaches.

(3) Width.

(A) Sidewalk widths must match the width of existing sidewalks in front of adjacent properties at the point of convergence. Where there are different sidewalk widths on each side of the street frontage, the new sidewalk must taper or expand to meet the incongruous sidewalks.

(B) Sidewalks must have an unobstructed minimum width of four feet, except that sidewalks on Oak Lawn Avenue, Irving Boulevard, Market Center Boulevard, and Turtle Creek Boulevard must have an unobstructed minimum width of six feet, and sidewalks in Subdistrict 1I must have a minimum unobstructed width of eight feet. For purposes of this provision, "unobstructed" means by structures or landscaping, excluding utility poles and service boxes.

(d) License to allow compliance with ADA requirements.

(1) If there is no other way to install ramps required by the Americans with Disabilities Act or similar state laws other than to install the ramps in the public right-of-way, the city council hereby grants a non-exclusive revocable license to the owners or tenants (with written consent of the owner) of all property within this special purpose district for the exclusive purpose of authorizing compliance with the Americans with Disabilities Act or similar state laws. An owner or tenant is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a building permit in accordance with the Dallas Building Code. This private license will not terminate at the end of any specific time period; however, the city council reserves the right to terminate this license at will, by resolution passed by the city council, at any time such termination becomes necessary. The determination by the city council of the need for termination is final and binding. The city shall become entitled to possession of the licensed area without giving any notice and without the necessity of legal proceedings to obtain possession when, in its judgment, the purpose or use of the license is inconsistent with the public use of the right-of-way or when the purpose or use of the license is likely to become a nuisance or threat to public safety. Upon termination of the license by the city council, each owner or tenant shall remove all improvements and installations in the public rights-of-way to the satisfaction of the director of public works and transportation.

(2) Upon the installation of ramp in the public right-of-way, the owners or tenants shall procure, pay for, and keep in full force and effect commercial general liability insurance coverage with an insurance company authorized to do business in the State of Texas and otherwise acceptable to the city, covering, but not limited to, the liability assumed under

the private license granted under this subsection, with combined single limits of liability for bodily injury and property damage of not less than $1,000,000 for each occurrence, and $2,000,000 annual aggregate. Coverage under this liability policy must be on an occurrence basis and the city shall be named as additional insured. Proof of such insurance must be sent to: Office of Risk Management, City of Dallas, 1500 Marilla, Dallas Texas 75201, and the policy must provide for 30 days prior written notice to the Office of Risk Management of cancellation, expiration, non-renewal, or material change in coverage. All subrogation rights for loss or damage against the city are hereby waived to the extent that they are covered by this liability insurance policy.

(3) Each owner or tenant is responsible for maintaining any ramps in good condition and repair, at no expense to the city, and the city is absolutely exempt from any requirements to make repairs or maintain any ramps. The granting of a license for ramps under this subsection does not release the owner or tenant from liability for the installation or maintenance of ramps in the public right-of-way.

(e) Exemption for Subdistrict 2. The site design requirements of this section do not apply to a bus or rail transit vehicle maintenance or storage facility use in Subdistrict 2. (Ord. Nos. 25013; 25560; 26102; 30040; 30041; 30042; 30347)

SEC. 51P-621.115. SCREENING REGULATIONS.

(a) Parking lot screening.

(1) Except as otherwise provided in this section, Section 51A-4.301(f), "Screening Provisions for Off-Street Parking," applies to all parking lots and parking structures.

(2) Fences may complement but not substitute for parking lot trees and shrubbery screening.

(3) The provision of screening for surface parking only applies to new construction. All surface parking must be screened from a street or access easement by using one or more of the following three methods to separately or collectively attain a minimum height of three feet above the parking surface:

(A) Earthen berm planted with turf grass or groundcover recommended for local area use by the director of parks and recreation. The berm may not have a slope that exceeds one foot of height per three feet of width.

(B) A fence constructed of one or more of the following: brick, stone, concrete masonry, stucco, concrete, wood, or other durable material. Wrought iron fences are allowed.

(C) Hedge-like evergreen plant materials recommended for local area use by the city arborist. The plant materials must be located in a bed that is at least three feet wide with a minimum soil depth of 24 inches. Initial plantings must be capable of obtaining a solid appearance within three years. Plant materials must be placed 36 inches on center over the entire length of the bed unless a landscape architect recommends an alternative planting density that the building official determines is capable of providing a solid appearance within three years.

(b) Screening of off-street loading spaces, dumpsters, and garbage storage areas.

(1) Except as otherwise provided in this subsection, screening of off-street loading spaces, dumpsters, and garbage storage areas must be provided in compliance with Section 51A-4.602, "Fence, Screening, and Visual Obstruction Regulations."

(2) All off-street loading spaces, dumpsters, and garbage storage areas must be screened from all public streets adjacent to the building site. Screening is not required on sides that are not visible from a public street.

(3) Screening of all off-street loading spaces, dumpsters, and garbage storage areas must be at least six feet in height.

(4) Screening is not required in the railbeds.

(c) Outdoor storage areas. Except for vehicle display, sales, and service uses and nursery, garden shop, and plant sales uses, all outdoor storage areas for commercial and business services uses and industrial uses must be entirely screened by an eight-foot solid screening fence, vegetative materials, or other alternative deemed appropriate by the building official.

(d) Exemption for Subdistrict 2. The screening regulations of this section do not apply to a bus or rail transit vehicle maintenance or storage facility use in Subdistrict 2. (Ord. Nos. 25013; 25560)

SEC. 51P-621.116. SIGNS.

(a) Except as otherwise provided in this section, signs must comply with the provisions for business zoning districts in Article VII.

(b) In Subdistrict 2, detached premise signs existing on the date of establishment of this special purpose district may remain, provided the sign and sign supports are maintained in a state of good repair and neat appearance at all times. See Section 51A-7.210, "General Maintenance."

(c) Projecting attached premise signs for retail and personal service uses are allowed, provided they do not project more than five feet from the building façade and are

between nine and 15 feet above the sidewalk. For purposes of this provision, a "projecting attached premise sign" means an attached premise sign projecting more than 12 inches from a building at an angle other than parallel to the façade. (Ord. Nos. 25013; 25560)

Staff's Recommendation:

No change.

CPC and Applicant's Request:

(d) In Subdistrict 1E, one rooftop-mounted metal framework premise sign is permitted, subject to the following conditions:

(1) A rooftop-mounted metal framework premise sign may be illuminated internally or externally or both.

(2) A rooftop-mounted premise sign may not exceed 1,200 square feet in effective area.

(3) At least 6.5 percent of the effective area of a rooftop-mounted premise sign must identify the Design District.

(4) A rooftop-mounted premise sign must comply with the Dallas Fire Code and must be approved by the Fire Marshal before a sign permit may be approved by the director.

SEC. 51P-621.117. ADDITIONAL PROVISIONS.

(a) The entire Property and any improvements in the public right-of-way must be properly maintained in a state of good repair and neat appearance. The city may remove any improvements in the public right-of-way that are not maintained in a state of good repair and neat appearance at the sole expense of the property owner, and may use any available legal remedy to recover the cost of removal from the property owner.

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

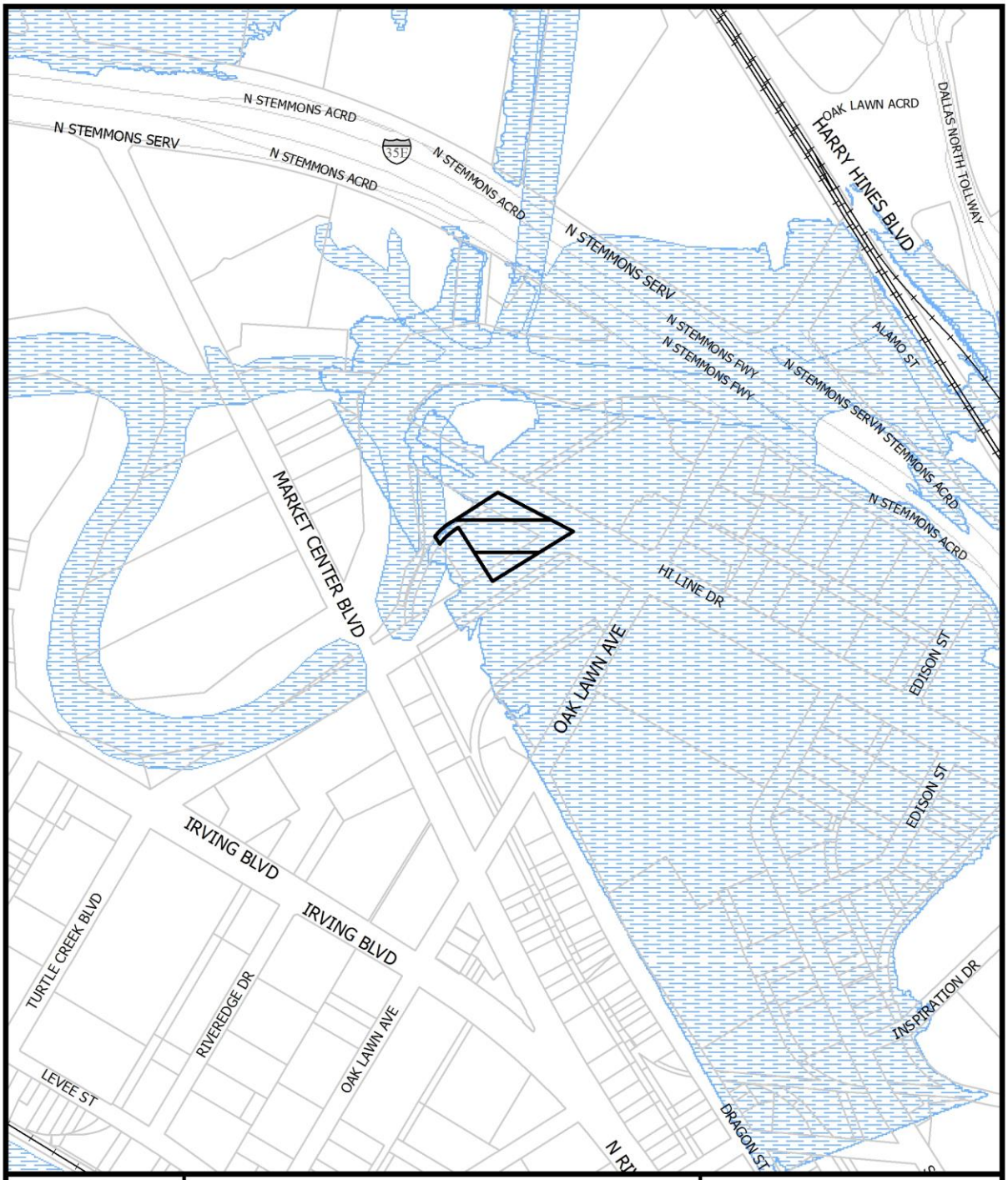
(c) In Subdistrict 1I, a traffic impact analysis is required in addition to the development impact review requirements in Division 51A-4.800 for a commercial amusement (inside), private recreation center, club, or area, or theater with a seating capacity of 10,000 or more. The area subject to review will include Subdistrict 1I and all property within a quarter mile. All infrastructure improvements essential to the operation of the use must be in place prior to the issuance of a certificate of occupancy for the use. The time period for review of the traffic impact analysis and development impact review is extended to 60 calendar days. (Ord. Nos. 25013; 25560; 26102; 30347)

SEC. 51P-621.118. COMPLIANCE WITH CONDITIONS.

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(b) The building official shall not issue a building permit to authorize work or a certificate of occupancy to authorize the operation of a use in this special purpose district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. Nos. 25013; 26102)

Sign Rendering—Not an Exhibit to this PD/Request



1:6,000

VICINITY MAP

Case no: Z178-268

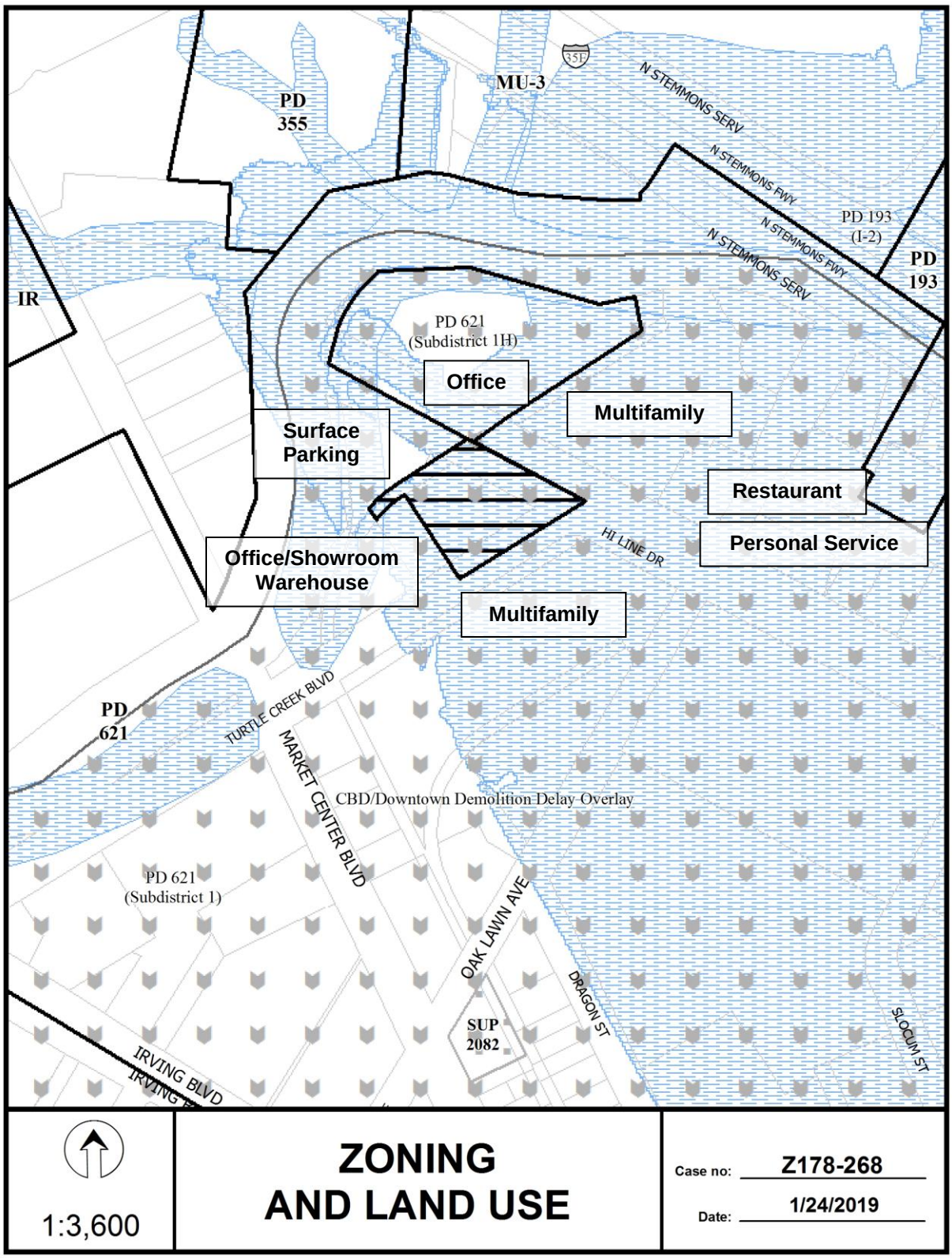
Date: 1/24/2019

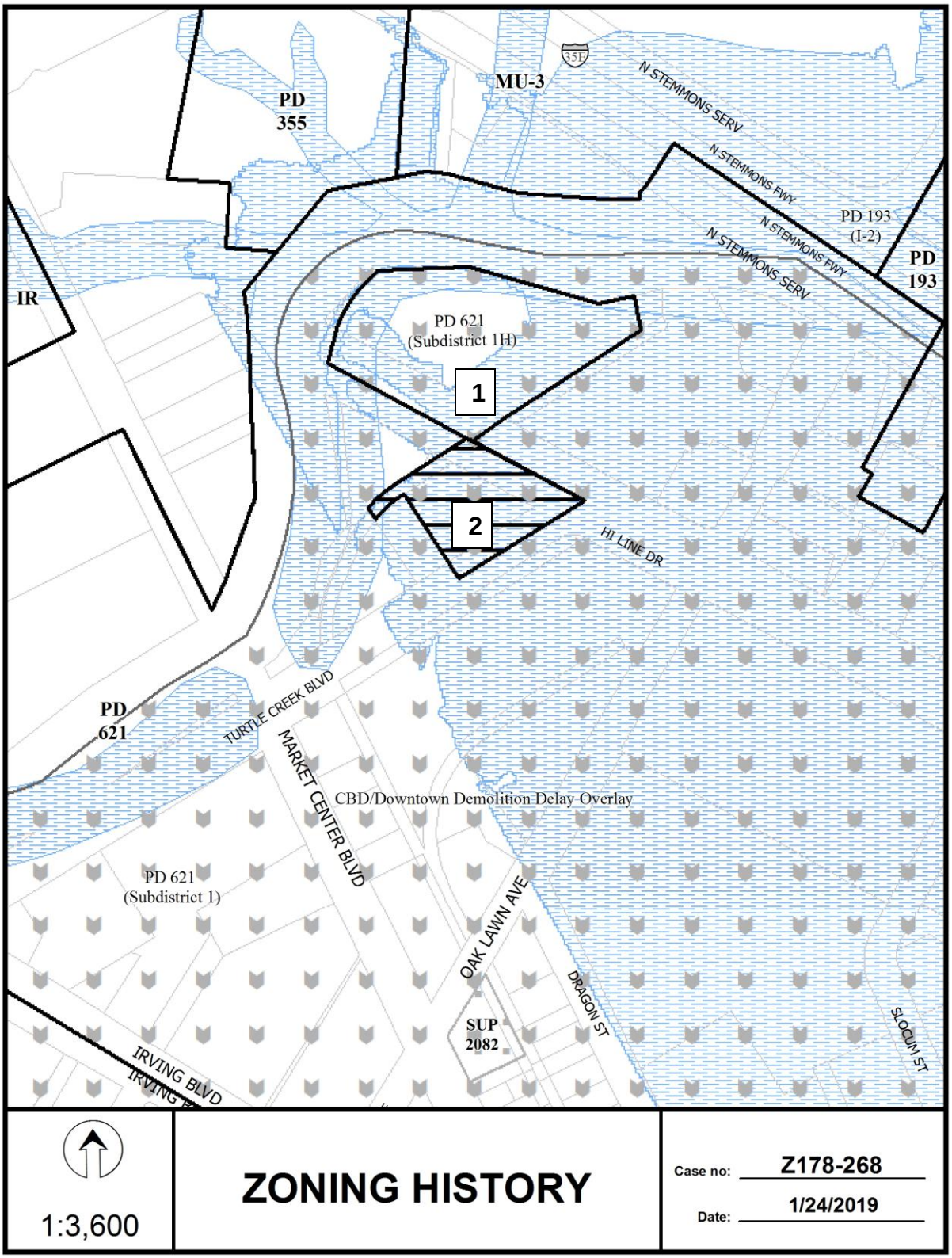
1:3,600

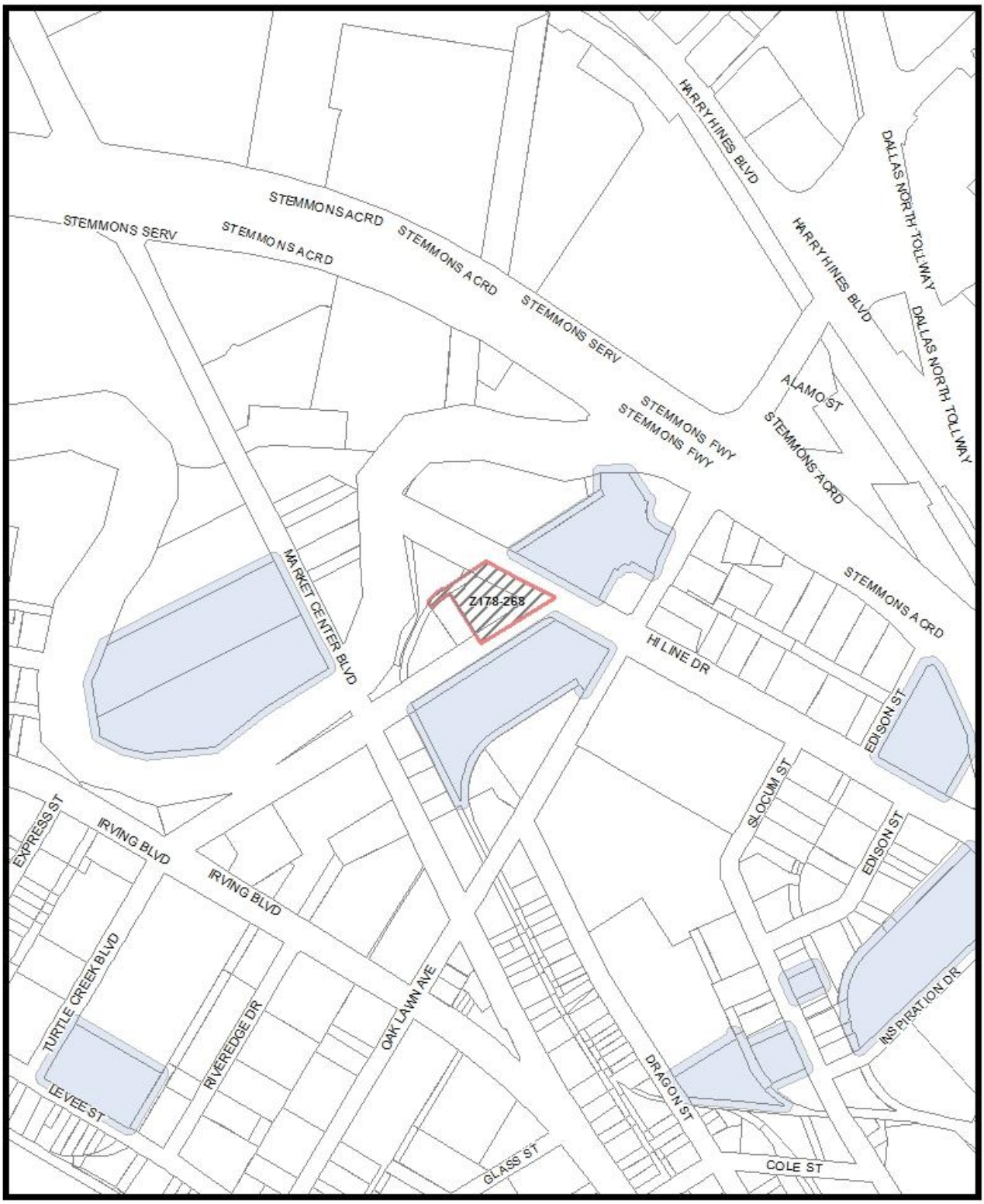
AERIAL MAP

Case no: Z178-268

Date: 1/24/2019


PD 355
MU-3
N STEMMONS SERV
N STEMMONS FWY
PD 193 (I-2)
PD 193
IR
PD 621 (Subdistrict 1H)
Office
Multifamily
Surface Parking
Restaurant
Personal Service
HI LINE DR
Office/Showroom Warehouse
Multifamily
PD 621
TURTLE CREEK BLVD
MARKET CENTER BLVD
CBD/Downtown Demolition Delay Overlay
PD 621 (Subdistrict 1)
OAK LAWN AVE
DRAGON ST
SLOCUM ST
SUP 2082
IRVING BLVD
1:3,600
ZONING AND LAND USE
Case no: Z178-268
Date: 1/24/2019


PD
355
MU-3
N STEMMONS SERV
N STEMMONS FWY
N STEMMONS FWY
N STEMMONS SERV
PD 193
(I-2)
PD
193
IR
PD 621
(Subdistrict 1H)
1
2
HI LINE DR
PD
621
TURTLE CREEK BLVD
MARKET CENTER BLVD
CBD/Downtown Demolition Delay Overlay
PD 621
(Subdistrict 1)
OAK LAWN AVE
DRAGON ST
SUP
2082
SLOCUM ST
IRVING BLVD
1:3,600
ZONING HISTORY
Case no: Z178-268
Date: 1/24/2019



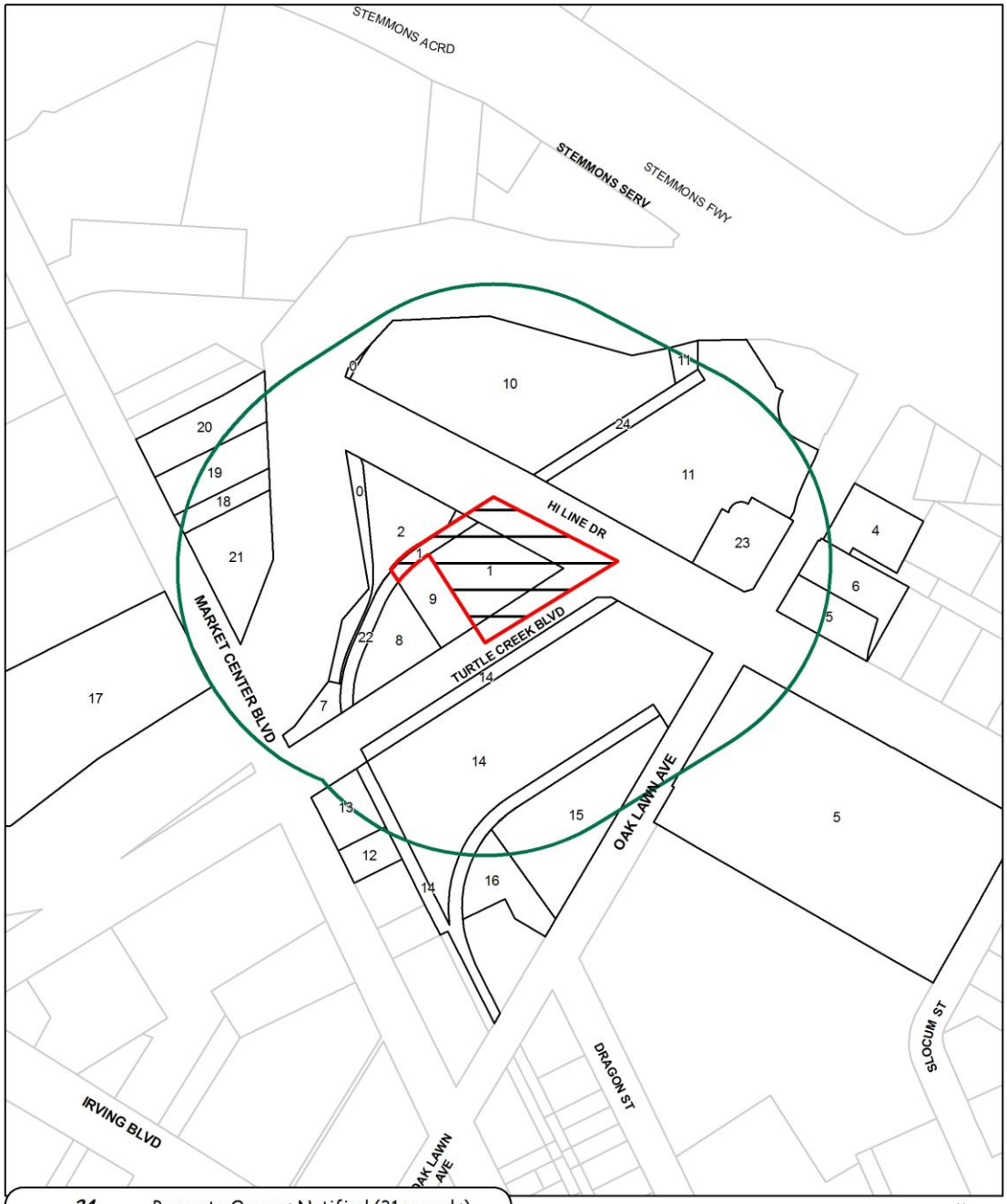
MVACluster A B C D E F G H I NA

1:6,000

Market Value Analysis

Printed Date: 1/25/2019

CPC RESPONSES



24	Property Owners Notified (31 parcels)
0	Replies in Favor (0 parcels)
0	Replies in Opposition (0 parcels)
500'	Area of Notification
2/7/2019	Date

Z178-268
CPC

1:3,600

02/06/2019

Reply List of Property Owners

Z178-268

24 Property Owners Notified ***0 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	1909	HI LINE DR	DD DUNHILL HOTEL LLC
	2	1935	HI LINE DR	FEIZY PROPERTIES LTD
	3	1923	HI LINE DR	SOUTHWESTERN BELL
	4	1628	OAK LAWN AVE	DD DUNHILL LLC
	5	1616	OAK LAWN AVE	DD DUNHILL 2017 LLC &
	6	1620	OAK LAWN AVE	GREEN JACK D & MERIKAY
	7	1900	MARKET CENTER BLVD	FBDWLL PARTNERS LP
	8	1401	TURTLE CREEK BLVD	AZOFF IRVING CO TR
	9	1405	TURTLE CREEK BLVD	BAYSWATER 1405 LLC
	10	1930	HI LINE DR	BOP DALLAS DESIGN LLC
	11	1922	HI LINE DR	1900 HI LINE DUNHILL LLC &
	12	1810	MARKET CENTER BLVD	ITZIG JERRY M &
	13	1330	TURTLE CREEK BLVD	NICENE PROPERTIES LLC
	14	1551	OAK LAWN AVE	FUND DESIGN DISTRICT LLC
	15	1505	OAK LAWN AVE	SKL INVESTMENTS CO LTD
	16	1401	OAK LAWN AVE	BLACKSTONE WARREN L
	17	1931	MARKET CENTER BLVD	ALTA STRAND LP
	18	1944	MARKET CENTER BLVD	CHARALAMBOPOULOS FAYE
	19	1950	MARKET CENTER BLVD	CHARALAMBOPOULOS FAY
	20	2006	MARKET CENTER BLVD	SHENDELMAN CHUNG
	21	1926	MARKET CENTER BLVD	MARKET CENTER BLVD LLC
	22	1300	TURTLE CREEK BLVD	AZOFF IRVING CO TR
	23	1621	OAK LAWN AVE	TOWER LAND & INV CO
	24	1900	HI LINE DR	DD DUNHILL LLC

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-358 **Item #:** 54.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): 14

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development Subdistrict No. 45 within Planned Development District No. 193, the Oak Lawn Special Purpose District, for a public school on property generally bound by Allen Street, McKinney Avenue, Sneed Street, and Cole Avenue
Recommendation of Staff: Denial
Recommendation of CPC: Approval, subject to a revised development plan, a revised landscape plan, a traffic management plan and conditions
Z178-313(PD)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, MARCH 27, 2019**

ACM: Majed Al-Ghafry

FILE NUMBER:	Z178-313(PD)	**DATE FILED:**	July 26, 2018
LOCATION:	Bound by Allen Street, McKinney Avenue, Sneed Street, and Cole Avenue		
COUNCIL DISTRICT:	14	**MAPSCO:**	45 B
SIZE OF REQUEST:	Approx. 2.47 acres	**CENSUS TRACT:**	18.00

APPLICANT/OWNER: Dallas I.S.D

REPRESENTATIVE: Karl A. Crawley, MasterPlan Consultants

REQUEST: An application for an amendment to Planned Development Subdistrict No. 45 within Planned Development District No. 193, the Oak Lawn Special Purpose District, for a public school.

SUMMARY: The applicant proposes the amendment to facilitate the addition of 26,000 square feet, increase the maximum structure height, remove a drive approach, allow and add a definition of a “swing space portable”, and designate the off-street parking requirement for the school use. [William B Travis Academy]

CPC RECOMMENDATION: **Approval**, subject to a revised development plan, a revised landscape plan, a traffic management plan and conditions**.**

STAFF RECOMMENDATION: **Denial.**

BACKGROUND INFORMATION:

- Planned Development District No. 193 was approved by City Council on February 8, 1985.

- Planned Development Subdistrict No. 45 within PDD No. 193 was approved by City Council on August 23, 2000. The PDD request considered the following: 1) fence height greater than four feet in the required front yards; 2) permit a portion of the off-street parking in the required front yard; and 3) provide landscaping that meets the spirit of the landscape regulations of PDD No. 193. [Z990-211]

- The PDS request provided for a total of 19 classrooms including 11 elementary classrooms, 8 middle school classrooms, and 9 rooms utilized for laboratory and other related uses. The parking requirements as outlined in the corresponding report required 1.5 spaces per kindergarten/elementary, 3.5 spaces per junior high/middle school, and 9.5 spaces per senior high school classrooms with a total of 45 off-street parking spaces required with 39 existing spaces and 21 spaces to be provided in the future (60).

- On July 3, 2012, a minor amendment to the development/landscape plan was approved. The amended development/landscape plan increased the number of classrooms by four classrooms for a total of 23 classrooms with 49 off-street parking spaces required rather than the 60 as stipulated in PDS No. 45.

- The area of request is currently developed with a public school. [William B Travis Academy]

- With this current request, the applicant proposes to amend the ordinance, development plan and landscape plan to increase the maximum height from 40 feet to 48 feet to allow for an addition of a 3-story, 26,000-square-foot structure, allow and define a swing space portable use, remove a drive approach, and designated the off-street parking requirement for the school use.

- While staff received a revised Traffic Management Plan (TMP) and development plan, staff did not receive a parking study to justify a reduction in the off-street parking requirement.

- Upon review of the revised TMP and development plan, staff has determined that concerns with the queuing have been satisfactorily addressed; however, staff has determined that the request to reduce the off-street parking requirements has not been justified.

Zoning History: There have been no zoning requests in the area within the past five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
McKinney Avenue	Principal Arterial	Variable Width ROW
Allen Street	Minor Arterial	50 ft.
Sneed Street	Minor Arterial	50 ft.
Cole Avenue	Minor Arterial	50 ft.

Traffic

The Engineering Division of the Sustainable Development and Construction Department reviewed the proposed request and determined that the request will have a negative impact on the existing and future street system. Their specific concerns are summarized below:

> The City of Dallas performed a crossing guard study at the request site and determined that the site qualifies and would benefit from providing a crosswalk and placement of a crossing guard to increase student safety for more than twenty students crossing the street. The zoning request is an opportunity for DISD to provide this installation however if a zoning request was not sought the City of Dallas would provide installation of the crosswalk. Therefore, the school should coordinate with the City of Dallas.

The revised TMP incorporates and addresses the location of a proposed crosswalk and placement of a crossing guard.

Land Use:

	Zoning w/in PDD No. 193	Land Use
Site	PDS No. 45	Public School
Northwest	O-2	Multifamily, Office
Northeast	O-2	Multifamily, Animal Clinic
Southeast	LC	Multifamily, Office
Southwest	PDS No. 7	Mixed Use

STAFF ANALYSIS:

Area Plans:

The Oak Lawn Special Purpose District and the Oak Lawn Plan include the following objectives:

(1) To achieve buildings more urban in form.

(2) To promote and protect an attractive street level pedestrian environment with continuous street frontage activities in retail areas.

(3) To encourage the placement of off-street parking underground or within buildings similar in appearance to non-parking buildings.

(4) To promote development appropriate to the character of nearby neighborhood uses by imposing standards sensitive to scale and adjacency issues.

(5) To use existing zoned development densities as a base from which to plan, while providing bonuses to encourage residential development in commercial areas.

(6) To discourage variances or zoning changes which would erode the quantity or quality of single-family neighborhoods or would fail to adhere to the standards for multiple-family neighborhoods and commercial areas.

(7) To promote landscape/streetscape quality and appearance.

Staff's objective is to balance the increase in development rights while ensuring and protecting the pedestrian realm. While the request is envisioned to be in scale with existing developments in the area and therefore meet the objective of number 4, the proposed request may pose significant traffic concerns that will impact the pedestrian and vehicular realm. The remaining six objectives provide standards intended for new construction consisting of retail and multifamily developments within PDD No. 193, the Oak Lawn Special Purpose District and are therefore not applicable to this request.

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 following elements are inconsistent with the Comprehensive Plan.

LAND USE ELEMENT

GOAL 1.4 Coordinate planning activities to balance transportation, land use, Infrastructure and environment

Policy 1.4.1 Coordinate development and planning activities.

The Transportation Division has advised that McKinney Avenue during future two-way operation may or may not have two lanes in the southbound direction. The proposed queuing on McKinney Avenue in the southbound direction would not be possible if it was one-lane in the southbound direction.

TRANSPORTATION ELEMENT

GOAL 4.2 Promote a variety of transportation options

Policy 4.2.3 Promote efficient, cost-effective and environmentally friendly movement of vehicles.

URBAN DESIGN ELEMENT

GOAL 5.3 Establishing walk-to convenience

Policy 5.3.2 Direct pedestrian routes to home, school or work.

NEIGHBORHOOD PLUS

Policy 4.2 Support and leverage emerging school quality and school choice programs.

Land Use Compatibility:

The purpose of the requested amendment will permit consideration of the following: 1) to facilitate the addition of 26,000 square feet; 2) increase the maximum structure height from 40 feet to 48 feet; 3) remove one of the three drive approaches; 4) allow and add a definition of a “swing space portable with a provision that the swing space portables be removed by December 31, 2020, and; 5) designate the off-street parking requirement for the school use.

The property is surrounded by a mix of uses – high density residential to the northwest, northeast, and southeast with office uses to the northwest and southeast, and a mixed use development consisting of retail on the ground level and multifamily on the upper levels with supporting retail uses and high density residential to the southwest. Additionally, DART light rail is situated immediately adjacent along McKinney Avenue to the east.

Parking:

The request seeks to reduce the required parking per Section 51A-4.204(C)(ii) of the Code which requires three and one-half spaces for each junior high/middle school classroom, inclusive of sixth grade classes. Additionally, while Sec. 51P-193.113(g)(A)(i) allows reduction of the off-street parking requirement with very specific criteria, such reductions are only allowed to a maximum of ten percent. Therefore, because 66 off-street spaces are required, a ten percent reduction would still require 59 off-street spaces be provided and payment in the Oak Lawn Transit Fund in accordance with 51P-193.11(g)(2).

Additionally, when a request seeks to reduce the off-street parking requirement, staff requests a parking study for review. The parking study is performed by a licensed professional engineer and provides observed statistical data which aids staff in

determining current and future impact of the requested off-street parking reduction. Alternatively, when a parking study is not provided, staff relies on the Transportation and Engineering Division of the Sustainable Development and Construction Department for guidance.

In deferring to the Engineering Division, staff was advised that a parking study would be required for staff to support and justify any deviation from the off-street parking requirement or to refute staff's assumption that all grades at Travis Academy (4th through 8th) very likely generates the same number of parked vehicles per classroom because at this campus all classrooms have approximately the same teacher-to-student ratio for each of the grades.

The requirement for off-street parking for a school, pursuant to the Dallas Development Code is;

- one and one-half for each kindergarten/elementary school classroom;
- three and one-half for each junior high/middle school classroom; and
- nine and one-half for each senior high school classroom.

Staff researched the history of the off-street parking requirement for the school to determine whether noncompliance with the off-street parking requirement was imposed by the City following the Texas Administrative Code and Texas Education Code for grade classification designating a sixth grade classroom as a junior/middle school with a parking ratio of 3.5 spaces per classroom rather than the ratio of 1.5 spaces per classroom.

The school was originally constructed in 1956. At that time, the parking requirement was one parking space for every 15 seats, resulting in 21 off-street parking spaces (308/15 = 21). The Planned Development Subdistrict was subsequently created on August 23, 2000, and reflected 19 classrooms. A minor amendment application submitted in 2012 reflected a total of 23 classrooms for the school.

Using the classroom count from 2012, the total number of classrooms has increased by three, for a total of 26 classrooms.

	April 2000 classrooms	**July 3, 2012 classrooms**	**January 2019 classrooms (proposed request)**
4th grade	4	Unknown	6
5th grade	3	Unknown	7
6th grade	3	Unknown	7
7th grade	5	Unknown	3
8th grade	5	Unknown	3
Total:	20	23	26

Per the existing PDS, 60 parking spaces are required. The request to amend the PDS will increase the required parking to 66 spaces with the specific breakdown as follows: 20 off-street parking spaces to accommodate the elementary school classrooms and 46 off-street parking spaces to accommodate the middle school classrooms.

While staff believes it would be punitive to enforce compliance with the 66 required off-street parking spaces per Code, staff does believe that it is reasonable to ensure that the school use does not impose its shortage of off-street parking onto the adjacent properties.

As demonstrated in the table above, since 2000, the number of classrooms has increased for the fourth, fifth, and sixth grade classes, while the seventh and eighth grade classes have decreased. Therefore, staff recommends that the increased number of sixth grade classrooms (4) comply with the junior high/middle school ratio of 3.5 spaces per classroom as required by Code, while the existing (3) classrooms continue its “noncomformity” and retain the ratio of 1.5 spaces. Classifying sixteen classrooms as kindergarten/elementary school with a required parking ratio of 1.5 results in a total of 24 off-street parking spaces required. The remaining 10 classrooms classified as junior high/middle school would be subject to a parking ratio of 3.5 for a total of 35 off-street parking spaces. Using this methodology, the site will be required to provide 59 off-street parking spaces. In addition, staff believes that any additional sixth grade classrooms will need to comply with the current middle school ratio.

To summarize, per staff’s recommendation, the school will be required to provide 59 off-street parking spaces rather than the 66 required by Code.

However, the applicant seeks to provide 52 off-street spaces by designating the off-street parking requirement for the school use. Classifying 20 classrooms as kindergarten/elementary (20x1.5=30) and 6 classrooms as junior/middle (6x3.5=21) results in a total of 51 required off-street spaces.

Staff’s recommendation would result in seven more spaces than the total of 52 that the applicant has requested.

Further warranting staff’s recommendation of denial, during construction the school plans to operate with a greater off-street parking deficiency by only providing 30 of the requested 52 off-street parking spaces due to swing space portables encroaching into 22 of these spaces. The swing space portables are proposed to be removed in December of 2020. However, due to the site being in a dense urban area, the proposed swing spaces will further limit the available spaces that could be utilized for parking thereby increasing difficulty in logistics. Fundamentally, staff believes the site is being over developed which prevents compliance with the off-street parking requirements. Staff has supported other requests for schools that include swing space during construction phases. However, in those instances, the schools maintained sufficient space available to support the swing space as well as provided required parking.

This case represents the challenges faced by an existing school in a more urban area with limited property but the need for expansion. Staff believes a slightly smaller addition

would provide adequate parking and maneuverability during the construction phase and the appropriate parking for the school after the addition is completed.

Compliance with the off-street parking requirement will necessitate significant changes to the proposed development plan by decreasing the footprint of the 26,000-square-foot addition to provide the additional seven parking spaces (per staff's recommendation of 52 spaces) or the additional fourteen parking spaces (per the Code requirement of 66 spaces). The change that would be required to the development plan will then trigger the need for a revised landscape plan and traffic management plan.

Landscaping:

Landscape will comply with the proposed landscape plan. The proposed landscape plan will significantly increase the landscape along all perimeters of the site.

Market Value Analysis:

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. While the area of request is not in an MVA category, the request is immediately adjacent to both an "E" and "C" MVA category.

List of Officers
Dallas Independent School District

Board of Trustees

District 1	Edwin Flores, President
District 2	Dustin Marshall
District 3	Dan Micciche, 1st Vice President
District 4	Jaime Resendez
District 5	Lew Blackburn, Ph.D.
District 6	Joyce Foreman, 2nd Vice President
District 7	Audrey Pinkerton
District 8	Miguel Solis
District 9	Justin Henry, Board Secretary

CPC ACTION:
FEBRUARY 7, 2019

Motion: It was moved to recommend **approval** of an amendment to Planned Development Subdistrict No. 45 within Planned Development District No. 193, the Oak Lawn Special Purpose District, for a public school, subject to conditions with the following modifications: 1) SEC. S-45.108., OFF-STREET PARKING AND LOADING., (a) remove "For purposes of parking an elementary school is considered as grades K-6 and a middle school is considered as grades 7 and 8." and insert a subparagraph to read as follows: "(b) For a public school, 52 spaces are required." and 2) SEC. S-45.113., ADDITIONAL PROVISIONS., (a) Public School., revised to include the following: "(2) A parking agreement is required prior to the issuance of a building permit. A lease agreement may serve as evidence of a parking agreement." on property bounded by Allen Street, McKinney Avenue, Sneed Street, and Cole Avenue.

Maker: Ridley
Second: Murphy
Result: Carried: 9 to 0

For: 9 - Davis, Shidid, Carpenter, Lewis, Jung, Housewright, Murphy, Ridley, Tarpley

Against: 0
Absent: 2 - MacGregor, Schultz
Vacancy: 4 - District 2, District 3, District 7, District 12

Notices: Area: 500 Mailed: 289
Replies: For: 4 Against: 0

Speakers: For: Karl Crawley, 900 Jackson St., Dallas, TX, 75202
Against: None

CPC RECOMMENDED CONDITIONS

Division S-45. PD Subdistrict 45.

SEC. S-45.101. LEGISLATIVE HISTORY.

PD Subdistrict 45 was established by Ordinance No. 24353, passed by the Dallas City Council on August 23, 2000. Ordinance No. 24353 amended Ordinance No. 21859, PD 193 (the Oak Lawn Special Purpose District), as amended, and Ordinance No. 10962, Chapter 51 of the Dallas City Code, as amended. (Ord. Nos. 10962; 21859; 24353; 25267)

SEC. S-45.102. PROPERTY LOCATION AND SIZE.

PD Subdistrict 45 is established on property generally bounded by Allen Street, McKinney Avenue, Sneed Street, and Cole Avenue. The size of PD Subdistrict 45 is approximately 2.014 acres. (Ord. Nos. 24353; 25267)

SEC. S-45.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions contained in Chapter 51 and in Part I of this article apply to this division. In the event of a conflict, this division controls. In the event of a conflict between Chapter 51 and PD 193, PD 193 controls. In this division, SUBDISTRICT means a subdistrict of PD 193.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this division are to articles, divisions, or sections in Chapter 51.

(c) This subdistrict is considered to be a residential zoning district. (Ord. Nos. 24353; 25267)

SEC. S-45.104. DEVELOPMENT/~~LANDSCAPE~~ PLAN.

(d) For a public school use, development and use of the Property must comply with the development/~~landscape~~ plan (Exhibit S-45A). In the event of a conflict between the text of this division and the development/~~landscape~~ plan, the text of this division controls.

(e) For all other uses, no development plan is required, and the provisions of Section 514.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply. (Ord. Nos. 24353; 25267)

SEC. S-45.105. MAIN USES PERMITTED.

(f) Public school.

(g) Except as provided in Subsection (a), the only uses permitted in this subdistrict are those uses permitted in the MF-2 Multiple-family Subdistrict, subject to the same conditions applicable in the

MF-2 Multiple-family Subdistrict as set out in Part I of this article. For example, a use permitted in the MF-2 Multiple-family Subdistrict of PD 193 by specific use permit (SUP) is permitted in this PD subdistrict only by SUP; a use subject to development impact review (DIR) in the MF-2 Multiple-family Subdistrict of PD 193 is subject to DIR in this PD subdistrict, etc. (Ord. Nos. 24353; 25267)

SEC. S-45.106. ACCESSORY USES.

See Section 51P-193.108, "Accessory Uses." (Ord. Nos. 24353; 25267)

SEC. S-45.107. YARD, LOT, AND SPACE REGULATIONS.

(a) Front yard.

(1) For a public school use, minimum front yard is as shown on the development/landscape plan.

(2) For all other uses, minimum front yard is the same as in the MF-2 Multiple-family Subdistrict in PD 193.

(b) Side and rear yard. Minimum side and rear yards are the same as in the MF-2 Multiple-family Subdistrict in PD 193.

(c) Minimum lot area per dwelling unit. Minimum lot area per dwelling unit is the same as in the MF-2 Multiple-family Subdistrict in PD 193.

(d) Floor area ratio. No maximum floor area ratio.

(e) Height.

(3) For a public school use, maximum structure height is **~~40~~** **48** feet.

(4) For all other uses, maximum structure height is the same as in the MF-2 Multiple-family Subdistrict in PD 193.

(f) Lot coverage.

(5) For a public school use, maximum lot coverage is 40 percent.

(6) For all other uses, maximum lot coverage is the same as in the MF-2 Multiple-family Subdistrict in PD 193.

(7) Aboveground parking structures are included in lot coverage calculations, but surface parking lots and underground parking structures are not. (Ord. Nos. 24353; 25267)

SEC. S-45.108. OFF-STREET PARKING AND LOADING.

(a) For a public school use, parking may be provided in the front yard as shown on the **development plan**./~~landscape~~ plan. ~~**For purposes of parking an elementary school is considered as grades K-6 and a middle school is considered as grades 7 and 8.**~~

(b) **For a public school, 52 spaces are required.**

(c) For all other uses, consult the use regulations (Section 51P-193.107) for the specific off-street parking and loading for each use. Consult the off-street parking and loading regulations in Part I of this article for information regarding off-street parking and loading generally. (Ord. Nos. 24353; 25267)

SEC. S-45.109. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI. (Ord. Nos. 24353; 25267)

SEC. S-45.110. LANDSCAPING.

(a) For a public school use:

(8) Landscaping must be provided as shown on the ~~development/~~landscape plan (Exhibit S-45B) within six months after passage of Ordinance No. 24353, except in the area identified as "Buildable Area."

(9) Within three months after issuance of a certificate of occupancy for any development within the area identified as "Buildable Area," a minimum of three trees, each a minimum of three-and-one-half caliper inches and a minimum of 14 feet in height, must be provided on the Property.

(b) For all other uses, landscaping must be provided in accordance with the landscape requirements contained in Part I of this article.

(c) Plant material must be maintained in a healthy, growing condition. (Ord. Nos. 24353; 25267)

SEC. S-45.111. FENCING.

Fencing may be provided as shown on the development/landscape plan, but is not required. (Ord. Nos. 24353; 25267)

SEC. S-45.112. SIGNS.

Signs must comply with the provisions for non-business zoning districts contained in Article VII. (Ord. Nos. 24353; 25267)

SEC. S-45.113. ADDITIONAL PROVISIONS.

(a) Public school.

(1) Swing space portables are limited to the areas shown on the development plan and must be removed by December 31, 2020 or by the issuance of a certificate of occupancy or final inspection of the future three-story addition shown on the development plan, whichever is sooner.

(2) As evidence of a parking agreement, a lease agreement is required prior to the issuance of a building permit.

SEC. S-45.113. GENERAL REQUIREMENTS.

(a) The entire Property must be properly maintained in a state of good repair and neat appearance.

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

(c) Except as otherwise specified in this division or as shown on the development/landscape plan, development and use of the Property must comply with Part I of this article. (Ord. Nos. 24353; 25267; 26102)

SEC. S-45.114. PAVING.

All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation. (Ord. Nos. 24353; 25267; 26102)

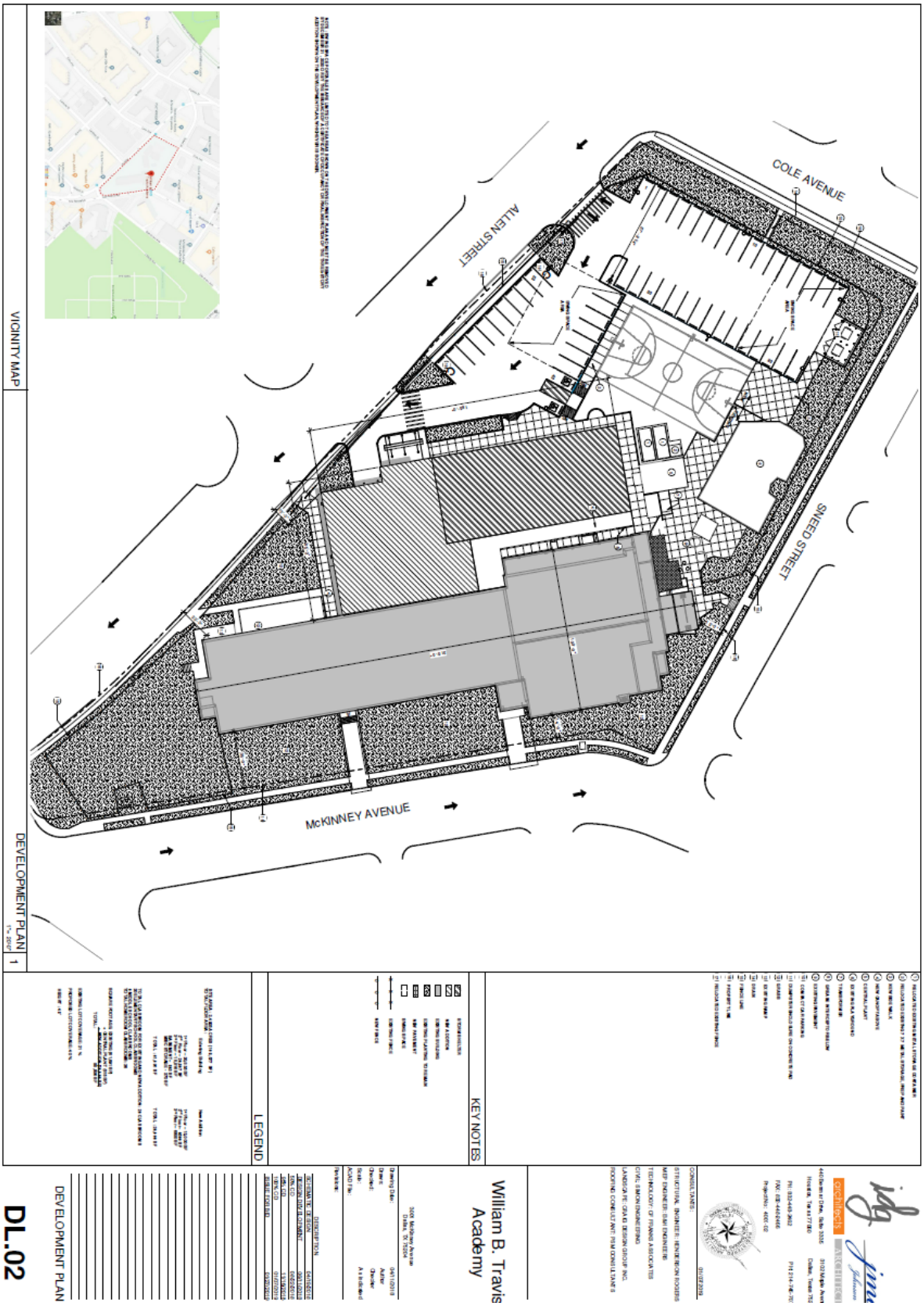
SEC. S-45.115. COMPLIANCE WITH CONDITIONS.

The building official shall not issue a building permit or a certificate of occupancy for a use in this planned development subdistrict until there has been full compliance with this division, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. Nos. 24353; 25267; 26102)

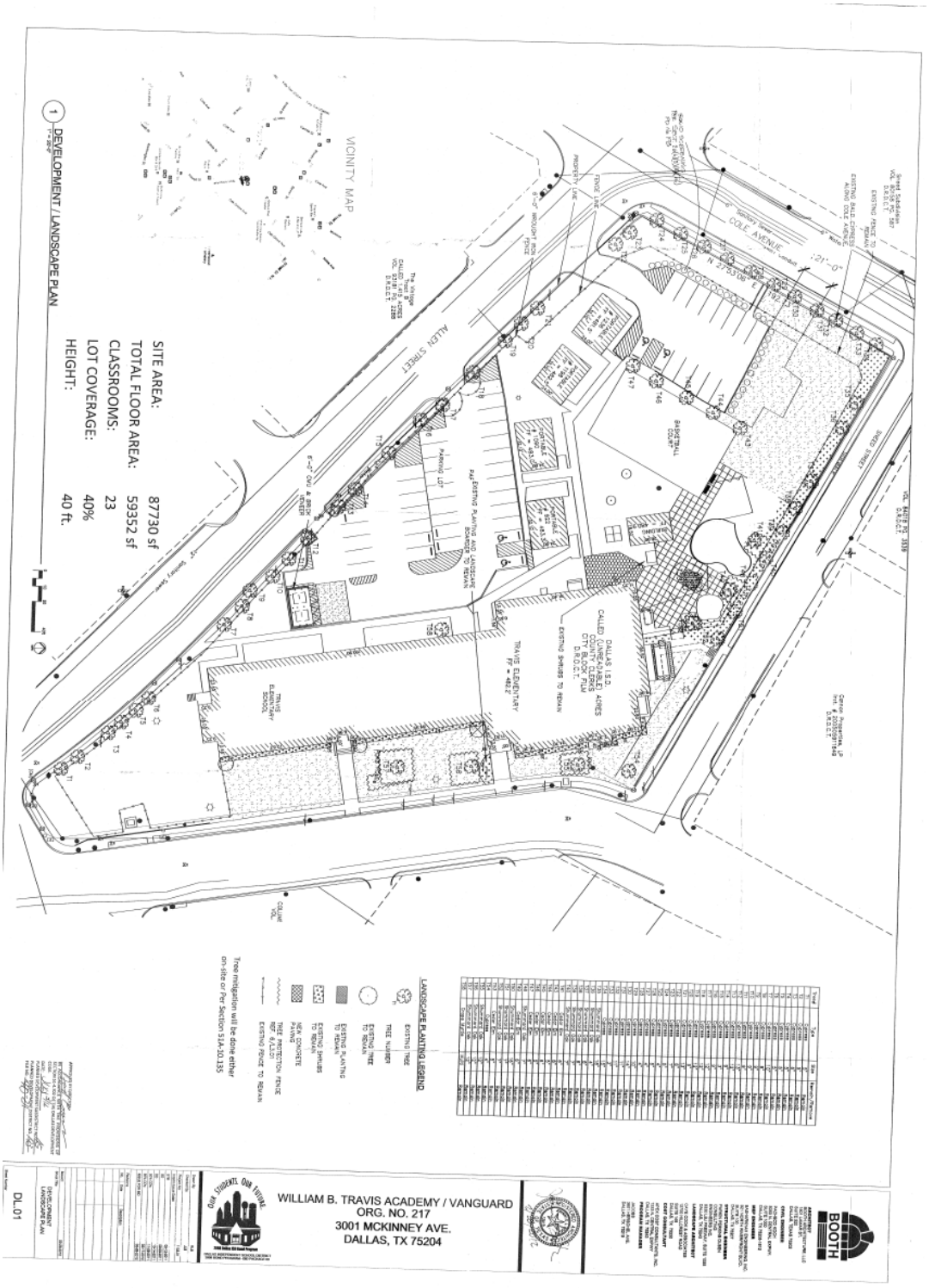
SEC. S-45.116. ZONING MAP.

PD Subdistrict 45 is located on Zoning Map No. I-7. (Ord. Nos. 24353; 25267)

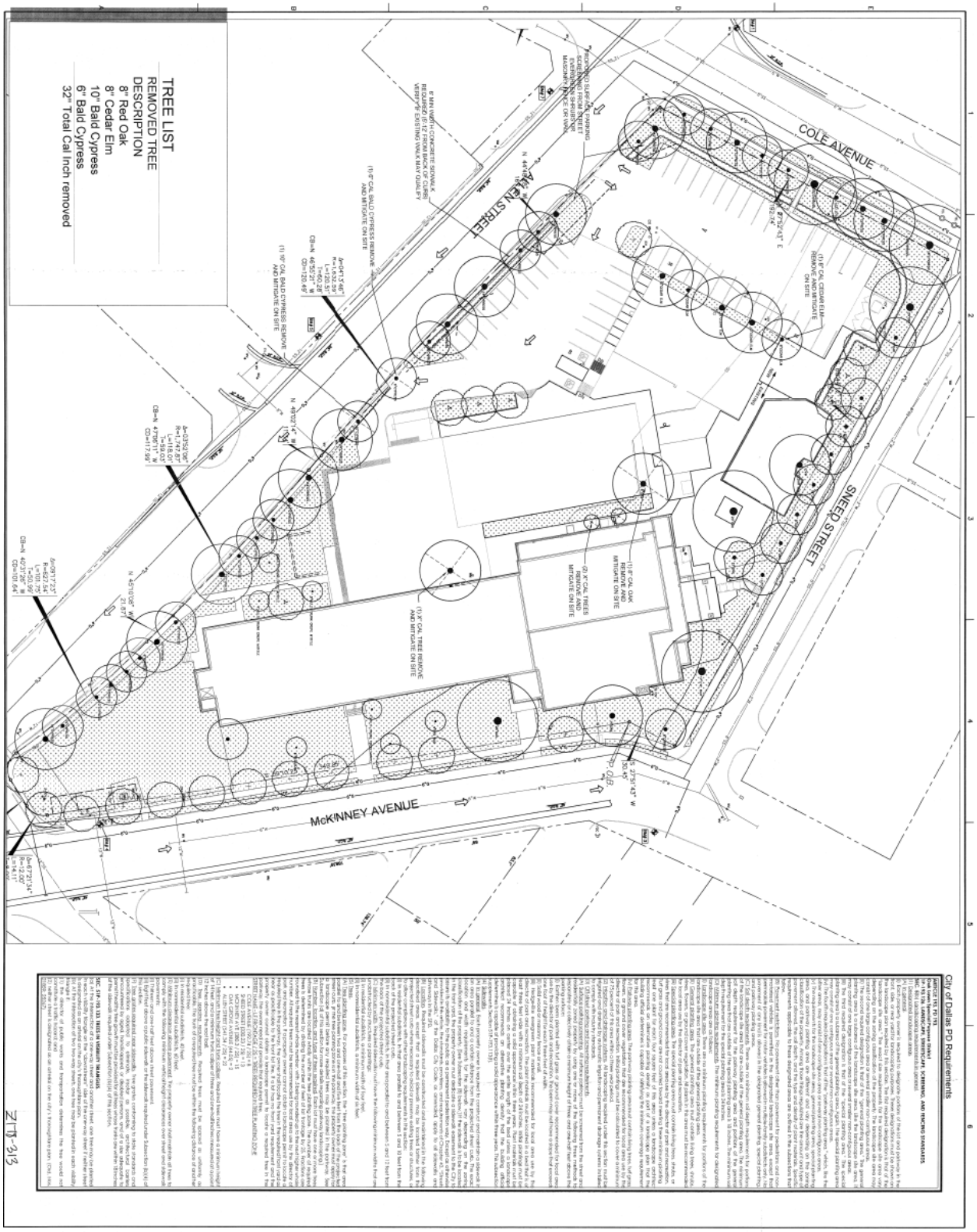
Proposed Development Plan



Existing Development/Landscape Plan



Proposed Landscape Plan



Proposed Traffic Management Plan

January 9, 2019
PK# 3226-17.448

TRAFFIC MANAGEMENT PLAN

Project:
DISD William B. Travis Academy/Vanguard
In Dallas, Texas

Prepared for:
City of Dallas

On behalf of:
Dallas Independent School District

Prepared by:

Hunter W. Lemley, P.E.

STATE OF TEXAS
HUNTER W. LEMLEY
125343
LICENSED
PROFESSIONAL ENGINEER

Pacheco Koch

7557 Rambler Road, Suite 1400
Dallas, Texas 75231-2388
(972) 235-3031 www.pkce.com
TX.REG: ENGINEERING FIRM F-469
TX. REG. SURVEYING FIRM LS-100080-00

January 9, 2019

Pacheco Koch

TRAFFIC MANAGEMENT PLAN
DISD William B. Travis Academy/Vanguard

Dallas, Texas

TABLE OF CONTENTS

INTRODUCTION 1
School Description *1*
TMP Objectives *2*
Methodology *3*
Expectations *3*
Changes to TMP *4*

Traffic Management Plan 5
Acknowledgement Statement *6*

Exhibit 1. Recommendations/Proposed Conditions (McKinney Avenue One-Way Operational)

Exhibit 2. Recommendations/Proposed Conditions (McKinney Avenue Two-Way Operational)

INTRODUCTION

The services of **Pacheco Koch** (PK) were retained by Masterplan, on behalf of **Dallas Independent School District**, to prepare a Traffic Management Plan (TMP) for William B. Travis Academy/Vanguard (the "School") located at 3001 McKinney Avenue in Dallas, Texas. This TMP is site-specific and relates to the peak traffic activity associated with school traffic at the site.

DISD is seeking amend the Planned Development District for the property from the City of Dallas (the "Approving Agency") to facilitate proposed site Improvements. Submittal of a TMP, prepared by a registered professional engineer experienced and skilled in the field of traffic/transportation engineering, is one of the requirements of Approving Agency's application process. This TMP was prepared by registered professional engineers employed by Pacheco Koch. Pacheco Koch is a licensed engineering firm based in Dallas, Texas, that provides professional services in traffic engineering, transportation planning, and other fields.

School Description

William B. Travis Academy/Vanguard is a public school providing an invitational program for gifted and talented students in grades 4th through 8th. Current enrollment is summarized below in Table 1. The School is not anticipating an increase enrollment as a result of the Project. School starts at 8:35 AM and ends at 3:35 PM. Calculations for vehicle accumulation and parking numbers are based from on-site dismissal observations conducted on Thursday, November 16th, 2017.

Table 1. Current Enrollment

LEVEL	STUDENTS ENROLLED
4th and 5th Grades	198
6th Grade	110
7th and 8th Grades	110
TOTAL	418

*Enrollment Data provided by DISD

Access to the campus is via Allen Street, a three-lane, one-way minor arterial. The intersection of Allen Street and McKinney Avenue, a signalized intersection, is located at the southwestern corner of the site. Based on observations of the subject site, the operation of the traffic signal at the intersection of Allen Street and McKinney Avenue was not significantly affected from drop-off/pick-up activity. The school is located in a mixed-use district.

Plans for McKinney Avenue to be converted into two-way operations are in effect. The conversion is expected to be in place after the completion of the Project. **Exhibit 1** illustrates traffic management strategies prior to the McKinney Avenue conversion to two-way operations and **Exhibit 2** illustrates traffic management strategies after the conversion of McKinney Avenue to two-way operations.

TMP Objectives

A Traffic Management Plan (TMP) is a site- or area-specific plan of recommended actions and strategies to manage vehicular traffic and parking, pedestrian activity, and travel by all other modes during peak demand conditions for a planned event. The "Objectives" of a TMP are to:

1. Provide a safe environment for all Users on site and the travelling public in the vicinity of the site during the Event times;
2. Minimize (and maintain within reasonable levels) travel delays and traffic congestion on site and in the vicinity of the site during the Event;
3. Ensure reasonable access and circulation is maintained on the public street system in the vicinity of the site during the Event;
4. Provide appropriate information to the travelling public in the vicinity of the site to allow for proper awareness of anticipated traffic conditions during the Event; and,
5. Promote reasonable strategies to manage travel demand to and from the site, including use of alternative modes of travel (such as walk, bike, bus, transit, etc.), when practical.

DEFINITIONS:
Terms are used in this report:

"Event"– a planned event(s), recurring or non-recurring, for which this TMP is being prepared (i.e., "school day")

"School" (a.k.a., "Event Organizer") – the person, group, or organization responsible for the Event

"TMP Manager" – a person or persons designated by the School to implement the TMP (also see additional tasks in the *Expectations* section)

"Users" – guests/patrons attending the Event

"Analyst" – the person(s) preparing the TMP for the School

"Approving Agency" – the municipality or government agency requiring the Traffic Management Plan

"Traffic Department" – the department of the public agency responsible for traffic operations for a given right-of-way

"Site" – the property at which the Event is located (generally assumed to be occupied by the School)

"TMP Strategies" – actions recommended by the Analyst to be undertaken before, during, or after the Event in order to manage traffic on or off site

DISCLAIMERS:

A TMP should be developed by, or in concert with, an individual familiar with the general characteristics of the Event and the associated traffic/transportation needs. For this study, PK worked with School representatives to develop the proposed recommendations.

Recommended TMP Strategies should be based upon applicable engineering principles of traffic safety and traffic operations.

Any recommended TMP Strategies involving traffic control devices in the public right-of-way (including installation or removal of signs, pavement markings, etc.) are subject to the approval of, and must be implemented under direction of, the Traffic Department.

No private individual should perform, or attempt to perform, any act of traffic control within public right-of-way; only deputized officers of the law or other authorized representatives of the Traffic Department may manipulate traffic conditions within the public right-of-way.

The recommendations presented in this report reflect Pacheco Koch's assessment of current and projected traffic needs based on observations and professional judgment and incorporate feedback from DISD representatives. Pacheco Koch is not responsible for operations at the school; however, the recommendations have been presented to on-site school personnel with authority over implementation of the Plan (see **Exhibit 1 and 2** for on-site contact information). Pacheco Koch was not involved with site selection, site design, or the current operations for this project.

Methodology

When feasible, the Analyst should conduct first-hand observations of existing event to develop an understanding of site-specific traffic/transportation characteristics, such as: drop-off/pick-up frequency, parking needs, alternative travel mode use, safety issues, queuing, traffic congestion, site access, current traffic management strategies in use, etc. When it is not feasible to conduct such observations, interviews with staff or personnel familiar with those items is desirable. When neither option is available, the Analyst may be required to rely upon published information and/or professional judgment and experience.

Once the base information is assembled, the Analyst should estimate the projected traffic/transportation characteristics generated by the proposed Event. Next, the Analyst should inventory the attributes and resources of the subject site and determine how the site can best accommodate those projected conditions. Based upon that assessment, the recommended TMP Strategies shall be developed to optimally achieve the basic TMP Objectives. The recommended TMP Strategies should be reviewed by the School (ideally, the TMP Manager) for refinement and approval before formal submittal to the Approving Agency.

Expectations

NOTE TO SCHOOL: By submittal of a TMP to the Approving Agency, the School is implicitly agreeing to implement, maintain, and comply with the recommended

actions presented herein subject to acceptance by Approving Agency and any associated conditions Approving Agency may impose. It is also inferred that the School agrees to be self-accountable for these actions until and unless Approving Agency deems further measures are appropriate or the TMP is no longer required.

Recommended TMP Strategies may include one-time measures to be implemented before the Event and/or ongoing actions to be performed before, during, or after the Event. Recommended TMP Strategies involving on-site measures or actions are generally considered to be the responsibility of the School.

To ensure appropriate compliance and consistent implementation of the TMP, it is recommended that the School appoint a TMP "Manager". In general, a Manager should be a qualified and capable individual or group of individuals assigned to take responsibility of the TMP and be accountable for successful implementation in order to achieve the Objectives described earlier (see "**Exhibit 1 and 2**"). Other specific duties of the Manager include:

- Monitor effectiveness of TMP strategies and make prudent adjustments, as needed, to more effectively accomplish the TMP Objectives
- Maintain an awareness of readily-available alternative transportation modes serving the site and facilitate and promote their use during the Event when practical
- Serve as a liaison to the Approving Agency(-ies), when needed
- When applicable, provide training and direction to other personnel assigned to implement the TMP measures
- Provide instruction to Users on how to comply with the intent of the TMP

Recommended TMP Strategies were developed specifically for the period(s) of peak traffic demand and are depicted in the respective exhibit. For periods of less intense traffic demand, recommended TMP Strategies may be utilized, in part or in whole, as needed to realize the TMP Objectives.

Changes to TMP

Informal changes to any recommended TMP Strategies presented herein to improve efficiency or effectiveness may be implemented at the discretion of the School if those changes are prudent and do not compromise the TMP Objectives. It is recommended that changes implemented under such circumstances be documented and retained by the School for future reference or upon request. At the discretion of the Approving Agency, submittal of a formally revised TMP report/document or a validation study may be required on a predetermined or as-needed basis.

TRAFFIC MANAGEMENT PLAN

NOTE: Recommended TMP Strategies contained herein are based upon the best data, site-specific information, and analytical processes readily available at the time of the study. However, specific quantities related to traffic congestion at peak periods (e.g., duration, length of queue, etc.) are estimated values. Actual quantities may vary due to unknown or unquantifiable variables and other operational factors that may occur. In the event that actual, future conditions generate undue burden on Users and/or the travelling public, modifications to the TMP should be considered. (See preceding NOTE for guidance on implementing changes to the TMP.) However, in extreme conditions, TMP actions may not be capable of mitigating all traffic conditions, and it may be incumbent on the School to consider operational, institutional, or other long-term changes to address issues on a more permanent basis.

A summary of existing conditions is provided below:

- The school operates with an unmanaged queue protocol (no staff assistance).
- Parent pick-up activity currently occurs on McKinney Avenue and Allen Street. School buses load and unload students from Cole Avenue and Sneed Street.

A graphical summary of specific recommendations and proposed conditions is depicted in **Exhibit 1 and 2**.

1. **Install City Approved Signage (Passenger Loading) Fronting School Property Along Southbound Curb Lane of Allen Street and Northbound Curb Lane of McKinney Avenue.**
2. **Install City Approved Signage (Bus Loading) Fronting School Property Along Curb Lane of Sneed Street and Northbound Curb Lane of Cole Avenue.**
3. **Enforce Existing, On-Street Parking Restrictions During School Traffic Periods.**
4. **Existing Conditions Meet the City of Dallas Minimum Requirement for a Crossing Guard for the Crosswalk on Allen Street** (See Attached Exhibits).

Pacheco Koch

January 9, 2019

Acknowledgement Statement

REVIEW AND COMMITMENT

This school traffic management plan (TMP) for William B. Travis Academy/Vanguard was developed with the intent of optimizing safety and efficiently accommodating vehicular traffic generated during the school's typical student drop-off and pick-up periods. It is important to note that a concerted and ongoing effort by and the full participation of the school administration are essential to accomplish these goals. By the endorsement provided below, the school administration hereby agrees to implement, adhere to, and support the strategies presented in this TMP for which the school is held responsible until or unless the City of Dallas deems those strategies are no longer necessary or that other measures are more appropriate.

Signature: _____ Date: 1/10/19

Name: Tom Brandt

Title: Principal

END OF MEMO

GENERAL NOTES:
1. The subject school administration shall issue a formal communication that summarizes the intent of the Traffic Management Plan at least once every school year.
2. School staff should not attempt to control traffic on public right-of-way.

Vehicle Accumulation/Capacity		Notes
Projected Enrollment	418	Students
Deductions:		
By School Bus (75%)	314	Students (DISD Estimated)
By Walking (0%)	0	Students (DISD Estimated)
Other (0%)	0	Students (DISD Estimated)
Students by Pick-up/Drop-off	105	Students
City-Approved Rate:	5.32	ft of max. queue per student*
Average Length of Vehicle:	23.5	ft/veh (Pacheco Koch Observed)
Projected Maximum Vehicle Accumulation:	23	Vehicles (535 ft)
Projected Capacity:	26	Vehicles (610 ft)
SURPLUS	<3	

Proposed Parking*	Vehicles
Parking Supply	52
Parking Demand	44
Surplus	+8

*Observed and calculated by Pacheco Koch

Parking
- No Parking
- Parking Allowed
- Staff/Visitor Parking
- Access Point

Unloading/Loading
- Student Drop-off/Pick-up Area (Unmanaged)
- Circulation/Flow
- School Bus Loading/Unloading

Pedestrian/Other
- Trail/Path
- Crosswalk
- Student Waiting Area
- School Zone
- Stop Line
- Traffic Signal
- Crossing Guard

BACKGROUND:
Event Information
Approving Agency: City of Dallas
Event/Type: Public School
Event Organizer: DISD William B. Travis Academy/Vanguard
Event Time(s)/Date (s): Weekday mornings & evenings (seasonal)
Event Frequency: Recurring

NOTE: This drawing is conceptual only and does not reflect a detailed design.

