

**MAY 23, 2018 CITY COUNCIL AGENDA  
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Agenda dated May 23, 2018. 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

5/11/18  
Date



Elizabeth Reich  
Chief Financial Officer

5-11-18  
Date



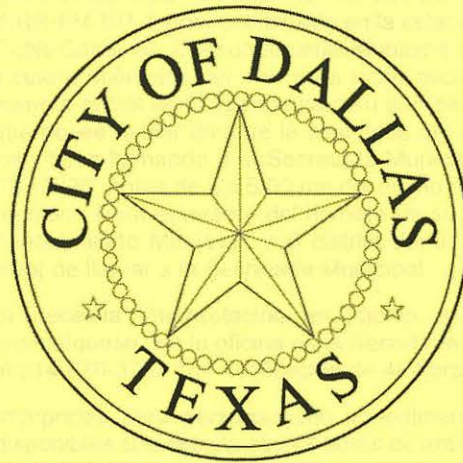




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CITY SECRETARY  
DALLAS, TEXAS



# COUNCIL AGENDA

May 23, 2018  
Date

(For General Information and Rules of Courtesy, Please See Opposite Side.)  
(La Información General Y Reglas De Cortesía Que Deben Observarse  
Durante Las Asambleas Del Consejo Municipal Aparecen En El Lado Opuesto, Favor De Leerlas.)



## **General Information**

The Dallas City Council regularly meets on Wednesdays beginning at 9:00 a.m. in the Council Chambers, 6th floor, City Hall, 1500 Marilla. Council agenda meetings are broadcast live on WRR-FM radio (101.1 FM) and on Time Warner City Cable Channel 16. Briefing meetings are held the first and third Wednesdays of each month. Council agenda (voting) meetings are held on the second and fourth Wednesdays. Anyone wishing to speak at a meeting should sign up with the City Secretary's Office by calling (214) 670-3738 by 5:00 p.m. of the last regular business day preceding the meeting. Citizens can find out the name of their representative and their voting district by calling the City Secretary's Office.

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

Sign interpreters are available upon request with a 48-hour advance notice by calling (214) 670-3738 V/TDD. The City of Dallas is committed to compliance with the Americans with Disabilities Act. **The Council agenda is available in alternative formats upon request.**

If you have any questions about this agenda or comments or complaints about city services, call 311.

## **Rules of Courtesy**

City Council meetings bring together citizens of many varied interests and ideas. To insure fairness and orderly meetings, the Council has adopted rules of courtesy which apply to all members of the Council, administrative staff, news media, citizens and visitors. These procedures provide:

- That no one shall delay or interrupt the proceedings, or refuse to obey the orders of the presiding officer.
- All persons should refrain from private conversation, eating, drinking and smoking while in the Council Chamber.
- Posters or placards must remain outside the Council Chamber.
- No cellular phones or audible beepers allowed in Council Chamber while City Council is in session.

"Citizens and other visitors attending City Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the City Council meeting shall be removed from the room if the sergeant-at-arms is so directed by the presiding officer, and the person shall be barred from further audience before the City Council during that session of the City Council. If the presiding officer fails to act, any member of the City Council may move to require enforcement of the rules, and the affirmative vote of a majority of the City Council shall require the presiding officer to act." Section 3.3(c) of the City Council Rules of Procedure.

## **Información General**

El Ayuntamiento de la Ciudad de Dallas se reúne regularmente los miércoles en la Cámara del Ayuntamiento en el sexto piso de la Alcaldía, 1500 Marilla, a las 9 de la mañana. Las reuniones informativas se llevan a cabo el primer y tercer miércoles del mes. Estas audiencias se transmiten en vivo por la estación de radio WRR-FM 101.1 y por cablevisión en la estación *Time Warner City Cable* Canal 16. El Ayuntamiento Municipal se reúne el segundo y cuarto miércoles del mes para tratar asuntos presentados de manera oficial en la agenda para su aprobación. Toda persona que desee hablar durante la asamblea del Ayuntamiento, debe inscribirse llamando a la Secretaría Municipal al teléfono (214) 670-3738, antes de las 5:00 pm del último día hábil anterior a la reunión. Para enterarse del nombre de su representante en el Ayuntamiento Municipal y el distrito donde usted puede votar, favor de llamar a la Secretaría Municipal.

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

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

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

## **Reglas de Cortesía**

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

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

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



## **Handgun Prohibition Notice for Meetings of 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, MAY 23, 2018  
ORDER OF BUSINESS**

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

9:00 a.m.      **INVOCATION AND PLEDGE OF ALLEGIANCE**

**OPEN MICROPHONE**

**MINUTES**

Item 1

**CONSENT AGENDA**

Items 2 - 34

**ITEMS FOR INDIVIDUAL CONSIDERATION**

No earlier  
than 9:15 a.m.

Items 35 - 42

**PUBLIC HEARINGS AND RELATED ACTIONS**

1:00 p.m.

Items 43 - 53

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







**AGENDA**  
**CITY COUNCIL MEETING**  
**MAY 23, 2018**  
**CITY OF DALLAS**  
**1500 MARILLA STREET**  
**COUNCIL CHAMBERS, CITY HALL**  
**DALLAS, TEXAS 75201**  
**9:00 A.M.**

Invocation and Pledge of Allegiance (Council Chambers)

Agenda Item/Open Microphone Speakers

VOTING AGENDA

1. Approval of Minutes of the May 9, 2018 City Council Meeting

CONSENT AGENDA

**Department of Aviation**

2. Authorize **(1)** the application for and acceptance of two grants from the U.S. Department of Transportation, Federal Aviation Administration (FAA) for the federal share of the eligible capital improvement projects for the Airport Improvement Program (AIP) at Dallas Love Field in a total amount not to exceed \$15,000,000 for three projects: Airfield Pavement Evaluation 2018 Project (Grant No. 3-48-0062-054-2018, CFDA No. 20.106) in the amount of \$1,000,000 and Rehabilitation of Taxiway B Phase II (Runway 13L to Runway 18-36) Construction Project and Reconstruction of Runway 13R to 31L Design Project (Grant No. 3-48-0062-055-2018, CFDA No. 20.106) in an approximate amount of \$14,000,000; **(2)** the establishment of appropriations in an amount not to exceed \$1,000,000 in the FAA AIP Grant-Airfield Pavement Evaluation 2018 Fund and in an amount not to exceed \$14,000,000 in the FAA Grant-Taxiway B Rehab Phase II-Runway 13L to 18-36 Construction and Runway 13R-31L Reconstruction Design Fund; **(3)** the receipt and deposit of grant funds in an amount not to exceed \$1,000,000 in the FAA AIP Grant-Airfield Pavement Evaluation 2018 Fund and in an amount not to exceed \$14,000,000 in the FAA Grant-Taxiway B Rehab Phase II-Runway 13L to 18-36 Construction and Runway 13R-31L Reconstruction Design Fund; and **(4)** execution of the grant agreements - Total not to exceed \$15,000,000 - Financing: Federal Aviation Administration Airport Improvement Program Grant Funds



CONSENT AGENDA (continued)**Department of Aviation** (continued)

3. Authorize **(1)** an Other Transaction Agreement with the Federal Aviation Administration (FAA) to provide Limited Design and Implementation Reimbursable Agreement for analyzing the impact of FAA facilities due to Runway 13R/31L Reconstruction Project at Dallas Love Field; and **(2)** an increase in appropriations in an amount not to exceed \$98,677 in the Aviation Near Term Passenger Facility Charge Fund - Not to exceed \$98,677 - Financing: Aviation Near Term Passenger Facility Charge Funds
4. Authorize **(1)** an Other Transaction Agreement with the Federal Aviation Administration to provide engineering support for the Rehabilitation of Taxiway Bravo Phase II Project at Dallas Love Field; and **(2)** an increase in appropriations in an amount not to exceed \$587,261 in the Aviation Near Term Passenger Facility Charge Fund - Not to exceed \$587,261 - Financing: Aviation Near Term Passenger Facility Charge Funds
5. Authorize **(1)** a construction contract for the Rehabilitation of Taxiway Bravo Phase II Project at Dallas Love Field - Austin Bridge & Road, L.P., lowest responsible bidder of five; and **(2)** the establishment of appropriations in an amount not to exceed \$15,427,000 in the Aviation Near Term Passenger Facility Charge Fund - Not to exceed \$15,427,000 - Financing: Aviation Near Term Passenger Facility Charge Funds
6. Authorize **(1)** Supplemental Agreement No. 3 to the professional services contract with Alliance Geotechnical Group, Inc. to provide construction materials testing for the Rehabilitation of Taxiway Bravo Phase II Project at Dallas Love Field; and **(2)** an increase in appropriations in an amount not to exceed \$344,241 in the Aviation Near Term Passenger Facility Charge Fund - Not to exceed \$344,241, from \$594,068 to \$938,308 - Financing: Aviation Near Term Passenger Facility Charge Funds
7. Authorize **(1)** Supplemental Agreement No. 8 to the professional services contract with Garver, LLC to provide full time services, on-site construction administration and construction observation services for the Rehabilitation of Taxiway Bravo Phase II Project at Dallas Love Field; and **(2)** an increase in appropriations in an amount not to exceed \$1,062,200 in the Aviation Near Term Passenger Facility Charge Fund - Not to exceed \$1,062,200, from \$7,974,004 to \$9,036,204 - Financing: Aviation Near Term Passenger Facility Charge Funds

**Department of Public Works**

8. Authorize **(1)** a Project Specific Agreement with Dallas County for funding participation in the design and construction of paving and drainage improvements for Highland Road from Ferguson Road to Primrose Drive; **(2)** the receipt and deposit of funds from Dallas County in an amount not to exceed \$783,357 for the County's share of the construction cost; and **(3)** an increase in appropriations in an amount not to exceed \$783,357 in the Capital Projects Reimbursement Fund - Not to exceed \$783,357 - Financing: Capital Projects Reimbursement Funds



CONSENT AGENDA (continued)**Department of Public Works** (continued)

9. Authorize Supplemental Agreement No. 4 to the professional services contract with Civil Associates, Inc. for additional engineering services for the planned reconstruction of Holly Hill Drive from Phoenix Drive to Pineland Drive and Phoenix Drive from Fair Oaks Avenue to Holly Hill Drive - Not to exceed \$72,889, from \$385,751 to \$458,640 - Financing: 2012 Bond Funds

**Department of Sustainable Development and Construction**

10. Authorize the **(1)** deposit of the amount awarded by the Special Commissioners' in the condemnation proceedings styled City of Dallas v. Pamela Samantha Keats, et al., Cause No. 98574-CC, pending in Kaufman County Court at Law, to acquire approximately 902,535 square feet of land for right-of-way located in Kaufman County for the Lake Tawakoni 144-inch Pipeline Project; and **(2)** settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$208,700, increased from \$210,700 (\$207,200, plus closing costs and title expenses not to exceed \$3,500) to \$419,400 (\$414,400 being the award, plus closing costs and title expenses not to exceed \$5,000) - Financing: Water Utilities Capital Improvement Funds
11. Authorize a three-year license agreement with University of North Texas for the non-exclusive use of approximately 997 square feet of classroom space located at 1500 Marilla Street, L1EN Room D - Financing: No cost consideration to the City
12. An ordinance granting a private license to DD Dunhill Land, LLC, for the use of a total of approximately 3,487 square feet of land to install, maintain and utilize two sets of wooden stairs, wooden decking, electrical conduit for lighting, canopy with premise sign, two benches, two trash receptacles, sixteen light poles, landscaping and irrigation, eight bollards, metal inlay, fifteen trees, pavement markers, LED button lights and cross texturing on portions of Hi Line Drive and Turtle Creek Boulevard rights-of-way located near their intersection - Revenue: \$7,964 annually and \$1,600 one-time fee, plus the \$20 ordinance publication fee
13. An ordinance granting a revocable license to Murphy Oil USA, Inc., for the use of a total of approximately 3,634 square feet of land to install, occupy, maintain, and utilize twelve trees and irrigation along portions of Shiloh Road and Northwest Highway rights-of-way near their intersection - Revenue: \$400 one-time, plus the \$20 ordinance publication fee
14. An ordinance abandoning a subsurface portion of Ross Avenue and St. Paul Street to Quadrant Saint Paul Owner, LP, the abutting owner, containing approximately 2,012 square feet of land, located near the intersection of Ross Avenue and St. Paul Street; and authorizing the quitclaim - Revenue: \$148,486, plus the \$20 ordinance publication fee



CONSENT AGENDA (continued)**Department of Transportation**

15. Authorize a professional services contract with Freese and Nichols, Inc., most advantageous proposer of seventeen, to provide traffic signal design services for 17 traffic signals at various intersections and other related tasks (list attached) - Not to exceed \$759,398 - Financing: 2017 Bond Funds (\$492,573) and General Funds (\$266,825) (subject to annual appropriations)
16. Authorize a professional services contract with Kimley-Horn and Associates, Inc., most advantageous proposer of seventeen, to provide traffic signal design services for 16 traffic signals at various intersections and other related tasks (list attached) - Not to exceed \$470,500 - Financing: 2017 Bond Funds (\$343,500) and General Funds (\$127,000) (subject to annual appropriations)
17. Authorize a professional services contract with Lee Engineering, LLC, most advantageous proposer of seventeen, to provide traffic signal design services for 20 traffic signals at various intersections, 150 Radar Vehicle Detection Layout sheets, and other related tasks (list attached) - Not to exceed \$714,158 - Financing: 2017 Bond Funds (\$142,500) and General Funds (\$571,658) (subject to annual appropriations)
18. Authorize **(1)** the receipt and deposit of funds in an amount not to exceed \$375,000 from Parks for Downtown Dallas/Pacific Plaza LLC, for material, equipment and labor provided by the City related to the reconstruction of two existing traffic signals on Harwood Street at Live Oak Street and St. Paul Street at Pacific Avenue/Live Oak Street; and **(2)** an increase in appropriations in an amount not to exceed \$375,000 in the Capital Projects Reimbursement Fund - Not to exceed \$375,000 - Financing: Capital Projects Reimbursement Funds
19. Authorize **(1)** the receipt and deposit of funds in an amount not to exceed \$69,611 from RED Development, LLC, for material, equipment and labor provided by the City related to the construction of two new traffic signals on Akard Street at Ashland Street and Field Street at Ashland Street; and a reconstruction of the existing traffic signal on Cedar Springs Road and Field Street; and **(2)** an increase in appropriations in an amount not to exceed \$69,611 in the Capital Projects Reimbursement Fund - Not to exceed \$69,611 - Financing: Capital Projects Reimbursement Funds

**Department of Trinity Watershed Management**

20. An ordinance abandoning a portion of Barber Avenue to the City of Dallas, the abutting owner, containing approximately 15,273 square feet of land, located near its intersection with Mural Lane for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Revenue: \$5,400, plus the \$20 ordinance publication fee



CONSENT AGENDA (continued)**Office of Procurement Services**

21. Authorize a one-year service contract for maintenance and repair of facility backup electrical power generators - LJ Power, Inc., lowest responsible bidder of three - Not to exceed \$111,795 - Financing: General Funds (\$58,400) and Water Utilities Current Funds (\$53,395) (subject to annual appropriations)
22. Authorize a three-year service contract for training, service, and repair of washers/extractors for the Fire-Rescue Department - Gear Cleaning Solutions, LLC, only bidder - Not to exceed \$107,749 - Financing: General Funds (subject to annual appropriations)
23. Authorize a three-year service contract for on-site automotive glass replacement, repair, and window tinting services - Safelite Fulfillment, Inc. in the amount of \$435,311, Terrick Prince dba Abstract Auto Glass in the amount of \$157,150, and Binswanger Glass Co. in the amount of \$109,134, lowest responsible bidder of four - Total not to exceed \$701,595 - Financing: General Funds (\$663,255), Confiscated Monies Funds (\$18,000), Sanitation Current Funds (\$10,300), Water Utilities Current Funds (\$6,275), and Aviation Current Funds (\$3,765) (subject to annual appropriations)
24. Authorize a three-year concession contract, with two one-year renewal options, for a biometric identity verification kiosk system for secure expedited passenger checkpoint access at Dallas Love Field - Alclear, LLC, sole source - Estimated Annual Revenue: \$295,521 (12 percent monthly revenue-share based on all gross revenue and includes a monthly rent fee)
25. Authorize **(1)** an acquisition contract for the purchase and installation of an upgraded digital camera system, digital video recorder, and mapping system for the Dallas Police Department Helicopter Unit in the amount of \$2,096,208; and **(2)** a four-year service contract, with two one-year renewal options, for maintenance, support, warranty, and cloud based video storage for the Dallas Police Department Helicopter Unit in the amount of \$462,518 - CNC Technologies, LLC, only proposer - Total not to exceed \$2,558,726 - Financing: General Funds (\$558,726) (subject to annual appropriations) and U.S. Department of Homeland Security Grant Funds (\$2,000,000)
26. Authorize the sale of one track loader and one dump truck through a public auction on April 18, 2018 to Quality Parts Supply LTD in the amount of \$20,250 and D&M Contractors in the amount of \$41,075, highest bidders - Revenue: \$61,325
27. Authorize Supplemental Agreement No. 1 to increase the service contract with CP&Y, Inc. for maintenance, support and integration of the newly constructed deicing pads, including one deicing control panel, a set of deicing valves, and to integrate the existing Outfall Closure Devices Control Systems at Dallas Love Field and Dallas Executive airports for the Department of Aviation - Not to exceed \$339,052, from \$1,356,216 to \$1,695,268 - Financing: Aviation Current Funds (subject to annual appropriations)



CONSENT AGENDA (continued)**Office of Procurement Services** (continued)

28. Authorize **(1)** Supplemental Agreement No. 3 to increase the service contract for maintenance and support for the Lawson Human Resources Information System software in the amount of \$567,466, from \$1,727,821 to \$2,295,287 and to extend the contract from December 1, 2018 to November 31, 2019; and **(2)** Supplemental Agreement No. 3 to increase the service contract for subscriptions for the Knowledgebase and Case Management systems in the amount of \$429,202, from \$815,954 to \$1,245,156 and to extend the contract from June 1, 2018 to May 31, 2021 - Infor (US), Inc. - Total not to exceed \$996,668, from \$2,543,775 to \$3,540,443 - Financing: General Funds (\$429,202) and Communication and Information Services Current Funds (\$567,466) (subject to annual appropriations)

**Park & Recreation Department**

29. Authorize a three-year Interlocal Agreement with Grand Prairie Independent School District for transportation services - Not to exceed \$822,243 - Financing: General Funds (subject to annual appropriations)
30. Authorize **(1)** a development and funding agreement with Pacific Plaza LLC, Harwood Park LLC, West End Plaza Park LLC, Carpenter Park LLC and Parks for Downtown Dallas (collectively referred to as Developer) for the proposed downtown parks, including Pacific Plaza, Harwood Park, Carpenter Park and West End Plaza; **(2)** land acquisition for West End Plaza in an amount not to exceed \$8,600,000; **(3)** land acquisition for Harwood Park for up to the amount of Developer's purchase price, not to exceed \$11,787,216; **(4)** the City, through its Park and Recreation Department, to use any remaining portion of the City's Pacific Plaza environmental allocation for West End Plaza, Harwood Park, and Carpenter Park; and **(5)** waiving the percentage for public art required by the Public Art Ordinance for the 2017 Bond Funds for Downtown Parks - Not to exceed \$20,387,216 - Financing: 2006 Bond Funds (\$4,429,623) and 2017 Bond Funds (\$15,957,593)
31. Authorize **(1)** acquisition from SHOPCO DEV LLC, of a tract of land containing a total of approximately 65,716 square feet located at 6959 Arapaho Road for a proposed new park; and **(2)** a twenty-year development and maintenance agreement, with two five-year renewal options, with SHOPCO DEV LLC for the new park to be located at 6959 Arapaho Road - Not to exceed \$1,470,000 (\$1,450,000, plus closing costs and title expenses not to exceed \$20,000) - Financing: 2017 Bond Funds
32. Authorize a professional services contract with Alliance Geotechnical Group for engineering inspection and testing services of three family aquatic centers at Kidd Springs Park located at 807 West Canty Street, Lake Highlands North Park located at 9400 Church Road, and Tietze Park located at 2700 Skillman Street - Not to exceed \$201,930 - Financing: Elgin B. Robertson Land Sale Funds



CONSENT AGENDA (continued)

**Park & Recreation Department (continued)**

33. Authorize ratification of a service contract with Janus Signs dba FastSigns SKILLMAN for an additional expenditure for the replacement of the Cotton Bowl Stadium logo sign at Fair Park located at 3809 Grand Avenue - Not to exceed \$37,563, from \$46,940 to \$84,503 - Financing: General Funds

**Water Utilities Department**

34. Authorize **(1)** a first amendment to the advanced funding agreement with Sulphur River Basin Authority, North Texas Municipal Water District, City of Irving, Upper Trinity Regional Water District, and Tarrant Regional Water District to extend the agreement term from May 28, 2018 to August 31, 2018; and **(2)** an increase in funding for the advanced funding agreement with Sulphur River Basin Authority, North Texas Municipal Water District, City of Irving, Upper Trinity Regional Water District, and Tarrant Regional Water District in the amount of \$135,660 - Not to exceed \$135,660, from \$1,800,000 to \$1,935,660 - Financing: Water Utilities Capital Construction Funds

ITEMS FOR INDIVIDUAL CONSIDERATION

**City Secretary's Office**

35. 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)
36. Consideration of appointment to the Dallas Area Rapid Transit Board of Directors for Position 01 and Position 02 (Closed Session, if necessary, Personnel, Sec. 551.074, T.O.M.A.) (Names of nominees in the City Secretary's Office) - Financing: No cost consideration to the City
37. A resolution designating absences by Councilmember Kevin D. Felder as being for "Official City Business" - Financing: No cost consideration to the City

**Department of Sustainable Development and Construction**

38. Authorize an historic preservation tax exemption for Knights of Pythias/Union Bankers Bank located at 2557 Elm Street for a ten-year period on 100 percent of the land and structure value - Revenue Foregone: First year of tax revenue foregone is estimated at \$56,256 for the historic building and \$112,135 for the addition (Estimated revenue foregone over ten years is a total of \$644,917 for the historic building and \$1,285,479 for the addition, for an overall total of \$1,930,414)



ITEMS FOR INDIVIDUAL CONSIDERATION (continued)**Department of Sustainable Development and Construction** (continued)

39. Authorize the assumption of leasehold landlord interests in three commercial business leases and a billboard lease in conjunction with the proposed acquisition of approximately 43,965 square feet of land improved with three commercial businesses and a billboard located near the intersection of Harry Hines Boulevard and Empire Central Drive from McFarlin, LLC, for commercial and aviation related development by Dallas Love Field Airport (This item is a component of the property acquisition item deferred on January 10, 2018; no additional cost consideration in the acquisition price for the assumption of leases) - Estimated Revenue: \$81,781

**Office of Budget**

40. Authorize **(1)** preliminary adoption of the FY 2018-19 HUD Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds in an estimated amount of \$31,021,054 for the following programs and estimated amounts: (a) Community Development Block Grant in the amount of \$14,810,163; (b) HOME Investment Partnerships Program in the amount of \$5,886,901; (c) Emergency Solutions Grant in the amount of \$1,203,874; (d) Housing Opportunities for Persons with AIDS in the amount of \$6,645,116; and (e) estimated Program Income in the amount of \$2,475,000; **(2)** preliminary adoption of the FY 2017-18 Reprogramming Budget in the amount of \$3,323,870; **(3)** an amendment to the five-year Consolidated Plan to extend the covered period by one year, from September 30, 2018 to September 30, 2019; and **(4)** a public hearing to be held on June 13, 2018 to receive comments on the proposed use of funds - Financing: No cost consideration to the City

**Office of Procurement Services**

41. Authorize **(1)** a three-year service contract, with two one-year renewal options, to provide school crossing guard services - All City Management Services, Inc., most advantageous proposer of three in an amount not to exceed \$15,513,600; and **(2)** an increase in appropriations in an amount not to exceed \$200,000 in the Office of Management Services (Office of Strategic Partnerships and Government Affairs) budget from \$29,020,965 to \$29,220,965 - Not to exceed \$15,513,600 - Financing: General Funds (\$15,313,600) (subject to annual appropriations) and Contingency Reserve Funds (\$200,000)

ITEMS FOR FURTHER CONSIDERATION**Department of Sustainable Development and Construction**

42. Authorize acquisition of approximately 43,965 square feet of land located near the intersection of Harry Hines Boulevard and Empire Central Drive from McFarlin, LLC, for commercial and aviation related development by Dallas Love Field Airport - Not to exceed \$2,825,600 (\$2,810,000, plus closing cost and title expenses not to exceed \$15,600) - Financing: Aviation Current Funds (This item was deferred on January 10, 2018)



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

43. A public hearing to receive comments regarding an application for and an ordinance granting an MU-1 Mixed Use District; a resolution accepting deed restrictions volunteered by the applicant; and a resolution terminating existing deed restrictions on property zoned an R-7.5(A) Single Family District and an NS(A) Neighborhood Services District on the east line of North Westmoreland Road, north of West Davis Street  
Recommendation of Staff and CPC: Approval of an MU-1 Mixed Use District, subject to deed restrictions volunteered by the applicant; and approval of the termination of existing deed restrictions  
Z178-158(SM)
44. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a private club-bar and a commercial amusement (inside) limited to a dance hall on property zoned a CS Commercial Service District, on the west line of McCree Road, north of East Northwest Highway  
Recommendation of Staff and CPC: Approval for a three-year period, subject to a site plan and conditions  
Z178-163(SM)
45. A public hearing to receive comments regarding an application for and an ordinance granting an MU-1 Mixed Use District on property zoned an IR Industrial Research District, south of Burgess Boulevard, east of Iberia Avenue  
Recommendation of Staff and CPC: Approval  
Z178-194(CY)

ZONING CASES - INDIVIDUAL

46. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for MF-2 Multiple Family uses on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the southeast corner of Cole Avenue and Armstrong Avenue  
Recommendation of Staff: Approval, subject to a revised development plan, revised landscape plan, and staff's recommended conditions  
Recommendation of CPC: Approval, subject to a development plan, landscape plan, and conditions  
Z167-397(SM)



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

47. A public hearing to receive comments regarding an application for the renewal of Specific Use Permit No. 1696 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 south side of Elm Street, east of North Crowds Street  
Recommendation of Staff: Approval for an 18-month period, subject to conditions  
Recommendation of CPC: Denial without prejudice  
Z178-125(SM)

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

48. A public hearing to receive comments regarding an application for and **(1)** an ordinance granting an amendment to Planned Development District No. 166 to allow a seminary use and a convent or monastery use by Specific Use Permit; **(2)** an ordinance granting a Specific Use Permit for a seminary use and a convent or monastery use; and **(3)** an ordinance terminating Specific Use Permit No. 117 for an Institution of a Religious & Educational Nature on property zoned Planned Development District No. 166 and an R-7.5(A) Single Family District, on the west line of La Prada Drive, south of Blyth Drive  
Recommendation of Staff and CPC: Approval of the amendment to Planned Development District No. 166; approval of a Specific Use Permit for a seminary use and a convent or monastery use for a permanent period, subject to a site plan and conditions; and approval of the termination of Specific Use Permit No. 117  
Z178-146(JM)  
Note: This item was deferred by the City Council before opening the public hearing on April 25, 2018, and is scheduled for consideration on May 23, 2018.
49. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2047 for a vehicle auction and storage use on property zoned Tract IIC within Planned Development District No. 37, on the east corner of Lakefield Boulevard and Sheila Lane  
Recommendation of Staff: Approval for a three-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions  
Recommendation of CPC: Approval for a five-year period, subject to conditions  
Z178-172(SM)  
Note: This item was deferred by the City Council before the opening of the public hearing on April 25, 2018, and is scheduled for consideration on May 23, 2018.



PUBLIC HEARINGS AND RELATED ACTIONS (continued)

## MISCELLANEOUS HEARINGS

**Department of Sustainable Development and Construction**

50. An appeal of the City Plan Commission's decision to deny a waiver of the two-year waiting period to submit an application for an amendment to Planned Development District No. 691, with an MD-1 Modified Delta Overlay and a D Liquor Control Overlay on a portion, on the northwest corner of Greenville Avenue and Lewis Street - W178-005 - Financing: This action has no cost consideration to the City

**Office of Economic Development**

51. A public hearing to receive comments concerning the early renewal and expansion of the Deep Ellum Public Improvement District (the "District"), in accordance with Chapter 372 of the Texas Local Government Code; and, at the close of the public hearing authorize: **(1)** approval of a resolution renewing the Deep Ellum Public Improvement District for a period of seven years and adopting the expanding District boundary; **(2)** approval of a service plan for the District; and **(3)** approval of an extension to the management contract with the Deep Ellum Foundation, a non-profit corporation currently managing the District - Financing: No cost consideration to the City
52. A public hearing to receive comments concerning the renewal of the Prestonwood Public Improvement District (the "District"), in accordance with Chapter 372 of the Texas Local Government Code; and, at the close of the public hearing to authorize: **(1)** approval of a resolution renewing the Prestonwood Public Improvement District for a period of seven years; **(2)** approval of a service plan for the District; and **(3)** approval of an extension to the management contract with the Prestonwood Homeowners Association, a non-profit corporation currently managing the District - Financing: No cost consideration to the City

**Office of Environmental Quality**

53. A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath properties owned by Second Hickory, Ltd., located near the intersection of Canton Street and Trunk Avenue and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to Second Hickory, Ltd., by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City  
Recommendation of Staff: Approval



**Freese and Nichols, Inc. - Traffic Signal Design**  
Agenda Item #15

<b><u>Intersection</u></b>	<b><u>Council District</u></b>
Jefferson Boulevard at Van Buren Avenue	1
Timberline Drive at Webb Chapel Extension	2
Fort Worth Avenue at Pinnacle Park Boulevard	3
Kiest Boulevard at Pierce Street	3
Checota Drive at Masters Drive	5
Masters Drive at Old Seagoville Road/Cushing Drive	5
Masters Drive at Old Seagoville Road (North)	5
Palisade Drive at Prairie Creek Road	5
Pine Street at Second Avenue	7
Abrams Road at Lakeshore Drive	9, 14
Miller Road at Rockwall Road	10
Haverwood Lane at Pear Ridge Drive	12

\*The remaining five traffic signal locations will be determined at a later date.



**Kimley-Horn and Associates, Inc. - Traffic Signal Design**  
Agenda Item #16

<b><u>Intersection</u></b>	<b><u>Council District</u></b>
Eighth Street at Ewing Avenue	1
Pratt Boulevard at Zang Boulevard	1
Cedar Springs Road at Knight Street	2, 14
Cockrell Hill Road at Rock Quarry Road	3, 6
Jefferson Boulevard at Justin Avenue	6
Belt Line Road at Lawson Road	8
Belt Line Road at Seagoville Road	8
Wheatland Road at Willoughby Boulevard/Leigh Ann Drive	8
Abrams Road at Eastridge Drive	9
Audelia Road at Forestridge Drive/McCree Road	10
Ferris Branch Boulevard at Whitehurst Drive	10
Lemmon Avenue at Travis Street	14

\*The remaining four traffic signal locations will be determined at a later date.



**Lee Engineering, LLC - Traffic Signal Design**  
Agenda Item #17

<b><u>Intersection</u></b>	<b><u>Council District</u></b>
Clarendon Drive at Zang Boulevard	1
Crawford Street at Jefferson Boulevard	1
Jefferson Boulevard at Marsalis Avenue	1
Capitol Avenue at Haskell Avenue	2, 14
Cesar Chavez Boulevard at Hickory Street	2
Camp Wisdom Road at Hampton Road	3, 8
Polk Street at Red Bird Lane	3, 4
Beckley Avenue at Clarendon Drive	4
Lake June Road at Masters Drive	5
Forest Lane at Marsh Lane	6, 13
Atlanta Street at Martin Luther King Jr. Boulevard	7
La Prada Drive at Oates Drive	7, 9
Gannon Lane at Westmoreland Road	8
Arapaho Road at Hillcrest Road	11, 2
Fair Oaks Avenue at Pineland Drive	13
Gaston Avenue at Munger Avenue	14

\*The remaining four traffic signal locations will be determined at a later date.



## 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 May 23, 2018

ITEM	IND						DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	
1			All	V	NA	NA	Approval of Minutes of the May 9, 2018 City Council Meeting
2			2	C	AVI	GT	Authorize (1) the application for and acceptance of two grants from the U.S. Department of Transportation, Federal Aviation Administration (FAA) for the federal share of the eligible capital improvement projects for the Airport Improvement Program (AIP) at Dallas Love Field in a total amount not to exceed \$15,000,000 for three projects: Airfield Pavement Evaluation 2018 Project (Grant No. 3-48-0062-054-2018, CFDA No. 20.106) in the amount of \$1,000,000 and Rehabilitation of Taxiway B Phase II (Runway 13L to Runway 18-36) Construction Project and Reconstruction of Runway 13R to 31L Design Project (Grant No. 3-48-0062-055-2018, CFDA No. 20.106) in an approximate amount of \$14,000,000; (2) the establishment of appropriations in an amount not to exceed \$1,000,000 in the FAA AIP Grant-Airfield Pavement Evaluation 2018 Fund and in an amount not to exceed \$14,000,000 in the FAA Grant-Taxiway B Rehab Phase II-Runway 13L to 18-36 Construction and Runway 13R-31L Reconstruction Design Fund; (3) the receipt and deposit of grant funds in an amount not to exceed \$1,000,000 in the FAA AIP Grant-Airfield Pavement Evaluation 2018 Fund and in an amount not to exceed \$14,000,000 in the FAA Grant-Taxiway B Rehab Phase II-Runway 13L to 18-36 Construction and Runway 13R-31L Reconstruction Design Fund; and (4) execution of the grant agreements - Total not to exceed \$15,000,000 - Financing: Federal Aviation Administration Airport Improvement Program Grant Funds
3			2	C	AVI	\$98,676.67	Authorize (1) an Other Transaction Agreement with the Federal Aviation Administration (FAA) to provide Limited Design and Implementation Reimbursable Agreement for analyzing the impact of FAA facilities due to Runway 13R/31L Reconstruction Project at Dallas Love Field; and (2) an increase in appropriations in an amount not to exceed \$98,677 in the Aviation Near Term Passenger Facility Charge Fund - Not to exceed \$98,677 - Financing: Aviation Near Term Passenger Facility Charge Funds
4			2	C	AVI	\$587,260.27	Authorize (1) an Other Transaction Agreement with the Federal Aviation Administration to provide engineering support for the Rehabilitation of Taxiway Bravo Phase II Project at Dallas Love Field; and (2) an increase in appropriations in an amount not to exceed \$587,261 in the Aviation Near Term Passenger Facility Charge Fund - Not to exceed \$587,261 - Financing: Aviation Near Term Passenger Facility Charge Funds
5			2	C	AVI	\$15,427,000.00	Authorize (1) a construction contract for the Rehabilitation of Taxiway Bravo Phase II Project at Dallas Love Field - Austin Bridge & Road, L.P., lowest responsible bidder of five; and (2) the establishment of appropriations in an amount not to exceed \$15,427,000 in the Aviation Near Term Passenger Facility Charge Fund - Not to exceed \$15,427,000 - Financing: Aviation Near Term Passenger Facility Charge Funds
6			2	C	AVI	\$344,240.15	Authorize (1) Supplemental Agreement No. 3 to the professional services contract with Alliance Geotechnical Group, Inc. to provide construction materials testing for the Rehabilitation of Taxiway Bravo Phase II Project at Dallas Love Field; and (2) an increase in appropriations in an amount not to exceed \$344,241 in the Aviation Near Term Passenger Facility Charge Fund - Not to exceed \$344,241, from \$594,068 to \$938,308 - Financing: Aviation Near Term Passenger Facility Charge Funds
7			2	C	AVI	\$1,062,200.00	Authorize (1) Supplemental Agreement No. 8 to the professional services contract with Garver, LLC to provide full time services, on-site construction administration and construction observation services for the Rehabilitation of Taxiway Bravo Phase II Project at Dallas Love Field; and (2) an increase in appropriations in an amount not to exceed \$1,062,200 in the Aviation Near Term Passenger Facility Charge Fund - Not to exceed \$1,062,200, from \$7,974,004 to \$9,036,204 - Financing: Aviation Near Term Passenger Facility Charge Funds
8			9	C	PBW, WTR	GT	Authorize (1) a Project Specific Agreement with Dallas County for funding participation in the design and construction of paving and drainage improvements for Highland Road from Ferguson Road to Primrose Drive; (2) the receipt and deposit of funds from Dallas County in an amount not to exceed \$783,357 for the County's share of the construction cost; and (3) an increase in appropriations in an amount not to exceed \$783,357 in the Capital Projects Reimbursement Fund - Not to exceed \$783,357 - Financing: Capital Projects Reimbursement Funds
9			13	C	PBW	\$72,889.00	Authorize Supplemental Agreement No. 4 to the professional services contract with Civil Associates, Inc. for additional engineering services for the planned reconstruction of Holly Hill Drive from Phoenix Drive to Pineland Drive and Phoenix Drive from Fair Oaks Avenue to Holly Hill Drive - Not to exceed \$72,889, from \$385,751 to \$458,640 - Financing: 2012 Bond Funds



# AGENDA DATE May 23, 2018

ITEM	OK	IND	DISTRICT	TYPE	DEPT.	DOLLARS	DESCRIPTION
#		DEF					
10			Outside	C	DEV, ATT, WTR	\$208,700.00	Authorize the (1) deposit of the amount awarded by the Special Commissioners' in the condemnation proceedings styled City of Dallas v. Pamela Samantha Keats, et al., Cause No. 98574-CC, pending in Kaufman County Court at Law, to acquire approximately 902,535 square feet of land for right-of-way located in Kaufman County for the Lake Tawakoni 144-inch Pipeline Project; and (2) settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$208,700, increased from \$210,700 (\$207,200, plus closing costs and title expenses not to exceed \$3,500) to \$419,400 (\$414,400 being the award, plus closing costs and title expenses not to exceed \$5,000) - Financing: Water Utilities Capital Improvement Funds
11			2	C	DEV, HRD	NC	Authorize a three-year license agreement with University of North Texas for the non-exclusive use of approximately 997 square feet of classroom space located at 1500 Marilla Street, L1EN Room D - Financing: No cost consideration to the City
12			6	C	DEV	REV \$9,564	An ordinance granting a private license to DD Dunhill Land, LLC, for the use of a total of approximately 3,487 square feet of land to install, maintain and utilize two sets of wooden stairs, wooden decking, electrical conduit for lighting, canopy with premise sign, two benches, two trash receptacles, sixteen light poles, landscaping and irrigation, eight bollards, metal inlay, fifteen trees, pavement markers, LED button lights and cross texturing on portions of Hi Line Drive and Turtle Creek Boulevard rights-of-way located near their intersection - Revenue: \$7,964 annually and \$1,600 one-time fee, plus the \$20 ordinance publication fee
13			9	C	DEV	REV \$400	An ordinance granting a revocable license to Murphy Oil USA, Inc., for the use of a total of approximately 3,634 square feet of land to install, occupy, maintain, and utilize twelve trees and irrigation along portions of Shiloh Road and Northwest Highway rights-of-way near their intersection - Revenue: \$400 one-time, plus the \$20 ordinance publication fee
14			14	C	DEV	REV \$148,486	An ordinance abandoning a subsurface portion of Ross Avenue and St. Paul Street to Quadrant Saint Paul Owner, LP, the abutting owner, containing approximately 2,012 square feet of land, located near the intersection of Ross Avenue and St. Paul Street; and authorizing the quitclaim - Revenue: \$148,486, plus the \$20 ordinance publication fee
15			1, 2, 3, 5, 7, 9, 10, 12, 14	C	TRN	\$759,398.00	Authorize a professional services contract with Freese and Nichols, Inc., most advantageous proposer of seventeen, to provide traffic signal design services for 17 traffic signals at various intersections and other related tasks - Not to exceed \$759,398 - Financing: 2017 Bond Funds (\$492,573) and General Funds (\$266,825) (subject to annual appropriations)
16			1, 2, 3, 6, 8, 9, 10, 14	C	TRN	\$470,500.00	Authorize a professional services contract with Kimley-Horn and Associates, Inc., most advantageous proposer of seventeen, to provide traffic signal design services for 16 traffic signals at various intersections and other related tasks - Not to exceed \$470,500 - Financing: 2017 Bond Funds (\$343,500) and General Funds (\$127,000) (subject to annual appropriations)
17			All	C	TRN	\$714,158.00	Authorize a professional services contract with Lee Engineering, LLC, most advantageous proposer of seventeen, to provide traffic signal design services for 20 traffic signals at various intersections, 150 Radar Vehicle Detection Layout sheets, and other related tasks - Not to exceed \$714,158 - Financing: 2017 Bond Funds (\$142,500) and General Funds (\$571,658) (subject to annual appropriations)
18			14	C	TRN	GT	Authorize (1) the receipt and deposit of funds in an amount not to exceed \$375,000 from Parks for Downtown Dallas/Pacific Plaza LLC, for material, equipment and labor provided by the City related to the reconstruction of two existing traffic signals on Harwood Street at Live Oak Street and St. Paul Street at Pacific Avenue/Live Oak Street; and (2) an increase in appropriations in an amount not to exceed \$375,000 in the Capital Projects Reimbursement Fund - Not to exceed \$375,000 - Financing: Capital Projects Reimbursement Funds
19			14	C	TRN	GT	Authorize (1) the receipt and deposit of funds in an amount not to exceed \$69,611 from RED Development, LLC, for material, equipment and labor provided by the City related to the construction of two new traffic signals on Akard Street at Ashland Street and Field Street at Ashland Street; and a reconstruction of the existing traffic signal on Cedar Springs Road and Field Street; and (2) an increase in appropriations in an amount not to exceed \$69,611 in the Capital Projects Reimbursement Fund - Not to exceed \$69,611 - Financing: Capital Projects Reimbursement Funds
20			7	C	TWM	REV \$5,420	An ordinance abandoning a portion of Barber Avenue to the City of Dallas, the abutting owner, containing approximately 15,273 square feet of land, located near its intersection with Mural Lane for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Revenue: \$5,400, plus the \$20 ordinance publication fee



# AGENDA DATE May 23, 2018

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	DESCRIPTION
21			All	C	PBD, FIR, WTR	\$111,795.00	Authorize a one-year service contract for maintenance and repair of facility backup electrical power generators - LJ Power, Inc., lowest responsible bidder of three - Not to exceed \$111,795 - Financing: General Funds (\$58,400) and Water Utilities Current Funds (\$53,395) (subject to annual appropriations)
22			All	C	PBD, FIR	\$107,748.75	Authorize a three-year service contract for training, service, and repair of washers/extractors for the Fire-Rescue Department - Gear Cleaning Solutions, LLC, only bidder - Not to exceed \$107,749 - Financing: General Funds (subject to annual appropriations)
23			All	C	PBD, AVI, EBS, SAN, FIR, PKR, POL, WTR	\$701,594.90	Authorize a three-year service contract for on-site automotive glass replacement, repair, and window tinting services - Safelite Fulfillment, Inc. in the amount of \$435,311, Terrick Prince dba Abstract Auto Glass in the amount of \$157,150, and Binswanger Glass Co. in the amount of \$109,134, lowest responsible bidder of four - Total not to exceed \$701,595 - Financing: General Funds (\$663,255), Confiscated Monies Funds (\$18,000), Sanitation Current Funds (\$10,300), Water Utilities Current Funds (\$6,275), and Aviation Current Funds (\$3,765) (subject to annual appropriations)
24			2	C	PBD, AVI	REV \$295,520.28	Authorize a three-year concession contract, with two one-year renewal options, for a biometric identity verification kiosk system for secure expedited passenger checkpoint access at Dallas Love Field - Alclear, LLC, sole source - Estimated Annual Revenue: \$295,521 (12 percent monthly revenue-share based on all gross revenue and includes a monthly rent fee)
25			All	C	PBD, POL, OEM	\$558,725.54	Authorize (1) an acquisition contract for the purchase and installation of an upgraded digital camera system, digital video recorder, and mapping system for the Dallas Police Department Helicopter Unit in the amount of \$2,096,208; and (2) a four-year service contract, with two one-year renewal options, for maintenance, support, warranty, and cloud based video storage for the Dallas Police Department Helicopter Unit in the amount of \$462,518 - CNC Technologies, LLC, only proposer - Total not to exceed \$2,558,726 - Financing: General Funds (\$558,726) (subject to annual appropriations) and U.S. Department of Homeland Security Grant Funds (\$2,000,000)
26			N/A	C	PBD, EBS	REV \$61,325	Authorize the sale of one track loader and one dump truck through a public auction on April 18, 2018 to Quality Parts Supply LTD in the amount of \$20,250 and D&M Contractors in the amount of \$41,075, highest bidders - Revenue: \$61,325
27			2, 3	C	PBD, AVI	\$339,052.00	Authorize Supplemental Agreement No. 1 to increase the service contract with CP&Y, Inc. for maintenance, support and integration of the newly constructed deicing pads, including one deicing control panel, a set of deicing valves, and to integrate the existing Outfall Closure Devices Control Systems at Dallas Love Field and Dallas Executive airports for the Department of Aviation - Not to exceed \$339,052, from \$1,356,216 to \$1,695,268 - Financing: Aviation Current Funds (subject to annual appropriations)
28			All	C	PBD, CIS	\$996,667.08	Authorize (1) Supplemental Agreement No. 3 to increase the service contract for maintenance and support for the Lawson Human Resources Information System software in the amount of \$567,466, from \$1,727,821 to \$2,295,287 and to extend the contract from December 1, 2018 to November 31, 2019; and (2) Supplemental Agreement No. 3 to increase the service contract for subscriptions for the Knowledgebase and Case Management systems in the amount of \$429,202, from \$815,954 to \$1,245,156 and to extend the contract from June 1, 2018 to May 31, 2021 - Infor (US), Inc. - Total not to exceed \$996,668, from \$2,543,775 to \$3,540,443 - Financing: General Funds (\$429,202) and Communication and Information Services Current Funds (\$567,466) (subject to annual appropriations)
29			All	C	PKR	\$822,243.00	Authorize a three-year Interlocal Agreement with Grand Prairie Independent School District for transportation services - Not to exceed \$822,243 - Financing: General Funds (subject to annual appropriations)
30			2, 14	C	PKR, PBW	\$20,387,216.00	Authorize (1) a development and funding agreement with Pacific Plaza LLC, Harwood Park LLC, West End Plaza Park LLC, Carpenter Park LLC and Parks for Downtown Dallas (collectively referred to as Developer) for the proposed downtown parks, including Pacific Plaza, Harwood Park, Carpenter Park and West End Plaza; (2) land acquisition for West End Plaza in an amount not to exceed \$8,600,000; (3) land acquisition for Harwood Park for up to the amount of Developer's purchase price, not to exceed \$11,787,216; (4) the City, through its Park and Recreation Department, to use any remaining portion of the City's Pacific Plaza environmental allocation for West End Plaza, Harwood Park, and Carpenter Park; and (5) waiving the percentage for public art required by the Public Art Ordinance for the 2017 Bond Funds for Downtown Parks - Not to exceed \$20,387,216 - Financing: 2006 Bond Funds (\$4,429,623) and 2017 Bond Funds (\$15,957,593)



# AGENDA DATE May 23, 2018

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	DESCRIPTION
31			12	C	PKR	\$1,470,000.00	Authorize (1) acquisition from SHOPCO DEV LLC, of a tract of land containing a total of approximately 65,716 square feet located at 6959 Arapaho Road for a proposed new park; and (2) a twenty-year development and maintenance agreement, with two five-year renewal options, with SHOPCO DEV LLC for the new park to be located at 6959 Arapaho Road - Not to exceed \$1,470,000 (\$1,450,000, plus closing costs and title expenses not to exceed \$20,000) - Financing: 2017 Bond Funds
32			1, 10, 14	C	PKR	\$201,930.00	Authorize a professional services contract with Alliance Geotechnical Group for engineering inspection and testing services of three family aquatic centers at Kidd Springs Park located at 807 West Canty Street, Lake Highlands North Park located at 9400 Church Road, and Tietze Park located at 2700 Skillman Street - Not to exceed \$201,930 - Financing: Elgin B. Robertson Land Sale Funds
33			7	C	PKR	GT	Authorize ratification of a service contract with Janus Signs dba FastSigns SKILLMAN for an additional expenditure for the replacement of the Cotton Bowl Stadium logo sign at Fair Park located at 3809 Grand Avenue - Not to exceed \$37,563, from \$46,940 to \$84,503 - Financing: General Funds
34			All	C	WTR	\$135,660.00	Authorize (1) a first amendment to the advanced funding agreement with Sulphur River Basin Authority, North Texas Municipal Water District, City of Irving, Upper Trinity Regional Water District, and Tarrant Regional Water District to extend the agreement term from May 28, 2018 to August 31, 2018; and (2) an increase in funding for the advanced funding agreement with Sulphur River Basin Authority, North Texas Municipal Water District, City of Irving, Upper Trinity Regional Water District, and Tarrant Regional Water District in the amount of \$135,660 - Not to exceed \$135,660, from \$1,800,000 to \$1,935,660 - Financing: Water Utilities Capital Construction Funds
35			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)
36			N/A	I	SEC	NC	Consideration of appointment to the Dallas Area Rapid Transit Board of Directors for Position 01 and Position 02 (Closed Session, if necessary, Personnel, Sec. 551.074, T.O.M.A.) (Names of nominees in the City Secretary's Office) - Financing: No cost consideration to the City
37			N/A	I	SEC	NC	A resolution designating absences by Councilmember Kevin D. Felder as being for "Official City Business" - Financing: No cost consideration to the City
38			2	I	DEV	REV \$-1,930,414	Authorize an historic preservation tax exemption for Knights of Pythias/Union Bankers Bank located at 2557 Elm Street for a ten-year period on 100 percent of the land and structure value - Revenue Foregone: First year of tax revenue foregone is estimated at \$56,256 for the historic building and \$112,135 for the addition (Estimated revenue foregone over ten years is a total of \$644,917 for the historic building and \$1,285,479 for the addition, for an overall total of \$1,930,414)
39			2	I	DEV, AVI	REV \$81,781	Authorize the assumption of leasehold landlord interests in three commercial business leases and a billboard lease in conjunction with the proposed acquisition of approximately 43,965 square feet of land improved with three commercial businesses and a billboard located near the intersection of Harry Hines Boulevard and Empire Central Drive from McFarlin, LLC, for commercial and aviation related development by Dallas Love Field Airport (This item is a component of the property acquisition item deferred on January 10, 2018; no additional cost consideration in the acquisition price for the assumption of leases) - Estimated Revenue: \$81,781
40			N/A	I	OFS	NC	Authorize (1) preliminary adoption of the FY 2018-19 HUD Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds in an estimated amount of \$31,021,054 for the following programs and estimated amounts: (a) Community Development Block Grant in the amount of \$14,810,163; (b) HOME Investment Partnerships Program in the amount of \$5,886,901; (c) Emergency Solutions Grant in the amount of \$1,203,874; (d) Housing Opportunities for Persons with AIDS in the amount of \$6,645,116; and (e) estimated Program Income in the amount of \$2,475,000; (2) preliminary adoption of the FY 2017-18 Reprogramming Budget in the amount of \$3,323,870; (3) an amendment to the five-year Consolidated Plan to extend the covered period by one year, from September 30, 2018 to September 30, 2019; and (4) a public hearing to be held on June 13, 2018 to receive comments on the proposed use of funds - Financing: No cost consideration to the City



# AGENDA DATE May 23, 2018

ITEM	OK	IND	DISTRICT	TYPE	DEPT.	DOLLARS	DESCRIPTION
41			All	I	PBD, CMO, IGS	\$15,513,600.00	Authorize (1) a three-year service contract, with two one-year renewal options, to provide school crossing guard services - All City Management Services, Inc., most advantageous proposer of three in an amount not to exceed \$15,513,600; and (2) an increase in appropriations in an amount not to exceed \$200,000 in the Office of Management Services (Office of Strategic Partnerships and Government Affairs) budget from \$29,020,965 to \$29,220,965 - Not to exceed \$15,513,600 - Financing: General Funds (\$15,313,600) (subject to annual appropriations) and Contingency Reserve Funds (\$200,000)
42			2	I	DEV, AVI	\$2,825,600.00	Authorize acquisition of approximately 43,965 square feet of land located near the intersection of Harry Hines Boulevard and Empire Central Drive from McFarlin, LLC, for commercial and aviation related development by Dallas Love Field Airport - Not to exceed \$2,825,600 (\$2,810,000, plus closing cost and title expenses not to exceed \$15,600) - Financing: Aviation Current Funds (This item was deferred on January 10, 2018)
43			1	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting an MU-1 Mixed Use District; a resolution accepting deed restrictions volunteered by the applicant; and a resolution terminating existing deed restrictions on property zoned an R-7.5(A) Single Family District and an NS(A) Neighborhood Services District on the east line of North Westmoreland Road, north of West Davis Street
44			9	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a private club-bar and a commercial amusement (inside) limited to a dance hall on property zoned a CS Commercial Service District, on the west line of McCree Road, north of East Northwest Highway
45			6	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting an MU-1 Mixed Use District on property zoned an IR Industrial Research District, south of Burgess Boulevard, east of Iberia Avenue
46			14	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for MF-2 Multiple Family uses on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the southeast corner of Cole Avenue and Armstrong Avenue
47			2	PH	DEV	NC	A public hearing to receive comments regarding an application for the renewal of Specific Use Permit No. 1696 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 south side of Elm Street, east of North Crowds Street
48			7	PH	DEV	NC	A public hearing to receive comments regarding an application for and (1) an ordinance granting an amendment to Planned Development District No. 166 to allow a seminary use and a convent or monastery use by Specific Use Permit; (2) an ordinance granting a Specific Use Permit for a seminary use and a convent or monastery use; and (3) an ordinance terminating Specific Use Permit No. 117 for an Institution of a Religious & Educational Nature on property zoned Planned Development District No. 166 and an R-7.5(A) Single Family District, on the west line of La Prada Drive, south of Blyth Drive
49			2	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2047 for a vehicle auction and storage use on property zoned Tract IIC within Planned Development District No. 37, on the east corner of Lakefield Boulevard and Sheila Lane
50			14	PH	DEV	NC	An appeal of the City Plan Commission's decision to deny a waiver of the two-year waiting period to submit an application for an amendment to Planned Development District No. 691, with an MD-1 Modified Delta Overlay and a D Liquor Control Overlay on a portion, on the northwest corner of Greenville Avenue and Lewis Street - W178-005 - Financing: This action has no cost consideration to the City
51			2, 7, 14	PH	ECO	NC	A public hearing to receive comments concerning the early renewal and expansion of the Deep Ellum Public Improvement District (the "District"), in accordance with Chapter 372 of the Texas Local Government Code; and, at the close of the public hearing authorize: (1) approval of a resolution renewing the Deep Ellum Public Improvement District for a period of seven years and adopting the expanding District boundary; (2) approval of a service plan for the District; and (3) approval of an extension to the management contract with the Deep Ellum Foundation, a non-profit corporation currently managing the District - Financing: No cost consideration to the City



**AGENDA DATE**      May 23, 2018

ITEM		IND					
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	DESCRIPTION
52			12	PH	ECO	NC	A public hearing to receive comments concerning the renewal of the Prestonwood Public Improvement District (the "District"), in accordance with Chapter 372 of the Texas Local Government Code; and, at the close of the public hearing to authorize: (1) approval of a resolution renewing the Prestonwood Public Improvement District for a period of seven years; (2) approval of a service plan for the District; and (3) approval of an extension to the management contract with the Prestonwood Homeowners Association, a non-profit corporation currently managing the District - Financing: No cost consideration to the City
53			2	PH	OEQ	NC	A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath properties owned by Second Hickory, Ltd., located near the intersection of Canton Street and Trunk Avenue and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to Second Hickory, Ltd., by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City

**TOTAL    \$63,916,854.36**











## AGENDA ITEM # 2

### STRATEGIC PRIORITY:

Mobility Solutions, Infrastructure, and Sustainability

### AGENDA DATE:

May 23, 2018

### COUNCIL DISTRICT(S):

2

### DEPARTMENT:

Department of Aviation

### CMO:

Jody Puckett, 670-3390

### MAPSCO:

33D H; 34A E F J K

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### SUBJECT

Authorize **(1)** the application for and acceptance of two grants from the U.S. Department of Transportation, Federal Aviation Administration (FAA) for the federal share of the eligible capital improvement projects for the Airport Improvement Program (AIP) at Dallas Love Field in a total amount not to exceed \$15,000,000 for three projects: Airfield Pavement Evaluation 2018 Project (Grant No. 3-48-0062-054-2018, CFDA No. 20.106) in the amount of \$1,000,000 and Rehabilitation of Taxiway B Phase II (Runway 13L to Runway 18-36) Construction Project and Reconstruction of Runway 13R to 31L Design Project (Grant No. 3-48-0062-055-2018, CFDA No. 20.106) in an approximate amount of \$14,000,000; **(2)** the establishment of appropriations in an amount not to exceed \$1,000,000 in the FAA AIP Grant-Airfield Pavement Evaluation 2018 Fund and in an amount not to exceed \$14,000,000 in the FAA Grant-Taxiway B Rehab Phase II-Runway 13L to 18-36 Construction and Runway 13R-31L Reconstruction Design Fund; **(3)** the receipt and deposit of grant funds in an amount not to exceed \$1,000,000 in the FAA AIP Grant-Airfield Pavement Evaluation 2018 Fund and in an amount not to exceed \$14,000,000 in the FAA Grant-Taxiway B Rehab Phase II-Runway 13L to 18-36 Construction and Runway 13R-31L Reconstruction Design Fund; and **(4)** execution of the grant agreements - Total not to exceed \$15,000,000 - Financing: Federal Aviation Administration Airport Improvement Program Grant Funds

### BACKGROUND

As part of the FAA AIP, all large and medium hub airports (Dallas Love Field is considered a medium hub) are apportioned grants to airports annually based on annual passenger enplanements. These grant funds are referred to as Entitlement Grants. Preliminary notification from the FAA indicates that Dallas Love Field's allocated share of Entitlement Grant Funds for Federal Fiscal Year 2018 is approximately \$2,600,000. FAA Entitlement Grant funds may pay for airfield, taxiway, runway improvement projects and other eligible projects included in the Dallas Love Field Master Plan. Dallas Love Field has consistently received FAA Entitlement Grants annually.



## **BACKGROUND** (continued)

The FAA has allocated additional FAA Discretionary Grant funds in this year's FAA disbursement for eligible projects at Dallas Love Field. Discretionary Grant Funds are issued by the FAA for specific projects as funds become available. FAA Entitlement Grants and Discretionary Grants are expected to be available in June or July 2018.

Approval of this action to accept the Federal Fiscal Year 2018 Entitlement and Discretionary Grants in advance, enables the Department of Aviation to react quickly and take advantage of any FAA funding opportunities as they become available.

### **Airfield Pavement Evaluation**

The FAA requires Dallas Love Field maintains a Pavement Management Program (PMP). The selection of an engineering firm to perform pavement condition analysis is an integral part of the PMP.

### **Rehabilitate Taxiway B – Phase II**

The existing pavement on Taxiway Bravo was assessed in a 2015 Airfield Pavement Condition Survey. The recommendation in the survey was reconstruction. In addition, the existing airfield drainage needs to be upgraded to conform to current standards. This portion of the project will be construction.

### **Reconstruct Runway 13R/31L**

A project to reconstruct the existing runway. The 2015 Airfield Pavement Condition Survey shows the runway pavement needs to be reconstructed soon. This portion of the project will be engineering design.

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

On March 26, 2014, City Council authorized a professional services contract with Kimley-Horn and Associates, Inc. to provide engineering services for the Runway, Taxiway and Apron Airfield Pavement Evaluation Project at Dallas Love Field by Resolution No. 14-0511.

On March 25, 2015, City Council authorized a professional services contract with Garver, LLC for engineering services for design and construction documents for the Pavement Rehabilitation and Reconstruction Project at Dallas Love Field by Resolution No. 15-0491.

On September 14, 2016, City Council authorized a construction contract with EAS Contracting, L.P to provide construction services for the Airfield Pavement Repairs Project at Dallas Love Field by Resolution No. 16-1511.



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

On September 14, 2016, City Council authorized Supplemental Agreement No. 2 to the professional services contract with Garver, LLC to provide full time on-site construction administration and management services for the Airfield Pavement Repairs Project at Dallas Love Field by Resolution No. 16-1512.

On September 28, 2016, City Council authorized Supplemental Agreement No. 3 to the professional services contract with Garver, LLC to provide full-time, on-site construction administration and construction observation services for the Taxiway Echo Intersections Improvements and Taxiway Bravo Rehabilitation Projects at Dallas Love Field by Resolution No. 16-1581.

On March 22, 2017, City Council authorized Supplemental Agreement No. 4 to the professional services contract with Garver, LLC for design, planning, engineering and construction document services for the Love Field Pavement Rehabilitation and Reconstruction Project, Taxiway Bravo Phase II and Taxiway Mike Phase II at Dallas Love Field by Resolution No. 17-0475.

On August 23, 2017, City Council authorized the acceptance of a grant from the U.S. Department of Transportation Federal Aviation Administration (Grant No. 3-48-0062-053-2017/CFDA No. 20.106) for the federal share of the eligible capital improvement projects for the Airport Improvement Program at Dallas Love Field for the Extension of Taxiway M Design Project and construction for the Runway 18-36 Conversion Project by Resolution No. 17-1364.

On April 25, 2018, City Council authorized a professional services contract with HNTB Corporation for design, planning, engineering and construction document services for the Runway 13R/31L Reconstruction Project at Dallas Love Field by Resolution No. 18-0598.

On April 25, 2018, City Council authorized Supplemental Agreement No. 6 to the professional services contract with Garver, LLC for design, planning, engineering and construction document services for the Love Field Pavement Rehabilitation and Reconstruction Project, Taxiway Bravo Rehabilitation Project Phases III and IV at Dallas Love Field by Resolution No. 18-0599.

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on May 14, 2018.

## **FISCAL INFORMATION**

Federal Aviation Administration Airport Improvement Program Grant Funds - \$15,000,000







May 23, 2018

**WHEREAS**, the Federal Aviation Administration (FAA) through the Airport Improvement Program (AIP) has indicated that the following Dallas Love Field Projects: Construction for Rehabilitation of Taxiway B - Phase II (Runway 13L to 18-36), Construction for Extension of Taxiway M from Runway 13L to Taxiway D, Design for Reconstruction of Runway 13R-31L and Professional Services for Airfield Pavement Evaluation are eligible for federal funding from the FAA; and

**WHEREAS**, on March 26, 2014, City Council authorized a professional services contract with Kimley-Horn and Associates, Inc. to provide engineering services for the Runway, Taxiway and Apron Airfield Pavement Evaluation Project at Dallas Love Field, in an amount not to exceed \$1,270,000.00, by Resolution No. 14-0511; and

**WHEREAS**, on March 25, 2015, City Council authorized a professional services contract with Garver, LLC for engineering services for design and construction documents for the Pavement Rehabilitation and Reconstruction Project at Dallas Love Field, in an amount not to exceed \$1,323,890.00, by Resolution No. 15-0491; and

**WHEREAS**, on April 20, 2015, Administrative Action No. 15-5908 authorized Supplemental Agreement No. 1 to the professional services contract with Kimley-Horn and Associates, Inc. to extend the contract terms for the Pavement Rehabilitation and Reconstruction Project at Dallas Love Field by nine months, from March 31, 2015 to December 31, 2015; and

**WHEREAS**, on October 23, 2015, Administrative Action No. 15-7086 authorized Supplemental Agreement No. 1 to the professional services contract with Garver, LLC to complete a field investigation and prepare construction documents for isolated full-depth concrete repairs on the airfield at Dallas Love Field, in an amount not to exceed \$48,840.00, from \$1,323,890.00 to \$1,372,730.00; and

**WHEREAS**, on September 14, 2016, City Council authorized a construction contract with EAS Contracting, L.P to provide construction services for the Airfield Pavement Repairs Project at Dallas Love Field, in an amount not to exceed \$934,572.69, by Resolution No. 16-1511; and

**WHEREAS**, on September 14, 2016, City Council authorized Supplemental Agreement No. 2 to the professional services contract with Garver, LLC to provide full time on-site construction administration and management services for the Airfield Pavement Repairs Project at Dallas Love Field, in an amount not to exceed \$314,464.00, from \$1,372,730.00 to \$1,687,194.00, by Resolution No. 16-1512; and



May 23, 2018

**WHEREAS**, on September 28, 2016, City Council authorized Supplemental Agreement No. 3 to the professional services contract with Garver, LLC to provide full-time, on-site construction administration and construction observation services for the Taxiway Echo Intersections Improvements and Taxiway Bravo Rehabilitation Projects at Dallas Love Field, in an amount not to exceed \$1,769,340.00, from \$1,687,194.00 to \$3,456,534.00, by Resolution No. 16-1581; and

**WHEREAS**, on March 22, 2017, City Council authorized Supplemental Agreement No. 4 to the professional services contract with Garver, LLC for design, planning, engineering and construction document services for the Love Field Pavement Rehabilitation and Reconstruction Project, Taxiway Bravo Phase II and Taxiway Mike Phase II at Dallas Love Field, in an amount not to exceed \$1,737,770.00, from \$3,456,534.00 to \$5,194,304.00, by Resolution No. 17-0475; and

**WHEREAS**, on June 21, 2017, Administrative Action No. 17-0812 authorized Supplemental Agreement No. 5 to the professional services contract with Garver, LLC for additional design services to accommodate the request of the FAA to change the design plans to keep Taxiway E open to aircraft traffic and to move the new runway connector to a new location at Dallas Love Field, in an amount not to exceed \$24,200.00, from \$5,194,304.00 to \$5,218,504.00; and

**WHEREAS**, on August 23, 2017, City Council authorized the acceptance of a grant from the U.S. Department of Transportation Federal Aviation Administration (Grant No. 3-48-0062-053-2017/CFDA No. 20.106) for the federal share of the eligible capital improvement projects for the Airport Improvement Program at Dallas Love Field for the Extension of Taxiway M Design Project and construction for the Runway 18-36 Conversion Project, in an amount not to exceed \$1,617,738.00, by Resolution No. 17-1364; and

**WHEREAS**, on April 25, 2018, City Council authorized a professional services contract with HNTB Corporation for design, planning, engineering and construction document services for the Runway 13R/31L Reconstruction Project at Dallas Love Field, in an amount not to exceed \$5,096,677.00, by Resolution No. 18-0598; and

**WHEREAS**, on April 25, 2018, City Council authorized Supplemental Agreement No. 6 to the professional services contract with Garver, LLC for design, planning, engineering and construction document services for the Love Field Pavement Rehabilitation and Reconstruction Project, Taxiway Bravo Rehabilitation Project Phases III and IV at Dallas Love Field, in an amount not to exceed \$2,755,500.00, from \$5,218,504.00 to \$7,974,004.00; and

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



May 23, 2018

**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 two grants from the U.S. Department of Transportation, Federal Aviation Administration, approved as to form by the City Attorney, for the federal share of the eligible capital improvement projects for the Airport Improvement Program at Dallas Love Field in a total amount not to exceed \$15,000,000 for three projects: Airfield Pavement Evaluation 2018 Project (Grant No. 3-48-0062-054-2018, CFDA No. 20.106) in the amount of \$1,000,000 and Rehabilitation of Taxiway B Phase II (Runway 13L to Runway 18-36) Construction Project and Reconstruction of Runway 13R to 31L Design Project (Grant No. 3-48-0062-055-2018, CFDA No. 20.106) in an approximate amount of \$14,000,000; apply for and accept future increases in the project cost when approved by both the City and the FAA; and execute the grant agreements with the U.S. Department of Transportation, Federal Aviation Administration.

**SECTION 2.** That the City Manager is hereby authorized to establish appropriations in an amount not to exceed \$1,000,000 in the FAA AIP Grant-Airfield Pavement Evaluation 2018 Fund, Fund F549, Department AVI, Unit D012, Object 4599.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to receive and deposit funds in an amount not to exceed \$1,000,000 in the FAA AIP Grant-Airfield Pavement Evaluation 2018 Fund, Fund F549, Department AVI, Unit D012, Revenue Code 9907.

**SECTION 4.** That the Chief Financial Officer is hereby authorized to disburse grant funds in an amount not to exceed \$1,000,000 from the FAA AIP Grant-Airfield Pavement Evaluation 2018 Fund, Fund F549, Department AVI, Unit D012, Object 4599.

**SECTION 5.** That the City Manager is hereby authorized to establish appropriations in an amount not to exceed \$14,000,000 in the following:

FAA Grant-Taxiway B Rehab Phase II-Runway 13L to 18-36 Construction and Runway 13R-31L Reconstruction Design Fund  
Taxiway B Rehab Phase II-Runway 13L to 18-36 Construction  
Fund F550, Department AVI, Unit W121, Object 4599

Runway 13R-31L Reconstruction Design  
Fund F550, Department AVI, Unit D019, Object 4599



May 23, 2018

**SECTION 6.** That the Chief Financial Officer is hereby authorized to receive and deposit funds in an amount not to exceed \$14,000,000 in the following:

FAA Grant-Taxiway B Rehab Phase II-Runway 13L to 18-36 Construction and Runway 13R-31L Reconstruction Design Fund  
Taxiway B Rehab Phase II-Runway 13L to 18-36 Construction  
Fund F550, Department AVI, Unit W121, Revenue Code 9907

Runway 13R-31L Reconstruction Design  
Fund F550, Department AVI, Unit D019, Revenue Code 9907

**SECTION 7.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$14,000,000 from the following:

FAA Grant-Taxiway B Rehab Phase II-Runway 13L to 18-36 Construction and Runway 13R-31L Reconstruction Design Fund  
Taxiway B Rehab Phase II-Runway 13L to 18-36 Construction  
Fund F550, Department AVI, Unit W121, Object 4599

Runway 13R-31L Reconstruction Design  
Fund F550, Department AVI, Unit D019, Object 4599

**SECTION 8.** That the City Manager is hereby authorized to reimburse to the granting agency any expenditure identified as ineligible. The City Manager shall notify the appropriate City Council Committee of expenditures identified as ineligible not later than 30 days after the reimbursement.

**SECTION 9.** 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 10.** That the contract for the FAA AIP Grant-Airfield Pavement Evaluation 2018 Project is designated as Contract No. AVI-2018-00006327.

**SECTION 11.** That the contract for the FAA Grant-Taxiway B Rehab Phase II-Runway 13L to 18-36 Construction and Runway 13R-31L Reconstruction Design Project is designated as Contract No. AVI-2018-00006421.

**SECTION 12.** That this resolution shall take effect immediately from and after its passage, in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.



## AGENDA ITEM # 3

### STRATEGIC PRIORITY:

Mobility Solutions, Infrastructure, and Sustainability

### AGENDA DATE:

May 23, 2018

### COUNCIL DISTRICT(S):

2

### DEPARTMENT:

Department of Aviation

### CMO:

Jody Puckett, 670-3390

### MAPSCO:

33D H; 34A E F J K

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### SUBJECT

Authorize **(1)** an Other Transaction Agreement with the Federal Aviation Administration (FAA) to provide Limited Design and Implementation Reimbursable Agreement for analyzing the impact of FAA facilities due to Runway 13R/31L Reconstruction Project at Dallas Love Field; and **(2)** an increase in appropriations in an amount not to exceed \$98,677 in the Aviation Near Term Passenger Facility Charge Fund - Not to exceed \$98,677 - Financing: Aviation Near Term Passenger Facility Charge Funds

### BACKGROUND

Runway 13R/31L was originally constructed in 1965 and serves as one of the primary runways for commercial and general aviation takeoffs and landings at Dallas Love Field. The runway is the longest runway at Dallas Love Field and measures 8,800 feet in length and 150 feet in width. The runway was last rehabilitated in 1993.

The runway pavement was evaluated in 2014 and found to have significant pavement life remaining. However, in late 2014, the Wright Amendment Repeal Act was enacted and Dallas Love Field saw a major growth in air traffic. Enplanements grew by over 150 percent and pavement failures and shifts in the concrete increased accordingly.

This agreement will pay for the FAA services during the navigational aid equipment move. The FAA has indicated its services are limited to labor, travel and expenses required to perform limited technical and/or engineering support for the project.

### ESTIMATED SCHEDULE OF PROJECT

Began Design	May 2018
Complete Design	September 2019
Begin Construction	June 2020
Complete Construction	March 2021



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

On April 25, 2018, City Council authorized a professional services contract with HNTB Corporation for design, planning, engineering and construction document services for the Runway 13R/13L Reconstruction Project at Dallas Love Field by Resolution No. 18-0598.

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on May 14, 2018.

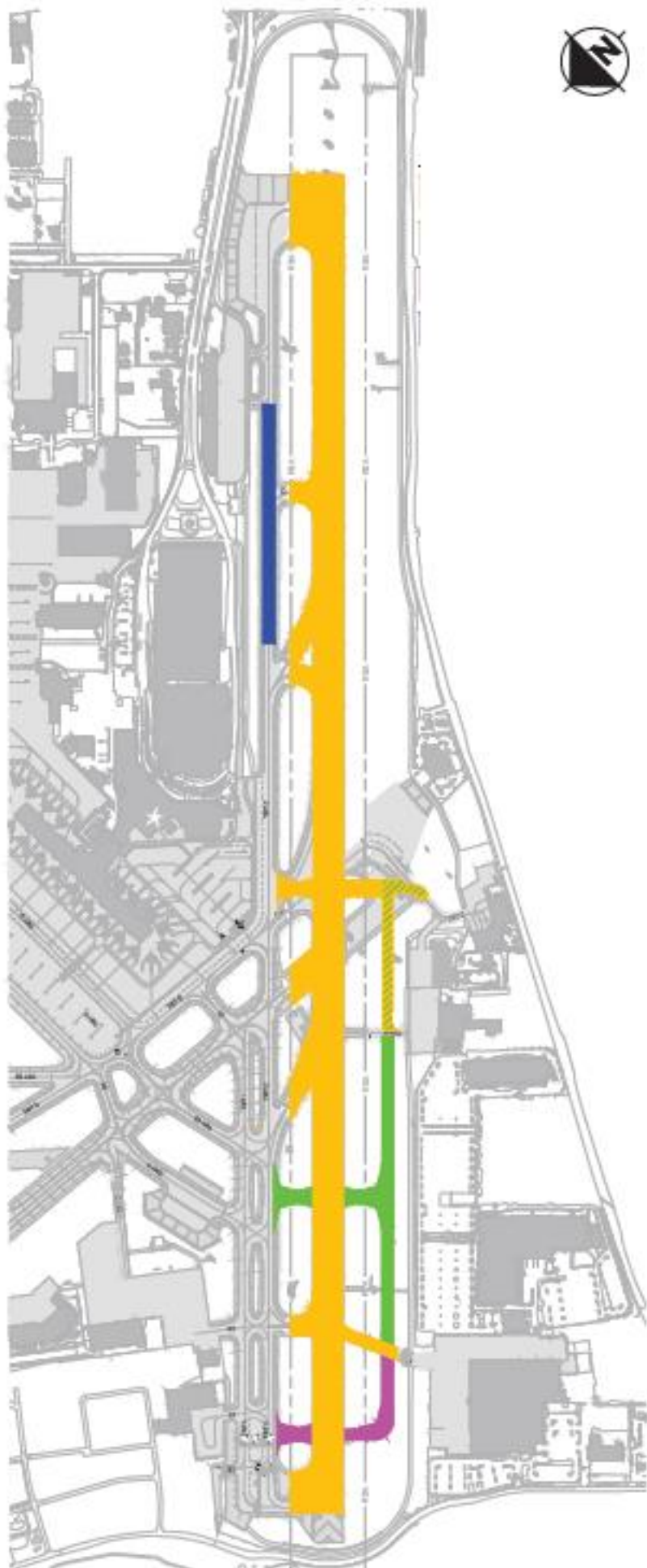
### **FISCAL INFORMATION**

Aviation Near Term Passenger Facility Charge Funds - \$98,676.67

### **MAP**

Attached





- LEGEND**
- BASE SCOPE
  - OPTION 1
  - OPTION 2
  - OPTION 3

Figure 5. Scope Options (Repeated)







May 23, 2018

**WHEREAS**, the Department of Aviation has a need for engineering design services for the Runway 13R/31L Reconstruction Project at Dallas Love Field; and

**WHEREAS**, the Department of Aviation has identified pavement on the runway is projected to fall below the acceptable level/standard for continuous use by 2021; and

**WHEREAS**, on April 25, 2018, City Council authorized a professional services contract with HNTB Corporation to provide design, planning, engineering and construction document services for the Runway 13R/31L Reconstruction Project at Dallas Love Field, in an amount not to exceed \$5,096,677.00, by Resolution No. 18-0598; and

**WHEREAS**, it is now desirable to authorize an Other Transaction Agreement with the Federal Aviation Administration to provide engineering support for the Runway 13R/31L Reconstruction Project at Dallas Love Field, in an amount not to exceed \$98,676.67.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to sign an Other Transaction Agreement with the Federal Aviation Administration (FAA), approved as to form by the City Attorney, to provide Limited Design and Implementation Reimbursable Agreement for analyzing the impact of FAA facilities due to Runway 13R/31L Reconstruction Project at Dallas Love Field, in an amount not exceed \$98,676.67.

**SECTION 2.** That the City Manager is hereby authorized to increase appropriations in an amount not to exceed \$98,676.67 in the Aviation Near Term Passenger Facility Charge Fund, Fund A477, Department AVI, Unit D019, Object Code 4113.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$98,676.67 to be paid to the FAA in accordance with the terms and conditions of the other transaction agreement from Aviation Near Term Passenger Facility Charge Fund, Fund A477, Department. AVI, Unit D019, Activity AAIP, Object 4113, Program AVID019, Encumbrance/Contract No. CX-AVI-2018-00006133, Commodity 91200, Vendor 174291.



May 23, 2018

**SECTION 4.** That the City will apply for Passenger Facility Charge (PFC) funding for the eligible Runway 13R/31L Reconstruction Project at Dallas Love Field, in an amount not to exceed \$98,676.67. Upon approval of the PFC by the FAA for this project, the City Manager is hereby authorized to increase appropriations in an amount not to exceed \$98,676.67 in the Aviation Passenger Facility Charge Fund, Fund 0477, Department AVI, Unit 0781, Object 3099; and the Chief Financial Officer is hereby authorized to transfer funds in an amount not to exceed \$98,676.67 from the Aviation Passenger Facility Charge Fund, Fund 0477, Department AVI, Unit 0781, Object 3099 to the Aviation Near Term Passenger Facility Charge Fund, Fund A477, Department AVI, Unit D019, Activity AAIP, Object 5011, Program AVID019, Encumbrance/Contract No. CX-AVI-2018-00006133, Commodity 92500, Vendor 174291.

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



## AGENDA ITEM # 4

### STRATEGIC PRIORITY:

Mobility Solutions, Infrastructure, and Sustainability

### AGENDA DATE:

May 23, 2018

### COUNCIL DISTRICT(S):

2

### DEPARTMENT:

Department of Aviation

### CMO:

Jody Puckett, 670-3390

### MAPSCO:

33D H; 34A E F J K

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### SUBJECT

Authorize **(1)** an Other Transaction Agreement with the Federal Aviation Administration to provide engineering support for the Rehabilitation of Taxiway Bravo Phase II Project at Dallas Love Field; and **(2)** an increase in appropriations in an amount not to exceed \$587,261 in the Aviation Near Term Passenger Facility Charge Fund - Not to exceed \$587,261 - Financing: Aviation Near Term Passenger Facility Charge Funds

### BACKGROUND

This action will authorize an Other Transaction Agreement with the Federal Aviation Administration (FAA) to provide engineering support for the Rehabilitation of Taxiway Bravo Phase II Project at Dallas Love Field. The project includes the reconstruction of Taxiway Bravo between the Runway 13L end and Taxiway E, extension of Taxiway M between the Runway 13L end and Taxiway D, relocation of the Runway 13L glideslope antenna and relocation of National Weather Service Equipment.

Dallas Love Field initiated the request to move a federal navigational aid so therefore, bears the cost of the move. Because this is a federal navigational aid, the FAA is the only authorized organization to validate the move, and is the only authorized team for the design and eventual move of its own navigational aids. The FAA has indicated it will provide services limited to labor, travel and expenses required to perform limited technical and/or engineering support for the project.

### ESTIMATED SCHEDULE OF PROJECT

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



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

On March 25, 2015, City Council authorized a professional services contract with Garver, LLC for engineering services for design and construction documents for the Pavement Rehabilitation and Reconstruction Project at Dallas Love Field by Resolution No. 15-0491.

On September 14, 2016, City Council authorized Supplemental Agreement No. 2 to the professional services contract with Garver, LLC to provide full time on-site construction administration and management services for the Airfield Pavement Repairs Project at Dallas Love Field by Resolution No. 16-1512.

On September 28, 2016, City Council authorized Supplemental Agreement No. 3 to the professional services contract with Garver, LLC to provide full-time, on-site construction administration and construction observation services for the Taxiway Echo Intersections Improvements and Taxiway Bravo Rehabilitation Projects at Dallas Love Field by Resolution No. 16-1581.

On March 22, 2017, City Council authorized Supplemental Agreement No. 4 to the professional services contract with Garver, LLC for design, planning, engineering and construction document services for the Love Field Pavement Rehabilitation and Reconstruction Project, Taxiway Bravo Phase II and Taxiway Mike Phase II at Dallas Love Field by Resolution No. 17-0475.

On April 25, 2018, City Council authorized Supplemental Agreement No. 6 to the professional services contract with Garver, LLC for design, planning, engineering and construction document services for the Love Field Pavement Rehabilitation and Reconstruction Project, Taxiway Bravo Rehabilitation Project Phases III and IV at Dallas Love Field by Resolution No. 18-0599.

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on May 14, 2018.

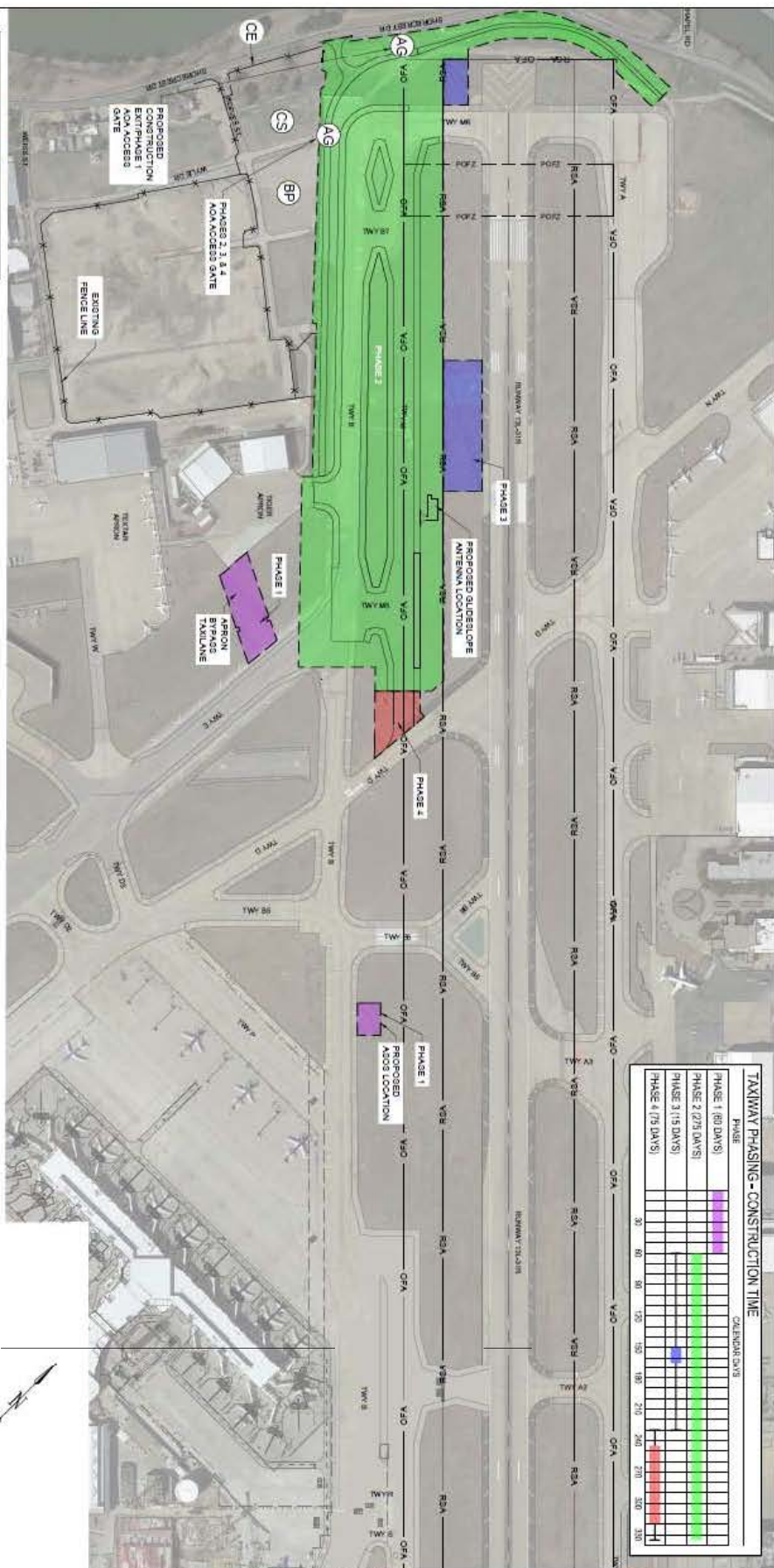
## **FISCAL INFORMATION**

Aviation Near Term Passenger Facility Charge Funds - \$587,260.27

## **MAP**

Attached





OVERALL CSPP NOTES

1. PHASE 1 WORK DATES WILL INCLUDE REINSTATEMENT OF A POWER ARCHBOW TO COME AND GO DURING THE TIER 1 APPROX TO TOWNLINE 1. THE BYPASS TAILLINE WILL BE IN PLACE DURING THE MAJOR PART OF FUTURE PHASES WHEN TOWNLINE 2 WILL BE CLOSED. THE ASOS WILL ALSO BE REINSTALLED IN PHASE 1.
  2. PHASE 2 WORK DATES WILL BE CONDUCTED WITH WORKING TOWNLINE CLOSURES AND WILL INCLUDE THE MAJOR PORTION OF THE CONSTRUCTION OF THE TOWNLINE 2 TOWNLINE PARALLEL, TOWNLINE 3 AND 4 NORTHWEST OF THE TOWNLINE 2 TOWNLINE, INCLUDING NEW CONDUCTOR TOWNLINE 1B, AND NEW INTERLOCKING WITH TOWNLINE 5 AND 1A.
  3. PHASE 3 WORK DATES WILL BE CONDUCTED WITH A TOWNLINE CLOSURE FOR THE WORK THAT LIES WITHIN THE TOWNLINE PARALLEL AREA. WORK WILL INCLUDE REMOVAL OF THE CLOSED CONDUCTOR WITHIN THE ISOL. RAINWAY ELECTRICAL CREDIT WORK AND SHIELDING THE AREA WITHIN THE ISOL.
  4. THE CONSTRUCTION OF THE PHASE SHALL BE PERFORMED CONCURRENTLY WITH PHASE 2 UNTIL THE PHASE IS COMPLETE. ALLOWING FOR A LIABILITY BASED ON THEIR APPLIED IMPACTS DOCUMENTED DURING THE CONSTRUCTION OF THE PROJECT.
  5. PHASE 4 WORK DATES WILL BE CONDUCTED TO A CLOSE TOWNLINE 2 AND RAINWAY 2-1A-1R. PHASE 4 WORK DATES WILL BE CONDUCTED FOR THE REINSTATEMENT OF PORTIONS OF NEW TOWNLINE 2 TOWNLINE 1B AND RAINWAY 2-1A-1R.
- THE CONSTRUCTION OF THE PHASE SHALL BE PERFORMED CONCURRENTLY WITH PHASE 2 UNTIL THE PHASE IS COMPLETE. BUT NOT CONCURRENTLY WITH PHASE 3.

### LEGEND

— RUNWAY GAP —

OBJECT FREE

100

CONSTRUCT

**06**

CONSTRUCT  
MATCH PLANT

8

ACMA ACCREDITED  
INSTITUTE BEHAVIOUR

UNLESS A G



May 23, 2018

**WHEREAS**, on March 25, 2015, City Council authorized a professional services contract with Garver, LLC for engineering services for design and construction documents for the Pavement Rehabilitation and Reconstruction Project at Dallas Love Field, in an amount not to exceed \$1,323,890.00, by Resolution No. 15-0491; and

**WHEREAS**, on October 23, 2015, Administrative Action No. 15-7086 authorized Supplemental Agreement No. 1 to the professional services contract with Garver, LLC to complete a field investigation and prepare construction documents for isolated full-depth concrete repairs on the airfield at Dallas Love Field, in an amount not to exceed \$48,840.00, from \$1,323,890.00 to \$1,372,730.00; and

**WHEREAS**, on September 14, 2016, City Council authorized Supplemental Agreement No. 2 to the professional services contract with Garver, LLC to provide full time on-site construction administration and management services for the Airfield Pavement Repairs Project at Dallas Love Field, in an amount not to exceed \$314,464.00, from \$1,372,730.00 to \$1,687,194.00, by Resolution No. 16-1512; and

**WHEREAS**, on September 28, 2016, City Council authorized Supplemental Agreement No. 3 to the professional services contract with Garver, LLC to provide full-time, on-site construction administration and construction observation services for the Taxiway Echo Intersections Improvements and Taxiway Bravo Rehabilitation Projects at Dallas Love Field, in an amount not to exceed \$1,769,340.00, from \$1,687,194.00 to \$3,456,534.00, by Resolution No. 16-1581; and

**WHEREAS**, on January 25, 2017, City Council authorized a professional services contract with Alliance Geotechnical Group, Inc. to perform construction Materials Testing on four construction projects in the Airside Capital Improvement Program at Dallas Love field, in an amount not to exceed, \$534,194.00, by Resolution No. 17-0186; and

**WHEREAS**, on March 22, 2017, City Council authorized Supplemental Agreement No. 4 to the professional services contract with Garver, LLC for design, planning, engineering, and construction document services for the Love Field Rehabilitation and Reconstruction Project, Taxiway Bravo Phase II and Taxiway Mike Phase II at Dallas Love Field, in an amount not to exceed \$1,737,770.00, from \$3,456,534.00 to \$5,194,304.00, by Resolution No. 17-0475; and

**WHEREAS**, on June 21, 2017, Administrative Action No. 17-0812 authorized Supplemental Agreement No. 5 to the professional services contract with Garver, LLC for additional design services to accommodate the request of the Federal Aviation Administration to change the design plans to keep Taxiway E open to aircraft traffic and to move the new runway connector to a new location at Dallas Love Field, in an amount not to exceed \$24,200.00, from \$5,194,304.00 to \$5,218,504.00; and



May 23, 2018

**WHEREAS**, on October 18, 2017, Administrative Action No. 17-1146 authorized Supplemental Agreement No. 1 to the professional services contract with Alliance Geotechnical Group, Inc. to perform Construction Materials Testing for the Runway Incursion Mitigation Project at Dallas Love Field, in an amount not to exceed \$10,000.00, from \$534,194.00 to \$544,194.00; and

**WHEREAS**, on April 25, 2018, City Council authorized Supplemental Agreement No. 6 to the professional services contract with Garver, LLC for design, planning, engineering and construction document services for the Love Field Pavement Rehabilitation and Reconstruction Project, Taxiway Bravo Rehabilitation Project Phases III and IV at Dallas Love Field, in an amount not to exceed \$2,755,500.00, from \$5,218,504.00 to \$7,974,004.00; and

**WHEREAS**, on April 26, 2018, Administrative Action No. 18-0173 authorized Supplemental Agreement No. 2 to the professional services contract with Alliance Geotechnical Group, Inc. to perform Construction Materials Testing for the Runway 31R Glideslope Relocation Project at Dallas Love Field, in an amount not to exceed \$49,873.75, from \$544,194.00 to \$594,067.75; and

**WHEREAS**, on May 3, 2018, Administrative Action No. 18-0175 authorized Supplemental Agreement No. 7 to the professional services contract with Garver, LLC for the transfer of funds from the Love Field Taxiway Echo Intersection Project to the Taxiway Bravo Rehabilitation Phase I Project, no cost consideration to the City of Dallas; and

**WHEREAS**, on May 23, 2018, City Council will consider a concurrent action to authorize Supplemental Agreement No. 8 to the professional services contract with Garver, LLC to provide full time services, on-site construction administration and construction observation services for the Rehabilitation of Taxiway Bravo Phase II Project at Dallas Love Field, in an amount not to exceed, \$1,602,200.00, from \$7,974,004.00 to \$9,036,204.00; and

**WHEREAS**, on May 23, 2018, City Council will consider a concurrent action to authorize a Supplemental Agreement No. 3 to the professional services contract with Alliance Geotechnical Group for construction materials testing for the Rehabilitation of Taxiway Bravo Phase II Project at Dallas Love Field, in an amount not to exceed \$344,240.15, from \$594,067.75 to \$938,307.90.

**WHEREAS**, it is now desirable to authorize an Other Transaction Agreement with the Federal Aviation Administration to provide engineering support for the Rehabilitation of Taxiway Bravo Phase II Project at Dallas Love Field, in an amount to exceed \$587,260.27.



May 23, 2018

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to sign an Other Transaction Agreement with the Federal Aviation Administration, approved as to form by the City Attorney, to provide engineering support for the Rehabilitation of Taxiway Bravo Phase II Project at Dallas Love Field, in an amount not to exceed \$587,260.27.

**SECTION 2.** That the City Manager is hereby authorized to increase appropriations in an amount not to exceed \$587,260.27 in the Aviation Near Term Passenger Facility Charge Fund, Fund A477, Department AVI, Unit W121, Object 4113.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$587,260.27 to be paid to the Federal Aviation Administration (FAA), in accordance with the terms and conditions of the Other Transaction Agreement from the Aviation Near Term Passenger Facility Charge Fund, Fund A477, Department AVI, Unit W121, Activity AAIP, Object 4113, Program AVIW121, Encumbrance/Contract No. CX-AVI-2018-00006187, Commodity 92500, Vendor 174291.

**SECTION 4.** That the City will apply for Passenger Facility Charge (PFC) funding for the eligible Rehabilitation of Taxiway Bravo Phase II and Extension of Taxiway M Project at Dallas Love Field. Upon the approval of PFC funding by the FAA for this Project, in an amount not to exceed \$587,260.27, the City Manager is hereby authorized to increase appropriations in an amount not to exceed \$587,260.27 in the Aviation Passenger Facility Charge Fund, Fund 0477, Department AVI, Unit 0781, Object 3099; and the Chief Financial Officer is hereby authorized to transfer funds in an amount not to exceed \$587,260.27 from the Aviation Passenger Facility Charge Fund, Fund 0477, Department AVI, Unit 0781, Object 3099 to the Aviation Near Term Passenger Facility Charge Fund, Fund A477, Department AVI, Unit W121, Activity AAIP, Object 5011, Program AVIW121, Encumbrance/Contract No. CX-AVI-2018-00006187, Commodity 92500, Vendor 174291.

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



## AGENDA ITEM # 5

### STRATEGIC PRIORITY:

Mobility Solutions, Infrastructure, and Sustainability

### AGENDA DATE:

May 23, 2018

### COUNCIL DISTRICT(S):

2

### DEPARTMENT:

Department of Aviation

### CMO:

Jody Puckett, 670-3390

### MAPSCO:

33D H; 34A E F J K

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### SUBJECT

Authorize **(1)** a construction contract for the Rehabilitation of Taxiway Bravo Phase II Project at Dallas Love Field - Austin Bridge & Road, L.P., lowest responsible bidder of five; and **(2)** the establishment of appropriations in an amount not to exceed \$15,427,000 in the Aviation Near Term Passenger Facility Charge Fund – Not to exceed \$15,427,000 – Financing: Aviation Near Term Passenger Facility Charge Funds

### BACKGROUND

On Wednesday, February 14, 2018, the Taxiway Bravo Phase II Project at Dallas Love Field was publicly advertised for construction bids. On March 16, 2018, five bids were received. Austin Bridge & Road, L.P. was the apparent low bidder of the five and it is recommended that the City of Dallas enter into a construction contract with Austin Bridge & Road, L.P. for the scope of work detailed in the project manual and construction documents.

This action will authorize a construction contract with Austin Bridge & Road, L.P. for the Rehabilitation of Taxiway Bravo Phase II at Dallas Love Field. The project includes the reconstruction of Taxiway Bravo between the Runway 13L end and Taxiway E, extension of Taxiway M between the Runway 13L end and Taxiway D, relocation of Runway 13L glideslope antenna and relocation of National Weather Service Equipment.

Austin Bridge & Road, LP has had no contractual activities with the City of Dallas for the past three years for the past three years.



## **ESTIMATED SCHEDULE OF PROJECT**

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

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

On March 25, 2015, City Council authorized a professional services contract with Garver, LLC for engineering services for the design and preparation of construction documents for the Pavement Rehabilitation and Reconstruction Project at Dallas Love Field by Resolution No. 15-0491.

On March 22, 2017, City Council authorized Supplemental Agreement No. 4 to the professional services contract with Garver, LLC design, planning, engineering and construction document services for the Love Field Rehabilitation and Reconstruction Project, Taxiway Bravo Phase II and Extension of Taxiway Mike Phase II at Dallas Love Field by Resolution No. 17-0475.

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on May 14, 2018.

## **FISCAL INFORMATION**

Aviation Near Term Passenger Facility Charge Funds - \$15,427,000.00

Design	\$ 1,737,770.00
Construction Administration	\$ 1,062,200.00 (concurrent item)
Materials Testing Services	\$ 344,240.15 (concurrent item)
FAA OTA (Other Transaction Agreements)	\$ 587,620.27 (concurrent item)
Construction (this action)	<u>\$15,427,000.00</u>
Total Project Cost	\$19,158,830.42



## **DBE 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 DBE participation on this contract as follows:

<b><u>Contract Amount</u></b>	<b><u>Category</u></b>	<b><u>DBE Goal</u></b>	<b><u>DBE %</u></b>	<b><u>DBE \$</u></b>
\$15,427,000.00	Construction	24.36%	24.36%	\$3,758,530.00

- This contract meets the DBE goal of 24.36%

## **BID INFORMATION**

The following five bids were received and opened on March 16, 2018:

\*Denotes successful bidder

<b><u>Bidders</u></b>	<b><u>Address</u></b>	<b><u>Amount</u></b>
*Austin Bridge & Road, L.P.	11143 Goodnight Lane Dallas, TX 75229	\$15,427,000.00
Mario Sincola and Sons, Excavating, Inc.	10950 Research Road Frisco, TX 75033	\$16,185,943.45
Texas Sterling Construction	20810 Fernbush Drive Houston, TX 77073	\$16,506,002.00
Interstate Highway Construction, Inc.	7135 S Tuscon Way Centennial, CO 80112	\$16,681,656.30
Flatiron Constructors, Inc.	385 Interlocken Crescent Suite 900 Broom field, CO 80021	\$17,632,677.50

## **OWNER**

**Austin Bridge & Road, L.P.**

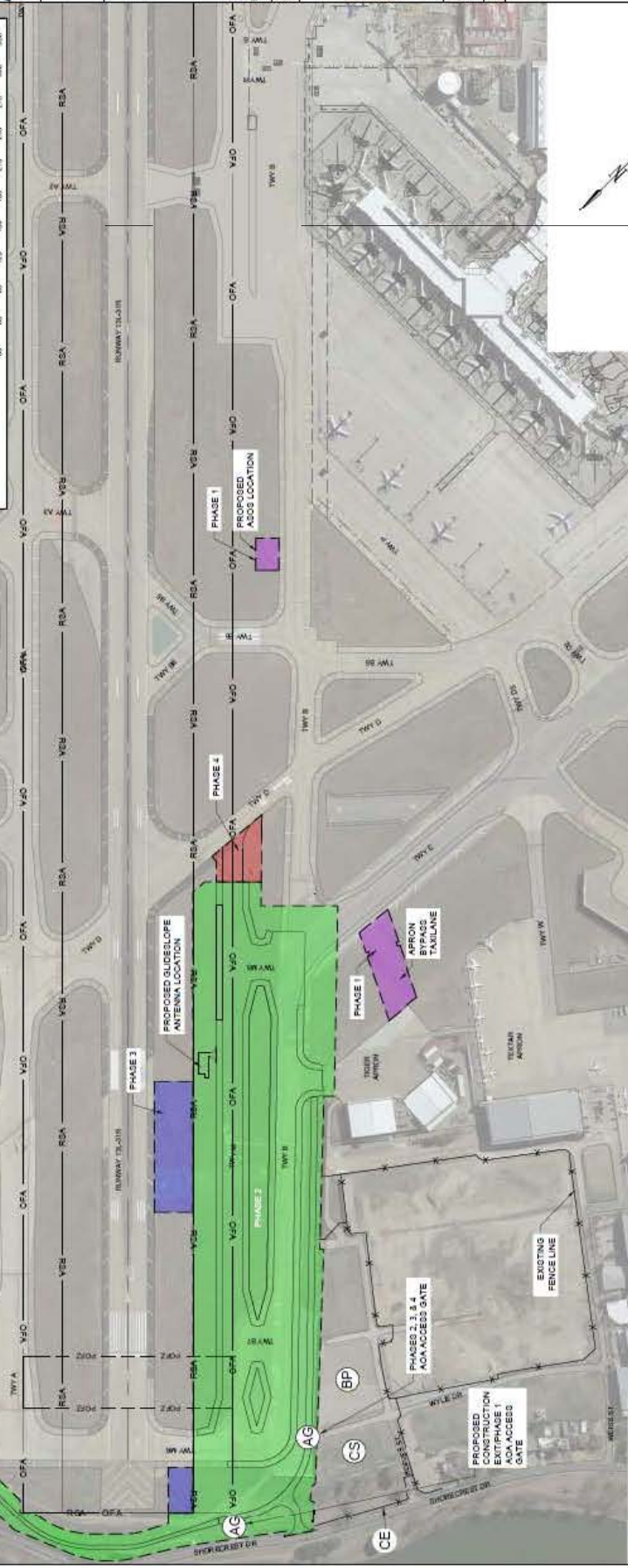
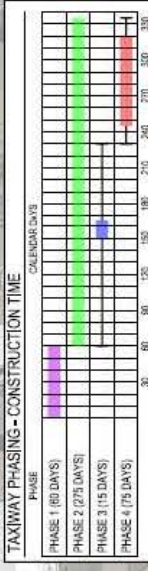
Mike Manning, Executive Vice President

## **MAP**

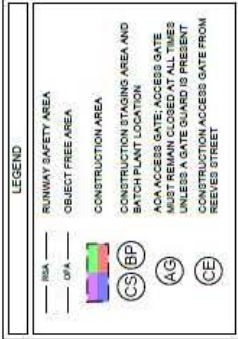
Attached



REV	DATE	DESCRIPTION



- OVERALL CSPP NOTES**
- SEE THE CSPP PLAN SHEET FOR EACH INDIVIDUAL CSPP PHASE FOR A LISTING OF WORK TYPES TO BE ACCOMPLISHED AND SPECIFIC RUNWAY AND TAXIWAY FACILITY CLOSURES.
- PHASE 1 WORK (80 DAYS) WILL INCLUDE INSTALLATION OF A BYPASS TAILLINE FOR AIRCRAFT TO COME AND GO FROM THE TIGER AIRPORT TO TAXIWAY E. THE BYPASS TAILLINE WILL BE IN USE DURING THE MAJOR PART OF FUTURE PHASES WHEN TAXIWAY B WILL NEED TO BE CLOSED. THE AGS WILL ALSO BE INSTALLED IN PHASE 1.
  - PHASE 2 WORK (275 DAYS) WILL BE CONDUCTED WITH VARIOUS TAXIWAY CLOSURES AND WILL INCLUDE THE MAJOR PORTION OF THE CONSTRUCTION OF THE DIAM PARALLEL, TAXIWAYS B AND M NORTHWEST OF THE TAXIWAY D TO A, INCLUDING NEW CONNECTOR TAXIWAY M6, AND NEW INTERSECTIONS WITH TAXIWAYS E AND M6.
  - PHASE 3 WORK (15 DAYS) WILL BE CONDUCTED WITH A RUNWAY CLOSURE FOR THE WORK THAT LIES WITHIN THE RUNWAY SAFETY AREA. WORK WILL INCLUDE REMOVAL OF THE CLOSED CONNECTOR TAXIWAY PAVEMENT WITHIN THE RSA, RUNWAY ELECTRICAL CIRCUIT WORK AND GRADING THE AREA WITHIN THE RSA.
  - PHASE 4 WORK (75 DAYS) WILL BE CONDUCTED BY CLOSING TAXIWAY D BETWEEN TAXIWAY B AND RUNWAY T&A/C. PHASE 4 WORK WILL INCLUDE A WORK AREA FOR THE INSTALLATION OF PORTIONS OF NEW PARALLEL TAXIWAY M WITHIN THE TOA OF TAXIWAY D. THE CONSTRUCTION OF THIS PHASE SHALL BE PERFORMED CONCURRENTLY WITH PHASE 2 WITHIN THE PHASE 2 SCHEDULE, BUT NOT CONCURRENTLY WITH PHASE 3.





May 23, 2018

**WHEREAS**, on March 25, 2015, City Council authorized a professional services contract with Garver, LLC for engineering services for design and preparation of construction documents for the Pavement Rehabilitation and Reconstruction Project at Dallas Love Field, in an amount not to exceed \$1,323,890.00, by Resolution No. 15-0491.

**WHEREAS**, on March 22, 2017, City Council authorized Supplemental Agreement No. 4 to the professional services contract with Garver, LLC for design, planning and preparation of construction documents for the Love Field Rehabilitation and Reconstruction Project, Taxiway Bravo Phase II and Extension of Taxiway Mike Phase II at Dallas Love Field, in an amount not to exceed \$1,737,770.00, increasing the contract amount from \$3,456,534.00 to \$5,194,304.00, by Resolution No. 17-0475.

**WHEREAS**, it is desirable for the Department of Aviation to rehabilitate Taxiway Bravo Phase II; and

**WHEREAS**, the Department of Aviation employed the Request for Bids process in accordance with City of Dallas and Federal Aviation Administration procurement guidelines for construction services; and

**WHEREAS**, construction bids were publicly advertised, received and opened on March 16, 2018 for the Rehabilitation of Taxiway Bravo Phase II Project at Dallas Love Field as follows:

<b><u>Bidders</u></b>	<b><u>Bid Amount</u></b>
Austin Bridge & Road, L.P.	\$15,427,000.00
Mario Sincola and Sons, Excavating, Inc.	\$16,185,943.45
Texas Sterling Construction	\$16,506,002.00
Interstate Highway Construction, Inc.	\$16,681,656.30
Flatiron Constructors, Inc.	\$17,632,677.50

**WHEREAS**, Austin Bridge & Road, L.P. was selected as the most qualified proposer of five proposers as a result of a qualifications based selection process in accordance with City of Dallas procurement guidelines; and

**WHEREAS**, it is now necessary to authorize a construction services contract with Austin Bridge & Road, L.P., lowest responsive bidder of five, for the construction of the Rehabilitation of Taxiway Bravo Phase II Project at the Dallas Love Field, in an amount not to exceed \$15,427,000.00.



May 23, 2018

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to sign a construction contract with Austin Bridge & Road, L.P., approved as to form by the City Attorney, for the construction of the Rehabilitation of Taxiway Bravo Phase II Project at Dallas Love Field, in an amount not to exceed \$15,427,000.00.

**SECTION 2.** That the City Manager is hereby authorized to establish appropriations in an amount not to exceed \$15,427,000.00 in the Aviation Near Term Passenger Facility Charge Fund, Fund A477, Department AVI, Unit W121, Object 4599.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$15,427,000.00 to Austin Bridge & Road, L.P. in accordance with the terms and conditions of the construction services contract from Aviation Near Term Passenger Facility Charge Fund, Fund A477, Department AVI, Unit W121, Activity AAIP, Object 4599, Program AVIW121, Commodity 92500, Encumbrance/Contract No. CX-AVI-2018-00006188, Vendor 505455.

**SECTION 4.** That the City will apply for Passenger Facility Charge (PFC) funding for the eligible Rehabilitation of Taxiway Bravo Phase II Project at Dallas Love Field; and upon the approval of PFC funding by the Federal Aviation Administration (FAA) for this project, in an amount not to exceed \$15,427,000.00. Upon approval of the PFC by the FAA for this project, the City Manager is hereby authorized to increase appropriations in an amount not to exceed \$15,427,000.00 in the Aviation Passenger Facility Charge Fund, Fund 0477, Department AVI, Unit 0781, Object 3099; and the Chief Financial Officer is hereby authorized to transfer funds in an amount not to exceed \$15,427,000.00 from the Aviation Passenger Facility Charge Fund, Fund 0477, Department AVI, Unit 0781, Object 3099 to the Aviation Near Term Passenger Facility Charge Fund, Fund A477, Department AVI, Unit W121, Activity AAIP, Object 5011, Program AVIW121, Contract/Encumbrance No. CX-AVI-2018-00006188, Commodity 92500, Vendor 505455.

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



## AGENDA ITEM # 6

### STRATEGIC PRIORITY:

Mobility Solutions, Infrastructure, and Sustainability

### AGENDA DATE:

May 23, 2018

### COUNCIL DISTRICT(S):

2

### DEPARTMENT:

Department of Aviation

### CMO:

Jody Puckett, 670-3390

### MAPSCO:

33D H; 34A E F J K

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### SUBJECT

Authorize **(1)** Supplemental Agreement No. 3 to the professional services contract with Alliance Geotechnical Group, Inc. to provide construction materials testing for the Rehabilitation of Taxiway Bravo Phase II Project at Dallas Love Field; and **(2)** an increase in appropriations in an amount not to exceed \$344,241 in the Aviation Near Term Passenger Facility Charge Fund - Not to exceed \$344,241, from \$594,068 to \$938,308 - Financing: Aviation Near Term Passenger Facility Charge Funds

### BACKGROUND

On January 25, 2017, City Council authorized a professional services contract with Alliance Geotechnical Group, Inc. to perform Materials Testing on four construction projects in the Airside Capital Improvements Program at Dallas Love Field by Resolution No. 17-0186.

This action will authorize Supplemental Agreement No. 3 to the professional services contract with Alliance Geotechnical Group, Inc. to provide construction materials testing for the Rehabilitation of Taxiway Bravo Phase II Project at Dallas Love Field.

A concurrent action will authorize a construction contract with Austin Bridge & Road, L.P. for the Rehabilitation of Taxiway Bravo Phase II at Dallas Love Field. The project includes the reconstruction of Taxiway Bravo between the Runway 13L end and Taxiway E, extension of Taxiway M between the Runway 13L end and Taxiway D, relocation of Runway 13L glideslope antenna and relocation of National Weather Service Equipment.



## **ESTIMATED SCHEDULE OF PROJECT**

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

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

On January 25, 2017, City Council authorized a professional services contract with Alliance Geotechnical Group, Inc. to perform Materials Testing on four construction project in the Airside Capital Improvements Program at Dallas Love Field by Resolution No. 17-0186.

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on May 14, 2018.

## **FISCAL INFORMATION**

Aviation Near Term Passenger Facility Charges Funds – \$344,240.15

Original Contract	\$ 534,194.00
Supplemental Agreement No. 1	\$ 10,000.00
Supplemental Agreement No. 2	\$ 49,873.75
Supplemental Agreement No. 3 (this action)	\$ 344,240.15
Construction	<u>\$15,427,000.00</u> (concurrent action)
Total Contract Cost	\$16,365,307.90

## **DBE 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 DBE participation on this contract as follows:

<b><u>Contract Amount</u></b>	<b><u>Category</u></b>	<b><u>DBE Goal</u></b>	<b><u>DBE %</u></b>	<b><u>DBE \$</u></b>
\$344,240.15	Construction	24.36%	100.00%	\$344,240.15

- This contract exceeds the DBE goal of 24.36% and has an Overall DBE of 100.00%

## **OWNER**

**Alliance Geotechnical Group, Inc.**

Robert P. Nance, President



**MAP**

Attached



- OVERALL C&PP NOTES**
- SEE THE C&PP PLAN SHEET FOR EACH INDIVIDUAL C&PP PHASE FOR A LISTING OF WORK TYPES TO BE ACCOMPLISHED AND SPECIFIC RUNWAY AND TAXIWAY PAVEMENT CLASSIFICATIONS.
1. PHASE 1 WORK (RTDS) WILL INCLUDE INSTALLATION OF A PAVEMENT TAPELINE FOR AIRCRAFT TO COME AND GO FROM THE TIEUP APRON TO TAXIWAY 'A'. THE PAVEMENT TAPELINE WILL BE IN USE DURING THE MAJOR PART OF FUTURE PHASES WHEN TAXIWAY 'A' WILL NEED TO BE CLOSED. THE ASOS WILL BE AS INSTALLED IN PHASE '1'.
2. PHASE 2 WORK (RTDS) WILL BE CONDUCTED WITH VARIOUS TAXIWAY CLOSURES AND WILL INCLUDE THE MAJOR PORTION OF THE CONSTRUCTION OF THE CLOD, PARALLEL, TAXIWAYS 'A' AND 'B' AND MAINTENANCE OF THE TAXIWAY 'D' TORA, INCLUDING NEW CONNECTION TAXIWAY 'A' AND NEW INTERSECTIONS WITH TAXIWAYS 'A' AND 'B'.
3. PHASE 3 WORK (RTDS) WILL BE CONDUCTED WITH A RUNWAY CLOSURE FOR THE WORK THAT TAKES UP THE RUNWAY SAFETY AREA, WINDY AREA, INCLUDING REMOVAL OF THE CLOSED CONNECTION TAXIWAY AVIATION WITHIN THE USA, RUNWAY ELECTRICAL, CREDIT WORK AND GRADING THE AREA WITHIN THE RSA.
4. THE CONSTRUCTION OF THE PHASE SHALL BE INTERDEPENDENT CONCURRENTLY WITH PHASE 4 WITHIN THE PHASE 4 SCHEDULE ALLOWING FOR DELAYS DUE TO THE ABOVE IMPACTS ENCOUNTERED DURING THE CONSTRUCTION OF THIS PROJECT.
5. PHASE 4 WORK (RTDS) WILL BE CONDUCTED BY CLOSING TAXIWAY 'D' BETWEEN TAXIWAY 'B' AND TAXIWAY 'A' WITHIN 13-15Hr. PHASE 4 WORK WILL BE A WORK AREA FOR THE INSTALLATION OF PORTIONS OF NEW PARALLEL, TAXIWAY 'A' WITHIN THE TORA OF TAXIWAY 'D'. THE CONSTRUCTION OF THE PHASE SHALL BE PERFORMED CONCURRENTLY WITH PHASE 2 WITHIN THE PHASE 2 SCHEDULE, BUT NOT CONCURRENTLY WITH PHASE 3.



