

**FEBRUARY 13, 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 February 13, 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

2/1/2019  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Elizabeth Reich  
Chief Financial Officer

2-1-19  
\_\_\_\_\_  
Date

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## City of Dallas

CITY SECRETARY  
DALLAS, TEXAS

1500 Marilla Street  
Dallas, Texas 75201



## COUNCIL AGENDA

**February 13, 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 Secretaría del Ayuntamiento al 214-670-3738 con notificación de 48 horas antes.

Intérpretes para personas con impedimentos auditivos están disponibles si lo solicita con 48 horas de anticipación llamando al (214) 670-3738 (aparato auditivo V/TDD). La Ciudad de Dallas está comprometida a cumplir con el decreto que protege a las personas con impedimentos, *Americans with Disabilities Act*. **La agenda del Ayuntamiento está disponible en formatos alternos si lo solicita.**

Si tiene preguntas sobre esta agenda, o si desea hacer comentarios o presentar quejas con respecto a servicios de la Ciudad, llame al 311.

## **Reglas de Cortesía**

Las asambleas del Ayuntamiento Municipal reúnen a ciudadanos de diversos intereses e ideologías. Para asegurar la imparcialidad y el orden durante las asambleas, el Ayuntamiento ha adoptado ciertas reglas de cortesía que aplican a todos los miembros del Ayuntamiento, al personal administrativo, personal de los medios de comunicación, a los ciudadanos, y a visitantes. Estos reglamentos establecen lo siguiente:

- Ninguna persona retrasará o interrumpirá los procedimientos, o se negará a obedecer las órdenes del oficial que preside la asamblea.
- Todas las personas deben abstenerse de entablar conversaciones, comer, beber y fumar dentro de la cámara del Ayuntamiento.
- Anuncios y pancartas deben permanecer fuera de la cámara del Ayuntamiento.
- No se permite usar teléfonos celulares o enlaces electrónicos (*paggers*) audibles en la cámara del Ayuntamiento durante audiencias del Ayuntamiento Municipal.

"Los ciudadanos y visitantes presentes durante las asambleas del Ayuntamiento Municipal deben obedecer las mismas reglas de comportamiento, decoro y buena conducta que se aplican a los miembros del Ayuntamiento Municipal. Cualquier persona que haga comentarios impertinentes, utilice vocabulario obsceno o difamatorio, o que al dirigirse al Ayuntamiento lo haga en forma escandalosa, o si causa disturbio durante la asamblea del Ayuntamiento Municipal, será expulsada de la cámara si el oficial que esté presidiendo la asamblea así lo ordena. Además, se le prohibirá continuar participando en la audiencia ante el Ayuntamiento Municipal. Si el oficial que preside la asamblea no toma acción, cualquier otro miembro del Ayuntamiento Municipal puede tomar medidas para hacer cumplir las reglas establecidas, y el voto afirmativo de la mayoría del Ayuntamiento Municipal precisará al oficial que esté presidiendo la sesión a tomar acción." Según la sección 3.3(c) de las reglas de procedimientos del Ayuntamiento.

## **Handgun Prohibition Notice for Meetings of 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, FEBRUARY 13, 2019  
PARK IN THE WOODS RECREATION CENTER  
6801 MOUNTAIN CREEK PARKWAY  
DALLAS, TX 75249  
ORDER OF BUSINESS**

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

2:00 p.m.      **INVOCATION AND PLEDGE OF ALLEGIANCE**

**OPEN MICROPHONE**

**MINUTES**

Item 1

**CONSENT AGENDA**

Items 2 - 36

**ITEMS FOR INDIVIDUAL CONSIDERATION**

No earlier  
than 2:15 p.m.

Items 37 - 41

**PUBLIC HEARINGS AND RELATED ACTIONS**

6:00 p.m.

Items 42 - 51

Invocation and Pledge of Allegiance

Agenda Item/Open Microphone Speakers

VOTING AGENDA

1. 19-191 Approval of Minutes of the January 23, 2019 City Council Meeting

CONSENT AGENDA

**Department of Aviation**

2. 18-1353 Authorize **(1)** the acceptance of the FY 2019 grant (Grant No. M1918DLEX) from the Texas Department of Transportation (TxDOT) Aviation Division for the annual Routine Airport Maintenance Program (RAMP) at Dallas Executive Airport in the amount of \$50,000.00 or 50 percent of eligible project costs estimated at \$100,000.00, whichever is less; **(2)** a local cash match in the amount of \$50,000.00 from the Aviation Current Fund for airport maintenance projects estimated at \$100,000.00; **(3)** the establishment of appropriations in the amount of \$50,000.00 in the TxDOT 2019 Routine Airport Maintenance Program - RAMP Project Fund; **(4)** the receipt and deposit of funds in the amount of \$50,000.00 for reimbursement from TxDOT in the TxDOT 2019 Routine Airport Maintenance Program - RAMP Project Fund; and **(5)** the execution of the grant agreement and all terms, conditions, and documents required by the agreement - Total amount \$100,000.00 - Financing: Aviation Current Fund (\$50,000.00) and Texas Department of Transportation Grant Funds (\$50,000.00)
3. 18-1355 Authorize **(1)** the acceptance of the FY 2019 grant (Grant No. M1918DCBD) from the Texas Department of Transportation (TxDOT) Aviation Division for the annual Routine Airport Maintenance Program (RAMP) at Dallas Vertiport in the amount of \$50,000.00 or 50 percent of eligible project costs estimated at \$100,000.00, whichever is less; **(2)** a local cash match in the amount of \$50,000.00 from the Aviation Current Fund for airport maintenance projects estimated at \$100,000.00; **(3)** the establishment of appropriations in the amount of \$50,000.00 in the TxDOT 2019 Routine Airport Maintenance Program - RAMP Dallas Vertiport Project Fund; **(4)** the receipt and deposit of funds in the amount of \$50,000.00 for reimbursement from TxDOT in the TxDOT 2019 Routine Airport Maintenance Program - RAMP Dallas Vertiport Project Fund; and **(5)** the execution of the grant agreement and all terms, conditions, and documents required by the agreement - Total amount \$100,000.00 - Financing: Aviation Current Fund (\$50,000.00) and Texas Department of Transportation Grant Funds (\$50,000.00)

4. 19-141 Authorize expenditures for the payment of utility relocations related to the commercial development project at Dallas Love Field Airport as referenced in the Commercial Lease of Land Agreement between the City of Dallas and The Braniff Centre, LP, dated May 20, 2016 - Not to exceed \$1,015,057.53 - Financing: Aviation Current Fund
5. 18-1346 Authorize Supplemental Agreement No. 2 to the professional services contract with EJES, Inc. to provide construction administration and materials testing services for the construction of the Miscellaneous Drainage Improvements Project at Dallas Love Field - Not to exceed \$135,542.00, from \$164,812.00 to \$300,354.00 - Financing: Aviation Capital Construction Fund

**Department of Public Works**

6. 19-45 Authorize a professional services contract with Good Fulton & Farrell, Inc. d/b/a GFF, Inc. for architectural and engineering design, and construction administration services for the Latino Cultural Center located at 2600 Live Oak Street - Not to exceed \$446,360.00 - Financing: 2006 Bond Funds
7. 19-47 Authorize a professional services contract with Harrison Kornberg Architects, LLC for architectural and engineering design, and construction administration services for the Meyerson Symphony Center located at 2301 Flora Street - Not to exceed \$695,222.00 - Financing: Cultural Affairs (F) Fund (2017 Bond Funds)
8. 19-48 Authorize a professional services contract with Harrison Kornberg Architects, LLC for architectural and engineering design, and construction administration services for the Dallas Museum of Art located at 1717 North Harwood Street - Not to exceed \$726,207.00 - Financing: Cultural Affairs (F) Fund (2017 Bond Funds)
9. 18-1220 Authorize a professional services contract with ARS Engineers, Inc. for the engineering design of Street Reconstruction Group 17-1103 (list attached to the Agenda Information Sheet) - Not to exceed \$227,925.73 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) (\$194,239.56) and Water Utilities Capital Improvement Funds (\$33,686.17)
10. 19-78 Authorize a professional services contract with Binkley & Barfield, Inc. for the engineering design of Street Reconstruction Group 17-1405 (list attached to the Agenda Information Sheet) - Not to exceed \$203,394.85 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) (\$183,437.85) and Water Utilities Capital Improvement Funds (\$19,957.00)

11. 19-9 Authorize a professional services contract with Multatech Engineering, Inc. for the engineering design of Street Reconstruction Group 17-1409 (list attached to the Agenda Information Sheet) - Not to exceed \$191,085.50 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) (\$169,955.50) and Water Utilities Capital Improvement Funds (\$21,130.00)
12. 19-68 Authorize a professional services contract with Gresham Smith for the engineering design of Street Reconstruction Group 17-3003 (list attached to the Agenda Information Sheet) - Not to exceed \$226,147.16 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) (\$176,831.16) and Water Utilities Capital Improvement Funds (\$49,316.00)

**Department of Sustainable Development and Construction**

13. 18-849 Authorize settlement in lieu of proceeding with condemnation from Timothy A. Danziger and Deborah C. Danziger, of approximately 18,071 square feet of land located in Kaufman County for the Lake Tawakoni 144-inch Pipeline Project - Not to exceed \$7,630.00, increased from \$12,870.00 (\$10,370.00, plus closing costs and title expenses not to exceed \$2,500.00) to \$20,500.00 (\$18,000.00, plus closing costs and title expenses not to exceed \$2,500.00) - Financing: Water Utilities Capital Improvement Funds
14. 18-1199 Authorize settlement in lieu of proceeding with condemnation from Warren F. Lynch and Jeanne Lynch, of approximately 2 acres in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$44,534.00, increased from \$60,041.00 (\$57,722.00, plus closing costs and title expenses not to exceed \$2,319.00) to \$104,575.00 (\$101,575.00, plus closing costs and title expenses not to exceed \$3,000.00) - Financing: Water Construction Fund
15. 18-1206 Authorize acquisition from Vulcan Lands, Inc., of approximately 113.4 acres of land located in Dallas County for the East Side Water Treatment Plant Residuals Handling Facilities Project - Not to exceed \$4,925,500.00 (\$4,900,000.00, plus closing costs and title expenses not to exceed \$25,500.00) - Financing: Water Capital Improvement Fund
16. 18-1215 An ordinance granting a private license to RBP Adolphus LLC, for the use of approximately 25 square feet of aerial space to occupy, maintain, and utilize an awning with premise sign over a portion of Main Street right-of-way located near its intersection with Akard Street - Revenue: \$1,000.00 annually, plus the \$20.00 ordinance publication fee
17. 18-1395 An ordinance granting a revocable license to Local 2653, LLC dba Ruins, for the use of approximately 13 square feet of aerial space to occupy, maintain, and utilize a blade sign over a portion of Commerce Street right-of-way located near its intersection with Pryor Street - Revenue: \$1,000.00 annually, plus the \$20.00 ordinance publication fee

18. 18-1285 An ordinance abandoning a water line easement to Calisto Property Company, the abutting owner, containing a total of approximately 4,635 square feet of land, located near the intersection of Manor Way and Lemmon Avenue; and providing for the dedication of a total of approximately 1,838 square feet of land needed for two water easements - Revenue: \$5,400.00, plus the \$20.00 ordinance publication fee
19. 18-1423 An ordinance abandoning a water easement to GFCA Opportunity I LP, the abutting owner, containing approximately 2,528 square feet of land, located near the intersection of Davis Street and Stevens Village Drive; and providing for the dedication of approximately 5,384 square feet of land needed for a water and wastewater easement - Revenue: \$5,400.00, plus the \$20.00 ordinance publication fee
20. 19-20 An ordinance abandoning a water easement to City of Dallas, the abutting owner, containing approximately 943 square feet of land, located near the intersection of Walnut Hill Lane and Mixon Drive - Revenue: \$5,400.00, plus the \$20.00 ordinance publication fee

**Department of Transportation**

21. 19-124 Authorize **(1)** the receipt and deposit of funds in an amount not to exceed \$21,681.21 from AT&T, Inc. for material, equipment and labor provided by the City related to the construction of an upgrade traffic signal at Ervay and Wood Streets; and **(2)** an increase in appropriations in an amount not to exceed \$21,681.21 in the Capital Projects Reimbursement Fund - Not to exceed \$21,681.21 - Financing: Capital Projects Reimbursement Funds
22. 19-140 Authorize **(1)** the receipt and deposit of funds in an amount not to exceed \$165,217.39 from Dallas Area Rapid Transit for certain material and labor costs associated with upgrades to the existing traffic signals along the Dallas Light Rail through Downtown Dallas; and **(2)** an increase in appropriations in an amount not to exceed \$165,217.39 in the Capital Projects Reimbursement Fund - Not to exceed \$165,217.39 - Financing: Capital Projects Reimbursement Funds

**Office of Cultural Affairs**

23. 19-145 A resolution rescinding Resolution No. 78-0309, previously approved on February 1, 1978, which provided for radio coverage of City Council meetings on WRR-FM, to discontinue City Council meeting broadcasts on WRR-FM - Estimated Annual Revenue: \$80,000.00 (see Fiscal Information for potential future costs)



**Office of Homeless Solutions**

24. 19-96 Authorize Supplemental Agreement No. 1 to the FY 2017-18 Interlocal Agreement with Dallas County/Dallas County Health and Human Services for scattered site housing assistance for persons with HIV/AIDS, to revise the Statement of Services and budget to reallocate funding in the total amount of \$14,345.00 in Emergency/Tenant Based Rental Assistance from the Housing Services budget category to the Financial Assistance budget category, for payment of services provided between October 1, 2017 and September 30, 2018, with no net change in the contract amount - Financing: No cost consideration to the City
25. 19-97 Authorize Supplemental Agreement No. 1 to the FY 2018-19 contract with Open Arms, Inc. dba Bryan's House to provide additional child care services for persons with HIV/AIDS for the period October 1, 2018 through September 30, 2019 - Not to exceed \$14,065.00, from \$56,262.00 to \$70,327.00 - Financing: 2017-18 Housing Opportunities for Persons with AIDS Grant Funds

**Office of Procurement Services**

26. 19-95 Authorize a two-year service price agreement for the purchase and maintenance of automatic and manual defibrillators, related support systems, and supplies with Physio-Control, Inc. through the National Association of State Procurement Officials cooperative agreement - Estimated amount of \$2,315,454.25 - Financing: General Fund (\$2,007,383.30), Dallas Water Utilities Fund (\$292,705.95), and Convention and Event Services Fund (\$15,365.00)
27. 18-1356 Authorize a two-year service price agreement, with two one-year renewal options, for FirstNet services to provide public safety wireless devices and mobile services for the Department of Communication & Information Services with AT&T Corp through the Department of Information Resources cooperative agreement - Estimated amount of \$3,715,370.32 - Financing: Various Sources (see Fiscal Information)
28. 18-1347 Authorize a five-year service price agreement for an environmental education initiative program for the Office of Environmental Quality and Sustainability with the University of North Texas intergovernmental agreement - Estimated amount of \$2,252,475.00 - Financing: General Fund (see Fiscal Information)
29. 19-135 Authorize a five-year service price agreement for a drug and alcohol testing program and medical examination services for the Office of Risk Management - Primary Health, Inc. dba CareNow, most advantageous proposer of two - Estimated amount of \$7,383,400.00 - Financing: Workers Compensation

30. 19-187 A resolution adopting rules governing the receipt of electronic submissions for procurement solicitations pursuant to Chapter 252.0415 of the Texas Local Government Code for the purpose of increasing competition, reducing costs associated with the solicitation process, and streamlining the procurement of goods and services - Financing: This action has no cost consideration to the City
31. 19-59 Authorize a three-year master agreement for the purchase of recreation center and physical education supplies for the Park and Recreation Department - Lakeshore Equipment Company dba Lakeshore Learning Materials in the estimated amount of \$175,000.00 and The Prophet Corporation dba Gopher Sport, Gopher Performance Moving minds, play with a purpose in the estimated amount of \$160,000.00, lowest responsible bidders of three - Total estimated amount of \$335,000.00 - Financing: General Fund
32. 18-1287 Authorize Supplemental Agreement No. 1 to exercise the first of two, one-year renewal options to the service contract with Results Staffing, Inc. for temporary industrial labor for the Department of Sanitation Services - Not to exceed \$8,101,820.00 - Financing: Sanitation Services Fund (subject to appropriations)

#### **Park & Recreation Department**

33. 19-83 Authorize **(1)** a design and construction agreement with the Friends of the Katy Trail, Inc. for the extension of the soft surface trail on a portion of the Katy Trail located between Blackburn Street and Armstrong Avenue and for resurfacing of the existing soft surface trail; and **(2)** the first amendment to the existing operations and maintenance agreement with the Friends of the Katy Trail, Inc. for the developed portions of the Katy Trail bounded by Lyte Street on the south end and Airline Road on the north end to include, but not limited to **(a)** maintenance of the extension of the soft surface trail on the portion of the Katy Trail located between Blackburn Street and Armstrong Avenue and the existing soft surface trail; **(b)** extension options to allow for one ten-year extension option and two additional five-year extension options; and **(c)** updating the agreement to current City Standards - Financing: This action has no cost consideration to the City (see Fiscal Information)
34. 19-133 Authorize a contract for the construction of Runyon Creek Greenbelt Trail Phase 2 between Crouch Road and the University of North Texas at Dallas campus located at 7300 University Hills Boulevard - Jeske Construction Company, lowest responsible bidder of eight - Not to exceed \$1,914,766.81 - Financing: Texas Parks and Wildlife Department Urban Outdoor Recreation Grant Funds (\$957,383.40), 2012 Bond Funds (\$857,383.41) and Capital Gifts, Donation and Development Funds (\$100,000.00)

**Water Utilities Department**

35. 19-93 Authorize a five-year contract, with two five-year periods of renewal, not to exceed fifteen years, with the City of Highland Village to provide untreated water services from February 26, 2019 through February 25, 2024 - Estimated Annual Revenue: \$3,428.80 (at current wholesale water rate)
36. 18-1352 Authorize an Interlocal Agreement with the City of Irving for Irving's participation in Dallas' "Integrated Pipeline Raw Water Conveyance to the Bachman Water Treatment Plant Study" - Estimated Revenue: \$250,000.00

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

37. 19-192 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)

**Housing & Neighborhood Revitalization**

38. 19-125 Authorize **(1)** the rescission of a housing development loan agreement and a conditional grant agreement for development of 10 single family homes for the Ferguson Road Townhomes Project with KAH Holdings, Inc. (KAH) authorized by Resolution No. 16-0844, previously approved on May 25, 2016, as amended; and **(2)** a release of lien and termination of deed restrictions upon repayment of funds paid to KAH to date in the amount paid \$67,904.75 to the City - Revenue: \$67,904.75

**Office of Procurement Services**

39. 19-161 Authorize **(1)** a five-year management contract, with two five-year extension options, for the management and operation of the Kay Bailey Hutchison Convention Center Dallas (KBHCCD) for the Department of Convention and Event Services - Global Spectrum, LP, dba Spectra Venue Management, most advantageous proposer of two - Not to exceed \$2,841,663 (which includes \$100,000 for costs associated with transition of management responsibilities of the KBHCCD); and **(2)** to establish a City owned account at the City's depository bank funded by annual appropriations for City authorized expenses associated with the operations of KBHCCD - Not to exceed \$249,070,917 - Total not to exceed \$251,912,580 - Financing: Convention Center Fund (subject to annual appropriations)

**Police Department**

40. 19-188 Authorize the revision to Rule XXIII of the Civil Service Board Code of Rules and Regulations related to minimum qualifications for police officer to allow applicants that possess an active, valid Texas Commission on Law Enforcement license be accepted in lieu of the current forty-five required hours of college - Financing: This action has no cost consideration to the City (see Fiscal Information)

## ITEMS FOR FURTHER CONSIDERATION

**City Secretary's Office**

41. 19-231 A resolution designating absences by Councilmember Philip T. Kingston as being for "Official City Business" - Financing: No cost consideration to the City (This item was deferred on January 23, 2019)

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

42. 19-168 A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a tower/antenna for cellular communication on property zoned an IR Industrial Research District, north of the intersection of Storey Lane and Overlake Drive  
Recommendation of Staff and CPC: Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan, an elevation plan, and conditions  
Z178-340(PD)
43. 19-169 A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1935 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay, on the south corner of Lawnview Avenue and Forney Road  
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions  
Z178-345(SM)

44. 19-170 A public hearing to receive comments regarding an application for and an ordinance granting an R-16(A) Single Family District on property zoned an A(A) Agricultural District, on the northwest line of Jordan Valley Road, north of Palomino Road  
Recommendation of Staff and CPC: Approval  
Z178-370(PD)
45. 19-171 A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2068 for a bar, lounge, or tavern on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District, on the east corner of Main Street and Exposition Avenue  
Recommendation of Staff and CPC: Approval for a five-year period, subject to conditions  
Z178-393(AM)
46. 19-172 A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2181 for a tattoo studio on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District, on the south line of Elm Street, east of Good Latimer Expressway  
Recommendation of Staff and CPC: Approval for a five-year period, subject to conditions  
Z189-102(SM)
47. 19-173 A public hearing to receive comments regarding an application for and (1) an ordinance granting a Specific Use Permit for a government installation other than listed limited to an elevated water storage reservoir; and (2) an ordinance granting a development plan and landscape plan on property zoned Subarea A within Planned Development District No. 741 with Specific Use Permit No. 517 for a radio transmission station and tower use, on the east line of South Belt Line Road, at the terminus of Airline Drive  
Recommendation of Staff and CPC: Approval of a Specific Use Permit for a permanent period, subject to a site plan and conditions; and approval of a development plan and landscape plan  
Z189-105(SM)

#### ZONING CASES - INDIVIDUAL

48. 19-174 A public hearing to receive comments regarding an application for an LI Light Industrial District on property zoned an R-7.5(A) Single Family District and an MF-2(A) Multifamily District, on the southwest corner of Great Trinity Forest Way and Interstate Highway 45  
Recommendation of Staff and CPC: Denial without prejudice  
Z178-104(PD)

49. 19-175 A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 282 for mixed uses on property zoned Planned Development District No. 282, on the northwest corner of West Colorado Boulevard and North Beckley Avenue  
Recommendation of Staff and CPC: Approval, subject to a revised development plan and conditions  
Z178-190(SM)

#### ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

50. 19-156 A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay, on the northeast side of East Ledbetter Drive, east of South R.L. Thornton Freeway  
Recommendation of Staff: Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions  
Recommendation of CPC: Approval for a two-year period, subject to a site plan and conditions  
Z178-353(CY)  
Note: This item was deferred by the City Council before opening the public hearing on January 9, 2019, and is scheduled for consideration on February 13, 2019

#### MISCELLANEOUS HEARINGS

##### **Police Department**

51. 19-179 A public hearing to receive comments on the renewal of the Dallas juvenile curfew ordinance, which provides daytime and nighttime curfew hours for minors; and, at the close of the public hearing, consideration of an ordinance amending Chapter 31 of the Dallas City Code to reinstate and continue in effect the Dallas juvenile curfew ordinance - Financing: No cost consideration to the City

**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: February 13, 2019

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
1.	N/A	V	N/A	N/A	Approval of Minutes of the January 23, 2019 City Council Meeting
2.	3	C	AVI	\$50,000.00	Authorize (1) the acceptance of the FY 2019 grant (Grant No. M1918DLEX) from the Texas Department of Transportation (TxDOT) Aviation Division for the annual Routine Airport Maintenance Program (RAMP) at Dallas Executive Airport in the amount of \$50,000.00 or 50 percent of eligible project costs estimated at \$100,000.00, whichever is less; (2) a local cash match in the amount of \$50,000.00 from the Aviation Current Fund for airport maintenance projects estimated at \$100,000.00; (3) the establishment of appropriations in the amount of \$50,000.00 in the TxDOT 2019 Routine Airport Maintenance Program - RAMP Project Fund; (4) the receipt and deposit of funds in the amount of \$50,000.00 for reimbursement from TxDOT in the TxDOT 2019 Routine Airport Maintenance Program - RAMP Project Fund; and (5) the execution of the grant agreement and all terms, conditions, and documents required by the agreement - Total amount \$100,000.00 - Financing: Aviation Current Fund (\$50,000.00) and Texas Department of Transportation Grant Funds (\$50,000.00)
3.	3	C	AVI	\$50,000.00	Authorize (1) the acceptance of the FY 2019 grant (Grant No. M1918DCBD) from the Texas Department of Transportation (TxDOT) Aviation Division for the annual Routine Airport Maintenance Program (RAMP) at Dallas Vertiport in the amount of \$50,000.00 or 50 percent of eligible project costs estimated at \$100,000.00, whichever is less; (2) a local cash match in the amount of \$50,000.00 from the Aviation Current Fund for airport maintenance projects estimated at \$100,000.00; (3) the establishment of appropriations in the amount of \$50,000.00 in the TxDOT 2019 Routine Airport Maintenance Program - RAMP Dallas Vertiport Project Fund; (4) the receipt and deposit of funds in the amount of \$50,000.00 for reimbursement from TxDOT in the TxDOT 2019 Routine Airport Maintenance Program - RAMP Dallas Vertiport Project Fund; and (5) the execution of the grant agreement and all terms, conditions, and documents required by the agreement - Total amount \$100,000.00 - Financing: Aviation Current Fund (\$50,000.00) and Texas Department of Transportation Grant Funds (\$50,000.00)
4.	2	C	AVI	\$1,015,057.53	Authorize expenditures for the payment of utility relocations related to the commercial development project at Dallas Love Field Airport as referenced in the Commercial Lease of Land Agreement between the City of Dallas and The Braniff Centre, LP, dated May 20, 2016 - Not to exceed \$1,015,057.53 - Financing: Aviation Current Fund

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
5.	2	C	AVI	\$135,542.00	Authorize Supplemental Agreement No. 2 to the professional services contract with EJES, Inc. to provide construction administration and materials testing services for the construction of the Miscellaneous Drainage Improvements Project at Dallas Love Field - Not to exceed \$135,542.00, from \$164,812.00 to \$300,354.00 - Financing: Aviation Capital Construction Fund
6.	14	C	PBW	\$446,360.00	Authorize a professional services contract with Good Fulton & Farrell, Inc. d/b/a GFF, Inc. for architectural and engineering design, and construction administration services for the Latino Cultural Center located at 2600 Live Oak Street - Not to exceed \$446,360.00 - Financing: 2006 Bond Funds
7.	14	C	PBW	\$695,222.00	Authorize a professional services contract with Harrison Kornberg Architects, LLC for architectural and engineering design, and construction administration services for the Meyerson Symphony Center located at 2301 Flora Street - Not to exceed \$695,222.00 - Financing: Cultural Affairs (F) Fund (2017 Bond Funds)
8.	14	C	PBW	\$726,207.00	Authorize a professional services contract with Harrison Kornberg Architects, LLC for architectural and engineering design, and construction administration services for the Dallas Museum of Art located at 1717 North Harwood Street - Not to exceed \$726,207.00 - Financing: Cultural Affairs (F) Fund (2017 Bond Funds)
9.	11	C	PBW	\$227,925.73	Authorize a professional services contract with ARS Engineers, Inc. for the engineering design of Street Reconstruction Group 17-1103 (list attached to the Agenda Information Sheet) - Not to exceed \$227,925.73 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) (\$194,239.56) and Water Utilities Capital Improvement Funds (\$33,686.17)
10.	14	C	PBW	\$203,394.85	Authorize a professional services contract with Binkley & Barfield, Inc. for the engineering design of Street Reconstruction Group 17-1405 (list attached to the Agenda Information Sheet) - Not to exceed \$203,394.85 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) (\$183,437.85) and Water Utilities Capital Improvement Funds (\$19,957.00)
11.	14	C	PBW	\$191,085.50	Authorize a professional services contract with Multatech Engineering, Inc. for the engineering design of Street Reconstruction Group 17-1409 (list attached to the Agenda Information Sheet) - Not to exceed \$191,085.50 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) (\$169,955.50) and Water Utilities Capital Improvement Funds (\$21,130.00)
12.	3	C	PBW	\$226,147.16	Authorize a professional services contract with Gresham Smith for the engineering design of Street Reconstruction Group 17-3003 (list attached to

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					the Agenda Information Sheet) - Not to exceed \$226,147.16 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) (\$176,831.16) and Water Utilities Capital Improvement Funds (\$49,316.00)
13.	Outside	C	DEV	\$7,630.00	Authorize settlement in lieu of proceeding with condemnation from Timothy A. Danziger and Deborah C. Danziger, of approximately 18,071 square feet of land located in Kaufman County for the Lake Tawakoni 144-inch Pipeline Project - Not to exceed \$7,630.00, increased from \$12,870.00 (\$10,370.00, plus closing costs and title expenses not to exceed \$2,500.00) to \$20,500.00 (\$18,000.00, plus closing costs and title expenses not to exceed \$2,500.00) - Financing: Water Utilities Capital Improvement Funds
14.	Outside	C	DEV	\$44,534.00	Authorize settlement in lieu of proceeding with condemnation from Warren F. Lynch and Jeanne Lynch, of approximately 2 acres in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$44,534.00, increased from \$60,041.00 (\$57,722.00, plus closing costs and title expenses not to exceed \$2,319.00) to \$104,575.00 (\$101,575.00, plus closing costs and title expenses not to exceed \$3,000.00) - Financing: Water Construction Fund
15.	Outside	C	DEV	\$4,925,500.00	Authorize acquisition from Vulcan Lands, Inc., of approximately 113.4 acres of land located in Dallas County for the East Side Water Treatment Plant Residuals Handling Facilities Project - Not to exceed \$4,925,500.00 (\$4,900,000.00, plus closing costs and title expenses not to exceed \$25,500.00) - Financing: Water Capital Improvement Fund
16.	14	C	DEV	REV \$1,000.00	An ordinance granting a private license to RBP Adolphus LLC, for the use of approximately 25 square feet of aerial space to occupy, maintain, and utilize an awning with premise sign over a portion of Main Street right-of-way located near its intersection with Akard Street - Revenue: \$1,000.00 annually, plus the \$20.00 ordinance publication fee
17.	2	C	DEV	REV \$1,000.00	An ordinance granting a revocable license to Local 2653, LLC dba Ruins, for the use of approximately 13 square feet of aerial space to occupy, maintain, and utilize a blade sign over a portion of Commerce Street right-of-way located near its intersection with Pryor Street - Revenue: \$1,000.00 annually, plus the \$20.00 ordinance publication fee
18.	2	C	DEV	REV \$5,400.00	An ordinance abandoning a water line easement to Calisto Property Company, the abutting owner, containing a total of approximately 4,635 square feet of land, located near the intersection of Manor Way and Lemmon Avenue; and providing for the dedication of a total of approximately 1,838 square feet of land needed for two water easements - Revenue: \$5,400.00,

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					plus the \$20.00 ordinance publication fee
19.	1	C	DEV	REV \$5,400.00	An ordinance abandoning a water easement to GFCA Opportunity I LP, the abutting owner, containing approximately 2,528 square feet of land, located near the intersection of Davis Street and Stevens Village Drive; and providing for the dedication of approximately 5,384 square feet of land needed for a water and wastewater easement - Revenue: \$5,400.00, plus the \$20.00 ordinance publication fee
20.	6	C	DEV	\$5,400.00	An ordinance abandoning a water easement to City of Dallas, the abutting owner, containing approximately 943 square feet of land, located near the intersection of Walnut Hill Lane and Mixon Drive - Revenue: \$5,400.00, plus the \$20.00 ordinance publication fee
21.	14	C	TRN	GT	Authorize (1) the receipt and deposit of funds in an amount not to exceed \$21,681.21 from AT&T, Inc. for material, equipment and labor provided by the City related to the construction of an upgrade traffic signal at Ervay and Wood Streets; and (2) an increase in appropriations in an amount not to exceed \$21,681.21 in the Capital Projects Reimbursement Fund - Not to exceed \$21,681.21 - Financing: Capital Projects Reimbursement Funds
22.	2, 14	C	TRN	GT	Authorize (1) the receipt and deposit of funds in an amount not to exceed \$165,217.39 from Dallas Area Rapid Transit for certain material and labor costs associated with upgrades to the existing traffic signals along the Dallas Light Rail through Downtown Dallas; and (2) an increase in appropriations in an amount not to exceed \$165,217.39 in the Capital Projects Reimbursement Fund - Not to exceed \$165,217.39 - Financing: Capital Projects Reimbursement Funds
23.	N/A	C	OCA	REV \$80,000.00	A resolution rescinding Resolution No. 78-0309, previously approved on February 1, 1978, which provided for radio coverage of City Council meetings on WRR-FM, to discontinue City Council meeting broadcasts on WRR-FM - Estimated Annual Revenue: \$80,000.00 (see Fiscal Information for potential future costs)
24.	All	C	OHS	NC	Authorize Supplemental Agreement No. 1 to the FY 2017-18 Interlocal Agreement with Dallas County/Dallas County Health and Human Services for scattered site housing assistance for persons with HIV/AIDS, to revise the Statement of Services and budget to reallocate funding in the total amount of \$14,345.00 in Emergency/Tenant Based Rental Assistance from the Housing Services budget category to the Financial Assistance budget category, for payment of services provided between October 1, 2017 and September 30, 2018, with no net change in the contract amount - Financing: No cost

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					consideration to the City
25.	All	C	OHS	GT	Authorize Supplemental Agreement No. 1 to the FY 2018-19 contract with Open Arms, Inc. dba Bryan's House to provide additional child care services for persons with HIV/AIDS for the period October 1, 2018 through September 30, 2019 - Not to exceed \$14,065.00, from \$56,262.00 to \$70,327.00 - Financing: 2017-18 Housing Opportunities for Persons with AIDS Grant Funds
26.	All	C	POM	\$2,315,454.25	Authorize a two-year service price agreement for the purchase and maintenance of automatic and manual defibrillators, related support systems, and supplies with Physio-Control, Inc. through the National Association of State Procurement Officials cooperative agreement - Estimated amount of \$2,315,454.25 - Financing: General Fund (\$2,007,383.30), Dallas Water Utilities Fund (\$292,705.95), and Convention and Event Services Fund (\$15,365.00)
27.	All	C	POM	\$3,715,370.32	Authorize a two-year service price agreement, with two one-year renewal options, for FirstNet services to provide public safety wireless devices and mobile services for the Department of Communication & Information Services with AT&T Corp through the Department of Information Resources cooperative agreement - Estimated amount of \$3,715,370.32 - Financing: Various Sources (see Fiscal Information)
28.	All	C	POM	\$2,252,475.00	Authorize a five-year service price agreement for an environmental education initiative program for the Office of Environmental Quality and Sustainability with the University of North Texas intergovernmental agreement - Estimated amount of \$2,252,475.00 - Financing: General Fund (see Fiscal Information)
29.	All	C	POM	\$7,383,400.00	Authorize a five-year service price agreement for a drug and alcohol testing program and medical examination services for the Office of Risk Management - Primary Health, Inc. dba CareNow, most advantageous proposer of two - Estimated amount of \$7,383,400.00 - Financing: Workers Compensation
30.	All	C	POM	NC	A resolution adopting rules governing the receipt of electronic submissions for procurement solicitations pursuant to Chapter 252.0415 of the Texas Local Government Code for the purpose of increasing competition, reducing costs associated with the solicitation process, and streamlining the procurement of goods and services - Financing: This action has no cost consideration to the City
31.	All	C	POM	\$335,000.00	Authorize a three-year master agreement for the purchase of recreation center and physical education supplies for the Park and Recreation

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					Department - Lakeshore Equipment Company dba Lakeshore Learning Materials in the estimated amount of \$175,000.00 and The Prophet Corporation dba Gopher Sport, Gopher Performance Moving minds, play with a purpose in the estimated amount of \$160,000.00, lowest responsible bidders of three - Total estimated amount of \$335,000.00 - Financing: General Fund
32.	All	C	POM	\$8,101,820.00	Authorize Supplemental Agreement No. 1 to exercise the first of two, one-year renewal options to the service contract with Results Staffing, Inc. for temporary industrial labor for the Department of Sanitation Services - Not to exceed \$8,101,820.00 - Financing: Sanitation Services Fund (subject to appropriations)
33.	14	C	PKR	NC	Authorize (1) a design and construction agreement with the Friends of the Katy Trail, Inc. for the extension of the soft surface trail on a portion of the Katy Trail located between Blackburn Street and Armstrong Avenue and for resurfacing of the existing soft surface trail; and (2) the first amendment to the existing operations and maintenance agreement with the Friends of the Katy Trail, Inc. for the developed portions of the Katy Trail bounded by Lyte Street on the south end and Airline Road on the north end to include, but not limited to (a) maintenance of the extension of the soft surface trail on the portion of the Katy Trail located between Blackburn Street and Armstrong Avenue and the existing soft surface trail; (b) extension options to allow for one ten-year extension option and two additional five-year extension options; and (c) updating the agreement to current City Standards - Financing: This action has no cost consideration to the City (see Fiscal Information)
34.	8	C	PKR	\$857,383.41	Authorize a contract for the construction of Runyon Creek Greenbelt Trail Phase 2 between Crouch Road and the University of North Texas at Dallas campus located at 7300 University Hills Boulevard - Jeske Construction Company, lowest responsible bidder of eight - Not to exceed \$1,914,766.81 - Financing: Texas Parks and Wildlife Department Urban Outdoor Recreation Grant Funds (\$957,383.40), 2012 Bond Funds (\$857,383.41) and Capital Gifts, Donation and Development Funds (\$100,000.00)
35.	Outside	C	DWU	REV \$3,428.80	Authorize a five-year contract, with two five-year periods of renewal, not to exceed fifteen years, with the City of Highland Village to provide untreated water services from February 26, 2019 through February 25, 2024 - Estimated Annual Revenue: \$3,428.80 (at current wholesale water rate)
36.	All	C	DWU	REV \$250,000.00	Authorize an Interlocal Agreement with the City of Irving for Irving's participation in Dallas' "Integrated Pipeline Raw Water Conveyance to the Bachman Water Treatment Plant Study" - Estimated Revenue: \$250,000.00

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
37.	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)
38.	9	I	HOU	REV \$67,904.75	Authorize (1) the rescission of a housing development loan agreement and a conditional grant agreement for development of 10 single family homes for the Ferguson Road Townhomes Project with KAH Holdings, Inc. (KAH) authorized by Resolution No. 16-0844, previously approved on May 25, 2016, as amended; and (2) a release of lien and termination of deed restrictions upon repayment of funds paid to KAH to date in the amount paid \$67,904.75 to the City - Revenue: \$67,904.75
39.	2	I	POM	\$251,912,580.00	Authorize (1) a five-year management contract, with two five-year extension options, for the management and operation of the Kay Bailey Hutchison Convention Center Dallas (KBHCCD) for the Department of Convention and Event Services - Global Spectrum, LP, dba Spectra Venue Management, most advantageous proposer of two - Not to exceed \$2,841,663 (which includes \$100,000 for costs associated with transition of management responsibilities of the KBHCCD); and (2) to establish a City owned account at the City's depository bank funded by annual appropriations for City authorized expenses associated with the operations of KBHCCD - Not to exceed \$249,070,917 - Total not to exceed \$251,912,580 - Financing: Convention Center Fund (subject to annual appropriations)
40.	All	I	DPD	NC	Authorize the revision to Rule XXIII of the Civil Service Board Code of Rules and Regulations related to minimum qualifications for police officer to allow applicants that possess an active, valid Texas Commission on Law Enforcement license be accepted in lieu of the current forty-five required hours of college - Financing: This action has no cost consideration to the City (see Fiscal Information)
41.	N/A	I	SEC	NC	A resolution designating absences by Councilmember Philip T. Kingston as being for "Official City Business" - Financing: No cost consideration to the City (This item was deferred on January 23, 2019)
42.	6	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a tower/antenna for cellular communication on property zoned an IR Industrial Research District, north of the intersection of Storey Lane and Overlake Drive Recommendation of Staff and CPC: Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan, an elevation plan, and conditions



ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					Z178-340(PD)
43.	7	PH	DEV	NC	<p>A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1935 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay, on the south corner of Lawnview Avenue and Forney Road</p> <p>Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions</p> <p>Z178-345(SM)</p>
44.	8	PH	DEV	NC	<p>A public hearing to receive comments regarding an application for and an ordinance granting an R-16(A) Single Family District on property zoned an A(A) Agricultural District, on the northwest line of Jordan Valley Road, north of Palomino Road</p> <p>Recommendation of Staff and CPC: Approval</p> <p>Z178-370(PD)</p>
45.	2	PH	DEV	NC	<p>A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2068 for a bar, lounge, or tavern on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District, on the east corner of Main Street and Exposition Avenue</p> <p>Recommendation of Staff and CPC: Approval for a five-year period, subject to conditions</p> <p>Z178-393(AM)</p>
46.	2	PH	DEV	NC	<p>A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2181 for a tattoo studio on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District, on the south line of Elm Street, east of Good Latimer Expressway</p> <p>Recommendation of Staff and CPC: Approval for a five-year period, subject to conditions</p> <p>Z189-102(SM)</p>
47.	6	PH	DEV	NC	<p>A public hearing to receive comments regarding an application for and (1) an ordinance granting a Specific Use Permit for a government installation other than listed limited to an elevated water storage reservoir; and (2) an ordinance granting a development plan and landscape plan on property zoned Subarea A within Planned Development District No. 741 with Specific</p>

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					Use Permit No. 517 for a radio transmission station and tower use, on the east line of South Belt Line Road, at the terminus of Airline Drive Recommendation of Staff and CPC: Approval of a Specific Use Permit for a permanent period, subject to a site plan and conditions; and approval of a development plan and landscape plan Z189-105(SM)
48.	8	PH	DEV	NC	A public hearing to receive comments regarding an application for an LI Light Industrial District on property zoned an R-7.5(A) Single Family District and an MF-2(A) Multifamily District, on the southwest corner of Great Trinity Forest Way and Interstate Highway 45 Recommendation of Staff and CPC: Denial without prejudice Z178-104(PD)
49.	1	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 282 for mixed uses on property zoned Planned Development District No. 282, on the northwest corner of West Colorado Boulevard and North Beckley Avenue Recommendation of Staff and CPC: Approval, subject to a revised development plan and conditions Z178-190(SM)
50.	4	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay, on the northeast side of East Ledbetter Drive, east of South R.L. Thornton Freeway Recommendation of Staff: Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions Recommendation of CPC: Approval for a two-year period, subject to a site plan and conditions Z178-353(CY) Note: This item was deferred by the City Council before opening the public hearing on January 9, 2019, and is scheduled for consideration on February 13, 2019
51.	All	PH	DPD	NC	A public hearing to receive comments on the renewal of the Dallas juvenile curfew ordinance, which provides daytime and nighttime curfew hours for minors; and, at the close of the public hearing, consideration of an ordinance amending Chapter 31 of the Dallas City Code to reinstate and continue in

ITEM #	DISTRICT	TYPE	DEPT	DOLLARS	DESCRIPTION
					effect the Dallas juvenile curfew ordinance - Financing: No cost consideration to the City

**TOTAL \$285,823,488.75**







# City of Dallas

1500 Marilla Street  
Dallas, Texas 75201

## Agenda Information Sheet

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**File #:** 19-191

**Item #:** 1.

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**SUBJECT**

Approval of Minutes of the January 23, 2019 City Council Meeting



## Agenda Information Sheet

**File #:** 18-1353

**Item #:** 2.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** February 13, 2019

**COUNCIL DISTRICT(S):** 3

**DEPARTMENT:** Department of Aviation

**EXECUTIVE:** Kimberly Bizer Tolbert

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### **SUBJECT**

Authorize **(1)** the acceptance of the FY 2019 grant (Grant No. M1918DLEX) from the Texas Department of Transportation (TxDOT) Aviation Division for the annual Routine Airport Maintenance Program (RAMP) at Dallas Executive Airport in the amount of \$50,000.00 or 50 percent of eligible project costs estimated at \$100,000.00, whichever is less; **(2)** a local cash match in the amount of \$50,000.00 from the Aviation Current Fund for airport maintenance projects estimated at \$100,000.00; **(3)** the establishment of appropriations in the amount of \$50,000.00 in the TxDOT 2019 Routine Airport Maintenance Program - RAMP Project Fund; **(4)** the receipt and deposit of funds in the amount of \$50,000.00 for reimbursement from TxDOT in the TxDOT 2019 Routine Airport Maintenance Program - RAMP Project Fund; and **(5)** the execution of the grant agreement and all terms, conditions, and documents required by the agreement - Total amount \$100,000.00 - Financing: Aviation Current Fund (\$50,000.00) and Texas Department of Transportation Grant Funds (\$50,000.00)

### **BACKGROUND**

The RAMP is a State assisted airport maintenance program through a grant reimbursement that will enable the Department of Aviation to conduct needed repairs on the airport for annual maintenance. Some of the examples of these programs in the RAMP include annual maintenance contracts, lighting, and RAMP area crack seal. The primary objective of the project is to:

1. Conduct evaluation, cost and repairs as needed under the RAMP under the guidelines of TxDOT.

TxDOT will determine that the repairs are within the scope of eligible projects for the TxDOT Grant for RAMP Funds and will participate in an amount equal to 50 percent of the eligible project costs, TxDOT reimbursement in the amount of \$50,000.00. Project cost estimate is \$100,000.00.



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

On May 13, 2015, City Council authorized the Department of Aviation to provide initial funding for maintenance costs for the Routine Annual Maintenance Program; to apply for and accept grant funds from the Texas Department of Transportation Aviation Division and a grant agreement by Resolution No. 15-0834.

On May 25, 2016, City Council authorized acceptance of FY 2016 grant from the Texas Department of Transportation Aviation Division for the Routine Annual Maintenance Program at Dallas Executive Airport and a grant agreement by Resolution No. 16-0794.

On March 22, 2017, City Council authorized acceptance of the FY 2017 grant from the Texas Department of Transportation Aviation Division for the Routine Airport Maintenance Program at Dallas Executive Airport and a grant agreement by Resolution No. 17-0474.

On February 14, 2018, City Council authorized acceptance of the FY 2018 grant from the Texas Department of Transportation Aviation Division for the Routine Annual Maintenance Program at Dallas Executive Airport and a grant agreement by Resolution No. 18-0268.

Information about this item will be provided to the Mobility Solutions, Infrastructure, and Sustainability Committee on February 11, 2019.

**FISCAL INFORMATION**

Aviation Current Fund - \$50,000.00

Texas Department of Transportation Grant Funds - \$50,000.00

February 13, 2019

**WHEREAS**, the City of Dallas intends to enhance the city's economic vibrancy; particularly within the city's southern sector; and

**WHEREAS**, Dallas Executive Airport has proven to be a significant economic generator within the city's southern sector; and

**WHEREAS**, it is desirable to maintain the vertiport infrastructure to provide a safe and attractive environment for aircraft owners and operators to conduct business at Dallas Executive Airport; and

**WHEREAS**, the Texas Department of Transportation (TxDOT) has indicated that routine airport maintenance is a program that is eligible for state funding through their grant for Routine Airport Maintenance Program (RAMP) and will participate in the amount equal to 50 percent of the eligible project costs, in the amount of \$50,000.00; and

**WHEREAS**, the City of Dallas and TxDOT participated in the RAMP for fiscal year 2018 and accepted reimbursement funds from TxDOT for eligible costs for routine airport maintenance at Dallas Executive Airport per the agreement; and

**WHEREAS**, the total maintenance cost estimated for fiscal year 2019 agreement is up to \$100,000.00 and the City of Dallas will be responsible for the total project costs with a reimbursement by TxDOT of 50 percent of the total project cost up to and in the amount of \$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 apply for and accept the FY 2019 grant (Grant No. M1918DLEX) from the Texas Department of Transportation Aviation Division in the amount of \$50,000.00 or 50 percent of eligible project costs estimated at \$100,000.00, whichever is less, related to the annual Routine Airport Maintenance Program at Dallas Executive Airport; provide a local cash match in the amount of \$50,000.00 from the Aviation Current Fund for airport maintenance projects estimated at \$100,000.00; and execute the grant agreement and all terms, conditions, and documents required by the agreement with the Texas Department of Transportation, approved as to form by the City Attorney.

**SECTION 2.** That the City Manager is hereby authorized to establish appropriations in the amount of \$50,000.00 in the TxDOT 2019 Routine Airport Maintenance Program - RAMP Project Fund, Fund S333, Department AVI, Unit 3807, Object 3099.

February 13, 2019

**SECTION 3.** That the Chief Financial Officer is hereby authorized to receive and deposit funds in the amount of \$50,000.00 for reimbursement from TxDOT in the TxDOT 2019 Routine Airport Maintenance Program - RAMP Project Fund, Fund S333, Department AVI, Unit 3807, Revenue Code 6516.

**SECTION 4.** That the Chief Financial Officer is hereby authorized to reimburse the Aviation Current Fund, Fund 0130, Department AVI, Unit 7731, Object 5331 from the TxDOT 2019 Routine Airport Maintenance Program - RAMP Project Fund, Fund S333, Department AVI, Unit 3807, Object 3099 for the amount that is approved by TxDOT for reimbursement in the amount of \$50,000.00.

**SECTION 5.** That the City Manager is hereby authorized to disburse local match funds in the amount of \$50,000.00 from the Aviation Current Fund, Fund 0130, Department AVI, Unit 7731, Object 3099 for 50 percent of eligible project cost.

**SECTION 6.** That the City Manager is hereby authorized to reimburse the granting agency any expenditure identified as ineligible and notify the appropriate City Council Committee of expenditures identified as ineligible not later than 30 days after the reimbursement.

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

**SECTION 8.** That this contract is designated as Contract No. AVI-2019-00009106.

**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.



## Agenda Information Sheet

**File #:** 18-1355

**Item #:** 3.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** February 13, 2019

**COUNCIL DISTRICT(S):** 3

**DEPARTMENT:** Department of Aviation

**EXECUTIVE:** Kimberly Bizer Tolbert

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### **SUBJECT**

Authorize **(1)** the acceptance of the FY 2019 grant (Grant No. M1918DCBD) from the Texas Department of Transportation (TxDOT) Aviation Division for the annual Routine Airport Maintenance Program (RAMP) at Dallas Vertiport in the amount of \$50,000.00 or 50 percent of eligible project costs estimated at \$100,000.00, whichever is less; **(2)** a local cash match in the amount of \$50,000.00 from the Aviation Current Fund for airport maintenance projects estimated at \$100,000.00; **(3)** the establishment of appropriations in the amount of \$50,000.00 in the TxDOT 2019 Routine Airport Maintenance Program - RAMP Dallas Vertiport Project Fund; **(4)** the receipt and deposit of funds in the amount of \$50,000.00 for reimbursement from TxDOT in the TxDOT 2019 Routine Airport Maintenance Program - RAMP Dallas Vertiport Project Fund; and **(5)** the execution of the grant agreement and all terms, conditions, and documents required by the agreement - Total amount \$100,000.00 - Financing: Aviation Current Fund (\$50,000.00) and Texas Department of Transportation Grant Funds (\$50,000.00)

### **BACKGROUND**

The RAMP is a State assisted airport maintenance program through a grant reimbursement that will enable the Department of Aviation to conduct needed repairs on the Vertiport for annual maintenance. Some of the examples of these programs in the RAMP include landing system lighting, flight deck equipment and flight deck crack seal. The primary objective of the project is:

1. Conduct evaluation, cost and repairs as needed under the RAMP under the guidelines of the TxDOT.

TxDOT will determine that the repairs are within the scope of eligible projects for the TxDOT Grant for RAMP Funds and will participate in an amount equal to 50 percent of the eligible project costs, TxDOT reimbursement in the amount of \$50,000.00. Project cost estimate is \$100,000.00.

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

On May 13, 2015, City Council authorized the Department of Aviation to provide initial funding for maintenance costs for the Routine Annual Maintenance Program; to apply for and accept grant funds from the Texas Department of Transportation Aviation Division; and a grant agreement by Resolution No. 15-0834.

On May 25, 2016, City Council authorized acceptance of the FY 2016 grant from the Texas Department of Transportation Aviation Division for the Routine Annual Maintenance Program at Dallas Executive Airport; a local cash match for airport maintenance projects; and a grant agreement by Resolution No. 16-0794.

On March 22, 2017, City Council authorized acceptance of the FY 2017 grant from the Texas Department of Transportation Aviation Division for the Routine Airport Maintenance Program at Dallas Executive Airport; a local cash match for airport maintenance projects; and a grant agreement by Resolution No. 17-0474.

On February 14, 2018, City Council authorized acceptance of the FY 2018 grant from the Texas Department of Transportation Aviation Division for the Routine Annual Maintenance Program at Dallas Executive Airport; a local cash match for airport maintenance projects; and a grant agreement by Resolution No. 18-0268.

Information about this item will be provided to the Mobility Solutions, Infrastructure, and Sustainability Committee on February 11, 2019.

**FISCAL INFORMATION**

Aviation Current Fund - \$50,000.00

Texas Department of Transportation Grant Funds - \$50,000.00

February 13, 2019

**WHEREAS**, the City of Dallas intends to enhance the city's economic vibrancy; particularly within the city's downtown sector; and

**WHEREAS**, Dallas Vertiport has proven to be a significant economic generator within the downtown sector; and

**WHEREAS**, it is desirable to maintain the vertiport infrastructure to provide a safe and attractive environment for helicopter owners and operators to conduct business at Dallas downtown Vertiport; and

**WHEREAS**, the Texas Department of Transportation (TxDOT) has indicated that routine airport maintenance is a program that the Vertiport is eligible for state funding through their grant for Routine Airport Maintenance Program (RAMP) and will participate in an amount equal to 50 percent of the eligible project costs, in the amount of \$50,000.00; and

**WHEREAS**, the total maintenance cost estimated for fiscal year 2019 agreement is up to \$100,000.00 and the City of Dallas will be responsible for the total project costs with a reimbursement by TxDOT of 50 percent of the total project cost up to and in the amount of \$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 apply for and accept the FY 2019 grant (Grant No. M1918DCBD) from the Texas Department of Transportation Aviation Division in the amount of \$50,000.00 or 50 percent of eligible project costs estimated at \$100,000.00, whichever is less, related to the annual Routine Airport Maintenance Program at the Dallas Vertiport; provide a local cash match in the amount of \$50,000.00 from the Aviation Current Fund for airport maintenance projects estimated at \$100,000.00; and execute the grant agreement and all terms, conditions, and documents required by the agreement with the Texas Department of Transportation, approved as to form by the City Attorney.

**SECTION 2.** That the City Manager is hereby authorized to establish appropriations in the amount of \$50,000.00 in the TxDOT 2019 Routine Airport Maintenance - RAMP Dallas Vertiport Project Fund, Fund S334, Department AVI, Unit 3808, Object 3099.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to receive and deposit funds in the amount of \$50,000.00 for reimbursement from TxDOT in the TxDOT 2019 Routine Airport Maintenance - RAMP Dallas Vertiport Project Fund, Fund S334, Department AVI, Unit 3808, Revenue Code 6516.

February 13, 2019

**SECTION 4.** That the Chief Financial Officer is hereby authorized to reimburse the Aviation Current Fund, Fund 0130, Department AVI, Unit 7752, Object 5331 from the TxDOT 2019 Routine Airport Maintenance Program - RAMP Dallas Vertiport Project Fund, Fund S334, Department AVI, Unit 3808, Object 3099 for the amount that is approved by TxDOT for reimbursement in the amount of \$50,000.00.

**SECTION 5.** That the City Manager is hereby authorized to disburse local match funds in the amount of \$50,000.00 from the Aviation Current Fund, Fund 0130, Department AVI, Unit 7752, Object 3099 for 50 percent of eligible project cost.

**SECTION 6.** That the City Manager is hereby authorized to reimburse the granting agency any expenditure identified as ineligible and notify the appropriate City Council Committee of expenditures identified as ineligible not later than 30 days after the reimbursement.

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

**SECTION 8.** That this contract is designated as Contract No. AVI-2019-00009108.

**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.



## Agenda Information Sheet

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**File #:** 19-141

**Item #:** 4.

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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** February 13, 2019

**COUNCIL DISTRICT(S):** 2

**DEPARTMENT:** Department of Aviation

**EXECUTIVE:** Kimberly Bizer Tolbert

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### **SUBJECT**

Authorize expenditures for the payment of utility relocations related to the commercial development project at Dallas Love Field Airport as referenced in the Commercial Lease of Land Agreement between the City of Dallas and The Braniff Centre, LP, dated May 20, 2016 - Not to exceed \$1,015,057.53 - Financing: Aviation Current Fund

### **BACKGROUND**

The City of Dallas entered into a thirty-nine-year lease agreement with three ten-year renewal options with The Braniff Centre LP for approximately 425,881 square feet of land for commercial development with a total capital commitment of \$20,000,000.00 to be expended within sixty-months from the effective date of the lease. Per the terms of the lease, the City of Dallas is responsible for the cost and expense of relocating any utilities or utility lines that are required to be relocated by any construction, remodeling, renovation or refurbishment of improvements on the leased premises.

As part of the development project, there are several different utility lines that are required to be relocated to continue with the redevelopment of the site. The total cost of relocating all the utility lines shall not exceed \$1,015,057.53.

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On September 9, 2015, City Council authorized the Aviation lease and Commercial lease of land by Resolution No. 15-1693.

Information about this item will be provided to the Mobility Solutions, Infrastructure, and Sustainability Committee on February 11, 2019.

### **FISCAL INFORMATION**

Aviation Current Fund - \$1,015,057.53



**OWNER**

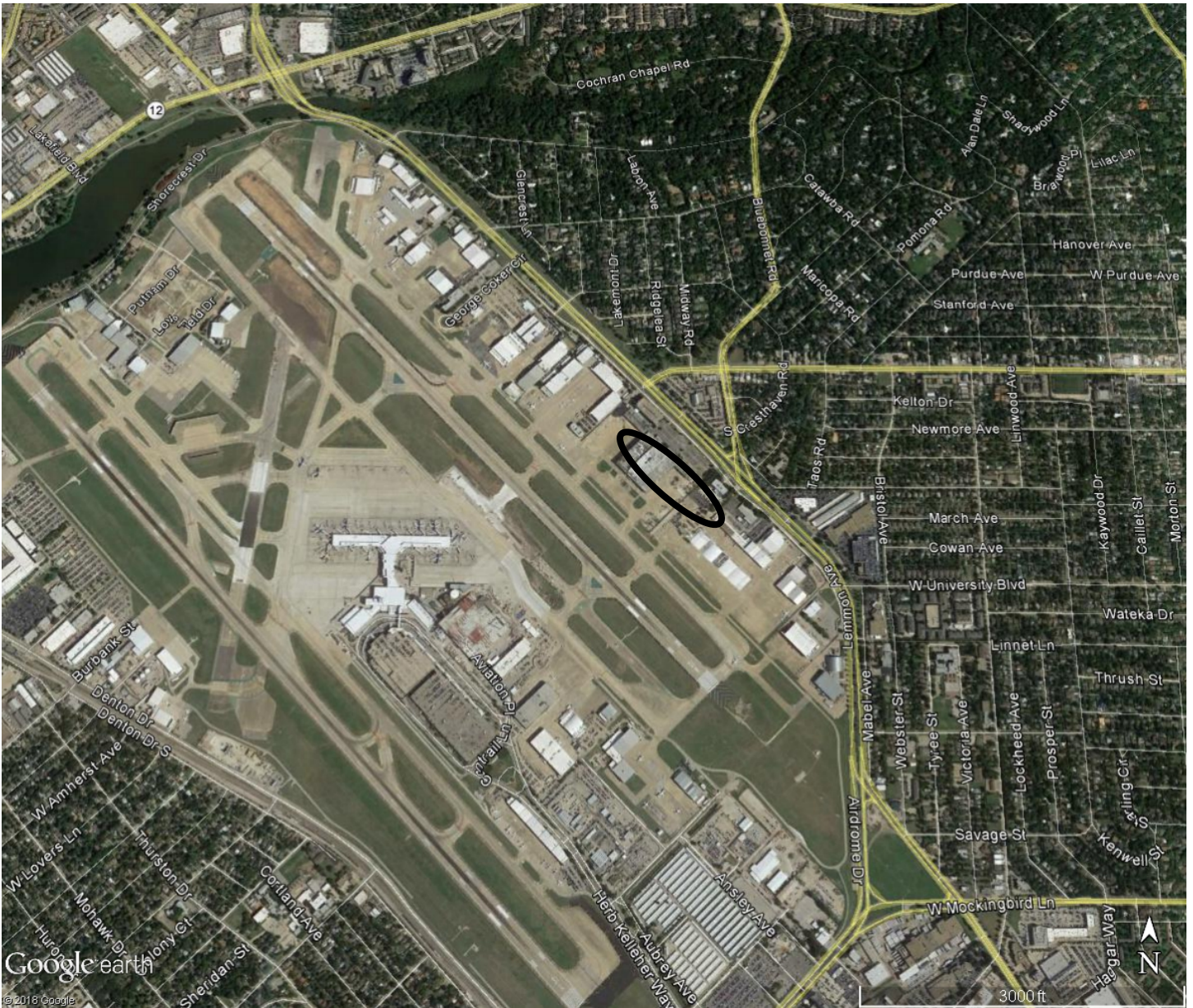
**The Braniff Center LP, a Texas Limited Partnership**

Randall Reed, Chief Executive Officer  
TBC GP LLC, General Partner

**MAP**

Attached

**DALLAS LOVE FIELD  
The Braniff Centre LP  
General Location  
MAPSCO 34B**



February 13, 2019

**WHEREAS**, The Braniff Centre LP ("Lessee") currently leases approximately 425,881 square feet of land at Dallas Love Field from the City of Dallas ("City") under that one certain lease referred to as the Commercial Lease of Land ("Lease") dated May 20, 2016, authorized by City Council Resolution No. 15-1693; and

**WHEREAS**, per the terms of the Lease, the City is responsible for the cost and expense of relocating any utilities or utility lines that are required to be relocated by any construction, remodeling, renovation or refurbishment of improvements on the leased premises; and

**WHEREAS**, in connection with Lessee's redevelopment of the leased premises, there are several different utility lines that are required to be relocated to continue with the redevelopment of the site.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized, on behalf of the City of Dallas, to expend an amount not to exceed \$1,015,057.53 for the relocation of utility lines located on the leased premises covered by the Lease, in support of the commercial development project.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to draw warrants payable to The Braniff Centre LP and charge the same to AVI Operating Fund, Fund 0130, Department AVI, Object 4599, Vendor VS91640.

**SECTION 3.** That this contract is designated as Contract No. AVI-2019-00009239.

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



## Agenda Information Sheet

**File #:** 18-1346

**Item #:** 5.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** February 13, 2019

**COUNCIL DISTRICT(S):** 2

**DEPARTMENT:** Department of Aviation

**EXECUTIVE:** Kimberly Bizer Tolbert

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### **SUBJECT**

Authorize Supplemental Agreement No. 2 to the professional services contract with EJES, Inc. to provide construction administration and materials testing services for the construction of the Miscellaneous Drainage Improvements Project at Dallas Love Field - Not to exceed \$135,542.00, from \$164,812.00 to \$300,354.00 - Financing: Aviation Capital Construction Fund

### **BACKGROUND**

This action will authorize Supplemental Agreement No. 2 to the professional services contract with EJES, Inc. to provide construction administration and materials testing services for the Miscellaneous Drainage Improvements Project at Dallas Love Field. The project includes improvements for three drainage areas. Area No. 1, Runway 31R and Taxiway A, conveying the surface runoff with a new inlet and underground pipes and re-grade of the area within the Runway 13L-31R Runway Surface Area to improve runoff. Area No. 2, Taxiway H which includes Installation of a new drainage pipe underneath Taxiway H and inlets on both sides of the taxiway. Area No. 3, Taxiway E and Taxiway A slope erosion, which includes stabilization of the slope by reducing it from 3:1 to 4:1 and installing erosion control matting in conjunction with concrete slope protection.

### **ESTIMATED SCHEDULE OF PROJECT**

Began Design	June 2016
Completed Design	June 2018
Begin Construction	February 2019
Complete Construction	May 2019

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On June 22, 2016, City Council authorized a professional services contract with EJES, Inc. for engineering services for the design of the Miscellaneous Drainage Improvements Project at Dallas Love Field by Resolution No. 16-1069.

On November 14, 2018, City Council authorized a construction contract with Reyes Group LTD. for the Miscellaneous Drainage Improvements Project at Dallas Love Field by Resolution No. 18-1587.

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on February 11, 2019.

**FISCAL INFORMATION**

Aviation Capital Construction Fund - \$135,542.00

Design	\$ 148,662.00
Supplemental Agreement No. 1	\$ 16,150.00
Construction	\$1,253,650.00
Supplemental Agreement No. 2 (this action)	<u>\$ 135,542.00</u>
Total Project Cost	\$1,554,004.00

**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 \$
\$135,542.00	Architectural & Engineering	25.66%	100.00%	\$135,542.00
• This contract exceeds the M/WBE goal.				
• Supplement Agreement No. 2 - 90.05% Overall M/WBE Participation				

**OWNER**

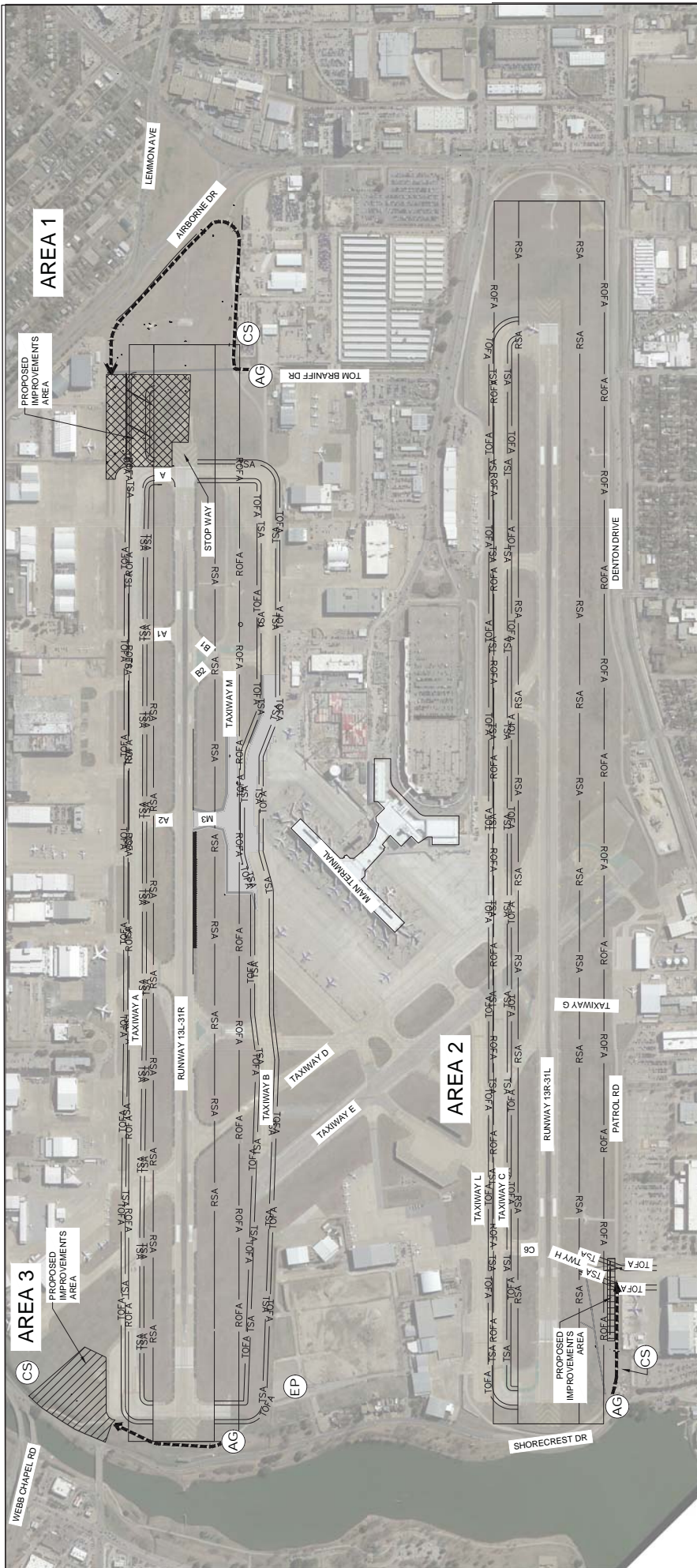
**EJES, Inc.**

James E. Allen, Senior Project Manager

**MAP**

Attached





**LEGEND**

WORK ZONE AREA 1

HAIL ROUTE

EMPLOYEE PARKING

CONSTRUCTION ENTRANCE

ACCESS GATE

PROPOSED STORM

EXISTING STORM

RUNWAY SAFETY AREA

ROFA

TAXIWAY SAFETY AREA

TSA

TOFA

TAXIWAY OBJECT FREE AREA

WORK ZONE AREA 2

WORK ZONE AREA 3

PROPOSED INLET

EXISTING STORM

RUNWAY SAFETY AREA

ROFA

TAXIWAY SAFETY AREA

TSA

TOFA

TAXIWAY OBJECT FREE AREA

**ITEMS OF WORK**

**AREA 1**

- PLACE EROSION CONTROL BMPs AND SAFETY ITEMS
- INSTALL 24" RCP BY OTHER THAN OPEN CUT UNDER PAVEMENT
- INSTALL 21", 27" AND 36" RCP PIPES UNDER PAVEMENT TO BE INSTALLED BY OTHER THAN OPEN CUT. INSTALL TWO TRIPLE GRATE INLETS ON EAST SIDE OF TAXI LANE A. CONNECT 36" RCP TO EXISTING 6" X 4" BOX CULVERT WITH PIPE COLLAR.
- REMOVE EXISTING GRATE INLET NORTH OF TAXI LANE A AND REPLACE WITH TRIPLE GRATE INLET
- GRAB AND REMOVE TOP 6" OF TAXIWAY A AND SOAKAWAY A. PLACE 12" TRIPLE GRATE INLETS AND CONNECT TO THE TWO TRIPLE GRATE INLETS IN STREET C. CONNECT WITH 24" RCP PIPES (BT OTHER THAN OPEN CUT UNDER PAVEMENT).
- SOD AREAS DISTURBED BY CONSTRUCTION.

**AREA 2**

- PLACE EROSION CONTROL BMPs AND SAFETY ITEMS
- INSTALL 24" RCP BY OTHER THAN OPEN CUT UNDER PAVEMENT AND TWO TRIPLE GRATE INLETS ON EITHER SIDE OF TAXIWAY H.
- INSTALL 24" HEADWALL AT THE OUTFALL OF THE 24" RCP AND GRADE A DITCH WHICH WILL INTERSECT THE EXISTING PATROL ROAD'S ROADSIDE DITCH.
- SOD AREAS DISTURBED BY CONSTRUCTION.

**AREA 3**

- PLACE EROSION CONTROL BMPs AND SAFETY ITEMS
- REGRADE SLOPE AT NORTH END OF AIRPORT BETWEEN SHORE CREST ROAD, RUNWAY 18-36 AND RUNWAY 13L-31R. SLOPE WILL BE AT 4:1 MAXIMUM.
- REGRADE EXISTING FLEX BASE HAIL ROAD AT TOP OF SLOPE. THEN PLACE ASPHALT TYPE D ON TOP OF FLEX BASE.
- PLACE TRIPLE GRATE INLET INLET OVER EXISTING 52" RCP.
- HYDROMULCH ON REGRADED SLOPE.
- SOD AREAS DISTURBED AROUND THE EDGE OF PROPOSED ROADWAY.

**DALLAS LOVE FIELD**  
CITY OF DALLAS  
DEPARTMENT OF AVIATION

**EJES**  
TEXAS TRANSPORTATION REG. NO. F-2888  
REGISTERED PROFESSIONAL ENGINEER  
STATE OF TEXAS  
EXPIRATION DATE: 08/26/2018  
TEL: 214-343-1510  
FAX: 214-343-1505

**DAVID J. VANNIK**  
PROFESSIONAL ENGINEER  
STATE OF TEXAS  
NO. 12545  
EXP. 08/26/2018

**Dallas Love Field**  
Dallas, Texas

**DRAINAGE IMPROVEMENTS**  
OVERALL PROJECT LAYOUT PLAN

Designed By: JAV  
Checked By: VP

Checked By: BY

Date: 06/26/2018

Scale: AS SHOWN

FILE

NO.

DRAWING NO.

G-200

REVISION

By

App.

Date

SHEET NO.

3

February 13, 2019

**WHEREAS**, on June 22, 2016, City Council authorized a professional services contract with EJES, Inc. for engineering services for the design and preparation of construction documents for the Miscellaneous Drainage Improvements Project at Dallas Love Field in an amount not to exceed \$148,662.00 by Resolution No. 16-1069; and

**WHEREAS**, on July 11, 2017, Administrative Action No. 17-6366 authorized Supplemental Agreement No. 1 to the professional services contract with EJES, Inc. for additional scope of services to locate existing electrical conduit north of Taxiway H Drainage Improvement Area No. 2 and to perform a survey of the communication line to obtain both vertical and horizontal information and provide vertical and horizontal service of a new data communication line being installed around Drainage Improvement Area No. 1 in an amount not to exceed \$16,150.00, from \$148,662.00 to \$164,812.00; and

**WHEREAS**, on November 14, 2018, City Council authorized a contract with Reyes Group, LTD for the construction of the Miscellaneous Drainage Improvements Project at Dallas Love Field by Resolution No. 18-1587; and

**WHEREAS**, it is now necessary to authorize Supplemental Agreement No. 2 to the professional services contract with EJES, Inc. to provide construction administration and materials testing services for the construction of the Miscellaneous Drainage Improvements Project at the Dallas Love Field, in an amount not to exceed \$135,542.00, from \$164,812.00 to \$300,354.00.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute Supplemental Agreement No. 2 to the professional services contract with EJES, Inc., approved as to form by the City Attorney, to provide construction administration and materials testing services for the construction of the Miscellaneous Drainage Improvements Project at Dallas Love Field, in an amount not to exceed \$135,542.00, from \$164,812.00 to \$300,354.00.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$135,542.00 to EJES, Inc. in accordance with the terms and conditions of the professional services contract from Aviation Capital Construction Fund, Fund 0131, Department AVI, Unit W007, Activity AAIP, Object 4116, Program AVIW007, Commodity 92500, Encumbrance No. CT-AVIW007APR16, Vendor 505524.

**SECTION 3.** That this contract is designated as Contract No. PBW-2016-00000702.

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



## Agenda Information Sheet

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**File #:** 19-45

**Item #:** 6.

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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** February 13, 2019

**COUNCIL DISTRICT(S):** 14

**DEPARTMENT:** Department of Public Works

**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

Authorize a professional services contract with Good Fulton & Farrell, Inc. d/b/a GFF, Inc. for architectural and engineering design, and construction administration services for the Latino Cultural Center located at 2600 Live Oak Street - Not to exceed \$446,360.00 - Financing: 2006 Bond Funds

### **BACKGROUND**

Good Fulton & Farrell, Inc. d/b/a GFF, Inc. was selected following a qualifications-based selection process in accordance with City of Dallas procurement guidelines. Funding for design and construction is provided through 2006 Bond Funds.

This expansion addresses priorities related to equity, diversity, space, and support for artists that were identified in the *Dallas Cultural Plan 2018*, adopted by the City Council on November 28, 2018. The 300-seat auditorium at the Latino Cultural Center has operated at capacity for the last three fiscal years, with no availability for weekend performance dates. Consistent with the Cultural Policy of the City of Dallas, as adopted on November 28, 2018, this action will further the mission of the Office of Cultural Affairs through the Latino Cultural Center, and will responsibly steward public dollars secured for this purpose by voters in the 2006 Bond Program. This is the first application of the new Cultural Policy's guidance on City-owned cultural venues.

This action will authorize a professional services contract with Good Fulton & Farrell, Inc. d/b/a GFF, Inc. to provide architectural, engineering and construction administration services (as the project Architect of Record, working in coordination with the design architect, Legorreta Arquitectos of Mexico City, Mexico) for expansion of the Latino Cultural Center to include a new 120-seat multi-form theater. The scope of services under this contract will include schematic design, design development, construction documents, bid evaluation, and construction administration, along with development of specifications for furniture, furnishings and equipment. This expansion of the existing facility will be designed to meet 2030 Challenge target level reductions in energy consumption from fossil-fuel based sources.



**ESTIMATED SCHEDULE OF PROJECT**

Begin Design	February 2019
Complete Design	October 2019
Begin Construction	January 2020
Complete Construction	October 2020

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

Information about this item will be provided to the Quality of Life, Arts, and Culture Committee and the Mobility Solutions, Infrastructure and Sustainability Committee on February 11, 2019.

**FISCAL INFORMATION**

2006 Bond Funds - \$446,360.00

Estimated Future Cost - Construction - \$3,350,000.00

**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 \$
\$446,360.00	Architectural & Engineering	25.66%	28.33%	\$118,000.00
• This contract exceeds the M/WBE goal.				

**OWNER**

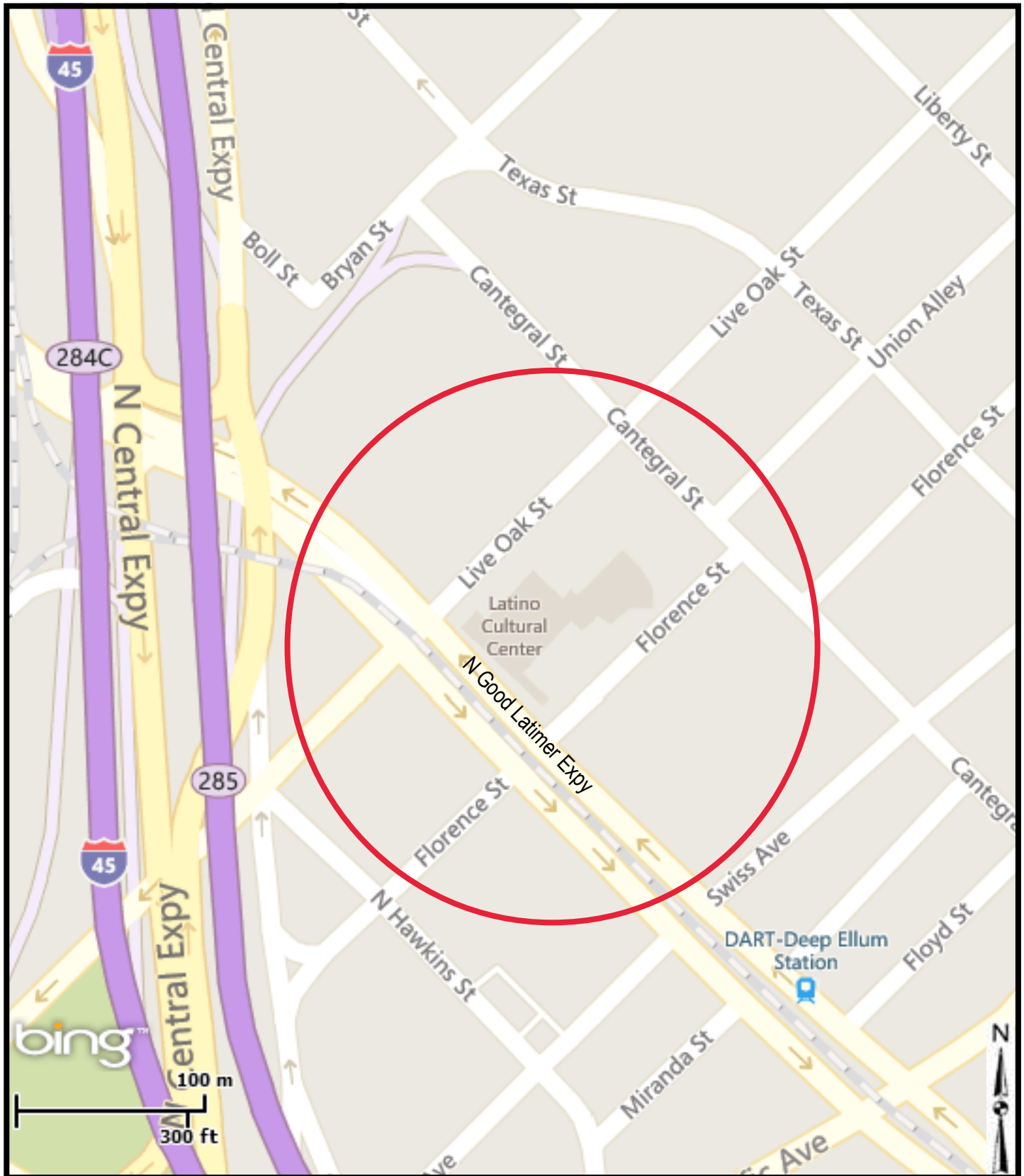
**Good Fulton & Farrell, Inc. d/b/a GFF, Inc.**

Jonathan Rollins, AIA, Principal

**MAP**

Attached

# LATINO CULTURAL CENTER



**COUNCIL DISTRICT 14**

February 13, 2019

**WHEREAS**, at the conclusion of a selection process conducted by City staff, Legorreta + Legorreta A.C. was chosen as the most qualified firm to provide architectural design services for Phase II expansion of the Latino Cultural Center facility; and

**WHEREAS**, on June 23, 2004, City Council authorized a professional services contract with Legorreta + Legorreta A.C. for architectural programming and schematic design for Phase II of the Latino Cultural Center, in an amount not to exceed \$150,500.00, by Resolution No. 04-2031; and

**WHEREAS**, on June 17, 2005, Administrative Action No. 05-1899 authorized Supplemental Agreement No. 1 to the professional services contract with Legorreta + Legorreta A.C., for pre-design services for expansion of the Latino Cultural Center, at no cost consideration to the City; and

**WHEREAS**, on September 9, 2015, Administrative Action No. 15-1726 authorized Supplemental Agreement No. 2 to the professional services contract with Legorreta + Legorreta A.C., for model and animation video of the proposed Phase II expansion of the Latino Cultural Center, in an amount not to exceed \$25,780.65, from \$150,500.00 to \$176,280.65; and

**WHEREAS**, at the conclusion of a selection process conducted by City staff to determine the most-qualified candidate to provide services as Architect of Record for the planned expansion of the Latino Cultural Center, Good Fulton & Farrell, Inc. d/b/a GFF, Inc. was chosen as the most qualified firm to provide professional services for this project; and

**WHEREAS**, it is now desirable to authorize a professional services contract with Good Fulton & Farrell, Inc. d/b/a GFF, Inc., to provide the architectural, engineering and construction administration services for the Latino Cultural Center located at 2600 Live Oak Street, in an amount not to exceed \$446,360.00.

**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 Good Fulton & Farrell, Inc. d/b/a GFF, Inc., approved as to form by the City Attorney, to provide architectural, engineering and construction administration services for the Latino Cultural Center located at 2600 Live Oak Street, in an amount not to exceed \$446,360.00.

February 13, 2019

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$446,360.00 to Good Fulton & Farrell, Inc. d/b/a GFF, Inc., in accordance with the terms and conditions of the contract from the Cultural Arts Facilities Fund, Fund 8T49, Department BSD, Unit T697, Activity CULF, Object 4112, Program PB06T697, Encumbrance/Contract No. CX-PBW-2019-00008832, Vendor 249502.

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



## Agenda Information Sheet

**File #:** 19-47

**Item #:** 7.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** February 13, 2019

**COUNCIL DISTRICT(S):** 14

**DEPARTMENT:** Department of Public Works

**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

Authorize a professional services contract with Harrison Kornberg Architects, LLC for architectural and engineering design, and construction administration services for the Meyerson Symphony Center located at 2301 Flora Street - Not to exceed \$695,222.00 - Financing: Cultural Affairs (F) Fund (2017 Bond Funds)

### **BACKGROUND**

Harrison Kornberg Architects, LLC 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 Harrison Kornberg Architects, LLC to provide architectural and engineering design and construction administration services for the Meyerson Symphony Center. In these contracts, services will include investigation and needs assessment, design development, construction documents, bid evaluation, and construction administration.

### **ESTIMATED SCHEDULE OF PROJECT**

Begin Design	February 2019
Complete Design	August 2019
Begin Construction	November 2019
Complete Construction	September 2020

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Information about this item will be provided to the Mobility Solutions, Infrastructure, and Sustainability Committee on February 11, 2019.

**FISCAL INFORMATION**

Cultural Affairs (F) Fund (2017 Bond Funds) - \$695,222.00

Estimated Future Cost - Construction - \$3,950,000.00

**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 \$
\$695,222.00	Architectural & Engineering	25.66%	68.68%	\$464,822.00
• This contract exceeds the M/WBE goal.				

**OWNER****Harrison Kornberg Architects, LLC**

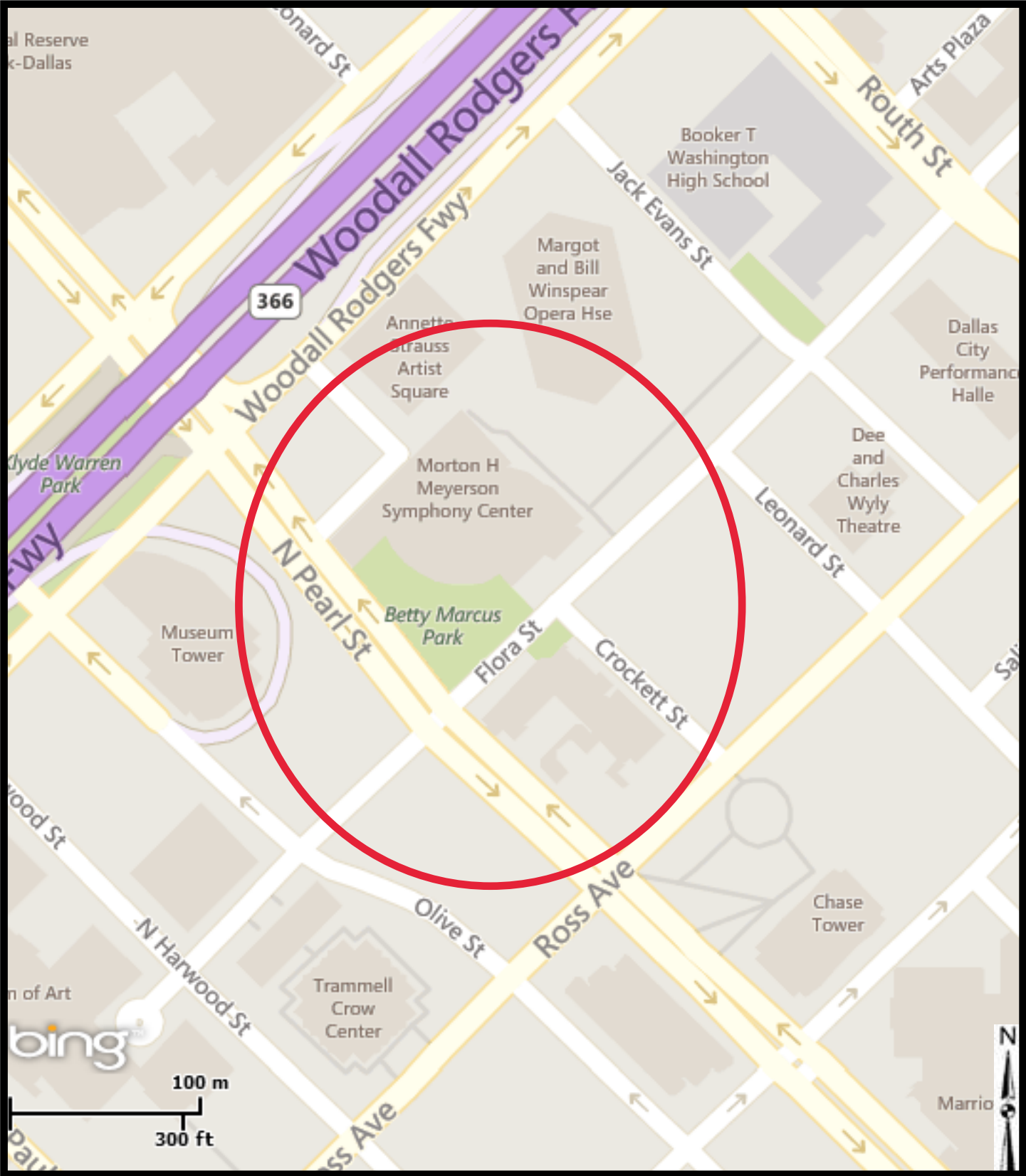
James Harrison, Principal

Daniel Kornberg, Principal-in-Charge

**MAP**

Attached

# MEYERSON SYMPHONY CENTER



## COUNCIL DISTRICT 14

February 13, 2019

**WHEREAS**, in the 2017 Bond Program, the citizens of Dallas approved funding for design and construction of building renovations and upgrades at the Meyerson Symphony Center; and

**WHEREAS**, at the conclusion of a selection process conducted by City staff, Harrison Kornberg Architects, LLC was chosen as the most qualified firm to provide professional architectural services for this project; and

**WHEREAS**, it is now desirable to authorize a professional services contract with Harrison Kornberg Architects, LLC for architectural and engineering design and construction administration services for the Meyerson Symphony Center located at 2301 Flora Street, in an amount not to exceed \$695,222.00.

**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 Harrison Kornberg Architects, LLC, approved as to form by the City Attorney, to provide architectural and engineering design, and construction administration services for the Meyerson Symphony Center, in an amount not to exceed \$695,222.00.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$695,222.00 to Harrison Kornberg Architects, LLC in accordance with the terms and conditions of the Meyerson Symphony Center contract from the Cultural Affairs (F) Fund, Fund 1V49, Department OCA, Unit VF05, Activity CULF, Object 4112, Program EB17VF05, Encumbrance/Contract No. CX-PBW-2019-00008760, Vendor VC0000005362.

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





## Agenda Information Sheet

**File #:** 19-48

**Item #:** 8.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** February 13, 2019

**COUNCIL DISTRICT(S):** 14

**DEPARTMENT:** Department of Public Works

**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

Authorize a professional services contract with Harrison Kornberg Architects, LLC for architectural and engineering design, and construction administration services for the Dallas Museum of Art located at 1717 North Harwood Street - Not to exceed \$726,207.00 - Financing: Cultural Affairs (F) Fund (2017 Bond Funds)

### **BACKGROUND**

Harrison Kornberg Architects, LLC 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 Harrison Kornberg Architects, LLC to provide architectural and engineering design and construction administration services for the Dallas Museum of Art. In this contract, services will include investigation and needs assessment, design development, construction documents, bid evaluation, and construction administration.

### **ESTIMATED SCHEDULE OF PROJECT**

Begin Design	February 2019
Complete Design	August 2019
Begin Construction	November 2019
Complete Construction	September 2020

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Information about this item will be provided to the Mobility Solutions, Infrastructure, and Sustainability Committee on February 11, 2019.

**FISCAL INFORMATION**

Cultural Affairs (F) Fund (2017 Bond Funds) - \$726,207.00

Estimated Future Construction Cost - \$5,250,000.00

**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 \$
\$726,207.00	Architectural & Engineering	25.66%	77.10%	\$552,957.00
• This contract exceeds the M/WBE goal.				

**OWNER****Harrison Kornberg Architects, LLC**

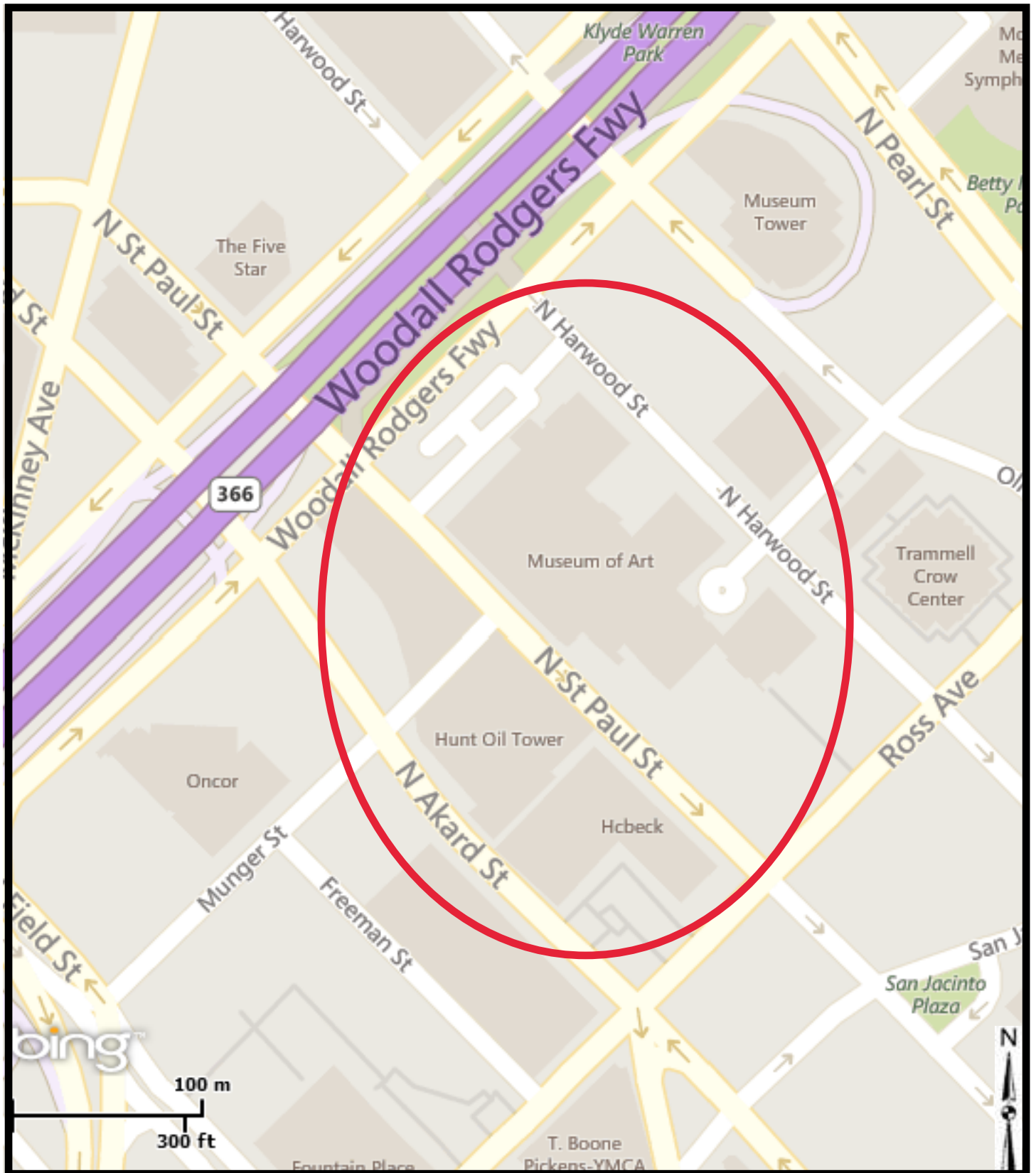
James Harrison, Principal

Daniel Kornberg, Principal-in-Charge

**MAP**

Attached

# DALLAS MUSEUM OF ART



COUNCIL DISTRICT 14

February 13, 2019

**WHEREAS**, in the 2017 Bond Program, the citizens of Dallas approved funding for design and construction of building renovations and upgrades at the Meyerson Symphony Center and the Dallas Museum of Art; and

**WHEREAS**, at the conclusion of a selection process conducted by City staff, Harrison Kornberg Architects, LLC was chosen as the most qualified firm to provide professional architectural services for this project; and

**WHEREAS**, it is now desirable to authorize a professional services contract with Harrison Kornberg Architects, LLC for architectural and engineering design and construction administration services for the Dallas Museum of Art located at 1717 North Harwood Street, in an amount not to exceed \$726,207.00.

**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 Harrison Kornberg Architects, LLC, approved as to form by the City Attorney, to provide architectural and engineering design and construction administration services for the Dallas Museum of Art located at 1717 North Harwood Street, in an amount not to exceed \$726,207.00.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$726,207.00 to Harrison Kornberg Architects, LLC in accordance with the terms and conditions of the Dallas Museum of Art contract from the Cultural Affairs (F) Fund, Fund 1V49, Department OCA, Unit VF03, Activity CULF, Object 4112, Program EB17VF03, Encumbrance/Contract No. CX-PBW-2019-00008846, Vendor VC0000005362.

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



## Agenda Information Sheet

**File #:** 18-1220

**Item #:** 9.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** February 13, 2019

**COUNCIL DISTRICT(S):** 11

**DEPARTMENT:** Department of Public Works

**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

Authorize a professional services contract with ARS Engineers, Inc. for the engineering design of Street Reconstruction Group 17-1103 (list attached to the Agenda Information Sheet) - Not to exceed \$227,925.73 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) (\$194,239.56) and Water Utilities Capital Improvement Funds (\$33,686.17)

### **BACKGROUND**

The Request for Qualifications (CIZ1721) was issued on May 31, 2018 for the 2017 Bond Projects. The consulting firm, ARS Engineers, 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 ARS Engineers, Inc. for the engineering design of four street reconstruction projects of local streets as Street Reconstruction Group 17-1103. The street reconstruction projects will include replacing the existing deteriorating concrete streets with reinforced concrete pavement, curb, gutter, sidewalk, driveway approaches, paving marking, possible replacement of the drainage system, and water and wastewater improvements.

Following are the locations and design costs for each project:

### **Street Reconstruction - Local Streets - Improvements**

<b><u>Project</u></b>	<b><u>Council District</u></b>	<b><u>Amount</u></b>
Blossomheath Lane from LBJ Service Road North to Thistle Lane	11	\$41,339.79
Blossomheath Lane from Thistle Lane to Alpha Road	11	\$47,729.32

Northaven Road from Royalshire Drive to Crest Brook Drive	11	\$57,057.25
Northcreek Lane from LBJ Service Road North to End of Pavement	11	\$81,799.37

**ESTIMATED SCHEDULE OF PROJECT**

Begin Design	April 2019
Complete Design	April 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 February 11, 2019.

**FISCAL INFORMATION**

Street and Transportation (A) Fund (2017 Bond Funds) - \$194,239.56

Water Utilities Capital Improvement Funds - \$33,686.17

Estimated Future Cost - Construction - \$2,068,957.55

**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 \$
\$227,925.73	Architectural & Engineering	25.66%	100.00%	\$227,925.73
• This contract exceeds the M/WBE goal.				

