SEPTEMBER 22, 2015 CITY COUNCIL AGENDA
CERTIFICATION

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Agenda dated September 22, 2015. 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

9.11.15
Date

Jeanne Chipperfield
Chief Financial Officer

9/11/2015
Date

RECEIVED
2015 SEP 11 PM 4:56
CITY SECRETARY
DALLAS, TEXAS

COUNCIL AGENDA

September 22, 2015
Date

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

General Information

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

Sign interpreters are available upon request with a 48-hour advance notice by calling (214) 670-5208 V/TDD. The City of Dallas is committed to compliance with the Americans with Disabilities Act. ***The Council agenda is available in alternative formats upon request***.

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

Rules of Courtesy

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

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

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

Información General

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

Intérpretes para personas con impedimentos auditivos están disponibles si lo solicita con 48 horas de anticipación llamando al (214) 670-5208 (aparato auditivo V/TDD). La Ciudad de Dallas está comprometida a cumplir con el decreto que protege a las personas con impedimentos, *Americans with Disabilties Act*. ***La agenda del Ayuntamiento está disponible en formatos alternos si lo solicita***.

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

Reglas de Cortesía

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

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

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

AGENDA
CITY COUNCIL MEETING
TUESDAY, SEPTEMBER 22, 2015
ORDER OF BUSINESS

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

7:00 a.m.	**INVOCATION AND PLEDGE OF ALLEGIANCE**	
	OPEN MICROPHONE	
	MINUTES	Item 1
	CONSENT AGENDA	Items 2 - 51
	ITEMS FOR INDIVIDUAL CONSIDERATION	
No earlier than 7:15 a.m.		Items 52 - 69
	PUBLIC HEARINGS AND RELATED ACTIONS	
11:00 a.m.		Items 70 - 85

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

AGENDA

CITY COUNCIL MEETING

SEPTEMBER 22, 2015

CITY OF DALLAS

1500 MARILLA

COUNCIL CHAMBERS, CITY HALL

DALLAS, TEXAS 75201

7:00 A. M.

Invocation and Pledge of Allegiance (Council Chambers)

Agenda Item/Open Microphone Speakers

VOTING AGENDA

1. Approval of Minutes of the September 9, 2015 City Council Meeting

CONSENT AGENDA

Business Development & Procurement Services

2. Authorize a one-year service contract for fuel island dispenser replacements - D&H United Fueling Solutions, Inc., lowest responsible bidder of three - Not to exceed $180,202 - Financing: Current Funds (subject to appropriations)

3. Authorize a three-year service contract for maintenance and support of Orion Communications software applications - Orion Communications, Inc., sole source - Not to exceed $462,747 - Financing: Current Funds ($282,897) and Municipal Court Technology Funds ($179,850) (subject to annual appropriations)

4. Authorize a five-year service contract for maintenance and support of the City's existing computer aided dispatch system - TriTech Software Systems, Inc., sole source - Not to exceed $7,251,133 - Financing: Current Funds (subject to annual appropriations)

CONSENT AGENDA (Continued)

Business Development & Procurement Services (Continued)

5. Authorize **(1)** an acquisition contract for the purchase and implementation of hardware and software for a council agenda system in the amount of $171,140; and **(2)** a five-year service contract for maintenance and support for a council agenda system in the amount of $49,000 - PROVOX Systems, Inc., most advantageous proposer of four - Total not to exceed $220,140 - Financing: Current Funds (subject to annual appropriations)

6. Authorize **(1)** an acquisition contract for the purchase, development and installation of a patient care data management system in the amount of $910,000; and **(2)** a three-year service contract, with two one-year renewal options, for the maintenance and support of the patient care data management system in the amount of $253,851 - Telamon Corporation, most advantageous proposer of five - Total not to exceed $1,163,851 - Financing: Current Funds (subject to annual appropriations)

7. Authorize a three-year subscription agreement, with two one-year renewal options, for a centralized risk claims management system - Origami Risk, LLC, most advantageous proposer of four - Not to exceed $409,434 - Financing: Current Funds (subject to annual appropriations)

8. Authorize **(1)** the purchase of six ambulances - Southwest Ambulance Sales, LLC in the amount of $1,282,558, seven pumpers and two aerial trucks - Metro Fire Apparatus Specialists, Inc. in the amount of $5,960,357, two aircraft rescue and firefighting apparatus - DACO Fire Equipment, Inc. in the amount of $1,935,342 and two mowers - Four Brothers Outdoor Power in the amount of $43,000 through the Houston-Galveston Area Council of Governments; **(2)** the purchase of ten sport utility vehicles - Sam Pack's Five Star Ford in the amount of $279,062, three dump trucks - Southwest International Trucks, Inc. in the amount of $303,170, two tractors - Four Brothers Outdoor Power in the amount of $102,000 and ten garbage trucks - Chastang Ford in the amount of $1,985,505 through the Texas Association of School Boards; and **(3)** the purchase of one roll-off container truck - East Texas Mack Sales, LLC in the amount of $164,813 through The Interlocal Purchasing System - Total not to exceed $12,055,807 - Financing: Current Funds ($3,850,295), Municipal Lease Agreement Funds ($5,960,357), Aviation Capital Construction Funds ($1,935,342) and Water Utilities Current Funds ($309,813)

9. Authorize a three-year master agreement for dipotassium orthophosphate to be used by Water Utilities - Shannon Chemical Corporation, lowest responsible bidder of four - Not to exceed $6,034,625 - Financing: Water Utilities Current Funds

10. Authorize a three-year master agreement for ferrous sulfate and ferrous chloride - Pencco, Inc., lowest responsible bidder of three - Not to exceed $6,731,640 - Financing: Water Utilities Current Funds

CONSENT AGENDA (Continued)

City Attorney's Office

11. Authorize Supplemental Agreement No. 1 to the professional services contract with the Law Office of Mark E. Goldstucker for additional legal services in the lawsuit styled Bobby Gerald Bennett v. Cardan Spencer, et al., Civil Action No. 3:14-CV-00402-N - Not to exceed $75,000, from $50,000 to $125,000 - Financing: Current Funds

12. Authorize Supplemental Agreement No. 1 to the professional services contract with White & Wiggins, L.L.P. for additional legal services in the lawsuit styled Bobby Gerald Bennett v. Cardan Spencer, et al., Civil Action No. 3:14-CV-00402-N - Not to exceed $100,000, from $50,000 to $150,000 - Financing: Current Funds

City Auditor's Office

13. Authorize approval of the Office of the City Auditor's Fiscal Year 2016 Audit Plan as required by paragraph 4(b) of Resolution No. 79-0723, previously approved on February 28, 1979, and as amended by Resolution No. 90-4027, previously approved on December 12, 1990 - Financing: No cost consideration to the City

City Controller's Office

14. Authorize the annual adoption of the City's Investment Policy regarding funds under the City's control and the investment strategies for each of the funds under the City's management - Financing: No cost consideration to the City

Court & Detention Services

15. Authorize payment to Dallas County for processing and housing prisoners at the Lew Sterrett Criminal Justice Center, pursuant to Amendment No. 4 to the Criminal Justice Center Memorandum of Agreement with Dallas County, previously approved on June 11, 1997, by Resolution No. 97-1995, for the period October 1, 2015 through September 30, 2016 - Not to exceed $7,557,391 - Financing: Current Funds

Economic Development

Property Assessed Clean Energy (PACE) Program

Note: Item Nos. 16 and 17 must be considered collectively.

16. * Authorize a public hearing to be held on October 14, 2015 to receive comments to consider the establishment of a Property Assessed Clean Energy ("PACE") program for the City of Dallas pursuant to the Property Assessed Clean Energy Act ("PACE Act"), as amended (Texas Local Government Code Chapter 399) - Financing: No cost consideration to the City

17. * Authorize a resolution of intent to establish a PACE Program for the City of Dallas pursuant to the PACE Act - Financing: No cost consideration to the City

CONSENT AGENDA (Continued)

Economic Development (Continued)

18. Authorize Supplemental Agreement No.1 to the contract with Southern Dallas Development Corporation (SDDC) to: **(1)** extend the term of the fourth and final renewal option from October 1, 2015 through March 30, 2016; and **(2)** continue administration and loan servicing of the Community Development Block Grant (CDBG) funded Business Revolving Loan Program - Financing: No cost consideration to the City

Fire

19. Authorize **(1)** an Interlocal Agreement with Dallas County Hospital District d/b/a Parkland Health and Hospital System for a twenty-four month period for Biomedical On-Line Supervision; and **(2)** Interlocal Agreements with participating local governmental entities - Not to exceed $1,773,458 - Financing: Current Funds (subject to annual appropriations) ($804,676 to be reimbursed from participating cities)

20. Authorize Supplemental Agreement No. 3 and an extension of the contract with Emergidata, Inc., for hardware maintenance and a software subscription agreement for Fire-Rescue for the period October 1, 2015 through June 30, 2016 - Not to exceed $324,822, from $2,186,118 to $2,510,940 - Financing: Current Funds (subject to appropriations)

Housing/Community Services

21. Authorize an Interlocal Cooperation Contract for the Urban Land Bank Demonstration Program with Dallas County, Dallas Independent School District, Dallas County Hospital District, Dallas County School Equalization Fund, Dallas County Education District and Dallas County Community College District to facilitate the Dallas Housing Acquisition and Development Corporation's (Land Bank) acquisition of unimproved tax foreclosed properties for sale to qualified developers for the development of affordable housing - Financing: No cost consideration to the City

22. Authorize a Memorandum of Understanding between the City of Dallas and Metro Dallas Homeless Alliance (MDHA) to provide homeless continuum of care operations and planning services for the period October 1, 2015 through September 30, 2016 - Not to exceed $150,000 - Financing: Current Funds (subject to appropriations)

23. Authorize **(1)** the sale of one vacant lot located at 1437 Barry Avenue from the Dallas Housing Acquisition and Development Corporation to Marcial and Benita Martinez; and **(2)** the execution of a release of lien for any non-tax liens that may have been filed by the City - Financing: No cost consideration to the City

CONSENT AGENDA (Continued)

Housing/Community Services (Continued)

24. Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by Carrcomm Enterprises LLC for the construction of affordable houses; **(2)** the sale of 3 vacant lots (list attached) from Dallas Housing Acquisition and Development Corporation to Carrcomm Enterprises LLC; and **(3)** execution of a release of lien for any non-tax liens on the 3 properties that may have been filed by the City - Financing: No cost consideration to the City

25. Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by Investments by JJJ, LLC for the construction of affordable houses; **(2)** the sale of 1 vacant lot (list attached) from Dallas Housing Acquisition and Development Corporation to Investments by JJJ, LLC; and **(3)** execution of a release of lien for any non-tax liens on the 1 property that may have been filed by the City - Financing: No cost consideration to the City

26. Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by Santos Coria for the construction of affordable houses; **(2)** the sale of 7 vacant lots (list attached) from Dallas Housing Acquisition and Development Corporation to Santos Coria; 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

27. Authorize Dallas Housing Acquisition and Development Corporation (DHADC) to enter into a twelve-month contract commencing as of October 1, 2015, with two one-year renewal term options with Consolidated Consulting Group, LLC to provide environmental land analysis including a transaction screen analysis and other environmental services, if needed, on lots scheduled to be purchased by DHADC - Not to exceed $140,000 annually - Financing: 2006 Bond Funds

28. Authorize Dallas Housing Acquisition and Development Corporation (DHADC) to enter into a twelve-month contract commencing as of October 1, 2015, with two one-year renewal term options with Linebarger, Goggan, Blair, Sampson LLP to provide legal services for up to 300 lots acquired by DHADC during the one-year term of the contract and same number of lots for each subsequent renewal - Not to exceed $300,000 annually - Financing: General Obligation Commercial Paper Funds

29. Authorize Dallas Housing Acquisition and Development Corporation to enter into a twelve-month contract commencing as of October 1, 2015, with two one-year renewal term options with Republic Title of Texas, Inc. to provide title abstract services for up to 300 title reports during the one-year term of the contract and same number of lots for each subsequent renewal - Not to exceed $25,000 annually - Financing: General Obligation Commercial Paper Funds

CONSENT AGENDA (Continued)

Housing/Community Services (Continued)

30. Authorize an amendment to the Program Statement for the Dallas Urban Land Bank Demonstration Program to align the Program Statement with 2015 state statute changes including allowing the Land Bank to acquire and sell to a developer property intended for commercial use and removing grocery store development with a minimum of 6,000 square feet of enclosed space that offers for sale fresh produce and other food items for home consumption - Financing: No cost consideration to the City

Office of Management Services

31. Authorize **(1)** acceptance of the 2014 100 Resilient Cities Grant from The Rockefeller Foundation to provide funding for economic resilience and preparedness for the rapid growth of natural and man-made disasters and the employment of a Chief Resilience Officer for the period October 1, 2015 through September 30, 2017; and **(2)** execution of the grant agreement - Not to exceed $464,000 - Financing: The Rockefeller Foundation Grant Funds

Park & Recreation

32. Authorize a twenty-four-month contract for pavement improvements at various locations for the Park and Recreation Department - APAC-Texas, Inc., lowest responsible bidder of two - Not to exceed $4,164,683 - Financing: Current Funds ($2,000,000), Park and Recreation Program Funds ($750,000), Golf Improvement Funds ($500,000) and Fair Park Improvement Funds ($914,683) (subject to annual appropriations)

33. Authorize a five-year service agreement and extended warranty for the purchase of the Toro Site Pro irrigation system central computer and components at Cedar Crest Golf Course located at 1800 Southerland Avenue from The Toro Company dba Toro NSN, sole source - Not to exceed $7,789 - Financing: Current Funds

34. Authorize Supplemental Agreement No. 1 to the professional services contract with GME Consulting Services, Inc. for services to include construction materials observation and testing, laboratory and field testing of earthwork and concrete stabilization along with other miscellaneous items for the Briscoe Carpenter Livestock Center in Fair Park located at 1419 South Washington Street - Not to exceed $127,312, from $48,303 to $175,615 - Financing: 2003 Bond Funds ($60,001) and 2006 Bond Funds ($67,311)

Public Works Department

35. Authorize a design-build services contract with Lansford Company, Inc., most qualified proposer of five, for design and construction of the Dallas Police Helicopter Hangar Project at Dallas Executive Airport - Not to exceed $556,813 - Financing: Aviation Capital Construction Funds

CONSENT AGENDA (Continued)

Public Works Department (Continued)

36. Authorize a contract with Barson Utilities, Inc., lowest responsible bidder of three, for the reconstruction of alley paving, storm drainage, drive approaches, and wastewater main and adjustment improvements for Alley Reconstruction Groups 12-2028 and 12-2029 (list attached) - Not to exceed $2,087,050 - Financing: General Obligation Commercial Paper Funds ($1,525,377), 2012 Bond Funds ($160,442), 2006 Bond Funds ($205,361), Water Utilities Capital Improvement Funds ($192,370) and Water Utilities Capital Construction Funds ($3,500)

37. Authorize a contract with SYB Construction Company, Inc., lowest responsible bidder of six, for the reconstruction of street paving, storm drainage, erosion control, markings, water and wastewater main improvements for Overton Road east from Biglow Street to Garrison Street - Not to exceed $2,555,355 - Financing: General Obligation Commercial Paper Funds ($1,889,596), Water Utilities Capital Improvement Funds ($651,659) and Water Utilities Capital Construction Funds ($14,100)

38. Authorize a contract with Tiseo Paving Company, lowest responsible bidder of three, for the reconstruction of street paving, drainage, drive approaches, sidewalks, curb and gutter, barrier free ramps, water and wastewater main improvements for Street Reconstruction Group 12-631 (list attached) - Not to exceed $4,996,583 - Financing: General Obligation Commercial Paper Funds ($3,230,310), 2012 Bond Funds ($65,694), 2006 Bond Funds ($198,441), Water Utilities Capital Improvement Funds ($1,376,848) and Water Utilities Capital Construction Funds ($125,290)

39. Authorize a construction services contract with RLP Mechanical Contractors, Inc., lowest responsible bidder of three, for upgrades to the parking garage ventilation system at the Municipal Court Building located at 2014 Main Street - Not to exceed $271,100 - Financing: Current Funds

40. Authorize the first one-year renewal option of three, to the contract with **(1)** Kellogg Brown and Root, LLC, for construction services related to the job order contracting services project in the amount of $6,500,000, from $3,486,443 to $9,986,443; and **(2)** METCO Engineering, Inc. for mechanical, electrical and plumbing improvements related to the job order services project in the amount of $2,000,000, from $1,500,000 to $3,500,000 - Total not to exceed $8,500,000 - Financing: Aviation Current Funds ($3,000,000) (subject to appropriations), Convention and Event Services Capital Construction Funds ($3,000,000), Park and Recreation Program Funds ($500,000) and 2006 Bond Funds ($2,000,000)

41. Authorize **(1)** street paving, storm drainage, street lighting, landscaping, water and wastewater main improvements for Chalk Hill Road from Davis Street to 800 feet south of I-30; provide for partial payment of construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law; and **(2)** a benefit assessment hearing to be held on November 10, 2015, to receive comments - Financing: No cost consideration to the City

CONSENT AGENDA (Continued)

Sustainable Development and Construction

42. An ordinance abandoning a common access and fire lane easement to Ojala Woodside Owner, LP, the abutting owner, containing approximately 5,031 square feet of land, located near the intersection of Worthington and Woodside Streets - Revenue: $5,400, plus the $20 ordinance publication fee

43. An ordinance abandoning a sanitary sewer easement to Travis Cole Apartments 2012 LP, the abutting owner, containing approximately 5,428 square feet of land, located near the intersection of Cole and Hester Avenues and providing for the dedication of approximately 6,364 square feet of land for a wastewater easement - Revenue: $5,400, plus the $20 ordinance publication fee

44. An ordinance correcting **(1)** Planned Development Subdistrict No. 107 within Planned Development District No. 193, the Oak Lawn Special Purpose District; **(2)** Planned Development District No. 468, the Oak Cliff Gateway Special Purpose District; **(3)** Planned Development District No. 784, the Trinity River Corridor Special Purpose District; and **(4)** Planned Development District No. 820 - Financing: No cost consideration to the City

45. An ordinance correcting **(1)** Ordinance No. 28407, passed by the Dallas City Council on September 28, 2011, which created Conservation District No. 20 in an area generally bound by Plymouth Road, Atlantic Street and Hampton Road; and **(2)** Ordinance No. 29551 passed by the Dallas City Council on December 10, 2014, adopting a boundary adjustment agreement with the City of DeSoto on properties located on the west side of Old Hickory Trail, north of Danieldale Road and on the south side of Danieldale Road, east of Polk Street - Financing: No cost consideration to the City

Trinity Watershed Management

46. Authorize settlement in lieu of proceeding with condemnation of a subsurface easement under approximately 6,563 square feet of land from Bernardina Pedroza located on Main Street near its intersection with Haskell Avenue for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed $16,800 ($15,000 plus closing costs and title expenses not to exceed $1,800); an increase of $5,812 from the amount Council originally authorized for this acquisition - Financing: 2006 Bond Funds

47. Authorize settlement in lieu of proceeding with condemnation of a subsurface easement under approximately 9,686 square feet of land from FRIS CHKN LLC, located on Gaston Avenue at its intersection with Peak Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed $32,269 ($30,269 plus closing costs and title expenses not to exceed $2,000); an increase of $6,054 from the amount Council originally authorized for this acquisition - Financing: 2006 Bond Funds

CONSENT AGENDA (Continued)

Trinity Watershed Management (Continued)

48. Authorize settlement in lieu of proceeding further with condemnation for an improved tract of land containing approximately 64,836 square feet from Hal G. Hinckley, Sr., et al., located on Hill Avenue at its intersection with IH 30 for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed $860,900 ($852,400 plus closing costs and title expenses not to exceed $8,500); a total increase of $370,900 from the amount Council originally authorized for this acquisition - Financing: 2006 Bond Funds

Water Utilities

49. Authorize an engineering services contract with Arcadis U.S., Inc. to perform safety inspections and emergency action plan updates for dams owned and operated by the City of Dallas - Not to exceed $1,851,737 - Financing: Stormwater Drainage Management Capital Construction Funds ($998,086) and Water Utilities Capital Construction Funds ($853,651)

50. Authorize a contract for the installation of water and wastewater mains at 12 locations (list attached) - John Burns Construction Company of Texas, Inc., lowest responsible bidder of four - Not to exceed $10,528,912 - Financing: Water Utilities Capital Improvement Funds

51. Authorize a contract for the construction of improvements to the Walcrest Pump Station and reservoir - Webber, LLC, lowest responsible bidder of seven - Not to exceed $36,850,500 - Financing: Water Utilities Capital Improvement Funds

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

52. Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

* **Fiscal Year 2015-16 Budget Items**

53. * Final reading and adoption of appropriation ordinances for the proposed FY 2015-16 City of Dallas Operating, Grants/Trusts, and Capital Budgets - Financing: This action has no cost consideration to the City

54. * An ordinance setting the tax rate at $0.7970 per $100 valuation which includes $0.5646 for the general fund and $0.2324 for the debt service fund, and levying ad valorem taxes for the City of Dallas, Texas for FY 2015-16 - Financing: This action has no cost consideration to the City

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

* **Fiscal Year 2015-16 Budget Items** (Continued)

55. * Ratify the increase in property tax revenues, resulting from increased property valuations with the same property tax rate as in the prior fiscal year, reflected in the FY 2015-16 budget - Revenue: $57,230,390

56. * An ordinance amending Chapters 5A, 7, 15D, 16, 18, 27, 43A, 49, and 50 of the Dallas City Code to: **(1)** remove the registration fee and registration requirement for used car lots; **(2)** adjust registration fees for facilities that emit or have the potential to emit air contaminants; **(3)** adjust fees for redeeming an impounded animal from a city animal shelter; **(4)** adjust the intact animal permit fee; **(5)** adjust the fee for a temporary regulated animal permit; **(6)** adjust emergency ambulance transport fees; **(7)** adjust permit fees overseen by the Dallas Fire-Rescue Department; **(8)** adjust building reinspection fees; **(9)** adjust inspection charges for high risk buildings and occupancies; **(10)** adjust plan review fees for fire apparatus access roads and for limited access gates that obstruct such roads; **(11)** adjust installation acceptance retest fees; **(12)** authorize sanitation services to collect recycling from commercial establishments and establish a fee for such collection; **(13)** authorize more than once-a-week collection of garbage and recycling from certain commercial establishments; **(14)** adjust fees for sanitation collection service; **(15)** adjust fees for tire business licenses and mobile tire repair unit permits; **(16)** adjust fee for a certificate of registration for a multi-tenant property; **(17)** adjust fees for multi-tenant property inspections; **(18)** adjust fees for multi-tenant property inspections; **(19)** adjust the annual fee for a certificate of registration for non-owner occupied rental property; **(20)** adjust the reinspection fee for non-owner occupied rental property; **(21)** adjust the public swimming pool permit fee; **(22)** adjust the swimming pool manager training course fee; **(23)** adjust the vacant building registration fee; **(24)** adjust rates and charges for treated water service, wastewater service, wholesale water and wastewater service to governmental entities, untreated water service, service connections, and fire hydrant usage (fee list attached); **(25)** adjust the wood vendor license fee; **(26)** adjust the electronic repair license fee; **(27)** adjust the motor vehicle repair license fee; **(28)** adjust the home repair license fee; and **(29)** adjust the credit access business registration fee - Estimated Revenue: $35,044,355 (Water Utilities Revenue: $26,735,244, Sanitation Revenue: $3,628,973, General Fund Revenue: $4,680,138)

57. * An ordinance amending Section 44-35 of Chapter 44, "TAXATION," of the Dallas City Code, as amended; providing for the reallocation of the seven percent hotel occupancy tax to designated purposes, to be applied to revenues from the tax collected by a hotel on or after October 1, 2015; providing a saving clause; providing a severability clause; and providing an effective date - Financing: This action has no cost consideration to the City

58. * An ordinance amending Chapters 2 and 18 of the Dallas City Code to clarify that the city's solid waste collection and disposal system is a utility - Financing: This action has no cost consideration to the City

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

* **Fiscal Year 2015-16 Budget Items** (Continued)

59. * An ordinance amending Chapters 2, 43, and 51A of the Dallas City Code **(1)** to change the name of the department of planning and neighborhood vitality to the department of planning and urban design; and **(2)** to add to the duties of the Chief Planning Officer, supervision of the Thoroughfare Plan amendment process and supervision of the implementation of the Dallas Bike Plan - Financing: This action has no cost consideration to the City

60. * An ordinance amending Chapter 34, "Personnel Rules," of the Dallas City Code by amending Sections 34-9, 34-22, 34-23, and 34-32 to: **(1)** amend provisions of the personnel rules relating to employee benefits to comply with federal law; and **(2)** eliminate the requirement that certain employees take sick leave or vacation leave in increments of six hours, one-tenth hour, or one-hour - Financing: No cost consideration to the City

61. * Authorize **(1)** position changes; **(2)** approval of Civilian salary schedules for fiscal year 2015-16; **(3)** Police and Fire Uniform Executive salary schedules; and **(4)** Police and Fire Uniform salary schedules in accordance with the 2013 Meet and Confer Agreement - Financing: No cost consideration to the City

Planning and Neighborhood Vitality

62. A resolution adopting Neighborhood Plus to serve as an implementation action plan to initiate a shift in community and neighborhood revitalization efforts in the City of Dallas - Financing: No cost consideration to the City

Sustainable Development and Construction

63. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from First National Bank, of a tract of land containing approximately 16,022 square feet and approximately 14,167 square feet of land for a temporary working space easement, located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed $148,177 ($145,177, plus closing costs and title expenses not to exceed $3,000) - Financing: Water Utilities Capital Improvement Funds

64. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Southport Properties, LP, of a tract of land containing approximately 326,340 square feet located near the intersection of Langdon and JJ Lemmon Roads for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed $626,850 ($614,850, plus closing costs and title expenses not to exceed $12,000) - Financing: Water Utilities Capital Construction Funds

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

DESIGNATED PUBLIC SUBSIDY MATTERS

Economic Development

65. Authorize the first renewal option for eight Business Assistance Centers (BACs) for a twelve-month service contract, with one additional twelve-month renewal option, subject to funding availability with the eight Business Assistance Center (BAC) contractors to provide technical assistance, incubator space and other support services to low-to-moderate income persons owning or starting microenterprises listed herein for each contract as follows: **(1)** Greater Dallas Hispanic Chamber of Commerce located at 4622 Maple Avenue, Suite 207 (BAC #1) in an amount not to exceed $80,000; **(2)** The Dallas Black Chamber of Commerce located at 2838 Martin Luther King Boulevard (BAC #2), in an amount not to exceed $80,000; **(3)** CEN-TEX Certified Development Corporation dba Business & Community Lenders (BCL) of Texas to be located at the J. Erik Jonsson Central Library at 1515 Young Street, Sammons Small Business Center (BAC #3) in an amount not to exceed $80,000; **(4)** CENT-TEX Certified Development Corporation doing business as Business & Community Lenders (BCL) of Texas located at 4907 Spring Avenue (BAC #4) in an amount not to exceed $80,000; **(5)** Business Assistance Center, Inc. located at 1201 West Camp Wisdom Road, Suite 224 (BAC #5) in an amount not to exceed $80,000; **(6)** Organization of Hispanic Contractors Association dba Regional Hispanic Contractors Association to be located at 3918 N Hampton Rd (BAC #6), in an amount not to exceed $80,000; **(7)** Organization of Hispanic Contractors Association dba Regional Hispanic Contractors Association located at 2210 West Illinois Avenue (BAC #7) in an amount not to exceed $80,000; **(8)** CENT-TEX Certified Development Corporation doing business as Business & Community Lenders (BCL) of Texas located at 1322 Record Crossing (BAC #8) in an amount not to exceed $80,000 - Not to exceed $640,000 - Financing: 2015-16 Community Development Block Grant Funds

66. Authorize an amendment to the contract with the World Affairs Council of Dallas / Fort Worth for economic development and protocol services to: **(1)** extend the existing grant agreement from October 1, 2015 through December 31, 2015; and **(2)** increase funding by $62,500 for the additional services for 3 months - Not to exceed $62,500 - Financing: Public/Private Partnership Funds (subject to appropriations)

Housing/Community Services

67. Authorize a housing development grant in an amount not to exceed $1,500,000 to the Dallas Housing Acquisition and Development Corporation for construction of ten single family homes on land bank properties - Not to exceed $1,500,000 - Financing: FY 2014-15 HOME Program Income #1

68. Authorize an amendment to Resolution No. 15-0780, previously approved on April 22, 2015, to: **(1)** clarify the terms of the loan which will allow forgiveness to the nonprofit developer, Southfair Community Development Corporation; and **(2)** the eligibility of developer fees for construction of four affordable single family homes located at 2825 South Boulevard - Financing: No cost consideration to the City

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

DESIGNATED PUBLIC SUBSIDY MATTERS (Continued)

Housing/Community Services (Continued)

69. Authorize **(1)** the first five-year renewal option to the Management Services Contract, Phase II (MSC), with Bridge Steps for the continued operation, programming, and management of The Bridge for the period October 1, 2015 through September 30, 2020; **(2)** funding for the first year of the five-year renewal term of the MSC with General Funds in an amount not to exceed $3,800,000 for the period October 1, 2015 through September 30, 2016; **(3)** an Interlocal Agreement with Dallas County to accept $1,000,000, to assist in providing homeless assistance services at The Bridge through the City's contractor, Bridge Steps for the period October 1, 2015 through September 30, 2016; **(4)** an Interlocal Agreement with Dallas County to accept 2015-16 Emergency Solutions Grant Funds for shelter operations at The Bridge in the amount of $113,357 for the period October 1, 2015 through September 30, 2016; and **(5)** use of 2015-16 Emergency Solutions Grant Funds for shelter operations at The Bridge from the Homeless Assistance Center - Operations line item in the amount of $378,279 - Not to exceed $5,291,636 - Financing: Current Funds ($3,800,000) (subject to appropriations), Intergovernmental Revenue - Dallas County ($1,113,357), and 2015-16 Emergency Solutions Grant Funds ($378,279)

PUBLIC HEARINGS AND RELATED ACTIONS

Sustainable Development and Construction

ZONING CASES - CONSENT

70. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a microbrewery, microdistillery, or winery on property zoned Tract A in Planned Development District No. 269, the Deep Ellum/Near East Side District, on the northwest corner of Canton Street and South Malcolm X Boulevard
Recommendation of Staff and CPC: Approval for a three-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions
Z145-286(OTH)

71. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for IR Industrial Research District and general merchandise or food store greater than 3,500 square feet uses on property zoned an IR Industrial Research District at the south corner of Regal Row and John W. Carpenter Service Road
Recommendation of Staff and CPC: Approval, subject to a development plan, landscape plan and conditions
Z145-289(AF)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

Sustainable Development and Construction (Continued)

ZONING CASES - CONSENT (Continued)

72. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a vehicle display, sales and service on property zoned Planned Development District No. 629, on the northeast corner of Bonner Drive and North Central Expressway
Recommendation of Staff and CPC: Approval for a five-year period, subject to a site plan and conditions
Z145-293(OTH)

73. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a tattoo studio on property zoned Tract A in Planned Development District No. 269, the Deep Ellum/Near East Side District on the south line of Elm Street, east of North Good Latimer Expressway
Recommendation of Staff and CPC: Approval for a three-year period, subject to a site plan and conditions
Z145-298(OTH)

ZONING CASES - INDIVIDUAL

74. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a mini-warehouse use on property zoned an MU-3 Mixed Use District on the north side of Banner Drive, between Park Central Drive and Merit Drive
Recommendation of Staff and CPC: Approval for a ten-year period, subject to a site plan, landscape plan and conditions
Z145-206(WE)

75. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Specific Permit No. 2048 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 100,000 square feet or more on property zoned an RR Regional Retail District with a D-1 Liquor Control Overlay on the south line of East R.L. Thornton Freeway and west of South Buckner Boulevard
Recommendation of Staff: Approval for a four-year period, subject to a revised site plan and conditions
Recommendation of CPC: Approval for a three-year period, subject to a revised site plan and conditions
Z145-275(WE)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

Sustainable Development and Construction (Continued)

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

76. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for CR Community Retail District and D Duplex District uses on property zoned a CR Community Retail District and Tract III of Planned Development District No. 67 on the northwest corner of West Mockingbird Lane and Roper Street
Recommendation of Staff and CPC: Approval, subject to a development plan, landscape plan and conditions
Z145-225(SM)
Note: This item was considered by the City Council at a public hearing on August 26, 2015, and was deferred until September 22, 2015

DESIGNATED ZONING CASES - INDIVIDUAL

77. A public hearing to receive comments regarding an application for and an ordinance granting a CR Community Retail District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an R-5(A) Single Family District on the north line of Simpson Stuart Road, west of Tracy Road
Recommendation of Staff: Denial
Recommendation of CPC: Approval with deed restrictions volunteered by the applicant
Z145-227(WE)

78. A public hearing to receive comments regarding an application for a Planned Development District for LO-1 uses and a mortuary, funeral home, or commercial wedding chapel use on property zoned an R-7.5(A) Single Family District and an LO-1 Limited Office District with a D Overlay, on the northeast line of Webb Chapel Road and on the west line of Larga Drive, east of Webb Chapel Extension
Recommendation of Staff: Approval, subject to a development plan, landscape plan and conditions
Recommendation of CPC: Denial without prejudice
Z145-264(SM)

79. A public hearing to receive comments regarding an application for and an ordinance granting a WR-5 Walkable Urban Residential District with a Height Map Overlay on property zoned Planned Development District No. 466 and an MF-2(A) Multifamily District on the east corner of Hall Street and Munger Avenue
Recommendation of Staff and CPC: Approval, subject to a revised height map overlay
Z145-272(WE)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

Sustainable Development and Construction (Continued)

DESIGNATED ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

80. An ordinance granting a Planned Development District for certain CS Commercial Service District Uses and a Mini-warehouse use and a resolution granting the termination of deed restrictions on property zoned a CS Commercial Service District on the north line of East University Boulevard, east of North Central Expressway
Recommendation of Staff: Denial
Recommendation of CPC: Approval, subject to a development plan and conditions; and approval of the termination of deed restrictions
Z134-319(RB)
Note: This item was considered by City Council at a public hearing on June 10, 2015, and was denied without prejudice, with the public hearing closed. This item was reconsidered on June 17, 2015, to be heard on August 12, 2015, with the public hearing closed. This item was considered by the City Council on August 12, 2015 and September 9, 2015, and was held under advisement until September 22, 2015, with the public hearing closed.

DEVELOPMENT CODE AMENDMENTS - INDIVIDUAL

81. A public hearing to receive comments regarding consideration of and an ordinance granting amendments to Chapters 51 and 51A of the Dallas Development Code to: **(1)** require a landscape buffer and establish maximum stacking heights for open storage and outside storage uses; **(2)** require screening for open storage and outside storage uses in the I-2, I-3, and IM Industrial Manufacturing districts; **(3)** provide new screening regulations for the organic compost recycling facility use, petroleum product storage and wholesale use, and sand, gravel or earth sales and storage use in IM Industrial Manufacturing districts; and **(4)** require a Specific Use Permit for outside storage as a main use in the CA-1 and CA-2 districts
Recommendation of Staff: Approval of Staff recommendation
Recommendation of CPC: Approval
DCA078-016(DL)

82. A public hearing to receive comments regarding consideration of and an ordinance granting amendments to Chapters 51 and 51A, Dallas Development Code, Divisions 51-4.500 and 51A-4.500 to create a historic building demolition delay overlay
Recommendation of Staff and CPC: Approval
Recommendation of Landmark Commission: Approval
DCA145-007(ND)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

MISCELLANEOUS HEARINGS

Park & Recreation

83. A public hearing to receive comments on the proposed use of subsurface portions of Crockett Park, Fair Park, and Juanita J. Craft Park totaling approximately 430,503 square feet (9.88 acres) for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Financing: No cost consideration to the City

MISCELLANEOUS HEARINGS - UNDER ADVISEMENT

Housing/Community Services

84. A public hearing to receive comments on the proposed sale of six unimproved properties acquired by the taxing authorities from the Sheriff to Dallas Neighborhood Alliance for Habitat, Inc., a qualified non-profit organization; and, at the close of the public hearing, authorize the City Manager to: **(1)** convey by Deed without Warranty six unimproved properties to Dallas Neighborhood Alliance for Habitat, Inc. under the HB110 process of the City's Land Transfer Program; and **(2)** release the City's non-tax liens included in the foreclosure judgment and post-judgment non-tax liens, if any (list attached) - Revenue: $6,000

Sustainable Development and Construction

85. A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from a public school, Henry W. Longfellow Career Exploration Academy as required by Section 6-4 of the Dallas City Code to allow a wine and beer retailer's off-premise permit pursuant to Chapter 26 of the Texas Alcoholic Beverage Code for a general merchandise or food store with 10,000 square feet or more floor area [L&B Depp Inwood Village, dba CVS Pharmacy #7412] on the southeast corner of West Lovers Lane and Inwood Road, north of Boaz Street - AV145-004 - Financing: No cost consideration to the City

Land Bank (DHADC) Sale of Lots to
Carrcomm Enterprises LLC
Agenda Item # 24

Property Address	Mapsco	Council District	Amount of Non-Tax Liens
1. 3634 Bickers	43K	6	$ 4,492.48
2. 3638 Bickers	43K	6	$13,441.00
3. 3642 Bickers	43K	6	$11,953.15

Land Bank (DHADC) Sale of Lot to Investments by JJJ, LLC
Agenda Item # 25

Property Address	Mapsco	Council District	Amount of Non-Tax Liens
1. 2432 Sylvia	65V	8	$8,067.71

Land Bank (DHADC) Sale of Lots to Santos Coria
Agenda Item # 26

Property Address	Mapsco	Council District	Amount of Non-Tax Liens
1. 2017 Angelina	43H	6	$10,932.04
2. 2024 Angelina	43H	6	$10,051.99
3. 3427 Bernal	43K	6	$ 5,933.63
4. 4103 Furey	43F	6	$ 9,908.59
5. 3611 Canada	43F	6	$11,335.61
6. 3610 McBroom	43K	6	$15,842.34
7. 3639 Morris	43K	6	$11,325.84

Alley Reconstruction Groups 12-2028 and 12-2029
Agenda Item # 36

Alley Reconstruction Group 12-2028	**Council District**
Alley between Churchill Way (6824-6838) and Yorkwood Circle from end of alley to Hillcrest Road	11
Alley between Delmeta Drive (6811-6957) and Quarterway Drive (6810-6950) from Delmeta Drive to Vistaridge Drive	11
Alley between Knollview Drive (14810-14856) and Tophill Circle (7105-7115) from Belt Line Road to Hillcrest Road	11
Alley between Lafayette Way (6207-6263) and Preston Crest Lane (6206-6262) from Whitley Lane to Hughes Lane	11
Alley between Marbrook Drive (12109-12323) and Madeleine Circle (12104-12136) from Willow Lane to Churchill Way	11
Alley Reconstruction Group 12-2029	
Alley between Chattington Drive (7403-7439) and Meandering Place (15105-15115) from Meandering Way to Chattington Drive	11
Alley between Chattington Drive (7507-7625) and Woodstone Lane (7524-7625) from Carriage Lane to Chattington Drive	11
Alley between Indian Springs Road (7609-7679) and Tophill Lane (7614-7652) from Carriage Lane to Tophill Lane	11
Alley between Lacehaven Drive (14907-14957) and Knollview Drive (14908-14944) from Hillcrest Road to alley No. 5	11
Alley between Leameadow Drive (7008-7028) and Knollview Drive (14944-14956) from Lacehaven Drive to Hillcrest Road	11
Alley between Tophill Lane (7405-7449) and Lynworth Drive (7408-7444) from Meandering Way to Chattington Drive	11

Street Reconstruction Group 12-631
Agenda Item # 38

Project	**Limits**	**Council District**
Brierfield Drive	Brierfield Circle to Camp Wisdom Road (W) including Brierfield Circle from Brierfield Drive to end of pavement	3
Gentle River Drive	End of pavement to Hidden Trail Drive	8
Highland Hills Drive	Simpson Stuart Road to Bonnie View Road	8
Sweet Sue Lane	Hidden Valley Drive to Camp Wisdom Road (E)	8

Installation of Water and Wastewater Mains
Agenda Item # 50

District 2

Ansley Avenue from Tom Braniff Lane to Hawes Avenue
Aubrey Avenue from Tom Braniff Lane to Hawes Avenue
Aviation Place from Tom Braniff Lane to end
Easement in Love Field southeast of Taxiway Bravo
Easement in Love Field from Herb Kelleher Way northeast
Hawes Avenue from Maple Avenue to Lemmon Avenue
Herb Kelleher Way from Love Field Airport to Tom Braniff Lane
Lemmon Avenue from Love Field Airport southeast
Lemmon Avenue from Airdrome Drive southeast
Love Field East Runway from Tom Braniff Lane to Hawes Avenue

District 3

Eagle Ford Drive from Mountain Creek Parkway northeast
Mountain Creek Parkway from Highbrush Drive southeast

Proposed Fee Changes Effective October 1, 2015
Agenda Item # 56

Development Fees	**Existing Fee**	**Proposed Fee**
1. ¾" Water Service Installation	$2,650	$2,972
2. 1" Water Service Installation	$2,750	$3,103
3. 1 ½" Water Service Installation	$3,603	$4,625
4. 2" Water Service Installation	$3,605	$4,462
5. ¾" Water Deadhead Connection	$ 925	$ 718
6. 1" Water Deadhead Connection	$ 975	$ 762
7. 1 ½" Water Deadhead Connection	$1,325	$1,704
8. 2" Water Deadhead Connection	$1,575	$1,885
9. Up to 2" Bullhead Water Connection	$2,575	$3,947
10. 6" Lateral with Connection	$2,674	$2,778
Charges for Use of Fire Hydrants		
11. Monthly Fire Hydrant Service Charge	$69.09	$72.93

Tax Foreclosure and Seizure Property Resale
Agenda Item # 84

Parcel No.	Address	Non-Profit Organization	Mapsco	DCAD Amount	Sale Amount	Vac/ Imp	Non-Tax Liens	Council District
1.	1966 Nomas	Dallas Neighborhood Alliance for Habitat, Inc.	44J	$9,380	$1,000.00	V	$1,933.03	6
2.	4010 Ivanhoe	Dallas Neighborhood Alliance for Habitat, Inc.	43H	$7,360	$1,000.00	V	$2,445.10	6
3.	1716 Shaw	Dallas Neighborhood Alliance for Habitat, Inc.	44J	$8,000	$1,000.00	V	$679.30	6
4.	3503 Navaro	Dallas Neighborhood Alliance for Habitat, Inc.	44J	$7,730	$1,000.00	V	$512.37	6
5.	2043 Leath	Dallas Neighborhood Alliance for Habitat, Inc.	43H	$10,730	$1,000.00	V	$2,010.75	6
6.	2323 Scotland	Dallas Neighborhood Alliance for Habitat, Inc.	65D	$6,900	$1,000.00	V	$5,974.08	4

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

1. Contemplated or pending litigation, or matters where legal advice is requested of the City Attorney. Section 551.071 of the Texas Open Meetings Act.

2. The purchase, exchange, lease or value of real property, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.072 of the Texas Open Meetings Act.

3. A contract for a prospective gift or donation to the City, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.073 of the Texas Open Meetings Act.

4. Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Section 551.074 of the Texas Open Meetings Act.

5. The deployment, or specific occasions for implementation of security personnel or devices. Section 551.076 of the Texas Open Meetings Act.

6. Deliberations regarding Economic Development negotiations. Section 551.087 of the Texas Open Meetings Act.

AGENDA DATE September 22, 2015

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
1			All	V	NA	NA	NA	NA	Approval of Minutes of the September 9, 2015 City Council Meeting
2			All	C	PBD, EBS	$180,201.36	0.00%	0.00%	Authorize a one-year service contract for fuel island dispenser replacements - D&H United Fueling Solutions, Inc., lowest responsible bidder of three - Not to exceed $180,202 - Financing: Current Funds (subject to appropriations)
3			All	C	PBD, CIS, CDS, POL	$462,747.00	100.00%	100.00%	Authorize a three-year service contract for maintenance and support of Orion Communications software applications - Orion Communications, Inc., sole source - Not to exceed $462,747 - Financing: Current Funds ($282,897) and Municipal Court Technology Funds ($179,850) (subject to annual appropriations)
4			All	C	PBD, CIS, FIR, POL	$7,251,132.08	0.00%	0.00%	Authorize a five-year service contract for maintenance and support of the City's existing computer aided dispatch system - TriTech Software Systems, Inc., sole source - Not to exceed $7,251,133 - Financing: Current Funds (subject to annual appropriations)
5			All	C	PBD, CIS	$220,140.00	0.00%	10.36%	Authorize (1) an acquisition contract for the purchase and implementation of hardware and software for a council agenda system in the amount of $171,140; and (2) a five-year service contract for maintenance and support for a council agenda system in the amount of $49,000 - PROVOX Systems, Inc., most advantageous proposer of four - Total not to exceed $220,140 - Financing: Current Funds (subject to annual appropriations)
6			All	C	PBD, FIR	$1,163,850.88	0.00%	0.00%	Authorize (1) an acquisition contract for the purchase, development and installation of a patient care data management system in the amount of $910,000; and (2) a three-year service contract, with two one-year renewal options, for the maintenance and support of the patient care data management system in the amount of $253,851 - Telamon Corporation, most advantageous proposer of five - Total not to exceed $1,163,851 - Financing: Current Funds (subject to annual appropriations)
7			All	C	PBD, ORM	$409,434.00	0.00%	0.00%	Authorize a three-year subscription agreement, with two one-year renewal options, for a centralized risk claims management system - Origami Risk, LLC, most advantageous proposer of four - Not to exceed $409,434 - Financing: Current Funds (subject to annual appropriations)
8			All	C	PBD, FIR, AVI, STS, WTR, EBS	$12,055,806.67	NA	NA	Authorize (1) the purchase of six ambulances - Southwest Ambulance Sales, LLC in the amount of $1,282,558, seven pumpers and two aerial trucks - Metro Fire Apparatus Specialists, Inc. in the amount of $5,960,357, two aircraft rescue and firefighting apparatus - DACO Fire Equipment, Inc. in the amount of $1,935,342 and two mowers - Four Brothers Outdoor Power in the amount of $43,000 through the Houston-Galveston Area Council of Governments; (2) the purchase of ten sport utility vehicles - Sam Pack's Five Star Ford in the amount of $279,062, three dump trucks - Southwest International Trucks, Inc. in the amount of $303,170, two tractors - Four Brothers Outdoor Power in the amount of $102,000 and ten garbage trucks - Chastang Ford in the amount of $1,985,505 through the Texas Association of School Boards; and (3) the purchase of one roll-off container truck - East Texas Mack Sales, LLC in the amount of $164,813 through The Interlocal Purchasing System - Total not to exceed $12,055,807 - Financing: Current Funds ($3,850,295), Municipal Lease Agreement Funds ($5,960,357), Aviation Capital Construction Funds ($1,935,342) and Water Utilities Current Funds ($309,813)
9			All	C	PBD, WTR	$6,034,624.06	0.00%	0.00%	Authorize a three-year master agreement for dipotassium orthophosphate to be used by Water Utilities - Shannon Chemical Corporation, lowest responsible bidder of four - Not to exceed $6,034,625 - Financing: Water Utilities Current Funds
10			All	C	PBD, WTR	$6,731,640.00	0.00%	1.00%	Authorize a three-year master agreement for ferrous sulfate and ferrous chloride - Pencco, Inc., lowest responsible bidder of three - Not to exceed $6,731,640 - Financing: Water Utilities Current Funds
11			N/A	C	ATT	$75,000.00	100.00%	0.00%	Authorize Supplemental Agreement No. 1 to the professional services contract with the Law Office of Mark E. Goldstucker for additional legal services in the lawsuit styled Bobby Gerald Bennett v. Cardan Spencer, et al., Civil Action No. 3:14-CV-00402-N - Not to exceed $75,000, from $50,000 to $125,000 - Financing: Current Funds
12			N/A	C	ATT	$100,000.00	100.00%	0.00%	Authorize Supplemental Agreement No. 1 to the professional services contract with White & Wiggins, L.L.P. for additional legal services in the lawsuit styled Bobby Gerald Bennett v. Cardan Spencer, et al., Civil Action No. 3:14-CV-00402-N - Not to exceed $100,000, from $50,000 to $150,000 - Financing: Current Funds
13			N/A	C	AUD	NC	NA	NA	Authorize approval of the Office of the City Auditor's Fiscal Year 2016 Audit Plan as required by paragraph 4(b) of Resolution No. 79-0723, previously approved on February 28, 1979, and as amended by Resolution No. 90-4027, previously approved on December 12, 1990 - Financing: No cost consideration to the City

AGENDA DATE September 22, 2015

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
14			N/A	C	CON	NC	NA	NA	Authorize the annual adoption of the City's Investment Policy regarding funds under the City's control and the investment strategies for each of the funds under the City's management - Financing: No cost consideration to the City
15			All	C	CDS	$7,557,391.00	NA	NA	Authorize payment to Dallas County for processing and housing prisoners at the Lew Sterrett Criminal Justice Center, pursuant to Amendment No. 4 to the Criminal Justice Center Memorandum of Agreement with Dallas County, previously approved on June 11, 1997, by Resolution No. 97-1995, for the period October 1, 2015 through September 30, 2016 - Not to exceed $7,557,391 - Financing: Current Funds
16			All	C	ECO	NC	NA	NA	Property Assessed Clean Energy (Pace) Program: Authorize a public hearing to be held on October 14, 2015 to receive comments to consider the establishment of a Property Assessed Clean Energy ("PACE") program for the City of Dallas pursuant to the Property Assessed Clean Energy Act ("PACE Act"), as amended (Texas Local Government Code Chapter 399) - Financing: No cost consideration to the City
17			All	C	ECO	NC	NA	NA	Property Assessed Clean Energy (Pace) Program: Authorize a resolution of intent to establish a PACE Program for the City of Dallas pursuant to the PACE Act - Financing: No cost consideration to the City
18			All	C	ECO	NC	NA	NA	Authorize Supplemental Agreement No.1 to the contract with Southern Dallas Development Corporation (SDDC) to: (1) extend the term of the fourth and final renewal option from October 1, 2015 through March 30, 2016; and (2) continue administration and loan servicing of the Community Development Block Grant (CDBG) funded Business Revolving Loan Program - Financing: No cost consideration to the City
19			All	C	FIR	$1,773,458.00	NA	NA	Authorize (1) an Interlocal Agreement with Dallas County Hospital District d/b/a Parkland Health and Hospital System for a twenty-four month period for Biomedical On-Line Supervision; and (2) Interlocal Agreements with participating local governmental entities - Not to exceed $1,773,458 - Financing: Current Funds (subject to annual appropriations) ($804,676 to be reimbursed from participating cities)
20			All	C	FIR	$324,822.00	100.00%	0.00%	Authorize Supplemental Agreement No. 3 and an extension of the contract with Emergidata, Inc., for hardware maintenance and a software subscription agreement for Fire-Rescue for the period October 1, 2015 through June 30, 2016 - Not to exceed $324,822, from $2,186,118 to $2,510,940 - Financing: Current Funds (subject to appropriations)
21			All	C	HOU	NC	NA	NA	Authorize an Interlocal Cooperation Contract for the Urban Land Bank Demonstration Program with Dallas County, Dallas Independent School District, Dallas County Hospital District, Dallas County School Equalization Fund, Dallas County Education District and Dallas County Community College District to facilitate the Dallas Housing Acquisition and Development Corporation's (Land Bank) acquisition of unimproved tax foreclosed properties for sale to qualified developers for the development of affordable housing - Financing: No cost consideration to the City
22			All	C	HOU	$150,000.00	NA	NA	Authorize a Memorandum of Understanding between the City of Dallas and Metro Dallas Homeless Alliance (MDHA) to provide homeless continuum of care operations and planning services for the period October 1, 2015 through September 30, 2016 - Not to exceed $150,000 - Financing: Current Funds (subject to appropriations)
23			2	C	HOU	NC	NA	NA	Authorize (1) the sale of one vacant lot located at 1437 Barry Avenue from the Dallas Housing Acquisition and Development Corporation to Marcial and Benita Martinez; and (2) the execution of a release of lien for any non-tax liens that may have been filed by the City - Financing: No cost consideration to the City
24			6	C	HOU	NC	NA	NA	Authorize (1) approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by Carrcomm Enterprises LLC for the construction of affordable houses; (2) the sale of 3 vacant lots from Dallas Housing Acquisition and Development Corporation to Carrcomm Enterprises LLC; and (3) execution of a release of lien for any non-tax liens on the 3 properties that may have been filed by the City - Financing: No cost consideration to the City
25			8	C	HOU	NC	NA	NA	Authorize (1) approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by Investments by JJJ, LLC for the construction of affordable houses; (2) the sale of 1 vacant lot from Dallas Housing Acquisition and Development Corporation to Investments by JJJ, LLC; and (3) execution of a release of lien for any non-tax liens on the 1 property that may have been filed by the City - Financing: No cost consideration to the City

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ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
26			6	C	HOU	NC	NA	NA	Authorize (1) approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by Santos Coria for the construction of affordable houses; (2) the sale of 7 vacant lots from Dallas Housing Acquisition and Development Corporation to Santos Coria; 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
27			1, 2, 3, 4, 5, 6, 7, 8	C	HOU	$140,000.00	NA	NA	Authorize Dallas Housing Acquisition and Development Corporation (DHADC) to enter into a twelve-month contract commencing as of October 1, 2015, with two one-year renewal term options with Consolidated Consulting Group, LLC to provide environmental land analysis including a transaction screen analysis and other environmental services, if needed, on lots scheduled to be purchased by DHADC - Not to exceed $140,000 annually - Financing: 2006 Bond Funds
28			1, 2, 3, 4, 5, 6, 7, 8	C	HOU	$300,000.00	NA	NA	Authorize Dallas Housing Acquisition and Development Corporation (DHADC) to enter into a twelve-month contract commencing as of October 1, 2015, with two one-year renewal term options with Linebarger, Goggan, Blair, Sampson LLP to provide legal services for up to 300 lots acquired by DHADC during the one-year term of the contract and same number of lots for each subsequent renewal - Not to exceed $300,000 annually - Financing: General Obligation Commercial Paper Funds
29			1, 2, 3, 4, 5, 6, 7, 8	C	HOU	$25,000.00	NA	NA	Authorize Dallas Housing Acquisition and Development Corporation to enter into a twelve-month contract commencing as of October 1, 2015, with two one-year renewal term options with Republic Title of Texas, Inc. to provide title abstract services for up to 300 title reports during the one-year term of the contract and same number of lots for each subsequent renewal - Not to exceed $25,000 annually - Financing: General Obligation Commercial Paper Funds
30			1, 2, 3, 4, 5, 6, 7, 8	C	HOU	NC	NA	NA	Authorize an amendment to the Program Statement for the Dallas Urban Land Bank Demonstration Program to align the Program Statement with 2015 state statute changes including allowing the Land Bank to acquire and sell to a developer property intended for commercial use and removing grocery store development with a minimum of 6,000 square feet of enclosed space that offers for sale fresh produce and other food items for home consumption - Financing: No cost consideration to the City
31			All	C	MGT	GT	NA	NA	Authorize (1) acceptance of the 2014 100 Resilient Cities Grant from The Rockefeller Foundation to provide funding for economic resilience and preparedness for the rapid growth of natural and man-made disasters and the employment of a Chief Resilience Officer for the period October 1, 2015 through September 30, 2017; and (2) execution of the grant agreement - Not to exceed $464,000 - Financing: The Rockefeller Foundation Grant Funds
32			All	C	PKR	$4,164,682.70	100.00%	62.22%	Authorize a twenty-four-month contract for pavement improvements at various locations for the Park and Recreation Department - APAC-Texas, Inc., lowest responsible bidder of two - Not to exceed $4,164,683 - Financing: Current Funds ($2,000,000), Park and Recreation Program Funds ($750,000), Golf Improvement Funds ($500,000) and Fair Park Improvement Funds ($914,683) (subject to annual appropriations)
33			4	C	PKR	$7,789.00	0.00%	0.00%	Authorize a five-year service agreement and extended warranty for the purchase of the Toro Site Pro irrigation system central computer and components at Cedar Crest Golf Course located at 1800 Southerland Avenue from The Toro Company dba Toro NSN, sole source - Not to exceed $7,789 - Financing: Current Funds
34			7	C	PKR	$127,311.90	98.55%	100.00%	Authorize Supplemental Agreement No. 1 to the professional services contract with GME Consulting Services, Inc. for services to include construction materials observation and testing, laboratory and field testing of earthwork and concrete stabilization along with other miscellaneous items for the Briscoe Carpenter Livestock Center in Fair Park located at 1419 South Washington Street - Not to exceed $127,312, from $48,303 to $175,615 - Financing: 2003 Bond Funds ($60,001) and 2006 Bond Funds ($67,311)
35			3	C	PBW, AVI	$556,813.00	100.00%	69.63%	Authorize a design-build services contract with Lansford Company, Inc., most qualified proposer of five, for design and construction of the Dallas Police Helicopter Hangar Project at Dallas Executive Airport - Not to exceed $556,813 - Financing: Aviation Capital Construction Funds
36			11	C	PBW, WTR	$2,087,050.00	90.80%	17.41%	Authorize a contract with Barson Utilities, Inc., lowest responsible bidder of three, for the reconstruction of alley paving, storm drainage, drive approaches, and wastewater main and adjustment improvements for Alley Reconstruction Groups 12-2028 and 12-2029 - Not to exceed $2,087,050 - Financing: General Obligation Commercial Paper Funds ($1,525,377), 2012 Bond Funds ($160,442), 2006 Bond Funds ($205,361), Water Utilities Capital Improvement Funds ($192,370) and Water Utilities Capital Construction Funds ($3,500)

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ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
37			4	C	PBW, WTR	$2,555,355.00	98.97%	67.33%	Authorize a contract with SYB Construction Company, Inc., lowest responsible bidder of six, for the reconstruction of street paving, storm drainage, erosion control, markings, water and wastewater main improvements for Overton Road east from Biglow Street to Garrison Street - Not to exceed $2,555,355 - Financing: General Obligation Commercial Paper Funds ($1,889,596), Water Utilities Capital Improvement Funds ($651,659) and Water Utilities Capital Construction Funds ($14,100)
38			3, 8	C	PBW, WTR	$4,996,582.45	46.91%	51.31%	Authorize a contract with Tiseo Paving Company, lowest responsible bidder of three, for the reconstruction of street paving, drainage, drive approaches, sidewalks, curb and gutter, barrier free ramps, water and wastewater main improvements for Street Reconstruction Group 12-631 - Not to exceed $4,996,583 - Financing: General Obligation Commercial Paper Funds ($3,230,310), 2012 Bond Funds ($65,694), 2006 Bond Funds ($198,441), Water Utilities Capital Improvement Funds ($1,376,848) and Water Utilities Capital Construction Funds ($125,290)
39			14	C	PBW, CDS	$271,100.00	7.56%	58.87%	Authorize a construction services contract with RLP Mechanical Contractors, Inc., lowest responsible bidder of three, for upgrades to the parking garage ventilation system at the Municipal Court Building located at 2014 Main Street - Not to exceed $271,100 - Financing: Current Funds
40			All	C	PBW, AVI, CES, PKR	$8,500,000.00	NA	NA	Authorize the first one-year renewal option of three, to the contract with (1) Kellogg Brown and Root, LLC, for construction services related to the job order contracting services project in the amount of $6,500,000, from $3,486,443 to $9,986,443; and (2) METCO Engineering, Inc. for mechanical, electrical and plumbing improvements related to the job order services project in the amount of $2,000,000, from $1,500,000 to $3,500,000 - Total not to exceed $8,500,000 - Financing: Aviation Current Funds ($3,000,000) (subject to appropriations), Convention and Event Services Capital Construction Funds ($3,000,000), Park and Recreation Program Funds ($500,000) and 2006 Bond Funds ($2,000,000)
41			6	C	PBW, WTR	NC	NA	NA	Authorize (1) street paving, storm drainage, street lighting, landscaping, water and wastewater main improvements for Chalk Hill Road from Davis Street to 800 feet south of I-30; provide for partial payment of construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law; and (2) a benefit assessment hearing to be held on November 10, 2015, to receive comments - Financing: No cost consideration to the City
42			14	C	DEV	REV $5,400	NA	NA	An ordinance abandoning a common access and fire lane easement to Ojala Woodside Owner, LP, the abutting owner, containing approximately 5,031 square feet of land, located near the intersection of Worthington and Woodside Streets - Revenue: $5,400, plus the $20 ordinance publication fee
43			14	C	DEV	REV $5,400	NA	NA	An ordinance abandoning a sanitary sewer easement to Travis Cole Apartments 2012 LP, the abutting owner, containing approximately 5,428 square feet of land, located near the intersection of Cole and Hester Avenues and providing for the dedication of approximately 6,364 square feet of land for a wastewater easement - Revenue: $5,400, plus the $20 ordinance publication fee
44			1, 2, 6	C	DEV	NC	NA	NA	An ordinance correcting (1) Planned Development Subdistrict No. 107 within Planned Development District No. 193, the Oak Lawn Special Purpose District; (2) Planned Development District No. 468, the Oak Cliff Gateway Special Purpose District; (3) Planned Development District No. 784, the Trinity River Corridor Special Purpose District; and (4) Planned Development District No. 820 - Financing: No cost consideration to the City
45			1, 8	C	DEV	NC	NA	NA	An ordinance correcting (1) Ordinance No. 28407, passed by the Dallas City Council on September 28, 2011, which created Conservation District No. 20 in an area generally bound by Plymouth Road, Atlantic Street and Hampton Road; and (2) Ordinance No. 29551 passed by the Dallas City Council on December 10, 2014, adopting a boundary adjustment agreement with the City of DeSoto on properties located on the west side of Old Hickory Trail, north of Danieldale Road and on the south side of Danieldale Road, east of Polk Street - Financing: No cost consideration to the City
46			2	C	TWM	$16,800.00	NA	NA	Authorize settlement in lieu of proceeding with condemnation of a subsurface easement under approximately 6,563 square feet of land from Bernardina Pedroza located on Main Street near its intersection with Haskell Avenue for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed $16,800 ($15,000 plus closing costs and title expenses not to exceed $1,800); an increase of $5,812 from the amount Council originally authorized for this acquisition - Financing: 2006 Bond Funds

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ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
47			2	C	TWM	$32,269.00	NA	NA	Authorize settlement in lieu of proceeding with condemnation of a subsurface easement under approximately 9,686 square feet of land from FRIS CHKN LLC, located on Gaston Avenue at its intersection with Peak Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed $32,269 ($30,269 plus closing costs and title expenses not to exceed $2,000); an increase of $6,054 from the amount Council originally authorized for this acquisition - Financing: 2006 Bond Funds
48			2	C	TWM	$860,900.00	NA	NA	Authorize settlement in lieu of proceeding further with condemnation for an improved tract of land containing approximately 64,836 square feet from Hal G. Hinckley, Sr., et al., located on Hill Avenue at its intersection with IH 30 for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed $860,900 ($852,400 plus closing costs and title expenses not to exceed $8,500); a total increase of $370,900 from the amount Council originally authorized for this acquisition - Financing: 2006 Bond Funds
49			1, 2, 3, 5, 6, 7, 9, 12, 14, Outside	C	WTR, PKR, TWM	$1,851,737.00	100.00%	25.81%	Authorize an engineering services contract with Arcadis U.S., Inc. to perform safety inspections and emergency action plan updates for dams owned and operated by the City of Dallas - Not to exceed $1,851,737 - Financing: Stormwater Drainage Management Capital Construction Funds ($998,086) and Water Utilities Capital Construction Funds ($853,651)
50			2, 3	C	WTR	$10,528,912.00	73.11%	11.07%	Authorize a contract for the installation of water and wastewater mains at 12 locations - John Burns Construction Company of Texas, Inc., lowest responsible bidder of four - Not to exceed $10,528,912 - Financing: Water Utilities Capital Improvement Funds
51			11	C	WTR	$36,850,500.00	49.42%	26.48%	Authorize a contract for the construction of improvements to the Walcrest Pump Station and reservoir - Webber, LLC, lowest responsible bidder of seven - Not to exceed $36,850,500 - Financing: Water Utilities Capital Improvement Funds
52			N/A	I	SEC	NC	N/A	N/A	Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)
53			N/A	I	OFS	NC	NA	NA	Final reading and adoption of appropriation ordinances for the proposed FY 2015-16 City of Dallas Operating, Grants/Trusts, and Capital Budgets - Financing: This action has no cost consideration to the City
54			N/A	I	OFS	NC	NA	NA	An ordinance setting the tax rate at $0.7970 per $100 valuation which includes $0.5646 for the general fund and $0.2324 for the debt service fund, and levying ad valorem taxes for the City of Dallas, Texas for FY 2015-16 - Financing: This action has no cost consideration to the City
55			N/A	I	OFS	REV $57,230,390	NA	NA	Ratify the increase in property tax revenues, resulting from increased property valuations with the same property tax rate as in the prior fiscal year, reflected in the FY 2015-16 budget - Revenue: $57,230,390
56			N/A	I	OFS	REV $35,044,355	NA	NA	An ordinance amending Chapters 5A, 7, 15D, 16, 18, 27, 43A, 49, and 50 of the Dallas City Code to: (1) remove the registration fee and registration requirement for used car lots; (2) adjust registration fees for facilities that emit or have the potential to emit air contaminants; (3) adjust fees for redeeming an impounded animal from a city animal shelter; (4) adjust the intact animal permit fee; (5) adjust the fee for a temporary regulated animal permit; (6) adjust emergency ambulance transport fees; (7) adjust permit fees overseen by the Dallas Fire-Rescue Department; (8) adjust building reinspection fees; (9) adjust inspection charges for high risk buildings and occupancies; (10) adjust plan review fees for fire apparatus access roads and for limited access gates that obstruct such roads; (11) adjust installation acceptance retest fees; (12) authorize sanitation services to collect recycling from commercial establishments and establish a fee for such collection; (13) authorize more than once-a-week collection of garbage and recycling from certain commercial establishments; (14) adjust fees for sanitation collection service; (15) adjust fees for tire business licenses and mobile tire repair unit permits; (16) adjust fee for a certificate of registration for a multi-tenant property; (17) adjust fees for multi-tenant property inspections; (18) adjust fees for multi-tenant property inspections; (19) adjust the annual fee for a certificate of registration for non-owner occupied rental property; (20) adjust the reinspection fee for non-owner occupied rental property; (21) adjust the public swimming pool permit fee; (22) adjust the swimming pool manager training course fee; (23) adjust the vacant building registration fee; (24) adjust rates and charges for treated water service, wastewater service, wholesale water and wastewater service to governmental entities, untreated water service, service connections, and fire hydrant usage; (25) adjust the wood vendor license fee; (26) adjust the electronic repair license fee; (27) adjust the motor vehicle repair license fee; (28) adjust the home repair license fee; and (29) adjust the credit access business registration fee - Estimated Revenue: $35,044,355 (Water Utilities Revenue: $26,735,244, Sanitation Revenue: $3,628,973, General Fund Revenue: $4,680,138)

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ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
57			All	I	OFS, CES, OCA	NC	NA	NA	An ordinance amending Section 44-35 of Chapter 44, "TAXATION," of the Dallas City Code, as amended; providing for the reallocation of the seven percent hotel occupancy tax to designated purposes, to be applied to revenues from the tax collected by a hotel on or after October 1, 2015; providing a saving clause; providing a severability clause; and providing an effective date - Financing: This action has no cost consideration to the City
58			All	I	CMO	NC	NA	NA	An ordinance amending Chapters 2 and 18 of the Dallas City Code to clarify that the city's solid waste collection and disposal system is a utility - Financing: This action has no cost consideration to the City
59			All	I	CMO	NC	NA	NA	An ordinance amending Chapters 2, 43, and 51A of the Dallas City Code (1) to change the name of the department of planning and neighborhood vitality to the department of planning and urban design; and (2) to add to the duties of the Chief Planning Officer, supervision of the Thoroughfare Plan amendment process and supervision of the implementation of the Dallas Bike Plan - Financing: This action has no cost consideration to the City
60			N/A	I	HRD	NC	NA	NA	An ordinance amending Chapter 34, "Personnel Rules," of the Dallas City Code by amending Sections 34-9, 34-22, 34-23, and 34-32 to: (1) amend provisions of the personnel rules relating to employee benefits to comply with federal law; and (2) eliminate the requirement that certain employees take sick leave or vacation leave in increments of six hours, one-tenth hour, or one-hour - Financing: No cost consideration to the City
61			N/A	I	HRD	NC	NA	NA	Authorize (1) position changes; (2) approval of Civilian salary schedules for fiscal year 2015-16; (3) Police and Fire Uniform Executive salary schedules; and (4) Police and Fire Uniform salary schedules in accordance with the 2013 Meet and Confer Agreement - Financing: No cost consideration to the City
62			All	I	PNV	NC	NA	NA	A resolution adopting Neighborhood Plus to serve as an implementation action plan to initiate a shift in community and neighborhood revitalization efforts in the City of Dallas - Financing: No cost consideration to the City
63			Outside	I	DEV, WTR	$148,177.00	NA	NA	Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from First National Bank, of a tract of land containing approximately 16,022 square feet and approximately 14,167 square feet of land for a temporary working space easement, located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed $148,177 ($145,177, plus closing costs and title expenses not to exceed $3,000) - Financing: Water Utilities Capital Improvement Funds
64			8	I	DEV, WTR	$626,850.00	NA	NA	Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Southport Properties, LP, of a tract of land containing approximately 326,340 square feet located near the intersection of Langdon and JJ Lemmon Roads for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed $626,850 ($614,850, plus closing costs and title expenses not to exceed $12,000) - Financing: Water Utilities Capital Construction Funds
65			All	I	ECO	GT	NA	NA	Authorize the first renewal option for eight Business Assistance Centers (BACs) for a twelve-month service contract, with one additional twelve-month renewal option, subject to funding availability with the eight Business Assistance Center (BAC) contractors to provide technical assistance, incubator space and other support services to low-to-moderate income persons owning or starting microenterprises listed herein for each contract as follows: (1) Greater Dallas Hispanic Chamber of Commerce located at 4622 Maple Avenue, Suite 207 (BAC #1) in an amount not to exceed $80,000; (2) The Dallas Black Chamber of Commerce located at 2838 Martin Luther King Boulevard (BAC #2), in an amount not to exceed $80,000; (3) CEN-TEX Certified Development Corporation dba Business & Community Lenders (BCL) of Texas to be located at the J. Erik Jonsson Central Library at 1515 Young Street, Sammons Small Business Center (BAC #3) in an amount not to exceed $80,000; (4) CENT-TEX Certified Development Corporation doing business as Business & Community Lenders (BCL) of Texas located at 4907 Spring Avenue (BAC #4) in an amount not to exceed $80,000; (5) Business Assistance Center, Inc. located at 1201 West Camp Wisdom Road, Suite 224 (BAC #5) in an amount not to exceed $80,000; (6) Organization of Hispanic Contractors Association dba Regional Hispanic Contractors Association to be located at 3918 N Hampton Rd (BAC #6), in an amount not to exceed $80,000; (7) Organization of Hispanic Contractors Association dba Regional Hispanic Contractors Association located at 2210 West Illinois Avenue (BAC #7) in an amount not to exceed $80,000; (8) CENT-TEX Certified Development Corporation doing business as Business & Community Lenders (BCL) of Texas located at 1322 Record Crossing (BAC #8) in an amount not to exceed $80,000 - Not to exceed $640,000 - Financing: 2015-16 Community Development Block Grant Funds

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ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
66			All	I	ECO	$62,500.00	NA	NA	Authorize an amendment to the contract with the World Affairs Council of Dallas / Fort Worth for economic development and protocol services to: (1) extend the existing grant agreement from October 1, 2015 through December 31, 2015; and (2) increase funding by $62,500 for the additional services for 3 months - Not to exceed $62,500 - Financing: Public/Private Partnership Funds (subject to appropriations)
67			4	I	HOU	GT	NA	NA	Authorize a housing development grant in an amount not to exceed $1,500,000 to the Dallas Housing Acquisition and Development Corporation for construction of ten single family homes on land bank properties - Not to exceed $1,500,000 - Financing: FY 2014-15 HOME Program Income #1
68			7	I	HOU	NC	NA	NA	Authorize an amendment to Resolution No. 15-0780, previously approved on April 22, 2015, to: (1) clarify the terms of the loan which will allow forgiveness to the nonprofit developer, Southfair Community Development Corporation; and (2) the eligibility of developer fees for construction of four affordable single family homes located at 2825 South Boulevard - Financing: No cost consideration to the City
69			All	I	HOU	$3,800,000.00	NA	NA	Authorize (1) the first five-year renewal option to the Management Services Contract, Phase II (MSC), with Bridge Steps for the continued operation, programming, and management of The Bridge for the period October 1, 2015 through September 30, 2020; (2) funding for the first year of the five-year renewal term of the MSC with General Funds in an amount not to exceed $3,800,000 for the period October 1, 2015 through September 30, 2016; (3) an Interlocal Agreement with Dallas County to accept $1,000,000, to assist in providing homeless assistance services at The Bridge through the City's contractor, Bridge Steps for the period October 1, 2015 through September 30, 2016; (4) an Interlocal Agreement with Dallas County to accept 2015-16 Emergency Solutions Grant Funds for shelter operations at The Bridge in the amount of $113,357 for the period October 1, 2015 through September 30, 2016; and (5) use of 2015-16 Emergency Solutions Grant Funds for shelter operations at The Bridge from the Homeless Assistance Center - Operations line item in the amount of $378,279 - Not to exceed $5,291,636 - Financing: Current Funds ($3,800,000) (subject to appropriations), Intergovernmental Revenue - Dallas County ($1,113,357), and 2015-16 Emergency Solutions Grant Funds ($378,279)
70			2	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a microbrewery, microdistillery, or winery on property zoned Tract A in Planned Development District No. 269, the Deep Ellum/Near East Side District, on the northwest corner of Canton Street and South Malcolm X Boulevard
71			6	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for IR Industrial Research District and general merchandise or food store greater than 3,500 square feet uses on property zoned an IR Industrial Research District at the south corner of Regal Row and John W. Carpenter Service Road
72			10	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a vehicle display, sales and service on property zoned Planned Development District No. 629, on the northeast corner of Bonner Drive and North Central Expressway
73			2	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a tattoo studio on property zoned Tract A in Planned Development District No. 269, the Deep Ellum/Near East Side District on the south line of Elm Street, east of North Good Latimer Expressway
74			11	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a mini-warehouse use on property zoned an MU-3 Mixed Use District on the north side of Banner Drive, between Park Central Drive and Merit Drive
75			7	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Specific Permit No. 2048 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 100,000 square feet or more on property zoned an RR Regional Retail District with a D-1 Liquor Control Overlay on the south line of East R.L. Thornton Freeway and west of South Buckner Boulevard
76			2	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for CR Community Retail District and D Duplex District uses on property zoned a CR Community Retail District and Tract III of Planned Development District No. 67 on the northwest corner of West Mockingbird Lane and Roper Street

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ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
77			8	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a CR Community Retail District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an R-5(A) Single Family District on the north line of Simpson Stuart Road, west of Tracy Road
78			6	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for a Planned Development District for LO-1 uses and a mortuary, funeral home, or commercial wedding chapel use on property zoned an R-7.5(A) Single Family District and an LO-1 Limited Office District with a D Overlay, on the northeast line of Webb Chapel Road and on the west line of Larga Drive, east of Webb Chapel Extension
79			14	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a WR-5 Walkable Urban Residential District with a Height Map Overlay on property zoned Planned Development District No. 466 and an MF-2(A) Multifamily District on the east corner of Hall Street and Munger Avenue
80			14	PH	DEV	NC	NA	NA	An ordinance granting a Planned Development District for certain CS Commercial Service District Uses and a Mini-warehouse use and a resolution granting the termination of deed restrictions on property zoned a CS Commercial Service District on the north line of East University Boulevard, east of North Central Expressway
81			All	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding consideration of and an ordinance granting amendments to Chapters 51 and 51A of the Dallas Development Code to: (1) require a landscape buffer and establish maximum stacking heights for open storage and outside storage uses; (2) require screening for open storage and outside storage uses in the I-2, I-3, and IM Industrial Manufacturing districts; (3) provide new screening regulations for the organic compost recycling facility use, petroleum product storage and wholesale use, and sand, gravel or earth sales and storage use in IM Industrial Manufacturing districts; and (4) require a Specific Use Permit for outside storage as a main use in the CA-1 and CA-2 districts
82			All	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding consideration of and an ordinance granting amendments to Chapters 51 and 51A, Dallas Development Code, Divisions 51-4.500 and 51A-4.500 to create a historic building demolition delay overlay
83			2, 7	PH	PKR	NC	NA	NA	A public hearing to receive comments on the proposed use of subsurface portions of Crockett Park, Fair Park, and Juanita J. Craft Park totaling approximately 430,503 square feet (9.88 acres) for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Financing: No cost consideration to the City
84			4, 6	PH	HOU	REV $6,000	NA	NA	A public hearing to receive comments on the proposed sale of six unimproved properties acquired by the taxing authorities from the Sheriff to Dallas Neighborhood Alliance for Habitat, Inc., a qualified non-profit organization; and, at the close of the public hearing, authorize the City Manager to: (1) convey by Deed without Warranty six unimproved properties to Dallas Neighborhood Alliance for Habitat, Inc. under the HB110 process of the City's Land Transfer Program; and (2) release the City's non-tax liens included in the foreclosure judgment and post-judgment non-tax liens, if any - Revenue: $6,000
85			13	PH	DEV	NC	NA	NA	A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from a public school, Henry W. Longfellow Career Exploration Academy as required by Section 6-4 of the Dallas City Code to allow a wine and beer retailer's off-premise permit pursuant to Chapter 26 of the Texas Alcoholic Beverage Code for a general merchandise or food store with 10,000 square feet or more floor area [L&B Depp Inwood Village, dba CVS Pharmacy #7412] on the southeast corner of West Lovers Lane and Inwood Road, north of Boaz Street - AV145-004 - Financing: No cost consideration to the City

TOTAL $123,000,576.10

AGENDA ITEM # 2

KEY FOCUS AREA:	Clean, Healthy Environment
AGENDA DATE:	September 22, 2015
COUNCIL DISTRICT(S):	All
DEPARTMENT:	Business Development & Procurement Services Equipment & Building Services
CMO:	Jeanne Chipperfield, 670-7804 Jill A. Jordan, P.E., 670-5299
MAPSCO:	N/A

SUBJECT

Authorize a one-year service contract for fuel island dispenser replacements - D&H United Fueling Solutions, Inc., lowest responsible bidder of three – Not to exceed $180,202 - Financing: Current Funds (subject to appropriations)

BACKGROUND

This service contract will provide fuel island dispenser replacements for 29 dispensers at eight fuel islands around the City. City fuel islands serve the entire City fleet, with a total fuel consumption of approximately 6.8 million gallons annually.

These new fuel dispensers will replace the unleaded and diesel, including biodiesel, fuel dispensers at each of the fuel islands. The current fuel dispensers are one to two decades old and many replacement parts are no longer available by the manufacturer. Replacement of all units will provide a consistent platform, making it easier to maintain the units and, therefore, increasing up time.

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 240 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, notifications were sent by the Business Development and Procurement Services' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Budget, Finance and Audit Committee on September 21, 2015.

FISCAL INFORMATION

$180,201.36 - Current Funds (subject to appropriations)

M/WBE INFORMATION

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

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

The recommended awardee has fulfilled the requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Council Resolution No. 08-2826 as amended.

ETHNIC COMPOSITION

D&H United Fueling Solutions, Inc.

White Male	16	White Female	0
Black Male	1	Black Female	0
Hispanic Male	9	Hispanic Female	0
Other Male	0	Other Female	2

BID INFORMATION

The following bids were received from solicitation number BQ1516 and were opened on July 9, 2015. This service contract is being awarded in its entirety to the lowest responsive and responsible bidder.

*Denotes successful bidder

Bidders	Address	Amount
*D&H United Fueling Solutions, Inc.	721 N. Great Southwest Pkwy. Arlington, TX 76011	$180,201.36

BID INFORMATION (Continued)

Bidders	Address	Amount
Petroleum Solutions, Inc.	1362 W. Carrier Pkwy. Grand Prairie, TX 75050	$192,012.34
McCon Building Services and Petroleum Services	8120 Jetstar Dr. Suite 150 Irving, TX 75063	$251,015.00

OWNER

D&H United Fueling Solutions, Inc.

John Farrell, President
Gerry Telle, Vice President
John R. Turner, Secretary
Tom E. Turner, Treasurer

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a one-year service contract for fuel island dispenser replacements - D&H United Fueling Solutions, Inc., lowest responsible bidder of three – Not to exceed $180,202 - Financing: Current Funds (subject to appropriations)

D&H United Fueling Solutions, Inc. is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$0.00	0.00%
Total non-local contracts	$180,201.36	100.00%
TOTAL CONTRACT	$180,201.36	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$0.00	0.00%	$0.00	0.00%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$0.00	0.00%	$0.00	0.00%
Total	$0.00	0.00%	$0.00	0.00%

September 22, 2015

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

Section 1. That the City Manager is authorized to execute a service contract with D&H United Fueling Solutions, Inc. (VS89310) for fuel island dispenser replacements for a term of one year in an amount not to exceed $180,201.36, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to D&H United Fueling Solutions, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by D&H United Fueling Solutions, Inc. under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds from the following appropriation in an amount not to exceed $180,201.36 (subject to appropriations):

Fund	Dept	Unit	Object	Amount	FY	Encumbrance
0196	EBS	1764	3099	$180,201.36	2016	CTEBS151764CT58

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

AGENDA ITEM # 3

KEY FOCUS AREA: E-Gov

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Communication and Information Services
Court & Detention Services
Police

CMO: Jeanne Chipperfield, 670-7804
Mark McDaniel, 670-3256
Eric Campbell, 670-3255

MAPSCO: N/A

SUBJECT

Authorize a three-year service contract for maintenance and support of Orion Communications software applications - Orion Communications, Inc., sole source - Not to exceed $462,747 - Financing: Current Funds ($282,897) and Municipal Court Technology Funds ($179,850) (subject to annual appropriations)

BACKGROUND

This service contract will provide ongoing maintenance and support for Orion Communications software applications. Maintenance and support includes software upgrades to current releases of software and ongoing technical support. Orion Communications software applications provide efficient data management in areas such as:

- Administrator/Agency Web - Manages the daily operations and personnel files of uniform officers, which includes tracking planned versus actual work time
- Municipal Court Notify - Provides a system that notifies officers of subpoena notifications and court date alerts
- Evidence Manager – Used to track evidence related to criminal cases
- AutoTier - Automation of tow company processing, which allows field officers to dispatch towing companies
- Virtual Viewer - Allows for the compilation of legacy data from multiple databases, such as offense records, 911 call records and arrest records

This software allows City agencies to share data in real-time with different applications systems, which is critical to the administrative management of Police and Court and Detention Services personnel.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 12, 2011, City Council authorized a three-year service contract for maintenance and support of Orion Communications software applications for Police by Resolution No. 11-0156.

On June 27, 2012, City Council authorized Supplemental Agreement No. 1 to increase the maintenance and support service contract to provide enhancements to the Orion Communications software applications utilized by Police and Court and Detention Services for court case scheduling and to extend the term through January 31, 2015, by Resolution No. 12-1715.

Information about this item will be provided to the Budget, Finance and Audit Committee on September 21, 2015.

FISCAL INFORMATION

$282,897.00 - Current Funds (subject to annual appropriations)
$179,850.00 - Municipal Court Technology Funds (subject to annual appropriations)

M/WBE INFORMATION

There were no M/WBE vendors contacted for this item because the recommended awardee is the sole source provider.

The recommended awardee has fulfilled the good faith requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Council Resolution No. 08-2826 as amended.

ETHNIC COMPOSITION

Orion Communications, Inc.

White Male	8	White Female	7
Black Male	2	Black Female	3
Hispanic Male	1	Hispanic Female	0
Other Male	0	Other Female	0

BID INFORMATION

Bidder	Address	Amount
Orion Communications, Inc.	8235 Douglas Ave. Suite 1100 Dallas, Texas 75225	$462,747.00

BID INFORMATION (Continued)

Note: Pursuant to Business Development and Procurement Services' (BDPS) request, the Auditor's office has reviewed this sole source item and submitted related documentation and has determined BDPS meets the exceptions from competitive bidding as specified in the State of Texas Local Government Code, Chapter 252.022, General Exemptions (a)(7).

OWNER

Orion Communications, Inc.

Leslie DeLatte, President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year service contract for maintenance and support of Orion Communications software applications - Orion Communications, Inc., sole source - Not to exceed $462,747 - Financing: Current Funds ($282,897) and Municipal Court Technology Funds ($179,850) (subject to annual appropriations)

Orion Communications, Inc is a local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.
PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$462,747.00	100.00%
Total non-local contracts	$0.00	0.00%
TOTAL CONTRACT	$462,747.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

Local	Certification	Amount	Percent
Orion Communications, Inc	WFDB64587Y0316	$462,747.00	100.00%
Total Minority - Local		$462,747.00	100.00%

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$0.00	0.00%	$0.00	0.00%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$462,747.00	100.00%	$462,747.00	100.00%
Total	$462,747.00	100.00%	$462,747.00	100.00%

September 22, 2015

WHEREAS, on January 12, 2011, City Council authorized a three-year service contract for maintenance and support of Orion Communications software applications for Police by Resolution No. 11-0156; and,

WHEREAS, on June 27, 2012, City Council authorized Supplemental Agreement No. 1 to increase the maintenance and support service contract to provide enhancements to the Orion Communications software applications utilized by Police and Court and Detention Services for court case scheduling in the amount of $172,765, from $223,870 to $396,635; and to extend the term through January 31, 2015, by Resolution No. 12-1715;

NOW, THEREFORE,

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

Section 1. That the City Manager is authorized to execute a service contract with Orion Communications, Inc. (VS0000002410) for maintenance and support of Orion Communications software applications for a term of three years in an amount not to exceed $462,747.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Orion Communications, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Orion Communications, Inc. under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds from the following appropriations in an amount not to exceed $462,747.00 (subject to annual appropriations):

FUND	DEPT	UNIT	OBJ	AMOUNT	FY	ENCUMBRANCE
0401	CTS	1063	3438	$59,950.00	2015	CTDSV15ORIONMT
0198	DSV	1675	3438	$94,299.00	2015	CTDSV15ORIONMT
0401	CTS	1063	3438	$59,950.00	2016	CTDSV16ORIONMT
0198	DSV	1675	3438	$94,299.00	2016	CTDSV16ORIONMT
0401	CTS	1063	3438	$59,950.00	2017	CTDSV17ORIONMT
0198	DSV	1675	3438	$94,299.00	2017	CTDSV17ORIONMT

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

AGENDA ITEM # 4

KEY FOCUS AREA: E-Gov

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Communication and Information Services
Fire
Police

CMO: Jeanne Chipperfield, 670-7804
Mark McDaniel, 670-3256
Eric Campbell, 670-3255

MAPSCO: N/A

SUBJECT

Authorize a five-year service contract for maintenance and support of the City's existing computer aided dispatch system – TriTech Software Systems, Inc., sole source – Not to exceed $7,251,133 - Financing: Current Funds (subject to annual appropriations)

BACKGROUND

This service contract will provide ongoing maintenance and support for the City's computer-aided dispatch (CAD) system utilized by emergency personnel. In 2005, the City utilized a competitive process to replace the 30-year old legacy mainframe system. This system supports the efficient mobilization of Police and Fire-Rescue personnel and resources in response to emergency calls. Maintenance and support includes upgrades to current releases of software, annual training, hardware support, dedicated onsite personnel and 24 hour technical support.

The City has utilized the CAD system since 2007. The system facilitates the management of critical public safety information which includes: immediate broadcast of emergency information for officers in distress, data transmission between emergency vehicles, ensures optimal response time and other critical functions. The use of this system is critical to first responders in assisting with handling vital information that links police officers, firefighters and paramedics.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Budget, Finance and Audit Committee on September 21, 2015.

FISCAL INFORMATION

$7,251,132.08 - Current Funds (subject to annual appropriations)

M/WBE INFORMATION

There were no M/WBE vendors contacted for this item because the recommended awardee is the sole source provider.

The recommended awardee has fulfilled the good faith requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Council Resolution No. 08-2826 as amended.

ETHNIC COMPOSITION

TriTech Software Systems, Inc.

White Male	94	White Female	59
Black Male	2	Black Female	4
Hispanic Male	9	Hispanic Female	3
Other Male	18	Other Female	17

BID INFORMATION

Bidder	Address	Amount
TriTech Software Systems, Inc.	9477 Waples Street Suite 100 San Diego, CA 92121	$7,251,132.08

Note: Pursuant to Business Development and Procurement Services' (BDPS) request, the Auditor's office has reviewed this sole source item and submitted related documentation and has determined BDPS meets the exceptions from competitive bidding as specified in the State of Texas Local Government Code, Chapter 252.022, General Exemptions (a)(7).

OWNER

TriTech Software Systems, Inc.

Christopher D. Maloney, President
Blake F. Clark, Vice President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a five-year service contract for maintenance and support of the City's existing computer aided dispatch system – TriTech Software Systems, Inc., sole source – Not to exceed $7,251,133 - Financing: Current Funds (subject to annual appropriations)

TriTech Software Systems, Inc. is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.
PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$0.00	0.00%
Total non-local contracts	$7,251,132.08	100.00%
TOTAL CONTRACT	$7,251,132.08	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$0.00	0.00%	$0.00	0.00%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$0.00	0.00%	$0.00	0.00%
Total	$0.00	0.00%	$0.00	0.00%

September 22, 2015

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

Section 1. That the City Manager is authorized to execute a service contract with TriTech Software Systems, Inc. (514648) for maintenance and support of the City's existing computer aided dispatch system for a term of five years in an amount not to exceed $7,251,132.08, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to TriTech Software Systems, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by TriTech Software Systems, Inc. under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds from the following appropriations in an amount not to exceed $7,251,132.08 (subject to annual appropriations):

FUND	DEPT	UNIT	OBJ	AMOUNT	FY	ENCUMBRANCE
0198	DSV	1676	3070	$ 126,889.83	2015	CTDSV15CADMNT
0198	DSV	1676	3099	$ 56,517.00	2015	CTDSV15CADMNT
0198	DSV	1676	3110	$1,078,339.74	2015	CTDSV15CADMNT
0198	DSV	1676	3070	$ 131,821.82	2016	CTDSV16CADMNT
0198	DSV	1676	3099	$ 59,705.00	2016	CTDSV16CADMNT
0198	DSV	1676	3110	$1,203,581.89	2016	CTDSV16CADMNT
0198	DSV	1676	3070	$ 137,000.41	2017	CTDSV17CADMNT
0198	DSV	1676	3099	$ 59,705.00	2017	CTDSV17CADMNT
0198	DSV	1676	3110	$1,265,110.99	2017	CTDSV17CADMNT
0198	DSV	1676	3070	$ 142,437.93	2018	CTDSV18CADMNT
0198	DSV	1676	3099	$ 59,705.00	2018	CTDSV18CADMNT
0198	DSV	1676	3110	$1,328,141.53	2018	CTDSV18CADMNT
0198	DSV	1676	3070	$ 148,147.33	2019	CTDSV19CADMNT
0198	DSV	1676	3099	$ 59,705.00	2019	CTDSV19CADMNT
0198	DSV	1676	3110	$1,394,323.61	2019	CTDSV19CADMNT

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

AGENDA ITEM # 5

KEY FOCUS AREA:	E-Gov
AGENDA DATE:	September 22, 2015
COUNCIL DISTRICT(S):	All
DEPARTMENT:	Business Development & Procurement Services Communication and Information Services
CMO:	Jeanne Chipperfield, 670-7804 Mark McDaniel, 670-3256
MAPSCO:	N/A

SUBJECT

Authorize **(1)** an acquisition contract for the purchase and implementation of hardware and software for a council agenda system in the amount of $171,140; and **(2)** a five-year service contract for maintenance and support for a council agenda system in the amount of $49,000 - PROVOX Systems, Inc., most advantageous proposer of four - Total not to exceed $220,140 - Financing: Current Funds (subject to annual appropriations)

BACKGROUND

This contract will allow for the purchase, installation and maintenance of a comprehensive agenda system that will be utilized for the preparation of City Council agendas and the posting of Boards and Commissions documents. The system will automate the process to compile and publish the official agenda documents with relevant attachments to the web for public review. The system will also integrate with other City systems to validate certain content and store electronic documents once documents are finalized. This new solution will provide new functionality while giving more flexibility in managing the preparation of the agendas. Some of the benefits gained include the ability to customize forms and reports, greater automation in the creation, review and approval of documents as well as access via the web or mobile devices. Maintenance and support includes software version upgrades, patches and bug fixes and technical support to remediate software issues.

This solution will replace the existing legacy Council Agenda Preparation System (CAPS) that was implemented in 1995 and is no longer supported by the manufacturer.

BACKGROUND (Continued)

A nine member evaluation committee was selected from the following departments:

- Communication and Information Services (2)
- City Secretary's Office (1)
- Police (1)
- Water Utilities (1)
- City Manager's Office (1)
- Management Services (Agenda Office) (1)
- Business Development and Procurement Services (2)*

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

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

- Cost 30%
- Experience and capability 25%
- Functional match 15%
- Technical match 15%
- Business Inclusion and Development Plan 15%

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services used its procurement system to send out 580 email bid notifications to vendors registered under respective commodities. To further increase competition, Business Development and Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, notifications were sent by the Business Development and Procurement Services' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Budget, Finance and Audit Committee on September 21, 2015.

FISCAL INFORMATION

$220,140.00 - Current Funds (subject to annual appropriations)

M/WBE INFORMATION

69 - Vendors contacted
69 - No response
0 - Response (Bid)
0 - Response (No Bid)
0 - Successful

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

The recommended awardee has fulfilled the requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Council Resolution No. 08-2826 as amended.

ETHNIC COMPOSITION

PROVOX Systems, Inc.

White Male	20	White Female	6
Black Male	0	Black Female	0
Hispanic Male	0	Hispanic Female	0
Other Male	0	Other Female	0

PROPOSAL INFORMATION

The following proposals were received from solicitation number BHZ1515 and were opened on July 2, 2015. These contracts are being awarded in its entirety to the most advantageous proposer.

*Denotes successful proposer

Proposers	Address	Score	Amount
*PROVOX Systems, Inc.	8591 Synergy Dr. Suite 223 McKinney, TX 75070	80%	$220,140.00
Accela, Inc.	2633 Camino Ramon Suite 500 San Ramon, CA 94583	71%	$365,600.00
Granicus, Inc.	707 17th St. Suite 4000 Denver, CO 80202	59%	$303,100.00

PROPOSAL INFORMATION (Continued)

Proposers	Address	Score	Amount
Hyland Software, Inc.	28500 Clemens Rd. Westlake, OH 44145	49%	$586,616.00

OWNER

PROVOX Systems, Inc.

Markus Vogt, President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize **(1)** an acquisition contract for the purchase and implementation of hardware and software for a council agenda system in the amount of $171,140; and **(2)** a five-year service contract for maintenance and support for a council agenda system in the amount of $49,000 - PROVOX Systems, Inc., most advantageous proposer of four - Total not to exceed $220,140 - Financing: Current Funds (subject to annual appropriations)

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

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$0.00	0.00%
Total non-local contracts	$220,140.00	100.00%
TOTAL CONTRACT	$220,140.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

Non-local	Certification	Amount	Percent
Saratoga Software Solutions, Inc.	WFWB63774N1216	$22,800.00	10.36%
Total Minority - Non-local		$22,800.00	10.36%

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$0.00	0.00%	$0.00	0.00%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$0.00	0.00%	$22,800.00	10.36%
Total	$0.00	0.00%	$22,800.00	10.36%

September 22, 2015

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

Section 1. That the City Manager is authorized to execute (1) an acquisition contract for the purchase and implementation of hardware and software for a council agenda system in the amount of $171,140.00; and (2) a five-year service contract for maintenance and support for a council agenda system in the amount of $49,000.00, with PROVOX Systems, Inc. (VS89338) in a total amount not to exceed $220,140.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to PROVOX Systems, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by PROVOX Systems, Inc. under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds from the following appropriations in an amount not to exceed $220,140.00 (subject to annual appropriations):

FUND	DEPT	UNIT	OBJ	AMOUNT	FY	ENCUMBRANCE
0198	DSV	1665	3070	$33,900.00	2015	CTDSV15CAPSUP
0198	DSV	1665	4735	$42,300.00	2015	CTDSV15CAPSUP
0198	DSV	1665	3438	$ 9,800.00	2015	CTDSV15CAPSUP
0198	DSV	1665	3438	$ 9,800.00	2016	CTDSV16CAPSMT
0198	DSV	1665	3070	$54,940.00	2017	CTDSV17CAPSUPG
0198	DSV	1665	4735	$40,000.00	2017	CTDSV17CAPSUPG
0198	DSV	1665	3438	$ 9,800.00	2017	CT DSV17CAPSMT
0198	DSV	1665	3438	$ 9,800.00	2018	CTDSV18AGENOM
0198	DSV	1665	3438	$ 9,800.00	2019	CTDSV19AGENOM

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

AGENDA ITEM # 6

KEY FOCUS AREA: E-Gov

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Fire

CMO: Jeanne Chipperfield, 670-7804
Eric Campbell, 670-3255

MAPSCO: N/A

SUBJECT

Authorize **(1)** an acquisition contract for the purchase, development and installation of a patient care data management system in the amount of $910,000; and **(2)** a three-year service contract, with two one-year renewal options, for the maintenance and support of the patient care data management system in the amount of $253,851 - Telamon Corporation, most advantageous proposer of five - Total not to exceed $1,163,851 - Financing: Current Funds (subject to annual appropriations)

BACKGROUND

These contracts will allow for the purchase, development, installation, maintenance and support of a patient care data management system for Fire-Rescue. This system will be utilized for the Mobile Community Health Program (MCHP) to collect and manage program data related to patient healthcare management. Under the MCHP, there are two general patient enrollment groups. The first group are high frequency users of the emergency medical service (EMS) system. These patients are provided a full life assessment to determine their need for excess dependence on the 911 system and they are then referred to community partners to meet their specific needs and reduce their dependence on 911 services. The second group is patients that are referred from area healthcare partners, through contractual agreements, that require specific interventions to prevent hospital readmissions or reduce the cost of healthcare delivery for these patients. Data generated from these patient visits will be entered and stored into the patient care data management system to monitor and manage program effectiveness and efficiency. Additionally, bi-directional secure communication channels will be created under this contract with area healthcare partners to securely exchange information related to the MCHP as well as routine 911 service delivery. This aspect of the project will involve all EMS activity data information flow and security that will additionally provide a higher level of coordinated patient care.

BACKGROUND (Continued)

The system is fully compliant with federal, state and local government regulations and is web-hosted and cloud-based. This platform will help ensure the system meets current and future needs as well as provides flexibility to adapt quickly to complex healthcare reporting requirements. The system also interfaces with existing City hardware and software such as the Electronic Patient Care Record system, the Computer Aided Dispatch as well as billing software.

A six member evaluation committee was selected from the following departments:

- Communication and Information Services (1)
- Fire-Rescue (2)
- Financial Services (1)
- Business Development and Procurement Services (2)*

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

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

- Cost 30%
- Experience and capability 25%
- Functional match 15%
- Technical match 15%
- Business Inclusion and Development Plan 15%

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services used its procurement system to send out 1,810 email bid notifications to vendors registered under respective commodities. To further increase competition, Business Development and Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, notifications were sent by the Business Development and Procurement Services' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information on this item was briefed to the Public Safety Committee on August 10, 2015.

FISCAL INFORMATION

$1,163,850.88 - Current Funds (subject to annual appropriations)

M/WBE INFORMATION

298 - Vendors contacted
298 - No response
0 - Response (Bid)
0 - Response (No Bid)
0 - Successful

1,810 - M/WBE and Non-M/WBE vendors were contacted

The recommended awardee has fulfilled the requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Council Resolution No. 08-2826 as amended.

ETHNIC COMPOSITION

Telamon Corporation

White Male	309	White Female	87
Black Male	0	Black Female	0
Hispanic Male	0	Hispanic Female	0
Other Male	157	Other Female	82

PROPOSAL INFORMATION

The following proposals were received from solicitation number BHZ1517 and were opened on July 16, 2015. These contracts are being awarded in their entirety to the most advantageous proposer.

*Denotes successful proposer

Proposers	Address	Score	Amount
*Telamon Corporation	1000 E. 116th St. Carmel, IN 46032-3416	71.4%	$1,163,850.88
Technology Advisors, Inc.	1111 E Touhy Ave. Suite 550 Des Plaines, IL 60018	65.1%	$1,364,219.00

PROPOSAL INFORMATION (Continued)

Proposers	Address	Score	Amount
Physio-Control, Inc.	11811 Willow Rd. NE Redmond, WA 98052	65.3%	$ 663,680.00
Image Trend, Inc.	20855 Kensington Blvd. Lakeville, MN 55044	54.2%	$1,484,680.00
ZOLL Data Systems, Inc.	11802 Ridge Pkwy. Suite 400 Broomfield, CO 80021	44.6%	$1,235,000.00

OWNER

Telamon Corporation

Albert Chen, President
Stanley Chen, Vice President
Stephanie Chen Fuhrmann, Secretary

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize **(1)** an acquisition contract for the purchase, development and installation of a patient care data management system in the amount of $910,000; and **(2)** a three-year service contract, with two one-year renewal options, for the maintenance and support of the patient care data management system in the amount of $253,851 - Telamon Corporation, most advantageous proposer of five - Total not to exceed $1,163,851 - Financing: Current Funds (subject to annual appropriations)

Telamon Corporation is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.
PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$0.00	0.00%
Total non-local contracts	$1,163,850.88	100.00%
TOTAL CONTRACT	$1,163,850.88	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$0.00	0.00%	$0.00	0.00%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$0.00	0.00%	$0.00	0.00%
Total	$0.00	0.00%	$0.00	0.00%

September 22, 2015

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

Section 1. That the City Manager is authorized to execute (1) an acquisition contract for the purchase, development and installation of a patient care data management system in the amount of $910,000.00; and (2) a three-year service contract, with two one-year renewal options, for the maintenance and support of the patient care data management system in the amount of $253,850.88, with Telamon Corporation (VS88723), in a total amount not to exceed $1,163,850.88, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Telamon Corporation shall be based only on the amount of the services directed to be performed by the City and properly performed by Telamon Corporation under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds from the following appropriations in an amount not to exceed $1,163,850.88 (subject to annual appropriations):

FUND	DEPT	UNIT	OBJ	AMOUNT	FY	ENCUMBRANCE
0001	DFD	ER90	4735	$400,000.00	2015	CTCRDFDER90808
0001	DFD	ER90	3070	$150,600.00	2015	CTCRDFDER90809
0001	DFD	ER90	3070	$179,700.00	2016	CTCRDFDER90809A
0001	DFD	ER90	3438	$126,925.44	2016	CTCRDFDER90809B
0001	DFD	ER90	3070	$179,700.00	2017	CTCRDFDER90810
0001	DFD	ER90	3438	$126,925.44	2017	CTCRDFDER90810A

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

AGENDA ITEM # 7

KEY FOCUS AREA: E-Gov

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Office of Risk Management

CMO: Jeanne Chipperfield, 670-7804

MAPSCO: N/A

SUBJECT

Authorize a three-year subscription agreement, with two one-year renewal options, for a centralized risk claims management system - Origami Risk, LLC, most advantageous proposer of four - Not to exceed $409,434 - Financing: Current Funds (subject to annual appropriations)

BACKGROUND

This contract will provide for a centralized risk claims management system. The City annually stores and tracks over 3,000 workers' compensation, liability and auto claims, safety training records, vehicle collision files and limited duty case files in the following systems and software:

- C-Star Portal – provides 3rd party claims system for workers' compensation and liability data
- Lawson Human Resources Information System
- Intelex - Provides Occupational Health and Safety objectives

This system will provide:

- Central location to store, access and retrieve all of the City's safety and claim related data
- Full integration of Office of Risk Management's functions
- Incident trends and patterns
- Advanced customized reports
- Safety scorecard(s)
- Return-to-Work diary system (paperless)
- Citywide staff web-based accessibility

BACKGROUND (Continued)

A six member evaluation committee was selected from the following departments

- Office of Risk Management (2)
- Center for Performance Excellence (1)
- Office of Environmental Quality (1)
- Communication and Information Services (1)
- Business Development and Procurement Services (1)*

*Business Development and Procurement Services only evaluated the cost.

- Cost 30%
- Technical/functional match 30%
- Experience and capabilities 25%
- Approach 15%

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services used its procurement system to send out 1,018 email bid notifications to vendors registered under respective commodities. To further increase competition, Business Development and Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, notifications were sent by the Business Development and Procurement Services' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Budget, Finance and Audit Committee on September 21, 2015.

FISCAL INFORMATION

$409,434.00 - Current Funds (subject to annual appropriations)

M/WBE INFORMATION

144 - Vendors contacted
144 - No response
0 - Response (Bid)
0 - Response (No Bid)
0 - Successful

1,018 - M/WBE and Non-M/WBE vendors were contacted

M/WBE INFORMATION (Continued)

The recommended awardee has fulfilled the requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Council Resolution No. 08-2826 as amended.

ETHNIC COMPOSITION

Origami Risk, LLC

White Male	33	White Female	23
Black Male	0	Black Female	0
Hispanic Male	0	Hispanic Female	0
Other Male	2	Other Female	1

PROPOSAL INFORMATION

The following proposals were received from solicitation number BHZ1514 and were opened on May 14, 2015. This subscription agreement is being awarded in its entirety to the most advantageous proposer.

*Denotes successful proposer

Proposers	Address	Score	Amount
*Origami Risk, LLC	444 N. Orleans St. Irving, TX 75063	93%	$409,434.00
Marsh ClearSight, LLC	540 W. Madison St. Chicago, IL 60661	87%	$408,891.00
JDi Data Corporation	2400 E Commercial Blvd. Ft. Lauderdale, FL 33308	75%	$496,700.00
System Soft Technologies	3000 Bayport Dr. Suite 840 Tampa, FL 33607	70%	$335,250.00

OWNER

Origami Risk, LLC

Bob Petrie, President
Aaron Shapiro, Vice President
Kathy Buesch, Treasurer

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year subscription agreement, with two one-year renewal options, for a centralized risk claims management system - Origami Risk, LLC, most advantageous proposer of four - Not to exceed $409,434 - Financing: Current Funds (subject to annual appropriations)

Origami Risk, LLC is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.
PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$0.00	0.00%
Total non-local contracts	$409,434.00	100.00%
TOTAL CONTRACT	$409,434.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$0.00	0.00%	$0.00	0.00%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$0.00	0.00%	$0.00	0.00%
Total	$0.00	0.00%	$0.00	0.00%

September 22, 2015

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

Section 1. That the City Manager is authorized to execute a subscription agreement with Origami Risk, LLC (VS89073) for a centralized risk claims management system for a term of three years, with two one-year renewal options, in an amount not to exceed $409,434.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Origami Risk, LLC shall be based only on the amount of the services directed to be performed by the City and properly performed by Origami Risk, LLC under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds from the following appropriations in an amount not to exceed $409,434.00 (subject to annual appropriations):

FUND	DEPT	UNIT	OBJ	AMOUNT	FY	ENCUMBRANCE
0189	ORM	3801	3070	$167,743.00	2015	ORM3801RMISFY1
0189	ORM	3801	3070	$120,845.00	2016	ORM3801RMISFY2
0189	ORM	3801	3070	$120,846.00	2017	ORM3801RMISFY3

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

AGENDA ITEM # 8

KEY FOCUS AREA: E-Gov

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Fire
Aviation
Street Services
Water Utilities
Equipment & Building Services

CMO: Jeanne Chipperfield, 670-7804
Eric Campbell, 670-3255
Ryan S. Evans, 671-9837
Jill A. Jordan, P.E., 670-5299
Mark McDaniel, 670-3256

MAPSCO: N/A

SUBJECT

Authorize **(1)** the purchase of six ambulances - Southwest Ambulance Sales, LLC in the amount of $1,282,558, seven pumpers and two aerial trucks - Metro Fire Apparatus Specialists, Inc. in the amount of $5,960,357, two aircraft rescue and firefighting apparatus - DACO Fire Equipment, Inc. in the amount of $1,935,342 and two mowers - Four Brothers Outdoor Power in the amount of $43,000 through the Houston-Galveston Area Council of Governments; **(2)** the purchase of ten sport utility vehicles - Sam Pack's Five Star Ford in the amount of $279,062, three dump trucks - Southwest International Trucks, Inc. in the amount of $303,170, two tractors - Four Brothers Outdoor Power in the amount of $102,000 and ten garbage trucks - Chastang Ford in the amount of $1,985,505 through the Texas Association of School Boards; and **(3)** the purchase of one roll-off container truck - East Texas Mack Sales, LLC in the amount of $164,813 through The Interlocal Purchasing System - Total not to exceed $12,055,807 - Financing: Current Funds ($3,850,295), Municipal Lease Agreement Funds ($5,960,357), Aviation Capital Construction Funds ($1,935,342) and Water Utilities Current Funds ($309,813)

BACKGROUND

This item will authorize the purchase of fleet vehicles and equipment for various City departments. Below is a list of the units:

- Ambulances - 6
- Pumpers - 7 (5 - fire pumpers, 2 – type III wildland pumpers)

BACKGROUND (Continued)

- Aerial trucks - 2
- Aircraft rescue and firefighting (ARFF) apparatus - 2
- Sport utility vehicles - 10 (8 - Fire-Rescue, 2 - Street Services)
- Roll-off container truck - 1 (Water Utilities)
- Dump trucks - 3 (Street Services)
- Mowers - 2 (Water Utilities)
- Tractors - 2 (Water Utilities)
- Garbage trucks - 10 (Sanitation)

Fire-Rescue's (DFR) acquisitions of emergency equipment are replacement vehicles, with the exception of one pumper truck which is an addition to DFR's fleet. These vehicles and equipment will be used for emergency response for the citizens of Dallas. Units will be utilized in aircraft firefighting emergency response, as well as emergency fire, Emergency Medical Services (EMS) and wildland scenarios.

DFR responded to 120,193 fire emergency calls in FY 2013-14 accumulating approximately 884,542 miles in the City and is on pace to match and possibly exceed that mileage this fiscal year. Emergency services are vital to the City's community and therefore the equipment used in the delivery of these services must be effective and reliable.

The fire equipment being replaced (two aerial trucks, five fire pumpers and two type III wildland pumpers) have met their useful life of twelve to fifteen years respectively. These vehicles have gone through an evaluation process using an established criterion to ensure that only vehicles that have exceeded their regular maintenance program are replaced. The equipment evaluation process uses criterion that includes life-to-date maintenance costs, recommended replacement mileage, recommended replacement life and a point system that includes down time, and number of work orders to determine vehicles productivity.

Street Services is requesting to purchase three dump trucks and two sports utility vehicles (SUV). The dump trucks are requested to replace rental units and will aid in the completion of planned work on street maintenance projects. The SUVs are requested to support increased construction field inspections. These SUVs will assist the employees in hauling tools and equipment necessary for them to perform these inspections.

This purchase will provide one new roll-off container truck to be used to dispose of lime grit. Lime grit is generated as waste from the water treatment process at Eastside Wastewater Treatment Plant. The plant produces four to six 30-yard roll-off containers every month. Currently, the plant uses a contracted company to haul off the lime grit to the landfill, and when the contractor is not available or the volumes are too high, the plant uses resources, personnel, and equipment from Central Wastewater Treatment Plant (CWWTP) to help transport the waste.

BACKGROUND (Continued)

The purchase of this roll-off truck will provide CWWTP more flexibility in the disposal of this waste as well as eliminate the need for the contractor.

The Southside Wastewater Treatment Plant (SWWTP) covers approximately 2,800 acres of land. Due to the large amount of open grassland SWWTP requires a continuous mowing schedule. To perform these tasks SWWTP plant services personnel must have reliable mowing equipment. In FY 2014-2015 budget for SWWTP money was designated for the purchase of 2 new Holland tractors and 2 Rhino Batwing mowers. This equipment is to replace existing equipment that has met its useful life. The tractors will be used to mobilize the large mowers that are a part of this purchase and also to move other large towable equipment needed by plant personnel to maintain the facility.

Equipment and Building Services is requesting to purchase ten replacement garbage trucks used for refuse and recycling collection throughout the City which have exceeded their useful lives of five to seven years. Each has been evaluated using established criteria to ensure that only vehicles that have exceeded their useful life are replaced. The equipment evaluation includes life-to-date maintenance costs, recommended replacement mileage and recommended replacement life.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 21, 2011, City Council authorized an ordinance for the proposed FY 2011-12 City of Dallas Operating, Grants and Trusts, and Capital Budgets by Resolution No. 11-2613.

On January 11, 2012, City Council authorized a one-year master agreement for the purchase of one hundred ninety-six pieces of fleet equipment and a one-year master agreement for the purchase of one hundred three pieces of fleet equipment by Resolution No. 12-0162.

On June 27, 2012, City Council authorized the purchase of fourteen ambulances, five fire pumpers and two aerial trucks by Resolution No. 12-1616.

On June 12, 2013, City Council authorized a one-year master agreement for the purchase of two hundred seventy-two pieces of fleet and equipment, a one-year master agreement for the purchase of eight pieces of fleet equipment and a one-year master agreement for the purchase of four pieces of fleet equipment by Resolution No. 13-0936.

On September 25, 2013, City Council authorized the purchase of fourteen ambulances, five fire pumpers, aerial trucks and two wildland engines; and one lift body truck by Resolution No. 13-1669.

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

On December 11, 2013, City Council authorized a one-year master agreement for the purchase of two-hundred ten fleet vehicles and equipment, thirty-eight fleet vehicles and equipment and eighty-eight fleet vehicles and equipment by Resolution No. 13-2055.

On March 25, 2015, City Council authorized a one-year master agreement for the purchase of eighty seven fleet vehicles and equipment, twenty fleet vehicles and equipment and one-hundred nine fleet vehicles and equipment by Resolution No. 15-0478.

Information about this item will be provided to the Budget, Finance and Audit Committee on September 21, 2015.

FISCAL INFORMATION

$3,850,294.67 - Current Funds
$ 309,813.00 - Water Utilities Current Funds
$1,935,342.00 - Aviation Capital Construction Funds
$5,960,357.00 - Municipal Lease Agreement Funds

ETHNIC COMPOSITION

Southwest Ambulance Sales, LLC

White Male	8	White Female	2
Black Male	0	Black Female	0
Hispanic Male	0	Hispanic Female	0
Other Male	0	Other Female	0

Metro Fire Apparatus Specialists, Inc.

White Male	50	White Female	2
Black Male	3	Black Female	0
Hispanic Male	14	Hispanic Female	2
Other Male	0	Other Female	0

DACO Fire Equipment, Inc.

White Male	16	White Female	2
Black Male	2	Black Female	0
Hispanic Male	1	Hispanic Female	0
Other Male	0	Other Female	0

ETHNIC COMPOSITION (Continued)

Sam Pack's Five Star Ford

White Male	93	White Female	16
Black Male	21	Black Female	0
Hispanic Male	73	Hispanic Female	9
Other Male	6	Other Female	1

Southwest International Trucks, Inc.

White Male	265	White Female	36
Black Male	21	Black Female	1
Hispanic Male	80	Hispanic Female	5
Other Male	3	Other Female	0

East Texas Mack Sales, LLC

White Male	47	White Female	8
Black Male	0	Black Female	1
Hispanic Male	9	Hispanic Female	0
Other Male	0	Other Female	0

Four Brothers Outdoor Power

White Male	17	White Female	8
Black Male	0	Black Female	0
Hispanic Male	6	Hispanic Female	0
Other Male	0	Other Female	0

Chastang Ford

White Male	30	White Female	7
Black Male	7	Black Female	0
Hispanic Male	21	Hispanic Female	5
Other Male	0	Other Female	0

OWNERS

Southwest Ambulance Sales, LLC

Paul Cartusciello, President
Heath A. Hardwick, Vice President

Metro Fire Apparatus Specialists, Inc.

Craig N. Russell, President

OWNERS (Continued)

DACO Fire Equipment, Inc.

Steve Davis, President
Wesley Dobmeier, Vice President
Garrett Dobmeier, Secretary

Sam Pack's Five Star Ford

Sam Pack, President

Southwest International Trucks, Inc.

Russ Trimble, President
Shane McBee, Vice President
Jane Roth, Secretary

East Texas Mack Sales, LLC

Bill Bankston, President
David Carroum, Vice President
Joseph Kennedy, Secretary

Four Brothers Outdoor Power

Rex Kelly, President
Russell Kelly, Vice President
Eddy Kelly, Secretary

Chastang Ford

Joseph Chastang, President
Patrick Chastang, Vice President
Steve Bobo, Secretary

September 22, 2015

WHEREAS, on September 21, 2011, City Council authorized an ordinance for the proposed FY 2011-12 City of Dallas Operating, Grants and Trusts, and Capital Budgets by Resolution No. 11-2613; and,

WHEREAS, on January 11, 2012, City Council authorized a one-year master agreement for the purchase of one hundred ninety-six pieces of fleet equipment and a one-year master agreement for the purchase of one hundred three pieces of fleet equipment by Resolution No. 12-0162; and,

WHEREAS, on June 27, 2012, City Council authorized the purchase of fourteen ambulances, five fire pumpers and two aerial trucks by Resolution No. 12-1616; and,

WHEREAS, on June 12, 2013, City Council authorized a one-year master agreement for the purchase of two hundred seventy-two pieces of fleet and equipment, a one-year master agreement for the purchase of eight pieces of fleet equipment and a one-year master agreement for the purchase of four pieces of fleet equipment by Resolution No. 13-0936; and,

WHEREAS, on September 25, 2013, City Council authorized the purchase of fourteen ambulances, five fire pumpers, aerial trucks and two wildland engines; and one lift body truck by Resolution No. 13-1669; and,

WHEREAS, on December 11, 2013, City Council authorized a one-year master agreement for the purchase of two-hundred ten fleet vehicles and equipment, thirty-eight fleet vehicles and equipment and eighty-eight fleet vehicles and equipment by Resolution No. 13-2055; and

WHEREAS, on March 25, 2015, City Council authorized a one-year master agreement for the purchase of eighty seven fleet vehicles and equipment, twenty fleet vehicles and equipment and one-hundred nine fleet vehicles and equipment by Resolution No. 15-0478.

NOW, THEREFORE,

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

September 22, 2015

Section 1. That (1) the purchase of six ambulances is authorized with Southwest Ambulance Sales, LLC (VS0000080367) in an amount of $1,282,558.00, seven pumpers and two aerial trucks is authorized with Metro Fire Apparatus Specialists, Inc. (339015) in an amount of $5,960,357.00, two aircraft rescue and firefighting apparatus is authorized with DACO Fire Equipment, Inc. (VS0000077031) in an amount of $1,935,342.00 and two mowers is authorized with Four Brothers Outdoor Power (256331) in an amount of $43,000.00 through the Houston-Galveston Area Council of Governments; (2) the purchase of ten sport utility vehicles is authorized with Sam Pack' s Five Star Ford (113696) in an amount of $279,062.10, three dump trucks is authorized with Southwest International Trucks, Inc. (003940) in an amount of $303,169.57, two tractors is authorized with Four Brothers Outdoor Power (256331) in an amount of $102,000.00 and ten garbage trucks is authorized with Chastang Ford (VS0000011688) in an amount of $1,985,505.00 through the Texas Association of School Boards; and (3) the purchase of one roll-off container truck is authorized with East Texas Mack Sales, LLC (VS88669) in an amount of $164,813.00 through The Interlocal Purchasing System in a total amount not to exceed $12,055,806.67.

Section 2. That the Purchasing Agent is authorized, upon appropriate requisition, to issue a purchase order for six ambulances, seven pumpers, two aerial trucks, two aircraft rescue and firefighting apparatus, two mowers, ten sport utility vehicles, three dump trucks, two tractors, ten garbage trucks and one roll-off container truck. If a formal contract is required for this purchase instead of a purchase order, the City Manager is authorized to execute the contract upon approval as to form by the City Attorney.

Section 3. That the Chief Financial Officer is authorized to disburse funds from the following appropriations in an amount not to exceed $12,055,806.67:

Fund	Dept	Unit	Obj	Amount	Encumbrance
0001	BMS	1991	4742	$1,282,558.00	PODFD00000120951
ML15	DFD	E344	4742	$5,960,357.00	PODFD00000120641
0131	AVI	W006	4890	$1,935,342.00	POAVI00000120642
0001	BMS	1991	4742	$ 218,352.02	PODFD00000120953
0001	STS	3432	4742	$ 303,169.57	POSTS00000120970
0001	STS	3052	4740	$ 60,710.08	POSTS00000120969
0100	DWU	7455	4740	$ 145,000.00	POSTS00000120643
0100	DWU	7333	4742	$ 164,813.00	PODWU00000120644
0001	BMS	1991	4742	$1,985,505.00	POBMS00000121040

Section 4. That in order to reimburse and finance the lease/purchase acquisition of the equipment described herein over a period not to exceed the estimated useful life (10 years) thereof, any Authorized Officer of the City designated in the Master Equipment Lease/Purchase Agreement (the "Master Lease") between Banc of America Public Capital Corp and the City is hereby authorized and directed to execute, acknowledge and deliver a Schedule A (as defined in the Master Lease) pertaining to such equipment including all attachments, financing statements and schedules thereto, in substantially the form attached to the Master Lease, with such changes as the signing officer shall determine to be advisable. Each Authorized Officer of the City is also authorized to execute, acknowledge and deliver any other agreement, instrument, certificate, representation and document, and to take any other action as may be advisable, convenient or necessary to enter into such Schedule A. The financing terms for such equipment, to be determined pursuant to the provisions of the Master Lease and reflected in such Schedule A, and the granting of a security interest in the financed equipment pursuant to the Master Lease, are hereby approved.

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

AGENDA ITEM # 9

KEY FOCUS AREA: Public Safety

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Water Utilities

CMO: Jeanne Chipperfield, 670-7804
Mark McDaniel, 670-3256

MAPSCO: N/A

SUBJECT

Authorize a three-year master agreement for dipotassium orthophosphate to be used by Water Utilities – Shannon Chemical Corporation, lowest responsible bidder of four - Not to exceed $6,034,625 - Financing: Water Utilities Current Funds

BACKGROUND

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

This master agreement will provide dipotassium orthophosphate to the City's three water treatment plants. Dipotassium orthophosphate is an NSF certified chemical used for corrosion control in potable water systems. Water Utilities (DWU) uses this chemical to reduce the effects of corrosion and maintenance on the water system infrastructure. DWU has been using this corrosion inhibitor at all three water treatment plants since 2010, this product has also been shown to minimize and greatly reduce the occurrence of lead and copper which are regulated under the Safe Drinking Water Act. DWU provides service to an estimated 2.4 million people in Dallas and surrounding communities. On average, the City pumps over 417 million gallons of water per day.

This solicitation was structured in a manner which required bidders to submit a response using unit pricing. This bid resulted in a 4.68% decrease on comparable unit prices for the bid awarded in 2012.

BACKGROUND (Continued)

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services used its procurement system to send out 97 email bid notifications to vendors registered under respective commodities. To further increase competition, Business Development and Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, notifications were sent by the Business Development and Procurement Services' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL BOARDS, COMMISSIONS)

On March 9, 2011, City Council authorized a one-year master agreement for dipotassium orthophosphate (chemical for corrosion control) to be used by Water Utilities by Resolution No. 11-0624.

On March 28, 2012, City Council authorized a three-year master agreement for dipotassium orthophosphate to be used by Water Utilities by Resolution No. 12-0860.

Information about this item will be provided to the Budget, Finance and Audit Committee on September 21, 2015.

FISCAL INFORMATION

$6,034,624.06 - Water Utilities Current Funds

M/WBE INFORMATION

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

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

The recommended awardee has fulfilled the good faith requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Council Resolution No. 08-2826 as amended.

ETHNIC COMPOSITION

Shannon Chemical Corporation

White Male	8	White Female	5
Black Male	1	Black Female	0
Hispanic Male	1	Hispanic Female	0
Other Male	0	Other Female	0

BID INFORMATION

The following bids were received from solicitation number BP1515 and opened on July 30, 2015. This master agreement is being awarded in its entirety to the lowest responsive and responsible bidder.

*Denotes successful bidder

Bidders	Address	Amount of Bid
*Shannon Chemical Corporation	602 Jeffers Cr. Exton, PA 19341	$6,034,624.06
Carus Corporation	315 Fifth St. Peru, IL 61354	$6,048,094.21
Simply Aquatics, Inc.	567 CR 3065 Kirbyville, TX 75956	$6,061,564.35
Tri Chem Specialty Chemicals, LLC	111 Tennyson Pl. Coppell, TX 75019	$6,464,321.63

OWNER

Shannon Chemical Corporation

Daniel C. Flynn, President
Karl Spivak, Vice President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year master agreement for dipotassium orthophosphate to be used by Water Utilities – Shannon Chemical Corporation, lowest responsible bidder of four - Not to exceed $6,034,625 - Financing: Water Utilities Current Funds

Shannon Chemical Corporation is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.
PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$0.00	0.00%
Total non-local contracts	$6,034,624.06	100.00%
TOTAL CONTRACT	$6,034,624.06	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$0.00	0.00%	$0.00	0.00%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$0.00	0.00%	$0.00	0.00%
Total	$0.00	0.00%	$0.00	0.00%

September 22, 2015

WHEREAS, on March 9, 2011, City Council authorized a one-year master agreement for dipotassium orthophosphate (chemical for corrosion control) to be used by Water Utilities by Resolution No. 11-0624; and,

WHEREAS, on March 28, 2012, City Council authorized a three-year master agreement for dipotassium orthophosphate to be used by Water Utilities by Resolution No. 12-0860; and,

WHEREAS, on October 2, 2014, Administrative Action No. 14-7008 authorized to extend the term for the master agreement for dipotassium orthophosphate through March 28, 2016;

NOW, THEREFORE,

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

Section 1. That a master agreement for the purchase of dipotassium orthophosphate to be used by Water Utilities is authorized with Shannon Chemical Corporation (516884) for a term of three years in an amount not to exceed $6,034,624.06.

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

Section 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $6,034,624.06.

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

AGENDA ITEM # 10

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Water Utilities

CMO: Jeanne Chipperfield, 670-7804
Mark McDaniel, 670-3256

MAPSCO: N/A

SUBJECT

Authorize a three-year master agreement for ferrous sulfate and ferrous chloride – Pencco, Inc., lowest responsible bidder of three - Not to exceed $6,731,640 - Financing: Water Utilities Current Funds

BACKGROUND

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

This master agreement will enable the City to purchase ferrous sulfate and ferrous chloride for use in the wastewater treatment process. Chemicals purchased under this agreement protect the wastewater system infrastructure against corrosion, improve sludge quality for safer disposal and mitigate nuisance odors which may occur throughout the wastewater system.

Odors are generated during the process of conveying the wastewater from its inception to the treatment plant. While traveling through sewer lines, wastewater can become septic and generate hydrogen sulfides, which is easily recognized by its offensive odor. The chemicals will be dosed directly into the wastewater systems by nine independent dosing systems which are placed in various locations throughout the City.

Water Utilities provides wastewater treatment services to approximately 1,350,000 customers in Dallas and surrounding communities. The City treats approximately 65 billion gallons of wastewater per year.

BACKGROUND (Continued)

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services used its procurement system to send out 225 email bid notifications to vendors registered under respective commodities. To further increase competition, Business Development and Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, notifications were sent by the Business Development and Procurement Services' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL BOARDS, COMMISSIONS)

On April, 27, 2011, City Council authorized a one-year master agreement for ferrous sulfate and ferrous chloride to be used by Water Utilities by Resolution No. 11-1104.

On March 28, 2012, City Council authorized a three-year master agreement for ferrous sulfate and ferrous chloride by Resolution No. 12-0861.

On August 12, 2015, City Council authorized the rejection of the only bid received for liquid ferrous iron salt and the re-advertisement for new bids by Resolution No. 15-1476.

Information about this item will be provided to the Budget, Finance and Audit Committee on September 21, 2015.

FISCAL INFORMATION

$6,731,640.00 - Water Utilities Current Funds

M/WBE INFORMATION

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

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

The recommended awardee has fulfilled the good faith requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Council Resolution No. 08-2826 as amended.

ETHNIC COMPOSITION

Pencco, Inc.

White Male	44	White Female	9
Black Male	8	Black Female	1
Hispanic Male	22	Hispanic Female	2
Other Male	0	Other Female	0

BID INFORMATION

The following bids were received from solicitation number BP1518 and were opened on September 4, 2015. This master agreement is being awarded to the lowest responsive and responsible bidder by group. Information related to this solicitation is available upon request.

*Denotes successful bidder

Bidders	Address	Amount of Bid
*Pencco, Inc.	831 Bartlett Road Sealy, TX 77474	Multiple Groups
Aerooke Services, LLC	627 Becden Road Howe, TX 78459	Multiple Groups
Altivia Chemicals, LLC	1100 Louisiana Street Houston, TX 77002	Multiple Groups

OWNER

Pencco, Inc.

Aline Horne, President
Sarah Duffy, Secretary

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year master agreement for ferrous sulfate and ferrous chloride – Pencco, Inc., lowest responsible bidder of three - Not to exceed $6,731,640 - Financing: Water Utilities Current Funds

Pencco, Inc. is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following subcontractor.
PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$0.00	0.00%
Total non-local contracts	$6,731,640.00	100.00%
TOTAL CONTRACT	$6,731,640.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

Non-local	Certification	Amount	Percent
Ricochet Fuel	WFWB63913Y0117	$67,316.40	1.00%
Total Minority - Non-local		$67,316.40	1.00%

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$0.00	0.00%	$0.00	0.00%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$0.00	0.00%	$67,316.40	1.00%
Total	$0.00	0.00%	$67,316.40	1.00%

September 22, 2015

WHEREAS, on April 27, 2011, City Council authorized a one-year master agreement for ferrous sulfate and ferrous chloride to be used by Water Utilities by Resolution No. 11-1104; and,

WHEREAS, on March 28, 2012, City Council authorized a three-year master agreement for ferrous sulfate and ferrous chloride by Resolution No. 12-0861; and,

WHEREAS, on November 13, 2014, Administrative Action No. 14-7009 authorized to extend the term of the master agreement for ferrous sulfate through September 26, 2015; and,

WHEREAS, on August 12, 2015, City Council authorized the rejection of the only bid received for liquid ferrous iron salt and the re-advertisement for new bids by Resolution No. 15-1476;

NOW, THEREFORE,

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

Section 1. That a master agreement for the purchase of ferrous sulfate and ferrous chloride is authorized with Pencco, Inc. (266895) for a term of three years in an amount not to exceed $6,731,640.00.

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

Section 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $6,731,640.00.

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

AGENDA ITEM # 11

KEY FOCUS AREA: E-Gov

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

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

MAPSCO: N/A

SUBJECT

Authorize Supplemental Agreement No. 1 to the professional services contract with the Law Office of Mark E. Goldstucker for additional legal services in the lawsuit styled Bobby Gerald Bennett v. Cardan Spencer, et al., Civil Action No. 3:14-CV-00402-N - Not to exceed $75,000, from $50,000 to $125,000 - Financing: Current Funds

BACKGROUND

Supplemental Agreement No. 1 will authorize the Law Office of Mark E. Goldstucker to provide additional services necessary to represent Cardan Spencer in the lawsuit styled Bobby Gerald Bennett v. Cardan Spencer, et al., Civil Action No. 3:14-CV-00402-N.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council was briefed in Closed Session on September 9, 2015.

FISCAL INFORMATION

$75,000 - Current Funds

M/WBE INFORMATION

The recommended awardee has fulfilled the good faith requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Resolution No. 08-2826, as amended.

OWNER

Mark E. Goldstucker

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 1 to the professional services contract with the Law Office of Mark E. Goldstucker for additional legal services in the lawsuit styled Bobby Gerald Bennett v. Cardan Spencer, et al., Civil Action No. 3:14-CV-00402-N - Not to exceed $75,000, from $50,000 to $125,000 - Financing: Current Funds

Law Office of Mark E. Goldstucker is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use his own workforce.

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	Amount	Percent
Local contracts	$75,000.00	100.00%
Non-local contracts	$0.00	0.00%
TOTAL THIS ACTION	$75,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

	This Action		Participation to Date	
	Amount	Percent	Amount	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$0.00	0.00%	$0.00	0.00%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$0.00	0.00%	$0.00	0.00%
Total	$0.00	0.00%	$0.00	0.00%

September 22, 2015

WHEREAS, the City of Dallas is involved in a lawsuit styled Bobby Gerald Bennett v. Cardan Spencer et al., Civil Action No. 3:14-CV-00402-N; and,

WHEREAS, on June 24, 2014, pursuant to Administrative Action No. 14-6162, the City authorized a professional services contract with the Law Office of Mark E. Goldstucker in an amount not to exceed $50,000.00; and,

WHEREAS, the professional legal services of the Law Office of Mark E. Goldstucker continue to be necessary for this matter; **Now, Therefore,**

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

Section 1. That, following approval as to form by the City Attorney, the City Manager is hereby authorized to enter into Supplemental Agreement No. 1 to the professional services contract with the Law Office of Mark E. Goldstucker for additional services in the lawsuit styled Bobby Gerald Bennett v. Cardan Spencer et al., Civil Action No. 3:14-CV-00402-N, in an amount not to exceed $75,000.00, increasing the original contract amount from $50,000.00 to $125,000.00.

Section 2. That the Chief Financial Officer is authorized to disburse, in periodic payments to the Law Office of Mark E. Goldstucker in an amount not to exceed $75,000.00 from Fund 0192, Department ORM, Unit 3890, Obj. 3070, Encumbrance No. ATT389014J347, Vendor No. VC0000013179.

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

AGENDA ITEM # 12

KEY FOCUS AREA: E-Gov

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

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

MAPSCO: N/A

SUBJECT

Authorize Supplemental Agreement No. 1 to the professional services contract with White & Wiggins, L.L.P. for additional legal services in the lawsuit styled Bobby Gerald Bennett v. Cardan Spencer, et al., Civil Action No. 3:14-CV-00402-N - Not to exceed $100,000, from $50,000 to $150,000 - Financing: Current Funds

BACKGROUND

Supplemental Agreement No. 1 will authorize White & Wiggins, L.L.P. to provide additional services necessary to represent Cardan Spencer in the lawsuit styled Bobby Gerald Bennett v. Cardan Spencer, et al., Civil Action No. 3:14-CV-00402-N.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council was briefed in Closed Session on September 9, 2015.

FISCAL INFORMATION

$100,000 - Current Funds

M/WBE INFORMATION

The recommended awardee has fulfilled the good faith requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Resolution No. 08-2826, as amended.

OWNER

White & Wiggins, L.L.P.

Kevin B. Wiggins, Partner

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 1 to the professional services contract with White & Wiggins, L.L.P. for additional legal services in the lawsuit styled Bobby Gerald Bennett v. Cardan Spencer, et al., Civil Action No. 3:14-CV-00402-N - Not to exceed $100,000, from $50,000 to $150,000 - Financing: Current Funds

White & Wiggins, L.L.P. is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use his own workforce.

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	Amount	Percent
Local contracts	$100,000.00	100.00%
Non-local contracts	$0.00	0.00%
TOTAL THIS ACTION	$100,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

	This Action		Participation to Date	
	Amount	Percent	Amount	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$0.00	0.00%	$0.00	0.00%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$0.00	0.00%	$0.00	0.00%
Total	$0.00	0.00%	$0.00	0.00%

September 22, 2015

WHEREAS, the City of Dallas is involved in a lawsuit styled Bobby Gerald Bennett v. Cardan Spencer, et al., Civil Action No. 3:14-CV-00402-N; and,

WHEREAS, on May 5, 2014, pursuant to Administrative Action No. 14-5864, the City authorized a professional services contract with White & Wiggins, L.L.P. in an amount not to exceed $50,000.00; and,

WHEREAS, the professional legal services of White & Wiggins, L.L.P. continue to be necessary for this matter; **Now, Therefore,**

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

Section 1. That, following approval as to form by the City Attorney, the City Manager is hereby authorized to enter into Supplemental Agreement No. 1 to the professional services contract with White & Wiggins, L.L.P. for additional services in the lawsuit styled Bobby Gerald Bennett v. Cardan Spencer, et al., Civil Action No. 3:14-CV-00402-N, in an amount not to exceed $100,000.00, increasing the original contract amount from $50,000.00 to $150,000.00.

Section 2. That the Chief Financial Officer is authorized to disburse, in periodic payments to White & Wiggins, L.L.P. in an amount not to exceed $100,000.00 from Fund 0192, Department ORM, Unit 3890, Obj. 3070, Encumbrance No. ATT389014J340, Vendor No. 344317.

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

AGENDA ITEM # 13

KEY FOCUS AREA: E-Gov

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Auditor

CMO: Craig Kinton, 670-3222

MAPSCO: N/A

SUBJECT

Authorize approval of the Office of the City Auditor's Fiscal Year 2016 Audit Plan as required by paragraph 4(b) of Resolution No. 79-0723, previously approved on February 28, 1979, and as amended by Resolution No. 90-4027, previously approved on December 12, 1990 - Financing: No cost consideration to the City

BACKGROUND

Since February 1979, the City Council has required the City Auditor to submit an annual Audit Plan to include identification of the scope of each audit to be conducted in terms of the organization, program, function, or activities to be addressed.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Budget, Finance and Audit Committee on August 17, 2015.

FISCAL INFORMATION

No cost consideration to the City.

September 22, 2015

WHEREAS, the City Auditor briefed the City Council Budget, Finance and Audit Committee on August 17, 2015, and the Committee recommended approval by the City Council.

NOW, THEREFORE,

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

SECTION 1. That the City Auditor is authorized to carry out the audits as described in the attached Fiscal Year 2016 Audit Plan.

SECTION 2. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

CITY OF DALLAS

OFFICE OF THE CITY AUDITOR

AUDIT PLAN
FISCAL YEAR 2016

CRAIG D. KINTON
CITY AUDITOR

AUDIT PLAN FOR FISCAL YEAR 2016

The City of Dallas (City) Office of the City Auditor (Office) performs work for and under the direction of the Dallas City Council. The Fiscal Year 2016 Audit Plan (Audit Plan) is designed to satisfy responsibilities established by the Dallas City Charter, meet the needs of the City Council, and outline the professional services that the Office plans to initiate and / or complete during Fiscal Year 2016.

The Office's mission is to promote public trust and advance accountability by providing independent, objective, and useful professional services for the City of Dallas. The Audit Plan demonstrates the variety of services the Office provides to address its mission and reflects the following Dallas City Council priorities:

- Public Safety
- Economic Vibrancy
- Clean, Healthy Environment
- Culture, Arts, Recreation and Education
- E-Gov

This Audit Plan is a working document in that the City Auditor is authorized, when deemed necessary in his professional judgment, to amend the Audit Plan. The Dallas City Council will be notified in writing concerning additions to, deletions from, or other changes to this Audit Plan. The Audit Plan includes audits, attestation engagements, and other professional services.

AUDIT AND ATTESTATION SERVICES

The Office complies with generally accepted government auditing standards when performing audits and attestation engagements. These standards provide a framework for conducting high quality audits and attestation engagements with competence, integrity, objectivity, and independence. The types of audits and attestation engagements performed under these standards include:

- ### Performance Audits

  Conducted to provide objective analysis to assist management and those charged with governance and oversight to improve program performance and operations, reduce costs, facilitate decision making by parties with responsibility to oversee or initiate corrective action, and contribute to public accountability. Performance audit objectives vary widely and can include assessments of program effectiveness, economy, and efficiency; internal control; compliance; and, prospective analyses.

- **Financial Audits**

  Conducted to provide an independent assessment of whether an entity's reported financial information (e.g., financial condition, results, and use of resources) are presented fairly and in accordance with recognized criteria. Financial audits provide users with statements concerning the reliability of information, and provide information about internal control over financial reporting, and compliance with provisions of laws, regulations, contracts, and grant agreements that have a material effect on the financial statements.

- **Attestation Engagements**

  Conducted to address a broad range of financial or non-financial objectives. An attestation engagement results in an examination, a review, or an agreed-upon procedures report on a subject matter or an assertion about a subject matter that is the responsibility of another party.

OTHER PROFESSIONAL SERVICES

The Office provides other professional services which may or may not be performed in accordance with generally accepted government auditing standards. These other professional services include:

- **Investigative Services**

  The Office provides investigative services to evaluate and investigate allegations of fraud, waste and abuse and maintains a Hotline as a tool for the confidential reporting of allegations. Investigations are conducted in accordance with Quality Standards for Inspection and Evaluation issued by the Council of the Inspectors General on Integrity and Efficiency. Criminal allegations are referred to appropriate law enforcement authorities. Significant findings of fraud are reported to the Mayor, the Chair of the Budget, Finance & Audit Committee, the City Attorney, and City management as required by Council Resolutions and Administrative Directive.

- **City Council Support**

  The Office is authorized to conduct audits, attestation engagements, or other professional services for individual City Council Members, provided the request will not impact the completion of the Audit Plan. If, in the judgment of the City Auditor, a request will impact completion of the Audit Plan, the City Auditor is to request that the Council Member submit the request in writing for consideration and approval by the Budget, Finance & Audit Committee and the City Council as an amendment to the Audit Plan. All work products will be produced at the direction of the City Auditor.

- **Management Assistance**

  The Office is authorized to perform audits and attestation services and other professional services at the request of management to assist in carrying out management's responsibilities. These services may include, but are not limited to, providing technical advice, such as participating on committees, task forces, panels, and focus groups. The Office may provide management assistance based on consideration of the impact on auditor independence and audit plan completion.

- **Litigation Support**

  The Office is authorized to perform audits and attestation services and other professional services at the request of the City Attorney. The services provided by the Office depend on the needs of the City Attorney. These services may include, but are not limited to, research, analysis, and computer forensics.

INDEPENDENCE DISCLOSURES

Section 40-A.2. (c)(C) of the Dallas City Code designates the City Auditor as a voting member of the Employees' Retirement Fund (ERF) Board of Trustees. Generally accepted government auditing standards require the Office to disclose impairments to independence. The Office lacks independence in relation to any audit work that might be conducted at the ERF. To the extent that audits and attestation engagements are performed in this area, the Office is not independent. The effects of this independence concern on audit work will be clearly identified in any final reports, if applicable.

#	Department	Key Focus Area**	Description	Objectives
1	ATT	E-Gov	Litigation Support	Provide audit, attestation, and other professional services, as requested by the City Attorney
2	BDPS	Economic Vibrancy / E-Gov	Sole Source / Single Bid Procurements	Determine the adequacy of controls for sole source / single bid procurements
3	CCS	Clean, Healthy Environment	Animal Services Operations	Evaluate Animal Services operations which may include (1) animal kennel care; (2) call response times; and, (3) drug inventory management compared to best practices and determine whether they comply with applicable laws, regulations, and policies
4	CIS	E-Gov / Public Safety	Information Technology Processes	Determine the effectiveness of selected CIS' processes which may include: (1) back-up and recovery; (2) governance process; and, (3) vendor contract monitoring
5	OFS	E-Gov	Revenue Estimates – Budgeted Revenues for Fiscal Year 2016-2017	Determine whether the City has effective processes to ensure reasonable revenue estimates are included in the City Manager's proposed operating budget
6	OFS	Economic Vibrancy / E-Gov	Verification of Third Party Receipts Collections for Sales / Use Tax and Franchise Fees	Verify that: (1) sales/use tax receipts identified by the third party consultant are accurate and properly supported; and, (2) Franchise fees (which may include utilities, cable, and telephone) identified by the third party consultant(s) are received by the City
7	PBW	Economic Vibrancy	Street Cut Repair and Inspection Processes	Determine whether the City's street cut program is operating efficiently
8	PKR	Culture, Arts, Recreation and Education	Regulatory, Safety and Maintenance	Determine whether the Department of Park and Recreation has effective internal controls to identify and ensure compliance with regulatory, safety and maintenance requirements for land parks
9	TWM	Economic Vibrancy / Clean, Healthy Environment	Trinity Watershed Management	Evaluate management controls related to Trinity Watershed Management

#	Department	Key Focus Area**	Description	Objectives
10	Multiple	E-Gov	Compliance with Administrative Directive (AD) 4-9 *Internal Control*	Determine if individual department's internal controls are established in accordance with the Standards established by the Comptroller General of the United States pursuant to the "*Federal Manager's Financial Integrity Act*", (i.e., the Green Book) as required by AD 4-9
11	Multiple	Economic Vibrancy / E-Gov	Construction Related Procurements	Determine the effectiveness of internal controls for construction related procurements
12	Multiple	Clean, Healthy Environment / E-Gov	Environmental Compliance	Determine whether the City is in compliance with Environmental Protection Agency regulations which may include the Clean Water Act, and / or other Federal / State environmental requirements regarding handling / disposing of hazardous waste
13	Multiple	Multiple	Business Partner Oversight	Evaluate controls related to oversight / monitoring of entities operating City-owned facilities
14	Multiple	Multiple	Performance Measurement Process	Conduct audits of selected departments to evaluate whether performance data are meaningful, accurate, supportable, reliable, and valid
15	Multiple	Multiple	Special Audits	Conduct audits, in accordance with Chapter IX, Section 4 of the City Charter, of officers who vacate their offices due to death, resignation, removal, or expiration of term
16	Multiple	Multiple	Council Assistance	Provide audit and attestation services and other professional services, as requested by individual City Council members
17	Multiple	Multiple	Fraud, Waste and Abuse Investigations	Evaluate allegations of fraud, waste and abuse, conduct investigations, and educate employees
18	Multiple	Multiple	Management Assistance	Provide audit and attestation services and other professional services as requested by Management

#	Department	Key Focus Area**	Description	Objectives
19	Multiple	Multiple	Prior Audit Recommendations Follow-Up	Evaluate Management's implementation of prior audit recommendations

** The Fiscal Year 2016 Audit Plan (Audit Plan) is based on a risk assessment updated for City services approved in the Fiscal Year 2015 City of Dallas Adopted Annual Budget.

AGENDA ITEM # 14

KEY FOCUS AREA: E-Gov

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Controller

CMO: Jeanne Chipperfield, 670-7804

MAPSCO: N/A

SUBJECT

Authorize the annual adoption of the City's Investment Policy regarding funds under the City's control and the investment strategies for each of the funds under the City's management - Financing: No cost consideration to the City

BACKGROUND

In 1987, the City Council adopted an Investment Policy in accordance with federal and state law and the City Charter.

A 1997 amendment to the Public Funds Investment Act required that City Council, not less than annually, adopt a written instrument stating that it has reviewed the Investment Policy and approved any changes thereto. Investment policies must address safety of principal, liquidity, yield, diversification and maturity, with primary emphasis on safety of principal.

Beginning in 1997, the City Council has reviewed the Investment Policy each year and, in most years, has also approved revisions to the Policy to incorporate amendments to the Public Funds Investment Act, improve management of the City's investments and reflect organizational changes.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized adoption of the City's revised Investment Policy on September 24, 2014, by Resolution No. 14-1594.

Information about this item was provided to the Budget, Finance & Audit Committee on September 8, 2015.

FISCAL INFORMATION

No cost consideration to the City

September 22, 2015

WHEREAS, in 1987 the City Council adopted the City's Investment Policy which was in compliance with the federal and state law and the City Charter; and

WHEREAS, in 1995 and 1997 through 2014, the City Council amended the City's Investment Policy to incorporate amendments to the Public Funds Investment Act, improve management of the City's investments and reflect organizational changes; and

WHEREAS, the Public Funds Investment Act requires that the investment shall be made in accordance with written policies approved, at least annually, by the governing body; and

WHEREAS, investment policies must address safety of principal, liquidity, yield, diversification and maturity, with primary emphasis on safety of principal.

Now, Therefore,

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

Section 1. That the attached City of Dallas Investment Policy has been reviewed by the City Council and shall be adopted as the guiding policy in the ongoing management of the specified funds in accordance with federal and state law and the City Charter.

Section 2. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas and it is accordingly so resolved.

CITY OF DALLAS

INVESTMENT POLICY

As adopted by City Council
September ~~24~~22, ~~2014~~2015

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Appendices

A. Government Code – Chapter 2256 "Public Funds Investment Act"
B. Council Resolution

1.0 Policy

It is the policy of the City of Dallas to invest public funds in a manner which will provide security and optimize interest earnings to the maximum extent possible while meeting the daily cash flow demands of the City and conforming to all federal, state and local statutes, rules and regulations governing the investment of public funds. This Policy sets forth the investment program of the City of Dallas and the guidelines to be followed in achieving its objectives.

Not less than annually, City Council shall adopt a written instrument by resolution stating that it has reviewed the Investment Policy and investment strategies and that the written instrument so adopted shall record any changes made to the Investment Policy or investment strategies.

This Policy is intended to satisfy the requirements of the Public Funds Investment Act, Chapter 2256, Texas Government Code (the "PFIA" or the "Act") that an investing entity such as the City of Dallas adopt and review an investment policy governing the investment by the investing entity of its funds and funds under its control.

2.0 Scope

This Policy governs the investment of all funds of the City except those that are identified in Section 2.2 below. With respect to the funds of non-profit corporations that are established by City resolution and act on behalf of the City in accordance with State law, this Policy shall prevail in the absence of a specific investment policy adopted by the non-profit corporation. In addition to this Policy, the investment of bond proceeds and other bond funds (including debt service and reserve funds) of the City or of a non-profit corporation established by City resolution and acting on behalf of the City in accordance with State law shall be governed and controlled by their governing ordinance, resolution or trust indenture, including the authorization of eligible investments, and by the provisions of the Internal Revenue Code of 1986, as amended (the "Internal Revenue Code"), including all regulations and rulings promulgated thereunder applicable to the issuance of tax-exempt obligations.

2.1 All funds are managed as a pooled fund group, referenced in this Policy as the City's investment pool, with the exception of the following, which are managed as separately invested assets:

- 2.1.1 Bond Funds - funds established with the proceeds from specific bond issues when it is determined that segregating these funds from the City's investment pool will result in maximum interest earnings retention under the provisions of the Internal Revenue Code.
- 2.1.2 Bond Reserve Funds - funds set at prescribed levels by certain bond ordinances to pay principal and/or interest if required to prevent default.
- 2.1.3 Endowment Funds - funds given to the City with the instructions that the principal is to remain intact, unless otherwise agreed to, and the income generated by the investments will be used for specified purposes.
- 2.1.4 Commercial Paper Funds - unexpended proceeds from the issuance of commercial paper notes.

2.2 Funds not governed by this Policy include:

- 2.2.1 Employees' Retirement Fund
- 2.2.2 Dallas Police and Fire Pension System
- 2.2.3 Deferred Compensation Funds
- 2.2.4 Private Donations – investments donated to the City are excluded from this Policy if separately managed under terms of use specified by the donor.

3.0 Objective

Investment of the funds covered by this Policy shall be governed by the following investment objectives, in order of priority:

3.1 **Safety**: Safety of principal is the primary objective of the Investment Policy. Investment of the City's funds shall be undertaken in a manner that seeks to ensure the preservation of capital for the overall portfolio. The objective will be to mitigate credit risk and interest rate risk.

The City will mitigate credit risk, which is the risk of loss due to the failure of the issuer or backer, by:

- Limiting investments to the types listed in Section 8.0 ("Authorized and Suitable Investments") of this Policy
- Qualifying the broker/dealers and financial institutions with which the City may engage in an investment transaction in accordance with Section 9.0 ("Authorized Broker/Dealers and Financial Institutions)
- Diversifying the investment portfolio so that the impact of potential losses from any one type of investment or from any one individual issuer will be minimized (see Section 13.0 "Diversification and Maximum Maturities").

The City will minimize interest rate risk, which is the risk that the market value of securities in the portfolio will fall due to changes in market interest rates, by:

- Structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities prior to maturity
- Investing operating funds primarily in shorter-term securities, money market mutual funds, or similar local government investment pools and limiting the weighted average maturity of the portfolio in accordance with this Policy (see Section 17.0 "Investment Strategies").

3.2 **Liquidity**: The City's investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements that might be reasonably anticipated. This is accomplished by structuring the portfolio so that investments mature concurrent with cash needs to meet anticipated demands. A portion of the portfolio will be placed in money market mutual funds or local government investment pools offering same-day liquidity to meet unanticipated demands.

3.3 **Yield**: The City's investment portfolio shall be designed with the objective of attaining a market rate of return, throughout budgetary and economic cycles, commensurate with the City's investment risk constraints and the cash flow characteristics of the portfolio.

4.0 Delegation of Authority

The Chief Financial Officer, under the direction and authority of the City Manager, shall direct the cash management program of the City as defined in Section 2-134, "Duties of the Chief Financial Officer", Chapter 2 "Administration" of the Dallas City Code, as amended. City Council shall designate the Chief Financial Officer, City Controller, and the Assistant Director/Treasury Manager as Investment Officers responsible for the investment of its funds, under the direction and authority of the City Manager.

The City's Investment Officers shall establish written procedures for the operation of the investment program consistent with this Investment Policy. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this Policy and the written procedures. Authority granted to a person to invest the City's funds is effective until rescinded or until termination of the person's employment by the City. The Investment Officers shall be responsible for all transactions undertaken and shall establish a system of controls, to be reviewed by the City Auditor, to regulate the activities of subordinate officials. In order to assure quality and capability of investment management, the Investment Officers shall possess sufficient working knowledge of economics and securities markets, as well as the supervisory experience and judgment necessary to carry out the responsibilities outlined in this Policy.

5.0 Prudence

Investments shall be made with judgment and care - under circumstances then prevailing - which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

5.1 The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. Investment Officers acting in accordance with written procedures and the Investment Policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

5.2 In determining whether an investment official has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration the investment of all funds over which the official had responsibility rather than consideration as to the prudence of a single investment and, whether the investment decision was consistent with the City's Investment Policy and written investment procedures.

6.0 Ethics and Conflicts of Interest

Investment Officers who have a personal business relationship with a business organization offering to engage in an investment transaction with the City shall refrain from activities that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

6.1 Investment Officers shall sign annual statements agreeing to abide by this section of the Investment Policy and affirming no known conflicts of interest.

6.2 Investment Officers must file a disclosure statement with the Texas Ethics Commission and City Council if:

a) the Investment Officer has a personal business relationship with a business organization offering to engage in an investment transaction with the City; or
b) the Investment Officer is related within the second degree by affinity or consanguinity, as determined under Chapter 573 of the Texas Government Code, to an individual seeking to transact investment business with the City.

6.3 An Investment Officer has a personal business relationship with a business organization if:

a) the Investment Officer owns 10 percent or more of the voting stock or shares of the business organization or owns $5,000 or more of the fair market value of the business organization;
b) funds received by the Investment Officer from the business organization exceed 10 percent of his/her gross income for the previous year; or
c) the Investment Officer has acquired from the business organization during the previous year investments with a book value of $2,500 or more for his/her personal account.

7.0 Training

The Investment Officers and the persons authorized to execute investment transactions shall attend at least one 10 hour investment training session within 12 months after taking office or assuming duties and receive not less than ~~10~~ 8 hours of instruction relating to investment responsibilities during a two-year period that begins on the first day of the City's fiscal year following the initial 10 hours of instruction and consists of the two consecutive fiscal years after that date. Training must be received from an independent source approved by the City's Investment Committee and must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio and compliance with the Act.

8.0 Authorized and Suitable Investments

City funds governed by this Policy may be invested in the instruments described below, all of which are authorized by Chapter 2256 of the Government Code (Public Funds Investment Act).

8.1 Direct obligations of the United States, its agencies or instrumentalities, and other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of the United States or its respective agencies and instrumentalities, including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation or by the explicit full faith and credit of the United States.

The City will restrict investments in eligible securities described in this section to discount notes and callable or non-callable fixed-rate securities with a fixed principal repayment amount.

8.2 Direct obligations of states and local governments rated not less than Aa3 or its equivalent (long-term rating) or an equivalent short-term rating by at least one nationally recognized investment rating firm.

8.~~2~~3 Fully collateralized Certificates of Deposit/Share Certificates that are issued by a bank or credit union that has its main office or branch office within the City and are:

a) guaranteed or insured by the Federal Deposit Insurance Corporation or its successor or the National Credit Union Share Insurance Fund or its successor; or
b) secured by obligations in accordance with Section 11.0 herein.

If the certificate of deposit is collateralized by pledged securities the City must have on file a signed Depository Agreement, approved as to form by the City Attorney, which details eligible collateral, collateralization ratios for pledged securities, standards for collateral custody and control of pledged securities, collateral valuation of pledged securities, and conditions for agreement termination.

8.~~3~~4 Certificates of Deposit obtained through a depository institution or a broker approved by the City's Investment Committee under the provisions of Section 9.0 of this Policy that has its main office or branch office within the City and that contractually agrees to place the funds in federally insured depository institutions in accordance with the conditions prescribed in Section 2256.010(b) of the Act.

8.~~4~~5 Fully collateralized repurchase agreements in accordance with the conditions prescribed in Section 2256.011 of the Act. Prior to investment in a repurchase agreement, the City must have on file a signed Master Repurchase Agreement, approved as to form by the City Attorney, which details eligible collateral, collateralization ratios, standards for collateral custody and control, collateral valuation, and conditions for agreement termination and provided the repurchase agreement:

a) has a defined termination date;
b) is secured by a combination of cash and obligations of the United States or its agencies and instrumentalities described by Section 2256.009(a) (1) of the Act. Securities received for repurchase agreements must have a market value greater than or equal to 103% at the time the investment is made and throughout the terms of the repurchase agreement;
c) requires the securities being purchased by the City or cash held by the City to be assigned to the City, held in the City's name, and deposited at the time the investment is made with the City or with a third party selected and approved by the City; and
d) is placed through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in this state, and which is rated no less than A or its equivalent by two nationally recognized rating services.

8.6 A securities lending program is an authorized investment if it meets the following conditions:

a) A loan made under the program must allow for termination at any time;
b) A loan made under the program must be placed through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in this state that is rated no less than A or its equivalent by two nationally recognized rating services. An agreement to lend securities must have a term of one year or less and shall comply with the provisions of section 1058 of the Internal Revenue Code;
c) A loan made under the program must be secured as prescribed in Section 2256.0115(b)(3) of the Act. Securities being held as collateral must be pledged to the City , held in the City's name, and deposited at the time the investment is made with a third party approved by the City;

d) The amount of collateral must not be less than 100% of the market value of securities loaned, including accrued income. The market value of securities loaned shall be determined daily. Cash received as collateral shall not be invested for a term later than the expiration date of the securities lending agreement and may only be invested in investments as authorized by this Policy.

8.~~6~~7 No-load money market mutual funds that are registered with and regulated by the Securities and Exchange Commission that meet the requirements of the PFIA, and, in addition:

a) are rated not less than Aaa or an equivalent rating by at least one nationally recognized rating service. A rating is not required for a sweep account investment, which is part of the city's depository contract; and,

b) have provided the City with a prospectus and other information as may be required by law.

Investments will be made in a money market mutual fund only after a thorough investigation of the fund and approval by the Investment Committee which shall, at least annually, review, revise and adopt a list of approved funds.

8.~~7~~8 Local government investment pools which are organized in conformity with Chapter 791 (Interlocal Cooperation Contracts Act) and meet the requirements of the PFIA that:

a) are rated not less than Aaa or an equivalent rating by at least one nationally recognized rating service; and

b) have provided the City with an offering circular and other information required by the Act.

To become eligible, investment pools must be approved by City Council action. Investments will be made in a local government investment pool only after a thorough investigation of the pool and approval by the Investment Committee which shall, at least annually, review, revise and adopt a list of approved pools.

The Investment Officers may at times restrict or prohibit the purchase of specific issues due to current market conditions. An investment that requires a minimum rating under this section does not qualify as an authorized investment during the period the investment does not have the minimum rating. Ratings shall be monitored using nationally recognized financial information sources, including actions published on rating agency websites. The City shall take all prudent measures consistent with the Act to liquidate an investment that does not have the minimum rating required by the Act.

9.0 Authorized Broker/Dealers and Financial Institutions

The Investment Committee shall, at least annually, review, revise, and adopt a list of qualified broker/dealers and financial institutions authorized to engage in the purchase and sale of obligations of the U.S. Government, its agencies or instrumentalities with the City. In order to be considered, those firms that desire to become qualified bidders for securities transactions will be required to provide information regarding creditworthiness, experience and reputation. Authorized firms may include primary dealers or regional dealers that qualify under Securities & Exchange Commission Rule 15C3-1 (uniform net capital rule).

A written copy of this Investment Policy shall be presented to any person offering to engage in an investment transaction with the City. Investments shall only be made with those business organizations (including money market mutual funds and local government investment pools) which have provided the City with a written instrument executed by a qualified representative of the firm, acknowledging that the business organization has:

a) received and reviewed the City's Investment Policy; and

b) implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the City and the organization that are not authorized by the City's Investment Policy, except to the extent that this authorization is dependent on an analysis of the makeup of the City's entire portfolio or requires an interpretation of subjective investment standards.

10.0 Competitive Bidding

It is the policy of the City to require competitive bidding for all individual security purchases and sales except for:

a) transactions with money market mutual funds and local government investment pools (which are deemed to be made at prevailing market rates)
b) treasury and agency securities purchased at issue through an approved broker/dealer or financial institution
c) automatic overnight "sweep" transactions with the City Depository
d) fully insured certificates of deposit placed in accordance with the conditions prescribed in Section 2256.010(b) of the Act or placed with the City's Depository if so authorized by the City Depository Contract.

At least three bids or offers must be solicited for all other transactions involving individual securities. The City's investment advisor is also required to solicit at least three bids or offers when transacting trades on the City's behalf. In situations where the exact security being offered is not offered by other dealers, offers on the closest comparable investment may be used to establish a fair market price for the security. Bids for certificates of deposit may be solicited in any manner permitted by the Act.

11.0 Collateralization of Deposits

The City requires that all uninsured collected balances plus accrued interest, if any, in depository accounts be secured in accordance with the requirements of this Policy and Chapter 2257, Government Code ("Public Funds Collateral Act") and the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA). Financial institutions serving as City depositories will be required to sign a Depository Agreement with the City which details securities that can serve as eligible collateral, collateralization ratios, standards for collateral custody and control, collateral valuation, rights of substitution and conditions for agreement termination.

Pledged securities serving as collateral will always be held by an independent third party with which the City has a current custodial agreement and shall be reviewed at least monthly to ensure that the market value of the pledged securities is at least 102%. Eligible collateral are as follows:

Eligible Collateral

1) Direct obligations of the United States or other obligations of the United States or other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of the United States.

2) Direct debt obligations of an agency or instrumentality of the United States.

3) Mortgage-backed securities issued directly by an agency or instrumentality of the United States eligible under the Public Funds Collateral Act.

4) Direct debt obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent.

The use of a letter of credit issued to the City by the Federal Home Loan Bank may be considered by the City to provide collateral for bank deposits and for certificates of deposit.

The City's Investment Officers reserve the right to accept or reject any form of collateral or enhancement at their sole discretion.

12.0 Safekeeping and Custody

Safekeeping and custody of investment securities shall be in accordance with applicable law and accounting standards. All securities transactions, except local government investment pool and money market mutual fund transactions, shall be conducted on a delivery versus payment (DVP) basis. Investment securities will be held by a third party custodian designated by the City, and be required to issue safekeeping receipts clearly detailing that the securities are owned by the City.

Safekeeping and custody of collateral shall be in accordance with applicable law and accounting standards. Pledged securities serving as collateral will be held by a third party custodian designated by the City, and pledged to the City as evidenced by safekeeping receipts of the institution with which the securities are deposited.

13.0 Diversification and Maximum Maturities

The City's investment pool will be diversified to limit market and credit risk by observing the limitations at the time of purchase as listed below. Funds managed as separately invested assets in Section 2.1 of the Policy are subject to all of the following with the exception of the Issuer Limitation on investment in U.S. Agencies and Instrumentalities. Funds managed as separately invested assets may be invested 100% in the obligations of any one U.S. Agency or Instrumentality.

	Maximum Stated Maturity[1]	Issuer Limitations
U.S. Treasuries	5 Years	100% of the City's investment pool may be invested in obligations of the U.S. Treasury.
U.S. Agencies/Instrumentalities	5 Years	No more than 30% of the book value of the City's investment pool may be invested in the obligations of any one issuer.
Municipal Notes and Bonds	5 Years	The City may not own more than the lesser of $5 million or 20% of any single issue.
Repurchase Agreements	30 Days	No more than 15% of the City's investment pool may be invested with one counterparty, excluding flexible repurchase agreements for investment of bond proceeds.
Money Market Mutual Funds	N/A	The City may not own more than the lesser of $100 million or 5% of the total assets of any one fund, excluding tax-exempt money market mutual funds for investment of commercial paper proceeds.
Local Government Investment Pools	N/A	The City may not own more than the lesser of $400 million or 10% of the total assets of any one pool.
Certificates of Deposit	5 Years	The City may not own more than $50 million of any single financial institution's certificates of deposit at any one time, excluding certificates of deposit placed with the City's Depository if so authorized by the City Depository Contract.

In addition to the above limitations, the City's investment pool shall be diversified by market sector as follows:

	Maximum Percentage of Investment Pool
U.S. Treasuries	100%
U.S. Agencies/Instrumentalities	100% (maximum 30% callable)
Municipal Notes and Bonds	15%
Repurchase Agreements	15%*
Money Market Mutual Funds	15%
Local Government Investment Pools	45%
Certificates of Deposit	20%**

* Excluding flexible repurchase agreements for bond proceeds.
**Excluding certificates of deposit placed with the City's Depository if so authorized by the City Depository Contract.

(1) Purchases of securities with stated maturities greater than the maximum authorized under this section require prior City Council approval. With respect to bond proceeds and other bond funds, the City may, in the bond ordinance, specifically authorize investments in repurchase agreements with maturities in excess of 30 days subject to any required approvals from bond insurers.

14.0 Sale of Securities

The City's policy is to hold securities to maturity. However, securities may be sold:

(a) in order to minimize the potential loss of principal on a security whose credit quality has declined;
(b) in order to reposition the portfolio for the purpose of improving the quality, yield, or target duration of the portfolio; or
(c) in order to meet unanticipated liquidity needs of the portfolio.

15.0 Investment Committee

An Investment Committee shall be established and meet quarterly to determine investment guidelines, general strategies, and monitor performance. Members of the Investment Committee will include the Investment Officers, the Cash and Investment Manager and the City's Investment Advisor if the City has contracted with an Advisor. The Investment Advisor is a non-voting member of the Investment Committee.

16.0 Investment Advisor

The City may retain the services of an Investment Advisor to assist in the review of cash flow requirements, the formulation of investment strategies, and the execution of security purchases, sales and deliveries.

17.0 Investment Strategies

The City of Dallas maintains separate portfolios for individual funds or groups of funds (as listed under Sec. 2.0 of this Policy) which are managed according to the terms of this Policy and the corresponding investment strategies listed below. The investment strategy for portfolios established after the annual Investment Policy adoption will be managed in accordance with the terms of this Policy and applicable agreements until the next annual review when a specific strategy will be adopted.

17.1 Investment Pool Strategy - The City's Investment Pool is an aggregation of the majority of City funds which includes tax receipts, enterprise fund revenues, fine and fee revenues, as well as some, but not all, bond proceeds, grants, gifts and endowments. This portfolio is maintained to meet anticipated daily cash needs for City of Dallas operations, capital projects and debt service. In order to ensure the ability of the City to meet obligations and to minimize potential liquidation losses, the dollar-weighted average stated maturity of the Investment Pool shall not exceed 1.5 years. The objectives of this portfolio are to:

a) ensure safety of principal by investing only in high-quality securities for which a strong secondary market exists;
b) ensure that anticipated cash flows are matched with adequate investment liquidity;
c) limit market and credit risk through diversification; and

d) attain a market rate of return commensurate with the objectives and restrictions set forth in this Policy by managing the portfolio to meet or exceed the 12 month moving average yield on treasury one-year constant maturities as reported by Federal Reserve Statistical Release H.15.

17.2 Bond Funds Strategy - Occasionally, separate non-pooled portfolios are established with the proceeds from bond sales in order to maximize earnings within the constraints of arbitrage regulations. The objectives of these portfolios are to:

a) ensure safety of principal by investing only in high-quality securities for which a strong secondary market exists or by maintaining the security of the investment through collateralization according to the standards approved in Section 8.4 of this Policy;
b) ensure that anticipated cash flows are matched with adequate investment liquidity or that the terms of the secured investment agreement permit maximum flexibility for the City in making withdrawals;
c) manage market and credit risk through diversification and control of counterparty risk; and
d) attain a market rate of return commensurate with the objectives and restrictions set forth in this Policy and the bond ordinance by managing the portfolio to meet or exceed the bond yield

17.3 Bond Reserve Fund Strategy - Non-pooled reserve funds for outstanding revenue bonds are set at levels required by their respective bond ordinances. These funds will be used to pay the final principal and/or interest due on outstanding bonds that are similarly secured or to make up any shortfalls in debt service funds as required by the bond ordinance. The objectives of Bond Reserve Fund Portfolios are to:

a) ensure safety of principal by investing only in high-quality securities for which a strong secondary market exists or by maintaining the security of the investment through collateralization according to the standards approved in Section 8.4 of this Policy;
b) ensure that anticipated cash flows are matched with adequate investment liquidity or that the terms of the secured investment agreement permit maximum flexibility for the City in making withdrawals;
c) manage market and credit risk through diversification and control of counterparty risk; and
d) attain a market rate of return commensurate with the objectives and the restrictions set forth in this Policy and the bond ordinance by managing the portfolio to meet or exceed the bond yield.

17.4 Endowment Funds Strategy - Funds received as gifts to the City with instructions that the income generated by the investment of said funds be used for specified purposes may be invested as separate non-pooled portfolios if required by the terms of the gift. The objectives of Endowment Portfolios are to:

a) ensure safety of principal and sufficient liquidity by investing only in high-quality securities for which a strong secondary market exists;
b) manage market and credit risk through the use of a competitive process to place investments;
c) attain a market rate of return commensurate with the objectives and restrictions set forth in this Policy and the terms of the gift.

17.5 Commercial Paper Funds Strategy – The ~~City issues~~City issues tax-exempt commercial paper notes as an interim financing tool for construction projects. Proceeds from the issuance of commercial paper debt must be: (1) ~~liquid~~ available ~~in order~~ to fund ~~periodic~~ payments to contractors, and (2) ~~must~~ may be invested in tax-exempt securities in order to avoid costly and complex arbitrage rebate computations. In order to meet these ~~requirements~~objectives, commercial paper proceeds ~~will~~ may either be invested in tax-exempt ~~money market mutual funds~~securities.~~.~~ or expended subject to a reimbursement program. If invested in tax-exempt securities, ~~The~~ the objectives of this portfolio are to:

a) ensure safety of principal and sufficient liquidity by investing ~~only~~ in tax-exempt money market mutual funds or short-term high-quality tax-exempt securities for which a strong secondary market exists;
b) manage market and credit risk through diversification of funds and/or securities. Funds must be rated AAA by at least one nationally recognized rating agency. ~~requirement of AAA rating~~; and
c) attain a market rate of return commensurate with the objectives and restrictions set forth in this Policy and governing bond ordinances.

17.6 Trinity Parkway Escrow Strategy – This escrow was established pursuant to an Agreement dated as of January 1, 1999 with the North Texas Tollway Authority ("NTTA") pertaining to development of the Trinity Parkway. These funds will be used to reimburse NTTA for specified payments related to project feasibility. Permitted investments for this portfolio are defined in the Escrow Agreement as those that are consistent with the Act. The objectives of this portfolio are to:

a) ensure safety of principal and sufficient liquidity by investing only in high-quality securities for which a strong secondary market exists;
b) ensure that anticipated cash flows are matched with adequate investment liquidity;
c) manage market and credit risk through diversification of funds and requirement of AAA rating; and
d) attain a market rate of return commensurate with the objectives and restrictions set forth in this Policy and the Agreement.

18.0 Reporting

Investment performance is regularly monitored by investment staff and reported to the Investment Committee on a monthly basis. Month-end market prices on each security are obtained from nationally recognized securities databases including those provided by the City's depository bank through its safekeeping services and Bloomberg Professional Services. . These prices are recorded in the City's portfolio database and included in all management reports as well as the City's Comprehensive Annual Financial Report.

Not less than quarterly the Investment Officers will submit to the city council finance committee described in Chapter III, Section 13 of the Dallas City Charter, the City Manager, and the Mayor and City Council a written report of the status of the current investment portfolio. The report must meet the requirements of the Act.

An independent auditor shall formally review the quarterly reports prepared under this section at least annually, and that auditor shall report the results of the review to City Council.

19.0 Annual Compliance Audit

In conjunction with the annual financial audit, a compliance audit shall be performed which includes an audit of management controls on investments and adherence to the City's established policy.

20.0 Investment Policy Adoption

The City's Investment Policy is hereby adopted by resolution of the City Council on September ~~24~~22, ~~2014~~ 2015 in accordance with the PFIA.

GLOSSARY

ACCRETION OF DISCOUNT: Periodic straight-line increases in the book or carrying value of a security so the amount of the purchase price discount below face value is completely eliminated by the time the bond matures or by the call date, if applicable.

ACCRUED INTEREST: The interest accumulated on a security from its issue date or since the last payment of interest up to but not including the purchase date. The purchaser of the security pays to the seller the market price plus accrued interest.

AMORTIZATION OF PREMIUM: Periodic straight-line decreases in the book or carrying value of a security so the premium paid for a bond above its face value or call price is completely eliminated.

ASK: The price at which securities are offered by sellers.

BARBELL MATURITY STRATEGY: A maturity pattern within a portfolio in which maturities of the assets in the portfolio are concentrated in both the short and long ends of the maturity spectrum.

BASIS POINT: One one-hundredth (1/100) of one percent; 0.0001 in decimal form.

BENCHMARK: A comparative base for performance evaluation. A benchmark can be a broad-based bond index, a customized bond index, or a specific objective.

BID: The price offered for securities by purchasers. (When selling securities, one asks for a bid.)

BOND EQUIVALENT YIELD: Used to compare yields available from discounted securities that pay interest at maturity with yields available from securities that pay interest semi-annually.

BOOK ENTRY SECURITIES: Stocks, bonds, other securities, and some certificates of deposit that are purchased, sold, and held as electronic computer entries on the records of a central holder. These securities are not available for purchase in physical form; buyers get a receipt or confirmation as evidence of ownership.

BOOK VALUE: The original cost of the security as adjusted for amortization of any premium paid or accretion of discount since the date of purchase.

BROKER: A party who brings buyers and sellers together. Brokers do not take ownership of the property being traded. They are compensated by commissions. They are not the same as dealers; however, the same firms that act as brokers in some transactions may act as dealers in other transactions.

CALLABLE BOND: A bond that the issuer has the right to redeem prior to maturity at a specified price. Some callable bonds may be redeemed on one call date while others may have multiple call dates. Some callable bonds may be redeemed at par while others can be redeemed only at a premium. Some callable bonds are step-up bonds that pay an initial coupon rate for the first period, and then the coupon rate increases for the following periods if the bonds are not called by the issuer.

CERTIFICATE OF DEPOSIT (CD): A time deposit with a specific maturity evidenced by a certificate. Large-denomination (over $100,000) CD's are typically negotiable.

CODE: The Internal Revenue Code of 1986, as amended.

COLLATERAL: Securities, evidence of deposit or other property which a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.

COLLATERALIZED MORTGAGE OBLIGATION (CMO): A type of mortgage-backed security created by dividing the rights to receive the principal and interest cash flows from an underlying pool of mortgages in separate classes or tiers.

COMMERCIAL PAPER: Short-term unsecured promissory notes issued by corporations for a maturity specified by the buyer. It is used primarily by corporations for short-term financing needs at a rate which is generally lower than the prime rate.

CONFIRMATION: The document used to state in writing the terms of the trade which had previously been agreed to verbally.

COUPON RATE: The stated annual rate of interest payable on a coupon bond expressed as a percentage of the bond's face value.

CREDIT RISK: The risk that (1) the issuer is downgraded to a lower quality category and/or (2) the issuer fails to make timely payments of interest or principal.

CUSIP NUMBER: A nine-digit number established by the Committee on Uniform Securities Identification Procedures that is used to identify publicly traded securities. Each publicly traded security receives a unique CUSIP number when the security is issued.

CUSTODY: The service of an organization, usually a financial institution, of holding (and reporting) a customer's securities for safekeeping. The financial institution is known as the custodian.

DEALER: A firm which buys and sells for its own account. Dealers have ownership, even if only for an instant, between a purchase from one party and a sale to another party. They are compensated by the spread between the price they pay and the price they receive. Dealers are not the same as brokers; however, the same firms which act as dealers in some transactions may act as brokers in other transactions.

DELIVERY VERSUS PAYMENT (DVP): The safest method of settling a trade involving a book entry security. In a DVP settlement, the funds are wired from the buyer's account and the security is delivered from the seller's account in simultaneous, interdependent wires.

DEPOSITORY TRUST COMPANY (DTC): An organization that holds physical certificates for stocks and bonds and issues receipts to owners. Securities held by DTC are immobilized so that they can be traded on a book entry basis.

DERIVATIVE: A security that derives its value from an underlying asset, group of assets, reference rate, or an index value. Some derivatives can be highly volatile and result in a loss of principal in changing interest rate environments.

DISCOUNT: The amount by which the price paid for a security is less than its face value.

DISCOUNT SECURITIES: Securities that do not pay periodic interest. Investors earn the difference between the discount issue price and the full face value paid at maturity.

DIVERSIFICATION: Dividing investment funds among a variety of securities offering independent returns, to reduce risk inherent in particular securities.

DURATION: A sophisticated measure of the weighted average maturity of a bond's cash flow stream, where the present values of the cash flows serve as the weights.

ECONOMIC CYCLE (BUSINESS CYCLE): As the economy moves through the business cycle, interest rates tend to follow the levels of production, output, and consumption - rising as the economy expands and moves out of recession and declining after the economy peaks, contracts, and heads once again into recession.

EFFECTIVE MATURITY: The average maturity of a bond, given the potential for early call. For a non-callable bond, the final maturity date serves as the effective maturity. For a callable bond, the effective maturity is bounded by the first call date and the final maturity date; the position within this continuum is a function of the call price, the current market price, and the reinvestment rate assumed.

FACE VALUE: The principal amount due and payable to a bondholder at maturity; par value. Also, the amount on which coupon interest is computed.

FAIL: The event of a securities purchase or sale transaction not settling as intended by the parties.

FAIR VALUE: The amount at which a financial instrument could be exchanged in a current transaction between willing parties, other than in a forced or liquidation sale.

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC): A federal agency that insures bank deposits.

FEDERAL FARM CREDIT BANKS (FFCB): A government-sponsored corporation that was created in 1916 and is a nationwide system of banks and associations providing mortgage loans, credit, and related services to farmers, rural homeowners, and agricultural and rural cooperatives. The banks and associations are cooperatively owned, directly or indirectly, by their respective borrowers. The Federal Farm Credit System is supervised by the Farm Credit Administration, an independent agency of the U.S. government. (See Government Sponsored Enterprise)

FEDERAL FUNDS: Monies within the Federal Reserve System representing a member bank's surplus reserve funds. Banks with excess funds may sell their surplus to other banks whose funds are below required reserve levels. Normally, Federal funds are employed in settling all government securities transactions. The Federal Funds Rate is the rate of interest at which Fed funds are traded. This rate is currently pegged by the Federal Reserve through open-market operations.

FEDERAL HOME LOAN BANKS (FHLB): Government-sponsored wholesale banks (currently twelve regional banks) which lend funds and provide correspondent banking services to member commercial bank, thrift institutions, credit unions and insurance companies. The mission of the FHLBs is to liquefy the housing related assets of its members who must purchase stock in their district Bank. (See Government Sponsored Enterprises)

FEDERAL HOME LOAN MORTGAGE CORPORATION (FHLMC or "Freddie Mac"): A government-sponsored corporation that was created in July 1970, by the enactment of Title III of the Emergency Home Finance Act of 1970. Freddie Mac was established to help maintain the availability of mortgage credit for residential housing, primarily through developing and maintaining an active, nationwide secondary market in conventional residential mortgages. (See Government Sponsored Enterprises)

FEDERAL NATIONAL MORTGAGE ASSOCIATION (FNMA or Fannie Mae): FNMA, like GNMA was chartered under the Federal National Mortgage Association Act in 1938. FNMA is a federal corporation working under the auspices of the Department of Housing and Urban Development (HUD). It is the largest single provider of residential mortgage funds in the United States. Fannie Mae is a private stockholder-owned corporation. FNMA securities are highly liquid and are widely accepted. FNMA assumes and guarantees that all security holders will receive timely payment of principal and interest. (See Government Sponsored Enterprises)

FEDERAL OPEN MARKET COMMITTEE (FOMC): Consists of seven members of the Federal Reserve Board and five of the twelve Federal Reserve Bank presidents. The president of the New York Federal Reserve Bank is a permanent member while the other presidents serve on a rotating basis. The Committee periodically meets to set Federal Reserve guidelines regarding purchases and sales of government securities in the open market as a means of influencing the volume of bank credit and money.

FEDERAL RESERVE SYSTEM: The central bank of the United States created by Congress and consisting of a seven member Board of Governors in Washington, D.C., twelve regional banks and about 5700 commercial banks that are members of the system.

FIXED-INCOME SECURITY: A financial instrument promising a fixed amount of periodic income over a specified future time span.

GOVERNMENT-SPONSORED ENTERPRISES (GSE's): Payment of principal and interest on securities issued by these corporations is not guaranteed explicitly by the U.S. government, however, most investors consider these securities to carry an implicit U.S. government guarantee. The debt is fully guaranteed by the issuing corporations. GSE's include: Farm Credit System, Federal Home Loan Bank System, Federal Home Loan Mortgage Corporation, and Federal National Mortgage Association.

INSTRUMENTALITIES: See Government-Sponsored Enterprises

INTEREST RATE RISK: The risk that the general level of interest rates will change, causing unexpected price appreciations or depreciations.

LADDERED MATURITY STRATEGY: A maturity pattern within a portfolio in which maturities of the assets in the portfolio are equally spaced. Over time, the shortening of the remaining lives of the assets provides a steady source of liquidity or cash flow. Given a normal yield curve with a positive slope this passive strategy provides the benefit of being able to take advantage of the higher, longer-term yields without sacrificing safety or liquidity.

LIQUIDITY: An entity's capacity to meet future monetary outflows (whether they are required or optional) from available resources. Liquidity is often obtained from reductions of cash or by converting assets into cash.

LIQUIDITY RISK: The risk that an investment will be difficult to sell at a fair market price in a timely fashion.

MARKET RISK: The risk that the value of a security will rise or decline as a result of changes in market conditions. It is that part of a security's risk that is common to all securities of the same general class (stocks and bonds) and thus cannot be eliminated by diversification; also known as systematic risk.

MARKET VALUE: The price at which a security is trading and could presumably be purchased or sold.

MARKING-TO-MARKET: The practice of valuing a security or portfolio according to its market value, rather than its cost or book value.

MASTER REPURCHASE AGREEMENT: A written contract covering all future transactions between the parties to repurchase agreements that establishes each party's rights in the transactions. A master agreement will often specify, among other things, the right of the buyer to liquidate the underlying securities in the event of default by the seller.

MATURITY DATE: The date on which the principal or face value of an investment becomes due and payable.

MONEY MARKET INSTRUMENT: Generally, a short-term debt instrument that is purchased from a broker, dealer, or bank. Sometimes the term "money market" with "short-term", defines an instrument with no more than 12 months remaining from the purchase date until the maturity date. Sometimes the term "money market" is used more restrictively to mean only those instruments that have active secondary markets.

MORTGAGE-BACKED SECURITIES (MBS): Securities composed of, or collateralized by, loans that are themselves collateralized by liens on real property.

OFFER: The price asked by a seller of securities. (When purchasing securities, one asks for an offer.)

OPEN MARKET OPERATIONS: Purchases and sales of government and certain other securities in the open market by the New York Federal Reserve Bank as directed by the FOMC in order to influence the volume of money and credit in the economy. Purchases inject reserves into the bank system and stimulate growth of money and credit; sales have the opposite effect. Open market operations are the Federal Reserve's most important and most flexible monetary policy tool.

OPPORTUNITY COST: The cost of pursuing one course of action measured in terms of the foregone return that could have been earned on an alternative course of action that was not undertaken.

PAR: See Face Value

PFIA OR ACT: The Public Funds Investment Act, Chapter 2256, Texas Government Code, as amended.

POOLED FUND GROUP: An internally created fund of an investing entity in which one or more institutional accounts of the investing entity are invested (as defined by the Public Funds Investment Act).

PREMIUM: The amount by which the price paid for a security exceeds its face value.

PRIMARY DEALER: A group of government securities dealers that submit daily reports of market activity and positions and monthly financial statements to the Federal Reserve Bank of New York and are subject to its informal oversight. Primary dealers include Securities and Exchange Commission (SEC)-registered securities broker-dealers, banks, and a few unregulated firms.

PRINCIPAL: The face or par value of an instrument, exclusive of accrued interest.

PRUDENT PERSON RULE: An investment standard. In some states the law requires that a fiduciary, such as a trustee, may invest money only in a list of securities selected by the state. In other states the trustee may invest in a security if it is one which would be bought by a prudent person of discretion and intelligence who is seeking a reasonable income and preservation of capital.

QUALIFIED REPRESENTATIVE: A person who holds a position with - and is authorized to act on behalf of - a business organization (as defined by the Public Funds Investment Act).

RATE OF RETURN: The amount of income received from an investment, expressed as a percentage. A market rate of return is the yield that an investor can expect to receive in the current interest-rate environment utilizing a buy-and-hold to maturity investment strategy.

REINVESTMENT RATE: The interest rate earned on the reinvestment of coupon payments.

REINVESTMENT RATE RISK: The risk that the actual reinvestment rate falls short of the expected or assumed reinvestment rate.

REPURCHASE AGREEMENT (RP or REPO): An agreement of one party to sell securities at a specified price to a second party and a simultaneous agreement of the first party to repurchase the securities at a specified price on demand or at a specified later date. The difference between the selling price and the repurchase price provides the interest income to the party that provided the funds. Every transaction where a security is sold under an agreement to be repurchased is a repo from the seller/borrower's point of view and a reverse repo from the buyer/lender's point of view.

REVERSE REPURCHASE AGREEMENT: (See Repurchase Agreement)

SAFEKEEPING: A procedure where securities are held by a third party acting as custodian for a fee.

SECONDARY MARKET: A market made for the purchase and sale of outstanding issues following the initial distribution.

SECURITIES AND EXCHANGE COMMISSION (SEC): Agency created by Congress to protect investors in securities transactions by administering securities legislation.

SECURITIES LENDING: The temporary transfer of securities by one party, the lender, to another, the borrower. The securities borrower is required to provide acceptable assets as collateral to the securities lender in the form of cash or other securities. If the borrower provides securities as collateral to the lender, it pays a fee to borrow the lent securities. If it provides cash as collateral, the lender pays interest to the borrower and reinvests the cash at a higher rate.

SEC RULE 15C3-1: See Uniform Net Capital Rule

STRUCTURED NOTES: Debt obligations whose principal or interest payments are determined by an index or formula.

SEPARATELY INVESTED ASSET: An account or fund of a state agency or local government that is not invested in a pooled fund group (as defined by the Public Funds Investment Act).

SPREAD: Most commonly used when referring to the difference between the bid and asked prices in a quote. Additionally, it may also refer to additional basis points that a non-Treasury security earns over and above a Treasury with a comparable maturity date.

STRIPS: Separation of the principal and interest cash flows due from any interest-bearing securities into different financial instruments. Each coupon payment is separated from the underlying investment to create a separate security. Each individual cash flow is sold at a discount. The amount of the discount and the time until the cash flow is paid determine the investor's return.

SWAP: The trading of one asset for another. Sometimes used in active portfolio management to increase investment returns by "swapping" one type of security for another.

TOTAL RETURN: Interest income plus capital gains (or minus losses) on an investment.

TREASURY BILLS: A non-interest bearing discount security issued by the U.S. Treasury, generally having initial maturities of 3 months, 6 months, or 1 year.

TREASURY BONDS: Long-term, coupon bearing U.S. Treasury securities having initial maturities of more than 10 years.

TREASURY NOTES: Intermediate-term, coupon bearing U.S. Treasury securities having initial maturities of 2 - 10 years.

UNIFORM NET CAPITAL RULE: Securities and Exchange Commission requirement that member firms as well as nonmember broker-dealers in securities maintain a maximum ratio of indebtedness to liquid capital of 15 to 1; also called *net capital rule* and *net capital ratio*. Indebtedness covers all money owed to a firm, including margin loans and commitments to purchase securities, one reason new public issues are spread among members of underwriting syndicates. Liquid capital includes cash and assets easily converted into cash.

YIELD TO MATURITY (YTM): The promised return assuming all interest and principal payments are made and reinvested at the same rate taking into account price appreciation (if priced below par) or depreciation (if priced above par).

APPENDIX A

PUBLIC FUNDS INVESTMENT ACT

GOVERNMENT CODE

TITLE 10. GENERAL GOVERNMENT

SUBTITLE F. STATE AND LOCAL CONTRACTS AND FUND MANAGEMENT

CHAPTER 2256. PUBLIC FUNDS INVESTMENT

SUBCHAPTER A. AUTHORIZED INVESTMENTS FOR GOVERNMENTAL ENTITIES

Sec. 2256.001. SHORT TITLE. This chapter may be cited as the Public Funds Investment Act.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.002. DEFINITIONS. In this chapter:

(1) "Bond proceeds" means the proceeds from the sale of bonds, notes, and other obligations issued by an entity, and reserves and funds maintained by an entity for debt service purposes.

(2) "Book value" means the original acquisition cost of an investment plus or minus the accrued amortization or accretion.

(3) "Funds" means public funds in the custody of a state agency or local government that:

(A) are not required by law to be deposited in the state treasury; and

(B) the investing entity has authority to invest.

(4) "Institution of higher education" has the meaning assigned by Section 61.003, Education Code.

(5) "Investing entity" and "entity" mean an entity subject to this chapter and described by Section 2256.003.

(6) "Investment pool" means an entity created under this code to invest public funds jointly on behalf of the entities that participate in the pool and whose investment objectives in order of priority are:

(A) preservation and safety of principal;

(B) liquidity; and

(C) yield.

(7) "Local government" means a municipality, a county, a school district, a district or authority created under Section 52(b)(1) or (2), Article III, or Section 59, Article XVI, Texas Constitution, a fresh water supply

district, a hospital district, and any political subdivision, authority, public corporation, body politic, or instrumentality of the State of Texas, and any nonprofit corporation acting on behalf of any of those entities.

(8) "Market value" means the current face or par value of an investment multiplied by the net selling price of the security as quoted by a recognized market pricing source quoted on the valuation date.

(9) "Pooled fund group" means an internally created fund of an investing entity in which one or more institutional accounts of the investing entity are invested.

(10) "Qualified representative" means a person who holds a position with a business organization, who is authorized to act on behalf of the business organization, and who is one of the following:

(A) for a business organization doing business that is regulated by or registered with a securities commission, a person who is registered under the rules of the National Association of Securities Dealers;

(B) for a state or federal bank, a savings bank, or a state or federal credit union, a member of the loan committee for the bank or branch of the bank or a person authorized by corporate resolution to act on behalf of and bind the banking institution;

(C) for an investment pool, the person authorized by the elected official or board with authority to administer the activities of the investment pool to sign the written instrument on behalf of the investment pool; or

(D) for an investment management firm registered under the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-1 et seq.) or, if not subject to registration under that Act, registered with the State Securities Board, a person who is an officer or principal of the investment management firm.

(11) "School district" means a public school district.

(12) "Separately invested asset" means an account or fund of a state agency or local government that is not invested in a pooled fund group.

(13) "State agency" means an office, department, commission, board, or other agency that is part of any branch of state government, an institution of higher education, and any nonprofit corporation acting on behalf of any of those entities.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 1, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 1, eff. Sept. 1, 1999.

Sec. 2256.003. AUTHORITY TO INVEST FUNDS; ENTITIES SUBJECT TO THIS CHAPTER. (a) Each governing body of the following entities may purchase, sell, and invest its funds and funds under its control in investments authorized under this subchapter in compliance with investment policies approved by the governing body and according to the standard of care prescribed by Section 2256.006:

(1) a local government;

(2) a state agency;

(3) a nonprofit corporation acting on behalf of a local government or a state agency; or

(4) an investment pool acting on behalf of two or more local governments, state agencies, or a combination of those entities.

(b) In the exercise of its powers under Subsection (a), the governing body of an investing entity may contract with an investment management firm registered under the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-1 et seq.) or with the State Securities Board to provide for the investment and management of its public funds or other funds under its control. A contract made under authority of this subsection may not be for a term longer than two years. A renewal or extension of the contract must be made by the governing body of the investing entity by order, ordinance, or resolution.

(c) This chapter does not prohibit an investing entity or investment officer from using the entity's employees or the services of a contractor of the entity to aid the investment officer in the execution of the officer's duties under this chapter.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1999, 76th Leg., ch. 1454, Sec. 2, eff. Sept. 1, 1999.

Sec. 2256.004. APPLICABILITY. (a) This subchapter does not apply to:

(1) a public retirement system as defined by Section 802.001;

(2) state funds invested as authorized by Section 404.024;

(3) an institution of higher education having total endowments of at least $95 million in book value on May 1, 1995;

(4) funds invested by the Veterans' Land Board as authorized by Chapter 161, 162, or 164, Natural Resources Code;

(5) registry funds deposited with the county or district clerk under Chapter 117, Local Government Code; or

(6) a deferred compensation plan that qualifies under either Section 401(k) or 457 of the Internal Revenue Code of 1986 (26 U.S.C. Section 1 et seq.), as amended.

