

**AUGUST 13, 2014 CITY COUNCIL ADDENDUM  
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated August 13, 2014. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.

  
\_\_\_\_\_  
A.C. Gonzalez  
City Manager

8-8-14  
Date

  
\_\_\_\_\_  
Edward Scott  
City Controller

8/8/14  
Date







**ADDENDUM  
CITY COUNCIL MEETING  
AUGUST 13, 2014  
CITY OF DALLAS  
1500 MARILLA  
COUNCIL CHAMBERS, CITY HALL  
DALLAS, TEXAS 75201  
9:00 A. M.**

ADDITIONS:

CONSENT ADDENDUM

**City Attorney's Office**

1. Authorize an amendment to Resolution No. 14-0916, previously approved on June 11, 2014, which authorized a settlement of one of the plaintiffs' claims in the lawsuit styled Julio Ramos and Ana Ramos, Individually and as next friends of Jessabel Ramos and Janine Ramos v. City of Dallas, Cause No. DC-13-00108-A - Financing: This action has no additional cost consideration to the City

**Housing/Community Services**

2. Authorize **(1)** a professional services contract with Babers Group, Inc. to provide consulting services to the City of Dallas related to the City's creation and implementation of a Housing Plan to build communities and affirmatively further fair housing, for a term of one year from the date of execution of the agreement; and **(2)** an increase in appropriations in an amount not to exceed \$190,000, from \$11,182,504 to \$11,372,504 in the Housing/Community Services Department budget - Not to exceed \$190,000 - Financing: Current Funds

**Sustainable Development and Construction**

3. An ordinance amending Section 6.102 of Chapter 51 and Chapter 51A, of the Dallas Development Code, to amend the time of day noise regulations for lawn care maintenance, repair of personal use vehicles, and home repair of place of residence activities - Financing: No cost consideration to the City

ITEMS FOR INDIVIDUAL CONSIDERATION

**City Secretary's Office**

4. Consideration of appointment of three (3) members to the Dallas Area Rapid Transit Board of Directors for Places 01, 02, and 03, with two places to be appointed for 2 years and one place to be appointed for 1 year (Closed Session, if necessary, Personnel, Sec. 551.074, T. O. M. A.) (Names of nominees are in the City Secretary's Office) - Financing: No Cost Consideration to the City

**ADDENDUM  
CITY COUNCIL MEETING  
AUGUST 13, 2014**

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

**City Secretary's Office** (Continued)

5. A resolution designating absences by Councilmember Scott Griggs as being for "Official City Business" - Financing: No cost consideration to the City

**City Attorney's Office**

6. An ordinance **(1)** appointing 18 associate (part-time) municipal judges to preside over the City of Dallas municipal court of record for a term ending May 31, 2016; and **(2)** establishing the salary for the associate municipal judges - Financing: This action has no cost consideration to the City

**Office of Financial Services**

7. A motion to reconsider Agenda Item No. 19, previously approved on June 25, 2014, which authorized **(1)** final adoption of the FY 2014-15 Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds in an estimated amount of \$25,894,919 for the following programs and estimated amounts: **(a)** Community Development Block Grant in the amount of \$14,572,496; **(b)** HOME Investment Partnerships Program in the amount of \$4,815,818; **(c)** Emergency Solutions Grant in the amount of \$1,130,946; and **(d)** Housing Opportunities for Persons with AIDS in the amount of \$5,375,659; and **(2)** adoption of the FY 2013-14 Reprogramming Budget in the amount of \$1,185,650 - Financing: No cost consideration to the City

PUBLIC HEARINGS AND RELATED ACTIONS

**Sustainable Development and Construction**

ZONING CASES - CONSENT

8. A public hearing to receive comments regarding a City Council authorized hearing to consider a Planned Development District for R-5(A) Single Family District uses and a child-care facility; community service center; and private recreation center, club, or area on property zoned an R-5(A) Single Family District on Bernal Drive between Palacios Avenue and Singleton Boulevard and an ordinance granting a Planned Development District  
Recommendation of Staff and CPC: Approval, subject to a development/landscape plan and conditions  
Z123-290(DC)

**ADDENDUM  
CITY COUNCIL MEETING  
AUGUST 13, 2014**

DELETIONS:

**Housing/Community Services**

16. Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by AAA Home Builder, LLC for the construction of affordable houses; **(2)** the sale of 7 vacant lots (list attached) from Dallas Housing Acquisition and Development Corporation to AAA Home Builder, LLC; and **(3)** execution of a release of lien for any non-tax liens on the 7 properties that may have been filed by the City - Financing: No cost consideration to the City
17. Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by Archangel Reliance, LLC for the construction of affordable houses; **(2)** the sale of 33 vacant lots (list attached) from Dallas Housing Acquisition and Development Corporation to Archangel Reliance, LLC; and **(3)** execution of a release of lien for any non-tax liens on the 33 properties that may have been filed by the City - Financing: No cost consideration to the City
29. Authorize an amendment to Resolution No. 14-0998, previously approved on June 25, 2014, for the development plan submitted to the Dallas Housing Acquisition and Development Corporation by Commonwealth Companies, LLC to change the proposed square footage and price range for the construction of affordable houses on 30 lots to be acquired from the Dallas Housing Acquisition and Development Corporation (list attached) - Financing: No cost consideration to the City
31. Authorize a public hearing to be held on September 10, 2014 to receive comments on the proposed sale of one unimproved property (list attached) acquired by the taxing authorities from the Sheriff to Dallas Neighborhood Alliance for Habitat, a qualified non-profit organization, under the HB110 process of the City's Land Transfer Program and the release of the City's non-tax liens included in the foreclosure judgment and post-judgment non-tax liens, if any - Financing: No cost consideration to the City
32. Authorize **(1)** a public hearing to be held October 22, 2014 to receive comments on the proposed City of Dallas FY 2014-15 Urban Land Bank Demonstration Program Plan; and **(2)** at the close of the public hearing, consideration of approval of the City of Dallas FY 2014-15 Urban Land Bank Demonstration Program Plan - Financing: No cost consideration to the City

**ADDENDUM  
CITY COUNCIL MEETING  
AUGUST 13, 2014**

DELETIONS: (Continued)

**Sustainable Development and Construction**

81. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an open-enrollment charter school on property zoned an R-7.5(A) Single Family District on the east side of Tufts Road, north of Rylie Road  
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan, traffic management plan and conditions  
Z134-213(MW)

**ADDENDUM DATE August 13, 2014**

ITEM		IND		DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
#	OK	DEF								
1				N/A	C	ATT	NC	NA	NA	Authorize an amendment to Resolution No. 14-0916, previously approved on June 11, 2014, which authorized a settlement of one of the plaintiffs' claims in the lawsuit styled Julio Ramos and Ana Ramos, Individually and as next friends of Jessabel Ramos and Janine Ramos v. City of Dallas, Cause No. DC-13-00108-A
2				All	C	HOU, OFS	\$190,000.00	NA	NA	Authorize a professional services contract with Babers Group, Inc. to provide consulting services to the City of Dallas related to the City's creation and implementation of a Housing Plan to build communities and affirmatively further fair housing, for a term of one year from the date of execution of the agreement
3				All	C	DEV	NC	NA	NA	An ordinance amending Section 6.102 of Chapter 51 and Chapter 51A, of the Dallas Development Code, to amend the time of day noise regulations for lawn care maintenance, repair of personal use vehicles, and home repair of place of residence activities
4				All	I	SEC	NC	NA	NA	Consideration of appointment of three (3) members to the Dallas Area Rapid Transit Board of Directors for Places 01, 02, and 03, with two places to be appointed for 2 years and one place to be appointed for 1 year (Closed Session, if necessary, Personnel, Sec. 551.074, T. O. M. A.) (Names of nominees are in the City Secretary's Office)
5				All	I	SEC	NC	NA	NA	A resolution designating absences by Councilmember Scott Griggs as being for "Official City Business"
6				N/A	I	ATT	NC	NA	NA	An ordinance appointing 18 associate (part-time) municipal judges to preside over the City of Dallas municipal court of record for a term ending May 31, 2016; and establishing the salary for the associate municipal judges
7				N/A	I	OFS	NC	NA	NA	A motion to reconsider Agenda Item No. 19, previously approved on June 25, 2014, which authorized final adoption of the FY 2014-15 Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds in an estimated amount of \$25,894,919 for the following programs and estimated amounts: Community Development Block Grant in the amount of \$14,572,496; HOME Investment Partnerships Program in the amount of \$4,815,818; Emergency Solutions Grant in the amount of \$1,130,946; and Housing Opportunities for Persons with AIDS in the amount of \$5,375,659; and adoption of the FY 2013-14 Reprogramming Budget in the amount of \$1,185,650
8				6	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding a City Council authorized hearing to consider a Planned Development District for R-5(A) Single Family District uses and a child-care facility; community service center; and private recreation center, club, or area on property zoned an R-5(A) Single Family District on Bernal Drive between Palacios Avenue and Singleton Boulevard and an ordinance granting a Planned Development District

**TOTAL \$190,000.00**



**ADDENDUM ITEM # 1**

**KEY FOCUS AREA:** Efficient, Effective and Economical Government

**AGENDA DATE:** August 13, 2014

**COUNCIL DISTRICT(S):** N/A

**DEPARTMENT:** City Attorney's Office

**CMO:** Warren M.S. Ernst, 670-3491

**MAPSCO:** N/A

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**SUBJECT**

Authorize an amendment to Resolution No. 14-0916, previously approved on June 11, 2014, which authorized a settlement of one of the plaintiffs' claims in the lawsuit styled Julio Ramos and Ana Ramos, Individually and as next friends of Jessabel Ramos and Janine Ramos v. City of Dallas, Cause No. DC-13-00108-A - Financing: This action has no additional cost consideration to the City

**BACKGROUND**

On June 11, 2014, City Council authorized a settlement of one of the plaintiffs' claims in the lawsuit styled Julio Ramos and Ana Ramos, Individually and as next friends of Jessabel Ramos and Janine Ramos v. City of Dallas, Cause No. DC-13-00108-A. The resolution authorized the City Controller to pay to Ana Ramos and Julio Ramos, Individually and as next friends of Jessabel Ramos and Janine Ramos and their attorney, Warren Hays, the amount of \$60,000.00.

On July 11, 2014, the Court approved the minor's settlement and the Court's final judgment was signed by all parties. The final judgment states that the total settlement amount of \$60,000.00 shall be divided as follows:

The sum of \$28,572.03 shall be paid to Pacific Life & Annuity Services, Inc. to purchase an annuity for the use and benefit of Jessabel Ramos, a minor, which will secure future periodic payments to be paid; and the sum of \$31,427.97 shall be paid to Julio Ramos and Ana Ramos, Individually and as Next Friends of Jessabel Ramos and their attorney Warren Hays, for the payment of medical expenses and attorney's fees.

The resolution authorizing the settlement of these claims needs to be amended to be consistent with the Court's final judgment. This amendment does not change the settlement amount.

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

On June 11, 2014, Dallas City Council approved a settlement in the lawsuit styled Julio Ramos and Ana Ramos, Individually and as next friends of Jessabel Ramos and Janine Ramos v. City of Dallas, Cause No. DC-13-00108-A, by Resolution No. 14-0916.

**FISCAL INFORMATION**

This action has no additional cost to the City.

August 13, 2014

**WHEREAS**, on June 11, 2014, the City Council authorized settlement of one of the plaintiffs' claims in the lawsuit styled Julio Ramos and Ana Ramos, Individually and as next friends of Jessabel Ramos and Janine Ramos v. City of Dallas, Cause No. DC-13-00108-A, in the amount of \$60,000.00 by Resolution No. 14-0916; and,

**WHEREAS**, on July 11, 2014, the Court approved the minor's settlement and the Court's judgment was signed by all parties; and,

**WHEREAS**, the resolution authorizing the settlement of these claims needs to be amended to be consistent with the Court's final judgment; and,

**WHEREAS**, because an annuity will be purchased for the minor's benefit, the check payable to Ana Ramos and Julio Ramos, Individually and as next friends of Jessabel Ramos and Janine Ramos and their attorney, Warren Hays, in the amount of \$60,000.00 shall be canceled and two separate checks shall be issued; **Now, Therefore,**

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

**Section 1.** That Resolution No. 14-0916, approved by the City Council on June 11, 2014, be amended to be consistent with the Court's final judgment.