**OWNER**

**ARS Engineers, Inc.**

Ayub R. Sandhu, P.E., RPLS, President

**MAPS**

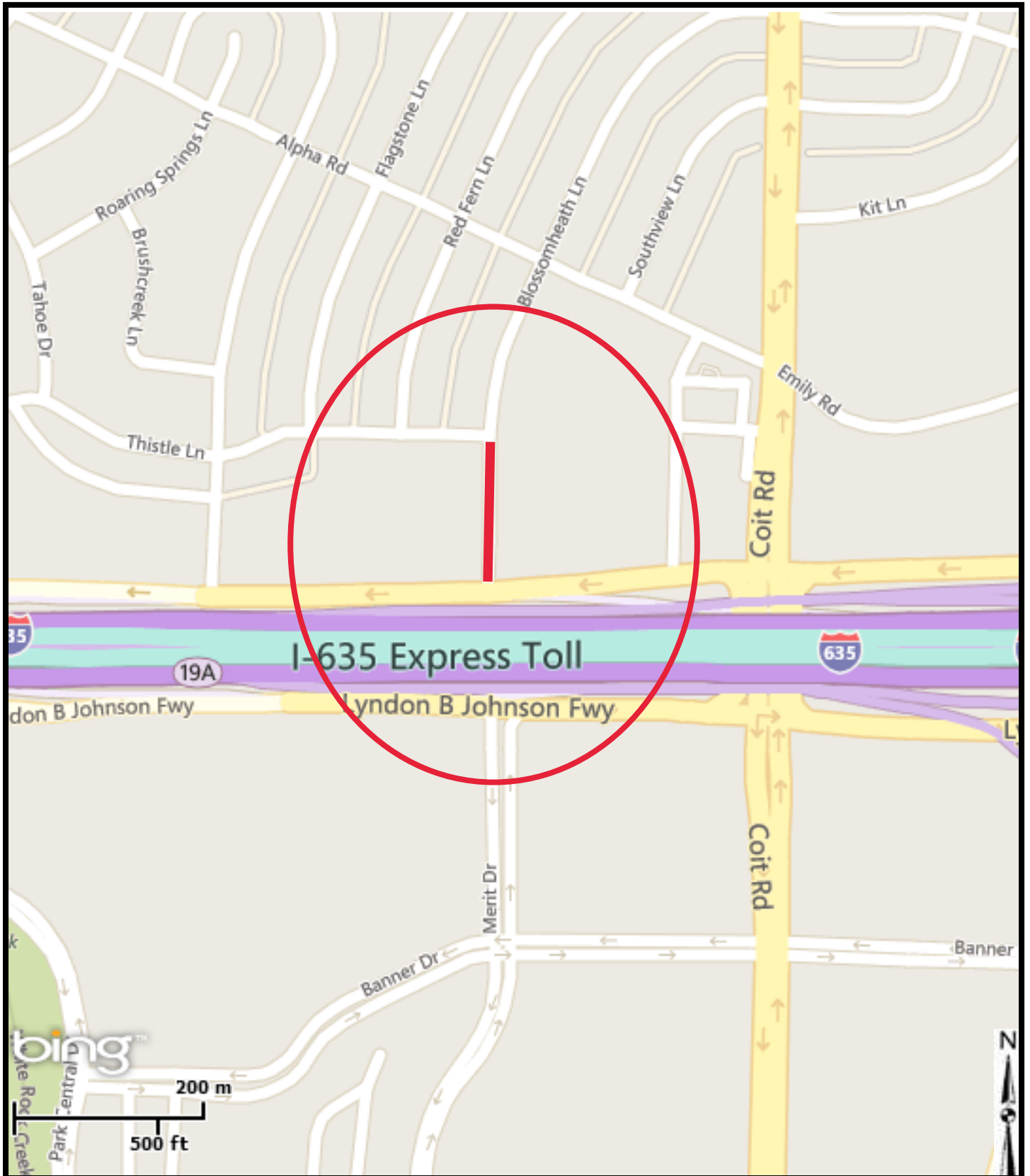
Attached

## Street Reconstruction Group 17-1103

### Street Reconstruction - Local Streets - Improvements

<b><u>Project</u></b>	<b><u>Council District</u></b>
Blossomheath Lane from LBJ Service Road North to Thistle Lane	11
Blossomheath Lane from Thistle Lane to Alpha Road	11
Northaven Road from Royalshire Drive to Crest Brook Drive	11
Northcreek Lane from LBJ Service Road North to End of Pavement	11

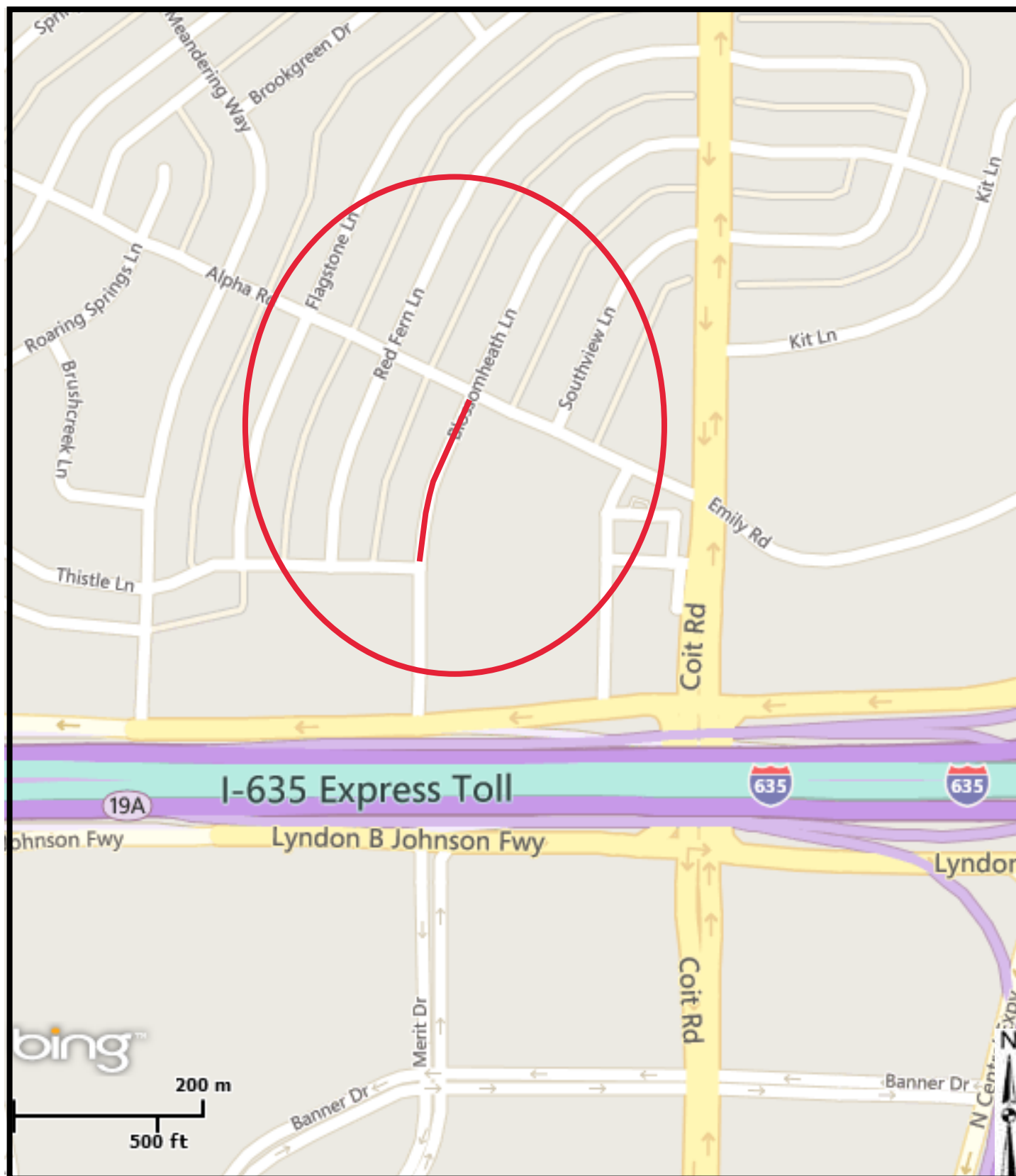
**STREET RECONSTRUCTION  
BLOSSOMHEATH LANE FROM LBJ SERVICE ROAD NORTH  
TO THISTLE LANE**



**COUNCIL DISTRICT 11**

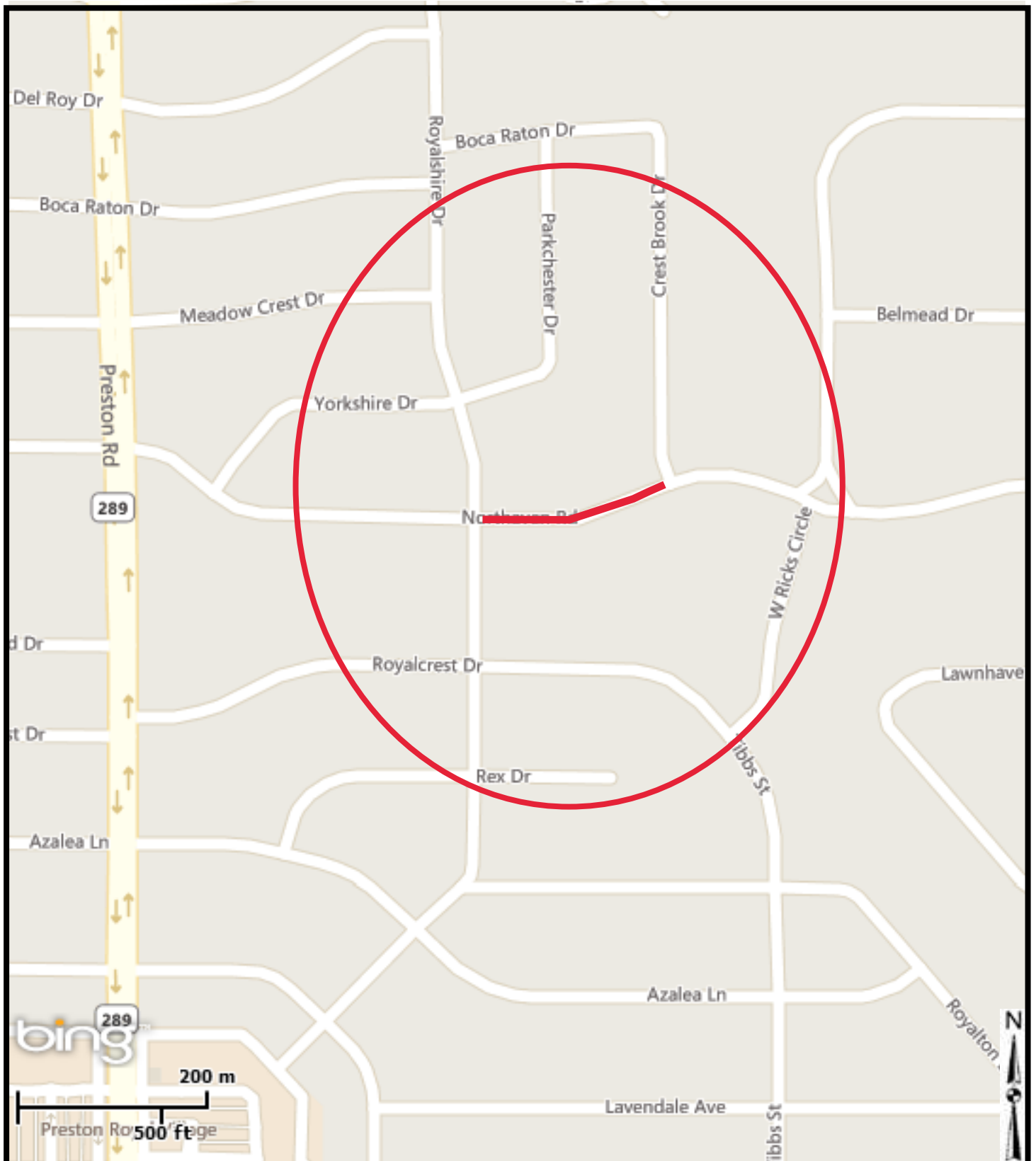


# STREET RECONSTRUCTION BLOSSOMHEATH LANE FROM THISTLE LANE TO ALPHA ROAD



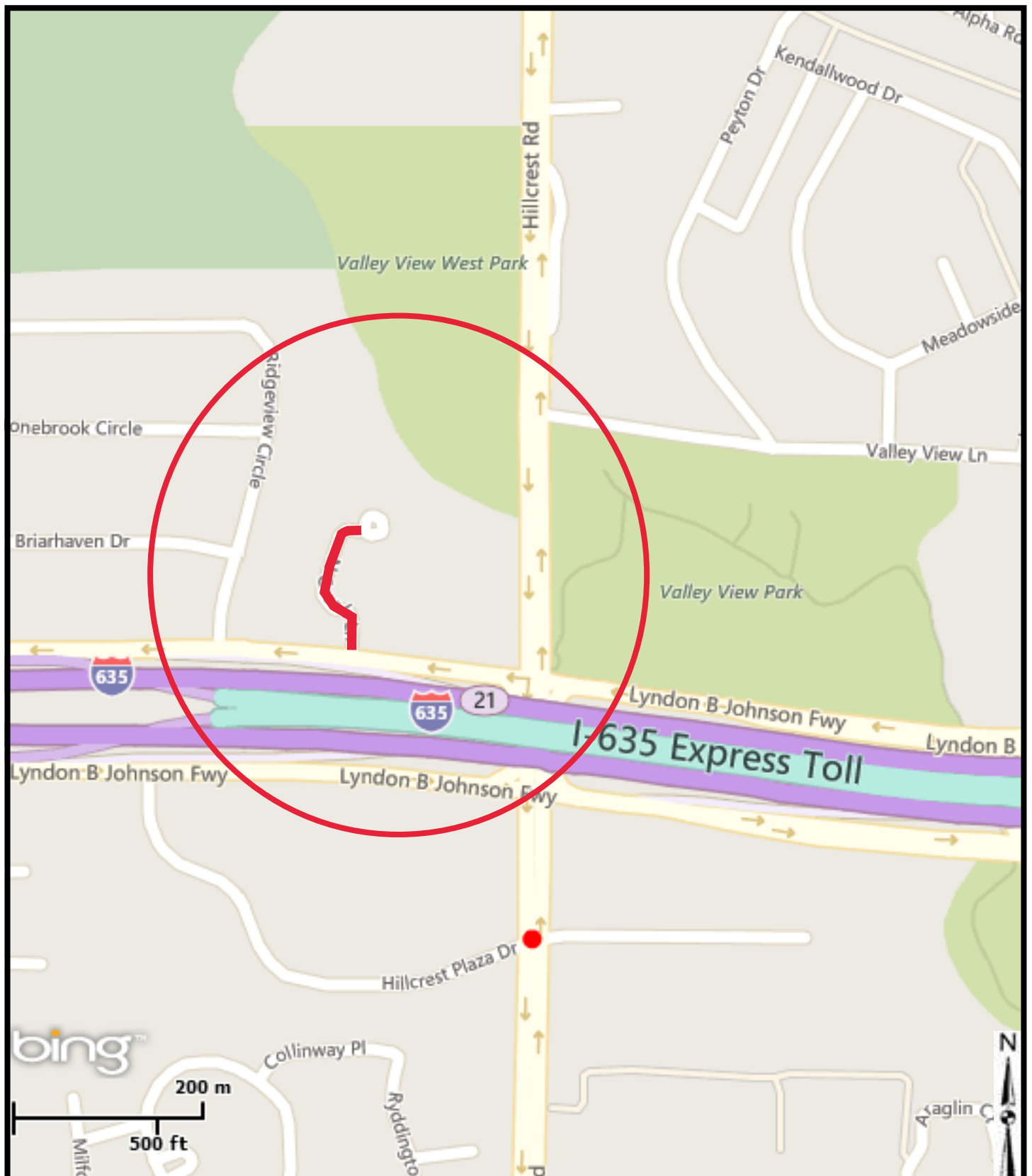
COUNCIL DISTRICT 11

# STREET RECONSTRUCTION NORTHAVEN ROAD FROM ROYALSHIRE DRIVE TO CREST BROOK DRIVE



**COUNCIL DISTRICT 11**

# STREET RECONSTRUCTION NORTHCREEK LANE FROM LBJ SERVICE ROAD NORTH TO END OF PAVEMENT



COUNCIL DISTRICT 11

February 13, 2019

**WHEREAS**, ARS Engineers, Inc. was selected to provide engineering design for Street Reconstruction Group 17-1103.

**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 ARS Engineers, Inc., approved as to form by the City Attorney, for engineering design services for the indicated projects, in an amount not to exceed \$227,925.73.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$227,925.73 in accordance with the terms and conditions of the contract:

ARS Engineers, Inc. for the engineering design of street reconstruction projects of local streets on: Blossomheath Lane from LBJ Service Road North to Thistle Lane; Blossomheath Lane from Thistle Lane to Alpha Road; Northaven Road from Royalshire Drive to Crest Brook Drive; and Northcreek Lane from LBJ Service Road North to End of Pavement:

Street and Transportation (A) Fund	
Fund 1V22, Department PBW, Unit V275, Activity SREC	
Object 4111, Program PB17V275	
Encumbrance/Contract No. CX-PBW-2019-00009043	
Vendor 504537	\$ 35,479.03

Street and Transportation (A) Fund	
Fund 1V22, Department PBW, Unit V222, Activity SREC	
Object 4111, Program PB17V222	
Encumbrance/Contract No. CX-PBW-2019-00009043	
Vendor 504537	\$ 40,933.28

Street and Transportation (A) Fund	
Fund 1V22, Department PBW, Unit V226, Activity SREC	
Object 4111, Program PB17V226	
Encumbrance/Contract No. CX-PBW-2019-00009043	
Vendor 504537	\$ 57,057.25

February 13, 2019

**SECTION 2.** (continued)

Street and Transportation (A) Fund  
Fund 1V22, Department PBW, Unit V227, Activity SREC  
Object 4111, Program PB17V227  
Encumbrance/Contract No. CX-PBW-2019-00009043  
Vendor 504537 \$ 60,770.00

Water Capital Improvement Fund  
Fund 3115, Department DWU, Unit PW42  
Object 4111, Program 719171  
Encumbrance/Contract No. CX-PBW-2019-00009043  
Vendor 504537 \$ 22,723.56

Wastewater Capital Improvement Fund  
Fund 2116, Department DWU, Unit PS42  
Object 4111, Program 719172  
Encumbrance/Contract No. CX-PBW-2019-00009043  
Vendor 504537 \$ 10,962.61

Total amount not to exceed \$227,925.73

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



## Agenda Information Sheet

**File #:** 19-78

**Item #:** 10.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** February 13, 2019

**COUNCIL DISTRICT(S):** 14

**DEPARTMENT:** Department of Public Works

**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

Authorize a professional services contract with Binkley & Barfield, Inc. for the engineering design of Street Reconstruction Group 17-1405 (list attached to the Agenda Information Sheet) - Not to exceed \$203,394.85 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) (\$183,437.85) and Water Utilities Capital Improvement Funds (\$19,957.00)

### **BACKGROUND**

The Request for Qualifications (CIZ1721) was issued on May 31, 2018 for the 2017 Bond Projects. The consulting firm, Binkley & Barfield, 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 Binkley & Barfield, Inc. for the engineering design of three street reconstruction of local streets as Street Reconstruction Group 17-1405. The street reconstruction projects will include replacing the existing deteriorating concrete streets with reinforced concrete pavement, curb, gutter, sidewalk, driveway approaches, paving marking, possible replacement of the drainage system, water and wastewater improvements.

Following are the locations and design costs for each project:

### **Street Reconstruction - Local Streets - Improvements**

<b><u>Project</u></b>	<b><u>Council District</u></b>	<b><u>Amount</u></b>
Goodwin Avenue from Laneri Avenue to Glencoe Street	14	\$80,381.15
McCommas Boulevard from McMillan Avenue to Worcola Street	14	\$60,314.35

Willis Avenue from  
McMillan Avenue to Worcola Street 14 \$62,699.35

**ESTIMATED SCHEDULE OF PROJECT**

Begin Design March 2019  
Complete Design January 2020  
Begin Construction March 2020  
Complete Construction March 2021

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

Information about this item will be provided to the Mobility Solutions, Infrastructure, and Sustainability Committee on February 11, 2019.

**FISCAL INFORMATION**

Street and Transportation (A) Fund (2017 Bond Funds) - \$183,437.85  
Water Utilities Capital Improvement Funds - \$19,957.00

Estimated Future Cost - Construction - \$1,668,259.00

**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 \$
\$203,394.85	Architectural & Engineering	25.66%	38.72%	\$78,759.80
• This contract exceeds the M/WBE goal.				

**OWNER**

**Binkley & Barfield, Inc.**

James Binkley, Chief Executive Officer

**MAPS**

Attached

## Street Reconstruction Group 17-1405

### Street Reconstruction - Local Streets - Improvements

<u>Project</u>	<u>Council District</u>
Goodwin Avenue from Laneri Avenue to Glencoe Street	14
McCommas Boulevard from McMillan Avenue to Worcola Street	14
Willis Avenue from McMillan Avenue to Worcola Street	14



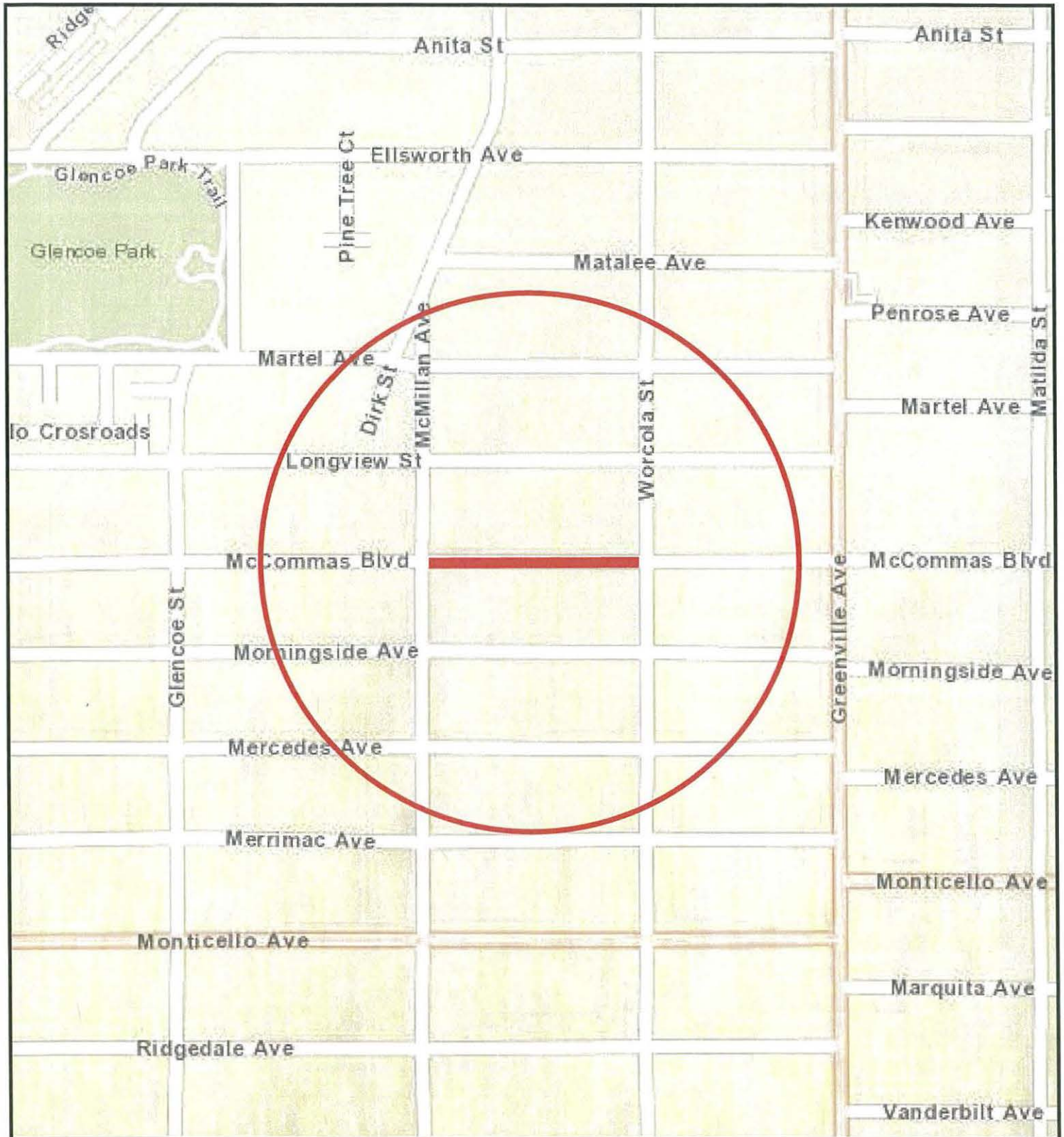
**STREET RECONSTRUCTION  
GOODWIN AVENUE FROM LANERI AVENUE TO  
GLENCOE STREET**



**COUNCIL DISTRICT 14**



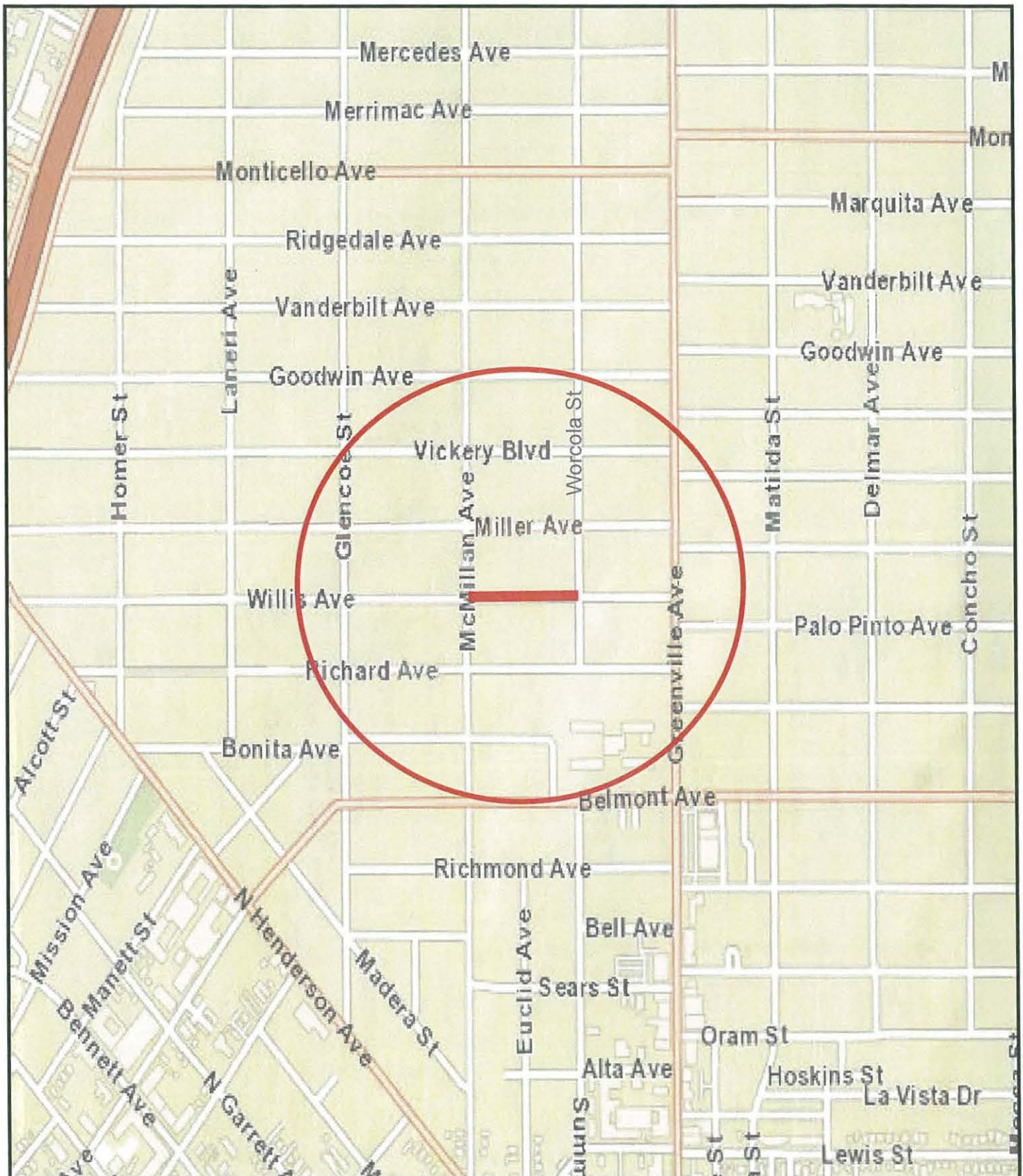
**STREET RECONSTRUCTION  
MCCOMMAS BOULEVARD FROM MCMILLAN AVENUE  
TO WORCOLA STREET**



**COUNCIL DISTRICT 14**



**STREET RECONSTRUCTION  
WILLIS AVENUE FROM MCMILLAN AVENUE  
TO WORCOLA STREET**



**COUNCIL DISTRICT 14**

February 13, 2019

**WHEREAS**, Binkley & Barfield, Inc. was selected to provide engineering design for Street Reconstruction Group 17-1405.

**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 Binkley & Barfield, Inc., approved as to form by the City Attorney, for engineering design services for the indicated projects, in an amount not to exceed \$203,394.85.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$203,394.85 in accordance with the terms and conditions of the contract:

Binkley & Barfield, Inc. for the engineering design of street reconstruction of local streets on: Goodwin Avenue from Laneri Avenue to Glencoe Street; McCommas Boulevard from McMillan Avenue to Worcola Street; and Willis Avenue from McMillan Avenue to Worcola Street:

Street and Transportation (A) Fund  
Fund 1V22, Department PBW, Unit V232, Activity SREC  
Object 4111, Program PB17V232  
Encumbrance/Contract No. CX-PBW-2019-00009086  
Vendor 240395 \$ 60,424.15

Street and Transportation (A) Fund  
Fund 1V22, Department PBW, Unit V233, Activity SREC  
Object 4111, Program PB17V233  
Encumbrance/Contract No. CX-PBW-2019-00009086  
Vendor 240395 \$ 60,314.35

Street and Transportation (A) Fund  
Fund 1V22, Department PBW, Unit V235, Activity SREC  
Object 4111, Program PB17V235  
Encumbrance/Contract No. CX-PBW-2019-00009086  
Vendor 240395 \$ 62,699.35

Water Capital Improvement Fund  
Fund 3115, Department DWU, Unit PW42  
Object 4111, Program 719185  
Encumbrance/Contract No. CX-PBW-2019-00009086  
Vendor 240395 \$ 6,984.95

February 13, 2019

**SECTION 2.** (continued)

Wastewater Capital Improvement Fund	
Fund 2116, Department DWU, Unit PS42	
Object 4111, Program 719186	
Encumbrance/Contract No. CX-PBW-2019-00009086	
Vendor 240395	<u>\$ 12,972.05</u>
 Total amount not to exceed	 \$203,394.85

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



## Agenda Information Sheet

**File #:** 19-9

**Item #:** 11.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** February 13, 2019

**COUNCIL DISTRICT(S):** 14

**DEPARTMENT:** Department of Public Works

**EXECUTIVE:** Majed Al-Ghafry

### **SUBJECT**

Authorize a professional services contract with Multatech Engineering, Inc. for the engineering design of Street Reconstruction Group 17-1409 (list attached to the Agenda Information Sheet) - Not to exceed \$191,085.50 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) (\$169,955.50) and Water Utilities Capital Improvement Funds (\$21,130.00)

### **BACKGROUND**

The Request for Qualifications (CIZ1721) was issued on May 31, 2018 for the 2017 Bond Projects. The consulting firm, Multatech Engineering, 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 Multatech Engineering, Inc. for the engineering design of three street reconstruction thoroughfare projects as Street Reconstruction Group 17-1409. The street reconstruction projects will include replacing the existing deteriorating concrete streets with reinforced concrete pavement, curb, gutter, sidewalk, driveway approaches, paving marking, possible replacement of the drainage system, and water and wastewater improvements.

Following are the locations and design costs for each project:

### **Street Reconstruction - Thoroughfares - Improvements**

<b><u>Project</u></b>	<b><u>Council District</u></b>	<b><u>Amount</u></b>
North Hall Street from Ross Avenue to Munger Avenue*	14	\$56,651.84
North Hall Street from Munger Avenue to Cochran Street	14	\$67,216.83

North Hall Street from Cochran Street  
to Central Expressway Service Road

14

\$67,216.83

\*Incorrectly listed as Munger Boulevard in 2017 Bond Program.

### **ESTIMATED SCHEDULE OF PROJECT**

Begin Design	April 2019
Complete Design	April 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 February 11, 2019.

### **FISCAL INFORMATION**

Street and Transportation (A) Fund (2017 Bond Funds) - \$169,955.50  
Water Utilities Capital Improvement Funds - \$21,130.00

Estimated Future Cost - Construction - \$1,668,924.12

### **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 \$
\$191,085.50	Architectural & Engineering	25.66%	100.00%	\$191,085.50
• This contract exceeds the M/WBE goal.				

### **OWNER**

**Multatech Engineering, Inc.**

Paul J. Padilla, Vice President

### **MAPS**

Attached

## Street Reconstruction Group 17-1409

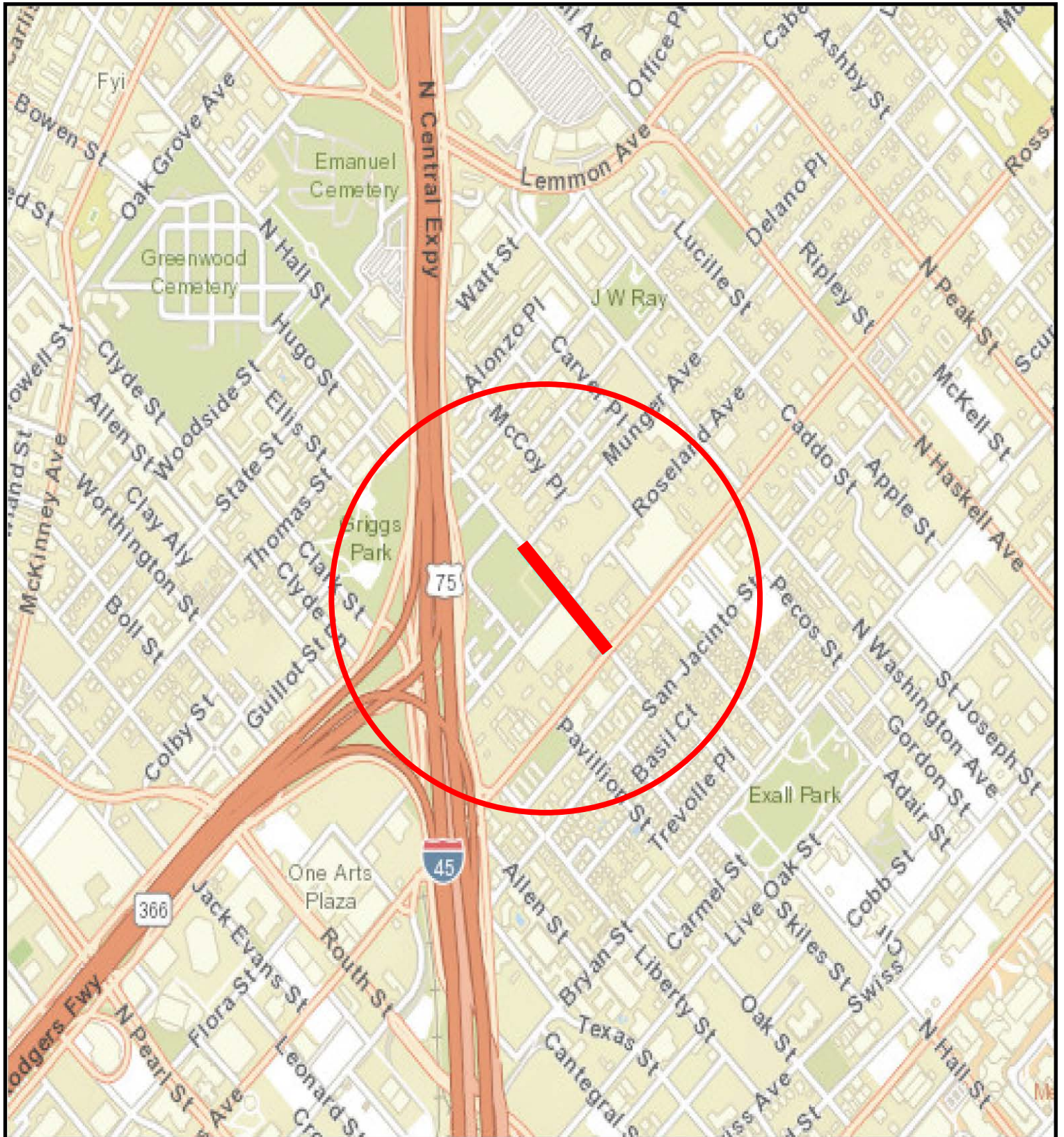
### Street Reconstruction - Thoroughfares – Improvements

<u>Project</u>	<u>Council District</u>
North Hall Street from Ross Avenue to Munger Avenue*	14
North Hall Street from Munger Avenue to Cochran Street	14
North Hall Street from Cochran Street to Central Expressway Service Road	14

\*Incorrectly listed as Munger Boulevard in 2017 Bond Program.



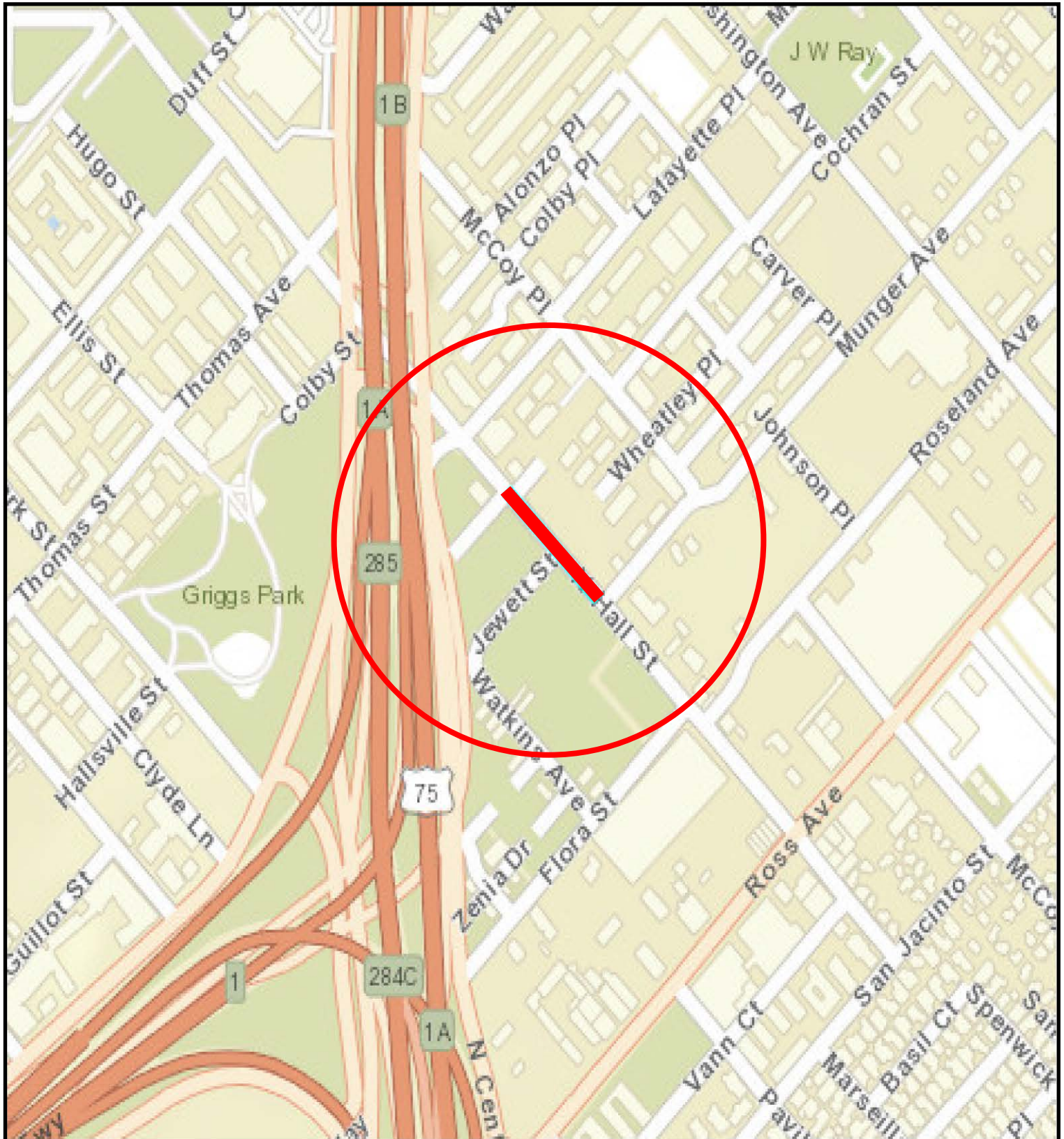
**STREET RECONSTRUCTION  
NORTH HALL STREET FROM ROSS AVENUE  
TO MUNGER AVENUE**



**COUNCIL DISTRICT 14**



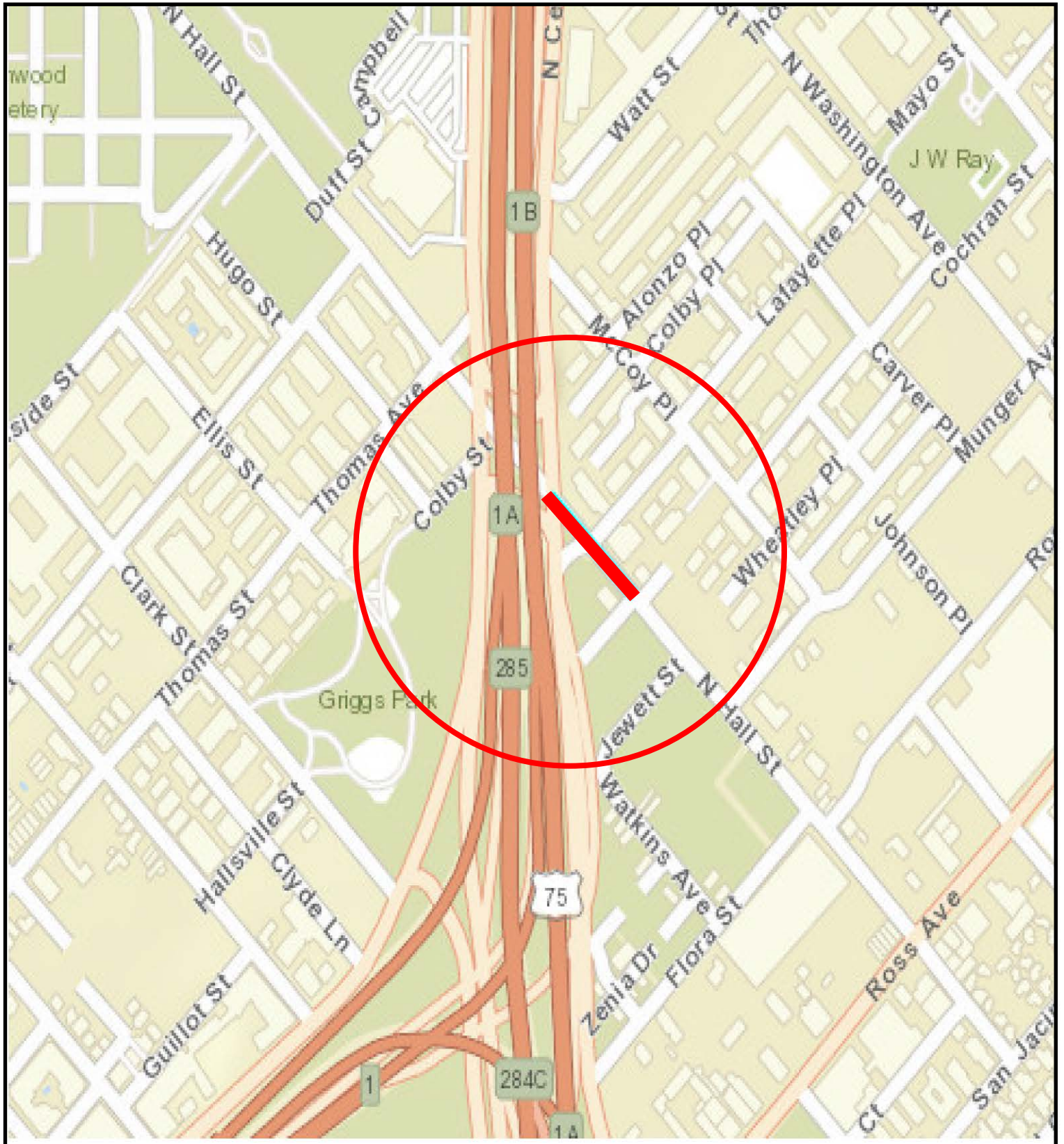
**STREET RECONSTRUCTION  
NORTH HALL STREET FROM MUNGER AVENUE  
TO COCHRAN STREET**



**COUNCIL DISTRICT 14**



**STREET RECONSTRUCTION  
NORTH HALL STREET FROM COCHRAN STREET  
TO CENTRAL EXPRESSWAY SERVICE ROAD**



**COUNCIL DISTRICT 14**

February 13, 2019

**WHEREAS**, Multatech Engineering, Inc. was selected to provide engineering design for Street Reconstruction Group 17-1409.

**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 Multatech Engineering, Inc., approved as to form by the City Attorney, for engineering design services for the indicated projects, in an amount not to exceed \$191,085.50.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$191,085.50 in accordance with the terms and conditions of the contract:

Multatech Engineering, Inc. for the engineering design of street reconstruction thoroughfare projects on: North Hall Street from Ross Avenue to Munger Avenue; North Hall Street from Munger Avenue to Cochran Street; and North Hall Street from Cochran Street to Central Expressway Service Road:

Street and Transportation (A) Fund  
Fund 1V22, Department PBW, Unit V316, Activity SREC  
Object 4111, Program PB17V316  
Encumbrance/Contract No. CX-PBW-2019-00009080  
Vendor VS0000011274 \$ 56,651.84

Street and Transportation (A) Fund  
Fund 1V22, Department PBW, Unit V317, Activity SREC  
Object 4111, Program PB17V317  
Encumbrance/Contract No. CX-PBW-2019-00009080  
Vendor VS0000011274 \$ 56,651.83

Street and Transportation (A) Fund  
Fund 1V22, Department PBW, Unit V318, Activity SREC  
Object 4111, Program PB17V318  
Encumbrance/Contract No. CX-PBW-2019-00009080  
Vendor VS0000011274 \$ 56,651.83

Water Capital Improvement Fund  
Fund 3115, Department DWU, Unit PW42  
Object 4111, Program 719181  
Encumbrance/Contract No. CX-PBW-2019-00009080  
Vendor VS0000011274 \$ 10,670.00

February 13, 2019

**SECTION 2.** (continued)

Wastewater Capital Improvement Fund	
Fund 2116, Department DWU, Unit PS42	
Object 4111, Program 719182	
Encumbrance/Contract No. CX-PBW-2019-00009080	
Vendor VS0000011274	<u>\$ 10,460.00</u>
 Total amount not to exceed	 \$191,085.50

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



## Agenda Information Sheet

**File #:** 19-68

**Item #:** 12.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** February 13, 2019

**COUNCIL DISTRICT(S):** 3

**DEPARTMENT:** Department of Public Works

**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

Authorize a professional services contract with Gresham Smith for the engineering design of Street Reconstruction Group 17-3003 (list attached to the Agenda Information Sheet) - Not to exceed \$226,147.16 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) (\$176,831.16) and Water Utilities Capital Improvement Funds (\$49,316.00)

### **BACKGROUND**

The Request for Qualifications (CIZ1721) was issued on May 31, 2018 for the 2017 Bond Projects. The consulting firm, Gresham Smith, 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 Gresham Smith for the engineering design of two street reconstruction projects of local streets as Street Reconstruction Group 17-3003. The street reconstruction projects will include replacing the existing deteriorating concrete streets with reinforced concrete pavement, curb, gutter, sidewalk, driveway approaches, possible replacement of the drainage system and water and wastewater improvements.

Following are the locations and design costs for each project:

### **Street Reconstruction - Local Streets - Improvements**

<b><u>Project</u></b>	<b><u>Council District</u></b>	<b><u>Amount</u></b>
Dove Creek Way from Myrtlewood Drive to Swansee Street	3	\$141,177.12
Grassy Ridge Trail from Penguin Drive to Scottsboro Lane	3	\$ 84,970.04

**ESTIMATED SCHEDULE OF PROJECT**

Begin Design	March 2019
Complete Design	March 2020
Begin Construction	September 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 February 11, 2019.

**FISCAL INFORMATION**

Street and Transportation (A) Fund (2017 Bond Funds) - \$176,831.16  
Water Utilities Capital Improvement Funds - \$49,316.00

Estimated Future Cost - Construction - \$2,375,773.63

**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 \$
\$226,147.16	Architectural & Engineering	25.66%	28.69%	\$64,892.00
• This contract exceeds the M/WBE goal.				

**OWNER**

**Gresham Smith**

Chris Kaakaty, P.E., Senior Vice President

**MAPS**

Attached

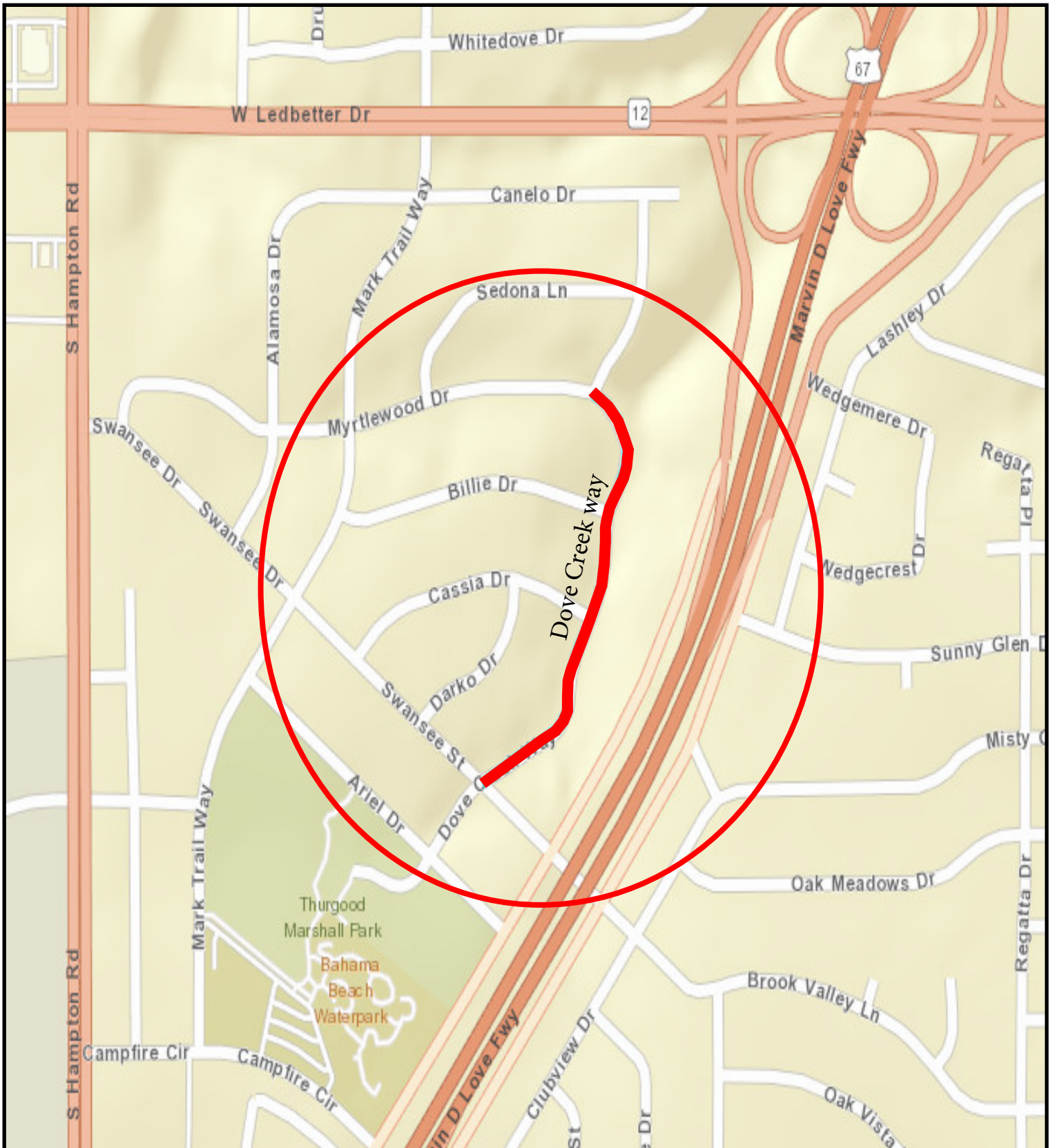
## Street Reconstruction Group 17-3003

### Street Reconstruction - Local Streets - Improvements

<b><u>Project</u></b>	<b><u>Council District</u></b>
Dove Creek Way from Myrtlewood Drive to Swansee Street	3
Grassy Ridge Trail from Penguin Drive to Scottsboro Lane	3

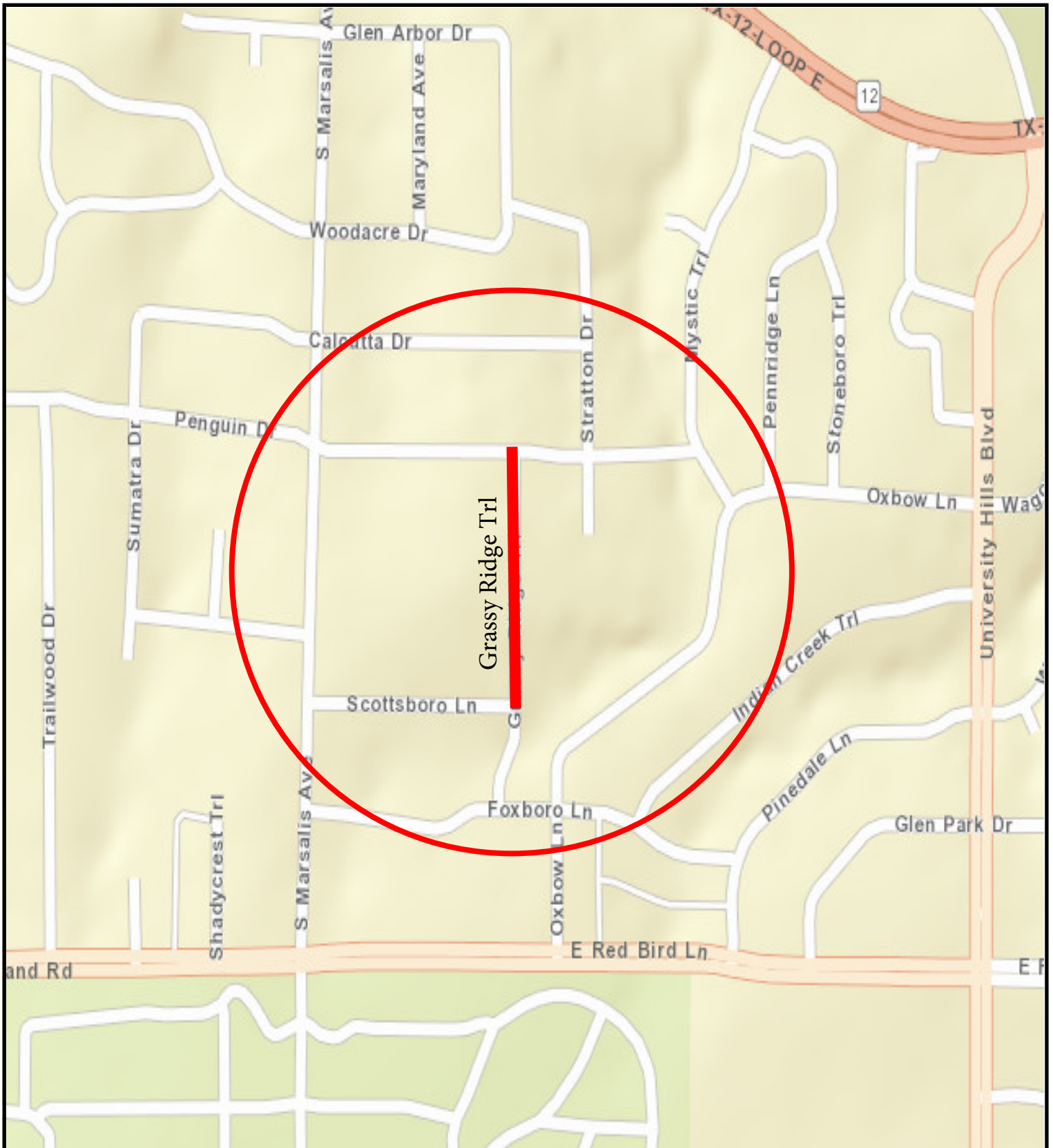


**STREET RECONSTRUCTION  
DOVE CREEK WAY FROM MYRTLEWOOD DRIVE  
TO SWANSEE STREET**



**COUNCIL DISTRICT 3**

**STREET RECONSTRUCTION  
GRASSY RIDGE TRAIL FROM PENGUIN DRIVE  
TO SCOTTSBORO LANE**



**COUNCIL DISTRICT 3**

February 13, 2019

**WHEREAS**, Gresham Smith was selected to provide engineering design for Street Reconstruction Group 17-3003.

**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 Gresham Smith, approved as to form by the City Attorney, for engineering design services for the indicated projects, in an amount not to exceed \$226,147.16.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$226,147.16 in accordance with the terms and conditions of the contract:

Gresham Smith for the engineering design of two street reconstruction projects of local streets on: Dove Creek Way from Myrtlewood Drive to Swansee Street; and Grassy Ridge Trail from Penguin Drive to Scottsboro Lane:

Street and Transportation (A) Fund	
Fund 1V22, Department PBW, Unit V245, Activity SREC	
Object 4111, Program PB17V245	
Encumbrance/Contract No. CX-PBW-2019-00008930	
Vendor 503071	\$112,723.12

Street and Transportation (A) Fund	
Fund 1V22, Department PBW, Unit V246, Activity SREC	
Object 4111, Program PB17V246	
Encumbrance/Contract No. CX-PBW-2019-00008930	
Vendor 503071	\$ 64,108.04

Water Capital Improvement Fund	
Fund 3115, Department DWU, Unit PW42	
Object 4111, Program 719163	
Encumbrance/Contract No. CX-PBW-2019-00008930	
Vendor 503071	\$ 29,099.53

Wastewater Capital Improvement Fund	
Fund 2116, Department DWU, Unit PS42	
Object 4111, Program 719164	
Encumbrance/Contract No. CX-PBW-2019-00008930	
Vendor 503071	<u>\$ 20,216.47</u>

Total amount not to exceed	\$226,147.16
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February 13, 2019

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



## Agenda Information Sheet

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**File #:** 18-849

**Item #:** 13.

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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability  
**AGENDA DATE:** February 13, 2019  
**COUNCIL DISTRICT(S):** Outside City Limits  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**EXECUTIVE:** Majed Al-Ghafry

---

### **SUBJECT**

Authorize settlement in lieu of proceeding with condemnation from Timothy A. Danziger and Deborah C. Danziger, of approximately 18,071 square feet of land located in Kaufman County for the Lake Tawakoni 144-inch Pipeline Project - Not to exceed \$7,630.00, increased from \$12,870.00 (\$10,370.00, plus closing costs and title expenses not to exceed \$2,500.00) to \$20,500.00 (\$18,000.00, plus closing costs and title expenses not to exceed \$2,500.00) - Financing: Water Utilities Capital Improvement Funds

### **BACKGROUND**

This item authorizes a settlement in lieu of proceeding with condemnation from Timothy A. Danziger and Deborah C. Danziger, of approximately 18,071 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. This settlement will allow acquisition of the property without further condemnation proceedings.

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. The consideration is based on an independent appraisal. There are no relocation benefits associated.

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On August 12, 2015, City Council authorized acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Timothy A. Danziger and Deborah C. Danziger, of a tract of land containing approximately 18,071 square feet located in Kaufman County for the Lake Tawakoni

144-inch Pipeline Project by Resolution No. 15-1427.

Information about this item will be provided to the Mobility Solutions, Infrastructure, & Sustainability Committee on February 11, 2019.

### **FISCAL INFORMATION**

Water Utilities Capital Improvement Funds - \$7,630.00

Resolution No. 15-1427	\$12,870.00
Additional Amount (this action)	<u>\$ 7,630.00</u>

Total Authorized Amount	\$20,500.00
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### **OWNERS**

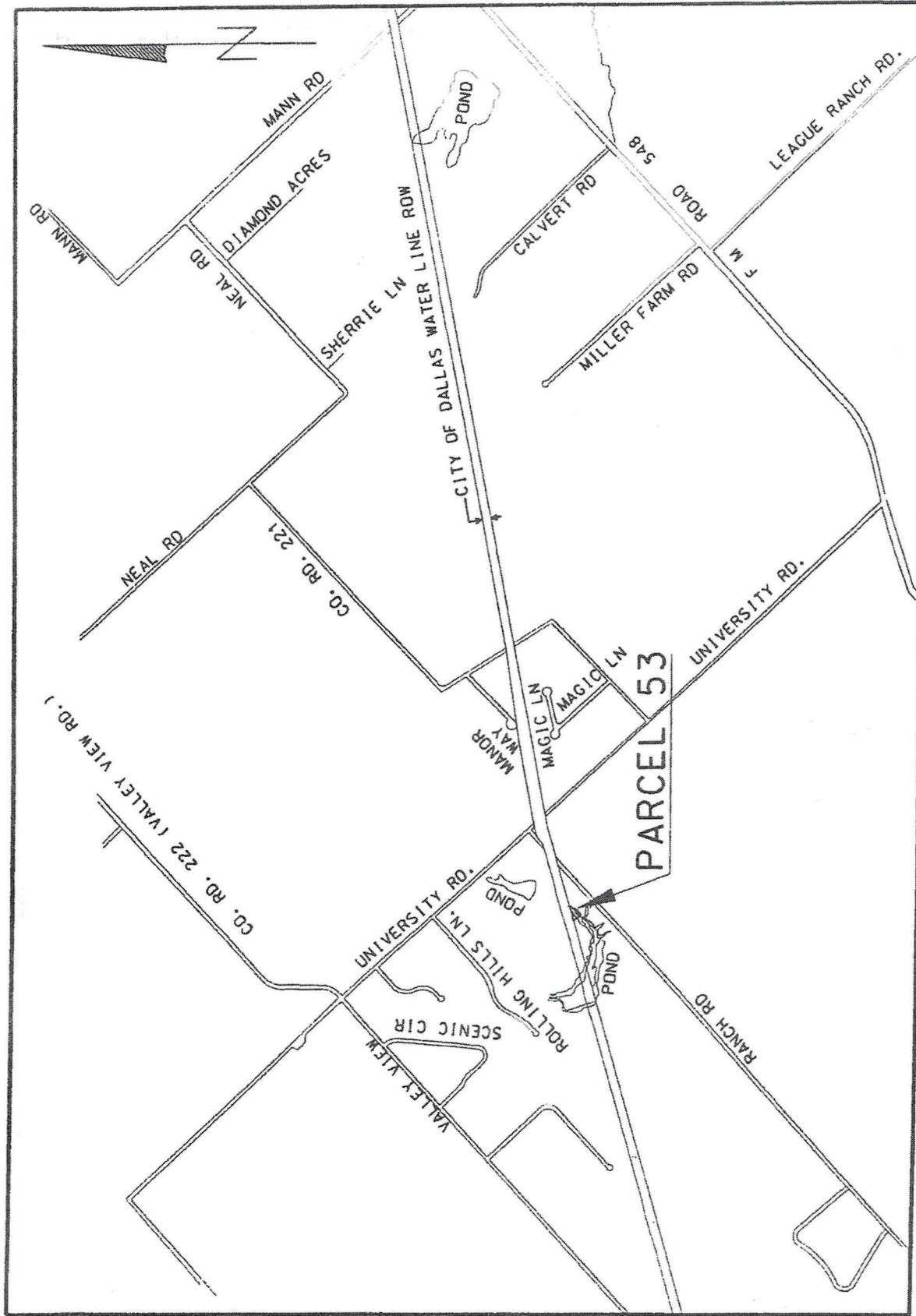
Timothy A. Danziger

Deborah C. Danziger

### **MAP**

Attached





VICINITY MAP  
 APPROXIMATE SCALE 1" = 2000'

February 13, 2019

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

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

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

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

**Now, Therefore,**

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

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

“CITY”: The City of Dallas

“FIRST RESOLUTION”: Resolution No. 15-1427 approved by the Dallas City Council on August 12, 2015, to authorize the purchase and/or condemnation for a purchase amount of \$10,370, (plus closing costs and title expenses not to exceed \$2,500.00)

“PROJECT”: Lake Tawakoni 144-inch Pipeline Project

“USE”: The installation, use, and maintenance of a pipeline or lines for the transmission of treated water together with such appurtenant facilities as may be necessary, provided, however to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE herein provided.

“OWNER”: Timothy A. Danziger and Deborah C. Danziger, provided, however, that the term “OWNER” as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

“PROPERTY INTEREST”: Fee Simple, subject to the exceptions, reservations, covenants, conditions and/or interests, if any provided in the conveyance instrument more particularly described in Exhibit "B" attached hereto and made a part hereof for all purposes.



February 13, 2019

"PROPERTY": Approximately 18,071 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 hereto.

"FIRST RESOLUTION PURCHASE AMOUNT": \$10,370.00

"SETTLEMENT AMOUNT": \$7,630.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$2,500.00

"REVISED AUTHORIZED AMOUNT": \$20,500.00

**SECTION 2.** That the City Manager, and/or the City Manager's designees, is hereby authorized and directed to consummate and accept the purchase, grant, and conveyance to the CITY of the PROPERTY INTERESTS in and to the PROPERTY pursuant to the conveyance instrument approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating the transaction.

**SECTION 3.** That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

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

**SECTION 5.** 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 SETTLEMENT AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable as follows:

Water Capital Improvement Fund, Fund 2115, Department DWU, Unit PW20, Program 704041, Object 4210, Encumbrance/Contract No. CX-DWU-2018-00005995, in an amount not to exceed \$12,870.00.

Water Capital Improvement Fund, Fund 3115, Department DWU, Unit PW20, Program 704041, Object 4210, Encumbrance/Contract No. CX-DWU-2018-00005995, in an amount not to exceed \$7,630.00.

The SETTLEMENT AMOUNT and the CLOSING COSTS and TITLE EXPENSES together shall not exceed the REVISED AUTHORIZED AMOUNT.

February 13, 2019

**SECTION 6.** That the CITY is to have possession and/or use, as applicable, of the PROPERTY at closing; and the CITY will pay any title expenses and closing costs. All costs and expenses described in this section shall be paid from the previously described funds.

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

APPROVED AS TO FORM:  
CHRISTOPHER J. CASO, Interim City Attorney

BY:

  
Assistant City Attorney

**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: 53**

BEING an 18,071 square foot tract of land in the Juan Lopez Survey, Abstract No. 286, located in Kaufman County, Texas, being all of Lot 14C of the Lakeview Estates Addition, an addition to Kaufman County (unrecorded plat), being part of a tract of land described in Warranty Deed with Vendor's Lien to Jesse John Griffith and Sarah Kristin Griffith, husband and wife, dated November 18, 2004, as recorded in Volume 2539, Page 157 of the Deed Records of Kaufman County, Texas (D.R.K.C.T.), being more particularly described as follows:

BEGINNING at a 5/8-inch iron rod found at the westernmost corner of said Lot 14C, being the northeast corner of Lot 13C, of said Lakeview Estates Addition, and also being on the south line of a City of Dallas Water Line Right-of-Way (variable width at this point) as recorded in Volume 508, Page 526, D.R.K.C.T.;

THENCE North 70 degrees 11 minutes 16 seconds East, with the north line of said Lot 14C and the south line of said City of Dallas Water Line Right-of-Way, a distance of 226.40 feet to a point (unable to set);

THENCE South 19 degrees 12 minutes 12 seconds West, departing the south line of said City of Dallas Right-of-Way and with the southeast line of said Lot 14C, a distance of 126.46 feet to an angle point (unable to set);

THENCE South 47 degrees 33 minutes 11 seconds West, continuing with the southeast line of said Lot 14C, a distance of 94.42 feet to the southernmost corner (unable to set) of said Lot 14C, being the eastern most corner of said Lot 13C;

THENCE North 43 degrees 42 minutes 47 seconds West, with the west line of said Lot 14C and the east line of said Lot 13C, a distance of 147.22 feet to the POINT OF BEGINNING and containing 18,071 square feet or 0.4148 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: [Signature] Date: 6-20-13

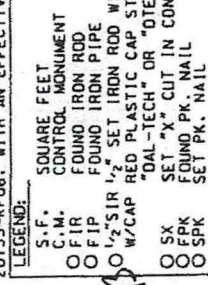
Surveyor's Name: Patrick J. Baldasaro  
Registered Professional Land Surveyor Texas No. 5504



FIELD NOTES APPROVED:  
[Signature] 7/5/13







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 CDRS ARP, DALLAS CDRS ARP, KAUFMAN CDRS ARP, TYLER CDRS ARP, AND PARIS CDRS 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 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 Timothy A. Danziger and Deborah C. Danziger, a married couple (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Kaufman, State of Texas, for and in consideration of the sum of EIGHTEEN THOUSAND DOLLARS AND 00/100 DOLLARS (\$18,000.00) 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 \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Timothy A. Danziger

\_\_\_\_\_  
Deborah C. Danziger

\* \* \* \* \*

STATE OF TEXAS       '  
COUNTY OF KAUFMAN   '

This instrument was acknowledged before me on \_\_\_\_\_  
by Timothy A. Danziger.

\_\_\_\_\_  
Notary Public, State of TEXAS

STATE OF TEXAS       '  
COUNTY OF KAUFMAN   '

This instrument was acknowledged before me on \_\_\_\_\_  
by Deborah C. Danziger.

\_\_\_\_\_  
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. 40078



**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: 53**

BEING an 18,071 square foot tract of land in the Juan Lopez Survey, Abstract No. 286, located in Kaufman County, Texas, being all of Lot 14C of the Lakeview Estates Addition, an addition to Kaufman County (unrecorded plat), being part of a tract of land described in Warranty Deed with Vendor's Lien to Jesse John Griffith and Sarah Kristin Griffith, husband and wife, dated November 18, 2004, as recorded in Volume 2539, Page 157 of the Deed Records of Kaufman County, Texas (D.R.K.C.T.), being more particularly described as follows:

BEGINNING at a 5/8-inch iron rod found at the westernmost corner of said Lot 14C, being the northeast corner of Lot 13C, of said Lakeview Estates Addition, and also being on the south line of a City of Dallas Water Line Right-of-Way (variable width at this point) as recorded in Volume 508, Page 526, D.R.K.C.T.;

THENCE North 70 degrees 11 minutes 16 seconds East, with the north line of said Lot 14C and the south line of said City of Dallas Water Line Right-of-Way, a distance of 226.40 feet to a point (unable to set);

THENCE South 19 degrees 12 minutes 12 seconds West, departing the south line of said City of Dallas Right-of-Way and with the southeast line of said Lot 14C, a distance of 126.46 feet to an angle point (unable to set);

THENCE South 47 degrees 33 minutes 11 seconds West, continuing with the southeast line of said Lot 14C, a distance of 94.42 feet to the southernmost corner (unable to set) of said Lot 14C, being the eastern most corner of said Lot 13C;

THENCE North 43 degrees 42 minutes 47 seconds West, with the west line of said Lot 14C and the east line of said Lot 13C, a distance of 147.22 feet to the POINT OF BEGINNING and containing 18,071 square feet or 0.4148 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.

FIELD NOTES APPROVED:

*7/5/13*

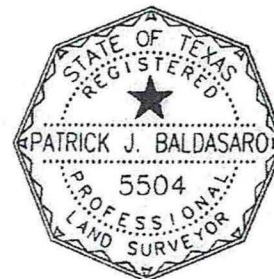


A plat of even survey date herewith accompanies this legal description.

Company Name: DAL-TECH Engineering, Inc.  
 TBPLS Firm No. 10123500

By: *[Signature]* Date: 6-20-13

Surveyor's Name: Patrick J. Baldasaro  
 Registered Professional Land Surveyor Texas No. 5504









## Agenda Information Sheet

**File #:** 18-1199

**Item #:** 14.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability  
**AGENDA DATE:** February 13, 2019  
**COUNCIL DISTRICT(S):** Outside City Limits  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

Authorize settlement in lieu of proceeding with condemnation from Warren F. Lynch and Jeanne Lynch, of approximately 2 acres in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$44,534.00, increased from \$60,041.00 (\$57,722.00, plus closing costs and title expenses not to exceed \$2,319.00) to \$104,575.00 (\$101,575.00, plus closing costs and title expenses not to exceed \$3,000.00) - Financing: Water Construction Fund

### **BACKGROUND**

This item authorizes a settlement from Warren F. Lynch and Jeanne Lynch, of approximately 2 acres located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project. This settlement will allow acquisition of the property without further condemnation proceedings.

This acquisition is part of the Long Range Water Master Plan and the Water Distribution Master Plan. The water transmission main is required to facilitate conveyance of treated water to the South and Southwest portions of Dallas and its customer cities. Installation of approximately 32 miles of 96-inch and 120-inch water transmission pipeline is needed to meet near term critical demands associated with the population growth as determined through master planning efforts. The overall pipeline is sized to meet future water demands. The consideration is based on an independent appraisal. There are no relocation benefits associated.

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On May 25, 2011, City Council authorized acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Warren F. Lynch and Jeanne Lynch, of a tract of land containing approximately 2 acres of land located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project by Resolution No. 11-1318.

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee February 11, 2019.

**FISCAL INFORMATION**

Water Construction Fund - \$44,534.00

Resolution No. 11-1318                      \$ 60,041.00

Additional Amount (this action)        \$ 44,534.00

Total Authorized Amount                \$104,575.00

**OWNERS**

Warren F. Lynch

Jeanne Lynch

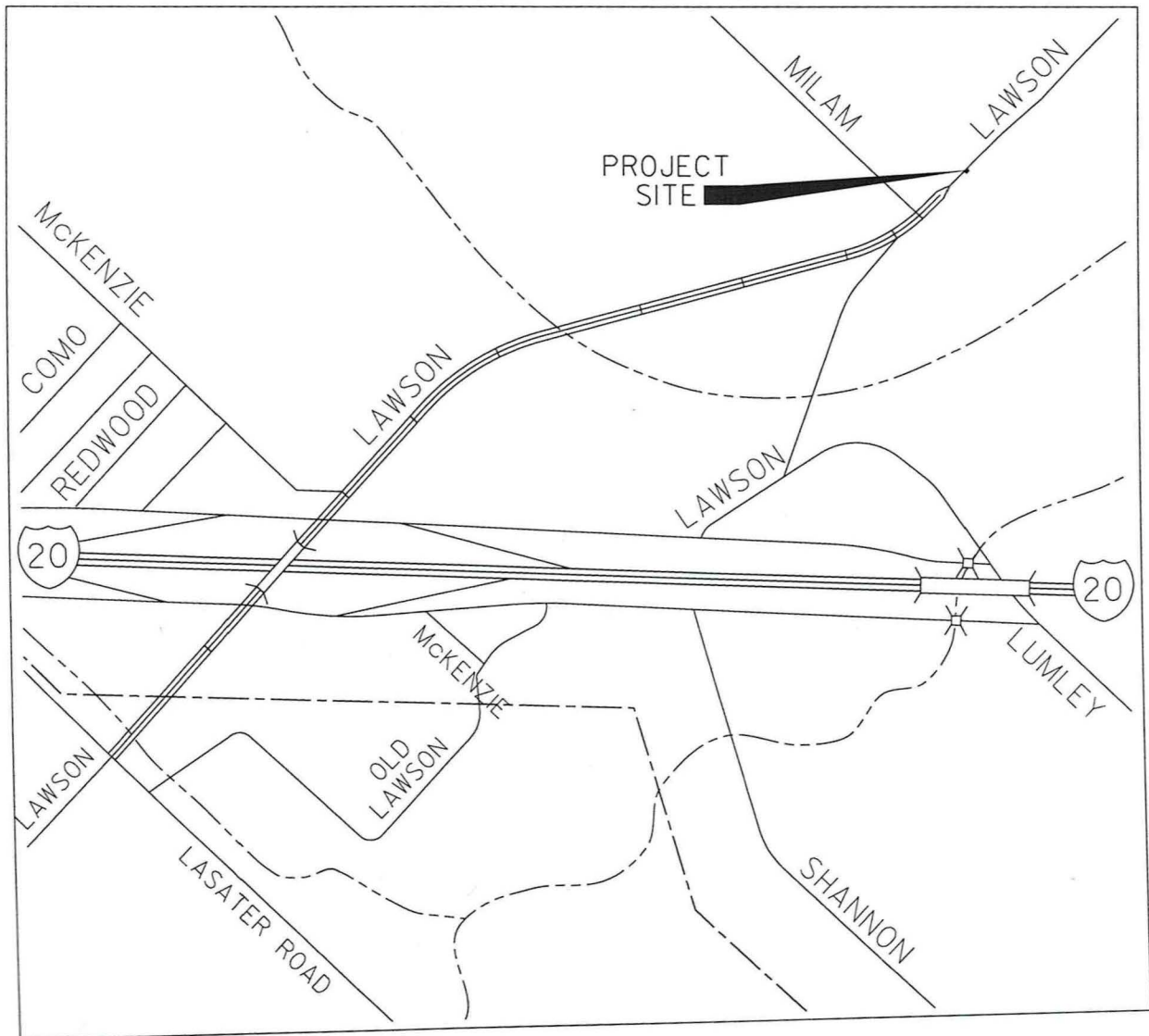
**MAP**

Attached

CITY OF DALLAS ACQUISITION PARCEL E-019  
813 SQUARE FOOT (0.0187 ACRE) TRACT  
WARREN LYNCH AND SPOUSE, JEANNE LYNCH  
CITY OF MESQUITE, DALLAS COUNTY, TEXAS



MAPSCO NO. 60A W



LOCATION MAP  
NOT TO SCALE

February 13, 2019

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

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

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

**WHEREAS**, the City Council desires to authorize the City Manager to acquire the PROPERTY INTERESTS in the PROPERTY for the negotiated PURCHASE AMOUNT stated herein.

**Now, Therefore,**

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

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

"CITY": The City of Dallas

"FIRST RESOLUTION": Resolution No. 11-1318 approved by the Dallas City Council on May 25, 2011 authorized the acquisition by purchase and/or condemnation of a tract of land containing approximately 2 acres for a purchase amount of \$60,041.00 (\$57,722.00, plus closing costs and title expenses not to exceed \$2,319.00)

"PROJECT": Southwest 120/96-inch Water Transmission Pipeline Project

"USE": The construction, 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.

"OWNER": Warren F. Lynch and Jeanne Lynch, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"PROPERTY INTEREST": Fee Simple, subject to the exceptions, reservations, covenants, conditions and/or interests, if any provided in the conveyance instrument more particularly described in Exhibit "B" attached hereto and made a part hereof for all purposes.



February 13, 2019

"PROPERTY": Approximately 2 acres of land located in Dallas County, Texas, and being the same property more particularly described in Exhibit "A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining hereto.

"FIRST RESOLUTION PURCHASE AMOUNT": \$57,722.00

"SETTLEMENT AMOUNT": \$101,575.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$3,000.00

"REVISED AUTHORIZED AMOUNT": \$104,575.00

**SECTION 2.** That the City Manager, and/or the City Manager's designees, is hereby authorized and directed to consummate and accept the purchase, grant, and conveyance to the CITY of the PROPERTY INTERESTS in and to the PROPERTY pursuant to the conveyance instrument approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating the transaction.

**SECTION 3.** That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

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

**SECTION 5.** 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 SETTLEMENT AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable as follows:

Water Construction Fund, Fund 0102, Department DWU, Unit CW40, Program 706623, Object 4210, Encumbrance/Contract No. CX-DWU-2019-00008454, in an amount not to exceed \$44,534.00.

Water Capital Improvement Fund, Fund 3115, Department DWU, Unit PW40, Program 706623, Object 4210, Encumbrance/Contract No. CX-DWU-2019-00008454, in an amount not to exceed \$60,041.00.

The SETTLEMENT AMOUNT and the CLOSING COSTS and TITLE EXPENSES together shall not exceed the REVISED AUTHORIZED AMOUNT.

February 13, 2019

**SECTION 6.** That the CITY is to have possession and/or use, as applicable, of the PROPERTY at closing; and the CITY will pay any title expenses and closing costs. All costs and expenses described in this section shall be paid from the previously described funds.

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

APPROVED AS TO FORM:  
CHRISTOPHER J. CASO, Interim City Attorney

BY:

A handwritten signature in blue ink, appearing to read "Alex", is written over a horizontal line. The signature is stylized and extends to the right.

Assistant City Attorney

# EXHIBIT A

PARCEL E-019

CITY OF DALLAS RIGHT-OF-WAY

2.019 ACRE TRACT

JOHN M. HARDING SURVEY, ABSTRACT NO. 569

CITY OF MESQUITE, DALLAS COUNTY, TEXAS

BEING a tract of land situated in the John M. Harding Survey, Abstract No. 569, City of Mesquite, Dallas County, Texas, and being a part of that tract of land described in General Warranty Deed With Vendor's Lien dated May 9, 2008, to Warren Lynch and spouse, Jeanne Lynch, as recorded in Instrument Number 20080160473 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point (unable to set) for the west corner of said Lynch tract in the southeast right of way line of Lawson Road [a variable width right-of-way established in part by instruments recorded in Volume 91011, Page 2693, and Volume 95133, Page 04378, both of the Deed Records of Dallas County, Texas (D.R.D.C.T.)], and from which point a 1/2-inch found iron rod bears South 56 degrees 11 minutes 00 seconds East a distance of 2.80 feet;

THENCE with the common northwest line of said Lynch tract and said southeast right-of-way of Lawson Road through the following courses and distances:

North 44 degrees 06 minutes 18 seconds East (called North 44 degrees 21 minutes 31 seconds East, 334.24 feet) a distance of 334.44 feet to a 1/2-inch found iron rod with cap stamped "RPLS 5310" for corner;

South 44 degrees 41 minutes 55 seconds East (called South 44 degrees 53 minutes 29 seconds East, 5.0 feet) a distance of 5.27 feet to a 1/2-inch found iron rod with cap stamped "NDM RPLS #2609" for corner;

North 44 degrees 37 minutes 27 seconds East (called North 45 degrees 06 minutes 30 seconds East, 165.65 feet) a distance of 165.67 feet to a 1/2-inch found iron rod with cap stamped "NDM RPLS #2609" for corner;

North 44 degrees 13 minutes 41 seconds East (called North 44 degrees 36 minutes 31 seconds East, 72.40 feet) a distance of 72.24 feet to a 1/2-inch found iron rod with cap with cap stamped "NDM RPLS #2609" for corner;

North 49 degrees 32 minutes 31 seconds East (called North 49 degrees 51 minutes 02 seconds East, 328.27 feet) a distance of 328.41 feet to a 1/2-inch found iron rod with cap stamped "RPLS 5310" for corner;

North 44 degrees 18 minutes 00 seconds East (called North 44 degrees 36 minutes 31 seconds East, 61.36 feet) a distance of 61.36 feet to a point for the north corner of said Lynch tract from which a 1/2-inch found iron rod with cap stamped "RPLS 5310" bears South 41 degrees 58 minutes 49 seconds East a distance of 1.10 feet;

REVIEWED BY *alt* 12/22/10



# EXHIBIT A

PARCEL E-019

CITY OF DALLAS RIGHT-OF-WAY

2.019 ACRE TRACT

JOHN M. HARDING SURVEY, ABSTRACT NO. 569

CITY OF MESQUITE, DALLAS COUNTY, TEXAS

THENCE South 45 degrees 38 minutes 31 seconds East (called South 45 degrees 20 minutes 00 seconds East), departing said common line, with the northeast line of said Lynch tract, a distance of 150.00 feet to a 1/2-inch set iron rod with yellow plastic cap stamped "HALFF" (hereinafter referred to as "with cap") for corner;

THENCE departing said northeast line, over and across said Lynch tract through the following courses and distances:

South 44 degrees 18 minutes 00 seconds West, with a line offset 150 feet southeasterly from and parallel to the last called southeast right-of-way line of said Lawson Road, a distance of 285.31 feet to a 1/2-inch set iron rod with cap for corner;

South 69 degrees 15 minutes 50 seconds West, departing said parallel offset line, a distance of 376.40 feet to a 1/2-inch set iron rod with cap for corner;

South 44 degrees 15 minutes 50 seconds West a distance of 333.95 feet to a 1/2-inch set iron rod with cap for corner in the common southwest line of said Lynch tract and the northeast line of that tract of land described in deed to Timothy L. Nieman, Jr., and wife Dorothy Nieman as recorded in Volume 76170, Page 1649, D.R.D.C.T.;

THENCE North 45 degrees 44 minutes 10 seconds West (called North 45 degrees 23 minutes 10 seconds West), with said common line, a distance of 26.33 feet to the POINT OF BEGINNING and containing 87,956 square feet or 2.019 acres of land, more or less.

Parenthetical calls () refer to calls from Instrument Number 20080160473 of the Official Public Records of Dallas County, Texas.

The Basis of Bearing is the North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

07 DEC  
2010



REVIEWED BY *dkc* 12/22/10



N

# JOHN M. HARDING SURVEY, ABSTRACT NO. 569

## EXHIBIT A

JOHN P. ANDERSON  
SURVEY,  
ABSTRACT NO. 1

0 100 200 300 400  
SCALE: 1"=200'

APPROX. C  
TP&L EASEMENT  
(VOL. 2112, PG. 220)  
(VOL. 3527, PG. 191)

1/2" FIR W/CAP  
"RPLS 5310"

(N44°36'31"E  
61.36')  
N44°18'00"E  
61.36'

1/2" FIR W/  
"RPLS 5310"  
CAP Bears=  
S41°58'49"E  
1.10'

S45°38'31"E  
400.00'

LAWSON ROAD  
(VARIABLE WIDTH  
RIGHT-OF-WAY)  
(VOL. 95133, PG. 04378)  
(VOL. 91011, PG. 2693)

(N44°36'31"E  
72.40')  
N44°13'41"E  
72.24'  
(N45°06'30"E  
165.65')  
N44°37'27"E  
165.67'

1/2" FIR W/  
"RPLS 5310" CAP

(UTS) 1/2" FIR  
Bears=S56°11'00"E  
2.80'

POINT OF  
BEGINNING

(S44°53'29"E  
5.0')  
S44°41'55"E  
5.27'

1/2" FIR W/  
"NDM RPLS #2609"  
CAP

1/2" SIR  
W/CAP

(OWNER)  
GLORIA POWER PALMER  
(VOL. 699, PG. 0281,  
VOL. 89024, PG. 2921)

PARCEL E-19 (C.M.)  
87,956 SQ. FT.  
OR  
2.019 ACRES

(OWNER)  
WARREN LYNCH AND SPOUSE,  
JEANNE LYNCH  
(INST. #20080160473)

JOHN M. HARDING  
SURVEY,  
ABSTRACT NO. 569

MILAM RD.  
(60' RIGHT-OF-WAY)

JOHN P. ANDERSON SURVEY, APPROX. ABST. LINE  
ABSTRACT NO. 1  
JOHN M. HARDING SURVEY,  
ABSTRACT NO. 569

(OWNER)  
TIMOTHY L. NIEMAN, JR.,  
AND WIFE  
DOROTHY NIEMAN  
(VOL. 76170, PG. 1649)

(Basis of Bearing  
rotated counterclockwise  
00°21'00" from deed  
bearing of N45°23'10"W)

1/2" FIR W/  
"RPLS 5310"  
CAP (C.M.)

1/2" FIR W/  
"RPLS 5310" CAP  
Bears=N09°02'09"W  
1.15'

N43°52'14"E  
30.00'  
(S44°36'50"W  
30.00')

### NOTES:

1. The Basis of Bearing is the North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.
2. Metes and Bounds description of tract shown hereon was prepared of even date.
3. Parenthetical calls ( ) refer to calls from Instrument Number 20080160473 of the Official Public Records of Dallas County, Texas.

PARCEL E-019  
CITY OF DALLAS RIGHT-OF-WAY  
2.019 ACRE TRACT

JOHN M. HARDING SURVEY, ABSTRACT NUMBER 569,  
CITY OF MESQUITE, DALLAS COUNTY, TEXAS



1201 N. BOWSER ROAD RICHARSON, TEXAS 75081  
TELE. (214)346-6200 FAX (214)739-0095

DATE: DEC., 2010

AVO.: 25143

PAGE 3 OF 3

### LEGEND

1/2" SIR	1/2-INCH SET IRON ROD WITH YELLOW
W/CAP	PLASTIC CAP STAMPED "HALFF"
(C.M.)	CONTROL MONUMENT
FIR	FOUND IRON ROD
FCP	FENCE CORNER POST
INST. #	INSTRUMENT NUMBER
UTS	UNABLE TO SET



REVIEWED BY *12/22/10*

RGH/2E\_IR5570\_8-5x11.plt

Design

12/22/2010 9:00:55 AM 1:26000025143CADD\EXHIBIT\EXB-019-25143.dgn

# EXHIBIT B

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

## WARRANTY DEED

THE STATE OF TEXAS   §  
                                  §   KNOW ALL PERSONS BY THESE PRESENTS:  
COUNTY OF  
DALLAS                   §

That we, Warren F. Lynch, and spouse, Jeanne Lynch (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of DALLAS, State of Texas, for and in consideration of the sum of ONE HUNDRED ONE THOUSAND FIVE HUNDRED SEVENTY FIVE AND 00/100 DOLLARS (\$101,575.00) 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:** This conveyance is made and accepted subject to the reservations provided in Exhibit B and Exhibit C which is attached hereto and incorporated herein for all purposes.

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 \_\_\_\_\_, \_\_\_\_\_.

**APPROVED AS TO FORM:**

CHRISTOPHER J. CASO, Interim City Attorney

By: \_\_\_\_\_  
Assistant City Attorney *mt*

\_\_\_\_\_  
Warren F. Lynch

\_\_\_\_\_  
Jeanne Lynch



\* \* \* \* \*

STATE OF TEXAS  
COUNTY OF DALLAS

This instrument was acknowledged before me on \_\_\_\_\_  
by Warren F. Lynch.

\_\_\_\_\_  
Notary Public, State of TEXAS

\* \* \* \* \*

STATE OF TEXAS  
COUNTY OF DALLAS

This instrument was acknowledged before me on \_\_\_\_\_  
by Jeanne Lynch.

\_\_\_\_\_  
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. 36373

# EXHIBIT A

PARCEL E-019

CITY OF DALLAS RIGHT-OF-WAY

2.019 ACRE TRACT

JOHN M. HARDING SURVEY, ABSTRACT NO. 569

CITY OF MESQUITE, DALLAS COUNTY, TEXAS

BEING a tract of land situated in the John M. Harding Survey, Abstract No. 569, City of Mesquite, Dallas County, Texas, and being a part of that tract of land described in General Warranty Deed With Vendor's Lien dated May 9, 2008, to Warren Lynch and spouse, Jeanne Lynch, as recorded in Instrument Number 20080160473 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point (unable to set) for the west corner of said Lynch tract in the southeast right of way line of Lawson Road [a variable width right-of-way established in part by instruments recorded in Volume 91011, Page 2693, and Volume 95133, Page 04378, both of the Deed Records of Dallas County, Texas (D.R.D.C.T.)], and from which point a 1/2-inch found iron rod bears South 56 degrees 11 minutes 00 seconds East a distance of 2.80 feet;

THENCE with the common northwest line of said Lynch tract and said southeast right-of-way of Lawson Road through the following courses and distances:

North 44 degrees 06 minutes 18 seconds East (called North 44 degrees 21 minutes 31 seconds East, 334.24 feet) a distance of 334.44 feet to a 1/2-inch found iron rod with cap stamped "RPLS 5310" for corner;

South 44 degrees 41 minutes 55 seconds East (called South 44 degrees 53 minutes 29 seconds East, 5.0 feet) a distance of 5.27 feet to a 1/2-inch found iron rod with cap stamped "NDM RPLS #2609" for corner;

North 44 degrees 37 minutes 27 seconds East (called North 45 degrees 06 minutes 30 seconds East, 165.65 feet) a distance of 165.67 feet to a 1/2-inch found iron rod with cap stamped "NDM RPLS #2609" for corner;

North 44 degrees 13 minutes 41 seconds East (called North 44 degrees 36 minutes 31 seconds East, 72.40 feet) a distance of 72.24 feet to a 1/2-inch found iron rod with cap with cap stamped "NDM RPLS #2609" for corner;

North 49 degrees 32 minutes 31 seconds East (called North 49 degrees 51 minutes 02 seconds East, 328.27 feet) a distance of 328.41 feet to a 1/2-inch found iron rod with cap stamped "RPLS 5310" for corner;

North 44 degrees 18 minutes 00 seconds East (called North 44 degrees 36 minutes 31 seconds East, 61.36 feet) a distance of 61.36 feet to a point for the north corner of said Lynch tract from which a 1/2-inch found iron rod with cap stamped "RPLS 5310" bears South 41 degrees 58 minutes 49 seconds East a distance of 1.10 feet;

REVIEWED BY *LDK* 12/22/10

# EXHIBIT A

PARCEL E-019

CITY OF DALLAS RIGHT-OF-WAY

2.019 ACRE TRACT

JOHN M. HARDING SURVEY, ABSTRACT NO. 569

CITY OF MESQUITE, DALLAS COUNTY, TEXAS

THENCE South 45 degrees 38 minutes 31 seconds East (called South 45 degrees 20 minutes 00 seconds East), departing said common line, with the northeast line of said Lynch tract, a distance of 150.00 feet to a 1/2-inch set iron rod with yellow plastic cap stamped "HALFF" (hereinafter referred to as "with cap") for corner;

THENCE departing said northeast line, over and across said Lynch tract through the following courses and distances:

South 44 degrees 18 minutes 00 seconds West, with a line offset 150 feet southeasterly from and parallel to the last called southeast right-of-way line of said Lawson Road, a distance of 285.31 feet to a 1/2-inch set iron rod with cap for corner;

South 69 degrees 15 minutes 50 seconds West, departing said parallel offset line, a distance of 376.40 feet to a 1/2-inch set iron rod with cap for corner;

South 44 degrees 15 minutes 50 seconds West a distance of 333.95 feet to a 1/2-inch set iron rod with cap for corner in the common southwest line of said Lynch tract and the northeast line of that tract of land described in deed to Timothy L. Nieman, Jr., and wife Dorothy Nieman as recorded in Volume 76170, Page 1649, D.R.D.C.T.;

THENCE North 45 degrees 44 minutes 10 seconds West (called North 45 degrees 23 minutes 10 seconds West), with said common line, a distance of 26.33 feet to the POINT OF BEGINNING and containing 87,956 square feet or 2.019 acres of land, more or less.

Parenthetical calls () refer to calls from Instrument Number 20080160473 of the Official Public Records of Dallas County, Texas.

The Basis of Bearing is the North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

07 DEC  
2010





N

# JOHN M. HARDING SURVEY, ABSTRACT NO. 569

## EXHIBIT A

JOHN P. ANDERSON  
SURVEY,  
ABSTRACT NO. 1

0 100 200 300 400

SCALE: 1"=200'

APPROX. C  
TP&L EASEMENT  
(VOL. 2112, PG. 220)  
(VOL. 3527, PG. 191)

1/2" FIR W/CAP  
"RPLS 5310"

(N44°36'31"E  
61.36')

N44°18'00"E  
61.36'

1/2" FIR W/  
"RPLS 5310"  
CAP Bears=  
S41°58'49"E  
1.10'

S45°38'31"E  
400.00'

(S45°20'00"E  
150.00')

S45°38'31"E  
150.00'

(OWNER)  
GLORIA POWER PALMER  
(VOL. 699, PG. 0281,  
VOL. 89024, PG. 2921)

PARCEL E-19 (C.M.)  
87,956 SQ. FT.

OR  
2.019 ACRES

(OWNER)  
WARREN LYNCH AND SPOUSE,  
JEANNE LYNCH  
(INST. #20080160473)

JOHN M. HARDING  
SURVEY,  
ABSTRACT NO. 569

REVIEWED BY *John Jernigan*

(UTS) 1/2" FIR  
Bears=S56°11'00"E  
2.80'

POINT OF  
BEGINNING

1/2" FIR W/  
"RPLS 5310" CAP  
(S44°53'29"E  
5.0')

S44°41'55"E  
5.27'

(N44°21'31"E  
334.24')

N44°06'18"E  
334.44'

S44°15'50"W  
333.95'

1/2" SIR  
W/CAP (N45°23'10"W  
359.45')

N45°44'10"W  
26.33'

(Basis of Bearing  
rotated counterclockwise  
00°21'00" from deed  
bearing of N45°23'10"W)

1/2" FIR W/  
"RPLS 5310"  
CAP (C.M.)

N43°52'14"E  
30.00'

(S44°36'50"W  
30.00')

1/2" FIR W/  
"RPLS 5310" CAP  
Bears=N09°02'09"W  
1.15'

(OWNER)  
TIMOTHY L. NIEMAN, JR.,  
AND WIFE  
DOROTHY NIEMAN  
(VOL. 76170, PG. 1649)

*0705  
2010*



### LEGEND

1/2" SIR	1/2-INCH SET IRON ROD WITH YELLOW
W/CAP	PLASTIC CAP STAMPED "HALFF"
(C.M.)	CONTROL MONUMENT
FIR	FOUND IRON ROD
FCP	FENCE CORNER POST
INST. #	INSTRUMENT NUMBER
UTS	UNABLE TO SET

### NOTES:

1. The Basis of Bearing is the North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.
2. Metes and Bounds description of tract shown hereon was prepared of even date.
3. Parenthetical calls ( ) refer to calls from Instrument Number 20080160473 of the Official Public Records of Dallas County, Texas.

PARCEL E-019  
CITY OF DALLAS RIGHT-OF-WAY  
2.019 ACRE TRACT

JOHN M. HARDING SURVEY, ABSTRACT NUMBER 569,  
CITY OF MESQUITE, DALLAS COUNTY, TEXAS



1201 N. BOWSER ROAD RICHARSON, TEXAS 75081  
TELE. (214)346-6200 FAX (214)739-0095

DATE: DEC., 2010

AVO.: 25143

PAGE 3 OF 3



## **EXHIBIT B**

### **EASEMENT – ACCESS [Specific Location]**

Grantor, for Grantor and Grantor's heirs, successors and assigns ("the holder of the easement") does hereby reserve an easement over, on and across the property described in Attachment "1a" & "2a", attached hereto and made a part hereof by reference for all purposes, (the "Easement Area") to provide free and uninterrupted pedestrian, vehicular and utility access to and from Grantor's adjoining or abutting property, being more fully described in Attachment "1b" & "2b", attached hereto and made a part hereof by reference for all purposes, (the "Dominant Estate Property") and portions thereof, in a manner as not to endanger or interfere with the safe, efficient and/or convenient use of and activity on the property described in Exhibit "A" by City.

The easement is appurtenant to and runs with the Dominant Estate Property and all portions of it, whether or not the easement is referenced in any conveyance of the Dominant Estate Property or any portion of it. The easement binds and inures to the benefit of Grantor and City and their respective heirs, successors, and assigns.

The easement is perpetual.

This easement is nonexclusive, and City reserves for City and City's successors and assigns the right to convey the same or similar easement or other rights or easements to others. Notwithstanding any provision of this easement reservation to the contrary, City and City's successors and assigns shall in all respects and at all times have the superior and paramount right of use, access and control of the Easement Property, without any liability for damages, destruction or injury to any improvements located in the easement, from time to time.

Professionally engineered plans and specifications bearing the seal of a professional engineer currently registered in the State of Texas showing any and all improvements desired by the holder of the easement, including without limitation, fill or removal of soil within the easement, paving, support, protection of City's uses, utility lines, structures and facilities, must be submitted to and approved in writing by the City of Dallas Water Department ("DWU") in advance of any construction by the holder of the easement. No vehicle, equipment or machinery exceeding a total weight of 15,000 lbs may come on the easement or any use be allowed to exist that would exceed said weight limit at any time during normal use unless confined to the designated access points on improvements the plans and specifications for which are structurally designed and constructed with supporting appurtenances that meet or exceed H20 highway design capacity and that protect the City's facilities from all imposed loading. The parties acknowledge and agree that the paramount consideration in the evaluation of any proposed improvements is to fully and completely accommodate City's uses (current, anticipated, and/or potential) of the property described in Exhibit "A" and any facilities it may install. Consequently, City's determinations in this regard are conclusive and final. All such improvements and maintenance of the Easement Property will be at the sole expense of the holder of the easement and must be constructed in a good and workmanlike manner in



conformity with the approved plans and specifications. The holder of the easement will maintain the Easement Property in a neat, clean and safe condition at all times.

The holder of the easement agrees to indemnify, defend and hold City and City's successors in interest harmless from any loss, attorney's fees, court and other costs, expenses or claims attributable to any breach or default of any provision of this easement by the holder and/or any negligent act or omission by the holder with regard to this easement. In the event the holder of the easement shall place any unpermitted structure, improvement, use or material within the Easement Property and fails to remove same immediately upon receipt of notice from City, City shall have the right, but not the obligation, to remove such structure, improvement, use and/or material, and the holder of the easement shall reimburse City for any and all costs connected with such action immediately upon demand.

**ACCESS EASEMENT ACROSS  
CITY OF DALLAS ACQUISITION PARCEL E-019  
813 SQUARE FOOT (0.0187 ACRE) TRACT  
WARREN LYNCH AND SPOUSE, JEANNE LYNCH  
CITY OF MESQUITE, DALLAS COUNTY, TEXAS**

BEING an 813 square foot (0.0187 acre) tract of land situated in the John M. Harding Survey, Abstract No. 569, City of Mesquite, Dallas County, Texas, and being a part of that tract of land described in General Warranty Deed With Vendor's Lien dated May 9, 2008, to Warren Lynch and spouse, Jeanne Lynch, as recorded in Instrument Number 20080160473 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a point (unable to set) for the west corner of said Lynch tract in the southeast right of way line of Lawson Road [a variable width right-of-way established in part by instruments recorded in Volume 91011, Page 2693, and Volume 95133, Page 04378, both of the Deed Records of Dallas County, Texas (D.R.D.C.T.)], and from which point a 1/2-inch found iron rod bears South 56 degrees 11 minutes 00 seconds East a distance of 2.80 feet;

THENCE North 44 degrees 06 minutes 18 seconds East, with the common northwest line of said Lynch tract and said southeast right-of-way of Lawson Road, a distance of 255.00 feet to a 1/2-inch set iron rod with yellow plastic cap stamped "HALFF" (hereinafter referred to as "with cap") for the POINT OF BEGINNING;

THENCE North 44 degrees 06 minutes 18 seconds East, continuing with said common line, a distance of 30.00 feet to a 1/2-inch set iron rod with cap for corner;

THENCE South 45 degrees 53 minutes 42 seconds East, departing said common line, over and across said Lynch tract, a distance of 27.12 feet to a point for corner;

THENCE South 44 degrees 15 minutes 50 seconds West, continuing over and across said Lynch tract, a distance of 30.00 feet to a point for corner;

THENCE North 45 degrees 53 minutes 42 seconds West, continuing over and across said Lynch tract, a distance of 27.04 feet to the POINT OF BEGINNING and containing 813 square feet (0.0187 of an acre) of land, more or less

The Basis of Bearing is the North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

*Handwritten:*  
11 MAR 2011

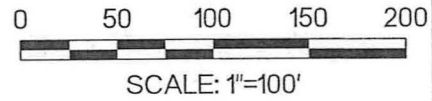


**REVIEWED BY** *Handwritten initials and date:* 5/12/11

# JOHN M. HARDING SURVEY, ABSTRACT NO. 569

JOHN P. ANDERSON SURVEY,  
ABSTRACT NO. 1

N



POINT OF BEGINNING

POINT OF COMMENCING

N44°06'18"E  
30.00'

LAWSON ROAD  
(VARIABLE WIDTH RIGHT-OF-WAY)  
(VOL. 95133, PG. 04378)  
(VOL. 91011, PG. 2693)

JOHN P. ANDERSON SURVEY,  
ABSTRACT NO. 1  
JOHN M. HARDING SURVEY,  
ABSTRACT NO. 569

CURRENT ACQUISITION LINE  
FOR PARCEL E-019

S45°53'42"E  
27.12'

S44°15'50"W  
30.00'

ACCESS EASEMENT  
813 SQ. FT.  
OR  
0.0187 ACRE

N45°53'42"W  
27.04'

WARREN LYNCH AND SPOUSE,  
JEANNE LYNCH  
(INST. #20080160473)

JOHN M. HARDING SURVEY,  
ABSTRACT NO. 569

REVIEWED BY *[Signature]*

## NOTES:

1. The Basis of Bearing is the North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

2. Metes and Bounds description of tract shown hereon was prepared of even date.

ACCESS EASEMENT ACROSS  
CITY OF DALLAS ACQUISITION PARCEL E-019  
813 SQUARE FOOT (0.0187 ACRE) TRACT  
WARREN LYNCH AND SPOUSE, JEANNE LYNCH  
CITY OF MESQUITE, DALLAS COUNTY, TEXAS



**HALFF**

1201 N. BOWSER ROAD RICHARDSON, TEXAS 75081  
TELE. (214)346-6200 FAX (214)739-0095

DATE: MARCH, 2011

AVO.: 25143

PAGE 2 OF 2

## LEGEND

1/2" SIR 1/2-INCH SET IRON ROD WITH YELLOW  
W/CAP PLASTIC CAP STAMPED "HALFF"  
(C.M.) CONTROL MONUMENT  
UTS UNABLE TO SET  
INST. # COUNTY CLERK'S INSTRUMENT NUMBER



*[Handwritten signature]*  
2011



JOHN M. HARDING SURVEY,  
ABSTRACT NO. 569

**ATTACHMENT 1b**

JOHN P. ANDERSON SURVEY,  
ABSTRACT NO. 1

JOHN P. ANDERSON SURVEY,  
ABSTRACT NO. 1  
JOHN M. HARDING SURVEY,  
ABSTRACT NO. 569



0 50 100 150 200  
SCALE: 1"=100'

N44°06'18"E  
30.00'

POINT OF BEGINNING

POINT OF COMMENCING

**LAWSON ROAD**  
(VARIABLE WIDTH RIGHT-OF-WAY)  
(VOL. 95133, PG. 04378)  
(VOL. 91011, PG. 2693)

S45°53'42"E  
27.12'

CURRENT ACQUISITION LINE  
FOR PARCEL E-019

S44°15'50"W  
30.00'

N45°53'42"W  
27.04'

ACCESS EASEMENT  
813 SQ. FT.  
OR  
0.0187 ACRE

**Dominant Estate**

(Basis of Bearing  
rotated counterclockwise  
00°21'00" from deed  
bearing of N45°23'10"W)

WARREN LYNCH AND SPOUSE,  
JEANNE LYNCH  
(INST. #20080160473)

TIMOTHY L. NIEMAN, JR.  
AND WIFE  
DOROTHY NIEMAN  
(VOL. 76170, PG. 1649)

COUNTY OF DALLAS  
(VOL. 87097, PG. 4408)

1/2" FIR W/  
"RPLS 5310" CAP  
BEARS N09°02'09"W  
1.15'

N43°52'14"E  
30.00'

1/2" FIR W/  
"RPLS 5310"  
CAP(C.M.)

JOHN M. HARDING SURVEY  
ABSTRACT NO. 569

NOTES:

1. The Basis of Bearing is the North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

2. Metes and Bounds description of tract shown hereon was prepared of even date.

ACCESS EASEMENT ACROSS  
CITY OF DALLAS ACQUISITION PARCEL E-019  
813 SQUARE FOOT (0.0187 ACRE) TRACT  
WARREN LYNCH AND SPOUSE, JEANNE LYNCH  
CITY OF MESQUITE, DALLAS COUNTY, TEXAS

LEGEND

1/2" SIR 1/2-INCH SET IRON ROD WITH YELLOW  
W/CAP PLASTIC CAP STAMPED "HALFF"  
(C.M.) CONTROL MONUMENT  
UTS UNABLE TO SET  
INST. # COUNTY CLERK'S INSTRUMENT NUMBER



**HALFF**

1201 N. BOWSER ROAD RICHARDSON, TEXAS 75081  
TELE. (214)346-6200 FAX (214)739-0095

DATE: MARCH, 2011

AVO.: 25143

PAGE 2 OF 2

**ACCESS EASEMENTS TWO AND THREE ACROSS  
CITY OF DALLAS ACQUISITION PARCEL E-019  
0.0976 ACRE (4,253 SQUARE FOOT) TRACT  
0.0887 ACRE (3,862 SQUARE FOOT) TRACT  
WARREN LYNCH AND SPOUSE, JEANNE LYNCH  
CITY OF MESQUITE, DALLAS COUNTY, TEXAS**

**ACCESS EASEMENT TWO**

BEING a 4,253 square foot (0.0976 acre) tract of land situated in the John M. Harding Survey, Abstract No. 569, City of Mesquite, Dallas County, Texas, and being part of that tract of land described in General Warranty Deed With Vendor's Lien dated May 9, 2008, to Warren Lynch and spouse, Jeanne Lynch, as recorded in Instrument Number 20080160473 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a point (unable to set) for the west corner of said Lynch tract in the southeast right of way line of Lawson Road [a variable width right-of-way established in part by instruments recorded in Volume 91011, Page 2693, and Volume 95133, Page 04378, both of the Deed Records of Dallas County, Texas (D.R.D.C.T.)], and from which point a 1/2-inch found iron rod bears South 56 degrees 11 minutes 00 seconds East a distance of 2.80 feet;

THENCE North 44 degrees 06 minutes 18 seconds East, with the common northwest line of said Lynch tract and said southeast right-of-way of Lawson Road, a distance of 334.44 feet to a 1/2-inch found iron rod with cap stamped "RPLS 5310" for corner;

THENCE South 44 degrees 41 minutes 55 seconds East, continuing with said common line, a distance of 5.27 feet to a point for corner;

THENCE North 44 degrees 37 minutes 27 seconds East, continuing with said common line a distance of 75.67 feet to a 1/2-inch set iron rod with blue plastic cap stamped "HALFF ESMT" (hereinafter referred to as "with cap") for the POINT OF BEGINNING;

THENCE North 44 degrees 37 minutes 27 seconds East, continuing with said common line, a distance of 60.00 feet to a 1/2-inch set iron rod with cap for corner;

THENCE South 45 degrees 53 minutes 42 seconds East, departing said common line, over and across said Lynch tract, a distance of 84.70 feet to a 1/2-inch set iron rod with cap for corner;

THENCE South 69 degrees 15 minutes 50 seconds West, continuing over and across said Lynch tract, a distance of 66.29 feet to a 1/2-inch set iron rod with cap for corner;

THENCE North 45 degrees 53 minutes 42 seconds West, continuing over and across said Lynch tract, a distance of 57.06 feet to the POINT OF BEGINNING and containing 0.0976 of an acre (4,253 square feet) of land, more or less



FIELD NOTES APPROVED:

*PLC* 10/18/17

Page 1 of 4

LD\_E019-ACCESS-2 AND 3.doc



**ACCESS EASEMENTS TWO AND THREE ACROSS  
CITY OF DALLAS ACQUISITION PARCEL E-019  
0.0976 ACRE (4,253 SQUARE FOOT) TRACT  
0.0887 ACRE (3,862 SQUARE FOOT) TRACT  
WARREN LYNCH AND SPOUSE, JEANNE LYNCH  
CITY OF MESQUITE, DALLAS COUNTY, TEXAS**

**ACCESS EASEMENT THREE**

BEING a 3,862 square foot (0.0887 acre) tract of land situated in the John M. Harding Survey, Abstract No. 569, City of Mesquite, Dallas County, Texas, and being part of that tract of land described in General Warranty Deed With Vendor's Lien dated May 9, 2008, to Warren Lynch and spouse, Jeanne Lynch, as recorded in Instrument Number 20080160473 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a point (unable to set) for the west corner of said Lynch tract in the southeast right of way line of Lawson Road [a variable width right-of-way established in part by instruments recorded in Volume 91011, Page 2693, and Volume 95133, Page 04378, both of the Deed Records of Dallas County, Texas (D.R.D.C.T.)], and from which point a 1/2-inch found iron rod bears South 56 degrees 11 minutes 00 seconds East a distance of 2.80 feet;

THENCE North 44 degrees 06 minutes 18 seconds East, with the common northwest line of said Lynch tract and said southeast right-of-way of Lawson Road, a distance of 334.44 feet to a 1/2-inch found iron rod with cap stamped "RPLS 5310" for corner;

THENCE South 44 degrees 41 minutes 55 seconds East, continuing with said common line, a distance of 5.27 feet to a point for corner;

THENCE North 44 degrees 37 minutes 27 seconds East, continuing with said common line, a distance of 165.67 feet to a point for corner;

THENCE North 44 degrees 13 minutes 41 seconds East, continuing with said common line a distance of 49.79 feet to a 1/2-inch set iron rod with blue plastic cap stamped "HALFF ESMT" (hereinafter referred to as "with cap") for the POINT OF BEGINNING;

THENCE North 44 degrees 13 minutes 41 seconds East, continuing with said common line, a distance of 22.45 feet to a 1/2-inch set iron rod with cap for corner;

THENCE North 49 degrees 32 minutes 31 seconds East, continuing with said common line, a distance of 7.59 feet to a 1/2-inch set iron rod with cap for corner;

THENCE South 45 degrees 53 minutes 42 seconds East, departing said common line, over and across said Lynch tract, a distance of 135.12 feet to a 1/2-inch set iron rod with cap for corner;

**ACCESS EASEMENTS TWO AND THREE ACROSS  
CITY OF DALLAS ACQUISITION PARCEL E-019  
0.0976 ACRE (4,253 SQUARE FOOT) TRACT  
0.0887 ACRE (3,862 SQUARE FOOT) TRACT  
WARREN LYNCH AND SPOUSE, JEANNE LYNCH  
CITY OF MESQUITE, DALLAS COUNTY, TEXAS**

THENCE South 69 degrees 15 minutes 50 seconds West, continuing over and across said Lynch tract, a distance of 33.14 feet to 1/2-inch set iron rod with cap for corner;

THENCE North 45 degrees 53 minutes 42 seconds West, continuing over and across said Lynch tract, a distance of 121.80 feet to the POINT OF BEGINNING and containing 0.0887 of an acre (3,862 square feet) of land, more or less

The Basis of Bearing is the North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

*[Handwritten signature]*  
29 SEP  
2017





# JOHN M. HARDING SURVEY, ABSTRACT NO. 569

JOHN P. ANDERSON SURVEY,  
ABSTRACT NO. 1

JOHN P. ANDERSON SURVEY,  
ABSTRACT NO. 1  
JOHN M. HARDING SURVEY,  
ABSTRACT NO. 569  
Existing Right-of-Way Line

POINT OF BEGINNING  
ACCESS EASEMENT 3

ACCESS EASEMENT THREE  
0.0887 ACRE (3,862 SQ. FT.)

POINT OF BEGINNING  
ACCESS EASEMENT 2

POINT OF  
COMMENCING  
ACCESS EASEMENT  
2 AND 3

APPROX. SURVEY LINE  
**LAWSON ROAD**  
(VARIABLE WIDTH RIGHT-OF-WAY)  
(VOL. 95133 PG. 04318)  
(VOL. 91011 PG. 2693)

ACCESS EASEMENT TWO  
0.0976 ACRE (4,253 SQ. FT.)

JOHN M. HARDING SURVEY,  
ABSTRACT NO. 569

WARREN LYNCH AND SPOUSE,  
JEANNE LYNCH  
(INST. #20080160473)

0 50 100 150 200  
SCALE: 1"=100'



29 SEP  
2017

(Basis of Bearing  
rotated counterclockwise  
00°21'00" from deed  
bearing of N45°23'10"W)

1/2" FIR W/  
"RPLS 5310" CAP  
BEARS N09°02'09"W  
1.15'

N43°52'14"E  
30.00'

1/2" FIR W/  
"RPLS 5310"  
CAP(C.M.)