(b) This subchapter does not apply to an investment donated to an investing entity for a particular purpose or under terms of use specified by the donor.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 505, Sec. 24, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1421, Sec. 2, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 62, Sec. 8.21, eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 1454, Sec. 3, eff. Sept. 1, 1999.

Sec. 2256.005. INVESTMENT POLICIES; INVESTMENT STRATEGIES; INVESTMENT OFFICER. (a) The governing body of an investing entity shall adopt by rule, order, ordinance, or resolution, as appropriate, a written investment policy regarding the investment of its funds and funds under its control.

(b) The investment policies must:

(1) be written;

(2) primarily emphasize safety of principal and liquidity;

(3) address investment diversification, yield, and maturity and the quality and capability of investment management; and

(4) include:

(A) a list of the types of authorized investments in which the investing entity's funds may be invested;

(B) the maximum allowable stated maturity of any individual investment owned by the entity;

(C) for pooled fund groups, the maximum dollar-weighted average maturity allowed based on the stated maturity date for the portfolio;

(D) methods to monitor the market price of investments acquired with public funds;

(E) a requirement for settlement of all transactions, except investment pool funds and mutual funds, on a delivery versus payment basis; and

(F) procedures to monitor rating changes in investments acquired with public funds and the liquidation of such investments consistent with the provisions of Section 2256.021.

(c) The investment policies may provide that bids for certificates of deposit be solicited:

(1) orally;

(2) in writing;

(3) electronically; or

(4) in any combination of those methods.

(d) As an integral part of an investment policy, the governing body shall adopt a separate written investment strategy for each of the funds or group of funds under its control. Each investment strategy must describe the investment objectives for the particular fund using the following priorities in order of importance:

(1) understanding of the suitability of the investment to the financial requirements of the entity;

(2) preservation and safety of principal;

(3) liquidity;

(4) marketability of the investment if the need arises to liquidate the investment before maturity;

(5) diversification of the investment portfolio; and

(6) yield.

(e) The governing body of an investing entity shall review its investment policy and investment strategies not less than annually. The governing body shall adopt a written instrument by rule, order, ordinance, or resolution stating that it has reviewed the investment policy and investment strategies and that the written instrument so adopted shall record any changes made to either the investment policy or investment strategies.

(f) Each investing entity shall designate, by rule, order, ordinance, or resolution, as appropriate, one or more officers or employees of the state agency, local government, or investment pool as investment officer to be responsible for the investment of its funds consistent with the investment policy adopted by the entity. If the governing body of an investing entity has contracted with another investing entity to invest its funds, the investment officer of the other investing entity is considered to be the investment officer of the first investing entity for purposes of this chapter. Authority granted to a person to invest an entity's funds is effective until rescinded by the investing entity, until the expiration of the officer's term or the termination of the person's employment by the investing entity, or if an investment management firm, until the expiration of the contract with the investing entity. In the administration of the duties of an investment officer, the person designated as investment officer shall exercise the

judgment and care, under prevailing circumstances, that a prudent person would exercise in the management of the person's own affairs, but the governing body of the investing entity retains ultimate responsibility as fiduciaries of the assets of the entity. Unless authorized by law, a person may not deposit, withdraw, transfer, or manage in any other manner the funds of the investing entity.

(g) Subsection (f) does not apply to a state agency, local government, or investment pool for which an officer of the entity is assigned by law the function of investing its funds.

Text of subsec. (h) as amended by Acts 1997, 75th Leg., ch. 685, Sec. 1

(h) An officer or employee of a commission created under Chapter 391, Local Government Code, is ineligible to be an investment officer for the commission under Subsection (f) if the officer or employee is an investment officer designated under Subsection (f) for another local government.

Text of subsec. (h) as amended by Acts 1997, 75th Leg., ch. 1421, Sec. 3

(h) An officer or employee of a commission created under Chapter 391, Local Government Code, is ineligible to be designated as an investment officer under Subsection (f) for any investing entity other than for that commission.

(i) An investment officer of an entity who has a personal business relationship with a business organization offering to engage in an investment transaction with the entity shall file a statement disclosing that personal business interest. An investment officer who is related within the second degree by affinity or consanguinity, as determined under Chapter 573, to an individual seeking to sell an investment to the investment officer's entity shall file a statement disclosing that relationship. A statement required under this subsection must be filed with the Texas Ethics Commission and the governing body of the entity. For purposes of this subsection, an investment officer has a personal business relationship with a business organization if:

(1) the investment officer owns 10 percent or more of the voting stock or shares of the business organization or owns $5,000 or more of the fair market value of the business organization;

(2) funds received by the investment officer from the business organization exceed 10 percent of the investment officer's gross income for the previous year; or

(3) the investment officer has acquired from the business organization during the previous year investments with a book value of $2,500 or more for the personal account of the investment officer.

(j) The governing body of an investing entity may specify in its investment policy that any investment authorized by this chapter is not suitable.

(k) A written copy of the investment policy shall be presented to any person offering to engage in an investment transaction with an investing entity or to an investment management firm under contract with an investing entity to invest or manage the entity's investment portfolio. For purposes of this subsection, a business organization includes investment pools and an investment management firm under contract with an investing entity to invest or manage the entity's investment portfolio. Nothing in this subsection relieves the investing entity of the responsibility for monitoring the investments made by the investing entity to determine that they are in compliance with the investment policy. The qualified representative of the business organization offering to engage in an investment transaction with an investing entity shall execute a written instrument in a form acceptable to the investing entity and the business organization substantially to the effect that the business organization has:

(1) received and reviewed the investment policy of the entity; and

(2) acknowledged that the business organization has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the entity and the organization that are not authorized by the entity's investment policy, except to the extent that this authorization is dependent on an analysis of the makeup of the entity's entire portfolio or requires an interpretation of subjective investment standards.

(l) The investment officer of an entity may not acquire or otherwise obtain any authorized investment described in the investment policy of the investing entity from a person who has not delivered to the entity the instrument required by Subsection (k).

(m) An investing entity other than a state agency, in conjunction with its annual financial audit, shall perform a compliance audit of management controls on investments and adherence to the entity's established investment policies.

(n) Except as provided by Subsection (o), at least once every two years a state agency shall arrange for a compliance audit of management controls on investments and adherence to the agency's established investment policies. The compliance audit shall be performed by the agency's internal auditor or by a private auditor employed in the manner provided by Section 321.020. Not later than January 1 of each even-numbered year a state agency

shall report the results of the most recent audit performed under this subsection to the state auditor. Subject to a risk assessment and to the legislative audit committee's approval of including a review by the state auditor in the audit plan under Section 321.013, the state auditor may review information provided under this section. If review by the state auditor is approved by the legislative audit committee, the state auditor may, based on its review, require a state agency to also report to the state auditor other information the state auditor determines necessary to assess compliance with laws and policies applicable to state agency investments. A report under this subsection shall be prepared in a manner the state auditor prescribes.

(o) The audit requirements of Subsection (n) do not apply to assets of a state agency that are invested by the comptroller under Section 404.024.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 685, Sec. 1, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1421, Sec. 3, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 4, eff. Sept. 1, 1999; Acts 2003, 78th Leg., ch. 785, Sec. 41, eff. Sept. 1, 2003.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1004, Sec. 1, eff. June 17, 2011.

Sec. 2256.006. STANDARD OF CARE. (a) Investments shall be made with judgment and care, under prevailing circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of the person's own affairs, not for speculation, but for investment, considering the probable safety of capital and the probable income to be derived. Investment of funds shall be governed by the following investment objectives, in order of priority:

(1) preservation and safety of principal;

(2) liquidity; and

(3) yield.

(b) In determining whether an investment officer has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration:

(1) the investment of all funds, or funds under the entity's control, over which the officer had responsibility rather than a consideration as to the prudence of a single investment; and

(2) whether the investment decision was consistent with the written investment policy of the entity.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.007. INVESTMENT TRAINING; STATE AGENCY BOARD MEMBERS AND OFFICERS. (a) Each member of the governing board of a state agency and its investment officer shall attend at least one training session relating to the person's responsibilities under this chapter within six months after taking office or assuming duties.

(b) The Texas Higher Education Coordinating Board shall provide the training under this section.

(c) Training under this section must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and compliance with this chapter.

(d) An investment officer shall attend a training session not less than once each state fiscal biennium and may receive training from any independent source approved by the governing body of the state agency. The investment officer shall prepare a report on this subchapter and deliver the report to the governing body of the state agency not later than the 180th day after the last day of each regular session of the legislature.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 73, Sec. 1, eff. May 9, 1997; Acts 1997, 75th Leg., ch. 1421, Sec. 4, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 5, eff. Sept. 1, 1999.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1004, Sec. 2, eff. June 17, 2011.

Sec. 2256.008. INVESTMENT TRAINING; LOCAL GOVERNMENTS. (a) Except as provided by Subsections (b) and (e), the treasurer, the chief financial officer if the treasurer is not the chief financial officer, and the investment officer of a local government shall:

(1) attend at least one training session from an independent source approved by the governing body of the local government or a designated investment committee advising the investment officer as provided for in the investment policy of the local government and containing at least 10 hours of instruction relating to the treasurer's or officer's responsibilities under this subchapter within 12 months after taking office or assuming duties; and

(2) except as provided by Subsections (b) and (e), attend an investment training session not less than once in a two-year period that begins on the first day of that local government's fiscal year and consists of the two consecutive fiscal years after that date, and receive not less than 10 hours of instruction relating to investment

responsibilities under this subchapter from an independent source approved by the governing body of the local government or a designated investment committee advising the investment officer as provided for in the investment policy of the local government.

(b) An investing entity created under authority of Section 52(b), Article III, or Section 59, Article XVI, Texas Constitution, that has contracted with an investment management firm under Section 2256.003(b) and has fewer than five full-time employees or an investing entity that has contracted with another investing entity to invest the entity's funds may satisfy the training requirement provided by Subsection (a)(2) by having an officer of the governing body attend four hours of appropriate instruction in a two-year period that begins on the first day of that local government's fiscal year and consists of the two consecutive fiscal years after that date. The treasurer or chief financial officer of an investing entity created under authority of Section 52(b), Article III, or Section 59, Article XVI, Texas Constitution, and that has fewer than five full-time employees is not required to attend training required by this section unless the person is also the investment officer of the entity.

(c) Training under this section must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and compliance with this chapter.

(d) Not later than December 31 each year, each individual, association, business, organization, governmental entity, or other person that provides training under this section shall report to the comptroller a list of the governmental entities for which the person provided required training under this section during that calendar year. An individual's reporting requirements under this subsection are satisfied by a report of the individual's employer or the sponsoring or organizing entity of a training program or seminar.

(e) This section does not apply to a district governed by Chapter 36 or 49, Water Code.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 5, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 6, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 69, Sec. 4, eff. May 14, 2001.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1004, Sec. 3, eff. June 17, 2011.

Sec. 2256.009. AUTHORIZED INVESTMENTS: OBLIGATIONS OF, OR GUARANTEED BY GOVERNMENTAL ENTITIES. (a) Except as provided by Subsection (b), the following are authorized investments under this subchapter:

(1) obligations, including letters of credit, of the United States or its agencies and instrumentalities;

(2) direct obligations of this state or its agencies and instrumentalities;

(3) collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, the underlying security for which is guaranteed by an agency or instrumentality of the United States;

(4) other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, this state or the United States or their respective agencies and instrumentalities, including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation or by the explicit full faith and credit of the United States;

(5) obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent; and

(6) bonds issued, assumed, or guaranteed by the State of Israel.

(b) The following are not authorized investments under this section:

(1) obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal;

(2) obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest;

(3) collateralized mortgage obligations that have a stated final maturity date of greater than 10 years; and

(4) collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1999, 76th Leg., ch. 1454, Sec. 7, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 558, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1004, Sec. 4, eff. June 17, 2011.

Sec. 2256.010. AUTHORIZED INVESTMENTS: CERTIFICATES OF DEPOSIT AND SHARE CERTIFICATES. (a) A certificate of deposit or share certificate is an authorized investment under this subchapter if the certificate is issued by a depository institution that has its main office or a branch office in this state and is:

(1) guaranteed or insured by the Federal Deposit Insurance Corporation or its successor or the National Credit Union Share Insurance Fund or its successor;

(2) secured by obligations that are described by Section 2256.009(a), including mortgage backed securities directly issued by a federal agency or instrumentality that have a market value of not less than the principal amount of the certificates, but excluding those mortgage backed securities of the nature described by Section 2256.009(b); or

(3) secured in any other manner and amount provided by law for deposits of the investing entity.

(b) In addition to the authority to invest funds in certificates of deposit under Subsection (a), an investment in certificates of deposit made in accordance with the following conditions is an authorized investment under this subchapter:

(1) the funds are invested by an investing entity through:

(A) a broker that has its main office or a branch office in this state and is selected from a list adopted by the investing entity as required by Section 2256.025; or

(B) a depository institution that has its main office or a branch office in this state and that is selected by the investing entity;

(2) the broker or the depository institution selected by the investing entity under Subdivision (1) arranges for the deposit of the funds in certificates of deposit in one or more federally insured depository institutions, wherever located, for the account of the investing entity;

(3) the full amount of the principal and accrued interest of each of the certificates of deposit is insured by the United States or an instrumentality of the United States; and

(4) the investing entity appoints the depository institution selected by the investing entity under Subdivision (1), an entity described by Section 2257.041(d), or a clearing broker-dealer registered with the Securities and Exchange Commission and operating pursuant to Securities and Exchange Commission Rule 15c3-3 (17 C.F.R. Section 240.15c3-3) as custodian for the investing entity with respect to the certificates of deposit issued for the account of the investing entity.

Amended by Acts 1995, 74th Leg., ch. 32, Sec. 1, eff. April 28, 1995; Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 6, eff. Sept. 1, 1997.

Amended by:

Acts 2005, 79th Leg., Ch. 128, Sec. 1, eff. September 1, 2005.

Acts 2011, 82nd Leg., R.S., Ch. 1004, Sec. 5, eff. June 17, 2011.

Sec. 2256.011. AUTHORIZED INVESTMENTS: REPURCHASE AGREEMENTS. (a) A fully collateralized repurchase agreement is an authorized investment under this subchapter if the repurchase agreement:

(1) has a defined termination date;

(2) is secured by a combination of cash and obligations described by Section 2256.009(a)(1); and

(3) requires the securities being purchased by the entity or cash held by the entity to be pledged to the entity, held in the entity's name, and deposited at the time the investment is made with the entity or with a third party selected and approved by the entity; and

(4) is placed through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in this state.

(b) In this section, "repurchase agreement" means a simultaneous agreement to buy, hold for a specified time, and sell back at a future date obligations described by Section 2256.009(a)(1), at a market value at the time the funds are disbursed of not less than the principal amount of the funds disbursed. The term includes a direct security repurchase agreement and a reverse security repurchase agreement.

(c) Notwithstanding any other law, the term of any reverse security repurchase agreement may not exceed 90 days after the date the reverse security repurchase agreement is delivered.

(d) Money received by an entity under the terms of a reverse security repurchase agreement shall be used to acquire additional authorized investments, but the term of the authorized investments acquired must mature not later than the expiration date stated in the reverse security repurchase agreement.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1004, Sec. 6, eff. June 17, 2011.

Sec. 2256.0115. AUTHORIZED INVESTMENTS: SECURITIES LENDING PROGRAM. (a) A securities lending program is an authorized investment under this subchapter if it meets the conditions provided by this section.

(b) To qualify as an authorized investment under this subchapter:

(1) the value of securities loaned under the program must be not less than 100 percent collateralized, including accrued income;

(2) a loan made under the program must allow for termination at any time;

(3) a loan made under the program must be secured by:

(A) pledged securities described by Section 2256.009;

(B) pledged irrevocable letters of credit issued by a bank that is:

(i) organized and existing under the laws of the United States or any other state; and

(ii) continuously rated by at least one nationally recognized investment rating firm at not less than A or its equivalent; or

(C) cash invested in accordance with Section:

(i) 2256.009;

(ii) 2256.013;

(iii) 2256.014; or

(iv) 2256.016;

(4) the terms of a loan made under the program must require that the securities being held as collateral be:

(A) pledged to the investing entity;

(B) held in the investing entity's name; and

(C) deposited at the time the investment is made with the entity or with a third party selected by or approved by the investing entity;

(5) a loan made under the program must be placed through:

(A) a primary government securities dealer, as defined by 5 C.F.R. Section 6801.102(f), as that regulation existed on September 1, 2003; or

(B) a financial institution doing business in this state; and

(6) an agreement to lend securities that is executed under this section must have a term of one year or less.

Added by Acts 2003, 78th Leg., ch. 1227, Sec. 1, eff. Sept. 1, 2003.

Sec. 2256.012. AUTHORIZED INVESTMENTS: BANKER'S ACCEPTANCES. A bankers' acceptance is an authorized investment under this subchapter if the bankers' acceptance:

(1) has a stated maturity of 270 days or fewer from the date of its issuance;

(2) will be, in accordance with its terms, liquidated in full at maturity;

(3) is eligible for collateral for borrowing from a Federal Reserve Bank; and

(4) is accepted by a bank organized and existing under the laws of the United States or any state, if the short-term obligations of the bank, or of a bank holding company of which the bank is the largest subsidiary, are rated not less than A-1 or P-1 or an equivalent rating by at least one nationally recognized credit rating agency.
Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.013. AUTHORIZED INVESTMENTS: COMMERCIAL PAPER. Commercial paper is an authorized investment under this subchapter if the commercial paper:

(1) has a stated maturity of 270 days or fewer from the date of its issuance; and

(2) is rated not less than A-1 or P-1 or an equivalent rating by at least:

(A) two nationally recognized credit rating agencies; or

(B) one nationally recognized credit rating agency and is fully secured by an irrevocable letter of credit issued by a bank organized and existing under the laws of the United States or any state.
Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.014. AUTHORIZED INVESTMENTS: MUTUAL FUNDS. (a) A no-load money market mutual fund is an authorized investment under this subchapter if the mutual fund:

(1) is registered with and regulated by the Securities and Exchange Commission;

(2) provides the investing entity with a prospectus and other information required by the Securities Exchange Act of 1934 (15 U.S.C. Section 78a et seq.) or the Investment Company Act of 1940 (15 U.S.C. Section 80a-1 et seq.);

(3) has a dollar-weighted average stated maturity of 90 days or fewer; and

(4) includes in its investment objectives the maintenance of a stable net asset value of $1 for each share.

(b) In addition to a no-load money market mutual fund permitted as an authorized investment in Subsection (a), a no-load mutual fund is an authorized investment under this subchapter if the mutual fund:

(1) is registered with the Securities and Exchange Commission;

(2) has an average weighted maturity of less than two years;

(3) is invested exclusively in obligations approved by this subchapter;

(4) is continuously rated as to investment quality by at least one nationally recognized investment rating firm of not less than AAA or its equivalent; and

(5) conforms to the requirements set forth in Sections 2256.016(b) and (c) relating to the eligibility of investment pools to receive and invest funds of investing entities.

(c) An entity is not authorized by this section to:

(1) invest in the aggregate more than 15 percent of its monthly average fund balance, excluding bond proceeds and reserves and other funds held for debt service, in mutual funds described in Subsection (b);

(2) invest any portion of bond proceeds, reserves and funds held for debt service, in mutual funds described in Subsection (b); or

(3) invest its funds or funds under its control, including bond proceeds and reserves and other funds held for debt service, in any one mutual fund described in Subsection (a) or (b) in an amount that exceeds 10 percent of the total assets of the mutual fund.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 7, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 8, eff. Sept. 1, 1999.

Sec. 2256.015. AUTHORIZED INVESTMENTS: GUARANTEED INVESTMENT CONTRACTS. (a) A guaranteed investment contract is an authorized investment for bond proceeds under this subchapter if the guaranteed investment contract:

(1) has a defined termination date;

(2) is secured by obligations described by Section 2256.009(a)(1), excluding those obligations described by Section 2256.009(b), in an amount at least equal to the amount of bond proceeds invested under the contract; and

(3) is pledged to the entity and deposited with the entity or with a third party selected and approved by the entity.

(b) Bond proceeds, other than bond proceeds representing reserves and funds maintained for debt service purposes, may not be invested under this subchapter in a guaranteed investment contract with a term of longer than five years from the date of issuance of the bonds.

(c) To be eligible as an authorized investment:

(1) the governing body of the entity must specifically authorize guaranteed investment contracts as an eligible investment in the order, ordinance, or resolution authorizing the issuance of bonds;

(2) the entity must receive bids from at least three separate providers with no material financial interest in the bonds from which proceeds were received;

(3) the entity must purchase the highest yielding guaranteed investment contract for which a qualifying bid is received;

(4) the price of the guaranteed investment contract must take into account the reasonably expected drawdown schedule for the bond proceeds to be invested; and

(5) the provider must certify the administrative costs reasonably expected to be paid to third parties in connection with the guaranteed investment contract.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 8, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 9, 10, eff. Sept. 1, 1999.

Sec. 2256.016. AUTHORIZED INVESTMENTS: INVESTMENT POOLS. (a) An entity may invest its funds and funds under its control through an eligible investment pool if the governing body of the entity by rule, order, ordinance, or resolution, as appropriate, authorizes investment in the particular pool. An investment pool shall invest the funds it receives from entities in authorized investments permitted by this subchapter. An investment pool may invest its funds in money market mutual funds to the extent permitted by and consistent with this subchapter and the investment policies and objectives adopted by the investment pool.

(b) To be eligible to receive funds from and invest funds on behalf of an entity under this chapter, an investment pool must furnish to the investment officer or other authorized representative of the entity an offering circular or other similar disclosure instrument that contains, at a minimum, the following information:

(1) the types of investments in which money is allowed to be invested;

(2) the maximum average dollar-weighted maturity allowed, based on the stated maturity date, of the pool;

(3) the maximum stated maturity date any investment security within the portfolio has;

(4) the objectives of the pool;

(5) the size of the pool;

(6) the names of the members of the advisory board of the pool and the dates their terms expire;

(7) the custodian bank that will safekeep the pool's assets;

(8) whether the intent of the pool is to maintain a net asset value of one dollar and the risk of market price fluctuation;

(9) whether the only source of payment is the assets of the pool at market value or whether there is a secondary source of payment, such as insurance or guarantees, and a description of the secondary source of payment;

(10) the name and address of the independent auditor of the pool;

(11) the requirements to be satisfied for an entity to deposit funds in and withdraw funds from the pool and any deadlines or other operating policies required for the entity to invest funds in and withdraw funds from the pool; and

(12) the performance history of the pool, including yield, average dollar-weighted maturities, and expense ratios.

(c) To maintain eligibility to receive funds from and invest funds on behalf of an entity under this chapter, an investment pool must furnish to the investment officer or other authorized representative of the entity:

(1) investment transaction confirmations; and

(2) a monthly report that contains, at a minimum, the following information:

(A) the types and percentage breakdown of securities in which the pool is invested;

(B) the current average dollar-weighted maturity, based on the stated maturity date, of the pool;

(C) the current percentage of the pool's portfolio in investments that have stated maturities of more than one year;

(D) the book value versus the market value of the pool's portfolio, using amortized cost valuation;

(E) the size of the pool;

(F) the number of participants in the pool;

(G) the custodian bank that is safekeeping the assets of the pool;

(H) a listing of daily transaction activity of the entity participating in the pool;

(I) the yield and expense ratio of the pool, including a statement regarding how yield is calculated;

(J) the portfolio managers of the pool; and

(K) any changes or addenda to the offering circular.

(d) An entity by contract may delegate to an investment pool the authority to hold legal title as custodian of investments purchased with its local funds.

(e) In this section, "yield" shall be calculated in accordance with regulations governing the registration of open-end management investment companies under the Investment Company Act of 1940, as promulgated from time to time by the federal Securities and Exchange Commission.

(f) To be eligible to receive funds from and invest funds on behalf of an entity under this chapter, a public funds investment pool created to function as a money market mutual fund must mark its portfolio to market daily, and, to the extent reasonably possible, stabilize at a $1 net asset value. If the ratio of the market value of the portfolio divided by the book value of the portfolio is less than 0.995 or greater than 1.005, portfolio holdings shall be sold as necessary to maintain the ratio between 0.995 and 1.005. In addition to the requirements of its investment policy and any other forms of reporting, a public funds investment pool created to function as a money market mutual fund shall report yield to its investors in accordance with regulations of the federal Securities and Exchange Commission applicable to reporting by money market funds.

(g) To be eligible to receive funds from and invest funds on behalf of an entity under this chapter, a public funds investment pool must have an advisory board composed:

(1) equally of participants in the pool and other persons who do not have a business relationship with the pool and are qualified to advise the pool, for a public funds investment pool created under Chapter 791 and managed by a state agency; or

(2) of participants in the pool and other persons who do not have a business relationship with the pool and are qualified to advise the pool, for other investment pools.

(h) To maintain eligibility to receive funds from and invest funds on behalf of an entity under this chapter, an investment pool must be continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating service.

(i) If the investment pool operates an Internet website, the information in a disclosure instrument or report described in Subsections (b), (c)(2), and (f) must be posted on the website.

(j) To maintain eligibility to receive funds from and invest funds on behalf of an entity under this chapter, an investment pool must make available to the entity an annual audited financial statement of the investment pool in which the entity has funds invested.

(k) If an investment pool offers fee breakpoints based on fund balances invested, the investment pool in advertising investment rates must include either all levels of return based on the breakpoints provided or state the lowest possible level of return based on the smallest level of funds invested.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 9, eff. Sept. 1, 1997.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1004, Sec. 7, eff. June 17, 2011.

Sec. 2256.017. EXISTING INVESTMENTS. An entity is not required to liquidate investments that were authorized investments at the time of purchase.

Added by Acts 1995, 74th Leg., ch. 76, Sec. 5.46(a), eff. Sept. 1, 1995; Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1421, Sec. 10, eff. Sept. 1, 1997.

Sec. 2256.019. RATING OF CERTAIN INVESTMENT POOLS. A public funds investment pool must be continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating service.

Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1421, Sec. 11, eff. Sept. 1, 1997.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1004, Sec. 8, eff. June 17, 2011.

Sec. 2256.020. AUTHORIZED INVESTMENTS: INSTITUTIONS OF HIGHER EDUCATION. In addition to the authorized investments permitted by this subchapter, an institution of higher education may purchase, sell, and invest its funds and funds under its control in the following:

(1) cash management and fixed income funds sponsored by organizations exempt from federal income taxation under Section 501(f), Internal Revenue Code of 1986 (26 U.S.C. Section 501(f));

(2) negotiable certificates of deposit issued by a bank that has a certificate of deposit rating of at least 1 or the equivalent by a nationally recognized credit rating agency or that is associated with a holding company having a commercial paper rating of at least A-1, P-1, or the equivalent by a nationally recognized credit rating agency; and

(3) corporate bonds, debentures, or similar debt obligations rated by a nationally recognized investment rating firm in one of the two highest long-term rating categories, without regard to gradations within those categories.

Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.0201. AUTHORIZED INVESTMENTS; MUNICIPAL UTILITY. (a) A municipality that owns a municipal electric utility that is engaged in the distribution and sale of electric energy or natural gas to the public may enter into a hedging contract and related security and insurance agreements in relation to fuel oil, natural gas, coal, nuclear fuel, and electric energy to protect against loss due to price fluctuations. A hedging transaction must comply with the regulations of the Commodity Futures Trading Commission and the Securities and Exchange Commission. If there is a conflict between the municipal charter of the municipality and this chapter, this chapter prevails.

(b) A payment by a municipally owned electric or gas utility under a hedging contract or related agreement in relation to fuel supplies or fuel reserves is a fuel expense, and the utility may credit any amounts it receives under the contract or agreement against fuel expenses.

(c) The governing body of a municipally owned electric or gas utility or the body vested with power to manage and operate the municipally owned electric or gas utility may set policy regarding hedging transactions.

(d) In this section, "hedging" means the buying and selling of fuel oil, natural gas, coal, nuclear fuel, and electric energy futures or options or similar contracts on those commodities and related transportation costs as a protection against loss due to price fluctuation.

Added by Acts 1999, 76th Leg., ch. 405, Sec. 48, eff. Sept. 1, 1999.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 7, Sec. 1, eff. April 13, 2007.

Sec. 2256.0202. AUTHORIZED INVESTMENTS: MUNICIPAL FUNDS FROM MANAGEMENT AND DEVELOPMENT OF MINERAL RIGHTS. (a) In addition to other investments authorized under this subchapter, a municipality may invest funds received by the municipality from a lease or contract for the management and development of land owned by the municipality and leased for oil, gas, or other mineral development in any investment authorized to be made by a trustee under Subtitle B, Title 9, Property Code (Texas Trust Code).

(b) Funds invested by a municipality under this section shall be segregated and accounted for separately from other funds of the municipality.

Added by Acts 2009, 81st Leg., R.S., Ch. 1371, Sec. 1, eff. September 1, 2009.

Sec. 2256.0203. AUTHORIZED INVESTMENTS: PORTS AND NAVIGATION DISTRICTS. (a) In this section, "district" means a navigation district organized under Section 52, Article III, or Section 59, Article XVI, Texas Constitution.

(b) In addition to the authorized investments permitted by this subchapter, a port or district may purchase, sell, and invest its funds and funds under its control in negotiable certificates of deposit issued by a bank that has a certificate of deposit rating of at least 1 or the equivalent by a nationally recognized credit rating agency or that is associated with a holding company having a commercial paper rating of at least A-1, P-1, or the equivalent by a nationally recognized credit rating agency.

Added by Acts 2011, 82nd Leg., R.S., Ch. 804, Sec. 1, eff. September 1, 2011.

Sec. 2256.0204. AUTHORIZED INVESTMENTS: INDEPENDENT SCHOOL DISTRICTS. (a) In this section, "corporate bond" means a senior secured debt obligation issued by a domestic business entity and rated not lower than "AA-" or the equivalent by a nationally recognized investment rating firm. The term does not include a debt obligation that:

(1) on conversion, would result in the holder becoming a stockholder or shareholder in the entity, or any affiliate or subsidiary of the entity, that issued the debt obligation; or

(2) is an unsecured debt obligation.

(b) This section applies only to an independent school district that qualifies as an issuer as defined by Section 1371.001.

(c) In addition to authorized investments permitted by this subchapter, an independent school district subject to this section may purchase, sell, and invest its funds and funds under its control in corporate bonds that, at the time of purchase, are rated by a nationally recognized investment rating firm "AA-" or the equivalent and have a stated final maturity that is not later than the third anniversary of the date the corporate bonds were purchased.

(d) An independent school district subject to this section is not authorized by this section to:

(1) invest in the aggregate more than 15 percent of its monthly average fund balance, excluding bond proceeds, reserves, and other funds held for the payment of debt service, in corporate bonds; or

(2) invest more than 25 percent of the funds invested in corporate bonds in any one domestic business entity, including subsidiaries and affiliates of the entity.

(e) An independent school district subject to this section may purchase, sell, and invest its funds and funds under its control in corporate bonds if the governing body of the district:

(1) amends its investment policy to authorize corporate bonds as an eligible investment;

(2) adopts procedures to provide for:

(A) monitoring rating changes in corporate bonds acquired with public funds; and

(B) liquidating the investment in corporate bonds; and

(3) identifies the funds eligible to be invested in corporate bonds.

(f) The investment officer of an independent school district, acting on behalf of the district, shall sell corporate bonds in which the district has invested its funds not later than the seventh day after the date a nationally recognized investment rating firm:

(1) issues a release that places the corporate bonds or the domestic business entity that issued the corporate bonds on negative credit watch or the equivalent, if the corporate bonds are rated "AA-" or the equivalent at the time the release is issued; or

(2) changes the rating on the corporate bonds to a rating lower than "AA-" or the equivalent.

(g) Corporate bonds are not an eligible investment for a public funds investment pool.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1347, Sec. 1, eff. June 17, 2011.

Sec. 2256.0205. AUTHORIZED INVESTMENTS; DECOMMISSIONING TRUST. (a) In this section:

(1) "Decommissioning trust" means a trust created to provide the Nuclear Regulatory Commission assurance that funds will be available for decommissioning purposes as required under 10 C.F.R. Part 50 or other similar regulation.

(2) "Funds" includes any money held in a decommissioning trust regardless of whether the money is considered to be public funds under this subchapter.

(b) In addition to other investments authorized under this subchapter, a municipality that owns a municipal electric utility that is engaged in the distribution and sale of electric energy or natural gas to the public may invest funds held in a decommissioning trust in any investment authorized by Subtitle B, Title 9, Property Code.

Added by Acts 2005, 79th Leg., Ch. 121, Sec. 1, eff. September 1, 2005.

Sec. 2256.021. EFFECT OF LOSS OF REQUIRED RATING. An investment that requires a minimum rating under this subchapter does not qualify as an authorized investment during the period the investment does not have the minimum rating. An entity shall take all prudent measures that are consistent with its investment policy to liquidate an investment that does not have the minimum rating.

Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.022. EXPANSION OF INVESTMENT AUTHORITY. Expansion of investment authority granted by this chapter shall require a risk assessment by the state auditor or performed at the direction of the state auditor, subject to the legislative audit committee's approval of including the review in the audit plan under Section 321.013.

Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2003, 78th Leg., ch. 785, Sec. 42, eff. Sept. 1, 2003.

Sec. 2256.023. INTERNAL MANAGEMENT REPORTS. (a) Not less than quarterly, the investment officer shall prepare and submit to the governing body of the entity a written report of investment transactions for all funds covered by this chapter for the preceding reporting period.

(b) The report must:

(1) describe in detail the investment position of the entity on the date of the report;

(2) be prepared jointly by all investment officers of the entity;

(3) be signed by each investment officer of the entity;

(4) contain a summary statement of each pooled fund group that states the:

(A) beginning market value for the reporting period;

(B) ending market value for the period; and

(C) fully accrued interest for the reporting period;

(5) state the book value and market value of each separately invested asset at the end of the reporting period by the type of asset and fund type invested;

(6) state the maturity date of each separately invested asset that has a maturity date;

(7) state the account or fund or pooled group fund in the state agency or local government for which each individual investment was acquired; and

(8) state the compliance of the investment portfolio of the state agency or local government as it relates to:

(A) the investment strategy expressed in the agency's or local government's investment policy; and

(B) relevant provisions of this chapter.

(c) The report shall be presented not less than quarterly to the governing body and the chief executive officer of the entity within a reasonable time after the end of the period.

(d) If an entity invests in other than money market mutual funds, investment pools or accounts offered by its depository bank in the form of certificates of deposit, or money market accounts or similar accounts, the reports prepared by the investment officers under this section shall be formally reviewed at least annually by an independent auditor, and the result of the review shall be reported to the governing body by that auditor.

Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1421, Sec. 12, eff. Sept. 1, 1997.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1004, Sec. 9, eff. June 17, 2011.

Sec. 2256.024. SUBCHAPTER CUMULATIVE. (a) The authority granted by this subchapter is in addition to that granted by other law. Except as provided by Subsection (b), this subchapter does not:

(1) prohibit an investment specifically authorized by other law; or

(2) authorize an investment specifically prohibited by other law.

(b) Except with respect to those investing entities described in Subsection (c), a security described in Section 2256.009(b) is not an authorized investment for a state agency, a local government, or another investing entity, notwithstanding any other provision of this chapter or other law to the contrary.

(c) Mortgage pass-through certificates and individual mortgage loans that may constitute an investment described in Section 2256.009(b) are authorized investments with respect to the housing bond programs operated by:

(1) the Texas Department of Housing and Community Affairs or a nonprofit corporation created to act on its behalf;

(2) an entity created under Chapter 392, Local Government Code; or

(3) an entity created under Chapter 394, Local Government Code.

Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.025. SELECTION OF AUTHORIZED BROKERS. The governing body of an entity subject to this subchapter or the designated investment committee of the entity shall, at least annually, review, revise, and adopt a list of qualified brokers that are authorized to engage in investment transactions with the entity.

Added by Acts 1997, 75th Leg., ch. 1421, Sec. 13, eff. Sept. 1, 1997.

Sec. 2256.026. STATUTORY COMPLIANCE. All investments made by entities must comply with this subchapter and all federal, state, and local statutes, rules, or regulations.

Added by Acts 1997, 75th Leg., ch. 1421, Sec. 13, eff. Sept. 1, 1997.

SUBCHAPTER B. MISCELLANEOUS PROVISIONS

Sec. 2256.051. ELECTRONIC FUNDS TRANSFER. Any local government may use electronic means to transfer or invest all funds collected or controlled by the local government.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.052. PRIVATE AUDITOR. Notwithstanding any other law, a state agency shall employ a private auditor if authorized by the legislative audit committee either on the committee's initiative or on request of the governing body of the agency.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.053. PAYMENT FOR SECURITIES PURCHASED BY STATE. The comptroller or the disbursing officer of an agency that has the power to invest assets directly may pay for authorized securities purchased from or through a member in good standing of the National Association of Securities Dealers or from or through a national or state bank on receiving an invoice from the seller of the securities showing that the securities have been purchased by the board or agency and that the amount to be paid for the securities is just, due, and unpaid. A purchase of securities may not be made at a price that exceeds the existing market value of the securities.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1423, Sec. 8.67, eff. Sept. 1, 1997.

Sec. 2256.054. DELIVERY OF SECURITIES PURCHASED BY STATE. A security purchased under this chapter may be delivered to the comptroller, a bank, or the board or agency investing its funds. The delivery shall be made under normal and recognized practices in the securities and banking industries, including the book entry procedure of the Federal Reserve Bank.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1423, Sec. 8.68, eff. Sept. 1, 1997.

Sec. 2256.055. DEPOSIT OF SECURITIES PURCHASED BY STATE. At the direction of the comptroller or the agency, a security purchased under this chapter may be deposited in trust with a bank or federal reserve bank or branch designated by the comptroller, whether in or outside the state. The deposit shall be held in the entity's name as evidenced by a trust receipt of the bank with which the securities are deposited.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1423, Sec. 8.69, eff. Sept. 1, 1997.

APPENDIX B

COUNCIL RESOLUTION

September ~~24,~~22, ~~2014~~2015

WHEREAS, in 1987 the City Council adopted the City's Investment Policy which was in compliance with the federal and state law and the City Charter; and

WHEREAS, in 1995 and 1997 through ~~2013~~2014, the City Council amended the City's Investment Policy to incorporate amendments to the Public Funds Investment Act, improve management of the City's investments and reflect organizational changes; and

WHEREAS, the Public Funds Investment Act requires that the investment shall be made in accordance with written policies approved, at least annually, by the governing body; and

WHEREAS, investment policies must address safety of principal, liquidity, yield, diversification and maturity, with primary emphasis on safety of principal. **Now, Therefore,**

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

Section 1. That the attached City of Dallas Investment Policy has been reviewed by the City Council and shall be adopted as the guiding policy in the ongoing management of the specified funds in accordance with federal and state law and the City Charter.

Section 2. That this resolution shall be take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas and it is accordingly so resolved.

CITY OF DALLAS

INVESTMENT POLICY

As adopted by City Council
September 22, 2015

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Appendices

A. Government Code – Chapter 2256 “Public Funds Investment Act”
B. Council Resolution

1.0 Policy

It is the policy of the City of Dallas to invest public funds in a manner which will provide security and optimize interest earnings to the maximum extent possible while meeting the daily cash flow demands of the City and conforming to all federal, state and local statutes, rules and regulations governing the investment of public funds. This Policy sets forth the investment program of the City of Dallas and the guidelines to be followed in achieving its objectives.

Not less than annually, City Council shall adopt a written instrument by resolution stating that it has reviewed the Investment Policy and investment strategies and that the written instrument so adopted shall record any changes made to the Investment Policy or investment strategies.

This Policy is intended to satisfy the requirements of the Public Funds Investment Act, Chapter 2256, Texas Government Code (the "PFIA" or the "Act") that an investing entity such as the City of Dallas adopt and review an investment policy governing the investment by the investing entity of its funds and funds under its control.

2.0 Scope

This Policy governs the investment of all funds of the City except those that are identified in Section 2.2 below. With respect to the funds of non-profit corporations that are established by City resolution and act on behalf of the City in accordance with State law, this Policy shall prevail in the absence of a specific investment policy adopted by the non-profit corporation. In addition to this Policy, the investment of bond proceeds and other bond funds (including debt service and reserve funds) of the City or of a non-profit corporation established by City resolution and acting on behalf of the City in accordance with State law shall be governed and controlled by their governing ordinance, resolution or trust indenture, including the authorization of eligible investments, and by the provisions of the Internal Revenue Code of 1986, as amended (the "Internal Revenue Code"), including all regulations and rulings promulgated thereunder applicable to the issuance of tax-exempt obligations.

2.1 All funds are managed as a pooled fund group, referenced in this Policy as the City's investment pool, with the exception of the following, which are managed as separately invested assets:

- 2.1.1 Bond Funds - funds established with the proceeds from specific bond issues when it is determined that segregating these funds from the City's investment pool will result in maximum interest earnings retention under the provisions of the Internal Revenue Code.
- 2.1.2 Bond Reserve Funds - funds set at prescribed levels by certain bond ordinances to pay principal and/or interest if required to prevent default.
- 2.1.3 Endowment Funds - funds given to the City with the instructions that the principal is to remain intact, unless otherwise agreed to, and the income generated by the investments will be used for specified purposes.
- 2.1.4 Commercial Paper Funds - unexpended proceeds from the issuance of commercial paper notes.

2.2 Funds not governed by this Policy include:

- 2.2.1 Employees' Retirement Fund
- 2.2.2 Dallas Police and Fire Pension System
- 2.2.3 Deferred Compensation Funds
- 2.2.4 Private Donations – investments donated to the City are excluded from this Policy if separately managed under terms of use specified by the donor.

3.0 Objective

Investment of the funds covered by this Policy shall be governed by the following investment objectives, in order of priority:

3.1 **Safety**: Safety of principal is the primary objective of the Investment Policy. Investment of the City's funds shall be undertaken in a manner that seeks to ensure the preservation of capital for the overall portfolio. The objective will be to mitigate credit risk and interest rate risk.

The City will mitigate credit risk, which is the risk of loss due to the failure of the issuer or backer, by:

- Limiting investments to the types listed in Section 8.0 ("Authorized and Suitable Investments") of this Policy
- Qualifying the broker/dealers and financial institutions with which the City may engage in an investment transaction in accordance with Section 9.0 ("Authorized Broker/Dealers and Financial Institutions)
- Diversifying the investment portfolio so that the impact of potential losses from any one type of investment or from any one individual issuer will be minimized (see Section 13.0 "Diversification and Maximum Maturities").

The City will minimize interest rate risk, which is the risk that the market value of securities in the portfolio will fall due to changes in market interest rates, by:

- Structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities prior to maturity
- Investing operating funds primarily in shorter-term securities, money market mutual funds, or similar local government investment pools and limiting the weighted average maturity of the portfolio in accordance with this Policy (see Section 17.0 "Investment Strategies").

3.2 **Liquidity**: The City's investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements that might be reasonably anticipated. This is accomplished by structuring the portfolio so that investments mature concurrent with cash needs to meet anticipated demands. A portion of the portfolio will be placed in money market mutual funds or local government investment pools offering same-day liquidity to meet unanticipated demands.

3.3 **Yield**: The City's investment portfolio shall be designed with the objective of attaining a market rate of return, throughout budgetary and economic cycles, commensurate with the City's investment risk constraints and the cash flow characteristics of the portfolio.

4.0 Delegation of Authority

The Chief Financial Officer, under the direction and authority of the City Manager, shall direct the cash management program of the City as defined in Section 2-134, "Duties of the Chief Financial Officer", Chapter 2 "Administration" of the Dallas City Code, as amended. City Council shall designate the Chief Financial Officer, City Controller, and the Assistant Director/Treasury Manager as Investment Officers responsible for the investment of its funds, under the direction and authority of the City Manager.

The City's Investment Officers shall establish written procedures for the operation of the investment program consistent with this Investment Policy. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this Policy and the written procedures. Authority granted to a person to invest the City's funds is effective until rescinded or until termination of the person's employment by the City. The Investment Officers shall be responsible for all transactions undertaken and shall establish a system of controls, to be reviewed by the City Auditor, to regulate the activities of subordinate officials. In order to assure quality and capability of investment management, the Investment Officers shall possess sufficient working knowledge of economics and securities markets, as well as the supervisory experience and judgment necessary to carry out the responsibilities outlined in this Policy.

5.0 Prudence

Investments shall be made with judgment and care - under circumstances then prevailing - which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

5.1 The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. Investment Officers acting in accordance with written procedures and the Investment Policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

5.2 In determining whether an investment official has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration the investment of all funds over which the official had responsibility rather than consideration as to the prudence of a single investment and, whether the investment decision was consistent with the City's Investment Policy and written investment procedures.

6.0 Ethics and Conflicts of Interest

Investment Officers who have a personal business relationship with a business organization offering to engage in an investment transaction with the City shall refrain from activities that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

6.1 Investment Officers shall sign annual statements agreeing to abide by this section of the Investment Policy and affirming no known conflicts of interest.

6.2 Investment Officers must file a disclosure statement with the Texas Ethics Commission and City Council if:

a) the Investment Officer has a personal business relationship with a business organization offering to engage in an investment transaction with the City; or
b) the Investment Officer is related within the second degree by affinity or consanguinity, as determined under Chapter 573 of the Texas Government Code, to an individual seeking to transact investment business with the City.

6.3 An Investment Officer has a personal business relationship with a business organization if:

a) the Investment Officer owns 10 percent or more of the voting stock or shares of the business organization or owns $5,000 or more of the fair market value of the business organization;
b) funds received by the Investment Officer from the business organization exceed 10 percent of his/her gross income for the previous year; or
c) the Investment Officer has acquired from the business organization during the previous year investments with a book value of $2,500 or more for his/her personal account.

7.0 Training

The Investment Officers and the persons authorized to execute investment transactions shall attend at least one 10 hour investment training session within 12 months after taking office or assuming duties and receive not less than 8 hours of instruction relating to investment responsibilities during a two-year period that begins on the first day of the City's fiscal year following the initial 10 hours of instruction and consists of the two consecutive fiscal years after that date. Training must be received from an independent source approved by the City's Investment Committee and must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio and compliance with the Act.

8.0 Authorized and Suitable Investments

City funds governed by this Policy may be invested in the instruments described below, all of which are authorized by Chapter 2256 of the Government Code (Public Funds Investment Act).

8.1 Direct obligations of the United States, its agencies or instrumentalities, and other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of the United States or its respective agencies and instrumentalities, including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation or by the explicit full faith and credit of the United States.

The City will restrict investments in eligible securities described in this section to discount notes and callable or non-callable fixed-rate securities with a fixed principal repayment amount.

8.2 Direct obligations of states and local governments rated not less than Aa3 or its equivalent (long-term rating) or an equivalent short-term rating by at least one nationally recognized investment rating firm.

8.3 Fully collateralized Certificates of Deposit/Share Certificates that are issued by a bank or credit union that has its main office or branch office within the City and are:

a) guaranteed or insured by the Federal Deposit Insurance Corporation or its successor or the National Credit Union Share Insurance Fund or its successor; or
b) secured by obligations in accordance with Section 11.0 herein.

If the certificate of deposit is collateralized by pledged securities the City must have on file a signed Depository Agreement, approved as to form by the City Attorney, which details eligible collateral, collateralization ratios for pledged securities, standards for collateral custody and control of pledged securities, collateral valuation of pledged securities, and conditions for agreement termination.

8.4 Certificates of Deposit obtained through a depository institution or a broker approved by the City's Investment Committee under the provisions of Section 9.0 of this Policy that has its main office or branch office within the City and that contractually agrees to place the funds in federally insured depository institutions in accordance with the conditions prescribed in Section 2256.010(b) of the Act.

8.5 Fully collateralized repurchase agreements in accordance with the conditions prescribed in Section 2256.011 of the Act. Prior to investment in a repurchase agreement, the City must have on file a signed Master Repurchase Agreement, approved as to form by the City Attorney, which details eligible collateral, collateralization ratios, standards for collateral custody and control, collateral valuation, and conditions for agreement termination and provided the repurchase agreement:

a) has a defined termination date;
b) is secured by a combination of cash and obligations of the United States or its agencies and instrumentalities described by Section 2256.009(a) (1) of the Act. Securities received for repurchase agreements must have a market value greater than or equal to 103% at the time the investment is made and throughout the terms of the repurchase agreement;
c) requires the securities being purchased by the City or cash held by the City to be assigned to the City, held in the City's name, and deposited at the time the investment is made with the City or with a third party selected and approved by the City; and
d) is placed through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in this state, and which is rated no less than A or its equivalent by two nationally recognized rating services.

8.6 A securities lending program is an authorized investment if it meets the following conditions:

a) A loan made under the program must allow for termination at any time;
b) A loan made under the program must be placed through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in this state that is rated no less than A or its equivalent by two nationally recognized rating services. An agreement to lend securities must have a term of one year or less and shall comply with the provisions of section 1058 of the Internal Revenue Code;
c) A loan made under the program must be secured as prescribed in Section 2256.0115(b)(3) of the Act. Securities being held as collateral must be pledged to the City , held in the City's name, and deposited at the time the investment is made with a third party approved by the City;

d) The amount of collateral must not be less than 100% of the market value of securities loaned, including accrued income. The market value of securities loaned shall be determined daily. Cash received as collateral shall not be invested for a term later than the expiration date of the securities lending agreement and may only be invested in investments as authorized by this Policy.

8.7 No-load money market mutual funds that are registered with and regulated by the Securities and Exchange Commission that meet the requirements of the PFIA, and, in addition:

a) are rated not less than Aaa or an equivalent rating by at least one nationally recognized rating service. A rating is not required for a sweep account investment, which is part of the city's depository contract; and,

b) have provided the City with a prospectus and other information as may be required by law.

Investments will be made in a money market mutual fund only after a thorough investigation of the fund and approval by the Investment Committee which shall, at least annually, review, revise and adopt a list of approved funds.

8.8 Local government investment pools which are organized in conformity with Chapter 791 (Interlocal Cooperation Contracts Act) and meet the requirements of the PFIA that:

a) are rated not less than Aaa or an equivalent rating by at least one nationally recognized rating service; and

b) have provided the City with an offering circular and other information required by the Act.

To become eligible, investment pools must be approved by City Council action. Investments will be made in a local government investment pool only after a thorough investigation of the pool and approval by the Investment Committee which shall, at least annually, review, revise and adopt a list of approved pools.

The Investment Officers may at times restrict or prohibit the purchase of specific issues due to current market conditions. An investment that requires a minimum rating under this section does not qualify as an authorized investment during the period the investment does not have the minimum rating. Ratings shall be monitored using nationally recognized financial information sources, including actions published on rating agency websites. The City shall take all prudent measures consistent with the Act to liquidate an investment that does not have the minimum rating required by the Act.

9.0 Authorized Broker/Dealers and Financial Institutions

The Investment Committee shall, at least annually, review, revise, and adopt a list of qualified broker/dealers and financial institutions authorized to engage in the purchase and sale of obligations of the U.S. Government, its agencies or instrumentalities with the City. In order to be considered, those firms that desire to become qualified bidders for securities transactions will be required to provide information regarding creditworthiness, experience and reputation. Authorized firms may include primary dealers or regional dealers that qualify under Securities & Exchange Commission Rule 15C3-1 (uniform net capital rule).

A written copy of this Investment Policy shall be presented to any person offering to engage in an investment transaction with the City. Investments shall only be made with those business organizations (including money market mutual funds and local government investment pools) which have provided the City with a written instrument executed by a qualified representative of the firm, acknowledging that the business organization has:

a) received and reviewed the City's Investment Policy; and

b) implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the City and the organization that are not authorized by the City's Investment Policy, except to the extent that this authorization is dependent on an analysis of the makeup of the City's entire portfolio or requires an interpretation of subjective investment standards.

10.0 Competitive Bidding

It is the policy of the City to require competitive bidding for all individual security purchases and sales except for:

a) transactions with money market mutual funds and local government investment pools (which are deemed to be made at prevailing market rates)
b) treasury and agency securities purchased at issue through an approved broker/dealer or financial institution
c) automatic overnight "sweep" transactions with the City Depository
d) fully insured certificates of deposit placed in accordance with the conditions prescribed in Section 2256.010(b) of the Act or placed with the City's Depository if so authorized by the City Depository Contract.

At least three bids or offers must be solicited for all other transactions involving individual securities. The City's investment advisor is also required to solicit at least three bids or offers when transacting trades on the City's behalf. In situations where the exact security being offered is not offered by other dealers, offers on the closest comparable investment may be used to establish a fair market price for the security. Bids for certificates of deposit may be solicited in any manner permitted by the Act.

11.0 Collateralization of Deposits

The City requires that all uninsured collected balances plus accrued interest, if any, in depository accounts be secured in accordance with the requirements of this Policy and Chapter 2257, Government Code ("Public Funds Collateral Act") and the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA). Financial institutions serving as City depositories will be required to sign a Depository Agreement with the City which details securities that can serve as eligible collateral, collateralization ratios, standards for collateral custody and control, collateral valuation, rights of substitution and conditions for agreement termination.

Pledged securities serving as collateral will always be held by an independent third party with which the City has a current custodial agreement and shall be reviewed at least monthly to ensure that the market value of the pledged securities is at least 102%. Eligible collateral are as follows:

Eligible Collateral

1) Direct obligations of the United States or other obligations of the United States or other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of the United States.

2) Direct debt obligations of an agency or instrumentality of the United States.

3) Mortgage-backed securities issued directly by an agency or instrumentality of the United States eligible under the Public Funds Collateral Act.

4) Direct debt obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent.

The use of a letter of credit issued to the City by the Federal Home Loan Bank may be considered by the City to provide collateral for bank deposits and for certificates of deposit.

The City's Investment Officers reserve the right to accept or reject any form of collateral or enhancement at their sole discretion.

12.0 Safekeeping and Custody

Safekeeping and custody of investment securities shall be in accordance with applicable law and accounting standards. All securities transactions, except local government investment pool and money market mutual fund transactions, shall be conducted on a delivery versus payment (DVP) basis. Investment securities will be held by a third party custodian designated by the City, and be required to issue safekeeping receipts clearly detailing that the securities are owned by the City.

Safekeeping and custody of collateral shall be in accordance with applicable law and accounting standards. Pledged securities serving as collateral will be held by a third party custodian designated by the City, and pledged to the City as evidenced by safekeeping receipts of the institution with which the securities are deposited.

13.0 Diversification and Maximum Maturities

The City's investment pool will be diversified to limit market and credit risk by observing the limitations at the time of purchase as listed below. Funds managed as separately invested assets in Section 2.1 of the Policy are subject to all of the following with the exception of the Issuer Limitation on investment in U.S. Agencies and Instrumentalities. Funds managed as separately invested assets may be invested 100% in the obligations of any one U.S. Agency or Instrumentality.

	Maximum Stated Maturity[1]	Issuer Limitations
U.S. Treasuries	5 Years	100% of the City's investment pool may be invested in obligations of the U.S. Treasury.
U.S. Agencies/Instrumentalities	5 Years	No more than 30% of the book value of the City's investment pool may be invested in the obligations of any one issuer.
Municipal Notes and Bonds	5 Years	The City may not own more than the lesser of $5 million or 20% of any single issue.
Repurchase Agreements	30 Days	No more than 15% of the City's investment pool may be invested with one counterparty, excluding flexible repurchase agreements for investment of bond proceeds.
Money Market Mutual Funds	N/A	The City may not own more than the lesser of $100 million or 5% of the total assets of any one fund, excluding tax-exempt money market mutual funds for investment of commercial paper proceeds.
Local Government Investment Pools	N/A	The City may not own more than the lesser of $400 million or 10% of the total assets of any one pool.
Certificates of Deposit	5 Years	The City may not own more than $50 million of any single financial institution's certificates of deposit at any one time, excluding certificates of deposit placed with the City's Depository if so authorized by the City Depository Contract.

In addition to the above limitations, the City's investment pool shall be diversified by market sector as follows:

	Maximum Percentage of Investment Pool
U.S. Treasuries	100%
U.S. Agencies/Instrumentalities	100% (maximum 30% callable)
Municipal Notes and Bonds	15%
Repurchase Agreements	15%*
Money Market Mutual Funds	15%
Local Government Investment Pools	45%
Certificates of Deposit	20%**

* Excluding flexible repurchase agreements for bond proceeds.
**Excluding certificates of deposit placed with the City's Depository if so authorized by the City Depository Contract.

(1) Purchases of securities with stated maturities greater than the maximum authorized under this section require prior City Council approval. With respect to bond proceeds and other bond funds, the City may, in the bond ordinance, specifically authorize investments in repurchase agreements with maturities in excess of 30 days subject to any required approvals from bond insurers.

14.0 Sale of Securities

The City's policy is to hold securities to maturity. However, securities may be sold:

(a) in order to minimize the potential loss of principal on a security whose credit quality has declined;
(b) in order to reposition the portfolio for the purpose of improving the quality, yield, or target duration of the portfolio; or
(c) in order to meet unanticipated liquidity needs of the portfolio.

15.0 Investment Committee

An Investment Committee shall be established and meet quarterly to determine investment guidelines, general strategies, and monitor performance. Members of the Investment Committee will include the Investment Officers, the Cash and Investment Manager and the City's Investment Advisor if the City has contracted with an Advisor. The Investment Advisor is a non-voting member of the Investment Committee.

16.0 Investment Advisor

The City may retain the services of an Investment Advisor to assist in the review of cash flow requirements, the formulation of investment strategies, and the execution of security purchases, sales and deliveries.

17.0 Investment Strategies

The City of Dallas maintains separate portfolios for individual funds or groups of funds (as listed under Sec. 2.0 of this Policy) which are managed according to the terms of this Policy and the corresponding investment strategies listed below. The investment strategy for portfolios established after the annual Investment Policy adoption will be managed in accordance with the terms of this Policy and applicable agreements until the next annual review when a specific strategy will be adopted.

17.1 Investment Pool Strategy - The City's Investment Pool is an aggregation of the majority of City funds which includes tax receipts, enterprise fund revenues, fine and fee revenues, as well as some, but not all, bond proceeds, grants, gifts and endowments. This portfolio is maintained to meet anticipated daily cash needs for City of Dallas operations, capital projects and debt service. In order to ensure the ability of the City to meet obligations and to minimize potential liquidation losses, the dollar-weighted average stated maturity of the Investment Pool shall not exceed 1.5 years. The objectives of this portfolio are to:

a) ensure safety of principal by investing only in high-quality securities for which a strong secondary market exists;
b) ensure that anticipated cash flows are matched with adequate investment liquidity;
c) limit market and credit risk through diversification; and

d) attain a market rate of return commensurate with the objectives and restrictions set forth in this Policy by managing the portfolio to meet or exceed the 12 month moving average yield on treasury one-year constant maturities as reported by Federal Reserve Statistical Release H.15.

17.2 Bond Funds Strategy - Occasionally, separate non-pooled portfolios are established with the proceeds from bond sales in order to maximize earnings within the constraints of arbitrage regulations. The objectives of these portfolios are to:

a) ensure safety of principal by investing only in high-quality securities for which a strong secondary market exists or by maintaining the security of the investment through collateralization according to the standards approved in Section 8.4 of this Policy;
b) ensure that anticipated cash flows are matched with adequate investment liquidity or that the terms of the secured investment agreement permit maximum flexibility for the City in making withdrawals;
c) manage market and credit risk through diversification and control of counterparty risk; and
d) attain a market rate of return commensurate with the objectives and restrictions set forth in this Policy and the bond ordinance by managing the portfolio to meet or exceed the bond yield

17.3 Bond Reserve Fund Strategy - Non-pooled reserve funds for outstanding revenue bonds are set at levels required by their respective bond ordinances. These funds will be used to pay the final principal and/or interest due on outstanding bonds that are similarly secured or to make up any shortfalls in debt service funds as required by the bond ordinance. The objectives of Bond Reserve Fund Portfolios are to:

a) ensure safety of principal by investing only in high-quality securities for which a strong secondary market exists or by maintaining the security of the investment through collateralization according to the standards approved in Section 8.4 of this Policy;
b) ensure that anticipated cash flows are matched with adequate investment liquidity or that the terms of the secured investment agreement permit maximum flexibility for the City in making withdrawals;
c) manage market and credit risk through diversification and control of counterparty risk; and
d) attain a market rate of return commensurate with the objectives and the restrictions set forth in this Policy and the bond ordinance by managing the portfolio to meet or exceed the bond yield.

17.4 Endowment Funds Strategy - Funds received as gifts to the City with instructions that the income generated by the investment of said funds be used for specified purposes may be invested as separate non-pooled portfolios if required by the terms of the gift. The objectives of Endowment Portfolios are to:

a) ensure safety of principal and sufficient liquidity by investing only in high-quality securities for which a strong secondary market exists;
b) manage market and credit risk through the use of a competitive process to place investments;
c) attain a market rate of return commensurate with the objectives and restrictions set forth in this Policy and the terms of the gift.

17.5 Commercial Paper Funds Strategy – The City issues tax-exempt commercial paper notes as an interim financing tool for construction projects. Proceeds from the issuance of commercial paper debt must be: (1) available to fund payments to contractors, and (2) may be invested in tax-exempt securities in order to avoid costly and complex arbitrage rebate computations. In order to meet these objectives, commercial paper proceeds may either be invested in tax-exempt securities or expended subject to a reimbursement program. If invested in tax-exempt securities, the objectives of this portfolio are to:

a) ensure safety of principal and sufficient liquidity by investing in tax-exempt money market mutual funds or short-term high-quality tax-exempt securities for which a strong secondary market exists;
b) manage market and credit risk through diversification of funds and/or securities. Funds must be rated AAA by at least one nationally recognized rating agency; and
c) attain a market rate of return commensurate with the objectives and restrictions set forth in this Policy and governing bond ordinances.

17.6 Trinity Parkway Escrow Strategy – This escrow was established pursuant to an Agreement dated as of January 1, 1999 with the North Texas Tollway Authority (“NTTA”) pertaining to development of the

Trinity Parkway. These funds will be used to reimburse NTTA for specified payments related to project feasibility. Permitted investments for this portfolio are defined in the Escrow Agreement as those that are consistent with the Act. The objectives of this portfolio are to:

a) ensure safety of principal and sufficient liquidity by investing only in high-quality securities for which a strong secondary market exists;
b) ensure that anticipated cash flows are matched with adequate investment liquidity;
c) manage market and credit risk through diversification of funds and requirement of AAA rating; and
d) attain a market rate of return commensurate with the objectives and restrictions set forth in this Policy and the Agreement.

18.0 Reporting

Investment performance is regularly monitored by investment staff and reported to the Investment Committee on a monthly basis. Month-end market prices on each security are obtained from nationally recognized securities databases including those provided by the City's depository bank through its safekeeping services and Bloomberg Professional Services. . These prices are recorded in the City's portfolio database and included in all management reports as well as the City's Comprehensive Annual Financial Report.

Not less than quarterly the Investment Officers will submit to the city council finance committee described in Chapter III, Section 13 of the Dallas City Charter, the City Manager, and the Mayor and City Council a written report of the status of the current investment portfolio. The report must meet the requirements of the Act.

An independent auditor shall formally review the quarterly reports prepared under this section at least annually, and that auditor shall report the results of the review to City Council.

19.0 Annual Compliance Audit

In conjunction with the annual financial audit, a compliance audit shall be performed which includes an audit of management controls on investments and adherence to the City's established policy.

20.0 Investment Policy Adoption

The City's Investment Policy is hereby adopted by resolution of the City Council on September 22, 2015 in accordance with the PFIA.

GLOSSARY

ACCRETION OF DISCOUNT: Periodic straight-line increases in the book or carrying value of a security so the amount of the purchase price discount below face value is completely eliminated by the time the bond matures or by the call date, if applicable.

ACCRUED INTEREST: The interest accumulated on a security from its issue date or since the last payment of interest up to but not including the purchase date. The purchaser of the security pays to the seller the market price plus accrued interest.

AMORTIZATION OF PREMIUM: Periodic straight-line decreases in the book or carrying value of a security so the premium paid for a bond above its face value or call price is completely eliminated.

ASK: The price at which securities are offered by sellers.

BARBELL MATURITY STRATEGY: A maturity pattern within a portfolio in which maturities of the assets in the portfolio are concentrated in both the short and long ends of the maturity spectrum.

BASIS POINT: One one-hundredth (1/100) of one percent; 0.0001 in decimal form.

BENCHMARK: A comparative base for performance evaluation. A benchmark can be a broad-based bond index, a customized bond index, or a specific objective.

BID: The price offered for securities by purchasers. (When selling securities, one asks for a bid.)

BOND EQUIVALENT YIELD: Used to compare yields available from discounted securities that pay interest at maturity with yields available from securities that pay interest semi-annually.

BOOK ENTRY SECURITIES: Stocks, bonds, other securities, and some certificates of deposit that are purchased, sold, and held as electronic computer entries on the records of a central holder. These securities are not available for purchase in physical form; buyers get a receipt or confirmation as evidence of ownership.

BOOK VALUE: The original cost of the security as adjusted for amortization of any premium paid or accretion of discount since the date of purchase.

BROKER: A party who brings buyers and sellers together. Brokers do not take ownership of the property being traded. They are compensated by commissions. They are not the same as dealers; however, the same firms that act as brokers in some transactions may act as dealers in other transactions.

CALLABLE BOND: A bond that the issuer has the right to redeem prior to maturity at a specified price. Some callable bonds may be redeemed on one call date while others may have multiple call dates. Some callable bonds may be redeemed at par while others can be redeemed only at a premium. Some callable bonds are step-up bonds that pay an initial coupon rate for the first period, and then the coupon rate increases for the following periods if the bonds are not called by the issuer.

CERTIFICATE OF DEPOSIT (CD): A time deposit with a specific maturity evidenced by a certificate. Large-denomination (over $100,000) CD's are typically negotiable.

CODE: The Internal Revenue Code of 1986, as amended.

COLLATERAL: Securities, evidence of deposit or other property which a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.

COLLATERALIZED MORTGAGE OBLIGATION (CMO): A type of mortgage-backed security created by dividing the rights to receive the principal and interest cash flows from an underlying pool of mortgages in separate classes or tiers.

COMMERCIAL PAPER: Short-term unsecured promissory notes issued by corporations for a maturity specified by the buyer. It is used primarily by corporations for short-term financing needs at a rate which is generally lower than the prime rate.

CONFIRMATION: The document used to state in writing the terms of the trade which had previously been agreed to verbally.

COUPON RATE: The stated annual rate of interest payable on a coupon bond expressed as a percentage of the bond's face value.

CREDIT RISK: The risk that (1) the issuer is downgraded to a lower quality category and/or (2) the issuer fails to make timely payments of interest or principal.

CUSIP NUMBER: A nine-digit number established by the Committee on Uniform Securities Identification Procedures that is used to identify publicly traded securities. Each publicly traded security receives a unique CUSIP number when the security is issued.

CUSTODY: The service of an organization, usually a financial institution, of holding (and reporting) a customer's securities for safekeeping. The financial institution is known as the custodian.

DEALER: A firm which buys and sells for its own account. Dealers have ownership, even if only for an instant, between a purchase from one party and a sale to another party. They are compensated by the spread between the price they pay and the price they receive. Dealers are not the same as brokers; however, the same firms which act as dealers in some transactions may act as brokers in other transactions.

DELIVERY VERSUS PAYMENT (DVP): The safest method of settling a trade involving a book entry security. In a DVP settlement, the funds are wired from the buyer's account and the security is delivered from the seller's account in simultaneous, interdependent wires.

DEPOSITORY TRUST COMPANY (DTC): An organization that holds physical certificates for stocks and bonds and issues receipts to owners. Securities held by DTC are immobilized so that they can be traded on a book entry basis.

DERIVATIVE: A security that derives its value from an underlying asset, group of assets, reference rate, or an index value. Some derivatives can be highly volatile and result in a loss of principal in changing interest rate environments.

DISCOUNT: The amount by which the price paid for a security is less than its face value.

DISCOUNT SECURITIES: Securities that do not pay periodic interest. Investors earn the difference between the discount issue price and the full face value paid at maturity.

DIVERSIFICATION: Dividing investment funds among a variety of securities offering independent returns, to reduce risk inherent in particular securities.

DURATION: A sophisticated measure of the weighted average maturity of a bond's cash flow stream, where the present values of the cash flows serve as the weights.

ECONOMIC CYCLE (BUSINESS CYCLE): As the economy moves through the business cycle, interest rates tend to follow the levels of production, output, and consumption - rising as the economy expands and moves out of recession and declining after the economy peaks, contracts, and heads once again into recession.

EFFECTIVE MATURITY: The average maturity of a bond, given the potential for early call. For a non-callable bond, the final maturity date serves as the effective maturity. For a callable bond, the effective maturity is bounded by the first call date and the final maturity date; the position within this continuum is a function of the call price, the current market price, and the reinvestment rate assumed.

FACE VALUE: The principal amount due and payable to a bondholder at maturity; par value. Also, the amount on which coupon interest is computed.

FAIL: The event of a securities purchase or sale transaction not settling as intended by the parties.

FAIR VALUE: The amount at which a financial instrument could be exchanged in a current transaction between willing parties, other than in a forced or liquidation sale.

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC): A federal agency that insures bank deposits.

FEDERAL FARM CREDIT BANKS (FFCB): A government-sponsored corporation that was created in 1916 and is a nationwide system of banks and associations providing mortgage loans, credit, and related services to farmers, rural homeowners, and agricultural and rural cooperatives. The banks and associations are cooperatively owned, directly or indirectly, by their respective borrowers. The Federal Farm Credit System is supervised by the Farm Credit Administration, an independent agency of the U.S. government. (See Government Sponsored Enterprise)

FEDERAL FUNDS: Monies within the Federal Reserve System representing a member bank's surplus reserve funds. Banks with excess funds may sell their surplus to other banks whose funds are below required reserve levels. Normally, Federal funds are employed in settling all government securities transactions. The Federal Funds Rate is the rate of interest at which Fed funds are traded. This rate is currently pegged by the Federal Reserve through open-market operations.

FEDERAL HOME LOAN BANKS (FHLB): Government-sponsored wholesale banks (currently twelve regional banks) which lend funds and provide correspondent banking services to member commercial bank, thrift institutions, credit unions and insurance companies. The mission of the FHLBs is to liquefy the housing related assets of its members who must purchase stock in their district Bank. (See Government Sponsored Enterprises)

FEDERAL HOME LOAN MORTGAGE CORPORATION (FHLMC or "Freddie Mac"): A government-sponsored corporation that was created in July 1970, by the enactment of Title III of the Emergency Home Finance Act of 1970. Freddie Mac was established to help maintain the availability of mortgage credit for residential housing, primarily through developing and maintaining an active, nationwide secondary market in conventional residential mortgages. (See Government Sponsored Enterprises)

FEDERAL NATIONAL MORTGAGE ASSOCIATION (FNMA or Fannie Mae): FNMA, like GNMA was chartered under the Federal National Mortgage Association Act in 1938. FNMA is a federal corporation working under the auspices of the Department of Housing and Urban Development (HUD). It is the largest single provider of residential mortgage funds in the United States. Fannie Mae is a private stockholder-owned corporation. FNMA securities are highly liquid and are widely accepted. FNMA assumes and guarantees that all security holders will receive timely payment of principal and interest. (See Government Sponsored Enterprises)

FEDERAL OPEN MARKET COMMITTEE (FOMC): Consists of seven members of the Federal Reserve Board and five of the twelve Federal Reserve Bank presidents. The president of the New York Federal Reserve Bank is a permanent member while the other presidents serve on a rotating basis. The Committee periodically meets to set Federal Reserve guidelines regarding purchases and sales of government securities in the open market as a means of influencing the volume of bank credit and money.

FEDERAL RESERVE SYSTEM: The central bank of the United States created by Congress and consisting of a seven member Board of Governors in Washington, D.C., twelve regional banks and about 5700 commercial banks that are members of the system.

FIXED-INCOME SECURITY: A financial instrument promising a fixed amount of periodic income over a specified future time span.

GOVERNMENT-SPONSORED ENTERPRISES (GSE's): Payment of principal and interest on securities issued by these corporations is not guaranteed explicitly by the U.S. government, however, most investors consider these securities to carry an implicit U.S. government guarantee. The debt is fully guaranteed by the issuing corporations. GSE's include: Farm Credit System, Federal Home Loan Bank System, Federal Home Loan Mortgage Corporation, and Federal National Mortgage Association.

INSTRUMENTALITIES: See Government-Sponsored Enterprises

INTEREST RATE RISK: The risk that the general level of interest rates will change, causing unexpected price appreciations or depreciations.

LADDERED MATURITY STRATEGY: A maturity pattern within a portfolio in which maturities of the assets in the portfolio are equally spaced. Over time, the shortening of the remaining lives of the assets provides a steady source of liquidity or cash flow. Given a normal yield curve with a positive slope this passive strategy provides the benefit of being able to take advantage of the higher, longer-term yields without sacrificing safety or liquidity.

LIQUIDITY: An entity's capacity to meet future monetary outflows (whether they are required or optional) from available resources. Liquidity is often obtained from reductions of cash or by converting assets into cash.

LIQUIDITY RISK: The risk that an investment will be difficult to sell at a fair market price in a timely fashion.

MARKET RISK: The risk that the value of a security will rise or decline as a result of changes in market conditions. It is that part of a security's risk that is common to all securities of the same general class (stocks and bonds) and thus cannot be eliminated by diversification; also known as systematic risk.

MARKET VALUE: The price at which a security is trading and could presumably be purchased or sold.

MARKING-TO-MARKET: The practice of valuing a security or portfolio according to its market value, rather than its cost or book value.

MASTER REPURCHASE AGREEMENT: A written contract covering all future transactions between the parties to repurchase agreements that establishes each party's rights in the transactions. A master agreement will often specify, among other things, the right of the buyer to liquidate the underlying securities in the event of default by the seller.

MATURITY DATE: The date on which the principal or face value of an investment becomes due and payable.

MONEY MARKET INSTRUMENT: Generally, a short-term debt instrument that is purchased from a broker, dealer, or bank. Sometimes the term "money market" with "short-term", defines an instrument with no more than 12 months remaining from the purchase date until the maturity date. Sometimes the term "money market" is used more restrictively to mean only those instruments that have active secondary markets.

MORTGAGE-BACKED SECURITIES (MBS): Securities composed of, or collateralized by, loans that are themselves collateralized by liens on real property.

OFFER: The price asked by a seller of securities. (When purchasing securities, one asks for an offer.)

OPEN MARKET OPERATIONS: Purchases and sales of government and certain other securities in the open market by the New York Federal Reserve Bank as directed by the FOMC in order to influence the volume of money and credit in the economy. Purchases inject reserves into the bank system and stimulate growth of money and credit; sales have the opposite effect. Open market operations are the Federal Reserve's most important and most flexible monetary policy tool.

OPPORTUNITY COST: The cost of pursuing one course of action measured in terms of the foregone return that could have been earned on an alternative course of action that was not undertaken.

PAR: See Face Value

PFIA OR ACT: The Public Funds Investment Act, Chapter 2256, Texas Government Code, as amended.

POOLED FUND GROUP: An internally created fund of an investing entity in which one or more institutional accounts of the investing entity are invested (as defined by the Public Funds Investment Act).

PREMIUM: The amount by which the price paid for a security exceeds its face value.

PRIMARY DEALER: A group of government securities dealers that submit daily reports of market activity and positions and monthly financial statements to the Federal Reserve Bank of New York and are subject to its informal oversight. Primary dealers include Securities and Exchange Commission (SEC)-registered securities broker-dealers, banks, and a few unregulated firms.

PRINCIPAL: The face or par value of an instrument, exclusive of accrued interest.

PRUDENT PERSON RULE: An investment standard. In some states the law requires that a fiduciary, such as a trustee, may invest money only in a list of securities selected by the state. In other states the trustee may invest in a security if it is one which would be bought by a prudent person of discretion and intelligence who is seeking a reasonable income and preservation of capital.

QUALIFIED REPRESENTATIVE: A person who holds a position with - and is authorized to act on behalf of - a business organization (as defined by the Public Funds Investment Act).

RATE OF RETURN: The amount of income received from an investment, expressed as a percentage. A market rate of return is the yield that an investor can expect to receive in the current interest-rate environment utilizing a buy-and-hold to maturity investment strategy.

REINVESTMENT RATE: The interest rate earned on the reinvestment of coupon payments.

REINVESTMENT RATE RISK: The risk that the actual reinvestment rate falls short of the expected or assumed reinvestment rate.

REPURCHASE AGREEMENT (RP or REPO): An agreement of one party to sell securities at a specified price to a second party and a simultaneous agreement of the first party to repurchase the securities at a specified price on demand or at a specified later date. The difference between the selling price and the repurchase price provides the interest income to the party that provided the funds. Every transaction where a security is sold under an agreement to be repurchased is a repo from the seller/borrower's point of view and a reverse repo from the buyer/lender's point of view.

REVERSE REPURCHASE AGREEMENT: (See Repurchase Agreement)

SAFEKEEPING: A procedure where securities are held by a third party acting as custodian for a fee.

SECONDARY MARKET: A market made for the purchase and sale of outstanding issues following the initial distribution.

SECURITIES AND EXCHANGE COMMISSION (SEC): Agency created by Congress to protect investors in securities transactions by administering securities legislation.

SECURITIES LENDING: The temporary transfer of securities by one party, the lender, to another, the borrower. The securities borrower is required to provide acceptable assets as collateral to the securities lender in the form of cash or other securities. If the borrower provides securities as collateral to the lender, it pays a fee to borrow the lent securities. If it provides cash as collateral, the lender pays interest to the borrower and reinvests the cash at a higher rate.

SEC RULE 15C3-1: See Uniform Net Capital Rule

STRUCTURED NOTES: Debt obligations whose principal or interest payments are determined by an index or formula.

SEPARATELY INVESTED ASSET: An account or fund of a state agency or local government that is not invested in a pooled fund group (as defined by the Public Funds Investment Act).

SPREAD: Most commonly used when referring to the difference between the bid and asked prices in a quote. Additionally, it may also refer to additional basis points that a non-Treasury security earns over and above a Treasury with a comparable maturity date.

STRIPS: Separation of the principal and interest cash flows due from any interest-bearing securities into different financial instruments. Each coupon payment is separated from the underlying investment to create a separate security. Each individual cash flow is sold at a discount. The amount of the discount and the time until the cash flow is paid determine the investor's return.

SWAP: The trading of one asset for another. Sometimes used in active portfolio management to increase investment returns by "swapping" one type of security for another.

TOTAL RETURN: Interest income plus capital gains (or minus losses) on an investment.

TREASURY BILLS: A non-interest bearing discount security issued by the U.S. Treasury, generally having initial maturities of 3 months, 6 months, or 1 year.

TREASURY BONDS: Long-term, coupon bearing U.S. Treasury securities having initial maturities of more than 10 years.

TREASURY NOTES: Intermediate-term, coupon bearing U.S. Treasury securities having initial maturities of 2 - 10 years.

UNIFORM NET CAPITAL RULE: Securities and Exchange Commission requirement that member firms as well as nonmember broker-dealers in securities maintain a maximum ratio of indebtedness to liquid capital of 15 to 1; also called *net capital rule* and *net capital ratio*. Indebtedness covers all money owed to a firm, including margin loans and commitments to purchase securities, one reason new public issues are spread among members of underwriting syndicates. Liquid capital includes cash and assets easily converted into cash.

YIELD TO MATURITY (YTM): The promised return assuming all interest and principal payments are made and reinvested at the same rate taking into account price appreciation (if priced below par) or depreciation (if priced above par).

APPENDIX A

PUBLIC FUNDS INVESTMENT ACT

GOVERNMENT CODE

TITLE 10. GENERAL GOVERNMENT

SUBTITLE F. STATE AND LOCAL CONTRACTS AND FUND MANAGEMENT

CHAPTER 2256. PUBLIC FUNDS INVESTMENT

SUBCHAPTER A. AUTHORIZED INVESTMENTS FOR GOVERNMENTAL ENTITIES

Sec. 2256.001. SHORT TITLE. This chapter may be cited as the Public Funds Investment Act.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.002. DEFINITIONS. In this chapter:

(1) "Bond proceeds" means the proceeds from the sale of bonds, notes, and other obligations issued by an entity, and reserves and funds maintained by an entity for debt service purposes.

(2) "Book value" means the original acquisition cost of an investment plus or minus the accrued amortization or accretion.

(3) "Funds" means public funds in the custody of a state agency or local government that:

(A) are not required by law to be deposited in the state treasury; and

(B) the investing entity has authority to invest.

(4) "Institution of higher education" has the meaning assigned by Section 61.003, Education Code.

(5) "Investing entity" and "entity" mean an entity subject to this chapter and described by Section 2256.003.

(6) "Investment pool" means an entity created under this code to invest public funds jointly on behalf of the entities that participate in the pool and whose investment objectives in order of priority are:

(A) preservation and safety of principal;

(B) liquidity; and

(C) yield.

(7) "Local government" means a municipality, a county, a school district, a district or authority created under Section 52(b)(1) or (2), Article III, or Section 59, Article XVI, Texas Constitution, a fresh water supply

district, a hospital district, and any political subdivision, authority, public corporation, body politic, or instrumentality of the State of Texas, and any nonprofit corporation acting on behalf of any of those entities.

(8) "Market value" means the current face or par value of an investment multiplied by the net selling price of the security as quoted by a recognized market pricing source quoted on the valuation date.

(9) "Pooled fund group" means an internally created fund of an investing entity in which one or more institutional accounts of the investing entity are invested.

(10) "Qualified representative" means a person who holds a position with a business organization, who is authorized to act on behalf of the business organization, and who is one of the following:

(A) for a business organization doing business that is regulated by or registered with a securities commission, a person who is registered under the rules of the National Association of Securities Dealers;

(B) for a state or federal bank, a savings bank, or a state or federal credit union, a member of the loan committee for the bank or branch of the bank or a person authorized by corporate resolution to act on behalf of and bind the banking institution;

(C) for an investment pool, the person authorized by the elected official or board with authority to administer the activities of the investment pool to sign the written instrument on behalf of the investment pool; or

(D) for an investment management firm registered under the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-1 et seq.) or, if not subject to registration under that Act, registered with the State Securities Board, a person who is an officer or principal of the investment management firm.

(11) "School district" means a public school district.

(12) "Separately invested asset" means an account or fund of a state agency or local government that is not invested in a pooled fund group.

(13) "State agency" means an office, department, commission, board, or other agency that is part of any branch of state government, an institution of higher education, and any nonprofit corporation acting on behalf of any of those entities.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 1, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 1, eff. Sept. 1, 1999.

Sec. 2256.003. AUTHORITY TO INVEST FUNDS; ENTITIES SUBJECT TO THIS CHAPTER. (a) Each governing body of the following entities may purchase, sell, and invest its funds and funds under its control in investments authorized under this subchapter in compliance with investment policies approved by the governing body and according to the standard of care prescribed by Section 2256.006:

(1) a local government;

(2) a state agency;

(3) a nonprofit corporation acting on behalf of a local government or a state agency; or

(4) an investment pool acting on behalf of two or more local governments, state agencies, or a combination of those entities.

(b) In the exercise of its powers under Subsection (a), the governing body of an investing entity may contract with an investment management firm registered under the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-1 et seq.) or with the State Securities Board to provide for the investment and management of its public funds or other funds under its control. A contract made under authority of this subsection may not be for a term longer than two years. A renewal or extension of the contract must be made by the governing body of the investing entity by order, ordinance, or resolution.

(c) This chapter does not prohibit an investing entity or investment officer from using the entity's employees or the services of a contractor of the entity to aid the investment officer in the execution of the officer's duties under this chapter.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1999, 76th Leg., ch. 1454, Sec. 2, eff. Sept. 1, 1999.

Sec. 2256.004. APPLICABILITY. (a) This subchapter does not apply to:

(1) a public retirement system as defined by Section 802.001;

(2) state funds invested as authorized by Section 404.024;

(3) an institution of higher education having total endowments of at least $95 million in book value on May 1, 1995;

(4) funds invested by the Veterans' Land Board as authorized by Chapter 161, 162, or 164, Natural Resources Code;

(5) registry funds deposited with the county or district clerk under Chapter 117, Local Government Code; or

(6) a deferred compensation plan that qualifies under either Section 401(k) or 457 of the Internal Revenue Code of 1986 (26 U.S.C. Section 1 et seq.), as amended.

(b) This subchapter does not apply to an investment donated to an investing entity for a particular purpose or under terms of use specified by the donor.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 505, Sec. 24, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1421, Sec. 2, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 62, Sec. 8.21, eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 1454, Sec. 3, eff. Sept. 1, 1999.

Sec. 2256.005. INVESTMENT POLICIES; INVESTMENT STRATEGIES; INVESTMENT OFFICER. (a) The governing body of an investing entity shall adopt by rule, order, ordinance, or resolution, as appropriate, a written investment policy regarding the investment of its funds and funds under its control.

(b) The investment policies must:

(1) be written;

(2) primarily emphasize safety of principal and liquidity;

(3) address investment diversification, yield, and maturity and the quality and capability of investment management; and

(4) include:

(A) a list of the types of authorized investments in which the investing entity's funds may be invested;

(B) the maximum allowable stated maturity of any individual investment owned by the entity;

(C) for pooled fund groups, the maximum dollar-weighted average maturity allowed based on the stated maturity date for the portfolio;

(D) methods to monitor the market price of investments acquired with public funds;

(E) a requirement for settlement of all transactions, except investment pool funds and mutual funds, on a delivery versus payment basis; and

(F) procedures to monitor rating changes in investments acquired with public funds and the liquidation of such investments consistent with the provisions of Section 2256.021.

(c) The investment policies may provide that bids for certificates of deposit be solicited:

(1) orally;

(2) in writing;

(3) electronically; or

(4) in any combination of those methods.

(d) As an integral part of an investment policy, the governing body shall adopt a separate written investment strategy for each of the funds or group of funds under its control. Each investment strategy must describe the investment objectives for the particular fund using the following priorities in order of importance:

(1) understanding of the suitability of the investment to the financial requirements of the entity;

(2) preservation and safety of principal;

(3) liquidity;

(4) marketability of the investment if the need arises to liquidate the investment before maturity;

(5) diversification of the investment portfolio; and

(6) yield.

(e) The governing body of an investing entity shall review its investment policy and investment strategies not less than annually. The governing body shall adopt a written instrument by rule, order, ordinance, or resolution stating that it has reviewed the investment policy and investment strategies and that the written instrument so adopted shall record any changes made to either the investment policy or investment strategies.

(f) Each investing entity shall designate, by rule, order, ordinance, or resolution, as appropriate, one or more officers or employees of the state agency, local government, or investment pool as investment officer to be responsible for the investment of its funds consistent with the investment policy adopted by the entity. If the governing body of an investing entity has contracted with another investing entity to invest its funds, the investment officer of the other investing entity is considered to be the investment officer of the first investing entity for purposes of this chapter. Authority granted to a person to invest an entity's funds is effective until rescinded by the investing entity, until the expiration of the officer's term or the termination of the person's employment by the investing entity, or if an investment management firm, until the expiration of the contract with the investing entity. In the administration of the duties of an investment officer, the person designated as investment officer shall exercise the

judgment and care, under prevailing circumstances, that a prudent person would exercise in the management of the person's own affairs, but the governing body of the investing entity retains ultimate responsibility as fiduciaries of the assets of the entity. Unless authorized by law, a person may not deposit, withdraw, transfer, or manage in any other manner the funds of the investing entity.

(g) Subsection (f) does not apply to a state agency, local government, or investment pool for which an officer of the entity is assigned by law the function of investing its funds.

Text of subsec. (h) as amended by Acts 1997, 75th Leg., ch. 685, Sec. 1

(h) An officer or employee of a commission created under Chapter 391, Local Government Code, is ineligible to be an investment officer for the commission under Subsection (f) if the officer or employee is an investment officer designated under Subsection (f) for another local government.

Text of subsec. (h) as amended by Acts 1997, 75th Leg., ch. 1421, Sec. 3

(h) An officer or employee of a commission created under Chapter 391, Local Government Code, is ineligible to be designated as an investment officer under Subsection (f) for any investing entity other than for that commission.

(i) An investment officer of an entity who has a personal business relationship with a business organization offering to engage in an investment transaction with the entity shall file a statement disclosing that personal business interest. An investment officer who is related within the second degree by affinity or consanguinity, as determined under Chapter 573, to an individual seeking to sell an investment to the investment officer's entity shall file a statement disclosing that relationship. A statement required under this subsection must be filed with the Texas Ethics Commission and the governing body of the entity. For purposes of this subsection, an investment officer has a personal business relationship with a business organization if:

(1) the investment officer owns 10 percent or more of the voting stock or shares of the business organization or owns $5,000 or more of the fair market value of the business organization;

(2) funds received by the investment officer from the business organization exceed 10 percent of the investment officer's gross income for the previous year; or

(3) the investment officer has acquired from the business organization during the previous year investments with a book value of $2,500 or more for the personal account of the investment officer.

(j) The governing body of an investing entity may specify in its investment policy that any investment authorized by this chapter is not suitable.

(k) A written copy of the investment policy shall be presented to any person offering to engage in an investment transaction with an investing entity or to an investment management firm under contract with an investing entity to invest or manage the entity's investment portfolio. For purposes of this subsection, a business organization includes investment pools and an investment management firm under contract with an investing entity to invest or manage the entity's investment portfolio. Nothing in this subsection relieves the investing entity of the responsibility for monitoring the investments made by the investing entity to determine that they are in compliance with the investment policy. The qualified representative of the business organization offering to engage in an investment transaction with an investing entity shall execute a written instrument in a form acceptable to the investing entity and the business organization substantially to the effect that the business organization has:

(1) received and reviewed the investment policy of the entity; and

(2) acknowledged that the business organization has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the entity and the organization that are not authorized by the entity's investment policy, except to the extent that this authorization is dependent on an analysis of the makeup of the entity's entire portfolio or requires an interpretation of subjective investment standards.

(l) The investment officer of an entity may not acquire or otherwise obtain any authorized investment described in the investment policy of the investing entity from a person who has not delivered to the entity the instrument required by Subsection (k).

(m) An investing entity other than a state agency, in conjunction with its annual financial audit, shall perform a compliance audit of management controls on investments and adherence to the entity's established investment policies.

(n) Except as provided by Subsection (o), at least once every two years a state agency shall arrange for a compliance audit of management controls on investments and adherence to the agency's established investment policies. The compliance audit shall be performed by the agency's internal auditor or by a private auditor employed in the manner provided by Section 321.020. Not later than January 1 of each even-numbered year a state agency

shall report the results of the most recent audit performed under this subsection to the state auditor. Subject to a risk assessment and to the legislative audit committee's approval of including a review by the state auditor in the audit plan under Section 321.013, the state auditor may review information provided under this section. If review by the state auditor is approved by the legislative audit committee, the state auditor may, based on its review, require a state agency to also report to the state auditor other information the state auditor determines necessary to assess compliance with laws and policies applicable to state agency investments. A report under this subsection shall be prepared in a manner the state auditor prescribes.

(o) The audit requirements of Subsection (n) do not apply to assets of a state agency that are invested by the comptroller under Section 404.024.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 685, Sec. 1, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1421, Sec. 3, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 4, eff. Sept. 1, 1999; Acts 2003, 78th Leg., ch. 785, Sec. 41, eff. Sept. 1, 2003.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1004, Sec. 1, eff. June 17, 2011.

Sec. 2256.006. STANDARD OF CARE. (a) Investments shall be made with judgment and care, under prevailing circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of the person's own affairs, not for speculation, but for investment, considering the probable safety of capital and the probable income to be derived. Investment of funds shall be governed by the following investment objectives, in order of priority:

(1) preservation and safety of principal;

(2) liquidity; and

(3) yield.

(b) In determining whether an investment officer has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration:

(1) the investment of all funds, or funds under the entity's control, over which the officer had responsibility rather than a consideration as to the prudence of a single investment; and

(2) whether the investment decision was consistent with the written investment policy of the entity.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.007. INVESTMENT TRAINING; STATE AGENCY BOARD MEMBERS AND OFFICERS. (a) Each member of the governing board of a state agency and its investment officer shall attend at least one training session relating to the person's responsibilities under this chapter within six months after taking office or assuming duties.

(b) The Texas Higher Education Coordinating Board shall provide the training under this section.

(c) Training under this section must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and compliance with this chapter.

(d) An investment officer shall attend a training session not less than once each state fiscal biennium and may receive training from any independent source approved by the governing body of the state agency. The investment officer shall prepare a report on this subchapter and deliver the report to the governing body of the state agency not later than the 180th day after the last day of each regular session of the legislature.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 73, Sec. 1, eff. May 9, 1997; Acts 1997, 75th Leg., ch. 1421, Sec. 4, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 5, eff. Sept. 1, 1999.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1004, Sec. 2, eff. June 17, 2011.

Sec. 2256.008. INVESTMENT TRAINING; LOCAL GOVERNMENTS. (a) Except as provided by Subsections (b) and (e), the treasurer, the chief financial officer if the treasurer is not the chief financial officer, and the investment officer of a local government shall:

(1) attend at least one training session from an independent source approved by the governing body of the local government or a designated investment committee advising the investment officer as provided for in the investment policy of the local government and containing at least 10 hours of instruction relating to the treasurer's or officer's responsibilities under this subchapter within 12 months after taking office or assuming duties; and

(2) except as provided by Subsections (b) and (e), attend an investment training session not less than once in a two-year period that begins on the first day of that local government's fiscal year and consists of the two consecutive fiscal years after that date, and receive not less than 10 hours of instruction relating to investment

responsibilities under this subchapter from an independent source approved by the governing body of the local government or a designated investment committee advising the investment officer as provided for in the investment policy of the local government.

(b) An investing entity created under authority of Section 52(b), Article III, or Section 59, Article XVI, Texas Constitution, that has contracted with an investment management firm under Section 2256.003(b) and has fewer than five full-time employees or an investing entity that has contracted with another investing entity to invest the entity's funds may satisfy the training requirement provided by Subsection (a)(2) by having an officer of the governing body attend four hours of appropriate instruction in a two-year period that begins on the first day of that local government's fiscal year and consists of the two consecutive fiscal years after that date. The treasurer or chief financial officer of an investing entity created under authority of Section 52(b), Article III, or Section 59, Article XVI, Texas Constitution, and that has fewer than five full-time employees is not required to attend training required by this section unless the person is also the investment officer of the entity.

(c) Training under this section must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and compliance with this chapter.

(d) Not later than December 31 each year, each individual, association, business, organization, governmental entity, or other person that provides training under this section shall report to the comptroller a list of the governmental entities for which the person provided required training under this section during that calendar year. An individual's reporting requirements under this subsection are satisfied by a report of the individual's employer or the sponsoring or organizing entity of a training program or seminar.

(e) This section does not apply to a district governed by Chapter 36 or 49, Water Code.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 5, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 6, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 69, Sec. 4, eff. May 14, 2001.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1004, Sec. 3, eff. June 17, 2011.

Sec. 2256.009. AUTHORIZED INVESTMENTS: OBLIGATIONS OF, OR GUARANTEED BY GOVERNMENTAL ENTITIES. (a) Except as provided by Subsection (b), the following are authorized investments under this subchapter:

(1) obligations, including letters of credit, of the United States or its agencies and instrumentalities;

(2) direct obligations of this state or its agencies and instrumentalities;

(3) collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, the underlying security for which is guaranteed by an agency or instrumentality of the United States;

(4) other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, this state or the United States or their respective agencies and instrumentalities, including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation or by the explicit full faith and credit of the United States;

(5) obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent; and

(6) bonds issued, assumed, or guaranteed by the State of Israel.

(b) The following are not authorized investments under this section:

(1) obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal;

(2) obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest;

(3) collateralized mortgage obligations that have a stated final maturity date of greater than 10 years; and

(4) collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1999, 76th Leg., ch. 1454, Sec. 7, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 558, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1004, Sec. 4, eff. June 17, 2011.

Sec. 2256.010. AUTHORIZED INVESTMENTS: CERTIFICATES OF DEPOSIT AND SHARE CERTIFICATES. (a) A certificate of deposit or share certificate is an authorized investment under this subchapter if the certificate is issued by a depository institution that has its main office or a branch office in this state and is:

(1) guaranteed or insured by the Federal Deposit Insurance Corporation or its successor or the National Credit Union Share Insurance Fund or its successor;

(2) secured by obligations that are described by Section 2256.009(a), including mortgage backed securities directly issued by a federal agency or instrumentality that have a market value of not less than the principal amount of the certificates, but excluding those mortgage backed securities of the nature described by Section 2256.009(b); or

(3) secured in any other manner and amount provided by law for deposits of the investing entity.

(b) In addition to the authority to invest funds in certificates of deposit under Subsection (a), an investment in certificates of deposit made in accordance with the following conditions is an authorized investment under this subchapter:

(1) the funds are invested by an investing entity through:

(A) a broker that has its main office or a branch office in this state and is selected from a list adopted by the investing entity as required by Section 2256.025; or

(B) a depository institution that has its main office or a branch office in this state and that is selected by the investing entity;

(2) the broker or the depository institution selected by the investing entity under Subdivision (1) arranges for the deposit of the funds in certificates of deposit in one or more federally insured depository institutions, wherever located, for the account of the investing entity;

(3) the full amount of the principal and accrued interest of each of the certificates of deposit is insured by the United States or an instrumentality of the United States; and

(4) the investing entity appoints the depository institution selected by the investing entity under Subdivision (1), an entity described by Section 2257.041(d), or a clearing broker-dealer registered with the Securities and Exchange Commission and operating pursuant to Securities and Exchange Commission Rule 15c3-3 (17 C.F.R. Section 240.15c3-3) as custodian for the investing entity with respect to the certificates of deposit issued for the account of the investing entity.

Amended by Acts 1995, 74th Leg., ch. 32, Sec. 1, eff. April 28, 1995; Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 6, eff. Sept. 1, 1997.

Amended by:

Acts 2005, 79th Leg., Ch. 128, Sec. 1, eff. September 1, 2005.

Acts 2011, 82nd Leg., R.S., Ch. 1004, Sec. 5, eff. June 17, 2011.

Sec. 2256.011. AUTHORIZED INVESTMENTS: REPURCHASE AGREEMENTS. (a) A fully collateralized repurchase agreement is an authorized investment under this subchapter if the repurchase agreement:

(1) has a defined termination date;

(2) is secured by a combination of cash and obligations described by Section 2256.009(a)(1); and

(3) requires the securities being purchased by the entity or cash held by the entity to be pledged to the entity, held in the entity's name, and deposited at the time the investment is made with the entity or with a third party selected and approved by the entity; and

(4) is placed through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in this state.

(b) In this section, "repurchase agreement" means a simultaneous agreement to buy, hold for a specified time, and sell back at a future date obligations described by Section 2256.009(a)(1), at a market value at the time the funds are disbursed of not less than the principal amount of the funds disbursed. The term includes a direct security repurchase agreement and a reverse security repurchase agreement.

(c) Notwithstanding any other law, the term of any reverse security repurchase agreement may not exceed 90 days after the date the reverse security repurchase agreement is delivered.

(d) Money received by an entity under the terms of a reverse security repurchase agreement shall be used to acquire additional authorized investments, but the term of the authorized investments acquired must mature not later than the expiration date stated in the reverse security repurchase agreement.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1004, Sec. 6, eff. June 17, 2011.

Sec. 2256.0115. AUTHORIZED INVESTMENTS: SECURITIES LENDING PROGRAM. (a) A securities lending program is an authorized investment under this subchapter if it meets the conditions provided by this section.

(b) To qualify as an authorized investment under this subchapter:

(1) the value of securities loaned under the program must be not less than 100 percent collateralized, including accrued income;

(2) a loan made under the program must allow for termination at any time;

(3) a loan made under the program must be secured by:

(A) pledged securities described by Section 2256.009;

(B) pledged irrevocable letters of credit issued by a bank that is:

(i) organized and existing under the laws of the United States or any other state; and

(ii) continuously rated by at least one nationally recognized investment rating firm at not less than A or its equivalent; or

(C) cash invested in accordance with Section:

(i) 2256.009;

(ii) 2256.013;

(iii) 2256.014; or

(iv) 2256.016;

(4) the terms of a loan made under the program must require that the securities being held as collateral be:

(A) pledged to the investing entity;

(B) held in the investing entity's name; and

(C) deposited at the time the investment is made with the entity or with a third party selected by or approved by the investing entity;

(5) a loan made under the program must be placed through:

(A) a primary government securities dealer, as defined by 5 C.F.R. Section 6801.102(f), as that regulation existed on September 1, 2003; or

(B) a financial institution doing business in this state; and

(6) an agreement to lend securities that is executed under this section must have a term of one year or less.

Added by Acts 2003, 78th Leg., ch. 1227, Sec. 1, eff. Sept. 1, 2003.

Sec. 2256.012. AUTHORIZED INVESTMENTS: BANKER'S ACCEPTANCES. A bankers' acceptance is an authorized investment under this subchapter if the bankers' acceptance:

(1) has a stated maturity of 270 days or fewer from the date of its issuance;

(2) will be, in accordance with its terms, liquidated in full at maturity;

(3) is eligible for collateral for borrowing from a Federal Reserve Bank; and

(4) is accepted by a bank organized and existing under the laws of the United States or any state, if the short-term obligations of the bank, or of a bank holding company of which the bank is the largest subsidiary, are rated not less than A-1 or P-1 or an equivalent rating by at least one nationally recognized credit rating agency.
Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.013. AUTHORIZED INVESTMENTS: COMMERCIAL PAPER. Commercial paper is an authorized investment under this subchapter if the commercial paper:

(1) has a stated maturity of 270 days or fewer from the date of its issuance; and

(2) is rated not less than A-1 or P-1 or an equivalent rating by at least:

(A) two nationally recognized credit rating agencies; or

(B) one nationally recognized credit rating agency and is fully secured by an irrevocable letter of credit issued by a bank organized and existing under the laws of the United States or any state.
Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.014. AUTHORIZED INVESTMENTS: MUTUAL FUNDS. (a) A no-load money market mutual fund is an authorized investment under this subchapter if the mutual fund:

(1) is registered with and regulated by the Securities and Exchange Commission;

(2) provides the investing entity with a prospectus and other information required by the Securities Exchange Act of 1934 (15 U.S.C. Section 78a et seq.) or the Investment Company Act of 1940 (15 U.S.C. Section 80a-1 et seq.);

(3) has a dollar-weighted average stated maturity of 90 days or fewer; and

(4) includes in its investment objectives the maintenance of a stable net asset value of $1 for each share.

(b) In addition to a no-load money market mutual fund permitted as an authorized investment in Subsection (a), a no-load mutual fund is an authorized investment under this subchapter if the mutual fund:

(1) is registered with the Securities and Exchange Commission;

(2) has an average weighted maturity of less than two years;

(3) is invested exclusively in obligations approved by this subchapter;

(4) is continuously rated as to investment quality by at least one nationally recognized investment rating firm of not less than AAA or its equivalent; and

(5) conforms to the requirements set forth in Sections 2256.016(b) and (c) relating to the eligibility of investment pools to receive and invest funds of investing entities.

(c) An entity is not authorized by this section to:

(1) invest in the aggregate more than 15 percent of its monthly average fund balance, excluding bond proceeds and reserves and other funds held for debt service, in mutual funds described in Subsection (b);

(2) invest any portion of bond proceeds, reserves and funds held for debt service, in mutual funds described in Subsection (b); or

(3) invest its funds or funds under its control, including bond proceeds and reserves and other funds held for debt service, in any one mutual fund described in Subsection (a) or (b) in an amount that exceeds 10 percent of the total assets of the mutual fund.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 7, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 8, eff. Sept. 1, 1999.

Sec. 2256.015. AUTHORIZED INVESTMENTS: GUARANTEED INVESTMENT CONTRACTS. (a) A guaranteed investment contract is an authorized investment for bond proceeds under this subchapter if the guaranteed investment contract:

(1) has a defined termination date;

(2) is secured by obligations described by Section 2256.009(a)(1), excluding those obligations described by Section 2256.009(b), in an amount at least equal to the amount of bond proceeds invested under the contract; and

(3) is pledged to the entity and deposited with the entity or with a third party selected and approved by the entity.

(b) Bond proceeds, other than bond proceeds representing reserves and funds maintained for debt service purposes, may not be invested under this subchapter in a guaranteed investment contract with a term of longer than five years from the date of issuance of the bonds.

(c) To be eligible as an authorized investment:

(1) the governing body of the entity must specifically authorize guaranteed investment contracts as an eligible investment in the order, ordinance, or resolution authorizing the issuance of bonds;

(2) the entity must receive bids from at least three separate providers with no material financial interest in the bonds from which proceeds were received;

(3) the entity must purchase the highest yielding guaranteed investment contract for which a qualifying bid is received;

(4) the price of the guaranteed investment contract must take into account the reasonably expected drawdown schedule for the bond proceeds to be invested; and

(5) the provider must certify the administrative costs reasonably expected to be paid to third parties in connection with the guaranteed investment contract.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 8, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 9, 10, eff. Sept. 1, 1999.

Sec. 2256.016. AUTHORIZED INVESTMENTS: INVESTMENT POOLS. (a) An entity may invest its funds and funds under its control through an eligible investment pool if the governing body of the entity by rule, order, ordinance, or resolution, as appropriate, authorizes investment in the particular pool. An investment pool shall invest the funds it receives from entities in authorized investments permitted by this subchapter. An investment pool may invest its funds in money market mutual funds to the extent permitted by and consistent with this subchapter and the investment policies and objectives adopted by the investment pool.

(b) To be eligible to receive funds from and invest funds on behalf of an entity under this chapter, an investment pool must furnish to the investment officer or other authorized representative of the entity an offering circular or other similar disclosure instrument that contains, at a minimum, the following information:

(1) the types of investments in which money is allowed to be invested;

(2) the maximum average dollar-weighted maturity allowed, based on the stated maturity date, of the pool;

(3) the maximum stated maturity date any investment security within the portfolio has;

(4) the objectives of the pool;

(5) the size of the pool;

(6) the names of the members of the advisory board of the pool and the dates their terms expire;

(7) the custodian bank that will safekeep the pool's assets;

(8) whether the intent of the pool is to maintain a net asset value of one dollar and the risk of market price fluctuation;

(9) whether the only source of payment is the assets of the pool at market value or whether there is a secondary source of payment, such as insurance or guarantees, and a description of the secondary source of payment;

(10) the name and address of the independent auditor of the pool;

(11) the requirements to be satisfied for an entity to deposit funds in and withdraw funds from the pool and any deadlines or other operating policies required for the entity to invest funds in and withdraw funds from the pool; and

(12) the performance history of the pool, including yield, average dollar-weighted maturities, and expense ratios.

(c) To maintain eligibility to receive funds from and invest funds on behalf of an entity under this chapter, an investment pool must furnish to the investment officer or other authorized representative of the entity:

(1) investment transaction confirmations; and

(2) a monthly report that contains, at a minimum, the following information:

(A) the types and percentage breakdown of securities in which the pool is invested;

(B) the current average dollar-weighted maturity, based on the stated maturity date, of the pool;

(C) the current percentage of the pool's portfolio in investments that have stated maturities of more than one year;

(D) the book value versus the market value of the pool's portfolio, using amortized cost valuation;

(E) the size of the pool;

(F) the number of participants in the pool;

(G) the custodian bank that is safekeeping the assets of the pool;

(H) a listing of daily transaction activity of the entity participating in the pool;

(I) the yield and expense ratio of the pool, including a statement regarding how yield is calculated;

(J) the portfolio managers of the pool; and

(K) any changes or addenda to the offering circular.

(d) An entity by contract may delegate to an investment pool the authority to hold legal title as custodian of investments purchased with its local funds.

(e) In this section, "yield" shall be calculated in accordance with regulations governing the registration of open-end management investment companies under the Investment Company Act of 1940, as promulgated from time to time by the federal Securities and Exchange Commission.

(f) To be eligible to receive funds from and invest funds on behalf of an entity under this chapter, a public funds investment pool created to function as a money market mutual fund must mark its portfolio to market daily, and, to the extent reasonably possible, stabilize at a $1 net asset value. If the ratio of the market value of the portfolio divided by the book value of the portfolio is less than 0.995 or greater than 1.005, portfolio holdings shall be sold as necessary to maintain the ratio between 0.995 and 1.005. In addition to the requirements of its investment policy and any other forms of reporting, a public funds investment pool created to function as a money market mutual fund shall report yield to its investors in accordance with regulations of the federal Securities and Exchange Commission applicable to reporting by money market funds.

(g) To be eligible to receive funds from and invest funds on behalf of an entity under this chapter, a public funds investment pool must have an advisory board composed:

(1) equally of participants in the pool and other persons who do not have a business relationship with the pool and are qualified to advise the pool, for a public funds investment pool created under Chapter 791 and managed by a state agency; or

(2) of participants in the pool and other persons who do not have a business relationship with the pool and are qualified to advise the pool, for other investment pools.

(h) To maintain eligibility to receive funds from and invest funds on behalf of an entity under this chapter, an investment pool must be continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating service.

(i) If the investment pool operates an Internet website, the information in a disclosure instrument or report described in Subsections (b), (c)(2), and (f) must be posted on the website.

(j) To maintain eligibility to receive funds from and invest funds on behalf of an entity under this chapter, an investment pool must make available to the entity an annual audited financial statement of the investment pool in which the entity has funds invested.

(k) If an investment pool offers fee breakpoints based on fund balances invested, the investment pool in advertising investment rates must include either all levels of return based on the breakpoints provided or state the lowest possible level of return based on the smallest level of funds invested.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 9, eff. Sept. 1, 1997.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1004, Sec. 7, eff. June 17, 2011.

Sec. 2256.017. EXISTING INVESTMENTS. An entity is not required to liquidate investments that were authorized investments at the time of purchase.

Added by Acts 1995, 74th Leg., ch. 76, Sec. 5.46(a), eff. Sept. 1, 1995; Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1421, Sec. 10, eff. Sept. 1, 1997.

Sec. 2256.019. RATING OF CERTAIN INVESTMENT POOLS. A public funds investment pool must be continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating service.

Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1421, Sec. 11, eff. Sept. 1, 1997.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1004, Sec. 8, eff. June 17, 2011.

Sec. 2256.020. AUTHORIZED INVESTMENTS: INSTITUTIONS OF HIGHER EDUCATION. In addition to the authorized investments permitted by this subchapter, an institution of higher education may purchase, sell, and invest its funds and funds under its control in the following:

(1) cash management and fixed income funds sponsored by organizations exempt from federal income taxation under Section 501(f), Internal Revenue Code of 1986 (26 U.S.C. Section 501(f));

(2) negotiable certificates of deposit issued by a bank that has a certificate of deposit rating of at least 1 or the equivalent by a nationally recognized credit rating agency or that is associated with a holding company having a commercial paper rating of at least A-1, P-1, or the equivalent by a nationally recognized credit rating agency; and

(3) corporate bonds, debentures, or similar debt obligations rated by a nationally recognized investment rating firm in one of the two highest long-term rating categories, without regard to gradations within those categories.

Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.0201. AUTHORIZED INVESTMENTS; MUNICIPAL UTILITY. (a) A municipality that owns a municipal electric utility that is engaged in the distribution and sale of electric energy or natural gas to the public may enter into a hedging contract and related security and insurance agreements in relation to fuel oil, natural gas, coal, nuclear fuel, and electric energy to protect against loss due to price fluctuations. A hedging transaction must comply with the regulations of the Commodity Futures Trading Commission and the Securities and Exchange Commission. If there is a conflict between the municipal charter of the municipality and this chapter, this chapter prevails.

(b) A payment by a municipally owned electric or gas utility under a hedging contract or related agreement in relation to fuel supplies or fuel reserves is a fuel expense, and the utility may credit any amounts it receives under the contract or agreement against fuel expenses.

(c) The governing body of a municipally owned electric or gas utility or the body vested with power to manage and operate the municipally owned electric or gas utility may set policy regarding hedging transactions.

(d) In this section, "hedging" means the buying and selling of fuel oil, natural gas, coal, nuclear fuel, and electric energy futures or options or similar contracts on those commodities and related transportation costs as a protection against loss due to price fluctuation.

Added by Acts 1999, 76th Leg., ch. 405, Sec. 48, eff. Sept. 1, 1999.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 7, Sec. 1, eff. April 13, 2007.

Sec. 2256.0202. AUTHORIZED INVESTMENTS: MUNICIPAL FUNDS FROM MANAGEMENT AND DEVELOPMENT OF MINERAL RIGHTS. (a) In addition to other investments authorized under this subchapter, a municipality may invest funds received by the municipality from a lease or contract for the management and development of land owned by the municipality and leased for oil, gas, or other mineral development in any investment authorized to be made by a trustee under Subtitle B, Title 9, Property Code (Texas Trust Code).

(b) Funds invested by a municipality under this section shall be segregated and accounted for separately from other funds of the municipality.

Added by Acts 2009, 81st Leg., R.S., Ch. 1371, Sec. 1, eff. September 1, 2009.

Sec. 2256.0203. AUTHORIZED INVESTMENTS: PORTS AND NAVIGATION DISTRICTS. (a) In this section, "district" means a navigation district organized under Section 52, Article III, or Section 59, Article XVI, Texas Constitution.

(b) In addition to the authorized investments permitted by this subchapter, a port or district may purchase, sell, and invest its funds and funds under its control in negotiable certificates of deposit issued by a bank that has a certificate of deposit rating of at least 1 or the equivalent by a nationally recognized credit rating agency or that is associated with a holding company having a commercial paper rating of at least A-1, P-1, or the equivalent by a nationally recognized credit rating agency.

Added by Acts 2011, 82nd Leg., R.S., Ch. 804, Sec. 1, eff. September 1, 2011.

Sec. 2256.0204. AUTHORIZED INVESTMENTS: INDEPENDENT SCHOOL DISTRICTS. (a) In this section, "corporate bond" means a senior secured debt obligation issued by a domestic business entity and rated not lower than "AA-" or the equivalent by a nationally recognized investment rating firm. The term does not include a debt obligation that:

(1) on conversion, would result in the holder becoming a stockholder or shareholder in the entity, or any affiliate or subsidiary of the entity, that issued the debt obligation; or

(2) is an unsecured debt obligation.

(b) This section applies only to an independent school district that qualifies as an issuer as defined by Section 1371.001.

(c) In addition to authorized investments permitted by this subchapter, an independent school district subject to this section may purchase, sell, and invest its funds and funds under its control in corporate bonds that, at the time of purchase, are rated by a nationally recognized investment rating firm "AA-" or the equivalent and have a stated final maturity that is not later than the third anniversary of the date the corporate bonds were purchased.

(d) An independent school district subject to this section is not authorized by this section to:

(1) invest in the aggregate more than 15 percent of its monthly average fund balance, excluding bond proceeds, reserves, and other funds held for the payment of debt service, in corporate bonds; or

(2) invest more than 25 percent of the funds invested in corporate bonds in any one domestic business entity, including subsidiaries and affiliates of the entity.

(e) An independent school district subject to this section may purchase, sell, and invest its funds and funds under its control in corporate bonds if the governing body of the district:

(1) amends its investment policy to authorize corporate bonds as an eligible investment;

(2) adopts procedures to provide for:

(A) monitoring rating changes in corporate bonds acquired with public funds; and

(B) liquidating the investment in corporate bonds; and

(3) identifies the funds eligible to be invested in corporate bonds.

(f) The investment officer of an independent school district, acting on behalf of the district, shall sell corporate bonds in which the district has invested its funds not later than the seventh day after the date a nationally recognized investment rating firm:

(1) issues a release that places the corporate bonds or the domestic business entity that issued the corporate bonds on negative credit watch or the equivalent, if the corporate bonds are rated "AA-" or the equivalent at the time the release is issued; or

(2) changes the rating on the corporate bonds to a rating lower than "AA-" or the equivalent.

(g) Corporate bonds are not an eligible investment for a public funds investment pool.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1347, Sec. 1, eff. June 17, 2011.

Sec. 2256.0205. AUTHORIZED INVESTMENTS; DECOMMISSIONING TRUST. (a) In this section:

(1) "Decommissioning trust" means a trust created to provide the Nuclear Regulatory Commission assurance that funds will be available for decommissioning purposes as required under 10 C.F.R. Part 50 or other similar regulation.

(2) "Funds" includes any money held in a decommissioning trust regardless of whether the money is considered to be public funds under this subchapter.

(b) In addition to other investments authorized under this subchapter, a municipality that owns a municipal electric utility that is engaged in the distribution and sale of electric energy or natural gas to the public may invest funds held in a decommissioning trust in any investment authorized by Subtitle B, Title 9, Property Code.

Added by Acts 2005, 79th Leg., Ch. 121, Sec. 1, eff. September 1, 2005.

Sec. 2256.021. EFFECT OF LOSS OF REQUIRED RATING. An investment that requires a minimum rating under this subchapter does not qualify as an authorized investment during the period the investment does not have the minimum rating. An entity shall take all prudent measures that are consistent with its investment policy to liquidate an investment that does not have the minimum rating.

Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.022. EXPANSION OF INVESTMENT AUTHORITY. Expansion of investment authority granted by this chapter shall require a risk assessment by the state auditor or performed at the direction of the state auditor, subject to the legislative audit committee's approval of including the review in the audit plan under Section 321.013.

Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2003, 78th Leg., ch. 785, Sec. 42, eff. Sept. 1, 2003.

Sec. 2256.023. INTERNAL MANAGEMENT REPORTS. (a) Not less than quarterly, the investment officer shall prepare and submit to the governing body of the entity a written report of investment transactions for all funds covered by this chapter for the preceding reporting period.

(b) The report must:

(1) describe in detail the investment position of the entity on the date of the report;

(2) be prepared jointly by all investment officers of the entity;

(3) be signed by each investment officer of the entity;

(4) contain a summary statement of each pooled fund group that states the:

(A) beginning market value for the reporting period;

(B) ending market value for the period; and

(C) fully accrued interest for the reporting period;

(5) state the book value and market value of each separately invested asset at the end of the reporting period by the type of asset and fund type invested;

(6) state the maturity date of each separately invested asset that has a maturity date;

(7) state the account or fund or pooled group fund in the state agency or local government for which each individual investment was acquired; and

(8) state the compliance of the investment portfolio of the state agency or local government as it relates to:

(A) the investment strategy expressed in the agency's or local government's investment policy; and

(B) relevant provisions of this chapter.

(c) The report shall be presented not less than quarterly to the governing body and the chief executive officer of the entity within a reasonable time after the end of the period.

(d) If an entity invests in other than money market mutual funds, investment pools or accounts offered by its depository bank in the form of certificates of deposit, or money market accounts or similar accounts, the reports prepared by the investment officers under this section shall be formally reviewed at least annually by an independent auditor, and the result of the review shall be reported to the governing body by that auditor.

Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1421, Sec. 12, eff. Sept. 1, 1997.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1004, Sec. 9, eff. June 17, 2011.

Sec. 2256.024. SUBCHAPTER CUMULATIVE. (a) The authority granted by this subchapter is in addition to that granted by other law. Except as provided by Subsection (b), this subchapter does not:

(1) prohibit an investment specifically authorized by other law; or

(2) authorize an investment specifically prohibited by other law.

(b) Except with respect to those investing entities described in Subsection (c), a security described in Section 2256.009(b) is not an authorized investment for a state agency, a local government, or another investing entity, notwithstanding any other provision of this chapter or other law to the contrary.

(c) Mortgage pass-through certificates and individual mortgage loans that may constitute an investment described in Section 2256.009(b) are authorized investments with respect to the housing bond programs operated by:

(1) the Texas Department of Housing and Community Affairs or a nonprofit corporation created to act on its behalf;

(2) an entity created under Chapter 392, Local Government Code; or

(3) an entity created under Chapter 394, Local Government Code.

Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.025. SELECTION OF AUTHORIZED BROKERS. The governing body of an entity subject to this subchapter or the designated investment committee of the entity shall, at least annually, review, revise, and adopt a list of qualified brokers that are authorized to engage in investment transactions with the entity.

Added by Acts 1997, 75th Leg., ch. 1421, Sec. 13, eff. Sept. 1, 1997.

Sec. 2256.026. STATUTORY COMPLIANCE. All investments made by entities must comply with this subchapter and all federal, state, and local statutes, rules, or regulations.

Added by Acts 1997, 75th Leg., ch. 1421, Sec. 13, eff. Sept. 1, 1997.

SUBCHAPTER B. MISCELLANEOUS PROVISIONS

Sec. 2256.051. ELECTRONIC FUNDS TRANSFER. Any local government may use electronic means to transfer or invest all funds collected or controlled by the local government.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.052. PRIVATE AUDITOR. Notwithstanding any other law, a state agency shall employ a private auditor if authorized by the legislative audit committee either on the committee's initiative or on request of the governing body of the agency.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.053. PAYMENT FOR SECURITIES PURCHASED BY STATE. The comptroller or the disbursing officer of an agency that has the power to invest assets directly may pay for authorized securities purchased from or through a member in good standing of the National Association of Securities Dealers or from or through a national or state bank on receiving an invoice from the seller of the securities showing that the securities have been purchased by the board or agency and that the amount to be paid for the securities is just, due, and unpaid. A purchase of securities may not be made at a price that exceeds the existing market value of the securities.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1423, Sec. 8.67, eff. Sept. 1, 1997.

Sec. 2256.054. DELIVERY OF SECURITIES PURCHASED BY STATE. A security purchased under this chapter may be delivered to the comptroller, a bank, or the board or agency investing its funds. The delivery shall be made under normal and recognized practices in the securities and banking industries, including the book entry procedure of the Federal Reserve Bank.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1423, Sec. 8.68, eff. Sept. 1, 1997.

Sec. 2256.055. DEPOSIT OF SECURITIES PURCHASED BY STATE. At the direction of the comptroller or the agency, a security purchased under this chapter may be deposited in trust with a bank or federal reserve bank or branch designated by the comptroller, whether in or outside the state. The deposit shall be held in the entity's name as evidenced by a trust receipt of the bank with which the securities are deposited.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1423, Sec. 8.69, eff. Sept. 1, 1997.

APPENDIX B

COUNCIL RESOLUTION

September 22, 2015

WHEREAS, in 1987 the City Council adopted the City's Investment Policy which was in compliance with the federal and state law and the City Charter; and

WHEREAS, in 1995 and 1997 through 2014, the City Council amended the City's Investment Policy to incorporate amendments to the Public Funds Investment Act, improve management of the City's investments and reflect organizational changes; and

WHEREAS, the Public Funds Investment Act requires that the investment shall be made in accordance with written policies approved, at least annually, by the governing body; and

WHEREAS, investment policies must address safety of principal, liquidity, yield, diversification and maturity, with primary emphasis on safety of principal. **Now, Therefore,**

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

Section 1. That the attached City of Dallas Investment Policy has been reviewed by the City Council and shall be adopted as the guiding policy in the ongoing management of the specified funds in accordance with federal and state law and the City Charter.

Section 2. That this resolution shall be take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas and it is accordingly so resolved.

AGENDA ITEM # 15

KEY FOCUS AREA: Public Safety

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Court & Detention Services

CMO: Eric Campbell, 670-3255

MAPSCO: N/A

SUBJECT

Authorize payment to Dallas County for processing and housing prisoners at the Lew Sterrett Criminal Justice Center, pursuant to Amendment No. 4 to the Criminal Justice Center Memorandum of Agreement with Dallas County, previously approved on June 11, 1997, by Resolution No. 97-1995, for the period October 1, 2015 through September 30, 2016 - Not to exceed $7,557,391 - Financing: Current Funds

BACKGROUND

On June 11, 1997, the City Council, pursuant to Resolution No. 97-1995, authorized Amendment No. 4 to the Criminal Justice Center Memorandum of Agreement between the City of Dallas and Dallas County which established a new cost methodology for processing and maintaining City prisoners at the Lew Sterrett Criminal Justice Center based on direct cost for providing intake/release and housing, indirect costs associated with County Central Services applicable to the jail contract and apportioned costs of certain Sheriff's Office operations. This methodology is reviewed yearly. This action will allow continuation of payments to Dallas County beginning October 1, 2015.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized payment to Dallas County for processing and maintaining City prisoners at the jail facility for the period October 1, 1999 through September 30, 2000, on September 22, 1999, by Resolution No. 99-3054.

Authorized payment to Dallas County for processing and maintaining City prisoners at the jail facility for the period October 1, 2000 through September 30, 2001, on September 27, 2000, by Resolution No. 00-2986.

Authorized payment to Dallas County for processing and maintaining City prisoners at the jail facility for the period October 1, 2001 through September 30, 2002, on September 26, 2001, by Resolution No. 01-2843.

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

Authorized payment to Dallas County for processing and maintaining City prisoners at the jail facility for the period October 1, 2002 through September 30, 2003, on September 30, 2002, by Resolution No. 02-2812.

Authorized payment to Dallas County for processing and maintaining City prisoners at the jail facility for the period October 1, 2003 through September 30, 2004, on September 24, 2003, by Resolution No. 03-2583.

Authorized payment to Dallas County for processing and maintaining City prisoners at the jail facility for the period October 1, 2004 through September 30, 2005, on September 22, 2004, by Resolution No. 04-2789.

Authorized payment to Dallas County for processing and maintaining City prisoners at the jail facility for the period October 1, 2005 through September 30, 2006, on September 28, 2005, by Resolution No. 05-2836.

Authorized payment to Dallas County for processing and maintaining City prisoners at the jail facility for the period October 1, 2006 through September 30, 2007, on September 27, 2006, by Resolution No. 06-2643.

Authorized payment to Dallas County for processing and maintaining City prisoners at the jail facility for the period October 1, 2007 through September 30, 2008, on September 26, 2007, by Resolution No. 07-2748.

Authorized payment to Dallas County for processing and maintaining City prisoners at the jail facility for the period October 1, 2008 through September 30, 2009, on September 24, 2008, by Resolution No. 08-2533.

Authorized payment to Dallas County for processing and maintaining City prisoners at the jail facility for the period October 1, 2009 through September 30, 2010, on September 23, 2009, by Resolution No. 09-2368.

Authorized payment to Dallas County for processing and maintaining City prisoners at the jail facility for the period October 1, 2010 through September 30, 2011, on September 22, 2010, by Resolution No. 10-2355.

Authorized payment to Dallas County for processing and maintaining City prisoners at the jail facility for the period October 1, 2011 through September 30, 2012, on September 28, 2011, by Resolution No. 11-2611.

Authorized payment to Dallas County for processing and maintaining City prisoners at the jail facility for the period October 1, 2012 through September 30, 2013, on September 26, 2012, by Resolution No. 12-2352.

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

Authorized payment to Dallas County for processing and maintaining City prisoners at the jail facility for the period October 1, 2013 through September 30, 2014, on September 25, 2013, by Resolution No. 13-1679.

Authorized payment to Dallas County for processing and maintaining City prisoners at the jail facility for the period October 1, 2014 through September 30, 2015, on September 24, 2014, by Resolution No. 14-1595.

Information about this item was briefed to the Public Safety Committee on August 24, 2015.

FISCAL INFORMATION

$7,557,391.00 - Current Funds

September 22, 2015

WHEREAS, the Criminal Justice Center Memorandum of Agreement between the City of Dallas and Dallas County, authorized by Resolution No. 78-3303, dated November 22, 1978, and amendments thereto, granted the City a leasehold estate in the Lew Sterrett Criminal Justice Center for processing and maintaining city jail prisoners for as long as the Criminal Justice Center was used as a jail facility; and,

WHEREAS, on June 11, 1997, pursuant to Resolution No. 97-1995, the City of Dallas authorized Amendment No. 4 to the Criminal Justice Center Memorandum of Agreement to establish a methodology to calculate the city's equitable share of the cost of processing and maintaining city prisoners at the jail facility; and,

WHEREAS, this methodology allows the City to pay Dallas County for the cost of processing and maintaining city prisoners on a per-prisoner basis beginning each fiscal year; and,

WHEREAS, the City is required to pay Dallas County on a monthly basis for the City's share of jail operation costs as prescribed in Amendment No. 4 to the Criminal Justice Center Memorandum of Agreement; and,

WHEREAS, Dallas County's calculation of $7,557,391 for processing and maintaining city prisoners at the Lew Sterrett Criminal Justice Center for FY2015-16 has been reviewed by the City and determined to be equitable.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to pay Dallas County for processing and maintaining prisoners at the Lew Sterrett Criminal Justice Center pursuant to Amendment No. 4 to the Criminal Justice Center Memorandum of Agreement between the City of Dallas and Dallas County previously approved on June 11, 1997, by Resolution No. 97-1995, for the period October 1, 2015 through September 30, 2016 in the amount of $7,557,391.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds to Dallas County over a 12-month period commencing on October 1, 2015 and ending September 30, 2016 in an amount not to exceed $7,557,391 from:

FUND	DEPT	UNIT	OBJ	VENDOR#	ENCUMBRANCE	AMOUNT
0001	CTS	1059	3099	014003	CT CTS1059FY16	$7,557,391

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

AGENDA ITEMS # 16,17

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Economic Development

CMO: Ryan S. Evans, 671-9837

MAPSCO: N/A

SUBJECT

Property Assessed Clean Energy (PACE) Program

* Authorize a public hearing to be held on October 14, 2015 to receive comments to consider the establishment of a Property Assessed Clean Energy ("PACE") program for the City of Dallas pursuant to the Property Assessed Clean Energy Act ("PACE Act"), as amended (Texas Local Government Code Chapter 399) – Financing: No cost consideration to the City
* Authorize a resolution of intent to establish a PACE Program for the City of Dallas pursuant to the PACE Act - Financing: No cost consideration to the City

BACKGROUND

The City of Dallas intends to create a Property Assessed Clean Energy (PACE) financing program. Since 2009, the Dallas City Council has supported the creation of PACE legislation. The Property Assessed Clean Energy Act (SB 385) was enacted by the State of Texas in 2013, and, by enacting a PACE financing program, Dallas would become one of the first cities in Texas to take advantage of the legislation.

A City of Dallas PACE program would further the goals of the City's Sustainability Plan which focuses on five areas: Air Quality; Land Use; Water Quality; Materials Management; and Energy Management. The City hopes to reduce non-renewable energy use by establishing a program to enhance sustainability for the private sector, and the PACE program can be part of this program. Additionally, reducing water usage among the City's multi-family housing stock is one of the primary goals of the City's most recent Five Year Water Conservation Program. Based on building condition data (i.e. good, average, fair or poor) available from the Dallas Central Appraisal District, City staff estimates there are over 21,000 commercial, industrial or multi-family housing properties within the City of Dallas that may be eligible for PACE financing.

BACKGROUND (Continued)

PACE is an innovative financing program that allows owners of commercial, industrial, and multi-family residential properties (with five or more dwelling units) to obtain low-cost, long-term loans for long-term or permanent water conservation, energy-efficiency improvements, and renewable retrofits. The PACE Act authorizes municipalities and counties in Texas to work with private sector lenders and property owners to finance qualified improvements using contractual assessments voluntarily imposed on the property by the owner. In exchange for funds provided by a private lender to pay for the improvements, the property owner voluntarily requests that the local government place an assessment secured with a senior lien on the property until the assessment is paid in full.

The term of an assessment may extend up to the projected life of the improvement, which can result in utility cost savings that exceed the amount of the assessment payment. As a result, improvements financed through a PACE program may generate positive cash flow upon completion without up-front, out-of-pocket cost to the property owner.

PACE enables property owners to overcome market barriers, such as lack of access to capital and the extended time period it takes for utility savings to pay back the cost of a retrofit, which discourage investment in energy efficiency and water conservation improvements. PACE provides the property owner with upfront financing for up to 100% of the cost of a qualified improvement and allows the property owner to amortize the debt over the useful life of the improvement.

If a property is sold before the full amount of the PACE loan is repaid, the remaining repayment obligation automatically transfers to the next owner because the lien securing the PACE assessment follows the title to the property without recourse for subsequent payments on the previous owner, the lender, the City, the County, or the program administrator. Successive property owners assume the lien.

As required by the PACE Act, there are five steps that a local government must complete in order to create a PACE program:

1. Draft and publish a report for the proposed program.
    - City staff drafted and published a report for the proposed Dallas PACE program on August 19, 2015.

2. Make the report available for public inspection.
    - The report is available for public inspection in the Office of Economic Development (5C South) in City Hall and on the website of the City of Dallas at http://www.dallas-ecodev.org/incentives/pace/.

BACKGROUND (Continued)

3. Adopt a resolution of intent to create the proposed program.
    - With this agenda item, City staff requests City Council authorization of a resolution of intent to create the proposed Dallas PACE program.

4. Hold a public hearing to receive comments on the proposed program.
    - With this agenda item, City staff requests City Council authorization of a public hearing to be held on October 14, 2015 to receive comments to consider the creation of the proposed Dallas PACE program.

5. Adopt a resolution to create the program.
    - Before the end of 2015, City staff anticipates requesting City Council authorization of a resolution to create the Dallas PACE program.

Additionally, through a competitive procurement process, the City of Dallas intends to select a qualified third-party administrator to administer the Dallas PACE program.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

An informational memo about PACE will be provided to the Quality of Life and Environment Committee on September 26, 2014.

Information about this item was provided to the Economic Development Committee on June 15, 2015.

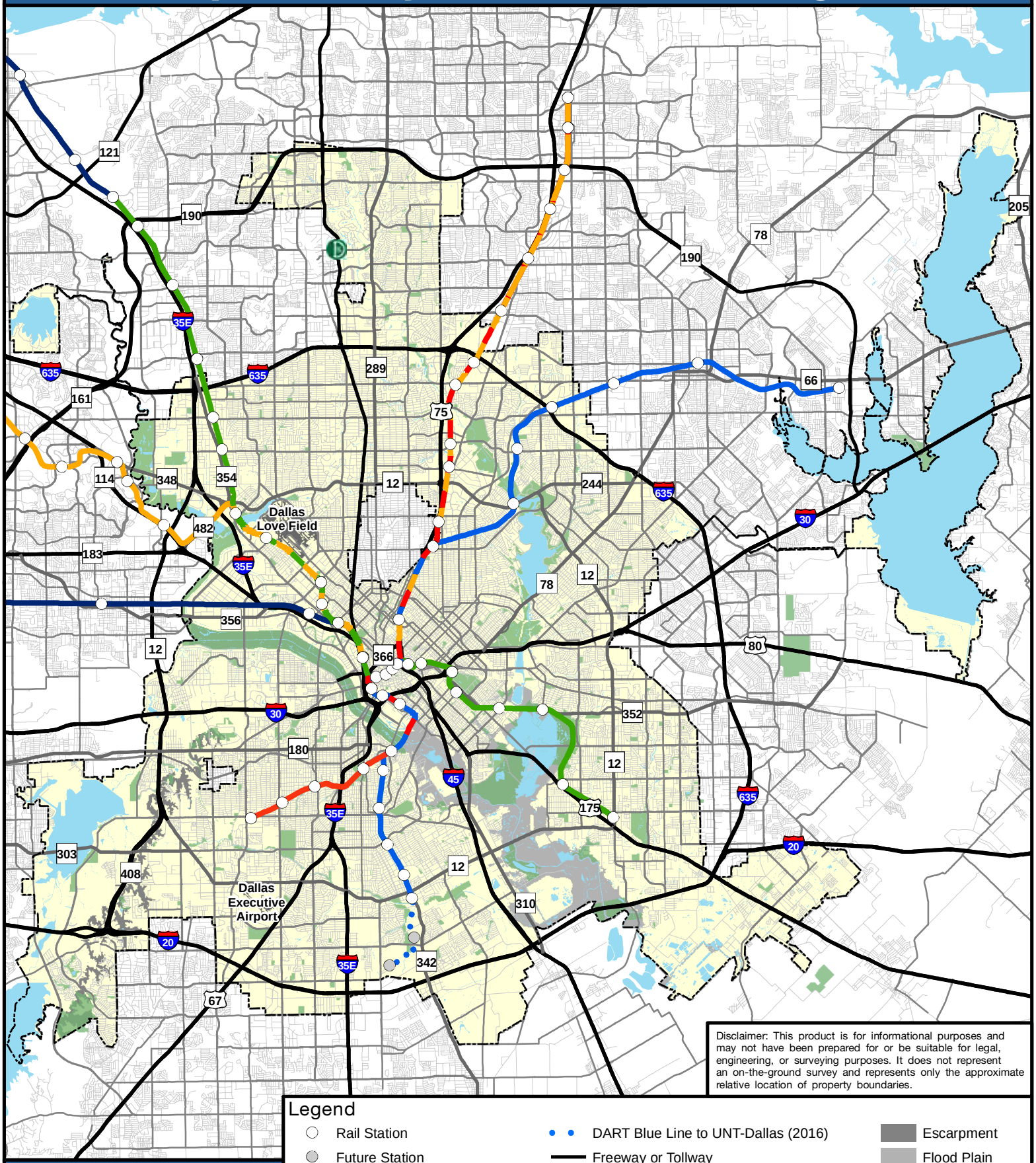
FISCAL INFORMATION

No cost consideration to the City

MAP(S)

Attached.

Proposed City of Dallas PACE Region



Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Legend

- Rail Station
- Future Station
- DART Red Line
- DART Blue Line
- DART Green Line
- DART Orange Line
- Commuter Rail
- DART Blue Line to UNT-Dallas (2016)
- Freeway or Tollway
- Highway
- Arterial
- Local Road
- Lakes & Rivers
- Parks
- Escarpment
- Flood Plain
- Airport
- Proposed City of Dallas PACE Region

N W E S

0 1 2 4 Miles

Source: Airports - NCTCOG, 2009; All Other Data - City of Dallas, 2015

DALLAS
ECONOMIC DEVELOPMENT

Research & Information Division
214.670.1685
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September 22, 2015

WHEREAS, the 83rd Regular Session of the Texas Legislature enacted the Property Assessed Clean Energy Act, Texas Local Government Code Chapter 399 (the "PACE Act"), which allows the governing body of a local government to designate an area of the territory of the local government (or the whole territory of the local government) as a region within which an authorized local government official and the record owners of commercial, industrial, agricultural, and large multi-family residential (5 or more dwelling units) real property may enter into written contracts to impose assessments on the property to repay the financing by the owners of permanent improvements fixed to the property intended to decrease water or energy consumption or demand; and

WHEREAS, the installation or modification by property owners of qualified water or energy saving improvements to commercial, industrial, agricultural, and large multi-family residential real property in the City of Dallas will further the goals of water and energy conservation without cost to the public; and

WHEREAS, the City finds that facilitating the financing of water and energy conserving projects through contractual assessments ("PACE financing") furthers essential government purposes, including but not limited to, economic development, reducing energy consumption and costs, conserving water resources, and reducing greenhouse gas emissions; and

WHEREAS, the City Council, pursuant to Texas Local Government Code Section 399.008(a)(2), is required to hold a public hearing as provided below, at which the public may comment on the proposed Dallas PACE program, including the report required by Section 399.009, which was published on August 19, 2015 and is available for public inspection on the website of the City of Dallas at http://www.dallas-ecodev.org/incentives/pace/ and in the Office of Economic Development, Dallas City Hall, 1500 Marilla Street, Room 5C South, Dallas, Texas, 75201.

NOW, THEREFORE,

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

Section 1. That the City Council will hold a public hearing on the proposed Dallas PACE program, including the report required by Section 399.009, on Wednesday, October 14, 2015 at 1:30 p.m. in the Council Chambers at Dallas City Hall, 1500 Marilla Street, Dallas, Texas, 75201.

Section 2. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

WHEREAS, the 83rd Regular Session of the Texas Legislature enacted the Property Assessed Clean Energy Act, Texas Local Government Code Chapter 399 (the "PACE Act"), which allows the governing body of a local government to designate an area of the territory of the local government (or the whole territory of the local government) as a region within which an authorized local government official and the record owners of commercial, industrial, agricultural, and large multi-family residential (5 or more dwelling units) real property may enter into written contracts to impose assessments on the property to repay the financing by the owners of permanent improvements fixed to the property intended to decrease water or energy consumption or demand; and

WHEREAS, the installation or modification by property owners of qualified water or energy saving improvements to commercial, industrial, agricultural, and large multi-family residential real property in the City of Dallas will further the goals of water and energy conservation without cost to the public; and

WHEREAS, the City finds that facilitating the financing of water and energy conserving projects through contractual assessments ("PACE financing") furthers essential government purposes, including but not limited to, economic development, reducing energy consumption and costs, conserving water resources, and reducing greenhouse gas emissions; and

WHEREAS, the City Council, subject to the public hearing scheduled as provided below, at which the public may comment on the proposed PACE program and the report recently published pursuant to Texas Local Government Code Section 399.009, finds that it is convenient and advantageous to establish a program under the PACE Act and designate the entire geographic area within the City of Dallas as a region within which a designated City official and the record owners of qualified real property may enter into PACE financing arrangements; and

WHEREAS, pursuant to Section 399.008(d), the City may contract for professional services necessary to administer a PACE program on behalf of the City of Dallas.

NOW, THEREFORE,

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

Section 1. That the City hereby adopts this resolution of intent to create a program called Dallas Property Assessed Clean Energy ("Dallas PACE") and finds that facilitating the financing of qualified projects through contractual assessments pursuant to the PACE Act is a valid public purpose.

Section 2. That the City intends to make contractual assessments to repay PACE financing for qualified water or energy conserving projects available to owners of commercial, industrial, agricultural, and large multi-family residential real property.

Section 3. That the following types of projects are qualified projects for PACE financing that may be subject to such contractual assessments:

> Projects that (a) involve the installation or modification of a permanent improvement fixed to privately owned commercial, industrial, or agricultural real property or residential real property with five (5) or more dwelling units, and (b) are intended to decrease water or energy consumption or demand, including a product, device, or interacting group of products or devices on the customer's side of the meter that uses energy technology to generate electricity, provide thermal energy, or regulate temperature.

An assessment may not be imposed to repay the financing of facilities for undeveloped lots or lots undergoing development at the time of the assessment or the purchase or installation of products or devices not permanently fixed to real property. Improvements to undeveloped land and government-owned properties in the City of Dallas are ineligible.

Section 4. That the boundaries of the entire geographic area within the City of Dallas are the boundaries of the region where PACE financing and assessments can occur under the Dallas PACE program.

Section 5. That financing for qualified projects under the Dallas PACE program will be provided by qualified third-party lenders chosen by the owners. Such lenders will execute written contracts with the City of Dallas to service the assessments, as required by the PACE Act. The City Manager (and/or his designee) is designated as the authorized City representative to sign the contracts with property owners and lenders. The contracts will provide for the lenders to determine the financial ability of owners to fulfill the financial obligations to be repaid through assessments, advance the funds to owners on such terms as are agreed between the lenders and the owners for the installation or modification of qualified projects, and service the debt secured by the assessments, directly or through a servicer, by collecting payments from the owners pursuant to contracts executed between the lenders and the owners. The lender contracts will provide that the City of Dallas will maintain and continue the assessments for the benefit of such lenders and enforce the assessment lien for the benefit of a lender in the event of a default by an owner. The City of Dallas will not, at this time, provide financing of any sort for the Dallas PACE program.

Section 6. That the City will use a competitive procurement process to select a qualified independent third-party entity to serve as the Program Administrator for the Dallas PACE program.

Section 7. That the report on the proposed Dallas PACE program prepared as provided by Texas Local Government Code Section 399.009 is available for public inspection on the website of the City of Dallas at http://www.dallas-ecodev.org/incentives/pace/ and in the Office of Economic Development, Dallas City Hall, 1500 Marilla Street, Room 5C South, Dallas, Texas, 75201 and is attached hereto as Exhibit A.

Section 8. That the City Manager of the City of Dallas (and/or his designee) is designated as the appropriate local government representative for purposes of consulting regarding collecting the proposed contractual assessments.

Section 9. That the City Council will hold a public hearing on the proposed Dallas PACE program, including the report required by Section 399.009, on Wednesday, October 14, 2015 at 1:30 p.m. in the Council Chambers at Dallas City Hall, 1500 Marilla Street, Dallas, Texas, 75201.

Section 10. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

EXHIBIT A

PROPOSED
CITY OF DALLAS
PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM

REPORT REQUIRED BY TEX. LOCAL GOV'T CODE SEC. 399.009

BACKGROUND

This report is adopted by the Dallas City Council for the proposed City of Dallas Property Assessed Clean Energy ("Dallas PACE") program (the "Program"), as required by Tex. Local Gov't Code Sec. 399.009 (the "PACE Act").

A City of Dallas PACE program would further the goals of the City's Sustainability Plan which focuses on five areas: Air Quality; Land Use; Water Quality; Materials Management; and Energy Management. The City hopes to reduce non-renewable energy use by establishing a program to enhance sustainability for the private sector, and the PACE program can be part of this program. Additionally, reducing water usage among the City's multi-family housing stock is one of the primary goals of the City's most recent Five Year Water Conservation Program. City staff estimates there are over 21,000 commercial, industrial or multi-family housing properties within the City of Dallas that may eligible for PACE financing based on building condition (good, average, fair or poor).

The City of Dallas and its constituents benefit when privately-owned commercial and industrial properties and multi-family residential properties with five or more than units are retrofitted with equipment that reduces demand for electric power and water. To encourage private sector investment in water and energy conservation within the City of Dallas, the creation of a voluntary program is being proposed that requires no use of taxpayer funds or risk to the local treasury.

The Property Assessed Clean Energy Program

The Dallas PACE program is an innovative financing program that enables owners of privately owned commercial and industrial properties and residential properties with five or more units to obtain low-cost, long-term loans for water conservation, energy-efficiency improvements, and renewable retrofits.

Passed and signed into Texas state law during the 2013 legislative session, the PACE statute, SB 385 (now Tex. Local Gov't Code Chap. 399), authorizes municipalities and counties in Texas to work with private sector lenders and property owners to finance qualified improvements ("improvements") using contractual assessments **voluntarily** imposed on the property by the owner. In exchange for funds provided by a private lender to pay for the improvement, the property owner voluntarily requests that the local government place an assessment secured with a senior lien on the property until the assessment is paid in full.

The term of an assessment may extend up to the projected life of the improvement, which can result in utility cost savings that exceed the amount of the assessment payment. As a result, improvements financed through a PACE program may generate positive cash flow upon completion without up-front, out-of-pocket cost to the property owner.

PACE enables property owners to overcome market barriers, such as lack of access to capital and the extended time period it takes for utility savings to pay back the cost of a retrofit, which discourage investment in energy efficiency and water conservation improvements. PACE provides the property owner with upfront financing for up to 100% of the cost of a qualified improvement and allows the property owner to amortize the debt over the useful life of the improvement.

If a property is sold before the full amount of the PACE loan is repaid, the remaining repayment obligation automatically transfers to the next owner because the lien securing the PACE assessment follows the title to the property without recourse for subsequent payments on the previous owner, the lender, the City, the County, or the Program Administrator. Successive property owners assume the lien.

What are the Benefits of PACE?

The benefits of PACE are multi-faceted. Improvements financed with PACE loans will enable commercial, industrial, agricultural, and multifamily properties with five or more units to achieve greater energy efficiency and help conserve the area's water resources.

Among other things, these improvements can:

- Save substantial amounts in utility costs;
- Promote local job creation;
- Reduce demand on the energy grid;
- Support the state's water plan;
- Enhance the value and efficiency of existing buildings, enabling some buildings to become LEED certified;
- Reduce greenhouse gas emissions;
- Mitigate split incentive issues between landlords and tenants related to investments in energy efficiency and water conservation improvements; and
- Establish significant business opportunities for engineers, energy and water conservation consultants, construction contractors, commercial lenders, and investors.

PACE is tax neutral and does not impose a burden on the City's general fund. In the aggregate, PACE improvements will promote long-term economic development in Texas by helping the state obtain energy and water security.

Who Can Participate in PACE?

PACE is a voluntary program. Any owner of commercial, industrial, agricultural, or multi-family[1] residential property located within the City of Dallas will be eligible to participate in PACE financing. PACE financing will not be available for facilities for undeveloped lots or lots undergoing development at the time of the assessment, products or devices not permanently fixed to real property, or undeveloped land in the City of Dallas.

What Types of Improvements Qualify for PACE Financing?

PACE financing may be used to pay for permanent improvements to privately owned commercial, industrial, agricultural, or eligible multi-family real property that are intended to decrease water or energy consumption or demand, including a product, device, or interacting group of products or devices on the customer's side of the meter that use energy technology to generate electricity, provide thermal energy, or regulate temperature.

Typical examples of qualified improvements include:

- HVAC upgrades;
- High efficiency chillers, boilers, and furnaces;
- High efficiency water heating systems;
- Energy management systems and controls;
- Renewable energy systems;
- Mechanical system modernization;
- High efficiency lighting upgrades;
- Building enclosure/envelope improvements;
- Water conservation systems;
- Combustion and burner upgrades;
- Fuel switching;
- Heat recovery and steam traps;
- Wastewater recovery and reuse systems;
- Systems to capture and use alternate, on-site sources of water (A/C condensate, rainwater, reverse osmosis reject water, foundation drain water, etc.);
- On-site improvements to accommodate the use of municipally reclaimed water;
- Water management systems and controls (indoor and outdoor);
- Switching from water cooled systems to air or geothermal cooled systems; and
- High efficiency irrigation equipment

Who Will Administer the Program?

The City of Dallas will use the procurement process to select a qualified, third party entity to serve as the Program Administrator.

[1] Residential property consisting of five or more units is eligible for PACE financing

The Benefits of PACE to Property Owners

PACE assessments enable property owners to overcome traditional barriers to capital investments in commercial, industrial, or multi-family real property. Owners who use PACE financing can instead capitalize the money previously spent on utilities; the utility cost savings achieved by a retrofit can help to pay for the retrofit itself. Property owners end up with more energy efficient property and access to recurring utility savings and pay only for the assessment installments that are due while they own the property.

The Benefits of PACE to the City of Dallas

By creating new investment opportunities, PACE will stimulate economic growth and development as well as energy efficiency in Dallas. Improvements financed through PACE will reduce energy and water consumption, thereby helping the community achieve critical energy and water conservation goals. For Dallas as a community facing potential non-attainment levels under the Clean Air Act, PACE provides a very real opportunity to dramatically reduce building energy consumption and the emissions associated with energy generation. PACE programs will also improve the quality of the systems within the City's commercial and industrial building stock. Importantly, the benefits of PACE for Dallas can be realized with minimal financial support from the local government and, once established, can be self-sustaining.

The Benefits of PACE to Lenders

PACE loans are attractive to lenders because they are secure investments. Like a property tax lien, the assessment lien securing the PACE loan has priority over other liens on the property. Therefore, the risk of loss from non-payment of a PACE loan is low compared to most other types of loans. PACE assessments provide lenders with an attractive new product to assist existing and new customers in addressing an almost universal pent-up demand for needed commercial and industrial property equipment modernization. In order to protect the interests of holders of existing mortgage loans on the property, the PACE Act requires their prior written consent as a condition to participation in the PACE program.

The Benefits of PACE to Contractors, Engineers, Consultants, and Manufacturers

PACE loans provide attractive sources of financing for water and energy saving retrofits and upgrades, thereby encouraging property owners to make substantial investments in existing commercial and industrial buildings. As a result, PACE will open business opportunities for contractors, engineers, consultants, and manufacturers throughout the commercial and industrial sectors in Dallas.

COMPONENTS OF THE PROGRAM

1) Map of Region

A map of the boundaries of the proposed region to be included in the program is attached to this report as **Exhibit 1**. The region encompasses the entire territorial jurisdiction of the City of Dallas.

2) Form Contract with Owner

A proposed form contract between the City of Dallas and the record owner of qualified real property, specifying the terms of the assessment under the Program and the financing to be provided by a qualified third-party lender of the property owner's choosing, is attached to this report as **Exhibit 2**.

3) Form Contract with Lender

A proposed form contract between the City of Dallas and a qualified third-party lender chosen by a property owner regarding providing the financing and servicing of the debt through assessments is attached to this report as **Exhibit 3**.

4) Eligibility

Lenders

Eligible third-party lenders may include:

- Any federally insured depository institution such as a bank, savings bank, savings and loan association and federal or state credit union;
- Any insurance company authorized to conduct business in one or more states;
- Any registered investment company, registered business development company, or a Small Business Administration small business investment company;
- Any publicly traded entity; or
- Any private entity that:
- Has a minimum net worth of $5 million;
- Has at least three years' experience in business or industrial lending or commercial real estate lending (including multifamily lending), or has a lending officer that has at least three years' experience in business or industrial lending or commercial real estate lending;
- Can provide independent certification as to availability of funds; and
- Has the ability to carry out, either directly or through a servicer, the bookkeeping and customer service work necessary to manage the assessment accounts.

Any eligible lender can participate in the PACE program. Nothing in this section is intended to prohibit a property owner from identifying and selecting its own source of funding, whether or not from the eligible list, so long as the lender is a financially stable entity with the ability to carry out, either directly or through a servicer, the bookkeeping and customer service work necessary to manage the assessment accounts.

Property Owners

To be eligible for PACE financing, properties must be privately owned (the PACE Act does not apply to government buildings) and must be within the boundaries of the City of Dallas. The property can be commercial real property, including non-profit real property including private schools, private medical facilities, religious property, etc., industrial property and residential real property with five or more dwelling units.

Project Types

The following types of projects are qualified projects that may be subject to contractual assessments under the Program, as provided in the PACE Act, Tex. Local Gov't. Code Chapter 399:

> Projects that (a) involve the installation or modification of a permanent improvement fixed to privately owned commercial or industrial real property or residential real property with five (5) or more dwelling units, and (b) are intended to decrease energy or water consumption or demand, including a product, device, or interacting group of products or devices on the customer's side of the meter that uses energy technology to generate electricity, provide thermal energy, or regulate temperature. An assessment may not be imposed to repay the financing of facilities for undeveloped lots or lots undergoing development at the time of the assessment or the purchase or installation of products or devices not permanently fixed to real property.

Additionally, improvements to government property are ineligible. Examples of types of projects can be found on page three of this document.

5) Authorized City Representative

The City of Dallas designates the City Manager as the authorized local government representative for the PACE program. The City Manager may delegate the authority as necessary.

6) Plans for Ensuring Sufficient Capital

Sufficient capital for third-party financing of qualified projects will be provided by third-party capital providers. Such financing will be repaid by collections from property owners through financing documents executed between the owners and the lenders, enabling those capital providers to fund additional qualified projects. The Program Administrator's website will offer a list of interested qualified capital providers to assist property owners interested in funding PACE projects; however, property owners can use any qualified lender who wishes to participate in the program. Information available about interested, qualified lenders will include contact information, previous PACE experience, and preferred project size/scope. The lenders will ensure that property owners requesting to participate in the PACE program demonstrate the financial ability to fulfill the financial obligations to be repaid through contractual assessments.

7) Role of the PACE Program Administrator

The City of Dallas will select a PACE Program Administrator through a competitive procurement process. The PACE Program Administrator will be responsible for overseeing the PACE program and coordinating efforts between the property owners and lenders throughout the application process, verifying financial ability of the applicants, gathering reporting data to comply with the statute and maintaining the Dallas PACE website.

The PACE Program Administrator will not guarantee or imply that funding will be automatically provided from a third-party lender; imply or create any approval, endorsement or certification of, or responsibility for, any lender; or create any type of express or implied favoritism for any eligible lenders.

The PACE Program Administrator will not guarantee or imply that a favorable energy review will be automatically provided from an independent third-party reviewer; imply or create any approval, endorsement or certification of, or responsibility for, any reviewer; or create any type of express or implied favoritism for any third-party reviewer.

Application

The PACE Program Administrator will draft and distribute the PACE application, as well as accept and review the property owner's completed application. If the project meets eligibility requirements, the PACE Program Administrator will provide written indication that the project meets PACE standards at this stage (subject to verification of all requirements at closing). The PACE Program Administrator will inform the property owner of his or her responsibilities in the process, including hiring a third-party reviewer, obtaining a lender, obtaining all necessary permits, determining final project scope and completing and submitting a closing verification package.

The PACE Program Administrator will conduct a Pre-Closing Verification, which will confirm the statutorily required eligibility requirements of the owner including:

- Is the legal property owner of the benefited property, and;
- Is current on mortgage and tax payments, and;
- Is not insolvent or the subject of bankruptcy proceedings, and;
- Holds a title to the property to be subject to a PACE assessment that is not in dispute; and
- Has consent of any pre-existing mortgagee to the proposed PACE assessment through a written contract.

Ensuring Financial Ability of Applicants

The PACE Program Administrator will review verification by the property owner, lender and mortgage holder (if any) that the property owner:

- Has not been delinquent in the payment of its ad valorem taxes in the previous three years;
- Is in good financial standing;
- Has not been the subject of bankruptcy proceedings in the previous five years;
- Is not subject to any outstanding, unsatisfied final judgment;
- Has not had any property sold at foreclosure in the previous five years;
- Has provided a Certificate of Status from the Secretary of State of Texas;
- Has provided a Certificate of Account Status from the Texas Comptroller of Public Accounts;
- Has provided a current credit report or, if not available, a reasonable alternative;
- Has provided a current title report and verified that the property is not subject to any liens, including mechanics liens;
- Has provided notice to any preexisting mortgagee and has provided the written consent of the mortgagee; and
- Grants consent for the PACE Program Administrator to pull credit information

Prior to construction, the PACE Program Administrator will also review and verify copies of permits and other verifications that plans are in compliance with City regulations.

Reporting Data

The PACE Program Administrator will compile and provide to the City quarterly progress reports with basic performance statistics, similar to the information requested by EPA's Portfolio Manager. The PACE Program Administrator will also compile information to be used in an annual report, which shall include

aggregated program information, best practices, lessons learned and recommendations for improvements.

Website

The PACE Program Administrator is responsible for creating the content and providing updates for a Dallas PACE program website which will, at a minimum, contain the following information: list of eligible lenders, list of qualified third-party reviewers, application form/instructions, the PACE Technical Standards Manual (**Exhibit 5)** and this document.

8) No Use of Bonds or Public Funds

The City of Dallas does not, at this time, intend to use bonds or other public funds to capitalize PACE projects. All financing will be provided to property owners by qualified third-party lenders chosen by the property owners.

9) Ensuring Measure Life Exceeds Payment Period

Assurance that the period of each contractual assessment does not exceed the useful life of the qualified project that is the basis for the assessment will be determined by the PACE Program Administrator based on a report conducted by an independent third-party reviewer (a qualified engineer) chosen by the property owner as well as the term provided by the lender. The PACE administrator shall be responsible for ensuring that in all PACE financing submittals to the City the term provided by the lender does not exceed the useful life of the qualified improvements.

10) Application Process

The Program Administrator will accept written applications from property owners seeking to finance qualified projects to be repaid through contractual assessments under the Program. Each application must be accompanied by the required application fee and must include (1) a description of the specific qualified improvements to be installed or modified on the property, (2) a legal description of the specific real property to which the qualified improvements will be permanently fixed, and (3) the total amount of financing requested to be repaid through assessments. The application fee may be expressed as a set amount, a percentage of the amount of assessment or in any other manner.

Based on this information, the Program Administrator may issue a preliminary letter indicating that, subject to verification of all requirements at closing, the proposed project appears to meet Program requirements.

Based on this preliminary letter, the property owner may engage an independent third-party review of the project under the PACE Technical Standards Manual (**Exhibit 5**) and submit the project to third-party capital providers for approval of financing.

Once these processes are completed, the property owner may submit a complete application packet to the Program Administrator as part of the closing verification review, including (1) the report conducted by a qualified independent third-party reviewer of water or energy baseline conditions and the projected water or energy savings attributable to the project, (2) such financial information about the owner and the property as the lender chosen by the owner deems necessary to determine that the owner has demonstrated the financial ability to fulfill the financial obligations to be paid through assessments and (3) all other information required by the Program Administrator.

A project may be scheduled for closing once appropriate City approvals have been obtained.

11) Financial and Project Verification Requirements

The Program Administrator will determine from the written application of a property owner and such other information as may be requested from the owner or obtained from other sources whether the owner, the property, and project are eligible for the financing of qualified improvements under the Program. Once verification has been made, it is conclusively established that the improvement is a qualified improvement and the project is a qualified project. The Program Administrator will determine on the basis of the report of a qualified independent third-party reviewer whether the proposed improvements are reasonably likely to decrease energy or water consumption or demand and whether the period of the requested assessment does not exceed the useful life of the project. The lender chosen by the owner will determine whether the owner has demonstrated the financial ability to fulfill the financial obligations to be repaid through contractual assessments. Ensuring such a demonstration of financial ability must be based on appropriate underwriting factors, including verification that the person requesting to participate in the program is the legal record owner of the benefitted property, is current on mortgage and property tax payments, and is not insolvent or in bankruptcy proceedings, that the title of the benefitted property is not in dispute, and that there is an appropriate ratio of the amount of the assessment to the assessed value of the property.

The PACE statute requires that the method for ensuring a demonstration of financial ability must be based on appropriate underwriting factors, including requiring an appropriate ratio of the amount of the assessment to the assessed value of the property. Additional guidance regarding the appropriate underwriting standards can be found in the PACE in a box document (see http://www.keepingpaceintexas.org/pace-in-a-box/) and includes the following:

Savings to Investment Ratio

The Savings to Investment Ratio (SIR) is the ratio of anticipated monetary utility savings to a participating property owner compared to the total cost invested in the property conservation improvements. The SIR is expressed as the estimated savings over the life of the assessment divided by the amount financed through the voluntary PACE assessment. As an underwriting standard, a positive SIR will provide a lender greater assurance that a participating owner/borrower will realize a positive cash flow under the terms of the project and can service the debt at presumably no net cost or impact to normal cash flow from operations.

The responsibility for achieving the projected savings lies with the property owner. One method owners may use in evaluating improvement measures is to calculate and compare the SIR for each conservation measure. To ensure a SIR > 1 over the life of the assessment, the City of Dallas PACE Program and project participants may:

- Use energy auditing and modeling to identify measures that will yield a SIR > 1;
- Calculate SIR based on an entire project rather than on each individual measure; and
- Incorporate normal elements of generally accepted business calculations, such as depreciation and reasonable projections of changes in utility prices.

PACE Assessment Cost to Assessed Building Value Ratio

The PACE statute in Texas requires a PACE program to establish an appropriate threshold for the ratio of the amount of the PACE loan to the assessed value of the property as determined by the Appraisal District having jurisdiction over the property. The lower the ratio of new debt (the PACE assessment) to the value of the property, the less risk that the additional debt burden of a PACE assessment becomes a burden to the overall economic function of the property. The amount financed using a PACE assessment should not exceed twenty percent (20%) of the assessed value of the property.

12) Mortgage Holder Notice and Consent

Before the Authorized City Representative may enter into a written contract with the owner of real property to impose an assessment to repay the financing of a qualified project under the Program, the holder of any mortgage lien on the property must be given notice of the owner's intention to participate in the Program on or before the 30th day before the date the contract is executed and the written consent of the mortgage holder must be obtained by the owner.

Applicants will be required to demonstrate notice to and consent of an existing mortgage lien holder by providing a form signed by the mortgagee with the PACE program application. The Program Administrator will make the consent form available to the applicant.

13) Imposition of Assessment

Upon (a) notification to the Program Administrator of the written consent of any mortgage lien holder, (b) a determination by the Program Administrator that the owner and the property are eligible to participate in the program, that the proposed improvements are reasonably likely to decrease energy or water consumption or demand, and that the period of the requested assessment does not exceed the useful life of the project, and (c) notification to the Program Administrator by the lender that the owner has demonstrated the financial ability to fulfill the financial obligations to be repaid through contractual assessments, the Authorized City Representative will enter into a written contract with the owner on the form attached hereto as **Exhibit 2**, imposing a contractual assessment on the owner's property to repay the owner's financing of the qualified project. A Notice of Contractual Assessment Lien, in the form attached hereto as **Exhibit 4**, will be filed by the City for recording in the Official Public Records of the appropriate county as notice to the public of the assessment from the date of filing. The contract and the Notice of Contractual Assessment Lien must contain the amount of the assessment, the legal description of the property, the name of the property owner, and a reference to the statutory assessment lien provided under the PACE Act. After the notice of contractual assessment is recorded, the lien may not be contested on the basis that the improvement is not a qualified improvement or the project is not a qualified project. The assessment will include the costs and fees permitted in the statute.

14) Collection of Assessments.

Upon the execution of the written contract between the Authorized City Representative and the property owner and recording of the Notice of Contractual Assessment Lien, the owner will be authorized to purchase directly the equipment and materials for the qualified improvement and contract directly, including through lease, power purchase agreement, or other service contract, for the installation or modification of the qualified improvements; and the owner will be authorized to execute financing documents with the lender to repay the financing secured by the assessment. The financing will be

advanced by the third-party lender to the owner, and the terms for repayment will be such terms as are agreed between the lender and the owner. Under the form lender contract attached hereto as **Exhibit 3**, the lender or a designated servicer will agree to service the debt secured by the assessment. The lender will retain the owner's payments to repay the debt and remit to the Program Administrator any administration fees. The lender will have the right to assign or transfer the right to receive the installments of the debt secured by the assessment, provided all of the following conditions are met:

(a) The assignment or transfer is made to a qualified lender, as defined above; and

(b) The property owner, Program Administrator, and City of Dallas are notified in writing of the assignment or transfer and the address to which payment of the future installments should be mailed at least 30 days before the next installment is due according to the schedule for repayment of the debt; and

(c) The assignee or transferee of the right to receive the payments executes an explicit written assumption of all of lender's obligations under the lender contract.

15) Verification Review

As a precondition to closing, the PACE Program Administrator will ensure receipt of certification from an independent third-party reviewer that each proposed qualified project has undergone a review of water or energy baseline conditions and the projected water or energy savings to establish that the projected water or energy savings meet the PACE Technical Standards Manual.

After a qualified project is completed, the Program Administrator will require the property owner to provide verification by a qualified independent third-party reviewer that the qualified project was properly completed and is operating as intended.

16) Quality Assurance and Antifraud Measures

Quality assurance and anti-fraud measures will be instituted for the Program by the Program Administrator with consultation with the City. The Program Administrator will review each PACE application for completeness and verify the supporting documents through independent review and verification procedures. The application and required attachments will identify and supply the information necessary to ensure that the property owner, the property itself, and the proposed project all satisfy Program underwriting and technical standards requirements. The property owner or the owner's contractor will be required to provide copies of all required permits and releases of lien and a statement that the project was constructed in accordance with the PACE Program guidelines and has complied with all applicable local, state, and federal laws. Measures will be put in place to provide safeguards, including a review of the energy/water savings baseline and certification of compliance with the Technical Standards Manual from an independent third-party reviewer (ITPR) who must be a registered professional engineer, before the project can proceed. This review will include a site visit, report, and a letter from the ITPR certifying that he/she has no financial interest in the project and is an independent reviewer. After the construction of the project is complete, there will be a final site inspection by an ITPR who will determine whether the project was completed and is operating properly. The reviewer's certification will also include a statement that the reviewer/inspector is qualified and has no financial interest in the project.

17) Delinquency

Under the terms of the form lender contract attached hereto as **Exhibit 3**, if a property owner fails to pay an agreed installment to repay the financing secured by PACE assessments under the program, the lender will agree to take at least the following steps to collect the delinquent installment:

(a) Mail a written notice of delinquency and demand for payment to the owner by both certified mail, return receipt requested, and first class mail and

(b) Mail a second notice of delinquency to the owner by both certified mail, return receipt requested, and first class mail at least 30 days after the date of the first notice if the delinquency is continuing.

If the owner fails to cure the delinquency under the promissory note or contract within 30 days after the mailing of the second notice of delinquency, the lender may notify the Authorized City Representative, of a default by the owner, and pursuant to Tex. Local Gov't Code Sec. 399.014(c), the Authorized City Representative will enforce the assessment lien in the same manner as a property tax lien against real property may be enforced, to the extent the enforcement is consistent with Section 50, Article XVI, Texas Constitution. Delinquent installments will incur penalties and interest in the same manner and at the same rate as delinquent property taxes, according to Tex. Local Gov't Code Sec. 399.014(d), and such statutory penalties and interest will be due to the City of Dallas to offset the cost of collection. However, in no event will the total amount of interest on the assessment, including statutory interest payable to the City of Dallas and contractual interest payable to lender under the financing documents, exceed the maximum amount or rate of nonusurious interest that may be contracted for, charged, or collected under Texas law (the "usury limit"). If the total amount of interest payable to City of Dallas and lender exceeds the usury limit, the interest payable to City of Dallas will be reduced and any interest in excess of the usury limit will be credited to the amount payable to the City of Dallas or refunded. If a suit to enforce collection is filed, the Authorized City Representative may also recover costs and expenses, including attorney's fees, in a suit to collect a delinquent installment of an assessment in the same manner and at the same rate as in suit to collect a delinquent property tax. If a delinquent installment of an assessment is collected after the filing of a suit, the Authorized City Representative will remit to the lender the net amount of the delinquent installments and contractual interest collected and remit to the Program Administrator the amount of any administration fees collected and will retain any statutory penalties, interest, and attorney's fees collected.

18) Joint Implementation

Any combination of local governments may agree to jointly implement or administer a PACE program. If two or more local governments implement a program jointly, a single public hearing held jointly by the cooperating local governments is sufficient to satisfy the public hearing requirements. In addition, one or more local governments may contract with a third party, including another local government, to administer the program. An interlocal agreement is needed for any joint PACE program.

19) No Personal Liability

As established by the PACE statute, the members of the governing body of a local government, employees of a local government, and board members, executives, employees and contractors of a third party who enter into a contract with a local government to provide administrative service for a program under Section 399.003 of the Local Government Code establishing a PACE program are not personally liable as a result of exercising any rights or responsibilities granted under the PACE program.

20) Marketing and Education Services

Marketing and participant education services for the Program will be provided either directly by the City of Dallas, by the PACE Program Administrator, or under agreements that the City may subsequently enter into with organizations that promote energy and water conservation, or economic development, or other marketing or utility provider entities.

Exhibit 1

MAP OF THE REGION

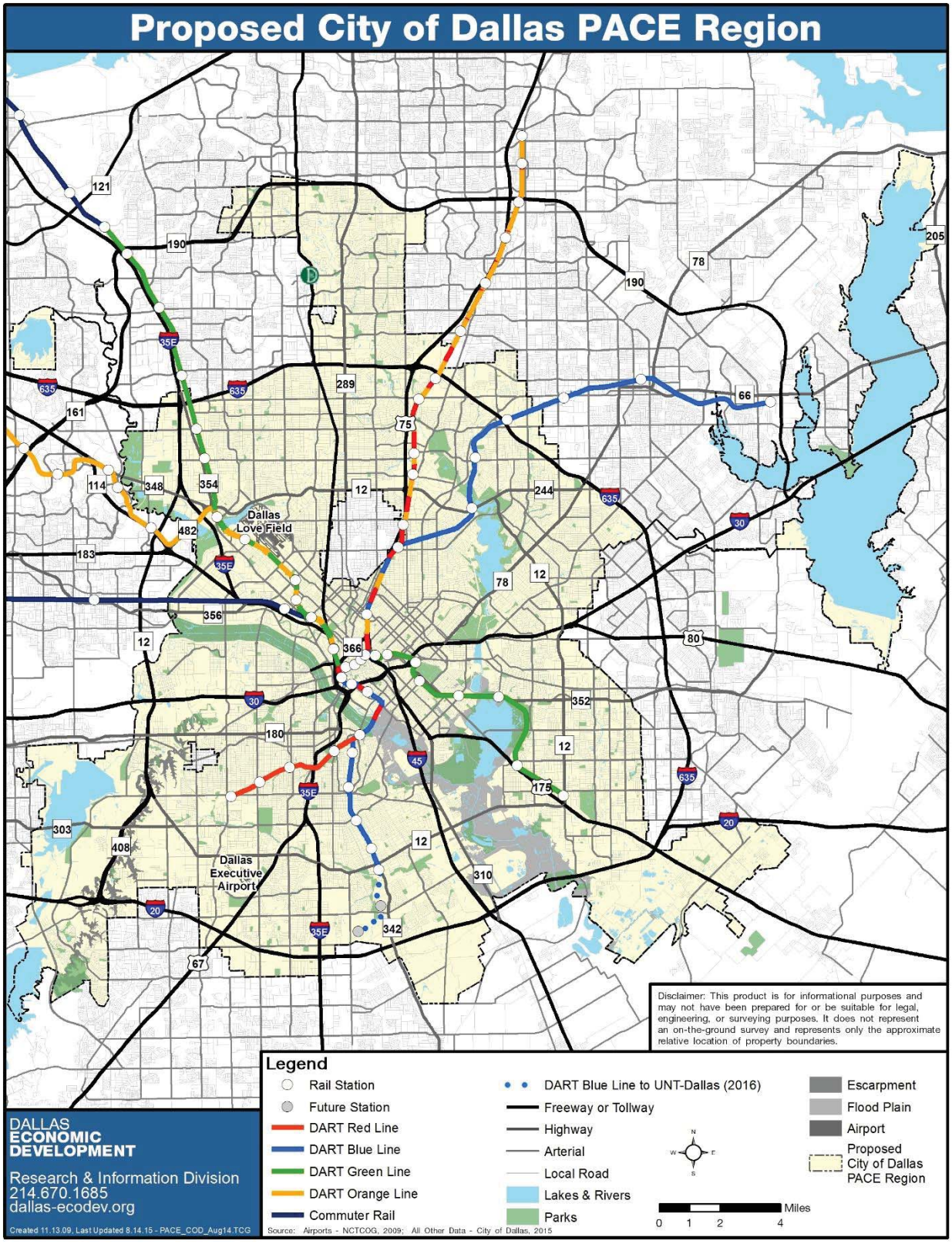

Proposed City of Dallas PACE Region
Dallas Love Field
Dallas Executive Airport
Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.
Legend
Rail Station
Future Station
DART Red Line
DART Blue Line
DART Green Line
DART Orange Line
Commuter Rail
DART Blue Line to UNT-Dallas (2016)
Freeway or Tollway
Highway
Arterial
Local Road
Lakes & Rivers
Parks
Escarpment
Flood Plain
Airport
Proposed City of Dallas PACE Region
Miles
0 1 2 4
DALLAS ECONOMIC DEVELOPMENT
Research & Information Division
214.670.1685
dallas-ecodev.org
Created 11.13.09, Last Updated 8.14.15 - PACE_COD_Aug14.TCG
Source: Airports - NCTCOG, 2009; All Other Data - City of Dallas, 2015

Exhibit 2

FORM OWNER CONTRACT

THIS PACE OWNER CONTRACT ("**Owner Contract**") is made as of the ____ day of _____, 20__, by and between _____, Texas ("**Local Government**") and _____ ("**Property Owner**").

RECITALS

A. The Property Assessed Clean Energy Act ("**PACE Act**"), Texas Local Government Code Chapter 399, authorizes the governing body of a local government to establish a program and designate a region within the local government's jurisdiction within which an authorized local government official may enter into written contracts with the record owners of commercial, industrial, agricultural, and large multifamily residential (5 or more dwelling units) real property to impose assessments on the property to finance the cost of permanent improvements fixed to the property intended to decrease water or energy consumption or demand.

B. Local Government has established a program under the PACE Act pursuant to Ordinance/Resolution No. _____, dated _____20___, adopted by the _____ (the "**PACE Program**"), and has designated _____ ("**Representative**") as the representative authorized to enter into and enforce the Assessment, Owner Contract and Lender Contract described herein, and has designated the entire territory within _____ jurisdiction as a region ("**Region**") within which the Representative and the record owners of such real property may enter into written contracts to impose assessments to repay the financing by owners of qualified improvements on the owner's property pursuant to the PACE Program.

C. Property Owner is the legal and record owner of the qualified "real property," as defined in Section 399.002 of the PACE Act, within the Region located at _____, _____, Texas (the "**Property**").

D. Pursuant to Application number _____, Property Owner has applied to Local Government to participate in the PACE Program by installing or modifying on the Property certain permanent improvements which are intended to decrease water or energy consumption or demand, and which are or will be fixed to the Property as "qualified improvements", as defined in Section 399.002 of the PACE Act (the "**Qualified Improvements**"). The installation or modification of such Qualified Improvements on the Property will be a

"qualified project" as defined in Section 399.002 of the PACE Act (the "**Project**"). Property Owner has requested that Local Government enter into this Owner Contract pursuant to the PACE Act and the PACE Program and has requested Local Government to impose an assessment (the "**Assessment**") on the Property as set forth in the Notice Of Contractual Assessment Lien Pursuant To Property Assessed Clean Energy Act to be filed in the in the Official Public Records of _____ County, Texas (the "**Notice of Contractual Assessment Lien**"), a copy of which is attached hereto as Exhibit A and made a part hereof, to repay the financing of such Qualified Improvements. The Property, Qualified Improvements and Assessment are more fully described in the Notice of Contractual Assessment Lien.

E. The financing of such Qualified Improvements will be provided to Property Owner by _____ ("**Lender**"), a qualified lender selected by Property Owner, pursuant to a written contract executed by Lender and Local Government as required by Section 399.006(c) of the PACE Act and by the PACE Program (the "**Lender Contract**"). The financing will include only those costs and fees for which an assessment may be imposed under the PACE Act. Local Government has agreed to maintain and continue the Assessment for the benefit of Lender until such financing is repaid in full and to release the Assessment upon notice from Lender of such payment, or foreclose the lien securing the Assessment for the benefit of Lender upon notice from Lender of a default by Property Owner.

F. As required by Section 399.010 of the PACE Act, Property Owner notified the holder(s) of any mortgage liens on the Property at least thirty (30) days prior to the date of this Owner Contract of Property Owner's intention to participate in the PACE Program. The written consent of each mortgage holder to the Assessment was obtained prior to the date of this Owner Contract and is attached hereto as Exhibit B and made a part hereof.

AGREEMENT

The parties agree as follows:

1. Imposition of Assessment. In consideration for the financing advanced or to be advanced to Property Owner by Lender for the Project under the PACE Program pursuant to the Lender Contract, Property Owner hereby requests and agrees to the imposition by Local Government of the Assessment as set forth in the Notice of Contractual Assessment Lien, including all interest, fees, penalties, costs, and other sums due under and/or authorized by the PACE Act, PACE Program and the financing documents between Property Owner and Lender (the "**Financing Documents**") which are described or listed on Exhibit C attached hereto and made a part hereof by reference. Property Owner promises and agrees to pay such amount and interest to Local Government, in care of or as directed by Lender, in satisfaction of the Assessment imposed pursuant to this Owner Contract and the PACE Act. Accordingly, Local Government hereby imposes the Assessment on the Property to secure the payment of such amount, in accordance with the requirements of the PACE Program and the provisions of the PACE Act.

2. Maintenance and Enforcement of Assessment. In consideration for Lender's agreement to advance financing to Property Owner for the Project pursuant to the Financing Documents, Local Government agrees to maintain and continue the Assessment on the Property for the benefit of Lender until the Assessment, including all interest, fees, penalties, costs, and other sums due under and/or authorized by the PACE Act, PACE Program and the Financing Documents are paid in full, and to release the Assessment upon notice from Lender of such payment. Local Government agrees to enforce the Assessment against the Property for the benefit of Lender in the event of a default by Property Owner.

3. Installments. The Assessment, including the amount financed and contractual interest, is due and payable in installments as set forth in the Notice of Contractual Assessment Lien. As required by Section 399.009(a) (8) of the PACE Act, the period during which such installments are payable does not exceed the useful life of the Project. When the Assessment has been paid in full, Local Government's rights under this Owner Contract will cease and terminate, and upon notice from Lender, Local Government will execute and record a release of the Assessment and this Owner Contract.

4. Assignment of Right to Receive Installments. Lender will have the right to assign or transfer the right to receive the installments of the financing secured by the Assessment, provided all of the following conditions are met:

    a) The assignment or transfer is made to a qualified lender as defined in the Lender Contract;

    b) Property Owner and Representative are notified in writing of the assignment or transfer and the address to which payment of the future installments should be mailed at least 30 days before the next installment is due according to the payment schedule included in the Notice of Contractual Assessment Lien; and

    c) The assignee or transferee of the right to receive the payments executes an explicit written assumption of all of Lender's obligations under Lender Contract.

    Upon written notice to Property Owner and Representative of an assignment or transfer of the right to receive the installments that meets all of these conditions, the assignor shall be released of all of the obligations of the Lender under such Lender Contract accruing after the date of the assignment assumed by and transferred to such assignee or transferee. Any attempt to assign or transfer the right to receive the installments that does not meet all of these conditions is void.

5. Lien Priority and Enforcement. Pursuant to Section 399.014 of the PACE Act,

    a) Delinquent installments of the Assessment will incur interest and penalties in the same manner and in the same amount as delinquent property taxes, viz., a delinquent installment incurs a penalty of 6% of the amount of the installment for the first calendar month it is delinquent plus 1% for each additional month

or portion of a month the installment remains unpaid prior to July 1 of the year in which it becomes delinquent. However, an installment delinquent on July 1 incurs a total penalty of 12% of the amount of the delinquent installment without regard to the number of months it has been delinquent. A delinquent installment will also accrue interest at the rate of 1% for each month or portion of a month that the installment remains unpaid. [*Subject to the limitation set out in paragraph 13 below, penalties and interest payable under this paragraph will be retained by Local Government to compensate it for the cost of enforcing the Assessment. *]

b) The Assessment, together with any penalties and interest thereon,

1) is a first and prior lien against the Property from the date on which the Notice of Contractual Assessment Lien is filed in the Official Public Records of _____ County, as provided by Section 399.014 of the PACE Act, until the financing secured by the Assessment and any penalties and interest are paid; and

2) such lien has the same priority status as a lien for any other ad valorem tax, pursuant to Section 399.014(a)(2) of the PACE Act.

c) The lien created by the Assessment runs with the land, and according to Section 399.014(b) of the PACE Act, any portion of the Assessment that has not yet become due is not eliminated by foreclosure of: (i) a property tax lien, or (ii) the lien for any past due portion of the Assessment. In the event of a sale or transfer of the Property by Property Owner, the obligation for the Assessment and the Property Owner's obligations under the Financing Documents will be transferred to the succeeding owner.

d) In the event of a default by Property Owner in payment of the installments called for by the Financing Documents, the lien created by the Assessment will be enforced by Local Government in the same manner according to Texas Tax Code Secs. 33.41 to 34.23 that a property tax lien against real property may be enforced by a local government, to the extent the enforcement is consistent with Section 50, Article XVI, Texas Constitution.

e) In a suit to collect a delinquent installment of the Assessment, Local Government will be entitled to recover costs and expenses, including attorney's fees in the amount of 15% of the total amount of the delinquent installment, penalties, and interest due, in the same manner according to Texas Tax Code Sec. 33.48 as in a suit to collect a delinquent property tax.

6. Written Contract Required by PACE Act. This Owner Contract constitutes a written contract for the Assessment between the Property Owner and Local Government as required by Section 399.005 of the PACE Act. The Notice of Contractual Assessment Lien will be recorded in the

Official Public Records of _____ County as notice of the contractual Assessment, in accordance with the requirements of Section 399.013 of the PACE Act.

7. Qualified Improvements. Property Owner agrees that all improvements purchased, constructed and/or installed through financing obtained pursuant to this Owner Contract shall be permanently affixed to the Property and will transfer with the Property to the transferee in the event of and sale or assignment of the Property.

8. Water or Energy Savings. For so long as the Assessment encumbers the Property, Property Owner agrees on or before January 31st of each year, to report to Representative the water or energy savings realized through the Project in accordance with the reporting requirements established by the Local Government.

9. Construction and Definitions. This Owner Contract is to be construed in accordance with and with reference to the PACE Program and PACE Act. Terms used herein, and not otherwise defined herein, shall have the meanings ascribed to them in: (1) the PACE Program, and/or (2) the PACE Act.

10. Binding Effect. This Owner Contract inures to the benefit of Local Government and is binding upon Property Owner, its heirs, successors, and assigns.

11. Notices. All notices and other communications required or permitted by this Owner Contract shall be in writing and mailed by certified mail, return receipt requested, addressed to the other party at its address shown below the signature of such party or at such other address as such party may from time to time designate in writing to the other party, and shall be effective from the date of receipt.

12. Governing Law. This Owner Contract shall in all respects be governed by and construed in accordance with the laws of the State of Texas.

13. Entire Agreement. This Owner Contract constitutes the entire agreement between Local Government and Property Owner with respect to the subject matter hereof and may not be amended or altered in any manner except by a document in writing executed by both parties.

14. Further Assurances. Property Owner further covenants and agrees to do, execute and deliver, or cause to be done, executed, and delivered all such further acts for implementing the intention of this Owner Contract as may be reasonably necessary or required.

15. Captions. Paragraph and section titles are for convenience of reference only and shall not be of any legal effect.

16. Counterparts. This Owner Contract may be executed in any number of counterparts, all of which when taken together shall constitute one agreement binding on the parties, notwithstanding that all parties are not signatories to the same counterpart.

17. Interest. Interest and penalties in the event of default, as provided above, are explicitly authorized by Section 399.014(d) of the PACE Act. However, in no event will the total amount of interest on the Assessment, including statutory interest payable to Local Government and contractual interest payable to Lender under the Financing Documents, exceed the maximum amount or rate of nonusurious interest that may be contracted for, charged, or collected under Texas law (the "usury limit"). If the total amount of interest payable to Local Government and Lender exceeds the usury limit, the interest payable to Local Government will be reduced and any interest in excess of the usury limit will be credited to the amount payable to Local Government or refunded. This provision overrides any conflicting provisions in this Owner Contract.

18. Indemnification. TO THE MAXIMUM EXTENT ALLOWED BY LAW, PROPERTY OWNER SHALL INDEMNIFY AND HOLD LOCAL GOVERNMENT, REPRESENTATIVE, AND EITHER OF THEIR AFFILIATES, SUCCESSORS AND ASSIGNS (EACH SUCH PERSON HEREIN REFERRED TO AS AN "INDEMNITEE") ABSOLUTELY HARMLESS FROM AND AGAINST ALL CLAIMS, LIABILITIES, LOSSES, DAMAGES, OBLIGATIONS OR RELATED EXPENSES INCURRED BY OR IMPOSED UPON OR ALLEGED TO BE DUE OF INDEMNITEE IN CONNECTION WITH THE EXECUTION OR DELIVERY OF THIS CONTRACT, THE NOTICE OF CONTRACTUAL ASSESSMENT LIEN, THE FINANCING DOCUMENTS, AND ANY OTHER DOCUMENT OR ANY OTHER AGREEMENT OR INSTRUMENT CONTEMPLATED HEREBY OR THEREBY, THE PERFORMANCE BY THE PARTIES HERETO OF THEIR RESPECTIVE OBLIGATIONS HEREUNDER OR THEREUNDER, THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED HEREBY OR THEREBY, OR, IN THE CASE OF ANY INDEMNITEE, THE ADMINISTRATION OF THIS CONTRACT AND ANY OTHER AGREEMENTS RELATED TO THE PROJECT.

19. Special Provisions. *(to be added as necessary)*

EXECUTED effective as of _____, 20__.

PROPERTY OWNER:	LOCAL GOVERNMENT:
_____	_____
By:_____	By:_____
Name:_____	Name:_____
Title:_____	Title:_____
Address: _____	Address: _____

EXHIBIT A

NOTICE OF CONTRACTUAL ASSESSMENT LIEN
PURSUANT TO
PROPERTY ASSESSED CLEAN ENERGY ACT

EXHIBIT B

MORTGAGE HOLDER(S) CONSENT

Exhibit 3

FORM PACE LENDER CONTRACT

PACE LENDER CONTRACT

THIS PACE LENDER CONTRACT (the "**Lender Contract**") is made as of the ____ day of _____, 20__, by and between _____, Texas ("**Local Government**") and _____ ("**Lender**").

RECITALS

A. The Property Assessed Clean Energy Act ("**PACE Act**"), Texas Local Government Code Chapter 399, authorizes the governing body of a local government to establish a program and designate a region within the local government's jurisdiction within which an authorized local government official may enter into written contracts with the record owners of commercial, industrial, agricultural, and large multifamily residential (5 or more dwelling units) real property to impose assessments on the property to finance the cost of permanent improvements fixed to the property intended to decrease water or energy consumption or demand.

B. Local Government has established a program under the PACE Act pursuant to Ordinance/Resolution No. _____, dated _____20___, adopted by the _____ (the "**PACE Program**"), and has designated _____ ("**Representative**") as the representative authorized to enter into and enforce the Assessment, Owner Contract and Lender Contract described herein, and has designated the entire territory within _____ jurisdiction as a region ("**Region**") within which the Representative and the record owners of such real property may enter into written contracts to impose assessments to repay the financing by owners of qualified improvements on the owner's property pursuant to the PACE Program.

C. Pursuant to Application number _____, _____ ("**Property Owner**") has applied to Local Government to participate in the PACE Program with respect to certain real property located at _____, _____, Texas (the "**Property**") by installing or modifying on the Property certain permanent improvements which are intended to decrease water or energy consumption or demand, and which are or will be fixed to the

property as "qualified improvements", as defined in Section 399.002 of the PACE Act (the "**Qualified Improvements**"). The installation or modification of such Qualified Improvements on the Property will be a "qualified project" as defined in Section 399.002 of the PACE Act (the "**Project**").

D. Property Owner and Local Government have entered into a written contract as required by Section 399.005 of the PACE Act, a copy of which is attached hereto as Exhibit A and made a part hereof (the "**Owner Contract**"), in which Property Owner has requested that Local Government impose an assessment (the "**Assessment**") on the Property as set forth in the Notice Of Contractual Assessment Lien Pursuant To Property Assessed Clean Energy Act to be filed in the in the Official Public Records of _____ County, Texas (the "**Notice of Contractual Assessment Lien**"), a copy of which is attached to the Owner Contract as Exhibit A, to repay the financing of such Qualified Improvements. The Property, Qualified Improvements and Assessment are more fully described in the Notice of Contractual Assessment Lien.

E. Financing for the Project (the "**Financing**") will be provided to Property Owner by Lender in accordance with financing documents described in, or copies of which are included as, Exhibit B attached hereto and made a part hereof (the "**Financing Documents**"). Such Financing includes only those costs and fees for which an assessment may be imposed under the PACE Act. This Lender Contract is entered into between Local Government and Lender as required by Section 399.006(c) of the PACE Act to provide for repayment of the Financing secured by the Assessment.

F. As required by Section 399.010 of the PACE Act, Property Owner notified the holder(s) of any mortgage liens on the Property at least thirty (30) days prior to the date of the Owner Contract of Property Owner's intention to participate in the PACE Program. The written consent of each mortgage holder to the Assessment was obtained prior to the date of the Owner Contract, as shown by the copy of such consent attached as Exhibit B to the Owner Contract.

AGREEMENT

The parties agree as follows:

1. Maintenance and Enforcement of Assessment. Lender agrees to provide the Financing for the Project in the total amount of $ _____, according to the terms set out in the Financing Documents attached hereto as Exhibit B. In consideration for the Financing provided or to be provided by Lender for the Project, and subject to the terms and conditions of this Lender Contract, Local Government agrees to maintain and continue the Assessment for the benefit of Lender until the Financing, all contractual interest according to the Financing Documents, and any statutory penalties, interest, attorney's fees, or costs accrued in the event of default are paid in full, and to release the Assessment upon notice from Lender of such payment. Local Government agrees to enforce the assessment lien against the Property for the benefit of Lender in the event

of a default by Property Owner and following written notice to Local Government from Lender. Local Government shall have no liability to Lender should there be a default or an event of default in the payment thereof or should there be any other loss or expense suffered by Lender or under any other circumstances.

2. Installments. The Assessment, including the amount financed and contractual interest, is due and payable to Lender in installments as set forth in the Financing Documents and [*Notice of Contractual Assessment Lien*]. As required by Section 399.009(a)(8) of the PACE Act, the period during which such installments are payable does not exceed the useful life of the Project. When the Assessment has been paid in full, Local Government's rights under the Owner Contract will cease and terminate, and upon notice from Lender, Local Government will execute and record a release of the Assessment and the Owner Contract.

3. Assignment of Right to Receive Installments. Lender will have the right to assign or transfer the right to receive the installments of the Assessment, provided all of the following conditions are met:

    a) The assignment or transfer is made to a qualified lender, which may be one of the following: [*REFER TO APPLICABLE PACE PROGRAM FOR QUALIFIED LENDERS. BELOW IS AN EXAMPLE.]

        1) Any federally insured depository institution such as a bank, savings bank, savings and loan association and federal or state credit union;

        2) Any insurance company authorized to conduct business in one or more states;

        3) Any registered investment company, registered business development company, or a Small Business Administration small business investment company;

        4) Any publicly traded entity; or

        5) Any private entity that:

            i. Has a minimum net worth of $5 million;

            ii. Has at least three years' experience in business or industrial lending or commercial real estate lending (including multifamily lending), or has a lending officer that has at least three years' experience in business or industrial lending or commercial real estate lending;

iii. Can provide independent certification as to availability of funds; and

iv. Has the ability to carry out, either directly or through a servicer, the bookkeeping and customer service work necessary to manage the assessment accounts.

b) Property Owner and Representative are notified in writing of the assignment or transfer and the address to which payment of the future installments should be mailed at least 30 days before the next installment is due according to the payment schedule included in the Financing Documents; and

c) The assignee or transferee of the right to receive the installments executes an explicit written assumption of all of Lender's obligations under this Lender Contract.

Upon written notice to Property Owner and Representative of an assignment or transfer of the right to receive the installments that meets all of these conditions, the assignor shall be released of all of the obligations of the Lender under this Lender Contract accruing after the date of the assignment. Any attempt to assign or transfer the right to receive the installments of the Assessment that does not meet all of these conditions is void.

4. Financing Responsibility. Lender assumes full responsibility for determining the financial ability of the Property Owner to repay the Financing and for advancing the funds as set forth in the Financing Documents and performing Lender's obligations and responsibilities thereunder.