May 23, 2018

**WHEREAS**, on January 25, 2017, City Council authorized a professional services contract with Alliance Geotechnical Group, Inc. to perform Materials Testing on four construction projects in the Airside Capital Improvements Program at Dallas Love-Field, in an amount not to exceed \$534,194.00, by Resolution No. 17-0186; and

**WHEREAS**, on October 18, 2017, Administrative Action No. 17-1146 authorized Supplemental Agreement No. 1 to the professional services contract with Alliance Geotechnical Group, Inc. to perform Construction Materials Testing for the Runway Incursion Mitigation Project at Dallas Love Field, in an amount not to exceed \$10,000.00, from \$534,194.00 to \$544,194.00; and

**WHEREAS**, on April 26, 2018, Administrative Action No. 18-0173 authorized Supplemental Agreement No. 2 to the professional services contract with Alliance Geotechnical Group, Inc. to perform Construction Materials Testing for the Runway 31R Glideslope Relocation Project at Dallas Love Field, in the amount of \$49,873.75, increasing the contract from \$544,194.00 to \$594,067.75; and

**WHEREAS**, it is now desirable for Alliance Geotechnical Group, Inc. to begin construction materials testing for the Rehabilitation of Taxiway Bravo Phase II Project at the Dallas Love Field; and

**WHEREAS**, it is now necessary to authorize Supplemental Agreement No. 3 to the professional services contract with Alliance Geotechnical Group, Inc. to perform construction materials testing for the Rehabilitation of Taxiway Bravo Phase II Project at Dallas Love Field, in an amount not to exceed \$344,240.15, increasing the contract amount from \$594,067.75 to \$938,307.90.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to sign Supplemental Agreement No. 3 to the professional services contract with Alliance Geotechnical Group, Inc., approved as to form by the City Attorney, to perform construction materials testing for the Rehabilitation of Taxiway Bravo Phase II Project at Dallas Love Field, in an amount not to exceed \$344,240.15, increasing the contract amount from \$594,067.75 to \$938,307.90.

**SECTION 2.** That the City Manager is hereby authorized to increase appropriations in an amount not to exceed \$344,240.15 in the Aviation Near Term Passenger Facility Charge Fund, Fund A477, Department AVI, Unit W121, Object 4113.



May 23, 2018

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$344,240.15 to Alliance Geotechnical Group, Inc., in accordance with the terms and conditions of the contract from the Aviation Near Term Passenger Facility Charge Fund, Fund A477, Department AVI, Unit W121, Activity AAIP, Object 4113, Program AVIW022, Commodity 92500, Encumbrance/Contract No. CX-EBS-2016-00001542, Vendor 338366.

**SECTION 4.** That the City will apply for Passenger Facility Charge (PFC) funding for the eligible Rehabilitation of Taxiway Bravo Phase II Project at Dallas Love Field. Upon the approval of PFC funding by the Federal Aviation Administration for this project in an amount not to exceed \$344,240.15, the City Manager is hereby authorized to increase appropriations in an amount not to exceed \$344,240.15 in the Aviation Passenger Facility Charge Fund, Fund 0477, Department AVI, Unit 0781, Object 3099; and the Chief Financial Officer is hereby authorized to transfer funds in an amount not to exceed \$344,240.15 from the Aviation Passenger Facility Charge Fund, Fund 0477, Department AVI, Unit 0781, Object 3099 to the Aviation Near Term Passenger Facility Charge Fund, Fund A477, Department AVI, Unit W121, Object 5011, Activity AAIP, Program AVIW121, Encumbrance/Contract No. CX-EBS-2016-00001542, Commodity 92500, Vendor VS0000016343.

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



**AGENDA ITEM # 7**

**STRATEGIC  
PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:**

May 23, 2018

**COUNCIL DISTRICT(S):**

2

**DEPARTMENT:**

Department of Aviation

**CMO:**

Jody Puckett, 670-3390

**MAPSCO:**

33D H; 34A E F J K

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**SUBJECT**

Authorize **(1)** Supplemental Agreement No. 8 to the professional services contract with Garver, LLC to provide full time services, on-site construction administration and construction observation services for the Rehabilitation of Taxiway Bravo Phase II Project at Dallas Love Field; and **(2)** an increase in appropriations in an amount not to exceed \$1,062,200 in the Aviation Near Term Passenger Facility Charge Fund - Not to exceed \$1,062,200, from \$7,974,004 to \$9,036,204 - Financing: Aviation Near Term Passenger Facility Charge Funds

**BACKGROUND**

This action will authorize Supplemental Agreement No. 8 to the professional services contract with Garver, LLC to provide full time services, on-site construction administration and construction observation services for the Rehabilitation of Taxiway Bravo Phase II Project at Dallas Love Field. The project includes the reconstruction of Taxiway Bravo between the Runway 13L end and Taxiway E, extension of Taxiway M between the Runway 13L end and Taxiway D, relocation of the Runway 13L glideslope antenna and relocation of National Weather Service equipment.

**ESTIMATED SCHEDULE OF PROJECT**

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



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

On March 25, 2015, City Council authorized a professional services contract with Garver, LLC for engineering services for design and construction documents for the Pavement Rehabilitation and Reconstruction Project at Dallas Love Field by Resolution No. 15-0491.

On September 14, 2016, City Council authorized Supplemental Agreement No. 2 to the professional services contract with Garver, LLC to provide full time on-site construction administration and management services for the Airfield Pavement Repairs Project at Dallas Love Field by Resolution No. 16-1512.

On September 28, 2016, City Council authorized Supplemental Agreement No. 3 to the professional services contract with Garver, LLC to provide on-site construction administration and construction observation services for the Taxiway Echo Intersections Improvements and the Taxiway Bravo Projects at Dallas Love Field by Resolution No. 16-1581.

On March 22, 2017, City Council authorized Supplemental Agreement No. 4 to the professional services contract with Garver, LLC for design, planning, engineering and construction document services for the Love Field Pavement Rehabilitation and Reconstruction Project, Taxiway Bravo Phase II and Taxiway Mike Phase II at Dallas Love Field by Resolution No. 17-0475.

On April 25, 2018, City Council authorized Supplemental Agreement No. 6 to the professional services contract with Garver, LLC for design, planning, engineering, and construction document services for the Love Field Pavement Rehabilitation and Reconstruction Project, Taxiway Bravo Rehabilitation Phase III and IV at Dallas Love Field by Resolution No. 18-0599.

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on May 14, 2018.

## **FISCAL INFORMATION**

Aviation Near Term Passenger Facility Charge Funds - \$1,062,200.00



**FISCAL INFORMATION** (continued)

Design (Original Contract)	\$ 1,323,890.00
Supplemental Agreement No. 1	\$ 48,840.00
Supplemental Agreement No. 2	\$ 314,464.00
Supplemental Agreement No. 3	\$ 1,769,340.00
Supplemental Agreement No. 4	\$ 1,737,770.00
Supplemental Agreement No. 5	\$ 24,200.00
Supplemental Agreement No. 6	\$ 2,755,500.00
Supplemental Agreement No. 7	\$ 0.00
Supplemental Agreement No. 8 (this action)	\$ 1,062,200.00
Materials Testing Services	\$ 344,240.15 (concurrent item)
FAA Other Transaction Agreement (OTA)	\$ 587,260.27 (concurrent item)
Construction	<u>\$15,427,000.00 (concurrent item)</u>
Total Contract Cost	\$25,394,704.42

**DBE 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 DBE participation on this contract is as follows:

<b><u>Contract Amount</u></b>	<b><u>Category</u></b>	<b><u>DBE Goal</u></b>	<b><u>DBE %</u></b>	<b><u>DBE \$</u></b>
\$1,062,200.00	Construction	24.36%	48.43%	\$514,424.88

- This contract meets the DBE goal of 24.36% and has an Overall DBE of 35.56%

**OWNER**

**Garver, LLC**

Frank McIlwain, Vice President

**MAP**

Attached



### OVERALL CSPP NOTES

SEE THE CSPP PLAN SHEET FOR EACH INDIVIDUAL CSPP PHASE FOR A LISTING OF WORK TYPES TO BE ACCOMPLISHED AND SPECIFIC RUNWAY AND TAXIWAY PAVEMENT CLOSURES.

1. PHASE 1 WORK (CLOSURES WILL BE CONDUCTED WITH A BUREAU TAXI AREA FOR AIRCRAFT TO COME AND GO FROM THE TIGER AIRPORT TO TAXIWAY 1). THE PAVEMENT TAXI AREA WILL BE IN USE DURING THE MAJOR PART OF FUTURE PHASES WHEN TAXIWAY 1A WILL NEED TO BE CLOSED. THE ASOS WILL ALSO BE INSTALLED IN PHASE 1.
2. PHASE 2 WORK (CLOSURES WILL BE CONDUCTED WITH PARALLEL TAXIWAYS CLOSURES AND IVA). INCLUDE THE MAJOR PORTION OF THE CONSTRUCTION OF THE DUAL PARALLEL TAXIWAYS 2 AND 2B, AND THE NORTHWEST OF THE TAXIWAY 3 TOWA, INCLUDING NEW CONNECTOR TAXIWAY 6A, AND NEW INTERSECTIONS WITH TAXIWAYS 2 AND IVA.
3. PHASE 3 WORK (CLOSURES WILL BE CONDUCTED WITH A RUNWAY CLOSURE FOR THE WORK THAT LIES WITHIN THE RUNWAY SAFETY AREA). INCLUDE THE MAJOR PORTION OF THE CONSTRUCTION TAXIWAY PARALLEL WITHIN THE RSA, TAXIWAY ELECTRICAL CIRCUIT WORK AND GRADING THE AREA WITHIN THE RSA.
4. THE CONSTRUCTION OF THE PHASE 3 WORK SHALL BE PERFORMED CONCURRENTLY WITH PHASE 2 WITHIN THE PHASE 3 SCHEDULE ALLOWING FOR FLEXIBILITY BASED ON OTHER IMPACTS ENCOUNTERED DURING THE CONSTRUCTION OF THIS PROJECT.
5. PHASE 4 WORK (CLOSURES WILL BE CONDUCTED BY CLOSING TAXIWAY 3 BETWEEN TAXIWAY 8B AND RUNWAY 7B-STR. PHASE 4 WORK (CLOSURES WILL INCLUDE A WORK AREA FOR THE INSTALLATION OF PORTIONS OF NEW PARALLEL TAXIWAY 4 WITHIN THE TAXIWAY 4 TOWA).
6. THE CONSTRUCTION OF THE PHASE 5 WORK SHALL BE PERFORMED CONCURRENTLY WITH PHASE 2 WITHIN THE PHASE 5 SCHEDULE, BUT NOT CONCURRENTLY WITH PHASE 3.



May 23, 2018

**WHEREAS**, on March 25, 2015, City Council authorized a professional services contract with Garver, LLC for engineering services for design and construction documents for the Pavement Rehabilitation and Reconstruction Project at Dallas Love Field, in an amount not to exceed \$1,323,890, by Resolution No. 15-0491; and

**WHEREAS**, on October 23, 2015, Administrative Action No. 15-7086 authorized Supplemental Agreement No. 1 to the professional services contract with Garver, LLC to complete a field investigation and prepare construction documents for isolated full-depth concrete repairs on the airfield at Dallas Love Field, in an amount not to exceed \$48,840, from \$1,323,890 to \$1,372,730; and

**WHEREAS**, on September 14, 2016, City Council authorized Supplemental Agreement No. 2 to the professional services contract with Garver, LLC to provide full time on-site construction administration and management services for the Airfield Pavement Repairs Project at Dallas Love Field, in an amount not to exceed \$314,464, from \$1,372,730 to \$1,687,194, by Resolution No. 16-1512; and

**WHEREAS**, on September 28, 2016, City Council authorized Supplemental Agreement No. 3 to the professional services contract with Garver, LLC to provide on-site construction administration and construction observation services for the Taxiway Echo Intersections Improvements and the Taxiway Bravo Projects at Dallas Love Field, in an amount not to exceed \$1,769,340, from \$1,687,194 to \$3,456,534, by Resolution No. 16-1581; and

**WHEREAS**, on March 22, 2017, City Council authorized Supplemental Agreement No. 4 to the professional services contract with Garver, LLC for design, planning, engineering, and construction document services for the Love Field Pavement Rehabilitation and Reconstruction Project, Taxiway Bravo Phase II and Taxiway Mike Phase II at Dallas Love Field, in an amount not to exceed \$1,737,770, from \$3,456,534 to \$5,194,304, by Resolution No. 17-0475; and

**WHEREAS**, on June 21, 2017, Administrative Action No. 17-0812 authorized Supplemental Agreement No. 5 to the professional services contract with Garver, LLC for additional design services to accommodate the request of the Federal Aviation Administration (FAA) to change the design plans to keep Taxiway E open to aircraft traffic and to move the new runway connector to a new location at Dallas Love Field, in an amount not to exceed \$24,200, from \$5,194,304 to \$5,218,504; and

**WHEREAS**, on April 25, 2018, City Council authorized Supplemental Agreement No. 6 to the professional services contract with Garver, LLC for design, planning, engineering and construction document services for the Love Field Pavement Rehabilitation and Reconstruction Project, Taxiway Bravo Rehabilitation Project Phases III and IV at Dallas Love Field, in an amount not to exceed \$2,755,500, increasing the contract amount from \$5,218,504 to \$7,974,004, by Resolution No. 18-0599; and



May 23, 2018

**WHEREAS**, on May 3, 2018, Administrative Action No. 18-0175 authorized Supplemental Agreement No. 7 to the professional services contract with Garver, LLC for the transfer of funds from the Love Field Taxiway Echo Intersection Project to the Taxiway Bravo Rehabilitation Phase I Project, no cost consideration to the City of Dallas; and

**WHEREAS**, it is now desirable for Garver, LLC to begin the full time services, on-site construction administration and construction observation services for the Rehabilitation of Taxiway Bravo Phase II Project at Dallas Love Field; and

**WHEREAS**, it is now necessary to authorize a Supplemental Agreement No. 8 with Garver, LLC for full time services, on-site construction administration and construction observation services for the Rehabilitation of Taxiway Bravo Phase II Project at Dallas Love Field, in an amount not to exceed \$1,062,200, increasing the contract amount from \$7,974,004 to \$9,036,204.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to sign Supplemental Agreement No. 8 to the professional services contract with Garver, LLC, approved as to form by the City Attorney, for full time services, on-site construction administration and construction observation services for the Rehabilitation of Taxiway Bravo Phase II Project at Dallas Love Field, in an amount not to exceed \$1,062,200, increasing the contract amount from \$7,974,004 to \$9,036,204.

**SECTION 2.** That the City Manager is hereby authorized to increase appropriations in an amount not to exceed \$1,062,200 in the Aviation Near Term Passenger Facility Charge Fund, Fund A477, Department AVI, Unit W121, Object 4111.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$1,062,200 to be paid to Garver, LLC from Aviation Near Term Passenger Facility Charge Fund, Fund A477, Department AVI, Unit W121, Object 4111, Activity AAIP, Program AVIW121, Encumbrance CTAVIW121TWYBFY17, Commodity 92500, Vendor VS0000016343 in accordance with the terms and conditions of the professional services contract.



May 23, 2018

**SECTION 4.** That the City will apply for Passenger Facility Charge (PFC) funding for the eligible Rehabilitation of Taxiway Bravo Phase II Project at Dallas Love Field; and upon the approval of PFC funding by the FAA for this project in an amount not to exceed \$1,062,200, the City Manager is hereby authorized to increase appropriations in an amount not to exceed \$1,062,200 in the Aviation Passenger Facility Charge Fund, Fund 0477, Department AVI, Unit 0781, Object 3099; and the Chief Financial Officer is hereby authorized to transfer funds in an amount not to exceed \$1,062,200 from the Aviation Passenger Facility Charge Fund, Fund 0477, Department AVI, Unit 0781, Object 3099 to the Aviation Near Term Passenger Facility Charge Fund, Fund A477, Department AVI, Unit W121, Object 5011, Activity AAIP, Program AVIW121, Encumbrance CTAVIW121TWYBFY17, Commodity 92500, Vendor VS0000016343.

**SECTION 5.** That this contract is designated as Contract No. AVI-2018-00004771.

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







## AGENDA ITEM # 8

**STRATEGIC  
PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:**

May 23, 2018

**COUNCIL DISTRICT(S):**

9

**DEPARTMENT:**

Department of Public Works  
Water Utilities Department

**CMO:**

Majed Al-Ghafry, 670-3302

**MAPSCO:**

47C D

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**SUBJECT**

Authorize **(1)** a Project Specific Agreement with Dallas County for funding participation in the design and construction of paving and drainage improvements for Highland Road from Ferguson Road to Primrose Drive; **(2)** the receipt and deposit of funds from Dallas County in an amount not to exceed \$783,357 for the County's share of the construction cost; and **(3)** an increase in appropriations in an amount not to exceed \$783,357 in the Capital Projects Reimbursement Fund - Not to exceed \$783,357 - Financing: Capital Projects Reimbursement Funds

**BACKGROUND**

The Highland Road Project is a partnership project between the City of Dallas and Dallas County. This project was submitted and subsequently selected for implementation by Dallas County's Major Capital Improvement Program in 2017. This action will authorize a Project Specific Agreement with Dallas County for funding participation for the design and construction of paving and drainage improvements for Highland Road from Ferguson Road to Primrose Drive.

The scope of the project entails reconstructing the existing six-lane divided roadway to a four-lane divided roadway with dedicated bike lanes. This project will also provide modifications to the traffic signal at Ferguson Road and Highland Road, enhanced crosswalks at intersections, landscaping, drainage improvements, and water and wastewater upgrades. The City is the lead agency for this project and is responsible for administering the design and construction. The design for this project is complete, and construction is estimated to commence in early 2019 and should be complete in early 2020.



## **ESTIMATED SCHEDULE OF PROJECT**

Began Design	May 2015
Completed Design	May 2018
Begin Construction	February 2019
Complete Construction	February 2020

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

On January 10, 2001, City Council authorized a Master Agreement with Dallas County governing future transportation major capital improvement projects between the City of Dallas and Dallas County by Resolution No. 01-0104.

On April 13, 2011, City Council authorized a new ten-year Master Agreement with Dallas County governing major transportation capital improvement projects by Resolution No. 11-0927.

On May 27, 2015, City Council authorized a professional services contract with Dal-Tech Engineering, Inc. for the engineering design services of thoroughfare improvements for Highland Road from Ferguson Road to Primrose at Highland by Resolution No. 15-0955.

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on May 14, 2018.

## **FISCAL INFORMATION**

Capital Projects Reimbursement Funds - \$783,357.00

### **City's share**

Design (Engineering)	\$ 298,227.11
Supplemental Agreement No. 1	\$ 41,519.00
Construction	
Paving & Drainage - PBW	\$ 971,526.00 (est.)
Water & Wastewater - DWU	<u>\$1,064,937.00 (est.)</u>
Total	\$2,376,209.11

### **County's share**

Construction	
Paving & Drainage - PBW	\$ 733,357.00
County Administrative Costs	<u>\$ 50,000.00</u>
Total	\$ 783,357.00
Total Estimated Project Costs	\$3,159,566.11



**FISCAL INFORMATION** (continued)

**Estimated Project Share Costs**

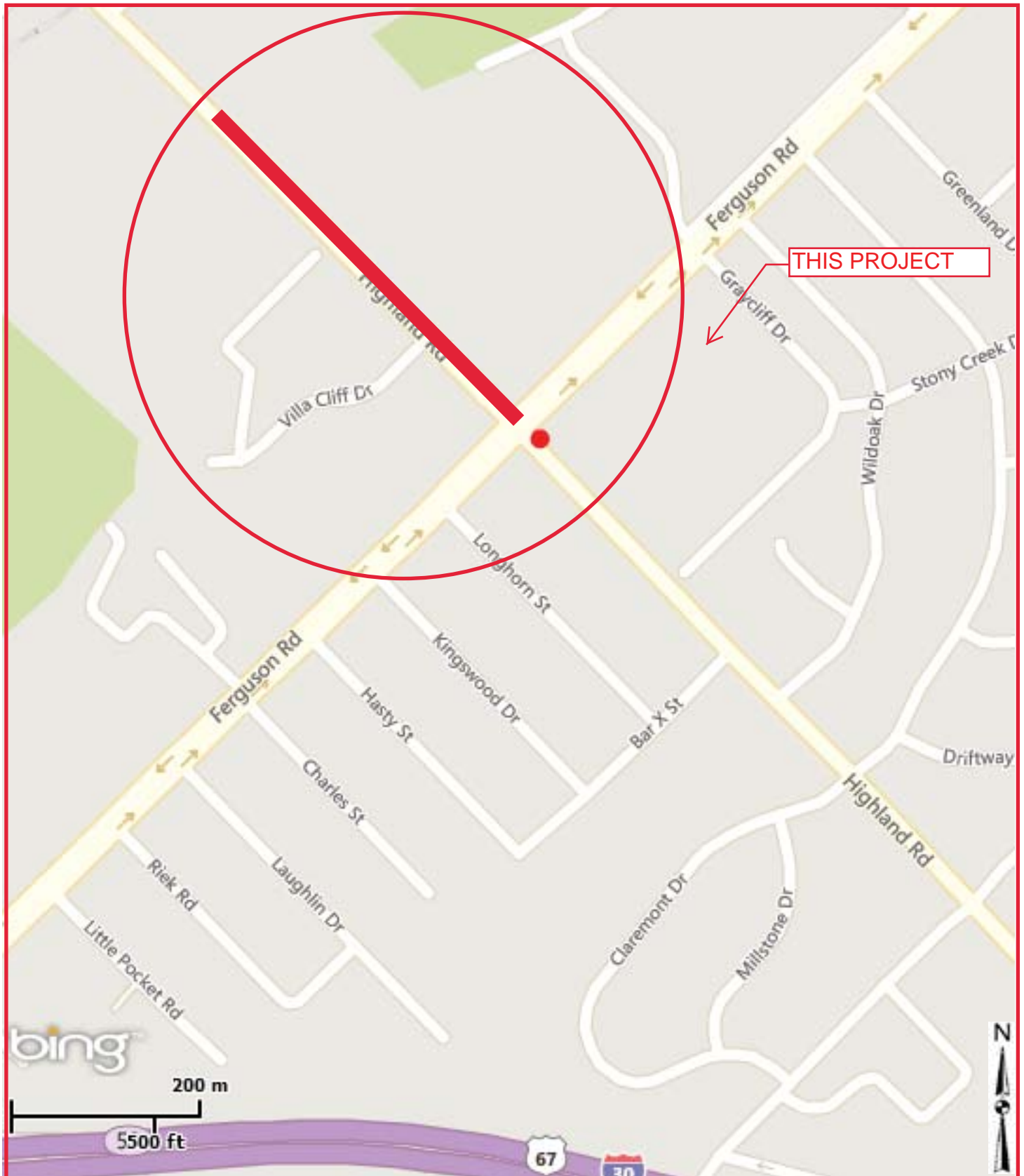
City of Dallas (PBW)	\$1,311,272.11
City of Dallas (DWU)	\$1,064,937.00
Dallas County	\$ 783,357.00

**MAP**

Attached



## HIGHLAND ROAD FROM FERGUSON ROAD TO PRIMROSE DRIVE



MAPSCO 47C & D



May 23, 2018

**WHEREAS**, on January 10, 2001, City Council authorized a Master Agreement with Dallas County governing future transportation major capital improvement projects between the City of Dallas and Dallas County by Resolution No. 01-0104; and

**WHEREAS**, on April 13, 2011, City Council authorized a new ten-year Master Agreement with Dallas County governing major transportation capital improvement projects by Resolution No. 11-0927; and

**WHEREAS**, the City of Dallas is the lead agency for administering the design and construction services of Highland Road improvements from Ferguson Road to Primrose Drive; and

**WHEREAS**, on May 27, 2015, City Council authorized a professional services contract with Dal-Tech Engineering, Inc. for the engineering design of thoroughfare improvements for Highland Road from Ferguson Road to Primrose at Highland, in an amount not to exceed \$298,227.11, by Resolution No. 15-0955; and

**WHEREAS**, on January 3, 2017, Administrative Action No. 17-5166 authorized Supplemental Agreement No. 1 to the professional services contract with Dal-Tech Engineering, Inc. to perform the engineering design of bike lane addition for Highland Road from Ferguson Road to Primrose Drive at Highland, in an amount not to exceed \$41,519.00, from \$298,227.11 to \$339,746.11; and

**WHEREAS**, it is now necessary to authorize a Project Specific Agreement with Dallas County for funding participation in the design and construction of paving and drainage improvements for Highland Road from Ferguson Road to Primrose Drive, and the receipt and deposit of payment from Dallas County, in an amount not to exceed \$783,357.00 for Dallas County's share of the project costs.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to sign a Project Specific Agreement with Dallas County, approved as to form by the City Attorney, for funding participation in the design and construction of paving and drainage improvements for Highland Road from Ferguson Road to Primrose Drive.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to receive and deposit funds in an amount not to exceed \$783,357.00 from Dallas County in the Capital Projects Reimbursement Fund, Fund 0556, Department PBW, Unit S611, Activity THRF, Revenue Code 6511.



May 23, 2018

**SECTION 3.** That the City Manager is hereby authorized to increase appropriations in an amount not to exceed \$783,357.00 in the Capital Projects Reimbursement Fund, Fund 0556, Department PBW, Unit S611, Activity THRF, Object 4510.

**SECTION 4.** That in accordance with the provisions of the Project Specific Agreement with Dallas County, the Chief Financial Officer is hereby authorized to return any unused funds and interest earned on the funds upon completion of this project to Dallas County.

**SECTION 5.** That this contract is designated as Contract No. PBW-2018-00005938.

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



## AGENDA ITEM # 9

### STRATEGIC PRIORITY:

Mobility Solutions, Infrastructure, and Sustainability

### AGENDA DATE:

May 23, 2018

### COUNCIL DISTRICT(S):

13

### DEPARTMENT:

Department of Public Works

### CMO:

Majed Al-Ghafry, 670-3302

### MAPSCO:

26 Q U

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### SUBJECT

Authorize Supplemental Agreement No. 4 to the professional services contract with Civil Associates, Inc. for additional engineering services for the planned reconstruction of Holly Hill Drive from Phoenix Drive to Pineland Drive and Phoenix Drive from Fair Oaks Avenue to Holly Hill Drive - Not to exceed \$72,889, from \$385,751 to \$458,640 - Financing: 2012 Bond Funds

### BACKGROUND

On December 11, 2013, City Council authorized a professional services contract with Civil Associates, Inc. to provide engineering design of three target neighborhood street improvement projects on Holly Hill Drive from Phoenix Drive to Pineland Drive, Hughes Lane from Churchill Way to Lafayette Way, and Phoenix Drive from Fair Oaks Avenue to Holly Hill Drive in a amount not to exceed \$309,053.00, by Resolution No. 13-2068.

The Vickery Meadow Public Improvement District (VMPID) has identified new concerns and has requested revisions to the design concepts of the Holly Hill and Phoenix Drive Projects. This action will authorize Supplemental Agreement No. 4 to the professional services contract with Civil Associates, Inc. for additional engineering services for the planned reconstruction of Holly Hill Drive and Phoenix Drive Projects.

The reconstruction of Holly Hill Drive from Phoenix Drive to Pineland Drive and Phoenix Drive from Fair Oaks Avenue to Holly Hill Drive was approved in the 2012 Bond Program. These two projects are within the VMPID resulting in the VMPID team's involvement in the development of the original design concepts of both projects. At the beginning of the design phase, staff presented the conceptual plans and provided the VMPID team with status updates of the design development. However, in Spring 2017, VMPID had a change in leadership. This new leadership did not approve of the original design concepts and requested the development of different concepts.



## **BACKGROUND** (continued)

In a collaboration effort between the Department of Public Works and the Department of Transportation, staff developed new concepts that would address VMPID's input regarding the modification of the typical pavement sections to provide a continuous operation for motorists and pedestrians while meeting the varying needs of the adjoining owners and the public. The new design concepts were presented to VMPID leadership earlier this year and were approved. This action will now allow Civil Associates, Inc. to implement the new design concepts for both projects.

## **ESTIMATED SCHEDULE OF PROJECT**

Began Design	November 2014
Complete Design	October 2018
Begin Construction	February 2019
Complete Construction	February 2020

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

On December 11, 2013, City Council authorized a professional services contract with Civil Associates, Inc. for engineering design of three target neighborhood street improvement projects on Holly Hill Drive from Phoenix Drive to Pineland Drive, Hughes Lane from Churchill Way to Lafayette Way and Phoenix Drive from Fair Oak Avenue to Holly Hill Drive by Resolution No. 13-2068.

Information about this item will be provided to the Mobility Solutions, Infrastructure, & Sustainability Committee on May 14, 2018.

## **FISCAL INFORMATION**

2012 Bond Funds - \$72,889.00

### **Holly Hill Drive – Phoenix Drive to Pineland Drive**

Design – PBW	\$ 85,162.00
Design – DWU	\$ 2,956.00
Supplemental Agreement No. 1	\$ 36,906.00
Supplemental Agreement No. 4 (this action)	\$ 39,369.00
Construction	
Paving & Drainage - PBW	\$ 609,084.00 (est.)
Water & Wastewater - DWU	\$ <u>43,804.42</u> (est.)
Total Project Cost	\$ 817,281.42 (est.)



**FISCAL INFORMATION** (continued)**Phoenix Drive – Fair Oaks Avenue to Holly Hill Drive**

Design – PBW	\$ 86,195.00
Design – DWU	\$ 926.00
Supplemental Agreement No. 4 (this action)	\$ 33,520.00
Construction	
Paving & Drainage - PBW	\$ 576,006.00 (est.)
Water & Wastewater - DWU	<u>\$ 13,875.73 (est.)</u>
Total Project Cost	\$ 710,522.73 (est.)

**Hughes Lane – Churchill Way to Lafayette Way**

Design – PBW	\$ 115,940.00
Design – DWU	\$ 17,874.00
Supplemental Agreement No. 2	\$ 20,292.00
Supplemental Agreement No. 3	\$ 19,500.00
Construction	
Paving & Drainage - PBW	\$ 838,068.00 (est.)
Water & Wastewater - DWU	<u>\$ 288,576.00 (est.)</u>
Total Project Cost	\$1,300,250.00 (est.)

**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 as follows:

<b><u>Contract Amount</u></b>	<b><u>Category</u></b>	<b><u>M/WBE Goal</u></b>	<b><u>M/WBE %</u></b>	<b><u>M/WBE \$</u></b>
\$72,889.00	Construction	25.00%	100%	\$72,889.00

- This contract exceeds the M/WBE goal of 25.00%

**OWNER**

**Civil Associates, Inc.**

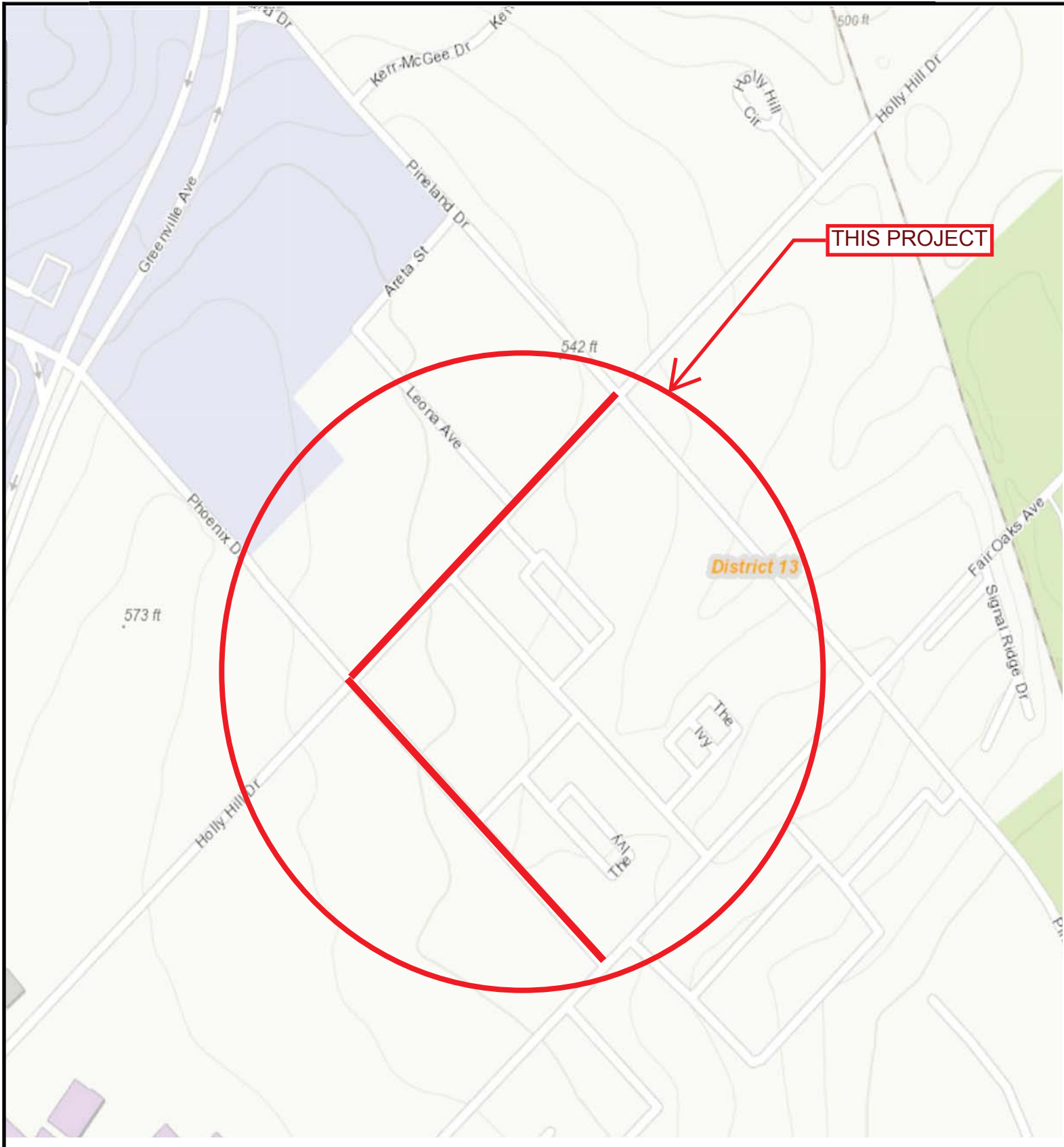
Chi Dao, P. E., President

**MAP**

Attached



**HOLLY HILL DRIVE FROM PHOENIX DRIVE TO PINELAND DRIVE  
and  
PHOENIX DRIVE FROM FAIR OAKS AVENUE TO HOLLY HILL DRIVE**





May 23, 2018

**WHEREAS**, on December 11, 2013, City Council authorized a professional services contract with Civil Associates, Inc. for engineering design of three target neighborhood street improvement projects on Holly Hill Drive from Phoenix Drive to Pineland Drive, Hughes Lane from Churchill Way to Lafayette Way, and Phoenix Drive from Fair Oaks Avenue to Holly Hill Drive, in an amount not to exceed \$309,053.00 by Resolution No. 13-2068; and

**WHEREAS**, on March 21, 2016, Administrative Action No. 16-5877 authorized Supplemental Agreement No. 1 to the professional services contract with Civil Associates, Inc. for Holly Hill Drive from Phoenix Drive to Pineland Drive, to prepare construction plans to build a 7-foot wide concrete sidewalk and install reinforced concrete stormwater pipe in the existing roadway ditch along Holly Hill Drive from Pineland Drive to Dead End, in an amount not to exceed \$36,906.00, from \$309,053.00 to \$345,959.00; and

**WHEREAS**, on October 24, 2016, Administrative Action No. 16-6848 authorized Supplemental Agreement No. 2 to the professional services contract with Civil Associates, Inc. to prepare construction plans to replace 350 linear feet of an existing 24-inch reinforced concrete pipe with a new 36-inch reinforced concrete pipe including alley concrete pavement to adequately convey stormwater runoff from Hughes Lane to an existing concrete channel for Hughes Lane from Churchill Way to Lafayette, which is included in Street Group 12-636, in an amount not to exceed \$20,292.00, from \$345,959.00 to \$366,251.00; and

**WHEREAS**, on February 1, 2018, Administrative Action No. 18-5377 authorized Supplemental Agreement No. 3 to the professional services contract with Civil Associates, Inc. for the preparation of construction plans to adjust the profile for Hughes Lane from Churchill Way to Lafayette Way, in an amount not to exceed \$19,500.00, from \$366,251.00 to \$385,751.00; and

**WHEREAS**, it is now necessary to authorize Supplemental Agreement No. 4 to the professional services contract with Civil Associates, Inc. for additional engineering services for paving and drainage improvements for Holly Hill Drive from Phoenix Drive to Pineland Drive and Phoenix Drive from Fair Oaks Avenue to Holly Hill Drive, in an amount not to exceed \$72,889.00, increasing the contract amount from \$385,751.00 to \$458,640.00.

**Now, Therefore,**

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



May 23, 2018

**SECTION 1.** That the City Manager is hereby authorized to sign Supplemental Agreement No. 4 to the professional services contract with Civil Associates, Inc., approved as to form by the City Attorney, for additional engineering services for paving and drainage improvements for Holly Hill Drive from Phoenix Drive to Pineland Drive and Phoenix Drive from Fair Oaks Avenue to Holly Hill Drive, in an amount not to exceed \$72,889.00, increasing the contract amount from \$385,751.00 to \$458,640.00.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$72,889.00 to Civil Associates, Inc., as follows:

Street and Transportation Improvements Fund	
Fund 3U22, Department PBW, Unit S604, Activity TGTN	
Object 4111, Program PB12S604, CT-PBW12S604B1	
Vendor 512422	\$39,369.00

Street and Transportation Improvements Fund	
Fund 3U22, Department PBW, Unit S609, Activity TGTN	
Object 4111, Program PB12S609, CT-PBW12S604B1	
Vendor 512422	<u>\$33,520.00</u>

Total amount not to exceed	\$72,889.00
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**SECTION 3.** That this contract is designated as Contract No. PBW-2016-00000440.

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



## AGENDA ITEM # 10

### STRATEGIC PRIORITY:

Mobility Solutions, Infrastructure, and Sustainability

### AGENDA DATE:

May 23, 2018

### COUNCIL DISTRICT(S):

Outside City Limits

### DEPARTMENT:

Department of Sustainable Development and Construction  
City Attorney's Office  
Water Utilities Department

### CMO:

Majed Al-Ghafry, 670-3302  
Larry Casto, 670-3491

### MAPSCO:

N/A

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### SUBJECT

Authorize the **(1)** deposit of the amount awarded by the Special Commissioners' in the condemnation proceedings styled City of Dallas v. Pamela Samantha Keats, et al., Cause No. 98574-CC, pending in Kaufman County Court at Law, to acquire approximately 902,535 square feet of land for right-of-way located in Kaufman County for the Lake Tawakoni 144-inch Pipeline Project; and **(2)** settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$208,700, increased from \$210,700 (\$207,200, plus closing costs and title expenses not to exceed \$3,500) to \$419,400 (\$414,400 being the award, plus closing costs and title expenses not to exceed \$5,000) - Financing: Water Utilities Capital Improvement Funds

### BACKGROUND

On April 8, 2015, City Council authorized acquisition through the use of condemnation by Resolution No. 15-0681. The property owner was offered \$210,700, which included closing costs and title expenses not to exceed \$3,500, which was based on a written appraisal from an independent certified appraiser. The property owner did not accept the offer and the City filed an eminent domain proceeding to acquire the property. After a hearing on March 20, 2018, the Special Commissioners' awarded the property owner \$414,400.

This item authorizes deposit of the amount awarded by the Special Commissioners' for the property, which is \$208,700 more than the City Council originally authorized for this acquisition.



**BACKGROUND** (continued)

The City has no control over the Special Commissioners' appointed by the judge or any award that is subsequently rendered by the Special Commissioners'. The City, in order to acquire possession of the property and proceed with its improvements, must deposit the amount awarded by the Special Commissioners' in the registry of the Court.

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

On April 8, 2015, City Council authorized acquisition, including the exercise of the right of eminent domain, if such became necessary, from Pamela Samantha Keats, et al., of approximately 902,535 square feet of land located in Kaufman County for the Lake Tawakoni 144-inch Pipeline Project by Resolution No. 15-0681.

**FISCAL INFORMATION**

Water Utilities Capital Improvement Funds - \$208,700

Resolution No. 15-0681	\$210,700
Additional Amount (this action)	<u>\$208,700</u>
Total Authorized Amount	\$419,400

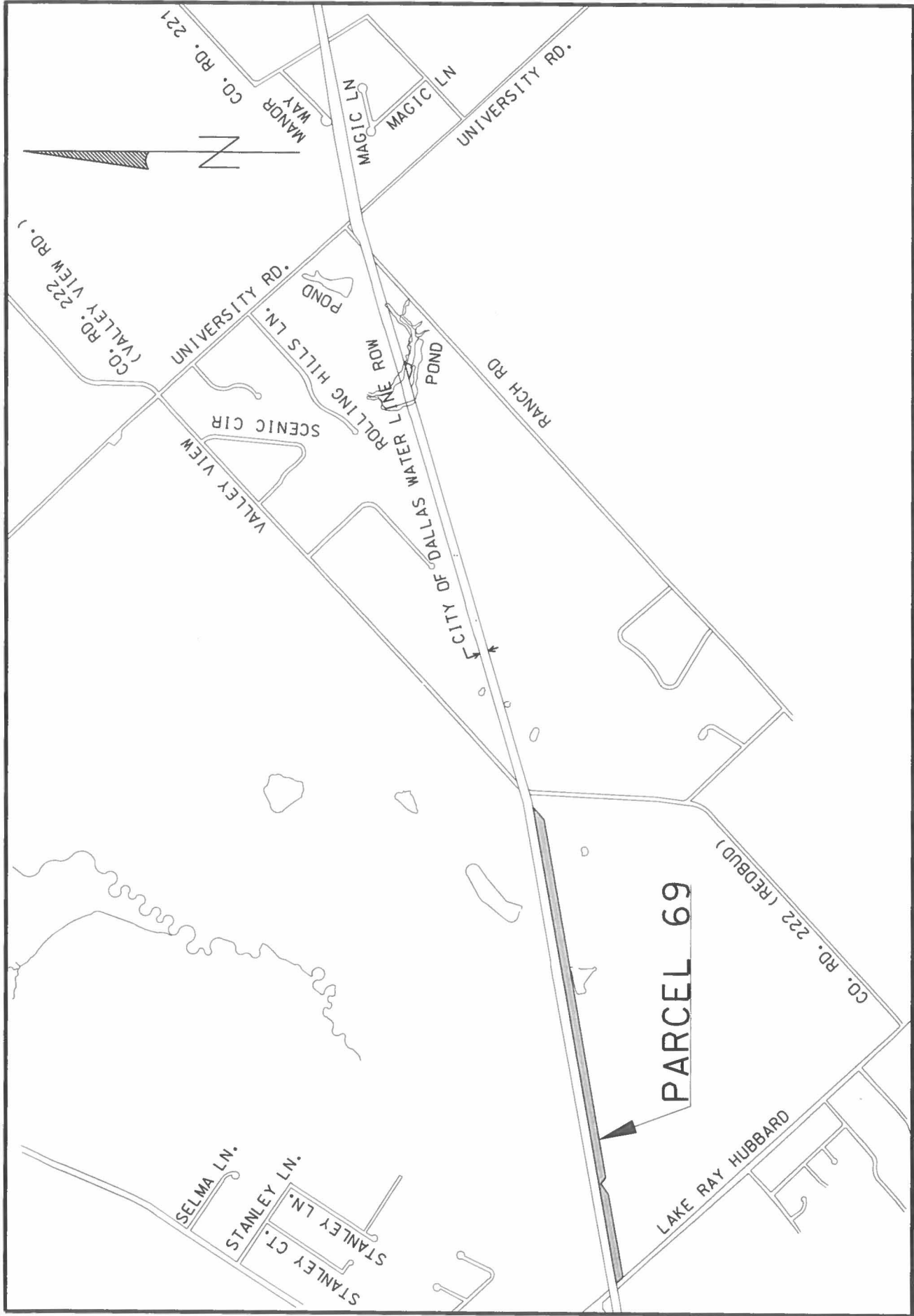
**OWNER**

Pamela Samantha Keats, et al.

**MAP**

Attached





VICINITY MAP  
APPROXIMATE SCALE 1" = 2000'



May 23, 2018

**A RESOLUTION AUTHORIZING THE DEPOSIT OF A SPECIAL COMMISSIONERS' AWARD AND SETTLEMENT OF A CONDEMNATION PROCEEDING, AND IF OBJECTIONS ARE FILED, SETTLEMENT OF A CONDEMNATION LAWSUIT, FOR AN AMOUNT NOT TO EXCEED THE AWARD.**

*All said capitalized terms are defined in Section 1 below.*

**WHEREAS**, OWNER refused to sell the PROPERTY INTEREST in and to the PROPERTY to CITY for the OFFICIAL OFFER AMOUNT contained in the FIRST RESOLUTION; and

**WHEREAS**, the City Attorney filed a CONDEMNATION PROCEEDING for the acquisition of the PROPERTY INTEREST in and to the PROPERTY for the PROJECT pursuant to said RESOLUTION; and

**WHEREAS**, the Special Commissioners' appointed by the Court in the CONDEMNATION PROCEEDING rendered the SPECIAL COMMISSIONERS' AWARD AMOUNT, which the City Council wishes to deposit with the County Clerk of Kaufman County, Texas, so that CITY may take possession of the PROPERTY INTEREST in and to the PROPERTY; and

**WHEREAS**, the Dallas City Council desires to authorize the City Attorney to settle the CONDEMNATION PROCEEDING, and if objections are filed, the CONDEMNATION LAWSUIT, for an amount not to exceed the SPECIAL COMMISSIONERS' AWARD AMOUNT.

**Now, Therefore,**

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

**SECTION 1.** For the purposes of this resolution, the following definitions shall apply:

“CITY”: The City of Dallas

“FIRST RESOLUTION”: Resolution No. 15-0681 approved by the Dallas City Council on April 8, 2015, authorized filing of a condemnation proceeding, which is incorporated herein by reference.

“CONDEMNATION PROCEEDING/LAWSUIT”: Cause No. 98574-CC, in Kaufman County Court at Law, and styled City of Dallas v. Pamela Samantha Keats, et al., filed pursuant to City Council Resolution No. 15-0681.



May 23, 2018

**SECTION 1.** (continued)

"PROPERTY": Approximately 902,535 square feet of land located in Kaufman County, Texas, as described in the CONDEMNATION PROCEEDING.

"PROPERTY INTEREST": Fee Simple Title

"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.

"OFFICIAL OFFER AMOUNT": \$207,200

"SPECIAL COMMISSIONERS' AWARD AMOUNT": \$414,400

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$5,000

"AUTHORIZED AMOUNT": Not to exceed \$419,400 (SPECIAL COMMISSIONERS' AWARD plus CLOSING COSTS AND TITLE EXPENSES)

"DESIGNATED FUNDS":

\$210,700 from Water Capital Construction Fund, Fund 0102, Department DWU, Unit CW20, Program 704041, Object 4210, Encumbrance CT-DWU704041II.

\$208,700 from Water Capital Improvement Fund, Fund 3115, Department DWU, Unit PW20, Program 704041, Object 4210, Encumbrance/Contract No. CX-DWU-2018-00005622.

**SECTION 2.** That the City Attorney is hereby authorized to acquire the PROPERTY INTEREST in and to the PROPERTY by instrument, or judgment, for the SPECIAL COMMISSIONERS' AWARD AMOUNT. If the PROPERTY INTEREST in and to the PROPERTY is being acquired by instrument, the Chief Financial Officer is hereby authorized to issue a check, to be paid out of and charged to the DESIGNATED FUNDS, in an amount not to exceed the SPECIAL COMMISSIONERS' AWARD AMOUNT, made payable to OWNER, or the then current owner(s) of record, or to the title company insuring the transaction described herein. If the PROPERTY INTEREST in and to the PROPERTY is not being acquired through instrument, the Chief Financial



May 23, 2018**SECTION 2.** (continued)

Officer is hereby authorized to issue a check, to be paid out of and charged to the DESIGNATED FUNDS, in an amount not to exceed the SPECIAL COMMISSIONERS' AWARD AMOUNT, made payable to the County Clerk of Dallas County, Texas, to be deposited into the registry of the Court, to enable CITY to take possession of the PROPERTY INTEREST in and to the PROPERTY without further action of the Dallas City Council. The Chief Financial Officer is further authorized and directed to issue another check, to be paid out of and charged to the DESIGNATED FUNDS, in the amount of the CLOSING COSTS AND TITLE EXPENSES, made payable to the title company insuring the transaction described herein. The SPECIAL COMMISSIONERS' AWARD AMOUNT and the CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**SECTION 3.** That the City Attorney is authorized to settle the CONDEMNATION PROCEEDING, and if objections are filed, the CONDEMNATION LAWSUIT, for an amount not to exceed the SPECIAL COMMISSIONERS' AWARD AMOUNT.

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

APPROVED AS TO FORM:  
LARRY E. CASTO, City Attorney

BY:   
Assistant City Attorney



## **AGENDA ITEM # 11**

### **STRATEGIC PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

### **AGENDA DATE:**

May 23, 2018

### **COUNCIL DISTRICT(S):**

2

### **DEPARTMENT:**

Department of Sustainable Development and Construction  
Department of Human Resources

### **CMO:**

Majed Al-Ghafry, 670-3302  
T.C. Broadnax, 670-3297

### **MAPSCO:**

45Q

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### **SUBJECT**

Authorize a three-year license agreement with University of North Texas for the non-exclusive use of approximately 997 square feet of classroom space located at 1500 Marilla Street, L1EN Room D - Financing: No cost consideration to the City

### **BACKGROUND**

This item authorizes a three-year license agreement with University of North Texas ("UNT") for the non-exclusive use of approximately 997 square feet of classroom space located at 1500 Marilla Street, L1EN Room D. The license will allow UNT to offer courses for its Masters of Public Administration degree off-campus to City employees at a reduced tuition rate. City and UNT are currently operating on a month-to-month basis and desire to enter in into a longer three-year term.

The license agreement will begin June 01, 2018 through May 31, 2021.

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

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on May 14, 2018.

### **FISCAL INFORMATION**

No cost consideration to the City.



**OWNER**

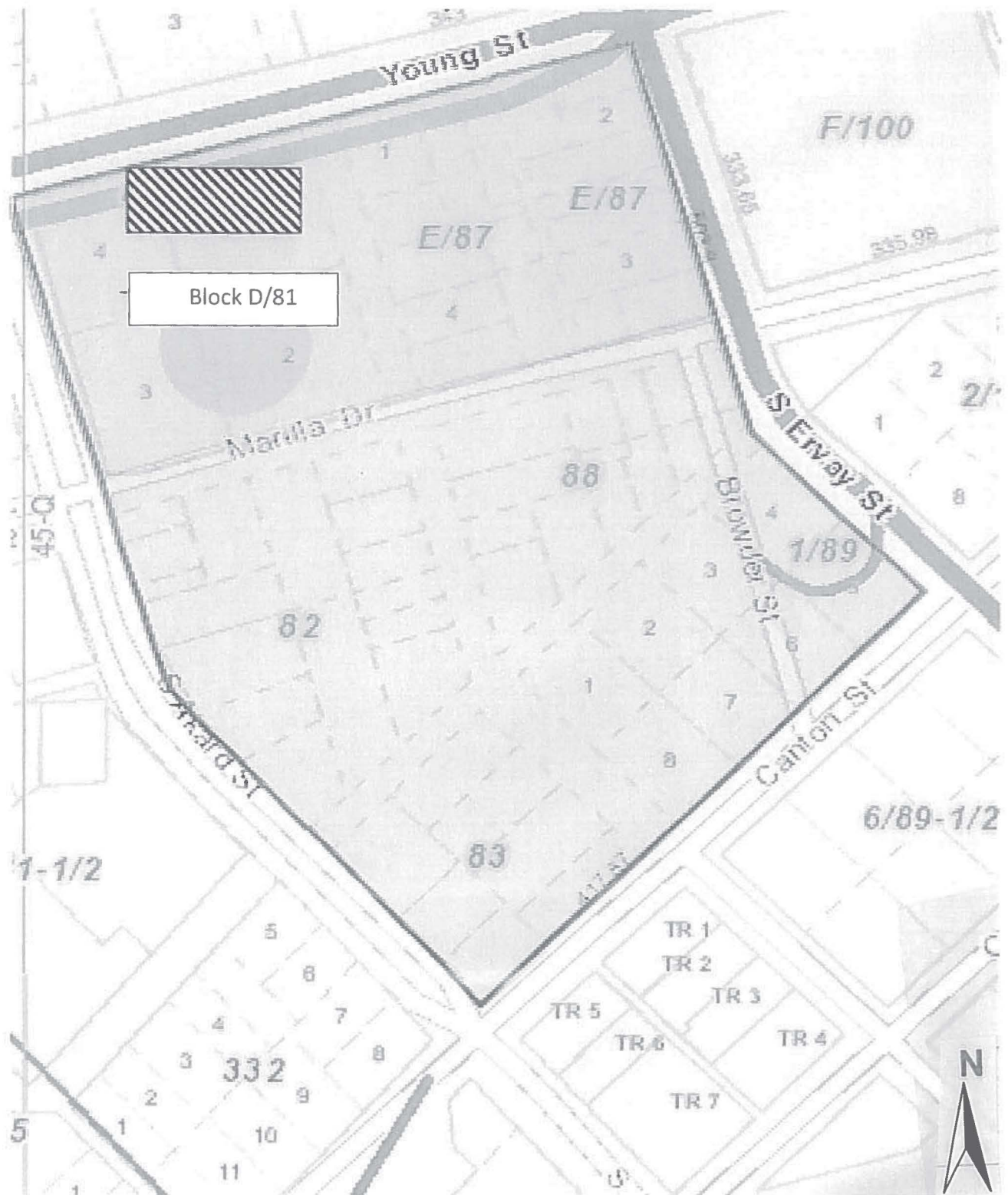
**University of North Texas**

Bob Brown, Vice President

**MAP**

Attached





**LEASED PREMISES**







May 23, 2018

**WHEREAS**, the City of Dallas owns certain property located at 1500 Marilla Street, Dallas, Dallas County, Texas near the intersection of Young and Marilla Streets, and being a part of City Block D/81 (the "Property"); and

**WHEREAS**, the Property is currently being used as a municipal office building for the City of Dallas; and

**WHEREAS**, University of North Texas ("UNT"), an institution of higher education of the State of Texas, desires to enter into a License Agreement (the "Agreement") as licensee, with the City of Dallas ("City") as licensor, to license the non-exclusive use of office space to provide courses at the Property for its Masters of Public Administration degree ("Program") for City employees; and

**WHEREAS**, UNT and City are currently operating on a month-to-month basis and desire to enter into a three-year term; and

**WHEREAS**, the Dallas City Council deems it advisable to license the non-exclusive use of the Property to UNT upon the terms and conditions provided herein and such other terms as the City Manager may deem appropriate and as is approved as to form by the City Attorney.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager upon approval as to form by the City Attorney be and is hereby authorized to sign a License Agreement between University of North Texas, an institution of higher education of the State of Texas and the City of Dallas.

**SECTION 2.** That the special terms and conditions of the Agreement are:

- (a) the Agreement is for a term of three (3) years, beginning June 1, 2018 and ending May 31, 2021.
- (b) UNT shall provide courses to the City of Dallas employees at a reduced tuition rate.
- (c) UNT shall not make any improvements on or to the Property provided by the City.
- (d) the Agreement is non-exclusive and the City of Dallas reserves full ingress and egress rights and the right to grant use to other parties.



May 23, 2018

**SECTION 2.** (continued)

- (e) City agrees to allow UNT access to classroom space located at Dallas City Hall: 1500 Marilla, Dallas, TX 75201; L1EN Room D.
- (f) UNT shall have access to L1EN Room D from 5:00pm to 10:00pm on Wednesday and Thursday evening.
- (g) UNT shall comply with all applicable federal, state, and municipal laws, ordinances, rules, and regulations; and certify such compliance upon a specific request by City.

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

APPROVED AS TO FORM:  
LARRY E. CASTO, City Attorney

BY: \_\_\_\_\_

Assistant City Attorney



## AGENDA ITEM # 12

### STRATEGIC PRIORITY:

Mobility Solutions, Infrastructure, and Sustainability

### AGENDA DATE:

May 23, 2018

### COUNCIL DISTRICT(S):

6

### DEPARTMENT:

Department of Sustainable Development and Construction

### CMO:

Majed Al-Ghafry, 670-3302

### MAPSCO:

45H

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### SUBJECT

An ordinance granting a private license to DD Dunhill Land, LLC, for the use of a total of approximately 3,487 square feet of land to install, maintain and utilize two sets of wooden stairs, wooden decking, electrical conduit for lighting, canopy with premise sign, two benches, two trash receptacles, sixteen light poles, landscaping and irrigation, eight bollards, metal inlay, fifteen trees, pavement markers, LED button lights and cross texturing on portions of Hi Line Drive and Turtle Creek Boulevard rights-of-way located near their intersection - Revenue: \$7,964 annually and \$1,600 one-time fee, plus the \$20 ordinance publication fee

### BACKGROUND

This item grants a private license to DD Dunhill Land, LLC, for the use of a total of approximately 3,487 square feet of land to install, maintain and utilize two sets of wooden stairs, wooden decking, electrical conduit for lighting, canopy with premise sign, two benches, two trash receptacles, sixteen light poles, landscaping and irrigation, eight bollards, metal inlay, fifteen trees, pavement markers, LED button lights and cross texturing on portions of Hi Line Drive and Turtle Creek Boulevard rights-of-way located near their intersection. The use of this area will not impede pedestrian or vehicular traffic.

The licensee will indemnify the City and carry general liability insurance naming the City as an additional insured.

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

Information about this item will be provided the Mobility Solutions, Infrastructure & Sustainability Committee on May 14, 2018.



### **FISCAL INFORMATION**

Revenue - \$7,964 annually and \$1,600 one-time fee, plus the \$20 ordinance publication fee

### **OWNER**

**DD Dunhill Land, LLC**

William L. Hutchinson, Managing Member

### **MAP**

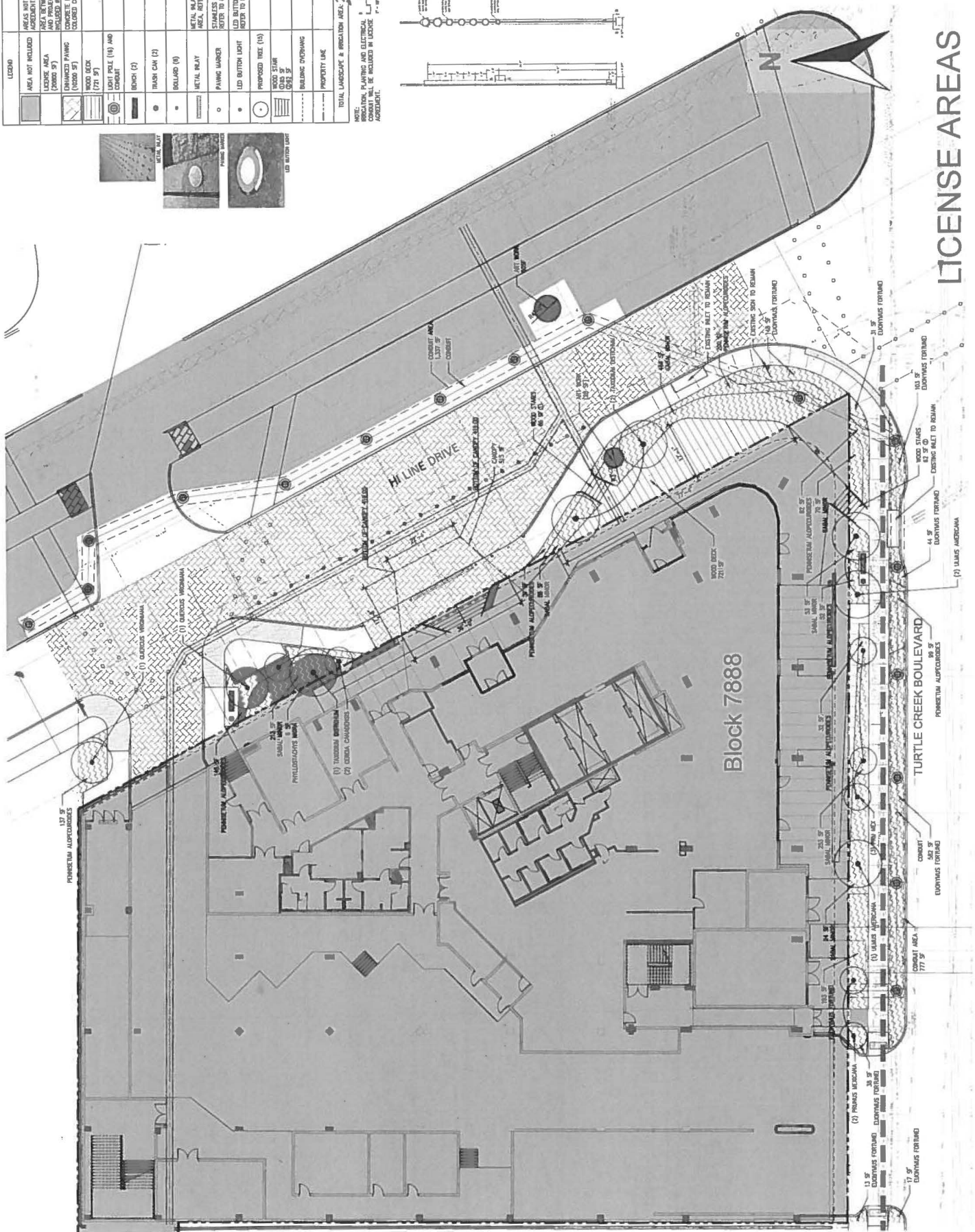
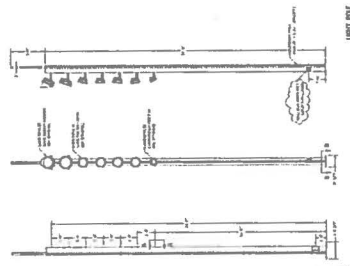
Attached



# LICENSE AREAS

LEGEND	NOTE
AREA NOT INCLUDED IN LICENSE	AREAS NOT INCLUDED IN LICENSE
AREA EXCLUDED FROM PROPERTY LINE AND PROJECT SCOPE TO BE INCLUDED IN LICENSE AGREEMENT	AREA EXCLUDED FROM PROPERTY LINE AND PROJECT SCOPE TO BE INCLUDED IN LICENSE AGREEMENT
EXISTING PAVING (1000 SF)	EXISTING PAVING (1000 SF)
PROPOSED PAVING (1000 SF)	PROPOSED PAVING (1000 SF)
WOOD DECK (1700 SF)	WOOD DECK (1700 SF)
LED LIGHT (14) AND CONDUIT	LED LIGHT (14) AND CONDUIT
BENCH (2)	BENCH (2)
TRASH CAN (2)	TRASH CAN (2)
BOLLARD (6)	BOLLARD (6)
METAL RAIL	METAL RAIL FOR ADA DROP-OFF AREA, REFER TO PICTURE
STAINLESS STEEL PAVING MARKER	REFER TO PICTURE
LED BUTTON LIGHT	LED BUTTON LIGHT IN PAVEMENT, REFER TO PICTURE
PROPOSED TREE (13)	PROPOSED TREE (13)
WOOD SIGN (2000 SF)	WOOD SIGN (2000 SF)
BUILDING OVERHANG	BUILDING OVERHANG
PROPERTY LINE	PROPERTY LINE
TOTAL LANDSCAPE & BRICKLAYER AREA: 3,487	

NOTE: EXISTING PAVING AND ELECTRICAL CONDUIT WILL BE INCLUDED IN LICENSE AGREEMENT.









**ORDINANCE NO. \_\_\_\_\_**

An ordinance granting a private license to DD Dunhill Land, LLC to occupy, maintain and utilize portions of Hi Line Drive and Turtle Creek Boulevard rights-of-way located near their intersection, adjacent to City Block 36/7888 within the limits hereinafter more fully described, for the purpose of installing, maintaining, and utilizing two (2) sets of wooden stairs, wooden decking, electrical conduit for lighting, canopy with premise sign, two (2) benches, two (2) trash receptacles, sixteen (16) light poles, landscaping and irrigation, eight (8) bollards, metal inlay, fifteen (15) trees, pavement markers, LED button lights and cross texturing; providing for the terms and conditions of this license; providing for the annual and one-time fee 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 private license, hereinafter referred to as “license”, subject to the restrictions and conditions of this ordinance, is hereby granted to DD Dunhill Land, LLC, a Texas limited liability company its successors and assign, hereinafter referred to as “**GRANTEE**”, to occupy, maintain and utilize for the purpose set out hereinbelow the tracts of land described in Exhibit A, hereinafter referred to as “licensed 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 **SEVEN THOUSAND NINE HUNDRED SIXTY FOUR (\$7,964.00) DOLLARS** annually for the license herein granted for wooden stairs, wooden decking, electrical conduit for lighting, and canopy with premise sign, 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 **SEVEN THOUSAND NINE HUNDRED SIXTY FOUR (\$7,964.00) DOLLARS** shall be paid prior to the final passage



**SECTION 3.** (continued)

of this ordinance and shall cover the consideration for 2018. In addition, in accordance with the special fees established by Section 43-115.1 of the Dallas City Code, **GRANTEE** shall pay to the City of Dallas a one-time license fee in the sum of **ONE THOUSAND SIX HUNDRED (\$1,600.00) DOLLARS**, for the license herein granted for two (2) benches, two (2) trash receptacles, sixteen (16) light poles, landscaping and irrigation, eight (8) bollards, metal inlay, fifteen (15) trees, pavement markers, LED button lights and cross texturing, said sum to be paid prior to the final passage of this ordinance and shall cover the total consideration for said purpose during the license term. Such annual and one-time fee consideration, collectively, shall be in addition to and exclusive of any other taxes or special assessments required by law to be paid by **GRANTEE**. Should **GRANTEE** fail to pay the above stated annual fee within sixty (60) days of the due date, the Director of Department of Sustainable Development and Construction may terminate this license. All sums payable to the City of Dallas hereunder shall be paid to the Chief Financial Officer of the City of Dallas and deposited in the 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: install, maintain, and utilize two (2) set of wooden stairs, wooden decking, electrical conduit for lighting, canopy with premise sign, two (2) benches, two (2) trash receptacles, sixteen (16) light poles, landscaping and irrigation, eight (8) bollards, metal inlay, fifteen (15) trees, pavement markers, LED button lights and cross texturing on portions of Turtle Creek Boulevard and Hi Line Drive.

**SECTION 5.** That this license is subject to the provisions set forth in Exhibit B, attached hereto and made a part hereof.



**SECTION 6.** That this license is nonexclusive and is made expressly subject and subordinate to the right of the City to use the licensed area for any public purpose. The Governing Body of the City of Dallas reserves the right by resolution duly passed by said Governing Body, to terminate and cancel this license upon giving **GRANTEE** sixty (60) days notice of its intent to cancel. Upon termination, all rights granted hereunder shall thereupon be considered fully terminated and cancelled and the City of Dallas shall not be held liable by reason thereof. Said resolution shall be final and shall not be subject to review by the Courts. **GRANTEE** shall have the right of cancellation upon giving the City of Dallas sixty (60) days written notice of its intention to cancel, and in either event upon the termination or cancellation by the City or **GRANTEE**, as the case may be, this license shall become null and void and **GRANTEE** or anyone claiming any rights under this instrument shall remove, to the extent required by the Director of Department of Sustainable Development and Construction, any improvements and encroachments from the licensed areas at **GRANTEE's** expense. Failure to do so shall subject **GRANTEE** to the provisions contained in Exhibit B, Subsection (a). All work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Department of Sustainable Development and Construction.

**SECTION 7.** That the license is subject to the following conditions, terms and reservations:

- (a) **GRANTEE** shall obtain the required building permits and a Right-of-Way Permit must be applied for and issued prior to any work within the right-of-way.
- (b) **GRANTEE** shall comply with PD No. 830 zoning regulations for the Bishop district and related public right-of-way improvements must meet the standards.
- (c) **GRANTEE** acknowledges Atmos has active facilities in the area and if conflicts exist, **GRANTEE** will be responsible for cost to relocate said facilities.

**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



**SECTION 8.** (continued)

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, restriction and conditions contained in this ordinance. The assignee shall deliver evidence of ownership of property abutting the licensed areas and a copy of the assignment, along with the assignee's written acceptance of the provisions of this ordinance, to the Director of Department of Sustainable Development and Construction within 10 days of such assignment; said assignment and written acceptance shall be forwarded to the City Secretary of the City of Dallas. Should **GRANTEE** fail to obtain prior written approval for assignment of this license or fail to provide the City of Dallas with the required written acceptance and a copy of the assignment, the Director of Department of Sustainable Development and Construction, or designee, may terminate this license.

**SECTION 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 fees 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-2017-00003190.



**SECTION 13.** That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

DAVID COSSUM, Director

Department of Sustainable Development and  
Construction

BY:



Assistant City Attorney

BY:



Assistant Director

Passed \_\_\_\_\_.



**LICENSE AGREEMENT  
HI-LINE DRIVE  
ADJACENT TO BLOCK 36/7888  
SAMUEL LOCKHART SURVEY, ABSTRACT NO. 817  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

BEING A 85 SQUARE FOOT (0.0020 ACRE) TRACT OF LAND SITUATED IN THE SAMUEL LOCKHART SURVEY, ABSTRACT NO. 817, ADJACENT TO CITY OF DALLAS BLOCK 36/7888, CITY OF DALLAS, DALLAS COUNTY, TEXAS, AND BEING A PORTION OF HI-LINE DRIVE, (A 160-FOOT PUBLIC RIGHT-OF-WAY), CREATED AND DEDICATED BY THE THIRTEENTH INSTALLMENT OF TRINITY INDUSTRIAL DISTRICT, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 23, PAGE 165, MAP RECORDS OF DALLAS COUNTY, TEXAS, (M.R.D.C.T.), SAID 85 SQUARE FOOT TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT A 1/2-INCH IRON ROD FOUND FOR THE MOST EASTERLY CORNER OF LOT 6, BLOCK 36/7888 AND THE MOST NORTHERLY CORNER OF LOT 7, BLOCK 36/7888 OF SAID THIRTEENTH INSTALLMENT OF TRINITY INDUSTRIAL DISTRICT SAME BEING THE MOST EASTERLY CORNER OF A CALLED 607.98 SQUARE FOOT TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED TO SOUTHWESTERN BELL TELEPHONE COMPANY, RECORDED IN VOLUME 5703, PAGE 428, DEED RECORDS DALLAS, COUNTY, TEXAS, (D.R.D.C.T.), AND THE MOST NORTHERLY CORNER OF THE REMAINING PORTION OF THAT CALLED 0.1796 ACRE TRACT OF LAND DESCRIBED IN THE SPECIAL WARRANTY DEED TO DD DUNHILL LAND LLC RECORDED IN INSTRUMENT NO. 201400283799, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS, (O.P.R.D.C.T.), AND THE MOST SOUTHERLY CORNER OF A CALLED 65,729 SQUARE FOOT EASEMENT OF RIGHT-OF-WAY FOR STREET AND/OR HIGHWAY PURPOSES DESCRIBED IN A DEED TO THE COUNTY OF DALLAS, RECORDED IN VOLUME 4472, PAGE 305, D.R.D.C.T. AND ALSO BEING IN THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID HI-LINE DRIVE;

**THENCE** SOUTH 60°54'59" EAST ALONG THE COMMON LINE OF SAID HI-LINE DRIVE AND SAID BLOCK 36/7888, A DISTANCE OF 163.23 FEET TO A POINT FOR CORNER, FROM WHICH A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "STANTEC" FOUND FOR THE POINT OF INTERSECTION OF SAID COMMON LINE WITH THE NORTHWESTERLY RIGHT-OF-WAY LINE OF TURTLE CREEK BOULEVARD, (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY, 97-FEET WIDE AT THIS POINT) BEARS SOUTH 60°54'59" EAST, A DISTANCE OF 98.12 FEET;

**THENCE** DEPARTING SAID COMMON LINE, OVER AND ACROSS SAID HI-LINE DRIVE RIGHT-OF-WAY, THE FOLLOWING CALLS:

SOUTH 80°52'47" EAST, A DISTANCE OF 16.02 FEET TO THE **POINT OF BEGINNING**;

NORTH 00°02'26" EAST, A DISTANCE OF 7.53 FEET TO A POINT FOR CORNER;

SOUTH 89°57'34" EAST, A DISTANCE OF 10.21 FEET TO A POINT FOR CORNER;

SOUTH 00°02'26" WEST, A DISTANCE OF 9.17 FEET TO A POINT FOR CORNER;

NORTH 80°52'47" WEST, A DISTANCE OF 10.34 FEET TO THE **POINT OF BEGINNING**;

**CONTAINING** A COMPUTED AREA OF 85 SQUARE FEET OR 0.0020 ACRES OF LAND.

**NOTES:**

A SKETCH WAS PREPARED ON EVEN DATE TO ACCOMPANY THIS DESCRIPTION.

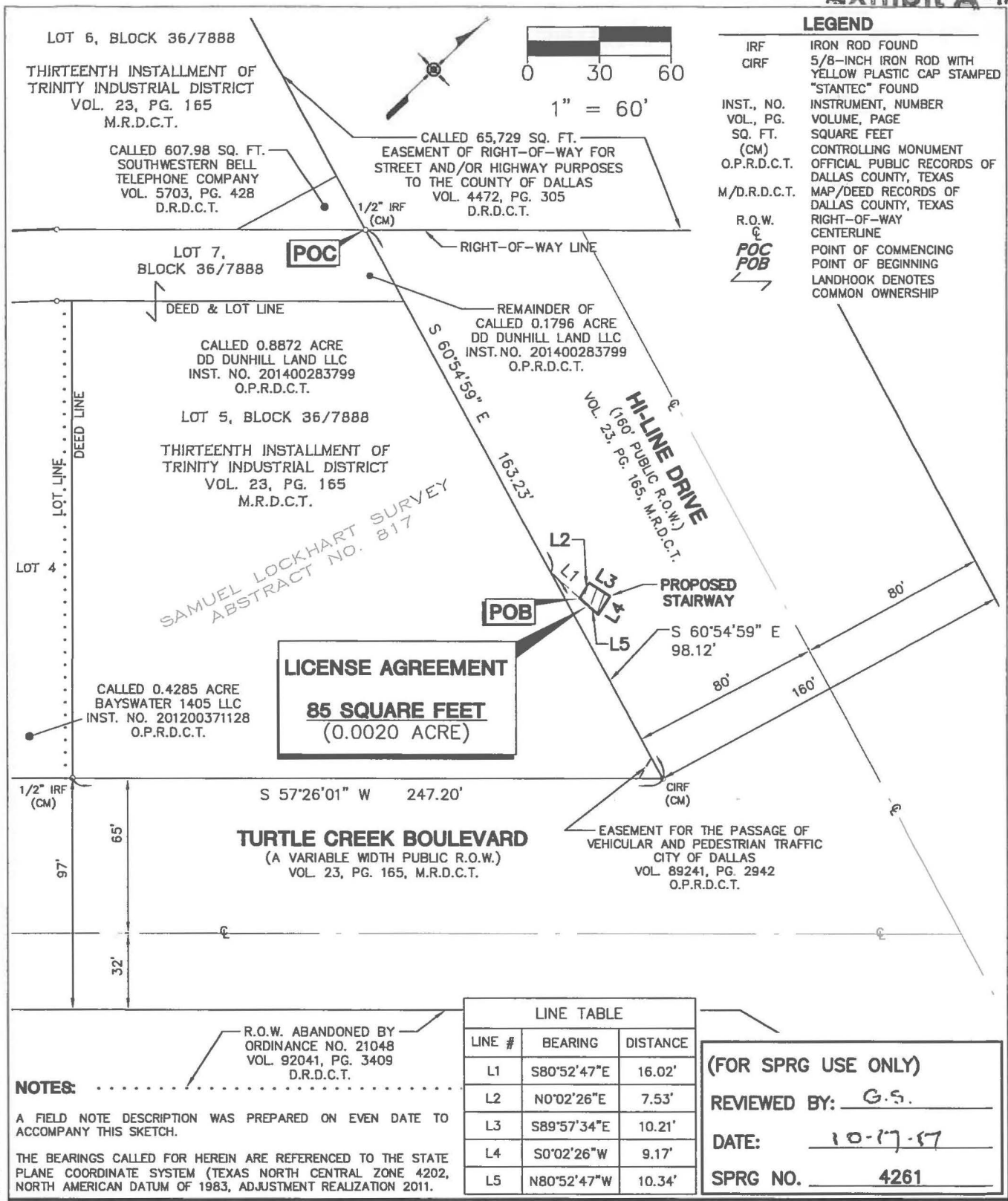
THE BEARINGS CALLED FOR HEREIN ARE REFERENCED TO THE STATE PLANE COORDINATE SYSTEM (TEXAS NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983, ADJUSTMENT REALIZATION 2011.



(For SPRG use only)

Reviewed by: G.S. Date: 10-17-17 SPRG NO: 4261





OCTOBER 11, 2017, PROJ. NO. 222210586

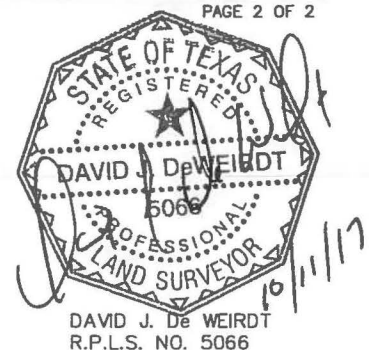
PAGE 2 OF 2



12222 Merit Drive, Suite 400  
Dallas, TX 75251-2268  
TBPE # F-6324 TBPLS # 10194229  
www.stantec.com

## LICENSE AGREEMENT

HI-LINE DRIVE  
ADJACENT TO BLOCK 36/7888  
SAMUEL LOCKHART SURVEY, ABSTRACT NO. 817  
CITY OF DALLAS, DALLAS COUNTY, TEXAS





**LICENSE AGREEMENT  
TURTLE CREEK BOULEVARD  
ADJACENT TO BLOCK 36/7888  
SAMUEL LOCKHART SURVEY, ABSTRACT NO. 817  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

BEING A 62 SQUARE FOOT (0.0014 ACRE) TRACT OF LAND SITUATED IN THE SAMUEL LOCKHART SURVEY, ABSTRACT NO. 817, ADJACENT TO CITY OF DALLAS BLOCK 36/7888, CITY OF DALLAS, DALLAS COUNTY, TEXAS, AND BEING A PORTION OF TURTLE CREEK BOULEVARD (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY), CREATED AND DEDICATED BY THE THIRTEENTH INSTALLMENT OF TRINITY INDUSTRIAL DISTRICT, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEROF RECORDED IN VOLUME 23, PAGE 165, MAP RECORDS OF DALLAS COUNTY, TEXAS, (M.R.D.C.T.), SAID 62 SQUARE FOOT TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "STANTEC" FOUND FOR THE MOST EASTERLY CORNER OF LOT 5, BLOCK 36/7888 OF SAID THIRTEENTH INSTALLMENT OF TRINITY INDUSTRIAL DISTRICT AND BEING THE POINT OF INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF SAID TURTLE CREEK BOULEVARD, (97-FEET WIDE AT THIS POINT), WITH THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF HI-LINE DRIVE, (A CALLED 160-FOOT PUBLIC RIGHT-OF-WAY, CREATED AND DEDICATED BY THE SAID THIRTEENTH INSTALLMENT OF TRINITY INDUSTRIAL DISTRICT) AND ALSO BEING THE MOST EASTERLY CORNER OF A CALLED 0.8872 ACRE TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED TO DD DUNHILL LAND LLC RECORDED IN INSTRUMENT NO. 201400283799, OFFICIAL PUBLIC RECORDS DALLAS COUNTY, TEXAS, (O.P.R.D.C.T.), AND FROM WHICH A 1/2-INCH IRON ROD FOUND FOR THE MOST NORTHERLY CORNER OF SAID LOT 5, BLOCK 36/7888 BEARS NORTH 60°54'59" WEST, A DISTANCE OF 261.34 FEET;

**THENCE** SOUTH 57°26'01" WEST, ALONG THE COMMON LINE OF SAID TURTLE CREEK BOULEVARD AND BLOCK 36/7888, A DISTANCE OF 27.80 FEET TO THE **POINT OF BEGINNING**;

**THENCE** DEPARTING SAID COMMON LINE, OVER AND ACROSS SAID RIGHT-OF-WAY, THE FOLLOWING CALLS:

SOUTH 10°13'49" WEST, A DISTANCE OF 8.20 FEET TO A POINT FOR CORNER;

SOUTH 57°25'58" WEST, A DISTANCE OF 10.30 FEET TO A POINT FOR CORNER;

NORTH 10°13'49" EAST, A DISTANCE OF 8.20 FEET TO A POINT FOR CORNER IN SAID COMMON LINE FROM WHICH A 1/2-INCH IRON FOUND FOR THE MOST SOUTHERLY CORNER OF SAID 0.8872 ACRE TRACT OF LAND BEARS SOUTH 57°26'01" WEST, A DISTANCE OF 209.10 FEET;

**THENCE** NORTH 57°26'01" EAST ALONG SAID COMMON LINE, A DISTANCE OF 10.30 FEET TO THE **POINT OF BEGINNING**;

**CONTAINING** A COMPUTED AREA OF 62 SQUARE FEET OR 0.0014 ACRES OF LAND.

**NOTES:**

A SKETCH WAS PREPARED ON EVEN DATE TO ACCOMPANY THIS DESCRIPTION.

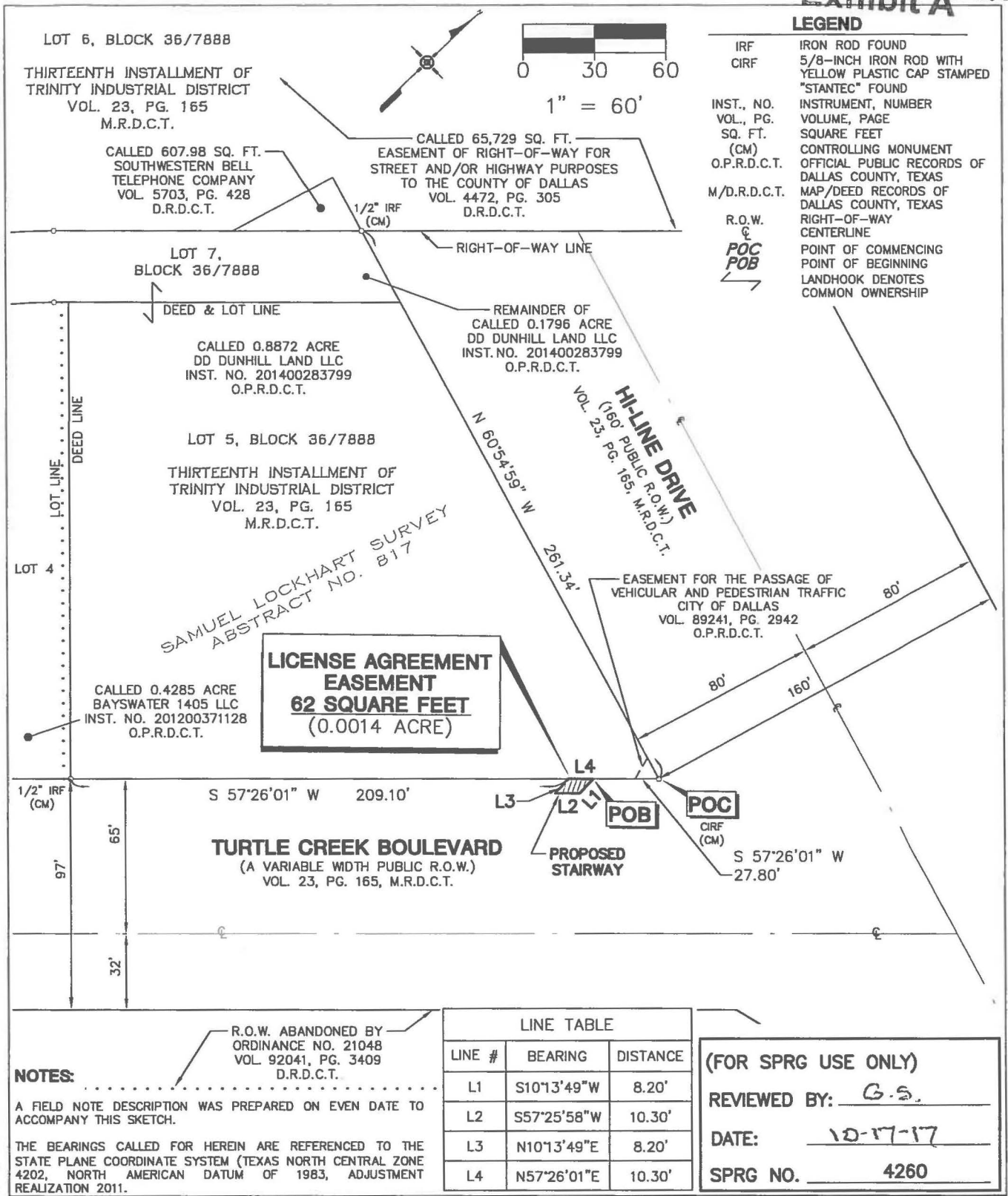
THE BEARINGS CALLED FOR HEREIN ARE REFERENCED TO THE STATE PLANE COORDINATE SYSTEM (TEXAS NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983, ADJUSTMENT REALIZATION 2011.



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Reviewed by: G.S. Date: 10-17-17 SPRG NO: 4260





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OCTOBER 11, 2017, PROJ. NO. 222210586

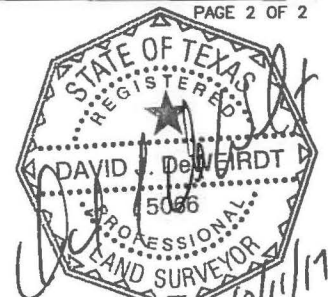
PAGE 2 OF 2



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## LICENSE AGREEMENT

**TURTLE CREEK BOULEVARD  
ADJACENT TO BLOCK 36/7888  
SAMUEL LOCKHART SURVEY, ABSTRACT NO. 817  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**



DAVID J. De WEIRD  
R.P.L.S. NO. 5066



**LICENSE AGREEMENT  
HI-LINE DRIVE  
ADJACENT TO BLOCK 36/7888  
SAMUEL LOCKHART SURVEY, ABSTRACT NO. 817  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

BEING A 721 SQUARE FOOT (0.0165 ACRE) TRACT OF LAND SITUATED IN THE SAMUEL LOCKHART SURVEY, ABSTRACT NO. 817, ADJACENT TO CITY OF DALLAS BLOCK 36/7888, CITY OF DALLAS, DALLAS COUNTY, TEXAS, AND BEING A PORTION OF HI-LINE DRIVE, (A 160-FOOT PUBLIC RIGHT-OF-WAY), CREATED AND DEDICATED BY THE THIRTEENTH INSTALLMENT OF TRINITY INDUSTRIAL DISTRICT, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEROF RECORDED IN VOLUME 23, PAGE 165, MAP RECORDS OF DALLAS COUNTY, TEXAS, (M.R.D.C.T.), SAID 721 SQUARE FOOT TRACT OF LAND BEING MORE PARTICULARLY DECEIBED AS FOLLOWS:

**COMMENCING** AT A 1/2-INCH IRON ROD FOUND FOR THE MOST EASTERLY CORNER OF LOT 6, BLOCK 36/7888 AND THE MOST NORTHERLY CORNER OF LOT 7, BLOCK 36/7888 OF SAID THIRTEENTH INSTALLMENT OF TRINITY INDUSTRIAL DISTRICT SAME BEING THE MOST EASTERLY CORNER OF A CALLED 607.98 SQUARE FOOT TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED TO SOUTHWESTERN BELL TELEPHONE COMPANY, RECORDED IN VOLUME 5703, PAGE 428, DEED RECORDS DALLAS, COUNTY, TEXAS, (D.R.D.C.T.), AND THE MOST NORTHERLY CORNER OF THE REMAINING PORTION OF THAT CALLED 0.1796 ACRE TRACT OF LAND DESCRIBED IN THE SPECIAL WARRANTY DEED TO DD DUNHILL LAND LLC RECORDED IN INSTRUMENT NO. 201400283799, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS, (O.P.R.D.C.T.), AND THE MOST SOUTHERLY CORNER OF A CALLED 65,729 SQUARE FOOT EASEMENT OF RIGHT-OF-WAY FOR STREET AND/OR HIGHWAY PURPOSES DESCRIBED IN A DEED TO THE COUNTY OF DALLAS, RECORDED IN VOLUME 4472, PAGE 305, D.R.D.C.T. AND ALSO BEING IN THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID HI-LINE DRIVE;

**THENCE** SOUTH 60°54'59" EAST ALONG THE COMMON LINE OF SAID OF SAID HI-LINE DRIVE AND SAID BLOCK 36/7888, A DISTANCE OF 163.23 FEET TO THE **POINT OF BEGINNING**;

**THENCE** DEPARTING SAID COMMON LINE, OVER AND ACROSS SAID HI-LINE DRIVE RIGHT-OF-WAY, THE FOLLOWING CALLS:

SOUTH 80°52'47" EAST, A DISTANCE OF 52.57 FEET TO A POINT FOR CORNER;

SOUTH 30°44'39" EAST, A DISTANCE OF 35.71 FEET TO A POINT FOR CORNER IN SAID COMMON LINE, FROM WHICH A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "STANTEC" FOUND FOR THE POINT OF INTERSECTION OF SAID COMMON LINE WITH THE NORTHWESTERLY RIGHT-OF-WAY LINE OF TURTLE CREEK BOULEVARD, (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY, 97-FEET WIDE AT THIS POINT) BEARS SOUTH 60°54'59" EAST, A DISTANCE OF 17.82 FEET;

**THENCE** NORTH 60°54'59" WEST ALONG SAID COMMON LINE, A DISTANCE OF 80.29 FEET TO THE **POINT OF BEGINNING**;

**CONTAINING** A COMPUTED AREA OF 721 SQUARE FEET OR 0.0165 ACRES OF LAND.

**NOTES:**

A SKETCH WAS PREPARED ON EVEN DATE TO ACCOMPANY THIS DESCRIPTION.

THE BEARINGS CALLED FOR HEREIN ARE REFERENCED TO THE STATE PLANE COORDINATE SYSTEM (TEXAS NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983, ADJUSTMENT REALIZATION 2011.



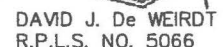
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Reviewed by: G.S. Date: 10-17-17 SPRG NO: 4263





**HI-LINE DRIVE  
ADJACENT TO BLOCK 36/7888  
SAMUEL LOCKHART SURVEY, ABSTRACT NO. 817  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**





**SUBSURFACE  
LICENSE AGREEMENT  
PART OF TURTLE CREEK BOULEVARD  
ADJACENT TO BLOCK 36/7888  
RANGING BETWEEN THE ELEVATIONS OF 395 FEET AND 397.5 FEET  
ABOVE MEAN SEA LEVEL  
OR BETWEEN 2 AND 4.5 FEET BELOW THE EXISTING SURFACE  
SAMUEL LOCKHART SURVEY, ABSTRACT NO. 817  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

BEING A 777 SQUARE FOOT (0.0178 ACRE) TRACT OF LAND SITUATED IN THE SAMUEL LOCKHART SURVEY, ABSTRACT NO. 817, ADJACENT TO CITY OF DALLAS BLOCK 36/7888, CITY OF DALLAS, DALLAS COUNTY, TEXAS, AND BEING A PORTION OF TURTLE CREEK BOULEVARD, (A VARIABLE WITH PUBLIC RIGHT-OF-WAY), CREATED AND DEDICATED BY THE THIRTEENTH INSTALLMENT OF TRINITY INDUSTRIAL DISTRICT, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEROF RECORDED IN VOLUME 23, PAGE 165, MAP RECORDS OF DALLAS COUNTY, TEXAS, (M.R.D.C.T.), AND RANGING BETWEEN THE ELEVATIONS OF 395 FEET AND 397.5 FEET ABOVE MEAN SEA LEVEL OR BETWEEN 2 AND 4.5 FEET BELOW THE EXISTING SURFACE, SAID 777 SQUARE FOOT TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "STANTEC" FOUND FOR THE MOST EASTERLY CORNER OF LOT 5, BLOCK 36/7888 OF SAID THIRTEEN INSTALLMENT OF TRINITY INDUSTRIAL DISTRICT AND BEING THE POINT OF INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF SAID TURTLE CREEK BOULEVARD, (97-FEET WIDE AT THIS POINT), WITH THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF HI-LINE DRIVE, (A CALLED 160-FOOT PUBLIC RIGHT-OF-WAY, CREATED AND DEDICATED BY THE SAID THIRTEENTH INSTALLMENT OF TRINITY INDUSTRIAL DISTRICT) AND ALSO BEING THE MOST EASTERLY CORNER OF A CALLED 0.8872 ACRE TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED TO DD DUNHILL LAND LLC RECORDED IN INSTRUMENT NO. 201400283799, OFFICIAL PUBLIC RECORDS DALLAS COUNTY, TEXAS, (O.P.R.D.C.T.);

**THENCE** SOUTH 57°26'01" WEST ALONG THE COMMON LINE OF SAID TURTLE CREEK BOULEVARD AND BLOCK 36/7888, A DISTANCE OF 6.00 FEET TO THE **POINT OF BEGINNING**;

**THENCE** DEPARTING SAID COMMON LINE, OVER AND ACROSS SAID RIGHT-OF-WAY, THE FOLLOWING CALLS:

SOUTH 11°23'47" EAST, A DISTANCE OF 17.69 FEET TO A POINT FOR CORNER;

SOUTH 57°26'20" WEST, A DISTANCE OF 167.58 FEET TO A POINT FOR CORNER;

NORTH 32°33'59" WEST, A DISTANCE OF 16.48 FEET TO A POINT FOR CORNER IN SAID COMMON LINE AND FROM WHICH A 1/2-INCH IRON FOUND FOR THE MOST SOUTHERLY CORNER OF SAID 0.8872 ACRE TRACT OF LAND BEARS SOUTH 57°26'01" WEST, A DISTANCE OF 67.23 FEET;

**THENCE** NORTH 57°26'01" EAST ALONG SAID COMMON LINE A DISTANCE OF 4.00 FEET TO A POINT FOR CORNER;

**THENCE** DEPARTING SAID COMMON LINE, OVER AND ACROSS SAID RIGHT-OF-WAY, THE FOLLOWING CALLS:

SOUTH 32°33'59" EAST, A DISTANCE OF 12.48 FEET TO A POINT FOR CORNER;

NORTH 57°26'20" EAST, A DISTANCE OF 160.84 FEET TO A POINT FOR CORNER;

NORTH 11°23'47" WEST, A DISTANCE OF 13.40 FEET TO A POINT FOR CORNER IN SAID COMMON LINE;

**THENCE** NORTH 57°26'01" EAST ALONG SAID COMMON LINE, A DISTANCE OF 4.29 FEET TO THE **POINT OF BEGINNING**;

**CONTAINING** A COMPUTED AREA OF 777 SQUARE FEET OR 0.0178 ACRES OF LAND.

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Reviewed by: G.S. Date: 10-17-17 SPRG NO: 4264



**SUBSURFACE  
LICENSE AGREEMENT  
PART OF TURTLE CREEK BOULEVARD  
ADJACENT TO BLOCK 36/7888  
RANGING BETWEEN THE ELEVATIONS OF 395 FEET AND 397.5 FEET  
ABOVE MEAN SEA LEVEL  
OR BETWEEN 2 AND 4.5 FEET BELOW THE EXISTING SURFACE  
SAMUEL LOCKHART SURVEY, ABSTRACT NO. 817  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

## NOTES:

A SKETCH WAS PREPARED ON EVEN DATE TO ACCOMPANY THIS DESCRIPTION.

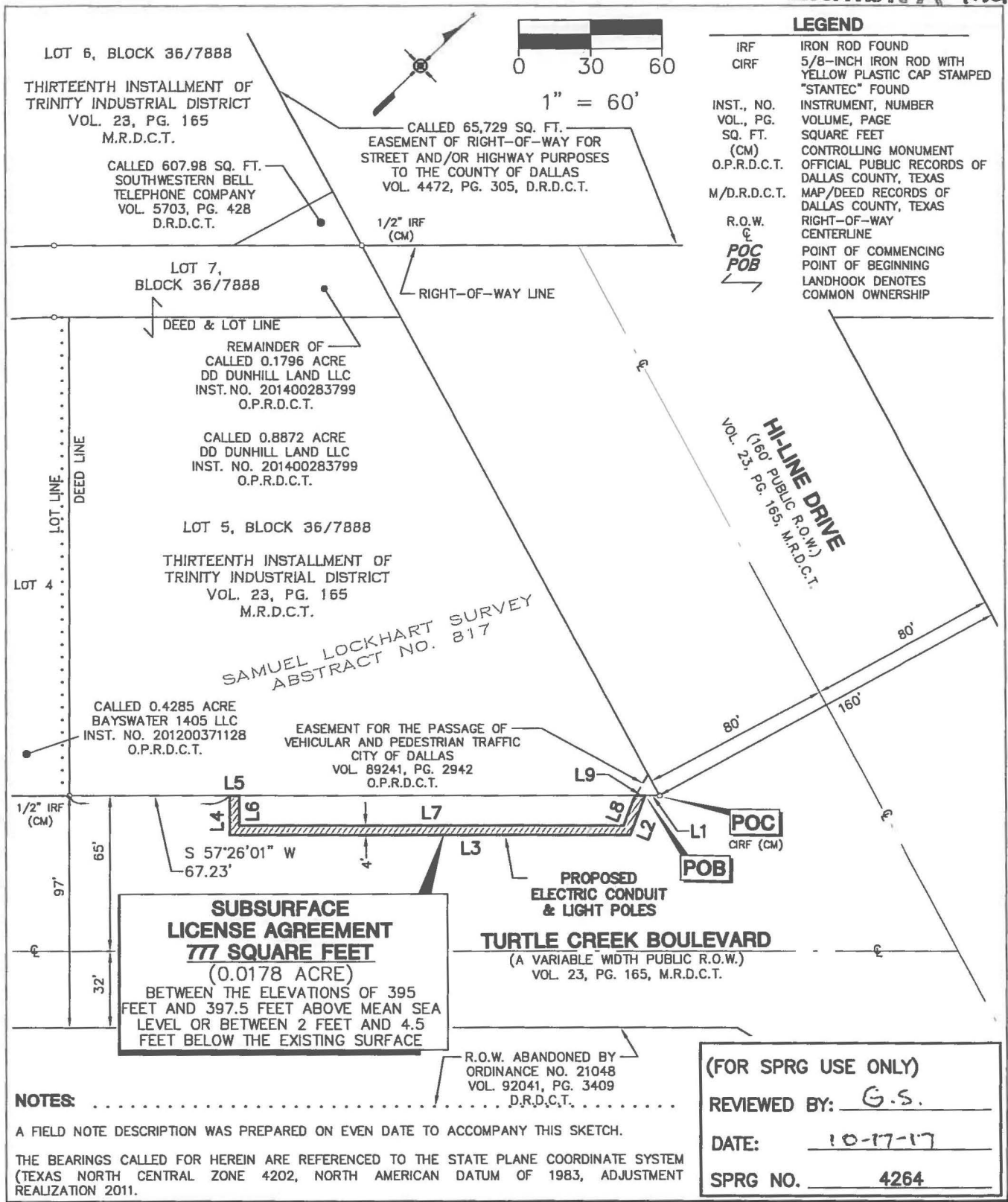
THE BEARINGS CALLED FOR HEREIN ARE REFERENCED TO THE STATE PLANE  
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DATUM OF 1983, ADJUSTMENT REALIZATION 2011.



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Reviewed by: G.S. Date: 10-17-17 SPRG NO: 4264





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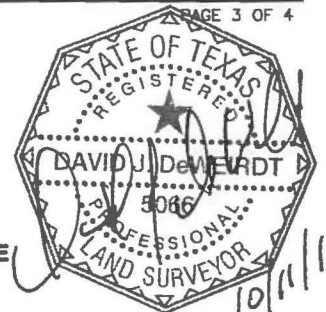
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## SUBSURFACE LICENSE AGREEMENT

PART OF TURTLE CREEK BOULEVARD  
ADJACENT TO BLOCK 36/7888  
RANGING BETWEEN THE ELEVATIONS  
OF 395 FEET AND 397.5 FEET ABOVE MEAN SEA LEVEL  
OR BETWEEN 2 AND 4.5 FEET BELOW THE EXISTING SURFACE  
SAMUEL LOCKHART SURVEY, ABSTRACT NO. 817  
CITY OF DALLAS, DALLAS COUNTY, TEXAS



DAVID J. De WEIRDT  
R.P.L.S. NO. 5066



LINE TABLE		
LINE #	BEARING	DISTANCE
L1	S57°26'01"W	6.00'
L2	S11°23'47"E	17.69'
L3	S57°26'20"W	167.58'
L4	N32°33'59"W	16.48'
L5	N57°26'01"E	4.00'
L6	S32°33'59"E	12.48'
L7	N57°26'20"E	160.84'
L8	N11°23'47"W	13.40'
L9	N57°26'01"E	4.29'

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REVIEWED BY: G.S.DATE: 10-17-17SPRG NO. 4264V:\2222\ACTIVE\222210586\SURVEY\EXHIBITS\10586V\_EX\_LICENSE-AGREE\_CONDUIT-1.DWG  
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## SUBSURFACE LICENSE AGREEMENT

PART OF TURTLE CREEK BOULEVARD  
ADJACENT TO BLOCK 38/7888  
RANGING BETWEEN THE ELEVATIONS  
OF 395 FEET AND 397.5 FEET ABOVE MEAN SEA LEVEL  
OR BETWEEN 2 AND 4.5 FEET BELOW THE EXISTING SURFACE  
SAMUEL LOCKHART SURVEY, ABSTRACT NO. 817  
CITY OF DALLAS, DALLAS COUNTY, TEXAS





**SUBSURFACE  
LICENSE AGREEMENT  
PART OF HI-LINE DRIVE  
ADJACENT TO BLOCK 36/7888  
RANGING BETWEEN THE ELEVATIONS OF 395.5 FEET AND 400 FEET  
ABOVE MEAN SEA LEVEL  
OR BETWEEN 2 AND 4.5 FEET BELOW THE EXISTING SURFACE  
SAMUEL LOCKHART SURVEY, ABSTRACT NO. 817  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

BEING A 1,337 SQUARE FOOT (0.0307 ACRE) TRACT OF LAND SITUATED IN THE SAMUEL LOCKHART SURVEY, ABSTRACT NO. 817, ADJACENT TO CITY OF DALLAS BLOCK 36/7888, CITY OF DALLAS, DALLAS COUNTY, TEXAS, AND BEING A PORTION OF HI-LINE DRIVE, (A CALLED 160-FOOT PUBLIC RIGHT-OF-WAY), CREATED AND DEDICATED BY THE THIRTEENTH INSTALLMENT OF TRINITY INDUSTRIAL DISTRICT, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEROF RECORDED IN VOLUME 23, PAGE 165, MAP RECORDS OF DALLAS COUNTY, TEXAS, (M.R.D.C.T.) AND A PORTION OF A CALLED 65,729 SQUARE FOOT DESCRIBED IN THE DEED TO THE COUNTY OF DALLAS RECORDED IN VOLUME 4472, PAGE 305, DEED RECORDS OF DALLAS COUNTY, TEXAS, (D.R.D.C.T.), AND RANGING BETWEEN THE ELEVATIONS OF 395.5 FEET AND 400 FEET ABOVE MEAN SEA LEVEL OR BETWEEN 2 AND 4.5 FEET BELOW THE EXISTING SURFACE, SAID 1,337 SQUARE FOOT TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "STANTEC" FOUND FOR THE MOST EASTERLY CORNER OF LOT 5, BLOCK 36/7888 OF SAID THIRTEENTH INSTALLMENT OF TRINITY INDUSTRIAL DISTRICT AND BEING THE POINT OF INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF SAID TURTLE CREEK BOULEVARD, (97-FOET WIDE AT THIS POINT), WITH THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF HI-LINE DRIVE, (A CALLED 160-FOOT PUBLIC RIGHT-OF-WAY, CREATED AND DEDICATED BY THE SAID THIRTEENTH INSTALLMENT OF TRINITY INDUSTRIAL DISTRICT) AND ALSO BEING THE MOST EASTERLY CORNER OF A CALLED 0.8872 ACRE TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED TO DD DUNHILL LAND LLC RECORDED IN INSTRUMENT NO. 201400283799, OFFICIAL PUBLIC RECORDS DALLAS COUNTY, TEXAS, (O.P.R.D.C.T.);

**THENCE** NORTH 60°54'59" WEST ALONG THE COMMON LINE OF SAID HI-LINE DRIVE AND BLOCK 36/7888, A DISTANCE OF 7.36 FEET TO THE **POINT OF BEGINNING**;

**THENCE** NORTH 60°54'59" WEST CONTINUING ALONG SAID COMMON LINE, A DISTANCE OF 5.26 FEET TO A POINT FOR CORNER AND FROM WHICH A 1/2-INCH IRON ROD FOUND FOR THE MOST NORTHERLY CORNER OF LOT 7, BLOCK 36/7888 OF SAID THIRTEENTH INSTALLMENT OF TRINITY INDUSTRIAL DISTRICT BEARS NORTH 60°54'59" WEST, A DISTANCE OF 248.73 FEET;

**THENCE** DEPARTING SAID COMMON LINE, OVER AND ACROSS SAID HI-LINE DRIVE RIGHT-OF-WAY AND SAID 65,729 SQUARE FOOT EASEMENT OF RIGHT-OF-WAY, THE FOLLOWING CALLS:

NORTH 11°23'47" WEST, A DISTANCE OF 71.28 FEET TO A POINT FOR CORNER;

NORTH 61°04'59" WEST, A DISTANCE OF 103.06 FEET TO A POINT FOR CORNER;

NORTH 18°36'00" WEST, A DISTANCE OF 17.09 FEET TO A POINT FOR CORNER;

NORTH 60°35'33" WEST, A DISTANCE OF 41.52 FEET TO A POINT FOR CORNER;

SOUTH 72°40'37" WEST, A DISTANCE OF 15.64 FEET TO A POINT FOR CORNER;

NORTH 63°14'53" WEST, A DISTANCE OF 23.29 FEET TO A POINT FOR CORNER;

NORTH 26°45'07" EAST, A DISTANCE OF 4.00 FEET TO A POINT FOR CORNER;

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Reviewed by: G.S. Date: 10-17-17 SPRG NO: 4265



**SUBSURFACE  
LICENSE AGREEMENT  
PART OF HI-LINE DRIVE  
ADJACENT TO BLOCK 36/7888  
RANGING BETWEEN THE ELEVATIONS OF 395.5 FEET AND 400 FEET  
ABOVE MEAN SEA LEVEL  
OR BETWEEN 2 AND 4.5 FEET BELOW THE EXISTING SURFACE  
SAMUEL LOCKHART SURVEY, ABSTRACT NO. 817  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

SOUTH 63°14'53" EAST, A DISTANCE OF 21.68 FEET TO A POINT FOR CORNER;  
NORTH 72°40'37" EAST, A DISTANCE OF 14.31 FEET TO A POINT FOR CORNER;  
NORTH 40°25'02" EAST, A DISTANCE OF 30.68 FEET TO A POINT FOR CORNER;  
SOUTH 49°34'58" EAST, A DISTANCE OF 4.00 FEET TO A POINT FOR CORNER;  
SOUTH 40°25'02" WEST, A DISTANCE OF 28.83 FEET TO A POINT FOR CORNER;  
SOUTH 60°35'33" EAST, A DISTANCE OF 38.27 FEET TO A POINT FOR CORNER;  
NORTH 17°40'10" EAST, A DISTANCE OF 28.88 FEET TO A POINT FOR CORNER;  
SOUTH 72°19'50" EAST, A DISTANCE OF 4.00 FEET TO A POINT FOR CORNER;  
SOUTH 17°40'10" WEST, A DISTANCE OF 30.68 FEET TO A POINT FOR CORNER;  
SOUTH 18°36'00" EAST, A DISTANCE OF 15.65 FEET TO A POINT FOR CORNER;  
SOUTH 61°04'59" EAST, A DISTANCE OF 103.35 FEET TO A POINT FOR CORNER;  
SOUTH 11°23'47" EAST, A DISTANCE OF 76.55 FEET TO THE **POINT OF BEGINNING**;

**CONTAINING** A COMPUTED AREA OF 1,337 SQUARE FEET OR 0.0307 ACRES OF LAND.

**NOTES:**

A SKETCH WAS PREPARED ON EVEN DATE TO ACCOMPANY THIS DESCRIPTION.

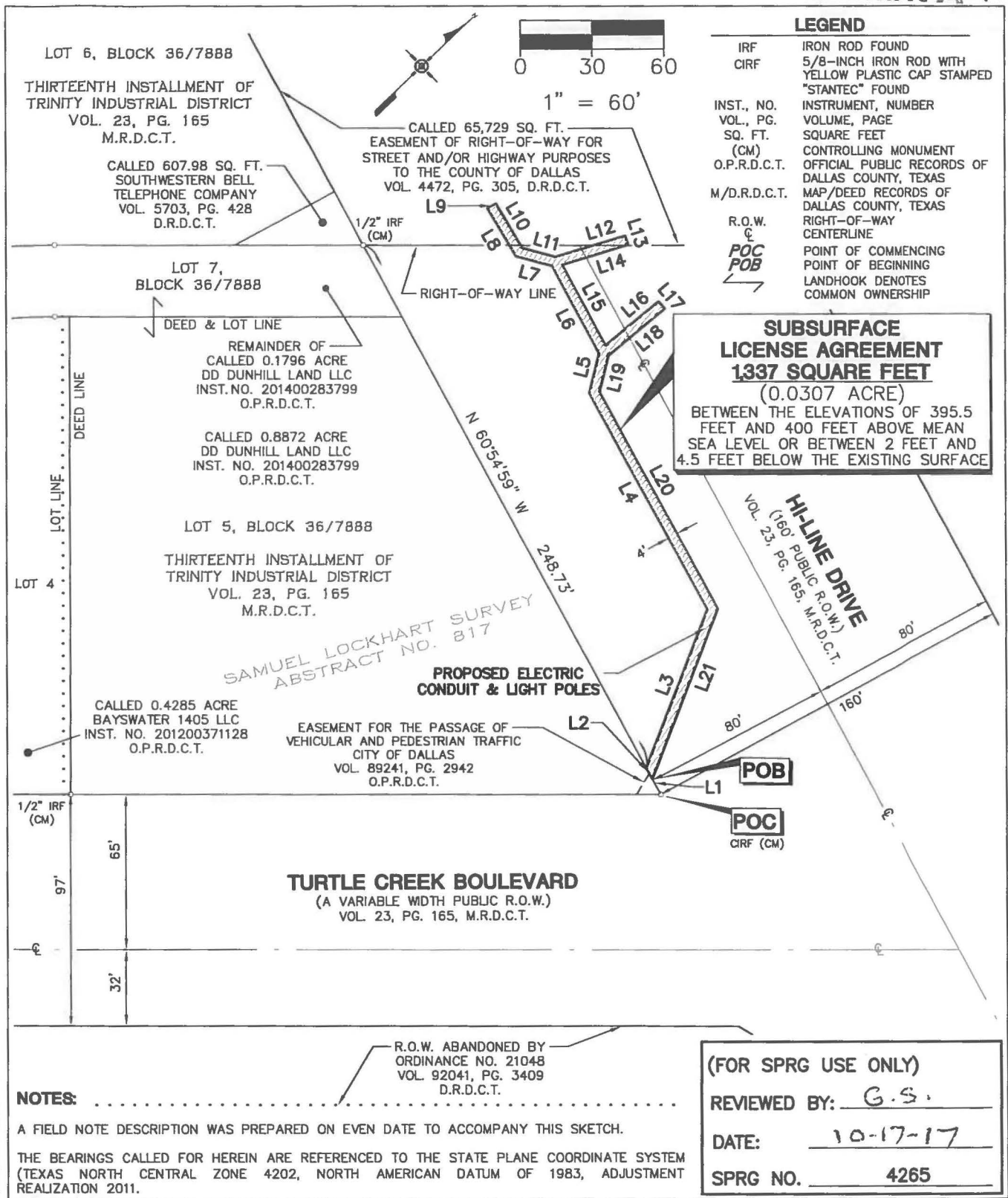
THE BEARINGS CALLED FOR HEREIN ARE REFERENCED TO THE STATE PLANE COORDINATE SYSTEM (TEXAS NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983, ADJUSTMENT REALIZATION 2011).



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Reviewed by: G.S. Date: 10-17-17 SPRG NO: 4265





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**NOTES:**

A FIELD NOTE DESCRIPTION WAS PREPARED ON EVEN DATE TO ACCOMPANY THIS SKETCH.

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REVIEWED BY: G.S.

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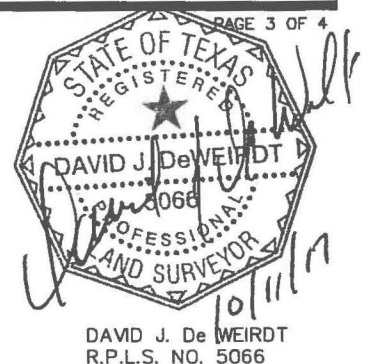


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**SUBSURFACE  
LICENSE AGREEMENT**

**PART OF HI-LINE DRIVE  
ADJACENT TO BLOCK 36/7888  
RANGING BETWEEN THE ELEVATIONS OF 395.5 FEET  
AND 400 FEET ABOVE MEAN SEA LEVEL OR BETWEEN  
2 AND 4.5 FEET BELOW THE EXISTING SURFACE  
SAMUEL LOCKHART SURVEY, ABSTRACT NO. 817  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**



DAVID J. DeWEIRDT  
R.P.L.S. NO. 5066



LINE TABLE		
LINE #	BEARING	DISTANCE
L1	N60°54'59"W	7.36'
L2	N60°54'59"W	5.26'
L3	N11°23'47"W	71.28'
L4	N61°04'59"W	103.06'
L5	N18°36'00"W	17.09'
L6	N60°35'33"W	41.52'
L7	S72°40'37"W	15.64'
L8	N63°14'53"W	23.29'
L9	N26°45'07"E	4.00'
L10	S63°14'53"E	21.68'
L11	N72°40'37"E	14.31'

LINE TABLE		
LINE #	BEARING	DISTANCE
L12	N40°25'02"E	30.68'
L13	S49°34'58"E	4.00'
L14	S40°25'02"W	28.83'
L15	S60°35'33"E	38.27'
L16	N17°40'10"E	28.88'
L17	S72°19'50"E	4.00'
L18	S17°40'10"W	30.68'
L19	S18°36'00"E	15.65'
L20	S61°04'59"E	103.35'
L21	S11°23'47"E	76.55'

(FOR SPRG USE ONLY)

REVIEWED BY: G.S.