## LEGEND

1/2" SIR	1/2-INCH SET IRON ROD WITH BLUE
W/CAP	PLASTIC CAP STAMPED "HALFF ESMT"
(C.M.)	CONTROL MONUMENT
UTS	UNABLE TO SET
INST. #	COUNTY CLERK'S INSTRUMENT NUMBER

## NOTES:

1. The Basis of Bearing is the North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.
2. Metes and Bounds description of even date accompanies this survey exhibit.

ACCESS EASEMENTS TWO AND THREE ACROSS  
CITY OF DALLAS ACQUISITION PARCEL E-019  
0.0976 ACRE (4,253 SQUARE FOOT) TRACT,  
0.0887 ACRE (3,862 SQUARE FOOT) TRACT,  
WARREN LYNCH AND SPOUSE, JEANNE LYNCH  
CITY OF MESQUITE, DALLAS COUNTY, TEXAS



**HALFF**

1201 N. BOWSER ROAD RICHARDSON, TEXAS 75081  
TELE. (214)346-6200 FAX (214)739-0095  
TBPLS FIRM NO. 10029600

DATE: SEPTEMBER, 2017

AVO.: 25143

PAGE 4 OF 4



# ATTACHMENT 2b

## JOHN M. HARDING SURVEY, ABSTRACT NO. 569

JOHN P. ANDERSON SURVEY,  
ABSTRACT NO. 1

JOHN P. ANDERSON SURVEY,  
ABSTRACT NO. 1  
JOHN M. HARDING SURVEY,  
ABSTRACT NO. 569  
Existing Right-of-Way Line

POINT OF BEGINNING  
ACCESS EASEMENT 3

ACCESS EASEMENT THREE  
0.0887 ACRE (3,862 SQ. FT.)

POINT OF BEGINNING  
ACCESS EASEMENT 2

POINT OF  
COMMENCING  
ACCESS EASEMENT  
2 AND 3

APPROX. SURVEY LINE  
LAWSON ROAD  
(VARIABLE WIDTH RIGHT-OF-WAY)  
(VOL. 95133, PG. 04378)  
(VOL. 91011, PG. 2693)

UTS  
(1/2" FIR  
Bears=S56°11'00"E  
2.80')

(Basis of Bearing  
rotated counterclockwise  
00°21'00" from deed  
bearing of N45°23'10"W)

ACCESS EASEMENT TWO  
0.0976 ACRE (4,253 SQ. FT.)

JOHN M. HARDING SURVEY,  
ABSTRACT NO. 569

WARREN LYNCH AND SPOUSE,  
JEANNE LYNCH  
(INST. #20080160473)



0 50 100 150 200  
SCALE: 1"=100'



### LEGEND

1/2" SIR 1/2-INCH SET IRON ROD WITH BLUE  
W/CAP PLASTIC CAP STAMPED "HALFF ESMT"  
(C.M.) CONTROL MONUMENT  
UTS UNABLE TO SET  
INST. # COUNTY CLERK'S INSTRUMENT NUMBER

### NOTES:

1. The Basis of Bearing is the North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.
2. Metes and Bounds description of even date accompanies this survey exhibit.

ACCESS EASEMENTS TWO AND THREE ACROSS  
CITY OF DALLAS ACQUISITION PARCEL E-019  
0.0976 ACRE (4,253 SQUARE FOOT) TRACT,  
0.0887 ACRE (3,862 SQUARE FOOT) TRACT,  
WARREN LYNCH AND SPOUSE, JEANNE LYNCH  
CITY OF MESQUITE, DALLAS COUNTY, TEXAS



**HALFF**

1201 N. BOWSER ROAD RICHARDSON, TEXAS 75081  
TELE. (214)346-6200 FAX (214)739-0095  
TBPLS FIRM NO. 10029600

DATE: SEPTEMBER, 2017

AVO.: 25143

PAGE 4 OF 4



## **EXHIBIT C**

### **EASEMENT -- GRAZING AND AGRICULTURAL USE**

Grantor, for Grantor and Grantor's heirs, successors and assigns ("the holder of the easement") does hereby reserve an easement over, on and across the property described in Exhibit "A" for agricultural and/or grazing purposes in connection with Grantor's use of Grantor's adjoining or abutting property and in a manner as not to endanger or interfere with the safe, efficient and/or convenient use of and activity on the property described in Exhibit "A" by City.

In no event may the holder of the easement construct or install, or cause to be constructed or installed, in the easement any permanent improvements, roads, pavement, utilities, structures, buildings, cattle tanks and/or stock ponds. Any activity by the holder of the easement involving excavation, contouring, and/or grading beyond normal agricultural tillage and installation of fence posts is strictly prohibited. Any activity by the holder of the easement causing or likely to cause excessive erosion, as determined by City, is strictly prohibited. In no event and under no circumstances may the holder of the easement operate within the easement any vehicles, equipment or machinery exceeding 15,000 lbs in weight. The holder of the easement shall not grow any trees, shrubs, vines or other excessive undergrowth that would prevent or unreasonably impair aerial inspection of the property by City.

The holder of this easement may fence the boundaries of the easement (but no cross fencing) to control livestock and wildlife; provided, however, adequate gates, cattle guards and other means of access are provided and maintained by the holder of the easement to facilitate City's full and unlimited access to, from and across the easement at all times for any and all purposes.

This easement is nonexclusive, and City reserves for City and City's successors and assigns the right to convey to others easements that do not unreasonably impair or obstruct this easement. Notwithstanding any provision of this easement reservation to the contrary, City and City's successors and assigns shall in all respects and at all times have the superior and paramount right of use, access and control of the property described in Exhibit "A" and covered by this easement, without any liability for damages to planted, growing or mature crops and/or to the turf that may be growing thereon. City and City's successors and assigns will repair any boundary fences it may cut or damage by its activities and will endeavor to exercise due care to avoid damage to or the escape of livestock that may be pastured in the easement.

The holder of the easement agrees to indemnify, defend and hold City and City's successors in interest harmless from any loss, attorney's fees, court and other costs, expenses or claims attributable to any breach or default of any provision of this easement by the holder and/or any negligent act or omission by the holder with regard to this easement. In the event the holder of the easement shall place any unpermitted structure, improvement, use or material within the easement and fails to remove same immediately upon receipt of notice from City, City shall have the right, but not the obligation, to remove such structure, improvement, use and/or material, and the holder of the easement shall reimburse City for any and all costs connected with such action immediately upon demand.

This easement shall terminate if and when the holder of the easement no longer owns or uses adjoining or abutting property for agricultural and/or grazing purposes.

**EXHIBIT A**  
**PARCEL E-019**  
**CITY OF DALLAS RIGHT-OF-WAY**  
**2.019 ACRE TRACT**  
**JOHN M. HARDING SURVEY, ABSTRACT NO. 569**  
**CITY OF MESQUITE, DALLAS COUNTY, TEXAS**

BEING a tract of land situated in the John M. Harding Survey, Abstract No. 569, City of Mesquite, Dallas County, Texas, and being a part of that tract of land described in General Warranty Deed With Vendor's Lien dated May 9, 2008, to Warren Lynch and spouse, Jeanne Lynch, as recorded in Instrument Number 20080160473 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point (unable to set) for the west corner of said Lynch tract in the southeast right of way line of Lawson Road [a variable width right-of-way established in part by instruments recorded in Volume 91011, Page 2693, and Volume 95133, Page 04378, both of the Deed Records of Dallas County, Texas (D.R.D.C.T.)], and from which point a 1/2-inch found iron rod bears South 56 degrees 11 minutes 00 seconds East a distance of 2.80 feet;

THENCE with the common northwest line of said Lynch tract and said southeast right-of-way of Lawson Road through the following courses and distances:

North 44 degrees 06 minutes 18 seconds East (called North 44 degrees 21 minutes 31 seconds East, 334.24 feet) a distance of 334.44 feet to a 1/2-inch found iron rod with cap stamped "RPLS 5310" for corner;

South 44 degrees 41 minutes 55 seconds East (called South 44 degrees 53 minutes 29 seconds East, 5.0 feet) a distance of 5.27 feet to a 1/2-inch found iron rod with cap stamped "NDM RPLS #2609" for corner;

North 44 degrees 37 minutes 27 seconds East (called North 45 degrees 06 minutes 30 seconds East, 165.65 feet) a distance of 165.67 feet to a 1/2-inch found iron rod with cap stamped "NDM RPLS #2609" for corner;

North 44 degrees 13 minutes 41 seconds East (called North 44 degrees 36 minutes 31 seconds East, 72.40 feet) a distance of 72.24 feet to a 1/2-inch found iron rod with cap with cap stamped "NDM RPLS #2609" for corner;

North 49 degrees 32 minutes 31 seconds East (called North 49 degrees 51 minutes 02 seconds East, 328.27 feet) a distance of 328.41 feet to a 1/2-inch found iron rod with cap stamped "RPLS 5310" for corner;

North 44 degrees 18 minutes 00 seconds East (called North 44 degrees 36 minutes 31 seconds East, 61.36 feet) a distance of 61.36 feet to a point for the north corner of said Lynch tract from which a 1/2-inch found iron rod with cap stamped "RPLS 5310" bears South 41 degrees 58 minutes 49 seconds East a distance of 1.10 feet;



**EXHIBIT A**  
**PARCEL E-019**  
**CITY OF DALLAS RIGHT-OF-WAY**  
**2.019 ACRE TRACT**  
**JOHN M. HARDING SURVEY, ABSTRACT NO. 569**  
**CITY OF MESQUITE, DALLAS COUNTY, TEXAS**

THENCE South 45 degrees 38 minutes 31 seconds East (called South 45 degrees 20 minutes 00 seconds East), departing said common line, with the northeast line of said Lynch tract, a distance of 150.00 feet to a 1/2-inch set iron rod with yellow plastic cap stamped "HALFF" (hereinafter referred to as "with cap") for corner;

THENCE departing said northeast line, over and across said Lynch tract through the following courses and distances:

South 44 degrees 18 minutes 00 seconds West, with a line offset 150 feet southeasterly from and parallel to the last called southeast right-of-way line of said Lawson Road, a distance of 285.31 feet to a 1/2-inch set iron rod with cap for corner;

South 69 degrees 15 minutes 50 seconds West, departing said parallel offset line, a distance of 376.40 feet to a 1/2-inch set iron rod with cap for corner;

South 44 degrees 15 minutes 50 seconds West a distance of 333.95 feet to a 1/2-inch set iron rod with cap for corner in the common southwest line of said Lynch tract and the northeast line of that tract of land described in deed to Timothy L. Nieman, Jr., and wife Dorothy Nieman as recorded in Volume 76170, Page 1649, D.R.D.C.T.;

THENCE North 45 degrees 44 minutes 10 seconds West (called North 45 degrees 23 minutes 10 seconds West), with said common line, a distance of 26.33 feet to the POINT OF BEGINNING and containing 87,956 square feet or 2.019 acres of land, more or less.

Parenthetical calls () refer to calls from Instrument Number 20080160473 of the Official Public Records of Dallas County, Texas.

The Basis of Bearing is the North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

*Handwritten signature*  
07 DEC  
2010



REVIEWED BY *dec* 12/22/10



N

# JOHN M. HARDING SURVEY, ABSTRACT NO. 569

## EXHIBIT A

JOHN P. ANDERSON  
SURVEY,  
ABSTRACT NO. 1

0 100 200 300 400  
SCALE: 1"=200'

APPROX. C  
TP&L EASEMENT  
(VOL. 2112, PG. 220)  
(VOL. 3527, PG. 191)

1/2" FIR W/CAP  
"RPLS 5310"

(N44°36'31"E  
61.36')  
N44°18'00"E  
61.36'

1/2" FIR W/  
"RPLS 5310"  
CAP Bears=  
S41°58'49"E  
1.10'

S45°38'31"E  
400.00'

(S45°20'00"E  
S45°38'31"E  
150.00')

1/2" SIR  
W/CAP

1/2" SIR  
W/CAP

S44°18'00"W  
285.31'

(OWNER)  
GLORIA POWER PALMER  
(VOL. 699, PG. 0281,  
VOL. 89024, PG. 2921)

PARCEL E-19 (C.M.)  
87,956 SQ. FT.  
OR  
2.019 ACRES

(OWNER)  
WARREN LYNCH AND SPOUSE,  
JEANNE LYNCH  
(INST. #20080160473)

JOHN M. HARDING  
SURVEY,  
ABSTRACT NO. 569

REVIEWED BY *[Signature]* 12/22/10

(UTS) 1/2" FIR  
Bears=S56°11'00"E  
2.80'  
POINT OF  
BEGINNING

MILAM RD.  
(60' RIGHT-OF-WAY)

(N44°36'31"E  
72.40')  
N44°13'41"E  
72.24'

(N45°06'30"E  
165.65')  
N44°37'27"E  
165.67'

1/2" FIR W/  
"RPLS 5310" CAP

(S44°53'29"E  
5.0')  
S44°41'55"E  
5.27'

(N44°21'31"E  
334.24')  
N44°06'18"E  
334.44'

1/2" SIR  
W/CAP

(N45°23'10"W  
359.45')  
N45°44'10"W  
26.33'

1/2" FIR W/  
"RPLS 5310" CAP

(S44°36'50"W  
30.00')

1/2" FIR W/  
"RPLS 5310" CAP

(S44°36'50"W  
30.00')

1/2" FIR W/  
"RPLS 5310" CAP

(S44°36'50"W  
30.00')

1/2" FIR W/  
"RPLS 5310" CAP

(S44°36'50"W  
30.00')

1/2" FIR W/  
"RPLS 5310" CAP

(S44°36'50"W  
30.00')

1/2" FIR W/  
"RPLS 5310" CAP

(S44°36'50"W  
30.00')

1/2" FIR W/  
"RPLS 5310" CAP

(S44°36'50"W  
30.00')

1/2" FIR W/  
"RPLS 5310" CAP

(S44°36'50"W  
30.00')

1/2" FIR W/  
"RPLS 5310" CAP

(S44°36'50"W  
30.00')

(OWNER)  
TIMOTHY L. NIEMAN, JR.,  
AND WIFE  
DOROTHY NIEMAN  
(VOL. 76170, PG. 1649)



### LEGEND

1/2" SIR	1/2-INCH SET IRON ROD WITH YELLOW
W/CAP	PLASTIC CAP STAMPED "HALFF"
(C.M.)	CONTROL MONUMENT
FIR	FOUND IRON ROD
FCP	FENCE CORNER POST
INST. #	INSTRUMENT NUMBER
UTS	UNABLE TO SET

### NOTES:

- The Basis of Bearing is the North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.
- Mets and Bounds description of tract shown hereon was prepared of even date.
- Parantheticalcalls ( ) refer to calls from Instrument Number 20080160473 of the OfficialPublic Records of Dallas County, Texas.

### PARCEL E-019

CITY OF DALLAS RIGHT-OF-WAY  
2.019 ACRE TRACT

JOHN M. HARDING SURVEY, ABSTRACT NUMBER 569,  
CITY OF MESQUITE, DALLAS COUNTY, TEXAS



**HALFF**

1201 N. BOWSER ROAD RICHARSON, TEXAS 75081  
TELE. (214)346-6200 FAX (214)739-0095

DATE: DEC., 2010

AVO.: 25143

PAGE 3 OF 3



## Agenda Information Sheet

**File #:** 18-1206

**Item #:** 15.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability  
**AGENDA DATE:** February 13, 2019  
**COUNCIL DISTRICT(S):** Outside City Limits  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**EXECUTIVE:** Majed Al-Ghafry

---

### **SUBJECT**

Authorize acquisition from Vulcan Lands, Inc., of approximately 113.4 acres of land located in Dallas County for the East Side Water Treatment Plant Residuals Handling Facilities Project - Not to exceed \$4,925,500.00 (\$4,900,000.00, plus closing costs and title expenses not to exceed \$25,500.00) - Financing: Water Capital Improvement Fund

### **BACKGROUND**

This item authorizes the acquisition from Vulcan Lands, Inc., of approximately 113.4 acres of land located in Dallas County for the East Side Water Treatment Plant Residuals Handling Facilities Project. The property to be acquired is located in Sunnyvale, Texas adjacent to the existing East Side Water Treatment Plant property and is bounded by Berry Road, East Scylene Road and Larkin Road. The Residuals Handling Project includes improvements to more efficiently process and handle water treatment residuals and requires additional space not currently available on the existing property. The consideration is based on independent appraisals.

The purchase of the property will also allow for the closure of existing lagoons which are approaching the end of their expected life, retain space on-site for future improvements, chemical storage, enhance site security and provide room for a future eastern rail spur for chemical delivery or solids disposal. A portion of the property will also be used for the future construction of a 120-inch water transmission pipeline to meet water demands as determined through master planning efforts.

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on February 11, 2019.

**FISCAL INFORMATION**

Water Capital Improvement Fund - \$4,925,500.00 (\$4,900,000.00, plus closing costs and title expenses not to exceed \$25,500.00)

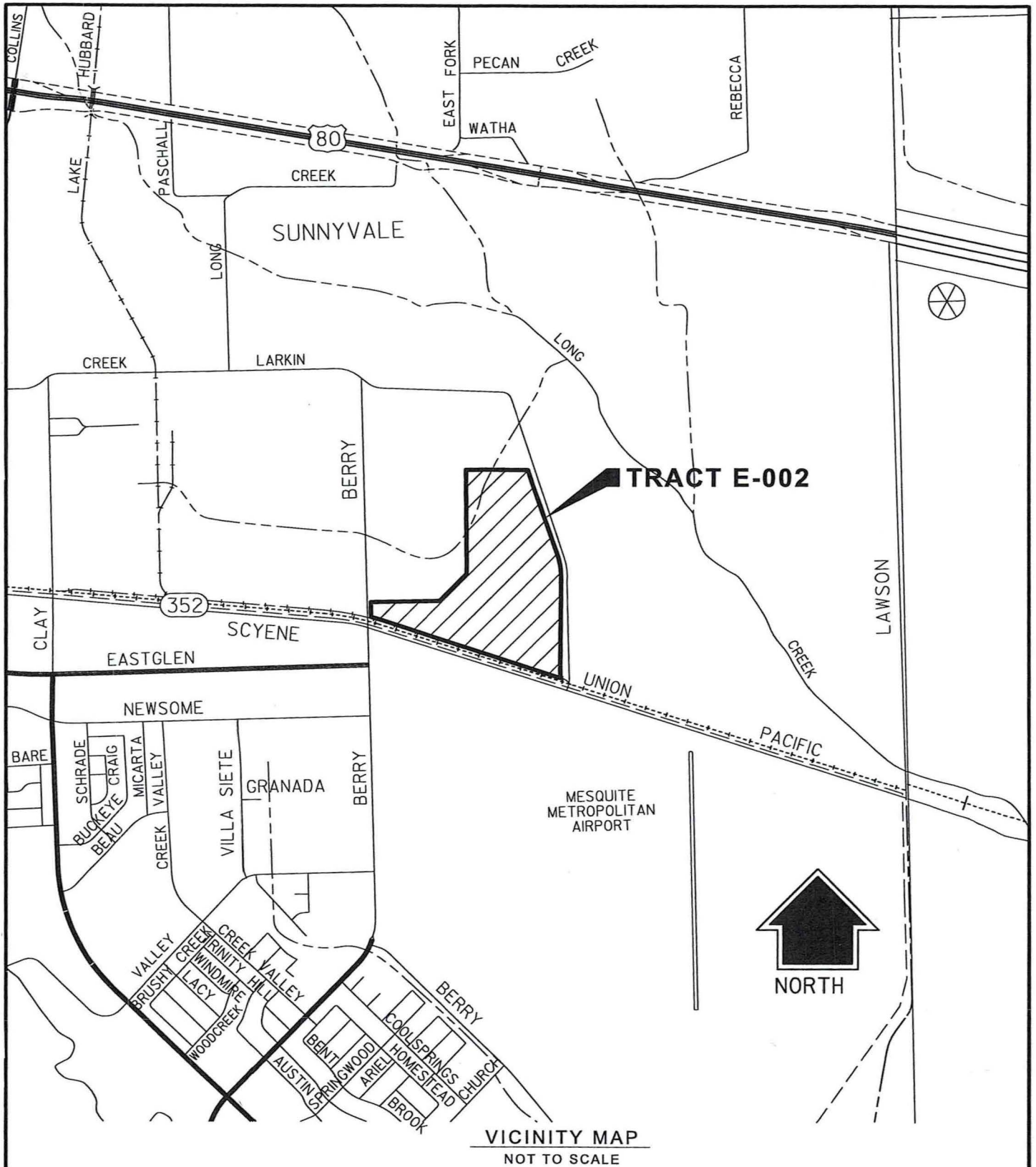
**OWNER**

**Vulcan Lands, Inc.**

Jeffery G. Lott, Vice President

**MAP**

Attached



PARCEL E-002  
CITY OF DALLAS RIGHT-OF-WAY  
113.40 ACRE TRACT  
CITY OF SUNNYVALE, DALLAS COUNTY, TEXAS



February 13, 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 113.4 acres of land located in Dallas County, Texas, and being the same property more particularly described in Exhibit “A”, attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto.

“PROJECT”: East Side Water Treatment Plant Residuals Handling Facilities

“USE”: Mechanical dewatering of water treatment plant residuals, future treatment processes or chemical storage and allow access to east rail spur for chemical delivery or solids disposal for the East Side Water Treatment Plant 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”: Vulcan Lands, Inc., provided, however, that the term “OWNER” as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

“PURCHASE AMOUNT”: \$4,900,000.00

“CLOSING COSTS AND TITLE EXPENSES”: Not to exceed \$25,500.00

“AUTHORIZED AMOUNT”: Not to exceed \$4,925,500.00

**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 INTEREST in the PROPERTY for the PROJECT.



February 13, 2019

**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 Capital Improvement Fund, Fund 3115, Department DWU, Unit PW32, Activity N/A, Program 710031, Object 4210, Encumbrance/Contract No. CX-DWU-2018-00007840. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**SECTION 7.** That the CITY is to have possession and/or use, as applicable, of the PROPERTY at closing; and the CITY will pay any title expenses and closing costs. All costs and expenses described in this section shall be paid from the previously described funds.

**SECTION 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

**PARCEL E-002**  
**CITY OF DALLAS RIGHT-OF-WAY**  
**113.40 ACRE TRACT**  
**JAMES M. BENNETT SURVEY, ABSTRACT NUMBER 85**  
**THOMAS F. MCKINNEY & SAMUEL M. WILLIAMS SURVEY,**  
**ABSTRACT NUMBER 1026**  
**CITY OF SUNNYVALE, DALLAS COUNTY, TEXAS**

BEING a tract of land situated in the James M. Bennett Survey, Abstract No. 85, Patent Date August 22, 1870, Texas General Land Office File Number N-3-2385, and the Thomas F. McKinney & Samuel M. Williams Survey, Abstract No. 1026, City of Sunnyvale, Dallas County, Texas, and being all of that tract of land described in Warranty Deed to Vulcan Lands, Inc., as recorded in Instrument Number 20080386981 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.) and being a part of that called 200 foot wide Right-of-Way Easement dated March 8, 1872 from Thomas D. Coats to the Southern Pacific Railroad Company as recorded in Volume S, Page 410, of the Deed Records of Dallas County, Texas (D.R.D.C.T.), same being part of that tract of land labeled "No. 2" on the Railroad Valuation Map titled "Right-of-Way & Track Map, The Texas & Pacific Ry. Co., Main Line, Operated by The Texas & Pacific Ry. Co., Sta. 10454+40 to Sta. 10665+60," Sheet Number VTP 6 Tex/28, with interest in said right-of-way easement held by the Union Pacific Railroad Company per the Articles of Merger of Missouri Pacific Railroad Company with and into Union Pacific Railroad Company as recorded in Volume 97018, Page 04979 (D.R.D.C.T.) and being more particularly described as follows:

BEGINNING at a 1-inch iron pipe found for a northwest corner of said Vulcan Lands tract and the southwest corner of a 34.209 acre tract of land described in deed to the City of Dallas as recorded in Volume 2002188, Page 6504 (D.R.D.C.T.), said corner being on the east right-of-way line of Berry Road (a variable width right-of-way);

THENCE North 89 degrees 03 minutes 53 seconds East, with the south line of said 34.209 acre tract and a north line of said Vulcan Lands tract, a distance of 1,086.10 feet to a corner (not monumented);

THENCE North 44 degrees 58 minutes 40 seconds East, with the southeast line of said 34.209 acre tract and northwest line of said Vulcan Lands tract, a distance of 601.96 feet to a 5/8-inch iron rod found with plastic cap for corner, said corner being the easterly southeast corner of said 34.209 acre tract;



FIELD NOTES APPROVED:

*[Signature]* 10/4/18



**PARCEL E-002**  
**CITY OF DALLAS RIGHT-OF-WAY**  
**113.40 ACRE TRACT**  
**JAMES M. BENNETT SURVEY, ABSTRACT NUMBER 85**  
**THOMAS F. MCKINNEY & SAMUEL M. WILLIAMS SURVEY,**  
**ABSTRACT NUMBER 1026**  
**CITY OF SUNNYVALE, DALLAS COUNTY, TEXAS**

THENCE North 00 degrees 30 minutes 09 seconds West, with the east lines of said 34.209 acre tract and a 75.171 acre tract of land described in deed to the City of Dallas as recorded in Volume 82110, Page 0003 (D.R.D.C.T.) and west line of said Vulcan Lands tract, a distance of 1,634.23 feet to a 1/2-inch iron rod found for the most northern northwest corner of said Vulcan Lands tract, also being the southwest corner of Lot 1, Block 1 of Torres Addition, an addition to the City of Dallas, Dallas County, Texas, as recorded in Instrument Number 201300310923 (O.P.R.D.C.T.);

THENCE North 89 degrees 07 minutes 40 seconds East, with the south line of Lot 1 of said Torres Addition and north line of said Vulcan Lands tract, a distance of 338.17 feet to a corner (not monumented) for the southeast corner said Lot 1 and southwest corner of a called 5.535 acre tract of land described in deed to Church of God Evening Lights Saints as recorded in Instrument Number 20080390478, (O.P.R.D.C.T.);

THENCE South 89 degrees 29 minutes 27 seconds East, with the south line of said 5.535 acre tract and a called 0.733 acre tract of land described in deed to Sholeh Taji and M.J. Alavizadeh, as recorded in Volume 98215, Page 5705, (D.R.D.C.T.) and north line of said Vulcan Lands tract, a distance of 637.11 feet to a 1/2-inch iron rod with plastic cap stamped "RPLS 4020" found for the northeast corner of said Vulcan Lands tract, said corner being on the west right-of-way line of Larkin Road (a 60-foot wide public right-of-way);

THENCE with the common east line of said Vulcan Lands tract and west right-of-way line of said Larkin Road, the following bearings and distances:

South 18 degrees 34 minutes 28 seconds East, a distance of 225.98 feet to a 1/2-inch iron rod with plastic cap stamped "RPLS 4020" found for corner;

South 19 degrees 35 minutes 28 seconds East, a distance of 1,153.63 feet to a 1/2-inch iron rod with plastic cap stamped "RPLS 4020" found for the point of curvature of a tangent circular curve to the right having a radius of 1,115.92 feet, chord that bears South 09 degrees 31 minutes 58 seconds East, a distance of 389.79 feet;

Southerly, with said curve, through a central angle of 20 degrees 07 minutes 00 seconds, an arc distance of 391.80 feet to a 1/2-inch iron rod with plastic cap stamped "RPLS 4020" found for corner;

**PARCEL E-002  
CITY OF DALLAS RIGHT-OF-WAY  
113.40 ACRE TRACT  
JAMES M. BENNETT SURVEY, ABSTRACT NUMBER 85  
THOMAS F. MCKINNEY & SAMUEL M. WILLIAMS SURVEY,  
ABSTRACT NUMBER 1026  
CITY OF SUNNYVALE, DALLAS COUNTY, TEXAS**

South 00 degrees 31 minutes 32 seconds West, passing at a distance of 1,536.02 feet to a 1/2-inch iron rod with plastic cap stamped "RPLS 4020" found 100.00 feet from and perpendicular to the center of the Southern Pacific Railroad, according to Deed recorded in Volume Q, Page 410 (D.R.D.C.T.), continuing, in all, a total distance of 1,588.45 feet to a 1/2-inch iron rod with plastic cap stamped "RPLS 4020" found for corner, said corner being the southeast corner of said Vulcan Lands tract;

THENCE with the south line of said Vulcan Lands tract, 50.00 feet north of and parallel to the center of the Southern Pacific Railroad, the following bearings and distances:

North 71 degrees 58 minutes 18 seconds West, a distance of 2,957.55 feet to 1/2-inch iron rod with plastic cap stamped "RPLS 4020" found for the point of curvature of a tangent circular curve to the left, having a radius of 2,914.79 feet, chord that bears North 73 degrees 40 minutes 42 seconds West, a distance of 173.62 feet;

Westerly, with said curve, through a central angle of 03 degrees 24 minutes 48 seconds, an arc distance of 173.65 feet to a 1/2-inch iron rod with plastic cap stamped "RPLS 4020" found for the southwest corner of said Vulcan Lands tract, said corner being on the east right-of-way line of said Berry Road;

THENCE North 00 degrees 31 minutes 37 seconds West, with the east right-of-way line of said Berry Road and west line of said Vulcan Lands tract, passing at a distance of 51.73 feet, a 1/2-inch iron rod with plastic cap stamped "RPLS 4020" found, continuing with said east right-of-way line and the west line of said Vulcan Lands tract, in all, a total distance of 232.54 feet to the POINT OF BEGINNING AND CONTAINING 4,939,706 square feet, or 113.40 acres of land, more or less.

**PARCEL E-002  
CITY OF DALLAS RIGHT-OF-WAY  
113.40 ACRE TRACT  
JAMES M. BENNETT SURVEY, ABSTRACT NUMBER 85  
THOMAS F. MCKINNEY & SAMUEL M. WILLIAMS SURVEY,  
ABSTRACT NUMBER 1026  
CITY OF SUNNYVALE, DALLAS COUNTY, TEXAS**

The Basis of Bearing is the North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

This property description is accompanied by a parcel plat of even date.

*G. J. Suthan*      *Sept. 18/2018*

Getsy J. Suthan  
Registered Professional Land Surveyor  
Texas No. 6449  
Halff Associates, Inc.  
1201 North Bowser Rd.  
Richardson, Texas 75081  
TBPLS Firm No. 10029600





# Exhibit A

## JAMES M. SEWELL SURVEY, ABSTRACT NO. 1358

City of Dallas  
Tract No. 3  
Vol. 4708, Pg. 356  
D.R.D.C.T.

## JAMES M. BENNETT SURVEY, ABSTRACT NO. 85

CITY OF DALLAS  
VOL. 2002188, PG. 6504  
D.R.D.C.T.

VULCAN LANDS, INC.  
INST. NO. 20080386981  
O.P.R.D.C.T.

PARCEL E-002  
113.40 ACRE  
(4,939,706 SQ. FT.)

### POINT OF BEGINNING

N00°31'37"W  
232.54'

N89°03'53"E

1,086.10'

BERRY ROAD  
(VARIABLE WIDTH R.O.W.)

1" FIP  
(C.M.)

1/2" FIR  
"RPLS 4020"  
CAP

SOUTHWESTERN BELL  
TELEPHONE COMPANY ESMT.  
(CC-72-3497-A, DALLAS  
COUNTY COURT OF LAW NO. 1)

1/2" FIR W/  
"RPLS 4020" CAP

SOUTHWESTERN BELL  
TELEPHONE COMPANY ESMT.  
(VOL. 704, PG. 2332)  
D.R.D.C.T.

N71°58'18"W  
C of Railroad Tracks (C.M.)

SCYENE ROAD  
(60' R.O.W.)  
Vol. 2004172, Pg. 10588  
D.R.D.C.T.

UNION PACIFIC  
RAILROAD  
(200' R.O.W.)  
VOL. S, PG. 410  
VOL. 97018, PG. 4979  
D.R.D.C.T.

## THOMAS F. MCKINNEY SURVEY, ABSTRACT NO. 1026

Δ= 12°32'12"  
D= 02°00'00"  
R= 2,864.79'  
L= 626.83'  
CL= 625.58'  
CB= N78°14'24"W

Δ= 03°24'48" (LT)  
R= 2,914.79'  
T= 86.85'  
L= 173.65'  
CL= 173.62'  
CB= N73°40'42"W

1/2" FIR  
"RPLS 4020"  
(C.M.)

FAITHON P.  
LUCAS, SR. BLVD.

0 100 200 300 400  
SCALE: 1"=200'

### LEGEND

1/2" SIR W/CAP (C.M.)	1/2-INCH SET IRON ROD WITH YELLOW PLASTIC CAP STAMPED "HALFF"
FIP	FOUND IRON PIPE
FIR	FOUND IRON ROD
INST. NO.	INSTRUMENT NUMBER
R.O.W.	RIGHT-OF-WAY
D.R.D.C.T.	DEED RECORDS DALLAS COUNTY TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS DALLAS COUNTY TEXAS

### NOTES:

1. The Basis of Bearing is the North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

2. Metes and Bounds description of even date accompanies this survey exhibit.

### PARCEL E-002

CITY OF DALLAS RIGHT-OF-WAY

113.40 ACRE TRACT

JAMES M. BENNETT SURVEY, ABSTRACT NO. 85 AND  
THOMAS F. MCKINNEY SURVEY, ABSTRACT NO. 1026  
CITY OF SUNNYVALE, DALLAS COUNTY, TEXAS



**HALFF**

1201 N. BOWSER ROAD RICHARDSON, TEXAS 75081  
TELE. (214)346-6200 FAX (214)739-0095  
TBPLS FIRM NO. 10029600

DATE: SEPTEMBER, 2018

AVO.: 25143

PAGE 5 OF 11

N89°03'53"E  
1,086.10'

N44°58'40"E  
601.96'

NOT MONUMENTED

PARCEL E-002  
113.40 ACRE  
(4,939,706 SQ. FT.)

VULCAN LANDS, INC.  
INST. NO. 20080386981  
O.P.R.D.C.T

40' WASH WATER  
WASTE LINE ESMT.  
VOL. 5947, PG. 284  
D.R.D.C.T.

JAMES M. BENNETT SURVEY,  
ABSTRACT NO. 85

SOUTHWESTERN BELL  
TELEPHONE COMPANY ESMT.  
(CC-72-3497-A, DALLAS  
COUNTY COURT OF LAW NO. 1)

SOUTHWESTERN BELL  
TELEPHONE COMPANY ESMT.  
(VOL. 704, PG. 2332)  
D.R.D.C.T.

UNION PACIFIC  
RAILROAD  
(200' R.O.W.)  
VOL. S, PG. 410  
VOL. 97018, PG. 4979  
D.R.D.C.T.

N71°58'18"W

℄ of Railroad Tracks (C.M.)

APPROX.  
SURVEY  
LINE

SCYENE ROAD  
(60' R.O.W.)  
Vol. 2004172, Pg. 10588  
D.R.D.C.T.

2,957.55'

THOMAS F. MCKINNY &  
SAMUEL M. WILLIAMS SURVEY,  
ABSTRACT NO. 1026

N



SCALE: 1"=200'

**LEGEND**

1/2" SIR	1/2-INCH SET IRON ROD WITH YELLOW
W/CAP	PLASTIC CAP STAMPED "HALFF"
(C.M.)	CONTROL MONUMENT
FIP	FOUND IRON PIPE
FIR	FOUND IRON ROD
INST. NO.	INSTRUMENT NUMBER
R.O.W.	RIGHT-OF-WAY
D.R.D.C.T.	DEED RECORDS DALLAS COUNTY TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS DALLAS COUNTY TEXAS

**NOTES:**

1. The Basis of Bearing is the North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.
2. Metes and Bounds description of even date accompanies this survey exhibit.

PARCEL E-002  
CITY OF DALLAS RIGHT-OF-WAY  
113.40 ACRE TRACT

JAMES M. BENNETT SURVEY, ABSTRACT NO. 85 AND  
THOMAS F. MCKINNEY SURVEY, ABSTRACT NO. 1026  
CITY OF SUNNYVALE, DALLAS COUNTY, TEXAS



**HALFF**

1201 N. BOWSER ROAD RICHARDSON, TEXAS 75081  
TELE. (214)346-6200 FAX (214)739-0095  
TBPLS FIRM NO. 10029600

DATE: SEPTEMBER, 2018

AVO.: 25143

PAGE 6 OF 11



# JAMES M. BENNETT SURVEY, ABSTRACT NO. 85

PARCEL E-002  
113.40 ACRE  
(4,939,706 SQ. FT.)

VULCAN LANDS, INC.  
(INST. NO. 20080386981)  
O.P.R.D.C.T.

(CALLED 39.73 ACRES)  
ASSOCIATED TRUSS CO.  
INST. NO. 20080322976  
O.P.R.D.C.T.

JAMES M. BENNETT SURVEY, ABSTRACT NO. 85  
THOMAS F. MCKINNEY & SAMUEL M. WILLIAMS SURVEY,  
ABSTRACT NO. 1026

MATCH LINE (See sheet 6 of 11)

2E\_IR6555\_MON\_FS\_FW.plt

Design

9/18/2018 8:22:39 AM an2481 HALFF I:\25000s\25143\CADD\EXHIBIT\EXB-002-WHOLE TAKE-03-25143.dgn

SOUTHWESTERN BELL  
TELEPHONE COMPANY ESMT.  
(CC-72-3497-A, DALLAS  
COUNTY COURT OF LAW NO. 1)

40' WASH WATER  
WASTE LINE ESMT.  
VOL. 5947, PG. 284  
D.R.D.C.T.

SOUTHWESTERN BELL  
TELEPHONE COMPANY ESMT.  
(VOL. 704, PG. 2332)  
D.R.D.C.T.

N71°58'18"W

2,957.55'  
C of Railroad Tracks (C.M.)

SCYENE ROAD  
(60' R.O.W.)  
Vol. 2004172, PG. 10588  
D.R.D.C.T.

THOMAS F. MCKINNEY &  
SAMUEL M. WILLIAMS,  
ABSTRACT NO. 1026

1,536.02'  
S00°31'32"W LARKIN ROAD  
(60' R.O.W.)  
Vol. 423, PG. 488

1/2" FIR W/  
"RPLS 4020"  
CAP

100'  
100'

1/2" FIR W/  
"ILLEGIBLE"  
CAP

UNION PACIFIC  
RAILROAD  
(200' R.O.W.)  
(VOL. S, PG. 410)  
(VOL. 97018, PG. 04979)  
D.R.D.C.T.



0 100 200 300 400

SCALE: 1"=200'

LEGEND

1/2" SIR	1/2-INCH SET IRON ROD WITH YELLOW
W/CAP	PLASTIC CAP STAMPED "HALFF"
(C.M.)	CONTROL MONUMENT
FIP	FOUND IRON PIPE
FIR	FOUND IRON ROD
INST. NO.	INSTRUMENT NUMBER
R.O.W.	RIGHT-OF-WAY
D.R.D.C.T.	DEED RECORDS DALLAS COUNTY TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS DALLAS COUNTY TEXAS

## NOTES:

1. The Basis of Bearing is the North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.
2. Metes and Bounds description of even date accompanies this survey exhibit.

PARCEL E-002

CITY OF DALLAS RIGHT-OF-WAY

113.40 ACRE TRACT

JAMES M. BENNETT SURVEY, ABSTRACT NO. 85 AND  
THOMAS F. MCKINNEY SURVEY, ABSTRACT NO. 1026  
CITY OF SUNNYVALE, DALLAS COUNTY, TEXAS



**HALFF**

1201 N. BOWSER ROAD RICHARDSON, TEXAS 75081  
TELE. (214) 346-6200 FAX (214) 739-0095  
TBPLS. FIRM NO. 10029600

DATE: MAY, 2018

AVO.: 25143

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**Exhibit A**

LOT 4

VULCAN LANDS, INC.  
(INST. NO. 20080386981)  
O.P.R.D.C.T.

LOT 3

1/2" FIR W/  
"RPLS 4020"  
CAP

PARCEL E-002  
113.40 ACRE  
(4,939,706 SQ. FT.)

$\Delta = 20^{\circ}07'00''$   
R = 1,115.92'  
T = 197.94'  
L = 391.80'  
CL = 389.79'  
CB =  $S09^{\circ}31'58''E$

1/2" FIR W/  
"RPLS 4020"  
CAP

LOT 2

COLE SUBDIVISION  
VOL. 71185, PG. 2605  
D.R.D.C.T.

JAMES M. BENNETT SURVEY,  
ABSTRACT NO. 85

LOT 1

(CALLED 39.73 ACRES)  
ASSOCIATED TRUSS CO.  
INST. NO. 20080322976  
O.P.R.D.C.T.

MATCH LINE (See sheet 7 of 11)

N

0 100 200 300 400

SCALE: 1"=200'

LEGEND

1/2" SIR	1/2-INCH SET IRON ROD WITH YELLOW
W/CAP	PLASTIC CAP STAMPED "HALFF"
(C.M.)	CONTROL MONUMENT
FIP	FOUND IRON PIPE
FIR	FOUND IRON ROD
INST. NO.	INSTRUMENT NUMBER
R.O.W.	RIGHT-OF-WAY
D.R.D.C.T.	DEED RECORDS DALLAS COUNTY TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS DALLAS COUNTY TEXAS

## NOTES:

1. The Basis of Bearing is the North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

2. Metes and Bounds description of even date accompanies this survey exhibit.

PARCEL E-002

CITY OF DALLAS RIGHT-OF-WAY

113.40 ACRE TRACT

JAMES M. BENNETT SURVEY, ABSTRACT NO. 85 AND

THOMAS F. MCKINNEY SURVEY, ABSTRACT NO. 1026

CITY OF SUNNYVALE, DALLAS COUNTY, TEXAS

**HALFF**

1201 N. BOWSER ROAD RICHARDSON, TEXAS 75081  
TELE. (214)346-6200 FAX (214)739-0095  
TBPLS FIRM NO. 10029600

DATE: SEPTEMBER, 2018

AVO.: 25143

PAGE 8 OF 11



# Exhibit A

## JAMES M. BENNETT SURVEY, ABSTRACT NO. 85

(CALLED 0.733 ACRES)  
SHOLEH TAJI AND  
M.J. ALAVIZADEH  
VOL. 98215, PG. 5705  
O.P.R.D.C.T.

MARTINEZ ADDITION NO. 2  
BLOCK A, LOT 2  
INST. NO. 201300122183  
O.P.R.D.C.T.

1/2" FIR W/  
"RPLS 4020" CAP  
(C.M.)

MARTINEZ ADDITION NO. 2  
BLOCK A, LOT 1  
INST. NO. 200900028706  
O.P.R.D.C.T.

(CALLED 11.786 ACRES)  
STEPHEN J. PETTIT AND  
OPAL ANN PETTIT  
INST. NO. 200600273090  
O.P.R.D.C.T.

1/2" FIR W/  
"RPLS 4020" CAP  
(C.M.)

LOT 5

COLE SUBDIVISION  
VOL. 71185, PG. 2605  
D.R.D.C.T.

LOT 4

S89°29'27"E  
637.11'

S18°34'28"E  
225.98'

S16°35'28"E

1.153.63'

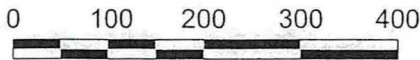
PARCEL E-002  
113.40 ACRE  
(4,939,706 SQ. FT.)

VULCAN LANDS, INC.  
INST. NO. 20080386981  
O.P.R.D.C.T.

LARKIN ROAD  
(60' Public R.O.W.)  
Vol. 423, Pg. 488  
D.R.D.C.T.

MATCH LINE (See sheet 8 of 11)

MATCH LINE (See sheet 10 of 11)



SCALE: 1"=200'

### LEGEND

1/2" SIR	1/2-INCH SET IRON ROD WITH YELLOW
W/CAP	PLASTIC CAP STAMPED "HALFF"
(C.M.)	CONTROL MONUMENT
FIP	FOUND IRON PIPE
FIR	FOUND IRON ROD
INST. NO.	INSTRUMENT NUMBER
R.O.W.	RIGHT-OF-WAY
D.R.D.C.T.	DEED RECORDS DALLAS COUNTY TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS DALLAS COUNTY TEXAS

### NOTES:

1. The Basis of Bearing is the North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.
2. Metes and Bounds description of even date accompanies this survey exhibit.

PARCEL E-002  
CITY OF DALLAS RIGHT-OF-WAY  
113.40 ACRE TRACT

JAMES M. BENNETT SURVEY, ABSTRACT NO. 85 AND  
THOMAS F. McKINNEY SURVEY, ABSTRACT NO. 1026  
CITY OF SUNNYVALE, DALLAS COUNTY, TEXAS



**HALFF**

1201 N. BOWSER ROAD RICHARDSON, TEXAS 75081  
TELE. (214)346-6200 FAX (214)739-0095  
TBPLS FIRM NO. 10029600

DATE: SEPTEMBER, 2018

AVO.: 25143

PAGE 9 OF 11

**Exhibit A**

**JAMES M. BENNETT SURVEY,  
ABSTRACT NO. 85**

LOT 1, BLOCK 1  
TORRES ADDITION  
INST. NO. 201300310923  
O.P.R.D.C.T.

(CALLED 5.535 ACRES)  
CHURCH OF GOD  
EVENING LIGHTS SAINTS  
INST. NO. 20080390478  
O.P.R.D.C.T.

(CALLED 0.733 ACRES)  
SHOLEH TAJI AND  
M.J. ALAVIZADEH  
VOL. 98215, PG. 5705  
D.R.D.C.T.

NOT MONUMENTED

1/2" FIR  
(C.M.)

N89°07'40"E  
338.17'

S89°29'27"E 637.11'

CITY OF DALLAS  
VOL. 82110, PG. 3  
D.R.D.C.T.

1,634.23'

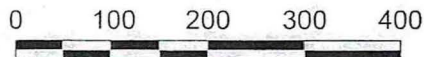
N00°30'09"W

**PARCEL E-002  
113.40 ACRE  
(4,939,706 SQ. FT.)**

VULCAN LANDS, INC.  
INST. NO. 20080386981  
O.P.R.D.C.T.

MATCH LINE (See sheet 11 of 11)

MATCH LINE (See sheet 9 of 11)



SCALE: 1"=200'

**LEGEND**

1/2" SIR	1/2-INCH SET IRON ROD WITH YELLOW
W/CAP	PLASTIC CAP STAMPED "HALFF"
(C.M.)	CONTROL MONUMENT
FIP	FOUND IRON PIPE
FIR	FOUND IRON ROD
INST. NO.	INSTRUMENT NUMBER
R.O.W.	RIGHT-OF-WAY
D.R.D.C.T.	DEED RECORDS DALLAS COUNTY TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS DALLAS COUNTY TEXAS



**NOTES:**

1. The Basis of Bearing is the North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

2. Metes and Bounds description of even date accompanies this survey exhibit.

**PARCEL E-002  
CITY OF DALLAS RIGHT-OF-WAY  
113.40 ACRE TRACT**

**JAMES M. BENNETT SURVEY, ABSTRACT NO. 85 AND  
THOMAS F. McKINNEY SURVEY, ABSTRACT NO. 1026  
CITY OF SUNNYVALE, DALLAS COUNTY, TEXAS**



**HALFF**

1201 N. BOWSER ROAD RICHARDSON, TEXAS 75081  
TELE. (214)346-6200 FAX (214)739-0095  
TBPLS FIRM NO. 10029600

DATE: SEPTEMBER, 2018

AVO.: 25143

PAGE 10 OF 11



**Exhibit A**

CITY OF DALLAS  
VOL. 82110, PG. 3  
D.R.D.C.T.

**JAMES M. BENNETT SURVEY,  
ABSTRACT NO. 85**

**PARCEL E-002  
113.40 ACRE  
(4,939,706 SQ. FT.)**

VULCAN LANDS, INC.  
INST. NO. 20080386981  
O.P.R.D.C.T.

CITY OF DALLAS  
VOL. 2002188, PG. 6504  
D.R.D.C.T.

5/8" FIR W/ CAP

40' WASH WATER  
WASTE LINE ESMT.  
VOL. 5912, PG. 250  
D.R.D.C.T.

40' WASH WATER  
WASTE LINE ESMT.  
VOL. 5947, PG. 284  
D.R.D.C.T.



*G. J. Suthan*  
Sept. 18/2018

MATCH LINE (See sheet 6 of 11)



0 100 200 300 400

SCALE: 1"=200'

LEGEND

1/2" SIR	1/2-INCH SET IRON ROD WITH YELLOW
W/CAP	PLASTIC CAP STAMPED "HALFF"
(C.M.)	CONTROL MONUMENT
FIP	FOUND IRON PIPE
FIR	FOUND IRON ROD
INST. NO.	INSTRUMENT NUMBER
R.O.W.	RIGHT-OF-WAY
D.R.D.C.T.	DEED RECORDS DALLAS COUNTY TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS DALLAS COUNTY TEXAS

## NOTES:

1. The Basis of Bearing is the North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.
2. Metes and Bounds description of even date accompanies this survey exhibit.

**PARCEL E-002**

**CITY OF DALLAS RIGHT-OF-WAY**

**113.40 ACRE TRACT**

**JAMES M. BENNETT SURVEY, ABSTRACT NO. 85 AND  
THOMAS F. McKINNEY SURVEY, ABSTRACT NO. 1026  
CITY OF SUNNYVALE, DALLAS COUNTY, TEXAS**



**HALFF**

1201 N. BOWSER ROAD RICHARDSON, TEXAS 75081  
TELE. (214)346-6200 FAX (214)739-0095  
TBPLS FIRM NO. 10029600

DATE: SEPTEMBER, 2018

AVO.: 25143

PAGE 11 OF 11

# 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.**

## SPECIAL WARRANTY DEED

THE STATE OF TEXAS   §  
                                  §   KNOW ALL PERSONS BY THESE PRESENTS:  
COUNTY OF DALLAS   §

That Vulcan Lands, Inc., a New Jersey corporation (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Dallas, State of Texas, for and in consideration of the sum of FOUR MILLION NINE HUNDRED THOUSAND AND NO/100 DOLLARS (\$4,900,000.00) 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, by, through or under Grantor, but not otherwise.

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Vulcan Lands, Inc., a New Jersey corporation

By: Jeffrey G. Lott, Vice President

APPROVED AS TO FORM:  
CHRISTOPHER J. CASO, Interim City Attorney

By: B. N. R. H.  
Assistant City Attorney



# EXHIBIT B

\* \* \* \* \*

STATE OF TEXAS           '  
COUNTY OF \_\_\_\_\_'

This instrument was acknowledged before me on \_\_\_\_\_  
by Jeffrey G. Lott, Vice President of Vulcan Lands, Inc., a New Jersey corporation, on  
behalf of said corporation.

\_\_\_\_\_  
Notary Public, State of TEXAS

\* \* \* \* \*

After recording return to:  
City of Dallas  
Department of Sustainable Development and Construction  
Real Estate Division  
320 East Jefferson Boulevard, Room 203  
Dallas, Texas 75203  
attn: Lisa Junge

Special Warranty Deed Log No. 46260

**PARCEL E-002**  
**CITY OF DALLAS RIGHT-OF-WAY**  
**113.40 ACRE TRACT**  
**JAMES M. BENNETT SURVEY, ABSTRACT NUMBER 85**  
**THOMAS F. MCKINNEY & SAMUEL M. WILLIAMS SURVEY,**  
**ABSTRACT NUMBER 1026**  
**CITY OF SUNNYVALE, DALLAS COUNTY, TEXAS**

BEING a tract of land situated in the James M. Bennett Survey, Abstract No. 85, Patent Date August 22, 1870, Texas General Land Office File Number N-3-2385, and the Thomas F. McKinney & Samuel M. Williams Survey, Abstract No. 1026, City of Sunnyvale, Dallas County, Texas, and being all of that tract of land described in Warranty Deed to Vulcan Lands, Inc., as recorded in Instrument Number 20080386981 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.) and being a part of that called 200 foot wide Right-of-Way Easement dated March 8, 1872 from Thomas D. Coats to the Southern Pacific Railroad Company as recorded in Volume S, Page 410, of the Deed Records of Dallas County, Texas (D.R.D.C.T.), same being part of that tract of land labeled "No. 2" on the Railroad Valuation Map titled "Right-of-Way & Track Map, The Texas & Pacific Ry. Co., Main Line, Operated by The Texas & Pacific Ry. Co., Sta. 10454+40 to Sta. 10665+60," Sheet Number VTP 6 Tex/28, with interest in said right-of-way easement held by the Union Pacific Railroad Company per the Articles of Merger of Missouri Pacific Railroad Company with and into Union Pacific Railroad Company as recorded in Volume 97018, Page 04979 (D.R.D.C.T.) and being more particularly described as follows:

BEGINNING at a 1-inch iron pipe found for a northwest corner of said Vulcan Lands tract and the southwest corner of a 34.209 acre tract of land described in deed to the City of Dallas as recorded in Volume 2002188, Page 6504 (D.R.D.C.T.), said corner being on the east right-of-way line of Berry Road (a variable width right-of-way);

THENCE North 89 degrees 03 minutes 53 seconds East, with the south line of said 34.209 acre tract and a north line of said Vulcan Lands tract, a distance of 1,086.10 feet to a corner (not monumented);

THENCE North 44 degrees 58 minutes 40 seconds East, with the southeast line of said 34.209 acre tract and northwest line of said Vulcan Lands tract, a distance of 601.96 feet to a 5/8-inch iron rod found with plastic cap for corner, said corner being the easterly southeast corner of said 34.209 acre tract;



FIELD NOTES APPROVED:

*Pdk* 10/4/18

**PARCEL E-002  
CITY OF DALLAS RIGHT-OF-WAY  
113.40 ACRE TRACT  
JAMES M. BENNETT SURVEY, ABSTRACT NUMBER 85  
THOMAS F. MCKINNEY & SAMUEL M. WILLIAMS SURVEY,  
ABSTRACT NUMBER 1026  
CITY OF SUNNYVALE, DALLAS COUNTY, TEXAS**

THENCE North 00 degrees 30 minutes 09 seconds West, with the east lines of said 34.209 acre tract and a 75.171 acre tract of land described in deed to the City of Dallas as recorded in Volume 82110, Page 0003 (D.R.D.C.T.) and west line of said Vulcan Lands tract, a distance of 1,634.23 feet to a 1/2-inch iron rod found for the most northern northwest corner of said Vulcan Lands tract, also being the southwest corner of Lot 1, Block 1 of Torres Addition, an addition to the City of Dallas, Dallas County, Texas, as recorded in Instrument Number 201300310923 (O.P.R.D.C.T.);

THENCE North 89 degrees 07 minutes 40 seconds East, with the south line of Lot 1 of said Torres Addition and north line of said Vulcan Lands tract, a distance of 338.17 feet to a corner (not monumented) for the southeast corner said Lot 1 and southwest corner of a called 5.535 acre tract of land described in deed to Church of God Evening Lights Saints as recorded in Instrument Number 20080390478, (O.P.R.D.C.T.);

THENCE South 89 degrees 29 minutes 27 seconds East, with the south line of said 5.535 acre tract and a called 0.733 acre tract of land described in deed to Sholeh Taji and M.J. Alavizadeh, as recorded in Volume 98215, Page 5705, (D.R.D.C.T.) and north line of said Vulcan Lands tract, a distance of 637.11 feet to a 1/2-inch iron rod with plastic cap stamped "RPLS 4020" found for the northeast corner of said Vulcan Lands tract, said corner being on the west right-of-way line of Larkin Road (a 60-foot wide public right-of-way);

THENCE with the common east line of said Vulcan Lands tract and west right-of-way line of said Larkin Road, the following bearings and distances:

South 18 degrees 34 minutes 28 seconds East, a distance of 225.98 feet to a 1/2-inch iron rod with plastic cap stamped "RPLS 4020" found for corner;

South 19 degrees 35 minutes 28 seconds East, a distance of 1,153.63 feet to a 1/2-inch iron rod with plastic cap stamped "RPLS 4020" found for the point of curvature of a tangent circular curve to the right having a radius of 1,115.92 feet, chord that bears South 09 degrees 31 minutes 58 seconds East, a distance of 389.79 feet;

Southerly, with said curve, through a central angle of 20 degrees 07 minutes 00 seconds, an arc distance of 391.80 feet to a 1/2-inch iron rod with plastic cap stamped "RPLS 4020" found for corner;



**PARCEL E-002  
CITY OF DALLAS RIGHT-OF-WAY  
113.40 ACRE TRACT  
JAMES M. BENNETT SURVEY, ABSTRACT NUMBER 85  
THOMAS F. MCKINNEY & SAMUEL M. WILLIAMS SURVEY,  
ABSTRACT NUMBER 1026  
CITY OF SUNNYVALE, DALLAS COUNTY, TEXAS**

South 00 degrees 31 minutes 32 seconds West, passing at a distance of 1,536.02 feet to a 1/2-inch iron rod with plastic cap stamped "RPLS 4020" found 100.00 feet from and perpendicular to the center of the Southern Pacific Railroad, according to Deed recorded in Volume Q, Page 410 (D.R.D.C.T.), continuing, in all, a total distance of 1,588.45 feet to a 1/2-inch iron rod with plastic cap stamped "RPLS 4020" found for corner, said corner being the southeast corner of said Vulcan Lands tract;

THENCE with the south line of said Vulcan Lands tract, 50.00 feet north of and parallel to the center of the Southern Pacific Railroad, the following bearings and distances:

North 71 degrees 58 minutes 18 seconds West, a distance of 2,957.55 feet to 1/2-inch iron rod with plastic cap stamped "RPLS 4020" found for the point of curvature of a tangent circular curve to the left, having a radius of 2,914.79 feet, chord that bears North 73 degrees 40 minutes 42 seconds West, a distance of 173.62 feet;

Westerly, with said curve, through a central angle of 03 degrees 24 minutes 48 seconds, an arc distance of 173.65 feet to a 1/2-inch iron rod with plastic cap stamped "RPLS 4020" found for the southwest corner of said Vulcan Lands tract, said corner being on the east right-of-way line of said Berry Road;

THENCE North 00 degrees 31 minutes 37 seconds West, with the east right-of-way line of said Berry Road and west line of said Vulcan Lands tract, passing at a distance of 51.73 feet, a 1/2-inch iron rod with plastic cap stamped "RPLS 4020" found, continuing with said east right-of-way line and the west line of said Vulcan Lands tract, in all, a total distance of 232.54 feet to the POINT OF BEGINNING AND CONTAINING 4,939,706 square feet, or 113.40 acres of land, more or less.



**PARCEL E-002  
CITY OF DALLAS RIGHT-OF-WAY  
113.40 ACRE TRACT  
JAMES M. BENNETT SURVEY, ABSTRACT NUMBER 85  
THOMAS F. MCKINNEY & SAMUEL M. WILLIAMS SURVEY,  
ABSTRACT NUMBER 1026  
CITY OF SUNNYVALE, DALLAS COUNTY, TEXAS**

The Basis of Bearing is the North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

This property description is accompanied by a parcel plat of even date.

*G. J. Suthan*      *Sept. 18/2018*

Getsy J. Suthan  
Registered Professional Land Surveyor  
Texas No. 6449  
Halff Associates, Inc.  
1201 North Bowser Rd.  
Richardson, Texas 75081  
TBPLS Firm No. 10029600



# Exhibit A

**JAMES M. SEWELL  
SURVEY,  
ABSTRACT NO. 1358**

City of Dallas  
Tract No. 3  
Vol. 4708, Pg. 356  
D.R.D.C.T.

**JAMES M. BENNETT SURVEY,  
ABSTRACT NO. 85**

CITY OF DALLAS  
VOL. 2002188, PG. 6504  
D.R.D.C.T.

N00°31'37"W  
232.54'

**POINT OF BEGINNING**

N89°03'53"E

1,086.10'

VULCAN LANDS, INC.  
INST. NO. 20080386981  
O.P.R.D.C.T.

**PARCEL E-002**  
113.40 ACRE  
(4,939,706 SQ. FT.)

N84°30'30"W  
230.50'

Δ= 12°32'12"  
D= 02°00'00"  
R= 2,864.79'  
L= 626.83'  
CL= 625.58'  
CB= N78°14'24"W

Δ= 03°24'48" (LT)  
R= 2,914.79'  
T= 86.85'  
L= 173.65'  
CL= 173.62'  
CB= N73°40'42"W

1/2" FIR  
"RPLS 4020"  
(C.M.)

APPROX.  
SURVEY  
LINE

(VARIABLE WIDTH R.O.W.)

**BERRY ROAD**

**FAITHON P.  
LUCAS, SR. BLVD.**

1/2" FIR  
"RPLS 4020"  
CAP

SOUTHWESTERN BELL  
TELEPHONE COMPANY ESMT.  
(CC-72-3497-A, DALLAS  
COUNTY COURT OF LAW NO. 1)

1/2" FIR W/  
"RPLS 4020" CAP

N71°58'18"W

SOUTHWESTERN BELL  
TELEPHONE COMPANY ESMT.  
(VOL. 704, PG. 2332)  
D.R.D.C.T.

100'  
100'  
2,957.55'

**SCYENE ROAD**  
(60' R.O.W.)  
Vol. 2004172, Pg. 10588  
D.R.D.C.T.

**UNION PACIFIC  
RAILROAD**  
(200' R.O.W.)  
VOL. S, PG. 410  
VOL. 97018, PG. 4979  
D.R.D.C.T.

**THOMAS F. MCKINNEY SURVEY,  
ABSTRACT NO. 1026**

APPROX.  
SURVEY  
LINE



0 100 200 300 400

SCALE: 1"=200'

## LEGEND

1/2" SIR	1/2-INCH SET IRON ROD WITH YELLOW
W/CAP	PLASTIC CAP STAMPED "HALFF"
(C.M.)	CONTROL MONUMENT
FIP	FOUND IRON PIPE
FIR	FOUND IRON ROD
INST. NO.	INSTRUMENT NUMBER
R.O.W.	RIGHT-OF-WAY
D.R.D.C.T.	DEED RECORDS DALLAS COUNTY TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS DALLAS COUNTY TEXAS

## NOTES:

1. The Basis of Bearing is the North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.
2. Metes and Bounds description of even date accompanies this survey exhibit.

**PARCEL E-002**  
**CITY OF DALLAS RIGHT-OF-WAY**  
**113.40 ACRE TRACT**

**JAMES M. BENNETT SURVEY, ABSTRACT NO. 85 AND**  
**THOMAS F. MCKINNEY SURVEY, ABSTRACT NO. 1026**  
**CITY OF SUNNYVALE, DALLAS COUNTY, TEXAS**



**HALFF**

1201 N. BOWSER ROAD RICHARDSON, TEXAS 75081  
TELE. (214)346-6200 FAX (214)739-0095  
TBPLS FIRM NO. 10029600

DATE: SEPTEMBER, 2018

AVO.: 25143

PAGE 5 OF 11



CITY OF DALLAS  
VOL. 2002188, PG. 6504

MATCH LINE (See sheet 11 of 11)

**Exhibit A**N89°03'53"E  
1,086.10'N44°58'40"E  
601.96'

NOT MONUMENTED

PARCEL E-002  
113.40 ACRE  
(4,939,706 SQ. FT.)VULCAN LANDS, INC.  
INST. NO. 20080386981  
O.P.R.D.C.T40' WASH WATER  
WASTE LINE ESMT.  
VOL. 5947, PG. 284  
D.R.D.C.T.JAMES M. BENNETT SURVEY,  
ABSTRACT NO. 85SOUTHWESTERN BELL  
TELEPHONE COMPANY ESMT.  
(CC-72-3497-A, DALLAS  
COUNTY COURT OF LAW NO. 1)SOUTHWESTERN BELL  
TELEPHONE COMPANY ESMT.  
(VOL. 704, PG. 2332)  
D.R.D.C.T.UNION PACIFIC  
RAILROAD  
(200' R.O.W.)  
VOL. S, PG. 410  
VOL. 97018, PG. 4979  
D.R.D.C.T.

N71°58'18"W

℄ of Railroad Tracks (C.M.)

APPROX.  
SURVEY  
LINESCYENE ROAD  
(60' R.O.W.)  
Vol. 2004172, Pg. 10588  
D.R.D.C.T.

2,957.55'

THOMAS F. MCKINNEY &  
SAMUEL M. WILLIAMS SURVEY,  
ABSTRACT NO. 1026

0 100 200 300 400

SCALE: 1"=200'

## LEGEND

1/2" SIR	1/2-INCH SET IRON ROD WITH YELLOW
W/CAP	PLASTIC CAP STAMPED "HALFF"
(C.M.)	CONTROL MONUMENT
FIP	FOUND IRON PIPE
FIR	FOUND IRON ROD
INST. NO.	INSTRUMENT NUMBER
R.O.W.	RIGHT-OF-WAY
D.R.D.C.T.	DEED RECORDS DALLAS COUNTY TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS DALLAS COUNTY TEXAS

## NOTES:

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PARCEL E-002  
CITY OF DALLAS RIGHT-OF-WAY  
113.40 ACRE TRACTJAMES M. BENNETT SURVEY, ABSTRACT NO. 85 AND  
THOMAS F. MCKINNEY SURVEY, ABSTRACT NO. 1026  
CITY OF SUNNYVALE, DALLAS COUNTY, TEXAS**HALFF**1201 N. BOWSER ROAD RICHARDSON, TEXAS 75081  
TELE. (214)346-6200 FAX (214)739-0095  
TBPLS FIRM NO. 10029600

DATE: SEPTEMBER, 2018

AVO.: 25143

PAGE 6 OF 11

MATCH LINE (See sheet 8 of 11)

MATCH LINE (See sheet 7 of 11)

# JAMES M. BENNETT SURVEY, ABSTRACT NO. 85

PARCEL E-002  
113.40 ACRE  
(4,939,706 SQ. FT.)

VULCAN LANDS, INC.  
(INST. NO. 20080386981)  
O.P.R.D.C.T.

(CALLED 39.73 ACRES)  
ASSOCIATED TRUSS CO.  
INST. NO. 20080322976  
O.P.R.D.C.T.

JAMES M. BENNETT SURVEY, ABSTRACT NO. 85

THOMAS F. MCKINNEY & SAMUEL M. WILLIAMS SURVEY,  
ABSTRACT NO. 1026

SOUTHWESTERN BELL  
TELEPHONE COMPANY ESMT.  
(CC-72-3497-A, DALLAS  
COUNTY COURT OF LAW NO. 1)

40' WASH WATER  
WASTE LINE ESMT.  
VOL. 5947, PG. 284  
D.R.D.C.T.

SOUTHWESTERN BELL  
TELEPHONE COMPANY ESMT.  
(VOL. 704, PG. 2332)  
D.R.D.C.T.

N71°58'18"W

2,957.55'  
C of Railroad Tracks (C.M.)

SCYENE ROAD  
(60' R.O.W.)  
Vol. 2004172, PG. 10588  
D.R.D.C.T.

THOMAS F. MCKINNEY &  
SAMUEL M. WILLIAMS,  
ABSTRACT NO. 1026

1/2" FIR W/  
"RPLS 4020"  
CAP

100'

100'

UNION PACIFIC  
RAILROAD  
(200' R.O.W.)  
(VOL. 5, PG. 410)  
(VOL. 97018, PG. 04979)  
D.R.D.C.T.

1,588.45'  
S00°31'32"W LARKIN ROAD  
(60' R.O.W.)  
Vol. 423, PG. 488

1,536.02'

APPROX. SURVEY LINE



0 100 200 300 400

SCALE: 1"=200'

## LEGEND

1/2" SIR	1/2-INCH SET IRON ROD WITH YELLOW
W/CAP	PLASTIC CAP STAMPED "HALFF"
(C.M.)	CONTROL MONUMENT
FIP	FOUND IRON PIPE
FIR	FOUND IRON ROD
INST. NO.	INSTRUMENT NUMBER
R.O.W.	RIGHT-OF-WAY
D.R.D.C.T.	DEED RECORDS DALLAS COUNTY TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS DALLAS COUNTY TEXAS

## NOTES:

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PARCEL E-002  
CITY OF DALLAS RIGHT-OF-WAY  
113.40 ACRE TRACT

JAMES M. BENNETT SURVEY, ABSTRACT NO. 85 AND  
THOMAS F. MCKINNEY SURVEY, ABSTRACT NO. 1026  
CITY OF SUNNYVALE, DALLAS COUNTY, TEXAS



# HALFF

1201 N. BOWSER ROAD RICHARDSON, TEXAS 75081  
TELE. (214)346-6200 FAX (214)739-0095  
TBPLS FIRM NO. 10029600

DATE: MAY, 2018

AVO.: 25143

PAGE 7 OF 11



**Exhibit A**

LOT 4

VULCAN LANDS, INC.  
(INST. NO. 20080386981)  
O.P.R.D.C.T.

1/2" FIR W/  
"RPLS 4020"  
CAP

PARCEL E-002  
113.40 ACRE  
(4,939,706 SQ. FT.)

LOT 3

$\Delta = 20^{\circ}07'00''$   
 $R = 1,115.92'$   
 $T = 197.94'$   
 $L = 391.80'$   
 $CL = 389.79'$   
 $CB = S09^{\circ}31'58''E$

1/2" FIR W/  
"RPLS 4020"  
CAP

LOT 2

COLE SUBDIVISION  
VOL. 71185, PG. 2605  
D.R.D.C.T.

LOT 1

(CALLED 39.73 ACRES)  
ASSOCIATED TRUSS CO.  
INST. NO. 20080322976  
O.P.R.D.C.T.

JAMES M. BENNETT SURVEY,  
ABSTRACT NO. 85

MATCH LINE (See sheet 7 of 11)

MATCH LINE (See sheet 9 of 11)

MATCH LINE (See sheet 6 of 11)

## NOTES:

1. The Basis of Bearing is the North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

2. Metes and Bounds description of even date accompanies this survey exhibit.

PARCEL E-002

CITY OF DALLAS RIGHT-OF-WAY

113.40 ACRE TRACT

JAMES M. BENNETT SURVEY, ABSTRACT NO. 85 AND

THOMAS F. McKINNEY SURVEY, ABSTRACT NO. 1026

CITY OF SUNNYVALE, DALLAS COUNTY, TEXAS

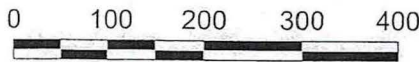
**HALFF**

1201 N. BOWSER ROAD RICHARDSON, TEXAS 75081  
TELE. (214)346-6200 FAX (214)739-0095  
TBPLS FIRM NO. 10029600

DATE: SEPTEMBER, 2018

AVO.: 25143

PAGE 8 OF 11



SCALE: 1"=200'

## LEGEND

1/2" SIR	1/2-INCH SET IRON ROD WITH YELLOW
W/CAP	PLASTIC CAP STAMPED "HALFF"
(C.M.)	CONTROL MONUMENT
FIP	FOUND IRON PIPE
FIR	FOUND IRON ROD
INST. NO.	INSTRUMENT NUMBER
R.O.W.	RIGHT-OF-WAY
D.R.D.C.T.	DEED RECORDS DALLAS COUNTY TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS DALLAS COUNTY TEXAS

# Exhibit A

## JAMES M. BENNETT SURVEY, ABSTRACT NO. 85

(CALLED 0.733 ACRES)  
SHOLEH TAJI AND  
M.J. ALAVIZADEH  
VOL. 98215, PG. 5705  
O.P.R.D.C.T.

MARTINEZ ADDITION NO. 2  
BLOCK A, LOT 2  
INST. NO. 201300122183  
O.P.R.D.C.T.

1/2" FIR W/  
"RPLS 4020" CAP  
(C.M.)

MARTINEZ ADDITION NO. 2  
BLOCK A, LOT 1  
INST. NO. 200900028706  
O.P.R.D.C.T.

(CALLED 11.786 ACRES)  
STEPHEN J. PETTIT AND  
OPAL ANN PETTIT  
INST. NO. 200600273090  
O.P.R.D.C.T.

1/2" FIR W/  
"RPLS 4020" CAP  
(C.M.)

LOT 5

COLE SUBDIVISION  
VOL. 71185, PG. 2605  
D.R.D.C.T.

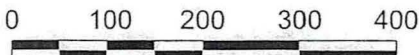
LOT 4

PARCEL E-002  
113.40 ACRE  
(4,939,706 SQ. FT.)

LARKIN ROAD  
(60' Public R.O.W.)  
Vol. 423, Pg. 488  
D.R.D.C.T.

VULCAN LANDS, INC.  
INST. NO. 20080386981  
O.P.R.D.C.T.

MATCH LINE (See sheet 8 of 11)



SCALE: 1"=200'

### LEGEND

1/2" SIR	1/2-INCH SET IRON ROD WITH YELLOW
W/CAP	PLASTIC CAP STAMPED "HALFF"
(C.M.)	CONTROL MONUMENT
FIP	FOUND IRON PIPE
FIR	FOUND IRON ROD
INST. NO.	INSTRUMENT NUMBER
R.O.W.	RIGHT-OF-WAY
D.R.D.C.T.	DEED RECORDS DALLAS COUNTY TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS DALLAS COUNTY TEXAS

### NOTES:

1. The Basis of Bearing is the North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

2. Metes and Bounds description of even date accompanies this survey exhibit.

PARCEL E-002  
CITY OF DALLAS RIGHT-OF-WAY  
113.40 ACRE TRACT

JAMES M. BENNETT SURVEY, ABSTRACT NO. 85 AND  
THOMAS F. McKINNEY SURVEY, ABSTRACT NO. 1026  
CITY OF SUNNYVALE, DALLAS COUNTY, TEXAS



**HALFF**

1201 N. BOWSER ROAD RICHARDSON, TEXAS 75081  
TELE. (214) 346-6200 FAX (214) 739-0095  
TBPLS FIRM NO. 10029600

DATE: SEPTEMBER, 2018

AVO.: 25143

PAGE 9 OF 11

**Exhibit A**

*JAMES M. BENNETT SURVEY,  
ABSTRACT NO. 85*

LOT 1, BLOCK 1  
TORRES ADDITION  
INST. NO. 201300310923  
O.P.R.D.C.T.

(CALLED 5.535 ACRES)  
CHURCH OF GOD  
EVENING LIGHTS SAINTS  
INST. NO. 20080390478  
O.P.R.D.C.T.

(CALLED 0.733 ACRES)  
SHOLEH TAJI AND  
M.J. ALAVIZADEH  
VOL. 98215, PG. 5705  
D.R.D.C.T.

NOT MONUMENTED

1/2" FIR  
(C.M.)

N89°07'40"E  
338.17'

S89°29'27"E 637.11'

CITY OF DALLAS  
VOL. 82110, PG. 3  
D.R.D.C.T.

1,634.23'

N00°30'09"W

PARCEL E-002  
113.40 ACRE  
(4,939,706 SQ. FT.)

VULCAN LANDS, INC.  
INST. NO. 20080386981  
O.P.R.D.C.T.

MATCH LINE (See sheet 11 of 11)

MATCH LINE (See sheet 9 of 11)

0 100 200 300 400  
SCALE: 1"=200'

**LEGEND**

1/2" SIR	1/2-INCH SET IRON ROD WITH YELLOW
W/CAP	PLASTIC CAP STAMPED "HALFF"
(C.M.)	CONTROL MONUMENT
FIP	FOUND IRON PIPE
FIR	FOUND IRON ROD
INST. NO.	INSTRUMENT NUMBER
R.O.W.	RIGHT-OF-WAY
D.R.D.C.T.	DEED RECORDS DALLAS COUNTY TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS DALLAS COUNTY TEXAS



**NOTES:**

1. The Basis of Bearing is the North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.
2. Metes and Bounds description of even date accompanies this survey exhibit.

PARCEL E-002  
CITY OF DALLAS RIGHT-OF-WAY  
113.40 ACRE TRACT

JAMES M. BENNETT SURVEY, ABSTRACT NO. 85 AND  
THOMAS F. McKINNEY SURVEY, ABSTRACT NO. 1026  
CITY OF SUNNYVALE, DALLAS COUNTY, TEXAS



**HALFF**

1201 N. BOWSER ROAD RICHARDSON, TEXAS 75081  
TELE. (214)346-6200 FAX (214)739-0095  
TBPLS FIRM NO. 10029600

DATE: SEPTEMBER, 2018

AVO.: 25143

PAGE 10 OF 11



**Exhibit A**

CITY OF DALLAS  
VOL. 82110, PG. 3  
D.R.D.C.T.

JAMES M. BENNETT SURVEY,  
ABSTRACT NO. 85

PARCEL E-002  
113.40 ACRE  
(4,939,706 SQ. FT.)

CITY OF DALLAS  
VOL. 2002188, PG. 6504  
D.R.D.C.T.

VULCAN LANDS, INC.  
INST. NO. 20080386981  
O.P.R.D.C.T.

5/8" FIR W/ CAP

40' WASH WATER  
WASTE LINE ESMT.  
VOL. 5912, PG. 250  
D.R.D.C.T.

40' WASH WATER  
WASTE LINE ESMT.  
VOL. 5947, PG. 284  
D.R.D.C.T.



*G. J. Suthan*  
Sept. 18/2018

MATCH LINE (See sheet 6 of 11)



0 100 200 300 400

SCALE: 1"=200'  
LEGEND

1/2" SIR	1/2-INCH SET IRON ROD WITH YELLOW
W/CAP	PLASTIC CAP STAMPED "HALFF"
(C.M.)	CONTROL MONUMENT
FIP	FOUND IRON PIPE
FIR	FOUND IRON ROD
INST. NO.	INSTRUMENT NUMBER
R.O.W.	RIGHT-OF-WAY
D.R.D.C.T.	DEED RECORDS DALLAS COUNTY TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS DALLAS COUNTY TEXAS

## NOTES:

1. The Basis of Bearing is the North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.
2. Metes and Bounds description of even date accompanies this survey exhibit.

PARCEL E-002

CITY OF DALLAS RIGHT-OF-WAY  
113.40 ACRE TRACT

JAMES M. BENNETT SURVEY, ABSTRACT NO. 85 AND  
THOMAS F. McKINNEY SURVEY, ABSTRACT NO. 1026  
CITY OF SUNNYVALE, DALLAS COUNTY, TEXAS



**HALFF**

1201 N. BOWSER ROAD RICHARDSON, TEXAS 75081  
TELE. (214)346-6200 FAX (214)739-0095  
TBPLS FIRM NO. 10029600

DATE: SEPTEMBER, 2018

AVO.: 25143

PAGE 11 OF 11





## Agenda Information Sheet

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**File #:** 18-1215

**Item #:** 16.

---

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability  
**AGENDA DATE:** February 13, 2019  
**COUNCIL DISTRICT(S):** 14  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**EXECUTIVE:** Majed Al-Ghafry

---

### **SUBJECT**

An ordinance granting a private license to RBP Adolphus LLC, for the use of approximately 25 square feet of aerial space to occupy, maintain, and utilize an awning with premise sign over a portion of Main Street right-of-way located near its intersection with Akard Street - Revenue: \$1,000.00 annually, plus the \$20.00 ordinance publication fee

### **BACKGROUND**

This item grants a private license to RBP Adolphus LLC, for the use of approximately 25 square feet of aerial space to occupy, maintain and utilize an awning with premise sign over a portion of Main Street right-of-way located near its intersection with Akard Street. The use of this area will not impede pedestrian or vehicular traffic. The term of this license is 40 years.

The licensee will indemnify the City and carry general liability insurance naming the City as an additional insured.

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on February 11, 2019.

### **FISCAL INFORMATION**

Revenue: \$1,000.00 annually, plus the \$20.00 ordinance publication fee

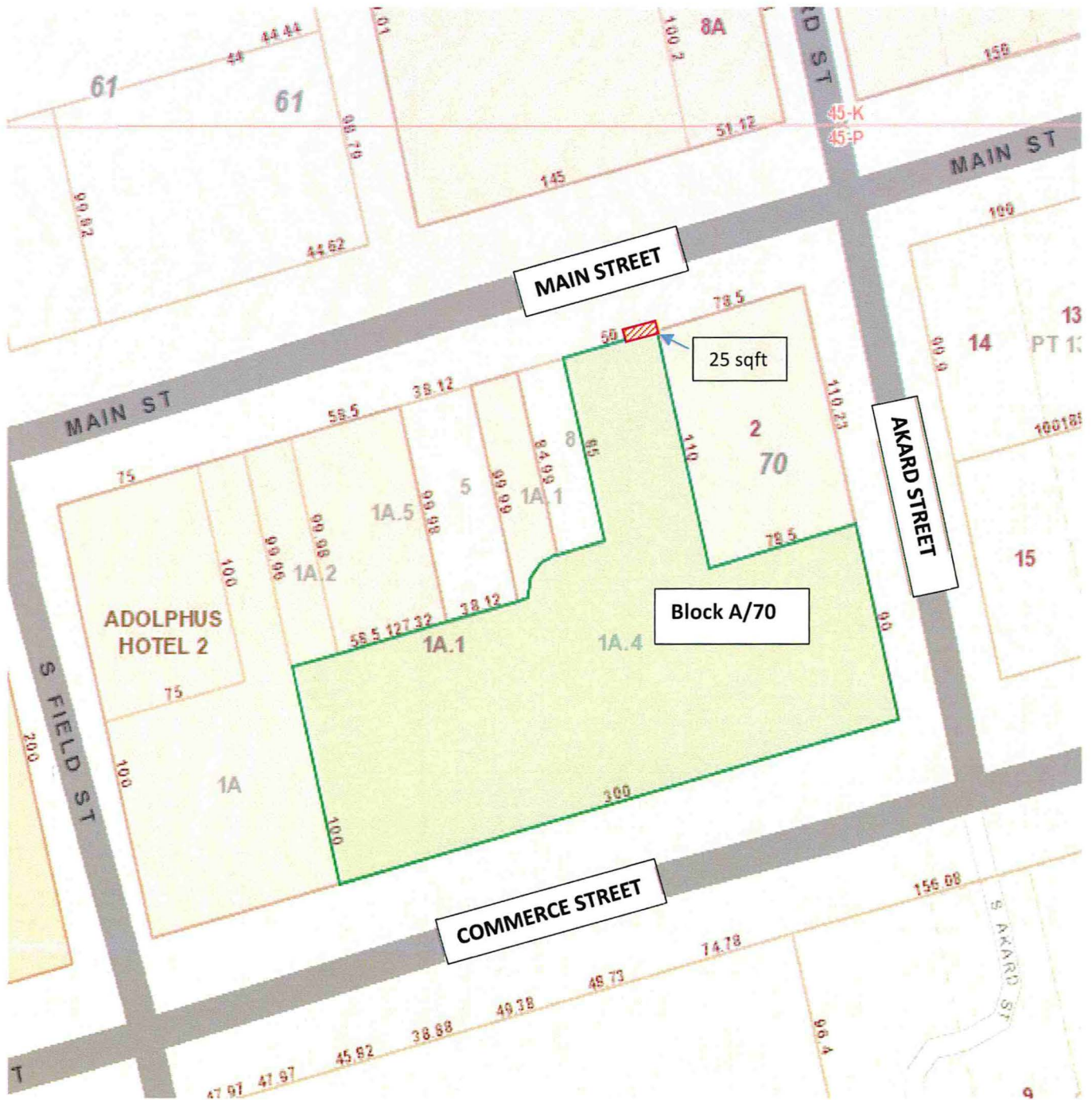
### **OWNER**

**RBP Adolphus LLC**

Kenneth J. Krebs, Manager

**MAP**

Attached



**LICENSE AREA**



**ORDINANCE NO. \_\_\_\_\_**

An ordinance granting a private license to RBP Adolphus LLC to occupy, maintain and utilize aerial space over a portion of Main Street right-of-way located near its intersection with Akard Street adjacent to City Block A/70 within the limits hereinafter more fully described, for the purpose of occupying, maintaining, and utilizing an awning with premise sign; providing for the terms and conditions of this license; providing for the annual compensation to be paid to the City of Dallas; providing for payment of the publication fee; and providing an effective date of this license and ordinance.

**ooo0ooo**

**WHEREAS**, RBP Adolphus LLC is the owner of that certain structure located near the intersection of Main and Akard Streets, said structure being more commonly known as the RBP Adolphus LLC, and

**WHEREAS**, said structure lies within the Adolphus Hotel Historical Overlay District (H-36), and it is the desire of the City Council of the City of Dallas to promote the restoration and rehabilitation of buildings therein; and

**WHEREAS**, it is the opinion of the City Council of the City of Dallas that said structure is a "historically significant structure" for the limited purpose mentioned in Chapter 43, Article VI, Section 43-115 (a) (2) of the City Code of the City of Dallas; and

**WHEREAS**, RBP Adolphus LLC has requested that they be granted a license for the purpose of allowing the use and maintenance of an awning with premise sign which is an integral part of said historic structure.

**Now, Therefore,**

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

**SECTION 1.** That a private license, hereinafter referred to as "license", subject to the restrictions and conditions of this ordinance, is hereby granted to RBP Adolphus LLC, a Delaware limited liability company, its successors and assigns, hereinafter referred to as "**GRANTEE**", to occupy, maintain and utilize for the purpose set out hereinbelow the tract of aerial space described in Exhibit A, hereinafter referred to as "licensed area" which is attached hereto and made a part hereof.



**SECTION 2.** That this license is granted for a term of forty (40) years, unless sooner terminated according to other terms and provisions herein contained.

**SECTION 3.** That **GRANTEE** shall pay to the City of Dallas the sum of **ONE THOUSAND AND NO/100 DOLLARS (\$1,000.00)** annually for the license herein granted, said sum to become due and payable on the 2<sup>nd</sup> day of January each year, in advance, during the term hereof; provided, however, that the first payment due hereunder in the sum of **ONE THOUSAND AND NO/100 DOLLARS (\$1,000.00)** shall be paid prior to the final passage of this ordinance and shall cover the consideration for 2019. Such consideration shall be in addition to and exclusive of any other taxes or special assessments required by law to be paid by **GRANTEE**. Should **GRANTEE** fail to pay the above stated annual fee within sixty (60) days of the due date, the Director of the Department of Sustainable Development may terminate this license. All sums payable to the City of Dallas hereunder shall be paid to the Chief Financial Officer of the City of Dallas and deposited in General Fund, Fund 0001, Department DEV, Unit 1181, Revenue Code 8200. In the event **GRANTEE's** check for the license fee is dishonored, **GRANTEE** shall pay to the City a processing fee of \$25.00 for each dishonored check. Additionally, all monies owed to the City under this license shall be subject to the assessment of interest at a rate of 10 percent a year from the day after any monies become due until it is paid in full, in accordance with Section 2-1.1 of the Dallas City Code.

**SECTION 4.** That the licensed area shall be used by **GRANTEE** for the following purpose under the direction of the Director of Department of Sustainable Development and Construction of the City of Dallas: to install, maintain and utilize an awning with premise sign.

**SECTION 5.** That this license is subject to the provisions set forth in Exhibit B, attached hereto and made a part hereof.

**SECTION 6.** That this license is nonexclusive and is made expressly subject and subordinate to the right of the City to use the licensed areas for any public purpose. The Governing Body of the City of Dallas reserves the right by Resolution duly passed by said Governing Body, to terminate and cancel this license upon giving **GRANTEE** sixty (60) days notice of its intent to cancel. Upon termination, all rights granted hereunder shall thereupon be considered fully terminated and cancelled and the City of Dallas shall not

be held liable by reason thereof. Said Resolution shall be final and shall not be subject to review by the Courts. **GRANTEE** shall have the right of cancellation upon giving the City of Dallas sixty (60) days written notice of its intention to cancel, and in either event upon the termination or cancellation by the City or **GRANTEE**, as the case may be, this license shall become null and void and **GRANTEE** or anyone claiming any rights under this instrument shall remove, to the extent required by the Director of Department of Sustainable Development and Construction, any improvements and encroachments from the licensed areas at **GRANTEE's** expense. Failure to do so shall subject **GRANTEE** to the provisions contained in Exhibit B, Subsection (a). All work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Department of Sustainable Development and Construction.

**SECTION 7.** That the license is subject to the condition of obtaining a Right-of-Way Permit from the Department of Public Works in addition to any required building permit, and ensure **GRANTEE** provide clearance per Americans with Disabilities Act and Texas Accessibility Standard Requirements.

**SECTION 8.** That upon the effectiveness of this ordinance, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a NOTICE OF LICENSE and to file same in the deed records of Dallas County, Texas. Additionally, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a cancellation of Notice of License upon termination by the City or **GRANTEE** and to file such cancellation of Notice of License in the deed records of Dallas County, Texas.

**SECTION 9.** That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

**SECTION 10.** That this license may not be assigned without prior written approval from the Director of Department of Sustainable Development and Construction, or designee. Such assignment shall recite that it is subject to the terms, restrictions and conditions contained in this ordinance. The assignee shall deliver evidence of ownership of property abutting the licensed area and a copy of the assignment, along with the assignee's written acceptance of the provisions of this ordinance, to the Director of Department of Sustainable Development and Construction within 10 days of such assignment; said



assignment and written acceptance shall be forwarded to the City Secretary of the City of Dallas. Should **GRANTEE** fail to obtain prior written approval for assignment of this license or fail to provide the City of Dallas with the required written acceptance and a copy of the assignment, the Director of Department of Sustainable Development and Construction, or designee, may terminate this license.

**SECTION 11.** That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the fee pursuant to Section 3 of this ordinance, an acceptable certificate of insurance and the fee for publishing this ordinance which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee, shall deliver to **GRANTEE** the certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

**SECTION 12.** That this ordinance is also designated for City purposes as Contract No. DEV-2018-00007851.

**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

KRIS SWECKARD, Director  
Department of Sustainable Development and  
Construction

BY: \_\_\_\_\_

Assistant City Attorney

BY: \_\_\_\_\_

Assistant Director

Passed \_\_\_\_\_.

**BEING** a 25 square feet (0.001 acre) of aerial space situated in the J. Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas, and being a portion of Main Street a 79.5' right of way as created in City of Dallas Ordinance Book 1-A, Page 131 situated adjacent to Lot 2, Block A/70 of The Adolphus Hotel Addition No. 2, an addition to the City of Dallas, Texas, according to the plat, recorded in Volume 95207, Page 3903 of the Deed Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows, but only as to that portion of the license agreement between the elevations of 433.49' and 434.99' above mean sea level or between the elevations of 8.00' and 9.50' above the crown of the road (or sidewalk) :

**COMMENCING** at "X" cut in concrete found for the southeast corner of Lot 2, Block A/70, as recorded in Volume 95207, Page 3903, of the Deed Records of Dallas County, Texas, same being on the westerly right of way line of Akard Street, a called 50' right of way, as created on the final plat of Smith, Murphy & Martin Addition an addition to the City of Dallas, Texas, as recorded in Volume H, Page 83 of the Map Records of Dallas County, Texas;

**THENCE** North 14°00'00" East, along the easterly line of said Lot 2, Block A/70 and the westerly right of way line of said Akard Street, a distance of 109.40 feet to a "X" cut in concrete set for the northeast corner of said Lot 2 and the intersection of said Akard Street and said Main Street, from which a "X" cut found in concrete bears North 31°41'48" East, a distance of 6.06 feet;

**THENCE** South 76°00'00" West, along the northern line of said Lot 2, Block A/70 and southerly right of way of said Main Street, a distance of 78.48 feet to a point;

**THENCE** North 14°00'14" West, departing said common line of Lot 2, Block A/70 and the southerly right of way of said Main Street, crossing said Main Street, a distance of 1.26 feet to the **POINT OF BEGINNING** of the herein described aerial space;

**THENCE** continuing across said Main Street, the following:

South 75°59'46" West, a distance of 8.00 feet to a point for corner;

North 14°00'14" West, a distance of 4.33 feet to a point for corner;

North 75°59'46" East, a distance of 4.62 feet to a point for corner;

South 14°00'14" East, a distance of 2.83 feet to a point for corner;

North 75°59'46" East, a distance of 3.38 feet to a point for corner;

South 14°00'14" East, continuing across said Main Street, a distance of 1.50 feet to the **POINT OF BEGINNING** and containing 0.001 of an acre (25 square feet) of land, more or less.

Bearing system is based on the easterly line of Lot 1A, Block A/70 of The Adolphus Addition No. 2 as recorded in Volume 95207, Page 3903 of the Deed Records, Dallas County, Texas, said bearing being South 14°00'00" E

**AERIAL LICENSE AGREEMENT  
PART OF MAIN STREET  
ADJACENT TO LOT 2, BLOCK A/70  
THE ADOLPHUS HOTEL ADDITION NO. 2  
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495  
CITY OF DALLAS  
DALLAS COUNTY, TEXAS**

MICHAEL MARX  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 5181  
5750 GENESIS COURT, SUITE 200  
FRISCO, TEXAS 75034  
PH. 972-335-3580  
michael.marx@kimley-horn.com



(For SPRG use only)

Reviewed By: A. Rodriguez

Date: 10/24/18

SPRG NO: 4639

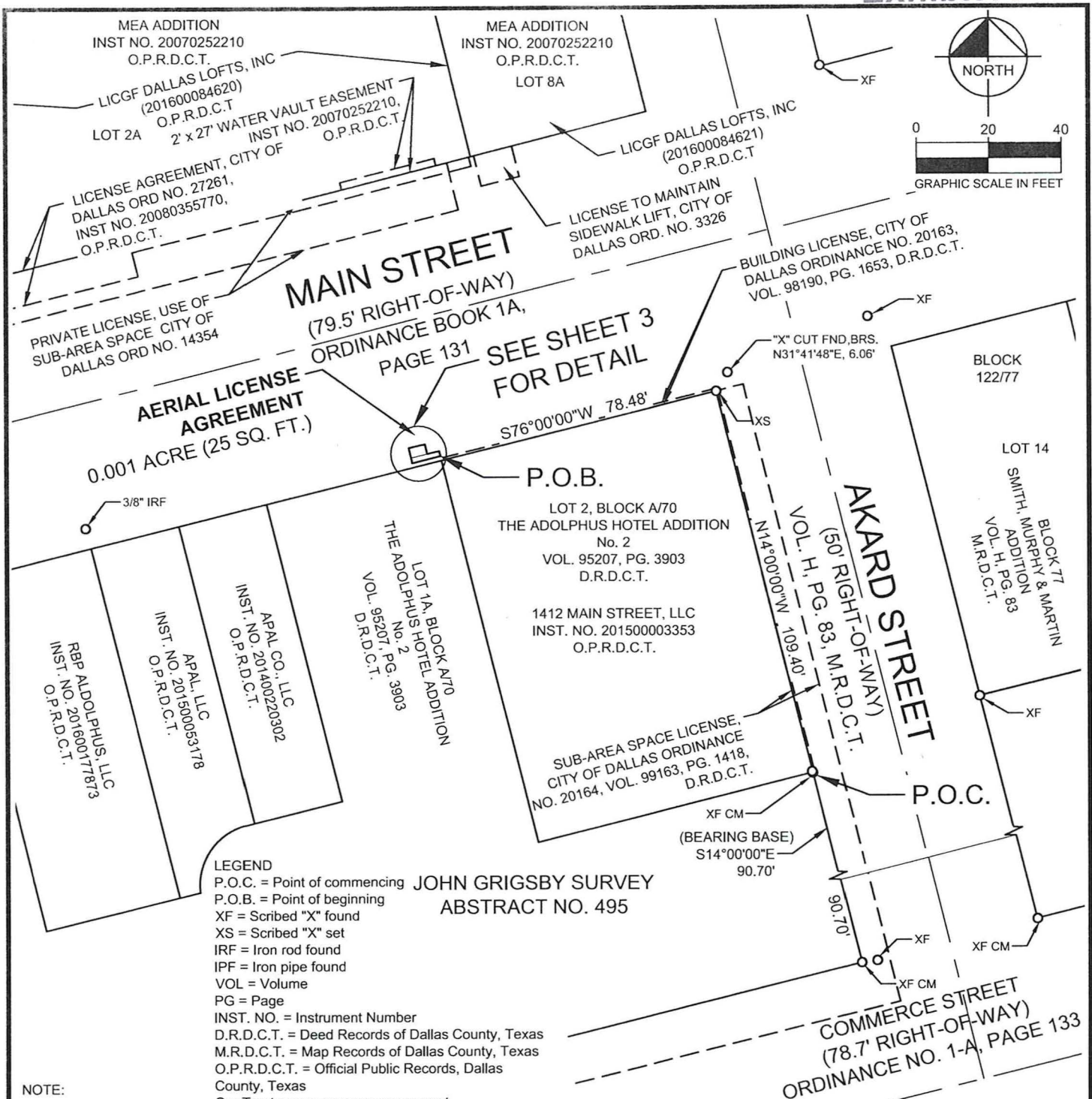
**Kimley»Horn**

5750 Genesis Court, Suite 200  
Frisco, Texas 75034 FIRM # 10193822

Tel. No. (972) 335-3580  
Fax No. (972) 335-3779

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	MBM	KHA	10/23/2018	063227300	1 OF 3





**AERIAL LICENSE AGREEMENT**  
**PART OF MAIN STREET**  
**ADJACENT TO LOT 2, BLOCK A/70**  
**THE ADOLPHUS HOTEL ADDITION NO. 2**  
**JOHN GRIGSBY SURVEY, ABSTRACT NO. 495**  
**CITY OF DALLAS**  
**DALLAS COUNTY, TEXAS**

**Kimley»Horn**

5750 Genesis Court, Suite 200  
Frisco, Texas 75034 FIRM # 10193822

Tel. No. (972) 335-3580  
Fax No. (972) 335-3779

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 40'	MBM	KHA	10/23/2018	063227300	2 OF 3

(For SPRG use only)

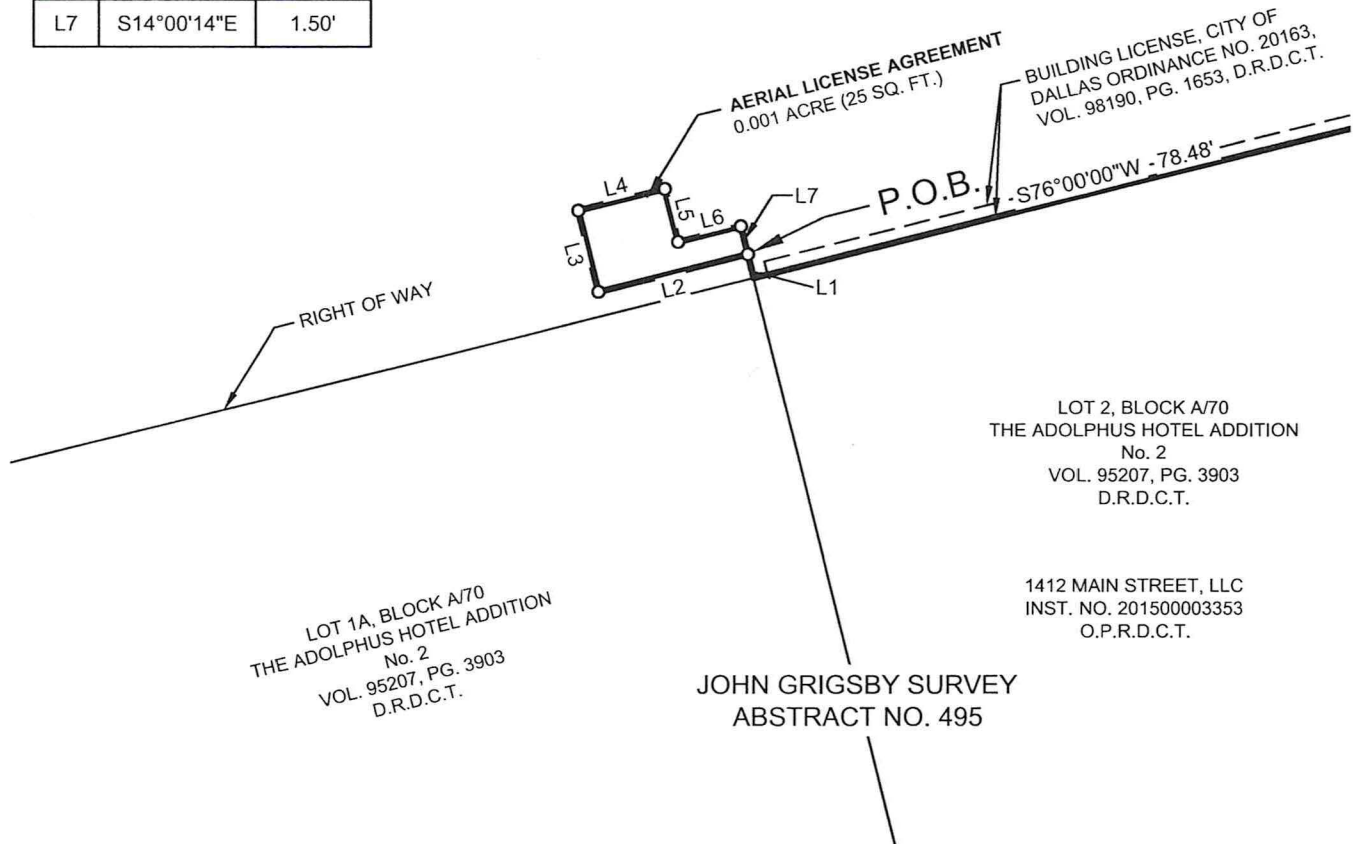
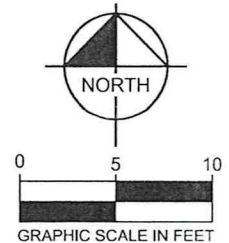
Reviewed By: A. Rodriguez

Date: 10/24/18

SPRG NO: 4639

LINE TABLE		
NO.	BEARING	LENGTH
L1	N14°00'14"W	1.26'
L2	S75°59'46"W	8.00'
L3	N14°00'14"W	4.33'
L4	N75°59'46"E	4.62'
L5	S14°00'14"E	2.83'
L6	N75°59'46"E	3.37'
L7	S14°00'14"E	1.50'

**MAIN STREET**  
(79.5' RIGHT-OF-WAY)  
ORDINANCE BOOK 1A,  
PAGE 131



## LEGEND

P.O.B. = Point of beginning  
 XF = Scribed "X" found  
 IRF = Iron rod found  
 IPF = Iron pipe found  
 D.R.D.C.T. = Deed Records of Dallas County, Texas  
 M.R.D.C.T. = Map Records of Dallas County, Texas  
 O.P.R.D.C.T. = Official Public Records, Dallas County, Texas

MICHAEL MARX  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 5181  
 5750 GENESIS COURT, SUITE 200  
 FRISCO, TEXAS 75034  
 PH. 972-335-3580  
 michael.marx@kimley-horn.com

## NOTE:

Bearing system is based on the easterly line of Lot 1A, Block A/70 of The Adolphus Addition No. 2 as recorded in Volume 95207, Page 3903 of the Deed Records, Dallas County, Texas, said bearing being South 14°00'00" E.

**AERIAL LICENSE AGREEMENT**  
**PART OF MAIN STREET**  
**ADJACENT TO LOT 2, BLOCK A/70**  
**THE ADOLPHUS HOTEL ADDITION NO. 2**  
**JOHN GRIGSBY SURVEY, ABSTRACT NO. 495**  
**CITY OF DALLAS**  
**DALLAS COUNTY, TEXAS**

# Kimley»Horn

5750 Genesis Court, Suite 200  
 Frisco, Texas 75034

FIRM # 10193822

Tel. No. (972) 335-3580  
 Fax No. (972) 335-3779

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 10'	MBM	KHA	10/23/2018	063227300	3 OF 3

(For SPRG use only)  
 Reviewed By: A. Rodriguez  
 Date: 10/24/18  
 SPRG NO: 4639



**EXHIBIT B  
COMMERCIAL ENTITY  
ADDITIONAL LICENSE PROVISIONS**

That this license is granted subject to the following additional conditions, terms and reservations:

- (a) That at such time as this license is terminated or canceled for any reason whatsoever, **GRANTEE**, upon orders issued by the City acting through the Director of Sustainable Development and Construction, or designee, shall remove all installations, improvements and appurtenances owned by it situated in, under or attached to the licensed area, and shall restore the premises to its former condition in accordance with the requirements of the Director of Sustainable Development and Construction at the sole cost of **GRANTEE**. In the event, upon termination of this license, **GRANTEE** shall fail to remove its installations, improvements and appurtenances and to restore the licensed area in compliance with orders issued by City, or such work is not done to the satisfaction of the Director of Sustainable Development and Construction, then in either event the City shall have the right to do all work necessary to restore said area to its former condition or cause such work to be done, and to assess the cost of all such work against **GRANTEE**; in neither event shall the City of Dallas be liable to **GRANTEE** on account thereof.
- (b) It is further understood that if and when the City of Dallas, in the exercise of its discretion, shall determine that the grade of any street, sidewalk or parkway should be modified or changed, or that any other work should be done in connection with any public improvement which will affect the licensed area, and/or any of **GRANTEE's** installations and improvements thereon, any modifications or changes to **GRANTEE's** facilities in the licensed area or in construction or reconstruction of any public improvement attributable to **GRANTEE's** use of the licensed area and/or its installations and improvements thereon, shall be made at the sole expense of **GRANTEE** and to the satisfaction of the Director of Sustainable Development and Construction.
- (c) At such time as this license is granted, it is agreed, and a condition hereof, that **GRANTEE** shall procure and keep in full force and effect **Commercial General Liability Insurance** coverage issued by an insurance company authorized and approved by the State of Texas, acceptable to the City of Dallas and issued in the standard form approved by the Texas Department of Insurance. The insured provisions of this policy must name the City of Dallas as an additional insured protecting the City of Dallas against any and all claims for damages to persons or property as a result of or arising out of the use, operation and maintenance by **GRANTEE** of the licensed area and **GRANTEE's** installations, improvements, landscaping and equipment in connection therewith and located therein. The Commercial General Liability coverage must include, but not limited to, Premises/Operations, Independent Contractors and Contractual Liability with minimum combined bodily injury (including death) and property damage limits of not less than \$500,000 per occurrence and \$500,000 annual aggregate. This insurance shall also include coverage for underground, explosion and collapse hazards (i.e. not excluded). If this insurance is written on a claims-made form, coverage shall be continuous (by renewal or extended reporting period) for not less than

**EXHIBIT B  
COMMERCIAL ENTITY  
ADDITIONAL LICENSE PROVISIONS**

twelve (12) months following termination of this license and removal of the installations, improvements and appurtenances and restoration of the licensed area pursuant to paragraph (a) above. Coverage, including any renewals, shall contain the same retroactive date as the original policy applicable to this license. The City of Dallas reserves the right to review the insurance requirements set forth herein during the effective term of the license and to adjust insurance coverages and their limits when deemed necessary and prudent by the City of Dallas' Risk Management based upon changes in statutory law, court decisions, or the claims history of the industry as well as the City of Dallas.

1. **GRANTEE** agrees that with respect to the above required insurance, all insurance contracts and certificates of insurance will contain and state, in writing, that coverage shall not be canceled, nonrenewed or materially changed except after thirty (30) days written notice by certified mail to Department of Sustainable Development and Construction.
  2. **GRANTEE** shall carry said insurance at its expense and shall furnish the City of Dallas proof of such insurance. In the event said insurance should terminate during the licensing term hereof, or **GRANTEE** fails to furnish proof of insurance coverage in accordance with the specifications as required by this section, the Director of Sustainable Development and Construction, or designee, may terminate the license granted herein.
- (d) **GRANTEE** is prohibited from using the licensed area in any manner which violates Federal, State or local laws, regulations, rules and orders, regardless of when they become or became effective, including without limitation, those related to health, safety, noise, environmental protection, waste disposal and water and air quality, and shall provide satisfactory evidence of compliance upon the request of the City of Dallas. Should any discharge, leakage, spillage, emission or pollution of any type occur upon or from the licensed area due to **GRANTEE's** use and occupancy thereof, **GRANTEE**, at its expense, shall be obligated to clean up the licensed area to the satisfaction of the City of Dallas and any governmental body having jurisdiction thereover. The City of Dallas may, at its option, clean the licensed area. If the City of Dallas elects to do so, **GRANTEE** shall promptly pay to the City of Dallas the reasonable cost of such cleanup upon receipt of bills therefore. **GRANTEE** agrees that the indemnity provisions contained in paragraph (g) herein shall be fully applicable to the requirements of this paragraph, in event of **GRANTEE's** breach of this paragraph, or as a result of any such discharge, leakage, spillage, emission or pollution arising out of the **GRANTEE's** use of the licensed area.
- (e) This license is subject to all State laws, the provisions of the Charter of the City of Dallas as it now exists, or may hereafter be adopted or amended, and the ordinances of the City of Dallas now in effect or those which may hereafter be passed or adopted. The City of Dallas shall have the right to increase or decrease the compensation to be charged for the use contemplated by this grant in



**EXHIBIT B  
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accordance with the provisions of the Dallas City Code as it now exists, or as may hereafter be adopted or amended.