5. Lien Priority and Enforcement. As provided in the Owner Contract and Section 399.014 of the PACE Act:

a) Delinquent installments of the Assessment incur interest and penalties in the same manner and in the same amount as delinquent property taxes, viz., a delinquent installment incurs a penalty of 6% of the amount of the installment for the first calendar month it is delinquent plus 1% for each additional month or portion of a month the installment remains unpaid prior to July 1 of the year in which it becomes delinquent. However, an installment delinquent on July 1 incurs a total penalty of 12% of the amount of the delinquent installment without regard to the number of months it has been delinquent. A delinquent installment also accrues interest at the rate of 1% for each month or portion of a month the installment remains unpaid. [*Subject to the limitation set out in paragraph 10 below, penalties and interest payable under this paragraph will be retained by Local Government to compensate it for the cost of enforcing the Assessment.]

b) The Assessment, together with any penalties and interest thereon,

1) is a first and prior lien against the Property from the date on which the Notice of Contractual Assessment Lien is filed in the Official Public

Records of _____ County, as provided by Section 399.014 of the PACE Act, until the Assessment and any penalties and interest are paid; and

2) such lien has the same priority status as a lien for any other ad valorem tax, pursuant to Section 399.014(a)(2) of the PACE Act.

c) The lien created by the Assessment runs with the land, and any portion of the Assessment that has not yet become due is not eliminated by foreclosure of a property tax lien, according to Section 399.014(b) of the PACE Act. In the event of a sale or transfer of the Property by Property Owner, the obligation for the Assessment and the Property Owner's obligations under the Financing Documents will be transferred to the succeeding owner.

d) In the event of a default by Property Owner in payment of the installments called for by the Financing Documents, the lien created by the Assessment will be enforced by Local Government in the same manner according to Texas Tax Code Secs. 33.41 to 34.23 that a property tax lien against real property may be enforced by a local government, to the extent the enforcement is consistent with Section 50, Article XVI, Texas Constitution.

e) In a suit to collect a delinquent installment of the Assessment, Local Government will be entitled to recover costs and expenses, including attorney's fees in the amount of 15% of the total amount of the delinquent installment, penalties, and interest due, in the same manner according to Texas Tax Code Sec. 33.48 as in a suit to collect a delinquent property tax.

6. Servicing and Enforcement of Assessment.

a) Servicing. The Assessment payments will be billed, collected, received, and disbursed in accordance with the procedures set out in the Financing Documents. Lender will be responsible for all servicing duties other than those specifically undertaken by Local Government in this Lender Contract.

b) Remittances. Each of the parties covenants and agrees promptly to remit to the other party any payments incorrectly received by such party with respect to the Assessment after the execution of this Lender Contract.

c) Default and Enforcement. In the event of a default in payment of any installment of the Assessment as specified in the Financing Documents, Lender agrees to take at least the following steps to collect the delinquent installment:

1) Mail a written notice of delinquency and demand for payment to the Property Owner by both certified mail, return receipt requested, and first class mail; and

2) Mail a second notice of delinquency to the Property Owner by both certified mail, return receipt requested, and first class mail at least 30 days after the date of the first notice if the delinquency is continuing.

If the Property Owner fails to cure the delinquency within 30 days after the mailing of the second notice of delinquency, the Lender or its designated servicer may notify Local Government in writing of a default by the Property Owner, and upon receipt of such notice, Local Government agrees that _____ will enforce the assessment lien for the benefit of Lender pursuant to Tex. Local Gov't Code Sec. 399.014(c), in the same manner as a property tax lien against real property may be enforced, to the extent the enforcement is consistent with Section 50, Article XVI, Texas Constitution.

d) Final Payment and Release. When the Assessment has been satisfied and paid in full, together with all interest provided under the Financing Documents and all costs, fees, penalties, and interest applicable under the PACE Act and payable to Lender or Local Government, Local Government's rights under the Owner Contract will cease and terminate, and upon notice of such payment from Lender, Local Government will execute and record a release of the Assessment and the Owner Contract.

e) Limitations on Local Government's Actions. Without the prior written consent of Lender, Local Government will not enter into any amendment or modification of or deviation from the Owner Contract. Local Government will not institute any legal action with respect to the Owner Contract, the Assessment, or the assessment lien without the prior written request of Lender.

f) Limitations of Local Government's Obligations. Local Government undertakes to perform only such duties as are specifically set forth in this Lender Contract, and no implied duties on the part of Local Government are to be read into this Lender Contract. Local Government will not be deemed to have a fiduciary or other similar relationship with Lender. Local Government may request written instructions for action from Lender and refrain from taking action until it receives satisfactory written instructions. Local Government will have no liability to any person for following such instructions, regardless of whether they are to act or refrain from acting.

g) Costs. No provisions of this Lender Contract will require Local Government to expend or risk its own funds or otherwise incur any financial liability in the performance of any of its duties hereunder.

7. Lender's Warranties and Representations. With respect to this Lender Contract, Lender hereby warrants and represents that on the date on which Lender executes this Lender Contract:

a) Lender is a qualified lender under the PACE Program, as defined in paragraph 3(a) above, and is fully qualified under the PACE Program to enter into this Lender Contract and the Financing Documents;

b) Lender has independently and without reliance upon Local Government conducted its own credit evaluation, reviewed such information as it has deemed adequate and appropriate, and made its own analysis of the Owner Contract, the Project, and Property Owner's financial ability to perform the financial obligations set out in the Financing Documents;

c) Lender has not relied upon any investigation or analysis conducted by, advice or communication from, or any warranty or representation by Local Government or any agent or employee of Local Government, express or implied, concerning the financial condition of the Property Owner or the tax or economic benefits of an investment in the Assessment.

8. Written Contract Required by the PACE Act. This Lender Contract constitutes a written contract between Local Government and Lender, as required under Section 399.006 (c) of the PACE Act.

9. Construction and Definitions. This Lender Contract is to be construed in accordance with and with reference to the PACE Program and PACE Act. Terms used herein, and not otherwise defined herein, shall have the meanings ascribed to them in: (1) the Notice of Contractual Assessment Lien, (2) the Owner Contract, (3) the PACE Program, and/or (4) the PACE Act.

10. Binding Effect. This Lender Contract is binding upon and shall inure to the benefit of the parties hereto and their respective heirs, representatives, successors, and assigns.

11. Notices. All notices and other communications required or permitted hereunder shall be in writing and mailed by certified mail, return receipt requested, addressed to the other party at the address stated below the signature of such party or at such other address as such party may from time to time designate in writing to the other party, and shall be effective from the date of receipt.

12. Governing Law. This Owner Contract shall in all respects be governed by and construed in accordance with the laws of the State of Texas.

13. Entire Agreement. This Lender Contract constitutes the entire agreement between the parties with respect to the subject matter hereof and shall not be amended or altered in any manner except by a document in writing executed by both parties.

14. Captions. Paragraph and section titles are for convenience of reference only and shall not be of any legal effect.

15. Counterparts. This Lender Contract may be executed in any number of counterparts, all of which when taken together shall constitute one agreement binding on the parties, notwithstanding that all parties are not signatories to the same counterpart.

16. Interest. Interest and penalties in the event of default, as provided above, are explicitly authorized by Section 399.014(d) of the PACE Act. However, in no event will the total amount of interest on the Assessment, including statutory interest payable to Local Government and contractual interest payable to Lender under the Financing Documents, exceed the maximum amount or rate of nonusurious interest that may be contracted for, charged, or collected under Texas law (the "usury limit"). If the total amount of interest payable to Local Government and Lender exceeds the usury limit, interest payable to Local Government will be reduced and any interest in excess of the usury limit will be credited to the amount payable to Local Government or refunded. This provision overrides any conflicting provisions in this Lender Contract.

17. Certification. Local Government certifies that the PACE Program has been duly adopted and is in full force and effect on the date of this Lender Contract. Property Owner has represented to Lender and Local Government that the Project is a "qualified project" as defined in the PACE Program and Section 399.002 of the PACE Act. The Assessment has been imposed on the Property as a lien in accordance with the PACE Owner Contract and the PACE Act. Local Government has not assigned or transferred any interest in the Assessment or the PACE Owner Contract.

18. Special Provisions. *(to be added as necessary)*

EXECUTED effective as of _____, 20__.

LENDER:	LOCAL GOVERNMENT:
_____	_____
By:_____	By:_____
Name:_____	Name:_____
Title:_____	Title:_____
Address: _____	Address: _____

EXHIBIT A

OWNER CONTRACT

EXHIBIT B

FINANCING DOCUMENTS

Exhibit 4

FORM NOTICE OF CONTRACTUAL ASSESSMENT LIEN PURSUANT TO PROPERTY ASSESSED CLEAN ENERGY ACT

NOTICE OF CONTRACTUAL ASSESSMENT LIEN
PURSUANT TO
PROPERTY ASSESSED CLEAN ENERGY ACT

STATE OF TEXAS §

COUNTY OF _____ §

RECITALS

The Property Assessed Clean Energy Act ("**PACE Act**"), Texas Local Government Code Chapter 399, authorizes the governing body of a local government to establish a program and designate a region within the local government's jurisdiction within which an authorized local government official may enter into written contracts with the record owners of commercial, industrial, agricultural, and large multifamily residential (5 or more dwelling units) real property to impose assessments on the property to finance the cost of permanent improvements fixed to the property intended to decrease water or energy consumption or demand. Unless otherwise expressly provided herein, all terms used herein have the same meanings ascribed to them in the PACE Act.

_____ ("**Local Government**") has established a program under the PACE Act pursuant to Ordinance/Resolution No. _____, dated _____20___, adopted by the _____ (the "**PACE Program**"), and has designated _____ ("**Representative**") as the representative authorized to enter into and enforce the Assessment, Owner Contract and Lender Contract described herein, and has designated the entire territory within _____ jurisdiction as a region ("**Region**") within which the Representative and the record owners of such real property may enter into written contracts to impose assessments to repay the financing by owners of qualified improvements on the owner's property pursuant to the PACE Program.

_____ ("**Property Owner**") is the legal and record owner of the qualified "real property," as defined in Section 399.002 of the PACE Act, within the Region located at _____, _____, Texas, and more fully described in Exhibit A attached hereto and made a part hereof (the "**Property**").

Property Owner has applied to Local Government to participate in the PACE Program by installing or modifying on the Property certain permanent improvements described in Exhibit B attached hereto and made a part hereof, which are intended to decrease water or energy

consumption or demand, and which are or will be fixed to the Property as "qualified improvements", as defined in Section 399.002 of the PACE Act (the "**Qualified Improvements**"). The installation or modification of such Qualified Improvements on the Property will be a "qualified project" as defined in Section 399.002 of the PACE Act. Property Owner has entered into a written contract (the "**Owner Contract**") with Local Government pursuant to the PACE Act and the PACE Program and has requested Local Government to impose an assessment on the Property to repay the financing of such Qualified Improvements.

The financing of such Qualified Improvements will be provided to Property Owner by _____ ("**Lender**"), a lender selected by Property Owner, pursuant to a written contract executed by Lender and Local Government as required by Section 399.006(c) of the PACE Act and by the PACE Program (the "**Lender Contract**").

THEREFORE, Local Government hereby gives notice to the public pursuant to Section 399.013 of the PACE Act that it has imposed an assessment on the Property in the amount set forth on Exhibit C attached hereto, which together with all interest, fees, penalties, costs and other sums due under and/or authorized by the PACE Act, PACE Program and the financing documents between Property Owner and Lender (the "**Financing Documents**") is herein referred to as the "**Assessment**". Pursuant to Section 399.014 of the PACE Act, the Assessment, including interest and any penalties, costs, or fees accrued thereon, is a first and prior lien on the Property from the date that this Notice of Contractual Assessment Lien is recorded in the Official Public Records of _____ County, Texas, until such Assessment, interest, penalties, costs, and fees are paid in full. Such lien has the same priority status as a lien for any other ad valorem tax, pursuant to Section 399.014(a)(2) of the PACE Act. The lien created by the Assessment runs with the land, and according to Section 399.014(b) of the PACE Act, any portion of the Assessment that has not yet become due is not eliminated by foreclosure of: (i) a property tax lien, or (ii) the lien for any past due portion of the Assessment. In the event of a sale or transfer of the Property by Property Owner (including, without limitation, a foreclosure sale for a past due portion of the Assessment), the obligations under the Financing Documents (including, without limitation, the portion of the Assessment that has not yet become due) will be transferred to the succeeding owner.

EXECUTED on _____, 20_____.

LOCAL GOVERNMENT:

By: _____
Name: _____
Title: _____

AUTHORIZED OFFICIAL

ACKNOWLEDGEMENT

STATE OF TEXAS §

COUNTY OF _____ §

This Notice of Contractual Assessment Lien Pursuant to Property Assessed Clean Energy Act was acknowledged before me on _____, 20_____ by _____, _____, on behalf of _____, Texas.

_____

_____(print name)

NOTARY PUBLIC, STATE OF TEXAS

EXHIBIT A

PROPERTY DESCRIPTION

EXHIBIT B

QUALIFIED IMPROVEMENTS

Exhibit 5

PACE TECHNICAL STANDARDS MANUAL

EXHIBIT A

PACE in a Box
Technical Standards Manual

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I. Overview

For any PACE program to succeed, its property owners, lenders, and community leaders must be able to confidently and objectively evaluate projected energy and water utility savings. The purpose of this technical standards manual is to outline the technical requirements necessary to qualify a project for the **PACE in a Box** program.

Once a project satisfies all underwriting requirements of **PACE in a Box**,[1] it must meet three technical requirements outlined in this manual. First, the property's current water and energy use is measured so that a *baseline* for comparison is established. Second, each potential energy or water conserving measure is evaluated to determine projected savings compared to the baseline in a technically sound, consistent and transparent manner. Findings from these two steps together are compiled in a document referred to as an energy /water assessment report. PACE law requires that each report is evaluated by an *independent third party reviewer (ITPR)*. Third, after the project retrofit activities are completed, the project must be reviewed by the ITPR to ensure that the project meets the intent of the energy/water assessment report, is properly completed, and is operating as intended. The purpose of performing *measurement and verification (M&V)* after installation is to validate that the measures are operating as expected and the energy/water savings are being realized.

On their own initiative, property owners are encouraged to undertake additional measures to ensure they receive the ongoing and full benefit of the improvements over time. These best practices are discussed further in the PACE Technical Standards Best Practices Guide for Property Owners.[2]

[1] See **PACE in a Box** Section 6.
[2] See **PACE in a Box** Section 8

Reference Materials

Accepted methods for data collection, measurement, and savings calculations should be used on proposed projects. This manual references several technical documents which will assist in determining pre-retrofit energy and water consumption, predicting retrofit energy and water savings, and measuring whether an installed measure or group of measures is performing as intended and saving energy and water resources as predicted.
The technical methodology incorporated into the review process relies primarily upon the Investor Confidence Project (ICP) - Energy Performance Protocols (EPP) for Standard and Large Commercial Facilities. [3]
The ICP EPP contain processes that form a framework for bringing together all aspects of project implementation from establishing a baseline and audit, through M&V. They have been created by a large stakeholder community of industry experts and are continuously reviewed and improved. **PACE in a Box** relies on the EPP because they are the result of a nationwide effort to standardize the technical review of energy efficiency projects to bring uniformity and reliability on a national scale. The EPP help ensure that conservation measures are evaluated consistently throughout the state and create a national standard for lender review of PACE projects.
The EPP technical processes are based on nationally accepted standards. The technical standards in EPP relating to baseline determination/calculation, performing energy assessments, and guidelines for performance measurement and verification of energy and water conservation measures respectively are:

- American Society for Testing and Materials (ASTM) E2797-11, Building Energy Performance Assessment (BEPA) Standard (data collection and baseline calculations for the energy audit, building asset data);
- International Performance Measurement and Verification Protocol (IPMVP) (latest edition);
- American National Standards Institute/Building Owners and Managers Association (ANSI/BOMA) Z65.3-2009 (gross floor area measurement);
- ASHRAE Guideline 14-2002 (measurement of energy and demand savings);
- ASHRAE Procedures for Commercial Building Energy Audits (latest edition);
- National Institute of Standards and Technology (NIST) Life-Cycle Costing Manual, NIST Handbook 135 (latest edition);
- ASHRAE Standard 202, Commissioning Process for Buildings and Systems (latest edition);
- ASHRAE Guideline 4, Preparation of Operating and Maintenance Documentation for Building Systems (latest edition);
- ASHRAE Guideline 1.4, The Systems Manual for Facilities; (latest edition);
- ASHRAE Handbook-2011, Fundamentals, Chapter 39 (Codes and Standards); and
- ASHRAE Guideline 14, Whole Building Performance Path (2002 edition).

Other acknowledged resources that may be considered are:

- The Alliance for Water Efficiency (AWE) Conservation Tracking Tool; and
- EPA WaterSense Product Guide.

[3] http://www.eeperformance.org

II. Independent Third Party Monitoring

The Texas PACE law requires an independent third party review of a baseline water/energy assessment report for each proposed qualified project. It is the responsibility of the Independent Third Party Reviewer (ITPR) to validate projected future energy or water savings. Additionally, after a qualified project is completed, the ITPR must verify that the qualified project was properly completed and is operating as intended.[4] This includes review and validation of all M&V reports. This requirement provides assurances to the **PACE in a Box** program, the property owner, and the lender that due diligence has been executed, that a standard of consistency has been applied throughout the PACE process, and that a professional licensed engineer has validated the expected energy and water savings from the proposed project.

Third Party Review Process

Site Visit 1 / Reviewer's Certification

Once an engineer, contractor or installer has prepared an energy/water assessment report, a qualified ITPR selected by the property owner makes a site visit and reviews the energy/water assessment report using the EPP to determine if the report complies with **PACE in a Box** guidelines. When the project is deemed compliant with EPP guidelines, the ITPR prepares a Reviewer's Certification to the PACE program.

The Reviewer's Certification shall include:

- A statement that the ITPR has no financial interest in the project.
- A letter stating the savings (energy, demand, water, and cost) expected project life, and cost are reasonable and in compliance with **PACE in a Box** program guidelines.
- A Texas Professional Engineer signature and engineering seal.

An application for PACE financing will not be considered complete until Reviewer's Certification is submitted.

Site Visit 2 / Statement of Compliance

Once the project retrofit activities have been completed, the ITPR must revisit the site to confirm that the improvements were properly installed, meet EPP guidelines, and are operating as intended. The reviewer must submit a Statement of Compliance to the PACE program indicating that the project was properly completed and is operating in accordance with the **PACE in a Box** guidelines.

The Statement of Compliance shall include:

- A statement that the ITPR has no financial interest in the project;
- A project documentation review letter that covers the PACE Project Report, detailed engineering drawings, designs, and specifications, copies of mechanical, electrical, plumbing, and building permits, and copies of equipment test and balance commissioning reports as well as any change orders; and
- A Texas Professional Engineer signature and engineering seal.

Retainage funding for the qualified project will not be provided for progress beyond the construction phase, if applicable, until the Statement of Compliance is received by the PACE program.
The process described above is required by **PACE in a Box**. The PACE program does not guarantee projected savings, and it is the responsibility of the property owner to exercise best practices to protect his interests through a contract with the engineer, contractor or installer responsible for the project's success as recommended in the energy/water assessment report.[5]

[4] Texas Local Government Code Chapter 399.011
[5] See **PACE in a Box** Technical Best Practices Guide in Section 8

Independent Third Party Reviewer Qualifications

To be of value, the work of the ITPR must be both professionally qualified and without conflict or relationship to the project they are reviewing. An ITPR must be a licensed Professional Engineer with energy/water efficiency experience. Preferably, the Professional Engineer should have one of the following certifications:

- American Society of Heating, Refrigeration, and Air-Conditioning Engineers (ASHRAE)
  - Building Energy Assessment Professional (BEAP)
  - Building Energy Modeling Professional
- Association of Energy Engineers (AEE)
  - Certified Energy Manager (CEM)
  - Certified Measurement and Verification Professional (CMVP)
  - Certified Energy Auditor (CEA)
- Building Commissioning Association
  - Certified Commissioning Professional

Ideally, the same ITPR should follow a project from initial review to project completion.

III. FULL ASSESSMENT Protocol

A project satisfying the underwriting requirements in **PACE in a Box** must also satisfy the Technical Standards required in this manual. This section establishes the basic protocol for complying with **PACE in a Box** technical standards. A proposed project qualifying for a FAST TRACK Protocol established in Section IV, shall use the technical standards in that section.
The Full Assessment Protocol divides an energy/water conservation project into four basic tasks:

1. Establish energy and water baseline conditions (collecting utility provider information, consumption and cost data);
2. Create an Energy/Water Assessment Report (projecting savings of proposed projects when measured against the baseline data);
3. Implement the Project (installation of energy conservation measures (ECM) and/or water conservation measures (WCM)); and
4. Evaluate project performance (M&V).

Projects can range from installation of a single ECM or WCM, such as a new high efficiency boiler, installation of low-flow toilets, or a renewable energy system, to a whole building energy and water upgrade involving multiple, interactive ECMs and WCMs. Many projects will also achieve both energy and water savings, such as an energy efficiency measure that reduces heat load, thereby also reducing cooling tower water use.

Establishing a Baseline

A sound energy and water usage baseline consists of collecting the utility provider information and establishing the critical starting point for accurate projection of potential savings and measurement after implementing ECMs/WCMs. The baseline establishes how much fuel, electricity, and/or water a facility used over the previous 12-month period. It also factors in the impact of independent variables such as weather, occupancy, and operating hours on the property's energy/water use.
For the majority of energy projects, the requirements for establishing a baseline are outlined in the ICP EPP. These protocols currently target energy measures in commercial facilities, but are readily adapted to other projects including applicable areas of industrial and agricultural energy as well as water conservation. The EPP provide a roadmap for key elements in performing a successful energy/water retrofit project.
For water conservation projects, the requirements for establishing a baseline are outlined in Federal Energy Management Program's M&V Guidelines: *Measurement and Verification for Federal Energy Projects*, Version 2.2/3.0. The M&V Guidelines provide applied methodologies for baseline accomplishment. At this time, these protocols do not provide a high level of detail for baselining water efficiency projects. As future nationally recognized protocols are developed, the PACE Technical Standards will be updated for water projects.
The following table outlines which protocols should be used for establishing a baseline based on facility, project type, and scope.

Facility Type	Full Assessment Requirements
Standard Commercial / Multifamily	**Energy:** ICP EPP - Standard Commercial (Baselining – Core Requirements, Rate Analysis, Demand, Load Profile, Interval Data) **Water:** M&V Guidelines v2.2 (Sec VII, p203)*
Large Commercial / Multifamily	**Energy:** ICP EPP - Large Commercial (Baselining – Core Requirements, Rate Analysis, Demand, Load Profile, Interval Data) **Water:** M&V Guidelines v2.2 (Sec VII, p203)*
Industrial (Facility)	**Energy:** ICP EPP - Large Commercial (Baselining – Core Requirements, Rate Analysis, Demand, Load Profile, Interval Data) **Water:** ICP EPP - Large Commercial (Baselining – Core Requirements, Rate Analysis, Demand, Load Profile, Interval Data)
Agricultural (Facility)	**Energy:** ICP EPP - Standard Commercial, ICP EPP - Large Commercial (Baselining – Core Requirements, Rate Analysis, Demand, Load Profile, Interval Data) **Water:** ICP EPP - Standard Commercial, ICP EPP - Large Commercial (Baselining – Core Requirements, Rate Analysis, Demand, Load Profile, Interval Data)
Distributed Generation[6]	**Energy:** IPMVP *Concepts and Practices for Determining Energy Savings in Renewable Energy Technologies Applications* (Pages 4-6) **Water:** IPMVP *Concepts and Options for Determining Energy and Water Savings*, 2012 (Section 4)

*M&V Guidelines: Measurement and Verification for Federal Energy Projects Version 2.2; Sec VII M&V for Water Projects.
The protocols listed above are intended as minimum requirements for an energy and water assessment report to be considered for funding.

Energy and Water Audit

The EPP rely upon industry accepted ASHRAE Procedures for Commercial Building Energy Assessment as a technical reference. These procedures define the level of effort for energy audits and provide best practices for auditors and associated project deliverables. ASHRAE also provides necessary sample audit forms and templates for data collection during the audit process.
The level of audit selected is contingent on the complexity of the facility and its installed systems and components, as well as the number and types of anticipated energy and/or water saving opportunities. Information collected during the energy/water audit is integral in determining the facility energy/water baseline conditions. The auditor will also identify energy and water savings opportunities which meet threshold investment requirements and provide verifiable energy and water savings while conducting the audit.

Industrial and Agricultural Projects

For industrial and agricultural projects, an ECM/WCM may affect the facility, a process or equipment used within the facility, or a distinct area outside the facility. Depending on the project, a different protocol shall be used. See Exhibit A for Industrial Protocols and Exhibit B for Agricultural Protocols.

Distributed Generation (DG)

DG projects have no pre-retrofit conditions as typically encountered in an energy conservation project. Since DG delivers energy rather than conserves or reduces energy, establishing a pre-retrofit baseline is not a strict project requirement. Metering of delivered energy without a baseline is often recommended in the M&V approach.
DG protocol requirements can be found in *IPMVP Concepts and Practices for Determining Energy Savings in Renewable Energy Technologies Applications Volume III; August 2003.* Other specific information relevant to DG

[66] For purposes of the **PACE in a Box** Technical Standards, the Term "Distributed Generation" includes energy generation technologies such as CHP, co-generation, small wind, solar, and biomass systems that generate electricity on the customer's side of the retail electric meter and technologies such as solar water heating and geothermal heat pumps that utilize renewable energy resources to reduce electricity consumption and demand.

measurement and verification can be found in *IPMVP Concepts and Options for Determining Energy and Water Savings Volume I, January 2012.*

Prior Audit

A prior ASHRAE Level II or Level III energy/water audit may be used provided that it was completed within the last three (3) years and that:

- Specific ECMs/WCMs were detailed in the audit and are still viable;
- Energy / water savings were projected for each proposed ECM/WCM;
- Any major facility renovations and/or building additions that occurred after the last audit do not negate relevant findings of the prior audit; and
- Changes in facility equipment and/or facility end-use do not negate findings of the prior audit.

The level of effort associated with updating the project baseline is dependent on the date of prior audit. If the audit is older than six months, additional energy/water use data will be available, and must be included in the updated audit.
In the case where a previous audit was completed in the last six months, savings calculations may be taken directly from the report if applicable. For older energy/water audits, still within the three year allowable time frame, the following items must be verified and accounted for in updated savings calculations:

- Any change in energy/water and/or demand rates or billing structure;
- Any change to existing facility, system, or project area that significantly affects savings; and
- Any change in building use and/or occupancy that significantly affects savings.

Projected Savings

EPP provide processes that should be used in projecting energy and water conservation savings. Models, spreadsheets, and similar tools must be based on "open book" methodology with sufficient explanation and documentation that savings calculations are transparent and results are readily verifiable. The use of "closed book" calculation methods or proprietary software is prohibited unless all methodologies associated with their use are well documented by transparent savings calculations and readily verifiable results.
The following table outlines the protocols that should be used to determine projected savings.

Facility Type	Full Assessment Requirements
Standard Commercial / Multifamily	**Energy:** ICP EPP - Standard Commercial (Savings Calculation) **Water:** M&V Guidelines v3.0 (Sec 11.6)*
Large Commercial / Multifamily	**Energy:** ICP EPP - Large Commercial (Savings Calculation) **Water:** M&V Guidelines v3.0 (Sec 11.6)*
Industrial (Facility)	**Energy:** ICP EPP - Large Commercial (Savings Calculation) **Water:** M&V Guidelines v3.0 (Sec 11.6)*
Agricultural (Facility)	**Energy:** ICP EPP - Standard Commercial, ICP EPP - Large Commercial **Water:** M&V Guidelines v3.0 (Sec 11.6)*
Distributed Generation	**Energy:** IPMVP *Concepts and Practices for Determining Energy Savings in Renewable Energy Technologies Applications* (Page 5, Examples pgs. 9-17) **Water:** IPMVP *Concepts and Options for Determining Energy and Water Savings*, 2012 (Section 4)

*M&V Guidelines: Measurement and Verification for Federal Energy Projects Version 3.0.
The protocols listed above are intended as minimum requirements for an energy assessment report to be considered for funding.

Verifying Completion and Operation

The Texas PACE law states, "After a qualified project is completed, the local government shall obtain verification that the qualified project was properly completed and is operating as intended."[7] The following table outlines the protocols that should be used for verifying proper project completion and operation.

Facility Type	Full Assessment Requirements
Standard Commercial / Multifamily	**Energy:** ICP EPP - Standard Commercial (Operations, Maintenance, and Monitoring, Measurement and Verification) **Water:** M&V Guidelines v3.0 (Sec 11.6)*
Large Commercial / Multifamily	**Energy:** ICP EPP - Large Commercial (Operations, Maintenance, and Monitoring, Measurement and Verification) **Water:** M&V Guidelines v3.0 (Sec 11.6)*
Industrial (Facility)	**Energy:** ICP EPP - Large Commercial (Operations, Maintenance, and Monitoring, Measurement and Verification) **Water:** M&V Guidelines v3.0 (Sec 11.6)*
Agricultural (Facility)	**Energy:** ICP EPP - Standard Commercial(pgs. 19-22), ICP EPP - Large Commercial (Operations, Maintenance, and Monitoring, Measurement and Verification) **Water:** M&V Guidelines v3.0 (Sec 11.6)*
Distributed Generation	**Energy:** IPMVP *Concepts and Practices for Determining Energy Savings in Renewable Energy Technologies Applications* (Page 5, Examples pages 9-17) **Water:** IPMVP *Concepts and Options for Determining Energy and Water Savings*, 2012 (Section 4)

*M&V Guidelines: Measurement and Verification for Federal Energy Projects Version 3.0

Measurement and Verification (M&V)

M&V begins after an ECM/WCM is installed and operational (commissioned) and continues throughout the term of the assessment or as contractually specified in the M&V portion of the contract between the property owner and

[7] Texas Local Government Code chapter §399.011(b)

the contractor. Savings verification is performed post-retrofit to determine whether installed equipment is operating as designed and expected savings predictions are being realized.
EPP incorporate ASHRAE Guideline 14, Whole Building Performance Path and the International Performance Measurement and Verification Protocol (IPMVP) as guidance documents to define common practices for measuring, computing, and reporting savings achieved by energy or water efficiency projects. IPMVP Options include Option A (Retrofit Isolation: Key Parameter Measurement), Option B (Retrofit Isolation: All Parameter Measurement), Option C (Whole Facility Measurement), and Option D (Calibrated Simulation Measurement). IPMVP includes guidance for the development of a project specific M&V plan that is technically sound and which ensures both baseline and post-retrofit calculations can be used as an accurate determinant of project energy or water savings.

Reporting

The property owner is required to provide a post-construction Annual Savings Reports to the PACE administrator. The annual report shall be submitted during the term of the assessment or throughout the term of the M&V. To ensure the success of the PACE program, the Annual Savings Reports shall be completed by the contractor and reviewed and validated by the ITPR. Section 5 of **PACE in a Box** outlines the reporting requirements of individual PACE projects.

IV. FAST TRACK Approach

The FAST TRACK approach allows for faster implementation of projects. These projects must meet specific eligibility criteria in order to utilize the FAST TRACK process. The FAST TRACK approach reduces project expenses associated with audit costs and, in some cases, the time required to review the proposed project. The property owner and contractor must decide whether the project qualifies for the FAST TRACK approach and whether this approach is applicable. For those projects that do not qualify under the FAST TRACK eligibility criteria, the FULL ASSESSMENT protocols are required. The qualifications for an ITPR under the FAST TRACK approach are the same as qualifications for a FULL ASSESSMENT.
The FAST TRACK approach is deemed relevant and appropriate for the three (3) project types specified below. The required procedures and documentation are unique to each project.

Type 1 – Like-for-Like Replacement. The FAST TRACK approach may be used for a project that involves like-for-like replacement of energy/water inefficient equipment with more energy/water efficient equipment. Examples may include a lighting retrofit or A/C unit upgrade.

Type 2 – Single-Measure Efficiency Projects. The FAST TRACK approach may be used for projects that install single efficiency measures such as window film, additional insulation, or reflective roof coating.

Type 3 - Distributed Renewable Generation. The FAST TRACK approach may be used for a project that involves only the installation of an industry accepted renewable energy system such as solar photovoltaic (PV).

Projects that fall within the above criteria do not qualify for the FAST TRACK approach if the project requires energy modeling or IPMVP (Option C or D) measurement and verification, or if the project value to building appraisal ratio exceeds 0.10 (10%).

Establishing a Baseline

The following information is required to establish a baseline for a FAST TRACK approach project.

Site Visit

- Confirm building characteristics and major components
- Records collection (equipment, systems, utilities)
- Staff/occupant interviews
- Walk-through inspection (written and photo documentation)
- Verification of all collected information by a third party reviewer

Records/Data Collection

- Building construction data
- Equipment data – HVAC, etc.
- Building operating data
- Energy consumption data
- Water consumption data
- Weather data
- Previous audit reports

Note: Not all items listed will be applicable. Data collected is at the discretion of the professional performing the baseline work and subject to third party review.

Pertinent Interviews (optional)

- Concerning general building characteristics
- Operations of major building systems/components
- Past building operational history (service call logs)

Note: Verification of all collected information is required as part of the Site Visit to determine if there has been significant change; if verified, it is not necessary to conduct repeat interviews.

Review/Analysis of Collected Materials

- Data conversion and normalization
- Determine building energy and water consumption metrics
- Perform modeling and simulation as applicable
- Determine renewable energy system production as applicable

Preparation of Final Assessment Report

- Includes building energy/ water cost and performance
- Energy and use by area (HVAC, lighting), fuel (gas, electric), indoor v. outdoor water usage

If a unit of energy or water using equipment is beyond its useful service life, the work associated with the baseline analysis can be considerably reduced. Document the building's age, condition, operating parameters, and expected useful life based on manufacturer's warranty data or ASHRAE guidelines. If the project is a distributed renewable generation project, collect and document information on building structure and orientation relevant to installation, production and maintenance. For WCMs not all baseline data collection and analysis apply.

Projected Savings

The requirements in this section are derived in part from the EPP for commercial facilities and are applicable to multifamily units. For single component/system ECMs or WCMs, the contractor should provide appropriate annotations to assist in determining whether a listed requirement is necessary.
The following are considered the minimum requirements in determining savings from energy and water conservation measures under a FAST TRACK approach:

- Use of "open book" methodology, spreadsheet or software used in savings calculations;
- Detailed outline for savings calculation methodology; should be transparent and easily replicated by independent third party reviewer;
- Reasonable comparison of energy/water pre-retrofit estimates to historical end use data (for single measure/single component retrofits, use only necessary data set for calibration);
- Consideration of interactive effects of related loads or systems and potential for additional ECMs/WCMs which would affect the appropriate capacity or cost-effectiveness of equipment being replaced;
- Validation of return on investment (ROI) figures based on previous audit or newly incorporated data sets;
- Validation of ECM/WCM implementation costs including labor and materials estimates; and
- Validation of savings.

The following items are the minimum that must be verified and accounted for in savings calculations for projects that propose the installation of an industry accepted renewable energy system, e.g., solar photovoltaic (PV), approved for interconnection by local utility:

- Current energy and demand rates;
- Applicability of incentives, rebates, and local utility requirements;
- Current distributed renewable generation component pricing, including design and installation of systems;
- Current electrical and/or building code requirements; and
- Current zoning and emissions requirements as they impact the project.

Verifying Completion and Operation

The requirements in this section follow M&V as referenced in the EPP for standard and large commercial facilities in conjunction with *IPMVP Concepts and Options for Determining Energy and Water Savings Volume I*, *January 2012.* The requirements support projects with a single component replacement or multiple ECMs/WCMs or distributed renewable generation system, qualifying as a FAST TRACK project.
For projects that incorporate multiple measures or have identified interactive effects, and whose design, installation and operation are compatible with original audit findings and calculations, the following are considered the minimum requirements:

- Implementation of appropriate IPMVP protocols by a qualified third party M&V professional:
  - Following *IPMVP Concepts and Options for Determining Energy and Water Savings Volume I*, *January 2012 Section 4*, *Figure 4 Option Selection Process (Simplified),* and *Table 3 Suggested Options – Marked by X; and*
  - Following *IPMVP Concepts and Options for Determining Energy and Water Savings Volume I, January 2012 Section 4.5 Savings Verifications* as applied to the established baseline and post-retrofit measures, i.e., routine and non-routine adjustments; and
- Use of Option A *(Retrofit Isolation: Key Parameter Measurement)* must indicate stipulated parameters or estimates compatible with those used in previous audit savings calculations.

For single component/system conservation measures, the following are the minimum requirements in verifying completion and operation of installed measures under the FAST TRACK method:

- ITPR review of the installation of the required number and type of ECMs/WCMs as specified in the audit and project design/construction documents; and
- ITPR review of the proper installation and operation of all ECMs/WCMs as specified in the audit and project design/construction documents:
  - Ensure that operation and function meet design intent of the project;
  - Determine that installed ECMs/WCMs will provide savings as estimated in original audit findings and commensurate with baseline analysis; and
  - Determine that installed ECMs/WCMs will meet or exceed service life estimates based on observed operation.

For distributed renewable generation projects, the following are the minimum requirements in verifying completion and operation of installed measures under the FAST TRACK method:

- ITPR review of the installation of the required number and type of system components as specified in the audit and project design/construction documents; and
- ITPR review of the proper installation and operation of all components as specified in the audit and project design/construction documents:
  - Ensure that operation and function meet design intent of the project;
  - Determine that the installed system will provide savings as estimated in original audit findings and commensurate with baseline analysis; and
  - Determine that the installed system will meet or exceed service life estimates based on observed operation.

Reporting

The property owner is required to provide a post-construction Annual Savings Reports to the PACE administrator. The annual report shall be submitted during the term of the assessment or throughout the term of the M&V. To ensure the success of the PACE program, the Annual Savings Reports shall be completed by the contractor and reviewed and validated by the ITPR. Section 5 of **PACE in a Box** outlines the reporting requirements of individual PACE projects.

V. Exhibits A, B & C

Exhibit A INDUSTRIAL PROTOCOL

Industrial energy/water conservation projects can impact 1) the facility, 2) a process inside the facility, or 3) a combination of the facility and process inside the facility. It will be necessary to determine the affected area of the facility or the site before moving forward with the auditing and baseline determination process. This protocol serves as a general guideline for the facility owner.

Industrial Energy/Water Protocol (Facility)

For ECMs/WCMs considered to affect, conserve or reduce energy/water resources in the facility and are not directly linked to any process application, the EPP for Standard and Large Commercial will be followed as applicable. The sections below reference the appropriate EPP and indicate the minimum procedures and documentation required. Since all targeted measures or combination of measures are not known at this time, applicable portions of the EPP will be followed as necessary.

Establishing a Baseline

Document	Section Reference
ICP EPP Standard Commercial	Baselining – Core Requirements, Rate Analysis, Demand, Load Profile, Interval Data
ICP EPP Large Commercial	Baselining – Core Requirements, Rate Analysis, Demand, Load Profile, Interval Data

Savings Calculation

Document	Section Reference
ICP EPP Standard Commercial	Savings Calculation
ICP EPP Large Commercial	Savings Calculation

Verifying Completion and Operation

Document	Section Reference
ICP EPP Standard Commercial	Operations, Maintenance, and Monitoring, Measurement and Verification
ICP EPP Large Commercial	Operations, Maintenance, and Monitoring, Measurement and Verification

Industrial Energy/Water Protocol (Process)

For ECMs/WCMs considered to affect, conserve or reduce energy/water resources for a selected process in an industrial facility, it is expected that most measures will conform to appropriate *IPMVP Concepts and Options for Determining Energy and Water Savings Volume I, January 2012.* In particular, Option A – Retrofit Isolation: Key Parameter Measurement or Option B – Retrofit Isolation: All Parameter Measurement will provide the necessary requirements for savings verification, while other sections of the IPMVP document will be pertinent to establishing the baseline.

Establishing a Baseline

Document	Section Reference
ICP EPP Standard Commercial	Baselining – Core Requirements, Rate Analysis, Demand, Load Profile, Interval Data
ICP EPP Large Commercial	Baselining – Core Requirements, Rate Analysis, Demand, Load Profile, Interval Data

Savings Calculation

Document	Section Reference
ICP EPP Standard Commercial	Savings Calculation
ICP EPP Large Commercial	Savings Calculation

Verifying Completion and Operation

Document	Section Reference
ICP EPP Standard Commercial	Operations, Maintenance, and Monitoring, Measurement and Verification
ICP EPP Large Commercial	Operations, Maintenance, and Monitoring, Measurement and Verification

Measurement and Verification

Water-efficiency M&V is analogous to energy efficiency M&V; therefore, it uses similar techniques. It is necessary to define whether the water retrofit is a building-wide measure or specific to an industrial process within the building. For water-consuming equipment related to the facility (offices, break room, landscape irrigation systems, etc.), the building occupants and facility managers are normally in control, while for process equipment and manufacturing operations, the production manager is generally responsible.

Verifying Completion and Operation

M&V begins after an ECM/WCM is installed and operational (commissioned) and continues throughout the term of the assessment or as specified in the M&V plan established in the contract between the property owner and the contractor. Savings verification is performed post-retrofit to determine whether installed equipment is operating as designed and expected savings predictions were accurate. These "actual savings," if substantially different from pre-retrofit estimates, affect the projects' return on investment.
EPP incorporate ASHRAE Guideline 14, Whole Building Performance Path and the International Performance Measurement and Verification Protocol (IPMVP) as guidance documents describing common practice in measuring, computing, and reporting savings achieved by energy or water efficiency projects at end-user facilities. IPMVP Options include Option A (Retrofit Isolation, Key Parameter Measurement), Option B (Retrofit Isolation: All Parameter Measurement), Option C (Whole Facility measurement), and Option D (Calibrated Simulation measurement).
IPMVP includes guidance for the development of a project specific M&V plan that is technically sound and which ensures both baseline and post retrofit calculations can be used as an accurate determinant of project energy or water savings.

Reporting

The property owner is required to provide a post-construction Annual Savings Report to the PACE administrator. The annual report shall be submitted at least one year after the ITPR certifies that the project was properly installed and is operating correctly. To ensure the success of the PACE program, the Annual Savings Report shall be completed by the contractor. Section 5 of **PACE in a Box** outlines the reporting requirements of individual PACE projects.

Exhibit B AGRICULTURAL PROTOCOL

For agricultural conservation projects, it is necessary to determine the affected area of the facility, site, or property. In general, a proposed project for agricultural energy/water conservation may affect 1) a facility related to agricultural operations, 2) an isolated equipment component or system (pumps, motors, etc.), or 3) a distinct water use area (i.e., irrigation). This protocol serves as a general guideline to direct the facility owner towards actions which have a basis in proven engineering concepts.
Agricultural activities outside the facility differ from those normally encountered in commercial and/or industrial areas in that water use and the energy associated with delivery of water may account for a larger percentage of costs relative to the overall energy/water budget. This may be especially true in the farming sector including greenhouse operations.

Agricultural Energy Protocol (Facility)

For ECMs/WCMs considered to affect, conserve or reduce energy/water resources in an agricultural facility and that are not directly linked to agricultural irrigation or any process application outside the facility, the EPP for Standard and Large Commercial should be followed as applicable. The sections below reference the appropriate EPP and indicate the minimum required items as listed in the document. Since all targeted measures or combination of measures are not known at this time, applicable portions of the EPP should be followed as necessary.

Establishing a Baseline

Document	Section Reference
ICP EPP Standard Commercial	Baselining – Core Requirements, Rate Analysis, Demand, Load Profile, Interval Data
ICP EPP Large Commercial	Baselining – Core Requirements, Rate Analysis, Demand, Load Profile, Interval Data

Savings Calculation

Document	Section Reference
ICP EPP Standard Commercial	Savings Calculation
ICP EPP Large Commercial	Savings Calculation

Verifying Completion and Operation

Document	Section Reference
ICP EPP Standard Commercial	Operations, Maintenance, and Monitoring, Measurement and Verification
ICP EPP Large Commercial	Operations, Maintenance, and Monitoring, Measurement and Verification

Agricultural Energy Protocol (Equipment/Systems)

Implementing water-efficiency in the agricultural sector where the majority of water and energy are consumed in irrigation most often use IPMVP Option A (Retrofit Isolation: Key Parameter Measurement) although Option B (Retrofit Isolation: All Parameter Measurement) is also viable depending on the specific measure and the affected equipment or system. The sections below reference the appropriate IPMVP protocols and indicate the minimum required items as listed in the document. Since all targeted measures or combination of measures are not known at this time, applicable portions of the IPMVP should be followed as necessary.

Establishing a Baseline

Document	Reference
IPMVP Concepts and Options for Determining Energy and Water Savings Volume I	Chapter 4 (as applicable); selection criteria Fig. 4 p. 33 and Table 3 p. 34

Savings Calculation

Document	Reference
IPMVP Concepts and Options for Determining Energy and Water Savings Volume I	Chapter 4 (as applicable); selection criteria Fig. 4 p. 33 and Table 3 p. 34

Verifying Completion and Operation

Document	Reference
IPMVP Concepts and Options for Determining Energy and Water Savings Volume I	Chapter 4 (as applicable); selection criteria Fig. 4 p. 33 and Table 3 p. 34

Agricultural Water Protocol

Water conservation projects are intended to provide savings through reduced water consumption as a result of improved performance of water consuming equipment, fixtures, or controls. Savings can also result from reduced water supply charges, sewer charges, and/or energy costs depending on the conservation measure implemented. Energy savings are commonly achieved from reduced water heating, and additional savings may be realized for facilities that use pumps to boost water pressure or to irrigate with groundwater, or at facilities with on-site water treatment systems. The performance of many common water conservation projects can be accounted for through short-term measurements and usage factors can be estimated, water savings are most often verified using IPMVP Option A (Retrofit Isolation: Key Parameter Measurement).

Key issues related to water conservation projects which should be observed are:

- Determining equipment inventory for baseline and post-installation;
- Establishing existing equipment performance for each type of device/system;
- Determining usage characteristics of each type of device/system;
- Determining post-installation equipment performance for each type of device/system; and
- Accounting for any known or observed interactive effects.

The sections below reference the appropriate IPMVP protocols and indicate the minimum required items as listed in the document. Since all targeted measures or combination of measures are not known at this time, applicable portions of the IPMVP should be followed as necessary.

Establishing a Baseline

Document	Reference
IPMVP Concepts and Options for Determining Energy and Water Savings Volume I	Chapter 4 (as applicable); selection criteria Fig. 4 p. 33 and Table 3 p. 34

Savings Calculation

Document	Reference
IPMVP Concepts and Options for Determining Energy and Water Savings Volume I	Chapter 4 (as applicable); selection criteria Fig 4 pp. and Table 3 p. 34

Verifying Completion and Operation

Document	Reference
IPMVP Concepts and Options for Determining Energy and Water Savings Volume I	Chapter 4 (as applicable); selection criteria Fig. 4 p. 33 and Table 3 p. 34

Verifying Completion and Operation

M&V begins after an ECM/WCM is installed and operational (commissioned) and continues throughout the term of the assessment or as specified in the M&V plan established in the contract between the property owner and the contractor. Savings verification is performed post-retrofit to determine whether installed equipment is operating as designed and expected savings predictions were accurate. These "actual savings", if substantially different from pre-retrofit estimates, affect the projects' return on investment.
EPP incorporate IPMVP as a guidance document describing common practice in measuring, computing, and reporting savings achieved by energy or water efficiency projects at end-user facilities. IPMVP Options include Option A (Retrofit Isolation, Key Parameter Measurement), Option B (Retrofit Isolation: All Parameter Measurement), Option C (Whole Facility measurement), and Option D (Calibrated Simulation measurement).

Measurement and Verification

Water conservation M&V in agricultural facilities is typically addressed in the same manner as energy conservation. In the case where multiple facility WCMs have been implemented, it is less difficult to invoke IPMVP Option C – Whole Facility approach since a "calibrated" utility service meter will generally provide sufficient resolution to identify overall savings. This is provided that pre and post facility activity has been normalized, operations have remained relatively constant, and that the useful meter does not serve outlying areas or non-facility related operations. In that case, sub-metering of the facility area is an option. Sub-metering may be necessary if whole facility measures were not implemented, but rather targeted areas or a select number of equipment items within the facility were retrofitted.
IPMVP includes guidance for the development of a project specific M&V plan that is technically sound and which ensures both baseline and post retrofit calculations can be used as an accurate determinant of project energy or water savings.

Reporting

The property owner is required to provide a post-construction Annual Savings Reports to the PACE administrator. The annual report shall be submitted during the term of the assessment or throughout the term of the M&V. To ensure the success of the PACE program, the Annual Savings Reports shall be completed by the contractor and reviewed and validated by the ITPR. Section 5 of **PACE in a Box** outlines the reporting requirements of individual PACE projects.

Exhibit C: INDEPENDENT THIRD PARTY CERTIFICATION

The undersigned certifies that the report has been conducted in accordance with the requirements of the **PACE in a Box** Technical Standards Manual by the independent third party reviewer's (ITPR).
By signing this document, I certify that:

- The data and the cost reduction estimates presented are factual, accurate, reasonable and in accordance with generally accepted engineering practices to the best of knowledge and that this knowledge is based on the on-site investigation of the facilities involved.
- There are no undisclosed, conflicting financial interests in the recommendations of this report.
- If a recommendation of this report is implemented, that no company or association that I own or have financial interest in, will provide products or construction for the project.
- I am a professionally qualified and licensed as a professional engineer with energy/water efficiency experience.

ITPR's Signature	Date
Title	Company/Firm
Email Address	Texas P.E. Registration No.

AGENDA ITEM # 18

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Economic Development

CMO: Ryan S. Evans, 671-9837

MAPSCO: 54 H

SUBJECT

Authorize Supplemental Agreement No.1 to the contract with Southern Dallas Development Corporation (SDDC) to: **(1)** extend the term of the fourth and final renewal option from October 1, 2015 through March 30, 2016; and **(2)** continue administration and loan servicing of the Community Development Block Grant (CDBG) funded Business Revolving Loan Program - Financing: No cost consideration to the City

BACKGROUND

In 1989, the City of Dallas contracted with SDDC to use Community Development Block Grant dollars to administer and implement a business loan program designed to help revitalize and enhance community and economic development in the City of Dallas. SDDC is currently in the twenty-sixth year of contracting with the City of Dallas to provide these loan services.

SDDC administers the Business Revolving Loan Program which makes loans to for-profit businesses on the behalf of the City. The program provides funding and access to capital for entrepreneurs, and creates and/or retains jobs to foster community and economic development and revitalization within the eligible U.S. Department of Housing and Urban Development (HUD) census tracts in Dallas.

From inception to date, SDDC has approved 198 loans through the Business Revolving Loan Program. SDDC has a proven track record in administering loan programs and other services. The CDBG Business Revolving Loan Program has provided approximately $19,973,065 in loans to foster economic development; leveraged an estimated $41,918,502 in private investment; and created/retained 1,993 jobs.

The CDBG Business Revolving Loan Program provides loans of up to $300,000 in financing for eligible businesses in low to moderate income areas of the City of Dallas and requires that 1 new job be created per $35,000 loaned.

BACKGROUND (Continued)

Delivery and administrative costs including staff salaries, and all general and administrative expenses is approximately $280k annually. After payment of program delivery administrative costs, approximately $57k will be available for loans for FY 2015-16. Future years will result in lesser Program Income as outstanding loans payoff.

Funds for loans, and delivery and administrative costs for operation of the program is limited to funds received from the collection of monthly Account Receivables called Program Income. Accounts Receivables were estimated to be $600k for FY 2014-15 in the CDBG Consolidated Plan approved by Council in June 2015. However, year to date $224,363.32 has been collected, with $65k past due and an additional $47,852.26 expected for a projected collection of $337,215.58.

The program has not received a direct allocation of CDBG funds since 2005 and has very limited funds on hand for loans. Loan applications have been suspended to allow for build-up of collection of monthly Account Receivables.

The current contract between the City of Dallas and the Southern Dallas Development Corporation to administer and provide loan servicing of the Business Revolving Loan Program will expire on September 30, 2015. The contract was approved in 2010 for one year with four annual renewals.

Council will be asked to approve the extension requested to keep the Business Revolving Loan Program in operation until the Scope of Work can be re-developed, new terms can be negotiated and a contractor selected through the Request for Competitive Sealed Proposal (RFCSP) process.

The Board of Directors has three (3) Council appointed positions. Two are currently filled.

Other SDDC Responsibilities and Activities:

- Manage loan portfolio, collections, delinquencies and legal issues
- Business Development support to assist small businesses to access capital
- Fund development to increase operating revenue
- Conduct site visits to CDBG loan recipients and prospects
- Submit monthly reports to the City of Dallas
- Participate in community development workshops and meetings to market SDDC and spur economic development
- Monitor clients, address and resolve compliance issues as required
- Leverage other loan funds under management to maximize CDBG dollars available for loans
- Provide technical assistance to loan applicants

BACKGROUND (Continued)

With continued support SDDC serves as a catalyst for small business growth, development and promotion of investment through:

- Leveraging private debt and equity
- Promoting access to capital
- Facilitating economic development: job creation, business development and growth.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 8, 2010, City Council authorized the execution of: (1) a one-year term contract, with four one-year renewal options, with Southern Dallas Development Corporation (SDDC), to administer the CDBG Business Revolving Loan Program, for the purpose of servicing and making loans to for-profit businesses to create and/or retain jobs for low-to-moderate income persons, in accordance with Department of Housing and Urban Development (HUD) regulations; and (2) any unexpended balances of program income and allocations from prior contract years be rolled over to continue the Business Revolving Loan Program by Resolution No. 10-3056.

On August 24, 2011, City Council authorized the first one-year renewal option with SDDC by Resolution No. 11-2233.

On August 22, 2012, City Council authorized the second one-year renewal option with SDDC by Resolution No. 12-2085.

On August 14, 2013, City Council authorized the third one-year renewal option with SDDC by Resolution No. 13-1289.

On September 10, 2014, City Council authorized the fourth and final one-year renewal option to the contract with SDDC by Resolution No. 14-1455.

On June 10, 2015, City Council authorized the adoption of the FY 2015-16 Consolidated Plan Budget, which included program income estimated at $600,000 to be retained by SDDC and any unexpended balances from prior years to continue the management and operations of the Business Revolving Loan Program by Resolution No. 15-1055.

Information about this item was provided to the Economic Development Committee On September 8, 2015.

FISCAL INFORMATION

No cost consideration to the City

OWNER

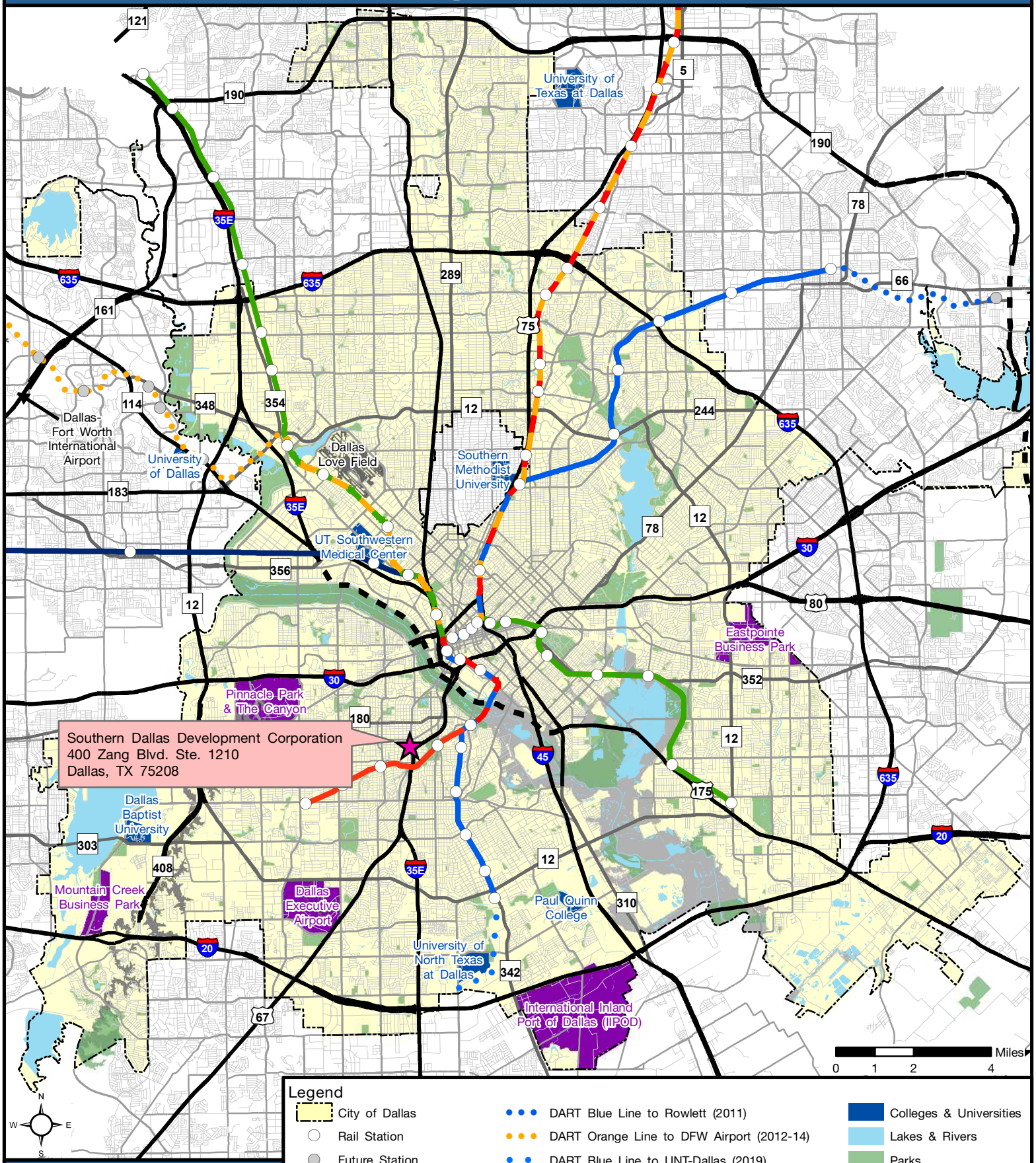
Southern Dallas Development Corporation

Terrance Henderson, Board Chair

MAP

Attached.

City of Dallas



Legend

- City of Dallas
- Rail Station
- Future Station
- DART Red Line
- DART Blue Line
- DART Green Line
- DART Orange Line
- Trinity Railway Express
- DART Blue Line to Rowlett (2011)
- DART Orange Line to DFW Airport (2012-14)
- DART Blue Line to UNT-Dallas (2019)
- Freeway or Tollway
- Highway
- Arterial
- Local Road
- Proposed Freeway or Tollway
- Colleges & Universities
- Lakes & Rivers
- Parks
- Escarpment
- Flood Plain
- Airport
- Business Parks

Source: Airports & Proposed Roadways - NCTCOG, 2009; All Other Data - City of Dallas, 2010

DALLAS
ECONOMIC DEVELOPMENT

Research & Information Division
214.670.1685
dallas-ecodev.org

Created 11.13.2009, Last Updated 2.28.2011 - COD_new.TCG

September 22, 2015

WHEREAS, on December 8, 2010, City Council authorized the execution of a one-year contract, with four renewal options, with Southern Dallas Development Corporation (SDDC), to administer the CDBG Business Revolving Loan Program by Resolution No. 10-3056; and

WHEREAS, on August 24, 2011, City Council authorized the execution of the first of four twelve-month renewal options to the contract with SDDC to administer the CDBG Business Revolving Loan Program by Council Resolution No. 11-2233; and

WHEREAS, on August 22, 2012, City Council authorized the execution of the second of four twelve-month renewal options to the contract with SDDC to administer the CDBG Business Revolving Loan Program by Council Resolution No. 12-2085; and

WHEREAS, on August 14, 2013, City Council authorized the execution of the third of four twelve-month renewal options to the contract with SDDC to administer the CDBG Business Revolving Loan Program by Council Resolution No. 13-1289; and

WHEREAS, on September 10, 2014, City Council authorized the execution of the fourth and final twelve-month renewal option to the contract with SDDC to administer the CDBG Business Revolving Loan Program by Council Resolution No. 14-1455; and

WHEREAS, on June 10, 2015, City Council authorized the adoption of the FY 2015-16 Consolidated Plan Budget, which included program income estimated at $600,000 to be retained by SDDC and any unexpended balances from prior years, to continue to provide loans and manage and operate the CDBG Business Revolving Loan Program by Council Resolution No. 15-1055.

NOW, THEREFORE,

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

Section 1. That the City Manager, upon approval as to form by the City Attorney, is hereby authorized to amend the contract dated December 8, 2010 with Southern Dallas Development Corporation to: (1) extend the term of the fourth and final renewal option from October 1, 2015 through March 30, 2016; and (2) continue administration and loan servicing of the Community Development Block Grant (CDBG) funded Business Revolving Loan Program under the terms and conditions therein.

Section 2. That SDDC will continue to administer and service loans within the City of Dallas to provide financing for for-profit businesses and to create/retain jobs for Low to Moderate Income (LMI) persons.

Section 3. That any unexpended balances and program income from prior approved contract years be retained and rolled over to continue the program.

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

AGENDA ITEM # 19

KEY FOCUS AREA: Public Safety

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Fire

CMO: Eric Campbell, 670-3255

MAPSCO: N/A

SUBJECT

Authorize **(1)** an Interlocal Agreement with Dallas County Hospital District d/b/a Parkland Health and Hospital System for a twenty-four month period for Biomedical On-Line Supervision; and **(2)** Interlocal Agreements with participating local governmental entities - Not to exceed $1,773,458 - Financing: Current Funds (subject to annual appropriations) ($804,676 to be reimbursed from participating cities)

BACKGROUND

State law requires Biomedical On-Line Supervision of the City of Dallas Fire-Rescue paramedics. The City issued a Request for Proposal No. PA0000357 for Biomedical On-Line Supervision for the Dallas area emergency medical system.

The Biotel system, staffed by Parkland Health and Hospital System physicians and nurses, was created on July 1, 1980 to provide medical control for the paramedics in the field via radio and telemetered patient data. Other cities currently participate on a per capita basis, thus deferring the cost.

The number of participating cities will increase or decrease from time to time. The City of Dallas contributes approximately 54.6% of the total cost. This service also provides for implementation and maintenance of the Comprehensive Trauma Plan endorsed by City Council in February 1993.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a contract renewal for FY 2008-2010 on September 24, 2008, by Resolution No. 08-2556.

Authorized a contract renewal for FY 2010-2012 on September 22, 2010, by Resolution No. 10-2363.

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

Authorized a contract renewal for FY 2012-2013 on August 22, 2012, by Resolution No. 12-2089.

Authorized a contract renewal for FY 2013-2015 on September 11, 2013, by Resolution No. 13-1556.

Information about this item will be briefed to the Public Safety Committee on September 14, 2015.

FISCAL INFORMATION

Current Funds - $1,773,458 (subject to annual appropriations) ($804,676 to be received from participating cities)

M/WBE INFORMATION

In accordance with State Law, Dallas County Hospital District d/b/a Parkland Health and Hospital System at Dallas, strongly supports a Minority Business Enterprise Program consistent with the City's Good Faith Effort Plan.

ETHNIC COMPOSITION

Dallas County Hospital District d/b/a Parkland Health and Hospital System

Hispanic Females	0	Hispanic Males	0
Black Females	0	Black Males	1
White Females	6	White Males	7
Other Females	0	Other Males	0

OWNER

Dallas County Hospital District d/b/a Parkland Health and Hospital System

Fred Cerise, Chief Executive Officer

WHEREAS, State law requires Biomedical On-Line Supervision of the City of Dallas Fire-Rescue paramedics; and

WHEREAS, it is most advantageous to the City of Dallas to enter into an Interlocal Agreement for Biomedical On-Line Supervision services with Dallas County Hospital District d/b/a Parkland Health and Hospital System; and

WHEREAS, it is in the best interest of the City to renew the Interlocal Agreements with participating governmental entities which shall distribute the cost of the system on a per capita basis.

NOW, THEREFORE,

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

Section 1. That the City Manager or his designee is hereby authorized to enter into an Interlocal Agreement with Dallas County Hospital District d/b/a Parkland Health and Hospital System for a twenty-four month period, subject to annual appropriations.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds to Dallas County Hospital District d/b/a Parkland Health and Hospital System for Biomedical On-Line Supervision for the twenty-four month period, from Fund 0001, Dept. DFD, Unit ER90, Object Code 3070, Encumbrance CT DFDER900807, Vendor #900498, total payment not to exceed $877,848 in FY 2015-16 and $895,610 in FY 2016-17.

Section 3. That the City Manager or his designee is hereby authorized to enter into Interlocal Agreements with other governmental entities to provide Biomedical On-Line Supervision, the cost for such services to be calculated on a per capita basis. Governmental entities may be added or deleted as required.

Section 4. That the Chief Financial Officer is hereby authorized to receive reimbursements from the participating cities in the amount of $804,676 over the twenty-four month contract period and deposit revenues into Fund 0001, Dept DFD, Unit ER90, Revenue Source 7472.

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

AGENDA ITEM # 20

KEY FOCUS AREA: Public Safety

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Fire

CMO: Eric Campbell, 670-3255

MAPSCO: N/A

SUBJECT

Authorize Supplemental Agreement No. 3 and an extension of the contract with Emergidata, Inc., for hardware maintenance and a software subscription agreement for Fire-Rescue for the period October 1, 2015 through June 30, 2016 - Not to exceed $324,822, from $2,186,118 to $2,510,940 - Financing: Current Funds (subject to appropriations)

BACKGROUND

The current contract with Emergidata, Inc. is due to expire on September 30, 2015. The City of Dallas is in the process of awarding new vendors for hardware and software related to electronic patient care reporting. These electronic patient care reports are used by the City's ambulance billing company to recuperate part of the cost to provide emergency medical service.

The current contract, authorized by Resolution No. 10-2182, between the City of Dallas and Emergidata, Inc. provides electronic patient care reporting services to the City of Dallas for a term of one year with four one year automatic renewal, not to exceed a five (five) year, subject to annual appropriations.

The City exercised its renewal options for year three ($431,620), year four ($431,671) and year five ($433,095) by giving vendors notices and budgeting for appropriation of the annual contract amount as set forth on the Attachment A included as part of the original contract.

This action will authorize Supplemental Agreement No. 3 to the current contract with Emergidata, Inc., to continue to provide software maintenance and support for third party billing, collection and reporting of emergency ambulance while Dallas Fire-Rescue completes the acquisition of services from new vendors.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 25, 2010, City Council authorized a one-year service contract, with four one-year extension options, for hardware maintenance and a software subscription agreement for a specialized electronic patient care reporting system for Dallas Fire-Rescue, by Resolution No. 10-2182

On September 28, 2011, City Council authorized the first annual renewal option with Emergidata, Inc. for hardware maintenance and a software subscription agreement for a specialized electronic patient care reporting system, by Resolution No. 11-2518.

Information about this item will be provided to the Public Safety Committee on September 14, 2015.

FISCAL INFORMATION

Current Funds - $324,822 (subject to appropriations) (The amount of the contract for the fifth (5th) year was $418,195 plus $14,900 for printing supplies at the hospitals which equals to $433,095; nine months is 75% of the year, $324,822).

ETHNIC COMPOSITION

Emergidata, Inc.

Hispanic Females	0	Hispanic Males	0
Black Females	0	Black Males	0
White Females	4	White Males	9
Other Females	2	Other Males	0

OWNER

Emergidata, Inc.

Eric Fothergill, President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 3 and an extension of the contract with Emergidata, Inc., for hardware maintenance and a software subscription agreement for Fire-Rescue for the period October 1, 2015 through June 30, 2016 - Not to exceed $324,822, from $2,186,118 to $2,510,940 - Financing: Current Funds (subject to appropriations)

Emergidata, Inc. is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.
PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	Amount	Percent
Local contracts	$324,822.00	100.00%
Non-local contracts	$0.00	0.00%
TOTAL THIS ACTION	$324,822.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

	This Action		Participation to Date	
	Amount	Percent	Amount	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$0.00	0.00%	$0.00	0.00%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$0.00	0.00%	$0.00	0.00%
Total	$0.00	0.00%	$0.00	0.00%

September 22, 2015

WHEREAS, the City of Dallas Fire-Rescue Department operates the emergency ambulance service for the City; and

WHEREAS, on August 25, 2010, City Council authorized a service contract with Emergidata, Inc., for hardware maintenance and a software subscription agreement for a specialized electronic patient care reporting system for Dallas-Fire-Rescue by Resolution No. 10-2182; and

WHEREAS, on May 6, 2011, Supplemental Agreement No. 1 was approved by Administrative Action No. 11-1590 for the provision of hospital printer supplies in an amount not to exceed $14,900 per year; and

WHEREAS, on September 22, 2014, Supplemental Agreement No. 2 was approved by Administrative Action No. 14-6686 to replace the existing Business Associate Agreement (BAA) with a new BAA that incorporates required changes pursuant to the HIPAA Final Ominibus Rule; and

WHEREAS, it is in the best interest of the City to extend the current contract with Emergidata, Inc., to ensure that patient care information being collected for billing be without interruption while the new vendors are being awarded contracts and allow for smooth transition.

NOW, THEREFORE,

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

SECTION 1. That the City Manager is hereby authorized to execute Supplemental Agreement No. 3 to the service contract with Emergidata, Inc., (VS0000057565) for hardware maintenance and a software subscription agreement for a specialized electronic patient care reporting system for Dallas Fire-Rescue for the period October 1, 2015 through June 30, 2016, unless terminated sooner, in an amount not to exceed $324,822, increasing the contract amount from $2,186,118 to $2,510,940.

SECTION 2. That the City Financial Officer is hereby authorized to disburse funds in an amount not to exceed $324,822 (subject to appropriations) from the following:

FUND	DEPT	UNIT	OBJ	AMOUNT	ENCUMBRANCE
0001	DFD	ER90	3072	$324,822	CTDFDER90813

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

AGENDA ITEM # 21

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Housing/Community Services

CMO: A. C. Gonzalez, 670-3297

MAPSCO: N/A

SUBJECT

Authorize an Interlocal Cooperation Contract for the Urban Land Bank Demonstration Program with Dallas County, Dallas Independent School District, Dallas County Hospital District, Dallas County School Equalization Fund, Dallas County Education District and Dallas County Community College District to facilitate the Dallas Housing Acquisition and Development Corporation's (Land Bank) acquisition of unimproved tax foreclosed properties for sale to qualified developers for the development of affordable housing - Financing: No cost consideration to the City

BACKGROUND

This action will authorize the City Manager to execute an Interlocal Cooperation Contract for the Urban Land Demonstration Program with Dallas County, Dallas Independent School District, Dallas County Hospital District, Dallas County School Equalization Fund, Dallas County Education District and Dallas County Community College District to facilitate the Land Bank's acquisition of unimproved, tax-foreclosed properties for sale to qualified developers for the development of affordable housing in accordance with Chapter 379C of the Texas Local Government Code (Code).

The term of the contract will begin on October 1, 2015 and end on September 30, 2016.

Under the contract, the City may refer to the County up to 300 parcels of real property intended for acquisition by the Land Bank for filing of a tax lawsuit prior to March 31, 2016. The City or the Land Bank must give written notice to all parties to the contract of the specific addresses of parcels intended for acquisition by the Land Bank prior to referring said parcels to the County for filing of a tax lawsuit and prior to the sale of a property to the Land Bank after a judgment is obtained. Each party will have the right to withhold its consent to the filing of lawsuit on a parcel or sale of a particular parcel to the Land Bank.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

On January 28, 2004, by Resolution No. 04-0458, the City Council established the Dallas Housing Acquisition and Development Corporation as its Land Bank and authorized an Interlocal Contract for an Urban Land Bank Demonstration Program with Dallas County, Dallas Independent School District, Dallas County Hospital District, Dallas County School Equalization Fund, Dallas County Education District and Dallas County Community College District (Interlocal Contract).

On September 10, 2014, by Resolution No. 14-1461, the City Council authorized an Interlocal Contract to allow the City to refer up to 300 additional parcels intended for acquisition by the Land Bank for filing of a tax lawsuit by March 31, 2015 and to extend the term to September 30, 2015.

On September 21, 2015, the Housing Committee will be briefed regarding the Urban Land Bank Demonstration Program which will outline the process and status of the program.

Information about this item will be provided to the Housing Committee on September 21, 2015.

FISCAL INFORMATION

No cost consideration to the City

WHEREAS, the City has an interest in preserving and increasing the tax base and creating affordable housing for low-income households to provide necessary decent, safe, and sanitary housing for such households; and

WHEREAS, on January 28, 2004, by Resolution No. 04-0458, the City Council established the Dallas Housing Acquisition and Development Corporation (Land Bank) as its land bank for the purpose of acquiring, holding, and transferring unimproved, tax-foreclosed, real property for the development of affordable housing in accordance with Chapter 379C of the Texas Local Government Code (Code); and

WHEREAS, the City Council desires to enter into an Interlocal Cooperation Contract for the Urban Land Bank Demonstration Program with Dallas County, Dallas Independent School District, Dallas County Hospital District, Dallas County School Equalization Fund, Dallas County Education District and Dallas County Community College District to facilitate the Land Bank's acquisition of unimproved, tax-foreclosed properties for sale to qualified developers for the development of affordable housing in accordance with the Code;

NOW, THEREFORE,

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

Section 1. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute an Interlocal Cooperation Contract for the Urban Land Bank Demonstration Program with Dallas County, Dallas Independent School District, Dallas County Hospital District, Dallas County School Equalization Fund, Dallas County Education District and Dallas County Community College District, which will include the following provisions:

a. The term of the contract will begin on October 1, 2015 and end on September 30, 2016.

b. The City will be allowed to refer to the County up to 300 parcels of real property intended for acquisition by the Land Bank for filing of a tax lawsuit prior to March 31, 2016.

c. The City or the Land Bank must give written notice to all parties to the contract of the specific addresses of parcels intended for acquisition by the Land Bank prior to referring said parcels to the County for filing of a tax lawsuit and prior to the sale of a property to the Land Bank after a judgment is obtained. Each party will have the right to withhold its consent to the filing of lawsuit on a parcel or sale of a particular parcel to the Land Bank.

Section 2. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 22

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Housing/Community Services

CMO: A. C. Gonzalez, 670-3297

MAPSCO: N/A

SUBJECT

Authorize a Memorandum of Understanding between the City of Dallas and Metro Dallas Homeless Alliance (MDHA) to provide homeless continuum of care operations and planning services for the period October 1, 2015 through September 30, 2016 - Not to exceed $150,000 - Financing: Current Funds (subject to appropriations)

BACKGROUND

Metro Dallas Homeless Alliance (MDHA) serves as the Dallas-area's regional authority on homelessness for the Dallas/Irving and Collin Counties Continuum of Care (CoC), and is responsible for building and coordinating an effective homeless response system for our area, as well as monitoring and reporting on that response to the City and other stakeholders. The Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act) codified into law and enhanced the Continuum of Care planning process, which is the coordinated response for addressing the needs of homelessness established administratively by United States Department of Housing and Urban Development (HUD) in 1995.

MDHA's primary functions include the following, which are partially funded under this agreement:

- Acts as lead agency for homeless continuum of care operations and planning for the homeless response system in the City of Dallas.
- Conducts the local Continuum of Care (CoC) Program grant competition and grant submission for about $17 million in HUD funding, which represents about 10 percent of the overall homeless response system for Dallas.
- Administers the single homeless management information system (HMIS) for HUD and other federal programs serving the homeless and those at-risk of homelessness
- Develops a coordinated assessment/access system
- Maintains an inventory count of homeless housing
- Maintains annual counts of persons experiencing homelessness (i.e., the annual Point-In-Time Count)

BACKGROUND (Continued)

The City of Dallas consults with MDHA on the nature and extent of homelessness, as well as the response for our area, which informs the City's Consolidated Plan and Annual Action Plan and Emergency Solutions Grant (ESG) funding policy. The City of Dallas also looks to MDHA for planning and coordination to increase the supply of permanent supportive housing for homeless, to target resources for low-income and at-risk populations within the City, and to develop and implement policies/procedures and protocols for a coordinated effort across as many as 62 providers that are members of the CoC and other providers that are not yet members.

In FY2013-14 and FY2014-15, the City of Dallas entered into a Memorandum of Understanding with Metro Dallas Homeless Alliance (MDHA), to provide for homeless continuum of care operations and planning services. In FY2014-15, one initiative for which MDHA has taken the lead at the City's behest is the creation of a street outreach task force made up of multiple providers to engage, assess, and connect those living in homeless encampments to permanent supportive housing. This agenda item is a continued effort to support MDHA and its role as the lead in coordinating the effort to end homelessness for the Dallas area.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 2, 2014, the Budget, Finance, and Audit Committee was briefed on Metro Dallas Homeless Alliance leadership role and partnership with the City of Dallas.

On November 12, 2014, City Council approved a Memorandum of Understanding with Metro Dallas Homeless Alliance to provide coordination of homeless services, by Resolution No. 14-1896.

On August 17, 2015, the Housing Committee was briefed on Metro Dallas Homeless Alliance.

FISCAL INFORMATION

$150,000 Current Funds (subject to appropriations)

September 22, 2015

WHEREAS, Metro Dallas Homeless Alliance (MDHA) serves as the Dallas-area's regional authority on homelessness for the Dallas/Irving and Collin Counties Continuum of Care (CoC); and

WHEREAS, MDHA is a 501(c)(3) composed of a broad spectrum of stakeholders committed to ending homelessness; and

WHEREAS, approximately 62 agencies make up the membership of the CoC which meets on a regular basis to collaborate on issues to address homelessness; and

WHEREAS, the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act) codified into law the Continuum of Care (CoC) planning process to assist with homeless coordination of services and addressing the needs of the homeless;

NOW, THEREFORE,

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

Section 1. That following approval as to form by the City Attorney, the City Manager is hereby authorized to execute a Memorandum of Understanding between the City of Dallas and Metro Dallas Homeless Alliance (MDHA) to provide homeless continuum of care operations and planning services for the period October 1, 2015 through September 30, 2016.

Section 2. That the Chief Financial Officer is hereby authorized to disburse, in periodic payments, to Metro Dallas Homeless Alliance, an amount not to exceed $150,000 (subject to appropriations), from Fund 0001, Dept. HOU, Unit 4295, Object Code 3099, Encumbrance No. CTGH184736, Vendor No. 517577.

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

AGENDA ITEM # 23

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): 2

DEPARTMENT: Housing/Community Services

CMO: A. C. Gonzalez, 670-3297

MAPSCO: 46M

SUBJECT

Authorize **(1)** the sale of one vacant lot located at 1437 Barry Avenue from the Dallas Housing Acquisition and Development Corporation to Marcial and Benita Martinez; and **(2)** the execution of a release of lien for any non-tax liens that may have been filed by the City – Financing: No cost consideration to the City

BACKGROUND

On June 18, 2003, Governor Perry signed the Urban Land Bank Demonstration Program Act. The Act allows the governing body of a municipality to adopt an Urban Land Bank Demonstration Program in which the officer charged with selling real property ordered sold pursuant to foreclosure of a tax lien may sell certain eligible real property by private sale to a land bank for the purpose of affordable housing developments. In 2004, the Dallas City Council established the Dallas Housing Acquisition and Development Corporation ("DHADC") as its land bank.

If a land bank determines that a property it owns is not appropriate for residential development, Section 379C.0106 of the Texas Local Government Code ("Code") requires that the land bank first offer the property for sale to an eligible adjacent property owner for the lower of the fair market value of the property as determined by the appraisal district in which the property is located or the sales price recorded in the annual plan.

Marcial and Benita Martinez are eligible adjacent property owners, as defined in the Code, and have submitted a proposal to purchase the DHADC-owned lot located at 1437 Barry Avenue for $5,000, and is the sales price of the property recorded in the annual plan. The DHADC Board has approved the sale, subject to City Council approval.

BACKGROUND (continued)

This item will authorize the sale of one lot from DHADC to Marcial and Benita Martinez and the release of lien for any non-tax liens that may have been filed by the City. The vacant lot was purchased by DHADC from a Sheriff's sale pursuant to foreclosure of tax liens and any non-tax liens in accordance with the Code. The instrument conveying the property will include a restriction limiting the purchaser's ability to lease, sell, or transfer the property for a period of three years in accordance with the Code.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

On January 28, 2004, by Resolution No. 04-0458, the City Council established DHADC as its land bank for the purpose of acquiring, holding and transferring unimproved real property for the purpose of promoting the development of affordable housing as allowed under Chapter 379C of the Texas Local Government Code.

On August 27, 2015, the DHADC Board approved the sale to Marcial and Benita Martinez, subject to City Council approval.

On September 21, 2015, the Housing Committee will be briefed regarding the Urban Land Bank Demonstration Program which will outline the process and status of the program.

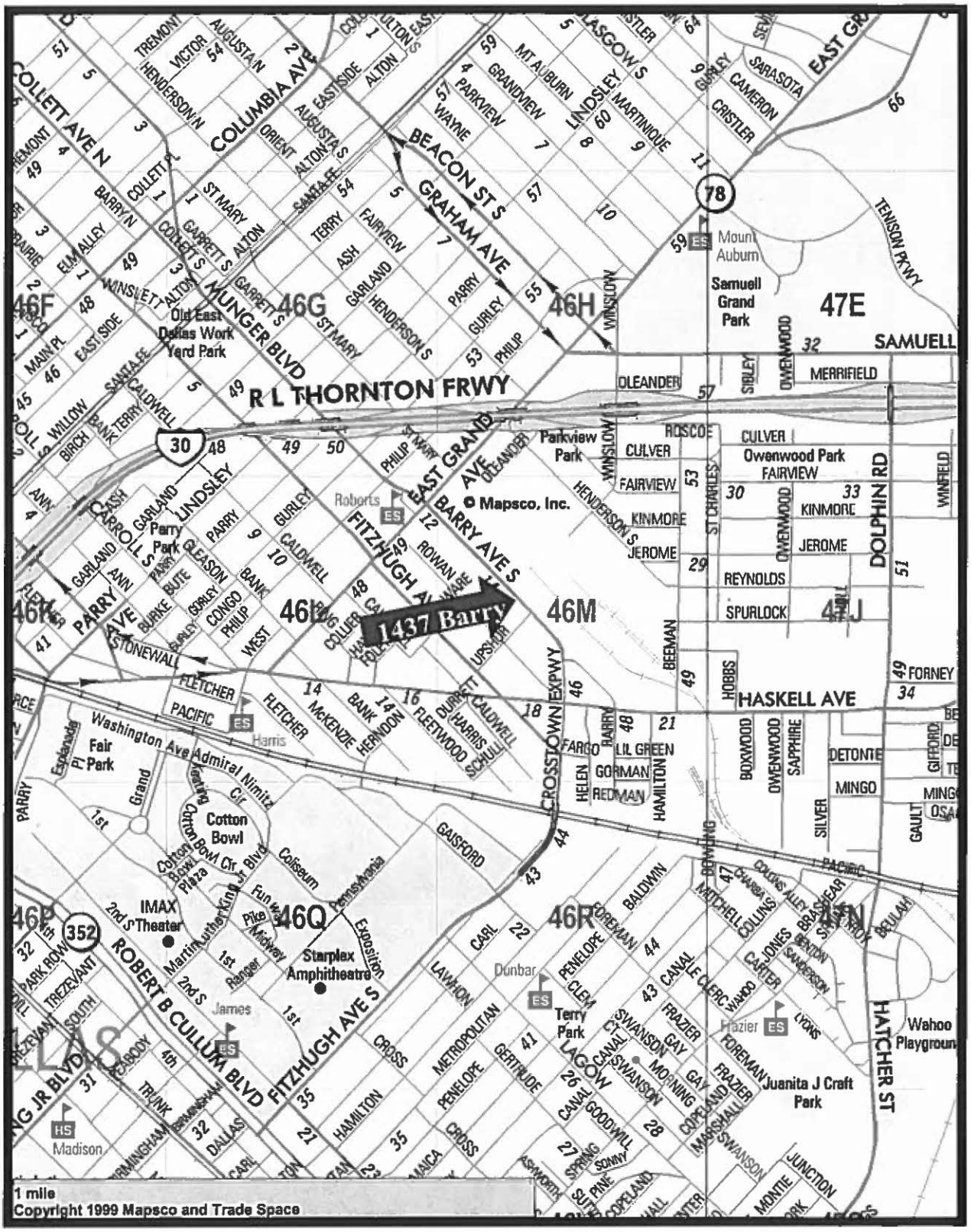
Information about this item will be provided to the Housing Committee on September 21, 2015.

FISCAL INFORMATION

No cost consideration to the City

MAP

Attached


1437 Barry
46M
46H
46G
46F
46K
46L
46P
46Q
46R
47E
47J
47N
R L THORNTON FRWY
BEACON ST S
GRAHAM AVE
MUNGER BLVD
COLUMBIA AVE
COLLETT AVE N
LINDSLEY
PARRY AVE
EAST GRAND AVE
BARRY AVE S
FITZHUGH AVE S
ROBERT B CULLUM BLVD
HASKELL AVE
DOLPHIN RD
HATCHER ST
CROSSTOWN EXPWY
SAMUELL
Mount Auburn
Samuell Grand Park
Old East Dallas Work Yard Park
Parkview Park
Roberts ES
Parry Park
Pacific ES
Harris
Fair Park
Cotton Bowl
Starplex Amphitheatre
IMAX
James ES
Dunbar ES
Terry Park
Hazier ES
Juanita J Craft Park
Wahoo Playground
Madison HS
Owenwood Park
FAIRVIEW
KINMORE
JEROME
REYNOLDS
SPURLOCK
MERRIFIELD
OLEANDER
ROSCOE
CULVER
FORNEY
MINGO
DETONTE
BOXWOOD
SAPPHIRE
LIL GREEN
GORMAN
REDMAN
HAMILTON
FARGO
HOBBS
BEEMAN
ST CHARLES
SIBLEY
WINSLOW
WINFIELD
GAISFORD
BALDWIN
FOREMAN
PENELOPE
CANAL
GOODWILL
SWANSON
FRAZIER
MORNING
COPELAND
MARSHALL
JUNCTION
MONTIE
LAGOW
HAMILTON
METROPOLITAN
GERTRUDE
CROSS
LAWTON
CARL
MAIDA
DALLAS
TRUNK
GLASGOW
TREZEVANT
PARK ROW
SOUTH
ASHWORTH
SUTTON
PINE
SONNY
SPRING
1 mile
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MAPSCO 46M

September 22, 2015

WHEREAS, on January 28, 2004, the City Council established the Dallas Housing Acquisition and Development Corporation ("DHADC") as its land bank for the purpose of acquiring, holding and transferring unimproved real property for the purpose of promoting the development of affordable housing as allowed under Chapter 379C of the Texas Local Government Code ("Code") by Resolution No. 04-0458; and

WHEREAS, if a land bank determines that a property it owns is not appropriate for residential development, Section 379C.0106 of the Code requires that the land bank first offer the property for sale to an eligible adjacent property owner for the lower of the fair market value of the property as determined by the appraisal district in which the property is located or the sales price recorded in the annual plan; and

WHEREAS, Marcial and Benita Martinez are eligible adjacent property owners, as defined in the Code, and have submitted a proposal to purchase the DHADC-owned lot located at 1437 Barry Avenue for $5,000, and is the sales price of the property recorded in the annual plan; and

WHEREAS, the instrument conveying the property will include a restriction limiting the purchaser's ability to lease, sell, or transfer the property for a period of three years in accordance with the Code; and

WHEREAS, on August 27, 2015, the DHADC Board approved the sale to Marcial and Benita Martinez, subject to City Council approval;

NOW, THEREFORE,

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

Section 1. That the sale of the lot located at 1437 Barry Avenue from DHADC to Marcial and Benita Martinez is approved.

Section 2. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute a release of lien for any non-tax liens that may have been filed by the City on the lot located at 1437 Barry Avenue.

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

AGENDA ITEM # 24

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): 6

DEPARTMENT: Housing/Community Services

CMO: A. C. Gonzalez, 670-3297

MAPSCO: 43K

SUBJECT

Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by Carrcomm Enterprises LLC for the construction of affordable houses; **(2)** the sale of 3 vacant lots (list attached) from Dallas Housing Acquisition and Development Corporation to Carrcomm Enterprises LLC; and **(3)** execution of a release of lien for any non-tax liens on the 3 properties that may have been filed by the City – Financing: No cost consideration to the City

BACKGROUND

On June 18, 2003, Governor Perry signed the Urban Land Bank Demonstration Program Act. The Act allows the governing body of a municipality to adopt an Urban Land Bank Demonstration Program in which the officer charged with selling real property ordered sold pursuant to foreclosure of a tax lien may sell certain eligible real property by private sale to a land bank for the purpose of affordable housing developments. The City Council then established the Dallas Housing Acquisition and Development Corporation (DHADC or Land Bank) as its land bank for the purpose of acquiring, holding and transferring unimproved real property under Subtitle A, Title 12, Local Government Code, Chapter 379C on January 28, 2004.

Carrcomm Enterprises LLC has submitted a proposal and development plan to DHADC for 3 lots shown on the attached list. The DHADC Board has approved the development plan and sale, subject to City Council approval. This item will authorize City Council approval of the development plan submitted by Carrcomm Enterprises LLC to the City's Land Bank, the sale of those lots from DHADC to Carrcomm Enterprises LLC and the release of lien for any non-tax liens that may have been filed by the City. The vacant lots were purchased by DHADC from a Sheriff's sale pursuant to foreclosure of tax liens and any non-tax liens. DHADC's Deed without Warranty to Carrcomm Enterprises LLC will contain a reverter that returns the property to DHADC if a construction permit is not applied for by Carrcomm Enterprises LLC and construction financing is not closed within three years of conveyance Carrcomm Enterprises LLC will build affordable houses on the lots.

BACKGROUND (continued)

The approximate square footage and sales prices of the houses will be approximately 1,200 to 1,500 square feet and from $100,000 to $140,000. The lots will be deed restricted for sale to a low income family and will require at least 25 percent of the developed homes (0 in this proposal) to be sold to households with gross household incomes not greater than 60 percent of the Area Median Family Income (AMFI) as determined annually by HUD. A maximum of 30 percent of the developed homes (1 in this proposal) may be sold to households with gross incomes from 81 percent to 115 percent of the AMFI as determined annually by HUD. If 30 percent of the homes are sold to buyers at 81 percent to 115 percent of the AMFI, the remaining homes (2 in this proposal) will be sold to buyers below 81 percent of the AMFI and in compliance with the minimum 25 percent requirement to sell to buyers below 60 percent of the AMFI. DHADC will receive $15,000.00 for the sales price, as calculated from the 2014-15 Land Bank Plan approved by City Council.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

On January 28, 2004, by Resolution No. 04-0458, the City Council established DHADC as its land bank for the purpose of acquiring, holding and transferring unimproved real property for the purpose of promoting the development of affordable housing as allowed under Chapter 379C of the Texas Local Government Code.

On August 27, 2015, DHADC approved the development plan and sale of 3 lots from DHADC to Carrcomm Enterprises LLC.

On September 21, 2015, the Housing Committee will be briefed regarding the Urban Land Bank Demonstration Program which will outline the process and status of the program.

Information about this item will be provided to the Housing Committee on September 21, 2015.

FISCAL INFORMATION

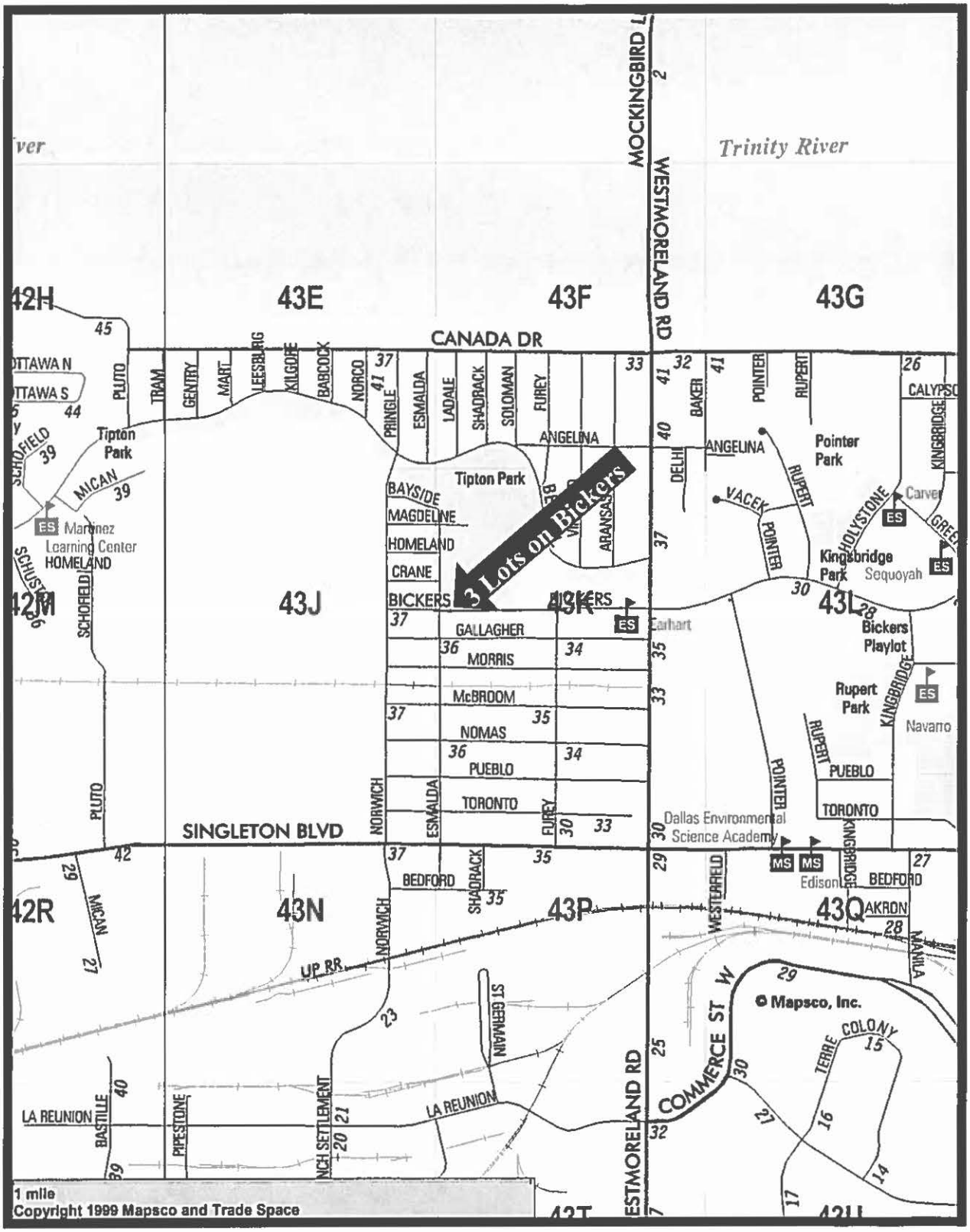
No cost consideration to the City

MAP

Attached

Land Bank (DHADC) Sale of Lots to
Carrcomm Enterprises LLC

Property Address	Mapsco	Council District	Amount of Non-Tax Liens
1. 3634 Bickers	43K	6	$ 4,492.48
2. 3638 Bickers	43K	6	$13,441.00
3. 3642 Bickers	43K	6	$11,953.15


Trinity River
MOCKINGBIRD L
WESTMORELAND RD
42H
43E
43F
43G
CANADA DR
Tipton Park
Pointer Park
Kingsbridge Park
Sequoyah
Carver
Martinez Learning Center
HOMELAND
CRANE
BAYSIDE
MAGDELINE
ANGELINA
BICKERS
3 Lots on Bickers
GALLAGHER
MORRIS
McBROOM
NOMAS
PUEBLO
TORONTO
Earhart
Bickers Playlot
Rupert Park
Navarro
Dallas Environmental Science Academy
Edison
SINGLETON BLVD
42M
43J
43K
43L
42R
43N
43P
43Q
BEDFORD
AKRON
UP RR
LA REUNION
COMMERCE ST W
COLONY
TERRE
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MAPSCO 43K

September 22, 2015

WHEREAS, on January 28, 2004, the City Council established the Dallas Housing Acquisition and Development Corporation (DHADC) as its land bank for the purpose of acquiring, holding and transferring unimproved real property under Subtitle A, Title 12, Local Government Code, Chapter 379C; and

WHEREAS, Carrcomm Enterprises LLC submitted a proposal and development plan to DHADC for 3 lots shown on Exhibit "A" and the DHADC Board has approved the development plan and sale, subject to City Council approval; and

WHEREAS, the City Council desires to approve the development plan shown on Exhibit "B" submitted by Carrcomm Enterprises LLC and authorize the sale of the said 3 lots from DHADC to Carrcomm Enterprises LLC to build affordable houses;

NOW, THEREFORE,

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

Section 1. That the development plan shown on Exhibit "B" submitted by Carrcomm Enterprises LLC and the sale of 3 lots shown on Exhibit "A" from DHADC to Carrcomm Enterprises LLC is approved.

Section 2. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute a release of lien for any non-tax liens that may have been filed by the City on the lots shown on Exhibit "A".

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

EXHIBIT "A"

LAND BANK PROPERTY				
PARCEL NUMBER	**STREET ADDRESS LEGAL DESCRIPTION**	**QUALIFIED PURCHASER**	**NUMBER OF HOMEOWNER UNITS**	**SALE AMOUNT**
1	**3634 Bickers** Lot 2A, Homeland Estates No. 1 Addition Block 11/7151	Carrcomm Enterprises LLC	1	$5,000.00
2	**3638 Bickers** Lot 1B, Homeland Estates Addition Block 11/7151	Carrcomm Enterprises LLC	1	$5,000.00
3	**3642 Bickers** Lot 1A, Homeland Estates No. 1 Addition Block 11/7151	Carrcomm Enterprises LLC	1	$5,000.00
TOTAL				**$15,000.00**

EXHIBIT B

SECTION II: DEVELOPMENT PLAN

A. DESCRIPTION OF THE LAND REQUESTED FOR DEVELOPMENT

(1) Number of lots requested in this proposal. (3)

(2) Provide the property address and legal description of the land requested (attach extra sheets if necessary) (the "Property").

3642 Dickers Street (1a) Dallas, TX 11/75 75212 block
3634 Dickes Street (2a) Dallas, TX 11/75 / 75212
3638 Dickers Street (1b) Dallas, TX 11/75 / 75212.

B. DESCRIPTION OF PROPOSED HOUSES ENTITY WILL CONSTRUCT

At least 25% of the Land Bank properties sold during any given fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes not greater than 60% of AMFI. No more than 30% of the Land Bank properties sold during any given fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes between 81% and 115% of AMFI. (At least 70% of the Land Bank properties sold during any fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes at 80% AMFI or less.)

Single Family Home (to be sold to low income households at 60% or less of AMFI):

Number of homes to be built on lots _____
Square Footage of each home _____
Number of Bedrooms/Baths in each home _____ / _____
Number of Garages ____ Number of Carports ____ Detached ____ Attached ____
Type of Exterior Veneer _____ Which sides _____
Your Sales Price ranges without Subsidies to Qualified Low Income Buyer _____

Single Family Home (to be sold to low income households at (80%) or less of AMFI):

Number of homes to be built on lots (2)
Square Footage of each home 1200 - 1500 sq ft.
Number of Bedrooms/Baths in each home 3 / 2
Number of Garages (1) Number of Carports ____ Detached (2) Attached ____
Type of Exterior Veneer Brick Which sides Front
Your Sales Price ranges without Subsidies to Qualified Low Income Buyer $100^{000} - 125^{000}$

Single Family Home (to be sold to low income households between 81% and 115% of AMFI):

Number of homes to be built on lots (1)
Square Footage of each home 1200 - 1500
Number of Bedrooms/Baths in each home 3 / 2
Number of Garages (1) Number of Carports ____ Detached ____ Attached ✓
Type of Exterior Veneer Brick Which sides Front
Your Sales Price ranges without Subsidies to Qualified Low Income Buyer $120^{000} - 140^{000}$

Attach extra sheet(s) breaking out above information for each different model of home.

PROVIDE FLOOR PLANS AND ELEVATIONS.

C. CONSTRUCTION TIMETABLE

State the number of days it will take you to complete construction and sale of improved Property from the date of obtaining the executed deed from DHADC. Attach a schedule, if you desire. The deed conveying property sold by DHADC will include a right of reverter so that if the Entity does not apply for a construction permit and close on any construction financing within a three year period following the date of conveyance of the property from the DHADC to the Entity, the property will revert to the DHADC for subsequent resale.

Commencement of Construction 14 days after close Per lot
Completion of Construction 90 days
Sale of first affordable housing unit to low income households 30 days of Completion
Sale of last affordable unit to low income households _____ days

AGENDA ITEM # 25

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): 8

DEPARTMENT: Housing/Community Services

CMO: A. C. Gonzalez, 670-3297

MAPSCO: 65V

SUBJECT

Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by Investments by JJJ, LLC for the construction of affordable houses; **(2)** the sale of 1 vacant lot (list attached) from Dallas Housing Acquisition and Development Corporation to Investments by JJJ, LLC; and **(3)** execution of a release of lien for any non-tax liens on the 1 property that may have been filed by the City – Financing: No cost consideration to the City

BACKGROUND

On June 18, 2003, Governor Perry signed the Urban Land Bank Demonstration Program Act. The Act allows the governing body of a municipality to adopt an Urban Land Bank Demonstration Program in which the officer charged with selling real property ordered sold pursuant to foreclosure of a tax lien may sell certain eligible real property by private sale to a land bank for the purpose of affordable housing developments. The City Council then established the Dallas Housing Acquisition and Development Corporation (DHADC or Land Bank) as its land bank for the purpose of acquiring, holding and transferring unimproved real property under Subtitle A, Title 12, Local Government Code, Chapter 379C on January 28, 2004.

Investments by JJJ, LLC has submitted a proposal and development plan to DHADC for 1 lot shown on the attached list. The DHADC Board has approved the development plan and sale, subject to City Council approval. This item will authorize City Council approval of the development plan submitted by Investments by JJJ, LLC to the City's Land Bank, the sale of that lot from DHADC to Investments by JJJ, LLC and the release of lien for any non-tax liens that may have been filed by the City. The vacant lot was purchased by DHADC from a Sheriff's sale pursuant to foreclosure of tax liens and any non-tax liens. DHADC's Deed without Warranty to Investments by JJJ, LLC will contain a reverter that returns the property to DHADC if a construction permit is not applied for by Investments by JJJ, LLC and construction financing is not closed within three years of conveyance.

BACKGROUND (continued)

Investments by JJJ, LLC will build an affordable house on the lot. The approximate square footage and sales prices of the house will be approximately 1,400 to 1,600 square feet and from $110,000 to $140,000. The lots will be deed restricted for sale to a low income family and will require at least 25 percent of the developed homes (0 in this proposal) to be sold to households with gross household incomes not greater than 60 percent of the Area Median Family Income (AMFI) as determined annually by HUD. A maximum of 30 percent of the developed homes (0 in this proposal) may be sold to households with gross incomes from 81 percent to 115 percent of the AMFI as determined annually by HUD. If 30 percent of the homes are sold to buyers at 81 percent to 115 percent of the AMFI, the remaining homes (1 in this proposal) will be sold to buyers below 81 percent of the AMFI and in compliance with the minimum 25 percent requirement to sell to buyers below 60 percent of the AMFI. DHADC will receive $5,000.00 for the sales price, as calculated from the 2014-15 Land Bank Plan approved by City Council.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

On January 28, 2004, by Resolution No. 04-0458, the City Council established DHADC as its land bank for the purpose of acquiring, holding and transferring unimproved real property for the purpose of promoting the development of affordable housing as allowed under Chapter 379C of the Texas Local Government Code.

On August 27, 2015, DHADC approved the development plan and sale of 1 lot from DHADC to Investments by JJJ, LLC.

On September 21, 2015, the Housing Committee will be briefed regarding the Urban Land Bank Demonstration Program which will outline the process and status of the program.

Information about this item will be provided to the Housing Committee on September 21, 2015.

FISCAL INFORMATION

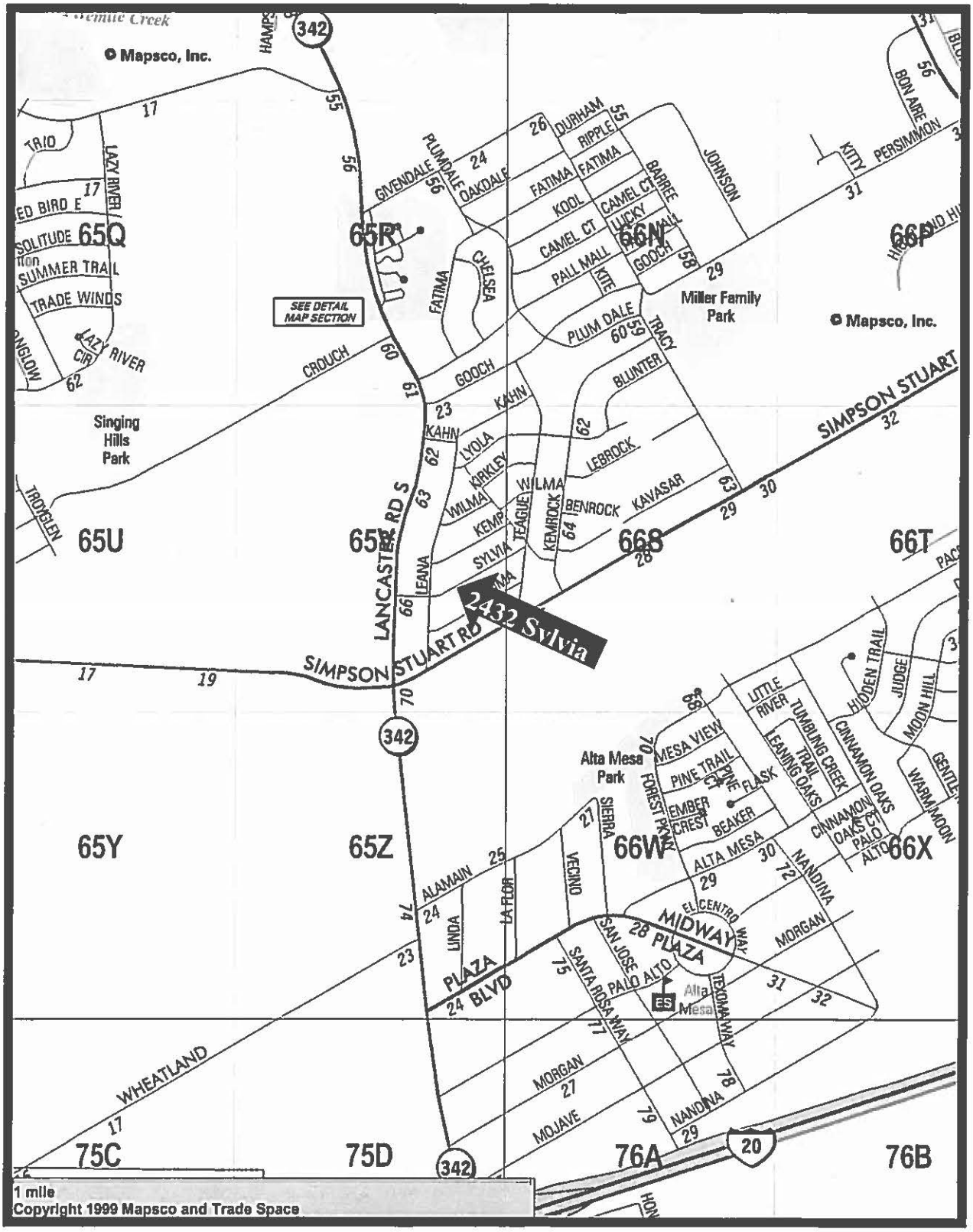
No cost consideration to the City

MAP

Attached

Land Bank (DHADC) Sale of Lot to Investments by JJJ, LLC

Property Address	Mapsco	Council District	Amount of Non-Tax Liens
1. 2432 Sylvia	65V	8	$8,067.71


Mapsco, Inc.
SEE DETAIL MAP SECTION
2432 Sylvia
SIMPSON STUART RD
LANCASTER RD S
Singing Hills Park
Miller Family Park
Alta Mesa Park
65Q
65R
65U
65V
65Y
65Z
66N
66P
66S
66T
66W
66X
75C
75D
76A
76B
1 mile
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MAPSCO 65V

September 22, 2015

WHEREAS, on January 28, 2004, the City Council established the Dallas Housing Acquisition and Development Corporation (DHADC) as its land bank for the purpose of acquiring, holding and transferring unimproved real property under Subtitle A, Title 12, Local Government Code, Chapter 379C; and

WHEREAS, Investments by JJJ, LLC submitted a proposal and development plan to DHADC for 1 lot shown on Exhibit "A" and the DHADC Board has approved the development plan and sale, subject to City Council approval; and

WHEREAS, the City Council desires to approve the development plan shown on Exhibit "B" submitted by Investments by JJJ, LLC and authorize the sale of the said 1 lot from DHADC to Investments by JJJ, LLC to build an affordable house;

NOW, THEREFORE,

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

Section 1. That the development plan shown on Exhibit "B" submitted by Investments by JJJ, LLC and the sale of 1 lot shown on Exhibit "A" from DHADC to Investments by JJJ, LLC is approved.

Section 2. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute a release of lien for any non-tax liens that may have been filed by the City on the lots shown on Exhibit "A".

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

EXHIBIT "A"

LAND BANK PROPERTY				
PARCEL NUMBER	**STREET ADDRESS LEGAL DESCRIPTION**	**QUALIFIED PURCHASER**	**NUMBER OF HOMEOWNER UNITS**	**SALE AMOUNT**
1	**2432 Sylvia** Lot 11, Alameda Heights Addition No. 1 Block 6/6887	Investments by JJJ, LLC	1	$5,000.00
TOTAL				**$5,000.00**

EXHIBIT B

SECTION II: DEVELOPMENT PLAN

A. DESCRIPTION OF THE LAND REQUESTED FOR DEVELOPMENT

(1) Number of lots requested in this proposal. 1

(2) Provide the property address and legal description of the land requested (attach extra sheets if necessary) (the "Property").
2432 Sylvia Dallas, TX 75241

B. DESCRIPTION OF PROPOSED HOUSES ENTITY WILL CONSTRUCT

At least 25% of the Land Bank properties sold during any given fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes not greater than 60% of AMFI. No more than 30% of the Land Bank properties sold during any given fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes between 81% and 115% of AMFI. (At least 70% of the Land Bank properties sold during any fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes at 80% AMFI or less.)

Single Family Home (to be sold to low income households at 60% or less of AMFI):

Number of homes to be built on lots _____
Square Footage of each home _____
Number of Bedrooms/Baths in each home _____ / _____
Number of Garages ____ Number of Carports ____ Detached ____ Attached ____
Type of Exterior Veneer _____ Which sides _____
Your Sales Price ranges without Subsidies to Qualified Low Income Buyer _____

Single Family Home (to be sold to low income households at 80% or less of AMFI):

Number of homes to be built on lots 1
Square Footage of each home 1400 - 1600
Number of Bedrooms/Baths in each home 3-4 / 2
Number of Garages 1-2 Number of Carports ____ Detached ____ Attached ✓
Type of Exterior Veneer Brick Which sides Front
Your Sales Price ranges without Subsidies to Qualified Low Income Buyer 110 - 140 K

Single Family Home (to be sold to low income households between 81% and 115% of AMFI):

Number of homes to be built on lots _____
Square Footage of each home _____
Number of Bedrooms/Baths in each home _____ / _____
Number of Garages ____ Number of Carports ____ Detached ____ Attached ____
Type of Exterior Veneer _____ Which sides _____
Your Sales Price ranges without Subsidies to Qualified Low Income Buyer _____

Attach extra sheet(s) breaking out above information for each different model of home.

PROVIDE FLOOR PLANS AND ELEVATIONS.

C. CONSTRUCTION TIMETABLE

State the number of days it will take you to complete construction and sale of improved Property from the date of obtaining the executed deed from DHADC. Attach a schedule, if you desire. The deed conveying property sold by DHADC will include a right of reverter so that if the Entity does not apply for a construction permit and close on any construction financing within a three year period following the date of conveyance of the property from the DHADC to the Entity, the property will revert to the DHADC for subsequent resale.

Commencement of Construction 60 days
Completion of Construction 120 days
Sale of first affordable housing unit to low income households 120 days
Sale of last affordable unit to low income households - days

AGENDA ITEM # 26

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): 6

DEPARTMENT: Housing/Community Services

CMO: A. C. Gonzalez, 670-3297

MAPSCO: 43F H K

SUBJECT

Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by Santos Coria for the construction of affordable houses; **(2)** the sale of 7 vacant lots (list attached) from Dallas Housing Acquisition and Development Corporation to Santos Coria; 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

BACKGROUND

On June 18, 2003, Governor Perry signed the Urban Land Bank Demonstration Program Act. The Act allows the governing body of a municipality to adopt an Urban Land Bank Demonstration Program in which the officer charged with selling real property ordered sold pursuant to foreclosure of a tax lien may sell certain eligible real property by private sale to a land bank for the purpose of affordable housing developments. The City Council then established the Dallas Housing Acquisition and Development Corporation (DHADC or Land Bank) as its land bank for the purpose of acquiring, holding and transferring unimproved real property under Subtitle A, Title 12, Local Government Code, Chapter 379C on January 28, 2004.

Santos Coria has submitted a proposal and development plan to DHADC for 7 lots shown on the attached list. The DHADC Board has approved the development plan and sale, subject to City Council approval. This item will authorize City Council approval of the development plan submitted by Santos Coria to the City's Land Bank, the sale of those lots from DHADC to Santos Coria and the release of lien for any non-tax liens that may have been filed by the City. The vacant lots were purchased by DHADC from a Sheriff's sale pursuant to foreclosure of tax liens and any non-tax liens. DHADC's Deed without Warranty to Santos Coria will contain a reverter that returns the property to DHADC if a construction permit is not applied for by Santos Coria and construction financing is not closed within three years of conveyance.

BACKGROUND (continued)

Santos Coria will build affordable houses on the lots. The approximate square footage and sales prices of the houses will be approximately 1,200 to 1,800 square feet and from $109,000 to $130,000. The lots will be deed restricted for sale to a low income family and will require at least 25 percent of the developed homes (1 in this proposal) to be sold to households with gross household incomes not greater than 60 percent of the Area Median Family Income (AMFI) as determined annually by HUD. A maximum of 30 percent of the developed homes (3 in this proposal) may be sold to households with gross incomes from 81 percent to 115 percent of the AMFI as determined annually by HUD. If 30 percent of the homes are sold to buyers at 81 percent to 115 percent of the AMFI, the remaining homes (3 in this proposal) will be sold to buyers below 81 percent of the AMFI and in compliance with the minimum 25 percent requirement to sell to buyers below 60 percent of the AMFI. DHADC will receive $35,000.00 for the sales price, as calculated from the 2014-15 Land Bank Plan approved by City Council.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

On January 28, 2004, by Resolution No. 04-0458, the City Council established DHADC as its land bank for the purpose of acquiring, holding and transferring unimproved real property for the purpose of promoting the development of affordable housing as allowed under Chapter 379C of the Texas Local Government Code.

On August 27, 2015, DHADC approved the development plan and sale of 7 lots from DHADC to Santos Coria.

On September 21, 2015, the Housing Committee will be briefed regarding the Urban Land Bank Demonstration Program which will outline the process and status of the program.

Information about this item will be provided to the Housing Committee on September 21, 2015.

FISCAL INFORMATION

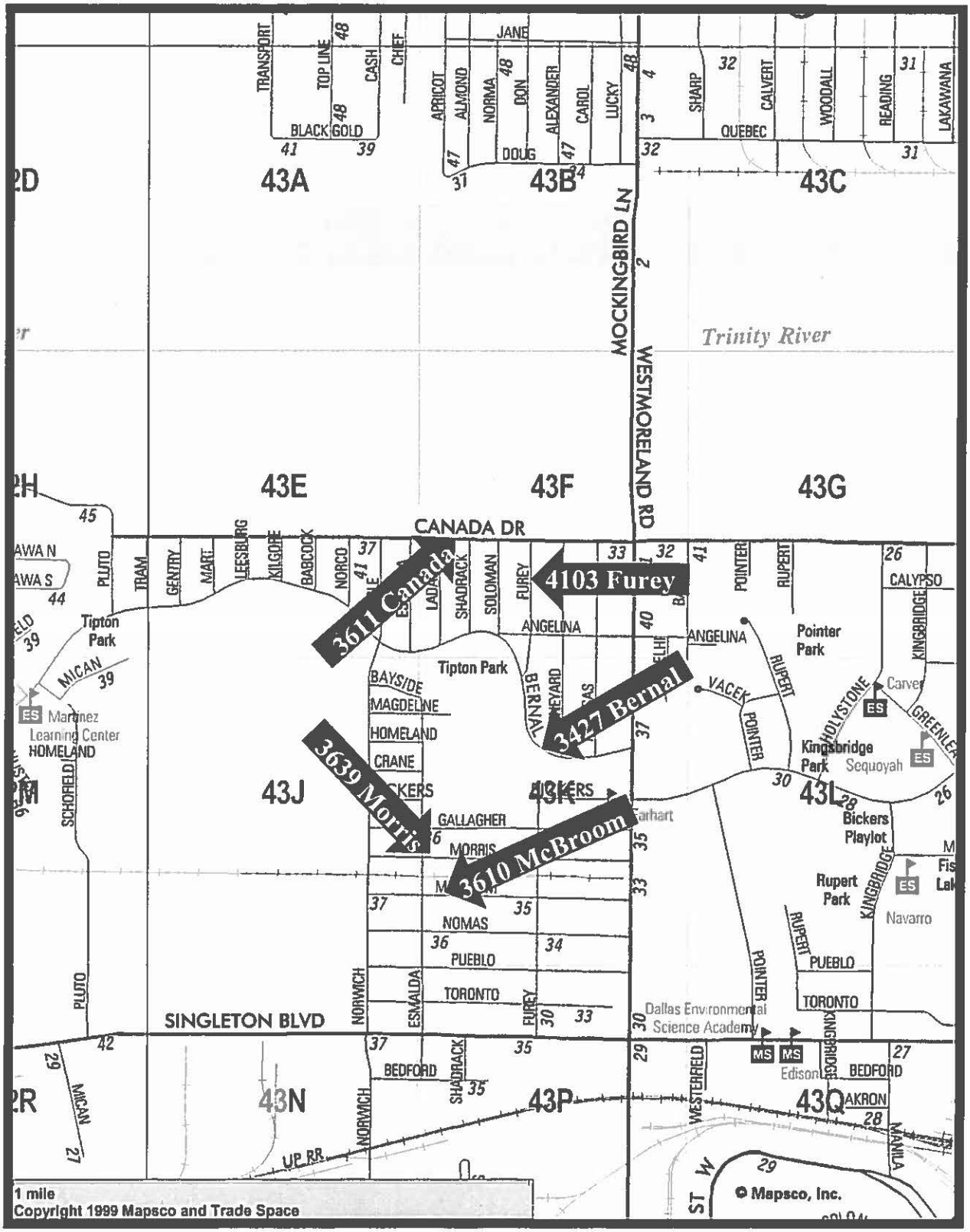
No cost consideration to the City

MAP(S)

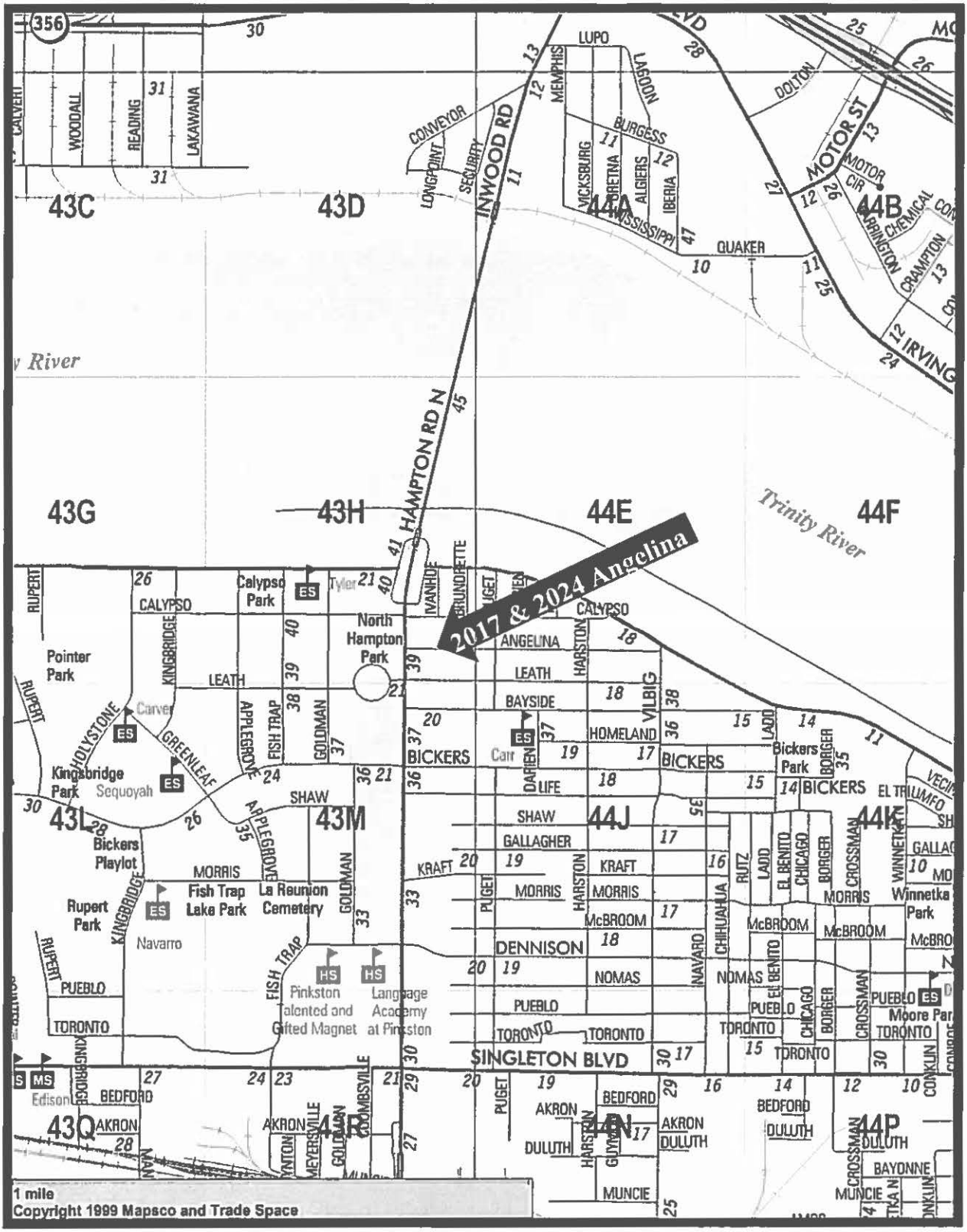
Attached

Land Bank (DHADC) Sale of Lots to Santos Coria

Property Address	Mapsco	Council District	Amount of Non-Tax Liens
1. 2017 Angelina	43H	6	$10,932.04
2. 2024 Angelina	43H	6	$10,051.99
3. 3427 Bernal	43K	6	$ 5,933.63
4. 4103 Furey	43F	6	$ 9,908.59
5. 3611 Canada	43F	6	$11,335.61
6. 3610 McBroom	43K	6	$15,842.34
7. 3639 Morris	43K	6	$11,325.84



MAPSCO 43F & 43K


2017 & 2024 Angelina
HAMPTON RD N
INWOOD RD
SINGLETON BLVD
MOTOR ST
IRVING
Trinity River
43C
43D
43G
43H
44A
44B
44E
44F
43L
43M
44J
44K
43Q
44N
44P
LUPO
QUAKER
DOLTON
CONVEYOR
LONGPOINT
SECURITY
MEMPHIS
LAGOON
BURGESS
VICKSBURG
BORETNA
ALGIERS
IBERIA
MISSISSIPPI
CALVERT
WOODALL
READING
LAKAWANA
CHEMICAL
CRAMPTON
BARRINGTON
MOTOR CIR
RUPERT
KINGBRIDGE
HOLYSTONE
GREENLEAF
APPLEGROVE
FISH TRAP
GOLDMAN
IVANHOE
GRUNDERETTE
HARSTON
VILBIG
LADD
BORGER
CROSSMAN
WINNETKA
RUTZ
CHICAGO
EL BENITO
CHIHUAHUA
NAVARO
PUGET
DARIEN
CONKLIN
MEYERSVILLE
GUYMON
CALYPSO
ANGELINA
LEATH
BAYSIDE
HOMELAND
BICKERS
LIFE
SHAW
GALLAGHER
KRAFT
MORRIS
McBROOM
DENNISON
NOMAS
PUEBLO
TORONTO
BEDFORD
AKRON
DULUTH
MUNCIE
BAYONNE
Calypso Park
North Hampton Park
Pointer Park
Kingsbridge Park
Sequoyah
Carver
Bickers Playlot
Rupert Park
Navarro
Fish Trap Lake Park
La Reunion Cemetery
Pinkston Talented and Gifted Magnet
Language Academy at Pinkston
Bickers Park
Winnetka Park
Moore Par
Edison
1 mile
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MAPSCO 43H

September 22, 2015

WHEREAS, on January 28, 2004, the City Council established the Dallas Housing Acquisition and Development Corporation (DHADC) as its land bank for the purpose of acquiring, holding and transferring unimproved real property under Subtitle A, Title 12, Local Government Code, Chapter 379C; and

WHEREAS, Santos Coria submitted a proposal and development plan to DHADC for 7 lots shown on Exhibit "A" and the DHADC Board has approved the development plan and sale, subject to City Council approval; and

WHEREAS, the City Council desires to approve the development plan shown on Exhibit "B" submitted by Santos Coria and authorize the sale of the said 7 lots from DHADC to Santos Coria to build affordable houses;

NOW, THEREFORE,

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

Section 1. That the development plan shown on Exhibit "B" submitted by Santos Coria and the sale of 7 lots shown on Exhibit "A" from DHADC to Santos Coria is approved.

Section 2. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute a release of lien for any non-tax liens that may have been filed by the City on the lots shown on Exhibit "A".

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

EXHIBIT "A"

LAND BANK PROPERTY				
PARCEL NUMBER	**STREET ADDRESS LEGAL DESCRIPTION**	**QUALIFIED PURCHASER**	**NUMBER OF HOMEOWNER UNITS**	**SALE AMOUNT**
1	**2017 Angelina** Lot 32, Roosevelt Manor Addition, Second Installment Block 8/7130	Santos Coria	1	$5,000.00
2	**2024 Angelina** Lot 12, Roosevelt Manor 2nd Installment Addition Block 11/7130	Santos Coria	1	$5,000.00
3	**3427 Bernal** Lot 6, Westmoreland Park No. 3 Addition Block 19/7146	Santos Coria	1	$5,000.00
4	**4103 Furey** Lot 28, Westmoreland Park Addition No. 3 Block 18/7146	Santos Coria	1	$5,000.00
5	**3611 Canada** Lot 18, Olive-Dale Addition No. 1 Block 1/7149	Santos Coria	1	$5,000.00
6	**3610 McBroom** East 40 feet of Lot 4, Eagle Ford Gardens Addition Block H/7152	Santos Coria	1	$5,000.00
7	**3639 Morris** Lot 3A, Homeland Estates Addition Block 13/7151	Santos Coria	1	$5,000.00
TOTAL				**$35,000.00**

EXHIBIT B

SECTION II: DEVELOPMENT PLAN

A. DESCRIPTION OF THE LAND REQUESTED FOR DEVELOPMENT

(1) Number of lots requested in this proposal. 7

(2) Provide the property address and legal description of the land requested (attach extra sheets if necessary) (the "Property").
SEE ATTACHMENT

B. DESCRIPTION OF PROPOSED HOUSES ENTITY WILL CONSTRUCT

At least 25% of the Land Bank properties sold during any given fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes not greater than 60% of AMFI. No more than 30% of the Land Bank properties sold during any given fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes between 81% and 115% of AMFI. (At least 70% of the Land Bank properties sold during any fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes at 80% AMFI or less.)

Single Family Home (to be sold to low income households at 60% or less of AMFI):

Number of homes to be built on lots 1
Square Footage of each home 1200-1500
Number of Bedrooms/Baths in each home 3 / 2
Number of Garages 0 Number of Carports Detached ____ Attached ____
Type of Exterior Veneer SIDING/BRICK Which sides ALL
Your Sales Price ranges without Subsidies to Qualified Low Income Buyer 109,000-125,000

Single Family Home (to be sold to low income households at 80% or less of AMFI):

Number of homes to be built on lots 3
Square Footage of each home 1200-1500
Number of Bedrooms/Baths in each home 3 / 2
Number of Garages 1-2 Number of Carports ____ Detached ____Attached
Type of Exterior Veneer SIDING/BRICK Which sides ALL
Your Sales Price ranges without Subsidies to Qualified Low Income Buyer 110,000-130,000

Single Family Home (to be sold to low income households between 81% and 115% of AMFI):

Number of homes to be built on lots 3
Square Footage of each home 1200-1800
Number of Bedrooms/Baths in each home 3 / 2
Number of Garages 1-2 Number of Carports ____ Detached ____ Attached
Type of Exterior Veneer BRICK/SIDING Which sides ALL
Your Sales Price ranges without Subsidies to Qualified Low Income Buyer 110,000 -130,000

Attach extra sheet(s) breaking out above information for each different model of home.

PROVIDE FLOOR PLANS AND ELEVATIONS.

C. CONSTRUCTION TIMETABLE

State the number of days it will take you to complete construction and sale of improved Property from the date of obtaining the executed deed from DHADC. Attach a schedule, if you desire. The deed conveying property sold by DHADC will include a right of reverter so that if the Entity does not apply for a construction permit and close on any construction financing within a three year period following the date of conveyance of the property from the DHADC to the Entity, the property will revert to the DHADC for subsequent resale.

Commencement of Construction 180 days
Completion of Construction 210 days
Sale of first affordable housing unit to low income households 365 days
Sale of last affordable unit to low income households 365 days

AGENDA ITEM # 27

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 22, 2015

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

DEPARTMENT: Housing/Community Services

CMO: A. C. Gonzalez, 670-3297

MAPSCO: 33 34 35 36 37 38 42 43 44 45 46 47 48 49 51 52 53 54 55 56 57 58 59 61 62 63 64 65 66 67 68 69 70 71 73 74 75 76

SUBJECT

Authorize Dallas Housing Acquisition and Development Corporation (DHADC) to enter into a twelve-month contract commencing as of October 1, 2015, with two one-year renewal term options with Consolidated Consulting Group, LLC to provide environmental land analysis including a transaction screen analysis and other environmental services, if needed, on lots scheduled to be purchased by DHADC – Not to exceed $140,000 annually - Financing: 2006 Bond Funds

BACKGROUND

This action will authorize Dallas Housing Acquisition and Development Corporation (DHADC) to enter into a twelve-month contract, and will authorize DHADC to exercise two one-year renewal options to extend the contract, with Consolidated Consulting Group, LLC to provide environmental land analysis including a transaction screen analysis ("TSA") and other environmental services in an amount not to exceed $140,000.00 annually. DHADC obtains a TSA on each property within the 90 days prior to purchase from the Sheriff's Department as part of their due diligence. A more in depth Phase II environmental analysis can also be provided if required. An estimated 200 TSA's will be conducted annually at a cost not to exceed $700 each. A discount will be given for multiple TSA requests in the same geographic area.

A Request for Proposals was advertised twice in the Dallas Morning News and five proposals were received.

The successful proposer was selected on the basis of the following criteria:

- Qualifications – 40 points
- Cost – 35 points
- Experience – 25 points

BACKGROUND (continued)

This action allows DHADC to exercise the renewal options upon expiration of each renewal term, without requiring further Council action.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 21, 2015, the Housing Committee will be briefed regarding the Urban Land Bank Demonstration Program which will outline the process and status of the program.

Information about this item will be provided to the Housing Committee on September 21, 2015.

FISCAL INFORMATION

2006 Bond Funds - $140,000

Council District	Amount
1	$17,500
2	$17,500
3	$17,500
4	$17,500
5	$17,500
6	$17,500
7	$17,500
8	$17,500
Total	$140,000

ETHNIC COMPOSITION

Consolidated Consulting Group, LLC

White Male	6	White Female	2
Black Male	0	Black Female	1
Hispanic Male	1	Hispanic Female	0
Other Male	0	Other Female	0

BID INFORMATION

The following proposals were received from this solicitation and were opened on August 19, 2015. This contract is being awarded in its entirety to the lowest responsive and responsible proposer.

*Denotes the successful proposer

Proposers	Address	Points
*Consolidated Consulting Group, LLC	6215 Colleyville Blvd Irving, TX 75063	85.67
Amec Foster Wheeler Environmental & Infrastructure	4801 Spring Valley Road, Ste 125 Dallas, TX 75244	82.33
ERC Environmental Consultants	2828 Forest Lane, Ste 1147 Dallas, TX 75234	78.33
Farmer Environmental Group	4125 Fairway Drive, Ste 130 Carrollton, TX 75010	74.33
Medina Consulting Company	6391 De Zavala Road, Ste 106 San Antonio, TX 78249	70.33

OWNER

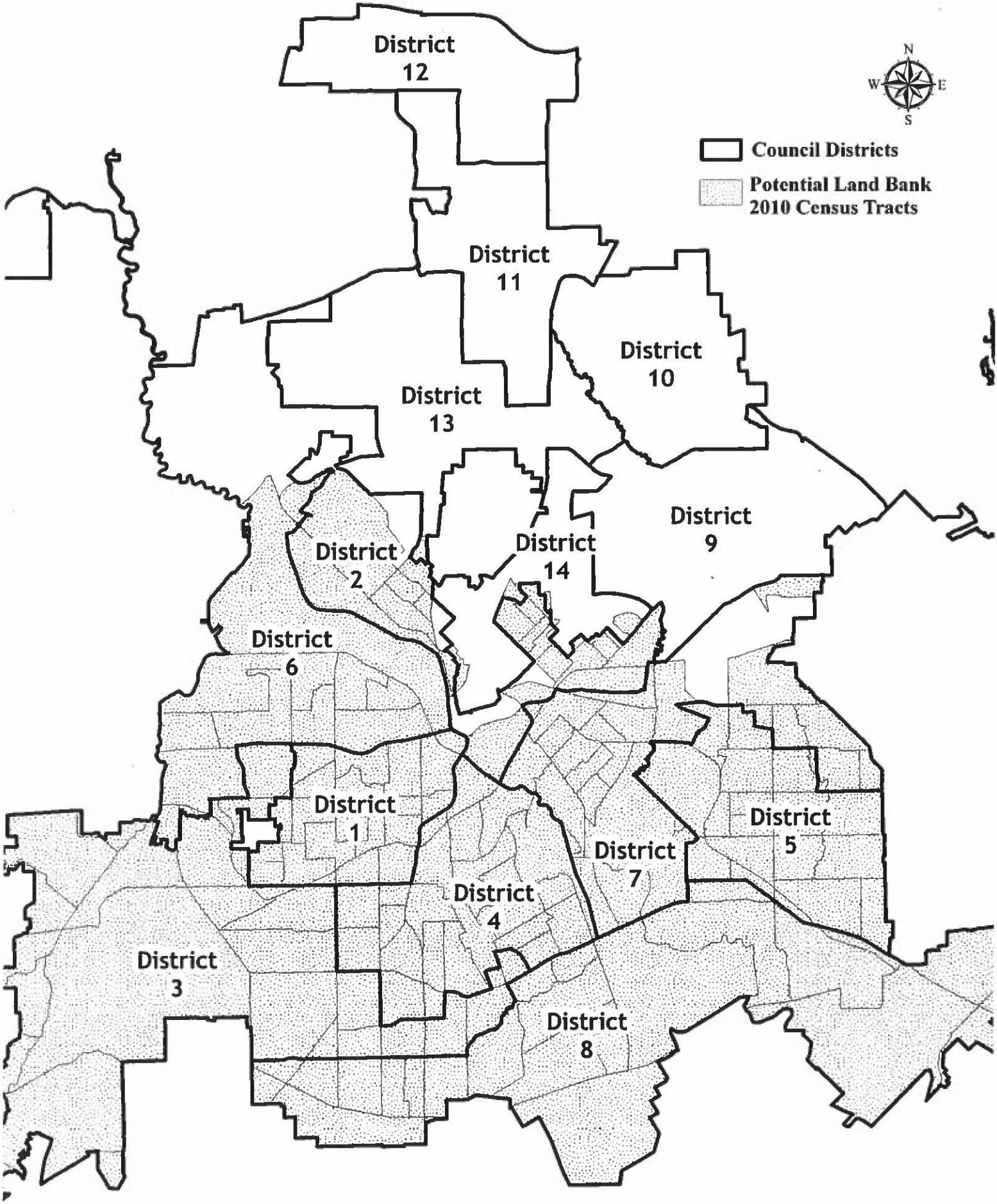
Consolidated Consulting Group, LLC

Tonya Golden, President

Map

Attached

Potential Land Bank Census Tracts
2015-2016



H:\GIS\LandBank\Potential Land Bank Target Area by Council District\LandBank_Target_Council_Districts.mxd

September 22, 2015

WHEREAS, the State Legislature enacted and the Governor signed the Urban Land Bank Demonstration Program Act to enable the foreclosure of unproductive properties and sale to a land bank for the development of affordable housing; and

WHEREAS, Dallas Housing Acquisition and Development Corporation (DHADC) is required to obtain an environmental assessment report as part of their due diligence prior to acquiring lots from the Sheriff's Department; and

WHEREAS, it is now desirable to authorize DHADC to enter into a contract and to exercise two one-year renewal term options to extend the contract with Consolidated Consulting Group, LLC to provide a transaction screen analysis and other environmental services, if needed, on lots scheduled to be purchased by the DHADC.

NOW, THEREFORE,

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

SECTION 1. That DHADC is hereby authorized to enter into a twelve-month contract commencing as of October 1, 2015, and exercise two one-year renewal term options to extend the contract, with Consolidated Consulting Group, LLC to provide transaction screen analysis and other environmental services, if needed, as described in Exhibit A, on lots scheduled to be purchased by DHADC in an amount not to exceed $140,000,00 annually.

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

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in accordance with the terms and conditions of the contract:

Consolidated Consulting Group, LLC Vendor # 517375

Fund 2T10, Unit T802, Obj 3099, CT HOUT802K185 in an amount not to exceed $140,000 annually

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

EXHIBIT A

SERVICE	NUMBER OF SITES	COST
Transaction Screen	1 site	$700 each
	2-5 sites*	$1,150 total
	6-10 sites*	$1,350 total
	11-15 sites*	$1,550 total
	16+ sites*	$1,550 plus $150/additional site
Phase I ESA	Per site (Stand Alone)	$1,500 each
	Per Site**	$1,300 each
5-Point Composite Soil Sampling	Per site	$345 each
Phase II ESA		See Attached Unit Rates

*Sites grouped within 0.25-miles of each other

**Site for which a Transaction Screen has already been performed, within the last 30-days

CCG - Phase II Pricing Guide			
	Quantity	Unit Cost	Total
Hourly Rates			
Clerical		$ 35.00	
Drafting		$ 65.00	
Field Tech		$ 75.00	
Project Manager		$ 85.00	
Sr. Project Manager		$ 125.00	
Professional Geologist		$ 150.00	
Drilling Services			
Drill Rig Mobilization (Local DFW Estimate)		$ 375.00	
Geoprobe (1/2 Day Rate)		$ 1,200.00	
Geoprobe (Daily Rate)		$ 1,800.00	
1" MW Installation (Per Foot)		$ 5.00	
2" MW Installation (Per Foot)		$ 31.25	
Surface Completions (each)		$ 250.00	
Steam Cleaner (Daily Rate)		$ 175.00	
Drums (Each)		$ 56.25	
Drum Disposal (Each)		$ 250.00	
Saw cutter (Minimum)		$ 200.00	
Air Knife (Daily Rate)		$ 1,500.00	
Field services			
Mobilization DFW Local (Lump Sum)		$ 125.00	
Mobilization - Texas (Lump Sum)		Varies	
Mobilization - Out of state (Lump Sum)		Varies	
Landfill gas meter (Daily Rate)		$ 190.00	
CGI - 4 gas (Daily Rate)		$ 90.00	
FID (Daily Rate)		$ 125.00	
PID (Daily Rate)		$ 95.00	
Water Level Meter (Daily Rate)		$ 40.00	
Interface Probe (Daily Rate)		$ 75.00	
Whale Pump (Daily Rate)		$ 25.00	
Water Quality Meter/Turbidity Meter (Daily Rate)		$ 150.00	
Peristaltic Pump (Daily Rate)		$ 50.00	
Grundfos Pump w controller (Daily Rate)		$ 260.00	
SS Geosub (Daily Rate)		$ 185.00	
Inverter (Daily Rate)		$ 1.25	
Bladder Pump (Daily Rate)		$ 50.00	
Air Compressor/Control (Daily Rate)		$ 95.00	
Generator (Daily Rate)		$ 50.00	
Rental Equipment Delivery Charge (Lump Sum)		$ 75.00	
Rental Equipment Shipping Charge (Lump Sum)		Varies	
Sampling Supplies (Estimated)		$ 125.00	
Survey Equipment (Daily Rate)		$ 500.00	

CCG - Phase II Pricing Guide			
Analytical Services (TRRP Requirements)			
BTEX/MTBE 8021B - Soil (per sample)		$ 45.00	
BTEX/MTBE 8260 - Soil (per sample)		$ 56.25	
Geotechnical Parameters - Soil (per sample)		$ 550.00	
Metal Analysis - Soil (per sample)		$ 18.75	
Metal Extraction - Soil (per sample)		$ 12.50	
PCB's - Soil (per sample)		$ 82.00	
pH - Soil (per sample)		$ 12.50	
RCRA 8 Metals - Soil (per sample)		$ 93.75	
SPLP Extraction - Soil (per sample)		$ 1.25	
PAH (SIM) - Soil (per sample)		$ 110.00	
SVOC's - 8260B - Soil (per sample)		$ 220.00	
TPH TX 1005- Soil (per sample)		$ 50.00	
TPH TX 1006- Soil (per sample)		$ 220.00	
VOC's - 8260B - Soil (per sample)		$ 100.00	
Encore Samplers (each/per sample)		$ 1.25	
Dryweight Analysis - Soil (per sample)		$ 3.75	
BTEX/MTBE 8021B - Water (per sample)		$ 45.00	
BTEX/MTBE 8260 - Water (per sample)		$ 56.25	
Metal Analysis - Water (per sample)		$ 18.75	
Metal Filtration - Water (per sample)		$ 12.50	
PCB's - Water (per sample)		$ 81.25	
pH - Water (per sample)		$ 12.50	
RCRA 8 Metals - Water (per sample)		$ 93.75	
PAH (SIM) - Water (per sample)		$ 110.00	
SVOC's - 8260B - Water (per sample)		$ 220.00	
Total Dissolved Solids - Water (per sample)		$ 18.75	
TPH TX 1005- Water (per sample)		$ 50.00	
TPH TX 1006- Water (per sample)		$ 220.00	
VOC's - 8260B - Water (per sample)		$ 100.00	

AGENDA ITEM # 28

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 22, 2015

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

DEPARTMENT: Housing/Community Services

CMO: A. C. Gonzalez, 670-3297

MAPSCO: 33 34 35 36 37 38 42 43 44 45 46 47 48 49 51 52 53 54 55 56 57 58 59 61 62 63 64 65 66 67 68 69 70 71 73 74 75 76

SUBJECT

Authorize Dallas Housing Acquisition and Development Corporation (DHADC) to enter into a twelve-month contract commencing as of October 1, 2015, with two one-year renewal term options with Linebarger, Goggan, Blair, Sampson LLP to provide legal services for up to 300 lots acquired by DHADC during the one-year term of the contract and same number of lots for each subsequent renewal – Not to exceed $300,000 annually - Financing: General Obligation Commercial Paper Funds

BACKGROUND

This action will authorize Dallas Housing Acquisition and Development Corporation (DHADC) to enter into a twelve-month contract and to exercise two one-year renewal term options to extend the contract, with Linebarger, Goggan, Blair, Sampson LLP ("Linebarger") to provide legal services for up to 300 lots acquired by DHADC during the one-year term of the contract in an amount not to exceed $300,000 annually. DHADC refers up to 300 lots each year for foreclosure by Linebarger after obtaining title commitments and City Attorney approval.

A Request for Proposals was advertised twice in the Dallas Morning News and only one proposal was received.

This action allows DHADC to exercise the renewal options upon expiration of each renewal term without requiring further Council action.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 21, 2015, the Housing Committee will be briefed regarding the Urban Land Bank Demonstration Program which will outline the process and status of the program.

Information about this item will be provided to the Housing Committee on September 21, 2015.

FISCAL INFORMATION

2006 Bond Program (General Obligation Commercial Paper Funds) - $300,000

Council District	Amount
1	$37,500
2	$37,500
3	$37,500
4	$37,500
5	$37,500
6	$37,500
7	$37,500
8	$37,500
Total	$300,000

ETHNIC COMPOSITION

Linebarger, Goggan, Blair, Sampson LLP

Hispanic Female	27	Hispanic Male	5
African-American Female	29	African-American Male	10
Other Female	1	Other Male	1
White Female	19	White Male	6

OWNER(S)

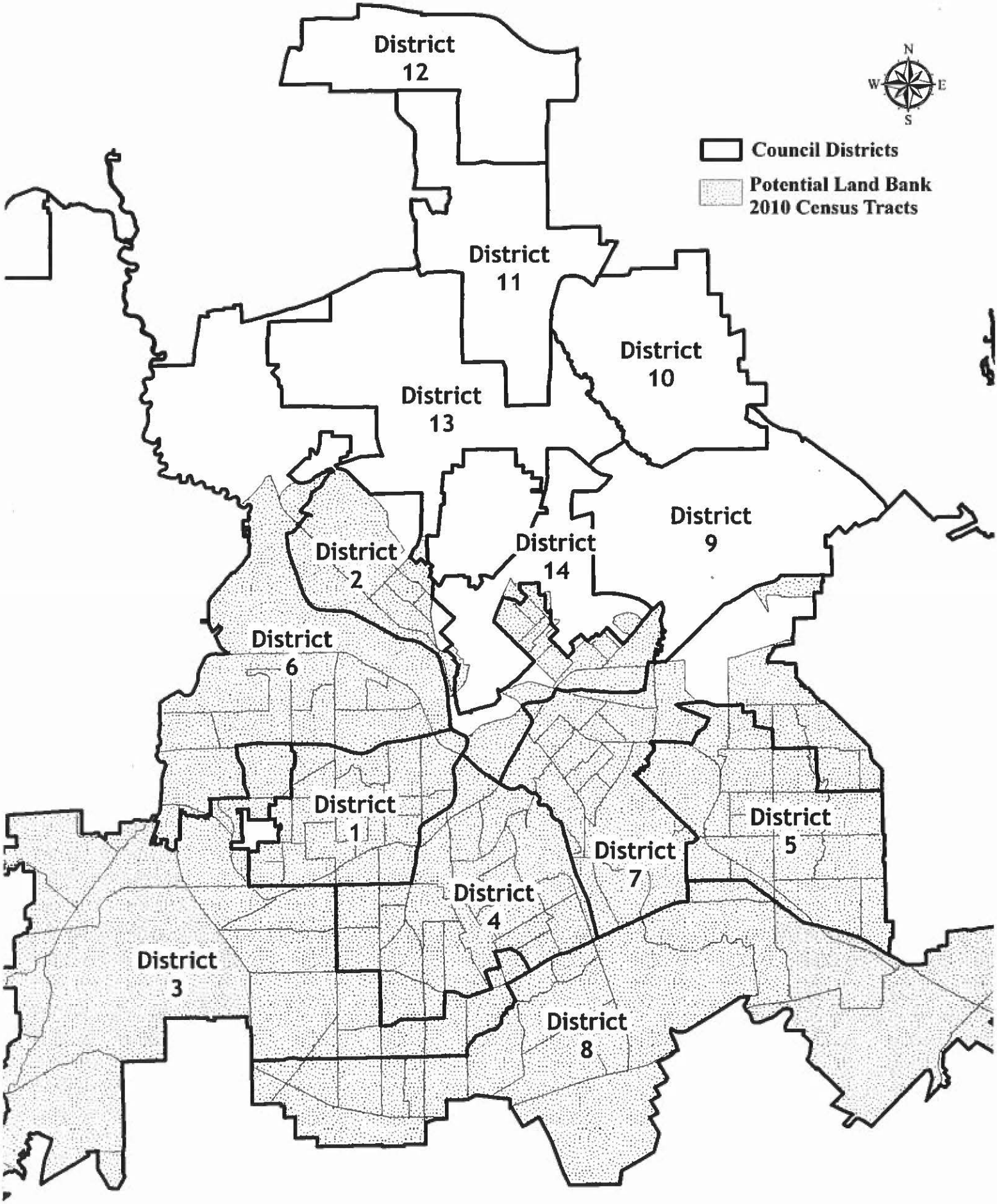
Linebarger, Goggan, Blair, Sampson LLP

Bridget Moreno Lopez, Managing Partner

Map

Attached

Potential Land Bank Census Tracts
2015-2016



H:\GIS\LandBank\Potential Land Bank Target Area by Council District\LandBank_Target_Council_Districts.mxd

September 22, 2015

WHEREAS, the State Legislature enacted and the Governor signed the Urban Land Bank Demonstration Program Act to enable the foreclosure of unproductive properties and sale to a land bank for the development of affordable housing; and

WHEREAS, Dallas Housing Acquisition and Development Corporation (DHADC) obtains legal services as part of their due diligence prior to acquiring lots from the Sheriff's Department; and

WHEREAS, it is now desirable to authorize DHADC to enter into a contract and to exercise two twelve-month renewal term options to extend the contract with Linebarger, Goggan, Blair, Sampson LLP to provide legal services for up to 300 lots acquired by DHADC during the one-year term of the contract and same number of lots for each subsequent renewal.

NOW, THEREFORE,

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

SECTION 1. That DHADC is hereby authorized to enter into a twelve-month contract commencing as of October 1, 2015, and exercise two twelve-month renewal term options to extend the contract, with Linebarger, Goggan, Blair, Sampson LLP to provide legal services for up to 300 lots acquired by DHADC during the one-year term of the contract and same number of lots for each subsequent renewal in an amount not to exceed $300,000 annually.

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

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in accordance with the terms and conditions of the contract:

Linebarger, Goggan, Blair, Sampson LLP Vendor # 136512

Fund 3T10, Dept. HOU, Unit T802, Obj 3099, CT HOUT802K183 in an amount not to exceed $300,000 annually

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

AGENDA ITEM # 29

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 22, 2015

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

DEPARTMENT: Housing/Community Services

CMO: A. C. Gonzalez, 670-3297

MAPSCO: 33 34 35 36 37 38 42 43 44 45 46 47 48 49 51 52 53 54 55 56 57 58 59 61 62 63 64 65 66 67 68 69 70 71 73 74 75 76

SUBJECT

Authorize Dallas Housing Acquisition and Development Corporation to enter into a twelve-month contract commencing as of October 1, 2015, with two one-year renewal term options with Republic Title of Texas, Inc. to provide title abstract services for up to 300 title reports during the one-year term of the contract and same number of lots for each subsequent renewal – Not to exceed $25,000 annually - Financing: General Obligation Commercial Paper Funds

BACKGROUND

This action will authorize Dallas Housing Acquisition and Development Corporation (DHADC) to enter into a one-year contract and to exercise two twelve-month renewal term options to extend the contract, with Republic Title of Texas, Inc. ("Republic") to provide title abstract services for up to 300 title reports during the one-year term of the contract and same number of title reports for each subsequent renewal in an amount not to exceed $25,000.00 annually. DHADC refers up to 300 lots each year for foreclosure after obtaining title commitments from Republic and City Attorney approval.

A Request for Proposals was advertised twice in the Dallas Morning News and only one proposal was received.

This action allows DHADC to exercise the renewal options upon expiration of each renewal term without requiring further Council action.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 21, 2015, the Housing Committee will be briefed regarding the Urban Land Bank Demonstration Program which will outline the process and status of the program.

Information about this item will be provided to the Housing Committee on September 21, 2015.

FISCAL INFORMATION

2006 Bond Program (General Obligation Commercial Paper) - $25,000

Council District	Amount
1	$3,125
2	$3,125
3	$3,125
4	$3,125
5	$3,125
6	$3,125
7	$3,125
8	$3,125
Total	$25,000

ETHNIC COMPOSITION

Republic Title of Texas, Inc.

White Male	22	White Female	5
Black Male	19	Black Female	12
Hispanic Male	8	Hispanic Female	0
Other Male	358	Other Female	108

OWNER(S)

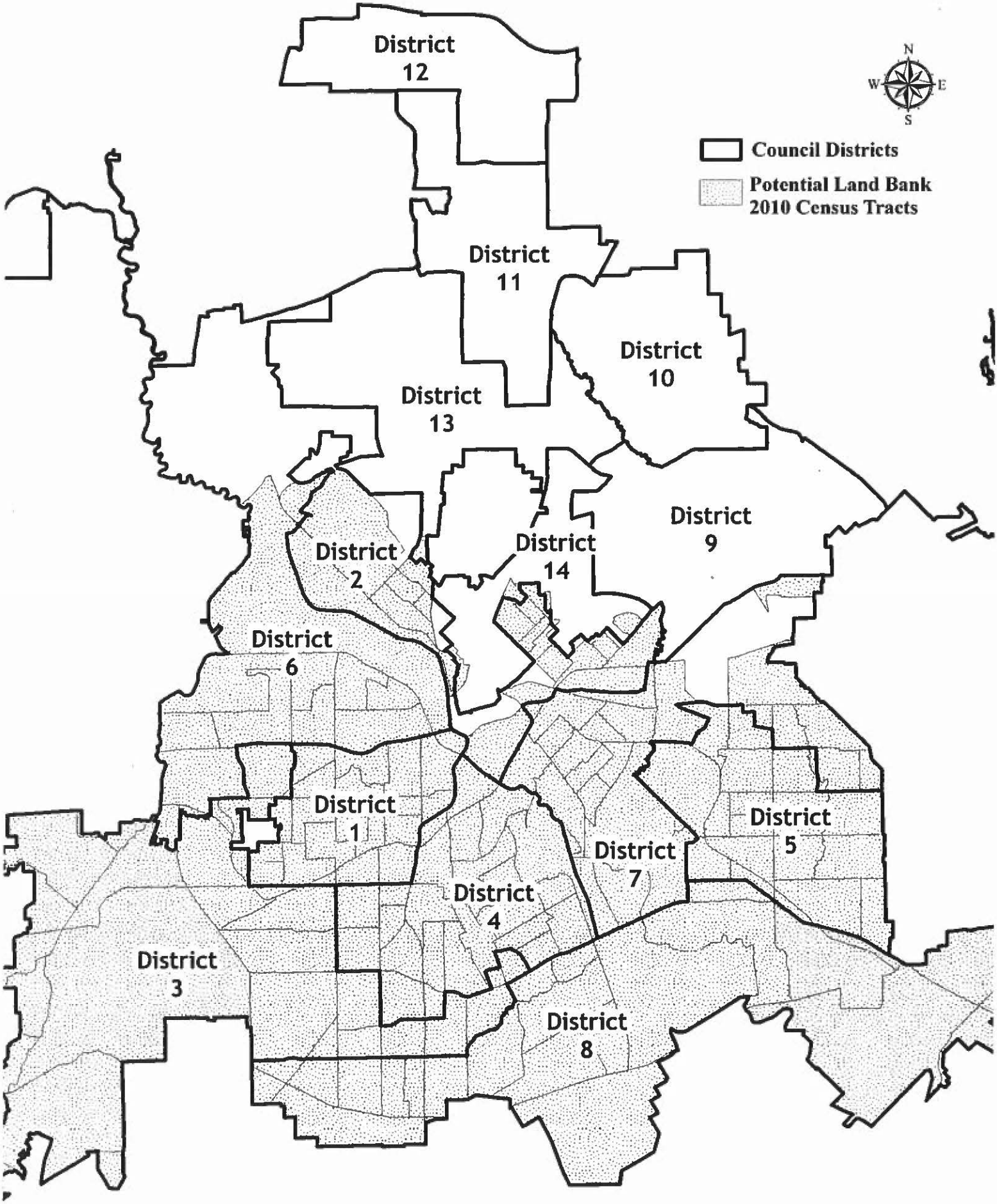
Republic Title of Texas, Inc.

William A. Kramer, Chairman of the Board

Map

Attached

Potential Land Bank Census Tracts
2015-2016



H:\GIS\LandBank\Potential Land Bank Target Area by Council District\LandBank_Target_Council_Districts.mxd

September 22, 2015

WHEREAS, the State Legislature enacted and the Governor signed the Urban Land Bank Demonstration Program Act to enable the foreclosure of unproductive properties and sale to a land bank for the development of affordable housing; and

WHEREAS, Dallas Housing Acquisition and Development Corporation (DHADC) obtains title commitments as part of their due diligence prior to acquiring lots from the Sheriff's Department; and

WHEREAS, it is now desirable to authorize DHADC to enter into a contract and to exercise two twelve-month renewal term options to extend the contract with Republic Title of Texas, Inc. to provide title abstract services for up to 300 title reports during the one-year term of the contract and same number of title reports for each subsequent renewal.

NOW, THEREFORE,

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

SECTION 1. That DHADC is hereby authorized to enter into a twelve-month contract commencing as of October 1, 2015, and exercise two twelve-month renewal term options to extend the contract, with Republic Title of Texas, Inc. to provide title abstract services for up to 300 title reports during the one-year term of the contract and same number of title reports for each subsequent renewal in an amount not to exceed $25,000 annually.

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

SECTION 3. That the Chief Financial Officer is authorized to disburse funds in accordance with this resolution as follows :

Republic Title of Texas, Inc. Vendor # 342843

Fund 3T10, Dept. HOU, Unit T802, Obj 3099, CT HOUT802K184 in an amount not to exceed $25,000.00 annually

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

AGENDA ITEM # 30

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 22, 2015

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

DEPARTMENT: Housing/Community Services

CMO: A. C. Gonzalez, 670-3297

MAPSCO: N/A

SUBJECT

Authorize an amendment to the Program Statement for the Dallas Urban Land Bank Demonstration Program to align the Program Statement with 2015 state statute changes including allowing the Land Bank to acquire and sell to a developer property intended for commercial use and removing grocery store development with a minimum of 6,000 square feet of enclosed space that offers for sale fresh produce and other food items for home consumption – Financing: No cost consideration to the City

BACKGROUND

This item will authorize an amendment to the Program Statement for the Dallas Urban Land Bank Demonstration Program to align the Program Statement with 2015 state statute changes. The Land Bank may acquire and sell to a developer property intended for commercial use. The allowance of a grocery store development with a minimum of 6,000 square feet of enclosed space that offers for sale fresh produce and other food items for home consumption was removed since the commercial use change also includes that type of development.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

On January 28, 2004, the Dallas City Council established the Dallas Housing Acquisition and Development Corporation (DHADC) as its land bank, approved the Program Statement, authorized amendments to the Articles of Incorporation and By-Laws of the DHADC, and authorized an interlocal contract with the affected taxing jurisdictions for participation in the Dallas Urban Land Bank Demonstration Program by Resolution No. 04-0458.

On May 26, 2004, the Dallas City Council authorized a contract with the DHADC for the provision of land bank services as set forth in the amended Program Statement for the Dallas Urban Land Bank Demonstration Program approved by the City Council on January 28, 2004 by Resolution No. 04-1726.

PRIOR ACTION/REVIEW (Council, Boards, Commissions) (continued)

On November 10, 2004, the City Council approved an amendment to the Program Statement for the Dallas Urban Land Bank Demonstration Program to prohibit the placement of industrialized housing on any property sold by Dallas Housing Acquisition and Development Corporation to a developer by Resolution No. 04-3193.

On February 22, 2006, the City Council approved an amendment to the Program Statement for the Dallas Urban Land Bank Demonstration Program to delete the requirement that the Investment Committee review the developer's proposals to purchase lots from Dallas Housing Acquisition and Development Corporation by Resolution No. 06-0632.

On October 8, 2008, the City Council approved an amendment to the Program Statement for the Dallas Urban Land Bank Demonstration Program to align the program with 2007 State statute changes including reducing the delinquent taxes from six consecutive years to five total years, adding uninhabitable vacant buildings or residences to the site assessment criteria and eliminating the community meeting requirement if the properties are packaged in groups of 10 or fewer lots by Resolution No. 08-2770.

On September 23, 2009, the City Council approved an amendment to the Program Statement for the Dallas Urban Land Bank Demonstration Program to align the program with 2009 State statute changes including permitting the sale of non-developable property to eligible adjacent property owners, permitting the sale of two adjacent properties to a developer if at least one of the properties is developable and permitting a developer to exchange a property purchased from the Land Bank with any other property owned by the developer with agreement to construct an affordable house by Resolution No. 09-2312.

On September 11, 2013, the City Council approved an amendment to the Program Statement for the Dallas Urban Land Bank Demonstration Program to align the program with 2013 State statute changes including reducing the number of housing units constructed by a qualified participating developer from three to one, expanding the definition of an eligible adjacent property owner to include any owner of adjacent property, before completion of the four-year period, permitting the transfer of property not suitable for development to the taxing entities or to be sold directly to a political subdivision or nonprofit organization and permitting grocery store development with a minimum of 6,000 square feet of enclosed space that offers for sale fresh produce and other food items for home consumption by Resolution No. 13-1565.

On November 12, 2014, the City Council approved an amendment to the Program Statement for the Dallas Urban Land Bank Demonstration Program to remove the rental housing option by Resolution No. 14-1899.

PRIOR ACTION/REVIEW (Council, Boards, Commissions) (continued)

On September 21, 2015, the Housing Committee will be briefed regarding the Urban Land Bank Demonstration Program which will outline the process and status of the program.

Information about this item will be provided to the Housing Committee on September 21, 2015.

FISCAL INFORMATION

No cost consideration to the City

WHEREAS, on January 28, 2004, the City Council approved the Dallas Housing Acquisition and Development Corporation (DHADC) as its land bank for the purpose of acquiring, holding and transferring unimproved real property under Local Government Code, Chapter 379C and: 1) approved the City of Dallas Urban Land Bank Demonstration Program Plan; 2) approved the Program Statement for the Dallas Urban Land Bank Demonstration Program; 3) authorized amendments to the Articles of Incorporation and By-Laws of the DHADC; and 4) authorized an interlocal contract with the affected taxing jurisdictions for participation in the Dallas Urban Land Bank Demonstration Program by Resolution No. 04-0458; and

WHEREAS, on May 26, 2004, the City Council authorized a contract with the DHADC for the provision of land bank services as set forth in the amended Program Statement for the Dallas Urban Land Bank Demonstration Program approved by the City Council on January 28, 2004 by Resolution No. 04-1726; and

WHEREAS, on November 10, 2004, the City Council approved an amendment to the Program Statement for the Dallas Urban Land Bank Demonstration Program to prohibit the placement of industrialized housing on any property sold by Dallas Housing Acquisition and Development Corporation to a developer by Resolution No. 04-3193; and

WHEREAS, on February 22, 2006, the City Council approved an amendment to the Program Statement for the Dallas Urban Land Bank Demonstration Program to delete the requirement that the Investment Committee review the developer's proposals to purchase lots from Dallas Housing Acquisition and Development Corporation by Resolution No. 06-0632; and

WHEREAS, on October 8, 2008, the City Council approved an amendment to the Program Statement for the Dallas Urban Land Bank Demonstration Program to reduce the delinquent taxes from six consecutive years to five total years, add uninhabitable vacant buildings or residences to the site assessment criteria and eliminate the community meeting requirement if the properties are packaged in groups of 10 or fewer lots by Resolution No. 08-2770; and

WHEREAS, on September 23, 2009, the City Council approved an amendment to the Program Statement for the Dallas Urban Land Bank Demonstration Program to permit the sale of non-developable property to eligible adjacent property owners, permit the sale of two adjacent properties to a developer if at least one of the properties is developable and permit a developer to exchange a property purchased from the Land Bank with any other property owned by the developer with agreement to construct an affordable house by Resolution No. 09-2312; and

September 22, 2015

WHEREAS, on September 11, 2013, the City Council approved an amendment to the Program Statement for the Dallas Urban Land Bank Demonstration Program to reduce the number of housing units constructed by a qualified participating developer from three to one, expand the definition of an eligible adjacent property owner to include any owner of adjacent property, before completion of the four-year period, permit the transfer of property not suitable for development to the taxing entities or to be sold directly to a political subdivision or nonprofit organization and permit grocery store development with a minimum of 6,000 square feet of enclosed space that offers for sale fresh produce and other food items for home consumption by Resolution No. 13-1565; and

WHEREAS, on November 12, 2014, the City Council approved an amendment to the Program Statement for the Dallas Urban Land Bank Demonstration Program to remove the rental housing option by Resolution No. 14-1899; and

WHEREAS, the City Council desires to approve an amendment to the Program Statement for the Dallas Urban Land Bank Demonstration Program (Exhibit "A") to align the Program Statement with 2015 state statute changes including allowing the Land Bank to acquire and sell to a developer property intended for commercial use and removing grocery store development with a minimum of 6,000 square feet of enclosed space that offers for sale fresh produce and other food items for home consumption;

NOW, THEREFORE,

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

Section 1. That the amendment to the Program Statement for the Dallas Urban Land Bank Demonstration Program, as shown on Exhibit "A", which aligns the Program Statement with 2015 state statute changes including allowing the Land Bank to acquire and sell to a developer property intended for commercial use and removing grocery store development with a minimum of 6,000 square feet of enclosed space that offers for sale fresh produce and other food items for home consumption is approved.

Section 2. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

EXHIBIT A

Dallas Urban Land Bank Demonstration Program
Program Statement

Program Purpose: To acquire, hold and transfer real property for affordable housing development to house low- and moderate-income households and to stabilize distressed communities. Property may be developed for home ownership. Also, the Land Bank may acquire and sell to a developer property intended for commercial use ~~property may be developed for grocery stores with a minimum of 6,000 square feet~~.

The Dallas Housing Acquisition and Development Corporation (DHADC) is the Land Bank approved by the City Council for accomplishment of the program purpose. The DHADC will operate under the Articles of Incorporation and By-laws approved by the Dallas City Council and amendments authorized by the City Council from time to time. The DHADC will maintain properties it acquires in compliance with City of Dallas Code requirements.

The DHADC will comply with the requirements of the Public Information and Open Meetings provisions of the State Government Code, and will keep accurate minutes of its meetings. The DHADC will keep accurate records and books of account that conform with generally accepted principles of accounting and that clearly reflect the income and expenses of the DHADC and all transactions in relation to its property. The DHADC will file with the City, not later than December 30th, annual audited financial statements prepared by a certified public accountant.

Dallas Urban Land Bank Demonstration Program

For acquisition and sale of tax-foreclosed properties, the DHADC shall operate in compliance with the Dallas Urban Land Bank Demonstration Program Plan ("Land Bank Plan"), approved annually by the Dallas City Council, and Subtitle A, Title 12, Local Government Code, Chapter 379C, Urban Land Bank Demonstration Program ("Code"). The Land Bank Plan describes the City's methods for allowing the officer charged with selling unimproved real property ordered sold pursuant to the foreclosure of a tax lien to sell certain eligible real property by private sale for purposes of affordable housing development or commercial development, which may include either home ownership or commercial use ~~grocery store development with a minimum of 6,000 square feet of enclosed space that offers for sale fresh produce and other food items for home consumption~~. Lots may contain rental housing units above a retail/commercial/office development for rent to low and moderate income tenants. The Land Bank Plan includes the City's plan for development of tax-foreclosed properties acquired by the DHADC.

Dallas Urban Land Bank Demonstration Program
Program Statement

City Manager Responsibilities

The City of Dallas will adopt a Land Bank Plan annually. The City Manager or his/her designee will recommend the Land Bank Plan, in compliance with the Code, for City Council approval. The Land Bank Plan will consider other housing plans adopted by the City, including the comprehensive plan submitted to the United States Department of Housing and Urban Development ("HUD") and all fair housing plans and policies adopted or agreed to by the City. The Land Bank Plan will include:

1. A list of community development organizations eligible to participate in the right of first refusal provided by the Land Bank Plan;

2. A list of parcels of real property that may become eligible for sale to the Land Bank during the upcoming year;

3. The City's plan for affordable housing development on those parcels of real property;

4. The sources and amounts of funding anticipated to be available from the City at the time the Land Bank Plan is adopted or subsequently approved; and

5. The sale price of the properties to be sold.

The City Manager, or his/her designee, will identify properties that may become eligible for sale to the DHADC Land Bank from the Sheriff's sale for inclusion in the Land Bank Plan. Prior to a recommendation to the DHADC for tax-foreclosure in anticipation of Land Bank acquisition, each property will be assessed as to its suitability for development as described in the Land Bank Plan. In making an assessment of site suitability for affordable housing~~/grocery store development~~ under the Dallas Urban Land Bank Demonstration Program, several factors will be reviewed, including but not limited to the following:

1. Are there delinquent taxes on the property for a total of at least five years?

2. Is the market value of the property as specified in the judgment of foreclosure less than the total amount due under the judgment, including all taxes, penalties, and interest plus the value of non-tax liens held by a taxing unit and awarded by the judgment, court costs, and cost of the sale?

Dallas Urban Land Bank Demonstration Program
Program Statement

3. Is the property unimproved or vacant or improved with an uninhabitable occupied structure?

4. Is the physical site of a size, shape and topography appropriate to build the proposed housing~~/grocery store~~?

5. Is the property location desirable for housing~~/grocery store development~~?

6. Are there building restrictions such as flood plain prohibitions?

7. Location in a special planning or zoning district, such as an historic district, should be noted early in the process in order to understand possible development requirements that will be necessary should the Land Bank acquire the property.

The City Manager, or his/her designee, will annually identify properties potentially eligible for sale to the DHADC Land Bank under the Dallas Urban Land Bank Demonstration Program and obtain approval of the participating taxing jurisdictions.

The City Manager, or his/her designee, will review all proposals recommended by the DHADC for purchase and development of Land Bank property, recommend proposals for approval to the City Council and notify the DHADC of those proposals approved by the City Council.

The City Manager will annually review DHADC requests for funding, if any, and will include a recommendation of that amount, if any, that he determines to be appropriate in his annual budget recommendation to the Dallas City Council.

The City Manager is authorized to implement the Dallas Urban Land Bank Demonstration Program in accordance with this Program Statement and establish guidelines and procedures to operate the Program.

<u>DHADC Responsibilities</u>

Following City recommendation of a property for acquisition by the DHADC Land Bank, the City and DHADC will coordinate with the legal service provider for the filing of a tax lawsuit subject to the consent of the participating taxing jurisdictions. The City will notify the participating taxing jurisdictions of properties referred to the legal service provider for a tax lawsuit. If the judgment in the tax lawsuit authorizes sale of the property to the Land Bank, DHADC will purchase the property from the officer charged by the Court with the sale of the property for an amount consistent with the sale price authorized in the interlocal agreement with the participating taxing jurisdictions.

Dallas Urban Land Bank Demonstration Program
Program Statement

The Land Bank must sell property to a qualified participating developer within the four-year period following the date of acquisition. If after four years a qualified participating developer has not purchased the property, the property shall be transferred from the Land Bank to the taxing entities. Property not suitable for development may be transferred to the taxing entities or be sold directly to a political subdivision or nonprofit organization prior to completion of the four-year period.

Notwithstanding any other right of first refusal granted by the Code, if the Land Bank determines that a property owned by the Land Bank is not appropriate for residential development, the Land Bank shall first offer the property for sale to an eligible adjacent owner according to the terms and conditions developed by the Land Bank consistent with the Code. The Land Bank shall sell the property to an eligible adjacent property owner for the lesser of (1) the fair market value for the property determined by the appraisal district in which the property is located or (2) the sales price recorded in the annual plan. An “eligible adjacent property” owner means a person who owns property located adjacent to property owned by the Land Bank and satisfies eligibility requirements adopted by the Land Bank. The DHADC is also authorized to submit bids at the Sheriff’s sale of tax-foreclosed real property.

Once the DHADC has acquired, at its determination, a sufficient number of properties for sale within a specific geographic area, the DHADC will hold a community meeting to seek public input on the development of the properties if the number of properties to be sold in a group to a developer is greater than ten properties. The DHADC will schedule the meeting at a time and date that allows for the attendance of the City Councilmember(s) representing the community in which the properties are located. Public notice of the meeting will be provided by DHADC to property owners and residents within 200 feet of the properties to be sold.

The Land Bank may sell two adjacent properties that are owned by the Land Bank to a qualified participating developer if at least one of the properties is eligible for residential development and the developer agrees to replat the two adjacent properties as one property that is appropriate for residential development.

Dallas Urban Land Bank Demonstration Program
Program Statement

The DHADC may permit a qualified participating developer to exchange a property purchased from the Land Bank with any other property owned by the developer if the developer agrees to construct on the other property affordable housing for low income households as provided by the Code and the other property will be located in a planned development incorporating the property originally purchased from the Land Bank or another location as approved by the Land Bank. The Land Bank shall adjust the Deed Restrictions under Code Section 379C.010 for each of the properties exchanged by this Code.

Following City Council approval, each sale of property acquired by the DHADC Land Bank as a result of a tax-foreclosure lawsuit will comply with the Code and Land Bank Plan with regard to deed restrictions on the property for development, occupancy and use of property by qualified low- and moderate-income households. The DHADC may release the deed restrictions placed on the property upon compliance by the developer.

The DHADC shall prohibit the placement of industrialized housing or industrialized buildings, as those terms are defined in Chapter 1202 of the Texas Occupations Code, as may be amended, on any real property or part thereof sold by the DHADC to a Qualified Participating Developer or builder and shall enforce such prohibition by deed restriction, approved as to form by the City of Dallas City Attorney.

Annually, not later than the date established by the City Manager, the DHADC will submit a request to the City for funding for the acquisition of property, legal services for tax lawsuits, operations of the DHADC Land Bank, and maintenance of the properties acquired. To support its request, the DHADC will determine:

1) the number of properties anticipated to be acquired during the upcoming fiscal year and the anticipated cost of acquisition; 2) the projected cost of legal services; 3) the projected administrative and operating costs; 4) the projected maintenance cost of properties held and to be acquired by the DHADC Land Bank and the anticipated period of time that the properties will be held; 5) the projected number of properties to be sold during the upcoming fiscal year and the sale price for the properties; and 6) the availability of non-City resources to cover such costs.

Dallas Urban Land Bank Demonstration Program
Program Statement

In making its funding request to the City, the DHADC will recommend pricing for the sale of the lots such that the revenues from the DHADC Land Bank sale of acquired properties will cover the ~~legal service,~~ operating and property maintenance costs and City funds will be for property acquisition, legal services, title abstract services and environmental services ~~only~~.

For purposes of evaluating the effectiveness of the Dallas Urban Land Bank Demonstration Program, the DHADC will submit an annual performance report to the City not later than November 1st of each year in which the DHADC sells property under the Dallas Urban Land Bank Demonstration Program. The performance report will include the information required by the Code and the Land Bank Plan.

The DHADC will maintain in its records for inspection a copy of the sale settlement statement for each property sold by a qualified participating developer and a copy of the first page of the mortgage note with the interest rate and indicating the volume and page number of the instrument as filed with the County Clerk. The DHADC will provide copies of the performance report to the taxing units who were parties to the judgment of foreclosure and will provide notice of the availability of the performance report for review to the organizations and neighborhood associations identified by the City as serving the neighborhoods in which properties sold to the DHADC Land Bank under the Urban Land Bank Demonstration Program are located. The DHADC and the City will maintain copies of the performance report available for public review.

Acquisition of property not qualified for land bank tax foreclosure

The DHADC may undertake land acquisition, assemblage, maintenance and sale for affordable housing development of properties that do not qualify for tax foreclosure and acquisition under the Dallas Urban Land Bank Demonstration Program.

For property acquisition other than those under the Dallas Urban Land Bank Demonstration Program ~~(DULBDP)~~:

1. The DHADC may not use City funds to pay more than fair market value, based upon an independent property appraisal, for real property acquired;

Dallas Urban Land Bank Demonstration Program
Program Statement

2. The DHADC may not pay more than $10,000 for a property, including closing costs, without specific City Council approval of the acquisition;

3. Property that is not acquired through the Dallas Urban Land Bank Demonstration Program ~~DULBDP~~ may be sold for no more than the appraised value and costs of sale and for no less than the sale price approved by the City Controller for land bank lots in the annual plan for the Dallas Urban Land Bank Demonstration Program ~~DULBDP~~. Property sales must comply with the occupancy restrictions of the Dallas Urban Land Bank Demonstration Program ~~DULBDP~~ and must be approved by City Council;

4. If funding for such acquisition is provided under the Dallas Residential Development Acquisition Loan Program or similar affordable housing or economic development program of the City of Dallas, DHADC actions will be governed by the City Council resolution authorizing the contract, the City Council approved Program Statement for the City Program under which the funding is provided, the terms of the contract between the City and the DHADC; and

5. The proceeds from the sale of property acquired under contract with the City of Dallas that is not acquired under the Dallas Urban Land Bank Demonstration Program ~~DULBDP~~ shall be considered program income to the City of Dallas program and funding source and shall be returned to the City unless specifically authorized otherwise in the contract between the City of Dallas and the DHADC.

AGENDA ITEM # 31

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Management Services

CMO: Jeanne Chipperfield, 670-7804

MAPSCO: N/A

SUBJECT

Authorize **(1)** acceptance of the 2014 100 Resilient Cities Grant from The Rockefeller Foundation to provide funding for economic resilience and preparedness for the rapid growth of natural and man-made disasters and the employment of a Chief Resilience Officer for the period October 1, 2015 through September 30, 2017; and **(2)** execution of the grant agreement - Not to exceed $464,000 - Financing: The Rockefeller Foundation Grant Funds

BACKGROUND

Since 2013, The Rockefeller Foundation has pioneered the 100 Resilient Cities Challenge to help cities across the world become more resilient to the physical, social and economic challenges that are a growing part of the 21st Century. Dallas was selected as one of only a handful to U.S. cities to participate in the 100 Resilient Cities (100 RC) program to develop a robust, inclusive, action-oriented resilience strategy that aligns with the 100RC policy.

A resilience strategy focuses on chronic shocks - such as tornadoes, floods, and other natural disasters - and long term stressors - such as drought, climate change, poverty, and blight - that threaten a community, and analyzes its ability to respond to those events and circumstances. Despite a booming economy, Dallas experiences concentrated pockets of poverty and blight where vulnerable populations may not have the resources and ability to respond and recover from these situations.

Cities in the 100 Resilient Cities Network are supported by providing resources in four areas: financial and logistical guidance for establishing a Chief Resilience Officer, expert technical support for the development of a resilience strategy, access to service providers from the private, public and nonprofit sectors, and membership in a global network of 100RC cities who network to share knowledge and practical expertise.

BACKGROUND (Continued)

This grant provides funding for a senior level executive position for a term of 2 years. The Chief Resilience Officer (CRO) role will be filled by Theresa O'Donnell. The CRO will be charged with the responsibility of working collaboratively within a multi-disciplinary structure to lead the development of a resilience strategy. The resilience effort will draw on the work of a number of existing adopted city plans and programs as well as regional plans. These plans shall include but are not limited to: the Neighborhood Plus Plan, the Master Emergency Operations Plan, the 2014 Dallas Long Range Water Supply Plan, and the Drought Contingency Plan.

A stakeholder taskforce will be created and will include City departments as well as regional partners, the private sector and community organizations to develop Dallas' unique platform for resilience. Implementation of the resilience strategy will include: coordinating efforts across government and multi-sector stakeholders, securing funding needed to implement priority resilience initiatives, and monitoring and evaluating implementation progress.

FISCAL INFORMATION

$464,000.00 - The Rockefeller Foundation Grant Funds

OWNER

The Rockefeller Foundation

Judith Rodin, President

September 22, 2015

WHEREAS, The Rockefeller Foundation has made funding available to the City of Dallas under the 100 Resilient Cities Grant Program to fund emergency preparedness operations and planning; and

WHEREAS, grant funds will be used to provide funding for economic resilience and preparedness for the rapid growth of natural and man-made disasters and the employment of a Chief Resilience Officer position for a period of 2 years; and

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

NOW, THEREFORE,

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

Section 1. That the City Manager is hereby authorized to accept a grant from The Rockefeller Foundation under the 100 Resilient Cities Grant Program to provide funding for economic resilience and preparedness for the rapid growth of natural and man-made disasters and the employment of a Chief Resilience Officer position for the period October 1, 2015 through September 30, 2017 in an amount not to exceed $464,000.00.

Section 2. That the City Manager is authorized to establish appropriations in an amount not to exceed $464,000.00 in Fund P115, Department MGT, Unit 1792, OBJ 3651.

Section 3. That the Chief Financial Officer is authorized to deposit Rockefeller Foundation Grant Funds in Fund P115, Department MGT, Unit 1792, Revenue Source 8411, not to exceed $464,000.00.

Section 4. That the Chief Financial Officer is authorized to disburse funds from Fund P115, Department MGT, Unit 1792, OBJ. 3651, not to exceed $464,000.00.

Section 5. That the Chief Financial Officer is authorized to reimburse General Fund 0001, Department MGT, Unit 1769, OBJ. 5011 from Grant Fund P115, Department MGT, Unit 1792, OBJ. 3651, not to exceed $464,000.00.

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

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

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

AGENDA ITEM # 32

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

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: N/A

SUBJECT

Authorize a twenty-four-month contract for pavement improvements at various locations for the Park and Recreation Department - APAC-Texas, Inc., lowest responsible bidder of two - Not to exceed $4,164,683 - Financing: Current Funds ($2,000,000), Park and Recreation Program Funds ($750,000), Golf Improvement Funds ($500,000) and Fair Park Improvement Funds ($914,683) (subject to annual appropriations)

BACKGROUND

In the past several years, the Park and Recreation Department utilized contract capacity from other departments (Street Services or the Dallas Water Utilities) to provide incidental and unanticipated paving needs. This June, Dallas Water Utilities staff solicited bids for a contract titled, "2015 Pavement Repair on City of Dallas Infrastructure at Various Locations", which included five schedules to accommodate various department needs. Schedule E was designated for the Park and Recreation Department needs.

On June 11, 2015, two bids were received for pavement improvements at various locations for the Park and Recreation Department. This item authorizes award of the construction contract to APAC-Texas, Inc. for total bid amount of $4,164,682.70.

APAC-Texas, Inc. has had no contractual activities with the City of Dallas within the past three years. However, they have an on-going contract with the Public Works Department with a current completion date of December 30, 2015.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction	November 2015
Complete Construction	November 2017

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Park and Recreation Board authorized award of the contract on September 3, 2015.

Information about this item will be provided to the Quality of Life Committee on September 14, 2015.

FISCAL INFORMATION

Current Funds - $2,000,000.00
Park and Recreation Program Funds - $750,000.00
Golf Improvement Funds - $500,000.00
Fair Park Improvement Funds - $914,682.70

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

APAC-Texas, Inc.

White Male	40	White Female	21
Black Male	15	Black Female	8
Hispanic Male	70	Hispanic Female	14
Other Male	0	Other Female	0

BID INFORMATION

The following two bids were received and opened on June 11, 2015:

*Denotes the successful bidder

Bidder	Total
*APAC-Texas, Inc. 12801 North Central Expressway, Suite 460 Dallas, Texas 75243	$4,164,682.70
NPL Construction Company	$4,719,300.00

OWNER

APAC-Texas, Inc.

Stephen Koonce, President
Russell Lindsey, Vice President
Stephen Ross, Secretary
Michelle Ackerman, Treasurer

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a twenty-four-month contract for pavement improvements at various locations for the Park and Recreation Department - APAC-Texas, Inc., lowest responsible bidder of two - Not to exceed $4,164,683 - Financing: Current Funds ($2,000,000), Park and Recreation Program Funds ($750,000), Golf Improvement Funds ($500,000) and Fair Park Improvement Funds ($914,683) (subject to annual appropriations)

APAC-Texas, Inc. is a local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.
PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$4,164,682.70	100.00%
Total non-local contracts	$0.00	0.00%
TOTAL CONTRACT	$4,164,682.70	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

Local	Certification	Amount	Percent
OCI	HMMB63334Y1016	$2,512,610.00	60.33%
Roadmaster Striping	HMDB64683Y0316	$78,800.00	1.89%
Total Minority - Local		$2,591,410.00	62.22%

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$2,591,410.00	62.22%	$2,591,410.00	62.22%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$0.00	0.00%	$0.00	0.00%
Total	$2,591,410.00	62.22%	$2,591,410.00	62.22%

September 22, 2015

WHEREAS, on June 11, 2015, two bids were received for pavement improvements at various locations for the Park and Recreation Department.

Bidder	**Total**
APAC-Texas, Inc.	$4,164,682.70
NPL Construction Company	$4,719,300.00

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to enter into a twenty-four month contract with APAC-Texas, Inc. for pavement improvements at various locations for the Park and Recreation Department, in an amount not to exceed $4,164,682.70.

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

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $4,164,682.70 (subject to appropriations) to APAC-Texas, Inc., as follows:

Current Fund Department PKR, Fund 0001, Unit 5002, Object 3210, Activity PK02 Program 0001PAVING, Commodity 91200, Vendor 004204	$2,000,000.00
Park and Recreation Program Fund Department PKR, Fund 0395, Unit 5012, Object 3210, Activity PK09 Program 0395PAVING, Commodity 91200, Vendor 004204	$750,000.00
Golf Improvement Fund Department PKR, Fund 0332, Unit 9363, Object 3210, Activity PK19 Program 0332PAVING, Commodity 91200, Vendor 004204	$500,000.00
Fair Park Improvement Fund Department PKR, Fund 0448, Unit 6497, Object 3210, Activity PK04 Program 0448PAVING, Commodity 91200, Vendor 004204	$914,682.70
Total amount not to exceed	$4,164,682.70

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

AGENDA ITEM # 33

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

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): 4

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: 55 P, Q, R, T, U

SUBJECT

Authorize a five-year service agreement and extended warranty for the purchase of the Toro Site Pro irrigation system central computer and components at Cedar Crest Golf Course located at 1800 Southerland Avenue from The Toro Company dba Toro NSN, sole source - Not to exceed $7,789 - Financing: Current Funds

BACKGROUND

This service agreement and extended warranty includes repair and replacement of hardware and software components, and telephone support 24 hours a day, 365 days a year. Toro NSN technicians are able to log on to the Cedar Crest system remotely to diagnose and correct problems; they never set foot on City property. If a hardware or software component fails, the Toro NSN technician sends a replacement via next-day shipping and instructs the Cedar Crest superintendent step-by-step through the proper installation procedure upon its arrival. This agreement also includes, at no additional cost, future Toro software service packs as they become available.

Toro NSN (National Service Network) is a division of The Toro Company and the sole source provider of this service for Toro Site Pro irrigation system central computers and components.

Chapter XVII, Sec. 4(a)(3) of the Dallas City Charter requires City Council to approve any lease or agreement under the jurisdiction of the Park and Recreation Board with a term exceeding one year.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

The Park and Recreation Board authorized the five-year service agreement and extended warranty on August 20, 2015.

Information about this item will be provided to the Quality of Life Committee on September 14, 2015.

FISCAL INFORMATION

$7,789 – Current Funds

M/WBE INFORMATION

The recommended awardee has fulfilled the good faith requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Council Resolution No. 08-2826 as amended.

ETHNIC COMPOSITION

The Toro Company dba Toro NSN

White Male	18	White Female	5
Black Male	1	Black Female	0
Hispanic Male	3	Hispanic Female	1
Other Male	1	Other Female	1

OWNER

The Toro Company dba Toro NSN

Mike Hoffman, President
Bill Brown, Vice-President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a five-year service agreement and extended warranty for the purchase of the Toro Site Pro irrigation system central computer and components at Cedar Crest Golf Course located at 1800 Southerland Avenue from The Toro Company dba Toro NSN, sole source - Not to exceed $7,789 - Financing: Current Funds

The Toro Company dba Toro NSN is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$0.00	0.00%
Total non-local contracts	$7,789.00	100.00%
TOTAL CONTRACT	$7,789.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$0.00	0.00%	$0.00	0.00%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$0.00	0.00%	$0.00	0.00%
Total	$0.00	0.00%	$0.00	0.00%

September 22, 2015

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

SECTION 1. That the President of the Park and Recreation Board and the City Manager, are hereby authorized to execute a five-year service agreement and extended warranty in the amount of $7,789 with The Toro Company dba Toro NSN (VS0000022385), upon approval as to form by the City Attorney, for the purchase of the Toro Site Pro irrigation system central computer and components at Cedar Crest Golf Course.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds from the following appropriation in an amount not to exceed $7,789:

FUND	DEPT	UNIT	OBJ	ENCUMBRANCE	AMOUNT
0001	PKR	5272	3099	PKRCT16G008	$7,789

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

AGENDA ITEM # 34

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

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): 7

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: 46L Q

SUBJECT

Authorize Supplemental Agreement No. 1 to the professional services contract with GME Consulting Services, Inc. for services to include construction materials observation and testing, laboratory and field testing of earthwork and concrete stabilization along with other miscellaneous items for the Briscoe Carpenter Livestock Center in Fair Park located at 1419 South Washington Street - Not to exceed $127,312, from $48,303 to $175,615 - Financing: 2003 Bond Funds ($60,001) and 2006 Bond Funds ($67,311)

BACKGROUND

The original professional services contract was awarded to GME Consulting Services, Inc. on March 27, 2015, by Administrative Action No. 15-0584, and provided for materials testing and site observation services for the Briscoe Carpenter Livestock Center in Fair Park, in an amount not to exceed $48,303.00. This contract was for materials testing and site observation services for the site package.

This action will authorize Supplemental Agreement No. 1 to the professional services contract with GME Consulting Services, Inc. in an amount not to exceed $127,311.90, increasing the contract amount from $48,303.00 to $175,614.90 for services to include construction materials observation and testing, laboratory and field testing of earthwork and concrete stabilization along with other miscellaneous items for the Briscoe Carpenter Livestock Center in Fair Park. This contract is for materials testing and observation services for building construction.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction	November 2015
Complete Construction	August 2016

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Park and Recreation Board authorized Supplemental Agreement No. 1 on September 3, 2015.

Information about this item will be provided to the Quality of Life Committee on September 14, 2015.

FISCAL INFORMATION

2003 Bond Funds - $60,000.63
2006 Bond Funds - $67,311.27

Design Contract	$48,303.00
Supplemental Agreement No. 1 (this action)	$127,311.90
Total not to exceed	$175,614.90

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

GME Consulting Services, Inc.

White Male	8	White Female	3
Black Male	2	Black Female	1
Hispanic Male	0	Hispanic Female	0
Other Male	0	Other Female	0

OWNER

GME Consulting Services, Inc.

Marcia S. Kawalek, Owner

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 1 to the professional services contract with GME Consulting Services, Inc. for services to include construction materials observation and testing, laboratory and field testing of earthwork and concrete stabilization along with other miscellaneous items for the Briscoe Carpenter Livestock Center in Fair Park located at 1419 South Washington Street - Not to exceed $127,312, from $48,303 to $175,615 - Financing: 2003 Bond Funds ($60,001) and 2006 Bond Funds ($67,311)

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

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	Amount	Percent
Local contracts	$125,461.90	98.55%
Non-local contracts	$1,850.00	1.45%
TOTAL THIS ACTION	$127,311.90	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

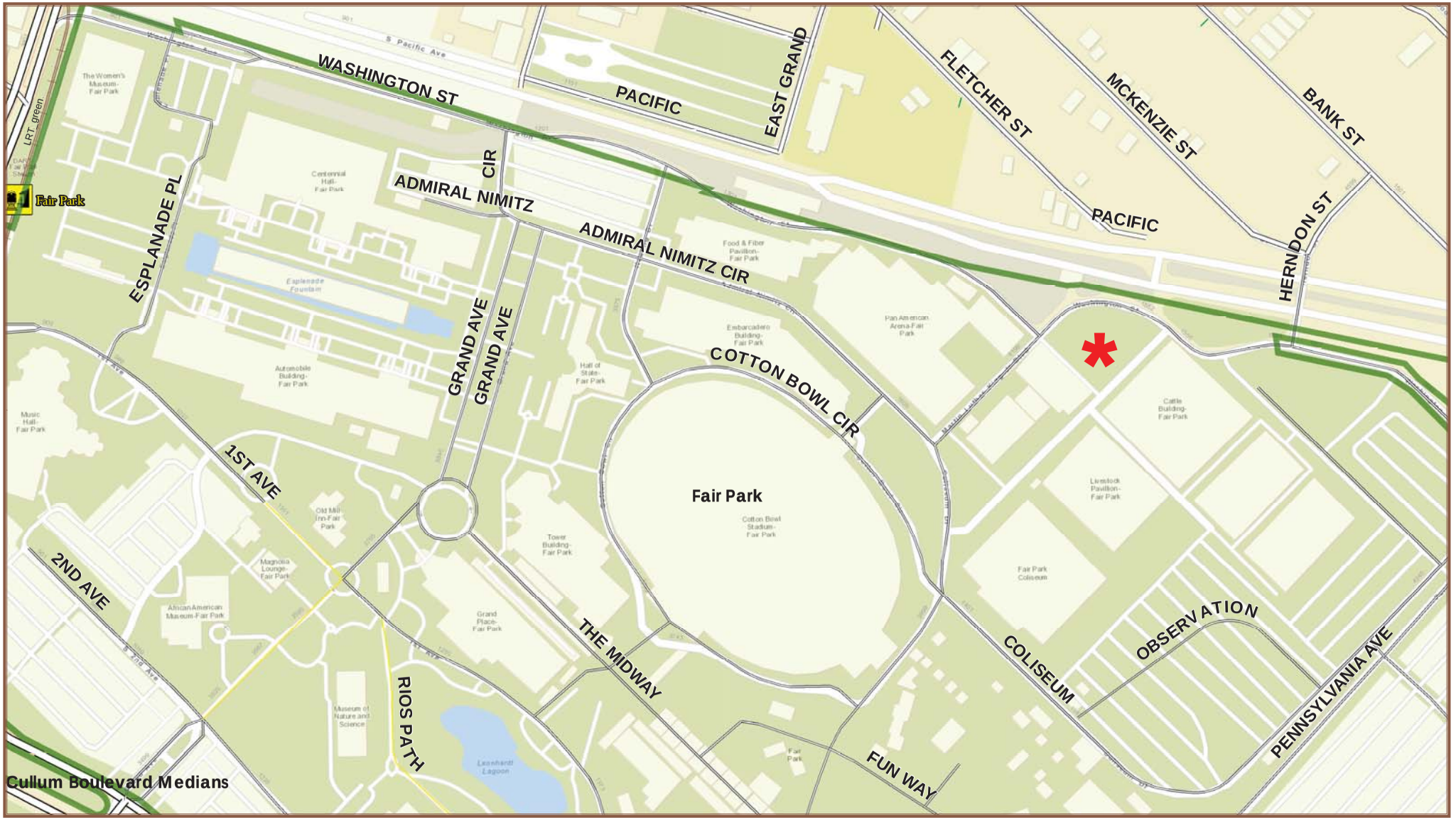
Local	Certification	Amount	Percent
GME Consulting Services, Inc.	WFWB62694N0716	$117,556.90	93.70%
Bonded Inspections	WFDB78877Y0716	$7,905.00	6.30%
Total Minority - Local		$125,461.90	100.00%

Non-Local Contractors / Sub-Contractors

Non-local	Certification	Amount	Percent
GM Enterprises	HMDB63233Y1016	$1,850.00	100.00%
Total Minority - Non-local		$1,850.00	100.00%

TOTAL M/WBE PARTICIPATION

	This Action		Participation to Date	
	Amount	Percent	Amount	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$1,850.00	1.45%	$1,850.00	1.05%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$125,461.90	98.55%	$173,764.90	98.95%
Total	$127,311.90	100.00%	$175,614.90	100.00%



0 115 230 460 690 Feet

Briscoe Carpenter Livestock Center (1419 South Washington Street)

Mapsco 46 L Q

District 7

September 3, 2015

September 22, 2015

WHEREAS, the original professional services contract was awarded to GME Consulting Services, Inc. on March 27, 2015, by Administrative Action No. 15-0584, and provided for materials testing and site observation services for the Briscoe Carpenter Livestock Center in Fair Park, in an amount not to exceed $48,303.00; and

WHEREAS, this action will authorize Supplemental Agreement No. 1 to the professional services contract with GME Consulting Services, Inc. in an amount not to exceed $127,311.90, increasing the contract amount from $48,303.00 to $175,614.90 for services to include construction materials observation and testing, laboratory and field testing of earthwork and concrete stabilization along with other miscellaneous items for the Briscoe Carpenter Livestock Center in Fair Park.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to enter into Supplemental Agreement No. 1 with GME Consulting Services, Inc. for services to include construction materials observation and testing, laboratory and field testing of earthwork and concrete stabilization along with other miscellaneous items for the Briscoe Carpenter Livestock Center in Fair Park, in an amount not to exceed $127,311.90.