**Section 2.** That the City Controller is authorized to pay to Pacific Life & Annuity Services, Inc., to purchase an annuity for the use and benefit of Jessabel Ramos, a minor, the amount of \$28,572.03 from Fund 0192, Department ORM, Unit 3890, Obj. 3521, Vendor CTORM001.

**Section 3.** That the City Controller is authorized to pay to Ana Ramos and Julio Ramos, Individually and as next friends of Jessabel Ramos and their attorney, Warren Hays, for the payment of medical expenses and attorneys fees incurred by Julio Ramos and Ana Ramos on behalf of Jessabel Ramos, a minor, the amount of \$31,427.97 from Fund 0192, Department ORM, Unit 3890, Obj. 3521, Vendor CTORM001.

**Section 4.** That the payment authorized by Resolution No. 14-0916 is rescinded.

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



**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** August 13, 2014

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Housing/Community Services  
Office of Financial Services

**CMO:** Theresa O'Donnell, 671-9195  
Jeanne Chipperfield, 670-7804

**MAPSCO:** N/A

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**SUBJECT**

Authorize **(1)** a professional services contract with Babers Group, Inc. to provide consulting services to the City of Dallas related to the City's creation and implementation of a Housing Plan to build communities and affirmatively further fair housing, for a term of one year from the date of execution of the agreement; and **(2)** an increase in appropriations in an amount not to exceed \$190,000, from \$11,182,504 to \$11,372,504 in the Housing/Community Services Department budget – Not to exceed \$190,000 - Financing: Current Funds

**BACKGROUND**

C. Donald Babers had a distinguished 40-year career with the U.S. Department of Housing and Urban Development (HUD). He began his federal career in June 1970 as an intern in HUD's Fort Worth field office. He next worked in HUD's Little Rock, Arkansas, Field Office as an Equal Opportunity Specialist, becoming the Acting Director of the Office of Fair Housing and Equal Opportunity.

For 15 years Mr. Babers was the Area Manager for HUD's Dallas Field Office, where his accomplishments included leading the effort to resolve a housing discrimination challenge brought against HUD. His work in helping to settle that case is credited for significantly expanding affordable housing opportunities for lower income public housing residents in 36 East Texas counties.

In 2002, he was appointed Deputy Regional Director of HUD's Fort Worth Regional Office and the HUD Secretary appointed him as Chairman of the Board of the Housing Authority of New Orleans where he oversaw the city's public housing recovery efforts in the aftermath of Hurricane Katrina.

## **BACKGROUND (Continued)**

In 2006, Mr. Babers was awarded the Presidential Rank Award for Meritorious Executive, the highest award a career federal civil servant can receive, for his efforts in New Orleans and his distinguished track record in HUD.

He is a member of the Dallas Mortgage Bankers Association, the Dallas Realtor Lender Committee, the Dallas Board of Realtors, and the National Association of Real Estate Brokers.

Upon retirement from HUD, Mr. Babers formed a consulting firm, Babers Group, Inc.

Mr. Babers' career at HUD makes his consulting firm uniquely and ideally suited to provide expertise in communicating with HUD offices in Washington D.C. and Fort Worth, as well as to help the City with creation and implementation of the City's Housing Plan to build communities and affirmatively further fair housing.

The scope of work for the agency's services will include but not be limited to:

- Attend city council meetings where Housing items are scheduled, all Housing Committee meetings, and all Housing Plus community/stakeholder meetings.
- Work with Mercedes Marquez, John Fregonese, and city staff to develop a long-term Housing Plan and implementation strategy with key steps to transform the Housing Department from its current operational structure.
- Collaborate with the consultant team and staff to analyze Housing procedures and programs and make recommendations to implement the Housing Plus plan consistent with HUD CPD and FHEO requirements.
- Facilitate meetings and discussions between the City and governmental partners including HUD, EPA, DOT, and other agencies as requested.
- Facilitate discussions with elected and appointed officials and community leaders regarding Housing programs and national best practices.
- Review current Housing programs, procedures, and projects and make recommendations as to changes necessary to maintain alignment and compliance with changing Federal regulations.
- Undertake other duties related to the Housing Plus Plan and Housing Department staffing, procedures, and programs as requested by Theresa O' Donnell, the city manager or any assistant city manager, or the Housing Department director.

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

This item has no prior action.

## **FISCAL INFORMATION**

Current Funds - \$190,000

August 13, 2014

**WHEREAS**, C. Donald Babers had a distinguished career with HUD; and

**WHEREAS**, Mr. Babers's consulting firm, Babers Group, Inc., is uniquely and ideally qualified to provide expertise in communicating with HUD offices in Washington D.C. and Fort Worth; and

**WHEREAS**, the City desires and Babers Group, Inc. is willing to enter into a professional services contract to provide consulting services to the City including attending Council meetings; working with other consultants and city staff to develop a long-term Housing Plan and implementation strategy; collaborating with the consultant team and staff to analyze Housing procedures and programs and make recommendations to implement the Housing Plus plan consistent with HUD CPD and FHEO requirements; facilitating meetings and discussions between the City and governmental partners; facilitating discussions with elected and appointed officials and community leaders regarding Housing programs and national best practices; and reviewing current Housing programs, procedures, and projects and making recommendations as to changes necessary to maintain alignment and compliance with changing Federal regulations;

**NOW, THEREFORE,**

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

**SECTION 1.** That the City Manager is hereby authorized to enter into a professional services contract with Babers Group, Inc. for a term of one year from the date of execution of the agreement in an amount not to exceed \$190,000.

**SECTION 2.** That the City Manager is hereby authorized to execute the contract after it has been approved as to form by the City Attorney.

**SECTION 3.** That the City Manager is hereby authorized to increase appropriations in the Housing/Community Services Department by \$190,000 from \$11,182,504 to \$11,372,504 in Fund 0001, Department HOU, Unit 5510.

**SECTION 4.** That the City Manager is hereby authorized to decrease appropriations in Non-Departmental by \$190,000 from \$41,635,424 to \$41,445,424 in Fund 0001, Department BMS, Unit 1991.

August 13, 2014

**SECTION 5.** That the City Controller is hereby authorized to make periodic payments in accordance with the terms and conditions of the contract from:

Babers Group, Inc.      VENDOR # VC0000012753

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>CT</u>	<u>AMOUNT</u>
0001	HOU	5510	3070	HOU5510K126	\$190,000

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

**KEY FOCUS AREA:** Clean, Healthy Environment

**AGENDA DATE:** August 13, 2014

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Sustainable Development and Construction

**CMO:** Theresa O'Donnell, 671-9195

**MAPSCO:** N/A

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**SUBJECT**

An ordinance amending Section 6.102 of Chapter 51 and Chapter 51A, of the Dallas Development Code, to amend the time of day noise regulations for lawn care maintenance, repair of personal use vehicles, and home repair of place of residence activities - Financing: No cost consideration to the City

**BACKGROUND**

The Quality of Life & Environment Committee reviewed storm water pollution measures beginning April 28, 2014. During discussions, the committee requested revising the current time of day for noise regulation for lawn care maintenance activities to mirror the same hours for construction activity on weekends and legal holidays. On June 9, 2014, the Quality of Life & Environment Committee recommended making a change to Section 51A-6.102(a)(5)(G), which restricts lawn maintenance to the hours of 7:00 a.m. to 10:00 p.m. daily, to indicate that the starting time on weekends and legal holidays is 8:00 a.m. and the ending time is 7:00 p.m.

Section 30-2(8), of the Dallas Code, restricts any construction activity related to the erection, excavation, demolition, alteration, or repair of any building on or adjacent to a residential use, as defined in the Dallas Development Code, between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. and 7:00 p.m. on Saturdays and legal holidays. Currently, Section 51A-6.102(a)(5)(G) and Section 51-6.102(a)(5)G restrict lawn maintenance, repair of personal use vehicles, and home repair of place of residence to "daytime hours," which are defined as 7:00 a.m. to 10:00 p.m. daily.

The proposed ordinance change would amend Chapter 51 and 51(A) changing the start time from 7:00 a.m. to 8:00 a.m. and the ending time from 10:00 p.m. to 7:00 p.m. on weekends and legal holidays in order to protect citizens from early morning noise pollution.

This item is moved forward based on Council Committee action.

**PRIOR ACTION/REVIEW (COUNCIL, BOARD, COMMISSION)**

This item has no prior action.

**FISCAL INFORMATION**

No cost consideration to the City.

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

An ordinance amending Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” and Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code by amending Sections 51-6.101, 51-6.102, 51A-6.101, and 51A-6.102; providing that the exemption to the noise regulations for lawn maintenance, vehicle repair, and home repair is limited to the hours between 7:00 a.m. and 10:00 p.m. on weekdays and between 8:00 a.m. and 7:00 p.m. on weekends and legal holidays; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Section 51-6.101, “Definitions Applicable to the Environmental Performance Standards,” of Article VI, “Environmental Performance Standards,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended by adding a new Paragraph (7.1) to read as follows:

“(7.1) LEGAL HOLIDAY means New Year’s Day (January 1), Memorial Day (observed date), Fourth of July (July 4), Labor Day (observed date), Thanksgiving Day (observed date), and Christmas Day (December 25).”

SECTION 2. That Paragraph (5) of Subsection (a), “General Provisions,” of Section 51-6.102, “Noise Regulations,” of Article VI, “Environmental Performance Standards,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended to read as follows:

“(5) The requirements of this section do not apply to:

the side placement of a unitary air conditioning unit which complies with the requirements in Section 51-4.402(a)(4);

mobile sources;

construction/demolition activities regulated by Chapter 30;

special events for which a special events permit is issued under Chapter 42A;

sound generating equipment or apparatus to warn the public of an emergency or for public safety;

noise from use-related loading/unloading operations that impact residential areas when conducted during daytime hours; or

the following activities, as long as they are conducted between the [in daytime] hours of 7:00 a.m. and 10:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. and 7:00 p.m. on Saturday, Sunday, and legal holidays as a normal function of a permitted use and the equipment is maintained in proper working condition:

Lawn maintenance.

Repair of personal use vehicles.

Home repair of place of residence.”

SECTION 3. That Section 51A-6.101, “Definitions Applicable to the Environmental Performance Standards,” of Article VI, “Environmental Performance Standards,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended by adding a new Paragraph (7.1) to read as follows:

“(7.1) LEGAL HOLIDAY means New Year’s Day (January 1), Memorial Day (observed date), Fourth of July (July 4), Labor Day (observed date), Thanksgiving Day (observed date), and Christmas Day (December 25).”

SECTION 4. That Paragraph (5) of Subsection (a), “General Provisions,” of Section 51A-6.102, “Noise Regulations,” of Article VI, “Environmental Performance Standards,” of

Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(5) The requirements of this section do not apply to:

the side placement of a unitary air conditioning unit which complies with the requirements in Section 51A-4.402(a)(4);

mobile sources;

construction/demolition activities regulated by Chapter 30;

special events for which a special events permit is issued under Chapter 42A;

sound generating equipment or apparatus to warn the public of an emergency or for public safety;

noise from use-related loading/unloading operations that impact residential areas when conducted during daytime hours; or

the following activities, as long as they are conducted between the [in daytime] hours of 7:00 a.m. and 10:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. and 7:00 p.m. on Saturday, Sunday, and legal holidays as a normal function of a permitted use and the equipment is maintained in proper working condition:

Lawn maintenance.

Repair of personal use vehicles.

Home repair of place of residence.”