- (f) The Governing Body of the City of Dallas reserves the right, at any time without notice, to terminate and cancel this license, by resolution, upon a finding by the Governing Body that this license is inconsistent with the public use of the property or whenever the purpose or use of the license is likely to become a nuisance and all rights granted hereunder shall thereupon be considered fully terminated and canceled and the City of Dallas shall not be held liable by reason thereof. The decision of the Governing Body of the City in this matter shall be final and binding upon all parties insofar as the City's determination as to whether the **GRANTEE's** use of this license constitutes a nuisance or is inconsistent with the public use of the property.
- (g) As a condition hereof, **GRANTEE** agrees and is bound to defend, indemnify and hold the City of Dallas, its officers, agents and employees, harmless against any and all claims, lawsuits, judgments, costs and expenses for bodily injury (including death), property damage or other harm for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by the use, occupancy and maintenance of the licensed area or **GRANTEE's** installations and improvements within the licensed area, from any act or omission of any representative, agent, customer and/or employee of **GRANTEE**, or by **GRANTEE's** breach of any of the terms or provisions of this license, or by any negligent or strictly liable act or omission of **GRANTEE**, its officers, agents, employees or contractors in the use, occupancy and maintenance of **GRANTEE's** installations and improvements within the licensed area; except that the indemnity provided for in this paragraph shall not apply to any liability resulting from the sole negligence or fault of the City of Dallas, its officers, agents, employees or separate contractors, and in the event of joint and concurring negligence or fault of both the **GRANTEE** and the City of Dallas, responsibility and liability, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas, without, however, waiving any governmental immunity available to the City of Dallas under Texas law and without waiving any defenses of the parties under Texas law. This obligation to indemnify and defend shall also include any claim for damage that any utility or communication company, whether publicly or privately owned, may sustain or receive by reason of **GRANTEE's** use of the licensed area or **GRANTEE's** improvements and equipment located thereon. In addition to the foregoing, **GRANTEE** covenants and agrees never to make a claim of any kind or character whatsoever against the City of Dallas for damage of any kind that it may suffer by reason of the installation, construction, reconstruction, operation or maintenance of any public improvement, utility or communication facility on the licensed area, whether presently in place or which may in the future be constructed or installed, including but not limited to, any water or wastewater mains or storm sewer facilities, regardless of whether such damage is due to

**EXHIBIT B  
COMMERCIAL ENTITY  
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flooding, infiltration, backflow or seepage caused from the failure of any installation, natural causes, City's negligence, or from any other cause whatsoever.

- (h) This license is subject to any existing utilities or communication facilities, including drainage, presently located within the licensed area, owned and/or operated by the City of Dallas or any utility or communications company, public or private, and to any vested rights presently owned by an utility or communications company, public or private, for the use of the licensed area for facilities presently located within the boundaries of said licensed area. It is the intent of the foregoing that this permission herein is made expressly subject to the utilization of the licensed area for communication and utility purposes, both public and private, including drainage, over, under, through, across and along the licensed area. No buildings shall be constructed or placed upon, over or across the licensed area in such a manner as to interfere with the operation of any utilities and communication facilities. All and any communication company and utility, both public and private, shall have the right to remove and keep removed all or parts of any buildings which may in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems within the licensed area. All communication companies and utilities, both public and private, shall have the full right to remove and keep removed all parts of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance and efficiency of its respective system and shall at all times have the full right of ingress and egress to or from and upon the licensed area for the purpose of constructing, relocating, inspecting, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.



## Agenda Information Sheet

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**File #:** 18-1395

**Item #:** 17.

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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability  
**AGENDA DATE:** February 13, 2019  
**COUNCIL DISTRICT(S):** 2  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

An ordinance granting a revocable license to Local 2653, LLC dba Ruins, for the use of approximately 13 square feet of aerial space to occupy, maintain, and utilize a blade sign over a portion of Commerce Street right-of-way located near its intersection with Pryor Street - Revenue: \$1,000.00 annually, plus the \$20.00 ordinance publication fee

### **BACKGROUND**

This item grants a revocable license to Local 2653, LLC dba Ruins, for the use of approximately 13 square feet of aerial space to occupy, maintain and utilize a blade sign over a portion of Commerce Street right-of-way located near its intersection with Pryor Street. The use of this area will not impede pedestrian or vehicular traffic. The term of this license is two years.

The licensee will indemnify the City and carry general liability insurance naming the City as an additional insured.

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on February 11, 2019.

### **FISCAL INFORMATION**

Revenue: \$1,000.00 annually, plus the \$20.00 ordinance publication fee

**OWNER**

**Local 2653, LLC dba Ruins**

Local 972, LLC

Daniel Murry, Manager

**MAP**

Attached





**ORDINANCE NO. \_\_\_\_\_**

An ordinance granting a revocable license to Local 2653, LLC dba Ruins to occupy, maintain and utilize aerial space over a portion of Commerce Street right-of-way located near its intersection with Pryor Street adjacent to City Block 3/183 within the limits hereinafter more fully described, for the purpose of installing and maintaining a blade sign; providing for the terms and conditions of this license; providing for the annual compensation to be paid to the City of Dallas; providing for payment of the publication fee; and providing an effective date of this license and ordinance.

**ooo0ooo**

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

**SECTION 1.** That a revocable license, hereinafter referred to as “license”, subject to the restrictions and conditions of this ordinance, is hereby granted to Local 2653, LLC dba Ruins, a Texas limited liability company, its successors and assigns, hereinafter referred to as “**GRANTEE**”, to occupy, maintain and utilize for the purpose set out hereinbelow the tract of land described in Exhibit A, hereinafter referred to as “licensed area” which is attached hereto and made a part hereof.

**SECTION 2.** That this license is granted for a term of two (2) years, unless sooner terminated according to other terms and provisions herein contained.

**SECTION 3.** That **GRANTEE** shall pay to the City of Dallas the sum of **ONE THOUSAND AND N0/100 DOLLARS (\$1,000.00)** annually for the license herein granted, said sum to become due and payable on the 2<sup>nd</sup> day of January each year, in advance, during the term hereof; provided, however, that the first payment due hereunder in the sum of **ONE THOUSAND AND N0/100 DOLLARS (\$1,000.00)** shall be paid prior to the final passage of this ordinance and shall cover the consideration for 2019. Such consideration shall be in addition to and exclusive of any other taxes or special assessments required by law to be paid by **GRANTEE**. Should **GRANTEE** fail to pay the above stated annual fee within sixty (60) days of the due date, the Director of the Department of Sustainable Development may terminate this license. All sums payable to the City of Dallas hereunder shall be paid to the Chief Financial Officer of the City of Dallas and deposited in General Fund, Fund 0001, Department DEV, Unit 1181, Revenue Code 8200. In the event



**GRANTEE's** check for the license fee is dishonored, **GRANTEE** shall pay to the City a processing fee of \$25.00 for each dishonored check. Additionally, all monies owed to the City under this license shall be subject to the assessment of interest at a rate of 10 percent a year from the day after any monies become due until it is paid in full, in accordance with Section 2-1.1 of the Dallas City Code.

**SECTION 4.** That the licensed area shall be used by **GRANTEE** for the following purpose under the direction of the Director of Department of Sustainable Development and Construction of the City of Dallas: occupy, maintain, and utilize a blade sign.

**SECTION 5.** That this license is subject to the provisions set forth in Exhibit B, attached hereto and made a part hereof.

**SECTION 6.** That this license is nonexclusive and is made expressly subject and subordinate to the right of the City to use the licensed area for any public purpose. The Governing Body of the City of Dallas reserves the right to terminate and cancel this license, at will, by Resolution passed by said Governing Body. Upon termination, all rights granted hereunder shall thereupon be considered fully terminated and cancelled and the City of Dallas shall not be held liable by reason thereof. Said Resolution shall be final and shall not be subject to review by the Courts. **GRANTEE** shall have the right of cancellation upon giving the City of Dallas sixty (60) days written notice of its intention to cancel, and in either event upon the termination or cancellation by the City or **GRANTEE**, as the case may be, this license shall become null and void and **GRANTEE** or anyone claiming any rights under this instrument shall remove, to the extent required by the Director of Department of Sustainable Development and Construction, any improvements and encroachments from the licensed areas at **GRANTEE's** expense. Failure to do so shall subject **GRANTEE** to the provisions contained in Exhibit B, Subsection (a). All work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Department of Sustainable Development and Construction.

**SECTION 7.** That the license is subject to the following conditions terms and reservations:

- (a) **GRANTEE** shall obtain a Right-Of-Way Permit in additional to any other permits needed for the sign.

(b) **GRANTEE** shall provide the appropriate clearance per the Americans with Disabilities Act (ADA) and Texas Department of Licensing and Regulation (TDLR).

**SECTION 8.** That upon the effectiveness of this ordinance, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a NOTICE OF LICENSE and to file same in the deed records of Dallas County, Texas. Additionally, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a cancellation of Notice of License upon termination by the City or **GRANTEE** and to file such cancellation of Notice of License in the deed records of Dallas County, Texas.

**SECTION 9.** That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

**SECTION 10.** That this license may not be assigned without prior written approval from the Director of Department of Sustainable Development and Construction, or designee. Such assignment shall recite that it is subject to the terms, restrictions and conditions contained in this ordinance. The assignee shall deliver evidence of ownership of property abutting the licensed area, and a copy of the assignment, along with the assignee's written acceptance of the provisions of this ordinance, to the Director of Department of Sustainable Development and Construction within 10 days of such assignment; said assignment and written acceptance shall be forwarded to the City Secretary of the City of Dallas. Should **GRANTEE** fail to obtain prior written approval for assignment of this license or fail to provide the City of Dallas with the required written acceptance and a copy of the assignment, the Director of Department of Sustainable Development and Construction, or designee, may terminate this license.

**SECTION 11.** That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the fee pursuant to Section 3 of this ordinance, an acceptable certificate of insurance and the fee for publishing this ordinance which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee, shall deliver to **GRANTEE** the certified copy of this ordinance. The Director of Department of Sustainable Development and



Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

**SECTION 12.** That this ordinance is also designated for City purposes as Contract No. DEV-2019-00008397.

**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

KRIS SWECKARD, Director  
Department of Sustainable Development and  
Construction

BY:



Assistant City Attorney

BY:



Assistant Director

Passed \_\_\_\_\_.

# EXHIBIT A



Local 2653, LLC dba Ruins

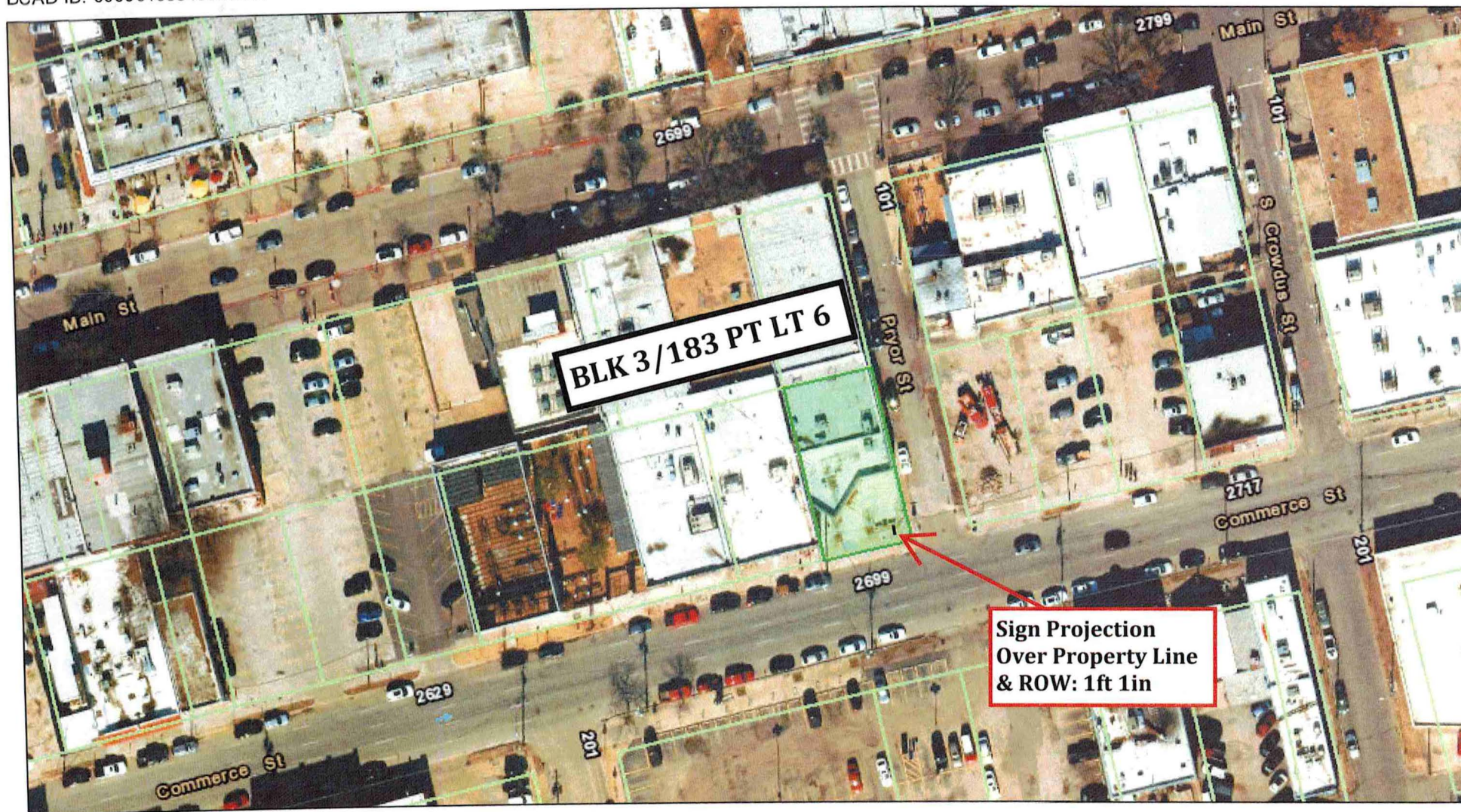
Blade sign 



## Ruins - 2653 Commerce Street

DCAD ID: 00000103843000000

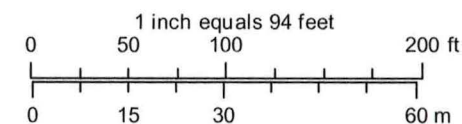
Date of copy: 9/26/2018



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



Dallas Central Appraisal District  
2949 N Stemmons Freeway  
Dallas, TX 75247-6195  
(214) 631-1342  
[www.dallascad.org](http://www.dallascad.org)



DCAD, NCTCOG, USGS, Esri, Inc



**EXHIBIT B  
COMMERCIAL ENTITY  
ADDITIONAL LICENSE PROVISIONS**

That this license is granted subject to the following additional conditions, terms and reservations:

- (a) That at such time as this license is terminated or canceled for any reason whatsoever, **GRANTEE**, upon orders issued by the City acting through the Director of Sustainable Development and Construction, or designee, shall remove all installations, improvements and appurtenances owned by it situated in, under or attached to the licensed area, and shall restore the premises to its former condition in accordance with the requirements of the Director of Sustainable Development and Construction at the sole cost of **GRANTEE**. In the event, upon termination of this license, **GRANTEE** shall fail to remove its installations, improvements and appurtenances and to restore the licensed area in compliance with orders issued by City, or such work is not done to the satisfaction of the Director of Sustainable Development and Construction, then in either event the City shall have the right to do all work necessary to restore said area to its former condition or cause such work to be done, and to assess the cost of all such work against **GRANTEE**; in neither event shall the City of Dallas be liable to **GRANTEE** on account thereof.
- (b) It is further understood that if and when the City of Dallas, in the exercise of its discretion, shall determine that the grade of any street, sidewalk or parkway should be modified or changed, or that any other work should be done in connection with any public improvement which will affect the licensed area, and/or any of **GRANTEE's** installations and improvements thereon, any modifications or changes to **GRANTEE's** facilities in the licensed area or in construction or reconstruction of any public improvement attributable to **GRANTEE's** use of the licensed area and/or its installations and improvements thereon, shall be made at the sole expense of **GRANTEE** and to the satisfaction of the Director of Sustainable Development and Construction.
- (c) At such time as this license is granted, it is agreed, and a condition hereof, that **GRANTEE** shall procure and keep in full force and effect **Commercial General Liability Insurance** coverage issued by an insurance company authorized and approved by the State of Texas, acceptable to the City of Dallas and issued in the standard form approved by the Texas Department of Insurance. The insured provisions of this policy must name the City of Dallas as an additional insured protecting the City of Dallas against any and all claims for damages to persons or property as a result of or arising out of the use, operation and maintenance by **GRANTEE** of the licensed area and **GRANTEE's** installations, improvements, landscaping and equipment in connection therewith and located therein. The Commercial General Liability coverage must include, but not limited to, Premises/Operations, Independent Contractors and Contractual Liability with minimum combined bodily injury (including death) and property damage limits of not less than \$500,000 per occurrence and \$500,000 annual aggregate. This insurance shall also include coverage for underground, explosion and collapse hazards (i.e. not excluded). If this insurance is written on a claims-made form, coverage shall be continuous (by renewal or extended reporting period) for not less than



**EXHIBIT B  
COMMERCIAL ENTITY  
ADDITIONAL LICENSE PROVISIONS**

twelve (12) months following termination of this license and removal of the installations, improvements and appurtenances and restoration of the licensed area pursuant to paragraph (a) above. Coverage, including any renewals, shall contain the same retroactive date as the original policy applicable to this license. The City of Dallas reserves the right to review the insurance requirements set forth herein during the effective term of the license and to adjust insurance coverages and their limits when deemed necessary and prudent by the City of Dallas' Risk Management based upon changes in statutory law, court decisions, or the claims history of the industry as well as the City of Dallas.

1. **GRANTEE** agrees that with respect to the above required insurance, all insurance contracts and certificates of insurance will contain and state, in writing, that coverage shall not be canceled, nonrenewed or materially changed except after thirty (30) days written notice by certified mail to Department of Sustainable Development and Construction.
  2. **GRANTEE** shall carry said insurance at its expense and shall furnish the City of Dallas proof of such insurance. In the event said insurance should terminate during the licensing term hereof, or **GRANTEE** fails to furnish proof of insurance coverage in accordance with the specifications as required by this section, the Director of Sustainable Development and Construction, or designee, may terminate the license granted herein.
- (d) **GRANTEE** is prohibited from using the licensed area in any manner which violates Federal, State or local laws, regulations, rules and orders, regardless of when they become or became effective, including without limitation, those related to health, safety, noise, environmental protection, waste disposal and water and air quality, and shall provide satisfactory evidence of compliance upon the request of the City of Dallas. Should any discharge, leakage, spillage, emission or pollution of any type occur upon or from the licensed area due to **GRANTEE's** use and occupancy thereof, **GRANTEE**, at its expense, shall be obligated to clean up the licensed area to the satisfaction of the City of Dallas and any governmental body having jurisdiction thereover. The City of Dallas may, at its option, clean the licensed area. If the City of Dallas elects to do so, **GRANTEE** shall promptly pay to the City of Dallas the reasonable cost of such cleanup upon receipt of bills therefore. **GRANTEE** agrees that the indemnity provisions contained in paragraph (g) herein shall be fully applicable to the requirements of this paragraph, in event of **GRANTEE's** breach of this paragraph, or as a result of any such discharge, leakage, spillage, emission or pollution arising out of the **GRANTEE's** use of the licensed area.
- (e) This license is subject to all State laws, the provisions of the Charter of the City of Dallas as it now exists, or may hereafter be adopted or amended, and the ordinances of the City of Dallas now in effect or those which may hereafter be passed or adopted. The City of Dallas shall have the right to increase or decrease the compensation to be charged for the use contemplated by this grant in

**EXHIBIT B  
COMMERCIAL ENTITY  
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accordance with the provisions of the Dallas City Code as it now exists, or as may hereafter be adopted or amended.

- (f) The Governing Body of the City of Dallas reserves the right, at any time without notice, to terminate and cancel this license, by resolution, upon a finding by the Governing Body that this license is inconsistent with the public use of the property or whenever the purpose or use of the license is likely to become a nuisance and all rights granted hereunder shall thereupon be considered fully terminated and canceled and the City of Dallas shall not be held liable by reason thereof. The decision of the Governing Body of the City in this matter shall be final and binding upon all parties insofar as the City's determination as to whether the **GRANTEE's** use of this license constitutes a nuisance or is inconsistent with the public use of the property.
- (g) As a condition hereof, **GRANTEE** agrees and is bound to defend, indemnify and hold the City of Dallas, its officers, agents and employees, harmless against any and all claims, lawsuits, judgments, costs and expenses for bodily injury (including death), property damage or other harm for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by the use, occupancy and maintenance of the licensed area or **GRANTEE's** installations and improvements within the licensed area, from any act or omission of any representative, agent, customer and/or employee of **GRANTEE**, or by **GRANTEE's** breach of any of the terms or provisions of this license, or by any negligent or strictly liable act or omission of **GRANTEE**, its officers, agents, employees or contractors in the use, occupancy and maintenance of **GRANTEE's** installations and improvements within the licensed area; except that the indemnity provided for in this paragraph shall not apply to any liability resulting from the sole negligence or fault of the City of Dallas, its officers, agents, employees or separate contractors, and in the event of joint and concurring negligence or fault of both the **GRANTEE** and the City of Dallas, responsibility and liability, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas, without, however, waiving any governmental immunity available to the City of Dallas under Texas law and without waiving any defenses of the parties under Texas law. This obligation to indemnify and defend shall also include any claim for damage that any utility or communication company, whether publicly or privately owned, may sustain or receive by reason of **GRANTEE's** use of the licensed area or **GRANTEE's** improvements and equipment located thereon. In addition to the foregoing, **GRANTEE** covenants and agrees never to make a claim of any kind or character whatsoever against the City of Dallas for damage of any kind that it may suffer by reason of the installation, construction, reconstruction, operation or maintenance of any public improvement, utility or communication facility on the licensed area, whether presently in place or which may in the future be constructed or installed, including but not limited to, any water or wastewater mains or storm sewer facilities, regardless of whether such damage is due to



**EXHIBIT B  
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flooding, infiltration, backflow or seepage caused from the failure of any installation, natural causes, City's negligence, or from any other cause whatsoever.

- (h) This license is subject to any existing utilities or communication facilities, including drainage, presently located within the licensed area, owned and/or operated by the City of Dallas or any utility or communications company, public or private, and to any vested rights presently owned by an utility or communications company, public or private, for the use of the licensed area for facilities presently located within the boundaries of said licensed area. It is the intent of the foregoing that this permission herein is made expressly subject to the utilization of the licensed area for communication and utility purposes, both public and private, including drainage, over, under, through, across and along the licensed area. No buildings shall be constructed or placed upon, over or across the licensed area in such a manner as to interfere with the operation of any utilities and communication facilities. All and any communication company and utility, both public and private, shall have the right to remove and keep removed all or parts of any buildings which may in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems within the licensed area. All communication companies and utilities, both public and private, shall have the full right to remove and keep removed all parts of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance and efficiency of its respective system and shall at all times have the full right of ingress and egress to or from and upon the licensed area for the purpose of constructing, relocating, inspecting, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.



## Agenda Information Sheet

**File #:** 18-1285

**Item #:** 18.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability  
**AGENDA DATE:** February 13, 2019  
**COUNCIL DISTRICT(S):** 2  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

An ordinance abandoning a water line easement to Calisto Property Company, the abutting owner, containing a total of approximately 4,635 square feet of land, located near the intersection of Manor Way and Lemmon Avenue; and providing for the dedication of a total of approximately 1,838 square feet of land needed for two water easements - Revenue: \$5,400.00, plus the \$20.00 ordinance publication fee

### **BACKGROUND**

This item authorizes the abandonment of a water line easement to Calisto Property Company, the abutting owner. The area will be included with the property of the abutting owner to expand automotive showroom for Sewell dealership. The owner will dedicate a total of approximately 1,838 square feet of land needed for two water easements. 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 February 11, 2019.

### **FISCAL INFORMATION**

Revenue: \$5,400.00, plus the \$20.00 ordinance publication fee

### **OWNER**

**Calisto Property Company**

Carl Sewell Jr., Manager




**MAP**

Attached



Water Line Easement Abandonment area: 

Two Water Easements Dedication: 

**ORDINANCE NO. \_\_\_\_\_**

An ordinance providing for the abandonment and relinquishment of a water line easement located in City Block A/5715 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Calisto Property Company; 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 Calisto Property Company, a Texas joint venture; 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 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 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 parcels 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 water line 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 the abandonment, relinquishment and quitclaim made herein shall be subject to **GRANTEE** conveying property to the City of Dallas in form of two water easements, for water purposes, within 90 days of the effective date of this ordinance, in, under, through, across and along certain properties located in City Block A/5715 as part of the consideration for the property herein abandoned by the City of Dallas and QUITCLAIMED to the **GRANTEE**. Said property to be conveyed shall be acceptable to the Director of Department of Sustainable Development and Construction of the City of Dallas and contain a total of approximately 1,838 square feet of land, a description is attached hereto and made a part hereof as Exhibit B Tract-1 and Exhibit B Tract-2. Failure to convey the above described easement as set forth shall render this ordinance null and void and of no further effect.

**SECTION 11.** That at such time as the instrument described in Section 10 above is executed and delivered to the City of Dallas and has been approved as to form by the City Attorney it be accepted, and thereafter, the Director of Department of Sustainable Development and Construction is authorized and directed to record said instrument in the Deed Records of Dallas County, Texas; and the recorded instrument shall be forwarded to the City Secretary for permanent record.

**SECTION 12.** That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which



certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, and completion of the dedication set forth in Section 10, the Director of Department of Sustainable Development and Construction, or designee shall deliver to **GRANTEE** a certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

**SECTION 13.** That this ordinance is also designated for City purposes as Contract No. DEV-2019-00008227.

**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

KRIS SWECKARD, Director  
Department of Sustainable Development and  
Construction

BY:   
Assistant City Attorney

BY:   
 Assistant Director

Passed \_\_\_\_\_.

**WATER LINE EASEMENT ABANDONMENT  
AMENDED PLAT OF SEWELL LEXUS ADDITION  
LOT 3, BLOCK A/5715  
MILES BENNETT SURVEY, ABSTRACT NO. 52  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

BEING A 4,635 SQUARE FOOT (0.1064 ACRES) TRACT OF LAND SITUATED IN THE MILES BENNETT SURVEY, ABSTRACT NUMBER 52, CITY OF DALLAS, DALLAS COUNTY, TEXAS AND BEING ALL OF A CALLED 15-FOOT WATER LINE EASEMENT DEDICATED ON LOT 3, BLOCK A/5715 OF THE PLAT OF SEWELL LEXUS ADDITION, AN ADDITION TO THE CITY OF DALLAS RECORDED IN VOLUME 2001049, PAGE 80, DEED RECORDS OF DALLAS COUNTY, TEXAS, (D.R.D.C.T.), AS AMENDED IN VOLUME 2002208, PAGE 98, D.R.D.C.T., AND DESCRIBED TO CALISTO PROPERTY COMPANY IN THE CORRECTION TO SPECIAL WARRANTY DEED RECORDED IN VOLUME 93233, PAGE 2575, D.R.D.C.T., THE SPECIAL WARRANTY DEED RECORDED IN VOLUME 94158, PAGE 1645, D.R.D.C.T. AND THE SPECIAL WARRANTY DEED RECORDED IN VOLUME 2002171, PAGE 3434, D.R.D.C.T., SAID 4,635 SQUARE FOOT TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 1/2-INCH IRON ROD FOUND ON THE NORTH END OF A CORNER CLIP AT THE INTERSECTION OF THE SOUTHWESTERLY LINE OF A 5-FOOT STREET EASEMENT DEDICATED BY SAID PLAT OF SEWELL LEXUS ADDITION FOR LEMMON AVENUE, (A CALLED 90-FOOT RIGHT-OF-WAY, FORMERLY KNOWN AS COUNTY ROAD 160) WITH THE NORTHWESTERLY LINE OF MANOR WAY (A VARIABLE WIDTH RIGHT-OF-WAY CREATED BY THE WARRANTY DEED RECORDED IN VOLUME 2047, PAGE 570, D.R.D.C.T. AND SAID PLATS RECORDED IN VOLUME 2001049, PAGE 80, AND VOLUME 2002208, PAGE 98, D.R.D.C.T.) AND FROM WHICH A 1/2-INCH IRON ROD FOUND FOR THE INTERSECTION OF SAID 5-FOOT STREET EASEMENT WITH THE NORTHWESTERLY LINE OF SAID LOT 3, BEARS NORTH 33°11'10" WEST, A DISTANCE OF 104.74 FEET;

THENCE SOUTH 05°22'58" WEST ALONG SAID CORNER CLIP, A DISTANCE OF 15.64 FEET TO A POINT FOR CORNER IN THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SAID MANOR WAY, (53 FEET WIDE AT THIS POINT);

THENCE SOUTH 43°57'05" WEST ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE OF MANOR WAY AND THE SOUTHEAST LINE OF SAID LOT 3, BLOCK A/5715, A DISTANCE OF 722.50 FEET TO THE **POINT OF BEGINNING** AT THE MOST EASTERLY SOUTH CORNER OF A CALLED 15-FOOT WIDE WATER LINE EASEMENT AS SHOWN ON SAID PLAT OF SEWELL LEXUS ADDITION;

THENCE SOUTH 43°57'05" WEST CONTINUING ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE OF MANOR WAY, A DISTANCE OF 15.00 FEET TO A POINT FOR CORNER;

(For SPRG use only)

Reviewed by: A. Rodriguez Date: 10/22/18 SPRG NO: 4662



**WATER LINE EASEMENT ABANDONMENT  
AMENDED PLAT OF SEWELL LEXUS ADDITION  
LOT 3, BLOCK A/5715  
MILES BENNETT SURVEY, ABSTRACT NO. 52  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

THENCE OVER AND ACROSS SAID LOT 3, BLOCK A/5715, AND ALONG THE BOUNDARIES OF SAID 15-FOOT WATER LINE EASEMENT THE FOLLOWING:

NORTH 46°02'34" WEST, A DISTANCE OF 39.00 FEET TO A POINT FOR CORNER;  
NORTH 43°57'05" EAST, A DISTANCE OF 225.00 FEET TO A POINT FOR CORNER;  
NORTH 46°02'55" WEST, A DISTANCE OF 30.00 FEET TO A POINT FOR CORNER;  
NORTH 43°57'05" EAST, A DISTANCE OF 20.00 FEET TO A POINT FOR CORNER;  
SOUTH 46°02'55" EAST, A DISTANCE OF 45.00 FEET TO A POINT FOR CORNER;  
SOUTH 43°57'05" WEST, A DISTANCE OF 230.00 FEET TO A POINT FOR CORNER;  
SOUTH 46°02'34" EAST, A DISTANCE OF 24.00 FEET TO THE **POINT OF BEGINNING**;

CONTAINING A COMPUTED AREA OF 4,635 SQUARE FEET OR 0.1064 ACRES OF LAND.

**NOTES:**

BEARINGS CALLED FOR HEREIN ARE REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983, (2011).

A SKETCH WAS PREPARED ON EVEN DATE TO ACCOMPANY THIS DESCRIPTION.



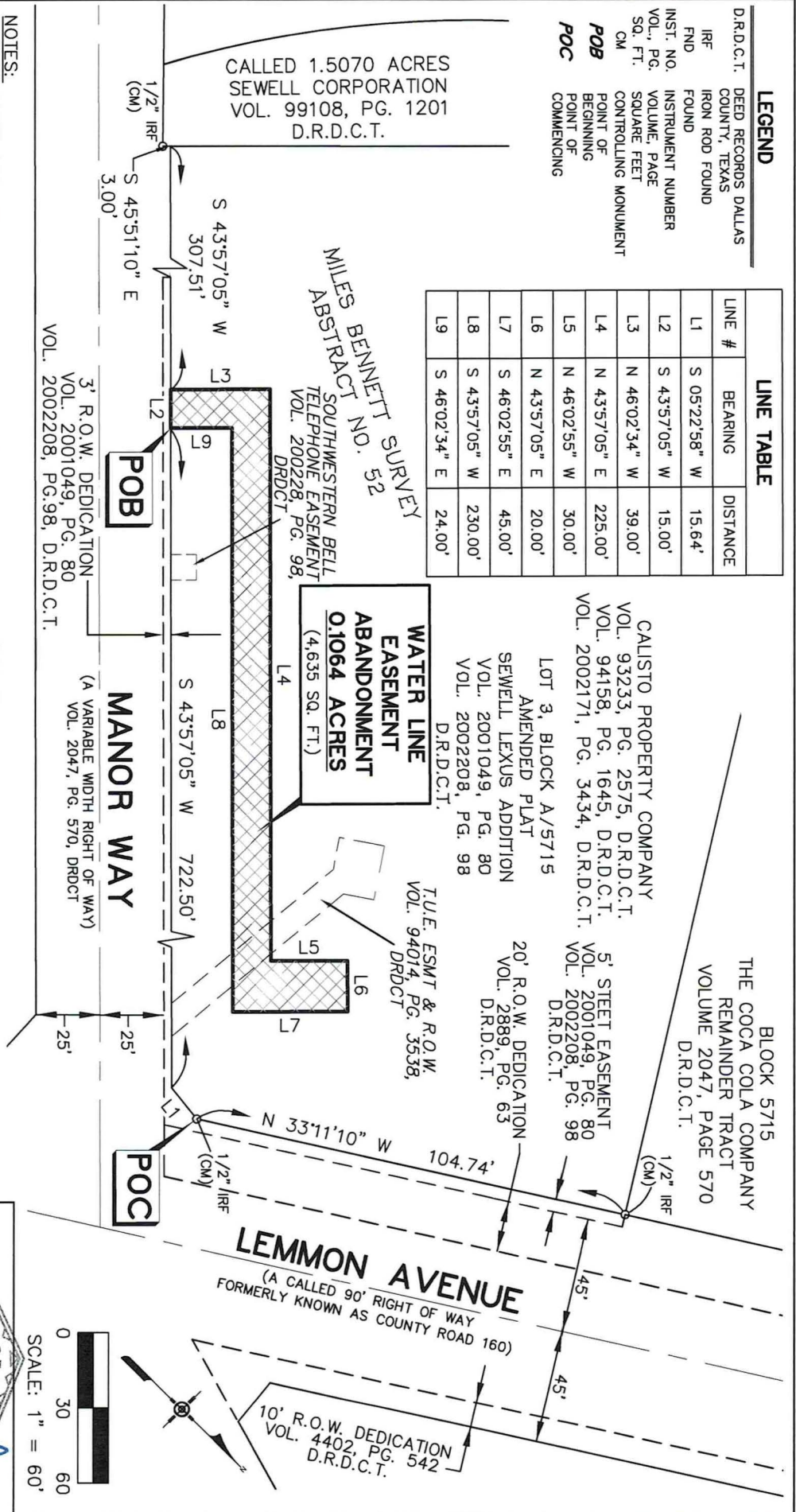
(For SPRG use only)

Reviewed by: A. Rodriguez Date: 10/22/18 SPRG NO: 4662

**LEGEND**

D.R.D.C.T. DEED RECORDS DALLAS COUNTY, TEXAS  
 IRF IRON ROD FOUND  
 FND FOUND  
 INST. NO. INSTRUMENT NUMBER  
 VOL., PG. VOLUME, PAGE  
 SQ. FT. SQUARE FEET  
 CM CONTROLLING MONUMENT  
**POB** POINT OF BEGINNING  
**POC** POINT OF COMMENCING

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	S 05°22'58" W	15.64'
L2	S 43°57'05" W	15.00'
L3	N 46°02'34" W	39.00'
L4	N 43°57'05" E	225.00'
L5	N 46°02'55" W	30.00'
L6	N 43°57'05" E	20.00'
L7	S 46°02'55" E	45.00'
L8	S 43°57'05" W	230.00'
L9	S 46°02'34" E	24.00'



NOTES:  
 A FIELD NOTE DESCRIPTION WAS PREPARED ON EVEN DATE TO ACCOMPANY THIS SKETCH.

BEARINGS CALLED FOR HEREIN ARE REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983, (2011).



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**WATER LINE EASEMENT ABANDONMENT**

AMENDED PLAT OF  
 SEWELL LEXUS ADDITION

LOT 3, BLOCK A/5715  
 MILES BENNETT SURVEY, ABSTRACT NO. 52  
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

(FOR SPRG USE ONLY)

REVIEWED BY: A. Rodriguez

DATE: 10/22/18

SPRG NO. 4662



DAVID J. De WEIRTD  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 5066



**WATER EASEMENT  
AMENDED PLAT OF SEWELL LEXUS ADDITION  
LOT 3, BLOCK A/5715  
MILES BENNETT SURVEY, ABSTRACT NO. 52  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

BEING A 1,568 SQUARE FOOT (0.0360 ACRES) TRACT OF LAND SITUATED IN THE MILES BENNETT SURVEY, ABSTRACT NUMBER 52, CITY OF DALLAS, DALLAS COUNTY, TEXAS AND BEING A PORTION OF LOT 3, BLOCK A/5715 OF SEWELL LEXUS ADDITION, AN ADDITION TO THE CITY OF DALLAS ACCORDING TO THE FINAL PLAT THEREOF FILED FOR RECORD IN VOLUME 2001049, PAGE 80, DEED RECORDS OF DALLAS COUNTY, TEXAS (D.R.D.C.T.), AS AMENDED IN VOLUME 2002208, PAGE 98, D.R.D.C.T., AND DESCRIBED TO CALISTO PROPERTY COMPANY IN THE CORRECTION TO SPECIAL WARRANTY DEED RECORDED IN VOLUME 93233, PAGE 2575, D.R.D.C.T., THE SPECIAL WARRANTY DEED RECORDED IN VOLUME 94158, PAGE 1645, D.R.D.C.T., AND THE SPECIAL WARRANTY DEED RECORDED IN VOLUME 2002171, PAGE 3434, D.R.D.C.T., SAID 1,568 SQUARE FOOT TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2-INCH IRON ROD FOUND ON THE NORTH END OF A CORNER CLIP AT THE INTERSECTION OF THE SOUTHWESTERLY LINE OF A 5-FOOT STREET EASEMENT DEDICATED BY SAID PLAT OF SEWELL LEXUS ADDITION FOR LEMMON AVENUE, (A CALLED 90-FOOT RIGHT-OF-WAY, FORMERLY KNOWN AS COUNTY ROAD 160) WITH THE NORTHWESTERLY LINE OF MANOR WAY (A VARIABLE WIDTH RIGHT-OF-WAY CREATED BY THE WARRANTY DEED RECORDED IN VOLUME 2047, PAGE 570, D.R.D.C.T. AND SAID PLATS RECORDED IN VOLUME 2001049, PAGE 80, AND VOLUME 2002208, PAGE 98, D.R.D.C.T.) AND FROM WHICH A 1/2-INCH IRON ROD FOUND FOR THE INTERSECTION OF SAID 5-FOOT STREET EASEMENT WITH THE NORTHWESTERLY LINE OF SAID LOT 3, BEARS NORTH 33°11'10" WEST, A DISTANCE OF 104.74 FEET;

THENCE SOUTH 05°22'58" WEST ALONG SAID CORNER CLIP, A DISTANCE OF 15.64 FEET TO A POINT FOR CORNER IN THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SAID MANOR WAY, (53 FEET WIDE AT THIS POINT);

THENCE SOUTH 43°57'05" WEST ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE OF MANOR WAY AND THE SOUTHEAST LINE OF SAID LOT 3, BLOCK A/5715, A DISTANCE OF 32.08 FEET TO A 5/8-INCH IRON ROD WITH BLUE PLASTIC CAP STAMPED "STANTEC EASEMENT" SET FOR CORNER;

THENCE OVER AND ACROSS SAID LOT 3, BLOCK A/5715, THE FOLLOWING:

NORTH 05°23'02" EAST, A DISTANCE OF 33.73 FEET TO A 5/8-INCH IRON ROD WITH BLUE PLASTIC CAP STAMPED "STANTEC EASEMENT" SET FOR CORNER;

(For SPRG use only)

Reviewed by: A. Rodriguez Date: 10/22/18 SPRG NO: 4663

# EXHIBIT B

TRACT 1

## WATER EASEMENT AMENDED PLAT OF SEWELL LEXUS ADDITION LOT 3, BLOCK A/5715 MILES BENNETT SURVEY, ABSTRACT NO. 52 CITY OF DALLAS, DALLAS COUNTY, TEXAS

NORTH 33°11'10" EAST, A DISTANCE OF 40.24 FEET TO A 5/8-INCH IRON ROD WITH BLUE PLASTIC CAP STAMPED "STANTEC EASEMENT" SET FOR CORNER;

NORTH 11°48'50" EAST, A DISTANCE OF 28.28 FEET TO A 5/8-INCH IRON ROD WITH BLUE PLASTIC CAP STAMPED "STANTEC EASEMENT" SET FOR CORNER IN THE SOUTHWESTERLY LINE OF THE AFOREMENTIONED 5-FOOT STREET EASEMENT FOR LEMMON AVENUE;

THENCE SOUTH 33°11'10" EAST ALONG SAID SOUTHWESTERLY LINE OF SAID STREET EASEMENT, A DISTANCE OF 67.24 FEET TO THE **POINT OF BEGINNING**;

CONTAINING A COMPUTED AREA OF 1,568 SQUARE FEET OR 0.0360 ACRES OF LAND.

### NOTES:

BEARINGS CALLED FOR HEREIN ARE REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983, (2011).

A SKETCH WAS PREPARED ON EVEN DATE TO ACCOMPANY THIS DESCRIPTION.



(For SPRG use only)

Reviewed by: A. Rodriguez Date: 10/22/18 SPRG NO: 4663



## LEGEND

D.R.D.C.T. DEED RECORDS DALLAS COUNTY, TEXAS

CIRS 5/8-INCH IRON ROD WITH BLUE PLASTIC CAP STAMPED "STANTEC EASEMENT" SET

IRF IRON ROD FOUND

FND FOUND

INST. NO. INSTRUMENT NUMBER

VOL., PG. VOLUME, PAGE

MON. MONUMENT

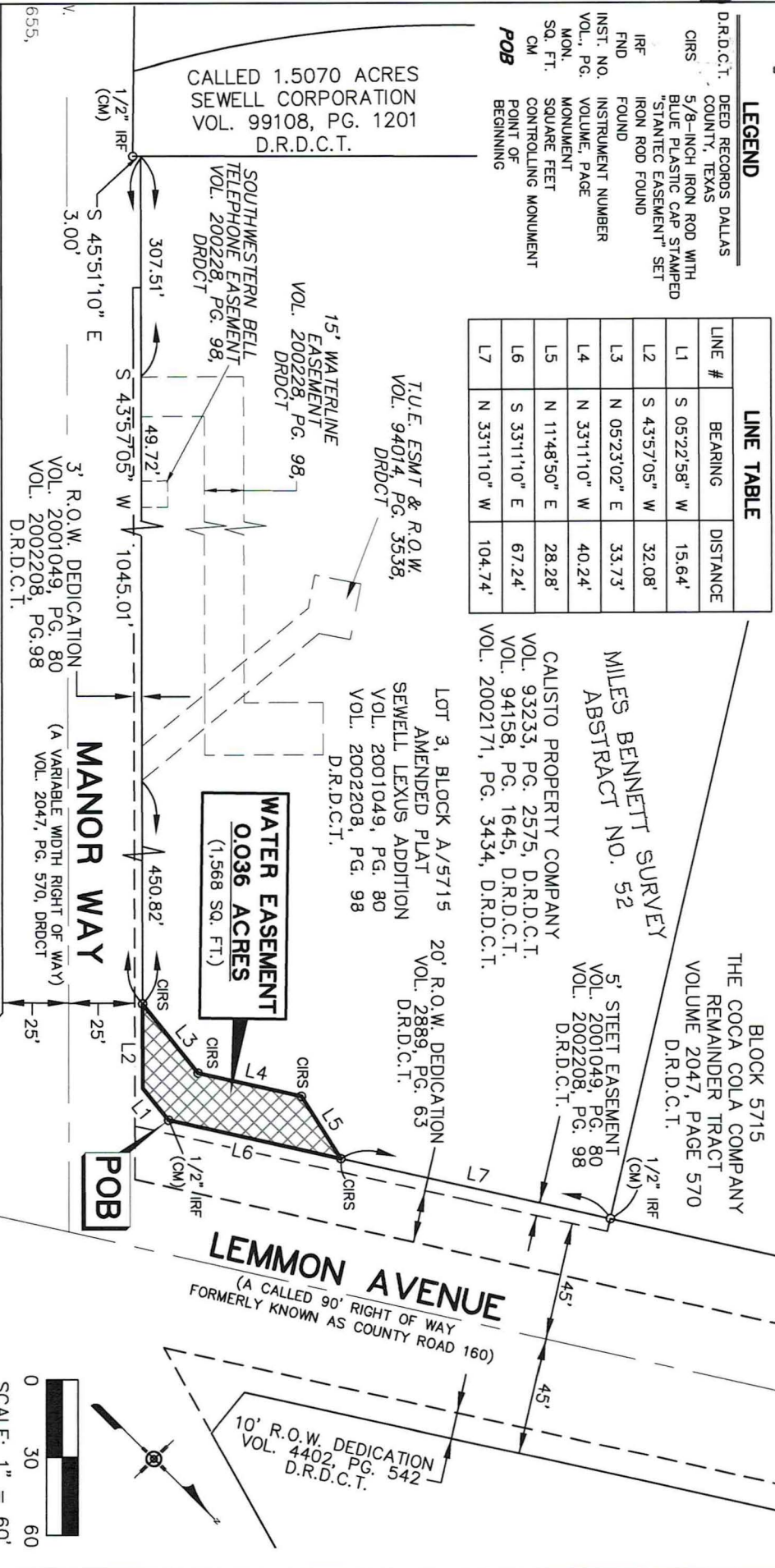
SQ. FT. SQUARE FEET

CM CONTROLLING MONUMENT

POINT OF BEGINNING

**POB**

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	S 05°22'58" W	15.64'
L2	S 43°57'05" W	32.08'
L3	N 05°23'02" E	33.73'
L4	N 33°11'10" W	40.24'
L5	N 11°48'50" E	28.28'
L6	S 33°11'10" E	67.24'
L7	N 33°11'10" W	104.74'



**NOTES:**  
A FIELD NOTE DESCRIPTION WAS PREPARED ON EVEN DATE TO ACCOMPANY THIS SKETCH.

BEARINGS CALLED FOR HEREIN ARE REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983, (2011).



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## WATER EASEMENT

AMENDED PLAT OF  
SEWELL LEXUS ADDITION  
LOT 3, BLOCK A/5715

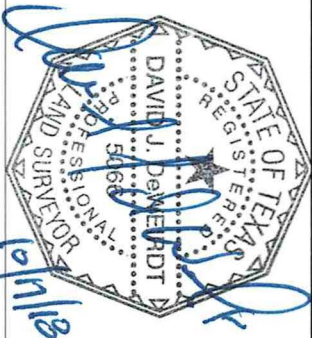
MILES BENNETT SURVEY, ABSTRACT NO. 52  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(FOR SPRG USE ONLY)

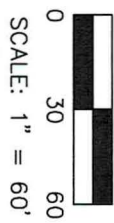
REVIEWED BY: *A. Rodriguez*

DATE: *10/22/18*

SPRG NO. *4663*



DAVID J. De WEIRTD  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 5066



SCALE: 1" = 60'

DATE: 10/17/18

SCALE: 1"=60'

DRAWN BY: IA

PROJECT NO. 222011343

**WATER EASEMENT  
AMENDED PLAT OF SEWELL LEXUS ADDITION  
LOT 3, BLOCK A/5715  
MILES BENNETT SURVEY, ABSTRACT NO. 52  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

BEING A 270 SQUARE FOOT (0.0062 ACRES) TRACT OF LAND SITUATED IN THE MILES BENNETT SURVEY, ABSTRACT NUMBER 52, CITY OF DALLAS, DALLAS COUNTY, TEXAS AND BEING A PORTION OF LOT 3, BLOCK A/5715 OF SEWELL LEXUS ADDITION, AN ADDITION TO THE CITY OF DALLAS ACCORDING TO THE FINAL PLAT THEREOF FILED FOR RECORD IN VOLUME 2001049, PAGE 80, DEED RECORDS OF DALLAS COUNTY, TEXAS (D.R.D.C.T.), AS AMENDED IN VOLUME 2002208, PAGE 98, D.R.D.C.T., AND DESCRIBED TO CALISTO PROPERTY COMPANY IN THE CORRECTION TO SPECIAL WARRANTY DEED RECORDED IN VOLUME 93233, PAGE 2575, D.R.D.C.T., THE SPECIAL WARRANTY DEED RECORDED IN VOLUME 94158, PAGE 1645, D.R.D.C.T., AND THE SPECIAL WARRANTY DEED RECORDED IN VOLUME 2002171, PAGE 3434, D.R.D.C.T., SAID 270 SQUARE FOOT TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 1/2-INCH IRON ROD FOUND ON THE NORTH END OF A CORNER CLIP AT THE INTERSECTION OF THE SOUTHWESTERLY LINE OF A 5-FOOT STREET EASEMENT DEDICATED BY SAID PLAT OF SEWELL LEXUS ADDITION FOR LEMMON AVENUE, (A CALLED 90-FOOT RIGHT-OF-WAY, FORMERLY KNOWN AS COUNTY ROAD 160) WITH THE NORTHWESTERLY LINE OF MANOR WAY (A VARIABLE WIDTH RIGHT-OF-WAY CREATED BY THE WARRANTY DEED RECORDED IN VOLUME 2047, PAGE 570, D.R.D.C.T. AND SAID PLATS RECORDED IN VOLUME 2001049, PAGE 80, AND VOLUME 2002208, PAGE 98, D.R.D.C.T.) AND FROM WHICH A 1/2-INCH IRON ROD FOUND FOR THE INTERSECTION OF SAID 5-FOOT STREET EASEMENT WITH THE NORTHWESTERLY LINE OF SAID LOT 3, BEARS NORTH 33°11'10" WEST, A DISTANCE OF 104.74 FEET;

THENCE SOUTH 05°22'58" WEST ALONG SAID CORNER CLIP, A DISTANCE OF 15.64 FEET TO A POINT FOR CORNER IN THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SAID MANOR WAY, (53 FEET WIDE AT THIS POINT);

THENCE SOUTH 43°57'05" WEST ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE OF MANOR WAY AND THE SOUTHEAST LINE OF SAID LOT 3, BLOCK A/5715, A DISTANCE OF 445.20 FEET TO A 5/8-INCH IRON ROD WITH BLUE PLASTIC CAP STAMPED "STANTEC EASEMENT" SET FOR THE **POINT OF BEGINNING**;

THENCE SOUTH 43°57'05" WEST, CONTINUING ALONG THE NORTHWESTERLY RIGHT-OF-WAY OF SAID MANOR WAY, A DISTANCE OF 18.00 FEET TO A 5/8-INCH IRON ROD WITH BLUE PLASTIC CAP STAMPED "STANTEC EASEMENT" SET FOR CORNER;

THENCE OVER AND ACROSS SAID LOT 3, BLOCK A/5715, THE FOLLOWING:

(For SPRG use only)

Reviewed by: A. Rodriguez Date: 10/22/18 SPRG NO: 4664



# EXHIBIT B - Tract 2

## WATER EASEMENT AMENDED PLAT OF SEWELL LEXUS ADDITION LOT 3, BLOCK A/5715 MILES BENNETT SURVEY, ABSTRACT NO. 52 CITY OF DALLAS, DALLAS COUNTY, TEXAS

NORTH 46°02'55" WEST, A DISTANCE OF 15.00 FEET TO A 5/8-INCH IRON ROD WITH BLUE PLASTIC CAP STAMPED "STANTEC EASEMENT" SET FOR CORNER;

NORTH 43°57'05" EAST, A DISTANCE OF 18.00 FEET TO A 5/8-INCH IRON ROD WITH BLUE PLASTIC CAP STAMPED "STANTEC EASEMENT" SET FOR CORNER;

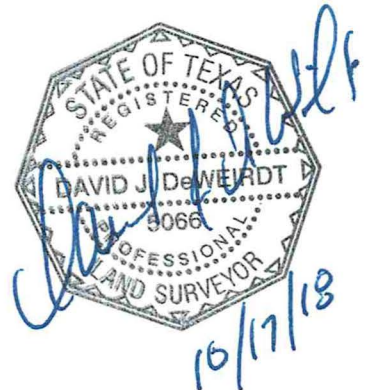
SOUTH 46°02'55" EAST, A DISTANCE OF 15.00 FEET TO THE **POINT OF BEGINNING**;

CONTAINING A COMPUTED AREA OF 270 SQUARE FEET OR 0.0062 ACRES OF LAND.

### NOTES:

BEARINGS CALLED FOR HEREIN ARE REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983, (2011).

A SKETCH WAS PREPARED ON EVEN DATE TO ACCOMPANY THIS DESCRIPTION.



(For SPRG use only)

Reviewed by: A. Rodriguez Date: 10/22/18 SPRG NO: 4664

LEGEND

LINE #	BEARING	DISTANCE
L1	S 05°22'58" W	15.64'
L2	S 43°57'05" W	18.00'
L3	N 46°02'55" W	15.00'
L4	N 43°57'05" E	18.00'
L5	S 46°02'55" E	15.00'

D.R.D.C.T. DEED RECORDS DALLAS COUNTY, TEXAS  
CIRS 5/8-INCH IRON ROD WITH BLUE PLASTIC CAP STAMPED "STANTEC EASEMENT" SET IRON ROD FOUND  
FND FOUND  
INST. NO. INSTRUMENT NUMBER  
VOL., PG. VOLUME, PAGE  
MON. MONUMENT  
SQ. FT. SQUARE FEET  
CM CONTROLLING MONUMENT  
POB POINT OF BEGINNING  
POC POINT OF COMMENCING

MILES BENNETT SURVEY  
ABSTRACT NO. 52

BLOCK 5715  
THE COCA COLA COMPANY  
REMAINDER TRACT  
VOLUME 2047, PAGE 570  
D.R.D.C.T.

CAUSTO PROPERTY COMPANY  
VOL. 93233, PG. 2575, D.R.D.C.T.  
VOL. 94158, PG. 1645, D.R.D.C.T.  
VOL. 2002171, PG. 3434, D.R.D.C.T.

LOT 3, BLOCK A/5715  
AMENDED PLAT  
SEWELL LEXUS ADDITION  
VOL. 2001049, PG. 80  
VOL. 2002208, PG. 98  
D.R.D.C.T.

WATER EASEMENT  
0.0062 ACRES  
(270 SQ. FT.)

5' STEET EASEMENT  
VOL. 2001049, PG. 80  
VOL. 2002208, PG. 98  
D.R.D.C.T.

20' R.O.W. DEDICATION  
VOL. 2889, PG. 63  
D.R.D.C.T.

10' R.O.W. DEDICATION  
VOL. 4402, PG. 542  
D.R.D.C.T.

CALLED 1.5070 ACRES  
SEWELL CORPORATION  
VOL. 99108, PG. 1201  
D.R.D.C.T.

15' WATERLINE  
EASEMENT  
VOL. 200228, PG. 98,  
DRDCT

SOUTHWESTERN BELL  
TELEPHONE EASEMENT  
VOL. 200228, PG. 98,  
DRDCT

3' R.O.W. DEDICATION  
VOL. 2001049, PG. 80  
VOL. 2002208, PG. 98  
D.R.D.C.T.

MANOR WAY  
POB

POB

POC

LEMMON AVENUE  
(A CALLED 90' RIGHT OF WAY  
FORMERLY KNOWN AS COUNTY ROAD 160)



NOTES:  
A FIELD NOTE DESCRIPTION WAS PREPARED ON EVEN DATE TO ACCOMPANY THIS SKETCH.

BEARINGS CALLED FOR HEREIN ARE REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983, (2011).



12222 Meit Drive, Suite 400  
Dallas, Texas 75251  
Tel. (972) 991-0011  
TBPE # F-6324 TBPLS # 10194229  
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WATER EASEMENT  
AMENDED PLAT OF  
SEWELL LEXUS ADDITION  
LOT 3, BLOCK A/5715  
MILES BENNETT SURVEY, ABSTRACT NO. 52  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(FOR SPRG USE ONLY)  
REVIEWED BY: A. Rodriguez  
DATE: 10/22/18  
SPRG NO. 4664



DAVID J. DE WEIRDT  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 5066





## Agenda Information Sheet

**File #:** 18-1423

**Item #:** 19.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability  
**AGENDA DATE:** February 13, 2019  
**COUNCIL DISTRICT(S):** 1  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**EXECUTIVE:** Majed Al-Ghafry

---

### **SUBJECT**

An ordinance abandoning a water easement to GFCA Opportunity I LP, the abutting owner, containing approximately 2,528 square feet of land, located near the intersection of Davis Street and Stevens Village Drive; and providing for the dedication of approximately 5,384 square feet of land needed for a water and wastewater easement - Revenue: \$5,400.00, plus the \$20.00 ordinance publication fee

### **BACKGROUND**

This item authorizes the abandonment of a water easement to GFCA Opportunity I LP, the abutting owner. The area will be included with the property of the abutting owner for a mixed-use development. The owner will dedicate approximately 5,384 square feet of land needed for a water and 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 February 11, 2019.

### **FISCAL INFORMATION**

Revenue: \$5,400.00, plus the \$20.00 ordinance publication fee

### **OWNER**

**GFCA Opportunity I, LP**

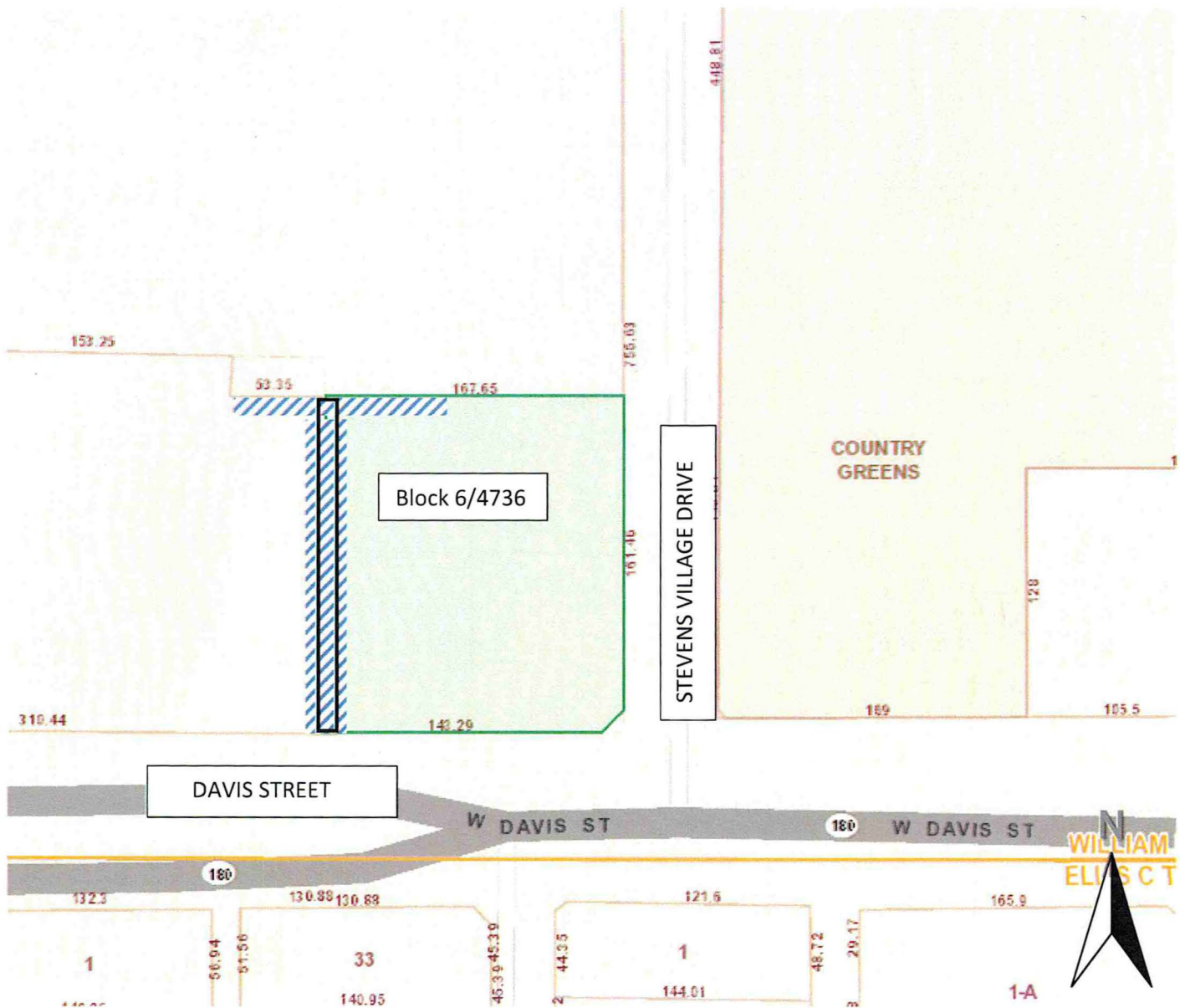
GFCA Opportunity I GP, LLC

RR KW, LLC

Matt Holley, Manager

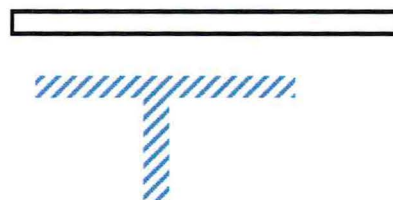
**MAP**

Attached



Water Easement Abandonment

Dedication



**ORDINANCE NO. \_\_\_\_\_**

An ordinance providing for the abandonment and relinquishment of a water easement, located in City Block 6/4736 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to GFCA Opportunity I, LP; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein 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 GFCA Opportunity I, LP, a Texas limited partnership; hereinafter referred to as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tracts 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.

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

**Now, Therefore,**

**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 water easement shall not become effective until and unless: (i) the existing installations and facilities are relocated, at **GRANTEE's** expense, to the new easement, to be provided by **GRANTEE** and acceptable to the Director of Department of



Sustainable Development and Construction, as is hereinafter provided; and (ii) plans for the construction and relocation of installations within the new easement are approved by the Director of Department of Sustainable Development and Construction; and (iii) said construction and relocation of installations are completed, approved and accepted in writing by the Director of Department of Sustainable Development and Construction. **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 5,384 square feet for a water and wastewater easement in City Block 1/4736 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-2019-00008777.

**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

KRIS SWECKARD, Director  
Department of Sustainable Development and  
Construction

BY:  BY:   
Assistant City Attorney Assistant Director  


Passed \_\_\_\_\_.



15' WATER EASEMENT ABANDONMENT  
BLOCK 6/4736  
APARTMENT SITE  
WILLIAM MYERS SURVEY, ABSTRACT NO. 880  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

**Exhibit A** PAGE 1 OF 2

Being a 2,528 square foot (0.058 acre) tract of land, situated in the William Myers Survey, Abstract No. 880 in the City of Dallas, Dallas County, Texas, being a portion of the remainder of Block 6/4736, Apartment Site, an addition to the City of Dallas, according to the plat thereof recorded in Volume 525, Page 2160, Deed Records, Dallas County, Texas, same being part of a tract of land as described in a special warranty deed to GFCA Opportunity I, LP as recorded in Instrument No. 201700357405, Official Public Records, Dallas County, Texas, Texas, and being a part of a 15 foot water Easement created by Volume 85235, Page 1362 of the said deed records, and being more particularly described as follows:

COMMENCING at an "X" found in concrete at the northwest intersection of West Davis Street (A variable width right-of-way) and Stevens Village Drive (A variable width right-of-way) at the southeast corner of the said GFCA Opportunity I, LP tract;

THENCE South 88 degrees 29 minutes 51 seconds West along the common north line of the said West Davis Street right-of-way and the south line of the said GFCA Opportunity I, LP tract, a distance of 126.19 feet to the POINT OF BEGINNING for the herein described tract;

THENCE South 88 degrees 29 minutes 51 seconds West continuing along the common north line of the said West Davis Street right-of-way and the south line of the said GFCA Opportunity I, LP tract, a distance of 15.00 feet to a point;

THENCE North 00 degrees 49 minutes 46 seconds West departing said north right-of-way line and through the interior of the said GFCA Opportunity I, LP tract a distance of 168.64 feet to a point in the south line of Lot 34, Block 6/4736, Stevens Village Addition, an addition to the City of Dallas, according to the plat recorded in Instrument No. 201800011446 of the said official public records;

THENCE North 89 degrees 11 minutes 24 seconds East along the south line of the said Lot 34 and the north line of the said GFCA Opportunity I, LP tract, a distance of 15.00 feet to a point from which a mag nail set with a 2 inch washer stamped "KESSLER WEST RPLS 3047" bears North 89 degrees 11 minutes 24 seconds East, a distance of 130.10 feet;

THENCE South 00 degrees 49 minutes 46 seconds East departing said said south line and through the interior of the said GFCA Opportunity I, LP tract, a distance of 168.64 feet to the POINT OF BEGINNING and containing 2,528 square feet of 0.058 acres of computed land.

  
William P. Price  
Registered Professional Land Surveyor No. 3047

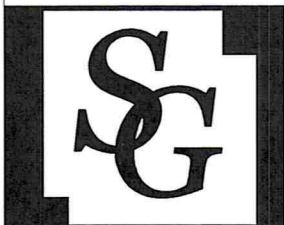


11/15/18

(For SPRG use only)

Reviewed by: JD  
Date: 11/19/2018  
SPRG NO: 4621

**BASIS OF BEARING - THE BASIS OF BEARING OF THIS SURVEY IS TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983(2011).**

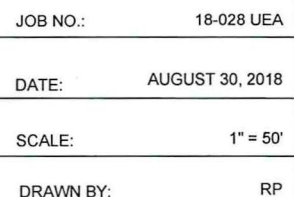
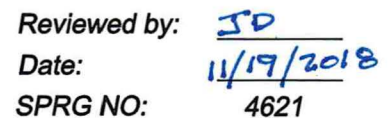


**SURVEY GROUP**  
SURVEYING \* CONSULTING \* MANAGEMENT  
TBPS No. 101733-00

1475 HERITAGE PARKWAY, SUITE 217  
MANSFIELD, TEXAS 76137

(817) 354-1445  
surveygroup@att.net

JOB NO.:	18-028 UEA
DATE:	AUGUST 30, 2018
SCALE:	1" = 50'
DRAWN BY:	RP





## Agenda Information Sheet

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**File #:** 19-20

**Item #:** 20.

---

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability  
**AGENDA DATE:** February 13, 2019  
**COUNCIL DISTRICT(S):** 6  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

An ordinance abandoning a water easement to City of Dallas, the abutting owner, containing approximately 943 square feet of land, located near the intersection of Walnut Hill Lane and Mixon Drive - Revenue: \$5,400.00, plus the \$20.00 ordinance publication fee

### **BACKGROUND**

This item authorizes the abandonment of a water easement to City of Dallas, the abutting owner. The area will be included with the property of the abutting owner for the replacement of the Walnut Hill Pump Station. 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 February 11, 2019.

### **FISCAL INFORMATION**

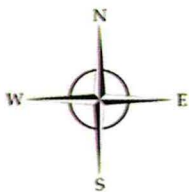
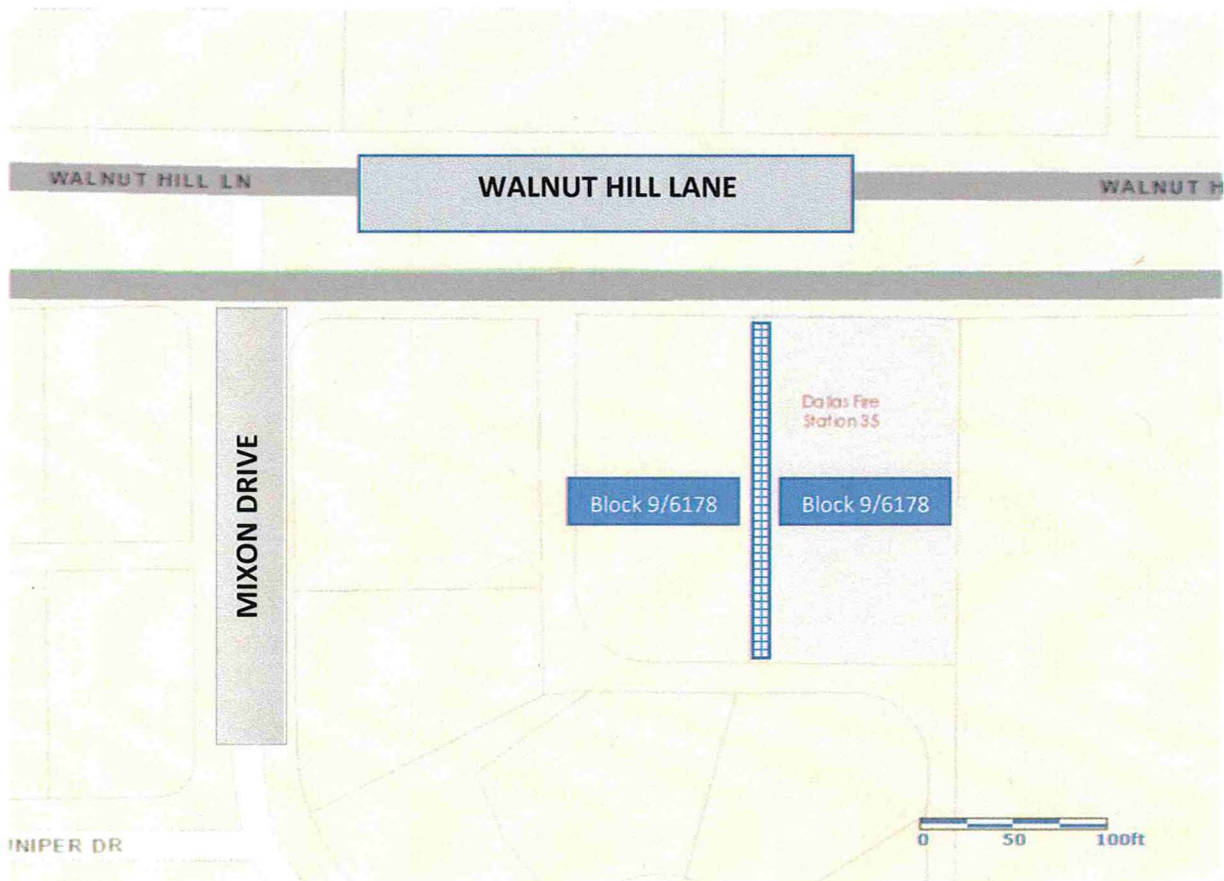
Revenue: \$5,400.00, plus the \$20.00 ordinance publication fee

Water Construction Fund - \$5,420.00 (expense)

### **MAP**

Attached





**WATER EASEMENT**



**ORDINANCE NO. \_\_\_\_\_**

An ordinance providing for the abandonment and relinquishment of a water easement, located in City Block 9/6178 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to City of Dallas; 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 City of Dallas, a Texas municipal corporation; hereinafter referred to as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said easement is no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

**WHEREAS**, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the City will be served by abandoning, relinquishing and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms and conditions hereinafter more fully set forth.

**Now, Therefore,**

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

**SECTION 1.** That the City of Dallas hereby abandons and relinquishes all of its right, title and interest in and to the tract of land described in Exhibit A, attached hereto and made a part hereof; subject, however, to the conditions hereinafter more fully set out.

**SECTION 2.** That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 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 transfer the monetary consideration set forth in Section 2, plus publication fee in the amount of **TWENTY AND NO/100 DOLLARS (\$20.00)**, from Water Construction Fund, Fund 0102, Department DWU, Unit CW40, Object 4250, to 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, to the extent allowed by law, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to



persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the area described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which **GRANTEE**, its successors and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. **GRANTEE**, its successors and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 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-2019-00008898.

**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

KRIS SWECKARD, Director  
Department of Sustainable Development and  
Construction

BY:

  
Assistant City Attorney

BY:

  
Assistant Director

Passed \_\_\_\_\_.

# Exhibit A

**943 SQUARE FEET (0.0216 ACRES)  
LOT 18, BLOCK 9/6178  
WALNUT HILL WATER PUMP STATION  
5' WATER EASEMENT ABANDONMENT  
CITY OF DALLAS, TEXAS (OWNER)**

## DESCRIPTION

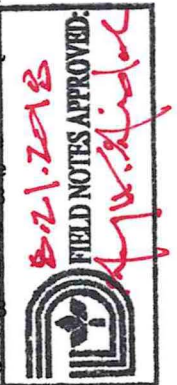
Being a 943 square foot (0.0216 acre) tract of land situated in the Francis A. Winn Survey, Abstract No. 1578, in the City of Dallas, Dallas County, Texas and being a portion of Lot 18, Block 9/6178 of Walnut Hill Water Pump Station, an addition to the City of Dallas, Texas according to the plat thereof recorded in Instrument No. 201100280705 of the Official Public Records of Dallas County, Texas, said Lot 18, Block 9/6178 being a portion of a called One Acre Tract of land conveyed to the City of Dallas according to the Deed filed April 8, 1949 and recorded in Volume 3115, Page 160 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described by metes and bounds as follows:

COMMENCING at a 1" iron pipe (controlling monument) found for the southeast corner of said Lot 18, Block 9/6178 and said called One Acre Tract, being a northeast corner of a 15' alley right-of-way dedicated by the plat of Marsh Lane Addition, Section 2, an addition to the City of Dallas, Texas according to the plat thereof recorded in Volume 14, Page 357 of the Map Records of Dallas County, Texas, and being in the westerly line of a called 3 Acre Tract of land conveyed to Bishop, C. Avery Mason, of the Diocese of St. Francis' Episcopal Church, and his successor in office as Trustee for St. Francis' Episcopal Church according to the Warranty Deed recorded in Volume 4343, Page 493, D.R.D.C.T.;

THENCE S 89°23'41" W (Plat ~ S 89°40'40" W), departing the westerly line of said called 3 Acre Tract and with the northerly line of said 15' alley right-of-way, the southerly line of said Lot 18, Block 9/6178 and the southerly line of said called One Acre Tract, 107.88 feet to a calculated point at the southeast corner of a 5' Water Easement as reflected on the aforementioned plat of Walnut Hill Water Pump Station, said southeast corner being the POINT OF BEGINNING of the herein described tract;

THENCE S 89°23'41" W (Plat ~ S 89°40'40" W), continuing with the northerly line of said 15' alley right-of-way, the southerly line of said Lot 18, Block 9/6178 and the southerly line of said called One Acre Tract, 5.00 feet to a calculated point at the common southwest corner of said Lot 18, Block 9/6178, the southeast corner of Lot 17, Block 9/6178 of said plat of Walnut Hill Water Pump Station and the southwest corner of said 5' Water Easement, from whence a found 1/2" iron rod with plastic cap stamped "LIM & ASSOC RPLS 5322" bears N 37°19'47" W, 0.19 feet, also from said common corner a cut "X" (controlling monument) found in concrete for the southwest corner of said called One Acre Tract and for an original interior corner of said 15' alley right-of-way dedication bears S 89°23'41" W (Plat ~ S 89°40'40" W), 95.76 feet;

THENCE N 00°41'29" W (Plat ~ S 00°16'00" E), departing the northerly line of said 15' alley right-of-way and the southerly line of said called One Acre Tract and with the common westerly line of said Lot 18, Block 9/6178 and easterly line of said Lot 17, Block 9/6178 and through said called One Acre Tract with the westerly line of said 5' Water Easement, 188.50 feet (Plat ~ 188.46 feet) to a calculated point at the common northwest corner of said Lot 18, Block 9/6178, northeast corner of said Lot 17, Block 9/6178 and the northwest corner of said 5' Water Easement, said common corner being in the southerly right-of-way line of Walnut Hill Lane (a variable width right-of-way, 95' wide at this point) as dedicated by said plat of Walnut Hill Water Pump Station, from whence a cut "X" found in concrete bears N 00°41'29" W, 0.26 feet;



**NATHAN D. MAIER CONSULTING ENGINEERS, INC.**

TBPE FIRM REG. NO. F-356  
TBPLS FIRM REG. NO. 100189-00  
12377 Merit Drive, Suite 700  
Dallas, Texas 75251 / Ph. (214) 739-4741

PAGE 1 OF 3

REVISED: AUGUST 10, 2018  
MARCH 6, 2018  
JOB NO. 14-09-057  
14057-AB01\_R.dwg

NDM



# Exhibit A

**943 SQUARE FEET (0.0216 ACRES)  
LOT 18, BLOCK 9/6178  
WALNUT HILL WATER PUMP STATION  
5' WATER EASEMENT ABANDONMENT  
CITY OF DALLAS, TEXAS (OWNER)**

THENCE N 89°14'48" E (Plat ~ N 89°42'40" E), continuing through said called One Acre Tract with the northerly line of said Lot 18, Block 9/6178 and said 5' Water Easement and with said southerly right-of-way line of Walnut Hill Lane, 5.00 feet to a calculated point at the northeast corner of said 5' Water Easement;

THENCE S 00°41'29" E, departing the northerly line of said Lot 18, Block 9/6178 and said southerly line of Walnut Hill Lane and continuing through said called One Acre Tract and through said Lot 18, Block 9/6178 with the easterly line of said 5' Water Easement, 188.51 feet to the POINT OF BEGINNING and containing 943 square feet or 0.0216 acres of land, more or less.

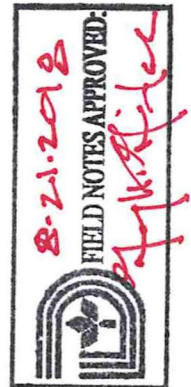
## NOTES:

The Basis of Bearings for this survey is the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983. Adjustment Realization 2011.

A survey plat of even date accompanies this field note description.

*Lonny Gillespie* 8/17/18

Lonny Gillespie, Texas R.P.L.S. NO. 5261  
Registered Professional Land Surveyor  
lgillespie@ndmce.com  
NATHAN D. MAIER CONSULTING ENGINEERS, INC.  
12377 MERIT DRIVE, SUITE 700  
DALLAS, TEXAS 75251  
214-739-4741  
214-739-5961 (FAX)  
TBPLS Firm Reg. No.: 100189-00  
TBPE Firm Reg. No.: F-356



NATHAN D. MAIER CONSULTING ENGINEERS, INC.

TBPE FIRM REG. NO. F-356  
TBPLS FIRM REG. NO. 100189-00  
12377 Merit Drive, Suite 700  
Dallas, Texas 75251 / Ph. (214) 739-4741

PAGE 2 OF 3

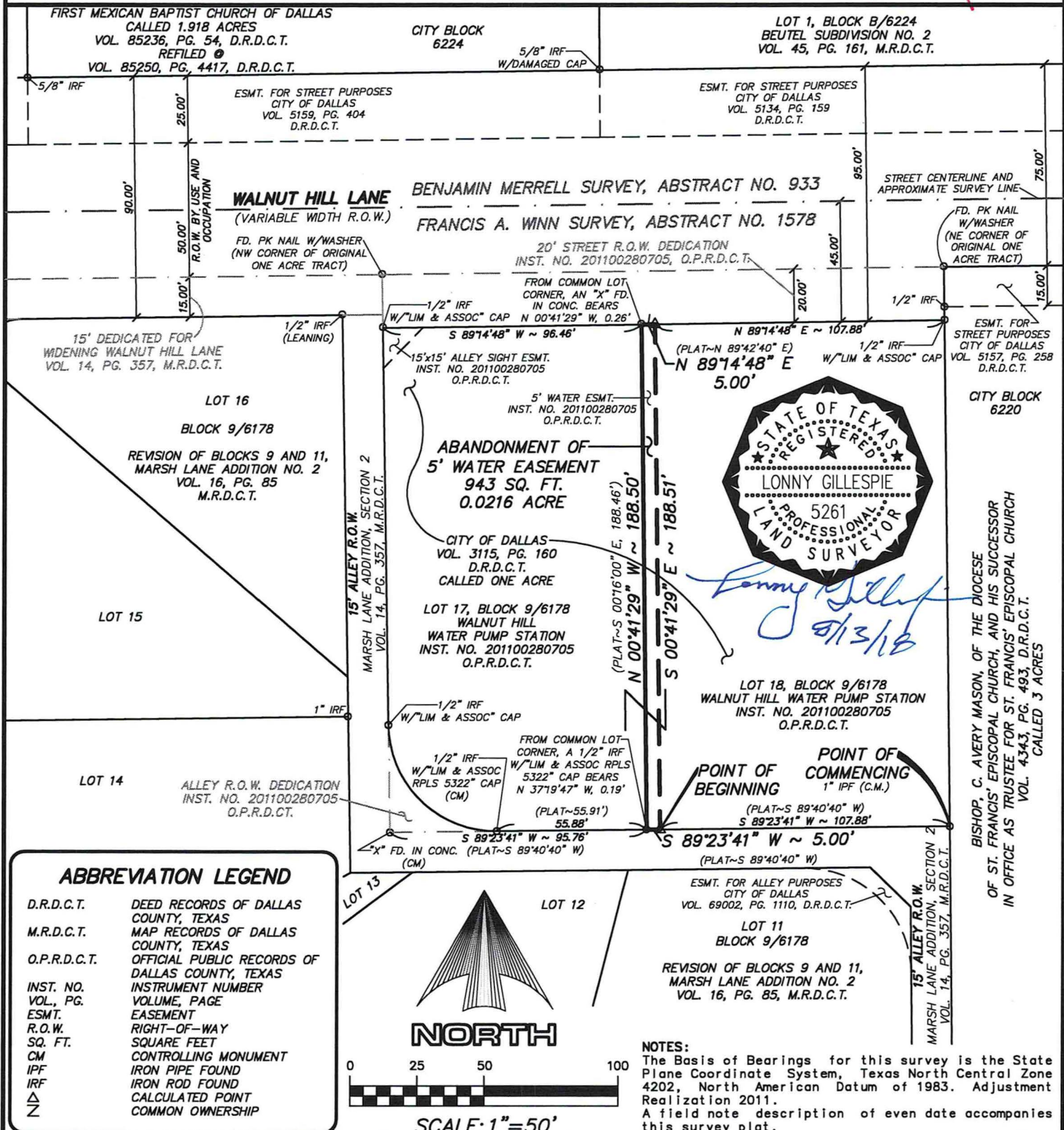
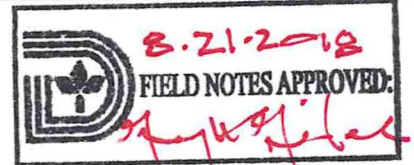
REVISED: AUGUST 10, 2018  
MARCH 6, 2018  
JOB NO. 14-09-057  
14057-AB01\_R.dwg

NDM



# Exhibit A

943 SQUARE FEET (0.0216 ACRES)  
LOT 18, BLOCK 9/6178  
WALNUT HILL WATER PUMP STATION  
5' WATER EASEMENT ABANDONMENT  
CITY OF DALLAS, TEXAS (OWNER)



NATHAN D. MAIER CONSULTING ENGINEERS, INC.  
TBPE FIRM REG. NO. F-356  
TBPLS FIRM REG. NO. 100189-00  
12377 Merit Drive, Suite 700  
Dallas, Texas 75251 / Ph. (214) 739-4741

REVISD: AUGUST 10, 2018  
MARCH 6, 2018  
JOB NO. 14-09-057  
14057-AB01\_R.dwg



## Agenda Information Sheet

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**File #:** 19-124

**Item #:** 21.

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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** February 13, 2019

**COUNCIL DISTRICT(S):** 14

**DEPARTMENT:** Department of Transportation

**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

Authorize **(1)** the receipt and deposit of funds in an amount not to exceed \$21,681.21 from AT&T, Inc. for material, equipment and labor provided by the City related to the construction of an upgrade traffic signal at Ervay and Wood Streets; and **(2)** an increase in appropriations in an amount not to exceed \$21,681.21 in the Capital Projects Reimbursement Fund - Not to exceed \$21,681.21 - Financing: Capital Projects Reimbursement Funds

### **BACKGROUND**

AT&T, Inc. is extending the Wood Street two-way operation from Ervay Street to St. Paul Street. The construction of an upgrade traffic signal at the intersection of Ervay Street and Wood Street is included in the project costs. The upgrade traffic signal will be constructed by the developer as part of the construction project.

To remain consistent with existing traffic signal equipment in the City system, City forces will provide material and equipment for the intersection, as well as the labor to prepare the traffic control cabinet and the timing of the signal. AT&T, Inc. has agreed to pay the full cost for all City material, equipment and labor toward the project.

AT&T, Inc. understands that, upon City Council approval of the required funding, funds in the amount of \$21,681.21 are to be deposited with the City of Dallas before any signal-related materials or labor can be provided by the City.

It is understood that the final construction cost will be determined by the City upon completion of the project, and that AT&T, Inc. will be billed for any amount over the prepayment amount or refunded any unused funds.

This estimate includes all City of Dallas signal equipment, materials and labor associated with modifications of the signalized location.

IntersectionCouncil District

Ervey Street and Wood Street

14

**ESTIMATED SCHEDULE OF PROJECT**

Begin Construction      March 2019

Complete Construction      July 2019

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

On May 9, 2018, City Council authorized a resolution endorsing the receipt and deposit of funds in an amount not to exceed \$175,677.00 from AT&T, Inc. for certain material and labor costs associated with removal of existing traffic signals and replacing them with new signals at 8 intersections surrounding the proposed AT&T Discovery Plaza; and an increase in appropriations in an amount not to exceed \$175,677.00 in the Capital Projects Reimbursement by Resolution No. 18-0682.

The Mobility Solutions, Infrastructure, and Sustainability Committee will be briefed on this item on February 11, 2019.

**FISCAL INFORMATION**

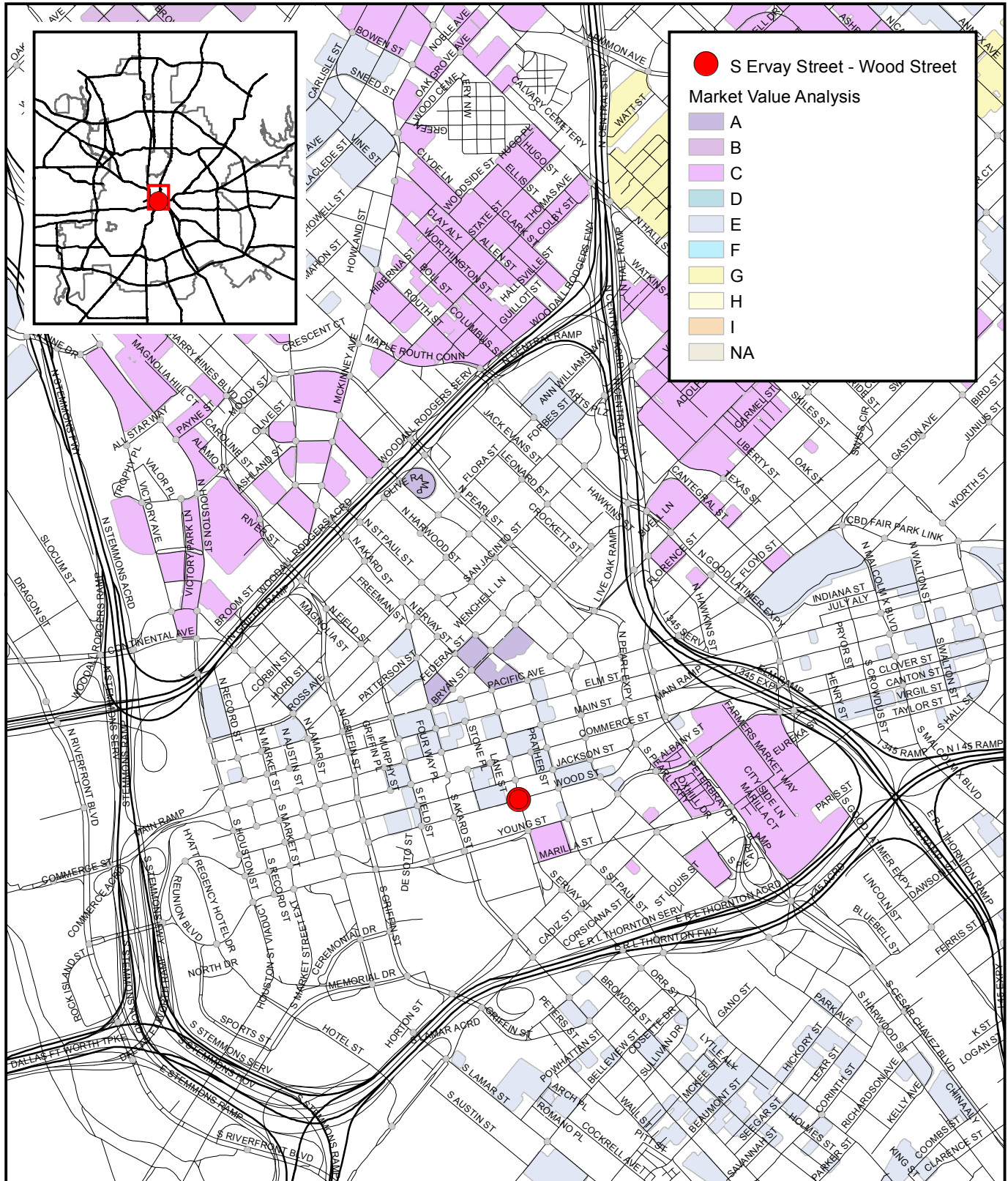
Capital Projects Reimbursement Funds - \$21,681.21

**MAP**

Attached



# Traffic Signal Upgrade S Ervay Street at Wood Street



Council District 14

February 13, 2019

**WHEREAS**, AT&T, Inc. is paying 100 percent of the design and construction costs for completely upgraded traffic signal at Ervay Street at Wood Street.

**WHEREAS**, AT&T, Inc. has agreed to reimburse the City of Dallas for material, equipment and labor costs related to the complete upgrade of the traffic signal being upgraded at the intersection surrounding the proposed AT&T Discovery Plaza, in an amount not to exceed \$21,681.21.

**Now, Therefore,**

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

**SECTION 1.** That the Chief Financial Officer is hereby authorized to receive and deposit funds in an amount not to exceed \$21,681.21 from AT&T, Inc. in the Capital Projects Reimbursement Fund, Fund 0556, Department TRN, Unit W312, Revenue Code 8492.

**SECTION 2.** That the City Manager is hereby authorized to increase appropriations in an amount not to exceed \$21,681.21 in the Capital Projects Reimbursement Fund, Fund 0556, Department TRN, Unit W312, Object 4820, Activity THRG, Program TP17W228.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$21,681.21 received from AT&T, Inc. from Capital Projects Reimbursement Fund, Fund 0556, Department TRN, Unit W312, Object 4820, Activity THRG, Program TP17W228 for services related to the complete upgrade of traffic signal.

**SECTION 4.** That the Chief Financial Officer is hereby authorized to refund AT&T, Inc. any unused funds.

**SECTION 5.** That this contract is designated as Contract No. TRN-2018-00005912.

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



## Agenda Information Sheet

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**File #:** 19-140

**Item #:** 22.

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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** February 13, 2019

**COUNCIL DISTRICT(S):** 2, 14

**DEPARTMENT:** Department of Transportation

**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

Authorize **(1)** the receipt and deposit of funds in an amount not to exceed \$165,217.39 from Dallas Area Rapid Transit for certain material and labor costs associated with upgrades to the existing traffic signals along the Dallas Light Rail through Downtown Dallas; and **(2)** an increase in appropriations in an amount not to exceed \$165,217.39 in the Capital Projects Reimbursement Fund - Not to exceed \$165,217.39 - Financing: Capital Projects Reimbursement Funds

### **BACKGROUND**

The City maintains 13 traffic signals along Pacific Street from Houston Street to Akard Street, and Bryan Street from Thanksgiving Square to Pearl Street that control not only regular vehicular and pedestrian traffic, but also all Dallas Area Rapid Transit (DART) light rail trains (LRTs). These traffic signals display white vertical and horizontal transit bar indications that indicate to the train operators when it is safe to enter each intersection. In 2009, the City of Dallas and DART installed a transit signal priority system that detects trains approaching and departing each signalized intersection and adjusted the signal timing to reduce train stops between stations.

The equipment that was installed nearly ten years ago has reached the end of its service life and is in need of replacement. Concurrently, the City of Dallas is upgrading all traffic signal controllers citywide to the new Advanced Traffic Controllers (ATC). This upgrade is a part of the Advanced Transportation Management System (ATMS) project. Much of the current functionality of the transit signal priority system can be performed by the new ATC controller. However, in order to support a more robust, modern signaling system, DART has agreed to fund some additional vehicle detection equipment along the City streets that cross the DART tracks. This detection system will detect if the signal timing adjustments to accommodate trains has degraded vehicular traffic operations to the point that cars are backing up through upstream intersections, such as Elm Street. If this condition is detected, then the signal priority given the DART trains will be temporarily reduced or eliminated until traffic returns to normal limits. DART has agreed to fund this equipment in an amount not to exceed \$150,000.00. This represents 100 percent of the expected equipment purchase and installation costs.



In addition, DART has agreed to fund the upgrade of all pedestrian WALK/DON'T WALK indications at the same 13 traffic signals to the new pedestrian accessibility standard countdown indication that gives pedestrians more information about how much time is left to cross the street and clear the crosswalk. The estimated cost for materials and installation labor by City forces is \$15,217.39.

This proposed action seeks to authorize the Chief Financial Officer to receive and deposit funds from DART in the amount of \$165,217.39 for material, equipment, and labor costs to support the upgrades to the 13 traffic signals along the light rail line through Downtown Dallas.

### **ESTIMATED SCHEDULE OF PROJECT**

Begin Construction	March 2019
Complete Construction	December 2019

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on February 11, 2019.

### **FISCAL INFORMATION**

Capital Projects Reimbursement Funds - \$165,217.39

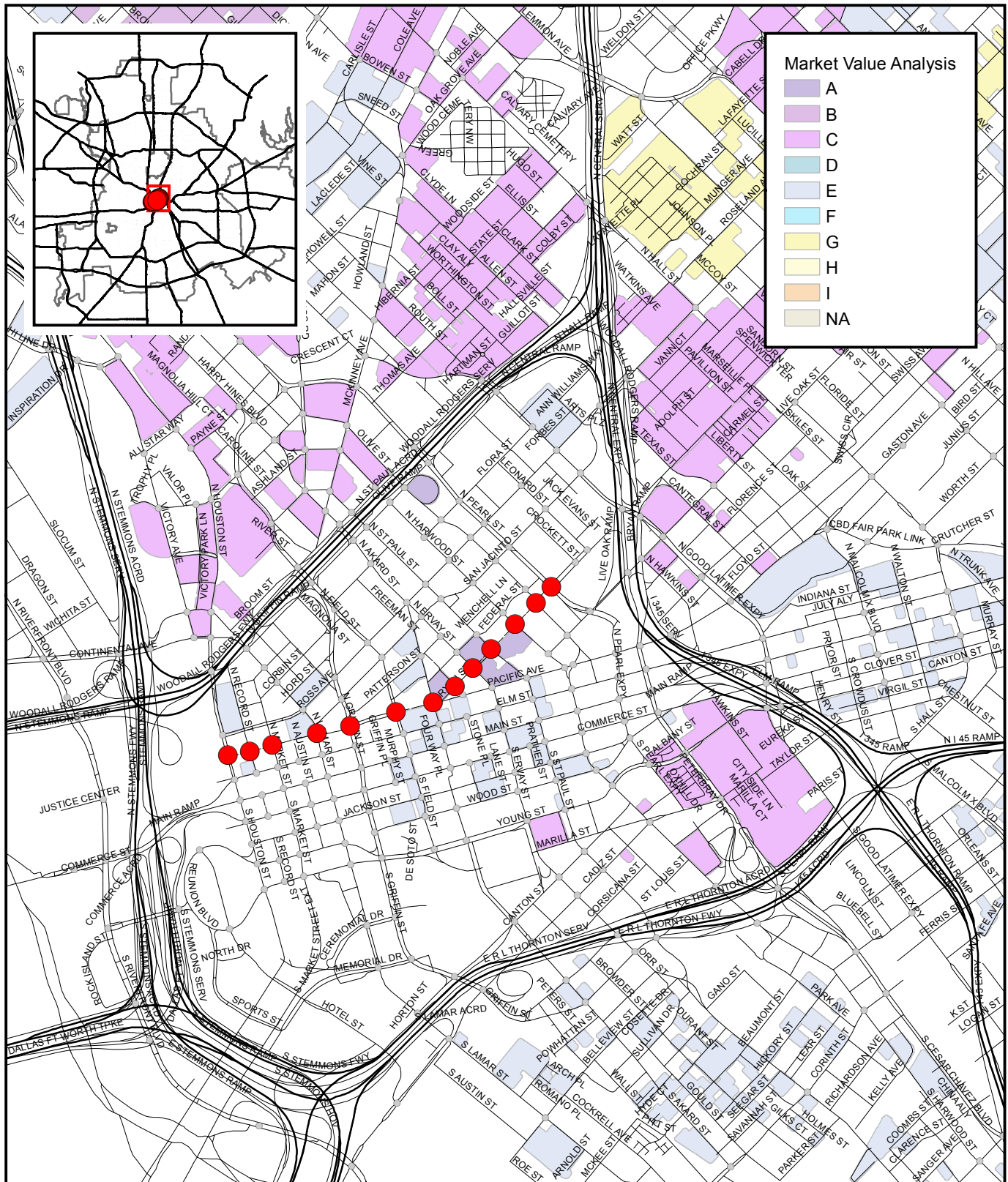
<b><u>Council District</u></b>	<b><u>Amount</u></b>
2	\$ 6,354.52
14	<u>\$158,862.87</u>
Total	\$165,217.39

### **MAP**

Attached

# Traffic Signal Upgrade

## Traffic Signals Along the Dallas Light Rail Through Downtown Dallas



**Council District 2, 14**

February 13, 2019

**WHEREAS**, Dallas Area Rapid Transit has agreed to fund the partial upgrade of the traffic signals along the Downtown Dallas light rail line for greater pedestrian accessibility compliance and more efficient transit signal priority.

**Now, Therefore,**

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

**SECTION 1.** That the Chief Financial Officer is hereby authorized to receive and deposit funds in an amount not to exceed \$165,217.39 from Dallas Area Rapid Transit in the Capital Projects Reimbursement Fund, Fund 0556, Department TRN, Unit W344, Revenue Code 8492.

**SECTION 2.** That the City Manager is hereby authorized to increase appropriations in an amount not to exceed \$165,217.39 in the Capital Projects Reimbursement Fund, Fund 0556, Department TRN, Unit W344, Object 4820, Activity THRG, Program TP19W344.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds received from Dallas Area Rapid Transit in an amount not to exceed \$165,217.39 from the Capital Projects Reimbursement Fund, Fund 0556, Department, TRN, Unit W344, Object 4820, Activity THRG, Program TP19W344 for services related to the partial upgrades of 13 existing traffic signals.

**SECTION 4.** That this contract is designated as Contract No. TRN-2019-00009180.

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





## Agenda Information Sheet

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**File #:** 19-145

**Item #:** 23.

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**STRATEGIC PRIORITY:** Quality of Life  
**AGENDA DATE:** February 13, 2019  
**COUNCIL DISTRICT(S):** N/A  
**DEPARTMENT:** Office of Cultural Affairs  
**EXECUTIVE:** Joey Zapata

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### **SUBJECT**

A resolution rescinding Resolution No. 78-0309, previously approved on February 1, 1978, which provided for radio coverage of City Council meetings on WRR-FM, to discontinue City Council meeting broadcasts on WRR-FM - Estimated Annual Revenue: \$80,000.00 (see Fiscal Information for potential future costs)

### **BACKGROUND**

WRR-FM Radio, a division of the Office of Cultural Affairs, has been broadcasting classical music since 1964. Out of 67 major stations in the Dallas-Fort Worth market, it is the only station broadcasting classical music. As an enterprise fund in the City's budget, WRR supports itself solely through the sale of advertising. The station has made significant improvements in ratings and listenership over the past four years by reducing the amount of talk on the station by:

- eliminating news and weather reports;
- training announcers to be concise and direct;
- cutting the number of commercial breaks in half; and
- eliminating all talk programs except paid programs on Saturday and Sunday mornings.

Even though the number of commercial breaks has been reduced, revenue has remained steady as the station has been able to raise its ad rates due to corresponding increases in listenership and ratings. To help continue this growth in listenership this action will discontinue City Council Agenda Meeting broadcasts which began in 1978 at the direction of the City Council.

Nielsen radio audience measurement data has shown that WRR's audience numbers decrease during the broadcast of City Council Agenda Meetings. During the May - July 2018 quarter, the WRR listening audience decreased by 82 percent during the broadcast, with the average quarter-hour audience (number of individuals tuned in per 15-minute period) dropping from approximately 10,600 to 1,900 listeners.

Public access to the City's open meetings has been enhanced in recent years. Dallas residents can view both live and archived City Council briefing, agenda and committee meetings, as well as board and commission meetings, online at DallasCityHall.com. Additionally, these meetings are also on Spectrum Channel 95, ATT U-verse Channel 99 and Verizon FIOS Channel 47.

Additionally, live-audio online streaming of open meetings was added to the City's website in January 2019 at the request of the Quality of Life, Arts and Culture Committee.

Freeing up the Wednesday blocks of programming will allow WRR to return to regular classical programming, which will lead to increased listenership, increased ratings, and finally, increased revenue for the station.

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Information about this item was provided to the Quality of Life, Arts and Culture Committee on November 26, 2018.

Information about this item was provided to the Quality of Life, Arts and Culture Committee on January 28, 2019.

### **FISCAL INFORMATION**

Estimated Annual Revenue: \$80,000.00

Future Cost Consideration - The Quality of Life, Arts and Culture Committee also requested consideration of council meeting broadcasts on the WRR HD-2 channel. Staff estimates one-time capital costs of \$50,000.00 and annual operating costs of up to \$84,000.00 to enable HD-2 for this use. Staff proposes to consider this alternative during budget development for FY 2019-20.

February 13, 2019

**WHEREAS**, on February 1, 1978, City Council adopted favoring the broadcast of City Council meetings on WRR-FM and instructed the city manager to implement such broadcasts; and

**WHEREAS**, the residents of Dallas and other interested persons are now able to listen and/or watch the City Council meetings and many other board, commission and committee meetings through streaming services provided by on the City's website DallasCityHall.com, and on Spectrum Channel 95, ATT U-verse Channel 99, and Verizon FIOS Channel 47; and

**WHEREAS**, WRR-FM relies solely on advertisement sales revenues to operate, receiving no taxpayer funds; and

**WHEREAS**, listenership on WRR-FM drops by approximately 80 percent during City Council meeting broadcasts which negatively affects the station's ratings and sales revenue.

**Now, Therefore,**

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

**SECTION 1.** That the City Council of the City of Dallas hereby rescinds Council Resolution No. 78-0309, previously approved on February 1, 1978, which provided for radio coverage of City Council meetings, and authorizes the City Manager to discontinue City Council meeting broadcasts on WRR-FM.

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





## Agenda Information Sheet

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**File #:** 19-96

**Item #:** 24.

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**STRATEGIC PRIORITY:** Human and Social Needs  
**AGENDA DATE:** February 13, 2019  
**COUNCIL DISTRICT(S):** All  
**DEPARTMENT:** Office of Homeless Solutions  
**EXECUTIVE:** Nadia Chandler-Hardy

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### **SUBJECT**

Authorize Supplemental Agreement No. 1 to the FY 2017-18 Interlocal Agreement with Dallas County/Dallas County Health and Human Services for scattered site housing assistance for persons with HIV/AIDS, to revise the Statement of Services and budget to reallocate funding in the total amount of \$14,345.00 in Emergency/Tenant Based Rental Assistance from the Housing Services budget category to the Financial Assistance budget category, for payment of services provided between October 1, 2017 and September 30, 2018, with no net change in the contract amount - Financing: No cost consideration to the City

### **BACKGROUND**

On August 9, 2017, City Council adopted the FY 2017-18 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development ("HUD") grant funds, including Housing Opportunities for Persons with AIDS ("HOPWA") grant funds in the amount of \$6,470,345.00, by Resolution No. 17-1171.

On September 13, 2017, City Council authorized an Interlocal Agreement ("ILA") with Dallas County/Dallas County Health and Human Services ("Dallas County") to provide scattered site housing assistance for persons with HIV/AIDS for the period October 1, 2017 through September 30, 2018, in an amount not to exceed \$1,900,855.00, by Resolution No. 17-1412.

Through the ILA, the County provides HOPWA scattered site housing assistance, comprised of tenant-based rental assistance ("TBRA"), short-term rent/mortgage/utility emergency assistance ("STRMU"), supportive services, and administrative costs, to eligible persons primarily residing in Dallas County. The TBRA Program includes long-term rental assistance that an eligible person may use at a housing unit of his or her choice. STRMU assistance is designed to prevent homelessness, and includes short-term rent, mortgage, and utility payments for up to 21 weeks in any 52-week period.

Under the ILA, Dallas County experienced cost savings in salaries and benefits for case management staff and used those funds to provide additional TBRA assistance to participants. For this reason, the agency has requested to reallocate funding in Emergency/Tenant Based Rental Assistance, from the Housing Services budget category to the Financial Assistance budget category, for payment of services provided between October 1, 2017 and September 30, 2018, with no net change in the contract amount.

All HOPWA projects use the local Homeless Management Information System (HMIS) to collect client -level data for service coordination and reporting/evaluation purposes.

### PERFORMANCE MEASURES

#### Number of Persons Assisted:

	2017-18 <u>Goal</u>	2017-18 <u>Actual</u>
Emergency - unduplicated clients served	110	131
Tenant-based - unduplicated clients served	200	169
Total - unduplicated clients served	310	300

### OUTCOME MEASURES

#### Housing Stability:

	2017-18 <u>Goal</u>	2017-18 <u>Actual</u>
Emergency - percent in stable housing	98%	100%
Tenant-based - percent in stable housing	96%	99%

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

On August 9, 2017, City Council adopted the FY 2017-18 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development ("HUD") grant funds by Resolution No. 17-1171.

On September 13, 2017, City Council authorized an Interlocal Agreement with Dallas County/Dallas County Health and Human Services to provide scattered site housing assistance for persons with HIV/AIDS for the period October 1, 2017 through September 30, 2018, by Resolution No. 17-1412.

Information about this item will be provided to the Human and Social Needs Committee on February 4, 2019.

### FISCAL INFORMATION

No cost consideration to the City.