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

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not exceed $127,311.90 to GME Consulting Services, Inc., as follows:

(2003) Neighborhood Park and Recreation Facilities Fund Fund 6R05, Department PKR, Unit T098, Object 4113 Activity FPRK, Program PK06T098.1, CT-PKR15019505 Commodity 92500, Vendor 356975	$60,000.63
(2006) Park and Recreation Facilities Improvement Fund Fund 2T00, Department PKR, Unit T098, Object 4113 Activity FPRK, Program PK06T098.1, CT-PKR15019505 Commodity 92500, Vendor 356975	$67,311.27
Total amount not to exceed	$127,311.90

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

AGENDA ITEM # 35

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): 3

DEPARTMENT: Public Works Department
Aviation

CMO: Jill A. Jordan, P.E., 670-5299
Ryan S. Evans, 671-9837

MAPSCO: 63P/Q

SUBJECT

Authorize a design-build services contract with Lansford Company, Inc., most qualified proposer of five, for design and construction of the Dallas Police Helicopter Hangar Project at Dallas Executive Airport - Not to exceed $556,813 - Financing: Aviation Capital Construction Funds

BACKGROUND

This action will authorize a design-build services contract with Lansford Company Inc., the most qualified proposer of five, for design and construction of the Dallas Police Helicopter Hangar Project at Dallas Executive Airport in an amount not to exceed $556,813.

The new hangar will replace the old obsolete existing Police helicopter hangar with a modern, multi-bay facility with fuel stations. This Helicopter Facility design-build contract will be implemented in two phases. This award, the first phase of the project, will evaluate the project site, coordinate with the Dallas Police Department on Hangar requirements and culminate with the development of construction documents and a guaranteed maximum price. A supplemental agreement for construction phase services will be developed upon completion of the design phase.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	October 2015
Complete Design	October 2016

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Public Safety Committee on September 3, 2015.

FISCAL INFORMATION

Aviation Capital Construction Funds - $556,813.00

Design-build Contract (this action)	$ 556,813.00
City Administration and other owner costs	$ 50,000.00 (est.)
Total Estimated Cost	$ 606,813.00

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Lansford Company Inc.

Hispanic Female	2	Hispanic Male	0
African-American Female	0	African-American Male	0
Other Female	0	Other Male	0
White Female	2	White Male	2

PROPOSAL INFORMATION

The Request for Qualifications for Professional Services for the design-build Police Helicopter Hangar Project at Dallas Executive Airport advertised on February 12, 2015. Five firms submitted Statements of Qualifications on March 25, 2015. The selection committee shortlisted the five highest ranked firms and interviews were held on May 7, 2015. The proposers were ranked as follows:

Proposer	**Rank**
*Lansford Company Inc. P.O. Box 708 Lampasas, TX 76550	1
Core Construction	2
Byrne Construction Service	3
Harrison Walker Harper	4
Speed Fab-Crete	5

* Indicates successful proposer

PROPOSAL INFORMATION (Continued)

The proposals were evaluated according to the criteria published in the Request for Qualifications and the Request for Proposals. These criteria with respective weights were as follows:

Criteria 1 - Qualifications to undertake this project	20 points
Criteria 2 –Staffing Capabilities	15 points
Criteria 3 – Project Experience specific to this project	20 points
Criteria 4 – Abilities to produce innovative solutions	20 points
Criteria 5 – Project Team Organization	10 points
Criteria 6 – Past Performance and History with M/WBE	15 points
Criteria 7 – LEED Experience and capabilities	15 points
Total	115 points

OWNER

Lansford Company Inc.

Robert Lansford, President

MAP

Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a design-build services contract with Lansford Company, Inc., most qualified proposer of five, for design and construction of the Dallas Police Helicopter Hangar Project at Dallas Executive Airport - Not to exceed $556,813 - Financing: Aviation Capital Construction Funds

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

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$556,813.00	100.00%
Total non-local contracts	$0.00	0.00%
TOTAL CONTRACT	$556,813.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

Local	Certification	Amount	Percent
EJES	BMDB64782Y0716	$338,053.00	60.71%
STL ENGINEERS	HFDB64801Y0416	$12,670.00	2.28%
AZ&B	HMDB52665Y0616	$15,500.00	2.78%
CDG LANDSCAPE	WFDB63186Y0915	$21,500.00	3.86%
Total Minority - Local		$387,723.00	69.63%

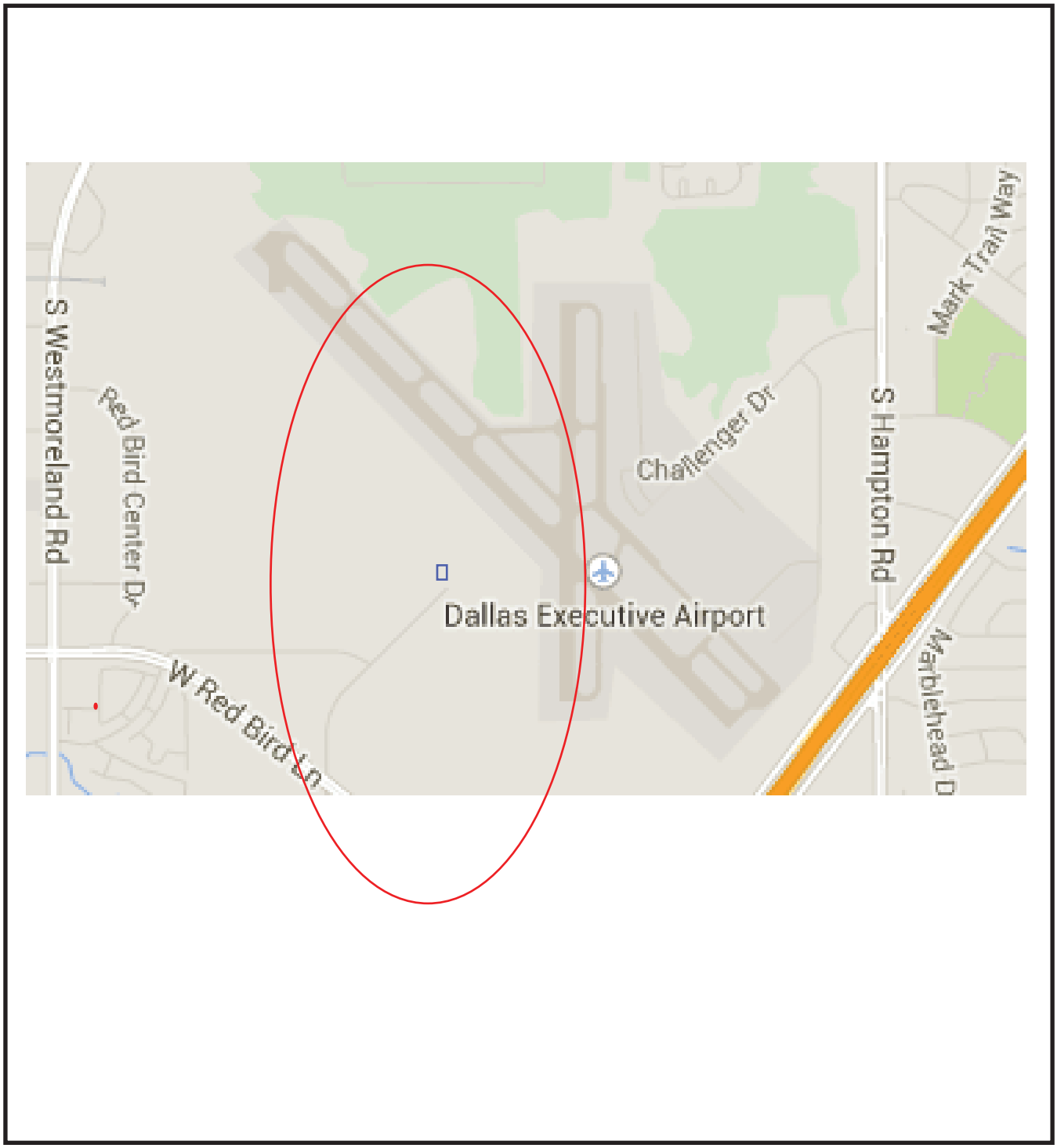
Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$338,053.00	60.71%	$338,053.00	60.71%
Hispanic American	$28,170.00	5.06%	$28,170.00	5.06%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$21,500.00	3.86%	$21,500.00	3.86%
Total	$387,723.00	69.63%	$387,723.00	69.63%

DEA Police Helicopter Hangar



Mapsco 63P/Q

September 22, 2015

WHEREAS, the Department of Aviation and the Dallas Police Department have agreed the existing Dallas Helicopter Hangar Facility at Dallas Executive Airport is in need of replacement; and,

WHEREAS, a solicitation was developed and publicly advertised; and,

WHEREAS, five firms submitted Statements of Qualifications for design-build Services and the Selection Committee evaluated the Statements, ranked the firms based upon the published criteria, and shortlisted the five highest ranked firms; and,

WHEREAS, a proposal request was issued to the shortlisted firms; and,

WHEREAS, five firms submitted proposals to provide design-build Services for the Helicopter Hangar Project at Dallas Executive Airport; and,

WHEREAS, Lansford Company Inc. was selected as the most qualified proposer of the five proposers as a result of a qualifications based selection process in accordance with City of Dallas procurement guidelines; and,

WHEREAS, it is now desirable to authorize a contract with Lansford Company Inc., most qualified proposer of five, to provide design-build Services for the Helicopter Hangar Project at Dallas Executive Airport, in an amount not to exceed $556,813.00.
Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute a contract with Lansford Company Inc., most qualified proposer of five, to provide design-build Services for the Helicopter Hangar Project at Dallas Executive Airport, in an amount not to exceed $556,813.00, after it has been approved as to form by the City Attorney.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $556,813.00 to be paid to Lansford Company Inc. in accordance with the terms and conditions of the contract:

Aviation Capital Construction Funds
Fund 0131, Department AVI, Unit P934, Activity AAIP
Object 4111, Program #AVP934, Comm 92500, CT AVIP934LC15
Vendor VS87650, in an amount not to exceed $556,813.00

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

AGENDA ITEM # 36

KEY FOCUS AREA:	Economic Vibrancy
AGENDA DATE:	September 22, 2015
COUNCIL DISTRICT(S):	11
DEPARTMENT:	Public Works Department Water Utilities
CMO:	Jill A. Jordan, P.E., 670-5299 Mark McDaniel, 670-3256
MAPSCO:	15D T V Y 16A

SUBJECT

Authorize a contract with Barson Utilities, Inc., lowest responsible bidder of three, for the reconstruction of alley paving, storm drainage, drive approaches, and wastewater main and adjustment improvements for Alley Reconstruction Groups 12-2028 and 12-2029 (list attached) - Not to exceed $2,087,050 - Financing: General Obligation Commercial Paper Funds ($1,525,377), 2012 Bond Funds ($160,442), 2006 Bond Funds ($205,361), Water Utilities Capital Improvement Funds ($192,370) and Water Utilities Capital Construction Funds ($3,500)

BACKGROUND

Alley Reconstruction Groups 12-2028 and 12-2029 were approved in the 2012 Bond Program. On September 25, 2013, Resolution No. 13-1731 authorized a professional services contract with Arredondo, Zepeda & Brunz, LLC for Alley Reconstruction Group 12-2029 for engineering design services, and on December 11, 2013, Resolution No. 13-2070 authorized a professional services contract with Mandy Vassigh Engineering, Inc. for Alley Reconstruction Group 12-2028 . This action will authorize a construction contract for the reconstruction of alley paving, storm drainage, drive approaches, and wastewater main and adjustment improvements for Alley Reconstruction Groups 12-2028 and 12-2029, which consists of the alley between Churchill Way (6824-6838) and Yorkwood Circle from end of alley to Hillcrest Road; the alley between Delmeta Drive (6811-6957) and Quarterway Drive (6810-6950) from Delmeta Drive to Vistaridge Drive; the alley between Knollview Drive (14810-14856) and Tophill Circle (7105-7115) from Belt Line Road to Hillcrest Road; the alley between Lafayette Way (6207-6263) and Preston Crest Lane (6206-6262) from Whitley Lane to Hughes Lane; the alley between Marbrook Drive (12109-12323) and Madeleine Circle (12104-12136) from Willow Lane to Churchill Way; the alley between Chattington Drive (7403-7439)

BACKGROUND (Continued)

and Meandering Place (15105-15115) from Meandering Way to Chattington Drive; the alley between Chattington Drive (7507-7625) and Woodstone Lane (7524-7625) from Carriage Lane to Chattington Drive; the alley between Indian Springs Road (7609-7679) and Tophill Lane (7614-7652) from Carriage Lane to Tophill Lane; the alley between Lacehaven Drive (14907-14957) and Knollview Drive (14908-14944) from Hillcrest Road to alley No. 5; the alley between Leameadow Drive (7008-7028) and Knollview Drive (14944-14956) from Lacehaven Drive to Hillcrest Road; and the alley between Tophill Lane (7405-7449) and Lynworth Drive (7408-7444) from Meandering Way to Chattington Drive.

The project includes reconstruction of a 10-foot wide reinforced concrete alley pavement and drive approaches, storm drainage, and wastewater main and adjustment improvements.

Barson Utilities, Inc. has no completed contractual activities with the City of Dallas within the past three years.

ESTIMATED SCHEDULE OF PROJECT

Began Design	January 2014
Completed Design	June 2015
Begin Construction	November 2015
Complete Construction	December 2016

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Arredondo, Zepeda & Brunz, LLC for engineering design services on September 25, 2013, by Resolution No. 13-1731.

Authorized a professional services contract with Mandy Vassigh Engineering, Inc. for engineering design services on December 11, 2013, by Resolution No. 13-2070.

Information about this item will be provided to the Transportation and Trinity River Project Committee on September 15, 2015.

FISCAL INFORMATION

2006 Bond Funds - $205,361
2012 Bond Funds - $160,442
2006 Bond Program (General Obligation Commercial Paper Funds) - $1,525,377
Water Utilities Capital Improvement Funds - $192,370
Water Utilities Capital Construction Funds - $3,500

FISCAL INFORMATION (Continued)

Design - PBW	$ 251,373.83
Design - DWU	$ 10,764.00
Construction (this action)	
Paving & Drainage - PBW	$1,891,180.00
Wastewater - DWU	$ 195,870.00
Total Project Cost	$2,349,187.83

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Barson Utilities, Inc.

Hispanic Female	0	Hispanic Male	19
African-American Female	0	African-American Male	2
Other Female	0	Other Male	0
White Female	4	White Male	6

BID INFORMATION

The following bids with quotes were received and opened on July 9, 2015:

*Denotes successful bidder(s)

BIDDERS	**BID AMOUNT**
*Barson Utilities, Inc. 5326 West Ledbetter Road Dallas, Texas 75236	$2,087,050.00
Camino Construction, LP	$2,592,903.45
Texas Standard Construction Company	$3,354,283.25

Original estimate: PBW - $1,505,337.80
WTR - $ 126,741.45

Total $1,632,079.25

OWNER

Barson Utilities, Inc.

Ronald Barson, President

MAPS

Attached.

Alley Reconstruction Groups 12-2028 and 12-2029

Alley Reconstruction Group 12-2028	**Council District**
Alley between Churchill Way (6824-6838) and Yorkwood Circle from end of alley to Hillcrest Road	11
Alley between Delmeta Drive (6811-6957) and Quarterway Drive (6810-6950) from Delmeta Drive to Vistaridge Drive	11
Alley between Knollview Drive (14810-14856) and Tophill Circle (7105-7115) from Belt Line Road to Hillcrest Road	11
Alley between Lafayette Way (6207-6263) and Preston Crest Lane (6206-6262) from Whitley Lane to Hughes Lane	11
Alley between Marbrook Drive (12109-12323) and Madeleine Circle (12104-12136) from Willow Lane to Churchill Way	11
Alley Reconstruction Group 12-2029	
Alley between Chattington Drive (7403-7439) and Meandering Place (15105-15115) from Meandering Way to Chattington Drive	11
Alley between Chattington Drive (7507-7625) and Woodstone Lane (7524-7625) from Carriage Lane to Chattington Drive	11
Alley between Indian Springs Road (7609-7679) and Tophill Lane (7614-7652) from Carriage Lane to Tophill Lane	11
Alley between Lacehaven Drive (14907-14957) and Knollview Drive (14908-14944) from Hillcrest Road to alley No. 5	11

Alley Reconstruction Groups 12-2028 and 12-2029 (Continued)

Alley Reconstruction Group 12-2029	**Council District**
Alley between Leameadow Drive (7008-7028) and Knollview Drive (14944-14956) from Lacehaven Drive to Hillcrest Road	11
Alley between Tophill Lane (7405-7449) and Lynworth Drive (7408-7444) from Meandering Way to Chattington Drive	11

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a contract with Barson Utilities, Inc., lowest responsible bidder of three, for the reconstruction of alley paving, storm drainage, drive approaches, and wastewater main and adjustment improvements for Alley Reconstruction Groups 12-2028 and 12-2029 (list attached) - Not to exceed $2,087,050 - Financing: General Obligation Commercial Paper Funds ($1,525,377), 2012 Bond Funds ($160,442), 2006 Bond Funds ($205,361), Water Utilities Capital Improvement Funds ($192,370) and Water Utilities Capital Construction Funds ($3,500)

Barson Utilities, Inc. is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.
PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$1,895,000.00	90.80%
Total non-local contracts	$192,050.00	9.20%
TOTAL CONTRACT	$2,087,050.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

Local	Certification	Amount	Percent
F Hall Mowing	BFDB22479Y0518	$341,355.00	18.01%
Total Minority - Local		$341,355.00	18.01%

Non-Local Contractors / Sub-Contractors

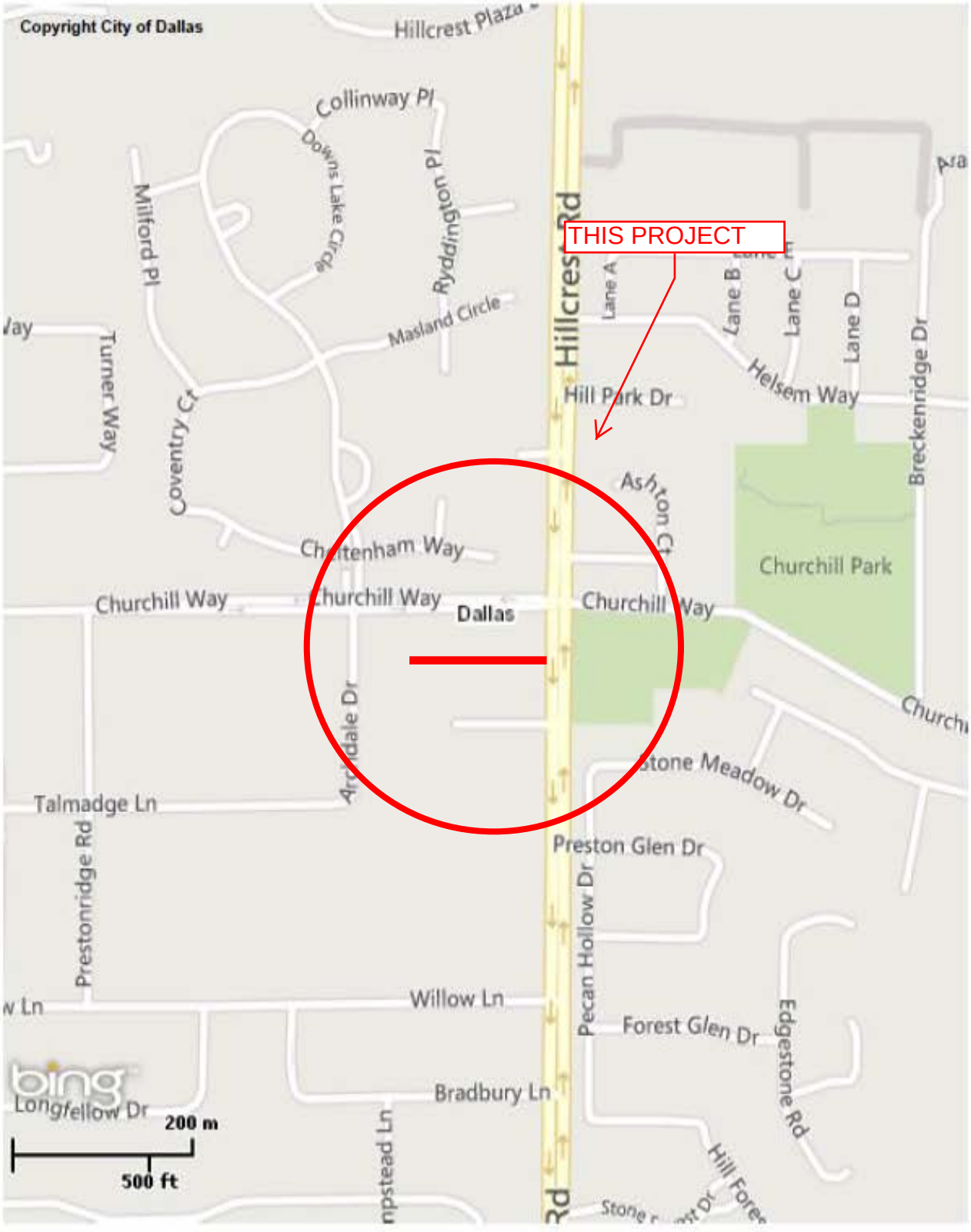
Non-local	Certification	Amount	Percent
LKT & Associates	WFDB55111Y1013	$22,050.00	11.48%
Total Minority - Non-local		$22,050.00	11.48%

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$341,355.00	18.01%	$341,355.00	16.36%
Hispanic American	$0.00	0.00%	$0.00	0.00%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$0.00	0.00%	$22,050.00	1.06%
Total	$341,355.00	18.01%	$363,405.00	17.41%

ALLEY GROUP 12-2028

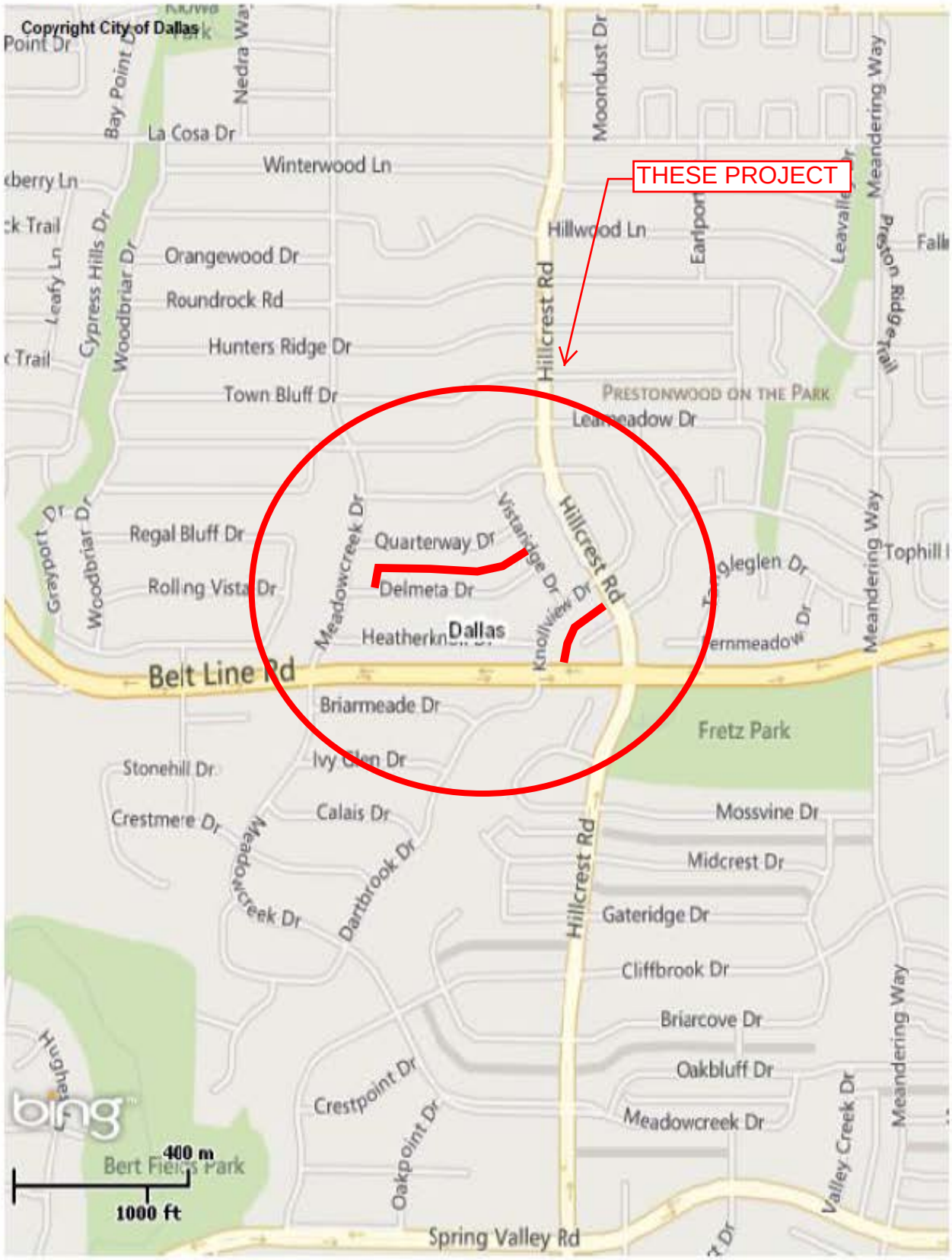
ALLEY BETWEEN CHURCHILL WAY & YORKWOOD CIR. FROM END OF ALLEY TO HILLCREST RD.



MAPSCO 15V

ALLEY GROUP 12-2028

ALLEY BETWEEN DELMETA DR. & QUARTERWAY DR. FROM DELMETA DR. TO VISTARIDGE DR.
ALLEY BETWEEN KNOLLVIEW DR. & TOPHILL CIR. FROM BELT LINE RD. TO HILLCREST RD.

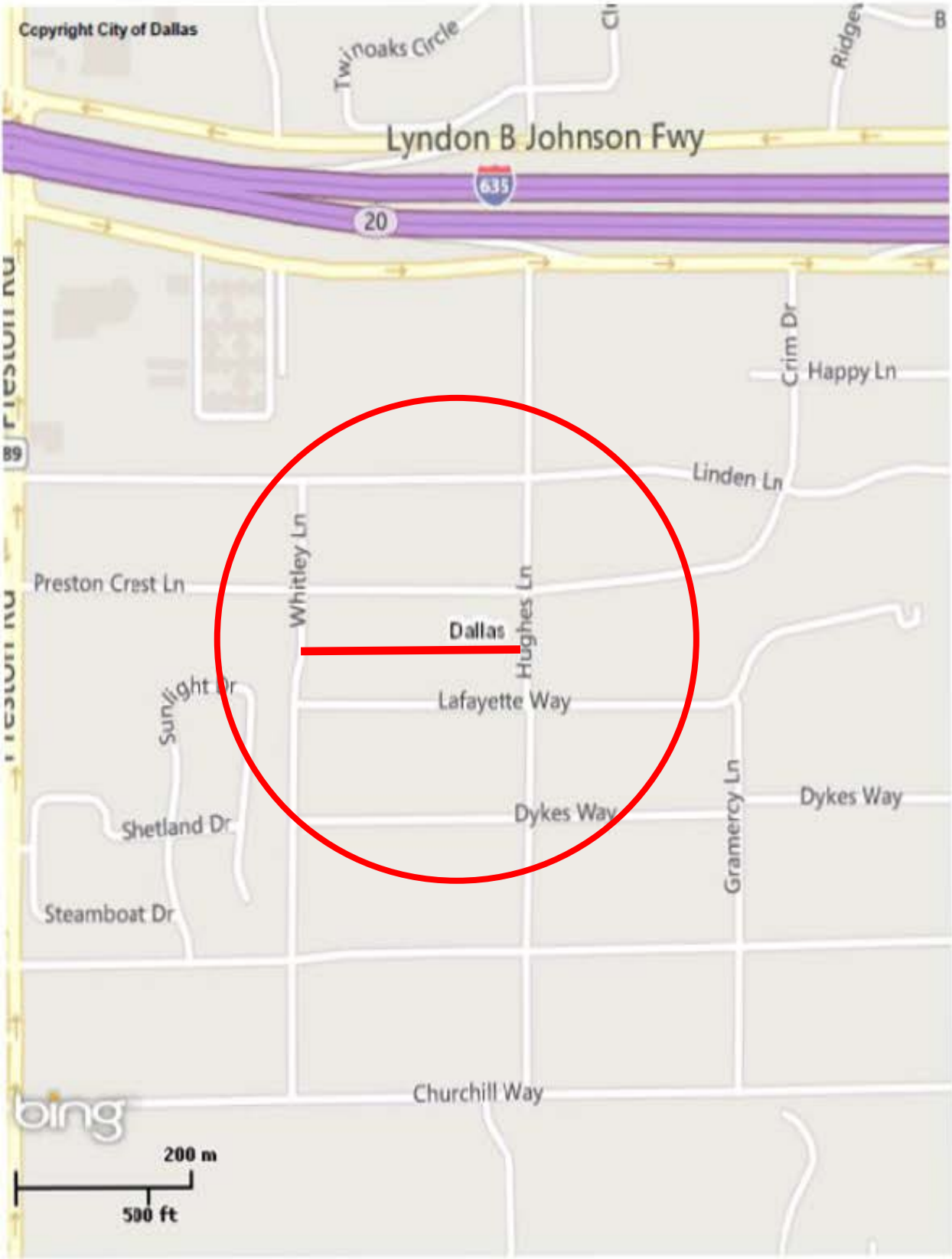


MAPSCO 15D

ALLEY GROUP 12-2028

ALLEY BETWEEN LAFAYETTE WAY & PRESTON CREST LN.

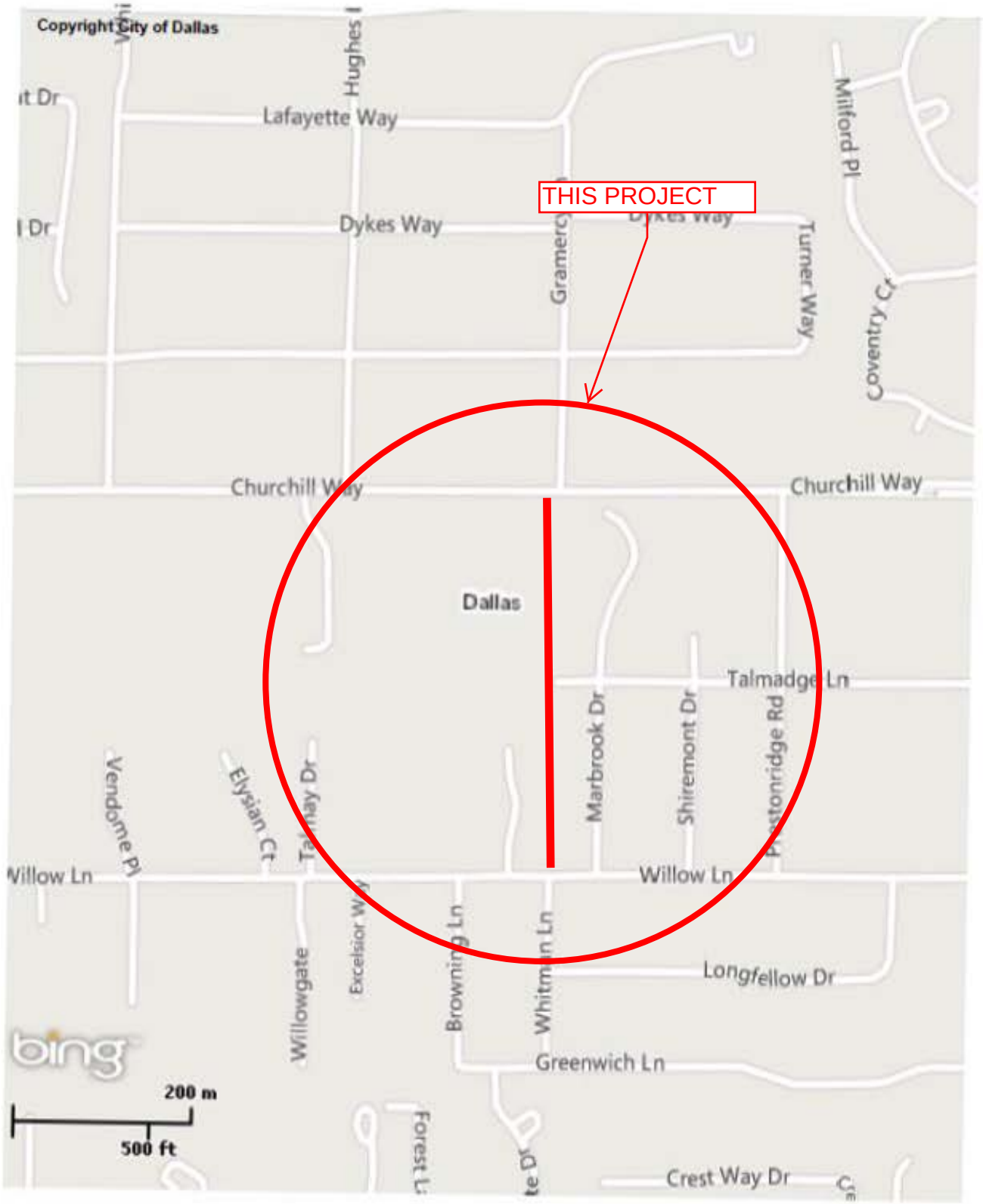
FROM WHITLEY LN. TO HUGHES LN.



MAPSCO 15T

ALLEY GROUP 12-2028

ALLEY BETWEEN MARBROOK DR. & MADELEINE CIR. FROM WILLOW LN. TO CHURCHILL WAY



MAPSCO 15Y

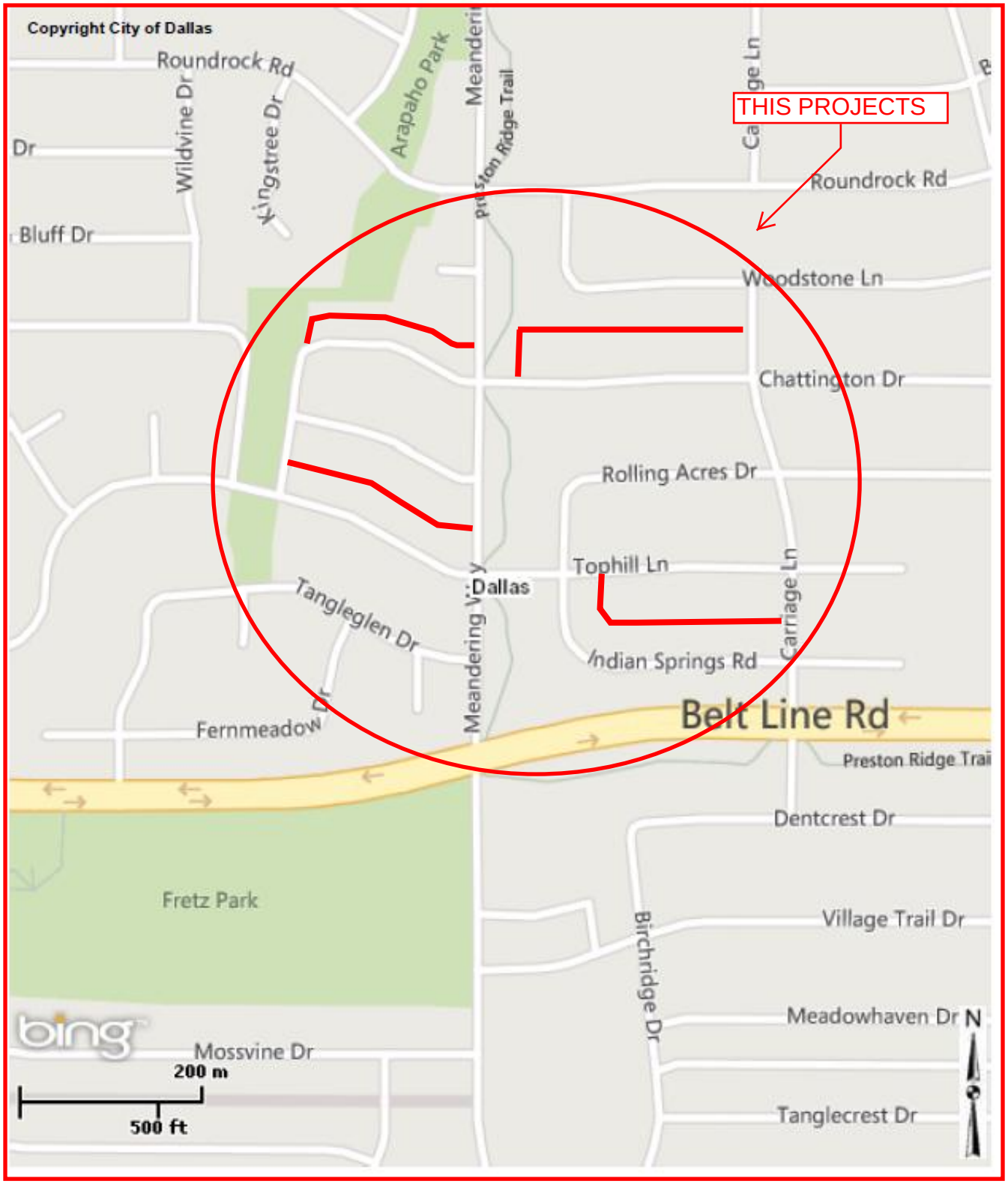
ALLEY GROUP 12-2029

ALLEY BETWEEN CHATTINGTON DR. & MEANDERING PL. FROM MEANDERING WAY TO CHATTINGTON DR.

ALLEY BETWEEN CHATTINGTON DR. & WOODSTONE LN. FROM CARRIAGE LN. TO CHATTINGTON DR.

ALLEY BETWEEN INDIAN SPRINGS RD. & TOPHILL LN. FROM CARRIAGE LN. TO TOPHILL LN.

ALLEY BETWEEN LACEHAVEN DR. & KNOLLVIEW DR. FROM HILLCREST RD.TO ALLEY NO. 5

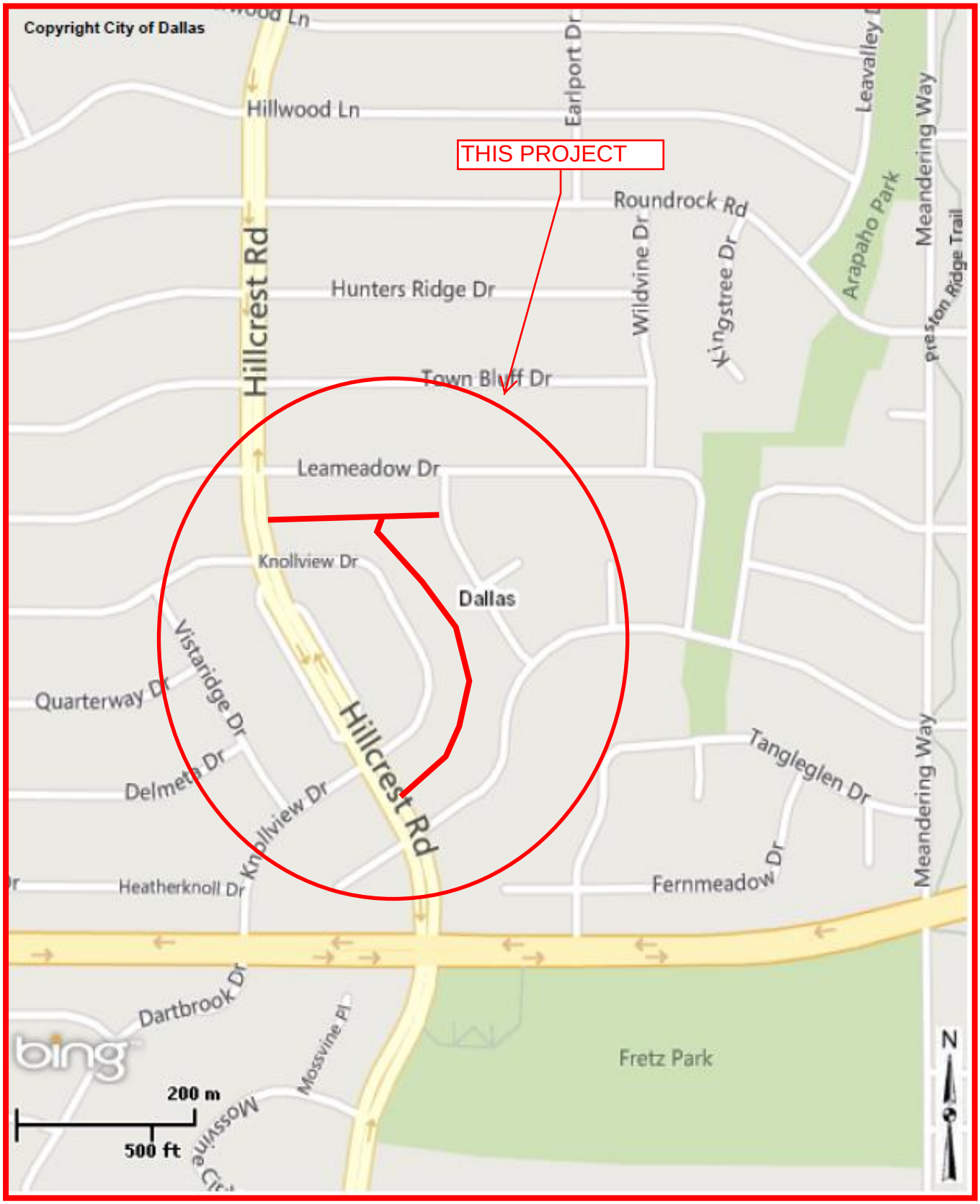


MAPSCO 16A

ALLEY GROUP 12-2029

ALLEY BETWEEN LEAMEADOW DR. & KNOLLVIEW DR. FROM LACEHAVEN DR. TO HILLCREST RD.

ALLEY BETWEEN TOPHILL LN. & LYNWORTH DR. FROM MEANDERING WAY TO CHATTINGTON DR.



MAPSCO 15D

September 22, 2015

WHEREAS, on September 25, 2013, Resolution No. 13-1731 authorized a professional services contract with Arredondo, Zepeda & Brunz, LLC for the engineering design services for Alley Reconstruction Groups 12-2029; and,

WHEREAS, on December 11, 2013, Resolution No. 13-2070 authorized a professional services contract with Mandy Vassigh Engineering, Inc. for the engineering design services for Alley Reconstruction Groups 12-2028; and,

WHEREAS, bids were received on July 9, 2015, for the reconstruction of alley paving, storm drainage, drive approaches, and wastewater main and adjustment improvements for Alley Reconstruction Groups 12-2028 and 12-2029, as follows:

BIDDERS	**BID AMOUNT**
Barson Utilities, Inc.	$2,087,050.00
Camino Construction, LP	$2,592,903.45
Texas Standard Construction Company	$3,354,283.25

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to enter into a contract with Barson Utilities, Inc. for the reconstruction of alley paving, storm drainage, drive approaches, and wastewater main and adjustment improvements for Alley Reconstruction Groups 12-2028 and 12-2029 in an amount not to exceed $2,087,050, this being the lowest responsible bid received as indicated by the tabulation of bids, after it has been approved as to form by the City Attorney.

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

Street and Transportation Improvements Fund
Fund 1T22, Department PBW, Unit S236, Act. AREC
Obj. 4510, Program #PB12S236, CT PBW12S232A1
Vendor #359382, in amount not to exceed $ 79,684.00

Street and Transportation Improvements Fund
Fund 3T22, Department PBW, Unit S247, Act. AREC
Obj. 4510, Program #PB12S247, CT PBW12S232A1
Vendor #359382, in amount not to exceed $ 246,792.00

Street and Transportation Improvements Fund Fund 3T22, Department PBW, Unit S266, Act. AREC Obj. 4510, Program #PB12S266, CT PBW12S232A1 Vendor #359382, in amount not to exceed	$ 113,882.00
Street and Transportation Improvements Fund Fund 3T22, Department PBW, Unit S275, Act. AREC Obj. 4510, Program #PB12S275, CT PBW12S232A1 Vendor #359382, in amount not to exceed	$ 140,110.00
Street and Transportation Improvements Fund Fund 3T22, Department PBW, Unit S284, Act. AREC Obj. 4510, Program #PB12S284, CT PBW12S232A1 Vendor #359382, in amount not to exceed	$ 234,818.00
Street and Transportation Improvements Fund Fund 1U22, Department PBW, Unit S232, Act. AREC Obj. 4510, Program #PB12S232, CT PBW12S232A1 Vendor #359382, in amount not to exceed	$ 101,226.00
Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S232, Act. AREC Obj. 4510, Program #PB12S232, CT PBW12S232A1 Vendor #359382, in amount not to exceed	$ 59,216.00
Street and Transportation Improvements Fund Fund 3T22, Department PBW, Unit S233, Act. AREC Obj. 4510, Program #PB12S233, CT PBW12S232A1 Vendor #359382, in amount not to exceed	$ 209,757.00
Street and Transportation Improvements Fund Fund 3T22, Department PBW, Unit S262, Act. AREC Obj. 4510, Program #PB12S262, CT PBW12S232A1 Vendor #359382, in amount not to exceed	$ 149,509.00
Street and Transportation Improvements Fund Fund 3T22, Department PBW, Unit S274, Act. AREC Obj. 4510, Program #PB12S274, CT PBW12S232A1 Vendor #359382, in amount not to exceed	$ 292,338.00

Street and Transportation Improvements Fund Fund 6T22, Department PBW, Unit S282, Act. AREC Obj. 4510, Program #PB12S282, CT PBW12S232A1 Vendor #359382, in amount not to exceed	$ 125,677.00
Street and Transportation Improvements Fund Fund 3T22, Department PBW, Unit S305, Act. AREC Obj. 4510, Program #PB12S305, CT PBW12S232A1 Vendor #359382, in amount not to exceed	$ 138,171.00
Wastewater Capital Improvement Fund Fund 3116, Department DWU, Unit PS42 Obj. 4560, Program #715032, CT PBW715032CP Vendor #359382, in amount not to exceed	$ 192,370.00
Wastewater Construction Fund Fund 0103, Department DWU, Unit CS42 Obj. 3222, Program #715032X, CT PBW715032EN Vendor #359382, in amount not to exceed	$ 3,500.00
Total amount not to exceed	$2,087,050.00

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

AGENDA ITEM # 37

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): 4

DEPARTMENT: Public Works Department
Water Utilities

CMO: Jill A. Jordan, P.E., 670-5299
Mark McDaniel, 670-3256

MAPSCO: 55Y

SUBJECT

Authorize a contract with SYB Construction Company, Inc., lowest responsible bidder of six, for the reconstruction of street paving, storm drainage, erosion control, markings, water and wastewater main improvements for Overton Road east from Biglow Street to Garrison Street - Not to exceed $2,555,355 - Financing: General Obligation Commercial Paper Funds ($1,889,596), Water Utilities Capital Improvement Funds ($651,659) and Water Utilities Capital Construction Funds ($14,100)

BACKGROUND

Overton Road (E) from Biglow Street to Garrison Street was approved in the 2012 Bond Program. A professional services contract with H. W. Lochner, Inc. was authorized on September 25, 2013, by Resolution No. 13-1731 for the engineering design of Overton Road (E) from Biglow Street to Garrison Street. This action will authorize a contract with SYB Construction Company, Inc. for the reconstruction of street paving, storm drainage, erosion control, markings, water and wastewater main improvements for Overton Road (E) from Biglow Street to Garrison Street.

The project consists of reconstructing the existing 4-lane undivided thoroughfare roadway with sidewalks, concrete driveways, drainage, markings and pedestrian crosswalks. The improvements will also include water and wastewater upgrades.

BACKGROUND (Continued)

The following chart shows SYB Construction Company, Inc. completed contractual activities for the past three years:

	PBW	WTR	PKR
Projects Completed	6	0	0
Change Orders	0	0	0
Projects Requiring Liquidated Damages	0	0	0
Projects Completed by Bonding Company	0	0	0

ESTIMATED SCHEDULE OF PROJECT

Began Design	January 2014
Completed Design	May 2015
Begin Construction	October 2015
Complete Construction	October 2016

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract for engineering services on September 25, 2013, by Resolution No. 13-1731.

Information about this item will be provided to the Transportation and Trinity River Project Committee on September 15, 2015.

FISCAL INFORMATION

2012 Bond Program (General Obligation Commercial Paper Funds) - $1,889,596
Water Utilities Capital Improvement Funds - $651,659
Water Utilities Capital Construction Funds - $14,100

Design - PBW	$ 171,117.80
Design - DWU	$ 43,800.00
Construction (this action)	
Paving & Drainage - PBW	$1,889,596.00
Water & Wastewater - DWU	$ 665,759.00
Total	$2,770,272.80

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

SYB Construction Company, Inc.

Hispanic Female	1	Hispanic Male	87
African-American Female	0	African-American Male	0
Other Female	0	Other Male	0
White Female	8	White Male	16

BID INFORMATION

The following bids with quotes were received and opened on July 9, 2015:

*Denotes successful bidder(s)

BIDDERS	BID AMOUNT
*SYB Construction Company, Inc. 412 Compton Avenue Irving, Texas 75061	$2,555,355.00
Tiseo Paving Company	$2,667,631.80
Texas Standard Construction, Ltd.	$2,705,033.00
Pavecon, Ltd.	$2,728,826.95
Camino Construction, LP	$2,861,546.00
RBR	$3,248,830.00

Engineer's Estimate:	PBW	$1,742,819.00
	DWU	$ 606,291.02
Total		$2,349,110.02

OWNER

SYB Construction Company, Inc.

Shirley Y. Bennett, President

MAP

Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a contract with SYB Construction Company, Inc., lowest responsible bidder of six, for the reconstruction of street paving, storm drainage, erosion control, markings, water and wastewater main improvements for Overton Road east from Biglow Street to Garrison Street - Not to exceed $2,555,355 - Financing: General Obligation Commercial Paper Funds ($1,889,596), Water Utilities Capital Improvement Funds ($651,659) and Water Utilities Capital Construction Funds ($14,100)

SYB Construction Company, Inc. is a non-local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.
PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$2,529,155.00	98.97%
Total non-local contracts	$26,200.00	1.03%
TOTAL CONTRACT	$2,555,355.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

Local	Certification	Amount	Percent
SYB Construction Company, Inc.	WFDB86338Y0516	$1,678,715.10	66.37%
American Striping Company	WFDB90006Y0416	$15,505.00	0.61%
Total Minority - Local		$1,694,220.10	66.99%

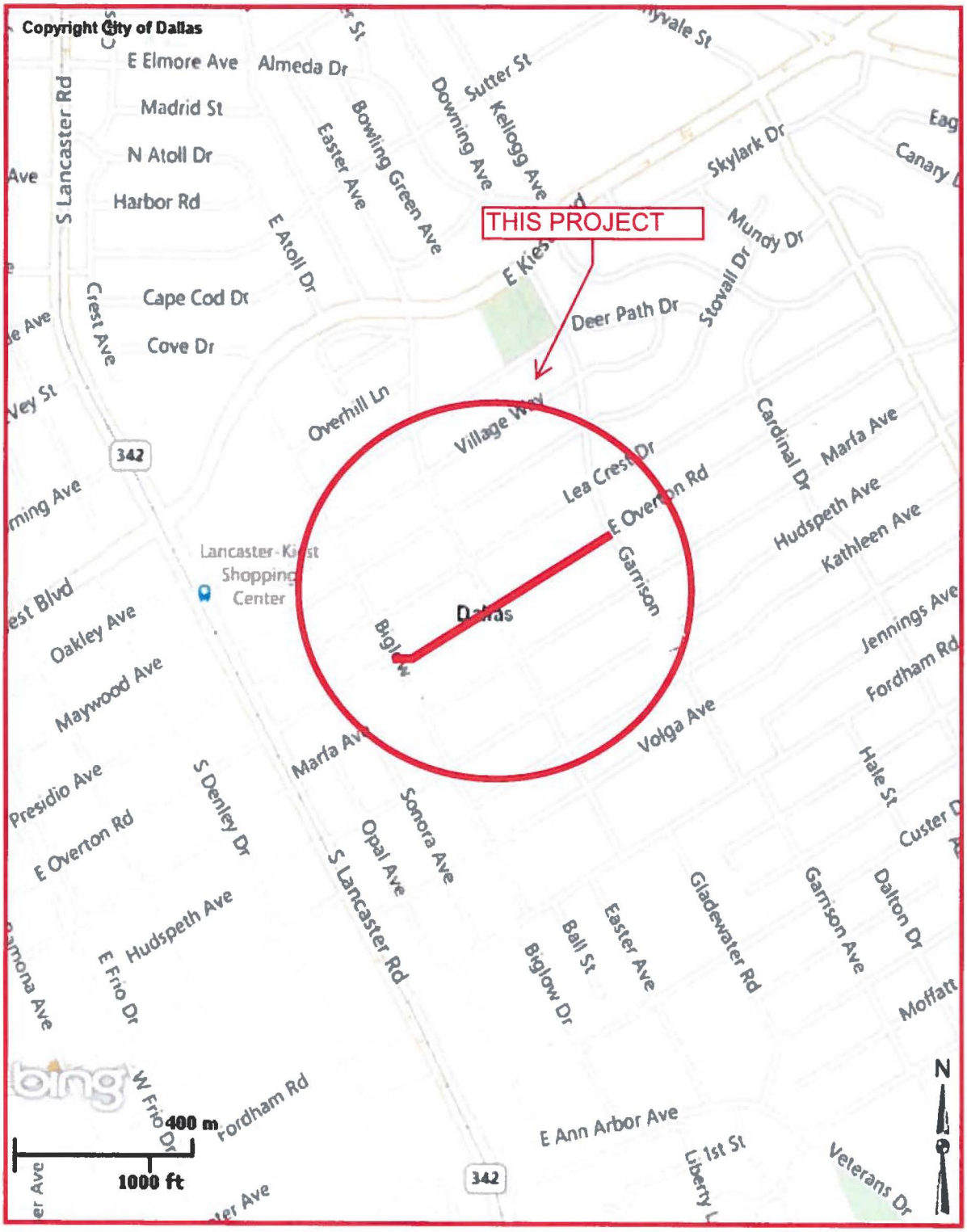
Non-Local Contractors / Sub-Contractors

Non-local	Certification	Amount	Percent
Ricochet Fuel	WFWB63913Y0117	$15,000.00	57.25%
Miller Surveying	WFWB64425N0317	$10,000.00	38.17%
MMG Building & Construction	WFWB62284N0616	$1,200.00	4.58%
Total Minority - Non-local		$26,200.00	100.00%

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$0.00	0.00%	$0.00	0.00%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$1,694,220.10	66.99%	$1,720,420.10	67.33%
Total	$1,694,220.10	66.99%	$1,720,420.10	67.33%

OVERTON ROAD
FROM BIGLOW STREET TO GARRISON STREET



MAPSCO 55Y

September 22, 2015

WHEREAS, on September 25, 2013, Resolution No. 13-1731 authorized an engineering design contract with H. W. Lochner, Inc. for the engineering design of Overton Road (E) from Biglow Street to Garrison Street in the amount of $214,917.80; and,

WHEREAS, bids were received on July 9, 2015 for the reconstruction of street paving, storm drainage, erosion control, streetscape, markings, water and wastewater main improvements for Overton Road east from Biglow Street to Garrison Street as follows:

BIDDERS	**BID AMOUNT**
SYB Construction Company, Inc.	$2,555,355.00
Tiseo Paving Company	$2,667,631.80
Texas Standard Construction, Ltd.	$2,705,033.00
Pavecon, Ltd.	$2,728,826.95
Camino Construction, LP	$2,861,546.00
RBR	$3,248,830.00

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute a contract with SYB Construction Company, Inc. for the reconstruction of street paving, storm drainage, erosion control, streetscape, markings, water and wastewater main improvements for Overton Road east from Biglow Street to Garrison Street in an amount not to exceed $2,555,355.00, this being the lowest responsive bid received as indicated by the tabulation of bids, after it has been approved as to form by the City Attorney.

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

Street and Transportation Improvements Fund
Fund 3U22, Department PBW, Unit S319, Act. SREC
Obj. 4510, Program #PB12S319, CT PBW12S319L2
Vendor #507202, in an amount not to exceed $1,889,596.00

Water Capital Improvement Fund Fund 3115, Department DWU, Unit PW42 Obj. 4550, Program #715285, CT PBW715285CP Vendor #507202, in an amount not to exceed	$ 337,875.00
Water Construction Fund Fund 0102, Department DWU, Unit CW42 Obj. 3221, Program #715285X, CT PBW715285EN Vendor #507202, in an amount not to exceed	$ 7,400.00
Wastewater Capital Improvement Fund Fund 3116, Department DWU, Unit PS42 Obj. 4560, Program #715286, CT PBW715286CP Vendor #507202, in an amount not to exceed	$ 313,784.00
Wastewater Construction Fund Fund 0103, Department DWU, Unit CS42 Obj. 3222, Program #715286X, CT PBW715286EN Vendor #507202, in an amount not to exceed	$ 6,700.00
Total amount not to exceed	$2,555,355.00

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

AGENDA ITEM # 38

KEY FOCUS AREA:	Economic Vibrancy
AGENDA DATE:	September 22, 2015
COUNCIL DISTRICT(S):	3, 8
DEPARTMENT:	Public Works Department Water Utilities
CMO:	Jill A. Jordan, P.E., 670-5299 Mark McDaniel, 670-3256
MAPSCO:	64 U 65 T 66 Q, T

SUBJECT

Authorize a contract with Tiseo Paving Company, lowest responsible bidder of three, for the reconstruction of street paving, drainage, drive approaches, sidewalks, curb and gutter, barrier free ramps, water and wastewater main improvements for Street Reconstruction Group 12-631 (list attached) - Not to exceed $4,996,583 - Financing: General Obligation Commercial Paper Funds ($3,230,310), 2012 Bond Funds ($65,694), 2006 Bond Funds ($198,441), Water Utilities Capital Improvement Funds ($1,376,848) and Water Utilities Capital Construction Funds ($125,290)

BACKGROUND

Street Reconstruction Group 12-631 was approved in the 2012 Bond Program. On September 25, 2013, Resolution No. 13-1731 authorized a professional services contract with EJES, Incorporated for engineering design services. This action will authorize a construction contract for the reconstruction of street paving, drainage, drive approaches, sidewalks, curb and gutter, barrier free ramps, water and wastewater main improvements for Street Reconstruction Group 12-631 which consists of Brierfield Drive from Brierfield Circle to Camp Wisdom Road (W) including Brierfield Circle from Brierfield Drive to end of pavement; Gentle River Drive from end of pavement to Hidden Trail Drive; Highland Hills Drive from Simpson Stuart Road to Bonnie View Road; and Sweet Sue Lane from Hidden Valley Drive to Camp Wisdom Road (E).

BACKGROUND (Continued)

The following chart shows Tiseo Paving Company's completed contractual activities for the past three years:

	PBW	WTR	PKR
Projects Completed	4	0	0
Change Orders	0	0	0
Projects Requiring Liquidated Damages	0	0	0
Projects Completed by Bonding Company	0	0	0

ESTIMATED SCHEDULE OF PROJECT

Began Design	December 2013
Completed Design	June 2013
Begin Construction	October 2015
Complete Construction	March 2017

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract for engineering design services on September 25, 2013, by Resolution No. 13-1731.

Information about this item will be provided to the Transportation and Trinity River Project Committee on September 15, 2015.

FISCAL INFORMATION

2006 Bond Funds - $198,441.00
2012 Bond Funds - $65,694.20
2006 Bond Program (General Obligation Commercial Paper Funds) - $457,269.25
2012 Bond Program (General Obligation Commercial Paper Funds) - $2,773,040.00
Water Utilities Capital Improvement Funds - $1,376,848
Water Utilities Capital Construction Funds - $125,290

Design - PBW	$ 361,641.69
Design - DWU	$ 126,611.50
Construction (this action)	
Paving & Drainage - PBW	$3,494,444.45
Water and Wastewater - DWU	$1,502,138.00
Total Project Cost	$5,484,835.64

FISCAL INFORMATION (Continued)

Council District	Amount
3	$1,350,406.51
8	$3,646,175.94
Total	$4,996,582.45

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Tiseo Paving Company

Hispanic Female	1	Hispanic Male	78
African-American Female	0	African-American Male	2
Other Female	0	Other Male	0
White Female	2	White Male	25

BID INFORMATION

The following bids with quotes were received and opened on July 9, 2015:

*Denotes successful bidder(s)

BIDDERS	BID AMOUNT
*Tiseo Paving Company P. O. Box 270040 Dallas, Texas 75227	$4,996,582.45
Texas Standard Construction, Ltd.	$5,390,490.65
Camino Construction, L.P.	$5,480,633.00

Original estimate: PBW - $3,083,173.00
WTR - $1,593,033.00

Total $4,676,206.00

OWNER

Tiseo Paving Company

Arthur Tiseo, President

MAPS

Attached.

Street Reconstruction Group 12-631

Project	Limits	Council District
Brierfield Drive	Brierfield Circle to Camp Wisdom Road (W) including Brierfield Circle from Brierfield Drive to end of pavement	3
Gentle River Drive	End of pavement to Hidden Trail Drive	8
Highland Hills Drive	Simpson Stuart Road to Bonnie View Road	8
Sweet Sue Lane	Hidden Valley Drive to Camp Wisdom Road (E)	8

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a contract with Tiseo Paving Company, lowest responsible bidder of three, for the reconstruction of street paving, drainage, drive approaches, sidewalks, curb and gutter, barrier free ramps, water and wastewater main improvements for Street Reconstruction Group 12-631 (list attached) - Not to exceed $4,996,583 - Financing: General Obligation Commercial Paper Funds ($3,230,310), 2012 Bond Funds ($65,694), 2006 Bond Funds ($198,441), Water Utilities Capital Improvement Funds ($1,376,848) and Water Utilities Capital Construction Funds ($125,290)

Tiseo Paving Company is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.
PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$2,344,145.83	46.91%
Total non-local contracts	$2,652,436.62	53.09%
TOTAL CONTRACT	$4,996,582.45	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

Non-local	Certification	Amount	Percent
A & M Construction & Utilities, Inc.	HFMB64813N0417	$1,911,174.50	72.05%
Axis Contracting	WFDB03204Y0516	$607,030.00	22.89%
Brock Environmental	WFWB61711Y0516	$45,525.00	1.72%
Total Minority - Non-local		$2,563,729.50	96.66%

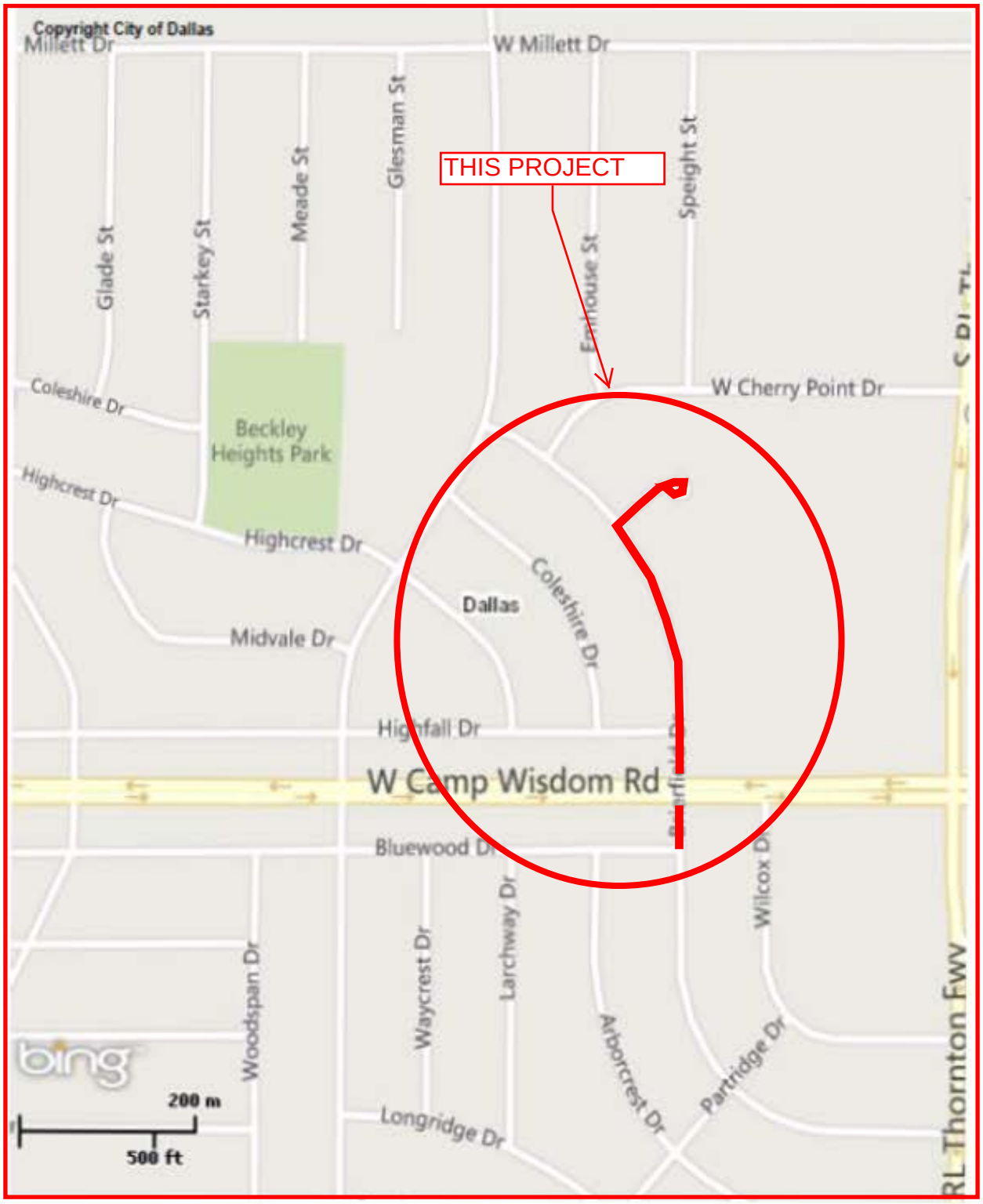
TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$0.00	0.00%	$1,911,174.50	38.25%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$0.00	0.00%	$652,555.00	13.06%
Total	$0.00	0.00%	$2,563,729.50	51.31%

STREET RECONSTRUCTION GROUP 12-631

BRIERFIELD DRIVE FROM BRIERFIELD CIRCLE TO CAMP WISDOM ROAD (W) INCLUDING

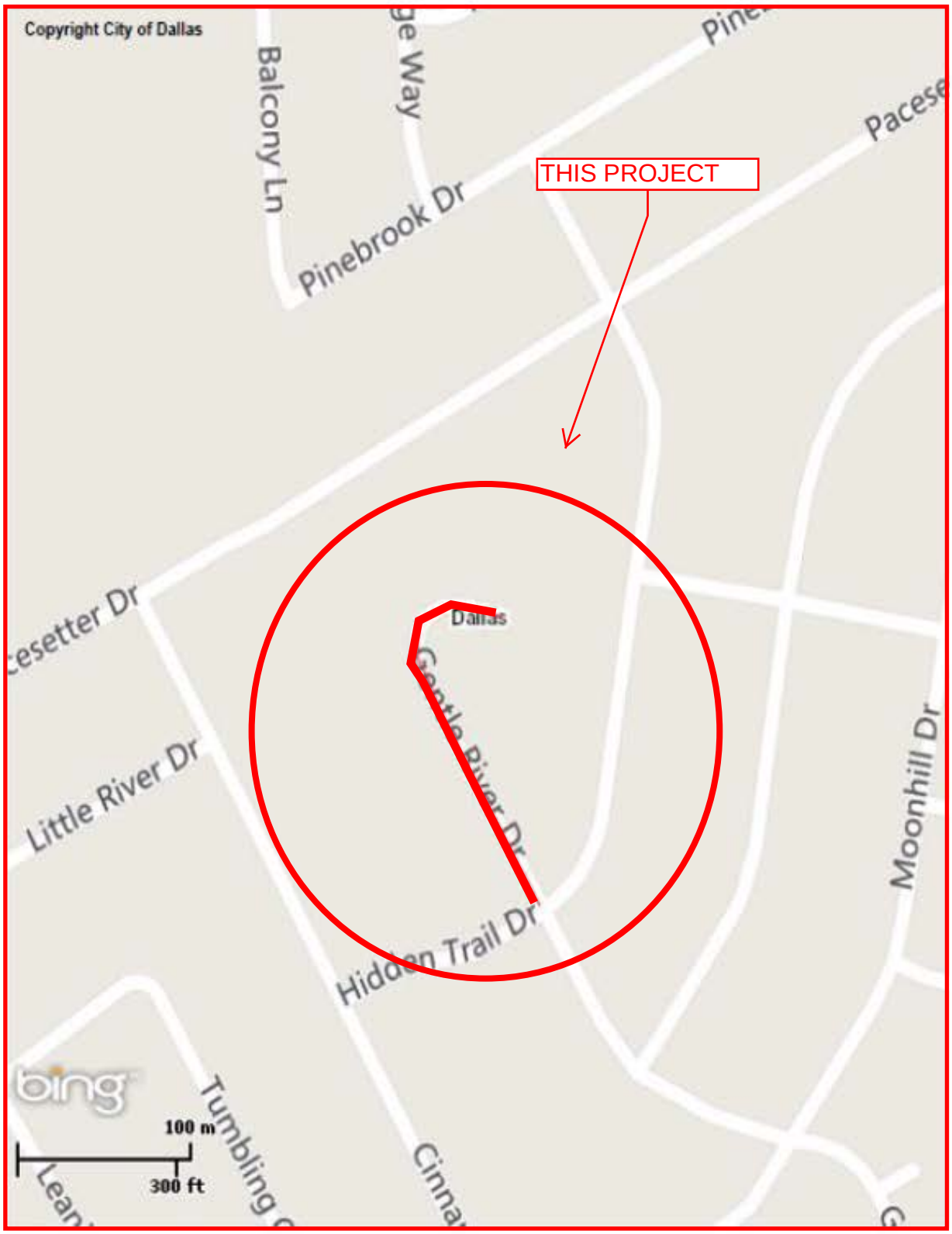
BRIERFIELD CIRCLE FROM BRIERFIELD DRIVE TO END OF PAVEMENT



MAPSCO 64U

STREET RECONSTRUCTION GROUP 12-631

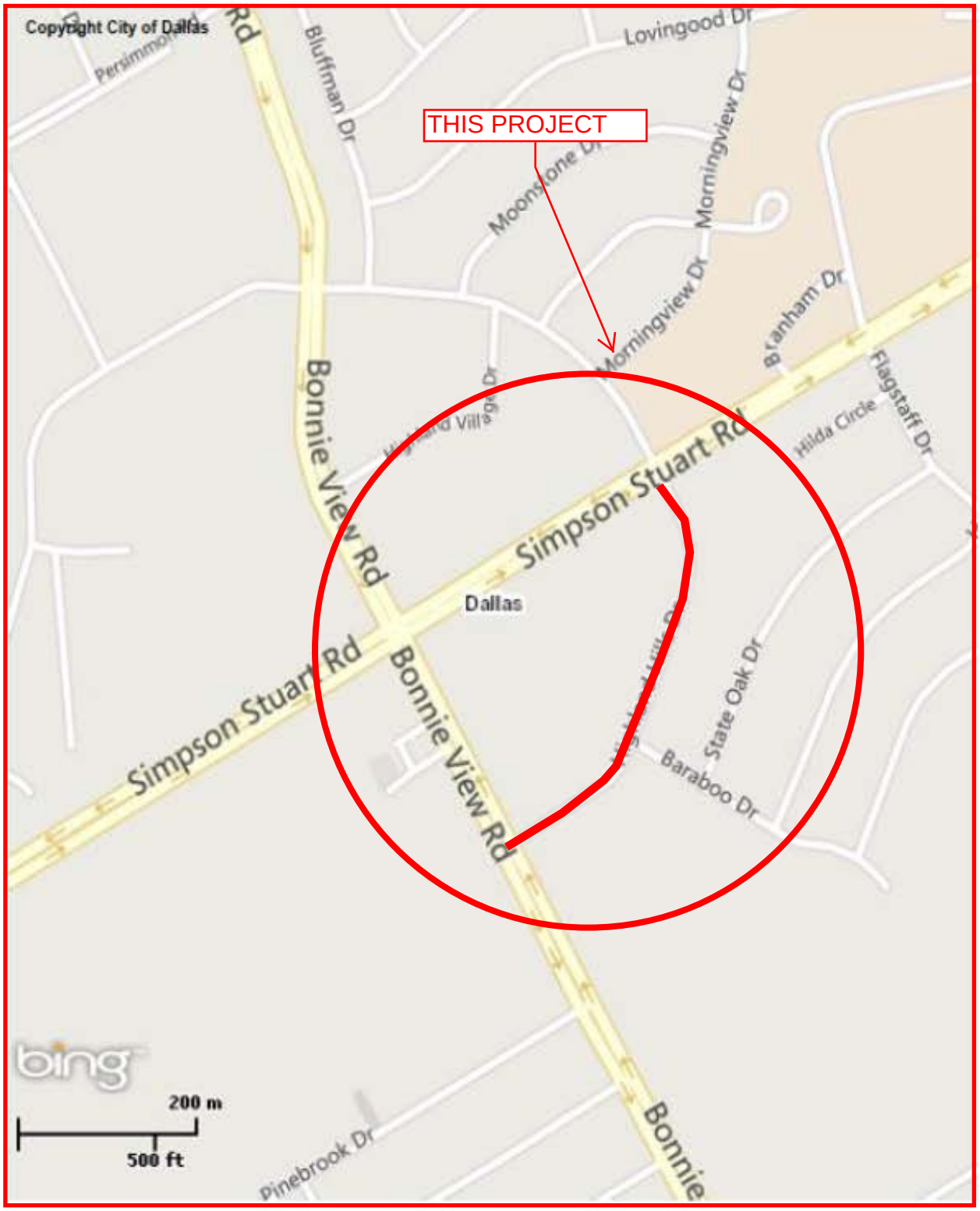
GENTLE RIVER DRIVE FROM END OF PAVEMENT TO HIDDEN TRAIL DRIVE



MAPSCO 66T

STREET RECONSTRUCTION GROUP 12-631

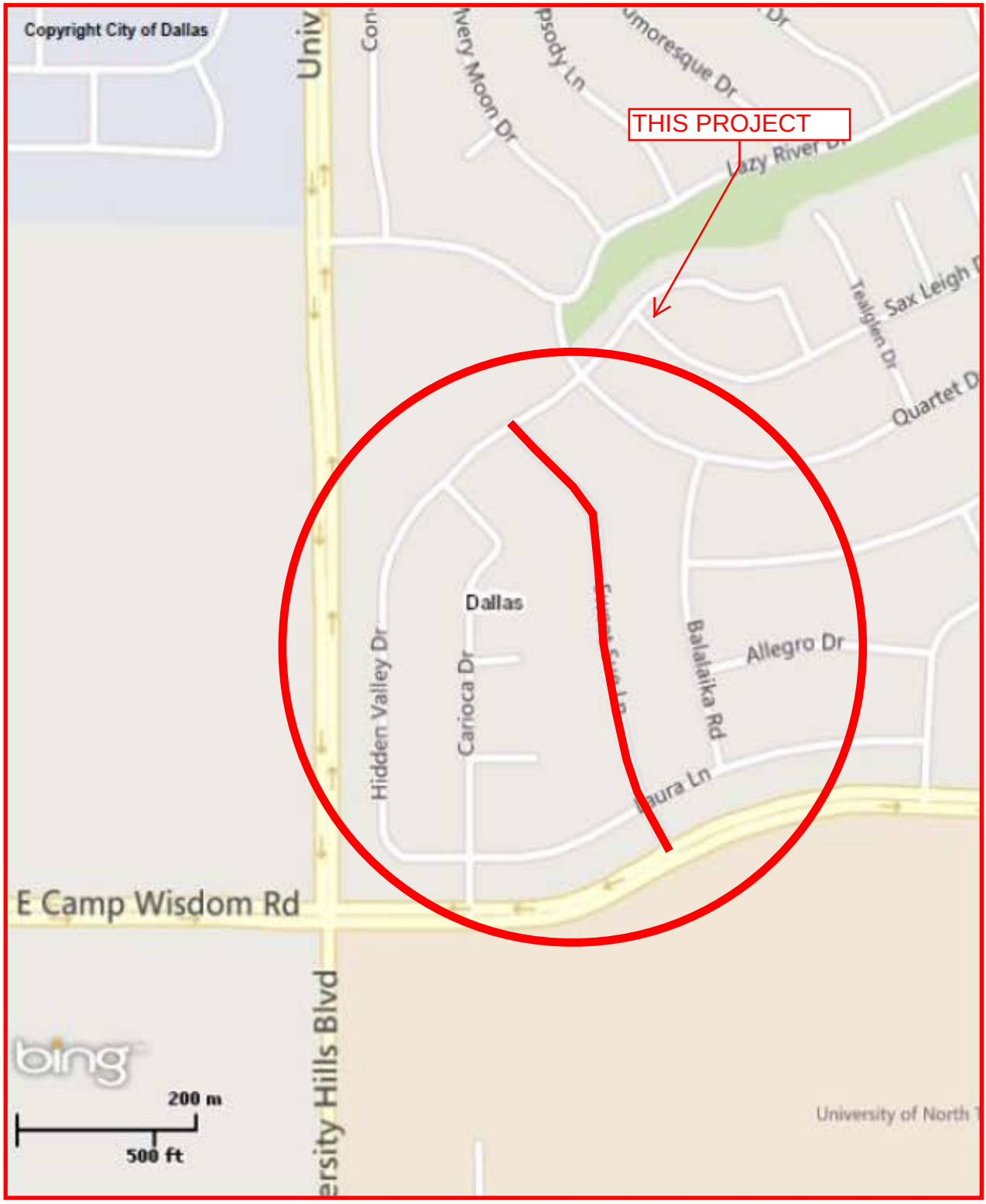
HIGHLAND HILLS DRIVE FROM SIMPSON STUART ROAD TO BONNIE VIEW ROAD



MAPSCO 66Q

STREET RECONSTRUCTION GROUP 12-631

SWEET SUE LANE FROM HIDDEN VALLEY DRIVE TO CAMP WISDOM ROAD (E)



MAPSCO 65T

September 22, 2015

WHEREAS, on September 25, 2013, Resolution No. 13-1731 authorized a professional services contract with EJES, Incorporated for the engineering design services for Street Reconstruction Group 12-631 in the amount of $488,253.19; and,

WHEREAS, bids were received on July 9, 2015, for the reconstruction of street paving, drainage, drive approaches, sidewalks, curb and gutter, barrier free ramps, water and wastewater main improvements for Street Reconstruction Group 12-631, as follows:

BIDDERS	**BID AMOUNT**
Tiseo Paving Company	$4,996,582.45
Texas Standard Construction, Ltd.	$5,390,490.65
Camino Construction, L.P.	$5,480,633.00

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to enter into a contract with Tiseo Paving Company for the reconstruction of street paving, drainage, drive approaches, sidewalks, curb and gutter, barrier free ramps, water and wastewater main improvements for Street Reconstruction Group 12-631 in an amount not to exceed $4,996,582.45, this being the lowest responsible bid received as indicated by the tabulation of bids, after it has been approved as to form by the City Attorney.

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

Street and Transportation Improvements Fund
Fund 1T22, Department PBW, Unit S433, Act. SREC
Obj. 4510, Program #PB12S433, CT PBW12S433K1
Vendor #011466, in amount not to exceed $ 198,441.00

Street and Transportation Improvements Fund
Fund 3U22, Department PBW, Unit S433, Act. SREC
Obj. 4510, Program #PB12S433, CT PBW12S433K1
Vendor #011466, in amount not to exceed $ 387,940.00

Street and Transportation Improvements Fund
Fund 2U22, Department PBW, Unit S435, Act. SREC
Obj. 4510, Program #PB12S435, CT PBW12S433K1
Vendor #011466, in amount not to exceed $ 21,619.20

Street and Transportation Improvements Fund Fund 3U22, Department PBW, Unit S435, Act. SREC Obj. 4510, Program #PB12S435, CT PBW12S433K1 Vendor #011466, in amount not to exceed	$1,068,960.00
Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S445, Act. SREC Obj. 4510, Program #PB12S445, CT PBW12S433K1 Vendor #011466, in amount not to exceed	$ 44,075.00
Street and Transportation Improvements Fund Fund 3U22, Department PBW, Unit S445, Act. SREC Obj. 4510, Program #PB12S445, CT PBW12S433K1 Vendor #011466, in amount not to exceed	$ 828,580.00
Street and Transportation Improvements Fund Fund 3T22, Department PBW, Unit S449, Act. SREC Obj. 4510, Program #PB12S449, CT PBW12S433K1 Vendor #011466, in amount not to exceed	$ 457,269.25
Street and Transportation Improvements Fund Fund 3U22, Department PBW, Unit S449, Act. SREC Obj. 4510, Program #PB12S449, CT PBW12S433K1 Vendor #011466, in amount not to exceed	$ 487,560.00
Water Capital Improvement Fund Fund 3115, Department DWU, Unit PW42 Obj. 4550, Program #715165, CT PBW715165CP Vendor #011466, in amount not to exceed	$ 735,316.50
Water Construction Fund Fund 0102, Department DWU, Unit CW42 Obj. 3221, Program #715165X, CT PBW715165EN Vendor #011466, in amount not to exceed	$ 74,205.00
Wastewater Capital Improvement Fund Fund 3116, Department DWU, Unit PS42 Obj. 4560, Program #715166, CT PBW715166CP Vendor #011466, in amount not to exceed	$ 641,531.50

Wastewater Construction Fund	
Fund 0103, Department DWU, Unit CS42	
Obj. 3222, Program #715166X, CT PBW715166EN	
Vendor #011466, in amount not to exceed	$ 51,085.00
Total amount not to exceed	$4,996,582.45

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

AGENDA ITEM # 39

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): 14

DEPARTMENT: Public Works Department
Court & Detention Services

CMO: Jill A. Jordan, P.E., 670-5299
Eric Campbell, 670-3255

MAPSCO: 45L

SUBJECT

Authorize a construction services contract with RLP Mechanical Contractors, Inc., lowest responsible bidder of three, for upgrades to the parking garage ventilation system at the Municipal Court Building located at 2014 Main Street - Not to exceed $271,100 - Financing: Current Funds

BACKGROUND

The existing garage ventilation system at the Dallas Municipal Court Building, located at 2014 Main Street is not functioning properly and is creating indoor air quality issues. Funding for the garage ventilation system upgraded will be provided by Courts Department and Judicial Department from Current 2015 General Funds. This action will authorize a contract for the construction phase which will involve the demolition of the old ventilation system and the installation of a new system.

In July 2015, a construction Request for Bids was issued in accordance with the City of Dallas procurement guidelines. RLP Mechanical Contractors, Inc. was identified through this process as the lowest responsible bidder of three, for the construction involving the garage ventilation system upgrade at the Dallas Municipal Court Building located at 2014 Main Street. When completed, the Dallas Municipal Court Building will have a fully-functional garage ventilation system that is up to date and in compliance with all building and fire code regulations.

The bids submitted for this project were evaluated by taking into account the bidders' price and their ability to accomplish the project responsibly and under budget.

RLP Mechanical Contractors, Inc. was selected as lowest responsible bidder of three, based on their submitted response to the project scope of work, project schedule, and project budget.

ESTIMATED SCHEDULE OF PROJECT

Began Design	May 2015
Completed Design	July 2015
Begin Construction	September 2015
Complete Construction	November 2015

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Public Safety Committee on September 3, 2015.

FISCAL INFORMATION

Current Funds - $271,100

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

RLP Mechanical Contractors, Inc.

Hispanic Female	0	Hispanic Male	9
African-American Female	0	African-American Male	0
Other Female	0	Other Male	0
White Female	2	White Male	13

BID INFORMATION

The following sealed bids were received and opened on August 13, 2015:

*Denotes successful lowest responsible bidder.

Bidder	Base Bid	Accepted Alt. No. 1
*RLP Mechanical Contractors, Inc. 4117 N. Hwy. 77 Waxahachie, Texas 75165	$234,200	$36,900
DMI-Decker Mechanical	$264,226	$62,294
Infinity Contractors	$257,293	$79,867

Alternate No. 1 - Basement Boiler removal

OWNER

RLP Mechanical Contractors, Inc.

Kathryn O. Parker, President

MAP

Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a construction services contract with RLP Mechanical Contractors, Inc., lowest responsible bidder of three, for upgrades to the parking garage ventilation system at the Municipal Court Building located at 2014 Main Street - Not to exceed $271,100 - Financing: Current Funds

RLP Mechanical Contractors, Inc. is a non-local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own forces.
PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$20,500.00	7.56%
Total non-local contracts	$250,600.00	92.44%
TOTAL CONTRACT	$271,100.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

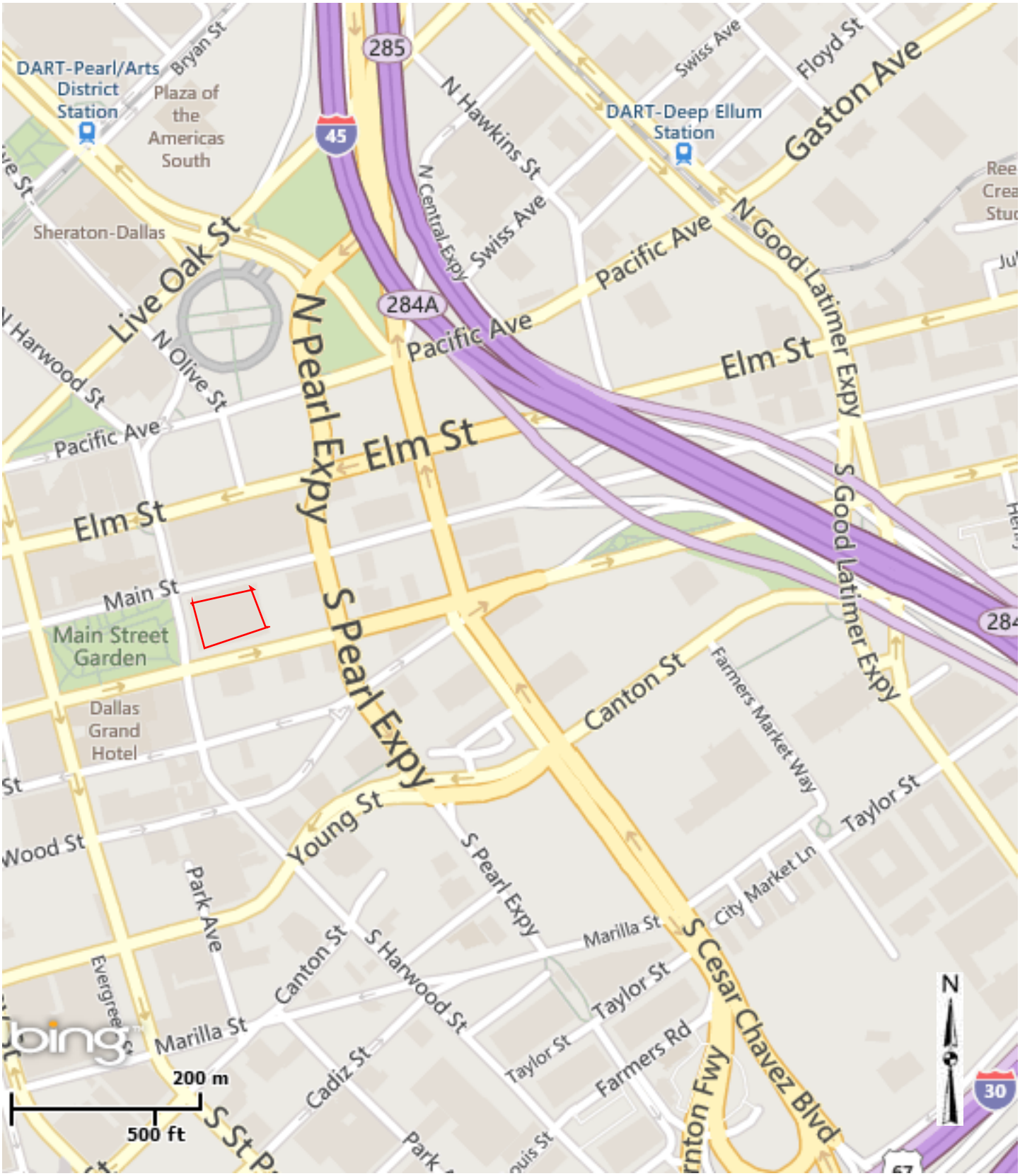
None

Non-Local Contractors / Sub-Contractors

Non-local	Certification	Amount	Percent
RLP Mechanical Contractors, Inc.	WFWB62933N0816	$159,600.00	63.69%
Total Minority - Non-local		$159,600.00	63.69%

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$0.00	0.00%	$0.00	0.00%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$0.00	0.00%	$159,600.00	58.87%
Total	$0.00	0.00%	$159,600.00	58.87%



Municipal Court Building

2014 Main Street

September 22, 2015

WHEREAS, the City of Dallas has an existing garage ventilation system located at the Dallas Municipal Court Building that is out of date; the garage ventilation system is not functioning properly and is also causing indoor air quality issues; and,

WHEREAS, the following sealed bids were received and opened on August 13, 2015:

*Denotes successful lowest responsible bidder.

Bidder	**Base Bid**	**Accepted Alternate No. 1**
*RLP Mechanical Contractors, Inc.	$234,200	$36,900
DMI-Decker Mechanical	$264,226	$62,294
Infinity Contractors	$257,293	$79,867

Alternate No. 1 - Basement Boiler removal

and,

WHEREAS, RLP Mechanical Contractors, Inc. was found to be the lowest responsive bidder of three; and,

WHEREAS, it is now desirable to authorize a construction services contract with RLP Mechanical Contractors, Inc. for upgrades to the garage ventilation system at the Municipal Court Building located at 2014 Main Street, in an amount not to exceed $271,100.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute a construction services contract with RLP Mechanical Contractors, Inc. for upgrades to the garage ventilation system at the Municipal Court Building located at 2014 Main Street, in an amount not to exceed $271,100, after it has been approved as to form by the City Attorney.

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

Current Fund Fund 0001, Dept. CTS, Unit 1056, Act. MMCF Obj. 4310, Program# PBCUR021, CT PBWCUR021L1 Vendor # VS0000045016, in an amount not to exceed	$200,000
Current Fund Fund 0001, Dept. CTJ, Unit 1051, Act. MMCF Obj. 4310, Program# PBCUR021, CT PBWCUR021L1 Vendor # VS0000045016, in an amount not to exceed	$ 71,100
Total amount not to exceed	$271,100

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

AGENDA ITEM # 40

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Public Works Department
Aviation
Convention and Event Services
Park & Recreation

CMO: Jill A. Jordan, P.E., 670-5299
Ryan S. Evans, 671-9837
Mark McDaniel, 670-3256

MAPSCO: N/A

SUBJECT

Authorize the first one-year renewal option of three, to the contract with **(1)** Kellogg Brown and Root, LLC, for construction services related to the job order contracting services project in the amount of $6,500,000, from $3,486,443 to $9,986,443; and **(2)** METCO Engineering, Inc. for mechanical, electrical and plumbing improvements related to the job order services project in the amount of $2,000,000, from $1,500,000 to $3,500,000 - Total not to exceed $8,500,000 - Financing: Aviation Current Funds ($3,000,000) (subject to appropriations), Convention and Event Services Capital Construction Funds ($3,000,000), Park and Recreation Program Funds ($500,000) and 2006 Bond Funds ($2,000,000)

BACKGROUND

This action will authorize the first of three twelve-month renewal options to the Job Order contracts with (1) Kellogg Brown and Root, LLC and (2) METCO Engineering, Inc. The base contract for twenty-four months was competitively bid in October 2012 and the award was authorized by Resolution No. 13-0967, dated June 12, 2013.

Job Order Contracting (JOC) is an alternative contracting method that is used to provide for construction, repair, rehabilitation, and alterations at City facilities. This contracting methodology was made available to Texas municipalities effective September 1, 2001 by the Texas Local Government Code; Section 271.120 was added by Acts 2001, 77th Leg., Ch. 1409, Section 5. The subject contracts were competitively bid and the provided coefficients deliver discounts when multiplied by pre-set unit prices from a uniform price book. The contracts allow for delivery of fixed price projects of indefinite delivery and indefinite quantity. The contract amount is buying power and makes no representation regarding the amount of work a contractor will receive.

BACKGROUND (Continued)

The amount for a particular project is not encumbered until it is decided JOC should be used and a Job Order is executed.

The Job Order contracts allow construction services to be provided by Kellogg Brown and Root, LLC for general construction and METCO Engineering, Inc. for mechanical, electrical, and plumbing. The contract's pre-agreed pricing establishes a known basis for costs and the coefficients (multipliers) provide a reduction in costs to the City. The City is able to have construction performed by consistent, proven, and dependable contractors. With Job Order Contracting, the contractors can respond more rapidly to urgent and unforeseen needs and assist City workforces with maintenance and major maintenance.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized construction service contracts with Kellogg Brown & Root, LLC, METCO Engineering, Inc., and Chamberlin Dallas LLC, on June 12, 2013, by Resolution No. 13-0967.

Information about this item will be presented to the Transportation and Trinity River Project Committee on September 15, 2015.

FISCAL INFORMATION

$3,000,000 - Aviation Current Funds
$3,000,000 - Convention and Event Services Capital Construction Funds
$ 500,000 - Park and Recreation Program Funds
$2,000,000 - 2006 Bond Funds

This action does not encumber funds. Upon approval of a job order, the funds for services are to be encumbered from project funds, operating funds of a project, or funds from the Department receiving services.

ETHNIC COMPOSITION

Kellogg Brown and Root, LLC

Hispanic Female	248	Hispanic Male	1,881
African-American Female	318	African-American Male	943
Other Female	198	Other Male	838
White Female	1,345	White Male	7,200

ETHNIC COMPOSITION (Continued)

METCO Engineering, Inc.

Hispanic Female	0	Hispanic Male	4
African-American Female	0	African-American Male	2
Other Female	0	Other Male	0
White Female	1	White Male	12

OWNERS

Kellogg Brown and Root, LLC

Stuart Bradie, Chief Executive Officer
Rick Farrag, Director - On Call Construction

METCO Engineering, Inc.

Zara Sadeghian, President

September 22, 2015

WHEREAS, the State of Texas Local Government Code, Section §271.113 provides for Job Order Contracting by local municipalities; and,

WHEREAS, Job Order Contracting is desirable and necessary to perform construction, repair, rehabilitation, and alterations at City facilities; and,

WHEREAS, it is desirable for the Public Works Department to continue to provide Job Order Contracting construction services to its client departments; and,

WHEREAS, on June 12, 2013, Resolution No. 13-0967 authorized a twenty-four month construction services contract for Job Order Contracting, with three twelve month renewal options, with **(1)** Kellogg Brown and Root, LLC, in the amount of $3,486,443; and **(2)** METCO Engineering, Inc. in the amount of $1,500,000; and,

WHEREAS, it is now desirable to authorize the first one-year renewal option of three, to the job order contracting services project to the contracts with **(1)** Kellogg Brown and Root, LLC, in the amount of $6,500,000, from $3,486,443 to $9,986,443; and **(2)** METCO Engineering, Inc., in the amount of $2,000,000, from $1,500,000 to $3,500,000.

Now, Therefore

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

Section 1. That the City Manager is hereby authorized to execute the first one-year renewal option of three to the job order contracting services contracts with **(1)** Kellogg Brown and Root, LLC, Vendor Number 244324, in the amount of $6,500,000, from $3,486,443 to $9,986,443; and **(2)** METCO Engineering, Inc., Vendor Number VS0000025965, in the amount of $2,000,000, from $1,500,000 to $3,500,000, total amount not to exceed $13,486,443, after it has been approved as to form by the City Attorney.

Section 2. That the Director of Public Works or his designees are authorized to request services as needed with any of the contracted firms in accordance with the contract terms.

Section 3. That the Chief Financial Officer is hereby authorized to disburse funds in accordance with the terms and conditions of the contracts from the applicable project fund for the individual construction for which the services are being performed, subject to annual appropriation of funding by the City Council from:

Fund: 0130; Dept: AVI; Unit: Various; Object: Various; Amount: $3,000,000.00
Fund: 0082; Dept: CCT; Unit: Various; Object: Various; Amount: $3,000,000.00
Fund: 2T33; Dept: PBW; Unit: Various; Object: Various; Amount: $1,000,000.00
Fund. 2T42, Dept. PBW, Unit: Various; Object: Various, Amount: $1,000,000.00
Fund: 0395; Dept: PKR; Unit: Various; Object: Various; Amount: $500,000.00

Section 4. That each contract shall provide for termination by the City Manager, without liability, in the event of non-appropriation of funding available for these contracts by the City Council.

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

AGENDA ITEM # 41

KEY FOCUS AREA:	Economic Vibrancy
AGENDA DATE:	September 22, 2015
COUNCIL DISTRICT(S):	6
DEPARTMENT:	Public Works Department Water Utilities
CMO:	Jill A. Jordan, P.E., 670-5299 Mark McDaniel, 670-3256
MAPSCO:	42U Y Z 52C

SUBJECT

Authorize **(1)** street paving, storm drainage, street lighting, landscaping, water and wastewater main improvements for Chalk Hill Road from Davis Street to 800 feet south of I-30; provide for partial payment of construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law; and **(2)** a benefit assessment hearing to be held on November 10, 2015, to receive comments - Financing: No cost consideration to the City

BACKGROUND

Chalk Hill Road from Davis Street to 800 feet south of I-30 was included in the 2006 Bond Program under the category of Thoroughfares. A professional services contract for the design of this project was authorized by City Council on January 23, 2008, by Resolution No. 08-0324, and this action will authorize the project, partial payment of cost by assessment, and a benefit assessment hearing. The improvements will consist of a 44-foot wide concrete pavement with curbs, sidewalks, bicycle lanes, drive approaches, street lighting, landscaping and installation of a storm drainage system and water and wastewater main improvements.

The paving assessment process requires the following three steps:

1. Authorize paving improvements.
2. Authorize a benefit assessment hearing.
3. Benefit assessment hearing, ordinance levying assessments and authorize contract for construction.

These actions are the 1st and 2nd steps in the process.

ESTIMATED SCHEDULE OF PROJECT

Began Design	February 2008
Completed Design	August 2015
Begin Construction	January 2016
Complete Construction	September 2017

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

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

Authorized approval of the proposed alignment for Chalk Hill Road from West Davis Street to 800 feet south of I-30 on May 26, 2010, by Resolution No. 10-1330.

Authorized Supplemental Agreement No. 1 to the professional services contract for engineering on December 8, 2010, by Resolution No. 10-3076.

FISCAL INFORMATION

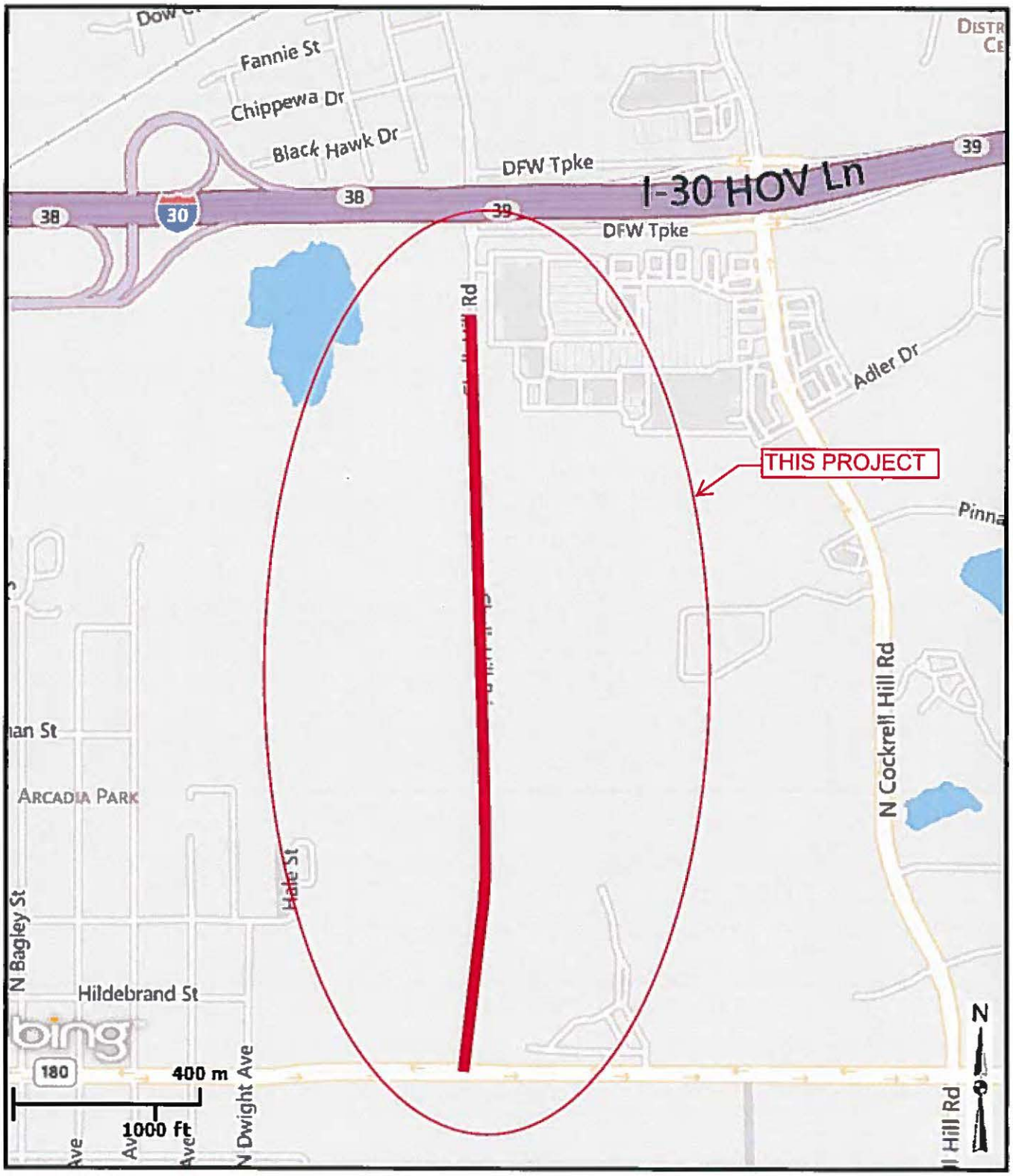
Design	$ 464,096.20
Supplemental Agreement No. 1	$ 54,551.50
Construction	
Paving & Drainage - PBW	$7,805,860.00 (est.)
Water & Wastewater - WTR	$1,444,964.00 (est.)
Total Project Cost	$9,769,471.70 (est.)

This project does involve assessments.

MAP

Attached.

CHALK HILL ROAD
FROM DAVIS STREET TO 800' SOUTH OF I-30



MAPSCO 42U,Y,Z, & 52C

September 22, 2015

WHEREAS, the City of Dallas deems it necessary to permanently improve the hereinafter named street within the City of Dallas.

Now, Therefore,

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

SECTION 1. That the following street

Chalk Hill Road from Davis Street to 800' south of I-30

shall be improved in the following manner, to wit:

(1) That said street shall be profiled so as to bring same to design grade.

(2) That said street shall be paved from curb to curb with 11-inch thick 4000-pounds per square inch reinforced concrete pavement; with 8-inch thick lime treated subgrade and cement stabilization; with 6-inch high integral curbs; with 8-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalks 5 feet wide, with two-5 feet wide bicycle lanes, so that the roadway shall be 44 feet in width; and,

That any permanent improvements in place, meeting these specifications, or which can be utilized, shall be left in place, if any, and corresponding credits to the property owners shall be allowed on the assessments.

That bids shall be taken for the construction of the work for the type of construction enumerated above, and the work shall be done with the materials and according to plans and methods selected by the City Council after the bids are opened.

That the cost of said improvements shall be paid for as follows, to wit:

(a) That the City of Dallas shall pay only an amount equal to the cost of storm sewers, and also all the cost of improving intersections of said street with other street, and partia l adjusted frontages on side property, except so much thereof as shall be borne by streets.

(b) That after deducting the proportion of the cost provided for in said Subsection (a) above, the whole remaining cost, including the cost of concrete curbs or curbs and gutters, driveways, sidewalks shall be paid by the owners of property abutting on said streets and alleys named to be paved, in the following manner, to wit:

That the cost shall be assessed against said owners and their property respectively, in accordance with what is known as the "Front-Foot Plan", in proportion as the frontage of the property of each owner is to the whole frontage improved and shall be payable in monthly installments not to exceed one hundred twenty (120) in number, the first of which shall be payable within thirty (30) days from the date of the completion of said improvements and their acceptance by the City of Dallas, and one installment each month thereafter until paid, together with interest thereon at the current rate established and adopted by the City Council applicable to Public Improvement Assessment Accounts being paid by installments and not to exceed the statutory rate, with the provision that any of said installments may be paid at any time before maturity by the payment of the principal and the accrued interest thereon. Any property owner against whom and whose property an assessment has been levied may pay the whole assessment chargeable to him without interest within thirty (30) days after the acceptance and completion of said improvements.

Provided that, if the application of the above-mentioned rule of apportionment between property owners would, in the opinion of the City Council, in particular cases be unjust or unequal, it shall be the duty of the said Council to assess and apportion said cost in such manner as it may deem just and equitable, having in view the special benefits in enhanced value to be received by each owner of such property, the equities of owners, and the adjustment of such apportionment, so as to produce a substantial equality of benefits received by and burdens imposed upon such owners.

That no such assessment shall be made against any owner of abutting property, if any, until after the notice and hearing provided by law, and no assessment shall be made against an owner of abutting property in excess of the benefits to such property in enhanced value thereof by means of such improvements.

That the contractor shall be paid for the work performed under the specifications, upon monthly estimates to be prepared by the Director of Public Works. That there shall be deducted as a retainage fee, five (5%) percent of such monthly estimates, to be held by the City of Dallas until the contract is performed and executed to the satisfaction of the Director of Public Works. The monthly estimates shall be paid on or before the 10th day of the next succeeding month for the work performed during the previous month.

For that part of the cost of the improvements that shall be determined to be levied against the owners of abutting property and their property shall be levied by assessment as herein provided, and said improvements may further be secured by Mechanic's Liens to be executed in favor of the City of Dallas, provided by law in accordance with the terms and provisions of this resolution. Paving certificates evidencing the assessment shall be issued in favor of the City of Dallas for the amount of the assessment, whether the property owners have executed Mechanic's Liens to secure the payment or not, and shall be payable for the use and benefit of the Revolving Fund established for the purpose of financing paving improvements.

That the Director of Public Works is hereby directed to prepare at once the specifications and an estimate of the cost of such improvements and file the same with the City Council for the hereinabove described pavement and improvements. That in the specifications prepared, provision shall be made to require all contractors to give such bonds as may be necessary or as required by law.

That such specifications shall require the bidder to make a bid upon the type of improvements above described, with such bonds as may be required.

That the specifications shall also state the amounts of the required bonds, as well as the method by which it is proposed to pay the cost of said improvements, said method being in accordance with this resolution.

SECTION 2. That the City Council, in initiating this proceeding, is acting under the terms and provisions of the Act passed at the First Called Session of the Fortieth Legislature of the State of Texas, and known as Chapter 106 of the Acts of said Session, together with any amendments thereto, now shown as Texas Transportation Code Annotated Sections 311 and 313 (Vernon's 1996), which said law, as an alternative method for the construction of street improvements in the City of Dallas, Texas, has been adopted and made a part of the Charter of said City, being Chapter XX of said Charter.

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.

NOTICE OF ASSESSMENT PROCEEDINGS AND LIEN UPON ABUTTING PROPERTY

NOTICE is hereby given that the Governing Body of the City of Dallas, in the County of Dallas, in the State of Texas, by Resolution No._____ dated_____ has ordered and directed that the following street in said City be improved, to wit:

Chalk Hill Road from Davis Street to 800' south of I-30

West Side of Street

Subdivision	**Block**	**Lot**
	7192	Tr 3 Acs. 97.796
	7192	Tr 1 Acs. 70.4898
Stewart & Stevenson	A/7192	1, Acs. 18.7373
	7192	Tr 2, Acs. 0.932
		231.95x186.07x224.81x169.5

East Side of Street

Subdivision	**Block**	**Lot**
Pinnacle Park 8 Ph 1	B/7206	7 Acs. 14.43
Pinnacle Park 8 Replat	B/7206	8A Acs 2.652
	7211 & 7206	Split 1 Acs 3.1777
Pinnacle Park Dist Center 2	A/7206	1 Acs. 18.01
	7207	Tr 2 Acs. 22.536

In case of conflict between numbers and street names and limits, street names will govern. A portion of the cost of such improvements is to be specially assessed as a lien upon property abutting thereon.

City of Dallas, Texas

By _____
City Secretary

(File in Deed of Trust Records)

September 22, 2015

WHEREAS, the City Council of the City of Dallas is of the opinion that it is necessary to levy an assessment against the property and the owners thereof abutting upon the following:

Chalk Hill Road from Davis Street to 800' south of I-30

for a part of the cost of improving said street, fixing a time for the hearing of the owners of said property concerning the same, and directing the City to give notice of said hearing, as required by law; and,

WHEREAS, the City Council has heretofore, by resolution, ordered the improvement of the street enumerated above, by paving said street from curb to curb with 11-inch thick 4000-pounds per square inch reinforced concrete pavement; with 8-inch thick lime treated subgrade and cement stabilization; with 6-inch high integral curbs; with 8-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalks 5 feet wide, with two-5 feet wide bicycle lanes, so that the roadway shall be 44 feet in width; and

Any existing permanent improvements in place, meeting these specifications, or which can be utilized, shall be left in place, if any, and corresponding credits to the property owners shall be allowed on the assessments; and,

WHEREAS, the Director of Public Works of the City of Dallas has, in accordance with the law, filed his report with the City Council, and the property owners, in the cost thereof, together with the names of the owners and the description of said property, and the work to be done adjacent thereto, and the amounts proposed to be assessed against each lot or parcel and its owners and all other matters required by the applicable law.

Now, Therefore,

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

SECTION 1. That the report or statement filed by the Director of Public Works having been duly examined is hereby approved.

SECTION 2. That it is hereby found and determined that the cost of improvements on the hereinafter described street, with the amount or amounts per front foot proposed to be assessed for such improvements against abutting property and the owners thereof, are as follows, to wit:

Chalk Hill Road from Davis Street to 800' south of I-30

shall be improved from curb to curb with 11-inch thick 4000-pounds per square inch reinforced concrete pavement; with 8-inch thick lime treated subgrade and cement stabilization; with 6-inch high integral curbs; with 8-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalks 5 feet wide, with two-5 feet wide bicycle lanes, so that the roadway shall be 44 feet in width; and

The estimated cost of the improvements is **$9,250,824.00 (est.)**

a. The estimated rate per square yard to be assessed against abutting property and the owners thereof for concrete drive approaches is **$41.16/S. Y.**

b. The estimated rate per front foot to be assessed against abutting property and the owners thereof for pavement improvements is as follows:

Where Property Classification is WSR-III (Commercial)

The front rate for 11-inch adjusted to 10-inch thick reinforced concrete pavement 22 feet wide with curb: **$122.34/L. F.**

The front rate for 4-inch thick reinforced concrete sidewalk is**: $7.77/L. F.**

All assessments, however, are to be made and levied by the City Council as it may deem just and equitable, having in view the special benefits in enhanced value to be received by such parcels of property and owners thereof, the equities of such owners, and the adjustment of the apportionment of the cost of improvements so as to produce a substantial equality of benefits received and burdens imposed.

SECTION 3. That a hearing shall be given to said owners of abutting property, or their agents or attorneys and all persons interested in said matter, as to the amount to be assessed against each owner and his abutting property and railways and street railways and as to the benefits to said property by reason of said improvement, or any other matter of thing in connection therewith, which hearing shall be held in the Council Chamber of the City Hall of the City of Dallas, County of Dallas, on the **10th** day of **November,** A.D. **2015**, at **1:00** o'clock P.M., at which time all the said owners, their agents or attorneys or other interested persons are notified to appear and be heard, and at said hearing said owners and other persons may appear, by counsel or in person, and may offer evidence, and said hearing shall be adjourned from day to day until fully accomplished.

That the City shall give notice of the time and place of such hearing and of other matters and facts in accordance with the terms of provisions of the Act passed at the First called session of the Fortieth Legislature of the State of Texas, and known as

Chapter 106 of the Acts of said session, together with any amendments thereto, now shown as Texas Transportation Code Annotated Section 311 and 313 (Vernon's 1996), which said law, as an alternative method for the construction of street improvements in the City of Dallas, Texas, has been adopted and made a part of the charter of said City, being Chapter XX of said Charter. Said notice shall be by advertisement inserted at least three times in a newspaper published in the City of Dallas, Texas, the first publication to be made at least twenty-one (21) days before the date of said hearing. Said notice shall comply with and be in accordance with the terms and provisions of said Act.

That the City shall give additional written notice of said hearing by mailing to said owners a copy of said notice deposited in the Post Office at Dallas, Texas, at least fourteen (14) days prior to the date of said hearing, provided however, that any failure of the property owners to receive said notice, shall not invalidate these proceedings.

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

Engineer's Report

September 22, 2015

TO THE CITY COUNCIL OF THE CITY OF DALLAS, TEXAS

As requested by your Honorable Body, the undersigned has prepared plans and specifications for the improvements of **Chalk Hill Road from Davis Street to 800' south of I-30.** That said street shall be paved curb to curb with 11-inch thick 4000-pounds per square inch reinforced concrete pavement; with 8-inch thick lime treated subgrade and cement stabilization; with 6-inch high integral curbs; with 8-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalks 5 feet wide, with two-5 feet wide bicycle lanes, so that the roadway shall be 44 feet in width; and with estimates of the cost of improving the street as listed thereon, together with the proposed assessments, a part of the cost to be made against the abutting properties and the property owners, and part of the cost to be paid by the City. The report of these improvements is as follows:

Chalk Hill Road from Davis Street to 800' south of I-30

Total Property Owners' Cost - Assessments		$591,473.18
Total Estimated City of Dallas' Cost - Paving	$6,010,471.82	
Total Estimated City of Dallas' Cost - Drainage	$1,203,915.00	
Total Estimated Water Utilities Department Cost Water and Wastewater Main Improvements	$1,444,964.00	
Total Estimated City of Dallas' Cost		$8,659,350.82
Total Estimated Cost of Improvements		$9,250,824.00

Chalk Hill Road from Davis Street to 800' south of I-30

Total Property Owners' Cost - Assessments		$591,473.18
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Total Estimated City of Dallas' Cost		$8,659,350.82
Total Estimated Cost of Improvements		$9,250,824.00

The Director of Public Works reports that representatives of this Department have studied the actual existing conditions on the ground on this particular street, and find that the existing roadway have a narrow asphalt surface with shallow earth drainage ditches; which have accessibility and drainage issues. Taking all of this and other factors into consideration; plans and specifications have been prepared for these improvements. We believe that this paving will improve the properties abutting on said street, and the proposed assessment is equitable for the enhancement value achieved on the abutting properties. Final determination of assessments will be made based on analysis of enhancement.

Respectfully submitted,

Director, Public Works Department

**CHALK HILL ROAD FROM DAVIS STREET TO 800' SOUTH OF I-30
SHALL BE PAVED FROM CURB TO CURB WITH 11-INCH THICK 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8-INCH LIME TREATED SUBGRADE AND CEMENT STABILIZATION; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 8-INCH THICK REINFORCED CONCRETE DRIVE APPROACHES; WITH 4-INCH THICK REINFORCED CONCRETE SIDEWALKS 5 FEET WIDE; WITH TWO 5-FEET WIDE BICYCLE LANES; SO THAT THE ROADWAY SHALL BE 44 FEET IN WIDTH**

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
WEST SIDE OF STREET						
CITY OF DALLAS 1500 MARILLA ST DALLAS, TX 75201	0.545 Acs **4700 W** **Davis St**		**NO ASSESSMENT** **CITY OF DALLAS**			
CITY OF DALLAS 1500 MARILLA ST DALLAS, TX 75201	RR Tr 1.7 2.473 Acs **800** **Chalk Hill Rd**		**NO ASSESSMENT** **CITY OF DALLAS**			
TXI OPERATIONS LP 1341 W MOCKINGBIRD LN DALLAS, TX 75247-6913	TR 3 97.796 Acs **1200** **Chalk Hill Rd**	7192	401 FT PVMT 401 FT WALK	$122.34 $7.77	$49,058.34 $3,115.77	**$52,174.11**
TXI OPERATIONS LP 1341 W MOCKINGBIRD LN DALLAS, TX 75247-6913	TR 1 70.4898 Acs **1247** **Chalk Hill Rd**	7192	2538 FT ADJ TO 1922 FT PVMT 1802 FT WALK 40 FT DRIVE 40 FT DRIVE	 $122.34 $7.77 No Cost No Cost	 $235,137.48 $14,001.54 $0.00 $0.00	**$249,139.02**
STEWART & STEVENSON POWER PRODUCTS LLC 1000 LOUISIANA ST STE 5900 HOUSTON, TX 77002	1 18.7373 Acs **1631** **Chalk Hill Rd**	A/7192	289 FT ADJ TO 232 FT PVMT 232 FT WALK	 $122.34 $7.77	 $28,382.88 $1,802.64	**$30,185.52**
NEW MICROS INC ATTN: RANDY M DUMSE PRES 1601 CHALK HILL RD DALLAS, TX 75212	TR 2 0.932 Acs 231.95x86.07 x224.81x169.5	7192	231 FT PVMT 231 FT WALK 48.3 FT DR (20'Drive)	$122.34 $7.77 $41.16	$28,260.54 $1,794.87 $1,988.03	**$32,043.44**

CHALK HILL ROAD FROM DAVIS STREET TO 800' SOUTH OF I-30 SHALL BE PAVED FROM CURB TO CURB WITH 11-INCH THICK 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8-INCH LIME TREATED SUBGRADE AND CEMENT STABILIZATION; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 8-INCH THICK REINFORCED CONCRETE DRIVE APPROACHES; WITH 4-INCH THICK REINFORCED CONCRETE SIDEWALKS 5 FEET WIDE; WITH TWO 5-FEET WIDE BICYCLE LANES; SO THAT THE ROADWAY SHALL BE 44 FEET IN WIDTH

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
EAST SIDE OF STREET						
			PINNACLE PARK 8 PH 1			
LOWES HOMES CENTERS INC	7, 14.43 Acs	B/7206	170 FT PVMT	$122.34	$20,797.80	
1000 LOWES BLVD	**1710**		170 FT WALK	$7.77	$1,320.90	
MOORESVILLE, NC 28117	**Chalk Hill Rd**					**$22,118.70**
MORNING PARK INC	8A, 2.652 Acs	B/7206	500 FT PVMT	$122.34	$61,170.00	
2425 CEDAR SPRINGS RD	**1700**		500 FT WALK	$7.77	$3,885.00	
DALLAS, TX 75201-1459	**Chalk Hill Rd**					**$65,055.00**
MORNING PARK INC	Split 1	7211 &	154 FT PVMNT	$122.34	$18,840.36	
2425 CEDAR SPRINGS RD	Acs 3.1777	7206	154 FT WALK	$7.77	$1,196.58	
DALLAS, TX 75201-1459	**4250 IH 30**					**$20,036.94**
			PINNACLE PARK DIST CENTER 2			
LIGHTING PROPCO I LLC	1, 18.01 Acs	A/7206	925 FT ADJ TO			
C/O TPG CAPITAL LP	**1415**		842 FT PVMT	$122.34	$103,010.28	
301 COMMERCE ST, STE 3300	**N Cockrell**		722 FT WALK	$7.77	$5,609.94	
FT WORTH, TX 76102-4133	**Hill Rd**		40 FT DRIVE	No Cost	$0.00	
			40 FT DRIVE	No Cost	$0.00	
						$108,620.22
TXI OPERATIONS LP	TR 2	7207	1494 FT ADJ TO			
1341 W MOCKINGBIRD LN	22.536 Acs		93 FT PVMT	122.34	$11,377.62	
DALLAS, TX 75247	**900**		93 FT PVMT	$7.77	$722.61	
	Chalk Hill Rd					**$12,100.23**

**CHALK HILL ROAD FROM DAVIS STREET TO 800' SOUTH OF I-30
SHALL BE PAVED FROM CURB TO CURB WITH 11-INCH THICK 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8-INCH LIME TREATED SUBGRADE AND CEMENT STABILIZATION; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 8-INCH THICK REINFORCED CONCRETE DRIVE APPROACHES; WITH 4-INCH THICK REINFORCED CONCRETE SIDEWALKS 5 FEET WIDE; WITH TWO 5-FEET WIDE BICYCLE LANES; SO THAT THE ROADWAY SHALL BE 44 FEET IN WIDTH**

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
MORNING PARK INC 8117 PRESTON RD STE 700 DALLAS, TX 75225	RR TR 1 2.500 Acs **800** **Chalk Hill Rd**			**NO ASSESSMENT** **PRESCRIPTIVE EASEMENT**		
CITY OF DALLAS 1500 MARILLA ST DALLAS, TX 75201	55.428 Acs	7209 7210		**NO ASSESSMENT** **CITY OF DALLAS**		

AGENDA ITEM # 42

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): 14

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 45B

SUBJECT

An ordinance abandoning a common access and fire lane easement to Ojala Woodside Owner, LP, the abutting owner, containing approximately 5,031 square feet of land, located near the intersection of Worthington and Woodside Streets - Revenue: $5,400, plus the $20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a common access and fire lane easement to Ojala Woodside Owner, LP, the abutting owner. The area will be included with the property of the abutting owner for a multifamily development. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Economic Development Committee on September 21, 2015.

FISCAL INFORMATION

Revenue: $5,400, plus the $20 ordinance publication fee

OWNER

Ojala Woodside Owner, LP

Ojala Woodside Project GP, LLC

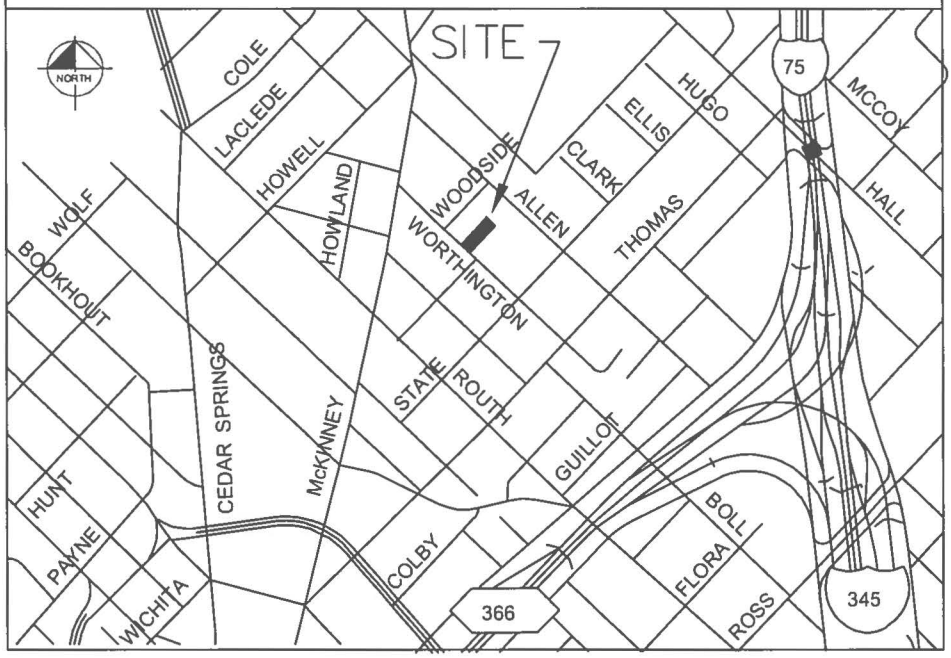
Clay Likover, Manager

MAP

Attached

VICINITY MAP

N.T.S.



ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of a common access and fire lane easement, located in City Block A/576 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Ojala Woodside Owner, LP; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Ojala Woodside Owner, LP, a Texas limited partnership; hereinafter referred to as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said easement is no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the City will be served by abandoning, relinquishing and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms and conditions hereinafter more fully set forth; **Now, Therefore,**

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

SECTION 1. That the City of Dallas hereby abandons and relinquishes all of its right, title and interest in and to the tract of land described in Exhibit A, attached hereto and made a part hereof; subject, however, to the conditions hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 ($5,400.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Section 8, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all its right, title and interest in and to the certain tract or parcel of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

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

SECTION 4. That the Chief Financial Officer is authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction - Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Source 8416.

SECTION 5. That the abandonment, relinquishment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

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

SECTION 7. That the abandonment, relinquishment and quitclaim provided for herein shall extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon, relinquish and quitclaim.

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the area described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A, (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which **GRANTEE**, its successors and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. **GRANTEE**, its successors and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee shall deliver to **GRANTEE** a certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 10. That this ordinance 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

DAVID COSSUM
Director of Department of Sustainable Development and Construction

BY _____
for Assistant Director

Passed _____.

EXHIBIT A

LEGAL DESCRIPTION
5,031 SQ. FT.

BEING a 5,031 square foot tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas and in City Block 576 of the Official Block Numbers of the City of Dallas, Texas; being part of a Common Access & Fire Lane Easement as created by the plat of L & L Molsen Addition recorded in Volume 84148, Page 4961 of the Deed Records of Dallas County, Texas; part of Lot 1, Block A/576 of said L & L Molsen Addition; part of Lot 2A, Block A/576, L. & L. Molsen Addition No. 4, an addition to the City of Dallas, Texas according to the plat recorded in Volume 99029, Page 46 of the Deed Records of Dallas County, Texas; part of a tract of land described in Special Warranty Deed to Ojala Woodside Owner, LP recorded in Instrument No. 201300368507, Official Public Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at an "X" cut in concrete set at the south corner of said Common Access & Fire Lane Easement in the northeast right-of-way line of Worthington Street (a variable width right-of-way) and the southwest line of said Lot 1, Block A/576; from said point a 1/2" iron rod with "TXHS" cap found at the intersection of the said northeast right-of-way line of Worthington Street with the northwest line of Guillot Alley (a 7.5' wide right-of-way) and the south corner of said Lot 1, Block A/576 bears South 45°20'17" East, a distance of 24.00 feet;

THENCE with said northeast right-of-way line of Worthington Street, the southwest line of said Common Access & Fire Lane Easement and the said southwest line of Lot 1, North 45°20'17" West, a distance of 22.00 feet to a 5/8" iron rod with "KHA" cap set at the southwest corner of said Common Access & Fire Lane Easement;

THENCE departing said northeast right-of-way line Worthington Street and said southwest line of Lot 1, with the northwest line of said Common Access & Fire Lane Easement, the following courses and distances:

North 44°17'06" East, a distance of 18.00 feet to an "X" cut in concrete set for corner;
South 45°20'54" East, a distance of 2.00 feet to an "X" cut in concrete set for corner;
North 44°17'06" East, a distance of 195.67 feet to an "X" cut in concrete set in the northeast line of said Lot 2A, Block A/576 and the southwest line of Lot 3B, Block A/576 of said L. & L. Molsen Addition No. 4;

(For SPRG use only)
Reviewed By: JB
Date: 07.08.2015
SPRG NO: 3315

COMMON ACCESS &
FIRE LANE EASEMENT ABANDONMENT
LOT 1, BLOCK A/576
L & L MOLSEN ADDITION
& LOT 2A, BLOCK A/576
L. & L. MOLSEN ADDITION NO. 4
JOHN GRIGSBY SURVEY
ABSTRACT NO. 495
CITY OF DALLAS
DALLAS COUNTY, TEXAS

DANA BROWN
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5336
12750 MERIT DRIVE, SUITE 1000
DALLAS, TEXAS 75251
PH. 972-770-1300
dana.brown@kimley-horn.com

STATE OF TEXAS
REGISTERED
DANA BROWN
5336
PROFESSIONAL
LAND SURVEYOR
7.8.15

Kimley»Horn
12750 Merit Drive, Suite 1000
Dallas, Texas 75251
FIRM # 10115500
Tel. No. (972) 770-1300
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	SLJ	DAB	APRIL 2015	067780311	1 OF 3

EXHIBIT A

LEGAL DESCRIPTION
(continued)

THENCE with said northeast line of Lot 2A and said southwest line of Lot 3B, South 45°20'17" East, a distance of 24.00 feet to an "X" cut in concrete set on the southeast line of said Common Access & Fire Lane Easement; from said point a 1/2" iron rod with "TXHS" cap found in the northwest line of said Guillot Alley at the east corner of said Lot 2A and the south corner of said Lot 3B bears South 45°20'17" East, a distance of 20.03 feet;

THENCE departing said northeast line of Lot 2A and said southwest line of Lot 3B, with said southeast line of the Common Access & Fire Lane Easement, the following courses and distances:

South 44°17'06" West, a distance of 180.17 feet to an "X" cut in concrete set for corner;
North 45°16'00" West, a distance of 3.95 feet to an "X" cut in concrete set for corner;
South 44°22'00" West, a distance of 33.50 feet to the **POINT OF BEGINNING** and containing 5,031 square feet or 0.115 acres of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.

(For SPRG use only)
Reviewed By: JR
Date: 07.08.2015
SPRG NO: 3315

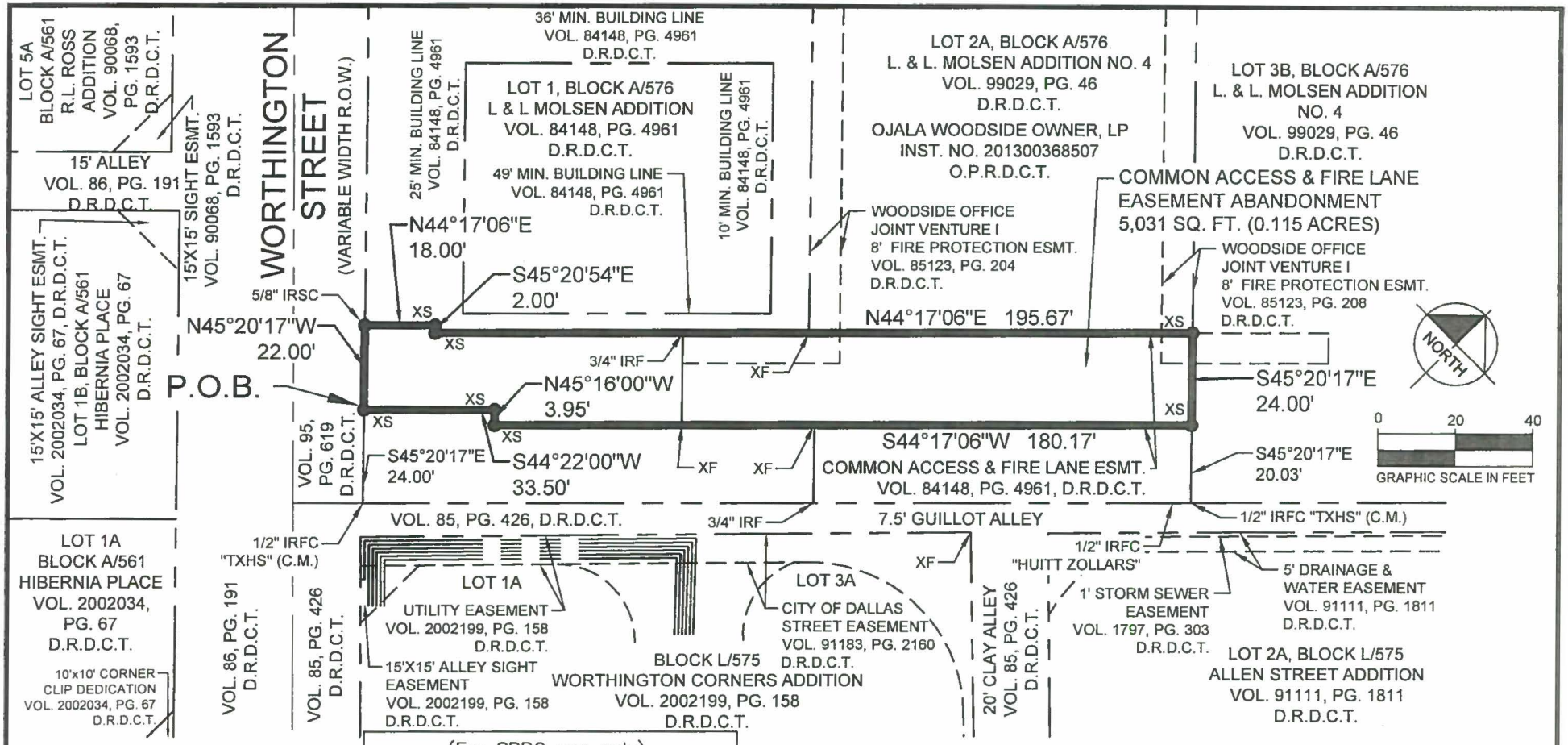
COMMON ACCESS &
FIRE LANE EASEMENT ABANDONMENT
LOT 1, BLOCK A/576
L & L MOLSEN ADDITION
& LOT 2A, BLOCK A/576
L. & L. MOLSEN ADDITION NO. 4
JOHN GRIGSBY SURVEY
ABSTRACT NO. 495
CITY OF DALLAS
DALLAS COUNTY, TEXAS

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STATE OF TEXAS
REGISTERED
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7-8-15

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Tel. No. (972) 770-1300
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	SLJ	DAB	APRIL 2015	067780311	2 OF 3



(For SPRG use only)
Reviewed By: [illegible]
Date: 07.08.2015
SPRG NO: 3315

LEGEND
IRF = IRON ROD FOUND
IRFC = IRON ROD W/CAP FOUND
IRSC = IRON ROD W/"KHA" CAP SET
XF = "X" CUT IN CONCRETE FOUND
XS = "X" CUT IN CONCRETE SET
(C.M.) = CONTROLLING MONUMENT
VOL. = VOLUME
PG. = PAGE
INST. NO. = INSTRUMENT NO.
P.O.B. = POINT OF BEGINNING
R.O.W. = RIGHT-OF-WAY
MIN. = MINIMUM
ESMT. = EASEMENT
D.R.D.C.T. = DEED RECORDS, DALLAS COUNTY, TEXAS
O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS

NOTE:
Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.

DANA BROWN
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5336
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DALLAS, TEXAS 75251
PH. 972-770-1300
dana.brown@kimley-horn.com

STATE OF TEXAS REGISTERED DANA BROWN 5336 PROFESSIONAL LAND SURVEYOR
7.8.15

COMMON ACCESS & FIRE LANE EASEMENT ABANDONMENT
LOT 1, BLOCK A/576 L & L MOLSEN ADDITION & LOT 2A, BLOCK A/576 L. & L. MOLSEN ADDITION NO. 4
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Kimley»Horn
12750 Merit Drive, Suite 1000
Dallas, Texas 75251
FIRM # 10115500
Tel. No. (972) 770-1300
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 40'	SLJ	DAB	APRIL 2015	067780311	3 OF 3

JONES, STEPHANIE 7/7/2015 1:42 PM K:\DAL_SURVEY\067780311-ALTA STATE THOMAS\DWG\067780311-ALTA STATE THOMAS ABND.DWG

EXHIBIT A

AGENDA ITEM # 43

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): 14

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 35R

SUBJECT

An ordinance abandoning a sanitary sewer easement to Travis Cole Apartments 2012 LP, the abutting owner, containing approximately 5,428 square feet of land, located near the intersection of Cole and Hester Avenues and providing for the dedication of approximately 6,364 square feet of land for a wastewater easement - Revenue: $5,400, plus the $20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a sanitary sewer easement to Travis Cole Apartments 2012 LP, the abutting owner. The area will be included with the property of the abutting owner for a multi-family development. The owner will dedicate approximately 6,364 square feet of land needed for a wastewater easement. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Economic Development Committee on September 21, 2015.

FISCAL INFORMATION

Revenue: $5,400, plus the $20 ordinance publication fee

OWNER

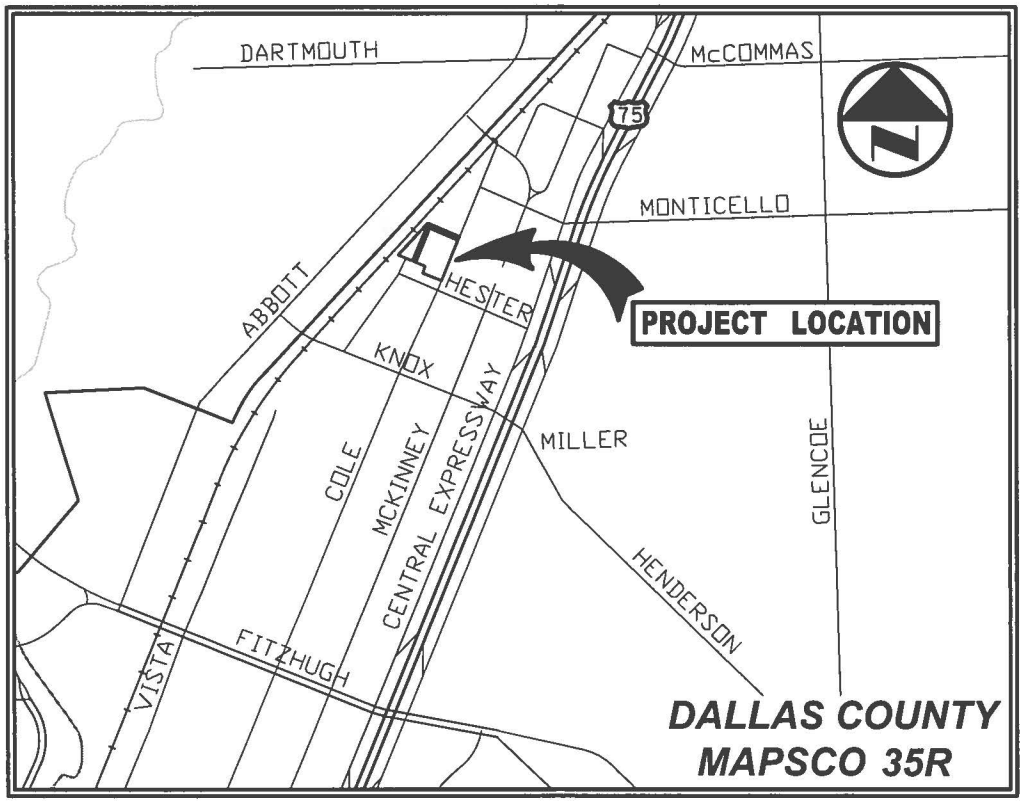
Travis Cole Apartments 2012 LP

TKG Saltillo Apartments Realty, Inc.

R. Otto Maly, President

MAP

Attached



VICINITY MAP

(NOT TO SCALE)

10' SANITARY SEWER EASEMENT ABANDONMENT

PART OF BLOCKS I/1626 AND H/1625
FAIRLAND ANNEX
JOHN COLE SURVEY, ABSTRACT NO. 268
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Pacheco Koch
8350 N. CENTRAL EXPWY. SUITE 1000
DALLAS, TX 75206 972.235.3031
TX REG. ENGINEERING FIRM F-14439
TX REG. SURVEYING FIRM LS-10193805

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
MCC	MCC	NONE	FEB. 2015	3654-14.463

DWG FILE: 3654-14.463EX1.DWG

MCLOVER 04/30/2015 - 7:44AM M:\DWG-36\3654-14.463\DWG\SURVEY C3D 2012\3654-14.463EX1.DWG

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of a sanitary sewer easement, located in City Blocks H/1625 and I/1626 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Travis Cole Apartments 2012 LP; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the conveyance of a new easement to the City of Dallas and the relocation of existing facilities; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing a future effective date for the abandonment, relinquishment and quitclaim made herein; providing for the payment of the publication fee; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Travis Cole Apartments 2012 LP, a Texas limited partnership; hereinafter referred to as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said easement is no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the City will be served by abandoning, relinquishing and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms and conditions hereinafter more fully set forth; **Now, Therefore,**

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

SECTION 1. That the City of Dallas hereby abandons and relinquishes all of its right, title and interest in and to the tract of land described in Exhibit A, attached hereto and made a part hereof; subject, however, to the conditions and future effective date hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 ($5,400.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Sections 8, 9 and 10, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all its right, title and interest in and to the certain tract or parcel of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

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

SECTION 4. That the Chief Financial Officer is authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction - Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Source 8416.

SECTION 5. That the abandonment, relinquishment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

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

SECTION 7. That the abandonment, relinquishment and quitclaim provided for herein shall extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon, relinquish and quitclaim.

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the area described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A, (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which **GRANTEE**, its successors and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. **GRANTEE**, its successors and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, " Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended.

References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That this abandonment, relinquishment and quitclaim of the City's right, title and interest in and to said sanitary sewer easement shall not become effective until and unless: (i) the existing installations and facilities are relocated, at **GRANTEE's** expense, to the new wastewater easement to be provided by **GRANTEE** and acceptable to the Director of Department of Sustainable Development and Construction, as is hereinafter provided; and (ii) plans for the construction and relocation of installations within the new easement are approved by the Director of Department of Sustainable Development and Construction; and (iii) said construction and relocation of installations are completed, approved and accepted in writing by the Director of Department of Sustainable Development and Construction. All work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 10. That as a condition of this abandonment and relinquishment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall record a final replat of adjoining properties within eighteen months (18) after passage of this ordinance showing the dedication of not less than 6,364 square feet for a wastewater easement in City Blocks H/1625 and I/1626 satisfactory to the Director of Department of Sustainable Development and Construction. This final replat shall be recorded by **GRANTEE** in the Deed Records of Dallas County, Texas after its approval by the City Plan Commission of the City of Dallas. Failure to record a final replat in accordance with the terms of this section shall render this ordinance null and void, and of no further effect. Further, the final replat shall be filed with the Department of Sustainable Development and Construction of the City of Dallas before a certified copy of this ordinance shall be delivered to **GRANTEE**.

SECTION 11. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee.

Upon receipt of the monetary consideration set forth in Section 2, and the recording of the final replat as set forth in Section 10, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee shall deliver to **GRANTEE** a certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 12. That this ordinance 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

DAVID COSSUM
Director of Department of Sustainable Development and Construction

BY _____
Assistant Director

Passed _____.

EXHIBIT A

10' SANITARY SEWER EASEMENT ABANDONMENT

Part of Lot 1, Block I/1626 and Part of Lot 15, Block H/1625,
Fairland Annex and
Part of the Abandoned Mabry Street
John Cole Survey, Abstract No. 268
City of Dallas, Dallas County, Texas

DESCRIPTION, of a 5,428 square foot (0.125 acre) tract of land situated in the John Cole Survey, Abstract No. 268, City of Dallas, Dallas County, Texas; said tract being part of Lot 1, Block I/1626, part of Lot 15, Block H/1625, both of Fairland Annex, an addition to the City of Dallas, Texas according to the plat recorded in Volume 1, Page 222 of the Map Records of Dallas County, Texas, part of the abandoned portion of Mabry Street, abandoned by Ordinance No. 12444 recorded in Volume 69036, Page 20 of the Deed Records of Dallas County, Texas and part of that certain tract of land described as "Tract 1" in Special Warranty Deed to Travis Cole Apartments 2012 LP recorded in Instrument No. 201200378203 of the Official Public Records of Dallas County, Texas; said tract also being all of that 10-foot wide Sanitary Sewer Easement recorded in Volume 69015, Page 765 of said Deed Records; said 5,428 square foot tract being more particularly described as follows:

BEGINNING, at a 1/2-inch iron rod found for corner in the southeast line of that certain tract of land described in Deed to Dallas Area Rapid Transit recorded in Volume 88083, Page 4905 of said Deed Records; said point being the northernmost corner of said Lot 1 and the westernmost corner of Lot 2A, Block I/1626, Cole Avenue Building Addition, an addition to the City of Dallas, Texas according to the plat recorded in Volume 83179, Page 2634 of said Deed Records;

THENCE, South 66 degrees, 46 minutes, 32 seconds East, departing the said southeast line of the Dallas Area Rapid Transit tract and along the southwest line of said Lot 2A and the northeast line of said Lot 1, at a distance of 252.27 feet passing an angle point in the northwest right-of-way line of Cole Avenue (a variable width right-of-way) and the southernmost corner of said Lot 2A, then continuing along an offset in the said northwest line of Cole Avenue, in all a total distance of 254.27 feet to a 1-inch iron pipe found for corner; said point being an angle point in the said northwest line of Cole Avenue and the easternmost corner of said Lot 1;

THENCE, South 23 degrees, 13 minutes, 28 seconds West, departing the said offset in the northwest line of Cole Avenue and along the said northwest line of Cole Avenue and the southeast line of said Lot 1, a distance of 10.00 feet to a point for corner;

THENCE, North 66 degrees, 46 minutes, 32 seconds West, departing the said northwest line of Cole Avenue and the said southeast line of Lot 1, a distance of 245.00 feet to a point for corner;

THENCE, South 23 degrees, 13 minutes, 28 seconds West, a distance of 287.91 feet to a point for corner in the northeast right-of-way line of a 15-foot wide alley situated in Block 1625 and the southwest line of said Lot 15;

THENCE, North 66 degrees, 46 minutes, 32 seconds West, along the northeast line of said alley and the said southwest line of Lot 15, a distance of 10.00 feet to a point for corner;

(For SPRG use only)	
Reviewed By:	DBF
Date:	07.08.2015
SPRG NO:	3244

EXHIBIT A

10' SANITARY SEWER EASEMENT ABANDONMENT

Part of Lot 1, Block I/1626 and Part of Lot 15, Block H/1625,
Fairland Annex and
Part of the Abandoned Mabry Street
John Cole Survey, Abstract No. 268
City of Dallas, Dallas County, Texas

THENCE, North 23 degrees, 13 minutes, 28 seconds East, departing the northeast line of said alley and the said southwest line of Lot 15, a distance of 295.96 feet to a point for corner in the said southeast line of the Dallas Area Rapid Transit tract and the northwest line of said Lot 1;

THENCE, North 43 degrees, 47 minutes, 03 seconds East, along the said southeast line of the Dallas Area Rapid Transit tract and the said northwest line of Lot 1, a distance of 2.09 feet to the POINT OF BEGINNING;

CONTAINING, 5,428 square feet or 0.125 acres of land, more or less.

(Bearing system for this survey is based on the State Plane Coordinate System, North American Datum of 1983 (2011), Texas North Central Texas Zone 4202. Distances shown have been brought to surface by applying the Dallas County TxDot adjustment factor of 1.000136506)

(A survey plat of even survey date herewith accompanies this description.)

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the easement abandonment tract described.

02/09/2015

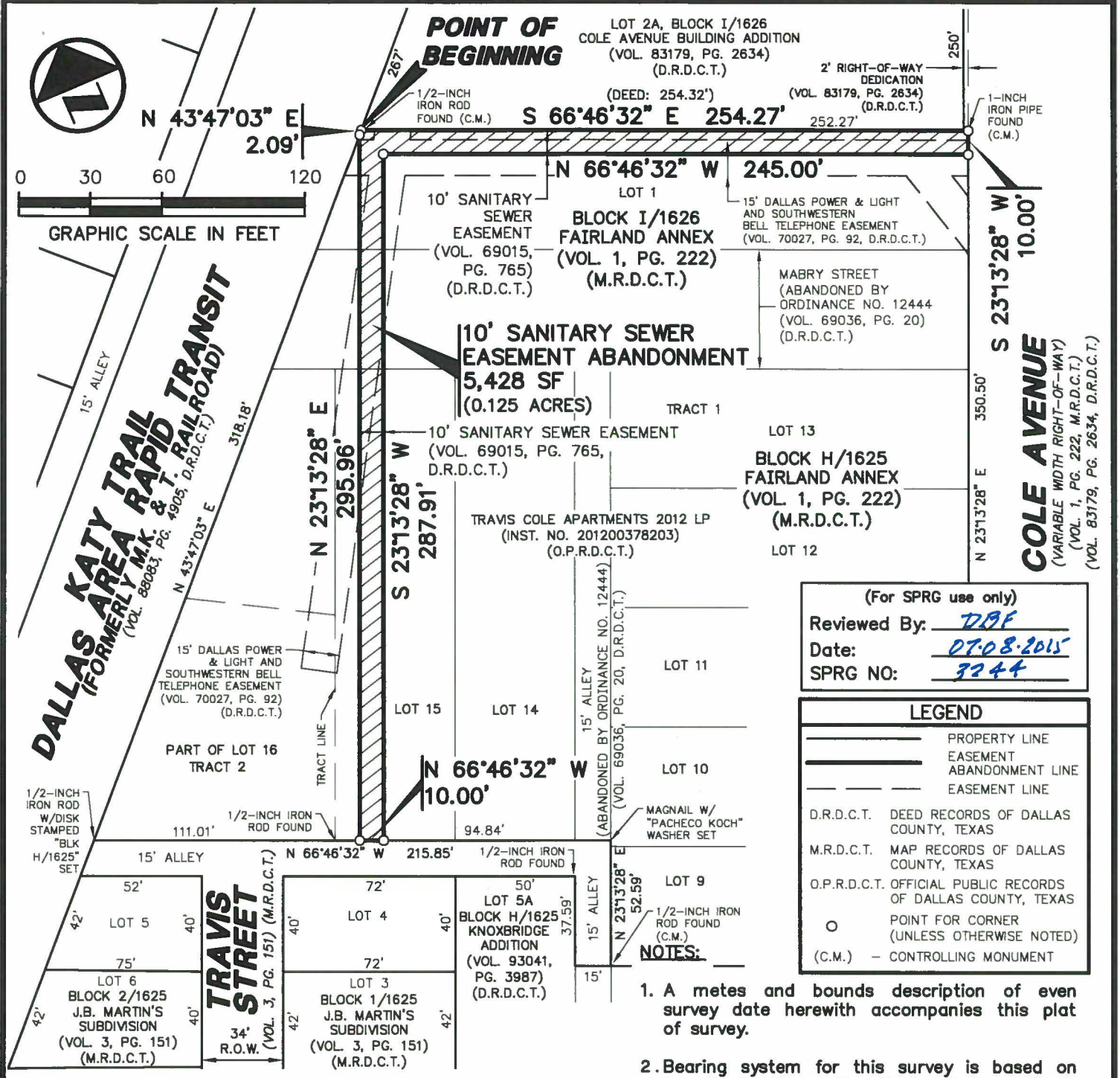
STATE OF TEXAS
REGISTERED
MICHAEL C. CLOVER
5225
PROFESSIONAL
LAND SURVEYOR

Michael C. Clover Date
Registered Professional Land Surveyor No. 5225
Pacheco Koch, LLC
8350 N. Central Expwy, #1000, Dallas TX 75206
(972) 235-3031
TX Reg. Surveying Firm LS-10193805

3654-14.463EX1.doc
3654-14.463EX1.dwg JRM

(For SPRG use only)	
Reviewed By:	DBF
Date:	07.06.2015
SPRG NO:	3244

EXHIBIT A



(For SPRG use only)
Reviewed By: DBF
Date: 07.08.2015
SPRG NO: 3244

LEGEND

———	PROPERTY LINE
———	EASEMENT ABANDONMENT LINE
— — —	EASEMENT LINE
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
O	POINT FOR CORNER (UNLESS OTHERWISE NOTED)
(C.M.)	– CONTROLLING MONUMENT

NOTES:

1. A metes and bounds description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based on the State Plane Coordinate System, North American Datum of 1983 (2011), Texas North Central Zone, 4202. Distances shown have been brought to surface by applying the Dallas County TxDOT adjustment factor of 1.000136506.

The undersigned, Registered Professional Land Surveyor, hereby certifies that this plat of survey accurately sets out the metes and bounds of the easement abandonment tract described.

STATE OF TEXAS
REGISTERED
MICHAEL C. CLOVER
5225
PROFESSIONAL
LAND SURVEYOR

Michael C. Clover
Registered Professional
Land Surveyor No. 5225

Date 02/09/2015

10' SANITARY SEWER EASEMENT ABANDONMENT

PART OF BLOCKS I/1626 AND H/1625
FAIRLAND ANNEX
JOHN COLE SURVEY, ABSTRACT NO. 268
CITY OF DALLAS, DALLAS COUNTY, TEXAS
SHEET 3 OF 3

Pacheco Koch
8350 N. CENTRAL EXPWY. SUITE 1000
DALLAS, TX 75206 972.235.3031
TX REG. ENGINEERING FIRM F-14439
TX REG. SURVEYING FIRM LS-10193805

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
JRM	MCC	1"=##	FEB. 2015	3654-14.463

DWG FILE: 3654-14.463EX1.DWG

M:\DWG-36\3654-14.463\DWG\SURVEY C3D 2012\3654-14.463EX1.DWG
02/09/2015 - 8:45AM
MCLOVER

AGENDA ITEM # 44

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): 1, 2, 6

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 35 U V Z; 44 U V Y Z; 45 N S T W X Y Z; 54D; 55 A E;

SUBJECT

An ordinance correcting **(1)** Planned Development Subdistrict No. 107 within Planned Development District No. 193, the Oak Lawn Special Purpose District; **(2)** Planned Development District No. 468, the Oak Cliff Gateway Special Purpose District; **(3)** Planned Development District No. 784, the Trinity River Corridor Special Purpose District; and **(4)** Planned Development District No. 820 - Financing: No cost consideration to the City

BACKGROUND

During a review of Chapter 51P, staff determined that certain typographic and minor errors to certain sections occurred when the ordinances were codified.

The corrections include: (1) adding a condition to not require additional setback above 36 feet in the front and side yard setbacks in Planned Development Subdistrict No. 71 within Planned Development District No. 193 , the Oak Lawn Special Purpose District as was the intent as presented in the City Council case report; (2) adding allowed uses (medical and office uses) in Subdistrict B, Tract 4 as was stated in the motion at City Council and inadvertently omitted and clarifying the height of the Height Overlay is limited to six stories in Planned Development No. 468, the Oak Cliff Gateway Special Purpose District; (3) correcting a reference to subdistrict instead of subarea in Planned Development District 784, the Trinity River Corridor Special Purpose District; and (4) correcting a reference to Tract 2A instead of Tract 2 in Planned Development District No. 820.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

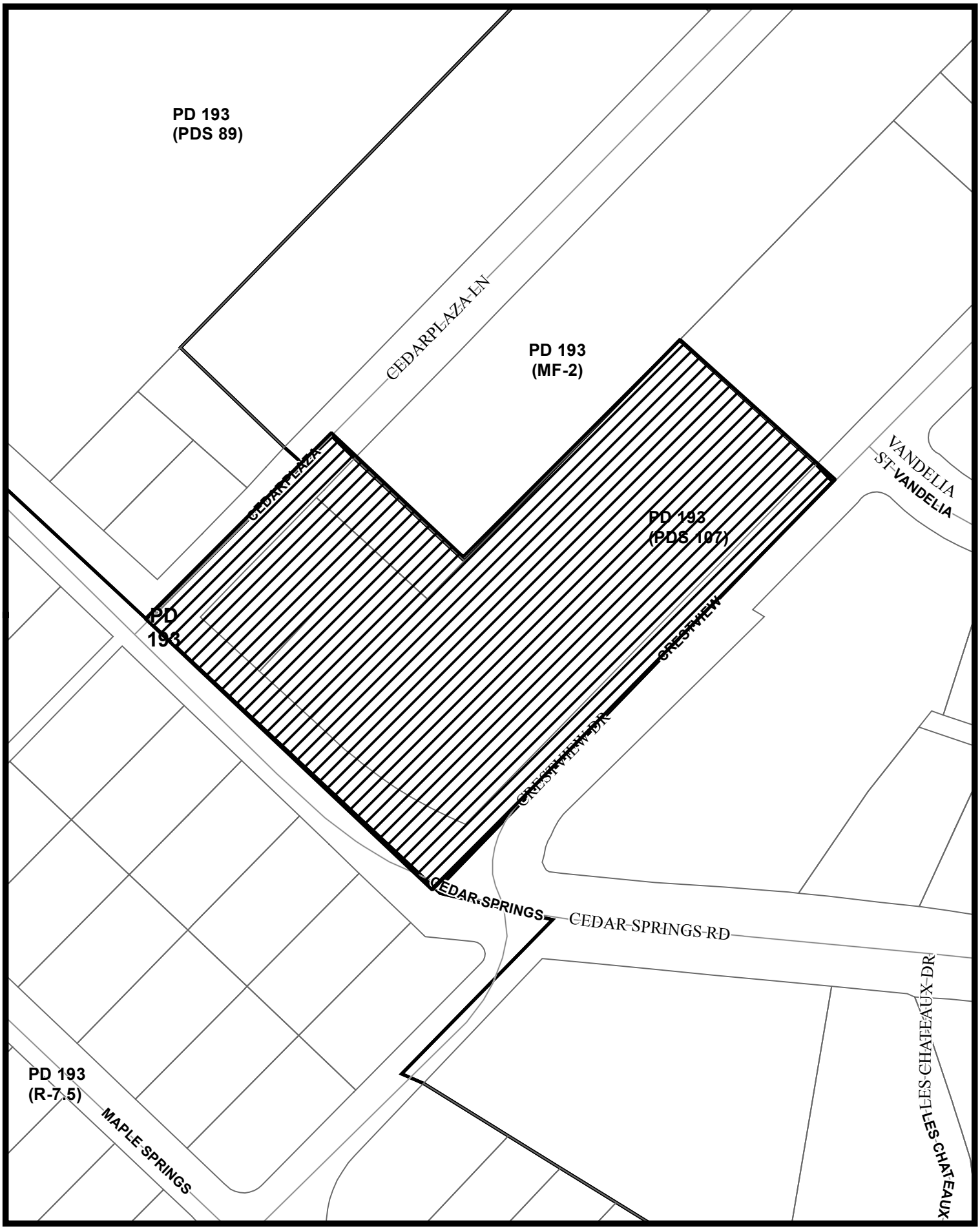
This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

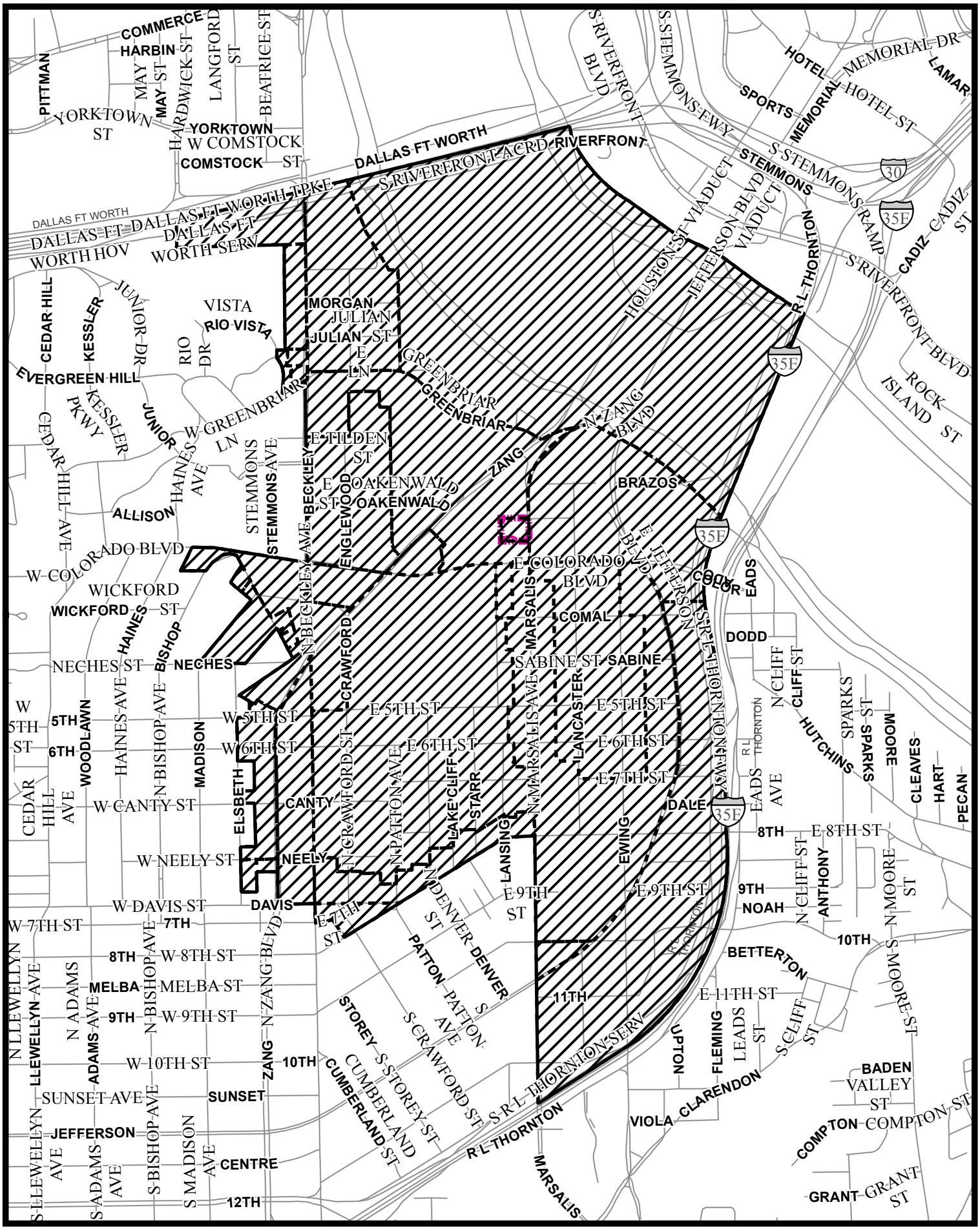
MAPS

Attached.



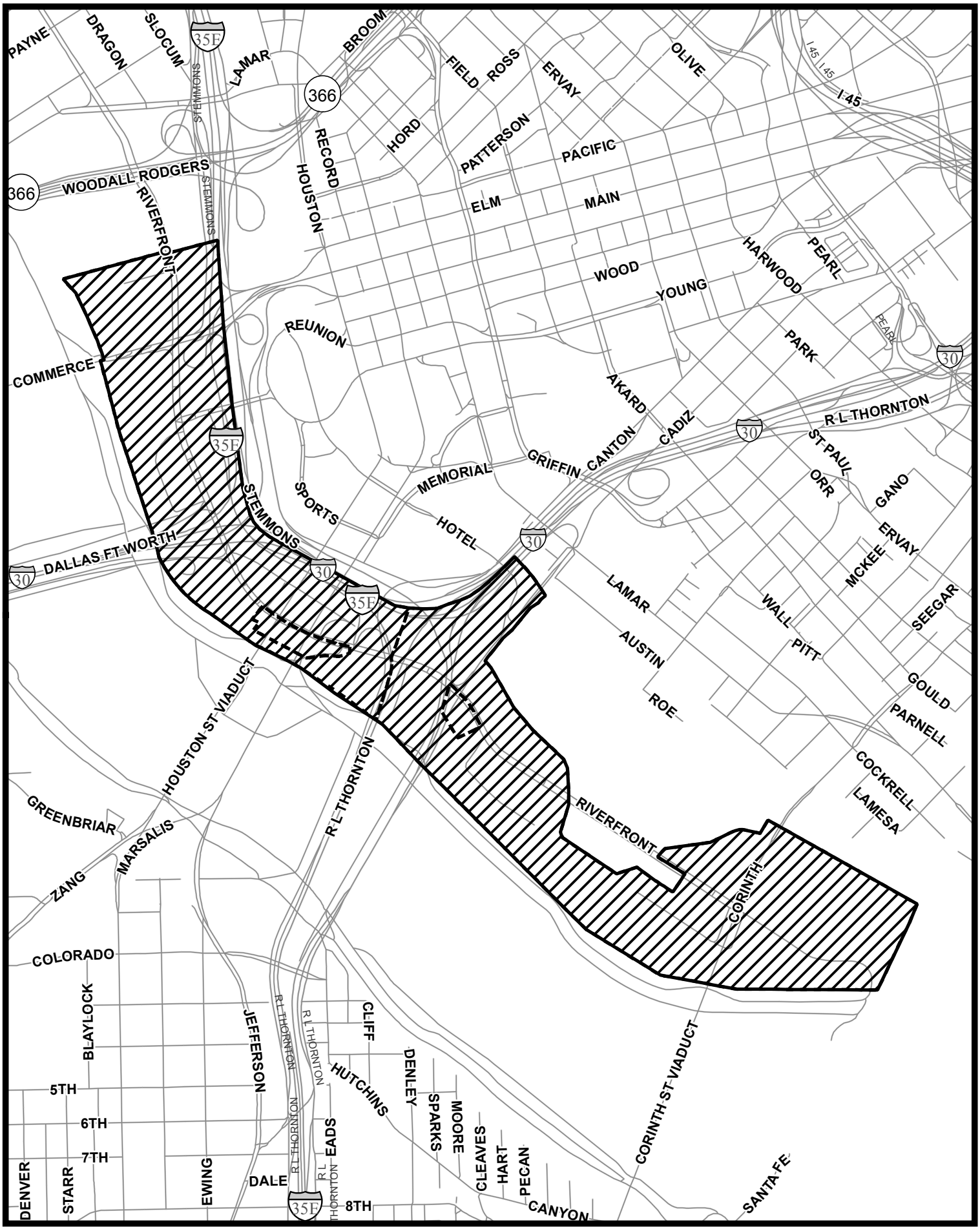
1:1,200

Planned Development Subdistrict No. 107



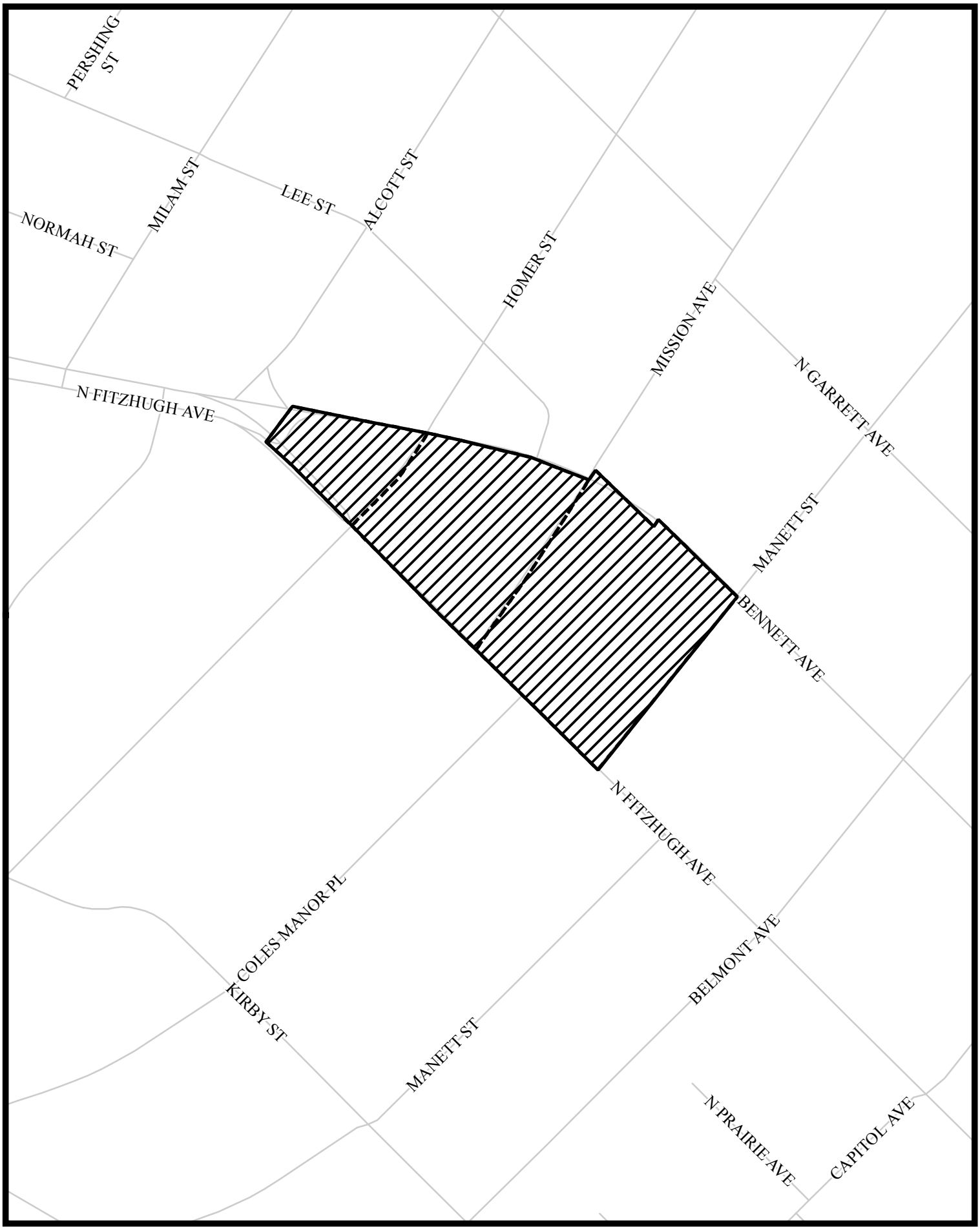
1:15,000

Planned Development District No. 468



1:16,000

Planned Development District No. 784



1:3,000

Planned Development District No. 820

AGENDA ITEM # 45

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): 1, 8

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 43 Z, 44 W, 73 F; G; L, 74 K

SUBJECT

An ordinance correcting **(1)** Ordinance No. 28407, passed by the Dallas City Council on September 28, 2011, which created Conservation District No. 20 in an area generally bound by Plymouth Road, Atlantic Street and Hampton Road; and **(2)** Ordinance No. 29551 passed by the Dallas City Council on December 10, 2014, adopting a boundary adjustment agreement with the City of DeSoto on properties located on the west side of Old Hickory Trail, north of Danieldale Road and on the south side of Danieldale Road, east of Polk Street - Financing: No cost consideration to the City

BACKGROUND

The City Council, on September 28, 2011, closed the public hearing and approved Ordinance No. 28407 for the creation of Conservation District No. 20 in an area generally bound by Plymouth Road, Atlantic Street and Hampton Road. Subsequent to the passage of the ordinance it was determined that the property description was incorrect. The correction ordinance attaches the property description to the ordinance that matches the Subarea map shown in Exhibit D.

The City Council, on December 10, 2014, approved Ordinance No. 29551 that adopted a boundary adjustment agreement with the City of DeSoto on properties located on the west side of Old Hickory Trail, north of Danieldale Road and on the south side of Danieldale Road, east of Polk Street. Subsequent to the passage of the ordinance it was determined that property descriptions for the two parcels were inadvertently switched in the ordinance reference. The correction ordinance matches the reference to the correct property description.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

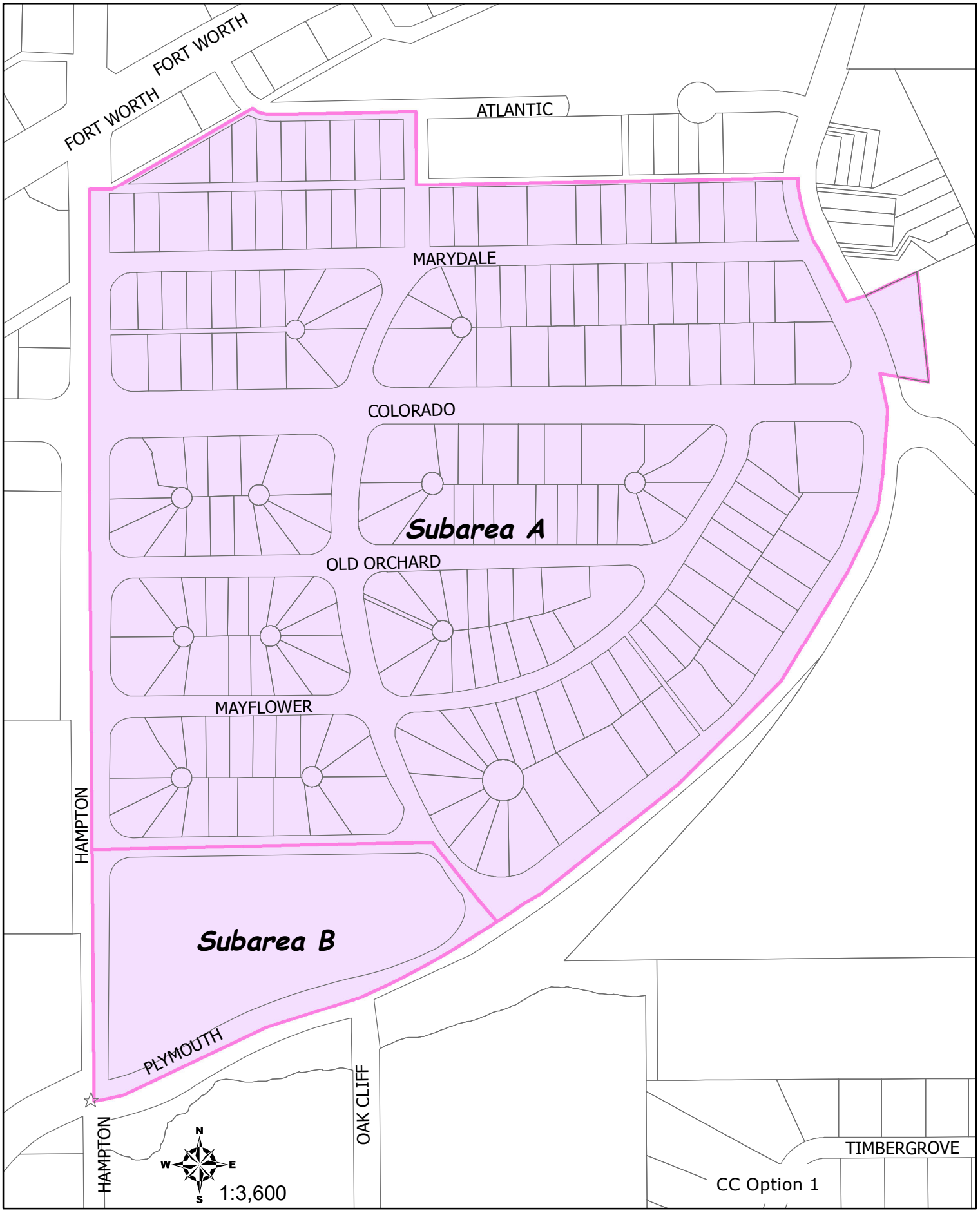
FISCAL INFORMATION

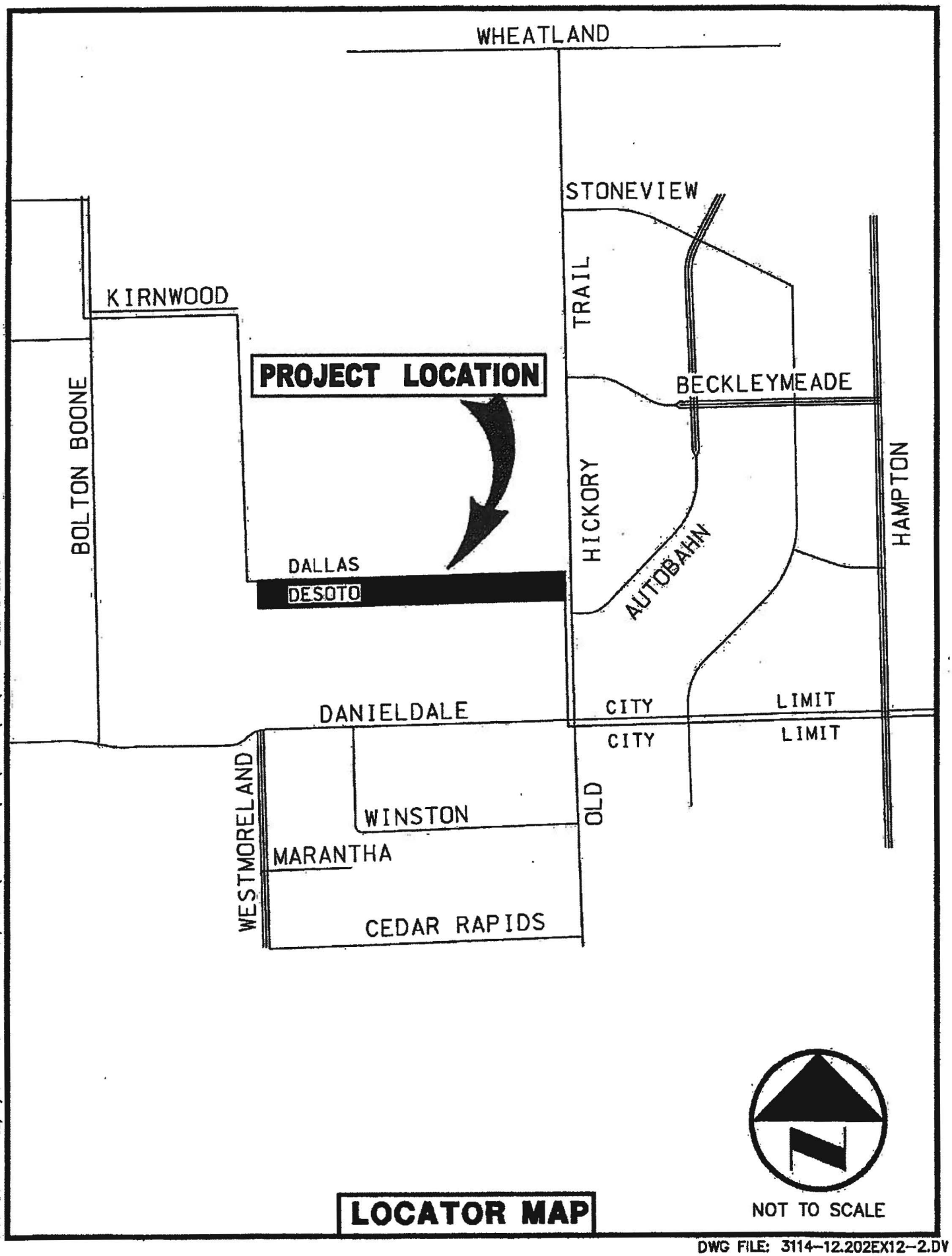
No cost consideration to the City.

MAPS

Attached.

Exhibit D
Stevens Park Conservation District



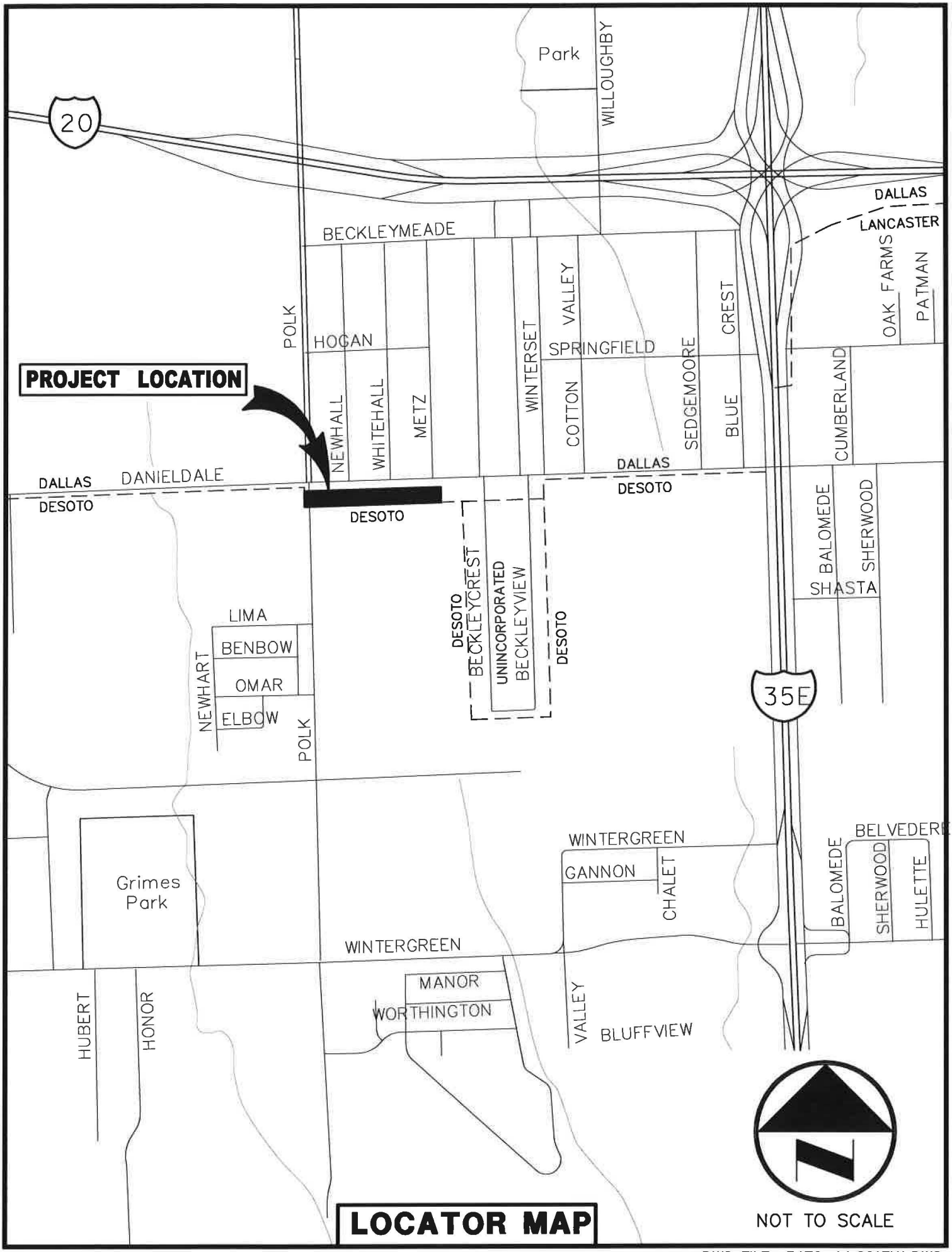


LOCATOR MAP

NOT TO SCALE

DWG FILE: 3114-12.202EX12-2.DV

M:\DWG-31\3114-12.202\DWG\SURVEY\C3D\3114-12.202EX12-2.DWG 08/18/2014 - 5:33PM MCLOVER



CPHILLIPS 08/28/2014 - 12:29PM C:\USERS\CPHILLIPS\DESKTOP\3479-14.061EX1.DWG

DWG FILE: 3479-14.061EX1.DWG

AGENDA ITEM # 46

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): 2

DEPARTMENT: Trinity Watershed Management

CMO: Mark McDaniel, 670-3256

MAPSCO: 46K

SUBJECT

Authorize settlement in lieu of proceeding with condemnation of a subsurface easement under approximately 6,563 square feet of land from Bernardina Pedroza located on Main Street near its intersection with Haskell Avenue for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project – Not to exceed $16,800 ($15,000 plus closing costs and title expenses not to exceed $1,800); an increase of $5,812 from the amount Council originally authorized for this acquisition - Financing: 2006 Bond Funds

BACKGROUND

This item authorizes a settlement for the acquisition of a subsurface easement located under approximately 6,563 square feet of land from Bernardina Pedroza for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project. This settlement will allow acquisition of the property without proceeding with condemnation proceedings.

The original authorizing resolution authorized an offer amount of $9,188, including the exercise of the right of eminent domain. The second authorizing resolution authorized a settlement amount of $12,000 plus closing costs and title expenses not to exceed $1,800, in lieu of proceeding with condemnation. That amount is being increased to $15,000 plus closing costs and title expenses not to exceed $1,800.

PRIOR ACTION / REVIEW (COUNCIL BOARDS, COMMISSIONS)

On February 25, 2015, City Council approved Resolution No. 15-0441.

On April 8, 2015, City Council approved Resolution No. 15-0673.

Information about this item will be provided to the Transportation and Trinity River Project Committee on September 15, 2015.

FISCAL INFORMATION

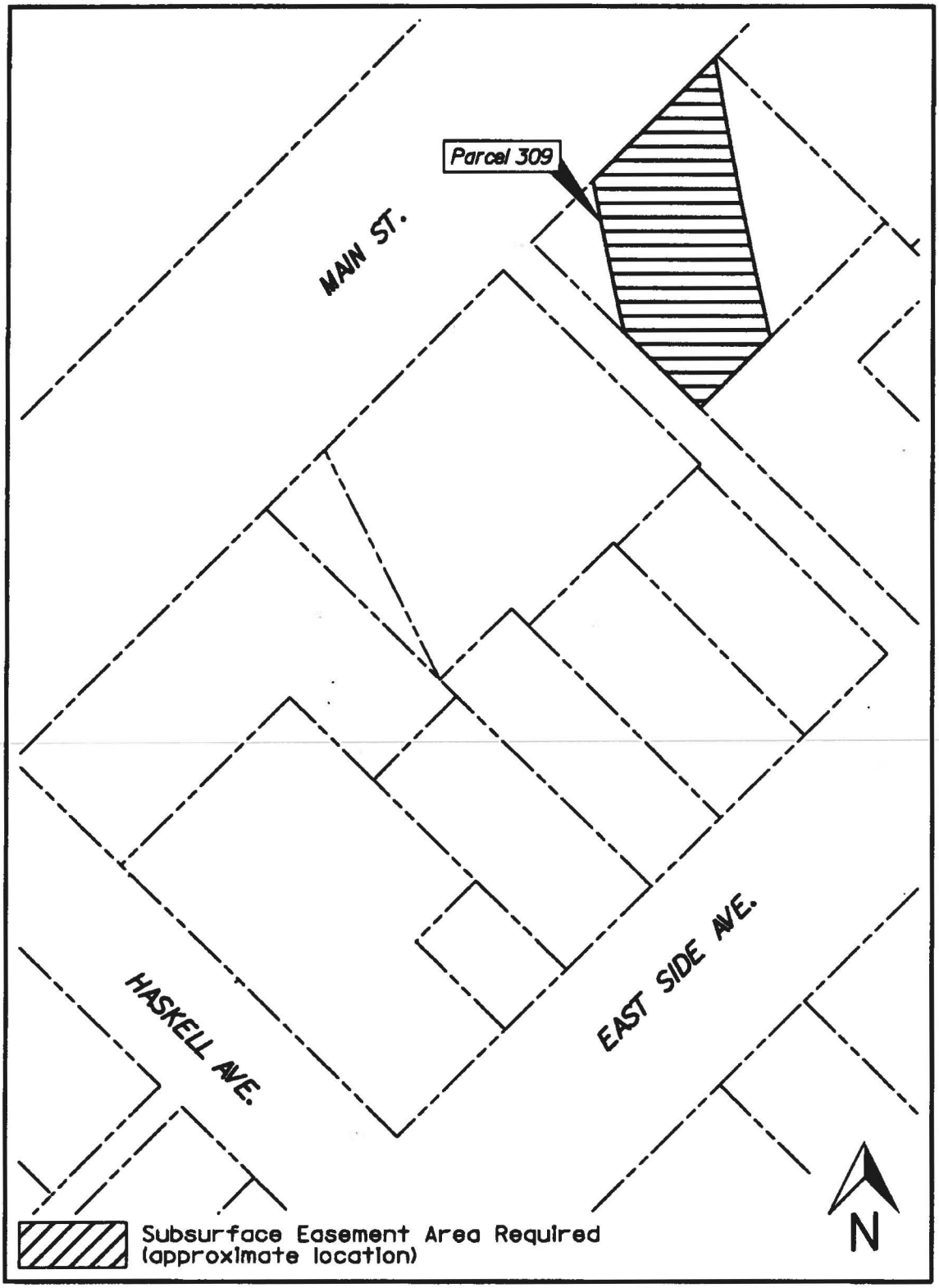
2006 Bond Funds - $16,800 ($15,000 plus closing costs and title expenses not to exceed $1,800)

OWNER

Bernardina Pedroza

MAP

Attached


Parcel 309
MAIN ST.
HASKELL AVE.
EAST SIDE AVE.
N
Subsurface Easement Area Required
(approximate location)

September 22, 2015

A RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR A NEGOTIATED AMOUNT HIGHER THAN THE SECOND RESOLUTION OFFER AMOUNT.

WHEREAS, the Dallas City Council by the FIRST RESOLUTION authorized acquisition, by purchase and/or eminent domain, and by the SECOND RESOLUTION authorized settlement in lieu of proceeding with condemnation of the PROPERTY INTEREST in the PROPERTY held by OWNER for the PROJECT (all said capitalized terms being defined below); and

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

WHEREAS, the City Council desires to authorize the City Manager to acquire the PROPERTY INTEREST in the PROPERTY for the SETTLEMENT AMOUNT stated herein: **Now, Therefore**,

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

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

"CITY": The City of Dallas.

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed $1,800.00.

"FIRST RESOLUTION": Resolution No. 15-0441 approved by the Dallas City Council on February 25, 2015.

"FIRST RESOLUTION OFFER AMOUNT": $9,188.00.

"OWNER": Bernardina Pedroza, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest in the PROPERTY, regardless of whether those persons are actually named herein.

"PROJECT": Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project.

"PROPERTY": Located under approximately 6,563 square feet in area, lying between the subsurface elevations of 198 feet and 372 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas, the boundary of which property being more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROPERTY INTEREST": Flood Control Tunnel Easement.

"REVISED AUTHORIZED AMOUNT": $16,800.00.

"SECOND RESOLUTION": Resolution No. 15-0673 approved by the Dallas City Council on April 8, 2015.

"SECOND RESOLUTION SETTLEMENT AMOUNT": $12,000.00

"SETTLEMENT AMOUNT": $15,000.00.

"USE": The below ground construction, installation, use and maintenance of a deep tunnel for the storage and transmission of stormwater drainage.

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

SECTION 3. That the Chief Financial Officer is authorized to draw checks for the SETTLEMENT AMOUNT, payable out of 2006 Bond Funds: Fund No. 1T23, Dept. TWM, Unit T525, Activity SDRS, Object 4210, Program No. PB06T525 Encumbrance No. CT-PBW06T525E39, and CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: Fund No. 1T23, Dept. TWM, Unit T525, Activity SDRS, Object 4230, Program No. PB06T525 Encumbrance No. CT-PBW06T525E40.

SECTION 4. That the payment referenced in Section 3 shall be delivered to a title insurance company after evidence of satisfactory title has been provided to and approved by the City Attorney.

SECTION 5. The SETTLEMENT AMOUNT - $15,000.00 and the CLOSING COSTS AND TITLE EXPENSES - $1,800.00 together shall not exceed the REVISED AUTHORIZED AMOUNT - $16,800.00 which includes amounts authorized in the previous resolutions.

SECTION 6. That the CITY is to have possession and/or use, as applicable, of the PROPERTY at closing.

SECTION 7. That the CITY will pay any title expenses and closing costs. All costs and expenses described in this section shall be paid from the previously described funds.