DATE: 10-17-17

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## SUBSURFACE LICENSE AGREEMENT

PART OF HI-LINE DRIVE  
ADJACENT TO BLOCK 36/7888  
RANGING BETWEEN THE ELEVATIONS OF 395.5 FEET  
AND 400 FEET ABOVE MEAN SEA LEVEL OR BETWEEN  
2 AND 4.5 FEET BELOW THE EXISTING SURFACE  
SAMUEL LOCKHART SURVEY, ABSTRACT NO. 817  
CITY OF DALLAS, DALLAS COUNTY, TEXAS





**AERIAL SPACE  
LICENSE AGREEMENT  
HI-LINE DRIVE  
ADJACENT TO BLOCK 36/7888  
BETWEEN THE ELEVATIONS OF 414.5 FEET AND 419.5 FEET  
ABOVE MEAN SEA LEVEL  
OR BETWEEN 13.5 FEET AND 18.5 FEET  
ABOVE THE PROPOSED FINISHED SURFACE  
SAMUEL LOCKHART SURVEY, ABSTRACT NO. 817  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

BEING A 505 SQUARE FOOT (0.0116 ACRE) TRACT OF LAND SITUATED IN THE SAMUEL LOCKHART SURVEY, ABSTRACT NO. 817, ADJACENT TO CITY OF DALLAS BLOCK 36/7888, CITY OF DALLAS, DALLAS COUNTY, TEXAS, AND BEING A PORTION OF HI-LINE DRIVE, (A 160-FOOT PUBLIC RIGHT-OF-WAY), CREATED AND DEDICATED BY THE THIRTEENTH INSTALLMENT OF TRINITY INDUSTRIAL DISTRICT, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 23, PAGE 165, MAP RECORDS OF DALLAS COUNTY, TEXAS, (M.R.D.C.T.), AND BEING BETWEEN THE ELEVATIONS OF 414.5 FEET AND 419.5 FEET ABOVE MEAN SEA LEVEL OR BETWEEN 13.5 FEET AND 18.5 FEET ABOVE THE PROPOSED FINISHED SURFACE, SAID 505 SQUARE FOOT TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT A 1/2-INCH IRON ROD FOUND FOR THE MOST EASTERLY CORNER OF LOT 6, BLOCK 36/7888 AND THE MOST NORTHERLY CORNER OF LOT 7, BLOCK 36/7888 OF SAID THIRTEENTH INSTALLMENT OF TRINITY INDUSTRIAL DISTRICT SAME BEING THE MOST EASTERLY CORNER OF A CALLED 607.98 SQUARE FOOT TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED TO SOUTHWESTERN BELL TELEPHONE COMPANY, RECORDED IN VOLUME 5703, PAGE 428, DEED RECORDS DALLAS, COUNTY, TEXAS, (D.R.D.C.T.), AND THE MOST NORTHERLY CORNER OF THE REMAINING PORTION OF THAT CALLED 0.1796 ACRE TRACT OF LAND DESCRIBED IN THE SPECIAL WARRANTY DEED TO DD DUNHILL LAND LLC RECORDED IN INSTRUMENT NO. 201400283799, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS, (O.P.R.D.C.T.), AND THE MOST SOUTHERLY CORNER OF A CALLED 65,729 SQUARE FOOT EASEMENT OF RIGHT-OF-WAY FOR STREET AND/OR HIGHWAY PURPOSES DESCRIBED IN A DEED TO THE COUNTY OF DALLAS, RECORDED IN VOLUME 4472, PAGE 305, D.R.D.C.T. AND ALSO BEING IN THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID HI-LINE DRIVE;

**THENCE** SOUTH 60°54'59" EAST ALONG THE COMMON LINE OF SAID OF SAID HI-LINE DRIVE AND SAID BLOCK 36/7888, A DISTANCE OF 109.66 FEET TO THE **POINT OF BEGINNING**;

**THENCE** DEPARTING SAID COMMON LINE, OVER AND ACROSS SAID HI-LINE DRIVE RIGHT-OF-WAY, THE FOLLOWING CALLS:

NORTH 50°14'42" EAST, A DISTANCE OF 18.65 FEET TO A POINT FOR CORNER;

SOUTH 60°54'59" EAST, A DISTANCE OF 22.29 FEET TO A POINT FOR CORNER;

SOUTH 07°55'21" WEST, A DISTANCE OF 18.65 FEET TO A POINT FOR CORNER IN SAID COMMON LINE, FROM WHICH A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "STANTEC" FOUND FOR THE POINT OF INTERSECTION OF SAID COMMON LINE WITH THE NORTHWESTERLY RIGHT-OF-WAY LINE OF TURTLE CREEK BOULEVARD, (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY, 97-FEET WIDE AT THIS POINT) BEARS SOUTH 60°54'59" EAST, A DISTANCE OF 115.92 FEET;

**THENCE** NORTH 60°54'59" WEST ALONG SAID COMMON LINE, A DISTANCE OF 35.76 FEET TO THE **POINT OF BEGINNING**;

**CONTAINING** A COMPUTED AREA OF 505 SQUARE FEET OR 0.0116 ACRES OF LAND.

(For SPRG use only)

Reviewed by: G.S. Date: 10-17-17 SPRG NO: 4262



**AERIAL SPACE  
LICENSE AGREEMENT  
HI-LINE DRIVE  
ADJACENT TO BLOCK 36/7888  
BETWEEN THE ELEVATIONS OF 414.5 FEET AND 419.5 FEET  
ABOVE MEAN SEA LEVEL  
OR BETWEEN 13.5 FEET AND 18.5 FEET  
ABOVE THE PROPOSED FINISHED SURFACE  
SAMUEL LOCKHART SURVEY, ABSTRACT NO. 817  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

**NOTES:**

A SKETCH WAS PREPARED ON EVEN DATE TO ACCOMPANY THIS DESCRIPTION.

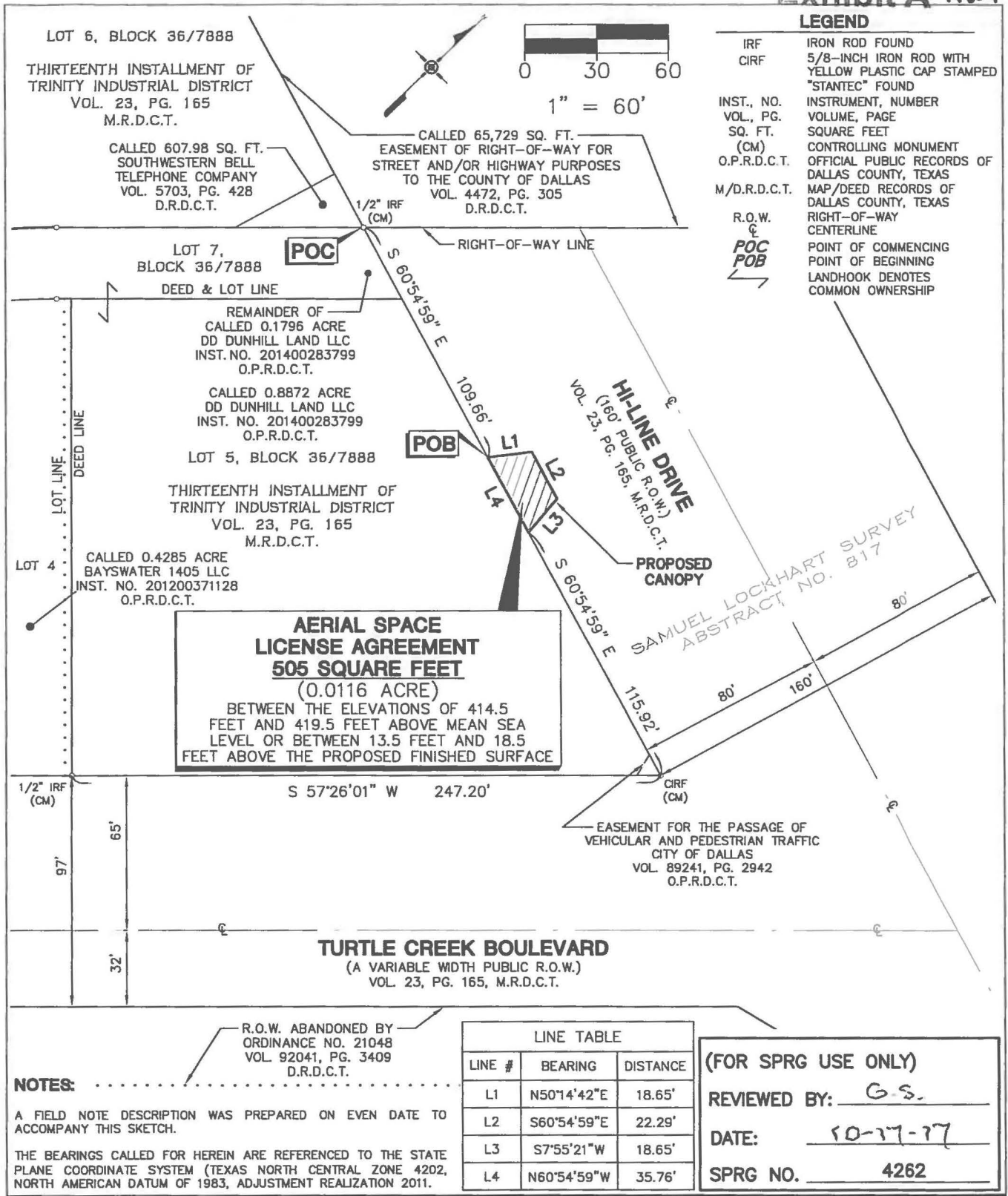
THE BEARINGS CALLED FOR HEREIN ARE REFERENCED TO THE STATE PLANE COORDINATE SYSTEM (TEXAS NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983, ADJUSTMENT REALIZATION 2011.



(For SPRG use only)

Reviewed by: G.S. Date: 10-17-17 SPRG NO: 4262





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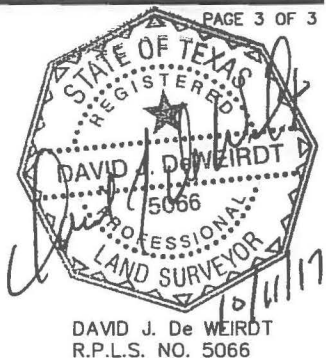
OCTOBER 11, 2017, PROJ. NO. 222210586



12222 Merit Drive, Suite 400  
Dallas, TX 75251-2268  
TBPE # F-6324 TBPLS # 10194229  
www.stantec.com

## AERIAL SPACE LICENSE AGREEMENT

**HI-LINE DRIVE  
ADJACENT TO BLOCK 36/7888  
BETWEEN THE ELEVATIONS  
OF 414.5 FEET AND 419.5 FEET ABOVE MEAN SEA LEVEL  
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SAMUEL LOCKHART SURVEY, ABSTRACT NO. 817  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**





**EXHIBIT B  
COMMERCIAL ENTITY  
ADDITIONAL LICENSE PROVISIONS**

That this license is granted subject to the following additional conditions, terms and reservations:

- (a) That at such time as this license is terminated or canceled for any reason whatsoever, **GRANTEE**, upon orders issued by the City acting through the Director of Sustainable Development and Construction, or designee, shall remove all installations, improvements and appurtenances owned by it situated in, under or attached to the licensed area, and shall restore the premises to its former condition in accordance with the requirements of the Director of Sustainable Development and Construction at the sole cost of **GRANTEE**. In the event, upon termination of this license, **GRANTEE** shall fail to remove its installations, improvements and appurtenances and to restore the licensed area in compliance with orders issued by City, or such work is not done to the satisfaction of the Director of Sustainable Development and Construction, then in either event the City shall have the right to do all work necessary to restore said area to its former condition or cause such work to be done, and to assess the cost of all such work against **GRANTEE**; in neither event shall the City of Dallas be liable to **GRANTEE** on account thereof.
- (b) It is further understood that if and when the City of Dallas, in the exercise of its discretion, shall determine that the grade of any street, sidewalk or parkway should be modified or changed, or that any other work should be done in connection with any public improvement which will affect the licensed area, and/or any of **GRANTEE's** installations and improvements thereon, any modifications or changes to **GRANTEE's** facilities in the licensed area or in construction or reconstruction of any public improvement attributable to **GRANTEE's** use of the licensed area and/or its installations and improvements thereon, shall be made at the sole expense of **GRANTEE** and to the satisfaction of the Director of Sustainable Development and Construction.
- (c) At such time as this license is granted, it is agreed, and a condition hereof, that **GRANTEE** shall procure and keep in full force and effect **Commercial General Liability Insurance** coverage issued by an insurance company authorized and approved by the State of Texas, acceptable to the City of Dallas and issued in the standard form approved by the Texas Department of Insurance. The insured provisions of this policy must name the City of Dallas as an additional insured protecting the City of Dallas against any and all claims for damages to persons or property as a result of or arising out of the use, operation and maintenance by **GRANTEE** of the licensed area and **GRANTEE's** installations, improvements, landscaping and equipment in connection therewith and located therein. The Commercial General Liability coverage must include, but not limited to, Premises/Operations, Independent Contractors and Contractual Liability with minimum combined bodily injury (including death) and property damage limits of not less than \$500,000 per occurrence and \$500,000 annual aggregate. This insurance shall also include coverage for underground, explosion and collapse hazards (i.e. not excluded). If this insurance is written on a claims-made form, coverage shall be continuous (by renewal or extended reporting period) for not less than



**EXHIBIT B  
COMMERCIAL ENTITY  
ADDITIONAL LICENSE PROVISIONS**

twelve (12) months following termination of this license and removal of the installations, improvements and appurtenances and restoration of the licensed area pursuant to paragraph (a) above. Coverage, including any renewals, shall contain the same retroactive date as the original policy applicable to this license. The City of Dallas reserves the right to review the insurance requirements set forth herein during the effective term of the license and to adjust insurance coverages and their limits when deemed necessary and prudent by the City of Dallas' Risk Management based upon changes in statutory law, court decisions, or the claims history of the industry as well as the City of Dallas.

1. **GRANTEE** agrees that with respect to the above required insurance, all insurance contracts and certificates of insurance will contain and state, in writing, that coverage shall not be canceled, nonrenewed or materially changed except after thirty (30) days written notice by certified mail to Department of Sustainable Development and Construction.
  2. **GRANTEE** shall carry said insurance at its expense and shall furnish the City of Dallas proof of such insurance. In the event said insurance should terminate during the licensing term hereof, or **GRANTEE** fails to furnish proof of insurance coverage in accordance with the specifications as required by this section, the Director of Sustainable Development and Construction, or designee, may terminate the license granted herein.
- (d) **GRANTEE** is prohibited from using the licensed area in any manner which violates Federal, State or local laws, regulations, rules and orders, regardless of when they become or became effective, including without limitation, those related to health, safety, noise, environmental protection, waste disposal and water and air quality, and shall provide satisfactory evidence of compliance upon the request of the City of Dallas. Should any discharge, leakage, spillage, emission or pollution of any type occur upon or from the licensed area due to **GRANTEE's** use and occupancy thereof, **GRANTEE**, at its expense, shall be obligated to clean up the licensed area to the satisfaction of the City of Dallas and any governmental body having jurisdiction thereover. The City of Dallas may, at its option, clean the licensed area. If the City of Dallas elects to do so, **GRANTEE** shall promptly pay to the City of Dallas the reasonable cost of such cleanup upon receipt of bills therefore. **GRANTEE** agrees that the indemnity provisions contained in paragraph (g) herein shall be fully applicable to the requirements of this paragraph, in event of **GRANTEE's** breach of this paragraph, or as a result of any such discharge, leakage, spillage, emission or pollution arising out of the **GRANTEE's** use of the licensed area.
- (e) This license is subject to all State laws, the provisions of the Charter of the City of Dallas as it now exists, or may hereafter be adopted or amended, and the ordinances of the City of Dallas now in effect or those which may hereafter be passed or adopted. The City of Dallas shall have the right to increase or decrease the compensation to be charged for the use contemplated by this grant in



**EXHIBIT B  
COMMERCIAL ENTITY  
ADDITIONAL LICENSE PROVISIONS**

accordance with the provisions of the Dallas City Code as it now exists, or as may hereafter be adopted or amended.

- (f) The Governing Body of the City of Dallas reserves the right, at any time without notice, to terminate and cancel this license, by resolution, upon a finding by the Governing Body that this license is inconsistent with the public use of the property or whenever the purpose or use of the license is likely to become a nuisance and all rights granted hereunder shall thereupon be considered fully terminated and canceled and the City of Dallas shall not be held liable by reason thereof. The decision of the Governing Body of the City in this matter shall be final and binding upon all parties insofar as the City's determination as to whether the **GRANTEE's** use of this license constitutes a nuisance or is inconsistent with the public use of the property.
- (g) As a condition hereof, **GRANTEE** agrees and is bound to defend, indemnify and hold the City of Dallas, its officers, agents and employees, harmless against any and all claims, lawsuits, judgments, costs and expenses for bodily injury (including death), property damage or other harm for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by the use, occupancy and maintenance of the licensed area or **GRANTEE's** installations and improvements within the licensed area, from any act or omission of any representative, agent, customer and/or employee of **GRANTEE**, or by **GRANTEE's** breach of any of the terms or provisions of this license, or by any negligent or strictly liable act or omission of **GRANTEE**, its officers, agents, employees or contractors in the use, occupancy and maintenance of **GRANTEE's** installations and improvements within the licensed area; except that the indemnity provided for in this paragraph shall not apply to any liability resulting from the sole negligence or fault of the City of Dallas, its officers, agents, employees or separate contractors, and in the event of joint and concurring negligence or fault of both the **GRANTEE** and the City of Dallas, responsibility and liability, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas, without, however, waiving any governmental immunity available to the City of Dallas under Texas law and without waiving any defenses of the parties under Texas law. This obligation to indemnify and defend shall also include any claim for damage that any utility or communication company, whether publicly or privately owned, may sustain or receive by reason of **GRANTEE's** use of the licensed area or **GRANTEE's** improvements and equipment located thereon. In addition to the foregoing, **GRANTEE** covenants and agrees never to make a claim of any kind or character whatsoever against the City of Dallas for damage of any kind that it may suffer by reason of the installation, construction, reconstruction, operation or maintenance of any public improvement, utility or communication facility on the licensed area, whether presently in place or which may in the future be constructed or installed, including but not limited to, any water or wastewater mains or storm sewer facilities, regardless of whether such damage is due to



**EXHIBIT B  
COMMERCIAL ENTITY  
ADDITIONAL LICENSE PROVISIONS**

flooding, infiltration, backflow or seepage caused from the failure of any installation, natural causes, City's negligence, or from any other cause whatsoever.

- (h) This license is subject to any existing utilities or communication facilities, including drainage, presently located within the licensed area, owned and/or operated by the City of Dallas or any utility or communications company, public or private, and to any vested rights presently owned by an utility or communications company, public or private, for the use of the licensed area for facilities presently located within the boundaries of said licensed area. It is the intent of the foregoing that this permission herein is made expressly subject to the utilization of the licensed area for communication and utility purposes, both public and private, including drainage, over, under, through, across and along the licensed area. No buildings shall be constructed or placed upon, over or across the licensed area in such a manner as to interfere with the operation of any utilities and communication facilities. All and any communication company and utility, both public and private, shall have the right to remove and keep removed all or parts of any buildings which may in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems within the licensed area. All communication companies and utilities, both public and private, shall have the full right to remove and keep removed all parts of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance and efficiency of its respective system and shall at all times have the full right of ingress and egress to or from and upon the licensed area for the purpose of constructing, relocating, inspecting, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.



## **AGENDA ITEM # 13**

### **STRATEGIC PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

### **AGENDA DATE:**

May 23, 2018

### **COUNCIL DISTRICT(S):**

9

### **DEPARTMENT:**

Department of Sustainable Development and Construction

### **CMO:**

Majed Al-Ghafry, 670-3302

### **MAPSCO:**

29W

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### **SUBJECT**

An ordinance granting a revocable license to Murphy Oil USA, Inc., for the use of a total of approximately 3,634 square feet of land to install, occupy, maintain, and utilize twelve trees and irrigation along portions of Shiloh Road and Northwest Highway rights-of-way near their intersection - Revenue: \$400 one-time, plus the \$20 ordinance publication fee

### **BACKGROUND**

This item grants a revocable license to Murphy Oil USA, Inc., for the use of a total of approximately 3,634 square feet of land to install, occupy, maintain, and utilize twelve trees and irrigation along portions of Shiloh Road and Northwest Highway rights-of-way near their intersection. The use of this area will not impede pedestrian or vehicular traffic.

The licensee will indemnify the City and carry general liability insurance naming the City as an additional insured.

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

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on May 14, 2018.

### **FISCAL INFORMATION**

Revenue - \$400 one-time fee, plus the \$20 ordinance publication fee



**OWNER**

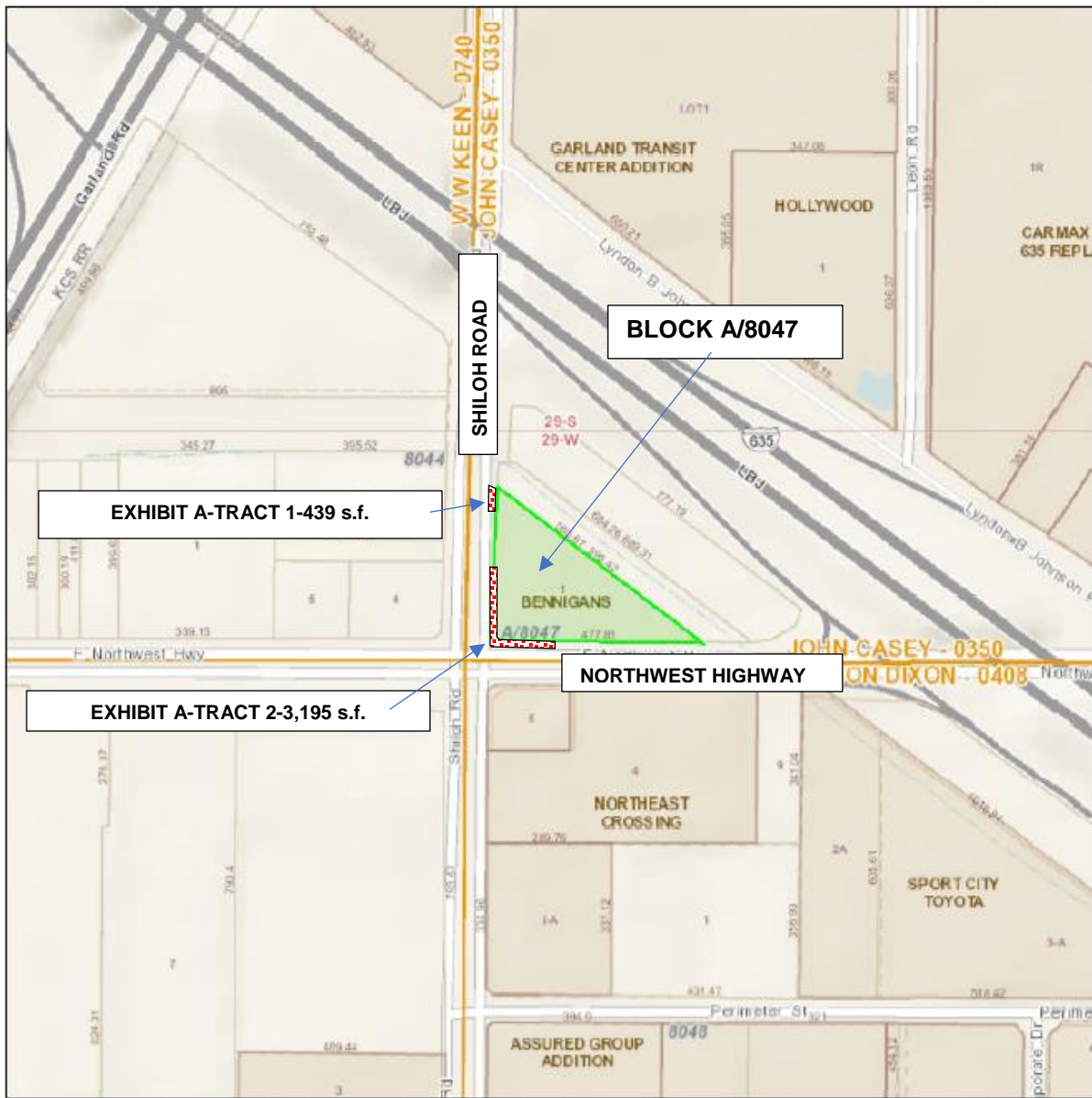
**Murphy Oil USA, Inc.**

R.A. Clyde, President

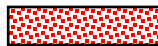
**MAP**

Attached





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.



**LICENSE AREAS**



**ORDINANCE NO. \_\_\_\_\_**

An ordinance granting a revocable license to Murphy Oil USA, Inc. to occupy, maintain and utilize portions of Shiloh Road and Northwest Highway rights-of-way located near their intersection adjacent to City Block A/8047 within the limits hereinafter more fully described, for the purpose of installing and maintaining twelve (12) trees and irrigations; providing for the terms and conditions of this license; providing for the one-time fee 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 Murphy Oil USA, Inc., a Delaware corporation, its successors and assigns, hereinafter referred to as “**GRANTEE**”, to occupy, maintain and utilize for the purpose set out hereinbelow the tracts of land described in Exhibit A, hereinafter referred to as “licensed area” which is attached hereto and made a part hereof.

**SECTION 2.** That this license is granted for a term of twenty (20) years, unless sooner terminated according to other terms and provisions herein contained.

**SECTION 3.** That **GRANTEE** shall pay to the City of Dallas a one-time license fee in the sum of **FOUR HUNDRED AND NO/100 DOLLARS (\$400.00)** for the license herein granted, said sum to be paid prior to the final passage of this ordinance and shall cover the consideration for the license term, in accordance with the special fees established by Section 43-115.1 of the Dallas City Code. Such consideration shall be in addition to and exclusive of any other taxes or special assessments required by law to be paid by **GRANTEE**. 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 the 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



**SECTION 3.** (continued)

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: Installation, maintenance of twelve (12) trees and irrigations. Eight (8) trees and irrigation on Shiloh Road and four (4) trees and irrigation on Northwest Highway.

**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 area at **GRANTEE's** expense. Failure to do so shall subject **GRANTEE** to the provisions contained in Exhibit B, Subsection (a). All work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Department of Sustainable Development and Construction.

**SECTION 7.** That the license is subject to the following conditions, terms and reservations:

- (a) **GRANTEE** acknowledges per the City of Dallas Thoroughfare Plan, Section 51 A-9, that Shiloh Road requires 100 feet of right-of-way and Northwest Highway



## **SECTION 7.** (continued)

requires 107 feet of right-of-way. **GRANTEE** acknowledges based on the Complete Streets Manual, adopted by City Council January 2016, a commercial street requires a minimum of five feet clear sidewalk.

- (b) **GRANTEE** acknowledges that a revised exhibit accurately depicting the existing storm drain line crossing the requested area has been provided and is attached as Exhibit C dated 3-26-18. Trees cannot be planted above or near the pipe as shown in Exhibit C dated 3-26-18.
- (c) **GRANTEE** shall coordinate with or receive approval from Dallas Area Rapid Transit (DART) on related issues.
- (d) **GRANTEE** shall maintain existing sidewalks (minimum width five feet) and provide a bench near the bus-stop at Shiloh Road and Northwest Highway.
- (e) **GRANTEE** shall obtain a Right-of-Way permit and provide required Texas Department of Licensing and Americans with Disability Act (TDLR/ADA) requirements.
- (f) **GRANTEE** acknowledges Shiloh Road and Northwest Highway rights-of-way will be maintained in order to facilitate emergency response and water supply during and after completion of the project.
- (g) **GRANTEE** acknowledges per Sustainable Development and Construction-Arborist requirements that the original plan for Live Oaks (trees) are not accepted based on given utility restrictions. Alternative small species is acceptable only with Board of Adjustment approval. Cathedral Live Oaks (trees) along Northwest Highway are otherwise acceptable. Assistance is recommended through Zoning Board of Adjustment.
- (h) **GRANTEE** must use Silver Texas Mountain Laurel trees under the existing power lines along Shiloh Road.
- (i) **GRANTEE** acknowledges Atmos has active facilities in the licensed area and **GRANTEE** shall be responsible to relocate said facilities if conflicts exist.
- (j) **GRANTEE** acknowledges AT&T has facilities in the licensed area and care needs to be used in planting and maintaining the trees.



**SECTION 7.** (continued)

- (k) **GRANTEE** shall ensure trees are planted a minimum of ten feet horizontal clearance from mains within the water and wastewater easements.

**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



**SECTION 11.** (continued)

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-2018-00005429.

**SECTION 13.** That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:  
LARRY E. CASTO  
City Attorney

BY

  
Assistant City Attorney

DAVID COSSUM  
Director of Department of Sustainable  
Development and Construction

BY

  
Assistant Director

Passed \_\_\_\_\_.



**LICENSE AGREEMENT  
PART OF SHILOH ROAD RIGHT-OF-WAY  
ADJACENT TO LOT 1A, BLOCK A/8047  
NORTHWEST SHILOH ADDITION  
JOHN CASEY SURVEY, ABS. No. 350  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

**BEING** a 439 square feet tract of land located in the John Casey Survey, Abstract No. 350, City of Dallas, Dallas County, Texas, being part of Shiloh Road right-of-way, adjacent to Lot 1A, Block A/8047, Northwest Shiloh Addition, recorded in Instrument Number 201700240978, Official Public Records, Dallas County, Texas (O.P.R.D.C.T.), said 439 square feet tract of land being a portion of a tract of land conveyed to DALLAS COUNTY, by Special Warranty Deed recorded in Volume 4860, Page 564, Deed Records, Dallas County, Texas, and being adjacent to that tract of land conveyed to MBRE, LLC by Special Warranty Deed recorded in Instrument Number 201000312896, O.P.R.D.C.T., said 439 square feet tract of land being more particularly described by metes and bounds as follows:

**BEGINNING** at a 1/2 inch iron rod found at the most southerly northwest corner of Lot 1A, Block A/8047, Northwest Shiloh Addition, being an Addition to the City of Dallas by plat recorded in Dallas County Clerk's Instrument No. 201700240978, O.P.R.D.C.T., said beginning point also being on the east property line of the said Dallas County tract, said beginning point also being the southwest property corner of a tract of land described as Parcel 14, Part 1, conveyed to The State of Texas, by Special Warranty Deed recorded in Dallas County Clerk's Instrument No. 20070456958 O.P.R.D.C.T., said beginning point further being on the current east right-of-way line of Shiloh Road, being a 120 feet wide public right-of-way;

**THENCE** South 02°15'00" West, along a west lot line of said Lot 1A, along the said east property line of the Dallas County tract and along the said east right-of-way line of Shiloh Road, 58.62 feet to a 1/2 inch iron rod found at the beginning of a non-tangent curve to the left with a radius of 5669.58 feet;

**THENCE** along the said property line, the said lot line, the said right-of-way line, and in a southwesterly direction, along the said curve to the left, through a central angle of 00°04'22", an arc length of 7.21 feet, and across a chord which bears South 02°12'49" West, a chord length of 7.21 feet to a point on the east edge of an existing sidewalk, said point being at the beginning of a non-tangent curve to the right with a radius of 9.00 feet;

**THENCE** generally along the said east edge of sidewalk, and over and across the said Dallas County tract, the following courses and distances:

In a northwesterly direction, along the said curve to the right, through a central angle of 49°49'17", an arc length of 7.83 feet, and across a chord which bears North 49°33'56" West, a chord length of 7.58 feet;

North 06°45'39" West, 2.09 feet;

North 02°03'13" West, 2.37 feet;

North 01°09'21" East, 7.39 feet;

North 03°45'42" East, 7.48 feet;

(for SPRG use only)	
Reviewed by:	<u>JD</u>
Date:	<u>3/5/2018</u>
SPRG No.	<u>4447</u>



**LICENSE AGREEMENT  
PART OF SHILOH ROAD RIGHT-OF-WAY  
ADJACENT TO LOT 1A, BLOCK A/8047  
NORTHWEST SHILOH ADDITION  
JOHN CASEY SURVEY, ABS. No. 350  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

North 01°28'28" East, 46.56 feet;

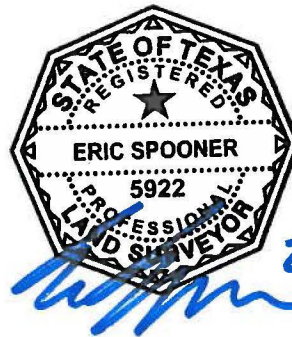
**THENCE** South 53°58'55" East, departing the said east edge of sidewalk, 8.46 feet to the **POINT OF BEGINNING**.

The hereinabove described tract of land contains a computed area of **0.0101 acres (439 square feet)** of land, more or less.

NOTE: Basis of bearings – Based on the South line (South 89°29'00" West) of Lot 1A, Block A/8047, Northwest Shiloh Addition, an addition to the City of Dallas, Dallas County, Texas, According to the plat thereof recorded in Dallas County Clerk's Instrument No. 201700240978. Distances and areas shown are surface.

TO ALL PARTIES INTERESTED IN TITLE TO THE PREMISES SURVEYED, I DO HEREBY CERTIFY THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED FROM PUBLIC RECORDS AND FROM AN ACTUAL AND ACCURATE SURVEY UPON THE GROUND AND THAT SAME IS TRUE AND CORRECT.

Eric S. Spooner, R.P.L.S.  
Spooner & Associates, Inc.  
Texas Registration No. 5922  
TBPLS Firm No. 10054900



(for SPRG use only)

Reviewed by: JD  
Date: 3/5/2018  
SPRG No. 4447



(FOR SPRG USE ONLY)

REVIEWED BY: JD  
DATE: 3/5/2018  
SPRG NO. 4447

JOHN CASEY SURVEY  
ABSTRACT NO. 350

TO DALLAS COUNTY  
VOL. 4860, PG. 564,  
D.R.D.C.T.

SHILOH ROAD  
(120' WIDE RIGHT-OF-WAY)

**LEGEND**

VOL. VOLUME  
PG. PAGE  
D.C.C.I. DALLAS COUNTY CLERKS  
INSTRUMENT  
D.R.D.C.T. DEED RECORDS, DALLAS  
COUNTY, TEXAS  
O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS,  
DALLAS COUNTY, TEXAS

**LINE TABLE**

NO.	DIRECTION	DIST.
L1	N06°45'39"W	2.09'
L2	N02°03'13"W	2.37'
L3	N01°09'21"E	7.39'
L4	N03°45'42"E	7.48'
L5	S53°58'55"E	8.46'

SEE ATTACHED LEGAL  
DESCRIPTION ON  
PAGES 1 & 2 HEREIN

CH=N49°33'56"W  
CL=7.58'

R=9.00'  
Δ=49°49'17"  
L=7.83'

EXISTING SIDEWALK

LICENSE AGREEMENT  
0.0101 ACRES (439 S.F.)

EXISTING  
DRIVEWAY

POINT OF  
BEGINNING

STATE OF TEXAS  
PARCEL 14, PART 1  
D.C.C.I. 20070456988, O.P.R.D.C.T.  
N04°59'26"E ~ 29.27'

OWNER:  
MBRE LLC  
D.C.C.I. NO. 201600134221,  
O.P.R.D.C.T.

EX. 20' WATER ESMT.  
D.C.C.I. 201700240978,  
O.P.R.D.C.T.

APPROXIMATE LOCATION OF  
LONESTAR GAS COMPANY EASEMENT  
(NO LOCATION SPECIFIED)  
VOL. 3139, PG. 181, D.R.D.C.T.

NATURAL CHANNEL SETBACK  
D.C.C.I. 201700240978,  
O.P.R.D.C.T.

EX. 20' NORTH TEXAS  
DISTRICT EASEMENT  
VOL. 71057, PG. 129,  
O.P.R.D.C.T.

LOT 1A, BLOCK A/8047  
NORTHWEST SHILOH  
ADDITION  
D.C.C.I. 201700240978,  
M.R.D.C.T.

SURVEYOR'S NOTE:  
BASIS OF BEARING - BASED ON THE SOUTH LINE  
(SOUTH 89° 29' 00" WEST) OF LOT 1A, BLOCK A/8047,  
NORTHWEST SHILOH ADDITION, AN ADDITION TO THE  
CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING  
TO THE PLAT THEREOF RECORDED IN VOLUME 84148,  
PAGE 6032, PLAT RECORDS, DALLAS COUNTY, TEXAS.

0 5' 10'  
GRAPHIC SCALE  
IN FEET  
1" = 10'

OWNER:  
MBRE LLC  
D.C.C.I. NO. 201000312896,  
O.P.R.D.C.T.

**LICENSE AGREEMENT**  
PART OF SHILOH ROAD RIGHT-OF-WAY  
ADJACENT TO LOT 1A, BLOCK A/8047  
NORTHWEST SHILOH ADDITION  
JOHN CASEY SURVEY, ABS. No. 350  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

PROPERTY: DALLAS COUNTY, VOL. 4860, PG. 564, D.R.D.C.T.  
PERMIT ACQUISITION: 0.0101 ACRES (439 S.F.)  
16-179 MURPHY DALLAS NW HWY\_LICENSE AGREEMENT\_NORTH.dwg

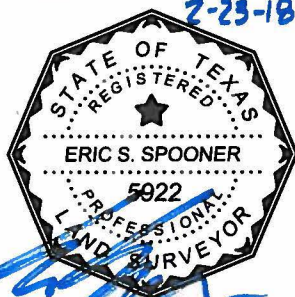
S&A JOB NO.: 16-179  
DATE: 01/18/2018

DRAWN BY: J.B.N.  
CHECKED BY: E.S.S.



**SPOONER & ASSOCIATES**  
REGISTERED PROFESSIONAL LAND SURVEYORS  
OVER 25 YEARS OF SERVICE

309 BYERS STREET, SUITE 100, EULESS, TEXAS 76039  
(817) 685-8448 WWW.SPOONERSURVEYORS.COM  
TBPLS FIRM NO. 10054900





**LICENSE AGREEMENT  
PART OF NORTHWEST HIGHWAY RIGHT-OF-WAY  
AND SHILOH ROAD RIGHT-OF-WAY  
ADJACENT TO LOT 1A, BLOCK A/8047  
NORTHWEST SHILOH ADDITION  
JOHN CASEY SURVEY, ABS. No. 350  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

**BEING** a 3,195 square feet tract of land located in the John Casey Survey, Abstract No. 350, City of Dallas, Dallas County, Texas, part of Northwest Highway right-of-way and Shiloh Road right-of-way, said 3,195 square feet tract of land being a portion of a tract of land conveyed to the DALLAS COUNTY, by Special Warranty Deed recorded in Volume 4860, Page 564, Deed Records, Dallas County, Texas (D.R.D.C.T.), said 3,195 square feet tract of land also being a portion of a right-of-way dedication conveyed by plat recorded in Volume 84148, Page 6032, D.R.D.C.T., and being adjacent to that tract of land conveyed to MBRE, LLC by Special Warranty Deed recorded in Instrument Number 201000312896, Official Public Records, Dallas County, Texas (O.P.R.D.C.T.), said 3,195 square feet tract of land also being a portion of a right-of-way dedication conveyed by plat recorded in Dallas County Clerk's Instrument No. 201700240978, O.P.R.D.C.T., said 3,195 square feet tract of land also being a portion of Northwest Highway right-of-way, created by use and occupation, said 3,195 square feet tract of land being more particularly described by metes and bounds as follows:

**BEGINNING** at the southeast lot corner of Lot 1A, Block A/8047, Northwest Shiloh Addition, being an Addition to the City of Dallas by plat recorded in Dallas County Clerk's Instrument No. 201700240978, O.P.R.D.C.T., said beginning point also being the southwest lot corner of Lot 1B of said Northwest Shiloh Addition, said beginning point further being on the existing north right-of-way line of Northwest Highway, being a 120 feet wide public right-of-way;

**THENCE** South 00°00'00" West, over and across the said Northwest Highway right-of-way, 8.51 feet to the north edge of an existing sidewalk;

**THENCE** generally along the said north edge of sidewalk, and continuing over and across the said Northwest Highway right-of-way, the following courses and distances:

South 89°41'24" West, 15.41 feet;

South 89°09'19" West, 51.85 feet;

South 89°49'48" West, 52.75 feet;

South 88°46'55" West, 9.74 feet;

North 83°17'45" West, 1.12 feet;

**THENCE** North 45°34'43" West, departing the said north edge of sidewalk, 34.56 feet to the east sidewalk edge of an existing sidewalk, being in the right-of-way of Shiloh Road, being a 120 feet wide right-of-way;

**THENCE** generally along the said east edge of sidewalk, and continuing over and across the said right-of-way of Shiloh Road, the following courses and distances:

(for SPRG use only)

Reviewed by:	<u>JD</u>
Date:	<u>3/5/2018</u>
SPRG No.	<u>4448</u>



**LICENSE AGREEMENT  
PART OF NORTHWEST HIGHWAY RIGHT-OF-WAY  
AND SHILOH ROAD RIGHT-OF-WAY  
ADJACENT TO LOT 1A, BLOCK A/8047  
NORTHWEST SHILOH ADDITION  
JOHN CASEY SURVEY, ABS. No. 350  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

North 06°44'20" West, 0.50 feet;

North 00°04'31" East, 16.68 feet;

North 00°26'16" East, 36.22 feet;

North 01°00'10" East, 49.68 feet;

North 01°27'44" East, 48.07 feet;

North 01°42'54" East, 20.18 feet to the beginning of a non-tangent curve to the left with a radius of 38.43 feet;

In a northeasterly direction, along the said curve to the left, through a central angle of 37°07'37", an arc length of 24.90 feet, and across a chord which bears North 01°47'21" East, a chord length of 24.47 feet;

North 02°19'24" East, 9.66 feet;

North 01°50'20" East, 9.51 feet;

North 03°34'02" East, 6.78 feet to the beginning of a non-tangent curve to the right with a radius of 12.50 feet;

In a northeasterly direction, along the said curve to the right, through a central angle of 56°50'33", an arc length of 12.40 feet, and across a chord which bears North 36°01'47" East, a chord length of 11.90 feet to the east property line of the said Dallas County tract, same being the west lot line of the said Lot 1A, and further being the current east right-of-way line of said Shiloh Road, said point also being the beginning of a non-tangent curve to the left with a radius of 5669.58 feet;

**THENCE** along the said property line, the said lot line, the said right-of-way line, and in a southwesterly direction, along the said curve to the left, through a central angle of 02°17'47", an arc length of 227.23 feet, and across a chord which bears South 00°36'32" West, a chord length of 227.22 feet to the most northerly southwest lot corner of said Lot 1A, same being the north end of a right-of-way corner clip located at the intersection of the said east right-of-way line of Shiloh Road and the said north right-of-way line of Northwest Highway;

**THENCE** South 45°34'43" East, along the southwest lot line of said Lot 1A, and along the said right-of-way corner clip, 28.31 feet to the most southerly southwest lot corner of said Lot 1A, same being the south end of the said corner clip;

(for SPRG use only)	
Reviewed by:	<u>JD</u>
Date:	<u>3/5/2018</u>
SPRG No.	<u>4448</u>



**LICENSE AGREEMENT  
PART OF NORTHWEST HIGHWAY RIGHT-OF-WAY  
AND SHILOH ROAD RIGHT-OF-WAY  
ADJACENT TO LOT 1A, BLOCK A/8047  
NORTHWEST SHILOH ADDITION  
JOHN CASEY SURVEY, ABS. No. 350  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

**THENCE** North 89°29'00" East, along the south lot line of said lot 1A, same being the said north right-of-way line of Northwest Highway, 125.91 feet to the **POINT OF BEGINNING**.

The hereinabove described tract of land contains a computed area of **0.0733 acres (3,195 square feet)** of land, more or less.

NOTE: Basis of bearings – Based on the South line (South 89°29'00" West) of Lot 1A, Block A/8047, Northwest Shiloh Addition, an addition to the City of Dallas, Dallas County, Texas, According to the plat thereof recorded in Dallas County Clerk's Instrument No. 201700240978, Map Records, Dallas County, Texas. Distances and areas shown are surface.

TO ALL PARTIES INTERESTED IN TITLE TO THE PREMISES SURVEYED, I DO HEREBY CERTIFY THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED FROM PUBLIC RECORDS AND FROM AN ACTUAL AND ACCURATE SURVEY UPON THE GROUND AND THAT SAME IS TRUE AND CORRECT.

Eric S. Spooner, R.P.L.S.  
Spooner & Associates, Inc.  
Texas Registration No. 5922  
TBPLS Firm No. 10054900



(for SPRG use only)

Reviewed by: JD  
Date: 3/5/2018  
SPRG No. 4448



**SURVEYOR'S NOTE:**

**BASIS OF BEARING - BASED ON THE SOUTH LINE (SOUTH 89° 29' 00" WEST) OF LOT 1A, BLOCK A/8047, NORTHWEST SHILOH ADDITION, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 84148, PAGE 6032, PLAT RECORDS, DALLAS COUNTY, TEXAS.**

(FOR SPRG USE ONLY)

REVIEWED BY: JD  
DATE: 3/5/2018  
SPRG NO. 4448

### LINE TABLE

NO.	DIRECTION	DIST.
L1	S00°00'00"W	8.51'
L2	S89°41'24"W	15.41'
L3	S89°09'19"W	51.85'
L4	S89°49'48"W	52.75'
L5	S88°46'55"W	9.74'
L6	N83°17'45"W	1.12'
L7	N45°34'43"W	34.56'
L8	N06°44'20"W	0.50'
L9	N00°04'31"E	16.68'
L10	N00°26'16"E	36.22'
L11	N01°00'10"E	49.68'
L12	N01°27'44"E	48.07'
L13	N01°42'54"E	20.18'
L14	N02°19'24"E	9.66'
L15	N01°50'20"E	9.51'
L16	N03°34'02"E	6.78'
L17	S45°34'43"E	28.31'
L18	N89°29'00"E	125.91'

SEE ATTACHED LEGAL DESCRIPTION  
ON PAGES 1, 2 & 3 HEREIN

**LOT 1B, BLOCK A/8047  
NORTHWEST SHILOH  
ADDITION**

*D.C.C.I. 201700240978,  
O.P.R.D.C.T.*

EX. 20' WASTEWATER ESMT.  
D.C.C.I. 201700240978,  
O.P.R.D.C.T.

1/2" IRON ROD WITH YELLOW  
CAP STAMPED "ROOME"—

(R.O.W. BY USE AND OCCUPATION)

STATE OF TEXAS  
VOL. 653, PG. 55,  
D.R.D.C.T.

## LICENSE AGREEMENT

**PART OF NORTHWEST HIGHWAY RIGHT-OF-WAY  
AND SHILOH ROAD RIGHT-OF-WAY  
ADJACENT TO LOT 1A, BLOCK A/8047  
NORTHWEST SHILOH ADDITION  
JOHN CASEY SURVEY, ABS. No. 350  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

PROPERTY: LOT 1A, BLOCK A/8047, NORTHWEST SHILOH ADDITION  
PERMIT ACQUISITION: 0.0733 ACRES (3,195 S.F.)  
16-179 MURPHY DALLAS NW HWY LICENSE AGREEMENT SOUTH.dwg

S&A JOB NO.: 16-179  
DATE: 01/17/2018

DRAWN BY: J.B.N.  
CHECKED BY: E.S.S.



**SPOONER & ASSOCIATES**  
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**OVER 25 YEARS OF SERVICE**

**309 BYERS STREET, SUITE 100, EULESS, TEXAS 76039**  
**(817) 685-8448 WWW.SPOONERSURVEYORS.COM**  
**TBPLS FIRM NO. 10054900**





**EXHIBIT B  
COMMERCIAL ENTITY  
ADDITIONAL LICENSE PROVISIONS**

That this license is granted subject to the following additional conditions, terms and reservations:

- (a) That at such time as this license is terminated or canceled for any reason whatsoever, **GRANTEE**, upon orders issued by the City acting through the Director of Sustainable Development and Construction, or designee, shall remove all installations, improvements and appurtenances owned by it situated in, under or attached to the licensed area, and shall restore the premises to its former condition in accordance with the requirements of the Director of Sustainable Development and Construction at the sole cost of **GRANTEE**. In the event, upon termination of this license, **GRANTEE** shall fail to remove its installations, improvements and appurtenances and to restore the licensed area in compliance with orders issued by City, or such work is not done to the satisfaction of the Director of Sustainable Development and Construction, then in either event the City shall have the right to do all work necessary to restore said area to its former condition or cause such work to be done, and to assess the cost of all such work against **GRANTEE**; in neither event shall the City of Dallas be liable to **GRANTEE** on account thereof.
- (b) It is further understood that if and when the City of Dallas, in the exercise of its discretion, shall determine that the grade of any street, sidewalk or parkway should be modified or changed, or that any other work should be done in connection with any public improvement which will affect the licensed area, and/or any of **GRANTEE's** installations and improvements thereon, any modifications or changes to **GRANTEE's** facilities in the licensed area or in construction or reconstruction of any public improvement attributable to **GRANTEE's** use of the licensed area and/or its installations and improvements thereon, shall be made at the sole expense of **GRANTEE** and to the satisfaction of the Director of Sustainable Development and Construction.
- (c) At such time as this license is granted, it is agreed, and a condition hereof, that **GRANTEE** shall procure and keep in full force and effect **Commercial General Liability Insurance** coverage issued by an insurance company authorized and approved by the State of Texas, acceptable to the City of Dallas and issued in the standard form approved by the Texas Department of Insurance. The insured provisions of this policy must name the City of Dallas as an additional insured protecting the City of Dallas against any and all claims for damages to persons or property as a result of or arising out of the use, operation and maintenance by **GRANTEE** of the licensed area and **GRANTEE's** installations, improvements, landscaping and equipment in connection therewith and located therein. The Commercial General Liability coverage must include, but not limited to, Premises/Operations, Independent Contractors and Contractual Liability with minimum combined bodily injury (including death) and property damage limits of not less than \$500,000 per occurrence and \$500,000 annual aggregate. This insurance shall also include coverage for underground, explosion and collapse hazards (i.e. not excluded). If this insurance is written on a claims-made form, coverage shall be continuous (by renewal or extended reporting period) for not less than



**EXHIBIT B  
COMMERCIAL ENTITY  
ADDITIONAL LICENSE PROVISIONS**

twelve (12) months following termination of this license and removal of the installations, improvements and appurtenances and restoration of the licensed area pursuant to paragraph (a) above. Coverage, including any renewals, shall contain the same retroactive date as the original policy applicable to this license. The City of Dallas reserves the right to review the insurance requirements set forth herein during the effective term of the license and to adjust insurance coverages and their limits when deemed necessary and prudent by the City of Dallas' Risk Management based upon changes in statutory law, court decisions, or the claims history of the industry as well as the City of Dallas.

1. **GRANTEE** agrees that with respect to the above required insurance, all insurance contracts and certificates of insurance will contain and state, in writing, that coverage shall not be canceled, nonrenewed or materially changed except after thirty (30) days written notice by certified mail to Department of Sustainable Development and Construction.
  2. **GRANTEE** shall carry said insurance at its expense and shall furnish the City of Dallas proof of such insurance. In the event said insurance should terminate during the licensing term hereof, or **GRANTEE** fails to furnish proof of insurance coverage in accordance with the specifications as required by this section, the Director of Sustainable Development and Construction, or designee, may terminate the license granted herein.
- (d) **GRANTEE** is prohibited from using the licensed area in any manner which violates Federal, State or local laws, regulations, rules and orders, regardless of when they become or became effective, including without limitation, those related to health, safety, noise, environmental protection, waste disposal and water and air quality, and shall provide satisfactory evidence of compliance upon the request of the City of Dallas. Should any discharge, leakage, spillage, emission or pollution of any type occur upon or from the licensed area due to **GRANTEE's** use and occupancy thereof, **GRANTEE**, at its expense, shall be obligated to clean up the licensed area to the satisfaction of the City of Dallas and any governmental body having jurisdiction thereover. The City of Dallas may, at its option, clean the licensed area. If the City of Dallas elects to do so, **GRANTEE** shall promptly pay to the City of Dallas the reasonable cost of such cleanup upon receipt of bills therefore. **GRANTEE** agrees that the indemnity provisions contained in paragraph (g) herein shall be fully applicable to the requirements of this paragraph, in event of **GRANTEE's** breach of this paragraph, or as a result of any such discharge, leakage, spillage, emission or pollution arising out of the **GRANTEE's** use of the licensed area.
- (e) This license is subject to all State laws, the provisions of the Charter of the City of Dallas as it now exists, or may hereafter be adopted or amended, and the ordinances of the City of Dallas now in effect or those which may hereafter be passed or adopted. The City of Dallas shall have the right to increase or decrease the compensation to be charged for the use contemplated by this grant in



**EXHIBIT B  
COMMERCIAL ENTITY  
ADDITIONAL LICENSE PROVISIONS**

accordance with the provisions of the Dallas City Code as it now exists, or as may hereafter be adopted or amended.

- (f) The Governing Body of the City of Dallas reserves the right, at any time without notice, to terminate and cancel this license, by resolution, upon a finding by the Governing Body that this license is inconsistent with the public use of the property or whenever the purpose or use of the license is likely to become a nuisance and all rights granted hereunder shall thereupon be considered fully terminated and canceled and the City of Dallas shall not be held liable by reason thereof. The decision of the Governing Body of the City in this matter shall be final and binding upon all parties insofar as the City's determination as to whether the **GRANTEE's** use of this license constitutes a nuisance or is inconsistent with the public use of the property.
- (g) As a condition hereof, **GRANTEE** agrees and is bound to defend, indemnify and hold the City of Dallas, its officers, agents and employees, harmless against any and all claims, lawsuits, judgments, costs and expenses for bodily injury (including death), property damage or other harm for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by the use, occupancy and maintenance of the licensed area or **GRANTEE's** installations and improvements within the licensed area, from any act or omission of any representative, agent, customer and/or employee of **GRANTEE**, or by **GRANTEE's** breach of any of the terms or provisions of this license, or by any negligent or strictly liable act or omission of **GRANTEE**, its officers, agents, employees or contractors in the use, occupancy and maintenance of **GRANTEE's** installations and improvements within the licensed area; except that the indemnity provided for in this paragraph shall not apply to any liability resulting from the sole negligence or fault of the City of Dallas, its officers, agents, employees or separate contractors, and in the event of joint and concurring negligence or fault of both the **GRANTEE** and the City of Dallas, responsibility and liability, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas, without, however, waiving any governmental immunity available to the City of Dallas under Texas law and without waiving any defenses of the parties under Texas law. This obligation to indemnify and defend shall also include any claim for damage that any utility or communication company, whether publicly or privately owned, may sustain or receive by reason of **GRANTEE's** use of the licensed area or **GRANTEE's** improvements and equipment located thereon. In addition to the foregoing, **GRANTEE** covenants and agrees never to make a claim of any kind or character whatsoever against the City of Dallas for damage of any kind that it may suffer by reason of the installation, construction, reconstruction, operation or maintenance of any public improvement, utility or communication facility on the licensed area, whether presently in place or which may in the future be constructed or installed, including but not limited to, any water or wastewater mains or storm sewer facilities, regardless of whether such damage is due to



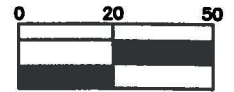
**EXHIBIT B  
COMMERCIAL ENTITY  
ADDITIONAL LICENSE PROVISIONS**

flooding, infiltration, backflow or seepage caused from the failure of any installation, natural causes, City's negligence, or from any other cause whatsoever.

- (h) This license is subject to any existing utilities or communication facilities, including drainage, presently located within the licensed area, owned and/or operated by the City of Dallas or any utility or communications company, public or private, and to any vested rights presently owned by an utility or communications company, public or private, for the use of the licensed area for facilities presently located within the boundaries of said licensed area. It is the intent of the foregoing that this permission herein is made expressly subject to the utilization of the licensed area for communication and utility purposes, both public and private, including drainage, over, under, through, across and along the licensed area. No buildings shall be constructed or placed upon, over or across the licensed area in such a manner as to interfere with the operation of any utilities and communication facilities. All and any communication company and utility, both public and private, shall have the right to remove and keep removed all or parts of any buildings which may in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems within the licensed area. All communication companies and utilities, both public and private, shall have the full right to remove and keep removed all parts of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance and efficiency of its respective system and shall at all times have the full right of ingress and egress to or from and upon the licensed area for the purpose of constructing, relocating, inspecting, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.



# GRAPHIC SCALE



( IN FEET )  
1 inch = 50 ft.

## EXHIBIT C

## LEGEND



(8) SILVER TEXAS MOUNTAIN LAUREL



(4) CATHEDRAL LIVE OAKS



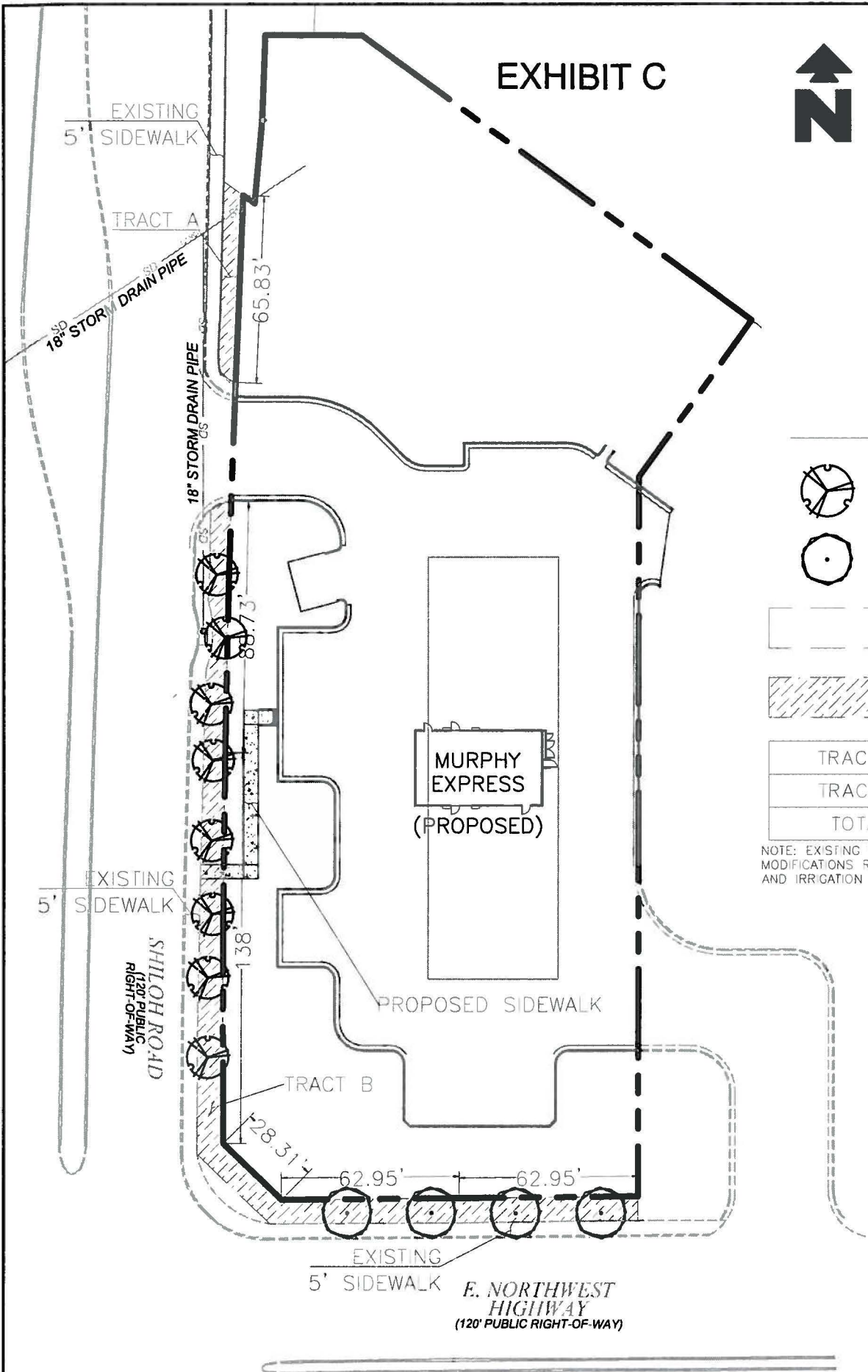
EXISTING SIDEWALK (TO REMAIN)



AREA IN R/W TO BE PLANTED WITH TREES (INCLUDES IRRIGATION FOR TREES)

TRACT A	439 SF
TRACT B	3195 SF
TOTAL	3634 SF

NOTE: EXISTING SIDEWALK TO REMAIN; NO SIDEWALK MODIFICATIONS REQUIRED FOR PROPOSED TREE PLANTING AND IRRIGATION SYSTEM.





## **AGENDA ITEM # 14**

### **STRATEGIC PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

### **AGENDA DATE:**

May 23, 2018

### **COUNCIL DISTRICT(S):**

14

### **DEPARTMENT:**

Department of Sustainable Development and Construction

### **CMO:**

Majed Al-Ghafry, 670-3302

### **MAPSCO:**

45K

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### **SUBJECT**

An ordinance abandoning a subsurface portion of Ross Avenue and St. Paul Street to Quadrant Saint Paul Owner, LP, the abutting owner, containing approximately 2,012 square feet of land, located near the intersection of Ross Avenue and St. Paul Street; and authorizing the quitclaim - Revenue: \$148,486, plus the \$20 ordinance publication fee

### **BACKGROUND**

This item authorizes the abandonment of a subsurface portion of Ross Avenue and St. Paul Street to Quadrant Saint Paul Owner, LP, the abutting owner. The areas will be included with the property of the abutting owner to continue use for underground parking. The abandonment fee is based on an independent appraisal. The abutting owner will retain a license to use subsurface portions of Ross and St. Paul Street being twenty feet below from top of curb to allow for use of public facilities.

Notices were sent to 10 property owners located within 300 feet of the proposed abandonment area. There were no responses received in opposition to this request.

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

On September 26, 1990, City Council authorized a private license to COF Property Inc., for the use of approximately 2012 square feet of subsurface land to occupy, maintain and utilize portions of Saint Paul Street and Ross Avenue, located near their intersections for purposes of a underground parking facility by Resolution No. 90-3042; Ordinance No. 20733.

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on May 14, 2018.



**FISCAL INFORMATION**

Revenue - \$148,486, plus the \$20 ordinance publication fee

**OWNER**

**Quadrant Saint Paul Owner, LP**

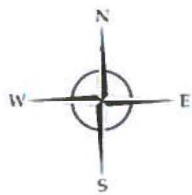
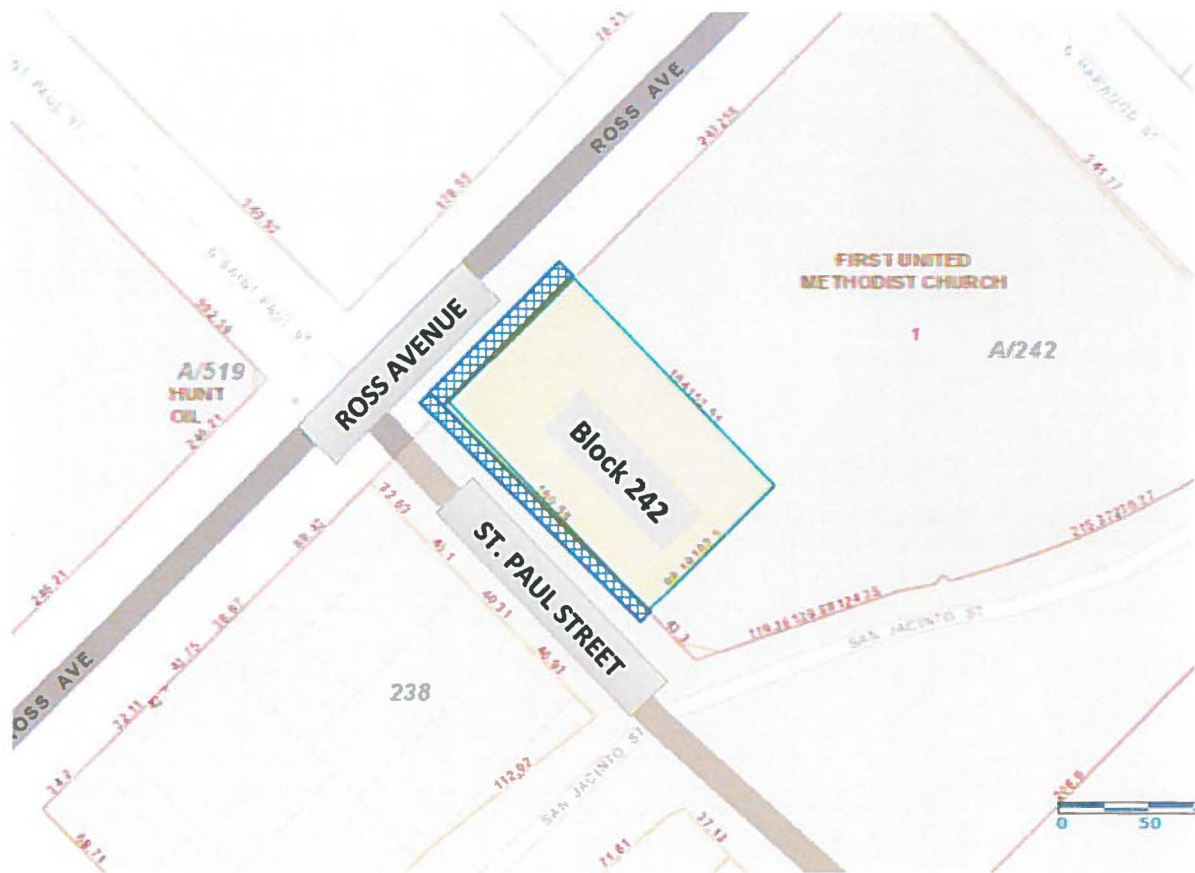
Quadrant Saint Paul Owner GP LLC, General Partner

Byron C. Cook, Manager

**MAP**

Attached





**SUBSURFACE ABANDONMENT**



**ORDINANCE NO. \_\_\_\_\_**

An ordinance providing for the abandonment of a subsurface portion of Ross Avenue and St. Paul Street located adjacent to City Block 242 in the City of Dallas and County of Dallas, Texas, subject to a reverter; providing for the quitclaim thereof to Quadrant Saint Paul Owner LP; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date.

**ooo0ooo**

**WHEREAS**, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Quadrant Saint Paul Owner LP, a Delaware limited partnership, hereinafter referred to as **GRANTEE**, deems it advisable to abandon and quitclaim, subject to a reverter interest, the hereinafter described tract of land, and is of the opinion that, subject to the terms conditions and reverter herein provided, said subsurface portion of Ross Avenue and St. Paul Street, beginning at an elevation of 442.67 feet above mean sea level and extending to an elevation of 362.67 feet above mean sea level is not needed for public use, and same should be abandoned 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 public will be served by abandoning and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms conditions and reverter, hereinafter more fully set forth.

**Now, Therefore,**

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

**SECTION 1.** That the subsurface portion of Ross Avenue and St. Paul Street, beginning at an elevation of 442.67 feet above mean sea level and extending to an elevation of 362.67 feet above mean sea level under the tract of land, described in



**SECTION 1.** (continued)

Exhibit A, which is attached hereto and made a part hereof, be and the same is abandoned, vacated and closed insofar as the right, title and easement of the public are concerned; subject, however, to the reverter and the conditions hereinafter more fully set out.

**SECTION 2.** That for and in monetary consideration of the sum of **ONE HUNDRED FORTY-EIGHT THOUSAND FOUR HUNDRED EIGHTY-SIX AND NO/100 DOLLARS (\$148,486.00)** paid by **GRANTEE**, and the further consideration described in Sections 8 and 9, the City of Dallas does by these presents **QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, and exceptions hereinafter made and with the reverter interest herein stated, all of its right, title and interest in and to the certain tract of subsurface land, beginning at an elevation of 442.67 feet above mean sea level and extending to an elevation of 362.67 feet above mean sea level under the tract of land hereinabove described in Exhibit A. Provided however, that if the subsurface land situated on and adjacent to the area to be abandoned is ever: (i) partially demolished, removed or damaged and is not promptly thereafter repaired or rebuilt; (ii) substantially or totally demolished, removed or damaged; or (iii) abandoned in whole or in part by the **GRANTEE**, its successors and assigns, then this ordinance and quitclaim shall be rendered null and void and the right, title and easement of the public shall absolutely revert without any necessity for suit or re-entry by the City; and no act or omission on the part of the City, its successors and assigns, shall be a waiver of the operation or enforcement of this ordinance. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE**.

**SECTION 3.** That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, and conditions of this ordinance.

**SECTION 4.** That the Chief Financial Officer is authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund, 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



**SECTION 4.** (continued)

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 provided for herein is made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

**SECTION 6.** That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

**SECTION 7.** That the abandonment and quitclaim provided for herein shall extend only to the public right, title, easement and interest, and shall be construed to extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon and vacate.

**SECTION 8.** That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, 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



**SECTION 8.** (continued)

therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

**SECTION 9.** That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall:

- (a) ensure the subsurface abandonment will not impact surface use of street right-of-way. Per the City of Dallas Central Business District Streets and Vehicular Circulation Plan, Section 51 A-9, Ross Avenue requires 80 feet of right-of-way and St. Paul Street requires 60 feet of right-of-way for the roadway.
- (b) retain the agreed license use of twenty (20) feet beginning at top of curb and abandon the below depth.
- (c) provide adequate subsurface clearance being 20 feet below the top of curb street right of way for any potential future utility work, and obtain a right-of-way permit for any work within public right-of-way.
- (d) acknowledge ATMOS and Spectrum (formerly Time Warner Cable) have existing facilities within or near the abandonment area. If conflict exists **GRANTEE**, will be responsible for cost to relocate facilities, otherwise Exhibit B would apply.



**SECTION 10.** That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2 plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee: (i) shall deliver to **GRANTEE** a certified copy of this ordinance, and (ii) is authorized to and shall prepare and deliver a **QUITCLAIM DEED** with regard to the area abandoned herein, subject to a reverter interest, to **GRANTEE** hereunder, same to be executed by the City Manager on behalf of the City of Dallas, attested by the City Secretary and approved as to form by the City Attorney. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

**SECTION 11.** That this ordinance is also designated for City purposes as Contract No. DEV-2018-00005304.

**SECTION 12.** That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:  
LARRY E. CASTO, City Attorney

DAVID COSSUM, Director  
Department of Sustainable Development and  
Construction

BY:

  
Assistant City Attorney

BY:

  
Assistant Director

Passed \_\_\_\_\_.



# Exhibit A

Part of Ross Avenue and St. Paul Street  
Adjacent to Block 242  
Between the elevations of 442.67 and 362.67 feet Mean Sea Level or  
Between 20 Feet and 100 Feet Below the Top of Adjacent Curb  
John Grigsby Survey  
Abstract Number 495  
City of Dallas  
Dallas County, Texas

Being 2,012 square feet or 0.0462 acres of land situated in the John Grigsby Survey, Abstract Number 495, City of Dallas, Dallas County, Texas, being part of Ross Avenue (80 foot wide right-of-way by use and occupation, no deed of record found) and St. Paul Street (60 foot wide right-of-way formerly known as Masten Street, according to deeds recorded in Volume 770, Page 1 and Volume 791, Page 337 of the Deed Records of Dallas County, Texas, Ordinance Book 1-A, Pages 131-146) being the same property described in Private License for Underground Parking Facility in instrument recorded in Volume 90213, Page 2338 and Volume 99172, Page 3960 of the Deed Records of Dallas County, Texas, adjacent to Block 242, said license pursuant to Dallas City Ordinance Number 20733, and being more particularly described as follows, but only as to that portion of the subsurface abandonment between 20 feet and 100 feet below the top of adjacent curb, or between 442.67 feet and 362.67 feet;:

BEGINNING at the corner of a building column at the southeast corner of Ross Avenue and the northeast corner of St. Paul Street, being the west corner of that certain tract of land described in deed to Quadrant Saint Paul Owner LP recorded in Instrument 201600040689 of the Official Public Records of Dallas County, Texas;

THENCE S 44°48'00" E (Record), 164.00 feet along the northeast right-of-way line of St. Paul Street and the southwest line of said tract, to a building corner, being the south corner thereof, being the west corner of Lot 1, Block A/242 of First United Methodist Church according to the plat thereof recorded in Instrument 201300111958 of the Official Public Records of Dallas County, Texas;

THENCE S 45°12'00" W, 4.75 feet, into St. Paul Street;

THENCE N 44°48'00" W, 175.50 feet, to a point in Ross Avenue;

THENCE N 45°00'00" E (Record), 107.25 feet, in Ross Avenue;

THENCE S 44°48'00" E, 11.50 feet, to a 1/2" iron rod found at the north corner of Tract 1 described in Instrument Number 201600040689, being the west corner of that certain tract of land described in deed to First Methodist Episcopal Church recorded in Volume 700, Page 218 of the Deed Records of Dallas County, Texas, now platted as First United Methodist Church as noted in the aforesaid citation (Instrument 201300111958);

THENCE S 45°00'00" W, 102.50 feet, along the northwest line of said tract and the southeast right-of-way line of Ross Avenue to the POINT OF BEGINNING and containing approximately 0.0462 acres or 2,012 square feet of land.

(For SPRG use only)	
Reviewed by:	<u>A. Rodriguez</u>
Date:	<u>1/19/18</u>
SPRG No.	<u>3870</u>

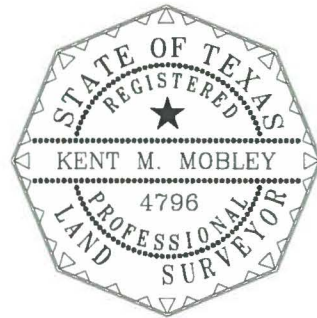


# Exhibit A

Subsurface Abandonment  
Part of Ross Avenue and St. Paul Street  
Adjacent to Block 242  
Between the elevations of 442.67 and 362.67 feet Mean Sea Level  
Between 20 Feet and 100 Feet Below the Top of Adjacent Curb  
John Grigsby Survey  
Abstract Number 495  
City of Dallas  
Dallas County, Texas

I, Kent M. Mobley, Registered Professional Land Surveyor, hereby certify that the legal description and the accompanying plat represent an actual survey made on the ground under my supervision.

Kent M. Mobley 1-17-18  
Kent M. Mobley, RPLS Date  
Registration No. 4796  
Grantham & Assoc., Inc.  
6570 Naaman Forest Blvd., Suite 200, LB 2  
Garland, Texas 75044



Basis of Bearings: S 44°48'00" E, along southwest line, Record Bearing in Deed Instrument  
2016000040689, O.P.R.D.C.T.

(For SPRG use only)	
Reviewed by:	<u>A. Rodriguez</u>
Date:	<u>1/19/18</u>
SPRG No.	<u>3870</u>



BLOCK 521

Exhibit A

ROSS AVENUE  
BY USE AND OCCUPATION  
(80' RIGHT-OF-WAY)  
NO DEED OF RECORD FOUND

SUBSURFACE  
ABANDONMENT  
0.0462 ACRES  
2,012 SQ. FT.

ORDINANCE NO. 20733  
VOL. 90213 PG. 2338  
AND  
VOL. 99172, PG. 3960  
D.R.D.C.T.

S 44°48'00" E  
11.50'  
1/2" I.R.F.  
ELEV. 462.85

N 45°00'00" E 107.25'

S 45°00'00" W 102.50'

P.O.B.

CORNER COLUMN AT INTERSECTION  
SOUTHEAST R.O.W. ROSS AVE.  
& NORTHEAST R.O.W. SAINT PAUL ST.

D.P.A. CO. EASEMENT  
VOL. 82221 PG. 5062  
D.R.D.C.T.

S 44°48'00" E 164.00'  
(RECORD, BASIS OF BEARING)

CM  
ELEV. 461.12

CONTROLLING LINE  
FOR DIRECTION

N 44°48'00" W 175.50'

S 45°12'00" W  
4.75'

VOL. 791, PG. 337  
D.R.D.C.T.

VOL. 791, PG. 339  
D.R.D.C.T.

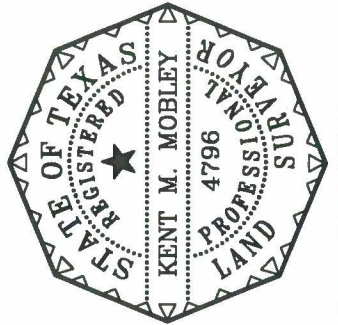
CM  
ELEV. 460.04

ST. PAUL STREET

(60' RIGHT-OF-WAY  
FORMERLY KNOWN AS MASTEN STREET)  
ORDINANCE BOOK 1-A,  
PAGES 131-146  
VOL. 770, PG. 1  
D.R.D.C.T.

(For SPRG use only)  
Reviewed by: A. Rodriguez  
Date: 11/19/18  
SPRG No. 3870

LEGEND:  
D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS  
O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS  
VOL. PG. = VOLUME, PAGE  
INS. NO. = INSTRUMENT NUMBER  
BLDG. = BUILDING  
I.R.F. = IRON ROD FOUND  
P.O.B. = POINT OF BEGINNING  
R.O.W. = RIGHT OF WAY  
CM = CONTROLLING MONUMENT  
MSL = MEAN SEA LEVEL  
● = FOUND MONUMENT



*Kent M. Mobley*  
KENT M. MOBLEY  
R.P.L.S. NO. 4796

FIRST METHODIST EPISCOPAL  
CHURCH  
VOL. 700, PG. 218  
D.R.D.C.T.

scale  
1" = 30'  
0 15 30  
feet



JOHN GRIGSBY SURVEY  
ABSTRACT NO. 495

22 STORY BUILDING  
750 NORTH ST. PAUL STREET

CURRENT OWNER: QUADRANT SAINT PAUL OWNER LP  
TRACT 1  
INS. NO. 201600040689  
O.P.R.D.C.T.  
CITY BLOCK NO. 242

FIRST UNITED  
METHODIST CHURCH  
INS. NO. 20130011958  
O.P.R.D.C.T.  
LOT 1, BLOCK A/242

TEXAS SURVEYING FIRM NO. 10127900  
SHEET 3 OF 5

**Grantham & Associates, Inc.**  
Civil Engineering & Surveying

4570 NAAMAN FOREST BLVD., SUITE 200, L.B. 2  
GARLAND, TEXAS 75044

(972) 864-2333 (TEL)  
(972) 864-2334 (FAX)

**SUBSURFACE ABANDONMENT**  
**PART OF ROSS AVENUE AND ST. PAUL STREET**  
**ADJACENT TO BLOCK 242**  
**BETWEEN THE ELEVATIONS OF 442.67 AND**  
**362.67 FEET MAIN SEA LEVEL OR**  
**BETWEEN 20 FEET AND 100 FEET**  
**BELOW THE TOP OF CURB**

JOHN GRIGSBY SURVEY  
ABSTRACT NUMBER 495

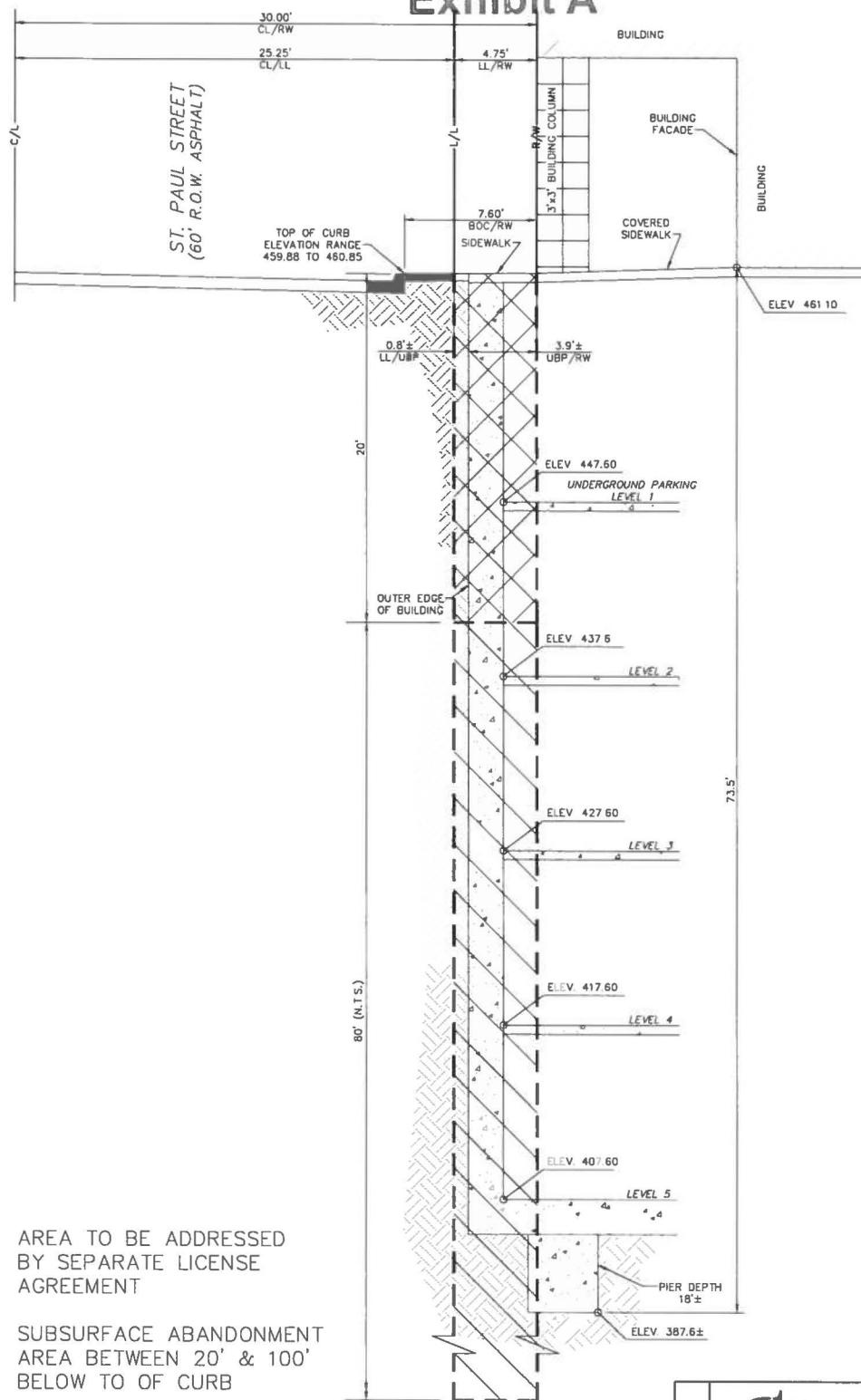
**CITY OF DALLAS TEXAS**

1/17/18

1271ESMT01.DWG



# Exhibit A



AREA TO BE ADDRESSED  
BY SEPARATE LICENSE  
AGREEMENT



SUBSURFACE ABANDONMENT  
AREA BETWEEN 20' & 100'  
BELOW TO OF CURB

**NOTE:**  
UNDERGROUND BUILDING INFORMATION DERIVED FROM SHEETS  
S2-1 THROUGH S2-6, S3-1 AND S3-7 OF THE ST. PAUL TOWER  
STRUCTURAL DESIGN DRAWINGS DATED 06/01/1981, NOT FIELD  
SURVEY.

## LEGEND:

RW	RIGHT OF WAY LINE
LL	LICENSE AGREEMENT LINE
BOC	BACK OF CURB
CL	CENTERLINE OF RIGHT OF WAY
UBP	UNDERGROUND BUILDING PERIMETER
R/W	RIGHT-OF-WAY LINE (PROPERTY LINE)
L/L	LICENSE AGREEMENT LINE/SUBSURFACE PARKING GARAGE ABANDONMENT AREA LINE
C/L	CENTERLINE OF RIGHT OF WAY

SECTION 'A-A'

GRANTHAM & ASSOCIATES  
F-005438



THE SEAL APPEARING ON THIS  
DOCUMENT WAS AUTHORIZED BY:  
P. CHRISTOPHER ROBINSON  
ON 1/3/18  
ALTERATION OF A SEALED  
DOCUMENT WITHOUT PROPER  
NOTIFICATION TO THE RESPONSIBLE  
ENGINEER IS AN OFFENSE  
UNDER THE TEXAS ENGINEERING  
PRACTICE ACT.

SHEET 4 OF 5

1/3/18



**Grantham & Associates, Inc.**  
Civil Engineering & Surveying

6570 NAAMAN FOREST BLVD., SUITE 200, L.B. 2  
GARLAND, TEXAS 75044

(972) 864-2333 (TEL)  
(972) 864-2334 (FAX)

271DETAIL02.DWG

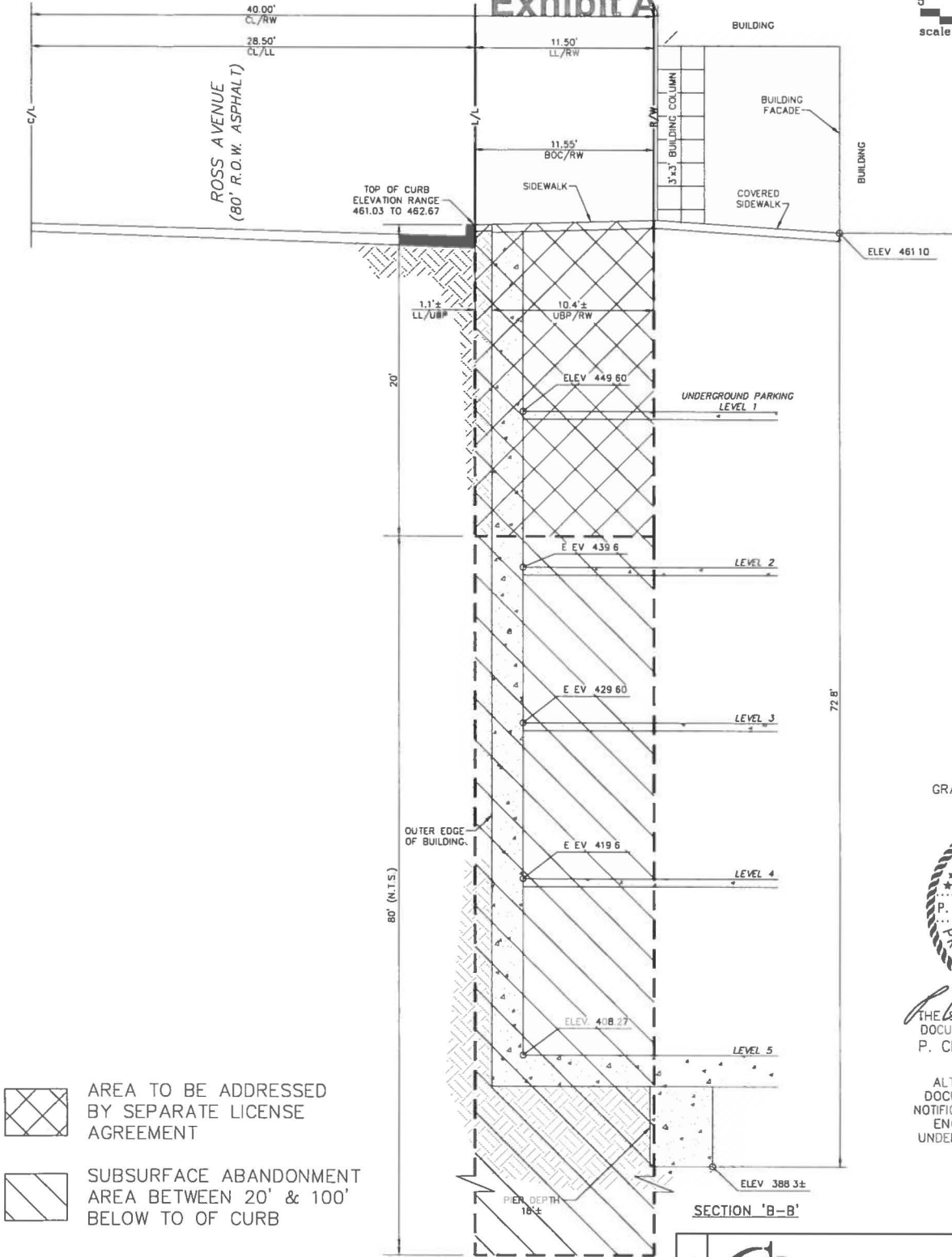
**750 NORTH ST. PAUL STREET  
BUILDING SECTIONS**

**SUBSURFACE PARKING GARAGE  
ABANDONMENT AREA**

**CITY OF DALLAS**



# Exhibit A



AREA TO BE ADDRESSED  
BY SEPARATE LICENSE  
AGREEMENT



SUBSURFACE ABANDONMENT  
AREA BETWEEN 20' & 100'  
BELOW TO OF CURB

## NOTE:

UNDERGROUND BUILDING INFORMATION DERIVED FROM SHEETS  
S2-1 THROUGH S2-6, S3-1 AND S3-7 OF THE ST. PAUL TOWER  
STRUCTURAL DESIGN DRAWINGS DATED 06/01/1981, NOT FIELD  
SURVEY.

## LEGEND:

R/W	RIGHT OF WAY LINE
LL	LICENSE AGREEMENT LINE
BOC	BACK OF CURB
CL	CENTERLINE OF RIGHT OF WAY
UBP	UNDERGROUND BUILDING PERIMETER
—R/W—	RIGHT-OF-WAY LINE (PROPERTY LINE)
—L/L—	LICENSE AGREEMENT LINE/SUBSURFACE PARKING GARAGE ABANDONMENT AREA LINE
—C/L—	CENTERLINE OF RIGHT OF WAY

GRANTHAM & ASSOCIATES  
F-005438



THE SEAL APPEARING ON THIS  
DOCUMENT WAS AUTHORIZED BY:  
P. CHRISTOPHER ROBINSON  
ON 1/3/18  
ALTERATION OF A SEALED  
DOCUMENT WITHOUT PROPER  
NOTIFICATION TO THE RESPONSIBLE  
ENGINEER IS AN OFFENSE  
UNDER THE TEXAS ENGINEERING  
PRACTICE ACT.

SECTION 'B-B'

SHEET 5 OF 5

127DETAIL03.DWG  
1/3/18



**Grantham & Associates, Inc.**  
Civil Engineering & Surveying

6570 NAAMAN FOREST BLVD., SUITE 200, L.B. 2  
GARLAND, TEXAS 75044

(972) 864-2333 (TEL)  
(972) 864-2334 (FAX)

**750 NORTH ST. PAUL STREET  
BUILDING SECTIONS**

**SUBSURFACE PARKING GARAGE  
ABANDONMENT AREA**

**CITY OF DALLAS**



# **EXHIBIT B**

## **ADDITIONAL ABANDONMENT PROVISIONS**

That as a condition hereof, this abandonment is subject to any utilities or communication facilities, including without limitation water and wastewater lines, gas lines, and storm sewers, ("Facilities") presently located within the abandoned area described in Exhibit "A", owned and/or operated by the City of Dallas or any utility or communications company, public or private, ("Utility") and to the rights of any Utility for the use of the abandoned area for its Facilities. It is the intent of the foregoing to confirm and maintain and there is hereby reserved and excepted unto the City of Dallas, and not abandoned or conveyed hereunder, an easement (to which this abandonment is made expressly subject) over, upon, under, through, in, and across the abandoned area for each Utility for its respective Facilities located therein at the time of this abandonment, together with the right to make any subsequent alterations, additions, expansions, upgrades or modifications to such Facilities as may, from time to time be deemed necessary or convenient by the Utility owning and/or operating same. No buildings, structures (above or below ground) or trees shall be constructed or placed within the abandoned area without written consent of each affected Utility. Each Utility shall have the full right to remove and keep removed all or part of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective Facilities lying within the abandoned area and shall at all times have the full right of ingress and egress to or from and upon the abandoned area for the purposes of reconstructing, removing, relocating, inspecting, patrolling, maintaining, expanding, upgrading, and/or adding to all or part of its Facilities without the necessity at any time of procuring the permission of anyone. The easement reserved hereunder and the conditions and restrictions to which this abandonment is subject shall remain for the benefit of the applicable Utility and/or operators of the Facilities until said Facilities are removed and relocated from the abandoned area. The relocation, removal or adjustment of any or all such Facilities, if made necessary by GRANTEE'S (whether one or more natural persons or legal entities) use of the abandonment area, shall be at the expense of GRANTEE herein, or GRANTEE'S successors and assigns. Should GRANTEE'S relocation or removal of the Facilities require the obtaining of new easements, the acquisition of same shall be at the expense of GRANTEE, GRANTEE'S successors and assigns. If any of the Facilities (or relocations thereof) are allowed to remain on any part of the abandoned area, the easements and buildings restrictions provided herein shall remain thereon. Upon removal or relocation of all of the Facilities, any easements reserved or created herein relating to such removed or relocated Facilities shall terminate, and any building restrictions herein created shall cease.



**AGENDA ITEM # 15****STRATEGIC  
PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:**

May 23, 2018

**COUNCIL DISTRICT(S):**

1, 2, 3, 5, 7, 9, 10, 12, 14

**DEPARTMENT:**

Department of Transportation

**CMO:**

Majed Al-Ghafry, 670-3302

**MAPSCO:**

4D 23Y 27H 36U 46V 53B Y 54G 59A G Y

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**SUBJECT**

Authorize a professional services contract with Freese and Nichols, Inc., most advantageous proposer of seventeen, to provide traffic signal design services for 17 traffic signals at various intersections and other related tasks (list attached) - Not to exceed \$759,398 - Financing: 2017 Bond Funds (\$492,573) and General Funds (\$266,825) (subject to annual appropriations)

**BACKGROUND**

This action will authorize a professional services contract with Freese and Nichols, Inc. to provide traffic signal design services for 17 traffic signals at various intersections and other related tasks. Specifically, this action authorizes the design of 12 traffic signals funded through 2017 Bond Funds (\$492,573.00). The design of the remaining 5 traffic signals will be funded through General Funds (\$266,825.00), and their locations will be determined at a later date. The following signals in the 2017 Bond Program will be designed with this contract:

- Jefferson Boulevard at Van Buren Avenue
- Timberline Drive at Webb Chapel Extension
- Fort Worth Avenue at Pinnacle Park Boulevard
- Kiest Boulevard at Pierce Street
- Checota Drive at Masters Drive
- Masters Drive at Old Seagoville Road/Cushing Drive
- Masters Drive at Old Seagoville Road (North)
- Palisade Drive at Prairie Creek Road
- Pine Street at Second Avenue
- Abrams Road at Lakeshore Drive
- Miller Road at Rockwall Road
- Haverwood Lane at Pear Ridge Drive



## **BACKGROUND** (continued)

In May 2017, the City of Dallas released a Request for Qualifications for engineering services for traffic engineering and intelligent transportation systems services.

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

- Department of Transportation (3)
- Department of Public Works (1)
- Dallas Police Department (1)

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

- Quality Assurance and Control 10%
- Business Inclusion and Development Plan 15%
- Experience and Capability 25%
- Responsiveness and Qualifications 50%

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 1,619 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services used 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.

## **ESTIMATED SCHEDULE OF PROJECT**

Began Design	May 2018
Complete Design	May 2021

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

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on May 14, 2018.

## **FISCAL INFORMATION**

2017 Bond Funds - \$492,573.00  
General Funds - \$266,825.00



**FISCAL INFORMATION** (continued)

<b><u>Council District</u></b>	<b><u>Amount</u></b>
1	\$ 40,524.00
2	\$ 41,480.00
3	\$ 77,646.00
5	\$166,840.00
7	\$ 39,566.00
9	\$ 21,853.00
10	\$ 38,246.00
12	\$ 44,565.00
14	\$ 21,853.00
To Be Determined	<u>\$266,825.00</u>
Total Amount	\$759,398.00

**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:

<b><u>Contract Amount</u></b>	<b><u>Category</u></b>	<b><u>M/WBE Goal</u></b>	<b><u>M/WBE %</u></b>	<b><u>M/WBE \$</u></b>
\$759,398.00	Architectural & Engineering	25.66%	32.78%	\$248,923.00

- This contract exceeds the M/WBE goal of 25.66%

**PROPOSAL INFORMATION**

Statements of Qualifications were received from seventeen consultant teams for solicitation number BYZ1712 and opened on June 1, 2017. Based on those responses, the top six teams were shortlisted to receive future project-specific solicitation questionnaires. Responses from all six shortlisted firms for this project were received and opened on November 10, 2017. This professional services contract is being awarded 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>
*Freese and Nichols, Inc.	2711 N. Haskell Ave., Suite 3300 Dallas, TX 75204	68.40%



**PROPOSAL INFORMATION** (continued)

<b><u>Proposers</u></b>	<b><u>Address</u></b>	<b><u>Score</u></b>
Kimley-Horn and Associates, Inc.	13455 Noel Rd., Suite 700 Dallas, TX 75240	65.00%
Lee Engineering Engineers, Inc.	3030 LBJ Frwy., Suite 1660 Dallas, TX 75234	55.20%
LJA Engineering, Inc.	6060 N. Central Expwy., Suite 440 Dallas, TX 75206	54.60%
Brown and Gay Engineers, Inc.	700 N. Pearl St., Suite 2100 Dallas, TX 75201	53.00%
Stantec Consulting Services, Inc.	2435 N. Central Expwy., Suite 750 Dallas, TX 75080	50.00%

Statements of Qualifications to solicitation number BYZ1712 were also received from the following consultant teams: Binkley and Barfield, Inc.; Halff Associates, Inc.; HDR Engineering, Inc.; Jacobs Engineering Group; Lockwood, Andrews, and Newman, Inc.; Maldonado-Burkett Intelligent Transportation Systems, LLP; Othon, Inc.; RPS Klotz Associates; SE3; Teal Engineering Services, Inc.; and UEG-Urban Engineers, Inc.

**OWNER****Freese and Nichols, Inc.**

Brian Coltharp, President  
Chris Bosco, Vice-President/Principal

**MAP**

Attached



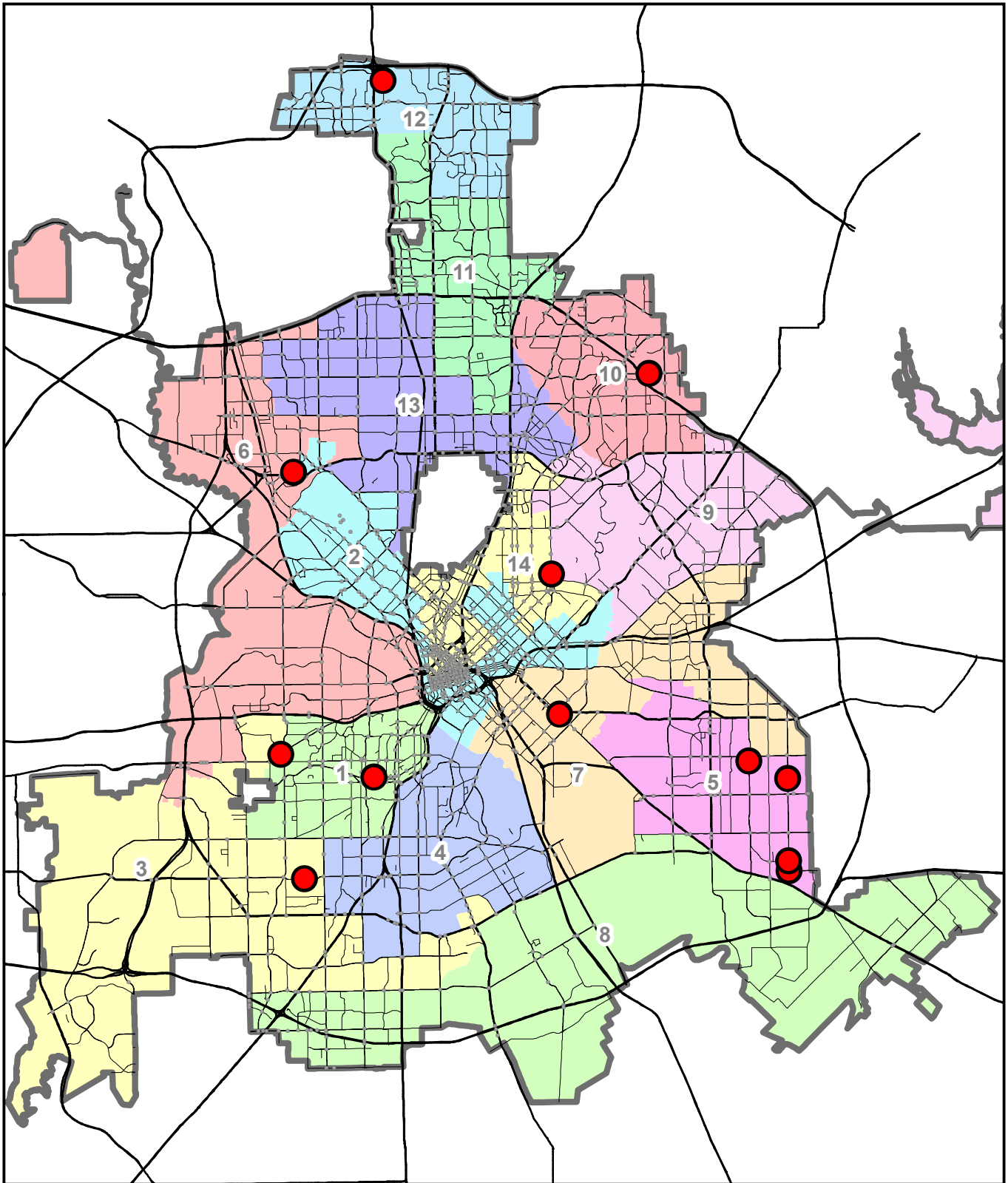
## Freese and Nichols, Inc. - Traffic Signal Design

<u>Intersection</u>	<u>Council District</u>
Jefferson Boulevard at Van Buren Avenue	1
Timberline Drive at Webb Chapel Extension	2
Fort Worth Avenue at Pinnacle Park Boulevard	3
Kiest Boulevard at Pierce Street	3
Checota Drive at Masters Drive	5
Masters Drive at Old Seagoville Road/Cushing Drive	5
Masters Drive at Old Seagoville Road (North)	5
Palisade Drive at Prairie Creek Road	5
Pine Street at Second Avenue	7
Abrams Road at Lakeshore Drive	9, 14
Miller Road at Rockwall Road	10
Haverwood Lane at Pear Ridge Drive	12

\*The remaining five traffic signal locations will be determined at a later date.



## Warranted Traffic Signals



**Council Districts 1, 2, 3, 5, 7, 9, 10, 12, 14**

**Mapsco Pages 4-D, 23-Y, 27-H, 36-U, 46-V, 53-B, 53-Y, 54-G, 59-A, 59-G, 59-Y**



May 23, 2018

**WHEREAS**, the City desires to enter into a professional services contract with Freese and Nichols, Inc., most advantageous proposer of seventeen, to provide traffic signal design services for 17 traffic signals at various intersections and other related tasks, in an amount not to exceed \$759,398.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to sign a professional services contract with Freese and Nichols, Inc., approved as to form by the City Attorney, for traffic signal design services of 17 traffic signals at various intersections and other related tasks, in an amount not to exceed \$759,398.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$759,398 to Freese and Nichols, Inc., as follows:

General Fund (subject to annual appropriations)	
Fund 0001, Department TRN, Unit 3049, Object 4820	
Activity THRG, Commodity 91842	
Encumbrance/Contract No. MASC-TRN-2018-00006209	
Vendor 347200	\$266,825
2017 Bond Fund	
Fund 1V22, Department TRN, Unit VA28, Object 4820	
Activity THRG, Program PB17VA28, Commodity 91842	
Encumbrance/Contract No. MASC-TRN-2018-00006209	
Vendor 347200	<u>\$492,573</u>
Total amount not to exceed	\$759,398

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







**AGENDA ITEM # 16****STRATEGIC  
PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:**

May 23, 2018

**COUNCIL DISTRICT(S):**

1, 2, 3, 6, 8, 9, 10, 14

**DEPARTMENT:**

Department of Transportation

**CMO:**

Majed Al-Ghafry, 670-3302

**MAPSCO:**26Z 27B U 35W X 52D F 54L 55A 70E F 74C

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**SUBJECT**

Authorize a professional services contract with Kimley-Horn and Associates, Inc., most advantageous proposer of seventeen, to provide traffic signal design services for 16 traffic signals at various intersections and other related tasks (list attached) - Not to exceed \$470,500 - Financing: 2017 Bond Funds (\$343,500) and General Funds (\$127,000) (subject to annual appropriations)

**BACKGROUND**

This action will authorize a professional services contract Kimley-Horn and Associates, Inc., to provide traffic signal design services for 16 traffic signals at various intersections and other related tasks. Specifically, this action authorizes the design of 12 traffic signals funded through 2017 Bond Funds (\$343,500.00). The design of the remaining 4 traffic signals will be funded through General Funds (\$127,000.00), and their locations will be determined at a later date. The following signals in the 2017 Bond Program will be designed with this contract:

- Eighth Street at Ewing Avenue
- Pratt Boulevard at Zang Boulevard
- Cedar Springs Road at Knight Street
- Cockrell Hill Road at Rock Quarry Road
- Jefferson Boulevard at Justin Avenue
- Belt Line Road at Lawson Road
- Belt Line Road at Seagoville Road
- Wheatland Road at Willoughby Boulevard/Leigh Ann Drive
- Abrams Road at Eastridge Drive
- Audelia Road at Forestridge Drive/McCree Road
- Ferris Branch Boulevard at Whitehurst Drive
- Lemmon Avenue at Travis Street



## **BACKGROUND** (continued)

In May 2017, the City of Dallas released a Request for Qualifications for engineering services for traffic engineering and intelligent transportation systems services.

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

- Department of Transportation (3)
- Department of Public Works (1)
- Dallas Police Department (1)

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

- Quality Assurance and Control 10%
- Business Inclusion and Development Plan 15%
- Experience and Capability 25%
- Responsiveness and Qualifications 50%

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 1,619 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services used 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.

## **ESTIMATED SCHEDULE OF PROJECT**

Begin Design	May 2018
Complete Design	May 2021

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

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on May 14, 2018.

## **FISCAL INFORMATION**

2017 Bond Funds - \$343,500.00  
General Funds - \$127,000.00 (subject to annual appropriations)



**FISCAL INFORMATION** (continued)

<b><u>Council District</u></b>	<b><u>Amount</u></b>
1	\$ 58,500.00
2	\$ 15,750.00
3	\$ 15,750.00
6	\$ 43,250.00
8	\$ 82,000.00
9	\$ 27,000.00
10	\$ 58,500.00
14	\$ 42,750.00
To Be Determined	<u>\$127,000.00</u>
Total Amount	\$470,500.00

**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:

<b><u>Contract Amount</u></b>	<b><u>Category</u></b>	<b><u>M/WBE Goal</u></b>	<b><u>M/WBE %</u></b>	<b><u>M/WBE \$</u></b>
\$470,500.00	Architectural & Engineering	25.66%	25.66%	\$120,743.00

- This contract meets the M/WBE goal of 25.66%

**PROPOSAL INFORMATION**

Statements of Qualifications were received from seventeen consultant teams for solicitation number BYZ1712 and opened on June 1, 2017. Based on those responses, the top six teams were shortlisted to receive future project-specific solicitation questionnaires. Responses from all six shortlisted firms for this project were received and opened on November 10, 2017. This professional services contract is being awarded 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>
*Kimley-Horn and Associates, Inc.	13455 Noel Rd., Suite 700 Dallas, TX 75240	70.20%



**PROPOSAL INFORMATION** (continued)

<b><u>Proposers</u></b>	<b><u>Address</u></b>	<b><u>Score</u></b>
Freese and Nichols, Inc.	2711 N. Haskell Ave., Suite 3300 Dallas, TX 75204	55.60%
Lee Engineering Engineers, Inc.	3030 LBJ Frwy., Suite 1660 Dallas, TX 75234	55.00%
LJA Engineering, Inc.	6060 N. Central Expwy., Suite 440 Dallas, TX 75206	53.80%
Brown and Gay Engineers, Inc.	700 N. Pearl St., Suite 2100 Dallas, TX 75201	51.00%
Stantec Consulting Services, Inc.	2435 N. Central Expwy., Suite 750 Dallas, TX 75080	48.20%

Statements of Qualifications to solicitation number BYZ1712 were also received from the following consultant teams: Binkley and Barfield, Inc.; Halff Associates, Inc.; HDR Engineering, Inc.; Jacobs Engineering Group; Lockwood, Andrews, and Newman, Inc.; Maldonado-Burkett Intelligent Transportation Systems, LLP; Othon, Inc.; RPS Klotz Associates; SE3; Teal Engineering Services, Inc.; and UEG-Urban Engineers, Inc.

**OWNER****Kimley-Horn and Associates, Inc.**

John Atz, President  
Aaron Nathan, Vice-President

**MAP**

Attached



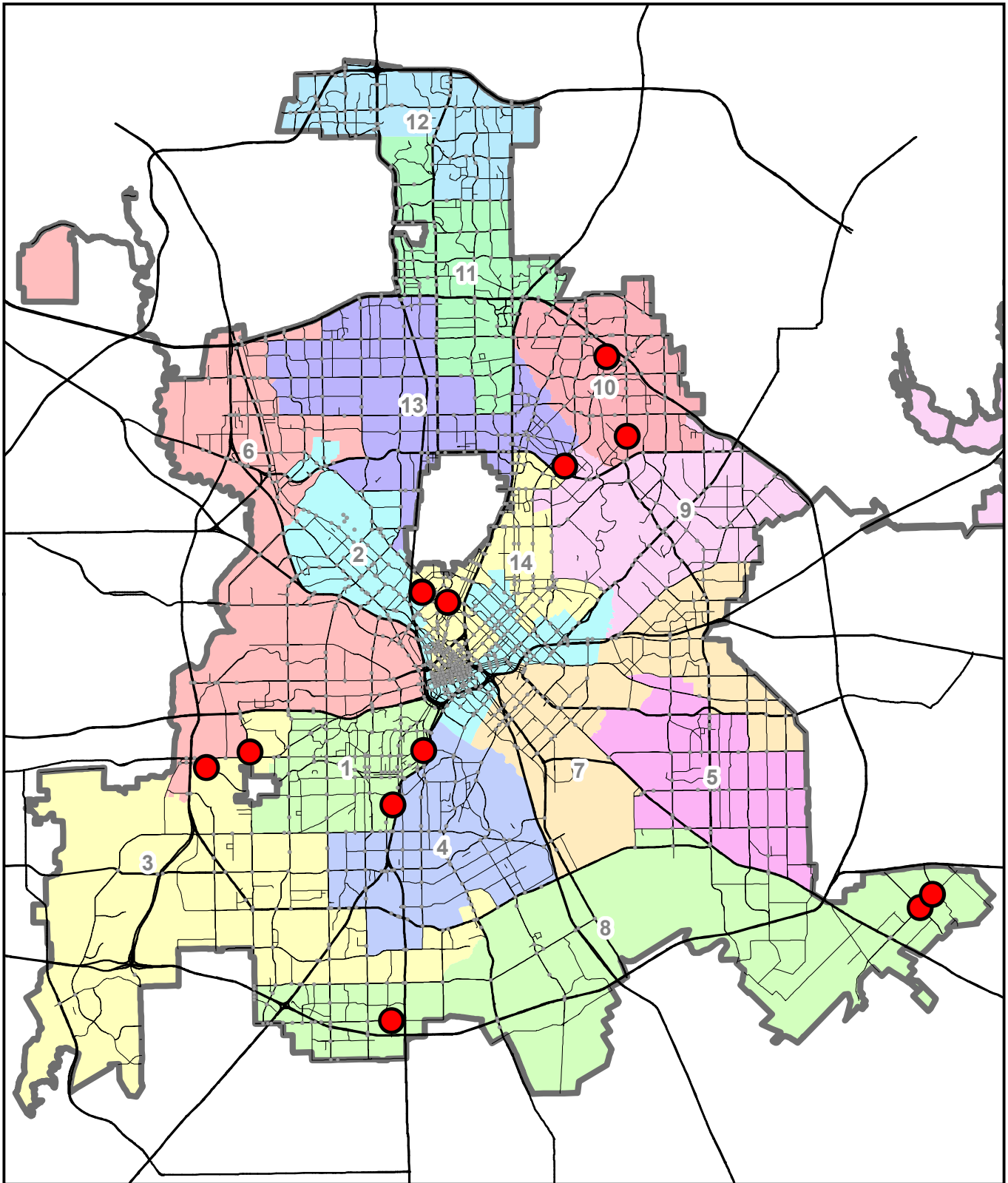
## Kimley-Horn and Associates, Inc. - Traffic Signal Design

<u>Intersection</u>	<u>Council District</u>
Eighth Street at Ewing Avenue	1
Pratt Boulevard at Zang Boulevard	1
Cedar Springs Road at Knight Street	2, 14
Cockrell Hill Road at Rock Quarry Road	3, 6
Jefferson Boulevard at Justin Avenue	6
Belt Line Road at Lawson Road	8
Belt Line Road at Seagoville Road	8
Wheatland Road at Willoughby Boulevard/Leigh Ann Drive	8
Abrams Road at Eastridge Drive	9
Audelia Road at Forestridge Drive/McCree Road	10
Ferris Branch Boulevard at Whitehurst Drive	10
Lemmon Avenue at Travis Street	14

\*The remaining four traffic signal locations will be determined at a later date.



## Warranted Traffic Signals



**Council Districts 1, 2, 3, 6, 8, 9, 10, 14**  
**Mapsco Pages 26-Z, 27-B, 27-U, 35-W, 35-X, 52-D, 52-F, 54-L, 55-A, 70-E, 70-F, 74-C**



May 23, 2018

**WHEREAS**, the City desires to enter into a professional services contract with Kimley-Horn and Associates, Inc., most advantageous proposer of seventeen, to provide traffic signal design services for 16 traffic signals at various intersections and other related tasks, in an amount not to exceed \$470,500.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to sign a professional services contract with Kimley-Horn and Associates, Inc., approved as to form by the City Attorney, to provide traffic signal design services for 16 traffic signals at various intersections and other related tasks, in an amount not to exceed \$470,500.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$470,500 to Kimley-Horn and Associates, Inc., as follows:

General Fund (subject to annual appropriations)	
Fund 0001, Department TRN, Unit 3049, Object 4820	
Activity THRG, Commodity 91842	
Encumbrance/Contract No. MASC-TRN-2018-00006191	
Vendor 135447	\$127,000
2017 Bond Fund	
Fund 1V22, Department TRN, Unit VA28, Object 4820	
Activity THRG, Program PB17VA28, Commodity 91842	
Encumbrance/Contract No. MASC-TRN-2018-00006191	
Vendor 135447	<u>\$343,500</u>
Total amount not to exceed	\$470,500

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







**AGENDA ITEM # 17****STRATEGIC  
PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:**

May 23, 2018

**COUNCIL DISTRICT(S):**

All

**DEPARTMENT:**

Department of Transportation

**CMO:**

Majed Al-Ghafry, 670-3302

**MAPSCO:**5Z 13Z 26Q 39S 45C R 46B T 54H M 55A 59L 63V W 64P

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**SUBJECT**

Authorize a professional services contract with Lee Engineering, LLC, most advantageous proposer of seventeen, to provide traffic signal design services for 20 traffic signals at various intersections, 150 Radar Vehicle Detection Layout sheets, and other related tasks (list attached) - Not to exceed \$714,158 - Financing: 2017 Bond Funds (\$142,500) and General Funds (\$571,658) (subject to annual appropriations)

**BACKGROUND**

This action authorizes a professional services contract with Lee Engineering, LLC to provide traffic signal design services for 20 traffic signals at various intersections and other related tasks. Specifically, this action authorizes the design of 16 traffic signals as part of the 2017 Highway Safety Improvement Program (HSIP), plus 4 traffic signals (locations to be determined at a later date). The following HSIP signals will be designed with this contract:

- Clarendon Drive at Zang Boulevard
- Crawford Street at Jefferson Boulevard
- Jefferson Boulevard at Marsalis Avenue
- Capitol Avenue at Haskell Avenue
- Cesar Chavez Boulevard at Hickory Street
- Camp Wisdom Road at Hampton Road
- Polk Street at Red Bird Lane
- Beckley Avenue at Clarendon Drive
- Lake June Road at Masters Drive
- Forest Lane at Marsh Lane
- Atlanta Street at Martin Luther King Jr. Boulevard
- La Prada Drive at Oates Drive
- Gannon Lane at Westmoreland Road
- Arapaho Road at Hillcrest Road
- Fair Oaks Avenue at Pineland Drive
- Gaston Avenue at Munger Avenue



## **BACKGROUND** (continued)

This action will also authorize the preparation of Advanced Radar Vehicle Installation detail sheets for use in the 2017 Bond Program, Signal Synchronization project for up to 150 locations (to be determined).