February 13, 2019

**WHEREAS**, the U.S. Department of Housing and Urban Development (“HUD”) provides grant funds through the Housing Opportunities for Persons with AIDS (“HOPWA”) program according to the terms of 24 C.F.R. Part 574 to assist grantees in meeting the housing needs of low-income persons with HIV/AIDS and HIV-related illness and their families within the grantee’s Eligible Metropolitan Statistical Area (“EMSA”); and

**WHEREAS**, the City is a grantee of HOPWA funds to serve the Dallas EMSA, and the City’s FY 2017-18 Consolidated Plan Budget includes HOPWA grant funds from HUD in the amount of \$6,470,345.00; and

**WHEREAS**, the City of Dallas entered into an Interlocal Agreement (“ILA”) with Dallas County/Dallas County Health and Human Services (“Dallas County”) to provide HOPWA scattered site housing assistance for the period October 1, 2017 through September 30, 2018, in an amount not to exceed \$1,900,855.00, by Resolution No. 17-1412; and

**WHEREAS**, Dallas County has requested to reallocate funding in Emergency/Tenant Based Rental Assistance (E/TBRA), from the Housing Services budget category to the Financial Assistance budget category, for payment of services provided between October 1, 2017 and September 30, 2018, with no net change in the contract amount.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute Supplemental Agreement No. 1 to the FY 2017-18 Interlocal Agreement with Dallas County/Dallas County Health and Human Services, approved as to form by the City Attorney, for scattered site housing assistance for persons with HIV/AIDS, to revise the Statement of Services and budget to reallocate funding in the total amount of \$14,345.00 in Emergency/Tenant Based Rental Assistance from the Housing Services budget category to the Financial Assistance budget category, for payment of services provided between October 1, 2017 and September 30, 2018, with no net change in the contract amount.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to reallocate funds in Service Contract No. HOU-2017-00002127 (OHS-2017-00002127) for Dallas County/Dallas County Health and Human Services (Vendor 254643), as follows:

<u>Fund</u>	<u>Department</u>	<u>Unit</u>	<u>Object</u>	<u>Description</u>	<u>Original</u>	<u>Change</u>	<u>Revised</u>
HW16	HOU	561A	3099	E/TBRA – Financial Asst	\$ 142,982.00	\$ 0.00	\$ 142,982.00
HW17	MGT	291B	3099	E/TBRA – Financial Asst	\$1,383,818.00	\$ 14,345.00	\$1,398,163.00
HW15	HOU	671H	3099	E/TBRA – Housing Srvcs	\$ 169,000.00	\$ 0.00	\$ 169,000.00
HW17	MGT	292B	3099	E/TBRA – Housing Srvcs	\$ 80,700.00	(\$14,345.00)	\$ 66,355.00
HW16	HOU	568A	3099	Program Admin/Proj Spon	\$ 84,524.00	\$ 0.00	\$ 84,524.00
HW17	MGT	297B	3099	Program Admin/Proj Spon	\$ 39,831.00	\$ 0.00	\$ 39,831.00
Total					\$1,900,855.00	\$ 0.00	\$1,900,855.00

February 13, 2019

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





## Agenda Information Sheet

**File #:** 19-97

**Item #:** 25.

**STRATEGIC PRIORITY:** Human and Social Needs  
**AGENDA DATE:** February 13, 2019  
**COUNCIL DISTRICT(S):** All  
**DEPARTMENT:** Office of Homeless Solutions  
**EXECUTIVE:** Nadia Chandler-Hardy

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### **SUBJECT**

Authorize Supplemental Agreement No. 1 to the FY 2018-19 contract with Open Arms, Inc. dba Bryan's House to provide additional child care services for persons with HIV/AIDS for the period October 1, 2018 through September 30, 2019 - Not to exceed \$14,065.00, from \$56,262.00 to \$70,327.00 - Financing: 2017-18 Housing Opportunities for Persons with AIDS Grant Funds

### **BACKGROUND**

On August 9, 2017, City Council adopted the FY 2017-18 HUD Consolidated Plan Budget for U.S. Department of Housing and Urban Development (HUD) grant funds, by Resolution No. 17-1171, which includes Housing Opportunities for Persons with AIDS ("HOPWA") grant funds that remain unspent. HOPWA grant funds may be expended for eligible purposes within three years of HUD award.

Open Arms, Inc. dba Bryan's House (Open Arms) is a nonprofit agency located in the western sector of Dallas County. The agency was founded in 1988 and has opened its doors as a safe haven for children and families affected by HIV and AIDS.

The agency provides child care services at its 12,000 square foot childcare facility located in West Dallas. Child care services are available for children impacted by HIV/AIDS or other health needs who go home at night to be with their families, but who come during the day so that their parent(s) can work, attend school or job training, attend medical or social service appointments, or attend to other needs.

Due to changes in Ryan White HIV/AIDS program guidelines that limit eligible uses of grant funds for child care services, funding for these services has been significantly curtailed, despite the continued need in the community. Open Arms was notified that it would experience an immediate and dramatic decrease in funding. For this reason, the Office of Homeless Solutions seeks to make HOPWA funds available to meet part of this need, by increasing Open Arms' contract amount by 25 percent, or \$14,065.00, as allowed by Administrative Directive 4-05. Additional funds would be subject to competitive bidding.

All HOPWA projects use the local Homeless Management Information System to collect client-level data for service coordination and reporting/evaluation purposes.

### PERFORMANCE MEASURES

	2017-18 <u>Goal</u>	2017-18 <u>Actual</u>	2018-19 <u>Goal</u>
Unduplicated clients served	20	17	25
Hours of child care provided	4,800	10,431	6,000

### OUTCOME MEASURES

#### Access to Health Care

	2017-18 <u>Goal</u>	2017-18 <u>Actual</u>	2018-19 <u>Goal</u>
Percent with access to health care	88%	100%	88%

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

On October 11, 2016, City Council authorized a twelve-month contract, with two twelve-month renewal options contingent upon available funding with Open Arms, Inc. dba Bryan's House to provide child care services for persons with HIV/AIDS for the period October 1, 2016 through September 30, 2017, by Resolution No. 16-1668.

On August 9, 2017, City Council adopted the FY 2017-18 HUD Consolidated Plan Budget for U.S. Department of Housing and Urban Development (HUD) Grant Funds by Resolution No. 17-1171.

On September 13, 2017, City Council authorized the first of two, twelve-month renewal options to the contract, with Open Arms, Inc. dba Bryan's House to provide child care services for persons with HIV/AIDS for the period October 1, 2017 through September 30, 2018, by Resolution No. 17-1417.

On September 26, 2018, City Council authorized the second of two, twelve-month renewal options to the contract with Open Arms, Inc. dba Bryan's House to provide child care services for persons with HIV/AIDS for the period October 1, 2018 through September 30, 2019, by Resolution No. 18-1389.

Information about this item will be provided to the Human and Social Needs Committee on February 4, 2019.

### FISCAL INFORMATION

2017-18 Housing Opportunities for Persons with AIDS Grant Funds - \$14,065.00

Contract Amount	\$56,262.00
Supplemental Agreement No. 1 (this action)	<u>\$14,065.00</u>
Total	\$70,327.00

February 13, 2019

**WHEREAS**, the U.S. Department of Housing and Urban Development (“HUD”) provides grant funds through the Housing Opportunities for Persons with AIDS (“HOPWA”) program according to the terms of 24 C.F.R. Part 574 to assist grantees in meeting the housing needs of low-income persons with HIV/AIDS and HIV-related illness and their families within the grantee’s Eligible Metropolitan Statistical Area (“EMSA”); and

**WHEREAS**, the City is a grantee of HOPWA funds to serve the Dallas EMSA, and the City’s FY 2017-18 Consolidated Plan Budget includes the HOPWA grant funds from HUD in the amount of \$6,470,345.00; and

**WHEREAS**, on October 11, 2016, City Council authorized a twelve-month contract, with two twelve-month renewal options contingent upon available funding, with Open Arms, Inc. dba Bryan’s House (“Open Arms”), to provide child care services for persons with HIV/AIDS for the period October 1, 2016 through September 30, 2017, by Resolution No. 16-1668; and

**WHEREAS**, on September 13, 2017, City Council authorized the first of two, twelve-month renewal options to the contract with Open Arms, Inc. dba Bryan’s House to provide child care services for persons with HIV/AIDS for the period October 1, 2017 through September 30, 2018, by Resolution No. 17-1417; and

**WHEREAS**, on September 26, 2018, City Council authorized the second of two twelve-month renewal options to the contract with Open Arms, Inc. dba Bryan’s House to provide child care services for persons with HIV/AIDS for the period October 1, 2018 through September 30, 2019, by Resolution No. 18-1389; and

**WHEREAS**, there is a need for additional funding in the community to provide child care services for persons with HIV/AIDS, so that they can work, attend school or job training, attend medical or social service appointments, or attend to other needs.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute Supplemental Agreement No. 1 to the FY 2018-19 contract with Open Arms, Inc. dba Bryan’s House, approved as to form by the City Attorney, to provide additional child care services for persons with HIV/AIDS for the period October 1, 2018 through September 30, 2019, in an amount not to exceed \$14,065.00, increasing the contract amount from \$56,262.00 to \$70,327.00.

February 13, 2019

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds to Open Arms, Inc. dba Bryan's House (Vendor 266376) in an amount not to exceed \$14,065.00 from Service Contract No. OHS-2017-00002509, as follows:

<u>Fund</u>	<u>Department</u>	<u>Unit</u>	<u>Object</u>	<u>Description</u>	<u>Original</u>	<u>Change</u>	<u>Revised</u>
HW18	MGT	833C	3099	Hsg Place & Other Support	\$53,625.00	\$ 0.00	\$53,625.00
HW17	MGT	294B	3099	Supportive Services	\$ 0.00	\$14,065.00	\$14,065.00
HW18	MGT	834C	3099	Housing Info/Res (HMIS)	\$ 1,055.00	\$ 0.00	\$ 1,055.00
HW18	MGT	835C	3099	Prog Admin/City (HMIS)	<u>\$ 1,582.00</u>	<u>\$ 0.00</u>	<u>\$ 1,582.00</u>
				Total	\$56,262.00	\$14,065.00	\$70,327.00

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





## Agenda Information Sheet

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**File #:** 19-95

**Item #:** 26.

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**STRATEGIC PRIORITY:** Public Safety  
**AGENDA DATE:** February 13, 2019  
**COUNCIL DISTRICT(S):** All  
**DEPARTMENT:** Office of Procurement Services  
**EXECUTIVE:** Elizabeth Reich

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### **SUBJECT**

Authorize a two-year service price agreement for the purchase and maintenance of automatic and manual defibrillators, related support systems, and supplies with Physio-Control, Inc. through the National Association of State Procurement Officials cooperative agreement - Estimated amount of \$2,315,454.25 - Financing: General Fund (\$2,007,383.30), Dallas Water Utilities Fund (\$292,705.95), and Convention and Event Services Fund (\$15,365.00)

### **BACKGROUND**

This action does not encumber funds; the purpose of a service price agreement is to establish firm pricing for goods and services, 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:

- Fire-Rescue Department
- Water Utilities Department
- Park & Recreation Department
- Department of Convention & Event Services
- Library

This service price agreement will allow for the purchase and maintenance of automatic and manual defibrillators, support systems, and supplies. Defibrillators deliver a controlled electric shock to the heart to convert potentially lethal heart rhythms back into normal heart rhythms which allows paramedics time to transport the patient to the nearest medical facility for definitive care. Automated External Defibrillators (AEDs) are used by the general public to administer treatment to persons who experience potential lethal cardiac rhythms prior to the arrival of first responders. Manual defibrillators are used by specially trained and certified Fire-Rescue Department paramedics to administer pre-hospital medical treatment to persons who experience potential lethal cardiac rhythms.

Due to the high number of calls placed for emergency medical services, the manual defibrillators require maintenance, annual inspection and software upgrades. This service price agreement will also allow for the purchase of approximately 43 manual defibrillators to replace aging units.

AEDs are placed in public, heavy traffic areas to provide immediate medical attention to victims of an irregular cardiac rhythm while first responders are enroute. An entity that owns AEDs is required by the Texas Health and Safety Code to maintain and test the AEDs according to the manufacturers guidelines. This service price agreement will allow for the purchase of approximately 95 AEDs to replace aging units as well maintenance for the current fleet of approximately 235 AEDs.

The National Association of State Procurement Officials cooperative agreement is authorized by Chapter 791 of the Texas Government Code and Subchapter F, Chapter 271, Texas Local Government Code. Section 271.102 of the Texas Local Government Code authorizes a local government to participate in a Cooperative Purchasing Program with another local government or a local cooperative organization.

#### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

The Public Safety and Criminal Justice Committee will receive information regarding this matter on February 11, 2019.

#### **FISCAL INFORMATION**

General Fund - \$2,007,383.30 (Estimated Amount)

Dallas Water Utilities Fund - \$292,705.95 (Estimated Amount)

Convention and Event Services Fund - \$15,365.00 (Estimated Amount)

Fund	FY 2018-19	FY 2019-20
General Fund	\$1,400,096.80	\$607,286.50
Dallas Water Utilities Fund	\$165,747.40	\$126,958.55
Convention and Event Services Fund	\$7,682.50	\$7,682.50
Total	\$1,573,526.70	\$741,927.55

#### **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 \$
\$2,315,454.25	CO-OP	N/A	N/A	N/A
<ul style="list-style-type: none"> <li>The Business Inclusion and Development Plan does not apply to Cooperative Purchasing Agreements (CO-OPs).</li> </ul>				

**PROCUREMENT INFORMATION**

Cooperative Purchasing	<ul style="list-style-type: none"><li>• Cooperative Purchasing Agreements enable the City to associate with State agencies, other local governments, or local cooperative organizations comprised of other state and local governments, to leverage market buying power and enable the City to purchase goods or services at lower prices</li><li>• Cooperative Purchasing is an alternative method of meeting the requirements for competitive bidding or competitive sealed proposals, not an exception from that requirement</li></ul>
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**OWNER****Physio-Control, Inc.**

Bradford L. Saar, President  
Joseph A. Krill, Vice President  
Dean H. Bergy, Secretary  
Jeanne M. Blondia, Treasurer

February 13, 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 service price agreement with Physio-Control, Inc. (038759) through the National Association of State Procurement Officials cooperative agreement, approved as to form by the City Attorney, for purchase and maintenance of automatic and manual defibrillators, related support systems and supplies for a term of two years, in the estimated amount of \$2,315,454.25. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Physio-Control, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Physio-Control, Inc. under the contract. The amount payable pursuant to this service price agreement may exceed the estimated amount, but may not exceed the amount of budgetary appropriations for this service price agreement during its term.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an estimated amount of at least \$2,315,454.25, but not more than the amount of budgetary appropriations for this service price agreement during its term to Physio-Control, Inc. from Service Price Agreement No. POM-2018-00008060.

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





## Agenda Information Sheet

**File #:** 18-1356

**Item #:** 27.

**STRATEGIC PRIORITY:** Public Safety  
**AGENDA DATE:** February 13, 2019  
**COUNCIL DISTRICT(S):** All  
**DEPARTMENT:** Office of Procurement Services  
**EXECUTIVE:** Elizabeth Reich

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### **SUBJECT**

Authorize a two-year service price agreement, with two one-year renewal options, for FirstNet services to provide public safety wireless devices and mobile services for the Department of Communication & Information Services with AT&T Corp through the Department of Information Resources cooperative agreement - Estimated amount of \$3,715,370.32 - Financing: Various Sources (see Fiscal Information)

### **BACKGROUND**

This action does not encumber funds; the purpose of a service price agreement is to establish firm pricing for goods and services, 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.

In March 2010, the Federal Communications Commission followed the 911 Commission's recommendation to create a nationwide, interoperable, mobile broadband public safety network. The FirstNet Authority, housed by the Department of Commerce, was created to oversee the process to select a provider and on March 30, 2017, they awarded a 25-year contract to AT&T Corp to be the exclusive provider for the FirstNet network. All 50 States and United States territories have since opted to participate in the FirstNet network.

This agreement will allow the Department of Communication & Information Services (CIS) to transition public safety wireless devices and mobile services to the preemptive and priority services of the FirstNet service. The project includes moving all of the existing cellular devices, smart tablets, and mobile data computers used by the Fire-Rescue Department, Emergency Medical Services, and the Police Department to FirstNet communication services. In comparison to the current commercial services, moving to FirstNet Service will provide significantly increased network performance while reducing the annual cost of service by \$566,685.48.

FirstNet provides enhanced service to first responders so that their devices do not have to compete with non-emergency cellular users for a cellular connection. This preemption will ensure that first responders have the communications capacity they need by detouring non-public safety users off the network to ensure quality of service for emergency personnel, much like civilian vehicle traffic is routed off a highway to make room for emergency personnel.

In future phases, CIS will address adding secondary users to the FirstNet core network. These secondary users will include critical infrastructure technology such as the Advanced Traffic Management System, Water Utility Industrial Control Systems, and crime area surveillance cameras.

The Department of Information Resources cooperative agreement is authorized by Chapter 791 of the Texas Government Code and Subchapter F, Chapter 271, Texas Local Government Code. Section 271.102 of the Texas Local Government Code authorizes a local government to participate in a Cooperative Purchasing Program with another local government or a local cooperative organization.

#### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

The Government Performance & Financial Management Committee will receive this item for consideration on February 4, 2019.

#### **FISCAL INFORMATION**

Various Sources - \$3,715,370.32 (Estimated amount)

Funding allocation will be determined based on an assessment of the Department of Communication and Information Services, Police Department, Fire-Rescue Department, and the Office of Emergency Management needs.

#### **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 \$
\$3,715,370.32	CO-OP	N/A	N/A	N/A
• The Business Inclusion and Development Plan does not apply to Cooperative Purchasing Agreements (CO-OPs).				

**PROCUREMENT INFORMATION**

Method of Evaluation for Award Type:

Cooperative Purchasing	<ul style="list-style-type: none"><li>• Cooperative Purchasing Agreements enable the City to associate with State agencies, other local governments, or local cooperative organizations comprised of other state and local governments, to leverage market buying power and enable the City to purchase goods or services at lower prices</li><li>• Cooperative Purchasing is an alternative method of meeting the requirements for competitive bidding or competitive sealed proposals, not an exception from that requirement</li></ul>
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**OWNER****AT&T Corp**

Randall L. Stephenson, Chairman

William A. Blase, Jr., Senior Executive Vice President

February 13, 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 service price agreement with AT&T Corp (268653) through the Department of Information Resources cooperative agreement, approved as to form by the City Attorney, for FirstNet services to provide public safety wireless devices and mobile services for the Department of Communication & Information Services for a term of two years, with two one-year renewal options, in an estimated amount of \$3,715,370.32. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to AT&T Corp shall be based only on the amount of the services directed to be performed by the City and properly performed by AT&T Corp under the contract. The amount payable pursuant to this service price agreement may exceed the estimated amount, but may not exceed the amount of the budgetary appropriations for this service price agreement during its term.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an estimated amount of at least \$3,715,370.32, but not more than the amount of budgetary appropriations for this service price agreement during its term to AT&T Corp from Master Agreement Service Contract No. DSV-2019-00008738.

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





## Agenda Information Sheet

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**File #:** 18-1347

**Item #:** 28.

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**STRATEGIC PRIORITY:** Government Performance and Financial Management

**AGENDA DATE:** February 13, 2019

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Procurement Services

**EXECUTIVE:** Elizabeth Reich

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### **SUBJECT**

Authorize a five-year service price agreement for an environmental education initiative program for the Office of Environmental Quality and Sustainability with the University of North Texas intergovernmental agreement - Estimated amount of \$2,252,475.00 - Financing: General Fund (see Fiscal Information)

### **BACKGROUND**

This action does not encumber funds; the purpose of a service price agreement is to establish firm pricing for services, 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.

This service price agreement will provide an environmental education initiative (EEI) program for the Water Conservation Division in the Office of Environmental Quality and Sustainability. This program will continue to teach, create, and enhance behavior changes in thousands of school-age children residing in the City. Education efforts shall also include environmental stewardship governing water conservation by the City. The programs are designed to appeal not only to the students but also to their parents and community. The EEI Program promotes the importance of water conservation to school aged children through English and bilingual hands-on classroom activities, interactive teacher workshops, and community outreach activities. The multi-faceted program includes State accredited curricula, hands-on lessons, school presentations, teacher development training, and more.

The contractor's primary responsibility is to augment current departmental efforts focused on increasing efforts identified in the City's water conservation efforts identified in the 2010 Five-year Strategic Plan on Water Conservation and again in the 2016 Water Conservation Five-Year Work Plan. To date EEI programs have effectively reached a diverse student population in classroom settings, trained and collaborated with teachers and administrators. The goal is to continue to build upon the current curriculum developed for K-12 education by adding new lesson plans and updating current ones as well as perform various community outreach programs.

In the past five years, the EEI programs have served all council districts in the following manner:

- Provided water conservation and waste diversion lessons to over 42,000 elementary and middle school students
- Assisted over 1,700 teachers through interactive workshops
- Reached approximately 22,900 residents through environmental community events and activities

The University of North Texas (UNT) will continue to assist the City with programs currently offered in the Dallas Independent School District (DISD), other ISDs, private schools, and faith-based organizations for children residing in the Dallas area. There will be greater outreach within DISD for the EEI Program and UNT will continue the summer internship program at the Dallas campus for selected high school students. Students will learn from and work under the Science, Technology, Engineering, and Math initiative.

The UNT intergovernmental agreement is authorized by Chapter 791 of the Texas Government Code and Subchapter F, Chapter 271, Texas Local Government Code. Section 271.102 of the Texas Local Government Code authorizes a local government to participate in a Cooperative Purchasing Program with another local government or a local cooperative organization.

#### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On November 12, 2013, City Council authorized a five-year service contract for Environmental Education Initiative programs for Water Utilities and Sanitation Services with the University of North Texas by Resolution No. 13-1919.

The Government Performance & Financial Management Committee will receive this item for consideration on February 4, 2019.

#### **FISCAL INFORMATION**

General Fund - \$2,252,475.00 (Estimated amount)

FY 2018-19 - \$450,495.00

FY 2019-20 - \$450,495.00

FY 2020-21 - \$450,495.00

FY 2021-22 - \$450,495.00

FY 2022-23 - \$450,495.00

As the Environmental Education Initiative program is budgeted in Dallas Water Utilities FY 2018-19 budget, Dallas Water Utilities will reimburse the Office of Environmental Quality and Sustainability for its services related to the program.

#### **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 \$
\$2,252,475.00	Intergovernmental Agreement	N/A	5.00%	\$112,624.00
• The Business Inclusion and Development Plan does not apply to Intergovernmental Agreements, however the prime contractor is subcontracting with a certified M/WBE.				

**PROCUREMENT INFORMATION**

Method of Evaluation for Award Type:

Interlocal Agreement/Intergovernmental Agreement	<ul style="list-style-type: none"><li>• Interlocal Agreements/Intergovernmental Agreements allow the City to take advantage of competitively bid contracts by a State agency or local government and enable the City to purchase goods or services at lower prices</li><li>• Interlocal Agreements/Intergovernmental Agreements are an alternative method of meeting the requirements for competitive bidding or competitive sealed proposals, not an exception from that requirement</li></ul>
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**OWNER****University of North Texas**

Dr. Neal Smatresk, President  
Narendra Dahotre, Provost

February 13, 2019

**WHEREAS**, on November 12, 2013, City Council authorized a five-year service contract for Environmental Education Initiative programs for Water Utilities and Sanitation Services with the University of North Texas in the amount of \$3,014,270.00, by Resolution No. 13-1919.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute a service price agreement with the University of North Texas (227764) intergovernmental agreement, approved as to form by the City Attorney, for an environmental education initiative program for the Office of Environmental Quality and Sustainability, for a term of five years, in the estimated amount of \$2,252,475.00. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to the University of North Texas shall be based only on the amount of the services directed to be performed by the City and properly performed by the University of North Texas under the contract. The amount payable pursuant to this service price agreement may exceed the estimated amount, but may not exceed the amount of budgetary appropriations for this service price agreement during its term.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an estimated amount of at least \$2,252,475.00, but not more than the amount of budgetary appropriations for this service price agreement during its term to the University of North Texas from Service Contract No. OEQ-2019-00008593.

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





## Agenda Information Sheet

**File #:** 19-135

**Item #:** 29.

**STRATEGIC PRIORITY:** Government Performance and Financial Management

**AGENDA DATE:** February 13, 2019

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Procurement Services

**EXECUTIVE:** Elizabeth Reich

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### **SUBJECT**

Authorize a five-year service price agreement for a drug and alcohol testing program and medical examination services for the Office of Risk Management - Primary Health, Inc. dba CareNow, most advantageous proposer of two - Estimated amount of \$7,383,400.00 - Financing: Workers Compensation

### **BACKGROUND**

This action does not encumber funds; the purpose of a service price agreement is to establish firm pricing for goods and services, 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.

This service price agreement provides a drug and alcohol testing program and medical examination services for the Office of Risk Management. Services will include medical examinations, drug and alcohol testing for new hire candidates, police, fire, and civilian employees, to include:

- Medical examination and drug/alcohol testing for applicable candidates based on job duties
- Department of Transportation (DOT) certifications for employees required to have a Commercial Driver's License (CDL)
- Driver recertification - Fire, Police, and CDL drivers
- Random drug testing - CDL and primary drivers
- Post-accident drug testing
- Return-to-duty examination - performed as a result of a failed DOT recertification
- Audiometric testing (Hearing)
- Lead, silica, and chemical testing that are required by Occupational Safety and Health Administration under the Department of Labor
- Functional capacity evaluation

- Hazardous material physicals
- Hepatitis and tuberculosis testing

Approximately 9,060 employees are tested annually. Of those approximately 1,600 employees fall under the DOT requirements and 3,100 are driver safety physical examinations. New services have been added since the previous solicitation, resulting in a price increase.

A six member committee from the following department reviewed and evaluated the qualifications:

- Department of Sanitation Services (1)
- Police Department (1)
- Water Utilities Department (1)
- Office of Risk Management (1)
- Office of Procurement Services (1)\*
- Office of Business Diversity (1)\*

\*The Office of Procurement Services only evaluated cost and the Office of Business Diversity only evaluated the Business Inclusion and Development Plan.

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

- Cost 30 points
- Capability/experience 25 points
- Functional/technical 15 points
- Business Inclusion Development 15 points
- Overall approach 10 points
- Training 5 points

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 1,550 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, 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 12, 2014, City Council authorized a five-year service contract for medical examinations, drug and alcohol testing services for police and civilian employees with Primary Health, Inc. dba CareNow by Resolution No. 14-0289.

The Government Performance & Financial Management Committee will receive this item for consideration on February 4, 2019.

### **FISCAL INFORMATION**

Workers Compensation - \$7,383,400.00 (Estimated amount)

FY 2018-19 \$1,476,680.00

FY 2019-20 \$1,476,680.00

FY 2020-21 \$1,476,680.00

FY 2021-22 \$1,476,680.00

FY 2022-23 \$1,476,680.00

### **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 \$
\$7,383,400.00	Other Services	23.80%	23.80%	\$1,757,249.20
• This contract meets the M/WBE goal.				

### **PROCUREMENT INFORMATION**

Method of Evaluation for Award Type:

Request for Competitive Sealed Proposal	<ul style="list-style-type: none"> <li>• Utilized for high technology procurements, insurance procurements, and other goods and services</li> <li>• Recommended offeror whose proposal is most advantageous to the City, considering the relative importance of price, and other evaluation factors stated in the specifications</li> <li>• Always involves a team evaluation</li> <li>• Allows for negotiation on contract terms, including price</li> </ul>
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The Office of Procurement Services received the following proposals from solicitation number BLZ1901. We opened them on November 16, 2018. We recommend the City Council award this service contract agreement in its entirety to the most advantageous proposer.

\*Denotes successful proposer

<b><u>Proposers</u></b>	<b><u>Address</u></b>	<b><u>Score</u></b>	<b><u>Amount</u></b>
*Primary Health, Inc. dba CareNow	645 East State Highway 121 Suite 600 Coppell, TX 75019	85.25	\$ 7,383,400.00

PrimaMed Physicians	1138 North Alma School Road	59.60	\$13,768,150.00
PPLC dba PrimaCare	Suite 120		
Medical Center	Mesa, AZ 85201		

**OWNER****Primary Health, Inc. dba CareNow**

Tim Miller, President  
Helen M. O'Donnell, Vice President  
Kristopher Russell, Treasurer



February 13, 2019

**WHEREAS**, on February 12, 2014, City Council authorized a five-year service contract for medical examinations, drug and alcohol testing services for police and civilian employees with Primary Health, Inc. dba CareNow, in an amount not to exceed \$2,136,250.00, by Resolution No. 14-0289.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute a service price agreement with Primary Health, Inc. dba CareNow (518539), approved as to form by the City Attorney, for a drug and alcohol testing program and medical examination services for the Office of Risk Management for a term of five years, in the estimated amount of \$7,383,400.00. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Primary Health, Inc. dba CareNow shall be based only on the amount of the services directed to be performed by the City and properly performed by Primary Health, Inc. dba CareNow under the contract. The amount payable pursuant to this service price agreement may exceed the estimated amount, but may not exceed the amount of budgetary appropriations for this service price agreement during its term.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an estimated amount of at least \$7,383,400.00, but not more than the amount of budgetary appropriations for this service price agreement during its term to Primary Health, Inc. dba CareNow from Service Price Agreement No. ORM-2019-00009146.

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



## Agenda Information Sheet

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**File #:** 19-187

**Item #:** 30.

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**STRATEGIC PRIORITY:** Government Performance and Financial Management

**AGENDA DATE:** February 13, 2019

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Procurement Services

**EXECUTIVE:** Elizabeth Reich

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### **SUBJECT**

A resolution adopting rules governing the receipt of electronic submissions for procurement solicitations pursuant to Chapter 252.0415 of the Texas Local Government Code for the purpose of increasing competition, reducing costs associated with the solicitation process, and streamlining the procurement of goods and services - Financing: This action has no cost consideration to the City

### **BACKGROUND**

In mid-2018, the Office of Procurement Services (OPS) researched and acquired an electronic bid submission software to facilitate the procurement process for both City staff and the vending community. Since that time, OPS, with the assistance of Communication & Information Services, has configured and tested Bonfire Interactive to ensure a smooth transition for staff and potential vendors.

Some key benefits to the system include:

- Eliminate manual processes and forms in order to reduce project timelines
- Increase competition, through notification of solicitations reaching thousands of vendors nationwide
- Streamline the solicitation process through an easy and convenient online portal with full customer support
- Automate bid tabulations and evaluations, eliminating hard copy and reducing potential errors
- Provide a secure and fully cloud-based online portal with bank-grade security, disaster recovery plans, automatic compliance and accessibility features

Chapter 252 of the Texas Local Government Code authorizes municipalities to receive competitive bids and proposals through electronic submission if the City Council adopts rules to ensure the identification, security, and confidentiality of electronic bids and proposals, and to ensure that they remain effectively unopened until the proper time. The proposed rules in Exhibit A will satisfy the state requirement and will be used as a guide by staff to implement any necessary changes to

policies and procedures so that the City can begin accepting electronic submissions beginning March 1, 2019. In addition, OPS has worked with the Office of Business Diversity on a vendor outreach and training plan.

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

The Government Performance & Financial Management Committee will be briefed on this item on February 4, 2019.

**FISCAL INFORMATION**

This action has no cost consideration to the City.

February 13, 2019

**WHEREAS**, under Chapter 252 of the Texas Local Government Code, the City of Dallas (the "City") is subject to competitive procurement requirements for certain contracts involving the expenditure of municipal funds in excess of \$50,000.000; and

**WHEREAS**, the City is authorized under Section 252.0415 of the Texas Local Government Code to receive competitive bids and competitive proposals through electronic transmission if the City Council adopts rules to ensure the identification, security, and confidentiality of electronic bids and proposals, and to ensure that they remain effectively unopened until the proper time; and

**WHEREAS**, the increased use of electronic communications by businesses and government entities necessitates the ability to accept bids or proposals through electronic transmission; and

**WHEREAS**, the ability to receive bids and proposals via electronic transmission will potentially lead to the submission of more bids or proposals, thereby increasing competition, potentially reducing prices, improving efficiencies and lowering costs associated with the solicitation process for both vendors and the City; and

**WHEREAS**, the City Council desires to adopt rules for receipt of electronic bids and proposals so that the City can take advantage of the benefits anticipated by such action.

**Now, Therefore,**

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

**SECTION 1.** That in order for the City to receive bids and proposals submitted pursuant to Chapter 252 of the Texas Local Government Code through electronic transmission, the City Council hereby adopts the rules attached hereto in Exhibit A (the "Rules") to ensure the identification, security, and confidentiality of such bids and proposals and to ensure that such bids and proposals remain effectively unopened until the proper time, as required by Section 252.0415 of the Texas Local Government Code.

**SECTION 2.** That the City Manager is hereby authorized to accept electronic submissions for future procurement solicitations, so long as all processes and procedures comply with the Rules.

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



## **Exhibit A**

### **RULES GOVERNING THE RECEIPT OF ELECTRONIC SUBMISSION OF BIDS AND PROPOSALS**

#### **I. POLICY STATEMENT FOR ELECTRONIC BIDS OR PROPOSALS**

These rules are established by the City of Dallas (the "City") for electronic solicitation procedures in accordance with Section 252.0415, Texas Local Government Code, to ensure the identification, security and confidentiality of electronic bids or proposals, and to ensure that bids or proposals remain effectively unopened until the proper time (the "Rules"). The Rules will apply to both bids and proposals that are submitted to the City pursuant to the requirements of Chapter 252, Texas Local Government Code, as well as those contracts and procurements for which the City has voluntarily elected to follow the competitive processes outlined in Chapter 252, Texas Local Government Code.

- A. All users of the electronic system, shall be assigned a unique user name and password.
- B. Access to the system by authorized users shall be logged and tracked in order to record when any user has accessed the system, and what data the user accessed.
- C. Transmittal of data through the internet shall be encrypted using SSL technology. All sensitive data within the system shall be encrypted using the Advanced Encryption Standard algorithm (AES), or better.
- D. All data shall be encrypted using a time-sensitive mechanism that allows the data to be decrypted only after the Bid Opening specified for each solicitation.
- E. The system shall be synchronized to two or more atomic clocks to ensure exact recording of the bid due date and time, and the receipt of data and time, for each submission.
- F. Neither vendor identities nor the contents of submissions are available during the bidding process.
- G. The City's Purchasing Agent, or his/her designee(s), with an authorized password, and only after the Bid Opening date and time, can request that the bid/proposal be opened and obtain the data in the bid/proposal.
- H. The City will determine when and what information is released to the public pursuant to Texas Law.
- I. The City's Purchasing Agent, is responsible for ensuring that any system utilized by the City for electronic submissions of bids and proposals must comply with all rules set forth, City procurement rules, and State law.



## Agenda Information Sheet

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**File #:** 19-59

**Item #:** 31.

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**STRATEGIC PRIORITY:** Government Performance and Financial Management

**AGENDA DATE:** February 13, 2019

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Procurement Services

**EXECUTIVE:** Elizabeth Reich

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### **SUBJECT**

Authorize a three-year master agreement for the purchase of recreation center and physical education supplies for the Park and Recreation Department - Lakeshore Equipment Company dba Lakeshore Learning Materials in the estimated amount of \$175,000.00 and The Prophet Corporation dba Gopher Sport, Gopher Performance Moving minds, play with a purpose in the estimated amount of \$160,000.00, lowest responsible bidders of three - Total estimated amount of \$335,000.00 - Financing: General Fund

### **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.

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

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

PKR manages free after school programs and summer programs at 20 Dallas Independent School District schools. Additionally, PKR offers 10 weeks of day camps at 41 recreation centers throughout the City and also provides recreation and leisure activities to senior adults over 55 years of age.

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 1,786 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 September 14, 2016, City Council authorized a three-year master agreement for the purchase of recreation center and physical education supplies with S & S Worldwide, Inc. and BSN Sports by Resolution No. 16-1431.

On August 13, 2014, City Council authorized a three-year master agreement for the purchase of recreation center and physical education supplies with S & S Worldwide, Inc., BSN Sports, Nationwide Supplies and Simba Industries, Inc. by Resolution No. 14-1212.

On January 10, 2019, the Park and Recreation Board authorized a three-year master agreement for the purchase of recreation center and physical education supplies for the Park and Recreation Department with Lakeshore Equipment Company dba Lakeshore Learning Materials and The Prophet Corporation dba Gopher Sport, Gopher Performance Moving minds, play with a purpose.

The Government Performance & Financial Management Committee will receive this item for consideration on February 4, 2019.

### **FISCAL INFORMATION**

General Fund - \$335,000.00 (Estimated amount)

FY 2018-19 \$111,666.66

FY 2019-20 \$111,666.67

FY 2020-21 \$111,666.67

### **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 \$
\$335,000.00	Goods	18.00%	0.00%	\$0.00
• 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	<ul style="list-style-type: none"> <li>• 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</li> <li>• Negotiations are not allowed</li> </ul>
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The Office of Procurement Services received the following bids from solicitation number BT1830. We opened them on September 22, 2018. We recommend the City Council award this master agreement to the lowest responsive and responsible bidders by group.

\*Denotes successful bidders

<b><u>Bidders</u></b>	<b><u>Address</u></b>	<b><u>Amount</u></b>
*Lakeshore Equipment Company dba Lakeshore Learning Materials	2695 E. Dominguez St. Carson, CA 90895	Multiple Groups
*The Prophet Corporation dba Gopher Sport, Gopher Performance Moving minds, play with a purpose	2525 Lemond St. SW Owatonna, MN 55060	Multiple Groups
Varsity Brands Holding Co., Inc. dba BSN Sports, LLC	14460 Varsity Brands Way Farmers Branch, TX 75244	Multiple Groups

**OWNERS****Lakeshore Equipment Company dba Lakeshore Learning Materials**

David Bo Kaplan, President  
Charles Kaplan, Secretary  
Joshua Kaplan, Treasurer

**The Prophet Corporation dba Gopher Sport, Gopher Performance Moving minds, play with a purpose**

Todd Jennings, President



February 13, 2019

**WHEREAS**, on September 14, 2016, City Council authorized a three-year master agreement for the purchase of recreation center and physical education supplies with S & S Worldwide, Inc. in the amount of \$269,630.00 and BSN Sports in the amount of \$60,500.00, by Resolution No. 16-1431 and

**WHEREAS**, on August 13, 2014, City Council authorized a three-year master agreement for the purchase of athletic, recreation and sports equipment and supplies for use throughout the City with S & S Worldwide, Inc. in the amount of \$190,500.00, BSN Sports in the amount of \$144,300.00, Nationwide Supplies in the amount of \$130,400.00, and Simba Industries, Inc. in the amount of \$115,600.00, by Resolution No. 14-1212.

**Now, Therefore,**

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

**SECTION 1.** That a master agreement for the purchase of recreation center and physical education supplies for the Park and Recreation Department is authorized with Lakeshore Equipment Company dba Lakeshore Learning Materials (VS0000021104) in the estimated amount of \$175,000.00 and The Prophet Corporation dba Gopher Sport, Gopher Performance Moving minds, play with a purpose (VC19231) in the estimated amount of \$160,000.00, approved as to form by the City Attorney, for a term of three years, in a total estimated amount of \$335,000.00. 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 recreation center and physical education supplies for the Park and Recreation Department. If a written contract is required or requested for any or all purchases of recreation center and physical education supplies for the Park and Recreation Department 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 \$335,000.00, but not more than the amount of budgetary appropriations for this master agreement during its term to Lakeshore Equipment Company dba Lakeshore Learning Materials and The Prophet Corporation dba Gopher Sport, Gopher Performance Moving minds, play with a purpose from Master Agreement Contract No. PKR-2019-00008683.

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



## Agenda Information Sheet

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**File #:** 18-1287

**Item #:** 32.

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**STRATEGIC PRIORITY:** Government Performance and Financial Management

**AGENDA DATE:** February 13, 2019

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Procurement Services

**EXECUTIVE:** Elizabeth Reich

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### **SUBJECT**

Authorize Supplemental Agreement No. 1 to exercise the first of two, one-year renewal options to the service contract with Results Staffing, Inc. for temporary industrial labor for the Department of Sanitation Services - Not to exceed \$8,101,820.00 - Financing: Sanitation Services Fund (subject to appropriations)

### **BACKGROUND**

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

This service contract provides temporary industrial labor for the Department of Sanitation Services (SAN). Temporary labor is needed to supplement the SAN staff with approximately 210 industrial laborers on a daily basis to collect bulk brush, garbage and recycling; to perform work at transfer stations and the landfill, and to assist in environmental and special service duties. The temporary workers receive daily work supervision and instruction from City staff, but remain employees of the temporary agency. Temporary labor allows SAN the flexibility to adjust its workforce to meet service needs according to daily service demands.

Although Results Staffing, Inc. is a temporary employment agency, their employees have the opportunity to purchase an individual or family health care plan provided by the contractor upon hire. Additionally, the contractor provides skill enhancement and training for their employees and the opportunity to earn paid holidays and vacation.

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. This contract renewal option includes the most current living wage of \$11.15.

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

On June 22, 2016, City Council authorized a three-year service contract, with two one-year renewal options, for temporary industrial labor for Sanitation Services with Results Staffing, Inc. by Resolution No. 16-1049.

The Government Performance & Financial Management Committee will receive this item for consideration on February 4, 2019.

**FISCAL INFORMATION**

Sanitation Services Fund - \$8,101,820.00 (subject to appropriations)

**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 \$
\$8,101,820.00	Other Services	23.80%	99.27%	\$8,042,320.00
• This contract exceeds the M/WBE goal.				
• Supplemental Agreement No. 1 - 98.92% Overall M/WBE participation				

**OWNER**

**Results Staffing, Inc.**

Norma Devine, President

February 13, 2019

**WHEREAS**, on June 22, 2016, City Council authorized a three-year service contract, with two one-year renewal options, for temporary industrial labor for Sanitation Services with Results Staffing, Inc., in an amount not to exceed \$20,246,078.16, by Resolution No. 16-1049.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute Supplemental Agreement No. 1 to exercise the first of two, one-year renewal options to the service contract with Results Staffing, Inc. (503279), approved as to form by the City Attorney, for temporary industrial labor for the Department of Sanitation Services, in an amount not to exceed \$8,101,820.00. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Results Staffing, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Results Staffing, Inc. under the contract.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$8,101,820.00 (subject to appropriations) to Results Staffing, Inc. from Service Contract No. POM-2016-00000937.

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





## Agenda Information Sheet

**File #:** 19-83

**Item #:** 33.

**STRATEGIC PRIORITY:** Quality of Life  
**AGENDA DATE:** February 13, 2019  
**COUNCIL DISTRICT(S):** 14  
**DEPARTMENT:** Park & Recreation Department  
**EXECUTIVE:** Willis C. Winters

### **SUBJECT**

Authorize **(1)** a design and construction agreement with the Friends of the Katy Trail, Inc. for the extension of the soft surface trail on a portion of the Katy Trail located between Blackburn Street and Armstrong Avenue and for resurfacing of the existing soft surface trail; and **(2)** the first amendment to the existing operations and maintenance agreement with the Friends of the Katy Trail, Inc. for the developed portions of the Katy Trail bounded by Lyte Street on the south end and Airline Road on the north end to include, but not limited to **(a)** maintenance of the extension of the soft surface trail on the portion of the Katy Trail located between Blackburn Street and Armstrong Avenue and the existing soft surface trail; **(b)** extension options to allow for one ten-year extension option and two additional five-year extension options; and **(c)** updating the agreement to current City Standards - Financing: This action has no cost consideration to the City (see Fiscal Information)

### **BACKGROUND**

This action will authorize a design and construction agreement with the Friends of the Katy Trail, Inc. (Friends) for a portion of the Katy Trail located between Blackburn Street and Armstrong Avenue, for the extension of the soft surface trail, and for resurfacing of the existing soft surface trail and the first amendment to the existing operations and maintenance agreement for the Katy Trail.

The design and construction agreement will be subject to the following terms:

1. Term of agreement shall commence upon execution of the agreement and terminate one year after construction completion and acceptance by the City.
2. Friends shall manage the design and construction through its own consultants and contractors and will be responsible for all permits and other approvals. All consultants and contractors are required to provide insurance that is consistent with what is required by City consultants and contractors.
3. Friends shall submit the design to the Park and Recreation Department for review and approval prior to commencement of construction.

4. Friends shall establish a construction account prior to the construction of improvements and provide proof of sufficient funding prior to commencement of construction.
5. Friends have 24 months from execution of the agreement to commence work, subject to an additional 12-month extension at the Park and Recreation Department Director's approval.
6. Friends have 24 months from date of commencement of construction to complete the project.

The existing operation and maintenance agreement for the Katy Trail shall be amended to include, but not limited to, the following salient terms:

1. Maintenance of the extension of the soft surface trail on the portion of the Katy Trail located between Blackburn Street and Armstrong Avenue and the existing soft surface trail.
2. Extension options to allow for one ten-year extension option and two additional five-year extension options.
3. Updating the agreement to current City of Dallas standards.
4. Friends shall comply with:
  - a. The City's Business Inclusion and Development Plan
  - b. Insurance requirements
  - c. Payment and Performance bonds, as required
  - d. Applicable laws, ordinances, or regulations
5. City will have the right to observe and inspect work.

#### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On August 16, 2012, the Park and Recreation Board authorized an operation and maintenance agreement with the Friends of Katy Trail.

On September 12, 2012, City Council authorized an agreement with the Friends of Katy Trail for the purpose of operating and maintaining the developed portions of the Katy Trail bounded by Lyte Street on the south end and Airline Road on the north end by Resolution No. 12-2261.

On January 10, 2019, the Park and Recreation Board authorized a design and construction agreement with the Friends of the Katy Trail, Inc. and the first amendment to the existing operations and maintenance agreement for the Katy Trail.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on February 11, 2019.

**FISCAL INFORMATION**

This action has no consideration to the City. Friends of the Katy Trail, Inc. will pay all design and construction costs.

**OWNER**

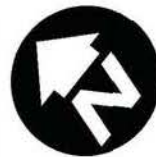
**Friends of the Katy Trail, Inc.**

Robin Baldock, Executive Director

**MAPS**

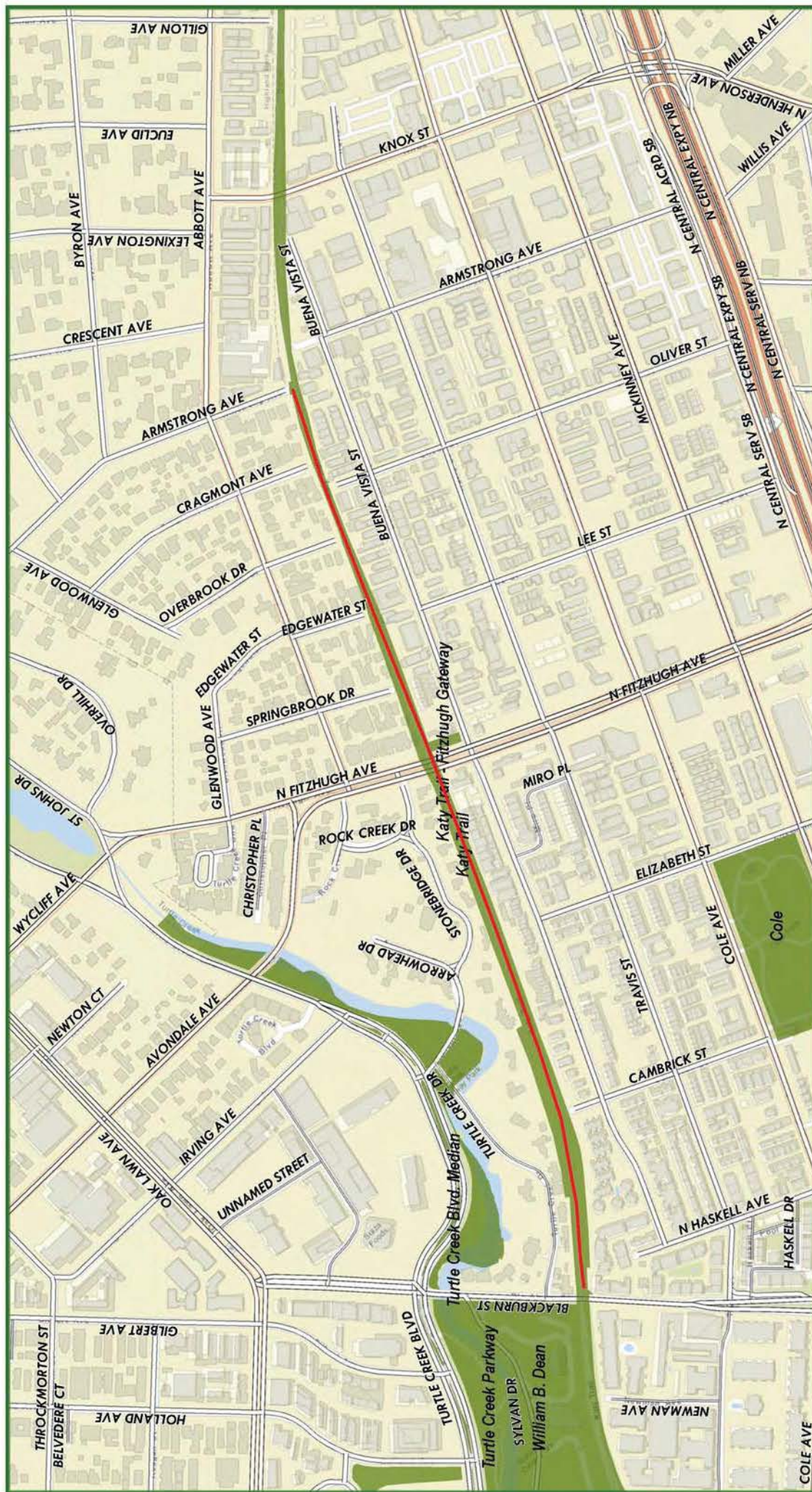
Attached





***Katy Trail  
Lyte Street to Airline Rd***





February 13, 2019

**WHEREAS**, the City Charter provides for the Park and Recreation Board to grant contracts and agreements with park facilities with such terms and conditions as it shall deem proper; and

**WHEREAS**, the City of Dallas Park and Recreation Department (City) and Friends of the Katy Trail, Inc. (Friends) desire to enter into a design and construction agreement for the extension of the soft surface trail on a portion of the Katy Trail located between Blackburn Street and Armstrong Avenue and for resurfacing of the existing soft surface trail and the first amendment to the existing operations and maintenance agreement with Friends for the developed portions of the Katy Trail bounded by Lyte Street on the south end and Airline Road on the north end, previously approved on September 12, 2012, by Resolution No. 12-2261; and

**WHEREAS**, the City desires to have Friends design and construct the extension of the soft surface trail on a portion of the Katy Trail for the use and enjoyment of all City of Dallas citizens.

**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 **(1)** a design and construction agreement with Friends of the Katy Trail, Inc. for the extension of the soft surface trail on a portion of the Katy Trail located between Blackburn Street and Armstrong Avenue and for resurfacing of the existing soft surface trail; and **(2)** the first amendment to the existing operations and maintenance agreement with the Friends of the Katy Trail, Inc. for the developed portions of the Katy Trail bounded by Lyte Street on the south end and Airline Road on the north end, approved as to form by the City Attorney.

**SECTION 2.** That the term of the design and construction agreement shall commence upon execution of the agreement and terminate one year after construction completion and acceptance by the City.

**SECTION 3.** That the existing operation and maintenance agreement for the Katy Trail shall be amended to include, but not limited to, the following salient terms:

- a. Maintenance of the extension of the soft surface trail on the portion of the Katy Trail located between Blackburn Street and Armstrong Avenue and the existing soft surface trail;
- b. Extension options to allow for one ten-year extension option and two additional five-year extension options; and
- c. Updating the agreement to current City Standards.

February 13, 2019

**SECTION 4.** That this contract is designated as Contract No. PKR-2019-00008966.

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





## Agenda Information Sheet

**File #:** 19-133

**Item #:** 34.

**STRATEGIC PRIORITY:** Quality of Life  
**AGENDA DATE:** February 13, 2019  
**COUNCIL DISTRICT(S):** 8  
**DEPARTMENT:** Park & Recreation Department  
**EXECUTIVE:** Willis C. Winters

### SUBJECT

Authorize a contract for the construction of Runyon Creek Greenbelt Trail Phase 2 between Crouch Road and the University of North Texas at Dallas campus located at 7300 University Hills Boulevard - Jeske Construction Company, lowest responsible bidder of eight - Not to exceed \$1,914,766.81 - Financing: Texas Parks and Wildlife Department Urban Outdoor Recreation Grant Funds (\$957,383.40), 2012 Bond Funds (\$857,383.41) and Capital Gifts, Donation and Development Funds (\$100,000.00)

### BACKGROUND

On October 19, 2018, eight bids were received for the construction of Runyon Creek Greenbelt Trail Phase 2. This item authorizes the award of this construction contract to Jeske Construction Company for the Base Bid and Alternate Nos. 5, 6, and 7 for a total bid amount of \$1,914,766.81.

The scope of work for the Runyon Creek Greenbelt Trail Phase 2 Project includes:

- New 14 feet wide concrete trail, approximately 1.36 miles in length
- Sleeves for future lighting

The following chart illustrates Jeske Construction Company's contractual activities with the City of Dallas for the past three years.

	<u>PBW</u>	<u>DWU</u>	<u>PKR</u>
Projects Completed	10	2	0
Change Orders	9	2	0
Projects Requiring Liquidated Damages	0	0	0
Projects Completed by Bonding Company	0	0	0



**ESTIMATED SCHEDULE OF PROJECT**

Began Design	November 2017
Completed Design	June 2018
Begin Construction	March 2019
Complete Construction	January 2020

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

On September 7, 2017, the Park and Recreation Board authorized an application for an Urban Outdoor Recreation Grant.

On September 27, 2017, City Council authorized an application for an Urban Outdoor Recreation Grant from the Texas Parks and Wildlife Department by Resolution No. 17-1550.

On June 7, 2018, the Park and Recreation Board authorized the acceptance of a reimbursable matching grant from the Texas Parks and Wildlife Department's Urban Outdoor Recreation Grant program and execution of an agreement with the Texas Parks and Wildlife Department.

On June 27, 2018, City Council authorized the acceptance of a reimbursable matching grant in the amount of \$1,000,000 from the Texas Parks and Wildlife Department's Urban Outdoor Recreation Grant Program for the development of Runyon Creek Trail Phase 2 Project located at 1900 East Camp Wisdom Road by Resolution No. 18-0991.

On January 10, 2019, the Park and Recreation Board authorized a construction contract with Jeske Construction Company for the construction of Runyon Creek Greenbelt Trail Phase 2.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on February 11, 2019.

**FISCAL INFORMATION**

Texas Parks and Wildlife Department Urban Outdoor Recreation Grant Funds - \$957,383.40

2012 Bond Funds - \$857,383.41

Capital Gifts, Donation and Development Funds - \$100,000.00

**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 \$
\$1,914,766.81	Construction	25.00%	25.18%	\$482,078.00
• This contract exceeds the M/WBE goal.				

**PROCUREMENT INFORMATION**

October 19, 2018, the following eight bids were received and opened:

\*Denotes successful bidder

<b><u>Bidders</u></b>	<b><u>Base Bid</u></b>	<b><u>**Alternate Nos. 5, 6 and 7</u></b>	<b><u>Total Bid</u></b>
*Jeske Construction Company 2546 Merrell Road, Suite 106 Dallas, Texas, 75229	\$ 859,626.81	\$1,055,140.00	\$1,914,766.81
Wall Enterprises	\$ 952,451.81	\$ 973,899.05	\$1,926,350.86
The Fain Group	\$1,042,781.81	\$ 895,600.00	\$1,938,381.81
Northstar Construction, LLC	\$ 996,701.81	\$1,013,901.10	\$2,010,602.91
Cole Construction, Inc	\$1,247,301.81	\$ 913,260.00	\$2,160,561.81
Texas Standard Construction, Ltd	\$1,856,557.81	\$1,091,650.00	\$2,948,207.81
Joe Funk Construction Construction Companies Group, LLC	\$2,468,901.81	\$1,656,051.80	\$4,124,953.61
			***Non-responsive

\*\*Alternate No. 5 - provides for the section of trail on the University of North Texas at Dallas campus.

\*\*Alternate No. 6 - provides for the sleeves for future lighting for base bid.

\*\*Alternate No. 7 - provides for the sleeves for future lighting for trail section in Alternate No. 5.

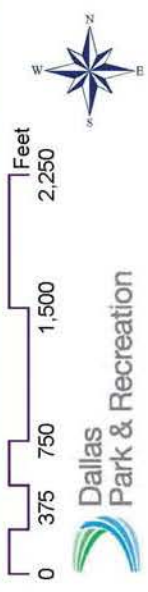
\*\*\*Construction Companies Group, LLC was deemed non-responsive due to poor performance on a current contract with Dallas County for a City of Dallas trail project.

**OWNER****Jeske Construction Company**

Steve Jeske, President

**MAP**

Attached



# Runyon Creek Trail

Mapscop  
65 U,X,Y

District  
8

February 13, 2019

**WHEREAS**, on October 19, 2018, eight bids were received for the construction of Runyon Creek Greenbelt Trail Phase 2; and

<b><u>Bidders</u></b>	<b><u>Base Bid</u></b>	<b><u>**Alternate Nos. 5, 6 &amp; 7</u></b>	<b><u>Total Bid</u></b>
*Jeske Construction Company 2546 Merrell Road, Suite 106 Dallas, Texas, 75229	\$ 859,626.81	\$1,055,140.00	\$1,914,766.81
Wall Enterprises	\$ 952,451.81	\$ 973,899.05	\$1,926,350.86
The Fain Group	\$1,042,781.81	\$ 895,600.00	\$1,938,381.81
Northstar Construction, LLC	\$ 996,701.81	\$1,013,901.10	\$2,010,602.91
Cole Construction, Inc	\$1,247,301.81	\$ 913,260.00	\$2,160,561.81
Texas Standard Construction, Ltd	\$1,856,557.81	\$1,091,650.00	\$2,948,207.81
Joe Funk Construction Companies Group, LLC	\$2,468,901.81	\$1,656,051.80	\$4,124,953.61
			***Non-responsive

\*\*Alternate No. 5 - provides for the section of trail on the University of North Texas at Dallas campus.

\*\*Alternate No. 6 - provides for the sleeves for future lighting for base bid.

\*\*Alternate No. 7 - provides for the sleeves for future lighting for trail section in Alternate No. 5.

\*\*\*Construction Companies Group, LLC was deemed non-responsive due to poor performance on a current contract with Dallas County for a City of Dallas trail project.

**WHEREAS**, it has been determined that acceptance of the best and final offer from Jeske Construction Company, in an amount not to exceed \$1,914,766.81 is the best value for the City of Dallas.

**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 a contract with Jeske Construction Company, approved as to form by the City Attorney, for the construction of Runyon Creek Greenbelt Trail Phase 2 between Crouch Road and the University of North Texas at Dallas campus located at 7300 University Hills Boulevard, in an amount not to exceed \$1,914,766.81.



February 13, 2019

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$1,914,766.81 to Jeske Construction Company, as follows:

TPWD Grant - Runyon Creek Greenbelt Trail Project Funds

Fund S325, Department PKR, Unit 3630

Object 4599, Activity HIBT, Program PB12S619

Encumbrance/Contract No. PKR-2019-00008942

Commodity 91200, Vendor 083791 \$ 957,383.40

Capital Gifts, Donation and Development Funds

Fund 0530, Department PKR, Unit 7165

Object 4599, Activity HIBT, Program PB12S619

Encumbrance/Contract No. PKR-2019-00008942

Commodity 91200, Vendor 083791 \$ 100,000.00

2012 Bond Funds

Street and Transportation Improvements Funds

Fund 2U22, Department PBW, Unit S619

Object 4599, Activity HIBT, Program PB12S619

Encumbrance/Contract No. PKR-2019-00008942

Commodity 91200, Vendor 083791 \$ 48,723.42

Street and Transportation Improvements Funds

Fund 3U22, Department PBW, Unit S619

Object 4599, Activity HIBT, Program PB12S619

Encumbrance/Contract No. PKR-2019-00008942

Commodity 91200, Vendor 083791 \$ 312,381.22

Street and Transportation Improvements Funds

Fund 4U22, Department PBW, Unit S619

Object 4599, Activity HIBT, Program PB12S619

Encumbrance/Contract No. PKR-2019-00008942

Commodity 91200, Vendor 083791 \$ 496,278.77

Total amount not to exceed \$1,914,766.81

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



## Agenda Information Sheet

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**File #:** 19-93

**Item #:** 35.

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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** February 13, 2019

**COUNCIL DISTRICT(S):** Outside City Limits

**DEPARTMENT:** Water Utilities Department

**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

Authorize a five-year contract, with two five-year periods of renewal, not to exceed fifteen years, with the City of Highland Village to provide untreated water services from February 26, 2019 through February 25, 2024 - Estimated Annual Revenue: \$3,428.80 (at current wholesale water rate)

### **BACKGROUND**

The City of Highland Village is located within Dallas Water Utilities' service area in Denton County along Lewisville Lake. The City of Highland Village desires to purchase untreated water services from the City of Dallas under the terms of a standard wholesale untreated water customer contract. The contract will provide untreated water services from February 26, 2019 through February 25, 2024 and a maximum of 12.276 acre-feet per year with an estimated annual revenue amount of \$3,428.80.

The City of Dallas has water rights in Lewisville Lake for multiple purposes, including rights for irrigation and recreation use. The untreated water diverted by the City of Highland Village for the purpose of irrigation and recreation of the Doubletree Ranch Park will be diverted from Copperas Branch Lake, a tributary of Lewisville Lake, at City of Highland Village's diversion points.

This water will be billed at the ordinance rate for untreated water service in accordance with Chapter 49. The sale of untreated water to the City of Highland Village is subject to, and limited by, available system supply. By allowing the City of Highland Village to utilize untreated water for irrigation, the City of Dallas is encouraging its wholesale customers to further reduce the treated water demand in that area.

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

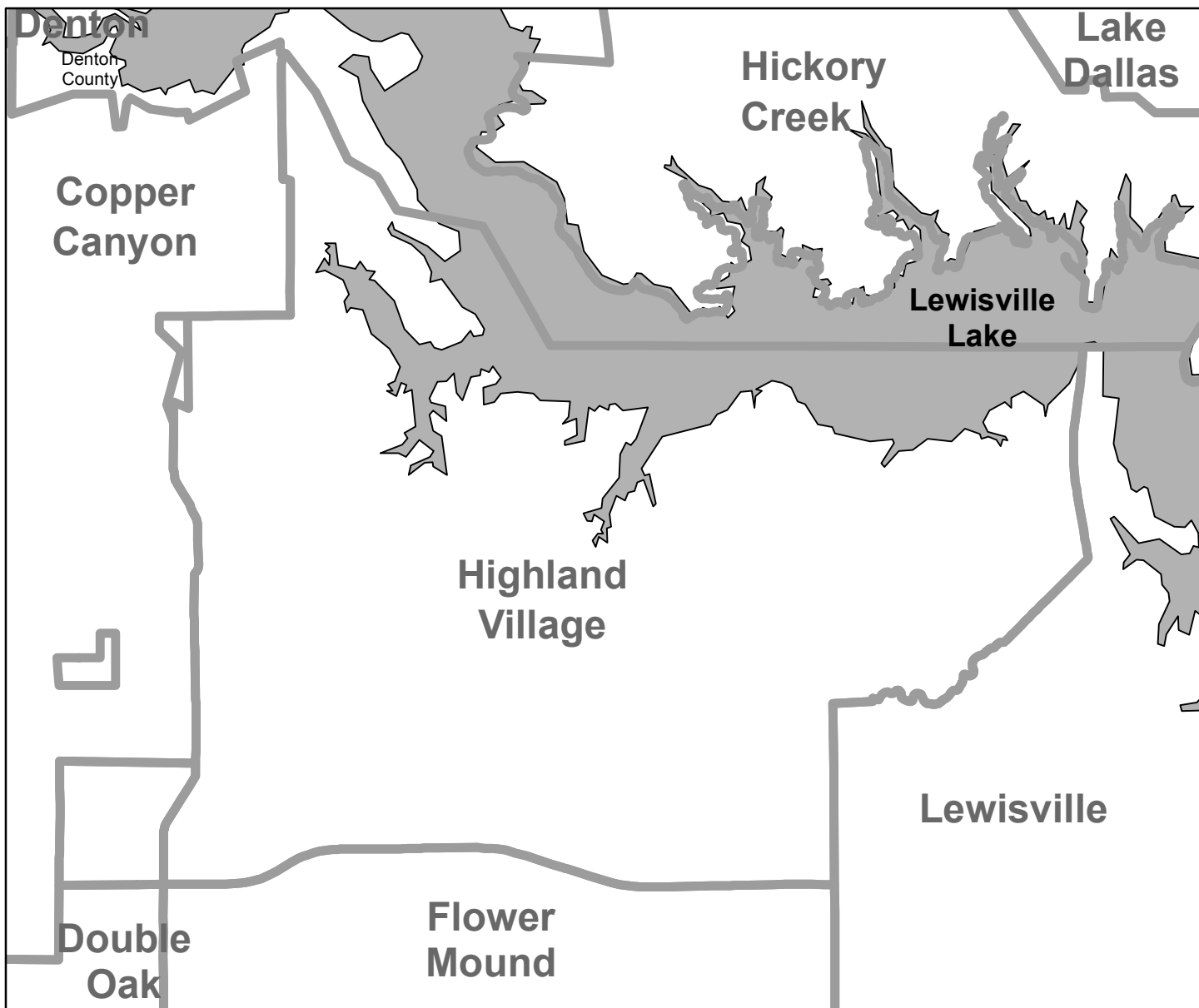
Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on February 11, 2019.

### **FISCAL INFORMATION**

Estimated Annual Revenue: \$3,428.80 (at current wholesale water rate)

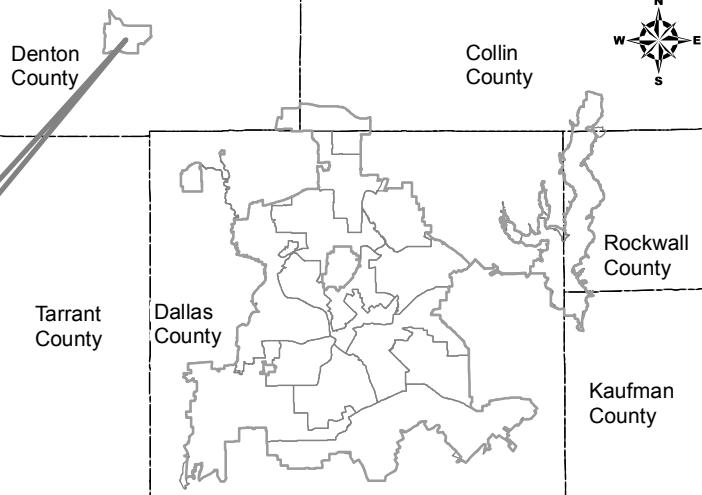
**MAP**

Attached



**Mapsco: 550 J**

**Council District: Outside City Limit**



## **Dallas Water Utilities**

### **City of Highland Village Wholesale Untreated Water Contract**



February 13, 2019

**WHEREAS**, the City of Highland Village, Texas desires to purchase from the City of Dallas untreated water from diversion points located on Copperas Branch Lake, a tributary of Lewisville Lake, for the purpose of irrigation and recreation of the Doubletree Ranch Park, which is located in Denton County; and

**WHEREAS**, Dallas and Highland Village desire to enter into a Wholesale Untreated Water Contract; and

**WHEREAS**, the term of the new Five-Year Wholesale Untreated Water Contract will be February 26, 2019 through February 25, 2024, with two five-year periods of renewal, not to exceed fifteen years; and

**WHEREAS**, authorization of the contract would be in the best interest of the City of Dallas as well as the City of Highland Village.

**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 five-year contract, with two five-year periods of renewal, not to exceed fifteen years, with the City of Highland Village, approved as to form by the City Attorney, to provide untreated water services from February 26, 2019 through February 25, 2024, in the estimated annual revenue amount of \$3,428.80.

**SECTION 2.** That the Chief Financial Officer is hereby authorized and directed to deposit receipts for service provided under this contract to the Water Utilities Current Fund, Fund 0100, Department DWU, Unit 7005, Function 7REV, Revenue Code 7836.

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



## Agenda Information Sheet

**File #:** 18-1352

**Item #:** 36.

**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** February 13, 2019

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Water Utilities Department

**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

Authorize an Interlocal Agreement with the City of Irving for Irving's participation in Dallas' "Integrated Pipeline Raw Water Conveyance to the Bachman Water Treatment Plant Study" - Estimated Revenue: \$250,000.00

### **BACKGROUND**

The City of Dallas has contracted with a consultant to conduct the "Integrated Pipeline (IPL) Raw Water Conveyance to the Bachman Water Treatment Plant Study" (Study) to evaluate conveyance and routing alternatives based on feasibility, constructability, probable cost, schedule, and advantages and disadvantages from the IPL Delivery Point to Bachman Water Treatment Plant (Bachman WTP).

The City of Irving has contracted with the Trinity River Authority for the use of up to 25 million gallons per day of treated return flows discharged into the West Fork Trinity River from Trinity River Authority's Central Regional Wastewater System upstream of the confluence of Mountain Creek and the West Fork of the Trinity River. Due to the proximity of Irving's contracted return flows to Bachman WTP and route alternatives to be evaluated as part of the Study, the Study will also evaluate the benefits of sharing conveyance facilities and the potential for Dallas to purchase additional water supplies during the time that Irving's contracted return flows exceeds Irving's demands.

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On September 26, 2018, City Council authorized a professional services contract with HDR Engineering, Inc. to provide engineering services for an alignment study and preliminary design report associated with the delivery of raw water from the Integrated Pipeline delivery point near Joe Pool Lake to the Bachman Water Treatment Plant by Resolution No. 18-1404.

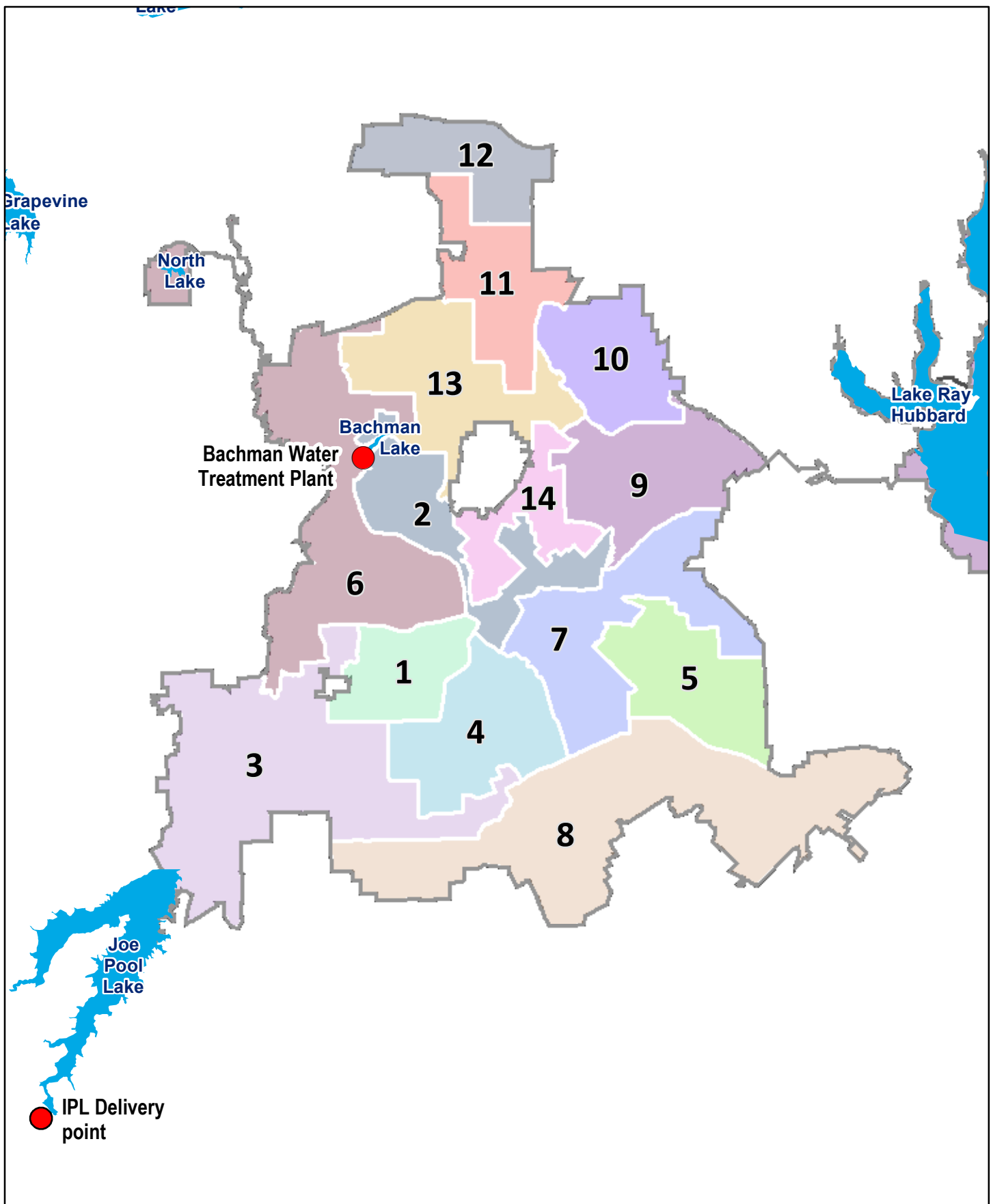
Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on February 11, 2019.

**FISCAL INFORMATION**

Estimated Revenue: \$250,000.00

**MAP**

Attached



Dallas Water Utilities Interlocal Agreement with the  
City of Irving for participation in Dallas  
IPL Raw Water Conveyance to the Bachman Water Treatment Plant Study



February 13, 2019

**WHEREAS**, Dallas has contracted with a consultant to conduct the “Integrated Pipeline (IPL) Raw Water Conveyance to the Bachman Water Treatment Plant Study” to evaluate conveyance alternatives based on feasibility, constructability, probable cost, schedule, and advantages and disadvantages from the IPL Delivery Point to the Bachman Water Treatment Plant (Bachman WTP); and

**WHEREAS**, Irving has contracted with the Trinity River Authority for the use of up to 25 million gallons per day of treated return flows discharged into the West Fork Trinity River; and

**WHEREAS**, Irving desires to evaluate infrastructure alternatives by which Irving’s contracted return flows could be delivered to Dallas’ Bachman WTP; and

**WHEREAS**, Dallas recognizes potential benefits from alternatives that included conveyance of Irving’s contracted return flows as part of the IPL Delivery Point to the Bachman WTP Conveyance system; and

**WHEREAS**, Irving desires to participate in the “Integrated Pipeline Raw Water Conveyance to the Bachman Water Treatment Plant Study” by having such alternatives included and sharing in the cost of the Study.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute an Interlocal Agreement with the City of Irving, approved as to form by the City Attorney, for Irving’s participation in Dallas’ “Integrated Pipeline Raw Water Conveyance to the Bachman Water Treatment Plant Study”.

**SECTION 2.** That the Chief Financial Officer is hereby authorized and directed to deposit receipts for services provided under this Interlocal Agreement to the Water Utilities Capital Construction Fund, Fund 0102, Department DWU, Unit CW20, Revenue Code 6535.

**SECTION 3.** That this contract is designated as Contract No. DWU-2019-00008944.

**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

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**File #:** 19-192

**Item #:** 37.

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**AGENDA DATE:** January 23, 2019

**COUNCIL DISTRICT(S):** N/A

**DEPARTMENT:** City Secretary's Office

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**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)



## Agenda Information Sheet

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**File #:** 19-125

**Item #:** 38.

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**STRATEGIC PRIORITY:** Economic and Neighborhood Vitality  
**AGENDA DATE:** February 13, 2019  
**COUNCIL DISTRICT(S):** 9  
**DEPARTMENT:** Housing & Neighborhood Revitalization  
**EXECUTIVE:** T.C. Broadnax

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### **SUBJECT**

Authorize **(1)** the rescission of a housing development loan agreement and a conditional grant agreement for development of 10 single family homes for the Ferguson Road Townhomes Project with KAH Holdings, Inc. (KAH) authorized by Resolution No. 16-0844, previously approved on May 25, 2016, as amended; and **(2)** a release of lien and termination of deed restrictions upon repayment of funds paid to KAH to date in the amount paid \$67,904.75 to the City - Revenue: \$67,904.75

### **BACKGROUND**

On May 25, 2016, City Council authorized a housing development loan in the amount of \$250,000.00 in HOME funds and a conditional grant agreement in the amount of \$200,000.00 in 2012 Bond Funds with KAH Holdings, Inc. dba Karrington & Company ("Developer") for the development of the (10) single family homes for the Ferguson Road Townhomes Project located at 7839 Ferguson Road by Resolution No. 16-0844.

On June 22, 2016, City Council authorized an amendment to the housing development loan and conditional grant agreement by changing the \$200,000.00 in 2012 Bond Funds to HOME funds by Resolution No. 16-1127.

As of date, Developer has expended \$67,904.75 in HOME funds with a remaining balance of \$382,095.25. The Developer experienced delays in development as a result of the time it has taken to complete the plan review. It has taken over 24 months for the review process to prepare to pull permits. During this time, the cost of construction increased and additional costs were incurred for engineering. As a result, the Developer wishes to terminate its obligations under the housing development loan and repay the City the \$67,904.75 already expended.

City Council approval of this item will authorize the City Manager to modify the housing development loan agreement with KAH Holdings, Inc. dba Karrington & Company to authorize a release of lien and termination of deed restriction upon repayment of expended funds by KAH Holdings, Inc. dba Karrington & Company.

The housing development loan agreement was executed on August 26, 2016.

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

On May 25, 2016, City Council authorized a housing development loan in the amount of \$250,000.00 in HOME funds and a conditional grant agreement in the amount of \$200,000.00 in 2012 Bond Funds with KAH Holdings, Inc. dba Karrington & Company for the development of ten (10) single family homes for the Ferguson Road Townhomes Project located at 7839 Ferguson Road by Resolution No. 16-0844.

On June 22, 2016, City Council authorized an amendment to the housing development loan and conditional grant agreement with KAH Holdings, Inc. dba Karrington & Company by changing the \$200,000.00 2012 Bond Funds to HOME funds, by Resolution No. 16-1127.

Information about this item will be provided to the Economic Development and Housing Committee on February 4, 2019.

**FISCAL INFORMATION**

Revenue: \$67,904.75

**OWNER**

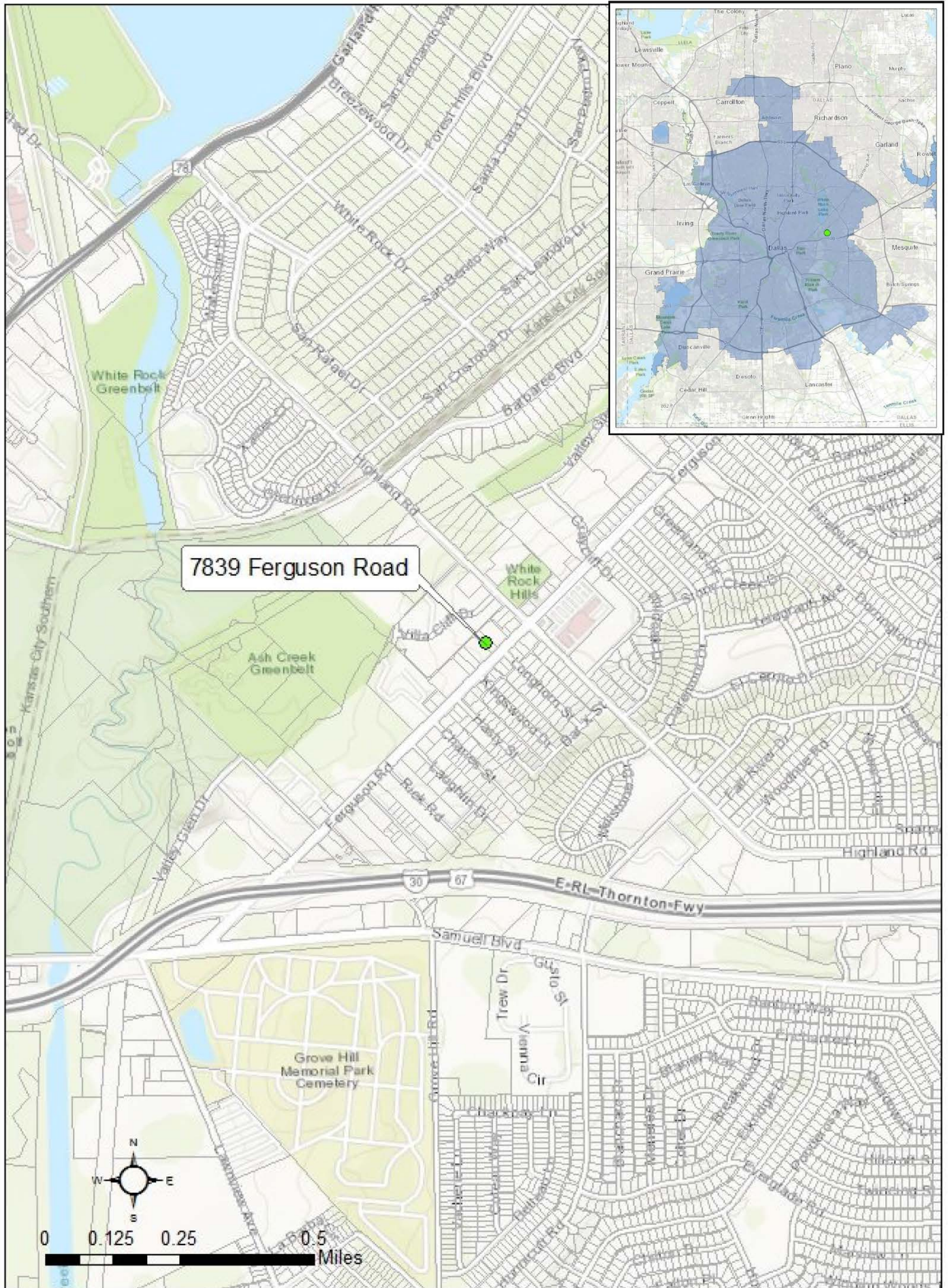
**KAH Holdings, Inc. dba Karrington & Company**

Gary Hasty, President

**MAP**

Attached





February 13, 2019

**WHEREAS**, the development of affordable homeownership units is a high priority of the City of Dallas; and

**WHEREAS**, on May 25, 2016, City Council authorized a housing development loan in the amount of \$250,000.00 in HOME funds and a conditional grant agreement in the amount of \$200,000.00 in 2012 Bond Funds with KAH Holdings, Inc. dba Karrington & Company for the development of ten (10) single family homes for the Ferguson Road Townhomes Project located at 7839 Ferguson Road by Resolution No. 16-0844; and

**WHEREAS**, on June 22, 2016, City Council authorized an amendment to the housing development loan and conditional grant agreement with KAH Holdings, Inc. dba Karrington & Company by changing the \$200,000.00 in 2012 Bond Funds to HOME funds, by Resolution No. 16-1127; and

**WHEREAS**, the City desires to accept repayment of funds for use on future affordable housing projects and to release the developer from further obligations on the loan.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to **(1)** rescind a housing development loan agreement and a conditional grant agreement for development of 10 single family homes for the Ferguson Road Townhomes Project with KAH Holdings, Inc. (KAH) authorized by Resolution No.16-0844, previously approved on May 25, 2016, as amended; and **(2)** a release of lien and termination of deed restrictions upon repayment of funds paid to KAH to date in the amount paid \$67,904.75 to the City, approved as to form by the City Attorney.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to deposit funds in an amount not to exceed \$67,904.75 in Fund HMPI, Department HOU, Unit 6317, Revenue Code 8488.

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

**SECTION 4.** That this contract is designated as Contract No. HOU-2016-00000913.

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





## Agenda Information Sheet

**File #:** 19-161

**Item #:** 39.

**STRATEGIC PRIORITY:** Government Performance and Financial Management

**AGENDA DATE:** February 13, 2019

**COUNCIL DISTRICT(S):** 2

**DEPARTMENT:** Office of Procurement Services

**EXECUTIVE:** Elizabeth Reich

---

### **SUBJECT**

Authorize **(1)** a five-year management contract, with two five-year extension options, for the management and operation of the Kay Bailey Hutchison Convention Center Dallas (KBHCCD) for the Department of Convention and Event Services - Global Spectrum, LP, dba Spectra Venue Management, most advantageous proposer of two - Not to exceed \$2,841,663 (which includes \$100,000 for costs associated with transition of management responsibilities of the KBHCCD); and **(2)** to establish a City owned account at the City's depository bank funded by annual appropriations for City authorized expenses associated with the operations of KBHCCD - Not to exceed \$249,070,917 - Total not to exceed \$251,912,580 - Financing: Convention Center Fund (subject to annual appropriations)

### **BACKGROUND**

This management contract will provide for the management and all operational responsibilities of the Kay Bailey Hutchison Convention Center Dallas (KBHCCD). This includes responsibility for event management, facility maintenance, and operations of the KBHCCD, a 2 million square foot facility with 1 million square feet of exhibit space, three ballrooms, and 88 meeting rooms. The facility currently books over 100 events annually with definite bookings scheduled through 2026.

The contract will be managed by the Department of Convention and Event Services (CES), an enterprise department with an FY 2018-19 budget of approximately \$109 million. Performance metrics have been contractually established that work toward an annual increase in revenue, the implementation of expense-reducing strategies, and industry-standardization of operational efficiencies. As an example, the recommended vendor has set a year 1 goal of increasing revenue by \$3.8 million and operational efficiencies that reduce expenses by \$1 million. Total compensation, including the base management fee and incentive fees will not exceed \$500,000 annually.

The recommended vendor will be responsible for day-to-day event management, client services, and contract management of custodial services, security, parking, food and beverage, preventive maintenance, and collateral client services such as electrical, communications, and audio visual. As

part of the deliverables for this contract, independently administered and evaluated surveys will be provided to client meeting planners, attendees, and exhibitors to gauge the increase in satisfaction with event management, facility maintenance, and customer service. The recommended vendor will also be evaluated, throughout the term of the contract, on resource development, energy-efficiency enhancements, revenue increases, and operational and preventive maintenance efficiencies that move the convention center toward industry-standardization and greater competitiveness among similarly sized facilities. The contract also includes an initial assessment, of facility related repairs, and the ability for the recommended vendor to procure and manage all facility repair projects under \$25,000. On larger capital projects, the vendor will coordinate with CES Capital Projects Management staff. The initial assessment will be used by CES Capital Project Management staff to inform and guide the development of a long-term campus-based master plan that will allow the KBHCCD to better compete in the marketplace and propel the facility to a higher national ranking within the meeting and convention industry.

Bond Counsel and the City Controller's Office approved the structure for the flow of funds to ensure compliance with bond covenants. The structure will include segregation of revenues and expenses. An operating account will be established by the City for the vendor's day-to-day operational expenses. As outlined in the contract, the vendor will establish a separate bank account for receipt of both the management and incentive fees.

The management company will have a 45-day transition period beginning on the contract effective date. Transition costs are budgeted not to exceed \$200,000 with the vendor contributing \$100,000 of those costs. The transition period includes a human resources component where approximately 108 employees will be interviewed and potentially hired by the management company.

An eight member committee from the following departments reviewed and evaluated the qualifications:

- Department of Convention and Event Services (1)
- Building Services Department (1)
- Office of Cultural Affairs (1)
- Department of Planning & Urban Design (1)
- Office of Economic Development (1)
- Department of Public Works (1)
- Office of Business Diversity (1)\*
- Office of Procurement Services (1)\*

\*The Office of Procurement Services only evaluated cost and the Office of Business Diversity only evaluated the Business Inclusion and Development Plan.

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

- Financial capability 23 points
- Qualifications and experience 23 points
- Project approach 39 points



- Business Inclusion and Development Plan 15 points

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 1,424 email bid notifications to vendors registered under respective commodities and 14 nationally recognized organizations. 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 the wage floor rate of \$11.15, by Resolution No. 15-2141; the selected vendor meets this requirement. Spectra has agreed to pay transitioning CES employees no less than \$13.45, the current lowest wage paid to a CES employee.

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

The Government Performance & Financial Management Committee was briefed regarding this matter on January 7, 2019.

### **FISCAL INFORMATION**

Convention Center Fund - \$251,912,580 (subject to annual appropriations)

	Management Fee	Convention Center Operations	Total
FY 2018-19	\$ 341,663.00	\$ 27,241,917.00	\$ 27,583,580.00
FY 2019-20	\$ 500,000.00	\$ 40,279,000.00	\$ 40,779,000.00
FY 2020-21	\$ 500,000.00	\$ 43,196,000.00	\$ 43,696,000.00
FY 2021-22	\$ 500,000.00	\$ 44,994,000.00	\$ 45,494,000.00
FY 2022-23	\$ 500,000.00	\$ 46,201,000.00	\$ 46,701,000.00
FY 2023-24	\$ 500,000.00	\$ 47,159,000.00	\$ 47,659,000.00
5-Year Total	\$2,841,663.00	\$249,070,917.00	\$251,912,580.00

### **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 \$
\$2,841,663.00	Other Services	23.80%	57.57%	\$1,636,000.00
• This contract exceeds the M/WBE goal.				

**PROCUREMENT INFORMATION**

Method of Evaluation for Award Type:

Request for Competitive Sealed Proposal	<ul style="list-style-type: none"> <li>• Utilized for high technology procurements, insurance procurements, and other goods and services</li> <li>• Recommended offeror whose proposal is most advantageous to the City, considering the relative importance of price, and other evaluation factors stated in the specifications</li> <li>• Always involves a team evaluation</li> <li>• Allows for negotiation on contract terms, including price</li> </ul>
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The Office of Procurement Services received the following proposals from solicitation number BGZ1802. We opened them on July 12, 2018. We recommend the City Council award this management contract in its entirety to the most advantageous proposer.

\*Denotes successful proposer

<b><u>Proposers</u></b>	<b><u>Address</u></b>	<b><u>Score</u></b>	<b><u>Amount</u></b>
*Global Spectrum, LP, dba Spectra Venue Management	3601 S. Broad St. Philadelphia, PA 19148	85.06	\$500,000.00
SMG Holdings, LLC	300 Conshohocken State Rd. Suite 770 W. Conshohocken, PA 19428	80.41	\$675,000.00

**OWNER****Global Spectrum, LP, dba Spectra Venue Management**

Brian Rothenberg, President  
James Pekala, Vice President

February 13, 2019

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

**SECTION 1.** That the City Manager is hereby authorized to **(1)** execute a management contract with Global Spectrum, LP, dba Spectra Venue Management (VC16378), approved as to form by the City Attorney, for the management and operation of the Kay Bailey Hutchison Convention Center Dallas (KBHCCD) for the Department of Convention and Event Services for a term of five years, with two five-year extension options in an amount not to exceed \$2,841,663.00, (which includes \$100,000.00 for costs associated with transition of management responsibilities of the KBHCCD), and **(2)** establish a City owned account at the City's depository bank funded by annual appropriations to Convention Center Fund 0080 for City authorized expenses associated with the operations of KBHCCD in an amount not to exceed \$249,070,917.00 over the initial term of the contract. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Global Spectrum, LP, dba Spectra Venue Management shall be based only on the amount of the services directed to be performed by the City and properly performed by Global Spectrum, LP, dba Spectra Venue Management under the contract.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse a prorated management fee of \$125,000.03 in full-month installments of \$16,666.67, \$100,000.00 in transition costs and an amount of pro-rated incentive fees not to exceed \$116,662.97, for a total amount not to exceed \$341,663.00 in year one from Convention Center Fund, Fund 0080, Department CCT, Unit 7840, Object Code 3071 to Global Spectrum LP, dba Spectra Venue Management from Service Contract No. CCT-2019-00009314.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse a \$200,000.00 annual management fee paid in monthly installments of \$16,666.67 and \$300,000.00 in financial and qualitative incentive fees, in a total amount not to exceed \$500,000.00 annually for combined management and incentive fees, based on satisfactory performance on contractually established metrics and subject to annual appropriations, for the remaining term of the contract following the transition in an amount not to exceed \$2,500,000.00 from Convention Center Fund, Fund 0080, Department CCT, Unit 7840, Object Code 3071, to Global Spectrum LP, dba Spectra Venue Management from Service Contract No. CCT-2019-00009314.

**SECTION 4.** That the Chief Financial Officer is hereby authorized to transfer an amount not to exceed \$27,241,917.00 from Convention Center Fund, Fund 0080, Department CCT, Unit 7873, Object Code 3072 to a City owned account at the City's depository bank for KBHCCD operating expenses which Global Spectrum, LP, dba Spectra Venue Management has access to in year one of Service Contract No. CCT-2019-00009314.

February 13, 2019

**SECTION 5.** That the Chief Financial Officer is hereby authorized to transfer funds from the Convention Center Fund, Fund 0080, Department CCT, Unit 7873, Object Code 3072 to a City owned account at the City's depository bank funded for KBHCCD operating expenses which Global Spectrum, LP, dba Spectra Venue Management has access to, subject to annual appropriations as follows:

- FY 2019-20: \$40,279,000.00
- FY 2020-21: \$43,196,000.00
- FY 2021-22: \$44,994,000.00
- FY 2022-23: \$46,201,000.00
- FY 2023-24: \$47,159,000.00

That the total amount to be transferred from Convention Center Fund 0080 to a City owned account at the City's depository bank for City authorized expenses associated with the operations of KBHCCD, inclusive of year one and subject to annual appropriations, shall not exceed \$249,070,917.00 over the initial term of the contract.

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





## Agenda Information Sheet

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**File #:** 19-188

**Item #:** 40.

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**STRATEGIC PRIORITY:** Public Safety  
**AGENDA DATE:** February 13, 2019  
**COUNCIL DISTRICT(S):** All  
**DEPARTMENT:** Police Department  
**EXECUTIVE:** Jon Fortune

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### **SUBJECT**

Authorize the revision to Rule XXIII of the Civil Service Board Code of Rules and Regulations related to minimum qualifications for police officer to allow applicants that possess an active, valid Texas Commission on Law Enforcement license be accepted in lieu of the current forty-five required hours of college - Financing: This action has no cost consideration to the City (see Fiscal Information)

### **BACKGROUND**

Nationwide, police departments are seeing fewer applicants for entry level police officer careers. At the same time many officers are also retiring from the job. This relates to fewer applicants nationwide for more openings. The Dallas Police Department has been researching new ideas and programs to recruit these highly sought-after applicants.

Current requirements for applying for a police officer position with the Dallas Police Department are: An applicant must have 45 semester hours of college with a C average or better from an accredited college or university or a minimum of thirty-six (36) months active service in the Armed Forces of the United States with an Honorable Discharge or thirty-six (36) months of fulltime certified law enforcement experience with a city, county or state law enforcement agency and be currently employed or separated from the agency for no more than 4 months prior to the application.

The Texas Commission on Law Enforcement (TCOLE) advises there are approximately 78,000 sworn police officers in the state. Many law enforcement agencies in Texas hire these officers whom already possess this state certification. This allows the officer to be ready to work on patrol faster than an applicant needing to obtain the state certification.

The intent of this revision is to hire TCOLE certified officers that will require less training with the Dallas Police Department and be capable of reporting to patrol approximately 22-23 weeks sooner. This will result in a cost savings to the City.

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

On June 11, 2018, the Civil Service Board approved the revision to Rule XXIII of the Civil Service Board Rules and Regulations.

On December 10, 2018, the Public Safety and Criminal Justice Committee was briefed and approved the rule change for council approval.

Information about this item will be provided to the Public Safety and Criminal Justice Committee on February 11, 2019.

**FISCAL INFORMATION**

This action has no cost consideration to the City. The adoption of this rule change would result in a cost savings to the City of \$39,946.10 per applicant hired.

February 13, 2019

**WHEREAS**, the City of Dallas desires to modify Rule XXIII of the Rules and Regulations of the Civil Service Board; and

**WHEREAS**, an active, valid Texas Commission on Law Enforcement (TCOLE) license be accepted in lieu of the current forty-five (45) required semester hours of college credit; and

**WHEREAS**, it is in the best interest of the City to approve this revision.

**Now, Therefore,**

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

**SECTION 1.** That Section 1.A (1) of Rule XXIII of the Rules and Regulations of the Civil Service Board entitled "REQUIREMENTS FOR TRAINEE OFFICER" is hereby amended to read as follows:

A. In addition to the general requirements of Rule VI, applicants for Trainee Police Officer must meet the following requirements:

(1) Have at least forty-five (45) semester hours of college credit with a C average or better from an accredited college or university. OR A minimum of 36 months active service in the Armed Forces of the United States with an Honorable Discharge (Allowance for no more than 10 calendar days less than 36 months; more than 10 days requires approval from the Assistant Chief of Police over Personnel and Support Division). OR currently holds an active, valid Texas Commission on Law Enforcement (TCOLE) license. OR Thirty-six (36) months of fulltime certified law enforcement experience (from date of receipt of license) with a city, county or state law enforcement agency and be currently employed or separated from the agency for no more than 4 months prior to the date of application.

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



## Agenda Information Sheet

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**File #:** 19-231

**Item #:** 41.

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**STRATEGIC PRIORITY:** Government Performance and Financial Management

**AGENDA DATE:** February 13, 2019

**COUNCIL DISTRICT(S):** N/A

**DEPARTMENT:** City Secretary's Office

**EXECUTIVE:** Bilierae Johnson

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### **SUBJECT**

A resolution designating absences by Councilmember Philip T. Kingston as being for "Official City Business" - Financing: No cost consideration to the City (This item was deferred on January 23, 2019)

### **BACKGROUND**

This item is on the addendum to allow council members additional time to request approval of their outstanding absences (if applicable) as "Official City Business".

Chapter III, Section 4(e) of the Dallas City Charter provides in part, "If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city council member's compensation...for that year will be reduced proportionately by the percentage of meetings missed.... Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which compensation reduction is required... but will be counted as though the member had attended the meetings that are missed while so engaged in city business."

Section 4.11(b) of the City Council Rules of Procedure provides that an absence by a council member for (1) attending a meeting or conference of a professional organization or association of municipalities or municipal officers, (2) testifying at a legislative hearing at the request of the mayor, the city council, the chair of the council's legislative affairs committee or the city manager, or (3) attending a meeting of a board, commission, or committee to which the council member has been appointed by the mayor or the city council, will automatically be deemed to be for "official city business at the direction of the city council" and will not be counted against a city council member for purposes of determining the council member's annual compensation.

Section 4.11(c) of the City Council Rules of Procedure provides that, in addition to those absences automatically considered to be on "official city business at the direction of the city council" under



Section 4.11(b) above, the city council may by resolution designate whenever a council member's absence is for official city business and not counted as a missed meeting for purposes of determining the council member's annual compensation under Chapter III, Section 4 of the Dallas City Charter.

The proposed resolution authorizes and directs the city secretary to amend the minutes of city council meetings, without further city council action or approval, to reflect when the absences by designated council members have been deemed by the city council to be for "official city business."

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

On January 23, 2019, this item was deferred by Councilmember Carolyn K. Arnold.

**FISCAL INFORMATION**

No cost consideration to the City.

February 13, 2019

**WHEREAS**, Chapter III, Section 4(e) of the Dallas City Charter provides in part, "If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city council member's compensation... for that year will be reduced proportionately by the percentage of meetings missed.... Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which compensation reduction is required... but will be counted as though the member had attended the meetings that are missed while so engaged in city business"; and

**WHEREAS**, Section 4.11(b) of the City Council Rules of Procedure provides that an absence by a council member for (1) attending a meeting or conference of a professional organization or association of municipalities or municipal officers, (2) testifying at a legislative hearing at the request of the mayor, the city council, the chair of the council's legislative affairs committee or the city manager, or (3) attending a meeting of a board, commission, or committee to which the council member has been appointed by the mayor or the city council, will automatically be deemed to be for "official city business at the direction of the city council" and will not be counted against a city council member for purposes of determining the council member's annual compensation; and

**WHEREAS**, Section 4.11(c) of the City Council Rules of Procedure provides that, in addition to those absences automatically considered to be on "official city business at the direction of the city council" under Section 4.11(b) referenced above, the city council may by resolution designate whenever a council member's absence is for official city business and not counted as a missed meeting for purposes of determining the council member's annual compensation under Chapter III, Section 4 of the Dallas City Charter; and

**WHEREAS**, Councilmember Philip T. Kingston participated in an event(s) and/or meeting(s), as described in **Exhibit A** attached, which required him to miss all or part of one or more city council meeting(s) or committee meeting(s) on the date(s) noted.

**Now, Therefore,**

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

**SECTION 1.** That, in accordance with Chapter III, Section 4(e) of the Dallas City Charter and Section 4.11(c) of the City Council Rules of Procedure, the event(s) and/or meeting(s) described in **Exhibit A**, attached, are hereby deemed to be for "official city business," and any absences from city council meeting(s) and/or city council committee meeting(s), on the date(s) noted in **Exhibit A**, by Councilmember Philip T. Kingston because of his participation in any event(s) and/or meeting(s) will not be counted against him in determining his annual compensation under Chapter III, Section 4 of the Dallas City Charter.

February 13, 2019

**SECTION 2.** That, in accordance with Section 4.11(a) of the City Council Rules of Procedure, the City Secretary shall maintain a record of the absence on official city business so that such absence(s) will not count against Councilmember Philip T. Kingston in determining his annual compensation under Chapter III, Section 4 of the Dallas City Charter.

**SECTION 3.** That the City Secretary is hereby authorized and directed to amend the minutes of each city council meeting held on the date(s) specified in **Exhibit A**, if applicable, to reflect that the absence(s) by Councilmember Philip T. Kingston as described in **Exhibit A**, were for "official city business," and no further city council action or approval of those minutes is required.

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

EXHIBIT A

CITY COUNCIL MEMBER(S)  
REQUEST ABSENCE AS OFFICIAL CITY BUSINESS

COUNCIL MEMBER	DATE	MEETING(S) MISSED	PURPOSE/LOCATION	ABSENCE TYPE
Philip T. Kingston	1/7/2019	Government Performance and Financial Management Committee	Attended a TML meeting	Absent
Philip T. Kingston	1/14/2019	Public Safety and Criminal Justice Committee	Attended a NALEO Texas Statewide Policy Institute on Higher Education and the Workforce in San Antonio.	Absent



# Memorandum

RECEIVED

2019 JAN -7 PM 1:53

CITY SECRETARY  
DALLAS, TEXAS



CITY OF DALLAS

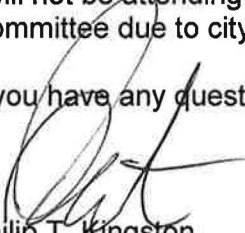
DATE January 7, 2019

TO Jennifer Gates, Chair

SUBJECT **Absence from Government Performance and Financial Management Committee on  
January 7, 2019**

I will not be attending the January 7, 2019 Government Performance and Financial Management Committee due to city business. I will be attending a TML meeting.

If you have any questions, please contact my liaison, Connie Sanchez at 214 670-5415.



Philip T. Kingston

c: Billerae Johnson, City Secretary  
Members of the Government Performance & Financial Management Committee

# Memorandum

RECEIVED

2019 JAN 10 AM 9:42

CITY SECRETARY  
DALLAS, TEXAS



CITY OF DALLAS

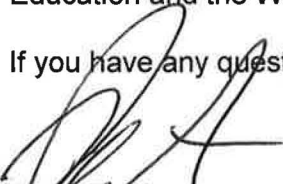
DATE January 7, 2019

TO Adam McGough, Chair

SUBJECT **Absence from Public Safety and Criminal Justice Committee on January 14, 2019**

I will not be attending the January 14, 2019 Public Safety and Criminal Justice Committee due to city business. I will be attending a NALEO Texas Statewide Policy Institute on Higher Education and the Workforce in San Antonio.

If you have any questions, please contact my liaison, Connie Sanchez at 214 670-5415.



Philip T. Kingston

c: Billerae Johnson, City Secretary  
Members of the Public Safety and Criminal Justice Committee



## Agenda Information Sheet

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**File #:** 19-168

**Item #:** 42.

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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability  
**AGENDA DATE:** February 13, 2019  
**COUNCIL DISTRICT(S):** 6  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a tower/antenna for cellular communication on property zoned an IR Industrial Research District, north of the intersection of Storey Lane and Overlake Drive  
Recommendation of Staff and CPC: Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan, an elevation plan, and conditions Z178-340(PD)

**FILE NUMBER:** Z178-340(PD)

**DATE FILED:** August 17, 2018

**LOCATION:** North of the intersection of Storey Lane and Overlake Drive

**COUNCIL DISTRICT:** 6

**MAPSCO:** 23 X

**SIZE OF REQUEST:** ± 2,103 sq. ft.

**CENSUS TRACT:** 72.01

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**REPRESENTATIVE:** Peter Kavanagh

**APPLICANT:** Wild West Towers Corporation

**OWNER:** Scott Olden

**REQUEST:** An application for a Specific Use Permit for a tower/antenna for cellular communication on property zoned an IR Industrial Research District.

**SUMMARY:** The applicant [T-Mobile] proposes to permit the construction of a monopole tower for cellular communication. The tower will have a maximum height of 80 feet and will be available for collocation. The approximately 2,103-square-foot wireless lease area is proposed to have access to Storey Lane and the tower and equipment is proposed to be surrounded by a six-foot-tall chain link fence.

**CPC RECOMMENDATION:** **Approval** for a ten-year period with eligibility for automatic renewals for additional ten-year periods subject to a site plan, an elevation plan, and conditions.

**STAFF RECOMMENDATION:** **Approval** for a ten-year period with eligibility for automatic renewals for additional ten-year periods subject to a site plan, an elevation plan, and conditions.



**BACKGROUND INFORMATION:**

- The ± 2,103-square-foot request site is currently developed with an office showroom/warehouse use [The Lawn Mowgul]. The tower/antenna for cellular communication is proposed to be located behind the existing use.
- The proposed 80-foot tower/antenna and equipment are proposed to be surrounded by a 6-foot-tall chain link fence and secured by a twelve-foot-tall access gate.
- The Specific Use Permit allows this additional use of the property and does not change the existing IR Industrial Research District zoning. The uses permitted by the present zoning will continue to be allowed.

**Zoning History:** There have been no recent zoning changes requested in the area within the past five years.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW
Overlake Drive	Community Collector	60-ft.
Storey Lane	Community Collector	60-ft.

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed zoning change will not significantly impact the surrounding street system.

**STAFF ANALYSIS:**

**Comprehensive Plan:**

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

There are no goals or policies supporting or opposing the request.

**Land Use:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	IR	Office Showroom/Warehouse
<b>North</b>	MF-2(A)	Multifamily
<b>South</b>	CR	Convenience Store
<b>East</b>	R-7.5(A) & MF-2(A)	Single Family & Multifamily
<b>West</b>	IR	Industrial (inside) potentially incompatible

**Land Use Compatibility:**

The proposed location of the monopole tower is on the easternmost corner of the triangular-shaped lot, developed with an office/showroom warehouse use. The applicant [T-Mobile] proposes to permit the construction of a monopole tower for cellular communication to provide adequate radio frequency signal strength for the T-Mobile network in the area surrounding Nagle Street and Storey Lane.