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

APPROVED AS TO FORM:
WARREN M. S. ERNST, CITY ATTORNEY

BY: _____
Assistant City Attorney

EXHIBIT A

FIELD NOTES DESCRIBING 0.1507 ACRE (6,563 SQ. FEET)
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 309)
PART OF LOT 2, CITY BLOCK 803-1/2, EAST MAIN ADDITION
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM BERNARDINA PEDROZA

BEING a 0.1507 acre (6,563-square-foot) tract of land situated in the John Grigsby Survey, Abstract Number 495, and being part of Lot 2, City Block 803-1/2, East Main Addition, an addition to the City of Dallas recorded in Volume 86199, Page 5586 of the Deed Records of Dallas County, Texas, and being part of that certain tract of land conveyed to Bernardina Pedroza as evidenced by deed recorded in Volume 97221, Page 3673 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

(NOTE: Subsurface easement corners are not monumented.)

BEGINNING in the southeast line of Main Street, a 100-foot right-of-way, and the northwest line of said Lot 2, City Block 803-1/2, East Main Addition, having coordinates of N=6974433.5357, E=2500182.0909 (not monumented), from which an "X" cut in concrete found (controlling monument) at the west corner of City Block 803-1/2 and the intersection of the northeast line of Haskell Avenue, a variable width right-of-way, and the southeast line of Main Street bears South 44 degrees 38 minutes 08 seconds West along the southeast line of Main Street a distance of 345.92 feet;

THENCE North 44 degrees 38 minutes 08 seconds East along the southeast line of Main Street and the northwest line of said Lot 2, City Block 803-1/2, East Main Addition a distance of 73.46 feet, having coordinates of N=6974485.8055, E=2500233.6998 (not monumented);

THENCE South 09 degrees 45 minutes 00 seconds East departing the southeast line of Main Street and the northwest line of said Lot 2, City Block 803-1/2, East Main Addition, over and across said Lot 2 a distance of 9.27 feet to the point of curvature of a curve to the left, having coordinates of N=6974476.6660, E=2500235.2703 (not monumented);

THENCE continuing over and across said Lot 2 along said curve to the left, having a central angle of 03 degrees 15 minutes 01 seconds, a radius of 1970.00 feet, an arc length of 111.76 feet, and a chord bearing South 11 degrees 22 minutes 31 seconds East a distance of 111.74 feet to the southeast line of said Lot 2 and the northwest line of Lot 3 of City Block 803-1/2, East Main Addition, having coordinates of N=6974367.1341, E=2500257.3064 (not monumented);

THENCE South 44 degrees 38 minutes 08 seconds West along the common line of said Lot 2 and said Lot 3 a distance of 42.27 feet to the south corner of said Lot 2 and the west corner of said Lot 3 in the northeast line of a variable width alley, having coordinates of N=6974337.0584, E=2500227.6110 (not monumented);

THENCE North 45 degrees 13 minutes 07 seconds West along the northeast line of said alley and the southwest line of said Lot 2 a distance of 45.45 feet to the beginning of a non-tangent curve to the right, having coordinates of N=6974369.0718, E=2500195.3524 (not monumented);

THENCE departing the northeast line of said alley and the southwest line of said Lot 2, continuing over and across tract said Lot 2 along said curve to the right, having a central angle of 01 degrees 51 minutes

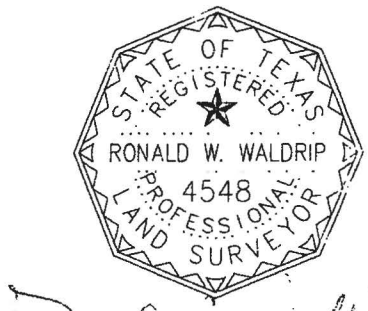
FIELD NOTES APPROVED:
DER 9/12/13

FIELD NOTES DESCRIBING 0.1507 ACRE (6,563 SQ. FEET)
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 309)
PART OF LOT 2, CITY BLOCK 803-1/2, EAST MAIN ADDITION
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM BERNARDINA PEDROZA

28 seconds, a radius of 2030.00 feet, an arc length of 65.83 feet, and a chord bearing North 11 degrees 37 minutes 29 seconds West a distance of 65.82 feet to the **POINT OF BEGINNING**;

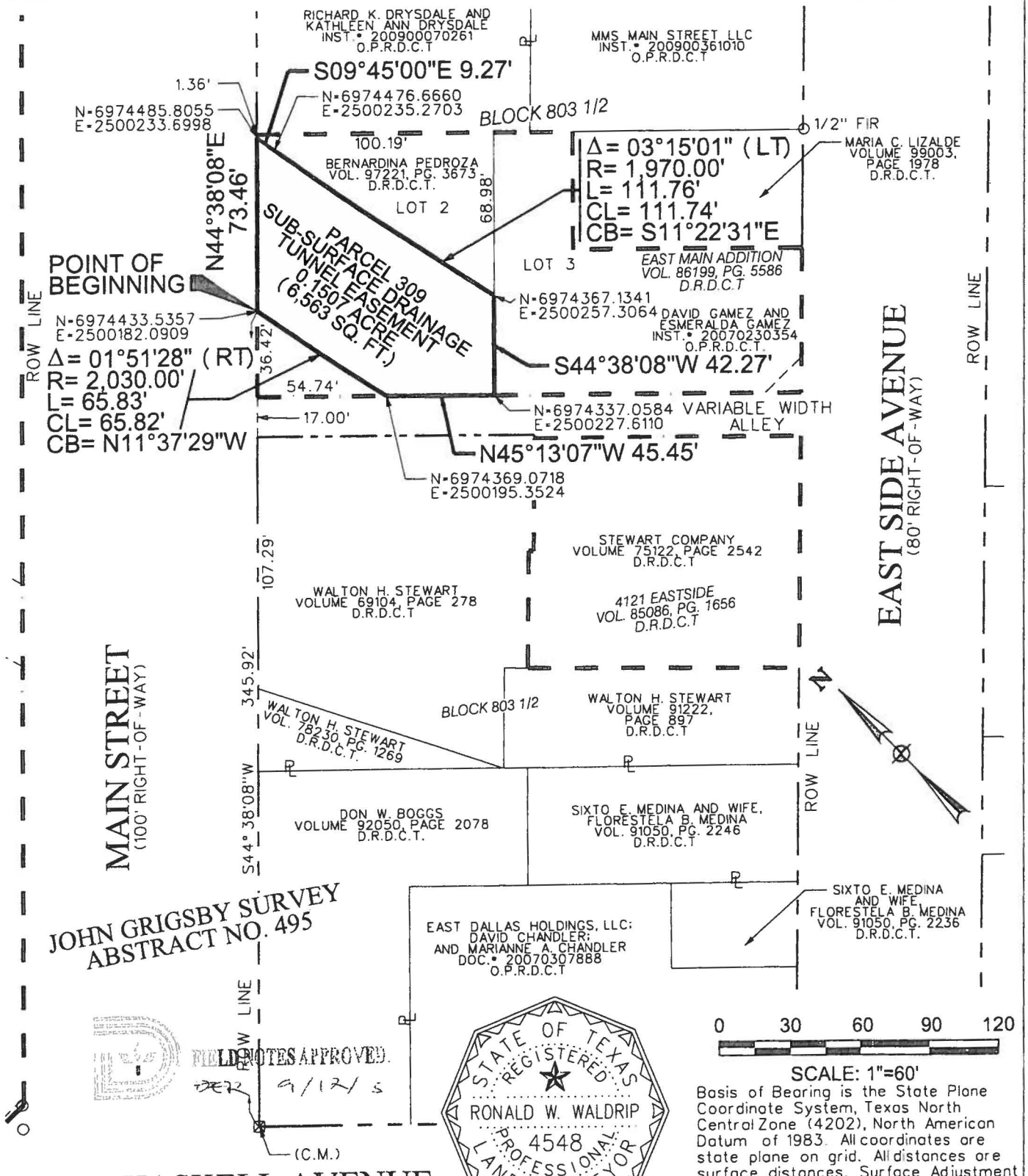
CONTAINING within the metes recited 0.1507 acre (6,563 square feet) of land, more or less.

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.



FIELD NOTES APPROVED:
DER 9/12/13

EXHIBIT A



SCALE: 1"=60'

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

LEGEND

ROW LINE		(C.M.)	CONTROL MONUMENT
PROPERTY LINE		FIR	FOUND IRON ROD
LOT LINE		FIP	FOUND IRON PIPE
SUBDIVISION LINE		D.R.D.C.T.	DEED RECORDS DALLAS COUNTY TEXAS
PROP. EASEMENT LINE		O.P.R.D.C.T	OFFICIAL PUBLIC RECORDS DALLAS COUNTY TEXAS
IRON ROD			
X-CUT			
MONUMENT			

NOTE: SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED

PAGE 3 OF 3

SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 309)
PART OF LOT 2, CITY BLOCK 803-1/2, EAST MAIN ADDITION
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

ARS Engineers, Inc.
Surv. Firm No. 10131900
12801 N. Central Expressway, Suite 1250
Dallas, Texas 75243
(214) 739-3152 Fax (214) 739-3169

AGENDA ITEM # 47

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): 2

DEPARTMENT: Trinity Watershed Management

CMO: Mark McDaniel, 670-3256

MAPSCO: 46E

SUBJECT

Authorize settlement in lieu of proceeding with condemnation of a subsurface easement under approximately 9,686 square feet of land from FRIS CHKN LLC, located on Gaston Avenue at its intersection with Peak Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project – Not to exceed $32,269 ($30,269 plus closing costs and title expenses not to exceed $2,000); an increase of $6,054 from the amount Council originally authorized for this acquisition - Financing: 2006 Bond Funds

BACKGROUND

This item authorizes a settlement for the acquisition of a subsurface easement located under approximately 9,686 square feet of land from FRIS CHKN LLC for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project. This settlement will allow acquisition of the property without proceeding with condemnation proceedings.

The original authorizing resolution authorized an offer amount of $24,215 plus closing costs and title expenses not to exceed $2,000. That amount is being increased to $30,269 plus closing costs and title expenses not to exceed $2,000.

PRIOR ACTION / REVIEW (COUNCIL BOARDS, COMMISSIONS)

On March 25, 2015, City Council approved Resolution No. 15-0558.

Information about this item will be provided to the Transportation and Trinity River Project Committee on September 15, 2015.

FISCAL INFORMATION

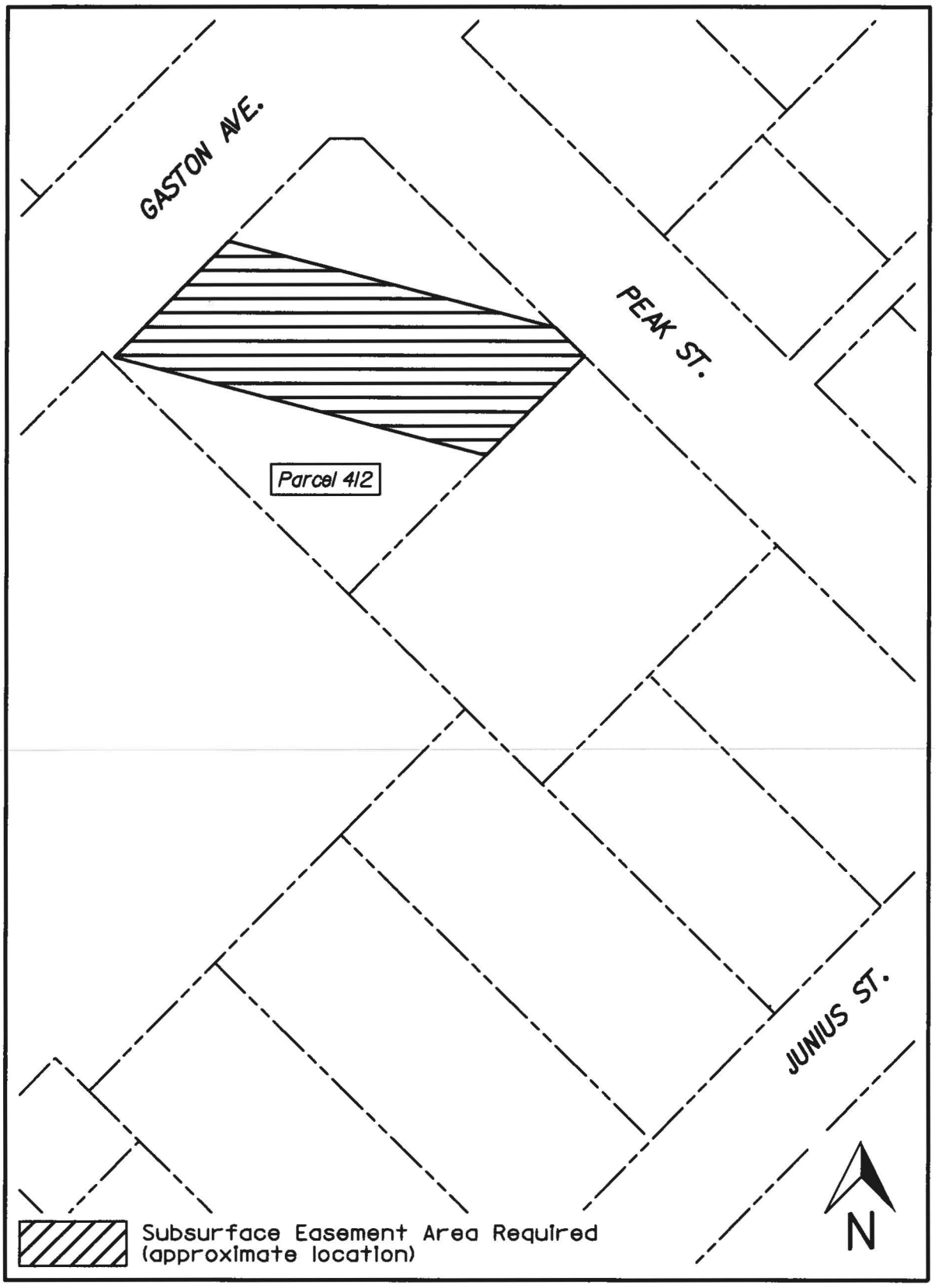
2006 Bond Funds - $32,269 ($30,269 plus closing costs and title expenses not to exceed $2,000)

OWNER

FRIS CHKN LLC
Spirit SPE Manager LLC, Manager

MAP

Attached


GASTON AVE.
PEAK ST.
Parcel 412
JUNIUS ST.
N
Subsurface Easement Area Required
(approximate location)

September 22, 2015

A RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR AN AMOUNT HIGHER THAN THE FIRST RESOLUTION OFFER AMOUNT.

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

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

WHEREAS, the City Council desires to authorize the City Manager to acquire the PROPERTY INTEREST in the PROPERTY for the SETTLEMENT AMOUNT stated herein; Now, Therefore,

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

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

"CITY": The City of Dallas.

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed $2,000.00.

"FIRST RESOLUTION": Resolution No. 15-0558 approved by the Dallas City Council on March 25, 2015.

"FIRST RESOLUTION OFFER AMOUNT": $24,215.00.

"OWNER": FRIS CHKN LLC, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest in the PROPERTY, regardless of whether those persons are actually named herein.

"PROJECT": Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project.

"PROPERTY": Located under approximately 9,686 square feet in area, lying between the subsurface elevations of 213 feet and 387 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas, the boundary of which property being more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROPERTY INTEREST": Flood Control Tunnel Easement.

"REVISED AUTHORIZED AMOUNT": $32,269.00.

"SETTLEMENT AMOUNT": $30,269.00.

"USE": The below ground construction, installation, use and maintenance of a deep tunnel for the storage and transmission of stormwater drainage.

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

SECTION 3. That the Chief Financial Officer is authorized to draw checks for the SETTLEMENT AMOUNT, payable out of 2006 Bond Funds: Fund No. 1T23, Dept. TWM, Unit T525, Activity SDRS, Object 4210, Program No. PB06T525 Encumbrance No. CT-PBW06T525F29, and CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: Fund No. 1T23, Dept. TWM, Unit T525, Activity SDRS, Object 4230, Program No. PB06T525 Encumbrance No. CT-PBW06T525F10.

SECTION 4. That the payment referenced in Section 3 shall be delivered to a title insurance company after evidence of satisfactory title has been provided to and approved by the City Attorney.

SECTION 5. The SETTLEMENT AMOUNT - $30,269.00 and the CLOSING COSTS AND TITLE EXPENSES - $2,000.00 together shall not exceed the REVISED AUTHORIZED AMOUNT - $32,269.00.

SECTION 6. That the CITY is to have possession and/or use, as applicable, of the PROPERTY at closing.

SECTION 7. That the CITY will pay any title expenses and closing costs. All costs and expenses described in this section shall be paid from the previously described funds.

September 22, 2015

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

APPROVED AS TO FORM:
WARREN M. S. ERNST, CITY ATTORNEY

BY: _____
Assistant City Attorney

FIELD NOTES DESCRIBING 0.2224 ACRE (9,686 SQ. FEET) **EXHIBIT A**
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 412)
PART OF LOT 3, CITY BLOCK 6/774, CHURCH'S FRIED CHICKEN ADDITION
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM FRIS CHKN LLC

BEING a 0.2224 acre (9,686-square-foot) tract of land situated in the John Grigsby Survey, Abstract Number 495, and being part of Lot 3 of City Block 6/774 of Church's Fried Chicken Addition, an addition to the City of Dallas, as evidenced by Plat recorded in Volume 80113, Page 625 of the Deed Records of Dallas County, Texas, and being part of that certain tract of land conveyed to Fris Chkn LLC, as evidenced by Special Warranty Deed recorded in Volume 2005081, Page 3054 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

(NOTE: Subsurface easement corners are not monumented.)

BEGINNING in the common southwest line of Peak Street, a 60-foot right-of-way, and northeast line of said City Block 6/774, for the common east corner of said Church's Fried Chicken Addition and north corner of that certain tract of land conveyed to 4-Golden Properties, LLC as evidenced by Special Warranty Deed recorded in Instrument Number 201200369101 of the Official Public Records of Dallas County, Texas, having coordinates of N=6976483.7157, E=2498569.6215 (not monumented), from which a 1/2-inch iron rod (controlling monument) found for said corner bears South 44 degrees 26 minutes 46 seconds West a distance of 0.60 feet;

THENCE South 44 degrees 26 minutes 46 seconds West departing said common southwest line of Peak Street and northeast line of said City Block 6/774, along the southeast line of said Church's Fried Chicken Addition a distance of 59.19 feet, having coordinates of N=6976441.4623, E=2498528.1771 (not monumented);

THENCE North 75 degrees 10 minutes 00 seconds West departing the southeast line of Church's Fried Chicken Addition, over and across said Addition, a distance of 162.82 feet to the common northwest line of said City Block 6/774, northwest line of said Church's Fried Chicken Addition, and the southeast line of Gaston Avenue, a variable width right-of-way, having coordinates of N=6976483.1397, E=2498370.8052 (not monumented);

THENCE North 44 degrees 24 minutes 29 seconds East along the common northwest line of said City Block 6/774, northwest line of said Church's Fried Chicken Addition, and southeast line of Gaston Avenue a distance of 68.99 feet, having coordinates N=6976532.4165, E=2498419.0742 (not monumented);

THENCE South 75 degrees 10 minutes 00 seconds East departing the common northwest line of said City Block 6/774, northwest line of said Church's Fried Chicken Addition, and southeast line of Gaston Avenue, over and across said Addition and said City Block 6/774, a distance of 143.06 feet to the common southwest line of Peak Street, northeast line of said City Block 6/774, and northeast line of said Addition, having coordinates N=6976495.7971, E=2498557.3473 (not monumented);

THENCE South 45 degrees 27 minutes 14 seconds East along the common southwest line of Peak Street, northeast line of said City Block 6/774, and northeast line of said Addition a distance of 17.22 feet to the **POINT OF BEGINNING;**

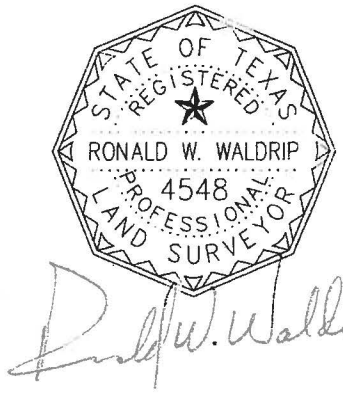
FIELD NOTES APPROVED:
JEK 9/12/13

FIELD NOTES DESCRIBING 0.2224 ACRE (9,686 SQ. FEET)
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 412)
PART OF LOT 3, CITY BLOCK 6/774, CHURCH'S FRIED CHICKEN ADDITION
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM FRIS CHKN LLC

EXHIBIT A

CONTAINING within the metes recited 0.2224 acre (9,686 square feet) of land, more or less.

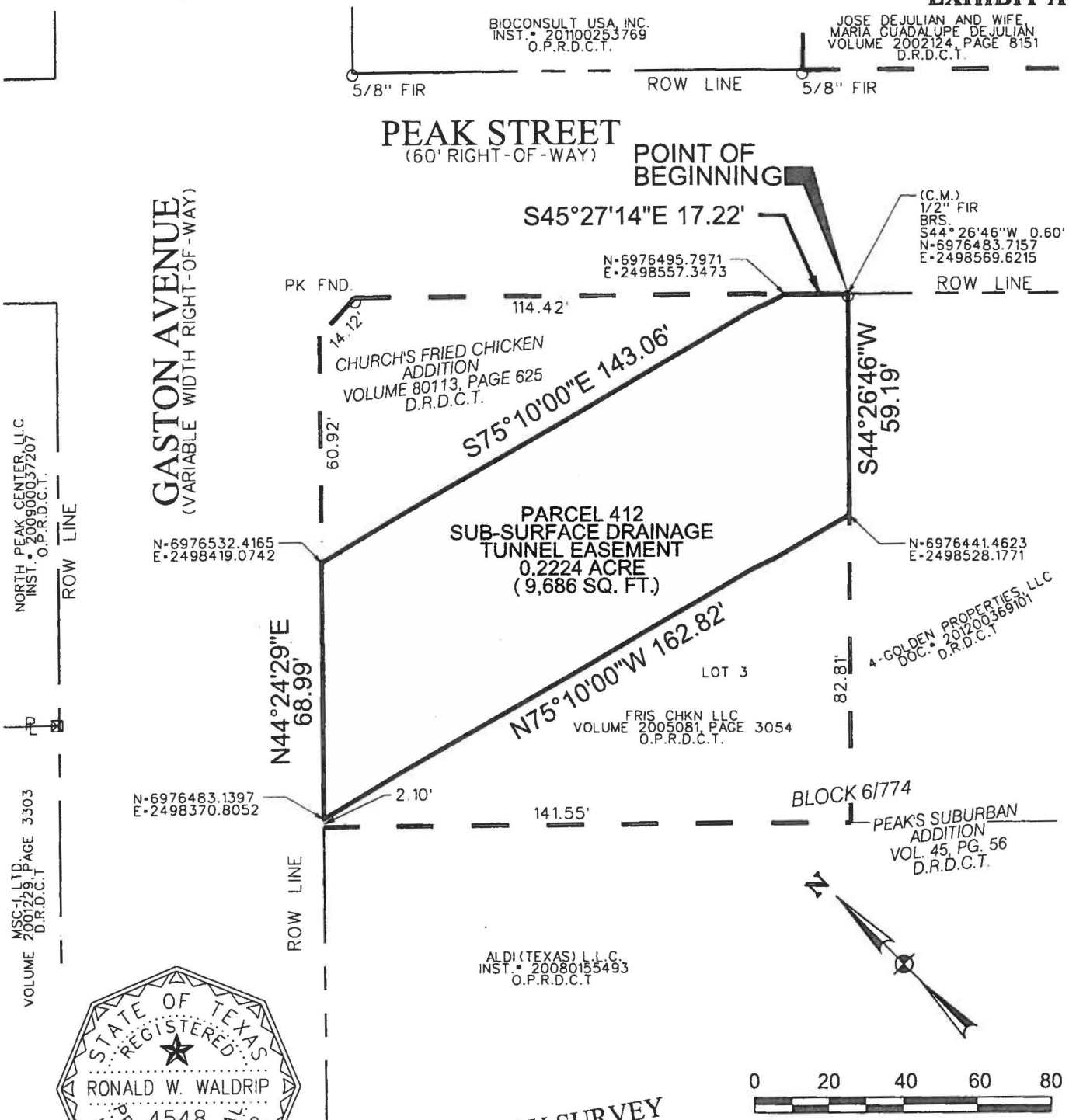
Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.



Ronald W. Waldrip 8/29/13

FIELD NOTES APPROVED:
JEK 9/13/13

EXHIBIT A



STATE OF TEXAS
REGISTERED
RONALD W. WALDRIP
4548
PROFESSIONAL
LAND SURVEYOR

Ronald W. Waldrip
8/29/13

JOHN GRIGSBY SURVEY
ABSTRACT NO. 495

FIELD NOTES APPROVED:
PER 7 12 3

SCALE: 1"=40'

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

LEGEND

	ROW LINE	(C.M.)	CONTROL MONUMENT
℄	PROPERTY LINE	FIR	FOUND IRON ROD
	LOT LINE	FIP	FOUND IRON PIPE
	SUBDIVISION LINE	D.R.D.C.T	DEED RECORDS DALLAS COUNTY TEXAS
	PROP. EASEMENT LINE		
○	IRON ROD	O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS DALLAS COUNTY TEXAS
⊠	X-CUT		
△	MONUMENT		

NOTE: SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED

SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 412)
PART OF CITY BLOCK 6/774,
CHURCH'S FRIED CHICKEN ADDITION
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

ARS Engineers, Inc.
Firm No. F-819
12801 N. Central Expressway, Suite 1250
Dallas, Texas 75243
(214) 739-3152 Fax (214) 739-3169

AGENDA ITEM # 48

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): 2

DEPARTMENT: Trinity Watershed Management

CMO: Mark McDaniel, 670-3256

MAPSCO: 46K

SUBJECT

Authorize settlement in lieu of proceeding further with condemnation for an improved tract of land containing approximately 64,836 square feet from Hal G. Hinckley, Sr., et al., located on Hill Avenue at its intersection with IH 30 for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed $860,900 ($852,400 plus closing costs and title expenses not to exceed $8,500); a total increase of $370,900 from the amount Council originally authorized for this acquisition – Financing: 2006 Bond Funds

BACKGROUND

This item authorizes a settlement for the acquisition of approximately 64,836 square feet of land improved with an open steel shed with canopy from Hal G. Hinckley, Sr., et al., for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project. This settlement will allow for the acquisition of the property without proceeding further with condemnation.

The original authorizing resolution authorized an offer amount of $485,000 plus closing costs and title expenses not to exceed $5,000. That amount is being increased to $852,400 plus closing costs and title expenses not to exceed $8,500.

PRIOR ACTION / REVIEW (COUNCIL BOARDS, COMMISSIONS)

On September 26, 2012, Council approved Resolution No. 12-2392

Information about this item will be provided to the Transportation and Trinity River Project Committee on September 15, 2015.

FISCAL INFORMATION

2006 Bond Funds - $860,900 ($852,400 plus closing costs and title expenses not to exceed $8,500)

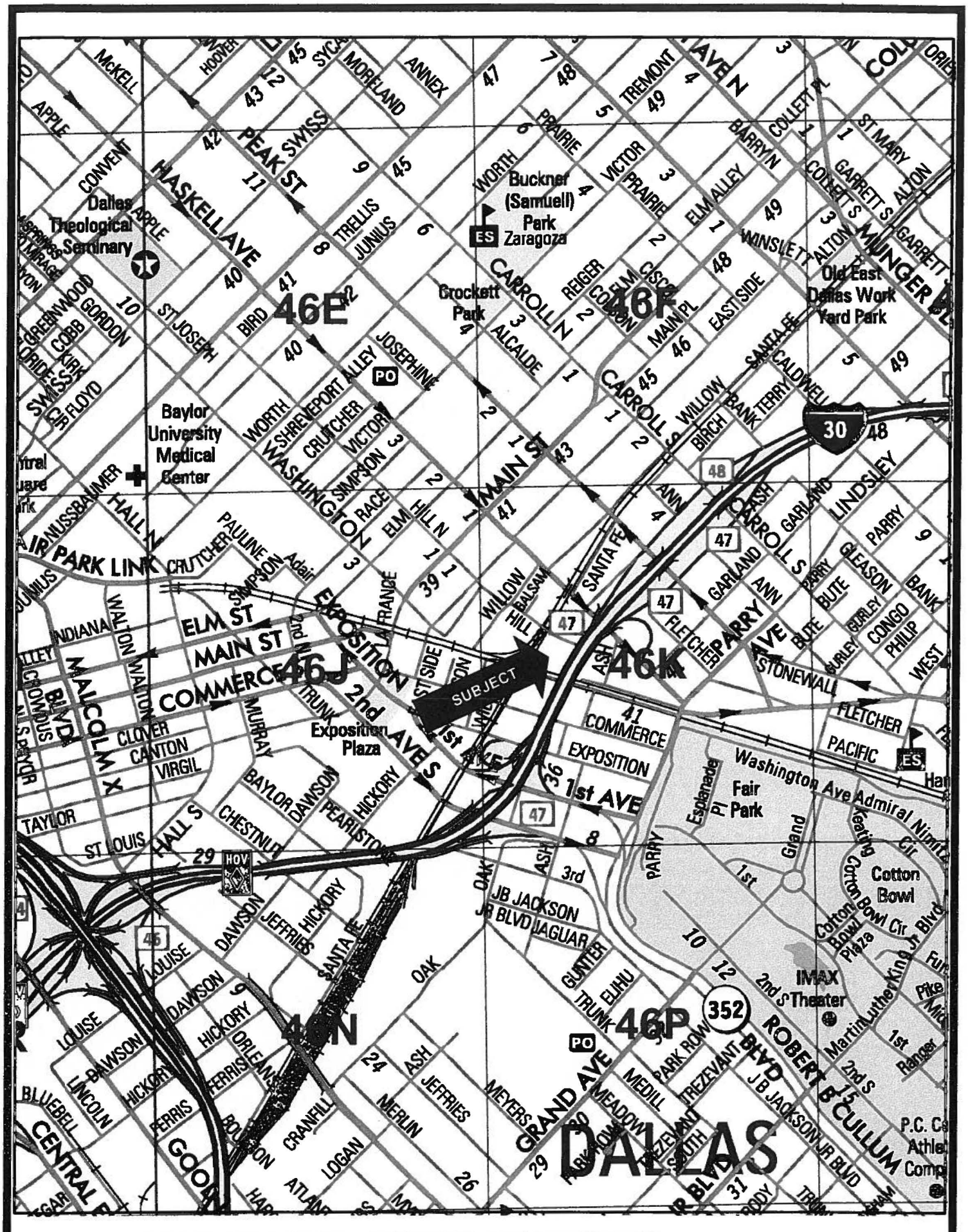
OWNERS

Hinckley, Inc., d/b/a Hinckley Cold Storage, Inc.
Hal G. Hinckley, Sr., President

Hal G. Hinckley, Sr.
Mary Ann Hinckley Abbott
Bobby Wayne Hinckley
Johnny Mack Hinckley
Tommy Lynn Hinckley
Dorothy Ada Hinckley

MAPS

Attached



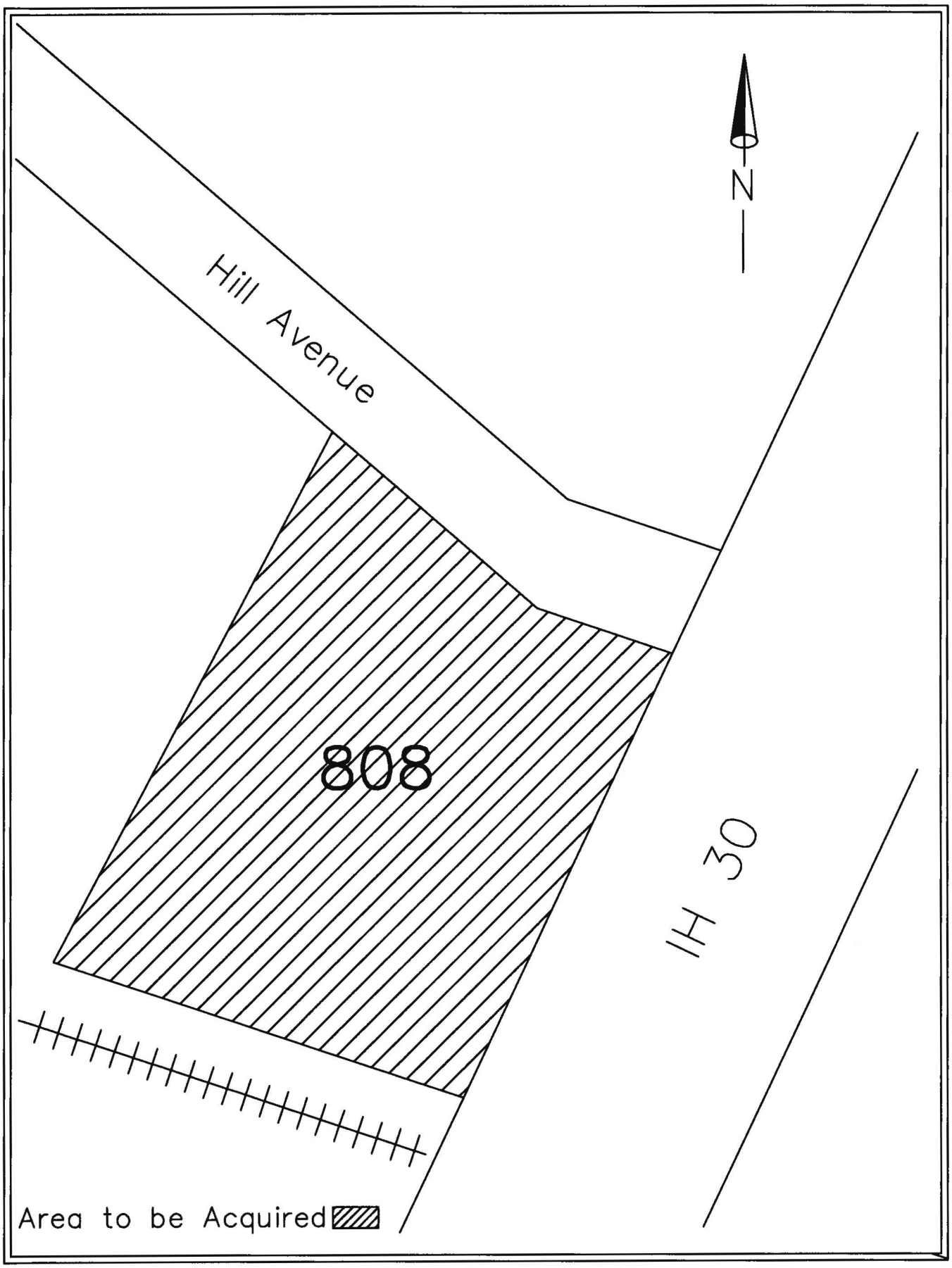
copyright © 2006 MAPSCO, Inc.

MAPSCO

46K

0 Mi 0.20 Mi 0.40 Mi

Scale 1 : 12 731


N
Hill Avenue
808
IH 30
Area to be Acquired

September 22, 2015

A RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR AN AMOUNT HIGHER THAN THE FIRST RESOLUTION OFFER AMOUNT.

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

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

WHEREAS, the City Council desires to authorize the City Manager to acquire the PROPERTY INTEREST in the PROPERTY for the SETTLEMENT AMOUNT stated herein; Now, Therefore,

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

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

"CITY": The City of Dallas.

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed $8,500.00.

"FIRST RESOLUTION": Resolution No. 12-2392 approved by the Dallas City Council on September 26, 2012.

"FIRST RESOLUTION OFFER AMOUNT": $485,000.00.

"OWNER": Hinckley, Inc., d/b/a Hinckley Cold Storage, Inc., Hal G. Hinckley, Sr., Mary Ann Hinckley Abbott, Bobby Wayne Hinckley, Johnny Mack Hinckley, Tommy Lynn Hinckley and Dorothy Ada Hinckley provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest in the PROPERTY, regardless of whether those persons are actually named herein.

"PROJECT": Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project.

"PROPERTY": Approximately 64,836 square feet of land Dallas County, Texas, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining hereto.

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

"REVISED AUTHORIZED AMOUNT": $860,900.00.

"SETTLEMENT AMOUNT": $852,400.00.

"USE": The construction, installation, use, and maintenance of a storm drainage intake structure and connecting lines for the transmission of storm drainage, and a construction staging area for the intake structure and connecting lines, together with such appurtenant facilities as may be necessary

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

SECTION 3. That the Chief Financial Officer is authorized to draw checks for the SETTLEMENT AMOUNT, payable out of 2006 Bond Funds: Fund No. 1T23, Dept. TWM, Unit T525, Activity SDRS, Object 4210, Program No. PB06T525, Encumbrance No. CT-PBW06T525L1, and CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: Fund No. 1T23, Dept. TWM, Unit T525, Activity SDRS, Object 4230, Program No. PB06T525, Encumbrance No. CT-PBW06T525D7.

SECTION 4. That the payment referenced in Section 3 shall be delivered to a title insurance company after evidence of satisfactory title has been provided to and approved by the City Attorney.

SECTION 5. The SETTLEMENT AMOUNT - $852,400.00 and the CLOSING COSTS AND TITLE EXPENSES - $8,500.00 together shall not exceed the REVISED AUTHORIZED AMOUNT - $860,900.00.

SECTION 6. That the CITY is to have possession and/or use, as applicable, of the PROPERTY at closing.

SECTION 7. That the CITY will pay any title expenses and closing costs. All costs and expenses described in this section shall be paid from the previously described funds.

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

APPROVED AS TO FORM:
WARREN M. S. ERNST, CITY ATTORNEY

BY: _____
Assistant City Attorney

FIELDNOTES DESCRIBING A 1.488-ACRE (64,836-SQUARE-FOOT) TRACT OF LAND TO BE ACQUIRED BY THE CITY OF DALLAS (IN FEE) CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 205) PART OF OFFICIAL CITY OF DALLAS BLOCK NUMBER 2/808 (UNPLATTED) AND PART OF LOTS 6 AND 7 OF STOUT'S SUBDIVISION JOHN GRIGSBY SURVEY, ABSTRACT NO. 495 CITY OF DALLAS, DALLAS COUNTY, TEXAS FROM FRANK BROWN HINCKLEY III, JOE CORY HINCKLEY, AND JERE BOB HINCKLEY

EXHIBIT A

BEING a 1.488-acre (64,836-square-foot) tract of land in the John Grigsby Survey, Abstract Number 495, in the City of Dallas, Dallas County, Texas and the remaining westwardly part of Lots 6 and 7, Block 808 (Official City of Dallas Block Number 2/808), of Stout's Subdivision, an addition to the City of Dallas, as evidenced by plat recorded in Volume 91, Page 274 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), all of a tract of land conveyed to F. B. Hinckley III, Joe Cory Hinckley and Jere Bob Hinckley as evidenced by Warranty Deed recorded in Volume 5383, Page 550 of the D.R.D.C.T. (including said part of Lots 6 and 7 and a portion of land unplatted), all of a tract of land conveyed to F. B. Hinckley III, Joe Cory Hinckley and Jere Bob Hinckley as evidenced by Warranty Deed recorded in Volume 5385, Page 524 of the D.R.D.C.T. (unplatted), all of a tract of land conveyed to Hinckley Cold Storage, Inc. as evidenced by Warranty Deed recorded in Volume 75172, Page 991 of the D.R.D.C.T. (unplatted), all of a tract of land conveyed to Frank B. Hinckley III, Joe C. Hinckley and Jere B. Hinckley as evidenced by Warranty Deed recorded in Volume 83068, Page 1201 of the D.R.D.C.T. (unplatted), all of a tract of land conveyed to Frank Brown Hinckley III, Joe Cory Hinckley and Jere Bob Hinckley as evidenced by Special Warranty Deed recorded in Volume 90248, Page 1497 of the D.R.D.C.T. (unplatted), and being more particularly described as follows:

BEGINNING a at a 1/2-inch iron rod (controlling monument) found at the southwest corner of said Hinckley tract (V.90248, P.1497), at the intersection of the north right-of-way line of Dallas Area Rapid Transit (DART), formerly Texas & Pacific Railroad (T. & P. R.R.), (80-foot right-of-way) and the east right-of-way line of DART, formerly Gulf Colorado & Santa Fe Railroad (G. C. & S.F. R.R.), (variable width right-of-way);

THENCE North 30°14'39" East departing the north line of said DART tract, along the common west line of said Hinckley tract (V.90248, P.1497) and the east line of said DART tract at a distance of 278.05 feet pass the projected south line of Hill Avenue, (variable width right-of-way), for a total distance of 329.39 feet from which a railroad spike found bears South 30°56'15" East a distance of 0.21 feet and from which a "PK" nail found, at the described southwest corner of a tract of land conveyed to Don Valk as evidenced by deed recorded in Instrument Number 200600315780 of the Official Public Records of Dallas County, Texas, bears North 30°14'39" East a distance of 2.36 feet;

THENCE South 73°04'12" East departing the east line of DART tract, along the north line of said Hinckley tract (V.90248, P.1497), a distance of 20.97 feet to a railroad spike (controlling monument) found at the northeast corner of said Hinckley tract (V.90248, P.1497);

THENCE South 16°31'48" West along the east line of said Hinckley tract (V.90248, P.1497), a distance of 50.00 feet to a railroad rail (controlling monument) found at the northwest corner of said Hinckley tract (V.83068, P.1201) and in the south line of Hill Avenue;

THENCE South 73°28'12" East along the common north line of said Hinckley tract (V.83068, P.1201) and the south line of Hill Avenue, passing at a distance of 80.00 feet the common northeast of said Hinckley tract (V. 83068, P. 1201) and northwest corner of said Hinckley Cold Storage tract from which a 1/2-inch iron rod found bears South 15°14'32" East a distance 0.24 feet, passing at a distance of 120.00 feet the common northeast corner of said Hinckley Cold Storage tract and the northwest corner of said Hinckley tract (V. 5383, P. 550) from which a 1/2-inch iron rod found bears South 44°43'42" East a distance 0.15 feet, for a total distance of 160.00 feet to an "X" cut in concrete set at an angle point in the common south line of Hill Avenue and a northeast corner of said Hinckley tract (V.5383, P.550);

FIELD NOTES APPROVED:
JER 12/9/13

FIELDNOTES DESCRIBING A 1.488-ACRE (64,836-SQUARE-FOOT) TRACT OF LAND TO BE ACQUIRED BY THE CITY OF DALLAS (IN FEE) CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 205) PART OF OFFICIAL CITY OF DALLAS BLOCK NUMBER 2/808 (UNPLATTED) AND PART OF LOTS 6 AND 7 OF STOUT'S SUBDIVISION JOHN GRIGSBY SURVEY, ABSTRACT NO. 495 CITY OF DALLAS, DALLAS COUNTY, TEXAS FROM FRANK BROWN HINCKLEY III, JOE CORY HINCKLEY, AND JERE BOB HINCKLEY

EXHIBIT A

THENCE South 16°31'48" West continuing along said common line a distance of 25.00 feet to an "X" cut in concrete set for a re-entrant corner of said Hinckley tract and the northwest corner of said Lot 7;

THENCE South 73°28'12" East continuing along said common line and the north line of said Lot 7 a distance of 50.00 feet to a chain link fence corner found at the northeast corner of said Hinckley tract (V.5383, P.550) and in the west line of Interstate Highway 30, (variable width right-of-way);

THENCE South 29°03'32" West departing the south line of Hill Avenue, along the common east line of said Hinckley tract (V.5383, P.550) and in the west line of Interstate Highway 30 a distance of 230.49 feet to an "X" cut in concrete set at the southeast corner of said Hinckley tract (V.5383, P.550) and the intersection of the north line of Pacific Avenue, (20-foot right-of-way), with the west line of Interstate Highway 30, from which a brass monument stamped TXDOT found bears South 34°42'42" East a distance of 1.73 feet and a 1-inch iron rod found bears South 06°45'03" West a distance of 2.18 feet;

THENCE North 73°28'12" West departing the west line of Interstate Highway 30, along the north line of Pacific Avenue, passing at a distance of 40.00 feet the common southwest corner of said Hinckley tract (V. 5383, P. 550) and the southwest corner of said Hinckley tract (V. 5385, P. 524) from which a 5/8-inch iron rod with cap stamped "LGG" found bears South 02°20'56" West a distance 0.62 feet, and passing at a distance of 80.00 feet the common southwest corner of said Hinckley tract (V. 5385, P. 524) and the southeast corner of said Hinckley tract (V. 83068, P. 1201) from which a 1/2-inch iron rod found bears South 56°10'39" East a distance 0.19 feet, for a total distance of 160.00 feet to the common northwest corner of Pacific Avenue and the southwest corner of said Hinckley tract (V.83068, P.1201) and in the east line of said Hinckley tract (V.90248, P.1497), from which a 5/8-inch iron rod with cap stamped "LGG" found bears South 46°25'36" East a distance 0.17 feet;

THENCE South 16°31'48" West along the common west line of Pacific Avenue and the east line of said Hinckley tract (V.90248, P.1497), a distance of 20.00 feet to a 1/2-inch iron rod (controlling monument) found at the common southwest corner of Pacific Avenue and the southeast corner of said Hinckley tract (V.90248, P.1497), in the north line of said DART (T. & P. R.R.) tract;

THENCE North 73°23'12" West along the north line of said DART tract a distance of 99.06 feet to the POINT OF BEGINNING;

FIELD NOTES APPROVED
DER 12/9/13

EXHIBIT A

**FIELDNOTES DESCRIBING A 1.488-ACRE (64,836-SQUARE-FOOT)
TRACT OF LAND TO BE ACQUIRED BY THE CITY OF DALLAS (IN FEE)
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 205)
PART OF OFFICIAL CITY OF DALLAS BLOCK NUMBER 2/808 (UNPLATTED)
AND PART OF LOTS 6 AND 7 OF STOUT'S SUBDIVISION
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM FRANK BROWN HINCKLEY III,
JOE CORY HINCKLEY, AND JERE BOB HINCKLEY**

CONTAINING within the metes recited 1.488 acre (64,836 square feet) of land, more or less.

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

A plat of even survey date herewith accompanies this description.

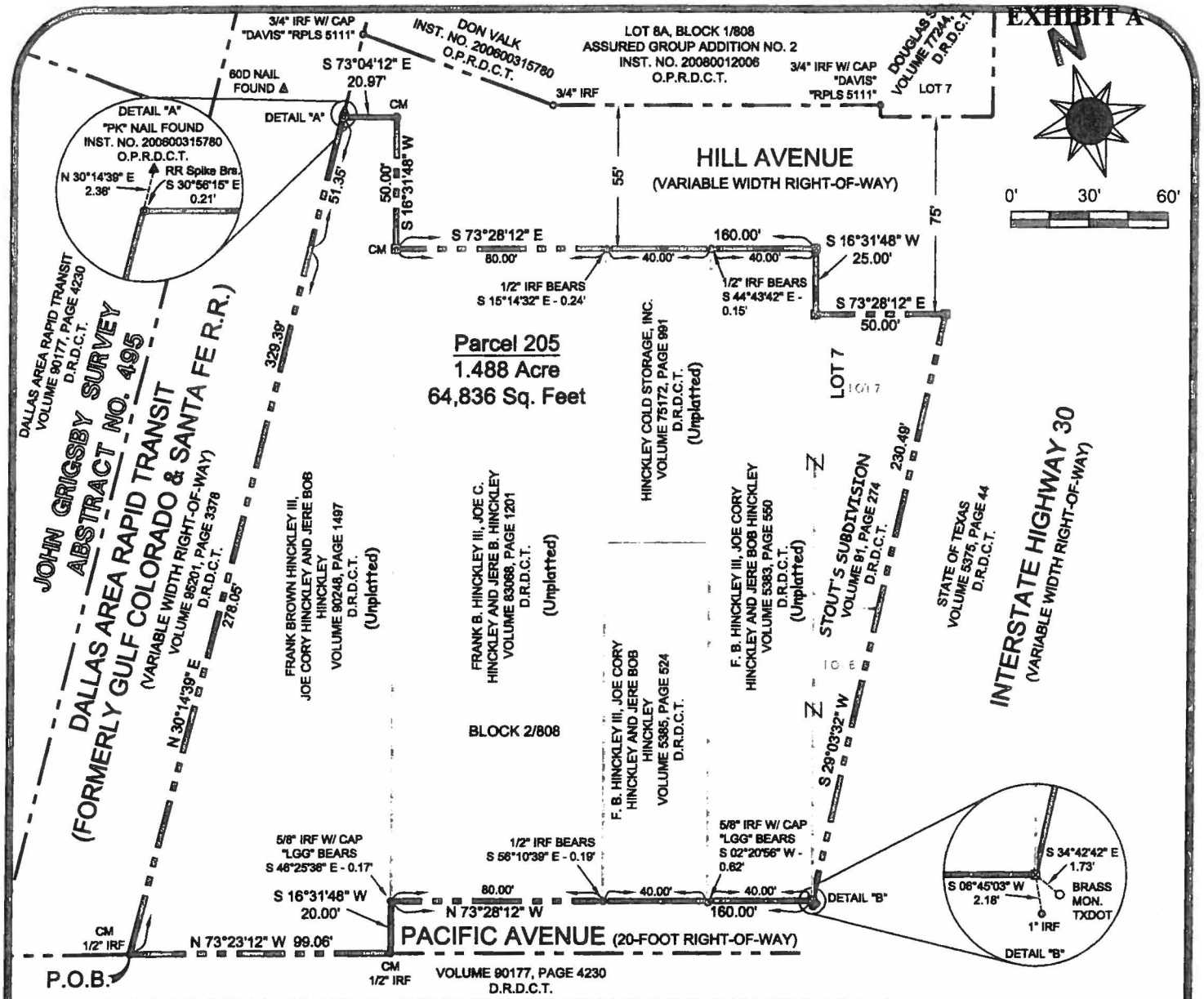
I, Ayub R. Sandhu, a Registered Professional Land Surveyor, hereby certify that the legal description hereon and the accompanying plat represent an actual survey made on the ground under my supervision.

Ayub R. Sandhu 9-24-13

Ayub R. Sandhu, R.P.L.S.
Texas Registration No. 2910

FIELD NOTES APPROVED:
JER 12/9/13

EXHIBIT A



DALLAS AREA RAPID TRANSIT (FORMERLY TEXAS & PACIFIC R.R.)

(80-FOOT RIGHT-OF-WAY)

LEGEND

These standard symbols can be found in this drawing.

- IRON ROD FOUND
- RAILROAD SPIKE FOUND
- NAIL FOUND
- VERTICAL RAILROAD RAIL FOUND
- "X" CUT SET
- CHAIN LINK FENCE CORNER FOUND
- BRASS TXDOT MONUMENT FOUND
- P.O.B. - POINT OF BEGINNING
- CM - CONTROLLING MONUMENT
- IRF - IRON ROD FOUND
- D.R.D.C.T. - DEED RECORDS DALLAS COUNTY, TEXAS
- O.P.R.D.C.T. - OFFICIAL PUBLIC RECORDS DALLAS COUNTY, TEXAS
- R.O.W. LINE
- LOT OR TRACT LINE
- SUBDIVISION LINE

A TRACT OF LAND TO BE ACQUIRED FOR STORM WATER IMPROVEMENTS BY THE CITY OF DALLAS IN FEE SIMPLE FROM FRANK BROWN HINCKLEY III, JOE CORY HINCKLEY, AND JERE BOB HINCKLEY
A 1.488 ACRE TRACT, INCLUDING THE REMAINDER OF LOTS 6 AND 7, BLOCK 808 (OFFICIAL CITY OF DALLAS BLOCK NUMBER 2/808) OF STOUT'S SUBDIVISION
PART OF THE JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEARING BASIS: BEARINGS AND DISTANCES SHOWN HEREON ARE BASED ON NAD 83, TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE (4202). DISTANCES SHOWN HAVE BEEN MODIFIED TO SURFACE BY APPLYING A SCALE FACTOR OF 1.000136506 TO THE STATE PLANE COORDINATES

REV. SEPTEMBER 24, 2013

STATE OF TEXAS
REGISTERED
AYUB R. SANDHU
2910
PROFESSIONAL
LAND SURVEYOR

Ayub R. Sandhu
9-24-13

DRAWN BY:	J. WALDRIP	DATE:	NOVEMBER 23, 2010
CHECKED BY:	R. WALDRIP	SCALE:	1 INCH = 60 FEET
JOB NUMBER:	301-07-002	SHEET:	4 OF 4

ARS Engineers, Inc.
12801 N. Central Expressway,3Suite 1250
Dallas, Texas 75248
Phone: (214) 739-3152 Fax: (214) 739-3169

AGENDA ITEM # 49

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): 1, 2, 3, 5, 6, 7, 9, 12, 14, Outside City Limits

DEPARTMENT: Water Utilities
Park & Recreation
Trinity Watershed Management

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

MAPSCO: Various

SUBJECT

Authorize an engineering services contract with Arcadis U.S., Inc. to perform safety inspections and emergency action plan updates for dams owned and operated by the City of Dallas - Not to exceed $1,851,737 - Financing: Stormwater Drainage Management Capital Construction Funds ($998,086) and Water Utilities Capital Construction Funds ($853,651)

BACKGROUND

The City of Dallas (Trinity Watershed Management Department, Dallas Water Utilities and Park and Recreation Department) owns numerous dams and levees, which impound water for flood control, water supply, and recreation purposes. The Texas Commission on Environmental Quality, the National Dam Safety Act, and the Federal Emergency Management Agency all have requirements and recommendations for dam and levee safety inspections, operations and maintenance programs, and Emergency Action Plans (EAP). Twenty-four dams owned by the City of Dallas have been identified as subject to at least a part of these requirements.

This action will provide a five-year comprehensive inspection of the dams and will update the EAP for the dams, as well as the Trinity River Levee system, which has its own separate EAP. Review and update of these EAPs and the development of a digital mapping system compliant with recommended federal guidelines for use during flood events, will be provided in this project. Federal and State regulations require EAPs to be exercised through a tabletop or full-scale exercise. Both a tabletop exercise and functional exercise are included as part of this project. These exercises will be coordinated to provide training for all potentially impacted departments in the City. This action also includes the development of a consistent city-wide dam safety program managed within each of the three responsible departments. Training for the required periodic dam inspections will be provided for the responsible operations staff to ensure continued compliance.

BACKGROUND (Continued)

There is no anticipated construction associated with this project.

ESTIMATED SCHEDULE OF PROJECT

Begin Services October 2015
Complete Services August 2016

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Transportation & Trinity River Project Committee on September 15, 2015.

FISCAL INFORMATION

$853,651.00 - Water Utilities Capital Construction Funds
$998,086.00 - Stormwater Drainage Management Capital Construction Funds

Council District	Amount
1	$ 224,730.10
2	$ 36,363.98
3	$ 261,094.08
5	$ 261,094.08
6	$ 310,198.78
7	$ 36,363.98
9	$ 303,205.37
12	$ 36,363.98
14	$ 145,455.92
Outside City Limits	$ 236,866.73
Total	$1,851,737.00

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Arcadis U.S., Inc.

Hispanic Female	89	Hispanic Male	153
Black Female	78	Black Male	100
Other Female	124	Other Male	186
White Female	1,517	White Male	2,864

OWNER

Arcadis U.S., Inc.

John Jastrem, Chief Executive Officer

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize an engineering services contract with Arcadis U.S., Inc. to perform safety inspections and emergency action plan updates for dams owned and operated by the City of Dallas - Not to exceed $1,851,737 - Financing: Stormwater Drainage Management Capital Construction Funds ($998,086) and Water Utilities Capital Construction Funds ($853,651)

Arcadis U.S., Inc. is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-consultants.
PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$1,851,737.00	100.00%
Total non-local contracts	$0.00	0.00%
TOTAL CONTRACT	$1,851,737.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

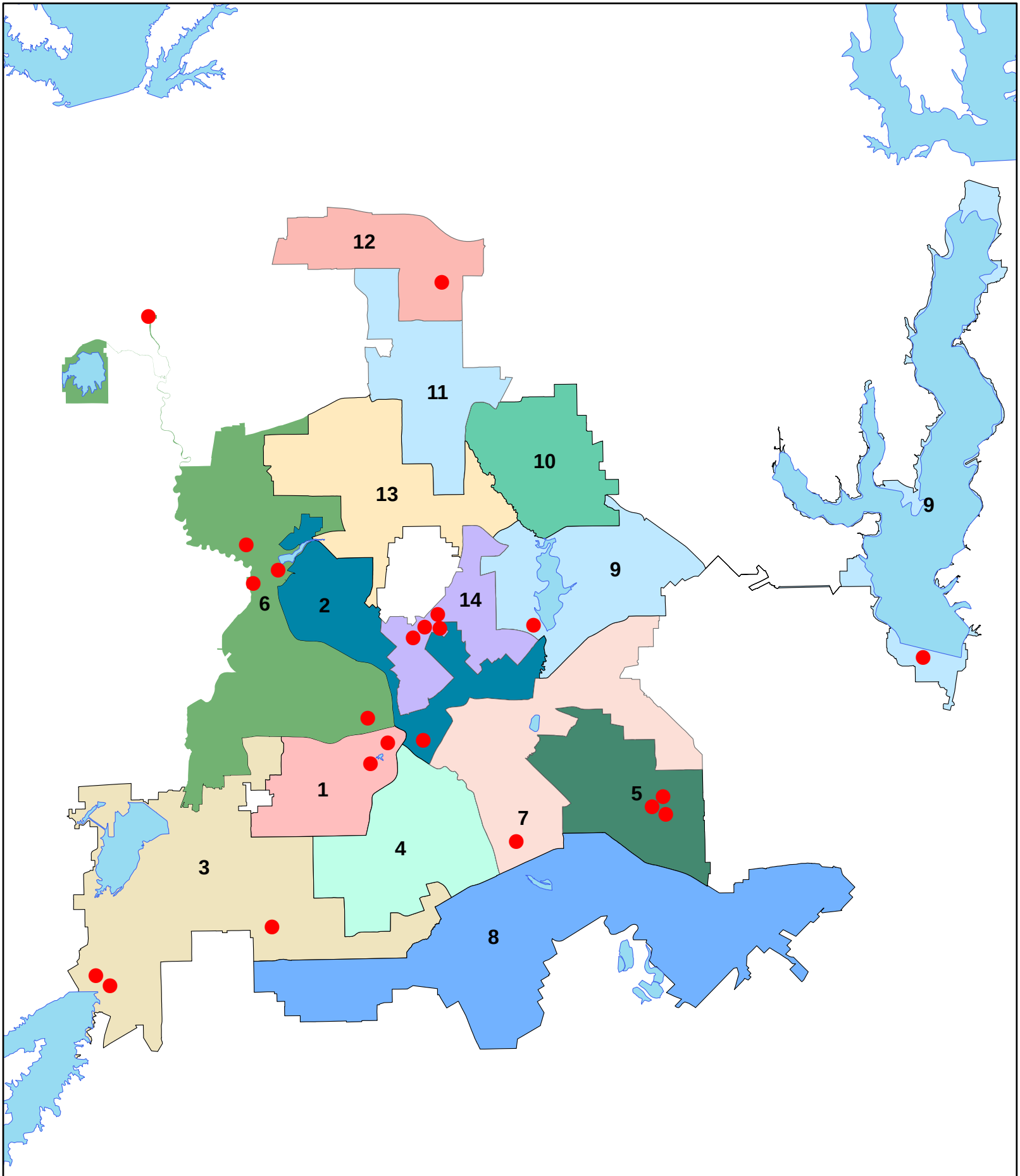
Local	Certification	Amount	Percent
HVJ Associates, Inc.	BMMB61733N0516	$49,080.00	2.65%
JQ Infrastructure, LLC	IMDB80158Y0716	$428,828.00	23.16%
Total Minority - Local		$477,908.00	25.81%

Non-Local Contractors / Sub-Contractors

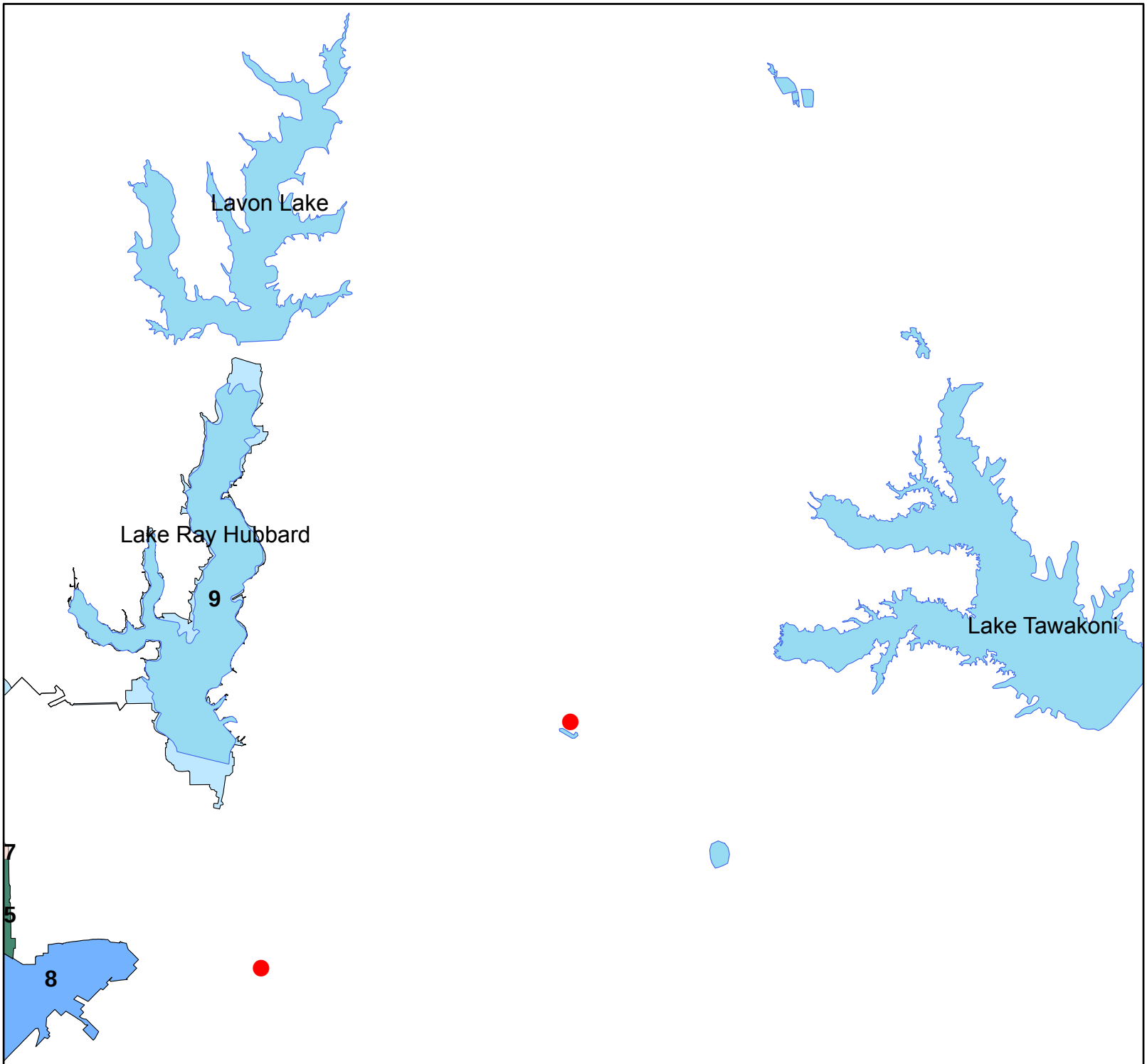
None

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$49,080.00	2.65%	$49,080.00	2.65%
Hispanic American	$0.00	0.00%	$0.00	0.00%
Asian American	$428,828.00	23.16%	$428,828.00	23.16%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$0.00	0.00%	$0.00	0.00%
Total	$477,908.00	25.81%	$477,908.00	25.81%



Dallas Water Utilities
Contract No. 15-189E
Dam and Levee System Safety Project



Dallas Water Utilities
Contract No. 15-189E
Dam and Levee System Safety Project

September 22, 2015

WHEREAS, the National Dam Safety Act requires ongoing inspections of dams every five years; and,

WHEREAS, engineering services are required for the inspection of dams and other dam safety related work for the dams and the Trinity River Levee System owned and operated by the City of Dallas; and,

WHEREAS, Arcadis U.S., Inc., 12400 Coit Road, Suite 1200, Dallas, Texas 75251, has submitted an acceptable proposal to provide these engineering services.

Now, Therefore,

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

Section 1. That the proposal submitted by Arcadis U.S., Inc. in the amount of $1,851,737.00 be approved and the consultant be authorized to perform the required engineering services.

Section 2. That the City Manager is hereby authorized to enter into a contract with Arcadis U.S., Inc., to provide engineering services for the inspection of dams and other dam safety related work for the dams and the Trinity River Levee System owned and operated by the City of Dallas, after approval as to form by the City Attorney.

Section 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $1,851,737.00 from the Water Construction Fund and Stormwater Drainage Management Capital Construction Fund as follows:

FUND	DEPT	UNIT	OBJ	PRO	ENCUMBRANCE	VENDOR
0102	DWU	CW10	3070	715189X	CT-DWU715189EN	VC0000011086

Arcadis U.S., Inc. - (Contract No. 15-189E) - $853,651.00

FUND	DEPT	UNIT	OBJ	ACT	ENCUMBRANCE	VENDOR
0063	SDM	W026	3070	STMP	SDMW026BM01	VC0000011086

Arcadis U.S., Inc. - (Contract No. 15-189E) - $998,086.00

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

AGENDA ITEM # 50

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): 2, 3

DEPARTMENT: Water Utilities

CMO: Mark McDaniel, 670-3256

MAPSCO: Various

SUBJECT

Authorize a contract for the installation of water and wastewater mains at 12 locations (list attached) - John Burns Construction Company of Texas, Inc., lowest responsible bidder of four - Not to exceed $10,528,912 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This action consists of the installation and rehabilitation of approximately 30,120 feet of water and wastewater mains primarily located in the Dallas Love Field Airport area. This includes the installation of approximately 287 feet of 6-inch, 764 feet of 8-inch, 1,016 feet of 12-inch, 6,183 feet of 16-inch, 2,728 feet of 24-inch, 2,446 feet of 30-inch and 2,062 feet of 36-inch water mains, and the installation of approximately 30 feet of 6-inch, 68 feet of 8-inch, 5,400 feet of 15-inch, 1,276 feet of 18-inch, and 6,075 feet of 21-inch wastewater mains. The project also includes the rehabilitation of 1,785 feet of existing 10-inch wastewater main.

The existing water and wastewater mains were built between 1926 and 1988. These mains are contributing to an increase in maintenance costs as well as service interruptions. The installation of the proposed segments will improve the capacity of the water and wastewater systems and reduce maintenance costs.

BACKGROUND (Continued)

The existing mains located in the Dallas Love Field Air Operations Area (AOA) are in need of relocation due to aging infrastructure and proximity to AOA facilities. The location of the mains and restricted access to AOA are sources of major disruptions to Aviation and Dallas Water Utilities (DWU) operations during maintenance and repair activities. It is in the best interest of the City to initiate relocation efforts in order to avoid potential catastrophic impacts due to main failures, particularly to mains crossing runways or adjacent to taxiways. The installation of the proposed segments will improve the capacity of the water and wastewater systems, minimize disruptions to DWU and Aviation operations, and reduce maintenance efforts and costs by relocating a significant portion of water and wastewater mains outside the AOA.

In addition to water and wastewater main replacements in the Dallas Love Field Airport area, the project includes the installation of water transmission mains at Mountain Creek Parkway and Eagle Ford Drive. The proposed water transmission mains are needed to meet future demands as identified in master planning efforts.

John Burns Construction Company of Texas, Inc. completed contractual activities in the past three years:

	PBW	DWU	PKR
Projects Authorized	0	3	0
Change Orders	0	4	0
Projects Requiring Liquidated Damages	0	0	0
Projects Completed by Bonding Company	0	0	0

ESTIMATED SCHEDULE OF PROJECT

Began Design	December 2013
Completed Design	March 2015
Begin Construction	November 2015
Complete Construction	June 2017

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Huitt-Zollars, Inc. to provide engineering design services for the renewal of water and wastewater mains at 32 locations on September 11, 2013, by Resolution No. 13-1582.

Information about this item will be provided to the Transportation & Trinity River Project Committee on September 15, 2015.

FISCAL INFORMATION

$10,528,912.00 - Water Utilities Capital Improvement Funds

Design	$ 1,398,698.00
Construction (this action)	$10,528,912.00
Total Project Cost	$11,927,610.00

Council District	Amount
2	$ 8,775,022.30
3	$ 1,753,889.70
Total	$10,528,912.00

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

John Burns Construction Company of Texas, Inc.

Hispanic Female	0	Hispanic Male	45
Black Female	0	Black Male	0
Other Female	0	Other Male	0
White Female	3	White Male	21

BID INFORMATION

The following bids with quotes were opened on June 11, 2015:

*Denotes successful bidder

Bidders	Bid Amount
*John Burns Construction Company of Texas, Inc. 655 East Main Street Lewisville, Texas 75057	$10,528,912.00
Ark Contracting Services, LLC	$11,377,869.00
Webber, LLC	$11,781,776.50
Atkins Bros. Equipment Co., Inc.	$12,762,802.20

OWNER

John Burns Construction Company of Texas, Inc.

William B. O'Malley, Owner

MAPS

Attached

Installation of Water and Wastewater Mains

District 2

Ansley Avenue from Tom Braniff Lane to Hawes Avenue
Aubrey Avenue from Tom Braniff Lane to Hawes Avenue
Aviation Place from Tom Braniff Lane to end
Easement in Love Field southeast of Taxiway Bravo
Easement in Love Field from Herb Kelleher Way northeast
Hawes Avenue from Maple Avenue to Lemmon Avenue
Herb Kelleher Way from Love Field Airport to Tom Braniff Lane
Lemmon Avenue from Love Field Airport southeast
Lemmon Avenue from Airdrome Drive southeast
Love Field East Runway from Tom Braniff Lane to Hawes Avenue

District 3

Eagle Ford Drive from Mountain Creek Parkway northeast
Mountain Creek Parkway from Highbrush Drive southeast

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a contract for the installation of water and wastewater mains at 12 locations (list attached) - John Burns Construction Company of Texas, Inc., lowest responsible bidder of four - Not to exceed $10,528,912 - Financing: Water Utilities Capital Improvement Funds

John Burns Construction Company of Texas, Inc. is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$7,697,454.92	73.11%
Total non-local contracts	$2,831,457.08	26.89%
TOTAL CONTRACT	$10,528,912.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

Local	Certification	Amount	Percent
Llano River Fence Co.	BFDB64704Y0316	$180,886.00	2.35%
Bussey Trucking, Inc.	BMMB62596Y0716	$226,874.50	2.95%
Partnering for Success, Inc.	HFMB61772Y0516	$8,400.00	0.11%
Rocha Trucking, Inc.	HMDB28608Y0716	$226,874.50	2.95%
Supreme Sawing & Seal	HMDB15304Y0816	$116,002.00	1.51%
Magnum Manhole & Underground Co.	WFDB64723Y0416	$38,965.00	0.51%
Total Minority - Local		$798,002.00	10.37%

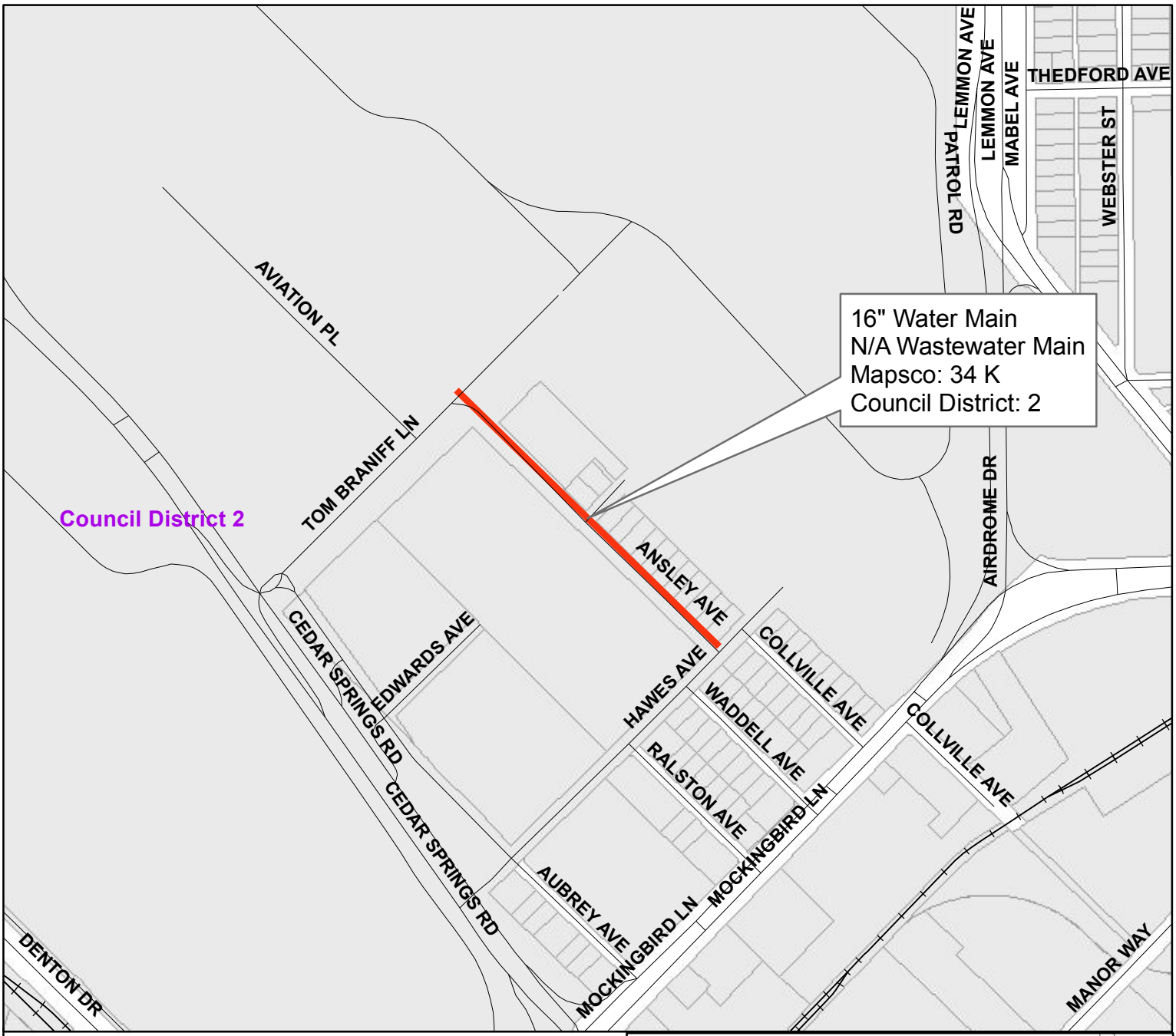
Non-Local Contractors / Sub-Contractors

Non-local	Certification	Amount	Percent
C. Green Scaping, LP	HFDB22088Y0716	$61,533.00	2.17%
LB Transportation	WFWB63580N1116	$256,165.00	9.05%
Buyers Barricades	WFDB24016Y0516	$49,895.00	1.76%
Total Minority - Non-local		$367,593.00	12.98%

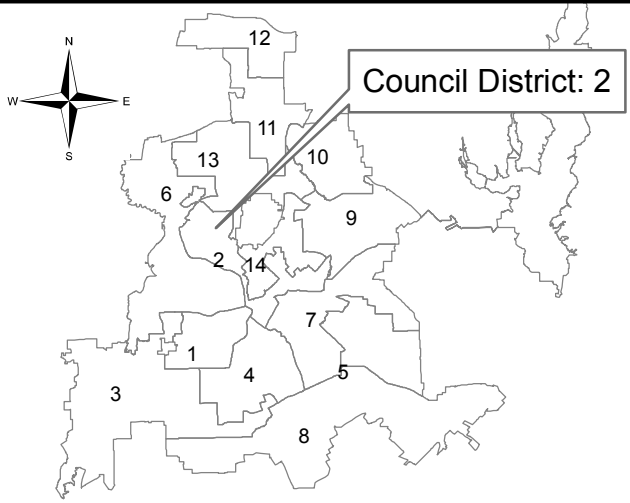
BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$407,760.50	5.30%	$407,760.50	3.87%
Hispanic American	$351,276.50	4.56%	$412,809.50	3.92%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$38,965.00	0.51%	$345,025.00	3.28%
Total	$798,002.00	10.37%	$1,165,595.00	11.07%



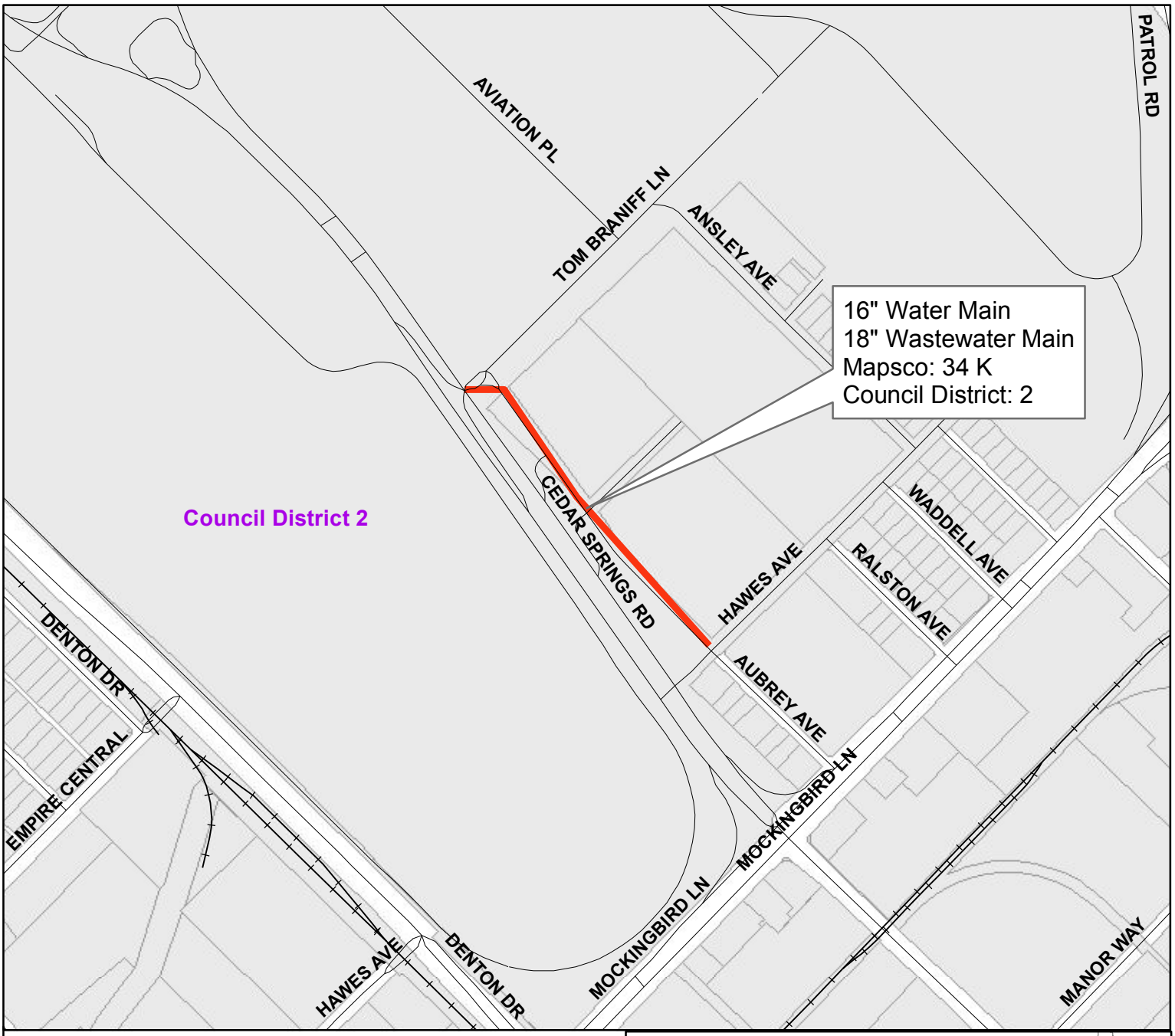
Ansley Avenue
from Tom Braniff Lane to Hawes Avenue



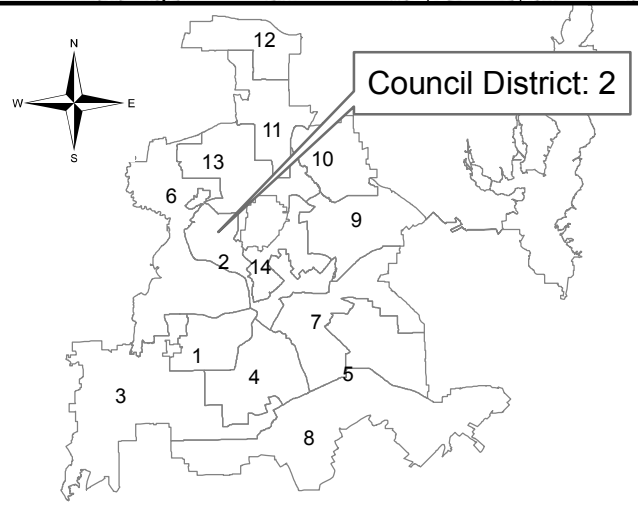
Dallas Water Utilities
Contract No. 15-103/104
Water and Wastewater Main Installations
at 12 Locations

PID: 5786

Segment 1 of 12



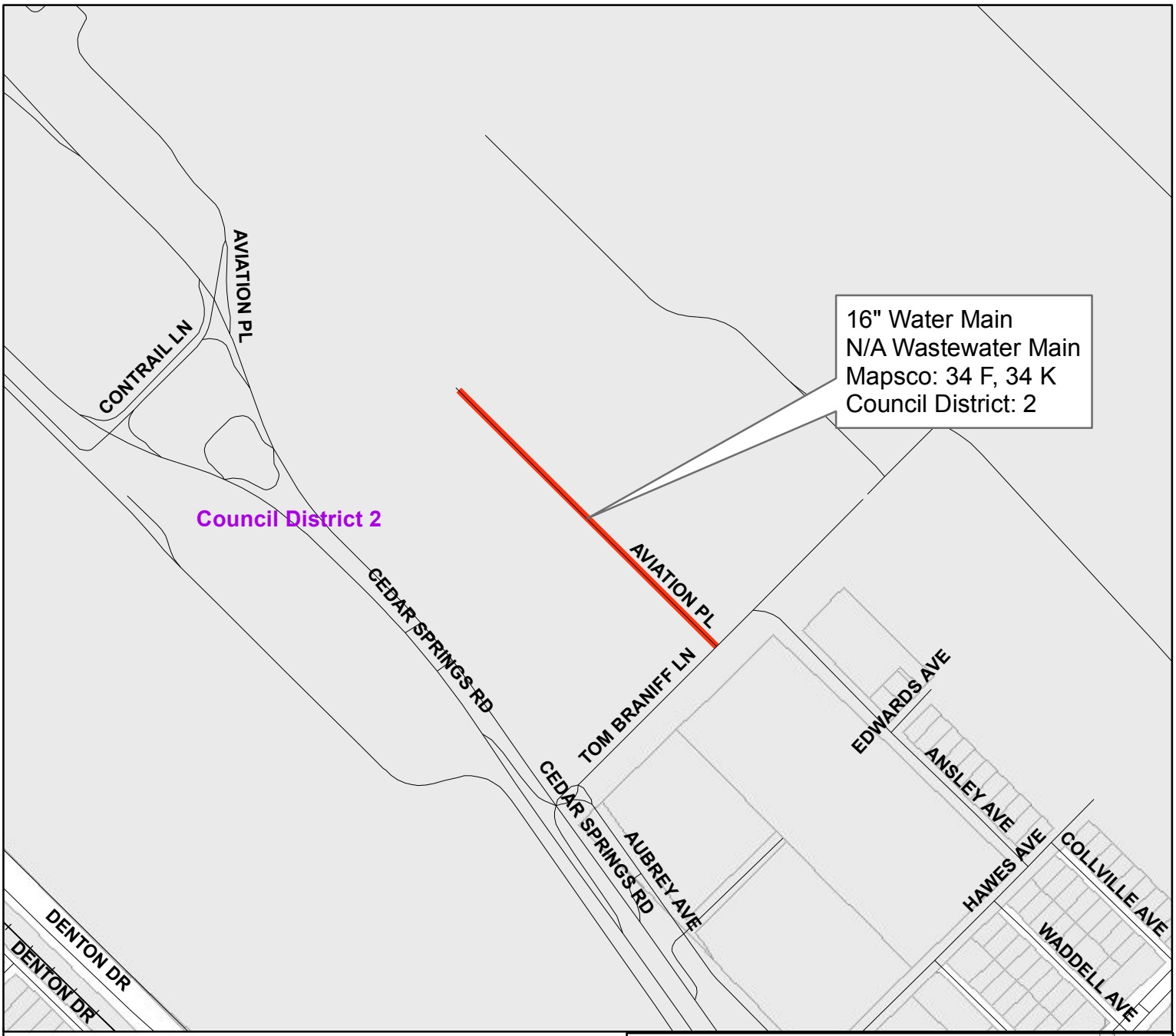
Aubrey Avenue
from Tom Braniff Lane to Hawes Avenue



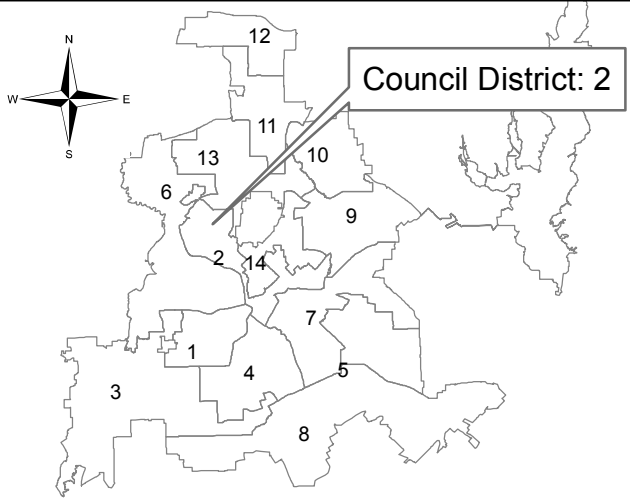
Dallas Water Utilities
Contract No. 15-103/104
Water and Wastewater Main Installations
at 12 Locations

PID: 5782

Segment 2 of 12



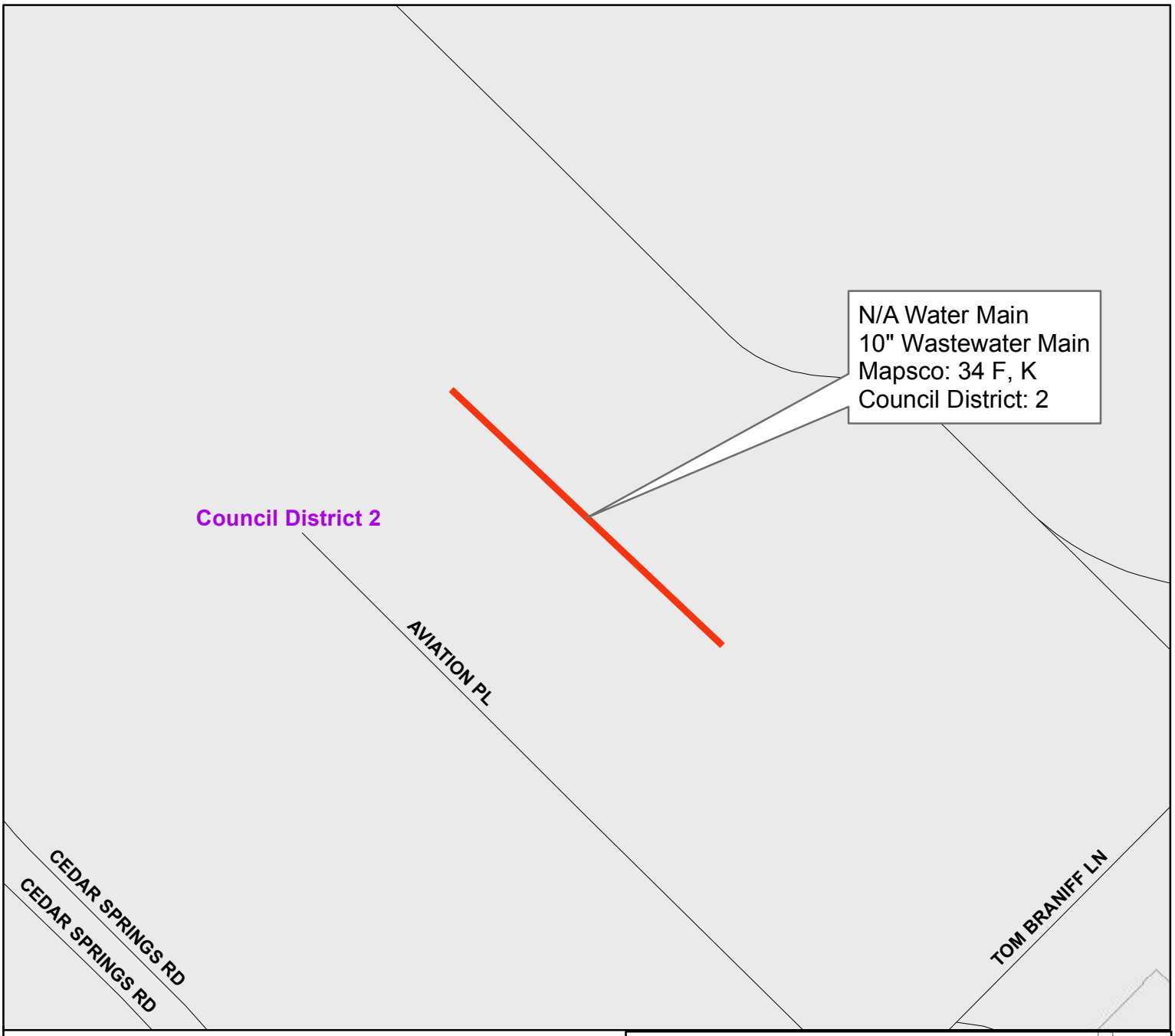
Aviation Place
from Tom Braniff Lane to end



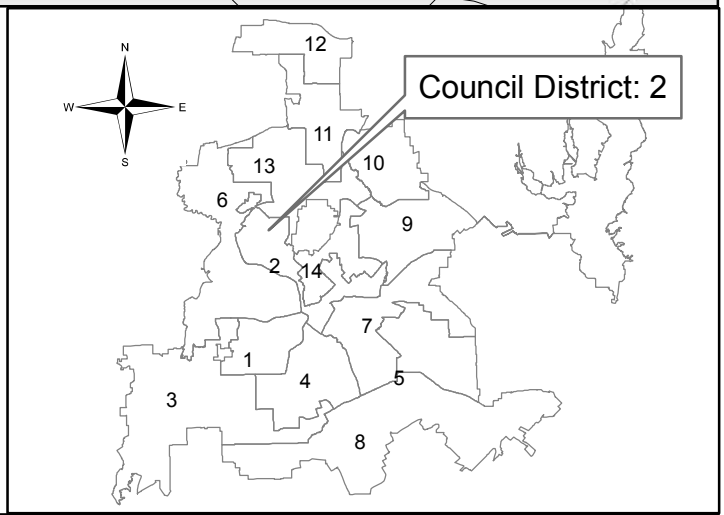
Dallas Water Utilities
Contract No. 15-103/104
Water and Wastewater Main Installations
at 12 Locations

PID: 5784

Segment 3 of 12



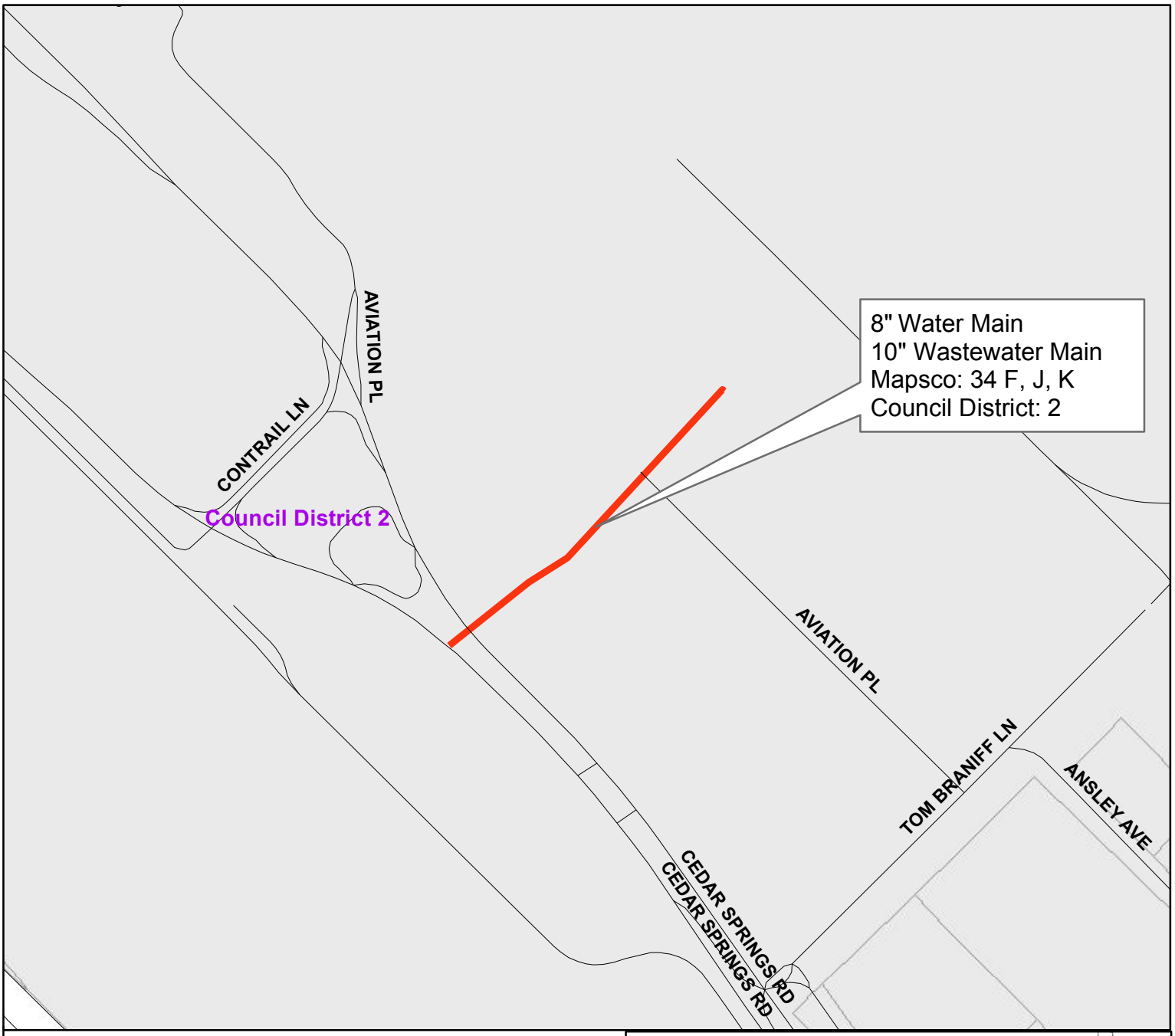
Easement in Love Field
southeast of Taxiway Bravo



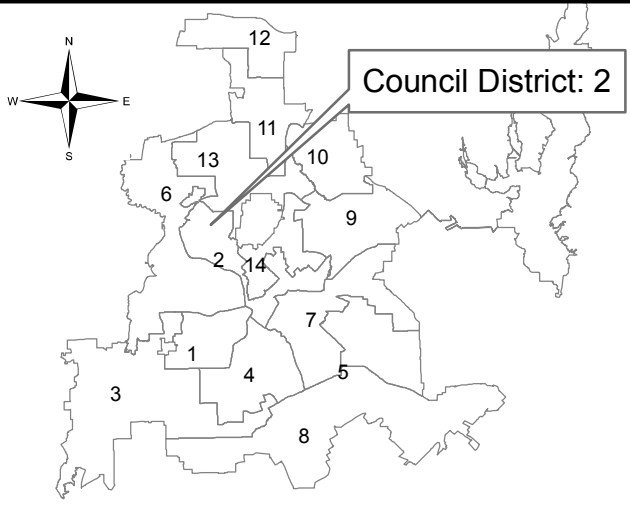
Dallas Water Utilities
Contract No. 15-103/104
Water and Wastewater Main Installations
at 12 Locations

PID: 4976

Segment 4 of 12



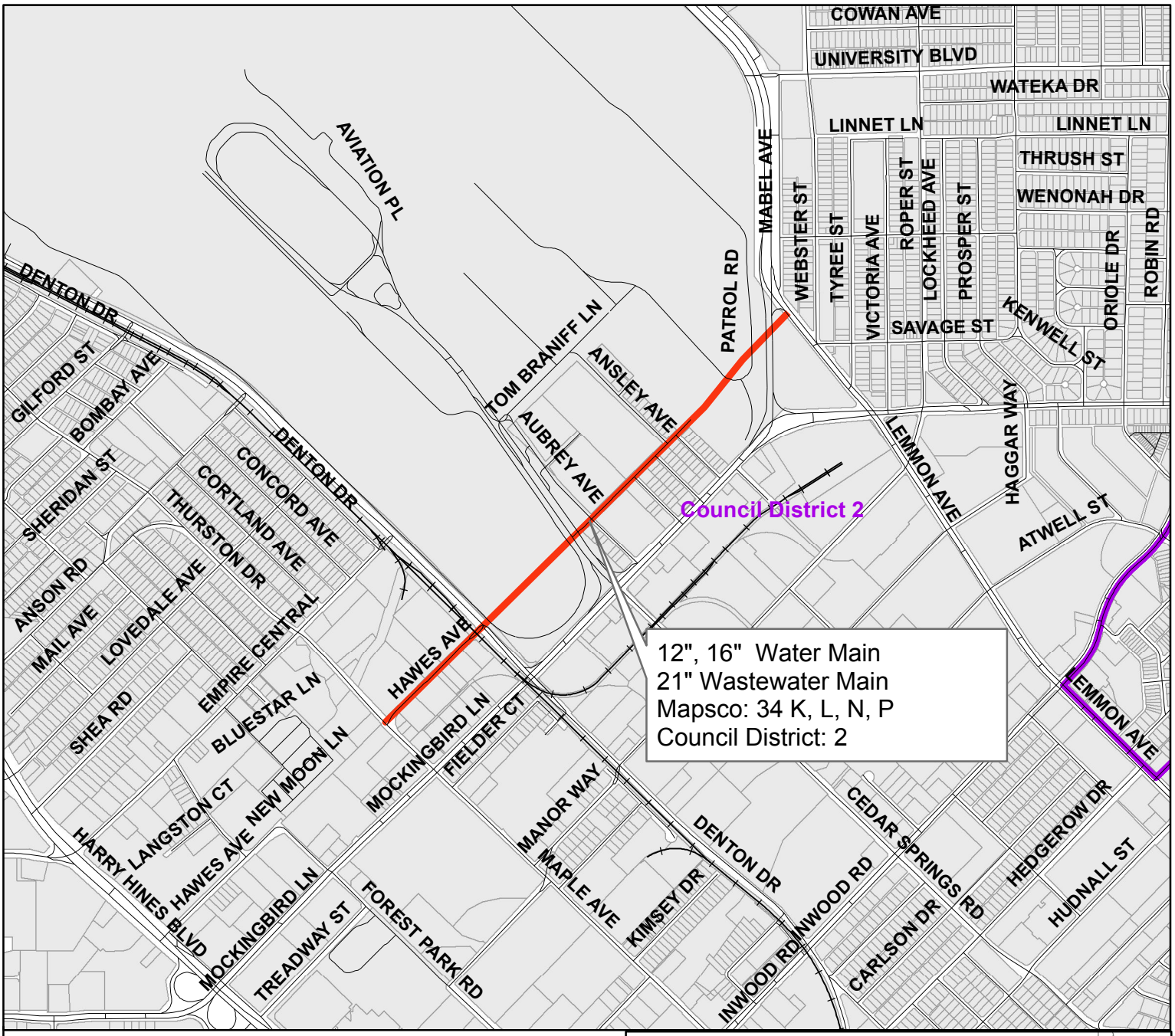
Easement in Love Field
from Herb Kelleher Way northeast



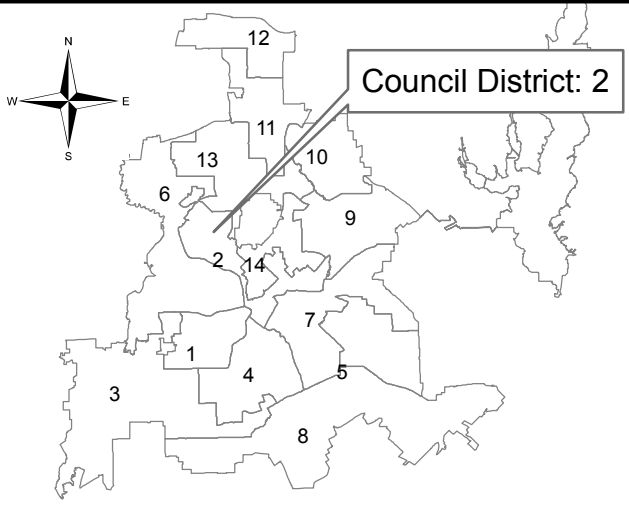
Dallas Water Utilities
Contract No. 15-103/104
Water and Wastewater Main Installations
at 12 Locations

PID: 4975

Segment 5 of 12



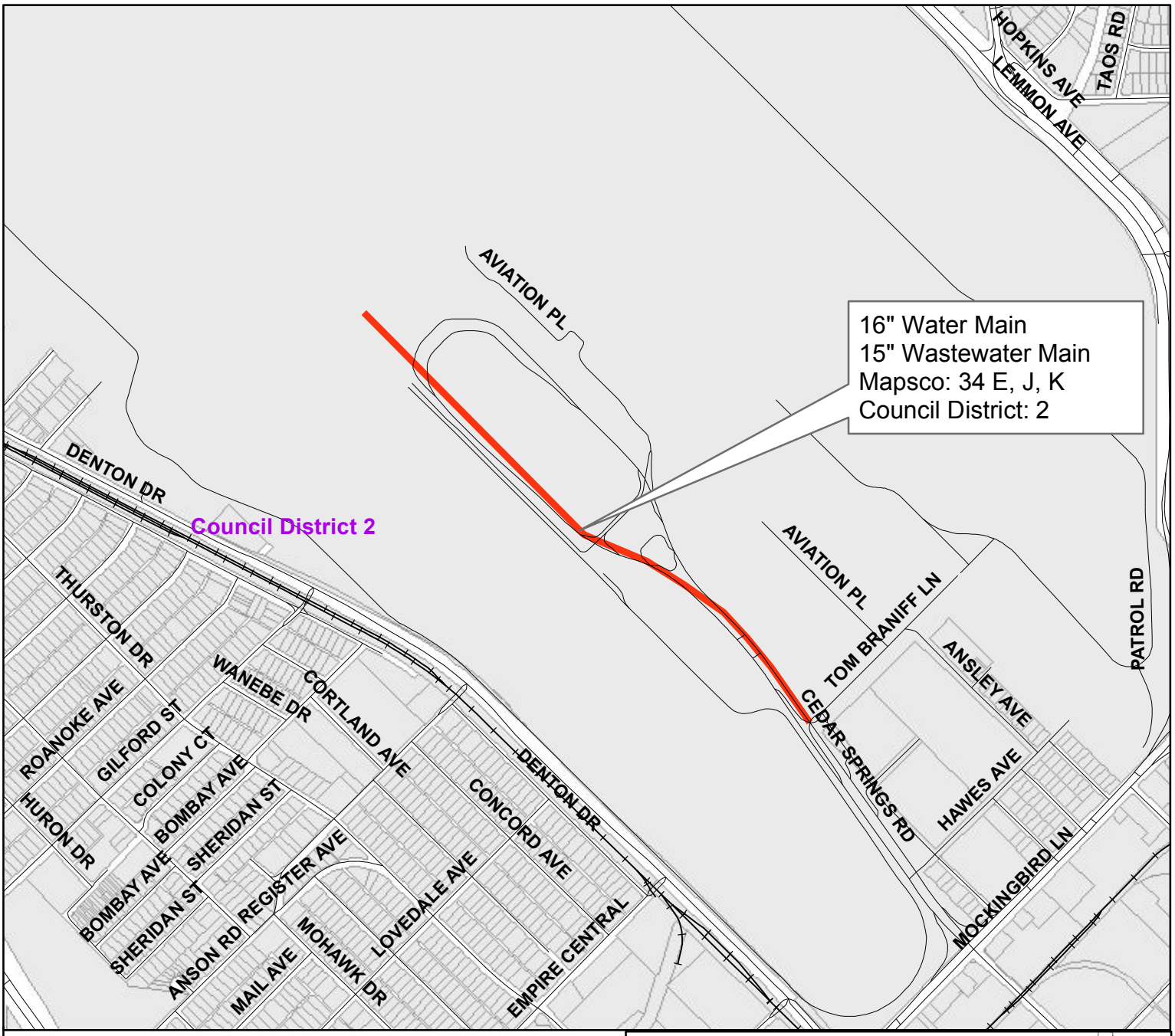
Hawes Avenue
from Maple Avenue to Lemmon Avenue



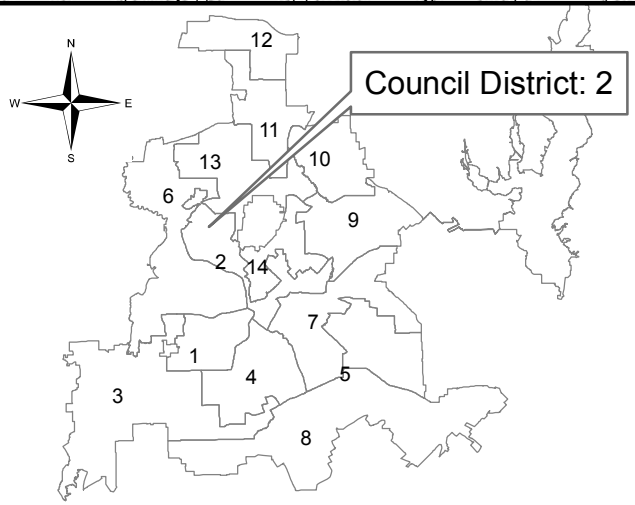
Dallas Water Utilities
Contract No. 15-103/104
Water and Wastewater Main Installations
at 12 Locations

PID: 4799

Segment 6 of 12



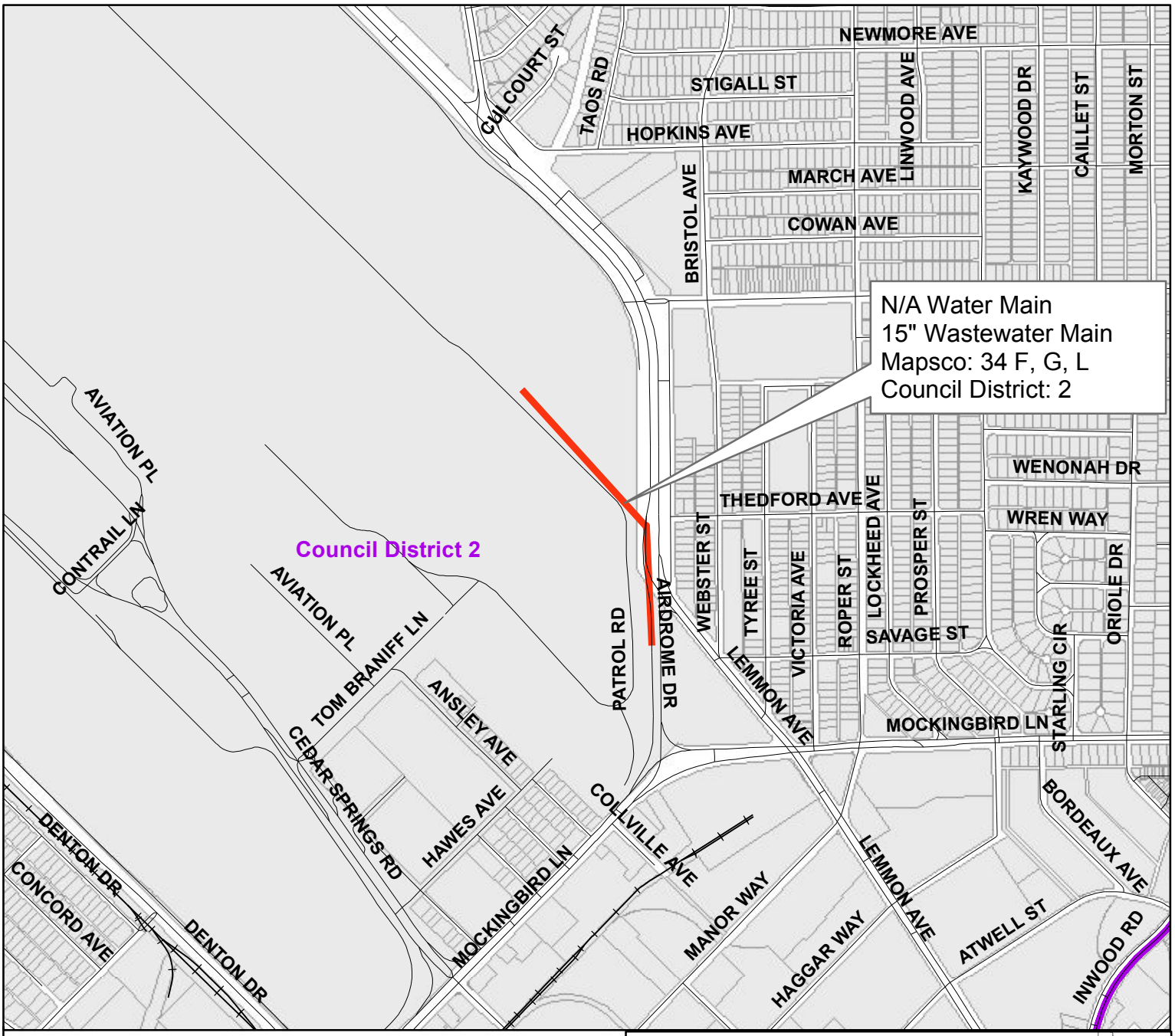
Herb Kelleher Way
from Love Field Airport to Tom Braniff Lane



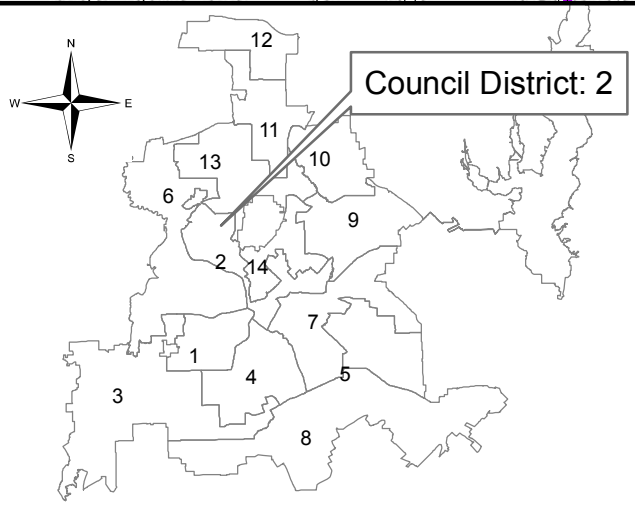
Dallas Water Utilities
Contract No. 15-103/104
Water and Wastewater Main Installations
at 12 Locations

PID: 5638

Segment 7 of 12



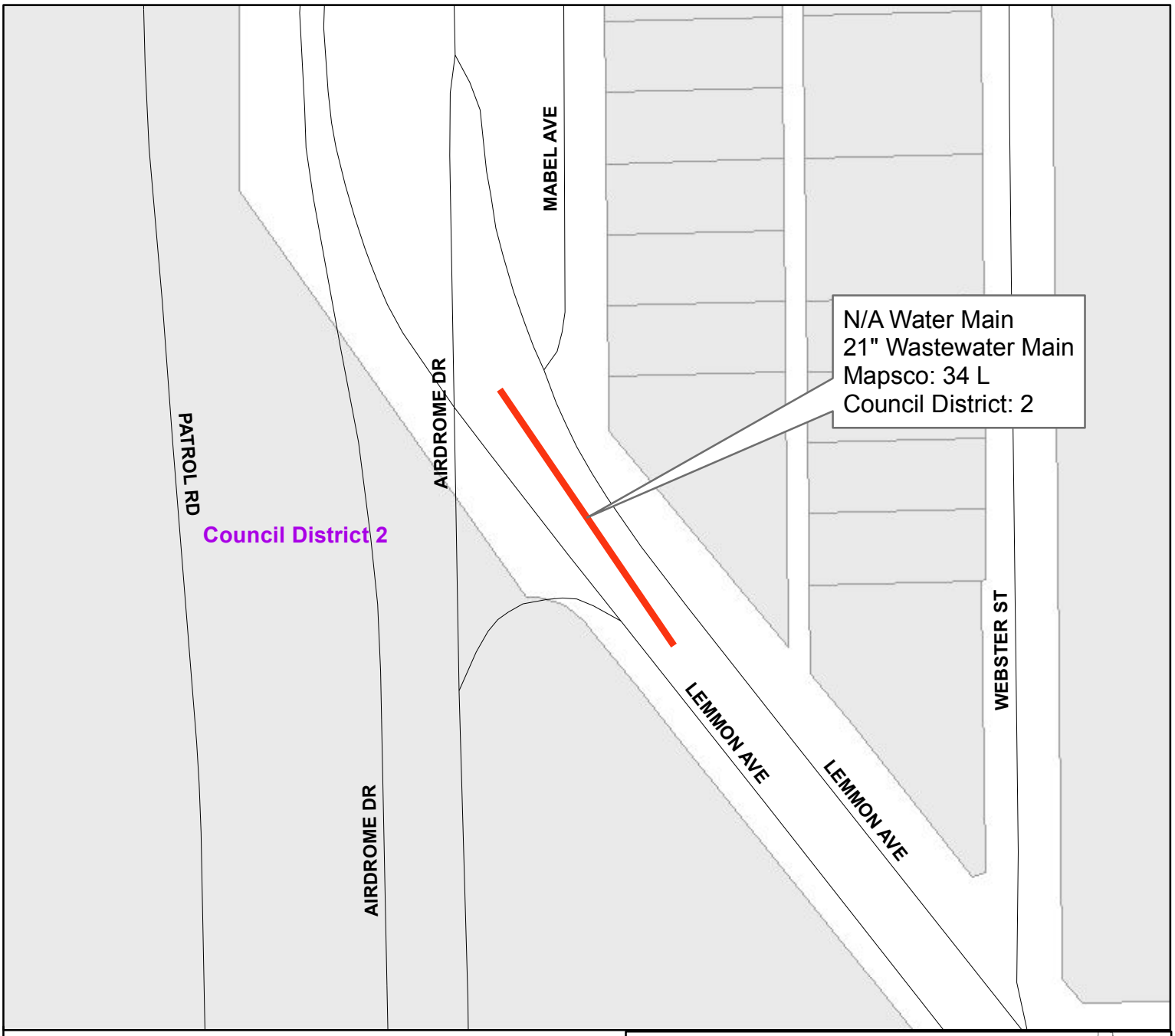
Lemmon Avenue
from Love Field Airport southeast



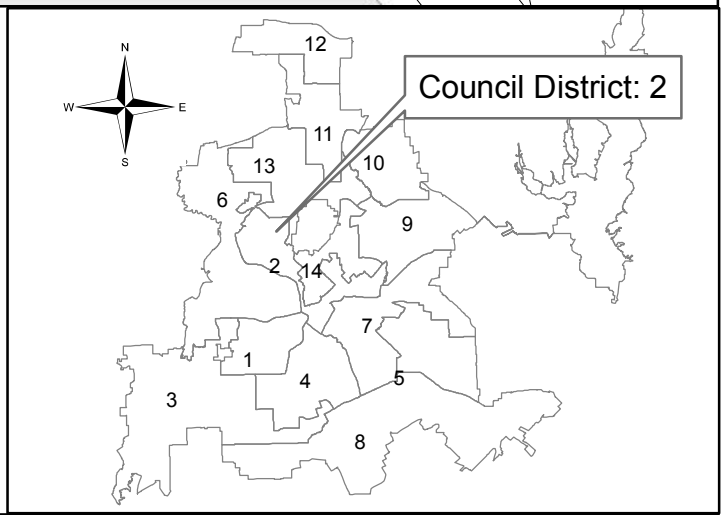
Dallas Water Utilities
Contract No. 15-103/104
Water and Wastewater Main Installations
at 12 Locations

PID: 5783

Segment 8 of 12



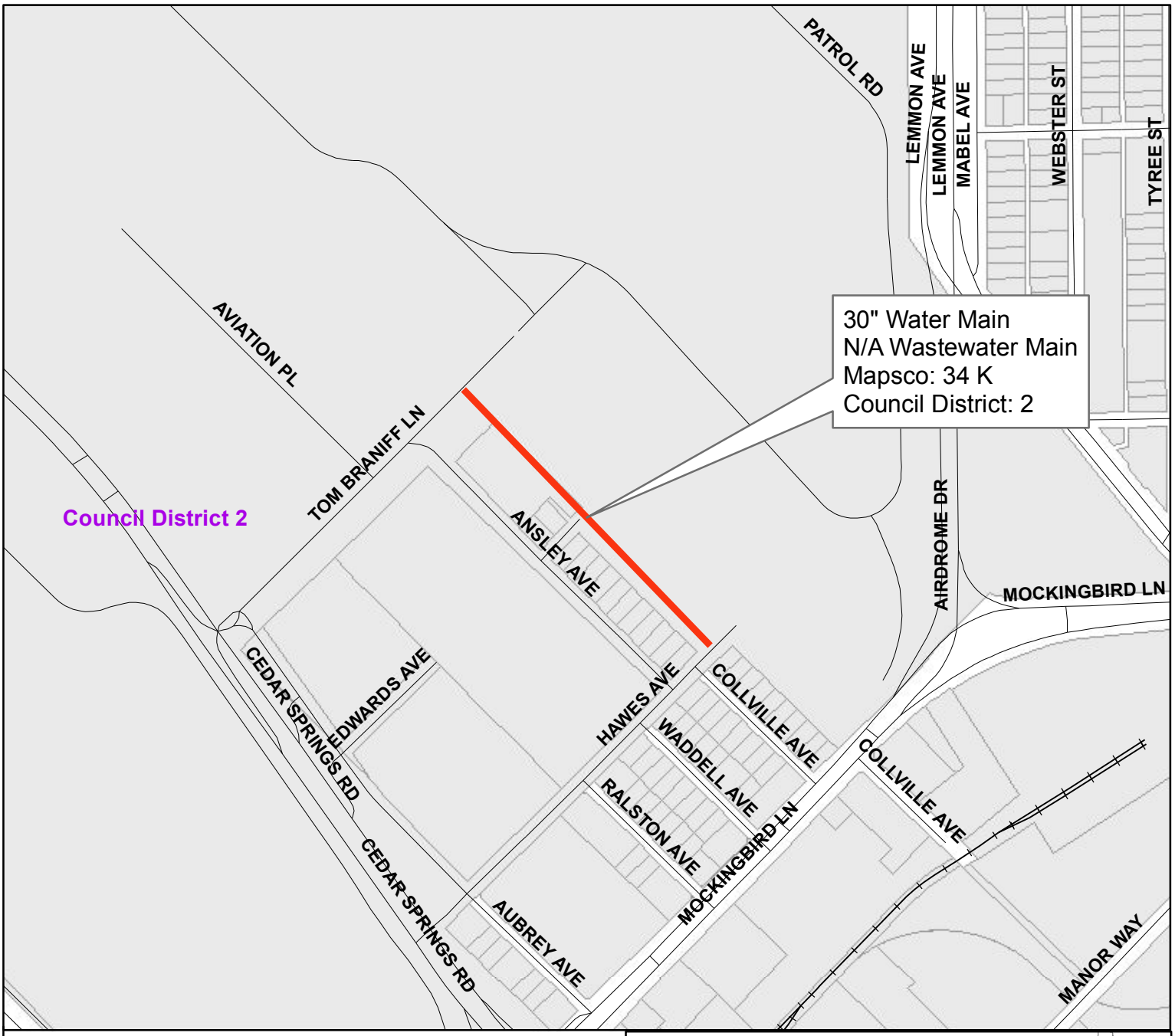
Lemmon Avenue
from Airdrome Drive southeast



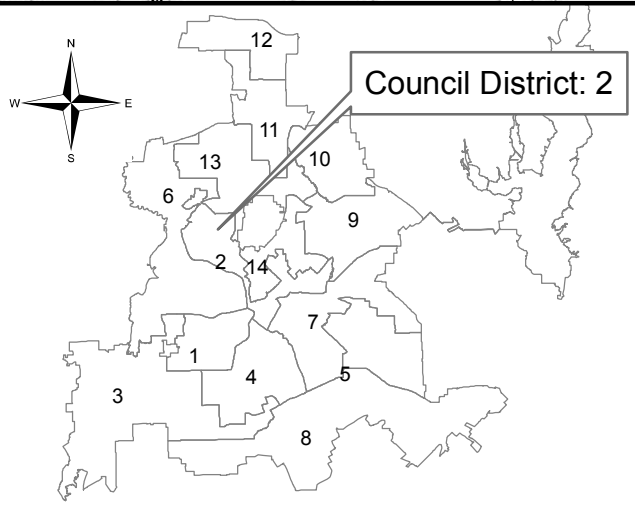
Dallas Water Utilities
Contract No. 15-103/104
Water and Wastewater Main Installations
at 12 Locations

PID: 4800

Segment 9 of 12



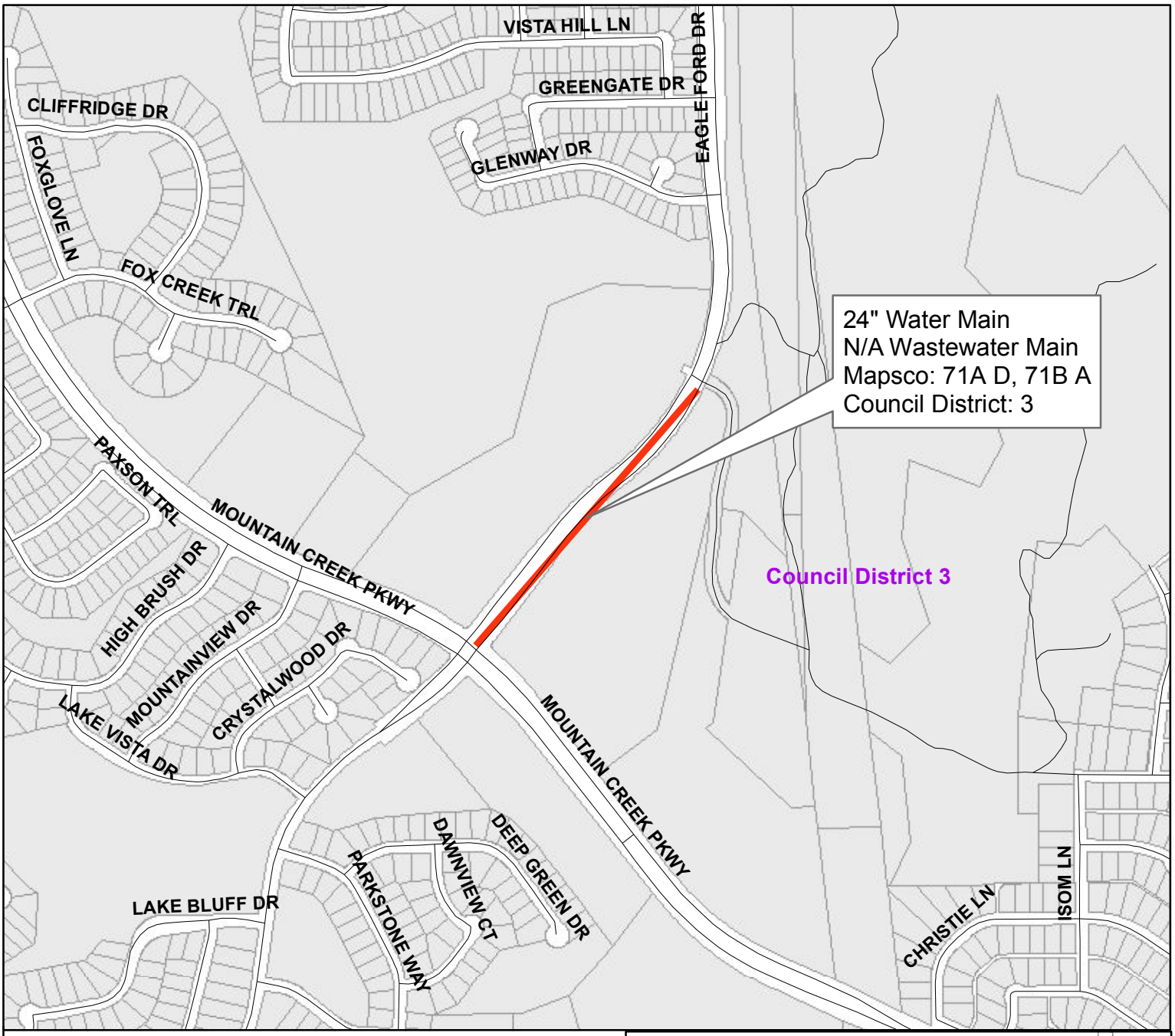
Love Field East Runway
from Tom Braniff Lane to Hawes Avenue



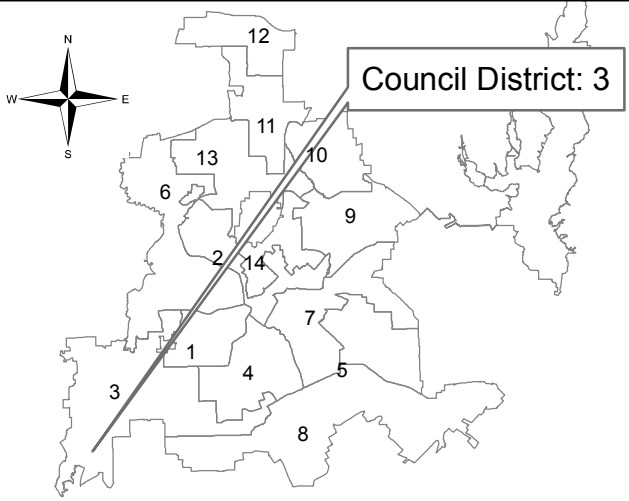
Dallas Water Utilities
Contract No. 15-103/104
Water and Wastewater Main Installations
at 12 Locations

PID: 5785

Segment 10 of 12



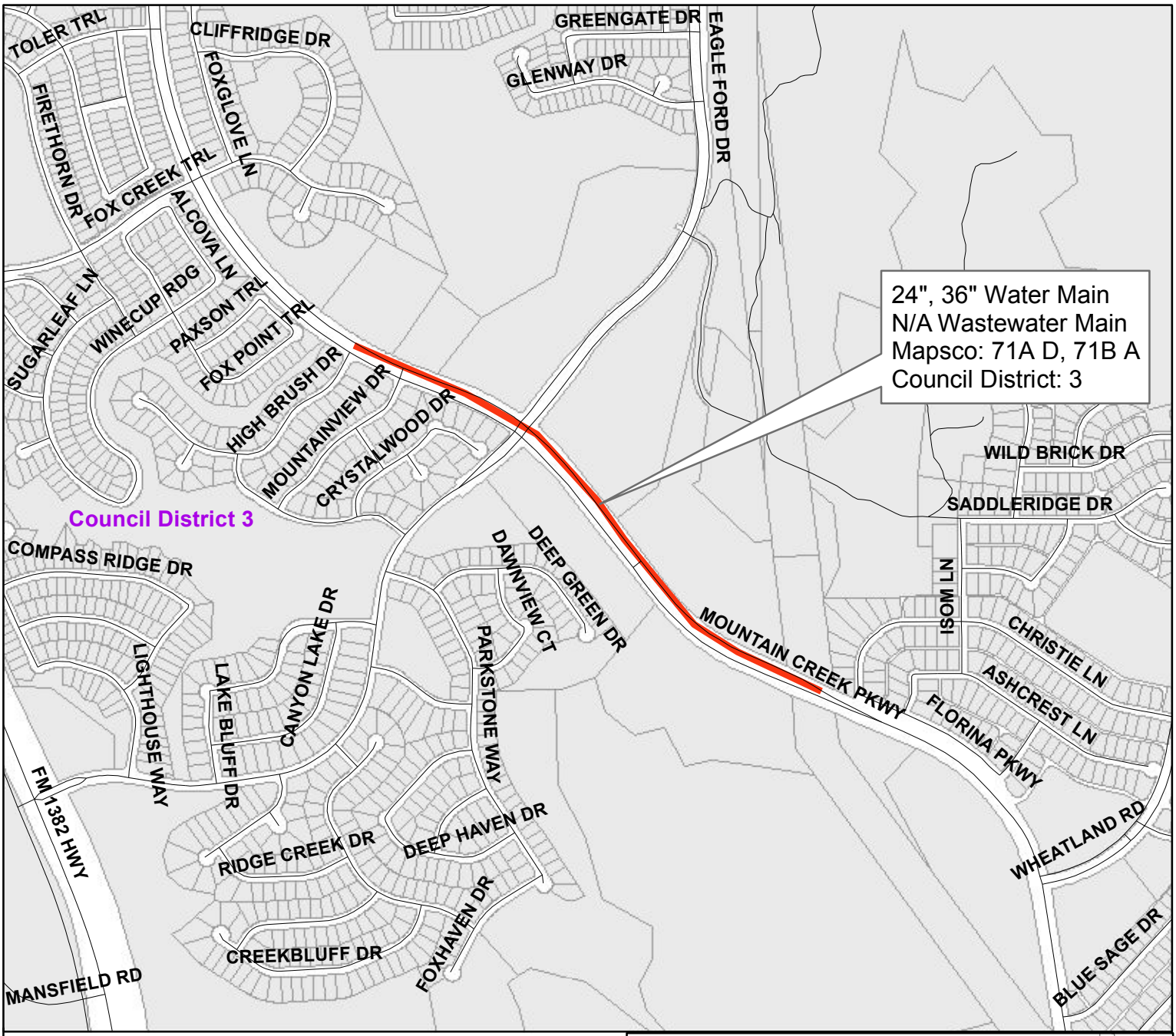
Eagle Ford Drive
from Mountain Creek Parkway northeast



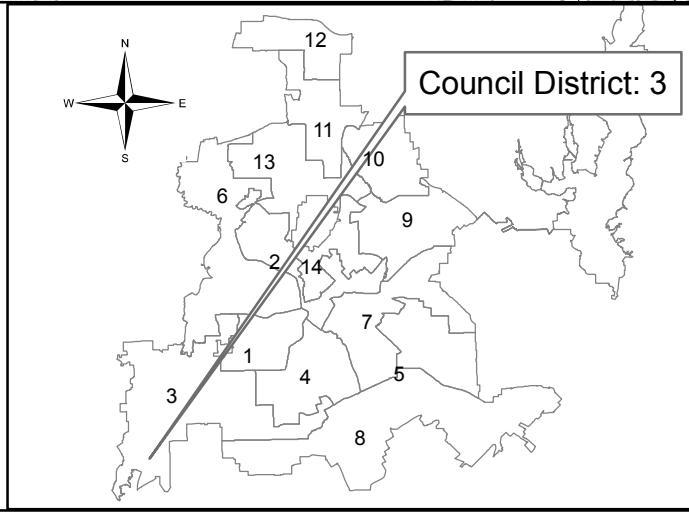
Dallas Water Utilities
Contract No. 15-103/104
Water and Wastewater Main Installations
at 12 Locations

PID: 4442

Segment 11 of 12



Mountain Creek Parkway
from Highbrush Drive southeast



Dallas Water Utilities
Contract No. 15-103/104
Water and Wastewater Main Installations
at 12 Locations

PID: 4441

Segment 12 of 12

September 22, 2015

WHEREAS, bids were received on June 11, 2015 for the installation of water and wastewater mains at 12 locations, Contract No. 15-103/104, listed as follows:

BIDDERS	**BID AMOUNT**
John Burns Construction Company of Texas, Inc.	$10,528,912.00
Ark Contracting Services, LLC	$11,377,869.00
Webber, LLC	$11,781,776.50
Atkins Bros. Equipment Co., Inc.	$12,762,802.20

WHEREAS, the bid submitted by John Burns Construction Company of Texas, Inc., 655 East Main Street, Lewisville, Texas 75057, in the amount of $10,528,912.00, is the lowest and best of all bids received.

Now, Therefore,

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

Section 1. That the bid submitted by John Burns Construction Company of Texas, Inc., in the amount of $10,528,912.00, for doing the work covered by the plans, specifications, and contract documents, Contract No. 15-103/104, be accepted.

Section 2. That the City Manager is hereby authorized to execute a contract with John Burns Construction Company of Texas, Inc., for the installation of water and wastewater mains at 12 locations, after approval as to form by the City Attorney.

Section 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $10,528,912.00 from the Water Capital Improvement Fund and Wastewater Capital Improvement Fund as follows:

FUND	DEPT	UNIT	OBJ	PRO	ENCUMBRANCE	VENDOR
3115	DWU	PW40	4550	715103	CT-DWU715103CP	199054

John Burns Construction Company of Texas, Inc. - $6,829,333.38

FUND	DEPT	UNIT	OBJ	PRO	ENCUMBRANCE	VENDOR
3116	DWU	PS40	4560	715104	CT-DWU715104CP	199054

John Burns Construction Company of Texas, Inc. - $3,699,578.62

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

AGENDA ITEM # 51

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): 11

DEPARTMENT: Water Utilities

CMO: Mark McDaniel, 670-3256

MAPSCO: 25 R

SUBJECT

Authorize a contract for the construction of improvements to the Walcrest Pump Station and reservoir - Webber, LLC, lowest responsible bidder of seven - Not to exceed $36,850,500 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

The Walcrest Pump Station and reservoir located at the northeast corner of Hillcrest Road and Walnut Hill Lane was constructed and placed in service in 1954. The facility has a current pumping capacity of 85 MGD (million gallons per day) and potable water storage capacity of 20 million gallons. Due to its age, improvements are necessary to address aging infrastructure as well as operational and regulatory deficiencies.

This action includes the demolition of the existing pump station at the Walcrest site and construction of a new 85 MGD pump station. The new pump station will incorporate newer, more efficient technology and provide greater reliability for the distribution system. This action also includes the construction of two 10 million gallon storage reservoirs to replace the existing 20 million gallon reservoir. The individual reservoir cells will increase flexibility and reduce maintenance costs. The new reservoir will also include an overflow capture and an above grade roof as required by the Texas Commission on Environmental Quality.

The design of the pump station and reservoir, including the landscaping, has been coordinated with extensive input from the Walcrest neighborhood Ad-Hoc group with consideration to the concerns of the residents and the environmental impact to the surrounding area. In order to ensure the highest quality during installation and maintenance, the landscaping portion of this project will be awarded under a separate contract to a landscaping contractor near the completion of the pump station and reservoir construction.

BACKGROUND (Continued)

Webber, LLC completed contractual activities in the past three years:

	PBW	DWU	PKR
Projects Authorized	0	1	0
Change Orders	0	0	0
Projects Requiring Liquidated Damages	0	0	0
Projects Completed by Bonding Company	0	0	0

ESTIMATED SCHEDULE OF PROJECT

Began Design	April 2009
Completed Design	May 2015
Begin Construction	November 2015
Complete Construction	November 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Nathan D. Maier Consulting Engineers, Inc. to provide engineering services for design improvements to the Walcrest Pump Station on March 25, 2009, by Resolution No. 09-0842.

Authorized Supplemental Agreement No. 1 to the professional services contract with Nathan D. Maier Consulting Engineers, Inc. to provide additional engineering services for design improvements to the Walcrest Pump Station on June 13, 2012, by Resolution No. 12-1559.

Authorized Supplemental Agreement No. 2 to the engineering services contract with Nathan D. Maier Consulting Engineers, Inc. for additional engineering design services related to improvements to the Walcrest Pump Station and reservoir on January 28, 2015, by Resolution No. 15-0193.

Information about this item will be provided to the Transportation & Trinity River Project Committee on September 15, 2015.

FISCAL INFORMATION

$36,850,500.00 - Water Utilities Capital Improvement Funds

Design	$ 2,051,750.00
Supplemental Agreement No. 1	$ 379,081.28
Supplemental Agreement No. 2	$ 1,234,116.08
Construction (this action)	$36,850,500.00
Total Project Cost	$40,515,447.36

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Webber, LLC

Hispanic Female	39	Hispanic Male	1,103
Black Female	7	Black Male	65
Other Female	8	Other Male	21
White Female	61	White Male	315

BID INFORMATION

The following bids with quotes were opened on July 9, 2015:

*Denotes successful bidder

Bidders	**Bid Amount**
*Webber, LLC 9303 New Trails Drive, Suite 200 The Woodlands, Texas 77381	$36,850,500.00
Pepper-Lawson Waterworks, LLC	$36,984,000.00
MWH Constructors, Inc.	$37,077,506.00
BAR Constructors Inc.	$39,615,700.00
Balfour Beatty Infrastructure, Inc.	$42,001,000.00
Archer Western Construction, LLC	$43,415,000.00
PC Construction Company dba PCEO, Inc. in the State of Texas	$43,942,900.00

OWNER

Webber, LLC

Tim Creson, President and Chief Executive Officer

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a contract for the construction of improvements to the Walcrest Pump Station and reservoir - Webber, LLC, lowest responsible bidder of seven - Not to exceed $36,850,500 - Financing: Water Utilities Capital Improvement Funds

Webber, LLC is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.
PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$18,211,649.02	49.42%
Total non-local contracts	$18,638,850.98	50.58%
TOTAL CONTRACT	$36,850,500.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

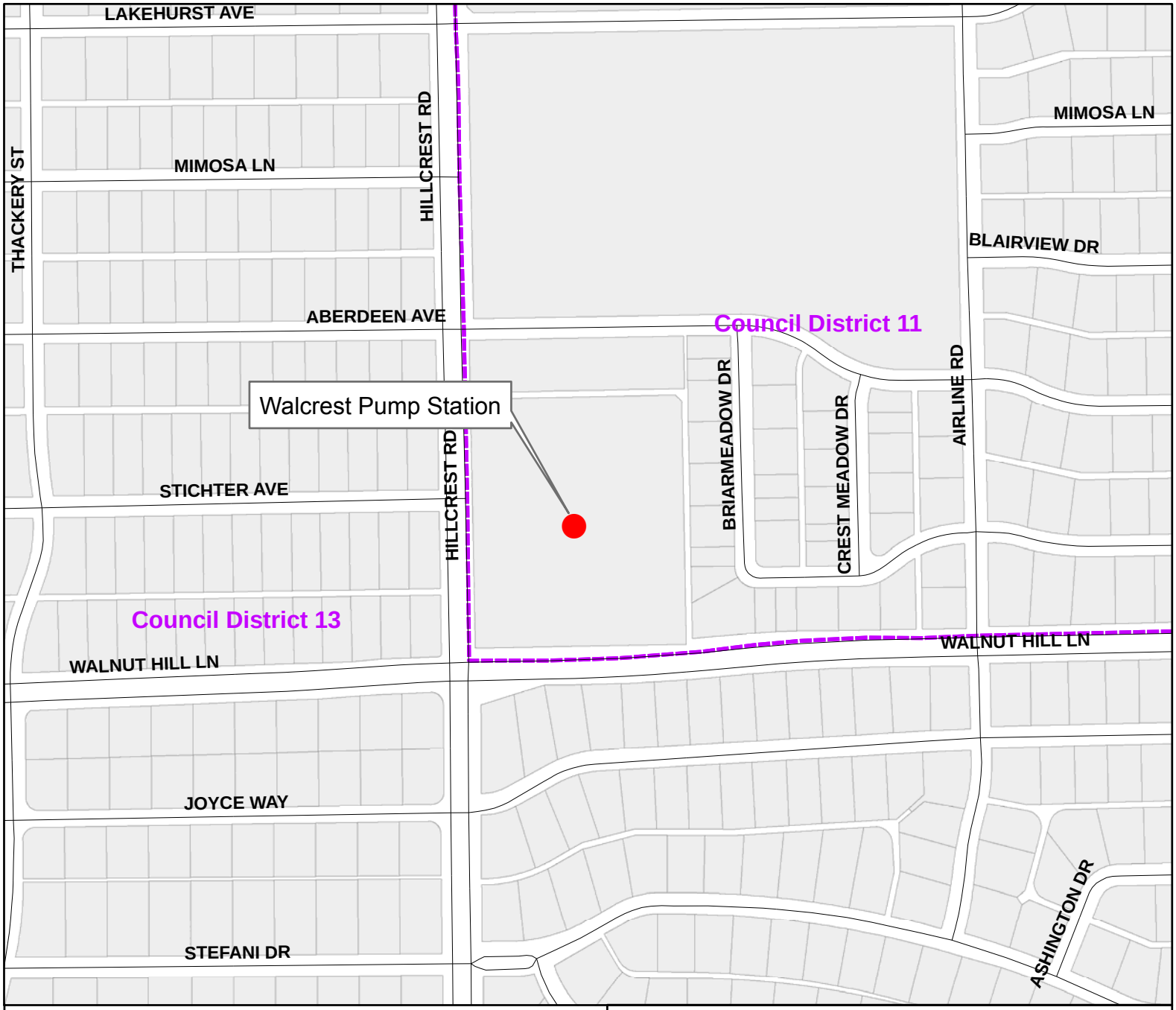
Local	Certification	Amount	Percent
Soto's Steel, Inc.	HMDFW101561215	$4,225,100.00	23.20%
North Texas Trucking, Inc.	HMDB25958Y0716	$1,000,000.00	5.49%
A-Star Masonry & Stucco, LLC	HMDB64956Y0416	$225,310.00	1.24%
LKT & Associates, LLC	WFDB63380Y1015	$4,306,525.00	23.65%
Total Minority - Local		$9,756,935.00	53.58%

Non-Local Contractors / Sub-Contractors

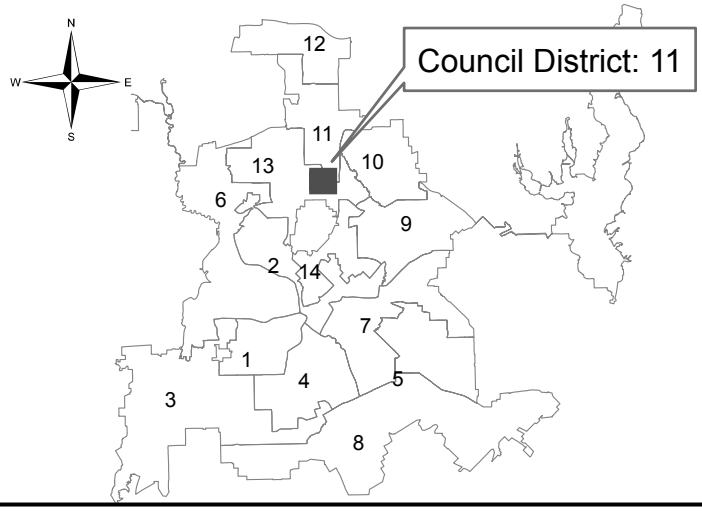
None

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$5,450,410.00	29.93%	$5,450,410.00	14.79%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$4,306,525.00	23.65%	$4,306,525.00	11.69%
Total	$9,756,935.00	53.58%	$9,756,935.00	26.48%



Mapsco: 25 R



Dallas Water Utilities
Contract No. 15-299
Walcrest Pump Station Improvements

September 22, 2015

WHEREAS, bids were received on July 9, 2015 for the construction of improvements to the Walcrest Pump Station and reservoir, Contract No. 15-299, listed as follows:

BIDDERS	**BID AMOUNT**
Webber, LLC	$36,850,500.00
Pepper-Lawson Waterworks, LLC	$36,984,000.00
MWH Constructors, Inc.	$37,077,506.00
BAR Constructors Inc.	$39,615,700.00
Balfour Beatty Infrastructure, Inc.	$42,001,000.00
Archer Western Construction, LLC	$43,415,000.00
PC Construction Company dba PCEO, Inc. in the State of Texas	$43,942,900.00

WHEREAS, the bid submitted by Webber, LLC, 9303 New Trails Drive, Suite 200, The Woodlands, Texas 77381, in the amount of $36,850,500.00, is the lowest and best of all bids received.

Now, Therefore,

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

Section 1. That the bid submitted by Webber, LLC, in the amount of $36,850,500.00, for doing the work covered by the plans, specifications, and contract documents, Contract No. 15-299, be accepted.

Section 2. That the City Manager is hereby authorized to execute a contract with Webber, LLC, for the construction of improvements to the Walcrest Pump Station and reservoir, after approval as to form by the City Attorney.

Section 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $36,850,500.00 from the Water Capital Improvement Fund as follows:

FUND	DEPT	UNIT	OBJ	PRO	ENCUMBRANCE	VENDOR
2115	DWU	PW40	4420	715299	CT-DWU715299CP	VS85843

Webber, LLC - (Contract No. 15-299) - $36,850,500.00

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

AGENDA ITEM # 53

KEY FOCUS AREA: E-Gov

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Office of Financial Services

CMO: Jeanne Chipperfield, 670-7804

MAPSCO: N/A

SUBJECT

Final reading and adoption of appropriation ordinances for the proposed FY 2015-16 City of Dallas Operating, Grants/Trusts, and Capital Budgets - Financing: This action has no cost consideration to the City

BACKGROUND

The annual budget for FY 2015-16 was recommended by the City Manager on August 11, 2015. One (1) budget public hearing, fourty (40) town hall meetings, and four (4) budget workshops have been held. The City Council passed the first reading of the appropriation ordinances on September 2, 2015. The proposed budget was published in the official newspaper of the City, in accordance with the City Charter. Council amendments indicated on September 16, 2015 have been incorporated into the ordinance. This action approves the final reading and adoption of appropriation ordinances for the FY 2015-16 budget. The fiscal year begins on October 1, 2015 and ends on September 30, 2016.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

City Council was briefed on the City Manager's Proposed Budget on August 11, 2015.

City Council held a Budget Workshop on August 11, 2015.

City Council authorized a public hearing on August 12, 2015, to be held on August 26, 2015, by Resolution No. 15-1383.

City Council held a Budget Workshop on August 19, 2015.

City Council held a public hearing on August 26, 2015.

City Council held a Budget Workshop on September 2, 2015.

PRIOR ACTION/REVIEW (Council, Boards, Commissions) (Continued)

City Council approved the first reading of the appropriation ordinances for the proposed FY 2015-16 City of Dallas Operating, Grants/Trusts, and Capital Budgets on September 9, 2015.

City Council held a Budget Workshop on September 16, 2015.

FISCAL INFORMATION

This action has no cost consideration to the City

AGENDA ITEM # 54

KEY FOCUS AREA: E-Gov

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Office of Financial Services

CMO: Jeanne Chipperfield, 670-7804

MAPSCO: N/A

SUBJECT

An ordinance setting the tax rate at $0.7970 per $100 valuation which includes $0.5646 for the general fund and $0.2324 for the debt service fund, and levying ad valorem taxes for the City of Dallas, Texas for FY 2015-16 - Financing: This action has no cost consideration to the City

BACKGROUND

The tax rate option under consideration by the City Council is $0.5646 for the general fund and $0.2324 for debt service fund, totaling $0.7970 per $100 valuation. The rate of $0.7970 will fund the FY 2015-16 budget. Per Section 26.05 of Texas Property Tax Code, the vote on the ordinance setting of the tax rate must be a record vote and specific language is required in the motion setting the tax rate.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

City Council was briefed on the proposed tax rate at a Budget Workshop on August 19, 2015.

City Council authorized public hearings to be held on September 2, 2015 and September 16, 2015, by Resolution No. 15-11497 on August 19, 2015.

City Council held a public hearing on September 2, 2015.

City Council held a public hearing on September 16, 2015.

FISCAL INFORMATION

This action has no cost consideration to the City

9/1/2015

ORDINANCE NO._____

An ordinance levying the ad valorem tax of the city of Dallas, Texas, for the year 2015, at the rate of $0.7970 per $100 assessed valuation on all taxable property within the corporate limits of the city on January 1, 2015, not exempt by law; and providing an effective date.

WHEREAS, the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this ordinance; Now, Therefore,

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

SECTION 1. That by authority of the Charter of the City of Dallas, there is hereby levied for the year 2015, on all taxable property, real, personal, or mixed, situated within the corporate limits of the city of Dallas on January 1, 2015, and not exempt by the constitution and laws of the State of Texas, by Section 2 of this ordinance, or by Resolution No. 881214, adopted by the city council on April 13, 1988, a tax of $0.7970 on each $100 assessed value of all taxable property, which must be apportioned and distributed as follows:

(a) For the general fund of the city of Dallas, $0.5646 on each $100 of assessed value.

(b) For the purpose of creating a sinking fund to pay the interest and principal maturities on all outstanding city of Dallas bonds, not otherwise provided for, $0.2324 on each $100 of assessed value, which must be deposited in "City of Dallas General Obligation Interest and Sinking Funds," to be applied to the payment of the interest and principal maturities on General Obligation Bonds, Certificates of Obligation, Risk Notes, Commercial Paper, and

Pension Obligation Bonds, Series Numbers (Unit Numbers): 600, 601, 614, 615, 617, 620, 622, 627, 628, 629, 631, 632, 635, 637, 638A, 638B, and 1692.

THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE. THE TAX RATE WILL EFFECTIVELY BE RAISED BY 6.65 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A $100,000 HOME BY APPROXIMATELY $35.20.

SECTION 2. That pursuant to Article VIII, Section 1-b(b) of the Texas Constitution and Section 11.13 of the Texas Tax Code, $64,000 of the market value of resident homesteads of disabled persons and persons 65 years of age or older is exempt from city ad valorem taxes.

SECTION 3. That all delinquent ad valorem taxes collected, and associated penalties and interest, must be received by the general and debt service funds.

SECTION 4. That the taxes hereby levied are due and payable as provided in Chapter 31 of the Texas Tax Code.

SECTION 5. That the taxes hereby levied are payable to the city of Dallas, Texas, at the offices of the Dallas County Tax Assessor and Collector, and no discount will be allowed for the payment thereof.

SECTION 6. That for enforcement of the collection of taxes hereby levied, the city of Dallas has available all rights and remedies provided by law.

SECTION 7. That this ordinance will 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 _____

AGENDA ITEM # 55

KEY FOCUS AREA: E-Gov

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Office of Financial Services

CMO: Jeanne Chipperfield, 670-7804

MAPSCO: N/A

SUBJECT

Ratify the increase in property tax revenues, resulting from increased property valuations with the same property tax rate as in the prior fiscal year, reflected in the FY 2015-16 budget - Revenue: $57,230,390

BACKGROUND

The Local Government Code requires the governing body to ratify the property tax increase reflected in the budget when there is an increase in property tax revenues resulting from increased property tax valuations with the same property tax rate as in the prior fiscal year. The FY 2015-16 budget reflects a $57,230,390 increase in property tax revenue based on a tax rate of $0.7970 per $100 of assessed valuation. Of that amount, $16,090,908 in tax revenue will be generated from new property added to the tax roll this year.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Revenue: $57,230,390

September 22, 2015

WHEREAS, Section 102.007 of the Texas Local Government Code requires the ratification of the property tax increase, and

WHEREAS, the City Council now desires an increase in revenue from property taxes for the 2015-2016 fiscal year.

Now, Therefore,

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

Section 1. That the FY 2015-16 budget will raise more total property taxes than the last year's budget by $57,230,390 or 7.71%, and of that amount $16,090,908 in tax revenue will be raised from new property added to the tax roll this year.

Section 2. That the property tax revenue increase, resulting from increased property valuations with the same property tax rate as in the prior fiscal year, reflected in the FY 2015-16 budget, is hereby ratified.

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

AGENDA ITEM # 56

KEY FOCUS AREA: E-Gov

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Office of Financial Services

CMO: Jeanne Chipperfield, 670-7804

MAPSCO: N/A

SUBJECT

An ordinance amending Chapters 5A, 7, 15D, 16, 18, 27, 43A, 49, and 50 of the Dallas City Code to: **(1)** remove the registration fee and registration requirement for used car lots; **(2)** adjust registration fees for facilities that emit or have the potential to emit air contaminants; **(3)** adjust fees for redeeming an impounded animal from a city animal shelter; **(4)** adjust the intact animal permit fee; **(5)** adjust the fee for a temporary regulated animal permit; **(6)** adjust emergency ambulance transport fees; **(7)** adjust permit fees overseen by the Dallas Fire-Rescue Department; **(8)** adjust building reinspection fees; **(9)** adjust inspection charges for high risk buildings and occupancies; **(10)** adjust plan review fees for fire apparatus access roads and for limited access gates that obstruct such roads; **(11)** adjust installation acceptance retest fees; **(12)** authorize sanitation services to collect recycling from commercial establishments and establish a fee for such collection; **(13)** authorize more than once-a-week collection of garbage and recycling from certain commercial establishments; **(14)** adjust fees for sanitation collection service; **(15)** adjust fees for tire business licenses and mobile tire repair unit permits; **(16)** adjust fee for a certificate of registration for a multi-tenant property; **(17)** adjust fees for multi-tenant property inspections; **(18)** adjust fees for multi-tenant property inspections; **(19)** adjust the annual fee for a certificate of registration for non-owner occupied rental property; **(20)** adjust the reinspection fee for non-owner occupied rental property; **(21)** adjust the public swimming pool permit fee; **(22)** adjust the swimming pool manager training course fee; **(23)** adjust the vacant building registration fee; **(24)** adjust rates and charges for treated water service, wastewater service, wholesale water and wastewater service to governmental entities, untreated water service, service connections, and fire hydrant usage (fee list attached); **(25)** adjust the wood vendor license fee; **(26)** adjust the electronic repair license fee; **(27)** adjust the motor vehicle repair license fee; **(28)** adjust the home repair license fee; and **(29)** adjust the credit access business registration fee – Estimated Revenue: $35,044,355 (Water Utilities Revenue: $26,735,244, Sanitation Revenue: $3,628,973, General Fund Revenue: $4,680,138)

BACKGROUND

In compliance with the City's Financial Performance Management Criteria (FMPC) #15, an annual review of selected fees and charges is conducted to determine the extent to which the full cost of associated services is being recovered by revenues. The FY 2015-16 Budget includes changes to various fees. The changes which are incorporated into the proposed ordinance relate to adjusting (1) registration fee and registration requirement for used car lots; (2) registration fees for facilities that emit or have the potential to emit air contaminants; (3) fees for redeeming an impounded animal from a city animal shelter; (4) intact animal permit fee; (5) fee for a temporary regulated animal permit; (6) emergency ambulance transport fees; (7) permit fees overseen by the Dallas Fire-Rescue Department; (8) building reinspection fees; (9) inspection charges for high risk buildings and occupancies; (10) plan review fees for fire apparatus access roads and for limited access gates that obstruct such roads; (11) installation acceptance retest fees; (12) authorize sanitation services to collect recycling from commercial establishments and establish a fee for such collection; (13) authorize more than once-a-week collection of garbage and recycling from certain commercial establishments; (14) adjust fees for sanitation collection service; (15) fees for tire business licenses and mobile tire repair unit permits; (16) fee for a certificate of registration for a multi-tenant property; (17) fees for multi-tenant property inspections; (18) for multi-tenant property inspections; (19) annual fee for a certificate of registration for non-owner occupied rental property; (20) reinspection fee for non-owner occupied rental property; (21) public swimming pool permit fee; (22) swimming pool manager training course fee; (23) vacant building registration fee; (24) rates and charges for treated water service, wastewater service, wholesale water and wastewater service to governmental entities, untreated water service, service connections, and fire hydrant usage; (25) wood vendor license fee; (26) electronic repair license fee; (27) motor vehicle repair license fee; (28) home repair license fee; and (29) adjust the credit access business registration fee

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Briefed the City Council on the City Manager's recommended FY 2015-16 budget on August 11, 2015.

FISCAL INFORMATION

Water Utilities Revenue: $26,735,244

Sanitation Revenue: $3,628,973

General Fund Revenue: $4,680,138

Proposed Fee Changes Effective October 1, 2015

Development Fees	**Existing Fee**	**Proposed Fee**
1. ¾" Water Service Installation	$2,650	$2,972
2. 1" Water Service Installation	$2,750	$3,103
3. 1 ½" Water Service Installation	$3,603	$4,625
4. 2" Water Service Installation	$3,605	$4,462
5. ¾" Water Deadhead Connection	$ 925	$ 718
6. 1" Water Deadhead Connection	$ 975	$ 762
7. 1 ½" Water Deadhead Connection	$1,325	$1,704
8. 2" Water Deadhead Connection	$1,575	$1,885
9. Up to 2" Bullhead Water Connection	$2,575	$3,947
10. 6" Lateral with Connection	$2,674	$2,778
Charges for Use of Fire Hydrants		
11. Monthly Fire Hydrant Service Charge	$69.09	$72.93

9/2/2015

ORDINANCE NO._____

An ordinance amending Sections 5A-3, 5A-8, and 5A-14 of Chapter 5A, "Air Pollution"; amending Sections 7-2.6, 7-4.11, and 7-6.2 of Chapter 7, "Animals"; amending Section 15D-5 of Chapter 15D, "Emergency Vehicles; amending Sections 105, 115, 501, and 901 of Chapter 16, "Dallas Fire Code"; amending Sections 18-2, 18-3, 18-9, and 18-57 of Chapter 18, "Municipal Solid Wastes"; amending Sections 27-32, 27-42, 27-62, and 27-72 of Chapter 27, "Minimum Urban Rehabilitation Standards"; amending Sections 43A-17 and 43A-18 of Chapter 43A, "Swimming Pools"; amending Section 48B-8 of Chapter 48B, "Vacant Buildings"; amending Sections 49-18.1, 49-18.2, 49-18.4, 49-18.5, 49-18.7 and 49-18.9 of Chapter 49, "Water and Wastewater"; and amending Sections 50-82, 50-101, 50-116, 50-137, and 50-149 of Chapter 50, "Consumer Affairs," of the Dallas City Code, as amended; repealing Section 5A-5.1 of Chapter 5A, "Air Pollution," of the Dallas City Code; removing the registration fee and registration requirement for used car lots; adjusting registration fees for facilities that emit or have the potential to emit air contaminants; adjusting fees for redeeming an impounded animal from a city animal shelter; adjusting the intact animal permit fee; adjusting the fee for a temporary regulated animal permit; adjusting emergency ambulance transport fees; adjusting permit fees overseen by the Dallas Fire-Rescue Department; adjusting building reinspection fees; adjusting inspection charges for high risk buildings and occupancies; adjusting plan review fees for fire apparatus access roads and for limited access gates that obstruct such roads; adjusting installation acceptance retest fees; authorizing sanitation services to collect recycling from commercial establishments and establishing a fee for such collection; authorizing more than once-a-week collection of garbage and recycling from certain commercial establishments; adjusting fees for

sanitation collection service; adjusting fees for tire business licenses and mobile tire repair unit permits; adjusting fee for a certificate of registration for a multi-tenant property; adjusting fees for multi-tenant property inspections; adjusting fees for multi-tenant property inspections; adjusting the annual fee for a certificate of registration for a non-owner occupied rental property; adjusting the reinspection fee for non-owner occupied rental property; adjusting the public swimming pool permit fee; adjusting the swimming pool manager training course fee; adjusting the vacant building registration fee; adjusting rates and charges for treated water service, wastewater service, wholesale water, and wastewater service to governmental entities, untreated water service, service connections, and fire hydrant usage; adjusting the wood vendor license fee; adjusting the electronic repair license fee; adjusting the motor vehicle repair license fee; adjusting the home repair license fee; adjusting the credit access business registration fee; making certain conforming, semantic, grammatical, and structural changes; providing for 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 5A-3, "Chapter Definitions," of Chapter 5A, "Air Pollution," of the Dallas City Code is amended to read as follows:

"**SEC. 5A-3. CHAPTER DEFINITIONS.**

The definition of a term in this section applies to each grammatical variation of the term. In this chapter, unless the context requires a different definition:

(1) AIR CONTAMINANT means dust, fumes, gas, mist, odor, particulate matter, toxic materials, smoke, or vapor, individually or in combination, that is produced by a process other than natural.

(2) AIR POLLUTION means the presence in the atmosphere of one or more air contaminants in such concentration and of such duration:

(A) as to have or tend to have an injurious or adverse effect on human health or safety, animal or vegetable life, or property; or

(B) as to interfere with the normal use or enjoyment of animals, vegetation, or other property.

(3) DIRECTOR means the director of the department designated by the city manager to enforce and administer this chapter and includes representatives, agents, or city employees designated by the director to assist in the enforcement and administration of this chapter.

(4) FACILITY means any stationary source of air contaminants and includes the following classes.

(A) Class "1" facility means a stationary source of air contaminants whose actual emissions at design capacity are greater than or equal to 100 tons per year of any pollutant.

(B) Class "2" facility means a stationary source of air contaminants whose uncontrolled emissions at design capacity would be greater than or equal to 100 tons per year for any pollutant, but whose actual emissions are less than 100 tons per year.

(C) Class "3" facility means a stationary source of air contaminants whose uncontrolled emissions at design capacity are less than 100 tons per year, but greater than or equal to five tons per year.

(D) Class "4" facility means a facility whose uncontrolled emissions at design capacity are less than five tons per year but whose emissions are significant, or have the potential to be significant, or have a potential to be a nuisance.

(E) Class "5" facility means a dry cleaner that uses trichloroethylene, perchloroethylene, or naphtha when conducting cleaning operations on clothing or other fabrics.

(5) PERSON means an individual; corporation; government or governmental subdivision; or agency, trust, partnership, or two or more persons having a joint or common economic interest.

[~~(6) USED CAR LOT means a facility or location where used automobiles, trucks, vans, or recreational vehicles are displayed for sale or lease.~~]"

SECTION 2. That Chapter 5A, "Air Pollution," of the Dallas City Code is amended by repealing Section 5A-5.1 as follows:

"**SEC. 5A-5.1. <u>RESERVED.</u> [~~USED CAR LOTS: REGISTRATION REQUIRED; FEES.~~]**

[~~(a) Any person who owns or operates a used car lot within the city shall register with the director on a form provided for that purpose.~~

~~(b) Before a used car lot will be registered, an annual registration fee must be paid to the director in accordance with the following schedule:~~

~~Number of vehicle display spaces~~	~~Fee~~
~~1 to 9~~	~~$200~~
~~10 to 49~~	~~$245~~
~~50 or more~~	~~$295~~

~~(c) Registration expires one year from the date of issuance and renewal must be obtained annually.~~

~~(d) At least once a year, the director shall inspect a used car lot for compliance with state and federal laws requiring proper installation of pollution control devices on used motor vehicles.~~]"

SECTION 3. That Subsection (b) of Section 5A-8, "Registration Fees," of Chapter 5A, "Air Pollution," of the Dallas City Code is amended to read as follows:

"(b) The fee for each class of facility is as follows:

Class "1" facility $1,465

Class "2" facility $1,200

Class "3" facility $940

Class "4" facility $960

Class "5" facility $<u>110</u> [~~80~~]"

SECTION 4. That Subsection (a) of Section 5A-14, "Offenses," of Chapter 5A, "Air Pollution," of the Dallas City Code is amended to read as follows:

"(a) A person commits an offense if he:

(1) refuses to submit information requested by the director under Section 5A-5(a); or

(2) violates a rule of the Texas Natural Resource Conservation Commission identified in Section 5A-6; or

(3) owns, controls, or manages a source that violates the emission standard prescribed by Section 5A-7(a), (b) or (c); or

(4) interferes with the director in the exercise of his authority under Section 5A-9(b); or

(5) violates a rule established under Section 5A-10; or

(6) refuses to allow or interferes with an inspection authorized under Section 5A-11; or

(7) violates a variance or order granted or issued by the Texas Natural Resource Conservation Commission under the Texas Clean Air Act[~~; or~~

~~(8) fails to register a used car lot in compliance with Section 5A-5.1~~]."

SECTION 5. That Subsection (a) of Section 7-2.6, "Redemption of Impounded Animals," of Article II, "Animal Services; City Animal Shelters," of Chapter 7, "Animals," of the Dallas City Code is amended to read as follows:

"(a) To redeem an impounded animal from a city animal shelter, the owner of the animal must provide proof of ownership and pay to the director the following fees:

(1) a redemption fee of:

(A) $50 [~~7~~] for an animal delivered for impoundment to a city animal shelter by a person other than a city employee in the performance of official duties; or

(B) $50 [~~27~~] for an animal delivered for impoundment to a city animal shelter by a city employee in the performance of official duties;

(2) $15 [~~10~~] for each night the animal is housed in a city animal shelter;

(3) $19 [~~10~~] for a rabies vaccination of a dog, cat, or ferret if the owner cannot show either:

(A) a current certificate of vaccination for the animal; or

(B) proof that the animal was not vaccinated due to health reasons as verified by a licensed veterinarian;

(4) the applicable registration fee for a dog or cat under Section 7-4.2, if the owner cannot show proof of current registration;

(5) $15 for a microchip implant and initial national registration of a dog or cat, unless:

(A) the animal was injected with a microchip implant prior to impoundment; or

(B) a licensed veterinarian certifies that the animal should not be injected with a microchip implant for health reasons; and

(6) $<u>139</u> [~~60~~] for the sterilization of a dog or $<u>139</u> [~~40~~] for the sterilization of a cat, unless:

(A) the animal was spayed or neutered prior to impoundment;

(B) the animal is under six months of age;

(C) a licensed veterinarian certifies that the dog or cat should not be spayed or neutered for health reasons or is permanently non-fertile;

(D) the animal is being held for sale by a retail pet store or for adoption by animal services or an animal welfare organization;

(E) the animal is a competition cat or competition dog;

(F) the animal is a service animal; or

(G) the owner of the animal has, or obtains at the time of redemption, a valid intact animal permit for the animal under Section 7-4.11 of this chapter."

SECTION 6. That Subsection (c) of Section 7-4.11, "Intact Animal Permit," of Article IV, "Specific Requirements for Dogs and Cats," of Chapter 7, "Animals," of the Dallas City Code is amended to read as follows:

"(c) To obtain an intact animal permit, a person must submit an application to the director (on a form provided by the director for that purpose) and pay an annual intact animal permit fee of $<u>100</u> [~~70~~]. The intact animal permit application must include:

(1) the name, address, and telephone number of the applicant;

(2) the location where the dog or cat is harbored;

(3) a description of the dog or cat;

(4) proof that the animal is qualified for an intact animal permit under Subsection (b) of this section; and

(5) any other information determined necessary by the director for the enforcement and administration of this section."

SECTION 7. That Subsection (e) of Section 7-6.2, "Regulated Animals," of Article VI, "Prohibited and Regulated Animals," of Chapter 7, "Animals," of the Dallas City Code is amended to read as follows:

"(e) The fees for a regulated animal permit are as follows:

Type of Permit		Fee
(1)	Annual	$500
(2)	Temporary	$<u>250</u> [~~100~~]."

SECTION 8. That Subsection (b) of Section 15D-5, "Emergency Ambulance Service Provided by Fire Department; Fee," of Division 2, "Emergency Medical Services," of Chapter 15D, "Emergency Vehicles," of the Dallas City Code is amended to read as follows:

"(b) The city shall charge the following fees for emergency ambulance services in the city provided in response to a call received by the fire department requesting the services:

(1) $<u>1,485</u> [~~800~~] for each transport of a resident of the city of Dallas to a hospital and $<u>1,578</u> [~~900~~] for each transport of a nonresident of the city of Dallas to a hospital.

(2) $125 for treatment of a person who is not transported by ambulance.

(3) The reasonable cost of any expendable items that are medically required to be used on a person transported by ambulance or treated without being transported by ambulance, including but not limited to drugs, dressings and bandages, airways, oxygen masks, intravenous fluids and equipment, syringes, and needles.

(4) The reasonable cost of any EKG/telemetry that is medically required to be performed on a person transported by ambulance or treated without being transported by ambulance.

(5) The reasonable cost of each additional paramedic over two that is medically required to respond to an emergency call.

(6) $15 for each loaded mile of transport by ambulance, beginning when the patient is loaded into the ambulance and ending upon arrival at the hospital."

SECTION 9. That Subsection 105.8 "Fees and Permits Schedule," of Section 105, "Permits and Fees," of Part 2, "Administrative Provisions," of Chapter 1, "Scope and Administration," of Chapter 16, "Dallas Fire Code," of the Dallas City Code is amended to read as follows:

"**105.8 Fees and permits schedule.** An applicant for a permit required by Section 105.6 shall pay, upon issuance of the permit, a nonrefundable permit fee in accordance with the following schedule.

1. Acetylene generator, annual	$300.00 [~~175.00~~]
2. Aerosol products, annual	$250.00 [~~175.00~~]
3. Air curtain incinerator/pit burner, daily	$404.00 [~~350.00~~]
4. Amusement building, annual	$150.00 [~~135.00~~]
5. Asphalt (tar) kettles, annual	$199.00 [~~95.00~~]
6. Aviation facilities, annual	$300.00 [~~150.00~~]
7. Calcium carbide storage, annual	$300.00 [~~175.00~~]
8. Candle and open flames	$125.00 [~~95.00~~]
9. Carnivals and fairs, daily	$200.00 [~~160.00~~]
10. Combustible storage (miscellaneous), annual	$250.00 [~~150.00~~]
11. Commercial cooking fire-extinguishing system	$267.00 [~~200.00~~]
12. Compressed gas filling/storage/use, annual	$250.00 [~~95.00~~]
13. Cryogenic fluids, annual	$250.00 [~~150.00~~]
14. Dry cleaning plant, annual	$300.00 [~~140.00~~]
15. *Explosive* /blasting, daily	$450.00 [~~260.00~~]
16. Fireworks/*explosive* storage, daily	$300.00 [~~160.00~~]
17. Fireworks/*explosive* transportation, daily	$300.00 [~~190.00~~]
18. Fireworks display (initial)	$500.00 [~~405.00~~]
19. Fireworks display (subsequent)	$300.00 [~~215.00~~]
20. Flammable and combustible liquids, annual	$250.00 [~~125.00~~]
21. Floor/wall finishing	$150.00 [~~135.00~~]
22. Fruit and crop ripening, annual	$279.00 [~~175.00~~]
23. Hazardous materials, annual	$550.00 [~~175.00~~]
24. Hazardous production material (HPM), annual	$550.00 [~~175.00~~]
25. High-piled storage, annual	$200.00 [~~160.00~~]
26. Industrial oven, annual	$250.00 [~~175.00~~]
27. Limited access gates, annual (1 to 3 gates)	$250.00 [~~150.00~~]

(4 to 7 gates)	$300.00 [~~205.00~~]
(8 or more gates)	$400.00 [~~260.00~~]
28. Liquid- or gas-fueled vehicles or equipment in assembly buildings, per event:	
(1 to 10 vehicles or pieces of equipment)	$200.00 [~~63.00~~]
(11 to 30 vehicles or pieces of equipment)	$300.00 [~~127.00~~]
(31 to 400 [~~or more~~] vehicles or pieces of equipment)	$400.00 [~~191.00~~]
(over 400 vehicles or pieces of equipment)	$500.00
29. LP-gas storage/use	$254.00 [~~122.00~~]
30. LP-gas demonstration/portable cooking (cart)	$150.00 [~~125.00~~]
31. LP-gas demonstration/portable cooking (vehicle)	$300.00
32. Lumber yards and woodworking plants, annual	$269.00 [~~160.00~~]
33. [~~32.~~] Magnesium, annual	$250.00 [~~175.00~~]
34. [~~33.~~] Mobile fueling	
(site survey), annual	$400.00 [~~245.00~~]
(vehicle inspection) annual	$300.00 [~~100.00~~]
35. [~~34.~~] Open burning/recreational fires	$250.00 [~~230.00~~]
36. [~~35.~~] Private fire hydrant and water supplies, annual	$350.00 [~~105.00~~]
37. [~~36.~~] Pyrotechnic special effects material, daily:	
Initial performance	$300.00 [~~185.00~~]
Subsequent performances	$300.00 [~~92.00~~]
38. [~~37.~~] Refrigeration equipment, annual	$205.00 [~~160.00~~]
39. [~~38.~~] Scrap tire storage, annual	$200.00 [~~160.00~~]
40. [~~39.~~] Spray painting/dipping, annual	$200.00 [~~135.00~~]
41. [~~40.~~] State licensed facilities	
(child care facility, 35 children or fewer), annual	$150.00
(child care facility, more than 35 children), annual	$200.00
(residential care facility, annual	$200.00 [~~150.00~~]
(small assisted living), annual	$200.00 [~~150.00~~]
(adult day care facility), annual	$200.00 [~~150.00~~]
42. [~~41.~~] Temporary membrane structures and tents, per event	$300.00 [~~125.00~~]
43. [~~42.~~] Tire-rebuilding plant, annual	$200.00 [~~160.00~~]
44. [~~43.~~] Torch and open flames	$200.00 [~~120.00~~
~~44. Trench burning (per day)~~	~~$350.00~~]
45. Waste handling, annual	$250.00 [~~160.00~~]
46. Welding/cutting/hotworks	$194.00 [~~125.00~~]"

SECTION 10. That Paragraph 105.9.1, "When Required," of Subsection 105.9 "Reinspection Fee," of Section 105, "Permits and Fees," of Part 2, "Administrative Provisions," of Chapter 1, "Scope and Administration," of Chapter 16, "Dallas Fire Code," of the Dallas City Code is amended to read as follows:

"**105.9.1 When required.** Whenever a building or premises in the city is inspected by the *fire code official* and a violation of this code is found, the building or premises shall, after the expiration of any time limit for compliance given in a notice or order issued because of the violations, be reinspected by the *fire code official* to determine that the violation has been eliminated. The owner, occupant, operator or other person responsible for the violation shall pay to the city assessor and collector of taxes a fee in accordance with the following schedule for each reinspection that is conducted until the violation is determined to be eliminated:

NUMBER OF REINSPECTIONS	**FEE**
1ST	$00
2ND	$125 [~~100~~]
3RD AND EACH SUBSEQUENT	$205 [~~105~~]

Exception: No fee shall be charged for a reinspection of the following:

1. A Group R-3 or R-4 occupancy, as defined in the *Dallas Building Code*.

2. An individual *dwelling unit* within an apartment house or residential condominium complex, as defined in the *Dallas Building Code*, when the violation is the responsibility of the occupant of the *dwelling unit* and not the responsibility of the owner or operator of or the person responsible for the building or premises.

3. Activities directly related to construction conducted on a building or premises, or part of the building or premises, pursuant to a valid building permit issued by the building official, including any reinspection that is required before a certificate of occupancy related to the construction activities may be issued for the building or premises."

SECTION 11. That Subsection 115.4, "Registration Fee and Inspection Charge," of Section 115, "Registration and Inspection of High Risk Buildings and Occupancies," of Part 2, "Administrative Provisions," of Chapter 1, "Scope and Administration," of Chapter 16, "Dallas Fire Code," of the Dallas City Code is amended to read as follows:

"**115.4 Registration fee and inspection charge.** The fee for a certificate of registration for a high risk occupancy is $25, plus an inspection charge in accordance with the following schedule.

BUILDING TYPE:	INSPECTION CHARGE [~~FEE~~]:
Public Assembly	
Under 5,000 square feet	$150 [~~40~~]
5,000 - 9,999 square feet	$200 [~~80~~]
10,000 - 59,999 square feet	$250 [~~120~~]

60,000 - 99,999 square feet	$250 [~~160~~]
100,000 square feet and over	$300 [~~200~~]
Hazardous Materials	
Under 5,000 square feet	$250 [~~125~~]
5,000 - 9,999 square feet	$250 [~~175~~]
10,000 - 59,999 square feet	$300 [~~225~~]
60,000 - 99,999 square feet	$313 [~~300~~]
100,000 square feet and over	$400 [~~350~~]
High-rise Office/Storage/Assembly	
Under 200,000 square feet	$250 [~~200~~]
200,000 - 600,000 square feet	$260 [~~400~~]
Over 600,000 square feet	$291 [~~500~~]
High-rise Residential	
Under 250 *dwelling units*	$300 [~~200~~]
250 to 600 *dwelling units*	$439 [~~400~~]
Over 600 *dwelling units*	$550 [~~500~~]
Health Care Facilities	
Under 100 patient rooms or individual *dwelling units*	$300 [~~200~~]
100-500 patient rooms or individual *dwelling units*	$550 [~~400~~]
Over 500 patient rooms or individual *dwelling units*	$650 [~~500~~]

Exceptions:

1. The inspection charge shall not be assessed for inspecting a building or occupancy that is subject to inspection in order to obtain one of the following operational permits from the fire code official:

    a. Amusement building.

    b. Aviation facilities.

    c. Dry cleaning plant.

    d. Lumber yards and woodworking plants.

    e. State licensed facility (child care, residential care, small assisted living, adult day care).

2. The inspection charge shall not be assessed for any property that is exempt from paying City of Dallas property taxes.

3. The inspection charge shall not be assessed for any property that has a current vacant building certificate of registration from the City of Dallas."

SECTION 12. That Subsection 115.5, "Expiration and Renewal of Registration," of Section 115, "Registration and Inspection of High Risk Buildings and Occupancies," of Part 2, "Administrative Provisions," of Chapter 1, "Scope and Administration," of Chapter 16, "Dallas Fire Code," of the Dallas City Code is amended to read as follows:

"**115.5 Expiration and renewal of registration.** A certificate of registration for high risk buildings and occupancies expires [~~according to the following schedule:~~

~~1. Assembly certificates expire~~] one year after the date of issuance.

[~~2. Hazardous materials certificates expire two years after the date of issuance.~~

~~3. High rise certificates expire two years after the date of issuance.~~

~~4. Health care certificates expire one year after the date of issuance.~~]"

SECTION 13. That Paragraph 501.3.1, "Plan Review Fees," of Subsection 501.3, "Construction Documents," of Section 501, "General," of Chapter 5, "Fire Service Features," of Chapter 16, "Dallas Fire Code," of the Dallas City Code is amended to read as follows:

"**501.3.1 Plan review fees.** Plans for fire apparatus access roads (in accordance with Section 503 and Appendix D) shall be accompanied by a nonrefundable $<u>200</u> [~~75~~] review fee. This shall apply to new and existing construction.

Exception: No plan review fee shall be charged when the plans are directly related to construction conducted on a building or premises pursuant to a valid building permit issued by the building official.

Plans for limited access gates which obstruct fire apparatus access roads (in accordance with Section L104, 'Limited Access Gates' of Appendix L) shall be accompanied by a nonrefundable $<u>200</u> [~~75~~] review fee. This plan review fee shall apply to new and existing construction."

SECTION 14. That Subsection 901.5, "Installation Acceptance Testing," of Section 901, "General," of Chapter 9, "Fire Protection Systems," of Chapter 16, "Dallas Fire Code," of the Dallas City Code is amended to read as follows:

"**901.5 Installation acceptance testing.** Fire detection and alarm systems, fire-extinguishing systems, fire hydrant systems, fire standpipe systems, fire pump systems, private fire service mains and all other *fire protection systems* and appurtenances thereto shall be subject to acceptance tests as contained in the installation standards and as *approved* by the *fire code official*. *The fire code official* shall witness any required acceptance testing. A retest fee shall be charged for retesting *fire protection system*s when the testing of the system fails after the contractor has submitted to the *fire code official* a pre-test certification certifying that the system has been pre-tested and is in an *approved* condition. The retest fee shall be $622.00 [~~500.00~~]."

SECTION 15. That Paragraph (41) of Section 18-2, "Definitions," of Article I, "Collection and Disposal," of Chapter 18, "Municipal Solid Wastes," of the Dallas City Code is amended to read as follows:

"(41) ROLLCART. A plastic receptacle, which is furnished by the city for the collection of residential refuse and recyclable materials, that:

(A) has two wheels and a lid;

(B) is designed to be lifted and emptied mechanically;[~~and~~]

(C) is too large for handling by manual means[~~.~~] ; and

(D) is from 48 to 96 gallons."

SECTION 16. That Subsection (a), "Containers for Residences and Duplexes," of Section 18-3, "Regulating Containers for Municipal Solid Waste Materials," of Article I, "Collection and Disposal" of Chapter 18, "Municipal Solid Wastes," of the Dallas City Code is amended to read as follows:

"(a) Containers for residences and duplexes. Every occupant of a residence or duplex shall provide the premises with a sufficient number of solid waste containers to provide for the peak output of municipal solid wastes from those premises without overloading the containers. The containers must be rollcarts [~~(except that bags may be used as containers for recyclable~~

~~materials or as containers for grass cuttings collected under Section 18-8(b)(3))~~] and must meet the requirements of this subsection.

(1) [~~At a residence or duplex, a bag used as a container for recyclable materials must be blue or clear, must have at least a 1.3 mil thickness, and must not exceed 33 gallons in capacity. The combined weight of the recyclable materials and the bag must not exceed 50 pounds.~~

~~(2)~~] At a residence or duplex, a person shall use only city owned and provided rollcarts as solid waste containers, except that blue rollcarts[~~, clear or blue bags, or any combination of each~~] may be used as solid waste containers for recyclable materials.

(2[~~3~~]) A person shall comply with the following requirements when using a rollcart or a blue or clear recycling bag as a solid waste container:

(A) A container must not be overloaded to the point where spillage occurs from overflow, wind, or handling.

(B) A container must be closed or secured at the top to prevent spillage.

(C) Glass and other wastes that are dangerous to handle must be securely wrapped, and the container must be labeled to warn of the need for careful handling.

(D) Ashes must be cold before being placed in a container.

(E) Non-recyclable materials must not be placed in a container (rollcart [~~or blue or clear recycling bag~~]) designated for recyclable materials. A recycling rollcart that is used for non-recyclable materials may be removed from the premises at the direction of the director of sanitation.

(3[~~4~~]) Unless otherwise specified by the director of sanitation, and in addition to the requirements of Subsection (a)(3), a person shall comply with the following requirements when using a rollcart as a solid waste container:

(A) A rollcart must be placed for collection so that there is a minimum clearance of three feet to each side of the rollcart and one and one-half feet to the rear of the rollcart from any fence, gas meter, telephone pole, utility box, tree, shrub, additional collection container, or other potential obstruction. A rollcart must be placed so that its handle faces the dwelling unit.

(B) No person shall block or cause to be blocked access to or hinder collection of a rollcart that has been placed for curbside collection.

(C) Solid waste, including recyclable materials, must be placed in a rollcart in a manner that prevents the contents from blowing out of the rollcart when being emptied.

(D) The director of sanitation must be promptly notified of any need for repair or replacement of a rollcart. Cleanliness of a rollcart is the responsibility of the occupant or owner of the premises to which the rollcart is provided.

(E) A 60 to 65 gallon rollcart may not weigh more than 200 pounds when loaded, and a 90 to 96 gallon rollcart may not weigh more than 250 pounds when loaded.

(F) Additional rollcarts for garbage may be obtained from the director of sanitation for an additional fee set forth in Section 18-9(c)(1) of this article. Additional rollcarts for recyclable materials may be obtained from the director of sanitation for no additional fee.

(G) A rollcart that is lost or damaged due to a customer's negligence may be replaced for a fee as set forth in Section 18-9(c)(8) of this article."

SECTION 17. That Subsection (b), "Containers for Apartments, Mobile Home Parks, Institutions, and Commercial Establishments," of Section 18-3, "Regulating Containers for Municipal Solid Waste Materials," of Article I, "Collection and Disposal," of Chapter 18, "Municipal Solid Wastes," of the Dallas City Code is amended to read as follows:

"(b) Containers for apartments, mobile home parks, institutions, and commercial establishments. Every owner of an apartment, mobile home park, institution, or commercial establishment shall provide the premises with a sufficient number of solid waste containers to provide for the peak output of municipal solid wastes from those premises without overloading the containers.

(1) A container must be watertight and constructed of a solid and durable grade of metal or plastic material. Any container that is manually collected by city sanitation services employees must not exceed 96 [~~50~~] gallons in capacity, and the combined weight of the waste and the container must not exceed 250 [~~50~~] pounds. A container must not be overloaded to a point where spillage occurs from overflow, wind, or handling.

(2) All containers [~~(except blue or clear recycling bags)~~] must meet the following requirements:

(A) A container must be provided with suitable lifting handles on the outside and a close-fitting or other approved cover equipped with a handle.

(B) A container must not contain any inside structure, such as a band or reinforcing angle, or anything within the container to prevent the free discharge of the contents. A container that has deteriorated or become damaged to the extent that the cover will not fit securely or that has a jagged or sharp edge capable of causing injury to a sanitation services employee or other person whose duty it is to handle the container will be condemned by the city. If such a container is not replaced after notice to the owner or user, the container will be removed along with its contents.

[~~(C) The lid of a container must be close-fitting and must remain in place covering the container at all times when there is any material in the container. The lid may be attached by an appropriate means to the rack upon which the container is placed or to an adjacent fence or other appropriate fixed object in order to prevent the lid from getting into the pathway of a vehicle. Except on a mechanically emptied container, the lid must not be directly attached to the container. A container that has the lid directly attached to it is a hazard to any sanitation services employee engaged in the collection of solid waste and will be condemned by the city. If such an attachment is not removed after notice to the owner or user, the container will be removed along with its contents.~~]"

SECTION 18. That Section 18-9, "Specifying Charges for Sanitation Service," of Article I, "Collection and Disposal" of Chapter 18, "Municipal Solid Wastes," of the Dallas City Code is amended to read as follows:

"SEC. 18-9. SPECIFYING CHARGES FOR SANITATION SERVICE.

(a) Method of charging and billing for sanitation services.

(1) A sanitation service charge for garbage and recycling will be made for the following:

(A) All dwelling units in the city that are served with water delivered under an active water account of the water utilities department of the city.

(B) All dwelling units in the city that are served with wastewater service only under an active account of the water utilities department of the city.

(C) All commercial properties in the city that can be adequately serviced with no more than 10 garbage rollcarts and 10 recycling rollcarts and that are served with water delivered under an active water account of the water utilities department of the city or that are served with wastewater service only under an active account of the water utilities department of the city.

(D) All commercial properties that are serviced with a single garbage rollcart. These properties have the option to receive one recycling rollcart of the same size or greater than the garbage rollcart, at no additional cost.

(E) All property that is served with sanitation services by the city and that is not specified by Subparagraphs (A), [~~or~~] (B), (C), or (D) of this paragraph. The water utilities department shall bill for sanitation services in a manner that distinguishes the sanitation charges from water or wastewater charges.

(2) The water utilities department shall bill the person in whose name the water service or wastewater service account appears. If a sanitation services customer is not served with water or wastewater service by the city, the water utilities department shall bill the person in control of the premises or, if that person is unknown, the owner of the premises. Payment of the fee for sanitation services is due on or before the date stated on the face of the customer's bill and is delinquent after that date. A bill is delinquent if not paid within 15 days from the date it is rendered by the water utilities department.

(3) In addition to all other legal remedies available for the collection of a debt, the following actions and remedies are authorized for delinquent payment of the charges authorized in this article:

(A) The sanitation services may refuse to pick up and dispose of the garbage and trash (or rubbish) at the delinquent location;

(B) The water and/or wastewater service, if any, serving the delinquent premises in question may be shut off and terminated.

(C) A five percent late payment fee will be added to the total net bill.

(4) All collections by the water utilities department will be applied first to the water utilities charges, and the customer will be deemed to have paid such water utilities charges first if any question arises as to how outstanding balances should be composed and applied.

(A) All present water utilities department customers to be billed under this article will be automatically placed on the billing for sanitation services charges, regardless of whether or not a written contract exists between the city and such customers.

(B) All present water utilities guaranty deposits upon termination of wastewater service and/or water service may be applied to any amounts due either for sanitation services charges or fees of water utilities bills.

(C) All water utilities services contracts entered into between the water utilities department and the customer must contain an agreement that any guaranty deposit upon termination of wastewater service and/or water service may be applied to sanitation services fees and charges and to water utilities charges that have become due.

(b) General regulations.

(1) Establishment of service charges will be based upon the current use of the property rather than being based upon the zoning.

(2) There will be no proration of service charges for a portion of a billing period. The initial billing will be made concurrent with the initial water billing. The final billing for sanitation charges will be for a full billing period.

(3) Except as otherwise set forth in this article, collection service must be provided by the sanitation services of the city for all residences and duplexes and for all manual collection from apartments and mobile home parks, and such service may not be contracted or performed by other than the city's sanitation services.

(4) A commercial property in the city cannot receive service for more than 10 recycling rollcarts.

(A) A commercial property has the option to apply for an exemption to receive more than 10 recycling rollcarts upon written approval from the director of sanitation. Approval of the exemption will be at the discretion of the director of sanitation.

(B) The director of sanitation has the discretion to limit a commercial property to fewer than 10 recycling rollcarts if the property does not have adequate space or if the property cannot reasonably be provided with recycling service.

(5) A commercial property in the city cannot receive service for more than 10 garbage rollcarts.

(A) A commercial property has the option to apply for an exemption to receive more than 10 garbage rollcarts upon written approval from the director of sanitation. Approval of the exemption will be at the discretion of the director of sanitation.

(B) The director of sanitation has the discretion to limit a property to fewer than 10 garbage rollcarts if the property does not have adequate space or if the property cannot reasonably be provided with garbage service.

(6) Commercial establishments that are located within a 1.5-mile radius of Dallas City Hall may receive more than one garbage and recycling collection per week by sanitation services. Commercial establishments that are located outside of a 1.5-mile radius of Dallas City Hall may receive more than one garbage and recycling collection per week by the sanitation services of the city only if the director of sanitation agrees in writing.

(7) A commercial property shall comply with the following requirements when using a recycling rollcart:

(A) The rollcart must not be overloaded to the point where spillage occurs from overflow, wind, or handling.

(B) The rollcart must be closed or secured at the top to prevent spillage.

(C) Only recyclable materials may be placed in a recycling rollcart. A recycling rollcart that is used for non-recyclable materials or that contains a significant amount of non-recyclable materials may be removed from the premises at the direction of the director of sanitation.

(D) A recycling rollcart must be placed on the curb in accordance with Section 18-3(a)(4) and Section 18-4(c). A recycling rollcart that is not kept clean or that causes a nuisance may be removed from the premises at the direction of the director of sanitation.

(8) The director may provide for alternative solid waste collection service to a customer, if the director determines that the customer cannot be adequately serviced with the standard collection service.

(c) Schedule of service charges.

(1) The collection service charge for a residence or duplex is as follows:

(A) Alley or curb collection service for municipal solid waste - $22.79 [~~21.31~~] per dwelling unit per month for one rollcart, plus $10.56 per month for each additional garbage rollcart requested by the owner or occupant of the premises.

(B) Packout or drive-in collection service for municipal solid waste - $79.35 [~~71.17~~] per dwelling unit per month.

(2) The collection service charge for an apartment or a mobile home park that receives manual collection service from the sanitation services of the city is as follows:

(A) Alley, curb, or drive-in collection service for municipal solid waste - $22.79 [~~21.31~~] per apartment unit or mobile home space per month.

(B) Packout collection service for municipal solid waste - $79.35 [~~71.17~~] per apartment unit or mobile home space per month.

(3) A monthly collection service charge will be made for all commercial establishments for collection service provided by the sanitation services of the city as follows:

TABLE OF MONTHLY CHARGES
~~[(Rear-end Loaders)~~

~~QUANTITY OF SOLID WASTE~~	~~NUMBER OF COLLECTIONS PER WEEK~~					
~~Gallons~~	~~2~~	~~3~~	~~4~~	~~5~~	~~6~~	~~7~~
~~60~~	~~$37.79~~	~~$68.76~~	~~$93.53~~	~~$113.77~~	~~$138.95~~	~~$169.70~~
~~100~~	~~$50.18~~	~~$93.53~~	~~$116.24~~	~~$147.20~~	~~$246.31~~	~~$412.13~~
~~200~~	~~$85.27~~	~~$182.31~~	~~$235.98~~	~~$297.92~~	~~$351.61~~	~~$414.96~~
~~300~~	~~$134.83~~	~~$246.31~~	~~$326.83~~	~~$407.36~~	~~$492.00~~	~~$594.25]~~

(Garbage & Recycling, per Section 18-9(b)(6), more than once a week)

	NUMBER OF COLLECTIONS PER WEEK*					
96-gallon RollCarts	2	3	4	5	6	7
1	$59.59	$88.85	$118.11	$147.37	$176.63	$205.89
2	$119.18	$177.70	$236.22	$294.73	$353.25	$ 411.77
3	$178.77	$266.54	$354.32	$442.10	$529.88	$617.66
4	$238.36	$355.39	$472.43	$589.47	$706.51	$823.54
5	$297.95	$444.24	$590.54	$736.84	$883.13	$1,029.43
6	$357.54	$533.09	$708.65	$884.20	$1,059.76	$1,235.32
7	$417.13	$621.94	$826.75	$1,031.57	$1,236.39	$1,441.20
8	$476.72	$710.78	$944.86	$1,178.94	$1,413.01	$1,647.09
9	$536.31	$799.63	$1,062.97	$1,326.30	$1,589.64	$1,852.98
10	$595.90	$888.48	$1,181.08	$1,473.67	$1,766.27	$2,058.86

TABLE OF MONTHLY CHARGES
(Garbage & Recycling, per Section 18-9(b)(6), once a week only)

	NUMBER OF COLLECTIONS PER WEEK
96-gallon RollCarts	**1**
1	$30.33
2	$60.66
3	$90.99
4	$121.32
5	$151.65
6	$181.98
7	$212.31
8	$242.64
9	$272.97
10	$303.30

(4) A monthly recycling-only collection service charge will be made for all commercial properties for weekly collection service provided by the sanitation services of the city as follows:

TABLE OF MONTHLY CHARGES
(Recycling-Only Service, Outside of the Central Business District)

NUMBER OF 96-GALLON RECYCLING ROLLCARTS									
1	2	3	4	5	6	7	8	9	10
$19.83	$39.66	$59.49	$79.32	$99.15	$118.98	$138.81	$158.64	$178.47	$198.30

(5) Extraordinary collection and removal service: A cost plus rate determined by the director of sanitation for materials not included in the regular collection service as described in Section 18-8.