SECTION 5. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 6. That Chapters 51 and 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 7. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 8. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_

**ADDENDUM ITEM # 4**

**KEY FOCUS AREA:** Efficient, Effective and Economical Government

**AGENDA DATE:** August 13, 2014

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** City Secretary

**CMO:** Rosa A. Rios, 670-5654

**MAPSCO:** N/A

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**SUBJECT**

Consideration of appointment of three (3) members to the Dallas Area Rapid Transit Board of Directors for Places 01, 02, and 03, with two places to be appointed for 2 years and one place to be appointed for 1 year (Closed Session, if necessary, Personnel, Sec. 551.074, T. O. M. A.) (Names of nominees are in the City Secretary's Office) - Financing: No Cost Consideration to the City

**BACKGROUND**

This item is on the addendum to provide time to incorporate actual activity at the Transportation and Trinity River Project Committee level as related to interviews.

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 2 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 for the number of terms that 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 6 members to expire in even-numbered years and 2 to expire on odd-numbered years.

**BACKGROUND** (Continued)

This action provides for two individuals to be (re)appointed for full 2-year terms and the third (re)appointee to be appointed for one year as the existing member is in holdover status. The City Secretary's Office will assign the (re)appointees to a place number.

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

On May 12, 2014, the Transportation and Trinity River Project Committee met to discuss DART Board Appointment process.

On August 11, 2014, the Transportation and Trinity River Project Committee interviewed 5 (re)nominees and recommended (re)nominees for appointment.

**FISCAL INFORMATION**

No cost consideration to the City.

August 13, 2014

**WHEREAS**, the City Council has, since 1993, appointed 8 members to the DART Board; and

**WHEREAS**, the City Council has, since 1993, appointed its additional shared member to the DART Board, in conjunction with the cities of Cockrell Hill, Glenn Heights, and Plano; and

**WHEREAS**, the seats on the DART Board were reallocated on August 23, 2011 as a result of the 2010 census data in accordance with Section 457.577 of the Texas Transportation Code; and

**WHEREAS**, the 2011 reallocation decreased the number of members to be appointed by the City of Dallas; and

**WHEREAS**, the City Council, as of the 2011 reallocation, is responsible for appointing 7 members to the DART Board; and

**WHEREAS**, the City Council, as of the 2011 reallocation, will share an appointment to the DART Board with only the City of Cockrell Hill; and

**WHEREAS**, members of the DART Board serve staggered two-year terms, commencing July 1, pursuant to Section 452.578 of the Texas Transportation Code; and

**WHEREAS**, terms of office of the two members appointed in even-numbered years will expire June 30, 2014 and two individuals will be (re) appointed for two-year terms; and

**WHEREAS**, a holdover occurred as to one of the Dallas members, whose term expired June 30, 2013; and the member to be (re)appointed is to serve a one-year term;

**NOW, THEREFORE,**

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

**SECTION 1.** That the following individuals are hereby (re)appointed to the DART Board for terms to commence immediately after appointment and expire June 30, 2016, and that the City Secretary, following appointment, shall assign the place number to these individuals:

PLACE 01 \_\_\_\_\_

PLACE 02 \_\_\_\_\_

August 13, 2014

**SECTION 2.** That the following individual is hereby (re)appointed to the DART Board to fill an unexpired term with service to begin immediately after appointment and to expire June 30, 2015, and that the City Secretary, following appointment, shall assign the place number 03 to this individual:

PLACE 03 \_\_\_\_\_

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

**ADDENDUM ITEM # 5**

**KEY FOCUS AREA:** Efficient, Effective and Economical Government

**AGENDA DATE:** August 13, 2014

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** City Secretary

**CMO:** Rosa A. Rios, 670-5654

**MAPSCO:** N/A

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**SUBJECT**

A resolution designating absences by Councilmember Scott Griggs as being for "Official City Business" - Financing: No cost consideration to the City

**BACKGROUND**

This item is on the addendum to allow council members additional time to request approval of their outstanding absences (if applicable) as "Official City Business."

Chapter III, Section 4(e) of the Dallas City Charter provides in part, "If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city council member's compensation...for that year will be reduced proportionately by the percentage of meetings missed.... Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which compensation reduction is required... but will be counted as though the member had attended the meetings that are missed while so engaged in city business."

Section 4.11(b) of the City Council Rules of Procedure provides that an absence by a council member for (1) attending a meeting or conference of a professional organization of or association of municipalities or municipal officers, (2) testifying at a legislative hearing at the request of the mayor, the city council, the chair of the council's legislative affairs committee or the city manager, or (3) attending a meeting of a board, commission, or committee to which the council member has been appointed by the mayor or the city council, will automatically be deemed to be for "official city business at the direction of the city council" and will not be counted against a city council member for purposes of determining the council member's annual compensation.

**BACKGROUND** (Continued)

Section 4.11(c) of the City Council Rules of Procedure provides that, in addition to those absences automatically considered to be on "official city business at the direction of the city council" under Section 4.11(b) above, the city council may by resolution designate whenever a council member's absence is for official city business and not counted as a missed meeting for purposes of determining the council member's annual compensation under Chapter III, Section 4 of the Dallas City Charter.

The proposed resolution authorizes and directs the city secretary to amend the minutes of city council meetings, without further city council action or approval, to reflect when the absences by designated council members have been deemed by the city council to be for "official city business."

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

This item has no prior action.

**FISCAL INFORMATION**

No cost consideration to the City.

August 13, 2014

**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) 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 Scott Griggs participated in event(s) and/or meeting(s), as described in **Exhibit A** attached, which required them to miss all or part of one or more city council meeting(s) or committee meeting(s) on the date(s) noted in Exhibit A; **Now, Therefore,**

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

August 13, 2014

**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 Scott Griggs because of his participation in any event(s) and/or meeting(s) will not be counted against him in determining his annual compensation under Chapter III, Section 4 of the Dallas City Charter.

**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 will not count against Councilmember Scott Griggs in determining his annual compensation under Chapter III, Section 4 of the Dallas City Charter.

**SECTION 3.** That the City Secretary is authorized and directed to amend the minutes of each city council meeting held on the date(s) specified in Exhibit A, if applicable, to reflect that the absence by Councilmember Scott Griggs as described in Exhibit A, was 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 Charter of the City of Dallas, and it is accordingly so resolved.

EXHIBIT A  
 CITY COUNCIL MEMBER(S)  
 REQUEST ABSENT AS OFFICIAL CITY BUSINESS

<b>COUNCILMEMBER</b>	<b>TRIP/EVENT</b>	<b>LOCATION</b>	<b>DATE</b>	<b>PURPOSE</b>	<b>MEETING(S) MISSED</b>	<b>ABSENCE TYPE</b>
<b>Scott Griggs</b>	Attended a meeting with a developer regarding a project near Bishop Arts	Dallas, TX	9/4/2013	Representing District 1	City Council Briefing	Absent more than 50%
<b>Scott Griggs</b>	Attended a meeting with a developer regarding a project on Jefferson Boulevard	Dallas, TX	9/23/2013	Representing District 1	Public Safety Committee Meeting	Absent
<b>Scott Griggs</b>	Attended a meeting with Councilmember Caraway regarding issues on bus cameras and another confidential development matter over Bishop Arts	Dallas, TX	4/14/2014	Representing District 1	Public Safety Committee Meeting	Absent



**ADDENDUM ITEM # 6**

**KEY FOCUS AREA:** Efficient, Effective and Economical Government

**AGENDA DATE:** August 13, 2014

**COUNCIL DISTRICT(S):** N/A

**DEPARTMENT:** City Attorney's Office

**CMO:** Warren M.S. Ernst, 670-3491

**MAPSCO:** N/A

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**SUBJECT**

An ordinance **(1)** appointing 18 associate (part-time) municipal judges to preside over the City of Dallas municipal court of record for a term ending May 31, 2016; and **(2)** establishing the salary for the associate municipal judges - Financing: This action has no cost consideration to the City

**BACKGROUND**

State law and the Dallas City Charter provide that the City Council shall appoint, to serve a two-year term, full-time municipal judges and associate (part-time) municipal judges to preside over the City of Dallas municipal court of record and designate an administrative judge. On May 14, 2014, the City Council appointed 12 full-time municipal judges.

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

On April 4, 2014, the Judicial Nominating Commission (the "Commission") recommended to the City Council Ad Hoc Judicial Nominations Committee (the "Committee") 27 nominees for the 18 associate municipal judge vacancies.

On April 29, 2014, the Committee considered the 27 nominees, recommended 13 nominees be forwarded to the City Council for consideration and appointment, and requested that the Commission interview additional individuals and recommend an additional 14 candidates for the Committee's consideration.

On July 3, 2014, the Commission interviewed additional individuals and recommended to the Committee 14 additional nominees for consideration.

On August 4, 2014, the Committee considered the additional nominees and interviewees and selected 14 additional nominees to be forwarded to the City Council for consideration and appointment.

The consolidated list of the 27 Committee-recommended nominees for associate municipal judge is attached hereto.

**FISCAL INFORMATION**

This action has no cost consideration to the City.

## The Ad Hoc Judicial Nominations Committee Recommendations

### **August 4, 2014 Judicial Nominations Committee action:**

In addition to the 13 individuals that were recommended for appointment as Associate Municipal Judge on April 29, 2014 by the Ad Hoc Judicial Nominations Committee, by motion of Councilmember Hill and seconded by Councilmember Kingston, an additional 14 individuals were recommended, subject to approval by the city council of the recommended amendment to City Code Section 13-5.2.

The Ad Hoc Judicial Nominations Committee Recommendations for **Associate Municipal Judge** vacancies are listed below:

**27 nominees for 18 Associate Judge positions** are listed below:

Cadoc Tim A. Menchu  
E.A. (Elizabeth) Srere  
Carl Hays  
Kristine S. Primrose  
Roland C. Anderson  
Daniel E. McDonald, Jr.  
Esther A. Grossman  
Timoteo F. Gonzalez  
Aura L. Pleitez  
Tonya L. Goffney  
Marilyn Y. Davis  
Tony L. Martin  
Michelle Buendia  
Frieda J. Fiske  
William Marple  
Nina Bujosa  
Melodee Armstrong  
John McCall  
Shereen R. Eldomeiri  
Thaddeus Iwuji  
Christina Jump  
Winifred E. Cannon  
Samuel Hawk  
Roland Monteros  
J. Oliver Lee, Jr.  
Bridgett Whitmore  
James C. Beggs



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

An ordinance appointing certain persons as associate (part-time) municipal judges for a two-year term ending May 31, 2016; establishing the annual salaries for the associate municipal judges; providing a severability clause; and providing an effective date.

**WHEREAS**, state law (Chapters 29 and 30, Texas Government Code) and Chapter VII of the Dallas City Charter provide that the municipal court of record be presided over by municipal court judges; and,

**WHEREAS**, the Dallas City Charter provides that the city council shall appoint the municipal court judges and designate the administrative judge biennially in May of each even-numbered year to serve a two-year term; and,

**WHEREAS**, as required by Section 13-5.2(d) of the Dallas City Code, on April 4, 2014, the Judicial Nominating Commission recommended to the Ad Hoc Judicial Nominations Committee 27 nominees for 18 associate (part-time) municipal judge vacancies; and

**WHEREAS**, on April 29, 2014, the Ad Hoc Judicial Nominations Committee selected 13 of the 27 nominees to be forwarded to the city council for consideration of appointment to the position of associate (part-time) municipal judge and directed the Judicial Nominating Commission to interview additional individuals and recommend an additional 14 candidates for consideration by the Ad Hoc Judicial Nominations Committee; and,

**WHEREAS**, on July 3, 2014, the Judicial Nominating Commission recommended to the Ad Hoc Judicial Nominations Committee 14 additional nominees for the 18 associate (part-time) municipal judge vacancies; and,

**WHEREAS**, on August 4, 2014, the Ad Hoc Judicial Nominations Committee, interviewed the additional nominees, selected an additional 14 nominees, and forwarded its consolidated list of nominees for the associate (part-time) municipal judge vacancies to the city council; and,

**WHEREAS**, on August 13, 2014, the city council, at its regularly scheduled meeting, considered the associate (part-time) municipal judge nominees; **Now, Therefore,**

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

**Section 1.** That the following 18 persons are appointed as associate (part-time) municipal judges for the City of Dallas municipal court of record for a two-year term ending May 31, 2016:

Cadoc Tim A. Menchu	Tonya L. Goffney
E.A. (Elizabeth) Srere	Marilyn Y. Davis
Carl Hays	Tony L. Martin
Kristine S. Primrose	Michelle Buendia
Roland C. Anderson	Frieda J. Fiske
Daniel E. McDonald, Jr.	William Marple
Esther A. Grossman	Nina Bujosa
Timoteo F. Gonzalez	Melodee Armstrong
Aura L. Pleitez	John McCall

**Section 2.** That the salary is \$48.65 per hour for associate municipal judges with two or more years of judicial experience and \$43.29 per hour for associate municipal judges with less than two years of judicial experience, in each case the salary to include such adjustments in salaries and number of paid working days and furlough days as are designated by the City of Dallas as to its salaried non-uniformed employees generally.