Proposed Conditions

McKinney Avenue two-way operational

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY HUNTER W. LEMLEY, P.E. 125343 ON 01/09/2019. ALTERATION OF A SEALED DOCUMENT WITHOUT PROPER NOTIFICATION TO THE RESPONSIBLE ENGINEER IS AN OFFENSE UNDER THE TEXAS ENGINEERING PRACTICE ACT.

TX REG. ENGINEERING FIRM F-469 PK #3226-17.448
TX REG. SURVEYING FIRM LS-100080-00 (FWL: 01/17/19)

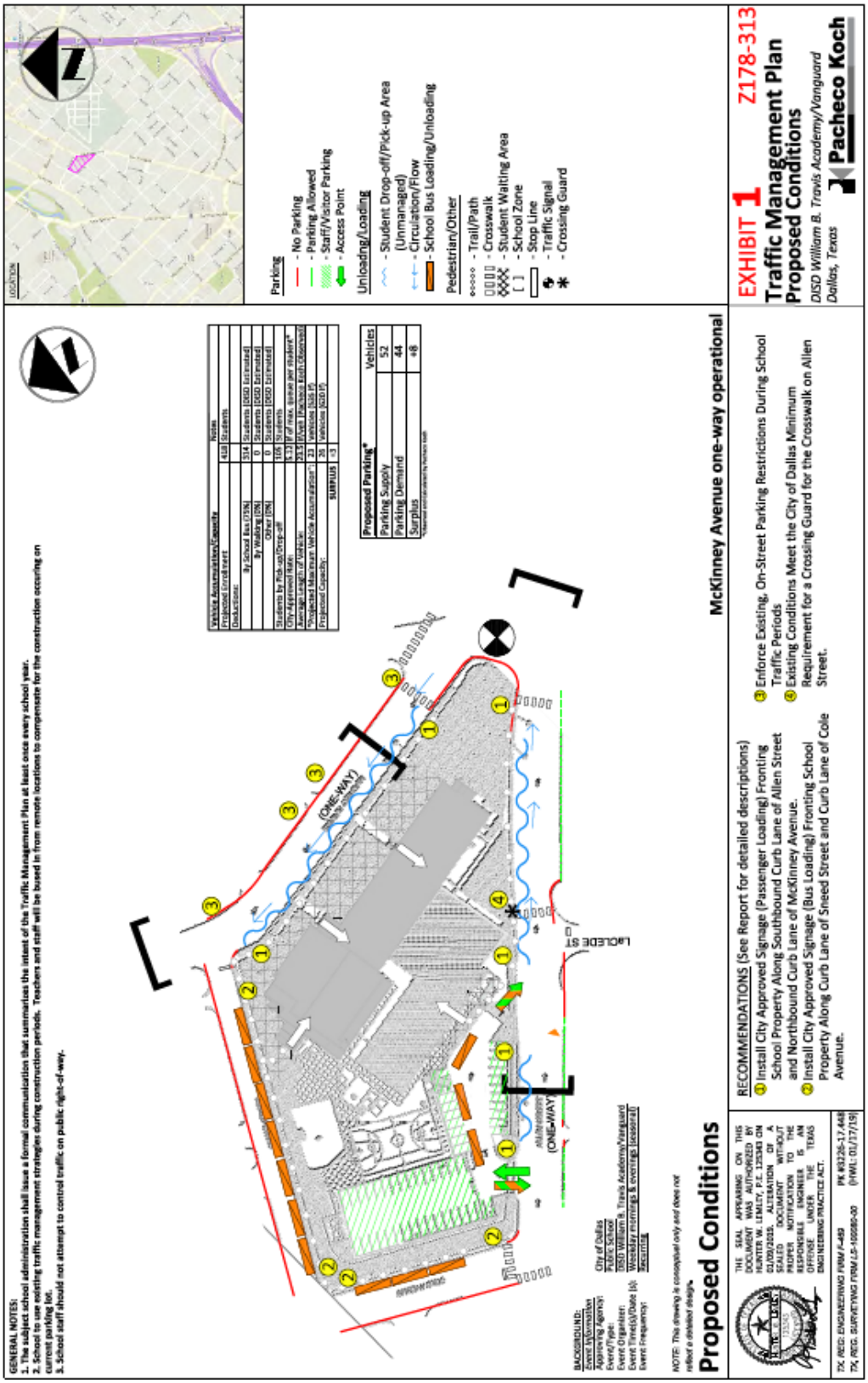
RECOMMENDATIONS (See Report for detailed descriptions)
1. Install City Approved Signage (Passenger Loading) Fronting School Property Along Southbound Curb Lane of Allen Street and Northbound Curb Lane of McKinney Avenue.
2. Install City Approved Signage (Bus Loading) Fronting School Property Along Curb Lane of Sneed Street and Curb Lane of Cole Avenue.
3. Enforce Existing, On-Street Parking Restrictions During School Traffic Periods.
4. Existing Conditions Meet the City of Dallas Minimum Requirement for a Crossing Guard for the Crosswalk on Allen Street.

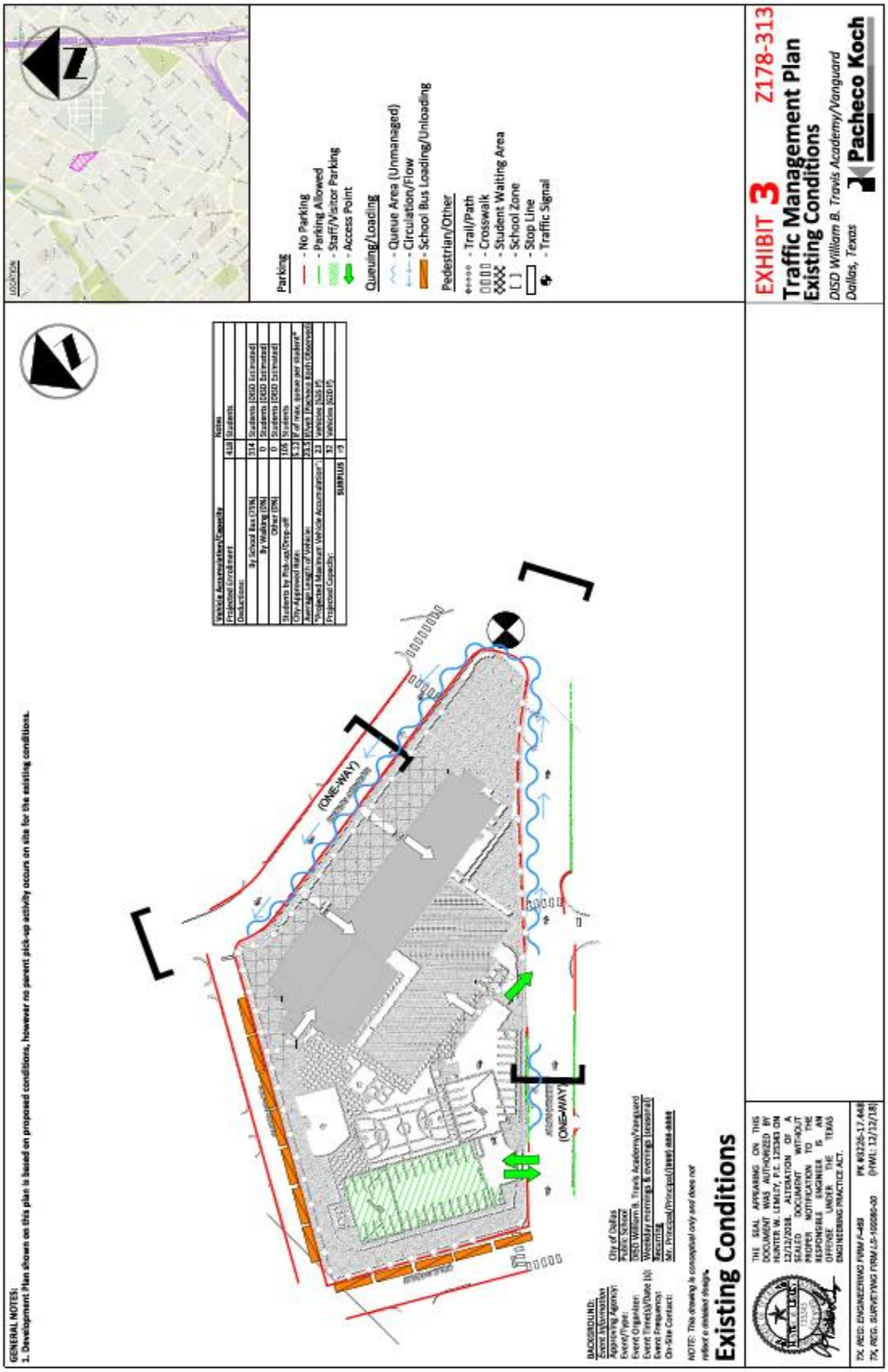
EXHIBIT 2 Z178-313

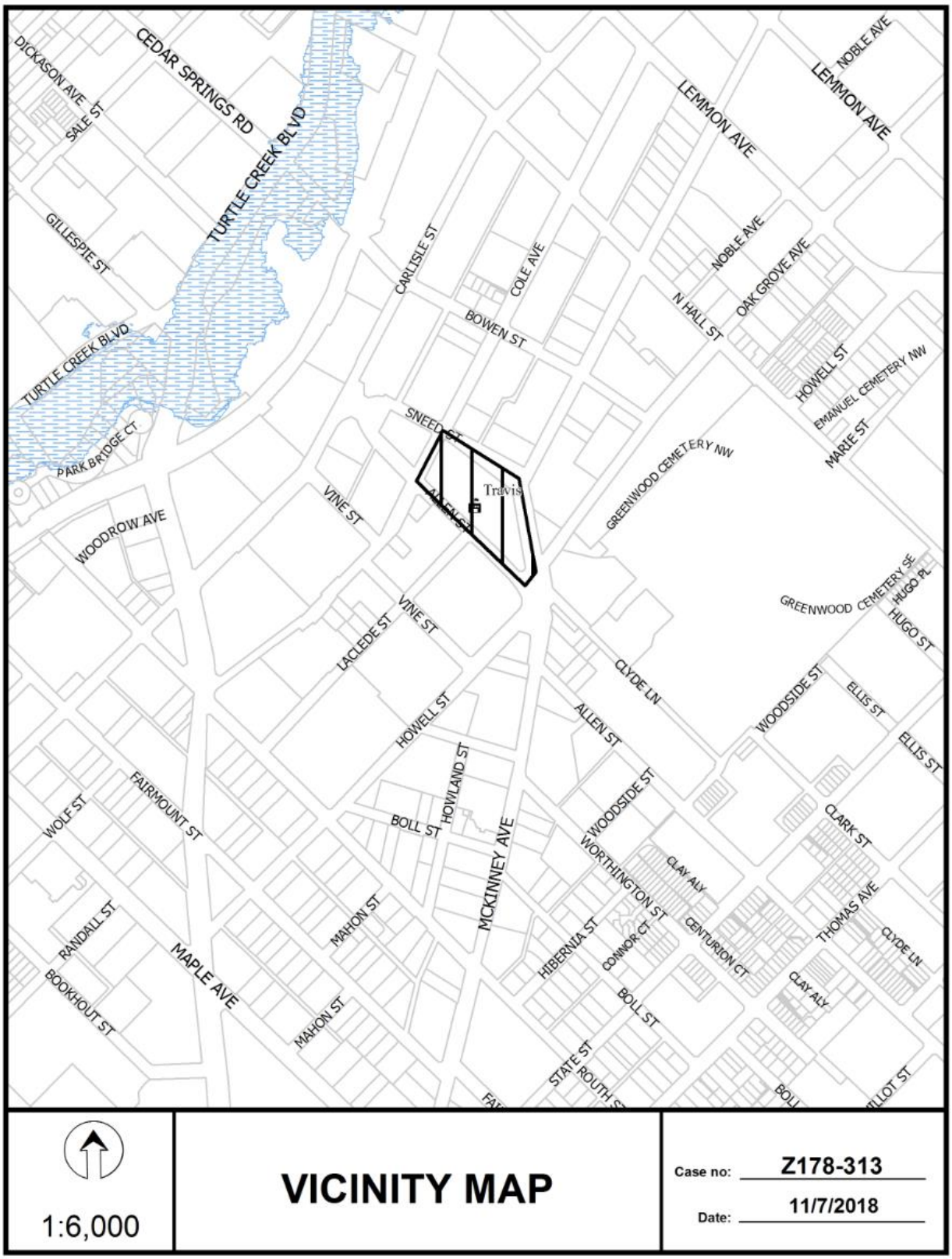
Traffic Management Plan
Proposed Conditions

DISD William B. Travis Academy/Vanguard
Dallas, Texas

Pacheco Koch


GENERAL NOTES:
1. The subject school administration shall issue a formal communication that summarizes the intent of the Traffic Management Plan at least once every school year.
2. School to use existing traffic management strategies during construction periods. Teachers and staff will be based in from remote locations to compensate for the construction occurring on current parking lot.
3. School staff should not attempt to control traffic on public right-of-way.
Vehicle Accumulation/Capacity
Projected Enrollment 418 Students
Deductions:
By School Bus (75%) 314 Students (250 Estimated)
By Walking (0%) 0 Students (250 Estimated)
Other (0%) 0 Students (250 Estimated)
Students by Pick-up/Drop-off 104 Students
City Average Occupancy Rate 3.13 # of riders
Average Length of Vehicle 23.5 (Visit Dallas Hotel Observed)
Projected Maximum Vehicle Accumulation 33 vehicles (525 ft)
Projected Capacity 26 vehicles (620 ft)
SURPLUS +3
Proposed Parking*
Parking Supply 52
Parking Demand 44
Surplus +8
Parking
- No Parking
- Parking Allowed
- Staff/Visitor Parking
- Access Point
Unloading/Loading
- Student Drop-off/Pick-up Area (Unmanaged)
- Circulation/Flow
- School Bus Loading/Unloading
Pedestrian/Other
- Trail/Path
- Crosswalk
- Student Waiting Area
- School Zone
- Stop Line
- Traffic Signal
- Crossing Guard
LOCATION
McKinney Avenue one-way operational
RECOMMENDATIONS (See Report for detailed descriptions)
1 Install City Approved Signage (Passenger Loading) Fronting School Property Along Southbound Curb Lane of Allen Street and Northbound Curb Lane of McKinney Avenue.
2 Install City Approved Signage (Bus Loading) Fronting School Property Along Curb Lane of Sneed Street and Curb Lane of Cole Avenue.
3 Enforce Existing, On-Street Parking Restrictions During School Traffic Periods
4 Existing Conditions Meet the City of Dallas Minimum Requirement for a Crossing Guard for the Crosswalk on Allen Street.
EXHIBIT 1
Z178-313
Traffic Management Plan
Proposed Conditions
DISD William B. Travis Academy/Vanguard
Dallas, Texas
Pacheco Koch
(ONE-WAY)
LOCUST ST
BACKGROUND:
Approximate Number of Attendees/Agency:
Event/Type:
Event Organizer:
City of Dallas
Public School
Event Time(s)/Date (s):
DISD William B. Travis Academy/Vanguard
Event Frequency:
Weekday mornings & evenings (seasonal)
Recurring
NOTE: This drawing is conceptual only and does not reflect a detailed design.
Proposed Conditions
THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY HUNTER W. LEMLEY, P.E. 125343 ON 01/09/2015. ALTERATION OF A SEALED DOCUMENT WITHOUT PROPER AUTHORIZATION IS THE RESPONSIBILITY OF THE PERSON RESPONSIBLE. ENGINEER IS AN OFFENSE UNDER THE ENGINEERING PRACTICE ACT.
TX. REG. ENGINEERING FIRM F-439
PK #3226-17-448
TX. REG. SURVEYING FIRM LS-10028-00
(HWL: 01/17/19)


GENERAL NOTES:
1. Development Plan shown on this plan is based on proposed conditions, however no parent pick-up activity occurs on site for the existing conditions.
Vehicle Accumulation/Capacity
Notes
Projected Enrollment
418
Students
Deductions:
By School Bus (75%)
314
Students (2020 Estimated)
By Walking (0%)
0
Students (2020 Estimated)
Other (0%)
0
Students (2020 Estimated)
Students by Pick-up/Drop-off
105
Students
City Approved Rate:
5.25
# of max. queue per student*
Average Length of Vehicle:
25.5
ft/veh. (Pacheco Koch Observed)
Projected Maximum Vehicle Accumulation:
23
Vehicles (585 ft)
Projected Capacity:
32
Vehicles (820 ft)
SURPLUS
+9
(ONE-WAY)
(ONE-WAY)
BACKGROUND:
Event Information
Approving Agency:
City of Dallas
Event/Type:
Public School
Event Organizer:
DISD William B. Travis Academy/Vanguard
Event Time(s)/Date (s):
Weekday mornings & evenings (seasonal)
Event Frequency:
Recurring
On-Site Contact:
Mr. Principal/Principal (555) 555-5555
NOTE: This drawing is conceptual only and does not reflect a detailed design.
Existing Conditions
THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY HUNTER W. LINLEY, P.E. 125343 ON 12/12/2018. ALTERATION OF A SEALED DOCUMENT WITHOUT PROPER NOTIFICATION TO THE RESPONSIBLE ENGINEER IS AN OFFENSE UNDER THE TEXAS ENGINEERING PRACTICE ACT.
TX REG. ENGINEERING FIRM F-439
PK #3226-17-448
TX REG. SURVEYING FIRM LS-10080-00
(HWL: 12/12/18)
LOCATION
Parking
- No Parking
- Parking Allowed
- Staff/Visitor Parking
- Access Point
Queuing/Loading
- Queue Area (Unmanaged)
- Circulation/Flow
- School Bus Loading/Unloading
Pedestrian/Other
- Trail/Path
- Crosswalk
- Student Waiting Area
- School Zone
- Stop Line
- Traffic Signal
EXHIBIT 3
Z178-313
Traffic Management Plan
Existing Conditions
DISD William B. Travis Academy/Vanguard
Dallas, Texas
Pacheco Koch

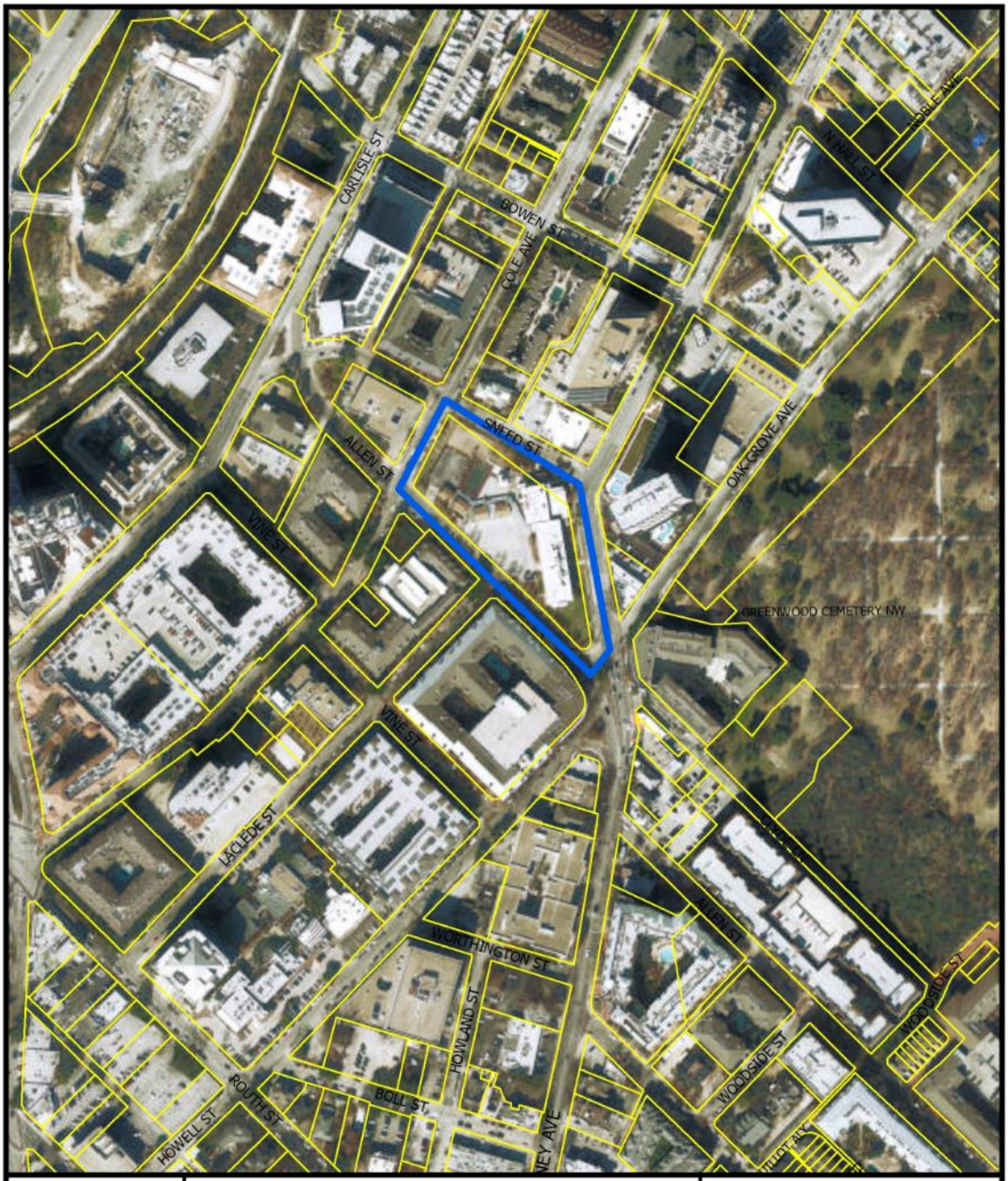


1:6,000

VICINITY MAP

Case no: Z178-313

Date: 11/7/2018

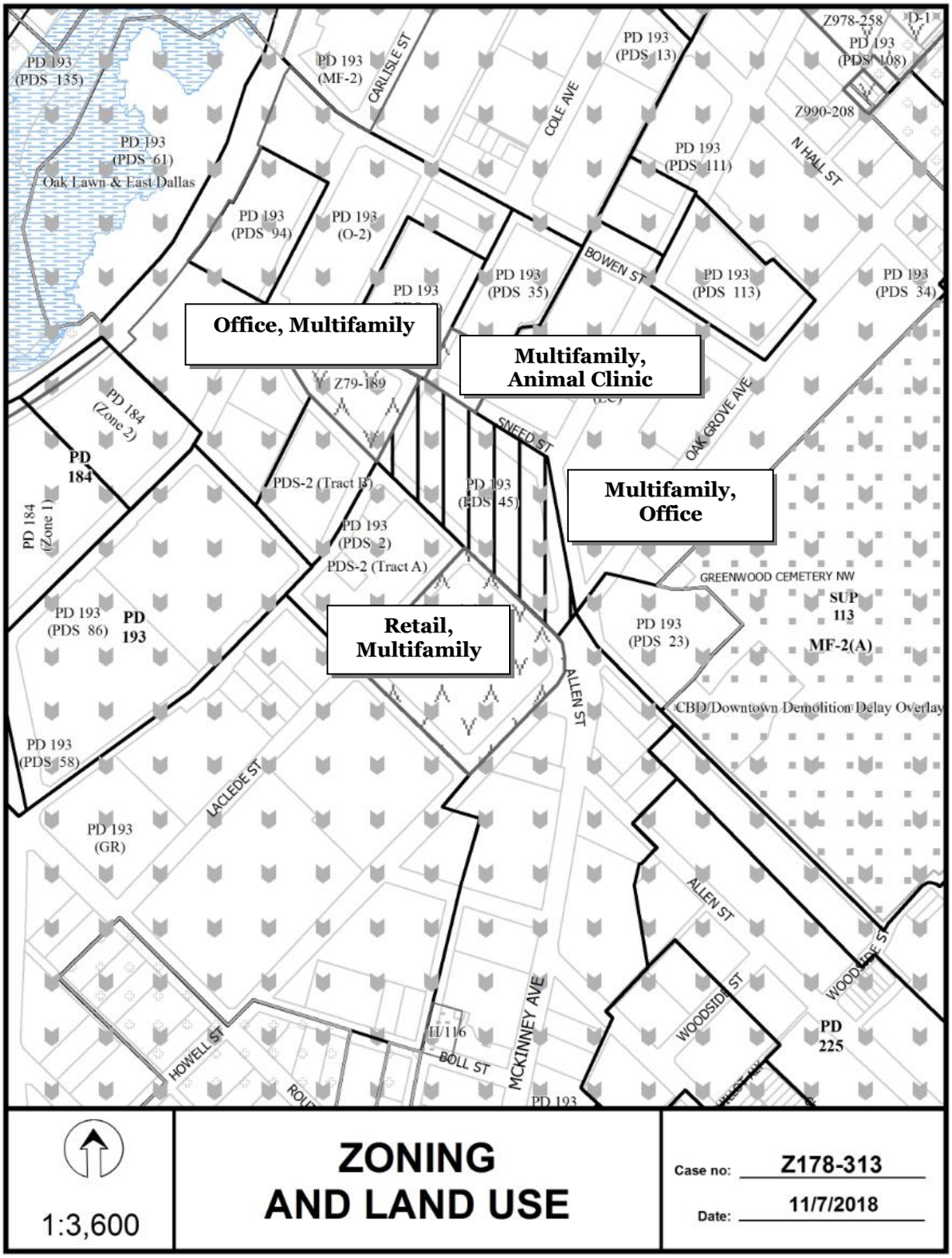


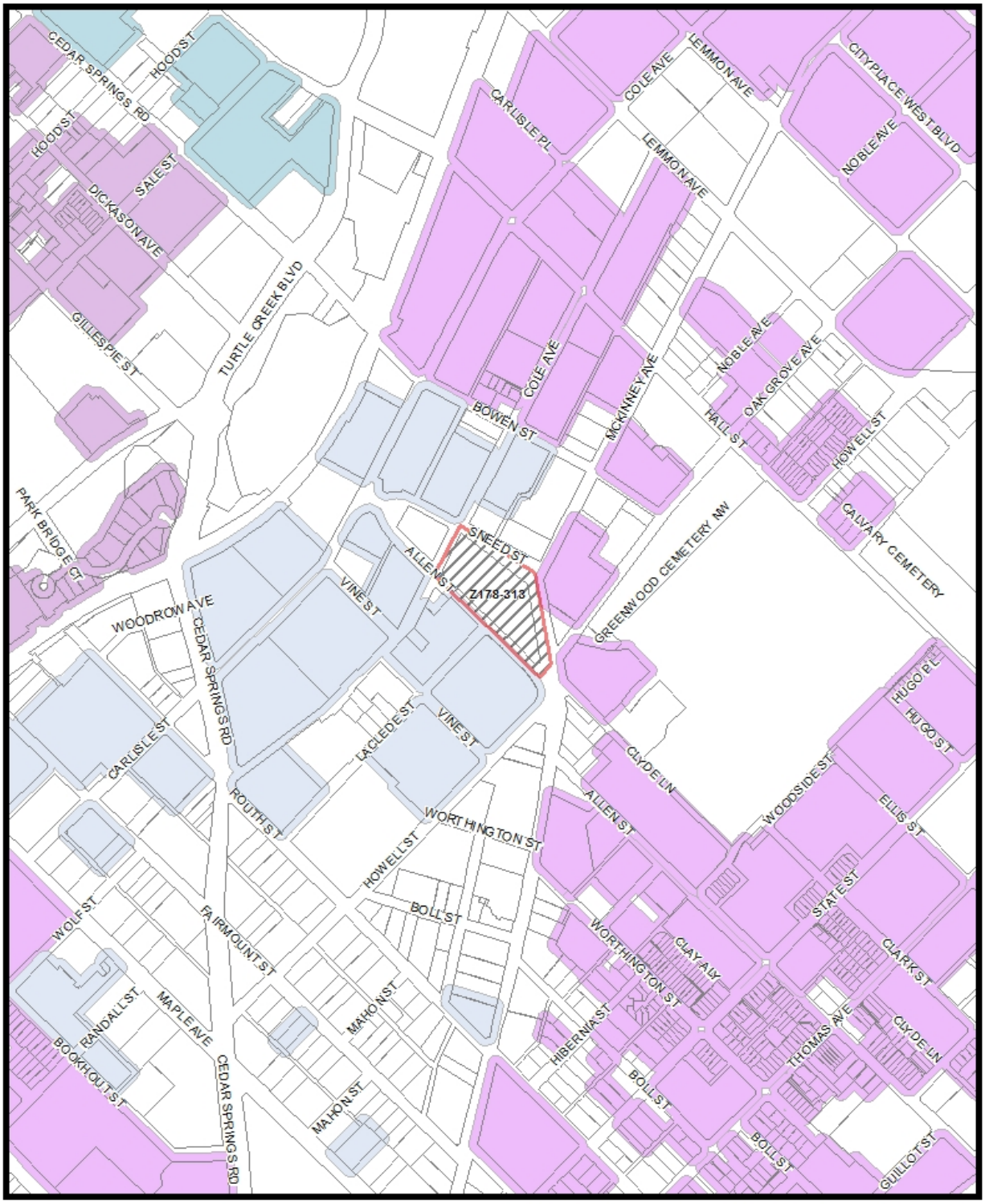
1:3,600

AERIAL MAP

Case no: Z178-313

Date: 11/7/2018


Office, Multifamily
Multifamily, Animal Clinic
Multifamily, Office
Retail, Multifamily
PD 193 (PDS 135)
PD 193 (MF-2)
CARLISLE ST
COLE AVE
PD 193 (PDS 13)
Z978-258
D-1
PD 193 (PDS 108)
Z990-208
N HALL ST
PD 193 (PDS 61)
Oak Lawn & East Dallas
PD 193 (PDS 111)
PD 193 (PDS 94)
PD 193 (O-2)
BOWEN ST
PD 193 (PDS 35)
PD 193 (PDS 113)
PD 193 (PDS 34)
Z79-189
PD 184 (Zone 2)
PD 184
PD 184 (Zone 1)
SNEED ST
OAK GROVE AVE
PDS-2 (Tract B)
PD 193 (PDS 45)
PD 193 (PDS 2)
PDS-2 (Tract A)
GREENWOOD CEMETERY NW
SUP 113
MF-2(A)
PD 193 (PDS 86)
PD 193
PD 193 (PDS 23)
ALLEN ST
CBD/Downtown Demolition Delay Overlay
PD 193 (PDS 58)
LACLEDE ST
PD 193 (GR)
WOODSIDE ST
PD 225
H/116
HOWELL ST
BOLL ST
MCKINNEY AVE
PD 193
1:3,600
ZONING AND LAND USE
Case no: Z178-313
Date: 11/7/2018



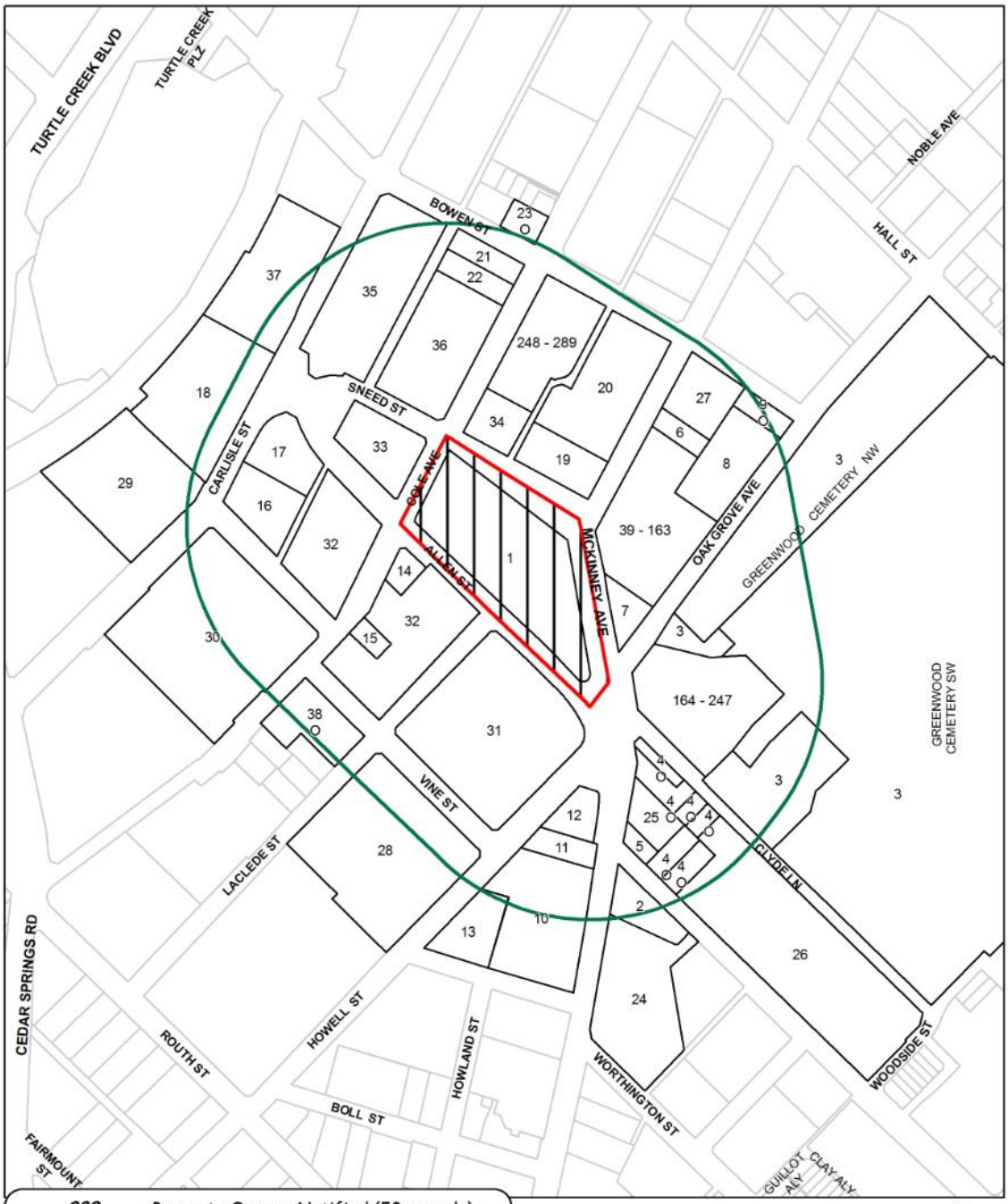
MVACluster A B C D E F G H I NA

1:6,000

Market Value Analysis

Printed Date: 11/9/2018

CPC RESPONSES



289	Property Owners Notified (50 parcels)
4	Replies in Favor (9 parcels)
0	Replies in Opposition (0 parcels)
500'	Area of Notification
2/7/2019	Date

Z178-313
CPC

1:3,600

02/06/2019

Reply List of Property Owners

Z178-313

289 Property Owners Notified ***4 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*	*Owner*
	1	3001 MCKINNEY AVE	Dallas ISD
	2	2822 MCKINNEY AVE	MM WHITEWING HOLDINGS LLC
	3	2501 S HALL ST	GREENWOOD CEMETERY ASSN
O	4	2912 MCKINNEY AVE	EDGEWATER DEVELOPMENT LP
	5	2900 MCKINNEY AVE	DUPLER BERTHA TR
	6	3124 MCKINNEY AVE	MCKINNEY AVENUE
	7	3004 MCKINNEY AVE	COLUMBUS REALTY TRUST
	8	3120 MCKINNEY AVE	MCKINNEY AVENUE
O	9	3153 OAK GROVE AVE	MCKINNEY AVENUE TRANSIT
	10	2811 MCKINNEY AVE	PJO 2811 LLC &
	11	2821 MCKINNEY AVE	MCKINNEY NEW VENTURES LLC
	12	2909 MCKINNEY AVE	MCKINNEY NEW VENTURES LLC
	13	2704 WORTHINGTON ST	PASHA & SINA INC
	14	2824 COLE AVE	SHARIFI SHIDEH
	15	2808 COLE AVE	DALLAS SKYFALL LLC
	16	2902 CARLISLE ST	CRP/MAPLE AKT APARTMENTS OWNER LP
	17	3031 ALLEN ST	CRP/MAPLE AKT APARTMENTS OWNER LP
	18	2929 CARLISLE ST	KLP NEWVILLE LP
	19	3101 MCKINNEY AVE	YOUNG CANNON PROPERTIES LP
	20	3131 MCKINNEY AVE	TREA 3131 MCKINNEY LLC
	21	3111 COLE AVE	ANDERSON MICHAEL J
	22	3107 COLE AVE	BOUCHER DANIEL D
O	23	3205 COLE AVE	TURNER MICHAEL
	24	2808 MCKINNEY AVE	POST WORTHINGTON LP
	25	2908 MCKINNEY AVE	DUPLER LAWRENCE R
	26	2610 ALLEN ST	2610 ALLEN ST LTD PS

02/06/2019

Reply	*Label #*	*Address*	*Owner*
	27	3128 MCKINNEY AVE	AZIZA INVESTMENTS INC
	28	2717 HOWELL ST	PPF AMLI 2717 HOWELL ST
	29	2815 CARLISLE ST	FATH DALLAS COMMONS LP
	30	2707 COLE AVE	COLE APARTMENTS
	31	2801 ALLEN ST	POST APARTMENT HOMES LP
	32	2800 COLE AVE	POST APARTMENT HOMES LP
	33	2909 COLE AVE	ABERFELDY PROPERTIES INC
	34	3006 COLE AVE	ROCKLAND LP
	35	3100 CARLISLE ST	HART TAYLOR LLC
	36	3015 COLE AVE	POST APARTMENT HOMES LP
	37	3003 CARLISLE ST	ALAMO MANHATTAN JOINT VENTURE LLC
O	38	2915 VINE ST	AMERICAN BOARD OF OBGYN EDUCATIONAL FOUNDATION INC
	39	3030 MCKINNEY AVE	ROBINSON INDUSTRIES, INC
	40	3030 MCKINNEY AVE	GRUMBLES DONNA L
	41	3030 MCKINNEY AVE	AMMON SUSAN
	42	3030 MCKINNEY AVE	DOTY YVONNE D
	43	3030 MCKINNEY AVE	HALYBURTON WILLIAM D & KRISTY
	44	3030 MCKINNEY AVE	HAYS RAYMOND R & DINAH D
	45	3030 MCKINNEY AVE	LEOPOLDI ROBERT & DEBRA
	46	3030 MCKINNEY AVE	PIONONO INVESTMENTS LLC
	47	3030 MCKINNEY AVE	KLEINE WILLIAMS D & ANN
	48	3030 MCKINNEY AVE	BROSI SCOTT C &
	49	3030 MCKINNEY AVE	FRANK ROBERT C JR & SELENA M
	50	3030 MCKINNEY AVE	GARCIA RICARDO LUIS & VERONICA M
	51	3030 MCKINNEY AVE	SIMPSON ANN
	52	3030 MCKINNEY AVE	HAIRE SCOTT L
	53	3030 MCKINNEY AVE	PHILLIPS WAYNE D
	54	3030 MCKINNEY AVE	STEELE JOHN RODMAN EST OF &
	55	3030 MCKINNEY AVE	SAHWANI DIANA
	56	3030 MCKINNEY AVE	ROMBERG BERTHOLD &
	57	3030 MCKINNEY AVE	MURRAY JANE E

02/06/2019

Reply	*Label #*	*Address*	*Owner*
	58	3030 MCKINNEY AVE	MULLICAN MARY A
	59	3030 MCKINNEY AVE	VU CHI T
	60	3030 MCKINNEY AVE	AVIRETT TIMOTHY T
	61	3030 MCKINNEY AVE	GARRETT JESSICA L
	62	3030 MCKINNEY AVE	OLKKOLA EDWARD E
	63	3030 MCKINNEY AVE	KLEIN HANNE
	64	3030 MCKINNEY AVE	DYKES DONALD E
	65	3030 MCKINNEY AVE	PEPMILLER DELMAR D &
	66	3030 MCKINNEY AVE	CARNEY TIMOTHY
	67	3030 MCKINNEY AVE	SAMARA KENNETH J
	68	3030 MCKINNEY AVE	BAILEY KATHLEEN C LIVING TRUST
	69	3030 MCKINNEY AVE	BATCHELOR JAMES F &
	70	3030 MCKINNEY AVE	ESTRADA ROBERT A & CATHERINE BERNELL
	71	3030 MCKINNEY AVE	GRIFFIN ELIZABETH R
	72	3030 MCKINNEY AVE	ESTELLHANCOCK MARITA
	73	3030 MCKINNEY AVE	BAKER DONNA LYNN
	74	3030 MCKINNEY AVE	L & E PROPERTIES LLC
	75	3030 MCKINNEY AVE	ISMAIL SALIM & SHIREEN SALIM
	76	3030 MCKINNEY AVE	WALKER DAVID G
	77	3030 MCKINNEY AVE	GLENN RUSSELL M
	78	3030 MCKINNEY AVE	GWYN FAMILY LIVING TRUST THE
	79	3030 MCKINNEY AVE	SEAMAN GARY L & CAROLYN K
	80	3030 MCKINNEY AVE	LITTLE WILLIAM H & LORI G
	81	3030 MCKINNEY AVE	GOLDBERG ROBERT ALAN
	82	3030 MCKINNEY AVE	MILLHEISER MARGARET FLAXMAN &
	83	3030 MCKINNEY AVE	CARPENTER SUSAN
	84	3030 MCKINNEY AVE	DONALDSON NIGEL A
	85	3030 MCKINNEY AVE	KEARNEY BARBARA
	86	3030 MCKINNEY AVE	SANDKNOP RYAN
	87	3030 MCKINNEY AVE	LAMB SHELLY L TRUST
	88	3030 MCKINNEY AVE	MOSSER ROBERT E & ROBERT J

02/06/2019

Reply	*Label #*	*Address*	*Owner*
	89	3030 MCKINNEY AVE	MCKEE JOHN
	90	3030 MCKINNEY AVE	BALL JEANNIE C
	91	3030 MCKINNEY AVE	FISCHER REVOCABLE FAMILY
	92	3030 MCKINNEY AVE	WOOD ELLEN
	93	3030 MCKINNEY AVE	MCDONALD MARLA
	94	3030 MCKINNEY AVE	HALLIDAY EDWIN JAY & LYNN MARY
	95	3030 MCKINNEY AVE	WANSTRATH LAURA
	96	3030 MCKINNEY AVE	BRITTINGHAM GUILLERMO M &
	97	3030 MCKINNEY AVE	DUFFIELD ANNE E
	98	3030 MCKINNEY AVE	SCHROEDER PATRICIA C REVOCABLE TR
	99	3030 MCKINNEY AVE	DIPASQUA ALPHONSO &
	100	3030 MCKINNEY AVE	MILES JANIS C
	101	3030 MCKINNEY AVE	CARUSO RONALD
	102	3030 MCKINNEY AVE	THOMAS JOHN C & DEBRA
	103	3030 MCKINNEY AVE	FRANKEL DOUGLAS &
	104	3030 MCKINNEY AVE	GILHOOLY STEPHEN
	105	3030 MCKINNEY AVE	FREEMAN REVOCABLE TRUST THE
	106	3030 MCKINNEY AVE	ASANTE MOLEFI KETE & ANA
	107	3030 MCKINNEY AVE	SELLARS JOHN P
	108	3030 MCKINNEY AVE	HARRIS CURTIS D &
	109	3030 MCKINNEY AVE	BROOKSHIER FAMILY TRUST
	110	3030 MCKINNEY AVE	TOMME CURTIS & ELIZABETH
	111	3030 MCKINNEY AVE	MUIR J DUNCAN
	112	3030 MCKINNEY AVE	PRICE SANDRA NELSON
	113	3030 MCKINNEY AVE	SUCRE RICHARD & ANGELA
	114	3030 MCKINNEY AVE	GREEN RAY E
	115	3030 MCKINNEY AVE	BOLAND THOMAS C & DEBRA A
	116	3030 MCKINNEY AVE	CUNNINGHAM GENE M
	117	3030 MCKINNEY AVE	BRYAN BARRY
	118	3030 MCKINNEY AVE	KHOSHNOUDI BAHAR
	119	3030 MCKINNEY AVE	RAMIREZ PAUL

02/06/2019

Reply	*Label #*	*Address*	*Owner*
	120	3030 MCKINNEY AVE	SALAZAR JOHN & EVA
	121	3030 MCKINNEY AVE	HARRIS ELIZABETH K
	122	3030 MCKINNEY AVE	KHOSHNOUDI AHMAD
	123	3030 MCKINNEY AVE	LADD DENNIS MICHAEL &
	124	3030 MCKINNEY AVE	ASCENZO DANIEL
	125	3030 MCKINNEY AVE	LADD DENNIS &
	126	3030 MCKINNEY AVE	TRIMBLE RODNEY B
	127	3030 MCKINNEY AVE	BARNES JOSEPH ANTHONY &
	128	3030 MCKINNEY AVE	WHITWELL STEPHEN
	129	3030 MCKINNEY AVE	SCHMIDT KEITH A EST OF
	130	3030 MCKINNEY AVE	BARNES MITZI T
	131	3030 MCKINNEY AVE	RAMSEY CHARLES E JR MARITAL TRUST
	132	3030 MCKINNEY AVE	KELLY MICHAEL J
	133	3030 MCKINNEY AVE	HAKIM CAMILLE A &
	134	3030 MCKINNEY AVE	LANDT MARK & CAROL
	135	3030 MCKINNEY AVE	FARROWGILLIESPIE ALAN & LIZA
	136	3030 MCKINNEY AVE	FRANKS ROBERT C &
	137	3030 MCKINNEY AVE	HARGROVE T GEDDIE
	138	3030 MCKINNEY AVE	BARTON STANLEY & LINDA
	139	3030 MCKINNEY AVE	PUTNAM DONOVAN &
	140	3030 MCKINNEY AVE	APPERSON MARK W
	141	3030 MCKINNEY AVE	COLLINS FLOYD W
	142	3030 MCKINNEY AVE	JOHNSON LORI S
	143	3030 MCKINNEY AVE	CORTEZ CARLOS R
	144	3030 MCKINNEY AVE	MCLAUGHLIN KATHLEEN
	145	3030 MCKINNEY AVE	MATADOR APARTMENTS LLP
	146	3030 MCKINNEY AVE	SHELMIRE SUSAN
	147	3030 MCKINNEY AVE	JORDAN STEVEN C
	148	3030 MCKINNEY AVE	HAKIM CAMILLE & HAIFA TR
	149	3030 MCKINNEY AVE	BERG ALAN G
	150	3030 MCKINNEY AVE	BUTTS KELEM B &

02/06/2019

Reply	Label #	Address	Owner
	151	3030 MCKINNEY AVE	STYLES DANIEL
	152	3030 MCKINNEY AVE	ROBERTSON REBEL LEA &
	153	3030 MCKINNEY AVE	PETERS JEFF & CAROL
	154	3030 MCKINNEY AVE	MILDEBRATH MARK E & DANA
	155	3030 MCKINNEY AVE	NELSON RANDALL & KIMBERLY
	156	3030 MCKINNEY AVE	BERGNER JOHN F &
	157	3030 MCKINNEY AVE	STEWART JEFFREY G
	158	3030 MCKINNEY AVE	ZIELKE PETER B
	159	3030 MCKINNEY AVE	PETERS JEFF & CAROL
	160	3030 MCKINNEY AVE	HAWLEY JOHN R & MARCIA H
	161	3030 MCKINNEY AVE	SKYLINE TRUST
	162	3030 MCKINNEY AVE	SKYLINE TRUST
	163	3030 MCKINNEY AVE	SKYLINE TRUST
	164	2950 MCKINNEY AVE	NIXON JAMES & ALICIA
	165	2950 MCKINNEY AVE	MOWLES MEAGAN &
	166	2950 MCKINNEY AVE	TEAGUE COLLIN
	167	2950 MCKINNEY AVE	MOROCK JOSEPH J
	168	2950 MCKINNEY AVE	SCHOPPAUL FLOYD RANDOLPH
	169	2950 MCKINNEY AVE	WULKE BRETT & JESSICA
	170	2950 MCKINNEY AVE	MOGK CASEY A
	171	2950 MCKINNEY AVE	HAWKINS LINDA
	172	2950 MCKINNEY AVE	SCHWEINZGER CHAD & MORGAN
	173	2950 MCKINNEY AVE	WINNING JAMES R
	174	2950 MCKINNEY AVE	RHOADES RONALD
	175	2950 MCKINNEY AVE	DIMATTIA MARIO V
	176	2950 MCKINNEY AVE	CORR PAUL & LYNN LAUER
	177	2950 MCKINNEY AVE	JENTHO BRIAN D
	178	2950 MCKINNEY AVE	BLOOM JANICE S & LACKLAND H JR
	179	2950 MCKINNEY AVE	FRERE NATHANIEL P
	180	2950 MCKINNEY AVE	TUNGATE COURTNEY M
	181	2950 MCKINNEY AVE	TECKIE YOHANNES A

02/06/2019

Reply	*Label #*	*Address*	*Owner*
	182	2950 MCKINNEY AVE	HOOVER BRIAN
	183	2950 MCKINNEY AVE	STROZIER TERRANCE
	184	2950 MCKINNEY AVE	LAYNE CARRIE M
	185	2950 MCKINNEY AVES	CHOPPAUL FLOYD R
	186	2950 MCKINNEY AVE	DEVLIN JOSEPH P
	187	2950 MCKINNEY AVE	TUNNELL KYLE E
	188	2950 MCKINNEY AVE	STURGESS MARK
	189	2950 MCKINNEY AVE	STANFORD KENNETH J
	190	2950 MCKINNEY AVE	GILLS KIRK B
	191	2950 MCKINNEY AVE	GIRVAN THOMAS & ROBIN
	192	2950 MCKINNEY AVE	MABERRY DAVID DEAN & MARGO ANN
	193	2950 MCKINNEY AVE	PHAM OANA CRISTINA & MATTHEW H
	194	2950 MCKINNEY AVE	NEVES KERRY & SHARON
	195	2950 MCKINNEY AVE	AZIZAD ASSADULLAH & OMAIRA
	196	2950 MCKINNEY AVE	BREWER JANYNE LIFE ESTATE
	197	2950 MCKINNEY AVE	NEWCOMB BRODIE
	198	2950 MCKINNEY AVE	FISHER EDWARD P JR
	199	2950 MCKINNEY AVE	KUTNIKAR DHAYA
	200	2950 MCKINNEY AVE	PINEDA ERNESTO LAZARUS
	201	2950 MCKINNEY AVE	JOHNSON KEVIN R
	202	2950 MCKINNEY AVE	FUCCILLO LINSAY A &
	203	2950 MCKINNEY AVE	KIM PHILIP
	204	2950 MCKINNEY AVE	VARELA JULIAN ARTURO & CAROLINA ISABEL CORREA
	205	2950 MCKINNEY AVE	JONES LANCE E &
	206	2950 MCKINNEY AVE	KING SCOTT & KATHY
	207	2950 MCKINNEY AVE	LANDUYT WILLIAM III
	208	2950 MCKINNEY AVE	COUGHLAN MARTIN G & YUMIKO
	209	2950 MCKINNEY AVE	MARTIN JOHN EDWIN
	210	2950 MCKINNEY AVE	LUMINOSO FREDERICK J
	211	2950 MCKINNEY AVE	FARRAGE FAMILY 2014 REVOCABLE TRUST
	212	2950 MCKINNEY AVE	NGUYEN ANTHONY

02/06/2019

Reply	*Label #*	*Address*	*Owner*
	213	2950 MCKINNEY AVE	DERAMO FRANK PATRICK
	214	2950 MCKINNEY AVE	COSSYPHAS LEONIDAS H
	215	2950 MCKINNEY AVE	LEISSNER GLENN TRAVIS JR
	216	2950 MCKINNEY AVE	CHERRAK SOFIANE
	217	2950 MCKINNEY AVE	DE PEREZ ANA MARY MORENO
	218	2950 MCKINNEY AVE	GASKELL JASON
	219	2950 MCKINNEY AVE	KUBLY RACHAEL S
	220	2950 MCKINNEY AVE	YARMEY JESSICA BRETT
	221	2950 MCKINNEY AVE	PARK GIYOUNG
	222	2950 MCKINNEY AVE	MEDINA-SILLER EDUARDO
	223	2950 MCKINNEY AVE	WALKER JENNIFER & WILLIAM LINDSEY
	224	2950 MCKINNEY AVE	MILLER JAY D &
	225	2950 MCKINNEY AVE	WOODS PAIGE E
	226	2950 MCKINNEY AVE	JOHNSON AARON
	227	2950 MCKINNEY AVE	TOLIYAT MOHAMMAD &
	228	2950 MCKINNEY AVE	PICKENS JOHN Z IV
	229	2950 MCKINNEY AVE	BEHESHTI BEHDAD
	230	2950 MCKINNEY AVE	MOSS STEVEN PHILLIP
	231	2950 MCKINNEY AVE	HERSON NEIL S 2014 REVOCABLE TRUST
	232	2950 MCKINNEY AVE	REDDY SUMAN
	233	2950 MCKINNEY AVE	WILLIAMS ROBERT KENNETH &
	234	2950 MCKINNEY AVE	GEREN BRETT W
	235	2950 MCKINNEY AVE	ALBACHIARA ANNE MARIE
	236	2950 MCKINNEY AVE	BOZANICH RICHARD G &
	237	2950 MCKINNEY AVE	JOHNSON AARON
	238	2950 MCKINNEY AVE	THAYER ELIZABETH &
	239	2950 MCKINNEY AVE	SAFRON SCOTT R
	240	2950 MCKINNEY AVE	CIFICHIELLO MATTHEW J &
	241	2950 MCKINNEY AVE	XIA JINGYI
	242	2950 MCKINNEY AVE	FRITZ ANDREW E
	243	2950 MCKINNEY AVE	DALRYMPLE RICHARD L

02/06/2019

Reply	*Label #*	*Address*	*Owner*
	244	2950 MCKINNEY AVE	SEXTON RUSSELL & SOO CHIN
	245	2950 MCKINNEY AVE	HILGEMEIER ELISE CHRISTINE
	246	2950 MCKINNEY AVE	ALLEN VICKI
	247	2950 MCKINNEY AVE	HIGGINS MICHAEL R & ANN S
	248	3100 COLE AVE	AFTABROUSHADR KAMBIZ
	249	3100 COLE AVE	ALLSION CHRIS
	250	3100 COLE AVE	DIETZ HUNTER D
	251	3100 COLE AVE	ZHANG HELEN X Y
	252	3100 COLE AVE	DAS ROHIT RAU
	253	3100 COLE AVE	LARKIN WILLIAM A
	254	3100 COLE AVE	PALETTI SONIA
	255	3100 COLE AVE	NICOLLE BRYCE DAUVERGNE
	256	3100 COLE AVE	LITTLE CYNTHIA
	257	3100 COLE AVE	SMITH HOLLY F
	258	3100 COLE AVE	REYES ROBERT M
	259	3100 COLE AVE	HARLAN TANYA POWELL
	260	3100 COLE AVE	RAFEA VEEDA
	261	3100 COLE AVE	ZERR JOSEPH
	262	3100 COLE AVE	REDDEN BRITTANY
	263	3100 COLE AVE	SCHULTZ JERRY EVERETT
	264	3100 COLE AVE	DRAPER DUANE D &
	265	3100 COLE AVE	SPADE PHILIP FREDERICK
	266	3100 COLE AVE	NAMEJ GROUP LLC
	267	3100 COLE AVE	ALIZADA LAMAN
	268	3100 COLE AVE	BRAY CHASE LANDON
	269	3100 COLE AVE	LEE BIK HAN & LEE SAI SHEK
	270	3100 COLE AVE	BENAVIDES MICHAEL L
	271	3100 COLE AVE	RIOS SARA B
	272	3100 COLE AVE	GAMINI MORTEZA & BORTAY
	273	3100 COLE AVE	SKAINES JONATHAN B
	274	3100 COLE AVE	LOZANO JAVIER ALBERTO NEYRA &

02/06/2019

Reply	*Label #*	*Address*	*Owner*
	275	3100 COLE AVE	ANDERSON JONATHAN D & TARA L
	276	3100 COLE AVE	HEDRICK FARRELL
	277	3100 COLE AVE	SALANON EMANUEL JOEL
	278	3100 COLE AVE	GARCIA EDWARD I
	279	3100 COLE AVE	AHN SAM
	280	3100 COLE AVE	MILLIET MARK JOSEPH
	281	3100 COLE AVE	HAGAN JOSEPH &
	282	3100 COLE AVE	REISMAN MARK L
	283	3100 COLE AVE	HILLHOUSE BRANDON
	284	3100 COLE AVE	BAYS VANCE J
	285	3100 COLE AVE	CLIFT SUSANNE A
	286	3100 COLE AVE	BENNETT KURT
	287	3100 COLE AVE	LIN CONSTANCE LEECHEN
	288	3100 COLE AVE	BATA INVESTMENTS LLC
	289	3100 COLE AVE	DEMEIS DANIEL G

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-359 **Item #:** 55.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): 1

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing to receive comments regarding an application for an NS(A) Neighborhood Service District with deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District on the northeast corner of West Illinois Avenue and Hollywood Avenue
Recommendation of Staff and CPC: Denial without prejudice
Z178-351(CY)

HONORABLE MAYOR AND CITY COUNCIL **WEDNESDAY, MARCH 27, 2019**
ACM: Majed Al-Ghafry

FILE NUMBER: Z178-351(CY) **DATE FILED:** August 30, 2018

LOCATION: Northeast corner of West Illinois Avenue and Hollywood Avenue

COUNCIL DISTRICT: 1 **MAPSCO:** 53 V

SIZE OF REQUEST: Approx. 0.213 acres **CENSUS TRACT:** 63.02

OWNER/APPLICANT: Agustin Peralta, sole owner

REPRESENTATIVE: Karla Calderon, Projects & Plans DFW.

REQUEST: An application for an NS(A) Neighborhood Service District with deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District.

SUMMARY: The purpose of the request is to convert the use of an existing structure from single family to office. The proposed deed restrictions prohibit certain uses that are allowed in the NS(A) Neighborhood Service District, limit the business days and hours of operation, and require screening along the north and east property lines.

CPC RECOMMENDATION: **Denial without prejudice.**

STAFF RECOMMENDATION: **Denial without prejudice.**

BACKGROUND INFORMATION:

- The 0.213-acre area of request is zoned an R-7.5(A) Single Family District and is developed with a one-story single-family structure that is currently vacant.
- Historical Aerial images indicate the 1,730-square foot single-family structure was built between 1945 and 1952.
- The owner proposes to change the use of the existing single-family structure and lease it for office uses.
- No office uses are permitted in the R-7.5(A) Single Family District. This district is intended to be composed of single family dwellings together with public and private schools, churches and public parks essential to create basic neighborhood units.
- Historical Aerial images show the subject site and surrounding areas to the north, east and west as a single-family development since as early as 1952.

Zoning History: There have been no zoning changes in the vicinity during the last five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Required ROW
West Illinois Avenue	Major Arterial	60 feet	100 feet
Hollywood Avenue	Minor Arterial	60 feet	60 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not significantly impact the surrounding roadway system.

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The request does not support the following Plan's goals or policies.

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.

ECONOMIC ELEMENT

GOAL 2.5 FOSTER A CITY OF GREAT NEIGHBORHOODS.

Policy 2.5.1 Ensure that existing and future residential areas are appropriately linked in order to enhance economic development and urban design benefits.

URBAN DESIGN ELEMENT

GOAL 5.2 STRENGTHEN COMMUNITY AND NEIGHBORHOOD IDENTITY.

Policy 5.2.1 Maintain neighborhood scale and character.

Land Use:

	Zoning	Land Use
Site	R-7.5(A) Single Family	Single Family
North	R-7.5(A) Single Family	Single Family
East	R-7.5(A) Single Family	Single Family
South	R-7.5(A) Single Family with SUP No. 159 for Public Library, NO(A) Neighborhood Office	Vacant Building
West	CR Community Retail	Financial Institution with Drive-through window

Land Use Compatibility:

The approximate 0.19-acre site is zoned an R-7.5(A) Single Family and is currently developed with an approximately 1,730-square foot one-story single-family structure built between 1945 and 152, according to historic aerial images, and is currently unoccupied.

The Dallas Development Code, as amended, defines the R-7.5(A) district as a zoning district that comprises a major portion of the existing single-family dwelling development of the city and is considered to be the proper zoning classification for large areas of the undeveloped land remaining in the city appropriate for single-family dwelling use. This district is intended to be composed of single-family dwellings together with public and private schools, churches, and public parks essential to create basic neighborhood units.

The purpose of the request is to change the zoning of the area of request to a Neighborhood Service District to allow for the conversion of the existing single-family structure and change its use to office. The applicant proposes to have the building available to lease to potential tenants.

The Dallas Development Code, as amended, identifies the purpose of the Neighborhood Service District as to accommodate convenience retail shopping, services and professional offices principally servicing, and compatible in scale and intensity of use, with adjacent residential uses.

Despite the presence of retail, personal service and office uses in the proximity of the area of request, the proposed zoning change is not appropriate in the context of the property's surrounding zoning districts and uses, especially to the north and east.

The retail and personal service and office uses found to the northwest, west and southwest of the subject site, are uses within a well-defined Community Retail District that surrounds the intersection of South Hampton Road and West Illinois Avenue and that accomplishes the purpose of providing for community-serving retail, personal service and office uses at a scale and intensity compatible with the residential community that surrounds it without directly affecting or having a negative impact on the existing single-family uses.

Properties to the north and east of the area of request are developed with single family uses and, with the exception of a vacant building in a Neighborhood Office District located to the south directly across West Illinois Avenue, additional single-family uses are found further south and to the southeast.

Although office uses can be considered as not having such an aggressive impact in a residential area, the request of a Neighborhood Service district also allows for other uses that can potentially cause a negative impact in the surrounding areas.

The applicant has proposed restrictions to prohibit certain uses that are allowed in the NS(A) district. Most of the proposed prohibited uses are uses currently allowed by right or by Specific Use Permit in the existing residential.

The following uses require an SUP in the existing zoning district but are allowed by right in the proposed zoning district. The applicant has not volunteered deed restrictions to prohibit these uses:

- Adult day care facility
- Child-care facility

Of the following uses which are not being restricted with the volunteered deed restrictions, and that are uses prohibited in the existing R-7.5(A) Single Family District, only *Restaurant without drive-in or drive-through service* will require a Residential Adjacency Review (RAR). The remaining uses are allowed by right in the proposed Neighborhood Service district:

- Financial institution without drive-in window
- Office
- General merchandise or food store 3,500 square feet or less
- Personal service uses
- Restaurant without drive-in or drive-through service (RAR)

A Residential Adjacency Review (RAR) is an administrative review that could recommend approval with limited conditions with the intention to lessen negative impacts on nearby residential property.

A land use comparison table is included further in this report identifying the uses not included in the volunteered deed restrictions.

It is also important to note that with the proposed zoning change, the existing structure will become non-conforming as to the side yard regulations. The Neighborhood Service District requires any structure to maintain a 20-foot setback when adjacent to a residential district. According to a preliminary site plan submitted by the applicant for reference only, the structure is approximately 12 feet from the eastern property line that is adjacent to a residential district.

Staff recognizes the applicant's effort to minimize the impact of the proposed zoning by also proposing restrictions to limit the hours of operation from 8:00 a.m. to 8:00 p.m. and requiring a minimum eight-foot-tall solid screening fence along the north and east property lines where the area of request abuts single-family uses. However, staff recommends denial because of the non-restricted uses that may have a negative impact on the surrounding residential uses.

The proposed zoning change in a single tract of land amidst a residential neighborhood that extents in all directions and beyond the existing Community Retail District, is not consistent with the clear vision of this area as one of low and medium density residential

development. A broader view of the zoning and land use of this area clearly indicates that the area is envisioned to be preserved as a residential neighborhood.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
Existing: R-7.5(A) Single Family	25'	5'	1 unit/ 7,500 sf	30'	45%		Single Family
Proposed NS(A) Neighborhood Office	15'	20' adjacent to res, other no min.	0.5 FAR	35' for structure w/ gable, hip or gambrel roof, other, 30' 2 stories	40%	RPS, DIR and Visual Intrusion	Retail and personal service, office.

Market Value Analysis

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. The area of request and surrounding properties to the north, east and southeast are within MVA Category "F".

Parking:

At the time of development, off-street parking requirements must be provided in accordance with the Dallas Development Code, as amended. For the approximately 1,730-square-foot structure converted to an office use, which requires a parking ratio of one space for every 333 square feet of floor area, a minimum of five parking spaces will be required.

The applicant proposes to pave an area in the rear of the property to provide for the required off-street parking. Pursuant to Sec. 51A-4.301(f)(1)(A), the off-street parking must be screened from the c residential district to the north and east, with a brick, stone, or concrete masonry, stucco, concrete or wood wall or fence that is not less than six feet in height.

Landscaping:

The proposed paved area depicted on the preliminary site plan, represents approximately 3,785 square feet of additional non-permeable area, this will trigger the landscape requirements in Section 51A-10.125(b) which will have to be provided at the time of development.

Land Use Comparison Table

USE	R-7.5(A) Single Family	NS(A) Neighborhood Service	Not Restricted
AGRICULTURAL USES	CROP PRODUCTION	CROP PRODUCTION	
COMMERCIAL AND BUSINESS SERV.	NONE PERMITTED	NONE PERMITTED	
INDUSTRIAL USES	GAS DRILLING AND PRODUCTION (SUP)	GAS DRILLING AND PRODUCTION (SUP)	
	TEMPORARY CONCRETE OR ASPHALT BATCHING PLANT (By Special authorization of the BO)	TEMPORARY CONCRETE OR ASPHALT BATCHING PLANT (By Special authorization of the BO)	
INSTITUTIONAL AND COMMUNITY SERVICE USES	ADULT DAY CARE FACILITY (SUP)	ADULT DAY CARE FACILITY	X
	CEMETERY OR MAUSOLEUM (SUP)	CEMETERY OR MAUSOLEUM (SUP)	
	CHILD-CARE FACILITY (SUP)	CHILD-CARE FACILITY	X
	CHURCH	CHURCH	X
	COLLEGE, UNIVERSITY OR SEMINARY (SUP)	COLLEGE, UNIVERSITY OR SEMINARY (SUP)	
	COMMUNITY SERVICE CENTER (SUP)	COMMUNITY SERVICE CENTER (SUP)	
	CONVENT OR MONASTERY (SUP)	CONVENT OR MONASTERY	
	LIBRARY, ART GALLERY OR MUSEUM (SUP)	LIBRARY, ART GALLERY OR MUSEUM	
		OPEN-ENROLLMENT CHARTER SCHOOL OR PRIVATE SCHOOL (SUP)	
	PUBLIC OR PRIVATE SCHOOL (SUP)	PUBLIC SCHOOL OTHER THAN AN OPEN-ENROLLMENT CHARTER SCHOOL (RAR)	
LODGING USES	NONE PERMITTED	NONE PERMITTED	
MISCELLANEOUS USES		ATTACHED NON-PREMISE SIGN (SUP)	
	CARNIVAL OR CIRCUS (TEMPORARY) (By special authoriztion of the BO)	CARNIVAL OR CIRCUS (TEMPORARY) (By special authoriztion of the BO)	
	TEMPORARY CONSTRUCTION OR SALES OFFICE	TEMPORARY CONSTRUCTION OR SALES OFFICE	
OFFICE USES	NONE PERMITTED	FINANCIAL INSTITUTION WITHOUT DRIVE-IN WINDOW	X
		MEDICAL OR AMBULATORY SURGICAL CENTER	
		OFFICE	X
RECREATION USES	COUNTRY CLUB WITH PRIVATE MEMBERSHIP (SUP)	COUNTRY CLUB WITH PRIVATE MEMBERSHIP	
	PRIVATE RECREATION CENTER, CLUB OR AREA (SUP)	PRIVATE RECREATION CENTER, CLUB OR AREA (SUP)	
	PUBLIC PARK, PLAYGROUND OR GOLF COURSE	PUBLIC PARK, PLAYGROUND OR GOLF COURSE	
RESIDENTIAL USES		COLLEGE DORMITORY, FRATERNITY OR SORORITY USE (SUP)	
	HANDICAPPED GROUP DWELLING		
	SINGLE FAMILY DWELLING		

Land use comparison table (cont.)

USE	R-7.5(A) Single Family	NS(A) Neighborhood Service	Not Restricted
RETAIL AND PERSONAL SERVICE USES	NONE PERMITTED	DRY CLEANING OR LAUNDRY STORE	
		GENERAL MERCHANDISE STORE OR FOOD STORE 3,500 SQUARE FEET OR LESS	X
		MOTOR VEHICLE FUELING STATION (SUP)	
		PERSONAL SERVICE USES	X
		RESTAURANT WITHOUT DRIVE-IN OR DRIVE-THROUGH SERVICE (RAR)	X
TRANSPORTATION USES	PRIVATE STREET OR ALLEY (SUP)		
	TRANSIT PASSENGER SHELTER	TRANSIT PASSENGER SHELTER	
	TRANSIT PASSENGER STATION OR TRANSFER CENTER (SUP)	TRANSIT PASSENGER STATION OR TRANSFER CENTER (By SUP or City Council Resolution)	
UTILITY AND PUBLIC SERVICE USES	ELECTRICAL SUBSTATION	ELECTRICAL SUBSTATION	
	LOCAL UTILITIES (SUP or RAR may be required)	LOCAL UTILITIES (SUP or RAR may be required)	
	POLICE OR FIRE STATION (SUP)	POLICE OR FIRE STATION (SUP)	
		POST OFFICE(SUP)	
	RADIO, TELEVISION, OR MICROWAVE TOWER (SUP)	RADIO, TELEVISION, OR MICROWAVE TOWER (SUP)	
	TOWER/ANTENNA FOR CELLULAR COMMUNICATION	TOWER/ANTENNA FOR CELLULAR COMMUNICATION	
	UTILITY OR GOVERNMENT INSTALLATION OTHER THAN LISTED (SUP)	UTILITY OR GOVERNMENT INSTALLATION OTHER THAN LISTED (SUP)	
WHOLESALE, DISTRIBUTION AND STORAGE USES	RECYCLING DROP-OFF CONTAINER	RECYCLING DROP-OFF CONTAINER	
	RECYCLING DROP-OFF FOR SPECIAL OCCASION COLLECTION	RECYCLING DROP-OFF FOR SPECIAL OCCASION COLLECTION	

CPC ACTION
November 15, 2018

Motion: In considering an application for an NS(A) Neighborhood Service District with deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District, on the northeast corner of West Illinois Avenue and Hollywood Avenue, it was moved to **hold** this case under advisement until December 13, 2018.

Maker: Schultz
Second: Shidid
Result: Carried: 10 to 0

For: 10 - Rieves, Davis, Shidid, Carpenter, Lewis, Housewright, Schultz, Peadon, Ridley, Tarpley

Against: 0
Absent: 2 - West, Murphy
Vacancy: 2 - District 3, District 7
Conflict: 1 - Jung**

**out of the room, when vote taken

Notices:	Area:	200	Mailed:	17
Replies:	For:	0	Against:	1

Speakers: None

CPC ACTION
December 13, 2018

Motion: In considering an application for an NS(A) Neighborhood Service District with deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District, on the northeast corner of West Illinois Avenue and Hollywood Avenue, it was moved to **hold** this case under advisement until January 17, 2019.

Maker: MacGregor
Second: Schultz
Result: Carried: 12 to 0

For: 12 - MacGregor, Rieves*, Davis, Shidid*, Carpenter, Lewis, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 2 - District 3, District 7
Conflict: 1 - Jung**

*out of the room, shown voting in favor
**out of the room, when vote taken

Notices:	Area:	200	Mailed:	17
Replies:	For:	1	Against:	2

Speakers: None

CPC ACTION
January 17, 2019

Motion I: It was moved to recommend **approval** of an NS(A) Neighborhood Service District, subject to deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District, on the northeast corner of West Illinois Avenue and Hollywood Avenue.

Maker: MacGregor
Second: Schultz
Result: Failed: 2 to 7

For: 2 - MacGregor, Schultz

Against: 7 - Davis, Shidid, Carpenter, Lewis, Housewright, Murphy, Tarpley
Absent: 1 - Ridley
Vacancy: 4 - District 2, District 3, District 7, District 12
Conflict: 1 - Jung**

**out of the room, when vote taken

Motion II: It was moved to recommend **denial without prejudice** of an NS(A) Neighborhood Service District with deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District, on the northeast corner of West Illinois Avenue and Hollywood Avenue.

Maker: Carpenter
Second: Housewright
Result: Carried: 9 to 0

For: 9 - MacGregor, Davis, Shidid, Carpenter, Lewis, Housewright, Schultz*, Murphy, Tarpley

Against: 0
Absent: 1 - Ridley
Vacancy: 4 - District 2, District 3, District 7, District 12
Conflict: 1 - Jung**

*out of the room, shown voting in favor
**out of the room, when vote taken

Notices:	Area:	200	Mailed:	17
Replies:	For:	1	Against:	2

Speakers: For: Karla Calderon, 2819 Brandon St., Dallas, TX, 75211
Agustin Peralta, 2722 S. Vernon Ave., Dallas, TX, 75224
Against: None

PROPOSED DEED RESTRICTIONS

THE STATE OF TEXAS)
) KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF Dallas)

I.

The undersigned, Agustin Peralta , an individual ("the Owner"), is the owner of the following described property ("the Property"), being in particular lot No. 11, City Block B/4760 , City of Dallas ("City"), Dallas County, Texas, and being that same tract of land conveyed to the Owner by JPMC Specialty Mortgage, LLC , by deed dated 07/30/2009 , and recorded in Instrument No. 200900218542, in the Deed Records of Dallas County, Texas, and being more particularly described as follows:

[Lot 11, City Block B/4760]

II.

The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

(1) The following uses are prohibited:

(A) Agricultural uses.

-- Crop production.

(C) Industrial uses.

-- Gas drilling and production.

-- Temporary concrete or asphalt batching plant.

(D) Institutional and community service uses.

-- Cemetery or mausoleum.

-- College, university, or seminary.

-- Community service center.

-- Convent or monastery.