(6[~~5~~]) Miscellaneous collection service charges will be as follows:

(A) Public housing may be charged as apartments.

(B) Churches, clinics, hospitals, public buildings, and schools will be charged as commercial locations.

(7[~~6~~]) The service charge for the collection and removal of grass cuttings from any premises is:

(A) $1.50 per bag, if the service is performed by city sanitation services; and

(B) an amount specified by city contract, if the service is performed by a contractor selected by the city under Section 18-8(b)(3).

(8[~~7~~]) Packout or drive-in service for certain handicapped persons meeting uniform requirements specified by the director of sanitation will be provided at the rate for alley or curb collection service. Any applicant for a reduced rate under this subparagraph who intentionally makes any misrepresentation in any written statement required by such uniform requirements is guilty of an offense and, upon conviction, is punishable by a fine not to exceed $500.

(9[~~8~~]) The fee for replacement of a rollcart that is lost or damaged due to a customer's negligence is $49.59 for a garbage rollcart or $52.94 for a recycling rollcart.

(10[~~9~~]) Large dead animals, including but not limited to horses, cattle, and other animals of similar size, will be picked up by the city for a fee of $100 per animal.

(d) A person claiming entitlement to a refund of sanitation services paid to the city must notify the director of sanitation of the claim within 180 days from the date the disputed payment was received by the city."

SECTION 19. That Section 18-57, "License and Permit Fees," of Article V, "Tires," of Chapter 18, "Municipal Solid Wastes," of the Dallas City Code is amended to read as follows:

"**SEC. 18-57. LICENSE AND PERMIT FEES.**

(a) The annual fee for a tire business license is $75 [~~315~~].

(b) The annual fee for each mobile tire repair unit permit is $75 [~~30~~].

(c) The fee for issuing a duplicate tire business license or mobile tire repair unit permit for one that is lost, stolen, or mutilated is $32 [~~10~~].

(d) The applicant shall pay all fees required by this section to the director before a license or permit will be issued. No refund of a fee will be made."

SECTION 20. That Subsection (a) of Section 27-32, "Registration Fees," of Article VII, "Registration and Inspection of Multi-Tenant Properties," of Chapter 27, "Minimum Urban Rehabilitation Standards," of the Dallas City Code is amended to read as follows:

"(a) The fee for a certificate of registration for a multi-tenant property is an amount equal to $6.00 [~~10.00~~] times the total number of units in the multi-tenant property, whether occupied or unoccupied."

SECTION 21. That Subsection (c) of Section 27-42, "Property Inspections; Inspection and Reinspection Fees," of Article VII, "Registration and Inspection of Multi-Tenant Properties," of Chapter 27, "Minimum Urban Rehabilitation Standards," of the Dallas City Code is amended to read as follows:

"(c) The owner or operator of a multi-tenant property shall pay to the director the following fees for a graded inspection of the property:

(1) For a graded inspection in which the property scores 85 or higher or where Subsection (b)(3) applies to the property, no inspection fee will be charged.

(2) For a graded inspection in which the property scores lower than 85 because of substandard conditions or other premises violations existing on the property and where Subsection (b)(4) applies to the property, the inspection fee is $46 [~~30~~] times the total number of units in the multi-tenant property.

(3) For a graded inspection in which the property scores lower than 85 only because of failure to have or display required documentation, including but not limited to permits, notices, licenses, records, or certificates of occupancy, and where Subsection (b)(4) applies to the property, the inspection fee is $87 [~~20~~] times the total number of units in the multi-tenant property."

SECTION 22. That Subsection (e) of Section 27-42, "Property Inspections; Inspection and Reinspection Fees," of Article VII, "Registration and Inspection of Multi-Tenant Properties," of Chapter 27, "Minimum Urban Rehabilitation Standards," of the Dallas City Code is amended to read as follows:

"(e) The owner, occupant, operator, or other person responsible for the violation shall pay to the director the following fees for each reinspection after the first reinspection that must be conducted before the violation is determined to be eliminated:

(1) For a reinspection conducted inside units of a multi-tenant property, the fee is $50 times the number of units actually reinspected.

(2) For a reinspection of the exterior and common areas of a multi-tenant property, the fee is $20 [~~50~~] for each separate violation site reinspected."

SECTION 23. That Subsection (a) of Section 27-62, "Registration Fees," of Article IX, "Registration and Inspection of Non-Owner Occupied Rental Property," of Chapter 27, "Minimum Urban Rehabilitation Standards," of the Dallas City Code is amended to read as follows:

"(a) The annual fee for a certificate of registration for a non-owner occupied rental property is $17 [~~25~~]."

SECTION 24. That Subsection (c) of Section 27-72, "Property Inspections; Reinspection Fees," of Article IX, "Registration and Inspection of Non-Owner Occupied Rental Property," of Chapter 27, "Minimum Urban Rehabilitation Standards," of the Dallas City Code is amended to read as follows:

"(c) The owner, occupant, or other person responsible for the violation shall pay to the director $19 [~~50~~] for each reinspection after the first reinspection that must be conducted before the violation is determined to be eliminated."

SECTION 25. That Section 43A-3, "Inspections," of Article I, "General Provisions," of Chapter 43A, "Swimming Pools," of the Dallas City Code is amended to read as follows:

"**SEC. 43A-3. INSPECTIONS AND REINSPECTIONS.**

The director may inspect a swimming pool at any reasonable time and has authority to enter upon the premises where a pool is located to the extent necessary to make a full examination. Water samples from a pool may be taken. If a reinspection is required, the fee for the reinspection is $43."

SECTION 26. That Subsection (c) of Section 43A-17, "Permit and Manager of Operations Required," of Article III, "Maintenance and Operation of Swimming Pools," of Chapter 43A, "Swimming Pools," of the Dallas City Code is amended to read as follows:

"(c) The director shall issue a permit to an applicant if a qualified manager of operations has been designated and the fee has been paid. The amount of the fee is $47 [~~175~~] for [~~the first~~] each pool owned by an applicant [~~at one location, plus $100 for each additional pool owned by the applicant at the same location~~]. The fee is due on or before the first day of March of each calendar year. If a permit is initially issued after the first day of March of a calendar year, the fee for that year will be prorated according to the number of whole months remaining in the year. No refunds will be made."

SECTION 27. That Subsection (b) of Section 43A-18, "Certification of Manager of Operations," of Article III, "Maintenance and Operation of Swimming Pools," of Chapter 43A, "Swimming Pools," of the Dallas City Code is amended to read as follows:

"(b) The certification of a manager of operations expires two years from the date of certification and a manager must repeat the training course to maintain certification. The fee for the [~~attending a~~] training course and certificate [~~for the purpose of managing a pool in the city~~] is $47 [~~40; the fee for others is $60~~]."

SECTION 28. That Subsection (a) of Section 48B-8, "Registration Fee and Inspection Charge," of Article II, "Registration and Inspection of Vacant Buildings," of Chapter 48B, "Vacant Buildings," of the Dallas City Code is amended to read as follows:

"(a) The fee for a certificate of registration for a vacant building is $73 [~~75~~], plus an inspection charge in an amount equal to $185.64 + ($0.009282 x total square feet of building area, excluding stairwells, elevator shafts, and mechanical rooms)."

SECTION 29. That Subsection (c), "Rate Tables," of Section 49-18.1, "Rates for Treated Water Service," of Article II, "Rates, Charges and Collections," of Chapter 49, "Water and Wastewater," of the Dallas City Code is amended to read as follows:

"(c) Rate tables. The director shall charge customers for treated water service in accordance with the following tables:

(1) Water Service Customer Charges.

METER SIZE	RATE PER METER
5/8-inch meter	$5.12 [~~4.85~~]
3/4-inch meter	7.07 [~~6.70~~]
1-inch meter	10.28 [~~9.74~~]
1-1/2-inch meter	19.14 [~~18.13~~]

2-inch meter	31.14[~~29.50~~]
3-inch meter	72.93 [~~69.09~~]
4-inch meter	121.17 [~~114.79~~]
6-inch meter	240.61 [~~227.94~~]
8-inch meter	400.50 [~~378.85~~]
10-inch meter or larger	614.98 [~~582.59~~]

(2) Usage Charge - Rate Per 1,000 Gallons.

TYPE OF USAGE			
(A)	Residential:		
	(i)	Up to 4,000 gallons	$1.87 [~~1.80~~]
	(ii)	4,001 to 10,000 gallons	4.13 [~~3.91~~]
	(iii)	10,001 to 15,000 gallons	5.81 [~~5.50~~]
	(iv)	Above 15,000 gallons	8.20 [~~7.63~~]
(B)	General service:		
	(i)	Up to 10,000 gallons	3.47 [~~3.05~~]
	(ii)	Above 10,000 gallons	3.71 [~~3.45~~]
	(iii)	Above 10,000 gallons and 1.4 times annual average monthly usage	5.63 [~~5.00~~]"

SECTION 30. That Paragraph (1) of Subsection (f), "Election for Certain General Water Service Customers," of Section 49-18.1, "Rates for Treated Water Service," of Article II, "Rates, Charges and Collections," of Chapter 49, "Water and Wastewater," of the Dallas City Code is amended to read as follows:

"(1) The customer must agree to pay each year:

(A) the monthly customer charge provided in Subsection (c);

(B) $2,135.27 [~~2,025.00~~] per month as a usage charge on the first 1,000,000 gallons used in a billing period; and

(C) $2.95 [~~2.75~~] per 1,000 gallons used in excess of 1,000,000 gallons per month."

SECTION 31. That Subsection (g), "Adjusted Rates for Hidden Water Leaks," of Section 49-18.1, "Rates for Treated Water Service," of Article II, "Rates, Charges and Collections," of Chapter 49, "Water and Wastewater," of the Dallas City Code is amended to read as follows:

"(g) Adjusted rates for hidden water leaks. When a customer experiences a substantial increase in water or wastewater usage from a hidden water leak and the customer meets the requirements of Section 49-9(e), the director will adjust the account and bill the customer:

(1) an estimated amount of normal water usage for the period at the regular rate;

(2) the excess water usage caused by the hidden leak at the following applicable rate:

TYPE OF USAGE	RATE PER 1,000 GALLONS
(A) Residential	$1.87 [~~1.80~~]
(B) General service	3.47 [~~3.05~~]
(C) Optional general service	2.95 [~~2.75~~]
(D) Municipal service	2.38 [~~2.35~~]

and

(3) the applicable wastewater rate prescribed in Section 49-18.2(c), based on an adjustment of wastewater volume to estimated normal volume, where adjustment is appropriate."

SECTION 32. That Subsection (i), "Rates for Municipal Purpose Water Service," of Section 49-18.1, "Rates for Treated Water Service," of Article II, "Rates, Charges and Collections," of Chapter 49, "Water and Wastewater," of the Dallas City Code is amended to read as follows:

"(i) Rates for municipal purpose water service. Water service to property owned by the city of Dallas that is used solely for municipal purposes may be charged $2.38 [~~2.35~~] per 1,000 gallons of water used."

SECTION 33. That Section 49-18.2, "Rates for Wastewater Service," of Article II, "Rates, Charges and Collections," of Chapter 49, "Water and Wastewater," of the Dallas City Code is amended to read as follows:

"SEC. 49-18.2. RATES FOR WASTEWATER SERVICE.

(a) Form of rate. The monthly rate for wastewater service to a customer consists of:

(1) a customer charge;

(2) a usage charge; and

(3) a surcharge for excessive concentration of wastes, if applicable.

(b) Billing cycle. In this section, water used per month is based upon the billing cycle of the department.

(c) Rate tables. The director shall charge a customer for wastewater service in accordance with the following tables:

Wastewater Service Charges.

(1) Monthly customer charges

METER SIZE	RATE PER METER
5/8-inch meter	$4.58 [~~4.45~~]
3/4-inch meter	6.27 [~~6.00~~]
1-inch meter	9.10 [~~8.75~~]
1-1/2-inch meter	17.52 [~~16.60~~]
2-inch meter	27.60 [~~26.15~~]
3-inch meter	66.72 [~~63.79~~]
4-inch meter	106.68 [~~103.90~~]
6-inch meter	209.97 [~~206.50~~]
8-inch meter	350.51 [~~340.15~~]
10-inch meter or larger	550.72 [~~525.50~~]

(2) Monthly residential usage charge	$5.20 [~~4.95~~] per 1,000 gallons of the average water consumption billed in the months of December, January, February, and March, or of the actual Month's water consumption, whichever is less, up to a maximum

		charge of 40,000 gallons per month
(3)	Monthly general service usage charge	$3.95 [~~3.70~~] per 1,000 gallons of water used
(4)	Monthly usage charge for Section 49-18.1(f) customer	$3.56 [~~3.38~~] per 1,000 gallons of water used
(5)	Monthly general service usage charge for wastewater separately metered	$3.65 [~~3.50~~] per 1,000 gallons of wastewater discharged
(6)	Monthly surcharge for excessive concentrations of waste	An amount calculated in accordance with Sections 49-18.12, 49-48 and 49-49 of this chapter
(7)	Monthly surcharge for excessive concentrations of waste for wastewater separately metered	An amount calculated in accordance with Sections 49-18.12, 49-48 and 49-49 of this chapter

(d) Where residential water service is not used. If a residential customer does not receive water service solely from the city, the director shall estimate water used per month to determine the usage charge in Subsection (c).

(e) Where general water service is not used. If a general service customer does not receive water service solely from the city, the customer must install and maintain, at the customer's expense, adequate meters that measure total water usage from other sources and that meet American Water Works Association standards. The customer must pay an additional customer charge of $10.00 per month for each meter, regardless of size, installed under this subsection. When a meter is inaccurate, the director may estimate water usage.

(f) Rates for municipal purpose wastewater service. Wastewater service to property owned by the city of Dallas that is used solely for municipal purposes may be charged $2.58 [~~2.55~~] per 1,000 gallons of water used."

SECTION 34. That Subsection (b), "Rate Table," of Section 49-18.4, "Rates for Wholesale Water and Wastewater Service to Governmental Entities," of Article II, "Rates, Charges and Collections," of Chapter 49, "Water and Wastewater," of the Dallas City Code is amended to read as follows:

"(b) Rate table. The director shall charge a governmental entity for wholesale water service in accordance with the following:

(1) The volume charge for treated water is $0.4305 [~~0.3382~~] per 1,000 gallons of water used, and the annual water year demand charge is $243,453 [~~223,308~~] per each mgd, as established by the highest rate of flow controller setting.

(2) If a flat rate charge for treated water is provided by contract, or in the absence of a rate of flow controller, the charge is $1.9521 [~~1.7339~~] per 1,000 gallons of treated water used.

(3) A monthly readiness-to-serve charge will be assessed for any standby service point. The monthly fee, based on size of connection, is as follows:

Size of Connection	Monthly Standby Fee
3-inch	$72.93 [~~69.09~~]
4-inch	121.17 [~~114.79~~]
6-inch	240.61 [~~227.94~~]
8-inch	400.50 [~~378.85~~]
10-inch or larger	614.98 [~~582.59~~]

(4) The rate for regular untreated water service to a governmental entity is $0.8335 [~~0.5613~~] per 1,000 gallons of untreated water used. The rate for interruptible untreated water service to a governmental entity is $0.4044 [~~0.2451~~] per 1,000 gallons of untreated water used."

SECTION 35. That Subsection (e), Wholesale Wastewater Rates," of Section 49-18.4, "Rates for Wholesale Water and Wastewater Service to Governmental Entities," of Article II, "Rates, Charges and Collections," of Chapter 49, "Water and Wastewater," of the Dallas City Code is amended to read as follows:

"(e) Wholesale wastewater rates. The director may provide wholesale wastewater service to other governmental entities by contract, in accordance with the following rules:

(1) The monthly rate for wholesale wastewater service is $2.2688 [~~2.3031~~] per 1,000 gallons of wastewater discharged. The director is authorized to compensate those governmental entities located within the boundaries of the city for the city's use of integrated facilities owned by those governmental entities.

(2) An infiltration and inflow adjustment factor of 11.3 [~~13.2~~] percent will be added to the average water consumption for the months of December, January, February, and March to determine billable volume for a governmental entity with unmetered wholesale wastewater service.

(3) If the BOD or suspended solids concentration of waste discharged exceeds 250 mg/L, the governmental entity must pay a surcharge calculated in accordance with Section 49-18.12(1)(A) or (B), whichever applies."

SECTION 36. That Subsection (f), Treatment of Water Owned By Another Governmental Entity," of Section 49-18.4, "Rates for Wholesale Water and Wastewater Service to Governmental Entities," of Article II, "Rates, Charges and Collections," of Chapter 49, "Water and Wastewater," of the Dallas City Code is amended to read as follows:

"(f) Treatment of water owned by another governmental entity. The director may provide treatment services at the Elm Fork water treatment plant to water owned by another governmental entity in accordance with a written contract. The volume charge for treating water owned by another governmental entity is $0.2994 [~~0.2982~~] per 1,000 gallons of water treated, and the annual water year demand charge is $43,640 [~~38,177~~] per each mgd, as established by the maximum demand capacity set forth in the contract."

SECTION 37. That Subsection (a), "Regular Rate," of Section 49-18.5, "Rate for Untreated Water," of Article II, "Rates, Charges and Collections," of Chapter 49, "Water and Wastewater," of the Dallas City Code is amended to read as follows:

"(a) Regular rate. The charge for untreated water is $0.8335 [~~0.5613~~] per 1,000 gallons of water used."

SECTION 38. That Subsection (b), "Interruptible Rate," of Section 49-18.5, "Rate for Untreated Water," of Article II, "Rates, Charges and Collections," of Chapter 49, "Water and Wastewater," of the Dallas City Code is amended to read as follows:

"(b) Interruptible rate. The charge for interruptible service is $0.4044 [~~0.2451~~] per 1,000 gallons of water used."

SECTION 39. That Subsection (a), "Water Service Installation and Connection Charge," of Section 49-18.7, "Service Connection Charges," of Article II, "Rates, Charges and Collections," of Chapter 49, "Water and Wastewater," of the Dallas City Code is amended to read as follows:

"(a) Water service installation and connection charge. The director shall charge for the installation of all water service connections at the following rates:

(1) Water Service Installation Charges.

Connection Size	Fee
3/4-inch	$2,972 [~~2,650~~].00
1-inch	$3,103 [~~2,750~~].00
1 1/2-inch	$4,625 [~~3,603~~].00
2-inch	$4,462 [~~3,605~~].00

(2) Connecting Existing Water Service.

Connection Size	Fee
3/4-inch	$718 [~~925~~].00
1-inch	$762 [~~975~~].00
1 1/2-inch	$1,704 [~~1,325~~].00
2-inch	$1,885 [~~1,575~~].00
Up to 2-inch bullhead	$3,947 [~~2,575~~].00"

SECTION 40. That Subsection (b), "Wastewater Service Installation and Connection Fees" of Section 49-18.7, "Service Connection Charges," of Article II, "Rates, Charges and Collections," of Chapter 49, "Water and Wastewater," of the Dallas City Code is amended to read as follows:

"(b) Wastewater service installation and connection fees. Except as provided in Subsection (d), the city shall charge the following rates for the installation or connection of residential wastewater service lines:

(1)	First wastewater service line installation and connection charge	$2,778 [~~2,674~~].00
(2)	For connecting existing wastewater service lines constructed by other persons	$475.00"

SECTION 41. That Section 49-18.9, "Charges for Use of Fire Hydrants," of Article II, "Rates, Charges and Collections," of Chapter 49, "Water and Wastewater," of the Dallas City Code is amended to read as follows:

"**SEC. 49-18.9. CHARGES FOR USE OF FIRE HYDRANTS.**

A person requesting use of water from a fire hydrant pursuant to Section 49-27 shall pay the following application charges:

(1) a deposit of $1,500 to be refunded when the service is discontinued and the meter is returned to the city by the person or the person's authorized representative, less any unpaid fees for services and any costs to repair damage in excess of normal wear;

(2) a monthly fire hydrant service charge of $72.93 [~~69.09~~]; and

(3) a usage charge for water that will be billed at the general service rate prescribed in Section 49-18.1(c)(2)(B)."

SECTION 42. That Section 50-82, "Fee," of Article V, "Wood Vendors," of Chapter 50, "Consumer Affairs," of the Dallas City Code is amended to read as follows:

"**SEC. 50-82. FEE.**

The applicant shall pay an annual permit fee of $64 [~~75~~] to the director at the time the license is issued. No refund of license fees shall be made."

SECTION 43. That Section 50-101, "Fees," of Article VIII, "Electronic Repairs," of Chapter 50, "Consumer Affairs," of the Dallas City Code is amended to read as follows:

"**SEC. 50-101. FEES.**

The annual fee for an electronic repair license is $72 [~~175~~]. The fee for issuing a duplicate license for additional establishments or for a lost, destroyed or mutilated license is $4. The fee is payable to the director upon issuance of a license. No refund of license fees shall be made."

SECTION 44. That Section 50-116, "Fees," of Article IX, "Motor Vehicle Repairs," of Chapter 50, "Consumer Affairs," of the Dallas City Code is amended to read as follows:

"**SEC. 50-116. FEES.**

The annual fee for a motor vehicle repair license is $75 [~~200~~] for the first location and $75 [~~200~~] for a duplicate license for each additional location. The fee for issuing a replacement license for one lost, destroyed, or mutilated is $2. The fee is payable to the director upon issuance of a license. No refund of license fees will be made."

SECTION 45. That Subsection (a) of Section 50-137, "License Fees," of Article X, "Home Repairs," of Chapter 50, "Consumer Affairs," of the Dallas City Code is amended to read as follows:

"(a) The fee for a home repair license is $\underline{68}$ [~~100~~] a year."

SECTION 46. That Subsection (a) of Section 50-149, "Registration Application," of Division 2, "Registration of Credit Access Businesses," of Article XI, "Credit Access Businesses," of Chapter 50, "Consumer Affairs," of the Dallas City Code is amended to read as follows:

"(a) To obtain a certificate of registration for a credit access business, a person must submit an application on a form provided for that purpose to the director. The application must contain the following:

(1) The name, street address, mailing address, facsimile number, and telephone number of the applicant.

(2) The business or trade name, street address, mailing address, facsimile number, and telephone number of the credit access business.

(3) The names, street addresses, mailing addresses, and telephone numbers of all owners of the credit access business and other persons with a financial interest in the credit access business, and the nature and extent of each person's interest in the credit access business.

(4) A copy of a current, valid state license held by the credit access business.

(5) A copy of a current, valid certificate of occupancy showing that the credit access business is in compliance with the Dallas Development Code.

(6) A non-refundable application fee of $\underline{76}$ [~~50~~]."

SECTION 47. That, unless specifically provided otherwise by this ordinance or by state law, a person violating a provision of this ordinance governing fire safety, zoning, or public health and sanitation, including dumping of refuse, is, upon conviction, punishable by a fine not to exceed $2,000 and that a person violating any other provision of this ordinance is, upon conviction, punishable by a fine not to exceed $500.

SECTION 48. That Chapters 5A, 7, 15D, 16, 18, 27, 43A, 48B, 49, and 50 of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance. Any proceeding, civil or criminal, based upon events that occurred prior to the effective date of this ordinance are saved, and the former law is continued in effect for that purpose.

SECTION 49. 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 50. That a certificate of registration for high risk buildings and occupancies issued under Chapter 16 of the Dallas City Code before April 1, 2016, shall remain valid until the expiration date of that certificate.

SECTION 51. That Section 12 of this ordinance shall take effect on April 1, 2016.

SECTION 52. That the charges in the "Table of Monthly Charges (Garbage & Recycling, per Section 18-9(b)(6), once a week only)" added to Subsection (c)(3) of Section 18-9, "Specifying Charges for Sanitation Service," of Article I, "Collection and Disposal" of Chapter 18, "Municipal Solid Wastes," of the Dallas City Code, as indicated in Section 18 of this ordinance, shall take effect on January 1, 2016.

SECTION 53. That the charges in the "Table of Monthly Charges, (Recycling-Only Service, Outside of the Central Business District)" added to Subsection (c)(4) of Section 18-9, "Specifying Charges for Sanitation Service," of Article I, "Collection and Disposal" of Chapter 18, "Municipal Solid Wastes," of the Dallas City Code, as indicated in Section 18 of this ordinance, shall take effect on January 1, 2016.

SECTION 54. That all parts of Section 18 of this ordinance not specifically referenced in Sections 51 and 52 of this ordinance, and all other amendments not specifically referenced in

Sections 51 through 53 of this ordinance will take effect on October 1, 2015, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M. S. ERNST, City Attorney

By _____
Assistant City Attorney

Passed _____

AGENDA ITEM # 57

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

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Financial Services
Convention and Event Services
Office of Cultural Affairs

CMO: Jeanne Chipperfield, 670-7804
Ryan S. Evans, 671-9837
Joey Zapata, 670-3009

MAPSCO: N/A

SUBJECT

An ordinance amending Section 44-35 of Chapter 44, "TAXATION," of the Dallas City Code, as amended; providing for the reallocation of the seven percent hotel occupancy tax to designated purposes, to be applied to revenues from the tax collected by a hotel on or after October 1, 2015; providing a saving clause; providing a severability clause; and providing an effective date - Financing: This action has no cost consideration to the City

BACKGROUND

On May 12, 1999, the City Council authorized the City Manager to amend the contract with the Dallas Convention and Visitors Bureau. The amendment removed a cap on the amount of compensation the Bureau receives and decreased the percentage of the seven percent hotel occupancy tax the Bureau receives from 33.57% to 32.6%. On June 23, 1999, the City Council authorized the City Manager to amend Section 44-35 of Chapter 44, "TAXATION," of the Dallas City Code to reflect the authorized modifications made to the Bureau contract.

On September 9, 2015, the City Council authorized the City Manager to amend the contract with the Dallas Convention and Visitors Bureau to decrease the percentage of the seven percent hotel occupancy tax the Bureau receives from 32.6% to 30%.

This ordinance will amend Section 44-35 of Chapter 44, “TAXATION,” of the Dallas City Code to reflect the authorized modifications to the Bureau contract. This ordinance also includes an allocation of 2.6% for the encouragement, promotion, improvement and application of the arts, as allowed by Tax Code Chapter 351 “MUNICIPAL HOTEL OCCUPANCY TAXES.”

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 12, 1999, City Council authorized an amendment to the contract with the Dallas Convention and Visitors Bureau, by Resolution No. 99-1652.

On June 23, 1999, City Council authorized an amendment to Section 44-35 of Chapter 44, "TAXATION," of the Dallas City Code to reflect the authorized modifications made to the Bureau contract, by Ordinance No. 99-2081.

This item was briefed to the Economic Development Committee on August 17, 2015.

On September 9, 2015, City Council authorized a contract with the Dallas Convention and Visitors Bureau for convention facility promotion, advertising and tourism development, for an amount not to exceed 30% of the City's Hotel Occupancy Tax Receipts received annually, by Resolution No. 15-1666.

FISCAL INFORMATION

This action has no cost consideration to the City.

9/10/15

ORDINANCE NO. _____

An ordinance amending Chapter 44, "Taxation," of the Dallas City Code by amending Section 44-35; broadening the authorized uses of revenue from the hotel occupancy tax; making other conforming changes; providing a penalty not to exceed $500; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Section 44-35, "Levy; Amount; Disposition of Revenue," of Article V, "Hotel Occupancy Tax," of Chapter 44, "Taxation," of the Dallas City Code is amended to read as follows:

"**SEC. 44-35. LEVY; AMOUNT; DISPOSITION OF REVENUE.**

(a) There is hereby levied a tax upon the occupant of any room that:

(1) is in a hotel;

(2) is ordinarily used for sleeping; and

(3) the cost of occupancy of which is $2 or more each day.

(b) The tax is equal to seven percent of the consideration paid by the occupant of the room to the hotel.

(c) Disposition of revenues collected from the seven percent tax must be as follows:

(1) 2.100 [~~32.60~~] percent to advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the city;

(2) 0.182 percent to the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms; and

(3[~~2~~]) 4.718 [~~43.83~~] percent to:

(A) the acquisition of sites for and the constructing, improving, enlarging, equipping, repairing, operating, and maintaining of the convention center complex or visitor centers, or both; or

(B) pledging payment of bonds as authorized by Chapter 1504 of the Texas Government Code, as amended; or [~~issued under Article 1269j-4.1, Vernon's Texas Civil Statutes, as amended, for the purposes stated in Paragraph (2)(A) of this subsection; and~~]

(C) items listed in Subparagraphs (3)(A) and (B) above

[~~(3) 23.57 percent to:~~

~~(A) constructing, improving, enlarging, equipping, and repairing the convention center complex; or~~

~~(B) pledging payment of revenue bonds and revenue refunding bonds issued for the convention center complex under Article 1269j-4.1, Vernon's Texas Civil Statutes, as amended~~]."

SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed $500.

SECTION 3. That Chapter 44 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. 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 5. 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_____

AGENDA ITEM # 58

KEY FOCUS AREA: E-Gov

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: City Manager's Office

CMO: A. C. Gonzalez, 670-3297

MAPSCO: N/A

SUBJECT

An ordinance amending Chapters 2 and 18 of the Dallas City Code to clarify that the city's solid waste collection and disposal system is a utility - Financing: This action has no cost consideration to the City

BACKGROUND

An ordinance amending Chapters 2 and 18 of the Dallas City Code by amending Section 2-139 of Chapter 2, "Administration" and Section 18-1 of Chapter 18, "Municipal Solid Wastes"; clarifying that the city's solid waste collection and disposal system is a utility.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council was briefed on the City Manager's Proposed Budget, which included the establishment of the city's solid waste collection and disposal system as a utility, on August 11, 2015.

FISCAL INFORMATION

This action has no cost consideration to the city.

9/1/15

ORDINANCE NO._____

An ordinance amending Chapters 2 and 18 of the Dallas City Code, as amended, by amending Section 2-139 of Chapter 2, "Administration" and Section 18-1 of Chapter 18, "Municipal Solid Wastes"; clarifying that the city's solid waste collection and disposal system is a utility; providing a penalty not to exceed $2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, Chapter 364 of the Texas Health and Safety Code authorizes municipalities to establish solid waste disposal service as a utility separate from other utilities in its territory. Now, therefore,

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

SECTION 1. That Section 2-139, "Duties of the Director of Sanitation Services," of Article XVII, "Department of Sanitation Services," of Chapter 2, "Administration," of the Dallas City Code is amended to read as follows:

"**SEC. 2-139. DUTIES OF THE DIRECTOR OF SANITATION SERVICES.**

The director of the department of sanitation services shall perform the following duties:

(1) Supervise and administer the department of sanitation services.

(2) Supervise and administer the city's solid waste collection and disposal system, which is a utility of the city and includes, but is not limited to, all facilities, equipment, services, and programs relating to the collection, removal, disposal, and processing of solid waste [~~of the city~~].

(3) Perform such other duties as may be required by the city manager or by ordinance of the city council."

SECTION 2. That Section 18-1, "Scope of Chapter," of Article I, "Collection and Disposal," of Chapter 18, "Municipal Solid Wastes," of the Dallas City Code, is amended to read as follows:

"**SEC. 18-1. SCOPE OF CHAPTER.**

The provisions of this chapter [~~shall~~] apply to all territory within the city and are for the benefit and protection of the city, its citizens, and the city's solid waste collection and disposal utility."

SECTION 3. That Paragraph (44) of Section 18-2, "Definitions," of Article I, "Collection and Disposal," of Chapter 18, "Municipal Solid Wastes," of the Dallas City Code, as amended, is amended to read as follows:

"(44) SANITATION SERVICES. The department of the city that is responsible for the operation of the city's solid waste collection and disposal utility, including, but not limited to, the collection, [~~and~~] removal, disposal, and processing of municipal solid waste ([~~,~~] including recyclable materials)."

SECTION 4. That a person violating a provision of this ordinance governing fire safety, zoning, or public health and sanitation, including dumping of refuse, is, upon conviction, punishable by a fine not to exceed $2,000, and that a person violating any other provision of this ordinance is, upon conviction, punishable by a fine not to exceed $500.

SECTION 5. That Chapters 2 and 18 of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance. Any proceeding, civil or criminal, based upon events that occurred before the effective date of this ordinance are saved, and the former law is continued in effect for that purpose.

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

SECTION 7. That this ordinance will take effect on October 1, 2015, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M. S. ERNST, City Attorney

By _____
Assistant City Attorney

Passed _____

AGENDA ITEM # 59

KEY FOCUS AREA: E-Gov

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: City Manager's Office

CMO: A. C. Gonzalez, 670-3297

MAPSCO: N/A

SUBJECT

An ordinance amending Chapters 2, 43, and 51A of the Dallas City Code **(1)** to change the name of the department of planning and neighborhood vitality to the department of planning and urban design; and **(2)** to add to the duties of the Chief Planning Officer, supervision of the Thoroughfare Plan amendment process and supervision of the implementation of the Dallas Bike Plan - Financing: This action has no cost consideration to the City

BACKGROUND

The Department of Planning and Neighborhood Vitality was created on October 1, 2014 to begin the process of consolidating a number of design and planning activities. The name is being changed to the Department of Planning and Urban Design, and the duties of the Chief Planning Officer are being broadened to more accurately reflect the purpose and work of the Department.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council was briefed on the City Manager's Proposed Budget on August 11, 2015.

FISCAL INFORMATION

This action has no cost consideration to the City.

9/1/2015

ORDINANCE NO._____

An ordinance amending Sections 2-52 and 2-53 of Chapter 2, "Administration," Sections 43-121 and 43-126.5 of Chapter 43, "Streets and Sidewalks," and amending Sections 51A-3.103, 51A-5.209, and 51A-9.102 of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code; changing the name of the department of planning and neighborhood vitality to the department of planning and urban design; adding to the duties of the Chief Planning Officer supervision of the Thoroughfare Plan amendment process and the implementation of the Dallas Bike Plan; making conforming changes; 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 Article V-e, "Reserved," of Chapter 2, "Administration," of the Dallas City Code is amended to read as follows:

"**ARTICLE V-e.**

DEPARTMENT OF PLANNING AND URBAN DESIGN [~~NEIGHBORHOOD VITALITY~~].

SEC. 2-52. CREATED; CHIEF PLANNING OFFICER.

There is hereby created the department of planning and urban design [~~neighborhood vitality~~], the head of which shall be the chief planning officer who shall be appointed by the city manager. The department of planning and urban design [~~neighborhood vitality~~] will be composed of the chief planning officer and such other assistants and employees as the city council may provide by ordinance upon recommendation of the city manager.

SEC. 2-53. DUTIES OF THE CHIEF PLANNING OFFICER.

The chief planning officer shall perform the following duties:

(1) Supervise and administer the department of planning and urban design [~~neighborhood vitality~~].

(2) Advise the city manager, in cooperation with others designated by the city manager, on matters affecting the urban design and physical development of the city.

(3) Develop and recommend to the city manager a comprehensive plan for the city.

(4) Review and make recommendations regarding proposed actions implementing the comprehensive plan.

(5) Supervise the Thoroughfare Plan amendment process and supervise the implementation of the Dallas Bike Plan.

(6) Participate in the preparation and revision of the capital improvement program.

(7[~~6~~]) Coordinate all planning relating to urban redevelopment, urban rehabilitation, and conservation intended to alleviate or prevent slums, obsolescence, blight, or other conditions of urban deterioration.

(8[~~7~~]) Perform such other duties as may be required by the city manager or by ordinance of the city council."

SECS. 2-54 THRU 2-60. RESERVED."

SECTION 2. That Subsection (c) of Section 43-121, "License Required; Application; Issuance," of Division 2, "Bicycle Parking Devices," of Article VI, "License for the Use of Public Right-of-Way," of Chapter 43, "Streets and Sidewalks," of the Dallas City Code is amended to read as follows:

"(c) The director shall forward a copy of any completed application to the departments of street services, sanitation services, code compliance, public works, planning and urban design [~~neighborhood vitality~~], and sustainable development and construction, and to any utility company that might be affected by the proposed installation and operation of a bicycle parking device. Each department, and any utility company notified, shall review the application and return it, with any comments, to the director within 30 days of receipt."

SECTION 3. That Subsection (d) of Section 43-126.5, "License Required; Application; Issuance," of Division 3, "Valet Parking Services," of Article VI, "License for the Use of Public

Right-of-Way," of Chapter 43, "Streets and Sidewalks," of the Dallas City Code is amended to read as follows:

"(d) The director shall forward a copy of any completed application to any person required to be notified under Subsection (c)(7) and to the departments of street services, sanitation services, code compliance, sustainable development and construction, public works, planning and urban design [~~neighborhood vitality~~], and risk management, and to any other department that might be affected by the proposed operation of a valet parking service. Each department, and any other notified persons, shall review the application and return it, with any comments, to the director within 30 days of receipt."

SECTION 4. That Paragraph (4) of Subsection (a), "Creation; Membership; Appointment," of Section 51A-3.103, "Landmark Commission," of Article III, "Decisionmaking and Administrative Bodies," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(4) In addition to the 15 regular members, representatives from the city plan commission, department of sustainable development and construction, the building inspection division of the department of sustainable development and construction, code compliance department, the department of planning and urban design [~~neighborhood vitality~~], and the park and recreation department shall sit on the landmark commission as ex officio members. The ex officio members are not entitled to vote but assist the landmark commission in various functions. The department shall provide adequate staff support to the landmark commission and shall assign a member of the staff to act as the historic preservation officer."

SECTION 5. That Subsection (a) of Section 51A-5.209, "Escarpment Area Review Committee," of Division 51A-5.200, "Escarpment Regulations," of Article V, "Flood Plain and Escarpment Zone Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(a) In order to assist the director and the board of adjustment in the administration and interpretation of these escarpment regulations, and to establish an efficient forum for city input and review of proposed developments in geologically similar areas, an escarpment area review committee ("the committee") shall be established. The committee shall be advisory in nature and be comprised of at least one representative from the departments of sustainable development and construction, parks and recreation, planning and urban design [~~neighborhood vitality~~], and public works. Members of the committee shall be appointed by the heads of the departments they represent. At least two representatives must be present to constitute a quorum."

SECTION 6. That Paragraph (2) of Subsection (a), "Initiation of Thoroughfare Plan Amendments," of Section 51A-9.102, "Thoroughfare Plan Amendment Process," of Division 51A-9.100, "Thoroughfare Plan Amendments," of Article IX, "Thoroughfares," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(2) Proposed changes in the thoroughfare plan may also be initiated by any person who submits the following to the department of planning and urban design [~~neighborhood vitality~~]:

(A) An application, on a form provided for that purpose, with all required information completed.

(B) The required fee."

SECTION 7. That, unless specifically provided otherwise by this ordinance or by state law, a person violating a provision of this ordinance governing fire safety, zoning, or public health and sanitation, including dumping of refuse, is, upon conviction, punishable by a fine not to exceed $2,000 and that a person violating any other provision of this ordinance is, upon conviction, punishable by a fine not to exceed $500.

SECTION 8. That Chapters 2, 43, and 51A of the Dallas City Code, as amended, shall remain in full force and effect, save and except as amended by this ordinance. Any proceeding, civil or criminal, based upon events that occurred before the effective date of this ordinance are saved, and the former law is continued in effect for that purpose.

SECTION 9. 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 10. That this ordinance will take effect on October 1, 2015, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M. S. ERNST, City Attorney

By _____
Assistant City Attorney

Passed _____

AGENDA ITEM # 60

KEY FOCUS AREA: E-Gov

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Human Resources

CMO: A. C. Gonzalez, 670-3302

MAPSCO: N/A

SUBJECT

An ordinance amending Chapter 34, "Personnel Rules," of the Dallas City Code by amending Sections 34-9, 34-22, 34-23, and 34-32 to: **(1)** amend provisions of the personnel rules relating to employee benefits to comply with federal law; and **(2)** eliminate the requirement that certain employees take sick leave or vacation leave in increments of six hours, one-tenth hour, or one-hour - Financing: No cost consideration to the City

BACKGROUND

These ordinance amendments include the Human Resources Department's annual review of Chapter 34, Personnel Rules, of the Dallas City Code.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City

ORDINANCE NO. _____

An ordinance amending Chapter 34, "Personnel Rules," of the Dallas City Code by amending Sections 34-9, 34-22, 34-23, and 34-32; amending provisions of the personnel rules relating to employee benefits to comply with federal law; eliminating the requirement that certain employees to take sick leave or vacation leave in increments of six hours, one-tenth hour, or one-hour, making conforming, semantic, grammatical, and structural changes; 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 34-9, "Eligibility for Benefits," of Article I, "General Provisions," of Chapter 34, "Personnel Rules," of the Dallas City Code is amended to read as follows:

"**SEC. 34-9. ELIGIBILITY FOR BENEFITS.**

(a) Permanent employees.

(1) A permanent full-time employee is eligible for employee benefits, including, but not limited to, paid leave as provided in this chapter, health benefit plan participation [~~membership~~], life insurance, and retirement benefits. Benefits may be changed at any time subject to applicable law.

(2) An employee hired in a classification other than permanent full-time [~~A permanent part-time employee~~] is eligible for [~~the same~~] benefits in accordance with federal law and as described in the applicable plan documents [~~as a permanent full-time employee, but on a prorated basis~~].

(b) [~~Temporary employees. A temporary employee is not eligible for any benefits.~~

~~(c) Special appointments. Benefits of an employee in a special appointment are determined on an individual basis by the director of human resources.~~

~~(d)~~] City council members. City council members are not employees. City council members [~~and~~] are [~~not~~] eligible for certain tax-favored benefits in accordance with federal law and as described in the applicable plan documents[~~, but they may participate in the employee health plan~~]."

SECTION 2. That Section 34-22, "Sick Leave," of Article III, "Leave Policies," of Chapter 34, "Personnel Rules," of the Dallas City Code is amended to read as follows:

"**SEC. 34-22. SICK LEAVE.**

(a) Eligibility. Every permanent employee accrues and may use sick leave upon initial appointment.

(b) Reappointments. A person reappointed as a city employee under conditions described in Section 34-10(a)(1) or (a)(2) retrieves sick leave credit accumulated before the person's previous termination from city employment and is entitled to both accrue and use sick leave after reappointment.

(c) Sworn employee's sick leave eligibility.

(1) A sworn employee of the police or fire department may take 30 sick leave days each calendar year. This amount shall not exceed 360 hours for a sworn employee in the emergency response bureau of the fire department and 240 hours for every other sworn employee of the police or fire department.

(2) Any sick leave days taken in excess of the number that, under Subsection (d), can be accrued during a year will be subtracted from the employee's accrued sick leave balance.

(d) Accrual. Every permanent employee accrues sick leave each year as follows:

(1) A sworn employee in the emergency response bureau of the fire department accrues six hours each bi-weekly pay period, to a maximum of 144 hours annually.

(2) A sworn employee in the communications bureau of the fire department accrues four hours each bi-weekly pay period, to a maximum of 96 hours annually.

(3) Every other bi-weekly paid employee accrues five percent of hours paid up to 80 in each bi-weekly pay period, to a maximum of 96 hours annually.

(4) Every weekly paid employee accrues five percent of hours paid up to 40 in each weekly pay period, to a maximum of 96 hours annually.

(e) Maximum accrual. The maximum sick leave that may be accrued is 2,160 hours for a sworn employee in the emergency response bureau of the fire department and 1,440 hours for any other employee. When an employee's accrued sick leave reaches the maximum number of hours, the accrual ceases until the employee takes sick leave hours.

(f) Computation of sick leave taken. An absence charged to sick leave will be for the number of hours in the standard work day and will not include overtime whether scheduled or not. An absence charged to sick leave for a sworn employee of the emergency response bureau of the fire department will be made on the basis of 24 hours for each scheduled work shift.

(g) [~~Increments. Sick leave may be taken in increments of six hours by a nonexempt sworn employee of the emergency response bureau of the fire department, or in lesser increments subject to departmental approval, and in increments of one-tenth hour for every other nonexempt city employee. An exempt employee must take sick leave in one-hour increments.~~

~~(h)~~] Sick leave usage. Sick leave may only be granted or taken when:

(1) an employee is incapacitated for the performance of duties due to an illness, surgical procedure, or off-job injury;

(2) a medical, dental, or optical examination or treatment is necessary, provided that prior approval of the supervisor is obtained;

(3) an employee is incapacitated by or recovering from pregnancy, miscarriage, abortion, or childbirth;

(4) it is necessary to care for an immediate family member who is ill or incapacitated;

(5) an employee has been exposed to a contagious disease, meaning one that would warrant quarantine by a health officer, and the employee's presence on the job would jeopardize the health of others;

(6) it is allowed under the city's wage supplementation plan; or

(7) it is allowed under the city's administrative directives governing the administration of the Family and Medical Leave Act.

(h[~~i~~]) Notice of unexpected absence.

(1) Notice of absence due to an illness, injury, or any other unexpected reason must be given in the following manner:

(A) Every employee, except one covered by Paragraph (1)(B) of this subsection, must give notice to the employee's supervisor from within two hours before to within

30 minutes after starting time, depending upon departmental procedures. The supervisor may require the employee to report on each succeeding day of absence.

(B) An employee in a department with a 24-hour, seven-day work schedule must give notice to the employee's supervisor at least one hour before reporting time on the first day of the absence and, if required by the supervisor, on each succeeding day of absence.

(2) Failure to give the notice required in this subsection may result in the employee being declared absent without leave and subject to disciplinary action.

(i[~~j~~]) Physician's statement. Upon request by a supervisor, a department director, or the director of human resources, an employee may be required to:

(1) furnish a statement from an attending physician demonstrating the existence of circumstances described in Subsection (h)(1), (2), (3), (4), or (5) of this section; or

(2) submit to a physical or mental examination by a health care provider (including but not limited to a physician or psychologist) selected by the city.

(j[~~k~~]) Refusal to return from sick leave. An employee who is released by the treating physician to return to regular or limited duty and who refuses to report for work or perform assigned duties is subject to disciplinary action.

(k[~~l~~]) Holidays. If an official holiday occurs during a period of illness, an employee will be charged for the holiday instead of for sick leave.

(l[~~m~~]) Illness during vacation. If an employee becomes ill while taking vacation leave, the period of illness may be charged as sick leave and the charge against vacation leave will be reduced accordingly. A request for this substitution must be made within two days after the employee's return to work and must be supported by a medical statement.

(m[~~n~~]) Sick leave during suspension. An employee on suspension forfeits use and accrual of sick leave for the duration of the suspension. Upon completion of the suspension, the employee must either physically return to work or, if ill, submit an approved doctor's statement justifying inability to return to work before sick leave credit and accrual may be restored.

(n[~~o~~]) Sick leave during leave without pay. An employee on leave without pay forfeits use and accrual of sick leave for the duration of the leave without pay, except to the extent that the leave without pay is authorized by the City's Family and Medical Leave provisions. Upon completion of the leave without pay, the employee must either physically return to work or, if ill, submit an approved doctor's statement justifying inability to return to work before sick leave credit and accrual may be restored.

(o[~~p~~]) Military service. Sick leave for an employee performing duties in the military service is governed by Section 34-30 of this chapter and administrative directives established pursuant to that section.

(p[ɋ]) Sick leave adjustment for changes in work schedules. A sworn employee of the fire department will have any sick leave balance adjusted proportionately to reflect differences in work schedules when:

(1) the employee transfers to or from the emergency response bureau of the fire department; or

(2) the employee's full-time regular work schedule is increased or decreased.

(q[ɾ]) Use of vacation leave when sick leave is exhausted. If an employee's sick leave balance is exhausted, the employee may use available vacation leave in cases of illness or injury.

(r[ʂ]) Advance sick leave. The director of a department may approve a request for advance sick leave for an employee who has completed three consecutive years of city employment and accumulated a minimum of 96 hours of sick leave prior to the occurrence of the condition for which the advance sick leave is needed. The employee shall provide an anticipated return to work date when making the request. The maximum advance of sick leave that may be granted may not exceed 120 hours for a sworn employee in the emergency response bureau of the fire department or 80 hours for any other employee. A request for advance sick leave will not be approved until all expendable paid leave is exhausted and the employee has no outstanding balance of previously-granted advance sick leave. If an employee who is indebted for unearned sick leave terminates, the employee shall refund the amount paid for the period of the advanced sick leave. No refund is required in cases of death or retirement for disability.

(s[ʈ]) Lump sum payment of sick leave.

(1) Retirement or 20 years' service. An employee shall be granted lump sum payment of sick leave remaining to the employee's credit in any amount that does not exceed 1,080 hours for a sworn employee in the emergency response bureau of the fire department or 720 hours for any other employee when the employee:

(A) retires from city employment and is immediately eligible to receive retirement payments; or

(B) terminates for any reason with 20 or more years of continuous full-time service, including:

(i) any continuous full-time service retrieved under Section 34-10(a) of this chapter; and

(ii) any credited service purchased for retirement purposes under Section 40A-14 of this code after a termination resulting from a reduction in force.

(2) Disability. Any employee who is placed on a disability pension shall be granted lump sum payment of any sick leave remaining to the employee's credit in any amount

that does not exceed 1,080 hours for a sworn employee in the emergency response bureau of the fire department and 720 hours for any other employee. The appropriate pension board will determine the date of permanent disability. Use of sick leave will be discontinued and lump sum payment made effective on that date.

(3) Death. If an employee dies, the total accumulated sick leave in any amount that does not exceed 1,080 hours for a sworn employee in the emergency response bureau of the fire department and 720 hours for any other employee shall be computed with the final settlement of the employee's wages and paid in a lump sum to the employee's beneficiary or estate.

(4) Computation. Lump sum payment of sick leave is computed by multiplying the number of hours of sick leave to which an employee is entitled by the employee's regular rate of pay on the date of termination. An employee who elects to receive lump sum payment of sick leave upon termination and who is later reemployed with the city may not receive another lump sum payment of sick leave.

(5) Eligibility. An employee hired or rehired by the city on or after October 1, 2003 is not eligible for any lump sum payment of sick leave under this subsection.

(t[~~u~~]) Family leave. An employee who is eligible for family leave under Section 34-24.1(b) may be required to deduct hours from the employee's sick leave balance to cover all or part of any absence from work for a family leave purpose described in Section 34-24.1(c)."

SECTION 3. That Section 34-23, "Vacation Leave," of Article III, "Leave Policies," of Chapter 34, "Personnel Rules," of the Dallas City Code is amended to read as follows:

"**SEC. 34-23. VACATION LEAVE.**

(a) Eligibility. Every permanent employee accrues vacation leave during the initial six months of city employment, but vacation leave may not be used until the initial six months of employment are completed. All vacation leave is forfeited if the employee terminates employment before completing the initial six months of employment.

(b) Reappointments. A person reappointed under conditions described in Section 34-10(a)(1) or (a)(2) accrues vacation leave at a rate determined by the number of years of continuous full-time service retrieved and may both accrue and use vacation leave during the initial six months of employment after reappointment.

(c) Accrual. Vacation leave accrues as follows:

(1) Every permanent employee with less than five years of service accumulates vacation leave as follows:

(A) A sworn employee in the emergency response bureau of the fire department accrues nine hours each bi-weekly pay period, to a maximum of 180 hours annually.

(B) A sworn employee in the communications bureau of the fire department accrues six hours each bi-weekly pay period, to a maximum of 120 hours annually.

(C) A sworn employee of the police department accrues 7.5 percent of hours paid up to 80 in each bi-weekly pay period, to a maximum of 120 hours annually.

(D) Every other bi-weekly paid employee accrues 6.5 percent of hours paid up to 80 in each bi-weekly pay period, to a maximum of 104 hours annually.

(E) A weekly paid employee accrues 6.5 percent of hours paid up to 40 in each weekly pay period, to a maximum of 104 hours annually.

(2) Every permanent employee with five years of service but less than nine years of service accumulates vacation leave as follows:

(A) A sworn employee in the emergency response bureau of the fire department accrues 10.2 hours each bi-weekly pay period, to a maximum of 204 hours annually.

(B) A sworn employee in the communications bureau of the fire department accrues 6.8 hours each bi-weekly pay period, to a maximum of 136 hours annually.

(C) A sworn employee of the police department accrues 8.5 percent of hours paid up to 80 in each bi-weekly pay period, to a maximum of 136 hours annually.

(D) Every other bi-weekly paid employee accrues 7.5 percent of hours paid up to 80 in each bi-weekly pay period, to a maximum of 120 hours annually.

(E) A weekly paid employee accrues 7.5 percent of hours paid up to 40 in each weekly pay period, to a maximum of 120 hours annually.

(3) Every permanent employee with nine years of service but less than 15 years of service accumulates vacation leave as follows:

(A) A sworn employee in the emergency response bureau of the fire department accrues 10.8 hours each bi-weekly pay period, to a maximum of 216 hours annually.

(B) A sworn employee in the communications bureau of the fire department accrues 7.2 hours each bi-weekly pay period, to a maximum of 144 hours annually.

(C) Every other bi-weekly paid employee accrues nine percent of hours paid up to 80 in each bi-weekly pay period, to a maximum of 144 hours annually.

(D) A weekly paid employee accrues nine percent of hours paid up to 40 in each weekly pay period, to a maximum of 144 hours annually.

(4) Every permanent employee with 15 years of service but less than 19 years of service accumulates vacation leave as follows:

(A) A sworn employee in the emergency response bureau of the fire department accrues 12 hours each bi-weekly pay period, to a maximum of 240 hours annually.

(B) A sworn employee in the communications bureau of the fire department accrues eight hours each bi-weekly pay period, to a maximum of 160 hours annually.

(C) Every other bi-weekly paid employee accrues 10 percent of hours paid up to 80 in each bi-weekly pay period, to a maximum of 160 hours annually.

(D) A weekly paid employee accrues 10 percent of hours paid up to 40 in each weekly pay period, to a maximum of 160 hours annually.

(5) Every permanent employee with 19 or more years of service accumulates vacation leave as follows:

(A) A sworn employee in the emergency response bureau of the fire department accrues 13.8 hours each bi-weekly pay period, to a maximum of 276 hours annually.

(B) A sworn employee in communication bureau of the fire department accrues 9.2 hours each bi-weekly pay period, to a maximum of 184 hours annually.

(C) Every other bi-weekly paid employee accrues 11.5 percent of hours paid up to 80 in each bi-weekly pay period, to a maximum of 184 hours annually.

(D) A weekly paid employee accrues 11.5 percent of hours paid up to 40 in each weekly pay period, to a maximum of 184 hours annually.

(d) Maximum accumulation. An employee may accumulate vacation leave up to an amount equal to the employee's vacation leave entitlement for a two-year period. When accumulated vacation leave reaches the maximum allowed, the accrual ceases until vacation leave is taken.

(e) Acceleration and increased accrual limits. Upon the date of an employee's 5th, 9th, 15th and 19th service anniversary:

(1) accrual of vacation leave will be accelerated; and

(2) annual accrual limits of vacation leave will be increased.

(f) Incentive programs. In addition to vacation leave earned under this section, an employee may earn vacation leave under incentive programs approved by the city manager and adopted by the city council.

(g) Vacation usage. Vacation use is based on the employee's regular work day and the number of hours the employee would have worked that day. If the employee is assigned to a standard work week, no more than 40 hours paid leave may be charged in one work week. If the employee is assigned to an approved alternate work schedule, the hours charged in one work week as paid leave may not exceed the maximum hours contained in the alternate work week during which the leave was taken. This subsection does not apply to sworn fire department shift personnel.

(h) [~~Increments. With departmental approval, vacation leave may be taken in increments of six hours by a sworn employee in the emergency response bureau of the fire department and in increments of one-tenth hour by any nonexempt city employee. An exempt employee must take vacation leave in one-hour increments.~~

~~(i)~~] Selection of vacation time. A supervisor may grant vacation leave at a time during the year that will best serve the public interest. Preference may be given to an employee on the basis of length of service.

(i[~~j~~]) Holidays. If an official holiday occurs during vacation leave, an employee will be charged for holiday leave instead of vacation leave. This subsection does not apply to a sworn employee of the emergency response bureau or communications bureau of the fire department who is assigned to a 12-hour or 24-hour work shift.

(j[~~k~~]) Death in family. An appropriate extension of death-in-family leave may be given for a death in an employee's family occurring while the employee is taking vacation leave.

(k[~~l~~]) Vacation leave during suspension. An employee on suspension forfeits use and accrual of vacation leave for the duration of the suspension. Upon completion of the suspension, the employee must either physically return to work or, if ill, submit an approved doctor's statement justifying inability to return to work before vacation leave credit and accrual may be restored.

(l[~~m~~]) Vacation leave during leave without pay. An employee on leave without pay forfeits use and accrual of vacation leave for the duration of the leave without pay, except to the extent that the leave without pay is authorized by the City's Family and Medical Leave provisions. Upon completion of the leave without pay, the employee must either physically return to work or, if ill, submit an approved doctor's statement justifying inability to return to work before vacation leave credit and accrual may be restored.

(m[~~n~~]) Vacation leave in conjunction with leave without pay. Prior departmental approval must be obtained for any period of leave without pay taken in conjunction with a normal vacation. Favorable consideration will be given only to exceptional reasons.

(n[ө]) Pay in lieu of vacation leave. Vacation leave is provided for the specific purpose of allowing an employee a period of rest and recreation, and the practice of "selling" vacation leave is contrary to this purpose. Pay in lieu of vacation leave may only be granted in cases of extreme emergency and must be approved by the city council or city manager.

(o[ҏ]) Lump sum payment of vacation leave.

(1) Payment upon termination. An employee who terminates employment after the initial six months of employment shall be paid for vacation leave accrued but not taken.

(2) Retirement. An employee who retires will be paid in a lump sum for the period of vacation leave due the employee.

(3) Discharge. A discharged employee who has completed the initial six months of city employment will be paid for all accrued vacation leave in a lump sum at the end of the next complete pay period following the date of discharge. No credit will be given for a holiday that may have fallen within the vacation period had the vacation period been extended on the payroll.

(4) Death. Vacation leave accrued to the credit of an employee who dies will automatically be paid in a lump sum. Holidays occurring after the date of death will not be paid. Upon instructions from the city attorney's office, monies due the deceased employee will be delivered to the employee's beneficiary or estate.

(5) Computation. Lump sum payment of vacation leave is computed by multiplying the number of hours of vacation leave to which an employee is entitled by the employee's regular rate of pay on the date of termination from city employment.

(p[ҩ]) Vacation leave adjustment for changes in work schedules. A sworn employee of the fire department will have any vacation leave balance adjusted proportionately to reflect differences in work schedules when:

(1) the employee transfers to or from the emergency response bureau of the fire department; or

(2) the employee's full-time regular work schedule is increased or decreased.

(q[ҽ]) Family leave. An employee who is eligible for family leave under Section 34-24.1(b) may be required to deduct hours from the employee's vacation leave balance to cover all or part of any absence from work for a family leave purpose described in Section 34-24.1(c)."

SECTION 4. That Section 34-32, "Health Benefits," of Article IV, "Benefits," of Chapter 34, "Personnel Rules," of the Dallas City Code is amended to read as follows:

"**SEC. 34-32. HEALTH BENEFIT[~~S~~] PLANS.**

(a) The city extends participation in a health benefit plan [~~program~~] to every permanent full-time [~~and permanent part-time~~] employee and to every city council member. Other classifications of employees are eligible to participate in the city's health benefit plans in accordance with federal law and as described in the applicable plan documents. [~~A temporary employee is not eligible to participate in the health benefit program.~~]

(b) Eligibility, premium rates, and procedures for participation in the health benefit plan [~~program~~] for active employees, [and] retired employees, and city council members are defined in plan documents [~~master plans~~] adopted by the city council and on file with the department of human resources. The city may change the health benefit plans [~~program~~] at any time, subject to applicable law.

(c) Notice of retirees' rights to purchase continued health benefits.

(1) Under Chapter 175 of the Texas Local Government Code, as amended, a person who retires from the city and is entitled to receive city retirement benefits is entitled to purchase retiree [~~continued~~] health benefits coverage from the city for the person and any eligible dependents[~~, unless the person is eligible for group health benefits coverage through another employer~~].

(2) To receive continued health benefits coverage, the person must inform the city, within thirty days of [~~not later than~~] the day on which the person retires, of the election to continue coverage.

(3) If the person elects to continue health benefits coverage for the person and/or any dependents and on any subsequent date elects to discontinue that coverage, then the person is no longer eligible for coverage from the city.

(4) If a person is not participating in the city's active employee health benefit plan [~~program~~] at the time the person retires from the city, the person is not eligible for continued health benefits coverage under the city's retiree health benefit plan.

(5) A person hired as a city employee on or after January 1, 2010 who retires from the city may participate in the retiree health benefit plan [~~program~~] but the cost of the continued health benefits coverage must be paid entirely by the person."

SECTION 5. That Chapter 34 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance. Any proceeding, civil or criminal, based upon events that occurred prior to the effective date of this ordinance are saved, and the former law is continued in effect for that purpose.

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

SECTION 7. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the 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 _____

AGENDA ITEM # 61

KEY FOCUS AREA: E-Gov

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Human Resources

CMO: A. C. Gonzalez, 670-3302

MAPSCO: N/A

SUBJECT

Authorize **(1)** position changes; **(2)** approval of Civilian salary schedules for fiscal year 2015-16; **(3)** Police and Fire Uniform Executive salary schedules; and **(4)** Police and Fire Uniform salary schedules in accordance with the 2013 Meet and Confer Agreement - Financing*:* No cost consideration to the City

BACKGROUND

This item will authorize position additions, deletions, reclassifications, upgrades, downgrades and transfers as a result of revised program goals and budget decisions recently recommended to the City Council.

The recommended FY 2015-16 budget provides a 5% merit step increase in pay for Police and Fire uniform staff in accordance with the terms of the Meet and Confer Agreement. It also provides a 5% merit step increase in pay for Police and Fire Uniformed Executives.

It is necessary to ratify these actions and to amend the civilian pay plans together with the budget providing for these changes.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council ratified the Meet and Confer Agreement on December 11, 2013.

City Council was briefed on the proposed FY 2015-16 Budget on August 11, 2015.

FISCAL INFORMATION

Funding for this item is included as part of the adoption for the FY 2015-16 budget.

September 22, 2015

WHEREAS, the City Council of the City of Dallas has adopted a budget for the fiscal year beginning October 1, 2015; and

WHEREAS, the budget adopted is predicated upon approved salary schedules authorizing a plan of equitable pay; and

WHEREAS, merit pay increases for civilian staff are approved for FY 2015-16; and

WHEREAS, merit step pay increases for uniformed staff are approved for FY 2015-16; and

WHEREAS, the Human Resources Department has assigned new classifications for several positions in the FY 2015-16 budget; and

WHEREAS, it is necessary to authorize the positions which have been deleted, upgraded, downgraded, reclassified or added in the FY 2015-16 budget due to funding and program changes; and

WHEREAS, it is necessary to transfer the Department of Sanitation Services from General Fund 0001 to an Enterprise Fund 0440; and

WHEREAS, it is necessary to transfer positions from one department to another department; and

WHEREAS, it is considered desirable and necessary to ratify these actions and to amend the uniform and civilian pay schedules together with the budget providing for these changes.

NOW, THEREFORE,

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

Section 1. That Alphabetic and Numeric lists of Classification Titles be approved, effective October 1, 2015. **(Attachment A)**

Section 2. That the Civilian salary schedule remains unchanged with no salary adjustment. **(Attachment B)**

Section 3. That the Miscellaneous Civilian salary schedule remains unchanged with no salary adjustment. **(Attachment B-1)**

Section 4. That the Auditor salary schedule remains unchanged with no salary adjustment. **(Attachment B-2)**

Section 5. That the Legal salary schedule remains unchanged with no salary adjustment. **(Attachment B-3)**

Section 6. That the Uniformed Police Executive salary schedule remains unchanged with no salary adjustment. **(Attachment B-4)**

Section 7. That the Uniformed Fire Executive salary schedule remains unchanged with no salary adjustment. **(Attachment B-5)**

Section 8. That the Uniformed Police salary schedule remains unchanged with no salary adjustment. **(Attachment A – Meet & Confer Agreement)**

Section 9. That the Uniformed Fire salary schedule remains unchanged with no salary adjustment. **(Attachment B – Meet & Confer Agreement)**

Section 10. That the City Manager be authorized to add, delete, reclassify and transfer positions effective October 1, 2015, and continuing (unless noted otherwise) as shown on the Attachment C until changed by subsequent Council action. All positions are permanent full-time unless noted otherwise. **(Attachment C)**

Section 11. That in order to accomplish the restructuring goals, the organizations listed in Attachment C are transferred as stated effective October 1, 2015.

Section 12. That the City Manager is authorized to transfer positions due to the conversion of Sanitation Services from General Fund to an Enterprise Fund.

Section 13. That the City Manager or designee be authorized to make, administratively, any further deletion of positions with the implementation of the Budget System.

Section 14. That the City Manager or designee be authorized, upon recommendation from the Director of Human Resources, to make any administrative changes necessary to maintain equity.

Section 15. 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.

Attachment A

CLASSIFICATIONS TO BE CHANGED
Effective October 1, 2015

Classifications To Be Added		
Class Code	**Position Classification Title**	**Pay Grade**
21002	Auto Collision Repair Adjuster	J
43018	Court Specialist Supervisor	G
24135	Chief Resilience Officer	MISC
14031	City Forester	J
20857	Communication Specialist	H
30101	Convention Services Representative	H
30100	Convention Services Representative II	I
30103	Convention Services Representative III	J
40041	Customer Service Agent Trainee	D
18040	Departmental Budget Analyst	I
30177	Event Coordinator	I
38000	Fleet Parts Specialist	C
20060	Human Resources Lead Investigator	I
09528	Literacy Coordinator	G
50012	Master Plumber Supervisor	I
48412	Occupational Health & Safety Standards (OHSAS) Compliance Administrator	J
40043	Operations Specialist	G
20902	Operations Research Analyst	J
48502	Parking and Ground Transportation Coordinator	G
42001	Permit Clerk	D
48410	Privacy Coordinator	K
74005	Production Manager	M
74009	Production Engineer	K
20301	Recruiter	H
30300	Relocation Manager	K
20826	Safety Manager	M
30004	Sanitation Operations Analyst	I
72001	Sanitation Truck Driver Trainee	B
40042	Senior Customer Service Agent	F
38016	Senior Fleet Parts Specialist	E
20020	Senior Human Resources Assistant	H
06208	Senior Sanitarian	H
20156	Test Validation Administrator	K
14422	Volunteer Coordinator	G

Reclassifications, Upgrades and Downgrades				
Class Code	**Position Classification Title**	**Pay Grade**	**New Title**	**New Grade/ Schedule**
24107	Chief Planning Officer	MISC	Chief of Neighborhood Plus	MISC

Attachment A ALPHABETICAL LISTING OF CLASSIFICATIONS BY TITLE

Class Code	Job Classification Title	Pay Grade	Exemption
40036	911 Call Taker	E	Non-Exempt
40006	911 Call Taker Trainee	D	Non-Exempt
22408	Abstractor	E	Non-Exempt
18016	Accountant	F	Exempt
18012	Accountant II	G	Exempt
18011	Accountant III	H	Exempt
56102	Administrative Hearing Officer	F	Exempt
56101	Administrative Hearing Officer II	H	Exempt
22204	Administrative Judge	MISC	Exempt
32405	Administrative Specialist	G	Non-Exempt
32406	Administrative Specialist II	H	Non-Exempt
50724	Airfield Maintenance Technician	D	Non-Exempt
48003	Airport Operations Officer	G	Exempt
48614	Animal Keeper	B	Non-Exempt
12439	Animal Keeper II	C	Non-Exempt
48609	Animal Services Officer	D	Non-Exempt
70036	Apprentice Water Plant Operator	C	Non-Exempt
16415	Arborist	G	Non-Exempt
00008	Architect	K	Exempt
00007	Architect Assistant	I	Exempt
16406	Assistant Building Official	M	Exempt
22013	Assistant City Attorney I	L1	Exempt
22020	Assistant City Attorney II	L2	Exempt
18101	Assistant City Auditor I	A1	Exempt
18102	Assistant City Auditor II	A2	Exempt
18103	Assistant City Auditor III	A3	Exempt
18104	Assistant City Auditor IV	A4	Exempt
18105	Assistant City Auditor V	A5	Exempt
18018	Assistant City Controller	M	Exempt
24101	Assistant City Manager	MISC	Exempt
24725	Assistant City Secretary	MISC	Exempt
24830	Assistant Director I	O	Exempt
24850	Assistant Director II	P	Exempt
24718	Assistant Director Parks and Recreation	MISC	Exempt
14301	Assistant Greens Superintendent	H	Non-Exempt
30015	Assistant to the Mayor	K	Exempt

Attachment A ALPHABETICAL LISTING OF CLASSIFICATIONS BY TITLE

Class Code	Job Classification Title	Pay Grade	Exemption
22202	Associate Municipal Judge	MISC	Exempt
18024	Audit Accountant	M	Exempt
18006	Auditor	J	Exempt
21002	Auto Collision Repair Adjuster	J	Exempt
52038	Automotive Body Repairer II	E	Non-Exempt
46516	Bailiff	F	Non-Exempt
20962	Benefits Specialist	H	Exempt
09018	Branch Delivery Assistant	D	Non-Exempt
18020	Budget Analyst	G	Exempt
18032	Budget Analyst II	H	Exempt
20207	Buyer	F	Exempt
20202	Buyer II	G	Exempt
20208	Buyer III	H	Exempt
50002	Carpenter	D	Non-Exempt
26030	Caseworker	G	Exempt
26031	Caseworker II	H	Exempt
34305	Cashier	B	Non-Exempt
52015	Certified Technician	H	Non-Exempt
04203	Chemist	H	Exempt
46515	Chief Bailiff	I	Exempt
02214	Chief City Surveyor	N	Exempt
46525	Chief Deputy City Marshal	I	Exempt
24334	Chief Financial Officer	S	Exempt
24327	Chief Information Officer	R	Exempt
24107	Chief of Neighborhood Plus	MISC	Exempt
28044	Chief Planner	L	Exempt
30308	Chief Real Estate Specialist	L	Exempt
24135	Chief Resilience Officer	MISC	Exempt
24108	Chief Wellness Officer	MISC	Exempt
43001	City Archivist	I	Exempt
24300	City Attorney	MISC	Exempt
24301	City Auditor	MISC	Exempt
24806	City Controller	Q	Exempt
14031	City Forester	J	Exempt
24100	City Manager	MISC	Exempt
46510	City Marshal	M	Exempt

Attachment A ALPHABETICAL LISTING OF CLASSIFICATIONS BY TITLE

Class Code	Job Classification Title	Pay Grade	Exemption
24302	City Secretary	MISC	Exempt
24722	Civil Service Assistant Director	MISC	Exempt
24304	Civil Service Board Secretary	MISC	Exempt
34311	Collector	E	Non-Exempt
26022	Communication Outreach Representative	F	Non-Exempt
20857	Communication Specialist	H	Exempt
26027	Community Service Worker	B	Non-Exempt
02005	Computer Aided Drafting Technician	E	Non-Exempt
36025	Computer Operations Analyst	I	Non-Exempt
36016	Computer Operator	C	Non-Exempt
36017	Computer Operator II	F	Non-Exempt
20006	Contract Compliance Administrator	G	Exempt
30101	Convention Services Representative	H	Non-Exempt
30100	Convention Services Representative II	I	Exempt
30103	Convention Services Representative III	J	Exempt
30019	Coordinator	G	Exempt
30020	Coordinator II	H	Exempt
30017	Coordinator III	I	Exempt
30021	Coordinator IV	J	Exempt
24003	Council Assistant	J	Exempt
32208	Council Secretary	F	Non-Exempt
43007	Court Specialist	C	Non-Exempt
43009	Court Specialist II	D	Non-Exempt
43018	Court Specialist Supervisor	G	Non-Exempt
50053	Crew Leader	E	Non-Exempt
46535	Crime Scene Analyst	H	Non-Exempt
46539	Crime Scene Analyst Trainer	J	Exempt
46531	Crime Scene Technician	F	Non-Exempt
46534	Crime Technician	E	Non-Exempt
50403	Custodian	B	Non-Exempt
40040	Customer Service Agent	E	Non-Exempt
40041	Customer Service Agent Trainee	D	Non-Exempt
40038	Customer Service Representative	C	Non-Exempt
40019	Customer Service Representative II	D	Non-Exempt
36529	Data Analyst	M	Exempt
36530	Data Engineer	N	Exempt

Attachment A ALPHABETICAL LISTING OF CLASSIFICATIONS BY TITLE

Class Code	Job Classification Title	Pay Grade	Exemption
36531	Database Analyst	L	Exempt
35554	Demographer	I	Exempt
18040	Departmental Budget Analyst	I	Exempt
36100	Departmental Technology Analyst	I	Exempt
46527	Deputy City Marshal	F	Non-Exempt
02504	Design Technician II	F	Non-Exempt
48030	Detention Officer	D	Non-Exempt
24380	Director I	Q	Exempt
24390	Director II	R	Exempt
06004	Director of Medical Emergency Services	MISC	Exempt
30801	Display Artist	F	Non-Exempt
02009	Drafter	E	Non-Exempt
29004	Economic Development Analyst	I	Exempt
43005	Election Manager	K	Exempt
58512	Electrician	F	Non-Exempt
58511	Electrician Assistant	D	Non-Exempt
58516	Electronic Technician	F	Non-Exempt
58515	Electronic Technician Assistant	D	Non-Exempt
24307	Employees' Retirement Fund Administrator	MISC	Exempt
24741	Employees' Retirement Fund Assistant Administrator	MISC	Exempt
36200	Employees' Retirement Fund Information Technology Specialist	J	Exempt
24309	Employees' Retirement Fund Investment Officer	MISC	Exempt
24460	Employees' Retirement Fund Pension Officer	MISC	Exempt
20941	Employees' Retirement Fund Pension Specialist	H	Exempt
20944	Employees' Retirement Pension Fund Accounting Specialist	H	Exempt
00702	Engineer	K	Exempt
00701	Engineer Assistant	I	Exempt
02500	Engineering Aide	B	Non-Exempt
06401	Environmental Coordinator	H	Exempt
06402	Environmental Coordinator II	I	Exempt
06403	Environmental Coordinator III	K	Exempt
06301	Environmental Specialist	D	Non-Exempt
06302	Environmental Specialist II	F	Non-Exempt
06303	Environmental Specialist III	G	Non-Exempt
06300	Environmental Specialist Trainee	C	Non-Exempt
60215	Equipment Operator	D	Non-Exempt

Attachment A ALPHABETICAL LISTING OF CLASSIFICATIONS BY TITLE

Class Code	Job Classification Title	Pay Grade	Exemption
30177	Event Coordinator	I	Exempt
24002	Executive Assistant	I	Exempt
22012	Executive Assistant City Attorney	L5	Exempt
24120	Executive General Manager	MISC	Exempt
32209	Executive Secretary	E	Non-Exempt
26092	Fair Housing Administrator	M	Exempt
26094	Fair Housing Conciliator	I	Exempt
26097	Fair Housing Investigator	H	Exempt
18014	Financial Accountant	K	Exempt
34004	Financial Specialist	E	Non-Exempt
44002	Fire and Rescue Officer	F2	Non-Exempt
44101	Fire and Rescue Officer Trainee I	F2-1	Non-Exempt
44102	Fire and Rescue Officer Trainee II	F2-1	Non-Exempt
44103	Fire and Rescue Officer Trainee III	F2-1	Non-Exempt
44011	Fire Assistant Chief	F8	Exempt
44008	Fire Battalion Section Chief	F6	Non-Exempt
44007	Fire Captain	F5	Non-Exempt
24311	Fire Chief	F9	Exempt
24447	Fire Deputy Chief	F7	Non-Exempt
44004	Fire Driver - Engineer	F3	Non-Exempt
44006	Fire Lieutenant	F4	Non-Exempt
44016	Fire Prevention Captain	F5	Non-Exempt
44015	Fire Prevention Lieutenant	F4	Non-Exempt
44005	Fire Prevention Officer	F2	Non-Exempt
44201	Fire Prevention Officer Trainee I	F2-1	Non-Exempt
44202	Fire Prevention Officer Trainee II	F2-1	Non-Exempt
44203	Fire Prevention Officer Trainee III	F2-1	Non-Exempt
44025	Fire Prevention Section Chief	F6	Non-Exempt
44026	Fire Second Driver	F2	Non-Exempt
44014	Fire Senior Prevention Officer	F3	Non-Exempt
24729	First Assistant City Auditor	MISC	Exempt
24103	First Assistant City Manager	MISC	Exempt
20119	Fitness Specialist	H	Exempt
20120	Fitness Supervisor	I	Exempt
38000	Fleet Parts Specialist	C	Non-Exempt
68106	Flood Control Operator	F	Non-Exempt

Attachment A ALPHABETICAL LISTING OF CLASSIFICATIONS BY TITLE

Class Code	Job Classification Title	Pay Grade	Exemption
46540	Forensic Fingerprint Expert	J	Non-Exempt
46542	Forensic Firearms and Toolmark Examiner	J	Non-Exempt
46541	Forensic Services Administrator	M	Exempt
76103	Forensic Video Specialist	G	Non-Exempt
14030	Forestry Worker	D	Non-Exempt
66217	Fuel Transport Operator	E	Non-Exempt
20911	Fund Analyst	I	Exempt
20916	Fund Development Representative	H	Exempt
24121	General Manager	MISC	Exempt
35545	Geographic Information System Analyst	H	Exempt
35546	Geographic Information System Analyst II	I	Exempt
35547	Geographic Information System Analyst III	J	Exempt
36540	Geographic Information System Manager	N	Exempt
36534	Geographic Information System Support Technician	E	Non-Exempt
36538	Geographic Information System Technical Manager	L	Exempt
30802	Graphics Designer	H	Exempt
14302	Greens Superintendent	I	Exempt
72028	Hazardous Waste Inspector	F	Non-Exempt
50019	Heating, Ventilation, Air Conditioning Mechanic	E	Non-Exempt
60216	Heavy Equipment Operator	E	Non-Exempt
52009	Helicopter Mechanic	G	Non-Exempt
26090	Housing Compliance Administrator	N	Exempt
20023	Human Resources Analyst	G	Exempt
20033	Human Resources Analyst II	H	Exempt
20022	Human Resources Assistant	G	Non-Exempt
20060	Human Resources Lead Investigator	I	Exempt
20814	Human Services Program Specialist	H	Exempt
36502	Information Technology Analyst	H	Exempt
36503	Information Technology Analyst II	I	Exempt
36404	Information Technology Architect	N	Exempt
36405	Information Technology Business Analyst	H	Exempt
36406	Information Technology Business Analyst II	I	Exempt
36407	Information Technology Business Analyst III	J	Exempt
36408	Information Technology Business Analyst IV	L	Exempt
36409	Information Technology Business Analyst V	M	Exempt
36402	Information Technology Engineer	K	Exempt

Attachment A ALPHABETICAL LISTING OF CLASSIFICATIONS BY TITLE

Class Code	Job Classification Title	Pay Grade	Exemption
36505	Information Technology Manager	M	Exempt
36415	Information Technology Project Manager I	I	Exempt
36416	Information Technology Project Manager II	K	Exempt
36417	Information Technology Project Manager III	M	Exempt
16605	Inspector	D	Non-Exempt
16606	Inspector II	F	Non-Exempt
16412	Inspector III	G	Non-Exempt
20001	Instructor	G	Exempt
24110	Intern	C	Non-Exempt
24111	Intern II	D	Non-Exempt
46536	Internal Control Specialist	H	Exempt
46538	Investigative Support Specialist	G	Non-Exempt
50025	Irrigation Technician	C	Non-Exempt
56107	Judicial Hearing Officer	M	Exempt
64003	Laborer	B	Non-Exempt
64004	Laborer II	C	Non-Exempt
00014	Landscape Architect	J	Exempt
00013	Landscape Architect Assistant	H	Exempt
50406	Lead Custodian	C	Non-Exempt
30040	Lean Sigma Six Innovation Manager	MISC	Exempt
22017	Legal Office Administrator	M	Exempt
09740	Librarian	H	Exempt
09741	Librarian II	I	Exempt
09523	Library Associate	F	Exempt
06116	Licensed Vocational Nurse	D	Non-Exempt
09528	Literacy Coordinator	G	Exempt
26003	Loan Services Representative	G	Exempt
56040	Machinist	C	Non-Exempt
24113	Management Development Associate	H	Exempt
30010	Manager	I	Exempt
30011	Manager II	K	Exempt
30012	Manager III	M	Exempt
58514	Master Electrician	I	Exempt
50012	Master Plumber Supervisor	I	Non-Exempt
24001	Mayor/Council Member (non-employee)	MISC	Exempt
56001	Mechanic	C	Non-Exempt

Attachment A ALPHABETICAL LISTING OF CLASSIFICATIONS BY TITLE

Class Code	Job Classification Title	Pay Grade	Exemption
56002	Mechanic II	E	Non-Exempt
24423	Municipal Judge	MISC	Exempt
26115	Neighborhood Code Representative	G	Exempt
36010	Network Analyst	I	Exempt
36006	Network Analyst II	J	Exempt
06513	Nutritionist	G	Exempt
48412	Occupational Health & Safety Standards (OHSAS) Compliance Administrator	J	Exempt
32401	Office Assistant	B	Non-Exempt
32402	Office Assistant II	D	Non-Exempt
20902	Operations Research Analyst	J	Exempt
40043	Operations Specialist	G	Exempt
09000	Page	A	Non-Exempt
50034	Painter	D	Non-Exempt
22014	Paralegal	LA	Non-Exempt
24322	Park and Recreation Director	MISC	Exempt
14675	Park Planner	K	Exempt
48502	Parking and Ground Transportation Coordinator	G	Exempt
66200	Parking Attendant	B	Non-Exempt
56201	Parking Enforcement Officer	D	Non-Exempt
42001	Permit Clerk	D	Non-Exempt
14033	Pesticide Applicator	E	Non-Exempt
06002	Physician	O	Exempt
06003	Physician Manager	P	Exempt
28041	Planner	G	Exempt
28042	Planner II	H	Exempt
28056	Planning Technician	D	Non-Exempt
16401	Plans Examiner	G	Non-Exempt
50010	Plumber	D	Non-Exempt
46027	Police Assistant Chief	P8	Exempt
46014	Police Captain	P6	Exempt
24312	Police Chief	P9	Exempt
46005	Police Corporal	P2	Non-Exempt
24433	Police Deputy Chief	P7	Exempt
46522	Police Dispatcher	F	Non-Exempt
46013	Police Lieutenant	P5	Non-Exempt
46017	Police Major	P6	Exempt

Attachment A ALPHABETICAL LISTING OF CLASSIFICATIONS BY TITLE

Class Code	Job Classification Title	Pay Grade	Exemption
46004	Police Officer	P2	Non-Exempt
46101	Police Officer Trainee I	P2-1	Non-Exempt
46102	Police Officer Trainee II	P2-1	Non-Exempt
46103	Police Officer Trainee III	P2-1	Non-Exempt
40035	Police Report Representative	E	Non-Exempt
46509	Police Research Specialist	G	Exempt
46016	Police Senior Corporal	P3	Non-Exempt
46011	Police Sergeant	P4	Non-Exempt
14324	Pool Associate	A	Non-Exempt
14320	Pool Manager	A	Non-Exempt
50707	Pool Mechanic	E	Non-Exempt
48410	Privacy Coordinator	K	Exempt
74009	Production Engineer	K	Exempt
74005	Production Manager	M	Exempt
74008	Production Specialist	H	Exempt
74002	Production Technician	G	Non-Exempt
36524	Programmer Analyst I	I	Exempt
36526	Programmer Analyst II	K	Exempt
36528	Programmer Analyst III	M	Exempt
02501	Project Assistant	F	Non-Exempt
02520	Project Coordinator	H	Exempt
02514	Project Coordinator II	I	Exempt
02518	Project Coordinator III	J	Exempt
06503	Psychologist	N	Exempt
06113	Public Health Nurse	H	Exempt
06107	Public Health Nurse Practitioner	K	Exempt
06511	Public Health Nutritionist	H	Exempt
40049	Public Information Officer	I	Exempt
40008	Public Information Representative	E	Exempt
40007	Public Information Representative II	G	Exempt
46503	Public Service Officer	C	Non-Exempt
20173	Quality Assurance Specialist	G	Exempt
74022	Radio Announcer	E	Exempt
43000	Records Management Officer	K	Exempt
14522	Recreation Center Assistant	B	Non-Exempt
14520	Recreation Program Specialist	E	Non-Exempt

Attachment A ALPHABETICAL LISTING OF CLASSIFICATIONS BY TITLE

Class Code	Job Classification Title	Pay Grade	Exemption
20301	Recruiter	H	Non-Exempt
30300	Relocation Manager	K	Exempt
26002	Relocation Specialist	H	Non-Exempt
99999	Retiree		
20849	Risk Analyst	H	Exempt
50014	Roofer	C	Non-Exempt
20826	Safety Manager	M	Exempt
20829	Safety Officer	G	Exempt
20828	Safety Officer II	H	Exempt
76200	Sales Manager	MISC	Exempt
76203	Sales Representative	MISC	Exempt
06206	Sanitarian	G	Non-Exempt
06205	Sanitarian Trainee	E	Non-Exempt
30004	Sanitation Operations Analyst	I	Exempt
72001	Sanitation Truck Driver Trainee	B	Non-Exempt
14432	Seasonal Maintenance Worker	A	Non-Exempt
36610	Security Analyst	H	Exempt
48020	Security Officer	E	Non-Exempt
40056	Senior 911 Call Taker	F	Non-Exempt
18013	Senior Accountant	I	Exempt
56100	Senior Administrative Hearing Officer	I	Exempt
48002	Senior Airport Operations Officer	H	Exempt
48610	Senior Animal Services Officer	F	Non-Exempt
00009	Senior Architect	M	Exempt
22011	Senior Assistant City Attorney I	L3	Exempt
22019	Senior Assistant City Attorney II	L4	Exempt
18007	Senior Auditor	L	Exempt
20963	Senior Benefits Specialist	I	Exempt
18033	Senior Budget Analyst	I	Exempt
20203	Senior Buyer	I	Exempt
50004	Senior Carpenter	E	Non-Exempt
26032	Senior Caseworker	I	Exempt
04202	Senior Chemist	I	Exempt
26028	Senior Community Service Worker	C	Non-Exempt
20003	Senior Contract Compliance Administrator	H	Exempt
30022	Senior Coordinator	L	Exempt

Class Code	Job Classification Title	Pay Grade	Exemption
43012	Senior Court Specialist	E	Non-Exempt
50054	Senior Crew Leader	F	Non-Exempt
46507	Senior Criminal Intelligence Analyst	H	Non-Exempt
40042	Senior Customer Service Agent	F	Non-Exempt
40039	Senior Customer Service Representative	E	Non-Exempt
46526	Senior Deputy City Marshal	H	Exempt
02505	Senior Design Technician	G	Non-Exempt
58513	Senior Electrician	G	Non-Exempt
58517	Senior Electronic Technician	G	Non-Exempt
20942	Senior Employees' Retirement Fund Pension Specialist	K	Exempt
20943	Senior Employees' Retirement Pension Fund Accounting Specialist	K	Exempt
00703	Senior Engineer	M	Exempt
06404	Senior Environmental Coordinator	L	Exempt
30005	Senior Executive Assistant	J	Exempt
22021	Senior Executive Assistant City Attorney	L6	Exempt
32220	Senior Executive Secretary	G	Non-Exempt
38016	Senior Fleet Parts Specialist	E	Non-Exempt
35548	Senior Geographic Information System Analyst	K	Exempt
36533	Senior Geographic Information System Support Technician	G	Non-Exempt
14303	Senior Greens Superintendent	J	Exempt
50020	Senior Heating, Ventilation, Air Conditioning Mechanic	F	Non-Exempt
20034	Senior Human Resources Analyst	I	Exempt
20020	Senior Human Resources Assistant	H	Non-Exempt
36504	Senior Information Technology Analyst	J	Exempt
36403	Senior Information Technology Engineer	M	Exempt
36525	Senior Information Technology Manager	N	Exempt
16405	Senior Inspector	H	Non-Exempt
50026	Senior Irrigation Technician	E	Non-Exempt
00015	Senior Landscape Architect	L	Exempt
32207	Senior Legal Secretary	E	Non-Exempt
09743	Senior Librarian	J	Exempt
56041	Senior Machinist	F	Non-Exempt
50052	Senior Maintenance Worker	D	Non-Exempt
56003	Senior Mechanic	F	Non-Exempt
32403	Senior Office Assistant	F	Non-Exempt
56205	Senior Parking Enforcement Officer	E	Non-Exempt

Attachment A ALPHABETICAL LISTING OF CLASSIFICATIONS BY TITLE

Class Code	Job Classification Title	Pay Grade	Exemption
12427	Senior Parks and Recreation Manager	N	Exempt
34006	Senior Payroll Specialist	G	Non-Exempt
28043	Senior Planner	J	Exempt
16404	Senior Plans Examiner	H	Non-Exempt
50011	Senior Plumber	F	Non-Exempt
46524	Senior Police Dispatcher	H	Non-Exempt
40032	Senior Police Report Representative	F	Non-Exempt
30013	Senior Program Manager	N	Exempt
36526	Senior Programmer/Analyst	K	Exempt
02519	Senior Project Coordinator	L	Exempt
06109	Senior Public Health Nurse	I	Exempt
40050	Senior Public Information Officer	J	Exempt
40004	Senior Public Information Representative	H	Exempt
30307	Senior Real Estate Specialist	I	Exempt
26001	Senior Relocation Specialist	I	Exempt
20836	Senior Risk Analyst	I	Exempt
50015	Senior Roofer	D	Non-Exempt
06208	Senior Sanitarian	H	Non-Exempt
36609	Senior Security Analyst	K	Exempt
48019	Senior Security Officer	F	Non-Exempt
38015	Senior Storekeeper	E	Non-Exempt
36507	Senior Systems Programmer	L	Exempt
14412	Senior Therapeutic Recreation Specialist	H	Exempt
66216	Senior Truck Driver	D	Non-Exempt
14718	Senior Usher	B	Non-Exempt
26106	Senior Water Field Representative	F	Non-Exempt
50043	Senior Welder	E	Non-Exempt
63014	Service Agent	G	Non-Exempt
62005	Sign Fabricator	C	Non-Exempt
38006	Storekeeper	B	Non-Exempt
38009	Storekeeper II	C	Non-Exempt
32412	Student Worker	A	Non-Exempt
80120	Summer Youth Employment Program Participant	MISC	Non-Exempt
30023	Supervisor	G	Non-Exempt
30024	Supervisor II	H	Non-Exempt
30025	Supervisor III	I	Exempt

Attachment A ALPHABETICAL LISTING OF CLASSIFICATIONS BY TITLE

Class Code	Job Classification Title	Pay Grade	Exemption
30026	Supervisor IV	J	Exempt
02221	Survey Crew Chief	F	Non-Exempt
02218	Surveyor	K	Exempt
02203	Surveyor Assistant	D	Non-Exempt
02219	Surveyor Trainee	I	Exempt
36508	Systems Programmer	K	Exempt
36602	Telecommunications Services Representative	H	Non-Exempt
76802	Temporary Help	MISC	Non-Exempt
20156	Test Validation Administrator	K	Exempt
20150	Test Validation Specialist	J	Exempt
14407	Therapeutic Recreation Assistant	D	Non-Exempt
14410	Therapeutic Recreation Specialist	G	Exempt
24404	Third Tier Executive	N	Exempt
22407	Title Examiner	G	Exempt
50007	Trades Helper	B	Non-Exempt
56206	Traffic Enforcement Specialist	F	Non-Exempt
36023	Traffic Management Specialist	G	Non-Exempt
40009	Translator	F	Non-Exempt
66214	Truck Driver II	C	Non-Exempt
14720	Usher	A	Non-Exempt
40044	Utility Billing Specialist	D	Non-Exempt
40045	Utility Billing Specialist II	E	Non-Exempt
40046	Utility Billing Specialist III	G	Non-Exempt
12413	Veterinarian	L	Exempt
12410	Veterinary Assistant	E	Non-Exempt
74007	Video Specialist	F	Exempt
14422	Volunteer Coordinator	G	Exempt
68613	Water Field Representative	C	Non-Exempt
68511	Water Field Representative II	E	Non-Exempt
54021	Water Instrument Technician	F	Non-Exempt
68505	Water Meter Reader	B	Non-Exempt
68508	Water Meter Reading Representative	E	Non-Exempt
70037	Water Plant Operator	F	Non-Exempt
36509	Web Designer	J	Exempt
36510	Web Developer	L	Exempt
68639	Wholesale Service Representative	I	Exempt

Attachment A **ALPHABETICAL LISTING OF CLASSIFICATIONS BY TITLE**

Class Code	Job Classification Title	Pay Grade	Exemption
74003	WRR-FM Manager	MISC	Exempt

Attachment A NUMERICAL LISTING OF CLASSIFICATIONS BY CLASS CODE

Class Code	Job Classification Title	Pay Grade	Exemption
00007	Architect Assistant	I	Exempt
00008	Architect	K	Exempt
00009	Senior Architect	M	Exempt
00013	Landscape Architect Assistant	H	Exempt
00014	Landscape Architect	J	Exempt
00015	Senior Landscape Architect	L	Exempt
00701	Engineer Assistant	I	Exempt
00702	Engineer	K	Exempt
00703	Senior Engineer	M	Exempt
02005	Computer Aided Drafting Technician	E	Non-Exempt
02009	Drafter	E	Non-Exempt
02203	Surveyor Assistant	D	Non-Exempt
02214	Chief City Surveyor	N	Exempt
02218	Surveyor	K	Exempt
02219	Surveyor Trainee	I	Exempt
02221	Survey Crew Chief	F	Non-Exempt
02500	Engineering Aide	B	Non-Exempt
02501	Project Assistant	F	Non-Exempt
02504	Design Technician II	F	Non-Exempt
02505	Senior Design Technician	G	Non-Exempt
02514	Project Coordinator II	I	Exempt
02518	Project Coordinator III	J	Exempt
02519	Senior Project Coordinator	L	Exempt
02520	Project Coordinator	H	Exempt
04202	Senior Chemist	I	Exempt
04203	Chemist	H	Exempt
06002	Physician	O	Exempt
06003	Physician Manager	P	Exempt
06004	Director of Medical Emergency Services	MISC	Exempt
06107	Public Health Nurse Practitioner	K	Exempt
06109	Senior Public Health Nurse	I	Exempt
06113	Public Health Nurse	H	Exempt
06116	Licensed Vocational Nurse	D	Non-Exempt
06205	Sanitarian Trainee	E	Non-Exempt
06206	Sanitarian	G	Non-Exempt
06208	Senior Sanitarian	H	Non-Exempt
06300	Environmental Specialist Trainee	C	Non-Exempt

Attachment A NUMERICAL LISTING OF CLASSIFICATIONS BY CLASS CODE

Class Code	Job Classification Title	Pay Grade	Exemption
06301	Environmental Specialist	D	Non-Exempt
06302	Environmental Specialist II	F	Non-Exempt
06303	Environmental Specialist III	G	Non-Exempt
06401	Environmental Coordinator	H	Exempt
06402	Environmental Coordinator II	I	Exempt
06403	Environmental Coordinator III	K	Exempt
06404	Senior Environmental Coordinator	L	Exempt
06503	Psychologist	N	Exempt
06511	Public Health Nutritionist	H	Exempt
06513	Nutritionist	G	Exempt
09000	Page	A	Non-Exempt
09018	Branch Delivery Assistant	D	Non-Exempt
09523	Library Associate	F	Exempt
09528	Literacy Coordinator	G	Exempt
09740	Librarian	H	Exempt
09741	Librarian II	I	Exempt
09743	Senior Librarian	J	Exempt
12410	Veterinary Assistant	E	Non-Exempt
12413	Veterinarian	L	Exempt
12427	Senior Parks and Recreation Manager	N	Exempt
12439	Animal Keeper II	C	Non-Exempt
14030	Forestry Worker	D	Non-Exempt
14031	City Forester	J	Exempt
14033	Pesticide Applicator	E	Non-Exempt
14301	Assistant Greens Superintendent	H	Non-Exempt
14302	Greens Superintendent	I	Exempt
14303	Senior Greens Superintendent	J	Exempt
14320	Pool Manager	A	Non-Exempt
14324	Pool Associate	A	Non-Exempt
14407	Therapeutic Recreation Assistant	D	Non-Exempt
14410	Therapeutic Recreation Specialist	G	Exempt
14412	Senior Therapeutic Recreation Specialist	H	Exempt
14422	Volunteer Coordinator	G	Exempt
14432	Seasonal Maintenance Worker	A	Non-Exempt
14520	Recreation Program Specialist	E	Non-Exempt
14522	Recreation Center Assistant	B	Non-Exempt

Attachment A NUMERICAL LISTING OF CLASSIFICATIONS BY CLASS CODE

Class Code	Job Classification Title	Pay Grade	Exemption
14675	Park Planner	K	Exempt
14718	Senior Usher	B	Non-Exempt
14720	Usher	A	Non-Exempt
16401	Plans Examiner	G	Non-Exempt
16404	Senior Plans Examiner	H	Non-Exempt
16405	Senior Inspector	H	Non-Exempt
16406	Assistant Building Official	M	Exempt
16412	Inspector III	G	Non-Exempt
16415	Arborist	G	Non-Exempt
16605	Inspector	D	Non-Exempt
16606	Inspector II	F	Non-Exempt
18006	Auditor	J	Exempt
18007	Senior Auditor	L	Exempt
18011	Accountant III	H	Exempt
18012	Accountant II	G	Exempt
18013	Senior Accountant	I	Exempt
18014	Financial Accountant	K	Exempt
18016	Accountant	F	Exempt
18018	Assistant City Controller	M	Exempt
18020	Budget Analyst	G	Exempt
18024	Audit Accountant	M	Exempt
18032	Budget Analyst II	H	Exempt
18033	Senior Budget Analyst	I	Exempt
18040	Departmental Budget Analyst	I	Exempt
18101	Assistant City Auditor I	A1	Exempt
18102	Assistant City Auditor II	A2	Exempt
18103	Assistant City Auditor III	A3	Exempt
18104	Assistant City Auditor IV	A4	Exempt
18105	Assistant City Auditor V	A5	Exempt
20001	Instructor	G	Exempt
20003	Senior Contract Compliance Administrator	H	Exempt
20006	Contract Compliance Administrator	G	Exempt
20020	Senior Human Resources Assistant	H	Non-Exempt
20022	Human Resources Assistant	G	Non-Exempt
20023	Human Resources Analyst	G	Exempt
20033	Human Resources Analyst II	H	Exempt

Attachment A NUMERICAL LISTING OF CLASSIFICATIONS BY CLASS CODE

Class Code	Job Classification Title	Pay Grade	Exemption
20034	Senior Human Resources Analyst	I	Exempt
20060	Human Resources Lead Investigator	I	Exempt
20119	Fitness Specialist	H	Exempt
20120	Fitness Supervisor	I	Exempt
20150	Test Validation Specialist	J	Exempt
20156	Test Validation Administrator	K	Exempt
20173	Quality Assurance Specialist	G	Exempt
20202	Buyer II	G	Exempt
20203	Senior Buyer	I	Exempt
20207	Buyer	F	Exempt
20208	Buyer III	H	Exempt
20301	Recruiter	H	Non-Exempt
20814	Human Services Program Specialist	H	Exempt
20826	Safety Manager	M	Exempt
20828	Safety Officer II	H	Exempt
20829	Safety Officer	G	Exempt
20836	Senior Risk Analyst	I	Exempt
20849	Risk Analyst	H	Exempt
20857	Communication Specialist	H	Exempt
20902	Operations Research Analyst	J	Exempt
20911	Fund Analyst	I	Exempt
20916	Fund Development Representative	H	Exempt
20941	Employees' Retirement Fund Pension Specialist	H	Exempt
20942	Senior Employees' Retirement Fund Pension Specialist	K	Exempt
20943	Senior Employees' Retirement Pension Fund Accounting Specialist	K	Exempt
20944	Employees' Retirement Pension Fund Accounting Specialist	H	Exempt
20962	Benefits Specialist	H	Exempt
20963	Senior Benefits Specialist	I	Exempt
21002	Auto Collision Repair Adjuster	J	Exempt
22011	Senior Assistant City Attorney I	L3	Exempt
22012	Executive Assistant City Attorney	L5	Exempt
22013	Assistant City Attorney I	L1	Exempt
22014	Paralegal	LA	Non-Exempt
22017	Legal Office Administrator	M	Exempt
22019	Senior Assistant City Attorney II	L4	Exempt

Attachment A NUMERICAL LISTING OF CLASSIFICATIONS BY CLASS CODE

Class Code	Job Classification Title	Pay Grade	Exemption
22020	Assistant City Attorney II	L2	Exempt
22021	Senior Executive Assistant City Attorney	L6	Exempt
22202	Associate Municipal Judge	MISC	Exempt
22204	Administrative Judge	MISC	Exempt
22407	Title Examiner	G	Exempt
22408	Abstractor	E	Non-Exempt
24001	Mayor/Council Member (non-employee)	MISC	Exempt
24002	Executive Assistant	I	Exempt
24003	Council Assistant	J	Exempt
24100	City Manager	MISC	Exempt
24101	Assistant City Manager	MISC	Exempt
24103	First Assistant City Manager	MISC	Exempt
24107	Chief of Neighborhood Plus	MISC	Exempt
24108	Chief Wellness Officer	MISC	Exempt
24110	Intern	C	Non-Exempt
24111	Intern II	D	Non-Exempt
24113	Management Development Associate	H	Exempt
24120	Executive General Manager	MISC	Exempt
24121	General Manager	MISC	Exempt
24135	Chief Resilience Officer	MISC	Exempt
24300	City Attorney	MISC	Exempt
24301	City Auditor	MISC	Exempt
24302	City Secretary	MISC	Exempt
24304	Civil Service Board Secretary	MISC	Exempt
24307	Employees' Retirement Fund Administrator	MISC	Exempt
24309	Employees' Retirement Fund Investment Officer	MISC	Exempt
24311	Fire Chief	F9	Exempt
24312	Police Chief	P9	Exempt
24322	Park and Recreation Director	MISC	Exempt
24327	Chief Information Officer	R	Exempt
24334	Chief Financial Officer	S	Exempt
24380	Director I	Q	Exempt
24390	Director II	R	Exempt
24404	Third Tier Executive	N	Exempt
24423	Municipal Judge	MISC	Exempt
24433	Police Deputy Chief	P7	Exempt

Attachment A NUMERICAL LISTING OF CLASSIFICATIONS BY CLASS CODE

Class Code	Job Classification Title	Pay Grade	Exemption
24447	Fire Deputy Chief	F7	Non-Exempt
24460	Employees' Retirement Fund Pension Officer	MISC	Exempt
24718	Assistant Director Parks and Recreation	MISC	Exempt
24722	Civil Service Assistant Director	MISC	Exempt
24725	Assistant City Secretary	MISC	Exempt
24729	First Assistant City Auditor	MISC	Exempt
24741	Employees' Retirement Fund Assistant Administrator	MISC	Exempt
24806	City Controller	Q	Exempt
24830	Assistant Director I	O	Exempt
24850	Assistant Director II	P	Exempt
26001	Senior Relocation Specialist	I	Exempt
26002	Relocation Specialist	H	Non-Exempt
26003	Loan Services Representative	G	Exempt
26022	Communication Outreach Representative	F	Non-Exempt
26027	Community Service Worker	B	Non-Exempt
26028	Senior Community Service Worker	C	Non-Exempt
26030	Caseworker	G	Exempt
26031	Caseworker II	H	Exempt
26032	Senior Caseworker	I	Exempt
26090	Housing Compliance Administrator	N	Exempt
26092	Fair Housing Administrator	M	Exempt
26094	Fair Housing Conciliator	I	Exempt
26097	Fair Housing Investigator	H	Exempt
26106	Senior Water Field Representative	F	Non-Exempt
26115	Neighborhood Code Representative	G	Exempt
28041	Planner	G	Exempt
28042	Planner II	H	Exempt
28043	Senior Planner	J	Exempt
28044	Chief Planner	L	Exempt
28056	Planning Technician	D	Non-Exempt
29004	Economic Development Analyst	I	Exempt
30004	Sanitation Operations Analyst	I	Exempt
30005	Senior Executive Assistant	J	Exempt
30010	Manager	I	Exempt
30011	Manager II	K	Exempt
30012	Manager III	M	Exempt

Attachment A NUMERICAL LISTING OF CLASSIFICATIONS BY CLASS CODE

Class Code	Job Classification Title	Pay Grade	Exemption
30013	Senior Program Manager	N	Exempt
30015	Assistant to the Mayor	K	Exempt
30017	Coordinator III	I	Exempt
30019	Coordinator	G	Exempt
30020	Coordinator II	H	Exempt
30021	Coordinator IV	J	Exempt
30022	Senior Coordinator	L	Exempt
30023	Supervisor	G	Non-Exempt
30024	Supervisor II	H	Non-Exempt
30025	Supervisor III	I	Exempt
30026	Supervisor IV	J	Exempt
30040	Lean Sigma Six Innovation Manager	MISC	Exempt
30100	Convention Services Representative II	I	Exempt
30101	Convention Services Representative	H	Non-Exempt
30103	Convention Services Representative III	J	Exempt
30177	Event Coordinator	I	Exempt
30300	Relocation Manager	K	Exempt
30307	Senior Real Estate Specialist	I	Exempt
30308	Chief Real Estate Specialist	L	Exempt
30801	Display Artist	F	Non-Exempt
30802	Graphics Designer	H	Exempt
32207	Senior Legal Secretary	E	Non-Exempt
32208	Council Secretary	F	Non-Exempt
32209	Executive Secretary	E	Non-Exempt
32220	Senior Executive Secretary	G	Non-Exempt
32401	Office Assistant	B	Non-Exempt
32402	Office Assistant II	D	Non-Exempt
32403	Senior Office Assistant	F	Non-Exempt
32405	Administrative Specialist	G	Non-Exempt
32406	Administrative Specialist II	H	Non-Exempt
32412	Student Worker	A	Non-Exempt
34004	Financial Specialist	E	Non-Exempt
34006	Senior Payroll Specialist	G	Non-Exempt
34305	Cashier	B	Non-Exempt
34311	Collector	E	Non-Exempt
35545	Geographic Information System Analyst	H	Exempt

Attachment A NUMERICAL LISTING OF CLASSIFICATIONS BY CLASS CODE

Class Code	Job Classification Title	Pay Grade	Exemption
35546	Geographic Information System Analyst II	I	Exempt
35547	Geographic Information System Analyst III	J	Exempt
35548	Senior Geographic Information System Analyst	K	Exempt
35554	Demographer	I	Exempt
36006	Network Analyst II	J	Exempt
36010	Network Analyst	I	Exempt
36016	Computer Operator	C	Non-Exempt
36017	Computer Operator II	F	Non-Exempt
36023	Traffic Management Specialist	G	Non-Exempt
36025	Computer Operations Analyst	I	Non-Exempt
36100	Departmental Technology Analyst	I	Exempt
36200	Employees' Retirement Fund Information Technology Specialist	J	Exempt
36402	Information Technology Engineer	K	Exempt
36403	Senior Information Technology Engineer	M	Exempt
36404	Information Technology Architect	N	Exempt
36405	Information Technology Business Analyst	H	Exempt
36406	Information Technology Business Analyst II	I	Exempt
36407	Information Technology Business Analyst III	J	Exempt
36408	Information Technology Business Analyst IV	L	Exempt
36409	Information Technology Business Analyst V	M	Exempt
36415	Information Technology Project Manager I	I	Exempt
36416	Information Technology Project Manager II	K	Exempt
36417	Information Technology Project Manager III	M	Exempt
36502	Information Technology Analyst	H	Exempt
36503	Information Technology Analyst II	I	Exempt
36504	Senior Information Technology Analyst	J	Exempt
36505	Information Technology Manager	M	Exempt
36507	Senior Systems Programmer	L	Exempt
36508	Systems Programmer	K	Exempt
36509	Web Designer	J	Exempt
36510	Web Developer	L	Exempt
36524	Programmer Analyst I	I	Exempt
36525	Senior Information Technology Manager	N	Exempt
36526	Programmer Analyst II	K	Exempt
36526	Senior Programmer/Analyst	K	Exempt
36528	Programmer Analyst III	M	Exempt

Attachment A NUMERICAL LISTING OF CLASSIFICATIONS BY CLASS CODE

Class Code	Job Classification Title	Pay Grade	Exemption
36529	Data Analyst	M	Exempt
36530	Data Engineer	N	Exempt
36531	Database Analyst	L	Exempt
36533	Senior Geographic Information System Support Technician	G	Non-Exempt
36534	Geographic Information System Support Technician	E	Non-Exempt
36538	Geographic Information System Technical Manager	L	Exempt
36540	Geographic Information System Manager	N	Exempt
36602	Telecommunications Services Representative	H	Non-Exempt
36609	Senior Security Analyst	K	Exempt
36610	Security Analyst	H	Exempt
38000	Fleet Parts Specialist	C	Non-Exempt
38006	Storekeeper	B	Non-Exempt
38009	Storekeeper II	C	Non-Exempt
38015	Senior Storekeeper	E	Non-Exempt
38016	Senior Fleet Parts Specialist	E	Non-Exempt
40004	Senior Public Information Representative	H	Exempt
40006	911 Call Taker Trainee	D	Non-Exempt
40007	Public Information Representative II	G	Exempt
40008	Public Information Representative	E	Exempt
40009	Translator	F	Non-Exempt
40019	Customer Service Representative II	D	Non-Exempt
40032	Senior Police Report Representative	F	Non-Exempt
40035	Police Report Representative	E	Non-Exempt
40036	911 Call Taker	E	Non-Exempt
40038	Customer Service Representative	C	Non-Exempt
40039	Senior Customer Service Representative	E	Non-Exempt
40040	Customer Service Agent	E	Non-Exempt
40041	Customer Service Agent Trainee	D	Non-Exempt
40042	Senior Customer Service Agent	F	Non-Exempt
40043	Operations Specialist	G	Exempt
40044	Utility Billing Specialist	D	Non-Exempt
40045	Utility Billing Specialist II	E	Non-Exempt
40046	Utility Billing Specialist III	G	Non-Exempt
40049	Public Information Officer	I	Exempt
40050	Senior Public Information Officer	J	Exempt
40056	Senior 911 Call Taker	F	Non-Exempt

Attachment A NUMERICAL LISTING OF CLASSIFICATIONS BY CLASS CODE

Class Code	Job Classification Title	Pay Grade	Exemption
42001	Permit Clerk	D	Non-Exempt
43000	Records Management Officer	K	Exempt
43001	City Archivist	I	Exempt
43005	Election Manager	K	Exempt
43007	Court Specialist	C	Non-Exempt
43009	Court Specialist II	D	Non-Exempt
43012	Senior Court Specialist	E	Non-Exempt
43018	Court Specialist Supervisor	G	Non-Exempt
44002	Fire and Rescue Officer	F2	Non-Exempt
44004	Fire Driver - Engineer	F3	Non-Exempt
44005	Fire Prevention Officer	F2	Non-Exempt
44006	Fire Lieutenant	F4	Non-Exempt
44007	Fire Captain	F5	Non-Exempt
44008	Fire Battalion Section Chief	F6	Non-Exempt
44011	Fire Assistant Chief	F8	Exempt
44014	Fire Senior Prevention Officer	F3	Non-Exempt
44015	Fire Prevention Lieutenant	F4	Non-Exempt
44016	Fire Prevention Captain	F5	Non-Exempt
44025	Fire Prevention Section Chief	F6	Non-Exempt
44026	Fire Second Driver	F2	Non-Exempt
44101	Fire and Rescue Officer Trainee I	F2-1	Non-Exempt
44102	Fire and Rescue Officer Trainee II	F2-1	Non-Exempt
44103	Fire and Rescue Officer Trainee III	F2-1	Non-Exempt
44201	Fire Prevention Officer Trainee I	F2-1	Non-Exempt
44202	Fire Prevention Officer Trainee II	F2-1	Non-Exempt
44203	Fire Prevention Officer Trainee III	F2-1	Non-Exempt
46004	Police Officer	P2	Non-Exempt
46005	Police Corporal	P2	Non-Exempt
46011	Police Sergeant	P4	Non-Exempt
46013	Police Lieutenant	P5	Non-Exempt
46014	Police Captain	P6	Exempt
46016	Police Senior Corporal	P3	Non-Exempt
46017	Police Major	P6	Exempt
46027	Police Assistant Chief	P8	Exempt
46101	Police Officer Trainee I	P2-1	Non-Exempt
46102	Police Officer Trainee II	P2-1	Non-Exempt

Attachment A NUMERICAL LISTING OF CLASSIFICATIONS BY CLASS CODE

Class Code	Job Classification Title	Pay Grade	Exemption
46103	Police Officer Trainee III	P2-1	Non-Exempt
46503	Public Service Officer	C	Non-Exempt
46507	Senior Criminal Intelligence Analyst	H	Non-Exempt
46509	Police Research Specialist	G	Exempt
46510	City Marshal	M	Exempt
46515	Chief Bailiff	I	Exempt
46516	Bailiff	F	Non-Exempt
46522	Police Dispatcher	F	Non-Exempt
46524	Senior Police Dispatcher	H	Non-Exempt
46525	Chief Deputy City Marshal	I	Exempt
46526	Senior Deputy City Marshal	H	Exempt
46527	Deputy City Marshal	F	Non-Exempt
46531	Crime Scene Technician	F	Non-Exempt
46534	Crime Technician	E	Non-Exempt
46535	Crime Scene Analyst	H	Non-Exempt
46536	Internal Control Specialist	H	Exempt
46538	Investigative Support Specialist	G	Non-Exempt
46539	Crime Scene Analyst Trainer	J	Exempt
46540	Forensic Fingerprint Expert	J	Non-Exempt
46541	Forensic Services Administrator	M	Exempt
46542	Forensic Firearms and Toolmark Examiner	J	Non-Exempt
48002	Senior Airport Operations Officer	H	Exempt
48003	Airport Operations Officer	G	Exempt
48019	Senior Security Officer	F	Non-Exempt
48020	Security Officer	E	Non-Exempt
48030	Detention Officer	D	Non-Exempt
48410	Privacy Coordinator	K	Exempt
48412	Occupational Health & Safety Standards (OHSAS) Compliance Administrator	J	Exempt
48502	Parking and Ground Transportation Coordinator	G	Exempt
48609	Animal Services Officer	D	Non-Exempt
48610	Senior Animal Services Officer	F	Non-Exempt
48614	Animal Keeper	B	Non-Exempt
50002	Carpenter	D	Non-Exempt
50004	Senior Carpenter	E	Non-Exempt
50007	Trades Helper	B	Non-Exempt
50010	Plumber	D	Non-Exempt

Attachment A NUMERICAL LISTING OF CLASSIFICATIONS BY CLASS CODE

Class Code	Job Classification Title	Pay Grade	Exemption
50011	Senior Plumber	F	Non-Exempt
50012	Master Plumber Supervisor	I	Non-Exempt
50014	Roofer	C	Non-Exempt
50015	Senior Roofer	D	Non-Exempt
50019	Heating, Ventilation, Air Conditioning Mechanic	E	Non-Exempt
50020	Senior Heating, Ventilation, Air Conditioning Mechanic	F	Non-Exempt
50025	Irrigation Technician	C	Non-Exempt
50026	Senior Irrigation Technician	E	Non-Exempt
50034	Painter	D	Non-Exempt
50043	Senior Welder	E	Non-Exempt
50052	Senior Maintenance Worker	D	Non-Exempt
50053	Crew Leader	E	Non-Exempt
50054	Senior Crew Leader	F	Non-Exempt
50403	Custodian	B	Non-Exempt
50406	Lead Custodian	C	Non-Exempt
50707	Pool Mechanic	E	Non-Exempt
50724	Airfield Maintenance Technician	D	Non-Exempt
52009	Helicopter Mechanic	G	Non-Exempt
52015	Certified Technician	H	Non-Exempt
52038	Automotive Body Repairer II	E	Non-Exempt
54021	Water Instrument Technician	F	Non-Exempt
56001	Mechanic	C	Non-Exempt
56002	Mechanic II	E	Non-Exempt
56003	Senior Mechanic	F	Non-Exempt
56040	Machinist	C	Non-Exempt
56041	Senior Machinist	F	Non-Exempt
56100	Senior Administrative Hearing Officer	I	Exempt
56101	Administrative Hearing Officer II	H	Exempt
56102	Administrative Hearing Officer	F	Exempt
56107	Judicial Hearing Officer	M	Exempt
56201	Parking Enforcement Officer	D	Non-Exempt
56205	Senior Parking Enforcement Officer	E	Non-Exempt
56206	Traffic Enforcement Specialist	F	Non-Exempt
58511	Electrician Assistant	D	Non-Exempt
58512	Electrician	F	Non-Exempt
58513	Senior Electrician	G	Non-Exempt

Attachment A NUMERICAL LISTING OF CLASSIFICATIONS BY CLASS CODE

Class Code	Job Classification Title	Pay Grade	Exemption
58514	Master Electrician	I	Exempt
58515	Electronic Technician Assistant	D	Non-Exempt
58516	Electronic Technician	F	Non-Exempt
58517	Senior Electronic Technician	G	Non-Exempt
60215	Equipment Operator	D	Non-Exempt
60216	Heavy Equipment Operator	E	Non-Exempt
62005	Sign Fabricator	C	Non-Exempt
63014	Service Agent	G	Non-Exempt
64003	Laborer	B	Non-Exempt
64004	Laborer II	C	Non-Exempt
66200	Parking Attendant	B	Non-Exempt
66214	Truck Driver II	C	Non-Exempt
66216	Senior Truck Driver	D	Non-Exempt
66217	Fuel Transport Operator	E	Non-Exempt
68106	Flood Control Operator	F	Non-Exempt
68505	Water Meter Reader	B	Non-Exempt
68508	Water Meter Reading Representative	E	Non-Exempt
68511	Water Field Representative II	E	Non-Exempt
68613	Water Field Representative	C	Non-Exempt
68639	Wholesale Service Representative	I	Exempt
70036	Apprentice Water Plant Operator	C	Non-Exempt
70037	Water Plant Operator	F	Non-Exempt
72001	Sanitation Truck Driver Trainee	B	Non-Exempt
72028	Hazardous Waste Inspector	F	Non-Exempt
74002	Production Technician	G	Non-Exempt
74003	WRR-FM Manager	MISC	Exempt
74005	Production Manager	M	Exempt
74007	Video Specialist	F	Exempt
74008	Production Specialist	H	Exempt
74009	Production Engineer	K	Exempt
74022	Radio Announcer	E	Exempt
76103	Forensic Video Specialist	G	Non-Exempt
76200	Sales Manager	MISC	Exempt
76203	Sales Representative	MISC	Exempt
76802	Temporary Help	MISC	Non-Exempt
80120	Summer Youth Employment Program Participant	MISC	Non-Exempt

Attachment A NUMERICAL LISTING OF CLASSIFICATIONS BY CLASS CODE

Class Code	Job Classification Title	Pay Grade	Exemption
99999	Retiree		

ATTACHMENT B

CITY OF DALLAS
CIVILIAN SALARY SCHEDULE
Effective October 1, 2015

Grade	Minimum				Midpoint				Maximum				Grade
	Annual	Monthly	Biweekly	Hourly	Annual	Monthly	Biweekly	Hourly	Annual	Monthly	Biweekly	Hourly	
A	$17,668	$1,472.29	$679.52	$8.4940	$23,838	$1,986.52	$916.86	$11.4607	$ 30,009	$2,500.75	$1,154.19	$14.4274	A
B	$22,084	$1,840.32	$849.38	$10.6172	$29,797	$2,483.08	$1,146.04	$14.3255	$ 37,510	$3,125.83	$1,442.69	$18.0337	B
C	$24,292	$2,024.34	$934.31	$11.6789	$32,777	$2,731.38	$1,260.64	$15.7579	$ 41,261	$3,438.42	$1,586.96	$19.8370	C
D	$26,721	$2,226.75	$1,027.73	$12.8466	$36,054	$3,004.50	$1,386.69	$17.3336	$ 45,387	$3,782.25	$1,745.65	$21.8207	D
E	$29,393	$2,449.45	$1,130.51	$14.1314	$39,660	$3,304.97	$1,525.37	$19.0672	$ 49,926	$4,160.50	$1,920.23	$24.0029	E
F	$33,290	$2,774.20	$1,280.40	$16.0050	$44,928	$3,744.02	$1,728.01	$21.6001	$ 56,566	$4,713.83	$2,175.62	$27.1952	F
G	$36,620	$3,051.63	$1,408.44	$17.6055	$49,420	$4,118.36	$1,900.78	$23.7597	$ 62,221	$5,185.08	$2,393.12	$29.9139	G
H	$40,281	$3,356.79	$1,549.29	$19.3661	$54,350	$4,529.19	$2,090.39	$26.1299	$ 68,419	$5,701.58	$2,631.50	$32.8938	H
I	$44,309	$3,692.42	$1,704.19	$21.3024	$59,799	$4,983.21	$2,299.94	$28.7493	$ 75,288	$6,274.00	$2,895.69	$36.1962	I
J	$48,739	$4,061.59	$1,874.58	$23.4322	$65,778	$5,481.50	$2,529.92	$31.6241	$ 82,817	$6,901.42	$3,185.27	$39.8159	J
K	$53,614	$4,467.83	$2,062.07	$25.7759	$72,357	$6,029.75	$2,782.96	$34.7870	$ 91,100	$7,591.67	$3,503.85	$43.7981	K
L	$59,542	$4,961.82	$2,290.07	$28.6259	$80,366	$6,697.20	$3,091.02	$38.6377	$ 101,191	$8,432.58	$3,891.96	$48.6495	L
M	$65,496	$5,458.01	$2,519.08	$31.4885	$88,404	$7,366.96	$3,400.14	$42.5017	$ 111,311	$9,275.92	$4,281.19	$53.5149	M
N	$72,046	$6,003.80	$2,770.99	$34.6373	$97,244	$8,103.65	$3,740.15	$46.7518	$ 122,442	$10,203.50	$4,709.31	$58.8663	N
O	$79,250	$6,604.18	$3,048.08	$38.1010	$106,968	$8,914.00	$4,114.16	$51.4269	$ 134,686	$11,223.83	$5,180.23	$64.7529	O
P	$88,006	$7,333.82	$3,384.84	$42.3105	$118,080	$9,840.00	$4,541.54	$56.7692	$ 148,154	$12,346.17	$5,698.23	$71.2279	P
Q	$96,806	$8,067.16	$3,723.31	$46.5413	$130,679	$10,889.91	$5,026.11	$62.8264	$ 164,552	$13,712.67	$6,328.92	$79.1115	Q
R	$106,487	$8,873.91	$4,095.65	$51.1956	$143,891	$11,990.91	$5,534.27	$69.1783	$ 181,295	$15,107.92	$6,972.88	$87.1611	R
S	$117,136	$9,761.32	$4,505.23	$56.3153	$158,122	$13,176.83	$6,081.61	$76.0202	$ 199,108	$16,592.33	$7,658.00	$95.7250	S
T	$128,849	$10,737.40	$4,955.72	$61.9465	$173,934	$14,494.49	$6,689.77	$83.6221	$ 219,019	$18,251.58	$8,423.81	$105.2976	T

Attachment B-1

CITY OF DALLAS
MISCELLANEOUS SALARY SCHEDULE
Effective October 1, 2015

CLASS CODE	TITLE			MINIMUM	MAXIMUM
22204	Administrative Judge			Salary Determined By Council or Board	
24101	Assistant City Manager			Salary Determined By City Manager	
24725	Assistant City Secretary*			Salary Determined By City Secretary	
22202	Associate Municipal Judge			Salary Determined By Council or Board	
24107	Chief of Neighborhood Plus			Salary Determined By City Manager	
24108	Chief Wellness Officer			Salary Determined By City Manager	
24300	City Attorney			Salary Determined By Council	
24301	City Auditor			Salary Determined By Council	
24100	City Manager			Salary Determined By Council	
24135	Chief Resilience Officer			Salary Determined By City Manager	
24302	City Secretary*			Salary Determined By Council	
24722	Civil Service Assistant Director			Salary Determined By Council or Board	
24001	Council Member/Mayor (Non-employee)			Salary Determined By City Charter	
06004	Director of Medical Emergency Services			Salary Determined By City Manager	
24307	Employee Retirement Fund Administrator			Salary Determined By Council or Board	
24309	Employees Retirement Fund Investment Officer			Salary Determined By Council or Board	
24741	Employee Retirement Fund Assistant Administrator			Salary Determined By Council or Board	
24460	Employee Retirement Fund Pension Officer			Salary Determined By Council or Board	
24120	Executive General Manager			Salary Determined By City Manager	
24729	First Assistant City Auditor			Salary Determined By City Auditor	
24103	First Assistant City Manager			Salary Determined By City Manager	
24121	General Manager			Salary Determined By City Manager	
30040	Lean Six Sigma Innovation Manager			Salary Determined By City Manager	
24423	Municipal Judge			Salary Determined By Council or Board	
24718	Park and Recreation Assistant Director			Salary Determined By Council or Board	
24322	Park and Recreation Director			Salary Determined By Council or Board	
24304	Secretary to Civil Service Board			Salary Determined By Council or Board	
74003	WRR-FM Manager	**	Range - Annual	69,948.50	113,150.73
			- Monthly	5,829.04	9,429.23
			- Biweekly	2,690.33	4,351.95
76200	Sales Manager	**	Range - Annual	26,264.42	33,146.80
			- Monthly	2,188.70	2,762.23
			- Biweekly	1,010.17	1,274.88
76203	Sales Representative		1,000 - 3,000 draw against commission		
80120	SYEP Participant		- Hourly	7.25	8.66
76802	Temporary Help			Hourly Salary Varies By Assignment	

ASSIGNMENT PAY:

Language Skills	$110, $150/month
Shift Pay (see Police Speical Pay fo First Watch pay)	3.5% of Pay
	6.5% of Pay for Deep Nights

*Other positions in City Secretary's Office included on Civilian Salary Schedule.

** Eligible for commission

Attachment B-2

CITY OF DALLAS
AUDITOR SALARY SCHEDULE
Effective October 1, 2015

Grade	Minimum					Midpoint				Maximum				Grade
	Annual	Annual	Monthly	Biweekly	Hourly	Annual	Monthly	Biweekly	Hourly	Annual	Monthly	Biweekly	Hourly	
A5	$96,600	$99,498	$8,291.50	$3,826.85	$47.8356	$141,518	$11,793.21	$5,443.02	$68.0377	$183,539	$15,294.91	$7,059.19	$88.2399	A5
A4	$84,000	$88,200	$7,350.00	$3,392.31	$42.4038	$119,700	$9,975.00	$4,603.85	$57.5481	$151,200	$12,600.00	$5,815.38	$72.6923	A4
A3	$71,399	$74,969	$6,247.42	$2,883.42	$36.0428	$96,389	$8,032.41	$3,707.27	$46.3409	$117,809	$9,817.41	$4,531.11	$56.6389	A3
A2	$53,040	$55,162	$4,596.83	$2,121.62	$26.5202	$69,318	$5,776.50	$2,666.08	$33.3260	$83,474	$6,956.17	$3,210.54	$40.1317	A2
A1	$43,679	$45,426	$3,785.50	$1,747.15	$21.8394	$53,592	$4,466.04	$2,061.25	$25.7656	$61,759	$5,146.58	$2,375.34	$29.6918	A1

Attachment B-3

CITY OF DALLAS
LEGAL SALARY SCHEDULE
Effective October 1, 2015

Grade	Minimum				Midpoint				Maximum				Grade
	Annual	Monthly	Biweekly	Hourly	Annual	Monthly	Biweekly	Hourly	Annual	Monthly	Biweekly	Hourly	
L6	$129,779	$10,814.91	$4,991.50	$62.3937	$199,708	$16,642.37	$7,681.09	$96.0137	$269,638	$22,469.83	$10,370.69	$129.6336	L6
L5	$87,061	$7,255.06	$3,348.49	$41.8561	$130,601	$10,883.43	$5,023.12	$62.7890	$174,141	$14,511.79	$6,697.75	$83.7219	L5
L4*	$71,920	$5,993.31	$2,766.14	$34.5768	$108,305	$9,025.41	$4,165.57	$52.0697	$144,690	$12,057.50	$5,565.00	$69.5625	L4
L3*	$64,889	$5,407.41	$2,495.73	$31.1966	$92,546	$7,712.21	$3,559.48	$44.4935	$120,204	$10,017.00	$4,623.23	$57.7904	L3
L2*	$54,075	$4,506.25	$2,079.81	$25.9976	$68,381	$5,698.44	$2,630.05	$32.8756	$82,688	$6,890.63	$3,180.29	$39.7536	L2
L1	$48,666	$4,055.54	$1,871.79	$23.3973	$59,061	$4,921.79	$2,271.59	$28.3949	$69,456	$5,788.04	$2,671.40	$33.3925	L1
LA	$40,281	$3,356.77	$1,549.28	$19.3660	$54,343	$4,528.61	$2,090.13	$26.1266	$68,405	$5,700.45	$2,630.98	$32.8872	LA

*For grades L2-L4, pay categories of A, B and C will be assigned by the City Attorney. Movement within categories A, B and C are approved by the City Attorney.

Attachment A
(Meet and Confer)

CITY OF DALLAS
UNIFORMED POLICE SALARY SCHEDULE
Effective October 1, 2015

CLASS CODE	RANK	GRADE-STEP	MONTH	ANNUAL
46101	Police Officer Trainee I	P2 - 1	$3,722	$44,658
46102	Police Officer Trainee II	P2 - 1	$3,722	$44,658
46103	Police Officer Trainee III	P2 - 1	$3,722	$44,658
46004	Police Officer	P2 - 1	$3,722	$44,659
46004	Police Officer, 1 Year	P2 - 2	$3,906	$46,870
46004	Police Officer, 1 Year	P2 - 3	$4,101	$49,207
46004	Police Officer, 1 Year	P2 - 4	$4,307	$51,688
46004	Police Officer, 1 Year	P2 - 5	$4,522	$54,263
46004	Police Officer, 1 Year	P2 - 6	$4,748	$56,971
46004	Police Officer, 1 Year	P2 - 7	$4,987	$59,840
46004	Police Officer, 1 Year	P2 - 8	$5,234	$62,812
46004	Police Officer, 1 Year	P2 - 9	$5,496	$65,956
46004	Police Officer, 1 Year	P2 - 10	$5,772	$69,260
46004	Police Officer	P2 - 11	$6,060	$72,718
46005	Police Corporal, 1Year	P2 - 4	$4,307	$51,688
46005	Police Corporal, 1Year	P2 - 5	$4,522	$54,263
46005	Police Corporal, 1Year	P2 - 6	$4,748	$56,971
46005	Police Corporal, 1Year	P2 - 7	$4,987	$59,840
46005	Police Corporal, 1 Year	P2 - 8	$5,234	$62,812
46005	Police Corporal, 1 Year	P2 - 9	$5,496	$65,956
46005	Police Corporal, 1 Year	P2 - 10	$5,772	$69,260
46005	Police Corporal	P2 - 11	$6,060	$72,718
46016	Police Senior Corporal, Start	P3 - 1	$3,826	$45,916
46016	Police Senior Corporal, 1 Year	P3 - 2	$4,031	$48,371
46016	Police Senior Corporal, 1 Year	P3 - 3	$4,307	$51,688
46016	Police Senior Corporal, 1 Year	P3 - 4	$4,522	$54,263
46016	Police Senior Corporal, 1 Year	P3 - 5	$4,748	$56,971
46016	Police Senior Corporal, 1 Year	P3 - 6	$4,987	$59,840
46016	Police Senior Corporal, 1 Year	P3 - 7	$5,234	$62,812
46016	Police Senior Corporal, 1 Year	P3 - 8	$5,496	$65,956
46016	Police Senior Corporal, 1 Year	P3 - 9	$5,771	$69,248
46016	Police Senior Corporal, 1 Year	P3 - 10	$6,060	$72,718
46016	Police Senior Corporal, 1 Year	P3 - 11	$6,363	$76,355
46016	Police Senior Corporal	P3 - 12	$6,681	$80,173

CLASS CODE	RANK	GRADE-STEP	MONTH	ANNUAL
46011	Police Sergeant, Start	P4 - 1	$4,395	$52,742
46011	Police Sergeant, 1 Year	P4 - 2	$4,716	$56,598
46011	Police Sergeant, 1 Year	P4 - 3	$4,952	$59,426
46011	Police Sergeant, 1 Year	P4 - 4	$5,200	$62,394
46011	Police Sergeant, 1 Year	P4 - 5	$5,460	$65,519
46011	Police Sergeant, 1 Year	P4 - 6	$5,732	$68,784
46011	Police Sergeant, 1 Year	P4 - 7	$6,020	$72,245
46011	Police Sergeant, 1 Year	P4 - 8	$6,321	$75,856
46011	Police Sergeant, 1 Year	P4 - 9	$6,637	$79,639
46011	Police Sergeant, 1 Year	P4 - 10	$6,968	$83,621
46011	Police Sergeant	P4 - 11	$7,317	$87,802
46013	Police Lieutenant, Start	P5 - 1	$4,823	$57,875
46013	Police Lieutenant, 1 Year	P5 - 2	$5,167	$62,001
46013	Police Lieutenant, 1 Year	P5 - 3	$5,425	$65,096
46013	Police Lieutenant, 1 Year	P5 - 4	$5,697	$68,364
46013	Police Lieutenant, 1 Year	P5 - 5	$5,982	$71,779
46013	Police Lieutenant, 1 Year	P5 - 6	$6,280	$75,366
46013	Police Lieutenant, 1 Year	P5 - 7	$6,594	$79,123
46013	Police Lieutenant, 1 Year	P5 - 8	$6,923	$83,078
46013	Police Lieutenant, 1 Year	P5 - 9	$7,269	$87,230
46013	Police Lieutenant, 1 Year	P5 - 10	$7,633	$91,591
46013	Police Lieutenant	P5 - 11	$8,014	$96,170
46014	Police Captain, Start	P6 - 1	$5,292	$63,500
46014	Police Captain, 1 Year	P6 - 2	$5,669	$68,025
46014	Police Captain, 1 Year	P6 - 3	$5,951	$71,410
46014	Police Captain, 1 Year	P6 - 4	$6,250	$74,996
46014	Police Captain, 1 Year	P6 - 5	$6,563	$78,759
46014	Police Captain, 1 Year	P6 - 6	$6,890	$82,685
46014	Police Captain, 1 Year	P6 - 7	$7,234	$86,812
46014	Police Captain, 1 Year	P6 - 8	$7,597	$91,163
46014	Police Captain, 1 Year	P6 - 9	$7,977	$95,729
46014	Police Captain, 1 Year	P6 - 10	$8,376	$100,515
46014	Police Captain	P6 - 11	$8,795	$105,541

The number of years indicated beside the Rank indicate the minimum number of years that an officer must be in the Step prior to being eligible for the next Step in the Rank. If officers are not given a step pay increase in any fiscal year for budgetary reasons, when step pay increases are resumed in a subsequent fiscal year, it is expected that officers' pay will only increase one step (if they meet the eligibility requireents). Officers should not expect a double-step in order to make up for step increases not previously given for budgetary reasons in any fiscal year.

Attachment B

POLICE SPECIAL PAY
Effective October 1, 2015

Certification Pay (applicable to all ranks)

Rate: TCLEOSE Intermediate Certification: $200 per month
TCLEOSE Master Certification: $500 per month

Note: Certification requirements and TCLEOSE verification must be completed by 9/30/13 in order to receive payment

Detective Assignment Pay (applicable to Police Senior Corporal)

Rate: $100 per month for assignment to investigative duties as a Detective

Educational Incentive Pay (applicable to all ranks)

	Pay Rate					
	0 - 45 hours	45 - 90 hours	90 - 105 hours	105 hours or more	Max w/o Bachelors	Bachelors Degree
Effective April 1, 2013	0	Every additional 3 hours credit - $12 per month	Every additional 3 hours credit - $12 per month	0	$240 per month	$300 per month

Field Training Officer Pay (applicable to Police Senior Corporal)

Rate: $100 per month for assignment as Field Training Officer

Narcotics Hazardous Material Interdiction Team

Applicable to selected positions in Narcotics Division (Clandestine Lab Squad) as determined by the Police Chief and approved by the Director of Human Resources.

Rate: Ranks of Sergeant and below: $100/month

Patrol Duty Pay (applicable to ranks of Police Officer and Police Corporal)

Paid for assignment to a Patrol, Traffic, Special Operations Divisions and Gang Unit according to the following schedule:

6 Years Service	$100 per month
8 Years Service	$125 per month
10 Years Service	$150 per month

Retention Incentive (applicable to all ranks)

Rate: $5,000 lump sum.
Must have completed 5 continuous years of service as a uniformed employee after 9/30/06 based on adjusted date of appointment as uniformed employee, excluding any breaks in service due to disciplinary action, reappointment, or reinstatement.

Retention Incentive (applicable to all ranks)

Rate: $3,000 lump sum.
Must have completed 10 continuous years of service as a uniformed employee after 9/30/07 based on adjusted date of appointment as uniformed employee, excluding any breaks in service due to disciplinary action, reappointment, or reinstatement.

Service Pay (applicable to all ranks) - Article 1269q, V.T.C.S.

Rate: $4 per month for each year of service completed
Maximum: $100 per month for 25 years of service

Shift Assignment Pay

Rate: 3.5% for uniformed Police

First Watch Assignment Pay (applicable to all ranks)

Rate: 6.5% for First Watch from 12:00 midnight to 8:00am

POLICE SPECIAL PAY
Effective October 1, 2015

Down Payment Assistance Program Rate: $6,000 one time lump sum compensation

The Police Down Payment Assistance Program provides qualified police officers compensation of $6,000 to be used towards their down payment and non-recurring closing costs as described below and is available throughout the City of Dallas geographical boundaries.

HOW DO I QUALIFY?

To qualify for the program, you must meet the following requirements:

1. An Applicant must be a sworn police officer employed by the City of Dallas and have successfully completed the City of Dallas' Police Academy.
2. Applicants have not owned a home, condominium or townhome in the City of Dallas in the last twelve months.
3. Applicants must qualify for a fixed-rate first mortgage from a private lender.
4. Applicants must sign an Affidavit of intent to live at the homestead for five years and to reimburse the City $1,200 for each year the recipient does not occupy the purchased homestead.

HOW LONG IS THE PROCESS?

After you have completed the application and submitted all supplemental documentation to the department designated by the City Manager, staff will need to verify the information and determine whether or not you are eligible for the program. The process time is approximately 10 to 15 business days. If you qualify, a Certificate of Eligibility will be sent to you and/or your lender. A check or wire transfer will be sent to the title company at closing

GENERAL PROGRAM

All applications are subject to the following program guidelines. These are general guidelines and may or may not be complete.

1. Applicants currently living in a rental situation or similar non-ownership situation are eligible for consideration under the program. Applicants having owned a home, condominium or townhome in the last 12 months within the City of Dallas are not eligible for consideration. The program is not intended to assist current homeowners purchase a new home.

2. Only Single Family Homes, Condominiums and Townhomes are eligible for consideration. New construction is eligible under this program but must be completed within 120 days of determination of eligibility by the department designated by the City Manager.

3. All homes must be occupied by the Applicant/recipient for a period of five (5) years from the date of purchase and will be verified by the City annually.

4. Applicants are allowed to have co-signers on the first lien loan.

5. The down payment assistance compensation is taxable to the employee and subject to withholding for Medicare, and the City will pay its pension contribution on the $6,000.

6. The City requires all first lien loans to be at a fixed rate of interest.

7. The property to be purchased must meet the minimum property requirements of the Code Compliance Department and will be inspected by the City or its representatives for compliance.

8. It is the applicant's responsibility to verify that the property to be purchased is located within the City of Dallas.

9. Applications will be accepted by the department designated by the City Manager beginning at 8:30 A.M., May 15, 2008.

Attachment B
(Meet and Confer)

CITY OF DALLAS
UNIFORM FIRE SALARY SCHEDULE
Effective October 1, 2015

CLASS CODE	RANK	GRADE-STEP	MONTH	ANNUAL
44101	Fire & Rescue Officer Trainee I	F2 - 1	$3,722	$44,658
44102	Fire & Rescue Officer Trainee II	F2 - 1	$3,722	$44,658
44103	Fire & Rescue Officer Trainee III	F2 - 1	$3,722	$44,658
44002	Fire & Rescue Officer, Start (Prob. Compl.)	F2 - 1	$3,722	$44,658
44002	Fire & Rescue Officer, 1 Yr.	F2 - 4	$3,906	$46,870
44002	Fire & Rescue Officer, 1 Yr.	F2 - 7	$4,101	$49,207
44002	Fire & Rescue Officer, 1 Yr.	F2 - 8	$4,307	$51,688
44002	Fire & Rescue Officer, 1 Yr.	F2 - 9	$4,522	$54,263
44002	Fire & Rescue Officer, 1 Yr.	F2 - 10	$4,748	$56,971
44002	Fire & Rescue Officer, 1 Yr.	F2 - 11	$4,987	$59,840
44002	Fire & Rescue Officer, 1 Yr.	F2 - 12	$5,234	$62,812
44002	Fire & Rescue Officer, 1 Yr.	F2 - 13	$5,496	$65,956
44002	Fire & Rescue Officer, 1 Yr.	F2 - 14	$5,772	$69,260
44002	Fire & Rescue Officer	F2 - 15	$6,060	$72,718
44026	Fire Second Driver, Start	F2 - 2	$3,755	$45,055
44026	Fire Second Driver, 1 Yr.	F2 - 5	$3,924	$47,091
44026	Fire Second Driver, 1 Yr.	F2 - 7	$4,101	$49,207
44026	Fire Second Driver, 1 Yr.	F2 - 8	$4,307	$51,688
44026	Fire Second Driver, 1 Yr.	F2 - 9	$4,522	$54,263
44026	Fire Second Driver, 1 Yr.	F2 - 10	$4,748	$56,971
44026	Fire Second Driver, 1 Yr.	F2 - 11	$4,987	$59,840
44026	Fire Second Driver, 1 Yr.	F2 - 12	$5,234	$62,812
44026	Fire Second Driver, 1 Yr.	F2 - 13	$5,496	$65,956
44026	Fire Second Driver, 1 Yr.	F2 - 14	$5,772	$69,260
44026	Fire Second Driver	F2 - 15	$6,060	$72,718
44004	Fire Driver - Engineer, Start	F3 - 1	$3,826	$45,916
44004	Fire Driver - Engineer, 1 Yr.	F3 - 2	$4,031	$48,371
44004	Fire Driver - Engineer, 1 Yr.	F3 - 3	$4,307	$51,688
44004	Fire Driver - Engineer, 1 Yr.	F3 - 4	$4,522	$54,263
44004	Fire Driver - Engineer, 1 Yr.	F3 - 5	$4,748	$56,971
44004	Fire Driver - Engineer, 1 Yr.	F3 - 6	$4,987	$59,840
44004	Fire Driver - Engineer, 1 Yr.	F3 - 7	$5,234	$62,812
44004	Fire Driver - Engineer, 1 Yr.	F3 - 8	$5,496	$65,956
44004	Fire Driver - Engineer, 1 Yr.	F3 - 9	$5,771	$69,248
44004	Fire Driver - Engineer, 1 Yr.	F3 - 10	$6,060	$72,718
44004	Fire Driver - Engineer, 1 Yr.	F3 - 11	$6,363	$76,355
44004	Fire Driver - Engineer	F3 - 12	$6,681	$80,173

CLASS CODE	RANK	GRADE-STEP	MONTH	ANNUAL
44006	Fire Lieutenant, Start	F4 - 1	$4,226	$52,742
44006	Fire Lieutenant, 1 Yr.	F4 - 2	$4,535	$56,598
44006	Fire Lieutenant, 1 Yr.	F4 - 3	$4,762	$59,426
44006	Fire Lieutenant, 1 Yr.	F4 - 4	$5,000	$62,394
44006	Fire Lieutenant, 1 Yr.	F4 - 5	$5,250	$65,519
44006	Fire Lieutenant, 1 Yr.	F4 - 6	$5,512	$68,784
44006	Fire Lieutenant, 1 Yr.	F4 - 7	$5,789	$72,245
44006	Fire Lieutenant, 1 Yr.	F4 - 8	$6,078	$75,856
44006	Fire Lieutenant, 1 Yr.	F4 - 9	$6,381	$79,639
44006	Fire Lieutenant, 1 Yr.	F4 - 10	$6,700	$83,620
44006	Fire Lieutenant	F4 - 11	$7,035	$87,801
44007	Fire Captain, Start	F5 - 1	$4,637	$57,875
44007	Fire Captain, 1 Yr.	F5 - 2	$4,968	$62,001
44007	Fire Captain, 1 Yr.	F5 - 3	$5,216	$65,096
44007	Fire Captain, 1 Yr.	F5 - 4	$5,478	$68,364
44007	Fire Captain, 1 Yr.	F5 - 5	$5,752	$71,779
44007	Fire Captain, 1 Yr.	F5 - 6	$6,039	$75,366
44007	Fire Captain, 1 Yr.	F5 - 7	$6,340	$79,123
44007	Fire Captain, 1 Yr.	F5 - 8	$6,657	$83,078
44007	Fire Captain, 1 Yr.	F5 - 9	$6,990	$87,230
44007	Fire Captain, 1 Yr.	F5 - 10	$7,339	$91,591
44007	Fire Captain	F5 - 11	$7,706	$96,170
44008	Fire Battalion / Section Chief, Start	F6 - 1	$5,088	$63,500
44008	Fire Battalion / Section Chief, 1 Yr.	F6 - 2	$5,451	$68,025
44008	Fire Battalion / Section Chief, 1 Yr.	F6 - 3	$5,722	$71,410
44008	Fire Battalion / Section Chief, 1 Yr.	F6 - 4	$6,009	$74,996
44008	Fire Battalion / Section Chief, 1 Yr.	F6 - 5	$6,311	$78,759
44008	Fire Battalion / Section Chief, 1 Yr.	F6 - 6	$6,625	$82,685
44008	Fire Battalion / Section Chief, 1 Yr.	F6 - 7	$6,956	$86,812
44008	Fire Battalion / Section Chief, 1 Yr.	F6 - 8	$7,305	$91,163
44008	Fire Battalion / Section Chief, 1 Yr.	F6 - 9	$7,671	$95,729
44008	Fire Battalion / Section Chief, 1 Yr.	F6 - 10	$8,054	$100,515
44008	Fire Battalion / Section Chief	F6 - 11	$8,456	$105,541

The number of years indicated beside the Rank indicate the minimum number of years that an officer must be in the Step prior to being eligible for the next Step in the Rank. If officers are not given a step pay increase in any fiscal year for budgetary reasons, when step pay increases are resumed in a subsequent fiscal year, it is expected that officers' pay will only increase one step (if they meet the eligibility requirements). Officers should not expect a double-step in order to make up for step increases not previously given for budgetary reasons in any fiscal year.

Attachment B
(Meet and Confer)

CITY OF DALLAS
UNIFORM FIRE SALARY SCHEDULE
Effective October 1, 2015

PREVENTION

CLASS CODE	RANK	GRADE-STEP	MONTH	ANNUAL
44201	Fire Prevention Officer Trainee I	F2 - 1	$3,722	$44,658
44202	Fire Prevention Officer Trainee II	F2 - 1	$3,722	$44,658
44203	Fire Prevention Officer Trainee III	F2 - 1	$3,722	$44,658
44005	Fire Prevention Officer, Start	F2 - 3	$3,826	$45,916
44005	Fire Prevention Officer, 1 Yr	F2 - 6	$4,031	$48,371
44005	Fire Prevention Officer, 1 Yr	F2 - 8	$4,307	$51,688
44005	Fire Prevention Officer, 1 Yr.	F2 - 9	$4,522	$54,263
44005	Fire Prevention Officer, 1 Yr.	F2 - 10	$4,748	$56,971
44005	Fire Prevention Officer, 1 Yr	F2 - 11	$4,987	$59,840
44005	Fire Prevention Officer, 1 Yr	F2 - 12	$5,234	$62,812
44005	Fire Prevention Officer, 1 Yr	F2 - 13	$5,496	$65,956
44005	Fire Prevention Officer, 1 Yr	F2 - 14	$5,772	$69,260
44005	Fire Prevention Officer	F2 - 15	$6,060	$72,718
44014	Fire Senior Prevention Officer, Start	F3 - 1	$3,826	$45,916
44014	Fire Senior Prevention Officer, 1 Yr	F3 - 2	$4,031	$48,371
44014	Fire Senior Prevention Officer, 1 Yr	F3 - 3	$4,307	$51,688
44014	Fire Senior Prevention Officer, 1 Yr	F3 - 4	$4,522	$54,263
44014	Fire Senior Prevention Officer, 1 Yr	F3 - 5	$4,748	$56,971
44014	Fire Senior Prevention Officer, 1 Yr	F3 - 6	$4,987	$59,840
44014	Fire Senior Prevention Officer, 1 Yr.	F3 - 7	$5,234	$62,812
44014	Fire Senior Prevention Officer, 1 Yr.	F3 - 8	$5,496	$65,956
44014	Fire Senior Prevention Officer, 1 Yr	F3 - 9	$5,771	$69,248
44014	Fire Senior Prevention Officer, 1 Yr	F3 - 10	$6,060	$72,718
44014	Fire Senior Prevention Officer, 1 Yr	F3 - 11	$6,363	$76,355
44014	Fire Senior Prevention Officer	F3 - 12	$6,681	$80,173
44015	Fire Prevention Lieutenant, Start	F4 - 1	$4,395	$52,742
44015	Fire Prevention Lieutenant, 1 Yr.	F4 - 2	$4,716	$56,598
44015	Fire Prevention Lieutenant, 1 Yr	F4 - 3	$4,952	$59,426
44015	Fire Prevention Lieutenant, 1 Yr	F4 - 4	$5,200	$62,394
44015	Fire Prevention Lieutenant, 1 Yr.	F4 - 5	$5,460	$65,519
44015	Fire Prevention Lieutenant, 1 Yr.	F4 - 6	$5,732	$68,784
44015	Fire Prevention Lieutenant, 1 Yr.	F4 - 7	$6,020	$72,245
44015	Fire Prevention Lieutenant, 1 Yr	F4 - 8	$6,321	$75,856
44015	Fire Prevention Lieutenant, 1 Yr.	F4 - 9	$6,637	$79,639
44015	Fire Prevention Lieutenant, 1 Yr	F4 - 10	$6,968	$83,620
44015	Fire Prevention Lieutenant	F4 - 11	$7,317	$87,801

CLASS CODE	RANK	GRADE-STEP	MONTH	ANNUAL
44016	Fire Prevention Captain, Start	F5 - 1	$4,637	$57,875
44016	Fire Prevention Captain, 1 Yr.	F5 - 2	$4,968	$62,001
44016	Fire Prevention Captain, 1 Yr.	F5 - 3	$5,216	$65,096
44016	Fire Prevention Captain, 1 Yr.	F5 - 4	$5,478	$68,364
44016	Fire Prevention Captain, 1 Yr.	F5 - 5	$5,752	$71,779
44016	Fire Prevention Captain, 1 Yr.	F5 - 6	$6,039	$75,366
44016	Fire Prevention Captain, 1 Yr.	F5 - 7	$6,340	$79,123
44016	Fire Prevention Captain, 1 Yr.	F5 - 8	$6,657	$83,078
44016	Fire Prevention Captain, 1 Yr.	F5 - 9	$6,990	$87,230
44016	Fire Prevention Captain, 1 Yr.	F5 - 10	$7,339	$91,591
44016	Fire Prevention Captain	F5 - 11	$7,706	$96,170
44025	Fire Prevention Section Chief, Start	F6 - 1	$5,088	$63,500
44025	Fire Prevention Section Chief, 1 Yr	F6 - 2	$5,451	$68,025
44025	Fire Prevention Section Chief, 1 Yr	F6 - 3	$5,722	$71,410
44025	Fire Prevention Section Chief, 1 Yr	F6 - 4	$6,009	$74,996
44025	Fire Prevention Section Chief, 1 Yr	F6 - 5	$6,311	$78,759
44025	Fire Prevention Section Chief, 1 Yr.	F6 - 6	$6,625	$82,685
44025	Fire Prevention Section Chief, 1 Yr.	F6 - 7	$6,956	$86,812
44025	Fire Prevention Section Chief, 1 Yr.	F6 - 8	$7,305	$91,163
44025	Fire Prevention Section Chief, 1 Yr.	F6 - 9	$7,671	$95,729
44025	Fire Prevention Section Chief, 1 Yr.	F6 - 10	$8,054	$100,515
44025	Fire Prevention Section Chief	F6 - 11	$8,456	$105,541

The number of years indicated beside the Rank indicate the minimum number of years that an officer must be in the Step prior to being eligible for the next Step in the Rank. If officers are not given a step pay increase in any fiscal year for budgetary reasons, when step pay increases are resumed in a subsequent fiscal year, it is expected that officers' pay will only increase one step (if they meet the eligibility requirements). Officers should not expect a double-step in order to make up for step increases not previously given for budgetary reasons in any fiscal year.

Attachment B

FIRE SPECIAL PAY
Effective October 1, 2015

Service Pay (applicable to all ranks) - Article 1269q. V.T.C.S.

Rate: $4 per month for each year completed

Maximum $100 per month for 25 years of service

Educational Incentive Pay (applicable to all ranks)

	Pay Rate					
	0 - 45 hours	45 - 90 hours	90 - 105 hours	105 hours or more	Max w/o Bachelors	Bachelors Degree
Effective April 1, 2013	0	Every additional 3 hours credit - $12 per month	Every additional 3 hours credit - $12 per month	0	$240 per month	$300 per month

Certification & Assignment Pay: Employees may only receive two (2) certification or assignment pays at one time. Employee may select the two certification/assignment pays to be received.

Aircraft Rescue (ARFF) - applicable only when assigned to stations designated by Fire Chief

Lieutenant and below: $150 per month Captain and above: $350 per month

Arson Investigator - applicable only when assigned as Arson Investigator by Fire Chief; $175 per month

EMS Assignment Pay

Applicable to non-supervisory, EMS Lieutenant and Captain rank; and Battalion Chief assigned to EMS. Paid for ambulance assignment as follows:

Initial Certification - 4 Years	$200 per month	8 Years & 1 Day - 11 Years	$300 per month
4 Years & 1 Day - 6 Years	$250 per month	11 Years & 1 Day - 14 Years	$350 per month
6 Years & 1 Day - 8 Years	$275 per month	14 Years & 1 Day +	$400 per month

Firefighter/Fire Inspector Certification - applicable to employees of all ranks who meet certification requirements

(Eligible employees may receive certification pay for either Firefighter or Fire Inspector, but not both)

Intermediate: $175 per Month Advanced: $250 per Month Master: $500 per Month

Fire Instructor - applicable only when assigned as Fire Instructor by Fire Chief; $175 per month

Hazardous Material Response Team (HAZMAT): applicable only when assigned to stations designated by Fire Chief

Lieutenant and below: $150 per month Captain and above: $350 per month

Paramedic Certification - applicable to selected positions in the Fire Rescue Department as determined by the Fire Chief and approved by the Director of Human Resources.

(Certification pay is included in assignment pay for regular paramedic assignments.)

Rate: $75 per month

Swift Water Rescue (SWR) - applicable only when assigned to stations designated by Fire Chief

Lieutenant and below: $150 per month Captain and above: $350 per month

Urban Search and Rescue (USAR) - applicable only when assigned to stations designated by Fire Chief

Lieutenant and below: $150 per month Captain and above: $350 per month

CITY OF DALLAS
BUDGET/RECLASSIFICATION POSITION CLASSIFICATION ALLOCATION
FY2015/2016

PM#	DEPT	UNIT	CURRENT CLASS CODE	CURRENT TITLE	CURRENT GRADE	ACTION	NEW CLASS CODE	NEW TITLE IF NOT THE SAME	NEW GRADE	NEW DEPT	NEW UNIT
Aviation (Enterprise Fund)											
PM018920	AVI	7729	06303	Environmental Specialist III	G	ADD					
PM018921	AVI	7729	06303	Environmental Specialist III	G	ADD					
PM018922	AVI	7754	30021	Coordinator IV	J	ADD					
PM019097	AVI	7718	40019	Customer Service Representative II	D	ADD					
PM019098	AVI	7718	40019	Customer Service Representative II	D	ADD					
PM019099	AVI	7718	30017	Coordinator II	H	ADD					
PM000121	AVI	7710	30011	Manager II	K	DOWNGRADE	18040	Departmental Budget Analyst	I		
PM000124	AVI	7710	30011	Manager II	K	DOWNGRADE	18006	Auditor	J		
PM000126	AVI	7710	24404	Third Tier Executive	N	DOWNGRADE	30308	Chief Real Estate Specialist	L		
PM000111	AVI	7729	06302	Environmental Specialist II	F	UPGRADE	06303	Environmental Specialist III	G		
PM000112	AVI	7729	06302	Environmental Specialist II	F	UPGRADE	06303	Environmental Specialist III	G		
PM000197	AVI	7722	50403	Custodian	B	UPGRADE	32406	Administrative Specialist II	H		
PM000206	AVI	7737	50007	Trades Helper	B	UPGRADE	50052	Senior Maintenance Worker	D		
PM000220	AVI	7724	50403	Custodian	B	UPGRADE	20902	Operations Research Analyst	J		7710
PM000230	AVI	7709	50007	Trades Helper	B	UPGRADE	48502	Parking and Ground Transportation Coordinator	G		7709
PM000238	AVI	7736	50004	Senior Carpenter	E	UPGRADE	30017	Coordinator III	I		7710
PM000282	AVI	7710	18012	Accountant II	G	UPGRADE	18013	Senior Accountant	I		7710
PM017380	AVI	7729	30019	Coordinator	G	UPGRADE	06401	Environmental Coordinator	H		
City Attorney's Office (General Fund)											
PM018918	ATT	1363	30019	Coordinator	G	ADD					
PM019078	ATT	1363	26031	Case worker II	H	ADD					
PM002422	ATT	1362	22013	Assistant City Attorney I	L1	DELETE					
PM002449	ATT	1362	22013	Assistant City Attorney I	L1	DELETE					
PM002330	ATT	1363	32401	Office Assistant	B	UPGRADE	32402	Office Assistant II	D		
City Attorney's Office (Grant Fund)											
PM018919	ATT	1694	30019	Coordinator	G	ADD					
PM018009	ATT	434G	76802	Temporary Help	MISC	TRANSFER					1363
City Controller's Office (General Fund)											
PM000088	CCO	1275	30024	Supervisor II	H	DOWNGRADE	32403	Senior Office Assistant	F		
PM000076	CCO	1274	30011	Manager II	K	UPGRADE	24830	Assistant Director I	O		
PM000078	CCO	1274	34006	Senior Payroll Specialist	G	TRANSFER	20020	Senior Human Resources Assistant	H	PER	1436
PM000080	CCO	1274	34006	Senior Payroll Specialist	G	TRANSFER	20020	Senior Human Resources Assistant	H	PER	1436
PM000082	CCO	1274	34006	Senior Payroll Specialist	G	TRANSFER	20020	Senior Human Resources Assistant	H	PER	1436
City Manager's Office (Grant Fund)											
PM016949	CMO	1293	30020	Coordinator II	H	TRANSFER				MGT	1145
City Secretary's Office (General Fund)											
PM019080	SEC	1366	30017	Coordinator III	I	ADD					
Civil Service (General Fund)											
PM017403	CVS	1413	20150	Test Validation Specialist	J	UPGRADE	20156	Test Validation Administrator	K		

CITY OF DALLAS
BUDGET/RECLASSIFICATION POSITION CLASSIFICATION ALLOCATION
FY2015/2016

PM#	DEPT	UNIT	CURRENT CLASS CODE	CURRENT TITLE	CURRENT GRADE	ACTION	NEW CLASS CODE	NEW TITLE IF NOT THE SAME	NEW GRADE	NEW DEPT	NEW UNIT
Code Compliance Services (General Fund)											
PM018898	CCS	3476	30020	Coordinator II	H	ADD					
PM018899	CCS	3476	30010	Manager	I	ADD					
PM018900	CCS	3476	30020	Coordinator II	H	ADD					
PM018901	CCS	3476	30020	Coordinator II	H	ADD					
PM018902	CCS	3476	48609	Animal Services Officer	D	ADD					
PM018903	CCS	3476	48609	Animal Services Officer	D	ADD					
PM018904	CCS	3476	48609	Animal Services Officer	D	ADD					
PM018905	CCS	3476	48609	Animal Services Officer	D	ADD					
PM018906	CCS	3476	32402	Office Assistant II	D	ADD					
PM018907	CCS	3476	32402	Office Assistant II	D	ADD					
PM018908	CCS	3476	50053	Crew Leader	E	ADD					
PM018909	CCS	3476	50053	Crew Leader	E	ADD					
PM018910	CCS	3476	12413	Veterinarian	L	ADD					
PM018911	CCS	3476	30011	Manager II	K	ADD					
PM018912	CCS	3476	30017	Coordinator III	I	ADD					
PM018913	CCS	3476	12439	Animal Keeper II	C	ADD					
PM019033	CCS	3093	16606	Inspector II	F	ADD					
PM019034	CCS	3093	16606	Inspector II	F	ADD					
PM003494	CCS	3471	30010	Manager	I	DOWNGRADE	30023	Supervisor	G		
PM003600	CCS	3473	30024	Supervisor II	H	DOWNGRADE	32402	Office Assistant II	D		
PM017679	CCS	3452	30021	Coordinator IV	J	DOWNGRADE	30020	Coordinator II	H		
PM002713	CCS	4221	32402	Office Assistant II	D	RECLASS	40019	Customer Service Representative II	D		
PM002721	CCS	3093	32402	Office Assistant II	D	RECLASS	40019	Customer Service Representative II	D		
PM003369	CCS	3454	16412	Inspector III	G	RECLASS	26115	Neighborhood Code Representative	G		
PM003424	CCS	2458	26115	Neighborhood Code Representative	G	RECLASS	30023	Supervisor	G		
PM003575	CCS	3476	40038	Customer Service Representative	C	RECLASS	12439	Animal Keeper II	C		
PM003578	CCS	3476	40038	Customer Service Representative	C	RECLASS	12439	Animal Keeper II	C		
PM003579	CCS	3476	40038	Customer Service Representative	C	RECLASS	12439	Animal Keeper II	C		
PM003581	CCS	3476	40038	Customer Service Representative	C	RECLASS	12439	Animal Keeper II	C		
PM003582	CCS	3476	40038	Customer Service Representative	C	RECLASS	12439	Animal Keeper II	C		
PM003584	CCS	3476	40038	Customer Service Representative	C	RECLASS	12439	Animal Keeper II	C		
PM018534	CCS	3476	40038	Customer Service Representative	C	RECLASS	12439	Animal Keeper II	C		
PM018733	CCS	1583	16606	Inspector II	F	RECLASS	76802	Temporary Help	MISC		4244
PM018734	CCS	1583	16606	Inspector II	F	RECLASS	76802	Temporary Help	MISC		4244
PM018735	CCS	1583	16606	Inspector II	F	RECLASS	76802	Temporary Help	MISC		4244
PM018736	CCS	1583	16606	Inspector II	F	RECLASS	76802	Temporary Help	MISC		4244
PM018737	CCS	1583	16606	Inspector II	F	RECLASS	76802	Temporary Help	MISC		4244
PM003165	CCS	3476	48609	Animal Services Officer	D	UPGRADE	30011	Manager II	K		
PM003195	CCS	3476	48609	Animal Services Officer	D	UPGRADE	48610	Senior Animal Services Officer	F		
PM003196	CCS	3476	48609	Animal Services Officer	D	UPGRADE	48610	Senior Animal Services Officer	F		
PM003197	CCS	3476	48609	Animal Services Officer	D	UPGRADE	48610	Senior Animal Services Officer	F		
PM003202	CCS	3476	48609	Animal Services Officer	D	UPGRADE	48610	Senior Animal Services Officer	F		
PM003478	CCS	4244	06206	Sanitarian	G	UPGRADE	30020	Senior Sanitarian	H		
PM003502	CCS	3452	30011	Manager II	K	UPGRADE	30012	Manager III	M		
PM003583	CCS	3476	40038	Customer Service Representative	C	UPGRADE	32402	Office Assistant II	D		
PM003606	CCS	3476	30024	Supervisor II	H	UPGRADE	30011	Manager II	K		
PM003619	CCS	4221	32403	Senior Office Assistant	F	UPGRADE	06206	Sanitarian	G		
PM017675	CCS	3476	30010	Manager	I	UPGRADE	30011	Manager II	K		
PM018061	CCS	4221	06206	Sanitarian	G	UPGRADE	30020	Senior Sanitarian	H		

PM#	DEPT	UNIT	CURRENT CLASS CODE	CURRENT TITLE	CURRENT GRADE	ACTION	NEW CLASS CODE	NEW TITLE IF NOT THE SAME	NEW GRADE	NEW DEPT	NEW UNIT
PM018338	CCS	3476	48609	Animal Services Officer	D	UPGRADE	48610	Senior Animal Services Officer	F		
PM018369	CCS	4221	06206	Sanitarian	G	UPGRADE	30020	Senior Sanitarian	H		
PM018738	CCS	4221	46606	Inspector II	F	UPGRADE	30020	Senior Sanitarian	H		
PM018739	CCS	4221	46606	Inspector II	F	UPGRADE	30020	Senior Sanitarian	H		
Communication and Information Services (Internal Services Fund)											
PM018974	DSV	1633	36609	Senior Security Analyst	K	ADD					
PM018975	DSV	1633	36609	Senior Security Analyst	K	ADD					
PM000680	DSV	1665	36505	Information Technology Manager	M	DELETE					
PM000691	DSV	1678	36526	Programmer Analyst II	K	DELETE					
PM000699	DSV	1665	36526	Programmer Analyst II	K	DELETE					
PM000700	DSV	1667	36025	Computer Operations Analyst	I	DELETE					
PM000705	DSV	1667	30025	Supervisor III	I	DELETE					
PM000725	DSV	1665	36510	Web Developer	L	DELETE					
PM000746	DSV	1675	36010	Network Analyst	I	DELETE					
PM000757	DSV	1667	36016	Computer Operator	C	DELETE					
PM000761	DSV	1667	36016	Computer Operator	C	DELETE					
PM000821	DSV	1678	36504	Senior Information Technology Analyst	J	DELETE					
PM000829	DSV	1510	36502	Information Technology Analyst	H	DELETE					
PM000830	DSV	1667	36016	Computer Operator	C	DELETE					
PM000845	DSV	1667	36016	Computer Operator	C	DELETE					
PM000855	DSV	1665	36524	Programmer Analyst I	I	DELETE					
PM000876	DSV	1667	30025	Supervisor III - Computer Ops	I	DELETE					
PM000877	DSV	1667	36025	Computer Operations Analyst III	F	DELETE					
PM000887	DSV	1676	36526	Programmer Analyst II	K	DELETE					
PM000888	DSV	1665	36526	Programmer Analyst II	K	DELETE					
PM000890	DSV	1678	36526	Programmer Analyst II	K	DELETE					
PM000892	DSV	1665	36526	Programmer Analyst II	K	DELETE					
PM000905	DSV	1667	36505	Information Technology Manager	M	DELETE					
PM018719	DSV	1665	36417	Information Technology Project Manager III	M	DELETE					
PM018845	DSV	1665	36526	Programmer Analyst II	K	DELETE					
PM018846	DSV	1665	36526	Programmer Analyst II	K	DELETE					
PM000918	DSV	1613	36403	Senior Information Technology Engineer	M	DOWNGRADE	36507	Senior Systems Programmer	L		
PM000720	DSV	1665	36526	Programmer Analyst II	K	RECLASS	36508	Systems Programmer	K		
PM000752	DSV	1660	30020	Coordinator II	H	RECLASS	20003	Senior Contract Compliance Administrator	H		
PM000782	DSV	1665	36526	Programmer Analyst II	K	RECLASS	36508	Systems Programmer	K		
PM000931	DSV	1665	36526	Programmer Analyst II	K	RECLASS	36508	Systems Programmer	K		
PM000681	DSV	1641	36010	Network Analyst	I	UPGRADE	36609	Senior Security Analyst	K		
PM000777	DSV	1665	36526	Programmer Analyst II	K	UPGRADE	36510	Web Developer	L		
PM000786	DSV	1660	30010	Manager	I	UPGRADE	30012	Manager III	M		
PM000789	DSV	1665	36505	Information Technology Manager	M	UPGRADE	36525	Senior Information Technology Manager	N		
PM000866	DSV	1660	32403	Senior Office Assistant	F	UPGRADE	18040	Departmental Budget Analyst	I		
PM000886	DSV	1660	20003	Senior Contract Compliance Administrator	H	UPGRADE	30017	Coordinator III	I		
PM000889	DSV	1665	36526	Programmer Analyst II	K	UPGRADE	36528	Programmer Analyst III	M		
PM000897	DSV	1665	36526	Programmer Analyst II	K	UPGRADE	35528	Programmer Analyst III	M		
PM000934	DSV	1675	36010	Network Analyst	I	UPGRADE	36507	Senior Systems Programmer	L		
PM018720	DSV	1665	36010	Network Analyst	I	UPGRADE	36403	Senior Information Technology Engineer	M		1697

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Convention and Event Services (Enterprise Fund)											
PM018914	CCT	7833	30025	Supervisor III	I	ADD					
PM018915	CCT	7835	58513	Senior Electrician	G	ADD					
PM000504	CCT	7836	58512	Electrician	F	DOWNGRADE	64004	Laborer II	C		7823
PM000582	CCT	7836	58512	Electrician	F	DOWNGRADE	64004	Laborer II	C		7823
PM000583	CCT	7836	58512	Electrician	F	DOWNGRADE	64004	Laborer II	C		7823
PM000584	CCT	7836	76802	Temporary Help	MISC	RECLASS	64004	Laborer II	C		7823
PM000586	CCT	7836	76802	Temporary Help	MISC	RECLASS	64004	Laborer II	C		7823
PM000588	CCT	7836	76802	Temporary Help	MISC	RECLASS	64004	Laborer II	C		7823
PM000589	CCT	7836	76802	Temporary Help	MISC	RECLASS	64004	Laborer II	C		7823
PM000590	CCT	7836	76802	Temporary Help	MISC	RECLASS	64004	Laborer II	C		7823
PM000429	CCT	7810	30020	Coordinator II	H	UPGRADE	30100	Convention Services Representative II	I		
PM000453	CCT	7810	30020	Coordinator II	H	UPGRADE	30100	Convention Services Representative II	I		
PM000507	CCT	7810	30020	Coordinator II	H	UPGRADE	30100	Convention Services Representative II	I		
PM000508	CCT	7810	30020	Coordinator II	H	UPGRADE	30100	Convention Services Representative II	I		
PM000509	CCT	7810	30020	Coordinator II	H	UPGRADE	30100	Convention Services Representative II	I		
PM000516	CCT	7815	30019	Coordinator	G	UPGRADE	30177	Event Coordinator	I		
PM000518	CCT	7815	30019	Coordinator	G	UPGRADE	30177	Event Coordinator	I		
Court and Detention Services (General Fund)											
PM018923	CTS	1052	46527	Deputy City Marshal	F	ADD					
PM018924	CTS	1052	46527	Deputy City Marshal	F	ADD					
PM018925	CTS	1052	46527	Deputy City Marshal	F	ADD					
PM018926	CTS	1052	46527	Deputy City Marshal	F	ADD					
PM018927	CTS	1052	46527	Deputy City Marshal	F	ADD					
PM018928	CTS	1052	46527	Deputy City Marshal	F	ADD					
PM018929	CTS	1052	46527	Deputy City Marshal	F	ADD					
PM018930	CTS	1052	46527	Deputy City Marshal	F	ADD					
PM018931	CTS	1052	46527	Deputy City Marshal	F	ADD					
PM018932	CTS	1052	46527	Deputy City Marshal	F	ADD					
PM018933	CTS	1052	46527	Deputy City Marshal	F	ADD					
PM018934	CTS	1052	46527	Deputy City Marshal	F	ADD					
PM011314	CTS	1061	43007	Court Specialist	C	DELETE					
PM011207	CTS	1057	43009	Court Specialist II	D	DELETE					
PM011211	CTS	1061	32402	Office Assistant II	D	DELETE					
PM011224	CTS	1058	43009	Court Specialist II	D	DELETE					
PM011241	CTS	1062	43009	Court Specialist II	D	DELETE					
PM011249	CTS	1058	43009	Court Specialist II	D	DELETE					
PM011286	CTS	1061	32401	Office Assistant	B	DELETE					
PM011295	CTS	1061	43007	Court Specialist	C	DELETE					
PM011265	CTS	1062	30017	Coordinator III	I	RECLASS	36100	Departmental Technology Analyst	I		
PM011124	CTS	1058	43009	Court Specialist II	D	UPGRADE	43012	Senior Court Specialist	E		
PM011126	CTS	1062	43007	Court Specialist	C	UPGRADE	43012	Senior Court Specialist	E		
PM011181	CTS	1058	43009	Court Specialist II	D	UPGRADE	43012	Senior Court Specialist	E		
PM011183	CTS	1057	43009	Court Specialist II	D	UPGRADE	43012	Senior Court Specialist	E		
PM011226	CTS	1057	43009	Court Specialist II	D	UPGRADE	43013	Court Specialist Supervisor	G		
Dallas Water Utilities (Enterprise Fund)											
PM011504	DWU	7055	02504	Design Technician II	F	DOWNGRADE	36534	Geographic Information System Support Technician	E		

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PM011506	DWU	7055	02504	Design Technician II	F	DOWNGRADE	36534	Geographic Information System Support Technician	E		
PM011497	DWU	7055	02005	Computer Aided Drafting Technician	E	RECLASS	36534	Geographic Information System Support Technician	E		
PM011507	DWU	7055	02505	Senior Design Technician	G	RECLASS	36533	Senior Geographic Information System Support Technician	G		
PM011914	DWU	7313	54021	Water Instrument Technician	F	RECLASS	58516	Electronic Technician	F		
PM011915	DWU	7313	54021	Water Instrument Technician	F	RECLASS	58516	Electronic Technician	F		
PM011916	DWU	7313	54021	Water Instrument Technician	F	RECLASS	58516	Electronic Technician	F		
PM011917	DWU	7313	54021	Water Instrument Technician	F	RECLASS	58516	Electronic Technician	F		
PM012946	DWU	7122	00703	Senior Engineer	M	RECLASS	30012	Manager III	M		
PM018776	DWU	7243	50052	Senior Maintenance Worker	D	RECLASS	58511	Electrician Assistant	D		
PM000237	DWU	7725	32401	Office Assistant	B	UPGRADE	32402	Office Assistant II	D		
PM002924	DWU	3091	35545	Geographic Information System Analyst	H	UPGRADE	35548	Senior Geographic Information System Analyst	K		
PM011333	DWU	7427	32401	Office Assistant	B	UPGRADE	32402	Office Assistant II	D		
PM011446	DWU	7021	32402	Office Assistant II	D	UPGRADE	32403	Senior Office Assistant	F		
PM011511	DWU	7055	30024	Supervisor II	H	UPGRADE	30025	Supervisor III	I		
PM011767	DWU	7238	68505	Water Meter Reader	B	UPGRADE	68508	Water Meter Reading Representative	E		
PM012256	DWU	7413	64004	Laborer II	C	UPGRADE	30021	Coordinator IV	J		7140
PM012323	DWU	7411	32402	Office Assistant II	D	UPGRADE	32403	Senior Office Assistant	F		
PM012598	DWU	7427	32401	Office Assistant	B	UPGRADE	32402	Office Assistant II	D		
PM012655	DWU	7428	68613	Water Field Representative	C	UPGRADE	30026	Supervisor IV	J		7427
PM012836	DWU	7243	30020	Coordinator II	H	UPGRADE	06402	Environmental Coordinator II	I		
PM012976	DWU	7122	02505	Senior Design Technician	G	UPGRADE	02520	Project Coordinator	H		
PM012977	DWU	7122	02505	Senior Design Technician	G	UPGRADE	02514	Project Coordinator II	I		
Employees' Retirement Fund (Internal Services Fund)											
PM000965	ERF	5821	36531	Database Analyst	L	DOWNGRADE	36402	Information Technology Engineer	K		
PM000958	ERF	5821	30017	Coordinator III	I	RECLASS	24460	Employee Retirement Fund Pension Officer	MISC		
PM000959	ERF	5821	30017	Coordinator III	I	RECLASS	24460	Employee Retirement Fund Pension Officer	MISC		
PM000949	ERF	5821	20944	Employee Refund Accounting Specialist	H	UPGRADE	20942	Senior Employee Retirement Fund Pension Specialist	K		
PM000964	ERF	5821	36200	Employee Retirement Fund Information Technician Specialist	J	UPGRADE	36508	Systems Programmer	K		
Equipment and Building Services (General Fund)											
PM004115	EBS	3065	48020	Security Officer	E	DELETE					
PM004128	EBS	3065	48020	Security Officer	E	DELETE					
PM004131	EBS	3065	48020	Security Officer	E	DELETE					
PM004133	EBS	3065	48020	Security Officer	E	DELETE					
PM004143	EBS	3065	48020	Security Officer	E	DELETE					
PM018316	EBS	3065	48020	Security Officer	E	DELETE					
PM004025	EBS	3188	50052	Senior Maintenance Worker	D	UPGRADE	56003	Senior Mechanic	F		
PM004045	EBS	3061	30023	Supervisor	G	UPGRADE	50012	Master Plumber Supervisor	I		
PM018104	EBS	3061	50010	Plumber	D	UPGRADE	56003	Senior Mechanic	F		
Equipment and Building Services (Internal Services Fund)											
PM003918	EBS	1764	32402	Office Assistant II	D	DELETE					
PM018503	EBS	1704	32405	Administrative Specialist	G	DELETE					
PM018504	EBS	1704	32405	Administrative Specialist	G	DELETE					
PM018505	EBS	1704	32405	Administrative Specialist	G	DELETE					
PM018690	EBS	1722	32402	Office Assistant II	D	DELETE					
PM003669	EBS	1762	38009	Storekeeper II	C	RECLASS	38000	Fleet Parts Specialist	C		
PM003685	EBS	1762	38009	Storekeeper II	C	RECLASS	38000	Fleet Parts Specialist	C		
PM003686	EBS	1762	38009	Storekeeper II	C	RECLASS	38000	Fleet Parts Specialist	C		

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PM003930	EBS	1762	38009	Storekeeper II	C	RECLASS	38000	Fleet Parts Specialist	C		
PM003957	EBS	1762	38009	Storekeeper II	C	RECLASS	38000	Fleet Parts Specialist	C		
PM003958	EBS	1762	38009	Storekeeper II	C	RECLASS	38000	Fleet Parts Specialist	C		
PM003959	EBS	1762	38009	Storekeeper II	C	RECLASS	38000	Fleet Parts Specialist	C		
PM003960	EBS	1762	38009	Storekeeper II	C	RECLASS	38000	Fleet Parts Specialist	C		
PM003961	EBS	1762	38009	Storekeeper II	C	RECLASS	38000	Fleet Parts Specialist	C		
PM003962	EBS	1762	38009	Storekeeper II	C	RECLASS	38000	Fleet Parts Specialist	C		
PM003963	EBS	1762	38009	Storekeeper II	C	RECLASS	38000	Fleet Parts Specialist	C		
PM003964	EBS	1762	38009	Storekeeper II	C	RECLASS	38000	Fleet Parts Specialist	C		
PM003965	EBS	1762	38009	Storekeeper II	C	RECLASS	38000	Fleet Parts Specialist	C		
PM003966	EBS	1762	38009	Storekeeper II	C	RECLASS	38000	Fleet Parts Specialist	C		
PM003967	EBS	1762	38009	Storekeeper II	C	RECLASS	38000	Fleet Parts Specialist	C		
PM003968	EBS	1762	38009	Storekeeper II	C	RECLASS	38000	Fleet Parts Specialist	C		
PM003969	EBS	1762	38009	Storekeeper II	C	RECLASS	38000	Fleet Parts Specialist	C		
PM003970	EBS	1762	38009	Storekeeper II	C	RECLASS	38000	Fleet Parts Specialist	C		
PM003971	EBS	1762	38009	Storekeeper II	C	RECLASS	38000	Fleet Parts Specialist	C		
PM003972	EBS	1762	38009	Storekeeper II	C	RECLASS	38000	Fleet Parts Specialist	C		
PM003973	EBS	1762	38009	Storekeeper II	C	RECLASS	38000	Fleet Parts Specialist	C		
PM003974	EBS	1762	38015	Senior Storekeeper	E	RECLASS	38016	Senior Fleet Parts Specialist	E		
PM003975	EBS	1762	38015	Senior Storekeeper	E	RECLASS	38016	Senior Fleet Parts Specialist	E		
PM003976	EBS	1762	38015	Senior Storekeeper	E	RECLASS	38016	Senior Fleet Parts Specialist	E		
PM003688	EBS	1765	06401	Environmental Coordinator	H	UPGRADE	06402	Environmental Coordinator II	I		
PM003863	EBS	1708	52015	Certified Technician	H	UPGRADE	30011	Manager II	K		
PM003883	EBS	1709	52015	Certified Technician	H	UPGRADE	30025	Supervisor III	I		
PM017655	EBS	1766	30017	Coordinator III	I	UPGRADE	21002	Auto Collision Repair Adjuster	J		1712

Fire Rescue (General Fund)

PM018888	DFDU	ER90	44004	Fire Driver- Engineer	F3	ADD					
PM018889	DFDU	ER90	44004	Fire Driver- Engineer	F3	ADD					
PM018890	DFDU	ER90	44004	Fire Driver- Engineer	F3	ADD					
PM018891	DFDU	ER90	44004	Fire Driver- Engineer	F3	ADD					
PM018892	DFDU	ER90	44004	Fire Driver- Engineer	F3	ADD					
PM018893	DFDU	ER90	44004	Fire Driver- Engineer	F3	ADD					
PM018894	DFDU	ER90	44004	Fire Driver- Engineer	F3	ADD					
PM018895	DFDU	ER90	44004	Fire Driver- Engineer	F3	ADD					
PM009787	DFDU	AD02	44011	Fire Assistant Chief	F8	DOWNGRADE	24447	Fire Deputy Chief	F7		LS01
PM011041	DFDU	2047	30022	Senior Coordinator	L	DOWNGRADE	30011	Manager II	K		AD01
PM008281	DFDU	2047	44002	Fire and Rescue Officer	F2	UPGRADE	44007	Fire Captain	F5		ER31
PM008303	DFDU	2047	44002	Fire and Rescue Officer	F2	UPGRADE	44007	Fire Captain	F5		ER35
PM008313	DFDU	2047	44002	Fire and Rescue Officer	F2	UPGRADE	44007	Fire Captain	F5		HS01
PM008315	DFDU	2047	44002	Fire and Rescue Officer	F2	UPGRADE	44007	Fire Captain	F5		ER31
PM008354	DFDU	2047	44026	Fire Second Driver	F2	UPGRADE	44006	Fire Lieutenant	F4		ER25
PM008363	DFDU	2047	44026	Fire Second Driver	F2	UPGRADE	44006	Fire Lieutenant	F4		ER27
PM008443	DFDU	2047	44002	Fire and Rescue Officer	F2	UPGRADE	44007	Fire Captain	F5		
PM008456	DFDU	2047	44026	Fire Second Driver	F2	UPGRADE	44006	Fire Lieutenant	F4		ER27
PM008457	DFDU	2047	44002	Fire and Rescue Officer	F2	UPGRADE	44007	Fire Captain	F5		ER27
PM008480	DFDU	2047	44002	Fire and Rescue Officer	F2	UPGRADE	44007	Fire Captain	F5		
PM008614	DFDU	2047	44026	Fire Second Driver	F2	UPGRADE	44004	Fire Driver - Engineer	F3		ER55
PM008660	DFDU	2047	44026	Fire Second Driver	F2	UPGRADE	44004	Fire Driver - Engineer	F3		ER50
PM008681	DFDU	2047	44026	Fire Second Driver	F2	UPGRADE	44004	Fire Driver - Engineer	F3		TR01
PM008746	DFDU	2047	44026	Fire Second Driver	F2	UPGRADE	44004	Fire Driver - Engineer	F3		2020
PM008828	DFDU	2047	44026	Fire Second Driver	F2	UPGRADE	44004	Fire Driver - Engineer	F3		

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PM008978	DFDU	2047	44026	Fire Second Driver	F2	UPGRADE	44004	Fire Driver - Engineer	F3		ER27
PM009032	DFDU	2047	44026	Fire Second Driver	F2	UPGRADE	44004	Fire Driver - Engineer	F3		2020
PM009125	DFDU	2047	44026	Fire Second Driver	F2	UPGRADE	44004	Fire Driver - Engineer	F3		ER53
PM009305	DFDU	2047	44026	Fire Second Driver	F2	UPGRADE	44004	Fire Driver - Engineer	F3		ER27
PM009569	DFDU	2047	44026	Fire Second Driver	F2	UPGRADE	44004	Fire Driver - Engineer	F3		ER10
PM009799	DFDU	2047	44026	Fire Second Driver	F2	UPGRADE	44004	Fire Driver - Engineer	F3		ER26
PM009903	DFDU	2047	44026	Fire Second Driver	F2	UPGRADE	44004	Fire Driver - Engineer	F3		ER33
PM009933	DFDU	2047	44026	Fire Second Driver	F2	UPGRADE	44004	Fire Driver - Engineer	F3		ER45
PM018374	DFDC	ER90	30020	Coordinator II	H	TRANSFER				MGT	1984
PM018495	DFDC	ER90	30011	Manager II	K	TRANSFER				MGT	1984
Housing/Community Services (General Fund)											
PM016384	HOU	9752	80120	Summer Youth Employment Program Participant	MISC	RECLASS	26031	Caseworker II	H		
PM016249	HOU	4305	32406	Administrative Specialist II	H	TRANSFER					622H
Housing/Community Services (Grant Fund)											
PM018916	HOU	622H	30021	Coordinator IV	J	ADD					
PM018917	HOU	627H	38009	Storekeeper II	C	ADD					
PM016281	HOU	444G	30019	Coordinator	G	UPGRADE	26301	Caseworker II	H		
PM016403	HOU	1584	26027	Community Service Worker	B	UPGRADE	30021	Coordinator IV	J		
PM016271	HOU	0785	30011	Manager II	K	TRANSFER					4297
Human Resources (General Fund)											
PM002518	PER	1432	20034	Senior Human Resources Analyst	I	RECLASS	20060	Human Resource Lead Investigator	I		
PM016578	PER	1432	20034	Senior Human Resources Analyst	I	UPGRADE	30011	Manager II	K		
PM016595	PER	1436	20022	Human Resources Assistant	G	UPGRADE	21002	Recruiter	H		
Human Resources (Internal Services)											
PM018896	PER	1768	30011	Manager II	K	ADD					
PM018897	PER	1768	30019	Coordinator	G	ADD					
PM004176	PER	5710	30020	Coordinator II	H	RECLASS	20857	Communication Specialist	H		
PM018341	PER	5710	20119	Fitness Specialist	H	TRANSFER					1768
PM018342	PER	5710	20120	Fitness Supervisor	I	TRANSFER					1768
PM018343	PER	5710	06513	Nutritionist	G	TRANSFER					1768
Judiciary (General Fund)											
PM016551	CTJ	1050	46516	Bailiff	F	DELETE					
PM016546	CTJ	1050	46516	Bailiff	F	UPGRADE	30023	Supervisor	G		
Library (General Fund)											
PM018976	LIB	2382	09523	Library Associate	F	ADD					
PM018977	LIB	2383	09523	Library Associate	F	ADD					
PM018978	LIB	2385	09523	Library Associate	F	ADD					
PM018979	LIB	5310	30019	Coordinator	G	ADD					
PM018980	LIB	5310	30020	Coordinator II	H	ADD					
PM018981	LIB	5310	32402	Office Assistant II	D	ADD					
PM018982	LIB	5341	09523	Library Associate	F	ADD					
PM018983	LIB	5342	09523	Library Associate	F	ADD					

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PM018984	LIB	5343	09523	Library Associate	F	ADD					
PM018985	LIB	5344	09523	Library Associate	F	ADD					
PM018986	LIB	5345	09523	Library Associate	F	ADD					
PM018987	LIB	5346	09523	Library Associate	F	ADD					
PM018988	LIB	5347	09523	Library Associate	F	ADD					
PM018989	LIB	5348	09523	Library Associate	F	ADD					
PM018990	LIB	5362	40038	Customer Service Representative	C	ADD					
PM018991	LIB	5362	09000	Page	A	ADD					
PM018992	LIB	5364	09523	Library Associate	F	ADD					
PM018993	LIB	5364	40038	Customer Service Representative	C	ADD					
PM018994	LIB	5365	09523	Library Associate	F	ADD					
PM018995	LIB	5365	40038	Customer Service Representative	C	ADD					
PM018996	LIB	5365	09000	Page	A	ADD					
PM018997	LIB	5367	09523	Library Associate	F	ADD					
PM018998	LIB	5367	40038	Customer Service Representative	C	ADD					
PM018999	LIB	5368	09523	Library Associate	F	ADD					
PM019000	LIB	5368	40038	Customer Service Representative	C	ADD					
PM019001	LIB	5368	09000	Page	A	ADD					
PM019002	LIB	5369	09523	Library Associate	F	ADD					
PM019003	LIB	5369	40038	Customer Service Representative	C	ADD					
PM019004	LIB	5372	40038	Customer Service Representative	C	ADD					
PM019005	LIB	5372	09000	Page	A	ADD					
PM019006	LIB	5373	40038	Customer Service Representative	C	ADD					
PM019007	LIB	5373	09000	Page	A	ADD					
PM019008	LIB	5376	09523	Library Associate	F	ADD					
PM019009	LIB	5376	40038	Customer Service Representative	C	ADD					
PM019010	LIB	5382	40038	Customer Service Representative	C	ADD					
PM019011	LIB	5382	09000	Page	A	ADD					
PM019012	LIB	5383	40038	Customer Service Representative	C	ADD					
PM019013	LIB	5385	40038	Customer Service Representative	C	ADD					
PM019014	LIB	5386	09523	Library Associate	F	ADD					
PM019015	LIB	5386	09000	Page	A	ADD					
PM019016	LIB	5387	09523	Library Associate	F	ADD					
PM019017	LIB	5387	40038	Customer Service Representative	C	ADD					
PM019018	LIB	5393	09523	Library Associate	F	ADD					
PM019019	LIB	5393	40038	Customer Service Representative	C	ADD					
PM019020	LIB	5393	09000	Page	A	ADD					
PM001255	LIB	5379	40039	Senior Customer Service Representative	E	DOWNGRADE	40038	Customer Service Representative	C		
PM001079	LIB	5389	09523	Library Associate	F	UPGRADE	09528	Literacy Coordinator	G		
PM001171	LIB	5389	09523	Library Associate	F	UPGRADE	09528	Literacy Coordinator	G		
PM018649	LIB	5389	09523	Library Associate	F	UPGRADE	09528	Literacy Coordinator	G		
PM018650	LIB	5389	09523	Library Associate	F	UPGRADE	14422	Volunteer Coordinator	G		

Management Services (Grant Fund)

PM019076	MGT	1686	30017	Coordinator III	I	ADD					

Management Services (General Fund)

PM019021	MGT	1575	74008	Production Specialist	H	ADD					
PM019022	MGT	1969	30011	Manager II	K	ADD					
PM019023	MGT	1256	30017	Coordinator III	I	ADD					
PM019029	MGT	1769	24135	Chief Resilience Officer	MISC	ADD					

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PM019030	MGT	1769	24002	Executive Assistant	I	ADD					
PM019075	MGT	2076	32406	Administrative Specialist	H	ADD					
PM019077	MGT	1119	30017	Coordinator III	I	ADD					
PM018314	MGT	1128	40050	Senior Public Information Officer	J	DELETE					
PM016785	MGT	5602	06404	Senior Environmental Coordinator	L	Downgrade	06403	Environmental Coordinator III	K		
PM016786	MGT	5602	06404	Senior Environmental Coordinator	L	Downgrade	06403	Environmental Coordinator III	K		
PM016787	MGT	5602	06404	Senior Environmental Coordinator	L	Downgrade	06403	Environmental Coordinator III	K		
PM016924	MGT	5602	06404	Senior Environmental Coordinator	L	Downgrade	06403	Environmental Coordinator III	K		
PM016925	MGT	5602	06404	Senior Environmental Coordinator	L	Downgrade	06403	Environmental Coordinator III	K		
PM016782	MGT	5603	06404	Senior Environmental Coordinator	L	Downgrade	06403	Environmental Coordinator III	K		
PM016783	MGT	5603	06404	Senior Environmental Coordinator	L	Downgrade	06403	Environmental Coordinator III	K		
PM016781	MGT	5604	06404	Senior Environmental Coordinator	L	Downgrade	06403	Environmental Coordinator III	K		
PM016778	MGT	5608	06404	Senior Environmental Coordinator	L	Downgrade	06403	Environmental Coordinator III	K		
PM016780	MGT	5609	06404	Senior Environmental Coordinator	L	Downgrade	06403	Environmental Coordinator III	K		
PM000885	MGT	1575	36402	Information Technology Engineer	K	RECLASS	74009	Production Engineer	K		
PM000903	MGT	1575	36505	Information Technology Manager	M	RECLASS	74005	Production Manager	M		
PM016854	MGT	1256	40040	Customer Service Agent	E	RECLASS	40043	Operations Specialist	G		
PM016870	MGT	1256	40040	Customer Service Agent	E	RECLASS	40042	Senior Customer Service Agent	F		
PM016881	MGT	1256	40040	Customer Service Agent	E	RECLASS	40042	Senior Customer Service Agent	F		
PM016894	MGT	1256	40040	Customer Service Agent	E	RECLASS	40042	Senior Customer Service Agent	F		
PM016896	MGT	1256	40040	Customer Service Agent	E	RECLASS	40042	Senior Customer Service Agent	F		
PM016929	MGT	5602	24002	Executive Assistant	I	RECLASS	18040	Departmental Budget Analyst	I		
PM016716	MGT	1128	40004	Senior Public Information Representative	H	UPGRADE	40050	Senior Public Information Officer	J		
PM016828	MGT	1256	40040	Customer Service Agent	E	UPGRADE	20173	Quality Assurance Specialist	G		
PM016860	MGT	1256	40040	Customer Service Agent	E	UPGRADE	30020	Coordinator II	H		
PM016874	MGT	1256	40040	Customer Service Agent	E	UPGRADE	30020	Coordinator II	H		
PM018313	MGT	2076	30021	Coordinator IV	J	UPGRADE	30012	Manager III	M		
PM018371	MGT	1248	30020	Coordinator II	H	TRANSFER				PNV	1581
PM018372	MGT	1248	30020	Coordinator II	H	TRANSFER				PNV	1581
Office of Cultural Affairs - Municipal Radio (Enterprise Fund)											
PM000360	OCA	1068	32402	Office Assistant II	D	DELETE					
Office of Cultural Affairs (General Fund)											
PM019038	OCA	4888	30020	Coordinator II	H	ADD					
PM019039	OCA	4888	30020	Coordinator II	H	ADD					
PM017141	OCA	4888	30011	Manager II	K	DOWNGRADE	58517	Senior Electronic Technician	G		
PM017094	OCA	5502	32401	Office Assistant	B	RECLASS	14718	Senior Usher	B		
PM000324	OCA	4831	32401	Office Assistant	B	RECLASS	14718	Senior Usher	B		
PM000318	OCA	4834	30019	Coordinator	G	UPGRADE	30020	Coordinator II	H		
PM000320	OCA	4888	30011	Manager II	K	UPGRADE	30012	Manager III	M		
Office of Economic Development (General Fund)											
PM017639	ECO	1164	30022	Senior Coordinator	L	RECLASS	28044	Chief Planner	L		
PM011100	ECO	1191	30022	Senior Coordinator	L	UPGRADE	30012	Manager III	M		
Office of Economic Development (Grant Fund)											
PM011058	ECO	441G	29004	Economic Development Analyst	I	TRANSFER					1166

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Office of Financial Services (General Fund)											
PM017149	BMS	1122	30012	Manager III	M	RECLASS/TRANSFER	30040	Lean Sigma Six innovation Manager	MISC	MGT	1970
PM016719	BMS	1973	30012	Manager III	M	TRANSFER				MGT	1970
PM016753	BMS	1984	30017	Coordinator III	I	TRANSFER				MGT	1984
PM016802	BMS	1970	24850	Assistant Director II	P	TRANSFER				MGT	1970
PM016807	BMS	1970	30021	Coordinator IV	J	TRANSFER				MGT	1970
PM016808	BMS	1970	30021	Coordinator IV	J	TRANSFER				MGT	1970
PM016810	BMS	1970	30021	Coordinator IV	J	TRANSFER				MGT	1970
PM016812	BMS	1970	30021	Coordinator IV	J	TRANSFER				MGT	1970
PM016839	BMS	1970	24110	Intern	C	TRANSFER				MGT	1970
PM017374	BMS	1984	24404	Third Tier Executive	N	TRANSFER				MGT	1984
PM018348	BMS	1986	18014	Financial Accountant	K	TRANSFER				MGT	1986
PM018349	BMS	1986	18014	Financial Accountant	K	TRANSFER				MGT	1986
PM018350	BMS	1986	30013	Senior Program Manager	N	TRANSFER				MGT	1986
PM018546	BMS	1970	30021	Coordinator IV	J	TRANSFER				MGT	1970
PM018749	BMS	1968	24108	Chief Wellness Officer	MISC	TRANSFER				PER	1768
PM018863	BMS	1986	30012	Manager III	M	TRANSFER				MGT	1986
PM016753	BMS	1984	30017	Coordinator III	I	UPGRADE	48410	Privacy Coordinator	K		
PM018542	BMS	1973	18033	Senior Budget Analyst	I	UPGRADE/ TRANSFER	30012	Manager III	M	MGT	1970
PM018543	BMS	1973	30017	Coordinator III	I	UPGRADE/ TRANSFER	30012	Manager III	M	MGT	1970
Office of Risk Management (Other Fund)											
PM018483	ORM	3830	30021	Coordinator IV	J	RECLASS	48412	Occupational Health & Safety Management System (OHSAS) Compliance Administrator	J		
PM016703	ORM	3830	20836	Senior Risk Analyst	I	UPGRADE	20826	Safety Manager	M		
Parks and Recreation (General Fund)											
PM019054	PKR	5002	58512	Electrician	F	ADD					
PM019055	PKR	5002	50004	Senior Carpenter	E	ADD					
PM019056	PKR	5071	14522	Recreation Center Assistant	B	ADD					
PM019057	PKR	5071	14522	Recreation Center Assistant	B	ADD					
PM019058	PKR	5071	14522	Recreation Center Assistant	B	ADD					
PM019059	PKR	5071	14522	Recreation Center Assistant	B	ADD					
PM019060	PKR	5071	30011	Manager II	K	ADD					
PM014602	PKR	5217	56002	Mechanic II	E	DOWNGRADE	56001	Mechanic	C		
PM014234	PKR	5225	76802	Temporary Help	MISC	RECLASS	50007	Trades Helper	B		
PM014604	PKR	5217	56001	Mechanic	C	RECLASS	38009	Storekeeper II	C		
PM015581	PKR	5032	76802	Temporary Help	MISC	RECLASS	50403	Custodian	B		5208
PM015650	PKR	5215	76802	Temporary Help	MISC	RECLASS	14522	Recreation Center Assistant	B		
PM015651	PKR	5215	76802	Temporary Help	MISC	RECLASS	14522	Recreation Center Assistant	B		
PM015652	PKR	5215	76802	Temporary Help	MISC	RECLASS	14522	Recreation Center Assistant	B		
PM015653	PKR	5215	76802	Temporary Help	MISC	RECLASS	14522	Recreation Center Assistant	B		
PM015654	PKR	5215	76802	Temporary Help	MISC	RECLASS	14522	Recreation Center Assistant	B		
PM015655	PKR	5215	76802	Temporary Help	MISC	RECLASS	14522	Recreation Center Assistant	B		
PM015739	PKR	5226	76802	Temporary Help	MISC	RECLASS	50007	Trades Helper	B		5225
PM015750	PKR	5227	76802	Temporary Help	MISC	RECLASS	50007	Trades Helper	B		5225
PM014407	PKR	5119	32412	Student Worker	A	UPGRADE	14522	Recreation Center Assistant	B		
PM014408	PKR	5119	32412	Student Worker	A	UPGRADE	14522	Recreation Center Assistant	B		
PM014409	PKR	5119	32412	Student Worker	A	UPGRADE	14522	Recreation Center Assistant	B		
PM014539	PKR	5213	32412	Student Worker	A	UPGRADE	38009	Storekeeper II	C		5216

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PM014620	PKR	5222	16605	Inspector	D	UPGRADE	16606	Inspector II	F		
PM014622	PKR	9363	14432	Seasonal Maintenance Worker	A	UPGRADE	64003	Laborer	B		5274
PM014627	PKR	9363	14432	Seasonal Maintenance Worker	A	UPGRADE	64003	Laborer	B		5272
PM014628	PKR	9363	14432	Seasonal Maintenance Worker	A	UPGRADE	64003	Laborer	B		5276
PM015045	PKR	5071	32403	Senior Office Assistant	F	UPGRADE	32405	Administrative Specialist	G		
PM015146	PKR	5119	32412	Student Worker	A	UPGRADE	14522	Recreation Center Assistant	B		
PM015639	PKR	5213	32402	Office Assistant II	D	UPGRADE	32403	Senior Office Assistant	F		
PM015646	PKR	5216	32402	Office Assistant II	D	UPGRADE	20023	Human Resources Analyst	G		5213
PM015825	PKR	9363	14432	Seasonal Maintenance Worker	A	UPGRADE	64003	Laborer	B		5273
PM015930	PKR	9363	14432	Seasonal Maintenance Worker	A	UPGRADE	64003	Laborer	B		5275
PM015937	PKR	9363	14432	Seasonal Maintenance Worker	A	UPGRADE	64003	Laborer	B		5274
PM018451	PKR	5275	14432	Seasonal Maintenance Worker	A	UPGRADE	50026	Senior Irrigation Technician	E		
Planning and Urban Design (General Fund)											
PM019081	PNV	1581	28044	Chief Planner	L	ADD					
PM019082	PNV	1581	28041	Planner	G	ADD					
PM019083	PNV	1581	28043	Senior Planner	J	ADD					
PM019084	PNV	1582	28041	Planner	G	ADD					
PM019085	PNV	1582	76802	Temporary Help	MISC	ADD					
PM019086	PNV	1598	24390	Director II	R	ADD					
PM019087	PNV	1598	18012	Accountant II	G	ADD					
PM001459	PNV	1580	30012	Manager III	M	DOWNGRADE	28044	Chief Planner	L		1580
PM016809	PNV	1581	30021	Coordinator IV	J	DOWNGRADE	30020	Coordinator II	H		1580
PM018755	PNV	1580	24107	Chief Planning Officer	MISC	RECLASS	24107	Chief of Neighborhood Plus	MISC		1598
PM018829	PNV	1582	28043	Senior Planner	J	RECLASS	35547	Geographic Information System Analyst III	J		1580
PM001455	PNV	1582	28043	Senior Planner	J	UPGRADE	28044	Chief Planner	L		1580
PM016806	PNV	1581	30021	Coordinator IV	J	UPGRADE	30011	Manager II	K		1598
PM018783	PNV	1580	32209	Executive Secretary	E	UPGRADE	32405	Administrative Specialist	G		1598
Planning and Urban Design (Grant Fund)											
PM016303	PNV	495G	28042	Planner II	H	DELETE					
PM016304	PNV	495G	28044	Chief Planner	L	DELETE					
PM016308	PNV	495G	30012	Manager III	M	TRANSFER				HOU	623H
PM016320	PNV	495G	20003	Senior Contract Compliance Administrator	H	TRANSFER				HOU	602H
PM016326	PNV	495G	30021	Coordinator IV	J	TRANSFER				HOU	602H
PM016484	PNV	495G	02514	Project Coordinator II	I	TRANSFER				HOU	622H
PM017344	PNV	495G	28043	Senior Planner	J	TRANSFER					1581
PM018831	PNV	495G	28043	Senior Planner	J	TRANSFER					1581
Police (General Fund)											
PM018941	DPDC	2147	30025	Supervisor III	I	ADD					
PM018942	DPDC	2147	30025	Supervisor III	I	ADD					
PM018943	DPDC	2147	30025	Supervisor III	I	ADD					
PM018944	DPDC	2147	30025	Supervisor III	I	ADD					
PM018945	DPDC	2147	30025	Supervisor III	I	ADD					
PM018946	DPDC	2147	30025	Supervisor III	I	ADD					
PM018947	DPDC	2147	30025	Supervisor III	I	ADD					
PM018948	DPDC	2147	30025	Supervisor III	I	ADD					
PM018949	DPDC	2147	30025	Supervisor III	I	ADD					
PM018954	DPDC	2181	30019	Coordinator	G	ADD					

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PM018955	DPDC	2181	30019	Coordinator	G	ADD					
PM018956	DPDC	2181	30019	Coordinator	G	ADD					
PM018957	DPDC	2181	30019	Coordinator	G	ADD					
PM018958	DPDC	2181	30019	Coordinator	G	ADD					
PM018959	DPDC	2181	30019	Coordinator	G	ADD					
PM018960	DPDC	2181	30019	Coordinator	G	ADD					
PM018961	DPDC	2181	30019	Coordinator	G	ADD					
PM018962	DPDC	2181	30019	Coordinator	G	ADD					
PM018963	DPDC	2181	30019	Coordinator	G	ADD					
PM018964	DPDC	2181	30019	Coordinator	G	ADD					
PM018965	DPDC	2181	30019	Coordinator	G	ADD					
PM018966	DPDC	2181	30019	Coordinator	G	ADD					
PM018967	DPDC	2181	30019	Coordinator	G	ADD					
PM018968	DPDC	2181	30019	Coordinator	G	ADD					
PM019102	DPDC	2181	32405	Administrative Specialist	G	ADD					
PM019103	DPDC	2181	32405	Administrative Specialist	G	ADD					
PM019104	DPDC	2181	32405	Administrative Specialist	G	ADD					
PM019105	DPDC	2181	32405	Administrative Specialist	G	ADD					
PM019106	DPDC	2181	32405	Administrative Specialist	G	ADD					
PM019107	DPDC	2181	32405	Administrative Specialist	G	ADD					
PM013237	DPDC	2112	32401	Office Assistant	B	DELETE					
PM013321	DPDC	2112	32401	Office Assistant	B	DELETE					
PM014111	DPDC	2188	26022	Community Outreach Representative	F	DOWNGRADE	32402	Office Assistant II	D		2113
PM013334	DPDC	2112	30023	Supervisor	I	RECLASS	18033	Senior Budget Analyst	I		2113
PM013395	DPDC	2181	20001	Instructor	G	RECLASS	30023	Supervisor	G		
PM013560	DPDC	2112	30024	Supervisor II	H	RECLASS	46536	Internal Control Specialist	H		2182
PM014047	DPDC	2112	46531	Crime Scene Technician	F	RECLASS	56206	Traffic Enforcement Specialist	F		2113
PM013191	DPDC	2112	32402	Office Assistant II	D	UPGRADE	32405	Administrative Specialist	G		2181
PM013213	DPDC	2112	30011	Manager II	K	UPGRADE	30012	Manager III	M		2147
PM013243	DPDC	2115	32402	Office Assistant II	D	UPGRADE	32403	Senior Office Assistant	F		
PM013245	DPDC	2115	32402	Office Assistant II	D	UPGRADE	32403	Senior Office Assistant	F		
PM013255	DPDC	2112	30010	Manager	I	UPGRADE	30012	Manager III	M		2181
PM013272	DPDC	2112	46503	Public Service Officer	C	UPGRADE	46509	Police Research Specialist	G		2135
PM013274	DPDC	2112	46503	Public Service Officer	C	UPGRADE	46509	Police Research Specialist	G		2163
PM013276	DPDC	2112	46503	Public Service Officer	C	UPGRADE	46509	Police Research Specialist	G		2163
PM013287	DPDC	2112	46503	Public Service Officer	C	UPGRADE	46509	Police Research Specialist	G		2163
PM013294	DPDC	2112	46503	Public Service Officer	C	UPGRADE	46509	Police Research Specialist	G		2163
PM013419	DPDC	2181	32402	Office Assistant II	D	UPGRADE	46509	Police Research Specialist	G		2135
PM013447	DPDC	2147	40035	Police Report Representative	E	UPGRADE	40032	Senior Police Report Representative	F		
PM013448	DPDC	2147	40035	Police Report Representative	E	UPGRADE	40032	Senior Police Report Representative	F		
PM013451	DPDC	2147	40035	Police Report Representative	E	UPGRADE	40032	Senior Police Report Representative	F		
PM013453	DPDC	2147	40035	Police Report Representative	E	UPGRADE	40032	Senior Police Report Representative	F		
PM013454	DPDC	2147	40035	Police Report Representative	E	UPGRADE	40032	Senior Police Report Representative	F		
PM013456	DPDC	2147	40035	Police Report Representative	E	UPGRADE	40032	Senior Police Report Representative	F		
PM013459	DPDC	2147	40035	Police Report Representative	E	UPGRADE	40032	Senior Police Report Representative	F		
PM013460	DPDC	2147	40035	Police Report Representative	E	UPGRADE	40032	Senior Police Report Representative	F		
PM013462	DPDC	2147	40035	Police Report Representative	E	UPGRADE	40032	Senior Police Report Representative	F		
PM013464	DPDC	2147	40035	Police Report Representative	E	UPGRADE	40032	Senior Police Report Representative	F		
PM013467	DPDC	2147	40035	Police Report Representative	E	UPGRADE	40032	Senior Police Report Representative	F		
PM013470	DPDC	2147	40035	Police Report Representative	E	UPGRADE	40032	Senior Police Report Representative	F		
PM013471	DPDC	2147	40035	Police Report Representative	E	UPGRADE	40032	Senior Police Report Representative	F		
PM013472	DPDC	2147	40035	Police Report Representative	E	UPGRADE	40032	Senior Police Report Representative	F		
PM013479	DPDC	2147	40035	Police Report Representative	E	UPGRADE	40032	Senior Police Report Representative	F		

CITY OF DALLAS
BUDGET/RECLASSIFICATION POSITION CLASSIFICATION ALLOCATION
FY2015/2016

PM#	DEPT	UNIT	CURRENT CLASS CODE	CURRENT TITLE	CURRENT GRADE	ACTION	NEW CLASS CODE	NEW TITLE IF NOT THE SAME	NEW GRADE	NEW DEPT	NEW UNIT
PM014008	DPDC	2161	32402	Office Assistant II	D	UPGRADE	46531	Crime Technician	E		
PM014046	DPDC	2112	46531	Crime Scene Technician	F	UPGRADE	18013	Senior Accountant	I		2113
PM019061	DPDU	2181	46027	Police Assistant Chief	P8	ADD					
PM019062	DPDU	2181	46027	Police Assistant Chief	P8	ADD					
Public Works (General Fund)											
PM002845	PBW	4298	06303	Environmental Specialist III	G	DELETE					
PM003027	PBW	3040	30012	Manager III	M	DOWNGRADE	30011	Manager II	K		
PM018073	PBW	3036	00703	Senior Engineer	M	TRANSFER				PNV	1579
PM002746	PBW	3015	02520	Project Coordinator	H	UPGRADE	30011	Manager II	K		3022
PM003043	PBW	3076	63014	Service Agent	G	UPGRADE	24404	Third Tier Executive	N		3036
Sanitation Services (Enterprise Fund)											
PM018825	SAN	3511	72001	Sanitation Truck Driver Trainee	B	ADD					
PM018826	SAN	3511	72001	Sanitation Truck Driver Trainee	B	ADD					
PM018827	SAN	3511	72001	Sanitation Truck Driver Trainee	B	ADD					
PM018876	SAN	3512	72001	Sanitation Truck Driver Trainee	B	ADD					
PM018877	SAN	3512	72001	Sanitation Truck Driver Trainee	B	ADD					
PM018878	SAN	3512	72001	Sanitation Truck Driver Trainee	B	ADD					
PM018879	SAN	3513	72001	Sanitation Truck Driver Trainee	B	ADD					
PM018880	SAN	3513	72001	Sanitation Truck Driver Trainee	B	ADD					
PM018881	SAN	3513	72001	Sanitation Truck Driver Trainee	B	ADD					
PM018882	SAN	3514	72001	Sanitation Truck Driver Trainee	B	ADD					
PM018883	SAN	3514	72001	Sanitation Truck Driver Trainee	B	ADD					
PM018884	SAN	3514	72001	Sanitation Truck Driver Trainee	B	ADD					
PM018885	SAN	3515	72001	Sanitation Truck Driver Trainee	B	ADD					
PM018886	SAN	3515	72001	Sanitation Truck Driver Trainee	B	ADD					
PM018887	SAN	3515	72001	Sanitation Truck Driver Trainee	B	ADD					
PM001878	SAN	3596	56002	Mechanic II	E	DOWNGRADE	56001	Mechanic	C		
PM001979	SAN	3591	30025	Supervisor III	I	DOWNGRADE	30024	Supervisor II	H		
PM017038	SAN	3598	76802	Temporary Help	MISC	RECLASS	18006	Auditor	J		3581
PM001737	SAN	3591	30020	Coordinator II	H	UPGRADE	30004	Sanitation Operations Analyst	I		
PM001794	SAN	3591	64003	Laborer	B	UPGRADE	60215	Equipment Operator	D		
PM002025	SAN	3595	64003	Laborer	B	UPGRADE	60216	Heavy Equipment Operator	E		
PM002065	SAN	3515	30011	Manager II	K	UPGRADE	30012	Manager III	M		
PM002165	SAN	3581	32402	Office Assistant II	D	UPGRADE	18020	Budget Analyst	G		3582
PM002207	SAN	3591	06401	Environmental Coordinator	H	UPGRADE	06403	Environmental Coordinator III	K		
PM002228	SAN	3591	64003	Laborer	B	UPGRADE	60215	Equipment Operator	D		
PM002229	SAN	3591	64003	Laborer	B	UPGRADE	60215	Equipment Operator	D		
PM002236	SAN	3593	64003	Laborer	B	UPGRADE	32405	Administrative Specialist	G		
Streets Services (General Fund)											
PM019109	STS	3058	50053	Crew Leader	E	ADD					
PM019110	STS	3058	50052	Senior Maintenance Worker	D	ADD					
PM019111	STS	3058	50052	Senior Maintenance Worker	D	ADD					
PM019112	STS	3180	30012	Manager III	M	ADD					
PM019113	STS	3180	58512	Electrician	F	ADD					
PM019114	STS	3180	58511	Electrician Assistant	D	ADD					
PM002822	STS	3049	36100	Departmental Technology Analyst	I	RECLASS	02514	Project Coordinator II	I		
PM002908	STS	3055	30025	Supervisor III	I	UPGRADE	30011	Manager II	K		
PM010285	STS	3417	30023	Supervisor	G	UPGRADE	30024	Supervisor II	H		

CITY OF DALLAS
BUDGET/RECLASSIFICATION POSITION CLASSIFICATION ALLOCATION
FY2015/2016

PM#	DEPT	UNIT	CURRENT CLASS CODE	CURRENT TITLE	CURRENT GRADE	ACTION	NEW CLASS CODE	NEW TITLE IF NOT THE SAME	NEW GRADE	NEW DEPT	NEW UNIT
PM010304	STS	3411	32401	Office Assistant	B	UPGRADE	30017	Coordinator III	I		3311
PM010466	STS	3421	32401	Office Assistant	B	UPGRADE	30024	Supervisor III	I		3417
Sustainable Development and Construction (General Fund)											
PM019093	DEV	3181	28044	Chief Planner	L	ADD					
PM019094	DEV	3181	28041	Planner	G	ADD					
PM019100	DEV	1183	30020	Coordinator II	H	ADD					
PM019101	DEV	1183	30012	Manager III	M	ADD					
PM018209	DEV	3181	35547	Geographic Information System Analyst III	J	TRANSFER					3175
Sustainable Development and Construction (Enterprise Fund)											
PM019071	DEV	3151	16412	Inspector III	G	ADD					
PM019072	DEV	3151	16412	Inspector III	G	ADD					
PM019073	DEV	3151	16412	Inspector III	G	ADD					
PM019074	DEV	3151	16412	Inspector III	G	ADD					
PM019066	DEV	3151	16406	Assistant Building Official	M	ADD					
PM019067	DEV	3152	32402	Office Assistant II	D	ADD					
PM019063	DEV	3157	30011	Manager II	K	ADD					
PM019064	DEV	3157	24404	Third Tier Executive	N	ADD					
PM019065	DEV	3157	30022	Senior Coordinator	L	ADD					
PM019088	DEV	3163	30011	Manager II	K	ADD					
PM019089	DEV	3163	16404	Senior Plans Examiner	H	ADD					
PM019090	DEV	3163	16404	Senior Plans Examiner	H	ADD					
PM019091	DEV	3163	28043	Senior Planner	J	ADD					
PM019092	DEV	3163	32403	Senior Office Assistant	F	ADD					
PM019068	DEV	3172	00703	Senior Engineer	M	ADD					
PM019069	DEV	3172	00703	Senior Engineer	M	ADD					
PM019070	DEV	3172	00703	Senior Engineer	M	ADD					
PM019031	DEV	3174	02218	Surveyor	K	ADD					
PM019032	DEV	3174	02218	Surveyor	K	ADD					
PM019095	DEV	3175	35546	Geographic Information System Analyst II	I	ADD					
PM019115	DEV	3175	30012	Manager III	M	ADD					
PM019096	DEV	3175	36533	Senior Geographic Information System Support Technician	G	ADD					
PM001658	DEV	3163	30024	Supervisor II	H	RECLASS	16404	Senior Plans Examiner	H		
PM017073	DEV	3141	32405	Administrative Specialist	G	RECLASS	30019	Coordinator	G		3142
PM001505	DEV	1186	26001	Senior Relocation Specialist	I	UPGRADE	30300	Relocation Manager	K		
PM001592	DEV	3162	30024	Supervisor II	H	UPGRADE	30010	Manager	I		
PM001644	DEV	3175	36534	Geographic Information System Support Technician	E	UPGRADE	36533	Senior Geographic Information System Support Technician	G		
PM001652	DEV	3142	26002	Relocation Specialist	H	UPGRADE	30017	Coordinator III	I		
PM018173	DEV	3163	40019	Customer Service Representative II	D	UPGRADE	36534	Geographic Information System Support Technician	E		
Trinity Watershed Management (Enterprise Fund)											
PM019024	TWM	4790	16605	Inspector I	D	ADD					
PM019025	TWM	4791	30013	Senior Program Manager	N	ADD					
PM019026	TWM	4791	16412	Inspector III	G	ADD					
PM019027	TWM	4791	16606	Inspector II	F	ADD					
PM019028	TWM	4791	16606	Inspector II	F	ADD					
PM001458	TWM	4791	02519	Senior Project Coordinator	L	DOWNGRADE	30021	Coordinator IV	J		
PM002522	TWM	4795	30308	Chief Real Estate Specialist	L	DOWNGRADE	30011	Manager II	K		3009

CITY OF DALLAS
BUDGET/RECLASSIFICATION POSITION CLASSIFICATION ALLOCATION
FY2015/2016

PM#	DEPT	UNIT	CURRENT CLASS CODE	CURRENT TITLE	CURRENT GRADE	ACTION	NEW CLASS CODE	NEW TITLE IF NOT THE SAME	NEW GRADE	NEW DEPT	NEW UNIT
PM002571	TWM	4792	30024	Supervisor II	H	UPGRADE	30025	Supervisor III	I		
PM018264	TWM	4795	06401	Environmental Coordinator	H	UPGRADE	06402	Environmental Coordinator II	I		

AGENDA ITEM # 62

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Planning and Neighborhood Vitality

CMO: A. C. Gonzalez, 670-3297

MAPSCO: N/A

SUBJECT

A resolution adopting Neighborhood Plus to serve as an implementation action plan to initiate a shift in community and neighborhood revitalization efforts in the City of Dallas - Financing: No cost consideration to the City

BACKGROUND

On June 25, 2014, the Dallas City Council authorized a professional services contract with Fregonese Associates to develop a housing plan. Subsequently, the Dallas City Council authorized two separate agreements with Mercedes Marquez of Marquez Community Strategy and Dan Babers of Babers Group, Inc., to provide thought leadership and to bring federal housing policy expertise to the development of this plan. An important emphasis of the scope of this plan was to expand the focus beyond publicly subsidized housing development to address other key aspects of healthy neighborhoods, including transportation options, and access to education, health care, jobs, recreation and healthful foods. The intent is to integrate housing strategies with neighborhood revitalization strategies and to align Dallas' housing goals more closely with fiscal, economic development, land use, and transportation goals.