In May 2017, the City of Dallas released a Request for Qualifications for engineering services for traffic engineering and intelligent transportation systems services.

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

- Department of Transportation (3)
- Department of Public Works (1)
- Dallas Police Department (1)

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

- Quality Assurance and Control 10%
- Business Inclusion and Development Plan 15%
- Experience and Capability 25%
- Responsiveness and Qualifications 50%

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 1,619 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services used 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.

## **ESTIMATED SCHEDULE OF PROJECT**

Began Design	May 2018
Complete Design	May 2021

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

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on May 14, 2018.



## **FISCAL INFORMATION**

2017 Bond Funds - \$142,500.00

General Funds - \$571,658.00 (subject to annual appropriations)

<b><u>Council District</u></b>	<b><u>Amount</u></b>
1	\$ 64,537.20
2	\$ 33,871.10
3	\$ 27,578.00
4	\$ 27,028.00
5	\$ 22,062.40
6	\$ 5,378.10
7	\$ 32,818.60
8	\$ 33,093.60
9	\$ 10,756.20
11	\$ 10,756.20
12	\$ 10,756.20
13	\$ 46,646.70
14	\$ 35,426.10
To Be Determined	<u>\$353,449.60</u>
Total Amount	\$714,158.00

## **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:

<b><u>Contract Amount</u></b>	<b><u>Category</u></b>	<b><u>M/WBE Goal</u></b>	<b><u>M/WBE %</u></b>	<b><u>M/WBE \$</u></b>
\$714,158.00	Architectural & Engineering	25.66%	36.84%	\$263,110.00

- This contract exceeds the M/WBE goal of 25.66%

## **PROPOSAL INFORMATION**

Statements of Qualifications were received from 17 consultant teams for solicitation number BYZ1712 and opened on June 1, 2017. Based on those responses, the top six teams were shortlisted to receive future project-specific solicitation questionnaires. Responses from all six shortlisted firms for this project were received and opened on November 10, 2017. This contract is being awarded in its entirety to the most advantageous proposer.



**PROPOSAL INFORMATION** (continued)

<b><u>Proposers</u></b>	<b><u>Address</u></b>	<b><u>Score</u></b>
*Lee Engineering Engineers, LLC	3030 LBJ Frwy., Suite 1660 Dallas, TX 75234	77.80%
LJA Engineering, Inc.	6060 N. Central Expwy., Suite 440 Dallas, TX 75206	74.00%
Brown and Gay Engineers, Inc.	700 N. Pearl St., Suite 2100 Dallas, TX 75201	69.20%
Kimley-Horn and Associates, Inc.	13455 Noel Rd., Suite 700 Dallas, TX 75240	62.80%
Stantec Consulting Services, Inc.	2435 N. Central Expwy., Suite 750 Dallas, TX 75080	60.60%
Freese and Nichols, Inc.	2711 N. Haskell Ave., Suite 3300 Dallas, TX 75204	54.60%

Statements of Qualifications to solicitation number BYZ1712 were also received from the following consultant teams: Binkley and Barfield, Inc.; Halff Associates, Inc.; HDR Engineering, Inc.; Jacobs Engineering Group; Lockwood, Andrews, and Newman, Inc.; Maldonado-Burkett Intelligent Transportation Systems, LLP; Othon, Inc.; RPS Klotz Associates; SE3; Teal Engineering Services, Inc.; and UEG-Urban Engineers, Inc.

**OWNER****Lee Engineering, LLC**

Joseph T. Short, President  
Dharmesh Shah, Vice-President

**MAP**

Attached



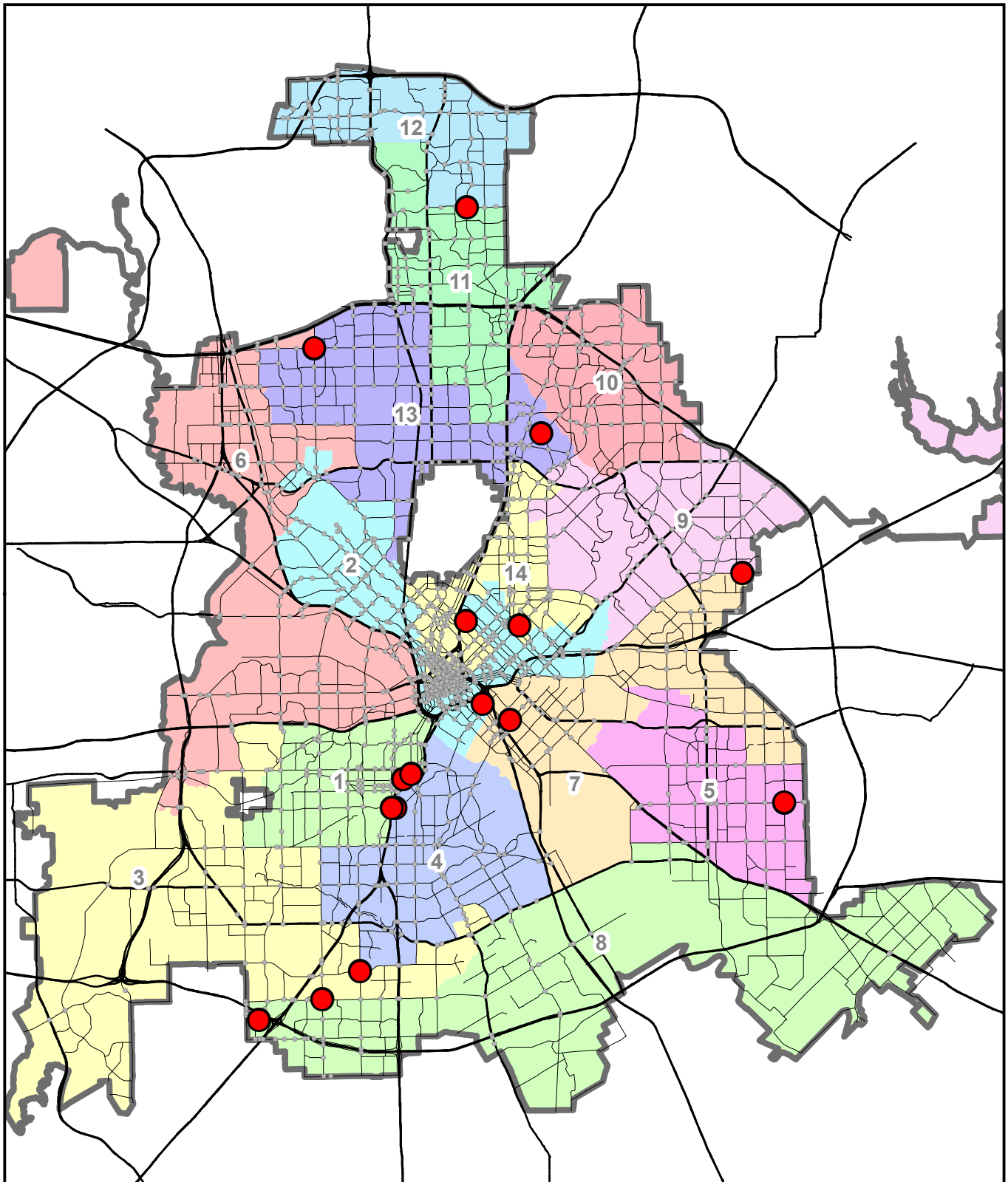
## Lee Engineering, LLC - Traffic Signal Design

<b><u>Intersection</u></b>	<b><u>Council District</u></b>
Clarendon Drive at Zang Boulevard	1
Crawford Street at Jefferson Boulevard	1
Jefferson Boulevard at Marsalis Avenue	1
Capitol Avenue at Haskell Avenue	2, 14
Cesar Chavez Boulevard at Hickory Street	2
Camp Wisdom Road at Hampton Road	3, 8
Polk Street at Red Bird Lane	3, 4
Beckley Avenue at Clarendon Drive	4
Lake June Road at Masters Drive	5
Forest Lane at Marsh Lane	6, 13
Atlanta Street at Martin Luther King Jr. Boulevard	7
La Prada Drive at Oates Drive	7, 9
Gannon Lane at Westmoreland Road	8
Arapaho Road at Hillcrest Road	11, 2
Fair Oaks Avenue at Pineland Drive	13
Gaston Avenue at Munger Avenue	14

\*The remaining four traffic signal locations will be determined at a later date.



## HSIP 2017 Signal Design Locations



Council Districts 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14  
Mapsco Pages 5-Z, 13-Z, 26-Q, 39-S, 45-C, 45-R, 46-B, 46-T, 54-H, 54-M, 55-A, 59-L, 63-V, 63-W, 64-P



May 23, 2018

**WHEREAS**, the City desires to enter into a professional services contract with Lee Engineering, LLC, most advantageous proposer of seventeen, to provide traffic signal design services for 20 traffic signals at various intersections and other related tasks, in an amount not to exceed \$714,158.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to sign a professional services contract with Lee Engineering, LLC, approved as to form by the City Attorney, for traffic signal design services of 20 traffic signals at various intersections and other related tasks, in an amount not to exceed \$714,158.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$714,158 to Lee Engineering, LLC, as follows:

General Fund (subject to annual appropriations)	
Fund 0001, Department TRN, Unit 3049, Object 4820	
Activity THRG, Commodity 91842	
Encumbrance/Contract No. MASC-TRN-2018-00006219	
Vendor VS0000028744	\$571,658
2017 Bond Fund	
Fund 1V22, Department TRN, Unit VA27, Object 4820	
Activity THRG, Program PB17VA27, Commodity 91842	
Encumbrance/Contract No. MASC-TRN-2018-00006219	
Vendor VS0000028744	<u>\$142,500</u>
Total amount not to exceed	\$714,158

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







## AGENDA ITEM # 18

### STRATEGIC PRIORITY:

Mobility Solutions, Infrastructure, and Sustainability

### AGENDA DATE:

May 23, 2018

### COUNCIL DISTRICT(S):

14

### DEPARTMENT:

Department of Transportation

### CMO:

Majed Al-Ghafry, 670-3302

### MAPSCO:

45L

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### SUBJECT

Authorize **(1)** the receipt and deposit of funds in an amount not to exceed \$375,000 from Parks for Downtown Dallas/Pacific Plaza LLC, for material, equipment and labor provided by the City related to the reconstruction of two existing traffic signals on Harwood Street at Live Oak Street and St. Paul Street at Pacific Avenue/Live Oak Street; and **(2)** an increase in appropriations in an amount not to exceed \$375,000 in the Capital Projects Reimbursement Fund - Not to exceed \$375,000 - Financing: Capital Projects Reimbursement Funds

### BACKGROUND

Parks for Downtown Dallas (PfDD)/Pacific Plaza LLC, is constructing Pacific Plaza, a new downtown park bounded by Harwood Street, St. Paul Street, and Pacific Avenue, and includes the closure of Live Oak Street between St. Paul Street and Harwood Street. To accommodate the new traffic patterns resulting from this street closure, the existing traffic signals on Live Oak Street at both Harwood Street and at St. Paul Street need to be fully reconstructed. PfDD/Pacific Plaza LLC is committing \$375,000 to the City for this traffic signal construction work. This represents 100 percent of the estimated traffic signal construction costs. Construction will be performed using existing City of Dallas master agreements for traffic signal construction.

PfDD/Pacific Plaza LLC, understands that, upon City Council approval of the required funding, funds in the amount of \$375,000 are to be deposited with the City of Dallas before any signal-related materials or labor can be provided by the City and its contractor.

It is understood that the final construction cost will be determined by the City upon completion of the project, and that PfDD/Pacific Plaza LLC, will be refunded any unused funds.



## **BACKGROUND** (continued)

This estimate includes all City of Dallas signal equipment, materials and labor associated with modifications of the signalized locations.

<u>Intersection</u>	<u>Council District</u>
Harwood Street at Live Oak Street	14
St. Paul Street at Pacific Avenue/Live Oak Street	14

## **ESTIMATED SCHEDULE OF PROJECT**

Begin Construction	June 2018
Complete Construction	March 2019

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

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on May 14, 2018.

## **FISCAL INFORMATION**

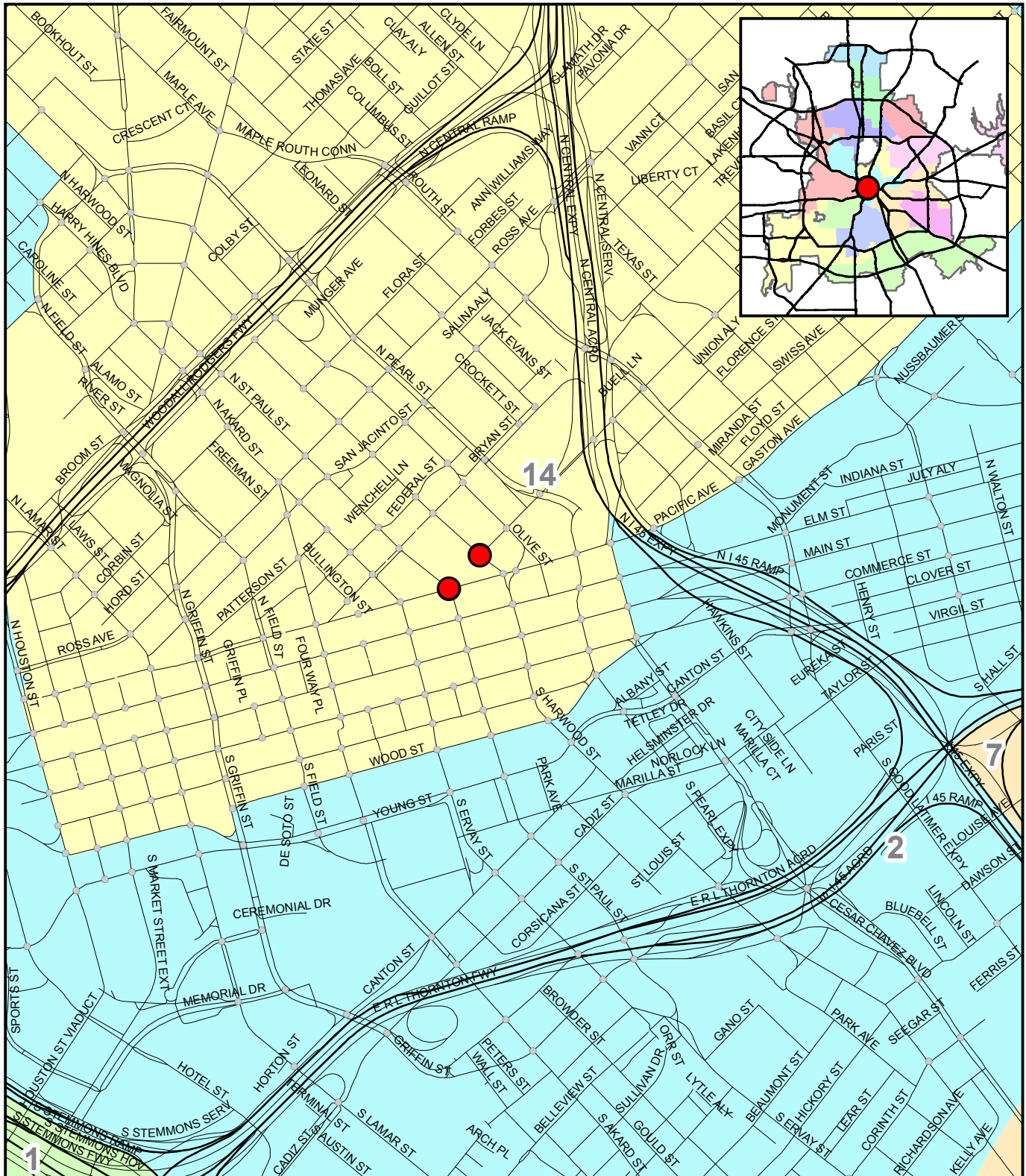
Capital Projects Reimbursement Funds - \$375,000

## **MAP**

Attached



# Pacific Plaza Traffic Signal Upgrades



**Council District 14**  
**Mapsco Page 45-L**



May 23, 2018

**WHEREAS,** Parks for Downtown Dallas (PfDD)/Pacific Plaza LLC, is constructing Pacific Plaza, a new downtown park located between Harwood Street and St. Paul Street north of Pacific Avenue; and

**WHEREAS,** the development requires the reconstruction of a two existing traffic signals at the intersections of Harwood Street at Live Oak Street and St. Paul Street at Pacific Avenue/Live Oak Street; and

**WHEREAS,** PfDD/Pacific Plaza LLC, has agreed to reimburse the City of Dallas for material, equipment and labor costs related to the construction of the two traffic signals.

**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 from Parks for Downtown Dallas/Pacific Plaza LLC, in an amount not to exceed \$375,000 in the Capital Projects Reimbursement Fund, Fund 0556, Department TRN, Unit W064, Revenue Code 8492.

**SECTION 2.** That the City Manager is hereby authorized to increase appropriations in an amount not to exceed \$375,000 in the Capital Projects Reimbursement Fund, Fund 0556, Department TRN, Unit W064, Object 4820, Activity THRG, Program TPW06416.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds received from PfDD/Pacific Plaza LLC, in an amount not to exceed \$375,000 from Capital Projects Reimbursement Fund, Fund 0556, Department TRN, Unit W064, Object 4820, Activity THRG, Program TPW06416 for services related to the reconstruction of two existing traffic signals.

**SECTION 4.** That the Chief Financial Officer is hereby authorized to refund PfDD/Pacific Plaza LLC any unused funds.

**SECTION 5.** That this contract is designated as Contract No. TRN-2018-00006406.

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



## AGENDA ITEM # 19

### STRATEGIC PRIORITY:

Mobility Solutions, Infrastructure, and Sustainability

### AGENDA DATE:

May 23, 2018

### COUNCIL DISTRICT(S):

14

### DEPARTMENT:

Department of Transportation

### CMO:

Majed Al-Ghafry, 670-3302

### MAPSCO:

45F K

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### SUBJECT

Authorize **(1)** the receipt and deposit of funds in an amount not to exceed \$69,611 from RED Development, LLC, for material, equipment and labor provided by the City related to the construction of two new traffic signals on Akard Street at Ashland Street and Field Street at Ashland Street; and a reconstruction of the existing traffic signal on Cedar Springs Road and Field Street; and **(2)** an increase in appropriations in an amount not to exceed \$69,611 in the Capital Projects Reimbursement Fund - Not to exceed \$69,611 - Financing: Capital Projects Reimbursement Funds

### BACKGROUND

RED Development, LLC is constructing a new mixed-use development located between Akard and Field Streets north of Woodall Rodgers Freeway. The traffic impact study for this project dated, August 7, 2014, identified the need for two new traffic signals adjacent to the site at the intersections of Akard at Ashland Streets and Field at Ashland Streets. In addition, utility relocations needed for the project impacted the existing traffic signal at the intersection of Cedar Springs Road and Field Street and created a need for a full reconstruction of the signal. All three traffic signals will be constructed by the developer as part of the construction project.

In order 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. RED Development, LLC, has agreed to pay the full cost for all City material, equipment and labor toward the project.

RED Development, LLC, understands that, upon City Council approval of the required funding, funds in the amount of \$69,610.94 are to be deposited with the City of Dallas before any signal-related materials or labor can be provided by the City.



## **BACKGROUND** (continued)

It is understood that the final construction cost will be determined by the City upon completion of the project, and that RED Development, LLC, 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.

<u>Intersection</u>	<u>Council District</u>
Akard Street and Ashland Street	14
Field Street and Ashland Street	14
Cedar Springs Road and Field Street	14

## **ESTIMATED SCHEDULE OF PROJECT**

Begin Construction	June 2018
Complete Construction	February 2019

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

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability on May 14, 2018.

## **FISCAL INFORMATION**

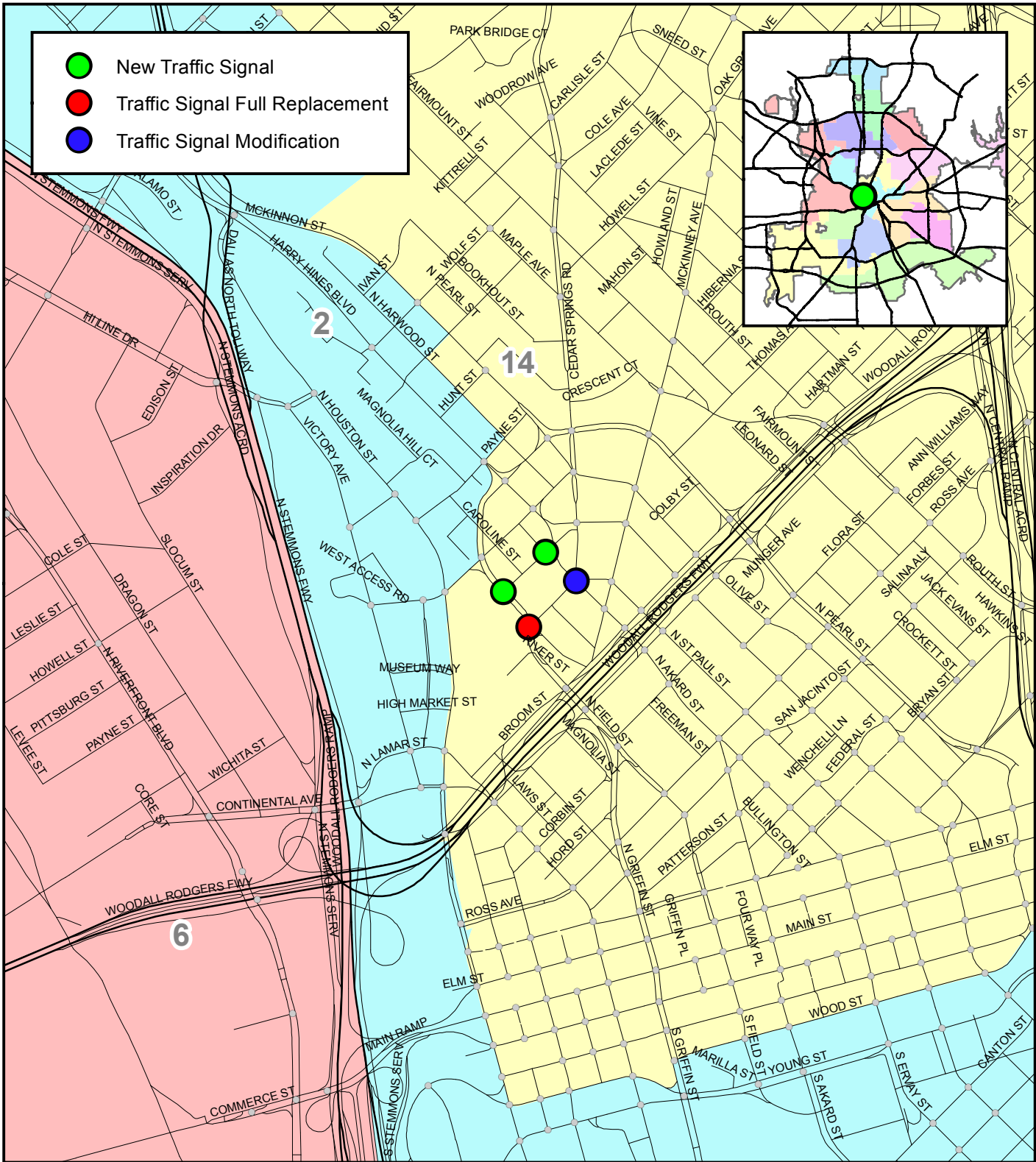
Capital Projects Reimbursement Funds - \$69,610.94

## **MAP**

Attached



## The Union Traffic Signal Upgrades



**Council District 14**  
**Mapsco Page 45-F, 45-K**



May 23, 2018

**WHEREAS**, RED Development, LLC, is constructing a new mixed-use development located between Akard and Field Streets north of Woodall Rodgers Freeway; and

**WHEREAS**, the development requires the construction of a two new traffic signals at the intersections of Akard and Ashland Streets and Field and Ashland Streets; and

**WHEREAS**, the development requires the reconstruction of the existing traffic signal at the intersection of Cedar Springs Road and Field Street; and

**WHEREAS**, RED Development, LLC, has agreed to reimburse the City of Dallas for material, equipment and labor costs related to the construction of the three traffic signals.

**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 \$69,610.94 from RED Development, LLC in the Capital Projects Reimbursement Fund, Fund 0556, Department TRN, Unit W064, Revenue Code 8492.

**SECTION 2.** That the City Manager is hereby authorized to increase appropriations in an amount not to exceed \$69,610.94 in the Capital Projects Reimbursement Fund, Fund 0556, Department TRN, Unit W064, Object 4820, Activity THRG, Program TPW06416.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$69,610.94 received from RED Development, LLC, from Capital Projects Reimbursement Fund, Fund 0556, Department TRN, Unit W064, Object 4820, Activity THRG, Program TPW06416 for services related to the construction of the new traffic signal.

**SECTION 4.** That the Chief Financial Officer is hereby authorized to refund RED Development, LLC any unused funds.

**SECTION 5.** That this contract is designated as Contract No. TRN-2018-00006407.

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



## **AGENDA ITEM # 20**

### **STRATEGIC PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

### **AGENDA DATE:**

May 23, 2018

### **COUNCIL DISTRICT(S):**

7

### **DEPARTMENT:**

Department of Trinity Watershed Management

### **CMO:**

Jody Puckett, 670-3390

### **MAPSCO:**

47X

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### **SUBJECT**

An ordinance abandoning a portion of Barber Avenue to the City of Dallas, the abutting owner, containing approximately 15,273 square feet of land, located near its intersection with Mural Lane for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Revenue: \$5,400, plus the \$20 ordinance publication fee

### **BACKGROUND**

This item authorizes the abandonment of a portion of Barber Avenue to the City of Dallas, the abutting owner. The abandonment area will be used to facilitate the construction of the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project. 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)**

This item has no prior action.

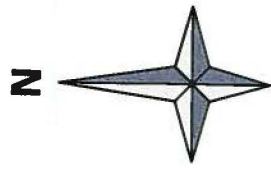
### **FISCAL INFORMATION**

Revenue - \$5,400, plus the \$20 ordinance publication fee

### **MAP**

Attached





AREA TO BE  
ABANDONED

WHITE ROCK CREEK

BLOCK  
66122

BLOCK  
76122

BLOCK  
6123

BARBER AVENUE

MURRAL LANE

DIXON AVENUE



**ORDINANCE NO. \_\_\_\_\_**

An ordinance providing for the abandonment of a portion of Barber Avenue adjacent to City Blocks 6/6122 and 7/6122 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to the City of Dallas (the "City"); providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; 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 City's own request and petition as the owner of the properties abutting and the underlying fee title to the hereinafter described tract of land, deems it advisable to abandon and quitclaim the hereinafter described tract of land to itself for a non right-of-way public project and use, and is of the opinion that, subject to the terms and conditions herein provided, said portion of Barber Avenue is not needed for public use, and same should be abandoned and quitclaimed to City, as hereinafter stated; and

**WHEREAS**, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the public will be served by abandoning and quitclaiming the same 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 those certain provisions of Section 51A-8.506(b) of the Dallas Development Code regarding dead-end streets to the extent, not required by state law or City Charter, are hereby waived with respect to this ordinance.



**SECTION 2.** That the tract of land described in Exhibit A, which is attached hereto and made a part hereof for all purposes, be and the same is abandoned, vacated and closed insofar as the right, title and interest of the public are concerned; subject, however, to the conditions hereinafter more fully set out.

**SECTION 3.** That for and in monetary consideration of the sum **FIVE THOUSAND FOUR HUNDRED AND NO/100 (\$5,400.00) DOLLARS**, paid by City and/or credited by the City of Dallas to the appropriate internal municipal accounts and the further consideration described in Sections 9 and 10; the City of Dallas does by these presents forever Quitclaim unto City, subject to the conditions, reservations, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, and does abandon, vacate and relinquish all public right, title and interest in and to the public right-of-way as to and encumbering that certain tract of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the right, privilege, hereditaments and appurtenances thereto in any manner belonging unto City forever.

**SECTION 4.** That upon payment and/or crediting of the monetary consideration set forth in Section 3, City accepts the terms, provisions, and conditions of this ordinance.

**SECTION 5.** That the Chief Financial Officer is authorized to transfer the monetary consideration set forth in Section 3 plus the publication fee in the amount of \$20.00 from the Flood Protection and Storm Drainage Facilities Fund, Fund 1T23, Department TWM, Unit T525, Activity SDRS to 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 6.** That the abandonment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise and are further subject to the conditions contained in Exhibit B, which is attached hereto and made a part hereof for all purposes.

**SECTION 7.** That the terms and conditions contained in this ordinance shall be binding upon the City of Dallas, its successors and assigns.

**SECTION 8.** That the abandonment and quitclaim provided for herein shall extend only to the public right, title, easement and interest, and shall be construed to extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon and vacate.

**SECTION 9.** That as a condition of this abandonment and as a part of the consideration for the quitclaim to City made herein, City shall file a final replat of the adjoining properties prior to the issuance of any building permits affecting the tracts of land abandoned and quitclaimed herein. This final replat shall be recorded by City in the official real property records of the county in which the abandoned area is located after its approval by the City Plan Commission of the City of Dallas.

**SECTION 10.** That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, City shall, immediately upon the passage of this ordinance, close, barricade and/or place signs in the area described in Exhibit A in accordance with detailed plans approved by the Director of Department of Sustainable Development and Construction. Responsibility for keeping the area described in Exhibit A closed, barricaded and/or the signs in place shall continue until the street improvements and intersection returns are removed by City, its successors and assigns, to the satisfaction of the Director of Department of Sustainable Development and Construction.




**SECTION 11.** That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the abandonment area is located, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt and/or crediting of the monetary consideration set forth in Section 3, plus the fee for the publishing of this ordinance, the Director of Department of Sustainable Development and Construction, or designee shall record same. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

**SECTION 12.** That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

DAVID COSSUM, Director  
Department of Sustainable Development and  
Construction

BY:   
Assistant City Attorney

BY:   
Assistant Director

Passed \_\_\_\_\_.



Field Notes Describing  
a 15,273 Square Foot (0.351 Acre)  
Portion of Barber Avenue  
To Be Abandoned, Closed and Vacated

Being a 15,273 Square Foot (0.351 Acre) portion of Barber Avenue, a 30-foot wide street Right-of-Way by the South Dallas Gardens Addition, an addition to the City of Dallas dated June 4, 1913 and recorded in Volume 1, Page 448 or the Map Records of Dallas County, Texas, said property lying in the Thomas Lagow Survey, Abstract Number 759, in the City and County of Dallas, Texas, between City Blocks 7/6122 and 6/6122 (Official City of Dallas Block Numbers), and being more particularly described as follows:

**BEGINNING** at a 5/8-inch diameter iron rod with cap marked "CITY OF DALLAS" set on the Southeast Right-of-Way line of said Barber Avenue, at the most Westerly corner of the herein described tract of land, from which the most Easterly corner of Lot 13 of Block 7/6122 bears North 45°49'40" West a distance of 2.00 feet:

**THENCE** North 44°10'20" East, over and across Barber Avenue a distance of 30.00 feet to a 5/8-inch diameter iron rod with cap marked "CITY OF DALLAS" set in the Northeast Right-of-Way line of Barber Avenue, being also the most Northerly corner of the herein described tract of land:

**THENCE** South 45°49'40" East with the said Northeast line of Barber Avenue a distance of 507.79 feet to the high-bank of White Rock Creek, being also the most Easterly corner of the herein described tract of land (not monumented):

**THENCE** South 39°07'44" West, over and across Barber Avenue and with the said high-bank of White Rock Creek a distance of 30.12 feet to the intersection with the above said Southwest line of Barber Avenue:

**THENCE** North 45°49'40" West, with the said Southwest line of Barber Avenue a distance of 510.44 feet to the **POINT OF BEGINNING**, containing 15,273 Square Feet, or 0.351 Acres of land.


**BASIS OF BEARINGS:** Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983 (2011).

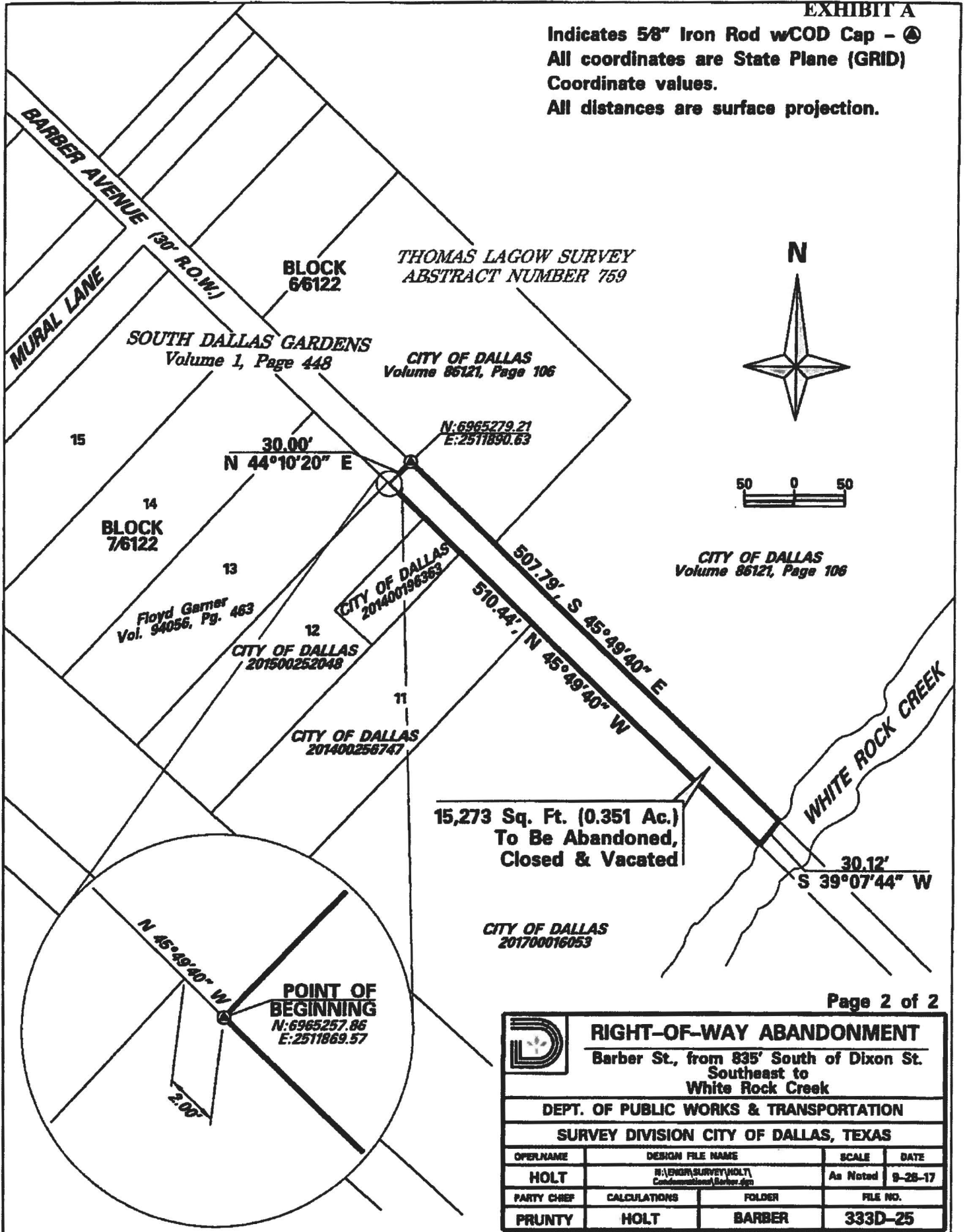
*Scott Holt*  
9/20/2017





# EXHIBIT A

Indicates 5/8" Iron Rod wCOD Cap -   
 All coordinates are State Plane (GRID)  
 Coordinate values.  
 All distances are surface projection.





# **EXHIBIT B**

## **ADDITIONAL ABANDONMENT PROVISIONS**

That as a condition hereof, this abandonment is subject to any utilities or communication facilities, including without limitation water and wastewater lines, gas lines, and storm sewers, ("Facilities") presently located within the abandoned area described in Exhibit "A", owned and/or operated by the City of Dallas or any utility or communications company, public or private, ("Utility") and to the rights of any Utility for the use of the abandoned area for its Facilities. It is the intent of the foregoing to confirm and maintain and there is hereby reserved and excepted unto the City of Dallas, and not abandoned or conveyed hereunder, an easement (to which this abandonment is made expressly subject) over, upon, under, through, in, and across the abandoned area for each Utility for its respective Facilities located therein at the time of this abandonment, together with the right to make any subsequent alterations, additions, expansions, upgrades or modifications to such Facilities as may, from time to time be deemed necessary or convenient by the Utility owning and/or operating same. No buildings, structures (above or below ground) or trees shall be constructed or placed within the abandoned area without written consent of each affected Utility. Each Utility shall have the full right to remove and keep removed all or part of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective Facilities lying within the abandoned area and shall at all times have the full right of ingress and egress to or from and upon the abandoned area for the purposes of reconstructing, removing, relocating, inspecting, patrolling, maintaining, expanding, upgrading, and/or adding to all or part of its Facilities without the necessity at any time of procuring the permission of anyone. The easement reserved hereunder and the conditions and restrictions to which this abandonment is subject shall remain for the benefit of the applicable Utility and/or operators of the Facilities until said Facilities are removed and relocated from the abandoned area. The relocation, removal or adjustment of any or all such Facilities, if made necessary by GRANTEE'S (whether one or more natural persons or legal entities) use of the abandonment area, shall be at the expense of GRANTEE herein, or GRANTEE'S successors and assigns. Should GRANTEE'S relocation or removal of the Facilities require the obtaining of new easements, the acquisition of same shall be at the expense of GRANTEE, GRANTEE'S successors and assigns. If any of the Facilities (or relocations thereof) are allowed to remain on any part of the abandoned area, the easements and buildings restrictions provided herein shall remain thereon. Upon removal or relocation of all of the Facilities, any easements reserved or created herein relating to such removed or relocated Facilities shall terminate, and any building restrictions herein created shall cease.







**AGENDA ITEM # 21****STRATEGIC  
PRIORITY:**

Government Performance and Financial Management

**AGENDA DATE:**

May 23, 2018

**COUNCIL DISTRICT(S):**

All

**DEPARTMENT:**Office of Procurement Services  
Fire-Rescue Department  
Water Utilities Department**CMO:**Elizabeth Reich, 670-7804  
Jon Fortune, 670-1204  
Majed Al-Ghafry, 670-3302**MAPSCO:**

N/A

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**SUBJECT**

Authorize a one-year service contract for maintenance and repair of facility backup electrical power generators – LJ Power, Inc., lowest responsible bidder of three - Not to exceed \$111,795 - Financing: General Funds (\$58,400) and Water Utilities Current Funds (\$53,395) (subject to annual appropriations)

**BACKGROUND**

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

This one-year service contract will provide maintenance and repair of facility backup electrical power generators. Each year, an annual preventative maintenance service schedule will be performed, followed by a quarterly preventative maintenance service schedule. Other repair services will be provided when there is a problem outside of the normal maintenance which impedes the generator from performing at optimum efficiency. This service contract will provide services for 93 generators at Water Utilities Department and Dallas Fire-Rescue Department locations.

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 3,316 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.



## **BACKGROUND** (continued)

The recommended vendor meets the wage floor rate of \$10.94 approved by City Council on November 10, 2015, by Resolution No. 15-2141.

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

On May 25, 2016, City Council authorized a three-year service contract for emergency generator repair and maintenance with Clifford Power Systems, Inc. and Allegiance Power Systems, Inc. by Resolution No. 16-0795.

The Government Performance & Financial Management Committee will receive this item for consideration on May 21, 2018.

## **FISCAL INFORMATION**

General Funds - \$58,400.00 (subject to annual appropriations)

Water Utilities Current Funds - \$53,395.00 (subject to annual 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:

<b><u>Contract Amount</u></b>	<b><u>Category</u></b>	<b><u>M/WBE Goal</u></b>	<b><u>M/WBE %</u></b>	<b><u>M/WBE \$</u></b>
\$111,795.00	Other Services	23.80%	17.89%	\$20,000.00

- This contract does not meet the M/WBE goal of 23.80%, but complies with good faith efforts

## **BID INFORMATION**

The Office of Procurement Services received the following bids from solicitation number BN1801. We opened them on December 12, 2017. We recommend the City Council award this service contract to the lowest responsive and responsible bidder by group. Information related to this solicitation is available upon request.

\*Denotes successful bidder

<b><u>Bidders</u></b>	<b><u>Address</u></b>	<b><u>Amount</u></b>
*LJ Power, Inc.	9301 Hwy. 290 West Unit #100 Austin, TX 78736	Multiple Groups



**BID INFORMATION** (continued)

<b><u>Bidders</u></b>	<b><u>Address</u></b>	<b><u>Amount</u></b>
Clifford Power Supply, Inc.	9310 E. 46th St. North Tulsa, OK 74117	Multiple Groups
Loftin Equipment Company	5204 Bear Creek Ct. Irving, TX 75061	Multiple Groups

**OWNER**

**LJ Power, Inc.**

James Davis, President  
Larry Davis, Vice President



May 23, 2018

**WHEREAS**, on September 27, 2013, Administrative Action No. 13-6086 authorized to extend the master agreement for one year for generator preventative maintenance and repair for emergency backup generators with Power Pro-Tech Services for one year from August 23, 2013 to August 23, 2014; and

**WHEREAS**, on June 17, 2014, Administrative Action No. 14-6193 authorized to extend the service contract for two years for generator preventative maintenance and repair for emergency backup generators with Allegiance Power Systems, Inc. from August 23, 2014 to August 23, 2016; and

**WHEREAS**, on May 25, 2016, City Council authorized a three-year service contract for emergency generator repair and maintenance with Clifford Power Systems, Inc. in the amount of \$431,280 and Allegiance Power Systems, Inc. in the amount of \$214,275, by Resolution No. 16-0795.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to sign a service contract with LJ Power, Inc. (VS90040), approved as to form by the City Attorney, for facility backup generator repair and maintenance for a term of one year, in an amount not to exceed \$111,795. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to LJ Power, Inc. shall be based only on the amount of services directed to be performed by the City and properly performed by LJ Power, Inc. under the contract.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$111,795 (subject to annual appropriations) to LJ Power, Inc. from Service Contract No. POM-2018-00005324.

**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.



**STRATEGIC PRIORITY:** Public Safety

**AGENDA DATE:** May 23, 2018

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Procurement Services  
Fire-Rescue Department

**CMO:** Elizabeth Reich, 670-7804  
Jon Fortune, 670-1204

**MAPSCO:** N/A

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**SUBJECT**

Authorize a three-year service contract for training, service, and repair of washers/extractors for the Fire-Rescue Department - Gear Cleaning Solutions, LLC, only bidder - Not to exceed \$107,749 - Financing: General Funds (subject to annual appropriations)

**BACKGROUND**

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

This service contract will provide training, service, and repair of washers/extractors for the Fire-Rescue Department (DFR). DFR has 58 fire stations of which 18 are equipped with a washer/extractor for cleaning firefighters' personal protective equipment (PPE) to remove debris and carcinogens. In 2017 DFR responded to 43,783 fire related incidents.

PPEs require a level of cleaning strong enough to maintain the safety properties of the gear but not so rigorous as to jeopardize the integrity of the protective materials. The washer/extractor is a hard mount commercial grade laundering system designed specifically to address the needs of firefighters striving to maintain their ensembles to National Fire Protection Association (NFPA) 1851 standards while keeping the cost of operation and ownership low. DFR currently has a set schedule for annual advanced inspection, cleaning, and repairs of PPEs performed by Gear Cleaning Solutions, LLC offsite per NFPA 1851 standards and is in the process of transitioning to bi-annual mandatory inspections.



## **BACKGROUND** (continued)

Because frequent cleaning of contaminated PPEs is vitally important to mitigate firefighters' negative health effects, washer/extractors are being installed in all new fire stations. When a cleaning is required outside the mandatory annual inspection, firefighters contact the manager over the quartermaster who will then have the items picked up by an internal safety officer. Frequent training classes must be held on advanced cleaning because operation of the washer/extractors to clean PPEs must be done only by specially trained personnel. The washer/extractors are in almost constant use so routine and preventative maintenance is needed to extend its useful life and avoid any lapse in availability.

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 2,945 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, the Office of Business Diversity sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

On November 10, 2015, City Council authorized the wage floor rate of \$10.94, by Resolution No. 15-2141; the selected vendor meets this requirement.

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

Information about this item will be provided to the Public Safety and Criminal Justice Committee on May 14, 2018.

## **FISCAL INFORMATION**

General Funds - \$107,748.75 (subject to annual 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:

<b><u>Contract Amount</u></b>	<b><u>Category</u></b>	<b><u>M/WBE Goal</u></b>	<b><u>M/WBE %</u></b>	<b><u>M/WBE \$</u></b>
\$107,748.75	Other Services	23.80%	0.00%	\$0.00

- This contract does not meet the M/WBE goal of 23.80%, but complies with good faith efforts



## **BID INFORMATION**

The Office of Procurement Services received the following bid from solicitation number BP1703. We opened it on October 20, 2017. We recommend the City Council award this service contract in its entirety to the only bidder.

\*Denotes only bidder

<b><u>Bidder</u></b>	<b><u>Address</u></b>	<b><u>Amount</u></b>
*Gear Cleaning Solutions, LLC	333 Pfingsten Road Northbrook, IL 60062	\$107,748.75

Note: The Office of Procurement Services conducted a single bid review and found no exceptions.

## **OWNER**

### **Gear Cleaning Solutions, LLC**

Rick Johnson, President  
Tim Tomlinson, Vice President



May 23, 2018

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

**SECTION 1.** That the City Manager is hereby authorized to sign a service contract with Gear Cleaning Solutions, LLC (VS0000028079), approved as to form by the City Attorney, for training, service, and repair of washers/extractors for the Fire-Rescue Department, for a term of three years, in an amount not to exceed \$107,748.75. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Gear Cleaning Solutions, LLC shall be based only on the amount of the services directed to be performed by the City and properly performed by Gear Cleaning Solutions, LLC under the contract.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$107,748.75 (subject to annual appropriations) to Gear Cleaning Solutions, LLC from Service Contract No. DFD-2018-00005900.

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



**AGENDA ITEM # 23****STRATEGIC  
PRIORITY:**

Government Performance and Financial Management

**AGENDA DATE:**

May 23, 2018

**COUNCIL DISTRICT(S):**

All

**DEPARTMENT:**

Office of Procurement Services  
Department of Aviation  
Department of Equipment and Building Services  
Department of Sanitation Services  
Fire-Rescue Department  
Park & Recreation Department  
Police Department  
Water Utilities Department

**CMO:**

Elizabeth Reich, 670-7804  
Jody Puckett, 670-3390  
Jon Fortune, 670-1204  
Majed Al-Ghafry, 670-3302  
Willis Winters, 670-4071

**MAPSCO:**

N/A

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**SUBJECT**

Authorize a three-year service contract for on-site automotive glass replacement, repair, and window tinting services – Safelite Fulfillment, Inc. in the amount of \$435,311, Terrick Prince dba Abstract Auto Glass in the amount of \$157,150, and Binswanger Glass Co. in the amount of \$109,134, lowest responsible bidder of four – Total not to exceed \$701,595 – Financing: General Funds (\$663,255), Confiscated Monies Funds (\$18,000), Sanitation Current Funds (\$10,300), Water Utilities Current Funds (\$6,275), and Aviation Current Funds (\$3,765) (subject to annual appropriations)

**BACKGROUND**

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

This service contract will provide on-site automotive glass replacement, repair, and window tinting services for all City owned vehicles. This agreement will also provide the ability for the City to reuse salvaged windshields on alternate City owned vehicles, when approved by the City.



## **BACKGROUND** (continued)

The City owns a fleet of over 5,500 vehicles such as:

- Sedans
- Squad cars
- Light, medium, and heavy duty trucks
- Rescue units
- Fire engines
- Aerial ladder trucks
- Agricultural equipment
- Refuse trucks

This solicitation was structured in a manner which required bidders to submit a response using unit pricing. This solicitation required bidders to submit discounts/mark ups on parts to be ordered from manufacturer's catalogs. Therefore, this bid resulted in an average percentage discount from manufacturer's catalog of 19 percent compared to an average discount of 18 percent. Additionally, this bid resulted in a 48.0 percent increase over comparable unit prices for services from the bid awarded in 2013.

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 8,455 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's 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 \$10.37, by Resolution No. 15-2141; the selected vendors meet this requirement.

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

On December 11, 2013, City Council authorized a three-year service contract for automotive glass replacement with Binswanger Glass by Resolution No. 13-2046.

The Government Performance & Financial Management Committee will receive this item for consideration on May 21, 2018.



## **FISCAL INFORMATION**

General Funds - \$663,254.25 (subject to annual appropriations)  
Confiscated Monies - \$18,000.00 (subject to annual appropriations)  
Sanitation Services Current Funds - \$10,300.00 (subject to annual appropriations)  
Water Utilities Current Funds - \$6,275.85 (subject to annual appropriations)  
Aviation Current Funds - \$3,764.80 (subject to annual 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:

<b><u>Contract Amount</u></b>	<b><u>Category</u></b>	<b><u>M/WBE Goal</u></b>	<b><u>M/WBE%</u></b>	<b><u>M/WBE \$</u></b>
\$701,594.90	Other Services	23.80%	0.00%	\$0.00

- This contract does not meet the M/WBE goal of 23.80%, but complies with good faith efforts

## **BID INFORMATION**

The Office of Procurement Services received the following bids from solicitation number BN1712. We opened them on October 20, 2017. We recommend the City Council award this service contract to the lowest responsive and responsible bidders by group. Information related to this solicitation is available upon request.

\*Denotes successful bidders

<b><u>Bidders</u></b>	<b><u>Address</u></b>	<b><u>Amount</u></b>
*Safelite Fulfillment, Inc.	7400 Safelite Way Columbus, OH 43235	Multiple Groups
*Terrick Prince dba Abstract Auto Glass	5125 Mosson Road Fort Worth, TX 76119	Multiple Groups
*Binswanger Glass Co.	965 Ridgelake Boulevard Memphis, TN 38187	Multiple Groups
Glass Clinic of Texas	2270 Manana Drive Dallas, TX 75220	Multiple Groups



## **OWNERS**

### **Safelite Fulfillment, Inc.**

Tom Feeney, President  
Jon Cardi, Vice President  
Cynthia Elliott, Secretary  
Tim Spencer, Treasurer

### **Terrick Prince dba Abstract Auto Glass**

Terrick Prince, President  
Quiana Prince, Vice President

### **Binswanger Glass Co.**

Tim Curran, President  
James Geringswald, Vice President  
William L. Collins, Secretary



May 23, 2018

**WHEREAS**, on December 11, 2013, City Council authorized a three-year service contract for automotive glass replacement with Binswanger Glass, in an amount not to exceed \$361,950.00, by Resolution No. 13-2046.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to sign a service contract with Safelite Fulfillment, Inc. (VS0000016536) in the amount of \$435,310.90, Terrick Prince dba Abstract Auto Glass (VS97014) in the amount of \$157,150.00, and Binswanger Glass Co. (013459) in the amount of \$109,134.00, approved as to form by the City Attorney, for on-site automotive glass replacement, repair, and window tinting services for a term of three years, in a total amount not to exceed \$701,594.90.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$701,594.90 (subject to annual appropriations) Safelite Fulfillment, Inc., Terrick Prince dba Abstract Auto Glass, and Binswanger Glass Co. from Service Contract No. POM-2018-00005695.

**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.







**STRATEGIC  
PRIORITY:**

Public Safety

**AGENDA DATE:**

May 23, 2018

**COUNCIL DISTRICT(S):**

2

**DEPARTMENT:**

Office of Procurement Services  
Department of Aviation

**CMO:**

Elizabeth Reich, 670-7804  
Jody Puckett, 670-3256

**MAPSCO:**

34E

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**SUBJECT**

Authorize a three-year concession contract, with two one-year renewal options, for a biometric identity verification kiosk system for secure expedited passenger checkpoint access at Dallas Love Field - Alclear, LLC, sole source - Estimated Annual Revenue: \$295,521 (12 percent monthly revenue-share based on all gross revenue and includes a monthly rent fee)

**BACKGROUND**

This concession contract will be used by Aviation to contract with Alclear, LLC and allow for a biometric identity verification kiosk system for secure expedited passenger checkpoint access at Dallas Love Field. By scanning an individual's unique fingerprint pattern, this system will identify individuals upon check-in and before boarding a plane. This system will make the screening process more efficient by allowing an individual to enter the checkpoint at a dedicated "CLEAR lane" and use the biometric instead of queueing at an airport security checkpoint and showing boarding pass and license. The technology this system utilizes has been certified by Safety Act as a Qualified Anti-Terrorism Technology of the United States and is included in the Department of Homeland Security "Approved Products List". In addition, it is the only biometric system operating under the Transportation Security Administration's (TSA) Registered Traveler Program.

Alclear, LLC is presently being utilized at 24 airports in the United States including Terminal E at Dallas Fort Worth International Airport.

The cost of a membership for an individual is \$179 a year or \$15 a month; a family member can be added to the plan for \$50 a year. They will also be offering 15 percent off as a military discount.



## **BACKGROUND** (continued)

The concession agreement is based on revenue-share of 12% of gross enrollment revenue and renewal fees of individual registered in the program.

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

The Government Performance & Financial Management Committee will receive this item for consideration on May 21, 2018.

## **FISCAL INFORMATION**

Estimated Annual Revenue - \$295,520.28 (12 percent monthly revenue-share based on all gross revenue and includes a monthly rent fee)

## **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:

<b><u>Contract Amount</u></b>	<b><u>Category</u></b>	<b><u>M/WBE Goal</u></b>	<b><u>M/WBE %</u></b>	<b><u>M/WBE \$</u></b>
\$295,520.28	Revenue	N/A	N/A	N/A

- The Business Inclusion and Development Plan does not apply to Revenue Contracts

## **BID INFORMATION**

<b><u>Bidder</u></b>	<b><u>Address</u></b>	<b><u>Amount</u></b>
Alclear, LLC	650 Fifth Ave., 12th Floor New York, NY 10019	\$295,520.28

Note: The Office of Procurement Services conducted a sole source review and found no exceptions.

## **OWNER**

### **Alclear, LLC**

Kenneth Cornick, President  
Caryn Seidman Becker, Chief Executive Officer  
Matthew Levine, General Counsel/Secretary  
David P. Cohen, Chief Administrative Officer



May 23, 2018

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

**SECTION 1.** That the City Manager is hereby authorized to sign a concession contract with Alclear, LLC (VS95168), approved as to form by the City Attorney, for a biometric identity verification kiosk system for secure expedited passenger checkpoint access at Dallas Love Field for a term of three years, with two one-year renewal options, in an estimated annual revenue amount of \$295,520.28 (12 percent monthly revenue-share based on all gross revenue and includes a monthly rent fee). If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Alclear, LLC shall be based only on the amount of the services directed to be performed by the City and properly performed by Alclear, LLC under the contract.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to receive and deposit all revenues in an amount not to exceed \$295,520.28 received from Alclear, LLC from Contract No. AVI-2018-00006145 from Fund 0130, Department AVI, Unit 7725, Revenue Code 7814.

**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.







**STRATEGIC  
PRIORITY:**

Public Safety

**AGENDA DATE:**

May 23, 2018

**COUNCIL DISTRICT(S):**

All

**DEPARTMENT:**

Office of Procurement Services  
Police Department  
Office of Emergency Management

**CMO:**

Elizabeth Reich, 670-7804  
Jon Fortune, 670-1204

**MAPSCO:**

N/A

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**SUBJECT**

Authorize **(1)** an acquisition contract for the purchase and installation of an upgraded digital camera system, digital video recorder, and mapping system for the Dallas Police Department Helicopter Unit in the amount of \$2,096,208; and **(2)** a four-year service contract, with two one-year renewal options, for maintenance, support, warranty, and cloud based video storage for the Dallas Police Department Helicopter Unit in the amount of \$462,518 - CNC Technologies, LLC, only proposer – Total not to exceed \$2,558,726 - Financing: General Funds (\$558,726) (subject to annual appropriations) and U.S. Department of Homeland Security Grant Funds (\$2,000,000)

**BACKGROUND**

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

These contracts will allow for the purchase and installation of an upgraded digital camera system, digital video recorder, mapping system as well as four-years of maintenance, support, warranty, and cloud based video storage for the Dallas Police Department (DPD) Helicopter Unit. These systems will provide a complete, state-of-the-art helicopter-based digital recording system capable of securely delivering video to a fixed receiving location, a variety of mobile command posts, and handheld receivers and monitors throughout the City. The contract allows for cloud based storage and an efficient and secure means to download the video. DPD operates two Bell 206B3 helicopters that provide air support 24 hours a day, 7 days a week.



## **BACKGROUND** (continued)

Air support is a tremendous force multiplier, allowing any given force size to maintain a broader area of responsibility than would be possible by conventional means. A helicopter can reduce response time and has the capability of providing a “birds-eye” view while covering a large area in a relatively short period of time. A helicopter also reduces both the amount of time and number of ground officers required to safely secure an incident or call for service.

The mission of the unit is to provide air support to the geographic patrol divisions and specialized units of the DPD and to enhance officer and public safety, and reduce the incidence of crime. To accomplish this mission the unit provides rapid response, tactical insight and airborne assessments of incidents in a safe and professional manner.

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 1,615 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, the Office of Business Diversity sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

On November 10, 2015, City Council authorized the wage floor rate of \$10.94, by Resolution No. 15-2141; the selected vendor meets this requirement.

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

- Dallas Police Department (2)
- Department of Communication and Information Services (2)
- Dallas Marshal's Office (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 :

- Capabilities and experience 15%
- Functional match 15%
- Technical match 25%
- Cost 30%
- Business Inclusion and Development Plan 15%



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

Information about this item will be provided to the Public Safety and Criminal Justice Committee on May 14, 2018.

### **FISCAL INFORMATION**

U.S. Department of Homeland Security Grant Funds - \$2,000,000.00  
General Funds - \$558,725.54 (subject to annual 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:

<b><u>Contract Amount</u></b>	<b><u>Category</u></b>	<b><u>M/WBE Goal</u></b>	<b><u>M/WBE %</u></b>	<b><u>M/WBE \$</u></b>
\$2,558,726.00	N/A	N/A	N/A	N/A

- M/WBE Goal Waived
- No M/WBE Availability

### **PROPOSAL INFORMATION**

The Office of Procurement Services received the following bid from solicitation number BXZ1801. We opened it on April 6, 2018. We recommend the City Council award this service contract to the only proposer

<b><u>Proposer</u></b>	<b><u>Address</u></b>	<b><u>Score</u></b>	<b><u>Amount</u></b>
CNC Technologies, LLC	4980 Vanderbilt Street Suite 102 Ontario, CA 91761	82.00%	\$2,558,725.54

Note: The Office of Procurement Services conducted a only proposer review and found no exceptions.

### **OWNER**

#### **CNC Technologies, LLC**

Clayton Thom, Managing Partner  
Alex Giuffrida, Managing Partner  
Ron Magocsi, Managing Partner  
Eric Weidner, Managing Partner



May 23, 2018**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**SECTION 1.** That the City Manager is hereby authorized to sign **(1)** an acquisition contract for the purchase and installation of an upgraded digital camera system, digital video recorder, and mapping system for the Dallas Police Department Helicopter Unit in the amount of \$2,096,207.54; and **(2)** a four-year service contract, with two one-year renewal options, for maintenance, support, warranty, and cloud based video storage for the Dallas Police Department Helicopter Unit in the amount of \$462,518.00 with CNC Technologies, LLC (VS94727), approved as to form by the City Attorney, in a total amount not to exceed \$2,558,725.54. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to CNC Technologies, LLC shall be based only on the amount of the services directed to be performed by the City and properly performed by CNC Technologies, LLC under the contract.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$2,558,725.54 (subject to annual appropriations) to CNC Technologies, LLC from Service Contract No. DPD-2018-00006037 from the following appropriations:

<u>Fund</u>	<u>Department</u>	<u>Unit</u>	<u>Object</u>	<u>Amount</u>	<u>Encumbrance/Contract No.</u>
F511	MGT	2758	4890	\$2,000,000.00	DPD-2018-00006037
0001	DPD	2156	3110	\$ 462,518.00	DPD-2018-00006037
0001	DPD	2156	4890	\$ 96,207.54	DPD-2018-00006037

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



## **AGENDA ITEM # 26**

### **STRATEGIC PRIORITY:**

Government Performance and Financial Management

### **AGENDA DATE:**

May 23, 2018

### **COUNCIL DISTRICT(S):**

N/A

### **DEPARTMENT:**

Office of Procurement Services  
Department of Equipment and Building Services

### **CMO:**

Elizabeth Reich, 670-7804  
Jody Puckett, 670-3390

### **MAPSCO:**

N/A

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### **SUBJECT**

Authorize the sale of one track loader and one dump truck through a public auction on April 18, 2018 to Quality Parts Supply LTD in the amount of \$20,250 and D&M Contractors in the amount of \$41,075, highest bidders - Revenue: \$61,325

### **BACKGROUND**

This action seeks approval to sell one track loader (Equipment #009009) and one dump truck (Equipment #053045) which were publicly auctioned on April 18, 2018. The equipment and truck have reached their useful life, have met their replacement criteria and are no longer cost effective for the City to maintain.

The City used its current contract auctioneer, Lone Star Auctioneers, Inc., to auction this equipment. The auctioneer charges a buyer's premium instead of the City paying a fee.

Dallas City Code 2-37.4 requires that when the highest bid for property is more than \$20,000, the sale to the highest bidder must be confirmed by City Council.

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

The Government Performance & Financial Management Committee will receive this item for consideration on May 21, 2018.

### **FISCAL INFORMATION**

Revenue - \$61,325



## **BID INFORMATION**

The following bids were received at public auction on April 18, 2018.

\*Denotes successful bidders

<b><u>Bidders</u></b>	<b><u>Address</u></b>	<b><u>Amount</u></b>
*Quality Parts Supply LTD (Equipment #009009)	15844 S. IH 35 Bruceville, TX 76630	\$20,250
*D&M Contractors (Equipment #053045)	887 CR 1516 Van, TX 75790	\$41,075

## **OWNERS**

### **Quality Parts Supply LTD**

Jerry Hays, Owner

### **D&M Contractors**

Dean Dike, Owner



May 23, 2018

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

**SECTION 1.** That the City Manager or designee is hereby authorized to sell one track loader (Equipment #009009) and one dump truck (Equipment #053045) through a public auction on April 18, 2018, to the highest bidders, Quality Parts Supply LTD in the amount of \$20,250.00 and D&M Contractors in the amount of \$41,075.00, for a total amount not to exceed \$61,325.00.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to receive and deposit funds received from the proceeds of the sale to Fund 0001, Department EBS, Unit 1701, Revenue Code 8414, in the amount of \$52,126.25 and Fund 0199, Department POM, Unit 1232, Revenue Code 8420, in the amount of \$9,198.75.

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







**AGENDA ITEM # 27****STRATEGIC  
PRIORITY:**

Government Performance and Financial Management

**AGENDA DATE:**

May 23, 2018

**COUNCIL DISTRICT(S):**

2, 3

**DEPARTMENT:**Office of Procurement Services  
Department of Aviation**CMO:**Elizabeth Reich, 670-7804  
Jody Puckett, 670-3390**MAPSCO:**

34E 63L

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**SUBJECT**

Authorize Supplemental Agreement No. 1 to increase the service contract with CP&Y, Inc. for maintenance, support and integration of the newly constructed deicing pads, including one deicing control panel, a set of deicing valves, and to integrate the existing Outfall Closure Devices Control Systems at Dallas Love Field and Dallas Executive airports for the Department of Aviation - Not to exceed \$339,052, from \$1,356,216 to \$1,695,268 - Financing: Aviation Current Funds (subject to annual appropriations)

**BACKGROUND**

This Supplemental Agreement will add maintenance, support and integration of the newly constructed deicing pads at Dallas Love Field (DAL), including one deicing control panel and a set of deicing valves. The deicing control panel allows the system operator to remotely control the valves in the deicing fluid vaults. Depending on the status of the deicing valves (open or closed), the operator is able to divert the deicing fluid appropriately depending on the current weather conditions. The deicing valve control system will also be integrated with the Outfall Closure Devices Control System (OCDS) and the Supervisory Control and Data Acquisition (SCADA) system. SCADA is an application that retrieves data from the OCDS in order to control and optimize the operation of the OCDS.

The current Outfall Closure Devices Control Systems consists of two independent systems: one at DAL and one at Dallas Executive formerly Red Bird (RBD) airport. The systems control stormwater outfall gates at various discharge points along the perimeter of the airports. This Agreement will integrate the DAL and RBD OCDS resulting in a single merged system. This will allow for the remote monitoring and control of both locations with one seamless interface.



## **BACKGROUND** (continued)

In 2015, Council approved a maintenance and support agreement for Aviation's large scale hazardous containment system at DAL and RBD airports. This system protects and preserves surrounding land and water areas from an environmental hazard by automated sliding gates to route and contain hazardous liquid inside specialized containers on airport property. There are six such gates at DAL and four at RBD.

Maintenance includes:

- Annual on-site inspection of Deicing Control Panel and valves
- Grease all service points and inspect equipment for wear in accordance with manufacturer's service recommendations
- Check Deicing Control Panel for functionality, condition of components and document condition
- Compare equipment condition with its recorded condition from the previous assessment
- Inspect actuators
- Inspect containers
- Cleaning and maintenance of gate equipment
- SCADA system maintenance

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

On June 10, 2015, City Council authorized a five-year service contract, with three one-year renewal options, for maintenance and support of a large scale hazardous containment system for Aviation with CP&Y, Inc. by Resolution No. 15-1045.

The Mobility Solutions, Infrastructure & Sustainability Committee will receive this item for consideration on May 14, 2018.

## **FISCAL INFORMATION**

Aviation Current Funds - \$339,052.00 (subject to annual appropriations)

<b><u>Council District</u></b>	<b><u>Amount</u></b>
2	\$326,919.22
3	<u>\$ 12,132.78</u>
Total	\$339,052.00



### **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:

<b><u>Contract Amount</u></b>	<b><u>Category</u></b>	<b><u>M/WBE Goal</u></b>	<b><u>M/WBE %</u></b>	<b><u>M/WBE \$</u></b>
\$339,052.00	Other Services	23.80%	91.45%	\$310,052.00

- Supplemental Agreement No. 1 – 91.45% M/WBE participation
- This contract exceeds the M/WBE goal of 23.80%, and has a 89.09% Overall M/WBE participation

### **OWNER**

**CP&Y, Inc.**

W. Walter Chiang, President  
Pete K. Patel, Vice President



May 23, 2018

**WHEREAS**, on June 10, 2015, City Council authorized a five-year service contract, with three one-year renewal options, for maintenance and support of a large scale hazardous containment system for Aviation with CP&Y, Inc., in an amount not to exceed \$1,356,215.70, by Resolution No. 15-1045.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to sign Supplemental Agreement No. 1 to increase the service contract with CP&Y, Inc. (080659), approved as to form by the City Attorney, for maintenance, support and integration of the newly constructed deicing pads, including one deicing control panel and a set of deicing valves, and to integrate the existing Outfall Closure Devices Control Systems at Dallas Love Field and Dallas Executive airports for the Department of Aviation, in an amount not to exceed \$339,052.00, increasing the service contract amount from \$1,356,215.70 to \$1,695,267.70.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$339,052.00 (subject to annual appropriations) to CP&Y, Inc. from Master Agreement Service Contract No. MASC-AVI-2018-00005975.

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



## **AGENDA ITEM # 28**

### **STRATEGIC PRIORITY:**

Government Performance and Financial Management

### **AGENDA DATE:**

May 23, 2018

### **COUNCIL DISTRICT(S):**

All

### **DEPARTMENT:**

Office of Procurement Services  
Department of Communication and Information Services

### **CMO:**

Elizabeth Reich, 670-7804  
Jody Puckett, 670-3390

### **MAPSCO:**

N/A

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### **SUBJECT**

Authorize **(1)** Supplemental Agreement No. 3 to increase the service contract for maintenance and support for the Lawson Human Resources Information System software in the amount of \$567,466, from \$1,727,821 to \$2,295,287 and to extend the contract from December 1, 2018 to November 31, 2019; and **(2)** Supplemental Agreement No. 3 to increase the service contract for subscriptions for the Knowledgebase and Case Management systems in the amount of \$429,202, from \$815,954 to \$1,245,156 and to extend the contract from June 1, 2018 to May 31, 2021 – Infor (US), Inc. – Total not to exceed \$996,668, from \$2,543,775 to \$3,540,443 – Financing: General Funds (\$429,202) and Communication and Information Services Current Funds (\$567,466) (subject to annual appropriations)

### **BACKGROUND**

These Supplemental Agreements will provide continued maintenance and support for the Lawson Human Resources Information System (HRIS) software as well as extend the subscriptions for the Knowledgebase and Case Management systems. The HRIS application is utilized by City departments to manage employee information and payroll processing. Additionally, this agreement will provide the City with system patches and access to support personnel for critical incidents.

The City recently approved the acquisition of a new Human Capital Management system. This new system is planned to take approximately one year to implement the functionality provided by the current system. Therefore, the maintenance contract for the current system is necessary to ensure the system operates efficiently until the new system becomes operational. Additionally, the provided Knowledgebase and Case Management systems will be integrated with the new Human Capital Management system.



## **BACKGROUND** (continued)

The Knowledgebase and Case Management subscription allows Human Resources (HR) personnel to manage and track employee payroll and/or human resources inquiries. Using this subscription allows for automated assignment of cases to appropriate staff, case security for support of sensitive issues or employee information, and ability to provide robust reports.

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

The Government Performance & Financial Management Committee will receive this item for consideration on May 21, 2018.

## **FISCAL INFORMATION**

General Funds - \$429,201.12 (subject to annual appropriations)

Communication and Information Services Current Funds - \$567,465.96 (subject to annual 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:

<b><u>Contract Amount</u></b>	<b><u>Category</u></b>	<b><u>M/WBE Goal</u></b>	<b><u>M/WBE %</u></b>	<b><u>M/WBE \$</u></b>
\$996,668.00	N/A	N/A	N/A	N/A

- M/WBE Goal Waived
- No M/WBE Availability

## **OWNER**

**Info (US), Inc.**

Gregory M. Giangiordano, President  
Kevin Curry, Vice President  
Brad Steiner, Secretary  
Mark Henry, Treasurer



May 23, 2018

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

**SECTION 1.** That the City Manager is hereby authorized to sign **(1)** Supplemental Agreement No. 3 to increase the service contract for maintenance and support for the Lawson Human Resources Information System software in the amount of \$567,465.96, increasing the service contract amount from \$1,727,821.35 to \$2,295,287.31 and to extend the contract from December 1, 2018 to November 31, 2019; and **(2)** Supplemental Agreement No. 3 to increase the service contract for subscriptions for the Knowledgebase and Case Management systems in the amount of \$429,201.12, increasing the service contract amount from \$815,953.08 to \$1,245,154.20 and to extend the contract from June 1, 2018 to May 31, 2021, in a total amount not to exceed \$996,667.08, increasing the service contract amount from \$2,543,774.43 to \$3,540,441.51, with Infor (US), Inc. (VC0000011295), approved as to form by the City Attorney.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$996,667.08 (subject to annual appropriations) to Infor (US), Inc. from Master Agreement Service Contract Nos. DSV-2018-00004755 and DSV-2018-00005754.

**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.







**STRATEGIC PRIORITY:** Quality of Life

**AGENDA DATE:** May 23, 2018

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Park & Recreation Department

**CMO:** Willis Winters, 670-4071

**MAPSCO:** Various

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**SUBJECT**

Authorize a three-year Interlocal Agreement with Grand Prairie Independent School District for transportation services - Not to exceed \$822,243 – Financing: General Funds (subject to annual appropriations)

**BACKGROUND**

Beginning May 1, 2018 through April 30, 2021, the following divisions of the Park and Recreation Department will utilize the bus services: Recreation Services, Senior Program Division, Special Services, Community Development Block Grant, Youth Services, After-School Program, and Send-A-Kid-to-Camp sites.

State law authorizes the procurement of services provided by another subdivision of the State without submitting the contract for competitive bidding. This may be accomplished by means of an Interlocal Agreement approved by the City Council.

The City of Dallas has contracted with Dallas Independent School District since 1988 to provide economical transportation for the participants in the summer programs and activities of the Park and Recreation Department. In November 2017, Dallas County voters elected to dissolve Dallas County Schools and all services rendered by this vendor. Therefore, the Park and Recreation Department is currently without bus transportation services for our recreational programs and events.

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

On May 3, 2018, the Park and Recreation Board authorized a three-year Interlocal Agreement with Grand Prairie Independent School District for transportation services.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on May 14, 2018.



## **FISCAL INFORMATION**

General Funds - \$822,243 (subject to annual appropriations)



May 23, 2018

**WHEREAS**, Chapter 791 of the Texas Government Code and Texas Transportation Code Chapter 251 provides authorization for local governments to contract with each other for the performance of governmental functions and services; and

**WHEREAS**, Grand Prairie Independent School District provides bus services to the students of the Grand Prairie public schools; and

**WHEREAS**, the City of Dallas and Grand Prairie Independent School District desire to enter into a three-year Interlocal Agreement to provide transportation to participants of various programs and activities of the Park and Recreation Department.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to sign a three-year Interlocal Agreement with Grand Prairie Independent School District, approved as to form by the City Attorney, for transportation services, in an amount not to exceed \$822,243.

**SECTION 2.** That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a three-year Interlocal Agreement with Grand Prairie Independent School District, approved as to form by the City Attorney.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$822,243 (subject to annual appropriations) to Grand Prairie Independent School District, in accordance with the terms and conditions of the Interlocal Agreement from Fund 0001, Department PKR, Unit 5071, Object 3060, Activity PK09, Encumbrance/Contract No. PKR-2018-00006424, Vendor VS97758.

**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.







**STRATEGIC  
PRIORITY:**

Quality of Life

**AGENDA DATE:**

May 23, 2018

**COUNCIL DISTRICT(S):**

2, 14

**DEPARTMENT:**

Park & Recreation Department  
Department of Public Works

**CMO:**

Willis Winters, 670-4071  
Majed Al-Ghafry, 670-3302

**MAPSCO:**

45 L P Q

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**SUBJECT**

Authorize **(1)** a development and funding agreement with Pacific Plaza LLC, Harwood Park LLC, West End Plaza Park LLC, Carpenter Park LLC and Parks for Downtown Dallas (collectively referred to as Developer) for the proposed downtown parks, including Pacific Plaza, Harwood Park, Carpenter Park and West End Plaza; **(2)** land acquisition for West End Plaza in an amount not to exceed \$8,600,000; **(3)** land acquisition for Harwood Park for up to the amount of Developer's purchase price, not to exceed \$11,787,216; **(4)** the City, through its Park and Recreation Department, to use any remaining portion of the City's Pacific Plaza environmental allocation for West End Plaza, Harwood Park, and Carpenter Park; and **(5)** waiving the percentage for public art required by the Public Art Ordinance for the 2017 Bond Funds for Downtown Parks – Not to exceed \$20,387,216 - Financing: 2006 Bond Funds (\$4,429,623) and 2017 Bond Funds (\$15,957,593)

**BACKGROUND**

The 2013 Downtown Parks Master Plan Update includes the following parks: Carpenter Park, Harwood Park, Pacific Plaza and West End Plaza. On March 22, 2017, City Council authorized the terms for the Development Agreement between the Pacific Plaza LLC and Parks for Downtown Dallas collectively the "Developer" and the City for the design and construction of a public park currently named Pacific Plaza; an Operating Endowment Agreement between the City and Developer by Resolution No. 17-0494. These Pacific Plaza agreements will remain in place.



## **BACKGROUND** (continued)

This action will authorize **(1)** a development and funding agreement with Pacific Plaza LLC, Harwood Park LLC, West End Plaza Park LLC, Carpenter Park LLC and Parks for Downtown Dallas (collectively referred to as Developer) for the proposed downtown parks, including Pacific Plaza, Harwood Park, Carpenter Park and West End Plaza; **(2)** land acquisition for West End Plaza in an amount not to exceed \$8,600,000.00; **(3)** land acquisition for Harwood Park for up to the amount of Developer's purchase price, not to exceed \$11,787,216.00; **(4)** the City, through its Park and Recreation Department, to use any remaining portion of the City's Pacific Plaza environmental allocation for West End Plaza, Harwood Park, and Carpenter Park; and **(5)** waiving the percentage for public art required by the Public Art Ordinance for the 2017 Bond Funds for Downtown Parks.

Following are the proposed deal points for the Development and Funding Agreement and information concerning land acquisition:

### **General**

- Agreement includes the development and funding of the parks outlined in the 2013 Downtown Parks Master Plan Update
- Term of agreement: Commence on execution and terminate one year after completion of construction and issuance of final acceptance letter from City for the parks

### **Funding**

- Developer shall fund the balance of its \$44,100,000.00 commitment toward the development of the parks plus \$1,000,000.00 towards an operating endowment for Pacific Plaza
- Developer shall fund 100 percent of the design and construction of Pacific Plaza, per the Pacific Plaza Development Agreement and \$1,000,000.00 towards an operating endowment, per the Operating Endowment Agreement
- City shall fund \$35,000,000.00 in proceeds from the 2017 Bond Program and approximately \$4,400,000.00 from the 2006 Bond Program towards land acquisition and the development of Carpenter Park, Harwood Park and West End Plaza
  - The \$35,000,000.00 in 2017 Bond Funds requires a \$35,000,000.00 match from Developer
  - The amount that Developer has already spent on the parks and West End Plaza can apply towards the match funding requirement
- Any proceeds City earns from parking and building rentals on the West End Plaza and Harwood Park properties after the City's acquisition, may be used for the benefit of the parks: Carpenter Park, Harwood Park and West End Plaza



## **BACKGROUND** (continued)

### **Land Acquisition**

#### **Pacific Plaza and Carpenter Park**

- City currently owns the properties for Pacific Plaza and Carpenter Park

#### **West End Plaza**

- This item authorizes the acquisition of a tract of land located at 607 Corbin Street containing a total of approximately 34,000 square feet of land from West End Plaza Park LLC for West End Plaza. The total consideration for this acquisition is \$8,600,000.00. Funding is provided by 2006 and 2017 Bond Funds.
  - The 2006 Bond Funds for land acquisition for West End Plaza are not subject to a match funding requirement
- Developer will utilize the proceeds from the land acquisition for the design and development of West End Plaza and the two proposed downtown parks in accordance with the agreement.

#### **Harwood Park**

- Harwood Park LLC has acquired properties for Harwood Park (exclusive of Wood Street, which will be closed and vacated)
- City to acquire the Harwood Park properties from Harwood Park LLC utilizing 2017 Bond Funds
- Properties to be purchased up to the amount paid by the Harwood Park LLC, not to exceed \$11,787,216.00
- Developer will utilize the proceeds from the land acquisition for the design and development of Harwood Park and other proposed downtown parks in accordance with the agreement

### **Naming Opportunities**

- Developer reserves naming rights for Pacific Plaza, Harwood Park and West End Plaza, subject to Park and Recreation Board approval
  - A minimum of \$10,000,000.00 to name Pacific Plaza or Harwood Park
  - A minimum of \$5,000,000.00 to name West End Plaza
- Components of each park can be named subject to Developer and Park and Recreation Department Director's approvals
- Naming rights proceeds will be used only for the proposed downtown parks
  - First for construction of the parks and then for a permanent endowment fund



## **BACKGROUND** (continued)

### **Environmental**

- Required environmental clean-up of the Pacific Plaza, Harwood Park and Carpenter Park and West End Plaza sites, if needed, shall be the responsibility of the City, up to \$2,000,000.00
  - Typically, the City is responsible for environmental remediation of their properties
  - Pacific Plaza agreement allowed for up to \$2,000,000.00 of City funds for environmental remediation for that park
  - In this Agreement, the balance of the \$2,000,000.00 in City funds approved for Pacific Plaza could also be utilized for Harwood Park, West End Plaza and Carpenter Park for costs associated with environmental remediation and required reports
- A Phase 1 Environmental Assessment of each of the sites has been completed

### **Design and Construction Responsibilities**

- LLCs formed by Developer will manage the design and construction of each park
  - Subject to the City Representative's review and approval
  - Park and Recreation Department Director (or Director's designee) to serve as City's representative for this agreement
- For City bond-funded costs, City will procure construction contracts in accordance with all applicable laws and assign said contracts, upon award, to Developer to manage
  - For Carpenter Park, Harwood Park and West End Plaza, as an alternative, City can reimburse Developer for up to 30 percent of the public improvement costs, in accordance with state law developer participation requirements
- Any contracts entered into by LLCs formed by Developer related to agreements for design or construction of the parks, shall:
  - Comply with the City's Business Inclusion and Development Plan (BID Plan) to facilitate M/WBE participation
  - Developer to provide reports to the City on their good faith efforts to comply with the BID Plan
  - Contain insurance provisions with limits acceptable to the City
  - Release, indemnify and hold the City harmless
  - Obligate the contractor or firm to comply with all applicable state, federal, and local laws
- City representative will review and approve design development and construction documents
- City representative has right to inspect construction
- After completion of construction and acceptance by the City representative, each park will be turned over to the City for maintenance and operation



## **BACKGROUND** (continued)

### **Dedication as Parks**

- To the extent allowed by law, on or about the issuance of the Final Acceptance Letter applicable to each park, the City shall take all required actions to dedicate such park and its use as a public park under applicable law for the citizens of Dallas.

### **Public Art**

- The expenditures by Developer in an estimated amount of \$1,250,000.00 for the artwork at Carpenter Park shall satisfy the percentage assessment for public art requirement in the Public Art Ordinance for both the private and 2017 Bond Program funding. Staff recommends that the percentage for public art for the 2017 Bond Funds for the proposed downtown parks be waived, as a result and that the City Manager recommend to the City Council such waiver pursuant to the Code.

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

On March 22, 2017, City Council authorized approval of the terms for the Development Agreement between the Pacific Plaza LLC and Parks for Downtown Dallas collectively the “Developer” and the City for the design and construction of a public park currently named Pacific Plaza; and approval of an Operating Endowment Agreement between the City and Developer; and recommendation for approval of both the Development and Operating Endowment Agreements, as approved as to form by the City Attorney's Office by Resolution No. 17-0494.

On April 19, 2018, the Park and Recreation Board was briefed regarding the Downtown Dallas Proposed Parks Development and Funding Agreement.

On May 3, 2018, the Park and Recreation Board authorized a development and funding agreement with Pacific Plaza LLC, Harwood Park LLC, West End Plaza Park LLC, Carpenter Park LLC and Parks for Downtown Dallas (collectively referred to as Developer) for the proposed downtown parks, including Pacific Plaza, Harwood Park, West End Plaza and Carpenter Park; land acquisition for West End Plaza; land acquisition for Harwood Park for up to the amount of Developer's purchase price; and the placeholder names of West End Plaza and Harwood Park.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on May 14, 2018.



## **FISCAL INFORMATION**

2006 Bond Funds - \$4,429,622.55

2017 Bond Funds - \$15,957,593.45

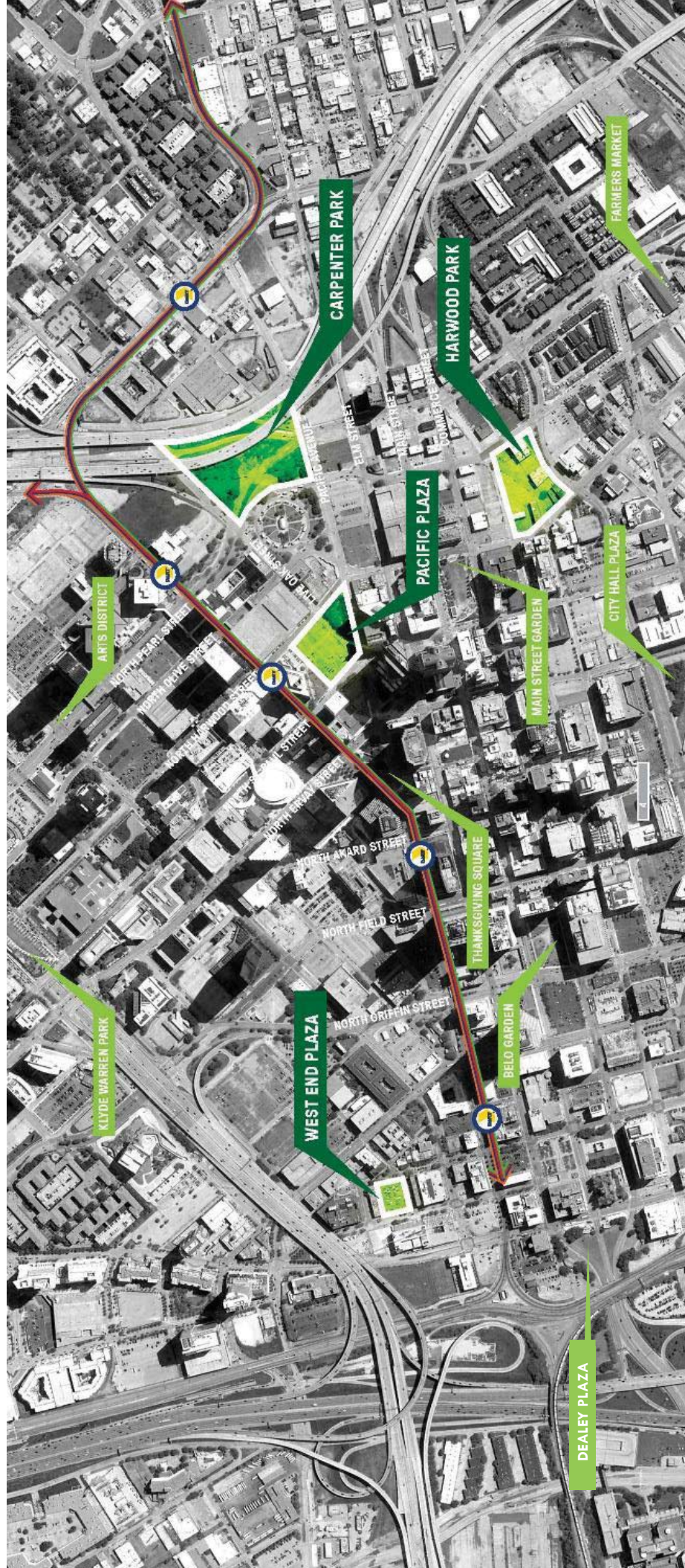
<b><u>Council District</u></b>	<b><u>Amount</u></b>
2	\$11,787,216.00 (est.)
14	<u>\$ 8,600,000.00</u> (est.)
Total amount	\$20,387,216.00 (est.)

## **MAP**

Attached



# DOWNTOWN PARKS









May 23, 2018

**DEFINITIONS:** For the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas

"PROJECT 1": West End Plaza

"PROPERTY WEST": Approximately 34,000 square feet 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.

"USE": To be developed for park purposes; provided, however, to the extent fee title to the PROPERTY WEST is acquired, such title and the PROPERTY WEST shall not be limited to or otherwise deemed restricted to the USE herein provided. The property is not officially dedicated as municipal parkland; and, to the extent allowed by law, shall be dedicated as such time the property is developed for park purposes.

"PROPERTY INTEREST": Fee Simple Title with closing conditions to include all improvements and tenant lease(s), subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the conveyance instrument(s) approved as to form by the City Attorney and such other usual and customary documents necessary, appropriate and convenient to consummating this transaction.

"PROPERTY WEST OWNER": WEST END PLAZA PARK, LLC, a Texas limited liability company, provided, however, that the term "PROPERTY WEST OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"PROPERTY WEST PURCHASE AMOUNT": An amount not to exceed the purchase price paid by WEST END PLAZA PARK LLC (\$8,600,000)

"CLOSING COSTS AND TITLE EXPENSES": \$0; to be paid by WEST END PLAZA PARK, LLC

"PROPERTY WEST AUTHORIZED AMOUNT": Not to exceed \$8,600,000



May 23, 2018

**"PROJECT 2": HARWOOD PARK**

**"PROPERTY HARWOOD":** Land located in Dallas County, Texas, generally bounded by Jackson, Young and Harwood Streets and S. Pearl Expressway, and being the same property generally identified in the initial concept drawing as "Concept Harwood Park", as depicted on "Exhibit B" attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto. Specific land description shall be provided upon approval of the final concept development plan.

**"USE":** To be developed for park purposes, provided, however, to the extent fee title to the PROPERTY HARWOOD is acquired, such title and the PROPERTY HARWOOD shall not be limited to or otherwise deemed restricted to the USE herein provided. The property is not officially dedicated as municipal parkland; and to the extent allowed by law, shall be dedicated as such time the property is developed for park purposes.

**"PROPERTY INTEREST":** Fee Simple Title with closing conditions to include all improvements and tenant lease(s), subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the conveyance instrument(s) approved as to form by the City Attorney and such other usual and customary documents necessary, appropriate and convenient to consummating this transaction.

**"PROPERTY HARWOOD OWNER":** HARWOOD PARK, LLC, a Texas limited liability company, provided, however, that the term "PROPERTY HARWOOD OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

**"PROPERTY HARWOOD PURCHASE AMOUNT":** An amount not to exceed the purchase price paid by Harwood Park LLC (\$11,787,216)

**"CLOSING COSTS AND TITLE EXPENSES":** \$0; to be paid by Harwood Park LLC

**"PROPERTY HARWOOD AUTHORIZED AMOUNT":** Not to exceed \$11,787,216



May 23, 2018

PROJECT 3": CARPENTER PARK

"PROPERTY CARPENTER": Approximately 5.6 acres of land owned by CITY in Dallas County, Texas, and being the same property generally depicted in "Exhibit C", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto.

"PROJECT 4": PACIFIC PLAZA

"PROPERTY PACIFIC": Approximately 3.2 acres of land owned by CITY located in Dallas County, Texas, generally bounded by Harwood Street on the east side, Pacific Avenue on the south side, St. Paul Street on the west side and Bryan Street/One Dallas Center on the north side, including existing James W. Aston Park, a portion of Live Oak Street between Harwood Street and St. Paul Street and existing sidewalk areas, and being the same property generally depicted in "Exhibit D", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto.

"DEVELOPER": Collectively PROPERTY WEST OWNER, PROPERTY HARWOOD OWNER, CARPENTER PARK LLC, PACIFIC PLAZA LLC

"DEVELOPER ENTITIES": Collectively DEVELOPER and Parks for Downtown Dallas, a private operating foundation.

**WHEREAS**, the City Charter provides for the Park and Recreation Board to grant contracts and agreements within park facilities with such terms and conditions as it shall deem proper; and

**WHEREAS**, CITY, by and through the City of Dallas Park and Recreation Department, and DEVELOPER ENTITIES desire to enter into a comprehensive development and funding agreement for the design and construction of West End Plaza, Pacific Plaza, Harwood Park, and Carpenter Park (the agreement hereinafter the "Downtown Parks Agreement"); and

**WHEREAS**, the parties agree that PROPERTY WEST, PROPERTY HARWOOD, PROPERTY CARPENTER, and PROPERTY PACIFIC are necessary for the completion of PROJECT 1, PROJECT 2, PROJECT 3, and PROJECT 4, respectively; and

**WHEREAS**, CITY, as owner, will contribute PROPERTY CARPENTER, and PROPERTY PACIFIC for PROJECT 3 and PROJECT 4, respectively; and



May 23, 2018

**WHEREAS**, CITY and DEVELOPER ENTITIES agree to consummate the necessary sale transaction to transfer title to PROPERTY WEST and PROPERTY HARWOOD from PROPERTY WEST OWNER and PROPERTY HARWOOD OWNER respectively, to CITY for PROJECT 1 and PROJECT 2, for the PROPERTY WEST PURCHASE AMOUNT and the PROPERTY HARWOOD PURCHASE AMOUNT, respectively; and

**WHEREAS**, the parties agree the proceeds of the sales are necessary for the completion of PROJECT 1, PROJECT 2, and PROJECT 3, and DEVELOPER ENTITIES will contribute said proceeds to said projects costs; the Downtown Parks Agreement shall provide that the sale proceeds shall be contributed toward PROJECT 1, PROJECT 2, and PROJECT 3 costs; and

**WHEREAS**, to the extent there are existing tenant leases on PROPERTY WEST AND PROPERTY HARWOOD, the parties agree said leases will be assigned to and assumed by CITY, and CITY shall contribute lease revenues toward PROJECT 1, PROJECT 2, and PROJECT 3 costs; and

**WHEREAS**, on March 22, 2017, the City Council authorized approval of the terms for a Development Agreement between the City and Pacific Plaza LLC and Parks for Downtown Dallas collectively the "Developer" and the City for the design and construction of a public park currently named Pacific Plaza; and approval of an Operating Endowment Agreement between the City and Developer and recommendation for approval of both the Development and Operating Endowment Agreements, as approved as to form by the City Attorney's Office by Resolution No. 17-0494; and

**WHEREAS**, the Pacific Agreements will remain in place between the parties and any references to Pacific Plaza in the Downtown Parks Agreement shall not create or expand obligations or rights of the parties outside of the Pacific Agreements; provided however, CITY desires to use any remaining portion of the CITY's Pacific Plaza environmental allocation for PROJECT 1, PROJECT 2, and PROJECT 3; and

**WHEREAS**, the expenditures by Developer for the artwork at Carpenter Park shall satisfy the percentage assessment for public art requirement in the Public Art Ordinance for both the private and 2017 Bond Program funding applicable to the parks subject of the Downtown Parks Agreement; and

**WHEREAS**, upon final acceptance of the completed park by the CITY, to the extent allowed by law the park and its use shall be deemed to be a dedicated park under applicable law.



May 23, 2018

**Now, Therefore,**

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

**SECTION 1.** That the President of the Park and Recreation Board and the City Manager, and/or the City Manager's designees, is hereby authorized to sign a development and funding agreement ("Downtown Parks Agreement") with Pacific Plaza LLC, Harwood Park LLC, West End Plaza Park LLC, Carpenter Park LLC and Parks for Downtown Dallas (collectively referred to as "DEVELOPER ENTITIES"), approved as to form by the City Attorney, for the design and construction of the proposed downtown parks, including Pacific Plaza, Harwood Park, West End Plaza and Carpenter Park. The Pacific Agreements will remain in place between the parties and be controlling as to Pacific Plaza development and any references to Pacific Plaza in the Downtown Parks Agreement shall not create or expand obligations or rights of the parties outside of the Pacific Agreements; provided however the Downtown Parks Agreement shall provide that CITY, through its Park and Recreation Department is authorized to use any remaining portion of the CITY's Pacific Plaza environmental allocation for PROJECT 1, PROJECT 2, and PROJECT 3.

**SECTION 2.** That the duration of the development and funding agreement shall commence on execution and terminate one year after completion of construction and issuance of final acceptance letter from CITY for the projects.

**SECTION 3.** That the USE of the PROPERTY WEST for PROJECT 1 is a public use.

**SECTION 4.** That the USE of the PROPERTY HARWOOD for PROJECT 2 is a public use.

**SECTION 5.** That public necessity requires that CITY acquire the PROPERTY INTEREST in the PROPERTY WEST and PROPERTY HARWOOD for PROJECT 1 and PROJECT 2, respectively.

**SECTION 6.** 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 WEST AND the PROPERTY HARWOOD, respectively, pursuant to the conveyancing instrument(s) 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, including the assignment to and assumption by CITY of existing tenant leases.



May 23, 2018

**SECTION 7.** That to the extent the PROPERTY WEST is being purchased wholly or partly with bond proceeds CITY has obtained independent appraisals of the PROPERTY WEST's market values.

**SECTION 8.** That to the extent the PROPERTY HARWOOD is being purchased wholly or partly with bond proceeds CITY will obtain independent appraisals of the PROPERTY HARWOOD's market values.

**SECTION 9.** That in the event the PROPERTY WEST acquisition closes, the Chief Financial Officer is hereby authorized and directed to draw a warrant in favor of the PROPERTY WEST OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PROPERTY WEST PURCHASE AMOUNT payable out of 2006 and 2017 Bond Funds from Encumbrance/Contract No. PKR-2018-00006291 as follows:

West End Plaza

Street and Transportation Improvements Fund Fund 2T22, Department PBW, Unit U757 Object 4230, Activity SSUD, Program PB06U757 Commodity 94615, Vendor 342843	\$2,831,100.00
Street and Transportation Improvements Fund Fund 3T22, Department PBW, Unit U757 Object 4230, Activity SSUD, Program PB06U757 Commodity 94615, Vendor 342843	\$1,169,188.87
Street and Transportation Improvements Fund Fund 4T22, Department PBW, Unit U757 Object 4230, Activity SSUD, Program PB06U757 Commodity 94615, Vendor 342843	\$ 426,399.74
Street and Transportation Improvements Fund Fund 8T22, Department PBW, Unit U757 Object 4230, Activity SSUD, Program PB06U757 Commodity 94615, Vendor 342843	\$ 2,933.94
2017 Bond Fund Fund 1V00, Department PKR, Unit VB03 Object 4230, Activity PKLA, Program PK17VB03 Commodity 94615, Vendor 342843	<u>\$4,170,377.45</u>
Total amount not to exceed	\$8,600,000.00



May 23, 2018

**SECTION 9.** (continued)

The PROPERTY WEST PURCHASE AMOUNT shall not exceed the PROPERTY WEST AUTHORIZED AMOUNT.

**SECTION 10.** That in the event the PROPERTY WEST acquisition closes, and active lease(s) are in effect, the City Manager, and/or the City Manager's designees, is hereby authorized and directed to assume or terminate the lease(s) under terms and conditions 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. All revenue generated from assumed lease(s), if any, shall be used for development costs for the proposed downtown parks.

**SECTION 11.** That in the event the PROPERTY WEST acquisition closes, the Chief Financial Officer is hereby authorized and directed to deposit funds in accordance with the terms and conditions of any assumed lease(s) as follows:

Capital Gifts, Donation and Development Fund  
Fund 0530, Department PKR, Unit W306  
Activity DWTN, Program PKWEPLZ  
Revenue Code 8471 or Revenue Code 744A

**SECTION 12.** That in the event the PROPERTY HARWOOD acquisition closes, the Chief Financial Officer is hereby authorized and directed to draw a warrant in favor of the PROPERTY HARWOOD OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PROPERTY HARWOOD PURCHASE AMOUNT, not to exceed \$11,787,216, payable out of 2017 Bond Funds from Fund 1V00, Department PKR, Unit VB03, Object 4230, Activity PKLA, Program PK17VB03, Commodity 94615, Encumbrance/Contract No. PKR-2018-00006291, Vendor 342843. The PROPERTY HARWOOD PURCHASE AMOUNT shall not exceed the PROPERTY HARWOOD AUTHORIZED AMOUNT.

**SECTION 13.** That in the event the PROPERTY HARWOOD acquisition closes, and active lease(s) are in effect, the City Manager, and/or the City Manager's designees, is hereby authorized and directed to assume or terminate the lease(s) under terms and conditions 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. All revenue generated from assumed lease(s), if any, shall be used for development costs for the proposed downtown parks.



May 23, 2018

**SECTION 14.** That in the event the PROPERTY HARWOOD acquisition closes, the Chief Financial Officer is hereby authorized and directed to deposit funds in accordance with the terms and conditions of any assumed lease(s) as follows:

Capital Gifts, Donation and Development Fund  
Fund 0530, Department PKR, Unit W307  
Activity DWTN, Program PKHRWDPK  
Revenue Code 8471 or Revenue Code 744A

**SECTION 15.** That CITY is to have possession and/or use, as applicable, of the PROPERTY WEST and PROPERTY HARWOOD, respectively, at closing; and in accordance with the Downtown Parks Agreement, Downtown Parks Developer will pay any title expenses and closing costs.

**SECTION 16.** That the funds expended by the Developer for artwork at Carpenter Park satisfy the percentage assessment for public art requirement in the Public Art Ordinance for both the private and 2017 Bond Program funding applicable to the parks subject of the Downtown Parks Agreement.

**SECTION 17.** That CITY, through its Park and Recreation Department, use any remaining portion of the CITY's Pacific Plaza environmental allocation for PROJECT 1, PROJECT 2, and PROJECT 3.

**SECTION 18.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:  
LARRY E. CASTO, City Attorney

BY:   
Assistant City Attorney




# Exhibit A

## Field Notes Describing Land To Be Acquired in Block 25/67, Lot 5A From LAZ/LA III Texas 1, LP

Being situated in the John Neely Bryan Survey, Abstract No. 149, Dallas County, Texas, and being all of Lot 5A, Block 65/27 (Official City of Dallas Block Numbers) of the Market Point I Addition, an addition to the City of Dallas recorded in Volume 85070, Page 2990 of the Deed Records of Dallas County, and being all of the property conveyed to LAZ/LA III Texas 1, LP, by deed dated April 8, 2008 and recorded in Instrument Number 20080124864 of the Official Public Records of Dallas County, Texas and containing approximately 34,000 Square Feet, or 0.781 Acres of land, according to the plat thereof.

This description is approved as to form.

  
\_\_\_\_\_  
Scott Holt, RPLS  
Survey Program Manager  
Office of the Chief City Surveyor  
Public Works Department

2/2/2012  
\_\_\_\_\_  
Date:



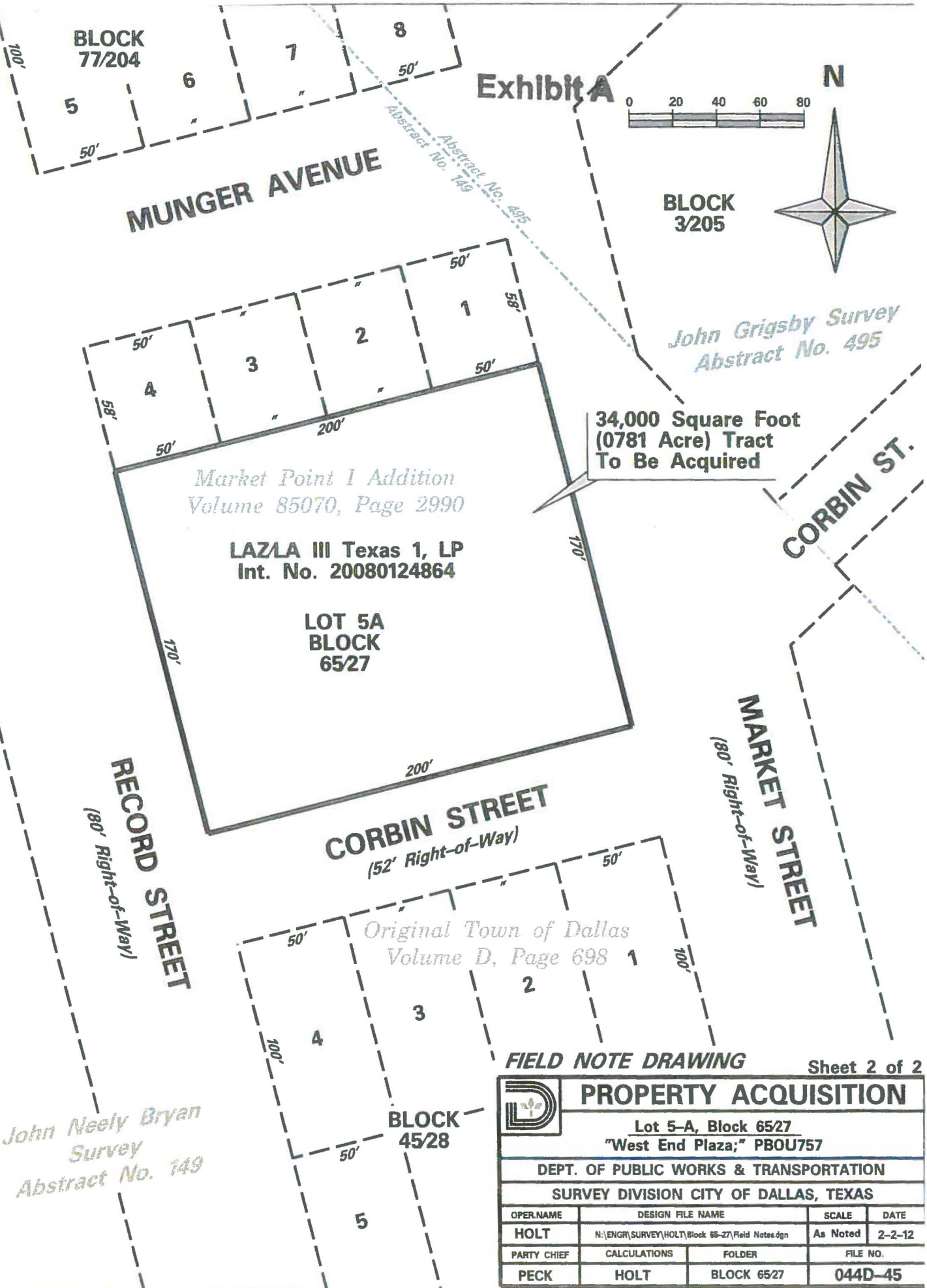


Exhibit A

BLOCK 3/205

John Grigsby Survey  
Abstract No. 495

34,000 Square Foot  
(0.781 Acre) Tract  
To Be Acquired

Market Point I Addition  
Volume 85070, Page 2990

LAZLA III Texas 1, LP  
Int. No. 20080124864

LOT 5A  
BLOCK  
65/27

CORBIN STREET  
(52' Right-of-Way)

RECORD STREET  
(80' Right-of-Way)

MARKET STREET  
(80' Right-of-Way)

Original Town of Dallas  
Volume D, Page 698

BLOCK 45/28

John Neely Bryan  
Survey  
Abstract No. 149

FIELD NOTE DRAWING

Sheet 2 of 2



PROPERTY ACQUISITION

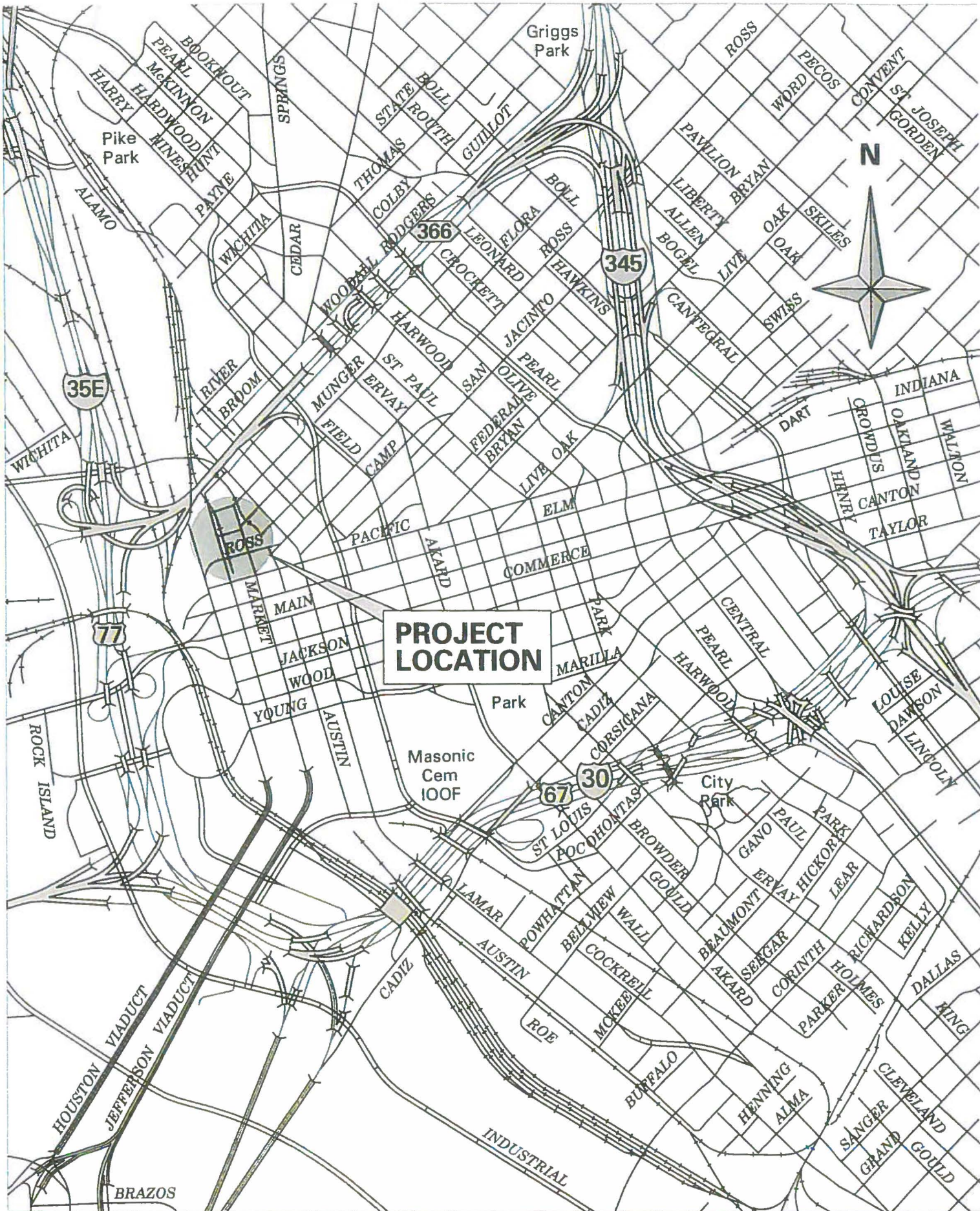
Lot 5-A, Block 65/27  
"West End Plaza;" PBOU757

DEPT. OF PUBLIC WORKS & TRANSPORTATION

SURVEY DIVISION CITY OF DALLAS, TEXAS

OPER. NAME	DESIGN FILE NAME	SCALE	DATE
HOLT	N:\ENGR\SURVEY\HOLT\Block 65-27\Field Notes.dgn	As Noted	2-2-12
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
PECK	HOLT	BLOCK 65/27	044D-45





## WEST END PLAZA - PBOU757



# EXHIBIT B

## CONCEPT HARWOOD PARK



NOT INCLUDED IN PARK

**HARWOOD PARK**  
Parks For Downtown Dallas

March 26, 2018



EXHIBIT C  
CARPENTER PARK













# EXHIBIT D





**STRATEGIC  
PRIORITY:**

Quality of Life

**AGENDA DATE:**

May 23, 2018

**COUNCIL DISTRICT(S):**

12

**DEPARTMENT:**

Park & Recreation Department

**CMO:**

Willis Winters, 670-4071

**MAPSCO:**

5 Y Z

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**SUBJECT**

Authorize **(1)** acquisition from SHOPCO DEV LLC, of a tract of land containing a total of approximately 65,716 square feet located at 6959 Arapaho Road for a proposed new park; and **(2)** a twenty-year development and maintenance agreement, with two five-year renewal options, with SHOPCO DEV LLC for the new park to be located at 6959 Arapaho Road - Not to exceed \$1,470,000 (\$1,450,000, plus closing costs and title expenses not to exceed \$20,000) - Financing: 2017 Bond Funds

**BACKGROUND**

In the 2017 Bond Program, Council District 12 included an allocation of \$6,500,000 in discretionary funds for land acquisition and development of a new park in northern Dallas. SHOPCO DEV LLC (SHOP) has approached the City to consider a site under their control within the existing Hillcrest Village Shopping Center for such park. The City's Park and Recreation Department staff find the site is suitable for a park purpose. The land proposed for the park will provide for development of open space that will serve the community, in addition to the workers and patrons of the shopping center.

SHOP intends on purchasing Hillcrest Village Shopping Center and is willing to sell a portion of the Shopping Center site to the City for the development of a park to serve Northern Dallas. This item authorizes the acquisition of a tract of land containing a total of approximately 65,716 square feet from SHOP for the proposed new park. The total consideration for this acquisition is \$1,470,000 based on an independent appraisal (\$1,450,000, plus closing costs and title expenses not to exceed \$20,000).



## **BACKGROUND** (continued)

SHOP acknowledges this acquisition is not intended to proceed under eminent domain. A portion of the land proposed for the park is currently encumbered with buildings which SHOP will be responsible to remove prior to closing on the land transfer to the City. The City funds for land acquisition will be placed in escrow and closing on the property shall be contingent on SHOP presenting copies of the demolition permit(s) for removal of the improvements and final inspection completion report(s) from the Building Official.

Due to the park's location within the Hillcrest Village Shopping Center, SHOP will provide City access and parking rights on the adjacent property to be owned by SHOP. SHOP shall be responsible for any relocation expenses related to the acquisition.

Staff recommends approval of this acquisition with the condition that this property is not officially dedicated as municipal parkland until such time the property is developed for its intended use.

It is proposed that SHOP and the City enter into a development and maintenance agreement which outlines the roles and responsibilities for the proposed park. Following are the proposed deal points:

### **General**

- The term of agreement is for 20 years, with two five-year renewal options and allows the City to terminate for convenience
- SHOP shall retain naming rights to the proposed park, after the park is developed and dedicated as park land, subject to the approval of the Park and Recreation Department Director

### **Development Phase: Design**

#### **City**

- Shall have the ability to review the schematic design plans and approve prior to proceeding to the next phase
- Shall fund and manage the design contract from Design Development phase through the end of construction
- Shall provide SHOP the plans for their review; however, the decisions on the final park design shall belong to the City



## **BACKGROUND** (continued)

### **Development Phase: Design** (continued)

#### **SHOP**

- Shall provide the schematic design of the park as a gift to the City and they will manage the schematic design process
- Shall take the lead in soliciting public input and to include the City in public input and design reviews
- Shall ensure that the schematic design fits within the available budget provided in the 2017 Bond Program
- Shall ensure that the schematic design takes into consideration maintenance, vandalism and operational issues
- Shall ensure that the schematic design takes into consideration the land as a City park, open to the public

### **Development Phase: Construction**

#### **City**

- Shall be responsible for funding, procuring and overseeing the construction of the park
- City's contractor will be responsible for the park site during construction

#### **SHOP**

- Access provided per legal documents
- Shall protect the tenants, their customers and property during construction of the park (fencing, etc.)