-- Library, art gallery, or museum.

-- Open-enrollment charter school or private school.

-- Public school other than an open-enrollment charter school.

(F) Miscellaneous uses.

-- Attached non-premise sign.

-- Carnival or circus (temporary).

-- Temporary construction or sales office.

(G) Office uses.

-- Medical clinic or ambulatory surgical center.

(H) Recreation uses.

-- Country club with private membership.

-- Private recreation center, club, or area.

-- Public park, playground, or golf course.

(I) Residential uses.

-- College dormitory, fraternity, or sorority house.

(J) Retail and personal service uses.

-- Dry cleaning or laundry store.

-- Motor vehicle fueling station.

(K) Transportation uses.

-- Transit passenger shelter.

-- Transit passenger station or transfer center.

(L) Utility and public service uses.

-- Electrical substation.

-- Local utilities.

-- Police or fire station.

-- Post office.

-- Radio, television, or microwave tower.

-- Tower/antenna for cellular communication.

-- Utility or government installation other than listed.

(M) Wholesale, distribution, and storage uses.

-- Recycling drop-off container.

-- Recycling drop-off for special occasion collection.

(2) A business may only operate between 8:00 a.m. and 8:00 p.m., Monday through Sunday.

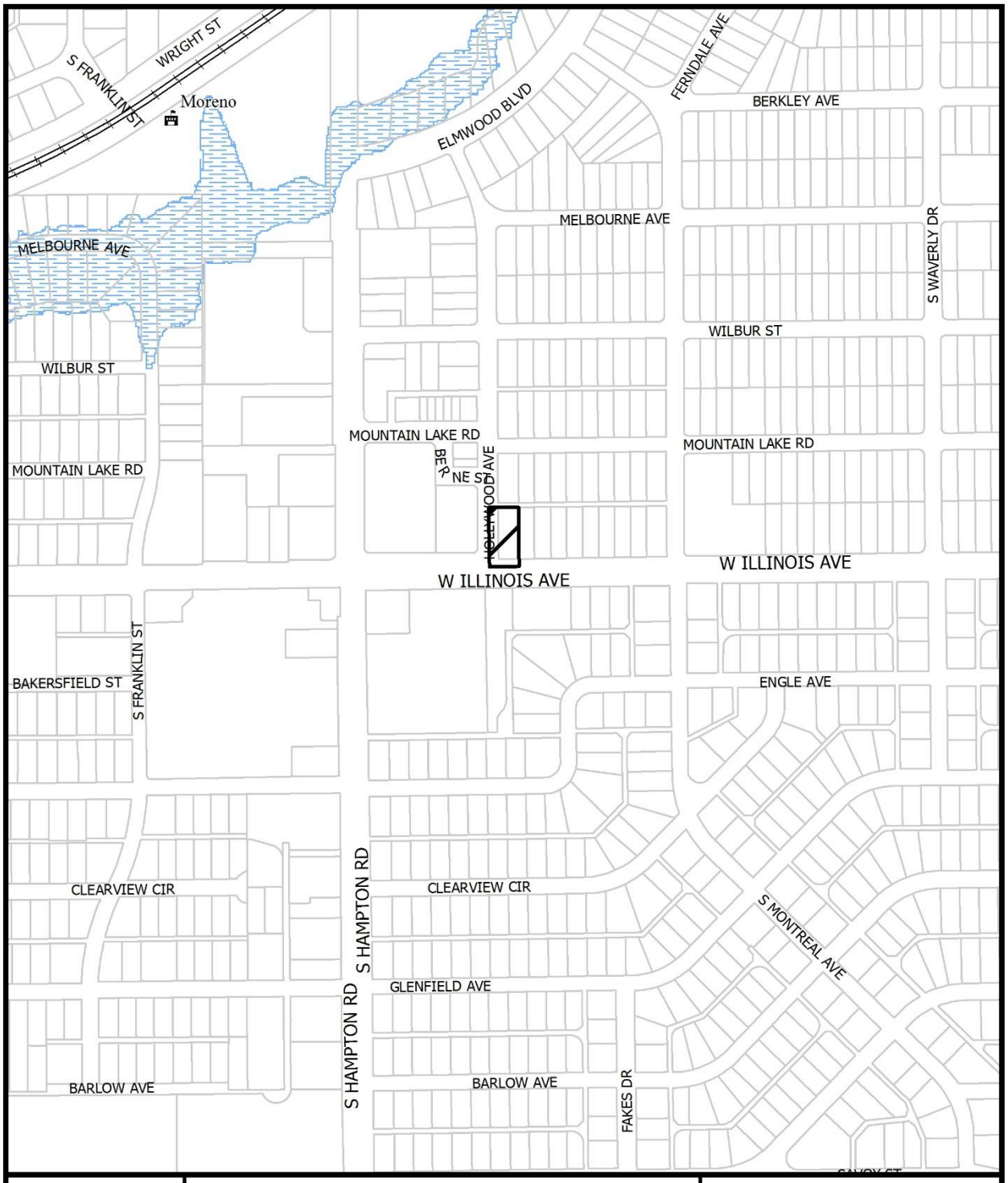
(3) A minimum eight-foot-tall solid screening fence is required along the north and east property lines.

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.



1:4,800

VICINITY MAP

Case no: Z178-351

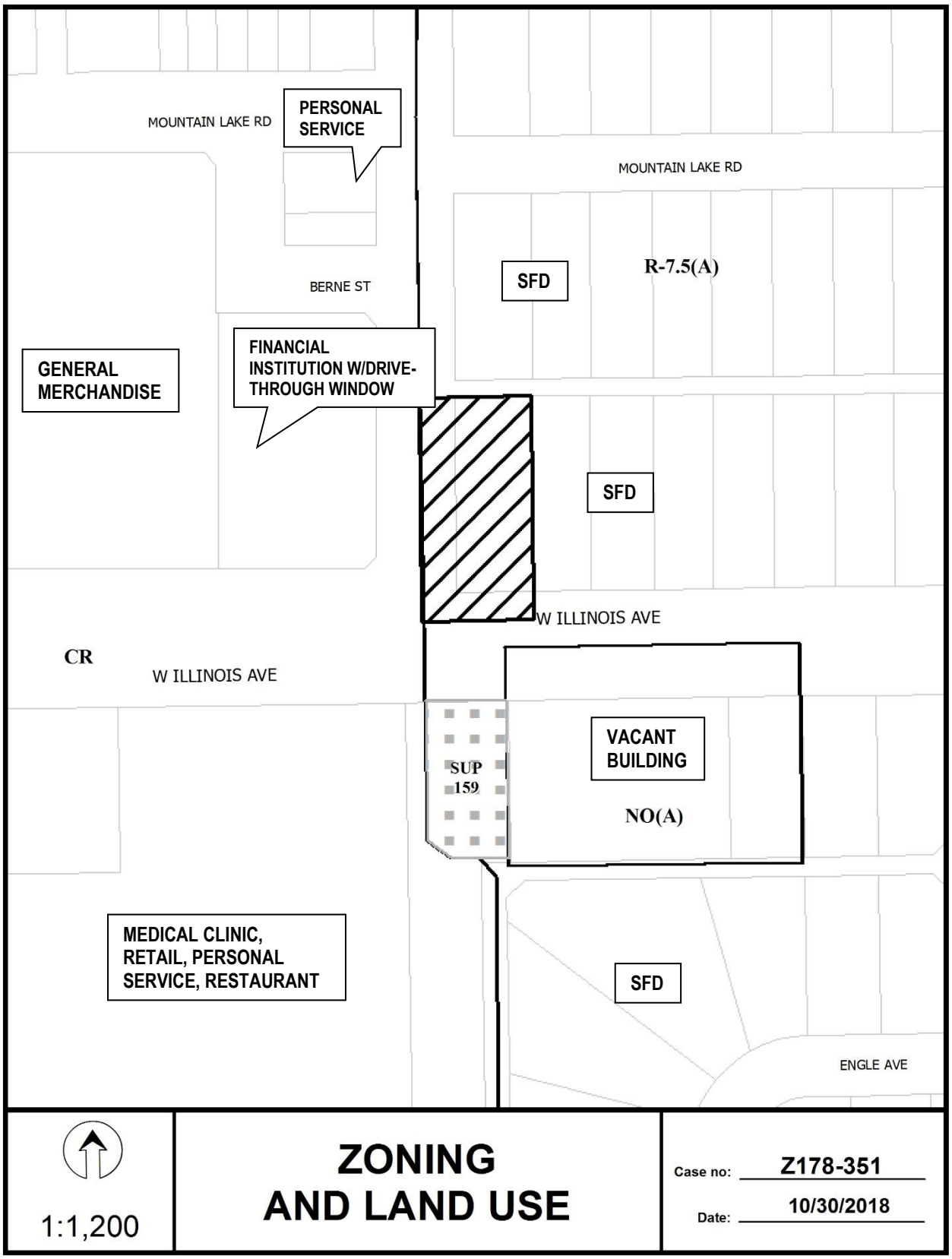
Date: 10/30/2018

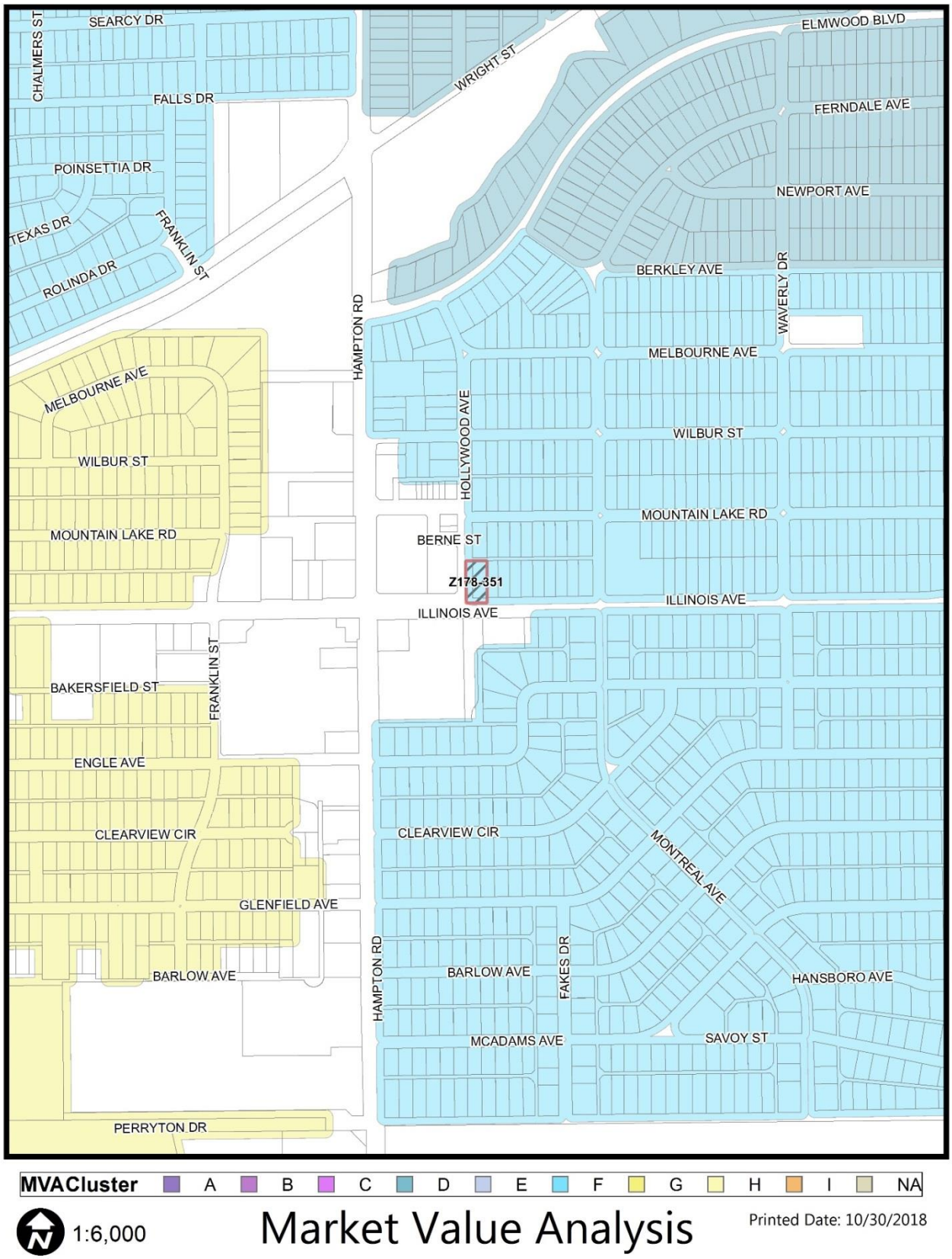
1:1,200

AERIAL MAP

Case no: Z178-351

Date: 10/30/2018


MOUNTAIN LAKE RD
PERSONAL SERVICE
MOUNTAIN LAKE RD
R-7.5(A)
SFD
BERNE ST
GENERAL MERCHANDISE
FINANCIAL INSTITUTION W/DRIVE-THROUGH WINDOW
SFD
W ILLINOIS AVE
CR
W ILLINOIS AVE
VACANT BUILDING
SUP 159
NO(A)
MEDICAL CLINIC, RETAIL, PERSONAL SERVICE, RESTAURANT
SFD
ENGLE AVE
1:1,200
ZONING AND LAND USE
Case no: Z178-351
Date: 10/30/2018



MVACluster A B C D E F G H I NA

1:6,000

Market Value Analysis

Printed Date: 10/30/2018

CPC RESPONSES

17	Property Owners Notified (20 parcels)
1	Replies in Favor (1 parcels)
2	Replies in Opposition (2 parcels)
200'	Area of Notification
1/17/2019	Date

Z178-351
CPC

1:1,200

01/16/2019

Reply List of Property Owners

Z178-351

17 Property Owners Notified ***1 Property Owners in Favor*** ***2 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	2219	W ILLINOIS AVE	PERALTA AGUSTIN
	2	2504	BERNE ST	SAHIBZADAH FRIDON &
	3	2306	MOUNTAIN LAKE RD	SHIBZADAH FRIDOON & ROYA SAHIBZADAH
	4	2118	MOUNTAIN LAKE RD	YBARRA SUSAN
	5	2202	MOUNTAIN LAKE RD	LEAL JAVIER
X	6	2206	MOUNTAIN LAKE RD	VALTIERRA ALICE
O	7	2210	MOUNTAIN LAKE RD	GARCIA JESUSITA
	8	2214	MOUNTAIN LAKE RD	GUTIERREZ DIANA
	9	2218	MOUNTAIN LAKE RD	DOSSETT BARBARA
	10	2215	W ILLINOIS AVE	GRANADO CONSUELO
	11	2211	W ILLINOIS AVE	ROE GERALDINE
	12	2203	W ILLINOIS AVE	HALL IVORY
X	13	2119	W ILLINOIS AVE	SALDIVAR SOCORRO
	14	2214	W ILLINOIS AVE	HAMPTON ILLINOIS SHOPPING
	15	2204	W ILLINOIS AVE	ORGANIZATION OF HISPANIC CONTRACTORS
	16	2323	W ILLINOIS AVE	ADD WEST ILLINOIS LLC
	17	2307	W ILLINOIS AVE	COMPASS BANK

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-204 **Item #:** 56.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): 7

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2155 for a recycling buy-back center for the collection of household and industrial metals on property zoned an IM Industrial Manufacturing District, on the southwest line of South Lamar Street between Martin Luther King Jr. Boulevard and Lenway Street
Recommendation of Staff and CPC: Approval for a two-year period, subject to conditions
Z178-361(CT)
Note: This item was deferred by the City Council before opening the public hearing on January 23, 2019, and is scheduled for consideration on March 27, 2019

powered by Legistar™

HONORABLE MAYOR AND CITY COUNCIL **WEDNESDAY, MARCH 27, 2019**

ACM: Majed Al-Ghafry

FILE NUMBER:	Z178-361(CT)	**DATE FILED:**	September 7, 2018
LOCATION:	Southwest line of South Lamar Street between Martin Luther King Jr. Boulevard and Lenway Street		
COUNCIL DISTRICT:	7	**MAPSCO:**	46 W
SIZE OF REQUEST:	Approx. 3.1887 acres	**CENSUS TRACT:**	34.00

APPLICANT: Gold Auto Parts Recyclers

OWNER: Recycling Properties L.P.

REPRESENTATIVE: Milos Cinclair, PLLC

REQUEST: An application for the renewal of Specific Use Permit No. 2155 for a recycling buy-back center for the collection of household and industrial metals on property zoned an IM Industrial Manufacturing District.

SUMMARY: The purpose of this request is to continue the operation of the recycling buy-back center of household metals and industrial metals within a portion of an existing facility [Gold Auto Parts Recycling Center].

CPC RECOMMENDATION: **Approval** for a two-year period, subject to conditions

STAFF RECOMMENDATION: **Approval** for a two-year period, subject to conditions

BACKGROUND:

- The existing SUP for a recycling buy-back center for the collection of household metals and industrial metals was approved on September 9, 2015, for a two-year period. On December 13, 2017, the City Council renewed the SUP for a two-year period.

- The applicant is seeking renewal, with no proposed changes to the existing conditions of the SUP.

- The Dallas Police Department finds the facility in compliance with Chapter 40B for operation of a recycling buy-back center.

- The Dallas Development Code states the time period for an SUP for a recycling buy back center for the collection of household metals and industrial metals may not exceed a two-year period.

Zoning History: There have not been any zoning cases in the area over the past five years.

Traffic:

The Engineering Division of Sustainable Development and Construction Department has reviewed the request and determined that it will not have a detrimental impact on the surrounding street system.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
South Lamar Street	Principal Arterial	100 feet	100 feet

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

ENVIRONMENTAL ELEMENT

GOAL 6.6 Increase Recycling and Conservation of Renewable Resources

Policy 6.6.1 Increase recycling and composting

Surrounding Land Uses:

	Zoning	Land Use
Site	IM, SUP No. 2155	Industrial, warehouse, and recycling buy-back center
North	PD 595 (FWMU-3)	Undeveloped/Single family
East	PD 595 (CC)	Restaurant/Undeveloped
South	IM	Industrial
West	IM	Industrial

Land Use Compatibility:

The Development Code requires a Specific Use Permit for a recycling buy-back center for the collection of household and industrial metals; but does not require a Specific Use Permit for recyclable materials such as clothing, aluminum cans, steel cans, glass, paper, and plastic products in the IM District. In addition, the code limits a recycle buy-back center to a maximum of 10,000 square feet of floor area and does not allow other recycling facilities within 1,000 feet. The Code also limits the time period to no more than two years.

The request site is located within an industrial area and is adjacent to several industrial uses. Properties that are generally located southwest of South Lamar Street, are located within heavily industrial and commercial zoning districts. This area has been zoned for industrial and light commercial uses since the 1970s. The properties to the northeast of South Lamar Avenue are undeveloped and single family uses. The existing use is located in an industrial area and is located on a property that has had industrial uses for over 20 years.

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 use is compatible with the surrounding industrial uses and is separated from nearby residential uses by a major roadway. The use provides a service throughout the area as a place to bring materials that may otherwise not be recycled. The short initial time allowed staff to review the use and determined it was in compliance with the conditions and site plan. As such, staff is recommending approval for an additional two-year period.

Landscaping:

The request does not trigger landscape requirements.

Market Value Analysis

Market Value Analysis (MVA), is a tool to aid residents and policy-makers in understanding the elements of their local residential real estate markets. It is an objective, data-driven tool built on local administrative data and validated with local experts. The analysis was prepared for the City of Dallas by The Reinvestment Fund. Public officials and private actors can use the MVA to more precisely target intervention strategies in weak markets and support sustainable growth in stronger markets. The MVA identifies nine market types (A through I) on a spectrum of residential market strength or weakness. As illustrated in the attached MVA map, the colors range from purple representing the strongest markets to orange, representing the weakest markets. While the subject site is not located within an identified market type category, it is closest to Category “I” and Category “E” northeast of South Lamar Street.

Parking:

The parking regulations require one space per 500 square feet of floor area for a recycling buy-back center. The building where the use is located is a 2,000 square-feet building. The applicant is providing the required 20 off-street parking spaces for the use.

Police Department:

The Dallas Police Department monitors the facility for compliance with Chapter 40B for operation of a recycling buy-back center. The Dallas Police Department also requires a license for a recycling buy-back center. According to DPD, the applicant is in compliance with Dallas City Ord. 40-B.

List of Partners, Principals, or Officers

Gold Auto Parts Recycling Center

Jerome Amman – Managing Partner on Site

Neil Goldberg - Partner

Proposed Conditions
SUP No. 2155

1. USE: The use authorized by this specific use permit is a recycling buy-back center for the collection of household and industrial metals.

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 [~~September 13, 2018~~] (two years from the passage of this ordinance).

4. FLOOR AREA: A maximum of 4,270 square feet.

5. GATE: Both double swing gates abutting to Lamar Street and shown on the attached site plan must remain open during hours of operation.

6. HOURS OF OPERATION: The recycling buy-back center for the collection of household and industrial metals may only operate between 7:00 a.m. and 7:00 p.m., Monday through Sunday.

7. INGRESS/ EGRESS: Ingress and egress must be provided in the location on the attached site plan. No other ingress or egress is permitted.

8. LICENSE: The Operator must obtain a secondary metal recyclers license in accordance with Chapter 40B of the Dallas City Code.

9. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

10. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

DECEMBER 13, 2018 - CITY PLAN COMMISSION MINUTES

Note: The Commission considered this item individually.

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2155 for a recycling buy-back center for the collection of household and industrial metals for a two-year period, subject to conditions on property zoned an IM Industrial Manufacturing District, on the southwest line of South Lamar Street, between Martin Luther King Jr. Boulevard and Lenway Street.

Maker: Davis
Second: Rieves
Result: Carried: 13 to 0

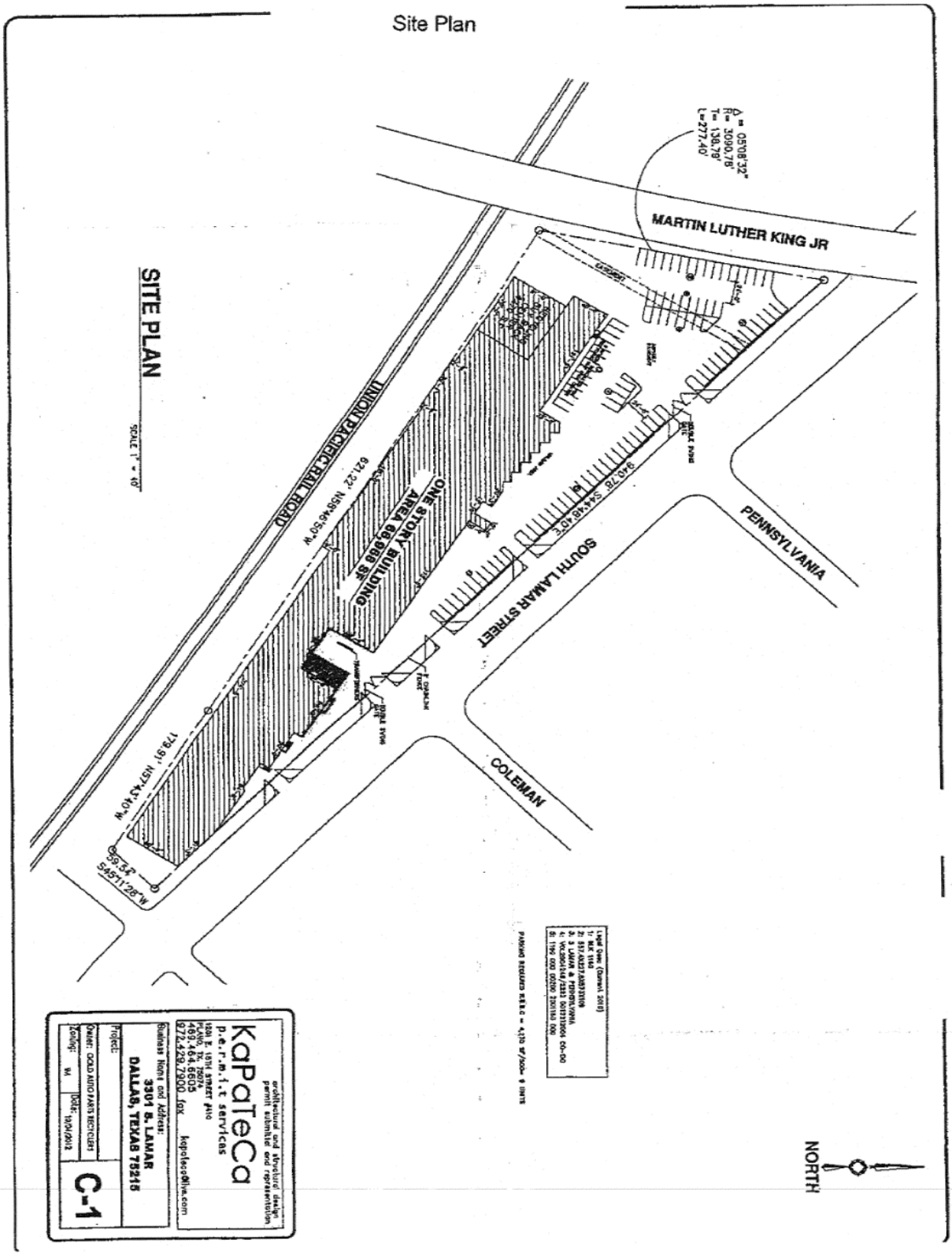
For: 13 - MacGregor, Rieves, Davis, Shidid, Carpenter, Lewis, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

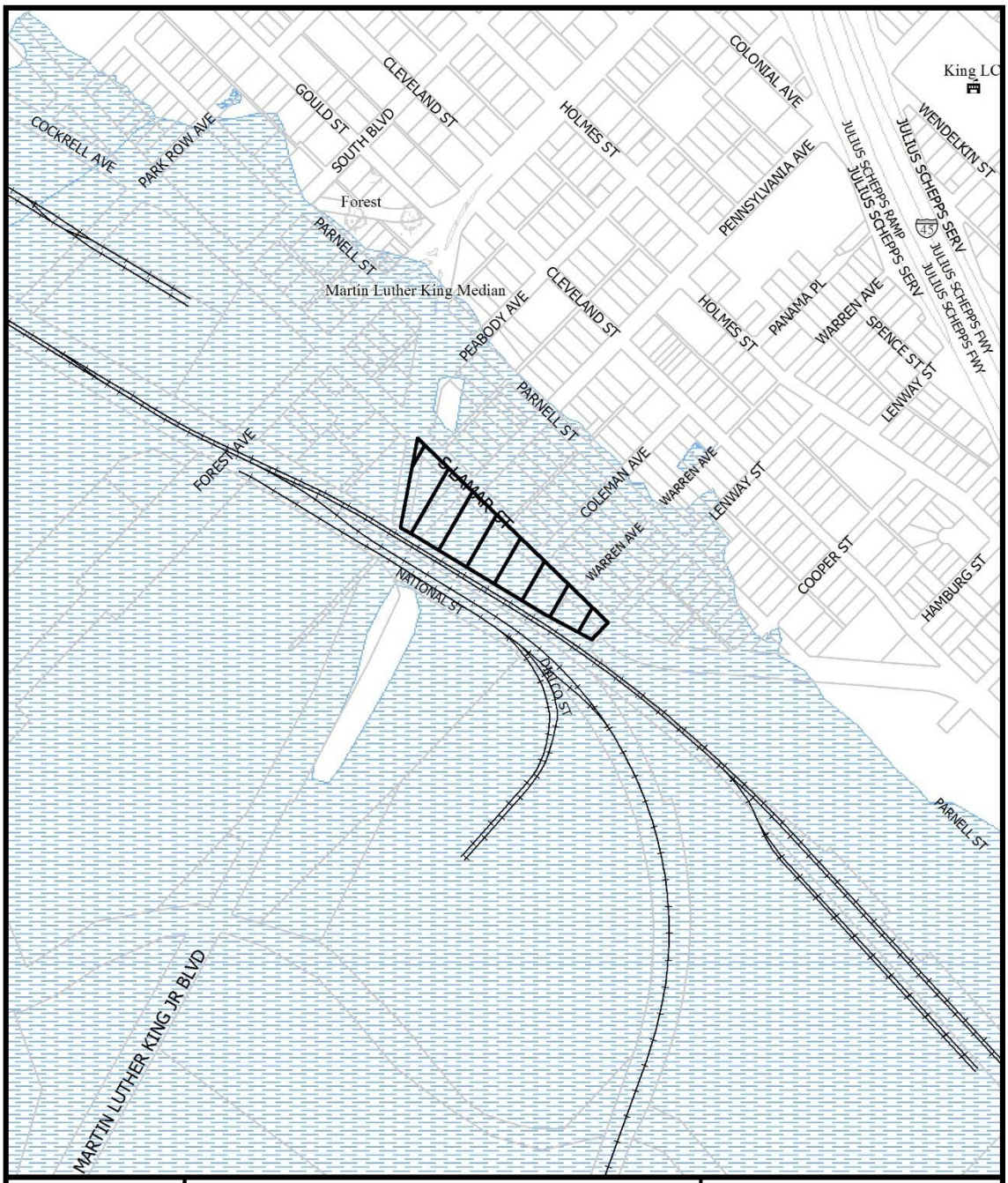
Against: 0
Absent: 0
Vacancy: 2 - District 3, District 7

Notices: Area: 300 Mailed: 33
Replies: For: 0 Against: 0

Speakers: For: Robert Miklos, 180 Valley View Ln., Farmers Branch, TX, 75234
Jerry Amman, 2004 Willow Bend, Oakley, TX
Against: None

EXISTING SITE PLAN
(no changes)





1:6,000

VICINITY MAP

Case no: Z178-361

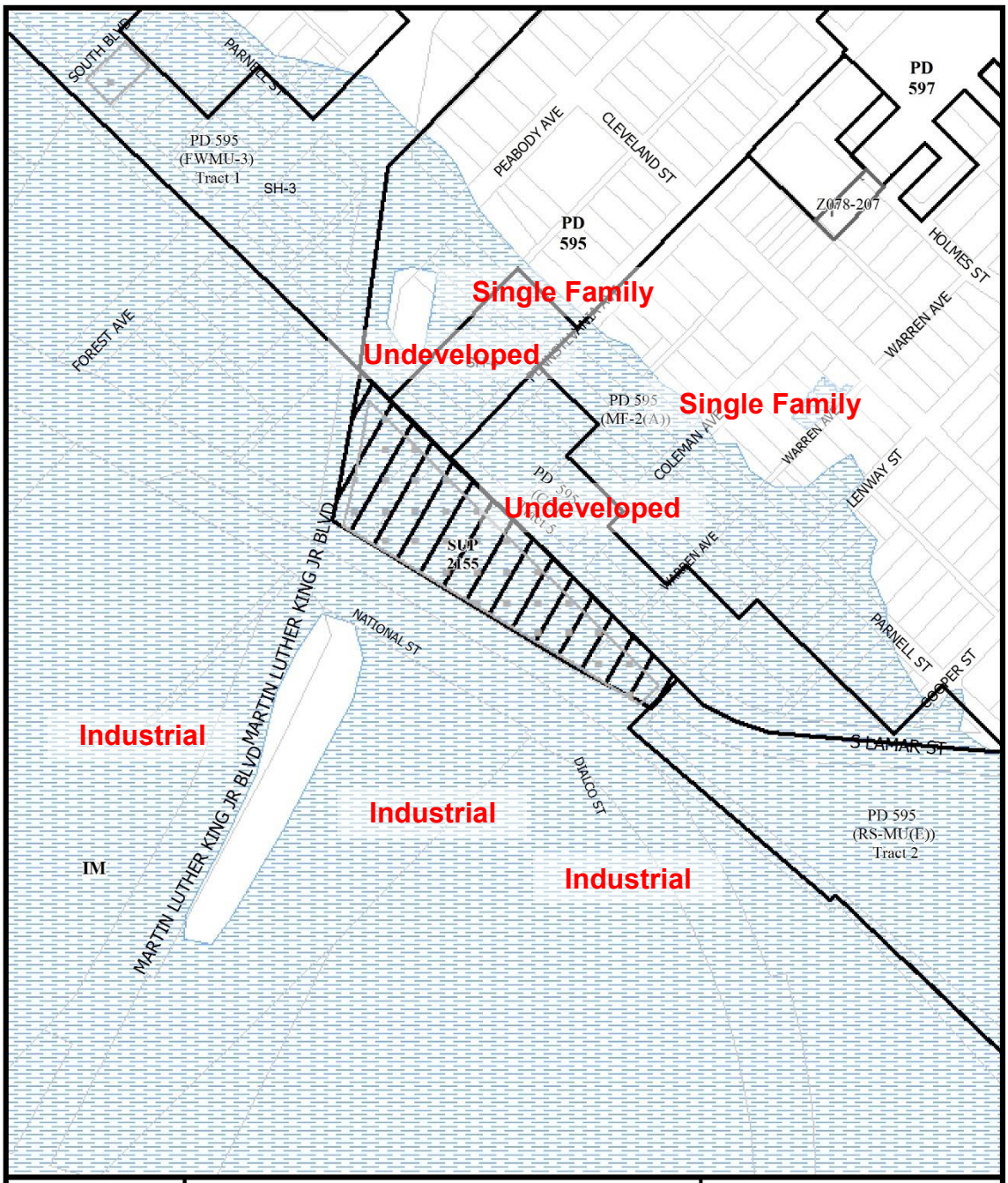
Date: 10/17/2018

1:3,600

AERIAL MAP

Case no: Z178-361

Date: 10/17/2018

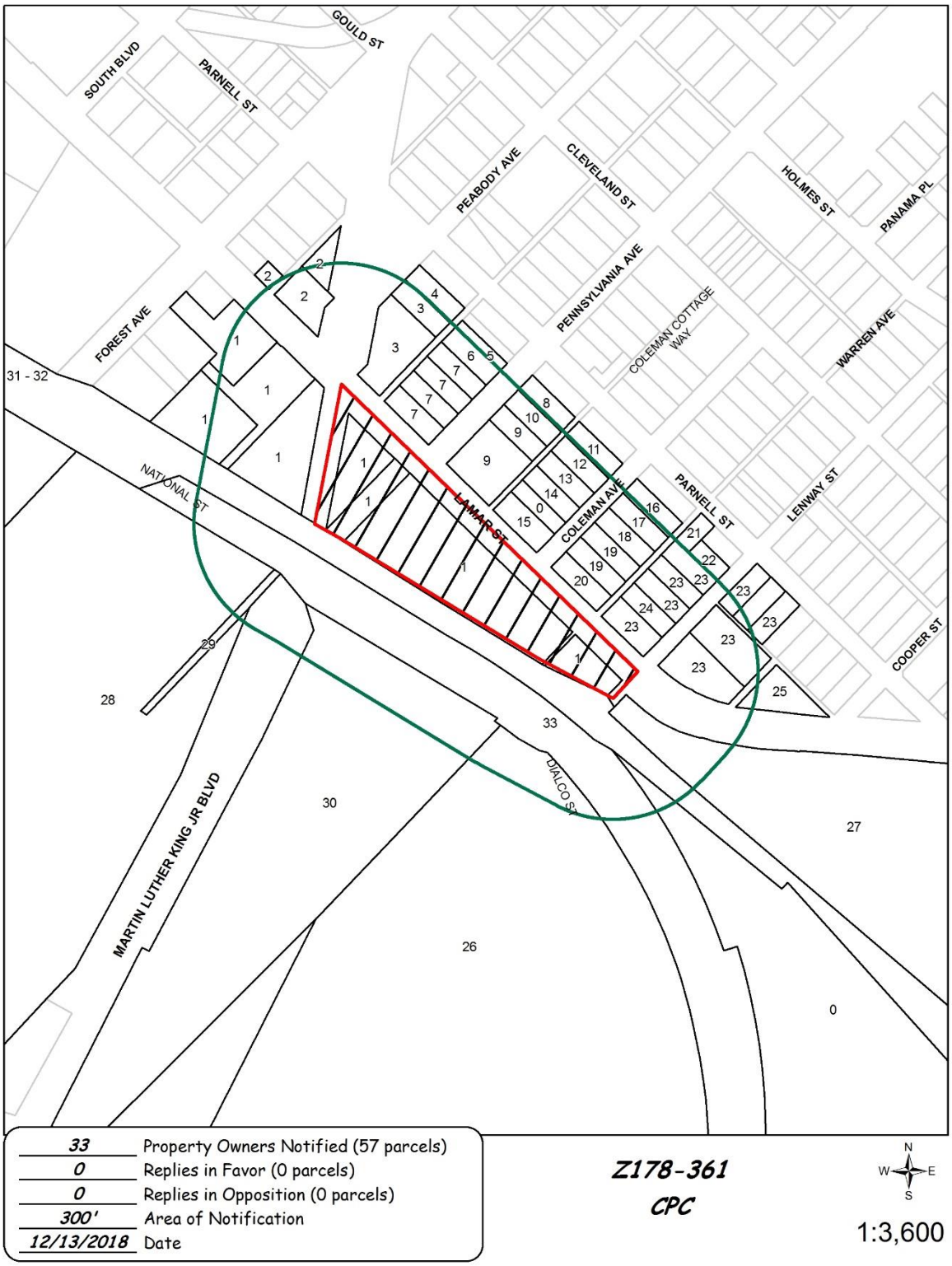


1:3,600

ZONING AND LAND USE

Case no: Z178-361

Date: 10/17/2018



33	Property Owners Notified (57 parcels)
0	Replies in Favor (0 parcels)
0	Replies in Opposition (0 parcels)
300'	Area of Notification
12/13/2018	Date

Z178-361
CPC

N W E S

1:3,600

12/12/2018

Reply List of Property Owners

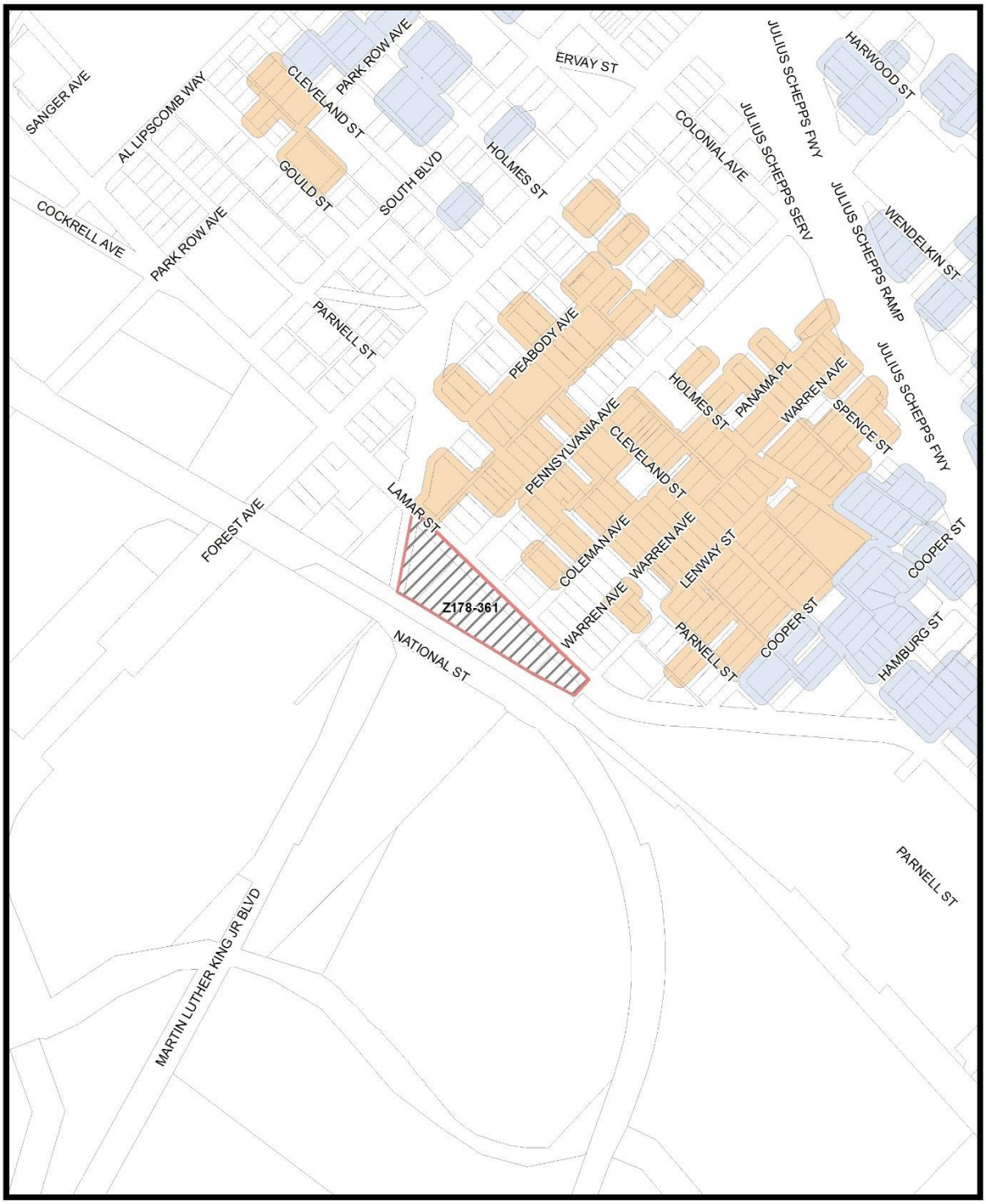
Z178-361

33 Property Owners Notified ***0 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	3113	S LAMAR ST	RECYCLING PROP LP
	2	3008	S LAMAR ST	FOREST HEIGHTS NEIGHBORHOOD
	3	3100	S LAMAR ST	FITZHUGH DEVELOPMENT GROUP LLC
	4	1216	PEABODY AVE	DELGADO ORLANDO
	5	1219	PENNSYLVANIA AVE	RATCLIFF KACHARRA
	6	1217	PENNSYLVANIA AVE	FOSTER EDDIE D
	7	1211	PENNSYLVANIA AVE	AMERICAN TRANSPORT XPRESS
	8	1222	PENNSYLVANIA AVE	FOXX BETTY ESTATE OF
	9	1214	PENNSYLVANIA AVE	BROWN DAVID A
	10	1216	PENNSYLVANIA AVE	BROWN DAVID A
	11	1221	COLEMAN AVE	JONES JESSE
	12	1217	COLEMAN AVE	LEONARD LARRY
	13	1213	COLEMAN AVE	PORTILLO JOSE JAIME
	14	1209	COLEMAN AVE	SHAH GIRISH V
	15	3216	S LAMAR ST	FRANK HERBERT A JR
	16	1226	COLEMAN AVE	CARMEN GRINSTEIN INC
	17	1220	COLEMAN AVE	MCMILLIAM ETHEL MAE
	18	1216	COLEMAN AVE	FELTON HENRY &
	19	1212	COLEMAN AVE	GRINSTEIN CARMEN
	20	1206	COLEMAN AVE	WARREN WARD & G WILLIAMS
	21	3303	PARNELL ST	LOVE RODERICK
	22	1227	LENWAY ST	GRIFFIN LOIS K
	23	1223	LENWAY ST	G & A CORPORATION
	24	1209	LENWAY ST	G & A CORPORATION
	25	3520	S LAMAR ST	HANEY GEORGE C
	26	1100	LENWAY ST	OCCIDENTAL CHEMICAL CORP

12/12/2018

Reply	*Label #*	*Address*		*Owner*
	27	3701	S LAMAR ST	Dallas ISD
	28	1000	FOREST AVE	FAUBION LEO
	29	1000	FOREST LN	FAUBION ASSOCIATES INC
	30	3301	NATIONAL ST	BEALL CONCRETE INC
	31	4401	LINFIELD RD	ST LOUIS S W RAILWAY CO
	32	9999	NO NAME ST	UNION PACIFIC RR CO
	33	2300	AL LIPSCOMB WAY	BNSF RAILWAY



MVACluster A B C D E F G H I NA

1:6,000

Market Value Analysis

Printed Date: 10/17/2018

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-360 **Item #:** 57.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): All

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing to receive comments regarding consideration of amending Chapter 51 and Chapter 51A of the Dallas Development Code to create regulations for mixed income housing development bonuses and an ordinance granting the amendments
Recommendation of Staff: Approval of the Economic Development and Housing Committee recommendation
Recommendation of CPC: Approval
DCA 156-008

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, MARCH 27, 2019**

ACM: Majed Al-Ghafry

FILE NUMBER: DCA 156-008 **DATE INITIATED:** December 1, 2015

TOPIC: Mixed Income Housing Development Bonuses

CITY COUNCIL DISTRICTS: All **CENSUS TRACTS:** All

PROPOSAL: Consideration of amending Chapter 51 and Chapter 51A of the Dallas Development Code to create regulations for mixed income housing development bonuses.

SUMMARY: The amendment proposes to encourage the development of mixed-income housing in Multifamily and Mixed Use Districts by offering development bonuses in return for providing a percentage of units to be reserved for families within certain income bands.

CPC RECOMMENDATION: **Approval**

STAFF RECOMMENDATION: **Approval** of the Economic Development and Housing Committee recommendation

UPDATE

This case report reflects the comments received from stakeholders and the Economic Development and Housing Committee and maintains the previous recommendation with the following change:

- For developments in MF-1(A) and MF-2(A) Multifamily Districts that utilize the mixed income housing development bonus, a 20-foot urban form setback is required for all portions of a structure above 45 feet in height.

On December 12, 2018, City Council considered the proposal and returned the item to Economic Development and Housing Committee for further consideration after receiving proposed amendments to the proposal from The Real Estate Council (TREC), Legal Aid of North West Texas (LANWT), and Inclusive Communities Project (ICP).

On February 4, 2019, the Economic Development and Housing Committee reviewed the proposed elements, listed below, and voted to forward the proposal to Council with no additional recommendation. During discussion, the committee requested staff to resume discussions with stakeholders regarding the recommendation for MU-3 Mixed Use Districts. Staff reached out to TREC asking for information to further substantiate their request for additional floor area ratio in the MU-3 Mixed Use Districts and a higher Area Median Family Income. TREC responded with no additional information and indicated that their request had not changed.

The committee reviewed the following elements of the proposal, including stakeholder recommendations, discussion of rationale, and staff recommendation:

Affordability Period

- Stakeholder recommendations:
  - The Real Estate Council (TREC) recommended that affordability period should be based upon MVA groupings: 10 years for A/B/C, 15 years for D/E/F, and 20 years for G/H/I. TREC's rationale is that lengthy affordability periods could dampen the supply of mixed income housing by reducing program participation. Additionally, lifting rent restrictions after 10 to 20 years provides a natural point at which owners can renovate properties.
  - Legal Aid of NorthWest Texas (LANWT) recommended that the affordability period should be at least 40 years, a length that appears to be the national standard per a 2017 study by the Lincoln Institute of Land Policy. LANWT believes a longer time period would create a more meaningful impact.
- Discussion:
  - A 15- to 20-year affordability period is based on common maintenance and investment cycles for apartment systems such as HVAC systems and roofing.
  - Per Dallas Central Appraisal District, property condition tends to drop as multifamily properties age. Removing rent restrictions encourages reinvestment and repositioning of aging apartment complexes to extend the timeframe of "good" and "excellent" condition.

- Staff recommendation:
  - *Staff supports the Committee's November 5, 2018 recommendation of **20** years* given that this time period provides a longer period of affordability without having a deleterious effect on re-investment in these proposed developments.

Income Bands

- Stakeholder recommendations:
  - TREC recommends *increasing* the minimum income band in *MU-3 Mixed Use Districts* for MVA categories A, B, and C to 61-80% AMFI instead of 51-60% AMFI.
  - LANWT recommends *decreasing* the minimum income band in *all* eligible zoning districts in MVA Categories G, H, and I to 51-60% AMFI.
  - ICP recommends *decreasing* the minimum income band to serve families at 30-50% AMFI.
- Discussion:
  - The City's Comprehensive Housing Policy set housing production goals for families between 30% AMFI and 120% AMFI.
  - This proposal focuses on providing rental housing for families above 50% AMFI by using development bonuses.
  - These development bonuses may preclude the need for additional financial subsidy, thereby allowing the City's Housing funds to serve families between 30% and 50% of AMFI.
- Staff Recommendation:
  - *Staff recommends keeping the CPC-recommended income bands*.

Urban Form Setback

- Stakeholders
  - TREC feedback: Similar to developments in MF-3(A) Multifamily Districts and the MU Mixed Use Districts, developments in MF-1(A) and MF-2(A) Multifamily Districts using the mixed income housing development bonus should be required to provide an additional **10-foot** front yard setback for that portion of a structure over 45 feet in height.
- Discussion
  - The MF-3(A) Multifamily Districts and MU-1, MU-2, and MU-3 Mixed Use Districts require front yard setbacks as follows:
    - Minimum front yard is 15 feet.
    - Urban form setback. An additional **20**-foot front yard setback is required for that portion of a structure over 45 feet in height.
  - MF-1(A) and MF-2(A) Multifamily Districts do not currently require an urban form setback because the height limit is 36 feet without the bonus.
  - With the bonus, the heights in these districts are similar to the base in the MF-3(A) Multifamily Districts.
- Staff Recommendation
  - *Staff recommends adding a **20**-foot urban form setback to the front yard setback requirements* for MF-1(A) and MF-2(A) Multifamily Districts for

developments utilizing the mixed income housing development bonus to match the current urban form setback requirements in the MF-3(A) Multifamily Districts and MU-1, MU-2, and MU-3 Mixed Use Districts for construction over 45 feet in height.

MU-3 Mixed Use Districts - Floor Area Ratio Maximum

- Stakeholders
  - TREC recommends increasing the floor area ratio bonus in the MU-3 Mixed Use District because the bonuses currently being proposed in the MU-3 Mixed Use District are not proportional to the development opportunity created in other districts.
  - TREC contends that the bonuses proposed in MU-1 and MU-2 Mixed Use Districts would both allow 50%-300% more development volume than what is currently allowed, while the bonuses proposed in the MU-3 Mixed Use District would allow only an additional 12% bonus.
- Discussion
  - Floor Area Ratio (FAR): The general statement for mixed use districts says that these districts are to "encourage a mixture of uses and promote innovative and energy conscious design, efficient circulation systems, the conservation of land, and the minimization of vehicular travel*."*
  - MU-3 Mixed Use Districts are generally located near large transportation and transit systems such as I-635, Central Expressway, and DART rail.
  - The CPC recommendation provides a maximum FAR of 6.0 (7.0 with transit adjacency) for developments that reserve 15% of their units and provide multiple uses on site.
- Staff Recommendation
  - *Staff recommends keeping the CPC recommendations as shown in the charts in this report*.

Planned Development Districts

- Stakeholders
  - LANWT recommends the City adopt a separate ordinance requiring a baseline level of affordability in all planned development districts (PDs). LANWT states that Austin requires a baseline level of affordable units for all Planned Unit Developments (PUDs) of 10% of all rental units affordable to families at 60% of AMFI for 40 years. Further, they state that Dallas approves increased height and density in new and amended PDs without any required affordability.
- Discussion
  - Staff's review of Austin's regulations indicate that Austin does *not require* a minimum level of affordability in PUDs.
  - Instead, Austin's PUD ordinance provides a two-step process that sets a baseline development standard and then provides for a development bonus in exchange for direct, off-site, or a fee-in-lieu of provision of affordable units.

- Staff Recommendation
  - *Staff recommends following CPC's recommendation that the proposed ordinance would only apply to PDs that default to one of the eligible zoning districts and that only alter the allowed uses*.
  - The bonuses in this amendment will serve as a guide for staff and applicants to evaluate PD applications on a case-by-case basis.

BACKGROUND

- In June 2006, City Council adopted the forwardDallas! comprehensive plan calling for a better connection between jobs and housing; a range of housing options through zoning regulations; and mixed-use development, especially around transit stations.
- On October 7, 2015, City Council adopted the Neighborhood Plus Plan, which called for 1) raising the quality of rental property through better design standards; 2) expanding affordable housing options and encouraging the distribution of affordable housing throughout the city and region; and 3) developing, adopting and implementing an incentive zoning policy to increase development rights through zoning changes and to allow density bonuses in proportion to the number of affordable residential units provided.
- On August 1, 2016, Housing Committee requested staff to initiate the development of a mixed income housing development bonus proposal.
- Between October 2016 and March 2017, staff met with other City departments; housing advocacy groups including the Inclusive Communities Project, Habitat for Humanity, and Opportunity Dallas; and members of the development community, including The Real Estate Council (TREC), the Urban Land Institute (ULI), and individual developers.
- The Zoning Ordinance Advisory Committee (ZOAC) considered this amendment at six public meetings between June 22 and September 28, 2017.
- On January 17, 2018, the Department of Housing and Neighborhood Revitalization briefed City Council on the Market Value Analysis.
- On May 9, 2018, City Council approved the Comprehensive Housing Policy with broad goals to create and maintain housing throughout Dallas, promote greater fair housing choices, and overcome patterns of segregation and concentrations of poverty.
- On August 10, 2018, staff met with the Development Process Committee of the City's Housing Policy Task Force.
- After approval of the Comprehensive Housing Policy, Zoning Ordinance Advisory Committee (ZOAC) considered this amendment at 6 additional public meetings between June 7 and September 6, 2018, and on September 20, 2018 recommended the proposal move to City Plan Commission.
- On September 20, 2018, the City Plan Commission received an initial briefing on the proposal and on October 4, 2018 recommended approval of the amendment.
- On November 5, 2018, the Economic Development and Housing Committee voted to forward the proposal to Council with an amendment to set the rental affordability period at 20 years instead of the City Plan Commission proposed recommendation of 15 years.

The proposed amendment to Chapters 51 and 51A is one prong of a two-pronged approach. The second prong includes amendments to Chapter 20A, “Fair Housing” of the Dallas Development Code, creating regulations for the compliance and implementation portion, which will be managed by the Department of Housing and Neighborhood Revitalization and the Office of Equity and Human Rights.

GENERAL INFORMATION/STAFF ANALYSIS

Affirmatively Further Fair Housing

The city is charged with making meaningful progress toward three goals to affirmatively further fair housing:

- Address significant disparities in housing need and access to opportunity;
- Replace segregated living patterns with truly integrated and balanced living patterns;
- Transform racially and ethnically concentrated areas of poverty into areas of opportunity.

The mixed income housing development bonus code amendment provides opportunities through zoning to increase the supply of mixed income housing throughout the city, with a focus on reducing discrimination based on source of income, providing additional housing opportunities in areas of strength within the city, and incentivizing market-rate housing in historically segregated and disinvested areas of the city.

Comprehensive Housing Policy

The Housing Policy directs the creation of a mixed income development bonus (formerly “voluntary inclusionary zoning”) code amendment to:

- Incentivize rental units using by-right development bonuses
- Create mixed-income housing in multi-family and mixed-use districts
- Be available throughout the city in multifamily and mixed-use zoning districts
- Include design principles to encourage walkability, reduce the need for parking, and require open space.

Summary of Issues: High rent, lack of supply, and rent burden

While the area median income has remained essentially flat for the past 10 years, average rents as reported by MPF Research in the Dallas area have risen from $850 a month in 2012 to more than $1,100 a month in 2017.

Additionally, despite the number of rental housing units currently under construction, occupancy for rental units has hovered around 95 percent (essentially full) since mid-2013, meaning that the city has a continuing housing shortage. Overall, the Housing Policy states that the city is short 20,000 housing units, including both owner-occupied and rental units.

These elements mean that as of the 2016 American Community Survey (ACS), 19,463 households in Dallas earned $35,000 - $75,000 and still paid more than 30 percent of their income in rent. Overall, nearly 130,000 households in the city are rent burdened.

Likewise, the 2016 ACS also reports that 49,055 households could afford higher-quality units if the supply existed. If these families move to higher-quality units, they make those newly vacated, less-expensive units available to others.

This proposal:

- Encourages higher-density new development, leading to increased supply, and
- Reserves some of those new units directly for households in certain income bands.

PROPOSAL:

Development bonuses under this proposal are voluntary. If a developer does not want to take advantage of the bonus, he or she can utilize the existing zoning without the bonus or apply for a zoning change.

This proposal has four key elements:

- Provide greater access to affordable housing throughout the city by differentiating the provision of reserved units based on the property's MVA category.
- Adjust by-right development regulations in multifamily and mixed-use zoning districts to allow for additional building envelope in return for a certain percentage of units to be reserved for households below particular income levels.
- Include design standards to encourage walkability and community gathering space.
- Require compliance with residential proximity slopes.

Income levels served vary by MVA category

Mixed income development bonuses would apply in MF-1(A), MF-2(A), and MF-3(A) Multifamily Districts and MU-1, MU-2, and MU-3 Mixed Use Districts. Together, these districts represent approximately 15,000 acres across the city.

The development bonus and number of reserved units would vary by the City's Market Value Analysis (MVA) category. Properties in A, B, and C categories would serve lower income levels than properties in G, H, and I categories, with the percent of reserved units depending on the amount of the bonus requested and the income ranges depending on the on MVA category.

- A, B, C:
  - 5% of units at 51%-60% Area Median Family Income (AMFI),
  - 5% of units at 51%-60% AMFI & 5% at 61-80% AMFI, or
  - 5% of units at 51%-60% AMFI & 5% at 61-80% AMFI & 5% at 81-100% AMFI
- D, E, F:
  - 5% of units at 61%-80% AMFI,
  - 10% of units at 61%-80% AMFI, or
  - 10% of units at 61%-80% AMFI & 5% at 81-100% AMFI
- G, H, I:
  - 5% of units at 81-100% AMFI

For example, a development on property in category A that wanted the maximum bonus would be required to reserve 15 percent of the total units, with 5 percent of units at 51 percent-60 percent AMFI, 5 percent at 61-80 percent AMFI, and 5 percent at 81-100 percent AMFI. Likewise, a property in category E that wanted the maximum bonus would reserve 15 percent of the total units, with 10 percent of units at 61 percent-80 percent AMFI and 5 percent at 81-100 percent AMFI. Properties in G, H, I categories are required to reserve 5 percent of the units at 81-100 percent AMFI if they take advantage of the bonus.

In all of the eligible districts, a higher development bonus requires more reserved units, and properties in stronger markets require lower income bands.

Bonuses vary by type of zoning district

In multifamily districts, the bonuses vary based on what change in regulation would be most likely to incentivize development.

- In MF-1(A) and MF-2(A) Multifamily Districts, the percentage of reserved units required increases with height and lot coverage.
- In MF-3(A) Multifamily Districts, the percentage of reserved units required increases with height, lot coverage, and density.

In mixed use districts, the bonuses vary based on what change in regulation would be most likely to incentivize development.

- In MU-1 and MU-2 Mixed Use Districts, the percentage of reserved units increases with increases in density. Also, existing floor area ratios (FAR) would apply to non-residential use only.
- In MU-3 Mixed Use Districts the percentage of reserved units increases with a small increase in FAR and a small increase in lot coverage.

In all districts:

- Building heights are subject to applicable residential proximity slopes.
- Setbacks are maintained.
- Parking is reduced to 1¼ space per unit (versus 1 space per bedroom in Chapter 51A) and at least 15 percent must be available for guest parking.
- Increased design standards as described below.
- Reserved unit set-aside ranges from 5 percent to 15 percent of units.

Additional regulation

After the recommendation from CPC, it was determined that a development could take advantage of the bonus to create mixed income housing and instead provide 100 percent of its units for households within a particular income band, potentially concentrating poverty.

After conferring with multiple departments, additional regulations are proposed:

- Set a maximum of 50 percent of units in each development that may be reserved for households at or below 80 percent of Area Median Family Income.
- Maximum percentage of reserved units could be waived for developments that are enrolled in a program administered by the Department of Housing and Neighborhood

Revitalization and authorized by the City Council that furthers the public purposes of the City's housing policy and affirmatively furthers fair housing.

The Council's Economic Development and Housing Committee was briefed on this additional regulation.

Transit proximity
Developments with proximity to transit receive an additional parking reduction and additional lot coverage. The parking requirement for these developments is one parking space per unit versus one space per bedroom in Chapter 51A and 85 percent lot coverage versus 60 percent to 80 percent lot coverage in Chapter 51A.

Transit proximity defined as ½ mile radius from a transit station and includes trolley stops, train stations, transfer centers, transfer locations, and transit centers and any transit stop with a climate-controlled waiting area. Eligible transit service includes Dallas Area Rapid Transit, TRE, high speed rail, and trolley service.

Reserved units
To implement elements of fair housing requirements, reserved units must:

- Be provided on-site.
- Be dispersed throughout the residential floor area of each building.
- Be dispersed throughout all residential portions of the building site, may not be clustered in one building or a limited number of buildings and may float within each dwelling unit type.
- Be of comparable finish-out and materials as the market rate dwelling units and must be equally available to eligible households or voucher holders as other market rate dwelling unit tenants.
- With minor exceptions, be dispersed pro-rata among the unit types so that not all the affordable units are the same unit type.

Additionally, eligible households must be provided similar access to common areas and parking locations

Proposed development bonus details for each zoning district:

MF-1(A) and MF-2(A) Multifamily Districts								
	Current	**Category A, B, C**			**Category D, E, F**			**Cat. G, H, I**
		5% at 51%-60%	**5% at 51-60% & 5% at 61-80%**	**5% at 51-60% & 5% at 61-80% & 5% at 81-100%**	**5% at 61-80%**	**10% at 61-80%**	**10% at 61-80% & 5% at 81-100%**	**5% at 80-100%**
Setbacks	10-15'	~~no changes~~ Proposed: Urban form setback: 20'						
Density/acre	none	no change						
Floor area ratio	none	no change						
Height	36'	51'	66'	85'	51'	66'	85'	85'
Max stories	no max	no changes						
Lot coverage	60%	80%	80%	85%	80%	80%	85%	85%
Min lot area /unit	varies	remove requirements						
Res. Proximity Slope	required	no changes						
Parking	1 per bdrm.	1 1/4 space per unit. Of the required parking, at least 15 percent must be available for guest parking. No additional parking is required for accessory uses that are limited principally to residents.						
Transit Oriented Development		Max lot coverage of 85%. One parking space per unit. Of the required parking, at least 15 percent must be available for guest parking.						

MF-3(A) Multifamily Districts								
	Current	**Category A, B, C**			**Category D, E, F**			**Cat. G, H, I**
		5% at 51%-60%	**5% at 51-60% & 5% at 61-80%**	**5% at 51-60% & 5% at 61-80% & 5% at 81-100%**	**5% at 61-80%**	**10% at 61-80%**	**10% at 61-80% & 5% at 81-100%**	**5% at 80-100%**
Setbacks	10-20 setbacks, Urban form: 20', Tower spacing: 30'							
Density/acre	90	100	120	150	100	120	150	150
Floor area ratio	2.0	maintain requirements; apply to non-residential uses only						
Height	90'	90	105	120	90	105	120	120
Max stories	no max	no changes						
Lot coverage	60%	80%	80%	85%	80%	80%	85%	85%
Min lot area /unit	varies	remove requirements						
Res. Proximity Slope	required	no changes						
Parking	1 per bdrm.*	1 1/4 space per unit. Of the required parking, at least fifteen percent must be available for guest parking. No additional parking is required for accessory uses that are limited principally to residents.						
Transit Oriented Development		For MF-3, max lot coverage of 85%. One parking space per unit. Of the required parking, at least fifteen percent must be available for guest parking.						

MU-1 Mixed Use District								
	Current	**Category A, B, C**			**Category D, E, F**			**Cat. G, H, I**
		5% at 51%-60%	**5% at 51-60% & 5% at 61-80%**	**5% at 51-60% & 5% at 61-80% & 5% at 81-100%**	**5% at 61-80%**	**10% at 61-80%**	**10% at 61-80% & 5% at 81-100%**	**5% at 80-100%**
Setbacks	0-20'	no changes						
Density/acre	15-25	current + 65= 80 to 90	current + 80= 95 to 105	current + 105= 120 to 130	current + 65= 80 to 90	current + 80= 95 to 105	current + 105= 120 to 130	current + 105= 120 to 130
Floor area ratio	0.8-1.1	maintain requirements; apply to non-residential uses only						
Height	80-120	no change						
Max stories	7-9	no change						
Lot coverage	80%	no change						
Min lot area /unit	n/a	no change						
Res. Proximity Slope	required	no changes						
Parking	1 per bdrm.	1 1/4 space per unit. Of the required parking, at least 15 percent must be available for guest parking. No additional parking is required for accessory uses that are limited principally to residents.						
Transit Oriented Development		For MU-1, additional 15 units/acre on density and max lot coverage of 85%. One parking space per unit. Of the required parking, at least 15 percent must be available for guest parking.						

MU-2 Mixed Use District								
	Current	**Category A, B, C**			**Category D, E, F**			**Cat. G, H, I**
		5% at 51%-60%	**5% at 51-60% & 5% at 61-80%**	**5% at 51-60% & 5% at 61-80% & 5% at 81-100%**	**5% at 61-80%**	**10% at 61-80%**	**10% at 61-80% & 5% at 81-100%**	**5% at 80-100%**
Setbacks	0-20'	no changes						
Density/acre	50-100	current + 40 = 90-140	current + 60 = 110-160	current + 80 = 130-180	current + 35 = 85-135	current + 55 = 105-155	current + 75 = 125-175	current + 75 = 125-175
Floor area ratio	1.6-2.25	maintain requirements; apply to non-residential uses only						
Height	135-180	no change						
Max stories	10-14	no change						
Lot coverage	80%	no change						
Min lot area /unit	n/a	no change						
Res. Proximity Slope	required	no changes						
Parking	1 per bdrm.	1 1/4 space per unit. Of the required parking, at least 15 percent must be available for guest parking. No additional parking is required for accessory uses that are limited principally to residents.						
Transit Oriented Development		For MU-2, additional 15 units on density and max lot coverage of 85%. One parking space per unit. Of the required parking, at least 15 percent must be available for guest parking.						

MU-3 Mixed Use District								
	Current	**Category A, B, C**			**Category D, E, F**			**Cat. G, H, I**
		5% at 51%-60%	**5% at 51-60% & 5% at 61-80%**	**5% at 51-60% & 5% at 61-80% & 5% at 81-100%**	**5% at 61-80%**	**10% at 61-80%**	**10% at 61-80% & 5% at 81-100%**	**5% at 80-100%**
Setbacks	0-20	no change						
Density/acre	none	No max unit density						
Floor area ratio	3.2-4.5	+0.5	+1	+1.5	+0.5	+1	+1.5	+1.5
Height	270	no change						
Max stories	20	no change						
Lot coverage	80%	80%	85%	85%	80%	85%	85%	85%
Min lot area /unit	none	no change						
Res. Proximity Slope	required	no changes						
Parking	1 per bdrm.*	Residential uses: 1 1/4 space per unit. Of the required parking, at least fifteen percent must be available for guest parking. No additional parking is required for accessory uses that are limited principally to residents. All other uses parked per code.						
Transit Oriented Development		For MU-3, additional 1 FAR and max lot coverage of 90%. One parking space per unit. Of the required parking, at least fifteen percent must be available for guest parking.						
Notes:		Additional FAR is added to the residential FAR only						

Design standards

Additional design standards can reduce auto dependency, reduce the need for parking, encourage alternative modes of transit, and improve transit accessibility, particularly for transit-dependent residents. Some design goals:

- Minimal surface parking, mostly in side/rear of lot
- Ground-floor entrances open directly to sidewalk or open space
- Wide sidewalks and pedestrian lighting
- Parking structures wrapped by other uses or similar in materials to main building
- Only short fences with pedestrian gates allowed between the front of the building and the street.

Developments seeking a bonus must provide a minimum of 10 percent of the property as open space. This open space is intended to provide active and passive recreation (such as playgrounds), to provide landscaping area, or to enable groundwater recharge, for example. Landscape areas that fulfill Article X may also fulfill these requirements if all conditions are met, and it may be provided at or below grade or aboveground. However, private balconies, sidewalks, parking spaces, parking lots, and drive aisles are not considered open space, and the open space is not intended to be used for parking or driving.

Specific requirements

- Additional provisions for yard, lot, and space regulations:
    - Encroachments allowed
        - Seat walls, retaining walls, stoops, porches, steps, unenclosed balconies, ramps, handrails, safety railings, and benches all not exceeding four feet in height and extending a maximum of five feet into the required front, side, and rear yards.
        - Landscape planters, sculptures, and awnings
        - Maximum four-foot-high fence or hand rail in the front yard.
    - Open space
        - At least ten percent of the building site must be must be reserved as open space for activity such as active or passive recreation, playground activity, groundwater recharge, or landscaping.
            - Open space may be at or below grade or aboveground, such as an outside roof deck, rooftop garden, playground area, pool area, patio, or similar type of outside common area.
            - Open spaces shall be maintained at no public expense.
            - Landscape areas that fulfill Article X may also fulfill these requirements if all conditions are met
        - Private balconies, sidewalks, parking spaces, parking lots, and drive aisles and areas primarily intended for vehicular use are not considered open space
    - Height
        - Residential proximity slope remains applicable
        - Elements such as railings, parapet walls, and trellises may project through the slope less than 4 feet.

- Off-street parking and loading
    - Surface parking
        - Surface parking is prohibited between the street-facing façade and the property line. For buildings with more than one street frontage, only two street frontages are subject to this requirement.
        - For buildings fronting on a thoroughfare, surface parking is prohibited in the setback
        - A maximum of 15 percent of the total on-site parking may be provided as surface parking in a side yard.
    - Parking structures.
        - The ground-level, street-facing facades of all aboveground multi-story parking structures must have a use other than parking or have a facade that is similar in materials and appearance to the facade of the main structure the parking serves.
    - Assigned parking spaces allotted for reserved units must be dispersed and distributed amongst all other assigned parking for similar units.
    - Commercial Loading
        - Service entries, loading areas and loading docks should be screened and located away from the facade facing the front yard.

- Passenger loading
  - Each building site must provide at least one off-street or on-street passenger loading space.
  - On-street passenger loading zones, if provided, must be constructed in compliance with Architectural Barrier Act accessibility standards and must be approved by the director.

- Urban design and structure facade standards
  - In MF-1(A) and MF-2(A) Multifamily Districts, structures must provide an additional 20-foot front yard setback for that portion of the structure over 45 feet in height to match the front yard setbacks for other zoning districts that allow structures over 45 feet in height. (Updated staff recommendation in response to TREC feedback.)
  - A minimum of 60 percent of the street-level dwelling units adjacent to a street in each building must have individual entries that access the street with an improved path connecting to the sidewalk. For at-grade open space, a minimum of 60 percent of the open-space fronting dwelling units in each building must have individual entries that access the open space.
  - Street-fronting and open-space fronting facades must have at least one window and at least one common primary entrance facing the street.
  - No more than 25 continuous linear feet of street-fronting façade may lack a transparent surface.
  - Individual entries may be gated, and private front yards may be separated from the public space with a maximum four-foot high fence.
  - Non-required fencing along a street or trail must be a minimum of 50 percent open and allow visibility between three and six feet above grade.

- Street and sidewalk standards
  - Sidewalks and buffers
    - A sidewalk with a minimum average width of six feet must be provided along all street frontages. All sidewalks must be clear and unobstructed for a minimum of five feet in width within the required area. If the building official determines that the location of a local utility or protected tree, as defined in Article X, would prevent a five-foot minimum width, the sidewalk may be reduced to four feet in width in that location.
    - Sidewalks must be located in an area parallel to and within two feet to 15 feet of the back of the projected street curb.
  - Pedestrian lighting must be provided along the sidewalks to provide minimum required lighting measured in footcandles.
  - Exterior lighting sources, if used, must be oriented down and onto the property they light and generally away from adjacent residential properties.

Implementation

Procedures

- Developer meets with the City's Department of Housing and Neighborhood Revitalization to request an MVA category verification letter and can also request information about compliance requirements for this program.

    - An MVA Verification Letter is a letter from the Department of Housing and Neighborhood Revitalization verifying which MVA category the parcel proposed for development is located in based on the council-approved MVA map. The MVA category determines the bonuses that the development may utilize in return for a specified number of reserved units. The MVA Verification Letter will be valid for the number of months specified in Chapter 20A.
- Developer begins the permit application process.
- The restrictive covenant process begins, including review by the Sustainable Development and Construction Department, the Department of Housing and Neighborhood Revitalization, and the City Attorney's Office.
- Prior to the issuance of a building permit, developer submits an official copy of the executed and filed restrictive covenant.
- Sustainable Development and Construction Department regularly sends to Housing and Neighborhood Revitalization Department a report of the building permits issued under the mixed income housing development bonus.
- Developer begins construction.
- Prior to beginning leasing, developer begins compliance process, including marketing the property according to fair housing rules, reserving units, etc.
- Developer completes construction and submits documentation for a final certificate of occupancy. City reviews for compliance with all aspects of the permit and, if complete, issues final CO.
- Developer (and all subsequent owners) submits compliance paperwork regularly during period of compliance. Requirements stay with the development, not the ownership.
- Ongoing compliance is monitored by the Housing and Neighborhood Revitalization Department and the Office of Equity and Human Rights.
- Developer (and all subsequent owners) may not discriminate on the basis of source of income. This non-discrimination provision provides housing opportunities for households with rental assistance or vouchers, as applicable.

Program Operation

- Term of affordability will be 15 years (CPC recommendation) or 20 years (Economic Development and Housing Committee recommendation).
    - The CPC recommendation of 15 years was based on common maintenance and investment cycles for apartment systems such as HVAC systems and roofing. Staff supports the Committee's recommendation of 20 years given that this time period provides a longer period of affordability without having a deleterious effect on re-investment in these proposed developments.
- Term of affordability, required number of affordable units, required income bands and other program requirements will be stated in a restrictive covenant that the owner must file in the real property records of the county in which the property is located.

Compliance and Operation of the Housing Program

Regulations regarding income bands, affordable rents, certification of families, leasing and lease termination procedures, and compliance and oversight will be placed in Dallas City Code Chapter 20A - Fair Housing.

DCA 156-008

CPC ACTION

October 4, 2018

Motion: It was moved to recommend **approval** of amending Chapters 51 and 51A of the Dallas Development Code to create regulations for mixed income housing development bonuses with the following change: For planned development districts that are not currently subject to RPS this bonus would only be allowed subject to RPS.