During the development of this plan, the City completed extensive public engagement, including a Council Workshop, a kick-off block party event, five community workshops at locations spread throughout the City, participation at National Night Out events, partners forums with key external organizations, two regional fair housing symposia, numerous meetings and presentations to stakeholder groups and neighborhood organizations, and presentations to the City Plan Commission, Dallas Housing Finance Corporation Board, the Community Development Commission and the Senior Affairs Commission.

BACKGROUND (Continued)

Through this process, a draft “Neighborhood Plus” document has been developed to include strategic goals, policies and actions related to community and neighborhood revitalization in the City of Dallas. All information has been made available to the public via a project website.

Neighborhood Plus is intended to serve as an implementation action plan aimed at initiating a shift in the approach to community and neighborhood revitalization efforts in the City of Dallas. It is also ultimately intended to serve as an ongoing policy guide to housing and neighborhood development to be integrated into comprehensive citywide policy by incorporation into the *forwardDallas!* Comprehensive Plan at a future date.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On March 5, 2014, the City Council was briefed on the approach to developing a housing plan for Dallas.

On June 2, 2014, the City Council Housing Committee was briefed on the key consultant team members and the recommended planning process and schedule.

On June 4, 2014, the City Council was briefed on the key consultant team members and the recommended planning process and schedule.

On June 25, 2014, the Dallas City Council authorized a professional services contract with Fregonese Associates to develop a housing plan.

On August 7, 2014, the Community Development Commission was briefed on the planning approach, process and schedule.

On August 19, 2014, the Dallas City Council authorized an agreement with Dan Barbers of Babers Group, Inc., to provide federal housing policy expertise to the development of this plan.

On August 27, 2014, the Dallas City Council authorized an agreement with Mercedes Marquez of Marquez Community Strategy, to provide thought leadership and to bring federal housing policy expertise to the development of this plan.

On December 4, 2014, the Community Development Commission was briefed on the findings and preliminary recommendations of Neighborhood Plus.

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

On January 5, 2015, the Senior Affairs Commission was briefed on the findings and preliminary recommendations of Neighborhood Plus.

On February 18, 2015, the City Council was briefed on the findings and preliminary recommendations of Neighborhood Plus.

On April 16, 2015, the City Plan Commission was briefed on the findings and preliminary recommendations of Neighborhood Plus.

On May 12, 2015, the Dallas Housing Finance Corporation Board was briefed on the findings and preliminary recommendations of Neighborhood Plus.

On August 3, 2015 and September 3, 2015, the Housing Committee was briefed on the findings and preliminary recommendations of Neighborhood Plus.

FISCAL INFORMATION

No cost consideration to the City

September 22, 2015

WHEREAS, on June 25, 2014, Dallas City Council Resolution No. 14-0995 authorized a professional services contract with Fregonese Associates to develop a comprehensive housing and neighborhoods plan for the City of Dallas; and

WHEREAS, on August 27, 2014, Dallas City Council Resolution No. 14-1429 authorized an agreement with Mercedes Marquez with Marquez Community Strategy, to provide thought leadership and to bring federal housing policy expertise to the development of this plan; and

WHEREAS, City staff in close collaboration with consultants has completed extensive public engagement through workshops, symposia, partner forums, community and stakeholder presentations and has received community input that has shaped the development of Neighborhood Plus; and

WHEREAS, Neighborhood Plus is intended to serve as an implementation action plan to initiate a shift in the approach to community and neighborhood revitalization efforts in the City of Dallas; and

WHEREAS, Neighborhood Plus also provides a general policy framework to guide ongoing housing and neighborhood development and is intended to be incorporated into the Comprehensive Plan of the City of Dallas at a future date; and

Now, Therefore,

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

SECTION 1. That Neighborhood Plus, intended to serve as an implementation action plan to initiate a shift in community and neighborhood revitalization efforts in the City of Dallas, is hereby adopted.

SECTION 2. That the City Council directs the City Manager to consider and consult Neighborhood Plus as an implementation action plan in conjunction with other plans for all future actions related to community and neighborhood revitalization in the City of Dallas.

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

AGENDA ITEM # 63

KEY FOCUS AREA:	Economic Vibrancy
AGENDA DATE:	September 22, 2015
COUNCIL DISTRICT(S):	Outside City Limits
DEPARTMENT:	Sustainable Development and Construction Water Utilities
CMO:	Ryan S. Evans, 671-9837 Mark McDaniel, 670-3256
MAPSCO:	72P

SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from First National Bank, of a tract of land containing approximately 16,022 square feet and approximately 14,167 square feet of land for a temporary working space easement, located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed $148,177 ($145,177, plus closing costs and title expenses not to exceed $3,000) – Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This item authorizes the acquisition of a tract of land containing approximately 16,022 square feet and approximately 14,167 square feet for a temporary working space easement located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project. This property will be used for the construction of a 96-inch and 120-inch diameter treated water transmission line from the East Side Water Treatment Plant to Southwest Dallas. The consideration is based on an independent appraisal.

This acquisition is part of the Long Range Water Master Plan and the Water Distribution Master Plan. The water transmission main is required to facilitate conveyance of treated water to the South and Southwest portions of Dallas and its customer cities. Installation of approximately 32 miles of 96-inch and 120-inch water transmission pipeline is needed to meet near term critical demands associated with the population growth as determined through master planning efforts. The overall pipeline is sized to meet future water demands.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Resolution No. 13-2079 was authorized by Council on December 11, 2013.

Information about this item will be provided to Economic Development Committee on September 21, 2015.

FISCAL INFORMATION

Water Utilities Capital Improvement Funds - $148,177 ($145,177, plus closing costs and title expenses not to exceed $3,000)

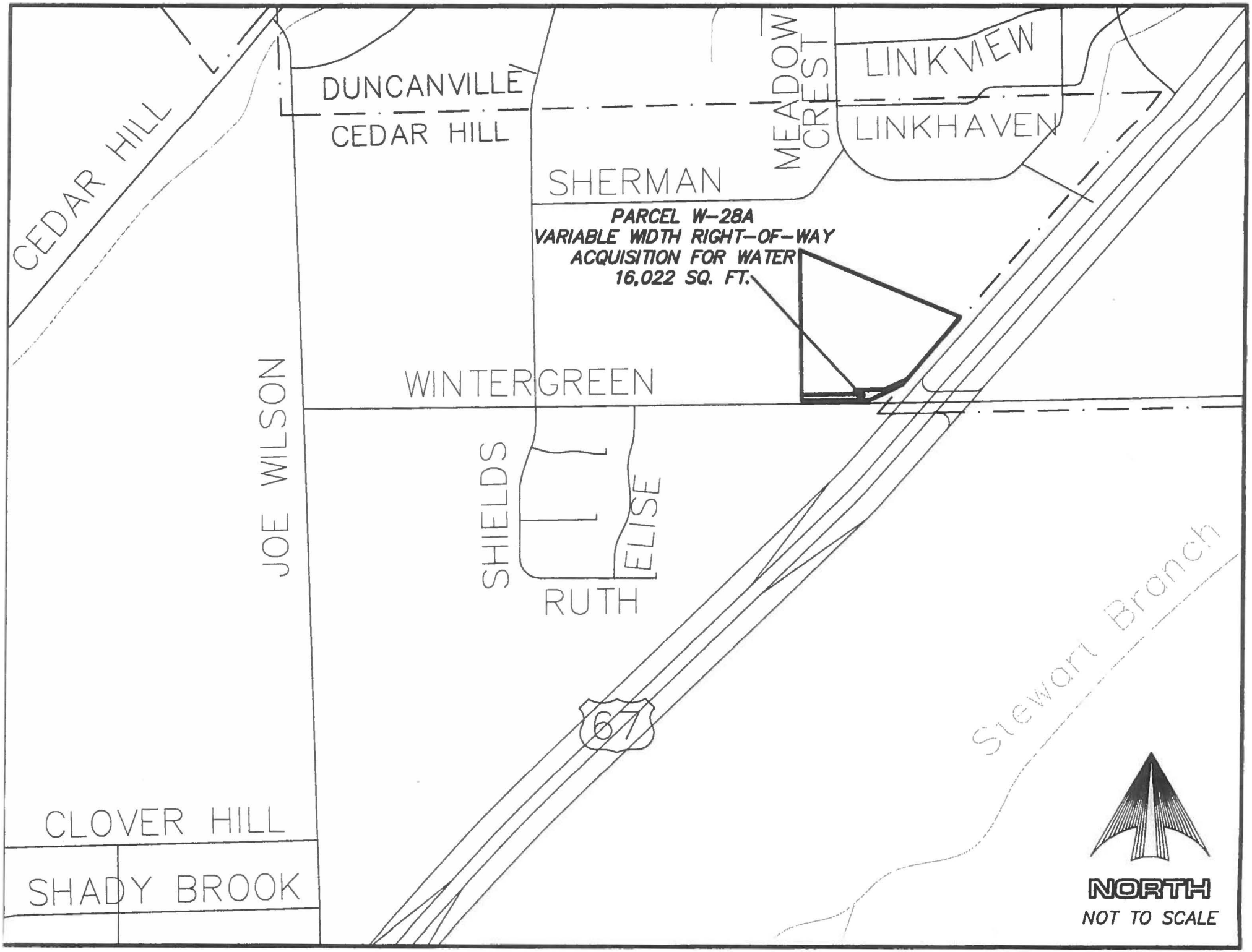
OWNER

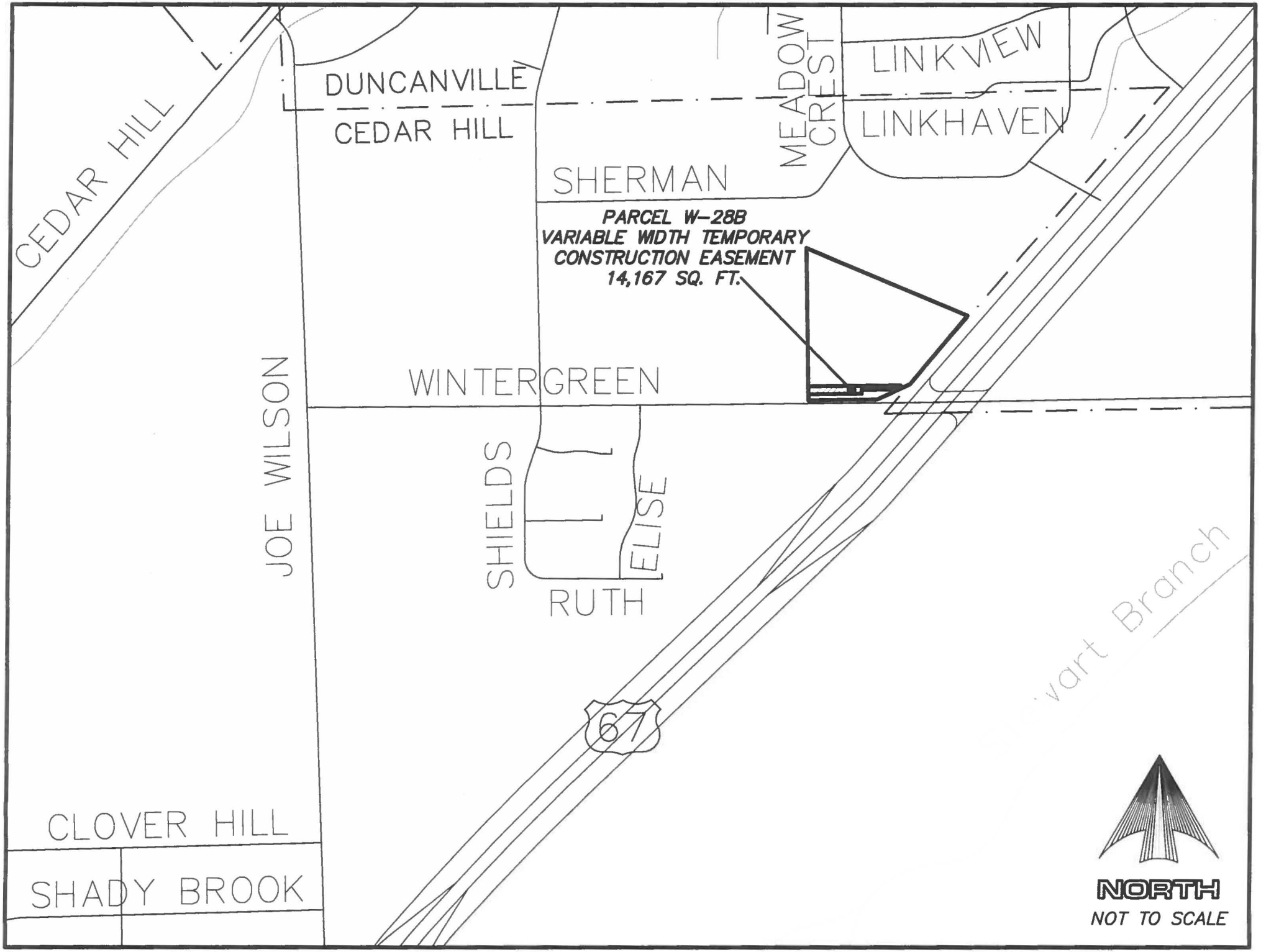
First National Bank

Michael McCann, Sr., Property Officer

MAPS

Attached


CEDAR HILL
DUNCANVILLE
CEDAR HILL
MEADOW CREST
LINKVIEW
LINKHAVEN
SHERMAN
PARCEL W-28A
VARIABLE WIDTH RIGHT-OF-WAY
ACQUISITION FOR WATER
16,022 SQ. FT.
WINTERGREEN
JOE WILSON
SHIELDS
ELISE
RUTH
67
Stewart Branch
CLOVER HILL
SHADY BROOK
NORTH
NOT TO SCALE


CEDAR HILL
DUNCANVILLE
CEDAR HILL
MEADOW CREST
LINKVIEW
LINKHAVEN
SHERMAN
PARCEL W-28B
VARIABLE WIDTH TEMPORARY
CONSTRUCTION EASEMENT
14,167 SQ. FT.
WINTERGREEN
JOE WILSON
SHIELDS
ELISE
RUTH
67
vart Branch
CLOVER HILL
SHADY BROOK
NORTH
NOT TO SCALE

September 22, 2015

A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS APPROPRIATION AND/OR CONDEMNATION FOR PUBLIC USE.

DEFINITIONS: For the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas

"PROPERTY": Approximately 16,022 square feet of land for right-of-way and approximately 14,167 square feet of land for a temporary working space easement located in Dallas County, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

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

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

"PROPERTY INTERESTS": Fee Simple and Temporary Working Space Easement

"OWNER": First National Bank, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"OFFER AMOUNT": $145,177

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed $3,000

"AUTHORIZED AMOUNT": $148,177 ($145,177, plus closing costs and title expenses not to exceed $3,000)

PROPERTY INTEREST(S)	**OFFER AMOUNT**	**TITLE EXPENSES NOT TO EXCEED**	**AUTHORIZED AMOUNT**
Right-of-way	$128,176	$3,000	$148,177
Temporary Easement	$ 17,001	included w/above	included w/above

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

SECTION 1. That the USE of the PROPERTY for the PROJECT is a public use.

SECTION 2. That public necessity requires that the CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

SECTION 3. That for the purpose of acquiring the PROPERTY INTEREST in the PROPERTY, the Assistant Director of the Department of Sustainable Development and Construction Department, Real Estate Division, or such person as she may designate, is hereby authorized and directed to offer the OFFER AMOUNT as payment for the PROPERTY INTEREST in the PROPERTY.

SECTION 4. That in the event the OWNER accepts the OFFER AMOUNT, the Chief Financial Officer is authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the OFFER AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Water Utilities Capital Improvement Funds, Fund No. 3115, Department DWU, Unit PW40, Program No. 706035, Object 4210, Encumbrance No. CT-DWU706035CPBM. The OFFER AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 5. That the CITY is to have possession of the PROPERTY at closing; and the CITY will pay any title expenses and closing costs. In the event of condemnation, the CITY will pay court costs as may be assessed by the Special Commissioners or the court. Further, that litigation expenses determined by the City Attorney to be necessary are authorized for payment. All costs and expenses described in this section shall be paid from the previously described funds.

SECTION 6. That if the OWNER refuses to accept the OFFER AMOUNT, the CITY will appropriate the PROPERTY INTEREST in the PROPERTY for the PROJECT under the laws of eminent domain and the provisions of the Charter of the City of Dallas. In such case, the City Attorney is authorized and requested to file the necessary suit(s) and take the necessary action for the prompt acquisition of the PROPERTY INTEREST in the PROPERTY by condemnation or in any manner provided by law.

SECTION 7. That in the event it is subsequently determined that additional persons other than those named herein have an interest in the PROPERTY, the City Attorney is authorized and directed to join said parties as defendants in said condemnation suit(s).

SECTION 8. That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

SECTION 9. That OWNER has been provided with a copy of the Landowner's Bill of Rights as required by Texas Property Code Section 21.0112.

SECTION 10. That in the event the Special Commissioners in Condemnation appointed by the Court return an award that is the same amount or less than the OFFER AMOUNT, the City Attorney is hereby authorized to settle the lawsuit for that amount and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the Commissioners' award made payable to the County Clerk of Dallas County, to be deposited into the registry of the Court, to enable the CITY to take possession of the PROPERTY without further action of the Dallas City Council.

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

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

BY _____
Assistant City Attorney

EXHIBIT "A"
PAGE 1 OF 3
PARCEL W-28A
VARIABLE WIDTH RIGHT-OF-WAY ACQUISITION FOR WATER
16,022 SQ. FT. PARCEL
WALTER NUTT SURVEY, ABSTRACT NO. 1086
CITY OF CEDAR HILL, DALLAS COUNTY, TEXAS

DESCRIPTION

BEING a 16,022 square foot tract of land situated in the Walter Nutt Survey, Abstract No. 1086, being in the City of Cedar Hill, Dallas County, Texas, and being a portion of a 9.126 acre tract of land described in that certain Special Warranty Deed to First National Bank, as recorded in Volume 2005041, Page 254 of the Official Public Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for the southwest corner of the aforementioned 9.126 acre tract from whence a found 1/2" iron rod bears S 11°40'50" E, 1.38 feet, said southwest corner being in the north right-of-way line of Wintergreen Road (variable width right-of-way);

THENCE N 00°36'15" W (deed-N 00°28'18" E), departing said north right-of-way line of Wintergreen Road and with the west line of said 9.126 acre tract, passing at 4.88 feet a found 5/8" iron rod, also passing at 5.16 feet the southeast corner of Lot 1, Block A of Wintergreen Acres, an addition to the County of Dallas, Texas, according to the plat thereof recorded in Volume 10, Page 337 of the Map Records of Dallas County, Texas, and continuing with the west line of said 9.126 acre tract and the east line of said Lot 1, Block A, a total distance of 30.00 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE S 89°54'53" E, departing the west line of said 9.126 acre tract and said east line of Lot 1, Block A, 267.79 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE N 00°05'07" E, 20.00 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE S 89°54'53" E, 150.38 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE N 65°32'28" E, 125.98 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the southeasterly line of said 9.126 acre tract, from whence a 1/2" iron rod found at an angle point in said southeasterly line bears N 40°07'32" E (deed-S 41°22'23" W), 121.26 feet, said southeasterly line also being the northwesterly right-of-way line of U.S. Highway No. 67 (variable width right-of-way);

REVIEWED BY [illegible] 6-13-11

Dallas Water Utilities
Southwest 120/96-inch Water
Transmission Pipeline Project

NDM
NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00
Two Northpark / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / (214) 739-4741

AECOM
AECOM USA GROUP, INC.
17300 DALLAS PARKWAY, SUITE 1010
DALLAS, TEXAS 75248-1157
WWW.AECOM.COM
TBPE REG. NO. F-3082

MAY 26, 2011 | 7059-EX28A-R2.dwg

EXHIBIT "A"
PAGE 2 OF 3

PARCEL W-28A
VARIABLE WIDTH RIGHT-OF-WAY ACQUISITION FOR WATER

16,022 SQ. FT. PARCEL
WALTER NUTT SURVEY, ABSTRACT NO. 1086
CITY OF CEDAR HILL, DALLAS COUNTY, TEXAS

THENCE S 40°07'32" W (deed-S 41°22'23" W), with the southeasterly line of said 9.126 acre tract and said northwesterly right-of-way line of U.S. Highway No. 67, 34.95 feet to a concrete Texas Department of Transportation (TxDOT) post found for the most easterly southeast corner of said 9.126 acre tract, from whence a found 3/4" iron rod (leaning) bears N 74°30'44" E, 1.77 feet;

THENCE S 65°32'28" W (deed-S 66°50'24" W), continuing with the southeasterly line of said 9.126 acre ract and said northwesterly right-of-way line of U.S. Highway No. 67, 181.93 feet (deed-182.17 feet) to a broken concrete TxDOT post found for the most southerly southeast corner of said 9.126 acre tract, said corner being at the intersection of said northwesterly right-of-way line of U.S. Highway No. 67 and the aforementioned north right-of-way line of Wintergreen Road;

THENCE N 89°54'53" W (deed-N 88°50'20" W), with the south line of said 9.126 acre tract and said north right-of-way line of Wintergreen Road, 344.42 feet (deed-344.19 feet) to the POINT OF BEGINNING and containing 0.3678 acres or 16,022 square feet of land, more or less.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.

John L. Melton, R.P.L.S. No. 4268
Registered Professional Land Surveyor

STATE OF TEXAS
REGISTERED
JOHN L. MELTON
#4268
PROFESSIONAL
LAND SURVEYOR

NOTE:

Bearings for this survey are based on the Western Data Systems Texas Cooperative Network (www.txrtk.com) and are referenced to NAD83 State Plane Coordinate System, Texas North Central Zone 4202. Stations DPKC, DTNA and DUNP were utilized as base stations during GPS data collection sessions and serve as controlling monuments.

REVIEWED BY 11-21-11

Dallas Water Utilities
Southwest 120/96-inch Water
Transmission Pipeline Project

NDM NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00
Two Northpark / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / (214) 739-4741

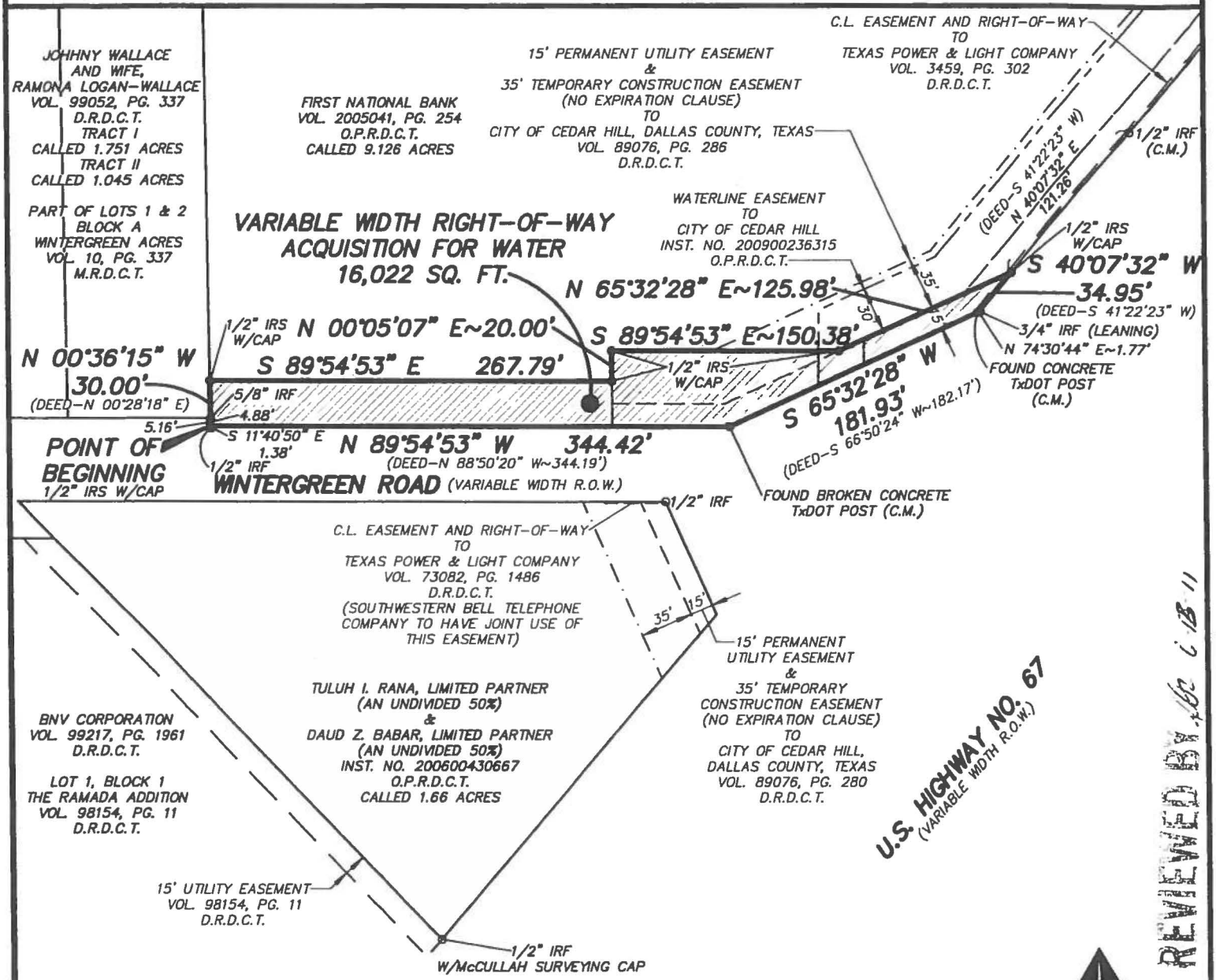
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TBPE REG. NO. F-3082

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EXHIBIT "A"
PAGE 3 OF 3

PARCEL W-28A
VARIABLE WIDTH RIGHT-OF-WAY ACQUISITION FOR WATER

16,022 SQ. FT. PARCEL
WALTER NUTT SURVEY, ABSTRACT NO. 1086
CITY OF CEDAR HILL, DALLAS COUNTY, TEXAS



LEGEND

O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
SQ. FT.	SQUARE FEET
R.O.W.	RIGHT-OF-WAY
ESMT.	EASEMENT
C.L.	CENTERLINE
C.M.	CONTROLLING MONUMENT
IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
IRS W/CAP	IRON ROD SET WITH PLASTIC CAP STAMPED "TX REG NO 100189-00"

NORTH
SCALE: 1"=100'

Dallas Water Utilities
Southwest 120/96-inch Water
Transmission Pipeline Project

NDM NATHAN D. MAIER CONSULTING ENGINEERS, INC. TBPE FIRM REG. NO. F-356 TBPLS FIRM REG. NO. 100189-00
Two Northpark / 8080 Park Lane / Suite 600 Dallas, Texas 75231 / (214) 739-4741

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AECOM USA GROUP, INC. 17300 DALLAS PARKWAY, SUITE 1010 DALLAS, TEXAS 75248-1157 WWW.AECOM.COM TBPE REG. NO. F-3082

MAY 26, 2011 | 7059-EX28A-R2.dwg

EXHIBIT "A"
PAGE 1 OF 3
PARCEL W-28B
VARIABLE WIDTH TEMPORARY CONSTRUCTION EASEMENT
14,167 SQ. FT. PARCEL
WALTER NUTT SURVEY, ABSTRACT NO. 1086
CITY OF CEDAR HILL, DALLAS COUNTY, TEXAS

DESCRIPTION

BEING a 14,167 square foot tract of land situated in the Walter Nutt Survey, Abstract No. 1086, being in the City of Cedar Hill, Dallas County, Texas, and being a portion of a 9.126 acre tract of land described in that certain Special Warranty Deed to First National Bank, as recorded in Volume 2005041, Page 254 of the Deed Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set corner in the west line of the aforementioned 9.126 acre tract, said west line also being the east line of Lot 1, Block A of Wintergreen Acres, an addition to the County of Dallas, Texas, according to the plat thereof recorded in Volume 10, Page 337 of the Map Records of Dallas County, Texas, from whence a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for the southwest corner of said 9.126 acre tract bears S 00°36'15" E (deed-N 00°28'18" E), 30.00 feet, said southwest corner being in the north right-of-way line of Wintergreen Road (variable width right-of-way);

THENCE N 00°36'15" W (deed-N 00°28'18" E), with the west line of said 9.126 acre tract and the east line of said Lot 1, Block A, 40.00 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE S 89°54'53" E, departing the west line of said 9.126 acre tract and said east line of Lot 1, Block A, 462.44 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner, from whence a concrete Texas Department of Transportation (TxDOT) post found for the most easterly southeast corner of said 9.126 acre tract bears N 83°36'14" E, 48.64 feet, said most easterly southeast corner being in the northwesterly right-of-way line of U.S. Highway No. 67 (variable width right-of-way);

THENCE S 65°32'28" W, 48.15 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE N 89°54'53" W, 150.38 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

REVIEWED BY [illegible] 6/13/11

Dallas Water Utilities
Southwest 120/96-inch Water
Transmission Pipeline Project

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TBPLS FIRM REG. NO. 100189-00
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MAY 26, 2011 | 7059-ES28B-R.dwg

EXHIBIT "A"
PAGE 2 OF 3
PARCEL W-28B
VARIABLE WIDTH TEMPORARY CONSTRUCTION EASEMENT
14,167 SQ. FT. PARCEL
WALTER NUTT SURVEY, ABSTRACT NO. 1086
CITY OF CEDAR HILL, DALLAS COUNTY, TEXAS

THENCE S 00°05'07" W, 20.00 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner, from whence a broken concrete TxDOT post found for the most southerly southeast corner of said 9.126 acre tract bears S 68°37'42" E, 82.64 feet, said most southerly southeast corner being at the intersection of said northwesterly right-of-way line of U.S. Highway No. 67 and the aforementioned north right-of-way line of Wintergreen Road;

THENCE N 89°54'53" W, 267.79 feet to the POINT OF BEGINNING and containing 0.3252 acres or 14,167 square feet of land, more or less.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.

John L. Melton, R.P.L.S. No. 4268
Registered Professional Land Surveyor

STATE OF TEXAS
REGISTERED
JOHN L. MELTON
#4268
PROFESSIONAL
LAND SURVEYOR

NOTE:

Bearings for this survey are based on the Western Data Systems Texas Cooperative Network (www.txrtk.com) and are referenced to NAD83 State Plane Coordinate System, Texas North Central Zone 4202. Stations DPKC, DTNA and DUNP were utilized as base stations during GPS data collection sessions and serve as controlling monuments.

REVIEWED BY [illegible] 6-13-11

Dallas Water Utilities
Southwest 120/96-inch Water
Transmission Pipeline Project

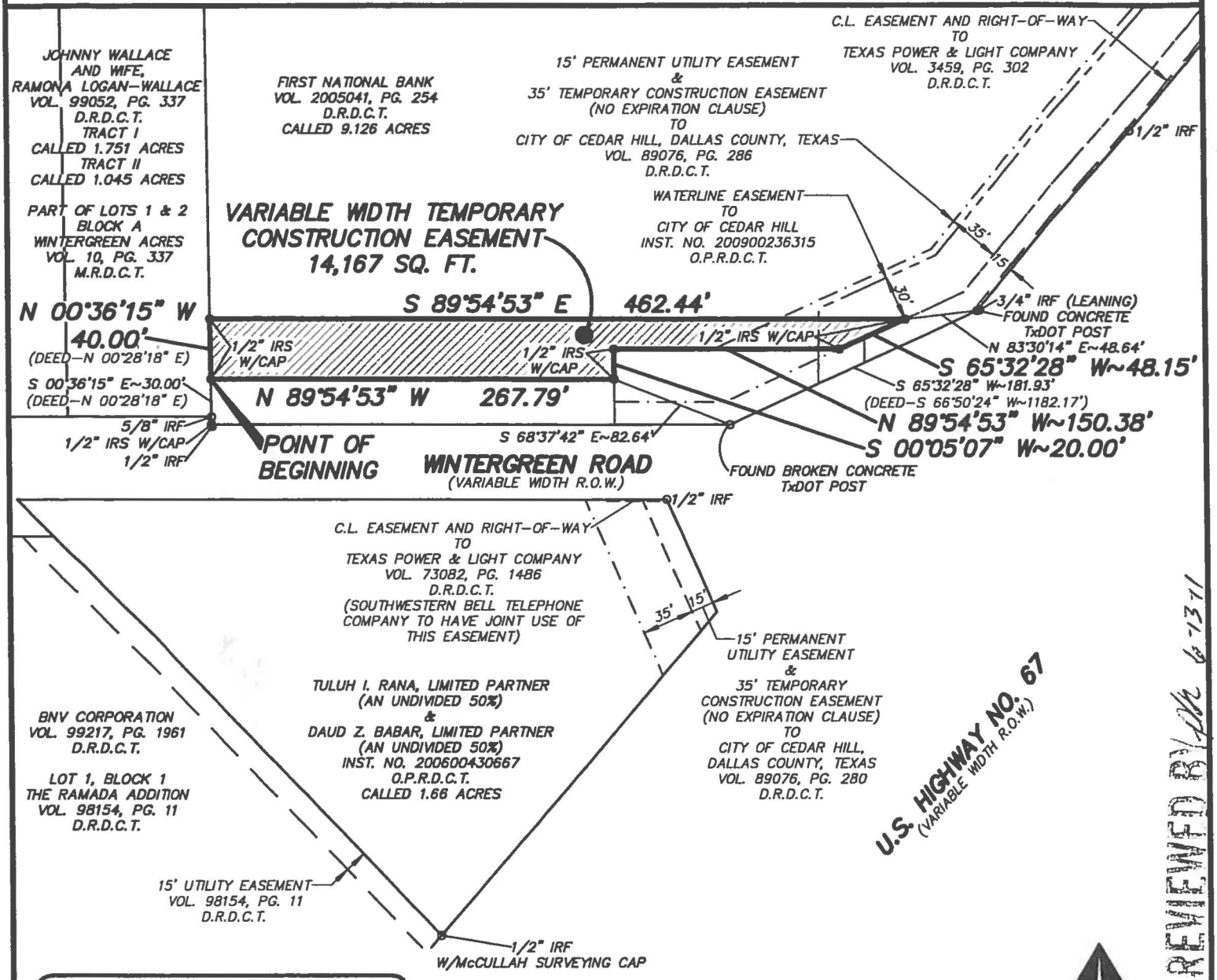
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EXHIBIT "A"
PAGE 3 OF 3

PARCEL W-28B
VARIABLE WIDTH TEMPORARY CONSTRUCTION EASEMENT
14,167 SQ. FT. PARCEL
WALTER NUTT SURVEY, ABSTRACT NO. 1086
CITY OF CEDAR HILL, DALLAS COUNTY, TEXAS



RECEIVED BY: JW 6-13-11

LEGEND

O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
SQ. FT.	SQUARE FEET
R.O.W.	RIGHT-OF-WAY
ESMT.	EASEMENT
C.L.	CENTERLINE
TxDOT	TEXAS DEPARTMENT OF TRANSPORTATION
IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
IRS W/CAP	IRON ROD SET WITH PLASTIC CAP STAMPED "TX REG NO 100189-00"

NORTH

SCALE: 1"=100'

Dallas Water Utilities
Southwest 120/96-inch Water Transmission Pipeline Project

NDM NATHAN D. MAIER CONSULTING ENGINEERS, INC.
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MAY 26, 2011 | 7059-ES28B-R.dwg

AGENDA ITEM # 64

KEY FOCUS AREA:	Economic Vibrancy
AGENDA DATE:	September 22, 2015
COUNCIL DISTRICT(S):	8
DEPARTMENT:	Sustainable Development and Construction Water Utilities
CMO:	Ryan S. Evans, 671-9837 Mark McDaniel, 670-3256
MAPSCO:	67W

SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Southport Properties, LP, of a tract of land containing approximately 326,340 square feet located near the intersection of Langdon and JJ Lemmon Roads for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed $626,850 ($614,850, plus closing costs and title expenses not to exceed $12,000) - Financing: Water Utilities Capital Construction Funds

BACKGROUND

This item authorizes the acquisition of approximately 326,340 square feet of land located near the intersection of Langdon and JJ Lemmon Roads for the Southwest 120/96-inch Water Transmission Pipeline Project. This property will be used for the construction of a 96-inch and 120-inch diameter treated water transmission line from the East Side Water Treatment Plant to Southwest Dallas. The consideration is based on an independent appraisal.

This acquisition is part of the Long Range Water Master Plan and the Water Distribution Master Plan. The water transmission main is required to facilitate conveyance of treated water to the South and Southwest portions of Dallas and its transmission pipeline is needed to meet near-term critical demands associated with the population growth as determined through master planning efforts. The overall pipeline is sized to meet future water demands.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Economic Development Committee on September 21, 2015.

FISCAL INFORMATION

Water Utilities Capital Construction Funds - $626,850 ($614,850, plus closing costs and title expenses not to exceed $12,000)

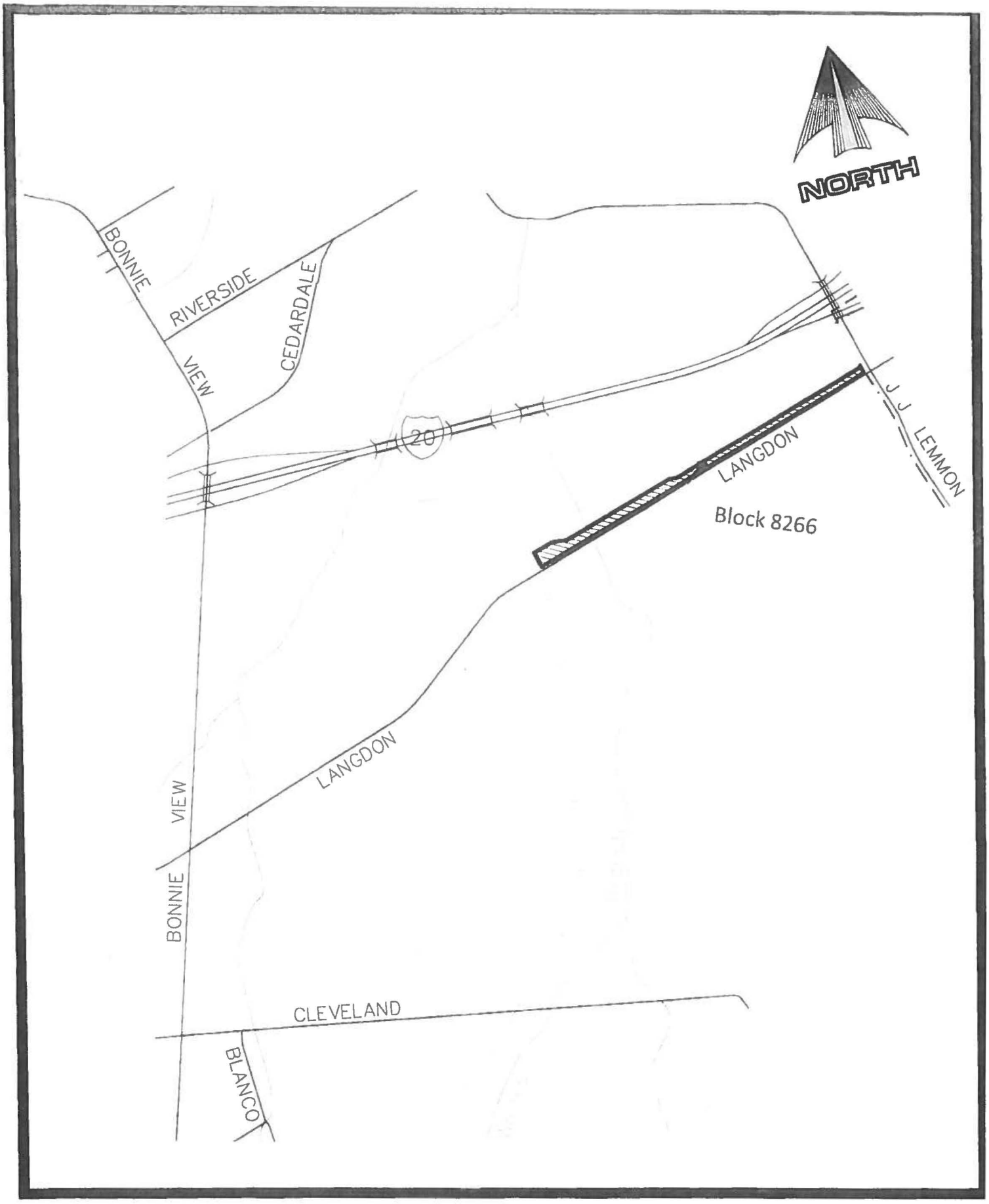
OWNER

Southport Properties, LP

Ralph Miller, President

MAP

Attached


NORTH
BONNIE
RIVERSIDE
VIEW
CEDARDALE
20
J J LEMMON
LANGDON
Block 8266
LANGDON
BONNIE
VIEW
CLEVELAND
BLANCO

SUBJECT:

September 22, 2015

A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS APPROPRIATION AND/OR CONDEMNATION FOR PUBLIC USE.

DEFINITIONS: For the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas

"PROPERTY": Approximately 326,340 square feet of property located in Dallas County, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

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

"USE": The construction, use, and maintenance of a pipeline or lines for the transmission of treated water together with such appurtenant facilities as may be necessary.

"PROPERTY INTEREST": Fee Simple

"OWNER": Southport Properties, LP, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"OFFER AMOUNT": $614,850

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed $12,000

"AUTHORIZED AMOUNT": $626,850

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

SECTION 1. That the USE of the PROPERTY for the PROJECT is a public use.

SECTION 2. That public necessity requires that the CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

SECTION 3. That for the purpose of acquiring the PROPERTY INTEREST in the PROPERTY, the Assistant Director of the Department of Sustainable Development and Construction Department, Real Estate Division, or such person as she may designate, is hereby authorized and directed to offer the OFFER AMOUNT as payment for the PROPERTY INTEREST in the PROPERTY.

SECTION 4. That in the event the OWNER accepts the OFFER AMOUNT, the Chief Financial Officer is authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the OFFER AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Water Utilities Capital Construction Funds, Fund No. 0102, Department DWU, Unit CW40, Activity MPSA, Program No. 706035, Object 4210, Encumbrance No. CT-DWU706035CPBK. The OFFER AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 5. That the CITY is to have possession of the PROPERTY at closing; and the CITY will pay any title expenses and closing costs. In the event of condemnation, the CITY will pay court costs as may be assessed by the Special Commissioners or the court. Further, that litigation expenses determined by the City Attorney to be necessary are authorized for payment. All costs and expenses described in this section shall be paid from the previously described funds.

SECTION 6. That if the OWNER refuses to accept the OFFER AMOUNT, the CITY will appropriate the PROPERTY INTEREST in the PROPERTY for the PROJECT under the laws of eminent domain and the provisions of the Charter of the City of Dallas. In such case, the City Attorney is authorized and requested to file the necessary suit(s) and take the necessary action for the prompt acquisition of the PROPERTY INTEREST in the PROPERTY by condemnation or in any manner provided by law.

SECTION 7. That in the event it is subsequently determined that additional persons other than those named herein have an interest in the PROPERTY, the City Attorney is authorized and directed to join said parties as defendants in said condemnation suit(s).

SECTION 8. That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

SECTION 9. That OWNER has been provided with a copy of the Landowner's Bill of Rights as required by Texas Property Code Section 21.0112.

SECTION 10. That in the event the Special Commissioners in Condemnation appointed by the Court return an award that is the same amount or less than the OFFER AMOUNT, the City Attorney is hereby authorized to settle the lawsuit for that amount and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the Commissioners' award made payable to the County Clerk of Dallas County, to be deposited into the registry of the Court, to enable the CITY to take possession of the PROPERTY without further action of the Dallas City Council.

September 22, 2015

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

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

BY _____
Assistant City Attorney

EXHIBIT "A"
PAGE 1 OF 6

EXHIBIT A

PARCEL W-100
LEGAL DESCRIPTION

7.4917 ACRE (326,340 SQ. FT.) PARCEL
SOUTHPORT PROPERTIES, L.P. TRACT
ULRICH WUTHRICK SURVEY, ABSTRACT NO. 1518
CITY BLOCK 8266
CITY OF DALLAS, DALLAS COUNTY, TEXAS

DESCRIPTION

BEING a 7.4917 acre (326,340 square feet) tract of land situated in the Ulrich Wuthrick Survey, Abstract No. 1518, being in City Block 8266, City of Dallas, Dallas County, Texas and being a portion of a called 65.04 acre tract of land (unplatted) described as Tract 2 (Parcel 157) in the Substitute Trustee's Deed to SouthPort Properties, L.P. as recorded in Instrument No. 201100113978 of the Official Public Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod (controlling monument) found for the most easterly corner of the aforementioned Tract 2 (Parcel 157), having coordinates of N 6926970.0567, E 2513419.8099, said corner being at the intersection of the northerly right-of-way line of Langdon Road (variable width right-of-way ~ 80' wide at this point) as conveyed to the County of Dallas according to the Right-of-way Deeds as recorded in Volume 2417, Page 325, Volume 2483, Page 126 and Volume 2506, Page 123 of the Deed Records of Dallas County, Texas (D.R.D.C.T.) and the westerly right-of-way line of J.J. Lemmon Road (variable width right-of-way ~ 60' wide at this point) as conveyed to the County of Dallas according to the Dedication of Right-of-way as recorded in Volume 1937, Page 450, D.R.D.C.T.;

THENCE S 59°05'35" W (deed-S 59°05'41" W), with the southerly line of said Tract 2 (Parcel 157), said northerly right-of-way line of Langdon Road and the southerly line of said City Block 8266, 3,752.03 feet (deed-3,752.02 feet) to a 5/8" iron rod with plastic cap stamped "KHA" (controlling monument), having coordinates of N 6925043.1084, E 2510200.9992, found at the southwest corner of said Tract 2 (Parcel 157), said corner being at the intersection of said northerly right-of-way line of Langdon Road and the easterly right-of-way line of the Union Pacific Railroad Company (UPRR) 100' right-of-way (as described in the Deed to Dallas and Waco Railway Company as recorded in Volume 88, Page 14, D.R.D.C.T.) and being the beginning of a non-tangent curve to the left having a central angle of 04°34'40", a radius of 1,960.10 feet, a tangent of 78.34 feet and a chord which bears N 29°17'35" W, 156.56 feet;

THENCE, departing said northerly right-of-way line of Langdon Road and said southerly line of City Block 8266 and with the westerly line of said Tract 2 (Parcel 157) and said easterly right-of-way line of the UPRR 100' right-of-way and with said non-tangent curve to the left, an arc distance of 156.61 feet to a corner having coordinates of N 6925179.6345, E 2510124.4061 (not monumented);

FIELD NOTES APPROVED: 10/21/14

Dallas Water Utilities
Southwest 120/96-inch Water
Transmission Pipeline Project

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CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00
Two Northpark / 8080 Park Lane / Suite 600
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AECOM
AECOM TECHNICAL SERVICES INC., TX
16000 DALLAS PARKWAY, SUITE 350
DALLAS, TEXAS 75248
WWW.AECOM.COM
TBPE REG. NO. F-3580

JUNE 18, 2014

7059-EX100R3.dwg

EXHIBIT "A"
PAGE 2 OF 6

EXHIBIT A

PARCEL W-100
LEGAL DESCRIPTION
7.4917 ACRE (326,340 SQ. FT.) PARCEL
SOUTHPORT PROPERTIES, L.P. TRACT
ULRICH WUTHRICK SURVEY, ABSTRACT NO. 1518
CITY BLOCK 8266
CITY OF DALLAS, DALLAS COUNTY, TEXAS

THENCE N 59°05'35" E, departing said westerly line of Tract 2 (Parcel 157) and said easterly right-of-way line of the UPRR 100' right-of-way, over and across said Tract 2 (Parcel 157), 209.76 feet to a corner having coordinates of N 6925287.3637, E 2510304.3588 (not monumented);

THENCE N 81°35'35" E, 144.90 feet to a corner having coordinates of N 6925308.5457, E 2510447.6833 (not monumented);

THENCE N 59°05'35" E, 1177.74 feet to a corner having coordinates of N 6925913.4015, E 2511458.0456 (not monumented);

THENCE N 81°35'35" E, 81.13 feet to a corner having coordinates of N 6925925.2619, E 2511538.2972 (not monumented);

THENCE N 59°05'35" E, 2153.61 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set in the easterly line of said Tract 2 (Parcel 157,) having coordinates of N 6927031.3024, E 2513385.8479, said easterly line being the aforementioned westerly right-of-way line of J.J. Lemmon Road;

THENCE S 29°00'33" E (deed-S 29°00'27" E), with said easterly line of Tract 2 (Parcel 157) and said westerly right-of-way line of J.J. Lemmon Road, 70.04 feet to the POINT OF BEGINNING and containing 7.4917 acres (326,340 square feet) of land, more or less.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.

John L. Melton, R.P.L.S. No. 4268
Registered Professional Land Surveyor



Dallas Water Utilities
Southwest 120/96-inch Water
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EXHIBIT "A"
PAGE 3 OF 6

PARCEL W-100
LEGAL DESCRIPTION

7.4917 ACRE (326,340 SQ. FT.) PARCEL
SOUTHPORT PROPERTIES, L.P. TRACT
ULRICH WUTHRICK SURVEY, ABSTRACT NO. 1518
CITY BLOCK 8266
CITY OF DALLAS, DALLAS COUNTY, TEXAS

EXHIBIT A

NOTES:

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.000136506

The permanent easement to Southwestern Bell Telephone Company as recorded in Volume 2018, Page 3 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), does not affect the subject tract.

The right-of-way easement to the State of Texas as recorded in Volume 2793, Page 267, D.R.D.C.T., does not affect the subject tract.

The easement and right-of-way to Texas Power & Light Company described in the instrument recorded in Volume 2858, Page 7, D.R.D.C.T., is unable to be plotted due to the vague description of said easement. It is an easement for 2 service poles.

The easement and right-of-way to Texas Power & Light Company as recorded in Volume 3104, Page 331, D.R.D.C.T., does not affect the subject tract.

The easement and right-of-way to Texas Power & Light Company as recorded in Volume 5004, Page 470, D.R.D.C.T., does not affect the subject tract.

The lack of direct access to the controlled access highway facility as set forth in the instrument recorded in Volume 902, Page 79, D.R.D.C.T., does not affect the subject tract.

The easement and right-of-way to Texas Power & Light Company as recorded in Volume 67084, Page 120, D.R.D.C.T., does not affect the subject tract.

The easement and right-of-way to Texas Power & Light Company as recorded in Volume 67084, Page 122, D.R.D.C.T., does not affect the subject tract.

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Southwest 120/96-inch Water
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EXHIBIT A

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SOUTHPORT PROPERTIES, L.P. TRACT
ULRICH WUTHRICK SURVEY, ABSTRACT NO. 1518
CITY BLOCK 8266
CITY OF DALLAS, DALLAS COUNTY, TEXAS

NOTES (continued):

The instrument entitled "Right of Possession Agreement" recorded in Volume 89132, Page 2152, D.R.D.C.T., grants permission to the City of Dallas, its employees, agents and contractors to enter upon the therein described land for the purpose of the construction, operation and maintenance of a wastewater main prior to the final execution and approval as to form by the City Attorney of the documents necessary to convey easement title to the City of Dallas. It is our opinion that the above instrument is no longer in effect due to the subsequent recording of the instrument entitled "Wastewater Easement" in Volume 91033, Page 1531, D.R.D.C.T. Consultation with an attorney is recommended to determine if this document is still in effect.

The instrument entitled "Land Lease Agreement, Addendum Attached" recorded in Volume 93125, Page 3148, D.R.D.C.T., appears to be a lease agreement for a billboard sign along Interstate Highway No. 20.

The instrument entitled "Assignment of Leases, Agreements and Rents" recorded in Volume 93125, Page 3165, D.R.D.C.T., appears to be a lease agreement for a billboard sign along Interstate Highway No. 20.

The herein described tract is subject to the instrument entitled "Memorandum Re Drainage Rights" recorded in Instrument No. 20080144571 of the Official Public Records of Dallas County, Texas.

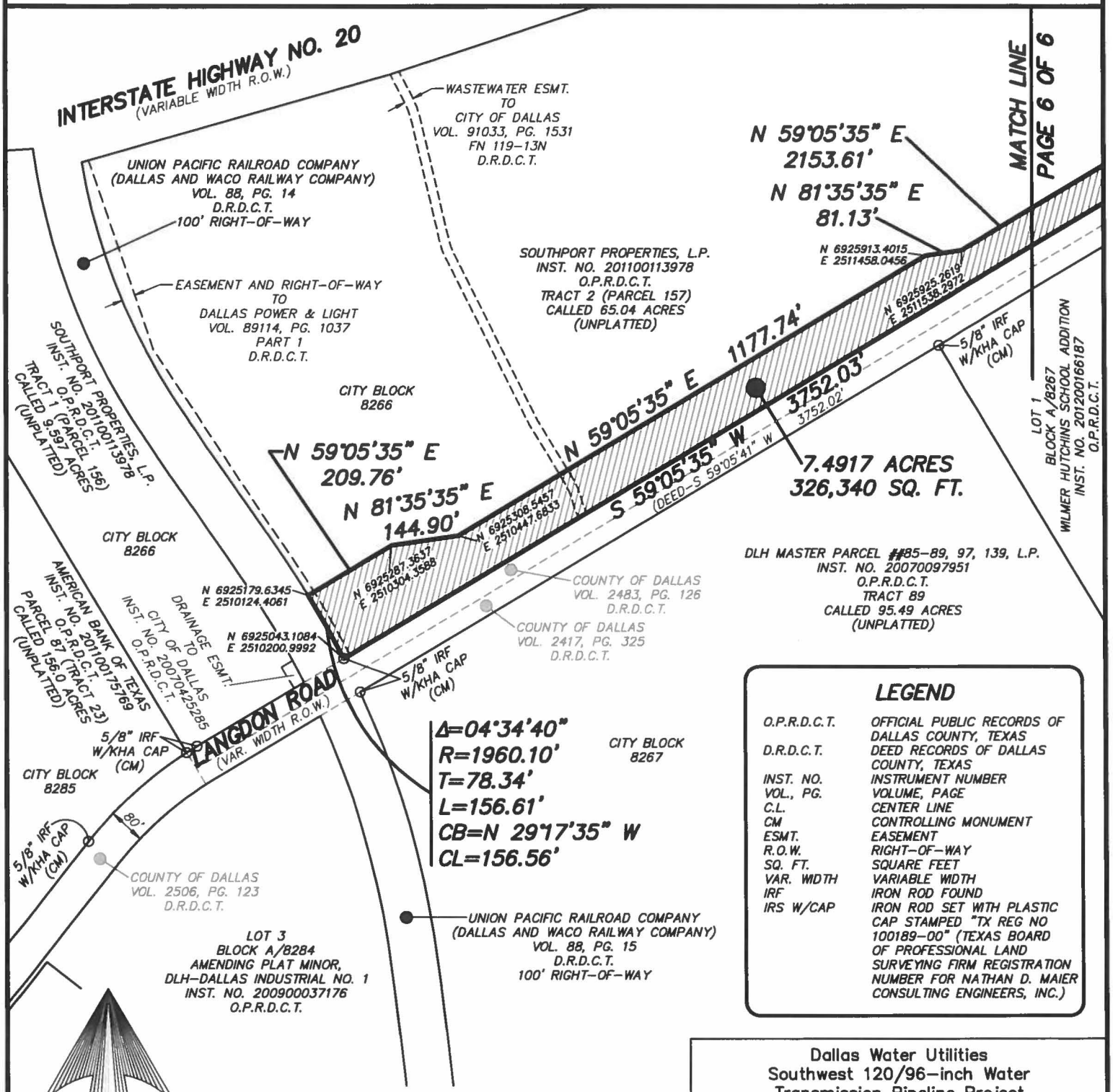
No sanitary sewer lines and appurtenances thereto as shown on City of Dallas sewer map H-18 affect the subject tract.

EXHIBIT "A"
PAGE 5 OF 6

EXHIBIT A

PARCEL W-100
LEGAL DESCRIPTION

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ULRICH WUTHRICK SURVEY, ABSTRACT NO. 1518
CITY BLOCK 8266
CITY OF DALLAS, DALLAS COUNTY, TEXAS



LEGEND

O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
C.L.	CENTER LINE
CM	CONTROLLING MONUMENT
ESMT.	EASEMENT
R.O.W.	RIGHT-OF-WAY
SQ. FT.	SQUARE FEET
VAR. WIDTH	VARIABLE WIDTH
IRF	IRON ROD FOUND
IRS W/CAP	IRON ROD SET WITH PLASTIC CAP STAMPED "TX REG NO 100189-00" (TEXAS BOARD OF PROFESSIONAL LAND SURVEYING FIRM REGISTRATION NUMBER FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.)

Dallas Water Utilities
Southwest 120/96-inch Water
Transmission Pipeline Project

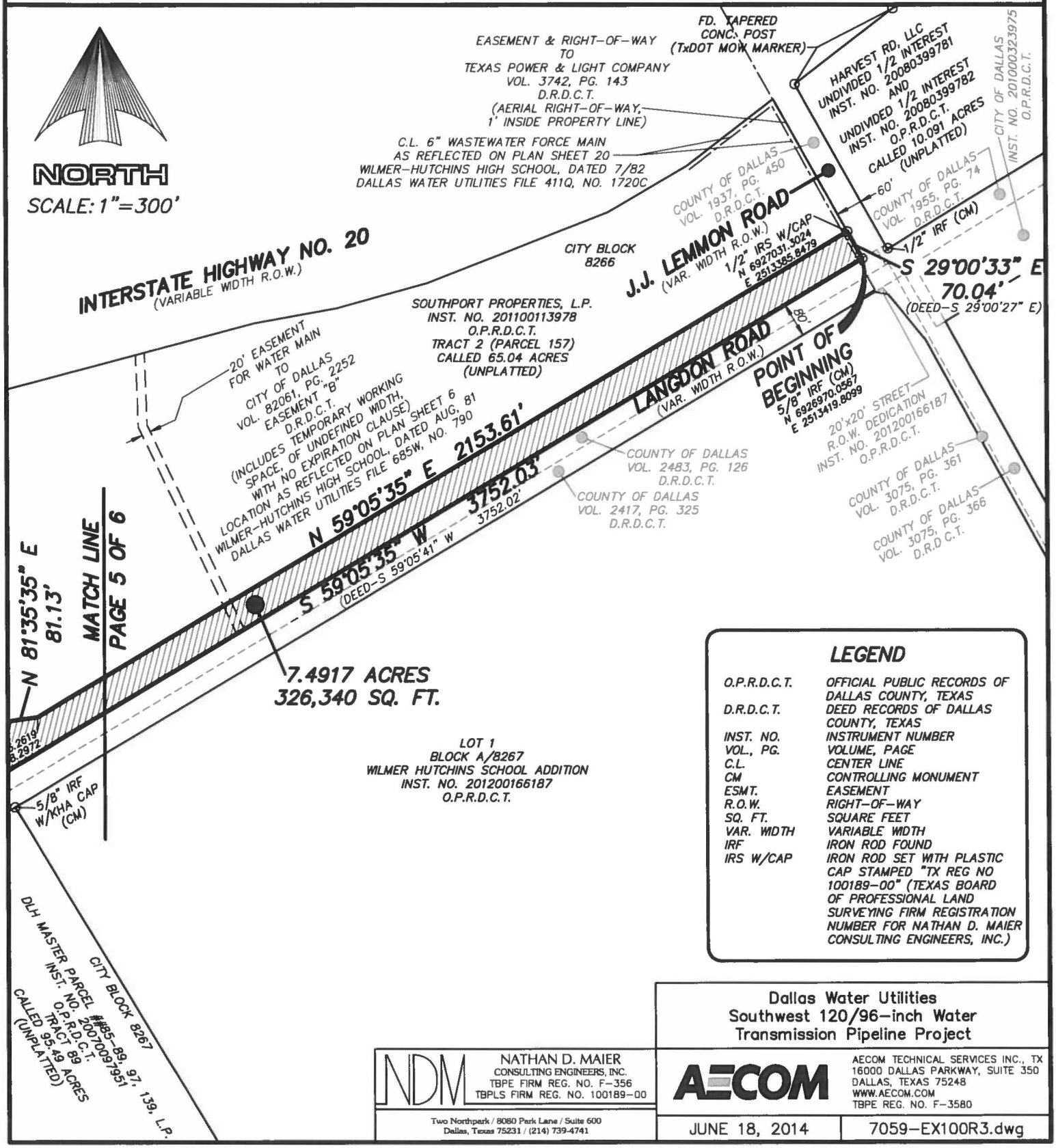
NDM NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00
Two Northpark / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / (214) 739-4741

AECOM
AECOM TECHNICAL SERVICES INC., TX
16000 DALLAS PARKWAY, SUITE 350
DALLAS, TEXAS 75248
WWW.AECOM.COM
TBPE REG. NO. F-3580

JUNE 18, 2014 | 7059-EX100R3.dwg

EXHIBIT A

EXHIBIT "A"
PAGE 6 OF 6
PARCEL W-100
LEGAL DESCRIPTION
7.4917 ACRE (326,340 SQ. FT.) PARCEL
SOUTHPORT PROPERTIES, L.P. TRACT
ULRICH WUTHRICK SURVEY, ABSTRACT NO. 1518
CITY BLOCK 8266
CITY OF DALLAS, DALLAS COUNTY, TEXAS



LEGEND

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JUNE 18, 2014 | 7059-EX100R3.dwg

AGENDA ITEM # 65

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Economic Development

CMO: Ryan S. Evans, 671-9837

MAPSCO: 28 W 64 T 53 V 23 X 34

SUBJECT

Authorize the first renewal option for eight Business Assistance Centers (BACs) for a twelve-month service contract, with one additional twelve-month renewal option, subject to funding availability with the eight Business Assistance Center (BAC) contractors to provide technical assistance, incubator space and other support services to low-to-moderate income persons owning or starting microenterprises listed herein for each contract as follows: **(1)** Greater Dallas Hispanic Chamber of Commerce located at 4622 Maple Avenue, Suite 207 (BAC #1) in an amount not to exceed $80,000; **(2)** The Dallas Black Chamber of Commerce located at 2838 Martin Luther King Boulevard (BAC #2), in an amount not to exceed $80,000; **(3)** CEN-TEX Certified Development Corporation dba Business & Community Lenders (BCL) of Texas to be located at the J. Erik Jonsson Central Library at 1515 Young Street, Sammons Small Business Center (BAC #3) in an amount not to exceed $80,000; **(4)** CENT-TEX Certified Development Corporation doing business as Business & Community Lenders (BCL) of Texas located at 4907 Spring Avenue (BAC #4) in an amount not to exceed $80,000; **(5)** Business Assistance Center, Inc. located at 1201 West Camp Wisdom Road, Suite 224 (BAC #5) in an amount not to exceed $80,000; **(6)** Organization of Hispanic Contractors Association dba Regional Hispanic Contractors Association to be located at 3918 N Hampton Rd (BAC #6), in an amount not to exceed $80,000; **(7)** Organization of Hispanic Contractors Association dba Regional Hispanic Contractors Association located at 2210 West Illinois Avenue (BAC #7) in an amount not to exceed $80,000; **(8)** CENT-TEX Certified Development Corporation doing business as Business & Community Lenders (BCL) of Texas located at 1322 Record Crossing (BAC #8) in an amount not to exceed $80,000 - Not to exceed $640,000 - Financing: 2015-16 Community Development Block Grant Funds

BACKGROUND

Since 1993, the City has been using Community Development Block Grant (CDBG) funds in addition to other funding sources to fund the technical assistance and other support services of the Business Assistance Centers (BACs) in the City to promote community and economic development.

BACKGROUND (Continued)

The City has recognized the importance of its role in supporting entrepreneurial and microenterprise business development to benefit CDBG eligible persons of the City by supporting the BAC program. BACs under this contract located within the City will provide technical assistance, incubator space and other support services to microenterprises. Per HUD regulations "microenterprise" means a business having five or fewer employees, one or more of whom own the business.

Technical assistance related micro-enterprise development services may include, but not be limited to: business counseling, seminars/training, incubator space, business plan and loan packaging assistance, financial and business management, and other eligible services which foster economic development opportunities for low-to-moderate income (LMI) persons who already own or are interested starting a microenterprise within the City.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 25, 2008, City Council authorized the adoption of the FY2008-09 Consolidated Plan Budget which included funding for the Business Assistance Center Program by Resolution No. 08-1807.

On July 31 and August 7, 2008, the City made a Request For Competitive Sealed Proposals (RFCSP) from organizations to establish, manage, and operate microenterprise Business Assistance Centers within the City of Dallas.

On October 2, 2008, the Economic Development Committee was briefed on the BAC program and the FY 2008-09 contracts.

On November 3, 2008, the Economic Development Committee was briefed on the City-BAC-HUD meetings and the recommendation for FY 2008-09 contract award. Several issues were discussed including clarification of the program, eligibility, documentation and reporting requirements, monitoring of the FY 2007-08 contracts and renewal of the contracts for FY 2008-09.

On November 10, 2008, City Council authorized the award and funding for six existing BACs for a twelve-month service contract with two additional twelve-month renewal options by Resolution No. 08-3118.

On March 25, 2009, the FY 2008-09 Consolidated Plan Reprogramming Budget authorized the funding for two additional BACs for six-month service contracts by Resolution No. 09-0856.

On June 24, 2009, City Council authorized the adoption of the FY 2009-10 Consolidated Plan Budget which included funding of $640,000 for the BAC Program by Resolution No. 09-1635.

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

On September 21, 2009, a memo was submitted to the Economic Development Committee regarding the BAC program and the FY 2009-10 contracts.

On September 23, 2009, City Council authorized the first renewal option with the BACs for FY 2009-10 by Resolution No. 09-2296.

On June 23, 2010, City Council authorized the adoption of the FY 2009-10 Consolidated Plan Budget which included funding of $640,000 for the BAC Program by Resolution No. 10-1594.

On September 20, 2010, a memo was submitted to the Economic Development Committee regarding the BAC program and the FY 2010-11 contracts.

On September 22, 2010, City Council authorized the adoption of the second renewal option with the BACs for FY 2010-11 by Resolution No. 10-2416.

On June 22, 2011, City Council authorized the adoption of the FY 2011-12 Consolidated Plan Budget which included funding of $640,000 for the BAC Program by Resolution No. 11-1679.

On June 22, 2011, City Council authorized the adoption of the FY 2011-12 Consolidated Plan Budget which included funding of $640,000 for the BAC Program by Resolution No. 11-1679.

On June 24 and June 30, 2011, the City made a Request For Competitive Sealed Proposals (RFCSP) from organizations to establish, manage, and operate microenterprise Business Assistance Centers within the City of Dallas.

On September 6, 2011, a memo was submitted to the Economic Development Committee regarding the BAC program and the FY 2011-12 contracts.

On September 28, 2011, City Council authorized the adoption of a twelve-month contract with two additional twelve-month renewal options, each subject to funding availability for eight BACs by Resolution No. 11-2567.

On June 27, 2012, City Council authorized the adoption of the FY 2012-13 Consolidated Plan Budget which included funding of $640,000 for the BAC Program by Resolution No. 12-1629.

On September 17, 2012 a memo was submitted to the Economic Development Committee regarding the BAC program and FY2012-13 contracts.

On September 28, 2012, City Council authorized the first renewal option of a twelve-month contract with eight BACs by Resolution No. 12-2362.

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

On June 26, 2013, City Council authorized the adoption of the FY 2013-14 Consolidated Plan Budget which included funding of $640,000 for the BAC Program by Resolution No. 13-1142.

On September 3, 2013 a memo was submitted to the Economic Development Committee regarding the BAC program and FY2013-14 contracts.

On September 25, 2013, City Council authorized the second renewal option of a twelve-month contract with eight BACs by Resolution No. 13-1705 and 13-1707.

On June 25, 2014, City Council authorized the adoption of the FY 2014-15 Consolidated Plan Budget which included funding of $640,000 for the BAC Program by Resolution No. 14-1001.

On August 7 and 14, 2014, the City made a Request For Competitive Sealed Proposals (RFCSP) from organizations to establish, manage, and operate microenterprise Business Assistance Centers within the City of Dallas.

On October 3, 2014, memo was submitted to the Economic Development Committee regarding City Council consideration for FY 2014-15 BAC program management and operation new contracts.

On October 8, 2014, City Council authorized a twelve-month contract for five BACs by Resolution No. 14-1732.

On December 18, and December 25, 2014 the City made a Request For Competitive Sealed Proposals (RFCSP) from organizations to establish, manage, and operate three additional microenterprise Business Assistance Centers within the City of Dallas.

On April 6, 2015, Economic Development Committee memorandum for upcoming items for City Council Consideration.

On April 8, 2015, City Council authorized a contract for the period of April 8, 2015 through September 30, 2015 for three BACs by Resolution No. 15-0689

On June 10, 2015, City Council authorized the adoption of the FY 2015-16 Consolidated Plan Budget which included funding of $640,000 for the BAC Program by Resolution No. 15-1055.

Information about this item will be provided to the Economic Development Committee, on September 8, 2015.

FISCAL INFORMATION

$640,000.00 - 2015-16 Community Development Block Grant Funds

OWNER(S)

Greater Dallas Hispanic Chamber of Commerce (GDHCC) – Maple Ave
Rick Ortiz, President

Dallas Black Chamber of Commerce Business Development Corporation-Martin Luther King Jr. Blvd
Wilton Munnings, President

CENT-TEX Certified Development Corporation doing business as Business & Community Lenders (BCL) of Texas-Central Library-Young Street
Raquel Valdez, President

CENT-TEX Certified Development Corporation doing business as Business & Community Lenders (BCL) of Texas-Spring Ave
Raquel Valdez, President

Business Assistance Center, Inc.- Camp Wisdom Rd
Van Howard, President

Organization of Hispanic Contractors Association
dba Regional Hispanic Contractors Association- N Hampton Rd
John H. Martinez-D, President

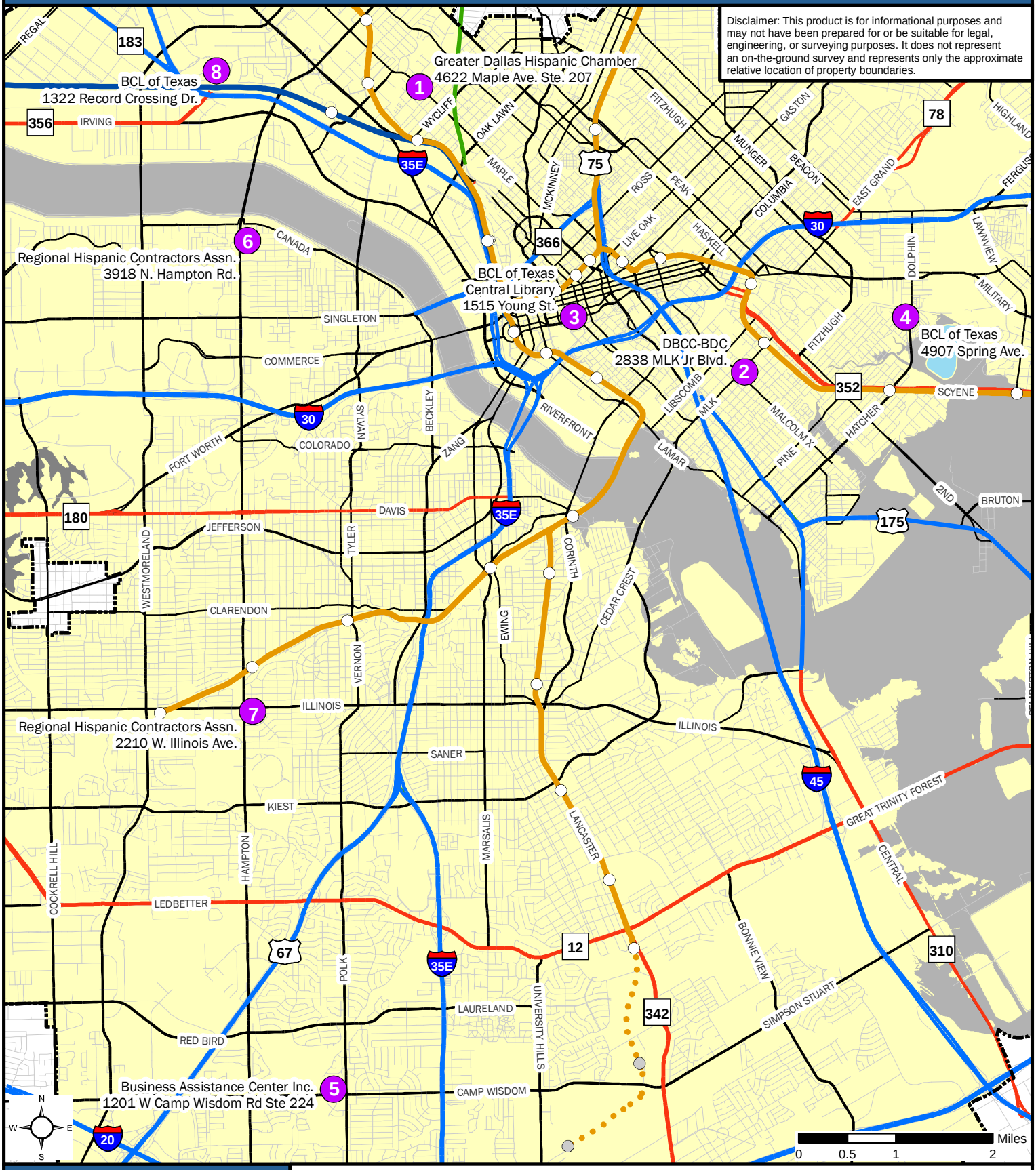
Organization of Hispanic Contractors Association
dba Regional Hispanic Contractors Association-West Illinois Ave
John H. Martinez-D, President

CENT-TEX Certified Development Corporation doing business as Business & Community Lenders (BCL) of Texas-Record Crossing
Raquel Valdez, President

MAP

Attached.

Business Assistance Centers



DALLAS
ECONOMIC DEVELOPMENT

Research & Information Division
214.670.1685
dallas-ecodev.org

Created 8.21.08, Last Updated 8.25.15 - BACs.TCG

Legend

- BAC
- City of Dallas
- Rail Station
- Future Station
- DART Light Rail
- Commuter Rail
- Future DART Light Rail
- Freeway
- Tollway
- Highway
- Arterial
- Local Road
- Flood Plain
- Lake

Source: City of Dallas, 2015

WHEREAS, the City recognizes the importance of its role in local economic development; and

WHEREAS, on June 25, 2008, the City Council authorized the adoption of the FY2008-09 Consolidated Plan Budget which included funding for the Business Assistance Center Program by Resolution No. 08-1807; and

WHEREAS, on July 31 and August 7, 2008, the City made a Request For Competitive Sealed Proposals (RFCSP) from organizations to establish, manage, and operate microenterprise Business Assistance Centers (BAC) within the City of Dallas; and

WHEREAS, on October 2, 2008, the Economic Development Committee was briefed on the BAC program and the FY2008-09 contracts; and

WHEREAS, on November 3, 2008, the Economic Development Committee was briefed and updated on the City-BAC-HUD meetings and the recommendation for FY2008-09 contract award; and

WHEREAS, on November 10, 2008, the City Council authorized the award and funding for six existing BACs for a twelve-month service contract with two additional twelve-month renewal options by Resolution No. 08-3118; and

WHEREAS, on March 25, 2009, the FY 2008-09 Consolidated Plan Reprogramming Budget authorized the funding for two additional BACs for six-month service contracts by Resolution No. 09-0856; and

WHEREAS, on June 24, 2009, the City Council authorized the adoption of the FY 2009-10 Consolidated Plan Budget which included funding of $640,000 for the BAC Program by Resolution No. 09-1635; and

WHEREAS, on September 21, 2009, a memo was submitted to the Economic Development Committee regarding the BAC program and the FY 2009-10 contracts; and

WHEREAS, on September 23, 2009, the City Council authorized the first renewal option with the BACs for FY 2009-10 by Resolution No. 09-2296; and

WHEREAS, on June 23, 2010, the City Council authorized the adoption of the FY 2009-10 Consolidated Plan Budget which included funding of $640,000 for the BAC Program by Resolution No. 10-1594; and

WHEREAS, on September 20, 2010, a memo was submitted to the Economic Development Committee regarding the BAC program and the FY 2010-11 contracts; and

September 22, 2015

WHEREAS, on September 22, 2010, the City Council authorized the adoption of second renewal option with the BACs for FY 2010-11 by Resolution No. 10-2416; and

WHEREAS, on June 22, 2011, the City Council authorized the adoption of the FY 2011-12 Consolidated Plan Budget which included funding of $640,000 for the BAC Program by Resolution No. 11-1679; and

WHEREAS, on June 24 and June 30, 2011, the City made a Request For Competitive Sealed Proposals (RFCSP) from organizations to establish, manage, and operate microenterprise Business Assistance Centers within the City of Dallas; and

WHEREAS, on September 6, 2011, a memo was submitted to the Economic Development Committee regarding the BAC program and the FY 2011-12 contracts; and

WHEREAS, on September 28, 2011, City Council authorized the adoption of a twelve-month contract with two additional twelve-month renewal options, each subject to funding availability for eight BACs by Resolution No. 11-2567; and

WHEREAS, on June 27, 2012, City Council authorized the adoption of the FY 2012-13 Consolidated Plan Budget which included funding of $640,000 for the BAC Program by Resolution No. 12-1629; and

WHEREAS, on September 17, 2012, a memo was submitted to the Economic Development Committee regarding the BAC program and FY 2012-13 contracts; and

WHEREAS, on September 26, 2012, City Council authorized the first renewal option of a twelve-month contract with eight BACs by Resolution No. 12-2362; and

WHEREAS, on June 26, 2013, City Council authorized the adoption of the FY 2013-14 Consolidated Plan Budget which included funding of $640,000 for the BAC Program by Resolution No. 13-1142; and

WHEREAS, on September 16, 2013, a memo was submitted to the Economic Development Committee regarding the BAC program and FY2013-14 contracts; and

WHEREAS, on September 28, 2011, City Council authorized the adoption of a twelve-month contract with two additional twelve-month renewal options, each subject to funding availability for eight BACs by Resolution No. 11-2567; and

WHEREAS, on June 27, 2012, City Council authorized the adoption of the FY 2012-13 Consolidated Plan Budget which included funding of $640,000 for the BAC Program by Resolution No. 12-1629; and

September 22, 2015

WHEREAS, on September 17, 2012, a memo was submitted to the Economic Development Committee regarding the BAC program and FY 2012-13 contracts; and

WHEREAS, on September 26, 2012, City Council authorized the first renewal option of a twelve-month contract with eight BACs by Resolution No. 12-2362; and

WHEREAS, on June 26, 2013, City Council authorized the adoption of the FY 2013-14 Consolidated Plan Budget which included funding of $640,000 for the BAC Program by Resolution No. 13-1142; and

WHEREAS, on September 16, 2013, a memo was submitted to the Economic Development Committee regarding the BAC program and FY2013-14 contracts; and

WHEREAS, on September 25, 2013, City Council authorized the second renewal option of a twelve-month contract with eight BACs by Resolution No. 13-1705 and 13-1707; and

WHEREAS, on June 25, 2014, the City Council authorized the adoption of the FY 2014-15 Consolidated Plan Budget which included funding of $640,000 for the BAC Program by Resolution No. 14-100; and

WHEREAS, on August 7 and 14, 2014, the City made a Request For Competitive Sealed Proposals (RFCSP) from organizations to establish, manage, and operate microenterprise Business Assistance Centers within the City of Dallas; and

WHEREAS, on October 3, 2014, a memo will be submitted to the Economic Development Committee members regarding the recommendation for consideration for FY 2014-15 BAC program management and operation new contracts; and

WHEREAS, on August 7 and 14, 2014, the City made a Request For Competitive Sealed Proposals (RFCSP) from organizations to establish, manage, and operate microenterprise Business Assistance Centers within the City of Dallas; and

WHEREAS, on October 3, 2014, memo was submitted to the Economic Development Committee regarding City Council consideration for FY 2014-15 BAC program management and operation new contracts; and

WHEREAS, on October 8, 2014, City Council authorized a twelve-month contract for five BACs by resolution No. 14-1732; and

WHEREAS, on December 18, and December 25, 2014, the City made a Request For Competitive Sealed Proposals (RFCSP) from organizations to establish, manage, and operate three additional microenterprise Business Assistance Centers within the City of Dallas; and

September 22, 2015

WHEREAS, on April 6, 2015, Economic Development Committee memorandum for upcoming items for City Council Consideration; and

WHEREAS, on April 8, 2015, City Council authorized a contract for the period of April 8, 2015 through September 30, 2015 for three BACs by Resolution No. 15-0689.; and

WHEREAS, on June 10, 2015, the City Council authorized the adoption of the FY 2015-16 Consolidated Plan Budget which included funding of $640,000 for the BAC Program by Resolution No 15-1055; and

WHEREAS, on September 8, 2015, information about this item will be provided to the Economic Development Committee; and

WHEREAS, the City wishes to continue the Business Assistance Center program as a response to the needs of the low to moderate income business community by providing services and programs designed to foster new microenterprise businesses and build the capacity of existing microenterprise businesses.

NOW, THEREFORE,

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

Section 1. That the City Manager, is hereby authorized to exercise the first contract renewal option for eight Business Assistance Centers (BACs) for a twelve-month service contract, with one additional twelve-month renewal option, each subject to funding availability with the eight Business Assistance Center contractors listed herein for each to provide technical assistance, incubator space and other support services to low-to-moderate income persons owning or starting a microenterprises listed herein for each contract as follows: (1) Greater Dallas Hispanic Chamber of Commerce (BAC #1) located at 4622 Maple Avenue, Suite 207 in an amount not to exceed $80,000; (2) The Dallas Black Chamber of Commerce located at 2838 Martin Luther King Boulevard (BAC #2), in an amount not to exceed $80,000; (3) CEN-TEX Certified Development Corporation dba Business & Community Lenders (BCL) of Texas to be located at the J. Erik Jonsson Central Library at 1515 Young Street, Sammons Small Business Center (BAC #3) in an amount not to exceed $80,000; (4) CENT-TEX Certified Development Corporation doing business as Business & Community Lenders (BCL) of Texas located at 4907 Spring Avenue (BAC #4) in an amount not to exceed $80,000; (5) (Business Assistance Center, Inc. located at 1201 West Camp Wisdom Road, Suite 224 (BAC #5) in an amount not to exceed $80,000; (6) Organization of Hispanic Contractors Association dba Regional Hispanic Contractors Association to be located at 3918 N Hampton Road (BAC #6), in an amount not to exceed $80,000; (7) Organization of Hispanic Contractors Association dba Regional Hispanic Contractors Association located at 2210 West Illinois Avenue (BAC #7) in an amount not to exceed $80,000 and (8) CENT-TEX Certified Development Corporation doing business as Business & Community Lenders (BCL) of Texas located at 1322 Record Crossing (BAC #8) in an amount not to exceed $80,000; for a total not to exceed $640,000.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds from: 2015-16 Community Development Block Grant Funds in an amount not to exceed $640,000 in accordance with the BAC contract provisions, as follows:

BAC	FUND	DEPT	UNIT	OBJ	CT	VENDOR NO	AMOUNT
1	CD15	ECO	701H	3070	ECO701HK054	255288	$80,000
2	CD15	ECO	702H	3070	ECO702HK055	190640	$80,000
3	CD15	ECO	703H	3070	ECO703HK056	VS0000057437	$80,000
4	CD15	ECO	704H	3070	ECO704HK057	VS0000057437	$80,000
5	CD15	ECO	705H	3070	ECO705HK058	VC0000010212	$80,000
6	CD15	ECO	706H	3070	ECO706HK059	504570	$80,000
7	CD15	ECO	707H	3070	ECO707HK060	504570	$80,000
8	CD15	ECO	708H	3070	ECO708HK061	VS0000057437	$80,000

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

AGENDA ITEM # 66

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Economic Development

CMO: Ryan S. Evans, 671-9837

MAPSCO: N/A

SUBJECT

Authorize an amendment to the contract with the World Affairs Council of Dallas / Fort Worth for economic development and protocol services to: **(1)** extend the existing grant agreement from October 1, 2015 through December 31, 2015; and **(2)** increase funding by $62,500 for the additional services for 3 months - Not to exceed $62,500 - Financing: Public/Private Partnership Funds (subject to appropriations)

BACKGROUND

Since February 2003, the City has entered into a series of grant agreements for economic development and protocol services with the World Affairs Council of Dallas/Fort Worth. The World Affairs Council of Dallas/Fort Worth's responsibilities include:

- Supporting the International Business Division of the Office of Economic Development to promote foreign investment and attract foreign companies to Dallas, particularly in the southern sector
- Working with the office of the Mayor, City Council Members and City officials to market Dallas to the international community and provide protocol and logistical support for international delegations visiting Dallas
- Managing the Sister Cities International Program

For the past twelve years, the World Affairs Council of Dallas/Fort Worth has received annual grants from the City to fund the City of Dallas Protocol office. The grant agreement with the World Affairs Council of Dallas/Fort Worth is currently managed by the Office of Economic Development. The grant agreements stipulated funding to pay for salaries of staff work exclusively for the City of Dallas, plus a portion of the salaries and overhead of the executive staff of the World Affairs Council of Dallas/Fort Worth.

BACKGROUND (Continued)

Since economic development is a high priority of the City, in addition to measuring protocol related responsibilities, the grant agreement also measures economic development criteria such as promoting business referrals from targeted trading partners; providing logistical and technical assistance to business-related inbound delegations and supporting partnership events such as trade workshops. Furthermore, the World Affairs Council of Dallas/Fort Worth committed approximately $35,000 in Fiscal Year 2014-15 in private sector funding and in-kind support for City of Dallas economic development and protocol activities. The goal is to leverage this agreement to create more synergy with economic development programs and priorities. The ultimate objective is to encourage more international companies to move to Dallas, thereby creating a higher tax base and more jobs.

A restricted fund, the "Mayor's International Relations Fund", was established in 2009 under the World Affairs Council's (WAC) 501(c)3 charter. WAC will seek to capitalize the "Mayor's International Relations Fund" by membership contributions with annual fund raising goal of $35,000, to support international initiatives, specifically protocol activities, hospitality, and business development.

The fifth of five twelve-month renewal options for the grant agreement will expire on September 30, 2015.The City will issued an RFP to solicit bids for professional assistance related to the Protocol Services in September. A selection from this RFP will be made prior to the expiration of the current grant agreement. Because of this, a 90-day extension of the existing grant agreement is needed. Any future contract related to protocol services will commence January 1, 2016 or after this extension is expired.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 3, 2010 a memo was submitted to the Economic Development Committee regarding the authorization of a nine-month Chapter 380 grant agreement with four one-year renewals with the World Affairs Council of Dallas / Fort Worth from the period of January 1, 2011 to September 30, 2011.

On December 8, 2010, City Council authorized a nine-month Chapter 380 grant agreement with four one-year renewals with the World Affairs Council of Dallas / Fort Worth from the period of January 1, 2011 to September 30, 2011, by Resolution No. 10-3037.

On September 14, 2011, City Council authorized the first of four twelve-month renewal terms to the grant agreement with the World Affairs Council of Dallas/Fort Worth for the period October 1, 2011 through September 30, 2012, by Resolution No. 11-2425.

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

On September 16, 2012, City Council authorized the second of four twelve-month renewal terms to the grant agreement with the World Affairs Council of Dallas/Fort Worth for the period of October 1, 2012 through September 30, 2013, by Resolution No. 12-2286.

On September 25, 2013, City Council authorized the third of four twelve-month renewal terms to the grant agreement with the World Affairs Council of Dallas/Fort Worth for the period of October 1, 2013 through September 30, 2014, by Resolution No.13-1708.

On September 24, 2014, City Council authorized the fourth of four twelve-month renewal terms to the grant agreement with the World Affairs Council of Dallas/Fort Worth for the period of October 1, 2014 through September 30, 2015, by Resolution No. 14-1630.

Information about this item was provided to the Economic Development Committee on September 8, 2015.

FISCAL INFORMATION

$62,500 - Public/Private Partnership Funds (subject to appropriations)

WHEREAS, the City recognizes the importance of its role in local economic development; and

WHEREAS, Chapter 380 of the Texas Local Government Code allows the governing body of a municipality to partner with a nonprofit organization to administer a program to promote local economic development and stimulate business and commercial activity in the municipality; and

WHEREAS, on December 8, 2010, City Council authorized a nine-month Chapter 380 grant agreement with four one-year renewals with the World Affairs Council of Dallas / Fort Worth from the period January 1, 2011 through September 30, 2011, by Resolution No. 10-3037; and

WHEREAS, on September 14, 2011, City Council authorized the first of four twelve-month renewal terms to the grant agreement with the World Affairs Council of Dallas/Fort Worth for the period October 1, 2011 through September 30, 2012, by Resolution No. 11-2425; and

WHEREAS, on September 16, 2012, City Council authorized the second of four twelve-month renewal terms to the grant agreement with the World Affairs Council of Dallas/Fort Worth for the period of October 1, 2012 through September 30, 2013, by Resolution No.12-2286; and

WHEREAS, on September 25, 2013, City Council authorized the third of four twelve-month renewal terms to the grant agreement with the World Affairs Council of Dallas/Fort Worth for the period of October 1, 2013 through September 30, 2014, by Resolution No. 13-1708; and

WHEREAS, on September 24, 2014, City Council authorized the fourth of four twelve-month renewal terms to the grant agreement with the World Affairs Council of Dallas/Fort Worth for the period of October 1, 2014 through September 30, 2015, by Resolution No. 14-1630; and

WHEREAS, the City now desires to authorize the execution of the 3-month extension to the grant agreement with the World Affairs Council of Dallas/Fort Worth for services relating to business development and protocol for the period of October 1, 2015 through December 31, 2015.

NOW, THEREFORE,

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

September 22, 2015

Section 1. That the City Manager, upon approval as to form by the City Attorney is hereby authorized to enter into the 3-month extension to the grant agreement with the World Affairs Council of Dallas/Fort Worth for economic development and protocol services for the period of October 1, 2015 through December 31, 2015 and execute any and all documents required by the contract.

Section 2. That the Chief Financial Officer is hereby authorized to set aside and disburse funds from: Fund 0352, Department ECO, Unit P476, Object 3070, Encumbrance No. ECOP476K061, Activity PPPF, Vendor No. 509630 in an amount not to exceed $62,500.

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

AGENDA ITEM # 67

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): 4

DEPARTMENT: Housing/Community Services

CMO: A. C. Gonzalez, 670-3297

MAPSCO: 55B

SUBJECT

Authorize a housing development grant in an amount not to exceed $1,500,000 to the Dallas Housing Acquisition and Development Corporation for construction of ten single family homes on land bank properties - Not to exceed $1,500,000 - Financing: FY 2014-15 HOME Program Income #1

BACKGROUND

The City Council has been briefed on the City of Dallas Neighborhood Plus Plan that includes a strategy for retaining middle income families and developing single family units for mixed-income neighborhoods. The Dallas Housing Acquisition and Development Corporation (DHADC), a nonprofit entity, pursuant to the provisions of Article 4.03 of the Texas Non-Profit Corporation Act, acts on behalf of and as directed and ordered by the City of Dallas for this purpose.

The City of Dallas will provide interim construction financing for ten (10) units to be built and sold to eligible low and moderate income families at or below 80% of Area Median Family Income. Eligible costs include land reimbursement, soft costs, construction costs, and allowable closing costs. The construction work will be completed within two years including occupancy. As each unit is sold, the proceeds from the sales of the affordable units will be used to build additional homes. Lots will be selected based on economies of scale for building and timing of lots expiring from land bank control. Deed restrictions for the affordable units will remain on the property for 15 years with forgiveness of the debt to the DHADC prorate per house.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 10, 2014, City Council approved Substantial Amendment No. 1 to amend the FY 2014-15 Action Plan by Resolution No. 14-2182 which included funding for housing development.

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

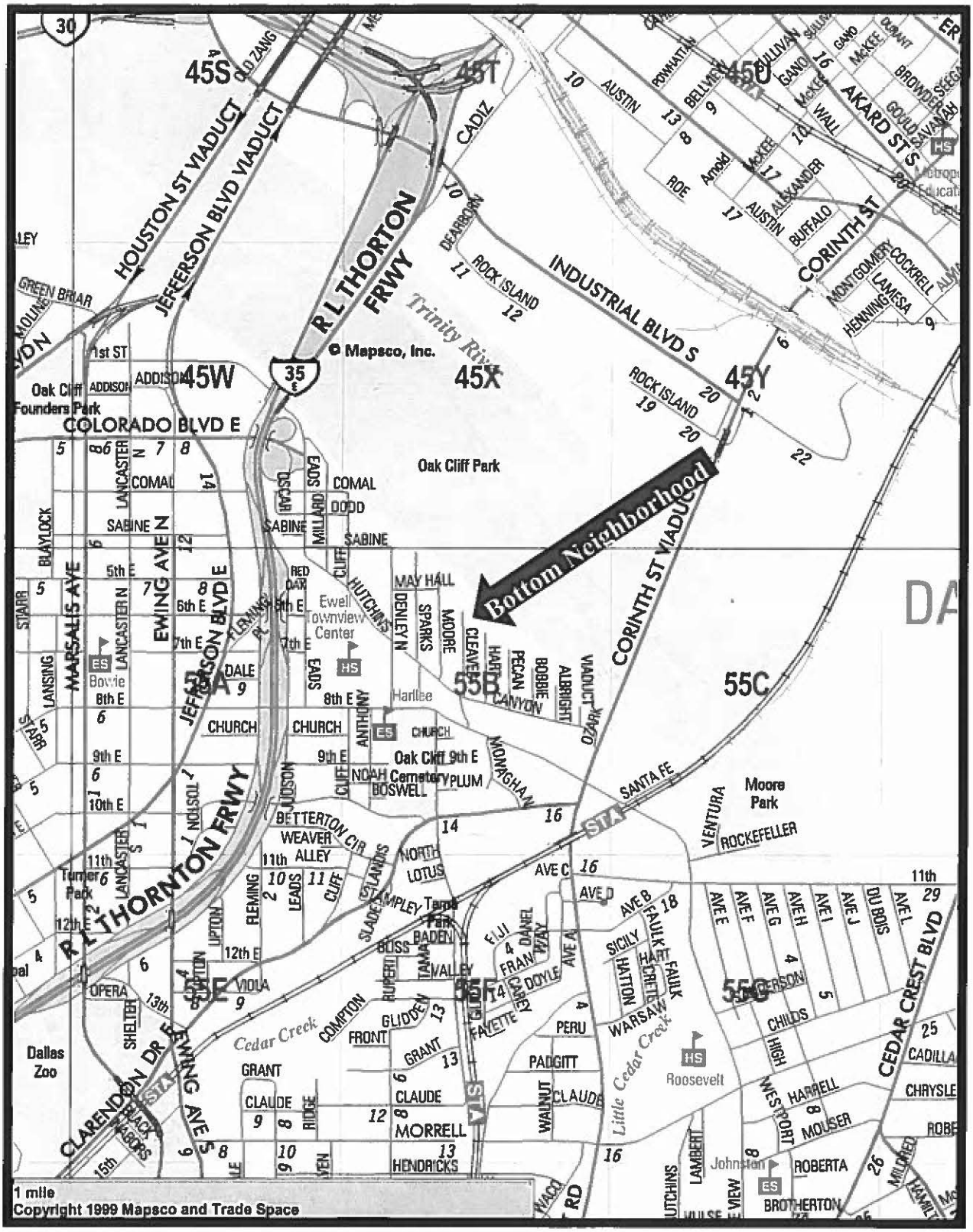
Information about this item will be provided to the Housing Committee on September 21, 2015.

FISCAL INFORMATION

FY 2014-15 HOME Program Income #1 - $1,500,000

MAP

Attached


Bottom Neighborhood
R L THORTON FRWY
HOUSTON ST VIADUCT
JEFFERSON BLVD VIADUCT
CORINTH ST VIADUCT
INDUSTRIAL BLVD S
CORINTH ST
AKARD ST S
COLORADO BLVD E
Oak Cliff Park
Trinity River
Oak Cliff Founders Park
Dallas Zoo
Moore Park
Roosevelt
Johnston
Bowie
Harllee
Ewell Townview Center
Oak Cliff 9th E Cemetery
Turner Park
Tenth Street Historic District
Cedar Creek
Little Cedar Creek
45S
45T
45U
45W
45X
45Y
55A
55B
55C
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MAPSCO 55B

September 22, 2015

WHEREAS, affordable housing for low and moderate income families is a high priority of the City of Dallas; and

WHEREAS, on December 10, 2014, City Council approved Substantial Amendment No. 1 to amend the FY 2014-15 Action Plan by Resolution No. 14-2182 which included funding for housing development; and

WHEREAS, Dallas Housing Acquisition and Development Corporation (DHADC) proposes to work with the City of Dallas to undertake the development of ten (10) units located on scattered sites; and

WHEREAS, the City desires for DHADC to develop affordable units for low and moderate income families; **NOW, THEREFORE,**

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

Section 1. That following approval as to form by the City Attorney, the City Manager is authorized to execute a housing development grant in an amount not to exceed $1,500,000 to the DHADC for construction of ten (10) single family homes on land bank properties.

Section 2. The terms of the loan agreement include:

(a) DHADC must execute a note payable for $1,500,000 to the City of Dallas for the loan.
(b) DHADC will execute a lien through a Deed of Trust and deed restriction for a 15-year term for the affordable units.
(c) DHADC will use funds for land reimbursement, soft costs, construction costs, and allowable closing costs.
(d) DHADC will utilize proceeds from the sales of homes to build additional homes with the same 15 year affordability restrictions.
(e) DHADC will have two (2) years to fully complete the project.
(f) DHADC must build and occupy the affordable units to low and moderate income families with incomes at or below 80% of area median family income (AMFI).
(g) The City will release DHADC's lien and forgive the debt on a prorata basis as each unit is sold to a low-income household at or below 80% AMFI.

Section 3. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute releases of liens, forgive the debt and terminate deed restrictions on the property upon compliance with the loan terms and deed restrictions.

Section 4. That the Chief Financial Officer is authorized to disburse funds in accordance with this resolution as follows:

Dallas Housing Acquisition and Development Corporation Vendor # 516925

Fund	Dept	Unit	Object Code	Program #	Encumbrance	Amount
14M1	HOU	489G	3015	14M1489G	HOU489GK181	$1,500,000

Section 5. That the City Controller is hereby authorized to record notes receivable in balance sheet account (033F) and deferred revenue-home loan in (0859) in fund 14M1 for the amount of the loan.

Section 6. That this resolution does not constitute a binding agreement upon the City or subject the City to any liability or obligation with respect to the loan, until such time as the loan documents are duly approved by all parties and executed.

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

AGENDA ITEM # 68

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): 7

DEPARTMENT: Housing/Community Services

CMO: A. C. Gonzalez, 670-3297

MAPSCO: 46T

SUBJECT

Authorize an amendment to Resolution No. 15-0780, previously approved on April 22, 2015, to: **(1)** clarify the terms of the loan which will allow forgiveness to the nonprofit developer, Southfair Community Development Corporation; and **(2)** the eligibility of developer fees for construction of four affordable single family homes located at 2825 South Boulevard - Financing: No cost consideration to the City

BACKGROUND

On February 2, 2015, the City posted a Notice of Funding Availability (NOFA) requesting developers to submit proposals to build single family homes in the city limits of Dallas. Southfair Community Development Corporation (Southfair) submitted a proposal to the City of Dallas for the development of four (4) affordable housing units for low and moderate income families.

Southfair is a certified Community Housing Development Organization (CHDO) and had a prior contract with the City to complete demolition and predevelopment of the Townhomes Project. They completed the acquisition, demolition, and plans development of the homes. Southfair has obtained interim construction financing with Capital One for a portion of the construction of the units.

The project will receive FY 2014-15 CHDO Funds through the HOME Investment Partnership Program Funds from the Department of Housing and Urban Development (HUD) which the City Council appropriated for housing developments such as this. The City of Dallas will provide gap construction financing for the units to be built and sold to eligible low and moderate income families at or below 80% of Area Median Family Income. The construction work will be completed within a year with occupancy within the same year.

BACKGROUND (continued)

City Council approval of this agenda item will authorize the City Manager to execute the loan documents with Southfair to (1) allow forgiveness of the loan on a prorate basis as each unit is sold to an eligible homeowner; and (2) allow up to $15,000 per home to be paid for developer fees, subject to environmental review by the City of Dallas and HUD.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 25, 2014, City Council approved the City of Dallas FY 2014-15 Consolidated Plan Budget for the U.S. Department and Urban Development (HUD) Grant by Resolution No. 14-1001 (amended and reconsidered by Resolution No. 14-1314 on August 13, 2014) which included the CHDO Development Loans in the HOME Investment Partnership Funds.

On April 6, 2015, the Housing Committee received a briefing memo on the Single Family NOFA CHDO project recommendations.

On April 22, 2015, the City Council approved the Single Family NOFA CHDO project by Resolution No. 15-0780.

Information about this item will be provided to the Housing Committee on September 21, 2015.

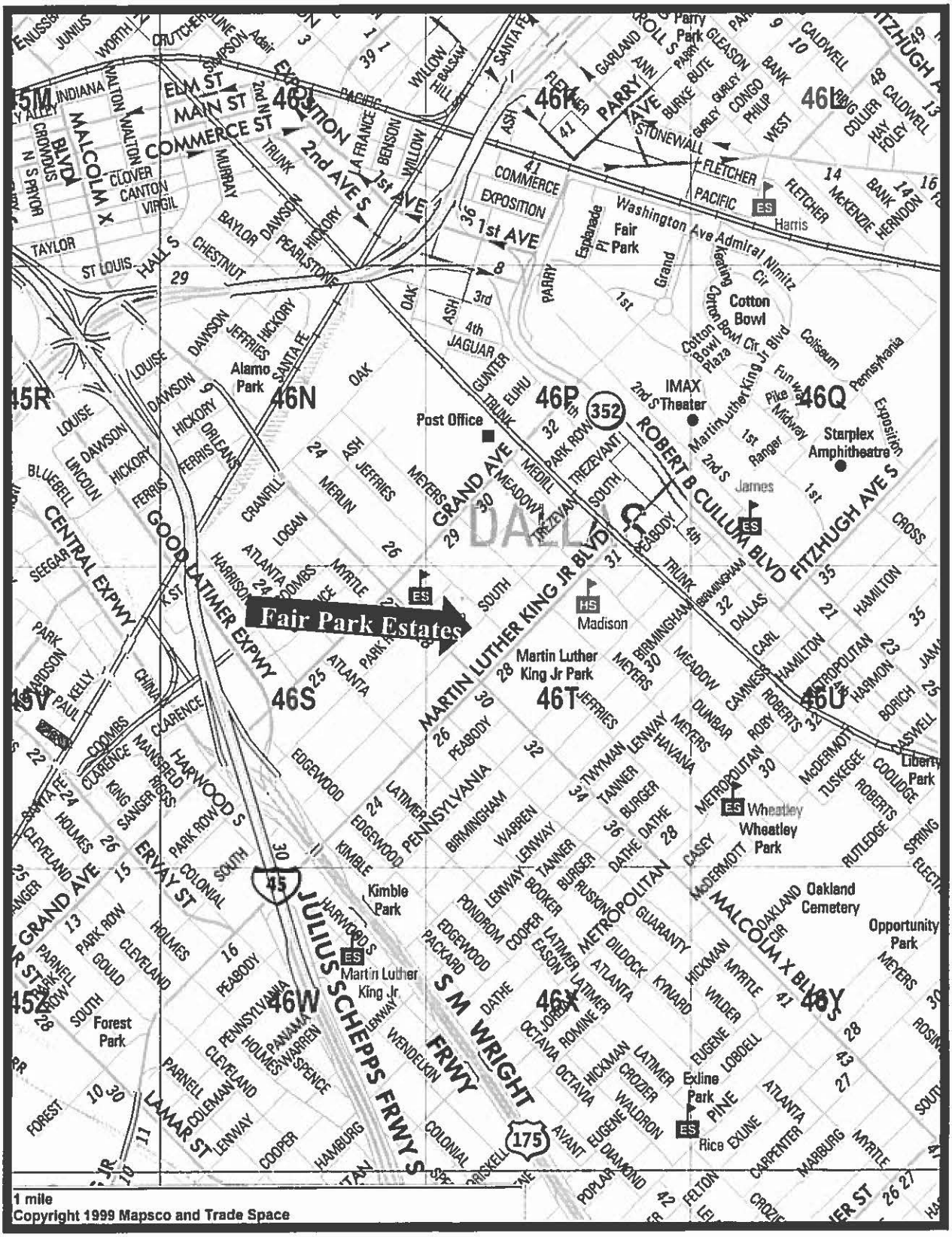
FISCAL INFORMATION

No cost consideration to the City

OWNER	DEVELOPER
Southfair Community Development Corporation	**Southfair Community Development Corporation**
Annie Evans-Jones, Executive Director	Annie Evans-Jones, Executive Director

MAP(S)

Attached


Fair Park Estates
Martin Luther King Jr Park
Kimble Park
Wheatley Park
Exline Park
Opportunity Park
Oakland Cemetery
Cotton Bowl
Fair Park
Alamo Park
Forest Park
Starplex Amphitheatre
Post Office
Madison
Harris
Rice
Martin Luther King Jr
Wheatley
James
IMAX Theater
MARTIN LUTHER KING JR BLVD
ROBERT B CULLUM BLVD
FITZHUGH AVE S
GRAND AVE
GOOD LATIMER EXPWY
CENTRAL EXPWY
JULIUS SCHEPPS FRWY S
S M WRIGHT FRWY
MALCOLM X BLVD
HARWOOD S
ERVAY ST
LAMAR ST
PARRY AVE
ELM ST
MAIN ST
COMMERCE ST
EXPOSITION
2nd AVE S
1st AVE
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46N
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46Q
46R
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1 mile
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MAPSCO 46T

September 22, 2015

WHEREAS, affordable housing for low and moderate income families is a high priority of the City of Dallas; and

WHEREAS, on June 25, 2014, City Council approved the City of Dallas FY 2014-15 Consolidated Plan Budget for the U.S. Department and Urban Development (HUD) Grant by Resolution No. 14-1001 (amended and reconsidered by Resolution No. 14-1314 on August 13, 2014) which included the CHDO Development Loans in the HOME Investment Partnership Funds; and

WHEREAS, on April 6, 2015, the Housing Committee received a briefing memo on the Single Family NOFA CHDO Project recommendations; and

WHEREAS, on April 22, 2015, the City Council approved the Southfair Community Development Corporation (Southfair) project by Resolution No. 15-0780; and

WHEREAS, Southfair proposes to work with the City of Dallas to undertake the development of four (4) affordable units at 2825 South Blvd; and

WHEREAS, the City desires for Southfair to develop affordable units for low and moderate income families, **NOW, THEREFORE,**

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

Section 1. That following approval as to form by the City Attorney, the City Manager is authorized to execute an amendment to Council Resolution No. 15-0780 previously approved on April 22, 2015 to clarify (1) the terms of the loan which will allow forgiveness to the nonprofit developer, Southfair Community development Corporation; and (2) the eligibility of developer fees for construction of four (4) affordable single family homes to be located at 2825 South Boulevard.

Section 2. The terms of the loan agreement include:

(a) Southfair must execute a note payable to the City of Dallas for $200,000 for the loan
(b) Southfair will execute a lien through a Deed of Trust for a 15-year term for the affordable units
(c) Southfair will repay the proceeds minus allowable closing costs upon the sale of each home. The balance of the loan will be forgiven prorata as each unit is sold to an eligible homebuyer.
(d) The City will release the lien on a prorata basis as each unit is sold to a low income homebuyer at or below 80% of area Median Family Income.
(e) Southfair will have one (1) year to fully complete the project
(f) The City will subordinate first lien position to the interim construction lender

Section 3. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute releases of liens, loan debt and terminate deed restrictions on the property upon compliance with the loan terms and deed restrictions.

Section 4. That this resolution does not constitute a binding agreement upon the City or subject the City to any liability or obligation with respect to the loan, until such time as the loan documents are duly approved by all parties and executed.

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

AGENDA ITEM # 69

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Housing/Community Services

CMO: A. C. Gonzalez, 670-3297

MAPSCO: N/A

SUBJECT

Authorize **(1)** the first five-year renewal option to the Management Services Contract, Phase II (MSC), with Bridge Steps for the continued operation, programming, and management of The Bridge for the period October 1, 2015 through September 30, 2020; **(2)** funding for the first year of the five-year renewal term of the MSC with General Funds in an amount not to exceed $3,800,000 for the period October 1, 2015 through September 30, 2016; **(3)** an Interlocal Agreement with Dallas County to accept $1,000,000, to assist in providing homeless assistance services at The Bridge through the City's contractor, Bridge Steps for the period October 1, 2015 through September 30, 2016; **(4)** an Interlocal Agreement with Dallas County to accept 2015-16 Emergency Solutions Grant Funds for shelter operations at The Bridge in the amount of $113,357 for the period October 1, 2015 through September 30, 2016; and **(5)** use of 2015-16 Emergency Solutions Grant Funds for shelter operations at The Bridge from the Homeless Assistance Center - Operations line item in the amount of $378,279 - Not to exceed $5,291,636 - Financing: Current Funds ($3,800,000) (subject to appropriations), Intergovernmental Revenue - Dallas County ($1,113,357), and 2015-16 Emergency Solutions Grant Funds ($378,279)

BACKGROUND

Approval of this item will authorize the first five-year renewal option to the Management Services Contract, Phase II, with Bridge Steps, for the continued operation, programming, and management of The Bridge located at 1818 Corsicana, which is owned by the City of Dallas and operated by the contractor, Bridge Steps.

BACKGROUND (Continued)

At the time of development, Council indicated a desire to see a private agency operate The Bridge. Accordingly, on December 12, 2007, by Resolution No. 07-3739, Council authorized a Management Services Contract, Phase II, with Metro Dallas Homeless Alliance (MDHA). MDHA agreed to privately fund a significant portion of the budget for the operation of The Bridge each year. The initial term of the Management Services Contract, Phase II, was December 12, 2007 through September 30, 2015, with two five-year renewal options. Subsequently, MDHA spun off the operation of The Bridge into a separate entity that assumed the name of Bridge Steps. All of the MDHA's obligations under the Management Services Contract were assigned to Bridge Steps on October 1, 2011. Since inception, about $27,923,214 in General Funds have funded the contract.

The Bridge opened on May 20, 2008, providing a centralized entry point for homeless persons to access multiple services at one location through on-site services and co-located agencies. The Bridge serves more than 7,000 people experiencing homelessness per year, the majority of whom transition out of the agency's collaborative network rapidly. For adults experiencing episodes of homelessness, The Bridge provides triage services, jail diversion/reentry services, medical/behavioral health care services, and day shelter services. For adults experiencing or at-risk of long-term homelessness, The Bridge provides night shelter and recreational/education services, and assists clients in obtaining employment/disability income and affordable/supportive housing. Since opening, The Bridge has been able to provide more than 2,000 job placements and more 2,000 housing placements.

Approval of this item will also authorize an Interlocal Agreement with Dallas County for receipt and disbursement of $1,000,000 contributed by the County toward the cost of operating The Bridge. Dallas County has contributed funding to support the operation of The Bridge, since it opened in 2008. This item will also authorize an Interlocal Agreement with Dallas County to accept $113,357 in Dallas County FY2015-16 Emergency Solutions Grant (ESG) funds for shelter operations at The Bridge. Bridge Steps will be required to meet the ESG matching requirements for this funding. Bridge Steps is allowed to count these Dallas County funds towards its required contribution to The Bridge operating budget for FY2015-16.

Lastly, approval of this item will authorize use of $378,279 of the City's FY2015-16 Emergency Solutions Grant (ESG) Funds for shelter operations at The Bridge. On June 10, 2015, by Resolution No. 15-1055, City Council adopted the FY2015-16 Consolidated Plan Budget, which included the FY2015-16 ESG line item allocations with this portion designated for the operation of The Bridge. A portion of the City's ESG funds has been used to support the operation of The Bridge since it opened. Bridge Steps will also be required to meet the match requirements for this ESG funding.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 14, 2015, City Council authorized an amendment to Resolution No. 14-1792, to accept additional funds in the grant from the Texas Department of Housing and Community Affairs, to allow Bridge Steps to count the additional funds toward Bridge Steps' required contribution to The Bridge operating budget and require Bridge Steps to comply with all conditions of the grant agreement, by Resolution No. 15-0114.

On February 11, 2015, City Council authorized a tenth amendment to the Management Services Contract, Phase II, with Bridge Steps to count Dallas County Emergency Solutions Grant (ESG) funds toward Bridge Steps' required contribution to the Bridge operating budget and require Bridge Steps to comply with all conditions of the agreements and matching fund requirements, by Resolution No. 15-0274.

On August 17, 2015, the Housing Committee was briefed on The Bridge operations, services, number served, and financial concerns.

FISCAL INFORMATION

$3,800,000 - Current Funds (subject to appropriations)
$1,113,357 - Intergovernmental Revenue - Dallas County
$378,279 - 2015-16 Emergency Solutions Grant Funds

ETHNIC COMPOSITION

Bridge Step Staff

Black Female	29	Black Male	29
White Female	14	White Male	12
Hispanic Female	5	Hispanic Male	5
Asian Female	3	Asian Male	2

WHEREAS, on December 12, 2007, by Resolution No. 07-3739, City Council approved the Management Services Contract, Phase II (the "Contract"), with Metro Dallas Homeless Alliance (MDHA) for the operation, programming and management of The Bridge for the period December 12, 2007 through September 30, 2015; and

WHEREAS, MDHA subsequently spun off the operation of The Bridge into a separate Texas nonprofit corporation, Bridge Steps, and on October 1, 2011, Bridge Steps assumed all of MDHA's obligations under the Contract and amendments thereto; and

WHEREAS, The Bridge serves more than 7,000 persons experiencing homelessness per year; and

WHEREAS, the City of Dallas desires to exercise the first five-year renewal option under the Management Services Contract, Phase II, with Bridge Steps, and authorize funding, to continue the operation, programming, and management of The Bridge under the leadership of the agency;

NOW, THEREFORE,

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

Section 1. That following approval as to form by the City Attorney, the City Manager is hereby authorized to: **(1)** execute the first five-year renewal option to the Management Services Contract, Phase II (MSC), with Bridge Steps for the continued operation, programming, and management of The Bridge for the period October 1, 2015 through September 30, 2020; **(2)** provide funding for the first year of the 5-year renewal term of the MSC with General Funds in an amount not to exceed $3,800,000 for the period October 1, 2015 through September 30, 2016; **(3)** execute an Interlocal Agreement with Dallas County to accept $1,000,000, to assist in providing homeless assistance services at The Bridge through the City's contractor, Bridge Steps, for the period October 1, 2015 through September 30, 2016; **(4)** execute an Interlocal Agreement with Dallas County to accept 2015-16 Emergency Solutions Grant Funds for shelter operations at The Bridge in the amount of $113,357 for the period October 1, 2015 through September 30, 2016; **(5)** use 2015-16 Emergency Solutions Grant (ESG) funds for shelter operations at The Bridge from the Homeless Assistance Center - Operations line item in the amount of $378,279; **(6)** allow Bridge Steps to count Dallas County funds towards Bridge Steps' required contribution to The Bridge operating budget for the period October 1, 2015 through September 30, 2016; and **(7)** execute any and all documents required by the agreement.

Section 2. That the Chief Financial Officer is authorized to disburse funds for the period October 1, 2015 through September 30, 2016, in an amount not to exceed $3,800,000 (subject to annual appropriations), from Fund 0001, Dept. HOU, Unit 4291, Object Code 3099, Encumbrance No. CTGH184732, to Vendor No. VS0000067075.

Section 3. That the Chief Financial Officer is hereby authorized to receive and deposit quarterly payments from Dallas County in the amount of $250,000 for three quarters and the final quarterly payment within thirty days after expiration of the contract period October 1, 2015 through September 30, 2016 in an amount not to exceed $1,000,000 in Fund 0001, Dept. HOU, Unit 4291, Revenue Source Code 6511.

Section 4. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $1,000,000 from Fund 0001, Dept. HOU, Unit 4291, Object Code 3099, Encumbrance No. CTGH184733, to Vendor No. VS0000067075.

Section 5. That the Chief Financial Officer is hereby authorized to receive and deposit 2015-16 Emergency Solutions Grant funds from Dallas County for the period October 1, 2015 through September 30, 2016 in an amount not to exceed $113,357 in Fund 0001, Dept. HOU, Unit 4291, Revenue Source Code 6511.

Section 6. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $113,357 from Fund 0001, Dept. HOU, Unit 4291, Object Code 3099, Encumbrance No. CTGH184738, to Vendor No. VS0000067075.

Section 7. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $378,279 from Fund ES15, Dept. HOU, Unit 653H, Object Code 3099, Encumbrance No. CTGH184734, to Vendor No. VS0000067075.

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

AGENDA ITEM # 70

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): 2

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 45 M

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a microbrewery, microdistillery, or winery on property zoned Tract A in Planned Development District No. 269, the Deep Ellum/Near East Side District, on the northwest corner of Canton Street and South Malcolm X Boulevard
Recommendation of Staff and CPC: Approval for a three-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions
Z145-286(OTH)

HONORABLE MAYOR & CITY COUNCIL **TUESDAY, SEPTEMBER 22, 2015**

ACM: Ryan S. Evans

FILE NUMBER: Z145-286(OTH) **DATE FILED:** June 22, 2015

LOCATION: Northwest corner of Canton Street and South Malcolm X Boulevard

COUNCIL DISTRICT: 2 **MAPSCO:** 45M

SIZE OF REQUEST: ±0.4 acres **CENSUS TRACT:** 204.00

APPLICANT/ OWNER: Industrial Reservices, LLC

REPRESENTATIVE: Santos Martinez, Masterplan

REQUEST: An application for a Specific Use Permit for a microbrewery, microdistillery, or winery on property zoned Tract A in Planned Development District No. 269, the Deep Ellum/Near East Side District.

SUMMARY: The prospective buyer/tenant is proposing to convert the existing, vacant building into a microbrewery, microdistillery, or winery use.

CPC RECOMMENDATION: **Approval** for a three-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a three-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

GUIDING CRITERIA FOR RECOMMENDATION:

The following factors are listed in Chapter 51A of the Dallas Development Code to guide the determination as to whether or not an SUP shall be granted. Staff has listed its findings based upon each component below:

1. *Compatibility with surrounding uses and community facilities* – The proposed use is compatible with the surrounding land uses and the character of the area. The proposed use blends in with the various surrounding buildings, and the scale of the building makes the use compatible with the surrounding uses. The applicant is not proposing to utilize the existing building for the proposed use.

2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The proposed use is not anticipated to negatively impact the surrounding properties.

3. *Not a detriment to the public health, safety, or general welfare* – The proposed use is not anticipated to be a detriment to the public health, safety, or general welfare.

4. *Conforms in all other respects to all applicable zoning regulations and standards* – Based on information depicted on the site plan the property and use comply with all applicable zoning regulations and standards. No variances or special exceptions are requested.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Malcolm X Boulevard	Collector	50 feet
Canton Street	Minor Arterial	80 feet

Traffic:

The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined that it will not significantly impact the existing roadway system.

STAFF ANALYSIS:

Comprehensive Plan:

The comprehensive plan does not make a specific land use recommendation related to the request; however, the ***forwardDallas! Vision Illustration***, adopted June 2006, is comprised of a series of Building Blocks that depicts general land use patterns.

Building Blocks are generalized patterns without well-defined boundaries that indicate where certain types and densities of development might logically occur.

The Vision Illustration depicts the request site as an *Urban Mixed-Use.* The Urban Mixed-Use Building Block incorporates a vibrant mix of residential and employment uses at a lower density than the Downtown Building Block. These areas are typically near Downtown, along the Trinity River or near major transit centers. Examples include Uptown, the City Place/West Village area, Stemmons Design District, Cedars and Deep Ellum. Urban Mixed-Use Building Blocks provide residents with a vibrant blend of opportunities to live, work, shop and play within a closely defined area. Buildings range from high-rise residential or midrise commercial towers to townhomes and small corner shops. Good access to transit is a critical element. Similar to Downtown, the Urban Mixed-Use Building Blocks offer employment and housing options and are important economic growth areas for businesses. People on foot or bike can enjoy interesting storefronts at ground level with benches, public art, on-street parking and wide sidewalks, creating an appealing streetscape. Large parking areas and other auto-oriented land uses are typically located at the edges.

In general, the applicant's proposal is consistent with the goals and policies of the Comprehensive Plan.

Land Use:

	Zoning	Land Use
Site	PD 269 Tract A	Vacant
North	PD 269 Tract A	Office, vacant
East	PD 269 Tract A	Parking lot, personal service, offices
South	PD 269 Tract A	Office, gallery, vacant
West	PD 269 Tract A	Office, vacant

Land Use Compatibility:

The applicant has a prospective buyer/tenant who is proposing to convert the existing warehouse and liquor store into a microbrewery use. The new operator proposes to utilize approximately 15,000 square feet for the manufacture of alcoholic beverages and utilize the remainder of the building for warehouse use for the microbrewery, microdistillery or winery use.

Pursuant to Plan Development District No. 269, a microbrewery, micro distillery or winery means an establishment for the manufacture, blending, fermentation, processing and packaging of alcoholic beverages with a floor area of 15,000 square feet or less that takes place wholly inside a building. Floor area dedicated to retail sales and on-site consumption is not included in the 15,000 square foot maximum floor area calculations. A facility that only provides tasting or retail sale of alcoholic beverages is not a microbrewery, micro distillery or winery use.

The surrounding land uses are office and vacant to the north; parking lot, personal service use and offices to the east; gallery and vacant to the south; and office and vacant to the west.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The request is compatible with the surrounding uses. Staff recommends a three-year time period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

Parking:

Parking must be provided in accordance with the requirements of Planned Development District No. 269, the Deep Ellum/Near East Side District.

Landscaping:

The applicant's request does not trigger any landscape requirements**.**

CPC Action – August 20, 2015

Z145-286(OTH) Planner: Olga Torres Holyoak

Motion: It was moved to recommend **approval** a Specific Use Permit for a microbrewery, microdistillery, or winery for a three-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and revised conditions on property zoned Tract A in Planned Development District No. 269, the Deep Ellum/Near East Side District, on the northwest corner of Canton Street and South Malcolm X Boulevard.

Maker: Murphy
Second: Schultz
Result: Carried: 13 to 0

For: 13 - Anglin, Emmons, Rodgers*, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 1 - Shidid
Vacancy: 1 - District 4

*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 19
Replies: For: 1 Against: 0

Speakers: None

Proposed SUP Conditions
Z145-286 (OTH)

SECTION 2. That this specific use permit is granted on the following conditions:

1. USE: The only use authorized by this specific use permit is a microbrewery, micro distillery, or winery.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

3. TIME LIMIT: This specific use permit expires on three years, but it is eligible for automatic renewals for additional five-year periods.

4. OUTSIDE STORAGE: Outside storage silos and outside storage of spent organic material is prohibited.

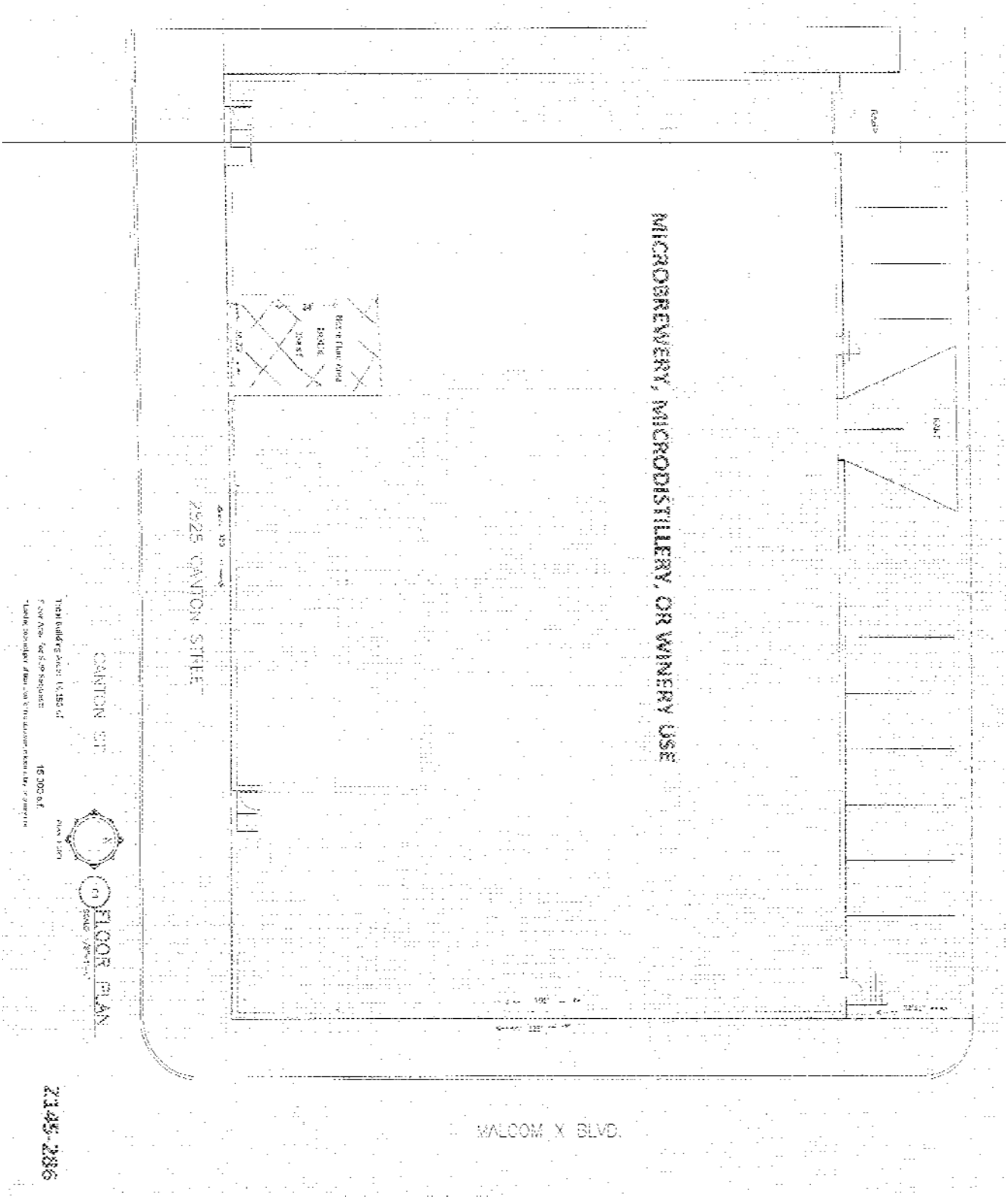
5. PARKING: Parking must be provided in accordance with the requirements of Planned Development District No. 269, the Deep Ellum/Near East Side District.

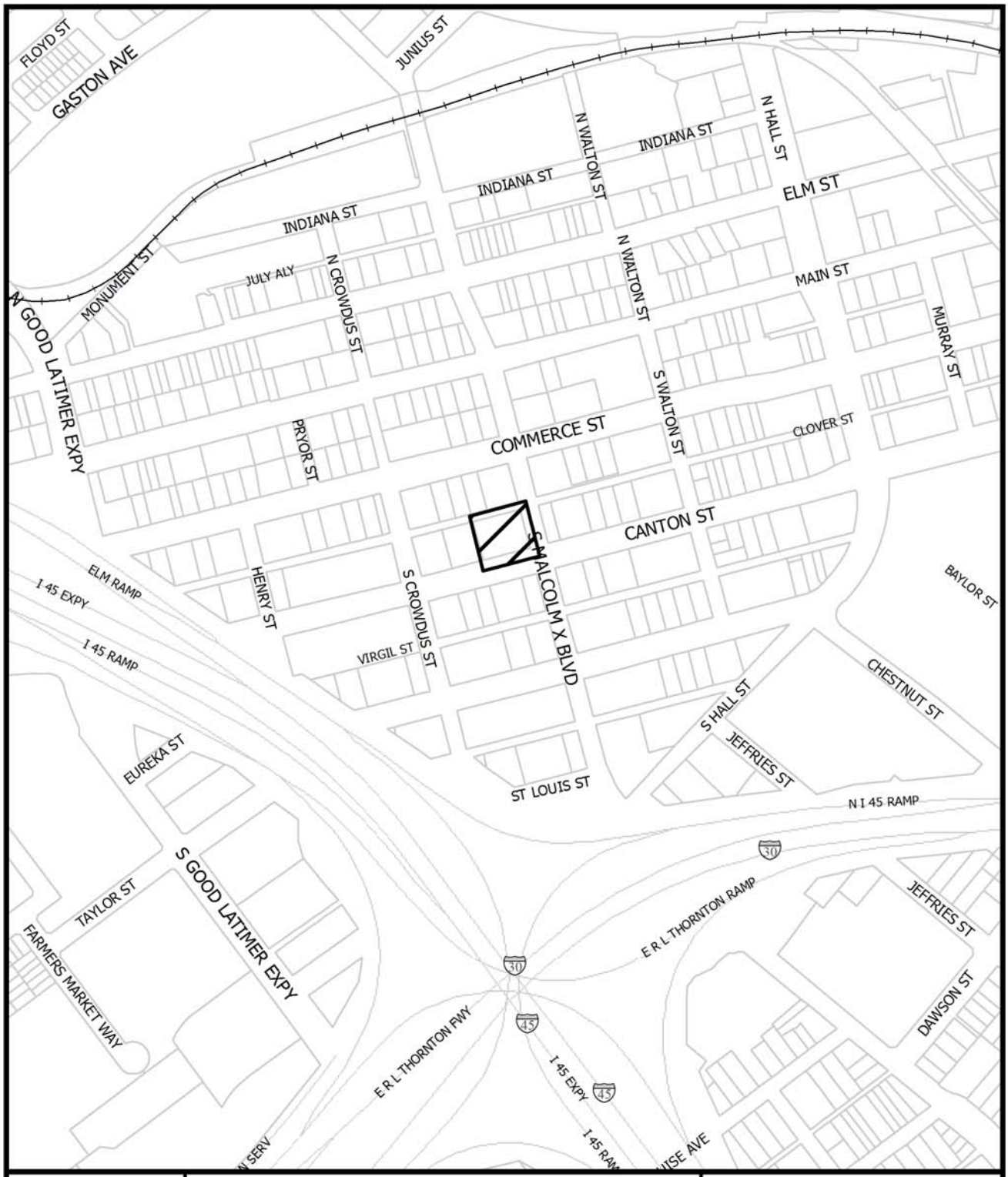
6. FLOOR AREA: The maximum floor area allowed for the microbrewery, microdistillery, or winery is 15,000 square feet.

7. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

8. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

PROPOSED SITE PLAN



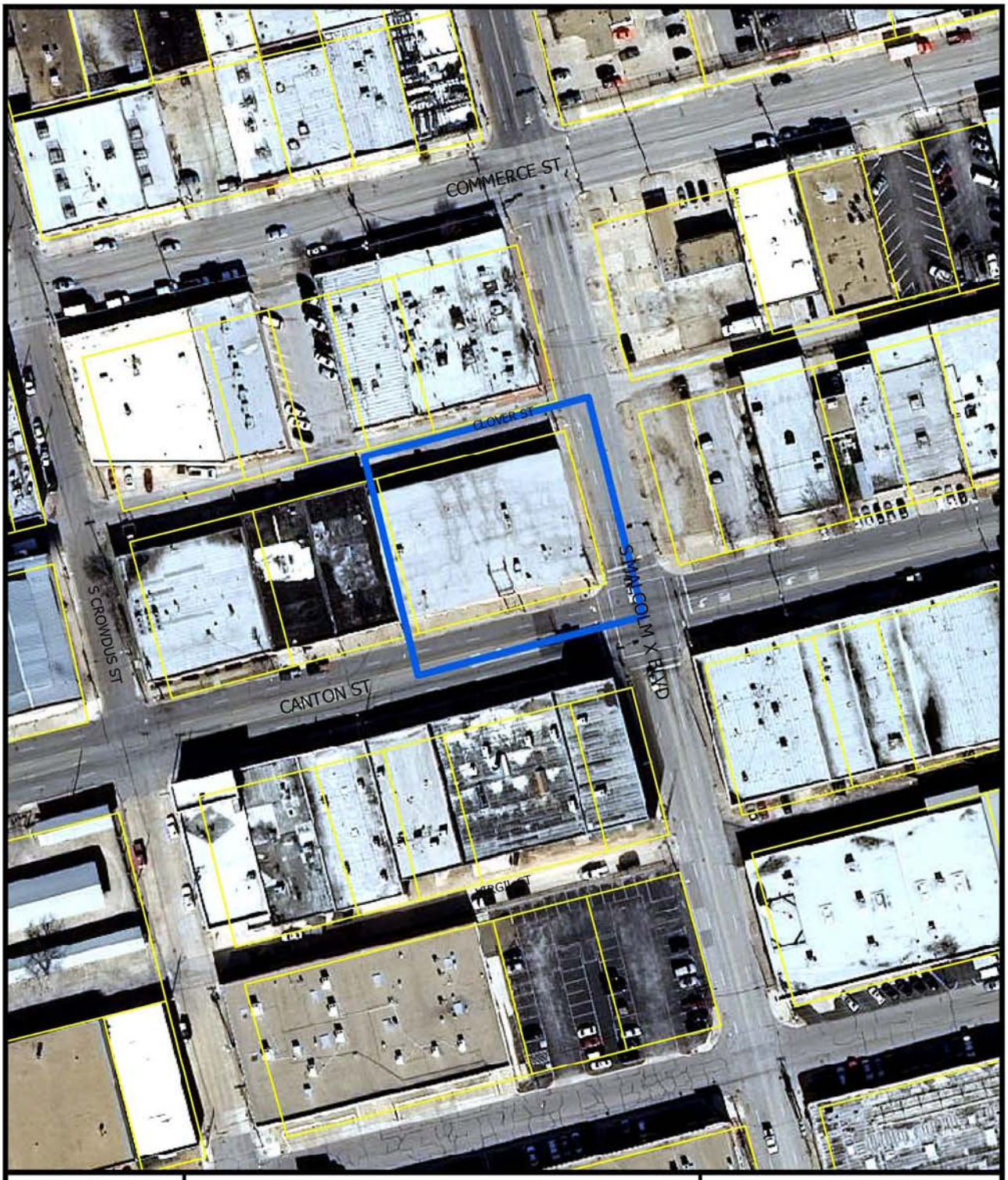


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VICINITY MAP

Case no: Z145-286

Date: 8/4/2015

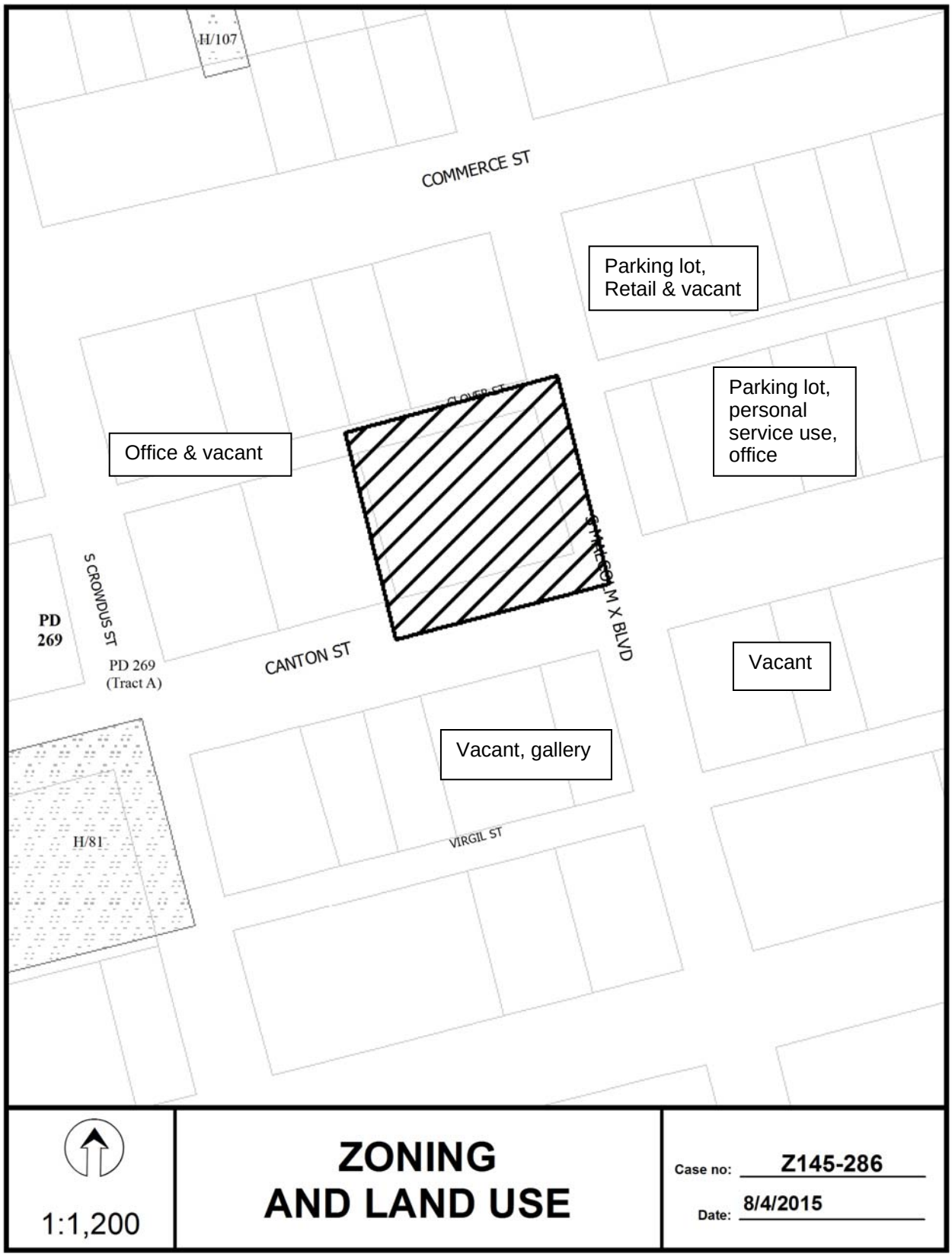


1:1,200

AERIAL MAP

Case no: Z145-286

Date: 8/4/2015


H/107
COMMERCE ST
Parking lot, Retail & vacant
Parking lot, personal service use, office
Office & vacant
CLOVER ST
S CROWDUS ST
PD 269
PD 269 (Tract A)
CANTON ST
MALCOLM X BLVD
Vacant
Vacant, gallery
H/81
VIRGIL ST
1:1,200
ZONING AND LAND USE
Case no: Z145-286
Date: 8/4/2015

CPC RESPONSES



08/19/2015

Reply List of Property Owners

Z145-286

19 Property Owners Notified ***1 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*		*Address*	*Owner*
	1	2809	CANTON ST	BALLAS VICTOR
	2	2825	CANTON ST	INDUSTRIAL RESERVICES LLC
	3	2816	COMMERCE ST	BLANTON JEANNE
	4	2824	CANTON ST	HORTON T L DESIGN INC
	5	2821	TAYLOR ST	DEEP ELLUM CHURCH
	6	2904	COMMERCE ST	SDL PARTNERS LTD
	7	2820	COMMERCE ST	BLANTON JEANNE
	8	2800	COMMERCE ST	GILPIN J R
	9	2805	CANTON ST	GEBHARDT BROADCASTING LLC
	10	2824	CANTON ST	HORTON T L DESIGN INC
O	11	2814	CANTON ST	FITZGERALD KAREN K &
	12	2810	CANTON ST	WARREN PROPERTY HOLDINGS LLC
	13	2803	TAYLOR ST	DEEP ELLUM CHURCH
	14	2910	COMMERCE ST	CITY PARK A LOT LP
	15	2909	CANTON ST	CANTON MAIN PROP LTD
	16	2913	CANTON ST	DUET COMMERCIAL LLC
	17	2914	CANTON ST	ONDRUSEK W J
	18	2910	CANTON ST	ONDRUSEK W J
	19	2900	CANTON ST	ONDRUSEK W J

AGENDA ITEM # 71

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): 6

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 33 N

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for IR Industrial Research District and general merchandise or food store greater than 3,500 square feet uses on property zoned an IR Industrial Research District at the south corner of Regal Row and John W. Carpenter Service Road
Recommendation of Staff and CPC: Approval, subject to a development plan, landscape plan and conditions
Z145-289(AF)

HONORABLE MAYOR & CITY COUNCIL **TUESDAY, SEPTEMBER 22, 2015**

ACM: Ryan S. Evans

FILE NUMBER: Z145-289(AF) **DATE FILED:** June 29, 2015

LOCATION: South corner of Regal Row and John W. Carpenter Service Road

COUNCIL DISTRICT: 6 **MAPSCO:** 33N

SIZE OF REQUEST: ± 1.5772 acres **CENSUS TRACT:** 100.00

APPLICANT/OWNER: Bubion Investment Co., LLC/Hallett No. 1, LP.

REPRESENTATIVE: Miklos Law, PLLC

REQUEST: An application for a Planned Development District for IR Industrial Research District and general merchandise or food store greater than 3,500 square feet uses on property zoned an IR Industrial Research District.

SUMMARY: The applicant proposes to build an approximately 5,858 square foot general merchandise or food store in conjunction with a motor vehicle fueling station (gas station). The maximum size allowable for a general merchandise or food store is 3,500 square feet in an IR District. Therefore, the applicant requests this PDD application to permit the use, but retain all other IR district uses and performance standards.

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

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

GUIDING CRITERIA FOR STAFF RECOMMENDATION:

Staff recommends approval based upon:

1. *Performance impacts upon surrounding property* – While industrial zoning was not intended to encompass larger retail formats, the location and size of the property make it appropriate to permit the request particularly since it is restricted with a development plan. It will not have a negative impact upon surrounding property.

2. *Traffic impact* – The Engineering Section of the Department of Sustainable Development and Construction has determined that the request will not have a negative impact on the street system.

3. *Comprehensive Plan or Area Plan Conformance* – The forwardDallas! Comprehensive Plan shows that the request site in located in an Industrial Area Building Block.

4. *Justification for PD Planned Development District Zoning as opposed to a straight zoning district* –Currently zoned IR Industrial Research, the maximum size allowable for a general merchandise or food store is 3,500 square feet.

Surrounding Zoning History:

There have been no recent zoning requests in the vicinity of the request site within the last five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
John W. Carpenter Service Road	Minor Arterial	Varies
Regal Row	Major Arterial	50’

Traffic:

The Engineering Section of the Department of Sustainable Construction and Development has reviewed the request and determined that it will not significantly impact the surrounding roadway system.

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The Plan identifies the request site as being within the Industrial Area.

Industrial Areas
Industrial Areas, which offer important employment opportunities, occupy large areas of land and usually are near major roads and heavy rail lines. Evolving technology and the need for freight movement through Dallas to the rest of the country and internationally means this sector can offer good opportunities for jobs. Logistics and warehousing, a growing industry with strong potential for upward mobility of skilled workers, would thrive in such areas. Examples include Southport and the Agile Port, parts of West Dallas along I-30, and the Stemmons industrial area. These areas include a mix of low- and medium-density industrial buildings and industrial yards and have large surface parking for cars and trucks. Industrial Areas rely on quality road access and may be linked to rail for freight purposes. Street lanes are wide and intersections are large. Transit, sidewalks and other pedestrian improvements are limited.

While this building block doesn't envision larger retail formats, the location and size of the use are appropriate.

STAFF ANALYSIS:

Surrounding Land Use:

	Zoning	Land Use
North	IR Industrial Research	Hotel
East	IR Industrial Research	Freeway & Restaurant w/o Drive-in Service
South	IR Industrial Research	Motel
West	IR Industrial Research	Restaurant w/o Drive-in Service

Land Use Compatibility:

Formally owned by companies like Texaco, Shell, and 7-Eleven, the +\- 1.5 acre site has seen the same use for over a decade. Owners have changed but the intent of the use has remained over the years. This specific application is to allow for a slightly larger general merchandise food store. The site is located at the entrance of a predominately

industrial area delineated by John Carpenter Freeway to the North and east, and the Trinity River to the South and West. The more intense warehouse uses are located closer to the Trinity River. Along the John Carpenter Freeway Service Road, there is a variety of different office and office/warehouse uses. The applicant has provided a list of prohibited uses in order to maintain less intense uses along the John Carpenter Freeway Service Road.

Development Standards:

District	Setbacks		Density/ FAR	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
Existing IR Industrial research	15'	30' adjacent to residential OTHER: No Min.	2.0 FAR overall 0.75 office/ retail 0.5 retail	200' 15 stories	80%	Proximity Slope Visual Intrusion	Industrial, wholesale distribution & storage, supporting office & retail
Proposed PD	15'	30' adjacent to residential OTHER: No Min.	2.0 FAR overall 0.75 office/ retail 0.5 retail	200' 15 stories	80%	General Merchandise store or Food Store Greater than 3500 sq. ft.	Industrial, wholesale distribution & storage, supporting office & retail

Parking: Pursuant to §51A-4.210 of the Dallas Development Code, the required off-street parking for a motor vehicle station is two (2) spaces. The required off-street parking for a general merchandise store greater than 3,500 square feet is one (1) space for every 200 square feet. The proposed general merchandise store is estimated to be 5,858 square feet which would require thirty (30) parking spaces. A total of sixty-six (66) parking spaces are proposed for the site.

Landscaping: The Texas Department of Transportation's right-of-way located along the John W. Carpenter Freeway Service Road limits the site's potential for meeting Article X landscaping requirements. Because of this limitation, a landscape plan is being proposed as an alternative while still meeting the intent of Article X. The attached plan also depicts the compliance of two required design standards. The applicant will provide a landscape setback along public street frontage. The landscape setback must have a minimum width of 10 feet or 10 percent of the lot depth, whichever is less. The second design standard requires screening of off street parking. The plan depicts screening for all parking lots on the building site and along the entire street frontage.

CPC Action – August 20, 2015

Z145-289(AF) Planner: Aldo Fritz

Motion: It was moved to recommend **approval** of a Planned Development District for IR Industrial Research District and general merchandise or food store greater than 3,500 square feet uses, subject to a development plan, landscape plan and conditions on property zoned an IR Industrial Research District at the south corner of Regal Row and John W. Carpenter Service Road.

Maker: Anantasomboon
Second: Abtahi
Result: Carried: 13 to 0

For: 13 - Anglin, Emmons, Rodgers, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene*, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 1 - Shidid
Vacancy: 1 - District 4

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 21
Replies: For: 1 Against: 1

Speakers: For: Robert Miklos, 1800 Valley View Ln., Farmers Branch, TX, 75234
Against: None

Partners/Principals/Officers:

List of Officers—Hallet No.1, LP

President- Don Hallet

Secretary- Teresa Hallett

List of Officers—Bubion Investment Co., LLC

Manager- Alfredo Bubion

Proposed PD 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 located on the southwest corner of John W. Carpenter Service Road and Regal Row. The size of PD ___ is approximately 1.5772 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 non-residential zoning district.

SEC. 51P-___.104. DEVELOPMENT PLAN.

Development and use of the Property must comply with the development plan (Exhibit ____). If there is a conflict between the text of this article and the development plan, the text of this article controls.

SEC. 51P-___.105. MAIN USES PERMITTED.

(a) Except as provided in this section, the only main uses permitted t are those main uses permitted in the IR Industrial/Research District, subject to the same conditions applicable in the IR Industrial/Research District, as set out in Chapter 51A. For example, a use permitted in the IR Industrial/Research 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 IR Industrial/Research District is subject to DIR in this district; etc.

(b) The following additional main use is permitted:

-- General Merchandise or Food Store Greater than 3500 square feet

(c) The following main uses are prohibited.

(1) Commercial and business service uses.
--Building repair and maintenance shop.
--Catering service.
--Custom business services.
--Medical or scientific laboratory.
--Tool or equipment rental.
--Vehicle or engine repair or maintenance

(2) Industrial uses.
--Gas drilling and production.
--Industrial (inside).
--Industrial (inside) for light manufacturing.
--Industrial (outside).
--Medical/infectious waste incinerator.
--Municipal waste incinerator.
--Organic compost recycling facility.
--Pathological waste incinerator.
--Temporary concrete or asphalt batching plant

(3) Lodging uses.
--Lodging or boarding house.
--Overnight general purpose shelter.

(4) Miscellaneous uses.
--Attached non-premise sign. *[SUP]*
--Carnival or circus (temporary).
--Hazardous waste management facility.

(5) Retail and personal service uses.
--Commercial motor vehicle parking
--Commercial parking lot or garage.
--Household equipment and appliance repair.
--Pawn shop.
--Truck stop.

(6) Transportation uses.
--Airport or landing field.
--Commercial bus station and terminal.
--Heliport.
--Helistop.
--Railroad passenger station.
--STOL (short take off or landing) port.
--Transit passenger shelter.
--Transit passenger station or transfer center.

(7) Utility and public service uses.
--Radio, television, or microwave tower.
--Tower/antenna for cellular communication
--Utility or government installation other than listed.

(8) Wholesale, distribution, and storage uses.
--Outside storage (with visual screening).
--Recycling buy-back center

--Recycling collection center.
--Recycling drop-off container.
--Recycling drop-off for special occasion collection.

SEC. 51P-___.106. ACCESSORY USES.

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

SEC. 51P-___.107. YARD, LOT, AND SPACE REGULATIONS.

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

The yard, lot, and space regulations for the IR Industrial Research District apply.

SEC. 51P-___.108. OFF-STREET PARKING AND LOADING.

(a) Consult the use regulations in Division 51A-4.200 for the specific off-street parking/loading requirements for each use.

SEC. 51P-___.109 ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-___.110. LANDSCAPING.

(a) Landscaping must be provided as shown on the landscape plan (Exhibit ___B). If there is a conflict between the text of this article and the landscape plan, the text of this article controls.

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

SEC. 51P-___.111. SIGNS.

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

SEC. 51P-___.112. ADDITIONAL PROVISIONS.

(a) The Property must be properly maintained in a state of good repair and neat appearance.

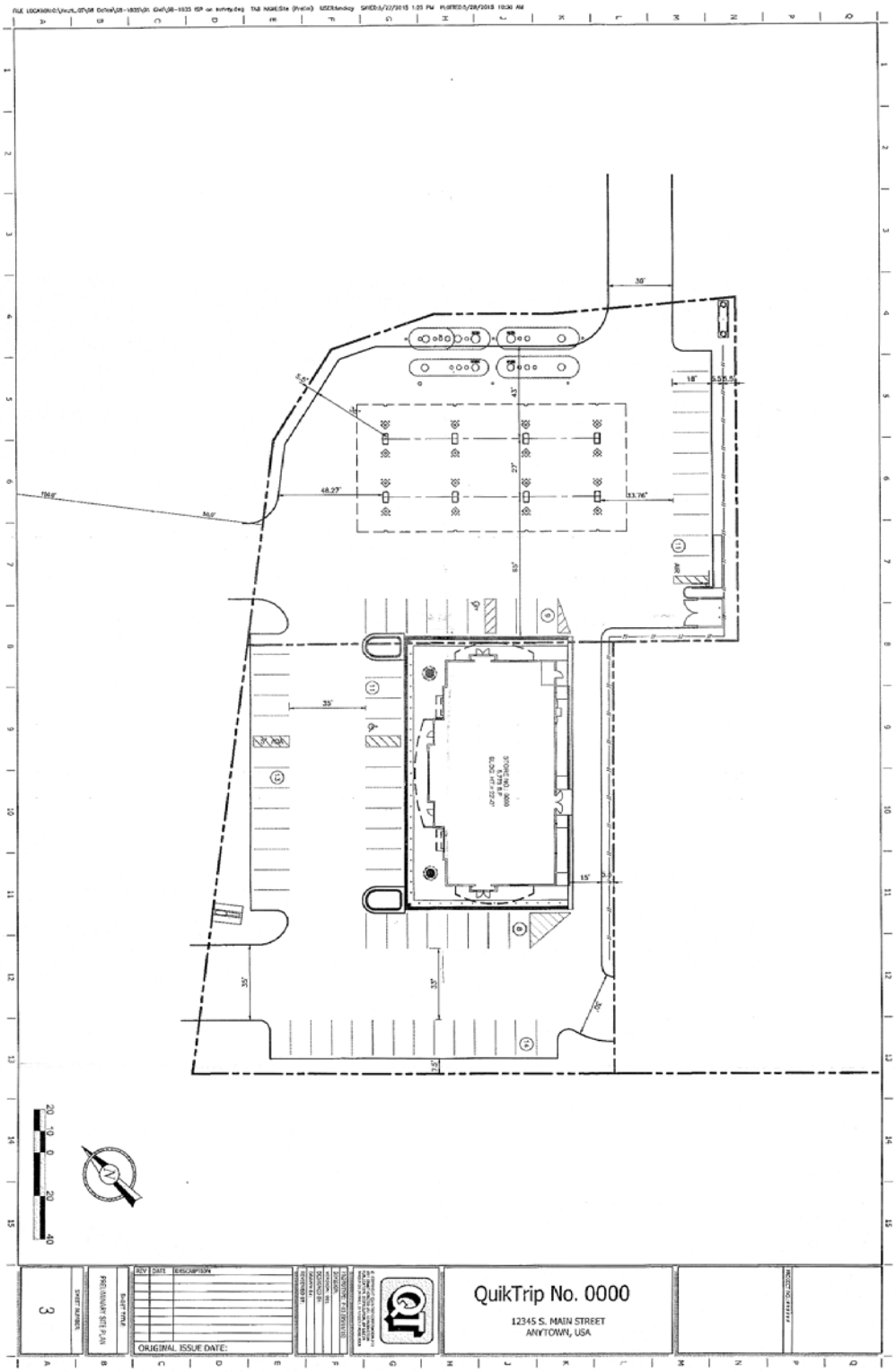
(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

SEC. 51P-___.113 COMPLIANCE WITH CONDITIONS.

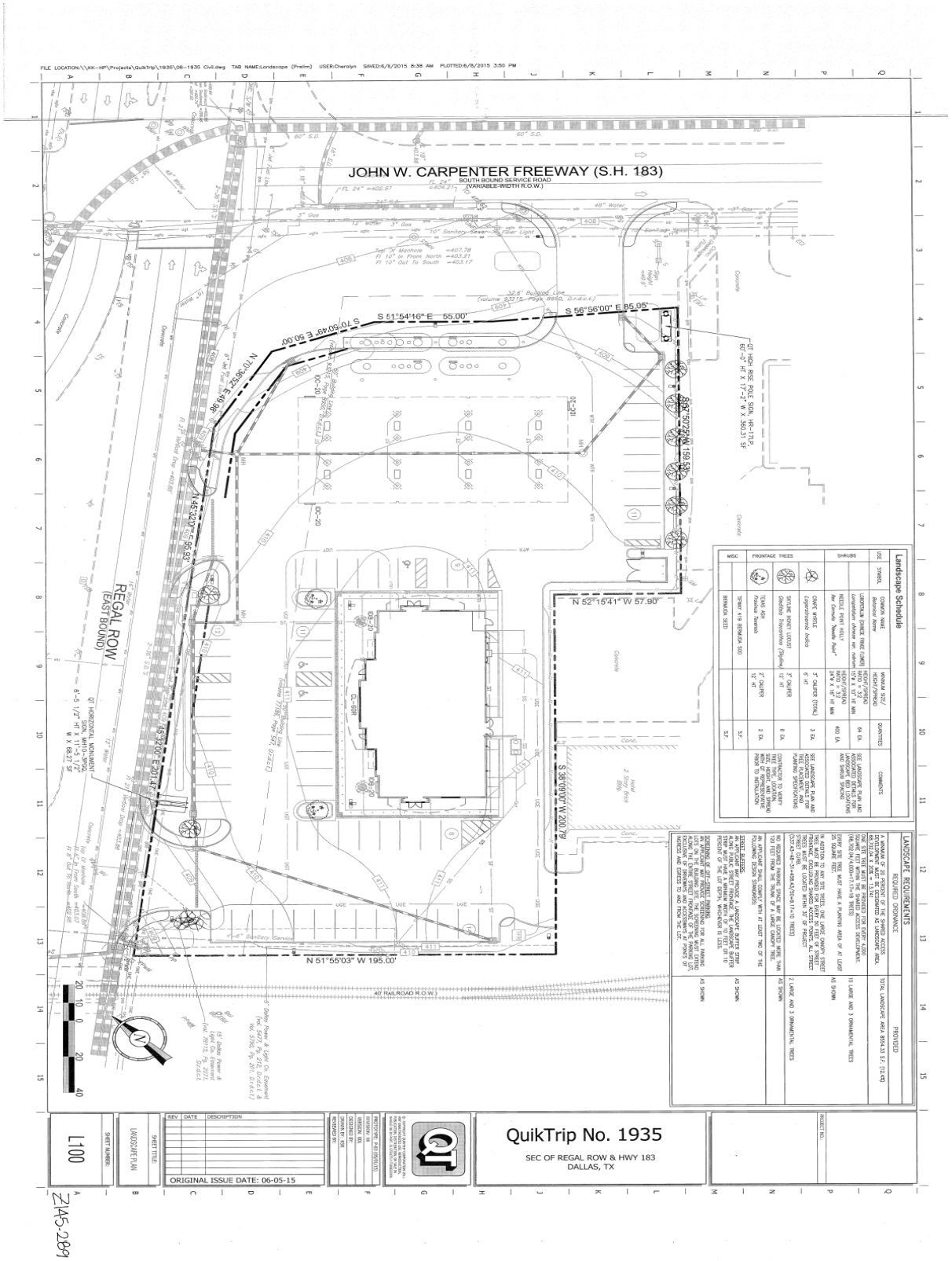
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction the city.