**Section 3.** That it is the intent of the city council that the judicial appointments set forth in this ordinance are severable, and if any appointment is declared invalid by the valid judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining judicial appointments, since the same would have been approved by the city council without the invalid appointment.

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

**APPROVED AS TO FORM:**  
**WARREN M. S. ERNST, City Attorney**

**BY** \_\_\_\_\_  
**Assistant City Attorney**

**Passed** \_\_\_\_\_

**ADDENDUM ITEM # 7**

**KEY FOCUS AREA:** Efficient, Effective and Economical Government

**AGENDA DATE:** August 13, 2014

**COUNCIL DISTRICT(S):** N/A

**DEPARTMENT:** Office of Financial Services

**CMO:** Jeanne Chipperfield, 670-7804

**MAPSCO:** N/A

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**SUBJECT**

A motion to reconsider Agenda Item No. 19, previously approved on June 25, 2014, which authorized **(1)** final adoption of the FY 2014-15 Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds in an estimated amount of \$25,894,919 for the following programs and estimated amounts: **(a)** Community Development Block Grant in the amount of \$14,572,496; **(b)** HOME Investment Partnerships Program in the amount of \$4,815,818; **(c)** Emergency Solutions Grant in the amount of \$1,130,946; and **(d)** Housing Opportunities for Persons with AIDS in the amount of \$5,375,659; and **(2)** adoption of the FY 2013-14 Reprogramming Budget in the amount of \$1,185,650 – Financing: No cost consideration to the City

**BACKGROUND**

At its June 25, 2014 meeting, the City Council approved Agenda Item No. 19 by Resolution No. 14-1001, by unanimous vote.

On August 6, 2014, Councilmember Scott Griggs moved to have this item reconsidered by the City Council, pursuant to Section 7.6 of the City Council Rules of Procedure. Councilmember Philip Kingston seconded the motion.

The Community Development Commission (CDC) and City staff conducted six (6) neighborhood public hearings 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.

## **BACKGROUND** (Continued)

Neighborhood public hearings were held as follows:

January 2, 2014 – Dallas City Hall  
January 6, 2014 – Martin Luther King, Jr. Community Center  
January 6, 2014 – Willie B. Johnson Recreation Center  
January 7, 2014 – West Dallas Multipurpose Center  
January 9, 2014 – Renner Frankford Library  
January 9, 2014 – Tommie Allen Recreation Center

The Proposed FY 2013-14 Reprogramming Budget was briefed to the City Council on February 5, 2014.

On February 12, 2014, City Council authorized the release of unobligated funds from their originally budgeted purposes for future reprogramming in conjunction with the FY 2014-15 Consolidated Plan Budget.

The City Manager's Proposed FY 2014-15 Consolidated Plan Budget was presented to the CDC on March 6, 2014 and the CDC held meetings in March 2014 to review the proposed budget.

On April 3, 2014, the CDC concurred with the City Manager's proposed budget and there were no amendments.

The City Council was briefed on the Proposed FY 2014-15 Consolidated Plan Budget and the CDC's concurrence on April 16, 2014.

On May 7, 2014, the City Council conducted a straw vote on the Proposed FY 2014-15 Consolidated Plan Budget.

On May 14, 2014, the City Council approved preliminary adoption of the Proposed FY 2014-15 Consolidated Plan Budget and the Proposed FY 2013-14 Reprogramming Budget and authorized a public hearing.

Federal regulations and the City's Citizen Participation Plan require a public hearing to receive comments. This budget was made available for public review and comment from May 15, 2014 - June 25, 2014. A public hearing was held on June 11, 2014.

This action authorizes final adoption of the FY 2014-15 Consolidated Plan Budget and the FY 2013-14 Reprogramming Budget.

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

On February 5, 2014, the Proposed FY 2013-14 Reprogramming Budget was briefed to the City Council.

On February 12, 2014, City Council authorized the release of unobligated funds from their originally budgeted purposes for future reprogramming in conjunction with the FY 2014-15 Consolidated Plan Budget by Resolution No. 14-0333.

On March 6, 2014, the CDC was briefed on the City Manager's Proposed FY 2014-15 Consolidated Plan Budget. The CDC held meetings in March 2014 to review the proposed budget.

On April 3, 2014, the CDC concurred with the City Manager's Proposed FY 2014-15 Consolidated Plan Budget.

On April 16, 2014, the City Council was briefed on the Proposed FY 2014-15 Consolidated Plan Budget and the CDC's recommendation.

On May 14, 2014, the City Council approved preliminary adoption of the Proposed FY 2014-15 Consolidated Plan Budget and the Proposed FY 2013-14 Reprogramming Budget and authorized a public hearing by Resolution No. 14-0787.

On June 11, 2014, the City Council held a public hearing to receive comments on the Proposed FY 2014-15 Consolidated Plan Budget and the FY 2013-14 Reprogramming Budget.

At its June 25, 2014 meeting, the City Council approved Agenda Item No. 19 by Resolution No. 14-1001, by unanimous vote.

On August 6, 2014, Councilmember Scott Griggs moved to have this item reconsidered by the City Council, pursuant to Section 7.6 of the City Council Rules of Procedure. Councilmember Philip Kingston seconded the motion.

**FISCAL INFORMATION**

Proposed FY 2014-15 Consolidated Plan Budget

CDBG:	\$13,572,496	2014-15 Entitlement
	\$ 400,000	Program Income (est.)
	<u>\$ 600,000</u>	Program Income – Retained by Sub-Recipient (SDDC)
	\$14,572,496	
HOME:	\$ 4,365,818	2014-15 Entitlement
	<u>\$ 450,000</u>	Program Income (est.)
	\$ 4,815,818	
ESG:	\$ 1,130,946	2014-15 Entitlement
HOPWA:	\$ <u>5,375,659</u>	2014-15 Entitlement
	\$25,894,919	Total FY 2014-15 Consolidated Plan Budget

FY 2013-14 Reprogramming Budget:

\$ 1,185,650 Unobligated funds in FY 2012-13 and prior years

August 13, 2014

**WHEREAS**, the Community Development Commission (CDC) and City staff conducted six (6) neighborhood public hearings during January 2014 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 February 5, 2014, the Proposed FY 2013-14 Reprogramming Budget was briefed to the City Council; and

**WHEREAS**, on February 12, 2014, the City Council authorized the release of unobligated funds from their originally budgeted purposes for future reprogramming in conjunction with the FY 2014-15 Consolidated Plan Budget by Resolution No. 14-0333; and

**WHEREAS**, on March 6, 2014, the CDC was briefed on the City Manager's Proposed FY 2014-15 Consolidated Plan Budget and CDC Committees held meetings in March 2014 to review the proposed budget; and

**WHEREAS**, on April 3, 2014, the CDC concurred with the City Manager's Proposed FY 2014-15 Consolidated Plan Budget with no amendments.

**WHEREAS**, on April 16, 2014, the City Council was briefed on the City Manager's Proposed FY 2014-15 Consolidated Plan Budget, the FY 2013-14 Reprogramming Budget, and the Community Development Commission's concurrence; and

**WHEREAS**, on May 14, 2014, the City Council approved preliminary adoption of the Proposed FY 2014-15 Consolidated Plan Budget and the Proposed FY 2013-14 Reprogramming Budget and authorized a public hearing by Resolution No. 14-0787; 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

**WHEREAS**, a summary of the Proposed FY 2014-15 Consolidated Plan budget and the Proposed FY 2013-14 Reprogramming Budget was published in the Dallas Morning News on May 15, 2014 to provide citizens an opportunity to submit written comments through June 25, 2014; and

**WHEREAS**, Federal regulations require that a public hearing be held on the City's Proposed FY 2014-15 Consolidated Plan budget and the Proposed FY 2013-14 Reprogramming Budget; and

August 13, 2014

**WHEREAS**, on June 11, 2014, the City Council held a public hearing to receive comments on the Proposed FY 2014-15 Consolidated Plan Budget and the FY 2013-14 Reprogramming Budget.

**Now, Therefore,**

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

**Section 1.** That the final FY 2014-15 Consolidated Plan Budget and final FY 2013-14 Reprogramming Budget be adopted per Schedule A.

**Section 2.** That the City Manager be authorized to apply for, accept, and take actions to implement HUD grant numbers B-14-MC-48-0009 (CDBG - \$14,572,496, which includes \$1,000,000 in program income), M-14-MC-48-0203 (HOME - \$4,815,818, which includes \$450,000 program income), S-14-MC-48-0001 (ESG - \$1,130,946), and TXH14-F001 (HOPWA - \$5,375,659), in the amount of \$25,894,919 and be authorized to execute the contracts and grant agreements with HUD and all documents related to the execution of the grants upon approval as to form by the City Attorney.

**Section 3.** That the City Manager be authorized to establish FY 2014-15 appropriations as follows:

- Community Development Block Grant Program in Fund CD14 up to the amount of \$13,972,496 consisting of the entitlement grant of \$13,572,496, and estimated program income of \$400,000 to be returned to the City as set forth in the attached Schedule B, effective October 1, 2014.
- HOME Investment Partnerships Program in Fund HM14 up to the amount of \$4,815,818 consisting of the entitlement grant of \$4,365,818 and estimated program income of \$450,000 to be returned to the City as set forth in the attached Schedule B, effective October 1, 2014.
- Emergency Solutions Grant in Fund ES14 up to the amount of \$1,130,946 as set forth in the attached Schedule B, effective October 1, 2014.
- Housing Opportunities for Persons with AIDS in Fund HW14 up to the amount of \$5,375,659 as set forth in the attached Schedule B, effective October 1, 2014.

**Section 4.** That the revolving loan program income generated by the business loan program, estimated to be \$600,000 for FY 2014-15, as set forth in Schedule B, be retained by sub-recipient to carry out Community Development eligible activities in accordance with HUD requirements and upon written approval by the responsible City of Dallas departments.

August 13, 2014

**Section 5.** That the City Controller be authorized to receive funds up to the amounts set forth in the attached Schedule C.

**Section 6.** That the City Controller be authorized to disburse funds up to the amounts set forth in the attached Schedule B.

**Section 7.** That the City Manager be authorized to transfer HUD grant funds between projects and individual object codes and/or categories in accordance with HUD regulations and the City's Citizen Participation Plan.

**Section 8.** That the City Manager be authorized to release funds in the amount of \$1,185,650 as shown in the attached Schedule D from their originally budgeted purposes, schedule them for reprogramming in accordance with required rules and procedures, and establish FY 2013-14 Reprogramming appropriations in Fund 13RP in the amount of \$1,185,650 as set forth in the attached Schedule B, effective June 25, 2014.

**Section 9.** That the City Controller is hereby authorized to reimburse to HUD any expenditures identified as ineligible.

**Section 10.** That the City Manager be authorized to provide additional information and make adjustments to take other actions relating to these budgets as may be necessary in order to satisfy HUD requirements.