Maker: Shidid
Second: Murphy
Result: Carried: 13 to 0

For: 13 - West, Rieves, Davis, Shidid, Carpenter, Lewis, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 2 - District 3, District 7

Speakers: For: Jennifer Rangel, 3301 Elm St., Dallas, TX, 75226
Against: None
Staff: Bert Vandenberg, Assistant City Attorney, City of Dallas

2-21-19

ORDINANCE NO. _____

An ordinance amending Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," and Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code by amending Sections 51-4.404, 51-4.407, 51-4.408, 51-4.409, 51A-4.116, and 51A-4.125; adding a new Division 51-4.900 and Division 51A-4.1100; providing mixed-income density bonuses for certain residential developments; providing a penalty not to exceed $2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

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

SECTION 1. That Subsection (a), "General Provisions," of Section 51-4.404, "Minimum Lot Area for Residential Use," of Division 51-4.400, "Yard, Lot, and Space Regulations," of Article IV, "Zoning Regulations," of Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," of the Dallas City Code is amended by adding a new Paragraph (3) to read as follows:

"(3) The minimum lot area for residential use does not apply for a development using a mixed-income development bonus in Division 51-4.900."

SECTION 2. That Subsection (c), "Schedule of Maximum Lot Coverage," of Section 51-4.407, "Maximum Lot Coverage," of Division 51-4.400, "Yard, Lot, and Space Regulations," of Article IV, "Zoning Regulations," of Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," of the Dallas City Code is amended by adding a new Paragraph (2) to read as follows:

"(2) The maximum lot coverage for MF-1, MF-2, and MF-3 Multiple-Family Districts may be altered by the use of a mixed-income development bonus in Division 51-4.900 and the following:

(A) In an MF-1 Multiple-Family District, lot coverage may vary as allowed in Section 51A-4.116(a)(4)(I).

(B) In an MF-2 Multiple-Family District, lot coverage may vary as allowed in Section 51A-4.116(b)(4)(I).

(C) In an MF-3 Multiple-Family District, lot coverage may vary as allowed in Section 51A-4.116(c)(4)(I)."

SECTION 3. That Subsection (b), "Schedule of Maximum Building Heights," of Section 51-4.408, "Maximum Building Height," of Division 51-4.400, "Yard, Lot, and Space Regulations," of Article IV, "Zoning Regulations," of Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," of the Dallas City Code is amended by adding a new Paragraph (2) to read as follows:

"(2) The maximum building height for MF-1 and MF-2 Multiple-Family Districts may be altered by the use of a mixed-income development bonus in Division 51-4.900 and the following:

(A) In an MF-1 Multiple-Family District, maximum building height may vary as allowed in Section 51A-4.116(a)(4)(I).

(B) In an MF-2 Multiple-Family District, maximum building height may vary as allowed in Section 51A-4.116(b)(4)(I)."

SECTION 4. That Subsection (a), "General Provisions," of Section 51-4.409, "Maximum Floor Area Ratio," of Division 51-4.400, "Yard, Lot, and Space Regulations," of Article IV, "Zoning Regulations," of Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," of the Dallas City Code is amended to read as follows:

"(a) General provisions.

(1) [~~Reserved.~~

~~(2)~~] A basement is not counted in the computation of floor area ratio.

(2[~~3~~]) The maximum floor area ratio requirements in a planned development district are controlled by the planned development district regulations. The maximum floor area ratio in a matrix district is established by the city council at the time the district is created.

[~~(4) Reserved.~~]

(3[~~5~~]) The maximum floor area ratio in the CA-1-CP and CA-1-SP districts may be increased to 24 to 1 by the use of the building setback bonus provisions in the front yard regulations.

(4[~~6~~]) In an SC district, the maximum floor area ratio for office uses, as defined in Section 51-4.210(1), is .75 to 1, and the maximum floor area ratio for all uses combined is 1 to 1.

(5[~~7~~]) In an I-2 district, a specific use permit is required to authorize a floor area ratio greater than 4:1.

(6) For a development in an MF-3 Multiple-Family District that is using a mixed-income development bonus in Division 51-4.900, the maximum floor area ratio includes non-residential uses only."

SECTION 5. That Article IV, "Zoning Regulations," of Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," of the Dallas City Code is amended by adding a new Division 51-4.900, "Mixed-income Housing," to read as follows:

"**Division 51-4.900.**

Mixed-Income Housing.

This section incorporates by reference the language of Division 51A-4.1100 of Chapter 51A of the Dallas Development Code, as amended."

SECTION 6. That Paragraph (4), "Yard, Lot, and Space Regulations," of Subsection (a), "MF-1(A) and MF-1(SAH) Districts," of Section 51A-4.116, "Multifamily Districts," of Division 51A-4.110, "Residential District Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended read as follows:

"(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

Except as provided in this paragraph, the following yard, lot, and space regulations apply:

(A) Front yard. Minimum front yard is 15 feet.

(B) Side and rear yard.

(i) No minimum side and rear yard for single family structures.

(ii) Minimum side yard for duplex structures is five feet.

(iii) Minimum side yard for other permitted structures is 10 feet.

(iv) Minimum rear yard for duplex structures is 10 feet.

(v) Minimum rear yard for other permitted structures is 15 feet. A minimum rear yard of 10 feet may be provided when a building site backs upon an MF, MF(A), O-1, O-2, NO, NO(A), LO, LO(A), MO, MO(A), GO, GO(A), NS, NS(A), SC, CR, RR, GR, LC, HC, CS, CA-1, CA-1(A), CA-2, CA-2(A), I-1, I-2, I-3, LI, IR, IM, mixed use, or multiple commercial district.

(C) Dwelling unit density.

(i) MF-1(A) district. No maximum dwelling unit density.

(ii) MF-1(SAH) district. Maximum dwelling unit density varies depending on whether a density bonus is obtained in accordance with Division 51A-4.900 as follows:

MAXIMUM DWELLING UNIT DENSITY (dwelling units per net acre)	
Percentage of SAH Units Provided	**Dwelling Units Permitted**
0%	15
5%	16
10%	17
15%	20
20%	30

(D) Floor area ratio. No maximum floor area ratio.

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope originating in an R, R(A), D, D(A), TH, or TH(A) district. (See Section 51A-4.412.) Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height is 36 feet.

(F) Lot coverage.

(i) Maximum lot coverage is:

(aa) 60 percent for residential structures; and

(bb) 25 percent for nonresidential structures.

(ii) Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size.

[~~(i)~~] Minimum lot area per dwelling unit is as follows:

TYPE OF STRUCTURE	MINIMUM LOT AREA PER DWELLING UNIT
Single family	3,000 sq. ft.
Duplex	3,000 sq. ft.
Multifamily:	
No separate bedroom	1,000 sq. ft.
One bedroom	1,400 sq. ft.
Two bedrooms	1,800 sq. ft.
More than two bedrooms (Add this amount for each bedroom over two)	200 sq. ft.

[~~(ii)~~ ~~Repealed by Ord. 20441.~~

~~(iii)~~ ~~Repealed by Ord. 20441.~~]

.

(H) Stories. No maximum number of stories.

(I) Development bonuses for mixed-income housing. In an MF-1(A) district, lot coverage, lot size per bedroom, and height may vary depending on whether a development bonus is obtained in accordance with Division 51A-4.1100 as follows:

(i) Height and lot coverage bonuses.

	Set aside minimums (% of total residential units reserved in each income band, adjusted annually)	Maximum Height	Maximum Lot coverage (residential)
MVA Categories A, B, C	5% at Income band 3;	51 ft.	80%
	5% at Income band 3; and 5% at Income band 2	66 ft.	80%
	5% at Income band 3; 5% at Income band 2; and 5% at Income band 1	85 ft.	85%
MVA Categories D, E, F	5% at Income band 2; and	51 ft.	80%
	10% at Income band 2;	66 ft.	80%
	10% at Income band 2; and 5% at Income band 1	85 ft.	85%
MVA Categories G, H, I	5% at Income band 1	85 ft.	85%

(ii) Residential proximity slope. In addition to the items listed in Section 51A-4.408(a)(2)(A), the following additional items may project through the residential

proximity slope to a height not to exceed the maximum structure height, or four feet above the slope, whichever is less:

(aa) railings;

(bb) parapet walls;

(cc) trellises; and

(dd) structures such as wind barriers, wing walls, and patio dividing walls.

(iii) No minimum lot area per dwelling unit. No minimum lot area per dwelling unit is required for qualifying developments.

(iv) Developments with transit proximity. For a development with transit proximity as defined in Section 51A-4.1102, maximum lot coverage is 85 percent."

Economic Development and Housing Committee recommended:

(v) Urban form setback. An additional 20-foot front yard setback is required for that portion of a structure above 45 feet in height."

SECTION 7. That Paragraph (4), "Yard, Lot, and Space Regulations," of Subsection (b), "MF-2(A) and MF-2(SAH) Districts," of Section 51A-4.116, "Multifamily Districts," of Division 51A-4.110, "Residential District Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

Except as provided in this paragraph, the following yard, lot, and space regulations apply:

(A) Front yard. Minimum front yard is 15 feet.

(B) Side and rear yard.

(i) No minimum side and rear yard for single family structures.

(ii) Minimum side yard for duplex structures is five feet.

(iii) Minimum side yard for other permitted structures is 10 feet.

(iv) Minimum rear yard for duplex structures is 10 feet.

(v) Minimum rear yard for other permitted structures is 15 feet. A minimum rear yard of 10 feet may be provided when a building site backs upon an MF, MF(A), O-1, O-2, NO, NO(A), LO, LO(A), MO, MO(A), GO, GO(A), NS, NS(A), SC, CR, RR, GR, LC, HC, CS, CA-1, CA-1(A), CA-2, CA-2(A), I-1, I-2, I-3, LI, IR, IM, mixed use, or multiple commercial district.

(C) Dwelling unit density.

(i) MF-2(A) district. No maximum dwelling unit density.

(ii) MF-2(SAH) district. Maximum dwelling unit density varies depending on whether a density bonus is obtained in accordance with Division 51A-4.900 as follows:

MAXIMUM DWELLING UNIT DENSITY (dwelling units per net acre)	
Percentage of SAH Units Provided	**Dwelling Units Permitted**
0%	20
5%	22
10%	24
15%	30
20%	40

(D) Floor area ratio. No maximum floor area ratio.

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope originating in an R, R(A), D, D(A), TH, or TH(A) district. (See Section 51A-4.412.) Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height is 36 feet.

(F) Lot coverage.

(i) Maximum lot coverage is:

(aa) 60 percent for residential structures; and

(bb) 50 percent for nonresidential structures.

(ii) Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size.

[~~(i)~~] Minimum lot area per dwelling unit is as follows:

TYPE OF STRUCTURE	**MINIMUM LOT AREA PER DWELLING UNIT**
Single family	1,000 sq. ft.
Duplex	3,000 sq. ft.
Multifamily:	
No separate bedroom	800 sq. ft.
One bedroom	1,000 sq. ft.
Two bedrooms	1,200 sq. ft.
More than two bedrooms (Add this amount for each bedroom over two)	150 sq. ft.

[~~(ii)~~ ~~Repealed by Ord. 20441.~~

~~(iii)~~ ~~Repealed by Ord. 20441.~~]

(H) Stories. No maximum number of stories.

(I) Development bonuses for mixed-income housing. In an MF-2(A) district, lot coverage, lot size per bedroom, and height may vary depending on whether a development bonus is obtained in accordance with Division 51A-4.1100 as follows:

(i) Height and lot coverage bonuses.

	Set aside minimums (% of total residential units reserved in each income band, adjusted annually)	Maximum Height	Maximum Lot coverage (residential)
MVA Categories A, B, C	5% at Income band 3	51 ft.	80%
	5% at Income band 3; and 5% at Income band 2	66 ft.	80%
	5% at Income band 3; 5% at Income band 2; and 5% at Income band 1	85 ft.	85%
MVA Categories D, E, F	5% at Income band 2; and	51 ft.	80%
	10% at Income band 2	66 ft.	80%
	10% at Income band 2; and 5% at Income band 1	85 ft.	85%
MVA Categories G, H, I	5% at Income band 1	85 ft.	85%

(ii) Residential proximity slope. In addition to the items listed in Section 51A-4.408(a)(2)(A), the following additional items may project through the residential proximity slope to a height not to exceed the maximum structure height, or four feet above the slope, whichever is less:

(aa) railings;

(bb) parapet walls;

(cc) trellises; and

(dd) structures such as wind barriers, wing walls, and patio dividing walls.

(iii) No minimum lot area per dwelling unit. No minimum lot area per dwelling unit is required for qualifying developments,

(iv) Developments with transit proximity. For a development with transit proximity as defined in Section 51A-4.1102, maximum lot coverage is 85 percent."

Economic Development and Housing Committee recommended:

(v) Urban form setback. An additional 20-foot front yard setback is required for that portion of a structure above 45 feet in height."

SECTION 8. That Paragraph (4), "Yard, Lot, and Space Regulations," of Subsection (c), "MF-3(A) District," of Section 51A-4.116, "Multifamily Districts," of Division 51A-4.110, "Residential District Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

Except as provided in this paragraph, the following yard, lot, and space regulations apply:

(A) Front yard.

(i) In general. Minimum front yard is 15 feet.

(ii) Urban form setback. An additional 20-foot front yard setback is required for that portion of a structure over 45 feet in height.

(B) Side and rear yard.

(i) In general. Minimum side and rear yard is:

(aa) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF-1, MF-1(A), MF-1(SAH), MF-2, MF- 2(A), or MF-2(SAH) district; and

(bb) 10 feet in all other cases.

(ii) Tower spacing. An additional side and rear yard setback of one foot for each two feet in height above 45 feet is required for that portion of a structure over 45 feet in height, up to a total setback of 30 feet. This subparagraph does not require a total side or rear yard setback greater than 30 feet.

(C) Dwelling unit density. Maximum dwelling unit density is 90 dwelling units per net acre.

(D) Floor area ratio. Maximum floor area ratio is 2.0.

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope originating in an R, R(A), D, D(A), TH, or TH(A) district. (See Section 51A-4.412.) Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height is 90 feet.

(F) Lot coverage. Maximum lot coverage is 60 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size.

(i) Minimum lot size for residential use is 6,000 square feet.

(ii) Minimum lot area per dwelling unit is as follows:

TYPE OF STRUCTURE	**MINIMUM LOT AREA PER DWELLING UNIT**
Multifamily:	
No separate bedroom	450 sq. ft.
One bedroom	500 sq. ft.
Two bedrooms	550 sq. ft.
More than two bedrooms (Add this amount for each bedroom over two)	50 sq. ft.

(H) Stories. No maximum number of stories.

(I) Development bonuses for mixed-income housing. In an MF-3(A) district, lot coverage, lot size per bedroom, and height may vary depending on whether a development bonus is obtained in accordance with Division 51A-4.1100 as follows:

(i) Height and lot coverage bonuses.

	Set aside minimums (% of total residential units reserved in each income band, adjusted annually)	Maximum Unit Density per Acre	Maximum Height	Maximum Lot coverage (residential)
MVA Categories A, B, C	5% at Income band 3	100	90 ft.	80%
	5% at Income band 3 and 5% at Income band 2	120	105 ft.	80%
	5% at Income band 3 and 5% at Income band 2 and 5% at Income band 1	150	120 ft.	85%
MVA Categories D, E, F	5% at Income band 2	100	90 ft.	80%
	10% at Income band 2	120	105 ft.	80%
	10% at Income band 2 and 5% at Income band 1	150	120 ft.	85%
MVA Categories G, H, I	5% at Income band 1	150	120 ft.	85%

(ii) Residential proximity slope. In addition to the items listed in Section 51A-4.408(a)(2)(A), the following additional items may project through the residential proximity slope to a height not to exceed the maximum structure height, or four feet above the slope, whichever is less:

(aa) railings;

(bb) parapet walls;

(cc) trellises; and

(dd) structures such as wind barriers, wing walls, and patio dividing walls.

(iii) No minimum lot area per dwelling unit. No minimum lot area per dwelling unit is required for qualifying developments.

(iv) Floor area ratio. Maximum floor area ratio includes non-residential uses only.

(v) Developments with transit proximity. For developments with transit proximity as defined in Section 51A-4.1102, maximum lot coverage is 85 percent."

SECTION 9. That Paragraph (4), "Yard, Lot, and Space Regulations," of Subsection (d), "MU-1 and MU-1(SAH) Districts," of Section 51A-4.125, "Mixed Use Districts," of Division 51A-4.120, "Nonresidential District Regulations," of Article IV, "Zoning Regulations," of Chapter

51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

Except as provided in this paragraph, the following yard, lot, and space regulations apply:

(A) Front yard.

(i) In general. Minimum front yard is 15 feet.

(ii) Urban form setback. An additional 20-foot front yard setback is required for that portion of a structure above 45 feet in height.

(B) Side and rear yard.

(i) In general. Minimum side and rear yard is:

(aa) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and

(bb) no minimum in all other cases.

(ii) Tower spacing. An additional side and rear yard setback of one foot for each two feet in height above 45 feet is required for that portion of a structure above 45 feet in height, up to a total setback of 30 feet. This subparagraph does not require a total side or rear yard setback greater than 30 feet.

(C) Dwelling unit density.

(i) MU-1 district. Maximum dwelling unit density varies depending on whether the development is a "mixed use project" as follows:

MAXIMUM DWELLING UNIT DENSITY (dwelling units per net acre)		
Base (No MUP)	**MUP with Mix of 2 Categories**	**MUP with Mix of 3 or More Categories**
15	20	25

(ii) MU-1(SAH) district. Maximum dwelling unit density varies depending on whether a density bonus is obtained in accordance with Division 51A-4.900 and the development is a "mixed use project" as follows:

MAXIMUM DWELLING UNIT DENSITY (dwelling units per net acre)			
Percentage of SAH Units Provided	**Base (No MUP)**	**MUP with Mix of 2 Categories**	**MUP with Mix of 3 or More Categories**
0%	10	15	20
20%	15	20	25

(D) Floor area ratio. Maximum floor area ratio (FAR) varies depending on whether the development is a "mixed use project" as follows:

[Note: The first column is the base FAR, which applies when there is no MUP. The second column (MUP=2/no Res) is the FAR for an MUP with a mix of two use categories when neither category is "residential." The third column (MUP=2/with Res) is the FAR for an MUP with a mix of "residential" plus one other use category. The fourth column (MUP=3/no Res) is the FAR for an MUP with a mix of three or more use categories, none of which is "residential." The fifth column (MUP=3/with Res) is the FAR for an MUP with a mix of "residential" plus two or more other use categories.]

MAXIMUM FLOOR AREA RATIO					
Use Categories	**Base (no MUP)**	**MUP=2 (no Res)**	**MUP=2 (with Res)**	**MUP=3 (no Res)**	**MUP=3 (with Res)**
Lodging	0.8	0.85	0.9	0.85	0.95
Office	0.8	0.85	0.9	0.85	0.95
Residential	0.8	---	0.95	---	0.95
Retail and personal service	0.4	0.5	0.5	0.6	0.6
TOTAL DEVELOPMENT	0.8	0.9	1.0	1.0	1.1

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height varies depending on whether the development is a "mixed use project" as follows:

[Note: The first column is the base height, which applies when there is no MUP. The second column (MUP/No Retail) is the height for an MUP with a mix of two use categories when neither category is "retail and personal service." The third column (MUP/with Retail) is the height for an MUP with a mix of "retail and personal service" plus one or more other use categories.]

MAXIMUM STRUCTURE HEIGHT (in feet)		
Base (No MUP)	**MUP with Mix (No Retail)**	**MUP (with Retail)**
80	90	120

(F) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size. No minimum lot size.

(H) Stories.

(i) Maximum number of stories above grade is:

(aa) seven when the maximum structure height is 90 feet; and

(bb) nine when the maximum structure height is 120 feet.

(ii) Parking garages are exempt from this requirement, but must comply with the height regulations of Subparagraph (E).

(I) Development bonuses for mixed-income housing. In an MU-1 district, certain regulations vary depending on whether a development bonus is obtained in accordance with Division 51A-4.1100 as follows:

(i) Maximum dwelling unit density bonuses.

	Set aside minimums (% of total residential units reserved in each income band, adjusted annually)	Additional Maximum Unit Density: 51A-4.125(d)(4)(C), plus:
MVA Category A, B, C	5% at Income band 3	65 per acre
	5% at Income band 3; and 5% at Income band 2	80 per acre
	5% at Income band 3; 5% at Income band 2; and 5% at Income band 1	105 per acre
MVA Category D, E, F	5% at Income band 2	65 per acre
	10% at Income band 2;	80 per acre
	10% at Income band 2; and 5% at Income band 1	105 per acre
MVA Categories G, H, I	5% at Income band 1	105 per acre

(ii) Residential proximity slope. In addition to the items listed in Section 51A-4.408(a)(2)(A), the following additional items may project through the residential proximity slope to a height not to exceed the maximum structure height, or four feet above the slope, whichever is less:

(aa) railings;

(bb) parapet walls;

(cc) trellises; and

(dd) structures such as wind barriers, wing walls, and patio dividing walls.

(iii) Floor area ratio. In calculating the maximum floor area ratios in Subparagraph (D), residential uses are not included.

(iv) Developments with transit proximity. For developments with transit proximity as defined in Section 51A-4.1102, an additional bonus of 15 dwelling units is allowed and the maximum lot coverage is 85 percent."

SECTION 10. That Paragraph (4), "Yard, Lot, and Space Regulations," of Subsection (e), "MU-2 and MU-2(SAH) Districts," of Section 51A-4.125, "Mixed Use Districts," of Division 51A-4.120, "Nonresidential District Regulations," of Article IV, "Zoning Regulations," of Chapter

51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

Except as provided in this paragraph, the following yard, lot, and space regulations apply.

(A) Front yard.

(i) In general. Minimum front yard is 15 feet.

(ii) Urban form setback. An additional 20-foot front yard setback is required for that portion of a structure above 45 feet in height.

(B) Side and rear yard.

(i) In general. Minimum side and rear yard is:

(aa) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and

(bb) no minimum in all other cases.

(ii) Tower spacing. An additional side and rear yard setback of one foot for each two feet in height above 45 feet is required for that portion of a structure above 45 feet in height up to a total setback of 30 feet. This subparagraph does not require a total side or rear yard setback greater than 30 feet.

(C) Dwelling unit density.

(i) MU-2 district. Maximum dwelling unit density varies depending on whether the development is a "mixed use project" as follows:

MAXIMUM DWELLING UNIT DENSITY (dwelling units per net acre)		
Base (No MUP)	**MUP with Mix of 2 Categories**	**MUP with Mix of 3 or More Categories**
50	75	100

(ii) MU-2(SAH) district. Maximum dwelling unit density varies depending on whether a density bonus is obtained in accordance with Division 51A-4.900 and whether the development is a "mixed use project" as follows:

MAXIMUM DWELLING UNIT DENSITY (dwelling units per net acre)			
Percentage of SAH Units Provided	**Base (No MUP)**	**MUP with Mix of 2 Categories**	**MUP with Mix of 3 or More Categories**
0%	30	45	60
5%	33	50	65
10%	37	55	70
15%	42	60	75
20%	50	75	100

(D) Floor area ratio. Maximum floor area ratio (FAR) varies depending on whether the development is a "mixed use project" as follows:

[Note: The first column is the base FAR, which applies when there is no MUP. The second column (MUP=2/no Res) is the FAR for an MUP with a mix of two use categories when neither category is "residential." The third column (MUP=2/with Res) is the FAR for an MUP with a mix of "residential" plus one other use category. The fourth column (MUP=3/no Res) is the FAR for an MUP with a mix of three or more use categories, none of which is "residential." The fifth column (MUP=3/with Res) is the FAR for an MUP with a mix of "residential" plus two or more other use categories.]

MAXIMUM FLOOR AREA RATIO					
Use Categories	**Base (no MUP)**	**MUP=2 (no Res)**	**MUP=2 (with Res)**	**MUP=3 (no Res)**	**MUP=3 (with Res)**
Lodging	1.6	1.7	1.8	1.8	1.9
Office	1.6	1.7	1.8	1.8	1.9
Residential	1.6	--	1.8	--	1.9
Retail and personal service	0.6	0.7	0.7	0.8	0.8
TOTAL DEVELOPMENT	1.6	1.8	2.0	2.0	2.25

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity

slope. Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height varies depending on whether the development is a "mixed use project" as follows:

[Note: The first column is the base height, which applies when there is no MUP. The second column (MUP/no Retail) is the height for an MUP with a mix of two use categories when neither category is[÷] retail and personal service." The third column (MUP/with Retail) is the height for an MUP with a mix of "retail and personal service" plus one or more other use categories.]

MAXIMUM STRUCTURE HEIGHT (in feet)		
Base (No MUP)	**MUP (No Retail)**	**MUP with Retail**
135	135	180

(F) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size. No minimum lot size.

(H) Stories.

(i) Maximum number of stories above grade is:

(aa) 10 when the maximum structure height is 135 feet; and

(bb) 14 when the maximum structure height is 180 feet.

(ii) Parking garages are exempt from this requirement, but must comply with the height regulations of Subparagraph (E).

(I) Development bonuses for mixed-income housing. In an MU-2 district, certain regulations vary depending on whether a development bonus is obtained in accordance with Division 51A-4.1100 as follows:

(i) Maximum dwelling unit density bonuses.

	Set aside minimums (% of total residential units reserved in each income band, adjusted annually)	Additional Maximum Unit Density: 51A-4.125(e)(4)(C), plus:
MVA Categories A, B, C	5% at Income band 3	40 per acre
	5% at Income band 3; and 5% at Income band 2	60 per acre
	5% at Income band 3; 5% at Income band 2; and 5% at Income band 1	80 per acre
MVA Categories D, E, F	5% at Income band 2	35 per acre
	10% at Income band 2;	55 per acre
	10% at Income band 2; and 5% at Income band 1	75 per acre
MVA Categories G, H, I	5% at Income band 1	75 per acre

(ii) Residential proximity slope. In addition to the items listed in Section 51A-4.408(a)(2)(A), the following additional items may project through the residential proximity slope to a height not to exceed the maximum structure height, or four feet above the slope, whichever is less:

(aa) railings;

(bb) parapet walls;

(cc) trellises; and

(dd) structures such as wind barriers, wing walls, and patio dividing walls.

(iii) Floor area ratio. In calculating the maximum floor area ratios in Subparagraph (D), residential uses are not included.

(iv) Developments with transit proximity. For developments with transit proximity as defined in Section 51A-4.1102, an additional bonus of 15 dwelling units is allowed and the maximum lot coverage is 85 percent."

SECTION 11. That Paragraph (4), "Yard, Lot, and Space Regulations," of Subsection (f), "MU-3 and MU-3(SAH) Districts," of Section 51A-4.125, "Mixed Use Districts," of Division 51A-4.120, "Nonresidential District Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(4) Yard, lot, and space regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, Division 51A-4.400 controls.)

Except as provided in this paragraph, the following yard, lot, and space regulations apply:

(A) Front yard.

(i) In general. Minimum front yard is 15 feet.

(ii) Urban form setback. An additional 20-foot front yard setback is required for that portion of a structure above 45 feet in height.

(B) Side and rear yard.

(i) In general. Minimum side and rear yard is:

(aa) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and

(bb) no minimum in all other cases.

(ii) Tower spacing. An additional side and rear yard setback of one foot for each two feet in height above 45 feet is required for that portion of a structure above 45 feet in height up to a total setback of 30 feet. This subparagraph does not require a total side or rear yard setback greater than 30 feet.

(C) Dwelling unit density.

(i) MU-3 district. No maximum dwelling unit density.

(ii) MU-3(SAH) district. Maximum dwelling unit density varies depending on whether a density bonus is obtained in accordance with Division 51A-4.900 and whether the development is a "mixed use project" as follows:

MAXIMUM DWELLING UNIT DENSITY (dwelling units per net acre)			
Percentage of SAH Units Provided	**Base (No MUP)**	**MUP with Mix of 2 Categories**	**MUP with Mix of 3 Categories**
0%	50	50	50
5%	53	55	55
10%	57	60	60
15%	62	65	65
20%	NO MAXIMUM		

(D) Floor area ratio. Maximum floor area ratio (FAR) varies depending on whether the development is a "mixed use project" as follows:

[Note: The first column is the base FAR, which applies when there is no MUP. The second column (MUP=2/no Res) is the FAR for an MUP with a mix of two use categories when neither category is "residential." The third column (MUP=2/with Res) is the FAR for an MUP with a mix of "residential" plus one other use category. The fourth column (MUP=3/no Res) is the FAR for an MUP with a mix of three or more use categories, none of which is "residential." The fifth column (MUP=3/with Res) is the FAR for an MUP with a mix of "residential" plus two or more other use categories.]

MAXIMUM FLOOR AREA RATIO					
Use Categories	Base (no MUP)	MUP=2 (no Res)	MUP=2 (with Res)	MUP=3 (no Res)	MUP=3 (with Res)
Lodging	3.2	3.4	3.6	3.6	3.8
Office	3.2	3.4	3.6	3.6	3.8
Residential	3.2	--	3.8	--	3.8
Retail and personal service	2.0	2.6	3.0	3.2	3.75
TOTAL DEVELOPMENT	3.2	3.6	4.0	4.0	4.5

(E) Height.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height is 270 feet.

(F) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(G) Lot size. No minimum lot size.

(H) Stories. Maximum number of stories above grade is 20. Parking garages are exempt from this requirement, but must comply with the height regulations of Subparagraph (E).

(I) Development bonuses for mixed-income housing. In an MU-3 district, certain regulations vary depending on whether a development bonus is obtained in accordance with Division 51A-4.1100 as follows:

(i) Maximum development bonuses.

	Set aside minimums (% of total residential units reserved in each income band, adjusted annually)	Floor Area Ratio: 51A-4.125(f)(4)(D), plus:	Maximum Lot coverage (residential)
MVA Categories A, B, C	5% at Income band 3;	0.5	80%
	5% at Income band 3; and 5% at Income band 2	1.0	85%
	5% at Income band 3; 5% at Income band 2; and 5% at Income band 1	1.5	85%
MVA Categories D, E, F	5% at Income band 2;	0.5	80%
	10% at Income band 2	1.0	85%
	10% at Income band 2; and 5% at Income band 1	1.5	85%
MVA Categories G, H, I	5% at Income band 1	1.5	85%

(ii) Residential proximity slope. In addition to the items listed in Section 51A-4.408(a)(2)(A), the following additional items may project through the residential proximity slope to a height not to exceed the maximum structure height, or four feet above the slope, whichever is less:

(aa) railings;

(bb) parapet walls;

(cc) trellises; and

(dd) structures such as wind barriers, wing walls, and patio dividing walls.

(iii) Floor area ratio. The floor area ratio bonuses in this paragraph are limited to residential uses only.

(iv) Developments with transit proximity. For developments with transit proximity as defined in Section 51A-4.1102, the maximum floor area ratio is increased by 1.0 above the FAR allowed in this section (for example: if the allowed FAR for a mixed use project is 4.0 and a development bonus of 1.5 is utilized, this transit proximity bonus allows an FAR of 6.5) and the maximum lot coverage is 90 percent."

SECTION 12. That Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended by adding a new Division 51A-4.1100, "Mixed-income Housing," to read as follows:

"**Division 51A-4.1100. Mixed-income Housing.**

SEC. 51A-4.1101. PURPOSE.

This division is adopted to implement the provisions and goals of the comprehensive housing policy, affirmatively further fair housing, create and maintain available and affordable housing throughout Dallas, promote greater fair housing choices, and overcome patterns of segregation and concentrations of poverty.

SEC. 51A-4.1102. APPLICABILITY.

(a) In general. Development bonuses apply to qualifying developments located in:

(1) MF-1(A), MF-2(A), and MF-3(A) Multifamily Districts;

(2) MU-1, MU-2, and MU-3 Mixed Use Districts;

(3) MF-1(A), MF-2(A), MF-3(A) Multifamily Districts with public deed restrictions that only limit allowed uses;

(4) MU-1, MU-2, and MU-3 Mixed Use Districts with public deed restrictions that only limit allowed uses; and

(5) planned development districts that reference compliance with this division or planned development districts that default to MF-1(A), MF-2(A), MF-3(A), MU-1, MU-2, and MU-3 Districts as base zoning and only alter the allowed uses.

(b) Market value analysis. Specific development bonus applicability is further determined based on the location of the development in a specific market value analysis category.

(c) Residential uses. To be eligible for development bonuses under this division, developments must include multifamily or retirement housing uses.

SEC. 51A-4.1103. DEFINITIONS AND INTERPRETATIONS.

(a) Definitions. In this division:

(1) AFFORDABLE RENTAL RATE means a tenant rent payment less an allowance for utilities that does not exceed 30 percent of the eligible household's adjusted income.

(2) AFFIRMATIVE FAIR HOUSING MARKETING means a marketing strategy designed to attract renters of all majority and minority groups, regardless of race, color, national origin, religion, sex, age, disability, or other protected class under Title VIII of the Civil Rights Act of 1964 and all related regulations, executive orders, and directives.

(3) AREA MEDIAN FAMILY INCOME ("AMFI") means the median income for the Dallas Area Standard Metropolitan Statistical Area, adjusted for family size, as determined annually by the Department of Housing and Urban Development.

(4) ELIGIBLE HOUSEHOLDS means households with an adjusted income within the required income band, families with rental assistance, or voucher holders, regardless of adjusted income.

(5) INCOME means income as defined by 24 CFR §5.609.

(6) INCOME BAND means the range of household incomes between a pre-determined upper limit and a pre-determined lower limit generally stated in terms of a percentage of area median family income adjusted for family size (income bands descriptions are located in Chapter 20A).

(7) MARKET VALUE ANALYSIS ("MVA") means the official study that was commissioned by and prepared for the City of Dallas to assist residents and policy-makers in understanding the elements of their local residential real estate markets.

(8) MIXED-INCOME RESTRICTIVE COVENANT means a covenant running with the land that meets the requirements of this division and Chapter 20A.

(9) OWNER means the entity or person using the development bonus as well as all other owners or operators of the development during the rental affordability period.

(10) PASSENGER LOADING ZONE means a space that is reserved for the exclusive use of vehicles during the loading or unloading of passengers. A passenger loading zone is not a taxicab stand for purposes of Section 28-101, "Restricted Use of Bus Stops and Taxicab Stands."

(11) PEDESTRIAN SCALE LIGHTING means lighting that emanates from a source that is no more than 14 feet above the grade of the sidewalk or an equivalent pedestrian light fixture approved by the director of transportation.

City Plan Commission recommended:

(12) RENTAL AFFORDABILITY PERIOD means the 15 year period that the reserved dwelling units may only be leased to and occupied by eligible households or voucher holders.

Economic Development and Housing Committee recommended:

(12) RENTAL AFFORDABILITY PERIOD means the 20 year period that the reserved dwelling units may only be leased to and occupied by eligible households or voucher holders.

(13) RESERVED DWELLING UNIT means the rental units within a development available to be occupied or currently occupied by eligible families or voucher holders and are leased at affordable rents set according to this division.

(14) STOOP means a small porch leading to the entrance of a residence.

(15) TRANSIT PROXIMITY means development within one-half mile of a transit station, including trolley stops, train stations, transfer centers, transfer locations, transit centers, and any transit stop with a climate-controlled waiting area. Transit agencies served include Dallas Area Rapid Transit, Trinity Railway Express, and trolley service.

(16) VOUCHER HOLDER means a holder of a housing voucher, including vouchers directly or indirectly funded by the federal government.

(b) Interpretations. For uses or terms found in Chapter 51 the regulations in Section 51A-4.702(a)(6)(C) apply in this division.

SEC. 51A-4.1104. DEVELOPMENT BONUS PERIOD.

(a) Any development bonus provided in this division is only applicable to structures built during the rental affordability period or according to the terms of the mixed-income restrictive covenant.

(b) Structures built during the term of the mixed-income restrictive covenant may retain their bonuses until they are destroyed by an intentional act of the owner.

(c) Structures built during the term of the mixed-income restrictive covenant may retain their bonuses and be rebuilt if they are destroyed by other than an intentional act of the owner, or owner's agent, if the development continues to meet the requirements of this division.

SEC. 51A-4.1105. PROCEDURES TO OBTAIN A DEVELOPMENT BONUS.

(a) In general.

(1) The owner must comply with the requirements of Chapter 20A, as amended.

(2) Owners shall obtain a certified verification of the building site's MVA category and shall sign a reserved dwelling unit verification before applying for a permit for construction in accordance with this division and Section 20A-25.

(b) Building permit application. An application for a building permit using a development bonus must include the following:

(1) the date, names, addresses, and telephone numbers of the applicant and all property owners;

(2) the legal description, the current zoning classification, the market value analysis category, and the census tract of the building site for which the development bonus is requested;

(3) the total number of dwelling units proposed, the number of reserved dwelling units provided, and the number of reserved dwelling units required as a result of receiving the development bonus;

(4) the total number of one-bedroom dwelling units, two-bedroom dwelling units, etc. being proposed;

(5) a copy of the signed market value analysis verification from the Director of Housing and Neighborhood Revitalization; and

(6) any other reasonable and pertinent information that the building official determines to be necessary for review.

(c) Building permit issuance. Before the issuance of a building permit, the mixed-income restrictive covenant must be recorded in the county in which the building site is located, and an

official copy of the executed and recorded mixed-income restrictive covenant must be submitted to the building official.

(d) Minimum units required.

(1) A development using a development bonus in this division must provide a minimum of one reserved dwelling unit regardless of the percentage of total units required.

(2) Fractions of a required unit will be rounded up to the next whole number.

Economic Development and Housing Committee recommended:

(3) A development using a development bonus in this division shall reserve no more than 50 percent of the dwelling units in each development for households at or below 80 percent of Area Median Family Income. This maximum percentage of reserved dwelling units may be waived for developments that are enrolled in a program administered by the Department of Housing and Neighborhood Revitalization and authorized by the City Council that furthers the public purposes of the City's housing policy and affirmatively furthers fair housing.

(e) Phasing.

(1) To obtain a development bonus for a phased development, a project plan must be submitted to the building official with the initial building permit application.

(2) For a phased development:

(A) the first phase must independently qualify for the development bonus; and

(B) each subsequent phase combined with all previous phases already completed or under construction must also qualify for the development bonus.

(3) A project taking advantage of a development bonus may consist of two or more building sites if they are developed under a project plan. The project plan must be:

(A) signed by all property owners; and

(B) approved by the building official.

(f) Certificate of occupancy. Before the issuance of a final certificate of occupancy for a multifamily or retirement housing use, the owner must submit to the building official any additional information needed to ensure compliance with the terms of the building permit and the mixed-income restrictive covenant, including:

(1) The approved affirmative fair housing marketing plan described in Section 20A-31(g).

(2) A letter from the Director of Housing and Neighborhood Revitalization certifying that the development complies with the mixed-income restrictive covenant.

SEC. 51A-4.1106. DEVELOPMENT REQUIREMENTS.

(a) Unless otherwise applicable, all reserved dwelling units must be provided on the same building site as the market rate units.

(b) Reserved dwelling units must be dispersed throughout the residential floor area of each building.

(c) Reserved dwelling units must not be segregated or concentrated in any one floor or area of any buildings but must be dispersed throughout all residential buildings.

(d) Reserved dwelling units may float within each dwelling unit type.

(e) Reserved dwelling units must be of comparable finish-out and materials as the market rate dwelling units and must be equally available to eligible families or voucher holders as other market rate dwelling unit tenants.

(f) Except as provided in Section 20A-31(i), reserved dwelling units must be dispersed substantially pro-rata among the total unit types so that not all the reserved dwelling units are efficiency or one-bedroom units. For example, if 10 percent of the total dwelling units are reserved dwelling units, 10 percent of the efficiency units, 10 percent of the one-bedroom units, 10 percent of the two-bedroom units, 10 percent of the three-bedroom units (and so on, if applicable) must be reserved dwelling units.

(1) A maximum 10 percent of the total units may be specialty units including club suites and penthouse suites and are not required to be part of the dispersal of reserved dwelling units by type; however, the overall 10 percent requirement is calculated based on the total number of all units.

(2) In determining the required number of reserved dwelling units, fractional units are counted to the nearest whole number, with one-half counted as an additional unit, but a minimum of one unit is required.

SEC. 51A-4.1107. DESIGN STANDARDS.

(a) <u>In general</u>.

(1) To obtain a development bonus under this division, a qualifying development must meet the requirements of this section, where applicable.

(2) Except as provided in this section, the board of adjustment may not grant a variance or special exception to the standards in this section.

(b) Yard, lot, and space standards.

(1) Encroachments. The following additional items are permitted to be located within the required front, side, and rear yards:

(A) Seat walls, retaining walls, stoops, porches, steps, unenclosed balconies, ramps, handrails, safety railings, and benches all not exceeding four feet in height and extending a maximum of five feet into the required minimum yards.

(B) Landscape planters.

(C) Sculptures.

(D) Awnings

(2) Front yard fences. A maximum four-foot-high fence is allowed in a front yard. A maximum four-foot-high handrail may be located on retaining walls in a front yard.

(3) Height. Maximum height is controlled by the development bonus provisions and must comply with residential proximity slope regulations if applicable.

(c) Off-street parking and loading.

(1) In general. Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(2) Multifamily parking. Except as provided in this paragraph, one and one-quarter space per dwelling unit is required.

(A) At least 15 percent of the required parking must be available for guest parking.

(B) For developments with transit proximity, one space per dwelling unit is required. At least 15 percent of the required parking must be available for guest parking.

(3) Retirement housing.

(A) One space per dwelling unit is required.

(B) The density limits in Section 51A-4.209(b)(5.2)(E)(ii) do not apply.

(4) Parking locations.

(A) In general. Surface parking is prohibited between the street-facing facade and the property line. For buildings with more than one street frontage, only two street frontages are subject to this requirement.

(B) Thoroughfare frontage. For buildings fronting on a thoroughfare, surface parking is prohibited within the front setback.

(C) Surface parking. A maximum of 15 percent of the total on-site parking may be provided as surface parking in a side yard.

(D) Parking structures. That portion of the ground-level floor facing the street of any multi-floor parking facility must have an active use other than parking, with a minimum depth of 25 feet, or must have an exterior facade that is similar in materials, architecture, and appearance to the facade of the main structure. Exterior parking structure facade openings must provide solid screening a minimum 42 inches from the floor level within the parking structure to screen vehicles and vehicle headlights.

(E) Assigned parking. For assigned parking spaces, those spaces allotted for reserved dwelling units must be dispersed and distributed amongst all other assigned parking for similar units.

(5) Passenger loading.

(A) Each building site must provide at least one off-street or on-street passenger loading space. The board of adjustment may grant a variance to this subparagraph.

(B) On-street passenger loading zones, if provided, must be constructed in compliance with Architectural Barrier Act accessibility standards and must be approved by the director and by the director of public works.

(6) Screening of off-street loading spaces and service areas. Screening must be at least six feet in height measured from the horizontal plane passing through the nearest point of the off-street loading space and may be provided by using any of the methods described in Section 51A-4.602(b)(3), except that screening around service areas for trash collection must be screened by a masonry wall with a solid gate.

(d) Street and open space frontages.

(1) Frontages. All street-fronting facades and open-space fronting facades must have at least one window and at least one common primary entrance facing the street or open space at street-level and that accesses the street with an improved path connecting to the sidewalk. A transparent surface is required for every 25 linear feet of continuous street-fronting and open-space-fronting facade.

(2) Individual entries. Except as provided in this paragraph, a minimum of 60 percent of the street-level dwelling units adjacent to a street in each building must have individual entries that access the street with an improved path connecting to the sidewalk. For at-grade open space, a minimum of 60 percent of the open-space fronting dwelling units in each building must have

individual entries that access the open space. EXCEPTION. This paragraph does not apply to retirement housing.

(e) Sidewalk, lighting, and driveway standards.

(1) Sidewalks.

(A) A sidewalk with a minimum average width of six feet must be provided along all street frontages.

(i) Except as provided in this subsection, all sidewalks must be clear and unobstructed for a minimum of five feet in width.

(ii) Tree grates do not count toward the minimum unobstructed sidewalk width.

(iii) If the building official determines that the location of a local utility or protected tree, as defined in Article X, would prevent a five-foot minimum width, the sidewalk may be reduced to four feet in width in that location.

(B) Sidewalks must be located in an area parallel to and between two feet and 15 feet of the back of the projected street curb.

(2) Lighting.

(A) Special lighting requirement. Exterior lighting sources, if used, must be oriented down and onto the property they light and generally away from adjacent residential properties.

(B) Pedestrian scale lighting. For a development greater than 20,000 square feet of floor area, pedestrian scale lighting that provides a minimum maintained average illumination level of 1.5 foot candles must be provided along public sidewalks and adjacent to public streets. The design and placement of both the standards and fixtures must be approved by the director of transportation. Unless otherwise provided, the property owner is responsible for the cost of installation, operation, and maintenance of the lighting.

(f) Open space requirements.

(1) At least 10 percent of the building site must be reserved as open space for activity such as active or passive recreation, playground activity, groundwater recharge, or landscaping.

(A) No structures except for architectural elements; playground equipment; structures that are not fully enclosed such as colonnades, pergolas, and gazebos; and ordinary projections of window sills, bay windows, belt courses, cornices, eaves, and other architectural features are allowed.

(B) Open space may contain primarily grass, vegetation, or open water; be primarily used as a ground-water recharge area; or contain pedestrian amenities such as fountains, benches, paths, or shade structures.

(C) Open space may also be provided at or below grade or aboveground by an outside roof deck, rooftop garden, playground area, pool area, patio, or similar type of outside common area.

(D) Private balconies, sidewalks, parking spaces, parking lots, drive aisles, and areas primarily intended for vehicular use are not considered open space and do not count towards the open space requirement.

(E) Operation or parking of vehicles within on-site open space is prohibited. Emergency and grounds maintenance vehicles are exempt.

(F) Open spaces must be properly maintained in a state of good repair and neat appearance, and plant materials must be maintained in a healthy, growing condition.

(2) Landscape areas that fulfill the requirements of Article X may also fulfill these requirements if all conditions of this section and Article X are met.

(g) Non-required fences. Unless a use specifically requires screening, all fences for uses along a street or trail must have a surface area that is a minimum of 50 percent open, allowing visibility between three feet and six feet above grade. The exception for multifamily uses in Section 51A-4.602(a)(2) which provides that a fence exceeding four feet above grade may be erected in a front yard in multifamily districts is not applicable.

SEC. 51A-4.1108 BOARD OF ADJUSTMENT VARIANCES.

A development that is eligible to receive the bonuses in this division must either use the bonuses or go to the board of adjustment to seek a variance but may not do both for the same yard, lot, and space regulations."

SECTION 13. That adjustments will be made to the section references in this ordinance for codification purposes only. A Dallas Development Code section reference containing the symbol "[A]," for example, "Section 51[A]-4.1108," means that the letter "A" will appear in the Chapter 51A version only, and will not appear in the Chapter 51 version.

SECTION 14. That the director of sustainable development and construction shall revise the use charts to reflect the change in use regulations made by this ordinance, and shall provide these charts for publication in the Dallas Development Code

SECTION 15. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed $2,000.

SECTION 16. That Chapters 51 and 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 17. 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 18. 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 19. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, Interim City Attorney

By_____
Assistant City Attorney

Passed_____

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-337 **Item #:** 58.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Office of Budget

EXECUTIVE: Elizabeth Reich

SUBJECT

A public hearing to receive comments on the FY 2019-20 Operating, Capital, and Grant & Trust Budgets - Financing: No cost consideration to the City

BACKGROUND

Each year the City of Dallas holds public hearings to provide the residents of Dallas the opportunity to speak on the upcoming year's budget. This public hearing is one of three to be held. Two will be at Dallas City Hall on March 27, 2019, and August 28, 2019 and one on May 8, 2019 at Kleberg-Rylie Recreation Center. Resident input is an important part of the budget development process.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 27, 2019, City Council authorized the public hearing by Resolution No. 19-0324.

FISCAL INFORMATION

No cost consideration to the City.

powered by Legistar™

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-369 **Item #:** 59.

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): 2

DEPARTMENT: Office of Environmental Quality & Sustainability

EXECUTIVE: Majed Al-Ghafry

SUBJECT

A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath properties owned by the City of Dallas, located near the intersection of Interstate Highway 30 and South Hill Avenue and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to the City of Dallas by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City
Recommendation of Staff: Approval

BACKGROUND

Based on information provided by the Applicant, the Designated Property is underlain by groundwater that is encountered at approximately 30 to 35 feet below ground surface (bgs) overlying the Austin Chalk Formation. The Austin Chalk Formation is composed of alternating beds of chalk and marl with an estimated thickness of 120 feet in the area and underlain by 420 feet of impervious shales, sandstones, and sandy limestones of the Eagle Ford Formation. The Austin Chalk and Eagle Ford formations are considered regional aquitards and serve as lower confining units for the designated groundwater. The direction of groundwater flow beneath the Designated Property is generally towards the southwest. Portions of the shallow groundwater have been affected by tetrachloroethylene and trichloroethylene at concentrations above groundwater ingestion standards. The probable offsite sources for the chemicals are from releases related to historical commercial/industrial operations in the area. The timing of the releases and specific former operations that were the origin of the releases cannot be determined.

The applicant has requested that the City support its application for a municipal setting designation (MSD). A public meeting will be held on March 18, 2019 to receive comments and concerns. Notices of the meeting were sent to 613 property owners within 2,500 feet of the property and 63 private well owners within 5 miles of the property. There are no other municipalities within one-half mile of the property.

The Designated Property was entered into the Voluntary Cleanup Program (VCP) administered by the Texas Commission on Environmental Quality (TCEQ) in April 2015 and is designated as VCP Facility ID No. 2742.

This item is a municipal setting designation ordinance prohibiting the use of potable groundwater beneath property located near the intersection of Interstate Highway 30 and South Hill Avenue including adjacent street rights-of-way; and supporting the issuance of a MSD by TCEQ.

The applicant's current plan is to obtain closure through the VCP supported by an MSD. Currently the Designated Property is vacant land used for material storage. The anticipated future use of the Designated Property will be an intake shaft and structure that will be part of the Mill Creek/Peaks Branch/Woodall Rodgers Drainage Relief Project. Construction at the property is expected to begin in Fall 2019 and will be completed in about one year.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

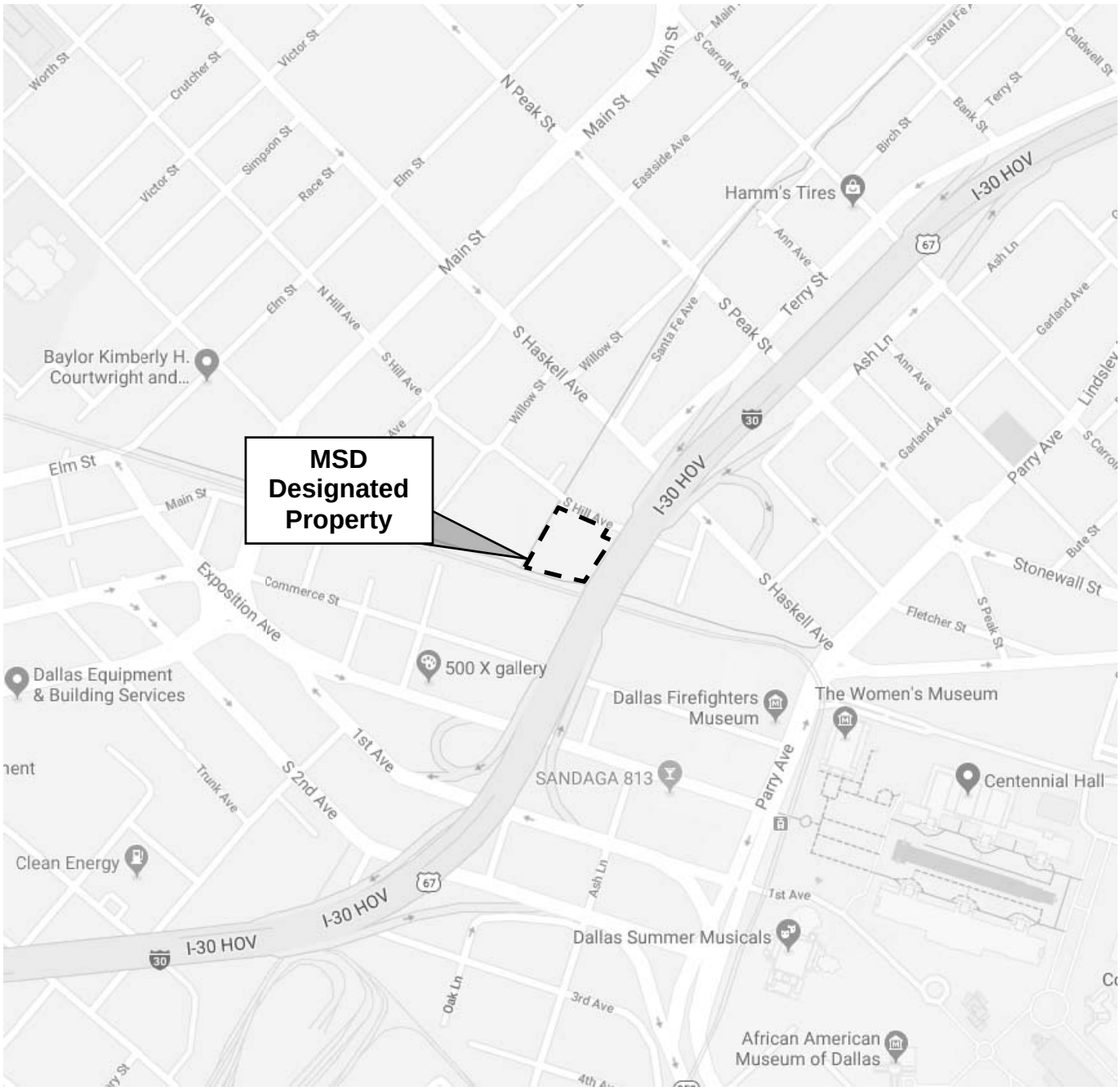
OWNER

City of Dallas

T.C. Broadnax, City Manager

MAP

Attached



CITY OF DALLAS

Municipal Setting Designation
Designated Property Boundary Map
MSD Log OEQ0071
Applicant – City of Dallas
501, 503, 509, 513, 517 South Hill Avenue
Dallas, TX 75226

3-27-19

ORDINANCE NO. _____

A municipal setting designation ordinance prohibiting the use of designated groundwater from beneath property generally located at 501, 503, 509, 513, and 517 Hill Avenue and supporting issuance of a municipal setting designation certificate by the Texas Commission on Environmental Quality; providing a penalty not to exceed $2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, Subchapter W, "Municipal Setting Designations," of Chapter 361, "Solid Waste Disposal Act," of the Texas Health and Safety Code authorizes the Texas Commission on Environmental Quality to create municipal setting designations; and

WHEREAS, Section 51A-6.108, "Municipal Setting Designation Ordinance," of Article VI, "Environmental Performance Standards," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code authorizes municipal setting designation ordinances prohibiting the use of designated groundwater as potable water and thereby enable the Texas Commission on Environmental Quality to certify a municipal setting designation for designated property; and

WHEREAS, the city council finds that:

(1) the eligibility criteria of Section 361.803 of the Texas Health and Safety Code have been met;

(2) this municipal setting designation ordinance will not have an adverse effect on the current or future water resource needs or obligations of the city of Dallas;

(3) there is a public drinking water supply system that satisfies the requirements of Chapter 341 of the Texas Health and Safety Code and that supplies or is capable of supplying drinking water to the designated property and property within one-half mile of the designated property; and

(4) this municipal setting designation ordinance is necessary because the concentration of contaminants of concern exceed ingestion protective concentration levels for human ingestion; and

WHEREAS, the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the city of Dallas, have given the required notices and have held the required public hearings regarding this municipal setting designation ordinance; Now Therefore,

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

SECTION 1. That for purposes of this municipal setting designation ordinance, the "designated property" means the property described in Exhibit A, attached to the ordinance.

SECTION 2. That for purposes of this municipal setting designation ordinance, "designated groundwater" means water below the surface of the designated property to a depth of 200 feet.

SECTION 3. That use of the designated groundwater from beneath the designated property as potable water is prohibited.

SECTION 4. That the use of the designated groundwater from beneath public rights-of-way included in the designated property as potable water is prohibited.

SECTION 5. That the following uses of or contacts with the designated groundwater are prohibited:

(1) Human consumption or drinking.

(2) Showering or bathing.

(3) Cooking.

(4) Irrigation of crops for human consumption.

SECTION 6. That the following conditions are imposed on the designated property and designated groundwater:

(1) The potable use of the designated groundwater from beneath the designated property is prohibited.

(2) The potable use of the designated groundwater from beneath public rights-of-way included in the designated property is prohibited.

(3) The portion of the designated property assigned VCP No. 2742 must receive a certificate of completion from the Texas Commission on Environmental Quality by no later than March 27, 2021.

SECTION 7. That the city council supports the application to the Texas Commission on Environmental Quality for a municipal setting designation on the designated property, with the following comments:

(1) The Texas Commission on Environmental Quality, as the state agency chartered to protect human health and the environment, is requested to thoroughly review the conditions of the designated property and issue a certificate of completion only when all contaminants of concern, through the applicable routes of exposure, have been addressed.

SECTION 8. That the public rights-of-way immediately adjacent to the designated property must be included, at no additional cost to the city of Dallas, in the application to the Texas Commission on Environmental Quality.

SECTION 9. That a state or federal program must address the entire non-ingestion protective concentration level exceedence zone originating from sources on the designated property or migrating from the designated property no later than March 27, 2021. That within this time period, the applicant shall provide the managing director of the office of environmental quality documentation, including a certificate of completion from the Texas Commission on Environmental Quality, that it has been addressed to the satisfaction of the agency administering the program. If it has not been addressed, the managing director of the office of environmental quality may, for good cause, take any of the following actions:

(1) allow additional time to address the non-ingestion protective concentration level exceedence zone;

(2) request a review by the Texas Commission on Environmental Quality or the agency administering the program;

(3) recommend to the city council that this municipal setting designation ordinance be repealed;

(4) request additional information or documentation from the applicant; or

(5) pursue other actions that the managing director of the office of environmental quality believes may be warranted.

SECTION 10. That any person owning, operating, or controlling the designated property remains responsible for complying with all applicable federal and state laws and regulations; all ordinances, rules, and regulations of the city of Dallas; and all environmental regulations, and that this municipal setting designation ordinance in itself does not change any environmental assessment or cleanup requirements applicable to the designated property.

SECTION 11. That any person owning, operating, or controlling any portion of the designated property is responsible for ensuring compliance with this ordinance with respect to their portion of the designated property. Allowing use of designated ground water for potable purposes or failure to provide the managing director of the office of environmental quality with required documentation is a violation of this ordinance and may result in the ordinance being repealed for that portion of the designated property.

SECTION 12. That approval of this municipal setting designation ordinance shall not be construed to subject the city of Dallas to any responsibility or liability for any injury to persons or damages to property caused by any contaminant of concern.

SECTION 13. That within 30 days after adoption of this municipal setting designation ordinance, the applicant shall provide the managing director of the office of environmental quality with an electronic file showing the location of the designated property and the designated groundwater in a format compatible with the city of Dallas' geographic information system.

SECTION 14. That within 60 days after adoption of this municipal setting designation ordinance, the managing director of the office of environmental quality shall file a certified copy of this municipal setting designation ordinance in the deed records of the county where the designated property is located.

SECTION 15. That within 60 days after adoption of this municipal setting designation ordinance, the managing director of the office of environmental quality shall send a certified copy of this municipal setting designation ordinance to the applicant and the Texas Commission on Environmental Quality, and that the managing director of the office of environmental quality shall notify the Texas Commission on Environmental Quality 60 days prior to any amendment or repeal of this municipal setting designation ordinance.

SECTION 16. That the applicant shall provide the managing director of the office of environmental quality with a copy of the municipal setting designation certificate issued by the Texas Commission on Environmental Quality pursuant to Section 361.807 of the Texas Health and Safety Code within 30 days after issuance of the certificate.

SECTION 17. That the applicant shall provide the managing director of the office of environmental quality with a copy of the certificate of completion or other documentation issued by the Texas Commission on Environmental Quality showing that any site investigations and response actions required pursuant to Section 361.808 of the Texas Health and Safety Code have been completed to the satisfaction of the Texas Commission on Environmental Quality within the time period required. The managing director of the office of environmental quality may, for good cause, extend the time for submitting the documentation.

SECTION 18. That the applicant shall notify the managing director of the office of environmental quality in writing if the applicant determines that notice is required to be sent to an owner of other property beyond the boundaries of the designated property under Title 30 Texas Administrative Code, Chapter 30, Section 350.55(b), and provide the name of the property owner, the property address, and a copy of the notice sent to the property owner.

SECTION 19. That a person violating a provision of this municipal setting designation ordinance, upon conviction, is punishable by a fine not to exceed $2,000, and that the Texas Commission on Environmental Quality shall be notified of any violations.

SECTION 20. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this municipal setting designation ordinance.

SECTION 21. That the terms and provisions of this municipal setting designation ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 22. That this municipal setting designation ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, Interim City Attorney

By_____
Assistant City Attorney

Passed _____

"Exhibit A"

GIS_Approved

FIELD NOTES DESCRIBING A 1.896 ACRE (82,582 SQ. Feet)
TO BE DESIGNATED AS "MUNICIPAL SETTING DESIGNATION (MSD) AREA"
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 205 [MSD])
OFFICIAL CITY OF DALLAS BLOCK 2/808
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM FRANK BROWN HINKLEY III, JOE CORY HINKLEY AND
JERE BOB HINKLEY

BEING a 82,582 square foot (1.896 acre) tract of land, situated in the John Grigsby Survey, Abstract Number 495, including a portion of the STOUT'S SUBDIVISION, recorded in Volume 91, Page 274, Deed Records, Dallas County, Texas (D.R.D.C.T.), in the city of Dallas, Dallas County, Texas, City of Dallas Block 2/808, same being all of that certain tract of land conveyed to FRANK BROWN HINKLEY III, JOE CORY HINKLEY, AND JERE BOB HINKLEY, by deeds recorded in Volume 90248, Page 1497, Volume 5385, Page 524 (unplatted), and Volume 5383, Page 550 (unplatted with a portion of Lots 6 and 7, STOUT'S SUBDIVISION, recorded in Volume 91, Page 274, Deed Records, Dallas County, Texas), all of that certain tract of land conveyed to FRANK B. HINKLEY III, JOE C. HINKLEY, AND JERE B. HINKLEY, by deed recorded in Volume 83068, Page 1201 (unplatted), all of that certain tract of land conveyed to HINCKLEY COLD STORAGE, INC. by deed recorded in Volume 75172, Page 991 (unplatted), together with a portion of Hill Avenue (variable R.O.W.) by use and occupation together with a portion as dedicated on plat of ASSURED GROUP ADDITION NO. 2, as recorded in Instrument Number 20080012006, Official Public Records, Dallas County, Texas (O.P.R.D.C.T.), and a remaining portion of Pacific Avenue (20' Width) as recorded in Volume O, Page 62 (D.R.D.C.T.), and being further described as follows:

BEGINNING at the intersection of the easterly line of that certain tract of land conveyed to DALLAS AREA RAPID TRANSIT, by deed recorded in Volume 95201, Page 3378, Deed Records, Dallas County, Texas (D.R.D.C.T.), with the northerly line of Hill Avenue (variable width R.O.W.), as dedicated on plat of Lot 8A, Block 1/808, of ASSURED GROUP ADDITION NO.2, an addition to the City of Dallas, recorded in Instrument Number 20080012006, Official Public Records, Dallas County, Texas (O.P.R.D.C.T.), same being the southeasterly corner of LOT 8A of said ASSURED GROUP ADDITION NO.2;

THENCE South 52 degrees 57 minutes 26 seconds East, departing said easterly line and along the southerly line of said Lot 8A, further being the northerly line of said R.O.W. Dedication of Hill Avenue, for a distance of 77.47 feet;

THENCE South 73 degrees 28 minutes 15 seconds East, continuing along said southerly and northerly lines, for a distance of 125.46 feet,to its intersection with the westerly line of Lot 7, Block 1/808, R.D. MORTON'S ADDITION, an addition to the City of Dallas, recorded in Volume 112, Page 290, Map Records, Dallas County, Texas (M.R.D.C.T.);

THENCE South 16 degrees 53 minutes 57 seconds West, departing said southerly and northerly lines, along said westerly line, same being the easterly line of said R.O.W. Dedication of Hill Avenue, for a distance of 2.00 feet, to the southwesterly corner of said lot 7 tract, same being in the the northerly line of Hill Avenue;

THENCE South 73 degrees 28 minutes 15 seconds East, departing said westerly line, along said northerly line and the southerly line of said Lot 7 tract, for a distance of 42.65 feet, to its intersection of Hill Avenue with the west line of R.L. THORNTON FREEWAY (I.H. 30) (Variable R.O.W.), as recorded in Volume 5375, Page 44, D.R.D.C.T. and the northerly line of said Hill Avenue (by use and occupation), further being the southeast corner of said Lot 7 tract;

(Continued)

FIELD NOTES APPROVED:
5/3/16

ARS Engineers, Inc.
12801 N. Central Expressway Suite 1250
Dallas, Texas 75243
(214) 739-3152 Fax (214) 739-3169
Engineering Firm #F-819 Surveying Firm #101319-00

Sheet 1 of 3

FIELD NOTES DESCRIBING A 1.896 ACRE (82,582 SQ. Feet)
TO BE DESIGNATED AS "MUNICIPAL SETTING DESIGNATION (MSD) AREA"
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 205 [MSD])
OFFICIAL CITY OF DALLAS BLOCK 2/808
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM FRANK BROWN HINKLEY III, JOE CORY HINKLEY AND
JERE BOB HINKLEY

THENCE South 29 degrees 09 minutes 41 seconds West, departing said northerly and southerly lines, along the west line of said R.L. THORNTON FREEWAY, same being the easterly line of Hill Avenue (by use and occupation) for a distance of 79.44 feet to the northerly line of the remainder of Lot 7, Block 2/808, STOUT'S SUBDIVISION, and addition to the City of Dallas as recorded in Volume 91, Page 274, D.R.D.C.T.;

THENCE South 29 degrees 03 minutes 32 seconds West, along the west line of said R.L. THORTON FREEWAY, same being the easterly line of remainder of said Lot 7, passing at a distance of 115.24 feet, the northeasterly corner of the remainder of Lot 6 of said addition, same being the southeasterly corner of said remainder of Lot 7, continuing over and across said remainder Lot 6, along the westerly line of said remainder Lot 6, eventually passing at a distance of 230.48 feet, the northeasterly corner of a remaining section of Pacific Avenue (20' R.O.W.), same being the southeasterly corner of said Lot 6, continuing over and across Pacific Avenue, along the easterly line of said Pacific Avenue, for a total distance of 251.21 feet, to the intersection of the southerly line of said Pacific Avenue, same being the northerly line of that certain tract of land conveyed to DALLAS AREA RAPID TRANSIT (80' R.O.W.), by deed recorded in Volume 90177, Page 4230, D.R.D.C.T., with the west line of said R.L. THORNTON FREEWAY;

THENCE North 73 degrees 23 minutes 12 seconds West, departing said westerly and easterly line, along the northerly line of said DALLAS AREA RAPID TRANSIT tract and the southerly line of said Pacific Avenue, passing at a distance of 155.51 feet, the southerly corner of the aforementioned tract of land conveyed to FRANK BROWN HINKLEY III, JOE CORY HINKLEY, AND JERE BOB HINKLEY, by deed recorded in Volume 90248, Page 1497, same being the southwesterly corner of said Pacific Avenue, continuing for a total distance of 254.57 feet to a 1/2" iron rod found (controlling monument) at the intersection of said northerly line with the aforementioned easterly line of that certain tract of land conveyed to DALLAS AREA RAPID TRANSIT by deed recorded in Volume 95201, Page 3378, same being the westerly line of said FRANK BROWN HINKLEY III, JOE CORY HINKLEY, AND JERE BOB HINKLEY tract;

THENCE North 30 degrees 14 minutes 39 seconds East, along said easterly and westerly lines, same being the westerly line of said Block 2/808, passing at a distance of 331.83 feet, a 3/8" bolt (controlling monument) found for the northeasterly corner of said FRANK BROWN HINKLEY III, JOE CORY HINKLEY, AND JERE BOB HINKLEY tract, same being the southeasterly corner of the aforementioned ROW dedication to Dallas Area Rapid Transit, continuing over and across said Row dedication to Dallas Area Rapid Transit, along the westerly line of said Row dedication to Dallas Area Rapid Transit, for a total distance of 361.84 feet to the POINT OF BEGINNING and containing 82,582 square feet or 1.896 acres of land, more or less.

BASIS OF BEARINGS IS US STATE PLANE COORDINATE SYSTEM, NAD83, TEXAS NORTH CENTRAL ZONE (4202).

STATE OF TEXAS
REGISTERED
DUSTIN D. DAVISON
6451
PROFESSIONAL
LAND SURVEYOR

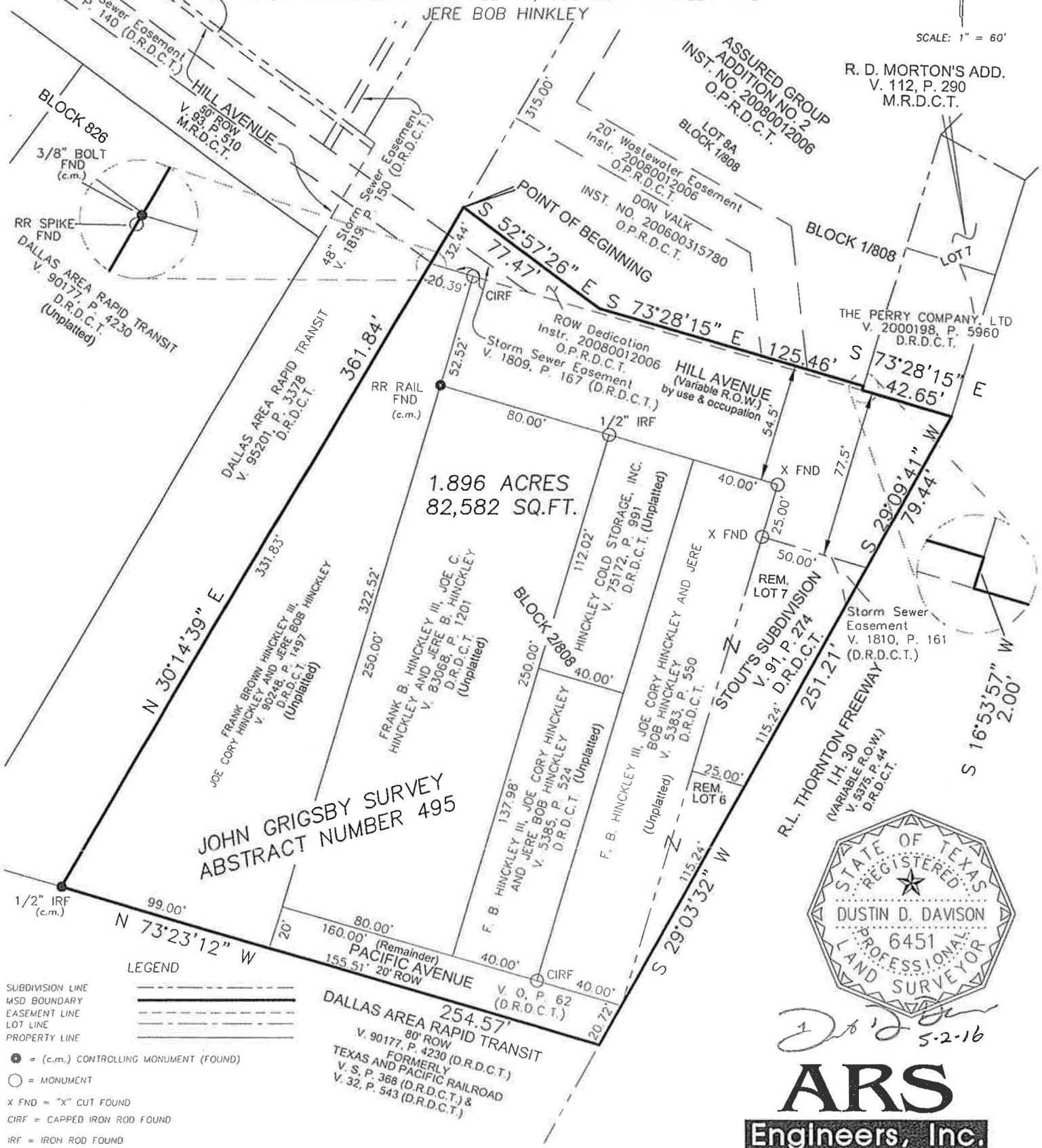
5-2-16

FIELD NOTES APPROVED:
DER 5/3/16

ARS Engineers, Inc.
12801 N. Central Expressway Suite 1250
Dallas, Texas 75243
(214) 739-3152 Fax (214) 739-3169
Engineering Firm #F-819 Surveying Firm #101319-00

Sheet 2 of 3

FIELD NOTES DESCRIBING A 1.896 ACRE (82,582 SQ. Feet)
TO BE DESIGNATED AS "MUNICIPAL SETTING DESIGNATION (MSD) AREA"
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 205 [MSD])
OFFICIAL CITY OF DALLAS BLOCK 2/808
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM FRANK BROWN HINKLEY III, JOE CORY HINKLEY AND
JERE BOB HINKLEY



LEGEND

SUBDIVISION LINE
MSD BOUNDARY
EASEMENT LINE
LOT LINE
PROPERTY LINE

● = (c.m.) CONTROLLING MONUMENT (FOUND)

○ = MONUMENT

X FND = "X" CUT FOUND

CIRF = CAPPED IRON ROD FOUND

IRF = IRON ROD FOUND

D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS

O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS

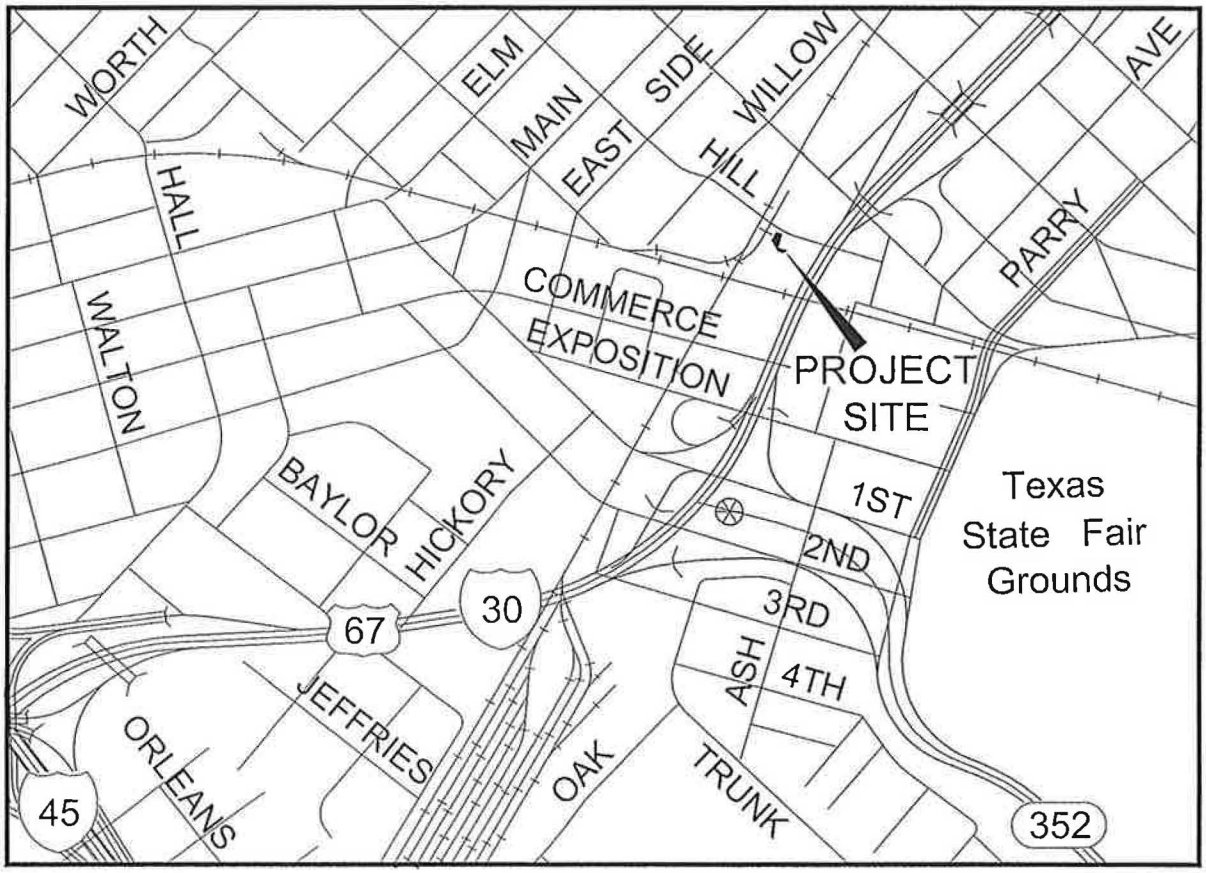
BASIS OF BEARINGS IS US STATE PLANE COORDINATE SYSTEM, NAD83, TEXAS NORTH CENTRAL ZONE (4202).