### **Operations/Maintenance Phase**

#### **City**

- Shall provide the standard maintenance for a neighborhood park, subject to appropriations. In general, standard maintenance includes
  - If the City books an event at the park, the City shall be responsible for any associated maintenance attributable to that event
- Shall coordinate events with SHOP, including parking needs, set-up and tear-down activities, etc.
- Shall be responsible for major maintenance, subject to appropriations



## **BACKGROUND** (continued)

### **Operations/Maintenance Phase** (continued)

#### **SHOP**

- Shall provide enhanced maintenance for the park as required due to the adjacent uses
  - Mowing, if more frequent than every 7 days
  - Trash/litter pick up if more frequent than the City of Dallas' standard
  - If SHOP desires major maintenance, they have the right, but not the responsibility for such maintenance (Examples: replacement of turf, maintenance of any structures, replacement of lighting, replacement of paving, etc.)
- SHOP has the right to make capital improvements to the park, subject to the approval of the Park and Recreation Department Director, and subject to terms regarding indemnification, insurance, any required payment and performance bonds, and adherence to all applicable codes and ordinances
- Shall not restrict access to the park from their property, unless there is an emergency requiring such restriction; SHOP will notify the City immediately in this event
- Shall allow use of the Hillcrest Village Shopping Center parking and driveways to park patrons
- If SHOP desires to book an event at the park, they will go through the normal reservation process, including acquiring any necessary permits for the associated activities
- Shall be responsible for any maintenance associated with the event
- Shall provide access and parking rights for the benefit of the park

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

On February 15, 2018, the Park and Recreation Board was briefed on the proposed new city park at Hillcrest Road and Arapaho Road.

On March 22, 2018, the Park and Recreation Board authorized the acquisition.

On May 3, 2018, the Park and Recreation Board authorized a twenty-year development and maintenance agreement, with two five-year renewal options, with SHOPCO DEV LLC.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on May 14, 2018.



## **FISCAL INFORMATION**

2017 Bond Funds - \$1,470,000 (\$1,450,000, plus closing costs and title expenses not to exceed \$20,000)

## **OWNER**

### **SHOPCO DEV LLC**

Pete Podesta, Managing Member

Rand Horowitz, Managing Member

David Sacher, Managing Member

Jay Ceitlin, Managing Member

John Doubleday, Managing Member

## **MAP**

Attached





Hillcrest Village Green Project  
Land Acquisition



May 23, 2018

**DEFINITIONS:** For the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas

"PROPERTY": Approximately 65,716 square feet 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": Hillcrest Village Green Project

"USE": To be developed for park purposes, 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. The property is not officially dedicated as municipal parkland and shall be dedicated as such time the property is developed for park purposes.

"PROPERTY INTEREST": Fee Simple Title subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the form 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 this transaction.

"OWNER": SHOPCO DEV LLC, a Texas limited liability company, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"PURCHASE AMOUNT": \$1,450,000

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$20,000

"AUTHORIZED AMOUNT": Not to exceed \$1,470,000

**WHEREAS**, the City Charter provides for the Park and Recreation Board to grant contracts and agreements within park facilities with such terms and conditions as it shall deem proper; and



May 23, 2018

**WHEREAS**, the CITY and SHOPCO DEV LLC (SHOP) desire to enter into a twenty-year development and maintenance agreement, with two five-year renewal options, for the new park to be located at 6959 Arapaho Road; and

**WHEREAS**, SHOP will purchase property, known as Hillcrest Village Shopping Center, located at 6959 Arapaho Road and the CITY desires to purchase approximately 65,716 square feet of land from SHOP for a proposed new park in an amount not to exceed \$1,450,000, plus \$20,000 in closing costs and title expenses for a total of \$1,470,000; and

**WHEREAS**, upon the final completion of the park by the CITY, the park and its use shall be deemed to be a dedicated park under applicable law.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to sign a twenty-year development and maintenance agreement, with two five-year renewal options, with SHOPCO DEV LLC, approved as to form by the City Attorney, for the new park to be located at 6959 Arapaho Road.

**SECTION 2.** That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a twenty-year development and maintenance agreement, with two five-year renewal options, with SHOPCO DEV LLC, approved as to form by the City Attorney.

**SECTION 3.** That the term of development and maintenance agreement is for twenty years, with two five-year renewal options and allows the City to terminate for convenience.

**SECTION 4.** That the USE of the PROPERTY for the PROJECT is a public use.

**SECTION 5.** 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 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.



May 23, 2018

**SECTION 6.** 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 7.** 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 2017 Bond Funds, Fund 1V00, Department PKR, Unit VK63, Activity 57863, Program PK17VK63, Object 4210 (\$1,450,000), Object 4230 (\$20,000) Encumbrance/Contract No. CX-PKR-2018-00005644. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**SECTION 8.** That CITY funds for land acquisition will be placed in escrow until closing and City is to have possession and/or use, as applicable, of the PROPERTY at closing, which shall be contingent on OWNER presenting copies of the demolition permit(s) for removal of the improvements on the Property in accordance with all local, state and federal rules, laws and ordinances and final inspection completion report(s) from the Building Official; OWNER shall be responsible for any relocation expenses related to the acquisition; and CITY will pay any title expenses and closing costs. All costs and expenses described in this section shall be paid from the previously described funds.

**SECTION 9.** That due to the PROPERTY's location within the Hillcrest Village Shopping Center OWNER will provide City access and parking rights on the adjacent property to be owned by OWNER pursuant to a recordable instrument approved as to form by the City Attorney.

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

APPROVED AS TO FORM:  
LARRY E. CASTO, City Attorney

BY:   
Assistant City Attorney



**65,716 SQUARE FOOT (1.5086 ACRE) TRACT OF LAND  
PART OF LOT 2B, BLOCK 16/8195  
UNITED HILLCREST ADDITION  
JOHN BECKNELL SURVEY, ABSTRACT NO. 53  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

**BEING A 65,716 SQUARE FOOT (1.5086 ACRE) TRACT OF LAND IN THE JOHN BECKNELL SURVEY, ABSTRACT NO. 53 AND BEING PART OF LOT 2B, BLOCK 16/8195 OF THE UNITED HILLCREST ADDITION, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2001162, PAGE 3216 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS AND BEING PART OF A TRACT OF LAND DESCRIBED IN DEED TO HILLCREST VILLAGE, AS RECORDED IN VOLUME 2004003, PAGE 9029 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**COMMENCING AT A 1/2" IRON ROD WITH RED CAP FOUND FOR CORNER IN THE NORTH RIGHT-OF-WAY LINE OF ARAPAHO ROAD (100' RIGHT-OF-WAY), SAID POINT BEING THE SOUTHEAST CORNER OF SAID LOT 2B, BLOCK 16/8195 OF THE UNITED HILLCREST ADDITION AND THE SOUTHWEST CORNER OF LOT 1, BLOCK 16/8195, PRESTONWOOD SKAGGS ADDITION, ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 76011, PAGE 0004 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS;**

**THENCE WEST AND FOLLOWING ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID ARAPAHO ROAD AND THE SOUTH LINE OF SAID LOT 2B, BLOCK 16/8195 OF THE UNITED HILLCREST ADDITION FOR A DISTANCE OF 330.81 FEET TO AN "X" SET IN CONCRETE FOR THE POINT OF BEGINNING FOR THIS DESCRIPTION;**

**THENCE WEST AND CONTINUING ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID ARAPAHO ROAD AND THE SOUTH LINE OF SAID LOT 2B, BLOCK 16/8195 OF THE UNITED HILLCREST ADDITION FOR A DISTANCE OF 156.78 FEET TO AN "X" SET IN CONCRETE FOR CORNER, SAID POINT BEING THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1350.00 FEET WITH A CENTRAL ANGLE OF 00° 59' 08" AND A CHORD BEARING NORTH 89° 34' 43" WEST AT A DISTANCE OF 23.22 FEET;**

**THENCE NORTHWESTERLY AND FOLLOWING ALONG SAID CURVE TO THE RIGHT AND ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID ARAPAHO ROAD AND THE SOUTH LINE OF SAID LOT 2B, BLOCK 16/8195 OF THE UNITED HILLCREST ADDITION FOR AN ARC DISTANCE OF 23.22 FEET TO AN "X" SET IN CONCRETE FOR CORNER;**

**THENCE NORTH AND DEPARTING THE NORTH RIGHT-OF-WAY LINE OF SAID ARAPAHO ROAD FOR A DISTANCE OF 364.93 FEET TO A POINT FOR CORNER;**

**THENCE EAST FOR A DISTANCE OF 180.00 FEET TO A POINT FOR CORNER;**

**THENCE SOUTH FOR A DISTANCE OF 365.10 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.5086 ACRES (65,716 S.F.) OF LAND, MORE OR LESS.**

**BASIS OF BEARING PER PLAT RECORDED UNDER VOL. 2001162, PG. 3216, D.R.D.C.T.**



BLUE SKY SURVEYING  
& MAPPING, CORPORATION  
11015 MIDWAY ROAD  
DALLAS, TEXAS 75229  
PHONE: (214) 358-4500  
FAX: (214) 358-4800  
DRPETREE@BLUESKYSURVEYING.COM  
TBPLS REGISTRATION No. 10105700

**1.5086 ACRE  
PT. LOT 2B, BLOCK 16/8195  
UNITED HILLCREST ADDITION  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

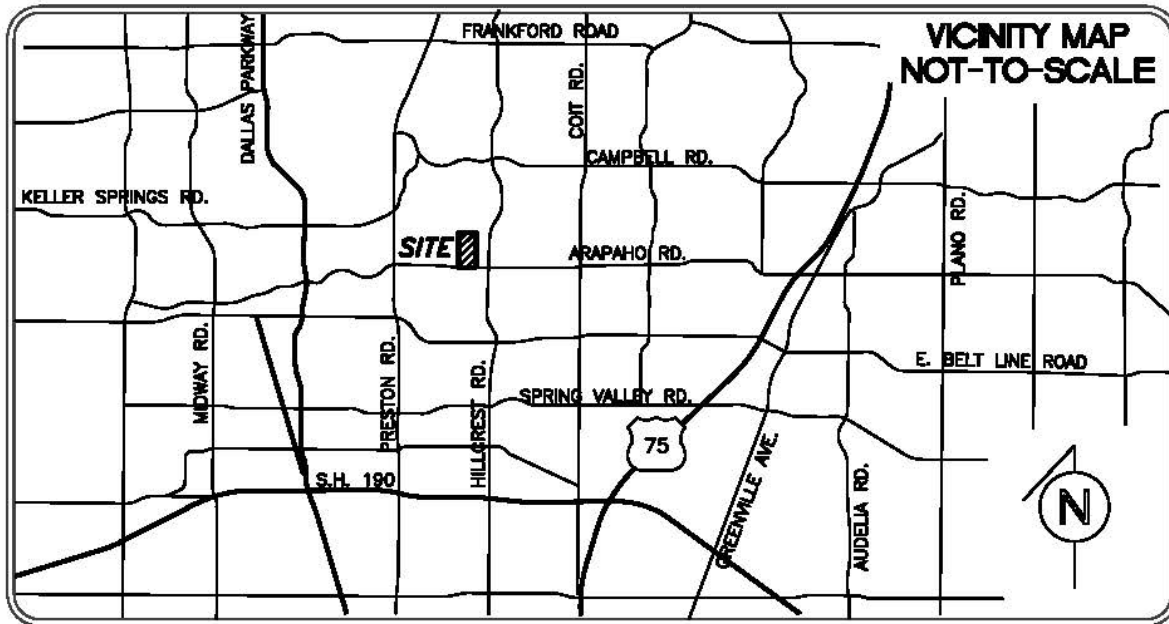
DATE: APRIL 09, 2018  
SCALE: 1"=100'

F:/Arapaho-Meadowcreek



**SHEET 2 OF 3**





**~ CURVE TABLE ~**

NO.	RADIUS	DELTA	ARC	CH. BEARING	CHORD
C1	1350.00'	00°59'08"	23.22'	N 89°34'43" W	23.22'



BLUE SKY SURVEYING  
& MAPPING, CORPORATION  
11015 MIDWAY ROAD  
DALLAS, TEXAS 75229  
PHONE: (214) 358-4500  
FAX: (214) 358-4800  
DRPETREE@BLUESKYSURVEYING.COM  
TBPLS REGISTRATION No. 10105700

**1.5086 ACRE**  
**PT. LOT 2B, BLOCK 16/8195**  
**UNITED HILLCREST ADDITION**  
**CITY OF DALLAS, DALLAS COUNTY, TEXAS**

DATE: APRIL 09, 2018  
SCALE: 1"=100'

F:/Arapaho-Meadowcreek



**STRATEGIC  
PRIORITY:**

Quality of Life

**AGENDA DATE:**

May 23, 2018

**COUNCIL DISTRICT(S):**

1, 10, 14

**DEPARTMENT:**

Park & Recreation Department

**CMO:**

Willis Winters, 670-4071

**MAPSCO:**

27K 36Q U 44Y 54B C

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**SUBJECT**

Authorize a professional services contract with Alliance Geotechnical Group for engineering inspection and testing services of three family aquatic centers at Kidd Springs Park located at 807 West Canty Street, Lake Highlands North Park located at 9400 Church Road, and Tietze Park located at 2700 Skillman Street – Not to exceed \$201,930 – Financing: Elgin B. Robertson Land Sale Funds

**BACKGROUND**

This will authorize a professional services contract with Alliance Geotechnical Group for construction materials testing services of the three family aquatic centers: Kidd Springs Park \$58,690, Lake Highlands North Park \$87,000, and Tietze Park \$56,240.

Alliance Geotechnical Group performed the geotechnical investigation for the aquatic projects and as such, it is recommended that Alliance Geotechnical Group perform inspection and testing services to ensure that the recommendations of the investigation meet quality control requirements.

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

On December 1, 2016, the Park and Recreation Board authorized proceeding with advertisement for construction procurement for six new family aquatic centers.

On January 24, 2018, City Council authorized a contract for construction of three family aquatic centers at Kidd Springs Park located at 807 West Canty Street, Lake Highlands North Park located at 9400 Church Road, and Tietze Park located at 2700 Skillman Street with The Fain Group, Inc. by Resolution No. 18-0211.

On May 3, 2018, Park and Recreation Board authorized a contract with Alliance Geotechnical Group for engineering inspection and testing services of three family aquatic centers.



## **FISCAL INFORMATION**

Elgin B. Robertson Land Sale Funds - \$201,930.00

<b><u>Council District</u></b>	<b><u>Amount</u></b>
1	\$ 58,690.00
10	\$ 87,000.00
14	<u>\$ 56,240.00</u>
Total	\$201,930.00

## **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:

<b><u>Contract Amount</u></b>	<b><u>Category</u></b>	<b><u>M/WBE Goal</u></b>	<b><u>M/WBE %</u></b>	<b><u>M/WBE \$</u></b>
\$201,930.00	Professional Services	36.30%	100.00%	\$201,930.00

- This contract exceeds the M/WBE goal of 36.30%

## **OWNER**

### **Alliance Geotechnical Group**

Robert P. Nance, President

## **MAPS**

Attached





Mapsco  
44 Y  
54 B, C

CD  
1

# Kidd Springs Park 807 West Canty Street





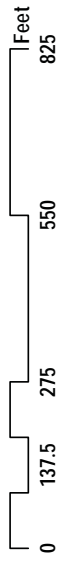
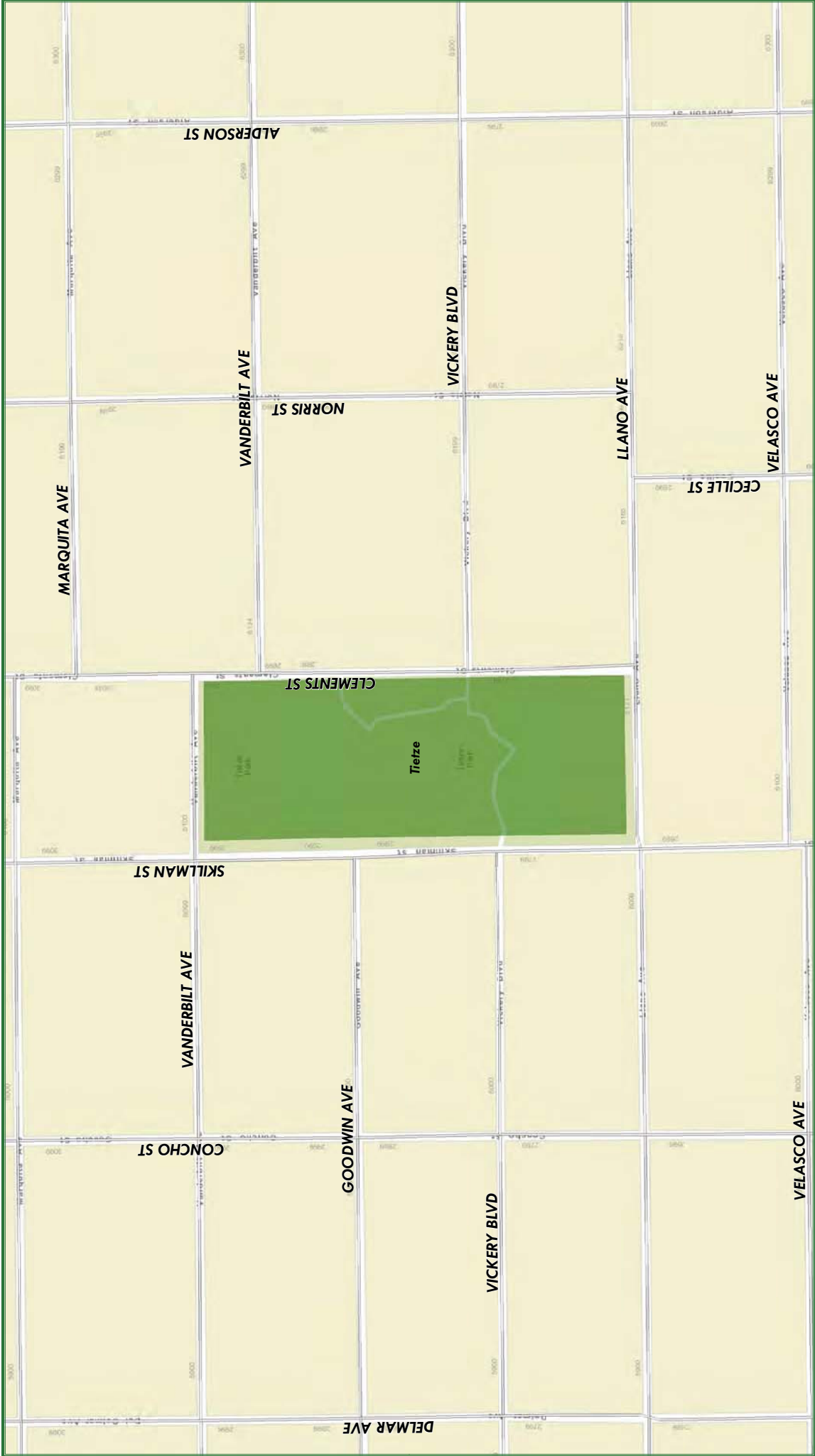
# Lake Highlands North Park

## 9344 Church Road

Mapscot  
27 K

CD  
10





# Tietze Park 2700 Skillman Street







May 23, 2018

**WHEREAS**, on January 24, 2018, City Council authorized a contract with The Fain Group, Inc. for construction of three family aquatic centers at Kidd Springs Park located at 807 West Canty Street, Lake Highlands North Park located at 9400 Church Road, and Tietze Park located at 2700 Skillman Street in an amount not to exceed \$14,776,735, by Resolution No. 18-0211.

**WHEREAS**, the Park and Recreation Department has determined the need for construction materials testing at the three construction sites for family aquatic centers; and

**WHEREAS**, engineering services are required to perform engineering inspection and materials testing services during construction; and

**WHEREAS**, it is necessary to hire a firm to provide engineering inspection and testing services of three family aquatic centers at Kidd Springs Park located at 807 West Canty Street, Lake Highlands North Park located at 9400 Church Road, and Tietze Park located at 2700 Skillman Street, and the firm Alliance Geotechnical Group has presented a proposal dated April 12, 2018 to provide these services for a fee not to exceed \$201,930.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to sign a professional services contract with Alliance Geotechnical Group, approved as to form by the City Attorney, for engineering inspection and testing services of three family aquatic centers at Kidd Springs Park located at 807 West Canty Street, Lake Highlands North Park located at 9400 Church Road, and Tietze Park located at 2700 Skillman Street, in an amount not to exceed \$201,930.

**SECTION 2.** That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a professional services contract with Alliance Geotechnical Group, approved as to form by the City Attorney.



May 23, 2018

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$201,930 to Alliance Geotechnical Group in accordance with the terms and conditions as follows:

Kidd Springs Park

Elgin B. Robertson Land Sale Fund  
Fund 0467, Department PKR, Unit W109  
Object 4113, Activity AQFC, Program PKP945.3  
Encumbrance/Contract No. PKR-2018-00006193  
Commodity 92500, Vendor 338366 \$ 58,690

Lake Highlands North Park

Elgin B. Robertson Land Sale Fund  
Fund 0467, Department PKR, Unit W109  
Object 4113, Activity AQFC, Program PKP945.4  
Encumbrance/Contract No. PKR-2018-00006193  
Commodity 92500, Vendor 338366 \$ 87,000

Tietze Park

Elgin B. Robertson Land Sale Fund  
Fund 0467, Department PKR, Unit W109  
Object 4113, Activity AQFC, Program PKP945.5  
Encumbrance/Contract No. PKR-2018-00006193  
Commodity 92500, Vendor 338366 \$ 56,240

Total amount not to exceed \$201,930

**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.



**STRATEGIC  
PRIORITY:**

Quality of Life

**AGENDA DATE:**

May 23, 2018

**COUNCIL DISTRICT(S):**

7

**DEPARTMENT:**

Park & Recreation Department

**CMO:**

Willis Winters, 670-4071

**MAPSCO:**

46 Q

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**SUBJECT**

Authorize ratification of a service contract with Janus Signs dba FastSigns SKILLMAN for an additional expenditure for the replacement of the Cotton Bowl Stadium logo sign at Fair Park located at 3809 Grand Avenue - Not to exceed \$37,563, from \$46,940 to \$84,503 - Financing: General Funds

**BACKGROUND**

This action will authorize a service contract with Janus Signs dba FastSigns SKILLMAN, for an additional expenditure for the replacement of the 18 feet by 84 feet Cotton Bowl Stadium logo sign on the main scoreboard. The sign covering, which is part of the face of the scoreboard, is approximately 12 stories high and protects the public-address system. The sign cover material failed requiring a repair completed in September 2017.

Due to previous work with Janus Signs dba FastSigns SKILLMAN, staff recently learned that the repair cost pushed the established amount with a single vendor beyond the \$50,000.00 limit in a twelve-month period. The repair services include labor and materials for the installation of stronger sign material for the replacement of the Cotton Bowl Stadium logo sign which requires the use of two cranes. Since the cranes were already mobilized and on site, staff decided to recover the sign using a heavier material. To bring the cranes back to the Cotton Bowl at a later time would require Park and Recreation Board and City Council approval and would increase the costs substantially more than \$37,562.64. In addition, the speakers would have been further exposed to the elements for a longer period of time, potentially causing additional damage.

The Cotton Bowl Stadium hosts many sporting events throughout the year, many of which are televised. Janus Signs dba FastSigns SKILLMAN has installed and replaced signs at Fair Park and other City facilities. Given their demonstrated ability on those projects, they were contacted to assist with the repair.



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

On April 19, 2018, the Park and Recreation Board authorized ratification of a service contract with Janus Signs dba FastSigns SKILLMAN.

The Quality of Life, Arts and Cultural Committee was briefed by memorandum regarding this matter on May 7, 2018.

### **FISCAL INFORMATION**

General Funds - \$37,562.64

### **OWNER**

**Janus Signs dba FastSigns SKILLMAN**

Sarosh Nayar, Chief Executive Officer



May 23, 2018

**WHEREAS**, on August 16, 2017, Administrative Action No. 17-6533 authorized a professional services contract with Janus Signs dba FastSigns SKILLMAN, in an amount not to exceed \$46,940.00; and

**WHEREAS**, the City of Dallas identified a service need to proceed with the repair of the 18 feet by 84 feet Cotton Bowl Stadium logo sign on the main scoreboard at Fair Park; and

**WHEREAS**, the repair services include labor and materials for the installation of stronger sign material for the replacement of the Cotton Bowl Stadium logo on the main scoreboard that is approximately 12 stories high and requires the use of two cranes; and

**WHEREAS**, Janus Signs dba FastSigns SKILLMAN has installed and replaced signs at Fair Park and other City facilities.

**Now, Therefore,**

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

**SECTION 1.** That the cost submitted by Janus Signs, dba FastSigns SKILLMAN in the amount of \$37,562.64 for performing the work be accepted.

**SECTION 2.** That the City Manager is hereby authorized to sign a ratified service contract with Janus Signs dba FastSigns SKILLMAN, approved as to form by the City Attorney, for an additional expenditure for the replacement of the Cotton Bowl Stadium logo sign at Fair Park located at 3809 Grand Avenue, in an amount not to exceed \$37,562.64, from \$46,940.00 to \$84,502.64.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$37,562.64 to Janus Signs dba FastSigns SKILLMAN from Fund 0001, Department PKR, Unit 5208, Object 3110, Vendor VS0000042373.

**SECTION 4.** That this contract is designated as Contract No. PKR-2018-00005643.

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







## **AGENDA ITEM # 34**

### **STRATEGIC PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

### **AGENDA DATE:**

May 23, 2018

### **COUNCIL DISTRICT(S):**

All

### **DEPARTMENT:**

Water Utilities Department

### **CMO:**

Majed Al-Ghafry, 670-3302

### **MAPSCO:**

N/A

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### **SUBJECT**

Authorize **(1)** a first amendment to the advanced funding agreement with Sulphur River Basin Authority, North Texas Municipal Water District, City of Irving, Upper Trinity Regional Water District, and Tarrant Regional Water District to extend the agreement term from May 28, 2018 to August 31, 2018; and **(2)** an increase in funding for the advanced funding agreement with Sulphur River Basin Authority, North Texas Municipal Water District, City of Irving, Upper Trinity Regional Water District, and Tarrant Regional Water District in the amount of \$135,660 - Not to exceed \$135,660, from \$1,800,000 to \$1,935,660 - Financing: Water Utilities Capital Construction Funds

### **BACKGROUND**

The Sulphur River Basin has been identified as an alternate water management strategy in the City's 2014 Long Range Water Supply Plan, as well as the 2016 Region C Water Plan and the 2017 State Water Plan to meet future needs of Dallas and other area water providers.

In 2013, the City Council authorized the Dallas Water Utilities Department to participate with the Sulphur River Basin Authority, North Texas Municipal Water District, Tarrant Regional Water District, Upper Trinity Regional Water District, and the City of Irving to determine the feasibility of obtaining water from the Sulphur River Basin. The purpose of the feasibility study is to evaluate multiple water supply alternatives within the Sulphur River Basin based on several criteria including potential yield, capital and life cycle costs, environmental and social effects, and arrive at the tentatively selected plan (TSP) milestone. Once the TSP milestone is achieved, decisions by the participating water providers will be made whether or not to proceed and if necessary, when to proceed. Dallas' original pro-rated cost share and planning cost for this work totaled an amount not to exceed of \$1,800,000.



## **BACKGROUND** (continued)

This item will authorize additional funding in the amount of \$135,660 necessary to cover Dallas' share of additional project costs that have exceeded 2013 estimates and are required to bring the Sulphur River Basin Study to the TSP milestone. Dallas' cost share percentage of 29.197% is defined in the "Advanced Funding Agreement for Water Resources Planning in the Sulphur River Basin" (Advanced Funding Agreement). This item also extends the term of the Advanced Funding Agreement from May 28, 2018 to August 31, 2018 to coincide with the Sulphur River Basin Authority's fiscal year.

The City benefits from this regional cooperation by leveraging its financial contributions with the other regional water providers to develop more detailed data and analysis of potential regional water supply options. It is important that Dallas continues to be a part of the regional process to determine the availability of water resources from the Sulphur River Basin, to determine the feasibility of developing water supplies in this basin to meet our future needs, and also to continue the opportunity to achieve significant cost savings through the joint development of a water supply project including pipelines, infrastructure and facilities with other area water providers.

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

On April 13, 2005, City Council authorized the Dallas Water Utilities in cooperation with the North Texas Municipal Water District, the City of Irving, the Tarrant Regional Water District and the Upper Trinity Regional Water District to participate in Phase I of the Sulphur River Basin Feasibility Study that included studying the availability of water from Wright Patman Lake through flood pool reallocation by Resolution No. 05-1222.

On November 2, 2011, City Council was briefed on Dallas' Long Range Water Supply Plan to determine the water needs of Dallas and its customers to the year 2070 and beyond by Resolution No. 11-2938.

On September 26, 2012, City Council authorized a professional services contract with HDR Engineering, Inc. to prepare the City's Long Range Water Supply Plan Study to the Year 2070 and beyond; authorized acceptance of a grant from the United States Bureau of Reclamation to evaluate additional reuse opportunities to the Dallas downtown and surrounding areas by Resolution No. 12-2383.

The Transportation and Environment Committee was briefed on the Long Range Water Supply Plan Progress on March 25, 2013.

On April 10, 2013, City Council authorized the Dallas Water Utilities Department to participate with other area water providers to determine the feasibility of obtaining water from the Sulphur River Basin by Resolution No. 13-0634.



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

On October 8, 2014, City Council authorized adoption of Recommended Strategies, Alternate Strategies and the Infrastructure Recommendations identified in the Dallas 2014 Long Range Water Supply Plan and authorized the City Manager to submit the adopted strategies and infrastructure recommendations to the Region C Planning Group in accordance with State law for the State's 2017 Water Plan by Resolution No. 14-1696.

Information about this item was provided to the Mobility Solutions, Infrastructure and Sustainability Committee on May 14, 2018.

**FISCAL INFORMATION**

Water Utilities Capital Construction Funds - \$135,660







May 23, 2018

**WHEREAS,** the City needs to obtain and connect additional water supply in order to meet the future needs of the citizens and customers of Dallas; and

**WHEREAS,** the Sulphur River Basin has been identified as an alternate water management strategy in Dallas' 2014 Long Range Water Supply Plan and the 2017 State Water Plan; and

**WHEREAS,** the water planning process costs are to be shared by all participants on a pro-rated basis; and

**WHEREAS,** the City Council previously authorized the City Manager to enter into any necessary agreements with the appropriate agencies in order to participate in Phase I of the Sulphur River Basin Feasibility, and to pay Dallas' share of costs that had been incurred as part of the Sulphur River Basin water planning process; and

**WHEREAS,** additional costs exceeding the 2013 estimates have occurred since entering the "Advanced Funding Agreement for Water Resources Planning in the Sulphur River Basin" and Dallas now needs to pay an additional amount of approximately \$135,660 to continue the water planning process in the Sulphur River Basin; and

**WHEREAS,** the "Advanced Funding Agreement for Water Resources Planning in the Sulphur River Basin" expires May 28, 2018 and needs to be extended to August 31, 2018.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to sign a first amendment to the advance funding agreement with the Sulphur River Basin Authority, North Texas Municipal Water District, City of Irving, Upper Trinity Regional Water District, and Tarrant Regional Water District, approved as to form by the City Attorney, to extend the term of the advance funding agreement from May 28, 2018 to August 31, 2018.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to increase funding for the advance funding agreement in an amount not to exceed \$135,660 from the Water Capital Construction Fund, Fund 0102, Department DWU, Unit CW01, Activity STMP, Object 3070, Program 7A1238X, Reporting W3CW, Encumbrance CTDWU1A1238EN, Vendor 513510.

**SECTION 3.** That this contract is designated as Contract No. DWU-2018-00006422.



May 23, 2018

**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.



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**CATEGORY:**

**DEPARTMENT:** City Secretary

**AGENDA DATE:** May 23, 2018

**COUNCIL DISTRICT(S):** N/A

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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 ITEM # 36****STRATEGIC  
PRIORITY:**

Government Performance and Financial Management

**AGENDA DATE:**

May 23, 2018

**COUNCIL DISTRICT(S):**

N/A

**DEPARTMENT:**

City Secretary

**CMO:**

Bilierae Johnson, 670-3738

**MAPSCO:**

N/A

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**SUBJECT**

Consideration of appointment to the Dallas Area Rapid Transit Board of Directors for Position 01 and Position 02 (Closed Session, if necessary, Personnel, Sec. 551.074, T.O.M.A.) (Names of nominees in the City Secretary's Office) - Financing: No cost consideration to the City

**BACKGROUND**

The Dallas Area Rapid Transit (DART) board was structured by the Texas Legislature in 1993. Membership is allocated among member cities according to population, with recalculations after every U.S. census. Members of the DART board serve staggered terms of two years with 8 of the positions' terms beginning July 1 of odd-numbered years and seven positions' terms beginning July 1 of even numbered years. The initial members of the DART board drew lots to determine the "even/odd" status of their board terms of office. As a result of the drawing, the terms of 6 of the 8 Dallas positions expire July 1 of odd-numbered years (including the Dallas "shared" position). The enabling legislation provides that a member city may not rule by order or ordinance to limit the number of terms a member of the DART board may serve.

On August 23, 2011, the DART Board approved a reallocation of the Board based on the 2010 Census data. As a result, the City of Dallas lost one direct appointment to the Board previously shared with the cities of Cockrell Hill, Glen Heights and Plano. The City of Dallas is now entitled to 7 full members and 1 shared member with the City of Cockrell Hill. This now provides for the terms of 2 members to expire in even-numbered years and 6 to expire on odd-numbered years.

This action will appoint two individuals for a full two-year term in 2018-2020. The City Secretary will assign position numbers following appointment.



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

On May 14, 2018, the Mobility Solutions, Infrastructure and Sustainability Committee interviewed nominees and selected two nominees as its recommendation to the City Council for appointment.



May 23, 2018

**WHEREAS**, the City Council, as of the 2011 reallocation, is responsible for appointing 7 full members and 1 shared member, with the City of Cockrell Hill, to the DART Board of Directors; and

**WHEREAS**, the members of the DART Board of Directors serve staggered two-year terms, commencing July 1, pursuant to Section 452.578 of the Texas Transportation Code; and

**WHEREAS**, Position 01 and Position 02 terms expire June 30, 2018.

**Now, Therefore,**

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

**SECTION 1.** That the following individuals are hereby appointed to the DART Board for terms to begin July 1, 2018 and expire June 30, 2020, and that the City Secretary, following appointment, shall assign the place number to these individuals:

POSITION 01	
POSITION 02	

**SECTION 2.** That, upon selection of individuals to serve on the DART Board, the City Secretary's Office shall assign these individuals to one of the available board positions: Positions 01 and 02.

**SECTION 3.** That the City Council may, by resolution, remove any DART Board of Directors appointed by this resolution at any time, with or without cause. That such DART Board of Directors may be removed only upon an affirmative vote of nine city council members and through adoption of another resolution.

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







**AGENDA ITEM # 37****STRATEGIC  
PRIORITY:**

Government Performance and Financial Management

**AGENDA DATE:**

May 23, 2018

**COUNCIL DISTRICT(S):**

N/A

**DEPARTMENT:**

City Secretary

**CMO:**

Bilierae Johnson, 670-3738

**MAPSCO:**

N/A

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**SUBJECT**

A resolution designating absences by Councilmember Kevin D. Felder as being for "Official City Business" - Financing: No cost consideration to the City

**BACKGROUND**

Chapter III, Section 4(e) of the Dallas City Charter provides in part, "If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city council member's compensation...for that year will be reduced proportionately by the percentage of meetings missed.... Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which compensation reduction is required... but will be counted as though the member had attended the meetings that are missed while so engaged in city business."

Section 4.11(b) of the City Council Rules of Procedure provides that an absence by a council member for (1) attending a meeting or conference of a professional organization of or association of municipalities or municipal officers, (2) testifying at a legislative hearing at the request of the mayor, the city council, the chair of the council's legislative affairs committee or the city manager, or (3) attending a meeting of a board, commission, or committee to which the council member has been appointed by the mayor or the city council, will automatically be deemed to be for "official city business at the direction of the city council" and will not be counted against a city council member for purposes of determining the council member's annual compensation.



**BACKGROUND** (continued)

Section 4.11(c) of the City Council Rules of Procedure provides that, in addition to those absences automatically considered to be on "official city business at the direction of the city council" under Section 4.11(b) above, the city council may by resolution designate whenever a council member's absence is for official city business and not counted as a missed meeting for purposes of determining the council member's annual compensation under Chapter III, Section 4 of the Dallas City Charter.

The proposed resolution authorizes and directs the city secretary to amend the minutes of city council meetings, without further city council action or approval, to reflect when the absences by designated council members have been deemed by the city council to be for "official city business."

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

This item has no prior action.

**FISCAL INFORMATION**

No cost consideration to the City.



# Memorandum

RECEIVED

2018 APR 16 AM 9:25

CITY SECRETARY  
DALLAS, TEXAS



CITY OF DALLAS

DATE April 16, 2018

TO Honorable Mayor and Members of the City Council

SUBJECT **Absent from Economic Development & Housing Committee**

Please be advised that I will be absent from the Economic Development & Housing Committee Meeting on Monday, April 16, 2018. I will be representing the City of Dallas at the 50<sup>th</sup> Anniversary of the Fair Housing Act. If you have any questions, please contact my office at 214-670-4689.

Sincerely,

Kevin D. Felder  
Council Member – District 7

c: T.C. Broadnax, City Manager  
Larry Casto, City Attorney  
Craig D. Kinton, City Auditor  
Billerae Johnson, City Secretary  
Daniel F. Solis, Administrative Judge  
Kimberly Bizar Tolbert, Chief of Staff to the City Manager  
Majed A. Al-Ghafry, Assistant City Manager  
Jo M. (Jody) Puckett, Assistant City Manager (Interim)

Jon Fortune, Assistant City Manager  
Joey Zapata, Assistant City Manager  
M. Elizabeth Reich, Chief Financial Officer  
Nadia Chandler Hardy, Chief of Community Services  
Raquel Favela, Chief of Economic Development & Neighborhood Services  
Theresa O'Donnell, Chief of Resilience  
Directors and Assistant Directors



May 23, 2018

**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 Kevin D. Felder participated in event(s) and/or meeting(s), as described in **Exhibit A** attached, which required him to miss all or part of one or more city council meeting(s) or committee meeting(s) on the date(s) noted.

**Now, Therefore,**

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



May 23, 2018

**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 Kevin D. Felder 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.

**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 Kevin D. Felder 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 Kevin D. Felder 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
Kevin D. Felder	4/16/2018	Economic Development and Housing Committee	Representing the City of Dallas at the 50th Anniversary of the Fair Housing Act	Absent



## AGENDA ITEM # 38

### STRATEGIC PRIORITY:

Mobility Solutions, Infrastructure, and Sustainability

### AGENDA DATE:

May 23, 2018

### COUNCIL DISTRICT(S):

2

### DEPARTMENT:

Department of Sustainable Development and Construction

### CMO:

Majed Al-Ghafry, 670-3302

### MAPSCO:

45 M

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### SUBJECT

Authorize an historic preservation tax exemption for Knights of Pythias/Union Bankers Bank located at 2557 Elm Street for a ten-year period on 100 percent of the land and structure value - Revenue Foregone: First year of tax revenue foregone is estimated at \$56,256 for the historic building and \$112,135 for the addition (Estimated revenue foregone over ten years is a total of \$644,917 for the historic building and \$1,285,479 for the addition, for an overall total of \$1,930,414)

### BACKGROUND

Article XI of the Dallas Development Code established the Historic Preservation Tax Incentive Program, which allows property owners to receive tax exemptions for restorations of historic properties. Dallas Development Code Section 11.201(e) requires that City Council review any exemption over \$50,000.

The Knights of Pythias building was constructed in 1915-1916 as the state headquarters of the Black Knights of Pythias, and it was a center for social services and activities for the organization. It was designed by William Sidney Pittman, the first African-American architect to practice in the City of Dallas. The Knights of Pythias site was designated a City of Dallas Landmark in 1989.

Westdale Properties and Epic Dallas intend to reposition the unused historic building as part of a larger boutique hotel project with restaurant uses. On March 8, 2018, the Landmark Commission approved minor window and door modifications and the construction of the seven-story addition and glass connector. The renovation work includes repairing and replacing key exterior components to include: paint removal from the historic exterior masonry facades, repointing of the exterior brick, repair of historic cast stone elements, and restoration of the window and door openings.



## **BACKGROUND** (continued)

All interior and exterior work, including the new additions, have been reviewed and approved by the Texas Historical Commission and the National Park Service, in compliance with national historic renovation guidelines as part of those federal tax credit and state programs. Although the entire project, including the new additions, have been reviewed by the National Park Service, only the historic component of the structure will be allowed to claim the Federal historic tax credits.

Westdale Properties and Epic Dallas initially inquired about Tax Increment Financing (TIF) funds in December 2015 for the hotel component of the Epic Deep Ellum Project. In December 2017, after the property owner decided not to pursue TIF funds, they amended their zoning application to expand the boundary of the historic district to include the hotel addition, and apply for the historic tax exemption for both the historic building and the addition. City Council approved the amendments to the preservation criteria and expanded boundary on April 11, 2018.

In lieu of the TIF funding, Westdale Properties and Epic Dallas has applied for a historic tax exemption in support of approximately \$6.8 million in investment. The building qualifies under the "Urban Historic District" exemption which allows for up to a 100 percent exemption of the City portion of the property taxes for up to a ten-year period. To qualify for this exemption, the cost of rehabilitation must exceed 75 percent of the pre-rehabilitation value of the structure.

The 2017 Dallas Central Appraisal District (DCAD) appraised value for the 2557 Elm Street account is \$1,328,840, with an improvement value of \$148,040 and land value of \$1,180,800. The applicant is therefore required to invest approximately \$111,030 into the property to qualify for the exemption. As of March 5, 2018, the applicant has spent \$407,974 on eligible items. The attached Certificate for Eligibility application details the work already completed on the structure.

Staff used the DCAD values of comparably renovated historic hotel properties near downtown and an inflation rate of 3 percent to estimate \$1,930,414 in revenue forgone over the next ten years if both the historic building and the new construction are approved for the historic preservation tax exemption program. Currently, the City is expected to collect \$12,028 in revenue for tax year 2018.

The Historic Preservation Tax Exemption allows the Landmark Commission to make a determination if a building is "contributing". Only "contributing" structures are eligible for the incentives. A contributing structure means a structure that retains its essential architectural integrity of design and whose architectural style is typical of or integral to a historic district (Sec. 51A-11.102(4) of Dallas Development Code). The Landmark Commission approved the historic tax exemption with the new seven-story hotel addition (over 100,000 square feet) because they believed the construction of the addition makes the restoration of the historic structure possible. The applicant believes that the intent of the tax exemption program is for the economic investment in a district and to encourage the rehabilitation of historic structures.



## **BACKGROUND** (continued)

The Applicant stated that the proposed addition is potentially contributing to the historic overlay for the Knights of Pythias site, and would not have an adverse effect on the property. The Landmark Commission was satisfied with the fact that any alterations to or demolition of the new addition or the historic structure would require their oversight.

Staff is concerned that identifying the new addition as “contributing” to take advantage of the historic tax exemption is contrary to the purpose of the Historic Preservation Tax Incentive Program and contrary to National Park Service guidance that provides that only buildings older than 50 years are eligible for ‘contributing’ status. The purpose of the program is to encourage economic development through the revitalization and preservation of historic properties.

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

On October 23, 1989, City Council established Historic Overlay District No. 46 (the Knights of Pythias Building) by Ordinance No. 20492.

In October 1993, City Council established the Historic Tax Incentive Program by Ordinance No. 21874, as amended.

On March 5, 2018, the Landmark Commission approved the certificate of eligibility for the Knights of Pythias/Union Bankers Building at 2557 Elm Street.

On April 11, 2018, City Council held a public hearing to receive comments regarding an application for and an ordinance granting an expansion of Historic Overlay No. 46, the Knights Pythias Building (2551 Elm Street), and approved amendments to the preservation criteria and boundary by Resolution No. 18-0562; Ordinance No. 30832.

On May 7, 2018, the Economic Development and Housing Committee reviewed the application and approved to forward for City Council review.

## **FISCAL INFORMATION**

Revenue Foregone: First year tax revenue foregone is estimated at \$56,256 for the historic building and \$112,135 for the addition. Over ten years, the estimate is a total of \$644,917 for the historic building and \$1,285,479 for the addition, for an overall total of \$1,930,414.

## **OWNER/DEVELOPER**

Epic Dallas Hotel, LP  
c/o Westdale Real Estate Investment & Management

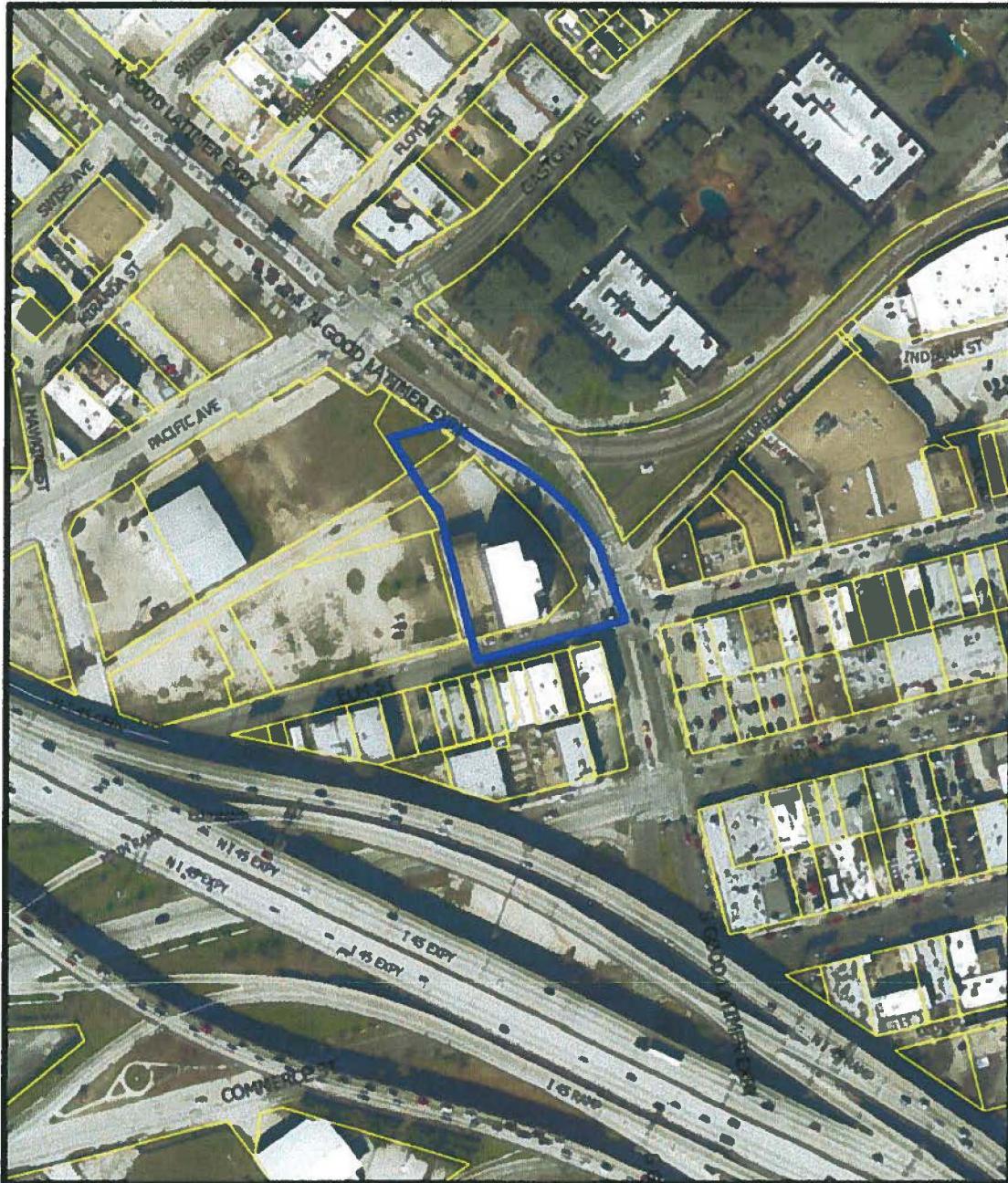


## **MAPS**

Attached



# Knights of Pythias/Union Bankers Vicinity Map



1:2,400

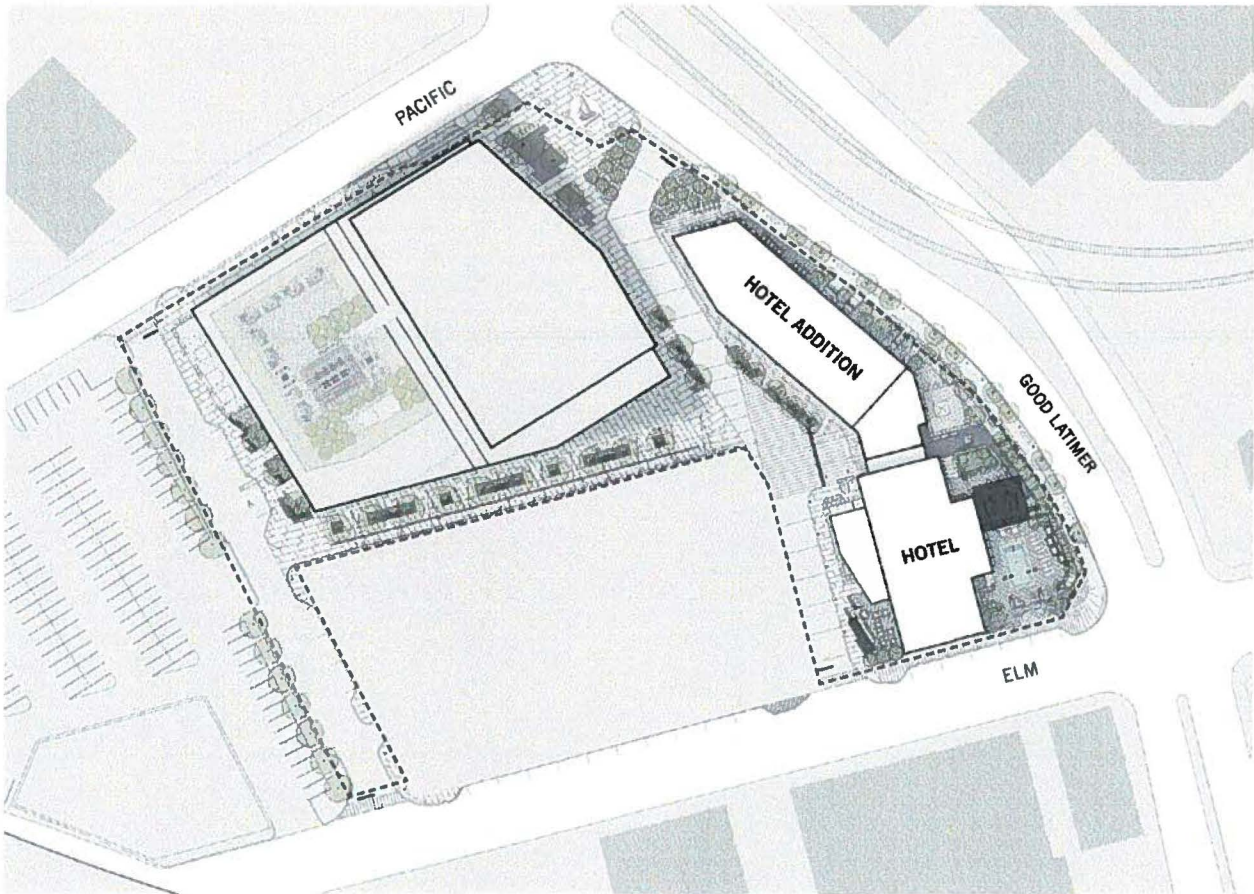
**AERIAL MAP**

**Historic Tax Exemption**

**Z557 Elm Street**



Knights of Pythias/Union Bankers Overall Project map







# Historic Preservation Tax Incentive Program

## Step 1 Application to the Landmark Commission

(Properties where part of the rehabilitation work has  
been previously completed)

**Address:** 2557 Elm Street & 2598 Pacific Avenue

**Applicant:** Epic Dallas Hotel, LP

**Contact info:** lhoffmann@winstead.com; tmann@winstead.com





# Historic Tax Exemption Application

## Step 1 – Application for a Certificate of Eligibility

### Property Information

Property Address: 2557 Elm Street & 2598 Pacific Avenue

Legal description: Lot \_\_\_\_\_ Block See attached Exhibit A

Provide a metes and bounds attachment if no lot and block can be determined.

Building name (if applicable): Knights of Pythias/Pittman Hotel

Historic district or pending historic district: Historic Overlay District No. 46 (Knights of Pythias Building)

Year the historic structure was built: 1916

Is this a contributing structure? Yes

### Owner Information

Please list all of the property owner(s): Epic Dallas Hotel, LP

Mailing address: c/o Dennis M. Trimarchi, Westdale Real Estate Investment & Management

City, state and zip code: 3100 Monticello Ave., Suite 100, Dallas, TX 75205

Phone number: 972-201-3455 Fax number: \_\_\_\_\_

Email: Dennis.Trimarchi@westdale.com

### Applicant Information (if different from the property owner)

Applicant name: Laura Hoffmann & Tommy Mann, Winstead PC (On Behalf of the Property Owner)

Mailing address: 2728 N. Harwood Street, Suite 500

City, state and zip code: Dallas, Texas 75201

Phone number: 214-745-5693; 214-745-5724 Fax number: 214-745-5390

Email: lhoffmann@winstead.com; tmann@winstead.com

### Rehabilitation Information

Estimated Rehabilitation Investment: \$6,896,084.00

Current Use: Vacant; Former Union Bankers Office Proposed Use: Hotel

For any exterior work, has a Certificate of Appropriateness (CA) been approved yet?  
Yes, Please see attached Exhibit B for CA approvals.

If not, when will the application for a CA be considered?  
The CA application for the remainder of the work is expected to be submitted in March or April 2018.

Projected Construction Time and Estimated Date of Completion:  
Expected to commence June 1, 2018 and be completed June 30, 2020.



**Lien Holder Information (if applicable)**Primary mortgage company: N/A

Contact person: \_\_\_\_\_

Correspondence address: \_\_\_\_\_

Secondary mortgage company: \_\_\_\_\_

Contact person: \_\_\_\_\_

Correspondence address: \_\_\_\_\_

Other lienholder: \_\_\_\_\_

Contact person: \_\_\_\_\_

Correspondence address: \_\_\_\_\_

**Financial Information**

The following information can be obtained from the Dallas Central Appraisal District website ([www.dallascad.org](http://www.dallascad.org) and click search for appraisals). The City of Dallas will use the tax values for the year prior to the application beings made.

The date this application is submitted to the city: 1/5/2018Improvement Value: \$148,040Land Value: \$1,393,200 (\$1,180,800 + 212,400)Has the Property Received Any Previous Tax Relief? If so, Please Explain: NoIs this in a TIF District? Yes, Deep Ellum TIF

\*\* Please attach a copy of the dallascad.org account information for the property to this application\*\*

**If Applying for an Urban Historic District Conversion Exemption**Total Building Square Footage: 136,000 (including the addition)Retail Square Footage: 5,163 square feetOffice Square Footage: N/AResidential Square Footage: N/ANumber of Jobs Created: 125 estimated



## Type of Exemption that is being applied for:

Category		Type	Required Expenditures (% of pre-rehab value of structure only)	Amount (portion of land and structure)	Duration	Renewable (façade expenditures only)
<b>Urban Historic Districts</b> Includes all properties located within the Urban historic district area shown on the last page of the Information packet	<input checked="" type="checkbox"/>	Based on Rehab	75%	100%	10 years	Yes
	<input type="checkbox"/>	Based on Rehab	50%	Added Value	10 years	Yes
	<input type="checkbox"/>	Residential / ground floor conversion	50% must be converted to residential and 65% of ground floor must be converted to retail	100%	5 years	No
** A Residential / Ground Floor Conversion exemption may be applied for in addition to an exemption Based on Rehab						

Category		Type	Required Expenditures	Amount	Duration	Renewable (façade expenditures only)
<b>Revitalizing Historic Districts</b> Includes properties located in: <ul style="list-style-type: none"> <li>• Junius Heights</li> <li>• Lakediff</li> <li>• Peak's Suburban</li> <li>• South Blvd. / Park Row</li> <li>• Winnetka Heights</li> </ul>	<input type="checkbox"/>	Based on Rehab	25%	100%	10 years	Yes

Category		Type	Required Expenditures	Amount	Duration	Renewable (façade expenditures only)
<b>Endangered Historic Districts</b> <ul style="list-style-type: none"> <li>• 10<sup>th</sup> Street</li> <li>• Wheatley Place</li> </ul>	<input type="checkbox"/>	Based on Rehab	25%	100%	10 years	Yes

Category		Type	Required Expenditures	Amount	Duration	Renewable (façade expenditures only)
<b>Citywide</b> Includes properties located in: <ul style="list-style-type: none"> <li>• Munger Place</li> <li>• State Thomas</li> <li>• Swiss Avenue</li> <li>• All properties not located within the Urban, Endangered or Revitalizing historic districts</li> </ul>	<input type="checkbox"/>	Based on Rehab	50%	Added Value	10 years	Yes
	<input type="checkbox"/>	Endangered Property (Landmark Commission must find that this property is endangered.)	25%	100%	10 years	Yes



<b>Eligible Costs</b>	<b><u>Total Eligible</u> <u>Costs</u></b>	<b><u>Eligible Costs</u> <u>Incurred</u></b>	<b><u>Eligible Costs</u> <u>Remaining</u></b>
Architectural & Engineering	\$ 318,318	\$ 57,970	\$ 260,348
Carpentry	\$ 76,923		\$ 76,923
Demolition	\$ 396,303		\$ 396,303
Demolition - Remediation	\$ 443,000	\$ 413,599	\$ 29,401
Electrical	\$ 280,911		\$ 280,911
Elevators	\$ 449,325		\$ 449,325
Exterior Doors	\$ 125,642		\$ 125,642
Exterior treatments			\$ -
Façade	\$ 1,586,992		\$ 1,586,992
Flooring			\$ -
Foundation	\$ 323,105		\$ 323,105
Gutter			\$ -
Heating & Cooling			\$ -
Interior (permanent)			\$ -
Mechanical			\$ -
Painting (ext & int)			\$ 223,687
Porch			\$ -
Plumbing			\$ -
Rehab contributing structure			\$ -
Roofting			\$ 343,586
Security & Fire Protection			\$ -
Sheetrocking	\$ 72,444		\$ 72,444
Siding			\$ -
Structural Walls			\$ -
Structural Ceilings	\$ 776,204		\$ 776,204
Termite			\$ -
Windows	\$ 1,421,644		\$ 1,421,644
Other Landmark Comm. Necessary items	\$ 58,000	\$ 35,071	\$ 22,929
<b>TOTAL Eligible Costs</b>	<b>\$ 6,896,084</b>	<b>\$ 506,640</b>	<b>\$ 6,389,445</b>

ELIGIBLE  
EXPENSES  
127,573  
280,401  
\$407,974

<b>Other Costs</b>	<b><u>Total Other Costs</u></b>	<b><u>Other Costs</u> <u>Incurred</u></b>	<b><u>Other Costs</u> <u>Remaining</u></b>
Land	\$ 5,576,208	\$ 5,488,537	\$ 87,671
Non-Eligible Hard Costs	\$ 40,630,673	\$ -	\$ 40,630,673
Non-Eligible Soft Costs	\$ 9,265,270	\$ 760,634	\$ 8,504,636
FFE, OSE, IT, POB	\$ 10,227,006	\$ -	\$ 10,227,006
Financing	\$ 1,978,750	\$ -	\$ 1,978,750
<b>TOTAL Other Costs</b>	<b>\$ 67,677,907</b>	<b>\$ 6,249,171</b>	<b>\$ 61,428,736</b>

<b>Total Project Costs</b>	<b>\$ 74,573,991</b>	<b>\$ 6,755,811</b>	<b>\$ 67,818,180</b>
----------------------------	----------------------	---------------------	----------------------



DATE:10/20/2017 CK#:148 TOTAL:\$63,786.50\*\* BANK:Epic Dallas Hotel, LP(ephotbk)  
PAYEE:DTEch Services (dteser00)

Property	Account	Invoice - Date	Description	Amount
ephot	9406	8166 - 08/28/2017	Asbestos/Lead Consulting, Abatem	63,786.50
				<hr/> 63,786.50



DTECH SERVICES INC

624 SIX FLAGS DRIVE SUITE #242  
 ARLINGTON, TX 76011  
 Tel : 817-695-6519  
 Fax :817-385-0965

# Invoice

Date	Invoice #
8/28/2017	8166

Bill To
Westdale Asset Management 3100 Monticello Ave., Suite 600 Dallas, TX 75205 Attn: Rees Bowen

Site Info
Union Bank Building 2551 Elm Street Dallas, Texas Project 101516-01

P.O. No.	Terms	Rep
	Due on receipt	JC

Quantity	Description	Rate	Amount
1	Asbestos and lead Consulting, Abatement, and Project Management	127,573.00	127,573.00
	Request for Partial Payment (50 % of work completed)	-63,786.50	-63,786.50
Work is currently 70% complete		<b>Total</b>	\$63,786.50

*Handwritten:* 9/19/17  
 SP1405 # 9406



DATE:10/26/2017 CK#:154 TOTAL:\$63,786.50\*\* BANK:Epic Dallas Hotel, LP(ephotbk)  
PAYEE:DTech Services(dteser00)

Property	Account	Invoice - Date	Description	Amount
ephot	9406	8187 - 09/26/2017	Asbestos/Lead Consulting, Abatem-	63,786.50
				<hr/> 63,786.50



**DTECH SERVICES INC**

624 SIX FLAGS DRIVE SUITE #242

ARLINGTON, TX 76011

Tel : 817-695-6519

Fax :817-385-0965

**Invoice**

Date	Invoice #
9/26/2017	8187

Bill To	Site Info
Westdale Asset Management 3100 Monticello Ave., Suite 600 Dallas, TX 75205 Attn: Rees Bowen	Union Bank Building 2551 Elm Street Dallas, Texas Project 101516-01

P.O. No.	Terms	Rep
	Due on receipt	JC

Quantity	Description	Rate	Amount
	Asbestos and Lead Consulting, Abatement and project Management 50% Previously Invoiced. Invoice Number 8166	127,573.00 -63,786.50	127,573.00 -63,786.50
		<b>Total</b>	<b>\$63,786.50</b>

EPH  
#9406



DATE:12/07/2017 CK#:163 TOTAL:\$280,401.00\* BANK:Epic Dallas Hotel, LP(ephotbk)  
PAYEE:Mid-Continental Restoration Co., Inc.(midres00)

Property	Account	Invoice - Date	Description	Amount
ephot	9717	52459-01 - 11/27/2017	Paint stripping of exterior maso	280,401.00
				<hr/> 280,401.00



PH # 620-223-3700  
FAX # 620-223-9185



REMIT TO THE FOLLOWING  
ADDRESS

401 E HUDSON STREET  
FORT SCOTT KS 66701

## INVOICE

Attn: Rees Bowen  
Westdale Real Estate Development & Investments  
3100 Monticello Ave  
Dallas, TX 75205

INVOICE DATE 11/27/2017  
INVOICE # 52459-01  
JOB # 54-17-52459

Emailed to: rees.bowen@westdale.com

	CHARGES	TAXES	BALANCE
Paint Stripping of Exterior Masonry • Union Bankers Building 2551 Elm St Dallas, TX 75226			
Work completed per attached schedule of values: •			
Labor & general conditions	\$ 260,916.00		\$ 260,916.00
Materials	\$ 18,000.00	\$ 1,485.00	\$ 19,485.00
AMOUNT DUE UPON RECEIPT			\$ 280,401.00 ✓

PLEASE RETURN 1 COPY OF THIS INVOICE WITH YOUR REMITTANCE

THANK YOU

IF PAYMENT IS NOT RECEIVED IN A TIMELY MANNER, INTEREST SHALL  
ACCUE AT THE RATE OF 1.5% PER MONTH FROM DATE OF COMPLETION.

BB

11/27/17

Oklahoma City, OK    Parkston, SD    Fort Worth, TX

401 E. Hudson Street    Fort Scott, KS 66701    (620) 223-3700    Fax (620) 223-5052  
www.midcontinental.com



## Statement of Understanding

THE STATE OF Texas §  
§  
COUNTY OF Dallas §

I certify that the information in this application for a tax exemption, including all supporting documentation, is complete and correct.

I authorize members of the Landmark Commission and city officials to visit and inspect the property as necessary to certify eligibility and verification for a tax exemption.

I acknowledge that I have read and understand the program regulations, and that I will not receive an exemption until all program requirements have been met and a letter of verification obtained.

I understand that all rehabilitation work must be completed by the time specified by the Landmark Commission (or within 3 years after the date of the Landmark Commission's determination of eligibility if a completion date was not specified). If the deadline for completion is subsequently extended by the Landmark Commission all rehabilitation work must be completed by the extended time specified. I understand that penalties may apply if I do not complete the work.

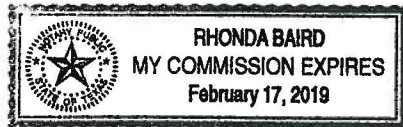
I understand that I must make an annual application to Dallas Central Appraisal District each year in order to receive the exemption for that year, and that if I do not make the application in time, I will lose the ability to receive a tax exemption for that year.

Owner's Name: Epic Dallas Hotel, LP, a Texas limited partnership

Owner's Signature: \_\_\_\_\_

This instrument was acknowledged before me on JANUARY 3, 2018

by (print name of owner) Joseph G. Beard



Notary Stamp Here ..... Notary Signature

RHONDA BAIRD





Home | Find Property  
| Contact Us

## Commercial Account #00000106189200400

Location Owner Legal Desc Value Improvements Land Exemptions Estimated Taxes Building Footprint History

### Location (Current 2018)

Address: 2557 ELM ST  
Market Area: 0  
Mapsco: 45-M (DALLAS)

### DCAD Property Map

[View Photo](#)

### 2017 Appraisal Notice

[Electronic Documents \(ENS\)](#)



[Print Homestead Exemption Form](#)

### Owner (Current 2018)

EPIC DALLAS HOTEL LP  
3100 MONTICELLO AVE 600  
DALLAS, TEXAS 752053439

### Multi-Owner (Current 2018)

Owner Name	Ownership %
EPIC DALLAS HOTEL LP	100%

### Legal Desc (Current 2018)

- 1: GOODS
- 2: BLK 280 PT LTS 11-13
- 3: ACS 0.9035 CALC
- 4: INT201700027379 DD01012017 CO-DC
- 5: 0280 000 00104 1DA0280 000

Deed Transfer Date: 1/30/2017

### Value

2017 Certified Values	
Improvement:	\$148,040
Land:	+ \$1,180,800
Market Value:	= \$1,328,840
Tax Agent: ANDREWS K E & CO	
Revaluation Year:	2017
Previous Revaluation Year:	2016

### Improvements (Current 2018)

#	Desc: OFFICE BUILDING	Total Area: 43,929 sqft	Year Built: 1920
1	<b>Construction</b> Construction: B-REINFORCED CONCRETE FRAME Foundation (Area): CONCRETE BEAM (8,786 sqft )	<b>Depreciation</b> Physical: 80% Functional: + 0% External: + 0% Total: = 80%	<b>Appraisal Method</b> INCOME



	<b>Net Lease Area :</b> 60,249 sqft <b># Stories:</b> 5 <b># Units:</b> 1 <b>Basement (Area):</b> UNASSIGNED <b>Heat:</b> CENTRAL HEAT <b>A/C:</b> CENTRAL A/C	<b>Quality:</b> LOW COST <b>Condition:</b> POOR	
#	<b>Desc:</b> OFFICE BUILDING	<b>Total Area:</b> 16,320 sqft	<b>Year Built:</b> 1912
	<b>Construction</b>	<b>Depreciation</b>	<b>Appraisal Method</b>
	<b>Construction:</b> B-REINFORCED CONCRETE FRAME	<b>Physical:</b> 80%	INCOME
	<b>Foundation (Area):</b> CONCRETE SLAB (8,160 sqft )	<b>Functional:</b> + 0%	
		<b>External:</b> + 0%	
		<b>Total:</b> = 80%	
2	<b>Net Lease Area :</b> 0 sqft <b># Stories:</b> 2 <b># Units:</b> 1 <b>Basement (Area):</b> UNASSIGNED <b>Heat:</b> UNASSIGNED <b>A/C:</b> UNASSIGNED	<b>Quality:</b> LOW COST <b>Condition:</b> POOR	



**Land (2017 Certified Values)**

#	State Code	Zoning	Frontage (ft)	Depth (ft)	Area	Pricing Method	Unit Price	Market Adjustment	Adjusted Price	Ag Land
1	COMMERCIAL IMPROVEMENTS	CENTRAL AREA DISTRICT 1	0	0	39,360.0000 SQUARE FEET	STANDARD	\$30.00	0%	\$1,180,800	N

\* All Exemption information reflects 2017 Certified Values. \*

**Exemptions (2017 Certified Values)**

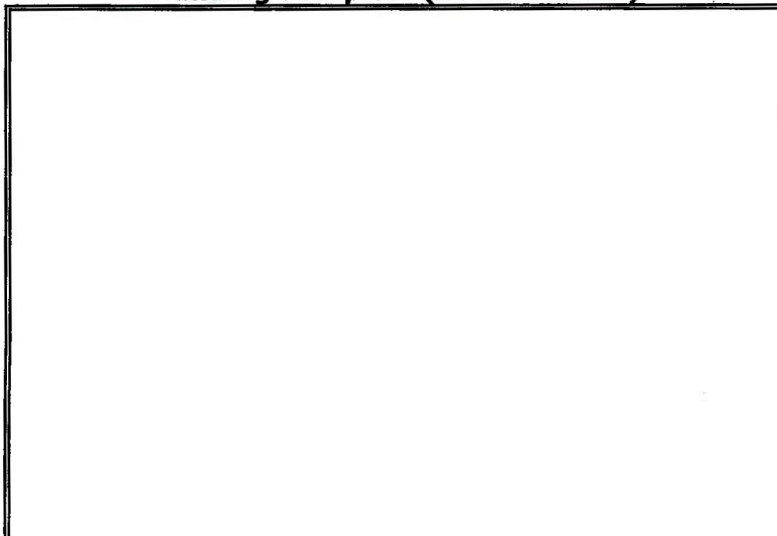
No Exemptions

**Estimated Taxes (2017 Certified Values)**

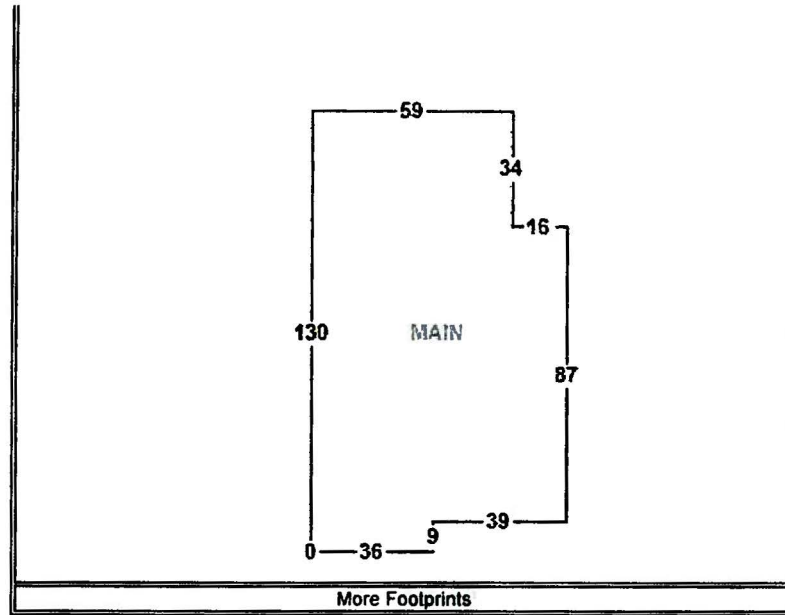
	City	School	County and School Equalization	College	Hospital	Special District
<b>Taxing Jurisdiction</b>	DALLAS	DALLAS ISD	DALLAS COUNTY	DALLAS CO COMMUNITY COLLEGE	PARKLAND HOSPITAL	UNASSIGNED
<b>Tax Rate per \$100</b>	\$0.7804	\$1.282085	\$0.2531	\$0.124238	\$0.2794	N/A
<b>Taxable Value</b>	\$1,328,840	\$1,328,840	\$1,328,840	\$1,328,840	\$1,328,840	\$0
<b>Estimated Taxes</b>	\$10,370.27	\$17,036.86	\$3,363.29	\$1,650.92	\$3,712.78	N/A
<b>Tax Ceiling</b>					N/A	N/A
<b>Total Estimated Taxes:</b>						<b>\$36,134.12</b>

**DO NOT PAY TAXES BASED ON THESE ESTIMATED TAXES.** You will receive an **official tax bill** from the appropriate agency when they are prepared. Please note that if there is an Over65 or Disabled Person **Tax Ceiling** displayed above, **it is NOT reflected** in the Total Estimated Taxes calculation provided. Taxes are collected by the agency sending you the **official tax bill**. To see a listing of agencies that collect taxes for your property. [Click Here](#)

The estimated taxes are provided as a courtesy and should not be relied upon in making financial or other decisions. The Dallas Central Appraisal District (DCAD) does not control the tax rate nor the amount of the taxes, as that is the responsibility of each Taxing Jurisdiction. Questions about your taxes should be directed to the appropriate taxing jurisdiction. We cannot assist you in these matters. These tax estimates are calculated by using the most current certified taxable value multiplied by the most current tax rate. **It does not take into account other special or unique tax scenarios, like a tax ceiling, etc..** If you wish to calculate taxes yourself, you may use the TaxEstimator to assist you.

**Building Footprint (Current 2018)**





**History**

**History**

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**APPROVED BY**

**AUG 16 2017**

**Sustainable Development & Construction  
Long Range Planning  
CERTIFICATE OF APPROPRIATENESS**

**KNIGHTS OF PYTHIAS BUILDING  
SOUTH FACADE  
PHOTO TAKEN 8/16/2017**




**APPROVED BY**

**AUG 16 2017**

**Sustainable Development & Construction  
Long Range Planning  
CERTIFICATE OF APPROPRIATENESS**

**KNIGHTS OF PYTHIAS BUILDING  
SOUTH AND EAST FACADES  
VIEW LOOKING NORTHWEST FROM ELM STREET  
PHOTO TAKEN 8/16/2017**





crane is present to set temporary  
support for masonry restoration  
and repair work

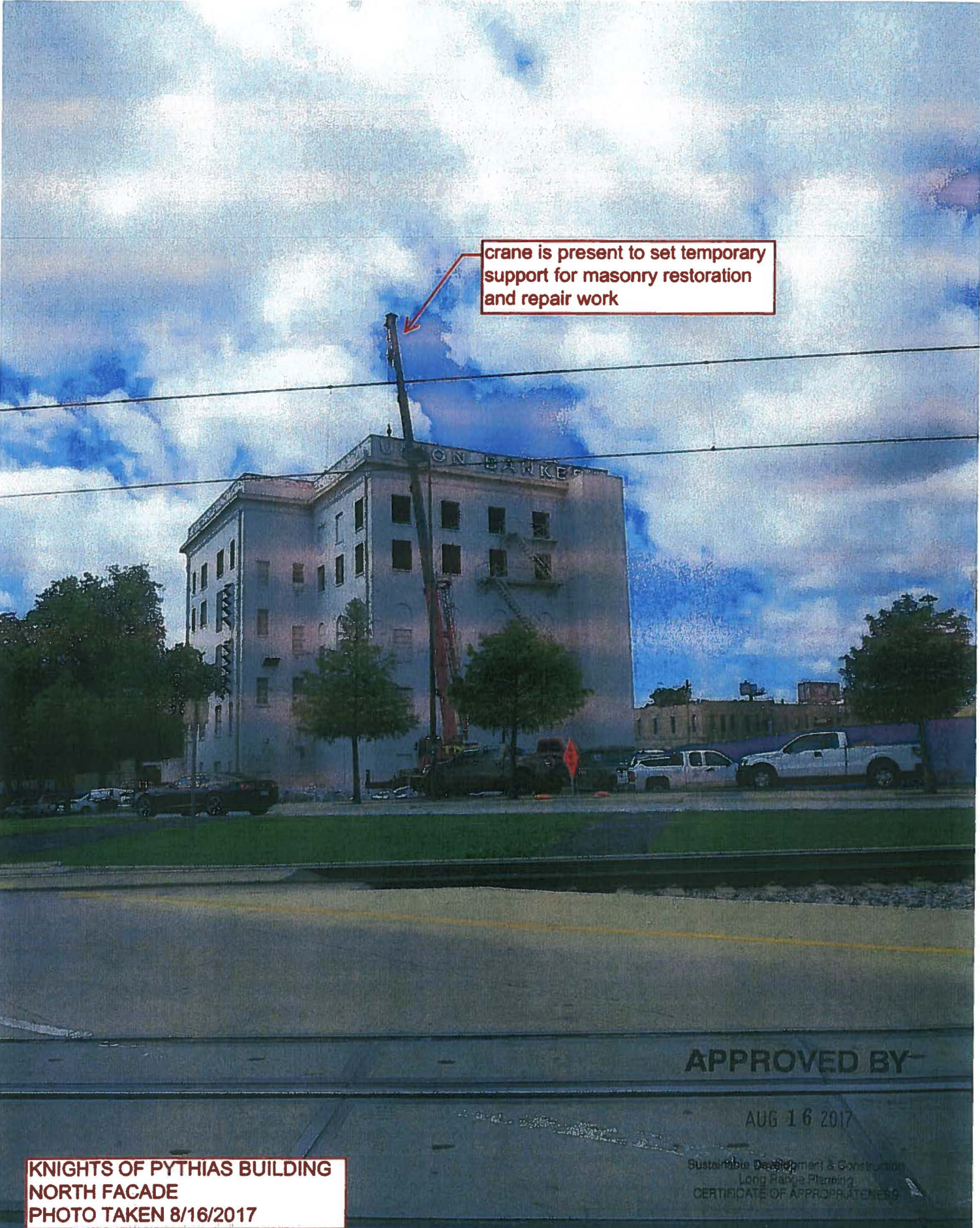
KNIGHTS OF PYTHIAS BUILDING  
EAST FACADE  
PHOTO TAKEN 8/16/2017

APPROVED BY

AUG 16 2017

Sustainable Development & Construction  
Long Range Planning  
CERTIFICATE OF APPROPRIATENESS





crane is present to set temporary support for masonry restoration and repair work

APPROVED BY

AUG 16 2017

KNIGHTS OF PYTHIAS BUILDING  
NORTH FACADE  
PHOTO TAKEN 8/16/2017

Sustainable Design & Construction  
Long Range Planning  
CERTIFICATE OF APPROPRIATENESS



**APPROVED BY**

**AUG 16 2017**

**Sustainable Development & Construction  
Long Range Planning  
CERTIFICATE OF APPROPRIATENESS**



existing historic wood  
windows to remain.

ELM STREET

**KNIGHTS OF PYTHIAS BUILDING  
WEST FACADE  
PHOTO TAKEN 8/16/2017**



# Certificate of Appropriateness (CA) City of Dallas Landmark Commission

CA 167-646 (LC)  
Office Use Only

Name of Applicant: Rees Bowen  
Mailing Address: 3100 Monticello, STE. 100  
City, State and Zip Code: Dallas, Texas 75205  
Daytime Phone: 214-515-7080 Fax: \_\_\_\_\_  
Relationship of Applicant to Owner: Director (Employee/Representative)

Building  
Inspection:  
Please see signed  
drawings before  
issuing permit:

Yes \_\_\_\_\_ No \_\_\_\_\_

Planner's Initials

PROPERTY ADDRESS: 2551 ELM STREET (KNIGHTS OF PYTHIAS BLDG)  
Historic District: DEEP ELLUM

## PROPOSED WORK: (REPAIR/MAINTENANCE/IMPROVEMENTS)

Please describe your proposed work simply and accurately. Attach extra sheets and supplemental material as requested in the submittal criteria checklist.

X 1. Paint removal and cleaning of existing exterior masonry as suggested within Dept. of Interior Rehabilitation Standards and Accepted Guidelines.

X 2. Repair, re-tuck and point masonry in deteriorated condition. Profiles to match existing mortor. Existing brick to be cleaned & re-used where removal is required.

RECEIVED BY

Signature of Applicant: [Signature] Date: 06/14/2017  
Rees Bowen, Westdale Properties JUN 20 2017

Signature of Owner: \_\_\_\_\_ Date: \_\_\_\_\_  
(IF NOT APPLICANT)

Current Planning

## APPLICATION DEADLINE:

Application material must be completed and submitted by the **FIRST THURSDAY OF EACH MONTH, 12:00 NOON**, (see official calendar for exceptions), before the Dallas Landmark Commission can consider the approval of any change affecting the exterior of any building. This form along with any supporting documentation must be filed with a Preservation Planner at City Hall, 1500 Marilla 5BN, Dallas, Texas, 75201. You may also fax this form to 214/670-4210. DO NOT FAX PAINT SAMPLES OR PHOTOGRAPHS.

Please use the enclosed criteria checklist as a guide to completing the application. Incomplete applications cannot be reviewed and will be returned to you for more information. You are encouraged to contact a Preservation Planner at 214/670-4538 to make sure your application is complete.

## OTHER:

In the event of a denial, you have the right to an appeal within 30 days after the Landmark Commission's decision. You are encouraged to attend the Landmark Commission hearing the first Monday of each month at 1:00 pm in Council Chambers of City Hall (see exceptions). Information regarding the history of past certificates of appropriateness for individual addresses is available for review in 5BN of City Hall.

Please review the enclosed Review and Action Form  
Memorandum to the Building Official, a Certificate of Appropriateness has been:

- ☒ **APPROVED.** Please release the building permit.  
☐ **APPROVED WITH CONDITIONS.** Please release the building permit in accordance with any conditions.  
☐ **DENIED.** Please do not release the building permit or allow work.  
☐ **DENIED WITHOUT PREJUDICE.** Please do not release the building permit or allow work.

Sustainable Construction and Development

6/23/17  
Date



May 23, 2018

**WHEREAS**, Article XI of the Dallas Development Code establishes historic preservation tax exemptions and economic development incentives for historic properties to encourage the revitalization and restoration of the city's historic structures; and

**WHEREAS**, Dallas Development Code Section 51A-11.201(e) requires that the City Council review and approve by resolution any portion of the application for a historic preservation tax exemption over \$50,000; and

**WHEREAS**, the property located at 2557 Elm Street, Dallas Central Appraisal District account number 00000106189200400, is a contributing structure that retains its essential architectural integrity of design and whose architectural style is typical of or integral to the Knights of Pythias building; and

**WHEREAS**, on April 11, 2018, City Council approved the expansion of the boundary of the historic district to include a hotel addition and amendments to the preservation criteria; and

**WHEREAS**, the Landmark Commission and City Council approve that the tax abatement extend to the hotel addition to encourage preservation of the contributing structure; and

**WHEREAS**, the property is eligible for a city tax exemption based upon rehabilitation of a historic property for a 10-year period on 100 percent of the structure and land value, which will total an estimated \$1,903,414; and

**WHEREAS**, on March 5, 2018, the Landmark Commission determined that the property is eligible for a city tax exemption; and

**WHEREAS**, the rehabilitation project must be completed within three years after the Landmark Commission made its determination of eligibility; and

**WHEREAS**, the property owner has complied with all of the requirements for the city tax exemption, including submitting proof that property taxes and any city fees, fines, or penalties are not delinquent on the properties; and

**WHEREAS**, the City Council finds that it is in the public interest to preserve this historic building.

**Now, Therefore,**

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



May 23, 2018

**SECTION 1.** That the application for a historic preservation tax exemption over \$50,000 is approved on 100 percent of the structure and land value of the historic property for a 10-year period for the city portion of the taxes.

**SECTION 2.** That the rehabilitation project must be completed by March 5, 2021.

**SECTION 3.** That to receive the tax exemption, the owner must submit a final application to the Director of the Department of Sustainable Development and Construction that complies with Dallas Development Code Section 51A-11.201 proving that the rehabilitation requirements have been met and must thereafter make annual application to the appraisal district for the duration of the tax exemption.

**SECTION 4.** That if any portion of the historic structure is totally or partially demolished or significantly altered by the willful act or negligence of the owner or his representative in violation of the historic district preservation criteria, this tax exemption will terminate and the owner shall immediately repay to the City of Dallas all city property taxes foregone.

**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.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

BY: \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_



## **AGENDA ITEM # 39**

### **STRATEGIC PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

### **AGENDA DATE:**

May 23, 2018

### **COUNCIL DISTRICT(S):**

2

### **DEPARTMENT:**

Department of Sustainable Development and Construction  
Department of Aviation

### **CMO:**

Majed Al-Ghafry, 670-3302  
Jody Puckett, 670-3390

### **MAPSCO:**

34N

---

### **SUBJECT**

Authorize the assumption of leasehold landlord interests in three commercial business leases and a billboard lease in conjunction with the proposed acquisition of approximately 43,965 square feet of land improved with three commercial businesses and a billboard located near the intersection of Harry Hines Boulevard and Empire Central Drive from McFarlin, LLC, for commercial and aviation related development by Dallas Love Field Airport (This item is a component of the property acquisition item deferred on January 10, 2018; no additional cost consideration in the acquisition price for the assumption of leases) - Estimated Revenue: \$81,781

### **BACKGROUND**

This item authorizes the assumption of leasehold landlord interests in three commercial business leases and a billboard lease in conjunction with the proposed acquisition of approximately 43,965 square feet of land improved with three commercial businesses and a billboard located near the intersection of Harry Hines Boulevard and Empire Central Drive from McFarlin, LLC, for commercial and aviation related development by Dallas Love Field Airport (the "Airport"). The City of Dallas will assume ownership of the landlord leasehold interest in the existing commercial tenant leases consisting of a billboard, liquor store, convenience store, and a used car lot. The assumption of the leases with expiration dates no later than December 2018 could produce an estimated gross rent totaling \$81,781. No tenant leases will be renewed. The consideration for the acquisition of the fee simple title to the Property is based on an independent appraisal, and the assumption of leases is at no additional cost. Eligibility for relocation assistance will be assessed according.



**BACKGROUND** (continued)

The property will support the Airport's existing customer remote parking lot located adjacent to the property as well as serve as long term employee parking for the Airport. This site, in conjunction with the adjacent City-controlled property, will also serve as a potential site for the development of a Consolidated Rental Car facility. This future development could bring economic opportunities to this area of the City.

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

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on May 14, 2018.

**FISCAL INFORMATION**

Estimated Revenue - \$81,781

**OWNER**

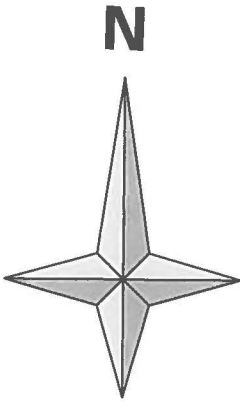
**McFarlin, LLC**

Erik Ward, Managing Member

**MAP**

Attached





**EMPIRE CENTRAL**

**PROPERTY TO  
BE ACQUIRED**

**Lot 1**

*WILLINGHAM  
ADDITION*

**Lot 2**

**BLOCK  
C/5760**

**BLOCK  
5760**

**HARRY HINES BOULEVARD**



May 23, 2018

**A RESOLUTION DETERMINING THE NECESSITY OF ACQUIRING LANDLORD INTEREST IN REAL PROPERTY LEASES CURRENTLY IN PLACE ON REAL PROPERTY THAT IS SOUGHT TO BE ACQUIRED FOR PUBLIC USE AND AUTHORIZING THEIR ASSUMPTION WITH THE REAL PROPERTY 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 43,965 square feet of land located near the intersection of Harry Hines Boulevard and Empire Central Drive, improved with three commercial businesses and a billboard located in Dallas County, and being the same property more particularly described in Exhibit "A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto. The assumption of four active leases with expiration dates in December 2018 could produce an estimated gross rent totaling \$81,781.

"PROJECT": Harry Hines Square Up for Dallas Love Field Airport Project

"USE": Additional parking and future commercial development to provide revenue for the City. The property currently is improved and has three commercial business leases and a billboard lease which will remain in place until leases expire in December, 2018. Provided, however, to the extent the landlord leasehold interests are assumed when the 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": Leasehold Landlord interests in three commercial business leases and a billboard lease, in conjunction with Fee Simple title acquisition of the Property to include all improvements, subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the conveyance instrument approved as to form by the City Attorney.

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

**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.



May 23, 2018

**SECTION 2.** That public necessity requires that CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

**SECTION 3.** That the City Manager, and/or the City Manager's designees, is hereby authorized and directed to consummate and accept the purchase, grant, and conveyance to CITY of the PROPERTY INTEREST in and to the PROPERTY pursuant to conveyance instruments 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 the Chief Financial Officer is hereby authorized to receive and deposit all proceeds from the assumption of leasehold landlord interest in conjunction with the acquisition in the Aviation Operating Fund, Fund 0130, Department AVI, Unit 7751, Revenue Code 7814.

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

**SECTION 8.** That this contract is designated as Contract No. CX-AVI-2018-00004261.

**SECTION 9.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:  
LARRY E. CASTO, City Attorney

BY:

  
Assistant City Attorney

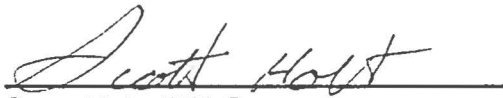


## Exhibit A

### Field Notes Describing Land To Be Acquired in Block C/5760

Being situated in the Miles Bennett Survey, Abstract No. 52, Dallas County, Texas, and being all of Lots 1 and 2, Block C/5760 (Official City of Dallas Block Numbers) of the Willingham Addition, an addition to the City of Dallas Recorded in Volume 84016, Page 4142 of the Deed Records of Dallas County, Texas and being all of the property conveyed to McFarlin, LLC, a Texas limited liability company by Deed dated November 2, 2015 and recorded in Instrument Number 201500293727 of the Official Public Records of Dallas County, Texas and containing 43,965 square feet, or 1.009 Acres of land, according to the map or plat thereof.

This description is approved as to form.



Scott Holt, RPLS  
Survey Program Manager

7/17/2017  
Date



## AGENDA ITEM # 40

### STRATEGIC PRIORITY:

Government Performance and Financial Management

### AGENDA DATE:

May 23, 2018

### COUNCIL DISTRICT(S):

N/A

### DEPARTMENT:

Office of Budget

### CMO:

Elizabeth Reich, 670-7804

### MAPSCO:

N/A

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### SUBJECT

Authorize **(1)** preliminary adoption of the FY 2018-19 HUD Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds in an estimated amount of \$31,021,054 for the following programs and estimated amounts: (a) Community Development Block Grant in the amount of \$14,810,163; (b) HOME Investment Partnerships Program in the amount of \$5,886,901; (c) Emergency Solutions Grant in the amount of \$1,203,874; (d) Housing Opportunities for Persons with AIDS in the amount of \$6,645,116; and (e) estimated Program Income in the amount of \$2,475,000; **(2)** preliminary adoption of the FY 2017-18 Reprogramming Budget in the amount of \$3,323,870; **(3)** an amendment to the five-year Consolidated Plan to extend the covered period by one year, from September 30, 2018 to September 30, 2019; and **(4)** a public hearing to be held on June 13, 2018 to receive comments on the proposed use of funds - Financing: No cost consideration to the City

### BACKGROUND

The City of Dallas receives four formula grants each year from the U. S. Department of Housing and Urban Development (HUD). The four grants make up the Consolidated Plan and consists of: Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), Emergency Solutions Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA). The purpose of CDBG is to develop viable urban communities by providing decent housing and a suitable living environment, and the expansion of economic opportunities. HOME funds provide, develop, support, produce, and expands the supply of decent and affordable housing. ESG funds help to prevent homelessness and assist individuals and families who are already homeless. HOPWA funds provide housing and supportive services to individuals with AIDS, persons who are HIV positive, and their family members.



## **BACKGROUND** (continued)

The Assessment of Fair Housing is a critical component of the five-year Consolidated Plan. The City serves as the lead entity for a regional consortium of entitlement jurisdictions and public housing authorities in North Texas collaborating to submit a regional Assessment of Fair Housing (AFH). The original deadline for submission of the regional assessment was January 4, 2018. According to HUD rules, the AFH was required to be submitted no less than 270 days before the new five-year Consolidated Plan. HUD created an assessment tool that local governments and any collaborating program participants must use to conduct and submit an Assessment. On July 20, 2017, HUD issued updated data for the maps and tables in the Affirmatively Furthering Fair Housing Data and Mapping Tool (AFFH-T). The City of Dallas needed additional time to incorporate HUD's updated AFFH-T into its analysis. In November 2017, the City of Dallas submitted a request to HUD for approval of a one-year extension to the five-year period covered by the City of Dallas' approved Consolidated Plan. The current Consolidated Plan covered the period of October 1, 2013 through September 30, 2018. HUD approved the City's request to extend the period covered by the Consolidated Plan to September 30, 2019. Following HUD's approval, an amendment to the five-year Consolidated Plan is required to extend covered period from September 30, 2018 to September 30, 2019.

In collaboration with the Fair Housing & Human Rights Office, the Community Development Commission (CDC) and City staff, conducted a total of sixteen public meetings. These meetings provided the public opportunities to participate in identifying community needs, comment on the potential uses of HUD Grant Funds, be notified of the one-year extension for the five-year Consolidated Plan and provide input into development of the AFH.

Public meetings were held as follows:

January 4, 2018 - Dallas City Hall  
January 9, 2018 - Martin Luther King, Jr. Community Center  
January 9, 2018 - Jaycee Zaragoza Recreation Center  
January 11, 2018 - Tommie M. Allen Recreation Center  
January 16, 2018 - Timberglenn Recreation Center  
January 18, 2018 - On-line Virtual Meeting  
January 23, 2018 - Highland Hills Branch Library  
January 23, 2018 - Continuum of Care (CoC)  
January 25, 2018 - Willie B. Johnson Recreation Center  
January 29, 2018 - West Dallas Multipurpose Center  
January 31, 2018 - Audelia Road Library  
February 6, 2018 - Juanita J. Craft Recreation Center  
February 8, 2018 - Highland Hills Branch Library  
February 13, 2018 - Renner Frankford Branch Library  
February 14, 2018 - Ryan White Planning Council  
February 20, 2018 - Pleasant Oaks Recreation Center



## **BACKGROUND** (continued)

The City Council is scheduled to conduct a straw vote on the Proposed FY 2018-19 HUD Consolidated Plan Budget and the Proposed FY 2017-18 Reprogramming Budget on June 6, 2018.

Federal regulations and the City's Citizen Participation Plan require a public hearing to receive comments. This budget will be made available for public review and comment from May 24, 2018 through June 26, 2018. A public hearing will be held on June 13, 2018. Final adoption is scheduled for June 27, 2018.

This action includes the City Council's preliminary adoption of the FY 2018-19 HUD Consolidated Plan Budget and the FY 2017-18 Reprogramming Budget, an amendment to the five-year Consolidated Plan, and authorization to hold the public hearing on June 13, 2018 before the City Council.

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

On October 2, 2017, the Economic Development and Housing Committee was briefed on the extended timeline needed to complete the Assessment of Fair Housing (AFH) due to revised housing and demographic data released from HUD. The Committee was also made aware of how the AFH delay would impact timeline for development of the next Five-Year Consolidated Plan.

On February 20, 2018, the Economic Development & Housing Committee and the Government Performance & Financial Management Committee were briefed on the release of unobligated funds from their originally budgeted purposes for future reprogramming in conjunction with the FY 2018-19 Consolidated Plan Budget.

On April 5, 2018, the CDC was briefed on the City Manager's Proposed FY 2018-19 HUD Consolidated Plan Budget and the CDC held meetings in April 2018 to review the proposed budget.

On May 3, 2018, the CDC concurred with the City Manager's proposed budget with one amendment. The CDBG housing activities category and the HOME grant were not included in the CDC's vote. The City Manager's proposed budget did not include funding recommendations for specific programs in the CDBG housing activities category and the HOME grant pending Council approval of the Housing Policy. The City Council approved the Housing Policy on May 9, 2018.

On May 14, 2018, the CDC held a special called meeting to review and vote on the City Manager's proposed budget recommendations for programs in the CDBG housing activities category and the HOME grant.



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

On May 21, 2018, the Economic Development & Housing Committee; the Human & Social Needs Committee; and the Government Performance & Financial Management Committee were briefed on the Proposed FY 2018-19 HUD Consolidated Plan Budget and the CDC's recommendation.

**FISCAL INFORMATION**

Proposed FY 2018-19 HUD Consolidated Plan Budget

CDBG:	\$14,810,163	2018-19 Entitlement
	\$ 1,250,000	Program Income (estimate includes one-time funds)
	<u>\$ 225,000</u>	Program Income - Retained by Sub-Recipient (estimate)
	\$16,285,163	

HOME:	\$ 5,886,901	2018-19 Entitlement
	<u>\$ 1,000,000</u>	Program Income (estimate)
	\$ 6,886,901	

ESG:	\$ 1,203,874	2018-19 Entitlement
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HOPWA:	<u>\$ 6,645,116</u>	2018-19 Entitlement
	\$31,021,054	Total FY 2018-19 HUD Consolidated Plan Budget

FY 2017-18 Reprogramming Budget:

\$ 3,323,870 Unobligated funds in FY 2016-17 and prior years



May 23, 2018

**WHEREAS**, HUD approved the City's request to extend the period covered by the current five-year Consolidated Plan from September 30, 2018 to September 30, 2019; and

**WHEREAS**, the Community Development Commission (CDC) and City staff conducted sixteen meetings during January and February 2018 that provided the public opportunities to participate in identifying needs and to comment on the potential uses of U. S. Department of Housing and Urban Development (HUD) Grant Funds; and

**WHEREAS**, on April 5, 2018, the CDC was briefed on the City Manager's Proposed FY 2018-19 HUD Consolidated Plan Budget, CDC Committees held meetings in April 2018 to review the proposed budget; and

**WHEREAS**, on May 3, 2018, the CDC concurred with the City Manager's proposed budget with one amendment. The CDBG housing activities category and the HOME grant were not included in the CDC's vote. The City Manager's proposed budget did not include funding recommendations for specific programs in the CDBG housing activities category and the HOME grant pending Council approval of the Housing Policy. The City Council approved the Housing Policy on May 9, 2018; and

**WHEREAS**, on May 14, 2018, the CDC held a special call meeting to review and vote on the City Manager's proposed budget recommendations for programs in the CDBG housing activities category and the HOME grant; and

**WHEREAS**, on May 21, 2018, the Economic Development & Housing Committee; the Human & Social Needs Committee; and the Government Performance & Financial Management Committee were briefed on the City Manager's Proposed FY 2018-19 HUD Consolidated Plan Budget, FY 2017-18 Reprogramming Budget, and the CDC's recommendations; and

**WHEREAS**, City Council is scheduled to conduct a straw vote on the Proposed FY 2018-19 HUD Consolidated Plan Budget and the Proposed FY 2017-18 Reprogramming Budget on June 6, 2018; and

**WHEREAS**, Federal regulations require that a public hearing be held on the City's Proposed FY 2018-19 HUD Consolidated Plan Budget, the Proposed FY 2017-18 Reprogramming Budget, and the amendment to the five-year Consolidated Plan; and

**WHEREAS**, the grant funds include: Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), Emergency Solutions Grant (ESG); and Housing Opportunities for Persons with AIDS (HOPWA); and



May 23, 2018

**WHEREAS**, a summary of the Proposed FY 2018-19 HUD Consolidated Plan Budget, the Proposed FY 2017-18 Reprogramming Budget, and the amendment to the five-year Consolidated Plan will be published in the Dallas Morning News on May 24, 2018 to provide an opportunity to submit written comments through June 26, 2018; and

**WHEREAS**, holding a public hearing on June 13, 2018 satisfies requirements set forth in the City's Citizen Participation Plan.

**Now, Therefore,**

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

**SECTION 1.** That preliminary adoption of the FY 2018-19 HUD Consolidated Plan Budget and the Proposed FY 2017-18 Reprogramming Budget be approved per Attachment A, and the amendment to the five-year Consolidated Plan be approved.

**SECTION 2.** That a public hearing be held on June 13, 2018 before the Dallas City Council to receive comments on the City's Proposed FY 2018-19 HUD Consolidated Plan Budget, the Proposed FY 2017-18 Reprogramming Budget, and the amendment to the five-year Consolidated Plan.

**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.



**FY 2018-19 CONSOLIDATED PLAN FOR  
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**Attachment A**

Project Name	FY 2017-18 Amended Budget	FY 2018-19 Proposed Budget
<b><u>SOURCE OF FUNDS</u></b>		
<b>Community Development Block Grant</b>		
<b>Entitlement (grant)</b>	13,373,031	14,810,163
Program Income - Housing Activities (includes one-time funds)	500,000	1,250,000
Program Income - Sub-Recipient Retained	165,000	225,000
Reprogramming *	0	3,323,870
	14,038,031	19,609,033
<b>Home Investment Partnership</b>		
<b>Entitlement (grant)</b>	4,123,371	5,886,901
Program Income - Housing Activities	1,500,000	1,000,000
	5,623,371	6,886,901
<b>Emergency Solutions Grant</b>		
<b>Entitlement (grant) **</b>	3,117,540	1,203,874
<b>Housing Opportunities for Persons with AIDS</b>		
<b>Entitlement (grant)</b>	6,470,345	6,645,116
<b>TOTAL SOURCE OF FUNDS</b>	29,249,287	34,344,924

\*\$1.4m CDBG Reprogramming Funds approved on April 12, 2017, and added in FY17 to expedite services rather than waiting until FY18.

\*\*FY 2018-19 amount does not include 1.9m one-time FY 2017-18 funding.

**USE OF FUNDS**

<b>Community Development Block Grant</b>		
Public Services (15% of CDBG maximum amount allowed)	2,065,115	2,258,979
Housing Activities	7,058,748	10,867,677
Economic Development Activities	165,000	225,000
Public Improvements	2,097,504	3,419,373
Fair Housing and Program Oversight (20% of CDBG max amount allowed)	2,651,664	2,838,005
	14,038,031	19,609,033
<b>HOME Investment Partnerships Program</b>		
HOME Programs	5,623,371	6,886,901
<b>Emergency Solutions Grant</b>		
ESG Programs	3,117,540	1,203,874
<b>Housing Opportunities for Persons with AIDS</b>		
HOPWA Programs	6,470,345	6,645,116
<b>TOTAL USE OF FUNDS</b>	29,249,287	34,344,924



**FY 2018-19 CONSOLIDATED PLAN FOR  
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

Attachment A

Project Name	FY 2017-18 Amended Budget	FY 2018-19 Proposed Budget
<b><u>COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)</u></b>		
<b><u>CDBG - Public Services</u></b>		
CD01 <b>After-School/Summer Program</b> - Provide after school and summer programs for low income youth Monday thru Friday through structured recreational, cultural, social and life skills activities. 24 CDBG funded sites. FY 2018-19: estimated 2,800 children to be served.	563,515	589,708
CD02 <b>Child Care Services Program</b> - Provide various programs for children and youth, including after school programs; daycare for special needs children, children who are homeless, and children with disabilities via contracts with non-profit agencies. Funds are also used to provide child care subsidies for low and moderate income working parents and teenage parents who are attending school and do not qualify for any other form of public assistance. FY 2018-19: estimated 350 children to be served.	488,826	488,826
<b>Youth Programs Sub-Total</b>	<b>1,052,341</b>	<b>1,078,534</b>
CD03 <b>Senior Services Program</b> - Enhance the quality of life for older adults by disseminating support services information and providing direct and emergency support services. FY 2018-19: estimated 4,733 individuals to be served.	247,349	273,962
<b>Senior Services Sub-Total</b>	<b>247,349</b>	<b>273,962</b>
CD04 <b>Community Court Program</b> - Through the community court, offenses to persons and code violations of property are swiftly adjudicated and restitution made by defendants who plead guilty or no contest. FY 2018-19: estimated 2,300 clients to be served.	<b>765,425</b>	<b>713,126</b>
<ul style="list-style-type: none"> <li>• South Dallas / Fair Park Community Court</li> <li>• South Oak Cliff Community Court</li> <li>• West Dallas Community Court</li> </ul>	318,738 228,370 218,317	247,413 243,857 221,856
<b>Other Public Services (Non-Youth) Sub-Total</b>	<b>765,425</b>	<b>713,126</b>
CD05 <b>Contract(s) with nonprofit agencies</b> - Services to address human and social needs. (Request for competitive sealed proposals)	<b>0</b>	<b>193,357</b>
<b>Total CDBG - Public Services</b>	<b>2,065,115</b>	<b>2,258,979</b>
CDBG - Public Services 15% Cap	2,065,115	2,258,979
Under/(Over) Cap	0	0
CDBG - Public Services Cap Percentage	15.0%	15.0%
<b><u>CDBG - Housing Activities</u></b>		
CD06 <b>Dallas Homebuyer Assistance Program</b> - Provide no interest, deferred payment loans for down-payment, principal reduction and closing cost assistance. FY 2018-19: estimated 47 households to be served at an avg cost of \$75K.	859,663	2,500,000
<b>Homeownership Opportunities Sub-Total</b>	<b>859,663</b>	<b>2,500,000</b>



**FY 2018-19 CONSOLIDATED PLAN FOR  
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**Attachment A**

Project Name	FY 2017-18 Amended Budget	FY 2018-19 Proposed Budget
CD07 <b>Home Improvement and Preservation/SF Program (HIPP)</b> - Provide an all-inclusive repair and rehabilitation for single-family, owner-occupied housing units. FY 2018-19: estimated 109 households to be served at an avg cost of \$75k.	4,427,741	4,617,433
CD08 <b>Home Improvement and Preservation/MF Program (HIPP)</b> - Provide an all-inclusive repair and rehabilitation for Landlord/rental single-family housing units (1- 4 units). Landlord must have income eligible tenants. FY 2018-19: estimated 47 households to be served at an avg cost of \$75k.	0	1,978,900
CD09 <b>Support for Home Improvement and Preservation Program (HIPP)</b> - Provide direct service delivery staff to implement the Home Repair Program.	1,771,344	1,771,344
<b>Homeowner Repair Sub-Total</b>	<b>6,199,085</b>	<b>8,367,677</b>
<b>Total CDBG - Housing Activities</b>	<b>7,058,748</b>	<b>10,867,677</b>
<b><u>CDBG - Economic Development</u></b>		
CD10 <b>Business Loan Program (Program Income)</b> - Subrecipient retains program income generated from revolving business loan program to provide additional loans.	165,000	225,000
<b>Total CDBG - Economic Development</b>	<b>165,000</b>	<b>225,000</b>
<b><u>CDBG - Public Improvements</u></b>		
CD11 <b>Public Facilities and Improvements</b> - Provide improvements to public facilities and infrastructure within eligible areas.	2,097,504	3,419,373
<b>Public Improvement Sub-Total</b>	<b>2,097,504</b>	<b>3,419,373</b>
<b>Total CDBG - Public Improvement</b>	<b>2,097,504</b>	<b>3,419,373</b>
<b><u>CDBG - Fair Housing and Planning &amp; Program Oversight</u></b>		
CD12 <b>Fair Housing Enforcement</b> - Provide housing discrimination investigations, fair housing education and outreach, and citizen referrals.	721,345	743,830
CD13 <b>Citizen Participation/CDC Support/HUD Oversight</b> - Office of Budget Services/Community Development Division. Provide coordination of ConPlan budget development, citizen participation, and reporting to HUD as primary City liaison.	751,819	801,626
CD14 <b>Community Care Management Support</b> - Provides funding for Office of Community Care (OCC) management staff support for OCC programs.	186,237	270,518
CD15 <b>Housing Management Support</b> - Provide funding for Housing management staff support for housing programs.	992,263	1,022,031
<b>Total CDBG - Fair Housing and Planning &amp; Program Oversight</b>	<b>2,651,664</b>	<b>2,838,005</b>
CDBG - FH/PLN/Program Oversight 20% Cap	2,674,606	2,962,033
Under/(Over) Cap	22,942	124,028
CDBG - FH/PLN/Program Oversight Cap Percentage	20%	19%
<b>TOTAL COMMUNITY DEVELOPMENT BLOCK GRANT</b>	<b>14,038,031</b>	<b>19,609,033</b>



**FY 2018-19 CONSOLIDATED PLAN FOR  
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**Attachment A**

Project Name	FY 2017-18 Amended Budget	FY 2018-19 Proposed Budget
<b><u>HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME)</u></b>		
HM01 <b>CHDO Development Loan Program</b> - Provide development and pre-development loans to City-certified CHDOs developing affordable housing for low income households. (15% minimum)	700,000	885,000
HM02 <b>CHDO Operating Assistance</b> - Provide operational support to assist with the development and management of CHDO projects. (5% maximum)	125,000	0
HM03 <b>HOME Program Administration</b> - Provide partial Housing department staff HOME funded program administrative costs. (10% maximum)	550,672	688,600
HM04 <b>Dallas Homebuyer Assistance Program</b> - Provide no interest, deferred payment loans for down-payment, principal reduction and closing cost assistance. FY 2018-19: estimated 18 households to be served at an avg of \$75k.	642,129	767,129
HM05 <b>Housing Development Loan/For Sale Program</b> - Provide organizations with loans for the development of single-family homes.	3,605,570	2,454,933
HM06 <b>Housing Development Loan/Rental Program</b> - Provide landlords with loans for the rehabilitation or construction of multifamily units. (> 4 units)	0	2,091,239
<b>Home Ownership Opportunities Sub-Total</b>	<b>5,623,371</b>	<b>6,886,901</b>
<b>TOTAL HOME INVESTMENT PARTNERSHIP PROGRAM</b>	<b>5,623,371</b>	<b>6,886,901</b>
<b><u>EMERGENCY SOLUTIONS GRANT (ESG)</u></b>		
ES01 <b>Emergency Shelter</b> - Provide temporary shelter for homeless persons by paying for operating costs and providing essential services (such as case management, child care, legal services, employment assistance, and medical/behavioral health services) for those in emergency shelter. FY 2018-19: City program estimated 90 clients to be served; contracts = TBD.	1,587,807	570,854
ES02 <b>Street Outreach</b> - Provide case management and referral services to unsheltered homeless in using the local coordinated assessment system and assisting clients in obtaining Federal, State, and local assistance. FY 2018-19: estimated 125 clients to be served.	69,072	71,585
<b>Essential Services/Operations Sub-Total</b>	<b>1,656,879</b>	<b>642,439</b>
ES03 <b>Homeless Prevention</b> - Provide assistance to persons at-risk of homelessness and meet income limits below 30% of the area median income. Provide short-term (3 months) and medium-term (4 - 24 months) of rental assistance; payment of rental arrears up to 6 months.	170,000	80,261
<b>Homeless Prevention Sub-Total</b>	<b>170,000</b>	<b>80,261</b>
ES04 <b>Rapid Re-Housing</b> - Provide rental assistance and housing relocation and stabilization services to move homeless people quickly to permanent housing.	1,065,784	366,654
<b>Rapid Re-Housing Sub-Total</b>	<b>1,065,784</b>	<b>366,654</b>
ES05 <b>HMIS Data Collection</b> - Provide client-level data collection for persons served by the grant, as well as training, generating reports, monitoring and reviewing data quality.	69,000	25,000
<b>HMIS Data Collection Sub-Total</b>	<b>69,000</b>	<b>25,000</b>
ES06 <b>ESG Administration</b> - Provide monitoring, data collection and evaluation of contracts and other program activities.	155,877	89,520
<b>Program Administration Sub-Total</b>	<b>155,877</b>	<b>89,520</b>
<b>TOTAL EMERGENCY SOLUTIONS GRANT</b>	<b>3,117,540</b>	<b>1,203,874</b>



**FY 2018-19 CONSOLIDATED PLAN FOR  
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

Attachment A

Project Name	FY 2017-18 Amended Budget	FY 2018-19 Proposed Budget
<b><u>HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA)</u></b>		
HW01 <b>Emergency/Tenant Based Rental Assistance</b> - Provide emergency assistance and long-term rental assistance to persons with HIV/AIDS and their families who live in the Dallas eligible metropolitan area. FY 2018-19: estimated 680 clients to be served. (Merged with E/TBRA Financial Assist and E/TBRA Housing Services)	3,177,000	3,766,134
HW02 <b>Facility Based Housing</b> - Provide housing operation costs, including lease, maintenance, utilities, insurance and furnishings for facilities that provide assistance to persons with HIV/AIDS and their families who live in the Dallas eligible metropolitan area. FY 2018-19: estimated 222 clients to be served. (Formerly Housing Facilities Operations and merged with Supportive Services)	753,615	2,040,000
HW03 <b>Housing Placement &amp; Other Support Services</b> - Provide supportive services, perm housing assistance to persons with HIV/AIDS and their families who live Dallas eligible metropolitan area. FY 2018-19: estimated 205 clients to be served. (Supportive Services category redesigned and now split into Facility Based Housing.)	1,238,313	228,625
HW04 <b>Housing Facilities Rehab/Repair/Acquisition</b> - Provide rehabilitation/repair or acquisition funds for facilities that provide housing to persons with HIV/AIDS and their families who live in the metropolitan area.	704,345	0
HW05 <b>Housing Information Services/Resource Identification</b> - Provide Housing navigation services consisting of a housing resource center with direct one-on-one housing referral assistance and online searchable housing database and web resources, as well as HMIS client level data collection for persons with HIV/AIDS and their families who live in the Dallas eligible metropolitan area. FY 2018-19: estimated 175 clients to be served.	151,212	151,212
<b>Other Public Services Sub-Total</b>	<b>6,024,485</b>	<b>6,185,971</b>
HW06 <b>Program Administration/City of Dallas</b> - Provide administrative oversight, evaluation, technical assistance, and HMIS client-level data collection for grant funds and program activities.	172,980	186,265
HW07 <b>Program Administration/Project Sponsors</b> - Provide administrative costs for project sponsors in oversight and evaluation of program activities.	272,880	272,880
<b>Program Administration Sub-Total</b>	<b>445,860</b>	<b>459,145</b>
<b>TOTAL HOUSING OPPORTUNITIES FOR PERSONS W/ AIDS</b>	<b>6,470,345</b>	<b>6,645,116</b>
<b>GRAND TOTAL CONSOLIDATED PLAN BUDGET</b>	<b>29,249,287</b>	<b>34,344,924</b>







## AGENDA ITEM # 41

**STRATEGIC  
PRIORITY:**

Public Safety

**AGENDA DATE:**

May 23, 2018

**COUNCIL DISTRICT(S):**

All

**DEPARTMENT:**

Office of Procurement Services  
City Manager's Office  
Office of Strategic Partnerships & Government Affairs

**CMO:**

Elizabeth Reich, 670-7804  
T.C. Broadnax, 670-3297  
Kimberly Bizer Tolbert, 670-3302

**MAPSCO:**

N/A

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**SUBJECT**

Authorize **(1)** a three-year service contract, with two one-year renewal options, to provide school crossing guard services - All City Management Services, Inc., most advantageous proposer of three in an amount not to exceed \$15,513,600; and **(2)** an increase in appropriations in an amount not to exceed \$200,000 in the Office of Management Services (Office of Strategic Partnerships and Government Affairs) budget from \$29,020,965 to \$29,220,965 - Not to exceed \$15,513,600 - Financing: General Funds (\$15,313,600) (subject to annual appropriations) and Contingency Reserve Funds (\$200,000)

**BACKGROUND**

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

This service contract will provide for school crossing guard services at locations throughout the City. Texas Local Government Code (Chapter 343/Section 343.011 through 343.013) assigns the responsibility for school crossing guards to municipalities such as the City of Dallas with a population greater than 850,000. The purpose of the school crossing guard program is to facilitate the safe crossing of streets in the municipality by children going to or leaving a public, parochial, or private elementary or secondary school. Currently, the City of Dallas school crossing guard program serves 153 schools and provides crossing guards at approximately 400 intersections through Dallas County Schools (DCS).