**Section 11.** That this resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.



**SCHEDULE A**  
**FY 2014-15 CONSOLIDATED PLAN BUDGET**  
**U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT GRANT FUNDS**

Project Name	FY 2014-15 Adopted Budget
<b><u>COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)</u></b>	
<b><u>CDBG - Public Services</u></b>	
1 After-School/Summer Program	530,647
2 Child Care Services Program	189,129
3 City Child Care Services	299,697
<b>Youth Programs Sub-Total</b>	<b>1,019,473</b>
4 Clinical Dental Care Program	100,000
<b>Clinical Health Services Sub-Total</b>	<b>100,000</b>
5 City Office of Senior Affairs	142,379
6 Senior Services Program	73,049
<b>Senior Services Sub-Total</b>	<b>215,428</b>
7 South Dallas/Fair Park Community Court	287,159
8 South Oak Cliff Community Court	252,213
9 West Dallas Community Court	217,099
10 Training and Employment for Adults with Disabilities	25,000
<b>Other Public Services (Non-Youth) Sub-Total</b>	<b>781,471</b>
<b>Total CDBG - Public Services</b>	<b>2,116,372</b>
<b><u>CDBG - Housing Activities</u></b>	
11 Housing Development Support	1,052,706
12 Mortgage Assistance Program	1,165,856
13 Housing Services Program	50,000
<b>Homeownership Opportunities Sub-Total</b>	<b>2,268,562</b>
14 Housing Assistance Support	1,945,172
15 Major Systems Repair Program	1,533,761
16 Minor Plumbing Repair/Replacement Program	50,000
17 Reconstruction Program	937,326
18 People Helping People (PHP) Program	871,731
<b>Homeowner Repair Sub-Total</b>	<b>5,337,990</b>

**SCHEDULE A**  
**FY 2014-15 CONSOLIDATED PLAN BUDGET**  
**U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT GRANT FUNDS**

Project Name	FY 2014-15 Adopted Budget
19 Dedicated SAFE II Expansion Code Inspection - Code Compliance	96,000
20 Dedicated SAFE II Expansion Code Inspection - Fire Department	70,538
21 Dedicated SAFE II Expansion Code Inspection - Police Department	51,994
22 Neighborhood Investment Program - Code Compliance	507,575
<b>Other Housing/Neighborhood Revitalization Sub-Total</b>	<b>726,107</b>
<b>Total CDBG - Housing Activities</b>	<b>8,332,659</b>
 <b><u>CDBG - Economic Development</u></b>	
23 Business Loan Program (Program Income)	600,000
<b>Business Loan Sub-Total</b>	<b>600,000</b>
24 Business Assistance Center Program	640,000
<b>Technical/Professional Assistance Sub-Total</b>	<b>640,000</b>
<b>Total CDBG - Economic Development</b>	<b>1,240,000</b>
 <b><u>CDBG - Public Improvements</u></b>	
25 Neighborhood Enhancement Program (NEP)	25,000
26 Neighborhood Investment Program Infrastructure	1,249,616
<b>Public Improvement Sub-Total</b>	<b>1,274,616</b>
<b>Total CDBG - Public Improvement</b>	<b>1,274,616</b>
 <b><u>CDBG - Fair Housing and Planning &amp; Program Oversight</u></b>	
27 Fair Housing Enforcement	627,714
28 Citizen Participation/CDC Support/HUD Oversight	649,774
29 Housing Management Support	1,160,780
30 Economic Development Oversight	258,853
31 Parks and Recreation Oversight	97,378
<b>Total CDBG - Fair Housing and Planning &amp; Program Oversight</b>	<b>2,794,499</b>
<b>TOTAL COMMUNITY DEVELOPMENT BLOCK GRANT INCLUDING REPROGRAMMING 15,758,146</b>	

**SCHEDULE A**  
**FY 2014-15 CONSOLIDATED PLAN BUDGET**  
**U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT GRANT FUNDS**

Project Name	FY 2014-15 Adopted Budget
<b><u>HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME)</u></b>	
32 CHDO Development Loans	1,000,000
33 CHDO Operating Assistance	175,000
34 HOME Program Administration	386,582
35 Mortgage Assistance Program	957,158
36 Housing Development Loan Program	1,977,078
<b>Home Ownership Opportunities Sub-Total</b>	<b>4,495,818</b>
37 Tenant Based Rental Assistance	270,000
38 Tenant Based Rental Assistance (Admin)	50,000
<b>Other Housing Sub-Total</b>	<b>320,000</b>
<b>TOTAL HOME INVESTMENT PARTNERSHIP PROGRAM 4,815,818</b>	
<b><u>EMERGENCY SOLUTIONS GRANT (ESG)</u></b>	
39 Contracts - Essential Services	57,737
40 Contracts - Operations	92,430
41 Homeless Assistance Center - Essential Services	128,005
42 Homeless Assistance Center - Operations	378,279
<b>Essential Services/Operations Sub-Total</b>	<b>656,451</b>
43 Homeless Prevention - Financial Assistance (MLK)	30,000
44 Homeless Prevention - Financial Assistance (WDMC)	30,000
<b>Homeless Prevention Sub-Total</b>	<b>60,000</b>
45 Rapid Re-Housing - Financial Assistance	11,000
46 Rapid Re-Housing - Housing Relocation & Stabilization	253,308
<b>Rapid Re-Housing Sub-Total</b>	<b>264,308</b>
47 HMIS Data Collection	65,367
<b>HMIS Data Collection Sub-Total</b>	<b>65,367</b>
48 ESG Administration	84,820
<b>Program Administration Sub-Total</b>	<b>84,820</b>
<b>TOTAL EMERGENCY SOLUTIONS GRANT 1,130,946</b>	

**SCHEDULE A**  
**FY 2014-15 CONSOLIDATED PLAN BUDGET**  
**U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT GRANT FUNDS**

Project Name	FY 2014-15 Adopted Budget
<b><u>HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA)</u></b>	
49 Emergency/Tenant Based Rental Assistance/Financial Assistance	2,000,000
50 Emergency/Tenant Based Rental Assistance/Housing Services	485,000
51 Housing Facilities Operation	810,894
52 Supportive Services	1,315,162
53 Housing Information/Resource Identification	124,859
54 Housing Facilities Rehab/Repair/Acquisition	200,000
<b>Other Public Services Sub-Total</b>	<b>4,935,915</b>
55 Program Administration/City of Dallas	161,269
56 Program Administration/Project Sponsors	278,475
<b>Program Administration Sub-Total</b>	<b>439,744</b>
<b>TOTAL HOUSING OPPORTUNITIES FOR PERSONS W/ AIDS 5,375,659</b>	
<b>GRAND TOTAL CONSOLIDATED PLAN BUDGET 27,080,569</b>	

**SCHEDULE B**  
**FY 2014-15 CONSOLIDATED PLAN BUDGET**  
**APPROPRIATIONS AND ORGANIZATIONAL HIERARCHY**

FUND	DEPT.		FY 2014-15 ADOPTED BUDGET	UNIT 1	UNIT 2
CD14		<b><u>COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)</u></b>	<b><u>14,572,496</u></b>	CDBG	
		<b><u>City Attorney's Office</u></b>	<b><u>756,471</u></b>	CDAT	
1	ATT	South Dallas/Fair Park Community Court	287,159		433G
2	ATT	South Oak Cliff Community Court	252,213		434G
3	ATT	West Dallas Community Court	217,099		435G
		<b><u>Code Compliance Services</u></b>	<b><u>603,575</u></b>	CDCS	
4	CCS	Dedicated SAFE II Expansion Code Inspection - Code	96,000		436G
5	CCS	Neighborhood Investment Program - Code Compliance	507,575		437G
		<b><u>Dallas Fire and Rescue</u></b>	<b><u>70,538</u></b>	CDFP	
6	DFD	Dedicated SAFE II Expansion Code Inspection - Fire	70,538		438G
		<b><u>Dallas Police Department</u></b>	<b><u>51,994</u></b>	CDDP	
7	DPD	Dedicated SAFE II Expansion Code Inspection - Police	51,994		439G
		<b><u>Dallas Water Utilities</u></b>	<b><u>50,000</u></b>	CDDW	
8	DWU	Minor Plumbing Repair/Replacement Program	50,000		440G
		<b><u>Economic Development</u></b>	<b><u>1,498,853</u></b>	CDEC	
9	ECO	Business Assistance Center Program	640,000		TBD
10	ECO	Economic Development Oversight	258,853		441G
11	ECO	Business Loan Program (Program Income)	600,000		N/A
		<b><u>Housing/Community Services</u></b>	<b><u>9,635,552</u></b>	CDHO	
12	HOU	Child Care Services Program	189,129		442G
13	HOU	City Child Care Services	299,697		443G
14	HOU	City Office of Senior Affairs	142,379		444G
15	HOU	Clinical Dental Care Program	100,000		445G
16	HOU	Housing Assistance Support	1,945,172		446G
17	HOU	Housing Development Support	1,052,706		447G
18	HOU	Housing Management Support	1,160,780		448G
19	HOU	Housing Services Program	50,000		449G
20	HOU	Major Systems Repair Program	348,111		450G
21	HOU	Mortgage Assistance Program	1,165,856		451G
22	HOU	Neighborhood Enhancement Program (NEP)	25,000		452G
23	HOU	Neighborhood Investment Program Infrastructure	1,249,616		453G
24	HOU	People Helping People (PHP) Program	871,731		454G
25	HOU	Reconstruction Program	937,326		455G
26	HOU	Senior Services Program	73,049		456G
27	HOU	Training and Employment for Adults with Disabilities	25,000		457G
		<b><u>Management Services</u></b>	<b><u>627,714</u></b>	CDMG	
28	MGT	Fair Housing Enforcement	627,714		458G
		<b><u>Office of Financial Services</u></b>	<b><u>649,774</u></b>	CDBM	
29	BMS	Citizen Participation/CDC Support/HUD Oversight	649,774		459G

**SCHEDULE B**  
**FY 2014-15 CONSOLIDATED PLAN BUDGET**  
**APPROPRIATIONS AND ORGANIZATIONAL HIERARCHY**

FUND	DEPT.		FY 2014-15 ADOPTED BUDGET	UNIT 1	UNIT 2
		<b><u>Park and Recreation</u></b>	<b><u>628,025</u></b>	CDPK	
30	PKR	After-School/Summer Outreach Program - School Sites	419,678		460G
31	PKR	After-School/Summer Outreach Program - Community Centers	110,969		461G
32	PKR	Parks and Recreation Oversight	97,378		462G
<b>HM14</b>		<b><u>HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME)</u></b>	<b><u>4,815,818</u></b>	HMHO	
		<b><u>Housing/Community Services</u></b>			
33	HOU	CHDO Development Loans	1,000,000		463G
34	HOU	CHDO Operating Assistance	175,000		464G
35	HOU	HOME Program Administration	386,582		465G
36	HOU	Mortgage Assistance Program	957,158		466G
37	HOU	Housing Development Loan Program	1,977,078		467G
38	HOU	Tenant Based Rental Assistance	270,000		468G
39	HOU	Tenant Based Rental Assistance (Admin)	50,000		469G
<b>ES14</b>		<b><u>EMERGENCY SOLUTIONS GRANT (ESG)</u></b>	<b><u>1,130,946</u></b>	ESHO	
		<b><u>Housing/Community Services</u></b>			
40	HOU	Contracts - Essential Services	57,737		470G
41	HOU	Contracts - Operations	92,430		471G
42	HOU	Homeless Assistance Center - Essential Services	128,005		472G
43	HOU	Homeless Assistance Center - Operations	378,279		473G
44	HOU	Homeless Prevention - Financial Assistance (MLK)	30,000		474G
45	HOU	Homeless Prevention - Financial Assistance (WDMC)	30,000		475G
46	HOU	Rapid Re-Housing - Financial Assistance	11,000		476G
47	HOU	Rapid Re-Housing - Housing Relocation & Stabilization	253,308		477G
48	HOU	HMIS Data Collection	65,367		478G
49	HOU	ESG Administration	84,820		479G
<b>HW14</b>		<b><u>HOUSING OPPORTUNITIES FOR PERSONS W/AIDS (HOPWA)</u></b>	<b><u>5,375,659</u></b>	HWHO	
		<b><u>Housing/Community Services</u></b>			
50	HOU	Emergency/Tenant Based Rental Assistance/Financial Assistance	2,000,000		480G
51	HOU	Emergency/Tenant Based Rental Assistance/Housing Services	485,000		481G
52	HOU	Housing Facilities Operation	810,894		482G
53	HOU	Supportive Services	1,315,162		483G
54	HOU	Housing Information/Resource Identification	124,859		484G
55	HOU	Housing Facilities Rehab/Repair/Acquisition	200,000		485G
56	HOU	Program Administration/City of Dallas	161,269		486G
57	HOU	Program Administration/Project Sponsors	278,475		487G
<b>13RP</b>		<b><u>FY 2013-14 CDBG Reprogramming</u></b>	<b><u>1,185,650</u></b>	CDRP	
		<b><u>Housing/Community Services</u></b>			
58	HOU	Major Systems Repair Program	1,185,650		488G
			<b><u>27,080,569</u></b>		