ARS Engineers, Inc.
12801 N. Central Expressway Suite 1250
Dallas, Texas 75243
(214) 739-3152 Fax (214) 739-3169
Engineering Firm #F-819 Surveying Firm #101319-00

Sheet 3 of 3

FIELD NOTES DESCRIBING A 1.896 ACRE (82,582 SQ. Feet)
TO BE DESIGNATED AS "MUNICIPAL SETTING DESIGNATION (MSD) AREA"
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 205 [MSD])
OFFICIAL CITY OF DALLAS BLOCK 2/808
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM FRANK BROWN HINKLEY III, JOE CORY HINKLEY AND
JERE BOB HINKLEY

MAPSCO: 045-K



LOCATION MAP

NOT TO SCALE

ARS Engineers, Inc.
12801 N. Central Expressway Suite 1250
Dallas, Texas 75243
(214) 739-3152 Fax (214) 739-3169
Engineering Firm #F-819 Surveying Firm #101319-00

MARCH 27, 2019 CITY COUNCIL ADDENDUM
CERTIFICATION

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated March 27, 2019. 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.

T.C. Broadnax
City Manager

03/22/19
Date

for
Elizabeth Reich
Chief Financial Officer

3/22/19
Date

RECEIVED
2019 MAR 22 PM 7:07
CITY SECRETARY
DALLAS, TEXAS

ADDENDUM
CITY COUNCIL MEETING
WEDNESDAY, MARCH 27, 2019
CITY OF DALLAS
1500 MARILLA STREET
COUNCIL CHAMBERS, CITY HALL
DALLAS, TX 75201
9:00 A.M.

REVISED ORDER OF BUSINESS

Agenda items for which individuals have registered to speak will be considered no earlier than the time indicated below:

9:00 a.m.	**INVOCATION AND PLEDGE OF ALLEGIANCE**	
	OPEN MICROPHONE	
	CLOSED SESSION	
	MINUTES	Item 1
	CONSENT AGENDA	Items 2 - 43
	CONSENT ADDENDUM	Addendum Item 1
	ITEMS FOR INDIVIDUAL CONSIDERATION	
No earlier than 9:15 a.m.		Items 44 - 48 Addendum Items 2 - 4
	PUBLIC HEARINGS AND RELATED ACTIONS	
1:00 p.m.		Items 49 - 59

Handgun Prohibition Notice for Meetings of Governmental 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 pistol 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."

ADDITIONS:

CONSENT ADDENDUM

Park & Recreation Department

1. 19-406 Authorize an increase in the construction services contract with Kraftsman, L.P. dba Kraftsman Commercial Playgrounds & Waterparks, through the Texas Association of School Boards, for structural foundation system due to geotechnical conditions, utility relocation, and additional excavation, pier drilling and concrete for three spraygrounds at Jaycee/Zaragoza Park located at 3114 Clymer Street, Kleberg Park located at 1515 Edd Road, and K.B. Polk Park located at 3860 Thedford Avenue - Not to exceed $374,850.00, from $6,681,770.55 to $7,056,620.55 - Financing: Park and Recreation Facilities (B) Fund (2017 Bond Funds)

ITEMS FOR INDIVIDUAL CONSIDERATION

Housing & Neighborhood Revitalization

2. 19-435 Authorize approval of the City Council of the City of Dallas, to act as the applicable elected representative (AER) as defined by Section 147(f)(2)(E) of the Internal Revenue Code of 1986, as amended (the "Code"), with respect to approving the issuance of tax-exempt multifamily residential revenue bonds (the "Bonds") issued by the City of Dallas Housing Finance Corporation in one or more series in an aggregate principal amount not to exceed $15,000,000.00 to Flora Street Lofts, Ltd. to finance the acquisition and new construction of Flora Street Lofts, a 52-unit multifamily residential development to be located at 2121 Flora Street, following a public hearing held on March 11, 2019, after reasonable public notice, in order to comply with the Tax Equity and Fiscal Responsibility Act's public approval requirement of Section 147(f) of the Code - Financing: No cost consideration to the City

Mayor and City Council

3. 19-480 A resolution authorizing an additional retention payment for Christopher J. Caso, Interim City Attorney, during the time it takes to select a permanent City Attorney, payable in nine equal installments beginning on April 1, 2019, and ending on December 1, 2019, or until a new City Attorney is appointed - Not to exceed $90,000.00 - Financing: General Fund

4. 19-495 A resolution appointing Mark S. Swann as City Auditor for the City of Dallas, for a two-year term, effective June 1, 2019, with an annual base salary not to exceed $XXX,XXX - Financing: General Fund

CORRECTION:

Office of Community Care

28. 19-306 Authorize **(1)** the ~~City Manager and the Office of Community Care/Management Services to accept~~ acceptance of a donation of up to $70,000.00 from Leadership Dallas for the renovation of a vacant room ~~a donation of a permanent "pop-up" produce stand with built-in refrigeration located~~ at the Martin Luther King, Jr. Community Center (MLKJCC) into a permanent produce stand with built-in refrigeration ~~with a value of up to $70,000.00 from Leadership Dallas~~ to increase the available supply of fresh produce within South Dallas neighborhoods designated as United States Department of Agriculture ~~address the~~ "food deserts" and to provide awareness and educational opportunities within the community relative to healthy, fresh foods ~~issues in South Dallas through greater integration and expansion of current resources~~ ; **(2)** the receipt and deposit of funds up to $70,000.00 in the Alvin E. Moore Trust Fund; and **(3)** an increase of appropriations up to $70,000.00 in the Alvin E. Moore Trust Fund - Not to exceed $70,000.00 - Financing: ~~No cost consideration to the City~~ Alvin E. Moore Trust Fund (see Fiscal Information)

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]

7. deliberating security assessments or deployments relating to information resources technology, network security information, or the deployment or specific occasions for implementations of security personnel, critical infrastructure, or security devices. [Tex Govt. Code §551.089]

Addendum Date: March 27, 2019

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
1.	2, 6, 8	C	PKR	$374,850.00	Authorize an increase in the construction services contract with Kraftsman, L.P. dba Kraftsman Commercial Playgrounds & Waterparks, through the Texas Association of School Boards, for structural foundation system due to geotechnical conditions, utility relocation, and additional excavation, pier drilling and concrete for three spraygrounds at Jaycee/Zaragoza Park located at 3114 Clymer Street, Kleberg Park located at 1515 Edd Road, and K.B. Polk Park located at 3860 Thedford Avenue - Not to exceed $374,850.00, from $6,681,770.55 to $7,056,620.55 - Financing: Park and Recreation Facilities (B) Fund (2017 Bond Funds)
2.	14	I	HOU	NC	Authorize approval of the City Council of the City of Dallas, to act as the applicable elected representative (AER) as defined by Section 147(f)(2)(E) of the Internal Revenue Code of 1986, as amended (the "Code"), with respect to approving the issuance of tax-exempt multifamily residential revenue bonds (the "Bonds") issued by the City of Dallas Housing Finance Corporation in one or more series in an aggregate principal amount not to exceed $15,000,000.00 to Flora Street Lofts, Ltd. to finance the acquisition and new construction of Flora Street Lofts, a 52-unit multifamily residential development to be located at 2121 Flora Street, following a public hearing held on March 11, 2019, after reasonable public notice, in order to comply with the Tax Equity and Fiscal Responsibility Act's public approval requirement of Section 147(f) of the Code - Financing: No cost consideration to the City
3.	N/A	I	MCC	$90,000.00	A resolution authorizing an additional retention payment for Christopher J. Caso, Interim City Attorney, during the time it takes to select a permanent City Attorney, payable in nine equal installments beginning on April 1, 2019, and ending on December 1, 2019, or until a new City Attorney is appointed - Not to exceed $90,000.00 - Financing: General Fund
4.	N/A	I	MCC	TBD	A resolution appointing Mark S. Swann as City Auditor for the City of Dallas, for a two-year term, effective June 1, 2019, with an annual base salary not to exceed $XXX,XXX - Financing: General Fund

TOTAL $464,850.00

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-406 **Item #:** 1.

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): 2, 6, 8

DEPARTMENT: Park & Recreation Department

EXECUTIVE: Willis C. Winters

SUBJECT

Authorize an increase in the construction services contract with Kraftsman, L.P. dba Kraftsman Commercial Playgrounds & Waterparks, through the Texas Association of School Boards, for structural foundation system due to geotechnical conditions, utility relocation, and additional excavation, pier drilling and concrete for three spraygrounds at Jaycee/Zaragoza Park located at 3114 Clymer Street, Kleberg Park located at 1515 Edd Road, and K.B. Polk Park located at 3860 Thedford Avenue - Not to exceed $374,850.00, from $6,681,770.55 to $7,056,620.55 - Financing: Park and Recreation Facilities (B) Fund (2017 Bond Funds)

BACKGROUND

This item is on the addendum to meet the deadline for the Summer 2019 pool season.

On November 14, 2018, City Council authorized a contract with Kraftsman, L.P. dba Kraftsman Commercial Playgrounds & Waterparks, through the Texas Association of School Boards, for construction of six spraygrounds at Grauwyler Park located at 7780 Harry Hines Boulevard, Jaycee/Zaragoza Park located at 3114 Clymer Street, Kleberg Park located at 1515 Edd Road, Nash/Davis Park located at 3700 North Hampton Road, K.B. Polk Park located at 3860 Thedford Avenue and Timberglen Park located at 3900 Timberglen Road, in an amount not to exceed $5,920,827.15, by Resolution No. 18-1622.

On February 13, 2019, City Council authorized Change Order No. 1 to the construction services contract with Kraftsman, L.P. dba Kraftsman Commercial Playgrounds & Waterparks for modifications to the pumps, filtration equipment, sprayground subgrade preparation, drainage systems and design refinements for six spraygrounds at Grauwyler Park located at 7780 Harry Hines Boulevard, Jaycee/Zaragoza Park located at 3114 Clymer Street, Kleberg Park located at 1515 Edd Road, Nash/Davis Park located at 3700 North Hampton Road, K.B. Polk Park located at 3860 Thedford Avenue and Timberglen Park located at 3900 Timberglen Road, in an amount not to exceed $760,943.40, by Resolution No. 19-0298.

powered by Legistar™

This action will authorize Change Order No. 2 to the construction services contract with Kraftsman, L.P. dba Kraftsman Commercial Playgrounds & Waterparks. The added scope of work will include the following:

- Jaycee/Zaragoza Park Sprayground

  Structural foundation system due to geotechnical conditions, in the amount of $390,700.00, increasing the total construction cost amount to $1,507,744.11.

- Kleberg Park Sprayground

  Utility relocation and a credit for the sub-grade preparations due to geotechnical conditions in the amount of ($22,650.00), decreasing the total construction cost amount to $1,143,239.26.

- K.B. Polk Park Sprayground

  Additional excavation, pier drilling and concrete for shade canopy pier in the amount of $6,800.00, increasing the total construction cost amount to $1,103,549.31.

The original schedule for design and construction was expedited in order to open the six spraygrounds for the Summer 2019 pool season instead of 2020. To meet the completion date, Kraftsman, L.P. dba Kraftsman Commercial Playgrounds & Waterparks was engaged, under a cooperative agreement, and provided the construction pricing at the end of the Design Development Phase instead at the completion of construction documents, so the contract could be approved by the City Council in November 2018. After the completion of the Design Development Phase and pricing was provided, further refinements were required to the design based on the geotechnical and environmental reports and the relocation of utilities.

ESTIMATED SCHEDULE OF PROJECT

Began Construction	December 2018
Complete Construction	May 2019 (Jaycee/Zaragoza Park - July 2019)

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 18, 2018, the Park and Recreation Board authorized a construction contract with Kraftsman, L.P. dba Kraftsman Commercial Playgrounds & Waterparks for construction of six spraygrounds.

On November 14, 2018, City Council authorized a contract for construction of six spraygrounds at Grauwyler Park located at 7780 Harry Hines Boulevard, Jaycee/Zaragoza Park located at 3114 Clymer Street, Kleberg Park located at 1515 Edd Road, Nash/Davis Park located at 3700 North Hampton Road, K.B. Polk Park located at 3860 Thedford Avenue and Timberglen Park located at 3900 Timberglen Road by Resolution No. 18-1622.

The Park and Recreation Board was briefed by memorandum regarding Change Order No. 1 on February 1, 2019.

powered by Legistar™

The Quality of Life, Arts and Culture was briefed by memorandum regarding Change Order No. 1 on February 8, 2019.

On February 13, 2019, City Council authorized Change Order No. 1 to the construction services contract with with Kraftsman, L.P. dba Kraftsman Commercial Playgrounds & Waterparks for an increase in the contract for modifications to the pumps, filtration equipment, sprayground subgrade preparation, drainage systems and design refinements for six spraygrounds at Grauwyler Park located at 7780 Harry Hines Boulevard, Jaycee/Zaragoza Park located at 3114 Clymer Street, Kleberg Park located at 1515 Edd Road, Nash/Davis Park located at 3700 North Hampton Road, K.B. Polk Park located at 3860 Thedford Avenue and Timberglen Park located at 3900 Timberglen Road by Resolution No. 19-0298.

On March 21, 2019, the Park and Recreation Board authorized Change Order No. 2 to the construction services contract with Kraftsman, L.P. dba Kraftsman Commercial Playgrounds & Waterparks.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on March 25, 2019.

FISCAL INFORMATION

Park and Recreation Facilities (B) Fund (2017 Bond Funds) - $374,850.00

Original Construction Contract	$5,920,827.15
Change Order No. 1	$ 760,943.40
Change Order No. 2 (this action)	$ 374,850.00
Total amount not to exceed	$7,056,620.55

Council District	Amount
2	$ 6,800.00
6	$390,700.00
8	($22,650.00)
Total	$374,850.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$374,850.00	CO-OP	N/A	-25.72%	-$96,396.00
• The Business Inclusion and Development Plan does not apply to Cooperative Purchasing Agreements (CO-OPs), however, the prime contractor is subcontracting with certified M/WBEs.				
• Change Order No. 2 - 13.18% Overall M/WBE participation				

powered by Legistar™

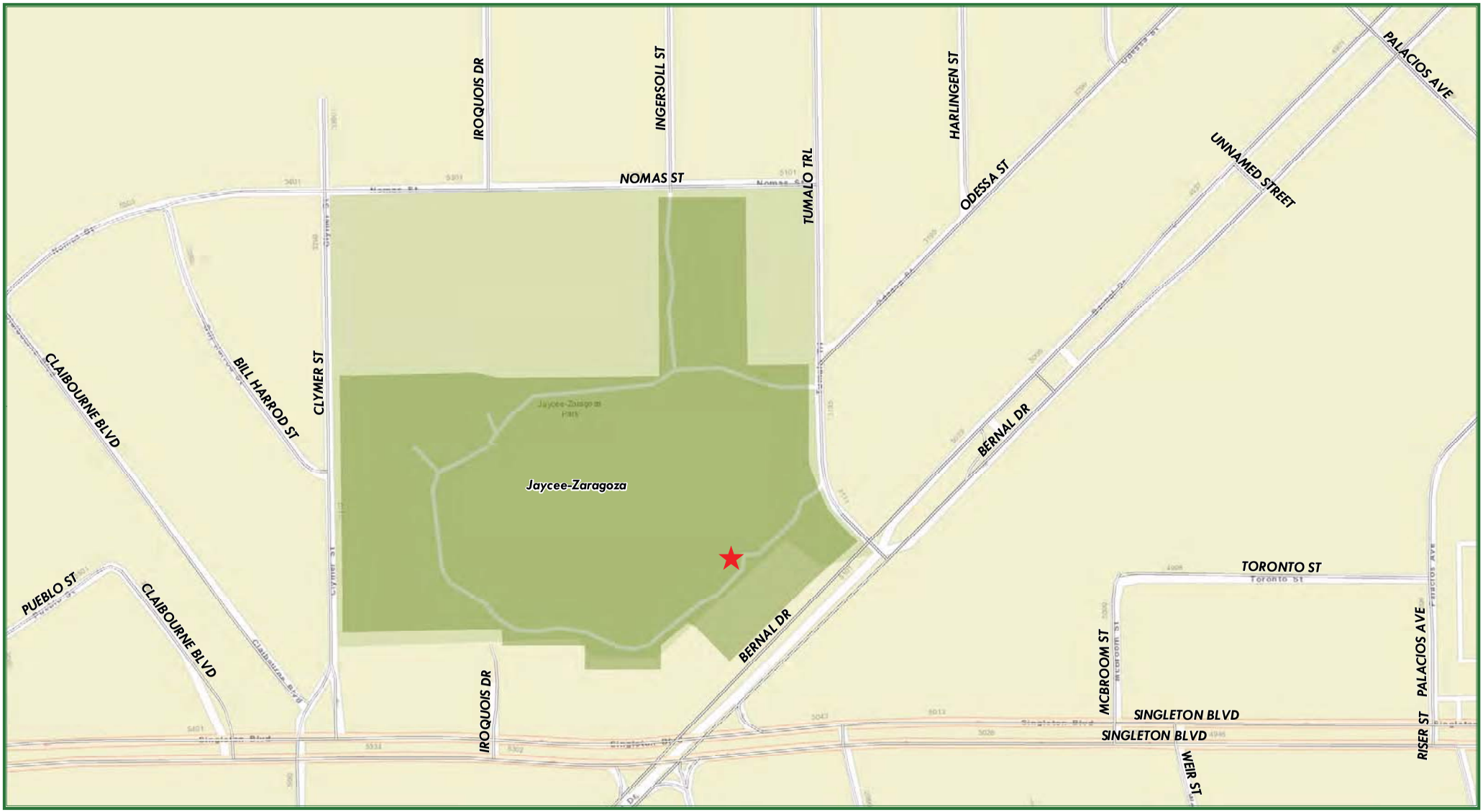
OWNER

Kraftsman, L.P. dba Kraftsman Commercial Playgrounds & Waterparks

Korey Soderberg, Chief Operating Officer

MAPS

Attached



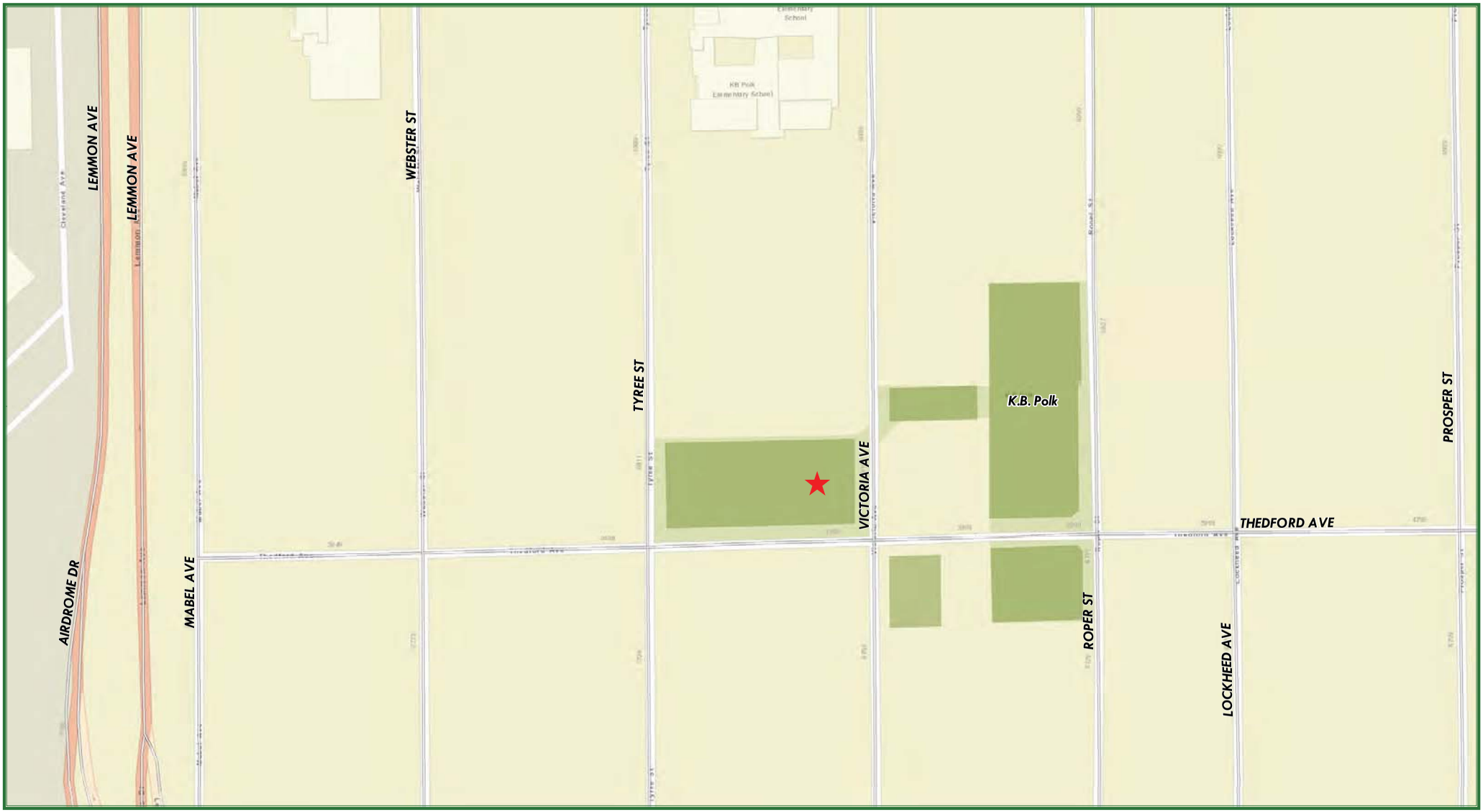
Dallas Park & Recreation

0 90 180 360 540 720 Feet

Jaycee/Zaragoza Park
3114 Clymer Street

Mapsco 42 Q

CD 6



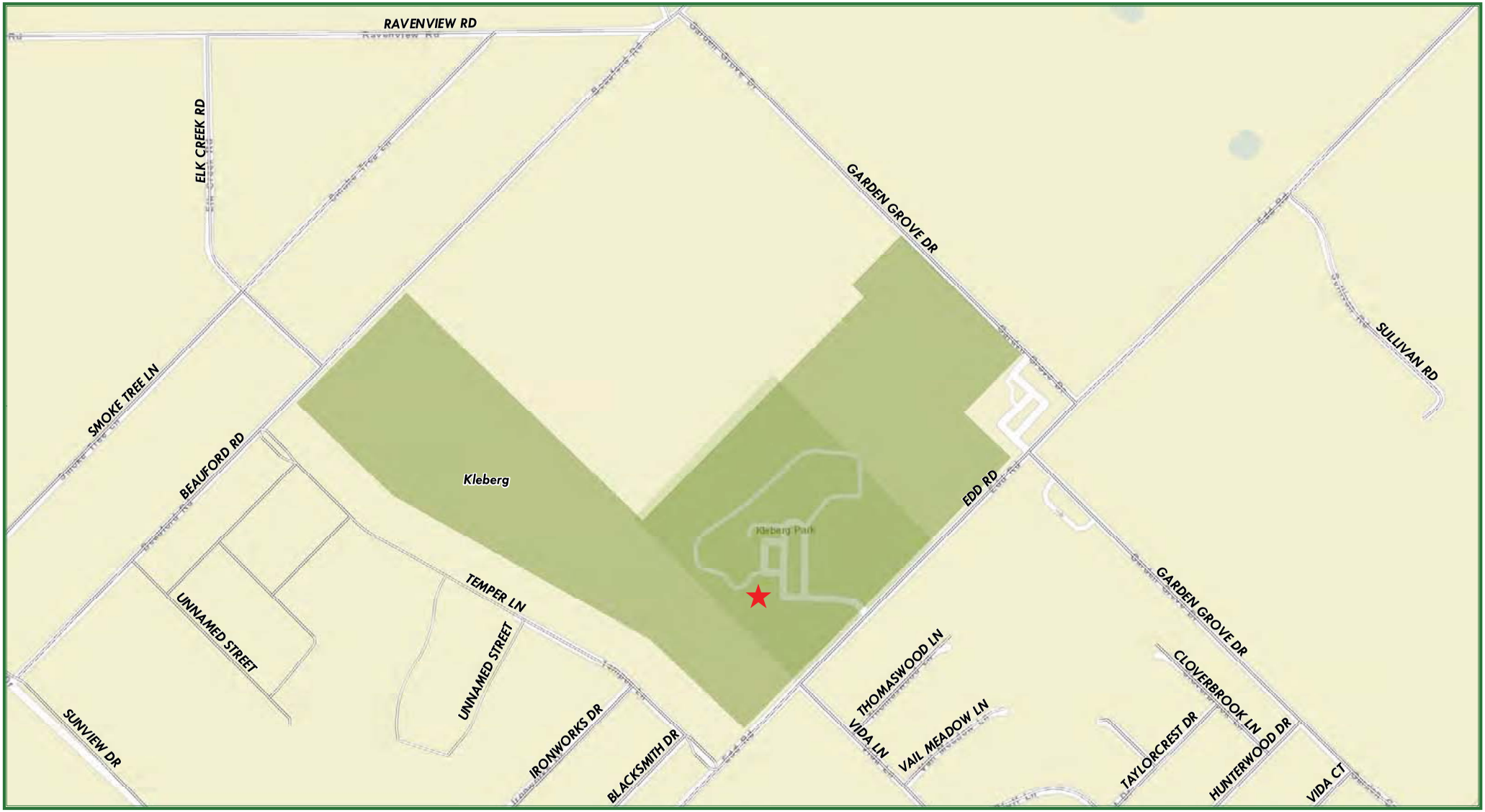
Dallas Park & Recreation

0 55 110 220 330 440 Feet

K.B. Polk Park
3860 Thedford Avenue

Mapsco 34 G

CD 2



Dallas Park & Recreation

0 150 300 600 900 1,200 Feet

Kleberg Park
1515 Edd Road

Mapsco 69A M

CD 8

March 27, 2019

WHEREAS, on November 14, 2018, City Council authorized a contract with Kraftsman, L.P. dba Kraftsman Commercial Playgrounds & Waterparks for construction of six spraygrounds at Grauwyler Park located at 7780 Harry Hines Boulevard, Jaycee/Zaragoza Park located at 3114 Clymer Street, Kleberg Park located at 1515 Edd Road, Nash/Davis Park located at 3700 North Hampton Road, K.B. Polk Park located at 3860 Thedford Avenue and Timberglen Park located at 3900 Timberglen Road, in an amount not to exceed $5,920,827.15, by Resolution No. 18-1622; and

WHEREAS, on February 13, 2019, City Council authorized Change Order No. 1 to the construction services contract with Kraftsman, L.P. dba Kraftsman Commercial Playgrounds & Waterparks for an increase in the contract to include modifications to the pumps and filtration equipment to achieve future reductions in operating and maintenance costs; additional subsurface preparation at Kleberg Park, Nash/Davis Park and Timberglen Park required by findings of the geotechnical and environmental reports; changes due to code requirements and other refinements to the design, in an amount not to exceed $760,943.40, increasing the contract amount from $5,920,827.15 to $6,681,770.55, by Resolution No. 19-0298; and

WHEREAS, this action will authorize Change Order No. 2 to the construction services contract with Kraftsman, L.P. dba Kraftsman Commercial Playgrounds & Waterparks for an increase in the contract for structural foundation system due to geotechnical conditions, utility relocation, additional excavation, pier drilling and concrete for three spraygrounds at Jaycee/Zaragoza Park located at 3114 Clymer Street, Kleberg Park located at 1515 Edd Road, and K.B. Polk Park located at 3860 Thedford Avenue, in an amount not to exceed $374,850.00, increasing the contract amount from $6,681,770.55 to $7,056,620.55.

Now, Therefore,

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

SECTION 1. That an increase in the construction services contract with Kraftsman, L.P. dba Kraftsman Commercial Playgrounds & Waterparks (Change Order No. 2) is authorized for structural foundation system due to geotechnical conditions, utility relocation, additional excavation, pier drilling and concrete for three spraygrounds at Jaycee/Zaragoza Park located at 3114 Clymer Street, Kleberg Park located at 1515 Edd Road, and K.B. Polk Park located at 3860 Thedford Avenue, in an amount not to exceed $374,850.00, increasing the contract amount from $6,681,770.55 to $7,056,620.55.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $374,850.00 to Kraftsman, L.P. dba Kraftsman Commercial Playgrounds & Waterparks in accordance with the terms and conditions of the contract, as follows:

Jaycee/Zaragoza Park Sprayground	
Park and Recreation Facilities (B) Fund	
Fund 1V00, Department PKR, Unit VB76	
Object 4599, Activity AQFC, Program PK17VB76	
Encumbrance/Contract No. PKR-2018-00007950	
Commodity 91200, Vendor VS85939	$390,700.00
Kleberg Park Sprayground	
Park and Recreation Facilities (B) Fund	
Fund 1V00, Department PKR, Unit VK14	
Object 4599, Activity AQFC, Program PK17VK14	
Encumbrance/Contract No. PKR-2018-00007950	
Commodity 91200, Vendor VS85939	($22,650.00)
K.B. Polk Park Sprayground	
Park and Recreation Facilities (B) Fund	
Fund 1V00, Department PKR, Unit VB44	
Object 4599, Activity AQFC, Program PK17VB44	
Encumbrance/Contract No. PKR-2018-00007950	
Commodity 91200, Vendor VS85939	$ 6,800.00
Total amount not to exceed	$374,850.00

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.

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-435 **Item #:** 2.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): 14

DEPARTMENT: Housing & Neighborhood Revitalization

EXECUTIVE: T.C. Broadnax

SUBJECT

Authorize approval of the City Council of the City of Dallas, to act as the applicable elected representative (AER) as defined by Section 147(f)(2)(E) of the Internal Revenue Code of 1986, as amended (the "Code"), with respect to approving the issuance of tax-exempt multifamily residential revenue bonds (the "Bonds") issued by the City of Dallas Housing Finance Corporation in one or more series in an aggregate principal amount not to exceed $15,000,000.00 to Flora Street Lofts, Ltd. to finance the acquisition and new construction of Flora Street Lofts, a 52-unit multifamily residential development to be located at 2121 Flora Street, following a public hearing held on March 11, 2019, after reasonable public notice, in order to comply with the Tax Equity and Fiscal Responsibility Act's public approval requirement of Section 147(f) of the Code - Financing: No cost consideration to the City

BACKGROUND

This item is being placed on the addendum because the City of Dallas Housing Finance Corporation (DHFC) had to approve the issuance of bonds which occurred on March 5, 2019. Additionally, another Tax Equity and Fiscal Responsibility Act (TEFRA) hearing had to be held as the previous public hearing was held on February 13, 2018 and the hearing is only valid for one year. Adequate notice had to be provided for the public hearing and an ad was published on February 25, 2019 for a TEFRA public hearing to be held on March 11, 2019.

Flora Street Lofts will include 52 multifamily residential units composed of 6 zero-bedroom, 26 one-bedroom, 18 two-bedroom, and 2 three-bedroom units (the "Development") for mixed-income families as part of the overall Atelier Tower development which includes market rate residential and retail space. The original AER approval for the Development was provided by City Council on March 22, 2017 and was valid through March 21, 2018 under applicable federal income tax regulations, which require issuance within one year of an AER approval. A second AER approval was provided by City Council on February 28, 2018 and was valid through February 27, 2019.

powered by Legistar™

Originally, the Bond closing was delayed awaiting the Texas Department of Housing and Community Affairs (TDHCA) approval of the 4% housing tax credits. Unfortunately, during that time the first validity period for the original AER expired. During the validity period for the second AER approval, the equity investor slated to purchase the 4% housing tax credits backed out of the deal, delaying the closing on the Bonds. Another equity investor has been identified and would like to close the transaction in April 2019, subject to approval of the investors of the Atelier Tower, which is part of the same development as Flora Street Lofts.

Because the Bonds will be issued after the second AER, and the approval will no longer be valid, a new AER approval is required. Notice of a new TEFRA public hearing was published in *The Dallas Morning News* on February 25, 2019. On March 11, 2019, the public hearing was held with no outside participants in attendance, and thus, no comments made. The approval being requested is only for purposes of complying with the public approval requirements of Section 147(f) of the Code, which require the City Council or other AER to approve the issuance of the Bonds after a public hearing following reasonable public notice.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 22, 2017, City Council approved the issuance of tax-exempt bonds by the DHFC following a public hearing by Resolution No. 17-0377.

On March 22, 2017, City Council authorized the DHFC to issue of tax-exempt bonds for the Development, adopted a resolution of no objection for the Development to TDHCA pursuant to deconcentration factors contained in TDHCA's Qualified Allocation Plan by Resolution No. 17-0533.

On February 28, 2018, City Council approved issuance of tax-exempt bonds by the DHFC in Resolution No. 18-0341.

Information about this item was provided to the Economic Development and Housing Committee on March 18, 2019.

FISCAL INFORMATION

No cost consideration to the City.

OWNERS

Flora Street Lofts, Ltd.

National Equity Fund	99.99% Limited Partner
2121 Flora, LLC	0.01% General Partner

2121 Flora, LLC

GREENarc Corporation	39% interest

Graham Greene, Sole member

LRTX Flora, Inc. 10% interest

La Reunion TX
Robert L. Meckfessel, President

CitySquare Flora, Inc. 51% interest
CitySquare Housing, Inc.
Larry James, President

DEVELOPERS

GREENarc Corp and La Reunion TX

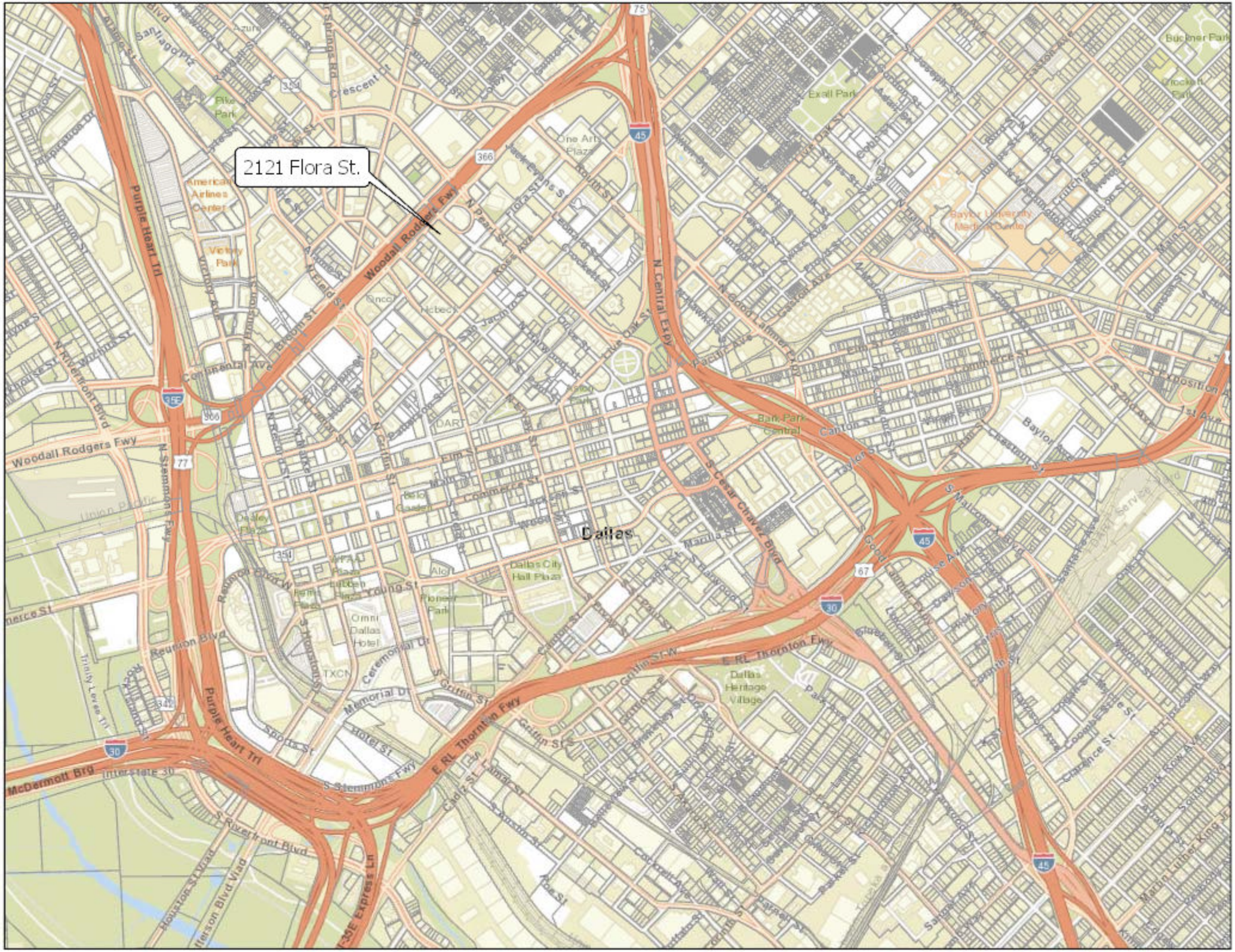
Graham Green, President and Robert L. Meckfessel, President

Ashwood Companies, Inc.

Buddy Jordan, President

MAP

Attached


2121 Flora St.
Dallas
Woodall Rodgers Fwy
Purple Heart Trl
N Central Expy
S Cesar Chavez Blvd
E RL Thornton Fwy
S Stemmons Fwy
Reunion Blvd
Commerce St
Young St
Griffin St
Flora St
Pearl St
Ross Ave
Live Oak St
Bryan St
Gaston Ave
Exall Park
Buckner Park
Brockett Park
Victory Park
American Airlines Center
One Arts Plaza
Bike Park
Dallas City Hall Plaza
Pioneer Park
Omni Dallas Hotel
Dallas Heritage Village
Bank Park Central
Baylor University Medical Center
Union Pacific
DART
McDermott Brg
Interstate 30
Trinity Levee Trl
Houston St Viad
Riverfront Blvd
Ceremonial Dr
Memorial Dr
Hotel St
Sports St
Canton St
Cedar St
Lamar St
Pacific Ave
Good Latimer Expy
S Malcolm X Blvd
Bexar St
Clarence St
Park Row Ave
Martin Luther King Jr

March 27, 2019

WHEREAS, the City of Dallas Housing Finance Corporation (the "DHFC") proposes to issue its $15,000,000.00 City of Dallas Housing Finance Corporation Multifamily Housing Mortgage Revenue Bonds (Flora Street Lofts Project) Series 2019 (the "Bonds") and to lend the proceeds thereof to Flora Street Lofts, Ltd. to finance the acquisition and construction of 52 units of new construction residential units for families on the site located at 2121 Flora Street, Dallas, Texas (the "Project"); and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") requires that any issue of tax-exempt multifamily housing revenue bonds be approved, after a public hearing following reasonable public notice, by an applicable elected representative of the governmental unit on behalf of which the bond is issued and having jurisdiction of the area in which the multifamily project is located; and

WHEREAS, the DHFC previously held a public hearing with respect to the Bonds and the Project on February 13, 2018, following publication of reasonable public notice posted on January 29, 2018, in *The Dallas Morning News*, a newspaper of general circulation within the City of Dallas, and on February 28, 2018, the City Council approved the issuance of the Bonds for purposes of Section 147(f) of the Code (the "Prior Approval"); and

WHEREAS, pursuant to Federal income tax law, the Prior Approval is only valid for one year; and

WHEREAS, the DHFC held a new public hearing with respect to the Bonds and the Project on March 11, 2019, following publication of reasonable public notice in *The Dallas Morning News* on February 25, 2019, and there were no outside attendees at such public hearing and thus no comments received.

Now, Therefore,

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

SECTION 1. That the DHFC held a public hearing on March 11, 2019, following publication of reasonable public notice in *The Dallas Morning News* on February 25, 2019, with no outside participants in attendance and thus no comments were received, and that the City Council of the City of Dallas, an applicable elected representative (AER), as defined by Section 147(f)(2)(E) of the Internal Revenue Code, does hereby approve the issuance of the Bonds, the proceeds of which will be loaned by the DHFC to Flora Street Lofts, Ltd. for the purpose of financing the acquisition and new construction of the Project.

SECTION 2. That the approval hereby provided is for the purpose of satisfying the conditions and requirements of Section 147(f) of the Internal Revenue Code and is not to be construed as an undertaking by the City of Dallas. The Bonds shall not constitute a liability, an indebtedness, or obligation of the City of Dallas nor shall any of the assets of the City of Dallas be pledged to the payment of the Bonds. The Bonds shall specifically provide that the Bonds are not a debt of the City of Dallas and the State of Texas and that the City of Dallas and State of Texas are not liable with respect to the Bonds.

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.

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-480 **Item #:** 3.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Mayor and City Council Office

EXECUTIVE: T.C. Broadnax

SUBJECT

A resolution authorizing an additional retention payment for Christopher J. Caso, Interim City Attorney, during the time it takes to select a permanent City Attorney, payable in nine equal installments beginning on April 1, 2019, and ending on December 1, 2019, or until a new City Attorney is appointed - Not to exceed $90,000.00 - Financing: General Fund

BACKGROUND

On September 5, 2018, City Council appointed Christopher J. Caso as Interim City Attorney for the City of Dallas to serve until the City Council selects and appoints a permanent City Attorney.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 5, 2018, City Council appointed Christopher J. Caso as Interim City Attorney for the City of Dallas, effective August 31, 2018, to serve until the City Council selects and appoints a permanent City Attorney. With the interim appointment of Christopher J. Caso on September 5, 2018, City Council approved a retention payment of $39,978 and 25/100 Dollars ($39,978.25), payable in four installments beginning on October 1, 2018, by Resolution No. 18-1218.

FISCAL INFORMATION

General Fund - $90,000.00

powered by Legistar™

March 27, 2019

WHEREAS, Christopher J. Caso was appointed Interim City Attorney, effective September 5, 2018; and

WHEREAS, upon appointing the Interim City Attorney, the City Council approved a retention payment for Christopher J. Caso to be paid in four installments ending January 1, 2019; and

WHEREAS, because of the length of the search and selection process, the City Council has determined that it is necessary to provide an additional retention payment to the Interim City Attorney during the time it takes to select a permanent City Attorney.

Now, Therefore,

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

SECTION 1. That during this interim appointment period, Christopher J. Caso shall have the full powers and duties of the City Attorney as provided in the City Charter and ordinances and shall continue to receive his base salary and additional interim assignment pay of five percent (5%) of his annual base salary while serving in this capacity and an additional retention payment of ninety thousand and 00/100 Dollars ($90,000.00), payable in nine installments of ten thousand and 00/100 ($10,000.00), on the first of each month beginning on April 1, 2019 and ending on December 1, 2019, or until a new City Attorney is appointed.

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

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-495 **Item #:** 4.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Mayor and City Council Office

EXECUTIVE: T.C. Broadnax

SUBJECT

A resolution appointing Mark S. Swann as City Auditor for the City of Dallas, for a two-year term, effective June 1, 2019, with an annual base salary not to exceed $XXX,XXX - Financing: General Fund

BACKGROUND

The position of the city auditor became vacant effective at the close of business on September 28, 2018. City Council appointed members to the City Auditor Nominating Commission who met in accordance with the Dallas City Chapter IX, Section 1 and Dallas City Code Section 2-17.2 for the purpose of nominating a candidate for the position of City Auditor.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council authorized appointment of a City Auditor Nominating Commission on August 22, 2018.

On February 21, 2019, the City Auditor Nominating Commission recommended three applicants to the City Council to consider for the position of city auditor for the City of Dallas.

On March 20, 2019, City Council conducted interviews of the three candidates recommended by the City Auditor Nominating Commission.

FISCAL INFORMATION

General Fund

powered by Legistar™

March 27, 2019

WHEREAS, the position of the city auditor became vacant on September 28, 2018; and

WHEREAS, on August 22, 2018, City Council appointed a City Auditor Nominating Commission for the purpose of nominating one or more candidates for city auditor in accordance with Dallas City Code Section 2-17.2; and

WHEREAS, on February 21, 2019, the City Auditor Nominating Commission recommended three applicants to the City Council for consideration for the position of city auditor for the City of Dallas; and

WHEREAS, on March 20, 2019, City Council conducted interviews of the three candidates recommended by the City Auditor Nominating Commission; and

WHEREAS, the City Council believes that Mark S. Swann to be the most qualified candidate to fill the position of city auditor in accordance with Chapter IX, Section 1 of the Dallas City Charter.

Now, Therefore,

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

SECTION 1. That Mark S. Swann is hereby appointed city auditor of the City of Dallas to perform the duties of the City Auditor in accordance with Chapter IX of the City Charter for a period of two years, effective June 1, 2019.

SECTION 2. That Mark S. Swann's annual salary is $XXX,XXX.

SECTION 3. That the city auditor shall have until September 1, 2019, to move into the City of Dallas to comply with the requirements of the Charter.

SECTION 4. That the terms of employment approved by the City Council are reflected in the offer letter from the City to Mark S. Swann, dated March 22, 2019, for his services as the city auditor for a two-year term, effective June 1, 2019, and includes relocation expenses in accordance with the Administrative Directives of the City, as well as 80 hours of advanced vacation leave.

SECTION 5. That, if Mark S. Swann as city auditor, is involuntary separated as the city auditor within the initial two-year term or at the end of the two-year term commencing June 1, 2019, Mark S. Swann shall receive a lump sum payment equal to three (3) months of his then current base salary to be paid in a single lump sum payment, less applicable taxes; except, however, that if he is terminated because of a conviction of an offense involving moral turpitude, any criminal act involving the performance of his duties, or any criminal act of any degree of felony, then City shall have no obligation to pay the severance sum designated in this section.

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.

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-344 **Item #:** 2.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Controller's Office

EXECUTIVE: Elizabeth Reich

SUBJECT

An ordinance authorizing **(1)** the issuance and sale of City of Dallas, Texas, General Obligation Refunding and Improvement Bonds, Series 2019A, in an aggregate principal amount not to exceed $271,020,000; **(2)** levying a tax in payment thereof; **(3)** awarding the sale thereof and approving execution of a Purchase Agreement, and a Deposit Agreement; **(4)** approving the official statement; **(5)** enacting other provisions relating to the subject; and **(6)** declaring an effective date - Not to exceed $720,000 - Financing: 2019A General Obligation Refunding and Improvement Bond Funds

BACKGROUND

Pursuant to elections held in November 2006, 2012, and 2017, the residents of Dallas voted and authorized the City to issue general obligation bonds for the purpose of providing funds for permanent public improvements. The City's Financial Advisors recommend: (1) refunding and retirement of commercial paper notes issued for interim financing; and (2) issuance of improvement bonds to finance capital improvement projects at the City, in an amount not to exceed $271,020,000.

The City's financial advisors, PFM Financial Advisors LLC, recommend issuing up to $271,020,000 in refunding and improvement bonds for the purpose of funding capital improvements, refunding outstanding commercial paper notes, and refunding special obligations of the City.

This ordinance authorizes City staff and financial advisors, subject to parameters, to competitively bid the sale and issuance of City of Dallas, Texas, General Obligation Refunding and Improvement Bonds, Series 2019A, and establishes the maximum par amount of bonds to be issued at $271,020,000.

ESTIMATED SCHEDULE OF PROJECT

Authorized Preparation for Issuance of Bonds	December 2018
Approval of Parameters Ordinance	March 2019
Pricing	April 2019
Delivery of Proceeds	May 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Government Performance and Financial Management Committee was briefed on this item on December 3, 2018.

On December 12, 2018, City Council authorized the preparation of plans for issuance of General Obligation Refunding Bonds, Series 2019A, by Resolution No. 18-1756.

FISCAL INFORMATION

Series 2019A General Obligation Refunding and Improvement Bond Funds - $720,000 (See Attachment I)

M/WBE INFORMATION

See Attachment I for M/WBE participation.

Attachment I

Series 2019A
General Obligation Refunding and Improvement Bonds
$271,020,000

Estimate of Total Bond Issuance Costs and M/WBE Participation

	Fees	Percent of Total Costs
Co-Bond Counsel		
Bracewell (Vendor VS0000056820)	$226,000	31%
West & Associates (Vendor 330805)	80,000	11%
Disclosure Counsel		
Orrick Herrington & Sutcliffe LLP (Vendor VC18413)	80,000	11%
Financial Advisor		
PFM (Vendor VC16222)	183,350	25%
Printing Fee		
TBD	5,000	1%
Paying Agent Fee		
UMB Bank, N.A. (Vendor VS92247)	200	0%
Rating Agencies		
Fitch Ratings (Vendor VC14720)	60,771	8%
S&P Global (Vendor 954974)	69,279	10%
Attorney General Filing Fee	9,500	1%
Misc. Expenses	5,900	1%
Total Issuance Costs	$720,000	100%
Total M/WBE Participation as % of Total Issuance Costs:	$85,000	12%

Note: Payment of fees and expenses is contingent upon the issuance and sale of the General Obligation Refunding and Improvement Bonds, Series 2019A.

ORDINANCE NO. 19-_____
AUTHORIZING THE ISSUANCE OF

CITY OF DALLAS, TEXAS
GENERAL OBLIGATION REFUNDING
AND IMPROVEMENT BONDS

Adopted: March 27, 2019

TABLE OF CONTENTS

Page

Recitals……1

ARTICLE I

DEFINITIONS AND OTHER PRELIMINARY MATTERS

Section 1.01. Definitions.....8
Section 1.02. Findings.....11
Section 1.03. Table of Contents, Titles and Headings.....11
Section 1.04. Interpretation.....11

ARTICLE II

SECURITY FOR THE BONDS

Section 2.01. Tax Levy for Payment of the Bonds.....11

ARTICLE III

AUTHORIZATION; GENERAL TERMS AND PROVISIONS
REGARDING THE BONDS

Section 3.01. Authorization.....12
Section 3.02. Date, Denomination, Maturities, Numbers and Interest.....13
Section 3.03. Medium, Method and Place of Payment; Unclaimed Payments.....13
Section 3.04. Execution and Initial Registration.....14
Section 3.05. Ownership.....15
Section 3.06. Registration, Transfer and Exchange.....15
Section 3.07. Cancellation and Authentication.....17
Section 3.08. Temporary Bonds.....17
Section 3.09. Replacement Bonds.....18
Section 3.10. Book-Entry-Only System.....19
Section 3.11. Successor Securities Depository; Transfer Outside Book-Entry-Only System.....20
Section 3.12. Payments to Cede & Co.....20

ARTICLE IV

REDEMPTION OF BONDS BEFORE MATURITY

Section 4.01. Limitation on Redemption.....20
Section 4.02. Optional Redemption.....20
Section 4.03. Mandatory Sinking Fund Redemption.....21
Section 4.04. Partial Redemption.....21
Section 4.05. Notice of Redemption to Owners.....22

Section 4.06. Payment Upon Redemption 22
Section 4.07. Effect of Redemption 22
Section 4.08. Lapse of Payment 23

ARTICLE V

PAYING AGENT/REGISTRAR

Section 5.01. Appointment of Initial Paying Agent/Registrar 23
Section 5.02. Qualifications 23
Section 5.03. Maintaining Paying Agent/Registrar 23
Section 5.04. Termination 24
Section 5.05. Notice of Change to Owners 24
Section 5.06. Agreement to Perform Duties and Functions 24
Section 5.07. Delivery of Records to Successor 24

ARTICLE VI

FORM OF THE BONDS

Section 6.01. Form Generally 24
Section 6.02. Form of the Bonds 25
Section 6.03. CUSIP Registration 32
Section 6.04. Legal Opinion 32
Section 6.05. Municipal Bond Insurance 32

ARTICLE VII

CREATION OF FUNDS AND ACCOUNTS, INITIAL DEPOSITS
AND APPLICATION OF MONEY

Section 7.01. Creation of Funds 33
Section 7.02. Initial Deposits 33
Section 7.03. Interest and Sinking Fund 33
Section 7.04. Construction Fund 34
Section 7.05. Excess Bond Proceeds 34
Section 7.06. Security of Funds 34

ARTICLE VIII

INVESTMENTS

Section 8.01. Investments 34
Section 8.02. Investment Income 35

ARTICLE IX

PARTICULAR REPRESENTATIONS AND COVENANTS

Section 9.01. Payment of the Bonds 35
Section 9.02. Other Representations and Covenants 35
Section 9.03. Federal Income Tax Exclusion of Bonds 35
Section 9.04. No Private Use or Payment and No Private Loan Financing 36
Section 9.05. No Federal Guarantee 36
Section 9.06. No Hedge Bonds 36
Section 9.07. No Arbitrage 36
Section 9.08. Arbitrage Rebate 36
Section 9.09. Information Reporting 37
Section 9.10. Continuing Obligation 37

ARTICLE X

DEFAULT AND REMEDIES

Section 10.01. Events of Default 37
Section 10.02. Remedies for Default 37
Section 10.03. Remedies Not Exclusive 38

ARTICLE XI

DISCHARGE

Section 11.01. Discharge 38

ARTICLE XII

SALE AND DELIVERY OF BONDS;
APPROVAL OF OFFICIAL STATEMENT;
CONTROL AND DELIVERY OF BONDS

Section 12.01. Sale of Bonds; Delivery of Official Statement 38
Section 12.02. Control and Delivery of Bonds 40

ARTICLE XIII

CONTINUING DISCLOSURE UNDERTAKING

Section 13.01. Annual Reports 40
Section 13.02. Material Event Notices 41
Section 13.03. Limitations, Disclaimers and Amendments 42
Section 13.04. Amendments to the Rule 43

ARTICLE XIV

AMENDMENTS; ATTORNEY GENERAL MODIFICATION

Section 14.01. Amendments 44

Section 14.02. Attorney General Modification.....44
Section 14.03. Partial Invalidity.....44
Section 14.04. No Personal Liability.....44

ARTICLE XV

PAYMENT OF REFUNDED COMMERCIAL PAPER NOTES; APPROVAL OF DEPOSIT AGREEMENT

Section 15.01. Payment of Refunded Commercial Paper Notes.....45
Section 15.02. Approval of Deposit Agreement.....45

ARTICLE XVI

EFFECTIVE IMMEDIATELY

Section 16.01. Effective Immediately.....45

SCHEDULE I - Refunded Obligation Candidates

EXHIBIT A – Sale Parameters

ORDINANCE NO. 19-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DALLAS, TEXAS, AUTHORIZING THE ISSUANCE OF CITY OF DALLAS, TEXAS, GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $271,020,000; LEVYING A TAX IN PAYMENT THEREOF; AWARDING THE SALE THEREOF AND APPROVING EXECUTION OF A PURCHASE AGREEMENT, AND A DEPOSIT AGREEMENT; APPROVING THE OFFICIAL STATEMENT; ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE

WHEREAS, pursuant to special elections held in the City of Dallas (the "City") on November 7, 2006, November 6, 2012, and November 7, 2017, a majority of the duly qualified resident electors of the City voting at such elections sustained propositions authorizing the City Council of the City (the "City Council") to issue general obligation bonds of the City for the purpose of providing funds for permanent public improvements and public purposes, to-wit:

November 7, 2006 Election

$390,420,000 planning, designing, constructing, reconstructing, improving, extending, and expanding streets, thoroughfares, freeways, alleys, sidewalks, bridges, pedestrianways, trolleyways and other multi-modal transportation facilities, including related storm drainage facilities and improvements, signalization, signage, video roadside cameras, and other traffic and signal controls, street lighting, landscaping, streetscape and median improvements, and the acquisition of land therefor;

$334,315,000 planning, designing, constructing, renovating, repairing, replacing, and expanding flood protection and storm drainage facilities and improvements, including erosion control, flood management and storm drainage relief improvements, including the relocation of utilities and the acquisition of land therefor;

$343,230,000 planning, designing, constructing, improving, renovating, repairing, replacing, expanding, equipping, and acquiring land for park and recreation facilities, including neighborhood parks, downtown parks, aquatic facilities, municipal golf facilities, trails, open space, playgrounds, park service and maintenance facilities, and facilities located at Fair Park, the Dallas Arboretum and the City Zoo;

$46,200,000 planning, designing, constructing, renovating, repairing, replacing, expanding, equipping, and furnishing library facilities and the acquisition of land or interests in land therefor;

$60,855,000 planning, designing, constructing, renovating, repairing, replacing, expanding, equipping, furnishing and acquiring land for cultural arts facilities, including a performing arts theater in the Downtown Arts District;

$34,750,000 planning, designing, constructing, renovating, replacing, repairing, expanding, equipping and furnishing city hall, city service and city maintenance facilities, including the acquisition of land therefor;

$1,500,000 acquiring land under the land bank program for the development of low or moderate income single family homes;

$41,495,000 promoting economic development in the Southern area of the City, and promoting economic development in other areas of the City in connection with transit-oriented development, through planning, designing, constructing, improving, extending and expanding public street, utility and other infrastructure facilities, including the acquisition of land therefor, and through funding the City's programs for economic development including the acquisition of improved and unimproved properties, the demolition of existing structures, making loans and grants of bond proceeds and otherwise providing assistance for private commercial, industrial, retail, residential and mixed-use development;

$6,635,000 planning, designing, reconstructing, improving, renovating, repairing, replacing, expanding and equipping facilities located at the Farmers Market, including the acquisition of land, relocation of utilities, street infrastructure improvements, sidewalks, storm drainage facilities and controls, street lighting, streetscape and median improvements in connection therewith;

$22,550,000 acquiring land in the area known as Cadillac Heights for the future location of police academy related facilities and/or city service and maintenance facilities;

$7,945,000 planning, designing, constructing, renovating, repairing, replacing, expanding equipping, and furnishing court facilities and the acquisition of land therefor;

$63,625,000 planning, designing, constructing, renovating, repairing, replacing, expanding, equipping, and furnishing public safety facilities including police substations, a police academy and related facilities, fire stations, fire training and related facilities and emergency warning systems, and the acquisition of land therefor;

<u>November 6, 2012 Election</u>

$260,625,000 planning, designing, constructing, reconstructing, improving, extending, and expanding streets, thoroughfares, freeways, alleys, sidewalks, bridges, and pedestrian and bike ways, including related storm drainage facilities and improvements, signalization, signage, video roadside cameras, and other traffic and signal controls, street lighting, landscaping, streetscape and median improvements, and the acquisition of land therefor;

$326,375,000 planning, designing, constructing, renovating, repairing, replacing, and expanding flood protection and storm drainage facilities and improvements, including erosion control, flood management and storm drainage relief improvements, including the relocation of utilities and the acquisition of land and subsurface easements therefor;

$55,000,000 promoting economic development in the Southern area of the City, and promoting economic development in other areas of the City in connection with transit-oriented development, through planning, designing, constructing, improving, extending and expanding public street, utility and other infrastructure facilities, including the acquisition of land therefor, and through funding the City's programs for economic development including the acquisition of improved and unimproved properties, the demolition of existing structures, making loans and grants of bond proceeds and otherwise providing assistance for private commercial, industrial, retail, residential and mixed-use development;

<u>November 7, 2017 Election</u>

$533,981,000 planning, designing, constructing, reconstructing, improving, extending, reconfiguring, and expanding streets, off-street parking, circulation elements, thoroughfares, freeways, intersections, alleys, medians, sidewalks, bridges, and pedestrian and bike ways, including related storm drainage facilities and improvements, signalization, pedestrian warning devices, signage, markings, video roadside cameras, and other traffic and signal controls, street lighting, pedestrian lighting, landscaping, streetscape and median improvements, railroad crossing quiet zones and the related acquisition of land;

$261,807,000 planning, designing, constructing, improving, renovating, repairing, replacing, expanding and equipping park and recreation facilities and the acquisition of land therefor;

$50,000,000 planning, designing, constructing, renovating, repairing, replacing, improving, expanding, and equipping facilities at Fair Park, including open space and recreation facilities;

$48,750,000 planning, designing, constructing, improving, renovating, repairing, replacing, and expanding flood protection and storm drainage facilities and improvements, erosion control, including necessary and appropriate relocation of utilities and the acquisition of land related thereto;

$15,589,000 planning, designing, constructing, renovating, repairing, replacing, improving, expanding and equipping library facilities and the acquisition of land therefor;

$14,235,000 planning, designing, constructing, renovating, repairing, replacing, improving, expanding and equipping cultural and performing arts facilities and the acquisition of land therefor;

$32,081,000	planning, designing, constructing, renovating, repairing, replacing, improving, expanding and equipping public safety facilities, including police substations, fire stations, police and fire training and related facilities and the acquisition of land therefor;
$18,157,000	renovating, repairing, improving: expanding and equipping City Hall and City service and administrative facilities, including repair, replacement, and improvement of roofs, mechanical, electrical, plumbing, air conditioning, heating and ventilation equipment and systems, and improvements required by the Americans with Disabilities Act and other applicable laws;
$55,400,000	providing funds for promoting economic development throughout the city, through planning, designing, constructing, improving, extending and expanding public street, utility, and other infrastructure facilities, including the acquisition of land therefor, and through the city's programs for economic development and housing including the acquisition of improved and unimproved properties, the demolition of existing structures, making grants of bond proceeds and otherwise providing assistance for private commercial, industrial, retail, residential and mixed-use development, neighborhood revitalization projects, and mixed income development;
$20,000,000	Providing funds for permanent public improvements; to-wit: planning, designing, constructing, renovating, repairing, replacing, improving, expanding, and equipping facilities to serve the homeless population in the city, including permanent, supportive and transitional housing;

WHEREAS, the City Council has determined to issue for their respective purposes such of the aforesaid authorized but unissued bonds as are hereinafter provided to be issued, a tabulation showing the amount of bonds authorized, the amounts previously issued, the amounts authorized to be issued pursuant to this Ordinance (the “Ordinance”) for the purposes indicated, and the balance remaining for future bond issues, as follows:

Purpose	Amount Voted	Amount Previously Issued	Commercial Paper Issued and Outstanding	Amount Being Issued[3]	Unissued Balance[4]
November 7, 2006 Election:					
Street and Transportation Improvements	390,420,000	$363,831,000	$3,500,000[1]	$23,089,000	-0-
Flood Protection and Storm Drainage Facilities	334,315,000	324,942,500	-0-	9,372,500	-0-
Park and Recreation Facilities	343,230,000	335,147,000	-0-	8,083,000	-0-
Library Facilities	46,200,000	46,200,000	-0-	-0-	-0-
Cultural Arts Facilities	60,855,000	57,424,000	$320,000[2]	3,111,000	-0-
City Hall, City Service and City Maintenance Facilities	34,750,000	29,525,500	-0-	5,224,500	-0-
Land Acquisition for Development of Low and Moderate Income Single Family Homes	1,500,000	1,500,000	-0-	-0-	-0-
Economic Development in the Southern Area of the City and in Other Areas in Connection with Transit-Oriented Development	41,495,000	41,495,000	-0-	-0-	-0-
Farmers Market Improvements	6,635,000	6,635,000	-0-	-0-	-0-
Cadillac Heights Land Acquisition for City Facilities	22,550,000	9,206,000	765,000[2]	12,579,000	-0-
Court Facilities	7,945,000	7,945,000	-0-	-0-	-0-
Public Safety Facilities	63,625,000	63,625,000	-0-	-0-	-0-

---

[1] General Obligation Commercial Paper Notes, Series B.
[2] General Obligation Commercial Paper Notes, Series A. To be refunded from proceeds of the Bonds.
[3] Amount may include premium allocated against voted authorization, as set forth in the Pricing Certificate. Additionally, the amount may be reduced or reallocated as determined by the Authorized Officer and provided in the Pricing Certificate.
[4] This amount may be increased as provided in the Pricing Certificate if the amount being issued is reduced.

Purpose	Amount Voted	Amount Previously Issued	Commercial Paper Issued	Amount Being Issued[3]	Unissued Balance[4]
November 6, 2012 Election:					
Street Improvements	260,625,000	$213,984,000	-0-	$46,641,000	-0-
Flood Protection and Drainage Facilities	326,375,000	321,620,000	-0-	4,755,000	-0-
Economic Development Programs	55,000,000	55,000,000	-0-	-0-	-0-
November 7, 2017 Election:					
Street and Transportation Improvements	533,981,000	-0-	$15,215,000[2]	$34,325,000	$484,441,000
Park and Recreation Facilities	261,807,000	-0-	13,640,000[2]	56,323,000	191,844,000
Fair Park Improvements	50,000,000	-0-	85,000[2]	8,515,000	41,400,000
Flood Protection and Storm Drainage	48,750,000	-0-	145,000[2]	3,235,000	45,370,000
Library Facilities	15,589,000	-0-	5,000[2]	7,495,000	8,089,000
Cultural and Performing Arts Facilities	14,235,000	-0-	15,000[2]	2,745,000	11,475,000
Public Safety Facilities	32,081,000	-0-	1,465,000[2]	2,096,000	28,520,000
City Hall, City Service and Administrative Facilities	18,157,000	-0-	5,000[2]	2,680,000	15,472,000

---

[1] General Obligation Commercial Paper Notes, Series B.
[2] General Obligation Commercial Paper Notes, Series A. To be refunded from proceeds of the Bonds.
[3] Amount may include premium allocated against voted authorization, as set forth in the Pricing Certificate. Additionally, the amount may be reduced or reallocated as determined by the Authorized Officer and provided in the Pricing Certificate.
[4] This amount may be increased as provided in the Pricing Certificate if the amount being issued is reduced.

Purpose	Amount Voted	Amount Previously Issued	Commercial Paper Issued	Amount Being Issued[3]	Unissued Balance[4]
Economic Development Programs and Infrastructure	55,400,000	-0-	-0-	$13,013,000	42,387,000
Homeless Facilities	20,000,000	-0-	-0-	500,000	19,500,000
TOTALS	3,045,520,000	1,917,662,000	25,160,000	243,782,000	888,498,000

[1] General Obligation Commercial Paper Notes, Series B.
[2] General Obligation Commercial Paper Notes, Series A. To be refunded from proceeds of the Bonds.
[3] Amount may include premium allocated against voted authorization, as set forth in the Pricing Certificate. Additionally, the amount may be reduced or reallocated as determined by the Authorized Officer and provided in the Pricing Certificate.
[4] This amount may be increased as provided in the Pricing Certificate if the amount being issued is reduced.

WHEREAS, there are presently outstanding certain commercial paper notes (the "Refunded Commercial Paper Notes") of the City described on Schedule I hereto, which are secured by and payable from ad valorem taxes levied on property within the City in an amount sufficient to pay principal of and interest on such obligations as they become due within the limits prescribed by law; and

WHEREAS, the City Council desires to delegate to the Authorized Officer, pursuant to Chapters 1207 and 1371, Texas Government Code, as amended, and the parameters of this Ordinance, the authority to approve the amount, the number of series, the interest rate, the price and terms of the bonds authorized hereby and to otherwise take such actions as are necessary and appropriate to effect the sale of the bonds and to select the specific maturities or series of Refunded Obligation Candidates to be refunded;

WHEREAS, Chapter 1207, Texas Government Code, authorizes the City to issue refunding bonds and to deposit the proceeds from the sale thereof, and any other available funds or resources, directly with a commercial bank or trust company, and such deposit, if made before the payment dates for the Refunded Commercial Paper Notes, shall constitute the making of firm banking and financial arrangements for the discharge and final payment of the Refunded Commercial Paper Notes;

WHEREAS, the City Council hereby finds and determines that it is not practicable to calculate a savings amount attributable to the refunding of the Refunded Commercial Paper Notes, but that the refunding contemplated in this Ordinance will benefit the City and that such benefit is sufficient consideration for the refunding of the Refunded Commercial Paper Notes; and

WHEREAS, pursuant to Chapter 1207 and 1371, the District desires to delegate the authority to effect the sale of the Bonds from time to time to the Authorized Officer; and

WHEREAS, the meeting at which this Ordinance is considered is open to the public as required by law, and public notice of the time, place, and purpose of said meeting was given as required by Chapter 551, Texas Government Code, as amended;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS, TEXAS:

ARTICLE I

DEFINITIONS AND OTHER PRELIMINARY MATTERS

Section 1.01. Definitions. Unless otherwise expressly provided or unless the context clearly requires otherwise in this Ordinance, the following terms shall have the meanings specified below:

"Authorized Officer" means the City Manager of the City, and in his or her absence, any Assistant City Manager.

"Bond" means any of the Bonds.

"Bonds" means the City's bonds designated in Section 3.01.

"Business Day" means a day that is not a Saturday, Sunday, legal holiday or other day on which banking institutions in the City where the Designated Payment/Transfer Office is located are required or authorized by law or executive order to close.

"Charter" means the Home Rule Charter of the City, as amended.

"City" means the City of Dallas, Texas.

"City Council" means the governing body of the City of Dallas, Texas as identified in the preamble to this Ordinance.

"Closing Date" means the date of the initial delivery of and payment for the Bonds.

"Code" means the Internal Revenue Code of 1986, as amended, including applicable regulations, published rulings and court decisions relating thereto.

"Commercial Paper Notes" means the City's General Obligation Commercial Paper Notes, Series A authorized pursuant to an ordinance of the City approved October 25, 2017.

"Construction Fund" means the construction fund established by Section 7.01 of this Ordinance.

"Deposit Agreement" means that certain Deposit Agreement between the City and the Paying Agent/Registrar for the Refunded Commercial Paper Notes and/or the Paying

Agent/Registrar for the Refunded Bonds, pertaining to the defeasance of the Refunded Commercial Paper Notes and Refunded Bonds, respectively, as listed in Schedule I.

"Escrow Agreement" means the escrow agreement, if any, by and between the City and the Escrow Agent relating to the Refunded Obligations.

"Escrow Fund" means the fund established by the Escrow Agreement to hold cash and securities for the payment of debt service on the Refunded Obligations.

"Escrow Securities" means (1) direct noncallable obligations of the United States, including obligations that are unconditionally guaranteed by the United States; (2) noncallable obligations of an agency or instrumentality of the United States, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date of hereof, are rated as to investment quality by a nationally recognized investment rating firm not less than "AAA" or its equivalent; and (3) 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 hereof, are rated as to investment quality by a nationally recognized investment rating firm not less than "AAA" or its equivalent.

"Designated Payment/Transfer Office" means (i) with respect to the initial Paying Agent/Registrar named herein, its corporate trust office in St. Paul, Minnesota, and (ii) with respect to any successor Paying Agent/Registrar, the office of such successor designated and located as may be agreed upon by the City and such successor.

"DTC" means The Depository Trust Company of New York, New York, or any successor securities depository.

"DTC Participant" means brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC Participants.

"EMMA" means the Electronic Municipal Market Access System.

"Event of Default" means any event of default as defined in Section 10.01 of this Ordinance.

"Financial Obligation" means a (a) debt obligation; (b) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (c) guarantee of a debt obligation or any such derivative instrument; provided that "financial obligation" shall not include municipal securities (as defined in the Securities Exchange Act of 1934, as amended) as to which a final official statement (as defined in the Rule) has been provided to the MSRB consistent with the Rule.

"Fiscal Year" means such fiscal year as shall be prescribed by the Charter and which under the existing Charter commences October 1 and ends September 30 of the following year.

"Initial Bond" means the initial Bond, described in Sections 3.04(d) and 6.02(e) of this Ordinance.

"Interest and Sinking Fund" means the "City of Dallas, Texas, General Obligation Refunding and Improvement Bonds, Series 2019, Interest and Sinking Fund," as established by Section 7.01 of this Ordinance.

"Interest Payment Date" means the date or dates upon which interest on the Bonds is scheduled to be paid until the maturity or prior redemption of the Bonds, such dates being February 15 and August 15 of each year, commencing on the date set forth in the Pricing Certificate.

"MSRB" means the Municipal Securities Rulemaking Board.

"Original Issue Date" means the date designated as such in Section 3.02(a) of this Ordinance.

"Owner" means the person who is the registered owner of a Bond or Bonds, as shown in the Register.

"Paying Agent/Registrar" means the Paying Agent as set forth in the Pricing Certificate, any successor thereto or any entity which is appointed as and assumes the duties of paying agent/registrar as provided in this Ordinance.

"Pricing Certificate" means a certificate or certificates to be signed by the Authorized Officer.

"Purchase Agreement" means one or more bond purchase agreements described in Section 12.01(b) of this Ordinance.

"Purchaser(s)" means the initial purchasers of the Bonds.

"Record Date" means the last Business Day of the month next preceding an Interest Payment Date.

"Refunded Commercial Paper Notes" means those Commercial Paper Notes of the City designated as such in the Pricing Certificate from the list of Refunded Obligation Candidates described in Schedule I attached hereto.

"Refunded Obligation Candidates" means the obligations of the City set forth in Schedule I.

"Register" means the Register specified in Section 3.06(a) of this Ordinance.

"Representation Letter" means the Blanket Letter of Representations between the City and DTC applicable to the Bonds.

"Representative" means the representative for the Purchasers named in the Purchase Agreement.