## **BACKGROUND** (continued)

Staffed briefed the City Council on the Dallas County Schools Dissolution and School Crossing Guard Program in January 2018. Based on the \$2.4M approved by Council under the Compromise and Settlement Agreement with the Dissolution Committee which allowed Dallas County Schools (DCS) to continue administering the program for six months (February 1<sup>st</sup> – July 31<sup>st</sup>), staff is projecting a savings of \$619,147. The savings can be attributed to less than anticipated summer school needs and lag time in hiring of existing vacancies. These funds will be used in conjunction with contingency reserved funds (\$200K) to pay contract costs for the last two months of FY18 (August/September).

In preparation for the new school year and to identify program efficiencies, the Department of Transportation assessed the existing Dallas County Crossing Guard Program which covers 286 locations with 395 crossing guards in April 2018. The assessments were conducted using updated objective traffic engineering criteria. The criteria to warrant a crossing guard was met at 233 of these locations. The remaining 53 locations were further assessed using gap studies and analyzing pedestrian, street crossing patterns and vehicular volumes. Of those locations, 31 did not meet the criteria to warrant a school crossing guard. Based on this assessment, the Department of Transportation hosted a meeting on May 10th to share its findings and assessment criteria with school district and private school representatives participating in this program.

Prior to the recent assessment which resulted in the reduction of thirty-one (31) intersections not meeting the traffic criteria to warrant a crossing guard, the estimated annual cost would have been approximately \$5.1M. However, with the change of thirty-one (31) intersections moving to a non-warranted status (thirty-two less guards), a savings of \$372K is achieved with the use of the volunteer program or reimbursement of crossing guards by various independent school districts (ISDs). With this update, the total annual cost to the City of Dallas is estimated at \$4.6M. Furthermore, the Child Safety Fund Revenue of \$600K will offset the \$4.6M. Note: Any new changes to intersections (additions and/or deletions) will be taken into consideration as it relates to cost and savings.



## **BACKGROUND** (continued)

The vendor will provide crossing guards that have completed the necessary training as required by the Texas Transportation Code – TRANSP 600.004-Training of School Crossing Guard and have passed the appropriate background checks. The vendor will provide crossing guards to assist students crossing streets near schools in compliance with existing traffic controls such as traffic signals and posted stop signs. Additionally, the vendor will provide experienced field supervisors to oversee and monitor the activities of on duty guards. The vendor will ensure each specified intersection is always properly staffed. Additionally, the vendor will:

- Provide opportunities for at-will employment to existing School Crossing Guard Program employees (currently under the DCS Dissolution Committee) meeting contractor's hiring requirements
- Recruit, develop work schedules, deploy school crossing, respond to complaints and attend meetings related to the program
- Pay guards at least \$10.95 per hour (living wage)
- Develop and provide a School Crossing Guard Location App in collaborations with the City and other stakeholders
- Create, implement and manage the Volunteer School Crossing Guard Program

To facilitate a manageable solution to service expectations by parents and schools, the vendor will operate a volunteer program that will focus on addressing requests for crossing guards at non-warranted intersections - as noted above. Further discussions are on-going with the various school districts and a likely option could result in the ISDs paying for crossing guards at non-warranted intersections within their respective districts to help offset program costs.

In May 2012, the City entered into an Interlocal Agreement with DCS transferring the administrative and operational oversight of the school crossing guard program to DCS. Nevertheless, due to significant financial losses and debt noted in 2016 and 2017, the 85<sup>th</sup> State Legislature authorized a voter referendum on the dissolution of DCS in November 2017. The voters voted to abolish DCS thus causing the State Comptroller to appoint a Dissolution Committee charged with disbanding DCS operations and liquidation of all assets.

On December 18, 2017, the Dissolution Committee voted to discontinue the funding for school crossing guard program effective January 31, 2018. To guarantee the safety of children crossing streets on their way to or leaving elementary schools in the Dallas city limits, the City entered into a compromise and settlement agreement with DCS. This agreement allowed DCS to continue the administering and operational oversight of the program funded by the City (not to exceed \$2.4M) until July 31, 2018.



## **BACKGROUND** (continued)

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

- City Manager's Office (1)
- Police Department (1)
- Center for Performance Excellence (1)
- Department of Transportation (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:

- Overall approach and methodology 30%
- Program cost 30%
- Capability and expertise 25%
- Business Inclusion and Development Plan 15%

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 948 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, the Office of Business Diversity sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

On November 10, 2015, City Council authorized the wage floor rate of \$10.94, by Resolution No. 15-2141; the selected vendor meets this requirement.

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

The Public Safety & Criminal Justice Committee was briefed regarding this item on April 23, 2018.

Information about this item will be provided to the Public Safety & Criminal Justice Committee on May 14, 2018.



## **FISCAL INFORMATION**

General Funds - \$15,313,600.00 (subject to annual appropriations)  
Contingency Reserve Funds - \$200,000.00

## **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:

<b><u>Contract Amount</u></b>	<b><u>Category</u></b>	<b><u>M/WBE Goal</u></b>	<b><u>M/WBE %</u></b>	<b><u>M/WBE \$</u></b>
\$15,513,600.00	N/A	N/A	N/A	N/A

- M/WBE Goal Waived
- No M/WBE Availability

## **PROPOSAL INFORMATION**

The Office of Procurement Services received the following proposals from solicitation number BKZ1804. We opened them on March 23, 2018. We recommend the City Council award this service 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>
*All City Management, Services, Inc.	10440 Pioneer Blvd. Suite 5 Santa Fe Springs, CA 90670	79.44%	\$15,513,600.00
American Guard Services, Inc.	1299 E. Artesia Blvd. Suite 200 Carson, CA 90746	65.44%	\$14,150,400.00
Spur Employment, Inc.	200 West Side Sq. Suite 205 Huntsville, AL 35801	54.50%	\$12,768,000.00

## **OWNER**

**All City Management Services, Inc.**

Baron Farwell, President  
Demetra Farwell, Secretary



May 23, 2018**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**SECTION 1.** That the City Manager is hereby authorized to sign a service contract with All City Management Services, Inc. (VS97685), approved as to form by the City Attorney, to provide school crossing guard services for a term of three years, with two one-year renewal options, in an amount not to exceed \$15,513,600. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to All City Management Services, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by All City Management Services, Inc. under the contract.

**SECTION 2.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$15,513,600 (subject to annual appropriations) to All City Management Services, Inc. from Service Contract No. DPD-2018-00006330.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to transfer funds in an amount not to exceed \$200,000 from Fund 0001, Department NBG, Unit 1000, Revenue Code RTRF, to Fund 0001, Department MGT, Unit 3608, Revenue Code 9229; and a clearing entry, in the same amount, to Fund 0001, Department BMS, Balance Sheet Account 0991 (Debit) and to Fund 0001, Department BMS, Balance Sheet Account 0950 (Credit).

**SECTION 4.** That the City Manager is hereby authorized to increase the Office of Management Services (Office of Strategic Partnerships and Government Affairs) appropriations in an amount not to exceed \$200,000, from \$29,020,965 to \$29,220,965 in Fund 0001, Department MGT, Unit 3608, Object 3070; increase total General Fund expenditure and revenue appropriations by \$200,000, from \$1,282,541,678 to \$1,282,741,678.

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



**AGENDA ITEM # 42****STRATEGIC  
PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:**

May 23, 2018

**COUNCIL DISTRICT(S):**

2

**DEPARTMENT:**Department of Sustainable Development and Construction  
Department of Aviation**CMO:**Majed Al-Ghafry, 670-3302  
Jody Puckett, 670-3390**MAPSCO:**

34N

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**SUBJECT**

Authorize acquisition of approximately 43,965 square feet of land located near the intersection of Harry Hines Boulevard and Empire Central Drive from McFarlin, LLC, for commercial and aviation related development by Dallas Love Field Airport - Not to exceed \$2,825,600 (\$2,810,000, plus closing cost and title expenses not to exceed \$15,600) - Financing: Aviation Current Funds (This item was deferred on January 10, 2018)

**BACKGROUND**

This item authorizes the acquisition of approximately 43,965 square feet of land located near the intersection of Harry Hines Boulevard and Empire Central Drive from McFarlin, LLC, for commercial and aviation related development by Dallas Love Field Airport (the "Airport"). The property will support the Airport's existing customer remote parking lot located adjacent to the property as well as serve as long term employee parking for the Airport. This site, in conjunction with the adjacent City-controlled property, will also serve as a potential site for the development of a Consolidated Rental Car facility. This future development could bring economic opportunities to this area of the City. The consideration is based on an independent appraisal. Relocation expenses are estimated at \$490,000.

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

Information about this item was provided to the Mobility Solutions, Infrastructure & Sustainability Committee on January 8, 2018.

On January 10, 2018, this item was deferred by Councilmember Lee M. Kleinman.



**FISCAL INFORMATION**

Aviation Current Funds - \$2,825,600, (\$2,810,000, plus closing cost and title expenses not to exceed \$15,600)

**OWNER**

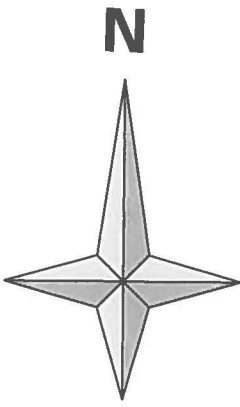
**McFarlin, LLC**

Erik Ward, Managing Member

**MAP**

Attached





**EMPIRE CENTRAL**

**PROPERTY TO  
BE ACQUIRED**

**Lot 1**

*WILLINGHAM  
ADDITION*

**Lot 2**

**BLOCK  
C/5760**

**BLOCK  
5760**

**HARRY HINES BOULEVARD**







May 23, 2018

**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 43,965 square feet of land located near the intersection of Harry Hines Boulevard and Empire Central Drive, 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": Harry Hines Square Up for Dallas Love Field Airport Project

"USE": Additional parking and future commercial development provide revenue for the City 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": McFarlin, LLC, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"PURCHASE AMOUNT": \$2,810,000

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$15,600

"AUTHORIZED AMOUNT": Not to exceed \$2,825,600

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

**SECTION 1.** That the USE of the PROPERTY for the PROJECT is a public use.

**SECTION 2.** That public necessity requires that CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.



May 23, 2018

**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 Aviation Current Funds, Fund 0130, Department AVI, Unit 7751, Activity n/a, Program AV09, Object 4210, Encumbrance/Contract No. CX-AVI-2018-00004261. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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

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

APPROVED AS TO FORM:  
LARRY E. CASTO, City Attorney

BY:   
Assistant City Attorney

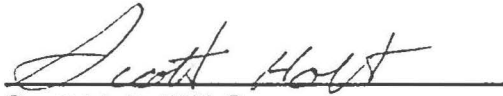


## Exhibit A

### Field Notes Describing Land To Be Acquired in Block C/5760

Being situated in the Miles Bennett Survey, Abstract No. 52, Dallas County, Texas, and being all of Lots 1 and 2, Block C/5760 (Official City of Dallas Block Numbers) of the Willingham Addition, an addition to the City of Dallas Recorded in Volume 84016, Page 4142 of the Deed Records of Dallas County, Texas and being all of the property conveyed to McFarlin, LLC, a Texas limited liability company by Deed dated November 2, 2015 and recorded in Instrument Number 201500293727 of the Official Public Records of Dallas County, Texas and containing 43,965 square feet, or 1.009 Acres of land, according to the map or plat thereof.

This description is approved as to form.



Scott Holt, RPLS  
Survey Program Manager

7/17/2017  
Date



# 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 McFarlin, LLC, a Texas limited liability company (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 TWO MILLION EIGHT HUNDRED AND TEN THOUSAND AND 00/100 DOLLARS (\$2,810,000.00) 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 \_\_\_\_\_, \_\_\_\_\_.

McFarlin, LLC, a Texas limited liability company

\_\_\_\_\_  
by: Erik Ward, Managing Member



\* \* \* \* \*

STATE OF TEXAS       '  
COUNTY OF DALLAS    '

This instrument was acknowledged before me on \_\_\_\_\_  
by Erik Ward, Managing Member of McFarlin, LLC, a Texas limited liability company, on  
behalf of said limited liability company.

\_\_\_\_\_  
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

Warranty Deed Log No. 45006

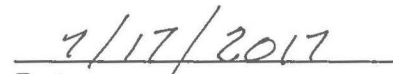


**Field Notes Describing Land To Be Acquired in Block C/5760**

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This description is approved as to form.

  
\_\_\_\_\_  
Scott Holt, RPLS  
Survey Program Manager

  
\_\_\_\_\_  
Date



**AGENDA ITEM # 43**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** May 23, 2018

**COUNCIL DISTRICT(S):** 1

**DEPARTMENT:** Department of Sustainable Development and Construction

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** 53 B

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting an MU-1 Mixed Use District; a resolution accepting deed restrictions volunteered by the applicant; and a resolution terminating existing deed restrictions on property zoned an R-7.5(A) Single Family District and an NS(A) Neighborhood Services District on the east line of North Westmoreland Road, north of West Davis Street

Recommendation of Staff and CPC: Approval of an MU-1 Mixed Use District, subject to deed restrictions volunteered by the applicant; and approval of the termination of existing deed restrictions

Z178-158(SM)







**FILE NUMBER:** Z178-158(SM) **DATE FILED:** December 19, 2017

**LOCATION:** East line of North Westmoreland Road, north of West Davis Street

**COUNCIL DISTRICT:** 1 **MAPSCO:** 53 B

**SIZE OF REQUEST:** Approx. 0.99 acres **CENSUS TRACT:** 68.00

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**OWNER/APPLICANT:** Ash Liz Properties, Inc. and SOS Custom Homes, Inc.

**REPRESENTATIVE:** Rob Baldwin

**REQUEST:** An application for an MU-1 Mixed Use District with deed restrictions volunteered by the applicant and termination of existing deed restrictions, on property zoned an R-7.5(A) Single Family District and an NS(A) Neighborhood Services District.

**SUMMARY:** The applicant has no specific plans for the area of request. The request would allow a variety of development configurations including, institutional uses, retail uses, residential uses, or a combination of those uses. The proposed deed restrictions prohibit certain uses that are allowed in the MU-1 Mixed Use District.

**CPC RECOMMENDATION:** Approval of an MU-1 Mixed Use District, subject to deed restrictions volunteered by the applicant; and approval of the termination of existing deed restrictions.

**STAFF RECOMMENDATION:** Approval of an MU-1 Mixed Use District, subject to deed restrictions volunteered by the applicant; and approval of the termination of existing deed restrictions.



**BACKGROUND INFORMATION:**

- The area of request consists of three lots. The northern two are undeveloped and the southernmost lot contains a single family structure.
- The single family structure on the southernmost portion of the area of request was constructed in 1947, according to Dallas Central Appraisal District records.
- On October 6, 1987, a demolition permit cleared the interior lot just north of the existing single family structure.
- On July 11, 2007, a demolition permit cleared the northernmost lot in the area of request that once was developed with as a church.
- On March 26, 2008, the City Council approved an NS(A) District with deed restrictions volunteered by the applicant on property zoned R-7.5(A).
- On December 19, 2017, an application was submitted on the southernmost lot, which contains a single family home, for an MU-2 Mixed Use District.
- On February 12, 2018, the property owner on the northern portion of the area of request joined the application with a revision to the original application for an MU-1 Mixed Use District with volunteered deed restrictions.

**Zoning History:** There has been one zoning change requested in the vicinity in the past five years.

1. **Z156-223:** On February 22, 2017, the City Council approved a new subdistrict for Light Commercial/Office and restaurant with drive-in or drive-through service uses within the Light Commercial/Office Subdistrict of Planned Development District No. 631, the West Davis Special Purpose District and an R-7.5(A) Single Family District.

**Thoroughfares/Streets:**

Thoroughfare/Street	Function	Proposed Dimension	Planned ROW
N. Westmoreland Road	Principal Arterial	Minimum-6 lanes-divided	100 feet

**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:**

### **Land Use Compatibility:**

The site is relatively flat and abuts surface parking lots to the north and to the south that both serve nonresidential uses. A shopping center is located to the west and single family uses are located to the east, across from a residential alley.

Without deed restrictions, the Dallas Development Code requires nonresidential uses to provide numerous protections for residential uses and residential districts. Article X requires a perimeter landscape buffer strip<sup>1</sup> that would line the north and east property lines where the area of request abuts an R-7.5(A) Single Family District. Surface parking must provide a solid screening fence to residential uses or a vacant lot in a residential district<sup>2</sup>. Additionally, access to a parking area via an alley that abuts a residential district is prohibited<sup>3</sup>. For the purposes of delivering or receiving any goods or services, nonresidential uses are prohibited residential alley access between the hours of 10 p.m. and 7 a.m.<sup>4</sup>. The symbol [RAR] appearing after a listed use means that a site plan must be submitted and approved through an additional administrative review, termed a *residential adjacency review*, in which a site plan may be approved subject to conditions if the conditions will seek to eliminate what would otherwise constitute grounds for denial<sup>5</sup>.

The following uses are prohibited in the existing zoning district [R-7.5(A) Single Family District] and are allowed with an SUP in the proposed zoning district [MU-1 Mixed Use

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<sup>1</sup> Reference Section 51A-10.125(b)(1) of the Dallas Development Code.

<sup>2</sup> Reference Section 51A-4.301(f) of the Dallas Development Code.

<sup>3</sup> Reference Section 51A-4.301(a)(13) of the Dallas Development Code.

<sup>4</sup> Reference Section 51A-4.301(h) of the Dallas Development Code.

<sup>5</sup> Reference Section 51A-4.803 (f)(3) of the Dallas Development Code.



District]. Although the following uses have not been restricted with the volunteered deed restrictions, staff supports this portion of the applicant's request because these uses would require consideration by the City Plan Commission and City Council before they are allowed, and therefore these uses need not be included in the volunteered deed restrictions.

- Attached non-premise sign.
- Alternative financial establishment.
- Cemetery or mausoleum.
- Community service center.
- Open-enrollment charter school or private school.
- Paraphernalia Shop.
- Radio, television, or microwave tower.
- Monopole cellular towers.

The following uses require an SUP in the existing zoning district [R-7.5(A) Single Family District] and are allowed without an SUP or an RAR in the proposed zoning district [MU-1 Mixed Use District]. However, because of the residential protections in the Dallas Development Code, staff supports this portion of the applicant's request as these uses are not foreseen to be detrimental to the surrounding properties.

- Adult day care facility.
- Child-care facility.
- College, university, or seminary.
- Convent or monastery.
- Library, art gallery, or museum.
- Country club with private membership.
- Private recreation center, club, or area.
- Electrical substation.
- Police or fire station.
- Post office.

The applicant has not volunteered deed restrictions to prohibit the following uses that are prohibited in the existing zoning district [R-7.5(A) Single Family District]. Some of the following uses require an RAR or a DIR in the MU-1 Mixed Use District. However, because of the residential protections in the Dallas Development Code and because the applicant has offered to restrict hours of operation, staff supports this portion of the applicant's request as these uses are not foreseen to be detrimental to the surrounding properties.

- Financial institution without drive-in window.
- Medical clinic or ambulatory surgical center.
- Office.
- College dormitory, fraternity, or sorority house.
- Duplex.
- Multifamily.
- Retirement housing.
- Public school other than an open-enrollment charter school. *[RAR]*
- Dry cleaning or laundry store.
- General merchandise or food store 3,500 square feet or less.
- Personal service uses.
- Restaurant without drive-in or drive-through service. *[RAR]*

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<sup>1</sup> A DIR is a development impact review. This review is an administrative review that evaluates if the traffic patterns of the proposed development would adversely impact the surrounding roadways.



The applicant has also volunteered to provide a minimum six-foot-wide sidewalk and provide a bench and bicycle rack for every 80 linear feet of frontage. Staff supports the addition of these additional pedestrian amenities.

Staff also supports the request to terminate the existing deed restrictions because the majority of the existing regulations will be incorporated into the proposed deed restrictions. Massage establishment, piercing salon, and tattoo studio, which are each classified as a *personal service* use, are not prohibited in the proposed deed restrictions. Staff supports allowing massage establishment, piercing salon, and tattoo studio because each use must obtain proper licenses from the State of Texas and the State has routine inspections and processes in place to address potentially unsafe and unsanitary establishments for which licenses are required to operate.

### **Surrounding Land Uses:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	R-7.5(A) and NS(A) with DR Z067159	Single Family and Undeveloped
<b>North</b>	R-7.5(A)	Surface Parking and Church
<b>East</b>	R-7.5(A)	Single Family
<b>South</b>	P(A)	Surface Parking
<b>West</b>	PDD 631(Medium Commercial/Office)	Retail

### **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>					
Existing: R-7.5(A) Single Family- Existing	25'	Single family: 5' Other: 10' side 15' rear	7,500 sq. ft. min lot size	30'	45% for residential; 25 % for other		Single family
Existing: NS(A) Neighborhood service	15'	20' adjacent to residential OTHER: No Min.	0.5 FAR	30' 2 stories	40%	Proximity Slope	Retail & personal service, office
Proposed: MU-1 Mixed use-1	15'	20' adjacent to residential OTHER: No Min.	0.8 FAR base 1.0 FAR maximum + bonus for residential	90' 7 stories 120' 9 stories with retail	80%	Proximity Slope U-form setback Tower spacing Visual Intrusion	Office, retail & personal service, lodging, residential

### **Landscaping:**

Landscaping, when triggered, will be in accordance with Article X, as amended.



**Prior CPC Action – April 19, 2018:**

**Motion:** It was moved to recommend **approval** of (1) an MU-1 Mixed Use District with deed restrictions volunteered by the applicant, subject to revised deed restrictions volunteered by the applicant (as briefed) to include the following: 1) prohibit massage parlor establishment and 2) limit the maximum height to three stories on property zoned an R-7.5(A) Single Family District and an NS(A) Neighborhood Services District and **approval** of (2) the termination of existing deed restrictions, on the east line of North Westmoreland Road, north of West Davis Street.

Maker: West  
Second: Schultz  
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: 200 Mailed: 17  
**Replies:** For: 1 Against: 0

**Speakers:** For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226  
Against: None



**List of Officers**

SOS Custom Homes, Inc.

Francisco Quezada, Officer

Ash-Liz Properties, Inc.

Jeff Bosse, President

Donna Bosse, Vice President



**Proposed Volunteered Deed Restrictions**

The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

1. The following main uses are prohibited.
  - a. Commercial and business service.
    - Catering service.
    - Custom business services.
    - Electronics service center.
    - Labor hall.
    - Medical or scientific laboratory.
  - b. Institutional and community service.
    - Convalescent and nursing homes, hospice care, and related institutions.
    - Foster home.
    - Hospital.
  - c. Lodging.
    - Extended stay hotel or motel.
    - Hotel or motel.
  - d. Office.
    - Financial institution with drive-in window.
  - e. Residential.
    - Group residential facility.
    - Residential hotel.
  - f. Retail and personal service.
    - Alcoholic beverage establishments.
    - Animal shelter or clinic without outside runs.
    - Auto service center.
    - Business school.
    - Car wash.
    - Commercial amusement (inside).
    - Commercial amusement (outside).
    - Commercial parking lot or garage.



- Furniture store.
- General merchandise or food store greater than 3,500 square feet.
- General merchandise or food store 100,000 square feet or more.
- Massage establishment. [*MASSAGE ESTABLISHMENT MEANS any building, room, place, or establishment, other than a regularly licensed hospital, where manipulated massage or manipulated exercises are practiced upon the human body by anyone not a duly licensed physician or chiropractor whether with or without the use of mechanical, therapeutic, or bathing devices, and includes Turkish bath houses. This definition does not include licensed beauty parlors or barbershops or a place where a registered physical therapists treat only patients recommended by a licensed physician and operated under such physician's direction. MASSAGE means any process consisting of kneading, rubbing, or otherwise manipulating the skin of the body of a human being, either with the hand or by means of electrical instruments or apparatus.*]
- Mini-warehouse.
- Mortuary, funeral home, or commercial wedding chapel.
- Motor vehicle fueling station.
- Nursery, garden shop, or plant sales.
- Paraphernalia shop.
- Restaurant with drive-in or drive-through service.
- Swap or buy shop.
- Temporary retail use.
- Theater.

g. Utility and public service.

- Commercial radio or television transmitting station.

h. Wholesale, distribution, and storage.

- Recycling buy-back center
- Recycling collection center.

2. A minimum six-foot-wide sidewalk is required.

3. A minimum of one bench and bicycle rack for every 80 linear feet of frontage of the Property is required within 10 feet of the sidewalk. Installation of the bench and bicycle rack is required for that portion of the Property at the time of a building permit for work that will increase the floor area on a building site.

4. Office and retail and personal service uses may only operate between 7:00 am and 10:00 pm, Monday through Sunday.

5. Maximum number of stories is three.



**Proposed Termination of Existing Deed Restrictions**

The Owner does hereby terminate and release the following restrictions as they apply to the Property, to wit:

“a. Prohibited uses. The following uses are prohibited:

- Billiard hall.
- Massage establishment. *[MASSAGE ESTABLISHMENT MEANS any building, room, place, or establishment, other than a regularly licensed hospital, where manipulated massage or manipulated exercises are practiced upon the human body by anyone not a duly licensed physician or chiropractor whether with or without the use of mechanical, therapeutic, or bathing devices, and includes Turkish bath houses. This definition does not include licensed beauty parlors or barbershops or a place where a registered physical therapists treat only patients recommended by a licensed physician and operated under such physician's direction. MASSAGE means any process consisting of kneading, rubbing, or otherwise manipulating the skin of the body of a human being, either with the hand or by means of electrical instruments or apparatus.]*
- Motor vehicle fueling station.
- Piercing salon. *[Piercing salon means a facility in which body piercing is performed. Body piercing means the creation of an opening in an individual body, other than in an individual's earlobe, to insert jewelry or another decoration.]*
- Recycling drop-off container.
- Recycling drop-off container for special occasional collection.
- Tattoo studio. *[TATTOO STUDIO means an establishment in which tattooing is performed. Tattooing means the practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment.]*

b. Accessory uses. Accessory uses are prohibited.

c. Hours of operation.

1. Restaurant uses may only operate between 7:00 am and 10:00 pm, Monday through Thursday, and 7:00 am and 11:00 pm, Friday through Sunday.
2. Other permitted uses may only operate between 9:00 am and 9:00 pm, Monday through Sunday.”

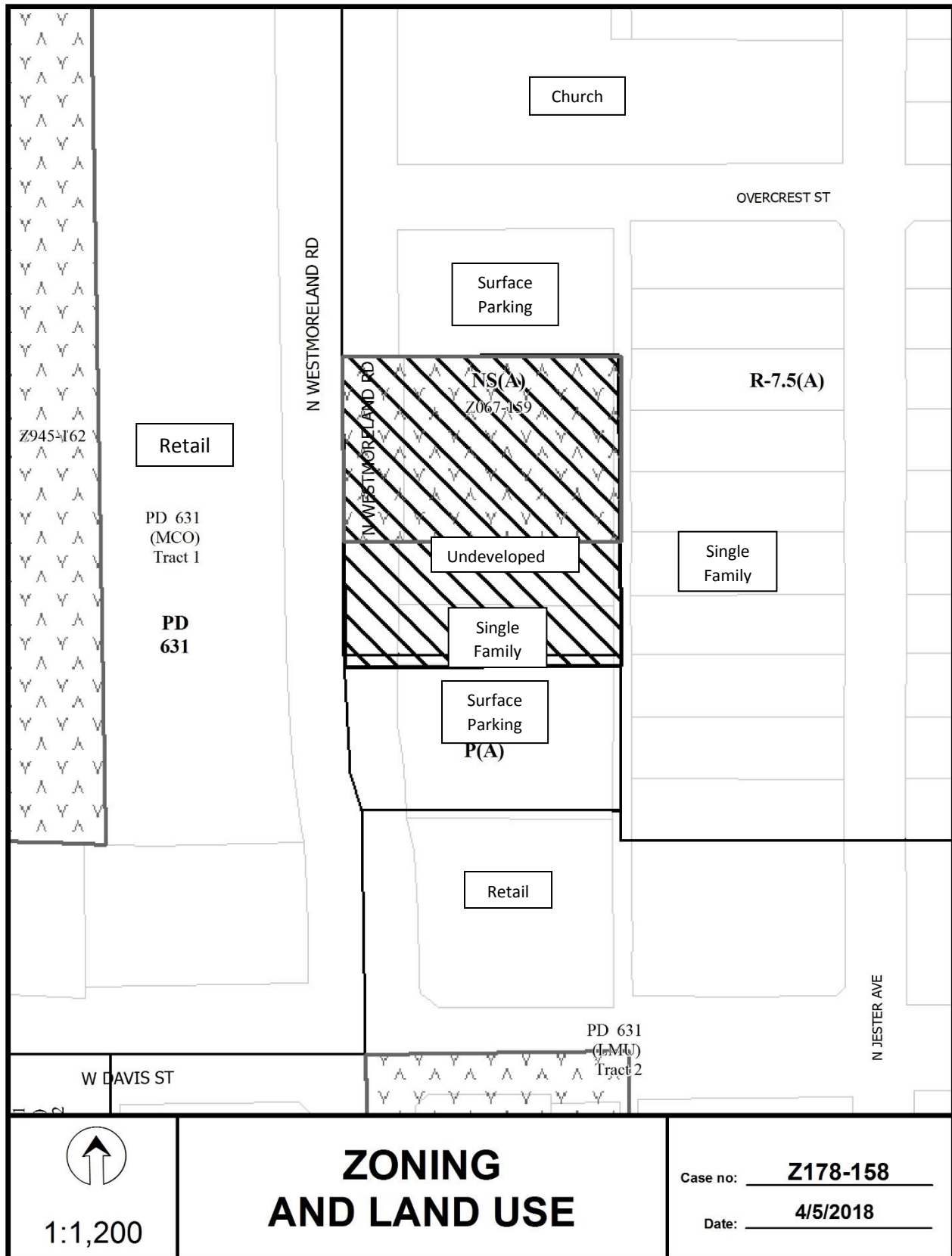




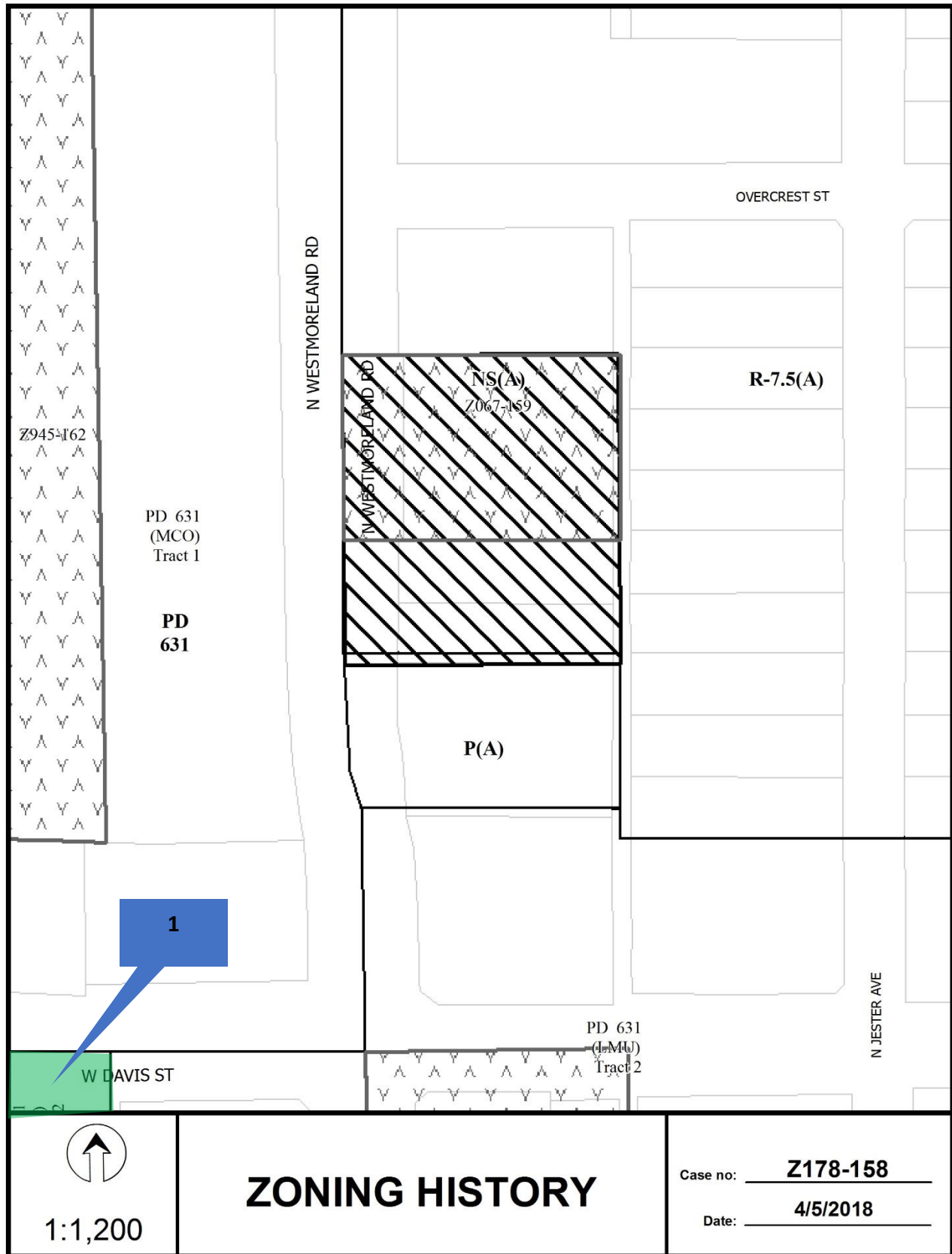




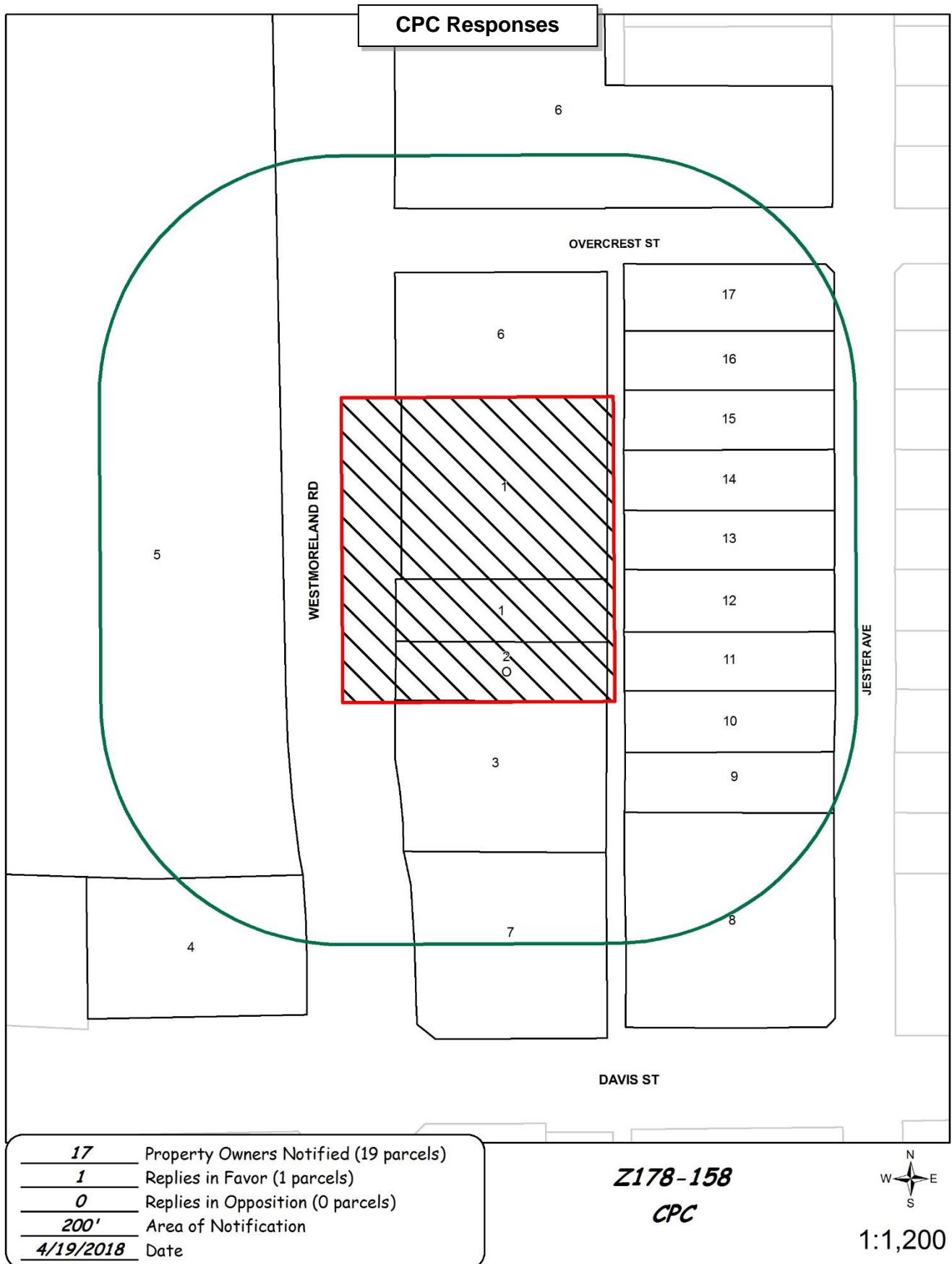














04/18/2018

***Reply List of Property Owners******Z178-158******17 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	702 N WESTMORELAND RD	SOS CUSTOM HOMES INC
O	2	626 N WESTMORELAND RD	ASH LIZ PROPERTIES INC
	3	614 N WESTMORELAND RD	NADER KANAN
	4	3301 W DAVIS ST	KANAN NADER
	5	627 N WESTMORELAND RD	WESTMORELAND PLAZA JV
	6	802 N WESTMORELAND RD	IGLESIA DE CRISTO CAMINO DE SANTIDAD
	7	3217 W DAVIS ST	M CACERES ENTERPRISES INC
	8	3201 W DAVIS ST	TEMPLO DE PODER Y GOZO
	9	619 N JESTER AVE	CAMACHO MIGUEL
	10	623 N JESTER AVE	VASQUEZ ALICIA
	11	625 N JESTER AVE	ALVAREZ MARY LOU &
	12	703 N JESTER AVE	WEBB LARRY M
	13	707 N JESTER AVE	BONILLA ERICK & SONIA
	14	711 N JESTER AVE	CAZARES JOSE LUIS J &
	15	715 N JESTER AVE	JOYA JOSE J & ELSY NOEMY
	16	719 N JESTER AVE	GARCIA JOSE G &
	17	723 N JESTER AVE	VALENZUELA MARYRUTH C



**AGENDA ITEM # 44**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** May 23, 2018

**COUNCIL DISTRICT(S):** 9

**DEPARTMENT:** Department of Sustainable Development and Construction

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** 28 Z

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a private club-bar and a commercial amusement (inside) limited to a dance hall on property zoned a CS Commercial Service District, on the west line of McCree Road, north of East Northwest Highway

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

Z178-163(SM)



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<b>FILE NUMBER:</b>	Z178-163(SM)	<b>DATE FILED:</b>	December 26, 2017
<b>LOCATION:</b>	West line of McCree Road, north of East Northwest Highway		
<b>COUNCIL DISTRICT:</b>	9	<b>MAPSCO:</b>	28 Z
<b>SIZE OF REQUEST:</b>	Approx. 3.219 acres	<b>CENSUS TRACT:</b>	130.10

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**OWNER:** NWH & McCree, Ltd.

**APPLICANT:** Club Azul

**REPRESENTATIVE:** Jay Woo, JNF Associates

**REQUEST:** An application for a Specific Use Permit for an alcoholic beverage establishment limited to a private club-bar and a commercial amusement (inside) limited to a dance hall on property zoned a CS Commercial Service District.

**SUMMARY:** The applicant requests to construct a 22,170-square-foot, two-story structure for on-premise alcohol consumption and entertainment purposes with 236 surface parking spaces provided on site. The facility is planned to include a 2,800-square-foot dance floor within the proposed structure.

**CPC RECOMMENDATION:** **Approval** for a three-year period, subject to a site plan and conditions.

**STAFF RECOMMENDATION:** **Approval** for a three-year period, subject to a site plan and conditions.



**BACKGROUND INFORMATION:**

- The 3.219-acre site is undeveloped.
- The applicant requests a Specific Use Permit to allow for the construction of a two-story, 22,170 square foot private-club bar. The private club bar is also proposed to have a 2,800-square foot dance floor.

**Zoning History:** There have not been any zoning cases in the area over the past five years.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	ROW
McCree Road	Local	60 ft.

**Traffic:**

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system.

**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</b>	<b>Land Use</b>
<b>Site</b>	CS	Undeveloped
<b>North</b>	CS; SUP No. 1756	General Merchandise or food store 100,000 sq. ft. or more
<b>East</b>	CR	Park
<b>South</b>	CS	Restaurants
<b>West</b>	CS	Vehicle or engine repair or maintenance

**Land Use Compatibility:**

The site is undeveloped and is adjacent to a variety of retail and restaurant uses. These land uses consist of a general merchandise or food store greater than 100,000 square feet in floor area to the north, a park and recreation field to the east, two restaurants to the south, and vehicle or engine repair or maintenance use to the west.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The request does not appear to have an adverse impact on the surrounding zoning and land uses.

Staff supports the request for a three-year period because the request complies with all other zoning regulations and is not foreseen to be detrimental to surrounding properties. Additionally, a three-year period would require it to be re-evaluated in a short period of time after construction.



**Landscaping:**

Landscaping will in accordance to the landscaping requirements in Article X, as amended.

**Parking:**

The off-street parking requirement for a private-club bar is one parking space per each 100 square feet of floor area. The off-street parking requirement for a dance floor is one parking space per each 25 square feet of dance floor. Dance floors also have an additional provision that does not allow them to be considered accessory uses to a main use. Therefore, although they are often small, dance floors must have parking provided at a higher parking ratio than the remainder of the building to meet minimum parking requirements.

The applicant has proposed a cumulative floor area of 22,170 square feet in the new building. The proposed dance floor will not exceed 2,800 square feet and the remainder of the building is 19,370 square feet. Therefore, 306 parking spaces are required per the Dallas Development Code. The applicant proposes to construct 236 parking spaces on site and will secure an additional 70 spaces through a parking agreement that complies with Division 51A-4.321 of the Dallas Development Code prior to the issuance of a building permit.



**Prior CPC Action – April 19, 2018:**

**Motion:** It was moved to recommend **approval** of a Specific Use Permit for an alcoholic beverage establishment limited to a private club-bar and a commercial amusement (inside) limited to a dance hall for a three-year period, subject to a site plan and conditions on property zoned a CS Commercial Service District, on the west line of McCree Road, north of East Northwest Highway.

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: 300 Mailed: 10  
**Replies:** For: 0 Against: 0

**Speakers:** None



<b>List of Partner/Principals/Officers</b>
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**NWH & McCree, Ltd.**

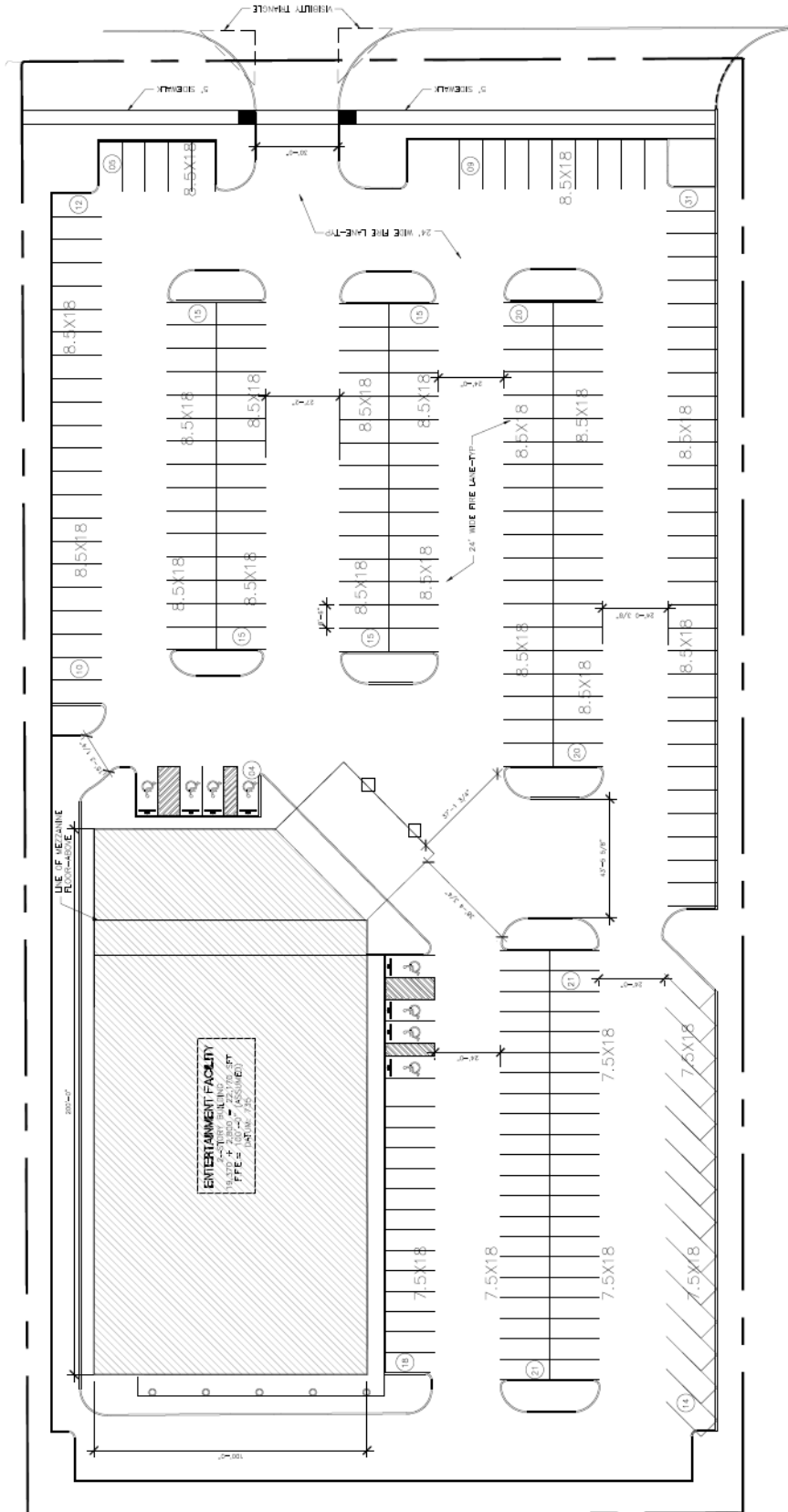
**Larry Smith, President**

**Club Azul**

**Larry Smith, President**



# Proposed Site Plan McCREE ROAD



NOTE: PARKING REQUIREMENTS WILL VARY WITH SHADE  
PARKING ADJACENT WITH REVISIONS.

BUILDING	ASSEMBLY
TYPE	2
STORY	3F
MAX HEIGHT	39'
FLOOR AREA	19,370 SF + 2,800 SF = 22,170 SF
TOTAL FLOOR AREA	
PARKING	
PARKING RATIO (FOR 1 <sup>ST</sup> FLOOR AND LOBBY FLOOR)	1 PARKING SPACE PER 100 SF
PARKING RATIO (FOR 2 <sup>ND</sup> FLOOR)	1 PARKING SPACE PER 35 SF
REQUIRED PARKING (FOR LOBBY AREA)	154 SPACES
REQUIRED PARKING (FOR 2 <sup>ND</sup> FLOOR)	113 SPACES
REQUIRED PARKING (FOR 3 <sup>RD</sup> FLOOR)	302 SPACES
PROVIDED PARKING ON SITE (4' x 11' min)	238 SPACES
PARKING PROVIDED OFF-SITE WITH REMOTE PARKING AGREEMENT	70 SPACES
TOTAL PARKING PROVIDED	308 SPACES

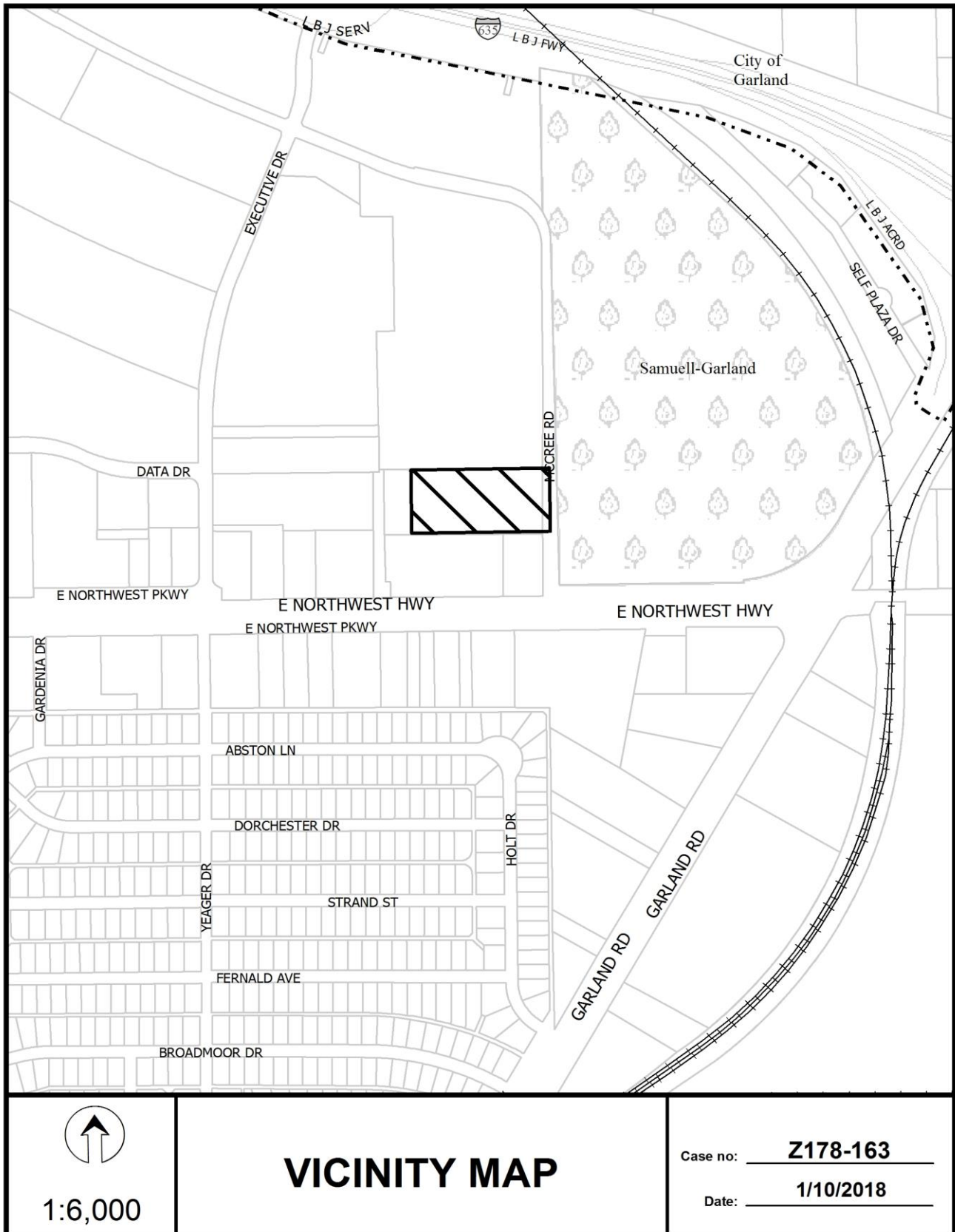




<b>PROPOSED SUP CONDITIONS</b>
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1. USE: The only use authorized by this specific use permit is an alcoholic beverage establishment limited to a private-club bar and a commercial amusement (inside) limited to a dance hall.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on\_\_\_\_\_ (three-year period from the passage of this ordinance).
4. FLOOR AREA:
  - a. Maximum floor area for the private-club bar is 19,370 square feet.
  - b. Maximum floor area for the dance floor is 2,800 square feet.
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.

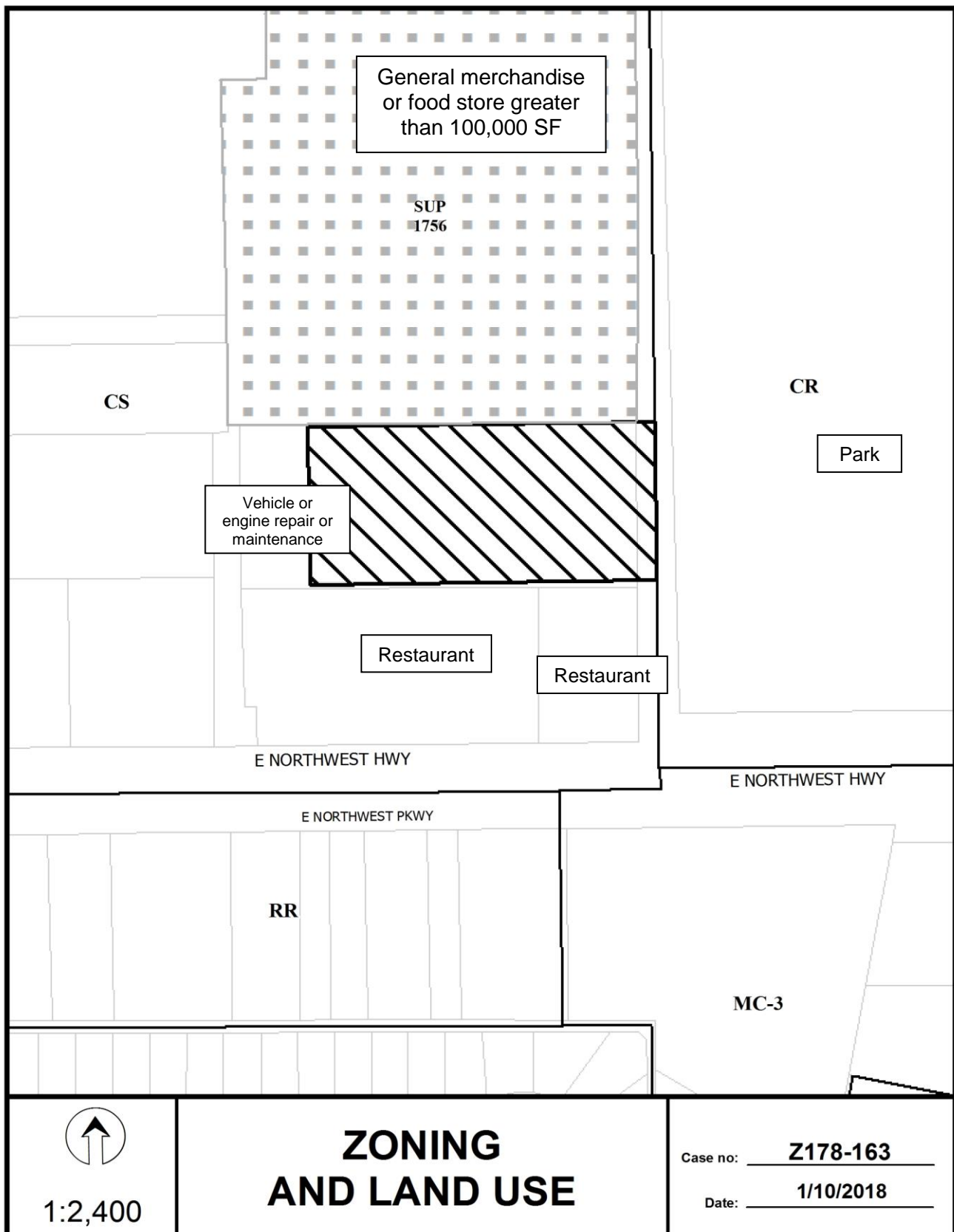




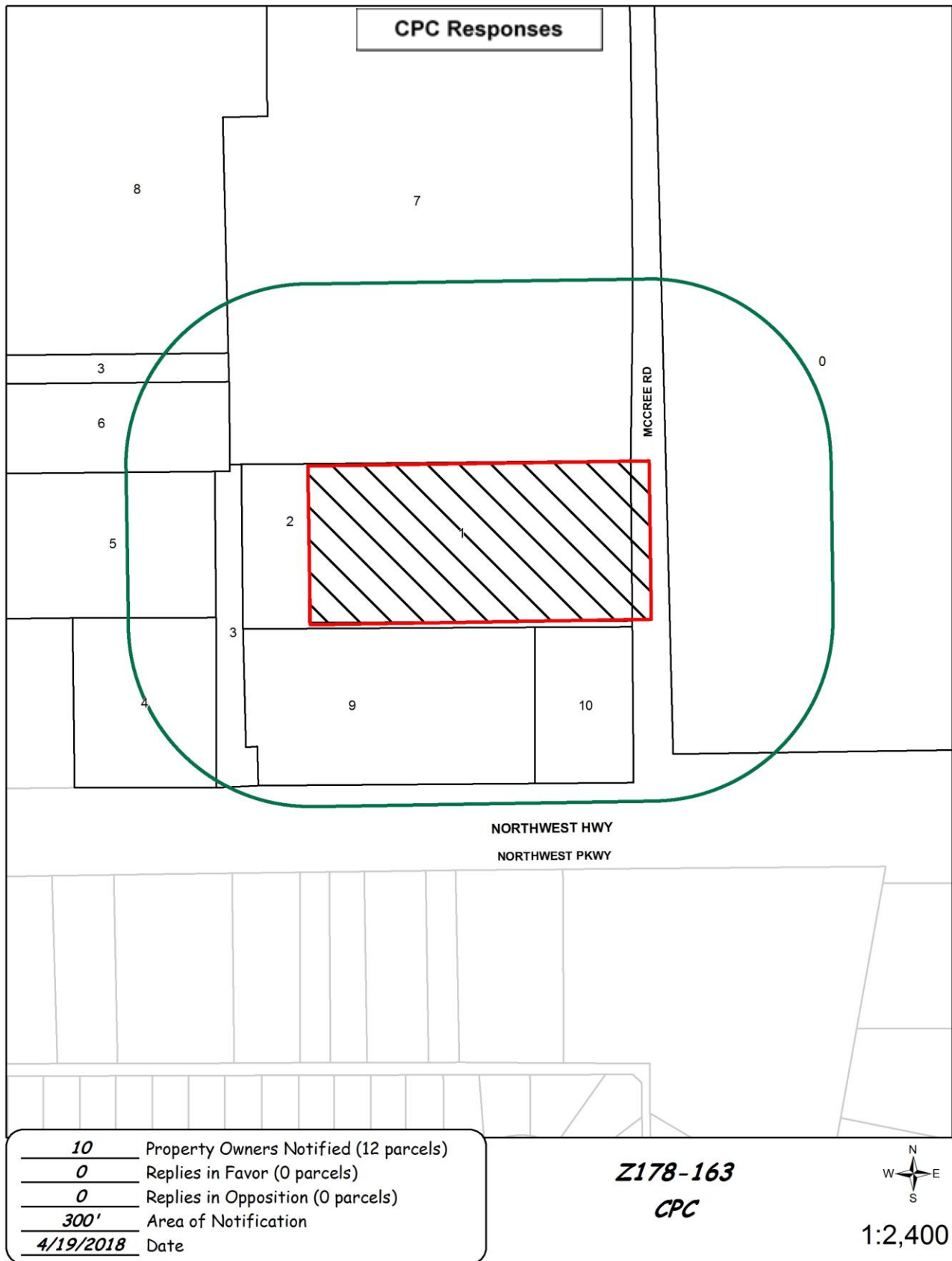














04/18/2018

***Reply List of Property Owners***

***Z178-163***

***10 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	11921	E NORTHWEST HWY	NWH & MCCREE LTD
2	12124	MCCREE RD	CHRISTIAN BRO AUTO CORP
3	11921	E NORTHWEST HWY	SAMS EAST INC
4	11805	E NORTHWEST HWY	DFW VENTURE NO 1
5	205	EXECUTIVE DR	NORTHSTAR BANK OF TEXAS
6	206	EXECUTIVE DR	FLEISHMAN MARC
7	12000	MCCREE RD	SAMS REAL ESTATE BUS TR
8	12710	EXECUTIVE DR	LAZY K LP
9	11917	E NORTHWEST HWY	COMMERCIAL NET LEASE
10	11921	E NORTHWEST HWY	SRI REAL ESTATE PROPERTIES



**AGENDA ITEM # 45**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:**

May 23, 2018

**COUNCIL DISTRICT(S):**

6

**DEPARTMENT:**

Department of Sustainable Development and Construction

**CMO:**

Majed Al-Ghafry, 670-3302

**MAPSCO:**

44 A

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting an MU-1 Mixed Use District on property zoned an IR Industrial Research District, south of Burgess Boulevard, east of Iberia Avenue

Recommendation of Staff and CPC: Approval

Z178-194(CY)



**FILE NUMBER:** Z178-194(CY) **DATE FILED:** February 26, 2018

**LOCATION:** South of Burgess Boulevard, east of Iberia Avenue

**COUNCIL DISTRICT:** 6 **MAPSCO:** 44 A

**SIZE OF REQUEST:** Approx. 0.826 acre **CENSUS TRACT:** 100.00

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**OWNER/APPLICANT:** NDV, INC.

**REPRESENTATIVE:** Nicolas Villalba

**REQUEST:** An application for an MU-1 Mixed Use District on property zoned an IR Industrial Research District

**SUMMARY:** The applicant proposes to develop the site with a mixed-use building for a live/work artist's studio.

**CPC RECOMMENDATION:** Approval

**STAFF RECOMMENDATION:** Approval



## BACKGROUND INFORMATION:

- On March 9, 2016, the property owner was issued a Certificate of Occupancy for a Community Garden for the subject site. The property is now vacant and undeveloped.
- The purpose of the request is to build a work/live artist's studio. The current zoning does not allow any residential uses.

**Zoning History:** There has been one zoning change request for this site and five zoning change requests for the surrounding area in the past five years.

1. **Z134-128** On February 20, 2014, the City Plan Commission **denied without prejudice** an application for an IM Industrial Manufacturing District for this same area of request.
2. **Z134-331** On November 12, 2014, the City Council approved an MU-3 Mixed Use District on property zoned an IR Industrial Research District located south of Lupo Drive, between Memphis Street and Vicksburg Street. - Ordinance No. 29548 (Northwest of the area of request)
3. **Z123-346** On April 23, 2014, the City Council approved an amendment to Specific Use Permit No. 1241 for a utility or government installation other than listed on property zoned an IR Industrial Research District located on the West line of Irving Boulevard, north of Quaker Street. - (East of the area of request)
4. **Z156-138** On March 23, 2016, the City Council approved an MU-1 Mixed Use District on property zoned an IR Industrial Research District located at the northeast corner of Burgess Boulevard and Iberia Avenue – Ordinance No.30032 (North of the area of request)
5. **Z156-298** On September 28, 2016, the City Council approved an MU-3 Mixed Use District on property zoned an IR Industrial Research District located at the Northeast side of Mississippi Ave. between Gretna and Algiers St.- Ordinance No.30224 (Southwest of the area of request)
6. **Z156-319** On November 9, 2016 the City Council approved a MU-3 Mixed Use District on property zoned IR Industrial Research District located at Southeast of Quaker St at terminus of Iberia Avenue- Ordinance No.30267- (South of the area of request)



**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Required ROW
Iberia Avenue	Local	50'	50'

**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 2.1 PROMOTE BALANCED GROWTH**

**Policy 2.1.1** Ensure that zoning is flexible enough to respond to changing economic conditions.

**AREA PLAN:****Stemmons Corridor-Southwestern Medical District Area**

The request site is located within the Urban Mixed Use – Medium designation of the Stemmons Corridor-Southwestern Medical District. The area plan describes the existing zoning as one of the key challenges in the area. Significant portions of the area are under industrial zoning that may not be compatible with future opportunities for growth and development. Although the Stemmons Corridor – Southwestern Medical District area is anticipated to continue growing as a major employment center, the Urban Mixed-Use areas accommodate a balanced mix of jobs, shopping, entertainment, and a range of housing types.

In addition, the plan emphasizes pedestrian and bike friendly development. Integrating residential uses in this area is consistent with the projections for the area.



**Land Use:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	IR Industrial Research	Undeveloped
<b>North</b>	IR Industrial Research	Vacant Building under renovation
<b>East</b>	IR Industrial Research with SUP No. 1241	Utility or Government Installation other than listed.
<b>South</b>	IR Industrial Research	Warehouse
<b>West</b>	IR Industrial Research	Office / Showroom / Warehouse

**Land Use Compatibility:**

The approximate 0.826-acre site is zoned an IR Industrial Research District and is currently undeveloped. Mixed-Use Districts can be found disseminated in the proximity of the area of request. Uses surrounding the property primarily consist of industrial, office/showroom and warehouse uses with some vacant buildings.

The owner of the property plans to develop the site with a building for an artist's live/work unit but it is also the intent of the request to make the property more flexible for future development. The current zoning does not allow for any residential uses.

The request to have live/work units exemplifies the Urban Mixed-Use Area described in the Stemmons Corridor – Southwestern Medical District area plan. If this area continues to transition to include live/work units with more people residing in the area, additional permitted uses may allow for a vibrant neighborhood. The addition of live/work units in the area is not foreseen as having a negative impact on the surrounding uses.

**Development Standards:**

<b><u>DISTRICT</u></b>	<b><u>SETBACKS</u></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><i>Existing:</i></b> IR Industrial Research	15'	30' adjacent to residential OTHER: No Min.	2.0 FAR overall 0.75 office/ retail 0.5 retail	200' 15 stories	80%	Proximity Slope Visual Intrusion	Industrial, wholesale distribution & storage, supporting office & retail
<b><i>Proposed:</i></b> MU-1 Mixed Use-1	15'	20' adjacent to residential OTHER: No Min.	0.8 FAR base 1.0 FAR maximum + bonus for residential	90' 7 stories 120' 9 stories with retail	80%	Proximity Slope U-form setback Tower spacing Visual Intrusion	Office, retail & personal service, lodging, residential



**Parking:**

At the time of development, off-street parking requirements must be provided in accordance with the Dallas Development Code, as amended

**Landscaping:**

At the time of development, landscaping must be provided in accordance with Article X of the Dallas Development Code, as amended.



**Prior CPC Action – April 19, 2017**

**Motion:** It was moved to recommend **approval** of an MU-1 Mixed Use District on property zoned an IR Industrial Research District, south of Burgess Boulevard, east of Iberia Avenue.

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: 200 Mailed: 13  
**Replies:** For: 3 Against: 0

**Speakers:** None

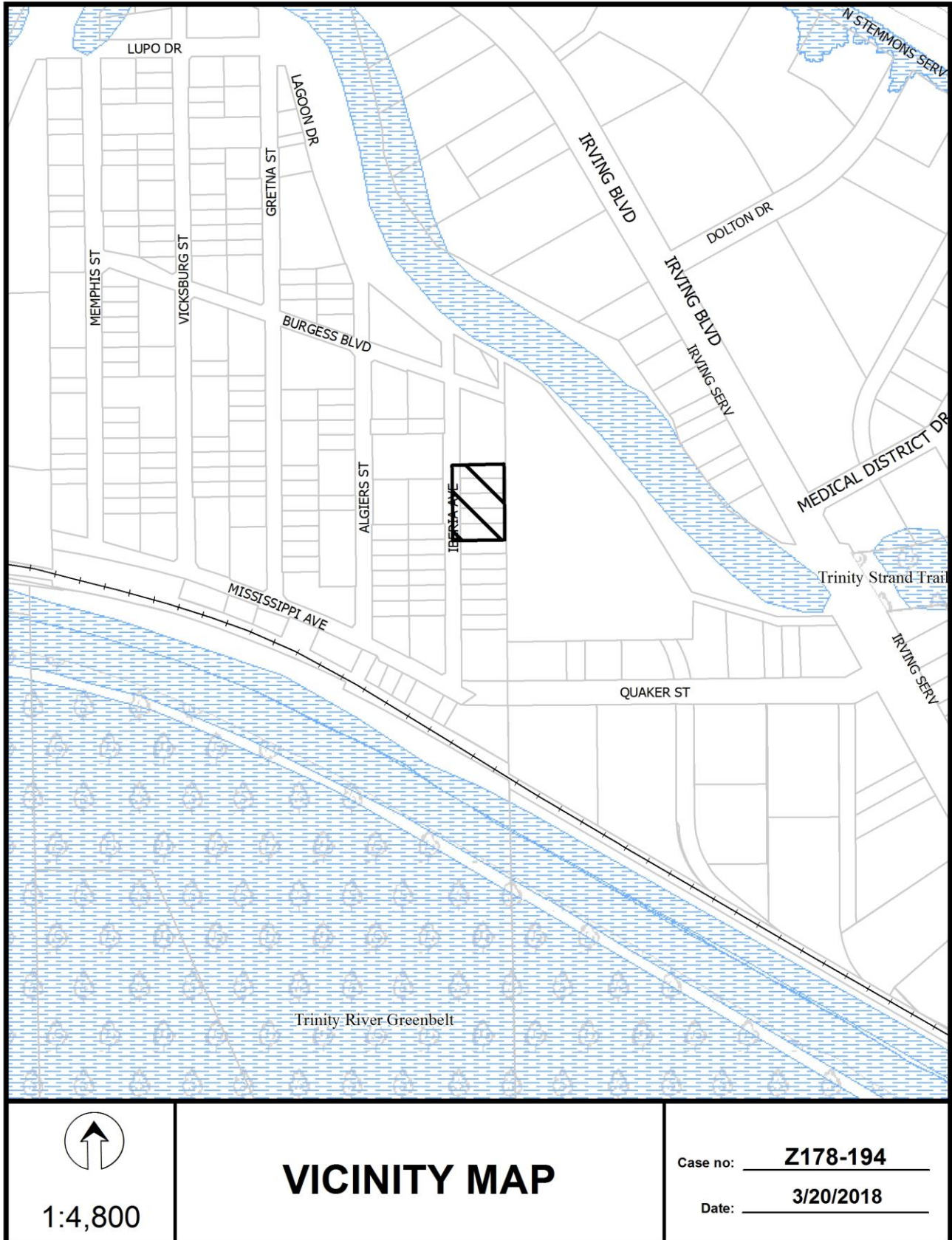


**List of Officers**

NDV, INC.

- Nicolas Villalba      President
- Nicolas Villalba      Treasurer
- Nicolas Villalba      Secretary

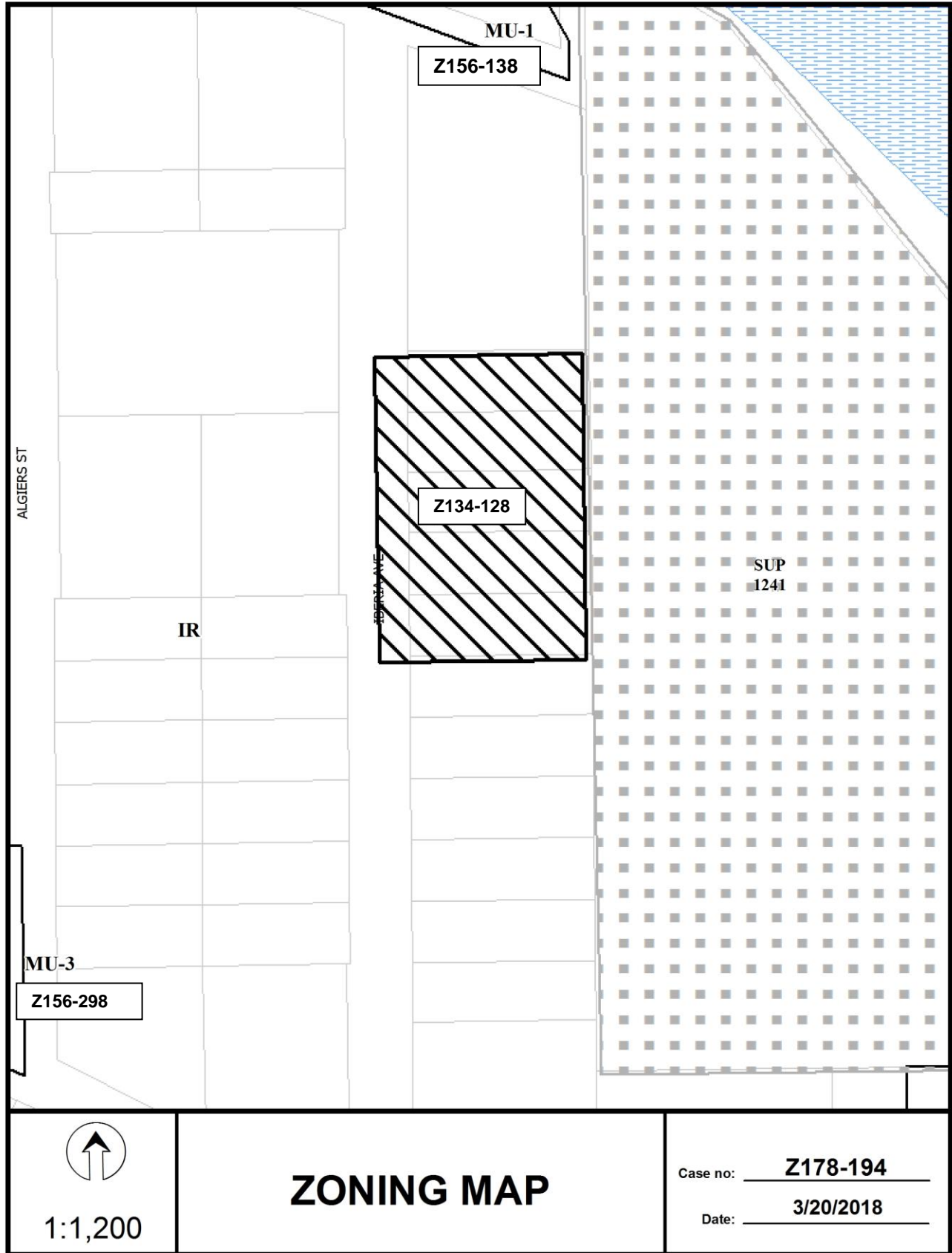




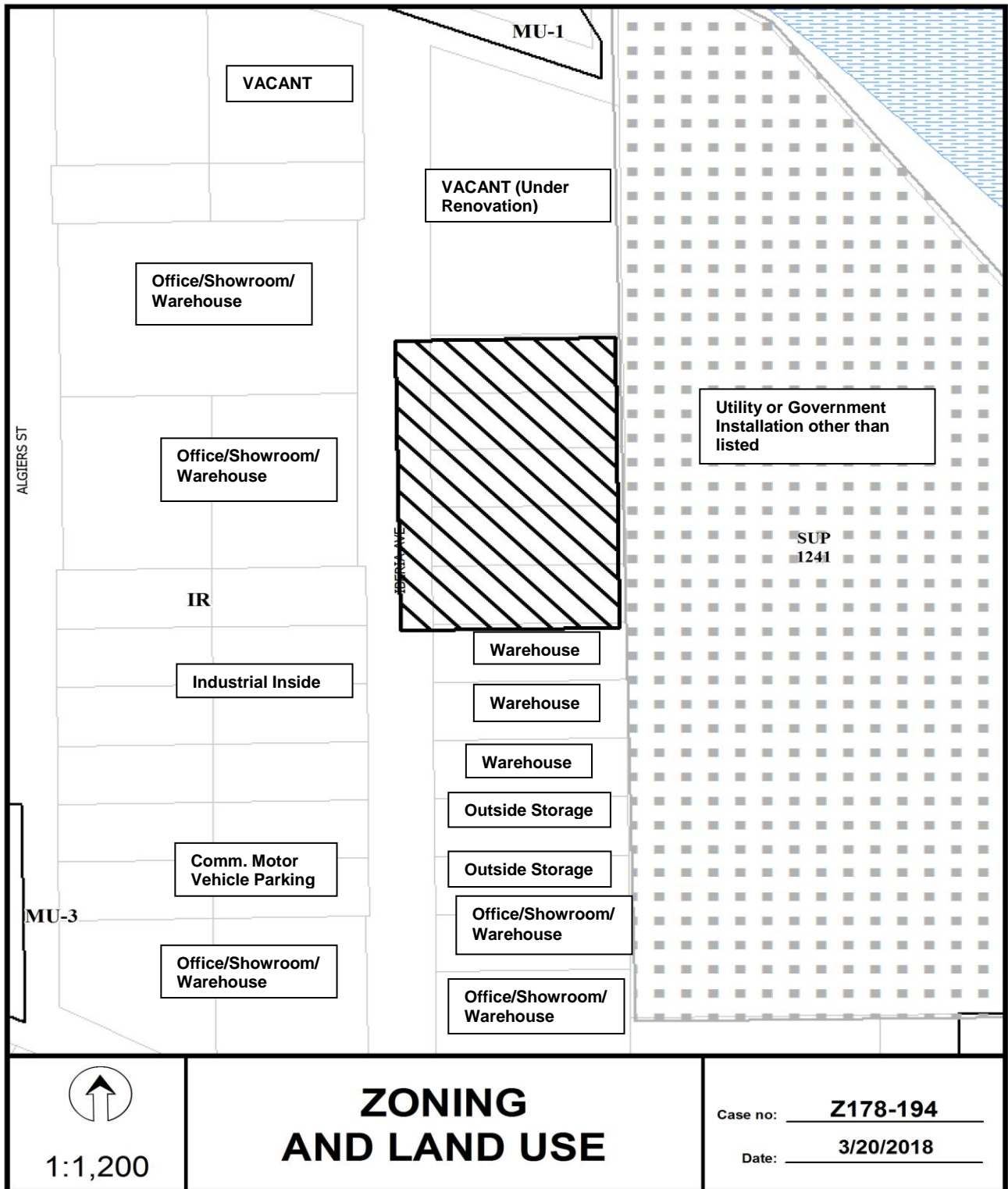






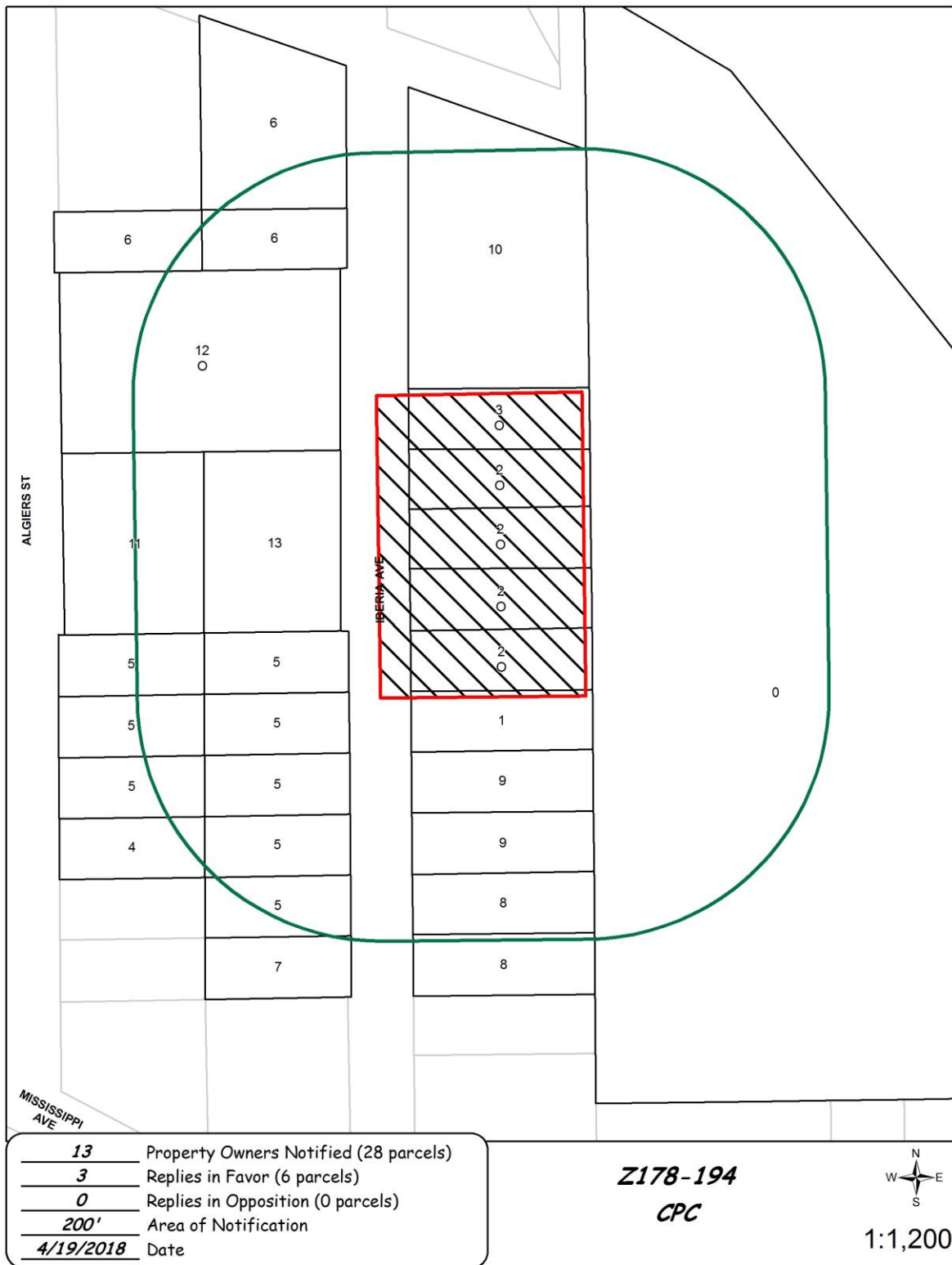








CPC RESPONSES





04/18/2018

***Reply List of Property Owners******Z178-194******13 Property Owners Notified******3 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	4736 IBERIA AVE	ALLEN LEE W
O	2	4742 IBERIA AVE	NDV INC
O	3	4758 IBERIA AVE	NDV INC
	4	4716 ALGIERS ST	FERGUSON WILLIAM
	5	4720 ALGIERS ST	RAMIREZ MARIO F &
	6	4756 ALGIERS ST	THE SPOT STUDIO INC
	7	4719 IBERIA AVE	DALLAS BULLDOG MARKETING LLC
	8	4722 IBERIA AVE	VALDEZ SENOVIO
	9	4728 IBERIA AVE	ALLEN LEE W
	10	4770 IBERIA AVE	MACHINE TOOL & REPAIR INC
	11	4732 ALGIERS ST	ALGIERS INVESTMENTS LLC
O	12	4748 ALGIERS ST	ELECTRIC LIGHT & POWER
	13	4741 IBERIA AVE	MARTINEZ MATISSE M &



**AGENDA ITEM # 46**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** May 23, 2018

**COUNCIL DISTRICT(S):** 14

**DEPARTMENT:** Department of Sustainable Development and Construction

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** 35 U

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for MF-2 Multiple Family uses on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the southeast corner of Cole Avenue and Armstrong Avenue

Recommendation of Staff: Approval, subject to a revised development plan, revised landscape plan, and staff's recommended conditions

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

Z167-397(SM)







**FILE NUMBER:** Z167-397(SM) **DATE FILED:** September 19, 2017

**LOCATION:** Southeast corner of Cole Avenue and Armstrong Avenue

**COUNCIL DISTRICT:** 14 **MAPSCO:** 35 U

**SIZE OF REQUEST:** Approx. 2.2 acres **CENSUS TRACT:** 7.02

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**APPLICANT:** Alliance Realty Partners, LLC

**OWNER:** See Property Owners List

**REPRESENTATIVE:** Tommy Mann & Laura Hoffmann - Winstead, PC

**REQUEST:** An application for a Planned Development Subdistrict for MF-2 Multiple Family uses on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District.

**SUMMARY:** The applicant [Alliance Residential] requests to construct a 335-unit multiple family development. The proposed development will vary in height from three stories to seven stories, with a maximum height not to exceed 85 feet.

**CPC RECOMMENDATION:** Approval, subject to a development plan, landscape plan, and conditions.

**STAFF RECOMMENDATION:** Approval, subject to a revised development plan, revised landscape plan, and staff's recommended conditions.



**BACKGROUND INFORMATION:**

- On February 8, 1985, Planned Development District No. 193, the Oak Lawn Special Purpose District, was approved by the City Council. The PD is comprised of approximately 2,593 acres, and provides standards to promote and protect the health, safety, welfare, convenience, and enjoyment of the public, and in part, to achieve the objectives outlined in the PD.
- The request site is developed with several multiple family developments.
- The applicant proposes to raze the existing multiple family development to construct a 335-unit multiple family development that will have a maximum structure height of 85 feet. The maximum structure height in an MF-2 Subdistrict is 36 feet.

**Zoning History:** There have been seven recent zoning cases in the vicinity in the last five years.

1. **Z178-186:** On April 25, 2018, the City Council will consider a City Plan Commission authorized hearing for a historic building demolition delay.
2. **Z178-145:** On April 11, 2018, the City Council will consider an application for a Planned Development Subdistrict for LC Light Commercial uses on property zoned an LC Light Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District.
3. **Z167-336:** On April 11, 2018, the City Council will consider an application for a Planned Development Subdistrict for LC Light Commercial Subdistrict, restaurant, and personal service uses on property zoned an LC Light Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District.
4. **Z167-132:** On October 11, 2017, the City Council approved Planned Development Subdistrict No. 132 for MF-2 Multiple Family Subdistrict and private school uses on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District.
5. **Z134-147:** On September 10, 2014, the City Council approved amendment to and expansion of Planned Development Subdistrict (PDS) No. 71 for MF-2 Multiple Family Subdistrict uses within Planned Development District No. 193, the Oak Lawn Special Purpose District, on property zoned PDS No. 71 and an MF-2 Multiple Family Subdistrict within Planned Development District No. 193.



6. **Z145-323:** On November 10, 2015, the City Council approved Specific Use Permit No. 2163 for a Class A Dance hall on property zoned an LC Light Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District.
7. **Z145-147:** On May 13, 2015, the City Council approved Planned Development Subdistrict No. 116 for O-2 Office Subdistrict Uses and MF-2 Multiple-family Subdistrict uses on property zoned an O-2 Office Subdistrict and an MF-2 Multiple-family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Thoroughfare Plan Dimension; ROW
Cole Avenue	Minor Arterial	3 lanes, undivided; 60-80 ft.
Armstrong Avenue	Local	50 ft.

**Traffic:** A Traffic Impact Analysis was submitted and reviewed by the Engineering Division of the Sustainable Development and Construction Department who determined that it will not significantly impact the surrounding street system for the proposed development. According to the Traffic Impact Analysis, the proposed 335 dwelling units will generate approximately 168 new weekday AM peak hour one-way trips and 202 new weekday PM peak hour one-way trips at buildout.

**Comprehensive Plan:** The comprehensive plan does not make a specific land use recommendation related to the request, however the *forwardDallas! Vision Illustration*, adopted June 2006, is comprised of a series of Building Blocks that depicts general land use patterns.

The applicant's request generally complies with the following goals and policies of the Comprehensive Plan.

**LAND USE**

**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.

**URBAN DESIGN**

**GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY**



Policy 5.1.1 Promote pedestrian-friendly streetscapes.

Implementation Measure 5.1.1.3 Apply urban design tools in pedestrian or transit oriented districts when approving zoning cases and when developing Area Plans.

Policy 5.1.3 Encourage complementary building height, scale, design and character.

**Area Plans:**

The Oak Lawn Special Purpose District and the Oak Lawn Plan include the following objectives:

- (1) To achieve buildings more urban in form.
- (2) To promote and protect an attractive street level pedestrian environment with continuous street frontage activities in retail areas.
- (3) To encourage the placement of off-street parking underground or within buildings similar in appearance to non-parking buildings.
- (4) To promote development appropriate to the character of nearby neighborhood uses by imposing standards sensitive to scale and adjacency issues.
- (5) To use existing zoned development densities as a base from which to plan, while providing bonuses to encourage residential development in commercial areas.
- (6) To discourage variances or zoning changes which would erode the quantity or quality of single-family neighborhoods, or would fail to adhere to the standards for multiple-family neighborhoods and commercial areas.
- (7) To promote landscape/streetscape quality and appearance.

The applicant's request for a PDS meets objectives 1, 2, 3, 4, and 7. Since the request sets a base that conforms to the existing MF-2 development standards and allows additional height and density if both mixed-income housing and the additional urban standards are provided, staff considers the fifth objective met. Also, since staff's recommendation requires front, side, and rear setbacks that are similar to the MF-3 subdistrict, staff considers the sixth objective met as the MF-3 setbacks "adhere to the standards for multiple-family neighborhoods".



**STAFF ANALYSIS:****Surrounding Land Uses:**

	<b>Subdistrict within PDD No. 193</b>	<b>Land Use</b>
<b>Site</b>	MF-2	Multiple Family
<b>Northeast</b>	LC with D-1 Overlay	Office, Retail and Restaurant
<b>Southeast</b>	PDS No. 47	Multiple Family
<b>Southwest &amp; Northwest</b>	MF-2	Multiple Family and Single Family

**Land Use Compatibility:**

The surrounding land uses consist of an office development to the northeast of the site, across Armstrong Avenue, and some one-story buildings to the southeast that contains office, retail and restaurant uses that front on Armstrong Avenue and McKinney Avenue. The remainder of the surrounding land uses consist of multiple family and single family attached uses.

The request site is zoned an MF-2 Multiple Family Subdistrict within PDD No. 193, the Oak Lawn Special Purpose District, and is currently developed with seven multifamily developments varying in style which will all be demolished. The applicant proposes to construct 335 multifamily dwellings on the property, but is seeking relief to the development standards of the MF-2 Multiple Family Subdistrict. Staff and CPC support the request to develop the site with multiple family uses; however, staff has separate recommendations on the proposed development standards.

**Development Standards:**

The request site has approximately 94,500 square feet of lot area and 1,410 linear feet of bounding property lines. Of the site's bounding property lines, approximately 1,055 linear feet, or approximately 75 percent, abuts or is located across a street or alley from a multiple family subdistrict that limits structures to 39 feet or less in height. The remaining 25 percent, or approximately 355 linear feet, is located across a street or alley from an LC subdistrict that limits structures to 240 feet or less in height.

CPC recommends development increases for density and height in exchange for additional regulations which include 1) additional setbacks for the portions of the building that exceed 36 feet in height, 2) providing urban design standards, and 3) ensuring the development has an affordable housing component. Staff recognizes the



need for affordable housing in the vicinity and therefore, supports the concept of additional development standards in exchange for these additional regulations. However, staff recommends development standards that are rooted in the MF-3 Multiple Family Subdistrict for a more consistent application of additional setbacks for structures that exceed 36 feet in height.

SUBDISTRICT	SETBACKS		MF Density	Height	Lot Coverage	PRIMARY Uses
	Front	Side/Rear				
<b>MF-2</b> Existing	15' for multifamily	10'/15'	Minimum Lot Size: 800 sq ft – E 1,000 sq. ft – 1 BR 1,200 sq ft – 2 BR +150 sq ft each add BR	36'	60%	Multifamily
<b>PDS</b> Staff proposed with mixed income and urban design	15' for first 36 ft Additional SB = half height for portion higher, max 50 ft	10' for first 39 ft +Half total height for higher, max 50 ft	Max 335 dwelling units	85'	60%	Multifamily
<b>PDS</b> Applicant proposed with mixed income and urban design	See development plan	See development plan	Max 335 dwelling units	85'	60% 40% above 61'	Multifamily

PDD No. 193 was written with the setback requirements that were established under Chapter 51, prior to the adoption of Chapter 51A which now provides the basis for setbacks in the majority of the City of Dallas. In Chapter 51 and PDD No. 193, setbacks increase in the MF-3, MF-4 and all other nonresidential districts as the building exceeds 36 feet in height when it is adjacent to districts that limit height to 36 feet or less. Therefore, the adjacent LC Subdistrict, unless a block is divided by another zoning district with a more restrictive setback, the LC Subdistrict requires 10-foot front, side, and rear yard setbacks and additional setbacks for portions of structures that exceed 36 feet in height and abut or are located across a street or alley from an MF-2 Subdistrict. The additional front setback in the LC Subdistrict with an MF-2 adjacency is a one foot in distance for each two feet in height, or a one-to-two slope, for that portion that exceeds 36 feet in height with a maximum total setback of 50 feet. Therefore, the property across Armstrong Avenue is required to provide a sloping setback similar to that which is currently constructed. Side yard setbacks for portions of a building above 36 feet in height in the LC Subdistrict have similar additional setbacks, except it is a less restrictive one-to-one slope with a maximum total setback of 85 feet. Therefore, the LC Subdistrict property across the alley from the area of request, would require a sloping setback adjacent to MF-2 Subdistricts and therefore would create a tower-like structure in the corner near Armstrong Avenue and McKinney Avenue if it were to be redeveloped with a tall structure. Because of the existing additional setbacks of the LC Subdistrict, staff does not consider the site to be inherently entitled to additional height and development standards. Instead, staff would normally recommend denial for additional height for the area of request.



However, since the City has experienced a lack of affordable housing in the vicinity, staff recognizes an opportunity to leverage additional development rights to gain affordable housing. Therefore, staff supports the concept of increased development rights in exchange for affordable housing but recommends some alternate development standards that are more suitable to the site's multifamily zoning adjacency and are modeled after the additional setbacks listed in Part I of the Oak Lawn Special Purpose District.

**Front yard setback:**

The applicant has designed a building that provides additional setbacks to the portions of the building above the fourth floor to the majority of the multifamily adjacent properties and proposes a front yard setback that varies in its proximity to the LC Subdistricts nearby. For the areas along Cole Avenue within 90 feet of Armstrong Avenue, the applicant has tiered the fourth and fifth levels back 12 feet from the base front yard setback of 15 feet. For the sixth and seventh levels, the applicant proposes to setback an additional 12 feet. Overall, for the portion that is within 90 feet of Armstrong Avenue, the applicant proposes essentially a sloping setback of approximately one foot in distance for every two feet in height for the portion of the building above 36 feet in height and within 90 feet of Armstrong Avenue. This portion of the building complies with staff's recommended front yard setbacks.

The applicant requests an alternative front yard setback along Cole Avenue when located more than 90 feet from Armstrong Avenue. It also proposes two tiers, but instead increases the front-most facade from 36 feet to 50 feet (or three stories to four stories) and the additional setbacks begin on the fifth story and only provide an additional 10-foot setback for one level (the fifth story). Staff considers the proposed additional setback, beginning at 50 feet instead of 36 feet, as too high for an additional setback and is considered inadequate to address the pedestrian experience along Cole Avenue. For the sixth and seventh levels, or between 60 and 85 feet in height, the applicant proposes to provide an additional 60-foot setback. Staff considers the setbacks on these upper floors as adequate as they will be largely hidden by the foremost building facades along Cole Avenue and the street trees.

Therefore, staff recommends additional setbacks to be applied that are more consistent with the Oak Lawn Special Purpose District (PDD). In the PDD, except for the MF-3 and MF-4 Subdistricts, all residential subdistricts limit maximum structure height to 36 feet or less. Therefore, staff's recommendation reiterates the PDD's additional setbacks of the MF-3 Subdistrict for the front yard. Staff's recommendation requires a 15-foot setback for the first 36 feet of a building, which is the same as the applicant's request,



with an additional sloping front yard setback equal to one foot in distance for every two feet in height above 36 feet in height, up to a maximum total setback of 50 feet. Staff's recommended front yard setback would necessitate revised development and landscape plans to show the three southwest wings along Cole Avenue to begin stepping back at the third story or 36 feet in height.

**Side yard setbacks:**

The applicant requests to provide a greater side yard setback to abutting MF-2 Subdistrict properties and to provide a similar application of setbacks as requested on Cole Avenue but to a lesser degree where adjacent to the alley. Staff supports the side yard setback where it is not adjacent to an alley as it is similar to the side yard setbacks of the MF-3 Subdistrict. Staff also supports the request to provide lesser setbacks when located less than 90 feet from Armstrong Avenue because of its adjacency to the LC Subdistrict.

The applicant requests a similar tiered setback for its PDS No. 47 adjacency. PDS No. 47, located across the adjoining alley from the site, allows an additional three feet to the maximum structure height, but is essentially a slight variant to the MF-2 Subdistrict regulations. However, the additional setbacks along the alley begin at the sixth level, or 60 feet in height, as compared to 36 feet in the MF-3 Subdistrict.

For this portion of alley adjacency, staff recommends an alternative side yard setback that is consistent with the MF-3 additional setbacks that require a one foot in distance for every two feet in height for that portion of the building that exceeds 39 feet in height. Staff chose the additional setback to begin at 39 feet in this instance because PDS No. 47 limits the maximum structure height to 39 feet.

**Density:**

Maximum density varies depending on the underlying zoning district. In some zoning districts it is simply stated as the number of units allowed per acre. In the Oak Lawn Special Purpose District, density is regulated through minimum lot size per the configuration of dwelling units (efficiency, one bedroom, two bedroom, etc.). Because of this complexity, staff compiled the following tables to show variations on the area of request's lot size and proposed possible unit confirmations based on percentage of overall development and the corresponding requested deviation (increases shown as a percentage above 100 percent and decreases shown as a percentage below 100 percent).



*MF-2 Subdistrict Givens and Comparison Table:*

Givens:	Efficiency	1 BR	2 BR	3 BR
Min lot area per unit	800	1000	1200	1350

% Efficiency	% 1 BR	% 2BR	% 3 BR	Total		Deviation
100%	0%	0%	0%	118		184%
50%	30%	20%	0%	103		225%
0%	100%	0%	0%	95		254%
20%	45%	30%	5%	93		259%
0%	80%	20%	0%	91		267%
0%	60%	30%	10%	87		284%
0%	0%	100%	0%	79		325%
0%	0%	50%	50%	74		350%
0%	0%	0%	100%	70		379%

*MF-3 Subdistrict Givens and Comparison Table:*

Givens	Efficiency	1 BR	2 BR	3 BR
Min lot area per unit	100	125	150	175

% Efficiency	% 1 BR	% 2BR	% 3 BR	Total		Deviation
100%	0%	0%	0%	945		65%
50%	30%	20%	0%	825		59%
0%	100%	0%	0%	756		56%
20%	45%	30%	5%	745		55%
0%	80%	20%	0%	731		54%
0%	60%	30%	10%	697		52%
0%	0%	100%	0%	630		47%
0%	0%	50%	50%	585		43%
0%	0%	0%	100%	540		38%

Based upon the percentages listed in the “deviation” columns above, the request includes an increase in density from the MF-2 Subdistrict but does not exceed the densities in the MF-3 Subdistrict. Since the applicant has proposed mixed-income housing, urban design standards that would contribute to the pedestrian experience and facade articulations that would create an improved pedestrian experience, underground parking, and because the traffic impact analysis supports 335 dwelling units on the property, CPC recommends approval of the requested maximum density.



**Floor area:**

Similar to the comparisons made above regarding density, staff considers the request more consistent to the MF-3 Subdistrict than the existing MF-2 Subdistrict. Although the MF-2 Subdistrict does not limit floor area ratio, a rough calculation of maximum lot coverage and three stories (based on the MF-2 Subdistrict) maximum structure height, the plausible maximum floor area ratio (FAR) for this site with the existing zoning district is 1.8:1 FAR (94,500 SF lot area x 60% lot coverage x 3 stories = 170,100 maximum SF / 94,500 SF lot area = 1.8:1 FAR). The applicant requests a maximum 340,000 square feet of floor area for the site, which equates to approximately 3.6:1 FAR. Since the MF-3 Subdistrict allows 4:1 FAR, CPC supports the applicant's additional requested maximum floor area.

**Height:**

The applicant requests a maximum structure height of 85 feet with typical projections. The MF-2 Subdistrict limits height to 36 feet and the MF-3 Subdistrict allows any legal height. Since the applicant requests to provide additional urban design standards, underground parking, and affordable housing; CPC supports the requested maximum height, subject to an additional increased front and side yard setbacks that are consistent with the MF-3 Subdistrict as the additional setbacks will camouflage the portions of the building that exceed 36 or 39 feet in height, where applicable.

**Lot coverage:**

The maximum lot coverage in the MF-2 and MF-3 Subdistricts is 60 percent. CPC supports maintaining the maximum lot coverage at 60 percent. Additionally, the application of additional setbacks and urban design standards (particularly the courtyards) would require the site to provide less building massing as the height increases.

**Parking:**

For a multifamily use in PDD No. 193, the parking requirement is one space per 500 square feet of floor area, with a minimum of 1.5 spaces for structures that exceed 36 feet in height. The applicant is proposing to meet this minimum requirement. No changes to the existing parking structure facade standards of PDD No. 193 are proposed with this application.



**Landscaping:**

For the proposed structure, landscaping is required in accordance with PDD No. 193 with two additional design standards to facilitate an improved pedestrian environment. CPC supports the requested modification as it is seen to be in kind to the spirit and intent of the landscaping requirements of PDD No. 193.

**Urban Design:**

In the proposed conditions, for a structure to exceed 36 feet in height, the development must provide mixed-income housing and the following additional urban design elements.

**Transparency:**

The proposed transparency standards are consistent with the apartment development type in the Article XIII Form Based Districts. The applicant proposes a minimum 40 percent transparency for ground story building facades facing Cole Avenue, whereas Article XIII would require a minimum of 30 percent. The applicant also proposes a minimum 35 percent transparency for upper story building facades facing Cole Avenue, whereas Article XIII would require a minimum 20 percent.

**Blank Wall:**

The proposed maximum blank wall area standards are consistent with the apartment development type in the Article XIII Form Based Districts. The applicant proposes a maximum 25 linear foot blank wall area for building facades facing Cole Avenue and Armstrong Avenue, whereas Article XIII would limit blank wall area to a maximum of 30 linear feet.

**On site open space:**

The applicant proposes a minimum 14,000 square feet of open space with a minimum of 8,000 square feet accessible to the general public. Further, the applicant proposes to break up the vertical massing of the foremost building facades by providing courtyards at regular intervals along Cole Avenue and the alley. Staff supports this requirement as it scales back what would otherwise be an imposing building facade in a medium density multifamily area.



**Structured parking:**

The applicant proposes to construct all off-street parking within an underground parking garage. This has the added benefit of encouraging street level uses and pedestrian activity. Therefore, staff supports this provision.

**Mixed Income Housing:**

The applicant proposes to provide a minimum amount of affordable housing in the new development in exchange for increased development standards. CPC supports this concept as the vicinity has a lack of affordable housing. Section 114 of the proposed conditions originate from a recently approved (October 25, 2017) Planned Development Subdistrict No. 133 on the south corner of Welborn Street and Congress Avenue (Z167-190).

Housing and Neighborhood Revitalization staff was unable to provide a recommendation regarding the appropriate number of affordable dwelling units to be offered in the new development and the income bands for which such affordable dwelling units should be reserved in order to substantiate additional development rights. Staff was unable to perform underwriting for the project due to lack of information from the applicant, despite a request that the applicant provide, at a minimum, a pro forma. Additionally, Housing and Neighborhood Revitalization staff are also concerned about providing affordable housing recommendations for individual projects without guidance from the Dallas City Council in the form of a Comprehensive Housing Policy, which will be briefed to Council on May 2, 2018 and is expected to be placed on Council's May 9, 2018 voting agenda.



**Prior CPC Action – April 19, 2018:**

**Motion:** It was moved to recommend **approval** of a Planned Development Subdistrict for MF-2 Multiple Family uses on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, subject to a revised development plan, revised landscape plan, and applicant's recommended conditions with the following modifications: 1) remove fencing on the Level 1 amenity court yards facing Cole Avenue, 2) show at fire lane at the south end of the project the fence parallel to Cole Avenue be gated to allow public access, 3) under Sec.\_113. SPECIAL PROVISIONS. (b) Mixed-Income Housing strike "(3) The provisions of Section 114 apply", 4) under Sec.\_114. MIXED-INCOME HOUSING (c) Qualification requirements accept staff's recommendation regarding (8) to read as follows: "The rental affordability period is 15 years beginning on the date the first affordable unit is leased to an eligible household or voucher holder. The modifications to the MF-2 Multiple-Family Subdistrict yard, lot, and space regulations survives expiration of the rental affordability period." on the southeast corner of Cole Avenue and Armstrong Avenue.

Maker: Ridley  
Second: Murphy  
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

\*out of the room, shown voting in favor

**Notices:** Area: 500 Mailed: 267  
**Replies:** For: 191 Against: 4

**Speakers:** For: Nick Wilhelmson, 8111 Preston Rd., Dallas, TX, 75225  
Tommy Mann, 500 Winstead Bldg., 2728 N. Harwood St., Dallas, TX, 75201  
Hall Harris, 4411 McKinney Ave., Dallas, TX, 75205  
Charles Ostermann, 4118 Brown St., Dallas, TX, 75219  
Tom Nelson, 3618 Gillon Ave., Dallas, TX, 75205  
Lindsay Billingsley, 5369 Nakoma Dr., Dallas, TX, 75209  
Sue Krider, Address not given  
Evan Beattie, 80 Vanguard Way, Dallas, TX, 75243  
For (Did not speak): Ken Malcolmson, 3217 Armstrong Ave., Dallas, TX, 75205  
Against: Carol Guiel, 317 Armstrong Ave., Dallas, TX, 75205  
Shelley Potter, 4437 Cole Ave., Dallas, TX, 75205



Z167-397(SM)

Against (Did not speak): Christine Moore, 4416 Travis St., Dallas, TX, 75205

Staff: David Noguerra, Director, Housing & Neighborhood Revitalization  
Maureen Milligan, Special Advisor, Housing & Neighborhood Revitalization



**LIST OF PROPERTY OWNERS**

**4408, 4418, 4428 and 4432 Cole Avenue, 3131 Armstrong Avenue (Units 101-112)**

Ipenema Investments, Ltd.  
4309 N. Central Expressway  
Dallas, TX 75205

**4438 Cole Avenue, Unit 1**

Antoine Ramusat  
4438 Cole Avenue, #1  
Dallas, TX 75205-4182

**4438 Cole Avenue, Unit 2**

Judd M. Hale  
4438 Cole Avenue, #2  
Dallas, TX 75205-4182

**4438 Cole Avenue, Unit 3**

Rob Edwin Wilson  
4438 Cole Avenue, #3  
Dallas, TX 75205-4182

**4438 Cole Avenue, Unit 4**

Tucker Burton Bomar  
4438 Cole Avenue, #4  
Dallas, TX 75205-4182

**4438 Cole Avenue, Unit 5**

Turner Tomlinson  
4438 Cole Avenue, #5  
Dallas, TX 75205-4182

**4438 Cole Avenue, Unit 6**

Robert Gruner III  
9852 Van Dyke Rd  
Dallas, TX 75218-2154

**4438 Cole Avenue, Unit 7**

Glenn Travis Leissner  
2950 McKinney Avenue, Apt. 319  
Dallas, TX 75204-7419

**4438 Cole Avenue, Unit 8**

Sabrina Castaneda  
4438 Cole Avenue, #8  
Dallas, TX 75205-4182



**OFFICERS AND DIRECTORS**

Applicant/

Prospective Buyer:

**ALLIANCE REALTY PARTNERS, LLC**

- President: Bruce C. Ward
- Vice President John Rippel
- Vice President V. Jay Hiemenz
- Vice President Dan McCadden
- Vice President Andrew Colquitt
- Vice President Patrick W. Dukes
- Vice President Nicholas J. Chapman
- Vice President Kurt Robertson
- Vice President Michael J. Ging
- Vice President Russ Kindorf
- Vice President Michael Wilborn
- Vice President Brian Austin
- Vice President Andy Clay
- Vice President Marc Chasman
- Vice President Todd Oglesby
- Vice President Lindsay A. Billingsley
- Vice President John Zeledon
- Vice President Ian Swiergol
- Vice President Jeremiah Jolicoeur
- Vice President Dale C. Boyles
- Vice President Sean Flanagan
- Vice President Peter Solar
- Vice President Michael J. Boujoulian
- Vice President Cyrus Bahrami
- Vice President Robert G. Weston, Jr.
- Vice President Chad Jackson
- Vice President Nick Wilhelmson

Owner of 4408, 4418, 4428, and 4432 Cole Avenue and 3131 Armstrong Avenue:

**IPENEMA INVESTMENTS, LTD.**

- General Partner: Parkview Management Corporation
- President: Donald G. Knobler
- Director: Donald G. Knobler

Z167-397



**Proposed PDS Conditions:**

**Division S-\_\_\_\_. PD Subdistrict \_\_\_\_.**

**SEC. S-\_\_\_\_.101. LEGISLATIVE HISTORY.**

PD Subdistrict \_\_\_\_ was established by Ordinance No.\_\_\_\_, passed by the Dallas City Council on \_\_\_\_.

**SEC. S-\_\_\_\_.102. PROPERTY LOCATION AND SIZE.**

PD Subdistrict \_\_\_\_ is established on property located at the south corner of Cole Avenue and Armstrong Avenue. The size of PD Subdistrict \_\_\_\_ is 2.2 acres.

**SEC. S-\_\_\_\_.103. DEFINITIONS AND INTERPRETATIONS.**

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51 and Part I of this article apply to this division. If there is a conflict, this division controls. If there is a conflict between Chapter 51 and Part I of this article, Part I of this article controls. In this division,

(1) BLANK WALL AREA means any portion of the exterior of a building that does not include a material change, windows or doors, or columns, pilasters, or other articulation greater than 12 inches in depth. Blank wall area is measured horizontally on each story of a building.

(2) GROUND STORY means the story closest to and above grade along the street.

(3) ON-SITE OPEN SPACE means the portion of a building site that is accessible to all occupants of that building site. On-site open space is principally open to the sky but allows for architectural elements such as colonnades, pergolas, and gazebos. The on-site open space must be a contiguous open area of not less than 10 feet in width or length.

(4) STOOP means a small porch that may include stairs leading to the entrance of a residence.

(5) SUBDISTRICT means a subdistrict of PD 193.

(6) TRANSPARENCY means the total area of window and door openings filled with glass, expressed as a percentage of the total facade area by story. Transparency is measured from floor to floor of each story of a building.

(7) UPPER STORY means any story above the ground story.



(c) Unless otherwise stated, all references to articles, divisions, or sections in this division are to articles, divisions, or sections in Chapter 51.

(d) This subdistrict is considered to be a residential zoning district.

**SEC. S- \_\_\_\_\_.104. EXHIBITS.**

The following exhibits are incorporated into this division:

- (1) Exhibit \_\_\_\_A: development plan.
- (2) Exhibit \_\_\_\_B: landscape plan.

**SEC. S- \_\_\_\_\_.105. DEVELOPMENT PLAN.**

(a) For a multiple family use that exceeds 36 feet in height, development and use of the Property must comply with the development plan (Exhibit S-\_\_\_\_A). If there is a conflict between the text of this division and the development plan, the text of this division controls.

(b) For all other uses, no development plan is required, and the provisions of Section 51-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply.

**SEC. S- \_\_\_\_\_.106. MAIN USES PERMITTED.**

The only main uses permitted in this subdistrict are those main uses permitted in the MF-2 Multiple-Family Subdistrict, subject to the same conditions applicable in the MF-2 Multiple-Family Subdistrict, as set out in Part I of this article. For example, a use permitted in the MF-2 Multiple-Family Subdistrict only by specific use permit (SUP) is permitted in this subdistrict only by SUP; a use subject to development impact review (DIR) in the MF-2 Multiple-Family Subdistrict is subject to DIR in this subdistrict; etc.

**SEC. S- \_\_\_\_\_.107. ACCESSORY USES.**

As a general rule, an accessory use is permitted in any subdistrict in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51P-193.108. For more information regarding accessory uses, consult Section 51P-193.108.



**SEC. S-\_\_\_\_.108. YARD, LOT, AND SPACE REGULATIONS.**

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Part I of this article. If there is a conflict between this section and Part I of this article, this section controls.)

(a) In general. Except as provided in this section, the yard, lot, and space regulations for the MF-2 Multiple-Family Subdistrict apply.

(b) Increased development standards. When the provisions of Section S-\_\_\_\_.113 are met, the following modifications to the MF-2 Multiple-Family Subdistrict apply.

*CPC Recommended:*

(1) Front yard.

(A) Along Cole Avenue and when located within 90 feet of Armstrong Avenue, the following setbacks apply:

(i) For portions of a building below 37 feet in height, minimum front yard is 15 feet.

(ii) For portions of a building between 37 and 61 feet in height, minimum front yard is 27 feet.

(iii) For portions of a building above 61 feet in height, minimum front yard is 39 feet.

(B) Along Cole Avenue and when located more than 90 feet from Armstrong Avenue, the following setbacks apply:

(i) For portions of a building below 50 feet in height, minimum front yard is 15 feet.

(ii) For portions of a building between 50 feet and 61 feet in height, minimum front yard is 25 feet.

(iii) For portions of a building above 61 feet in height, minimum front yard is 60 feet.

(C) Along Armstrong Avenue, minimum front yard setback is 15 feet.



*Staff recommended:*

(1) Front yard.

(a) Cole Avenue. Except as provided in this subparagraph, minimum front yard is 15 feet. Along Cole Avenue, for a building that exceeds 36 feet in height, an additional setback must be provided that is equal to one-half the height of that portion of the building that exceeds 36 feet, up to a maximum total setback of 50 feet. The additional setback is only required for that portion of a building that exceeds 36 feet in height.

(b) Armstrong Avenue. Minimum front yard is 15 feet.

(2) Side and rear yard.

(A) In general. Except as provided in this paragraph, minimum side and rear yard is 37 feet. For portions of a building above 60 feet in height, minimum side yard is 58 feet.

*CPC Recommended:*

(B) Alley adjacency. Except as provided in this subparagraph, when adjacent to an alley, minimum side and rear yard is 14 feet. For portions of a building 61 feet or more in height and located more than 90 feet from Armstrong Avenue, minimum side yard is 39 feet.

*Staff recommended:*

(B) Alley adjacency. Except as provided in this section, minimum side and rear yard is 10 feet. For portions of a building that exceed 39 feet in height and located more than 90 feet from Armstrong Avenue, an additional setback must be provided that is equal to one-half the height of that portion of the building that exceeds 39 feet, up to a maximum total setback of 50 feet. The additional setback is only required for that portion of a building that exceeds 39 feet in height.

(3) Encroachments.

(A) Retaining walls up to a maximum of six feet in height, stoops, steps, handrails, guardrails, planters, patios, swimming pools, shade structures, transformers and other utility equipment, benches and other pedestrian seating, pots, raised planters, sculptures, and other decorative landscape features may be located within the required front, side, or rear yards and on-site open space with no projection limitation.