The 2,103-square-foot wireless lease area is proposed approximately 170.30 feet northeast of Overlake Drive and 25 feet from the north line of Storey Lane. Additionally, the tower and equipment are proposed to be surrounded by planting material, a six-foot-tall chain link fence, and a twelve-foot-tall access gate accessible from Storey Lane.

The proposed location of the monopole tower is surrounded by multifamily uses to the north and east with some single family to the east, an industrial (inside) potentially incompatible use, a chemical manufacturing warehouse to the west across Overlake Drive, and a convenience store to the south, along Storey Lane.

Pursuant to Section 51A-4.212(10.1)(B)(iii), an SUP is required in any district where a monopole cellular tower is permitted by right but exceeds the residential proximity slope, in this case an IR Industrial Research District. Although the maximum structure height in an IR District is 200 feet, the maximum height for the tower/antenna cannot be obtained due a one-to-three residential proximity slope (RPS).

For the proposed 80-foot-tall tower to comply with RPS, it must be further than 240 feet away from the nearest single family and multifamily zoned properties to the north and east, called a *site of origination*. Since the closest site of origination to the proposed monopole is closer than 240 feet, an SUP is required.

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 applicant proposes to construct a monopole tower at this location to primarily provide signal strength to the residential and commercial buildings surrounding the area along Storey Lane and Nagle Street. Previous optimization efforts in the area were not able to improve the area coverage. Therefore, the applicant has indicated that the request site is optimal to maintain network coverage.

Staff supports the request because (1) the proposed monopole tower will be consistent with the scale and character of the area as an 80-foot-tall TXU utility pole is currently erected on the site in front of the existing structure at the corner of Overlook Drive and Storey Lane, and (2) the public utility service increased capacity would significantly improve as shown by the following coverage maps.

### **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 immediately adjacent to the “E” MVA cluster to the north and south and the “H” MVA cluster to the east.

**Parking:**

Parking will be provided in accordance with the parking requirements in the Dallas Development Code, as amended, which is one space if the cellular communication tower/antenna has an auxiliary building housing electronic and communication equipment (“auxiliary building”) greater than 120 square feet. No auxiliary building is proposed and therefore no additional parking is triggered by the development of this use.

**Landscaping:**

In general, landscaping must be provided in accordance with the landscaping requirements in Article X, as amended. Per the current proposal, the area of request will not be required to provide landscaping because less than 2,000 square feet of non-permeable surface will be installed, however, the applicant is proposing to install planting material along the eastern portion of the property, as depicted on the site plan.



**CPC Action**  
**January 3, 2019**

**Motion:** It was moved to recommend **approval** of a Specific Use Permit for a tower/antenna for cellular communication for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan, elevation plan and conditions (as briefed) on property zoned an IR Industrial Research District, north of the intersection of Storey Lane and Overlake Drive.

Maker: Carpenter  
Second: Rieves  
Result: Carried: 10 to 0

For: 10 - MacGregor, Rieves, Davis, Shidid, Carpenter,  
Jung, Housewright, Schultz, Murphy\*, Ridley

Against: 0  
Absent: 2 - Lewis, Tarpley  
Vacancy: 3 - District 3, District 7, District 12

\*out of the room, shown voting in favor

**Notices:** Area: 500 Mailed: 56  
**Replies:** For: 2 Against: 0

**Speakers:** For: Peter Kavanagh, 1620 Handley Dr., Dallas, TX, 75208  
Against: None

**List of Partners/Principals/Officers**

**Wild West Towers Corporation**

**List of Officer and Directors**

Randy O. Burden  
President  
700 Hardman Drive, Orland, FL 32806

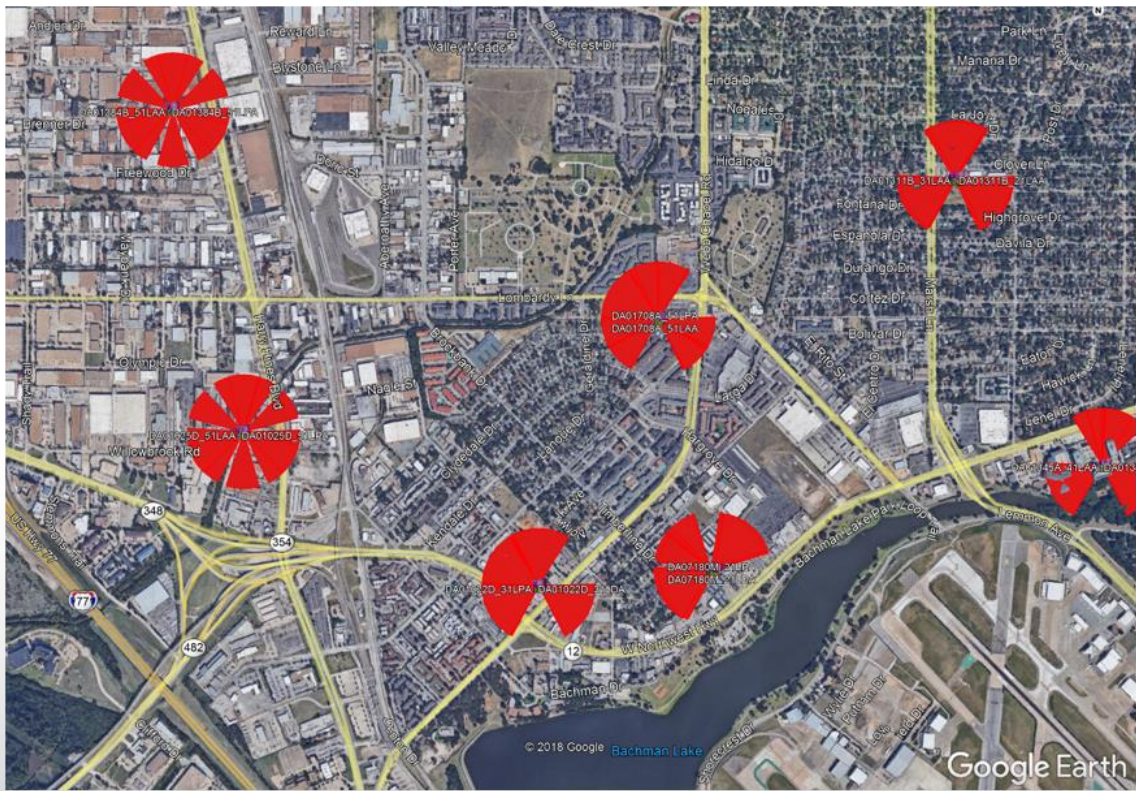
Gary Brundage II  
Vice President  
1750 Bellair Forest Drive, Unit A19, Bellair, FL 33756

Timothy O'Shaughnessy  
Vice President  
1123 Solana Avenue, Winter Park, FL 32789

Pamela N. Shaw  
Secretary  
2901 S. Osceola Avenue, Orlando, FL 32806

## Applicant Coverage Maps

### DA03046 – Surrounding area (Google Earth)



## Applicant Coverage Maps

### DA03046 – Search area (Google Earth)



T-Mobile



## Applicant Coverage Maps

5

### DA03046 – ACTUAL ZONE COVERAGE (RSRP)

#### CURRENT RSRP



T-Mobile

T-Mobile Confidential

T-Mobile

## **Applicant Coverage Maps**

**DA03046 – NEW COVERAGE @ 80' (RSRP)**

## NEW RSRP



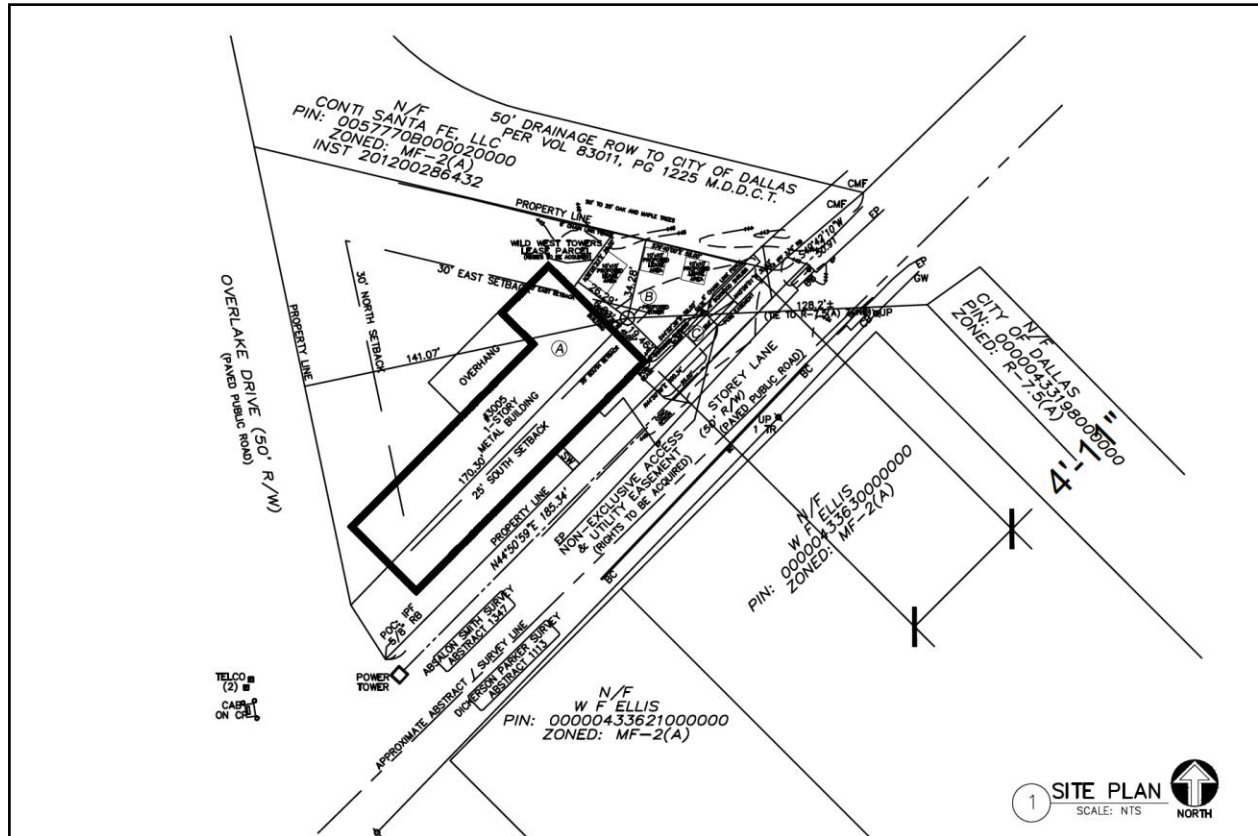
<b>CPC RECOMMENDED CONDITIONS</b>
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1. **USE:** The only use authorized by this specific use permit is a tower/antenna for cellular communication.
2. **SITE PLAN:** Use and development of the Property must comply with the attached site plan and elevation.
3. **TIME LIMIT:** This specific use permit expires on (ten years from the passage of the ordinance), 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 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 180<sup>th</sup> but before the 120<sup>th</sup> 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. **COLLOCATION:** The tower/antenna for cellular communication must be constructed to support the antenna arrays for at least two other wireless communication carriers and must be made available to other carriers upon reasonable terms.
5. **HEIGHT:** The tower/antenna for cellular communication may not exceed 80 feet in height above ground level.
6. **LANDSCAPING:** Landscaping must be provided as shown on the attached site plan.
7. **SCREENING:** A minimum six-foot-tall chain link fence, secured by a twelve-foot-tall access gate in the location shown on the attached site plan.
8. **STEALTH DESIGN:** The tower/antenna for cellular communication must be constructed with a stealth design with the platform concealed within the overall vertical design of the tower.
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.

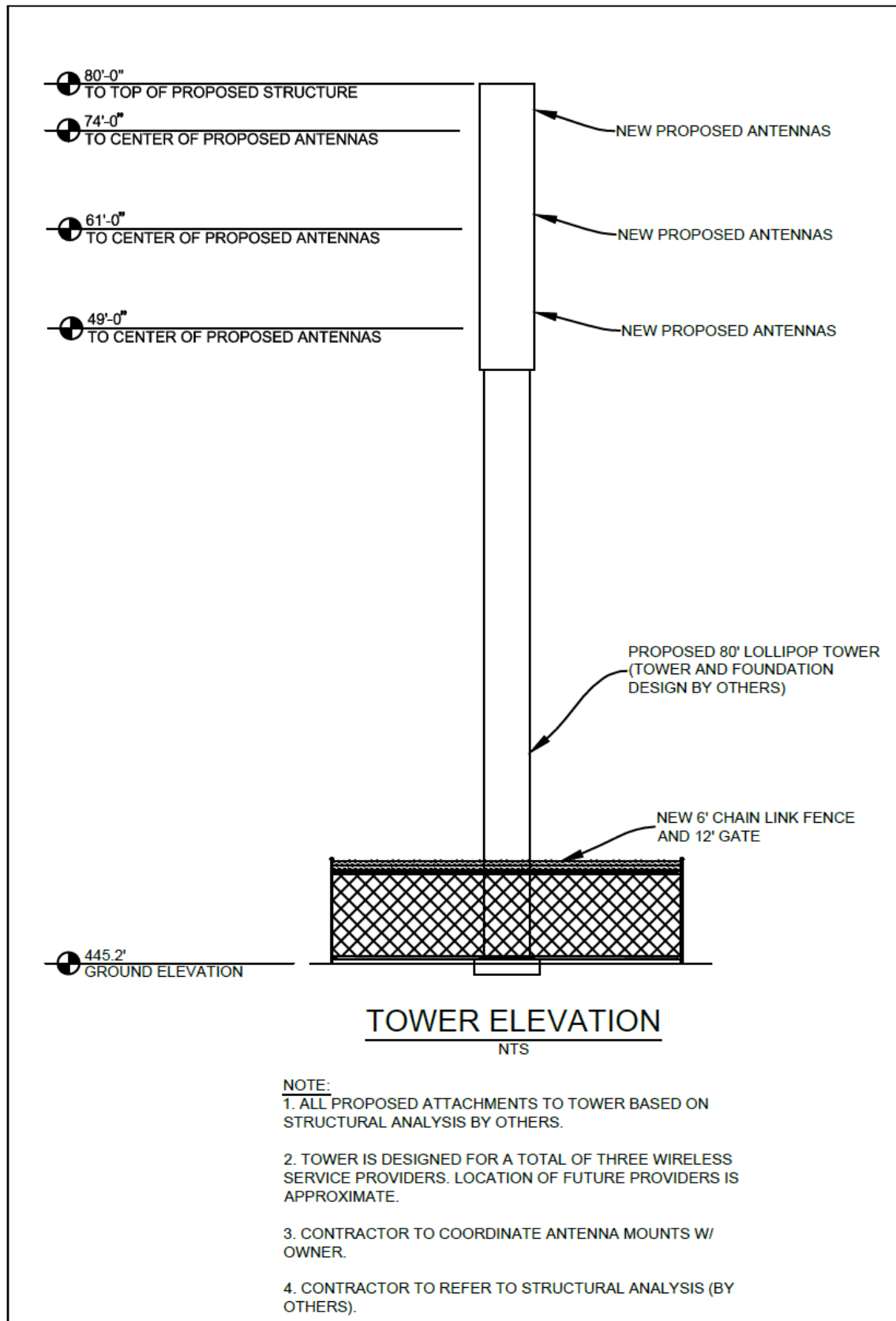




## Enlarged Proposed Site Plan

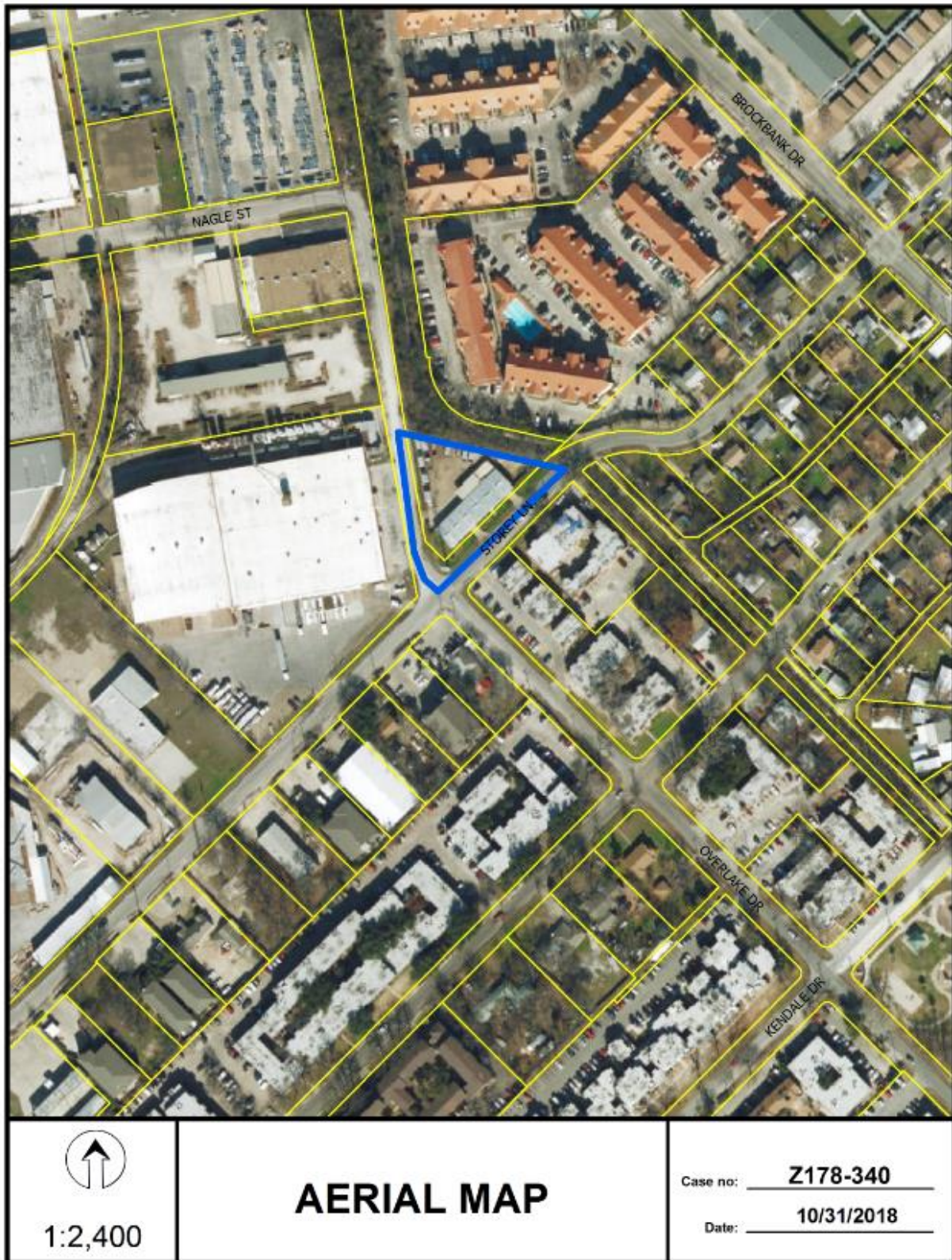


## Enlarged Proposed Elevation Plan

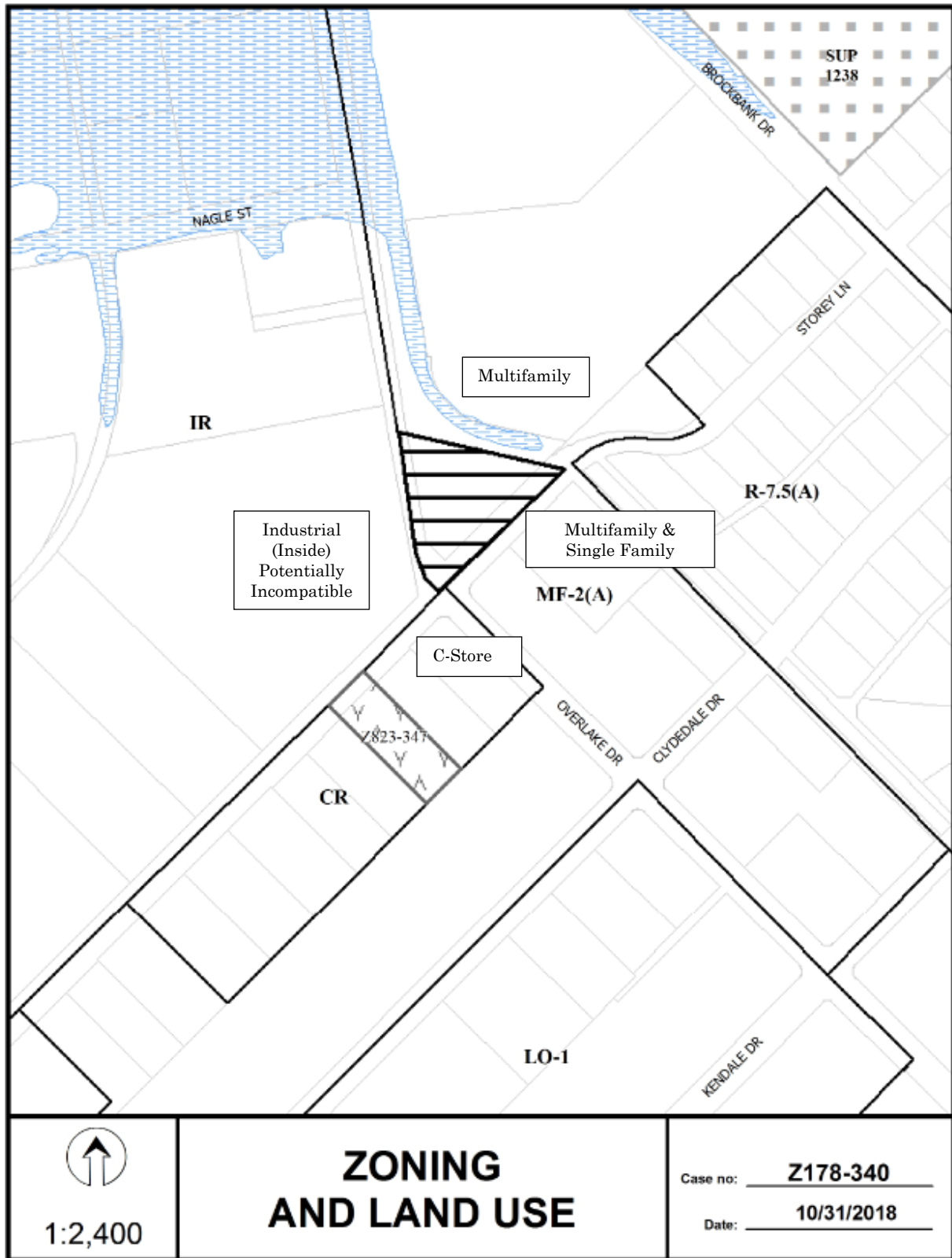














01/02/2019

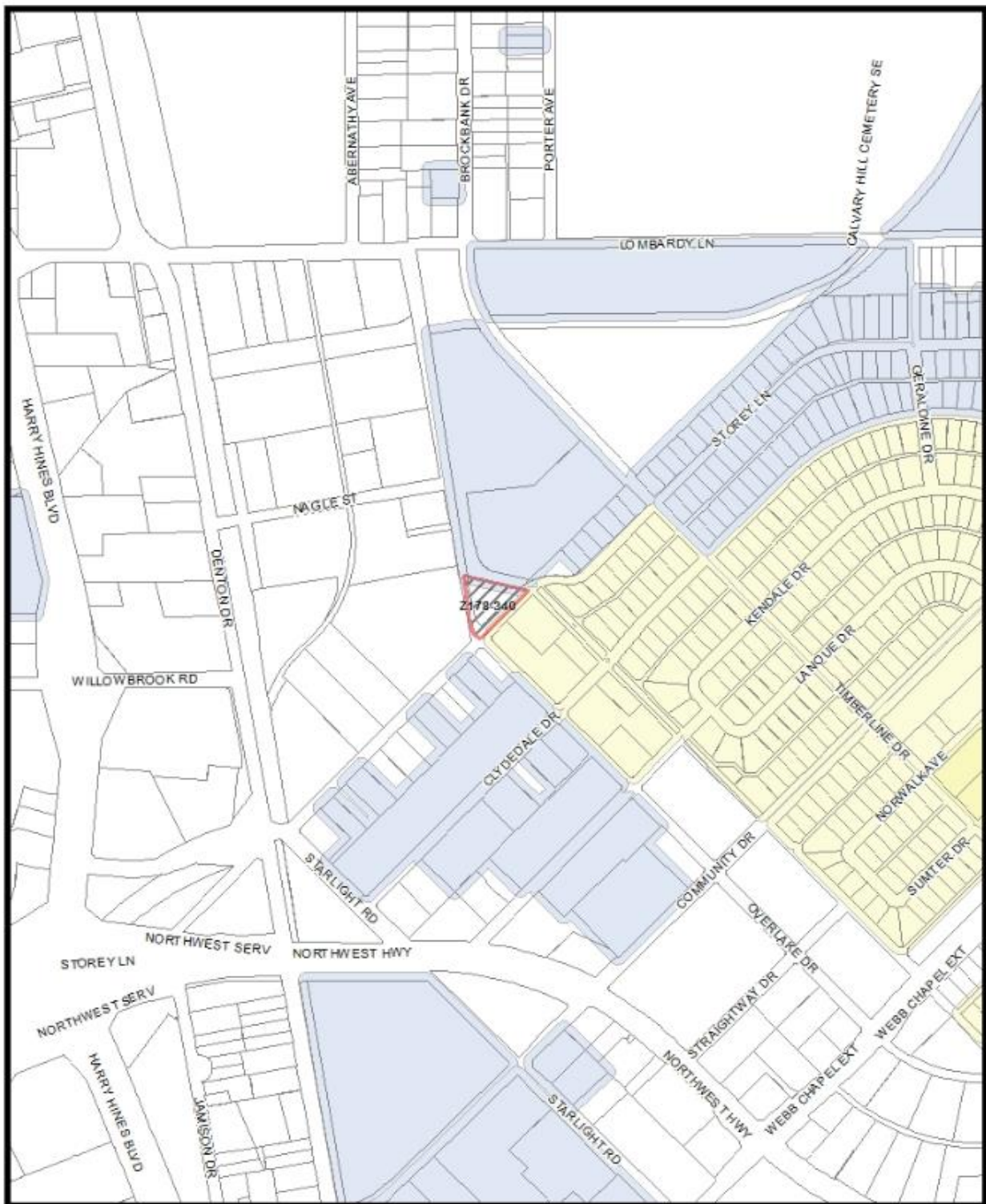
***Reply List of Property Owners******Z178-340******56 Property Owners Notified******2 Property Owners in Favor******0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
O	1	3005 STOREY LN	OLDEN SCOTT
	2	3038 CLYDEDALE DR	CAMACHO OCTAVIO
	3	3034 CLYDEDALE DR	RUIZ TERESA CURIEL
	4	3028 CLYDEDALE DR	ZARATE JOSE G &
	5	3029 CLYDEDALE DR	DIAMANTE HOMES INC
	6	3035 CLYDEDALE DR	BRIASHE MANAGEMENT LLC
	7	3039 CLYDEDALE DR	GONZALEZ TIMOTEO & NELY
	8	3043 CLYDEDALE DR	ACUNA MARIA &
	9	3049 CLYDEDALE DR	MARTINEZ CRUZ
	10	3053 CLYDEDALE DR	MENDOZA MARINA
	11	3062 STOREY LN	ARAUJO JOSE LUIS
	12	3058 STOREY LN	VALDEZ SERGIO OCANAS &
O	13	3052 STOREY LN	SANTIOGA MANUAL & ELOISA
	14	3048 STOREY LN	TOBIAS YOLANDA
	15	3042 STOREY LN	MARTINEZ MARIA GUADALUPE
	16	3038 STOREY LN	LIRA JOSE ANDRES &
	17	3034 STOREY LN	FLORES MARIA F
	18	3028 STOREY LN	SEGURA JOSE & IGNACIA
	19	3033 STOREY LN	CTC FAMILY LTD PS THE
	20	3043 STOREY LN	GUERRERO JESUS & SILDAIN
	21	3049 STOREY LN	FLORES ERIKE
	22	3053 STOREY LN	LUPIAN ESTHER
	23	3059 STOREY LN	ARAGON JOSE M
	24	3063 STOREY LN	GRANDOS MARGARITA J
	25	2828 NAGLE ST	PARK TAE K
	26	2825 STOREY LN	SPALTEN EDDIE W FAMILY

01/02/2019

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	2929 STOREY LN	2929 STOREY LANE LTD
	28	2850 NAGLE ST	ROSENFELD DAVID &
	29	2852 NAGLE ST	EQUAL HEART
	30	2839 NAGLE ST	RIESER PPTIES INC
	31	3002 CLYDEDALE DR	IRG KENDALE LLC
	32	3018 CLYDEDALE DR	FLORES JOE E
	33	3019 CLYDEDALE DR	ONTIVEROS LORENZO M &
	34	2911 CLYDEDALE DR	OVERMORE LLC
	35	2938 STOREY LN	R A TINA CORPORATION
	36	2922 STOREY LN	BLOCK DAVID E
	37	2846 STOREY LN	SAWMILL PARTNERS LLC
	38	2938 CLYDEDALE DR	HERNANDEZ ROBERT &
	39	2930 CLYDEDALE DR	MORALES JOSE G & MARIA G
	40	9505 BROCKBANK DR	CONTI SANTA FE LLC
	41	2930 STOREY LN	STOREY LANE INDEPENDENT
	42	2916 STOREY LN	JSK ENTERPRICE INC
	43	2910 STOREY LN	CATHERINE P JOHNSON TRUST
	44	2910 STOREY LN	HARKINS MARK DOUGLAS
	45	2910 STOREY LN	WAGG JENNIFER ANN LF EST
	46	2910 STOREY LN	DAVIS RAYMOND C
	47	2910 STOREY LN	LITTON CLAIRE G
	48	2910 STOREY LN	VIDAUD FREDDY
	49	2910 STOREY LN	SWOBODA PAUL W
	50	2910 STOREY LN	MEYERS MICHAEL
	51	2910 STOREY LN	KASISCHKE MARTIN W &
	52	2910 STOREY LN	DUNNING REBECCA ANNE SPECIAL
	53	2910 STOREY LN	WATSON TRAVIS LEE &
	54	2910 STOREY LN	MEYERS ROBERT D JR
	55	2910 STOREY LN	CHILDS STEVE
	56	2910 STOREY LN	MANKA STEPHANIE K





MVA Cluster A B C D E F G H I NA

1:6,000

## Market Value Analysis

Printed Date: 10/31/2018



## Agenda Information Sheet

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**File #:** 19-169

**Item #:** 43.

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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability  
**AGENDA DATE:** February 13, 2019  
**COUNCIL DISTRICT(S):** 7  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1935 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay, on the south corner of Lawnview Avenue and Forney Road

Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions  
Z178-345(SM)

**FILE NUMBER:** Z178-345(SM) **DATE FILED:** August 22, 2018

**LOCATION:** South corner of Lawnview Avenue and Forney Road

**COUNCIL DISTRICT:** 7 **MAPSCO:** 47 L

**SIZE OF REQUEST:** Approx. 17,859.6 sq. ft. **CENSUS TRACT:** 84

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**APPLICANT/  
REPRESENTATIVE:** BKPR Corporation, Bharat Rana

**OWNER:** Limjung Company, LP

**REQUEST:** An application for the renewal of Specific Use Permit No. 1935 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay.

**SUMMARY:** The purpose of this request is to allow for the applicant to continue selling alcohol for off-premise consumption in the existing convenience store [M & J Food Store].

**CPC RECOMMENDATION:** Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions.

**STAFF RECOMMENDATION:** Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions.

**BACKGROUND INFORMATION:**

- The request site is currently developed with a general merchandise or food store 3,500 square feet or less use within a multi-tenant retail development.
- The proposed request is to continue to sell alcohol for off-premise consumption in conjunction with the general merchandise use on the property.
- The general merchandise use is permitted by right. The sale of alcoholic beverages on property requires a specific use permit in the D-1 Liquor Control Overlay.
- On January 25, 2012, City Council approved SUP No. 1935 for a two-year period.
- On January 8, 2014, City Council renewed of SUP No. 1935 for a five-year period.

**Zoning History:** There has been one recent zoning change in the area.

1. **Z145-313:** On November 10, 2015, the City Council denied an application for a CS Commercial Service District with deed restrictions volunteered by the applicant on property zoned a CR Community Retail District, on the east corner of Forney Road and Lawnview Avenue.

**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.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	ROW
Lawnview Avenue	Collector	60 ft.
Forney Road	Collector	60 ft.

**Comprehensive Plan:** The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

**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.



**STAFF ANALYSIS:****Surrounding Land Uses:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	CR-D-1	Retail uses
<b>North</b>	CR-D-1	Undeveloped
<b>Northeast</b>	CR-D-1	Office
<b>Southeast</b>	CR-D-1	Personal Service
<b>Southwest</b>	PDD 323 (Area 1) w/ DR No. Z834-239	Machinery, heavy equip. or truck sales & service
<b>Northwest</b>	CR-D-1	Auto Service

**Land Use Compatibility:** The approximately 1,800-square-foot store is currently developed with a general merchandise or food store within a multi-tenant retail development. The applicant's request for a renewal of Specific Use Permit No. 1935 for the continued sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less will allow for the continued sale of the alcoholic beverages in an existing general merchandise store or food store.

The surrounding land uses consist of offices to the northeast, across Lawnview Avenue; personal services abutting the site to the southeast; a machinery, heavy equip. or truck sales & service use abutting the site to the southwest; and an auto service center across Forney Road to the northwest.

The "D-1" Overlay District is a Liquor Control Overlay District which requires an individual to obtain a Specific Use Permit in order to sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The general merchandise use is also regulated by Chapter 12B of the Dallas City Code, Convenience Stores. This chapter applies to all convenience stores, which is defined as any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and has less than 10,000 square feet of retail floor space; the term does not include any business that has no retail floor space accessible to the public. The purpose of Chapter 12B is to protect the health, safety, and welfare of the citizens of the city of Dallas by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime that occurs in convenience stores in the city. This chapter establishes a registration program for convenience stores and provides requirements relating to:

- surveillance camera systems,
- video recording and storage systems,
- alarm systems,
- drop safes,
- security signs,
- height markers,
- store visibility,
- safety training programs, and
- trespass affidavits.

A separate certificate of registration to comply with Chapter 12B is required for each physically separate convenience store. A certificate of registration for a convenience store expires one year after the date of issuance and must be renewed annually. The Dallas Police has determined that the request site is in compliance with the requirements in Chapter 12B.

Because this is the third renewal of the site and it is in compliance with Chapter 12B, staff supports the applicant's request for a five-year time period with eligibility for five-year automatic renewals.

**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 within an "H" MVA cluster.

**Police:**

Staff obtained a report from the Dallas Police Department containing the incidents, calls, and arrests for the site's address since the SUP was last renewed in January of 2013. Since the site's address contains multiple tenants, the report received by staff includes uses that are not associated with this application. The report lists 12 out of 23 incidents identified with the food store; 42 out of 75 calls were associated with the food store, and 19 calls not associated with a particular premise on the site. The report showed zero arrests for the site's address. The above incidents and calls are provided in the table below.

**Incidents:**

Incident No.	Date	Time	UCR Offense	UCR Offense Description	MO
20140036201	2/13/2014	14:12	Robbery-business	Robbery   comm hse, x-3,4,6   firearms (handgun only)   0600-1800	Suspect hit rp w/gun and took money.
229008-2015	10/2/2015	23:11	Alarm incident	Alarm incident	Alarm call
190760-2015	8/17/2015	10:15	Assault	Assault	Suspect got upset and threw a cup of coffee on comp
164031-2015	7/17/2015	16:10	Miscellaneous	Miscellaneous	M.I.R.
125925-2015	6/3/2015	8:00	Criminal trespass	Miscellaneous	Criminal trespass affidavit on file
158736-2017	7/13/2017	6:30	Assault	Assault	The unknown suspect threatened the comp by saying im going to kill you.
222172-2017	9/28/2017	14:00	Vandalism & crim mischief	Criminal mischief/vandalism	Unknown suspects damaged comp's window
098949-2018	5/10/2018	9:45	Miscellaneous	Miscellaneous	Criminal trespass warning
002169-2018	1/3/2018	23:00	Injured public	Accidental injury	Injured person
281878-2017	12/12/2017	10:00	Criminal trespass	Miscellaneous	Criminal trespass affidavit
278667-2017	12/8/2017	9:00	Lost	Lost property	Loss of the wallet
207603-2017	9/10/2017	18:20	Alarm incident	Alarm incident	Alarm was set off by rp by accident

**Calls:**

<b>Master Incident No.</b>	<b>Date</b>	<b>Time</b>	<b>Problem</b>	<b>Priority Description</b>
13-0250540	2/8/2013	0:16	12b - Business Alarm	3 - General Service
13-0344645	2/21/2013	23:24	12b - Business Alarm	3 - General Service
13-1807530	9/13/2013	22:09	41/09 - Theft - In Progress	1 - Emergency
13-1865646	9/22/2013	7:41	12b - Business Alarm	3 - General Service
13-1913549	9/29/2013	9:26	12b - Business Alarm	3 - General Service
13-2459038	12/20/2013	19:52	09 - Theft	4 - Non Critical
14-0162857	1/25/2014	17:52	43 - Road Rage	2 - Urgent
14-0165820	1/26/2014	1:32	12b - Business Alarm	3 - General Service
14-0285786	2/13/2014	14:18	20 - Robbery	2 - Urgent
14-0405091	3/2/2014	23:35	12b - Business Alarm	3 - General Service
14-0433841	3/7/2014	14:45	07 - Minor Accident	3 - General Service
14-1430966	7/24/2014	21:53	6x - Major Dist (Violence)	2 - Urgent
14-1469035	7/30/2014	8:50	24 - Abandoned Property	4 - Non Critical
15-0068943	1/11/2015	15:50	6x - Major Dist (Violence)	2 - Urgent
15-0440070	3/8/2015	19:08	Daef - Dist Armed Encounter Foot	1 - Emergency
15-1426390	7/17/2015	16:08	6xe - Disturbance Emergency	1 - Emergency
15-1662216	8/17/2015	10:27	16 - Injured Person	3 - General Service
15-2007872	10/2/2015	23:10	12b - Business Alarm	3 - General Service
16-2482301	12/17/2016	13:03	7x - Major Accident	2 - Urgent
17-0077269	1/12/2017	19:30	11v - Burg Motor Veh	3 - General Service
17-0106167	1/17/2017	11:19	Ph - Panhandler	4 - Non Critical
17-0877509	5/9/2017	19:13	Ph - Panhandler	4 - Non Critical
17-0965691	5/22/2017	9:56	40 - Other	3 - General Service
17-1127413	6/14/2017	9:13	40/01 - Other	2 - Urgent
17-1161569	6/19/2017	7:11	Ph - Panhandler	4 - Non Critical
17-1191691	6/23/2017	16:17	Ph - Panhandler	4 - Non Critical
17-1330866	7/13/2017	6:33	40 - Other	3 - General Service
17-1594949	8/21/2017	12:55	40 - Other	3 - General Service
17-1728981	9/10/2017	18:02	21b - Business Hold Up	2 - Urgent
17-1847860	9/28/2017	14:03	6x - Major Dist (Violence)	2 - Urgent
17-2228275	11/24/2017	16:04	46 - CIT	2 - Urgent
17-2273487	12/1/2017	19:16	6x - Major Dist (Violence)	2 - Urgent
18-0019340	1/3/2018	22:15	40/01 - Other	2 - Urgent
18-0037427	1/6/2018	19:03	40 - Other	3 - General Service
18-0059579	1/10/2018	11:18	Ph - Panhandler	4 - Non Critical
18-0081095	1/13/2018	19:41	6x - Major Dist (Violence)	2 - Urgent
18-0709131	4/23/2018	12:43	Ph - Panhandler	4 - Non Critical
18-0766695	5/2/2018	10:42	Ph - Panhandler	4 - Non Critical
18-0794051	5/6/2018	8:44	Ph - Panhandler	4 - Non Critical
18-0801101	5/7/2018	11:51	Ph - Panhandler	4 - Non Critical
18-0820398	5/10/2018	9:57	6x - Major Dist (Violence)	2 - Urgent
18-1027949	6/9/2018	8:07	40 - Other	3 - General Service



**PRIOR CPC ACTION – January 3, 2019:**

**Motion:** It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1935 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay, on the south corner of Lawnview Avenue and Forney Road.

Maker: Schultz  
Second: Housewright  
Result: Carried: 10 to 0

For: 10 - MacGregor, Rieves, Davis, Shidid, Carpenter,  
Jung, Housewright, Schultz, Murphy, Ridley

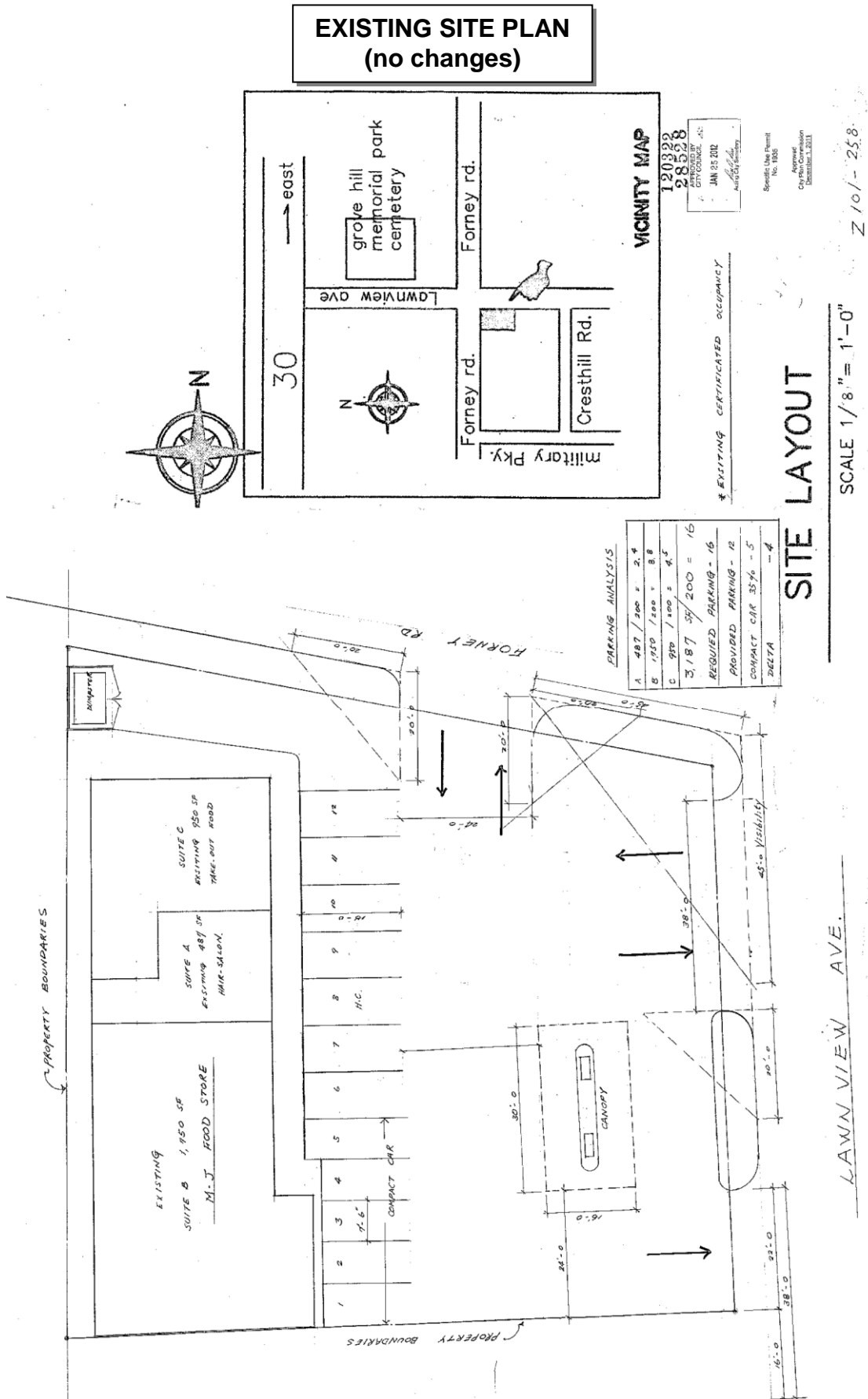
Against: 0  
Absent: 2 - Lewis, Tarpley  
Vacancy: 3 - District 3, District 7, District 12

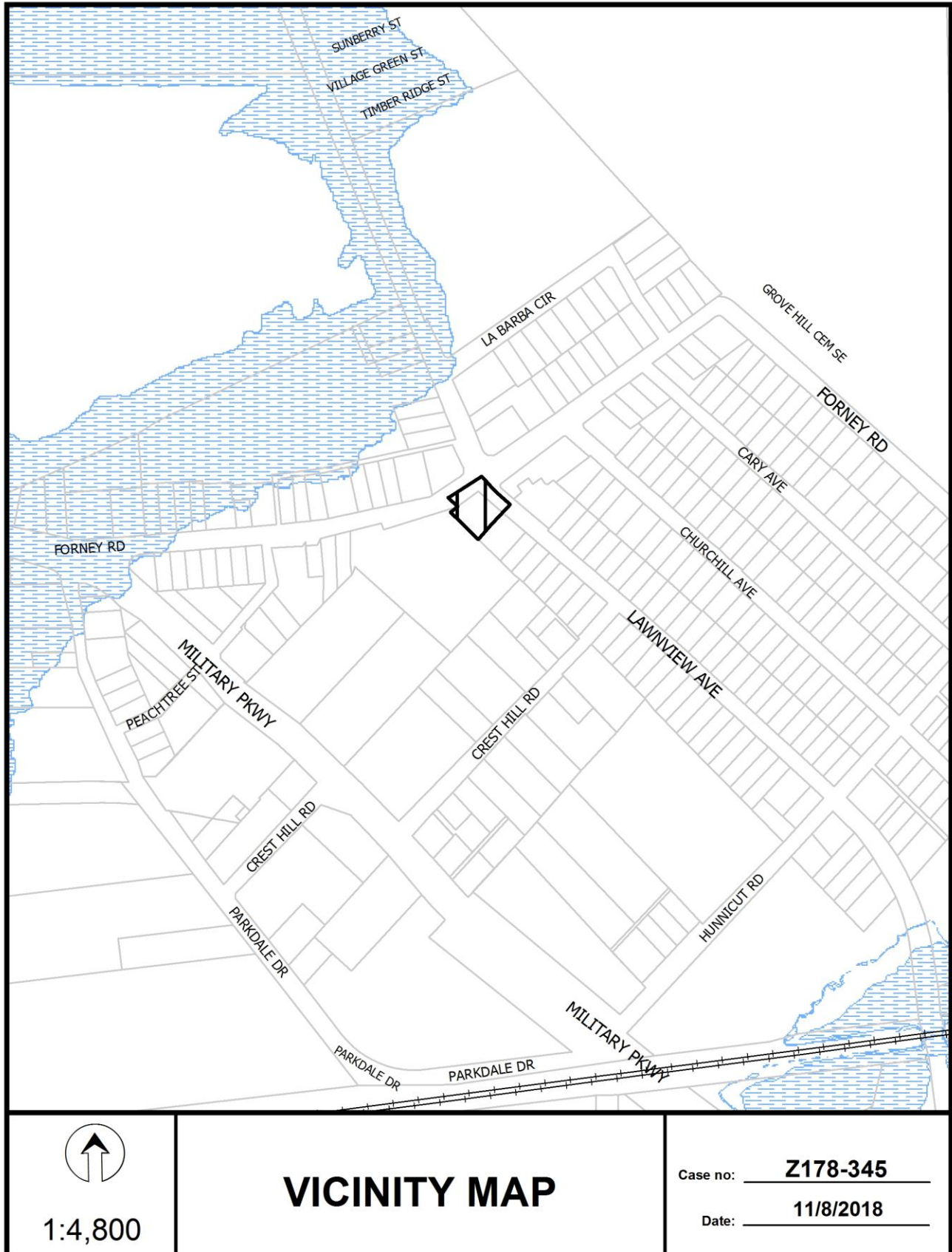
**Notices:** Area: 200 Mailed: 15  
**Replies:** For: 0 Against: 0

**Speakers:** For: None  
For (Did not speak): Bharat Rana, 4441 Lawnview Ave., Dallas, TX, 75227  
Against: None

**CPC Recommended SUP Conditions**

1. USE. The only use authorized by this specific use permit Is the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on [**five** years 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.) [~~January 8, 2019~~].
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.









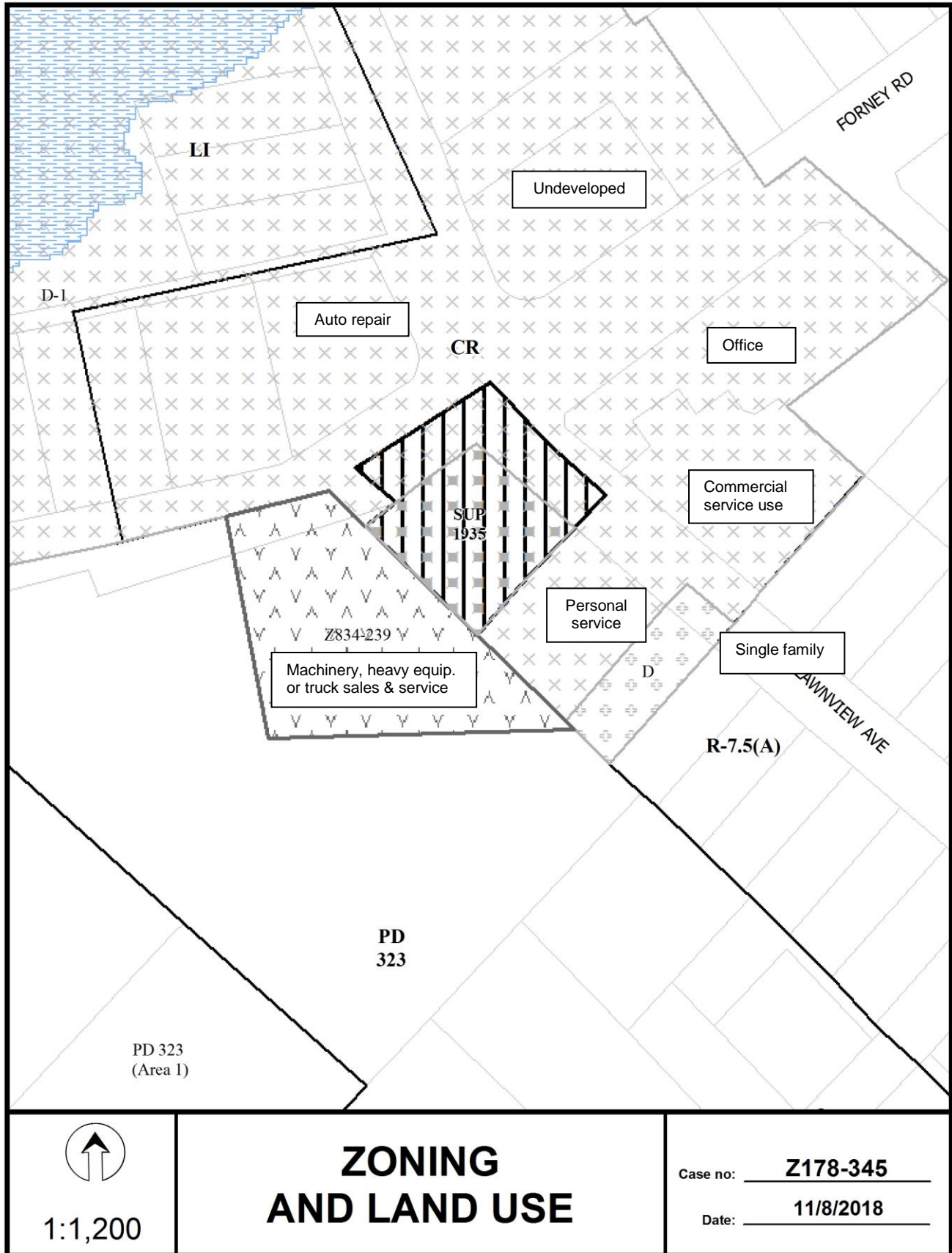
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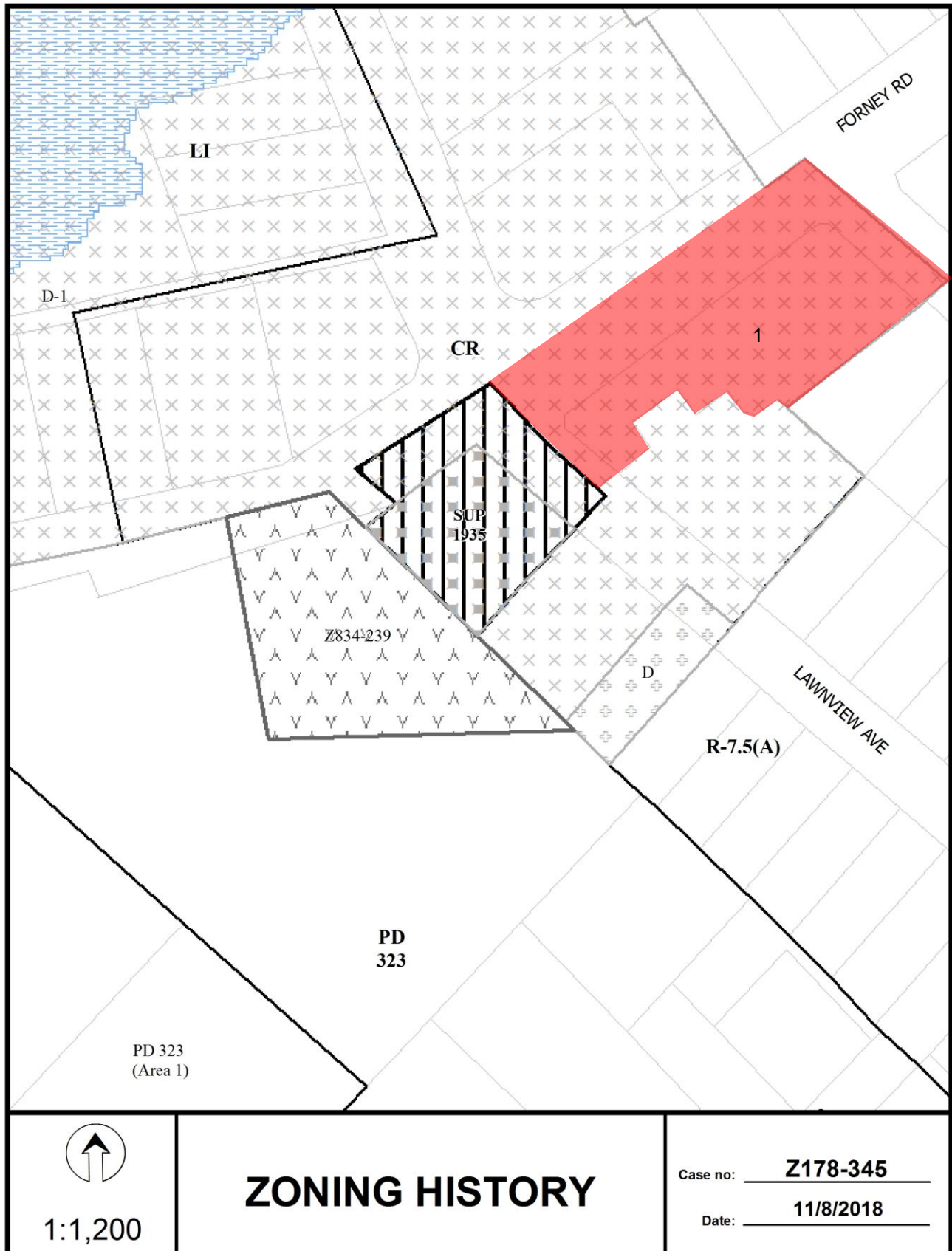
## AERIAL MAP

Case no: **Z178-345**

Date: **11/8/2018**









Z178-345(SM)



1:1,200

## AERIAL MAP

Case no: **Z178-345**

Date: **11/8/2018**



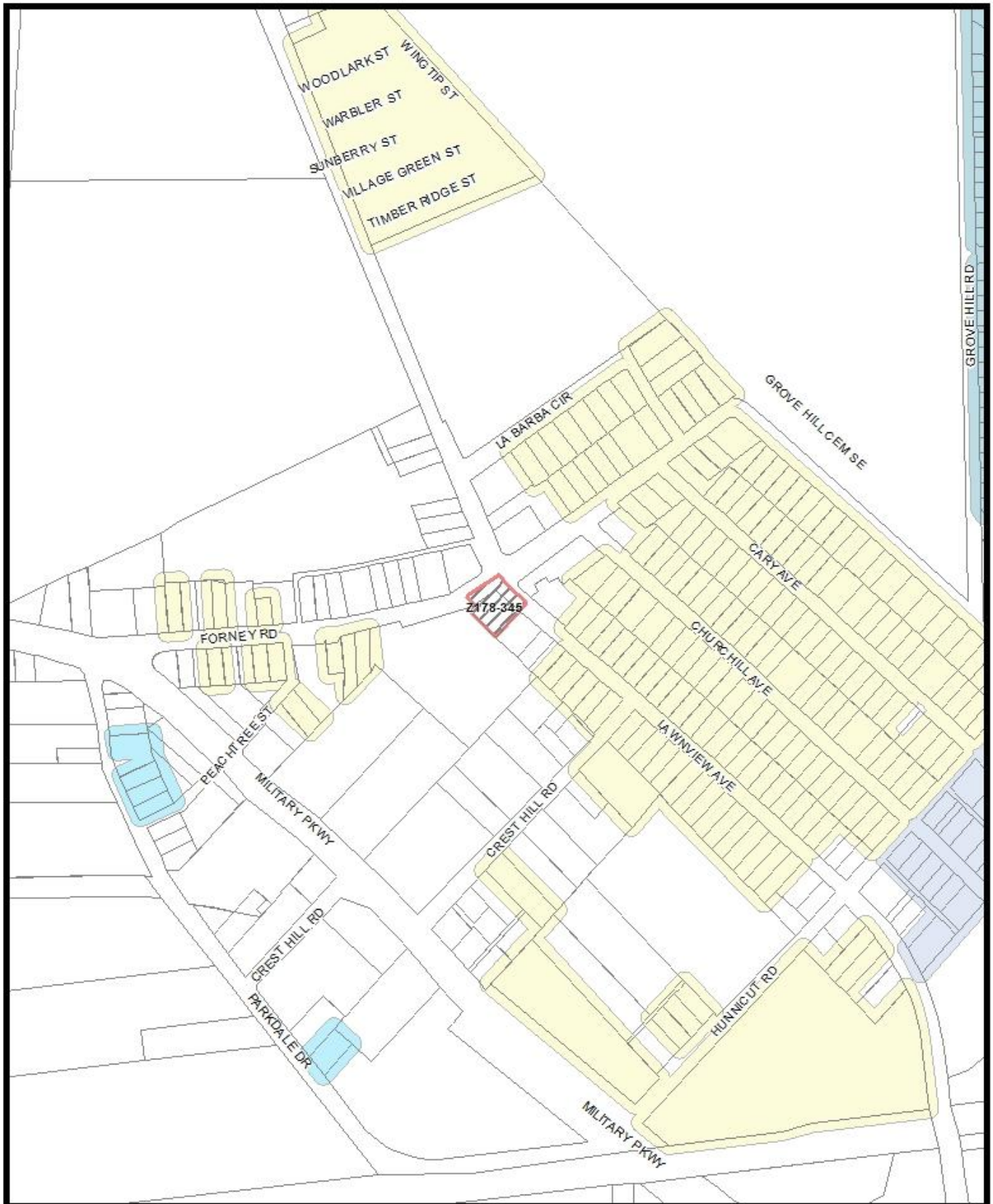


01/02/2019

***Reply List of Property Owners******Z178-345******15 Property Owners Notified******0 Property Owners in Favor******0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	4441	LAWNVIEW AVE	LIMJUNG COMPANY LP
2	5431	FORNEY RD	ESCOBAR J ALEJANDRO &
3	4511	LAWNVIEW AVE	VARGAS GUILLERMO
4	4515	LAWNVIEW AVE	BLACK RICHARD &
5	4525	LAWNVIEW AVE	BURRESCIA FAMILY REVO TRUST
6	4045	CREST HILL RD	CRESTHILL ROAD COMPLEX LLC
7	4431	LAWNVIEW AVE	OTTO IRIS
8	4427	LAWNVIEW AVE	TVS210 INVESTMENTS LLC
9	4424	LAWNVIEW AVE	PEREZ-GUARDADO OLGA L
10	5610	CHURCHILL AVE	FAZ HECTOR &
11	5511	FORNEY RD	MANTZURANIS TONY
12	4540	LAWNVIEW AVE	SAM SURAJ LLC
13	5420	FORNEY RD	HAUS PROPERTIES LLC
14	4442	LAWNVIEW AVE	ESCOBAR J ALEJANDRO & GLORIA M ESCOBAR
15	4440	LAWNVIEW AVE	CLMTXAS HOLDINGS LLC

Z178-345(SM)



1:4,800

## Market Value Analysis

Printed Date: 11/9/2018



## Agenda Information Sheet

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**File #:** 19-170

**Item #:** 44.

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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability  
**AGENDA DATE:** February 13, 2019  
**COUNCIL DISTRICT(S):** 8  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting an R-16 (A) Single Family District on property zoned an A(A) Agricultural District, on the northwest line of Jordan Valley Road, north of Palomino Road  
Recommendation of Staff and CPC: Approval  
Z178-370(PD)



**FILE NUMBER:** Z178-370(PD)

**DATE FILED:** September 11, 2018

**LOCATION:** Northwest line of Jordan Valley Road, north of Palomino Road

**COUNCIL DISTRICT:** 8

**MAPSCO:** 69 V

**SIZE OF REQUEST:** ±3.5047 acres

**CENSUS TRACT:** 171.02

**APPLICANT/OWNER:** Maria & Alvaro Narvaez

**REQUEST:** An application for an R-16(A) Single Family District on property zoned an A(A) Agricultural District.

**SUMMARY:** The applicant intends to subdivide the property to allow for the construction of approximately three single family dwellings.

**CPC RECOMMENDATION:** Approval.

**STAFF RECOMMENDATION:** Approval.

**BACKGROUND INFORMATION:**

- The 3.5-acre request site is zoned an A(A) Agricultural District and is developed with a single family house fronting along Jordan Valley Road, with two accessory structures located on the northern portion of the property.
- The proposed use is to develop the property in conformity with the R-16(A) Single Family District to allow the construction of three single family dwelling units.

**Zoning History:** There have been no zoning requests in the vicinity within the past five years:

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW
Jordan Valley Road	Major Arterial	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 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 1.1.2 Focus on Southern Sector development opportunities.

**GOAL 1.3 PROVIDE EQUITABLE OPPORTUNITIES FOR DALLAS RESIDENTS**

Policy 1.3.1 Create housing opportunities throughout Dallas. The City must ensure affordable, quality rental housing and investments in multifamily housing. Using creative financing options will help create higher standards of living for all Dallas residents.

## **ECONOMIC ELEMENT**

### **GOAL 2.1 PROMOTE BALANCED GROWTH**

Policy 2.1.3 Support efforts to grow retail and residential opportunities in the Southern Sector.

### **NEIGHBORHOOD PLUS**

Policy 3.2 Develop programs and partnerships to return blighted properties to productive uses.

Policy 3.3 Dispose of City-owned and land bank properties more strategically and efficiently.

Policy 4.3 Enhance neighborhood desirability by improving infrastructure, housing stock, recreation and safety

### **West Kleberg Community Plan (2007):**

The intent of “The West Kleberg Community Plan” is to provide an overall vision to create economic development that will stimulate specific types of development for the community. The West Kleberg Community Plan identified a vision statement as follows: “To reflect ‘Old Kleberg’s’ historical heritage, to promote a strong rural atmosphere, to allow for future growth with sensitivity to future amenities and infrastructure of a modern urban environment with the motto “country living in the city” reverberating throughout the course of the land use study.

Citizens within this community share a strong sense of place and a connection to its former identity as the small town of Kleberg. The “suburban/rural” character, developable land and easy freeway access to I-20/I-635 Hwy. 175 make it a very attractive place to live. Neighborhood organizations and stakeholders fought to protect it from speculators that deem the undeveloped parcels economical feasible for industrial and high density residential uses.

As such, the Community Vision section of the Plan was developed in close cooperation with community stakeholders and paints a picture of what the community envisions in the area regarding future development patterns. Based on the Community Plan, the request site is located within an area that is designated as Sub-area 2. Sub-area 2 is comprised of approximately 563 vacant acres. Vacant parcels within this area are also scattered with a majority of the large tracts more suitable for single family development. A typical distribution build-out would be 413 acres for residential, 100 acres for retail/commercial, and approximately 50 acres for mix use. The residential build-out would be 51 percent medium lot, 22 percent large lot, and 27 percent retail/commercial and mix use development. Based on these figures, the forecast would generate 1,295 new housing units and 2,286,029 new commercial square footage which translates into 1,256 new households and 2,719 new jobs.

**TABLE 6: SUB-AREA 2 BUILD-OUT**

Development Type	Net Vacant Land (Minus Streets, Civic, Parks)	DENSITY (DU/AC)	FAR (Input)	HOUSING UNITS	COMMERCIAL SQ FT
<b>RESIDENTIAL</b>					
- Large Lot SF	101	1	n/a	101	n/a
- Medium Lot SF	189	4	n/a	755	n/a
- Townhouse SF	23	6	n/a	139	n/a
<b>RETAIL/COMMERCIAL</b>					
- Neighborhood Commercial	35	n/a	0.25	n/a	383,328
- Highway Commercial Strip	53	n/a	0.20	n/a	459,994
<b>MIX USE</b>	<u>35</u>	n/a	1.2	<u>301</u>	<u>1,442,707</u>
<b>Totals</b>	436			1,295	2,286,029

Citizens are adamant about retention of the area as a “bedroom community” with neighborhood-serving businesses along Hwy. 175-freeway corridor. There is a need to ensure that development of residential subdivisions occurs in such a manner that it does not adversely impact existing low density residential neighborhoods and that adequate land is reserved for large-lot single family type development. Where higher density housing occurs, adequate setbacks, buffers and open space are needed to protect adjacent single family neighborhoods.

#### **Surrounding Land Uses:**

	Zoning	Land Use
<b>Site</b>	A(A)	Single Family with accessory structures
<b>North</b>	A(A)	Single Family
<b>East</b>	A(A)	Single Family
<b>South</b>	A(A), SUP No. 84	Wastewater Treatment Plant
<b>West</b>	A(A)	Single Family

#### **Land Use Compatibility:**

The request site is approximately 3.5 acres of land and is currently developed with a single family dwelling and two detached accessory structures. The property is located on the edge of the city limits, bordering the City of Seagoville. The applicant is proposing to build approximately three single family dwelling units. The subject site is



currently zoned an A(A) Agricultural District with the Dallas Development Code describing the purpose of this district as being largely transitional. As areas develop with utilities and urban services become available, these areas are anticipated to transition to other urban zoning categories based on development needs.

The surrounding properties to the west, north, east, and south are all zoned A(A) Agricultural District and contain single family dwellings, with the exception of the property to the south, which is developed with a City of Dallas wastewater treatment plant. While the A(A) Agricultural District allows single family residential uses; the most notable difference between the proposed zoning district and the existing zoning district is the required lot size. The A(A) District requires a minimum lot size of three acres compared to a minimum of 16,000 square feet for the proposed R-16(A) Single Family District. Additionally, while the front yard setback is greater for the existing A(A) district, any new construction fronting Jordan Valley Road will require continuity of the blockface. Therefore, the greater front yard setback required for the A(A) district will apply for all construction fronting Jordan Valley Road.

Although the yard, lot, and space requirements for the side yard, rear yard, height, and lot coverage will be regulated by the R-16(A) district requirements rather than the A(A) district requirements, as indicated in the table below; staff does not have concern. Staff believes that a rational zoning pattern should be encouraged by preventing inappropriate uses from intruding into residential areas, as proposed by this request. The proposed development will be internally constructed, compatible with the character of the existing built environment and consistent with the desires of the community to ensure new development with large-lot single family type construction.

Since the request proposes to allow for the construction of approximately three low-density developments on intermediate-sized lots, staff concludes that the request is consistent with the desires of the community as well as the West Kleberg Community Plan's vision for Sub-area 2 and therefore supported by staff.

### **Development Standards:**

DISTRICT	Setbacks		Density	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
Existing							
A(A) Agricultural	50'	20'/50'	1 Dwelling Unit/3 Acres	24'	10%		Agricultural & single family
Proposed							
R-16(A) Single Family	35'	10'/10'	1 Dwelling Unit/ 16,000 sq. ft.	30'	40%		Single family, churches, public and private schools, and public parks

### **Parking:**

Pursuant to the Dallas Development Code, off-street parking must be provided in accordance with Division 51A-4.200 which has a requirement of two off-street parking spaces per dwelling.

**Landscaping:**

Landscaping must be provided in accordance with the landscaping requirements in Article X, as amended.

**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 within an “F” MVA cluster.

**CPC Action**  
**January 3, 2019**

**Motion:** It was moved to recommend **approval** of an R-16(A) Single Family District on property zoned an A(A) Agricultural District, on the northwest line of Jordan Valley Road, north of Palomino Road.

Maker: Schultz  
Second: Housewright  
Result: Carried: 10 to 0

For: 10 - MacGregor, Rieves, Davis, Shidid, Carpenter,  
Jung, Housewright, Schultz, Murphy, Ridley

Against: 0  
Absent: 2 - Lewis, Tarpley  
Vacancy: 3 - District 3, District 7, District 12

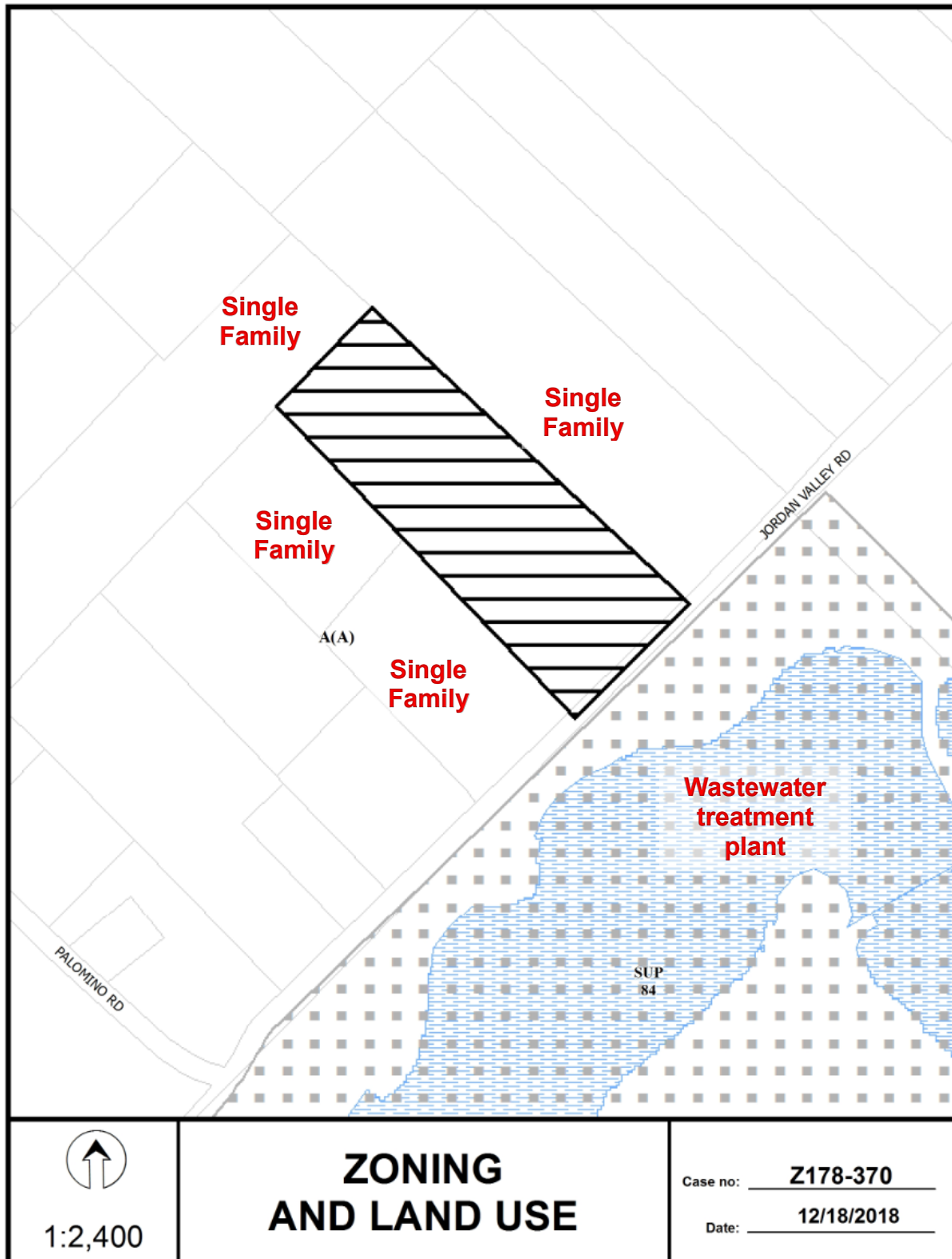
**Notices:** Area: 300 Mailed: 12  
**Replies:** For: 0 Against: 1

**Speakers:** For: None  
For (Did not speak): Maria Narvaez, 3543 Jordan Valley Rd., Dallas, TX, 75253  
Against: None

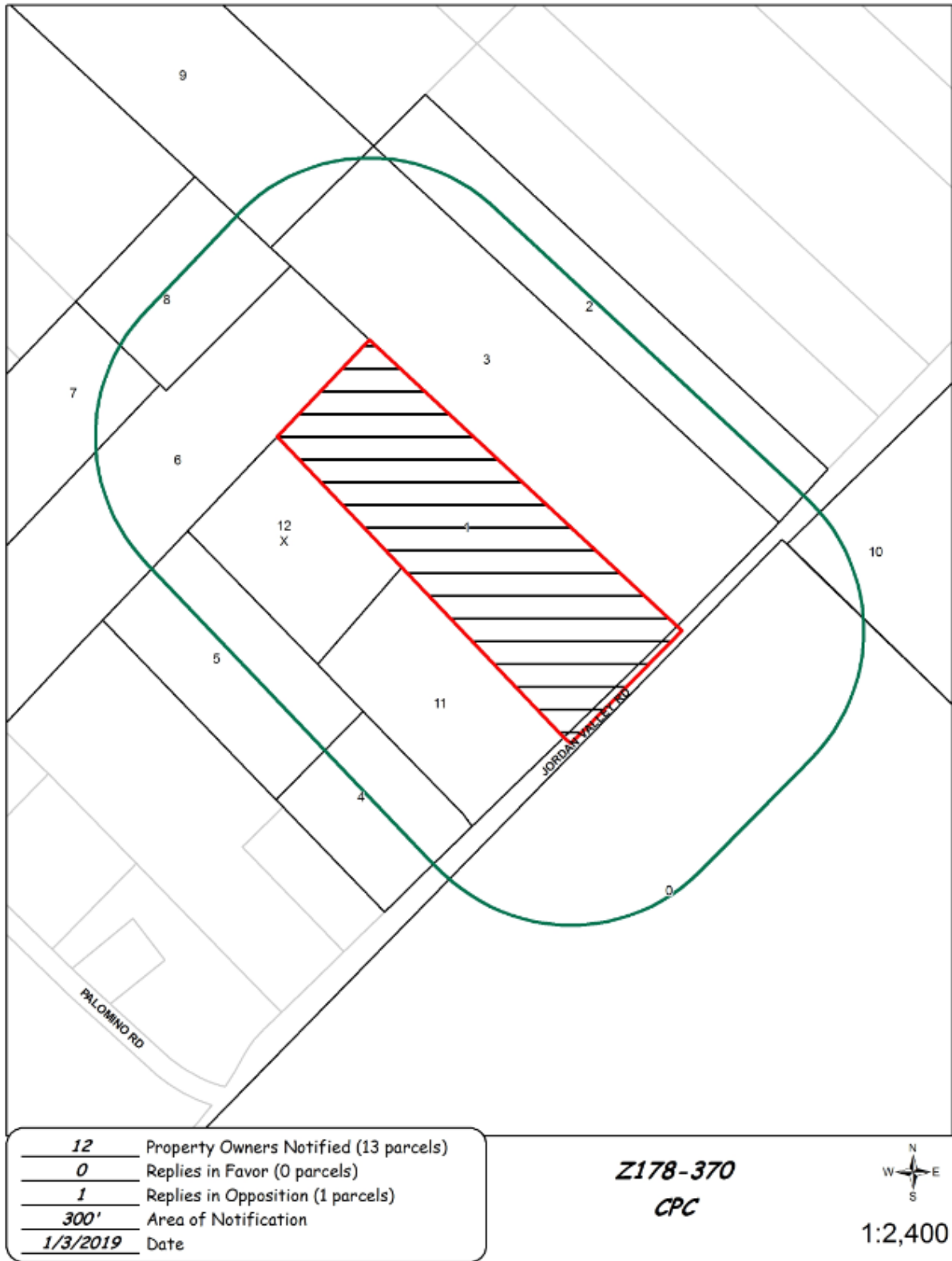








**CPC Responses**



01/02/2019

## ***Reply List of Property Owners***

***Z178-370***

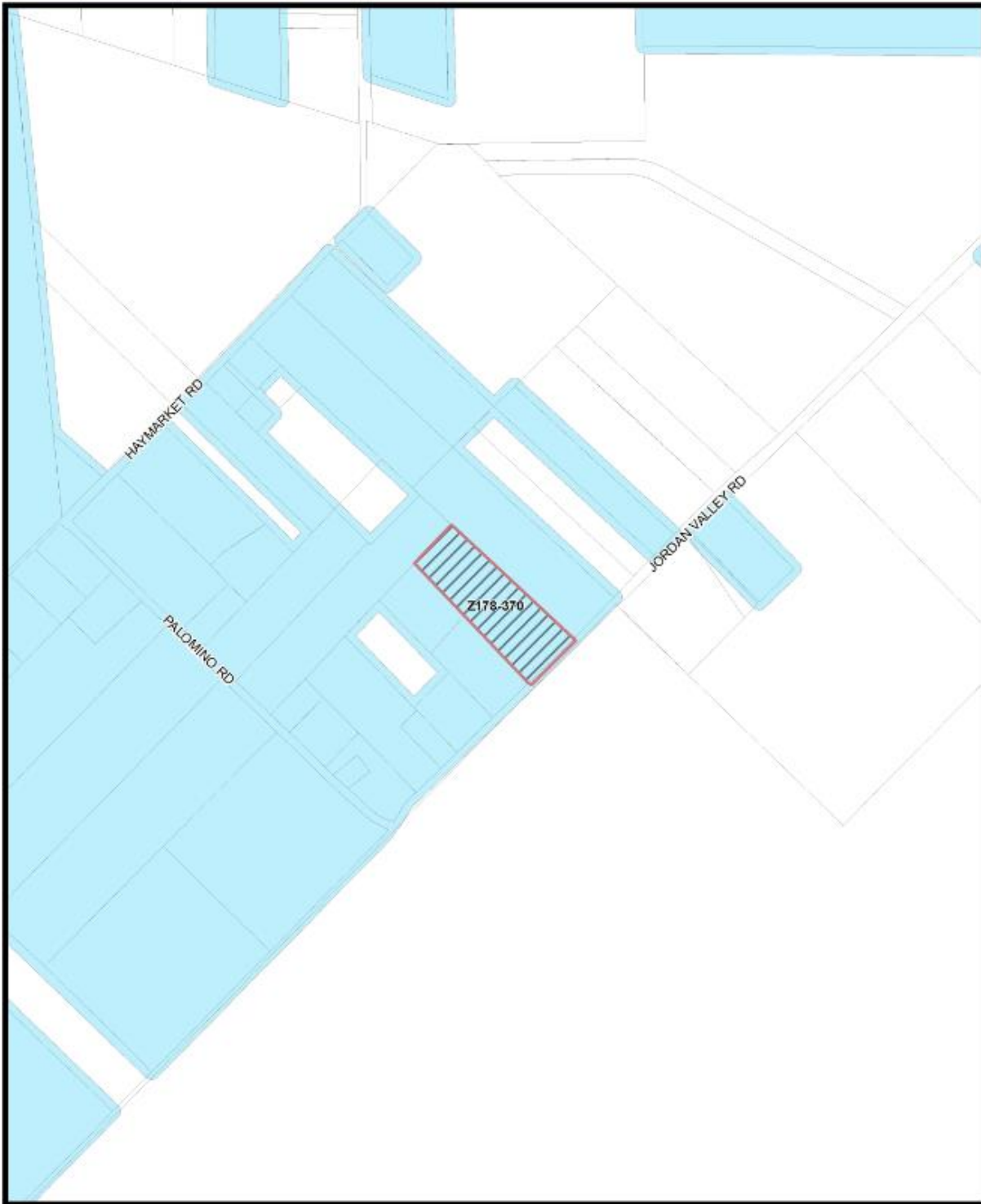
***12 Property Owners Notified***

***0 Property Owners in Favor***

***1 Property Owner Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	3543 JORDAN VALLEY RD	NARVAEZ ALVARO &
	2	3435 JORDAN VALLEY RD	VASQUEZ TOMAS & MARIA
	3	3501 JORDAN VALLEY RD	CALDERON RICARDO &
	4	3601 JORDAN VALLEY RD	BRADBURY BRUCE ALAN &
	5	3621 JORDAN VALLEY RD	OVALLE SAMUEL & JAMIE
	6	4211 PALOMINO RD	DIAZ RITA M
	7	4121 PALOMINO RD	GARCIA HUMBERTO &
	8	2242 HAYMARKET RD	ESQUIVEL PEDRO
	9	2228 HAYMARKET RD	VILLAREAL DAVID
	10	3464 JORDAN VALLEY RD	KANAMAN MALCOME ROGER JR
	11	3553 JORDAN VALLEY RD	LIGON DOUGLAS G
X	12	3553 JORDAN VALLEY RD	LIGON DONALD G & MAZELL LIFE ESTATE





MVACluster   A   B   C   D   E   F   G   H   I   NA



1:6,000

## Market Value Analysis

Printed Date: 12/18/2018



## Agenda Information Sheet

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**File #:** 19-171

**Item #:** 45.

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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability  
**AGENDA DATE:** February 13, 2019  
**COUNCIL DISTRICT(S):** 2  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2068 for a bar, lounge, or tavern on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District, on the east corner of Main Street and Exposition Avenue

Recommendation of Staff and CPC: Approval for a five-year period, subject to conditions  
Z178-393(AM)

**FILE NUMBER:** Z178-393(AM) **DATE FILED:** September 28, 2018

**LOCATION:** East corner of Main Street and Exposition Avenue

**COUNCIL DISTRICT:** 2 **MAPSCO:** 46 J

**SIZE OF REQUEST:** ± .244 acres **CENSUS TRACT:** 204.00

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**OWNER:** Coldbeer in Deep Ellum, LP

**APPLICANT:** Cold Beer Company

**REPRESENTATIVE:** Audra Buckley; Permitted Development

**REQUEST:** An application for the renewal of Specific Use Permit No. 2068 for a bar, lounge, or tavern on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District.

**SUMMARY:** This request will allow the continued operation of the bar, lounge, or tavern use [Cold Beer Company].

**CPC RECOMMENDATION:** **Approval** for a five-year period, subject to conditions.

**STAFF RECOMMENDATION:** **Approval** for a five-year period, subject to conditions.

**BACKGROUND INFORMATION:**

- The site is developed with an existing one-story, approximately 1,803-square-foot building and a 395-square-foot pergola/deck.
- On January 22, 2014, City Council approved Specific Use Permit No. 2068 for a two-year time period.
- On September 28, 2018, an application to renew SUP No. 2068 was submitted.

**Zoning History:** There has been two zoning requests in the area within the last five years.

1. **Z178-283:** On September 26, 2018, City Council approved the renewal of Specific Use Permit No. 1695 for a bar, lounge, or tavern; and an inside commercial amusement limited to a live music venue [Double Wide Bar] for a five-year period.
2. **Z156-258:** On August 22, 2018, City Council approved the renewal of Specific Use Permit No. 1862 for the sale of alcoholic beverages in conjunction with a general merchandise or food store use 3,500 square feet or less for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions.

**Thoroughfares/Streets:**

Thoroughfares/Streets	Type	Existing ROW
Exposition Avenue	Collector	80 feet
Main Street	Minor Arterial	100 feet

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed request will not have a negative impact on the surrounding street system.



**STAFF ANALYSIS:**

**Comprehensive Plan:**

The forwardDallas! Comprehensive Plan was adopted by the Dallas City Council on June 2006. The forwardDallas! Comprehensive Plan outlines several goals and policies which can serve as a framework for assisting in the evaluation of the applicant's request.

The proposed zoning request meets the following goals and objectives of the Comprehensive Plan:

**ECONOMIC ELEMENT**

**Goal 2.3 BUILD A DYNAMIC AND EXPANDED DOWNTOWN**

**Policy 2.3.3** Work with property owners and stakeholders to preserve and enhance the image of Downtown Dallas

**URBAN DESIGN ELEMENT**

**GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY**

**Policy 5.1.1** Promote pedestrian-friendly streetscapes

**GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE**

**Policy 5.3.1** Encourage a balance of land uses within walking distance of each other

**Surrounding Land Uses:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	PD 269; Tract A	Bar, Lounge, or Tavern
<b>North</b>	PD 269; Tract A	General Merchandise
<b>East</b>	PD 269; Tract A	Parking
<b>South</b>	PD 269; Tract A	General Merchandise
<b>West</b>	PD 269; Tract A	Parking / Commercial

**Land Use Compatibility:**

The site is developed with a 1,803-square-foot bar, lounge, or tavern use. The applicant's request is for the renewal of Specific Use Permit No. 2068 to continue operations of the existing bar, lounge, or tavern use.

A bar, lounge, or tavern means an establishment principally for the sale and consumption of alcoholic beverages on the premises that derives 75 percent or more of

its gross revenue from the service of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, for on-premise consumption.

The request site is located in proximity to general merchandise uses to the north and south, and vacant properties to the east and west. It is close to other uses such as retail, automotive service center, office, and bar, lounge, or tavern use with commercial amusement inside. The site is within a half-mile proximity to a DART Rail Station (Baylor University Medical Center Station).

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: 1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; 2) Each SUP application must be evaluated as to its probable effect on the adjacent rope try 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 renewal is consistent with the established development pattern of PD No. 269, the Deep Ellum/Near East Side District. Staff approves of the renewal of the SUP No. 2068.

### **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 subject site is not within an identifiable MVA Category; however, it is in proximity to an "E" MVA Cluster to the east on the south line of Main Street west of Exposition Avenue.

Z178-393(AM)

**Parking:**

Parking must be provided in accordance with the requirements of Planned Development District No. 269, the Deep Ellum/Near East Side District.

**Landscaping:**

Landscaping of any development will be in accordance with the approved site plan.

**Police:**

Staff obtained a report from the Dallas Police Department containing the calls, incidents, and arrests for the site's address since the Specific Use Permit was last renewed on October 13, 2015. The report lists the three incidents which were identified at and attributed to the site's address.

ArrestNumber	ArrestDate	ArrestDay	ChargeDesc	UCRArrestChg	UCROffense	PClass	Apprehended_Date
16-053522	12/25/2016	Sunday	DWI 1 PREV CONV	DWI	DWI	MA	12/25/2016
17-021378	5/25/2017	Thursday	DWI	DWI	DWI	MB	5/25/2017
18-027626	8/4/2018	Saturday	POSS MARIJUANA <2OZ	NARCOTIC CHARGES	NARCOTICS & DRUGS	MB	NULL

**List of Partners/Principals/Officers**

ColdBeer in Deep Ellum, LP

42 A, LLC — Scott Rohrman, Managing Member

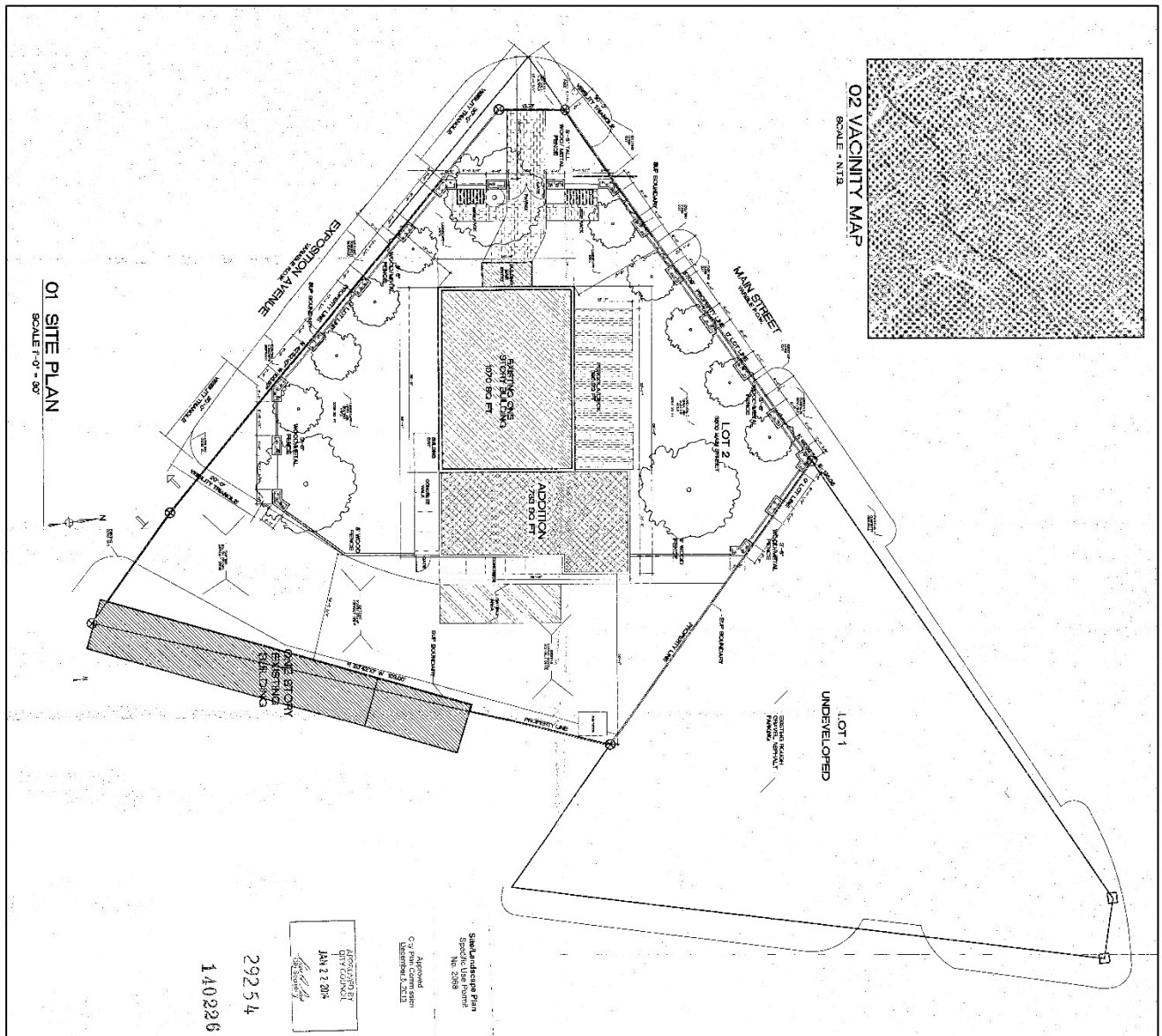
42 Deep Ellum, LP — Scott Rohrman, Managing Member



### **CPC Recommended SUP Conditions**

1. USE: The only use authorized by this specific use permit is a bar, lounge, or tavern.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan/landscape plan.
3. TIME LIMIT: This specific use permit expires on **(five-year period from the passage of this ordinance)** [~~October 14, 2018~~] [~~January 22, 2016~~].
4. LANDSCAPING: Landscaping must be provided as shown on the attached site/landscape plan.
5. FENCE: A fence must be provided in the location shown on the attached site/landscape plan.
6. FLOOR AREA: The maximum floor area for a bar, lounge, or tavern is 1,803 square feet in the location shown on the attached site/landscape plan. The maximum land [~~floor~~] area for the uncovered patio is 395 square feet in the location shown on the attached site/landscape plan.
7. HOURS OF OPERATION: The bar, lounge, or tavern may only operate between 3:00 pm and 2:00 am (the next day), Monday through Friday and 11:00 am and 2:00 am (the next day, Saturday and Sunday.
8. OFF-STREET PARKING: Parking must be provided in accordance with the requirements of Planned Development District No. 269. Delta credits, as defined in Section 51A-4.704(b)(4), may not be used to meet the off-street parking requirement.
9. OUTSIDE SPEAKERS: Outside speakers are prohibited.
10. MAINTENANCE: The Property must be property 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 (no changes)**



**JANUARY 3, 2019 - CITY PLAN COMMISSION MINUTES**

**Z178-393(AM)**

**Motion:** It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2068 for a bar, lounge, or tavern for a five-year period, subject to conditions on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District, on the east corner of Main Street and Exposition Avenue.

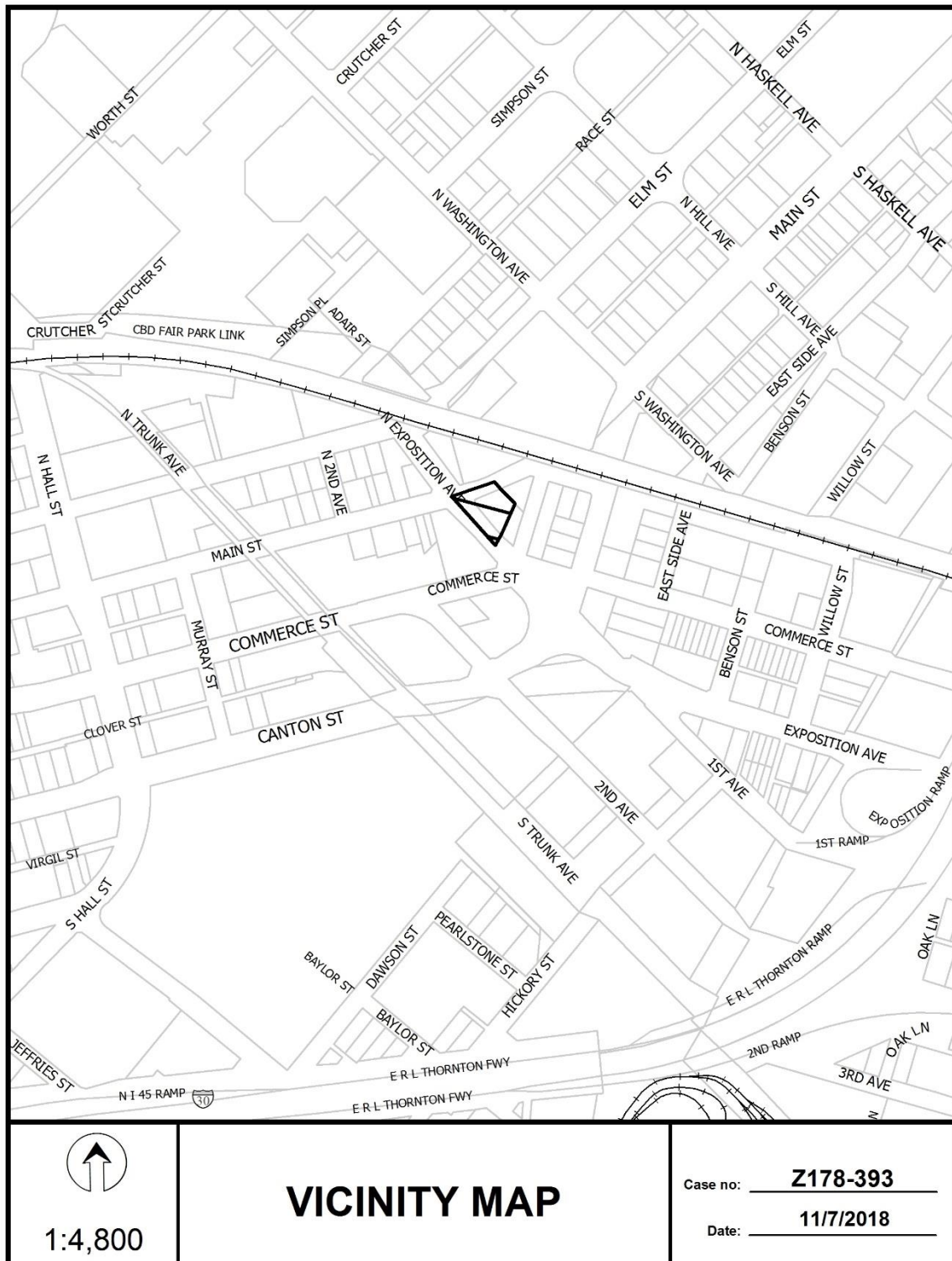
Maker: Schultz  
Second: Housewright  
Result: Carried: 10 to 0

For: 10 - MacGregor, Rieves, Davis, Shidid, Carpenter,  
Jung, Housewright, Schultz, Murphy, Ridley

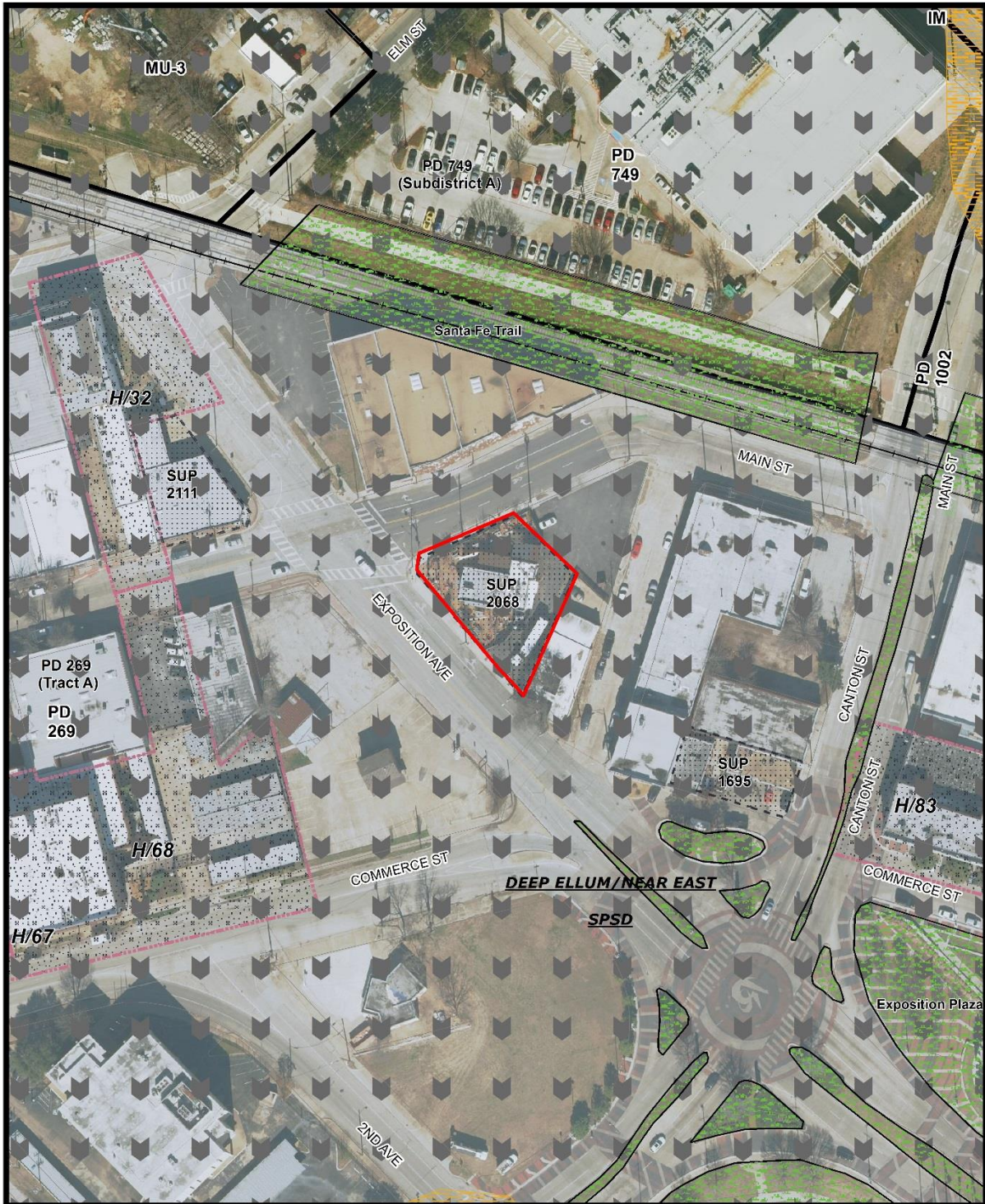
Against: 0  
Absent: 2 - Lewis, Tarpley  
Vacancy: 3 - District 3, District 7, District 12

**Notices:** Area: 200 Mailed: 16  
**Replies:** For: 1 Against: 0

**Speakers:** None



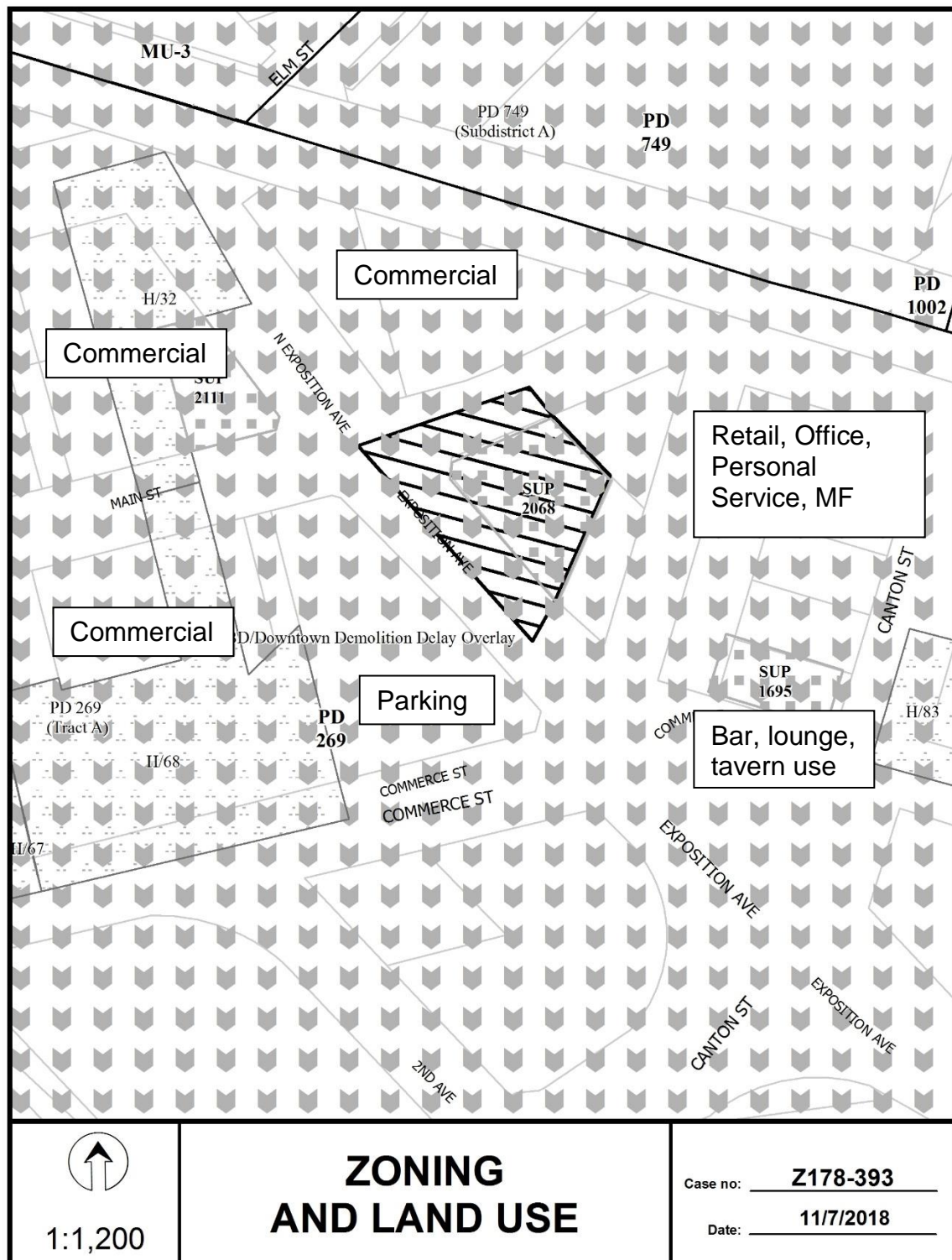


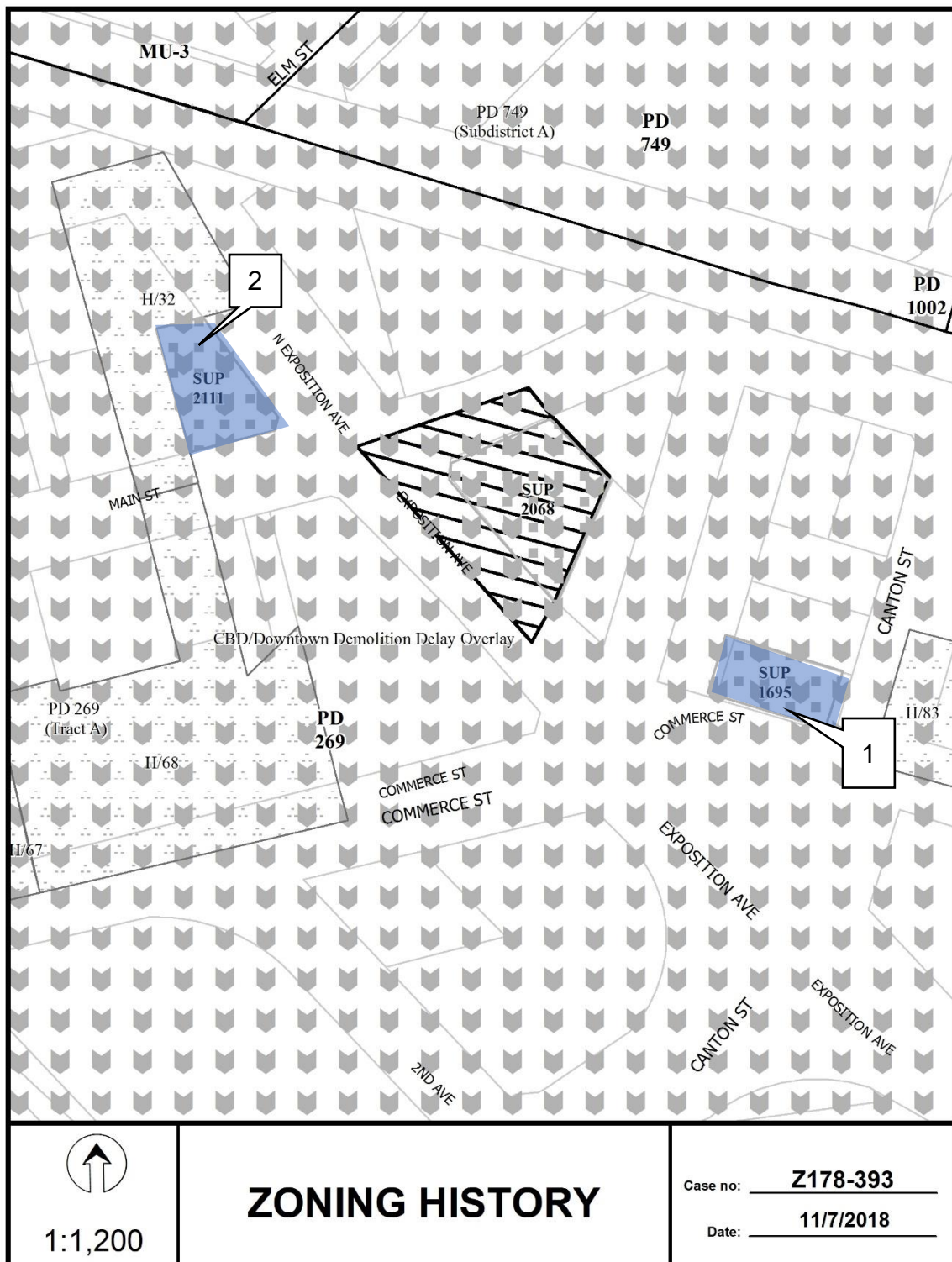


## Aerial Map

Printed Date: 11/12/2018











01/02/2019

***Reply List of Property Owners******Z178-393******16 Property Owners Notified******1 Property Owner in Favor******0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	3600 MAIN ST	COLDBEER IN DEEP ELLUM LP
	2	110 EXPOSITION AVE	HEYLAND PROPERTIES LLC
	3	3500 COMMERCE ST	EAST ELLUM PPTIES LLC
	4	3506 COMMERCE ST	SCHWARTZ HYMIE TRUST &
	5	3713 CANTON ST	3700 CANTON PROPERTIES
	6	3801 MAIN ST	BAYLOR UNIVERSITY MED CTR
	7	3812 ELM ST	BAYLOR UNIVERSITY MED CTR
	8	305 EXPOSITION AVE	MAIN STREET RETAIL LTD
	9	3404 MAIN ST	JERNIGAN REALTY PTNR LP
	10	3416 MAIN ST	CHOW JUNE C &
	11	3418 MAIN ST	WITHERSPOON DAVID
	12	3409 MAIN ST	AL JERNIGAN INVESTMENTS INC
	13	3414 ELM ST	SONS OF HERMANN
	14	3417 MAIN ST	JERNIGAN REALTY PTNRS LP
O	15	3300 MAIN ST	WESTDALE DEEP ELLUM LOFTS LTD
	16	555 2ND AVE	DART

Z178-393(AM)



MVA Cluster   A   B   C   D   E   F   G   H   I   NA



1:4,800

## Market Value Analysis

Printed Date: 11/9/2018



## Agenda Information Sheet

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**File #:** 19-172

**Item #:** 46.

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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability  
**AGENDA DATE:** February 13, 2019  
**COUNCIL DISTRICT(S):** 2  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2181 for a tattoo studio on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District, on the south line of Elm Street, east of Good Latimer Expressway

Recommendation of Staff and CPC: Approval for a five-year period, subject to conditions  
Z189-102(SM)

**FILE NUMBER:** Z189-102(SM)

**DATE FILED:** September 28, 2018

**LOCATION:** South line of Elm Street, east of Good Latimer Expressway

**COUNCIL DISTRICT:** 2

**MAPSCO:** 45 M

**SIZE OF REQUEST:** Approximately 0.11 acres

**CENSUS TRACT:** 204.00

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**OWNER:** AP Deep Ellum, LLC

**APPLICANT:** Shawn Hodges, Heart in Hand

**REPRESENTATIVE:** Audra Buckley, Permitted Development

**REQUEST:** An application for the renewal of Specific Use Permit No. 2181 for a tattoo studio on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District.