**SCHEDULE C  
 FY 2014-15 CONSOLIDATED PLAN BUDGET  
 SOURCE OF FUNDS**

SOURCE OF FUNDS	FY 2014-15 City Council Final Adoption
Community Development Block Grant (CDBG)	13,572,496
Program Income - Housing Activities (est.)	400,000
Program Income - Sub-recipient Retained (SDDC) (est.)	600,000
CDBG Reprogramming	1,185,650
Home Investment Partnerships Program (HOME)	4,365,818
Program Income (est.)	450,000
Emergency Solutions Grant (ESG)	1,130,946
Housing Opportunities for Persons With AIDS (HOPWA)	5,375,659
<b>GRAND TOTAL HUD GRANT FUNDS</b>	<b>27,080,569</b>

**SCHEDULE D  
SOURCE OF FUNDS FOR FY 2013-14 REPROGRAMMING**

South Dallas/Fair Park - Major Systems Repair Program	3,641
<b>Total FY 2009-10</b>	<b>3,641</b>
NEP-West Dallas Improvements	262
People Helping People - Volunteer Home Repair	201,567
<b>Total FY 2010-11</b>	<b>201,830</b>
Housing Development Support	53,420
Housing/Community Services-Contract Monitoring (P/PO)	27
Offender Re-entry Program	5,014
People Helping People - Volunteer Home Repair	225,005
BAC #1 Greater Dallas Hispanic Chamber of Commerce	3,199
BAC #2 Inncity Community Development Corporation	383
BAC #4 Greater Dallas Hispanic Chamber of Commerce	678
BAC #8 Greater Dallas Indo-American Chamber of Commerce	22,755
<b>Total FY 2011-12</b>	<b>310,481</b>
Child Care Services Program	20,000
Clinical Dental Care Program	18
Housing Contract Administration	109,065
Housing Development Support	378,191
Offender Re-entry Program	32,244
<b>Total FY 2012-13</b>	<b>539,518</b>
Reprogrammed Funds	<b>130,180</b>
<b>TOTAL CDBG REPROGRAMMING</b>	<b>1,185,650</b>

**ADDENDUM ITEM # 8**

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** August 13, 2014  
**COUNCIL DISTRICT(S):** 6  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Theresa O'Donnell, 671-9195  
**MAPSCO:** 42 L

**SUBJECT**

A public hearing to receive comments regarding a City Council authorized hearing to consider a Planned Development District for R-5(A) Single Family District uses and a child-care facility; community service center; and private recreation center, club, or area on property zoned an R-5(A) Single Family District on Bernal Drive between Palacios Avenue and Singleton Boulevard and an ordinance granting a Planned Development District

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

Z123-290(DC)



**FILE NUMBER:** Z123-290(DC)                      **DATE INITIATED:**            May 22, 2013

**LOCATION:**            Located on Bernal Drive between Palacios Avenue and Singleton Boulevard.

**COUNCIL DISTRICT:** 6                                      **MAPSCO:** 42L

**SIZE OF REQUEST:**    Approx. .37,500 sq. ft.      **CENSUS TRACT:** 8

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**REPRESENTATIVE:**            Michael Coker, Michael R. Coker Company

**APPLICANT/OWNER:**            Good Shepherd Community Center.

**REQUEST:**                      A City Council authorized hearing to consider a Planned Development District for R-5(A) Single Family District uses and a child-care facility; community service center; and private recreation center, club, or area on property zoned an R-5(A) Single Family District.

**SUMMARY:**                      The purpose of this zoning proposal would be to allow the continued use of the property as a child care facility by allowing the child care facility by right and providing for development standards to allow for the existing buildings and other improvements on the site.

**CPC RECOMMENDATION:**            Approval subject to a development / landscape plan and conditions.

**STAFF RECOMMENDATION:**            Approval subject to a development / landscape plan and conditions.

**GUIDING CRITERIA FOR RECOMMENDATION:**

Staff recommends approval subject to a development plan/landscape plan and conditions based upon:

1. *Performance impacts upon surrounding property (lighting, noise, odor, etc.)* – There are no proposed expansions and all improvements exist on the property today, with no proposed expansions that could impact the surrounding residential neighborhood.
2. *Traffic impact* – There is no projected increase in trip generation associated with the continued use of the property as a child care facility.
3. *Comprehensive Plan or Area Plan Conformance* – forwardDallas! recognizes the importance of various institutional uses located within established residential areas.
4. *Justification for PD Planned Development District Zoning as opposed to a Specific Use Permit* – The applicant's request for a Planned Development as opposed to a Specific Use Permit is threefold: 1) to allow an existing building encroachment into the front yard setback on Bernal, 2) Allow a fence over 4 feet in height in the front yard setback on Bernal, and 3) permit the entire request site to be treated as a single building site.
5. There has been a child care facility at this location for approximately 35 years with no known negative impacts. The facility is located on an arterial with adequate room for drop offs and pick-ups off the street and on the site.

**BACKGROUND INFORMATION:**

- The request site is currently developed as child-care facility, with a community service center, and private recreation center, club or area accessory to the child care facility.
- Specific Use Permit No. 1541 for a child-care facility; community service center; and private recreation center, club, or area was approved by City Council on April 14, 2004, for a five-year period with eligibility for additional five-year periods subject to a site plan and conditions. The Good Shepherd Community Center had been operating for 25 years at the subject location prior to obtaining the Specific Use Permit.

- The applicant submitted an application for automatic renewal on December 14, 2011. At that time it was determined the site was not in compliance with the site plan and conditions and could not be automatically renewed. Some of the issues that needed to be addressed to bring the facility into full compliance with zoning regulations could not be addressed with a new or amended Specific Use Permit. This included encroachments of existing structures, parking and fences into required setbacks.
- Five City Councilmembers, in a memo dated April 17, 2013, requested the Mayor place this item be placed on the City Council agenda and advertised as a public hearing as required by 51A-4.701(a)(1) of the Dallas Development Code to authorize consideration of proper zoning of the site.
- On May 22, 2013 City Council authorized a hearing to consider proper zoning of the site with consideration given to a Planned Development District for R-5(A) Single Family District uses and a child-care facility; community service center; and private recreation center, club, or area.
- The original SUP included a community service center use to allow a food pantry on site and allowed a private recreation center, club, or area to allow the playground facility for the use to be located on an adjacent lot. Neither the community service center use or the private recreation center club or area are included as uses allowed by right in the proposed PD conditions and the playground area will be allowed as accessory to the child care facility.
- Mi Escuelita, also a non-profit organization, is assuming control over the facility and desires to continue to operate the child care facility on the site.
- The existing main structure is approximately 6,515 square feet and has approximately 15,414 square feet of outside play area on a 37,500 square feet lot.
- The site is surrounded by single family development.
- Day care facilities are permitted in all zoning districts but are subject to a specific use permit in residential districts, as a limited use in office districts, and as a use allowed by right in all other non-residential districts.
- The applicant has requested a PDD for consideration of the following: 1) child care facility allowed by right; 2) fencing and off-street parking permitted within a required front yard; 3) provide for alternative landscape regulations.
- The existing uses and development standards afforded by the R-5(A) District will be retained.
- This item is appearing on the addendum at council direction.

**Zoning History:** There has been one zoning request in the area other than the SUP on the request site.

1. Z056-230 On October 13, 2004, the City Council approved an NS(A) Neighborhood Service District, subject to deed restrictions volunteered by the applicant on property zoned an R-5(A) Single Family District located on the north side of Bernal Avenue, east of Palacios Street.

**Thoroughfares/Streets:**

Thoroughfares/Street	Type	Existing ROW
Bernal Drive	Collector	150.ft.
Homer Street	Local	50 ft.

**Traffic:**

The facility is located on a collector with adequate room for drop offs and pick-ups on the site. There is no increase in floor area proposed and there should be little impact on enrollment at the facility and no change in traffic impacts.

**Land Use:**

	Zoning	Land Use
<b>Site</b>	R-5(A)	Child-care facility, community service center, and private recreation center, club or area
<b>Northeast</b>	R-5(A)	Single Family Residential
<b>Southeast</b>	R-5(A)	Single Family Residential
<b>Southwest</b>	R-5(A)	Single Family Residential
<b>Northwest</b>	R-5(A)	Single Family Residential

**STAFF ANALYSIS:**

**Comprehensive Plan:** The request site is located in an area considered a Residential Neighborhood. This Building Block represents the life-blood of Dallas, the traditional neighborhood of single-family detached homes. Dallas has many neighborhoods that match this description, including Winnetka Heights, Preston Hollow, Lakewood and Wheatley Place. Single-family dwellings are the dominate land use in these areas. Some shops, restaurants or institutional land uses such as schools and religious centers that serve neighborhood residents may be located at the edges or at key intersections.

GOAL 1.2 Promote desired development.

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

**Area Plans:**

**Ledbetter Singleton North Industrial Area Special Study**

The property is located in Subarea 2. The plan recommends for uses consistent with R-5 District. The use of the property complies with the plan's recommendations.

**West Dallas Comprehensive Land Use Study**

The property is located in Subarea 2: Ledbetter/Chalk Hill which is zoned Residential R-5(A). The use for the property complies with the West Dallas Comprehensive Land Use Study.

**Land Use Compatibility:** The request site developed with a structure housing a child care facility, with the balance of the property improved with play areas and surface parking. The applicant has requested a PDD for consideration of the following: 1) child care facility allowed by right; 2) fencing and off-street parking permitted within a required front yard; 3) provide for alternative landscape regulations.

The child care facility is located within an area developed with low-density single family uses. Staff recognizes the existing use as part of the fabric of this residential area. There is no proposed expansion of the use at this time. An accessory structure that was added to the site as part of the previous SUP site plan is located on a different portion of the site then shown on the approved site plan but has no impact on surrounding property .

As a result of this analysis, staff supports the request subject to the attached development plan and conditions.

Given the size of the facility and since the day care facility has been operating in a similar capacity for over 30 years at this location, staff is not requesting a traffic circulation plan.

**Development Standards:**

DISTRICT	SETBACKS		Density FAR	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
<b>Existing</b>							
R-5(A) Single Family	20'	5'	1 Dwelling Unit/ 5,000 sq. ft.	30'	45%		Single family
<b>Proposed</b>							
R-5(A) Child Care Facility	20' (0 for 50 ft on Bernal for Child care facility)	5' (10' for child care facility)	1 Dwelling Unit/ 5,000 sq. ft.	30'	45% (30% for Child Care facility)	Child Care facility Parking and fence in front yard	Single family Child care facility

**Off-Street Parking:**

Parking will exceed the requirements of the Development Code for a child care facility use.

**Landscaping:** The site possesses existing mature landscaping around the property. The existing landscaping is shown on the development/landscape plan

**CPC ACTION**

(August 7, 2014)

**Motion:** It was moved to recommend **approval** of a Planned Development District for R-5(A) Single Family District uses and a child-care facility on property zoned an R-5(A) Single Family District on Bernal Drive between Palacios Avenue and Singleton Boulevard.