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

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

"Special Payment Date" means the Special Payment Date prescribed by Section 3.03(b).

"Special Record Date" means the Special Record Date prescribed by Section 3.03(b).

"Term Bonds" has the meaning set forth in Section 4.04 hereof.

"Unclaimed Payments" means money deposited with the Paying Agent/Registrar for the payment of principal of or interest on the Bonds as the same come due and payable or money set aside for the payment of Bonds duly called for redemption prior to maturity, and remaining unclaimed by the Owners of such Bonds for 90 days after the applicable payment or redemption date.

Section 1.02. Findings. The declarations, determinations and findings declared, made and found in the preamble to this Ordinance are hereby adopted, restated and made a part of the operative provisions hereof.

Section 1.03. Table of Contents, Titles and Headings. The table of contents, titles and headings of the Articles and Sections of this Ordinance 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 and shall never be considered or given any effect in construing this Ordinance or any provision hereof or in ascertaining intent, if any question of intent should arise.

Section 1.04. Interpretation.

(a) Unless the context requires otherwise, words of the masculine gender shall be construed to include correlative words of the feminine and neuter genders and vice versa, and words of the singular number shall be construed to include correlative words of the plural number and vice versa.

(b) This Ordinance and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein and to sustain the validity of this Ordinance.

(c) Article and section references shall mean references to articles and sections of this Ordinance unless designated otherwise.

ARTICLE II

SECURITY FOR THE BONDS

Section 2.01. Tax Levy for Payment of the Bonds.

(a) The City Council hereby declares and covenants that it will provide and levy a tax legally and fully sufficient for payment of the Bonds, it having been determined that the existing and available taxing authority of the City for such purpose is adequate to permit a legally sufficient tax in consideration of all other outstanding obligations of the City.

(b) In order to provide for the payment of the debt service requirements of the Bonds, being (i) the interest on the Bonds and (ii) a sinking fund for their payment at maturity or a sinking fund of two percent per annum (whichever amount is the greater), there is hereby levied for the current year and each succeeding year thereafter while the Bonds or interest thereon remain outstanding and unpaid, a tax within legal limitations on each $100 assessed valuation of taxable property in the City that is sufficient to pay such debt service requirements, full allowance being made for delinquencies and costs of collection.

(c) The tax levied by this Section shall be assessed and collected each year and applied to the payment of the debt service requirements on the Bonds, and the tax shall not be diverted to any other purpose.

(d) Said ad valorem tax, the collections therefrom, and all amounts on deposit in or required hereby to be deposited to the Interest and Sinking Fund for the Bonds are hereby pledged and committed irrevocably to the payment of the principal of and interest on the Bonds when and as due and payable in accordance with their terms and this Ordinance.

(e) If the liens and provisions of this Ordinance shall be discharged in a manner permitted by Article XI hereof, then the collection of such ad valorem tax may be suspended or appropriately reduced, as the facts may permit, and further deposits to the Interest and Sinking Fund may be suspended or appropriately reduced, as the facts may permit. In determining the aggregate principal amount of outstanding Bonds, there shall be subtracted the amount of any Bonds that have been duly called for redemption and for which money has been deposited in accordance with Article XI herein.

ARTICLE III

AUTHORIZATION; GENERAL TERMS AND PROVISIONS REGARDING THE BONDS

Section 3.01. Authorization. One or more series or subseries of the City's bonds, as may be designated and having such title or titles as may be specified in the respective Pricing Certificates for each such series or subseries, are hereby authorized to be issued and delivered, from time to time, in accordance with the Constitution and laws of the State of Texas, including particularly Chapters 1207, 1371 and 1331, Texas Government Code. The designation for each such series or subseries of Bonds shall contain information identifying the Bonds as City of Dallas, Texas General Obligation Refunding and Improvement Bonds or City of Dallas, Texas General Obligation Bonds, "or such other designations as are set forth in the Pricing Certificate. The Bonds shall be issued in the aggregate principal amounts designated in a Pricing Certificate for the public purpose of providing funds for: (i) various permanent public improvements and public purposes, all as set forth in the preamble hereof, (ii) to pay the costs incurred in connection with the issuance of each series of Bonds (including, without limitation, Purchasers' discount), and/or (iii) to refund the Refunded Commercial Paper Notes, under and by virtue of Chapters 1207, 1331 and 1371, Texas Government Code, as amended, and pursuant to Chapter XXI of the Charter of the City. The Authorized Officer is hereby authorized and directed to modify the titles of each series to the extent that, in the judgment of the Authorized Officer, it is necessary or appropriate. The final title and principal amount of each series Bonds shall be

determined by the Authorized Officer, based on market conditions in the discretion of the Authorized Officer, and set forth in the Pricing Certificate. The Bonds shall be issued in the number of series and aggregate principal amount per series designated in the Pricing Certificate, provided that the aggregate principal amount of the Bonds issued for the purpose described in (i) above shall not exceed $243,782,000 and the aggregate principal amount of Bonds issued for the purpose described in (ii) and above shall not exceed $25,160,000. The aggregate principal amount of all of the Bonds shall not exceed $271,020,000.

Section 3.02. Date, Denomination, Maturities, Numbers and Interest.

(a) The Bonds shall have the Original Issue Date set forth in the Pricing Certificate, shall be in fully registered form, without coupons, in the denomination of $5,000 or any integral multiple thereof, and shall be numbered separately from one upward or such other designation acceptable to the City and the Paying Agent/Registrar, except the Initial Bond, which shall be numbered T-1.

(b) The Bonds shall mature on February 15 in the years, at the interest rates and in the principal amounts set forth in the Pricing Certificate, provided that the maximum maturity for the Bonds shall not exceed twenty years.

(c) Interest on each Bond shall accrue from the later of the Original Issue Date (or the date of their delivery to the Purchasers, as set forth in the Pricing Certificate) or the most recent Interest Payment Date to which interest has been paid or provided for at the per annum rates of interest specified in the Pricing Certificate. Such interest shall be payable on each Interest Payment Date until the principal amount shall have been paid or provision for such payment shall have been made, and shall be computed on the basis of a 360-day year of twelve 30-day months.

Section 3.03. Medium, Method and Place of Payment; Unclaimed Payments.

(a) The principal of and interest on the Bonds shall be paid in lawful money of the United States of America.

(b) Interest on the Bonds shall be payable to the Owners whose names appear in the Register at the close of business on the Record Date; provided, however, in the event of nonpayment of interest on a scheduled Interest Payment Date and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") shall be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (the "Special Payment Date," which shall be 15 days after the Special Record Date) shall be sent at least five Business Days prior to the Special Record Date by United States mail, first class, postage prepaid, to the address of each Owner of a Bond appearing on the Register at the close of business on the last Business Day next preceding the date of mailing of such notice.

(c) Interest on the Bonds shall be paid by check (dated as of the Interest Payment Date) and sent by the Paying Agent/Registrar to the person entitled to such payment, first class United States mail, postage prepaid, to the address of such person as it appears in the Register, or by such other customary banking arrangements acceptable to the Paying Agent/Registrar and the

person to whom interest is to be paid; provided, however, that such person shall bear all risk and expenses of such other customary banking arrangements.

(d) The principal of each Bond shall be paid to the person in whose name such Bond is registered on the due date thereof (whether at the maturity date or the date of prior redemption thereof) upon presentation and surrender of such Bond at the Designated Payment/Transfer Office.

(e) If the date for the payment of the principal of or interest on any Bond is a Saturday, Sunday, legal holiday, or a day on which banking institutions in the City where the Designated Payment/Transfer Office 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 a Saturday, Sunday, legal holiday, or day on which such 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.

(f) Unclaimed Payments shall be segregated in a special account and held in trust, uninvested by the Paying Agent/Registrar, for the account of the Owner of the Bonds to which the Unclaimed Payments pertain. Subject to the provisions of Title 6, Texas Property Code, as amended, Unclaimed Payments remaining unclaimed by the Owners entitled thereto for three years after the applicable payment or redemption date shall be applied to the next payment or payments on the Bonds thereafter coming due and, to the extent any such money remains after the retirement of all outstanding Bonds, shall be paid to the City to be used for any lawful purpose. Thereafter, neither the City, the Paying Agent/Registrar nor any other person shall be liable or responsible to any Owners of such Bonds for any further payment of such unclaimed moneys or on account of any such Bonds, subject to any applicable escheat law or similar law.

Section 3.04. Execution and Initial Registration.

(a) The Bonds shall be executed on behalf of the City by the Mayor and countersigned by the City Secretary and the City Manager, by their manual or facsimile signatures, and the official seal of the City shall be impressed or placed in facsimile thereon. Any facsimile signatures on the Bonds shall have the same effect as if each of the Bonds had been signed manually and in person by each of said officers, and such facsimile seal on the Bonds shall have the same effect as if the official seal of the City had been manually impressed upon each of the Bonds.

(b) In the event that any officer of the City whose manual or facsimile signature appears on the Bonds ceases to be such officer before the authentication of such Bonds or before the delivery thereof, such manual or facsimile signature nevertheless shall be valid and sufficient for all purposes as if such officer had remained in such office.

(c) Except as provided below, no Bond shall be valid or obligatory for any purpose or be entitled to any security or benefit of this Ordinance unless and until there appears thereon the Certificate of Paying Agent/Registrar substantially in the form provided in this Ordinance, duly authenticated by manual execution of the Paying Agent/Registrar. It shall not be required that the same authorized representative of the Paying Agent/Registrar sign the Certificate of Paying Agent/Registrar on all of the Bonds. In lieu of the executed Certificate of Paying

Agent/Registrar described above, the Initial Bond delivered on the Closing Date shall have attached thereto the Comptroller's Registration Certificate substantially in the form provided in this Ordinance, manually executed by the Comptroller of Public Accounts of the State of Texas or by his duly authorized agent, which certificate shall be evidence that the Initial Bond has been duly approved by the Attorney General of the State of Texas and that it is a valid and binding obligation of the City, and has been registered by the Comptroller.

(d) On the Closing Date, the typewritten Initial Bond representing the entire principal amount of the Bonds, payable in stated installments to the Representative or its designee, executed by manual or facsimile signature of the Mayor and countersigned by manual or facsimile signatures of the City Secretary and the City Manager, approved by the Attorney General, and registered and manually signed by the Comptroller of Public Accounts will be delivered to the Representative or its designee. Upon payment for the Initial Bond, the Paying Agent/Registrar shall cancel the Initial Bond and deliver to DTC on behalf of the Representative registered definitive Bonds as described in Section 3.10(a). To the extent the Paying Agent/Registrar is eligible to participate in DTC's FAST System, as evidenced by agreement between the Paying Agent/Registrar and DTC, the Paying Agent/Registrar shall hold the definitive Bonds in safekeeping for DTC.

Section 3.05. Ownership.

(a) The City, the Paying Agent/Registrar and any other person may treat the person in whose name any Bond is registered as the absolute owner of such Bond for the purpose of making and receiving payment of the principal thereof and premium, if any, thereon, for the further purpose of making and receiving payment of the interest thereon (subject to the provisions herein that interest is to be paid to the person in whose name the Bond is registered on the Record Date or on the Special Record Date, as applicable), and for all other purposes, whether or not such Bond is overdue, and neither the City nor the Paying Agent/Registrar shall be bound by any notice or knowledge to the contrary.

(b) All payments made to the person deemed to be the Owner of any Bond in accordance with this Section shall be valid and effectual and shall discharge the liability of the City and the Paying Agent/Registrar upon such Bond to the extent of the sums paid.

Section 3.06. Registration, Transfer and Exchange.

(a) So long as any Bonds remain outstanding, the City shall cause the Paying Agent/Registrar to keep at the Designated Payment/Transfer Office the Register in which, subject to such reasonable regulations as it may prescribe, the Paying Agent/Registrar shall provide for the registration and transfer of Bonds in accordance with this Ordinance.

(b) Registration of any Bond may be transferred in the Register only upon the presentation and surrender thereof at the Designated Payment/Transfer Office for transfer of registration and cancellation, together with proper written instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of the Bonds, or any portion thereof in any integral multiple of $5,000 for any one maturity, to the assignee or assignees thereof, and the right of such assignee or assignees thereof to have the

Bond or any portion thereof registered in the name of such assignee or assignees. No transfer of any Bond shall be effective until entered in the Register. Upon assignment and transfer of any Bond or portion thereof, a new Bond or Bonds will be issued by the Paying Agent/Registrar in exchange for such transferred and assigned Bond. To the extent possible the Paying Agent/Registrar will issue such new Bond or Bonds within not more than three Business Days after receipt of the Bond to be transferred in proper form and with proper instructions directing such transfer.

(c) Any Bond may be exchanged only upon the presentation and surrender thereof at the Designated Payment/Transfer Office, together with a written request therefor duly executed by the Owner or assignee or assignees thereof, or its or their duly authorized attorneys or representatives, with guarantees of signatures satisfactory to the Paying Agent/Registrar, for a Bond or Bonds of the same maturity and interest rate and in any authorized denomination and in an aggregate principal amount equal to the unpaid principal amount of the Bond presented for exchange. If a portion of any Bond is redeemed prior to its schedule maturity as provided herein, a substitute Bond or Bonds having the same maturity date, bearing interest at the same rate, in the denomination or denominations of any integral multiple of $5,000 of any one maturity at the request of the Owner, and in an aggregate principal amount equal to the unredeemed portion thereof, will be issued to the Owner upon surrender thereof for cancellation. To the extent possible, a new Bond or Bonds shall be delivered by the Paying Agent/Registrar to the Owner of the Bond or Bonds within not more than three Business Days after receipt of the Bond to be exchanged in proper form and with proper instructions directing such exchange.

(d) Each Bond issued in exchange for any Bond or portion thereof assigned or transferred shall have the same principal maturity date and shall bear interest at the same rate as the Bond for which it is being exchanged. Each substitute Bond shall bear a letter and/or number to distinguish it from each other Bond. The Paying Agent/Registrar shall exchange the Bonds as provided herein, and each substitute Bond delivered in accordance with this Section shall constitute an original additional contractual obligation of the City and shall be entitled to the benefits and security of this Ordinance to the same extent as the Bond or Bonds in lieu of which such substitute Bond or Bonds are delivered.

(e) The City will pay the Paying Agent/Registrar's reasonable and customary charge for the initial registration or any subsequent transfer or exchange of Bonds, but the Paying Agent/Registrar will require the Owner to pay a sum sufficient to cover any tax or other governmental charge that is authorized to be imposed in connection with the registration, transfer or exchange of a Bond. In addition, the City hereby covenants with the Owners of the Bonds that it will (i) pay the reasonable and standard or customary fees and charges of the Paying Agent/Registrar for its services with respect to the payment of the principal of and interest on the Bonds, when due, and (ii) pay the fees and charges of the Paying Agent/Registrar for services with respect to the transfer, registration and exchange of Bonds as provided herein.

(f) Neither the City nor the Paying Agent/Registrar shall be required to issue, transfer, or exchange any Bond called for redemption, in whole or in part, within 45 days of the date fixed for redemption; provided, however, such limitation shall not be applicable to an exchange by the Owner of the uncalled principal balance of a Bond.

Section 3.07. Cancellation and Authentication.

(a) All Bonds paid in accordance with this Ordinance, and all Bonds in lieu of which exchange Bonds or replacement Bonds are authenticated and delivered in accordance with this Ordinance, shall be cancelled upon the making of proper records regarding such payment, redemption, exchange or replacement. Cancelled Bonds shall be disposed of in accordance with the requirements of the Securities and Exchange Act of 1934 and the regulations promulgated thereunder.

(b) Each substitute Bond issued pursuant to the provisions of Sections 3.06 and 3.09 of this Ordinance, in exchange for or replacement of any Bond or Bonds issued under this Ordinance, shall have printed thereon a Paying Agent/Registrar's Certificate, in the form hereinafter set forth. An authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Bond, manually sign and date such Certificate, and no such Bond shall be deemed to be issued or outstanding unless such Certificate is so executed. No additional ordinances, orders, or resolutions need be passed or adopted by the City Council or any other body or person so as to accomplish the foregoing exchange or replacement of any Bond or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution, and delivery of the substitute Bonds in the manner prescribed herein, and said Bonds shall be of customary type and composition and printed, typewritten, lithographed, mimeographed or otherwise produced. Pursuant to Chapter 1201, Texas Government Code, the duty of exchange or replacement of Bonds as aforesaid is hereby imposed upon the Paying Agent/Registrar, and, upon the execution of the above Paying Agent/Registrar's Authentication Certificate, the exchanged or replaced Bonds shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Initial Bond which originally was delivered pursuant to this Ordinance, approved by the Attorney General, and registered by the Comptroller of Public Accounts.

(c) Bonds issued in exchange or replacement of any other Bond or portion thereof, (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on such Bonds to be payable only to the registered owners thereof, (ii) may be transferred and assigned, (iii) may be exchanged for other Bonds, (iv) shall have the characteristics, (v) shall be signed and sealed, and (vi) shall be payable as to principal and interest, all as provided, and in the manner required or indicated, in the form of Bond set forth in this Ordinance.

Section 3.08. Temporary Bonds.

(a) Following the delivery and registration of the Initial Bond and pending the preparation of definitive Bonds, the proper officers of the City may execute and, upon the City's request, the Paying Agent/Registrar shall authenticate and deliver, one or more temporary Bonds that are printed, lithographed, typewritten, mimeographed or otherwise produced, in any denomination, substantially of the tenor of the definitive Bonds in lieu of which they are delivered, without coupons, and with such appropriate insertions, omissions, substitutions and other variations as the officers of the City executing such temporary Bonds may determine, as evidenced by their signing of such temporary Bonds.

(b) Until exchanged for Bonds in definitive form, such Bonds in temporary form shall be entitled to the benefit and security of this Ordinance.

(c) The City, without unreasonable delay, shall prepare, execute and deliver to the Paying Agent/Registrar the Bonds in definitive form; thereupon, upon the presentation and surrender of the Bond or Bonds in temporary form to the Paying Agent/Registrar, the Paying Agent/Registrar shall cancel the Bonds in temporary form and authenticate and deliver in exchange therefor a Bond or Bonds of the same maturity, in definitive form, in the authorized denomination, and in the same aggregate principal amount, as the Bond or Bonds in temporary form surrendered. Such exchange shall be made without the making of any charge therefor to any Owner.

Section 3.09. Replacement Bonds.

(a) Upon the presentation and surrender to the Paying Agent/Registrar, at the Designated Payment/Transfer Office of a mutilated Bond, the Paying Agent/Registrar shall authenticate and deliver in exchange therefor a replacement Bond of like tenor and principal amount, bearing a number not contemporaneously outstanding. The City or the Paying Agent/Registrar may require the Owner of such Bond to pay a sum sufficient to cover any tax or other governmental charge that is authorized to be imposed in connection therewith and any other expenses connected therewith.

(b) In the event that any Bond is lost, apparently destroyed or wrongfully taken, the Paying Agent/Registrar, pursuant to the applicable laws of the State of Texas and in the absence of notice or knowledge that such Bond has been acquired by a bona fide purchaser, shall authenticate and deliver a replacement Bond of like tenor and principal amount, bearing a number not contemporaneously outstanding, provided that the Owner first:

(i) furnishes to the Paying Agent/Registrar satisfactory evidence of his or her ownership of and the circumstances of the loss, destruction or theft of such Bond;

(ii) furnishes such security or indemnity as may be required by the Paying Agent/Registrar and the City to save them harmless;

(iii) pays all expenses and charges in connection therewith, including, but not limited to, printing costs, legal fees, fees of the Paying Agent/Registrar and any tax or other governmental charge that is authorized to be imposed; and

(iv) satisfies any other reasonable requirements imposed by the City and the Paying Agent/Registrar.

(c) If, after the delivery of such replacement Bond, a bona fide purchaser of the original Bond in lieu of which such replacement Bond was issued presents for payment such original Bond, the City and the Paying Agent/Registrar shall be entitled to recover such replacement 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 City or the Paying Agent/Registrar in connection therewith.

(d) In the event that any such mutilated, lost, apparently destroyed or wrongfully taken Bond has become or is about to become due and payable, the Paying Agent/Registrar, in its discretion, without the necessity of issuing a replacement Bond, may pay such Bond on the date on which such Bond becomes due and payable.

(e) Each replacement Bond delivered in accordance with this Section shall constitute an original additional contractual obligation of the City and shall be entitled to the benefits and security of this Ordinance to the same extent as the Bond or Bonds in lieu of which such replacement Bond is delivered.

Section 3.10. Book-Entry-Only System.

(a) The definitive Bonds shall be initially issued in the form of a separate single fully registered Bond for each of the maturities thereof. Upon initial issuance, the ownership of each such Bond shall be registered in the name of Cede & Co., as nominee of DTC, and except as provided in Section 3.11 hereof, all of the outstanding Bonds shall be registered in the name of Cede & Co., as nominee of DTC.

(b) With respect to Bonds registered in the name of Cede & Co., as nominee of DTC, the City and the Paying Agent/Registrar shall have no responsibility or obligation to any DTC Participant or to any person on behalf of whom such a DTC Participant holds an interest in the Bonds, except as provided in this Ordinance. Without limiting the immediately preceding sentence, the City and the Paying Agent/Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any DTC Participant with respect to any ownership interest in the Bonds, (ii) the delivery to any DTC Participant or any other person, other than an Owner, as shown on the Register, of any notice with respect to the Bonds, including any notice of redemption, or (iii) the payment to any DTC Participant or any other person, other than an Owner, as shown in the Register of any amount with respect to principal of or interest on the Bonds. Notwithstanding any other provision of this Ordinance to the contrary, the City and the Paying Agent/Registrar shall be entitled to treat and consider the person in whose name each Bond is registered in the Register as the absolute Owner of such Bond for the purpose of payment of principal of and interest on the Bonds, for the purpose of giving notices of redemption and other matters with respect to such Bond, for the purpose of registering transfer with respect to such Bond, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all principal of and interest on the Bonds only to or upon the order of the respective Owners, as shown in the Register as provided in this Ordinance, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to payment of, principal and interest on the Bonds to the extent of the sum or sums so paid. No person other than an Owner, as shown in the register, shall receive a certificate evidencing the obligation of the City to make payments of amounts due pursuant to this Ordinance. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Ordinance with respect to interest checks or drafts being mailed to the registered Owner at the close of business on the Record Date, the word "Cede & Co." in this Ordinance shall refer to such new nominee of DTC.

(c) The Representation Letter between the City and DTC applicable to the City's obligations delivered in book-entry-only form to DTC as securities depository for said obligations, is hereby affirmed.

Section 3.11. Successor Securities Depository; Transfer Outside Book-Entry-Only System. In the event that the City or the Paying Agent/Registrar determines that DTC is incapable of discharging its responsibilities described herein and in the Representation Letter, and that it is in the best interest of the beneficial owners of the Bonds that they be able to obtain certificated Bonds, or in the event DTC discontinues the services described herein, the City or the Paying Agent/Registrar shall (i) appoint a successor securities depository, qualified to act as such under Section 17(a) of the Securities and Exchange Act of 1934, as amended, notify DTC and DTC Participants, as identified by DTC, of the appointment of such successor securities depository and transfer one or more separate Bonds to such successor securities depository or (ii) notify DTC and DTC Participants, as identified by DTC, of the availability through DTC of Bonds and transfer one or more separate Bonds to DTC Participants having Bonds credited to their DTC accounts, as identified by DTC. In such event, the Bonds shall no longer be restricted to being registered in the Register in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names Owners transferring or exchanging Bonds shall designate, in accordance with the provisions of this Ordinance.

Section 3.12. Payments to Cede & Co. Notwithstanding any other provision of this Ordinance to the contrary, so long as any Bonds are registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of and interest on such Bonds, and all notices with respect to such Bonds, shall be made and given, respectively, in the manner provided in the Representation Letter.

ARTICLE IV

REDEMPTION OF BONDS BEFORE MATURITY

Section 4.01. Limitation on Redemption. Each series of Bonds shall be subject to redemption before scheduled maturity only as provided in this Article IV as may be modified by the Pricing Certificate.

Section 4.02. Optional Redemption.

(a) The City reserves the option to redeem Bonds in the manner provided in the form of Bond set forth in Section 6.02 of this Ordinance with such changes as are required by the Pricing Certificate.

(b) The City, at least 45 days before the redemption date (unless a shorter period shall be satisfactory to the Paying Agent/Registrar), shall notify the Paying Agent/Registrar of such redemption date and of the principal amount of Bonds to be redeemed.

Section 4.03. Mandatory Sinking Fund Redemption.

(a) Bonds designated as "Term Bonds," if any, in the Pricing Certificate are subject to scheduled mandatory redemption and will be redeemed by the City, in part at a price equal to the principal amount thereof, without premium, plus accrued interest to the redemption date, out of moneys available for such purpose in the Interest and Sinking Fund for such Bonds, on the dates and in the respective principal amounts as set forth in the Pricing Certificate.

(b) At least forty-five (45) days prior to each scheduled mandatory redemption date, the Paying Agent/Registrar shall select for redemption by lot, or by any other customary method that results in a random selection, or such other method specified in the Pricing Certificate, a principal amount of Term Bonds equal to the aggregate principal amount of such Term Bonds to be redeemed, shall call such Term Bonds for redemption on such scheduled mandatory redemption date, and shall give notice of such redemption, as provided in Section 4.06.

The principal amount of the Term Bonds required to be redeemed on any redemption date pursuant to subparagraph (a) of this Section 4.04 shall be reduced, at the option of the City, by the principal amount of any Term Bonds which, at least 45 days prior to the mandatory sinking fund redemption date (i) shall have been acquired by the City at a price not exceeding the principal amount of such Term Bonds plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation, or (ii) shall have been redeemed pursuant to the optional redemption provisions hereof and not previously credited to a mandatory sinking fund redemption.

Section 4.04. Partial Redemption.

(a) If less than all of the Bonds are to be redeemed pursuant to Section 4.02, the City shall determine the maturity or maturities and the amounts thereof to be redeemed and shall direct the Paying Agent/Registrar to call by lot or other customary method that results in a random selection of the Bonds, or portions thereof and maturity or maturities and in such principal amounts, for redemption.

(b) A portion of a single Bond of a denomination greater than $5,000 may be redeemed, but only in a principal amount equal to $5,000 or any integral multiple thereof. The Paying Agent/Registrar shall treat each $5,000 portion of the Bond as though it were a single Bond for purposes of selection for redemption.

(c) Upon surrender of any Bond for redemption in part, the Paying Agent/Registrar, in accordance with Section 3.06 of this Ordinance, shall authenticate and deliver an exchange Bond or Bonds in an aggregate principal amount equal to the unredeemed portion of the Bond so surrendered.

(d) The Paying Agent/Registrar shall promptly notify the City in writing of the principal amount to be redeemed of any Bond as to which only a portion thereof is to be redeemed.

Section 4.05. Notice of Redemption to Owners.

(a) The City shall give notice of any redemption of Bonds by sending or causing the Paying Agent/Registrar to send notice of such redemption by first class United States mail, postage prepaid, not less than 30 days before the date fixed for redemption, to the Owner of each Bond (or part thereof) to be redeemed, at the address shown on the Register at the close of business on the Business Day next preceding the date of mailing such notice.

(b) The notice shall state the redemption date, the redemption price, the place at which the Bonds are to be surrendered for payment, and, if less than all the Bonds outstanding are to be redeemed, an identification of the Bonds or portions thereof to be redeemed.

(c) The City reserves the right to give notice of its election or direction to redeem Bonds under Section 4.02 conditioned upon the occurrence of subsequent events. Such notice may state (i) that the redemption is conditioned upon the deposit of moneys and/or authorized securities, in an amount equal to the amount necessary to effect the redemption, with the Paying Agent/Registrar, or such other entity as may be authorized by law, no later than the redemption date or (ii) that the City retains the right to rescind such notice at any time prior to the scheduled redemption date if the City delivers a certificate of the City to the Paying Agent/Registrar instructing the Paying Agent/Registrar to rescind the redemption notice, and such notice and redemption shall be of no effect if such moneys and/or authorized securities are not so deposited or if the notice is rescinded. The Paying Agent/Registrar shall give prompt notice of any such rescission of a conditional notice of redemption to the affected Owners. Any Bonds subject to conditional redemption where redemption has been rescinded shall remain Outstanding, and the rescission shall not constitute an event of default. Further, in the case of a conditional redemption, the failure of the City to make moneys and/or authorized securities available in part or in whole on or before the redemption date shall not constitute an event of default.

(d) Any notice given as provided in this Section shall be conclusively presumed to have been duly given, whether or not the Owner receives such notice.

Section 4.06. Payment Upon Redemption.

(a) Before or on each redemption date, the Paying Agent/Registrar shall make provision for the payment of the Bonds to be redeemed on such date by setting aside and holding in trust an amount from the Interest and Sinking Fund or otherwise received by the Paying Agent/Registrar from the City sufficient to pay the principal of and accrued interest on such Bonds.

(b) Upon presentation and surrender of any Bond called for redemption at the Designated Payment/Transfer Office of the Paying Agent/Registrar on or after the date fixed for redemption, the Paying Agent/Registrar shall pay the principal of and accrued interest on such Bond to the date of redemption from the money set aside for such purpose.

Section 4.07. Effect of Redemption.

(a) Notice of redemption having been given as provided in Section 4.06 of this Ordinance and subject to any conditions or rights reserved by the City under Section 4.06(c), the

Bonds or portions thereof called for redemption shall become due and payable on the date fixed for redemption and, unless the City defaults in the payment of the principal thereof, premium, if any, or accrued interest thereon, such Bonds or portions thereof shall cease to bear interest from and after the date fixed for redemption, whether or not such Bonds are presented and surrendered for payment on such date.

(b) If any Bond or portion thereof called for redemption is not so paid upon presentation and surrender of such Bond for redemption, such Bond or portion thereof shall continue to bear interest at the rate stated on the Bond until paid or until due provision is made for the payment of same.

Section 4.08. Lapse of Payment. Money set aside for the redemption of Bonds and remaining unclaimed by the Owners of such Bonds shall be subject to the provisions of Section 3.03(f) hereof.

ARTICLE V

PAYING AGENT/REGISTRAR

Section 5.01. Appointment of Initial Paying Agent/Registrar.

(a) The Authorized Officer is hereby authorized to select and appoint the initial Paying Agent/Registrar for each series of Bonds, and the initial Paying Agent/Registrar shall be designated in the Pricing Certificate. It shall be the duty of the Paying Agent/Registrar to obtain from the Owners and record in the Register the address of the Owner of each Bond to which payments with respect to the Bonds shall be mailed, as provided herein. The City or its designee shall have the right to inspect the Register during regular business hours of the Paying Agent/Registrar, but otherwise the Paying Agent/Registrar shall keep the Register confidential and, unless otherwise required by law, shall not permit their inspection by any other entity.

(b) The Authorized Officer is hereby authorized and directed to execute and deliver or cause the execution and delivery by the City Manager and/or Mayor, one or more Paying Agent/Registrar Agreements or Contracts, specifying the duties and responsibilities of the City and the Paying Agent/Registrar. The City Council hereby approves the form of Paying Agent/Registrar Agreement.

Section 5.02. Qualifications. Each Paying Agent/Registrar shall be (i) a bank, trust company, financial institution, or other entity duly qualified and legally authorized under applicable law, (ii) authorized under such laws to exercise trust powers, (iii) subject to supervision or examination by a federal or state governmental authority, and (iv) a single entity.

Section 5.03. Maintaining Paying Agent/Registrar.

(a) At all times while any Bonds are outstanding, the City will maintain a Paying Agent/Registrar that is qualified under Section 5.02 of this Ordinance.

(b) If the Paying Agent/Registrar resigns or otherwise ceases to serve as such, the City will promptly appoint a replacement.

Section 5.04. Termination. The City reserves the right to terminate the appointment of any Paying Agent/Registrar by delivering to the entity whose appointment is to be terminated a certified copy of a resolution of the City (i) giving notice of the termination of the appointment and of any contractual agreement, stating the effective date of such termination, and (ii) appointing a successor Paying Agent/Registrar.

Section 5.05. Notice of Change to Owners. Promptly upon each change in the entity serving as Paying Agent/Registrar, the City will cause notice of the change to be sent to each Owner by first class United States mail, postage prepaid, at the address in the Register, stating the effective date of the change and the name and mailing address of the replacement Paying Agent/Registrar and the mailing address of its Designated Payment/Transfer Office.

Section 5.06. Agreement to Perform Duties and Functions. By accepting the appointment as Paying Agent/Registrar, the Paying Agent/Registrar is deemed to have agreed to the provisions of this Ordinance and that it will perform the duties and functions of Paying Agent/Registrar prescribed hereby.

Section 5.07. Delivery of Records to Successor. If a Paying Agent/Registrar is replaced, such Paying Agent/Registrar, promptly upon the appointment of the successor, will deliver the Register (or a copy thereof) and all other pertinent books and records relating to the Bonds to the successor Paying Agent/Registrar and to the City.

ARTICLE VI

FORM OF THE BONDS

Section 6.01. Form Generally.

(a) The Bonds, including the Registration Certificate of the Comptroller of Public Accounts of the State of Texas to accompany the Initial Bond, and the Certificate of the Paying Agent/Registrar, and the Assignment form to appear on each of the Bonds, (i) shall be generally in the form set forth in this Article, with such appropriate insertions, omissions, substitutions, and other variations as are permitted or required by this Ordinance and any Pricing Certificate, and (ii) may have such letters, numbers, or other marks of identification (including identifying numbers and letters of the Committee on Uniform Securities Identification Procedures of the American Bankers Association) and such legends and endorsements (including any reproduction of an opinion of counsel) thereon as, consistently herewith, may be determined by the City or by the officers executing such Bonds, as evidenced by their execution thereof.

(b) Any portion of the text of any Bonds may be set forth on the reverse side thereof, with an appropriate reference thereto on the face of the Bonds.

(c) The Bonds (except for any temporary Bonds and the Initial Bonds) shall be typewritten, printed, lithographed, or engraved, and may be produced by any combination of these methods or produced in any other similar manner, all as determined by the officers executing such Bonds, as evidenced by their execution thereof.

Section 6.02. Form of the Bonds. The form of the Bonds, including the form of the Registration Certificate of the Comptroller of Public Accounts of the State of Texas, the form of Certificate of the Paying Agent/Registrar and the form of Assignment appearing on the Bonds, shall be generally as follows, provided, however, that the substantially final form of the Bonds shall be set forth in or attached to the Pricing Certificate and shall incorporate and reflect the final terms of the Bonds set forth in the Pricing Certificate:

(a) Form of Bond.

REGISTERED REGISTERED
No. _____ $_____

United States of America
State of Texas
CITY OF DALLAS, TEXAS,
GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BOND, SERIES _____[5]

INTEREST RATE:	MATURITY DATE:	ORIGINAL ISSUE DATE:	CUSIP NO.:
_____%	_____, ____	_____,_____[6]	_____ ___

The City of Dallas (the "City"), in the Counties of Dallas, Denton, Collin and Rockwall, State of Texas, for value received, hereby promises to pay to

_____

or registered assigns, on the Maturity Date specified above, the principal sum of

_____ DOLLARS

unless this Bond shall have been duly called for prior redemption as provided herein and payment of the principal hereof and accrued but unpaid interest hereon shall have been paid or provided for, and to pay interest on the unpaid principal amount hereof from the later of the Original Issue Date specified above or the most recent Interest Payment Date to which interest has been paid or provided for until payment of such principal amount has been paid or provided for, at the interest rate per annum specified above, computed on the basis of a 360-day year of twelve 30-day months, such interest to be paid semiannually on February 15 and August 15 of each year, commencing _____.[7] All capitalized terms used herein but not defined shall have the meaning assigned to them in the Ordinance (defined below).

The principal of this Bond shall be payable without exchange or collection charges in lawful money of the United States of America upon presentation and surrender of this Bond at the corporate trust office in _____[8] (the "Designated Payment/Transfer Office") of _____,[9] or with respect to a successor Paying Agent/Registrar, at the designated payment/transfer office of such successor. Interest on this Bond is payable by check dated as of the Interest Payment Date, mailed by the Paying Agent/Registrar to the registered owner at the address shown on the registration books kept by the Paying Agent/Registrar or by such other customary banking arrangements acceptable to the Paying Agent/Registrar, requested by and at the risk and expense of, the person to whom interest is to be paid. For the purpose of the

[5] As may be modified by the Pricing Certificate.
[6] Information to be inserted from the Pricing Certificate.
[7] Information to be inserted from the Pricing Certificate.
[8] Information to be inserted from the Pricing Certificate.
[9] Information to be inserted from the Pricing Certificate.

payment of interest on this Bond, the registered owner shall be the person in whose name this Bond is registered at the close of business on the "Record Date," which shall be the last Business Day of the month next preceding such Interest Payment Date; provided, however, that in the event of nonpayment of interest on a scheduled payment date and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (the "Special Payment Date" which date shall be 15 days after the Special Record Date) shall be sent at least five Business Days prior to the Special Record Date by United States mail, first class, postage prepaid, to the address of each registered owner of a Bond appearing on the books of the Paying Agent/Registrar at the close of business on the last Business Day preceding the date of mailing of such notice.

If a date for the payment of the principal of or interest on this Bond is a Saturday, Sunday, legal holiday, or a day on which banking institutions in the City where the Designated Payment/Transfer Office 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 such 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 dated _____[10] and is one of a series of fully registered bonds specified in the title hereof issued in the aggregate principal amount of $_____[11] (herein referred to as the "Bonds"), issued pursuant to a certain Ordinance of the City Council of the City (the "Ordinance") for the purpose of providing funds to refund the Refunded Commercial Paper Notes, to fund certain permanent public improvements and public purposes and to pay costs of issuance.

The Bonds and the interest thereon are payable from the levy of a direct and continuing ad valorem tax, within the limit prescribed by law, against all taxable property in the City.

[The City has reserved the option to redeem the Bonds maturing on or after _____, before their respective scheduled maturities in whole or in part in integral multiples of $5,000 on _____, or on any date thereafter, at a redemption price of par, plus accrued interest to the date fixed for redemption. If less than all of the Bonds are to be redeemed, the City shall determine the maturity or maturities and the amounts thereof to be redeemed and shall direct the Paying Agent/Registrar to call by lot or other customary method that results in random selection of the Bonds, or portions thereof within such maturity or maturities and in such amounts, for redemption.

Bonds maturing on February 15 in each of the years ____ through ___, inclusive (the "Term Bonds"), are subject to mandatory sinking fund redemption prior to their scheduled maturity, and will be redeemed by the City, in part at a redemption price equal to the principal amount thereof, without premium, plus interest accrued to the redemption date, on the dates and in the principal amounts shown in the following schedule:

---

[10] Information to be inserted from the Pricing Certificate.
[11] Information to be inserted from the Pricing Certificate.

Redemption Date	Principal Amount

The Paying Agent/Registrar will select by lot or by any other customary method that results in a random selection the specific Term Bonds (or with respect to Term Bonds having a denomination in excess of $5,000, each $5,000 portion thereof) to be redeemed by mandatory redemption. The principal amount of Term Bonds required to be redeemed on any redemption date pursuant to the foregoing mandatory sinking fund redemption provisions hereof shall be reduced, at the option of the City, by the principal amount of any Bonds which, at least 45 days prior to the mandatory sinking fund redemption date (i) shall have been acquired by the City at a price not exceeding the principal amount of such Bonds plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation, or (ii) shall have been redeemed pursuant to the optional redemption provisions hereof and not previously credited to a mandatory sinking fund redemption.

Notice of such redemption or redemptions shall be given by first class mail, postage prepaid, not less than thirty (30) days before the date fixed for redemption, to the registered owner of each of the Bonds to be redeemed in whole or in part. In the Ordinance, the City reserves the right in the case of an optional redemption to give notice of its election or direction to redeem Bonds conditioned upon the occurrence of subsequent events. Such notice may state (i) that the redemption is conditioned upon the deposit of moneys and/or authorized securities, in an amount equal to the amount necessary to effect the redemption, with the Paying Agent/Registrar, or such other entity as may be authorized by law, no later than the redemption date or (ii) that the City retains the right to rescind such notice at any time prior to the scheduled redemption date if the City delivers a certificate of the City to the Paying Agent/Registrar instructing the Paying Agent/Registrar to rescind the redemption notice, and such notice and redemption shall be of no effect if such moneys and/or authorized securities are not so deposited or if the notice is rescinded. The Paying Agent/Registrar shall give prompt notice of any such rescission of a conditional notice of redemption to the affected owners. Any Bonds subject to conditional redemption where redemption has been rescinded shall remain outstanding, and the rescission shall not constitute an event of default. Further, in the case of a conditional redemption, the failure of the City to make moneys and/or authorized securities available in part or in whole on or before the redemption date shall not constitute an event of default.] [12]

As provided in the Ordinance, and subject to certain limitations therein set forth, this Bond is transferable upon surrender of this Bond for transfer at the Designated Payment/Transfer Office, with such endorsement or other evidence of transfer as is acceptable to the Paying Agent/Registrar, and, thereupon, one or more new fully registered Bonds of the same stated

[12] Insert redemption provisions, if any, and conform as necessary to the Pricing Certificate.

maturity, of authorized denominations, bearing the same rate of interest, and for the same aggregate principal amount will be issued to the designated transferee or transferees.

Neither the City nor the Paying Agent/Registrar shall be required to issue, transfer or exchange any Bond called for redemption, in whole or in part, within 45 days of the date fixed for redemption; provided, however, such limitation shall not be applicable to an exchange by the registered Owner of the uncalled principal balance of a Bond.

The City, the Paying Agent/Registrar, and any other person may treat the person in whose name this Bond is registered as the Owner hereof for the purpose of receiving payment as herein provided (except interest shall be paid to the person in whose name this Bond is registered on the Record Date or Special Record Date, as applicable) and for all other purposes, whether or not this Bond be overdue, and neither the City nor the Paying Agent/Registrar shall be affected by notice or knowledge to the contrary.

IT IS HEREBY CERTIFIED AND RECITED that the issuance of this Bond and the series of which it is a part is duly authorized by law; that all acts, conditions and things required to be done precedent to and in the issuance of the Bonds have been properly done and performed and have happened in regular and due time, form and manner, as required by law; that ad valorem taxes upon all taxable property in the City have been levied for and pledged to the payment of the debt service requirements of the Bonds within the limit prescribed by law; and that the total indebtedness of the City, including the Bonds, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the City has caused this Bond to be executed in its name by the manual or facsimile signature of the Mayor of the City and countersigned by the manual or facsimile signature of the Interim City Secretary and the City Manager, and the official seal of the City has been duly impressed or placed in facsimile on this Bond.

_____	_____
City Manager, City of Dallas, Texas	Mayor, City of Dallas, Texas

_____
City Secretary, City of Dallas, Texas

[SEAL]

(b) Form of Certificate of Paying Agent/Registrar. The following Certificate of Paying Agent/Registrar may be deleted from the Initial Bond if the Comptroller's Registration Certificate is attached thereto.

CERTIFICATE OF PAYING AGENT/REGISTRAR

It is hereby certified that this Bond has been issued under the provisions of the Ordinance of the City; and that this Bond has been issued in exchange for or replacement of a bond, bonds or portion of a bond or bonds of an issue which was originally approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

_____,
as Paying Agent/Registrar

Dated: _____ By: _____
Authorized Signatory

(c) Form of Assignment.

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns, and transfers unto (print or typewrite name, address and zip code of transferee):

_____

_____

(Social Security or other identifying number: _____) the within Bond and all rights hereunder and hereby irrevocably constitutes and appoints _____ attorney to transfer the within Bond on the books kept for registration hereof, with full power of substitution in the premises.

Dated: _____

_____

NOTICE: The signature on this Assignment must correspond with the name of the registered owner as it appears on the face of the within Bond in every particular and must be guaranteed by an officer of a federal or state bank or a member of the National Association of Securities Dealers.

Signature Guaranteed By:

_____

Authorized Signatory

(d) Initial Bond Insertions.

(i) The Initial Bond shall be in the applicable form set forth in paragraphs (a) and (c) of this Section, except that:

A. immediately under the name of the Bond the headings "INTEREST RATE" and "MATURITY DATE" shall both be completed with the words "As shown below" and the heading "CUSIP NO." shall be deleted; and

B. in the first paragraph of the Bond, the words "on the Maturity Date specified above" shall be deleted and the following will be inserted: "on February 15 in each of the years, in the principal installments and bearing interest at the per annum rates set forth in the following schedule:

Year	Principal Installment	Interest Rate

(Information to be inserted from the Pricing Certificate as provided in Section 3.02 hereof.)

(ii) Form of Comptroller's Registration Certificate. The following Comptroller's Registration Certificate of the Comptroller of Public Accounts shall appear on each Initial Bond in lieu of the Certificate of Paying Agent/Registrar.

REGISTRATION CERTIFICATE OF
COMPTROLLER OF PUBLIC ACCOUNTS

OFFICE OF THE COMPTROLLER	§	
OF PUBLIC ACCOUNTS	§	REGISTER NO. _____
OF THE STATE OF TEXAS	§	

I hereby certify that there is on file and of record in my office a certificate of the Attorney General of the State of Texas to the effect that this Bond has been examined by him as required by law, that he finds that it has been issued in conformity with the Constitution and laws of the State of Texas, and that it is a valid and binding general obligation of the City of Dallas, Texas, and that this Bond has this day been registered by me.

WITNESS MY HAND AND SEAL OF OFFICE AT AUSTIN, TEXAS, _____.

_____
Comptroller of Public Accounts
of the State of Texas

[SEAL]

Section 6.03. CUSIP Registration. The City may secure identification numbers through the CUSIP Service Bureau Division of Standard & Poor's Corporation, New York, New York, and may authorize the printing of such numbers on the face of the Bonds. It is expressly provided, however, that the presence or absence of CUSIP numbers on the Bonds shall be of no significance or effect in regard to the legality thereof and neither the City nor the attorneys approving said Bonds as to legality are to be held responsible for CUSIP numbers incorrectly printed on the Bonds.

Section 6.04. Legal Opinion. The approving legal opinions of Bracewell LLP and West & Associates L.L.P., Co-Bond Counsel, may be printed on the back of each Bond over the certification of the City Secretary, which may be executed in facsimile.

Section 6.05. Municipal Bond Insurance. If municipal bond guaranty insurance is obtained with respect to the Bonds, the Bonds, including the Initial Bond, may bear an appropriate legend, as provided by the insurer.

ARTICLE VII

CREATION OF FUNDS AND ACCOUNTS, INITIAL DEPOSITS AND APPLICATION OF MONEY

Section 7.01. Creation of Funds. The City hereby establishes the following special funds or accounts to be designated as follows or as otherwise designated in the Pricing Certificate:

(a) "City of Dallas, Texas, General Obligation Refunding and Improvement Bonds, Series _____, Interest and Sinking Fund";

(b) "City of Dallas, Texas, General Obligation Refunding and Improvement Bonds, Series _____, Construction Fund."

Section 7.02. Initial Deposits. On the Closing Date, the City shall cause the proceeds from the sale of the Bonds to be deposited in the amounts set forth in the Pricing Certificate, as follows:

(a) first, an amount equal to all accrued interest, if any, on the Bonds from the Original Issue Date until the Closing Date, plus any additional amounts designated in the Pricing Certificate, shall be deposited to the credit of the Interest and Sinking Fund; and

(b) second, a portion of the proceeds of the sale of the Bonds together with any other funds of the City, if any, as set forth in the Pricing Certificate, shall be deposited with the Paying Agent for the Refunded Commercial Paper Notes pursuant to the Deposit Agreement and shall be used for the payment of such Refunded Commercial Paper Notes at their maturity; and

(c) third, a portion of the proceeds of the Bonds, in an amount sufficient to pay the Refunded Bonds on their maturity or date of early redemption, together with any other funds of the City, if any, shall be deposited with the Escrow Agent for the purchase of Escrowed Securities, all as set forth in the Pricing Certificate; and

(d) fourth, a portion of the proceeds of the Bonds, as set forth in the Pricing Certificate, and used for the purposes described in the preamble hereof shall be deposited to the Construction Fund and used for the purposes described in the preamble hereof; and

(e) fifth, the remaining balance received on the Closing Date, shall be deposited to a special account of the City and used for the payment of the costs of issuing the Bonds. Any amounts not needed for the payment of costs of issuance shall be deposited to the Interest and Sinking Fund.

Section 7.03. Interest and Sinking Fund.

(a) The taxes levied under Section 2.01 of this Ordinance shall be deposited to the credit of the Interest and Sinking Fund at such times and in such amounts as necessary for the timely payment of the principal of and interest on such Bonds.

(b) If the amount of money in the Interest and Sinking Fund is at least equal to the aggregate principal amount of the outstanding Bonds plus the aggregate amount of interest due and that will become due and payable on such Bonds, no further deposits to that fund need be made. In determining the aggregate principal amount of outstanding Bonds, there shall be subtracted the amount of any Bonds discharged in accordance with Article XI hereof.

(c) Money on deposit in the Interest and Sinking Fund shall be used to pay the principal of and interest on the Bonds as such become due and payable.

Section 7.04. Construction Fund. The Construction Fund shall be used for the purpose of making the permanent public improvements and accomplishing the public purposes for which the Bonds were issued (as specified in the preamble of this Ordinance) and for paying expenses incurred in connection with the issuance and delivery of the Bonds.

Section 7.05. Excess Bond Proceeds.

(a) Upon completion of the permanent public improvements and public purposes financed with the Bonds any amount (exclusive of that amount retained for the payment of costs of such improvements not then due and payable) that remains in the Construction Fund shall be transferred to the credit of the Interest and Sinking Fund and segregated in a special escrow account.

(b) The money in such special escrow account shall be used for the payment of principal of and interest on the Bonds, on the respective due dates thereof or dates as of which Bonds have been called for redemption.

Section 7.06. Security of Funds. All moneys on deposit in the funds referred to in this Ordinance shall be secured in the manner and to the fullest extent required by the laws of the State of Texas for the security of public funds, and moneys on deposit in such funds shall be used only for the purposes permitted by this Ordinance.

ARTICLE VIII

INVESTMENTS

Section 8.01. Investments.

(a) Money in the Interest and Sinking Fund created by this Ordinance, at the option of the City, may be invested in such securities or obligations as permitted under applicable law.

(b) Any securities or obligations in which money is so invested shall be kept and held in trust for the benefit of the Owners of the Bonds and shall be sold and the proceeds of sale shall be timely applied to the making of all payments required to be made from the fund from which the investment was made.

(c) The money in an escrow account established under Section 7.05 of this Ordinance shall be invested in (i) tax-exempt obligations or (ii) securities or obligations that do not have a "higher yield," within the meaning of Section 148(f) of the Code, than the yield on the Bonds.

Section 8.02. Investment Income.

(a) Interest and income derived from investment of the Interest and Sinking Fund shall be credited to such Fund.

(b) Interest and income derived from investment of the Construction Fund shall be either deposited to the credit of the Interest and Sinking Fund or retained in the Construction Fund until the permanent improvements and public purposes authorized by this Ordinance are completed.

(c) The investment and application of money in the Escrow Fund shall be in accordance with the provisions of the Escrow Agreement.

ARTICLE IX

PARTICULAR REPRESENTATIONS AND COVENANTS

Section 9.01. Payment of the Bonds. On or before each Interest Payment Date for the Bonds, and while any of the Bonds are outstanding and unpaid, there shall be made available to the Paying Agent/Registrar, out of the Interest and Sinking Fund, money sufficient to pay such interest on, premium, if any, and principal of the Bonds as will accrue or mature on the applicable Interest Payment Date or date of prior redemption.

Section 9.02. Other Representations and Covenants.

(a) The City will faithfully perform at all times any and all covenants, undertakings, stipulations, and provisions contained in this Ordinance and in each Bond; the City will promptly pay or cause to be paid the principal of and premium, if any, and interest on each Bond on the dates and at the places and manner prescribed in such Bond; and the City will, at the times and in the manner prescribed by this Ordinance, deposit or cause to be deposited the amounts of money specified by this Ordinance.

(b) The City is duly authorized under the laws of the State of Texas to issue the Bonds; all action on its part for the creation and issuance of the Bonds has been duly and effectively taken; and the Bonds in the hands of the Owners thereof are and will be valid and enforceable general obligations of the City in accordance with their terms.

Section 9.03. Federal Income Tax Exclusion of Bonds. The City intends that the interest on the Bonds shall be excludable from gross income for federal income tax purposes pursuant to sections 103 and 141 through 150 of the Internal Revenue Code of 1986, as amended (the "Code"), and the applicable regulations promulgated thereunder (the "Regulations"). The City covenants and agrees not to take any action, or knowingly omit to take any action within its control, that if taken or omitted, respectively, would cause the interest on the Bonds to be includable in gross income, as defined in section 61 of the Code, of the holders thereof for purposes of federal income taxation. In particular, the City covenants and agrees to comply with each requirement of Sections 9.03 through 9.09 of this Article IX; provided, however, that the City shall not be required to comply with any particular requirement of Sections 9.03 through 9.09 of this Article IX if the City has received an opinion of nationally recognized bond counsel

("Counsel's Opinion") that such noncompliance will not adversely affect the exclusion from gross income for federal income tax purposes of interest on the Bonds or if the City has received a Counsel's Opinion to the effect that compliance with some other requirement set forth in Sections 9.03 through 9.09 of this Article IX will satisfy the applicable requirements of the Code, in which case compliance with such other requirement specified in such Counsel's Opinion shall constitute compliance with the corresponding requirement specified in Sections 9.03 through 9.09 of this Article IX.

Section 9.04. No Private Use or Payment and No Private Loan Financing. The City shall certify, through an authorized officer, employee or agent that based upon all facts and estimates known or reasonably expected to be in existence on the date the Bonds are delivered, that the proceeds of the Refunded Obligations have not been used and the proceeds of the Bonds will not be used in a manner that would cause the Bonds to be "private activity bonds" within the meaning of section 141 of the Code and the Regulations. The City covenants and agrees that it will make such use of the proceeds of the Bonds and the Refunded Obligations including interest or other investment income derived from Bond proceeds, regulate the use of property financed, directly or indirectly, with such proceeds, and take such other and further action as may be required so that the Bonds will not be "private activity bonds" within the meaning of section 141 of the Code and the Regulations.

Section 9.05. No Federal Guarantee. The City covenants and agrees not to take any action, or knowingly omit to take any action within its control, that, if taken or omitted, respectively, would cause the Bonds to be "federally guaranteed" within the meaning of section 149(b) of the Code and the Regulations, except as permitted by section 149(b)(3) of the Code and the Regulations.

Section 9.06. No Hedge Bonds. The City covenants and agrees that it has not and will not to take any action, and has not knowingly omitted and will not knowingly omit to take any action, within its control, that, if taken or omitted, respectively, would cause the Bonds to be "hedge bonds" within the meaning of section 149(g) of the Code and the Regulations.

Section 9.07. No Arbitrage. The City shall certify, through an authorized officer, employee or agent that based upon all facts and estimates known or reasonably expected to be in existence on the date the Bonds are delivered, the City will reasonably expect that the proceeds of the Bonds will not be used in a manner that would cause the Bonds to be "arbitrage bonds" within the meaning of section 148(a) of the Code and the Regulations. Moreover, the City covenants and agrees that it will make such use of the proceeds of the Bonds including interest or other investment income derived from Bond proceeds, regulate investments of proceeds of the Bonds, and take such other and further action as may be required so that the Bonds will not be "arbitrage bonds" within the meaning of section 148(a) of the Code and the Regulations.

Section 9.08. Arbitrage Rebate. If the City does not qualify for an exception to the requirements of Section 148(f) of the Code relating to the required rebate to the United States, the City will take all necessary steps to comply with the requirement that certain amounts earned by the City on the investment of the "gross proceeds" of the Bonds (within the meaning of section 148(f)(6)(B) of the Code), be rebated to the federal government. Specifically, the City will (i) maintain records regarding the investment of the gross proceeds of the Bonds as may be

required to calculate the amount earned on the investment of the gross proceeds of the Bonds separately from records of amounts on deposit in the funds and accounts of the City allocable to other bond issue of the City or moneys which do not represent gross proceeds of any bonds of the City, (ii) calculate at such times as are required by the Regulations, the amount earned from the investment of the gross proceeds of the Bonds which is required to be rebated to the federal government, and (iii) pay, not less often than every fifth anniversary date of the delivery of the Bonds or on such other dates as may be permitted under the Regulations, all amounts required to be rebated to the federal government. Further, the City will not indirectly pay any amount otherwise payable to the federal government pursuant to the foregoing requirements to any person other than the federal government by entering into any investment arrangement with respect to the gross proceeds of the Bonds that might result in a reduction in the amount required to be paid to the federal government because such arrangement results in a smaller profit or a larger loss than would have resulted if the arrangement had been at arm's length and had the yield on the issue not been relevant to either party.

Section 9.09. Information Reporting. The City covenants and agrees to file or cause to be filed with the Secretary of the Treasury, not later than the 15th day of the second calendar month after the close of the calendar quarter in which the Bonds are issued, an information statement concerning the Bonds, all under and in accordance with section 149(e) of the Code and the Regulations.

Section 9.10. Continuing Obligation. Notwithstanding any other provision of this Ordinance, the City's obligations under the covenants and provisions of Sections 9.03 through 9.09 of this Article IX shall survive the defeasance and discharge of the Bonds.

ARTICLE X

DEFAULT AND REMEDIES

Section 10.01. Events of Default. Each of the following occurrences or events for the purpose of this Ordinance is hereby declared to be an "Event of Default," to-wit:

(a) the failure to make payment of the principal of or interest on any of the Bonds when the same becomes due and payable; or

(b) default in the performance or observance of any other covenant, agreement or obligation of the City, the failure to perform which materially, adversely affects the rights of the Owners, including but not limited to, their prospect or ability to be repaid in accordance with this Ordinance, and the continuation thereof for a period of 60 days after notice of such default is given by any Owner to the City.

Section 10.02. Remedies for Default.

(a) Upon the happening of any Event of Default, then and in every case any Owner or an authorized representative thereof, including but not limited to, a trustee or trustees therefor, may proceed against the City for the purpose of protecting and enforcing the rights of the Owners under this Ordinance, by mandamus or other suit, action or special proceeding in equity or at law, in any court of competent jurisdiction, for any relief permitted by law, including the

specific performance of any covenant or agreement contained herein, or thereby to enjoin any act or thing that may be unlawful or in violation of any right of the Owners hereunder or any combination of such remedies.

(b) It is provided that all such proceedings shall be instituted and maintained for the equal benefit of all Owners of Bonds then outstanding.

Section 10.03. Remedies Not Exclusive.

(a) No remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or under the Bonds or now or hereafter existing at law or in equity; provided, however, that notwithstanding any other provision of this Ordinance, the right to accelerate the debt evidenced by the Bonds shall not be available as a remedy under this Ordinance.

(b) The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy.

ARTICLE XI

DISCHARGE

Section 11.01. Discharge. The Bonds may be defeased, discharged or refunded in any manner permitted by applicable law.

ARTICLE XII

SALE AND DELIVERY OF BONDS; APPROVAL OF OFFICIAL STATEMENT; CONTROL AND DELIVERY OF BONDS

Section 12.01. Sale of Bonds; Delivery of Official Statement.

(a) The Bonds may be sold at negotiated sale to the Purchasers or may be sold pursuant to a competitive sale, in one or more series from time to time, all in accordance with the terms of this Ordinance, including this Section 12.01(a) and Exhibit B attached hereto, provided that all of the conditions set forth in Exhibit B can be satisfied. As authorized by Chapters 1207 and 1371, Texas Government Code, as amended, the Authorized Officer is authorized to act on behalf of the City upon determining that the conditions set forth in Exhibit B can be satisfied, in selling and delivering the Bonds and carrying out the other procedures specified in this Ordinance, including determining whether to acquire bond insurance for the Bonds, enter into a credit agreement with respect to the Bonds, whether to sell the Bonds in a competitive or negotiated sale, the aggregate principal amount of each series of Bonds, whether the Bonds shall be in one or more series from time to time, and price at which each of the Bonds will be sold, the identification of and the aggregate principal amount of and the Refunded Commercial Paper Notes and their payment dates, the number and designation of series of Bonds to be issued, whether the Bonds will be taxable or tax-exempt, the form in which the Bonds shall be issued,

the years in which the Bonds will mature, the principal amount to mature in each of such years, the rate of interest to be borne by each such maturity, the first interest payment date, the initial date from which interest will accrue, the dates, prices and terms upon and at which the Bonds shall be subject to redemption prior to maturity at the option of the City and shall be subject to mandatory sinking fund redemption, and all other matters relating to the issuance, sale and delivery of the Bonds, all of which shall be specified in the Pricing Certificate.

The authority granted to the Authorized Officer under this Section 12.01(a) shall expire at 5:00 p.m., 365 days from the date of this Ordinance, unless otherwise extended by the City Council by separate action.

Any finding or determination made by the Authorized Officer relating to the issuance and sale of the Bonds and the execution of the Purchase Agreement (if any) in connection therewith shall have the same force and effect as a finding or determination made by the City Council.

(b) If any series of Bonds are sold in a negotiated sale, the Authorized Officer is hereby authorized and directed to execute and deliver one or more bond purchase agreements (the "Purchase Agreement"), which Purchase Agreement shall be in the form approved by the Authorized Officer. The Authorized Officer is hereby authorized and directed to approve the final terms and provisions of the Purchase Agreement in accordance with the terms of the Pricing Certificate and this Ordinance, which final terms shall be determined to be the most advantageous reasonably attainable by the City, such approval and determination being evidenced by its execution thereof by the Authorized Officer. All officers, agents and representatives of the City are hereby authorized to do any and all things necessary or desirable to satisfy the conditions set out therein and to provide for the issuance and delivery of the Bonds. The Initial Bond shall initially be registered in the name of the Representative or such other entity as may be specified in the Purchase Agreement.

(c) The City hereby approves the preparation of one or more Preliminary Official Statements and Official Notices of Sale for use in the initial offering and sale of each series of Bonds and authorizes the Authorized Officer to approve the final form(s) of the Preliminary Official Statement(s) and Notice of Sale and to deem the Preliminary Official Statement(s) (with such addenda, supplements or amendments as may be approved by the Authorized Officer) final within the meaning and for the purposes of paragraph (b)(1) of Rule 15c2-12 under the Securities and Exchange Act of 1934 on behalf of the City. The City hereby authorizes the preparation of one or more Official Statements reflecting the terms of the applicable Purchase Contract(s) and/or Notice(s) of Sale and other relevant information. The Authorized Officer is hereby authorized and directed to authorize the use and distribution of such final Official Statement by the Purchasers in the offering and sale of the Bonds (in the form and with such appropriate variations as shall be approved by the Authorized Officer and the Purchasers).

(d) All officers of the City are authorized to take such actions and to execute such documents, certificates and receipts as they may deem necessary and appropriate in order to consummate the delivery of the Bonds in accordance with the terms of sale therefore including, without limitation, the Purchase Agreement, if any. Further, in connection with the submission of the record of proceedings for the Bonds to the Attorney General of the State of Texas for examination and approval of such Bonds, the appropriate officer of the City is hereby authorized

and directed to issue a check of the City payable to the Attorney General of the State of Texas as a nonrefundable examination fee in the amount required by Chapter 1202, Texas Government Code (such amount to be the lesser of (i) 1/10th of 1% of the principal amount of the Bonds or (ii) $9,500).

(e) If the Bonds are sold in a negotiated sale, the obligation of the Purchasers to accept delivery of the Bonds is subject to the Purchasers being furnished with the final, approving opinions of Bracewell LLP and West & Associates L.L.P., Co-Bond Counsel for the City, which opinions shall be dated as of and delivered on the Closing Date.

Section 12.02. Control and Delivery of Bonds.

(a) The City Manager is hereby authorized to have control of the Initial Bond and all necessary records and proceedings pertaining thereto pending investigation, examination, and approval of the Attorney General of the State of Texas, registration by the Comptroller of Public Accounts of the State of Texas and registration with, and initial exchange or transfer by, the Paying Agent/Registrar.

(b) After registration by the Comptroller of Public Accounts, delivery of the Initial Bond shall be made to the Representative under and subject to the general supervision and direction of the City Manager, against receipt by the City of all amounts due to the City under the terms of sale.

(c) In the event the Mayor, City Secretary or City Manager is absent or otherwise unable to execute any document or take any action authorized herein, the Mayor Pro Tem, any Assistant City Secretary and any Assistant City Manager, respectively, shall be authorized to execute such documents and take such actions, and the performance of such duties by the Mayor Pro Tem, the Assistant City Secretary and the Assistant City Manager shall for the purposes of this Ordinance have the same force and effect as if such duties were performed by the Mayor, City Secretary and City Manager, respectively.

ARTICLE XIII

CONTINUING DISCLOSURE UNDERTAKING

Section 13.01. Annual Reports.

(a) The City shall provide annually to the MSRB, (1) within six months after the end of each fiscal year of the City, financial information and operating data with respect to the City of the general type included in the final Official Statement, being information described in the Pricing Certificate, including financial statements of the City if audited financial statements of the City are then available, and (2) if not provided as part such financial information and operating data, audited financial statements of the City, when and if available. Any financial statements so to be provided shall be (i) prepared in accordance with the accounting principles prescribed by the Generally Accepted Accounting Principles or such other accounting principles as the City may be required to employ, from time to time, by State law or regulation, and (ii) audited, if the City commissions an audit of such statements and the audit is completed within the period during which they must be provided. If the audit of such financial statements is not

complete within 12 months after any such fiscal year end, then the City shall file unaudited financial statements within such 12-month period and audited financial statements for the applicable fiscal year, when and if the audit report on such statements becomes available.

(b) If the City 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 City otherwise would be required to provide financial information and operating data pursuant to this Section.

(c) 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 13.02. Material Event Notices.

(a) The City shall provide the following to the MSRB, in an electronic format as prescribed by the MSRB, in a timely manner not in excess of ten (10) business days after the occurrence of the event, notice of any of the following events with respect to the Bonds:

(i) Principal and interest payment delinquencies;

(ii) Non-payment related defaults, if material;

(iii) Unscheduled draws on debt service reserves reflecting financial difficulties;

(iv) Unscheduled draws on credit enhancements reflecting financial difficulties;

(v) Substitution of credit or liquidity providers, or their failure to perform;

(vi) 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 Bonds, or other material events affecting the tax status of the Bonds;

(vii) Modifications to rights of the holders of the Bonds, if material;

(viii) Bond calls, if material, and tender offers;

(ix) Defeasances;

(x) Release, substitution, or sale of property securing repayment of the Bonds, if material;

(xi) Rating changes;

(xii) Bankruptcy, insolvency, receivership or similar event of the City;

Note to paragraph 12: For the purposes of the event identified in paragraph 12 (xii) of this section, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the City 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 or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers 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 City.

(xiii) The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, 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

(xiv) Appointment of successor or additional paying agent/registrar or the change of name of a paying agent/registrar, if material.

(xv) Incurrence of a Financial Obligation of the City, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the City, any of which affect security holders, if material; and

(xvi) Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the City, any of which reflect financial difficulties.

Note to paragraphs 15 and 16. The City intends the words used in paragraphs (xv) and (xvi) and the definition of Financial Obligations in this Section to have the same meanings as when they are used in Rule and SEC Release No. 34-83885, dated August 20, 2018.

(b) The City shall notify the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with Section 13.01 of this Ordinance by the time required by such Section.

Section 13.03. Limitations, Disclaimers and Amendments.

(a) The City shall be obligated to observe and perform the covenants specified in this Article for so long as, but only for so long as, the City remains an "obligated person" with respect to the Bonds within the meaning of the Rule, except that the City in any event will give notice of any Bond calls and any defeasances that cause the City to be no longer an "obligated person."

(b) The provisions of this Article are for the sole benefit of the Owners and beneficial owners of the 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 City 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 City'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 City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Bonds at any future date.

UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE OWNER OR BENEFICIAL OWNER OF ANY BOND OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, 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.

(c) No default by the City in observing or performing its obligations under this Article shall constitute a breach of or default under the Ordinance for purposes of any other provisions of this Ordinance.

(d) Nothing in this Article is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

(e) The provisions of this Article may be amended by the City 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 City, but only if (i) the provisions of this Article, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule to the date of such amendment, as well as such changed circumstances, and (ii) either (A) the Owners of a majority in aggregate principal amount (or any greater amount required by any other provisions of this Ordinance that authorizes such an amendment) of the outstanding Bonds consent to such amendment or (B) an entity or individual person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interests of the Owners and beneficial owners of the Bonds. If the City so amends the provisions of this Article, it shall include with any amended financial information or operating data next provided in accordance with Section 13.01 an explanation, in narrative form, of the reasons for the amendment and of the impact of any change in the type of financial information or operating data so provided.

Section 13.04. Amendments to the Rule. In the event the Authorized Officer, in consultation with Bond Counsel and the City's financial advisor, determines that it is necessary or desirable to amend the provisions of Article XII in order to facilitate compliance with

amendments to the Rule and related guidance from the SEC, the Authorized Officer may make such changes in the Pricing Certificate for the Bonds.

ARTICLE XIV

AMENDMENTS; ATTORNEY GENERAL MODIFICATION

Section 14.01. Amendments. This Ordinance shall constitute a contract with the Owners, be binding on the City, and shall not be amended or repealed by the City so long as any Bond remains outstanding except as permitted in this Section. The City may, without consent of or notice to any Owners, from time to time and at any time, amend this Ordinance in any manner not detrimental to the interests of the Owners, including the curing of any ambiguity, inconsistency, or formal defect or omission herein. In addition, the City may, with the written consent of the Owners of the Bonds holding a majority in aggregate principal amount of the Bonds then outstanding, amend, add to, or rescind any of the provisions of this Ordinance; provided that, without the consent of all Owners of outstanding Bonds, no such amendment, addition, or rescission shall (i) extend the time or times of payment of the principal of, premium, if any, and interest on the Bonds, reduce the principal amount thereof, the redemption price, or the rate of interest thereon, or in any other way modify the terms of payment of the principal of, or interest on the Bonds, (ii) give any preference to any Bond over any other Bond, or (iii) reduce the aggregate principal amount of Bonds required to be held by Owners for consent to any such amendment, addition, or rescission.

Section 14.02. Attorney General Modification. In order to obtain the approval of the Bonds by the Attorney General of the State of Texas, any provision of this Ordinance may be modified, altered or amended after the date of its adoption if required by the Attorney General in connection with the Attorney General's examination as to the legality of the Bonds and approval thereof in accordance with the applicable law. Such changes, if any, shall be provided to the City Secretary and the City Secretary shall insert such changes into this Ordinance as if approved on the date hereof.

Section 14.03. Partial Invalidity. If any section, paragraph, clause or provision of this Ordinance 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 Ordinance.

Section 14.04. No Personal Liability. No recourse shall be had for payment of the principal of or interest on any Bonds or for any claim based thereon, or on this Ordinance, against any official or employee of the City or any person executing any Bonds.

ARTICLE XV

PAYMENT OF REFUNDED COMMERCIAL PAPER NOTES; APPROVAL OF DEPOSIT AGREEMENT

Section 15.01. Payment of Refunded Commercial Paper Notes.

(a) The Refunded Obligations are to be paid on their maturity date or date(s) in the principal amount thereof plus interest accrued thereon as set forth in the Pricing Certificate.

Section 15.02. Approval of Deposit Agreement.

(a) The discharge and defeasance of the Refunded Commercial Paper Notes as set forth in the Pricing Certificate, if any, shall be effectuated pursuant to the terms and provisions of a Deposit Agreement, if necessary, (the "Deposit Agreement"), to be entered into by and between the City and the Paying Agent for the Refunded Commercial Paper Notes, and respectively, which Deposit Agreement shall contain terms and provisions to be approved by the Authorized Officer including terms and provisions for the purposes of (i) carrying out the program designed for the City, (ii) minimizing the City's costs, (iii) complying with all applicable laws and regulations relating to the refunding of the Refunded Commercial Paper Notes, (iv) carrying out the other intents and purposes of this Ordinance and (v) complying with the terms set forth in the Pricing Certificate. The execution and delivery by the City Manager or the Authorized Officer of the Deposit Agreement, if necessary, is hereby authorized and approved.

ARTICLE XVI

EFFECTIVE IMMEDIATELY

Section 16.01. Effective Immediately. 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, Texas, pertaining thereto, and it is accordingly so ordained.

FINALLY PASSED, APPROVED AND EFFECTIVE this March 27, 2019.

APPROVED AS TO FORM:

Christopher J. Caso
Interim City Attorney
City of Dallas, Texas

_____

SCHEDULE I

REFUNDED OBLIGATION CANDIDATES

All Outstanding General Obligation Commercial Paper Notes, Series A

EXHIBIT A

SALE PARAMETERS

In accordance with Section 12.01(a) of the Ordinance, the following conditions with respect to the Bonds must be satisfied in order for the Authorized Officer to act on behalf of the City in selling and delivering the Bonds to the Purchasers:

(a) the Bonds shall not bear interest at a rate greater than the maximum rate authorized by Chapter 1204, Texas Government Code, as amended;

(b) the aggregate principal amount of the Bonds authorized to be issued for the purposes described in Section 3.01 shall not exceed the limits described in that Section, and the Bonds sold for the purposes of refunding the Refunded Commercial Paper Notes shall be in an amount sufficient, in combination with the net premium from the sale of the Bonds, plus other available funds of the City, if any, to provide for the payment of the Refunded Commercial Paper Notes to be selected from the Refunded Obligation Candidates identified in Schedule I hereto and the costs and expenses of issuance of the Bonds, including underwriter's discount;

(c) the maximum maturity for any series of Bonds shall be no more than 20 years from their date of issuance; and

(d) the Bonds to be issued, prior to delivery, must have been rated by a nationally recognized rating agency for municipal securities in one of the four highest rating categories for long term obligations.

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-306 **Item #:** 28.

STRATEGIC PRIORITY: Human and Social Needs

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Community Care

EXECUTIVE: Nadia Chandler-Hardy

SUBJECT

Authorize **(1)** the ~~City Manager and the Office of Community Care/Management Services to accept~~ acceptance of a donation of up to $70,000.00 from Leadership Dallas for the renovation of a vacant room ~~a donation of a permanent "pop-up" produce stand with built-in refrigeration located~~ at the Martin Luther King, Jr. Community Center (MLKJCC) into a permanent produce stand with built-in refrigeration ~~with a value of up to $70,000.00 from Leadership Dallas~~ to increase the available supply of fresh produce within South Dallas neighborhoods designated as United States Department of Agriculture ~~address the~~ "food deserts" and to provide awareness and educational opportunities within the community relative to healthy, fresh foods ~~issues in South Dallas through greater integration and expansion of current resources~~ ; **(2)** the receipt and deposit of funds up to $70,000.00 in the Alvin E. Moore Trust Fund; and **(3)** an increase of appropriations up to $70,000.00 in the Alvin E. Moore Trust Fund - Not to exceed $70,000.00 - Financing: ~~No cost consideration to the City~~ Alvin E. Moore Trust Fund (see Fiscal Information)

BACKGROUND

The donor, Leadership Dallas, will assist in the design of the produce facility and the city's department of Equipment & Building Services will secure and oversee the actual construction of the produce facility within the MLK Jr. Community Center pursuant to an existing building systems contract for accessibility improvements, electrical systems, and interior and exterior finishes. The produce stand will operate two days a week under the direction of the MLK Jr. Community Center staff, who are certified and insured food handlers, and with the assistance of community service workers.