**SUMMARY:** The applicant proposes to continue to operate a tattoo studio use [Heart in Hand] within the existing building.

**CPC RECOMMENDATION:** Approval for a five-year period, subject to conditions.

**STAFF RECOMMENDATION:** Approval for a five-year period, subject to conditions.



## BACKGROUND INFORMATION

- On February 24, 2016, City Council approved Specific Use Permit No. 2181 for a tattoo studio for a three-year period, subject to a site plan and conditions.
- On September 1, 2016, Certificate of Occupancy No. 1604201039 was issued.

**Zoning History:** There have been 10 recent zoning cases requested in the area in the past five years:

1. **Z167-270:** On April 11, 2018, City Council approved an expansion of Historic Overlay No. 46, Knights of Pythias Building (2551 Elm Street), and amendments to the preservation criteria on property zoned Tract B within Planned Development District No. 269, the Deep Ellum/Near East Side District, on the northwest corner of Elm Street and North Good Latimer Expressway.
2. **Z145-207:** On June 10, 2015, City Council approved Specific Use Permit No. 2150 for an alcoholic beverage establishment limited to a bar, lounge, or tavern for a two-year period on property zoned Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side District on the northeast corner of Elm Street and North Good Latimer Expressway.
3. **Z156-293:** On September 28, 2016, City Council approved renewal and amendment of Specific Use Permit No. 2150 for a bar, lounge, or tavern for a three-year period with the addition of a live music venue on property zoned Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, at the northeast corner of Elm Street and South Good Latimer Expressway.
4. **Z156-134:** On February 24, 2016, City Council approved Specific Use Permit No. 2181 for a tattoo studio for a three-year period on property zoned Tract A in Planned Development District No. 269, the Deep Ellum/Near East Side District located on the south line of Elm Street, east of North Good Latimer Expressway.
5. **Z145-298:** On September 22, 2015, City Council approved Specific Use Permit No. 2158 for a tattoo studio for a three-year period on property zoned Tract A in Planned Development District No. 269, located on the south line of Elm Street, east of North Good Latimer Expressway.
6. **Z156-133:** On February 24, 2016, City Council repealed Specific Use Permit No. 2158 for a tattoo studio, located on the south line of Elm Street, east of North Good Latimer Expressway.
7. **Z156-230:** On June 22, 2016, City Council renewed Specific Use Permit No. 1913 for a bar, lounge, or tavern for a four-year period on property zoned

Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District, located on the south line of Elm Street, east of North Good Latimer Expressway.

8. **Z145-114:** On February 27, 2013, City Council approved an amendment to and the renewal of Specific Use Permit No. 2019 for an alcoholic beverage establishment limited to a bar, lounge or tavern and to add commercial amusement (inside) limited to a live music venue for a two-year period on property zoned Planned Development District No. 269, Tract A the Deep Ellum/Near East Side District on the south side of Elm Street, east of North Good Latimer Expressway.
9. **Z167-142:** On March 22, 2017, City Council renewed Specific Use Permit No. 2019 for an alcoholic beverage establishment limited to a bar, lounge or tavern and a commercial amusement (inside) limited to a live music venue for a five-year period with eligibility for automatic renewals for additional five-year periods on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District on the south side of Elm Street, east of North Good Latimer Expressway.
10. **Z156-295:** On October 26, 2016, City Council renewed and amended Specific Use Permit No. 1767 for an alcoholic beverage establishment limited to a bar, lounge or tavern and the addition of an inside commercial amusement use limited to a live music venue for a four-year period on property zoned Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side District, north of Commerce Street, east of South Good Latimer Expressway.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Special Cross Section Description
Elm Street	Collector	2 lanes, undivided, 60 ft ROW, 38 ft pavement

**Traffic:**

The Engineering Section of the Sustainable Development and Construction Department has reviewed the request and determined that it will not significantly impact the existing roadway system.

**Comprehensive Plan:**

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The applicant's request is consistent with the following goals and policies of the comprehensive plan.

## **ECONOMIC ELEMENT**

### **GOAL 2.3 BUILD A DYNAMIC AND EXPANDED DOWNTOWN**

**Policy 2.3.3** Work with property owners and stakeholders to preserve and enhance the image of Downtown Dallas.

## **URBAN DESIGN ELEMENT**

### **GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY**

**Policy 5.1.1** Promote pedestrian-friendly streetscapes

### **GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE**

**Policy 5.3.1** Encourage a balance of land uses within walking distance of each other.

## **STAFF ANALYSIS:**

### **Surrounding Land Uses:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	PD 269 Tract A	Tattoo studio
<b>North</b>	PD 269 Tract A	Restaurant
<b>East</b>	PD 269 Tract A	Restaurant
<b>South</b>	PD 269 Tract A	Surface parking
<b>West</b>	PD 269 Tract A	Vacant, Restaurant

**Land Use Compatibility:** The applicant proposes to continue to utilize approximately 1,206 square feet of the existing structure for a tattoo studio use. The surrounding land uses include restaurants to the north, east, and west, and a surface parking lot abuts the site to the south.

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.

Staff supports the request and considers the continuance of the use compatible with the current surrounding uses. Therefore, staff recommends approval for a five-year time period.

**Parking:** Parking must be provided in accordance with the requirements of Planned Development District No. 269, the Deep Ellum/Near East Side District.

**Landscaping:** The applicant's request does not trigger any landscape requirements.

**Police:** Staff obtained a report from the Dallas Police Department containing the calls, incidents, and arrests for the site's address since the SUP was last renewed in February 24, 2016. Since the site's address contains multiple tenants, the report received by staff included uses that are not associated with this application. The report lists one of the 30 calls to be attributed to the tattoo studio, as indicated below. However, none of the nine incidents were attributed to the tattoo studio, and zero arrests were identified to the site's address.

Master Incident No.	Date	Time	Problem	Priority Description
18-0111239	1/18/2018	8:48:00 PM	6X - Major Dist (Violence)	2 - Urgent

**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 (A through C) to orange, representing the weakest markets (G through I). Although the area of request is not within an identifiable MVA cluster, it is in the vicinity of an "E" MVA cluster.



**PRIOR CPC ACTION – January 3, 2019:**

**Motion:** It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2181 for a tattoo studio for a five-year period, subject to conditions on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District, on the south line of Elm Street, east of Good Latimer Expressway.

Maker: Schultz  
Second: Housewright  
Result: Carried: 10 to 0

For: 10 - MacGregor, Rieves, Davis, Shidid, Carpenter,  
Jung, Housewright, Schultz, Murphy, Ridley

Against: 0  
Absent: 2 - Lewis, Tarpley  
Vacancy: 3 - District 3, District 7, District 12

**Notices:** Area: 200 Mailed: 12  
**Replies:** For: 4 Against: 0

**Speakers:** None

**List of Partners/Principals/Officers**

**AP Deep Ellum, LLC**

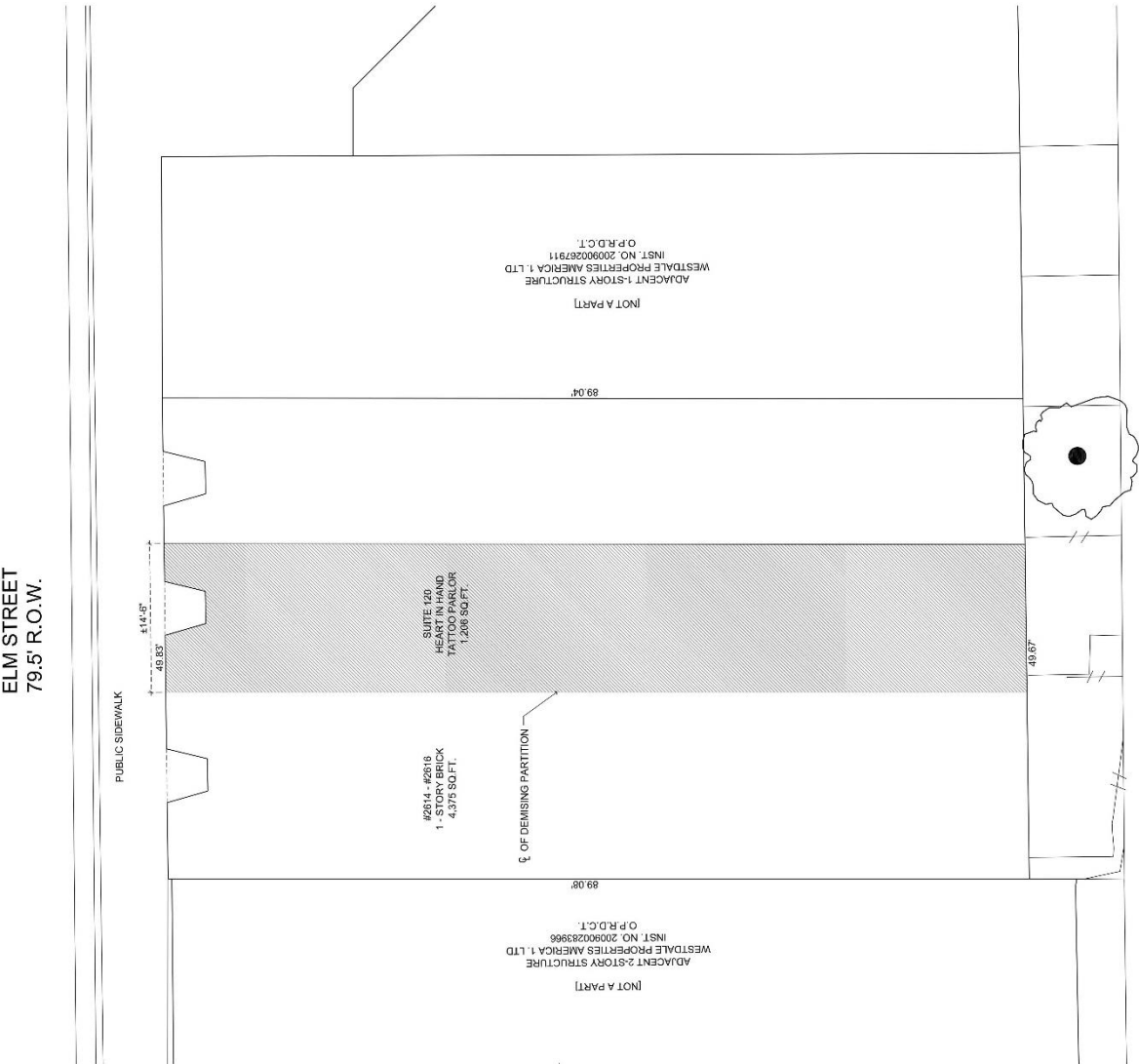
Asana Partners, LP

Terry S Brown, Managing Partner  
Jason K. Tompkins, Managing Partner  
Sam E. Judd, Managing Partner  
R. Seth Black, Managing Director  
Brian R. Purcell, Managing Director  
Reed Kracke, Managing Director  
Chris R. Dalton, Director  
Katie Grissom, Director  
G. Welch Liles, Associate - Development

**CPC Recommended SUP Conditions**

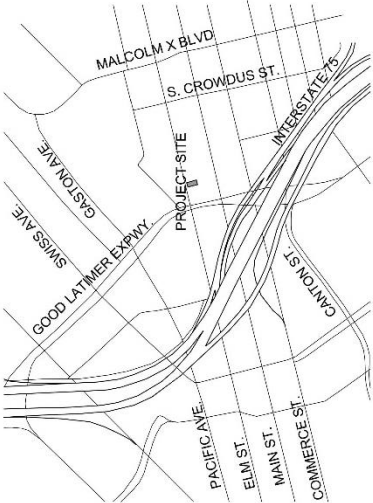
1. USE: The only use authorized by this specific use permit is a tattoo studio.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on [five years from the passage of this ordinance] [February 24, 2019].
4. FLOOR AREA: The maximum floor area is 1,264 square feet in the location shown on the attached site plan.
5. PARKING: Parking must be provided in accordance with the requirements of Planned Development District No. 269, the Deep Ellum/Near East Side District.
6. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
7. 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 (no changes)



a1.1-01 site plan  
scale: 1/8" = 1'-0"

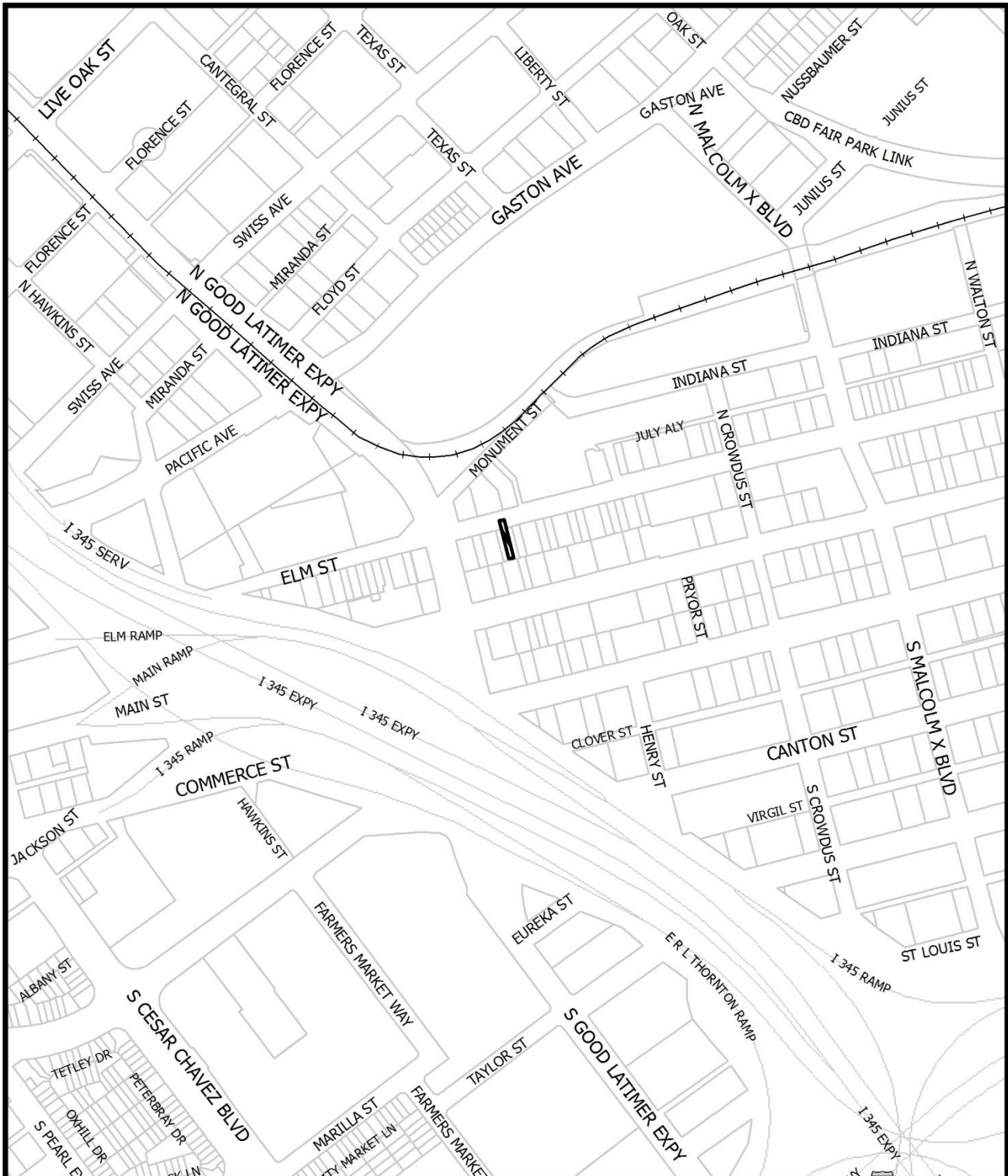
VICINITY MAP



SITE TABLE

Use:	Tattoo Studio
Zoning:	PD 285, Tract A
Site Information:	
Total Building Square Footage	4,375
Suite 120 Square Footage	1,206
Lot Area (SF)	5,000
Lot Coverage (%)	88
Approximate Year Built	1924
Total parking required for entire site	6
Less 5000 SF Waiver	6
Net Parking Required:	0
Tattoo studios will be located at least 300' from all other tattoo studios on Elm Street.	





1:4,800

## VICINITY MAP

Case no: **Z189-102**

Date: **11/9/2018**





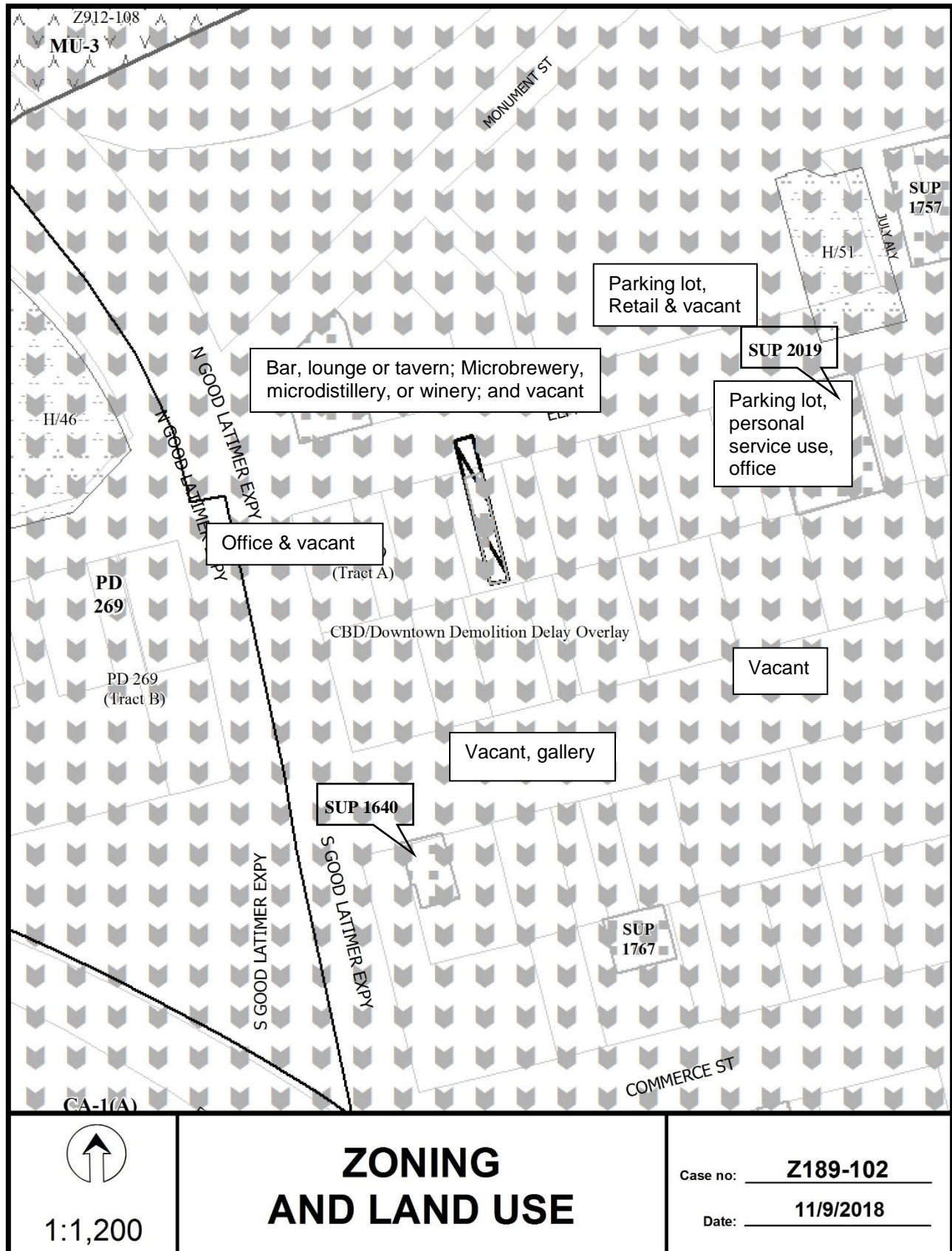
1:1,200

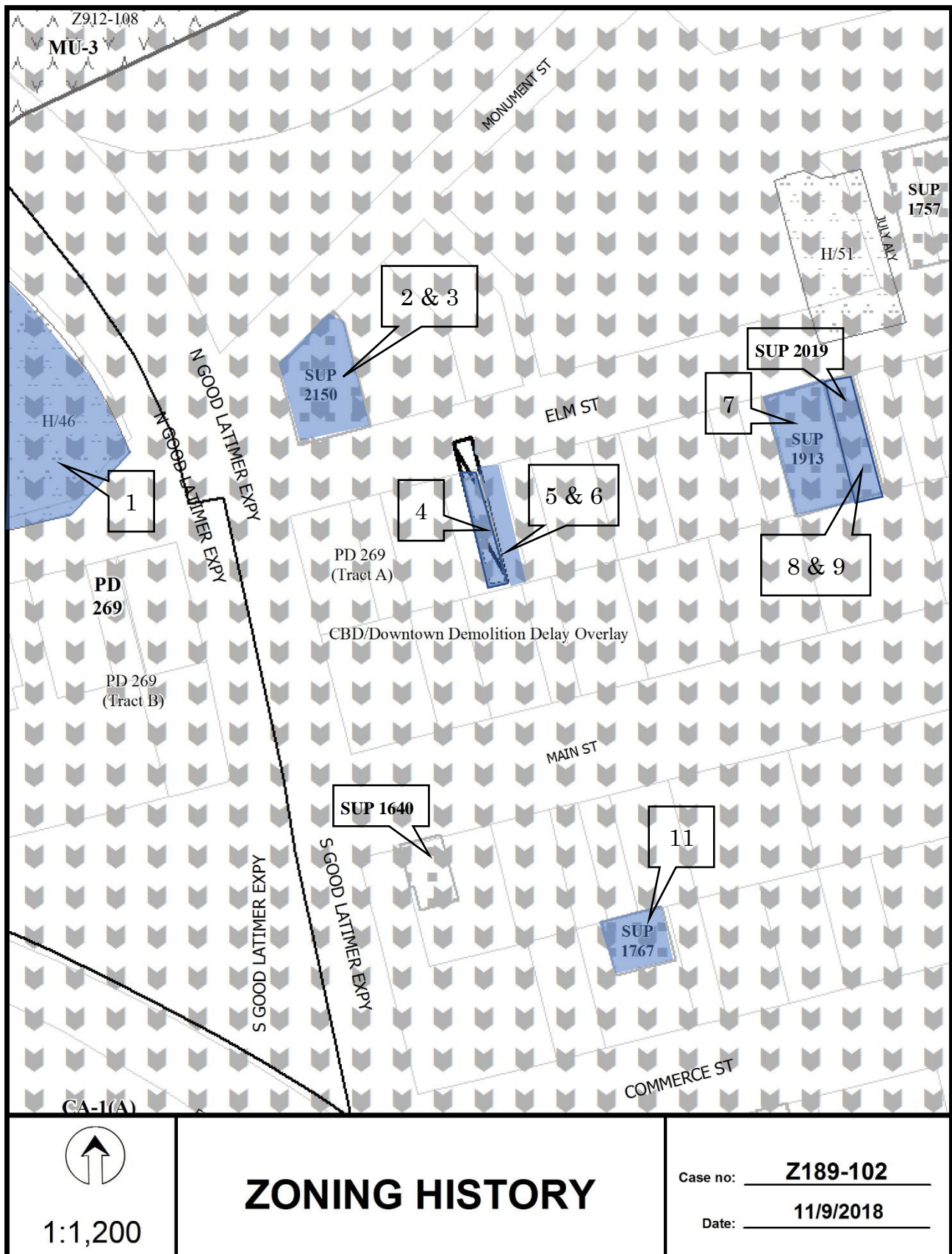
## AERIAL MAP

Case no: Z189-102

Date: 11/9/2018











01/02/2019

## ***Reply List of Property Owners***

***Z189-102***

***12 Property Owners Notified***

***4 Property Owners in Favor***

***0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	2625 MAIN ST	AP DEEP ELLUM LLC
O	2	2626 ELM ST	ELM STREET LOFTS LTD
	3	2634 ELM ST	ROSE BARSHOP RESIDUARY TR
	4	2628 ELM ST	ROSE BARSHOP RESIDUARY TR
	5	2604 ELM ST	SEJ ASSET MGMT & INVESTMENT CO
	6	2610 ELM ST	WESTDALE PROPERTIES AMERICA I LTD
O	7	2603 MAIN ST	PARKIN ART JOINT VENTURE
	8	2620 MAIN ST	AP DEEP ELLUM LLC
O	9	2605 ELM ST	WESTDALE PROPERTIES AMERICA I LTD
	10	2625 ELM ST	UPLIFT EDUCATION
O	11	2615 ELM ST	WESTDALE PPTIES AMERICA I LTD
	12	2600 MONUMENT ST	DALLAS AREA RAPID TRANSIT



MVACluster A B C D E F G H I NA



1:4,800

# Market Value Analysis

Printed Date: 11/9/2018



## Agenda Information Sheet

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**File #:** 19-173

**Item #:** 47.

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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability  
**AGENDA DATE:** February 13, 2019  
**COUNCIL DISTRICT(S):** 6  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

A public hearing to receive comments regarding an application for and **(1)** an ordinance granting a Specific Use Permit for a government installation other than listed limited to an elevated water storage reservoir; and **(2)** an ordinance granting a development plan and landscape plan on property zoned Subarea A within Planned Development District No. 741 with Specific Use Permit No. 517 for a radio transmission station and tower use, on the east line of South Belt Line Road, at the terminus of Airline Drive

Recommendation of Staff and CPC: Approval of a Specific Use Permit for a permanent period, subject to a site plan and conditions; and approval of a development plan and landscape plan Z189-105(SM)



**FILE NUMBER:** Z189-105(SM) **DATE FILED:** October 5, 2018

**LOCATION:** East line of South Belt Line Road, at the terminus of Airline Drive

**COUNCIL DISTRICT:** 6 **MAPSCO:** 11A F

**SIZE OF REQUEST:** Approx. 2.14 acres **CENSUS TRACT:** 141.27

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**OWNER/APPLICANT:** Billingsley D&D, Inc.

**REPRESENTATIVE:** James Bryan, P.E., Kimley-Horn and Associates, Inc.

**REQUEST:** An application for 1) a Specific Use Permit for a government installation other than listed limited to an elevated water storage reservoir; and 2) a development plan and landscape plan on property zoned Subarea A within Planned Development District No. 741 with Specific Use Permit No. 517 for a radio transmission station and tower use.

**SUMMARY:** The applicant requests to construct a 205-foot tall elevated water storage tank within the area of request.

**CPC RECOMMENDATION:** Approval of a Specific Use Permit for a permanent period, subject to a site plan and conditions; and approval of a development plan and landscape plan.

**STAFF RECOMMENDATION:** Approval of a Specific Use Permit for a permanent period, subject to a site plan and conditions; and approval of a development plan and landscape plan.

**BACKGROUND INFORMATION:**

- On January 25, 2006, Council approved Planned Development District (PDD) No. 741. This district is divided into four subareas: Subareas A, B, C, and D, each of which are depicted on the conceptual plan.
- The site is located within Subarea A and is currently used as grazing areas for an agricultural use within a larger parcel that is used for a radio transmission station use.

**Zoning History:** There have not been any zoning cases in the area over the past five years.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	ROW
S Belt Line Road	Local	120 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.

**COMPREHENSIVE PLAN:**

The fowardDallas! Comprehensive Plan was adopted by the City Council in June 2006. The fowardDallas! Comprehensive Plan outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The request does not support or obstruct the Plan's goals or policies.

**Economic Element**

**GOAL 2.1 PROMOTE BALANCED GROWTH**

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

**GOAL 2.4 CREATE AND MAINTAIN AN ENVIRONMENT FRIENDLY TO BUSINESSES AND ENTREPRENEURS**

Policy 2.4.2 Restore Dallas as the premier city for conducting business within the region.

**STAFF ANALYSIS:****Surrounding Land Uses:**

	<b>Zoning with SUP No. 517</b>	<b>Land Use</b>
<b>Site</b>	PDD No. 741 Subarea A	Agricultural
<b>North</b>	PDD No. 741 Subarea A	Agricultural
<b>East</b>	PDD No. 741 Subarea A	Agricultural
<b>South</b>	PDD No. 741 Subarea A	Agricultural
<b>West</b>	PDD No. 741 Subarea A With DR No. Z078-309	Agricultural

**Land Use Compatibility:**

The site is currently used as grazing areas for an agricultural use within a larger parcel that is used for a radio transmission station use which is consistent with the abutting surrounding properties. The City of Coppell begins on the east line of Belt Line Road and the south line of Sanders Loop, further west and north of the area of request. Within the City of Coppell, the nearest developed parcels are a drive-through bank located north of the area of request, on the north line of Sanders Loop, and light industrial buildings to the west, on the west line of South Belt Line Road.

The applicant proposes to construct a 205-foot tall elevated water storage tank with a maximum diameter of 94 feet for Dallas Water Utilities. The purpose of the elevated water storage tank is to provide water utilities to future development in the vicinity.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The request does not appear to have an adverse impact on the surrounding zoning and land uses.

Staff supports the request for a permanent period because the request complies with all other zoning regulations, provides a permanent utility for surrounding properties, and is not foreseen to be detrimental to surrounding properties.

**Landscaping:**

Landscaping, as shown in the proposed landscape plan, is in accordance to the landscaping requirements in Article X, as amended.

**Parking:**

Pursuant to the Dallas Development Code the parking requirements for a government installation other than listed use may be established in the ordinance granting the specific use permit. Because the elevated water storage tank will be remotely monitored by Dallas Water Utilities personnel from the White Rock Operations Center, there will not be personnel stationed at the tank itself. However, the applicant has proposed to construct three parking spaces on-site for routine maintenance. Therefore, a parking requirement of a minimum three spaces is one of the proposed SUP conditions.

**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 (A through C) to orange, representing the weakest markets (G through I). Because the area of request and vicinity is not residential land, the area of request and the vicinity are not within an identifiable MVA cluster.



**PRIOR CPC ACTION – January 3, 2019:**

**Motion:** It was moved to recommend 1) **approval** of a Specific Use Permit for a government installation other than listed limited to an elevated water storage reservoir for a permanent period, subject to a site plan and conditions; and, 2) **approval** of a development plan and landscape plan on property zoned Subarea A within Planned Development District No. 741 with Specific Use Permit No. 517 for a radio transmission station and tower use, on the east line of South Belt Line Road, at the terminus of Airline Drive.

Maker: Schultz  
Second: Housewright  
Result: Carried: 10 to 0

For: 10 - MacGregor, Rieves, Davis, Shidid,  
Carpenter, Jung, Housewright, Schultz,  
Murphy, Ridley

Against: 0  
Absent: 2 - Lewis, Tarpley  
Vacancy: 3 - District 3, District 7, District 12

**Notices:** Area: 300 Mailed: 6  
**Replies:** For: 0 Against: 0

**Speakers:** For: None  
For: (Did not speak): James Bryan, 13455 Noel Rd., Dallas, TX, 75241  
Bill Walker, 1722 Routh St., Dallas, TX, 75201  
Against: None

<b>List of Partner/Principals/Officers</b>
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**Billingsley D&D, Inc.**

1722 Routh Street, Suite 770, Dallas, Texas 75201

Phone : 214-270-1000

Trammell Crow Company No. 43, Ltd. is a Texas limited partnership. Its limited partners are Lucy Billingsley, Billingsley Holdings B, LLC, Crow Billingsley LBJ, Ltd., LCB Mill Creek Trust, Parkway Investors Limited #1, Billingsley Holdings ASB II, LLC, Billingsley Holdings LPB II, LLC, and Billingsley Chester Partners, Ltd. Its general partner is Henry GP, L.L.C., and the managers of the general partner are Lucy Billingsley, Kenneth D. Mabry and Kimberly H. Meyer.

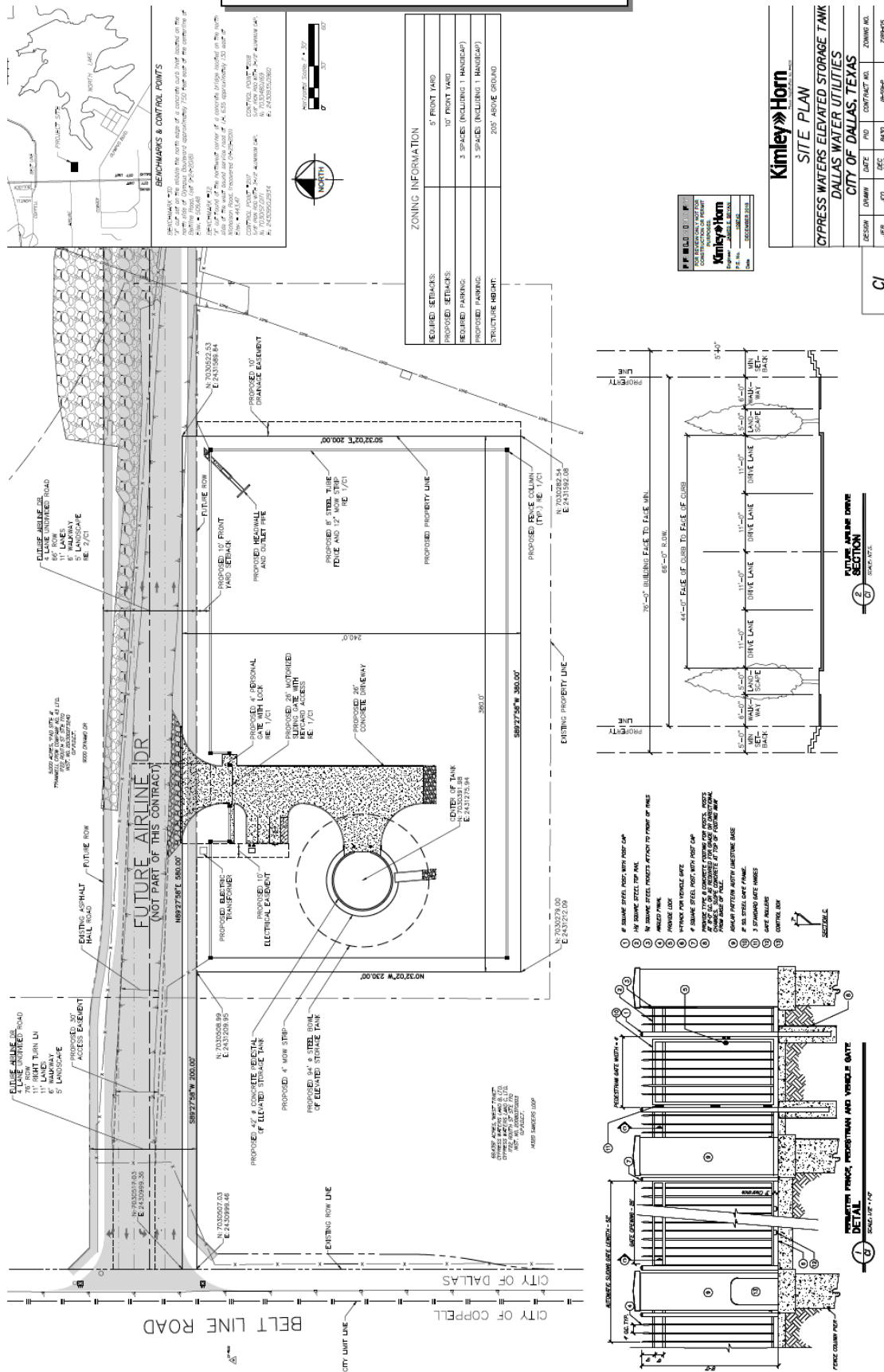
Cypress Waters Land B, Ltd. is a Texas limited partnership. Its limited partners are Billingsley Berkshire Partners, Ltd. and The Lucy Paige Billingsley Trust II. Its general partner is Billingsley 380 North GP, L.L.C., and the managers of the general partner are Lucy Billingsley, Kenneth D. Mabry and Kimberly H. Meyer.

Cypress Waters Land C, Ltd. is a Texas limited partnership. Its limited partner is Billingsley Berkshire Partners, Ltd. Its general partner is Billingsley 380 North GP, L.L.C., and the managers of the general partner are Lucy Billingsley, Kenneth D. Mabry and Kimberly H. Meyer.

**CPC Recommended SUP Conditions**

1. USE: The only use authorized by this specific use permit is a utility or government installation other than listed, limited to an elevated water storage reservoir.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit has no expiration date.
4. PARKING: A minimum of three off-street parking spaces must be provided in the location shown on the attached site plan.
5. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
6. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

## CPC Recommended Site Plan





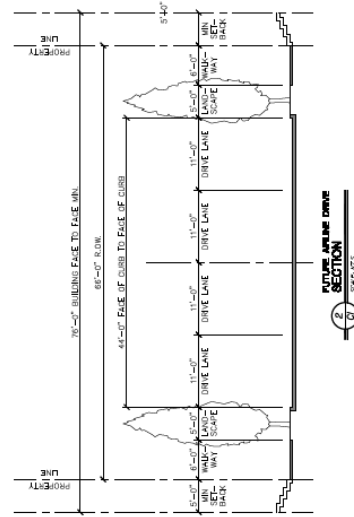
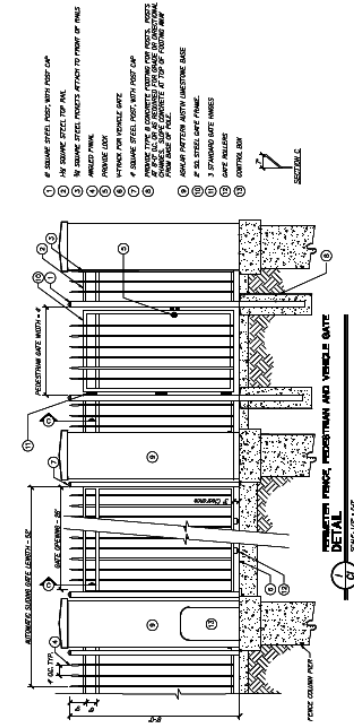
FOR REVIEW ONLY - NOT FOR CONSTRUCTION OR PERMIT PURPOSES.

**Kimley-Horn**

Engineer: JAMES E. BRYAN

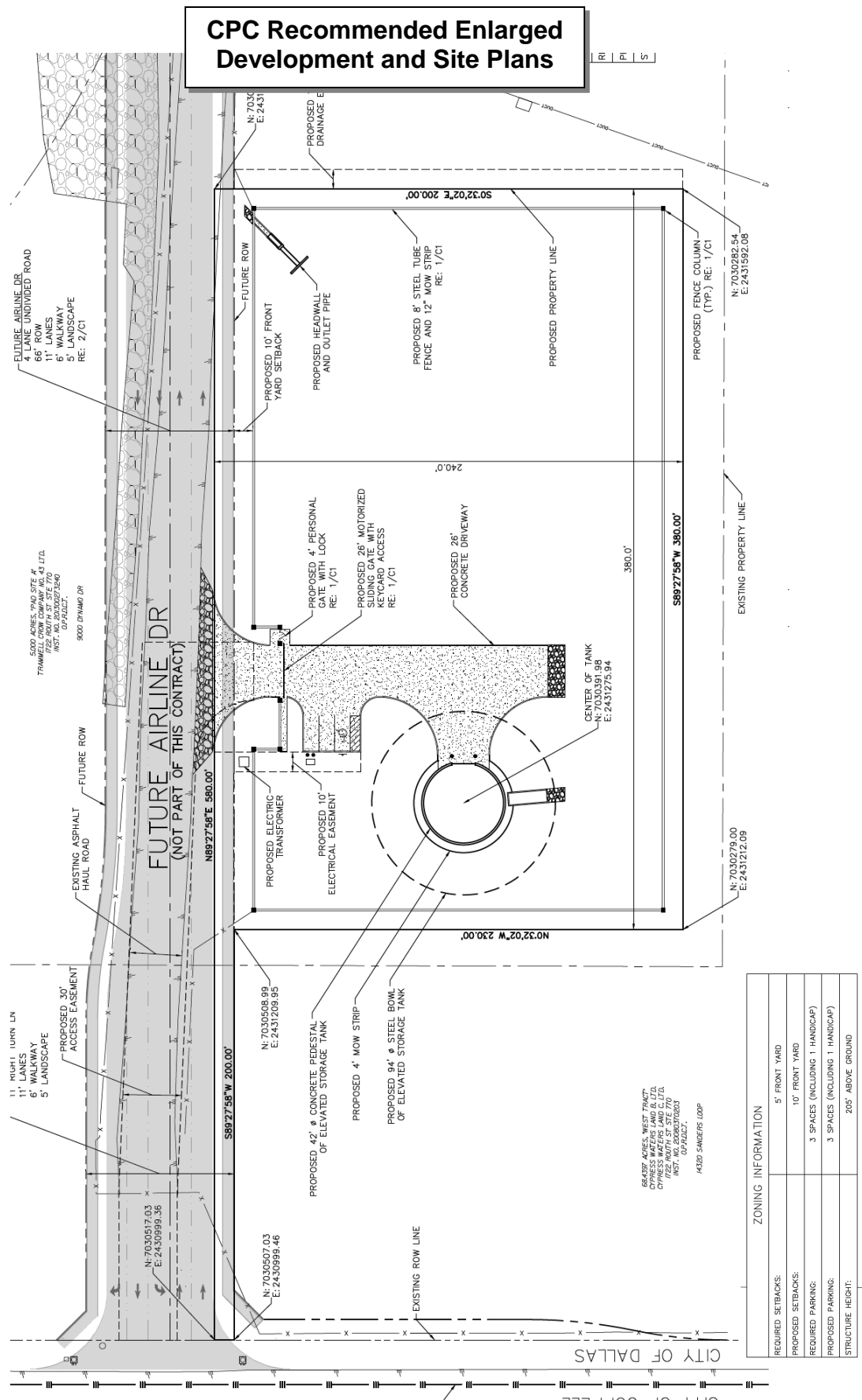
P.E. No. 150742

Date DECEMBER 2018

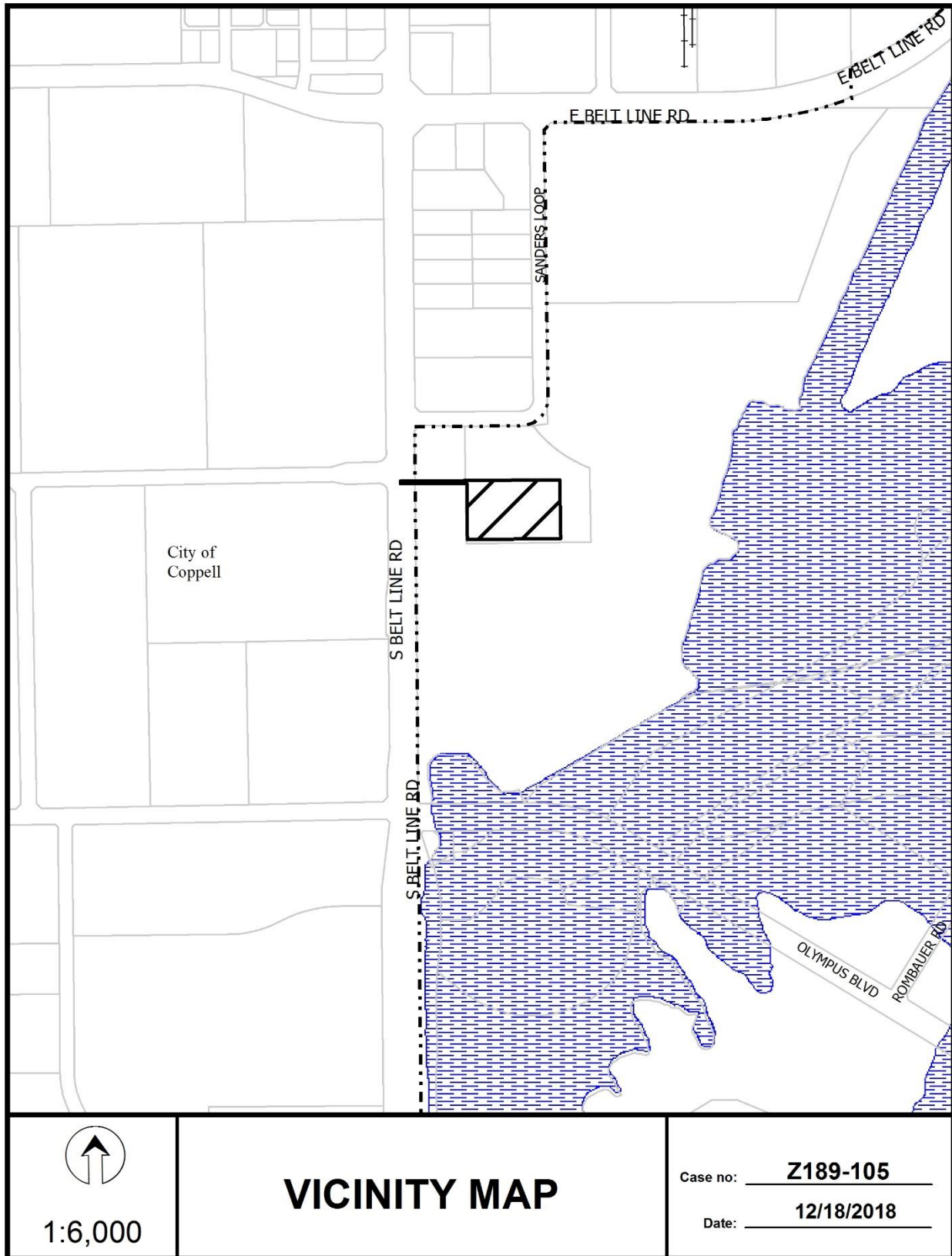


ZONING INFORMATION	
REQUIRED SETBACKS:	5' FRONT YARD
PROPOSED SETBACKS:	10' FRONT YARD
REQUIRED PARKING:	3 SPACES (INCLUDING 1 HANDICAP)
REQUIRED PARKING:	3 SPACES (INCLUDING 1 HANDICAP)
POLICY OF THE AGENCY:	300' ABOVE GROUND

				
<small>AN IRVING-CLOUD COMPANY</small>				
<b>DEVELOPMENT PLAN</b>				
<b>CYPRESS WATERS ELEVATED STORAGE TANK</b>				
<b>DALLAS WATER UTILITIES</b>				
<b>CITY OF DALLAS, TEXAS</b>				
DESIGN	DRAWING	DATE	PROJECT NO.	DRAWING NO.
REV.				

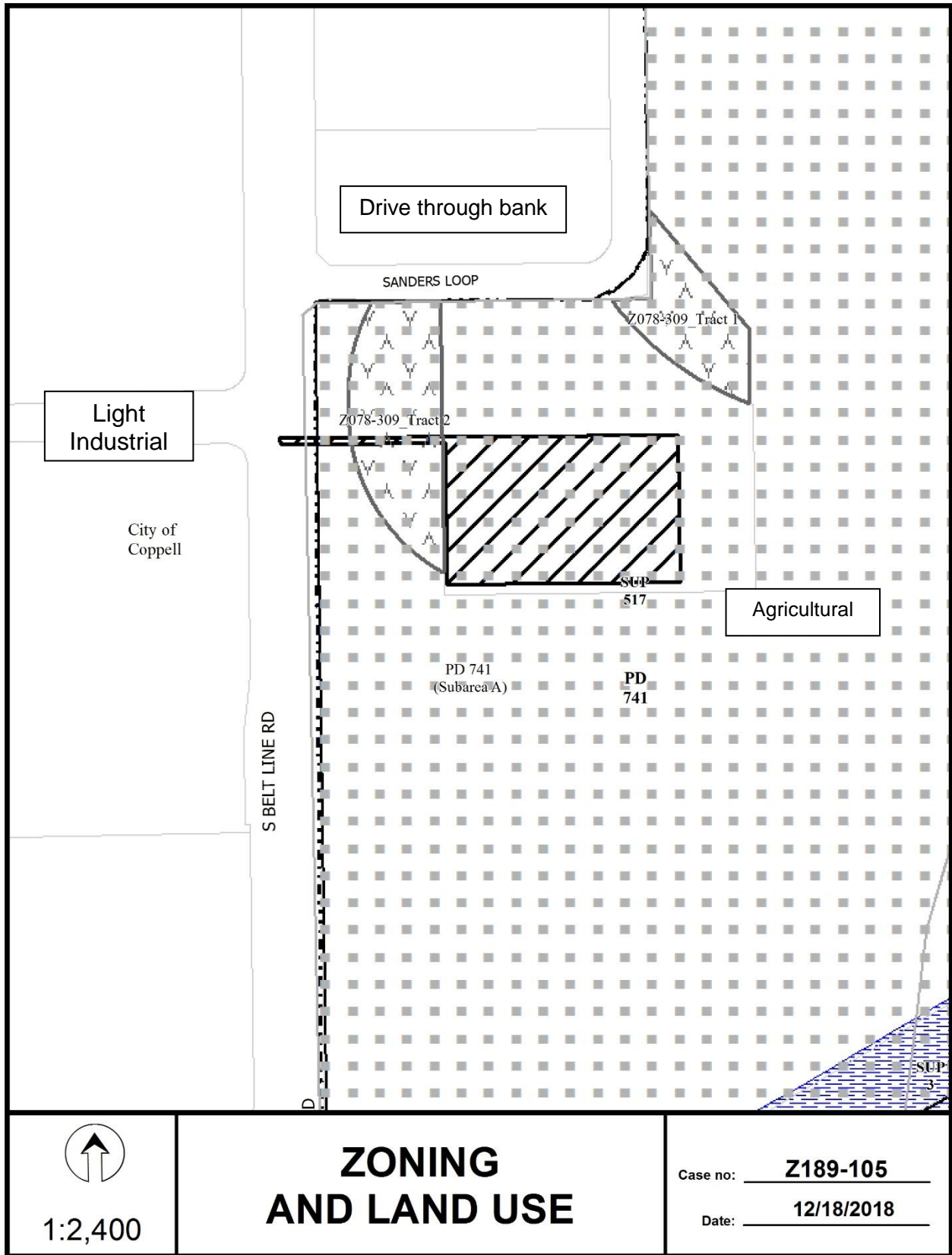


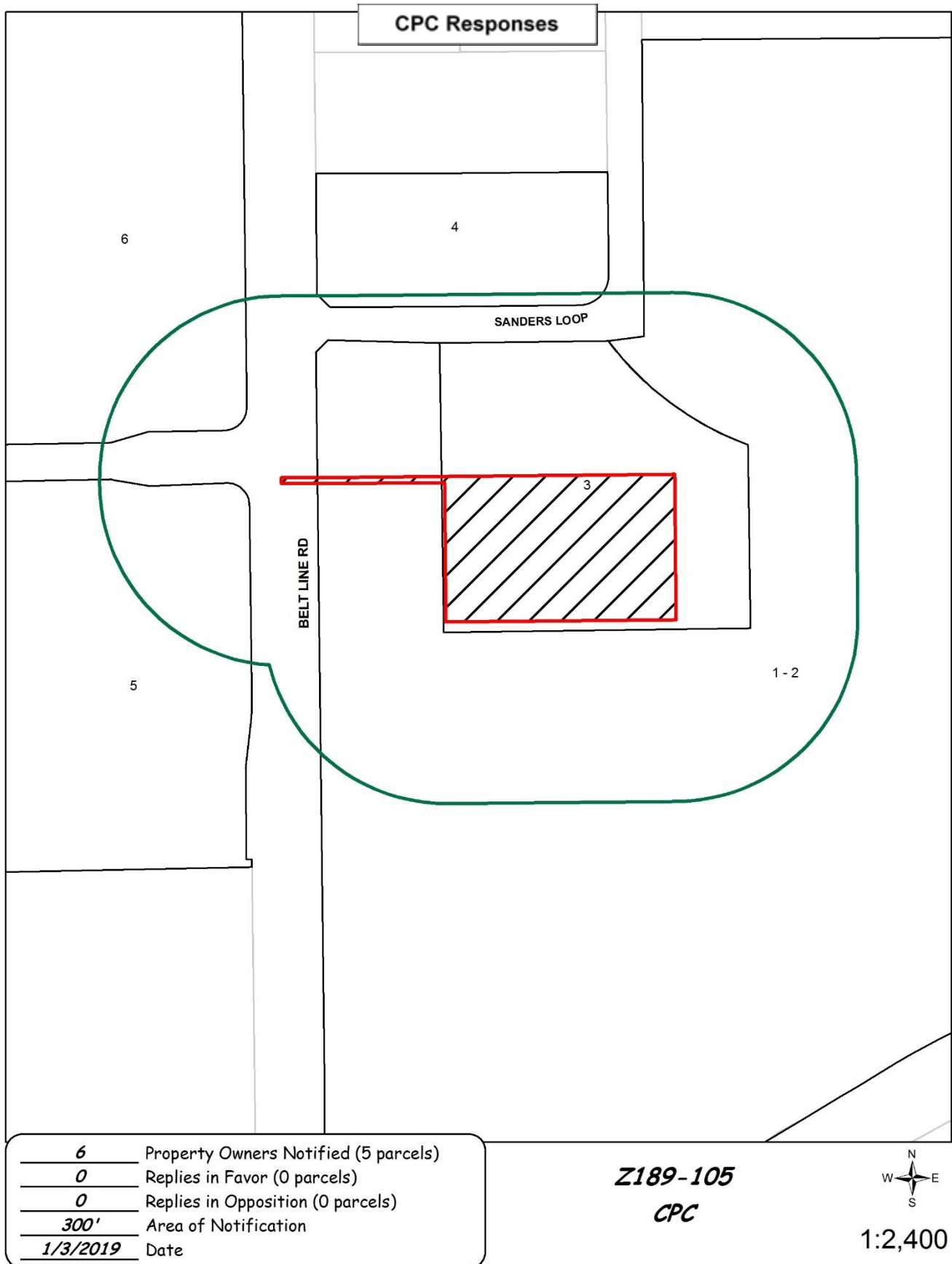












01/02/2019

***Reply List of Property Owners***

***Z189-105***

***6 Property Owners Notified***

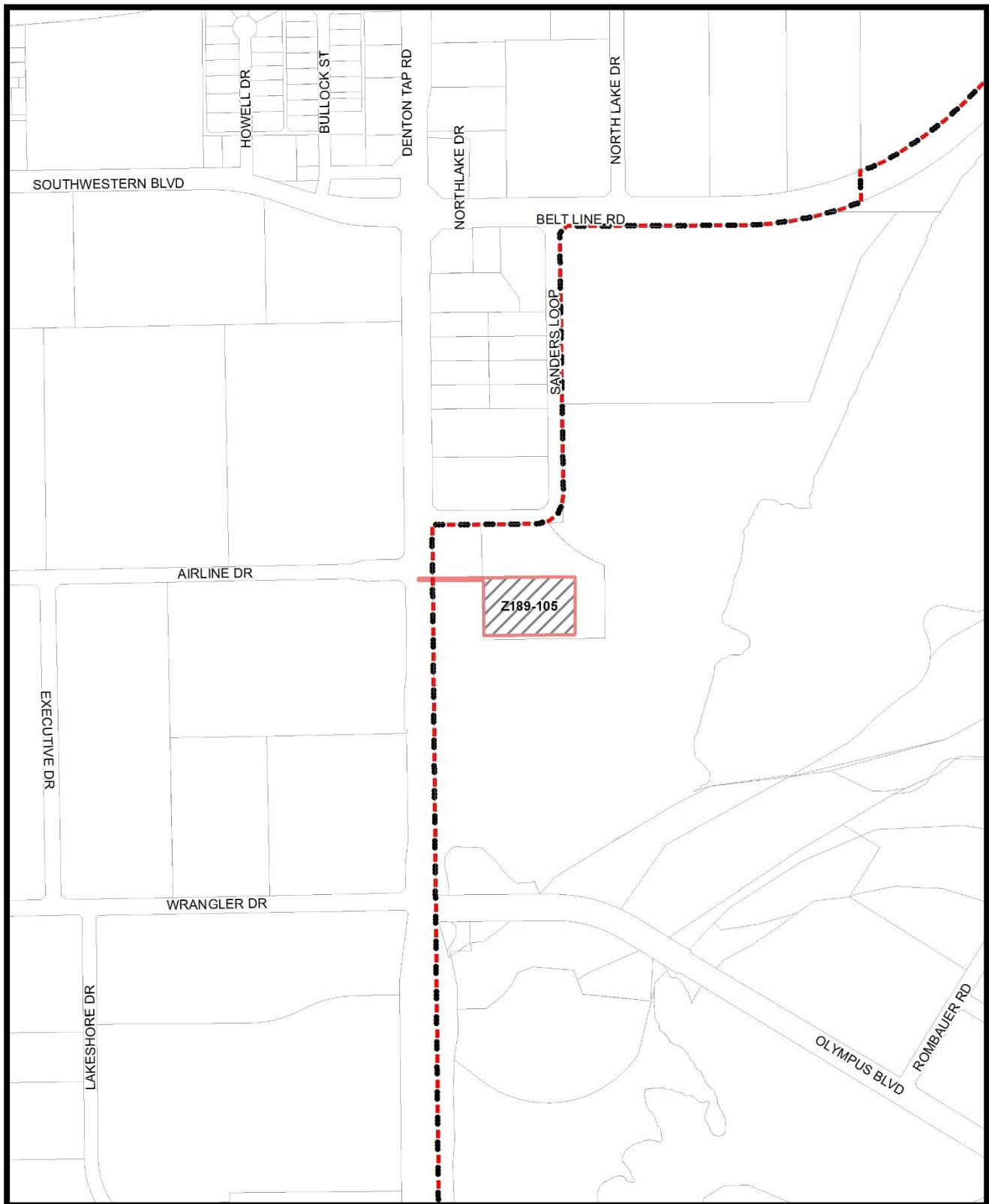
***0 Property Owners in Favor***

***0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	14320	SANDERS LOOP	CYPRESS WATERS LAND B LTD
2	1002	SANDERS LOOP DR	KLIF CO
3	9000	DYNAMO DR	TRAMMELL CROW CO NO 43 LTD
4	1000	S BELT LINE RD	FIRST SECURITY BK COPPELL
5	1177	S BELTLINE RD	TCRG OPPORTUNITY II LLC
6	1025	S BELT LINE RD	NM MAJESTIC HOLDINGS LLC



Z189-105(SM)



MVACluster A B C D E F G H I NA



1:6,000

## Market Value Analysis

Printed Date: 12/18/2018



## Agenda Information Sheet

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**File #:** 19-174

**Item #:** 48.

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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability  
**AGENDA DATE:** February 13, 2019  
**COUNCIL DISTRICT(S):** 8  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

A public hearing to receive comments regarding an application for an LI Light Industrial District on property zoned an R-7.5(A) Single Family District and an MF-2(A) Multifamily District, on the southwest corner of Great Trinity Forest Way and Interstate Highway 45  
Recommendation of Staff and CPC: Denial without prejudice  
Z178-104(PD)

**FILE NUMBER:** Z178-104(PD) **DATE FILED:** October 9, 2017  
**LOCATION:** Southwest corner of Great Trinity Forest Way and Interstate Highway 45  
**COUNCIL DISTRICT:** 8 **MAPSCO:** 66 C; G  
**SIZE OF REQUEST:** ±142.86 acres **CENSUS TRACT:** 114.01, 87.01

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**APPLICANT/OWNER:** Flowerdale LLC

**REPRESENTATIVE:** Haben Tewelde, Tailim Song Law Firm

**REQUEST:** An application for an LI Light Industrial District on property zoned an R-7.5(A) Single Family District and an MF-2(A) Multifamily District.

**SUMMARY:** The purpose of the request is to allow for the construction of an approximately 2,000,000-square-foot warehouse and distribution center.

**CPC RECOMMENDATION:** Denial without prejudice.

**STAFF RECOMMENDATION:** Denial without prejudice.

**BACKGROUND INFORMATION:**

- The area of request is approximately 142.86 acres of undeveloped land that possesses a significant inventory of native trees.
- The applicant proposes to develop 46 acres with a 2,000,000-square-foot warehouse and distribution center.
- While residential districts surround the area of request on all sides, the properties to the east, south and west lie undeveloped.
- The properties to the north are developed with low and medium density residential uses and church uses.
- Because floodplain traverses more than 50 percent of the request site along the southern portion, the proposed 2,000,000-square-foot warehouse and distribution center will be developed in close proximity to the northern portion of the site.

**Zoning History:** There has been one zoning change requested in the vicinity within the past five years.

1. **Z134-186:** On October 22, 2014, the City Council approved a D-1 Liquor Control Overlay and a Specific Use Permit No. 2112 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR-D Community Retail District with a D Liquor Control Overlay.

**Thoroughfares/Streets:**

Thoroughfare/Street	Function	ROW
Great Trinity Forest Way	Principal Arterial	107 feet
Wadsworth Drive	Community Collector	60 feet
Haas Drive	Community Collector	60 feet

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that while the proposed development will not have a negative impact on the surrounding street system, concerns of access will be addressed during the permitting phase through review of the development's civil plans. Additionally, the plans will require construction of a deceleration lane and design of any acceleration lane will need to be coordinated with TxDOT.



**Land Use:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	R-7.5(A), MF-2(A)	Undeveloped; Heavily Wooded
<b>North</b>	R-7.5(A), MF-2(A)	Single Family, Church, Vacant
<b>East</b>	R-7.5(A)	Undeveloped, Wooded, Railroad
<b>South</b>	R-7.5(A)	Undeveloped, Heavily Wooded
<b>West</b>	R-7.5(A)	Undeveloped, Heavily Wooded

**STAFF ANALYSIS:**

**COMPREHENSIVE PLAN:**

The fowardDallas! Comprehensive Plan was adopted by the City Council in June 2006. The fowardDallas! Comprehensive Plan outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The request does not comply with the following land use goals and policies of the comprehensive plan.

**LAND USE ELEMENT**

**GOAL 1.3 PROVIDE EQUITABLE OPPORTUNITIES FOR DALLAS RESIDENTS**

Policy 1.3.1 Create housing opportunities throughout Dallas.

**URBAN DESIGN ELEMENT**

**GOAL 5.1 Promote a sense of place, safety and walkability**

Policy 5.1.3: Encourage complementary building height, scale, design and character.

**GOAL 5.2 Strengthen community and neighborhood identity.**

Policy 5.2.1 Maintain neighborhood scale and character.

**NEIGHBORHOOD PLUS**

**GOAL 5.2** Encourage infill development and existing home improvements in target neighborhoods to attract and retain homeowners.

Policy 5.2.2 Partner with Dallas Homebuilders Association and others to pilot an Affordable Street of Dreams program to develop well designed affordable infill housing options in target neighborhoods, using city-owned or land bank lots.

**Land Use Compatibility:**

The request site is undeveloped with designated flood plain traversing the southern portion of the site. The applicant is proposing to develop the site with a 2,000,000-square-foot warehouse and distribution center.

The site is located in an area generally providing for residential zoning. The request is surrounded by low density and medium density residential development to the north with scattered undeveloped parcels, the parcels to the east, south and west are heavily wooded and mostly lies within the 100-year floodplain. Additionally, the parcel to the east contains a railroad corridor.

With a sensitivity towards ensuring these residential uses are recognized and protected as the area begins to develop/redevelop, below are items of concern related to the applicant's proposed zoning request and intent of developing a 2,000,000-square-foot warehouse and distribution center:

- 1) Potential truck access and traffic through Cranfill Drive and Wadsworth Drive;
- 2) No regulation of days/hours of operation;
- 3) Potential mechanical service on trucks and equipment associated with the development within proximity to existing residential development to the north;
- 4) Incompatible yard, lot, and space regulations (setbacks, height, massing of floor area); and,
- 5) No defined location and orientation of open dock and service areas.

Regardless of the applicant's intended development (warehouse/distribution) or other permitted uses afforded by the requested LI District, the following development standards would permit an encroachment of improvements on these residential uses with:

- 1) A minimum 15-foot front yard setback and no minimum side and rear yard setback;
- 2) residential proximity slope regulations (structure height greater than 26 feet) not applicable;
- 3) A maximum structure height of 70 feet;

- 4) The lack of solid screening for certain outside components of permitted uses; and,
- 5) Permitting by right many uses incompatible with the existing residential uses.

Additionally, the applicant has not demonstrated that they are willing to provide protective measures to help mitigate against any potential adverse impacts as related to the request, thus part of the basis for staff's denial. In summary, staff has concluded that the requested LI District will ultimately permit development of incompatible uses and development standards, and will potentially possess negative operational characteristics that would not be appropriate in close proximity to these residential uses, thus negatively affecting residential quality of life.

### **Development Standards:**

<b>DISTRICT</b>	<b>SETBACKS</b>		<b>Density</b>	<b>Height</b>	<b>Lot Coverage</b>	<b>Special Standards</b>	<b>PRIMARY Uses</b>
	<b>Front</b>	<b>Side/Rear</b>					
<b>R-7.5(A)</b> Existing Single Family	25'	5'	Min lot 7,500 sq. ft.	30'	45%	Proximity Slope	Single Family
<b>MF-2(A)</b> Existing Multifamily	15'	15'	Min lot 1,000 sq. ft. 800 sq ft – E 1,000 sq. ft – 1 BR 1,200 sq ft – 2 BR +150 sq ft each add BR	36'	60%	Proximity Slope	Multifamily, duplex, single family
<b>LI</b> Proposed use	15'	30' adjacent to residential OTHER: No Min.	No max 0.5 FAR, retail and personal svc, 0.75 FAR, combo of lodging, office, retail & personal svc 1.0 FAR for all uses combined	RPS 70'; 5 stories	80%	Proximity Slope Development Impact Review Visual Intrusion	Office, retail & personal service, lodging, residential

### **Parking:**

Required off-street parking must be provided in accordance with the Dallas Development Code. If the applicant develops the site with the proposed warehouse and distribution center the following parking ratios are required: one space per 1,000 square feet of floor area up to 20,000 square feet, and one space per 4,000 square feet of floor area over 20,000 square feet. Additionally, if more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.

### **Landscaping:**

A tree survey to determine the extent of tree mitigation will be required. An earlier tree mitigation plan submitted to the Arborist did not include the southern half of the property which is in a heavily forested floodplain. If this request is approved, a revised landscape plan must be submitted for review and approval. Additionally, the site will be required to comply with Article X requirements, as amended and urban forest conservation.

**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 MVA cluster, however the site is adjacent to category “E” to the north.



## Comparison Use Chart

	Proposed	Existing	Existing
Use	LI	MF-2(A)	R-7.5(A)
Crop production.	X	X	X
Gas Drilling.		SUP	SUP
Temporary Concrete or asphalt batch plant.		L	L
Adult day care facility.	X	SUP	SUP
Cemetery or mausoleum.	SUP	SUP	SUP
Child-care facility.	X	SUP	SUP
Church.	X	X	X
College, university, or seminary.	X	SUP	SUP
Community service center.	SUP	SUP	SUP
Convent or monastery.		X	SUP
Convalescent and nursing homes, hospice care, and related institutions.		RAR	
Foster home.		X	SUP
Library, art gallery, or museum.		SUP	SUP
Public or private school.		SUP	SUP
Lodging or boarding	X	X	
Carnival or circus (temporary).	L	L	L
Temporary construction or sales office.	X	X	X
County club with private membership.	X	RAR	SUP
Private recreation center, club, or area.	X	SUP	SUP
Public park, playground, or golf course.	X	X	X
Handicapped group dwelling.		L	L
College, dormitory, fraternity, or sorority house.		X	
Duplex.		X	
Group Residential Facility.		L	
Handicapped group dwelling.		L	
Single Family.			X
Multifamily.		X	

Residential hotel.		X	
Retirement housing.		X	
Private street or alley.			SUP
Transit passenger shelter.	X	X	L
Transit passenger station or transfer center.	SUP	SUP	SUP
Electrical substation.	X	SUP	SUP
Local Utilities.	SUP/RAR	SUP/RAR	SUP/RAR
Police or fire station.	X	SUP	SUP
Radio, television, or microwave tower.	RAR	SUP	SUP
Tower/antenna for cellular communication.	L	L	L
Utility or government installation other than listed.	SUP	SUP	SUP
Recycling drop-off container.	L	L	Ln
Recycling drop-off for special occasion collection.	L	L	L
Accessory helistop.	SUP	SUP	
Accessory medical/infectious waste incinerator.	L	L	
Building repair and maintenance shop.	RAR		
Bus or rail transit vehicle maintenance or storage facility.	RAR		
Catering service.	X		
Commercial bus station and terminal.	X		
Commercial cleaning or laundry plant.	RAR		
Custom business services.	X		
Custom woodworking, furniture construction, or repair	X		
Electronics service center.	X		
Job or lithographic printing.	RAR		
Labor hall.	SUP		
Machine or welding shop.	RAR		
Machinery, heavy equipment, or truck sales and services.	RAR		
Medical or scientific laboratory	X		
Technical school.	X		
Tool or equipment rental.	X		
Vehicle or engine repair or maintenance.	X		

Alcoholic beverage manufacturing.	<b>RAR</b>		
Gas drilling and production.	<b>SUP</b>		
Industrial (inside) for light manufacturing.	<b>X</b>		
Inside industrial.	<b>RAR</b>		
Temporary concrete or asphalt batching plant.	<b>L</b>		
Halfway house.	<b>SUP</b>		
Hospital.	<b>SUP</b>		
Open-enrollment charter school or private school.	<b>SUP</b>		
Public school other than an open-enrollment charter school.	<b>RAR</b>		
Extended stay hotel or motel.	<b>SUP</b>		
Hotel or motel.	<b>RAR or SUP</b>		
Overnight general purpose.	<b>L</b>		
Attached non-premise sign.	<b>SUP</b>		
Alternative financial establishment.	<b>SUP</b>		
Financial institution without drive-in window.	<b>X</b>		
Financial institution with drive-in window.	<b>RAR</b>		
Medical clinic or ambulatory surgical center.	<b>X</b>		
Office.	<b>X</b>		
Alcoholic beverage establishments.	<b>L</b>		
Animal shelter or clinic without outside runs.	<b>X</b>		
Animal shelter or clinic with outside runs.	<b>SUP</b>		
Auto service center.	<b>RAR</b>		
Business school.	<b>X</b>		
Carwash.	<b>RAR</b>		
Commercial amusement (inside).	<b>SUP</b>		
Commercial motor vehicle parking.	<b>SUP, if 500'</b>		
Commercial parking lot or garage.	<b>RAR</b>		
Dry cleaning or laundry store.	<b>X</b>		
Furniture store.	<b>X</b>		
General merchandise or food store 3,500 sqft or less.	<b>X</b>		
General merchandise or food store 100,000 sqft or more.	<b>SUP</b>		

Home improvement center, lumber, brick or building materials sales yard.	RAR		
Household equipment and appliance	X		
Liquefied natural gas fueling station.	SUP		
Motor vehicle fueling station.	X		
Personal service uses.	X		
Restaurant without drive-in or drive-through service.	RAR		
Restaurant with drive-in or drive-through service.	DIR		
Taxidermist.	X		
Temporary retail use.	X		
Truck stop.	SUP		
Vehicle display, sales, and service.	RAR		
Commercial bus station and terminal.	RAR		
Heliport.	SUP		
Helistop.	SUP		
Railroad passenger station.	SUP		
Commercial radio or television transmitting station.	SUP		
Electrical Substation.	X		
Post office.	X		
Freight terminal.	RAR		
Manufacturing building sales lot.	RAR		
Mini-warehouse	X		
Office showroom/warehouse	X		
Outside storage (visual screening).	RAR		
Recycling buy-back center.	L		
Recycling collection center.	L		
Trade center.	X		
Warehouse	RAR		
<b>X</b> indicates permitted by right. <b>SUP</b> indicates permitted with a Specific Use Permit. <b>L</b> indicates use permitted by right as limited use, special authorization or additional use regulations			



**CPC Action**  
**December 13, 2018**

**Motion:** It was moved to recommend **denial without prejudice** of an LI Light Industrial District on property zoned an R-7.5(A) Single Family District and an MF-2(A) Multifamily District, on the southwest corner of Great Trinity Forest Way and Interstate Highway 45.

Maker: Lewis  
Second: Davis  
Result: Carried: 12 to 0

For: 12 - MacGregor, Rieves, Davis, Shidid, Carpenter,  
Lewis, Jung, Schultz, Peadon, Murphy, Ridley,  
Tarpley

Against: 0  
Absent: 1 - Housewright  
Vacancy: 2 - District 3, District 7

**Notices:** Area: 500 Mailed: 54  
**Replies:** For: 0 Against: 0

**Speakers:** For: Tailim Song, 8111 LBJ Fwy., Dallas, TX, 75251  
Lonnie Ruffo, 1 Dupont St., Plainview, NY, 11803  
Haben Tewelde, 8111 LBJ Fwy., Dallas, TX, 75251  
Paul Carden, 2007 Harlandale Ave., Dallas, TX, 75216  
Sandra Crenshaw, 1431 Quartet Dr., Dallas, TX, 75241  
For (Did not speak): Eshwur Kosuri, 1 Dupont St., Plainview, NY, 11803  
Against: Connie Buford, 1416 Hudspeth Ave., Dallas, TX, 75216  
Gail Terrell, 1445 Firebird Dr., Dallas, TX, 75241  
Neutral (Did not speak): Henrietta Roby, 5018 Cranfill Dr., Dallas, TX, 75241



## MEMO

January 11, 2018

**To:** Jason Mashell, P.E.  
Dallas County Area Engineer  
Attn. James Brummett

**From:** Andrew R. Oberlander, P.E.  
District Transportation Operations Engineer

**Subject:** TIA/Deviation Request – Warehouse Facility  
**C-S:** 0581-01  
**HWY:** Loop 12  
**County:** Dallas

Our office has reviewed the deviation request for Warehouse Facility at the southwest corner of Loop 12 and IH 45 in the City of Dallas, Dallas County. We have the following response to the deviation request:

- Considering the location of the proposed Warehouse Facility and the existing restrictions to access the property, we approve the proposed access from Loop 12 with right-turn and left-turn deceleration lanes, however we don't agree with right-turn acceleration lane to Loop 12 as shown on the plans.

For any additional information, please contact Bahman Afsheen, P.E. at 214-320-6229.

**CC:** Traffic –Dallas County TIA  
Hudspeth  
Oberlander/Cortez  
TF



Z178-104(PD)

List of Officers/Partners/Principals

**Flowerdale, LLC**

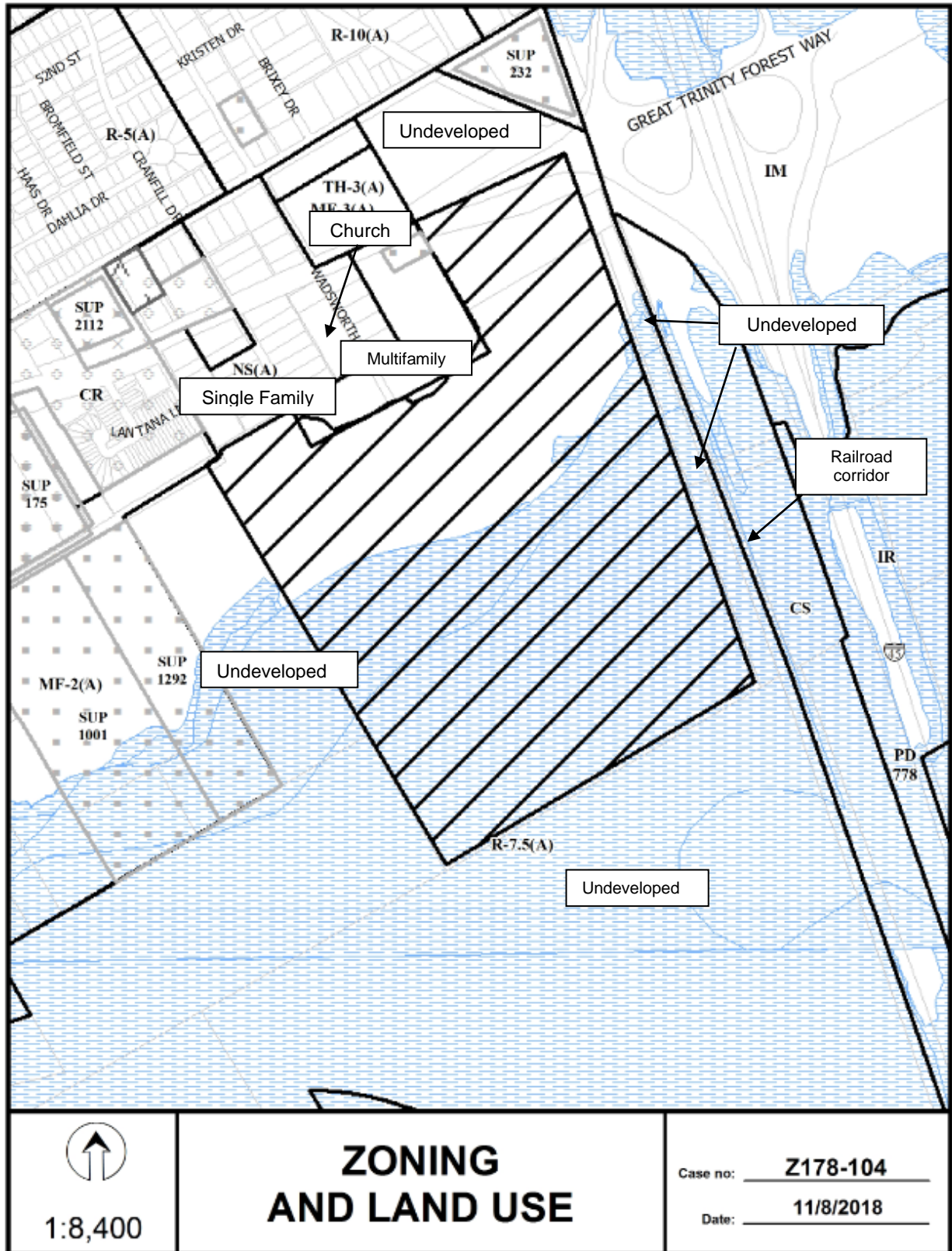
**Moshe Zuchaer, sole owner**







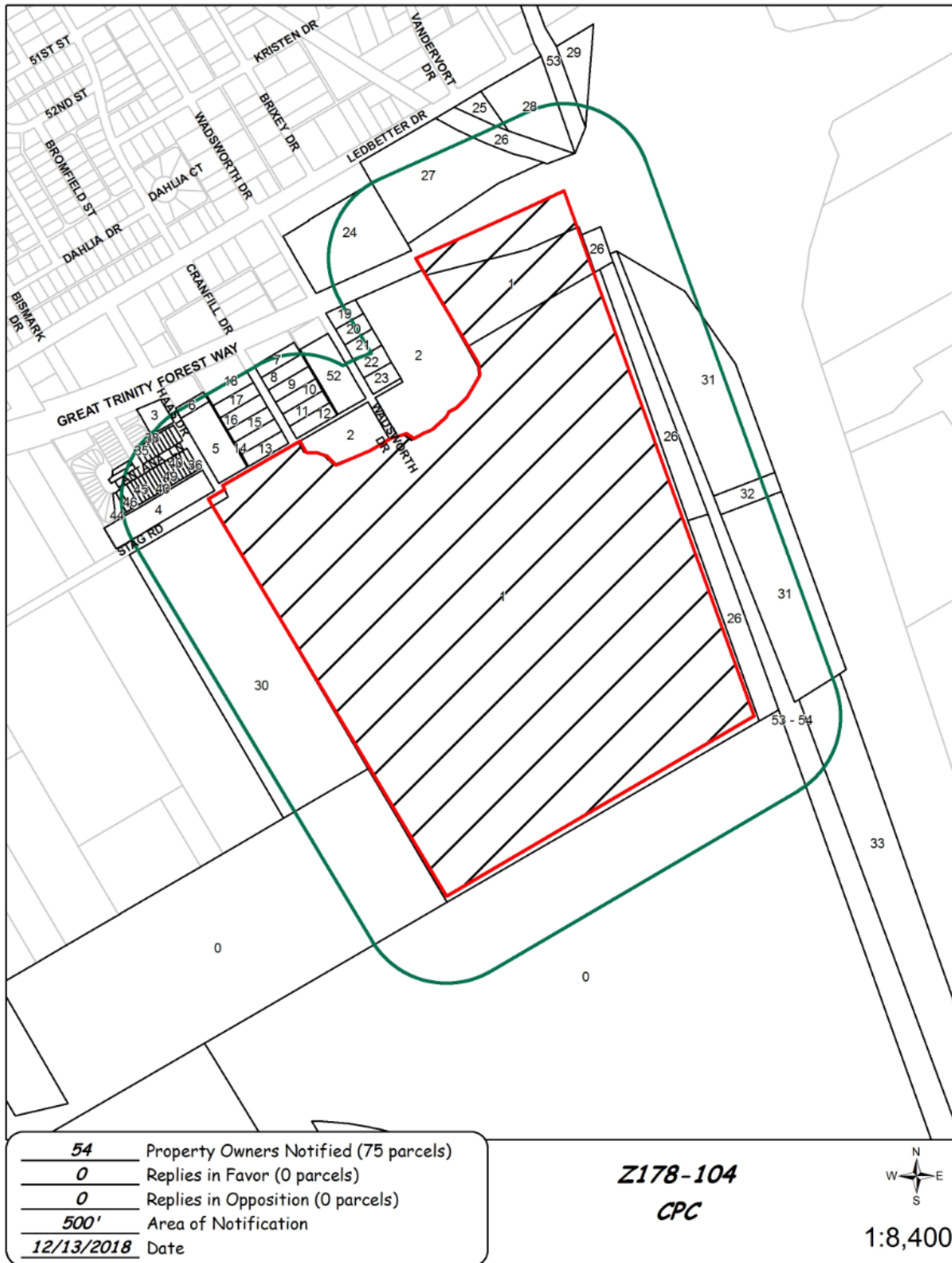








**CPC RESPONSES**



12/12/2018

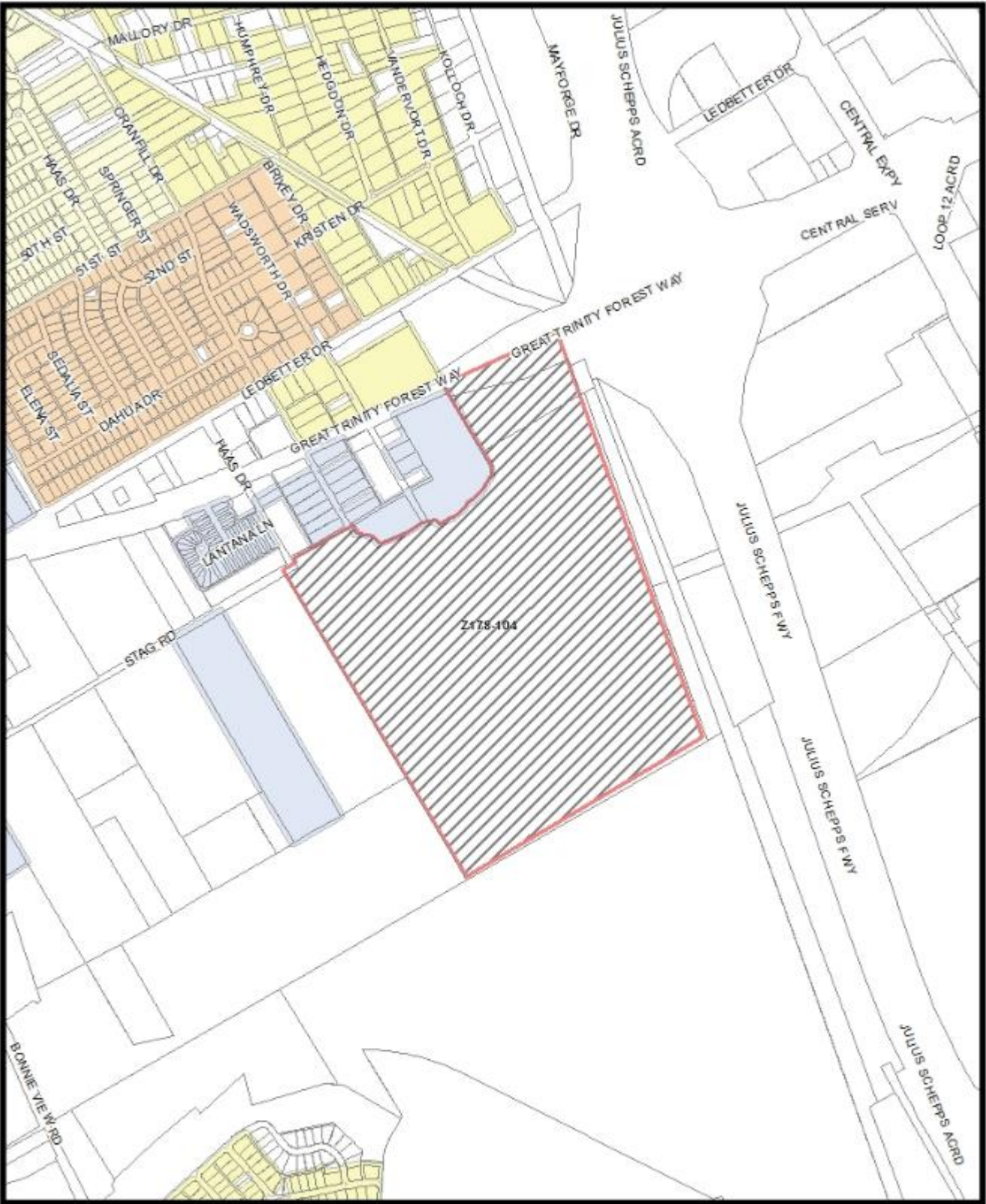
***Reply List of Property Owners******Z178-104******54 Property Owners Notified******0 Property Owners in Favor******0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	3500	GREAT TRINITY FOREST WAY	FLOWERDALE LLC
2	3432	GREAT TRINITY FOREST WAY	AEMEILL PROPERTIES LLC
3	3192	GREAT TRINITY FOREST WAY	HAMM JAMES &
4	3141	STAG RD	NEW BIRTH WORSHIP CENTER
5	5018	HAAS DR	CHURCH OF THE BLOOD
6	5014	HAAS DR	DAVIS KENNETH CARLTON ESTATE OF
7	5012	CRANFILL DR	CARL KAREN LEE &
8	5018	CRANFILL DR	ROBY HENRIETTA
9	5024	CRANFILL DR	REED KENTONNETTE L WRIGHT
10	5030	CRANFILL DR	RODRIGUEZ FROILAN
11	5036	CRANFILL DR	PROMISE LAND MISSIONARY BAPTIST CH
12	5044	CRANFILL DR	RODRIGUEZ JOSE & IGNACIA
13	5045	CRANFILL DR	RODRIGUEZ ELIAZAR &
14	5037	CRANFILL DR	RANSOM MARGARITA P
15	5029	CRANFILL DR	LEON SILVANO & ETELVINA
16	5025	CRANFILL DR	MONTESFLORES JUAN M &
17	5015	CRANFILL DR	MITCHELL VERA
18	5011	CRANFILL DR	CLARK RAQUELL &
19	5006	WADSWORTH DR	HERROD MARY MARTIN
20	5018	WADSWORTH DR	ENNIS DON E
21	5022	WADSWORTH DR	LOPEZ ANTONIO
22	5030	WADSWORTH DR	WAGNON RICHARD N JR
23	5040	WADSWORTH DR	ARMSTEAD CECIL
24	4950	WADSWORTH DR	WADSWORTH APTS LLC
25	3528	S LEDBETTER DR	ORTEGA JOSE
26	3532	S LEDBETTER DR	TEXAS UTILITIES ELEC CO



12/12/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	3500	S LEDBETTER DR	TJ MANAGEMENT GROUP LLC
28	3590	S LEDBETTER DR	MDA KHAFAT LLC
29	4000	E LEDBETTER DR	RKCJ LLC
30	3160	STAG RD	ROAL GLOBAL CORPORATION
31	8601	S JULIUS SCHEPPS FWY	ACKELS HENRY J
32	8689	S CENTRAL EXPY	TEXAS UTILITIES ELEC CO
33	8901	S JULIUS SCHEPPS FWY	ACKELS HENRY J
34	3103	LANTANA LN	ARCHILLA RUBEN
35	3107	LANTANA LN	JJW PPTIES LLC
36	3111	LANTANA LN	JJW PROPERTIES LLC
37	3115	LANTANA LN	BIGA INC
38	3119	LANTANA LN	MINOR VINCENT
39	3123	LANTANA LN	ARCE NOEL
40	3127	LANTANA LN	MATTHEWS EDWARD L
41	3135	LANTANA LN	MATTHEWS EDWARD
42	3139	LANTANA LN	BROWN GLORIA D
43	5043	GREENCREST DR	HILL JOHNNY R
44	3006	LANTANA LN	BOND FLORA J & FREEDIE B
45	3010	LANTANA LN	WARE JEFFREY & KENYA
46	3018	LANTANA LN	J J W PROPERTIES LLC
47	3038	LANTANA LN	KING ROYLE & MARY
48	3102	LANTANA LN	OWENS SHIRLEY
49	3110	LANTANA LN	JJW PROP LLC
50	3126	LANTANA LN	COUCH MTG CO
51	3130	LANTANA LN	TURNER WILLIAM O JR TR
52	5023	WADSWORTH DR	GOLDEN CHAIN MISSIONARY
53	2300	AL LIPSCOMB WAY	BNSF RAILWAY
54	2300	AL LIPSCOMB WAY	BNSF RAILWAY



MVA Cluster   A   B   C   D   E   F   G   H   I   NA



1:10,800

# Market Value Analysis

Printed Date: 11/9/2018



## Agenda Information Sheet

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**File #:** 19-175

**Item #:** 49.

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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability  
**AGENDA DATE:** February 13, 2019  
**COUNCIL DISTRICT(S):** 1  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 282 for mixed uses on property zoned Planned Development District No. 282, on the northwest corner of West Colorado Boulevard and North Beckley Avenue

Recommendation of Staff and CPC: Approval, subject to a revised development plan and conditions Z178-190(SM)

**FILE NUMBER:** Z178-190(SM)

**DATE FILED:** February 22, 2017

**LOCATION:** Northwest corner of West Colorado Boulevard and North Beckley Avenue

**COUNCIL DISTRICT:** 1

**MAPSCO:** 44 Z

**SIZE OF REQUEST:** Approx. 35.86 acres

**CENSUS TRACT:** 42.01

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**OWNER:** Pavilion Properties

**APPLICANT:** Methodist Hospitals of Dallas

**REPRESENTATIVE:** Angela Hunt

**REQUEST:** An application for an amendment to Planned Development District No. 282 for mixed uses on property zoned Planned Development District No. 282.

**SUMMARY:** The applicant [Methodist Hospitals of Dallas] proposes to reconstruct an approximate two-story, 35,000-square-foot wellness center on the north side of the hospital campus, near Greenbriar Lane.

**CPC RECOMMENDATION:** **Approval**, subject to a revised development plan and conditions.

**STAFF RECOMMENDATION:** **Approval**, subject to a revised development plan and conditions.

**BACKGROUND INFORMATION:**

- According to the applicant's website, Methodist Hospital of Dallas originally opened in 1927 and has since had many expansions.
- On December 2, 1987, the City Council approved PDD No. 282. The PDD has subsequently been amended several times.
- On October 12, 2018, the applicant submitted a revised development plan that shifted the proposed Folsom Wellness Center slightly to the east and reduced the number of new surface parking spaces to reduce the number of caliper inches of trees that would be removed for construction.

**Zoning History:** There have been two recent zoning cases in the vicinity in the last five years.

1. **Z178-185:** On April 25, 2018, the City Council will consider a City Plan Commission authorized hearing for a historic building demolition delay.
2. **Z145-341:** On November 10, 2015, the City Council approved a City Plan Commission authorized hearing for a historic building demolition delay.

**Thoroughfares/Streets:**

Thoroughfare/Street	Function	Proposed Dimension and ROW
West Colorado Boulevard	Collector	Minimum-4 lanes-undivided, Varies
North Beckley Avenue	Minor Arterial	6 lanes-divided, 100' ROW, 72' pavement with cycle track
Greenbriar Lane	Local Street	120 feet
Haines Avenue	Local Street	85 feet

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department reviewed the proposed zoning and determined it will not have a negative impact on the existing street system.

**Comprehensive Plan:**

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The 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. Dallas is a city of great neighborhoods. To attract new families and maintain existing stable neighborhoods, residents must take pride in and feel confident in investing in their neighborhoods over the long term. Existing neighborhoods require public and private investment and attention to maintain their desirability as places to live. New neighborhoods must be pedestrian-friendly, have a sense of community, and exhibit long-term viability.

## ECONOMIC ELEMENT

### GOAL 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

Planning for balanced growth in a dynamic economic environment calls for flexible zoning regulations to enable the City to respond to changing markets and to better facilitate development that aligns with economic priorities.

## STAFF ANALYSIS

### Surrounding Land Uses:

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	PDD No. 282	Hospital and related uses
<b>North</b>	R-7.5(A)	Single Family
<b>East</b>	PDD No. 468 (Subdistrict D, WMU-5); PDD No. 468 (Subdistrict G, WMU-20, Medical Use Overlay);	Multifamily; Medical Offices; Retail
<b>South</b>	PDD No. 468 (Subdistrict D, WMU-5);	Restaurants, Personal service, and Retail uses
<b>West</b>	R-7.5(A)	Single Family

**Land Use Compatibility:**

Surrounding uses include single family to the north and west, and some retail-oriented uses to the north, primarily fronting on North Beckley Avenue. The uses that are developed on the east line of North Beckley Avenue, to the east of the site from north to south, include multifamily, hospital parking, medical offices, and retail. Finally, restaurants, personal service, and retail uses are located to the south of the site, fronting on the south line of West Colorado Boulevard.

The request site is developed with a hospital, medical clinic or ambulatory surgical center, and personal service uses. The site also contains parking garages and surface parking areas to support the on-site uses. The existing PDD No. 282 regulations limit floor area to a maximum of 2,100,000 square feet. The existing development plan states that the Folsom Wellness Center is 5,168 square feet and a total of 1,595,940 square feet of floor area for all buildings is currently constructed on the property. The applicant requests a 29,832-square-foot increase of floor area to construct a new Folsom Wellness Center which brings the cumulative floor area on the property to 1,625,772 square feet. The site also has significant topography with the southeastern corner of the site at the highest grade and the northwestern corner at the lowest grade.

CPC supports the applicant's request to modify the personal service use restrictions because the applicant has added a requirement for a minimum five-foot wide sidewalk in the restricted area and because the modification is limited to 35,000 square-feet in floor area as shown on the development plan. The applicant made the decision to locate the wellness center within this 200-foot buffer because of 1) the physical characteristics of the property and 2) operational considerations for accommodating a major healthcare system. With respect to the physical characteristics of the site, the northern portion of the property is primarily undeveloped because of a significant change in topography which makes expansion of the southern campus to the northern portion of the campus difficult to physically connect. Since the proposed wellness center can be in a separate facility from the hospital, the applicant proposes to construct the new wellness center in a relatively flat undeveloped area that does not require significant regrading.

With respect to the operational considerations, construction within the proposed area of the property will result in minimal disturbance to ongoing hospital and related activities. Had the applicant selected a location more central to the site, it could impact deliveries, emergency vehicle access routes, parking, and patient access to the facilities. Additionally, the wellness center is intended to be a community asset and will be open for membership to the neighborhood. Once constructed, members will be able to enter and exit the wellness center for morning workouts and similar activities without overly interfering with other patient-care and hospital-related ingress and egress to the overall property. Finally, walking trails and other amenities already exist within this area of the

site, and by placing the wellness center in this location, its members will be able to utilize these outdoor amenities as well.

Due to the physical characteristics of the property and the operational characteristics of the hospital, CPC supports the request to allow a personal service use within 200 feet of Greenbriar Lane in the location shown on the proposed development plan.

The applicant has proposed some additional restrictions on the northernmost portion of the site due to some concerns regarding the existing development rights in the future development area at the corner of Greenbriar Lane and North Beckley Avenue. The revised request now includes the creation of a new term called a *restricted zone*, which means an area south of the south line of Greenbriar Lane, and a portion of Haines Avenue and is identified on the revised development plan. The applicant has proposed the restricted zone to be 150 feet in depth for the following uses that were previously not restricted:

- Medical or scientific laboratory.
- Financial institution without drive-in window.
- Ambulance service.
- Transit passenger shelter.

In exchange for prohibiting the above uses within 150 feet of Greenbriar Lane, the applicant is requesting that the 200-foot restricted zone for the following uses be reduced; therefore allowing these uses to now be considered as limited or prohibited uses within the proposed 150-foot restricted zone:

- General merchandise or food store 3,500 square feet or less. [*Limited*]
- General merchandise or food store greater than 3,500 square feet. [*Prohibited*]
- Restaurant without drive-in or drive-through service. [*Limited*]

CPC supports the applicant's request because 1) uses have been further restricted that are more likely to occur on a hospital campus, 2) restrictions have been lessened for uses that are less likely to be independently operated main uses, and 3) the proposed reduction is offered in conjunction with additional height restrictions.

**Maximum height:**

The existing PDD regulations limit height, not on average grade<sup>1</sup>, but instead by topographic elevations above mean sea level. Although this is an uncommon practice, it is appropriate because of the varying topography of the site and surrounding properties. The PDD is divided into two areas that are demarcated on the development plan: business and non-business signage areas. The PDD allows a maximum structure height within the business signage area of 680 feet above mean sea level and allows a maximum structure height within the non-business signage area of 634 feet above mean sea level. Since the area of the PDD that is closest to residential zoning is primarily within the non-business signage area, the defined areas establish a “ceiling” for each area regardless of grading operations.

Regarding the proposed depth of the restricted zone, the contour lines shown on the development plan shows existing grades of approximately 430 and 432 feet above mean sea level for depths of 150 and 200 feet from Greenbriar Lane. Therefore, although maximum structure height is limited to 634 feet above mean sea level, the resulting height limitation at each one of these depths, is 204 and 202 feet, when the existing grades at 150 and 200 feet depths are subtracted.

It is also important to note that residential proximity slope (RPS) does not apply in the existing zoning regulations of the site. However, if the regulations of RPS were applied, a maximum structure height (from average grade) at 15 (the minimum front yard setback), 150 and 200-foot depths (including 100 feet for the Greenbriar Lane right-of-way width), would result in an RPS height restriction at those points would be 38.33, 83, and 100 feet, respectively.

CPC supports the applicant’s request to limit height to 40 feet above grade within a 150-foot deep restricted because it creates a transition in maximum height restrictions between the adjacent residential properties and the remainder of the hospital campus.

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<sup>1</sup> The term GRADE means the average of the finished ground surface elevations measured at the highest and lowest exterior corners of a structure. For purposes of this definition, FINISHED GROUND SURFACE ELEVATION means the ground surface elevation of the building site before any construction or the ground surface elevation as altered in accordance with grading plans approved by the building official. Finished ground surface elevation does not include: (1) fill material not necessary to make the site developable; (2) berms; or (3) landscape features.

**Landscaping:**

Except for the requested additional regulations proposed by the applicant to require a wrought iron fence and evergreen plant materials in the restricted zone, landscaping will be in accordance with Article X, as amended.

**Parking:**

Parking will be in accordance with the existing regulations of PDD No. 282. The development plan shows 2,126 parking spaces are required by code for the multitude of uses and floor area on the site and 3,684 spaces are provided.

**Amendments to the Development Plan:**

Based on previous actions, it has been determined the following processes to amend the most recent Council-approved development plan in PDD No. 282 are required in the following circumstances:

1. A Council-approved development plan amendment is required when:
  - a. A building is proposed outside of an area designated as *Future Development Area* or
  - b. A building is proposed within an area designated as *Future Development Area* and it does not comply with the parameters of the Building Areas table on the Council-approved development plan.
2. A minor amendment is required when:
  - a. an addition or new construction is proposed within an area designated as *Future Development Area* and
  - b. the proposed building meets the parameters that are listed in the Building Areas table regarding the maximum floor area, maximum number of stories, and height.

Staff has previously processed several minor amendments to the most recent Council-approved development plan in the past for buildings or additions in areas designated as *Future Development Area* and would continue that practice.



**PRIOR CPC ACTION – April 19, 2018:**

**Motion:** In considering an application to amend Planned Development District No. 282 for mixed uses on property zoned Planned Development District No. 282, on the northwest corner of West Colorado Boulevard and North Beckley Avenue, it was moved to **hold** this case under advisement until May 17, 2018.

Maker: Carpenter  
Second: Houston  
Result: Carried: 14 to 0

For: 14 - West, Rieves, Houston, Davis, Shidid,  
Carpenter, Mack, Jung, Housewright, Schultz,  
Peadon, Murphy, Ridley, Tarpley

Against: 0  
Absent: 0  
Vacancy: 1 - District 8

**Notices:** Area: 500 Mailed: 144  
**Replies:** For: 21 Against: 2

**Speakers:** None

**PRIOR CPC ACTION –May 17, 2018:**

**Motion:** In considering an application to amend Planned Development District No. 282 for mixed uses on property zoned Planned Development District No. 282, on the northwest corner of West Colorado Boulevard and North Beckley Avenue, it was moved to **hold** this case under advisement until June 7, 2018.

Maker: West  
Second: Schultz  
Result: Carried: 13 to 0

For: 13 - West, Rieves, Houston, Davis, Shidid,  
Carpenter, Mack, Jung, Schultz, Peadon,  
Murphy, Ridley, Tarpley

Against: 0  
Absent: 1 - Housewright  
Vacancy: 1 - District 8

**Notices:** Area: 500 Mailed: 144  
**Replies:** For: 21 Against: 6

**Speakers:** None

**PRIOR CPC ACTION – June 7, 2018:**

**Motion:** In considering an application to amend Planned Development District No. 282 for mixed uses on property zoned Planned Development District No. 282, on the northwest corner of West Colorado Boulevard and North Beckley Avenue, it was moved to **hold** this case under advisement until June 21, 2018.

Maker: Houston  
Second: Murphy  
Result: Carried: 12 to 0

For: 12 - Rieves, Houston, Davis, Carpenter, Mack,  
Jung, Housewright, Schultz, Peadon, Murphy,  
Ridley, Tarpley

Against: 0  
Absent: 2 - West, Shidid  
Vacancy: 1 - District 8

**Notices:** Area: 500 Mailed: 144  
**Replies:** For: 21 Against: 6

**Speakers:** None

**PRIOR CPC ACTION – June 21, 2018:**

**Motion:** In considering an application to amend Planned Development District No. 282 for mixed uses on property zoned Planned Development District No. 282, on the northwest corner of West Colorado Boulevard and North Beckley Avenue, it was moved to **hold** this case under advisement until July 19, 2018.

Maker: West  
Second: Murphy  
Result: Carried: 12 to 0

For: 12 - West, Rieves, Houston, Davis, Shidid,  
Carpenter\*, Mack, Jung, Housewright,  
Schultz\*, Peadon, Murphy

Against: 0  
Absent: 2 - Ridley, Tarpley

Vacancy: 1 - District 8

\*out of the room, shown voting in favor

**Notices:** Area: 500 Mailed: 144

**Replies:** For: 21 Against: 6

**Speakers:** None

**PRIOR CPC ACTION – July 19, 2018:**

**Motion:** In considering an application to amend Planned Development District No. 282 for mixed uses on property zoned Planned Development District No. 282, on the northwest corner of West Colorado Boulevard and North Beckley Avenue, it was moved to **hold** this case under advisement until August 16, 2018.

Maker: West  
Second: Davis  
Result: Carried: 14 to 0

For: 14 - West, Rieves, Houston, Davis, Shidid,  
Carpenter, Mack, Jung, Housewright, Schultz,  
Peadon, Murphy, Ridley, Tarpley

Against: 0  
Absent: 0  
Vacancy: 1 - District 8

**Notices:** Area: 500 Mailed: 144

**Replies:** For: 21 Against: 6

**Speakers:** None

**PRIOR CPC ACTION – August 16, 2018:**

**Motion:** In considering an application to amend Planned Development District No. 282 for mixed uses on property zoned Planned Development District No. 282, on the northwest corner of West Colorado Boulevard and North Beckley Avenue, it was moved to **hold** this case under advisement until September 20, 2018.