(B) Balconies and awnings on the ground story and on stories two, three, four, and five may encroach into a required front, side, rear yard, or on-site open space up to a maximum of five feet. Balconies and awnings must provide a minimum clearance of 10 feet above the ground.

(C) Balconies and awnings above the fifth story of a building may not encroach into a front, side, or rear yard.



(4) Density. Maximum number of dwelling units is 335.

(5) Floor area. Maximum floor area is 340,000 square feet.

(6) Height.

(A) Maximum structure height is 85 feet.

(B) The following structures may project a maximum of six feet above the maximum structure height:

(i) Elevator penthouse or bulkhead.

(ii) Mechanical equipment room.

(iii) Visual screens which surround roof mounted mechanical equipment.

(C) Parapet walls and guard rails may project a maximum of four feet above the maximum structure height.

(7) Minimum lot area for a multiple-family use. No minimum lot area.

(8) Lot coverage. Except as otherwise provided, maximum lot coverage is 60 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

**SEC. S-\_\_\_\_.109. OFF-STREET PARKING AND LOADING.**

Consult Part I of this article for the specific off-street parking and loading requirements for each use.

**SEC. S-\_\_\_\_.110. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI.

**SEC. S-\_\_\_\_.111. LANDSCAPING.**

(a) Except as provided in this section, landscaping and screening must be provided in accordance with Part I of this article.

(b) Except as provided in this subsection, fences may not exceed nine feet in height. When a fence is less than 50 percent open and located within a required front yard, fences are



limited to four feet in height. When a fence is 50 percent open or more and located within a required front yard, fences are limited to six feet in height.

(c) For a multiple family use within a building that exceeds 36 feet in height, landscaping must be provided as shown on the landscape plan (Exhibit S-\_\_\_\_B). If there is a conflict between the text of this division and the landscape plan, the text of this division controls.

(d) For a multiple family use within a building that exceeds 36 feet in height, the following urban design elements are required.

(1) Cole Avenue.

(A) A minimum 12-foot-wide tree planting zone, measured from the back of the projected street curb, is required and may be located within the right-of-way.

(B) A minimum six-foot-wide sidewalk is required.

(2) Armstrong Avenue.

(A) Sidewalks must be a minimum eight feet wide.

(B) Except where on-street parallel parking is provided, a minimum eight-foot-wide tree planting zone, measured from the back of the projected street curb, is required and may be located within the right-of-way.

(3) Pedestrian amenities. A minimum of two of each of the following pedestrian amenities must be provided along Cole Avenue and Armstrong Avenue for each 300 linear feet of street frontage or fraction thereof:

(A) Benches.

(B) Trash receptacles.

(C) Bicycle racks.

(e) Plant materials must be maintained in a healthy, growing condition.

**SEC. S-\_\_\_\_.112. SIGNS.**

Signs must comply with the provisions for non-business zoning districts in Article VII.



**SEC. S-\_\_\_\_.113. SPECIAL PROVISIONS.**

(a) Applicability. For a project to qualify for the modifications to the MF-2 Multiple-Family Subdistrict yard, lot, and space regulations described in Section S-\_\_\_\_.108(b), it must comply with all requirements in this section.

*CPC Recommended:*

(b) Mixed-Income Housing. A minimum of 10 percent of the total dwelling units must be either:

(1) Available to households earning 80 percent or less of the median family income for the Dallas area; or

(2) Available to holders of housing vouchers, including vouchers directly or indirectly funded by the federal government.

*Staff recommendation:*

***Pending.***

(c) Urban design.

(1) Transparency.

(A) Minimum ground story transparency for facades facing Cole Avenue and Armstrong Avenue is 40 percent.

(B) Minimum upper story transparency for facades facing Cole Avenue and Armstrong Avenue is 35 percent.

(2) Blank wall. Maximum blank wall area for facades facing Cole Avenue and Armstrong Avenue is 25 linear feet.

(3) On-site open space.

(A) In general. A minimum 14,000 square feet must be provided as on-site open space. A minimum of 8,000 square feet of the total on-site open space must be accessible to the general public.

(B) Cole Avenue. On-site open space with a minimum of 45 feet in width and a minimum of 45 feet in depth must be provided along Cole Avenue at a minimum of once every 80 linear feet of building facade.

(C) Armstrong Avenue. On-site open space is not required along Armstrong Avenue.



(D) Alley. On-site open space with a minimum of 45 feet in width and a minimum of 25 feet in depth is required a minimum of once every 80 linear feet of building facade facing an alley. Garage access ramps and fences are allowed within the on-site open space. Garage ramps may not be included in the total on-site open space square footage requirement in Section S-\_\_\_\_.113(c)(3)(A). .

(4) Direct unit access. Ground story units facing Cole Avenue and Armstrong Avenue must have access to the sidewalk through private stoops or on-site open space that is connected to the public sidewalk with an improved path. The improved path may be constructed out of impervious or pervious materials.

(5) Structured parking. Above-ground structured parking is prohibited.

(6) Off-street loading facilities. On Cole Avenue and Armstrong Avenue, off-street loading facilities are prohibited between the street and street-facing building facade.

**SEC. S-\_\_\_\_.114. MIXED-INCOME HOUSING.**

For a project to qualify for modifications to the MF-2 Multiple-Family Subdistrict yard, lot, and space regulations as described in Section S-\_\_\_\_.108(b), it must comply with all requirements in this section.

(a) Applicability. This section only applies when an application is made for a certificate of occupancy for a multiple-family use that includes the increased development standards described in Section S-\_\_\_\_.108.

*CPC Recommended:*

(b) Definitions. In this section:

(1) **AFFIRMATIVE FAIR HOUSING MARKETING** means a marketing strategy designed to attract renters of all majority and minority groups, regardless of race, color, national origin, religion, sex, age, disability, or other protected class under Title VIII of the Civil Rights Act of 1964 and all related regulations, executive orders, and directives.

(2) **AFFORDABLE UNITS** means 10 percent of the rental units within a development that are available to be occupied by either (i) eligible households or (ii) voucher holders during the rental affordability period. Affordable units rented to eligible households shall be subject to the Monthly Maximum Rents per unit type listed for families at 80% of Adjusted Median Family Income in the Intown Housing Program Income and Rent Limits for Affordable Housing Unit Tenants published annually by the City of Dallas.

(3) **AREA MEDIAN INCOME** means the median income for the Dallas area Standard Metropolitan Statistical Area, adjusted for household size, as determined annually by the Department of Housing and Urban Development.



(4) DEVELOPER means the owner or operator of the Property during the rental affordability period.

(5) DIRECTOR means the director of the Office of Fair Housing or the director's representative.

(6) EFFICIENCY UNIT means a dwelling unit with no separate bedroom.

(7) ELIGIBLE HOUSEHOLDS means households earning up to 80 percent of area median income.

(8) RENTAL AFFORDABILITY PERIOD means the period of time that the affordable units are available to be leased to and occupied by eligible households or voucher holders.

(9) VOUCHER HOLDER means a holder of a housing voucher, including vouchers directly or indirectly funded by the federal government.

(c) Qualification requirements. To qualify for the modifications to the MF-2 Multiple-Family Subdistrict yard, lot, and space regulations in Section S \_\_\_\_ .108(b), the development must comply with the requirements in this section:

(1) Affordable units must be dispersed throughout the residential floor area of each building, but may not be fixed to specific dwelling units and must float within each dwelling unit type.

(2) Affordable units must be of identical finish-out and materials as the market rate dwelling units and must be made available to eligible households or voucher holders on identical lease terms, except rent amount, as are available to market rate dwelling unit tenants.

(3) Except as provided in Subsection (g), affordable units must be dispersed substantially pro-rata among the affordable unit types so that not all the affordable units are efficiency or one-bedroom units. For example, if 10 percent of the multiple-family dwelling units are affordable units, 10 percent of the efficiency units, 10 percent of the one-bedroom units, 10 percent of the two-bedroom units, 10 percent of the three-bedroom units (and so on, if applicable) must be affordable units. A maximum of three specialty units such as club suites and penthouse suites are not required to be part of the dispersal of affordable units by type; however, the overall 10% requirement is calculated based on the total number of all units.

(4) Affordable units must be marketed in accordance with an affirmative fair housing marketing plan provided by the developer in coordination with the Office of Fair Housing.

(5) A household's status as an eligible household must be established no more than 30 days before the household's execution of a lease for an affordable unit and each lease



must not exceed one year. All eligible tenants must recertify their household income for each subsequent lease renewal.

(6) The rent charged for affordable units must include all expenses that are mandatory for all tenants, but may not include optional reserved parking expenses, or other optional expenses approved by the director.

(7) Eligible households or voucher holders occupying affordable units may not be restricted from common areas and amenities, unless the restrictions apply to all dwelling unit occupants.

(8) The rental affordability period is 15 years beginning on the date the first affordable unit is leased to an eligible household or voucher holder. The modifications to the MF-2 Multiple-Family Subdistrict yard, lot, and space regulations survives expiration of the rental affordability period.

(9) The affordable units must not be segregated or concentrated in any one floor or area of any buildings, but must be dispersed throughout all residential buildings.

(10) Developer must execute deed restrictions, prior to approval of the certificate of occupancy, in a form acceptable to the city, in the city's sole discretion, and record the executed deed restrictions in the Deed Records of Dallas County, Texas to ensure that the Property will comply with all conditions.

(11) Developer shall not discriminate against holders of any housing vouchers, including vouchers directly or indirectly funded by the federal government, in accordance with Section 20A-4 of the Dallas City Code.

(e) Certificate of occupancy. Before the issuance of a certificate of occupancy for a multiple-family use that meets the increased development standards described in Section S-\_\_\_\_.108, the developer must submit to the building official an incentive zoning affordable housing plan that must include:

(1) The approved affirmative fair housing marketing plan.

(2) A statement and acknowledgement from the developer that the qualifications in Subsection (c) will be continuously met.

(3) The signature of the director verifying that the developer has informed the Office of Fair Housing that the developer intends to apply for a certificate of occupancy.

(d) Request process.

(1) Building permit. If a permit for a multiple-family structure that exceeds 36-feet in height is requested by the developer, an incentive zoning affordable housing plan must be submitted with an application for a building permit and must include:



(A) The date, names, addresses, and telephone numbers of the developer and the person preparing the incentive zoning affordable housing plan, if different;

(B) Lot and block descriptions, zoning classification, and census tracts of the lots for which the parking reduction is requested;

(C) The percentage of total dwelling units that will be affordable units and the actual number of dwelling units that will be affordable units; and

(D) The total number of one bedroom dwelling units, two bedroom dwelling units, etc. being proposed.

(2) Affirmative fair housing marketing plan.

(A) The affirmative fair housing marketing plan must be in writing and must be submitted to, and receive written approval from, the director at least three months prior to the start of pre-leasing.

(B) The affirmative fair housing marketing plan must describe the advertising, outreach, community contacts, and other marketing activities that informs potential renters of the existence of the affordable units.

(C) The director must approve or deny the affirmative fair housing marketing plan within 60 days after a complete plan is submitted.

(i) Approval. The director shall approve the affirmative fair housing marketing plan if it complies with the requirements of this section and meets the purpose of the marketing requirements.

(ii) Denial. The director shall deny the affirmative fair housing marketing plan if it does not comply with the requirements of this section or does not meet the purpose of the marketing requirements. If the director denies the affirmative fair housing marketing plan, he or she shall state in writing the specific reasons for denial. If denied, a new affirmative fair housing marketing plan may be submitted.

(3) Certificate of occupancy. Before the issuance of a certificate of occupancy for a multiple-family use that modifies the MF-2 Multiple-Family Subdistrict yard, lot, and space regulations, the developer must submit to the building official an incentive zoning affordable housing plan that must include:

(A) The approved affirmative fair housing marketing plan.

(B) A statement that all signatories agree to defend, indemnify, and hold harmless the City of Dallas from and against all claims or liabilities arising out of or in connection with a multiple family structure that exceeds 36 feet in height.



(C) A statement and acknowledgement from the developer that the qualifications in Subsection (c) will be continuously met.

(D) The signature of the director verifying that the developer has informed the Office of Fair Housing that the developer intends to apply for a certificate of occupancy.

(f) Annual report.

(1) An annual report must be submitted to the director in writing and must include the following:

- (A) a rent roll;
- (B) a list of dwelling units deemed affordable units;
- (C) a list of the affordable units currently offered for lease;
- (D) the income and household size for each eligible household or voucher holder;
- (E) a signed statement by the developer acknowledging compliance with Subsection (c); and
- (F) any other reasonable and pertinent information the director deems necessary to demonstrate compliance with Subsection (c).

(2) The first annual report must be submitted to the director on the one year anniversary of the beginning of the affordability period. After the first annual report, the developer shall submit annual reports on subsequent anniversary dates.

(3) The final annual report must be signed by the director verifying that the rental affordability period has ended and must be filed with the building official.

(g) Consent to substitute.

(1) Notwithstanding the pro-rata distribution requirements in this section, if the developer cannot locate eligible households or voucher holders to lease two-bedroom or larger dwelling units, and if the director is satisfied that the developer has made best efforts to lease the two-bedroom or larger dwelling units, if applicable, including full compliance with the affirmative fair housing marketing plan, with written consent from the director, developer may from time to time substitute on a two-for-one basis additional one bedroom dwelling units and/or on a three-to-one basis additional efficiency units to meet the pro rata distribution requirements described in this subsection.



(2) Before granting written consent, the director shall review and approve an amended affirmative fair housing marketing plan detailing how the developer will target marketing to larger households who could qualify to lease the two-bedroom dwelling units (and larger dwelling units, if applicable). The director's written consent shall include a time period during which the agreed-upon substitutions satisfy the pro rata distribution requirements.

(h) Audit and income verification.

(1) The annual report may be audited by the director to verify the information provided in the annual report.

(2) The director may also randomly, regularly, and periodically select a sample of tenants occupying affordable units for the purpose of income verification. Any information received pursuant to this subsection remains confidential and may only be used for the purpose of verifying income to determine eligibility for occupation of the affordable units. All prospective tenants of an affordable unit must agree to provide or to allow the director to obtain sufficient information to enable income verification as contemplated in this section as a condition to leasing the unit.

*Staff recommendation:*

***Pending.***

**SEC. S-\_\_\_\_.115. ADDITIONAL PROVISIONS.**

(a) The Property must be properly maintained in a state of good repair and neat appearance.

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

(c) Development and use of the Property must comply with Part I of this article.

**SEC. S-\_\_\_\_.116. COMPLIANCE WITH CONDITIONS.**

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, in this subdistrict until there has been full compliance with this division, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

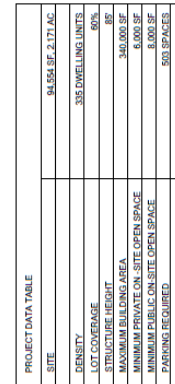


**DEVELOPMENT PLAN**

Alliance Cole Avenue  
Dallas, Texas

2808 Fairmount Street, Suite 300  
Dallas, Texas 75201 | 214.303.1500

3300 West 7th Street, Suite 110  
Fort Worth, Texas 76107 | 817.303.1500

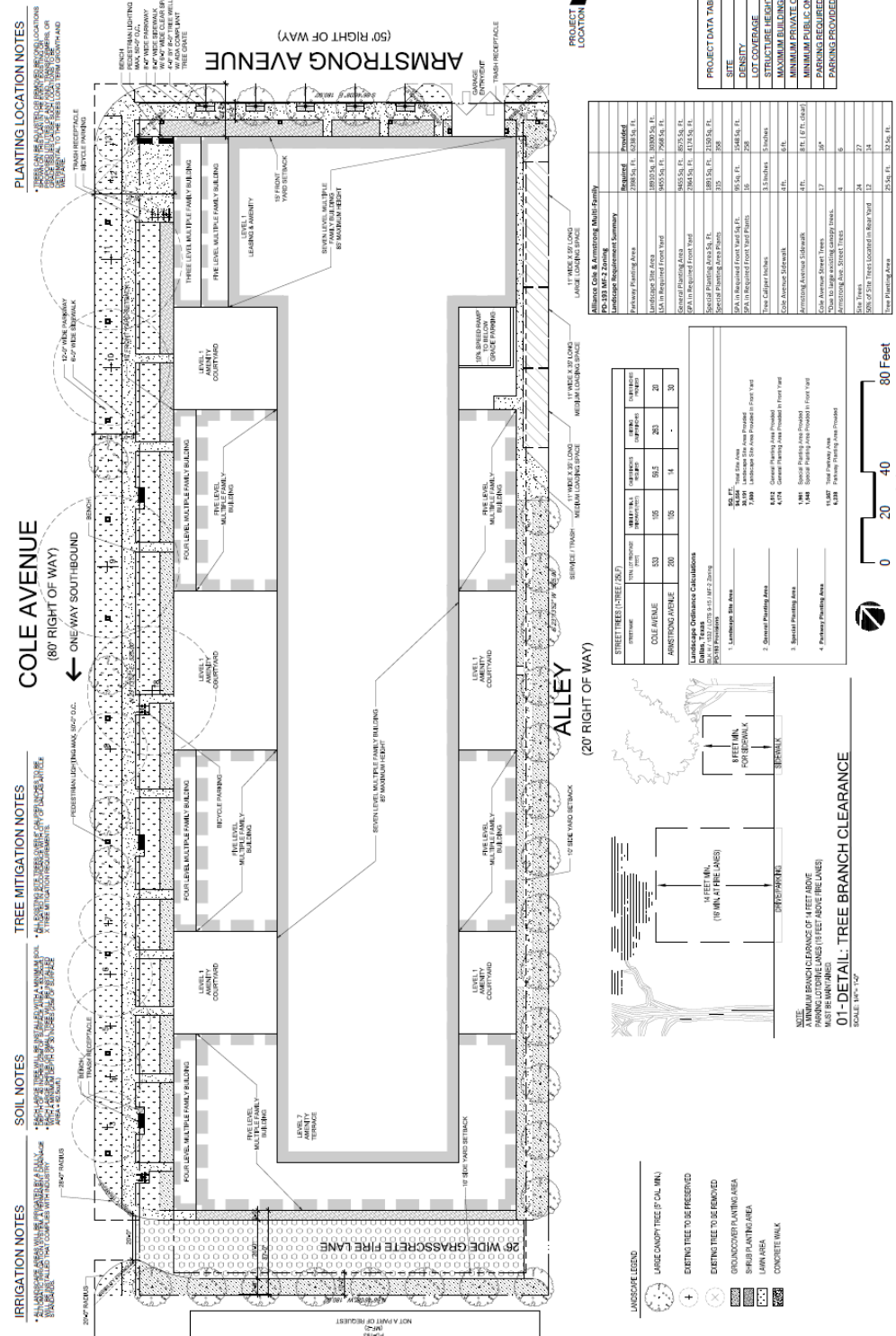




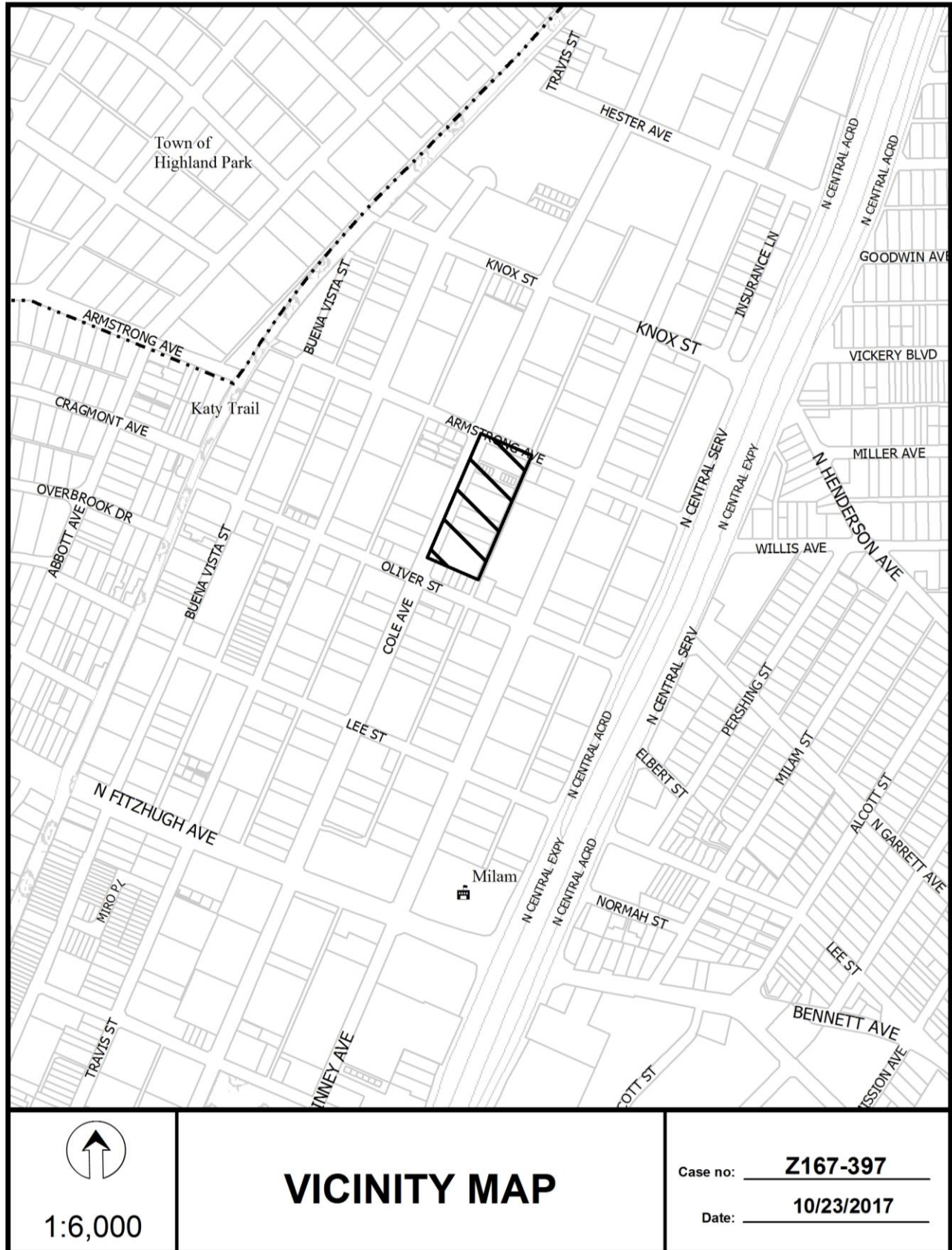
## CPC RECOMMENDED LANDSCAPE PLAN

[illegible]

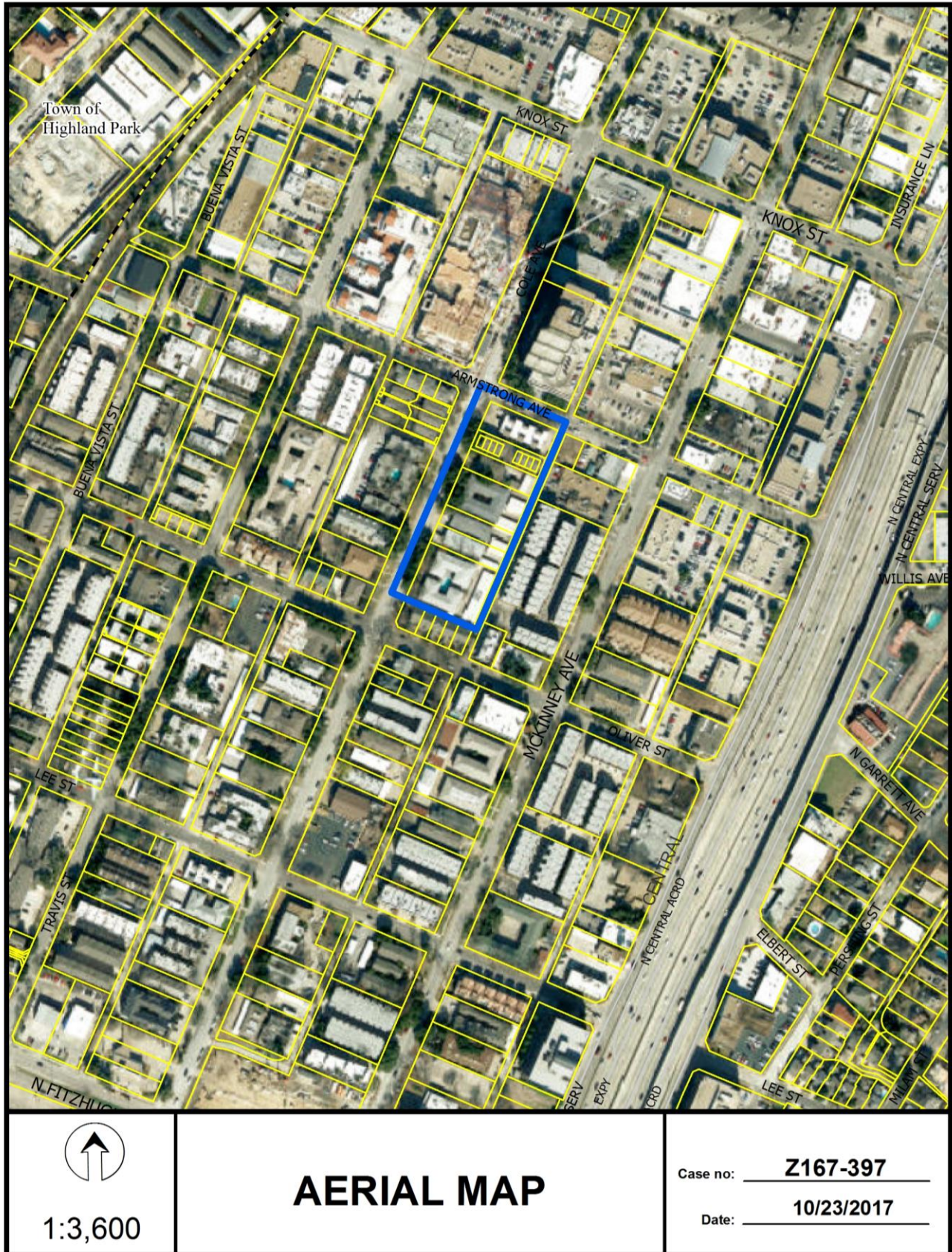
PROJECT DATA TABLE	
SITE	94,554 SF, 2.171 AC
DENSITY	335 DWELLING UNITS
LOT COVERAGE	60%
STRUCTURE HEIGHT	85'
MAXIMUM BUILDING AREA	340,000 SF
MINIMUM PRIVATE ON-SITE OPEN SPACE	8,000 SF
MINIMUM PUBLIC ON-SITE OPEN SPACE	8,000 SF
PARKING REQUIRED	503 SPACES
PARKING PROVIDED	503 SPACES

























04/18/2018

***Reply List of Property Owners******Z167-397******267 Property Owners Notified******191 Property Owners in Favor******4 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
O	3	4438 COLE AVE	WILSON ROB EDWIN
	4	4438 COLE AVE	LEISSNER GLENN TRAVIS
	5	4438 COLE AVE	TOMLINSON TURNER
	6	4438 COLE AVE	BOMAR TUCKER BURTON
	8	4438 COLE AVE	RAMUSAT ANTOINE
	9	4438 COLE AVE	CASTANEDA SABRINA
	10	4438 COLE AVE	GRUNER ROBERT III
O	11	4428 COLE AVE	IPENEMA INVESTMENTS LTF
O	12	4418 COLE AVE	IPENEMA INVESTMENTS LTD
O	13	3131 ARMSTRONG AVE	IPENEMA INVESTMENTS LTD
O	14	3131 ARMSTRONG AVE	IPENEMA INVESTMENTS LTD
O	15	3131 ARMSTRONG AVE	INVESTMENTS IPENEMA LTD
	17	4319 MCKINNEY AVE	MARINO BEATRICE M TR
	18	4323 MCKINNEY AVE	4323 MCKINNEY PROPERTIES
O	19	4333 MCKINNEY AVE	BPKK LTD &
	22	4326 COLE AVE	MRJ PPTY LP
	23	4322 COLE AVE	MALT INVESTMENTS INC
X	25	4321 COLE AVE	WIMBERLEY JOHN E
	26	4344 TRAVIS ST	BURKHEAD SAMUEL SHARLEY
	27	4338 TRAVIS ST	GARVEY GREGORY H
X	28	4320 TRAVIS ST	MORRIS GEORGE C ET AL
	30	4401 TRAVIS ST	CHEATHAM CHARLES L & DIANE
	31	4401 TRAVIS ST	CLARK ROBERT H
	32	4441 TRAVIS ST	KNOX STREET VILLAGE INC
	33	4403 COLE AVE	MCKENZIE JOE & MIKI FAMILY TRUST
	34	3212 OLIVER ST	DENTON BOB M & CYNTHIA J



04/18/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	35	3210 OLIVER ST	MORGAN REX M
	36	4407 COLE AVE	MONTES JURA LLC
	37	4418 TRAVIS ST	BERRYSET II UPTOWN
	40	3013 ARMSTRONG AVE	KNOX PROMENADE LLC
	42	4402 MCKINNEY AVE	IVANYI INC
	43	4524 MCKINNEY AVE	KNOX STREET VILLAGE INC
	44	4516 MCKINNEY AVE	CRYSTAL PYRAMID LTD
	45	4510 MCKINNEY AVE	KNOX ST VLG HOLDINGS INC
	46	3012 ARMSTRONG AVE	I S K INC
	49	3121 KNOX ST	GILLILAND PPTIES II LTD
	51	4514 COLE AVE	EOSII AT HIGHLAND PARK PLACE LLC
	52	4534 TRAVIS ST	WEIR J RAY TRUST &
	53	3113 OLIVER ST	RODRIGUEZ EDUARDO
O	56	4329 COLE AVE	CHAPEL OF THE CROSS INC
	57	4431 COLE AVE	LINDSTROM SOREN
	58	4435 COLE AVE	GILLS JOHN C & BARBARA A
	59	4437 COLE AVE	POTTER JEFFERY T &
	60	4429 COLE AVE	ST EDOUARDO LLC
	61	4433 COLE AVE	SCHEBLE KRISTEN M
	62	4439 COLE AVE	RESTREPO WILLIAM JR &
X	63	3171 ARMSTRONG AVE	SMITHGUIEL REVOCABLE LIVING TR
	64	3175 ARMSTRONG AVE	NATVICK STEVEN J
	66	3132 OLIVER ST	WUERTZ TROY D
O	67	3128 OLIVER ST	PRESCOTT JOY A
	70	3116 OLIVER ST	THOELE STACEY ANN
	71	4528 MCKINNEY AVE	NABHOLTZ KMCK PARTNERS LP
	72	4511 MCKINNEY AVE	MAJAHUAL LP
	74	4525 COLE AVE	COLE ARMSTRONG HOLDING COMPANY LLC
	75	4514 TRAVIS ST	INTERCITY INVESTMENT
O	76	4432 TRAVIS ST	VAN DE VYVER PAUL LUC
O	77	4434 TRAVIS ST	MCMAHON NENA L



04/18/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	78	4436 TRAVIS ST	THOMAS MICHAEL E
O	79	4438 TRAVIS ST	MCCARTHY JOSIE ROBERTS TR
O	80	4440 TRAVIS ST	BLOOM MARY W
O	81	3221 ARMSTRONG AVE	JORANA ENTERPRISES LLC
O	82	3219 ARMSTRONG AVE	HARDING WILLIAM E JR
O	83	3217 ARMSTRONG AVE	MALCOLMSON KEN & STACEY P
O	84	3215 ARMSTRONG AVE	GERBER ROBERT
O	85	3211 ARMSTRONG AVE	OLESEN JESPER & BONNIE
O	86	3209 ARMSTRONG AVE	FITZGERALD CHARLES &
O	87	3207 ARMSTRONG AVE	CASEDY TIMOTHY & HANNAH FORMAN
O	89	3203 ARMSTRONG AVE	GORHAM ANDREW THOMPSON
O	90	3201 ARMSTRONG AVE	WILSON COLLIN J
O	91	4330 MCKINNEY AVE	PRICE BENJAMIN BROOKS II &
O	92	4330 MCKINNEY AVE	MARTIN SAMANTHA
O	93	4330 MCKINNEY AVE	EHLERS SCOTT
O	94	4330 MCKINNEY AVE	PENNANT JOHN H & JEAN C
O	95	4330 MCKINNEY AVE	KORDSMEIER ERIC C & CARLYN H
O	96	4330 MCKINNEY AVE	NAGARAJ SUDHIR &
O	97	4330 MCKINNEY AVE	ALDRIDGE KEVIN & NADINE
O	98	4330 MCKINNEY AVE	VILLANUEVA MARCELINO P &
O	99	4330 MCKINNEY AVE	CUDE MARTIN III &
O	100	4330 MCKINNEY AVE	MATHEWS JOHN M
O	101	4330 MCKINNEY AVE	MARTIN DANIEL ADAMS
O	103	4330 MCKINNEY AVE	SNYDER MICHAEL
O	104	4330 MCKINNEY AVE	ARMSTRONG REBECCA
O	105	4330 MCKINNEY AVE	KNOX HANSON
O	106	4330 MCKINNEY AVE	GRIMM LARA KIRSTIN
O	107	4330 MCKINNEY AVE	BIGNER JAMES N
O	108	4330 MCKINNEY AVE	BEAULNE DANIEL B
O	109	4330 MCKINNEY AVE	KIESEL MATTHEW J
O	110	4330 MCKINNEY AVE	WILKERSON KATHLEEN M



04/18/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	111	4330 MCKINNEY AVE	CARR KAREN DIANE & DONALD R DAUDT III
O	112	4330 MCKINNEY AVE	WHITE ANDREW R
O	113	4330 MCKINNEY AVE	SO CALVIN & WANG MONICA
O	114	4330 MCKINNEY AVE	BROWN MICHAEL A & ANITA J
O	115	4312 MCKINNEY AVE	TANNEN ANN MOREE
O	116	4312 MCKINNEY AVE	HERRMANN ANDREW C & SARAH E
O	117	4312 MCKINNEY AVE	GOMEZ MARTIN
O	118	4312 MCKINNEY AVE	KANNER OSNAT &
O	119	4312 MCKINNEY AVE	GRANOFF JACK
O	120	4312 MCKINNEY AVE	HAMILTON SEAN D
O	121	4312 MCKINNEY AVE	ANTONELLI DAN & LYNDIA
O	122	4312 MCKINNEY AVE	BOYLE MARY C
O	123	4312 MCKINNEY AVE	SCHLEISS CHRISTOPHER
O	124	4312 MCKINNEY AVE	AVSHALUMOV YASHA
O	125	4312 MCKINNEY AVE	NATHAN TODD D
O	126	4312 MCKINNEY AVE	CHOE ZACHIA
O	127	4312 MCKINNEY AVE	DUFFY MARY B &
O	128	4312 MCKINNEY AVE	REYNOLDS LISA M
O	129	4312 MCKINNEY AVE	MILLER MARK G
O	131	4312 MCKINNEY AVE	KELLOGG STEVEN R
	132	4315 COLE AVE	SHUST DAVID
	133	4315 COLE AVE	KERNS AMY
	134	4315 COLE AVE	JOSEPH JESSICA J
	135	4315 COLE AVE	CORNWELL DEBORA L
	136	4315 COLE AVE	MARBERRY HELAINE
	137	4315 COLE AVE	ROGERS DANA DRIVER
	138	4315 COLE AVE	SWAN PAMELA
	139	4315 COLE AVE	RUBENFELD STEFANI
	140	4315 COLE AVE	YOUNG JOE & GINA
O	141	4325 COLE AVE	WILCOX CRISTINA
O	142	4325 COLE AVE	BRILES JANCY LASHAE



04/18/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	143	4325 COLE AVE	MCMORDIE FRANK FOSTER IV
O	145	4325 COLE AVE	WYNNE JACQUELYN R
	146	4320 COLE AVE	CHEEK JENNIFER ANN
	147	4320 COLE AVE	HASANUDDIN ANDI
	148	4320 COLE AVE	AMIN PPTIES LLC
	149	4320 COLE AVE	BAKHSIHAN JONATHAN &
	150	4320 COLE AVE	ANGOBALDO SONIA S
	151	4330 COLE AVE	CANSON CHRIS
	152	4330 COLE AVE	ALPHA JEMK LLC
	153	4330 COLE AVE	TUNNELL FORREST & JONI
	154	4330 COLE AVE	HELLAND MARNA
	155	4330 COLE AVE	CUSICK REBECCA
	156	4330 COLE AVE	CORCORAN THOMAS K &
	157	4330 COLE AVE	BRIGGS WILLIAM S
	158	4330 COLE AVE	ABENDSCHEIN SCOTT WILLIAM &
	159	4330 COLE AVE	HUTCHENS CARROLL
	160	4330 COLE AVE	MURPHY THERESA R
O	162	4409 COLE AVE	KONUPCIK YVETTE V
O	163	4409 COLE AVE	GRIERSON JEFFREY GORDON &
O	164	4409 COLE AVE	LIM SEAH H
O	165	4409 COLE AVE	BOLANOS MARIO A & ROXANA
O	166	4409 COLE AVE	UBERIG DAVID JOHN &
O	167	4409 COLE AVE	ALARAKHIA ZAHARA
O	168	4431 TRAVIS ST	IPENEMA INVESTMENTS LTD
O	169	4431 TRAVIS ST	IPENEMA INVESTMENT LTD
O	170	4431 TRAVIS ST	LESZINSKI SLAWOMIR
O	171	4431 TRAVIS ST	LYLES LAWRENCE F
O	172	4431 TRAVIS ST	IPENEMA INVESTMENTS LTF
	173	4439 TRAVIS ST	MOORE BRADY S
	174	4439 TRAVIS ST	WINFREY SIOBHAN
	175	4439 TRAVIS ST	SMART PHILIP W &



04/18/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	176	4439 TRAVIS ST	SLOMOWITZ ALLISON
	177	4439 TRAVIS ST	SHEETS NANCY HATHORN
O	178	4411 MCKINNEY AVE	CAMERON WARIC S
O	179	4411 MCKINNEY AVE	BALL KATHERINCE M
O	180	4411 MCKINNEY AVE	FAGLEY TRACY BROOK
O	181	4411 MCKINNEY AVE	REGAN TONY & ROCHELLE &
O	182	4411 MCKINNEY AVE	MAGGIORE JOHN N & MAUREEN M
O	183	4411 MCKINNEY AVE	HUNTER LAUREN M
O	184	4411 MCKINNEY AVE	JONES ADAM S
O	185	4411 MCKINNEY AVE	RIORDAN BLAKE A
O	186	4411 MCKINNEY AVE	DEMOSS CAREY R
O	187	4411 MCKINNEY AVE	KOOL KELSEY
O	188	4411 MCKINNEY AVE	CARVER GENE M & ANNA M
O	189	4411 MCKINNEY AVE	BACHMANN ERICA J
O	190	4411 MCKINNEY AVE	STRIPH DAVID M & CAROL J
O	191	4411 MCKINNEY AVE	PATE JASON
O	192	4411 MCKINNEY AVE	KIME STEVEN A
O	193	4411 MCKINNEY AVE	MANACK RYAN A
O	194	4411 MCKINNEY AVE	RELTON ANITA JOYCE
O	195	4411 MCKINNEY AVE	JONES DANNY
O	196	4411 MCKINNEY AVE	LAKHMANCHUK MARINA
O	197	4411 MCKINNEY AVE	TANDON ANIMESH & MARIA H
O	198	4411 MCKINNEY AVE	MCGARRY MARY CLAIRE
O	199	4411 MCKINNEY AVE	MILLS BROOKE &
O	200	4411 MCKINNEY AVE	CHENG YI SHING LISA
O	201	4411 MCKINNEY AVE	RONDEAU JACQUES A
O	202	4411 MCKINNEY AVE	WYNNE REBECCA J
O	203	4411 MCKINNEY AVE	SW CITYVILLE LP
O	204	4411 MCKINNEY AVE	RIVERA FRANK J
O	205	4411 MCKINNEY AVE	RAMSEY ROBERT BLAKE
O	206	4411 MCKINNEY AVE	CONSTANTINOS ANASTACIA



04/18/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	207	4411 MCKINNEY AVE	SPOONER MEGAN ELISE
O	208	4411 MCKINNEY AVE	SURGALSKI JENNIFER
O	209	4411 MCKINNEY AVE	DEVRIES WILLEM H &
O	210	4411 MCKINNEY AVE	MITCHELL LAURA
O	211	4411 MCKINNEY AVE	MONTES YVONNE R
O	212	4411 MCKINNEY AVE	GRAHN LAURA C
O	214	4411 MCKINNEY AVE	KANGUDE SHANTANU
O	215	4411 MCKINNEY AVE	LETZELTER BRIANNA M
O	216	4411 MCKINNEY AVE	CRESPO LUIS A
O	217	4412 MCKINNEY AVE	MAGNANI MARIA BEATRICE
O	218	4412 MCKINNEY AVE	MATYE JOHN K
O	219	4412 MCKINNEY AVE	PARNELL WENDY CARMEN
O	220	4412 MCKINNEY AVE	FERGUSON BEN E
O	221	4412 MCKINNEY AVE	CELLA GRAINNE
O	222	4412 MCKINNEY AVE	LOWDER STUART & ALISON
O	223	4412 MCKINNEY AVE	AVSHALUMOV ASIF
O	225	4412 MCKINNEY AVE	DAVILA ROBERT J
O	226	4412 MCKINNEY AVE	RHODES LESTER C
O	227	4412 MCKINNEY AVE	KENNEDY MICHAEL E & JOY A
O	228	4412 MCKINNEY AVE	HAZELWOOD JEFFREY C &
O	229	4412 MCKINNEY AVE	KANYER DANIELLA M
O	230	4412 MCKINNEY AVE	SMITH TERRY C
O	231	4412 MCKINNEY AVE	QUALLS MELANIE
O	232	4412 MCKINNEY AVE	BRANDT GREGORY
O	233	4343 MCKINNEY AVE	KRANICH GEORGE
O	234	4343 MCKINNEY AVE	NESS DANIEL A
O	235	4343 MCKINNEY AVE	ELROD MEREDITH
O	236	4343 MCKINNEY AVE	MOODY DONALD ROBERT
O	237	4343 MCKINNEY AVE	DELACRUZ MICHAEL J
O	238	4343 MCKINNEY AVE	DAVIS JAMES H
O	240	4343 MCKINNEY AVE	BRADLEY CATHERINE



04/18/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	241	4343 MCKINNEY AVE	MINER NICHOLAS P
O	242	4343 MCKINNEY AVE	LOWERY OLIVIA JURHEE LIFE EST
O	243	4343 MCKINNEY AVE	GOLDFARB BRETT
O	244	4343 MCKINNEY AVE	ERNST RUTH ANN
O	245	4343 MCKINNEY AVE	SULENTIC ELLIE
O	246	4343 MCKINNEY AVE	BROWN GARY G & AMY E
	247	3226 OLIVER ST	BUNKS SABRINA & AL TAYLOR
	248	3224 OLIVER ST	EDGAR FREDERICK JR &
	249	3222 OLIVER ST	MATHES DANICA L
	250	3220 OLIVER ST	DAVIS RANDY & TRACY
	251	3110 OLIVER ST	HEGEMAN JAMIN
	252	3110 OLIVER ST	EOJO LLC
O	253	4409 TRAVIS ST	4409 TRAVIS LLC
O	254	4409 TRAVIS ST	CUBBAGE DABNEY
O	255	4409 TRAVIS ST	KNOBLER DAMARIS Y
O	256	4409 TRAVIS ST	HILLIARD A JAY
O	257	4409 TRAVIS ST	IPENEMA INVESTMENTS LTF
O	258	4409 TRAVIS ST	SIEGEL JACQUELINE
O	259	4409 TRAVIS ST	JRAD ENTERPRISES LLC
O	260	4409 TRAVIS ST	ROWELL STEPHEN B & ANN M
O	261	4409 TRAVIS ST	SCHNALLINGER DOROTHY E
	262	4425 TRAVIS ST	GIAMBRONE MARK
	263	4425 TRAVIS ST	GIAMBRONE MARK
	264	4425 TRAVIS ST	4425 TRAVIS LLC
	265	4425 TRAVIS ST	4425 TRAVIS LLC
	266	4425 TRAVIS ST	4425 TRAVIS LLC
	267	4425 TRAVIS ST	FOUR FOUR TWO FIVE TRAVIS LLC
O	A1	4432 COLE AVE	IPENEMA INVESTMENTS LTD
O	A2	4438 COLE AVE	4438 COLE TOWNHOMES
O	A3	4405 MCKINNEY AVE	IPENEMA INVESTMENTS LTF
O	A4	4420 COLE AVE	IPENEMA INVESTMENTS LTD



04/18/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	A5	3131 ARMSTRONG AVE	IPENEMA INVESTMENTS LTD
O	A6	4333 N CENTRAL EXPY	SLC KNOX LLC
O	A7	4329 MCKINNEY AVE	BPKK LTD &
O	A8	3119 OLIVER ST	PERRYMILLER DAVIDSON A
O	A9	4346 COLE AVE	FALCONE A W FAMILY LTD PS THE
O	A10	4300 COLE AVE	TRINITY CHURCH
O	A11	4345 TRAVIS ST	OSTERMANN & ASSOCIATES
O	A12	4423 COLE AVE	BERRYSET II UPTOWN
O	A13	4433 MCKINNEY AVE	ZETLEY FAMILY LP NO 1
O	A14	3111 ARMSTRONG AVE	KNOX PROMENADE PARK LLC
O	A15	4447 MCKINNEY AVE	KNOX PROMENADE LLC
O	A16	4444 MCKINNEY AVE	KNOX PROMENADE LLC
O	A17	4408 MCKINNEY AVE	IVANYI INC
O	A18	4502 MCKINNEY AVE	I S K INC
O	A19	4342 COLE AVE	BENDA HEIDI JO
O	A20	4344 COLE AVE	NORTH STAR TEXAS INTERESTS LTD
O	A21	4333 COLE AVE	CHAPEL OF THE CROSS INC
O	A22	3124 OLIVER ST	HALL MARGARET FAY
O	A23	3120 OLIVER ST	INGRAM DEBORAH LYNN
O	A24	3205 ARMSTRONG AVE	WAGLEY JAMES ROBERT &
O	A25	4330 MCKINNEY AVE	MAYS THEODORE
O	A26	4312 MCKINNEY AVE	WARREN THOMAS D &
O	A27	4325 COLE AVE	CANTERBURY JOHN J
O	A28	4431 TRAVIS ST	IPENEMA INVESTMENTS LTD
O	A29	4411 MCKINNEY AVE	HARRIS HAL
O	A30	4412 MCKINNEY AVE	JONES WARREN KEITH & SUSAN
O	A31	4343 MCKINNEY AVE	PICKENPACK CORNELIA REVOCABLE TRUST
O	A32	4409 TRAVIS ST	4409 TRAVIS LLC
O	A33	4409 COLE AVE	BARRETT SHEPHERD
O	A34	4519 MCKINNEY AVE	GILLILAND PROPERTIES II LTD
O	A35	4525 MCKINNEY AVE	GILLILAND PPTIES III LTD



Z167-397(SM)

04/18/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	A36	4524 COLE AVE	GILLILAND PPTIES II LTD
O	A37	4531 MCKINNEY AVE	GILLILAND PPTIES II LTD
O	A38	3101 KNOX ST	GILLILAND PROPERTIES LTD
O	A39	4438 COLE AVE	HALE JUDD M
X	A40	3183 ARMSTRONG AVE	TIMON NEREO



**AGENDA ITEM # 47**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** May 23, 2018

**COUNCIL DISTRICT(S):** 2

**DEPARTMENT:** Department of Sustainable Development and Construction

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** 45 M

**SUBJECT**

A public hearing to receive comments regarding an application for the renewal of Specific Use Permit No. 1696 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 south side of Elm Street, east of North Crowdus Street

Recommendation of Staff: Approval for an 18-month period, subject to conditions

Recommendation of CPC: Denial without prejudice

Z178-125(SM)







**FILE NUMBER:** Z178-125(SM) **DATE FILED:** November 2, 2017

**LOCATION:** South side of Elm Street, east of North Crowdus Street

**COUNCIL DISTRICT:** 2 **MAPSCO:** 45 M

**SIZE OF REQUEST:** Approx. 0.06 acres **CENSUS TRACT:** 204.00

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**APPLICANT:** Ioannis Manettas

**OWNER:** Westdale Properties America I, LTD

**REPRESENTATIVE:** James N. Apostle

**REQUEST:** An application for the renewal of Specific Use Permit No. 1696 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:** The purpose of this request is to continue the operation of a bar, tavern or lounge [Vinty] within the Deep Ellum District. There are no changes proposed to the existing site plan or conditions.

**CPC RECOMMENDATION:** Denial without prejudice.

**STAFF RECOMMENDATION:** Approval for an 18-month period, subject to conditions.



**BACKGROUND INFORMATION:**

- The request site is located within a one-story multi-tenant development which consists of a variety of retail and commercial uses that share surface parking spaces on Elm Street.
- On June 14, 2006, the City Council approved an amendment to PDD No. 269 which requires an SUP for this use.
- On December 12, 2007, the City Council created SUP No. 1696 for a three-year period for a bar, lounge, or tavern use with 2,500 square feet of floor area.
- On August 10, 2011, the City Council renewed SUP No. 1696 for a one-year period.
- On May 9, 2012, the City Council renewed SUP No. 1696 for a three-year period.
- On May 13, 2015, the City Council renewed SUP No. 1696 for a three-year period.
- Between August 2015 and August 2017 the establishment was closed for renovation efforts.

**Zoning History:** There have been 14 recent zoning cases requested in the area in the past five years:

1. **Z145-176** On May 13, 2015, the City Council approved the renewal of Specific Use Permit No. 1696 for a bar, lounge, or tavern.
2. **Z123-206** On June 12, 2013, the City Council approved the renewal of Specific Use Permit No. 1707 for a tattoo and body piercing studio.
3. **Z167-328** On September 27, 2017, the City Council approved the renewal of Specific Use Permit No. 1982 for a bar, lounge, or tavern and an inside commercial amusement limited to a Class A dance hall.
4. **Z123-109** On January 23, 2013, the City Council approved the renewal of Specific Use Permit No. 1694 for a bar, lounge, or tavern and an inside commercial amusement limited to a live music venue.
5. **Z167-275** On August 9, 2017, the City Council approved the renewal of Specific Use Permit No. 2050 for a bar, lounge, or tavern.



6. **Z145-249** On August 12, 2015, the City Council approved the renewal of Specific Use Permit No. 2050 for a bar, lounge, or tavern.
7. **Z123-299** On October 8, 2013, the City Council approved Specific Use Permit No. 1750 for a bar, lounge or tavern.
8. **Z134-224** On December 10, 2104, the City Council approved Specific Use Permit No. 2122 for a bar, lounge or tavern.
9. **Z167-154** On April 12, 2017, the City Council approved the renewal of Specific Use Permit No. 2122 for a bar, lounge, or tavern.
10. **Z145-121** On February 11, 2015, the City Council approved the renewal of Specific Use Permit No. 1783 for a bar, lounge, or tavern.
11. **Z145-160** On April 22, 2015, the City Council approved Specific Use Permit No. 2144 for a bar, lounge or tavern.
12. **Z167-233** On June 14, 2017, the City Council approved the renewal of Specific Use Permit No. 1685 for a bar, lounge or tavern.
13. **Z167-277** On August 9, 2017, the City Council approved Specific Use Permit No. 2252 for a bar, lounge or tavern and an inside commercial amusement use limited to a live music venue.
14. **Z123-267** On May 28, 2014, the City Council approved amendments to Planned Development District No. 269 with consideration given to amending certain use regulations and development standards.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	ROW
Elm Street	Local Street	70 ft.
N. Crowdus Street	Local Street	35 ft.

**Comprehensive Plan:**

The forwardDallas! Comprehensive Plan was adopted by the City Council in June 2006. The forwardDallas! Comprehensive Plan outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The proposed zoning request meets the following goal and objective of the comprehensive plan.

**Economic Element**



Goal 2.1 Promote balanced growth

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

**STAFF ANALYSIS:**

**Surrounding Land Uses:**

Location	Zoning	Land Use
Site	Tract A of PDD No. 269 SUP No. 1696	Bar, lounge, or tavern use
North	Tract A of PDD No. 269	Restaurants
East	Tract A of PDD No. 269	Restaurants
South	Tract A of PDD No. 269 SUP No. 1707	Tattoo studio
West	Tract A of PDD No. 269	Surface parking

**Land Use Compatibility:** The applicant is requesting the renewal of SUP No. 1696 to continue operation of an existing bar. The site was a nonconforming bar, lounge, or tavern use for many years; however, the use became conforming when SUP No. 1696 was approved and a certificate of occupancy was issued on October 3, 2008.

The request site consists of a one-story structure and an uncovered patio that is situated in a block face consisting of similar architectural styles that existed prior to June 1984, all of which have since been converted into entertainment venues and restaurant uses. The site is also surrounded by a mix of office, retail, restaurant, bar, and entertainment uses that are served by various surface parking lots and metered spaces along Elm Street.

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.

Two of the existing SUP conditions require (1) a minimum of one security officer on site between the hours of 10:00 p.m. and 2:00 a.m. (the next day), Monday through Sunday and (2) 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. The applicant has not provided evidence that a security officer was present on the days and hours specified in the existing conditions.

A group of business owners fund an Enhanced Neighborhood Patrol (ENP) to provide additional police services to Deep Ellum establishments. The primary benefit of funding an ENP is having access to a special phone number of an officer that remains in Deep Ellum during the contracted ENP service times rather than dialing 9-1-1 and having an officer sent out from the central police station. Because the calls to the ENP are received directly through the special phone number, rather than through 9-1-1, they were not included in the standard police report staff receives from DPD. The ENP has reported the operator of the site called the ENP 29 times for assistance in six months (between August 12, 2017 through February 25, 2018), which was thought to be excessive by the ENP when compared to similar establishments nearby.

According to the attached letter, the Dallas Police Department has also reported numerous incidents of major disturbances, disorderly conduct, and public intoxication at the site, and therefore has expressed concerns regarding the renewal of SUP No. 1696.

The existing SUP was originally approved on the assumption that compliance with the approved SUP conditions would specify “a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood”. Staff originally recommended approval for a two-year period until additional information was provided regarding the ENP the morning of the original City Plan Commission hearing date. However, in light of the recently received findings from other departments, staff has concluded that the existing SUP could have a negative effect on the community welfare if revisions focused on increasing safety are not



incorporated into the SUP conditions. Therefore, staff recommends an 18-month time period because it is staff's position that the short time period will allow staff to reassess if safety improves on the property.

**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.

**Off-Street Parking:** PDD No. 269 does not require off-street parking for the first 2,500 square feet of floor area for a bar, lounge, or tavern on the first floor in an original building and requires one space per 100 square feet of floor area that exceeds 2,500 square feet. The applicant occupies 2,500 square feet of floor area, thus no parking spaces are required.

It should be noted that a significant number of metered on-street parking spaces, as well as surface parking lots, exist throughout the immediate area west of the site.

**Police Report:** Staff obtained reported offenses for the most recent three-year period. The list of offenses is provided on the following pages. It is noteworthy that the site applied for numerous building permits since September 28, 2015 and completed an interior remodel permit and was issued a certificate of occupancy on May 31, 2017. Therefore, the use was not operating with a certificate of occupancy during that period. Since that time period, seven offenses were issued and only a few are seen to be attributable to the land use.

Incident No.	Premise	Signal	Date	Day	Time	UCR Offence Description	MO
066282-2018	Bar/ Night Club/ Dance Hall ETC.	40 - Other	3/30/2018	Fri	2:03	Miscellaneous	MIR
063224-2018	Outdoor Area Public/Private	6X - Major Dist. (Violence)	3/26/2018	Mon	2:16	Preliminary investigation	Comp was assaulted by susp.
023014-2018	Other	58 - Routine Investigation	1/27/2018	Sat	2:15	Miscellaneous	MIR
250124-2017	Parking Lot (All Others)	20 - Robbery	11/1/2017	Wed	2:00	Robbery	Unk. suspects assaulted comp and took property w/o consent
214671-	Commercial	58 - Routine	9/19/2017	Tue	12:18	Miscellaneous	Criminal trespass



## Z178-125(SM)

2017	Property Occupied/ Vacant	Investigation					affidavit. No weapons. NFI.
183269- 2017	Highway, Street, Alley ETC	6X - Major Dist. (Violence)	8/12/2017	Sat	1:00	Assault	Suspect used mace and the comp was injured.
161947- 2017	Restaurant/ Food Service/ TABC Location	58 - Routine Investigation	7/16/2017	Sun	2:30	Burglary	Cases of beer and bottles of liquor taken from bar when closed
086509- 2017	Business Office	58 - Routine Investigation	4/14/2017	Fri	21:00	Criminal mischief/ vandalism	Suspect spray painted "JOEKZ" on sides of the bldg.
228315- 2016	Commercial Property Occupied/ Vacant	58 - Routine Investigation	9/22/2016	Thu	8:50	Miscellaneous	Criminal trespass warning. NFI.
167485- 2015	Commercial Property Occupied/ Vacant	58 - Routine Investigation	7/21/2015	Tue	13:00	Miscellaneous	Criminal trespass affidavit. No weapons. NFI.
167515- 2015	Bar/ Night Club/ Dance Hall ETC.	58 - Routine Investigation	7/21/2015	Tue	13:00	Miscellaneous	Criminal trespass affidavit. No weapons. NFI.
103221- 2015	Parking Lot (All Others)	6M - Loud Music Disturbance	5/8/2015	Fri	3:30	Lost property	Lost property
071786- 2015	Bar/ Night Club/ Dance Hall ETC.	11B - Burg Of Bus	4/1/2015	Wed	3:00	Burglary	Suspect broke roof skylight and took liquor from bar



## Memorandum



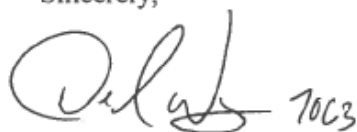
DATE: March 27, 2018  
TO: City Plan Commission  
SUBJECT: Vinty Club Request for

The Dallas Police Department strives to reduce crime and provide a safe city by recognizing its goal is help people and aid at every opportunity; however, the police department alone cannot control crime, but must act in concert with the community and the rest of the Criminal Justice System.

The business owners of the Vinty Club, 2810 Elm Street, have requested to renew the business' Specific Use Permit (SUP), Zoning Case Z178-125. The Dallas Police Department believes renewing the establishment's permit would not contribute, enhance, or promote the welfare of the area. Police responses to this location exceeds 20 for 2017; therefore, the police department believes the SUP renewal will be detrimental to the public health, safety, and wellbeing of Deep Ellum. Specifically, there have been numerous incidents of major disturbances, disorderly conduct, and public intoxication, all of which are strong indicators that the business owners of Vinty Club are not engaging in responsible management of their premises.

Thank you for your time and consideration on this matter. Please feel free to contact me if you would like any additional information regarding specific incidents/reports or have any questions.

Sincerely,



Derrick V. Wright, #7063  
Sergeant of Police  
Central Patrol Division  
Patrol Bureau



**Prior CPC Action – February 15, 2018:**

**Motion:** In considering an application for the renewal of Specific Use Permit No. 1696 for an alcoholic beverage establishment limited to 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 south side of Elm Street, east of North Crowds Street, it was moved to **hold** this case under advisement until March 22, 2018.

Maker: Ridley  
Second: Murphy  
Result: Carried: 14 to 0

For: 14 - West, Rieves, Houston, Davis, Shidid,  
Carpenter, Mack, Jung, Housewright, Schultz,  
Peadon, Murphy, Ridley, Tarpley

Against: 0  
Absent: 1 - Lavallaisaa  
Vacancy: 0

**Notices:** Area: 200 Mailed: 10  
**Replies:** For: 3 Against: 0

**Speakers:** None



**Prior CPC Action – March 22, 2018:**

**Motion:** In considering an application for the renewal of Specific Use Permit No. 1696 for an alcoholic beverage establishment limited to 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 south side of Elm Street, east of North Crowder Street, it was moved to **hold** this case under advisement until April 19, 2018.

Maker: Rieves  
Second: Housewright  
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: 200 Mailed: 10

**Replies:** For: 3 Against: 0

**Speakers:** For: Karen Slaughter, 23 Victoria Dr., Rowlett, TX, 75088  
Against: None



**Prior CPC Action – April 19, 2018:**

**Motion:** It was moved to recommend **denial without prejudice** the renewal of Specific Use Permit No. 1696 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 south side of Elm Street, east of North Crowds Street.

Maker: Rieves  
Second: Housewright  
Result: Carried: 13 to 0

For: 13 - West, Rieves, Houston, Davis, Shidid,  
Carpenter, Jung, Housewright, Schultz,  
Peadon, Murphy, Ridley, Tarpley

Against: 0  
Absent: 1 - Mack  
Vacancy: 1 - District 8

**Notices:** Area: 200 Mailed: 10  
**Replies:** For: 3 Against: 0

**Speakers:** For: James Apostle, 1910 Pacific Ave., Dallas, TX, 75201  
Ioannis Manettas, 1307 Waterside Dr., Dallas, TX, 75218  
Mark Kirk, 303 Wilderness Trail, Mesquite, TX, 75149  
Against: John Hetzel, 2622 Commerce St., Dallas, TX, 75226  
Jessica Burnham, 2919 Commerce St., Dallas, TX, 75226



**List of Partners/Principals/Officers**

**2713 Canton, Ltd:**

Joseph G. Beard, President

**Westdale Properties America I, Ltd., a Texas limited partnership**

Officers of Westdale Properties America I, Ltd.

Joseph G. Beard, President

Ken Carlson, Vice President

Chuck Hixson, Vice President

**JGB Ventures 1, Ltd., a Texas corporation, General Partner**

Officers of JGB Ventures, Inc.

Joseph G. Beard, President

Ken Carlson, Vice President

**JGB Holdings, Inc., a Texas corporation, General Partner**

Joseph G. Beard, President



**Proposed Amending Conditions for  
Specific Use Permit No. 1696**

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.

*Staff recommendation:*

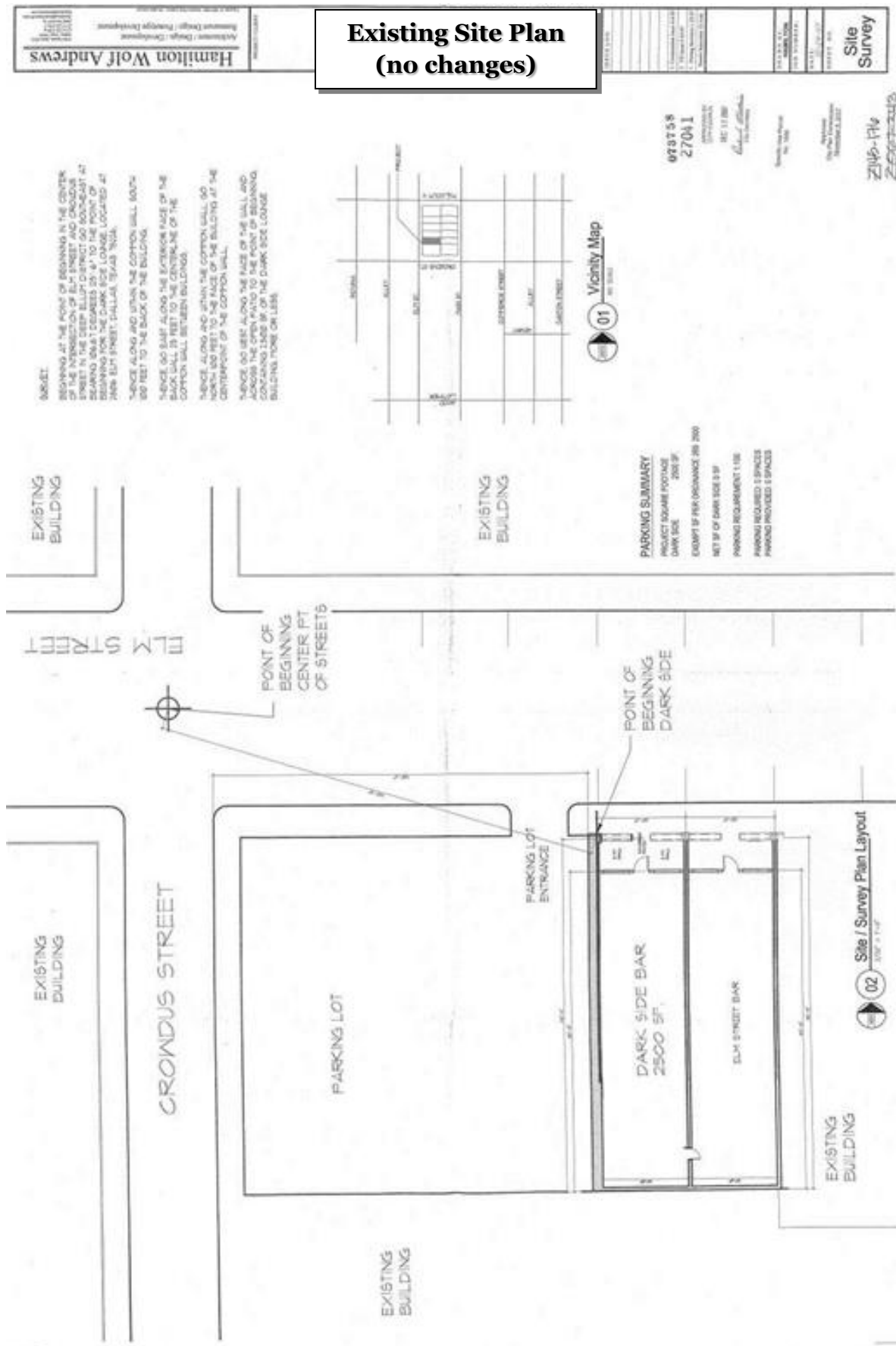
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| 3. <u>TIME LIMIT</u> : This specific use permit expires on (18 months) [May 13, 2018]. |
|--|

*Applicant request:*

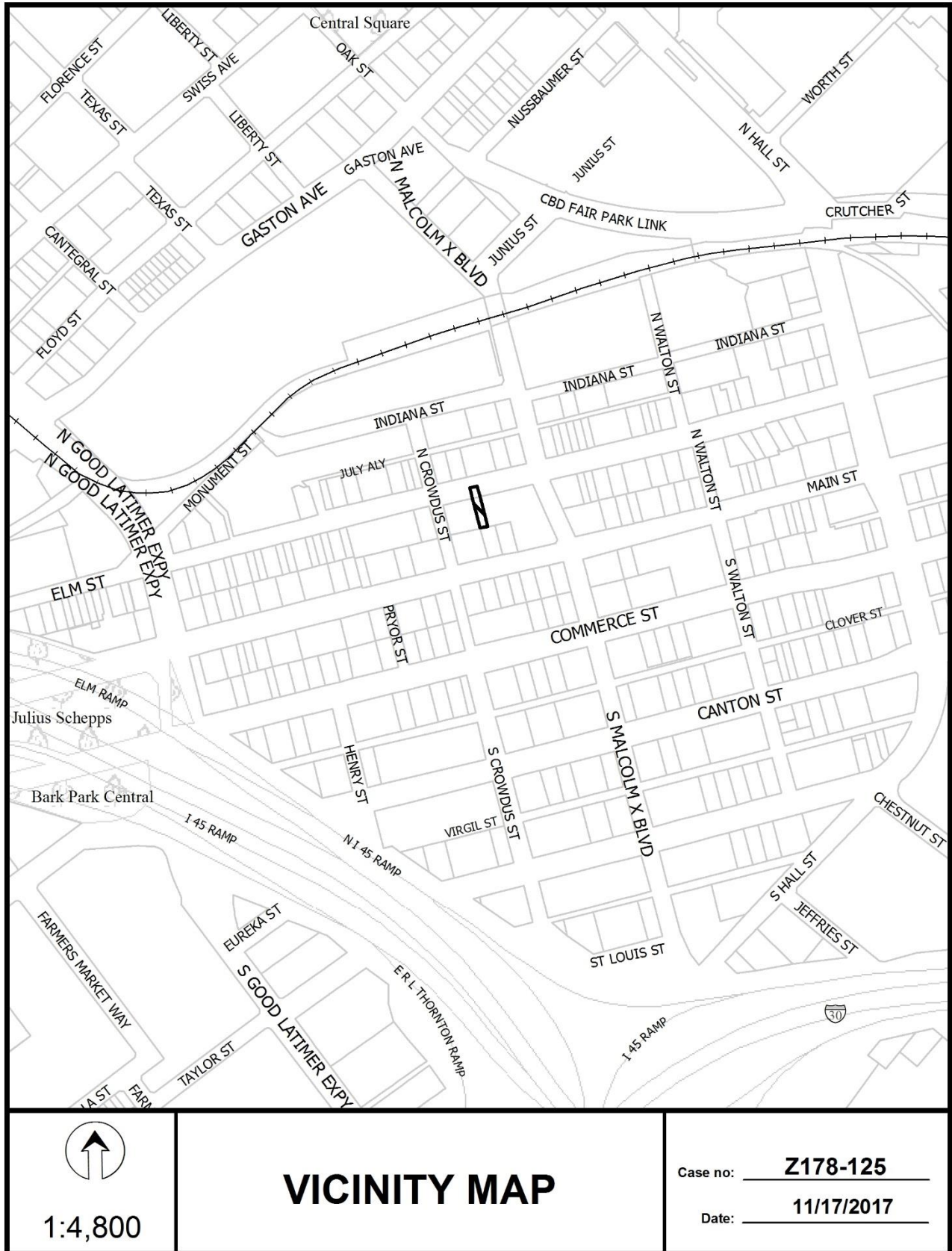
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| 3. <u>TIME LIMIT</u> : This specific use permit expires on (three years) [May 13, 2018]. |
|--|

4. FLOOR AREA: The maximum floor area is 2,500 square feet in the location shown on the attached site plan.
5. HOURS OF OPERATION: The bar, lounge, or tavern may only operate between 6:00 p.m. and 2:00 a.m. (the next day), Monday through Friday, and 11:00 a.m. through 2:00 a.m. (the next day), Saturday and Sunday.
6. OFF-STREET PARKING: Off-street 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 requirements.
7. OUTSIDE SPEAKERS: Speakers located outside are prohibited.
8. SECURITY: A minimum of one security officer is required on site between the hours of 10:00 p.m. and 2:00 a.m. (the next day), Monday through Sunday.
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.





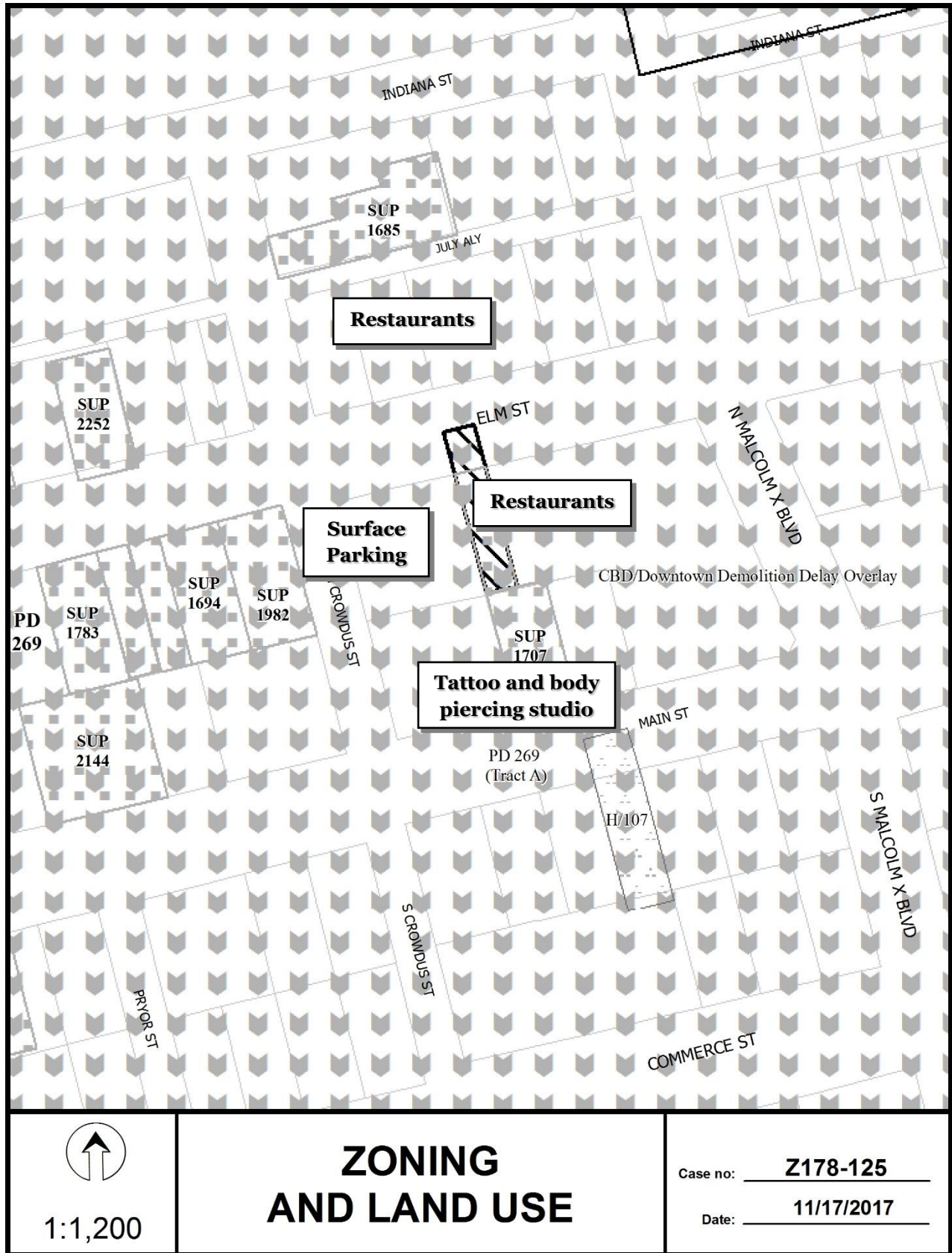




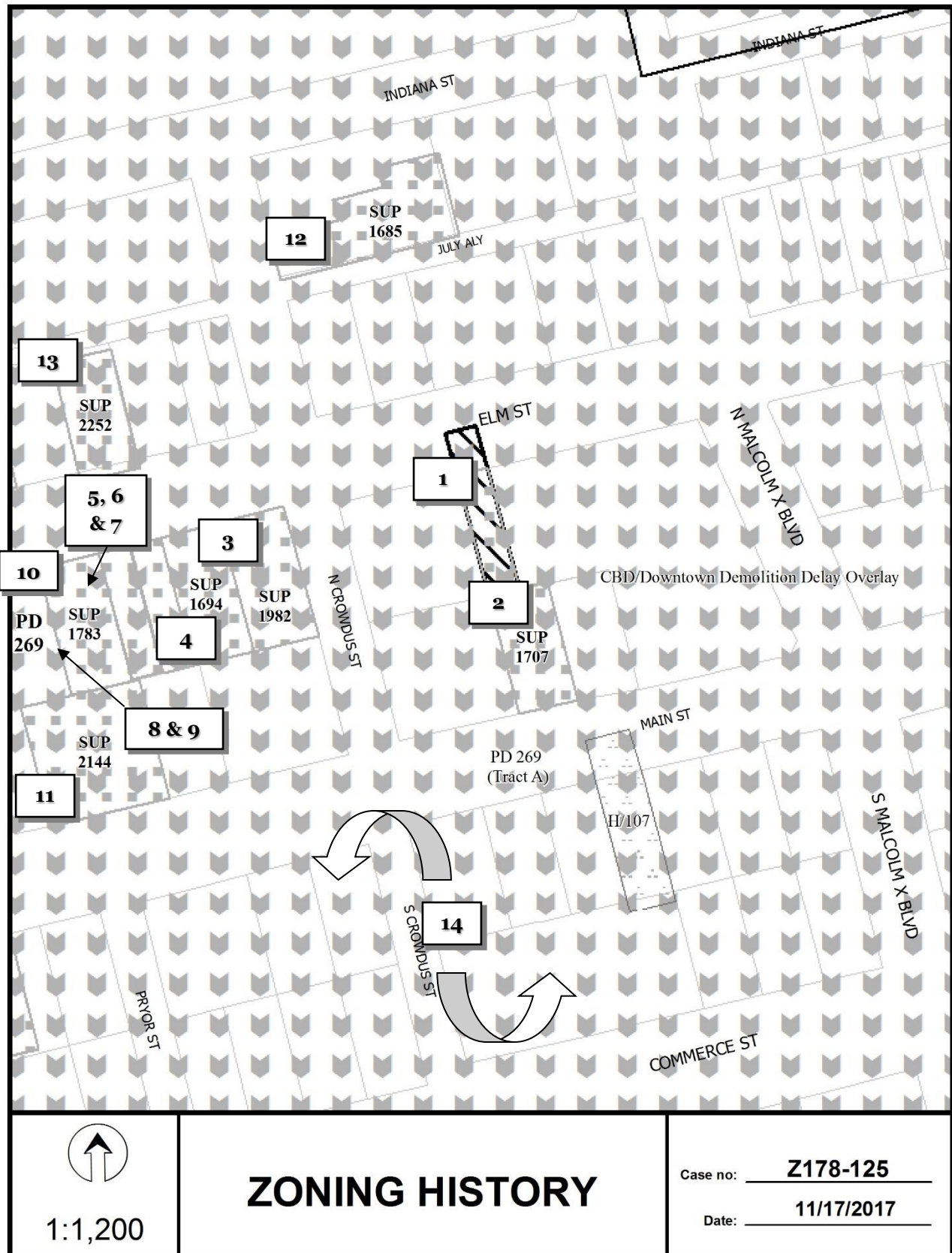




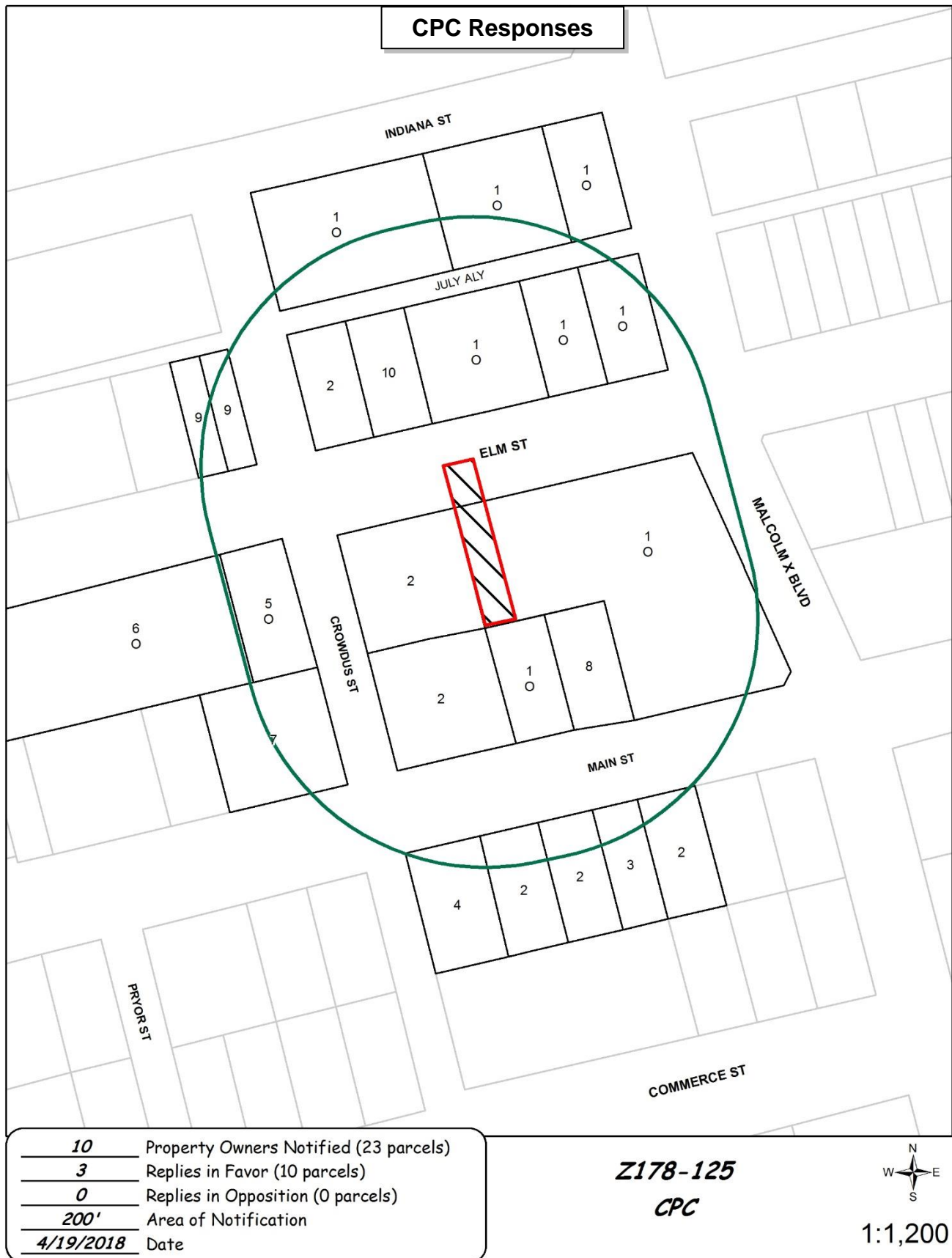














Z178-125(SM)

04/18/2018

## ***Reply List of Property Owners***

***Z178-125***

***10 Property Owners Notified***

***3 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	2809 MAIN ST	WESTDALE PROPERTIES AMERICA I LTD
	2	2816 MAIN ST	42 DEEP ELLUM LP
	3	2814 MAIN ST	640 LAND LLC
	4	2800 MAIN ST	CONGRESS STREET NIGHTS
O	5	2724 ELM ST	WESTDALE PROPERTIES AMERICA I LTD
O	6	2720 ELM ST	ELM STREET REALTY LTD
	7	2715 MAIN ST	MAIN PROPERTIES LLC
	8	2815 MAIN ST	CASS DON E TR
	9	2723 ELM ST	2723 ELM STREET JV
	10	2807 ELM ST	42 DEEP ELLUM LP



**AGENDA ITEM # 48**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** May 23, 2018

**COUNCIL DISTRICT(S):** 7

**DEPARTMENT:** Department of Sustainable Development and Construction

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** 39 W

**SUBJECT**

A public hearing to receive comments regarding an application for and **(1)** an ordinance granting an amendment to Planned Development District No. 166 to allow a seminary use and a convent or monastery use by Specific Use Permit; **(2)** an ordinance granting a Specific Use Permit for a seminary use and a convent or monastery use; and **(3)** an ordinance terminating Specific Use Permit No. 117 for an Institution of a Religious & Educational Nature on property zoned Planned Development District No. 166 and an R-7.5(A) Single Family District, on the west line of La Prada Drive, south of Blyth Drive  
Recommendation of Staff and CPC: Approval of the amendment to Planned Development District No. 166; approval of a Specific Use Permit for a seminary use and a convent or monastery use for a permanent period, subject to a site plan and conditions; and approval of the termination of Specific Use Permit No. 117

Z178-146(JM)

Note: This item was deferred by the City Council before opening the public hearing on April 25, 2018, and is scheduled for consideration on May 23, 2018.







**FILE NUMBER:** Z178-146(JM)

**DATE FILED:** December 6, 2017

**LOCATION:** On the west line of La Prada Drive, south of Blyth Drive

**COUNCIL DISTRICT:** 7

**MAPSCO:** 39 W

**SIZE OF REQUEST:** ±15.6 acres

**CENSUS TRACT:** 123.02

**APPLICANT/OWNER:** Camino Global (The Central American Mission)  
& Nexus Incorporated

**REPRESENTATIVE:** Karl Crawley % Masterplan

**REQUEST:** An application for: **(1)** an amendment to Planned Development District No. 166 to allow a seminary use and a convent or monastery use by Specific Use Permit; **(2)** a Specific Use Permit for a seminary use and a convent or monastery use; and **(3)** the termination of Specific Use Permit No. 117 for an Institution of a Religious & Educational Nature on property zoned Planned Development District No. 166 and an R-7.5(A) Single Family District.

**SUMMARY:** The applicant is proposing to terminate the existing SUP No. 117 for an Institution of a Religious & Educational Nature; amend the text of PD 166 to allow a seminary use and a convent or monastery use by SUP and to allow the SUP site plan to satisfy the development plan requirements of Area 2 within PD No. 166; and, for an SUP for a seminary use and a convent or monastery use.

**STAFF RECOMMENDATION:** Approval of the amendment to Planned Development District No. 166; approval of a Specific Use Permit for a seminary use and a convent or monastery use for a permanent period, subject to a site plan and conditions; and approval of the termination of Specific Use Permit No. 117.

**CPC RECOMMENDATION:** Approval of the amendment to Planned Development District No. 166; approval of a Specific Use Permit for a seminary use and a convent or monastery use for a permanent period, subject to a site plan and conditions; and approval of the termination of Specific Use Permit No. 117.



## **BACKGROUND INFORMATION:**

- PD No. 166 was established in 1989 and contains 11.854 acres within two Areas (1 & 2) for college, private school, multiple-family, and outpatient treatment of alcoholic or narcotic patients.
- The overall site, which contains a total of 15.6 acres, is partially zoned PD No. 166, with the remaining portion zoned an R-7.5(A) Single Family District. The SUP site area is zoned Area 2 and R-7.5(A) District.
- The purpose of this request is to allow for the operation of a seminary use and a convent or monastery use. To do so, the applicant is proposing to terminate the existing SUP No. 117 for an Institution of a Religious & Educational Nature; amend the text of PD 166 to allow a seminary use and a convent or monastery use by SUP, and to allow the SUP site plan to satisfy the development plan requirements of Area 2; and, is requesting an SUP for a seminary use and convent or monastery use.
- The proposed SUP for a seminary use and convent or monastery use would include existing structures with 13,353 square feet, and proposed structures with 34,847 square feet, for a total of 48,200 square feet of floor area. Fifty dwelling units would be available for missionaries participating in spiritual education while on-site.
- A total of 188 parking spaces are proposed for the entire PD and SUP area. This includes 55 new parking spaces, seven of which are handicapped accessible.

**Zoning History:** There has been one zoning case in the area over the past five years.

1. **Z167-249:** On September 13, 2017, the City Council denied a request for a CR Community Retail District on property zoned an MF-2(A) Multifamily District and located on the north side of John West Road, west of La Prada Drive.

## **Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
La Prada Drive	Principal Arterial	Variable	80 feet
Shiloh Road	Local	60 feet	60 feet

## **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.



**Surrounding Land Uses:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	PD No. 166, R-7.5(A) Single Family District, and SUP No. 117	Institution of a Religious & Educational Nature
<b>North</b>	R-7.5(A) Single Family District	Single family
<b>East</b>	City of Mesquite	College
<b>South</b>	MF-1(A) and MF-2(A) Multifamily Districts	Multifamily
<b>West</b>	MF-1(A) Multifamily District	Multifamily

**STAFF ANALYSIS:****Comprehensive Plan:**

The comprehensive plan does not make a specific land use recommendation related to the request, however the *forwardDallas! Vision Illustration*, adopted June 2006, is comprised of a series of Building Blocks that depicts general land use patterns.

The applicant's request generally complies with the following goals and policies of the Comprehensive Plan.

**LAND USE****GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES**

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

Implementation Measure 1.1.5.3 Encourage neighborhood-serving office, retail, or other non-residential uses to be located in residential community areas, primarily on significant roadways or at key intersections.

Implementation Measure 1.1.5.4 Provide appropriate transitions between non-residential uses and neighborhoods to protect stability and quality of life.



## GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

### **Land Use Compatibility:**

The overall site has single family uses to the north, multifamily uses to the south and west, and a college use to the east, within the City of Mesquite. Within the PD No. 166 Area 1 section to the north and excluded from the SUP site area, is the establishment for the care of alcoholic, narcotic, or psychiatric patients as allowed by the PD.

The 50 dwelling units proposed for the convent or monastery use related to the seminary use equal about 4.25 dwelling units per acre (11.76 acres for the SUP area). An R-7.5(A) Single Family District would allow up to 68 dwelling units. The rezoning to PD No. 166 in 1983 allowed up to 92 dwelling units in the Area 2 portion of the site. The request is providing for a lower density than the original zoning for the site of R-7.5(A) and acting as a transitional buffer from the single family uses to the north and the multifamily uses to the south and west.

The seminary and convent or monastery use were originally interpreted to be included within SUP No. 117 for an Institution of a Religious & Educational Nature land use, but it was not defined in the PD nor SUP. To apply for permits today, rezoning is required to meet code requirements. The use itself will remain and continue to serve area residents. The current process of updating the PD would allow for the site to redevelop with the existing use. The site would technically continue to operate as it does today, while allowing for a clearer interpretation of the land use and new structures on the site.

Generally, staff supports a permanent time period for residential-based uses. The convent or monastery use with 50 dwelling units has a less intense impact than the current zoning would allow if subdivided. The combined use with the seminary have been serving the community for over 40 years and remain complementary to the area.

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.



**Parking:**

PD No. 166 refers to Chapter 51 and the portion zoned R-7.5(A) refers to the Dallas Development Code (Chapter 51A) for parking regulations. The future development would have to comply with the required parking, as determined by the PD/Dallas Development Code. A total of 188 parking spaces are proposed for the entire PD and SUP area. This includes 55 new parking spaces, seven of which are handicapped accessible. For reference, the following are the required parking in each code section:

For a seminary use:

- Chapter 51 requires 0.4 parking space for every fixed seat. If no fixed seats, then 0.4 parking spaces for each seven square feet of seating area.
- Chapter 51A requires one parking space for every 25 square feet of classroom area.

For a convent or monastery use:

- Chapter 51 requires one parking space for every three residents with a minimum of two required spaces.
- Chapter 51A one parking space for every three residents with a minimum of two required spaces.

**Landscaping:**

The new development on the property will require landscaping per Article X of the Dallas Development Code, as amended.



**CPC Action**  
**March 22, 2018**

**Motion:** It was moved to recommend **1) approval** of an amendment to Planned Development District No. 166 to allow a seminary use and a convent or monastery use by Specific Use Permit; **2) approval** of a Specific Use Permit for a seminary use and a convent or monastery use for a permanent period, subject to a site plan and conditions; and **3) approval** of the termination of Specific Use Permit No. 117 for an Institution of a Religious & Educational Nature on property zoned Planned Development District No. 166 and an R-7.5(A) Residential District, on the west line of La Prada Drive, south of Blyth Drive.

Maker: Mack  
Second: Housewright  
Result: Carried: 13 to 0

For: 13 - West, Rieves, Houston, Shidid, Carpenter,  
Mack, Jung, Housewright, Schultz, Peadon,  
Murphy, Ridley, Tarpley

Against: 0  
Absent: 0  
Vacancy: 1 - District 8  
Conflict: 1 - Davis

**Notices:** Area: 500 Mailed: 69  
**Replies:** For: 6 Against: 0

**Speakers:** For: Karl Crawley, 900 Jackson St., Dallas, TX, 75202  
Against: None



## **List of Officers**

### **CAMINO GLOBAL (THE CENTRAL AMERICAN MISSION)**

Douglas Livingston, President and CEO

Phil O'Day, Executive Vice President and COO

Dan Shotts, VP Operations and CFO

Bob Buhler, Director of Field Ministries

### **NEXUS INCORPORATED**

A. Rebecca Crowell, Executive Director

Kevin Crayton, President

Dotti Reeder, Vice President

Karen Rogers, Secretary

Reem Samra, Treasurer

Z178-146



**CPC Approved SUP Conditions**

1. Use: The only uses authorized by this specific use permit is a seminary and a convent/monastery.
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. Density: For a convent/monastery, the maximum number of dwelling units is 50.
5. Floor Area: The combined maximum floor area for the seminary and convent/monastery is 48,200 square feet.
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 ordinances, rules, and regulations of the City of Dallas.



**CPC Approved Amending PD No. 166 Conditions**

**ARTICLE 166.**

**PD 166.**

**SEC. 51P-166.101. LEGISLATIVE HISTORY.**

PD 166 was established by Ordinance No. 18065, passed by the Dallas City Council on December 7, 1983. Ordinance No. 18065 amended Ordinance No. 10962, Chapter 51 of the Dallas City Code, as amended. Subsequently, Ordinance No. 18065 was amended by Ordinance No. 19390, passed by the Dallas City Council on November 19, 1986, and Ordinance No. 20512, passed by the Dallas City Council on November 15, 1989. (Ord. Nos. 10962; 18065; 19390; 20512; 25508)

**SEC. 51P-166.102. PROPERTY LOCATION AND SIZE.**

PD 166 is established on property generally located on La Prada Drive, south of Blyth Drive. The size of PD 166 is approximately 11.854 acres. (Ord. Nos. 18065; 25508)

**SEC. 51P-166.103. DEFINITIONS AND INTERPRETATIONS.**

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51 apply to this article.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51.

(a) This district is considered to be a residential zoning district. (Ord. Nos. 25508; 27794)

**SEC. 51P-166.104. AREA 1 DEVELOPMENT PLAN/AREA 2 CONCEPTUAL PLAN.**

(b) For Area 1, development and use of the Property must comply with the Area 1 development plan/Area 2 conceptual plan (Exhibit 166A). If there is a conflict between the text of this article and the Area 1 development plan/Area 2 conceptual plan, the text of this article controls.

(c) For Area 2, a development plan must be approved by the city plan commission before the issuance of any building permit to authorize work in this area. If there is a conflict between the text of this article and the development plan, the text of this article controls. For a permitted use that requires a specific use permit (SUP) the approved site plan for the SUP meets the requirement of this section. (Exhibit 166A). (Ord. Nos. 18065; 20512; 25508; 27794)



**SEC. 51P-166.105. PERMITTED USES.**

The following uses are permitted on the Property:

- (1) College.
- (2) Private school.
- (3) Multiple-family residential uses.
- (4) Establishment for the care of alcoholic, narcotic, or psychiatric patients.

This use is limited exclusively to resident or outpatient treatment of alcoholic or narcotic patients. The treatment must be of a non-medical nature. (Ord. Nos. 20512; 25508)

(5) Seminary. [SUP]

(6) Convent or monastery in association with a seminary. [SUP]

**SEC. 51P-166.106. FLOOR AREA AND DWELLING UNIT DENSITY.**

(a) All college uses, private school uses, and establishments for the care of alcoholic, narcotic, or psychiatric patients combined may not exceed 89,785 square feet of floor area.

(b) The multiple-family residential uses are limited to a maximum of 69 dwelling units for Area 1 and a maximum of 92 dwelling units for Area 2. (Ord. Nos. 20512; 25508; 27794)

(c) Seminary and convent/monastery use in association with a seminary is limited to a maximum of 48,200 square feet of floor area.

**SEC. 51P-166.107. MAXIMUM HEIGHT.**

(d) Except as provided in this section, maximum permitted height for all buildings and structures on the Property is 36 feet. Any structure within 100 feet of the northern boundary of the Property may not exceed 24 feet in height. If an existing building or structure on the Property is damaged or destroyed, it may be rebuilt to its original height without the approval of the board of adjustment.

(e) Maximum permitted fence height is eight feet in the location shown on the Area 1 development plan/Area 2 conceptual plan. (Ord. Nos. 19390; 25508; 27794)

**SEC. 51P-166.108. PARKING.**

(a) Except as provided in this section, consult the use regulations in Division 51-4.200 for the specific off-street parking and loading requirements for each use.

(b) A minimum of 133 off-street parking spaces must be provided in the location shown on the Area 1 development plan/Area 2 conceptual plan.



(c) For purposes of this section, Area 1 and Area 2 are considered one lot. (Ord. Nos. 18065; 25508; 27794)

**SEC. 51P-166.109. SIGNS.**

All signs on the Property must comply with the provisions for non-business zoning districts contained in Article VII. (Ord. Nos. 18065; 25508)

**SEC. 51P-166.110. ROAD IMPROVEMENTS.**

Prior to the issuance of a building permit for any multiple-family residential uses on the Property, the parking area south of the gymnasium must be constructed to provide access from the multiple-family uses to La Prada and a turnaround must be constructed at the southern end of Shiloh Road on this Property. The turnaround must be indicated on and approved as part of the plat required to be submitted on the multiple-family residential portion of the Property. (Ord. Nos. 19390; 25508)

**SEC. 51P-166.111. LANDSCAPING.**

Landscaping on the Property must meet the requirements for an office district adjacent to an R-7.5 district contained in Article X. (Ord. Nos. 19390; 25508)

**SEC. 51P-166.112. GENERAL REQUIREMENTS.**

Development of the Property must comply with all applicable codes and regulations of the city. (Ord. Nos. 18065; 25508; 26102)

**SEC. 51P-166.113. PAVING.**

All streets, driveways, parking spaces, and maneuvering areas for parking must comply with the requirements of the Dallas Development Code.

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications to the satisfaction of the director of public works and transportation. (Ord. Nos. 18065; 25508; 26102)

**SEC. 51P-166.114. COMPLIANCE WITH CONDITIONS.**

The building official shall not issue a certificate of occupancy for a use in this PD until there has been full compliance with this article and with the construction codes and all other applicable ordinances of the Dallas City Code. (Ord. Nos. 18065; 25508)

**SEC. 51P-166.115. ZONING MAP.**

PD 166 is located on Zoning Map Nos. I-10 and I-11. (Ord. Nos. 18065; 25508)



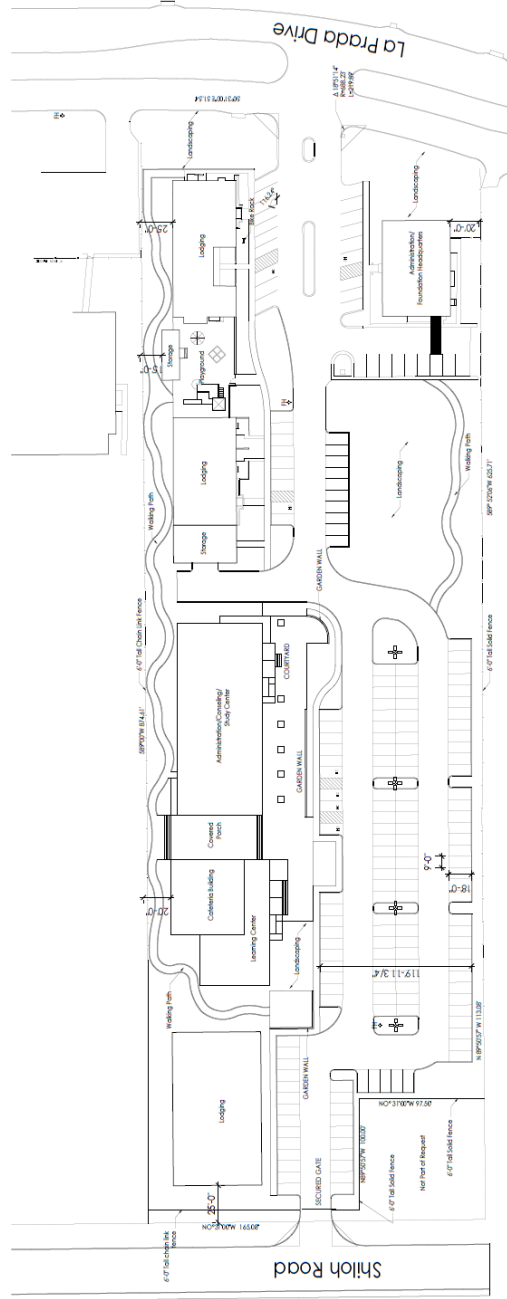
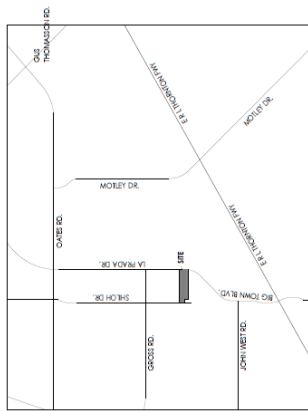
## Proposed Site Plan

**OWNER:**  
CAMINO GLOBAL  
8625 LA PRADA DRIVE  
DALLAS, TEXAS 75228  
P: 214.327.8206

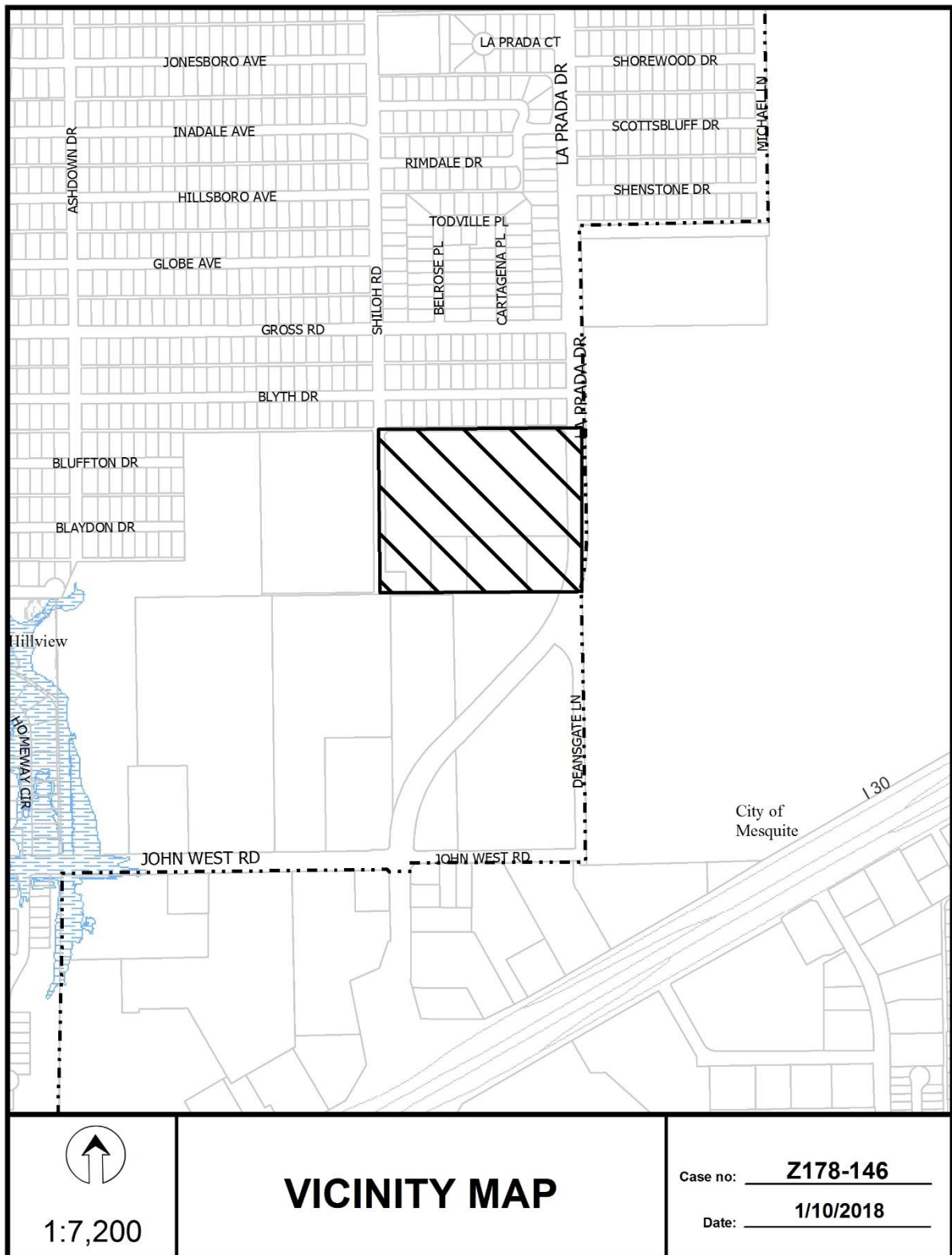
**ARCHITECT:**  
MCCARTHY ARCHITECTURE  
1000 N. FIRST ST.  
GARLAND, TEXAS 75040  
P: 972.272.2500

COPYRIGHT © 2017
DATE: 10.09.2017
SOURCE:
DOB NO: 16-16008
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APPD: M
2020 =
SITE: 01 -

REV. NO.  
DRAWING NO.



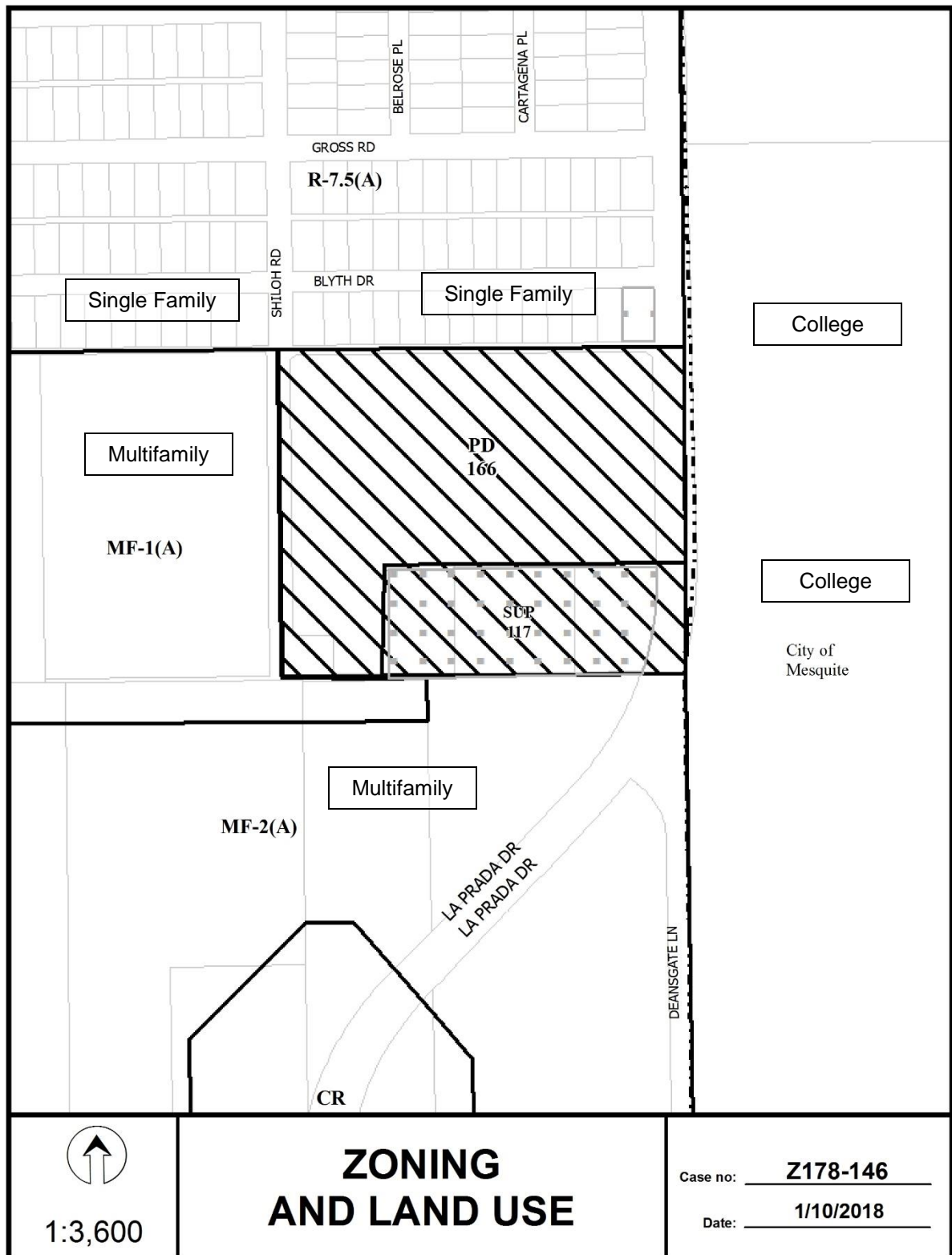




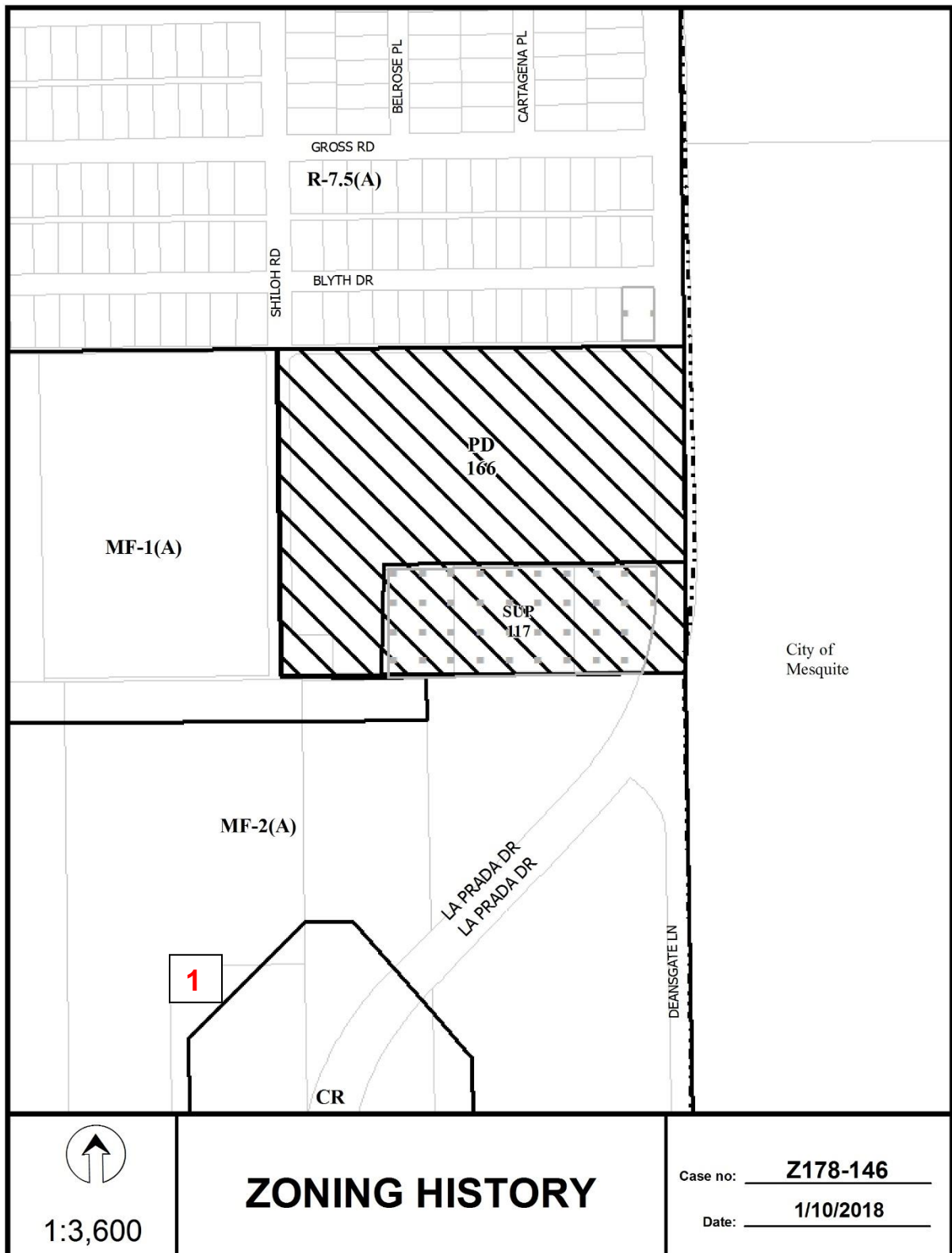






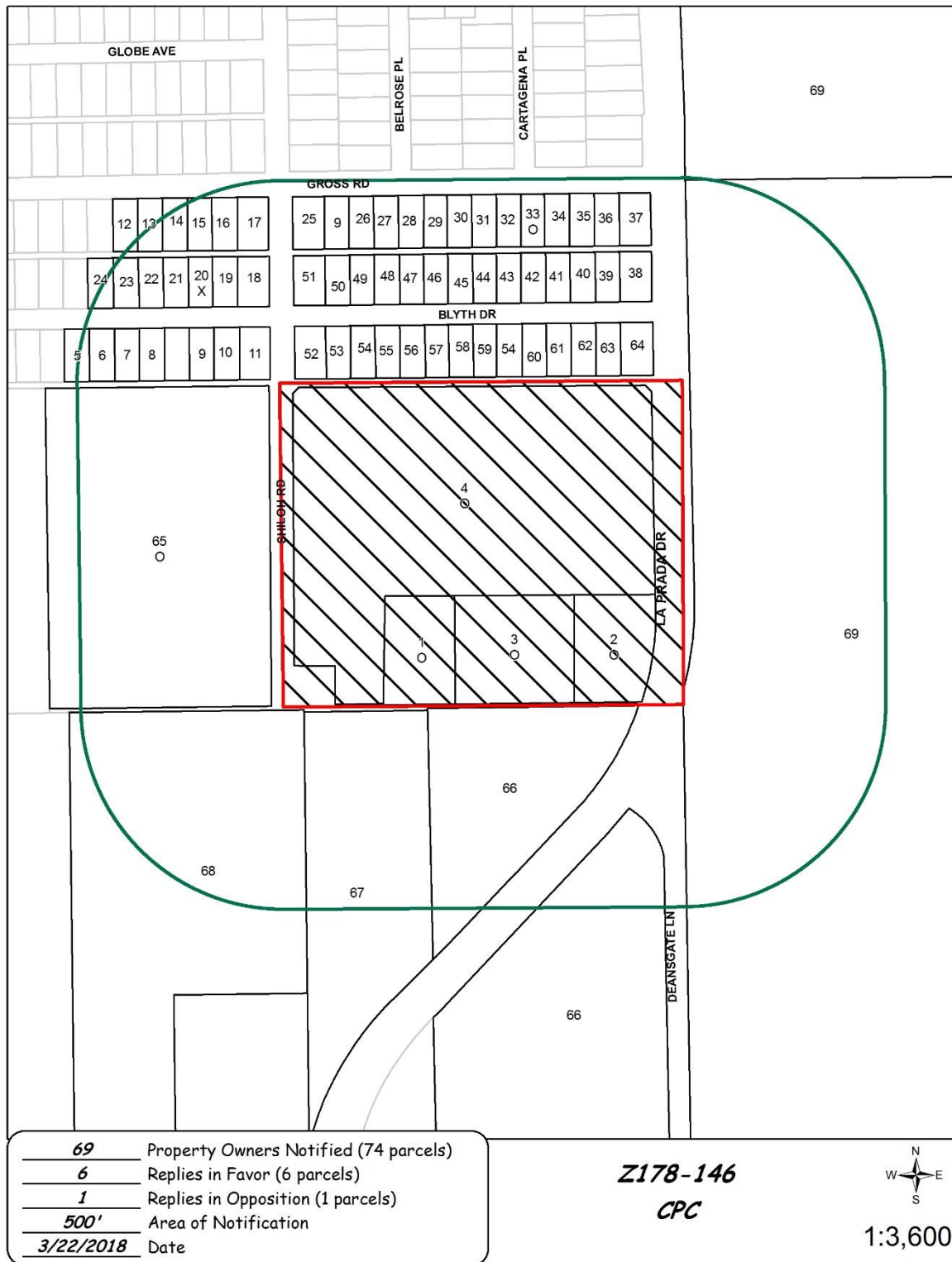








# CPC RESPONSES





02/14/2018

***Reply List of Property Owners******Z178-146******69 Property Owners Notified******6 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>
O	1	8615 LA PRADA DR	CENTRAL AMERICAN MISSION
O	2	8625 LA PRADA DR	CENTRAL AMERICAN MISSION
O	3	8635 LA PRADA DR	CENTRAL AMERICAN MISSION
O	4	8733 LA PRADA DR	NEXUS INCORPORATED
	5	2620 BLYTH DR	BLYTH GROUP
	6	2626 BLYTH DR	MUNGUIA CLEMENTE FABIAN &
	7	2630 BLYTH DR	JUAREZ RAFAEL
	8	2636 BLYTH DR	SHAFER KRISTI L
	9	2646 BLYTH DR	KOSTER PROPERTIES LTD
	10	2650 BLYTH DR	MATN PARTNERS 1
	11	2656 BLYTH DR	SANDOVAL ARISTEO
	12	2630 GROSS RD	GILES PAT K
	13	2636 GROSS RD	AKCHURIN TYLER E
	14	2640 GROSS RD	JARAL PANFILO & SERAFIN
	15	2646 GROSS RD	REYES MARTIN
	16	2650 GROSS RD	FUENTES JESSICA
	17	2656 GROSS RD	BATISTA FERNANDO
	18	2655 BLYTH DR	REVILLA FILIBERTO
	19	2649 BLYTH DR	GORTON JAMES P TRUSTEE
X	20	2645 BLYTH DR	GUZMAN LUIS ENRIQUE &
	21	2639 BLYTH DR	PALMER JEFFREY & KELLY
	22	2635 BLYTH DR	AJLOUNI RAED
	23	2629 BLYTH DR	SOS INVESTORS
	24	2625 BLYTH DR	RAMIREZ JOSE M &
	25	2706 GROSS RD	MECCA APRIL INC
	26	2716 GROSS RD	CHAVEZ ISAAC &



02/14/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	2720 GROSS RD	GONZALES PORFIRIO
	28	2726 GROSS RD	VAZQUEZ ROBERTO &
	29	2730 GROSS RD	ALVAREZ HORACIO
	30	2736 GROSS RD	YELLOW & BLUE PROPERTIES LLC
	31	2806 GROSS RD	GARCIA ALFONSO T &
	32	2812 GROSS RD	GARCIA VICTOR
O	33	2818 GROSS RD	HAVENS MARY M
	34	2822 GROSS RD	CONTRERAS JESUS
	35	2828 GROSS RD	MIRAMONTES MARIA G
	36	2832 GROSS RD	PEPPER ANDREW
	37	2838 GROSS RD	ANGUIANO LUIS &
	38	2837 BLYTH DR	HERNANDEZ LUCILLE
	39	2831 BLYTH DR	SMITH THOMAS JR & SALLY V
	40	2827 BLYTH DR	USREY MELBA GAY
	41	2821 BLYTH DR	MANRIQUE RAUL
	42	2817 BLYTH DR	MARTINEZ CRECENCIANO Y
	43	2811 BLYTH DR	QUINONEZ PABLO
	44	2805 BLYTH DR	GUTIERREZ JUAN A JR
	45	2737 BLYTH DR	COPELAND ROGER S
	46	2731 BLYTH DR	KHAKI INVESTMENTS LLC
	47	2727 BLYTH DR	PAEZ VERONICA &
	48	2721 BLYTH DR	CORNEJO ISIDORO
	49	2717 BLYTH DR	ZABALETA HUGO ADONEY &
	50	2711 BLYTH DR	REYES ANTONIO
	51	2707 BLYTH DR	POWELL VALERIE &
	52	2706 BLYTH DR	ALVAREZ GILBERTO
	53	2710 BLYTH DR	GARCIA VICTOR J
	54	2716 BLYTH DR	GARCIA VICTOR
	55	2720 BLYTH DR	BOSARGE BUSTER WAYNE EST OF
	56	2726 BLYTH DR	REYES MARTIN RODRIGUEZ
	57	2730 BLYTH DR	SONS ONA KAY



Z178-146(JM)

02/14/2018

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	2736 BLYTH DR	SALGADO JOSE V
	59	2806 BLYTH DR	GARCIA VINCENTE & KARINA GARCIA
	60	2818 BLYTH DR	GARCIA VICTOR J
	61	2822 BLYTH DR	GARCIA VICTOR J
	62	2828 BLYTH DR	PEDRAZA JORGE L &
	63	2832 BLYTH DR	BLACK RICKEY LEE
	64	2838 BLYTH DR	BAILEY MORTGAGE CORP
O	65	8702 SHILOH RD	SHILOH VILLAGE ASSC
	66	2800 JOHN WEST RD	BRC BELLAIRE TEXAS I LLC
	67	8383 LA PRADA DR	KING YVONNE G TRUST
	68	2631 JOHN WEST RD	CARLETON LAPRADA LTD
	69	3737 MOTLEY DR	DALLAS COUNTY COMMUNITY



**AGENDA ITEM # 49**

Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** May 23, 2018

**COUNCIL DISTRICT(S):** 2

**DEPARTMENT:** Department of Sustainable Development and Construction

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** 23 Y; Z

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2047 for a vehicle auction and storage use on property zoned Tract IIC within Planned Development District No. 37, on the east corner of Lakefield Boulevard and Sheila Lane

Recommendation of Staff: Approval for a three-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions

Recommendation of CPC: Approval for a five-year period, subject to conditions  
Z178-172(SM)

Note: This item was deferred by the City Council before the opening of the public hearing on April 25, 2018, and is scheduled for consideration on May 23, 2018.