The proposed Project has multiple components intentionally organized to allow scalability to best match the Leadership Dallas 19 class expectations and to provide flexibility in the event financial, timeline, or regulatory issues arise. The goal with each component is to address the food desert issues in South Dallas through greater integration and expansion of current resources, through improved awareness of resources within the community, and through increasing community knowledge around nutrition and healthy food preparation.

The components are: 1) enhancing direct community access to fresh produce by constructing a permanent, “popup” produce stand with built-in refrigeration; 2) raising awareness and providing education to the community about these available, healthy, resources through a single-day, activity-based, celebratory event to be held at the Martin Luther King, Jr. Community Center (MLKJCC); 3) ~~expanding the MLKCC’s existing Freedom Garden and Beautification Project (painting/commissioning a MLKCC mural on a storage shipping container on site). Though limited in size and scope, the MLKCC currently has a Freedom Garden and Seedling Farm that is open to the public to serve as a backdrop for gardening based educational activities, as a location where community members can grow their own vegetables and plants on MLKCC grounds, and as a farm for seedlings available for free pickup by community members wishing to establish their own personal gardens~~ completing a garden enhancement and beautification project on the MLKJCC’s grounds; and 4) increasing available supply of locally sourced, fresh produce ~~and dairy~~ by constructing a walk-in refrigeration unit at ~~Bonton Farms’~~ the MLKJCC’s existing property.

This proposed Project ~~aims to~~ will improve access to healthy food options in South Dallas neighborhoods designated as ~~Food and Drug Administration~~ United States Department of Agriculture (~~F~~USDA) ‘food deserts’ through the connection and enhancement of a local community center and urban farm. Because of the complex, multi-faceted nature of the healthy food access issues that face 1/5th of the residents of our city, this project suggests partnership with multiple organizations to increase the Project’s impact and longevity.

This Project aims to 1) increase the available supply of fresh produce within an identified ~~F~~USDA food desert; 2) provide awareness and educational opportunities within the community relative to healthy, fresh foods - how to get it, how to cook with it, and how to grow it yourself; 3) increase the capacity of an established urban farm to store and share its food supply; and 4) improve the community.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Human and Social Needs Committee on March 18, 2019.

FISCAL INFORMATION

The City of Dallas will accept contributions from Leadership Dallas for this project and establish appropriations after receipt of funds.

~~No cost consideration to the City.~~ Alvin E. Moore Trust Fund - $70,000.00

powered by Legistar™

March 27, 2019

WHEREAS, there is a need to increase the available supply of fresh produce within an identified ~~Food and Drug Administration (FDA)~~ area of the United States Department of Agriculture (USDA) "food deserts", and to provide awareness and educational opportunities within the community relative to healthy, fresh foods; and

WHEREAS, by accepting this donation from Leadership Dallas and constructing the produce stand at the MLK Jr. Community Center, the city will ~~to improve~~ satisfy a public purpose by improving access to healthy food options in South Dallas neighborhoods designated as ~~F~~USDA 'food deserts' through the connection and enhancement of a local community center and urban farm.

Now, Therefore,

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

SECTION 1. That the City Manager and the Office of Community Care/Management Services are hereby authorized to accept a donation of up to $70,000.00 from Leadership Dallas for the renovation of a vacant room ~~a donation of a permanent "pop-up" produce stand with built-in refrigeration located~~ at the Martin Luther King, Jr. Community Center (MLKJCC) into a permanent produce stand with built-in refrigeration ~~with a value of up to $70,000.00 from Leadership Dallas~~ to increase the available supply of fresh produce within ~~address the food desert issues in~~ South Dallas neighborhoods designated as United States Department of Agriculture "food deserts" and to provide awareness and educational opportunities within the community relative to healthy, fresh foods ~~through greater integration and expansion of current resources~~, approved as to form by the City Attorney.

SECTION 2. That the Chief Financial Officer is hereby authorized to receive and deposit funds up to $70,000.00 in the Alvin E. Moore Trust Fund, Fund 0309, Department MGT, Unit 8206, Revenue Code 8411.

SECTION 3. That the City Manager is hereby authorized to increase appropriations up to $70,000.00 in the Alvin E. Moore Trust Fund, Fund 0309, Department MGT, Unit 8206, Object 4710 after receipt of funds.

SECTION 4. That the Chief Financial Officer is hereby authorized to disburse funds up to $70,000.00 from the Alvin E. Moore Trust Fund, Fund 0309, Department MGT, Unit 8206, Object 4710 after receipt of funds.

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.

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-367 **Item #:** 37.

STRATEGIC PRIORITY: Economic and Neighborhood Vitality

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): Outside City Limits

DEPARTMENT: Office of Strategic Partnerships & Government Affairs

EXECUTIVE: Kimberly Bizor Tolbert

SUBJECT

A resolution consenting to the amendment of the economic incentive agreement (''Agreement'') between the City of Irving and Aviall Services, Inc. for extension of the Agreement term - Financing: No cost consideration to the City

BACKGROUND

The Dallas/Fort Worth International Airport Board (the ''Board'') requests the Owner Cities of Dallas and Fort Worth approve an amendment to the Agreement with Aviall Services, Inc. (''Aviall'') on Dallas/Fort Worth International Airport (''DFW Airport'') property until 2031. Aviall's corporate headquarters has been on DFW Airport property, within City of Irving limits, since 2001.

Aviall has agreed to remain at the location, pending approval of the Agreement, and to provide the following public benefits:

- Maintain business operations and renew current lease for a minimum of 605,000 square feet of warehouse/office located at 2750 and 2755 Regent Boulevard
- Retain 951 current employees in the region
- Create at least 100 new full-time jobs at the current location by December 31, 2023

Aviall's retention will maintain and enhance the commercial and industrial economic and employee base as well as provide direct revenues to the Owner Cities and City of Irving. As a result of the Agreement, the City of Irving estimates that by the end of tax year 2031, Dallas and Fort Worth will receive $5.4 Million in total business property tax revenues. It is estimated that $309,137.00 will be distributed this year to the Cities of Dallas and Fort Worth, based on 2018 tax assessments.

Aviall, a Boeing subsidiary, is the world's largest diversified aircraft parts distributor delivering airplane parts and repair services. The company manages inventory for the global aerospace and defense industry and holds significant inventory at its facility in Irving. All employees reside in North Texas, with 30 percent of employees residing within the city limits of Dallas, Fort Worth, and Irving.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 26, 2014, City Council authorized a resolution consenting to proposed changes to the Agreement between the City of Irving and Aviall Services, Inc. by Resolution No. 14-0395.

On February 14, 2019, the City of Irving approved this Agreement at their City Council Meeting.

On March 7, 2019, the Dallas/Fort Worth International Airport Board approved this item at their Board Meeting.

The Economic Development and Housing Committee will be briefed on this item on March 18, 2019.

FISCAL INFORMATION

No cost consideration to the City.

March 27, 2019

WHEREAS, on November 11, 1998, City Council approved Resolution No. 98-3297 authorizing an Interlocal Agreement between the Dallas/Fort Worth International Airport Board, a joint board of the cities of Dallas, Texas and Fort Worth, Texas (the "Board"), the City of Fort Worth, Texas and the City of Irving, Texas, which was executed on December 21, 1998, for sharing of revenue generated from property located in the City of Irving and within the boundaries of the Dallas/Fort Worth International Airport ("DFW Airport") (the "Interlocal Agreement"); and

WHEREAS, the Interlocal Agreement provides that the Board and the governing bodies of Dallas and Fort Worth must approve any requested tax exemptions, abatements, or Chapter 380 agreements pertaining to developments within the geographic boundaries of DFW Airport property that are subject to the Interlocal Agreement; and

WHEREAS, the City of Irving, with the consent of the Board, Dallas, and Fort Worth, entered into an economic development grant agreement with Aviall Services, Inc. ("Aviall") dated February 22, 2001, ~~which was renewed~~ as amended on September 7, 2006 and ~~amended on~~ February 6, 2014, for the development of property by Aviall within the geographic boundaries of the DFW Airport (~~collectively~~ the "Chapter 380 Agreement"); and

WHEREAS, on February 14, 2019, the Irving City Council pursuant to Resolution No. RES-2019-55, and subject to the approval of the Board and the governing bodies of Dallas, and Fort Worth, approved an amendment to the Agreement to extend the term in order to maintain and enhance the commercial, industrial economic, and employment development and to provide direct revenues to DFW Airport and the cities of Irving, Dallas, and Fort Worth; and

WHEREAS, the Board approved the amendment to the Agreement on March 7, 2019 pursuant to Resolution No. 2019-03-057; and

WHEREAS, the City of Dallas' approval of the amendment to the Agreement is contingent upon the city of Fort Worth's approval of the amendment to the Agreement.

Now, Therefore,

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

SECTION 1. That the City of Dallas hereby consents to an amendment to the Agreement between the City of Irving and Aviall Services, Inc. for the extension of the Agreement term.

SECTION 2. That the approval contained in this resolution is subject to the same approval by the governing body of the City of Fort Worth.

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.

City of Dallas

1500 Marilla Street
Dallas, Texas 75201

Agenda Information Sheet

File #: 19-390 **Item #:** 47.

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: March 27, 2019

COUNCIL DISTRICT(S): All

DEPARTMENT: Department of Convention and Event Services

EXECUTIVE: Joey Zapata

SUBJECT

An ordinance amending Chapter 42A, “Special Events” and Chapter 29A, “Neighborhood Farmers Market” of the Dallas City Code by **(1)** reserving Chapter 29A and rewriting Chapter 42A; **(2)** providing regulations for special events, commercial filming activities, neighborhood markets, and streetlight pole banners; **(3)** providing a penalty not to exceed $2,000.00 for a violation of this chapter governing fire safety, zoning, or public health and sanitation, and $500.00 for all other violations; **(4)** providing a saving clause; **(5)** providing a severability clause; and **(6)** providing an effective date - Financing: No cost consideration to the City (see Fiscal Information) (This item was deferred on February 27, 2019)

BACKGROUND

The amended ordinance, Chapter 42A “Special Events” of the Dallas City Code, consolidates information from the current version of Chapter 42A “Special Events,” Chapter 29A “Neighborhood Farmers Markets,” Administrative Directive 2-46 “Commercial Filming Policy” and adds additional information related to streetlight pole banners. This ordinance amendment better defines the roles and duties of the Convention and Event Services (CES) - Office of Special Events (OSE) and updates regulations, policies and fee structures.

The Quality of Life, Arts, and Culture Committee (QOLAC) was briefed on April 9, 2018 about current OSE permitting authority and functions, known challenges with current operations and City Code, planned operational improvements and process enhancements. OSE received Committee input and approval to move forward with surveys, stakeholder meetings, completing a fee study and revisions.

On November 26, 2018, QOLAC was briefed about proposed updates to the special events ordinance. Proposed revisions addressed existing gaps and deficiencies in the ordinance, incorporated public and stakeholder input, included researched best practices and the results of a new fee study conducted in the summer of 2018.

Amendments to the ordinance address public concerns including: parking, traffic closures/detours, public notices and flexibility in permitting based on event size and other features for each application. QOLAC members requested that OSE conduct additional meetings with the film industry, Arts District community and other external stakeholders to ensure their concerns about revisions were addressed.

Following the November briefing, OSE hosted nine additional meetings with internal and external stakeholders. The feedback included concerns about the organization and navigability of the ordinance, requests to provide clarity of language, difficulty in understanding permit requirements, and concerns over fees and insurance requirements. OSE worked with the City Attorney's Office (CAO) to add definitions, re-organize sections, standardize language across all permit types and include more details that improve clarity while making the ordinance more transparent and easier to understand. Some fees and fee tiers were updated and insurance requirements were revised in consultation with the Office of Risk Management.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Quality of Life, Arts and Culture Committee was briefed on current OSE authority, functions and challenges with Chapter 42A "Special Events" on April 9, 2018.

The Quality of Life, Arts and Culture Committee was briefed on proposed ordinance changes amending Chapter 42A "Special Events" on November 26, 2018.

The Quality of Life, Arts and Culture Committee was briefed with updated proposed ordinance changes and clarifications to Chapter 42A "Special Events" ordinance on February 11, 2019.

On February 27, 2019, this item was deferred by Councilmember Sandy Greyson.

FISCAL INFORMATION

Cost consideration to others. This ordinance corrects deficiencies (identified in a fee study) in the current permit structure, by aligning application costs to those which require the most time and resources. Currently, pricing is based on event attendance, which does not account for the complexity of the event. Applicants will now be charged based on the new special event permit tiers: simple, moderate, complex. It also develops a la carte and discount pricing models for additional permit components.

powered by Legistar™

ORDINANCE NO. _____

An ordinance amending Chapter 29A, "Neighborhood Farmers Market," and Chapter 42A, "Special Events," of the Dallas City Code by reserving Chapter 29A and rewriting Chapter 42A; providing regulations for special events, commercial filming activities, neighborhood markets, the Dallas Farmers Market, and streetlight pole banners; providing a penalty not to exceed $2,000 for a violation of this chapter governing fire safety, zoning, or public health and sanitation, and $500 for all other violations; 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 Chapter 29A, "Neighborhood Farmers Markets," of the Dallas City Code is amended to read as follows:

"CHAPTER 29A.
RESERVED. [~~NEIGHBORHOOD FARMERS MARKETS.~~

~~ARTICLE I.~~
~~GENERAL PROVISIONS.~~

~~SEC. 29A-1.~~ **~~PURPOSE.~~**

~~The purpose of this chapter is to facilitate the promotion of neighborhood farmers markets within the city to support the local economy, to encourage sustainable living, and to create a more positive image of the city.~~

~~SEC. 29A-2.~~ **~~DEFINITIONS.~~**

~~In this chapter:~~

~~(1) APPLICANT means a person who has filed a written application for a neighborhood farmers market permit.~~

~~(2) CENTRAL BUSINESS DISTRICT means the area bounded by Woodall Rogers Freeway on the north, Central Expressway and Julius Schepps Freeway on the east, Interstate Highway 30 on the south, and Interstate Highway 35E on the west.~~

~~(3) CITY means the city of Dallas, Texas.~~

~~(4) DALLAS FARMERS MARKET means a permanent, indoor and outdoor marketplace on public and private property where produce, merchandise, food, or other products are distributed, offered for sale, or sold to consumers and that is:~~

~~(A) bounded by Marilla Street on the north, northbound Cesar Chavez Boulevard on the east, Interstate Highway 30 on the south, and Harwood Street on the west; and~~

~~(B) described in and subject to a master agreement with the city adopted on February 27, 2013 by Resolution No. 13-0447 and the operating covenants with the city contained in lease and deed documents authorized on March 27, 2013 by Resolution Nos. 13-0535, 13-0536, 13-0537, 13-0538, and 13-0539.~~

~~(5) DIRECTOR means the person designated by the city manager to implement, administer, and enforce this chapter, and includes any designated representative of the director.~~

~~(6) NEIGHBORHOOD FARMERS MARKET or MARKET means:~~

~~(A) a temporary, outdoor marketplace on private property:~~

~~(i) where produce, merchandise, food, or other products are distributed, offered for sale, or sold directly to consumers by the persons that have raised, grown, made, crafted, processed, or produced the products;~~

~~(ii) for which the estimated number of vendors and attendees for any day of the market does not exceed 1,000;~~

~~(iii) that is not being operated as part of a special event permitted under Chapter 42A of this code; and~~

~~(iv) that involves one or more of the following activities:~~

~~(aa) the sale of merchandise, food, or beverages on private property where otherwise prohibited by ordinance;~~

~~(bb) the erection of stalls or tents on private property where otherwise prohibited by ordinance;~~

~~(cc) the placement of portable toilets on private property where otherwise prohibited by ordinance; or~~

~~(dd) the placement of temporary no-parking, directional, over-size, or identification signs or banners on private property where otherwise prohibited by ordinance; or~~

~~(B) the Dallas Farmers Market.~~

~~(7) NEIGHBORHOOD FARMERS MARKET PERMIT means written approval to hold a neighborhood farmers market issued by the director under this chapter.~~

~~(8) PERMIT HOLDER means a person issued a neighborhood farmers market permit.~~

~~(9) PERSON means an individual, firm, partnership, corporation, association, or other legal entity.~~

~~(10) VENDOR means a person who distributes, offers for sale, or sells produce, merchandise, food, or other products at a neighborhood farmers market.~~

~~SEC. 29A-3. GENERAL AUTHORITY AND DUTY OF DIRECTOR.~~

~~(a) The director shall implement, administer, and enforce the provisions of this chapter.~~

~~(b) The director has authority to issue a neighborhood farmers market permit that authorizes one or more of the activities described in Section 29A-2(6)(A)(iv) when requirements of this chapter have been met.~~

~~SEC. 29A-4. CHAPTER CUMULATIVE.~~

~~(a) The provisions of this chapter are cumulative of all city ordinances. Tent permits, building permits, electrical permits, food establishment permits, alcoholic beverage permits and licenses, and all other permits and licenses required by ordinance or other law for specific activities to be conducted in conjunction with or as part of the neighborhood farmers market must be applied for separately, in accordance with the applicable ordinance or law. The director shall receive and coordinate applications for any city-issued permit or license required in addition to the neighborhood farmers market permit.~~

~~(b) Application for a neighborhood farmers market permit authorizes appropriate city departments to issue permits for the activities described in Section 29A-2(6)(A)(iv) in locations where the activity would otherwise be prohibited by ordinance.~~

~~**ARTICLE II.**~~
~~**NEIGHBORHOOD FARMERS MARKET PERMITS.**~~

~~**SEC. 29A-5. APPLICATION; ISSUANCE.**~~

~~(a) A person desiring to hold a neighborhood farmers market shall apply for a neighborhood farmers market permit by filing with the director a written application upon a form provided for that purpose. Each application must be accompanied by the required application fee. An application must be filed not less than 30 days before the neighborhood farmers market is to begin. The director may waive the 30-day filing requirement if the application can be processed in less than 30 days, taking into consideration the number and types of permits required to be issued in conjunction with the neighborhood farmers market.~~

~~(b) An application must contain the following information:~~

~~(1) The name, address, and telephone number of the applicant and of any other persons responsible for the conduct of the neighborhood farmers market.~~

~~(2) The street address of the proposed location of the neighborhood farmers market; the name, address, and telephone number of the property owner; and a copy of the consent required by Section 29A-10(c), if applicable.~~

~~(3) A description of the neighborhood farmers market, including a proposed schedule of the dates and hours of operation for the market (not to exceed 28 operating days in any calendar year, none of which may be consecutive days), except that this requirement does not apply to the Dallas Farmers Market.~~

~~(4) The estimated number of vendors and attendees for each day of the market.~~

~~(5) A drawing showing the area to be used for the neighborhood farmers market, along with proposed structures, tents, fences, barricades, signs, and banners.~~

~~(6) Provisions for parking with a designation of where "No Parking" signs will be used.~~

~~(7) Details of the sale of merchandise or the sale or serving of food or alcoholic or nonalcoholic beverages at the market, including but not limited to the names of participating vendors, a description of items to be sold, and the percentages of food and nonfood items to be sold.~~

~~(8) Details of how the applicant will clean up after the neighborhood farmers market each day.~~

~~(9) Proof that the applicant possesses or is able to obtain all licenses and permits required by this code or other city ordinances or by state law for the conduct of the neighborhood farmers market.~~

~~(10) If the applicant is a corporation, copies of a current certificate of account status issued by the Texas Comptroller's Office and a current certificate of existence issued by the Texas Secretary of State's Office, or, if the corporation is not incorporated in or holding a certificate of authorization in the State of Texas, copies of similar current certificates from the state in which the corporation is incorporated.~~

~~(11) A description (including but not limited to the name, date, location, and size) of each neighborhood farmers market that the applicant conducted or sponsored, or participated in conducting or sponsoring, within the preceding two years.~~

~~(12) Any other information the director determines necessary for the administration and enforcement of this chapter.~~

~~(c) Upon receipt of the completed application, the director shall forward a copy of the application to the building official and the departments of police, fire- rescue, risk management, code compliance, and transportation. The building official and each department shall review the application and return it, with any comments, to the director within 10 working days after receipt.~~

~~(d) The building official, departments, and the director may prescribe licenses, permits, and authorizations required by other city ordinances or applicable law, restrictions, regulations, safeguards, and other conditions necessary for the safe and orderly conduct of a neighborhood farmers market, to be incorporated into the permit before issuance.~~

~~(e) After reviewing the application and comments, the director shall issue the neighborhood farmers market permit unless denial is required by Section 29A-8. A neighborhood farmers market permit expires one year after issuance and may be renewed by applying in accordance with this section.~~

~~SEC. 29A-6. FEES.~~

~~An applicant for a neighborhood farmers market permit shall pay the following fees to conduct the market:~~

~~(1) A nonrefundable application fee of:~~

~~(A) $250 for a neighborhood farmers market in which the estimated number of vendors does not exceed 35;~~

~~(B) $350 for a neighborhood farmers market in which the estimated number of vendors is more than 35 but does not exceed 70; or~~

~~(C) $400 for the Dallas Farmers Market.~~

~~(2) All fees for permits and licenses required by other city ordinances to conduct specific activities in conjunction with or as part of the neighborhood farmers market.~~

~~SEC. 29A-7. INDEMNIFICATION.~~

~~An applicant for a neighborhood farmers market permit must execute a written agreement to indemnify the city and its officers and employees against all claims of injury or damage to persons or property, whether public or private, arising out of the conduct of the market.~~

~~SEC. 29A-8. DENIAL OR REVOCATION.~~

~~(a) The director shall deny a neighborhood farmers market permit if:~~

~~(1) a neighborhood farmers market permit has been previously granted in the calendar year to another neighborhood farmers market that is located within one mile of the proposed market and has the same or overlapping operating dates and times as the proposed market, except that this restriction does not apply when the proposed market is the Dallas Farmers Market;~~

~~(2) the proposed neighborhood farmers market will unreasonably disrupt the orderly flow of traffic, and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available;~~

~~(3) the applicant fails to adequately provide for:~~

~~(A) the protection of the vendors and attendees at the neighborhood farmers market;~~

~~(B) maintenance of public order in and around the neighborhood farmers market location;~~

~~(C) crowd security, taking into consideration the size of the market; or~~

~~(D) emergency vehicle access.~~

~~(4) the applicant fails to comply with or the proposed neighborhood farmers market will violate a city ordinance or other applicable law, unless the prohibited conduct or activity would be allowed under this chapter;~~

~~(5) the applicant makes a false statement of material fact on an application for a neighborhood farmers market permit or fails to properly complete an application for a neighborhood farmers market permit;~~

~~(6) the applicant fails to provide proof that the applicant possesses or is able to obtain a license or permit required by another city ordinance or other applicable law for the conduct of all activities included as part of the neighborhood farmers market;~~

~~(7) the applicant has had a neighborhood farmers market permit revoked within the preceding 14 months;~~

~~(8) the applicant or a vendor at the applicant's market has committed, within the preceding 14 months, two or more violations of a provision of a neighborhood farmers market permit or this chapter;~~

~~(9) the applicant fails to pay any outstanding fees assessed under Section 29A-6 of this chapter for the proposed neighborhood farmers market or for a past neighborhood farmers market;~~

~~(10) a neighborhood farmers market has been conducted at the location of the proposed neighborhood farmers market on at least 40 days during the same calendar year in which the proposed market is to be conducted, except that this restriction does not apply to the Dallas Farmers Market;~~

~~(11) the chief of the police department, the chief of the fire-rescue department, or the director determines that the neighborhood farmers market would pose a serious threat to the public health, safety, or welfare;~~

~~(12) the applicant or any other person responsible for the conduct or sponsorship of the neighborhood farmers market is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or other person;~~

~~(13) the applicant has a history of conducting or sponsoring a neighborhood farmers market in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner; or~~

~~(14) the applicant, if it is a corporation, fails to provide copies of a current certificate of account status and current certificate of existence as required by Section 29A-5(b)(10).~~

~~(b) The director shall revoke a neighborhood farmers market permit if:~~

~~(1) the permit holder failed to comply with or the neighborhood farmers market is in violation of any provision of the neighborhood farmers market permit, a city ordinance, or any other applicable law;~~

~~(2) the permit holder made a false statement of material fact on an application for a neighborhood farmers market permit or failed to properly complete an application for a neighborhood farmers market permit;~~

~~(3) the chief of the police department, the chief of the fire-rescue department, or the director determines that the neighborhood farmers market poses a serious threat to the public health, safety, or welfare;~~

~~(4) the permit holder failed to pay any outstanding fees assessed under Section 29A-6 of this chapter for the proposed neighborhood farmers market or for a past neighborhood farmers market;~~

~~(5) the permit holder or any other person responsible for the conduct or sponsorship of the neighborhood farmers market is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the permit holder or other person; or~~

~~(6) the permit holder, if it is a corporation, failed to provide copies of a current certificate of account status and current certificate of existence as required by Section 29A-5(b)(10).~~

~~SEC. 29A-9. APPEAL FROM DENIAL OR REVOCATION OF A NEIGHBORHOOD FARMERS MARKET PERMIT.~~

~~If the director denies the issuance or renewal of a permit or revokes a permit, the director shall send to the applicant or permit holder by certified mail, return receipt requested, written notice of the denial or revocation and of the right to an appeal. The applicant or permit holder may appeal the decision of the director to a permit and license appeal board in accordance with Section 2-96 of this code.~~

~~ARTICLE III.~~
~~MISCELLANEOUS PROVISIONS.~~

~~SEC. 29A-10. LOCATION OF A NEIGHBORHOOD FARMERS MARKET.~~

~~(a) A neighborhood farmers market may not be conducted:~~

~~(1) in the central business district;~~

~~(2) in a single family, duplex, or townhouse zoning district as defined in the Dallas Development Code;~~

~~(3) within one mile of another neighborhood farmers market permitted under this chapter that has the same or overlapping operating dates and times;~~

~~(4) at any location other than the one listed in the permit application; or~~

~~(5) at any location where one or more neighborhood farmers markets have already been conducted a total of 28 days during the particular calendar year.~~

~~(b) The restrictions of Subsections (a)(1), (2), (3), and (5) of this section do not apply to the Dallas Farmers Market.~~

~~(c) If the permit holder does not own the property on which the neighborhood farmers market will be conducted, the permit holder shall obtain the written consent of the property owner to conduct the market on the property. The permit holder shall present the written consent to the director or any peace officer upon request.~~

~~SEC. 29A-11. OPERATION OF A NEIGHBORHOOD FARMERS MARKET.~~

~~(a) A neighborhood farmers market may not be operated more than 40 days at the same location in a calendar year and may not be operated on consecutive days.~~

~~(b) A neighborhood farmers market may only be operated between the hours of 8 a.m. and 7 p.m. on any day of the week.~~

~~(c) The neighborhood farmers market may only be operated in accordance with the schedule filed with the director at the time of permit application. Amendment to the schedule may be approved by the director during the calendar year if the changes do not conflict with the schedule of another neighborhood farmers market. An amendment request must be received by the director at least 10 days before implementing any changes.~~

~~(d) No more than 70 vendors may participate in a neighborhood farmers market. Each stall area used by a vendor may not exceed 10 feet by 15 feet.~~

~~(e) When the main use of the property is open for business, not more than 25 percent of the total area of the parking lot for the property may be used for a neighborhood farmers market.~~

~~(f) All litter, tents, stalls, food, merchandise, and other evidence of the neighborhood farmers market must be removed from the premises at the end of each market day.~~

~~(g) Subsections (a) through (f) of this section do not apply to the Dallas Farmers Market, which shall operate in compliance with its agreements and covenants with the city.~~

~~SEC. 29A-12. PRODUCTS AT A NEIGHBORHOOD FARMERS MARKET.~~

~~(a) Products that may be sold at a neighborhood farmers market include, but are not limited to, the following:~~

~~(1) Fruits, vegetables, honey, eggs, nuts, herbs, and mushrooms.~~

~~(2) Meats.~~

~~(3) Dairy products.~~

~~(4) Prepared foods, including but not limited to baked goods, packaged foods, and oils.~~

~~(5) Arts and crafts, including but not limited to jewelry, candles, natural skin care products, soaps, art, knitting, quilts, and pottery.~~

~~(6) Garden items, including but not limited to plants, flowers, and soil.~~

~~(b) At least one half of the vendors participating in a neighborhood farmers market must sell produce or other food items.~~

~~(c) All products distributed, offered for sale, or sold at a neighborhood farmers market must have been raised, grown, made, crafted, processed, or produced by the vendor in a Texas county completely or partially located within a 150-mile radius of Dallas County, except that the 150-mile radius requirement does not apply to produce or other food items determined by the director to be unavailable from vendors in the radius area. No products may be offered for resale. This subsection does not apply to the Dallas Farmers Market.~~

~~(d) Live animals may not be distributed, offered for sale, or sold at a neighborhood farmers market.~~

~~SEC. 29A-13. VENDOR'S STATEMENT.~~

~~(a) Each calendar year before vending at a neighborhood farmers market, a vendor shall sign and provide to the permit holder a written statement that:~~

~~(1) all products to be distributed, offered for sale, or sold at the neighborhood farmers market by the vendor have been raised, grown, made, crafted, processed, or produced by the vendor in compliance with all applicable federal, state, and local laws and in a Texas county completely or partially located within a 150-mile radius of Dallas County (or in an area from which the director, pursuant to Section 29A-12(c), allows certain produce or other food items to be distributed, offered for sale, or sold at the market because of the unavailability of those items from vendors in the radius area); and~~

~~(2) no product is being offered for resale.~~

~~(b) The permit holder shall maintain a vendor statement for each vendor operating at the neighborhood farmers market and shall present the vendors' statements to the director or any peace officer upon request.~~

~~(c) Subsections (a) and (b) of this section do not apply to the Dallas Farmers Market.~~

~~**ARTICLE IV.**~~
~~**ENFORCEMENT.**~~

~~**SEC. 29A-14. OFFENSES.**~~

~~(a) A person commits an offense if he commences or conducts a neighborhood farmers market:~~

~~(1) without a neighborhood farmers market permit; or~~

~~(2) in violation of any provision of a neighborhood farmers market permit, this chapter, or any other city ordinance or applicable law.~~

~~(b) It is a defense to prosecution under this section that the neighborhood farmers market was being lawfully conducted pursuant to a valid special events permit issued under Chapter 42A of this code.~~

~~(c) The culpable mental state required for the commission of an offense under this chapter is governed by Section 1-5.1 of this code.~~

~~**SEC. 29A-15. PENALTY.**~~

~~(a) A person who violates a provision of this chapter or a requirement of a neighborhood farmers market permit is guilty of a separate offense for each day or part of a day during which the violation is committed or continued.~~

~~(b) Each offense is punishable by a fine not to exceed:~~

~~(1) $2,000 for a violation of a provision of this chapter or a requirement of a neighborhood farmers market permit governing fire safety, zoning, or public health and sanitation, including dumping of refuse; or~~

~~(2) $500 for all other violations of this chapter or requirements of a neighborhood farmers market permit.~~]"

SECTION 2. That Chapter 42A, "Special Events," of the Dallas City Code is amended to read as follows:

"CHAPTER 42A.
SPECIAL EVENTS; COMMERCIAL FILMING;
NEIGHBORHOOD MARKETS; DALLAS FARMERS MARKET
NEIGHBORHOOD FARMERS MARKET; STREETLIGHT POLE BANNERS.

ARTICLE I.
GENERAL PROVISIONS.

SEC. 42A-1. PURPOSE.

The purpose of this chapter is to facilitate the promotion of temporary outdoor activities including special events, commercial filming, neighborhood markets, the Dallas Farmers Market neighborhood farmers market, and streetlight pole banners [~~activities~~] within the city, as defined in this chapter, [~~especially within the central business district, to create a more positive image of the city and to stimulate significant economic growth in the city. To this end, it is~~] T[~~t~~]he city's overall goal is [~~intent~~] to encourage activities [~~and give high priority to established special events~~] that benefit [~~have a record of significantly benefiting~~] the city, stimulate economic growth, and provide a vibrant, active community for all citizens. The city gives priority [~~and~~] to established special events [~~that promote commercial film development in the city~~].

SEC. 42A-2. DEFINITIONS.

In this chapter:

(1) AMPLIFIED SOUND means any sound projected or transmitted by artificial means, including but not limited to, loudspeakers, amplifiers, powered megaphones, or similar devices.

(2) APPLICANT means a person who has submitted an [~~filed a written~~] application for a [~~special event~~] permit under this chapter. This term includes the person submitting the application, the secondary person listed on the application, and any person or organization that an applicant applies for a permit on behalf of, as well any third party providing contracted functions to an activity permitted under this chapter, and the owner or property manager of the property or venue where a permitted activity will occur if a lease or contract has been executed, or will be executed, or if the property owner has provided written approval for the proposed permitted activity, and the property owner or manager is providing services to the event.

(3) APPLICATION PROCESSING FEE means a non-refundable fee required at the time application submission.

(4) B-ROLL means filming of beauty and background shots on, or of, city property that includes no more than three people on foot filming using no equipment other than a camera and a tripod.

(5) CENTRAL BUSINESS DISTRICT means the area bounded by Woodall Rodgers Freeway on the north, Central Expressway and Julius Schepps Freeway on the east, Interstate Highway 30 on the south, and Interstate Highway 35E on the west.

(6[~~2~~]) CITY means the city of Dallas, Texas.

[~~(3) CITY-LICENSED VENDOR means any person licensed or permitted under this code or another city ordinance to sell or offer for sale food, beverages, goods, or services at or within a specific location or area in the city.~~]

(7[**4**]) CITY-SPONSORED ACTIVITY [~~SPECIAL EVENT~~] means a temporary outdoor activity [~~special event~~] that the city council, by resolution, or the city manager, by written notice, has:

(A) determined to be directly related to a recognized function of city government;

(B) declared the city a cosponsor of the event; and

(C) committed the city to significantly sharing in initiating, financing, supporting, and conducting the event.

(8) CLEAN ZONE means a geographically defined area surrounding a permitted activity footprint or event host venues, where temporary restrictions are enforced related to temporary advertising, signage, structures, transient merchants, vendors, or otherwise licensed activities.

(9) COMMERCIAL FILMING means digital, film, or any other technology used to capture a visual image and sound recording on public or private property for commercial purposes including, but not limited to B-roll, still photography, commercials, documentaries, feature films, television series, television movies, television shows, webisodes, public service announcements, music videos, student films, corporate shoots, or advertisements, which involves one or more of the following:

(A) closing or restricting a public street or restricting access to public property.

(B) filming effects on private or public property that may be disruptive to surrounding residences and businesses such as outdoor lighting before sunrise or after sunset, or outdoor amplified sound.

(C) filming effects on private or public property that may disrupt public safety such as depicting a crime or the use of firearms, prop weapons, special effects, stunts, car chases, or pyrotechnics in view or hearing of the general public or adjacent properties.

(D) erection of a tent larger than 399 square feet in area or erection of multiple tents with a cumulative area of over 399 square feet.

(E) installation of a temporary structure or portable toilets on public or private property where otherwise prohibited by ordinance.

(F) filming on public or private property that includes staging production related equipment on public property, including sidewalks, that will impact pedestrian or vehicular traffic, or running cable across a public sidewalk.

(G) filming of the official flag, shield, seal, service mark, badge, or any other insignia of the city.

(H) filming on or of any city property including city hall plaza.

(I) filming of city equipment or vehicles.

(J) installation of temporary directional signs, identification signs, or banners that are placed in or over a public right-of-way, or on private property where otherwise prohibited by ordinance.

(10[~~5~~]) DALLAS FARMERS MARKET means a permanent, indoor and outdoor market on public and private property where produce, merchandise, food, or other products are distributed, offered for sale, or sold and [~~the area~~] that is:

(A) bounded by Marilla Street on the north, northbound Cesar Chavez Boulevard on the east, Interstate Highway 30 on the south, and Harwood Street on the west; and

(B) described in and subject to a master agreement with the city adopted on February 27, 2013 by Resolution No. 13-0447 and the operating covenants with the city contained in lease and deed documents authorized on March 27, 2013 by Resolution Nos. 13- 0535, 13-0536, 13-0537, 13-0538, and 13-0539, inclusive of future agreements and leases executed between the city and the Dallas Farmers Market and amendments to existing agreements and leases.

(11) DIRECTOR means the person designated by the city manager to implement, administer, and enforce this chapter, and includes any designated representative of the director.

(12) DISTRICT IDENTIFICATION BANNER means a long-term banner that identifies a geographic location or place of interest with defined perimeters.

[~~(6) DEMONSTRATION means a public display of the attitude of assembled persons toward a person, cause, issue, or other matter.~~]

(13[~~7~~]) ESTABLISHED SPECIAL EVENT means an event or activity that:

(A) occurs at least once a year;

(B) has an average expected attendance exceeding 1,000 [~~participants and spectators~~] for each day of the event or activity;

(C) [~~significantly~~] contributes to positive advertising and economic growth of the city; and

(D) is open to the public, with or without an entry fee.

(14) EXPECTED TOTAL ATTENDANCE means the estimated attendance at a permitted activity as estimated by the applicant on an application. Expected total attendance includes all event staff, vendors, spectators, participants, and attendees.

(15) FIRST AMENDMENT ACTIVITY means all expressive personal religious or political beliefs and associative activity on the public right-of-way that is protected by the United States and Texas constitutions, including freedom of speech, freedom of the press, freedom of assembly, and the right to petition.

(16) HIGH IMPACT AREA means an area included on the list published annually in accordance with Section 42A-10.

(17) INTERMITTENT TRAFFIC CONTROL means the control of the flow of traffic to temporarily, and for brief periods of time (two minutes or less), stop or slow the flow of vehicular traffic.

(18) MAJOR CHANGE means any change to an application that requires subsequent public safety or departmental review. Examples include, but are not limited to, route changes, location or venue changes, date changes, changes in expected attendance, adding alcohol distribution, and changes to complex scenes.

(19) MOVING EVENT means an event that is not confined to a fixed location.

(20) NEIGHBORHOOD MARKET means a temporary outdoor marketplace, outside of the central business district, on private property, or on city property with approval of the department controlling the property, where produce, merchandise, food, or other products are distributed, offered for sale, or sold directly to consumers by the persons that have raised, grown, made, crafted, processed, or produced the products.

(21) NEWS MEDIA means photographing, filming, or recording for the purpose of daily news gathering and spontaneous, unplanned news broadcasts and news segments.

(22) PERMIT means an official document authorizing the activation of an approved activity granted by the director as required under this chapter.

(23) PERMIT HOLDER means a person issued a permit under this chapter. This term includes the applicant and any person or organization on behalf of which an applicant applies for a permit on behalf of, as well as the owner or manager of property where a permitted activity will occur.

(24[~~8~~]) PERSON means an individual, firm, partnership, corporation, association, or other legal entity.

(25) PRELIMINARY LETTER means a document sent by the director to the applicant outlining all requirements that must be met prior to permit issuance.

(26[~~9~~]) SPECIAL EVENT means a temporary outdoor gathering, with an expected total attendance greater than 100, which involves one or more of the following on [~~a temporary event or gathering, including a special event parade, using either~~] private or public property where otherwise prohibited by ordinance[~~, in which the estimated number of participants and spectators exceeds 75 during any day of the event and that involves one or more of the following activities, except when the activity is for construction or housemoving purposes only~~]:

(A) closing or restricting of a public street lane, alley, or sidewalk;

(B) restricting access to [~~blocking or restriction of~~] public property;

(C) sale of merchandise, food, alcohol, or other beverages [~~on public property outside the central business district, or on private property~~] where otherwise not permitted as a neighborhood market or by an annual Dallas Farmers Market neighborhood farmers market permit [~~prohibited by ordinance~~];

(D) erection of a tent larger than 399 square feet in area or erection of multiple tents with a cumulative area of over 399 square feet [~~on public property, or on private property where otherwise prohibited by ordinance~~];

(E) installation of a temporary stage, bandshell, outdoor projection technology, trailer, van, [~~portable building,~~] grandstand, [~~or~~] bleachers, or portable toilets for [~~on~~] public use [~~property, or on private property where otherwise prohibited by ordinance~~];

(F) use of city hall plaza [~~placement of portable toilets on public property, or on private property where otherwise prohibited by ordinance~~]; [~~or~~]

(G) a run, walk, ride, or special event parade; [~~placement of temporary no-parking, directional, over-size, or~~]

(H) placement of temporary no parking, directional, oversized, or identification signs or banners in connection with an event that are placed in or over a public right-of-way, or on private property where otherwise prohibited by ordinance; or

(I) clean zone enforcement.

(27) SPECIAL EVENT PARADE means the assembly of 100 or more persons whose gathering is for the common design of traveling or marching in procession from one location to another location for the purpose of advertising, promoting, celebrating, or commemorating a thing, person, date, or event that is not directly related to the expression of feelings and beliefs on current political, religious, or social issues.

(28) STREET CLOSURE means any lane or street closure that impacts or disrupts the flow of traffic, unless the closure is intermittent.

(29) STREETLIGHT POLE BANNER means a temporary sign suspended between brackets and attached to utility or streetlight poles in city right-of-way, designed for an approved activity, an historical or commemorative event within the city, or identification of a public improvement district.

(30) TENT means any structure, enclosure, or shelter constructed of fabric or other pliable material supported by any manner except by air or the contents protected by the material.

(31) TRAFFIC CONTROL PLAN means a plan designed for the purpose of safely and efficiently managing traffic or arranging for DART detours associated with an activity permitted under this chapter.

[~~(10) SPECIAL EVENT MANAGER means the person designated by the city manager to implement, administer, and enforce this chapter, and includes any designated representative of the special event manager.~~

~~(11) SPECIAL EVENT PARADE means the assembly of three or more persons whose gathering is for the common design of traveling or marching in procession from one location to any other location for the purpose of advertising, promoting, celebrating, or commemorating a thing, person, date, or event that is not directly related to the expression of feelings and beliefs on current political, religious, or social issues.~~

~~(12) SPECIAL EVENT PERMIT means written approval to hold a special event granted by the special event manager under this chapter.~~]

SEC. 42A-3. GENERAL AUTHORITY AND DUTY OF DIRECTOR [~~SPECIAL EVENT MANAGER~~].

(a) The director [~~special event manager~~] shall implement, administer, and enforce the provisions of this chapter.

(b) The director [~~special event manager~~] has authority to issue a [~~special event~~] permit that authorizes one or more of the activities described in this chapter [~~Sections 42A-2(9)~~] when requirements of this chapter have been met.

(c) The director, police chief, and fire chief may require public safety measures that exceed the minimum standards set forth in this chapter based on specific event risk and threat factors identified by the appropriate city departments. [~~In addition to other duties designated by this chapter, the city manager, or the city council, the special event manager shall provide for the enhancement of commercial film development in the city by assisting the film industry in:~~

~~(1) identifying film locations;~~

~~(2) securing required permits;~~

~~(3) coordinating traffic and security needs; and~~

~~(4) providing information.~~]

(d) The director may impose additional permit requirements upon the applicant or permit holder for any activity as required in this chapter if the total attendance is expected to exceed the applicant's expected total attendance, if the activity is held in a high impact area, or there will be an impact to residents and businesses.

(e) The director may decline or propose alternate dates, times, street closures, venues, or routes, or impose additional requirements upon a permit holder based on public safety or impact on local residents and businesses.

SEC. 42A-4. CHAPTER CUMULATIVE.

(a) The provisions of this chapter are cumulative of all city ordinances. Except as provided in Subsection (c), [~~tent permits, building permits, electrical permits, food establishment permits, alcoholic beverage licenses, and~~] all other permits and licenses required by ordinance or other law for specific activities to be conducted in conjunction with or as part of the activities permitted under this chapter [~~special event~~] must be applied for separately, in accordance with the applicable ordinance or law. [~~The special event manager shall receive and coordinate applications for any city-issued permit or license required in addition to the special event permit~~].

(b) Application for a [~~special event~~] permit under this chapter authorizes appropriate city departments to issue permits for the activities authorized by this chapter with office of special events approval [~~described in Section 42A-2(9) in locations where the activity would otherwise be prohibited by ordinance~~].

(c) A license for the use of the public right-of-way required by Article VI of Chapter 43 of this code [~~The following permits and licenses~~], and any fees applicable to obtaining the [~~those permits and~~] license[~~s~~], is [~~are~~] not required for a special event, commercial filming, neighborhood market, or Dallas Farmers Market neighborhood farmers market conducted in compliance with this chapter and the terms of a valid [~~special event~~] permit issued under this chapter.[~~:~~

~~(1) A license for the use of public right-of-way required by Article VI of Chapter 43 of this code.~~

~~(2) A central business district concession license or location permit required by Division 2, Article XII of Chapter 50 of this code.~~]

SEC. 42A-5. EXEMPTIONS.

The provisions of this chapter do not apply to:

(1) a special event conducted entirely on:

(A) property under the control of the park and recreation board; [~~or~~]

(B) the "convention center" [~~or "reunion arena"~~] as defined in Section 43-127 of this code; or

(C) public property managed by an organization with a lease or operating agreement with the city that details special event permit exemptions.

(2) a funeral procession [~~parade, as defined in Section 28-186(4) of this code, for which a permit has been issued under Article XVI of Chapter 28 of this code, except that a special event permit must be obtained for any activity not covered by the parade permit that is conducted in conjunction with the parade and that comes within the definition of a special event~~];

(3) First Amendment activities, except that a special event permit must be secured for any activity that triggers a special event permit as detailed in Section 42A-2(22) of this chapter that is activated in conjunction with the First Amendment activity. All applicable fees will apply [~~a demonstration at a fixed location other than the roadway of a street~~];

(4) a neighborhood block party that is conducted on a single block and is expected to have fewer than 200 attendees [~~farmers market (other than the Dallas Farmers Market), as defined in Section 29A-2(6) of this code, for which a permit has been issued under Chapter 29A of this code, except that a special event permit must be obtained if the market is being conducted in conjunction with other activities for which a special event permit is required by or has been issued under this chapter; or~~]

(5) escort vehicles; [~~the distribution, offering for sale, or sale of produce, merchandise, food, or other products to consumers at the Dallas Farmers Market in compliance with a neighborhood farmers market permit issued under Chapter 29A of this code, except that a special event permit must be obtained for any event or activity, not covered by the neighborhood farmers market permit, that is conducted at the Dallas Farmers Market in conjunction with or in addition to the distribution, offering for sale, or sale of produce, merchandise, food, or other products to consumers and that comes within the definition of a special event.~~]

(6) moving a structure in accordance with the Dallas Building Code;

(7) the regular indoor permanent daily operations of the Dallas Farmers Market;

(8) photography or filming for personal use;

(9) any filming activity that does not meet the definition of commercial filming;

(10) any filming activity on public property managed by an organization with a lease or operating agreement with the city that details commercial event permit exemptions;

(11) filming by news organizations in conjunction with daily newsgathering, spontaneous unplanned television news broadcasts or news segment reports produced for air on the same day or within a short timeframe; or

(12) commercial filming on, or of, public property related to the typical daily reporting, journalism, and publication activities of journalists, media, and bloggers, except where filming activity meets the definition of commercial filming or includes access to city staff and resources. In such cases, approval to film on city property is required by the department responsible for oversight of the property.

SEC. 42A-6. FEES [~~VENDORS AT A SPECIAL EVENT~~].

(a) Special event permit. An applicant for a special event permit shall pay the following application processing fees:

Special Event Application Processing Fees*	
Base Application Fee Based On Expected Total Attendance	
<200	$50
201 - 400	$80
401 - 800	$100
801 - 1000	$150
1,001 - 2,000	$200
2,001 - 4,000	$300
4,001 - 8,000	$400
8,001 - 12,000	$500
12,001 - 20,000	$600
20,001+	$700
In addition, select the applicable street closure fee:	
No Street Closure - An event with no street closures.	$0
Static Street Closure Event (Simple) - An event with a set footprint that is limited to one block on residential/neighborhood streets and does not involve the closure of any intersections.	$50
Static Street Closure Event (Moderate) - An event with a set footprint that includes the closure of one to three street blocks or intersections.	$100
Static Street Closure Event (Complex) - An event with a set footprint that includes the closure of four or more street blocks or intersections, or any closure in a high impact area.	$200
Moving Event (Simple) - A moving event that is limited to trails and residential or neighborhood streets.	$75
Moving Event (Moderate) - A moving event on city streets other than residential/neighborhood streets and outside of a high impact area.	$150
Moving Event (Complex) - A moving event of which any part moves through a high impact area.	$300

* No application processing fees for a special event that is open to the public and being conducted at the Dallas Farmers Market as produced by the Dallas Farmers Market in compliance with the market's agreements and covenants with the city.

[~~Not less than 10 days before a special event begins, the special event manager shall deliver notice to every city-licensed vendor lawfully operating at or within a location or area in which the special event will be conducted.~~]

(b) Commercial filming permit. An applicant for a commercial filming permit shall pay the following application processing fees:

COMMERCIAL FILMING APPLICATION PROCESSING FEES	
Base Application Fee (per project)	$50
In addition, select the applicable daily fee:	
Commercial Filming (Simple) - B-roll (Permit required for city property only) with unlimited locations; and/or, filming activity at one location with no parking restrictions, no street/lane closures, or no intermittent traffic control (Permit required for City Property only).	$25
Commercial Filming (Moderate) - No street/lane closures; maximum two locations; includes legal parking restrictions and intermittent traffic control.	$100
Commercial Filming (Complex) - Any street/lane closure or need for a traffic control plan; maximum two locations; and/or filming effects on private or public property that may disrupt public safety such as depicting a crime or the use of firearms, prop weapons, special effects, stunts, car chases, or pyrotechnics in view or hearing of the general public or adjacent properties.	$300
In addition, select the applicable other fees:	
Additional Single Location (exceeding the minimum two per day)	$50
Retroactive B-roll - Per location (related to a current active permit only).	$150
*Project-based filming will be assessed a maximum application processing fee of $1,250 for a project that includes up to seven filming days.	

(1) Student filming that meets the requirements of Section 42A-21(l) is exempt from the fees in this subsection.

(2) Project-based filming will be assessed a maximum application processing fee of $500 for a project that includes three or fewer filming days, and a maximum application processing fee of $1,000 for a project that includes four or more filming days. [~~The notice must include:~~

~~(1) the date, hours, and location of the special event;~~

~~(2) any special requirements that the city- licensed vendor must meet to operate at the special event, including:~~

~~(A) any locations from which the vendor is prohibited from vending, a map of which must be included with the notice;~~

~~(B) any designated food, beverage, or product brand being promoted by the special event sponsor that the vendor is required to sale or advertise, provided that the vendor is only required to make expenditures for the actual food, beverage, or product to be sold; and~~

~~(C) any special payment procedures for the sale of any food, beverage, product, or service;~~

~~(3) a statement that the special event manager may be contacted with any questions or comments concerning the special event.~~]

(c) Neighborhood market. An applicant for a neighborhood market permit shall pay the following application processing fees:

NEIGHBORHOOD MARKET ANNUAL APPLICATION PROCESSING FEES	
Base Application Fee	$100
Per every 10 vendors	$25
Street Closure Fee - Simple (1 block, no intersections)	$50

(d) Streetlight pole banners. An applicant for a streetlight pole banner shall pay the following application processing fees:

STREET POLE BANNER APPLICATION PROCESSING FEES	
Base Application Fee	$100
Per Pole Fee	$20
Permitted event - First 5 poles at no charge, additional poles will be invoiced at full price (banners must be related to permitted event).	*5 poles at no charge*
District Identification Banners – District identification banners do not include short-term event banners designed to promote events, festivals, major sporting events, or tourism programs with specific dates or time periods.	*No charge*

[~~The special event manager may order any city-licensed vendor who violates the special requirements of the notice to cease, for the duration of the special event, selling or offering for sale food, beverages, goods, or services at any location within 25 feet of the area designated in the special event permit for the conduct of the special event.~~]

(e) Dallas Farmers Market. An applicant for a Dallas Farmers Market neighborhood farmers market permit shall pay an annual application processing fee of $400.

(f) Additional application processing fees for all permit types.

(1) A late application processing fee of $40 per day is required, in addition to the applicable application processing fees required by Subsections (a), (b), (c), (d), and (e) of this section, if the application is filed with the director less than the minimum number calendar days required by Sections 42A-12, 42A-21, 42A-28, 42A-36, or 42A-42 before the scheduled activity is to begin. This fee is limited to five days.

(2) An application processing fee of $50 per minor change to an application requested by the applicant.

(3) An application processing fee of $5,000 for a full or half street closure of the Margaret Hunt Hill Bridge for a period of 24 hours or less.

(4) An application processing fee of $2,000 for a partial lane closure of the Margaret Hunt Hill Bridge for a period of 24 hours or less.

(5) An application processing fee of $500 for a clean zone.

(6) An application processing fee of $50 if alcohol will be provided at a permitted activity.

(7) An application processing fee of $150 if alcohol will be sold at a permitted activity.

(g) Additional city department related fees when applicable.

(1) A fee of $1,500 for the required activation of the office of emergency management for a planned permitted activity where the expected attendance is 30,000 or more.

(2) A parking meter hooding or removal fee, computed in accordance with Section 28-114.12 of this code, for each parking meter required by the applicant to be hooded or removed for a planned permitted activity.

(3) A rental fee for city equipment and property used by the applicant for a planned permitted activity.

(4) A fee for the number of Dallas police officers, Dallas fire/rescue officers, or vehicles required by Sections 42A-13, 42A-14, 42A-24, and 42A-25 to provide security, crowd control, and traffic control at a permitted activity.

(5) A fee to reimburse the city for direct costs incurred by the city in providing services at a permitted activity; direct costs include, but are not limited to, the reasonable costs of setup, cleanup, public safety, oversight of city facilities and equipment, electrical services, construction, placement and retrieval of city equipment, and other related

services beyond what the city would provide to the general public in the ordinary course of its daily operations.

(6) Fee for all other required permits and licenses must be paid.

(h) Non-profit applicants. The base application fee for all application types will be reduced by 50 percent for a certified 501(c)(3) non-profit applicant.

(i) List of charges. A current list of charges for the items, services, and personnel described in Subsections (g)(3), (4), and (5) and in Subsection (j), and for any other items, services, or personnel that may be required under this chapter, must be maintained by the director and published annually to the office of special events website. The chiefs of the police department and fire-rescue department shall provide to the director the current schedule of charges for the personnel and vehicles described in Subsection (g)(5).

(j) Security deposit. Not less than 10 days before the date of the planned permitted activity, the applicant shall deposit with the appropriate city department an amount equal to a security deposit for any city equipment or property rented under Subsection (g)(3), to be refunded to the applicant if the equipment or property is returned undamaged to the city.

(k) Police and fire/rescue fees. The applicant shall pay any remaining fees owed for all public safety expenses incurred by a special event, commercial filming project, neighborhood market, or Dallas Farmers Market neighborhood farmers market within 15 business days after receipt of an invoice from the city.

(l) Waiver. All or part of the application processing fees required by this section to be paid to the city for a city-sponsored activity may be waived by approval of the city manager or by city council resolution.

(m) Fee credit. If an application or permit is cancelled due to an Act of God and the permitted activity is rescheduled for an available date within 60 days from the original event date, any previously paid application processing fees will be credited toward the rescheduled date [~~A city-licensed vendor commits an offense if he continues to sell or offer for sale food, beverages, goods, or services from a location in violation of the special event manager's order~~].

[~~**ARTICLE II.**~~
~~**SPECIAL EVENT PERMITS.**~~**]**

SEC. 42A-7. INDEMNIFICATION.

An applicant for a permit issued under this chapter shall execute an agreement to indemnify the city and its officers and employees against all claims of injury or damage to persons or property, whether public or private, arising out of the permitted activity.

SEC. 42A-8. APPEAL FROM DENIAL OR REVOCATION OF A PERMIT.

(a) If the director denies the issuance of a permit or revokes a permit, after three attempts to contact by phone or email, the director shall send the applicant or permit holder by certified mail, return receipt requested, written notice of the denial or revocation and of the right of appeal. Mailed notice shall be deemed received and effective three days after the date of mailing whether the notice was actually received or not or whether the notice was returned unclaimed or undeliverable.

(b) The applicant or permit holder may appeal the decision of the director to the permit and license appeal board in accordance with Section 2-96 of this code.

SEC. 42A-9. AMPLIFIED OUTDOOR SOUND AND LIGHTING.

(a) Except as provided in this section, amplified outdoor sound and lighting is allowed in conjunction with a permit issued under this chapter only between the hours of 8:00 a.m. and 10:00 p.m.

(b) The director may grant a variance to Subsection (a) if he determines that allowing outdoor amplified sound or lighting during additional hours will not result in an excessive negative impact on the quality of life of surrounding residences and businesses.

SEC. 42A-10. HIGH IMPACT AREAS.

(a) The director shall publish a list of high impact areas on the office of special events website annually.

(b) A committee shall meet at least once annually to determine the list of high impact areas. The committee must be comprised of the office of special events and representatives of at least five city departments and partner agencies.

(c) The committee shall consider the following factors in determining which areas to designate as high impact areas:

(1) Construction in the area.

(2) Complaints received by the director.

(3) Input from citizens.

(4) Historical event and location knowledge of committee members.

SEC. 42A-11. CLEAN ZONE.

(a) The operational restrictions within a clean zone are imposed to negate the impact of a planned permitted activity on neighboring businesses and residents and to protect the integrity of the host and sponsors of the permitted activity. A clean zone does not affect any existing operations, signage, or permitted activity associated with a business's typical operations.

(b) The director may designate the duration and geographic boundaries of a clean zone following consultation with the chief of police and all applicable departments.

(c) The boundaries of a clean zone, as well as any requirements and restrictions for the clean zone, must be in writing and included in the terms of the permit.

(d) If a clean zone is approved, the applicant shall deliver notice a minimum of seven days before the permitted activity begins, at the applicant's expense, to all registered homeowners' associations, religious institutions, schools, and owners or occupants of real property within the boundaries of the area of the clean zone. Notice must include, but not be limited to, the location, boundaries, effective dates and times, and the requirements and restrictions of the clean zone. Complete documentation of this effort must be submitted to the director and approved prior to permit issuance.

ARTICLE II.
SPECIAL EVENT PERMITS.

SEC. 42A-12. APPLICATION; ISSUANCE.

(a) A person desiring to hold a special event shall submit an online [~~apply for a special event permit by filing with the special event manager a written~~] application with the office of special events [~~upon a form provided for that purpose. Each application must be accompanied by the required application fee~~]. An application must be filed not less than the number of calendar [~~45~~] days indicated in the following table before the special event is to begin. The director [~~special event manager~~] may waive the [~~45-day~~] filing requirement if the application is submitted within five days of the submission due deadline and the application can be processed in less than the number of calendar [~~45~~] days indicated on the chart, taking into consideration the number and types of additional licenses and permits that may be required to be issued in conjunction with the special event permit and the extent of public safety, department, or agency review required based on the scope of the event.

APPLICATION SUBMISSION DUE DEADLINES	
No Street Closures	30 calendar days
Static Street Closures	60 calendar days

Moving Events	120 calendar days

(b) An application must be completed in full before it can be invoiced. An application will not be processed, and the date and venue will not be confirmed until the application processing fee has been paid. Submission of a complete application does not guarantee a special event permit will be issued. All requirements must be met prior to permit issuance. [~~contain the following information:~~

~~(1) the name, address, and telephone number of the applicant and of any other persons responsible for the conduct of the special event;~~

~~(2) a description of the special event, including any historical and promotional information, and requested dates and hours of operation for the event;~~

~~(3) the estimated number of participants and spectators at the special event;~~

~~(4) a drawing showing the area or route to be used during the special event, along with proposed structures, tents, fences, barricades, signs, banners, and restroom facilities;~~

~~(5) provisions for parking with a designation of where "No Parking" signs will be used;~~

~~(6) details of how applicant proposes to provide for security, crowd control, and traffic control and for any medical or other emergency;~~

~~(7) the time and location of street closings, if any are requested;~~

~~(8) details of the sale of merchandise or the sale or serving of food or alcoholic or nonalcoholic beverages at the special event, designating any street vendors or peddlers involved;~~

~~(9) a description of animals to be used in the special event, if any;~~

~~(10) a description of each motor vehicle to be used in the special event and proof that each vehicle is covered by insurance meeting the minimum requirements of:~~

~~(A) Section 42A-10 of this chapter, if the estimated number of participants and spectators at the special event exceeds 2,500 for any day of the event; or~~

~~(B) the Texas Motor Vehicle Safety Responsibility Act (Chapter 601, Texas Transportation Code), as amended, if the estimated number of participants and spectators at the special event does not exceed 2,500 for any day of the event;~~

~~(11) the name of each person who will operate a motor vehicle as part of the special event and proof that each person holds a valid driver's license;~~

~~(12) details of how the applicant will clean up the area used after the special event, if on public property;~~

~~(13) proof that the applicant possesses or is able to obtain all licenses and permits required by this code or other city ordinance or by state law for the conduct of the special event;~~

~~(14) if the applicant is a corporation, copies of a current certificate of account status issued by the Texas Comptroller's Office and a current certificate of existence issued by the Texas Secretary of State's Office, or, if the corporation is not incorporated in or holding a certificate of authorization in the State of Texas, copies of similar current certificates from the state in which the corporation is incorporated; and~~

~~(15) a description (including but not limited to the name, date, location, and size) of each special event that the applicant conducted or sponsored, or participated in conducting or sponsoring, within the preceding two years.~~]

(c) Upon receipt of the completed application, the director [~~special event manager~~] shall forward a copy of the application to all applicable city departments and partner agencies for review [~~the building official, to the departments of police, fire-rescue, equipment and building services, risk management, transportation, sanitation services, and code compliance, and to Dallas area rapid transit (DART)~~]. If the application must be reviewed for public safety, public safety agencies will review the application first, followed by a review by city departments and partner agencies. If any part of the scheduled activity [~~special event~~] is to be held on or adjacent to property that is exempt from this chapter under Section 42A-5, the director [~~special event manager~~] shall also include [~~forward a copy of the application to~~] the entity [~~department~~] that manages or controls the exempt property in the review of the application. Each department and partner agency [~~DART~~] shall review the application and return it, with any comments, to the director [~~special event manager~~] within 10 business [~~working~~] days of receipt of the request requiring a response. If no response is received, the director may proceed with permitting, however, if an application requires a public safety review, the director must wait for the public safety review response before proceeding. If any department denies the application, or a resolution cannot be reached, the permit will be denied.

(d) If the proposed scheduled activity will be held on private property and the applicant does not own the property, the applicant shall obtain the written consent of the property owner to conduct the scheduled activity on the property with the authorization including the date and time of the scheduled activity. The written consent must be submitted at the time of application. The applicant shall present the written consent to the director or any peace officer upon request. [~~The departments, DART, and the special event manager may prescribe licenses, permits, and authorizations required by other city ordinances or applicable law, restrictions, regulations, safeguards, and other conditions necessary for the safe and orderly conduct of a special event, to be incorporated into the permit before issuance.~~]

(e) The director may cancel a special event permit application if:

(1) a special event permit has been granted or is in the review process for another special event at the same or a nearby place and the same time;

(2) an established special event is customarily held at the same or a nearby place and the same time as the proposed special event;

(3) the proposed special event will occupy any part of a freeway, expressway, or tollway;

(4) the proposed special event will unreasonably disrupt the orderly flow of traffic, and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available;

(5) the proposed special event cannot comply with high impact area parameters;

(6) the applicant makes a false statement of material fact on an application for a special event permit or fails to properly complete an application for a special event permit;

(7) the applicant received within the preceding 14 months, two or more notices of violation or citations related to a provision of a special event permit or this chapter;

(8) the applicant has conducted or sponsored one or more special events within the city on at least 60 days of the same calendar year during which the proposed special event is to be held; or

(9) the applicant has a history of conducting or sponsoring special events in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner.

(f) If the director determines that an application requires additional information in order to make a decision, or if additional fees will be required to process the application, the application will be considered incomplete and cancelled if the applicant does not supply the additional information or fees after the director has sent two reminder emails and made one reminder phone call after a period of 10 calendar days without a response from the applicant.

(g) If the director determines that an applicant has failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the proposed scheduled activity or a past scheduled activity, the application will be deemed incomplete and the application will be cancelled. An application that has been cancelled under this subsection cannot be re-filed for 12 months.

(h) If the applicant makes major changes to the original submission of an application, after the five-month courtesy review, this will result in the original permit application being deemed incomplete and cancelled. A revised permit application will be required, along with new application processing fees if the applicant wishes to pursue the application.

(i) An application that has been cancelled because it is incomplete cannot be appealed under Section 42A-8 and all application processing fees are forfeited.

(j) After reviewing and confirming all permit requirements have been met [~~the application and comments~~], the director [~~special event manager~~] shall issue the special event permit unless denial or revocation is required by Section 42A-20 [~~42A-13~~]. Except as provided in this subsection, a [~~A~~] special event permit will be issued for a period not to exceed 10 consecutive days. A special event permit for a city-sponsored event on city hall plaza will be issued for a period not to exceed 30 consecutive days. A special event permit may be extended [~~renewed, without payment of the application fee,~~] for additional consecutive 10-day periods not to exceed 60 days in a calendar year [~~during which a special event will be conducted, unless the time limitations set forth in Section 42A-13(a)(12) of this chapter would be exceeded~~]. All applicable fees must be paid for any permit extension.

(k) In granting a permit, the city may provide city services and equipment for city-sponsored activities and other events in accordance with the city's special event in-kind sponsorship guidelines and subject to approval of the city manager.

[~~**SEC. 42A-8. FEES.**~~

~~(a) Special event permit. An applicant for a special event permit shall pay the following fees to conduct the special event:~~

~~(1) A nonrefundable application fee of:~~

~~(A) $30 for a special event (other than one involving commercial filming activity) in which the estimated number of participants and spectators in any day of the event exceeds 75 but does not exceed 200;~~

~~(B) $50 for a special event (other than one involving commercial filming activity) in which the estimated number of participants and spectators in any day of the event exceeds 200 but does not exceed 400;~~

~~(C) $75 for a special event (other than one involving commercial filming activity) in which the estimated number of participants and spectators in any day of the event exceeds 400 but does not exceed 800;~~

~~(D) $100 for a special event (other than one involving commercial filming activity) in which the estimated number of participants and spectators in any day of the event exceeds 800 but does not exceed 1,000;~~

~~(E) $250 for a special event (other than one involving commercial filming activity) in which the estimated number of participants and spectators in any day of the event exceeds 1,000 but does not exceed 20,000;~~

~~(F) $500 for a special event (other than one involving commercial filming activity) in which the estimated number of participants and spectators in any day of the event exceeds 20,000;~~

~~(G) $250 for a special event involving commercial filming activity, regardless of the estimated number of participants and spectators in any day of the event, except that the fee is $50 if the special event requires:~~

~~(i) only street closings and/or traffic management services; or~~

~~(ii) only the hooding of parking meters; and~~

~~(H) no application fee for a special event that is open to the public and being conducted at the Dallas Farmers Market in compliance with the market's agreements and covenants with the city.~~

~~(2) All fees for permits and licenses required by other city ordinances to conduct specific activities in conjunction with or as part of the special event.~~

~~(3) A parking meter hooding or removal fee, computed in accordance with Section 28-114.12 of this code, for each parking meter required by the applicant to be hooded or removed for the special event.~~

~~(4) A rental fee for city equipment and property, including but not limited to barricades and street fixtures, used by the applicant for the special event.~~

~~(5) A fee for the number of Dallas police officers required by Section 42A-12 to provide security, crowd control, and traffic control at the special event.~~

~~(6) A fee to reimburse the city for direct costs incurred by the city in providing services at the special event; direct costs include, but are not limited to, the reasonable costs of setup, cleanup, electrical services, construction, placement of "No Parking" signs and other traffic control devices, and other related services beyond what the city would provide to the general public in the ordinary course of its daily operations.~~

~~(7) A fee of $40, in addition to the applicable application fee required by Paragraph (1) of this subsection, if:~~

~~(A) the application for a special event is filed with the special event manager less than 45 days before the special event is scheduled to begin; or~~

~~(B) changes are requested to a previously submitted application that, in the opinion of the special event manager, substantially modify the scope or nature of the special event.~~

~~(8) A fee for the number of Dallas emergency medical personnel and emergency medical vehicles required by Section 42A-11.1 to provide first aid and emergency medical services at the special event.~~

~~(b) A current list of charges for the items, services, and personnel described in Subsections (a)(4), (5), (6), and (8) and in Subsection (c)(3) must be maintained in the special event manager's office and made available for public inspection during normal business hours. The chief of the police department shall provide to the special event manager the current schedule of charges for the personnel described in Subsection (a)(5), and the chief of the fire-rescue department shall provide to the special event manager the current schedule of charges for the personnel and vehicles described in Subsection (a)(8).~~

~~(c) Not less than 10 days before the date of the special event as shown on the special event permit, the applicant shall deposit with the special event manager an amount equal to:~~

~~(1) all permit and license fees required by Subsection (a)(2);~~

~~(2) one-third of the estimated fees required by Subsections (a)(3), (4), and (6); and~~

~~(3) a security deposit for any city equipment or property rented under Subsection (a)(4), to be refunded to the applicant if the equipment or property is returned undamaged to the city.~~

~~(d) The applicant shall pay any remaining fees owed the city for a special event within 60 days after the special event ends. The applicant may, upon written request to the special event manager, obtain a refund of any fee deposited with the special event manager for a service that the city did not provide for the special event.~~

~~(e) All or part of the fees required by Subsection (a) to be paid to the city for a city-sponsored special event may be waived by city council resolution.]~~

SEC. 42A-13. SECURITY; CROWD CONTROL; AND TRAFFIC CONTROL.

(a) An applicant for a special event permit shall provide police officers for security, crowd control, and traffic control at the special event in accordance with Subsection (b) and the following schedule:

Number of Participants and Spectators at Special Event	**Minimum Number of Police Officers Required***
0 to 250	0 or 2
251 to 1,500	2 - 4
1,501 to 3,000	4 - 6

3,001 to 5,000	6 - 15
over 5,000	15 plus 1 police officer for every 1,000 participants and spectators over 5,000 at the special event

* The minimum number of officers in the above table may vary depending on the scope of the event, the sale or service of alcohol, on-stage talent, event geography, historical knowledge of the event, police intelligence, and any other factor that is determined to impact public safety.

(b) The director, upon recommendation from the chief of the Dallas police department, may require a number of police officers, in addition to those required in Subsection (a), if:

(1) any alcoholic beverage is sold, served, or otherwise made available at the special event;

(2) special needs for increased security, crowd control, or traffic control are created by:

(A) the topography or size of the special event location;

(B) weather conditions at the special event; or

(C) the time of day during which the special event is conducted;

(3) the special event requires street closures or rerouting of vehicular or pedestrian traffic; or

(4) the history of the particular special event indicates that a greater number of police officers are required to protect the public health, safety, and welfare.

(c) The police officers required to be provided at a special event by this section must be sworn members of the Dallas police department, except that the chief of the Dallas police department may authorize a special event applicant or permit holder to provide peace officers from other jurisdictions or entities if the chief determines that an insufficient number of Dallas police officers will be available for a particular special event. Off-duty jobs for Dallas police officers at a special event must comply with the Dallas Police Department General Orders and Code of Conduct.

(d) A permit holder must provide the name, phone number, and email address of an individual who will be available following submission of an application through the end of the event, as well as at the special event site the day of the special event, to respond to any questions or concerns from police officers or code compliance officers. This individual shall meet police officers or code enforcement officers at the special event site within one hour of being contacted by telephone or email.

(e) If the police department requires a traffic control plan in conjunction with a special event, the plan must be submitted in the standard format approved by the director.

(f) A traffic control plan required by Subsection (e) must receive approval from applicable city departments.

SEC. 42A-14. EMERGENCY MEDICAL SERVICES.

(a) An applicant for a special event permit shall provide, in accordance with Subsection (b) and the following schedule, emergency medical personnel and emergency medical vehicles to perform first aid and emergency medical services at the special event as required in the preliminary letter:

NUMBER OF EMERGENCY MEDICAL PERSONNEL/VEHICLES REQUIRED (based on estimated total attendance and scope of the special event)					
Type of Emergency Medical Personnel or Vehicle Required	**1 - 100 participants/ spectators**	**101 - 3,000 participants/ spectators**	**3,001 - 5,000 participants/ spectators**	**5,001 - 25,000 participants/ spectators**	**Over 25,000 participants/ spectators**
Paramedics	0	2	6	8	14
EMS Supervisors	0	1	1	3	5
Emergency Medical Vehicles	0	1	1	4	7

The fire chief may determine, based on the event scope, special needs, or risks, that emergency medical services will be provided via the 911 emergency response system.

(b) The director, upon recommendation of the chief of the Dallas fire-rescue department, may require a number of emergency medical personnel and emergency medical vehicles, in addition to those required in Subsection (a), if:

(1) any alcoholic beverage is sold, served, or otherwise made available at the special event;

(2) special needs for increased emergency medical services are created by:

(A) the topography or size of the special event location;

(B) weather conditions at the special event; or

(C) the time of day during which the special event is conducted;

(3) the special event requires street closures or rerouting of vehicular or pedestrian traffic that may affect emergency access to the special event;

(4) the special event involves specific activities that create a higher risk of illness or injury to persons participating in or attending the event, including but not limited to rodeos, sporting or athletic events, events involving motor vehicles, or marathons; or

(5) the history of the particular special event indicates that a greater number of emergency medical personnel or emergency medical vehicles are required to protect the public health, safety, and welfare.

(c) The emergency medical personnel required to be provided at a special event by this section must be sworn members of the Dallas fire-rescue department, except that the chief of the Dallas fire- rescue department may authorize a special event applicant or permit holder to provide emergency medical personnel from other jurisdictions or entities if the chief determines that an insufficient number of Dallas fire-rescue officers will be available for a particular special event. Off-duty jobs for Dallas fire- rescue officers at a special event must comply with the Dallas Fire-Rescue Rules and Regulations.

SEC. 42A-15. INSURANCE.