Maker: Abtahi  
Second: Shellene  
Result: Carried: 11 to 0

For: 11 - Anglin, Emmons, Rodgers, Culbreath, Bagley,  
Lavallaisaa, Tarpley, Shellene, Peadon, Ridley,  
Abtahi

Against: 0  
Absent: 4 - Shidid, Anantasomboon, Schultz, Murphy  
Vacancy: 0

**Notices:** Area: 200 Mailed: 40  
**Replies:** For: 0 Against: 1

**Speakers:** For: Michael R, Coker, 311 Canton St, No. 140, Dallas, TX  
75231  
Sandra Esquibel Gomez, 8105 Cherry Laurel Ln., Irving,  
TX 75063  
Against: None

**CITY PLAN COMMISSION RECOMMENDED CONDITIONS**

**SEC. 51P \_\_\_\_ .101. LEGISLATIVE HISTORY.**

PD \_ was established by Ordinance No. \_\_, passed by the Dallas City Council on \_.

**SEC. 51P \_\_\_\_ .102. PROPERTY LOCATION AND SIZE.**

PD \_\_\_\_ is established on property generally located on the northwest side of Bernal Drive, approximately 250 feet southwest of Palacios Avenue. The size of PD \_\_\_\_ is approximately 0.86 acres.

**SEC. 51P- \_\_\_\_ .103. DEFINITIONS AND INTERPRETATIONS.**

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This district is considered to be a residential zoning district.

(d) The entire district shall be considered a single building site for the purpose of a child care facility use. This provision expressly allows a playground area and parking areas to be on adjacent lots within this district.

**SEC. 51P- \_\_\_\_ .104. EXHIBITS.**

The following exhibits are incorporated into this article:

(1) Exhibit \_\_A: development/landscape plan.

**SEC. 51P- \_\_\_\_ .105. DEVELOPMENT PLAN.**

(a) For a child care facility, development and use of the Property must comply with the development/landscape plan (Exhibit \_\_\_\_A). If there is a conflict between the text of this article and the development plan, the text of this article controls.

(b) For all other uses, no development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply.

**SEC. 51P- \_\_\_\_ .106. MAIN USES PERMITTED.**

(a) Except as provided in this section, the only main uses permitted are those main uses permitted in the R-5(A) Single Family District, subject to the same conditions applicable in the R-5(A) Single Family District, as set out in Chapter 51A. For example, a use permitted in the R-5(A) Single Family District only by specific use permit (SUP) is permitted in this district only by SUP; a use subject to development impact review (DIR) in the R-5(A) Single Family District is subject to DIR in this district, etc.

(b) A child care facility is permitted by right.

**SEC. 51P- \_\_\_\_ .107. ACCESSORY USES.**

As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

**SEC. 51P- \_\_\_\_ .108. YARD, LOT, AND SPACE REGULATIONS.**

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls).

(a) In general. Except as provided in this section, the yard, lot, and space regulations for the R-5(A) Single Family District apply.

(b) Front yard. For a child care facility, minimum front yard is 20 feet except that a portion of a building up to 50 feet in width may have a front yard setback of 0 feet.

(c) Side and Rear yard. Except as provided below, for a child care facility, minimum side and rear yard is ten feet.

(1) One accessory structure for a child care facility may encroach into the rear yard setback as indicated on the approved development plan.

(2) Playground equipment may encroach into required side and rear yard setbacks.

(d) Floor area. For a child care facility, maximum floor area is 10,000 square feet.

(e) Lot coverage. For a child care facility, maximum lot coverage is 30 percent.

(f) Building placement.

(1) No structures are permitted within 150 feet of Odessa Street except for playground equipment and a maximum 200 square foot accessory structure.

(2) One accessory structure a maximum of 700 square feet in area may encroach into a utility easement subject to 51A-8.602(f).

**SEC. 51P- \_\_\_\_\_.109. OFF-STREET PARKING AND LOADING.**

(a) In general. Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(b) Parking placement and access restrictions for a child care facility use.

(1) Drive access is prohibited on Odessa Street.

(2) Parking is prohibited within 150 of Odessa Street.

(3) Parking may be provided in the required yards.

**SEC. 51P- \_\_\_\_\_.111. FENCING.**

(a) Fencing up to 8 feet in height may be provided in the required front yard on Bernal Street as reflected on the development plan.

(b) A minimum 6 feet tall solid screening fence must be provided adjacent to parking areas as indicated on the development plan.

**SEC. 51P- \_\_\_\_\_.112. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI.

**SEC. 51P- \_\_\_\_\_.113. LANDSCAPING.**

(a) In general. Except as provided in this section, landscaping must be provided in accordance with Article X.

(b) Child-care facility. For a child-care facility, landscaping must be provided as shown on the attached development/landscape plan.

(c) Maintenance. Plant materials must be maintained in a healthy, growing condition.

**SEC. 51P- \_\_\_\_\_.114. SIGNS.**

Signs must comply with the provisions for non-business zoning districts in Article VII.

**SEC. 51P- \_\_\_\_\_.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.

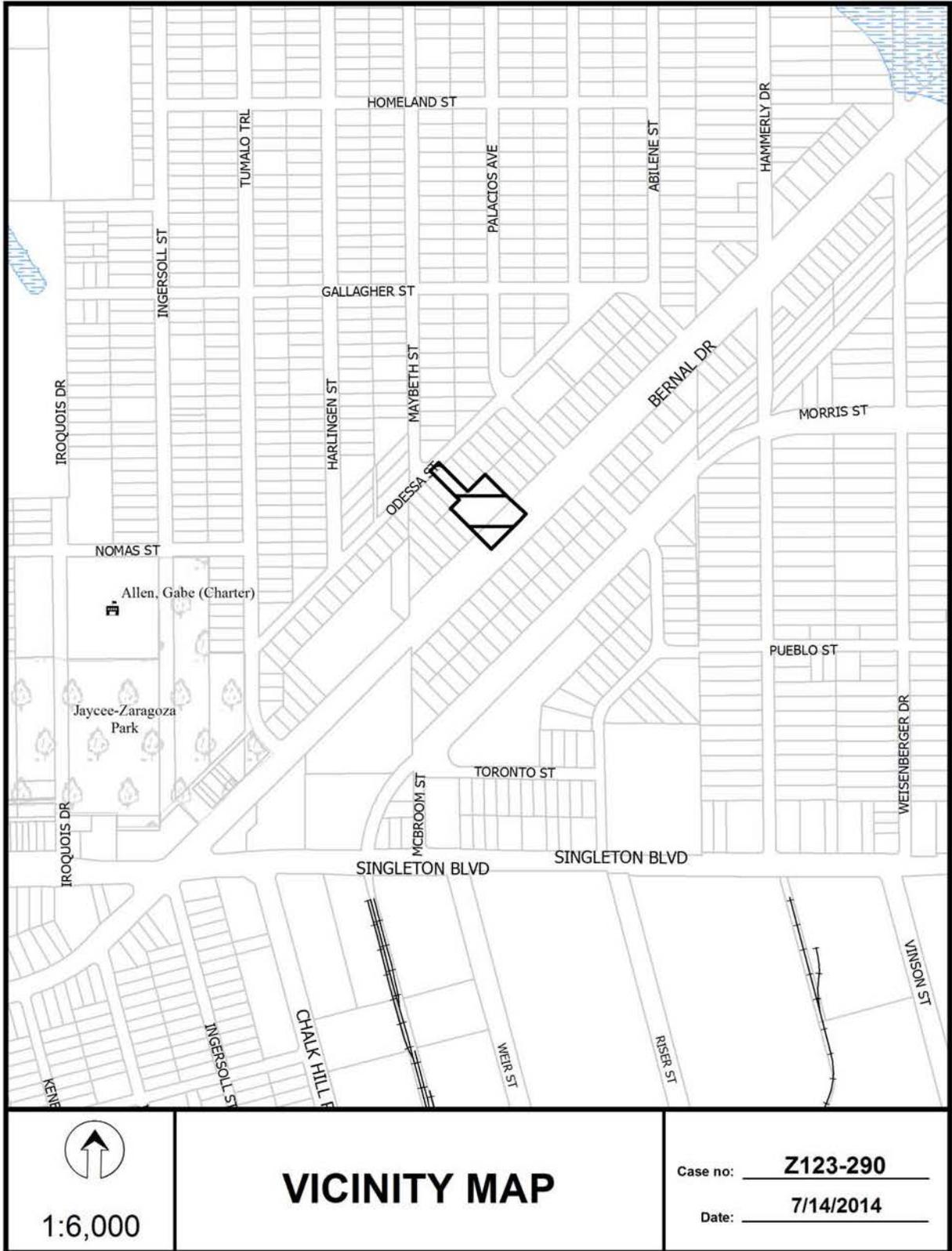
**SEC. 51P- \_\_\_\_\_.116.                      COMPLIANCE WITH CONDITIONS.**

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, in this district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the City of Dallas.