Maker: West  
Second: Murphy  
Result: Carried: 15 to 0

For: 15 - West, Rieves\*, Houston, Davis, Shidid,  
Carpenter, Mack, Lewis, Jung, Housewright,  
Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0

Absent: 0

Vacancy: 0

\*out of the room, shown voting in favor

**Notices:** Area: 500 Mailed: 144

**Replies:** For: 21 Against: 6

**Speakers:** For: Angela Hunt, 500 N. Akard St., Dallas, TX, 75201  
Against: None

**PRIOR CPC ACTION – September 20, 2018:**

**Motion:** In considering an application to amend Planned Development District No. 282 for mixed uses on property zoned Planned Development District No. 282, on the northwest corner of West Colorado Boulevard and North Beckley Avenue, it was moved to **hold** this case under advisement until November 1, 2018.

Maker: West

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

**Notices:** Area: 500 Mailed: 144

**Replies:** For: 21 Against: 6

**Speakers:** For: Angela Hunt, 500 N. Akard St., Dallas, TX, 75201  
Against: None

**PRIOR CPC ACTION – November 1, 2018:**

**Motion I:** It was moved to recommend **denial without prejudice** of an amendment to Planned Development District No. 282 for mixed uses on property zoned Planned Development District No. 282, on the northwest corner of West Colorado Boulevard and North Beckley Avenue.

Maker: West  
Second: Peadon  
Result: Failed: 6 to 7

For: 6 - West, Rieves, Carpenter, Jung, Schultz,  
Peadon

Against: 7 - Davis, Shidid, Lewis, Housewright, Murphy,  
Ridley, Tarpley

Absent: 0

Vacancy: 2 - District 3, District 7

**Motion II:** It was moved to recommend **approval** of an amendment to Planned Development District No. 282 for mixed uses, subject to a revised development plan and staff's recommended conditions on property zoned Planned Development District No. 282, on the northwest corner of West Colorado Boulevard and North Beckley Avenue.

Maker: Murphy  
Second: Davis  
Result: Carried: 7 to 6

For: 7 - Davis, Shidid, Lewis, Housewright, Murphy,  
Ridley, Tarpley

Against: 6 - West, Rieves, Carpenter, Jung, Schultz,  
Peadon

Absent: 0

Vacancy: 2 - District 3, District 7

**Notices:** Area: 500 Mailed: 145

**Replies:** For: 18 Against: 45

**Speakers:** For: Angela Hunt, 500 N. Akard St., Dallas, TX, 75201  
Charles Tandy, 450 Allison Dr., Dallas, TX, 75208  
Jim Lakes, 1704 W. Colorado Blvd., Dallas, TX, 75208  
Linda Young, 1632 Rio Vista Dr., Dallas, TX, 75208  
Ralph Byerly, 2153 Kessler Ct., Dallas, TX, 75208



John Barr, 203 E. Colorado Blvd., Dallas, TX, 75208  
Kathy Ross, 1411 N. Beckley Ave., Dallas, TX, 75203  
Dan Blizzard, 1414 N. Beckley Ave., Dallas, TX, 75203  
Peter Kavanagh, 1620 Handley Dr., Dallas, TX, 75208  
Michael Kendall, 6976 Santa Barbara Dr., Dallas, TX, 75214  
For (Did not speak): Amanda Lakes, 1704 W. Colorado Blvd., Dallas, TX, 75208  
Against: James Shoecraft, 1551 Junior Dr., Dallas, TX, 75208  
Will Pinkerton, 434 W. Geenbriar Ln., Dallas, TX, 75208  
Tim Herfel, 940 Kessler Pkwy., Dallas, TX, 75208  
Christian Chernock, 1611 Rio Vista Dr., Dallas, TX, 75208  
Luke Mallinson, 1640 Handley Dr., Dallas, TX, 75208  
Jennifer Brakey, 615 W. Colorado Blvd., Dallas, TX, 75208  
Katherine Homan, 1629 Handley Dr., Dallas, TX, 75208  
Paula Vanderwood , 304 W. Greenbriar Ln, Dallas, TX, 75208  
Gilda Burleson, 1643 Cedar Hill Ave., Dallas, TX, 75208  
Anna Heimburger, 701 Rainbow Dr., Dallas, TX, 75208  
James Rea, 1534 Junior Dr., Dallas, TX, 75208  
Against (Did not speak): Jennifer Wester, 1214 Kessler Pkwy., Dallas, TX, 75208  
Marianne Morris, 1606 Eastus Dr., Dallas, TX, 75208  
Giovanni Valderas, 427 Marshall Dell Ave., Dallas, TX, 75211  
Gary Tinsley, 1200 Main St., Dallas, TX, 75202  
Larry Joe, 1503 Eastus Dr., Dallas, TX, 75208  
Steve Springfield, 1503 Eastus Dr., Dallas, TX, 75208  
Donna Hitt, 934 W. Greenbriar Ln., Dallas, TX, 75208

## List of Officers and Directors – METHODIST HOSPITALS OF DALLAS

<u>REGISTERED AGENT</u>	<u>FILING HISTORY</u>	<u>NAMES</u>	<u>MANAGEMENT</u>	<u>ASSUMED NAMES</u>
<b>Last Update</b>	<b>Name</b>	<b>Title</b>	<b>Address</b>	
October 5, 2012	Greg A. Campbell	Director	1441 N. Beckley Ave Dallas, TX 75203 USA	
October 5, 2012	Randall Canedy	Director	1441 N. Beckley Ave Dallas, TX 75203 USA	
October 5, 2012	John M. Collins	Director	1441 N. Beckley Ave Dallas, TX 75203 USA	
October 5, 2012	Levi H. Davis	Director	1441 N. Beckley Ave Dallas, TX 75203 USA	
October 5, 2012	John R. Ford	Director	1441 N. Beckley Ave Dallas, TX 75203 USA	
October 5, 2012	Joe B. Fortson	Director	1441 N Beckley Ave Dallas, TX 75203 USA	
October 5, 2012	Pearl Garza Fracchia	Director	1441 N. Beckley Ave Dallas, TX 75203 USA	
October 5, 2012	Duncan Fulton	Director	1441 N. Beckley Ave Dallas, TX 75203 USA	
October 5, 2012	Richard W. Griner	Director	1441 N. Beckley Ave Dallas, TX 75203 USA	
October 5, 2012	Stephen L Mansfield	Director	1441 N. Beckley Ave Dallas, TX 75203 USA	
October 5, 2012	Stephen Mueller	Director	1441 N. Beckley Ave Dallas, TX 75203 USA	
October 5, 2012	Sheron Patterson	Director	1441 N. Beckley Ave Dallas, TX 75203 USA	
October 5, 2012	Kenneth G. Pritchett	Director	1441 N. Beckley Ave Dallas, TX 75203 USA	
October 5, 2012	Norman G. Prothro	Director	1441 N. Beckley Ave Dallas, TX 75203 USA	
October 5, 2012	Pete Schenkel	Director	1441 N. Beckley Ave Dallas, TX 75203 USA	
October 5, 2012	Allen R. Schneider	Director	1441 N. Beckley Ave Dallas, TX 75203 USA	
October 5, 2012	George R. Schrader	Director	1441 N. Beckley Ave Dallas, TX 75203 USA	
October 5, 2012	George A. Shafer	Director	1441 N. Beckley Ave Dallas, TX 75203 USA	
October 5, 2012	James N. Swafford	Director	1441 N. Beckley Ave Dallas, TX 75203 USA	
October 5, 2012	Ruben L. Velez	Director	1441 N. Beckley Ave Dallas, TX 75203 USA	
October 5, 2012	Laura Irvine	President/MDMC	1441 N. Beckley Ave Dallas, TX 75203 USA	
October 5, 2012	Michael Price	Assistant Secretary	1441 N. Beckley Dallas, TX 75203 USA	
October 5, 2012	Joe B. Fortson	Vice Chair	1441 N. Beckley Dallas, TX 75203 USA	
October 5, 2012	Michael J Schaefer	Exec Vice Chair	1441 N. Beckley Dallas, TX 75203 USA	
October 5, 2012	Pamela L Stoyanoff	Exec. Vice President		

October 5, 2012	Tim B Kirby	Exec. Vice President	1441 N. Beckley Dallas, TX 75203 USA
January 11, 2005	John Baumgartner	Senior Vice-President	1441 N. Beckley Dallas, TX 75203 USA
January 11, 2005	Pam McNutt	Senior Vice-President	1441 N. Beckley Dallas, TX 75203 USA
October 5, 2012	Jonathan S Davis	President MCMC	1441 N. Beckley Dallas, TX 75203 USA
October 5, 2012	Duncan Fulton	Vice Chair	1441 N. Beckley Dallas, TX 75203 USA
October 5, 2012	John M Collins	Vice Chair	1441 N. Beckley Dallas, TX 75203 USA
October 5, 2012	Norman G Prothro	Vice Chair	1441 N. Beckley Dallas, TX 75203 USA
October 5, 2012	Greg Campbell	Vice Chair	1441 N. Beckley Dallas, TX 75203 USA
October 5, 2012	Adam Meyers	Sr Vice-President	1441 N. Beckley Dallas, TX 75203 USA
October 5, 2012	Ken Hutchenrider Jr	President MRMC	1441 N. Beckley Dallas, TX 75203 USA
October 5, 2012	John Phillips	President MMMC	1441 N. Beckley Dallas, TX 75203 USA
October 5, 2012	April Chamberlain	President MHS Foundation	1441 N. Beckley Dallas, TX 75203 USA
October 5, 2012	Robert Milone	Assistant Treasurer	1441 N. Beckley Dallas, TX 75203 USA
October 5, 2012	Deanna Kennard	Sr Vice-President	1441 N. Beckley Dallas, TX 75203 USA
October 5, 2012	Stephen Folsom	Director	1441 N. Beckley Ave Dallas, TX 75203 USA
October 5, 2012	Larry George	Director	1441 N. Beckley Ave Dallas, TX 75203 USA
October 5, 2012	Robert Hasley	Director	1441 N. Beckley Ave Dallas, TX 75203 USA
October 5, 2012	Joe Snayd	Director	1441 N. Beckley Ave Dallas, TX 75203 USA
October 5, 2012	Kelvin Walker	Director	1441 N. Beckley Ave Dallas, TX 75203 USA
October 5, 2012	Julie Yarbrough	Director	1441 N. Beckley Ave Dallas, TX 75203 USA
October 5, 2012	Michael Price	Exec Vice-President	1441 N. Beckley Dallas, TX 75203 USA
October 5, 2012	Michael J Schaefer	Treasurer	1441 N. Beckley Dallas, TX 75203 USA
October 5, 2012	Pamela L Stoyanoff	COO	1441 N. Beckley Dallas, TX 75203 USA
October 5, 2012	Scott Siemer	Sr Vice-President	1441 N. Beckley Dallas, TX 75203 USA
October 5, 2012	Charles Brizius	Sr Vice-President	1441 N. Beckley Dallas, TX 75203 USA
October 5, 2012	Scott Siemer	CDO	1441 N. Beckley Dallas, TX 75203 USA
October 5, 2012	Adam Meyers	CMO	1441 N. Beckley Dallas, TX 75203 USA
October 5, 2012	Stephen Folsom	Vice-Chair	1441 N. Beckley Ave Dallas, TX 75203 USA

**List of Officers and Directors – PAVILION PROPERTIES**

<u>REGISTERED AGENT</u>	<u>FILING HISTORY</u>	<u>NAMES</u>	<u>MANAGEMENT</u>	<u>ASSUMED NAME</u>
<b>Last Update</b>	<b>Name</b>	<b>Title</b>	<b>Address</b>	
July 12, 2007	STEPHEN L MANSFIELD	Director	1441 N BECKLEY AVE Dallas, TX 75203 USA	
July 12, 2007	MICHAEL SCHAEFER	Director	1441 N BECKLEY AVE Dallas, TX 75203 USA	
July 12, 2007	JOHN BAUMGARTNER	Director	1441 N BECKLEY AVE Dallas, TX 75203 USA	
July 12, 2007	STEPHEN L MANSFIELD	Chairman	1441 N BECKLEY AVE Dallas, TX 75203 USA	
July 12, 2007	MICHAEL SCHAEFER	President	1441 N BECKLEY AVE Dallas, TX 75203 USA	
July 12, 2007	JOHN BAUMGARTNER	Vice-President	1441 N BECKLEY AVE Dallas, TX 75203 USA	
July 12, 2007	JOHN BAUMGARTNER	Treasurer	1441 N BECKLEY AVE Dallas, TX 75203 USA	
July 12, 2007	JOHN BAUMGARTNER	Assistant Secretary	1441 N BECKLEY AVE Dallas, TX 75203 USA	
July 12, 2007	MICHAEL PRICE	Secretary	1441 N BECKLEY AVE Dallas, TX 75203 USA	

**CPC RECOMMENDED AMENDMENTS TO**

**ARTICLE 282.**

**PD 282.**

**SEC. 51P-282.101.  
HISTORY.**

**LEGISLATIVE**

PD 282 was established by Ordinance No. 19779, passed by the Dallas City Council on December 2, 1987. Ordinance No. 19779 amended Ordinance Nos. 10962 and 19455, Chapters 51 and 51A of the Dallas City Code, as amended. Ordinance No. 19779 was amended by Ordinance No. 19943, passed by the Dallas City Council on April 27, 1988, and Ordinance No. 22011, passed by the Dallas City Council on April 13, 1994. (Ord. Nos. 10962; 19455; 19779; 19943; 22011; 25711; 25917)

**SEC. 51P-282.102.  
SIZE.**

**PROPERTY LOCATION AND**

PD 282 is established on property generally located at the northeast corner of Colorado Boulevard and Haines Avenue. The size of PD 282 is approximately 35.86 acres. (Ord. Nos. 19779; 22011; 25711; 25917)

**SEC. 51P-282.103.**

**DEFINITIONS AND INTERPRETATIONS.**

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article. In this district, RESTRICTED ZONE means a 150-foot area south of the south line of Greenbriar Lane and a portion of Haines Avenue as shown on the development plan (Exhibit 282A).

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This district is considered to be a residential zoning district. (Ord. Nos. 25711; 25917)

**SEC. 51P-282.104.**

**DEVELOPMENT PLAN.**

(a) For a hospital, electronics service center, medical or scientific laboratory, medical clinic or ambulatory surgical center, office, ambulance service, commercial parking lot or garage, dry cleaning or laundry store, general merchandise or food store 3,500 square feet or less, general merchandise or food store greater than 3,500 square feet, personal service use, restaurant without drive-in or drive through, surface parking, theater, or helistop, development and use of the Property must comply with the development plan (Exhibit 282A). In the event of a conflict between the text of this article and the development plan, the text of this article controls.

(b) For any other use, a revised development plan must be approved by the city plan commission before the issuance of any building permit to authorize work in this district. (Ord. Nos. 22011; 25711; 25917)



**SEC. 51P-282.105. MAIN USES PERMITTED.**

The following uses are the only main uses permitted ~~[in this district, and some are not permitted within 200 feet of Greenbriar Lane as indicated in this section]~~:

- (1) Agricultural uses.
  - None permitted.
- (2) Commercial and business service uses.
  - Commercial cleaning or laundry plant. [*Prohibited [Not permitted] within 200 feet of Greenbriar Lane.*]
  - Custom business services.
  - Electronics service center. [*Prohibited [Not permitted] within 200 feet of Greenbriar Lane.*]
  - Medical or scientific laboratory. [*Prohibited within the restricted zone.*]
- (3) Industrial uses.
  - None permitted.
- (4) Institutional and community service uses.
  - Child-care facility.
  - Church.
  - College, university, or seminary.
  - Convalescent and nursing homes, hospice care and related institutions.
  - Hospital.
  - Public or private school.
- (5) Lodging uses.
  - Hotel or motel.
- (6) Miscellaneous uses.
  - Temporary construction or sales office.

- (7) Office uses.
  - Financial institution without drive-in window. *[Prohibited within the restricted zone.]*
  - Medical clinic or ambulatory surgical center.
  - Office.
- (8) Recreation uses.
  - Private recreation center, club, or area.
- (9) Residential uses.
  - Retirement housing.
- (10) Retail and personal service uses.
  - Ambulance service. *[Prohibited within the restricted zone.]*
  - Commercial parking lot or garage.
  - General merchandise or food store 3,500 square feet or less. *[Limited use [Not permitted] within the restricted zone [200 feet of Greenbriar Lane].]*
  - General merchandise or food store greater than 3,500 square feet. *[Prohibited [Not permitted] within the restricted zone [200 feet of Greenbriar Lane].]*
  - Personal service uses. *[Within the restricted zone, limited to 35,000 square feet in in the location shown on the development plan. [Not permitted within 200 feet of Greenbriar Lane].]*
  - Restaurant without drive-in or drive-through service. *[Limited use [Not permitted] within the restricted zone [200 feet of Greenbriar Lane].]*
  - Surface parking.
  - Theater. *[Prohibited [Not permitted] within 200 feet of Greenbriar Lane.]*
- (11) Transportation uses.
  - Heliport.
  - Helistop.
  - Private street or alley.
  - Transit passenger shelter. *[Prohibited within the restricted zone.]*
- (12) Utility and public service uses.
  - Local utilities.
  - Post office.
  - Radio, television, or microwave tower. (Ord. Nos. 22011; 25917)

## SEC. 51P-282.106.

## ACCESSORY USES.

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, consult Section 51A-4.217. (Ord. 25917)

**SEC. 51P-282.106.1. LIMITED USES.**

(a) Except as provided in this section, consult the limited use regulations in Section 51A-4.218 for the specific limited use requirements for each limited use.

(b) For each general merchandise or food store 3,500 square feet or less limited use, exterior advertising signs are allowed on the same lot as the limited use with an effective area not to exceed 75 square feet with the following restrictions.

(c) For all general merchandise or food store 3,500 square feet or less limited uses, a maximum of two limited uses may erect advertising signs that comply with this subparagraph for each building facade with a maximum projection of six inches from the building facade and may be illuminated as specified in the non-business sign district regulations.

**SEC. 51P-282.107. 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) Setbacks.

(1) Except as provided in this subsection, the minimum setback from all street frontages is 15 feet.

(2) Minimum setback from Colorado Boulevard is 20 feet for all structures built after March 9, 2005. Signs must comply with the setbacks provided in Section 51P-282.113.

(b) Floor area. Maximum floor area is 2,100,000 square feet. The calculation of the floor area does not include above-grade, below-grade, or surface parking areas.

(c) Height. Except as provided in this subsection, maximum ~~[Maximum]~~ structure height in the area designated for business signage regulations as shown on the development plan is 680 feet above mean sea level, and in the area designated for non-business signage regulations is 634 feet above mean sea level. The elevation above mean sea level (MSL) is calculated from the existing benchmark located at the southwest corner of Greenbriar Lane and Beckley Avenue. The elevation of the benchmark is 420.35 feet above MSL. Maximum structure height within the restricted zone, is 40 feet above grade. The following structures may project a maximum of 12 feet above the height limitations specified in this subsection.

(1) Elevator penthouse or bulkhead.

(2) Mechanical equipment room.

(3) Visual screens which surround roof-mounted mechanical equipment and roof mounted equipment if screened.

(4) Chimney and vent stacks.

(5) Navigation and landing aids.

(6) Communications equipment.

(d) 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.

(e) Stories. Except as provided in this section, m[M] maximum number of stories in the area designated for business signage regulations as shown on the development plan is 11, and in the area designated for non-business signage regulations is nine. In the restricted zone, maximum number of stories is two. (Ord. 25917)

#### **SEC. 51P-282.108. OFF-STREET PARKING.**

(a) Rehabilitation center. For the rehabilitation center shown on the development plan as “existing fitness center,” parking must be provided at a ratio of one parking space for each 375 square feet of floor area.

(b) All other uses. For all other uses, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use. (Ord. Nos. 22011; 25917)

#### **SEC. 51P-282.109. TRANSPORTATION IMPROVEMENTS AND DEDICATIONS.**

(a) Beckley Avenue median. The owner(s) must provide all improvements to the Beckley Avenue median between Tilden Avenue and Colorado Boulevard required by the director of the department of public works and transportation to facilitate safe access to and circulation around the Property.

(b) Greenbriar Lane access. No ingress or egress to or from the Property is permitted from Greenbriar Lane. (Ord. Nos. 22011; 25917)

#### **SEC. 51P-282.110. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI. (Ord. 25917)

#### **SEC. 51P-282.111. LANDSCAPING.**

(a) Except as provided in this section, landscaping [Landscaping] must be provided in accordance with Article X.

(b) A minimum six-foot-tall wrought iron fence, or similar materials, is required within the restricted zone, west of Handley Drive.

(c) Except as required by the Dallas Fire Code or other regulations, pedestrian and vehicular openings in the wrought iron fence within the restricted zone are prohibited.

(d) Except where subsection (c) requires openings, evergreen plant materials recommended for local area use by the building official are required south of and adjacent to the wrought iron fence and must provide a visual barrier for a minimum height of six feet within three years after their initial planting. 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 70 percent solid appearance within three years. Plant materials must be placed a maximum of five feet on center over the entire length of the bed unless the building official approves an alternative planting density that a landscape authority certifies as being capable of providing a solid appearance within three years.

(e) All plant materials must be maintained in a healthy, growing condition. (Ord. 25917)

#### **SEC. 51P-282.112. LIGHTING.**

(a) Any lighting fixture located on the Property that exceeds 10 feet in height may not penetrate a one-to-three slope projecting upward and outward from the property line of any R, R(A), D, D(A), TH, or TH(A) district or any PD that allows single family, duplex, or townhouse uses; or a one-to-one slope projecting upward and outward from the property line of any MF, MF(A), MH, MH(A), or CH district or any PD that allows multifamily, manufactured home, or clustered housing uses. In no event, however, may a light fixture located on the Property exceed 30 feet in height.

(b) Lighting on the Property must average, on a maintained basis, an intensity of not less than 0.5 footcandle. Residual illumination of nearby residentially zoned property may not exceed 0.1 footcandle measured at ground level five or more feet inside the residential property line.

(c) Only cut-off, indirect, or shielded light fixtures are permitted on the Property. (Ord. Nos. 22011; 25917)

#### **SEC. 51P-282.113. SIGNS.**

(a) Except as provided in this section, signs must comply with the provisions for business zoning districts in Article VII.

(b) Signs located adjacent to the northern and western boundaries of the Property in the area shown on the development plan must comply with the provisions for non-business zoning districts in Article VII.

(c) Detached premise signs must be set back a minimum is 10 feet from Colorado Boulevard. (Ord. Nos. 22011; 25917)



**SEC. 51P-282.114.**

**HELICOPTER BASE.**

(a) The helicopter base may have no more than two helipads. These pads are limited to air ambulance transport of patients to and from the facility and other medical-related purposes, including but not limited to the transport of medical supplies and organs. The helicopter base may also have a refueling facility to be used only for refueling the helicopters providing contractual service to the facility. The following additional conditions apply.

(b) The helicopter pilot should follow major thoroughfares when approaching and departing the helicopter base.

(c) The helicopter pilot must maintain an elevation of 1,200 feet above mean sea level except during landing and takeoffs.

(d) The helicopter pilot should avoid noise sensitive areas such as residences, schools, and churches.

(e) The helicopter base must be located as shown on the helicopter base plan (Exhibit 282B).

(f) Takeoffs and landings must follow the paths shown on the helicopter flight path plan  
(Exhibit 282C). (Ord. Nos. 19779; 22011; 25917)

**SEC. 51P-282.115.**

**ADDITIONAL PROVISIONS.**

(a) A minimum five-foot wide sidewalk is required between the projected street curb and the required fence within the restricted zone.

(b) A limited access control gate is required to access the Haines Avenue employee parking area as shown on the development plan (Exhibit 282A).

(c) The [entire] Property must be properly maintained in a state of good repair and neat appearance.

(d**[b]**) Development of the Property must comply with the requirements of the Federal Aviation Administration and with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city. (Ord. Nos. 22011; 25917)

**SEC. 51P-282.116.**

**PAVING.**

All parking spaces, aisles, maneuvering areas, and driveway connections to streets or alleys, whether enclosed or unenclosed, must comply with the standards set forth in the Dallas Development Code. (Ord. Nos. 22011; 25917)

**SEC. 51P-282.117.**

**COMPLIANCE WITH CONDITIONS.**

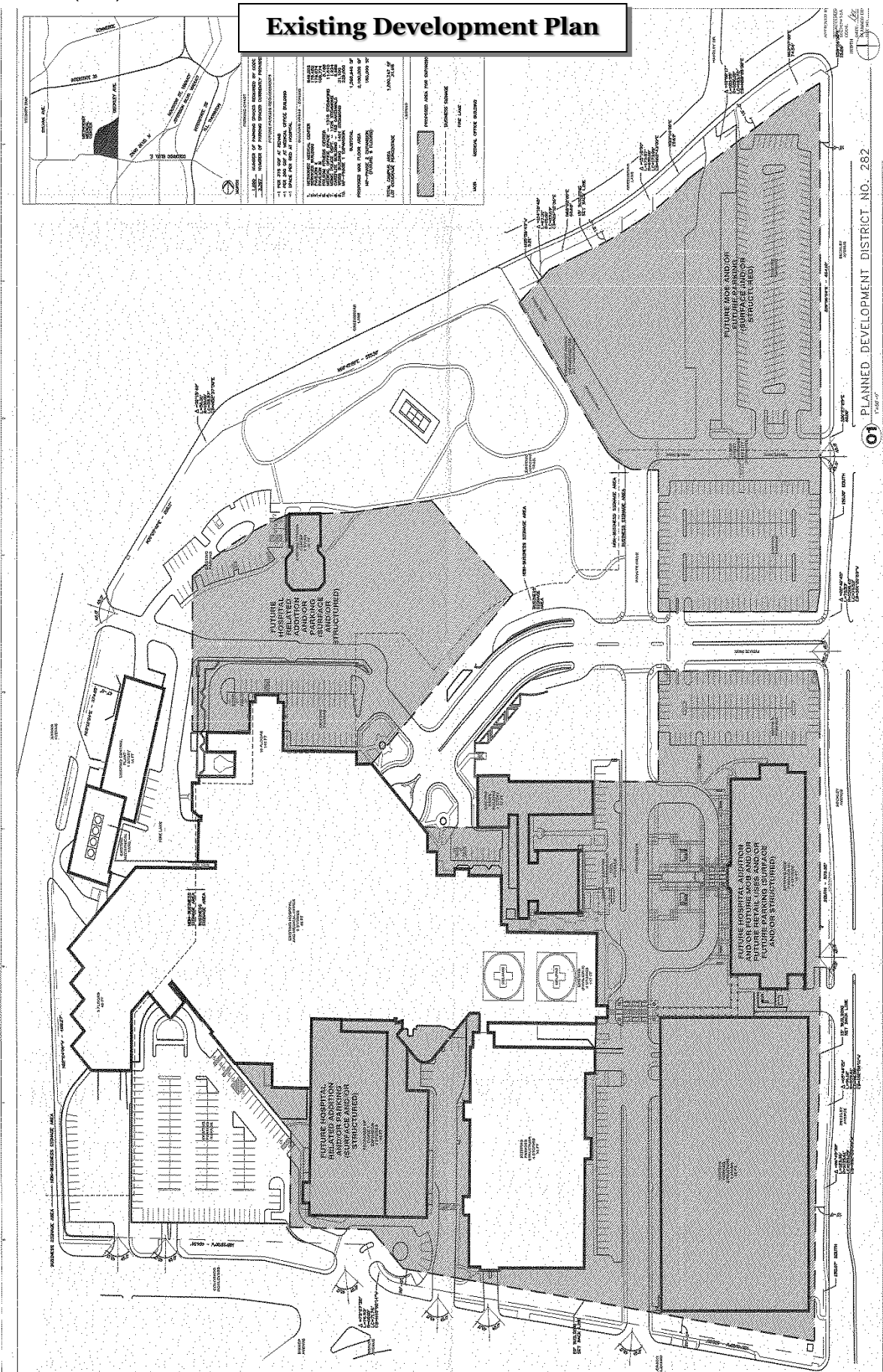
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be

constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(b) The building official shall not issue a building permit to authorize work or certificate of occupancy to authorize the operation of a use in this PD until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other applicable ordinances, rules, and regulations of the city. (Ord. Nos. 22011; 25917)

~~[SEC. 51P-282.118. ————— ZONING MAP.~~

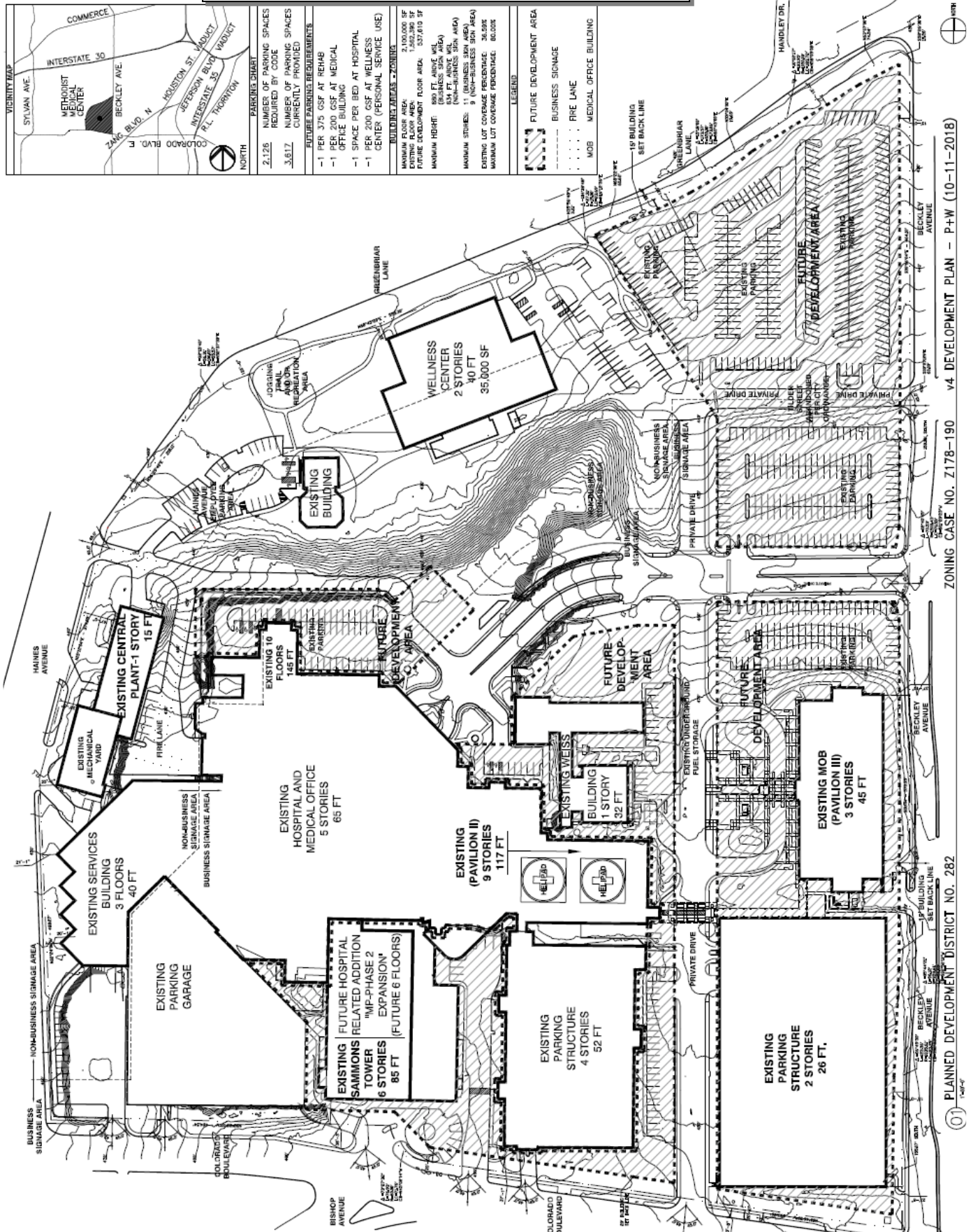
~~PD 282 is located on Zoning Map Nos. K-6 and K-7. (Ord. Nos. 19779; 25917)]~~



[illegible]



# Applicant Proposed Development Plan

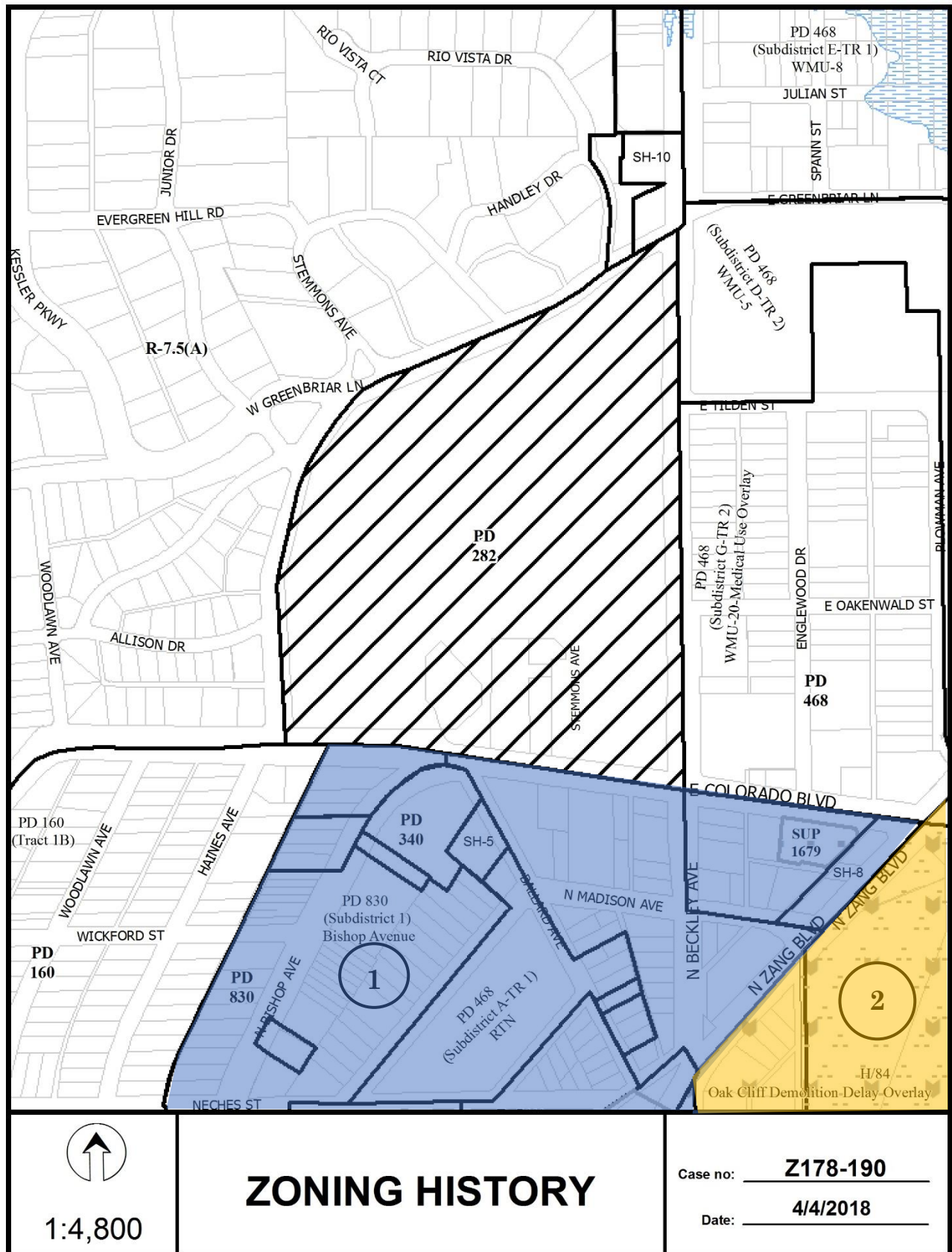














## CPC Responses



**145** Property Owners Notified (206 parcels)

**18** Replies in Favor (61 parcels)

**45** Replies in Opposition (45 parcels)

**500'** Area of Notification

**11/1/2018** Date

**Z178-190**  
**CPC**



1:4,800

10/31/2018

***Reply List of Property Owners******Z178-190******145 Property Owners Notified******18 Property Owners in Favor******45 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
O	1	1441 N BECKLEY AVE	PAVILION PROPERTIES
O	2	1401 STEMMONS AVE	PAVILLION PROP
O	3	1424 N BECKLEY AVE	METHODIST HOSPITALS OF DALLAS
O	4	1136 BALLARD AVE	METHODIST HOSPITALS OF DALLAS
O	5	221 W COLORADO BLVD	METHODIST HOSPITALS OF DALLAS
	6	1134 BALLARD AVE	HELLEN RYAN
	7	1212 N MADISON AVE	METHODIST HOSPITALS OF DALLAS
	8	1129 N BECKLEY AVE	GREENHOUSE CLYDE
	9	1127 N BECKLEY AVE	MTX NOOR REAL ESTATE LLC
	10	1300 N MADISON AVE	122S HAMPTON LLC
	11	1304 N MADISON AVE	CASTILLO SIMON III
	12	1215 N ZANG BLVD	TRITON ZANG LLC
	13	1317 N MADISON AVE	TRITON ZANG, LLC
	14	1202 N BECKLEY AVE	TRITON ZANG LLC
	15	1309 N MADISON AVE	MARTINEZ BROS INV
	16	1218 N BECKLEY AVE	MARTINEZ BRO INV
	17	1211 N BECKLEY AVE	BECKLEY PLACE PARTNERS LP
	18	1221 N BECKLEY AVE	DEJONG VLADI &
	19	200 W COLORADO BLVD	METROPLEX PROPERTIES
	20	1205 N MADISON AVE	KECHEJIAN ENTERPRISES LP
O	21	1322 N BECKLEY AVE	JONES VICKI D
O	22	116 OAKENWALD ST	BARR JOHN H TRUSTEE
	23	1339 ENGLEWOOD AVE	KESSLER WOMERNS GROUP LLC
O	24	1333 ENGLEWOOD AVE	BARR MARY CHRISTIAN TRUST
	25	1329 ENGLEWOOD AVE	BARR BURT JR
O	26	1325 ENGLEWOOD AVE	BARR JOHN H TRUSTEE



10/31/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	1307 ENGLEWOOD AVE	AMIRGHOLIZADEH KARIM
	28	123 E COLORADO BLVD	AMIR KARIM
O	29	203 E COLORADO BLVD	MARY CHRISTIAN BARR TRUST
O	30	1336 ENGLEWOOD AVE	BARR JOHN HOLMAN II TR
O	31	1338 ENGLEWOOD AVE	BARR JOHN HOLMAN II TR
	32	1402 ENGLEWOOD AVE	DEAN PATRICK J
O	33	1406 ENGLEWOOD AVE	METHODIST HOSPITALS OF DALLAS
	34	1426 ENGLEWOOD AVE	BUCKOVAN ROBERT SCOTT
	35	1430 ENGLEWOOD AVE	BUCKOVAN COPE CYNTHIA JEAN
	36	1438 ENGLEWOOD AVE	DIAZ MARY G
O	37	1400 N BECKLEY AVE	METHODIST HOSPITALS OF DALLAS
O	38	1403 ENGLEWOOD AVE	METHODIST HOSPITALS OF DALLAS
	39	1224 WOODLAWN AVE	WILLIAMS ELDA FAYE
X	40	1230 WOODLAWN AVE	STAGGS SAM
	41	1234 WOODLAWN AVE	BURDINE T W &
	42	1236 WOODLAWN AVE	BURDINE T W
	43	1242 WOODLAWN AVE	LOGAN KIMBERLY DIANE
	44	458 W COLORADO BLVD	HARRIS W ERNEST
	46	1241 HAINES AVE	WAVERING TAMMY A
	49	1227 HAINES AVE	GARCIA DESSIE &
	52	1208 HAINES AVE	HAINES SHARSHIV LLC
	53	1234 HAINES AVE	PROHASKA THOMAS M & JILL M
	54	330 W COLORADO BLVD	HUGHES WENDY L
	55	328 W COLORADO BLVD	ANDROSOV TATIANA
	58	1159 N MADISON AVE	1159 NORTH MADISON LLC
	60	101 JULIAN ST	DALLAS COUNTY SCHOOLS
	61	1616 N BECKLEY AVE	DP BECKLEY 1616 LLC
	62	115 E GREENBRIAR LN	MIMS JACK A &
O	64	1542 STEMMONS AVE	PATTERSON ROBERT K & AMBER L
O	65	1528 STEMMONS AVE	MALONE THOMAS DEAN &
X	67	1640 HANDLEY DR	MALLINSON LUKE W &

10/31/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	68	1605 N BECKLEY AVE	AUSBROOKE LLC
	70	115 W GREENBRIAR LN	DSGN ASSOCIATES INC
	73	233 W GREENBRIAR LN	OCON JOE
	75	1551 STEMMONS AVE	TINDLE DAVID WELDON
	78	1580 STEMMONS AVE	TERRELL LANE &
	79	1524 JUNIOR DR	OBRIEN THOMAS J & MELISSA
	80	1514 JUNIOR DR	CRUMP THOMAS B &
	82	921 KESSLER PKWY	OBRIEN MELISSA ANN &
	83	1505 JUNIOR DR	BERRY MARTHA W D
	84	1509 JUNIOR DR	BIELAMOWICZ MATTHEW T &
	85	1517 JUNIOR DR	HOPPER KIRK
X	89	428 ALLISON DR	WILKINS GREGORY ALAN & ROBIN M
O	90	424 ALLISON DR	PADIAN JOHN G
	91	420 ALLISON DR	PRUITT NATALIE R
	92	416 ALLISON DR	VANLANDINGHAM JARED ROBERT
	93	410 ALLISON DR	JORDAN MATTHEW LEVI
X	94	402 ALLISON DR	TRAMMELL ROBERT W &
	96	415 W COLORADO BLVD	THACKER DONALD WEY &
	97	423 W COLORADO BLVD	HORN PAUL R
	98	427 W COLORADO BLVD	COLLIER WILMA LUCILLE
	99	433 W COLORADO BLVD	JACOBSEN PETER C JR
	100	1414 JUNIOR DR	DUNCAN GORDON SCOTT
	101	1420 JUNIOR DR	RALEY ROGER DALE JR
	103	1430 JUNIOR DR	MADDING DAN
X	106	1450 JUNIOR DR	BRANDT SCOTT G &
	107	1435 HAINES AVE	ZAMAN SAYED & SABA SYED
	108	1427 HAINES AVE	MECKFESSEL ROBERT & PATRICIA
	109	1419 HAINES AVE	CLARKE TYLER & ELISE
	110	403 ALLISON DR	ROSS SUSAN KELLI
	112	415 ALLISON DR	PONCE JESUS J & ANJULIE M
	113	421 ALLISON DR	CORRELL MICHAEL A & VICTORIA T

10/31/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	114	427 ALLISON DR	BEACHUM LARRY M
	116	438 W GREENBRIAR LN	LIBERDA CURTIS A
	118	404 W GREENBRIAR LN	RILEY HANNAH KATE
	122	1133 N ZANG BLVD	ZANG OC 2016 LLC
	123	126 E COLORADO BLVD	HEBREE REVOCABLE LIVING TRUST
	124	1306 N BECKLEY AVE	CTA ASSOCIATES LP
	125	1330 N BECKLEY AVE	KESSLER WOMENS GROUP LLC
	127	1213 N BISHOP AVE	NEELY CHRISTOPHER & FRANCESCA
	128	1211 N BISHOP AVE	PALCHIK DIANA
	130	1144 N MADISON AVE	Dallas ISD
	131	1222 N BISHOP AVE	1222 BISHOP LLC
	133	1150 N BISHOP AVE	OAK CLIFF LAND DEV CO
	134	114 JULIAN ST	DARYL RICHARDSON GOURMET CATERING INC
	135	1520 N BECKLEY AVE	KESSLER PEAK LTD PS
	136	1619 N BECKLEY AVE	AUSBROOKE LLC
	140	133 W GREENBRIAR LN	JOHNSTON JOHN & PATRICIA
X	141	1534 JUNIOR DR	REA JAMES G
	142	1703 N BECKLEY AVE	BG BROOKVIEW PARTNERS LTD
	143	1411 HAINES AVE	ISENBERG RALPH & YAN HONG
	144	1451 JUNIOR DR	JENKINS KITTY VALERIE &
X	A1	1629 HANDLEY DR	HOMAN KATHERINE LIFE ESTATE
X	A2	1223 HAINES AVE	MCLAURY MICHAEL W
X	A3	1219 HAINES AVE	MCDONALD JAMES W &
X	A4	1438 JUNIOR DR	HESSER THOMAS J &
X	A5	1655 HANDLEY DR	CANAVATI NATALIE
X	A6	1167 N MADISON AVE	DELEON SERGIO & OLGA A
X	A7	1163 N MADISON AVE	ARELLANO JULIO &
X	A8	435 ALLISON DR	SHARPE THOMAS EST OF
X	A9	1427 JUNIOR DR	GAMBER VIBEKE M LIFE ESTATE
X	A10	1434 JUNIOR DR	MORTENSEN SHENNY M
X	A11	403 W COLORADO BLVD	STOLLY JOHN A

10/31/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
X	A12	408 W COLORADO BLVD	COLLIE RUTH
X	A13	911 KESSLER PKWY	ARRINGTON JOHN C &
X	A14	1231 HAINES AVE	MURPHREE TRACIE
X	A15	1235 HAINES AVE	SPENGLER COREY & VERONICA
X	A16	1424 JUNIOR DR	GOODEN KARL S
X	A17	1445 JUNIOR DR	JENKINS KITTY VALERIE &
X	A18	1215 N BISHOP AVE	COTE SEAN S &
X	A19	1209 N BISHOP AVE	BERMAN DOUGLAS M & SUMMER M
X	A20	123 E GREENBRIAR LN	RICHARDSON DARYL GOURMET CATERING INC
X	A21	434 W GREENBRIAR LN	PINKERTON WILLIAM E II &
X	A22	1606 RIO VISTA DR	ALEXANDER BRIAN & BICK SARAH
X	A23	215 W GREENBRIAR LN	MERLINO ANDREW &
X	A24	1535 STEMMONS AVE	BARLOW CLINTEN & WHITNEY
X	A25	1611 RIO VISTA DR	CHERNOCK CHRISTIAN S
X	A26	304 W GREENBRIAR LN	VANDERWOUDE LARRY A & PAULA BARBER
X	A27	1561 STEMMONS AVE	EBERHART BLAKE ALLEN & ANGELA NEYLON
X	A28	1639 HANDLEY DR	TUCKER TOBY & REBECCA
X	A29	1654 HANDLEY DR	ROSEN MATTHEW
X	A30	141 W GREENBRIAR DR	SCOTT KACEY & JAKE B
X	A31	434 ALLISON DR	SHIPP BRETT R
X	A32	411 ALLISON DR	HAGAN LAURA
X	A33	1218 N BISHOP AVE	AXXIS ENTERPRISES
X	A34	1155 N MADISON AVE	LOMAS HOMAR C &
X	A35	1239 HAINES AVE	WAVERING TAMMY A
X	A36	305 W GREENBRIAR LN	KAVANAGH PETER J & A LYNN
X	A37	1620 HANDLEY DR	KAVANAGH PETER
X	A38	1572 STEMMONS AVE	BLACK TIMOTHY SCOTT & CHRISTY
X	A39	1439 JUNIOR DR	LIND LEON D



## Agenda Information Sheet

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**File #:** 19-156

**Item #:** 50.

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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability  
**AGENDA DATE:** February 13, 2019  
**COUNCIL DISTRICT(S):** 4  
**DEPARTMENT:** Department of Sustainable Development and Construction  
**EXECUTIVE:** Majed Al-Ghafry

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### **SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay, on the northeast side of East Ledbetter Drive, east of South R.L. Thornton Freeway

Recommendation of Staff: Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions

Recommendation of CPC: Approval for a two-year period, subject to a site plan and conditions  
Z178-353(CY)

Note: This item was deferred by the City Council before opening the public hearing on January 9, 2019, and is scheduled for consideration on February 13, 2019



**HONORABLE MAYOR AND CITY COUNCIL      WEDNESDAY FEBRUARY 13, 2019**  
**ACM: Majed Al-Ghafry**

**FILE NUMBER:**                      Z178-353(CY)                      **DATE FILED:**      August 31, 2018

**LOCATION:**                      Northeast side of East Ledbetter Drive, east of South R.L. Thornton Freeway

**COUNCIL DISTRICT:**      4                      **MAPSCO:**      64 M

**SIZE OF REQUEST:**      Approx. 1.92 acres                      **CENSUS TRACT:**      59.02

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**OWNER:**                      Racetrac Petroleum, Inc.

**APPLICANT:**                      Kash Investors Group, LLC

**REPRESENTATIVE:**      Saleem Makani

**REQUEST:**                      An application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay.

**SUMMARY:**                      The applicant proposes to renovate a vacant building, and occupy it with a general merchandise or food store 3,500 square feet or less with fueling station uses and sell alcohol for off-premise consumption in conjunction with the convenience store.

**CPC RECOMMENDATION:**      **Approval** for a two-year period, subject to a site plan and conditions.

**STAFF RECOMMENDATION:**      **Approval** for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

## **BACKGROUND INFORMATION:**

- The 1.92-acre area of request is currently developed with a vacant one-story building and a detached canopy.
- Dallas Central Appraisal District records show the existing building was constructed in 1988.
- According to Building Inspection's records, the last Certificate of Occupancy for the area of request, was issued on August 26, 2008 for a General Merchandise or Food Store 3,500 square feet or less with fueling station use.
- On September 28, 2011, City Council approved a D-1 Liquor Control Overlay and Specific Use Permit No.1895 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less at the subject site for a three-year period with eligibility for automatic renewals for additional three-year periods.
- On September 2014, an automatic renewal of SUP No. 1895 was approved for an additional three-year period. [Expired on September 28, 2017].
- The applicant is a prospective buyer that proposes to renovate the existing building to occupy it with a convenience store and fueling station and sell alcoholic beverages for off-premise consumption.

**Zoning History:** There has been one zoning change in the surrounding area in the past five years including the area of request.

1. **Z134-269** On September 9, 2014 an automatic renewal for additional three-year period was approved for Specific Use Permit No. 1895 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less at the subject site. [SUP No. 1895 expired on September 28, 2017].

## **Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
East Ledbetter Drive	Principal Arterial	Variable	107'

## **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 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****GOAL 5.3 ESTABLISH WALK-TO CONVENIENCE**

**Policy 5.3.1** Encourage a balance of land uses within walking distance of each other.

**Land Use:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	RR-D-1 Regional Retail with D-1 Liquor Control Overlay	Vacant building
<b>North</b>	RR-D Regional Retail with D Liquor Control Overlay	Undeveloped Land
<b>East</b>	RR-D-1 Regional Retail with D-1 Liquor Control Overlay, RR-D Regional Retail with D Liquor Control Overlay.	Auto Service Center, Personal Service, General Merchandise, Restaurant.
<b>South</b>	RR-D Regional Retail with D Liquor Control Overlay	Commercial Amusement Inside
<b>West</b>	RR-D Regional Retail with D Liquor Control Overlay	General Merchandise, Hotel

**Land Use Compatibility:**

The approximate 1.92-acre site is zoned an RR Regional Retail District with a D-1 Liquor Control Overlay and is currently developed with a one-story, approximately 3,298-square-foot vacant building and a detached canopy.

On September 28, 2011, City Council approved a D-1 Liquor Control Overlay and Specific Use Permit No.1895 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less at the subject site for a three-year period with eligibility for automatic renewals for additional three-year periods.

According to Building Inspections' records, the building was previously operating as a general merchandise or food store and fueling station and according to the Texas Alcoholic Beverage Commission (TABC) records, a wine and beer retailer's off-premise permit (BQ) was issued on January 2012 that was later cancelled when the previous business ceased operations.

On September 2014, an automatic renewal of SUP No. 1895 was approved for an additional three-year period. The SUP expired on September 28, 2017.

The applicant is a prospective buyer that proposes to renovate the existing vacant building and reinstate the general merchandise and fueling station uses which are allowed by right in the existing zoning district. The D-1 Liquor Control Overlay District however, requires an individual to obtain a Specific Use Permit in order to sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premise. The applicant proposes to include alcoholic beverages in the items to be sold at the proposed convenience store.

Uses surrounding the area of request include auto service center, personal service, general merchandise and restaurant in a multi-tenant building to the east of the property, multifamily and single-family uses are further east along East Ledbetter Drive. Undeveloped land is to the north, hotel or motel use and a general merchandise use are to the northwest and west respectively, and a commercial amusement inside is located to the south of the area of request.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all

applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The general merchandise use is also regulated by Chapter 12B of the Dallas City Code, Convenience Stores. This chapter applies to all convenience stores, which is defined as any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and has less than 10,000 square feet of retail floor space; the term does not include any business that has no retail floor space accessible to the public. The purpose of Chapter 12B is to protect the health, safety, and welfare of the citizens of the city of Dallas by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime that occurs in convenience stores in the city. This chapter establishes a registration program for convenience stores and provides requirements relating to:

- surveillance camera systems,
- video recording and storage systems,
- alarm systems,
- drop safes,
- security signs,
- height markers,
- store visibility,
- safety training programs, and
- trespass affidavits.

A separate certificate of registration to comply with Chapter 12B is required for each physically separate convenience store. A certificate of registration for a convenience store expires one year after the date of issuance and must be renewed annually.

In general, the applicant's request is consistent with the existing zoning, the general provisions for a Specific Use Permit and is not foreseen to have a negative impact on the surrounding properties. Staff recommends approval for a two-year period with eligibility for automatic renewal for additional five-year periods. This has been the standard for the proposed use and allows for review of the use after the initial two-year period.

### **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 Site is not within an identifiable MVA Category; however, it is in



proximity to a “G” MVA Cluster to the east and west, and an “F” MVA Cluster to the southeast, across East Ledbetter Drive.

### **Parking:**

Off-street parking and loading requirements must comply with the Dallas Development Code as amended. A total of 19 off-street parking spaces are required for the general merchandise or food store with fueling station derived from calculating 17 spaces required for the convenience store at a ratio of 1 space for every 200 square feet of floor area ( $3,298/200 = 16.49 \sim 17$ ), and two additional spaces required for the fueling station use. The proposed site plan depicts 19 parking spaces will be provided on site.

### **Landscaping:**

No new development is proposed; therefore, no additional landscaping is required. Any additions to the property that exceed 35 percent of the existing floor area or 2,000 square feet of new non-permeable pavement will require landscaping per Article X of the Dallas Development Code.

**Dallas Police Department:** Staff requested a report of site-related crime statistics for the time period from the last automatic renewal for SUP No. 1895 up to date. The list of reported crime obtained includes incidents, calls, and arrests from September 2014 to date and is provided below.

### **INCIDENTS**

INCIDENT #	DATE	TIME	UCR OFF DES	PREMISE	Mo
20140021162	1/26/2014	9:00	Not Coded MULTIPLE ROBBERY INCIDENT	GAS STATION PARKI	SUSP WAS ON PROPERTY WITHOUT CONSENT OF RP.
179540-2014	7/26/2014	20:45	CRIMINAL MISCHIEF/VANDALISM	Gas or Service Station	
225539-2014	9/19/2014	1:40	NO UCR REPORTABLE OFFENSE	Convenience Store	N/A
214531-2014	9/6/2014	1:00	MISCELLANEOUS	Parking Lot (Apartment)	
20140002570	1/3/2014	22:45	ASSAULT   ADULT W/M   OFFENSE CONTACT   1800-0600	108 - CONVENIENCE	Unk Susp Struck Comp In Face W/O Consent
20140063537	3/17/2014	20:01	VANDALISM & CRIMINAL MISCHIEF   CRIMINAL MISCHIEF   \$500 > \$1499.99	108 - CONVENIENCE	A/P Collided Into Comp's Vehicle Causing Damage
20140120916	5/19/2014	16:40	NOT CODED MULTIPLE ROBBERY INCIDENT	GAS STATION	Criminal Trespass Warning
181240-2014	7/29/2014	22:00	MISCELLANEOUS	Highway, Street, Alley ETC	
264105-2014	11/2/2014	23:45	ROBBERY	Parking Lot (All Others)	Susps Took Comps Property Without Consent At Gun Point
264105-2014	11/2/2014	23:45	ROBBERY	Parking Lot (All Others)	Susps Took Comps Property Without Consent At Gun Point
20140055288	3/8/2014	10:13	NOT CODED MULTIPLE ROBBERY INCIDENT	RACEWAY GAS STATI	Subj Was Given A Ct Warning By Rp For The Comp

**INCIDENTS (Cont.)**

INCIDENT #	DATE	TIME	UCR OFF DES	PREMISE	Mo
20140097448	3/27/2014	10:00	INVESTIGATION OF	GAS STATION	Unkn Susp(S) Used Stolen Gas Credit Card.
270434-2014	11/10/2014	17:30	PRELIMINARY INVESTIGATION	Retail Store	Criminal Mischief
212642-2014	9/3/2014	21:00	ACCIDENTAL INJURY	Convenience Store	The Comp Was The Injured Person He Took Several Different Drugs: Marijuana, Herione, And Cocaine). Comp Lives In A Boarding Home By The Name Of "Banks Transitional Boarding House"-- Owner Is Mr. Michael Banks (469) 285-2491.
181240-2014	7/29/2014	22:00	ALARM INCIDENT	Retail Store	
191291-2014	8/9/2014	16:40	ASSAULT	Parking Lot (All Others)	
139686-2014	6/9/2014	23:09	MISCELLANEOUS	Convenience Store	
156196-2014	6/29/2014	3:21	ROBBERY	Convenience Store	
147096-2014	6/17/2014	20:30	PRELIMINARY INVESTIGATION	Gas or Service Station	
20140123792	5/23/2014	20:00	FOUND   PROPERTY	GAS STATION	POSS PCP
20140063540	3/17/2014	20:01	ASSAULT   POLICE OFFICER   CAUSE PAIN, INJURY (M/A)   1800-0600	108 - CONVENIENCE	A/P ELBOWED COMP IN THE JAW INTENTIONALLY CAUSING PAIN
20140063538	3/17/2014	20:01	ASSAULT   POLICE OFFICER   CAUSE PAIN, INJURY (M/A)   1800-0600	108 - CONVENIENCE	A/P INTENTIONALLY STRUCK COMP IN FACE WITH CLOSED FIST
144374-2014	6/15/2014	12:16	PRELIMINARY INVESTIGATION	Gas or Service Station	
144373-2014	6/15/2014	12:16	NO UCR REPORTABLE OFFENSE	Gas or Service Station	
307556-2014	12/28/2014	10:45	MISCELLANEOUS	Gas or Service Station	CRIMINAL TRESPASS WARNING
140719-2014	6/10/2014	22:55	MOTOR VEHICLE ACCIDENT	Gas or Service Station	HIT AND RUN
264105-2014	11/2/2014	23:45	ROBBERY	Parking Lot (All Others)	SUSPS TOOK COMPS PROPERTY WITHOUT CONSENT AT GUN POINT
20140043945	2/22/2014	14:10	THEFT   OTHER THEFTS   BMV/UNATTACH PROP INSIDE VEH   \$200 +	925 - PARKING - C	UNK SUSPECT ENTERED COMP VEH AND TOOK PROPERTY
20140043813	2/22/2014	11:00	THEFT   OTHER THEFTS   BMV/UNATTACH PROP INSIDE VEH   \$200 +	GAS STATION	UNK SUSP OPENED AND TOOK COMPS PROP OUT OF VEH W/O CONSENT
20140014824	1/18/2014	17:17	THEFT   OTHER THEFTS   BMV/UNATTACH PROP INSIDE VEH   \$50 - \$199.99	925 - PARKING - C	UNK SUSP OPENED COMP'S PASSENGER DOOR, TAKE COMP'S PURSE & PROP
20140047703	2/27/2014	7:50	THEFT   OTHER THEFTS   BMV/UNATTACH PROP INSIDE VEH   \$200 +	SER STA PK LOT	UNK SUSP ENTER UNLOCK VEH TOOK PROPERTY WO CONSENT
154253-2014	6/27/2014	0:25	ROBBERY	Gas or Service Station	
173934-2014	7/20/2014	4:30	THEFT	Highway, Street, Alley ETC	
156132-2014	6/29/2014	3:17	MURDER	Gas or Service Station	

**INCIDENTS (Cont.)**

INCIDENT #	DATE	TIME	UCR OFF DES	PREMISE	Mo
20140042106	2/20/2014	11:55	THEFT   OTHER THEFTS   BMV/UNATTACH PROP INSIDE VEH   \$200 +	GAS STATION	UNKN SUSP ENTERED COMP'S VEHICLE AND TOOK PROPERTY
156196-2014	6/29/2014	3:21	ROBBERY	Convenience Store	
244657-2014	10/10/2014	22:55	THEFT	Convenience Store	UNK SUSP TOOK MONEY.
20140049236	2/28/2014	22:30	AGG ASSAULT   ADULT B/F   FIREARMS (ALL GUNS)   1800-0600	GAS STATION	SUSP FIRED GUN AND STRUCK COMP IN LEFT FOOT CAUSING INJURY
182236-2014	7/29/2014	11:30	ROBBERY	Gas or Service Station	
20140119661	5/18/2014	2:55	ROBBERY   CARJACK-INDV   FIREARMS (HANDGUN ONLY)   1800-0600	CONVEN STORE PK LOT	UNK SUSPS POINTED HANDGUN AT COMP AND TOOK VEHICLE WITHOUT CONSENT
196446-2015	8/24/2015	2:11	NO UCR REPORTABLE OFFENSE	Parking Lot (All Others)	PUBLIC INTOXICATION
201171-2015	8/29/2015	20:10	MISCELLANEOUS	Gas or Service Station	SUBJ OBSERVED SOLICITING; ISSUED C/T WARNING W/ PHOTO
267863-2015	11/17/2015	15:00	MISCELANEOUS	Convenience Store	Criminal Trespass Affidavit Filed/Release Criminal Trespass.
075231-2015	4/4/2015	10:25	ASSAULT	Gas or Service Station	Unk Susp Punched Comp On Face Caused Bleeding.
093843-2015	4/27/2015	0:00	PRELIMINARY INVESTIGATION	Motor Vehicle	Known Susp Rode Around In Taxi And Didn't Have The Money To Pay
042907-2015	2/24/2015	17:12	ACCIDENTAL INJURY	Gas or Service Station	Comp Found Unresponsive Next To Vehicle
069647-2015	3/29/2015	20:00	ASSAULT	Gas or Service Station	Susp Choked And Punched Victim Impeding Breath With His Hands.
035684-2015	2/15/2015	22:38	ASSAULT	Parking Lot (All Others)	Suspect Used Closed Fist Punching The Victim In The Left Cheek
240656-2015	10/16/2015	11:20	MISCELLANEOUS	Gas or Service Station	Known Suspect Refused To Leave Property
188597-2015	8/14/2015	18:30	CRIMINAL MISCHIEF/VANDALISM	Parking Lot (All Others)	Suspect Broke Comp Vehicle Window With A Shoe
058774-2015	3/16/2015	21:23	MISCELLANEOUS	Parking Lot (All Others)	The Susp And The Comp Had A Mutual Altercation.
133084-2015	6/11/2015	14:15	MISCELLANEOUS	Outdoor Area Public/Private	Mir
206332-2016	8/27/2016	12:05	MISCELLANEOUS	Gas or Service Station	Trespass Warning Issued.
103077-2016	4/30/2016	23:30	MISCELLANEOUS	Convenience Store	Mir
224689-2016	9/18/2016	0:20	ASSAULT	Parking Lot (All Others)	Susp Hit Comp Causing Offensive Contact
244838-2016	10/11/2016	21:10	MOTOR VEHICLE ACCIDENT	Gas or Service Station	Left Scene Of Accident Without Leaving Insurance/Identification
131947-2016	6/1/2016	18:29	MISCELLANEOUS	Highway, Street, Alley ETC	M.I.R.
242610-2016	10/9/2016	6:30	NO UCR REPORTABLE OFFENSE	Convenience Store	Ap Is Apoww'd Due To Being A Danger To Himself And Others.

**INCIDENTS (Cont.)**

INCIDENT #	DATE	TIME	UCR OFF DES	PREMISE	Mo
229829-2016	9/23/2016	22:41	MISCELLANEOUS	Highway, Street, Alley ETC	Mir
212128-2016	9/3/2016	2:30	PRELIMINARY INVESTIGATION	Gas or Service Station	Unk Susp Fired Handgun At Comp.
175063-2016	7/21/2016	0:01	PRELIMINARY INVESTIGATION	Outdoor Area Public/Private	Susp Took Comps Money Without Consent.
074574-2016	3/29/2016	12:30	THEFT	Parking Lot (All Others)	Suspect Entered The Comps Vehicle W/O Permission
159974-2016	7/2/2016	2:35	ROBBERY	Gas or Service Station	Unk Susps Pointed A Gun At The Comp And Took Property
084854-2016	4/10/2016	8:00	ROBBERY	Commercial Property Occupied/Vacant	Unkn Susp Pointed Gun At Comp And Took Property Wo Consent
178501-2016	7/25/2016	10:45	THEFT	Retail Store	Unk Susp took the comps property without consent
171242-2016	7/16/2016	6:00	THEFT	Gas or Service Station	Unk Susp took comps property w/o permission.

**CALLS**

MASTER INCIDENT NUMBER	RESPONSE DATE	RESPONSE TIME	PROBLEM	PRIORITY DESCRIPTION	LOCATION NAME	ADDRESS
14-1717306	9/3/2014	11:20	40 - Other	3 - General Service	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
14-1737175	9/6/2014	1:33	PH - Panhandler	4 - Non Critical	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
14-1771712	9/11/2014	1:59	40 - Other	3 - General Service	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
14-1785669	9/13/2014	0:54	PH - Panhandler	4 - Non Critical	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
14-1793506	9/14/2014	3:01	40 - Other	3 - General Service	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
14-1812473	9/17/2014	1:26	40 - Other	3 - General Service	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
14-1826375	9/19/2014	1:42	46A - CIT w/Ambulance	1 - Emergency	raceway	303 E Ledbetter Dr
14-1835457	9/20/2014	9:06	40 - Other	3 - General Service	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
14-1918748	10/2/2014	0:19	40 - Other	3 - General Service	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
14-1926044	10/2/2014	18:49	40 - Other	3 - General Service	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
14-1988340	10/10/2014	22:57	09 - Theft	4 - Non Critical	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
14-2038277	10/18/2014	1:48	40/01 - Other	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
14-2038680	10/18/2014	3:25	40 - Other	3 - General Service	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
14-2045128	10/18/2014	22:59	6X - Major Dist (Violence)	2 - Urgent	RACE WAY	303 E Ledbetter Dr
14-2065517	10/22/2014	1:06	40 - Other	3 - General Service	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
14-2079781	10/24/2014	4:33	PH - Panhandler	4 - Non Critical	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
14-2086927	10/25/2014	1:36	PH - Panhandler	4 - Non Critical	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr

**CALLS (Cont.)**

MASTER INCIDENT NUMBER	RESPONSE DATE	RESPONSE TIME	PROBLEM	PRIORITY DESCRIPTION	LOCATION NAME	ADDRESS
14-2149154	11/3/2014	0:01	20 - Robbery	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
14-2150028	11/3/2014	6:40	58 - Routine Investigation	7 - Unit Initiated	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
14-2201682	11/10/2014	18:12	7X - Major Accident	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
14-2203757	11/11/2014	1:55	46 - CIT	2 - Urgent	RACEWAY	303 E Ledbetter Dr
14-2216580	11/13/2014	7:26	PSE/31- Criminal Mischief	5 - Expediter	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
14-2240461	11/17/2014	0:40	32 - Suspicious Person	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
14-2265487	11/20/2014	23:58	40 - Other	3 - General Service	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
14-2287914	11/24/2014	2:23	6X - Major Dist (Violence)	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
14-2295966	11/25/2014	10:47	40 - Other	3 - General Service	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
14-2299637	11/25/2014	20:23	25 - Criminal Assault	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
14-231904	11/29/2014	0:13	PH-Panhandler	4-Non Critical	RACEWAY (ledbetter & s rit)	303 E Ledbetter Dr
14-2368922	12/6/2014	11:18	7X - Major Accident	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
14-2373946	12/7/2014	0:23	40 - Other	3 - General Service	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
14-2380235	12/8/2014	1:20	32 - Suspicious Person	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
14-2421103	12/14/2014	0:59	40 - Other	3 - General Service	RACE WAY	303 E Ledbetter Dr
14-2455126	12/19/2014	8:19	6X - Major Dist (Violence)	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
14-2510278	12/27/2014	20:44	40 - Other	3 - General Service	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
14-2510959	12/27/2014	22:37	PH - Panhandler	4 - Non Critical	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
14-2513081	12/28/2014	8:23	PH - Panhandler	4 - Non Critical	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
14-2513523	12/28/2014	10:54	04 - 911 Hang Up	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
14-2513523	12/28/2014	10:54	04 - 911 Hang Up	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
14-2516043	12/28/2014	19:24	40 - Other	3 - General Service	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
14-2517110	12/28/2014	23:05	04 - 911 Hang Up	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
14-2529852	12/31/2014	0:49	6X - Major Dist (Violence)	2 - Urgent	RACEWAY	303 E Ledbetter Dr
15-0091856	1/15/2015	8:23	6X - Major Dist (Violence)	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
15-0178184	1/28/2015	0:13	40 - Other	3 - General Service	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
15-0299683	2/14/2015	22:34	6X - Major Dist (Violence)	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
15-0318668	2/17/2015	21:46	6XA - Major Dist Ambulance	2 - Urgent	race way	303 E Ledbetter Dr



**CALLS (Cont.)**

MASTER INCIDENT NUMBER	RESPONSE DATE	RESPONSE TIME	PROBLEM	PRIORITY DESCRIPTION	LOCATION NAME	ADDRESS
15-0462909	3/12/2015	8:44	16A - Injured Person w/Amb	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
15-0496202	3/16/2015	21:23	6X - Major Dist (Violence)	2 - Urgent	RACEWAY	303 E Ledbetter Dr
15-0517426	3/19/2015	23:40	6X - Major Dist (Violence)	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
15-0613281	4/2/2015	5:38	32 - Suspicious Person	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
15-0639246	4/5/2015	14:07	40/01 - Other	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
15-0695396	4/13/2015	8:03	46 - CIT	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
15-0745129	4/19/2015	22:25	DASF-Dist Active Shooter Foot	1 - Emergency	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
15-0748232	4/20/2015	11:37	6X - Major Dist (Violence)	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
15-0786246	4/25/2015	17:44	07 - Minor Accident	3 - General Service	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
15-079796	4/27/201	7:37	6x- Major Dist (Violence)	3- General Service	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
15-0806829	4/28/2015	14:19	11V - Burg Motor Veh	3 - General Service	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
15-0868846	5/6/2015	22:36	20 - Robbery	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
15-1051678	5/31/2015	4:23	40/01 - Other	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
15-1087194	6/4/2015	18:23	46 - CIT	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
15-1145560	6/11/2015	14:22	07 - Minor Accident	3 - General Service	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
15-1167072	6/14/2015	0:56	PH - Panhandler	4 - Non Critical	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
15-1272816	6/28/2015	0:10	04 - 911 Hang Up	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
15-1470383	7/23/2015	7:16	40 - Other	3 - General Service	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
15-1555512	8/3/2015	4:20	40/01 - Other	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
15-1642341	8/14/2015	17:46	07 - Minor Accident	3 - General Service	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
15-1642282	8/14/2015	17:47	6X - Major Dist (Violence)	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
15-1642697	8/14/2015	18:47	6X - Major Dist (Violence)	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
15-1713375	8/24/2015	2:11	46 - CIT	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
15-1938791	9/23/2015	13:53	40/01 - Other	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
15-1962816	9/26/2015	18:23	PH - Panhandler	4 - Non Critical	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
15-1967700	9/27/2015	10:37	40 - Other	3 - General Service	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
15-1967896	9/27/2015	11:31	40 - Other	3 - General Service	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr

**CALLS (Cont.)**

MASTER INCIDENT NUMBER	RESPONSE DATE	RESPONSE TIME	PROBLEM	PRIORITY DESCRIPTION	LOCATION NAME	ADDRESS
15-1974478	9/28/2015	11:10	40 - Other	3 - General Service	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
15-1980898	9/29/2015	9:23	PH - Panhandler	4 - Non Critical	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
15-1994740	10/1/2015	6:24	6X - Major Dist (Violence)	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
15-2102786	10/16/2015	11:21	40 - Other	3 - General Service	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
15-2157390	10/24/2015	13:28	PH - Panhandler	4 - Non Critical	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
15-2162968	10/25/2015	9:10	58 - Routine Investigation	7 - Unit Initiated	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
15-2176066	10/27/2015	10:56	40 - Other	3 - General Service	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
15-2203353	10/31/2015	9:05	6X - Major Dist (Violence)	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
15-224549	11/6/2015	14:08	40/01-Other	2-Urgent	RACEWAY	303 E Ledbetter Dr
15-2263039	11/9/2015	3:28	46 - CIT	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
15-2298143	11/14/2015	10:14	6X - Major Dist (Violence)	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
15-2404753	11/30/2015	15:40	40/01 - Other	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
15-2534679	12/19/2015	11:46	07 - Minor Accident	3 - General Service	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
15-2613195	12/31/2015	14:46	6XE - Disturbance Emergency	1 - Emergency	RACETRACK	303 E Ledbetter Dr
16-0003820	1/1/2016	6:51	38 - Meet Complainant	4 - Non Critical	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
16-0138408	1/22/2016	13:58	40 - Other	3 - General Service	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
16-0328899	2/19/2016	17:55	07 - Minor Accident	3 - General Service	RACEWAY	303 E Ledbetter Dr
16-0445790	3/7/2016	18:34	6X - Major Dist (Violence)	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
16-0544043	3/22/2016	10:30	6X - Major Dist (Violence)	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
16-0592985	3/29/2016	12:35	6X - Major Dist (Violence)	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
16-0645262	4/5/2016	20:07	40 - Other	3 - General Service	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
16-0668116	4/8/2016	22:46	16 - Injured Person	3 - General Service	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
16-0690998	4/12/2016	10:37	07 - Minor Accident	3 - General Service	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
16-0690998	4/12/2016	10:37	07 - Minor Accident	3 - General Service	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
16-0705703	4/14/2016	12:53	40 - Other	3 - General Service	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
16-0705931	4/14/2016	13:26	7X - Major Accident	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
16-0707570	4/14/2016	17:33	PH - Panhandler	4 - Non Critical	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
16-0709360	4/14/2016	22:26	6X - Major Dist (Violence)	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr

**CALLS (Cont.)**

MASTER INCIDENT NUMBER	RESPONSE DATE	RESPONSE TIME	PROBLEM	PRIORITY DESCRIPTION	LOCATION NAME	ADDRESS
16-0714028	4/15/2016	16:07	PH - Panhandler	4 - Non Critical	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
16-0719892	4/16/2016	11:33	40 - Other	3 - General Service	RACEWAY	303 E Ledbetter Dr
16-0753744	4/21/2016	7:26	6X - Major Dist (Violence)	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
16-0763289	4/22/2016	13:31	07 - Minor Accident	3 - General Service	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
16-0763289	4/22/2016	13:31	07 - Minor Accident	3 - General Service	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
16-0825237	4/30/2016	23:34	6X - Major Dist (Violence)	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
16-0854153	5/5/2016	3:08	40 - Other	3 - General Service	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
16-087225	5/7/2016	13:47	Minor Accident	3- General Service	RACEWAY (ledbetter & srit)	303 E Ledbetter Dr
16-0878898	5/8/2016	12:02	6X - Major Dist (Violence)	2 - Urgent	raceway	303 E Ledbetter Dr
16-0905715	5/12/2016	0:19	6X - Major Dist (Violence)	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
16-0965439	5/19/2016	23:44	6X - Major Dist (Violence)	2 - Urgent	RACETRACK	303 E Ledbetter Dr
16-1052833	5/31/2016	15:12	6X - Major Dist (Violence)	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
16-1061733	6/1/2016	18:27	07 - Minor Accident	3 - General Service	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
16-1112125	6/8/2016	8:49	6X - Major Dist (Violence)	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
16-1244864	6/25/2016	17:01	38 - Meet Complainant	4 - Non Critical	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
16-1294727	7/2/2016	2:38	20 - Robbery	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
16-1330114	7/6/2016	6:13	6X - Major Dist (Violence)	2 - Urgent	oasis park apts	303 E Ledbetter Dr
16-1297025	7/2/2016	12:55	07 - Minor Accident	3 - General Service	RACEWAY	303 E Ledbetter Dr
16-1340625	7/7/2016	13:40	07 - Minor Accident	3 - General Service	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
16-1354042	7/9/2016	11:09	6X - Major Dist (Violence)	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
16-1385892	7/14/2016	0:18	40 - Other	3 - General Service	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
16-1401569	7/16/2016	8:35	09 - Theft	4 - Non Critical	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
16-1435484	7/21/2016	2:17	20 - Robbery	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
16-1450017	7/23/2016	1:28	07 - Minor Accident	3 - General Service	RACEWAY	303 E Ledbetter Dr
16-1450017	7/23/2016	1:28	07 - Minor Accident	3 - General Service	RACEWAY	303 E Ledbetter Dr
16-1465851	7/25/2016	10:42	20 - Robbery	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
16-1483466	7/27/2016	19:54	6X - Major Dist (Violence)	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr

**CALLS (Cont.)**

MASTER INCIDENT NUMBER	RESPONSE DATE	RESPONSE TIME	PROBLEM	PRIORITY DESCRIPTION	LOCATION NAME	ADDRESS
16-1484818	7/27/2016	23:59	40 - Other	3 - General Service	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
16-1507594	7/31/2016	0:39	40 - Other	3 - General Service	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
16-1516328	8/1/2016	10:11	7X - Major Accident	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
16-1526844	8/2/2016	17:48	46A - CIT w/Ambulance	1 - Emergency	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
16-1641985	8/18/2016	14:51	55 - Traffic Stop	7 - Unit Initiated		303 E Ledbetter Dr
16-1697970	8/26/2016	11:13	PH - Panhandler	4 - Non Critical	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
16-1702354	8/26/2016	21:49	32 - Suspicious Person	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
16-170597	8/27/2016	12:04	40-Other	3-General Service	RACEWAY (ledbetter & s rit)	303 E Ledbetter Dr
16-1712542	8/28/2016	9:12	PH - Panhandler	4 - Non Critical	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
16-1755393	9/3/2016	2:39	40/01 - Other	2 - Urgent	RACEWAY	303 E Ledbetter Dr
16-1799256	9/9/2016	8:50	09/01 - Theft	3 - General Service	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
16-1863656	9/18/2016	0:20	6XEA - Disturbance Emerg Amb	1 - Emergency	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
16-1888774	9/21/2016	14:24	40/01 - Other	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
16-1901832	9/23/2016	10:42	6X - Major Dist (Violence)	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
16-1941112	9/29/2016	0:28	40/01 - Other	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
16-2014825	10/9/2016	6:23	40 - Other	3 - General Service	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
16-2032735	10/11/2016	21:17	7X - Major Accident	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
16-2032735	10/11/2016	21:17	7X - Major Accident	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
16-2046376	10/13/2016	19:49	36/01 - Aband Child Critical	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
16-2147036	10/28/2016	0:38	22 - Animal Disturbance	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
16-2161291	10/29/2016	23:05	23 - Parking Violation	4 - Non Critical	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
16-2179875	11/1/2016	16:24	07 - Minor Accident	3 - General Service	RACEWAY	303 E Ledbetter Dr
16-2179875	11/1/2016	16:24	07 - Minor Accident	3 - General Service	RACEWAY	303 E Ledbetter Dr
17-2075709	11/1/2017	10:42	40 - Other	3 - General Service	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr
18-1425317	8/6/2018	11:58	6XA - Major Dist Ambulance	2 - Urgent	RACEWAY   (ledbetter & s rit)	303 E Ledbetter Dr

**ARRESTS**

Charge Desc.	ARREST NUMBER	ARREST DATE	AR BK DAY	UCR ARREST CHG	UCR ARREST OFFENCE	Ar La Address
Apoww (Social Services Referral)	14-025398	6/12/2014	Thursday	APOWW	NOT CODED	303 E Ledbetter Dr
Apoww (Social Services Referral)	14-025915	6/15/2014	Sunday	APOWW	NOT CODED	303 E Ledbetter
Assault (Agg) - Deadly Weapon	14-027520	6/25/2014	Wednesday	AGG ASSAULT	AGG ASSAULT - NFV	303 E Ledbetter Dr
Assault (Agg) - Deadly Weapon	14-027520	6/25/2014	Wednesday	AGG ASSAULT	AGG ASSAULT - NFV	303 E Ledbetter Dr
Robbery Of Individual (Agg)	14-027520	6/25/2014	Wednesday	ROBBERY	ROBBERY-INDIVIDUAL	303 E Ledbetter Dr
Robbery Of Individual (Agg)	14-027520	6/25/2014	Wednesday	ROBBERY	ROBBERY-INDIVIDUAL	303 E Ledbetter Dr
Robbery Of Individual (Agg)	14-027523	6/25/2014	Wednesday	ROBBERY	ROBBERY-INDIVIDUAL	303 E Ledbetter Dr
No Code	14-034178	8/7/2014	Thursday	NOT CODED	Not coded	303 E Ledbetter Dr
Apoww (Social Services Referral)	14-034178	8/7/2014	Thursday	APOWW	NOT CODED	303 E Ledbetter Dr
Warrant-Dallas Pd (Alias)	14-036371	8/21/2014	Thursday	ALIAS/CAPIAS	NOT CODED	303 E Ledbetter Dr
Warrant Hold (Outside Agency)	14-036371	8/21/2014	Thursday	HOLDS DSO	NOT CODED	303 E Ledbetter Dr
Apoww (Social Services Referral)	14-040835	9/19/2014	Friday	APOWW	NOT CODED	303 E Ledbetter Dr
Public Intoxication	15-034071	8/24/2015	Monday	PUBLIC INTOXICATION	DRUNK & DISORDERLY	303 E Ledbetter Dr
Public Intoxication	15-041332	10/17/2015	Saturday	PUBLIC INTOXICATION	DRUNK & DISORDERLY	303 E Ledbetter Dr
Warrant-Dallas Pd (Alias)	15-042420	10/25/2015	Sunday	ALIAS/CAPIAS	NOT CODED	303 E Ledbetter Dr
Poss Cont Sub Pen Grp 2-A 2 Oz Or Less	16-040436	9/18/2016	Sunday	NARCOTIC CHARGES	NARCOTICS & DRUGS	303 E Ledbetter Dr
Assault -Fam Viol Offensive Contact Pc 22.01(A)(3)	16-040436	9/18/2016	Sunday	ALL OTHER MC CHARGES	ASSAULT	303 E Ledbetter Dr
Apoww (Social Services Referral)	16-043550	10/9/2016	Sunday	APOWW	NOT CODED	303 E Ledbetter Dr



Z178-353(CY)

**PRIOR CPC ACTION- November 15, 2018**

Z178-353(CY)

**Note: The Commission considered this item individually.**

**Motion:** It was moved to recommend **approval** of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a two-year period, subject to a site plan and conditions on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay, on the northeast side of East Ledbetter Drive, east of South R.L. Thornton Freeway.

Maker: Davis  
Second: Housewright  
Result: Carried: 12 to 0

For: 12 - Rieves, Davis, Shidid, Carpenter, Lewis, Jung,  
Housewright, Schultz, Peadon, Murphy, Ridley,  
Tarpley

Against: 0  
Absent: 1 - West  
Vacancy: 2 - District 3, District 7

**Notices:** Area: 300 Mailed: 10  
**Replies:** For: 0 Against: 1

**Speakers:** For: None  
Against: Dillon Cox, 2901 Indiana Blvd., Dallas, TX, 75226

**List of Officers**

Kash Investors Group, LLC

- Abdul Gilani                      Owner
- Saleem Makani                      Owner

### PROPOSED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

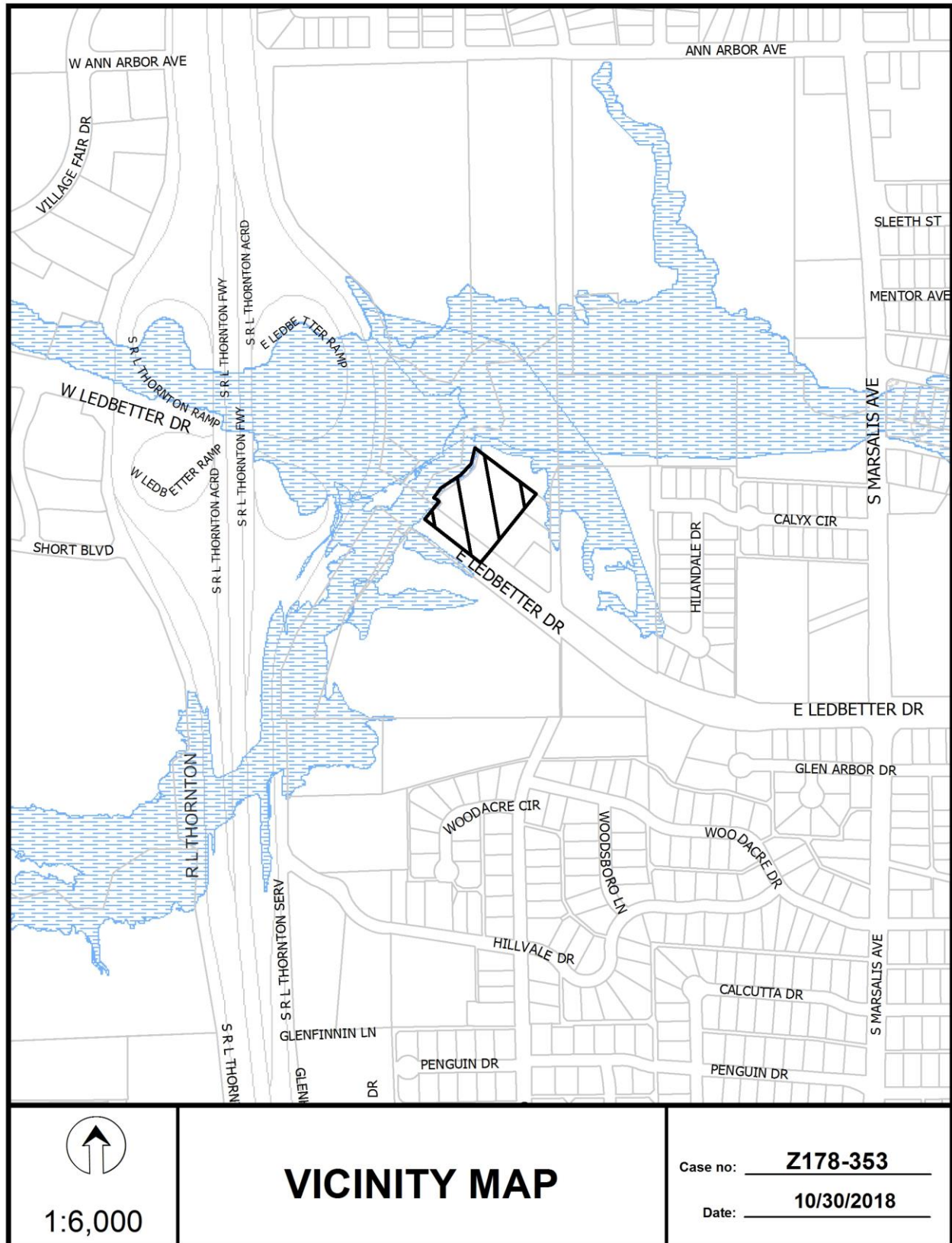
*CPC Recommendation:*

- |  |
|--|
| 3. <u>TIME LIMIT</u> : This specific use permit expires on <u>TWO years from the passage of this ordinance</u> . |
|--|

*Staff Recommendation:*

- |   |
|---|
| 3. <u>TIME LIMIT</u> : This specific use permit expires on (two-year period from the passage of this ordinance) but is eligible for automatic renewal for additional five-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced). |
|---|
4. 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.

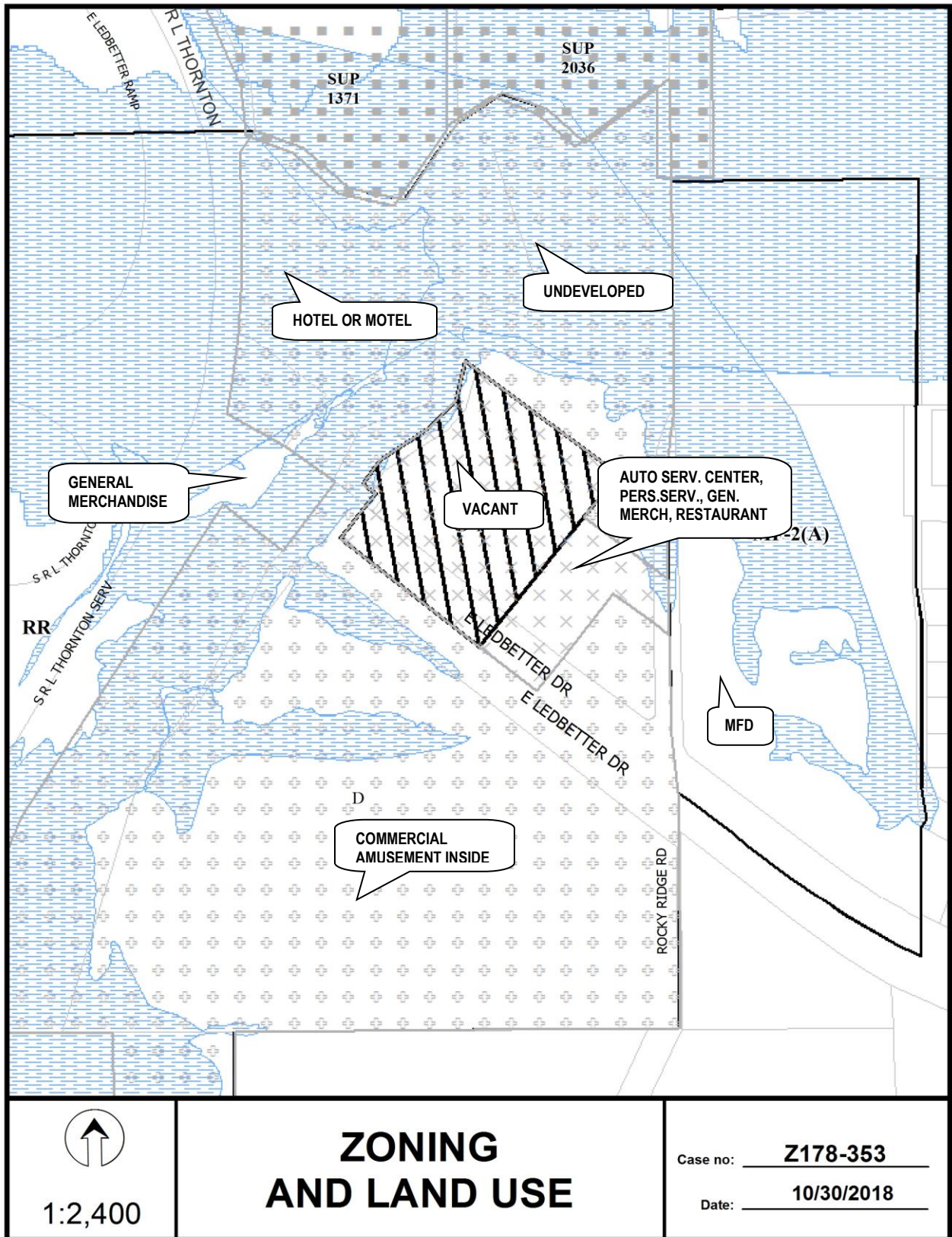












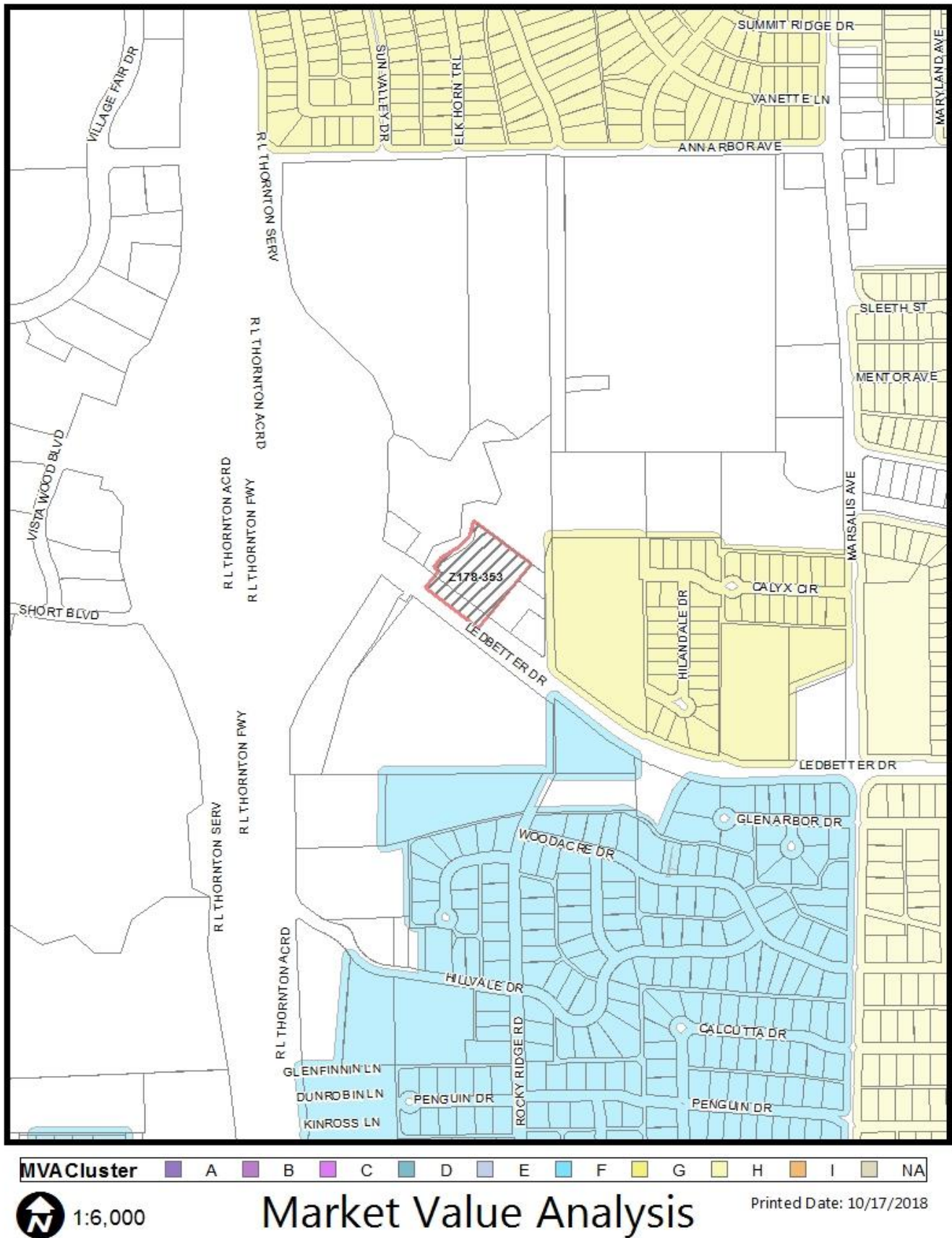


11/14/2018

***Reply List of Property Owners******Z178-353******10 Property Owners Notified******0 Property Owners in Favor******1 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	303 E LEDBETTER DR	RACETRACK PETROLEUM INC
	2	221 E LEDBETTER DR	DALLAS ALISHAH
	3	4610 S R L THORNTON FWY	OAK CLIFF HOSPITALITY LP
	4	337 E LEDBETTER DR	TUGBOAT PROPERTIES INC
	5	423 E LEDBETTER DR	TUGBOAT PROPERTIES INC
	6	337 E LEDBETTER DR	RACETRAC PETROLEUM INC
	7	300 E LEDBETTER DR	BRIZZA INC
	8	200 E LEDBETTER DR	TLC PPTIES INC
X	9	433 E LEDBETTER DR	FIVE MILE FLATS LLC
	10	110 E ANN ARBOR AVE	LIFESCHOOL OF DALLAS DBA LIFESCHOOL









## Agenda Information Sheet

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**File #:** 19-179

**Item #:** 51.

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**STRATEGIC PRIORITY:** Public Safety  
**AGENDA DATE:** February 13, 2019  
**COUNCIL DISTRICT(S):** All  
**DEPARTMENT:** Police Department  
**EXECUTIVE:** Jon Fortune

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### **SUBJECT**

A public hearing to receive comments on the renewal of the Dallas juvenile curfew ordinance, which provides daytime and nighttime curfew hours for minors; and, at the close of the public hearing, consideration of an ordinance amending Chapter 31 of the Dallas City Code to reinstate and continue in effect the Dallas juvenile curfew ordinance - Financing: No cost consideration to the City

### **BACKGROUND**

Enforcement of the Dallas juvenile curfew Ordinance began May 1, 1994. Section 370.002 of the Texas Local Government Code requires that the curfew ordinance be reviewed every three years after conducting public hearings to receive citizen comments on whether the curfew ordinance should be abolished, continued, or modified. The last renewal of the curfew ordinance was approved on November 10, 2015 and became effective January 18, 2016. This ordinance contained both a daytime and nighttime ordinance. *(The daytime curfew hours were added to the juvenile curfew ordinance and became effective on May 18, 2009.)*

The previously authorized juvenile curfew ordinance expired on January 18, 2019. The new proposed curfew ordinance utilizes Community Courts to focus on improving the safety and security for both the juvenile and the community. The Community Courts Program will focus on providing services to juveniles and their parent or guardian. The judge can require juveniles to perform community service and/or attend rehabilitative and educational programs in lieu of a fine.

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

This item was briefed to the Public Safety and Criminal Justice Committee on January 14, 2019.

On January 23, 2019, City Council authorized two public hearings to be held on February 6, 2019 and February 13, 2019 on the renewal of the Dallas juvenile curfew ordinance, which provides daytime and nighttime curfew hours for minors by Resolution No. 19-0224.

**FISCAL INFORMATION**

No cost consideration to the City.

ORDINANCE NO. \_\_\_\_\_

An ordinance reinstating Section 31-33 of Chapter 31, "Offenses - Miscellaneous," of the Dallas City Code, as amended; providing for the continuation of the city's juvenile curfew ordinance as required by state law; continuing daytime and nighttime curfew hours for minors; readopting definitions; continuing and amending provisions for offenses and defenses for minors, parents and guardians of minors, and business establishments violating curfew requirements; continuing and amending provisions for enforcement of curfew requirements by the police department; continuing provisions for waiver by the municipal court of jurisdiction over a minor when required under the Texas Family Code; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date and an expiration date.

WHEREAS, on June 12, 1991, the city council of the city of Dallas adopted Ordinance No. 20966, which added Section 31-33 to the Dallas City Code to establish nighttime curfew hours for minors, which ordinance was amended by Ordinance No. 21309 on June 10, 1992; and

WHEREAS, the city voluntarily delayed enforcement of this juvenile curfew ordinance pending adjudication of a challenge to the ordinance's constitutionality; and

WHEREAS, on August 10, 1992, the United States District Court for the Northern District of Texas permanently enjoined the city from enforcing the juvenile curfew ordinance; on November 19, 1993, the United States Fifth Circuit Court of Appeals overturned the district court's decision and upheld the city's ordinance as constitutional; and in April 1994, the United States Supreme Court declined to review the Fifth Circuit's decision; and Chapter 31 of the Dallas City Code; and

WHEREAS, on May 1, 1994, the city began initial enforcement of the juvenile curfew ordinance; and

WHEREAS, Section 370.002 of the Texas Local Government Code requires that, before the third anniversary of the adoption of a juvenile curfew ordinance and every third year thereafter, the governing body of a home rule city must review the ordinance's effects on the community and on the problems the ordinance was intended to remedy, conduct public hearings on the need to continue the ordinance, and abolish, continue, or modify the ordinance, or else the ordinance will automatically expire; and

WHEREAS, after conducting public hearings on the need to continue the juvenile curfew ordinance, the city council adopted Ordinance No. 23079 (passed April 9, 1997; effective May 1, 1997), Ordinance No. 24235 (passed April 26, 2000; effective May 1, 2000), Ordinance No. 25231 (passed April 9, 2003; effective May 1, 2003), Ordinance No. 26336 (passed April 26, 2006; effective May 1, 2006), and Ordinance No. 27527 (passed April 22, 2009; effective May 1, 2009), each of which readopted and continued in effect the juvenile curfew ordinance establishing nighttime curfew hours for minors; adopted Ordinance No. 27538 (passed May 13, 2009; effective May 18, 2009), which added daytime curfew hours for minors to the juvenile curfew ordinance; and adopted Ordinance No. 28639 (passed April 25, 2012; effective May 1, 2012) and Ordinance No. 29985 (passed January 13, 2016; effective January 18, 2016), which readopted and continued in effect the juvenile curfew ordinance establishing daytime and nighttime curfew hours for minors; and

WHEREAS, although the juvenile curfew ordinance automatically expired on January 18, 2019, the city council has reviewed the ordinance and determined that the daytime and nighttime curfew hours for minors established by the ordinance have had a positive effect on the community by increasing the safety and security of juveniles in the city, which problem the ordinance was intended to remedy; and Chapter 31 of the Dallas City Code; and

WHEREAS, on February 6, 2019 and February 13, 2019, the city council conducted public hearings on the need to continue the juvenile curfew ordinance; and

WHEREAS, the city council has determined that a need exists to continue in effect the juvenile curfew ordinance in order to further the health, safety, and welfare of juveniles, and other persons, residing in or visiting the city of Dallas; Now, Therefore:

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

SECTION 1. That Section 31-33, "Curfew Hours for Minors," of Chapter 31, "Offenses - Miscellaneous," of the Dallas City Code, as amended, is readopted and continued in effect, as restated below, with an amendment to Subsections (b), (d), and (f) to read as follows:

**"SEC. 31-33. CURFEW HOURS FOR MINORS.**

(a) Definitions. In this section:

(1) CURFEW HOURS means:

(A) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day;

(B) 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday; and

(C) 9:00 a.m. until 2:30 p.m. on any Monday, Tuesday, Wednesday, Thursday, or Friday.

(2) EMERGENCY means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a



natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

(3) ESTABLISHMENT means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

(4) GUARDIAN means:

(A) a person who, under court order, is the guardian of the person of a minor; or

(B) a public or private agency with whom a minor has been placed by a court.

(5) IN SESSION means the status of a school during the fall or spring term when students are required to attend the school. A school is not in session during its summer break or during any holiday or other scheduled general student vacation day or part of a day observed by the school.

(6) MINOR means any person under 17 years of age.

(7) OPERATOR means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

(8) PARENT means a person who is:

(A) a natural parent, adoptive parent, or step-parent of another person; or

(B) at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

(9) PUBLIC PLACE means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

(10) REMAIN means to:

(A) linger or stay; or

(B) fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

(11) **SERIOUS BODILY INJURY** means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(b) Offenses.

(1) A minor commits an offense if the minor ~~[he]~~ remains in any public place or on the premises of any establishment within the city during curfew hours.

(2) A parent or guardian of a minor commits an offense if the parent or guardian ~~[he]~~ knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.

(3) The owner, operator, or any employee of an establishment commits an offense if the owner, operator, or employee ~~[he]~~ knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

(c) Defenses.

(1) It is a defense to prosecution under Subsection (b) that the minor was:

(A) accompanied by the minor's parent or guardian;

(B) on an errand at the direction of the minor's parent or guardian, without any detour or stop;

(C) in a motor vehicle involved in interstate travel;

(D) engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;

(E) involved in an emergency;

(F) on the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence, except that this defense does not apply to a violation of the curfew hours described in Subsection (a)(1)(C) of this section;

(G) attending an official school, religious, community engagement, or other recreational activity supervised by adults and sponsored by the city of Dallas, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, community engagement, or other recreational activity supervised by adults and sponsored by the city of Dallas, a civic organization, or another similar entity that takes responsibility for the minor;

(H) exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

(I) married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code.

(2) It is a defense to prosecution under Subsection (b)(3) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

(3) It is a defense to prosecution under Subsection (b) of this section for a violation of the curfew hours described in Subsection (a)(1)(C) that:

(A) the school in which the minor was enrolled or otherwise required to attend was not in session;

(B) the minor was on the premises of the school in which the minor was enrolled or otherwise required to attend;

(C) the minor was participating in a school-approved work study program, or was going to the work study program or returning to home or school from the workstudy program without any detour or stop;

(D) the minor was on a lunch break from a school that permits an open campus lunch and was qualified to participate in the open campus lunch program;

(E) the minor was on an excused absence from the school in which the minor was enrolled or otherwise required to attend and had permission from a school official, or, in the case of a home-schooled minor, from the minor's parent or guardian; or

(F) the minor was a high school graduate or had received a high school equivalency certificate.

(d) Enforcement.

(1) Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall provide a verbal warning and advisement of the juvenile curfew upon first contact with a minor. The officer shall then attempt to contact the minor's parent or guardian and transport the minor home without taking enforcement action. If a minor has been previously contacted on a violation of Subsection (b)(1), the officer shall only issue a citation for an appearance in community court. The officer shall not issue a citation [~~or make an arrest~~] under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in Subsection (c) is present.

(2) A police officer shall not issue a citation to ~~[or arrest]~~ a parent or guardian of a minor for a violation of Subsection (b)(2) of this section ~~[relating to the curfew hours described in Subsection (a)(1)(C)]~~, unless the parent or guardian has, within the same calendar year, received at least two prior written warnings from a police officer for a violation of Subsection (b)(2) that are documented in an incident report ~~[relating to the curfew hours described in Subsection (a)(1)(C)]~~. In calculating the number of warnings received by a parent or guardian in a calendar year, all warnings issued to the parent or guardian that are documented in an incident report will be counted, regardless of whether the warnings relate to the same minor. If, within the same calendar year, the parent or guardian has received two written warnings from a police officer for a violation of Subsection (b)(2) that are documented in an incident report, the officer may only issue a citation for an appearance in community court.

(3) A police officer shall not issue a citation to or arrest an owner, operator, or employee of an establishment for a violation of Subsection (b)(3) of this section ~~[relating to the curfew hours described in Subsection (a)(1)(C)]~~, unless the owner, operator, or employee of the establishment has, within the same calendar year, received at least two prior written warnings from a police officer for a violation of Subsection (b)(3) ~~[relating to the curfew hours described in Subsection (a)(1)(C)]~~. In calculating the number of warnings received by an owner, operator, or employee of an establishment in a calendar year, all warnings issued to the same individual ~~[any owner, operator, or employee of the establishment]~~ will be counted, regardless of whether the warnings relate to the same minor.

(e) Penalties.

(1) A person who violates a provision of this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed \$500.

(2) When required by Section 51.08 of the Texas Family Code, as amended, the municipal court shall waive original jurisdiction over a minor who violates Subsection (b)(1) of this section and shall refer the minor to juvenile court.

(f) Expiration. This section expires on February 18, 2022 ~~[January 18, 2019]~~, unless sooner modified, terminated, or extended by city council ordinance.”

SECTION 2. That Chapter 31 of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance.

SECTION 3. 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 4. That this ordinance will take effect on February 18, 2019.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, Interim City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_

DRAFT