(a) An applicant for a permit to hold a special event in which the estimated number of participants and spectators exceeds 2,500 for any day of the event shall procure and keep in full force and effect for the duration of the event insurance written by an insurance company approved by the State of Texas and acceptable to the city and issued in the standard form approved by the Texas Department of Insurance. All provisions of each policy must be acceptable to the city. Each policy must name the city and its officers, employees, and appointed representatives as additional insureds. The coverage provisions of each policy must provide coverage for any loss or damage that may arise to any person or property by reason of the conduct of the special event by the applicant.

(b) Insurance is required in the following types and amounts:

(1) Commercial general liability insurance must be provided with combined single limits of liability for bodily injury and property damage of not less than:

(A) $500,000 for each occurrence, for an estimated daily number of participants and spectators of 2,501 to 4,999; or

(B) $1,000,000 for each occurrence, for an estimated daily number of participants and spectators of 5,000 or more.

(2) If a special event includes vehicles, aircraft, or other equipment, devices, or activities that are excluded from coverage in the commercial general liability insurance policy required in Paragraph (1) of this subsection, then separate additional liability insurance coverage for the applicable exclusion must be provided by the applicant or the aircraft provider with combined single limits of liability for bodily injury and property damage of not less than:

(A) $500,000 for each occurrence, for an estimated daily number of participants and spectators of 2,501 to 4,999; or

(B) $1,000,000 for each occurrence, for an estimated daily number of participants and spectators of 5,000 or more.

(3) If any alcoholic beverage is sold, served, or otherwise made available at the special event, then separate additional liquor liability insurance must be provided by the alcoholic beverage license holder in an amount of not less than $1,000,000 for each claim.

(4) If any fireworks, pyrotechnics, explosives, or other special effects are displayed at the special event, then separate additional general liability insurance must be provided by the pyrotechnics company in an amount of not less than $3,000,000 for each claim.

(5) If security guards (other than Dallas police officers or city staff) are used at the special event, then separate additional security guard liability insurance must be provided by the security guard company in an amount of not less than $1,000,000 for each claim.

(6) If emergency response or first aid stations (other than stations staffed by only Dallas fire-rescue officers or city staff) are provided at the special event, then separate additional medical liability insurance must be provided by the applicant in an amount of not less than $1,000,000 for each claim, and if ambulance service (other than service provided by Dallas fire-rescue officers and vehicles) is provided, then separate additional automobile liability insurance must be provided by the emergency response or ambulance provider in an amount of not less than $1,000,000 combined single limit for each claim.

(7) If amusement rides are provided at the special event, proof of separate additional general liability insurance meeting the state liability and coverage requirements for each particular ride must be provided by the applicant or the amusement ride provider, along with a current certificate of inspection for each ride.

(8) If animals are part of the special event, then separate additional general liability insurance covering any bodily injury and property damage caused by animals must be provided by the applicant or the animal provider in an amount of not less than $500,000 for each claim.

(9) If the special event is conducted at a city-owned facility, general liability insurance must be provided by the applicant in an amount of not less than $500,000 for each claim.

(c) In addition to the insurance requirements of Subsection (b) of this section, the director may require additional insurance for a special event if such additional insurance is recommended by the city's risk manager as being necessary for the protection of the city or the public health, safety, and welfare.

(d) If a facility or other property owned or managed by the city is subject to both the insurance requirements of this chapter and insurance requirements established by another city ordinance, an official city action, a city lease or use agreement, or other applicable law, then the insurance requirements with the greater limits and coverages must be met to conduct the special event at the facility or property.

(e) An original certificate of insurance completed by an authorized agent of the insurance company and evidencing each insurance coverage required under this section must be delivered to the director at least 15 days before the special event begins.

(f) A special event permit will not be issued until the insurance requirements have been verified by the city's third-party provider.

SEC. 42A-16. STREET CLOSURES.

(a) Street closures require approval from applicable partner agencies and city departments.

(b) A permit holder must provide notice of street closures in accordance with Section 42A-18.

(c) The police department may require a traffic control plan at the expense of the applicant. If a traffic control plan is required, it must follow the standard format approved by the director and be approved by the city prior to permit issuance.

(d) All traffic apparatus required to fulfil a traffic control plan must be acquired at the applicant's expense.

(e) The director may require accommodations if a proposed street closure will restrict access to public or private parking, residences, businesses, or places of worship.

SEC. 42A-17. PARKING.

(a) A complete parking plan must be submitted with each special event application. The director may waive this requirement for special events with an expected total attendance of less than 250.

(b) The parking plan must demonstrate that adequate parking will be available to accommodate the expected total attendance.

(c) The parking plan must be approved prior to the issuance of a special event permit.

(d) Meter hooding and no parking zones in connection with a special event must be limited to the shortest time feasible. "No parking" signs must be posted a minimum of 24 hours in advance of the special event and follow a standard format approved by the director.

(e) When the main use of the property is open for business and the designated parking is to be activated as part of the event space, the applicant must demonstrate that provisions have been made to provide remote parking in an amount that is adequate to replace the parking spaces being utilized as part of the event space.

(f) When activating an event in a multi-tenant parking lot, and when the tenants are open for business, not more than 25 percent of the total area of the shared available parking may be activated for the permitted activity.

(g) When restricting public or private parking, including handicapped accessible parking, the applicant must provide adequate alternate parking.

SEC. 42A-18[9]. NOTICE.

(a) An applicant for a permit under this chapter [~~to hold a special event in which the estimated number of participants and spectators exceeds 500 during any day of the special event~~] shall deliver notice[~~,~~]-at [~~least 30 days before the special event begins,~~] the applicant's expense. The director will determine the most appropriate method of notification according to the following table: [~~deliver notice to all owners or occupants of real property abutting the boundaries of the area in which the special event will be conducted, including all owners or occupants of real property abutting the route of a progressive event such as a special event parade or marathon.~~]

NOTIFICATION REQUIREMENTS							
COMMUNICATION TYPES	**NO STREET CLOSURE**	**STATIC CLOSURE EVENTS**			**MOVING EVENTS**		
Notifications are NOT required for outdoor events with an expected attendance of 250 or fewer people and with no street/lane closures.	X	**Simple**	**Moderate**	**Complex**	**Simple**	**Moderate**	**Complex**
Neighborhood/Residential based events: notify all owners and occupants of real property abutting the event area and all those impacted by the event a minimum of 15 days prior to the event date utilizing a minimum of two of the following communication methods: email distribution; electronic notification through web app. e.g. NextDoor; yard signs along the event footprint; posting in a neighborhood association/PTA/PTO newsletter and/or social media page; hand delivered; or mailed.		X	X	X	X	X	X
Deliver written notice to all owners and occupants of real property abutting the event area and all those impacted by the event a minimum of 30 days prior to the event date (mail, hand delivered, or door hanger).				X			X
Deliver written notice to all owners and occupants of real property abutting the event area and all those impacted by the event a minimum of 15 days prior to the event date (mail, hand delivered, or door hanger). Zone specific communication pieces apply.		X	X	X	X	X	X
Direct communication and notification is required via in-person or phone and a follow-up email to all major employers; multi-family housing; places of worship; and neighborhood associations abutting the event area and all those impacted by the event.			X	X	X	X	X
Contact Waze, Google etc. to request street closures be posted.				X		X	X
Council members are encouraged to post district specific event details to social media.	X	X	X	X	X	X	X

Council members are encouraged to distribute district specific street closure details to stakeholders from OSE weekly report.		X	X	X	X	X	X
Develop targeted (zone specific) communication. Utilize digital neighborhood based platforms and available databases to communicate street closures specific to neighborhoods and business zones impacted.					X	X	X
Develop targeted (zone specific) communication. Provide OSE a final communication piece to distribute to community stakeholders through the City Council Office and OSE (available database).				X	X	X	X
OSE to create and distribute a Traffic Advisory.				X			X
OSE to create and distribute a City Hall Announcement for all City Hall Plaza permitted events and all events that impact city hall garage access.	X			X			X
OSE to post event to web calendar with hyperlink to event website for maps, street closures, rerouting information etc.	X	X	X	X	X	X	X
Provide communication piece to be distributed by OSE through OSE email database (to be developed).		X	X	X	X	X	X

The director will determine the specific notification requirements based on a variety of factors including but not limited to: event size, dates, times, footprint, anticipated impact, and historical knowledge of the event.

(b) Notice must include any information that is required to be provided in the template approved by the director prior to distribution. [~~The notice must be delivered to the address of each abutting property.~~

~~(c) The notice must state that an application for a special event permit has been filed for the location and that interested persons may contact the special event manager with their comments.~~

~~**SEC. 42A-10. INSURANCE.**~~

~~(a) An applicant for a permit to hold a special event in which the estimated number of participants and spectators exceeds 2,500 for any day of the event shall procure and keep in full force and effect for the duration of the event insurance written by an insurance company approved by the State of Texas and acceptable to the city and issued in the standard form approved by the Texas Department of Insurance. All provisions of each policy must be acceptable to the city. Each policy must name the city and its officers and employees as additional insureds. The coverage provisions of each policy must provide coverage for any loss or damage that may arise to any person or property by reason of the conduct of the special event by the applicant.~~

~~(b) Insurance is required in the following types and amounts:~~

~~(1) Commercial general liability insurance must be provided with combined single limits of liability for bodily injury and property damage of not less than:~~

~~(A) $500,000 for each occurrence, for an estimated daily number of participants and spectators of 2,501 to 4,999; or~~

~~(B) $1,000,000 for each occurrence, for an estimated daily number of participants and spectators of 5,000 or more.~~

~~(2) If a special event includes vehicles, aircraft, or other equipment, devices, or activities that are excluded from coverage in the commercial general liability insurance policy required in Paragraph (1) of this subsection, then separate additional liability insurance coverage for the applicable exclusion must be provided with combined single limits of liability for bodily injury and property damage of not less than:~~

~~(A) $500,000 for each occurrence, for an estimated daily number of participants and spectators of 2,501 to 4,999; or~~

~~(B) $1,000,000 for each occurrence, for an estimated daily number of participants and spectators of 5,000 or more.~~

~~(3) If any alcoholic beverage is sold, served, or otherwise made available at the special event, then separate additional liquor liability insurance must be provided by the alcoholic beverage license holder in an amount of not less than $1,000,000 for each claim.~~

~~(4) If any fireworks or other special effects are displayed at the special event, then separate additional general liability insurance must be provided by the pyrotechnics company in an amount of not less than $3,000,000 for each claim.~~

~~(5) If security guards (other than Dallas police officers or city staff) are used at the special event, then separate additional security guard liability insurance must be provided by the security guard company in an amount of not less than $1,000,000 for each claim.~~

~~(6) If emergency response or first aid stations (other than stations staffed by only Dallas fire-rescue officers or city staff) are provided at the special event, then separate additional medical liability insurance must be provided by the applicant in an amount of not less than $1,000,000 for each claim, and if ambulance service (other than service provided by Dallas fire-rescue officers and vehicles) is provided, then separate additional automobile liability insurance must be provided by the ambulance provider in an amount of not less than $1,000,000 combined single limit for each claim.~~

~~(7) If amusement rides are provided at the special event, proof of separate additional general liability insurance meeting the state liability and coverage requirements for each particular ride must be provided by the applicant, along with a current certificate of inspection for each ride.~~

~~(8) If animals are part of the special event, then separate additional general liability insurance covering any bodily injury and property damage caused by animals must be provided by the applicant in an amount of not less than $500,000 for each claim.~~

~~(9) If the special event is conducted at a city- owned facility that is not covered by insurance requirements established by a city lease and use agreement, then separate~~

~~additional general liability insurance must be provided by the applicant in an amount of not less than $500,000 for each claim.~~

~~(c) In addition to the insurance requirements of Subsection (b) of this section, the special event manager may require additional insurance for a special event if such additional insurance is recommended by the city's risk manager as being necessary for the protection of the city or the public health, safety, and welfare.~~

~~(d) If a facility or other property owned or managed by the city is subject to both the insurance requirements of this chapter and insurance requirements established by another city ordinance, an official city action, a city lease or use agreement, or other applicable law, then the insurance requirements with the greater limits and coverages must be met to conduct the special event at the facility or property.~~

~~(e) An original certificate of insurance completed by an authorized agent of the insurance company and evidencing each insurance coverage required under this section must be delivered to the special event manager at least 10 days before the special event begins.~~

~~SEC. 42A-11. INDEMNIFICATION.~~

~~An applicant for a special event permit must execute a written agreement to indemnify the city and its officers and employees against all claims of injury or damage to persons or property, whether public or private, arising out of the special event.~~

~~SEC. 42A-11.1. EMERGENCY MEDICAL SERVICES.~~

~~(a) An applicant for a special event permit shall provide, in accordance with Subsection (b) and the following schedule, emergency medical personnel and emergency medical vehicles to perform first aid and emergency medical services at the special event:~~

[MINIMUM NUMBER OF EMERGENCY MEDICAL PERSONNEL/VEHICLES REQUIRED (based on number of participants and spectators at the special event)					
Type of Emergency Medical Personnel or Vehicle Required	**1 – 2,500 participants/ spectators**	**2,501 - 10,000 participants/ spectators**	**10,001 - 25,000 participants/ spectators**	**25,001 - 50,000 participants/ spectators**	**Over 50,000 participants/ spectators**
Paramedics	0	4	8	8	10
EMS Supervisors	0	1	2	3	3
Emergency Medical	0	1	1	2	2]

~~**Vehicles**~~					

~~(b) The special event manager, upon recommendation of the chief of the Dallas fire-rescue department, may require a number of emergency medical personnel and emergency medical vehicles, in addition to those required in Subsection (a), if:~~

~~(1) any alcoholic beverage is sold, served, or otherwise made available at the special event;~~

~~(2) special needs for increased emergency medical services are created by:~~

~~(A) the topography or size of the special event location;~~

~~(B) weather conditions at the special event; or~~

~~(C) the time of day during which the special event is conducted;~~

~~(3) the special event requires street closures or rerouting of vehicular or pedestrian traffic that may affect emergency access to the special event;~~

~~(4) the special event involves specific activities that create a higher risk of illness or injury to persons participating in or attending the event, including but not limited to rodeos, sporting or athletic events, events involving motor vehicles, or marathons; or~~

~~(5) the history of the particular special event indicates that a greater number of emergency medical personnel or emergency medical vehicles are required to protect the public health, safety, and welfare.~~

~~(c) The emergency medical personnel required to be provided at a special event by this section must be sworn members of the Dallas fire-rescue department, except that the chief of the Dallas fire- rescue department may authorize a special event applicant or permit holder to provide emergency medical personnel from other jurisdictions or entities if the chief determines that an insufficient number of Dallas fire-rescue officers will be available for a particular special event. Off-duty jobs for Dallas fire- rescue officers at a special event must comply with the Dallas Fire-Rescue Rules and Regulations.~~

~~SEC. 42A-12. SECURITY; CROWD CONTROL; AND TRAFFIC CONTROL.~~

~~(a) An applicant for a special event permit shall provide police officers for security, crowd control, and traffic control at the special event in accordance with Subsection (b) and the following schedule:~~

~~**Number of Participants and Spectators at Special Event**~~	~~**Minimum Number of Police Officers Required**~~

~~0 to 250~~	~~0~~
~~251 to 1,500~~	~~2~~
~~1,501 to 3,000~~	~~4~~
~~3,001 to 5,000~~	~~6~~
~~over 5,000~~	~~6 plus 1 police officer for every 1,000 participants and spectators over 5,000 at the special event~~

~~(b) The special event manager, upon recommendation of the chief of the Dallas police department, may require a number of police officers, in addition to those required in Subsection (a), if:~~

~~(1) any alcoholic beverage is sold, served, or otherwise made available at the special event;~~

~~(2) special needs for increased security, crowd control, or traffic control are created by:~~

~~(A) the topography or size of the special event location;~~

~~(B) weather conditions at the special event; or~~

~~(C) the time of day during which the special event is conducted;~~

~~(3) the special event requires street closures or rerouting of vehicular or pedestrian traffic; or~~

~~(4) the history of the particular special event indicates that a greater number of police officers are required to protect the public health, safety, and welfare.~~

~~(c) The police officers required to be provided at a special event by this section must be sworn members of the Dallas police department, except that the chief of the Dallas police department may authorize a special event applicant or permit holder to provide peace officers from other jurisdictions or entities if the chief determines that an insufficient number of Dallas police officers will be available for a particular special event. Off-duty jobs for Dallas police officers at a special event must comply with the Dallas Police Department General Orders and Code of Conduct.~~]

SEC. 42A-<u>19</u>[~~12.1~~]. PORTABLE RESTROOM <u>AND TRASH RECEPTACLE</u> REQUIREMENTS.

(a) An applicant for a special event permit shall provide portable restrooms <u>and trash receptacles</u> at the special event in accordance with Subsection (b) and the following table:

MINIMUM NUMBER OF RESTROOM UNITS AND TRASH RECEPTACLES REQUIRED										
EXPECTED ATTENDANCE	**HOURS OF EVENT**									
	1	**2**	**3**	**4**	**5**	**6**	**7**	**8**	**9**	**10**
500 - 599	2	4	4	5	6	7	9	9	10	12
600 - 699	2	4	5	6	7	7	9	10	11	12
700 - 799	3	5	6	6	7	8	10	10	11	12
800 - 899	3	5	6	7	8	8	10	11	12	13
900 – 999	4	6	7	7	8	9	11	11	12	13
1,000 – 1,999	4	6	8	8	9	9	11	12	13	13
2,000 – 2,999	5	6	9	12	14	16	18	20	23	25
3,000 – 3,999	6	9	12	16	20	24	26	30	34	38
4,000 – 4,999	8	13	16	22	25	30	35	40	45	50
5,000 – 5,999	12	15	20	25	31	38	44	50	56	63
6,000 – 6,999	13	17	24	30	37	45	53	60	67	75
7,000 – 7,999	13	19	27	35	44	53	62	70	79	88
8,000 – 8,999	14	21	31	40	50	60	70	80	90	100
9,000 – 9,999	14	23	34	45	57	68	79	90	102	113
10,000 – 14,999	15	25	38	50	63	75	88	100	113	125
15,000 – 19,999	20	38	56	75	94	113	131	150	169	188
20,000 – 24,999	25	50	75	100	125	150	175	200	225	250
25,000 - 29,999	38	69	99	130	160	191	221	252	282	313
30,000 – 34,999	46	82	119	156	192	229	266	302	339	376
35,000 – 39,999	53	96	139	181	224	267	310	352	395	438
40,000 – 44,999	61	109	158	207	256	305	354	403	452	501
45,000 – 49,999	68	123	178	233	288	343	398	453	508	563
50,000 – 54,999	76	137	198	259	320	381	442	503	564	626
55,000 – 59,999	83	150	217	285	352	419	486	554	621	688
60,000 – 64,999	91	164	237	311	384	457	531	604	677	751
65,000 – 69,999	98	177	257	336	416	495	575	654	734	813

70,000 – 74,999	106	191	277	362	448	533	619	704	790	876
75,000 – 79,999	113	205	296	388	480	571	663	755	846	938
80,000 – 84,999	121	218	316	414	512	609	707	805	903	1001
85,000 – 89,999	128	232	336	440	544	647	751	855	959	1063
90,000 -94,999	136	246	356	466	576	686	796	906	1016	1126
95,000 - 99,999	143	259	375	491	607	724	840	956	1072	1188
100,000 or more	151	273	395	517	639	762	884	1006	1128	1251

[~~MINIMUM NUMBER OF RESTROOM UNITS REQUIRED~~										
~~Estimated Number of Participants and Spectators Attending Event Daily~~	**~~Length of Event (in hours) Per Day~~**									
	~~1~~	**~~2~~**	**~~3~~**	**~~4~~**	**~~5~~**	**~~6~~**	**~~7~~**	**~~8~~**	**~~9~~**	**~~10~~**
~~1 - 50~~	~~1~~	~~1~~	~~1~~	~~1~~	~~2~~	~~2~~	~~2~~	~~2~~	~~2~~	~~2~~
~~51 - 100~~	~~2~~	~~2~~	~~2~~	~~2~~	~~2~~	~~3~~	~~3~~	~~3~~	~~3~~	~~3~~
~~101 - 250~~	~~3~~	~~3~~	~~3~~	~~3~~	~~4~~	~~4~~	~~4~~	~~6~~	~~6~~	~~6~~
~~251 - 500~~	~~4~~	~~4~~	~~4~~	~~4~~	~~6~~	~~6~~	~~8~~	~~8~~	~~8~~	~~8~~
~~501 - 1,000~~	~~4~~	~~5~~	~~6~~	~~7~~	~~7~~	~~8~~	~~8~~	~~8~~	~~9~~	~~9~~
~~1,001 - 2,000~~	~~6~~	~~10~~	~~12~~	~~13~~	~~14~~	~~14~~	~~14~~	~~15~~	~~15~~	~~15~~
~~2,001 - 3,000~~	~~9~~	~~14~~	~~17~~	~~19~~	~~20~~	~~21~~	~~21~~	~~21~~	~~21~~	~~21~~
~~3,001 - 4,000~~	~~12~~	~~19~~	~~23~~	~~25~~	~~28~~	~~28~~	~~28~~	~~30~~	~~30~~	~~30~~
~~4,001 - 5,000~~	~~15~~	~~23~~	~~32~~	~~32~~	~~34~~	~~36~~	~~36~~	~~36~~	~~36~~	~~36~~
~~5,001 - 6,000~~	~~17~~	~~28~~	~~34~~	~~38~~	~~40~~	~~42~~	~~42~~	~~42~~	~~42~~	~~42~~
~~6,001 - 7,000~~	~~20~~	~~32~~	~~40~~	~~44~~	~~46~~	~~48~~	~~50~~	~~50~~	~~50~~	~~50~~
~~7,001 - 8,000~~	~~23~~	~~38~~	~~46~~	~~50~~	~~54~~	~~57~~	~~57~~	~~57~~	~~57~~	~~57~~
~~8,001 - 10,000~~	~~30~~	~~46~~	~~57~~	~~63~~	~~66~~	~~69~~	~~69~~	~~72~~	~~72~~	~~72~~]

(b) The director [~~special event manager~~] may require additional restroom units if:

(1) the estimated number of participants and spectators exceeds 100,000 during any day of the special event;

(2) the estimated duration of the special event exceeds 10 hours on any day of the event;

(3) any alcoholic beverage is sold, served, or otherwise made available at the special event; or

(4) the history of the particular special event indicates that a greater number of portable restroom units are required for the public health, safety, and welfare.

(c) At least five percent of the portable restrooms required by this section must comply with the Americans With Disabilities Act of 1990, 42 U.S.C. Section 12101, *et seq.*

(d) The director may reduce restroom requirements with written confirmation that restrooms will be serviced during the permitted event.

SEC. 42A-20[~~13~~]. DENIAL OR REVOCATION.

(a) The director [~~special event manager~~] shall deny a special event permit if:

(1) the applicant fails to meet any of the requirements outlined and defined in the preliminary letter; [~~a special event permit has been granted for another special event at the same place and time;~~]

(2) [~~an established special event is customarily held at the same place and time as the proposed special event;~~

~~(3) the proposed special event will occupy any part of a freeway, expressway, or tollway;~~

~~(4) the proposed special event will unreasonably disrupt the orderly flow of traffic, and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available;~~

~~(5) the applicant fails to adequately provide for:~~

~~(A) the protection of special event participants and spectators;~~

~~(B) maintenance of public order in and around the special event location;~~

~~(C) security, crowd control, or traffic control, taking into consideration the size of the special event;~~

~~(D) emergency vehicle access and the provision of emergency medical services and personnel; or~~

~~(E) portable restroom facilities for the special event as required by Section 42A-12.1~~.

~~(6) the applicant fails to comply with or the proposed special event will violate a city ordinance or other applicable law, unless the prohibited conduct or activity would be allowed under this chapter;~~

~~(7) the applicant makes a false statement of material fact on an application for a special event permit or fails to properly complete an application for a special event permit;~~

~~(8)~~] the applicant fails to provide proof that the applicant possesses or is able to obtain a license or permit required by another city ordinance or other applicable law for the conduct of all activities included as part of the special event;

(3[~~9~~]) the applicant has had a special event permit revoked within the preceding 14 months;

(4[~~10~~]) the applicant has received [~~committed~~], within the preceding 14 months, two or more notices of violation[~~s~~] or citations related to [~~of~~] a provision of a special event permit or this chapter;

[(~~11~~) ~~the applicant fails to pay any outstanding fees assessed under Section 42A-8 of this chapter for the proposed special event or for a past special event;~~

(~~12~~) ~~the applicant has conducted or sponsored one or more special events within the city on at least 60 days of the same calendar year during which the proposed special event is to be held, except that this 60- day limitation does not apply to a special event that:~~

~~(A) involves a commercial movie production; or~~

~~(B) is being conducted at the Dallas Farmers Market in compliance with the market's agreements and covenants with the city;~~]

(5[~~13~~]) the chief of the police department, the chief of the fire-rescue department, or the director [~~special event manager~~] determines that the special event would pose a serious threat to the public health, safety, or welfare;

(6[~~14~~]) the applicant or any other person responsible for the conduct or sponsorship of the special event is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or other person;

(7[~~15~~]) the applicant has a history of conducting or sponsoring special events in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner;

[~~(16) an event has been previously scheduled for the same time on property described in Section 42A-5(1) that is adjacent to the location of the proposed special event; or~~

~~(17) the applicant, if it is a corporation, fails to provide copies of a current certificate of account status and current certificate of existence as required by Section 42A-7(b)(14)~~];

(8) the director is notified of any code violation on the property where the special event will be held; or

(9) an event will interfere with the rights of nearby residents to the quiet, peaceable, and undisturbed enjoyment of their property.

(b) The director [~~special event manager~~] shall revoke a special event permit if:

(1) the applicant fails to comply with or the special event is in violation of any provision of the special event permit, a city ordinance, or any other applicable law;

(2) the permit holder made a false statement or omission of material fact on an application for a special event permit [~~or failed to properly complete an application for a special event permit~~];

(3) the chief of the police department, the chief of the fire-rescue department, or the director [~~special event manager~~] determines that the special event poses a serious threat to the public health, safety, or welfare;

(4) the permit holder fails to maintain public order in and around the special event location;

(5) the permit holder failed to pay any outstanding fees assessed under Section 42A-6 [~~42A-8~~] of this chapter for the proposed special event or for a past special event;

(6[~~5~~]) the director is notified that the permit holder or any other person responsible for the conduct or sponsorship of the special event is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the permit holder or other person; or

(7[~~6~~]) the director is notified of any code violations on the property where the special event will be held. [~~permit holder, if it is a corporation, failed to provide copies of a current certificate of account status and current certificate of existence as required by Section 42A-7(b)(14).~~

~~SEC. 42A-14. APPEAL FROM DENIAL OR REVOCATION OF A SPECIAL EVENT PERMIT.~~

~~If the special event manager denies the issuance of a permit or revokes a permit, the special event manager shall send to the applicant or permit holder by certified mail, return receipt requested, written notice of the denial or revocation and of the right to an appeal. The applicant~~

~~or permit holder may appeal the decision of the special event manager to a permit and license appeal board in accordance with Section 2-96 of this code.~~]

ARTICLE III.
COMMERCIAL FILMING PERMIT.

SEC. 42A-21. APPLICATION; ISSUANCE.

(a) Any person who desires to undertake commercial filming is required to submit an online application with the office of special events. An application must be filed not less than the number of days indicated in the following table before the commercial filming activity is to begin. The director may waive the filing requirement if the application is submitted and the application can be processed in less than the number of days indicated on the chart, taking into consideration the number of additional licenses and permits that may be required to be issued in conjunction with the commercial filming permit and the extent of public safety, department, or agency review required based on the scope of the commercial filming. An activity that qualifies for a commercial filming permit under this article is not required to obtain a special event permit under Article II of this chapter.

Commercial Filming type	**Required number of application processing days**
Student or Commercial Filming (Simple) application	Two business days
Commercial Filming (Moderate) application/permit	Three business days
Commercial Filming (Complex) application/permit	Five business days

(b) An application must be completed in full before it can be invoiced. An application will not be processed until the application processing fees have been paid.

(c) Upon receipt of the completed application, the director shall forward a copy of the application to all applicable city departments and partner agencies for review. If the application must be reviewed for public safety, public safety agencies will review the application first, followed by a review by partner agencies. If any part of the scheduled activity is to be held on or adjacent to property that is exempt from this chapter under Section 42A-5, the director shall also include department that manages or controls the exempt property in the review of the application. Each department and partner agency shall review the application and return it, with any comments, to the director within 24 hours of receipt requiring a response. If no response is received, the director may proceed with permitting, however, if an application requires a public safety review, the director must wait for the public safety review response before proceeding. If any department denies the application, or a resolution cannot be reached, the permit will be denied.

(d) If the proposed commercial filming activity will be held on private property, the commercial filming activity requires a permit, and the applicant does not own the property, the applicant shall obtain the written consent of the property owner to conduct the commercial filming activity on the property with the authorization including the date and time of the

scheduled activity. The written consent must be submitted at the time of application. The applicant shall present the written consent to the director or any peace officer upon request.

(e) Changes to a commercial filming application must be submitted in writing by the applicant and accompanied by any fees required by Section 42A-6. No changes can be made to an application on the scheduled filming date.

(f) If the director determines that an application requires additional information in order to make a decision, or if additional fees will be required to process the application, the application will be considered incomplete and cancelled if the applicant does not supply the additional information or fees after the director has sent two reminder emails and made one reminder phone call after a period of 10 business days without a response from the applicant. An application that has been cancelled because it is incomplete cannot be appealed under Section 42A-8.

(g) The director shall cancel a commercial filming permit if:

(1) another permit has been granted under this chapter or is in the review process at the same or a nearby place and the same time and no reasonable means of accommodating both requests is available without undue quality of life or public safety impact;

(2) the proposed commercial filming activity will occupy any part of a freeway, expressway, or tollway;

(3) the proposed commercial filming activity will unreasonably disrupt the orderly flow of traffic, and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available; or

(4) the proposed commercial filming cannot comply with high impact parameters.

(h) Major changes to the original submission of an application will result in the original permit application being deemed incomplete and cancelled. A revised permit application will be required, along with new application processing fees if the applicant wishes to pursue the application.

(i) If the director determines that an applicant has failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the proposed commercial filming activity or a past commercial filming activity, the application will be deemed incomplete and the application will be cancelled. An application that has been cancelled under this subsection cannot be re-filed for 12 months.

(j) An application that has been cancelled because it is incomplete cannot be appealed under Section 42A-8 and all fees associated with the application processing fees are forfeited.

(k) Submission of a complete application does not guarantee a commercial filming permit will be issued. All requirements must be met prior to permit issuance.

(l) Prior to the issuance of a permit for a student film:

(1) the student shall submit a letter on school letterhead from the student's professor or teacher outlining the following:

(A) the student's name;

(B) filming dates;

(C) confirmation that the applicant is a currently enrolled student in good standing;

(D) the name of the class the student is taking; and

(E) confirmation that the film project is for school credit.

(2) the applicant, each crew member, and talent that is participating in the film shoot is required to complete and submit a waiver release form to the office of special events.

(m) Unless cancellation or denial is required by this section or Section 42A-27, after reviewing and confirming all permit requirements have been met, the director shall issue a commercial filming permit if he finds:

(1) The commercial filming activity will not:

(A) interfere with vehicular traffic or pedestrian movement,

(B) interfere with or endanger the public peace, health, safety, or welfare,

(C) interfere with the rights of nearby residents to the quiet, peaceable, and undisturbed enjoyment of their property,

(D) interfere with normal governmental operations,

(E) threaten to result in damage or detriment to public property,

(F) result in the city incurring costs or expenditures in either money or personnel not reimbursed in advance by the applicant,

(G) impede, obstruct, or interfere with the operation of emergency vehicles or equipment in or through the permit area, or adversely affect the city's ability to perform municipal functions or furnish city services in the vicinity of the permitted area.

(H) constitute a fire or safety hazard and that all proper safety precautions will be taken as is reasonably necessary to protect the public peace, health, safety, or general welfare,

(I) require the diversion of such a large number of police officers to properly police the activity that it interferes with the normal level of police protection for all other areas of the city, and

(2) The applicant has provided the required documentation to city departments.

(n) A commercial filming permit may be issued for a permit not exceeding 10 consecutive days.

(o) Additional licenses and permits may be required by this code or other city ordinances or state law based on the scope of the commercial filming activity.

SEC. 42A-22. NOTICE.

(a) An applicant for commercial film permit, when restricting parking or the public right-of-way (including sidewalks), or when film equipment or special effects impact quality of life, shall notify all residents and business owners impacted by the commercial filming activity a minimum of two business days before commencing the commercial filming activity.

(b) Notice must include any information that is required to be provided in the template approved by the director prior to distribution.

(c) The notice must state that an application for a commercial filming permit has been filed for the location and that interested persons may contact the director with their comments.

SEC. 42A-23. INSURANCE.

(a) Except as provided in this section, an applicant for a commercial filming permit shall procure and keep in full force and effect for the duration of the commercial filming activity insurance written by an insurance company approved by the State of Texas and acceptable to the city and issued in the standard form approved by the Texas Department of Insurance. All provisions of each policy must be acceptable to the city. Each policy must name the city and its officers, employees, and appointed representatives as additional insureds. The coverage provisions of each policy must provide coverage for any loss or damage that may arise to any person or property by reason of the conduct of the commercial filming activity by the applicant.

(b) Insurance is required in the following types and amounts:

(1) Commercial general liability insurance must be provided with combined single limits of liability for bodily injury and property damage of not less than $1,000,000 for each occurrence with a $2,000,000 annual aggregate.

(2) If a commercial filming activity includes vehicles, business automotive liability insurance covering owned, hired, and non-owned vehicles, with a combined single limit for bodily injury (including death) and property damage of $500,000 per occurrence. If the commercial filming activity involves stunts or car chases, the business automotive liability insurance must be increased to $3,000,000 per occurrence.

(3) If a commercial filming activity includes aircrafts, aircraft liability insurance covering owned, hired, and non-owned aircraft with a minimum limit of $5,000,000 per occurrence.

(4) If any fireworks, pyrotechnics, explosives, or other special effects are utilized as part of the commercial filming activity, then separate additional general liability insurance must be provided by the applicant or pyrotechnic provider in an amount of not less than $3,000,000 for each claim, with a $3,000,000 annual aggregate.

(5) If filming occurs at or on a city facility or premise, worker's compensation insurance with statutory limits. Filming at other locations does not require worker's compensation insurance. Worker's compensation insurance is not required for B-roll filming where the applicant provides a written statement that all photographers, staff, and crew will have both feet on the ground during filming.

(6) Employer's liability insurance with the following minimum limits for bodily injury by:

(A) accident, $500,000 per each accident; and

(B) disease, $500,000 per employee with a per policy aggregate of $500,000.

(c) In addition to the insurance requirements of Subsection (b) of this section, the director may require additional insurance for a commercial filming activity if such additional insurance is recommended by the city's risk manager as being necessary for the protection of the city or the public health, safety, and welfare.

(d) If a facility or other property owned or managed by the city is subject to both the insurance requirements of this chapter and insurance requirements established by another city ordinance, an official city action, a city lease or use agreement, or other applicable law, then the insurance requirements with the greater limits and coverages must be met to conduct the commercial filming activity at the facility or property.

(e) An original certificate of insurance completed by an authorized agent of the insurance company and evidencing each insurance coverage required under this section must be delivered to the director at least two days before the commercial filming activity begins.

(f) A commercial filming permit will not be issued until the insurance requirements have been verified by the city's third-party provider.

SEC. 42A-24. EMERGENCY MEDICAL SERVICES.

(a) The director, upon recommendation of the chief of the Dallas fire-rescue department, may require a number of emergency medical personnel and emergency medical vehicles, onsite at the commercial filming location to perform first aid and emergency medical services at the commercial filming location. Requirements for emergency medical services may be adjusted for:

(1) the topography or size of the commercial filming activity;

(2) weather conditions

(3) the time of day;

(4) required street closures or rerouting of vehicular or pedestrian traffic that may affect emergency access to the commercial filming location; and

(5) whether the commercial filming activity involves specific features that create a higher risk of illness or injury to persons participating in or attending the commercial filming activity.

(b) The emergency medical personnel required to be provided at a commercial filming location by this section must be sworn members of the Dallas fire-rescue department, except that the chief of the Dallas fire-rescue department may authorize a commercial filming applicant or permit holder to provide emergency medical personnel from other jurisdictions or entities if the chief determines that an insufficient number of Dallas fire-rescue officers will be available for a particular commercial filming activity. Off-duty jobs for Dallas fire-rescue officers at a commercial filming location must comply with the Dallas Fire-Rescue Rules and Regulations.

SEC. 42A-25. SECURITY; CROWD CONTROL; AND TRAFFIC CONTROL.

(a) The director, upon recommendation of the chief of the Dallas police department, may require a number of police officers, to provide security, crowd control and traffic management. Special needs for onsite security, crowd control, or traffic control may be adjusted for:

(1) the topography or size of the commercial filming activity;

(2) weather conditions

(3) the time of day;

(4) required street closures or rerouting of vehicular or pedestrian traffic that may affect emergency access to the commercial filming location; and

(5) the history of the application indicates that a greater number of police officers are required to protect the public health, safety, and welfare.

(b) The police officers required to be provided at a commercial filming location by this section must be sworn members of the Dallas police department, except that the chief of the Dallas police department may authorize a commercial filming applicant or permit holder to provide peace officers from other jurisdictions or entities if the chief determines that an insufficient number of Dallas police officers will be available. Off-duty jobs for Dallas police officers must comply with the Dallas Police Department General Orders and Code of Conduct.

(c) The applicant shall provide the director with the name, badge number, and phone number of the assigned lead police officer hired to provide services during filming. The applicant shall provide the name and badge number of all other hired police officers.

(d) The applicant shall provide all hired police officers with a copy of the commercial filming permit.

(e) The onsite Dallas police supervisor may increase the number of police officers, in addition to the number specified in the commercial filming permit, if special needs for security, crowd control, or traffic control are created by the size of the filming or spectators. The applicant shall bear all costs related to the additional police officers.

(f) A permit holder must provide the name, phone number, and email address of an individual who will be available following submission of an application through the end of the commercial filming activity, as well as at the commercial filming location the day of the commercial filming activity, to respond to any questions or concerns from police officers or code compliance officers. This individual shall meet police officers or code enforcement officers at the commercial filming location within one hour of being contacted by telephone or email.

(g) If the director requires a traffic control plan in conjunction with a commercial filming permit, the plan must include the following:

(1) the route and footprint of the commercial filming activity.

(2) all street closures.

(o) lane restrictions.

(p) alternate through traffic routes.

(q) footprint for staging.

(r) the type and location of all traffic control devices.

(h) A traffic control plan required by Subsection (f) must receive approval from the directors of public works and transportation, and the chief of police.

SEC. 42A-26. PARKING.

(a) A complete parking plan must be submitted with each commercial filming application.

(b) The parking plan must demonstrate that adequate parking will be available to accommodate the expected total attendance.

(c) The parking plan must be approved prior to the issuance of a commercial filming permit.

(d) Meter hooding and no parking zones in connection with a commercial filming activity must be limited to the shortest time feasible. No parking signs must be posted a minimum of 24 hours in advance of the commercial filming activity and follow a standard format approved by the director.

(e) Additional parking requirements or restrictions may be implemented for areas determined to be high impact areas in accordance with Section 42A-10 or in areas with known parking issues.

(f) When the main use of the property is open for business and the designated parking is to be activated as part of the commercial filming activity, the applicant must demonstrate that provisions have been made to provide remote parking in an amount that is adequate to replace the parking spaces being utilized as part of the commercial filming activity.

(g) When filming in a multi-tenant parking lot and when the tenants are open for business, not more than 25 percent of the total area of the shared available parking may be activated for the permitted activity.

SEC. 42A-27. DENIAL OR REVOCATION.

(a) The director shall deny a commercial filming permit if:

(1) the applicant fails to adequately provide for:

(A) the protection of commercial filming participants and spectators;

(B) maintenance of public order in and around the commercial filming location;

(C) security, crowd control, or traffic control, taking into consideration the size of the commercial filming activity; or

(D) emergency vehicle access and the provision of emergency medical services and personnel;

(2) the applicant fails to comply with or the proposed commercial filming activity will violate a city ordinance or other applicable law, unless the prohibited conduct or activity would be allowed under this chapter;

(3) the applicant makes a false statement of material fact on an application for a commercial filming permit or fails to properly complete an application for a commercial filming permit;

(4) the applicant fails to provide proof that the applicant possesses or is able to obtain a license or permit required by another city ordinance or other applicable law for the conduct of all activities included as part of the commercial filming activity;

(5) the applicant has had a commercial filming permit revoked within the preceding 14 months;

(6) the applicant has received, within the preceding 14 months, two or more notices of violations or citations related to a provision of a commercial filming permit or this chapter;

(7) the chief of the police department, the chief of the fire-rescue department, or the director determines that the commercial filming activity would pose a serious threat to the public health, safety, or welfare;

(8) the applicant or any other person responsible for the conduct or sponsorship of the commercial filming activity is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or other person;

(9) the applicant has a history of conducting or sponsoring commercial filming activities in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner; or

(10) a commercial filming activity will interfere with the rights of nearby residents to the quiet, peaceable, and undisturbed enjoyment of their property.

(b) The director shall revoke a commercial filming permit if:

(1) the applicant fails to comply with or the commercial filming activity is in violation of any provision of the commercial filming permit, a city ordinance, or any other applicable law;

(2) the permit holder made a false statement of material fact on an application for a commercial filming permit or failed to properly complete an application for a commercial filming;

(3) the chief of the police department, the chief of the fire-rescue department, or the director determines that the commercial filming activity poses a serious threat to the public health, safety, or welfare;

(4) the permit holder failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the proposed commercial filming activity or for a past commercial filming activity;

(5) the director is notified that the permit holder or any other person responsible for the conduct or sponsorship of the commercial filming activity is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the permit holder or other person; or

(6) the director is notified of any code violations on the property where the commercial filming activity will be held.

ARTICLE IV.
NEIGHBORHOOD MARKET.

SEC. 42A-28. APPLICATION; ISSUANCE.

(a) A person desiring to hold a neighborhood market shall submit an online application with the office of special events. An application must be filed not less than 30 business days before the neighborhood market is to begin. The director may waive the filing requirement if the application is submitted within five days of the submission due deadline and the application can be processed in less than the number of calendar days required, taking into consideration the number and types of additional licenses and permits that may be required to be issued in conjunction with the neighborhood market permit and the extent of public safety, department, or agency review required based on the scope of the market. An activity that qualifies for a neighborhood market permit under this article is not required to obtain a special event permit under Article II of this chapter.

(b) An application must be completed in full before it can be invoiced. An application will not be processed, and the date and venue will not be confirmed until the application processing fee has been paid. Submission of a complete application does not guarantee a neighborhood market permit will be issued. All requirements must be met prior to permit issuance.

(c) If the director determines that an application requires additional information in order to make a decision, or if additional fees will be required to process the application, the application will be considered incomplete and cancelled if the applicant does not supply the additional information or fees after the director has sent two reminder emails and made one reminder phone call after a period of 10 business days without a response from the applicant.

(d) Upon receipt of the completed application, the director shall forward a copy of the application to all applicable city departments and partner agencies for review. If the application must be reviewed for public safety, public safety agencies will review the application first, followed by a review by city departments and partner agencies. If any part of the scheduled activity is to be held on or adjacent to property that is exempt from this chapter under Section 42A-5, the director shall also include the entity that manages or controls the exempt property in the review of the application. Each department and partner agency shall review the application and return it, with any comments, to the director within 10 business days of receipt requiring a response. If no response is received, the director may proceed with permitting; however, if an application requires a public safety review, the director must wait for the public safety review response before proceeding. If any department denies the application, or a resolution cannot be reached, the permit will be denied.

(e) If the proposed neighborhood market will be held on private property and the applicant does not own the property, the applicant shall obtain the written consent of the property owner to conduct the neighborhood market on the property with the authorization including the dates and times of the neighborhood market. The written consent must be submitted at the time of application. The applicant shall present the written consent to the director or any peace officer upon request.

(f) The director shall cancel a neighborhood market permit application if:

(1) a neighborhood market permit has been granted or is in the review process for another neighborhood market at the same or a nearby place and the same time.

(2) an established neighborhood market is customarily held at the same or a nearby place and the same time as the proposed neighborhood market.

(3) the proposed neighborhood market will occupy any part of a freeway, expressway, or tollway.

(4) the proposed neighborhood market will unreasonably disrupt the orderly flow of traffic, and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available.

(5) the proposed neighborhood market cannot comply with high impact parameters.

(6) the applicant makes a false statement of material fact on an application for a neighborhood market permit or fails to properly complete an application for a neighbouhood market permit.

(7) the applicant had a neighborhood market permit revoked within the preceding 14 months.

(8) the applicant has received, within the preceding 14 months, two or more notices of violations or citations related to a provision of a neighborhood market permit or this chapter.

(9) the applicant has a history of conducting or sponsoring neighborhood markets in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner.

(g) If the director determines that an applicant has failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the proposed scheduled activity or a past scheduled activity, the application will be deemed incomplete and the application will be cancelled. An application that has been cancelled under this subsection cannot be re-filed for 12 months.

(h) If the applicant makes major changes to the original submission of an application, this will result in the original permit application being cancelled. A revised permit application will be required, along with new application processing fees if the applicant wishes to pursue the application.

(i) An application that has been cancelled because it is incomplete cannot be appealed under Section 42A-8 and all application processing fees are forfeited.

(j) After reviewing the application and confirming all permit requirements have been met, the director shall issue the permit unless denial is required by Section 42A-35. A neighborhood market permit expires one year after issuance and may only be issued for 46 nonconsecutive days in a year.

SEC. 42A-29. LOCATION OF A NEIGHBORHOOD MARKET.

A neighborhood market may not be conducted:

(1) in the central business district;

(2) in a single family, duplex, or townhouse zoning district as defined in the Dallas Development Code;

(3) within one mile of another neighborhood market permitted under this chapter that has the same or overlapping operating dates and times;

(4) at any location where one or more neighborhood markets have already been conducted a total of 28 days during the particular calendar year;

(5) at any location other than the one listed in the permit application;

(6) at a public park; or

(7) on a sidewalk.

SEC. 42A-30. OPERATION OF A NEIGHBORHOOD MARKET.

(a) A neighborhood market must operate a minimum of 12 days in a calendar year at the same location, but may not be operated more than 46 days at the same location in a calendar year and may not be operated on consecutive days.

(b) A neighborhood market may only be operated between the hours of 8 a.m. and 10 p.m. on any day of the week.

(c) The neighborhood market may only be operated in accordance with the schedule filed with the director at the time of permit application. An amendment to the schedule may be approved by the director during the calendar year. An amendment request and the required change fee must be received by the director at least 15 days before implementing any changes. Date changes do not constitute a major change.

(d) Except as provided in this subsection, no more than 75 vendors may participate in a neighborhood market. Two of the 46 market days may be designated as holiday or specialty markets, and as such, will allowed up to 100 vendors. A current vendor list must be on file with the office of special events. Changes or additions to this vendor list may be made throughout the year. Current vendor fees will be assessed with each submission. No change fees will apply.

(e) Each stall area used by a vendor may not exceed 10 feet by 15 feet.

(f) All litter, tents, stalls, food, merchandise, and other evidence of the neighborhood market must be removed from the premises at the end of each market day.

(g) A permit holder must provide the name, phone number, and email address of an individual who will be available following submission of an application through the end of the neighborhood market, as well as at the neighborhood market site the day of the neighborhood market, to respond to any questions or concerns from police officers or code compliance officers. This individual shall meet police officers or code enforcement officers at the neighborhood market site within one hour of being contacted by telephone or email.

SEC. 42A-31. STREET CLOSURES.

(a) Street closures are limited to one block with no intersections.

(b) Street closures require approval from applicable partner agencies and city departments.

(c) A permit holder must provide notice of street closures in accordance with Section 42A-18.

(d) The police department may require a traffic control plan at the expense of the applicant. If a traffic control plan is required, it must follow the standard format approved by the director and be approved by the city prior to permit issuance.

(e) All traffic apparatus required to fulfill a traffic control plan must be acquired at the applicant's expense.

(f) The director may require accommodations if a proposed street closure will restrict access to public or private parking, residences, businesses, or places of worship.

SEC. 42A-32. PARKING.

(a) A complete parking plan must be submitted with each neighborhood market application. The director may waive this requirement for neighborhood markets with an expected total attendance of less than 250.

(b) The parking plan must demonstrate that adequate parking will be available to accommodate the expected total attendance.

(c) The parking plan must be approved prior to the issuance of a neighborhood market permit.

(d) Meter hooding and no parking zones in connection a neighborhood market must be limited to the shortest time feasible. "No parking" signs must be posted a minimum of 24 hours in advance of the neighborhood market and follow a standard format approved by the director.

(e) When the main use of the property is open for business and the designated parking is to be activated as part of the neighborhood market space, the applicant must demonstrate that provisions have been made to provide remote parking in an amount that is adequate to replace the parking spaces being utilized as part of the neighborhood market space.

(f) When activating neighborhood market in a multi-tenant parking lot, and when the tenants are open for business, not more than 25 percent of the total area of the shared available parking may be activated for the permitted activity.

(g) When restricting public or private parking, including handicapped accessible parking, the applicant must provide adequate alternate parking.

SEC. 42A-33. PRODUCTS AT A NEIGHBORHOOD MARKET.

(a) Products that may be sold at a neighborhood market include, but are not limited to, the following:

(1) Fruits, vegetables, honey, eggs, nuts, herbs, and mushrooms.

(2) Meats.

(3) Dairy products.

(4) Prepared foods, including but not limited to baked goods, packaged foods, and oils.

(5) Arts and crafts, including but not limited to jewelry, candles, natural skin care products, soaps, art, knitting, quilts, and pottery.

(6) Garden items, including but not limited to plants, flowers, and soil.

(b) At least 40 percent of the vendors participating in a neighborhood market must sell produce or other food items.

(c) All products distributed, offered for sale, or sold at a neighborhood market must have been raised, grown, made, crafted, processed, or produced by the vendor in a Texas county completely or partially located within a 150-mile radius of Dallas County, except that the 150-mile radius requirement does not apply to produce or other food items determined by the director to be unavailable from vendors in the radius area.

(d) No products may be offered for resale.

(e) Live animals may not be distributed, offered for sale, or sold at a neighborhood market.

SEC. 42A-34. VENDOR'S STATEMENT.

(a) Each calendar year before vending at a neighborhood market, a vendor shall sign and provide the permit holder with a written statement that:

(1) all products to be distributed, offered for sale, or sold at the neighborhood market have been raised, grown, made, crafted, processed, or produced by the vendor in a Texas county completely or partially located within a 150-mile radius of Dallas County, except that the 150-mile radius requirement does not apply to produce or other food items determined by the director to be unavailable from vendors in the radius area; and

(2) no product is being offered for resale.

(b) The permit holder shall maintain a vendor statement for each vendor operating at the neighborhood market and shall present the vendors' statements to the director or any peace officer upon request.

SEC. 42A-35. DENIAL OR REVOCATION.

(a) The director shall deny a neighborhood market permit if:

(1) the proposed neighborhood market will be located within one mile of another neighborhood market permitted under this chapter that has the same or overlapping operating dates and times;

(2) the proposed neighborhood market will unreasonably disrupt the surrounding areas or the orderly flow of traffic, and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available;

(3) the applicant fails to adequately provide for:

(A) the protection of the vendors and attendees at the neighborhood market;

(B) maintenance of public order in and around the neighborhood market location;

(C) crowd security, taking into consideration the size of the neighborhood market; or

(D) emergency vehicle access.

(4) the applicant fails to comply with or the proposed neighborhood market will violate a city ordinance or other applicable law, unless the prohibited conduct or activity would be allowed under this article;

(5) the applicant makes a false statement of material fact on an application for a neighborhood market permit or fails to properly complete an application for a neighborhood market permit;

(6) the applicant has had a neighborhood market permit revoked within the preceding 14 months;

(7) the applicant or a vendor at the applicant's neighborhood market has received, within the preceding 14 months, two or more notices of violations or citations related to a provision of a neighborhood market permit or this chapter;

(8) a neighborhood market has been conducted at the location of the proposed neighborhood market on at least 40 days during the same calendar year in which the proposed neighborhood market is to be conducted;

(9) the chief of the police department, the chief of the fire-rescue department, or the director determines that the neighborhood market would pose a serious threat to the public health, safety, or welfare;

(10) the applicant or any other person responsible for the conduct or sponsorship of the neighborhood market is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or other person or the applicant fails to pay any outstanding fees assessed under Section 42A-6 of this chapter for the proposed neighborhood market or for a past neighborhood market; or

(11) the applicant has a history of conducting or sponsoring a neighborhood market in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner.

(b) The director shall revoke a neighborhood market permit if:

(1) the permit holder failed to comply with or the neighborhood market is in violation of any provision of the neighborhood market permit, a city ordinance, or any other applicable law;

(2) the permit holder made a false statement of material fact on an application for a neighborhood market permit or failed to properly complete an application for a neighborhood market permit;

(3) the chief of the police department, the chief of the fire-rescue department, or the director determines that the neighborhood market poses a serious threat to the public health, safety, or welfare;

(4) the permit holder failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the proposed neighborhood market or for a past neighborhood market;

(5) the permit holder or any other person responsible for the conduct or sponsorship of the neighborhood market is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the permit holder or other person;

(6) the applicant fails to provide proof that the applicant possesses or is able to obtain a license or permit required by another city ordinance or other applicable law for the conduct of all activities included as part of the neighborhood market; or

(7) the director is notified of any code violations on the property where the neighborhood market will be held.

ARTICLE V.
DALLAS FARMERS MARKET
NEIGHBORHOOD FARMERS MARKET.

SEC. 42A-36. APPLICATION; ISSUANCE.

(a) This article only applies to the leased premises as defined in the Dallas Farmers Market Shed 1 lease.

(b) The Dallas Farmers Market shall submit an online application with the office of special events. An application must be filed not less than 30 business days before the Dallas Farmers Market neighborhood farmers market is to begin.

(c) An application must be completed in full before it can be invoiced. An application will not be processed, and the date and venue will not be confirmed until the application processing fee has been paid. Submission of a complete application does not guarantee a permit will be issued. All requirements must be met prior to permit issuance.

(d) If the director determines that an application requires additional information in order to make a decision, or if additional fees will be required to process the application, the application will be considered incomplete and cancelled if the applicant does not supply the additional information or fees after the director has sent two reminder emails and made one reminder phone call after a period of 10 business days without a response from the applicant.

(e) Upon receipt of the completed application, the director shall forward a copy of the application to all applicable city departments and partner agencies for review. If the application must be reviewed for public safety, public safety agencies will review the application first, followed by a review by city departments and partner agencies. Each department and partner agency shall review the application and return it, with any comments, to the director within 10 business days of receipt requiring a response. Each review phase is allowed 10 business days. Review phases run sequentially with public safety review getting the first 10 business days and department and partner agency review getting the second 10 business days. If no response is received, the director may proceed with permitting, however, if an application requires a public safety review, the director must wait for the public safety review response before proceeding. If any department denies the event request, or a resolution cannot be reached, a permit will be denied.

(f) The director shall cancel a Dallas Farmers Market neighborhood farmers market permit application if:

(1) the proposed Dallas Farmers Market neighborhood farmers market will occupy any part of a freeway, expressway, or tollway.

(2) the proposed Dallas Farmers Market neighborhood farmers market will unreasonably disrupt the orderly flow of traffic, and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available.

(3) The proposed Dallas Farmers Market neighborhood farmers market cannot comply with high impact parameters.

(4) the applicant makes a false statement of material fact on an application for a Dallas Farmers Market neighborhood farmers market permit or fails to properly complete an application for Dallas Farmers Market neighborhood farmers permit.

(5) the applicant had a Dallas Farmers Market neighborhood farmers market permit revoked within the preceding 14 months.

(6) the applicant has received, within the preceding 14 months, two or more notices of violations or citations related to a provision of a Dallas Farmers Market neighborhood farmers market permit or this chapter.

(7) the applicant has a history of conducting or sponsoring a Dallas Farmers Market neighborhood farmers market in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner.

(g) The building official, departments, and the director may prescribe licenses, permits, and authorizations required by other city ordinances or applicable law, restrictions, regulations, safeguards, and other conditions necessary for the safe and orderly conduct of the Dallas Farmers Market neighborhood farmers market to be incorporated into the permit before issuance.

(h) Major changes to the original submission of an application require the submission of a new permit application along with new application processing fees. The original permit application will be deemed incomplete and cancelled.

(i) After reviewing and confirming all permit requirements have been met, the director shall issue a Dallas Farmers Market neighborhood farmers market permit unless denial is required by Section 42A-39. A Dallas Farmers Market neighborhood farmers market permit expires one year after issuance.

SEC. 42A-37. STREET CLOSURES.

(a) Street closures shall require approval from applicable partner agencies and city departments.

(b) An applicant must provide notice of street closures in accordance with Section 42A-18.

(c) The police department may require a traffic control plan at the expense of the applicant. If a traffic control plan is required, it must follow a standard format approved by the director and be approved by the applicable departments prior to permit issuance.

(d) All traffic apparatus required to fulfil a traffic control plan must be acquired at the applicant's expense.

(e) The director may require accommodations if a proposed street closure will restrict access to public or private parking, residences, businesses, or places of worship.

SEC. 42A-38. PARKING.

(a) A complete parking plan must be submitted with each application. The director may waive this requirement for markets with an expected total attendance of less than 250.

(b) The parking plan must demonstrate that adequate parking will be available to accommodate the expected total attendance.

(c) The parking plan must be approved prior to the issuance of a permit.

(d) Meter hooding and no parking zones in connection with a market must be limited to the shortest time feasible. "No parking" signs must be posted a minimum of 24 hours in advance of the market and follow a standard format approved by the director.

(f) When the main use of the property is open for business and the designated parking is to be activated as part of the market space, the applicant must demonstrate that provisions have been made to provide remote parking in an amount that is adequate to replace the parking spaces being utilized as part of the event space.

(g) When activating a market in a multi-tenant parking lot, and when the tenants are open for business, not more than 25 percent of the total area of the shared available parking may be activated for the permitted activity.

(h) When restricting public or private parking, including handicapped accessible parking, the applicant must provide adequate alternate parking.

SEC. 42A-39. OPERATIONS OF DALLAS FARMERS MARKET NEIGHBORHOOD FARMERS MARKET.

(a) A Dallas Farmers Market neighborhood farmers market may only be operated between the hours of 8 a.m. and 10 p.m. on any day of the week.

(b) A Dallas Farmers Market neighborhood farmers market may only be operated in accordance with the schedule filed with the director at the time of permit application. An amendment to the schedule may be approved by the director during the calendar year. The

request and the required change fee must be received by the director in writing at least 15 days before implementing any changes.

(c) A permit holder must provide the name, phone number, and email address of an individual who will be available following submission of an application through the end of the Dallas Farmers Market neighborhood farmers market, as well as at the Dallas Farmers Market site the day of the permitted activity, to respond to any questions or concerns from police officers or code compliance officers. This individual shall meet police officers or code enforcement officers at the Dallas Farmers Market site within one hour of being contacted by telephone or email.

SEC. 42A-40. PRODUCTS AT DALLAS FARMERS MARKET.

(a) Products that may be sold at the Dallas Farmers Market neighborhood farmers market include, but are not limited to, the following:

(1) Fruits, vegetables, honey, eggs, nuts, herbs, and mushrooms.

(2) Meats.

(3) Dairy products.

(4) Prepared foods, including but not limited to baked goods, packaged foods, and oils.

(5) Arts and crafts, including but not limited to jewelry, candles, natural skin care products, soaps, art, knitting, quilts, and pottery.

(6) Garden items, including but not limited to plants, flowers, and soil.

(b) At least 40 percent of the vendors participating in the Dallas Farmers Market neighborhood farmers market must sell produce or other food items.

(c) Live animals may not be distributed, offered for sale, or sold at the Dallas Farmers Market neighborhood farmers market.

SEC. 42A-41. DENIAL OR REVOCATION.

(a) The director shall deny a Dallas Farmers Market neighborhood farmers market permit if:

(1) the applicant fails to meet any of the requirements outlined and defined in the preliminary letter;

(2) the applicant fails to provide proof that the applicant possesses or is able to obtain a license or permit required by another city ordinance or other applicable law for the

conduct of all activities included as part of a Dallas Farmers Market neighborhood farmers market;

(3) the applicant has had a Dallas Farmers Market neighborhood farmers market permit revoked within the preceding 14 months;

(4) the applicant has received within the preceding 14 months, two or more notices of violations or citations related to a provision of a Dallas Farmers Market neighborhood farmers market permit or this chapter;

(5) the chief of the police department, the chief of the fire-rescue department, or the director determines that the Dallas Farmers Market neighborhood farmers market would pose a serious threat to the public health, safety, or welfare;

(6) the applicant or any other person responsible for the conduct or sponsorship of a Dallas Farmers Market neighborhood farmers market is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or other person;

(7) the applicant has a history of conducting or sponsoring a Dallas Farmers Market neighborhood farmers market in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner;

(8) the director is notified of any code violation on the property where the Dallas Farmers Market neighborhood farmers market will be held; or

(9) the Dallas Farmers Market neighborhood farmers market will interfere with the rights of nearby residents to the quiet, peaceable, and undisturbed enjoyment of their property.

(b) The director shall revoke a Dallas Farmers Market neighborhood farmers market permit if:

(1) the applicant fails to comply with or the Dallas Farmers Market neighborhood farmers market is in violation of any provision of the Dallas Farmers Market neighborhood farmers market permit, a city ordinance, or any other applicable law;

(2) the permit holder made a false statement or omission of material fact on an application for the Dallas Farmers Market neighborhood farmers market permit;

(3) the chief of the police department, the chief of the fire-rescue department, or the director determines that the Dallas Farmers Market neighborhood farmers market poses a serious threat to the public health, safety, or welfare;

(4) the permit holder fails to maintain public order in and around the market location;

(5) the permit holder failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the market or for a past market;

(6) the director is notified that the permit holder or any other person responsible for the conduct or sponsorship of the market is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the permit holder or other person; or

(7) the director is notified of any code violations on the property.

ARTICLE VI.
STREETLIGHT POLE BANNERS.

SEC. 42A-42. APPLICATION; ISSUANCE.

(a) Except as provided for a streetlight pole banner in a special provision sign district in Chapter 51A of this code, an application for a streetlight pole banner permit must comply with the requirements in this section. If there is a conflict between a requirement in this section and a requirement for a streetlight pole banner in a special provision sign district in Chapter 51A, the requirement in Chapter 51A prevails.

(b) The application for a permit authorizing the placement of streetlight pole banners must be submitted online to the office of special events at least 30 business days prior to the proposed streetlight pole banner installation date.

(c) The director shall respond in writing by email to the applicant within three business days of receipt of the application acknowledging receipt of the application.

(d) Upon receipt of the completed application, the director shall forward a copy of the application to all applicable city departments and partner agencies for review. If the application must be reviewed for public safety, public safety agencies will review the application first, followed by a review of city departments and partner agencies. If any part of the scheduled activity is to be held on or adjacent to property that is exempt from this chapter under Section 42A-5, the director shall also include the entity that manages or controls the exempt property in the review of the application. Each department and partner agency shall review the application and return it, with any comments, to the director within 10 business days of receipt of the request requiring a response. If no response is received, the director may proceed with permitting, however, if an application requires a public safety review, the director must wait for the public safety review response before proceeding. If any department denies the application, or a resolution cannot be reached, the permit will be denied.

(e) An application must be completed in full before it can be invoiced. An application will not be processed, and the streetlight poles will not be confirmed until the application processing fee has been paid. Submission of a complete application does not guarantee a permit will be issued. All requirements must be met prior to permit issuance.

(f) The director shall review the application to determine whether the requested streetlight poles are available for the erection of streetlight pole banners. If the requested streetlight poles are not available, the applicant must resubmit an alternate list of requested streetlight poles within 48 hours of receiving the preliminary letter. If alternate streetlight poles are not submitted within 48 hours of receiving the preliminary letter, the process will continue with only the available poles.

(g) The director shall provide the applicant with a preliminary letter containing the requirements for permit issuance upon completion of departmental and partner agency review.

(h) The director may cancel an application for a streetlight pole banner permit if:

(1) a streetlight pole banner permit has been granted or is in the review process for another streetlight pole banner permit with the same poles and during the same time period;

(2) the applicant makes a false statement of material fact on an application for a streetlight pole banner permit or fails to properly complete an application for a streetlight pole banner permit;

(3) the applicant had a streetlight pole banner permit revoked within the preceding 14 months;

(4) the applicant has received, within the preceding 14 months, two or more notices of violations or citations related to a provision of a streetlight pole banner permit or this chapter; or

(5) the applicant has a history of conducting the installation, maintenance, or removal of streetlight pole banners in a disorderly or unsafe manner.

(i) If the director determines that an application requires additional information in order to make a decision, or if additional fees will be required to process the application, the application will be considered incomplete and cancelled if the applicant does not supply the additional information or fees after the director has sent two reminder emails and made one reminder phone call after a period of 10 calendar days without a response from the applicant.

(j) If the director determines that an applicant has failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the proposed installation of the streetlight pole banners, the application will be deemed incomplete and the application will be cancelled. An application that has been cancelled under this subsection cannot be re-filed for 12 months.

(k) If the applicant makes major changes to the original submission of an application after the preliminary letter has been issued, this will result in the original permit application being deemed incomplete and cancelled. A revised permit application will be required, along with new application processing fees if the applicant wishes to pursue the application.

(l) An application that has been cancelled cannot be appealed under Section 42A-8 and all application processing fees are forfeited.

(m) An applicant may not hold more than one streetlight pole banner permit application at a time.

(n) A streetlight pole banner permit application may not be submitted more than one year prior to the banner installation date.

(o) Applications for streetlight pole banners in the arts district must be from cultural institutions located in the arts district. The Arts District Foundation shall provide the office of special events a map with pole assignments for each cultural institution each calendar year.

(p) Applications for streetlight pole banners for pre-determined signature events within the downtown area including, but not limited to, Main Street, Commerce Street, and Elm Street, have a right of first refusal. All other permit applications will be processed on a first-come, first-serve basis.

(q) After reviewing and confirming all permit requirements have been met, the director shall issue the streetlight pole banner permit unless denial or revocation is required by Section 42A-31. Except as provided in this subsection, a streetlight pole banner permit will be issued for a period of 60 consecutive days. A streetlight pole banner permit may be extended for additional consecutive 60-day periods not to exceed a year. All applicable fees must be paid for any permit extension. A streetlight pole banner permit for a public improvement district will be issued for a period of one calendar year.

SEC. 42A-43. PERMIT EXTENSION.

(a) An applicant may not submit a request to extend a streetlight pole banner permit earlier than two weeks prior to the expiration of an existing streetlight pole banner permit.

(b) A streetlight pole banner permit may be extended in additional 60-day increments based upon availability of the streetlight poles.

(c) Streetlight pole banner permits may be extended for a maximum of one year.

(d) The director shall assess all applicable streetlight pole banner fees in 60-day increments.

(e) This section does not apply to a public improvement district annual streetlight pole banner permit.

SEC. 42A-44. INSURANCE.

(a) A person installing a streetlight pole banner shall procure and keep in full force and effect insurance written by an insurance company approved by the State of Texas and

acceptable to the city and issued in the standard form approved by the Texas Department of Insurance. All provisions of each policy must be acceptable to the city. Each policy must name the city and its officers, employees, and appointed representatives as additional insureds. The coverage provisions of each policy must provide coverage for any loss or damage that may arise to any person or property by reason of the installation of the streetlight pole banner by the applicant.

(b) Insurance required under this article must include a cancellation provision in which the insurance company is required to notify the director in writing not fewer than 30 days before cancelling the insurance policy or before making a reduction in coverage.

(c) Insurance is required in the following types and amounts:

(1) Commercial general liability insurance must be provided with combined single limits of liability for bodily injury and property damage of not less than $1,000,000 for each occurrence with a $2,000,000 annual aggregate.

(2) Business automotive liability insurance covering owned, hired, and non-owned vehicles, with a combined single limit for bodily injury (including death) and property damage of $1,000,000 per occurrence.

(3) Worker's compensation insurance with statutory limits.

(4) Employer's liability insurance with the following minimum limits for bodily injury by:

(A) accident, $1,000,000 per each accident; and

(B) disease, $1,000,000 per employee with a per policy aggregate of $1,000,000.

(5) Umbrella liability insurance following the form of the primary liability coverage described in Subsection (a) and providing coverage with minimum combined bodily injury (including death) and property damage limit of $1,000,000 per occurrence and $1,000,000 annual aggregate.

(d) In addition to the insurance requirements of Subsection (c) of this section, the director may require additional insurance for a streetlight pole banner if such additional insurance is recommended by the city's risk manager as being necessary for the protection of the city or the public health, safety, and welfare.

(e) If a facility or other property owned or managed by the city is subject to both the insurance requirements of this chapter and insurance requirements established by another city ordinance, an official city action, a city lease or use agreement, or other applicable law, then the

insurance requirements with the greater limits and coverages must be met to erect a streetlight pole banner at the facility or property.

(f) A streetlight pole banner permit will not be issued until the insurance requirements have been verified by the city's designated third-party provider.

SEC. 42A-45. STREETLIGHT POLE BANNER REGULATIONS.

(a) In general.

(1) Except as provided for a streetlight pole banner in a special provision sign district in Chapter 51A of this code, streetlight pole banners must comply with the requirements in this section. If there is a conflict between a requirement in this section and a requirement for a streetlight pole banner in a special provision sign district in Chapter 51A, the requirement in Chapter 51A prevails.

(2) A streetlight pole banner must be in general compliance with the streetlight pole design manual published by the office of special events.

(3) The sign hardware for a streetlight pole banner may be left in place between displays of a banner.

(4) A streetlight pole banner and its sign hardware must:

(A) be mounted on a streetlight pole;

(B) be at least 12 feet above grade, unless it overhangs a roadway, in which case it must be at least 15 feet above grade;

(C) be made out of weather resistant and rust proof material especially designed for outdoor use;

(D) be printed on both sides of material;

(E) not be illuminated;

(F) not project more than three feet from the pole onto which it is mounted;

(G) not exceed 25 square feet in effective area;

(H) not obstruct the view of traffic or any traffic control devices or impede or endanger the flow of traffic; and

(I) not interfere with emergency equipment, including fire, police, medical, electrical, commercial vehicles and trucks, or bus transportation.

(5) The maximum number of streetlight pole banners is two per pole, with each banner on one opposite side of the pole.

(b) Public improvement districts.

(1) This section applies only to public improvement district management corporations.

(2) District identification banners are defined as long-term banners that identify a geographic location or place of interest. Streetlight poles must be located within the defined geographic boundaries of the public improvement district.

(3) Streetlight pole banner permits granted to a public improvement district management corporation must comply with the standards in this subsection and will be issued on an annual basis.

(4) District identification banners are excluded from all permit application processing fees

(5) Public improvement district have first right-of-refusal for streetlight poles previously permitted to a public improvement district before being reissued to an applicant other than that of the public improvement district management corporation; however, an active permit must be maintained by the public improvement management corporation to prevent poles from being reissued to another entity.

SEC. 42A-46. DENIAL OR REVOCATION.

(a) The director shall deny a streetlight pole banner permit if:

(1) the applicant fails to meet any of the requirements outlined and defined in the preliminary letter;

(2) the applicant fails to provide proof that the applicant possesses or is able to obtain a license or permit required by another city ordinance or other applicable law for the conduct of all activities included as part of the installation, maintenance, or removal of the streetlight pole banners;

(3) the applicant has had a streetlight pole banner permit revoked within the preceding 14 months;

(4) the applicant has received, within the preceding 14 months, two or more notices of violations or citations related to a provision of a streetlight pole banner permit or this chapter;

(5) the chief of the police department, the chief of the fire-rescue department, or the director determines that the installation, maintenance, or removal of the streetlight pole banners would pose a serious threat to the public health, safety, or welfare;

(6) the applicant or any other person responsible for the installation, maintenance, or removal of the streetlight pole banners is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or other person; or

(7) the applicant has a history of conducting the installation, maintenance, or removal of streetlight pole banners in a disorderly or unsafe manner.

(b) The director shall revoke a streetlight pole banner permit if:

(1) the applicant fails to comply with, or the streetlight pole banners are in violation of any provision of the streetlight pole banner permit, a city ordinance, or any other applicable law;

(2) the permit holder made a false statement or omission of material fact on an application for a streetlight pole banner permit;

(3) the chief of the police department, the chief of the fire-rescue department, or the director determines that the installation, maintenance, or removal of the streetlight pole banners pose a serious threat to the public health, safety, or welfare;

(4) the permit holder fails to maintain public order in and around the installation, maintenance, or removal of the streetlight pole banners;

(5) the permit holder failed to pay any outstanding fees assessed under Section 42A-6 of this chapter for the installation, maintenance, or removal of the streetlight pole banners; or

(6) the director is notified that the permit holder or any other person responsible for the conduct or sponsorship of the installation, maintenance, or removal of the streetlight pole banners is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the permit holder or other person.

ARTICLE VII.
ENFORCEMENT.

SEC. 42A-47[~~15~~]. OFFENSES.

(a) A person commits an offense if he commences set up or conducts a special event, commercial filming activity, or neighborhood market, or erects a streetlight pole banner:

(1) without a [~~special event~~] permit issued under this chapter or, for a streetlight pole banner in a special provision sign district, a sign permit issued under Chapter 51A of this code; or

(2) in violation of any provision of a [~~special event~~] permit issued under this chapter, this chapter, or any other city ordinance or applicable law.

(b) A person commits an offense if he is the individual named by the permit holder as the contact person for the event and he fails to meet police officers or code enforcement officers at the site of the special event, commercial filming activity, or neighborhood market within one hour of being contacted by a police officer or code enforcement officer by telephone or email.

(c) The [~~A~~] culpable mental state [~~is not~~] required for the commission of an offense under this chapter is governed by S[~~s~~]ection 1-5.1 of this code.

(d) This chapter may be enforced by the director of the office of special events, the director of code compliance, the chief of police, the fire chief, or their designated representatives.

SEC. 42A-48[~~16~~]. PENALTY.

(a) A person who violates a provision of this chapter or a requirement of a [~~special event~~] permit issued under this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed or continued.

(b) Each offense is punishable by a fine not to exceed:

(1) $2,000 for a violation of a provision of this chapter or a requirement of a [~~special event~~] permit governing fire safety, zoning, or public health and sanitation, including dumping of refuse; or

(2) $500 for all other violations of this chapter or requirements of a [~~special event~~] permit issued under this chapter."

SECTION 3. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed $2,000.

SECTION 4. That Chapters 29A and 42A 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 on June 1, 2019, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, Interim City Attorney

By_____
Assistant City Attorney

Passed_____