1:6,000

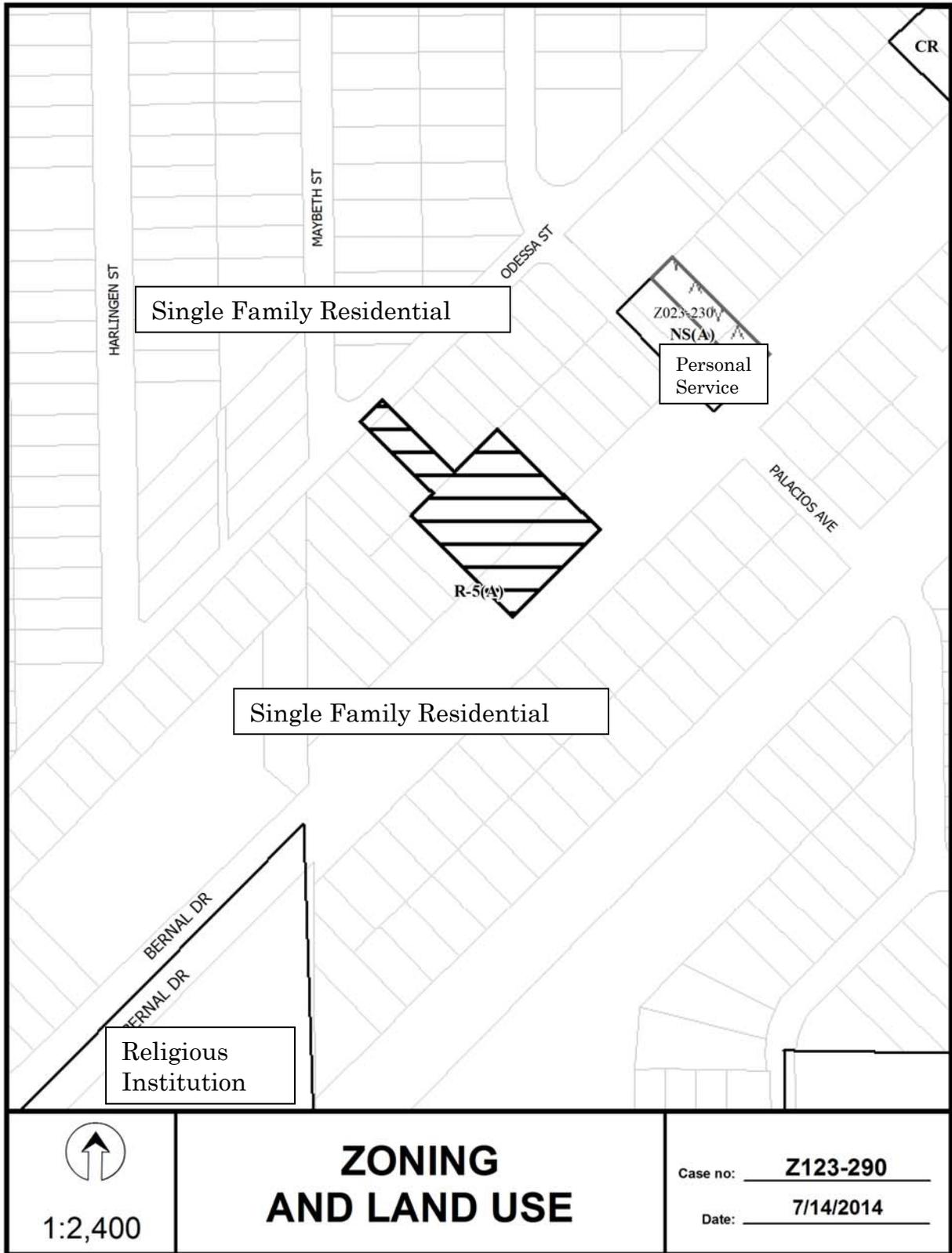
### VICINITY MAP

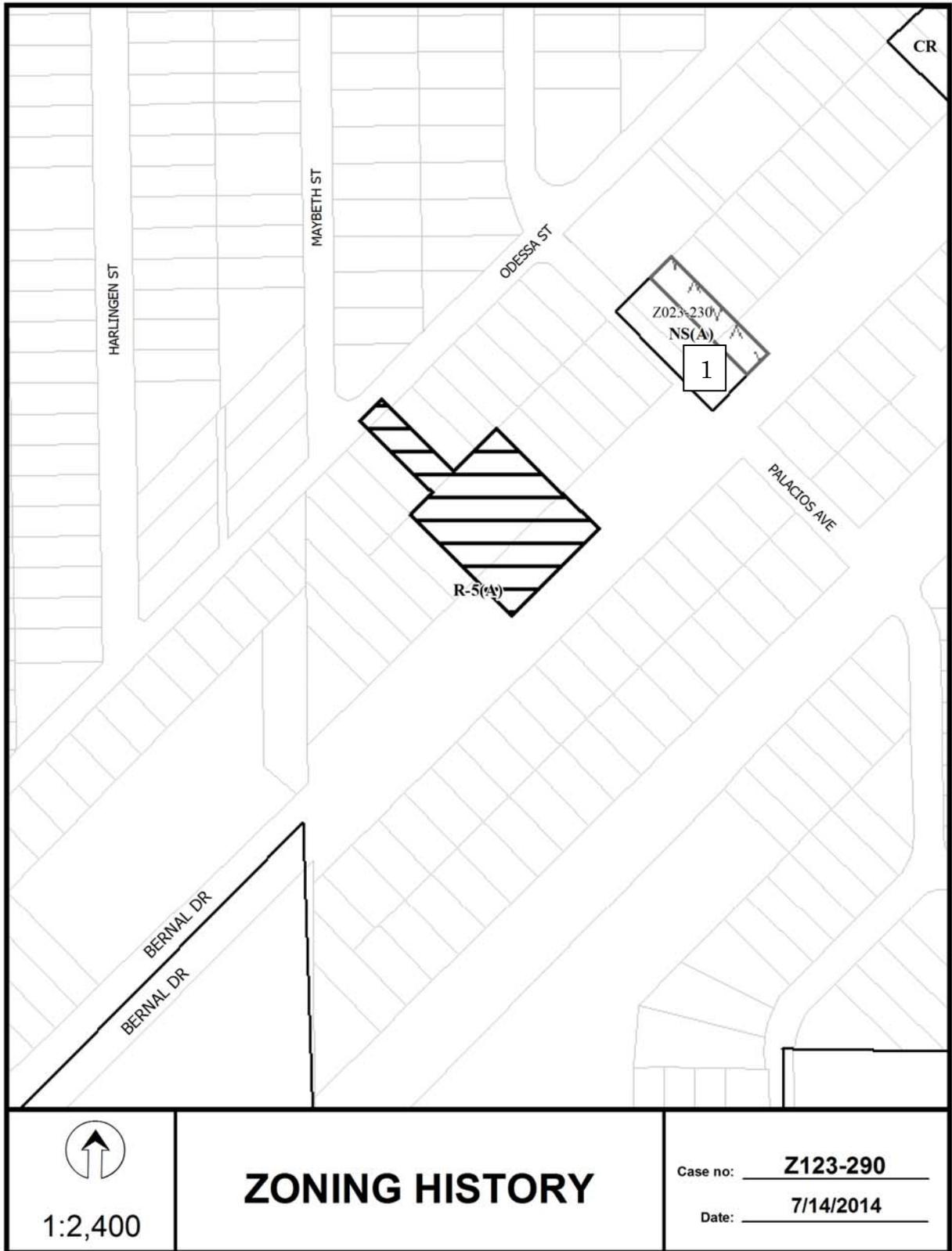
Case no: **Z123-290**

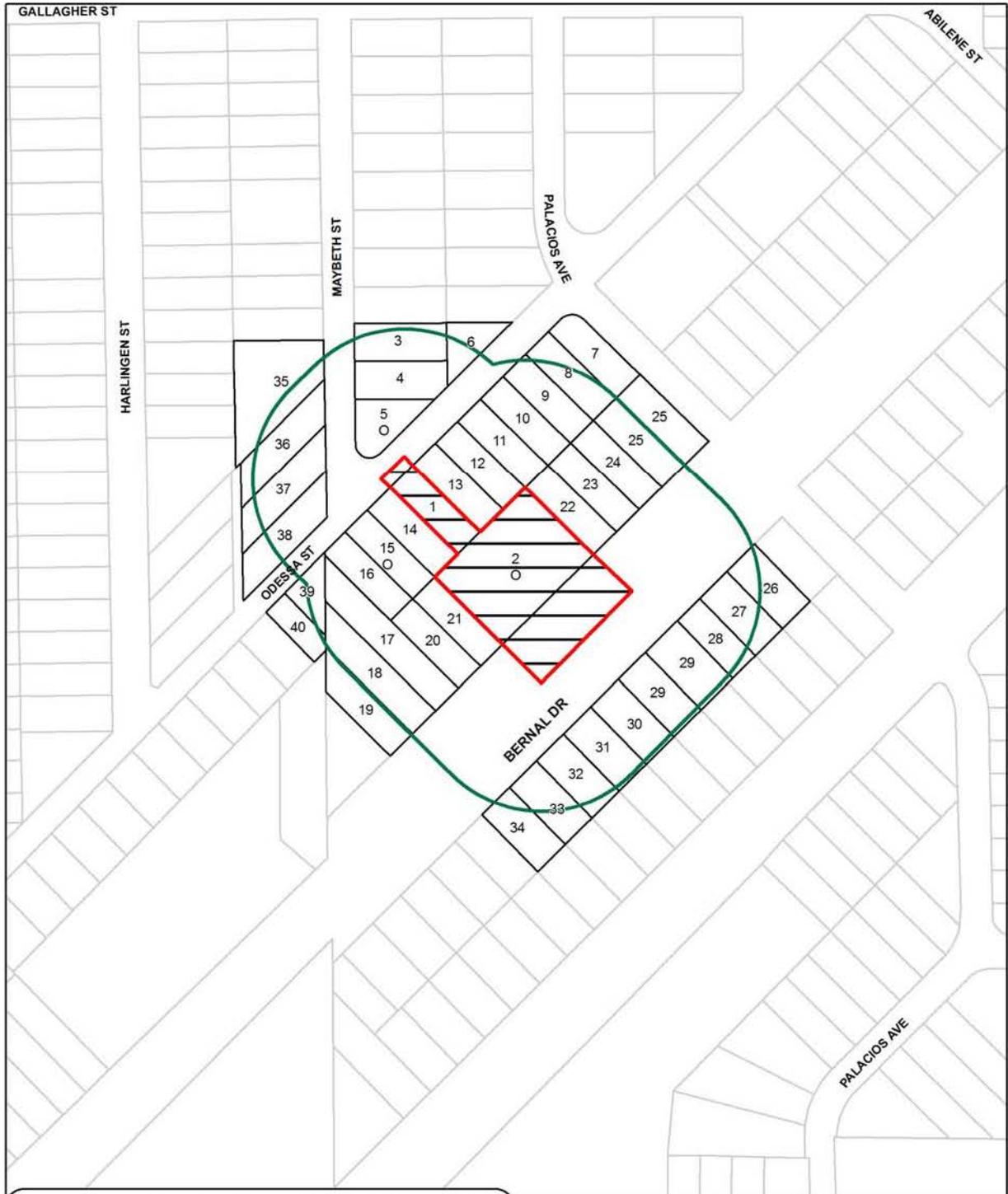
Date: **7/14/2014**



 1:2,400	<h1>AERIAL MAP</h1>	Case no: <u>      Z123-290      </u> Date: <u>      7/14/2014      </u>
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<u>40</u>	Property Owners Notified (42 parcels)
<u>3</u>	Replies in Favor (3 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>8/7/2014</u>	Date

**Z123-290**  
**CPC**



1:2,400

4/11/2014

***Notification List of Property Owners******Z123-290******40 Property Owners Notified    3 Property Owners in Favor    0 Property Owners in Opposed***

<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1      3302    ODESSA ST	PRESBYTERY OF THE COVENANT
O	2      4931    BERNAL DR	GOOD SHEPHARD COMMUNITY CENTER INC
	3      3316    MAYBETH ST	MUNOZ MARIO & DELIA
	4      3310    MAYBETH ST	SANTACRUZ JUAN N & CONCEPCION
O	5      3304    MAYBETH ST	HERNANDEZ ANDRES & HERMENEGILDA
	6      3323    ODESSA ST	GONZALEZ CELICIA E & GONZALEZ EFRAIN
	7      3415    PALACIOS AVE	MARTINEZ AURELIO & BENIGNA
	8      3326    ODESSA ST	SANCHEZ JUVENTICIO % FRANCISCO ABARZUZA
	9      3322    ODESSA ST	GONZALEZ EFRAIN & CELICIA E
	10     3318    ODESSA ST	CRUZ OPHELIA
	11     3314    ODESSA ST	CARDOZA OSCAR G
	12     3310    ODESSA ST	FLORES DAVID
	13     3306    ODESSA ST	PORRAS MARY M
	14     3234    ODESSA ST	DAVILA DANIEL F
O	15     3230    ODESSA ST	ESQUIVEL AGUSTIN J & AMPARO
	16     3226    ODESSA ST	VELIZ JAIME & JUANITA E
	17     4947    BERNAL DR	ALMAGUER JULIAN G
	18     4951    BERNAL DR	MENDOZA JOHNNY & DEANN
	19     4955    BERNAL DR	HERRERA DORA
	20     4943    BERNAL DR	CARDONA JORGE
	21     4939    BERNAL DR	CANTU ELISEO EST OF
	22     4919    BERNAL DR	REYES MARCELINO
	23     4915    BERNAL DR	GARCIA MARIA C ESCOBAR
	24     4911    BERNAL DR	TOVAR CIRIA
	25     4907    BERNAL DR	GONZALEZ JEREMIAH
	26     4906    BERNAL DR	SALAS BERNARDO RAMIREZ & BLANCA SAENZ

Z123-290

4/11/2014

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	4916 BERNAL DR	MORADO VICTOR M & SANTA M
28	4922 BERNAL DR	SILLER LUIS
29	4930 BERNAL DR	GALLAGA MARCOS
30	4940 BERNAL DR	ISLAS FELIX LF EST REM:JOE ISLAS ET AL
31	4946 BERNAL DR	GUTIERREZ ANTHONY RALPH
32	4948 BERNAL DR	IBARRA FRANCISCO & SANDRA
33	4950 BERNAL DR	FLORES CARLOS
34	4952 BERNAL DR	SOTO VERONICA
35	3315 MAYBETH ST	CONTRERAS MARGARITO R
36	3309 MAYBETH ST	MORADO ENRIQUE & GRACIELA
37	3307 MAYBETH ST	ADAME P S JR & MARIA
38	3303 MAYBETH ST	ESQUIVEL JONEL
39	3220 ODESSA ST	HERMOSILLO BENJAMIN M & LUCIA T
40	3214 ODESSA ST	PERALES JOEL & ANABEL