**FILE NUMBER:** Z178-172(SM)

**DATE FILED:** January 19, 2017

**LOCATION:** East corner of Lakefield Boulevard and Sheila Lane

**COUNCIL DISTRICT:** 2

**MAPSCO:** 23 Y; Z

**SIZE OF REQUEST:** Approx. 6.47 acres

**CENSUS TRACT:** 72.02

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**OWNER/APPLICANT:** Interstate Holdings, Inc.

**REPRESENTATIVE:** Robert Baldwin

**REQUEST:** An application to renew Specific Use Permit No. 2047 for a vehicle auction and storage use on property zoned Tract IIC within Planned Development District No. 37.

**SUMMARY:** The applicant proposes to continue to operate a vehicle auction and storage facility. No changes are proposed to the existing site plan.

**CPC RECOMMENDATION:** **Approval** for a five-year period, subject to conditions.

**STAFF RECOMMENDATION:** **Approval** for a three-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions.



**BACKGROUND INFORMATION:**

- PDD No. 37 was approved by City Council on September 5, 1967, and has been amended several times.
- On February 24, 1999, the PDD was amended to create Tract IIC for I-1 Industrial District Uses and a *vehicle auction and storage use* by Specific Use Permit on Tract IIC only and this amendment included a development plan for Tract IIC. This amendment defined a *vehicle auction and storage use* as a facility for the auction of vehicles including the storage of inoperable vehicles for a period not to exceed 14 calendar days. For the purposes of this definition, vehicles include automobiles, trucks, boats and other conveyances.
- Specific Use Permit No. 1380 was also approved on February 24, 1999, for a vehicle auction and storage use. It expired on April 9, 2008 and was not renewed.
- Specific Use Permit No. 2047 was approved on September 11, 2013, for a vehicle auction and storage use and expires on September 11, 2018.

**Zoning History:**

1. **Z112-302:** On November 14, 2012, the City Council approved SUP No. 1997 for an open-enrollment charter school for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan, traffic management plan, and conditions.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW
Lakefield Boulevard	Local	80 feet
Sheila Lane	Local	50 feet

**Surrounding Land Uses:**

Location	Zoning	Land Use
Site	PDD No. 37; SUP No. 2047	Vehicle auction and storage facility
Northeast	LI; CR	Utilities
Southeast	PDD No. 37	Retail
Southwest	PDD No. 37	Auto-related
Northwest	PDD No. 37; SUP No. 1997	Open-enrollment charter school



## **STAFF ANALYSIS:**

### **Area Plans:**

On December 14, 2005, City Council approved the *Bachman Lake/West Northwest Highway Needs Assessment Study*. The Steering Committee's four key issues (Crime, Code and Certificate of Occupancy Violations, existing Zoning Ordinance classifications, and Urban Design/Area Identity) are supported by the research and findings of in the *Study*; however, it did not make recommendations on land use. Specifically, the *Study* recommended a development code amendment to require that billiard halls obtain specific use permits.

### **Comprehensive Plan:**

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

## **ECONOMIC ELEMENT**

### **GOAL 2.1 PROMOTE BALANCED GROWTH**

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

### **Land Use Compatibility:**

The site is utilized as a vehicle auction and storage facility and developed with two buildings, approximately 3,600 square feet and 6,700 square feet in floor area, and a large surface parking lot. The applicant proposes to continue to operate a vehicle auction and storage facility.

The request site is surrounded by a local utilities use to the northeast; retail uses to the southeast; an auto-related use to the southwest and an open-enrollment charter school use to the northwest. It is noted that the request site is within the flight path of Dallas Love Field.

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's request is consistent with the intent of the Dallas Development Code but to ensure that the proposed use operates compatibly with the adjacent uses, staff recommends approval for a three-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions.

**Traffic:**

The Engineering Division of the Sustainable Construction and Development Department has reviewed the requested amendment and determined that it will not significantly impact the surrounding roadway system.

**Parking:**

Pursuant to PDD No. 37, the vehicle auction and storage use requires one off-street parking space for each 500 square feet of site area used for vehicle auction. The applicant proposes to utilize 84,746 square feet of site area for vehicle auction, which will require 170 spaces. 172 spaces are provided as depicted on the existing site plan.

**Landscaping:**

Landscaping will be required pursuant to PDD No. 37 and is depicted on the development plan and site plan.



**Prior CPC Action – March 22, 2018:**

**Motion:** It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2047 for a vehicle auction and storage use for a five-year period, subject to conditions on property zoned Tract IIC within Planned Development District No. 37, on the east corner of Lakefield Boulevard and Sheila Lane.

Maker: Houston  
Second: Carpenter  
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: 400 Mailed: 21  
**Replies:** For: 2 Against: 0

**Speakers:** For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226  
Against: None  
Against (Did not speak): John Unangst, 363 Aviator Dr., Fort Worth, TX, 76179



**Partners/Principals/Officers:**

Alliance Auto Auction SUP Renewal

3440 and 3420 Sheila Lane; 9426 Lakefield Boulevard Ownership

Property Owner: Interstate Holdings, Inc., a Delaware corporation

Sole Shareholder: Emanuel Torbati

Sole Director: Emanuel Torbati

President: Emanuel Torbati

Secretary: Emanuel Torbati

Treasurer: Emanuel Torbati

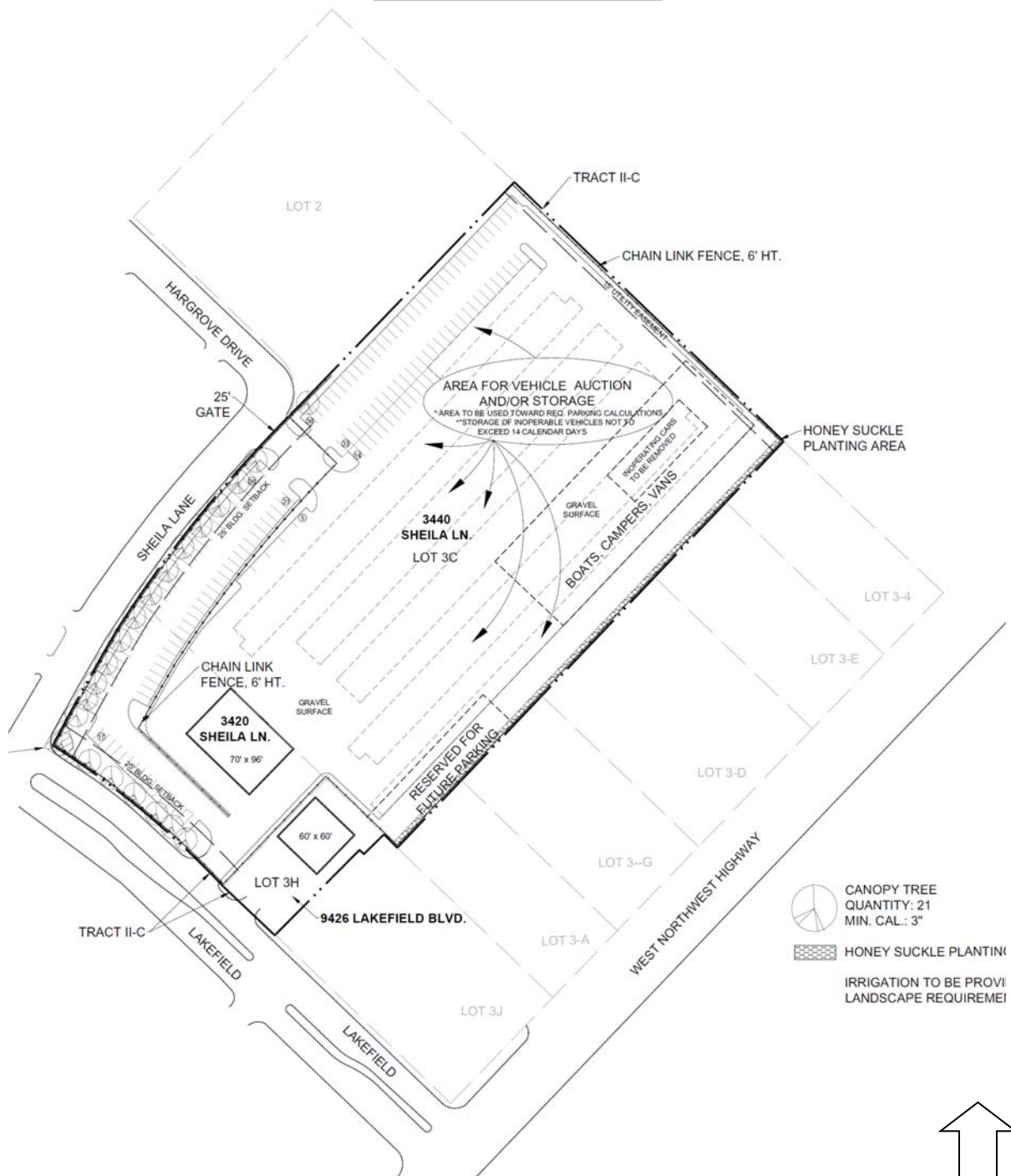


**CPC Recommended Renewal of SUP No. 2047**

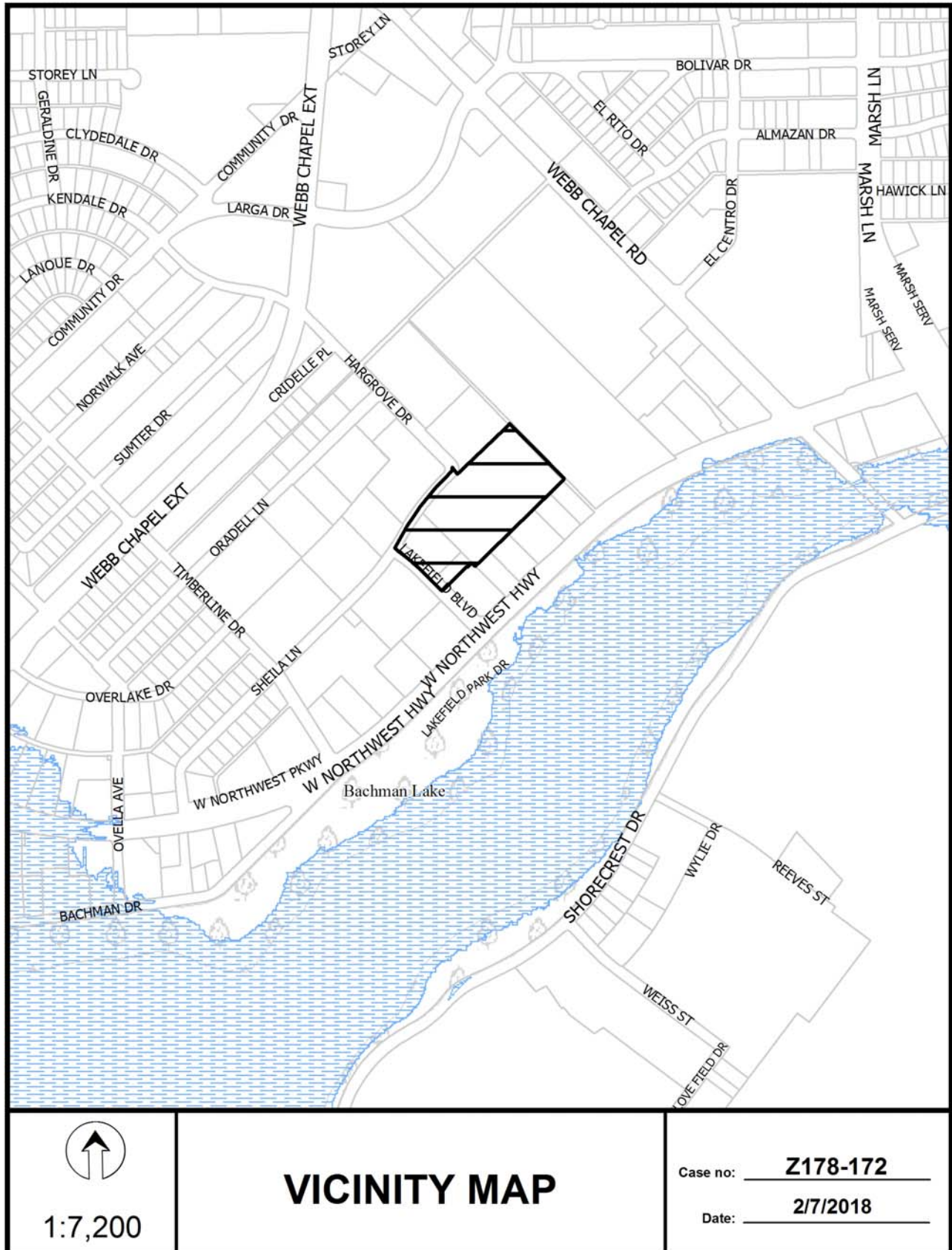
1. USE: The only use authorized by this specific use permit is a vehicle auction and storage use.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on (five years from the passage of this ordinance).~~[September 11, 2018]~~.
4. LANDSCAPING: Landscaping must be provided and maintained in accordance with the requirements of the ordinance governing Planned Development District No. 37.
5. DAYS OF OPERATION: Vehicle auctions are limited to a maximum of two days per week.
6. FENCING: A six-foot chain link fence must be provided on the perimeter of the property.
7. INGRESS-EGRESS: Ingress and egress must be provided as shown on the attached site plan.
8. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
9. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.



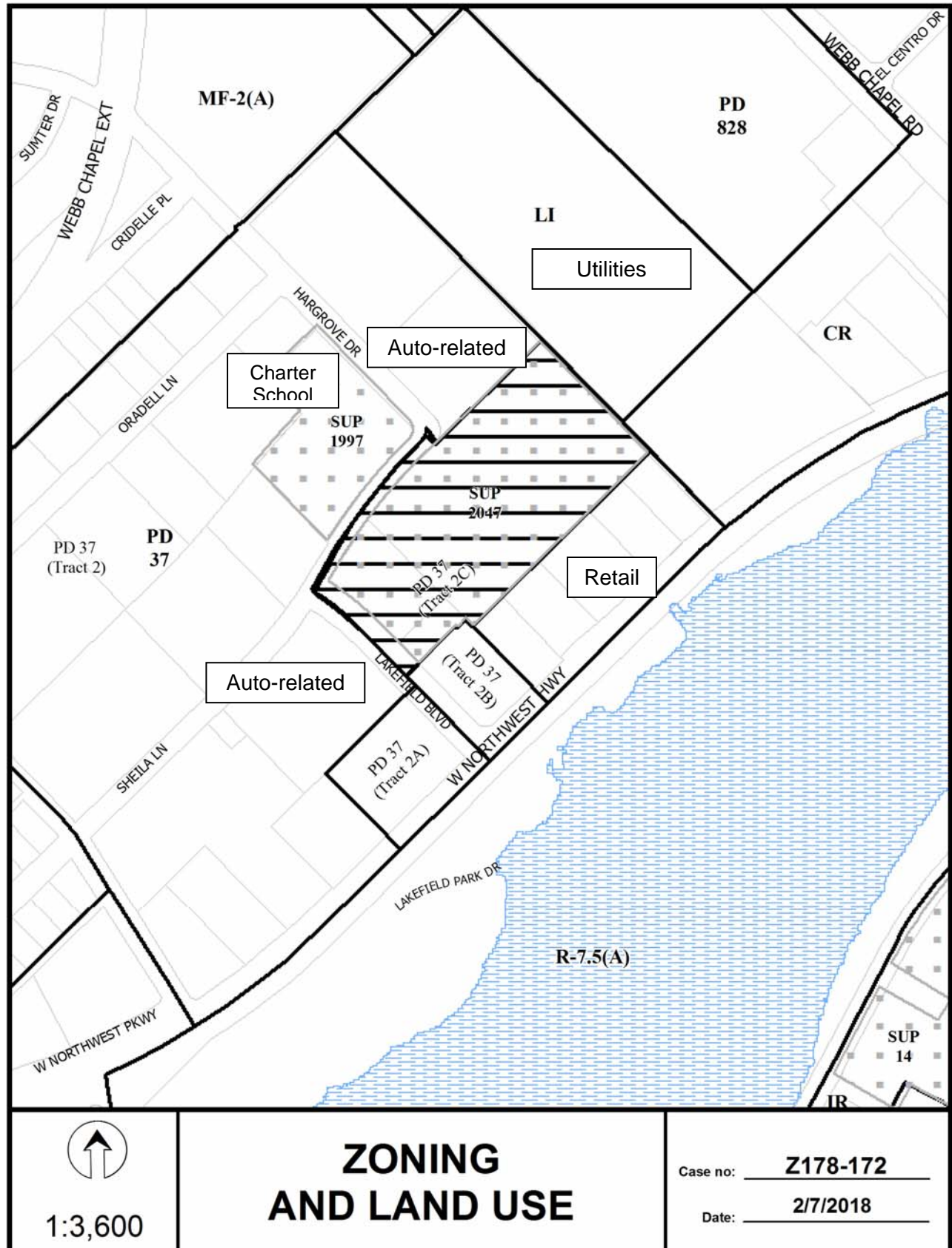
### Existing Site Plan (no changes)



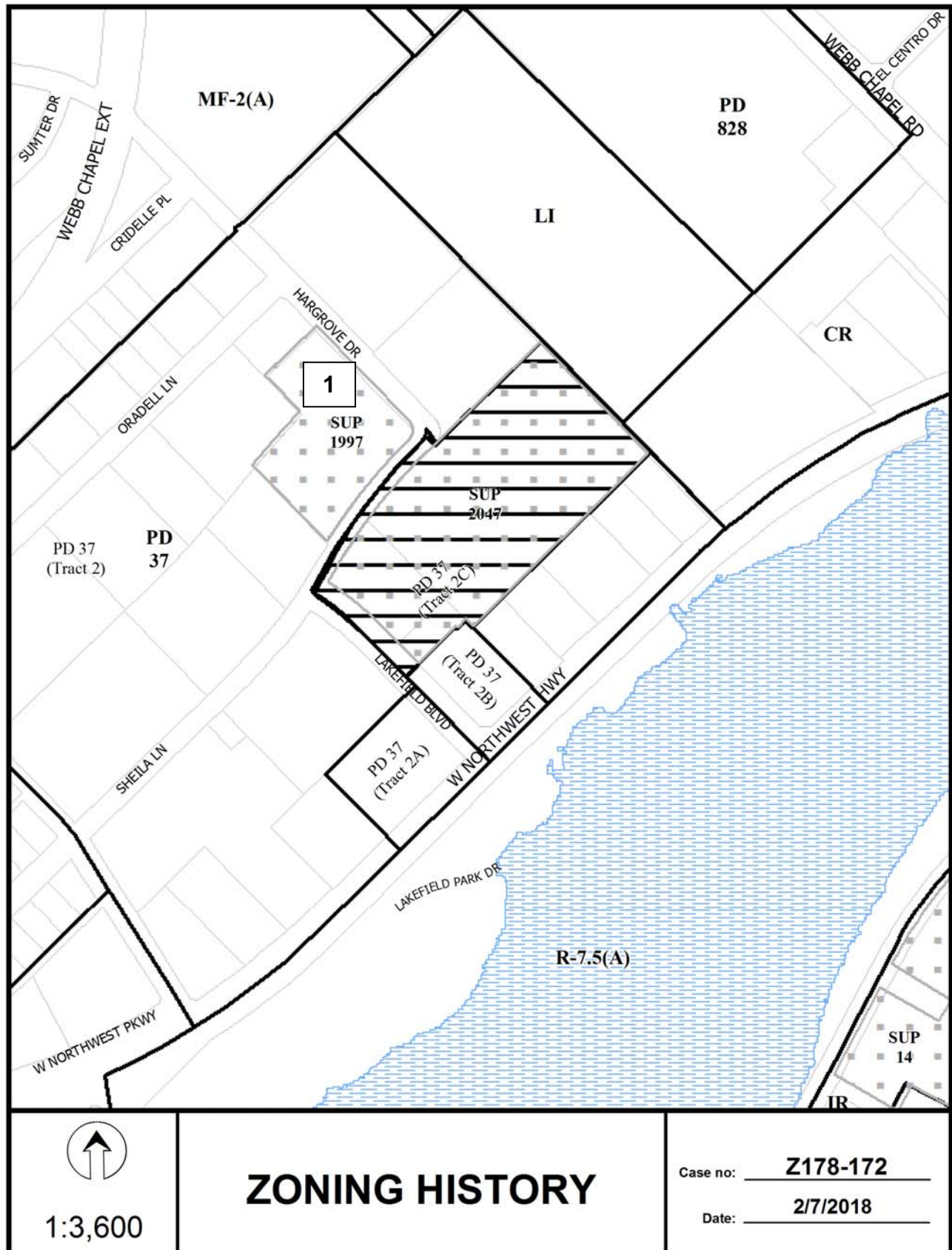




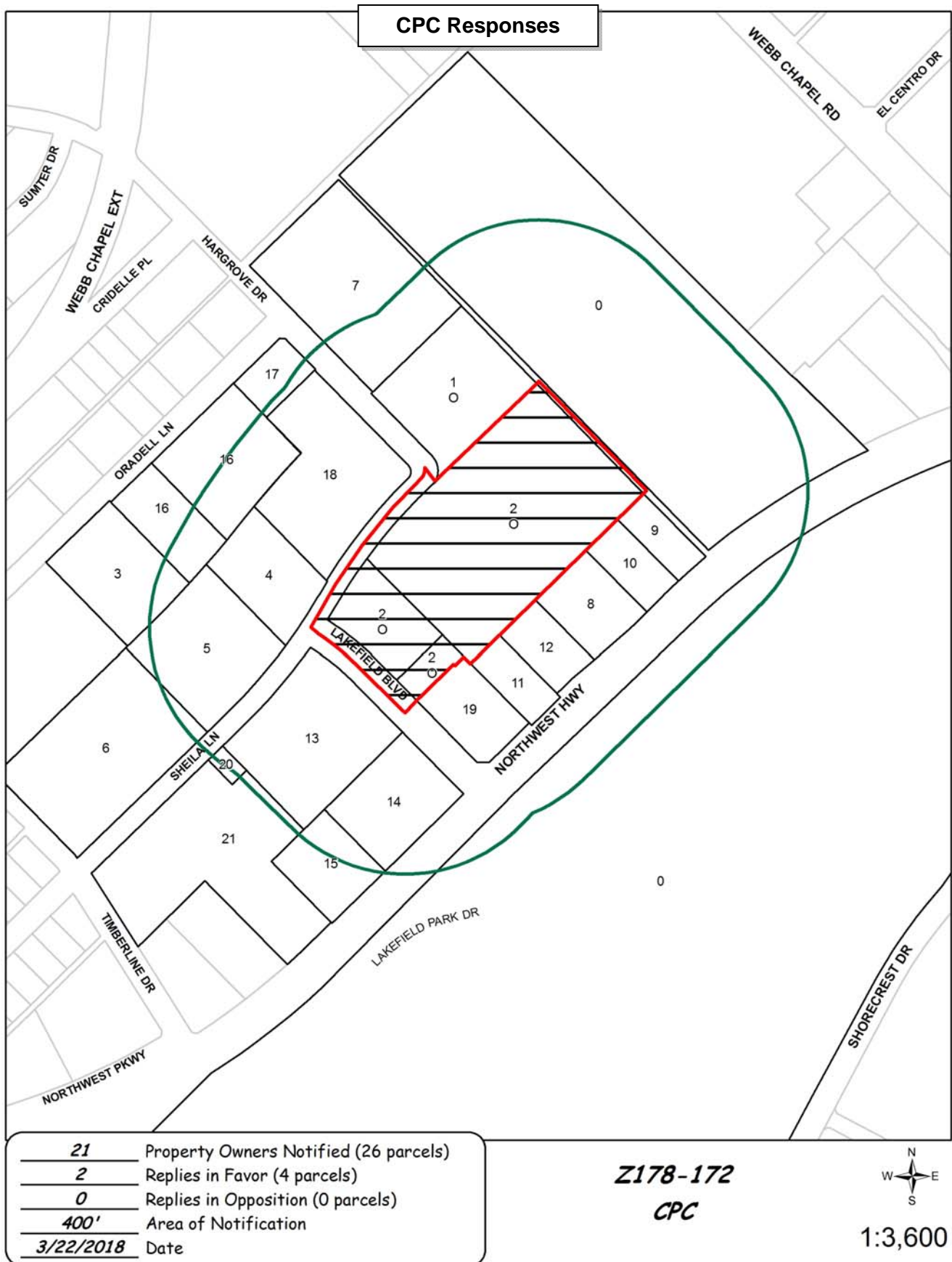














03/21/2018

***Reply List of Property Owners******Z178-172******21 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	9400 HARGROVE DR	INTERSTATE HOLDINGS INC
O	2	3420 SHEILA LN	INTERSTATE HOLDINGS INC
	3	3140 ORADELL LN	MENDOZA EDI &
	4	3411 SHEILA LN	RAIS HOMAYOUN
	5	3399 SHEILA LN	SECURITY PORTFOLIO V LP
	6	3315 SHEILA LN	EL SOL DEL LAGO LLC
	7	9450 HARGROVE DR	SS HARGROVE DRIVE LLC
	8	3515 W NORTHWEST HWY	CAPVIEW INCOME & VALUE FUND IV LP
	9	3537 W NORTHWEST HWY	WALTON ANDY
	10	3529 W NORTHWEST HWY	NDC AMHERST PARTNERS LP
	11	3421 W NORTHWEST HWY	GAAL FAMILY TRUST THE
	12	3505 W NORTHWEST HWY	JETT EXPRESS CAR WASH II LLC
	13	3350 SHEILA LN	EDDINS ENTERPRISES INC
	14	3363 W NORTHWEST HWY	BV NWH LP
	15	3353 W NORTHWEST HWY	CRISTO REY MINISTRIES
	16	3214 ORADELL LN	GODO PROPERTIES LLC
	17	3250 ORADELL LN	LOWEID INVESTMENTS LLC
	18	9411 HARGROVE DR	UPLIFT EDUCATION
	19	3407 W NORTHWEST HWY	GOSCHA G E &
	20	3300 SHEILA LN	PRS GROSS I LP
	21	3335 W NORTHWEST HWY	SECURITY PORTFOLIO V LP



## AGENDA ITEM # 50

### STRATEGIC PRIORITY:

Mobility Solutions, Infrastructure, and Sustainability

### AGENDA DATE:

May 23, 2018

### COUNCIL DISTRICT(S):

14

### DEPARTMENT:

Department of Sustainable Development and Construction

### CMO:

Majed Al-Ghafry, 670-3302

### MAPSCO:

36 W; X

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### SUBJECT

An appeal of the City Plan Commission's decision to deny a waiver of the two-year waiting period to submit an application for an amendment to Planned Development District No. 691, with an MD-1 Modified Delta Overlay and a D Liquor Control Overlay on a portion, on the northwest corner of Greenville Avenue and Lewis Street - W178-005 - Financing: This action has no cost consideration to the City

### BACKGROUND

Section 51A-4.701(d) of the Dallas Development Codes states that "after a final decision is reached by the Commission or City Council either granting or denying a request for a change in a zoning district classification or boundary, no further applications may be considered for that property for two years from the date of the final decision." The code allows for a property owner to apply for a waiver of the two-year limitation. The Commission may waive the time limitation if there are changed circumstances regarding the property sufficient to warrant a new hearing. If the City Plan Commission denies the request, the applicant may appeal to the City Council.

An applicant submitted an application for an amendment to Planned Development District No. 691, with an MD-1 Modified Delta Overlay and a D Liquor Control Overlay on a portion, on the northwest corner of Greenville Avenue and Lewis Street. This request was approved by the City Council on December 13, 2017. Thereafter, on March 22, 2018, the City Plan Commission denied a request for a waiver for the two-year waiting period.

The applicant indicates the change in circumstances regarding the property to warrant a new hearing is that this will be a replacement site for a temporary cellular antenna in the vicinity that has to be removed prior to January 2019, citing "the cellular coverage would be severely degraded waiting until the two-year waiting period is over".



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

On December 13, 2017, the City Council approved an amendment to Planned Development District No. 691, with an MD-1 Modified Delta Overlay and a D Liquor Control Overlay on a portion, on the northwest corner of Greenville Avenue and Lewis Street.

On March 22, 2018, the City Plan Commission denied a request for a waiver for the two-year waiting period.

### **FISCAL INFORMATION**

This action has no cost consideration to the City.

### **MAP**

Attached







W178-005

## APPLICATION FOR WAIVER OF TWO-YEAR WAITING PERIOD

Zoning File No. Z167-238

Location Northwest corner of Greenville Avenue and Lewis Street

Date of last CPC or CC Action December 13, 2017

Applicant's Name, Address & Phone Number Karl A Crawley 900 Jackson Street, Ste. 640  
Dallas, Texas 75202

Property Owner's Name, Address and Phone No., if different from above

See Attached

State briefly change of circumstances since the last hearing on the property that would warrant reconsideration of another request in less than two years.

After the conclusion of the recent zoning change for the retail portion of the PD, Verizon found this replacement

site for the temporary cellular antenna located at Belmont and Greenville. The temporary location must

be removed and replaced prior to January 2019. The cellular coverage for this area would be severely

degraded waiting until the two-year waiting period is over. Amending the existing PD to allow mounted

cellular antennae would replaced a replacement monopole in the area.



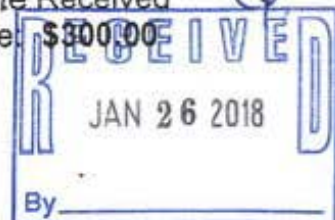
Applicant's Signature

See Attached

Owner's Signature (if individual) or  
Letter of Authorization (from corporation/partnership)

1/26/18  
Date Received

Fee: \$300.00



Receipt # 7955



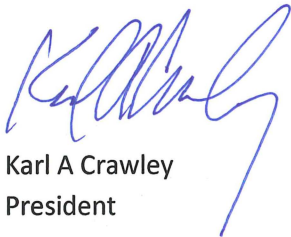


April 30, 2018

Sharon Hurd  
Planning Manager  
City of Dallas

RE: Appeal of Two-year Waiver, W178-005

Please let this serve as my official request as the authorized representative for the property owner and Verizon Wireless to appeal the denied waiver of the Two-year waiting period for property located at the northwest corner of Greenville Avenue and Lewis Street.

A handwritten signature in blue ink, appearing to read 'Karl A. Crawley'.

Karl A Crawley  
President



**PLAN COMMISSION MINUTES**  
**March 22, 2018**

**W178-005**

Planner: Sharon Hurd

**Motion:** It was moved to **approve** a waiver of the two-year waiting period to submit an application for an amendment to Planned Development District No. 691, with a MD-1 Modified Delta Overlay and a D Liquor Control Overlay on a portion in the northwest corner of Greenville Avenue and Lewis Street.

Maker: Rieves

Second: Houston

Result: Failed: 5 to 8

For: 5 - Rieves, Houston, Shidid, Mack, Murphy

Against: 8 - West, Davis, Carpenter, Jung, Housewright,  
Schultz, Peadon, Tarpley

Absent: 0

Vacancy: 1 - District 8

Conflict 1 - Ridley

**Speakers:** For: Karl Crawley, 900 Jackson St., Dallas, TX, 75202

Against: None



May 23, 2018

**WHEREAS**, Section 51A-4.701(d) of the Dallas Development Code states that “after a final decision is reached by the Commission or City Council either granting or denying a request for a change in a zoning district classification or boundary, no further applications may be considered for that property for two years from the date of the final decision; and

**WHEREAS**, the code allows for a property owner to apply for a waiver of the two-year limitation; and

**WHEREAS**, the City Plan Commission may waive the time limitation if there are changed circumstances regarding the property sufficient to warrant a new hearing; and

**WHEREAS**, if the City Plan Commission denies the request, the applicant may appeal to the City Council; and

**WHEREAS**, December 13, 2017, the City Council approved an amendment to Planned Development District No. 691, with an MD-1 Modified Delta Overlay and a D Liquor Control Overlay on a portion, on the northwest corner of Greenville Avenue and Lewis Street; and

**WHEREAS**, on March 22, 2018, in case no. W178-005, the City Plan Commission denied a request for a waiver of the two-year waiting period; and

**WHEREAS**, the applicant is appealing this decision to the City Council.

**Now, Therefore,**

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

**SECTION 1.** That the City Plan Commission’s decision to deny a waiver of the two-year waiting period to submit an application for an amendment to Planned Development District No. 691, with an MD-1 Modified Delta Overlay and a D Liquor Control Overlay on a portion, on the northwest corner of Greenville Avenue and Lewis Street is reversed.



May 23, 2018

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

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

BY: \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_



## AGENDA ITEM # 51

**STRATEGIC  
PRIORITY:**

Economic and Neighborhood Vitality

**AGENDA DATE:**

May 23, 2018

**COUNCIL DISTRICT(S):**

2, 7, 14

**DEPARTMENT:**

Office of Economic Development

**CMO:**

Raquel Favela, 671-5257

**MAPSCO:**

45 G L M R and 46 J K

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**SUBJECT**

A public hearing to receive comments concerning the early renewal and expansion of the Deep Ellum Public Improvement District (the "District"), in accordance with Chapter 372 of the Texas Local Government Code; and, at the close of the public hearing authorize: **(1)** approval of a resolution renewing the Deep Ellum Public Improvement District for a period of seven years and adopting the expanding District boundary; **(2)** approval of a service plan for the District; and **(3)** approval of an extension to the management contract with the Deep Ellum Foundation, a non-profit corporation currently managing the District - Financing: No cost consideration to the City

**BACKGROUND**

Deep Ellum Public Improvement District was initially created in 1999 and was previously renewed in 2006 and 2013. The District is scheduled to terminate in 2020. However, Deep Ellum Foundation, the District manager, submitted a petition this year requesting an early renewal of the District in order to amend the District boundary and to increase the budget to pay higher than anticipated costs.

The boundary has been amended to include new development on the western and southern edges of the District, and to remove properties on the eastern edge of the District at the request of those property owners. The manager had originally proposed a larger boundary, but based on lack of property owner interest in the southeastern edge of the proposed area, the District renewal boundary was reduced in conformance with Section 372.012 of the Texas Local Government Code. The existing District boundary is located in Council Districts 2, 7, and 14, but the renewal boundary will only be located in Council Districts 2 and 14. A map comparing the existing boundary and the renewal boundary is attached to the resolution as Exhibit A.



## **BACKGROUND** (continued)

Property owners of record representing 61.0% of the value of the property in the specified area and 60.8% of the land area have signed petitions requesting early renewal of the District with the revised boundary and increased budget. These percentages exceed the minimum requirements set in state law of 50%, and the minimum requirements set in the City of Dallas Public Improvement District Policy of 60%.

On May 9, 2018, City Council authorized a public hearing for the renewal and expansion of the District to be held on May 23, 2018. Notice of the public hearing was published in the Dallas Morning News and notices were mailed to property owners of record in the District in conformance with state law.

The City desires, by the calling and holding of such public hearing, to provide a reasonable opportunity for any owner of property within the District to speak for or against the renewal of the District.

The Public Improvement District (PID) is renewed on the following terms which were contained in the petition:

- (1) **District Name.** The name of the district is the Deep Ellum Public Improvement District (the "District").
- (2) **District Location.** The District is located wholly within the City of Dallas, Texas, a Texas home rule municipality. The District is shown on the map attached to the resolution as Exhibit A.
- (3) **Purpose of the District; General Nature of the Proposed Services and Improvements.** The purpose of the District is to supplement and enhance services provided within the District, but not to replace or supplant existing City services provided within the District. The general nature of the proposed services and improvements to be performed by the District includes, but is not limited to, enhanced security and public safety, capital improvements, improvement of common areas including ROW, landscaping, trash/litter removal, graffiti control, marketing and promotional activities, distinctive lighting and signage, business development and recruitment to promote the area, and related expenses incurred in establishing, administering and operating the District as authorized by the Act.
- (4) **Method of Assessment.** The assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be based on to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District (DCAD).



## **BACKGROUND** (continued)

The assessment amount for 2018 is proposed to be \$634,073. This amount is approximately equal to \$0.12 per \$100.00 of appraised value as determined by the DCAD. If appraised values rise such that this assessment rate would yield an assessment amount that exceeds the estimated costs, the District shall utilize the provisions in Paragraph 15.

- (5) **Annual assessment.** The amount levied against property in the District shall not exceed the total amount shown in the attached budget for the services and improvements to be provided for the year in which the property is assessed except as provided in Paragraph 15.
- (6) **Estimated Cost; No Bonded Indebtedness.** During the seven-year period, the annual cost of the improvements and services provided by the District is estimated to range from approximately \$617,194 to \$1,500,092 annually. Based on the estimated maximum cost of improvements and services, the seven-year total assessment collection requested by the District shall not exceed a collective total of \$7,294,678. In the event the District requires additional funds, the District shall re-petition the property owners for such an increase. At no time shall the total amount levied exceed the total amount shown in the attached budget for the services and improvements to be provided for the year in which the property is assessed except as provided in Paragraph 15 and subject to the collective total for the seven-year period.
- (7) **Apportionment of Cost between the District and the Municipality as a Whole.** The District shall pay the costs of the services and improvements by special assessment against the real property and real property improvements. The real property of jurisdictions and entities that have obtained an exemption from the City of Dallas real property taxes pursuant to the Texas Tax Code (except under the provisions of Sections 11.24 and 11.28 of the Texas Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. The City of Dallas is not responsible for payment of assessment against exempt City property in the District. City right-of-way, railroad right-of-way, City parks and cemeteries are not specially benefitted and therefore are not subject to assessment.
- (8) **Annual Assessment Collection and Budget Allocation.** The District shall prepare an ongoing service plan that covers a period of at least five years and shall hold an annual meeting to review the service plan for the purpose of determining the annual budget. The annual meeting shall be open to all property owners in a public meeting space (with written notice to all property owners in the District at least two weeks prior to the meeting) to provide an opportunity for property owner questions, comments, and input to be considered during the District annual budget and service plan approval process.



**BACKGROUND** (continued)

- (9) **City Expenses and Dallas County Charges.** The District shall pay the cost of all: (i) collections service fees to Dallas County and (ii) City expenses related to oversight and administration of the District.
- (10) **District Management.** The District shall be managed by the Deep Ellum Foundation, a private nonprofit corporation created under the laws of the State of Texas and under the provisions of Section 501(c)(3) of the Internal Revenue Code. A cooperative relationship between the City and the private sector will be created whereby the City Council will review and approve annually the service plan and assessment plan, determine and levy assessments, and conduct other functions as required by the Act, and the Deep Ellum Foundation will be responsible for managing and implementing the service plan of the District.
- (11) **Advisory Body.** An advisory body may be established to develop and recommend an improvement plan to the governing body of the municipality. In the interest of providing efficient District management, the City Council, by and establishing the District, agrees not to establish a separate advisory body and agrees to assign the responsibility for development and recommendation of the annual service and improvement plans and other responsibilities of the advisory body contained in the Act to the District manager.
- (12) **District Dissolution.** The District shall automatically dissolve on December 31, 2025, unless renewed or dissolved through the petition and approval process as provided by the Act.
- (13) **Headings.** The headings of the paragraphs contained in the Petition are for the convenience of the reader and do not constitute a part of this Petition.
- (14) **Request for District Dissolution and Establishment of Amended District.** The persons signing this petition request or concur with the dissolution of the existing District in order to amend the boundaries as shown on Exhibit A attached to the resolution and, if approved by the owners of the designated area, request that this petition be considered at the earliest possible time and that the City Council take those lawful steps necessary to dissolve existing District, approve the amended District, authorize the improvements and services described herein, and levy the necessary assessments to pay for the improvements and services, and take any additional actions required under the Act for the benefit of the District.



## **BACKGROUND** (continued)

(15) **PID Assessment Collection Budget Projection. Exhibit B** attached to the resolution is a projection of annual District assessment collections over the seven-year Service Plan. If the total District collection is less than the annual budgeted amount, the District manager can:

- i. use discretion to re-allocate District revenues to best service property owners and residents within the District area subject to City of Dallas approval through annual City Council review and approval of service plan and assessment plan pursuant to Paragraph 10.
- ii. use funds in the contingency category for other expenditures.

No over-collection is anticipated, however, if the District assessment collection is greater than the annual projected amount, the managing entity shall:

- i. be permitted to carry over up to 20% of the funds budgeted for Capital Improvements and Maintenance to the following year to account for delays or cost adjustments, provided that the cumulative seven-year total for each category is not exceeded as a result of such carry-over;
- ii. reduce the amount of the assessment in the following year to absorb the over-collection;
- iii. return the funds to the property owners; or
- iv. submit a revised petition to obtain consent of the property owners for an increased collection.

The term of the District upon creation is seven years (2019 to 2025). Pending approval, actual operations in the renewed District will commence on January 1, 2019.

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

On August 14, 2013, City Council held a public hearing concerning the proposed levy of assessment for the Deep Ellum Public Improvement District and authorized the approval of a resolution renewing the Deep Ellum Public Improvement District for a seven-year period, and approval of the service plan and a management contract by Resolution No. 13-1376.

On September 13, 2017, City Council authorized an ordinance approving and adopting the final 2018 Service Plan, the final 2017 Assessment Plan and 2017 Assessment Roll by Resolution No. 17-1483; Ordinance No. 30637.

Information about this item was provided to the Economic Development and Housing Committee on May 7, 2018.



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

On May 9, 2018, City Council authorized the public hearing to be held on May 23, 2018, to hear comments and concerns regarding the renewal of the term and expansion of the boundary of the Deep Ellum Public Improvement District and stated its intent at the close of the hearing to consider a resolution renewing and expanding the Deep Ellum Public Improvement District by Resolution No. 18-0696.

**FISCAL INFORMATION**

No cost consideration to the City.



May 23, 2018

**WHEREAS**, Chapter 372 of the Texas Local Government Code (the “Act”) allows for the creation of public improvement districts; and

**WHEREAS**, on August 14, 2013, City Council held a public hearing concerning the proposed levy of assessment of the Deep Ellum Public Improvement District and authorized the approval of a resolution renewing the Deep Ellum Public Improvement District for a seven-year period; approval of the Service Plan and a management contract by Resolution No.13-1376; and

**WHEREAS**, on September 13, 2017, City Council authorized an ordinance approving and adopting the final 2018 Service Plan, the final 2017 Assessment Plan and 2017 Assessment Roll by Resolution No. 17-1483; Ordinance No. 30637; and

**WHEREAS**, Deep Ellum Foundation, representing property owners of the Deep Ellum area, delivered to the City of Dallas a petition to renew and expand the Deep Ellum Public Improvement District in accordance with the parameters of Chapter 372 of the Texas Local Government Code, as shown on the attached Map of the District (**Exhibit A**); and

**WHEREAS**, the Act states that the petition is sufficient if signed by owners of more than 50% of taxable real property, according to appraised value, and either of the following: more than 50% of the area of all taxable real property liable for assessment under the proposal, or more than 50% of all record owners of property liable for assessment; and

**WHEREAS**, City staff reviewed the petition and determined the owners of more than 60% of the appraised value of the taxable real property liable for assessment, and more than 60% of the land area of all taxable real property liable for assessment within the District executed the petition, exceeding the necessary thresholds for the City Council to consider renewal of the District; and

**WHEREAS**, the Act further requires that prior to the adoption of the resolution providing for the renewal of the Deep Ellum Improvement District, the City Council must hold a public hearing on the advisability of the improvements; the nature of the improvements; the estimated cost of the improvements; the boundaries of the public improvement district; the method of assessment; and the apportionment of costs between the district and the municipality as a whole; and

**WHEREAS**, on May 9, 2018, City Council authorized the public hearing to be held on May 23, 2018, to hear comments and concerns regarding the renewal of the term and expansion of the boundary of the Deep Ellum Public Improvement District and stated its intent at the close of the hearing to consider a resolution renewing and expanding the Deep Ellum Public Improvement District by Resolution No. 18-0696; and



May 23, 2018

**WHEREAS**, after providing notices required by Section 372.009 of the Act, the City Council on May 23, 2018, conducted a public hearing on the advisability of the improvements and services, and adjourned such public hearing.

**Now, Therefore,**

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

**SECTION 1.** That pursuant to the requirements of the Act, the City Council, after considering the petition for the proposed District and evidence and testimony presented at the public hearing on May 23, 2018, hereby finds and declares:

- (1) **District Name.** The name of the district is the Deep Ellum Public Improvement District (the "District").
- (2) **District Location.** The District is located wholly within the City of Dallas, Texas, a Texas home rule municipality. The District is shown on the map attached marked **Exhibit A**.
- (3) **Purpose of the District; General Nature of the Proposed Services and Improvements.** The purpose of the District is to supplement and enhance services provided within the District, but not to replace or supplant existing City services provided within the District. The general nature of the proposed services and improvements to be performed by the District includes, but is not limited to, enhanced security and public safety, capital improvements, improvement of common areas including ROW, landscaping, trash/litter removal, graffiti control, marketing and promotional activities, distinctive lighting and signage, business development and recruitment to promote the area, and related expenses incurred in establishing, administering and operating the District as authorized by the Act.
- (4) **Method of Assessment.** The assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be based on to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District (DCAD). The assessment amount for 2018 is proposed to be \$634,073. This amount is approximately equal to \$0.12 per \$100.00 of appraised value as determined by the DCAD. If appraised values rise such that this assessment rate would yield an assessment amount that exceeds the estimated costs, the District shall utilize the provisions in Paragraph 15.



May 23, 2018**SECTION 1.** (continued)

- (5) **Annual assessment.** The amount levied against property in the district shall not exceed the total amount shown in the attached budget for the services and improvements to be provided for the year in which the property is assessed except as provided in Paragraph 15.
- (6) **Estimated Cost; No Bonded Indebtedness.** During the seven-year period, the annual cost of the improvements and services provided by the District is estimated to range from approximately \$617,194 to \$1,500,092 annually. Based on the estimated maximum cost of improvements and services, the seven-year total assessment collection requested by the District shall not exceed a collective total of \$7,294,678. In the event the District requires additional funds, the District shall re-petition the property owners for such an increase. At no time shall the total amount levied exceed the total amount shown in the attached budget for the services and improvements to be provided for the year in which the property is assessed except as provided in Paragraph 15 and subject to the collective total for the seven-year period.
- (7) **Apportionment of Cost between the District and the Municipality as a Whole.** The District shall pay the costs of the services and improvements by special assessment against the real property and real property improvements. The real property of jurisdictions and entities that have obtained an exemption from the City of Dallas real property taxes pursuant to the Texas Tax Code (except under the provisions of Sections 11.24 and 11.28 of the Texas Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. The City of Dallas is not responsible for payment of assessment against exempt City property in the District. City right-of-way, railroad right-of-way, City parks and cemeteries are not specially benefitted and therefore are not subject to PID assessment.
- (8) **Annual Assessment Collection and Budget Allocation.** The District shall prepare an ongoing service plan that covers a period of at least five years and shall hold an annual meeting to review the service plan for the purpose of determining the annual budget. The annual meeting shall be open to all property owners in a public meeting space (with written notice to all property owners in the PID at least two weeks prior to the meeting) to provide an opportunity for property owner questions, comments and input to be considered during the PID annual budget and service plan approval process.
- (9) **City Expenses and Dallas County Charges.** The District shall pay the cost of all: (i) collections service fees to Dallas County and (ii) City expenses related to oversight and administration of the District.



May 23, 2018**SECTION 1.** (continued)

- (10) **District Management.** The District shall be managed by Deep Ellum Foundation, a private nonprofit corporation created under the laws of the State of Texas and under the provisions of Section 501(c) (3) of the Internal Revenue Code, on behalf of the Deep Ellum Public Improvement District. A cooperative relationship between the City and the private sector will be created whereby the City Council will review and approve annually the service plan and assessment plan, determine and levy assessments, and conduct other functions as required by the Act, and Deep Ellum Foundation will be responsible for managing and implementing the Service Plan of the District.
- (11) **Advisory Body.** An advisory body may be established to develop and recommend an improvement plan to the governing body of the municipality. In the interest of providing efficient District management, the City Council, by accepting this Petition and establishing the District, agrees not to establish a separate advisory body and agrees to assign the responsibility for development and recommendation of the annual service and improvement plans and other responsibilities of the advisory body contained in the Act to the manager of the District.
- (12) **District Dissolution.** The District shall automatically dissolve on December 31, 2025, unless renewed or dissolved through the petition and approval process as provided by the Act.
- (13) **Headings.** The headings of the paragraphs contained in the Petition are for the convenience of the reader and do not constitute a part of this Petition.
- (14) **Request for District Dissolution and Establishment of Amended District.** The persons signing this Petition request or concur with the dissolution of the existing District in order to amend the boundaries as shown on **Exhibit A** and if approved by the owners of the designated area, request that this Petition be considered at the earliest possible time and that the City Council take those lawful steps necessary to dissolve existing District, approve the amended District, authorize the improvements and services described herein, and levy the necessary assessments to pay for the improvements and services and take any additional actions required under the Act for the benefit of the District.



May 23, 2018**SECTION 1.** (continued)

- (15) **PID Assessment Collection Budget Projection. Exhibit B** is a projection of annual PID assessment collection over the seven-year Service Plan. If the total PID collection is less than the annual budgeted amount, the management entity, Deep Ellum Public Improvement District, can:
- i. use discretion to re-allocate PID revenues to best service property owners and residents within the PID area subject to City of Dallas approval through annual City Council review and approval of service plan and assessment plan pursuant to Paragraph 10.
  - ii. use funds in the contingency category for other expenditures.

No over-collection is anticipated, however, if the PID assessment collection is greater than the annual projected amount, the managing entity shall:

- i. be permitted to carry over up to 20% of the funds budgeted for Capital Improvements and Maintenance to the following year to account for delays or cost adjustments, provided that the cumulative seven-year total for each category is not exceeded as a result of such carry-over;
- ii. reduce the amount of the assessment in the following year to absorb the over-collection;
- iii. return the funds to the property owners; or
- iv. submit a revised petition to obtain consent of the property owners for an increased collection.

The term of the District upon creation is seven years (2019 to 2025). Pending approval, actual operations in the District will commence next year.

**SECTION 2.** That the facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct.

**SECTION 3.** That the Deep Ellum Public Improvement District is hereby authorized and established as a public improvement district under the Act in accordance with the findings as to the advisability of the services and improvements contained in this Resolution, with an effective date of January 1, 2019. The District shall be subject to all of the terms, conditions, limitations, and reservations contained in the findings of this Resolution.

**SECTION 4.** That the City Secretary is directed to give notice of the authorization for the establishment of the District by publishing a copy of this Resolution once in the newspaper of general circulation in the City of Dallas. Such authorization shall take effect and the District shall be deemed to be established effective upon the publication of such notice.



May 23, 2018**SECTION 4.** (continued)

The District shall automatically dissolve on December 31, 2025 unless the District is renewed through the petition and approval process as provided by the Act, or the District is sooner terminated as provided by law. The power of the City to continue to levy and collect assessments within the District will cease and the District will be dissolved on the date that a petition requesting dissolution is filed with the City Secretary of the City of Dallas and the petition contains the signatures of at least enough property owners in the District to make the petition sufficient for creation of a public improvement district as provided in Section 372.005(b) of the Act.

**SECTION 5.** That City Council authorizes that the District shall be managed through Deep Ellum Foundation, a private nonprofit corporation established under the provisions of Section 501(c) of the Internal Revenue Code, to develop and recommend a service plan, improvement plan and assessment plan for approval by the City Council in order to promote the efficient management of the District. The Deep Ellum Foundation shall be the entity responsible for the management of the District.

**SECTION 6.** That City Council hereby approves the service plan prepared by the Deep Ellum Foundation, which is attached hereto as **Exhibit B** and directs the Deep Ellum Foundation to implement it in accordance with the Act. The service plan covers a period of seven years and defines the annual indebtedness and projected cost for services and improvements. The Deep Ellum Foundation is hereby granted the ability to modify or substitute items without City Council approval within the program categories in the service plan with approval of the Director of the Office of Economic Development, if such changes serve the common interest of owners and tenants in the District and the increase and/or decrease in the amount of a program category does not exceed twenty percent (20%) of the budgeted amount for that category. "Program categories" in the Service Plan include the listed improvement in **Exhibit B**.

**SECTION 7.** That pursuant to the exception granted by Section 252.022(a)(9) of the Texas Local Government Code, the City Manager is hereby authorized and directed, upon approval as to form by the City Attorney, to enter into a contract with Deep Ellum Foundation to manage special supplemental services to be paid from the assessments collected. The contract with the Deep Ellum Foundation shall be in accordance with the Service Plan and this Resolution and shall provide for compliance by the Deep Ellum Foundation with the Business Inclusion and Development Plan for participation of minorities and women providing services and improvements to the District.

**SECTION 8.** That the contract with the Deep Ellum Foundation shall also provide for assessment collection services that the County or City will provide to the Deep Ellum Foundation, for collection of the special assessments. The County or City, as appropriate, shall receive a fee per account as compensation for its collection services.



May 23, 2018

**SECTION 9.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

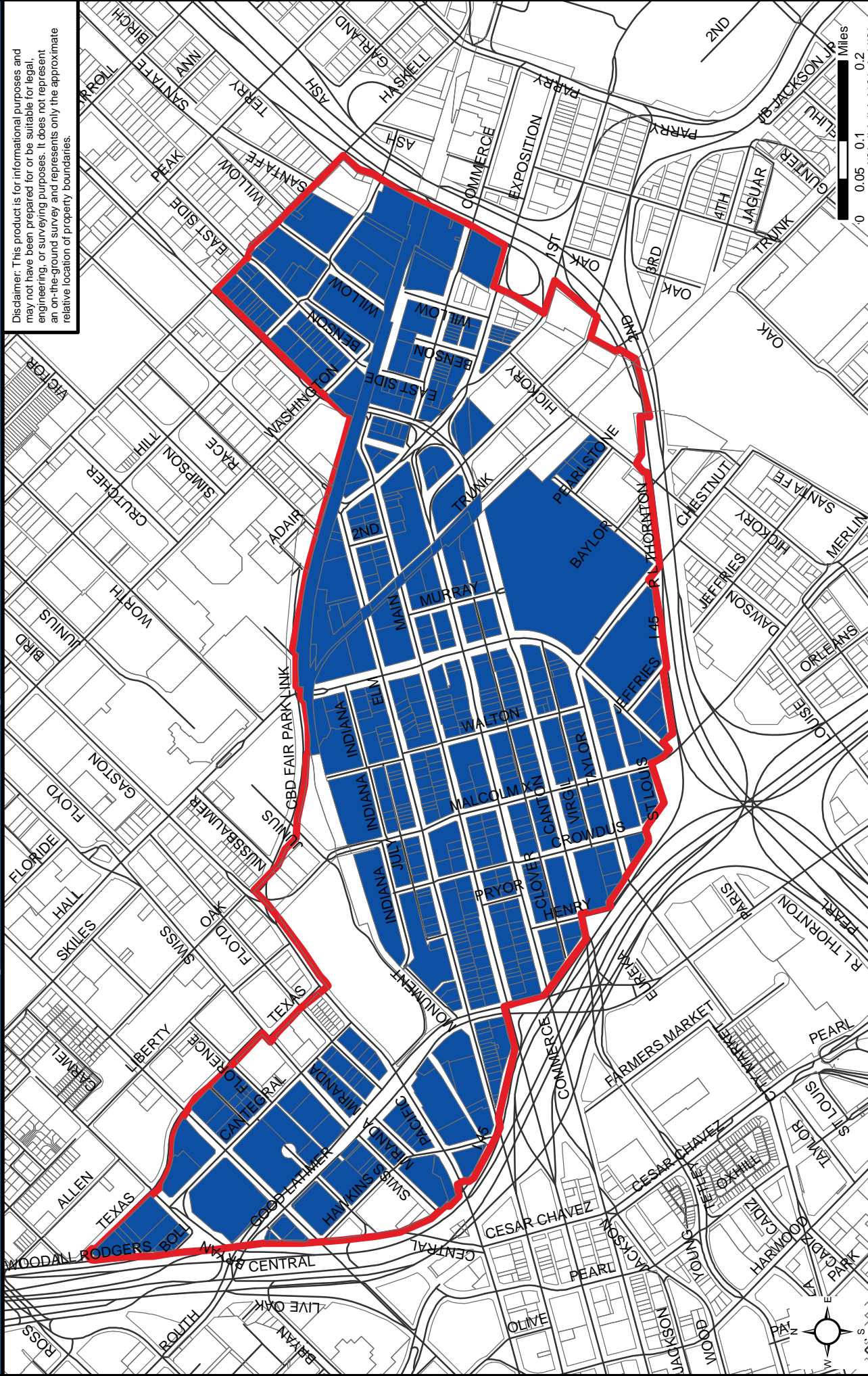






# Exhibit A - Deep Ellum PID Proposed 2018 Renewal Boundaries

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



## Legend

- DEPID 2018 Renewal Parcels
- Streets
- Parcel 2017

**DALLAS  
ECONOMIC  
DEVELOPMENT**

Research & Information Division  
214.670.1685  
dallas-ecodev.org

Created 12-22-2017 - Deep EllumPID

Data Source: City of Dallas



# DEEP ELLUM PID

## Proposed Service Plan 2019-2027 | Updated December 1, 2017

## Category Details

1. Safety and security related initiatives including but not limited to hiring off-duty officers, private security, improving lighting, public safety manager position, alarms, monitoring services and surveillance.
2. Improvements including but not limited to projects such as neighborhood-wide parking programs, pedestrian plazas, technology projects, landscaping, park enhancements, graffiti control, trash pickup, signage, bicycle amenities, pedestrian amenities, sustainability initiatives and special maintenance projects.
3. Marketing and promotion efforts including but not limited to neighborhood wide website, newsletter, social media management, advertising, volunteer coordination, event coordination and promotion, light pole banners and other promotions and programming efforts.
4. General administrative costs including but not limited to office rent, day-to-day operations, office supplies, staff transportation, bookkeeping, telecom needs, technology needs and admin staff expense.
5. Business retention, outreach, assistance and recruitment expenses including but not limited to easing the burden of opening and operating a business, improving the regulatory business environment, business owner meetings, business owner coordination, merchant association assistance and providing information about the neighborhood for recruitment purposes.
6. Financial audit and insurance expenses.
7. Net assessment reflects the deduction of City & County fees



**STRATEGIC  
PRIORITY:**

Economic and Neighborhood Vitality

**AGENDA DATE:**

May 23, 2018

**COUNCIL DISTRICT(S):**

12

**DEPARTMENT:**

Office of Economic Development

**CMO:**

Raquel Favela, 671-5257

**MAPSCO:**

5 T U X Y

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**SUBJECT**

A public hearing to receive comments concerning the renewal of the Prestonwood Public Improvement District (the "District"), in accordance with Chapter 372 of the Texas Local Government Code; and, at the close of the public hearing to authorize: **(1)** approval of a resolution renewing the Prestonwood Public Improvement District for a period of seven years; **(2)** approval of a service plan for the District; and **(3)** approval of an extension to the management contract with the Prestonwood Homeowners Association, a non-profit corporation currently managing the District - Financing: No cost consideration to the City

**BACKGROUND**

The Prestonwood Public Improvement District was initially created in 1997 and was previously renewed in 2004 and 2011. The District is scheduled to terminate at the end of this year. Prestonwood Homeowners Association, the District manager, submitted petitions requesting the renewal of the Prestonwood Public Improvement District and approval of the service plan for a period of seven years with a new effective date of January 1, 2019.

Property owners of record representing 81.0% of the value of the property in the specified area and representing 80.5% of the land area have signed the petitions requesting creation of the District. These percentages exceed the minimum requirements set in state law of 50% and the minimum requirements set in the City of Dallas Public Improvement District (PID) Policy of 66.7%.

On May 9, 2018, the City Council authorized the public hearing for the renewal of the District to be held on May 23, 2018. Notice of the public hearing was published in the Dallas Morning News and mailings sent to property owners of record in the District in conformance with state law.



## **BACKGROUND** (continued)

The City desires, by the calling and holding of such public hearing, to provide a reasonable opportunity for any owner of property within the District to speak for or against the renewal of the District.

The Public Improvement District is renewed on the following terms which were contained in the petition:

- (1) **District Name.** The name of the district is the Prestonwood Public Improvement District (the "District").
- (2) **District Location.** The District is located wholly within the City of Dallas, Texas, a Texas home rule municipality. The District is shown on the map attached the resolution marked Exhibit A.
- (3) **Purpose of the District; General Nature of the Proposed Services and Improvements.** The purpose of the District is to supplement and enhance services provided within the District, but not to replace or supplant existing City services provided within the District. The general nature of the proposed services and improvements to be performed by the District includes enhanced security and public safety, and related expenses incurred in establishing, administering and operating the District as authorized by the Act.
- (4) **Method of Assessment.** The assessment shall apportion the costs each year among the property owners, on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be based on to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District (DCAD). The assessment amount for 2018 is proposed to be \$391,700. This amount is approximately equal to \$0.0825 per \$100.00 of appraised value as determined by the DCAD. If appraised values rise such that the assessment rate equal to the amount of \$.15 per \$100.00 valuation would yield an assessment amount that exceeds the estimated costs, the assessment rate shall be reduced until the total assessment equals or is less than to the budgeted amount approved in this **Exhibit B** to this petition, subject to the appropriations set forth in Paragraph 15.
- (5) **Annual assessment.** The amount shall not exceed the total amount shown in the attached budget for the services and improvements to be provided for the year in which the property is assessed except as provided in Paragraph 15.



## **BACKGROUND** (continued)

- (6) **Estimated Cost; No Bonded Indebtedness.** During the seven-year period, the annual cost of the improvements and services provided by the existing District is estimated to range from approximately \$362,013 to \$419,153 annually. Based on the estimated maximum cost of services, the seven-year total assessment collection requested by the District shall not exceed a collective total of \$3,338,479. In the event the District requires additional funds, the District shall re-petition the property owners for such an increase. At no time shall the total amount levied exceed the total amount shown in the attached budget for the services and improvements to be provided for the year in which the property is assessed except as provided in Paragraph 15 and subject to the collective total for the seven-year period.
- (7) **Apportionment of Cost between the District and the Municipality as a Whole.** The District shall pay the costs of the services by special assessment against the real property and real property improvements. The real property of jurisdictions and entities that have obtained an exemption from the City of Dallas real property taxes pursuant to the Texas Tax Code (except under the provisions of Sections 11.24 and 11.28 of the Texas Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. The City of Dallas is not responsible for payment of assessment against exempt City property in the District. City right-of-way, railroad right-of-way, City parks and cemeteries are not specially benefitted and therefore are not subject to PID assessment.
- (8) **Annual Assessment Collection and Budget Allocation.** The District shall prepare an ongoing service plan that covers a period of at least five years and shall hold an annual meeting to review the service plan, for the purpose of determining the annual budget. The annual meeting shall be open to all property owners in a public meeting space (with written notice to all property owners in the PID at least two weeks prior to the meeting) to provide an opportunity for property owner questions, comments and input to be considered during the PID annual budget and service plan approval process.
- (9) **City Expenses and Dallas County Charges.** The District shall pay the cost of:  
(i) collections service fee to Dallas County and (ii) City expenses related to oversight and administration of the PID.
- (10) **District Management.** The District shall be managed by Prestonwood Homeowners Association, a private nonprofit corporation created under the laws of the State of Texas and under the provisions of Section 501(c) (3) of the Internal Revenue Code.



## **BACKGROUND** (continued)

A cooperative relationship between the City and the private sector will be created whereby the City Council will review and approve annually the service plan and assessment plan, determine and levy assessments and conduct other functions as required by the Act, and Prestonwood Homeowners Association will be responsible for managing and implementing the Service Plan of the District.

- (11) **Advisory Body.** An advisory body may be established to develop and recommend an improvement plan to the governing body of the municipality. In the interest of providing efficient District management, the City Council, by accepting this Petition and establishing the District, agrees not to establish a separate advisory body and agrees to assign the responsibility for development and recommendation of the annual service and improvement plans and other responsibilities of the advisory body contained in the Act to the manager of the District.
- (12) **District Dissolution.** The District shall automatically dissolve on December 31, 2025, unless renewed or dissolved through the petition and approval process as provided by the Act.
- (13) **Headings.** The headings of the paragraphs contained in the Petition are for the convenience of the reader and do not constitute a part of this Petition.
- (14) **Request for District Renewal.** The persons signing this Petition request or concur with the renewal of the District and, if approved by the owners of the designated area, request that this Petition be considered at the earliest possible time and that the City Council take those lawful steps necessary to renew the District, authorize the improvements and services described herein, levy the necessary assessments to pay for the improvements and services, and take any additional actions required under the Act for the benefit of the District.
- (15) **PID Assessment Collection Budget Projection.** The Service Plan is a projection of annual PID assessment collection over the seven-year Service Plan. If the total PID collection is less than the annual budgeted amount, the management entity, Prestonwood Homeowners Association, can:
  - i. use discretion to re-allocate PID revenues to best service property owners and residents within the PID area. No budget category may be adjusted by more than 20% of projected amount.



## **BACKGROUND** (continued)

No over-collection is anticipated, however, if the PID assessment collection is greater than the annual projected amount, the managing entity shall:

- i. be permitted to carry over up to 20% of the funds budgeted for Public Safety Services to the following year to account for delays or cost adjustments, provided that the cumulative seven-year total for each category is not exceeded as a result of such carry-over.
- ii. reduce the amount of the assessment in the following year to absorb the over-collection, or.
- iii. return the funds to the property owners, or.
- iv. submit a revised petition to obtain consent of the property owners for an increased collection.

The term of the District upon creation is seven years (2019 to 2025). Pending approval, actual operations in the District will commence next year.

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

On June 22, 2011, City Council held a public hearing concerning the renewal of the Prestonwood Public Improvement District and authorized approval of a resolution renewing the Prestonwood Public Improvement District for a period of seven years; and authorized approval of the Service Plan and management contract with the Prestonwood Homeowners Association, Inc. by Resolution No.11-1796

On September 13, 2017, City Council held a public hearing concerning the proposed levy of assessment for the Prestonwood Public Improvement District and authorized an ordinance approving and adopting the final 2018 Service Plan, the final 2017 Assessment Plan and the 2017 Assessment Roll by Resolution No. 17-1489; Ordinance No. 30643.

Information about this item was provided to the Economic Development and Housing Committee on May 7, 2018.

On May 9, 2018, City Council authorized the public hearing to be held on May 23, 2018 to review the renewal of the District.

## **FISCAL INFORMATION**

No cost consideration to the City.



May 23, 2018

**WHEREAS**, Chapter 372 of the Texas Local Government Code (the “Act”) allows for the creation of public improvement districts; and

**WHEREAS**, on June 22, 2011, City Council held a public hearing concerning the renewal of the Prestonwood Public Improvement District and authorized approval of a resolution renewing the Prestonwood Public Improvement District for a period of seven years; and authorized approval of the Service Plan and management contract with the Prestonwood Homeowners Association, Inc. by Resolution No.11-1796; and

**WHEREAS**, on September 13, 2017, City Council held a public hearing concerning the proposed levy of assessment for the Prestonwood Public Improvement District and authorized an ordinance approving and adopting the final 2018 Service Plan, the final 2017 Assessment Plan and the 2017 Assessment Roll by Resolution No. 17-1489; Ordinance No. 30643; and

**WHEREAS**, Prestonwood Homeowners Association, representing property owners of the Prestonwood area, delivered to the City of Dallas a petition to renew the Prestonwood Public Improvement District in accordance with the parameters of Chapter 372 of the Texas Local Government Code, as shown on the attached Map of the District (**Exhibit A**); and

**WHEREAS**, the Act states that the Petition is sufficient if signed by owners of more than 50% of taxable real property, according to appraised value, and either of the following: more than 50% of the area of all taxable real property liable for assessment under the proposal, or more than 50% of all record owners of property liable for assessment; and

**WHEREAS**, City staff reviewed the petition and determined the owners of more than 60% of the appraised value of the taxable real property liable for assessment, and more than 60% of the land area of all taxable real property liable for assessment within the District executed the petition, in accordance with the necessary thresholds under the City’s Public Improvement District Policy for the City Council to consider creation of the District; and

**WHEREAS**, the Act further requires that prior to the adoption of the resolution providing for the renewal of the Prestonwood Improvement District, the City Council must hold a public hearing on the advisability of the improvements; the nature of the improvement; the estimated cost of the improvement; the boundaries of the public improvement district; the method of assessment; and the apportionment of costs between the district and the municipality as a whole; and



May 23, 2018

**WHEREAS**, on May 9, 2018, City Council called for a public hearing to be held on May 23, 2018, to hear comments and concerns regarding the re-establishment of the Prestonwood Public Improvement District and stated its intent at the close of that hearing to consider a resolution renewing the Prestonwood Public Improvement District; and

**WHEREAS**, after providing notices required by Section 372.009 of the Act, the City Council on May 23, 2018, conducted a public hearing on the advisability of the improvements and services, and adjourned such public hearing.

**Now, Therefore,**

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

**SECTION 1.** That pursuant to the requirements of the Act, City Council, after considering the Petition for the proposed District and evidence and testimony presented at the public hearing on May 23, 2018, hereby finds and declares:

- (1) **District Name.** The name of the district is the Prestonwood Public Improvement District (the "District").
- (2) **District Location.** The District is located wholly within the City of Dallas, Texas, a Texas home rule municipality. The District is shown on the map marked **Exhibit A.**
- (3) **Purpose of the District; General Nature of the Proposed Services and Improvements.** The purpose of the District is to supplement and enhance services provided within the District, but not to replace or supplant existing City services provided within the District. The general nature of the proposed services and improvements to be performed by the District includes enhanced security and public safety, and related expenses incurred in establishing, administering and operating the District as authorized by the Act.
- (4) **Method of Assessment.** The assessment shall apportion the costs each year among the property owners, on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be based on to the value of the real property and real property improvements as determined by the Dallas Central Appraisal District (DCAD). The assessment amount for 2018 is proposed to be \$359,997. This amount is approximately equal to \$0.0825 per \$100.00 of appraised value as determined by the DCAD.



May 23, 2018**SECTION 1.** (continued)

If appraised values rise such that the assessment rate equal to the amount of \$.15 per \$100.00 valuation would yield an assessment amount that exceeds the estimated costs, the assessment rate shall be reduced until the total assessment equals or is less than to the budgeted amount approved in this **Exhibit B** to this petition, subject to the appropriations set forth in Paragraph 15.

- (5) **Annual assessment.** The amount shall not exceed the total amount shown in the attached budget for the services and improvements to be provided for the year in which the property is assessed except as provided in Paragraph 15.
- (6) **Estimated Cost; No Bonded Indebtedness.** During the seven-year period, the annual cost of the improvements and services provided by the existing District is estimated to range from approximately \$362,013 to \$419,153 annually. Based on the estimated maximum cost of services, the seven-year total assessment collection requested by the District shall not exceed a collective total of \$2,729,996. In the event the District requires additional funds, the District shall re-petition the property owners for such an increase. At no time shall the total amount levied exceed the total amount shown in the attached budget for the services and improvements to be provided for the year in which the property is assessed except as provided in Paragraph 15 and subject to the collective total for the seven-year period.
- (7) **Apportionment of Cost between the District and the Municipality as a Whole.** The District shall pay the costs of the services by special assessment against the real property and real property improvements. The real property of jurisdictions and entities that have obtained an exemption from City of Dallas real property taxes pursuant to the Texas Tax Code (except under the provisions of Sections 11.24 and 11.28 of the Texas Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. The City of Dallas is not responsible for payment of assessment against exempt City property in the District. City right-of-way, railroad right-of-way, City parks and cemeteries are not specially benefitted and therefore are not subject to PID assessment.
- (8) **Annual Assessment Collection and Budget Allocation.** The District shall prepare an ongoing service plan that covers a period of at least five years and shall hold an annual meeting to review the service plan, for the purpose of determining the annual budget. The annual meeting shall be open to all property owners in a public meeting space (with written notice to all property owners in the Public Improvement District (PID) at least two weeks prior to the meeting) to provide an opportunity for property owner questions, comments and input to be considered during the PID annual budget and service plan approval process.



May 23, 2018**SECTION 1.** (continued)

- (9) **City Expenses and Dallas County Charges.** The District shall pay the cost of:  
(i) collections service fee to Dallas County and (ii) City expenses related to oversight of the PID operations.
- (10) **District Management.** The District shall be managed by Prestonwood Homeowners Association, a private nonprofit corporation created under the laws of the state of Texas and under the provisions of Section 501(c) (3) of the Internal Revenue Code. A cooperative relationship between the City and the private sector will be created whereby the City Council will review and approve annually the service plan and assessment plan, determine and levy assessments and conduct other functions as required by the Act, and Prestonwood Homeowners Association will be responsible for managing and implementing the Service Plan of the District.
- (11) **Advisory Body.** An advisory body may be established to develop and recommend an improvement plan to the governing body of the municipality. In the interest of providing efficient District management, the City Council, by accepting this Petition and establishing the District, agrees not to establish a separate advisory body and agrees to assign the responsibility for development and recommendation of the annual service and improvement plans and other responsibilities of the advisory body contained in the Act to the manager of the District.
- (12) **District Dissolution.** The District shall automatically dissolve on December 31, 2025, unless renewed or dissolved through the petition and approval process as provided by the Act.
- (13) **Headings.** The headings of the paragraphs contained in the Petition are for the convenience of the reader and do not constitute a part of this Petition.
- (14) **Request for District Renewal.** The persons signing this Petition request or concur with the renewal of the District and, if approved by the owners of the designated area, the boundaries and request that this Petition be considered at the earliest possible time and that the City Council take those lawful steps necessary to renew the District, authorize the improvements and services described herein, levy the necessary assessments to pay for the improvements and services and take any additional actions required under the Act for the benefit of the District.



May 23, 2018**SECTION 1.** (continued)

(15) **PID Assessment Collection Budget Projection. Exhibit B** is a projection of annual PID assessment collection over the seven-year Service Plan. If the total PID collection is less than the annual budgeted amount, the management entity, Prestonwood Homeowners Association, can:

- i. use discretion to re-allocate PID revenues to best service property owners and residents within the PID area. No budget category may be adjusted by more than 20% of projected amount.

No over-collection is anticipated, however, if the PID assessment collection is greater than the annual projected amount, the managing entity shall:

- i. be permitted to carry over up to 20% of the funds budgeted for Public Safety Services to the following year to account for delays or cost adjustments, provided that the cumulative seven-year total for each category is not exceeded as a result of such carry-over,
- ii. reduce the amount of the assessment in the following year to absorb the over-collection,
- iii. return the funds to the property owners, or
- iv. submit a revised petition to obtain consent of the property owners for an increased collection.

The term of the District upon creation is seven years (2019 to 2025). Pending approval, actual operations in the District will commence next year.

**SECTION 2.** That the facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct.

**SECTION 3.** That the Prestonwood Public Improvement is hereby authorized and established as a Public Improvement District under the Act in accordance with the findings as to the advisability of the services and improvements contained in this Resolution, with an effective date of January 1, 2019. The District shall be subject to all of the terms, conditions, limitations and reservations contained in this Resolution.

**SECTION 4.** That the City Secretary is directed to give notice of the authorization for the establishment of the District by publishing a copy of this Resolution once in the newspaper of general circulation in the City of Dallas. Such authorization shall take effect and the District shall be deemed to be established effective upon the publication of such notice. The District shall automatically dissolve on December 31, 2025 unless the District is renewed through the petition and approval process as provided by the Act, or the District is sooner terminated as provided by law.



May 23, 2018**SECTION 4.** (continued)

The power of the City to continue to levy and collect assessments within the District will cease and the District will be dissolved on the date that a petition requesting dissolution is filed with the City Secretary of the City of Dallas and the petition contains the signatures of at least enough property owners in the District to make the petition sufficient for creation of a public improvement district as provided in Section 372.005(b) of the Act.

**SECTION 5.** That the City Council authorizes that the District shall be managed through Prestonwood Homeowners Association, a private nonprofit corporation established under the provisions of Section 501(c) of the Internal Revenue Code, to develop and recommend a service plan, improvement plan and assessment plan for approval by the City Council in order to promote the efficient management of the District. The Prestonwood Homeowners Association shall be the entity responsible for the management of the District.

**SECTION 6.** That City Council hereby approves the service plan prepared by the Prestonwood Homeowners Association, which is attached hereto and made part hereof and marked **(Exhibit B)** and directs the Prestonwood Homeowners Association, to implement it in accordance with the Act. The Service Plan covers a period of seven-years and defines the annual indebtedness and projected cost for services and improvements. The Prestonwood Homeowners Association, is hereby granted the ability to modify or substitute items without City Council approval within the program categories in the Service Plan, with City staff review and approval, if such changes serve the common interest of owners and tenants in the District and the increase and/or decrease in the amount of a program category does not exceed twenty percent (20 percent) of the budgeted amount for that category. "Program categories" in the Service Plan includes the listed improvement in **Exhibit B** that is authorized by the Act.

**SECTION 7.** That pursuant to the exception granted by Section 252.022(a)(9) of the Texas Local Government Code, the City Manager is hereby authorized and directed, upon approval as to form by the City Attorney, to enter into a contract with Prestonwood Homeowners Association, to manage special supplemental services to be paid from the assessments collected. The contract with the Prestonwood Homeowners Association shall be in accordance with the Service Plan and this Resolution and shall provide for compliance by the Prestonwood Homeowners Association, with the Business Inclusion and Development Plan for participation of minorities and women providing services and improvements to the District.



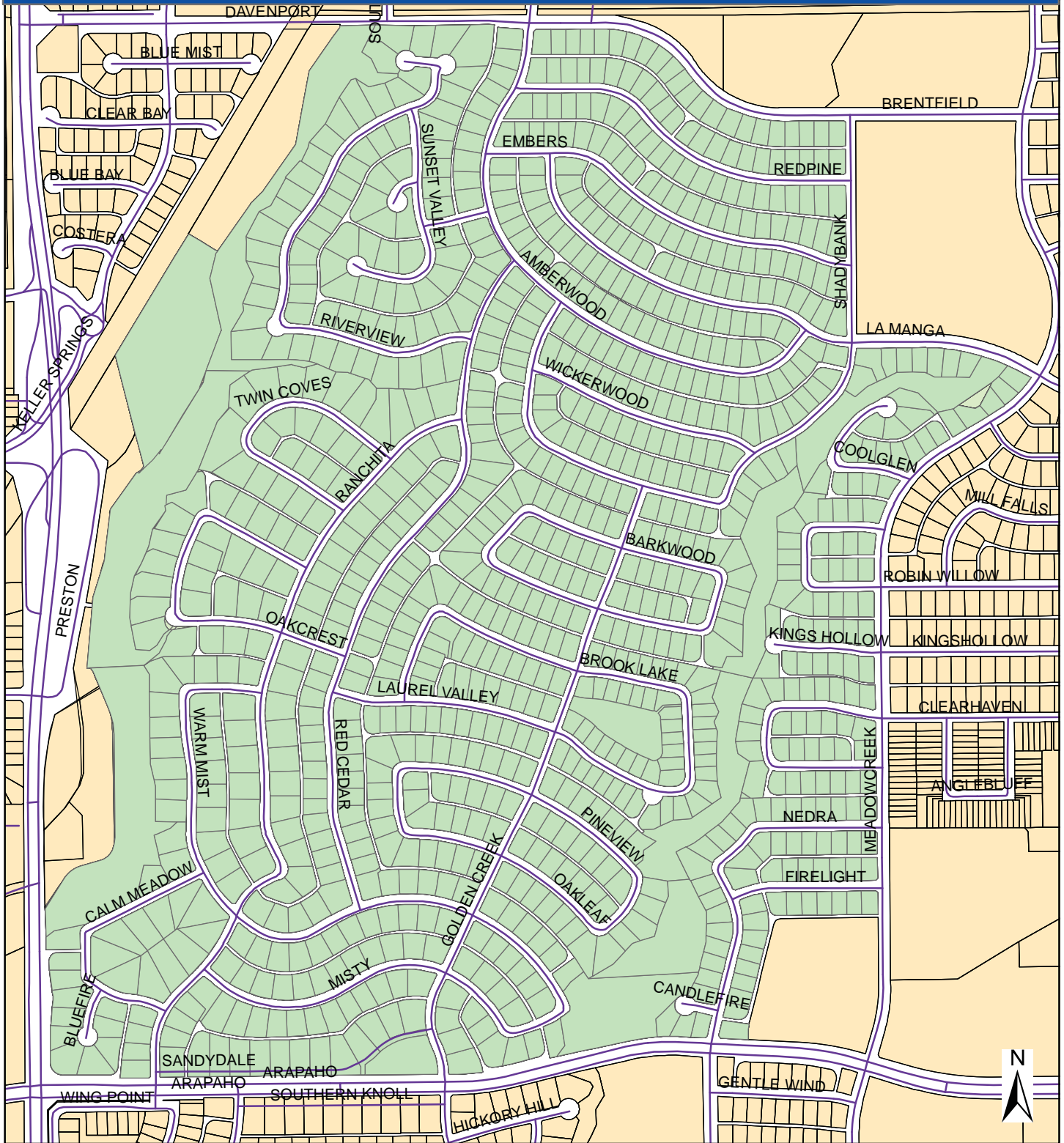
May 23, 2018

**SECTION 8.** That the contract with the Prestonwood Homeowners Association shall also provide for assessment collection services that the County will provide to the Prestonwood Homeowners Association, for collection of the special assessments. The County shall receive a fee per account as compensation for its collection services.

**SECTION 9.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.



# Exhibit A - Prestonwood PID Proposed 2018 Boundaries



## Legend

— STREETS      ■ PPID Parcels



City of Dallas

Office of Economic Development  
May 2018



**Exhibit B**

**Prestonwood Public Improvement District  
Service Plan 2019-2025**

	<b>2019</b>		<b>2020</b>		<b>2021</b>		<b>2022</b>		<b>2023</b>		<b>2024</b>		<b>2025</b>	
<b>Revenue &amp; Reserves</b>	<b>2019</b>		<b>2020</b>		<b>2021</b>		<b>2022</b>		<b>2023</b>		<b>2024</b>		<b>2025</b>	
Calendar Year Beginning Balance	\$ 34,601		\$ 57,138		\$ 80,519		\$ 104,766		\$ 129,901		\$ 155,950		\$ 182,937	
Net Assessment Revenue	\$ 384,550		\$ 394,343		\$ 404,380		\$ 414,669		\$ 425,214		\$ 436,023		\$ 447,102	
Exempt Jurisdictions	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	
Interest on Cash balances	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	
Total Income & Reserves	\$ 419,151		\$ 451,481		\$ 484,899		\$ 519,434		\$ 555,115		\$ 591,974		\$ 630,040	
<b>PID Services</b>														
Public Safety	\$ 346,863		\$ 355,535		\$ 364,423		\$ 373,534		\$ 382,872		\$ 392,444		\$ 402,255	
PID Renewal Fee														
Audit & Insurance	\$ 12,625		\$ 12,878		\$ 13,135		\$ 13,398		\$ 13,666		\$ 13,939		\$ 14,218	
Administrative	\$ 2,525		\$ 2,550		\$ 2,576		\$ 2,602		\$ 2,628		\$ 2,654		\$ 2,680	
Total Disbursements	\$ 362,013		\$ 370,962		\$ 380,134		\$ 389,533		\$ 399,165		\$ 409,036		\$ 419,153	
<b>Reserve</b>	\$ 57,138		\$ 80,519		\$ 104,766		\$ 129,901		\$ 155,950		\$ 182,937		\$ 210,887	

**Assumptions**

- Assumes annual audit and insurance fees split 50-50 with PHA.
- Assumes an estimated 2.5% annual increase in home valuations.
- Assumes 2.5% annual increase for cost of living, expenses, and to maintain a competitive pay structure.
- \$15,000 PID renewal fee paid in 2018 Service Plan
- Assumes a 2% annual increase in audit and insurance fees.
- Assumes a 1% annual increase in administrative fees.
- Net assessment reflects the deduction of City & County fees



**STRATEGIC PRIORITY:** Quality of Life

**AGENDA DATE:** May 23, 2018

**COUNCIL DISTRICT(S):** 2

**DEPARTMENT:** Office Of Environmental Quality

**CMO:** Majed Al-Ghafry, 670-3302

**MAPSCO:** 46 J

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**SUBJECT**

A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath properties owned by Second Hickory, Ltd., located near the intersection of Canton Street and Trunk Avenue and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to Second Hickory, Ltd., by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City

Recommendation of Staff: Approval

**BACKGROUND**

Based on information provided by the Applicant, the Designated Property is underlain by groundwater that is encountered at approximately 35 feet below ground surface (bgs) and extends to approximately 50 feet bgs at the top of the underlying Austin Chalk formation. The Austin Chalk formation is composed primarily of light gray chalk with thin-bedded marl and some interbeds of calcareous clay with an estimated thickness of over 200 feet in the area and generally restricts the downward migration of groundwater. The direction of groundwater flow beneath the Designated Property is toward the west-southwest. The shallow groundwater has been affected by tetrachloroethene and trichloroethene at concentrations above groundwater ingestion standards. The probable historical offsite sources for these chemicals include a former laundry supply business and automotive repair shops located up-gradient and to the east and northeast of the Designated Property.

A portion of the designated property was entered into the Voluntary Cleanup Program (VCP) administered by the Texas Commission on Environmental Quality (TCEQ) in September 2017 and is designated as VCP Facility ID No. 2904.



## **BACKGROUND** (continued)

The applicant has requested that the City support its application for a Municipal Setting Designation (MSD). A public meeting will be held on May 14, 2018 to receive comments and concerns. Notices of the meeting were sent to 621 property owners within 2,500 feet of the property and 70 private well owners within 5 miles of the property. There are no other municipalities within one-half mile of the property.

This item is a municipal setting designation ordinance prohibiting the use of potable groundwater beneath property located near the intersection of Canton Street and Trunk Avenue including adjacent street rights-of-way; and supporting the issuance of a MSD by TCEQ.

The applicant's current plan is to obtain closure through the VCP supported by an MSD. Currently the designated property consists of three interconnected commercial buildings, a gravel parking lot, and unpaved vacant land. The buildings are unoccupied but contain some fixtures and stored materials that will be removed by a recent tenant. The short-term future use of the designated property will continue to be commercial and long-term future use is anticipated to include redevelopment for commercial and/or residential uses.

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

This item has no prior action.

## **FISCAL INFORMATION**

No cost consideration to the City.

## **OWNER**

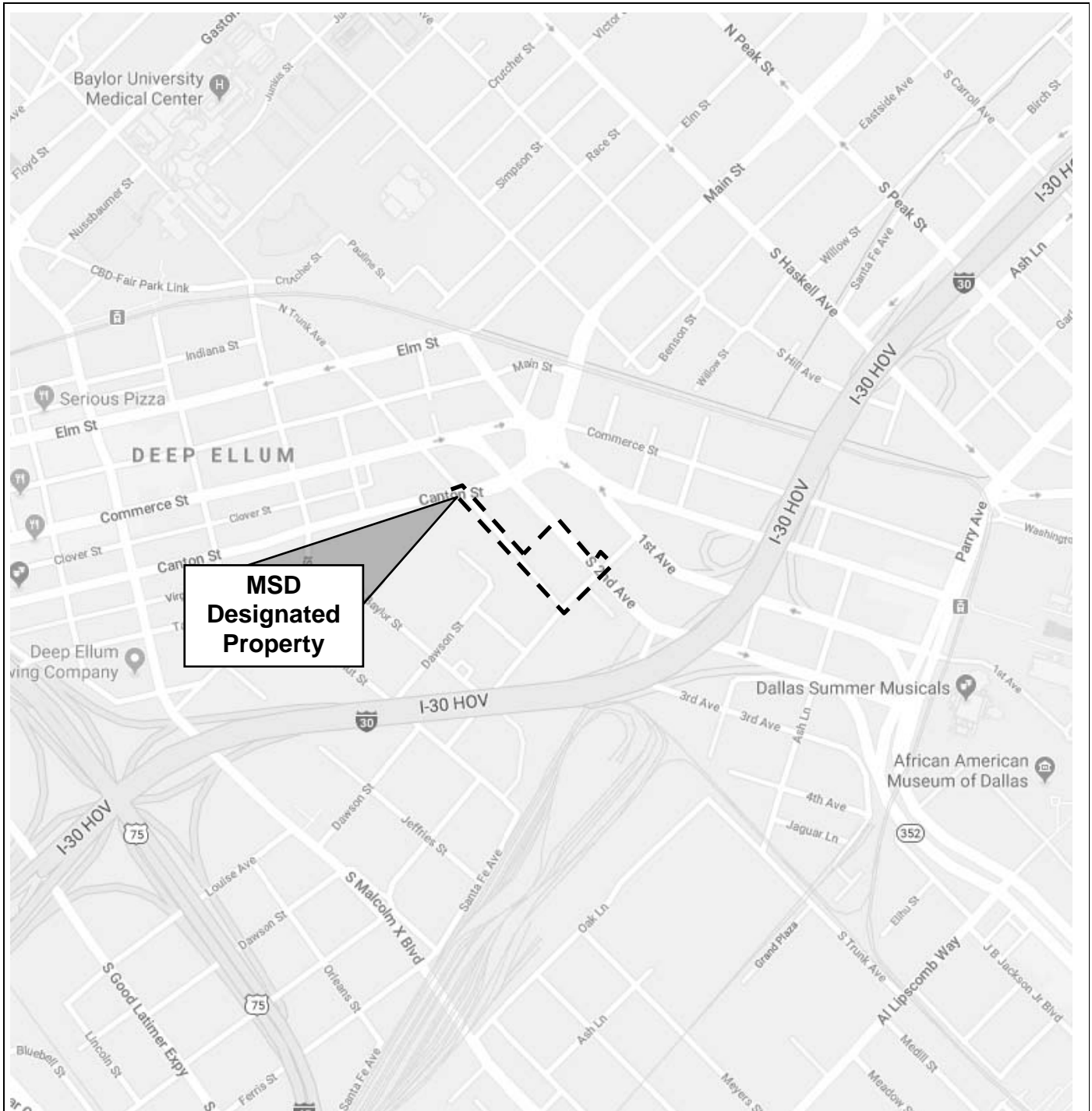
**Second Hickory, Ltd.**

Second Hickory GP LLC, General Partner  
2M Companies LLC, Manager  
Ian N. Trumpower, Manager

## **MAP**

Attached





CITY OF DALLAS



**Municipal Setting Designation**  
 Designated Property Boundary Map  
 MSD Log OEQ0073

Applicant – Second Hickory, Ltd.  
 325, 409, 413, 424, and 429 South 2<sup>nd</sup> Avenue  
 Dallas, TX 75226



ORDINANCE NO. \_\_\_\_\_

A municipal setting designation ordinance prohibiting the use of designated groundwater from beneath property generally located at 325, 409, 413, 424, and 429 Second Avenue and supporting issuance of a municipal setting designation certificate by the Texas Commission on Environmental Quality; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, Subchapter W, “Municipal Setting Designations,” of Chapter 361, “Solid Waste Disposal Act,” of the Texas Health and Safety Code authorizes the Texas Commission on Environmental Quality to create municipal setting designations; and

WHEREAS, Section 51A-6.108, “Municipal Setting Designation Ordinance,” of Article VI, “Environmental Performance Standards,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code authorizes municipal setting designation ordinances prohibiting the use of designated groundwater as potable water and thereby enable the Texas Commission on Environmental Quality to certify a municipal setting designation for designated property; and

WHEREAS, the city council finds that:

(1) the eligibility criteria of Section 361.803 of the Texas Health and Safety Code have been met;

(2) this municipal setting designation ordinance will not have an adverse effect on the current or future water resource needs or obligations of the city of Dallas;

(3) there is a public drinking water supply system that satisfies the requirements of Chapter 341 of the Texas Health and Safety Code and that supplies or is capable of supplying drinking water to the designated property and property within one-half mile of the designated property; and



(4) this municipal setting designation ordinance is necessary because the concentration of contaminants of concern exceed ingestion protective concentration levels for human ingestion; and

WHEREAS, the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the city of Dallas, have given the required notices and have held the required public hearings regarding this municipal setting designation ordinance; Now Therefore,

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

SECTION 1. That for purposes of this municipal setting designation ordinance, the “designated property” means the property described in Exhibit A, attached to the ordinance.

SECTION 2. That for purposes of this municipal setting designation ordinance, “designated groundwater” means water below the surface of the designated property to a depth of 200 feet.

SECTION 3. That use of the designated groundwater from beneath the designated property as potable water is prohibited.

SECTION 4. That the use of the designated groundwater from beneath public rights-of-way included in the designated property as potable water is prohibited.

SECTION 5. That the following uses of or contacts with the designated groundwater are prohibited:

- (1) Human consumption or drinking.
- (2) Showering or bathing.
- (3) Cooking.
- (4) Irrigation of crops for human consumption.

SECTION 6. That the following conditions are imposed on the designated property and designated groundwater:

- (1) The potable use of the designated groundwater from beneath the designated property is prohibited.
- (2) The potable use of the designated groundwater from beneath public rights-of-way included in the designated property is prohibited.



- (3) The portion of the designated property assigned VCP No. 2904 must receive a certificate of completion from the Texas Commission on Environmental Quality by no later than May 23, 2020.

SECTION 7. That the city council supports the application to the Texas Commission on Environmental Quality for a municipal setting designation on the designated property, with the following comments:

- (1) The Texas Commission on Environmental Quality, as the state agency chartered to protect human health and the environment, is requested to thoroughly review the conditions of the designated property and issue a certificate of completion only when all contaminants of concern, through the applicable routes of exposure, have been addressed.

SECTION 8. That the public rights-of-way immediately adjacent to the designated property must be included, at no additional cost to the city of Dallas, in the application to the Texas Commission on Environmental Quality.

SECTION 9. That a state or federal program must address the entire non-ingestion protective concentration level exceedence zone originating from sources on the designated property or migrating from the designated property no later than May 23, 2020. That within this time period, the applicant shall provide the managing director of the office of environmental quality documentation, including a certificate of completion from the Texas Commission on Environmental Quality, that it has been addressed to the satisfaction of the agency administering the program. If it has not been addressed, the managing director of the office of environmental quality may, for good cause, take any of the following actions:

- (1) allow additional time to address the non-ingestion protective concentration level exceedence zone;
- (2) request a review by the Texas Commission on Environmental Quality or the agency administering the program;



- (3) recommend to the city council that this municipal setting designation ordinance be repealed;
- (4) request additional information or documentation from the applicant; or
- (5) pursue other actions that the managing director of the office of environmental quality believes may be warranted.

SECTION 10. That any person owning, operating, or controlling the designated property remains responsible for complying with all applicable federal and state laws and regulations; all ordinances, rules, and regulations of the city of Dallas; and all environmental regulations, and that this municipal setting designation ordinance in itself does not change any environmental assessment or cleanup requirements applicable to the designated property.

SECTION 11. That any person owning, operating, or controlling any portion of the designated property is responsible for ensuring compliance with this ordinance with respect to their portion of the designated property. Allowing use of designated ground water for potable purposes or failure to provide the managing director of the office of environmental quality with required documentation is a violation of this ordinance and may result in the ordinance being repealed for that portion of the designated property.

SECTION 12. That approval of this municipal setting designation ordinance shall not be construed to subject the city of Dallas to any responsibility or liability for any injury to persons or damages to property caused by any contaminant of concern.

SECTION 13. That within 30 days after adoption of this municipal setting designation ordinance, the applicant shall provide the managing director of the office of environmental quality with an electronic file showing the location of the designated property and the designated groundwater in a format compatible with the city of Dallas' geographic information system.

SECTION 14. That within 60 days after adoption of this municipal setting designation ordinance, the managing director of the office of environmental quality shall file a certified copy



of this municipal setting designation ordinance in the deed records of the county where the designated property is located.

SECTION 15. That within 60 days after adoption of this municipal setting designation ordinance, the managing director of the office of environmental quality shall send a certified copy of this municipal setting designation ordinance to the applicant and the Texas Commission on Environmental Quality, and that the managing director of the office of environmental quality shall notify the Texas Commission on Environmental Quality 60 days prior to any amendment or repeal of this municipal setting designation ordinance.

SECTION 16. That the applicant shall provide the managing director of the office of environmental quality with a copy of the municipal setting designation certificate issued by the Texas Commission on Environmental Quality pursuant to Section 361.807 of the Texas Health and Safety Code within 30 days after issuance of the certificate.

SECTION 17. That the applicant shall provide the managing director of the office of environmental quality with a copy of the certificate of completion or other documentation issued by the Texas Commission on Environmental Quality showing that any site investigations and response actions required pursuant to Section 361.808 of the Texas Health and Safety Code have been completed to the satisfaction of the Texas Commission on Environmental Quality within the time period required. The managing director of the office of environmental quality may, for good cause, extend the time for submitting the documentation.

SECTION 18. That the applicant shall notify the managing director of the office of environmental quality in writing if the applicant determines that notice is required to be sent to an owner of other property beyond the boundaries of the designated property under Title 30 Texas Administrative Code, Chapter 30, Section 350.55(b), and provide the name of the property owner, the property address, and a copy of the notice sent to the property owner.

SECTION 19. That a person violating a provision of this municipal setting designation ordinance, upon conviction, is punishable by a fine not to exceed \$2,000, and that the Texas Commission on Environmental Quality shall be notified of any violations.



SECTION 20. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this municipal setting designation ordinance.

SECTION 21. That the terms and provisions of this municipal setting designation ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 22. That this municipal setting designation ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By \_\_\_\_\_  
Assistant City Attorney

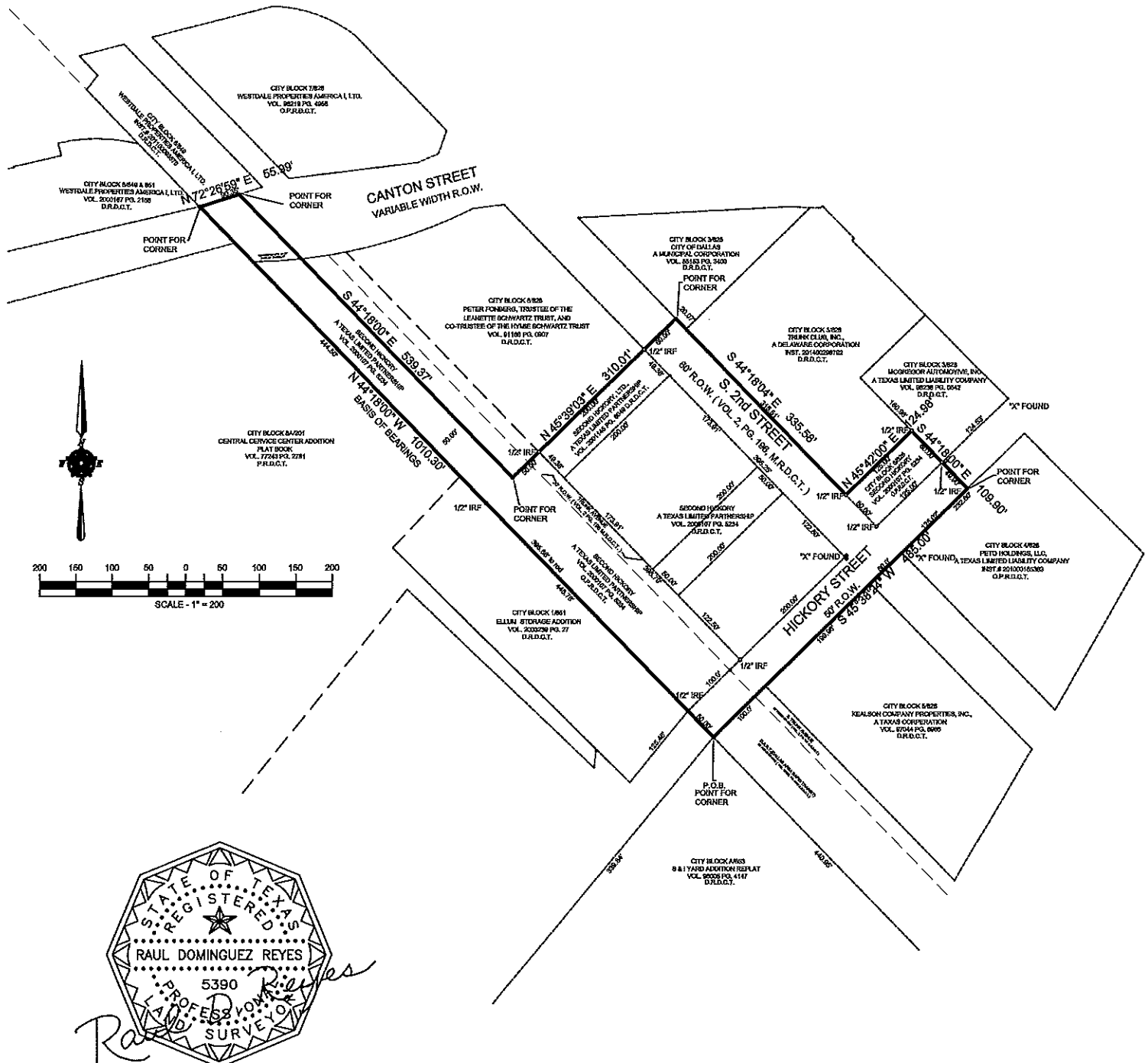
Passed \_\_\_\_\_



# MUNICIPAL SETTING DESIGNATION SURVEY JOHN GIGSBY SURVEY, ABSTRACT NO. 495 CITY OF DALLAS, DALLAS COUNTY, TEXAS

GIS\_Approved

"Exhibit A"



Raul D. Reyes, R.P.L.S.# 5390



TEXAS HERITAGE SURVEYING, INC.  
10610 Metric Drive, Suite 124, Dallas, TX 75243  
Office 214-340-9700 Fax 214-340-9710  
txheritage.com  
Firm No. 10169300

BEARINGS ARE BASED ON THE  
SOUTHWEST LINE OF DEED RECORDED  
IN VOLUME 2000107, PG. 5234, D.R.D.C.T.  
(N44°18'00"W)

JOB# 1201075-5  
DRAWN BY: BRB  
DATE: 10/20/2017  
Page 1 of 3



**MUNICIPAL SETTING DESIGNATION SURVEY  
JOHN GIGSBY SURVEY, ABSTRACT NO. 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

BEING all those certain tracts and parcels of land situated in the John Gigsby Survey, Abstract No. 495, in the City of Dallas, Dallas County, Texas, and being a tract of land conveyed to Second Hickory, LTD., a Texas limited partnership by Special Warranty Deeds recorded in Volume 2000107, Page 5234, and Volume 2001145, Page 6049, Deed Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a point for corner at the intersection of the southeasterly right-of-way line of Hickory Street ( called 50 foot right-of-way ) and the southwesterly right-of-way line of D.A.R.T. ( Dallas Area Rapid Transit ) ( called 80 foot right-of-way ) and also being the west corner of a tract of a land conveyed to Dallas Area Rapid Transit, by Special Warranty Deed recorded in Volume 96005, Page 4147, Deed Records, Dallas County, Texas;

Thence North 44 degrees 18 minutes 00 seconds West, departing the southeasterly right-of-way line of said Hickory Street, passing at a distance of 50.00 feet to a 1/2 inch iron found for the east corner of a tract of land conveyed to Ellum Storage Addition, according to the plat thereof recorded in Volume 2003239, Volume 27, Plat Records, Dallas County, Texas, and also being the south corner of a tract of conveyed to Second Hickory , LTD Tract, A Texas Limited Partnership, as recorded in Volume 2000107, Page 5234, Deed Records, Dallas County, Texas, and passing at a distance of 445.75 feet along the northeasterly line of said Ellum Storage Addition, and the southwesterly line of said Second Hickory Addition, to a 1/2 inch iron rod found, continuing on and passing at a distance of 496.78 feet, the north corner of said Ellum Storage Addition, and also being the east corner of a tract of land conveyed to Central Service Center Addition, as recorded Volume 77243, Page 2781, Plat Records, Dallas, Texas, continuing on and passing at distance of 941.20 feet to a point for corner at the north corner of said Central Service Center Addition, and also lying in the southeasterly right-of-way line of Canton Street ( variable width right-of-way ), and continuing at a total distance of 1010.30 feet, to a point for corner, and being the south corner of a tract of land conveyed to Westdale Properties America I, LTD., as recorded in Instrument No. 201100093570, Plat Records, Dallas County, Texas, and also being the east corner of said Westdale Properties America I, LTD., as recorded in Volume 2000167, Page 2156, Deed Records, Dallas County, Texas, and also lying in the northwesterly right-of-way line of said Canton Street;

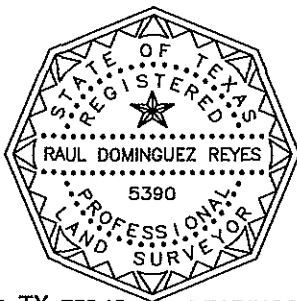
Thence North 72 degrees 26 minutes 59 seconds East, along the northwesterly right-of-way line of said Canton Street, common with the southeasterly line of said Westdale Properties America I, LTD., a distance of 55.99 feet to a point for corner;

Thence South 44 degrees 18 minutes 00 seconds East , along a northeasterly line of said Second Hickory, LTD Tract, at a distance of 539.37 to a feet to a point for corner,

Thence North 45 degrees 39 minutes 03 seconds East, along the northwesterly line of said Second Hickory, LTD Tract, passing at distance of 50.00 feet to a 1/2 inch rod found, being the west corner of Second Hickory, LTD Tract ( Volume 200145, Page 6049 ), and also being the south corner of a tract of land conveyed to Peter Fonberg, Trustee of the Jeanette Schwartz Trust, and Co-Trustee of the Hymie Schwartz Trust, as recorded in Volume 91166, Page 909, Deed Records, Dallas County, Texas, and passing at a distance of 250.00 feet along the northwesterly line of said Second Hickory, LTD Tract, common with the southeasterly line of said Peter Fonberg Tract, to a 1/2 inch iron rod found, also lying in the southwesterly right-of-way line of S. 2nd Street, according to the Map or Plat thereof recorded in Volume 2, Page 196, Map or Plat Records, Dallas County, Dallas, Texas, continuing on a total distance of 310.01 feet, to a point for corner and lying in the northwesterly right-of-way line of said S. 2nd Street, also being the southwesterly line of a tract of land conveyed to the City of Dallas, A Municipal Corporation, as recorded in Volume 85153, Page 3400, Deed Records, Dallas County, Texas;

*Raul D. Reyes*

Raul D. Reyes, R.P.L.S.# 5390



TEXAS HERITAGE SURVEYING, INC.  
10610 Metric Drive, Suite 124, Dallas, TX 75243  
Office 214-340-9700 Fax 214-340-9710  
txheritage.com  
Firm No. 10169300

BEARINGS ARE BASED ON THE  
SOUTHWEST LINE OF DEED RECORDED  
IN VOLUME 2000107, PG. 5234, D.R.D.C.T.  
(N44°18'00"W)

JOB# 1201075-5  
DATE: 10/20/17  
DRAWN BY: BRB  
Page 2 of 3



**MUNICIPAL SETTING DESIGNATION SURVEY  
JOHN GIGSBY SURVEY, ABSTRACT NO. 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

Thence South 44 degrees 18 minutes 04 seconds East, along northeasterly right-of-way line of said S. Second Street, and being the southwesterly line of said City of Dallas, A Municipal Corporation, passing at a distance of 20.07 feet, the south corner of said City of Dallas, A Municipal Corporation, and also being the west corner of a tract of land conveyed to Trunk Club, Inc., A Delaware Corporation, as recorded in Instrument No. 201400298702, Special Warranty Deed, Dallas County, Texas, continuing on a total distance of 335.58 feet to a 1/2 iron rod found, being the south corner of said Trunk Club, Inc., and also being an ell corner of said tract of Second Hickory, LTD Tract;

THENCE North 45 degrees 42 minutes 00 seconds East, along a northwesterly line of said Second Hickory, LTD Tract, and also being the southeasterly line of said Trunk Club, Inc., passing at a distance of 124.98 feet to a 1/2 inch rod found, the east corner of said Trunk Club, Inc., and also being in the southwesterly line of a tract of land conveyed to McGregor Automotive, Inc., A Texas Limited Liability Company, as recorded in Volume 96236, Page 0542, Deed Records, Dallas County, Texas;

Thence South 44 degrees 18 minutes 00 seconds East, along southwesterly line of said McGregor Automotive, Inc., and also being a northeasterly line of said Second Hickory Addition, a distance of 60.00 feet to a 1/2 inch rod found, being an east corner of said Second Hickory, LTD Tract, and also lying in the northwesterly right-of-way line of Said Hickory Street, continuing on and passing at a total distance of 109.90 feet, to a point for corner, lying in the the southeasterly right-of-way line of said Hickory Street, and also being on the northwesterly line of a tract of land conveyed to Peto Holdings, LLC., A Texas Limited Liability Company, as recorded in Instrument No. 201000165383, Plat Records, Dallas County, Dallas, Texas;

Thence South 45 degrees 38 minutes 24 seconds West, along the southeasterly line of said Hickory Street, also being the northwesterly line of said Peto Holdings, LLC., passing at a distance of 125.02 feet, a "X" cut found, being the west corner of said Peto Holdings, LLC., and being in the northeasterly right-of-way line of said S. 2nd Street, continuing on and passing at a distance of 185.02 feet to a point, being the north corner of a tract of land conveyed to Kealson Company Properties, Inc., A Texas Corporation, as recorded in Volume 97044, Page 6986, Deed Records, Dallas County, Texas, continuing on and passing at a distance of 384.98 feet along the southeasterly line of said Hickory Street, and the northwesterly line of said Kealson Company Properties, LLC., to a point being the west corner of said Kealson Company Properties, and being in the northeasterly right-of-way line of said Trunk Avenue, continuing along total distance of 484.99 feet, to the POINT OF BEGINNING and containing 20,178.25 square foot or 4.632 acres of land.



Raul D. Reyes, R.P.L.S.# 5390



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BEARINGS ARE BASED ON THE  
SOUTHWEST LINE OF DEED RECORDED  
IN VOLUME 2000107, PG. 5234, D.R.D.C.T.  
(N44°18'00"W)

JOB# 1201075-5  
DATE: 10/20/17  
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