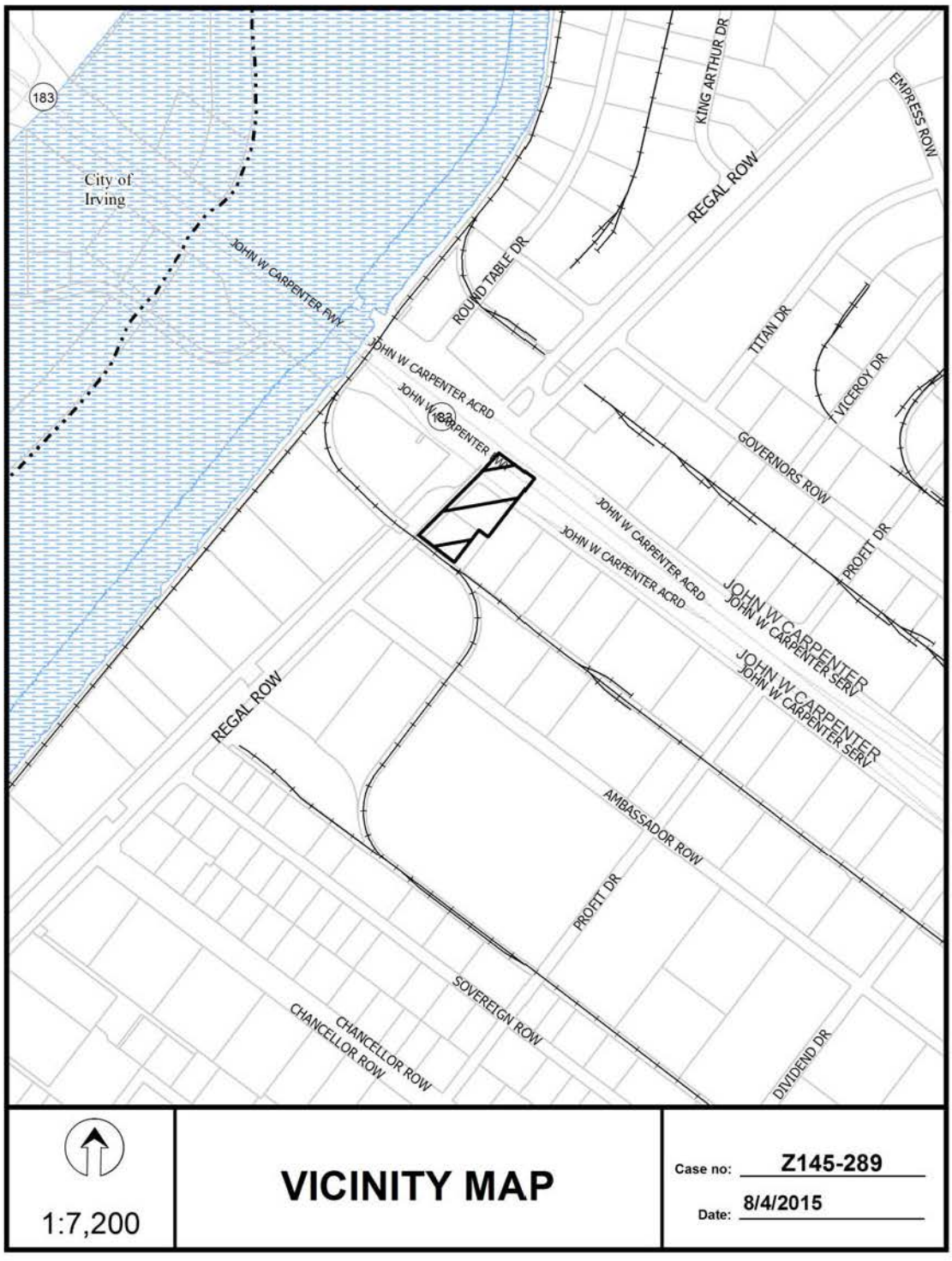
(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations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

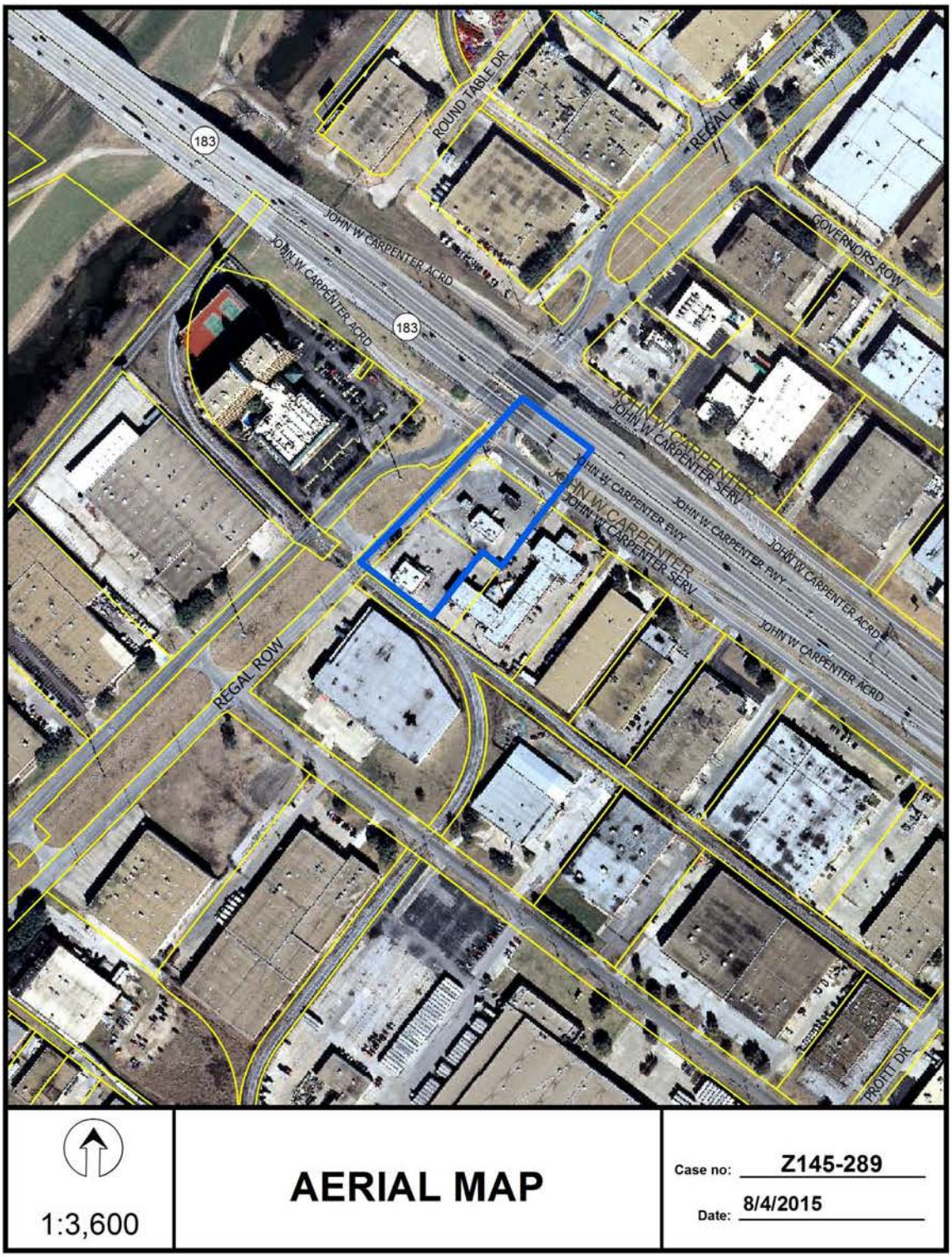
Proposed Development Plan

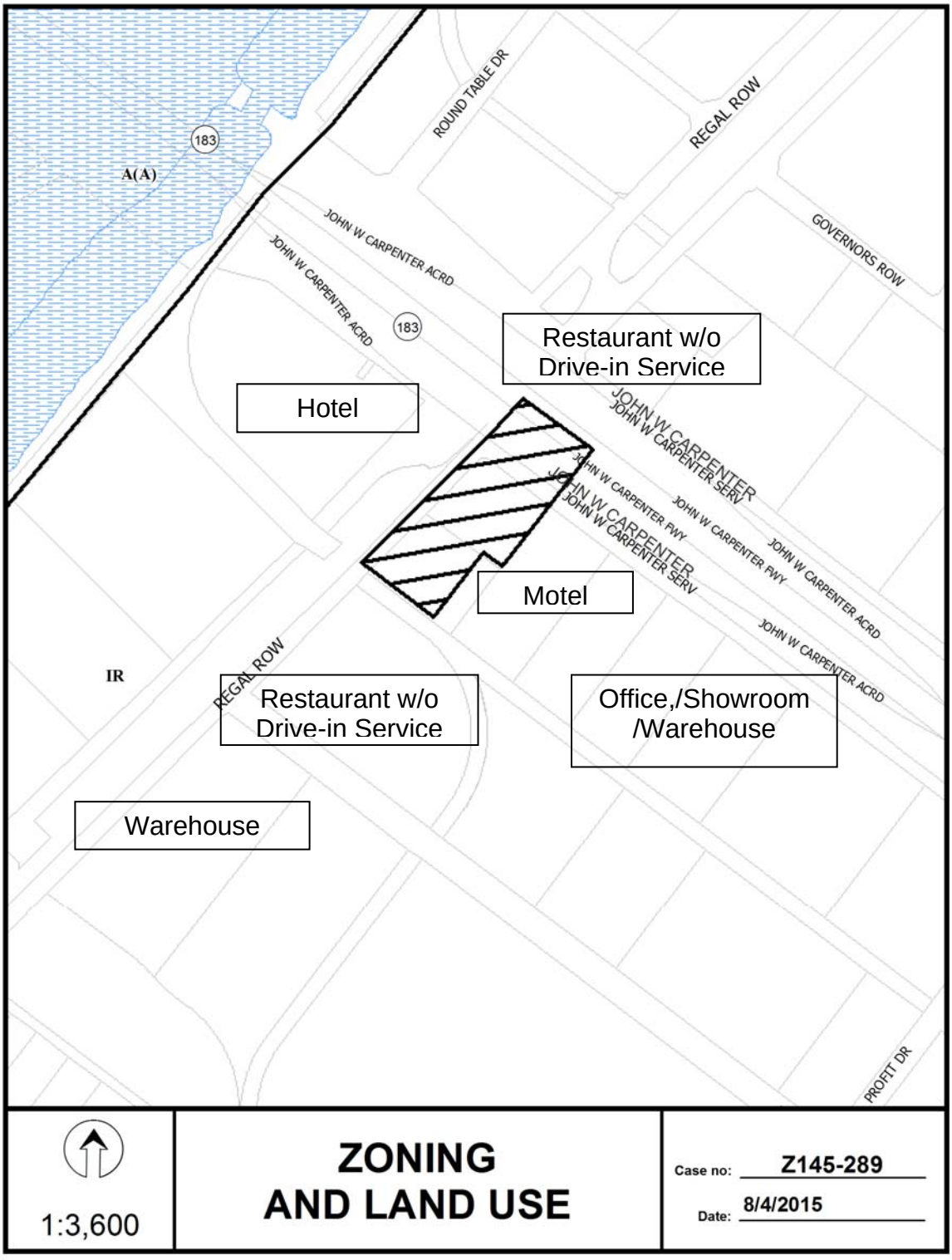


Proposed Landscape Plan

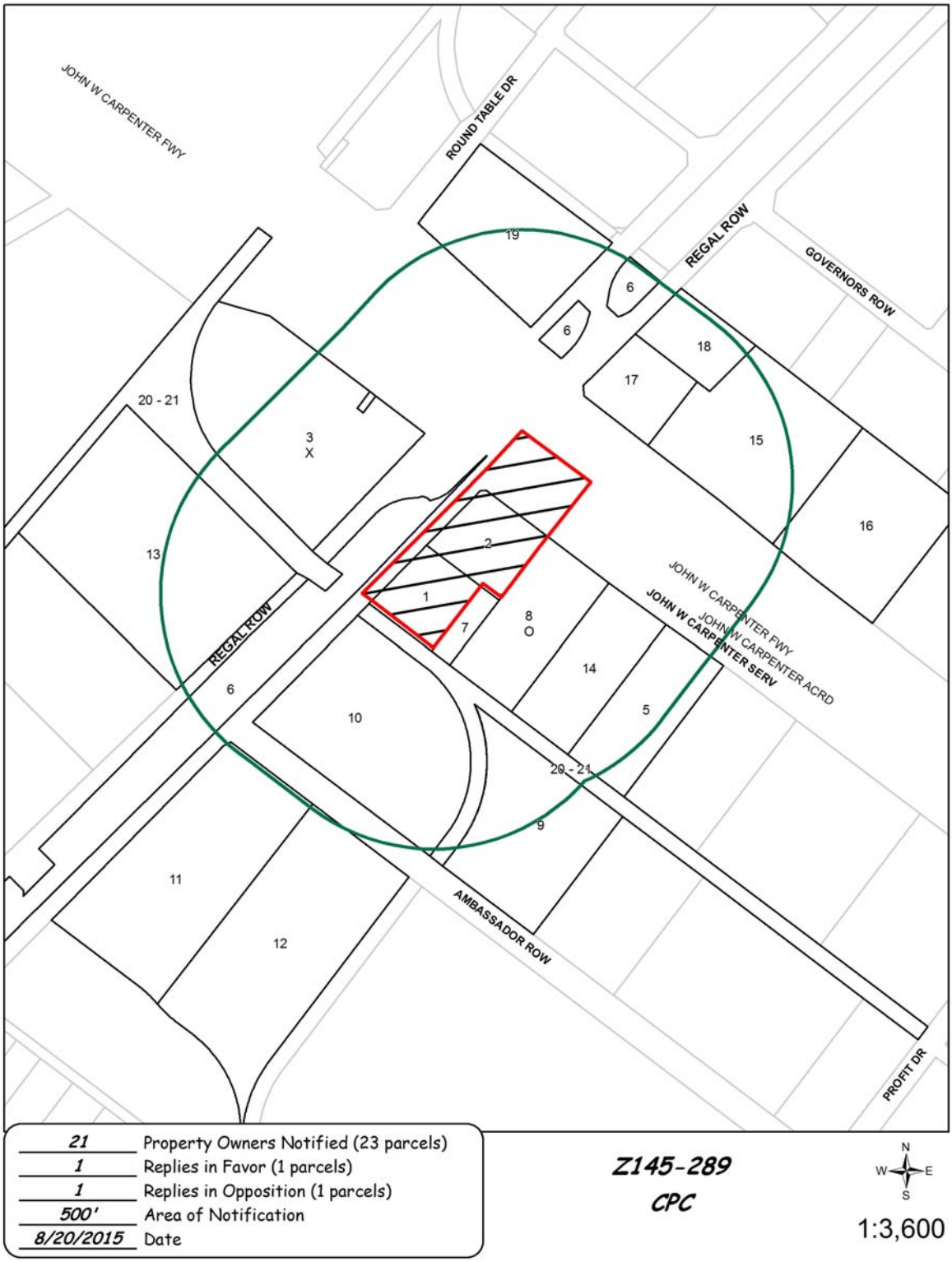



183
City of Irving
JOHN W CARPENTER FWY
ROUND TABLE DR
KING ARTHUR DR
REGAL ROW
EMPRESS ROW
TITAN DR
VICEROY DR
JOHN W CARPENTER ACRD
JOHN W CARPENTER FWY
GOVERNORS ROW
PROFIT DR
JOHN W CARPENTER ACRD
JOHN W CARPENTER ACRD
JOHN W CARPENTER
JOHN W CARPENTER SERV
JOHN W CARPENTER
JOHN W CARPENTER SERV
REGAL ROW
AMBASSADOR ROW
PROFIT DR
SOVEREIGN ROW
CHANCELLOR ROW
CHANCELLOR ROW
DIVIDEND DR
1:7,200
VICINITY MAP
Case no: Z145-289
Date: 8/4/2015


ROUND TABLE DR
REGAL ROW
183
JOHN W CARPENTER ACRD
GOVERNORS ROW
JOHN W CARPENTER
JOHN W CARPENTER SERV
JOHN W CARPENTER FWY
REGAL ROW
PROFIT DR
1:3,600
AERIAL MAP
Case no: Z145-289
Date: 8/4/2015


ROUND TABLE DR
REGAL ROW
183
A(A)
JOHN W CARPENTER ACRD
GOVERNORS ROW
Restaurant w/o Drive-in Service
Hotel
JOHN W CARPENTER SERV
JOHN W CARPENTER FWY
Motel
IR
Restaurant w/o Drive-in Service
Office,/Showroom /Warehouse
Warehouse
PROFIT DR
1:3,600
ZONING AND LAND USE
Case no: Z145-289
Date: 8/4/2015

CPC Responses



08/19/2015

Reply List of Property Owners

Z145-289

21 Property Owners Notified 1 Property Owners in Favor 1 Property Owners Opposed

Reply	*Label #*		*Address*	*Owner*
	1	1054	REGAL ROW	HALLETT NO 1 LP
	2	9235	JOHN W CARPENTER FWY	BUBION INVESTMENT CO LLC
X	3	1055	REGAL ROW	MIAN DEVELOPMENT CORP THE
	4	9300	JOHN W CARPENTER FWY	INFINITY OUTDOOR INC
	5	9109	JOHN W CARPENTER FWY	AARDVARK PRODUCTIONS LLC
	6	1501	REGAL ROW	TEXAS UTILITIES ELEC CO
	7	9231	JOHN W CARPENTER FWY	MEHALAB MANAGEMENT INC
O	8	9229	JOHN W CARPENTER FWY	MEHALAB MANAGEMENT INC
	9	9100	AMBASSADOR ROW	COKER STAN & ALICE
	10	1010	REGAL ROW	RUSCOII INV LTD
	11	914	REGAL ROW	CLAMPITT PAPER CO
	12	9207	AMBASSADOR ROW	CLAMPITT PAPER CO DALLAS
	13	1011	REGAL ROW	KRUSE FARMS LP
	14	9119	JOHN W CARPENTER FWY	MDL LLC
	15	9200	JOHN W CARPENTER FWY	BROOKHOLLOW INDUSTRIAL LLC
	16	9100	JOHN W CARPENTER FWY	FUTERFAS FAMILY LP
	17	9222	JOHN W CARPENTER FWY	JACK IN THE BOX INC
	18	1150	REGAL ROW	1150 REGAL ROW LLC
	19	1111	REGAL ROW	MLRP 1111 REGAL LP
	20	4401	LINFIELD RD	ST LOUIS S W RAILWAY CO
	21	9999	NO NAME ST	UNION PACIFIC RR CO

AGENDA ITEM # 72

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): 10

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 26 B

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a vehicle display, sales and service on property zoned Planned Development District No. 629, on the northeast corner of Bonner Drive and North Central Expressway

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

Z145-293(OTH)

HONORABLE MAYOR & CITY COUNCIL **TUESDAY, SEPTEMBER 22, 2015**

ACM: Ryan S. Evans

FILE NUMBER: Z145-293(OTH) **DATE FILED:** July 9, 2015

LOCATION: Northeast corner of Bonner Drive and North Central Expressway

COUNCIL DISTRICT: 10 **MAPSCO:** 26B

SIZE OF REQUEST: ±0.522 acres **CENSUS TRACT:** 78.05

APPLICANT/ OWNER: Ali A. Heidari

REPRESENTATIVE: Robert Reeves and Associates, Inc.

REQUEST: An application for a Specific Use Permit for a vehicle display, sales and service on property zoned Planned Development District No. 629.

SUMMARY: The applicant proposes to continue to utilize the property with the already existing vehicle display, sales and service use. SUP No. 1500 was originally approved for the same use on January 22, 2003 for a three-year period. On January 25, 2006, the SUP was amended and renewed for a three-year period that terminated on January 25, 2009. On April 22, 2009, the SUP was renewed for a five-year period that terminated on April 22, 2014. The applicant did not apply for a renewal of the SUP until July 9, 2015. The applicant is not proposing any changes to the existing site plan.

CPC RECOMMENDATION: **Approval** for a five-year period, subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a five-year period, subject to a site plan and conditions.

GUIDING CRITERIA FOR RECOMMENDATION:

The following factors are listed in Chapter 51A of the Dallas Development Code to guide the determination as to whether or not an SUP shall be granted. Staff has listed its findings based upon each component below:

1. *Compatibility with surrounding uses and community facilities* – The existing vehicle display sales and service use is compatible with the surrounding land uses and the character of the area.

2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The vehicle display, sales and service use does not negatively impact the surrounding properties.

3. *Not a detriment to the public health, safety, or general welfare* – The vehicle display, sales and service use is not a detriment to the public health, safety, or general welfare.

4. *Conforms in all other respects to all applicable zoning regulations and standards* – Based on information depicted on the site plan the property and use comply with all applicable zoning regulations and standards. No variances or special exceptions are requested.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
North Central Expressway	Freeway	Variable ROW
Bonner Drive	Local	80 feet

Traffic:

The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined that it will not significantly impact the existing roadway system.

STAFF ANALYSIS:

Comprehensive Plan:

The comprehensive plan does not make a specific land use recommendation related to the request; however, the *forwardDallas! Vision Illustration*, adopted June 2006, is comprised of a series of Building Blocks that depicts general land use patterns. Building Blocks are generalized patterns without well-defined boundaries that indicate where certain types and densities of development might logically occur.

The Vision Illustration depicts the request site as a Business Center or Corridor. The Business Center or Corridor Building Block represents major employment or shopping destinations outside of Downtown. Business Centers are usually at major intersections or along highways or major arterials and rely heavily on car access. These areas typically include high-rise office towers and low- to mid-rise residential buildings for condos or apartments and may include multifamily housing. Land uses are typically separated from one another by parking lots, freeways or arterial roads. Streets in these areas emphasize efficient movement of vehicles. Bold lighting and linear landscaping features such as esplanades and tree-lined boulevards can all work to distinguish and identify these areas. Public spaces may be at key entry points and central locations. Gateway landscaping, monuments and other devices will provide visibility from the freeway and guide visitors to destinations. Public transit may play a role in these areas and help create some pockets of transit oriented development. Business Centers and Corridors provide important concentrations of employment within Dallas that compete with suburban areas.

In general, the applicant's request is consistent with the goals and policies of the Comprehensive Plan. This use may not be the long-term highest and best use for the property along Central Expressway, but it is acceptable at this time.

Land Use:

	Zoning	Land Use
Site	PD 269 Tract A	Vehicle display, sales and service
North	PD 269 Tract A	Auto service center, offices, restaurant
East	PD 269 Tract A	Retail
South	PD 269 Tract A	Office
West	PD 269 Tract A	North Central Expressway

Land Use Compatibility:

The applicant is continuing the use of the property with a vehicle display, sales and service use. The property is developed with a two story structure that has been utilized for this use since January 2003. The SUP was originally approved on January 22, 2003 for a three-year period. On January 25, 2006 the SUP was amended and renewed for a three-year period that terminated on January 25, 2009. On April 22, 2009, the SUP was renewed for a five-year period that terminated on April 22, 2014. The applicant did not apply for a renewal of the SUP until July 9, 2015.

The surrounding land uses are auto service center, offices and restaurant to the north; retail and office uses to the west; office uses to the south; and North Central Expressway to the west.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

Parking:

Required off-street parking and display areas must be provided as shown on the attached site plan.

Landscaping:

The applicant's request does not trigger any landscape requirements.

CPC ACTION – August 20, 2015

Motion: It was moved to recommend **approval** a Specific Use Permit for a vehicle display, sales and service for a five-year period, subject to a site plan and conditions on property zoned Planned Development District No. 629, on the northeast corner of Bonner Drive and North Central Expressway.

Maker: Murphy
Second: Schultz
Result: Carried: 13 to 0

For: 13 - Anglin, Emmons, Rodgers*, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 1 - Shidid
Vacancy: 1 - District 4

*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 9
Replies: For: 1 Against: 0

Speakers: For (Did not speak): Robert Reeves, 900 Jackson St., Dallas, TX, 75202
Against: None

PROPOSED CONDITIONS

1. USE: The only use authorized by this specific use permit is a vehicle display, sales, and service use.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

3. TIME LIMIT: This specific use permit automatically terminates on _____ ~~April 22, 2014~~ (five years).

4. LANDSCAPING: Landscaping must be provided as shown on the attached site plan. Plant materials must be maintained in a healthy, growing condition.

5. INGRESS AND EGRESS: Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.

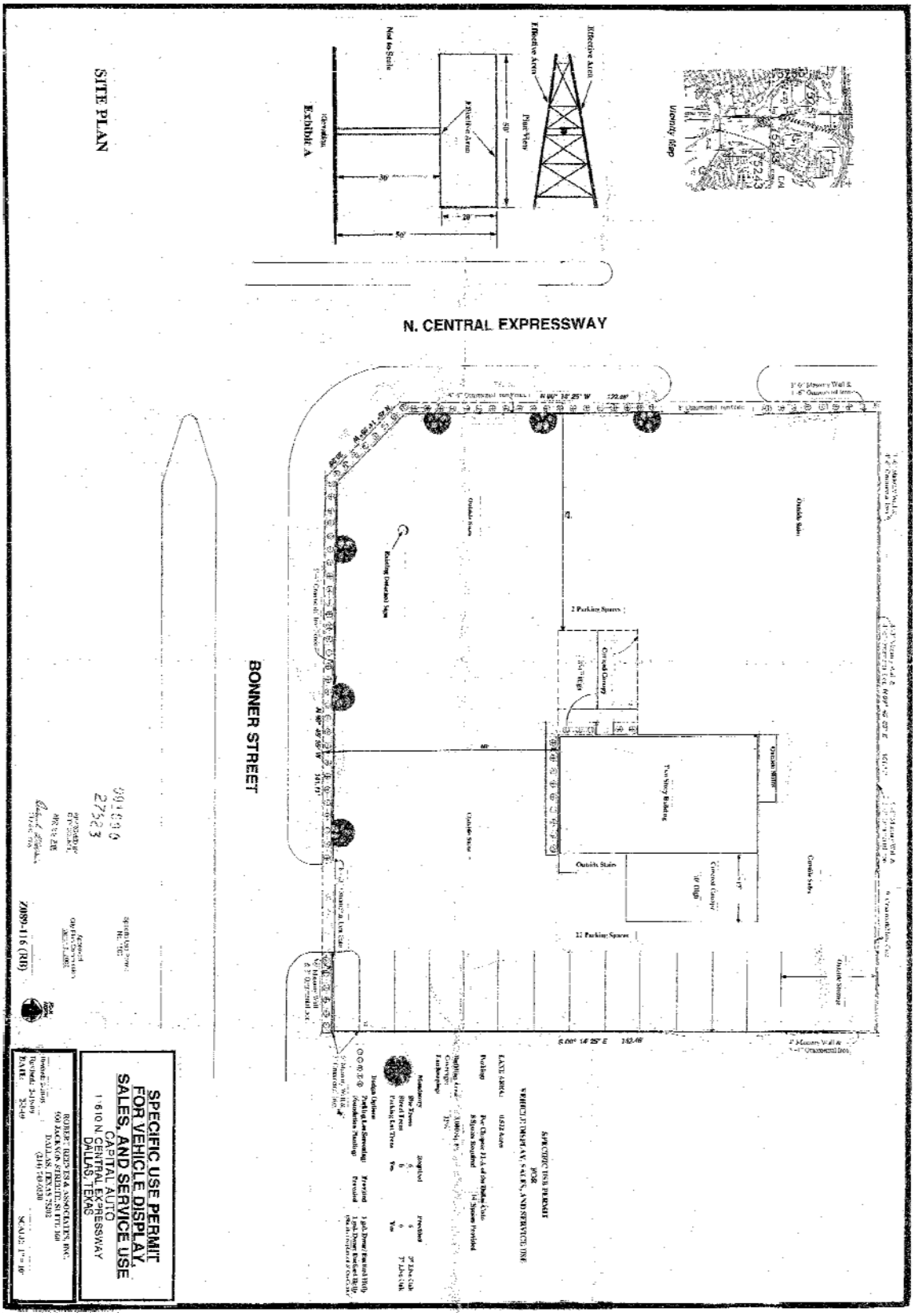
6. PARKING: Parking must be located as shown on the attached site plan.

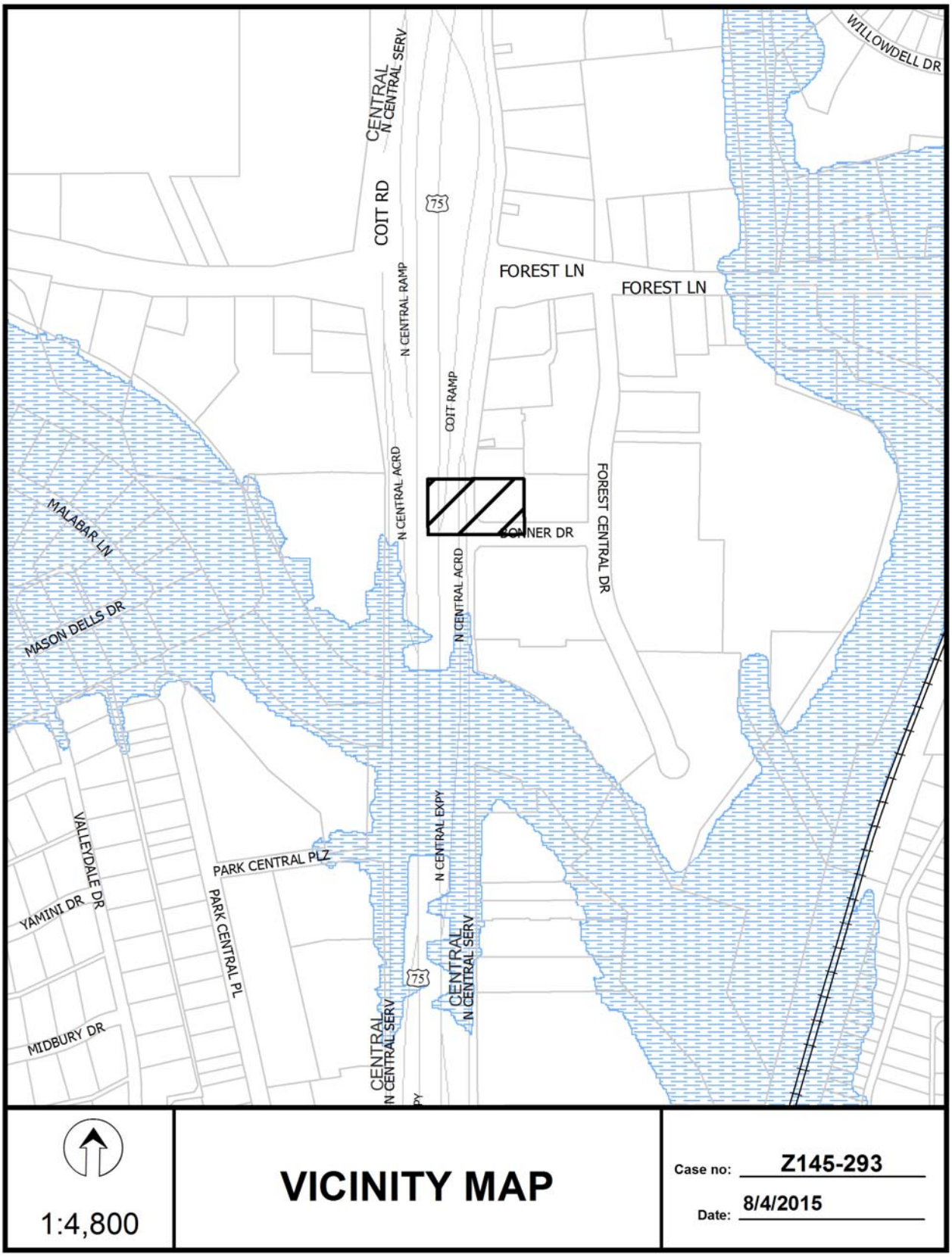
7. DETACHED SIGN: The maximum height of the detached sign on the Property is 56 feet above the ground at the base of the sign. The message area for the detached sign must not extend lower than 36 feet above the ground at the base of the sign, and must not be more than 50 feet wide. Exhibit A on the attached site plan shows the maximum boundaries of the message area for the detached sign.

8. MAINTENANCE: The [~~entire~~] Property must be properly maintained in a state of good repair and neat appearance.

9. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas."

PROPOSED SITE PLAN




WILLOWDELL DR
CENTRAL
N CENTRAL SERV
COIT RD
75
FOREST LN
FOREST LN
N CENTRAL RAMP
COIT RAMP
N CENTRAL ACRD
CONNER DR
FOREST CENTRAL DR
MALABAR LN
MASON DELLS DR
N CENTRAL ACRD
VALLEYDALE DR
PARK CENTRAL PLZ
YAMINI DR
PARK CENTRAL PL
N CENTRAL EXPY
CENTRAL
N CENTRAL SERV
MIDBURY DR
CENTRAL
N CENTRAL SERV
75
1:4,800
VICINITY MAP
Case no: Z145-293
Date: 8/4/2015

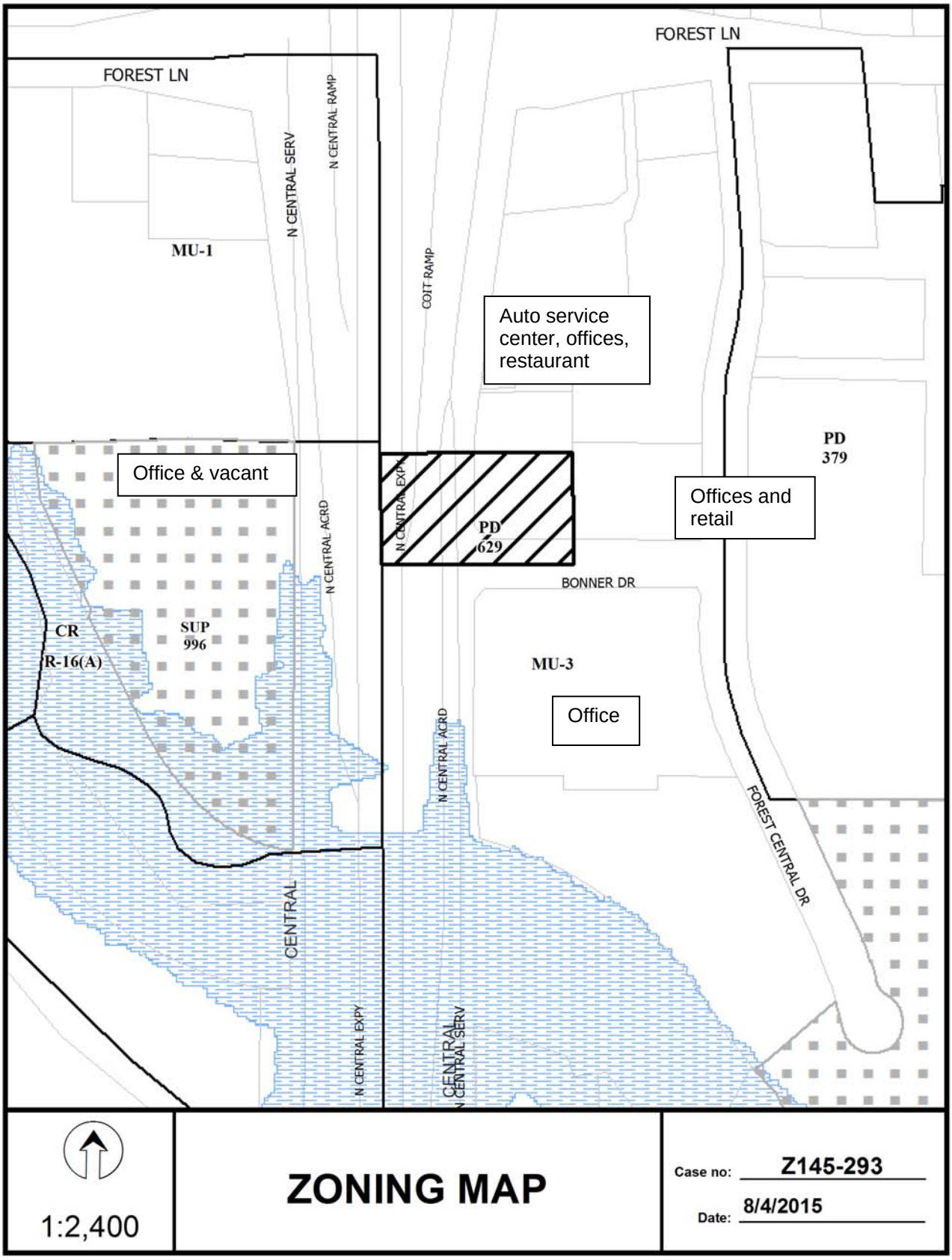


1:2,400

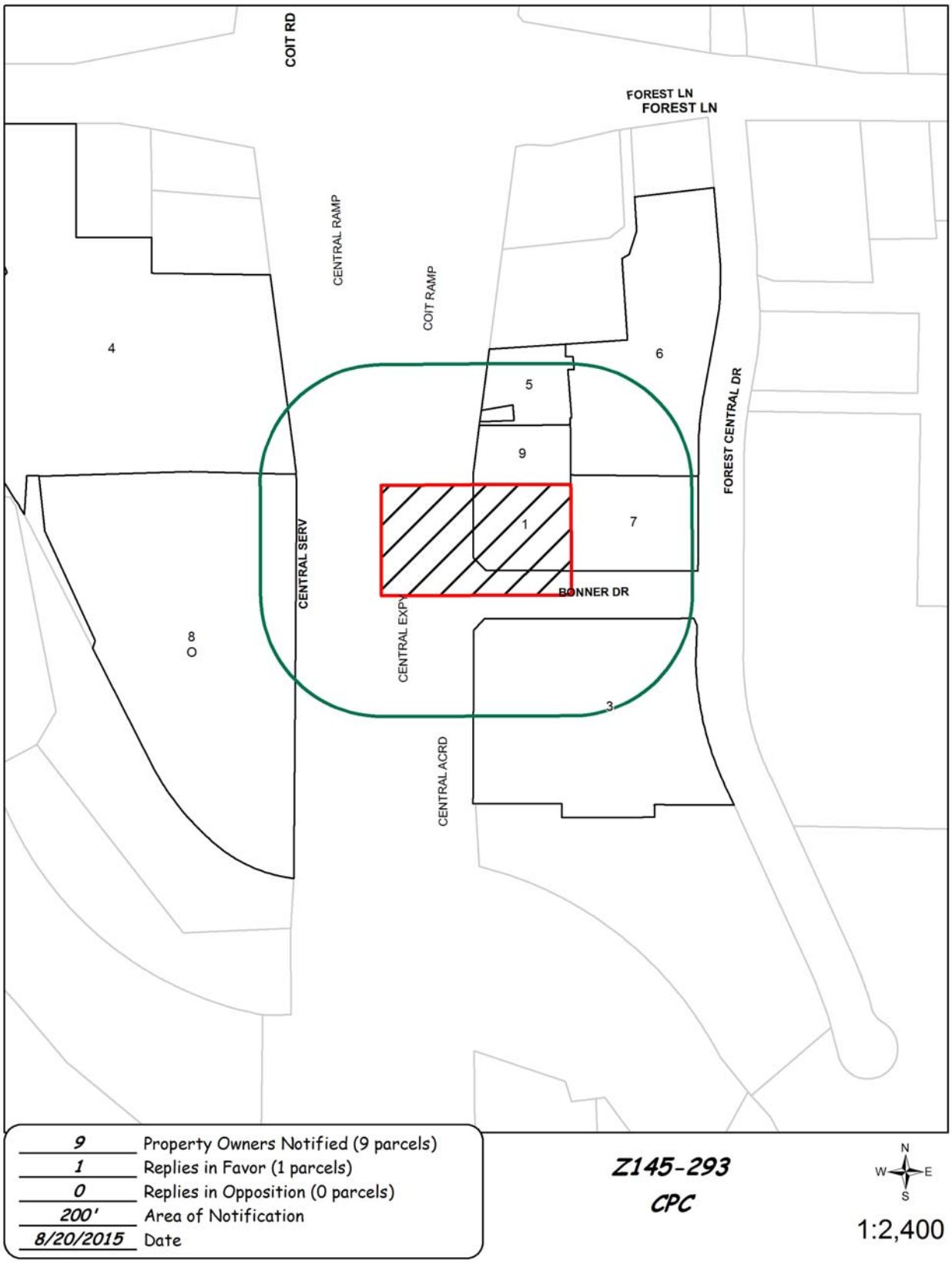
AERIAL MAP

Case no: Z145-293

Date: 8/4/2015


FOREST LN
FOREST LN
N CENTRAL SERV
N CENTRAL RAMP
MU-1
COJT RAMP
Auto service center, offices, restaurant
PD 379
Office & vacant
N CENTRAL EXPY
PD 629
Offices and retail
N CENTRAL ACRD
BONNER DR
CR
R-16(A)
SUP 996
MU-3
Office
N CENTRAL ACRD
FOREST CENTRAL DR
CENTRAL
N CENTRAL EXPY
CENTRAL
N CENTRAL SERV
1:2,400
ZONING MAP
Case no: Z145-293
Date: 8/4/2015

CPC RESPONSES



08/19/2015

Reply List of Property Owners

Z145-293

9 Property Owners Notified ***1 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*		*Address*	*Owner*
	1	11610	CENTRAL EXPY	HEIDARI ALI A
	2	11640	CENTRAL EXPY	CENTRAL SIGN JV
	3	11520	CENTRAL EXPY	BARCELONA 93 LTD
	4	11613	CENTRAL EXPY	NEW CENTRAL FOREST S C LTD
	5	11648	CENTRAL EXPY	SMT ENTERPRISES LLC
	6	11615	FOREST CENTRAL DR	C S B INC
	7	11611	FOREST CENTRAL DR	TOYO COTTON CO
O	8	11541	CENTRAL EXPY	CROSSMAN CORP
	9	11632	CENTRAL EXPY	REALTY INCOME TEXAS

AGENDA ITEM # 73

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): 2

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 45 M

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a tattoo studio on property zoned Tract A in Planned Development District No. 269, the Deep Ellum/Near East Side District on the south line of Elm Street, east of North Good Latimer Expressway
Recommendation of Staff and CPC: Approval for a three-year period, subject to a site plan and conditions
Z145-298(OTH)

HONORABLE MAYOR & CITY COUNCIL **TUESDAY, SEPTEMBER 22, 2015**

ACM: Ryan S. Evans

FILE NUMBER: Z145-298(OTH) **DATE FILED:** July 13, 2015

LOCATION: South line of Elm Street, east of North Good Latimer Expressway

COUNCIL DISTRICT: 2 **MAPSCO:** 45M

SIZE OF REQUEST: ± 0.11 acres **CENSUS TRACT:** 204.00

APPLICANT: Shawn Hodges

REPRESENTATIVE: Audra Buckley, Permitted Development

OWNER: 42 Deep Ellum LP

REQUEST: An application for a Specific Use Permit for a tattoo studio on property zoned Tract A in Planned Development District No. 269, the Deep Ellum/Near East Side District.

SUMMARY: The request is to operate a tattoo studio on the subject property within a 1,264-square-foot lease space. PDD No. 269 requires an SUP for a tattoo studio as well as a minimum distance of 300 feet between tattoo studios. The proposed tattoo studio meets the distance requirement. There are no other tattoo studios within 300 feet of the subject site.

CPC RECOMMENDATION: **Approval** for a three-year period, subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a three-year period, subject to a site plan and conditions.

GUIDING CRITERIA FOR RECOMMENDATION:

The following factors are listed in Chapter 51A of the Dallas Development Code to guide the determination as to whether or not an SUP shall be granted. Staff has listed its findings based upon each component below:

1. *Compatibility with surrounding uses and community facilities* – The proposed tattoo studio use is compatible with the surrounding retail, restaurant, personal businesses, bars and parking lot uses. The proposed use should not adversely impact the surrounding uses. The primary uses in PDD No. 269 consist of restaurants, commercial, retail and personal service, bars, lounge and taverns with and without dance halls or music venues, and office uses.

2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The proposed use will contribute and compliment the viability of the area offering services permitted within the Deep Ellum/Near East Side PDD and boost the character of the area.

3. *Not a detriment to the public health, safety, or general welfare* – It is not foreseen that the proposed use would be a detriment to the public health, safety or general welfare of the community.

4. *Conforms in all other respects to all applicable zoning regulations and standards* – The request will comply with all zoning regulations and standards.

Zoning History:

There have been three recent zoning changes in the area:

1.	Z123-267(CG)	On May 28, 2014, the City Council approved amendments to certain use regulations and development standards within PDD No. 269, the Deep Ellum/East Side District.
2.	Z123-255(RB)	On August 14, 2013, the City Council approved the renewal of Specific Use Permit No. 1913 for a Bar on property located on the South Line of Elm Street, East of Good Latimer Expressway.
3.	Z145-207(CG)	On June 10, 2015, the City Council approved a Specific Use Permit No. 2150 for an alcoholic beverage establishment limited to a bar, lounge, or tavern.

Thoroughfares/Streets:

Thoroughfares/Street	Type	Existing ROW
Elm Street	Collector	60 feet
North Good Latimer Expressway	Principal Arterial	Variable ROW

Traffic:

The Engineering Section of the Department of Sustainable Development and Construction has reviewed the requested and determined it will not significantly impact the surrounding street system.

STAFF ANALYSIS:

Comprehensive Plan:

The *fowardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The plan outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request, and it identifies the request site as being in an Urban Neighborhood Building Block.

Urban Neighborhoods, including Oak Lawn, the Grand Avenue area in South Dallas, the area near Jefferson Boulevard and the Vickery Meadow area, are predominately residential but are distinguished from other neighborhoods by the wide variety of housing options they provide and easy access to public transit. Housing choices should include single-family detached dwellings, townhomes and low- to midrise condominiums or apartments. These neighborhoods will have concentrations of shops and offices along key corridors or at key intersections, providing important services and job opportunities within walking distance of residences. These areas may have mixed-use buildings with ground floor shops. Areas currently developed with single-family or duplex uses should generally be maintained unless redevelopment is addressed through an Area Planning process. Urban Neighborhood streets will be very pedestrian friendly, providing excellent connectivity to shopping, schools and other community services. Emphasis should be placed on slowing traffic through use of on-street parking and other similar traffic calming measures. Public investments in these areas will focus on parks, pathways, transit stops, pedestrian-oriented landscaping and road improvements.

In general, the applicant's proposal is consistent with the goals and policies of the Comprehensive Plan.

Surrounding Land Uses:

	Zoning	Land Use
Site	PDD No. 269	Vacant structure
North	PDD No. 269	Commercial amusement inside, restaurant, vacant, parking lot
South	PDD No. 269	Retail, restaurant
East	PDD No. 269	Vacant, retail, parking lot
West	PDD No. 269	Retail, restaurant, vacant

Land Use Compatibility:

On May 28, 2014, the City Council approved an amendment to PDD No. 269 which requires a SUP for the requested use as well as prohibiting another similar uses within 300 feet. The proposed tattoo studio meets the distance requirement. There are no other tattoo studios within 300 feet of the subject site. The surrounding land uses include commercial amusement inside, restaurant, vacant and parking lot to the north; retail, parking lot and vacant structures to the east; retail and restaurant uses to the south; and retail, restaurant and vacant to the west.

Pursuant to Plan Development District No. 269, tattoo studio means an establishment in which tattooing is performed. Tattooing means the practice of producing and indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The request complies with the general provisions of PDD No. 269 for consideration of the SUP at this location.

Parking:

In PDD No. 269 establishes that no off-street parking spaces are required for the first 5,000 square feet of floor area in a retail-related use or professional, personal service, and custom crafts use that has a separate certificate of occupancy if the use is located in an original building. PD No. 269 defines original building as building constructed on or before

June 27, 1984, the floor area of which has not since June 27, 1984, been increased by more than:

A. 150 percent if the increase is 5,000 square feet or less; or
B. 100 percent if the increase is more than 5,000 square feet.

The building total square footage is 4,375 square feet and it was built in 1924; therefore, it meets the criteria of an original building.

Landscaping:

The proposed use will not trigger any Article X requirements, as no new construction is proposed.

CPC ACTION – August 20, 2015

Motion: It was moved to recommend **approval** of a Specific Use Permit for a tattoo studio for a three-year period, subject to a site plan and conditions on property zoned Tract A in Planned Development District No. 269, on the south line of Elm Street, east of North Good Latimer Expressway.

Maker: Murphy
Second: Schultz
Result: Carried: 13 to 0

For: 13 - Anglin, Emmons, Rodgers*, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 1 - Shidid
Vacancy: 1 - District 4

*out of the room, shown voting in favor

Notices:	Area:	200	Mailed:	20
Replies:	For:	0	Against:	7

Speakers: None

List of Partners/Principals/Officers

42 Deep Ellum, LP, a Texas Limited Partnership

General Partner: 42 GP Ellum, LLC, a Texas Limited Liability Corporation

Managing member: Scott Rohrman

Proposed SUP Conditions

1. USE: The only uses authorized by this SUP are a tattoo studio.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

3. TIME LIMIT: This specific use permit expires on (three years) from the date the SUP is granted.

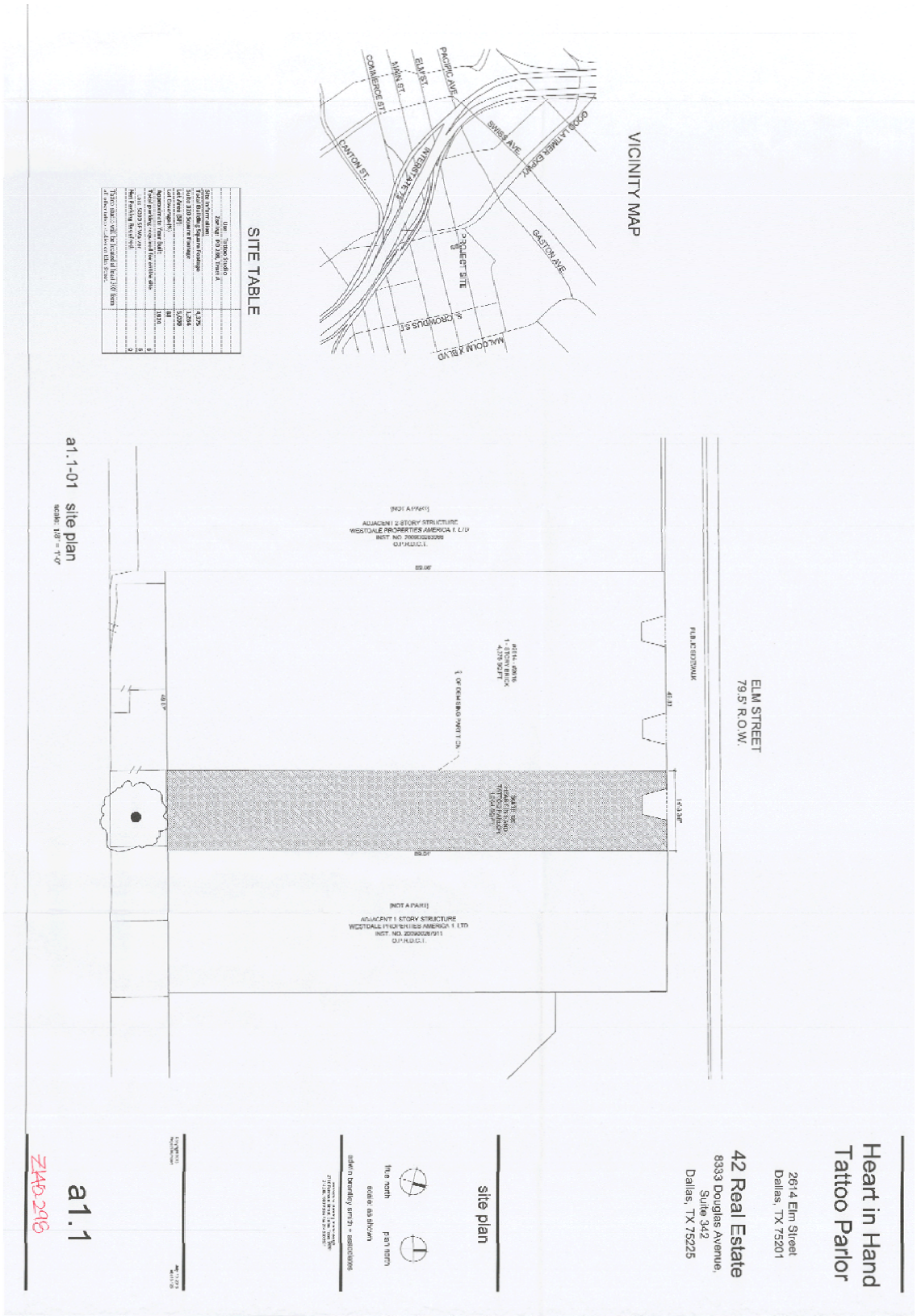
4. FLOOR AREA: The maximum floor area is 1,264 square feet in the location shown on the attached site plan.

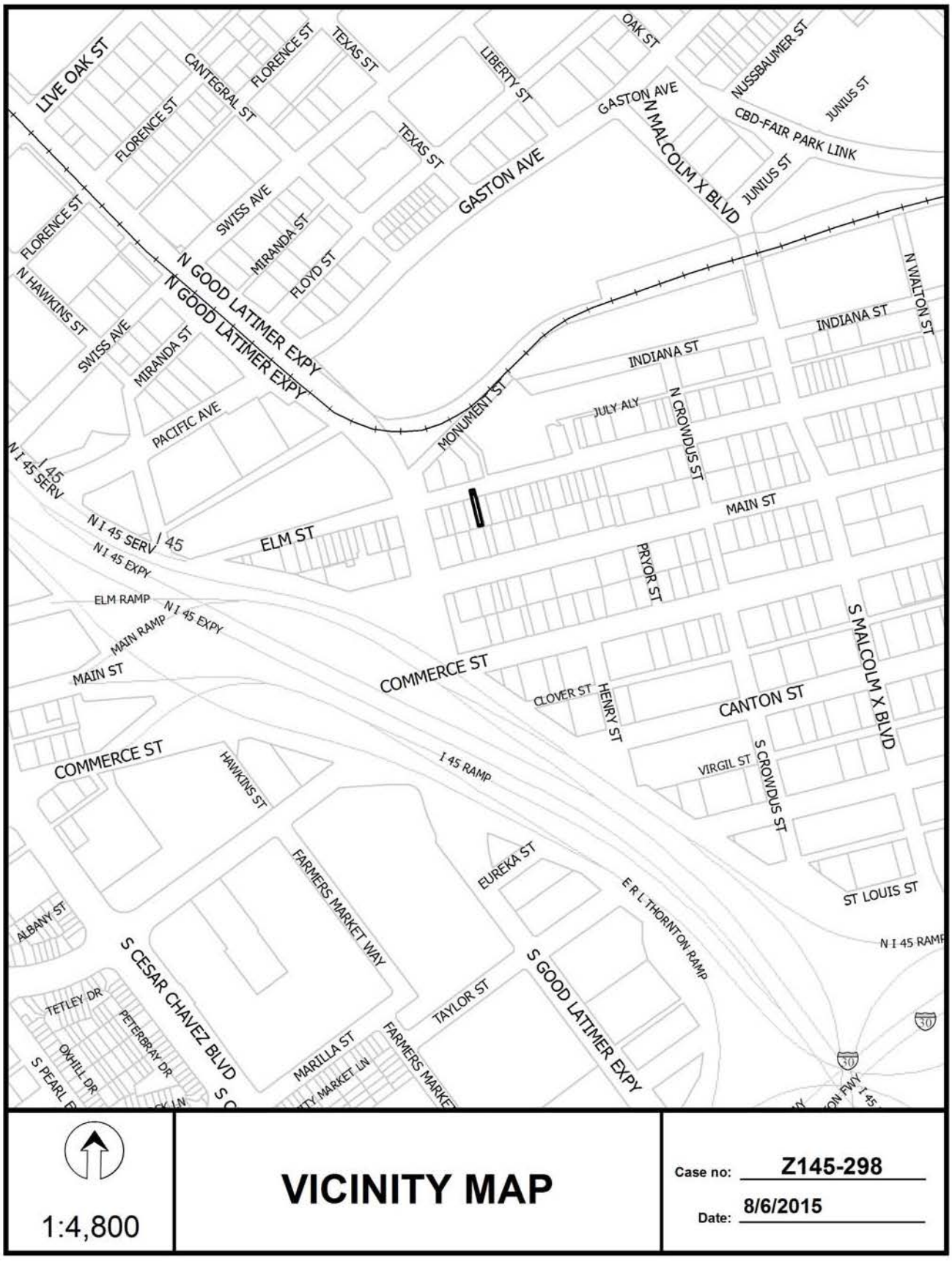
5. PARKING: Parking must be provided in accordance with the requirements of Planned Development District No. 269, the Deep Ellum/Near East Side District.

6. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

7. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

PROPOSED SITE PLAN





1:4,800

VICINITY MAP

Case no: Z145-298

Date: 8/6/2015

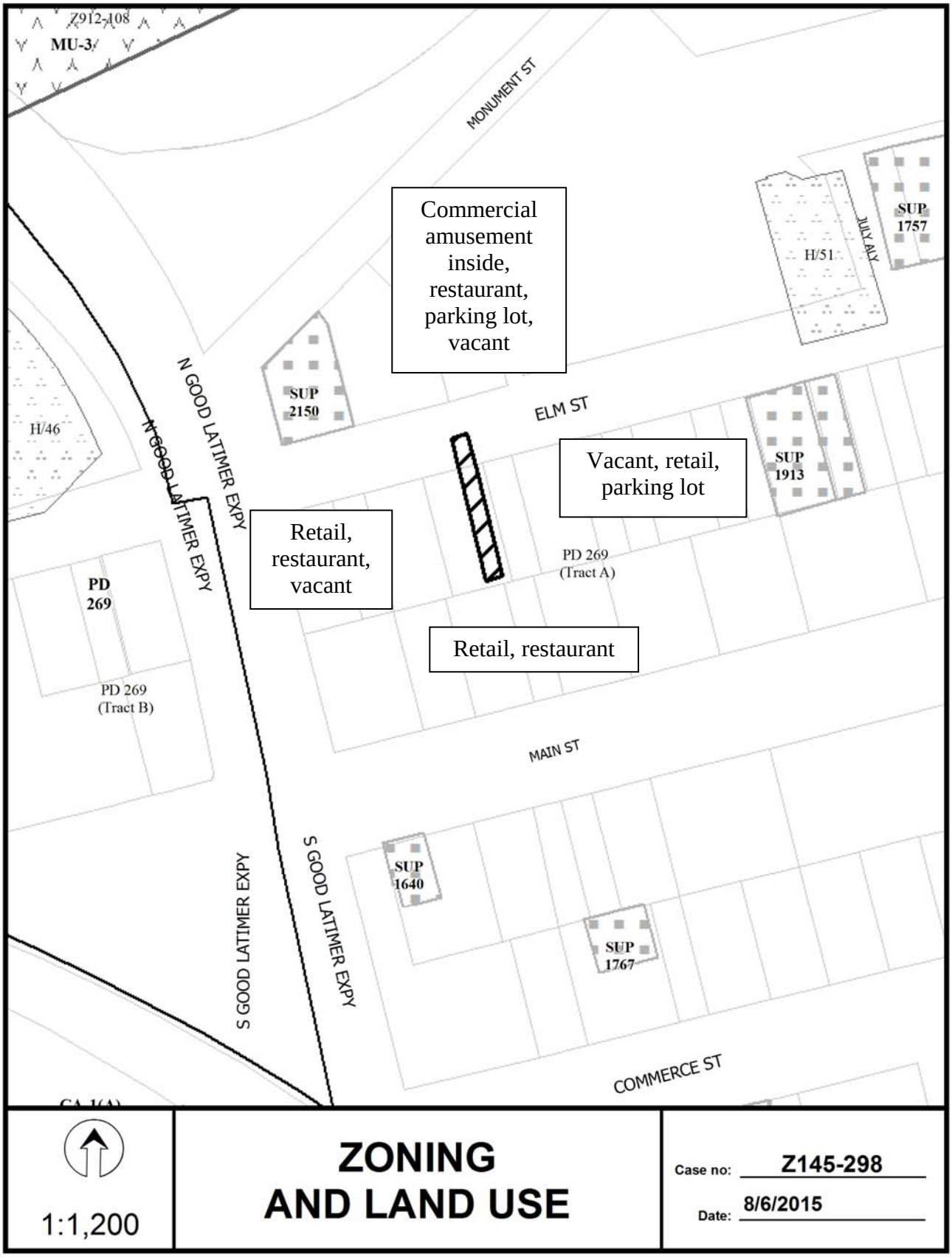


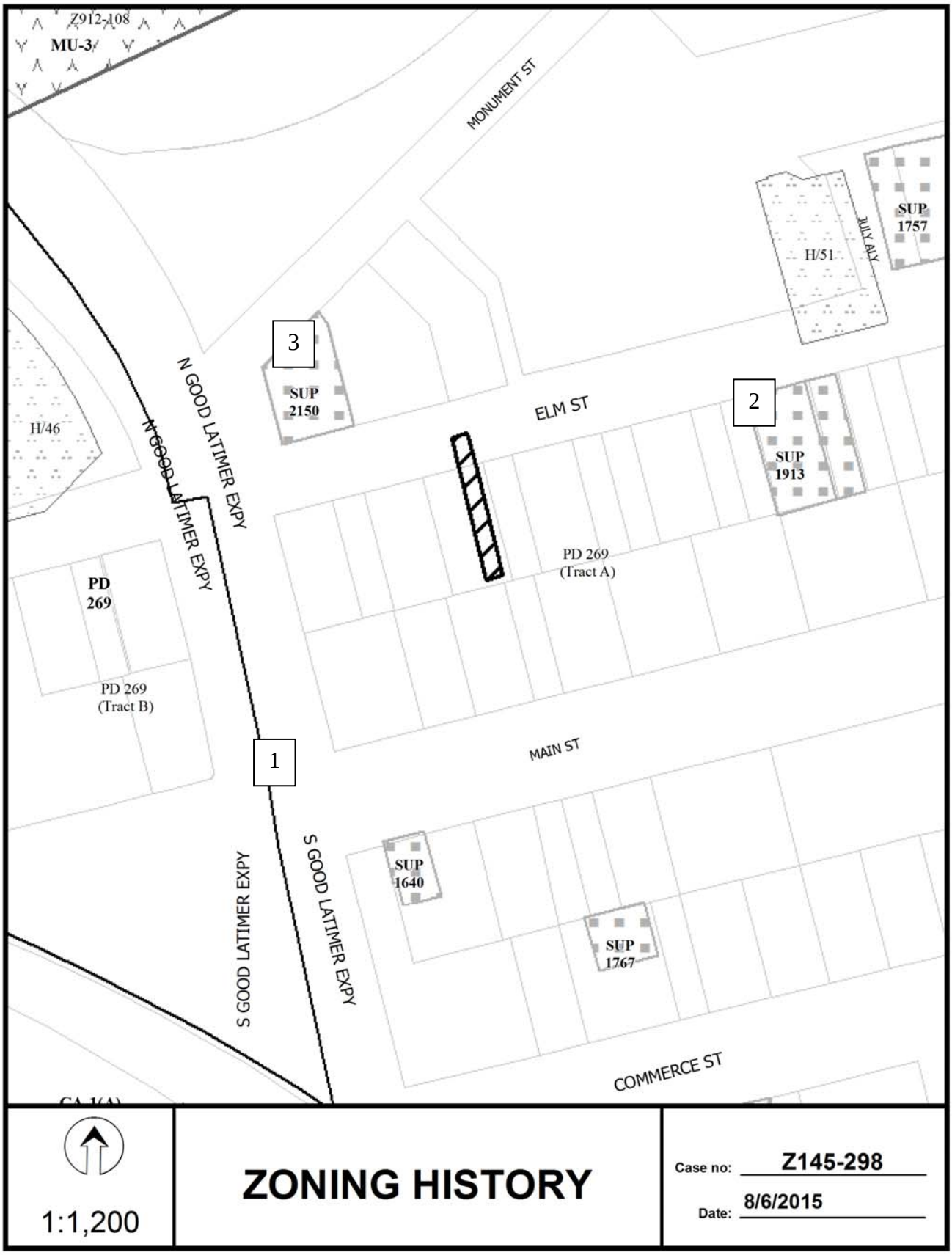
1:1,200

AERIAL MAP

Case no: Z145-298

Date: 8/6/2015


Z912-108
MU-3
MONUMENT ST
Commercial amusement inside, restaurant, parking lot, vacant
SUP 1757
H/51
JULY ALY
SUP 2150
ELM ST
H/46
N GOOD LATIMER EXPY
Vacant, retail, parking lot
SUP 1913
Retail, restaurant, vacant
PD 269 (Tract A)
PD 269
PD 269 (Tract B)
Retail, restaurant
MAIN ST
S GOOD LATIMER EXPY
SUP 1640
SUP 1767
COMMERCE ST
1:1,200
ZONING AND LAND USE
Case no: Z145-298
Date: 8/6/2015


Z912-108
MU-3
MONUMENT ST
SUP 1757
JULY ALY
H/51
3
SUP 2150
ELM ST
2
SUP 1913
H/46
N GOOD LATIMER EXPY
N GOOD LATIMER EXPY
PD 269
(Tract A)
PD 269
PD 269
(Tract B)
MAIN ST
1
S GOOD LATIMER EXPY
S GOOD LATIMER EXPY
SUP 1640
SUP 1767
COMMERCE ST
1:1,200
ZONING HISTORY
Case no: Z145-298
Date: 8/6/2015

CPC RESPONSES



08/19/2015

Reply List of Property Owners

Z145-298

20 Property Owners Notified ***0 Property Owners in Favor*** ***7 Property Owners Opposed***

Reply	*Label #*		*Address*	*Owner*
	1	2635	MAIN ST	42 DEEP ELLUM LP
X	2	2626	ELM ST	ELM STREET LOFTS LTD
	3	2625	MAIN ST	42 DEEP ELLUM LP
	4	2634	ELM ST	ROSE BARSHOP RESIDUARY TR
	5	2628	ELM ST	ROSE BARSHOP RESIDUARY TR
	6	2604	ELM ST	SEJ ASSET MGMT & INVESTMENT CO
X	7	2610	ELM ST	WESTDALE PROPERTIES AMERICA I LTD
X	8	2603	MAIN ST	PARKIN ART JOINT VENTURE
	9	2616	MAIN ST	LEEDS HARLAN S
X	10	2605	ELM ST	WESTDALE PROPERTIES AMERICA I LTD
	11	2625	ELM ST	UPLIFT EDUCATION
X	12	2615	ELM ST	WESTDALE PPTIES AMERICA I LTD
	13	2600	MONUMENT ST	DALLAS AREA RAPID TRANSIT
X	14	2624	ELM ST	ELM STREET LOFTS LTD
	15	2608	ELM ST	SEJ ASSET MGMT & INVESTMENT CO
X	16	2618	ELM ST	WESTDALE PROPERTIES AMERICA I LTD
	17	2612	MAIN ST	2612 MAIN LLC
	18	2604	MAIN ST	42 DEEP ELLUM LP
	19	2620	MAIN ST	BLANTON JEANNE
	20	2609	ELM ST	42 DEEP ELLUM LP

AGENDA ITEM # 74

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): 11

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 16 S

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a mini-warehouse use on property zoned an MU-3 Mixed Use District on the north side of Banner Drive, between Park Central Drive and Merit Drive

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

Z145-206(WE)

HONORABLE MAYOR & CITY COUNCIL **TUESDAY, SEPTEMBER 22, 2015**

ACM: Ryan S. Evans

FILE NUMBER: Z145-206(WE) **DATE FILED:** March 16, 2015

LOCATION: North side of Banner Drive, between Park Central Drive and Merit Drive

COUNCIL DISTRICT: 11 **MAPSCO:** 16 S

SIZE OF REQUEST: Approx. 1.101 acres **CENSUS TRACT:** 132.00

APPLICANT / OWNER: Banner Development, LLC

REPRESENTATIVE: Robert Baldwin, Baldwin Associates

REQUEST: An application for a Specific Use Permit for a mini-warehouse use on property zoned an MU-3 Mixed Use District.

SUMMARY: The purpose of this request is to allow for the construction of a 5-story, 110,000 square foot mini-warehouse facility.

CPC RECOMMENDATION: **Approval** for a ten-year period, subject to a site plan, landscape plan and conditions

STAFF RECOMMENDATION: **Approval** for a ten-year period, subject to a site plan, landscape plan and conditions

GUIDING CRITERIA FOR STAFF RECOMMENDATION:

The following factors are listed in Chapter 51A of the Dallas Development Code to guide the determination as to whether or not an SUP shall be granted. Staff has listed its findings based upon each component below:

1. *Compatibility with surrounding uses and community facilities* – The existing building is compatible in scale and character with the surrounding uses as an interim use. However, it may not the best long-term use as the surrounding area redevelops and this area becomes attractive to more active, higher and better uses.

2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The proposed mini-warehouse is not anticipated to have a negative impact on the adjacent multifamily and office uses. The proposed use could provide services to the adjacent properties.

3. *Not a detriment to the public health, safety, or general welfare* – This use will not be a detriment to the public health, safety or general welfare of the community.

4. *Conforms in all other respects to all applicable zoning regulations and standards* – The request will comply with all zoning regulations and standards. No variances or special exceptions are requested.

Zoning History: There have not been any zoning cases in the area over the past five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Banner Drive	Collector	100 ft.	80 ft.

Traffic: The Engineering Section of the Department Sustainable Development and Construction has reviewed the request and determined that it will not have a detrimental impact on the surrounding street system.

COMPREHENSIVE PLAN: The Comprehensive Plan does not make a specific land use recommendation related to the request; however, the *forwardDallas! Vision Illustration*, adopted June 2006, is comprised of a series of Building Blocks that depict general land use patterns. Building Blocks are generalized patterns without well-defined boundaries that indicate where certain types and densities of development might logically occur.

The request site is identified as being within an Urban Mixed-Use Building Block on the *forwardDallas!* Vision Illustration, adopted June 2006. This Building Block incorporates a vibrant mix of residential and employment uses at a lower density than the Downtown

Building Block. These areas are typically near Downtown, along the Trinity River or near major transit centers. Examples include Uptown, the City Place/West Village area, Stemmons Design District, Cedars and Deep Ellum. Urban Mixed-Use Building Blocks provide residents with a vibrant blend of opportunities to live, work, shop and play within a closely defined area. Buildings range from high-rise residential or mid-rise commercial towers to townhomes and small corner shops. Good access to transit is a critical element. Similar to Downtown, the Urban Mixed-Use Building Blocks offer employment and housing options and are important economic growth areas for businesses. People on foot or bike can enjoy interesting storefronts at ground level with benches, public art, on-street parking and wide sidewalks, creating an appealing streetscape. Large parking areas and other auto-oriented land uses are typically located at the edges.

The proposed development does not comply with the characteristics of an urban mixed use building block. The proposed use does not provide for a mix of residential and employment uses or allow for certain design elements that could be associated with an urban mixed use community (i.e., wider sidewalks, public art, storefront at ground level). However, the proposed use will provide a service for the existing residential development in the area. Staff considers this type of use as a transitional use and recommends no automatic renewals.

Land Use:

	Zoning	Land Use
Site	MU-3	Undeveloped
North	PDD No. 615	Parking Structure
South	MU-3	Multifamily
East	MU-3	Parking Structure
West	PDD No. 615	Office, surface parking

Land Use Compatibility: The 5.16 acre site is an irregular shape that is adjacent to several office buildings and parking structures. The adjacent land uses in the surrounding area consist of multifamily, office, and restaurant uses, with several surface parking lots scattered in the vicinity.

The surrounding land uses consist of a mixed is uses; multifamily, hotel, parking structure and restaurant. The applicant's request is to develop a 5-story, 110,000 square foot mini-warehouse use that will share an existing driveway approach that is adjacent to a 3-story parking structure. The only access to the proposed development is from Banner Drive.

In order mitigate potential concerns regarding compatibility with surrounding uses, the Specific Use Permit conditions require the exterior facades to be constructed with a minimum of 80 percent brick-patterned, cement fiber board paneling, stone, or decorative concrete blocks or tile, excluding fenestration. In addition, the development will operate between the hours of 9:00 a.m. and 7:00 p.m., Monday through Sunday.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
MU-3 Mixed use-3	15'	20' adjacent to residential OTHER: No Min.	3.2 FAR base 4.0 FAR maximum + bonus for residential	270' 20 stories	80%	Proximity Slope U-form setback Tower spacing Visual Intrusion	Office, retail & personal service, lodging, residential, trade center

Landscaping: Landscaping of any development will be in accordance with the attached landscape plan. The applicant submitted a landscape plan that shows the plant materials and additional screening along the parking area. The landscape plan exceeds Article X, standards. The additional screening along the parking area will also screen the loading area from the vehicular traffic traveling south on Banner Drive.

Parking: The off-street parking requirement for a mini-warehouse use is a minimum of six spaces. Spaces may not be used for outside storage, vehicle storage, or parking for vehicles for rent.

CPC Action

This item was held under advisement on July 18 and 23, 2015.

August 20, 2015

Motion I: It was moved to recommend **denial** of a Specific Use Permit for a mini-warehouse use on property zoned an MU-3 Mixed Use District on the north side of Banner Drive, between Park Central Drive and Merit Drive.

Maker: Schultz
Second: Ridley
Result: Failed: 6 to 7

For: 6 - Emmons, Rodgers, Bagley, Schultz, Murphy, Ridley

Against: 7 - Anglin, Anantasomboon, Lavallaisaa, Tarpley, Shellene, Peadon, Abtahi
Absent: 1 - Shidid
Vacancy: 1 - District 4

Motion II: It was moved to recommend **approval** of a Specific Use Permit for a mini-warehouse use for a ten-year period, subject to a site plan, landscape plan and conditions on property zoned an MU-3 Mixed Use District on the north side of Banner Drive, between Park Central Drive and Merit Drive.

Maker: Anantasomboon
Second: Shellene
Result: Carried: 11 to 2

For: 11 - Anglin, Emmons, Rodgers, Anantasomboon, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy, Abtahi

Against: 2 - Bagley, Ridley
Absent: 1 - Shidid
Vacancy: 1 - District 4

Notices: Area: 300 Mailed: 5
Replies: For: 0 Against: 0

Speakers: For: Rob Baldwin, 3908 Elm St., Dallas, TX, 75226
Gary Delaney, Northbrook, IL
Against: None

LIST OF OFFICERS
Banner Development, LLC

Owner:

Banner Brothers, Ltd.

General partner

BBros General, Inc
Keith E. Koop, President
Barry R. Waranch

Limited Partners

Keith E. Koop
Barry R. Waranch
Opal Interests, L.P.
Becky Enterprises, LLC
James Thweatt, President
Kovest Realty Profit Sharing Plan
Keith E. Koop
Waranch Company Profit Sharing Plan
Barry R. Waranch

Applicant:

Banner Development, LLC

William T. Henry, President
James Merkey, Vice President
Kent McCreedy, Vice President

Banner Apartments Holdings, LLC

Banner Apartments, LLC

Milton Pinsky, President
Martin Pinsky, Vice President
David Gottlieb, Vice President
Kent McCreedy, Vice President

CPC's RECOMMENDED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is a mini-warehouse.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

3. TIME LIMIT: This specific use permit expires on_____, (ten-year period from the passage of this ordinance

4. FLOOR AREA: Total maximum floor area is 110,000 square feet.

5. HOURS OF OPERATION: The mini-warehouse may only operate between 9:00 a.m. and 7:00 p.m., Monday through Sunday.

6. ACCESS: Individual storage units must be accessed internally to the building

7. OUTSIDE STORAGE: Outside storage of vehicles, parking for vehicles for rent, boats, and /or equipment is prohibited.

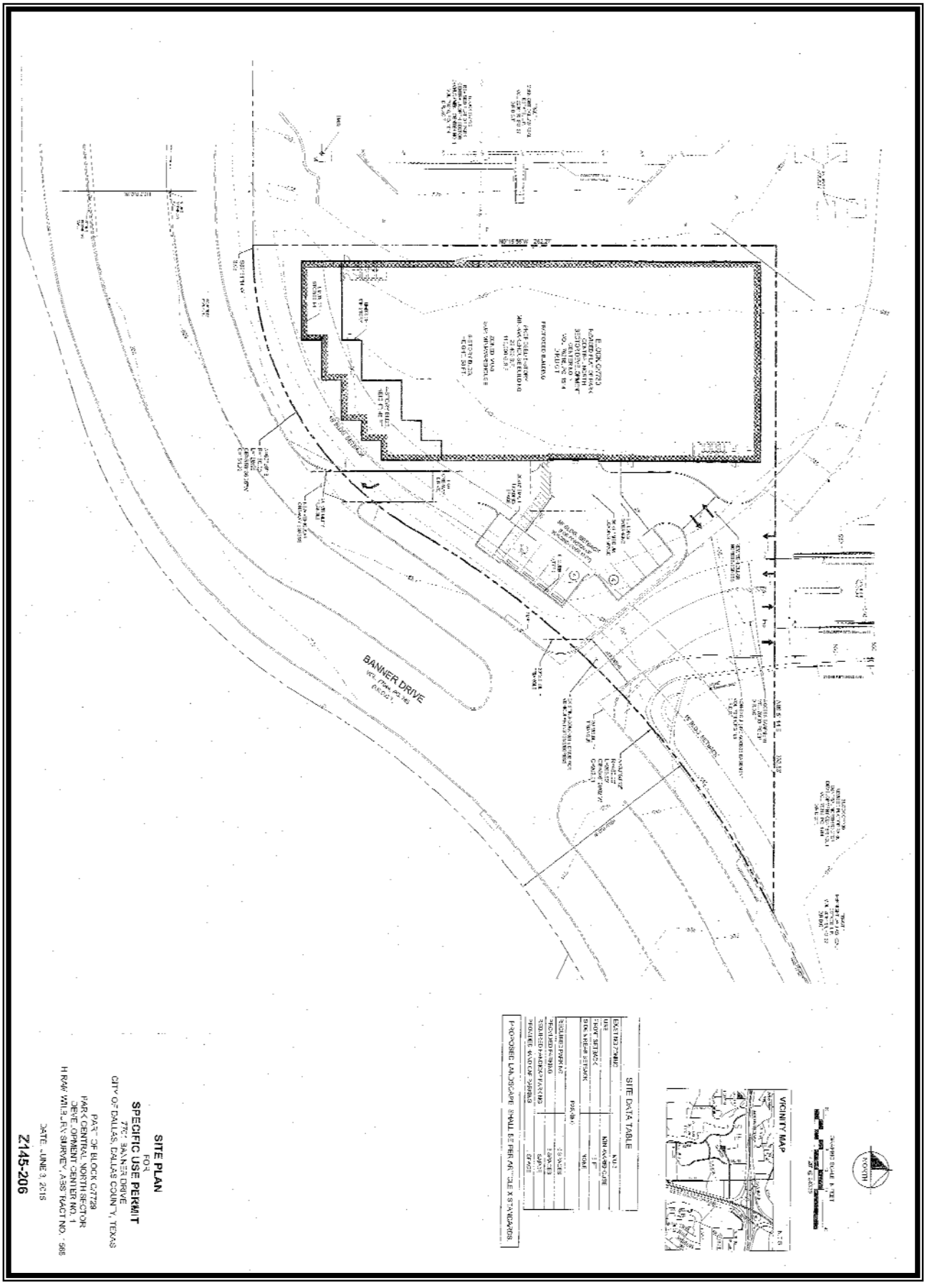
8. MATERIALS: To ensure compatibility with the surrounding neighborhood, the exterior facades must be a minimum 80 percent brick patterned cement fiber board paneling, stone, or decorative concrete blocks or tile, excluding fenestration.

9. LANDSCAPING: Landscaping must comply with the attached landscape plan.

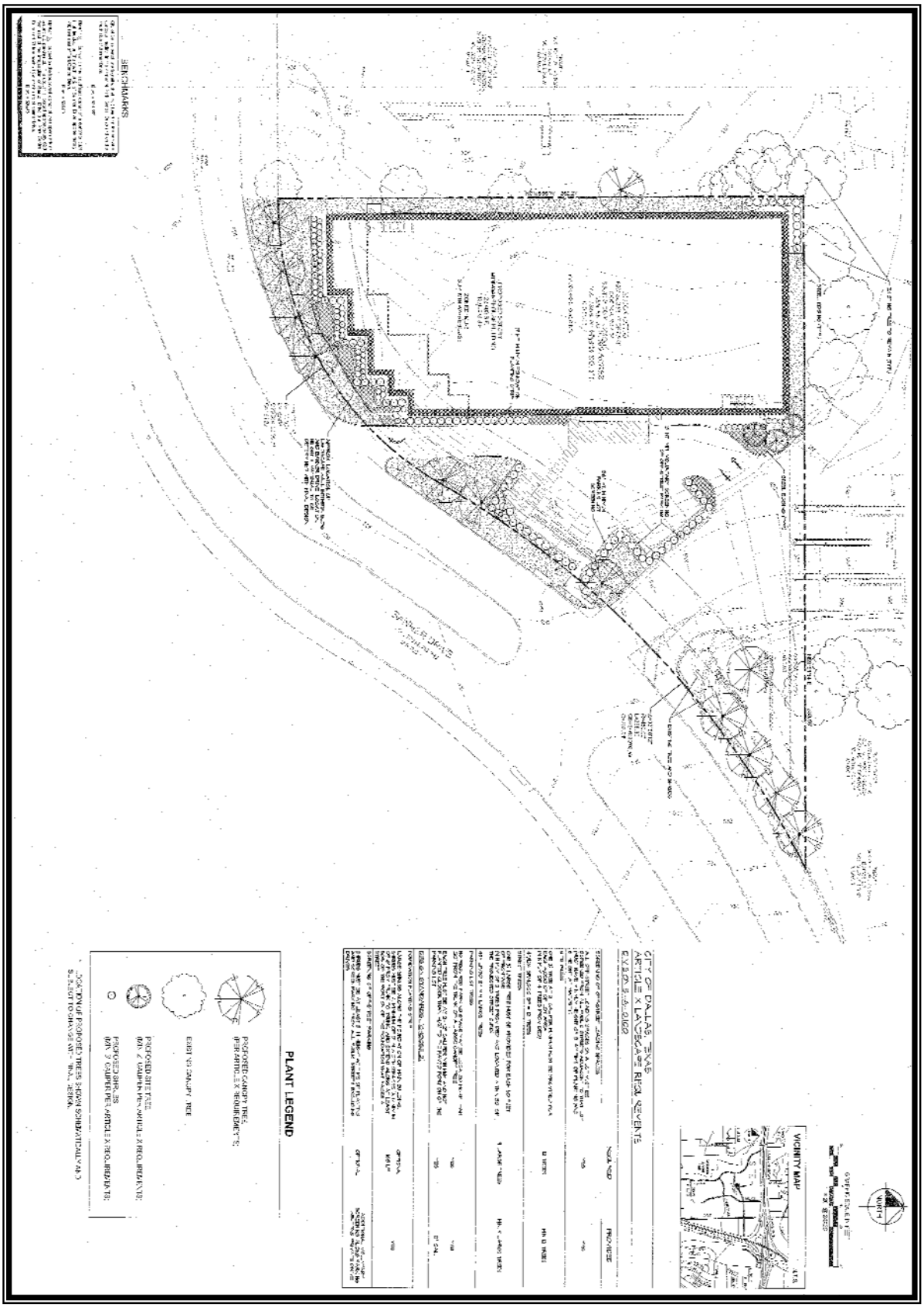
10. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

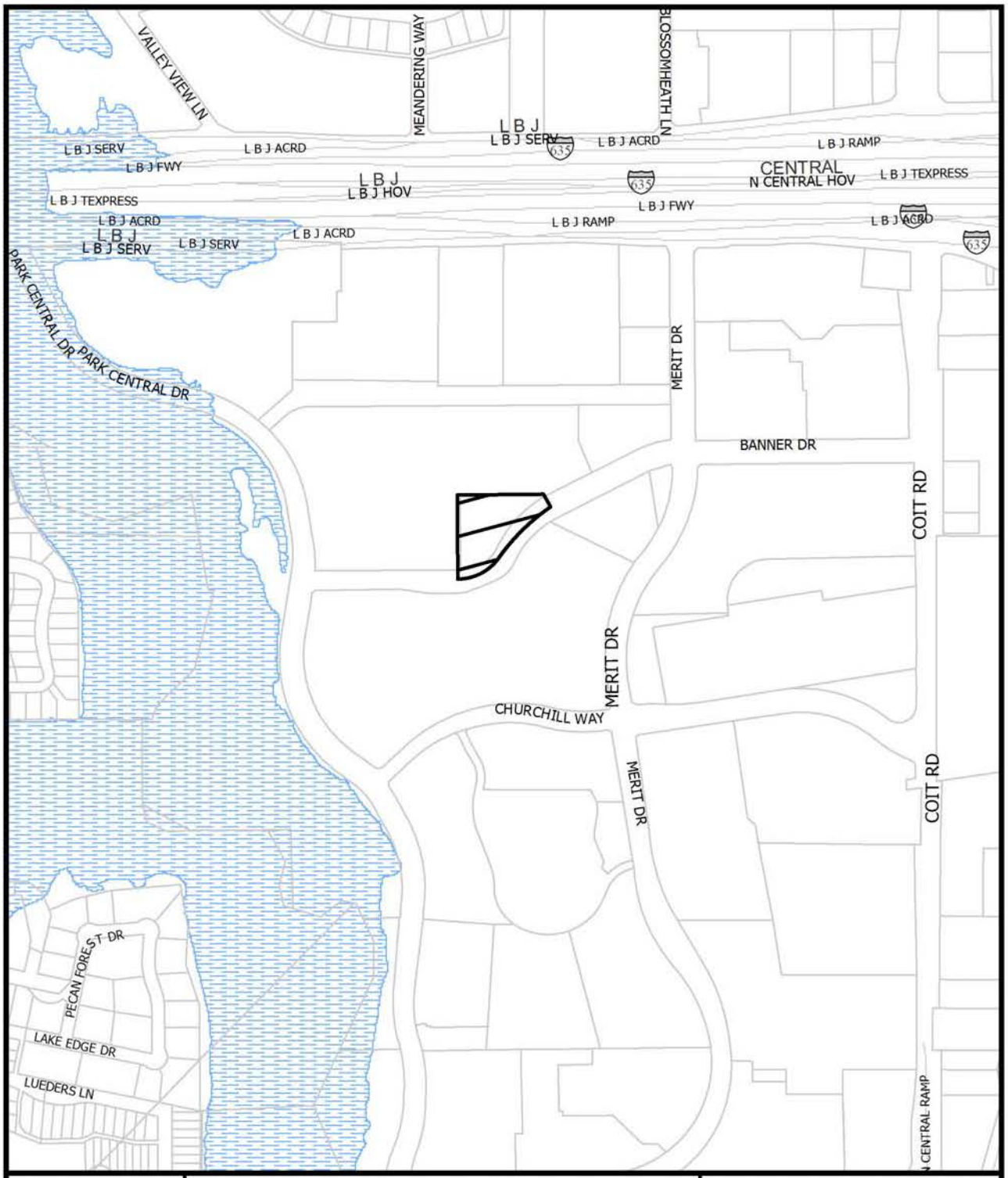
10. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

PROPOSED SITE PLAN



PROPOSED LANDSCAPE PLAN





1:6,000

VICINITY MAP

Case no: Z145-206

Date: 6/4/2015

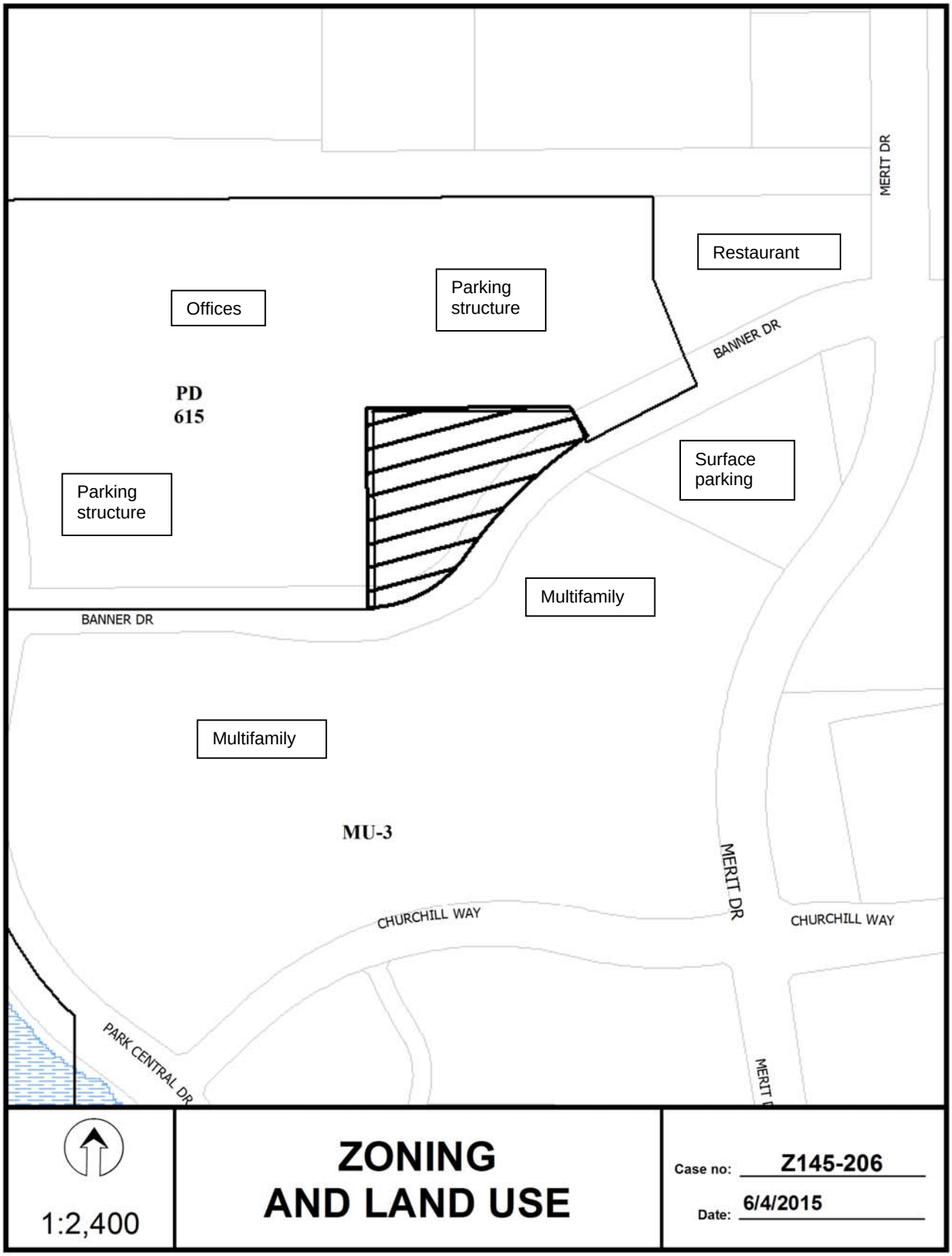


1:2,400

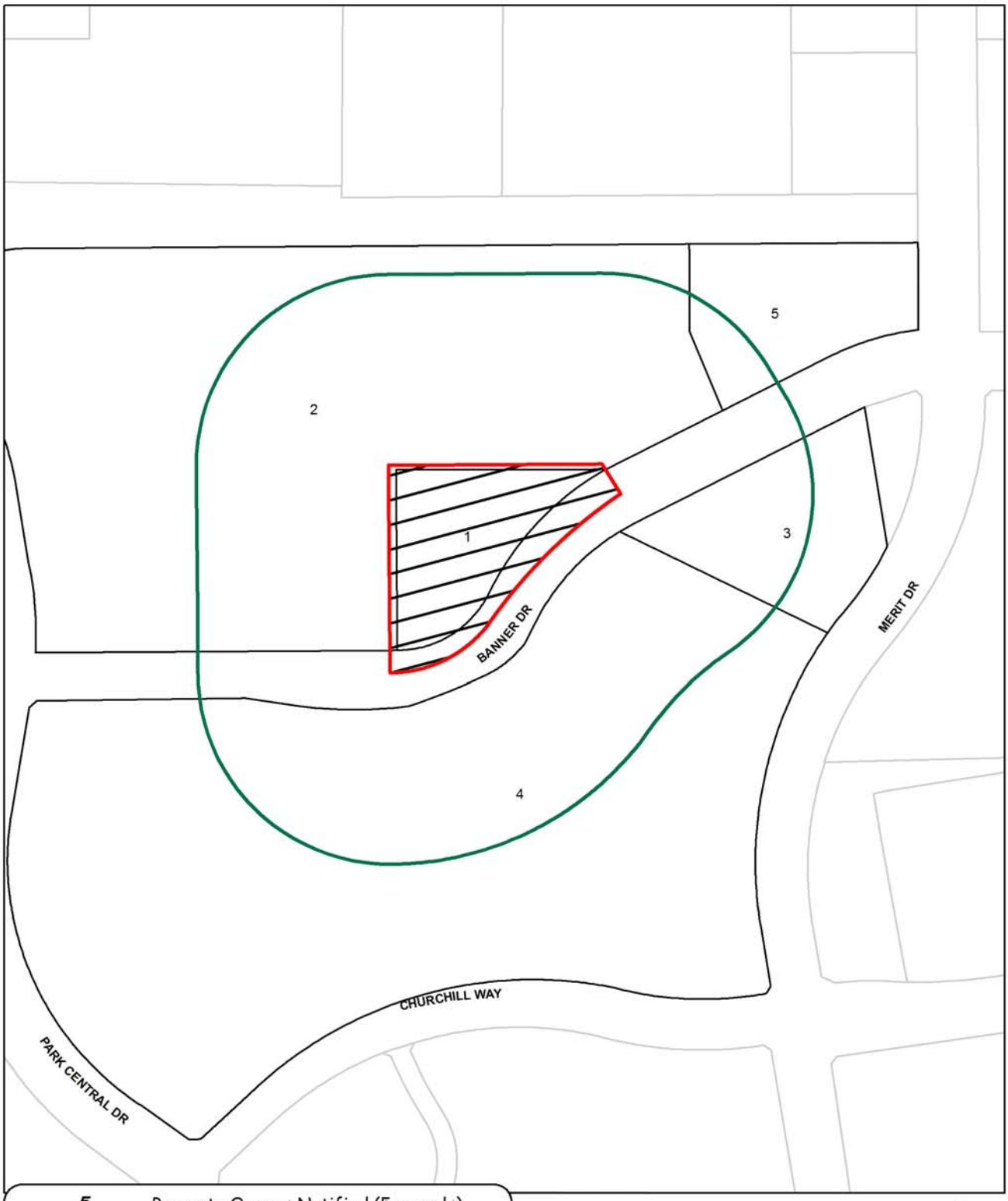
AERIAL MAP

Case no: Z145-206

Date: 6/4/2015


MERIT DR
Restaurant
Parking structure
Offices
BANNER DR
PD 615
Surface parking
Parking structure
Multifamily
BANNER DR
Multifamily
MU-3
MERIT DR
CHURCHILL WAY
CHURCHILL WAY
PARK CENTRAL DR
1:2,400
ZONING AND LAND USE
Case no: Z145-206
Date: 6/4/2015

CPC RESPONSES



5	Property Owners Notified (5 parcels)
0	Replies in Favor (0 parcels)
0	Replies in Opposition (0 parcels)
300'	Area of Notification
8/20/2015	Date 7/23/2015 Under Advisement

Z145-206
CPC

N
W E
S

1:2,400

Notification List of Property Owners

Z145-206

5 Property Owners Notified 0 Property Owners in Favor 0 Property Owners Opposed

Reply	*Label #*		*Address*	*Owner*
	1	7701	BANNER DR	BANNER BROTHERS LTD
	2	12700	PARK CENTRAL DR	MCKNIGHT DALLAS REAL EST
	3	7600	BANNER DR	COLE BN DALLAS TX LLC
	4	7601	CHURCHILL WAY	CHURCHILL ON THE PARK
	5	7775	BANNER DR	COLE BN DALLAS TX LLC

AGENDA ITEM # 75

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): 7

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 48 F

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Specific Permit No. 2048 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 100,000 square feet or more on property zoned an RR Regional Retail District with a D-1 Liquor Control Overlay on the south line of East R.L. Thornton Freeway and west of South Buckner Boulevard
Recommendation of Staff: Approval for a four-year period, subject to a revised site plan and conditions
Recommendation of CPC: Approval for a three-year period, subject to a revised site plan and conditions
Z145-275(WE)

HONORABLE MAYOR & CITY COUNCIL **TUESDAY, SEPTEMBER 22, 2015**

ACM: Ryan S. Evans

FILE NUMBER: Z145-275(WE) **DATE FILED:** June 8, 2015

LOCATION: South line of East R.L. Thornton Freeway and west of South Buckner Boulevard

COUNCIL DISTRICT: 7 **MAPSCO:** 48F

SIZE OF REQUEST: Approx. 22.573 acres **CENSUS TRACT:** 122.07

APPLICANT / OWNER: Walmart Real Estate Business Trust.

REPRESENTATIVE: Myron Dornic, Jackson Walker, LLP

REQUEST: An application for an amendment to Specific Permit No. 2048 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 100,000 square feet or more on property zoned an RR Regional Retail District with a D-1 Liquor Control Overlay.

SUMMARY: The applicant proposes to continue the sale of alcoholic beverages for off-premise consumption within the existing discount store. In September 2013, the City Council approved Specific Use Permit No. 2048 for a two year period. The amendment to SUP No. 2048 is twofold: 1) to revise the site plan to show a minor reduction in the number of off-street parking spaces, 2) limit the time period to a four-year period without automatic renewals and 3) reduce the SUP area. The applicant has requested to limit the renewal of Specific Use Permit No. 2048 to a four-year time period without automatic renewals

CPC RECOMMENDATION: **Approval** for a three-year period, subject to a revised site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a four-year period, subject to a revised site plan and conditions

GUIDING CRITERIA FOR STAFF RECOMMENDATION:

The following factors are listed in Chapter 51A of the Dallas Development Code to guide the determination as to whether or not an SUP shall be granted. Staff has listed its findings based upon each component below:

1. *Compatibility with surrounding uses and community facilities* – The existing general merchandise or food store is compatible and conforms with the adjacent retail and personal service uses. The additional alcohol use within the general merchandise or food store has not impacted the surrounding uses negatively from a land use perspective.

2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – This use does not contribute nor deter from the welfare of adjacent properties. The SUP has conditions that are associated with the use. An SUP can have a reduced time period or not be renewed if the applicant does not comply.

3. *Not a detriment to the public health, safety, or general welfare* – This use has not been a detriment to the public health, safety or general welfare of the community.

4. *Conforms in all other respects to all applicable zoning regulations and standards* – The request will comply with all zoning regulations and standards.

Zoning History: There have been four zoning changes requested in the area over the past 5 years.

1. **Z101-306:** On September 24, 2012, the City Council approved Specific Use Permit No.1908 for the sale and service of alcoholic beverages in conjunction with a restaurant with drive-in or drive-through service for a three-year period with eligibility for automatic renewal for additional five-year periods subject to a site plan and conditions.

2. **Z112-110:** On October 10, 2011, the City Council approved Specific Use Permit No. 1975 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a three-year period subject to a site plan and conditions.

3. **Z112-138:** On October 10, 2011, the City Council approved an amendment to PDD No. 605 subject to a conceptual plan and conditions and Specific Use Permit No. 1949 for a four-year period subject to a site plan and conditions.

4. **Z145-130:** On March 25, 2015, the City Council approved a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 100,000 square feet or more for a two-year period subject to a site plan and conditions

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
R.L. Thornton Freeway	Freeway	Variable lane width	Variable lane width
Samuell Boulevard	Collector	120 ft.	120 ft.

Traffic: The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined that the SUP has not had a negative impact on the surrounding street system.

COMPREHENSIVE PLAN: The comprehensive plan does not make a specific land use recommendation related to the request, however the ***forwardDallas! Vision Illustration***, adopted June 2006, is comprised of a series of Building Blocks that depicts general land use patterns. Building Blocks are generalized patterns without well-defined boundaries that indicate where certain types and densities of development might logically occur.

The Vision Illustration depicts the request site as within a *Business Center or Corridor* Building Block. This Building Block represents major employment or shopping destinations outside of Downtown. Examples include the Galleria area, the NorthPark Center area, Southwest Center Mall area at I-20 and US Hwy 67 and the Stemmons Corridor. Business Centers are usually at major intersections or along highways or major arterials and rely heavily on car access. These areas typically include high-rise office towers and low- to mid-rise residential buildings for condos or apartments and may include multifamily housing. Land uses are typically separated from one another by parking lots, freeways or arterial roads. Streets in these areas emphasize efficient movement of vehicles. Bold lighting and linear landscaping features such as esplanades and tree-lined boulevards can all work to distinguish and identify these areas. Public spaces may be at key entry points and central locations. Gateway landscaping, monuments and other devices will provide visibility from the freeway and guide visitors to destinations. Public transit may play a role in these areas and help create some pockets of transit oriented development. Business Centers and Corridors provide important concentrations of employment within Dallas that compete with suburban areas.

In general, the applicant's request for a Specific Use Permit for the sale of alcoholic beverages is consistent with the following goal and policy of the Comprehensive Plan.

Land Use:

	Zoning	Land Use
Site	RR-D-1	General merchandise or food store
North	RR-D-1, SUP No. 1908	Drive-through restaurant, vehicle sales, motel
South	RR-D-1	Single Family
East	RR-D-1	Retail and personal service
West	RR-D-1	Bank, Retail, Fueling Station

STAFF ANALYSIS:

Land Use Compatibility: The ±23.2-acre request site is developed with a ±208,653-square foot discount store, which is permitted by right in the RR Regional Retail District. The sale of alcoholic beverages on the property requires a specific use permit due to the D-1 Liquor Control Overlay. The amendment to SUP No. 2048 will allow the applicant to continue the sale of alcoholic beverages for off-premise consumption in conjunction with the existing discount store.

A revised site plan has been submitted as a result of an adjacent property to the north replatting a parcel to accommodate a restaurant use. The replatting of the property reduced the original site by 0.63 acres and the number of off-street parking space by 195 spaces. The request site exceeds the required number of parking spaces for the site. The 208,653 square foot development requires 696 spaces and the applicant is providing 837 spaces per the attached site plan.

The request site is surrounded by a restaurant with drive-through service, vehicle display, sales and service and a motel to the north; retail to the east; single family residential to the south and a bank, retail and motor vehicle fueling station to the west.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The City Council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the City.

The applicant's request, subject to a revised site plan and conditions, is consistent with the intent of the Dallas Development Code.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
RR-D-1 Regional retail	15'	20' adjacent to residential OTHER: No Min.	1.5 FAR overall 0.5 office	70' 5 stories	80%	Proximity Slope U-form setback Visual Intrusion	Retail & personal service, office

Landscaping: Landscaping of any development will be in accordance with Article X, as amended. The request site will not trigger any landscaping because there is no increase in the total floor area.

Parking: The Dallas Development Code requires off-street parking to be provided for a general merchandise or food store 100,000 square feet or greater is at one space for each 300 square feet of floor area.

Dallas Police Department: A copy of a police report of the past 3 years of offenses is provided below.

Years	AGG ASSAULT - FV	AGG ASSAULT - NFV	OTHER THEFTS	ROBBERY-INDIVIDUAL	THEFT /BMV	THEFT /SHOP LIFT	UUMV	Grand Total
2013	1	1	3		10	103	4	122
2014		1	19	1	9	156	10	196
2015	1	1	4		4	82	3	95
Grand Total	**2**	**3**	**26**	**1**	**23**	**341**	**17**	**413**

CPC Action – August 20, 2015

Motion: It was moved to recommend **approval** of an amendment to Specific Permit No. 2048 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 100,000 square feet or more for a three-year period, subject to a site plan and conditions on property zoned an RR Regional Retail District with a D-1 Liquor Control Overlay on the south line of East R.L. Thornton Freeway and west of South Buckner Boulevard.

Maker: Murphy
Second: Schultz
Result: Carried: 13 to 0

For: 13 - Anglin, Emmons, Rodgers*, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 1 - Shidid
Vacancy: 1 - District 4

*out of the room, shown voting in favor

Notices:	Area:	400	Mailed:	67
Replies:	For:	0	Against:	6

Speakers: None

LIST OF OFFICERS

LIST OF OFFICERS
WAL-MART

Eric S. Zorn.....President and Chief Executive Officer
Claire L. Babineaux-Fontenot.....Senior Vice President
J. Robert Bray.....Senior Vice President
Anthony L. Fuller.....Senior Vice President
Steven P. Whaley.....Senior Vice President and Controller
Gordon Y. Allison.....Vice President and Secretary
Cathryn Santoro.....Vice President and Treasurer
Timothy M. Austin.....Vice President
Steven Zielske.....Vice President
Harry M. Eng.....Vice President
Patrick J. Hamilton.....Vice President
Richard O. Kinnard.....Vice President
J. Councill Leak.....Vice President
Jennifer May-Brust.....Vice President
Carl R. Muller.....Vice President
Kimberly K. Saylors-Laster.....Vice President
Taylor C. Smith.....Vice President
Michael E. Gardner.....Vice President
John E. Clarke.....Vice President
Brian E. Hooper.....Vice President
George J. Bacso.....Assistant Secretary
Heather Clark.....Assistant Secretary
James A. Cole.....Assistant Secretary
Geoffrey W. Edwards.....Assistant Secretary
Donald R. Etheredge.....Assistant Secretary
Nicholas S. Goodner.....Assistant Secretary
Sheri K. Goodwin.....Assistant Secretary
Judith S. Kim.....Assistant Secretary
Adele E. Lucas.....Assistant Secretary
Richard H. Martin.....Assistant Secretary
Michelle M. McCall.....Assistant Secretary
John T. Okwubanego.....Assistant Secretary
Matthew R. Powers.....Assistant Secretary
Brad T. Rogers.....Assistant Secretary
Jennifer M. Rudolph.....Assistant Secretary
Erron W. Smith.....Assistant Secretary
J. Jeremy Snell.....Assistant Secretary
Elvin J. Sutton, Jr.....Assistant Secretary
Gregory L. Tesoro.....Assistant Secretary
Kathy E. Tobey.....Assistant Secretary
Barri L. Tulgetske.....Assistant Secretary
Sonya L. Webster.....Assistant Secretary
Romona L. West.....Assistant Secretary
Bruce E. Wickline.....Assistant Secretary
Elizabeth A. Woodcock.....Assistant Secretary

CPC PROPOSED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store 100,000 square feet or more.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

CPC Recommendation

3. TIME LIMIT: This specific use permit expires on_____, (three-year period from the passage of this ordinance).

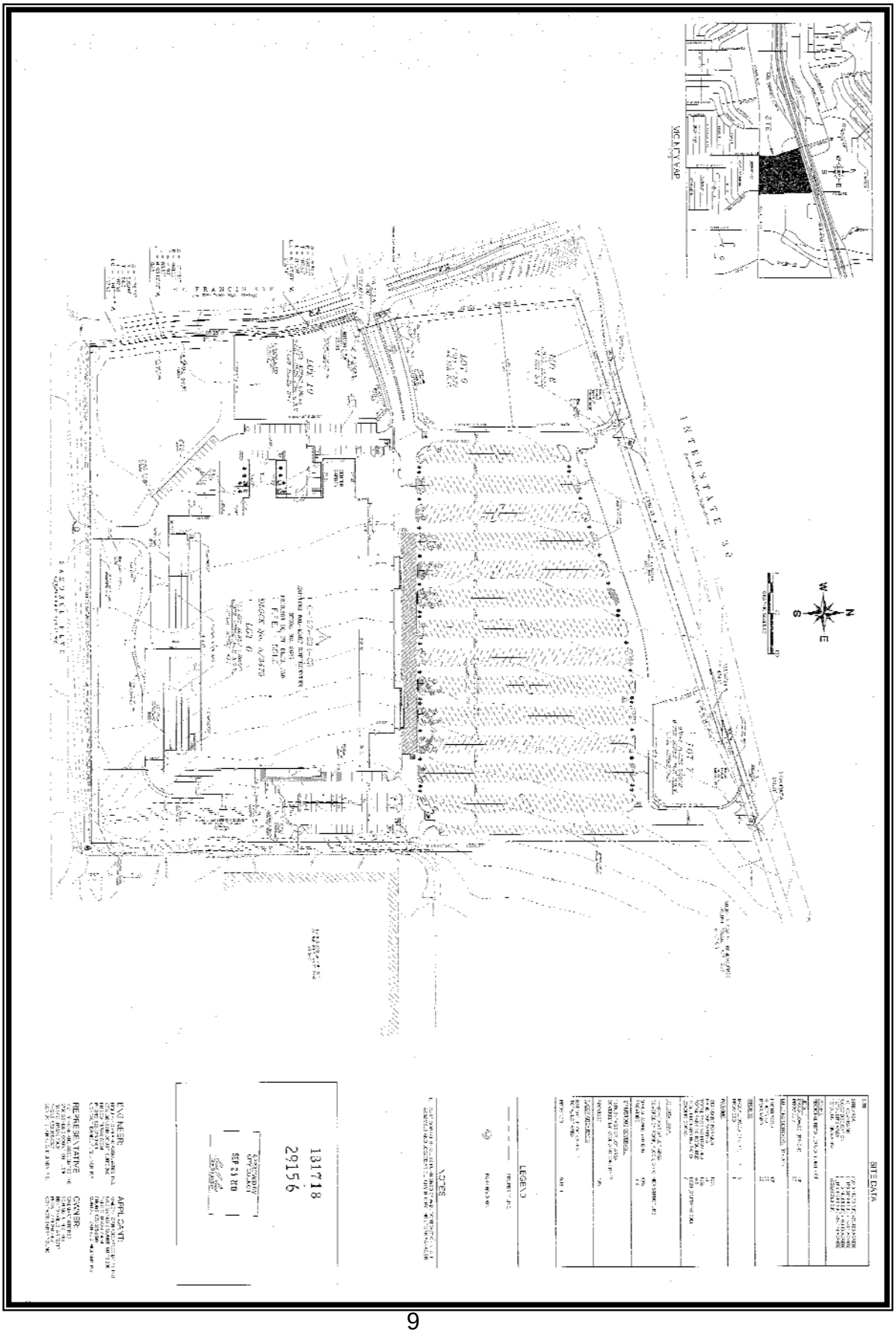
Staff's Recommendation

3. TIME LIMIT: This specific use permit expires on_____, (four-year period from the passage of this ordinance).

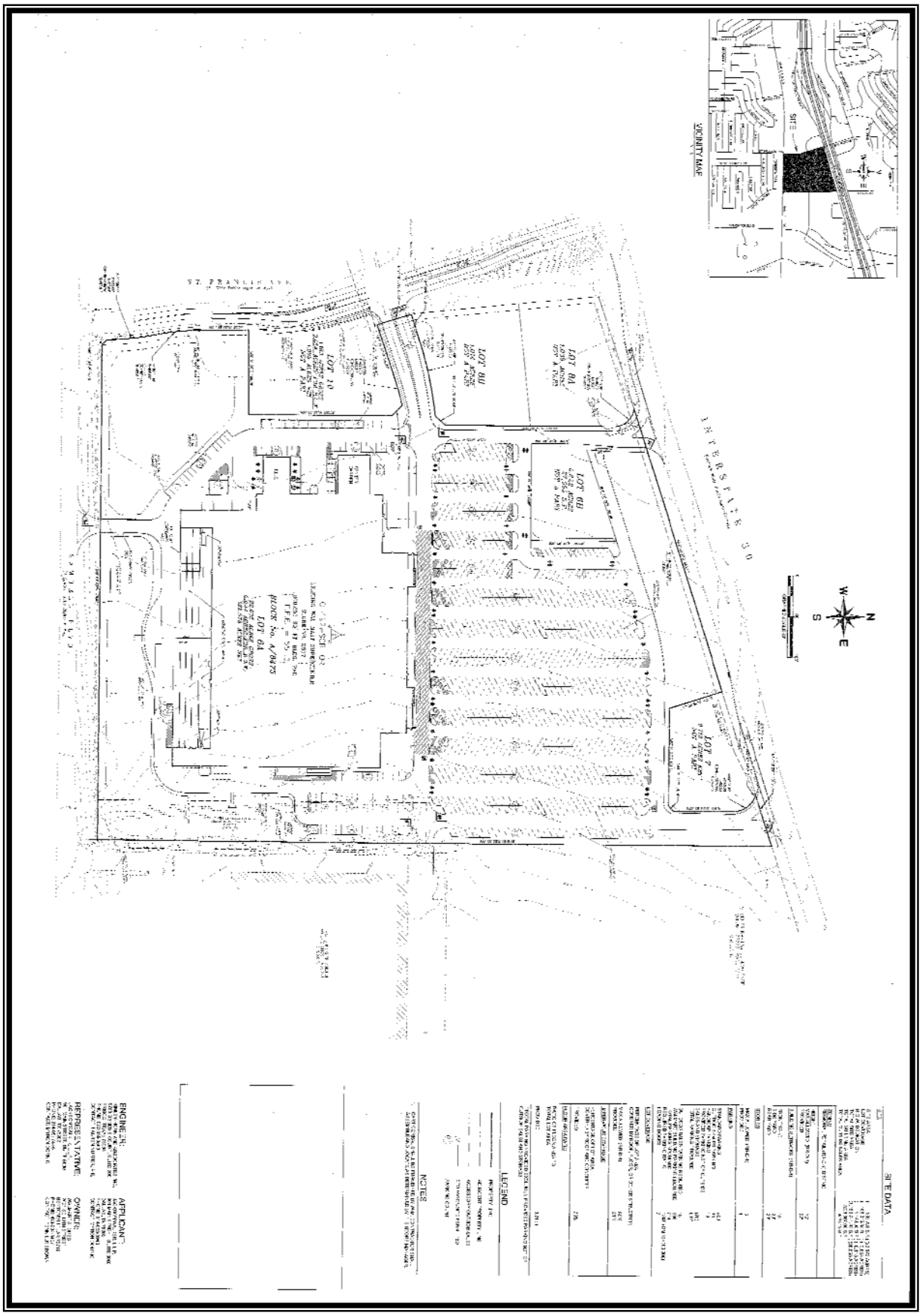
4. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

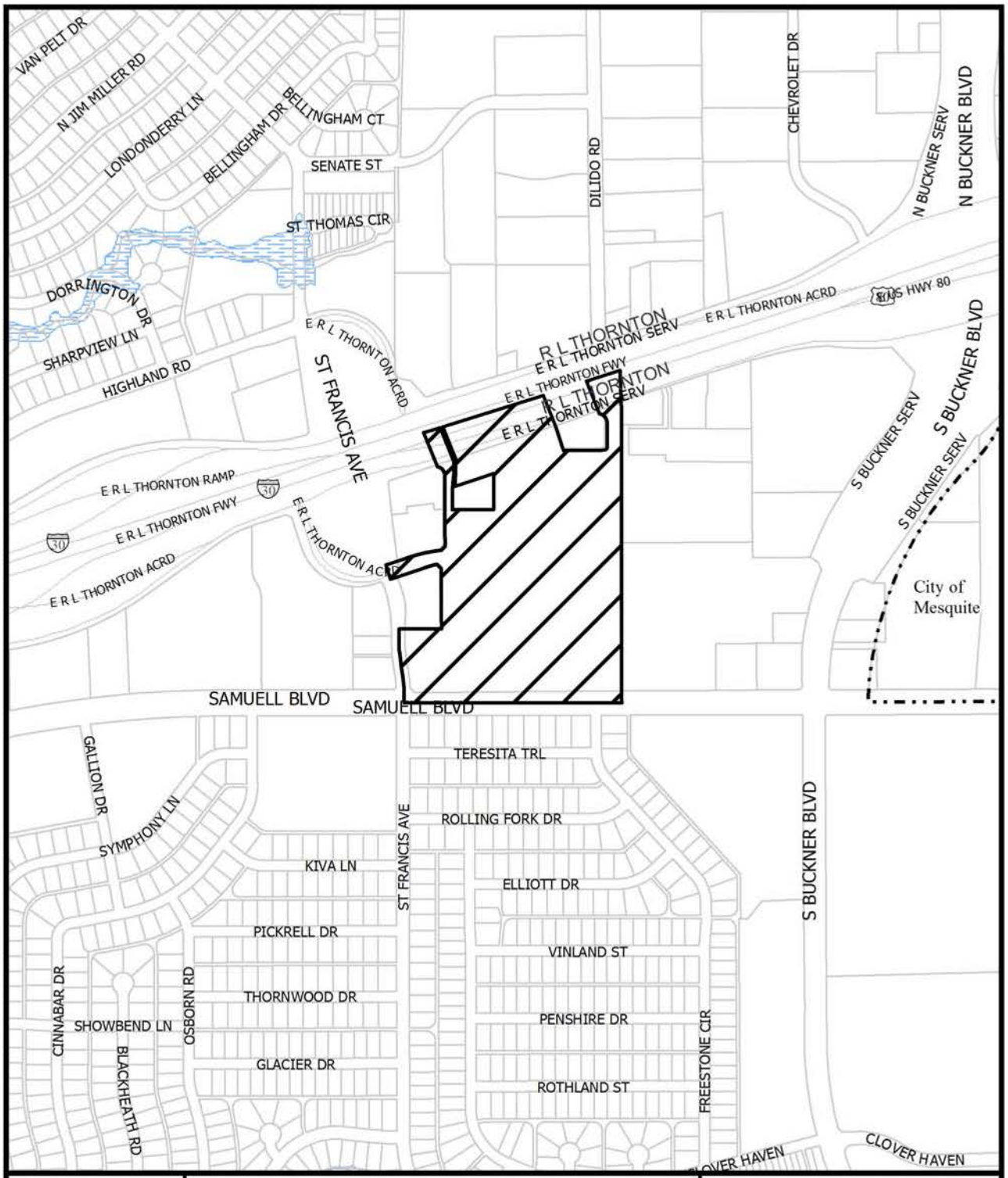
5. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

EXISTING SITE PLAN



PROPOSED SITE PLAN



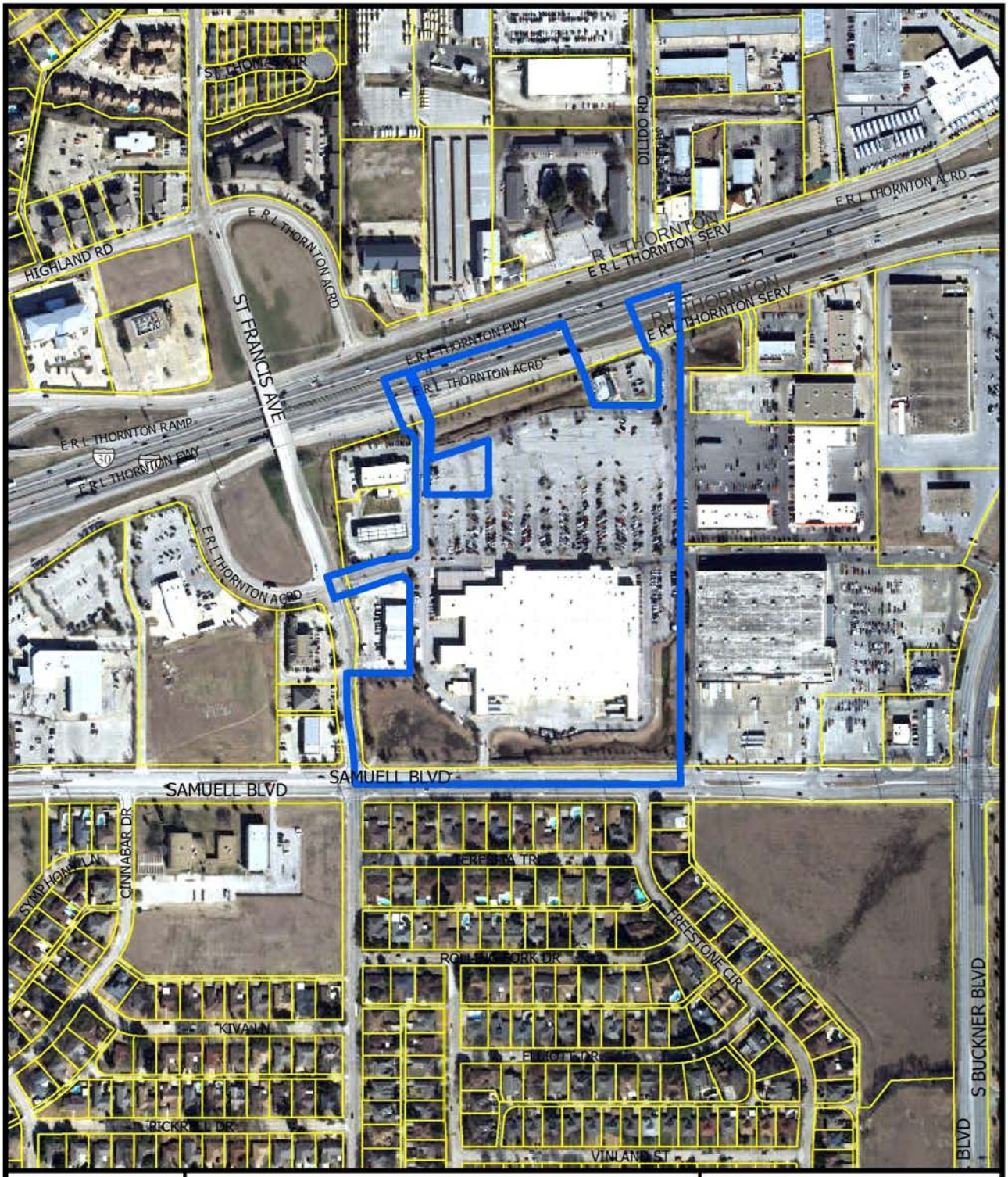


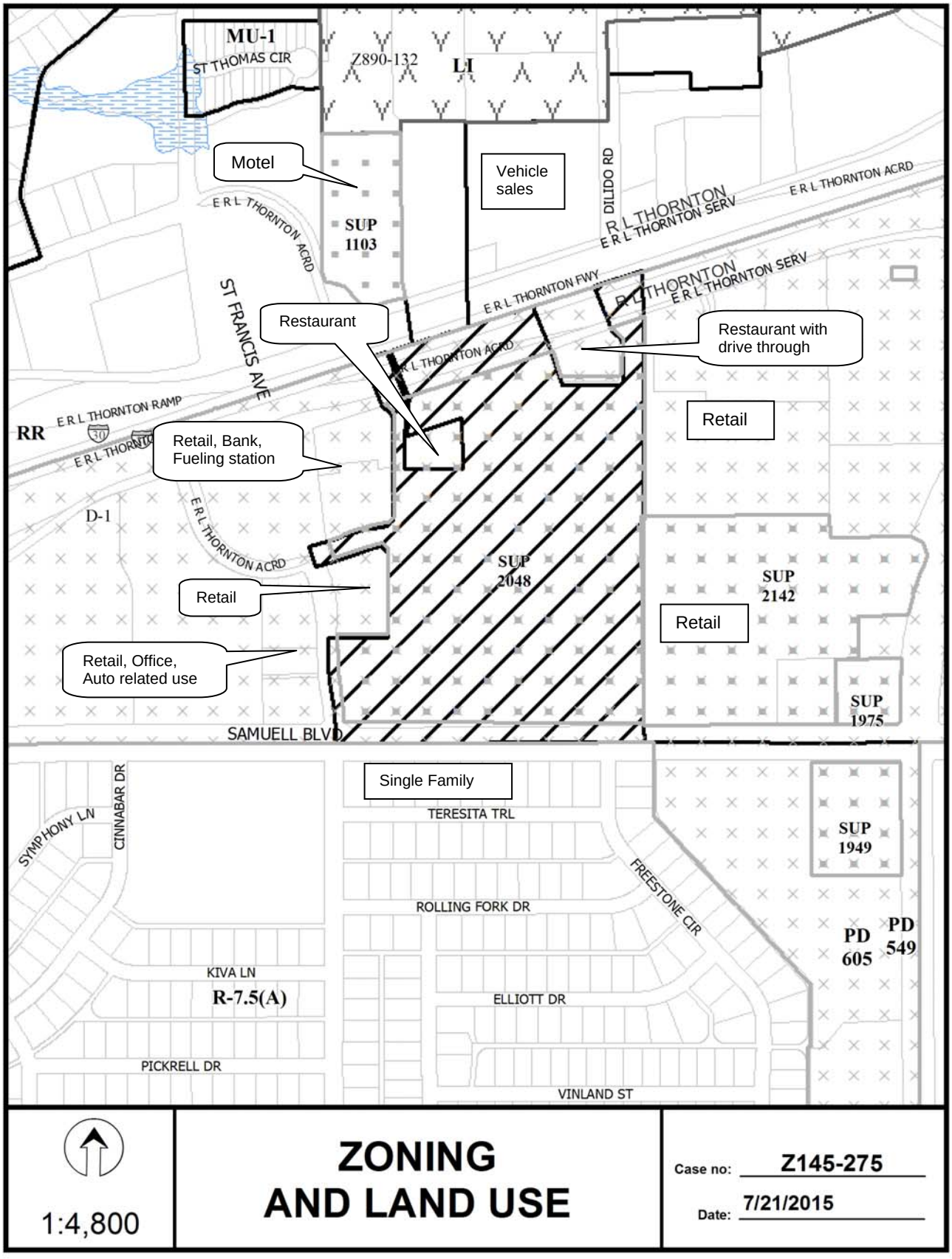
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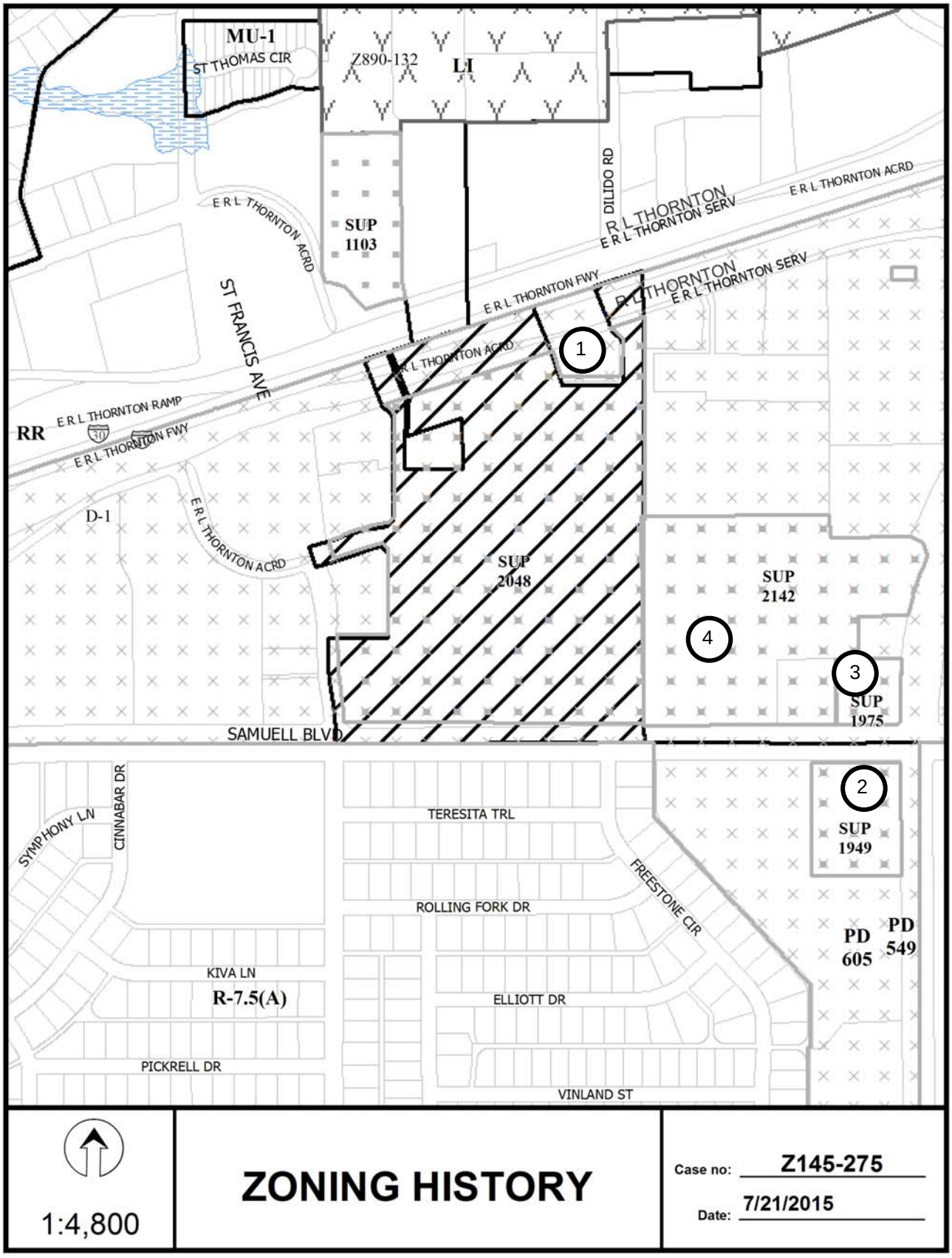
VICINITY MAP

Case no: Z145-275

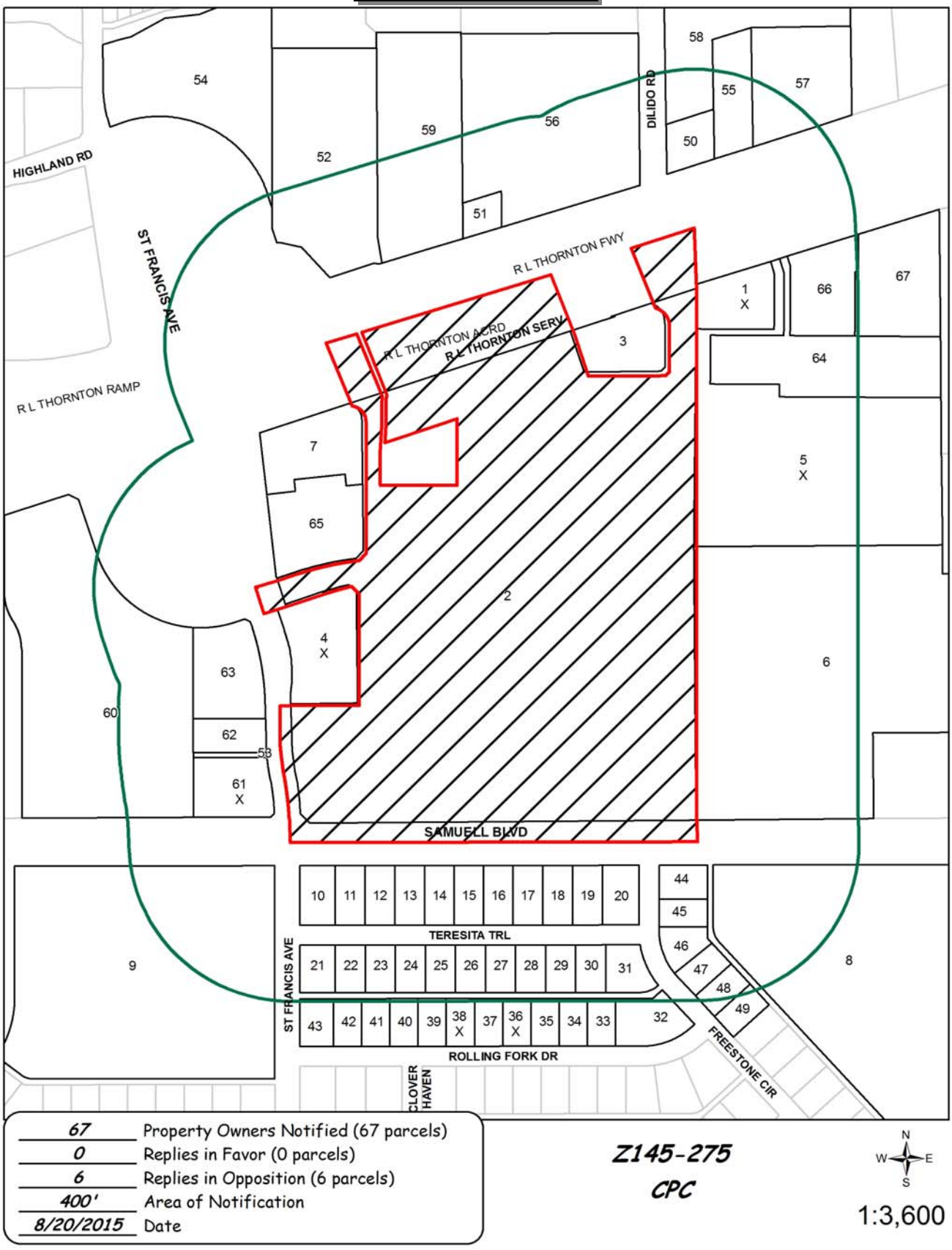
Date: 7/21/2015


ST THOMAS CIR
HIGHLAND RD
E R L THORNTON ACRD
ST FRANCIS AVE
DILLIDO RD
R L THORNTON
E R L THORNTON SERV
E R L THORNTON FWY
E R L THORNTON RAMP
30
SAMUELL BLVD
CINNABAR DR
SYMPHONY LN
FRESTONE CIR
KIVA LN
VINLAND ST
S BUCKNER BLVD
1:4,800
AERIAL MAP
Case no: Z145-275
Date: 7/21/2015


MU-1
ST THOMAS CIR
Z890-132
LI
Motel
Vehicle sales
DILIDO RD
E R L THORNTON ACRD
SUP 1103
R L THORNTON
E R L THORNTON SERV
E R L THORNTON FWY
ST FRANCIS AVE
Restaurant
Restaurant with drive through
E R L THORNTON RAMP
RR
Retail
Retail, Bank, Fueling station
D-1
SUP 2048
SUP 2142
Retail
Retail
Retail, Office, Auto related use
SUP 1975
SAMUELL BLVD
Single Family
SYMPHONY LN
CINNABAR DR
TERESITA TRL
SUP 1949
FREESTONE CIR
ROLLING FORK DR
PD 605
PD 549
KIVA LN
R-7.5(A)
ELLIOTT DR
PICKRELL DR
VINLAND ST
1:4,800
ZONING AND LAND USE
Case no: Z145-275
Date: 7/21/2015


MU-1
ST THOMAS CIR
Z890-132
LI
DILIDO RD
E R L THORNTON ACRD
SUP 1103
R L THORNTON
E R L THORNTON SERV
E R L THORNTON FWY
ST FRANCIS AVE
1
E R L THORNTON RAMP
RR
D-1
SUP 2048
SUP 2142
4
3
SUP 1975
SAMUELL BLVD
2
SUP 1949
SYMPHONY LN
CINNABAR DR
TERESITA TRL
FREESTONE CIR
ROLLING FORK DR
PD 605
PD 549
KIVA LN
R-7.5(A)
ELLIOTT DR
PICKRELL DR
VINLAND ST
1:4,800
ZONING HISTORY
Case no: Z145-275
Date: 7/21/2015

CPC RESPONSES



67	Property Owners Notified (67 parcels)
0	Replies in Favor (0 parcels)
6	Replies in Opposition (6 parcels)
400'	Area of Notification
8/20/2015	Date

Z145-275
CPC

N
W E
S

1:3,600

08/19/2015

Notification List of Property Owners

Z145-275

67 Property Owners Notified 0 Property Owners in Favor 6 Property Owners Opposed

Reply	*Label #*		*Address*	*Owner*
X	1	9214	R L THORNTON FWY	BUCKNER JUBILEE INVESTMENTS
	2	9100	R L THORNTON FWY	WAL MART REAL EST BUS TR
	3	9210	R L THORNTON FWY	WAM JERI A FAMILY TRUST &
X	4	3940	ST FRANCIS AVE	SHOQUIST PROPERTIES LP
X	5	9208	R L THORNTON FWY	BUCKNER JUBILEE INVESTMENTS
	6	5555	BUCKNER BLVD	WM DALLAS PORTFOLIO LP
	7	8930	R L THORNTON FWY	8930 RL THORNTON LLC &
	8	5204	BUCKNER BLVD	RACETRAC PETROLEUM INC
	9	6810	SAMUELL BLVD	LAKE POINTE BAPTIST
	10	7105	TERESITA TRL	FLETCHER ARGELL ETAL
	11	7111	TERESITA TRL	THOMAS K T
	12	7117	TERESITA TRL	RAMOS RUFINO
	13	7123	TERESITA TRL	CUSTARD SANDRA KAY
	14	7129	TERESITA TRL	HILLBURN BERTHA L
	15	7135	TERESITA TRL	LEE DERRICK
	16	7141	TERESITA TRL	RAMIREZ RUBY & JUAN
	17	7147	TERESITA TRL	WHITEHEAD KELLY JOE
	18	7153	TERESITA TRL	ADEYOJU EMMANUEL ETUX
	19	7159	TERESITA TRL	MURILLO PABLO JR
	20	7165	TERESITA TRL	MARSHALL LENWOOD &
	21	7106	TERESITA TRL	WASHINGTON SYLVESTER ETAL
	22	7112	TERESITA TRL	BROWN MARK D & DEBRA D
	23	7118	TERESITA TRL	COLLINS LAURINE H LF EST
	24	7124	TERESITA TRL	MILLER KEITH
	25	7130	TERESITA TRL	SANDERS TRAVIS G & JO ANN
	26	7136	TERESITA TRL	CHAVEZ JUAN ANTONIO

08/19/2015

Reply	*Label #*		*Address*	*Owner*
	27	7142	TERESITA TRL	JPMORGAN CHASE BANK
	28	7148	TERESITA TRL	LEANOS JOSE JR
	29	7154	TERESITA TRL	HILL CE ESTER & EUNICE
	30	7160	TERESITA TRL	TAING AN & PHA
	31	7166	TERESITA TRL	OSBORNE KENNETH L
	32	7177	ROLLING FORK DR	NEWMAN TERENCE T
	33	7165	ROLLING FORK DR	LANE LOIS H
	34	7159	ROLLING FORK DR	FLORES ELVIRA
	35	7153	ROLLING FORK DR	JOHNSON HOWARD E & DEZZIE L
X	36	7147	ROLLING FORK DR	RUIZ ROSIE OCHOA &
	37	7141	ROLLING FORK DR	GARCIA SERGIO M
X	38	7135	ROLLING FORK DR	TOMPKINS STEPHEN ROYCE
	39	7129	ROLLING FORK DR	BARRIENTOS MARIO C
	40	7123	ROLLING FORK DR	TRENT WILLIAM D
	41	7117	ROLLING FORK DR	TIPTON CATHLEEN
	42	7111	ROLLING FORK DR	CHENG JASON
	43	7105	ROLLING FORK DR	MAYES QUINCY LAVELL
	44	5430	FREESTONE CIR	MARQUEZ MARTINA
	45	5424	FREESTONE CIR	PERRY ELLEN MARIE
	46	5418	FREESTONE CIR	COMBEST MILTON D EST OF
	47	5412	FREESTONE CIR	RAMOS FE DALIDA
	48	5406	FREESTONE CIR	FLIPITDFW INC
	49	5330	FREESTONE CIR	CARR MARGARET
	50	9103	R L THORNTON FWY	GARLAND E PARTNERSHIP LP
	51	9001	R L THORNTON FWY	SINNI CORPORATION
	52	8901	R L THORNTON FWY	NORTHSTAR HOTELS LLC
	53	4020	ST FRANCIS AVE	INTERSTATE NATIONAL BANK
	54	3550	ST FRANCIS AVE	LAMELL GUIDO & NANCY B
	55	9111	R L THORNTON FWY	GARLAND E PARTNERSHIP LP
	56	9001	R L THORNTON FWY	LAMPLIGHTER MOTEL LTD
	57	9125	R L THORNTON FWY	9125 THORNTON LLC

08/19/2015

Reply	*Label #*		*Address*	*Owner*
	58	3830	DILIDO RD	CLEERE ENTERPRISES INC
	59	8951	R L THORNTON FWY	PS TEXAS HOLDINGS LTD
	60	8640	R L THORNTON FWY	CORINTH REALTY I30 &
X	61	4025	ST FRANCIS AVE	KIMBALL MARK P & SHANA L
	62	3949	ST FRANCIS AVE	3949 ST FRANCIS LLC
	63	3939	ST FRANCIS AVE	FIDELITY BANK NATL ASSOC
	64	9222	R L THORNTON FWY	IACONO ELANA FAMILY LTD
	65	3936	ST FRANCIS AVE	WAL MART REAL EST BUS TR
	66	9226	R L THORNTON FWY	BANK OF AMERICA NA
	67	9310	R L THORNTON FWY	DOCKSIDE THREADING INC

AGENDA ITEM # 76

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): 2

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 34 L

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for CR Community Retail District and D Duplex District uses on property zoned a CR Community Retail District and Tract III of Planned Development District No. 67 on the northwest corner of West Mockingbird Lane and Roper Street

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

Z145-225(SM)

Note: This item was considered by the City Council at a public hearing on August 26, 2015, and was deferred until September 22, 2015

HONORABLE MAYOR & CITY COUNCIL **TUESDAY, SEPTEMBER 22, 2015**

ACM: Ryan S. Evans

FILE NUMBER: Z145-225(SM) **DATE FILED:** March 27, 2015

LOCATION: Northwest corner of West Mockingbird Lane and Roper Street

COUNCIL DISTRICT: 2 **MAPSCO:** 34L

SIZE OF REQUEST: Approx. 0.68 acres **CENSUS TRACT:** 71.02

APPLICANT / OWNER: MSC-1, Ltd.

REPRESENTATIVE: Mostafa Setayesh, P.E., The Dimension Group

REQUEST: An application for a Planned Development District for CR Community Retail District and D Duplex District uses on property zoned a CR Community Retail District and Tract III of Planned Development District No. 67.

SUMMARY: The applicant proposes to construct a general merchandise or food store under 3,500 square feet and motor vehicle fueling station and is requesting a reduction in parking requirements and modifications to landscaping requirements.

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

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

GUIDING CRITERIA FOR RECOMMENDATION:

Staff recommendation for approval is based upon:

1. *Performance impacts upon surrounding property* – This request proposes to redevelop parcels that were once a liquor store and child-care facility and associated surface parking lots into a single retail gas station. It maintains existing height limitations, decreases the front yard setback, has larger side yard setbacks, and modifies landscape buffer requirements in order to shift development away from adjoining residential properties.

2. *Traffic impact* – The recommended conditions requires and the development plan shows a physical separation between the residential alley and the request site. The request also proposes both drive approaches on property that is currently located in a CR Community Retail District. The placement of these drive approaches, the proposed conditions, and development plan will confine vehicular traffic in the southern portions of the proposed district to encourage traffic to use West Mockingbird Lane.

3. *Comprehensive Plan or Area Plan Conformance* – The *forwardDallas! Comprehensive Plan* shows that the request site in located in a Residential Building Block. However, given the surrounding zoning of the area and the future replatting as part of a lot that already has CR zoning, the request can be supported.

4. *Justification for PD Planned Development District Zoning as opposed to a straight zoning district* – The request allows modifications and additional constraints that the Development Code would prohibit or allow, respectively. The attention to residential adjacency, landscaping, and vehicular movement are specifically addressed in this request's recommended conditions and in the development and landscape plans.

BACKGROUND INFORMATION:

- In June 1890, the request area is platted as five lots, lots 12 through 16, of block O/2605, as part of the Webster and Wood North Park Addition.

- The northern two parcels, lots 15 and 16, each had a small residential structure according to aerial photography from 1952. The structure on the northernmost parcel, lot 16, was demolished and became surface parking according to aerial photography from 1956.

- Lots 12 through 14 were developed together as a gas station according to aerial photography from 1972 and permit records.

- For the northern portion of the site, PD 67 was established by Ordinance No. 15189, passed by the Dallas City Council on May 24, 1976 and identified lot 15 as a single family use and lot 16 as a vacant lot in Exhibit 67A.

- The southern portion of the site, lots 12 through 16, was later converted to a liquor store in the mid 1990's according to permit records.

- The site was later demolished in 2003 according to permit records and is currently located in the CR Community Retail District.

- A demolition permit was completed for lot 15 in 2013 according to permit records.

- The applicant plans to submit a replat of the five lots after the zoning case is completed.

Zoning History: There has been one recent zoning change in the vicinity within the last five years.

1. **Z134-285:** On December 10, 2014, City Council approved an application for a Planned Development District for CR Community Retail District uses and vehicle display and sales on property zoned a CR Community Retail District.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing Dimension
West Mockingbird Lane	Principal Arterial	Minimum-6 lanes-Divided, 100 feet R.O.W.
Roper Street	Local	50 feet R.O.W.

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* designates the area of request in the Residential Building Block. However, approximately 70% of the site's borders are currently developed with nonresidential development.

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.

Although the site is within a residential building block, the applicant has volunteered to limit activities and development rights at the site and to provide a landscape buffer to the north that is almost four times the width that is required if it were a base nonresidential zoning district. The constraints of the planned development district allow this undeveloped piece of property to become useable and consistent with its surroundings.

Land Use:

	Zoning	Land Use
Site	PD 67 and CR	Undeveloped
North	PD 67	Single family
South	PD 934	Undeveloped
East	CR	Financial institution with drive-in window
West	CR and PD 67	Liquor store, personal service, retail, undeveloped, and single family

Land Use Compatibility:

The land uses surrounding the request site consist of single family to the north, a financial institution with drive-in window to the east, retail uses to the south and west and an undeveloped residential lot and single family to the northwest.

A 37-foot wide enhanced landscape buffer will be provided along the northern property line in order distance and screen the retail store to single family residence to the north. Residential proximity slope also is applied to the property to ensure that vertical development is compatible to the residences to the north and west.

Parking:

The request proposes both drive approaches on property that is currently located in a CR Community Retail District. The placement of these drive approaches and a physically separate alley in the development plan will confine vehicular traffic in the southern portions of the proposed district to encourage traffic to use West Mockingbird Lane.

The request also includes a parking reduction for a motor vehicle fueling station in conjunction with a general merchandise or food store less than 3,500 square feet. The proposed modification to parking requirements decreases the Development Code parking requirements by 2 spaces. Staff supports the requested parking reduction because the conditions allow when these two main uses are used together, they functionally share parking spaces whereas if a motor vehicle fueling station did not have a partnering general merchandise or food store less than 3,500 square feet, the reduction is not be applied.

Landscaping:

The request modifies Article X landscape buffer requirements at the alley to allow a dumpster enclosure and a parking space as shown on the proposed landscape plan. Staff supports this modification as shown on the proposed Landscape Plan.

CPC Action – July 23, 2015

Motion: It was moved to recommend **approval** of a Planned Development District for CR Community Retail District and D Duplex District uses, subject to a revised development plan, revised landscape plan and revised conditions on property zoned a CR Community Retail District and Tract III of Planned Development District No. 67 on the northwest corner of West Mockingbird Lane and Roper Street.

Maker: Emmons
Second: Rodgers
Result: Carried: 11 to 0

For: 11 - Anglin, Emmons, Rodgers, Shidid, Lavallaisaa, Tarpley*, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 3 - Anantasomboon, Bagley, Shellene
Vacancy: 1 - District 4

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 95
Replies: For: 5 Against: 1

Speakers: For: Joyce Lockley, 4718 Wateka Dr., Dallas, TX, 75209
Pat White, 4714 Wildwood Rd., Dallas, TX, 75209
Against: None

CPC Recommended Conditions

"ARTICLE _____.

PD _____.

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 located at the northwest corner of West Mockingbird Lane and Roper Street. The size of PD _____ is approximately 0.68 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 nonresidential zoning district.

SEC. 51P- _____.104. EXHIBITS.

The following exhibits are incorporated into this article:

(1) Exhibit ___A: development plan.

(2) Exhibit ___B: landscape plan.

SEC. 51P- _____.105. DEVELOPMENT PLAN.

Development and use of the Property must comply with the development plan (Exhibit ___A). If there is a conflict between the text of this article and the development plan, the text of this article controls.

SEC. 51P-____.106. MAIN USES PERMITTED.

(a) Tract 1. Except as provided in this subsection, the only main uses permitted are those main uses permitted in the D(A) Duplex District, subject to the same conditions applicable in the D(A) Duplex District, as set out in Chapter 51A. For example, a use permitted in the D(A) Duplex 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 D(A) Duplex District is subject to DIR in this district; etc. The following additional main uses are permitted:

(1) General merchandise or food store 3,500 square feet or less.

(2) Motor vehicle fueling station.

(b) Tract 2. The only main uses permitted are those main uses permitted in the CR Community Retail District, subject to the same conditions applicable in the CR Community Retail District, as set out in Chapter 51A. For example, a use permitted in the CR Community Retail District only by specific use permit (SUP) is permitted in this district only by SUP; a use subject to development impact review (DIR) in the CR Community Retail District is subject to DIR in this district; etc.

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 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) Except as provided in this section, the yard, lot, and space regulations for the Duplex District apply to Tract 1 and CR Community Retail District apply to Tract 2.

(b) Front yard. For a general merchandise or food store 3,500 square feet or less and a motor vehicle fueling station, minimum front yard is 15 feet. Signs, trash receptacles, light standards, and machines that dispense air and water are allowed in the front yard as shown on the development plan.

(b) Side and rear yard.

(1) For a general merchandise or food store 3,500 square feet or less, minimum side yard is 30 feet.

(2) For a motor vehicle fueling station, minimum side yard is 17 feet contiguous to an alley, and 130 feet to a contiguous residential district.

(3) Minimum side yard for dumpster storage areas is 20 feet contiguous to a residential district and no minimum side yard for a dumpster storage area contiguous to an alley.

(c) Height for nonresidential uses in Tract 1.

(i) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height.

(ii) Maximum height. Unless further restricted under Subparagraph (i), maximum structure height is 36 feet.

(d) Lot coverage. For a general merchandise or food store 3,500 square feet or less and a motor vehicle fueling station, maximum lot coverage is 25 percent.

SEC. 51P- ____.109. OFF-STREET PARKING AND LOADING.

(a) Except as provided in this section, consult the use regulations in Divisions 51A-4.200 and 51A-4.300 for the specific off-street parking and loading requirements.

(b) No off-street parking is required for a motor vehicle fueling station when located on the same site as general merchandise or food store 3,500 square feet or less.

(c) Ingress and egress. Except as provided in this section, Section 51A-4.301(a)(13) does not apply.

(1) Ingress and egress must be provided in the location shown on the attached development plan. No other ingress or egress is permitted.

(2) Alley access from the site is prohibited. A minimum physical separation of a six-inch curb is required in the location shown on the attached development plan (Exhibit ____A) to prohibit vehicular access from the site to the alley.

SEC. 51P- ____.111. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-_____.112. LANDSCAPING.

(a) Landscaping must be provided as shown on the landscape plan (Exhibit _____). If there is a conflict between the text of this article and the landscape plan, the text of this article controls.

(b) A minimum eight-foot tall masonry screening fence, in the location shown on the attached development plan (Exhibit ____A), is required.

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

SEC. 51P- ____.113. SIGNS.

(a) Except as provided, signs must comply with the provisions for business zoning districts in Article VII.

(b) Monument signs are the only detached premise signs permitted.

SEC. 51P- ____.114. ADDITIONAL PROVISIONS.

(a) The Property must be properly maintained in a state of good repair and neat appearance.

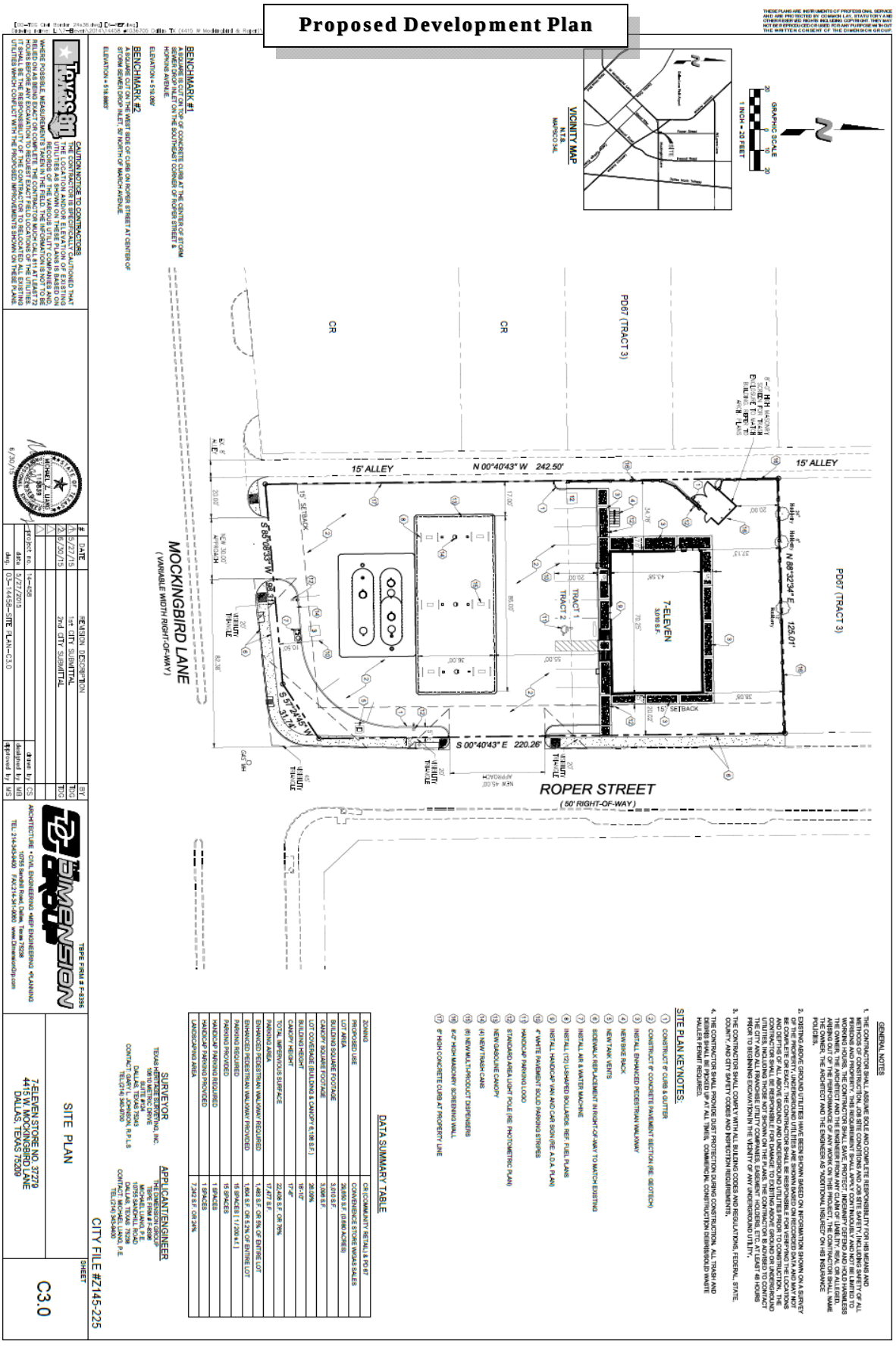
(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

SEC. 51P-_____.115. COMPLIANCE WITH CONDITIONS.

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

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

Proposed Development Plan



THESE PLANS ARE INSTRUMENTS OF PROFESSIONAL SERVICE AND ARE PROTECTED BY COMMON LAW, STATUTORY AND OTHER RESERVED RIGHTS INCLUDING COPYRIGHT. THEY MAY NOT BE REPRODUCED OR USED FOR ANY PURPOSE WITHOUT THE WRITTEN CONSENT OF THE DIMENSION GROUP.

GENERAL NOTES

1. THE CONTRACTOR SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS AND JOB SITE SAFETY, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY. THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS. THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD HARMLESS THE OWNER, THE ARCHITECT AND THE ENGINEER FROM ANY CLAIM OF LIABILITY, REAL OR ALLEGED, ARISING OUT OF THE PERFORMANCE OF ANY WORK ON THIS PROJECT, THE CONTRACTOR SHALL NAME THE OWNER, THE ARCHITECT AND THE ENGINEER AS "ADDITIONAL INSURED" ON HIS INSURANCE POLICIES.
2. EXISTING ABOVE GROUND UTILITIES HAVE BEEN SHOWN BASED ON INFORMATION SHOWN ON A SURVEY BY OTHERS. THE CONTRACTOR SHALL FIELD VERIFY LOCATIONS AND DEPTHS OF ALL ABOVE GROUND AND UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATIONS OF ALL UTILITIES, INCLUDING THOSE NOT SHOWN ON THE PLANS. THE CONTRACTOR IS ADVISED TO CONTACT THE CITY AND ALL FRANCHISE UTILITY COMPANIES, EASEMENT HOLDERS, ETC. AT LEAST 48 HOURS PRIOR TO BEGINNING EXCAVATION IN THE VICINITY OF ANY UNDERGROUND UTILITY.
3. THE CONTRACTOR SHALL COMPLY WITH ALL BUILDING CODES AND REGULATIONS, FEDERAL, STATE, COUNTY, AND CITY SAFETY CODES AND INSPECTION REQUIREMENTS.
4. THE CONTRACTOR SHALL PROVIDE DUST PROTECTION DURING CONSTRUCTION. ALL TRASH AND DEBRIS SHALL BE REMOVED AT ALL TIMES. COMMERCIAL CONSTRUCTION DEBRIS/BULD WASTE HAULER PERMIT REQUIRED.

SITE PLAN KEYNOTES:

1. CONSTRUCT 6" CURB & GUTTER
2. CONSTRUCT 6" CONCRETE PAVEMENT SECTION (RE: GEOTECH)
3. INSTALL ENHANCED PEDESTRIAN WALKWAY
4. NEW BIKE RACK
5. NEW TANK VENTS
6. SIDEWALK REPLACEMENT IN RIGHT-OF-WAY TO MATCH EXISTING
7. INSTALL AIR & WATER MACHINE
8. INSTALL (12) U-SHAPED BOLLARDS. REF: FUEL PLANS
9. INSTALL HANDICAP VAN AND CAR SIGNS(RE A.D.A. PLAN)
10. 4" WHITE PAVEMENT SOLID PARKING STRIPES
11. HANDICAP PARKING LOGO
12. STANDARD AREA LIGHT POLE (RE: PHOTOMETRIC PLAN)
13. NEW GASOLINE CANOPY
14. (4) NEW TRASH CANS
15. (8) NEW MULTI-PRODUCT DISPENSERS
16. 6'-0" HIGH MASONRY SCREENING WALL
17. 6" HIGH CONCRETE CURB AT PROPERTY LINE

DATA SUMMARY TABLE

ZONING	CR COMMUNITY RETAIL & PD 67
PROPOSED USE	CONVENIENCE STORE W/GAS SALES
LOT AREA	26,650 S.F. (0.850 ACRES)
BUILDING SQUARE FOOTAGE	3,010 S.F.
CANOPY SQUARE FOOTAGE	3,088 S.F.
LOT COVERAGE (BUILDING & CANOPY 6,198 S.F.)	26.30%
BUILDING HEIGHT	18'-10"
CANOPY HEIGHT	17'-6"
TOTAL IMPERVIOUS SURFACE	22,408 S.F. OR 78%
PARKING AREA	17,477 S.F.
ENHANCED PEDESTRIAN WALKWAY REQUIRED	1,485 S.F. OR 8% OF ENTIRE LOT
ENHANCED PEDESTRIAN WALKWAY PROVIDED	1,664 S.F. OR 9.2% OF ENTIRE LOT
PARKING REQUIRED	15 SPACES [1 / 200 s.f.]
PARKING PROVIDED	15 SPACES
HANDICAP PARKING REQUIRED	1 SPACES
HANDICAP PARKING PROVIDED	1 SPACES
LANDSCAPING AREA	7,242 S.F. OR 24%

SURVEYOR
TEXAS REGIONAL LAND SURVEYING, INC.
10810 METRIC DRIVE
SUITE #120
DALLAS, TEXAS 75243
CONTACT: GARY L. JOHNSON, R.P.L.S
TEL: (214) 340-4700

APPLICANT/ENGINEER
TRIANGLE ENGINEERING, LLC
TBPE FIRM # F-8396
1000 N. BELT LINE RD.
SUITE #170
IRVING, TEXAS 75061
CONTACT: MICHAEL LIANG, P.E.
TEL: (214) 340-4900

TAPS811 CAUTION NOTICE TO CONTRACTORS
THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND/OR SURFACE EVIDENCE AND, WHERE NO RECORDS EXIST, SHOULD BE CONSIDERED APPROXIMATE. WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL 811 AT LEAST 72 HOURS BEFORE DIGGING TO REQUEST FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THESE PLANS.

#	DATE	REVISION / DESCRIPTION	BY
1	5/27/15	1st CITY SUBMITTAL	TSG
2	6/30/15	2nd CITY SUBMITTAL	TSG
3			
4			
5			

project no. 14-458
date 3/27/2015
dwg no. 01-14458-SITE PLAN-C3.0
drawn by CS
designed by MS
approved by MS

MICHAEL Z. LIANG 106837 LICENSED PROFESSIONAL ENGINEER STATE OF TEXAS
6/30/15

THE DIMENSION GROUP
TBPE FIRM # F-8395
ARCHITECTURE • CIVIL ENGINEERING • MEP ENGINEERING • PLANNING
10755 Sandhill Road, Dallas, Texas 75238
TEL: 214-343-8400 FAX:214-341-9060 www.DimensionGrp.com

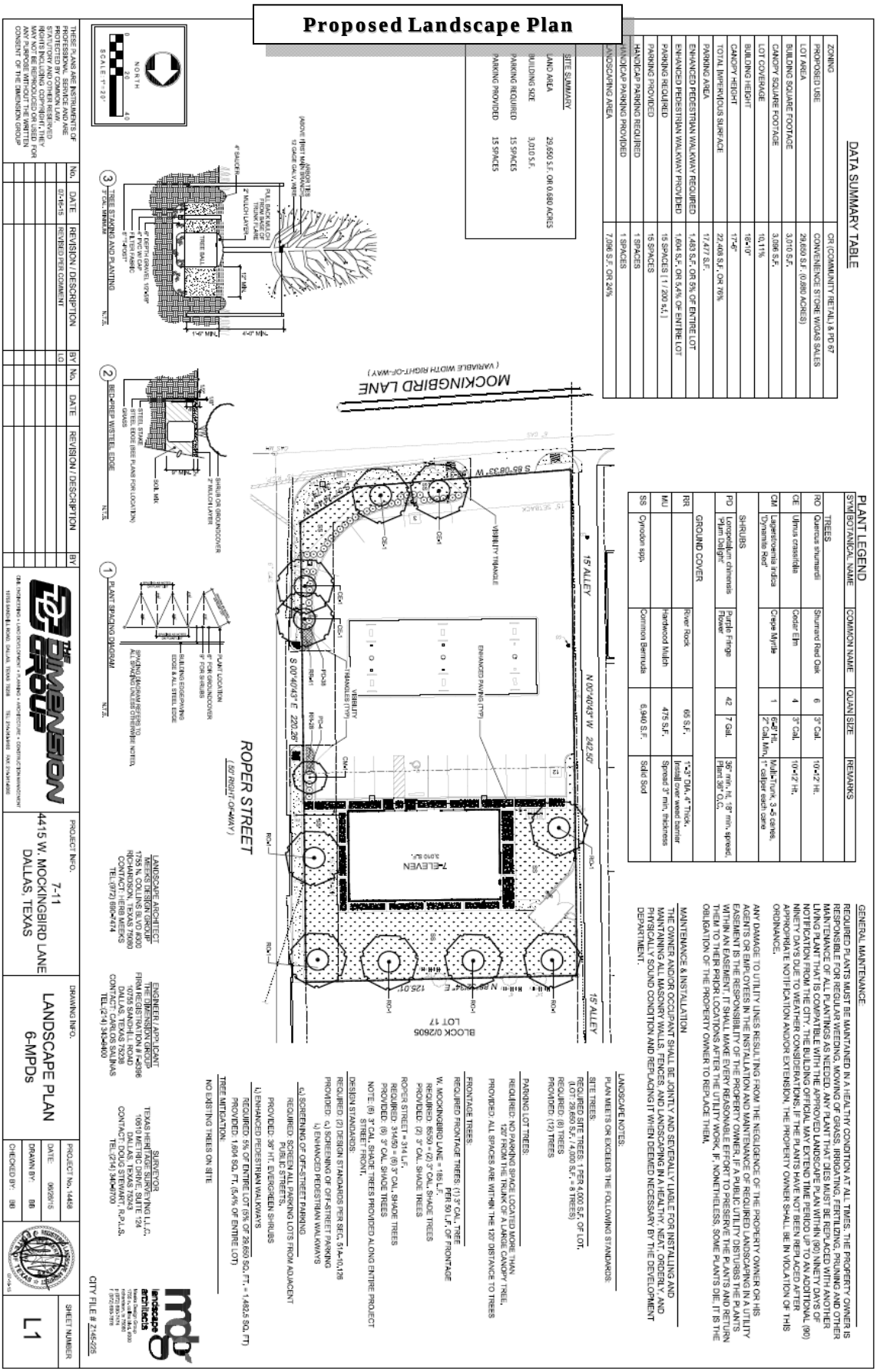
SITE PLAN

7-ELEVEN STORE NO. 37279
4415 W. MOCKINGBIRD LANE
DALLAS, TEXAS 75209

CITY FILE #Z145-225

SHEET
C3.0

Proposed Landscape Plan



THESE PLANS ARE INSTRUMENTS OF PROFESSIONAL SERVICE AND ARE PROTECTED BY COPYRIGHT AND STATUTORY AND OTHER RESERVED RIGHTS INCLUDING COPYRIGHT. THEY MAY NOT BE REPRODUCED OR USED FOR ANY PURPOSE WITHOUT THE EXPRESS CONSENT OF THE DIMENSION GROUP

No.	DATE	REVISION / DESCRIPTION	BY
01-15-15		REVISED PER COMMENT	LG

No.	DATE	REVISION / DESCRIPTION	BY

THE DIMENSION GROUP
DBA: ENGINEERING | LAND DEVELOPMENT | PLANNING | ARCHITECTURE | CONSTRUCTION MANAGEMENT
11910 GARDEN RIDGE, DALLAS, TEXAS 75218 TEL: 214.349.9485 FAX: 214.349.9490

PROJECT INFO.
7-11
4415 W. MOCKINGBIRD LANE
DALLAS, TEXAS

DRAWING INFO.
LANDSCAPE PLAN
6-MPDs

LANDSCAPE ARCHITECT
MEEKS DESIGN GROUP
1755 N. COLLINS BLVD #300
RICHARDSON, TEXAS 75080
CONTACT: HERB MEEKS
TEL: (972) 699-0414

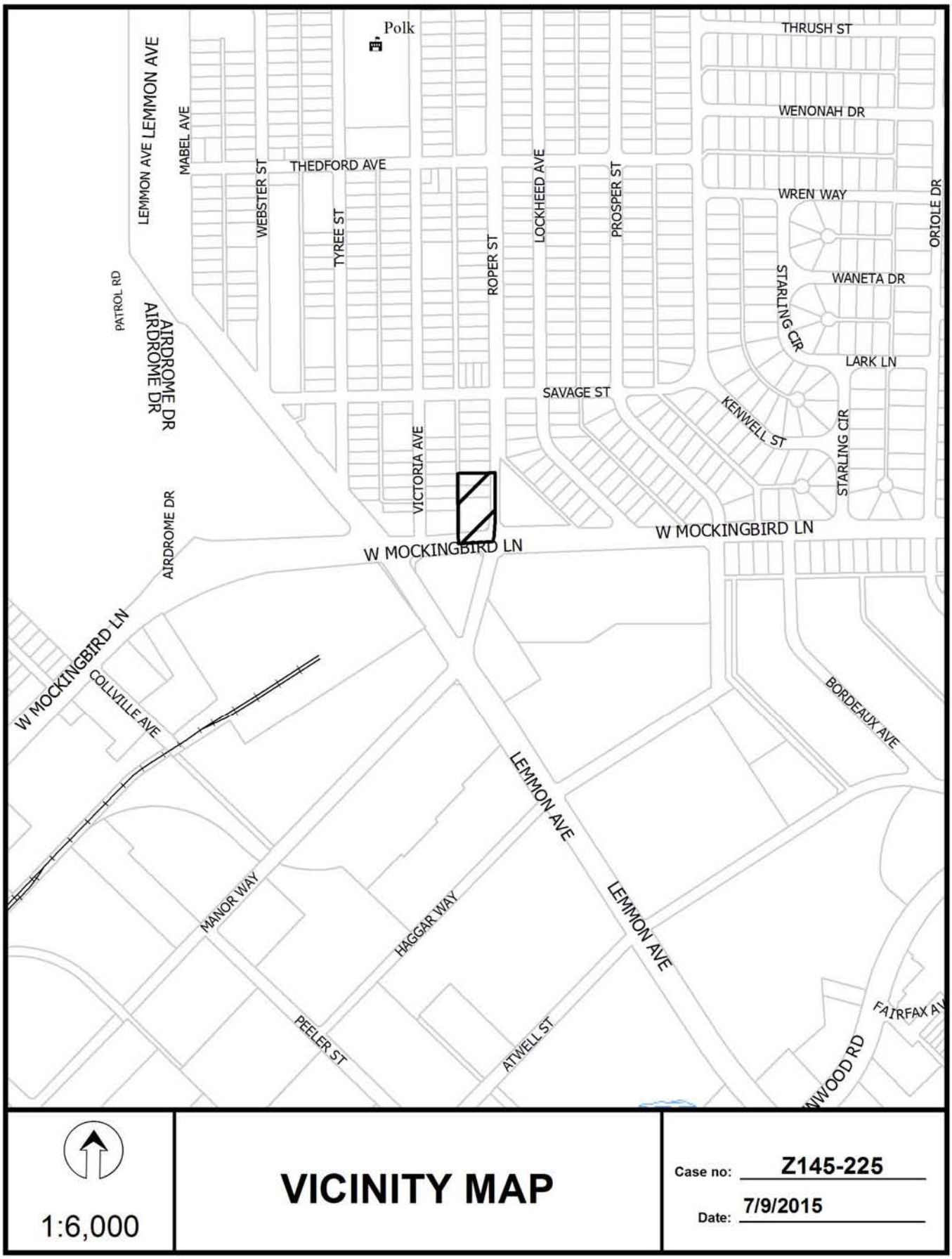
ENGINEER / APPLICANT
THE DIMENSION GROUP
FIRM REGISTRATION # F-9386
10755 SANDHILL ROAD
DALLAS, TEXAS 75238
CONTACT: CARLOS SILVAS
TEL: (214) 343-0400

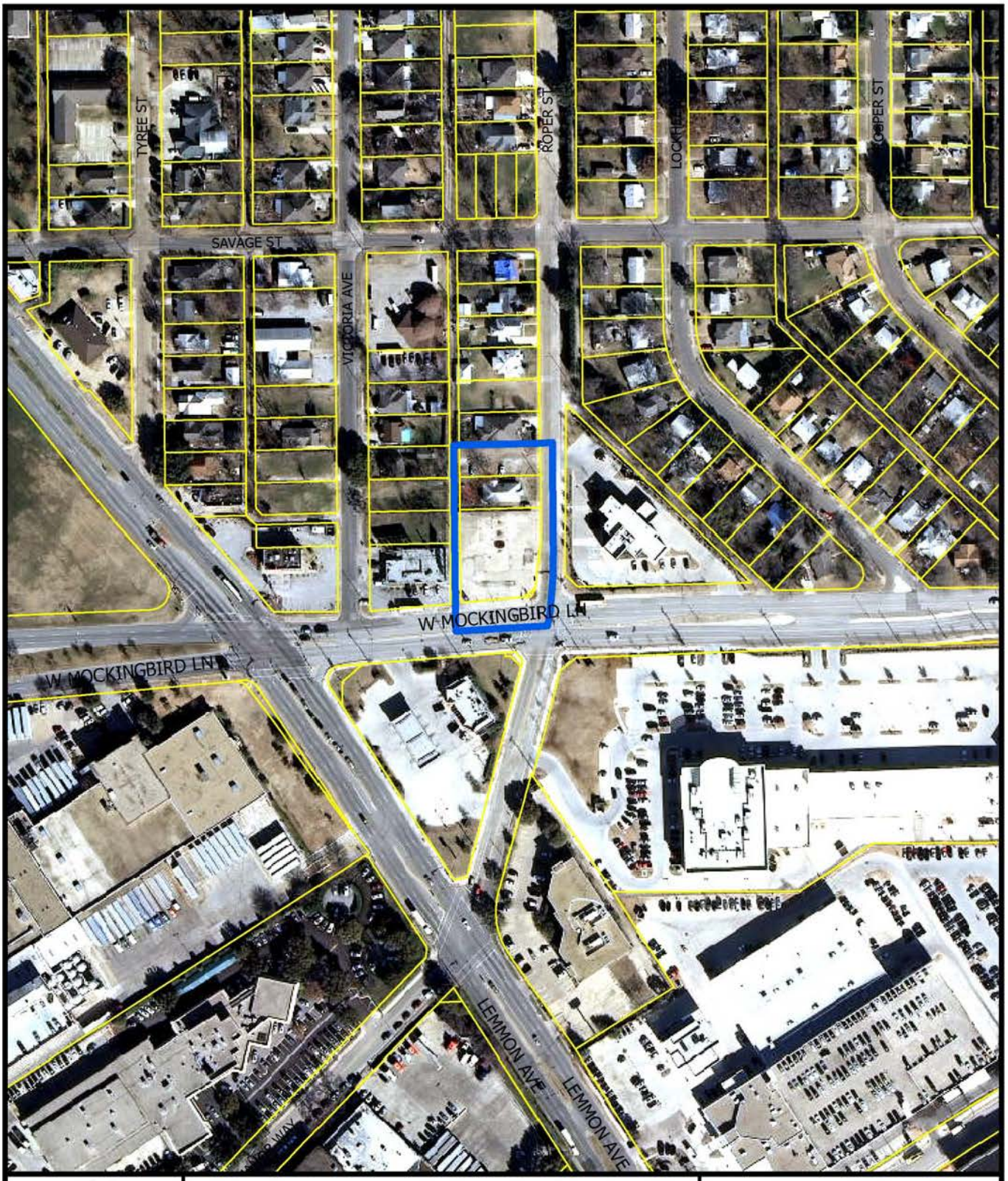
SURVEYOR
TEXAS HERITAGE SURVEYING LLC.
10610 METRIC DRIVE, SUITE 124
DALLAS, TEXAS 75243
CONTACT: DOUG STEWART, R.P.L.S.
TEL: (214) 340-0100

PROJECT No. 14458
DATE: 09/29/15
DRAWN BY: BB
CHECKED BY: DG

SHEET NUMBER
L1

CITY FILE # Z145-225


Polk
THRUSH ST
WENONAH DR
WREN WAY
ORIOLE DR
WANETA DR
STARLING CIR
LARK LN
LEMMON AVE
MABEL AVE
WEBSTER ST
THEDFORD AVE
TYREE ST
ROPER ST
LOCKHEED AVE
PROSPER ST
PATROL RD
AIRDROME DR
SAVAGE ST
KENWELL ST
VICTORIA AVE
W MOCKINGBIRD LN
COLLVILLE AVE
BORDEAUX AVE
LEMMON AVE
MANOR WAY
HAGGAR WAY
PEELER ST
ATWELL ST
FAIRFAX AV
NWOOD RD
1:6,000
VICINITY MAP
Case no: Z145-225
Date: 7/9/2015

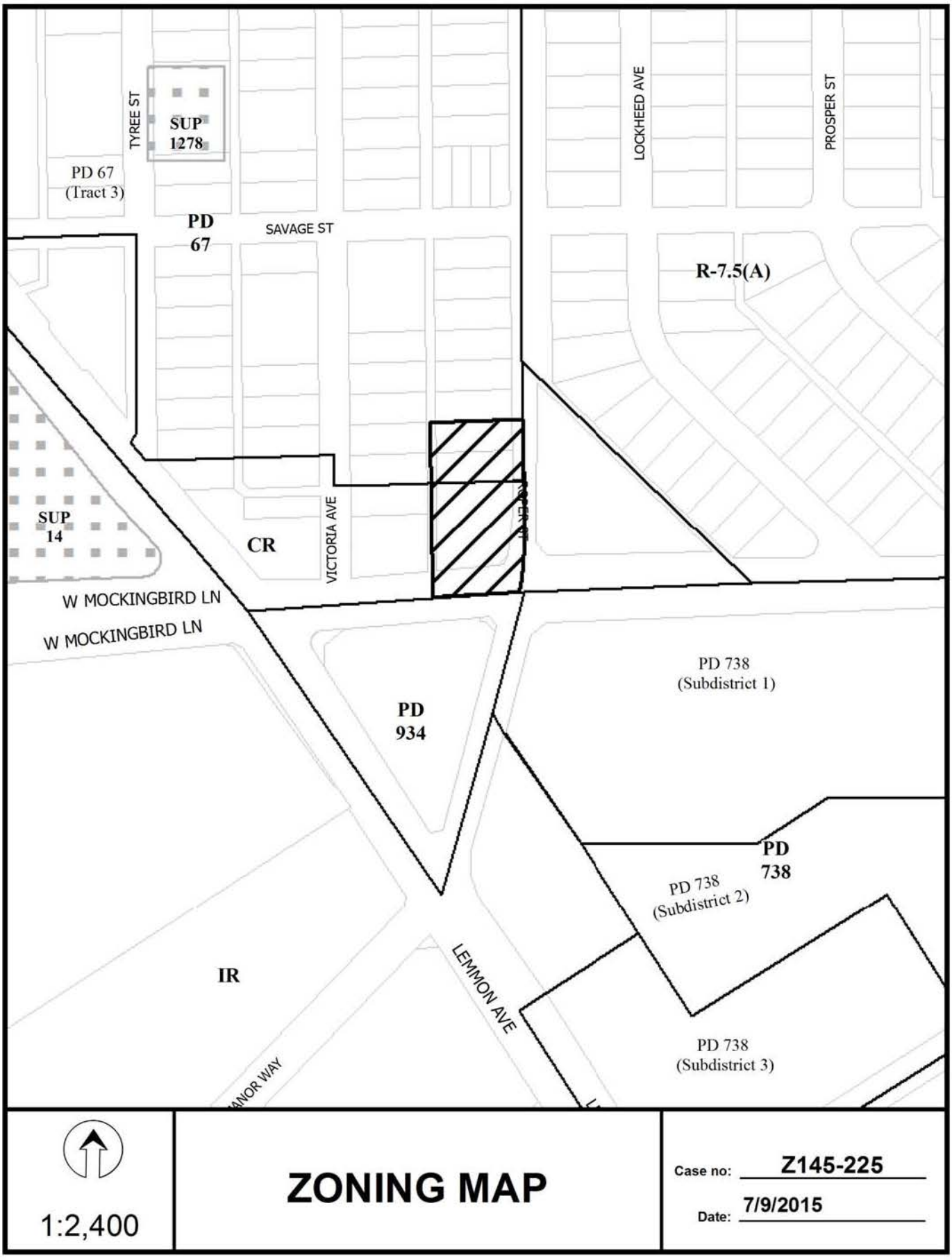


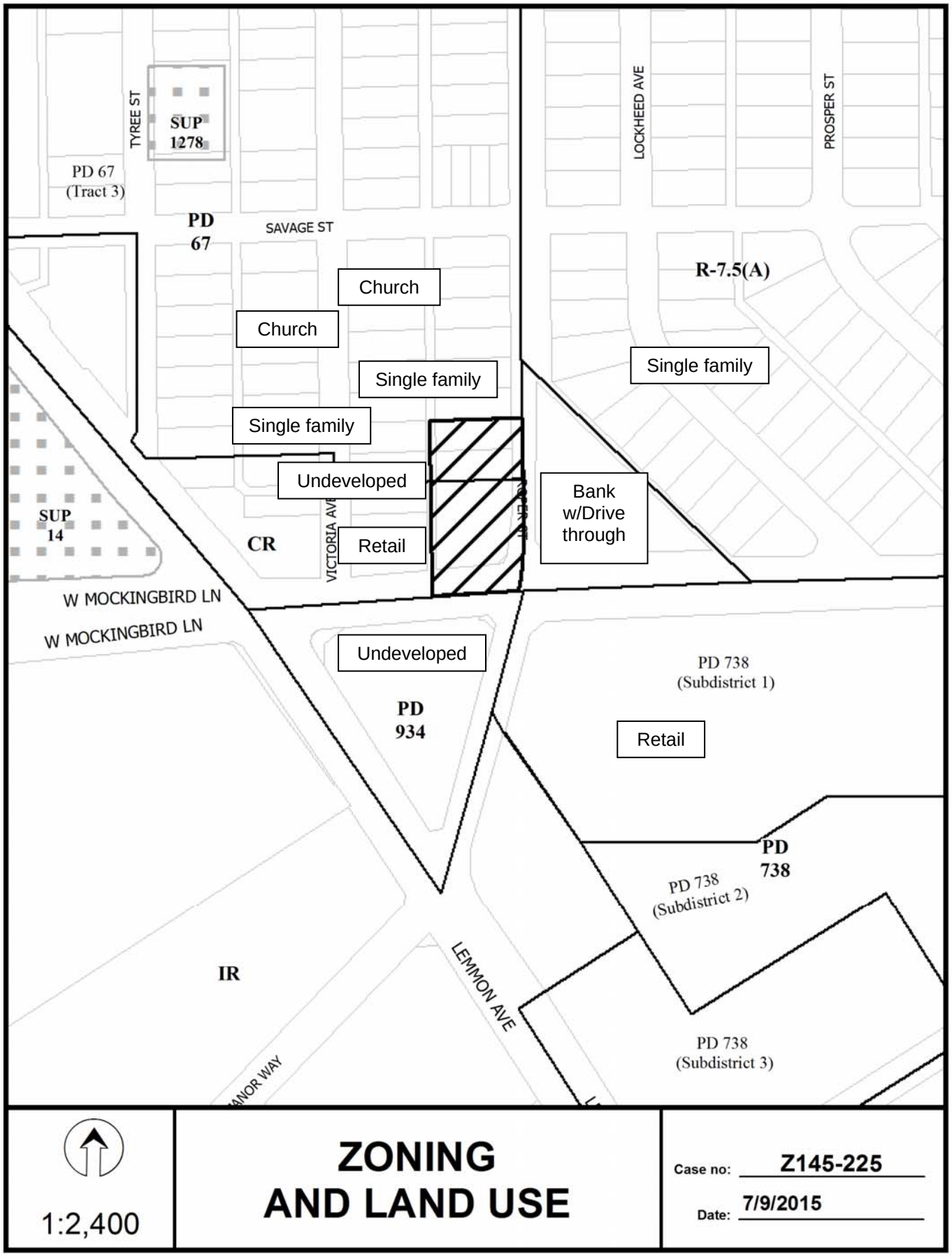
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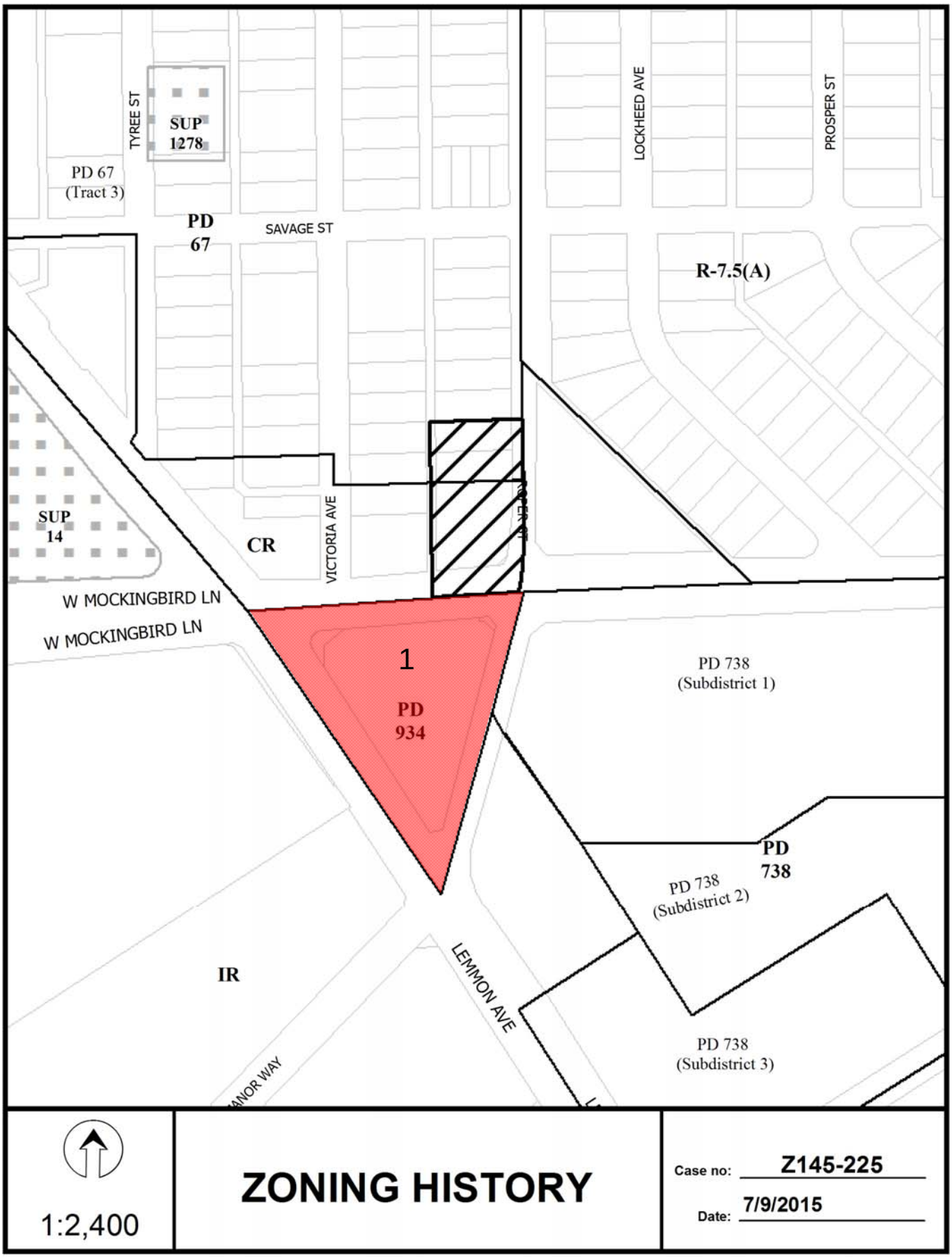
AERIAL MAP

Case no: Z145-225

Date: 7/9/2015


TYREE ST
SUP 1278
PD 67 (Tract 3)
PD 67
SAVAGE ST
LOCKHEED AVE
PROSPER ST
R-7.5(A)
SUP 14
CR
VICTORIA AVE
W MOCKINGBIRD LN
W MOCKINGBIRD LN
PD 934
PD 738 (Subdistrict 1)
PD 738
PD 738 (Subdistrict 2)
IR
LEMMON AVE
PD 738 (Subdistrict 3)
MANOR WAY
1:2,400
ZONING MAP
Case no: Z145-225
Date: 7/9/2015


TYREE ST
SUP 1278
PD 67 (Tract 3)
PD 67
SAVAGE ST
LOCKHEED AVE
PROSPER ST
R-7.5(A)
Church
Church
Single family
Single family
Single family
Undeveloped
Bank w/Drive through
SUP 14
CR
VICTORIA AVE
Retail
W MOCKINGBIRD LN
W MOCKINGBIRD LN
Undeveloped
PD 934
PD 738 (Subdistrict 1)
Retail
PD 738
PD 738 (Subdistrict 2)
IR
LEMMON AVE
PD 738 (Subdistrict 3)
1:2,400
ZONING AND LAND USE
Case no: Z145-225
Date: 7/9/2015


TYREE ST
SUP 1278
PD 67 (Tract 3)
PD 67
SAVAGE ST
LOCKHEED AVE
PROSPER ST
R-7.5(A)
SUP 14
CR
VICTORIA AVE
W MOCKINGBIRD LN
W MOCKINGBIRD LN
1
PD 934
PD 738 (Subdistrict 1)
PD 738
PD 738 (Subdistrict 2)
IR
LEMMON AVE
PD 738 (Subdistrict 3)
1:2,400
ZONING HISTORY
Case no: Z145-225
Date: 7/9/2015

Z145-225(SM)


TYREE ST
SAVAGE ST
VICTORIA AVE
ROPER ST
LOCKHEED AVE
PROSPER ST
MOCKINGBIRD LN
LEMMON AVE
MANOR WAY
HAGGAR WAY
83 - 95
77
76
72
80
78
79
82
81
73
75
74
95 Property Owners Notified (91 parcels)
5 Replies in Favor (7 parcels)
1 Replies in Opposition (1 parcels)
500' Area of Notification
7/23/2015 Date
Z145-225
CPC
N
W
E
S
1:2,400

07/22/2015

Reply List of Property Owners

Z145-225

95 Property Owners Notified 5 Property Owners in Favor 1 Property Owners Opposed

Reply	*Label #*	*Address*		*Owner*
O	1	4415	MOCKINGBIRD LN	MSC 1 LTD
O	2	6515	ROPER ST	MSC I LTD
	3	403	REUNION BLVD	DALLAS AREA RAPID TRANSIT
	4	6602	TYREE ST	BORDERS CAROLYN &
	5	6603	VICTORIA AVE	NGUYEN THANH V & LE THI
	6	6607	VICTORIA AVE	LE DAVID V
	7	6615	VICTORIA AVE	LOVE MAVIS Y
	8	6610	VICTORIA AVE	IBARRA JUSTIN M
	9	6606	VICTORIA AVE	POND TREVOR
	10	6602	VICTORIA AVE	PETTY ANTHONY CHARLES
	11	3713	SAVAGE ST	ZEPEDA JORGE
	12	3717	SAVAGE ST	BROWN RUTH
	13	3715	SAVAGE ST	ROBERTSON FRANK JR ESTATE OF
	14	3719	SAVAGE ST	MIHALOPOULOS TOM
	15	6611	ROPER ST	POST ERMA J
	16	6615	ROPER ST	VELASQUEZ MARIA DELOS A
	17	6532	VICTORIA AVE	GREATER NORTH PARK
	18	6528	VICTORIA AVE	TRAN SANG QUANG
	19	6524	VICTORIA AVE	BONILLA NIDIA M ET AL
	20	6520	VICTORIA AVE	JDAL PROPERTIES INC
	21	6516	VICTORIA AVE	MSC-I LTD
	22	6512	VICTORIA AVE	4407 CORPORATION
	23	6525	ROPER ST	NGUYEN LOC TRONG
	24	6527	ROPER ST	LEWIS LEOLICE
	25	6535	ROPER ST	BROWN JEWELL DEAN LIFE ESTATE
	26	6539	ROPER ST	GUZMAN ANGEL

07/22/2015

Reply	*Label #*	*Address*		*Owner*
	27	6543	ROPER ST	BALTAZAR SILVINA &
	28	6528	TYREE ST	STEWART BEVERLY A
	29	6524	TYREE ST	RODRIGUEZ JOSE ANGEL
	30	6520	TYREE ST	KNOX BENJAMIN
	31	6516	TYREE ST	CABRERA EMMA
	32	6512	TYREE ST	GROGGS TEREICE LANEL
	33	6508	TYREE ST	CABRERA MARIA LUISA
	34	6504	TYREE ST	N & D PREMIER REALTY INC
	35	6511	VICTORIA AVE	CHURCHS FRIED CHICKEN INC
	36	6527	VICTORIA AVE	ESCALANTE MARICRUZ
	37	6529	VICTORIA AVE	WOODEN RHODA EST OF
	38	6533	VICTORIA AVE	GREATER NORTH PARK
	39	6545	VICTORIA AVE	SOLES JEWELL LYNN
	40	6606	LOCKHEED LN	MCCLOUD DELILAH
	41	6602	LOCKHEED LN	MCSHANN OLIVER CARLICE EST OF &
	42	6611	LOCKHEED LN	JC LEASING LLP
O	43	6603	LOCKHEED LN	ALLEN BARBARA JO
	44	6550	LOCKHEED LN	HOGG GLADYS JEAN
	45	6546	LOCKHEED LN	BENSON CLEO HILL LIFE EST
	46	6542	LOCKHEED LN	LATTIMER THELMA L
	47	6536	LOCKHEED LN	GALICIA BOLIVAR SERAFIN &
	48	6528	LOCKHEED LN	RICHARD CLEMON JR
	49	6524	LOCKHEED LN	ABOVO CORPORATION
	50	6520	LOCKHEED LN	ADAMS TAMMY
X	51	6516	LOCKHEED LN	PRICE DOROTHY &
	52	6512	LOCKHEED LN	SANCHEZ JUAN A
	53	6508	LOCKHEED LN	CHRISS LEVI
	54	6547	LOCKHEED LN	REESE PATRICIA
	55	6543	LOCKHEED LN	MORRIS MARY LEE
	56	6539	LOCKHEED LN	LIU JOHN M
	57	6535	LOCKHEED LN	ROBINSON CHARLES L &

07/22/2015

Reply	*Label #*	*Address*		*Owner*
	58	6531	LOCKHEED LN	BERRY MURDINE E
	59	6529	LOCKHEED LN	SCATES LULA M &
	60	6525	LOCKHEED LN	PARKER WILLIAM H
	61	6521	LOCKHEED LN	WB HIRTZ LLC
	62	6517	LOCKHEED LN	BARNES DOROTHY B
	63	6513	LOCKHEED LN	VAZQUEZ ANGEL R & OFELIA H
	64	6509	LOCKHEED LN	VASQUEZ ANGEL R & OFELIA
	65	6505	LOCKHEED LN	VAZQUEZ ANGEL &
	66	6603	PROSPER ST	GRAYSON J B ESTATE OF
	67	6555	PROSPER ST	FOWLER RICKY REDELL
	68	6549	PROSPER ST	IBARRA MARCIAL J &
	69	6545	PROSPER ST	GILFORD Q V ESTATE OF
	70	6541	PROSPER ST	BELL ROSIE MAE
O	71	6540	VICTORIA AVE	PLEASANT RUN /LANCASTER LTD
	72	6410	LEMMON AVE	NWH LAND
	73	4407	MOCKINGBIRD LN	4407 CORPORATION
	74	6522	LEMMON AVE	N & D PREMIER REALTY
	75	6502	LEMMON AVE	CHURCHS FRIED CHICKEN INC
	76	6445	LEMMON AVE	COCA COLA CO THE
	77	6606	LEMMON AVE	FIEDLER LLOYD
	78	6310	LEMMON AVE	LOVE FIELD FINANCIAL
	79	6200	LEMMON AVE	AN LUXURY IMPORTS LTD
	80	4550	MOCKINGBIRD LN	CARLYLE CYPRESS
O	81	4515	MOCKINGBIRD LN	PEGASUS BANK
	82	6421	LEMMON AVE	CALISTO PROPERTY COMPANY
	83	3001	MOCKINGBIRD LN	DALLAS CITY OF
	84	2702	LOVE FIELD DR	SOUTHWEST AIRLINES CO
	85	8020	DENTON DR	JACKS AUTO SUPPLY
	86	7212	CEDAR SPRINGS RD	HERTZ RENT A CAR
	87	7020	CEDAR SPRINGS RD	AVIS RENT A CAR
	88	3407	HAWES AVE	TUCKER BLAKE C

07/22/2015

Reply	*Label #*	*Address*	*Owner*
	89	7555 LEMMON AVE	DALLAS CITY OF
	90	8333 LEMMON AVE	SOUTHWESTERN BELL
	91	8008 CEDAR SPRINGS RD	DALLAS CITY OF
	92	8611 LEMMON AVE	BUSINESS JET CENTER
	93	3250 LOVE FIELD DR	MLT DEVELOPMENT
	94	3232 LOVE FIELD DR	MLT DEVELOPMENT COMPANY
	95	7366 CEDAR SPRINGS	ENTERPRISE HOLDINGS

AGENDA ITEM # 77

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): 8

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 66 S

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a CR Community Retail District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an R-5(A) Single Family District on the north line of Simpson Stuart Road, west of Tracy Road
Recommendation of Staff: Denial
Recommendation of CPC: Approval with deed restrictions volunteered by the applicant
Z145-227(WE)

HONORABLE MAYOR & CITY COUNCIL **TUESDAY, SEPTEMBER 22, 2015**

ACM: Ryan S. Evans

FILE NUMBER: Z145-227(WE) **DATE FILED:** March 30, 2015

LOCATION: North line of Simpson Stuart Road, west of Tracy Road

COUNCIL DISTRICT: 8 **MAPSCO:** 66S

SIZE OF REQUEST: Approx. 12,572 sq. ft. **CENSUS TRACT:** 114.01

APPLICANT / OWNER: Marrise Jones

REPRESENTATIVE: Peter Kavanagh, Zone Systems

REQUEST: An application for a CR Community Retail District with deed restrictions volunteered by the applicant on property zoned an R-5(A) Single Family District.

SUMMARY: The purpose of this request is to allow for the construction and operation of a nursery, garden shop or plant sales on site. Currently, the applicant is operating an illegal contractor's maintenance yard at this location. The applicant has volunteered deed restrictions to restrict the uses to a nursery, gardens shop or plant sales use.

CPC RECOMMENDATION: **Approval** with deed restrictions volunteered by the applicant

STAFF RECOMMENDATION: **Denial**

DESIGNATED ZONING CASE

GUIDING CRITERIA FOR STAFF RECOMMENDATION:

Staff recommends denial based upon:

1. *Performance impacts upon surrounding property* – The proposed CR Community Retail District could have a negative performance impact on the surrounding single family uses. A CR Community Retail District is to provide for "development of community-serving retail, personal service and office uses at a scale and intensity compatible with residential communities. However the location of the zoning district in mid-block of a residential district could negatively impact the existing single family uses. Mitigating the potential odor, or smell of the plant materials and the visual impact the various plant materials on site could impact any future single family development in the area.

2. *Traffic impact* – Given that the proposed zoning district is mid-block of a residential district, commercial traffic could negatively impact the local residential streets.

3. *Comprehensive Plan or Area Plan Conformance* – The proposed request is not in compliance with the *forwardDallas! Comprehensive Plan*. The request site is located within a Residential Building Block.

Zoning History: There have not been recent zoning cases in the area over the past 5 years.

Land Use:

	Zoning	Land Use
Site	R-5(A)	Undeveloped
North	R-5(A)	Single Family
South	R-7.5(A)	Undeveloped
East	R-5(A)	Single Family
West	R-5(A)	Undeveloped

COMPREHENSIVE PLAN: The *forwardDallas! Vision Illustration*, adopted June 2006, is comprised of a series of Building Blocks that depicts general land use patterns. Building Blocks are generalized patterns without well-defined boundaries that indicate where certain types and densities of development might logically occur. The Plan identifies the request site being within a Residential Neighborhood Building Block.

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.

The proposed development does not comply with the characteristics of a residential neighborhood building block. Staff believes that retaining the residential character of the area is more appropriate. Developing the site for retail uses beginning at the mid-block could negatively impact this residential area.

LAND USE:

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

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

Land Use Compatibility: The 12,572 square foot site fronts on a principal arterial [Simpson Stuart Road] and is adjacent to several undeveloped tracts of land and single family uses. The proposed CR Community Retail District will have a negative impact on the surrounding residential uses as a result of the proposed development being located within mid-block of a residential district and the type of uses that are permitted in the CR District. The compatibility of the CR District uses at this location is inappropriate.

The nearest retail district is a CR Community Retail District and is approximately 375.44 west of the site.

The Development Code requires the applicant to provide a minimum 20-foot setback from a residential district as well as screen the outside sales and display areas. The zoning district and proposed land use requested by the applicant is inappropriate because of the location and potential uses that are permitted in the CR District. The Trinity Watershed Department has informed staff that request site has been removed from the floodplain.

On August 6, 2015, the applicant's representative volunteered deed restrictions on the property prohibiting the CR Community Retail District uses except for a nursery, garden shop or plant sales use. On August 20, 2015, the City Plan Commission recommended approval of the applicant's request, subject to deed restrictions volunteered by the applicant.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
R-5(A) - existing Single Family	20'	5'	1 Dwelling Unit/ 5,000 sq. ft.	30'	45%		Single family
CR - proposed Community retail	15'	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office	54' 4 stories	60%	Proximity Slope Visual Intrusion	Retail & personal service, office

Landscaping: Landscaping of any development will be in accordance with Article X, as amended.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Simpson Stuart Road	Principal Arterial	107 ft.	107 ft.

Parking: The off-street parking requirement for a nursery, garden shop or plant sale use is one space per 500 square feet of floor area, plus one space per 2,000 square feet of outside sales and display area.

CPC Action
On July 23 and August 6, 2015, this case was held under advisement.

August 20, 2015

Motion: It was moved to recommend **approval** of a CR Community Retail District with deed restrictions volunteered by the applicant on property zoned an R-5(A) Single Family District on the north line of Simpson Stuart Road, west of Tracy Road.

Maker: Lavallaisaa
Second: Anglin
Result: Carried: 13 to 0

For: 13 - Anglin, Emmons, Rodgers, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy*, Ridley, Abtahi

Against: 0
Absent: 1 - Shidid
Vacancy: 1 - District 4

*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 19
Replies: For: 4 Against: 0

Speakers: For: Peter Kavanagh, 1620 Handley Dr., Dallas, TX, 75208
Against: None

PROPOSED DEED RESTRICTIONS

DEED RESTRICTIONS

THE STATE OF TEXAS)
)
COUNTY OF DALLAS)

KNOW ALL PERSONS BY THESE PRESENTS:

I.

The undersigned, Marrise Jones , ("the Owner"), is the owner of the following described property ("the Property"), being in particular a tract of land out of the Carver Heights No. 2 Addition, being the west half of lot 4 and the east half of lot 5 in City Block 16/6890 , City of Dallas ("City"), Dallas County, Texas, and being that same tract of land conveyed to the Owner by _____ deeds dated December 12, 1991 and December 17, 1998, and recorded in Volume 91241 , Page 2486 and in Volume 98245, Page 314, in the Deed Records of Dallas County, Texas, and being more particularly described as follows:

Being the West one-half of lot four (4), Block Sixteen (16), Carver Heights No. 2 Addition, an addition to the City of Dallas, Texas according to the map thereof recorded in Volume 16, Page 105 of the Map records of Dallas County, Texas

And

Being the East one-half of lot five (5), Block Sixteen (16), Carver Heights No. 2 Addition, an addition to the City of Dallas, Texas according to the map thereof recorded in Volume 16, page 105 of the Map records of Dallas County, Texas.

II.

The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

Use of this property is limited to Nursery, garden shop, or plant sales as this use is defined in Section 51A-4.210 of the Dallas Development Code, as amended.

III.

These restrictions shall continue in full force and effect for a period of 20 years from the date of execution, and shall automatically be extended for additional periods of 10 years unless amended or terminated in the manner specified in this document.

IV.

These restrictions may be amended or terminated as to any portion of the Property, upon application to the City of Dallas by the current owner of that portion of the Property, without the concurrence of the owners of the remaining portion of the Property. These restrictions may be amended or terminated only after a public hearing before the City Plan Commission and a public hearing before and approval by the City Council of the City. Notice of the public hearings must be given as would be required by law for a zoning change on the Property. The amending or terminating instrument must be approved as to form by the city attorney. If the City Council approves an amendment or termination of these restrictions, the Owner must then file the amending or terminating instrument in the Deed Records of the county or counties where the Property is located at his or her sole cost and expense before the amendment or termination becomes effective.

V.

These restrictions are not intended to restrict the right of the City Council of the City to exercise its legislative duties and powers insofar as zoning of the Property is concerned.

VI.

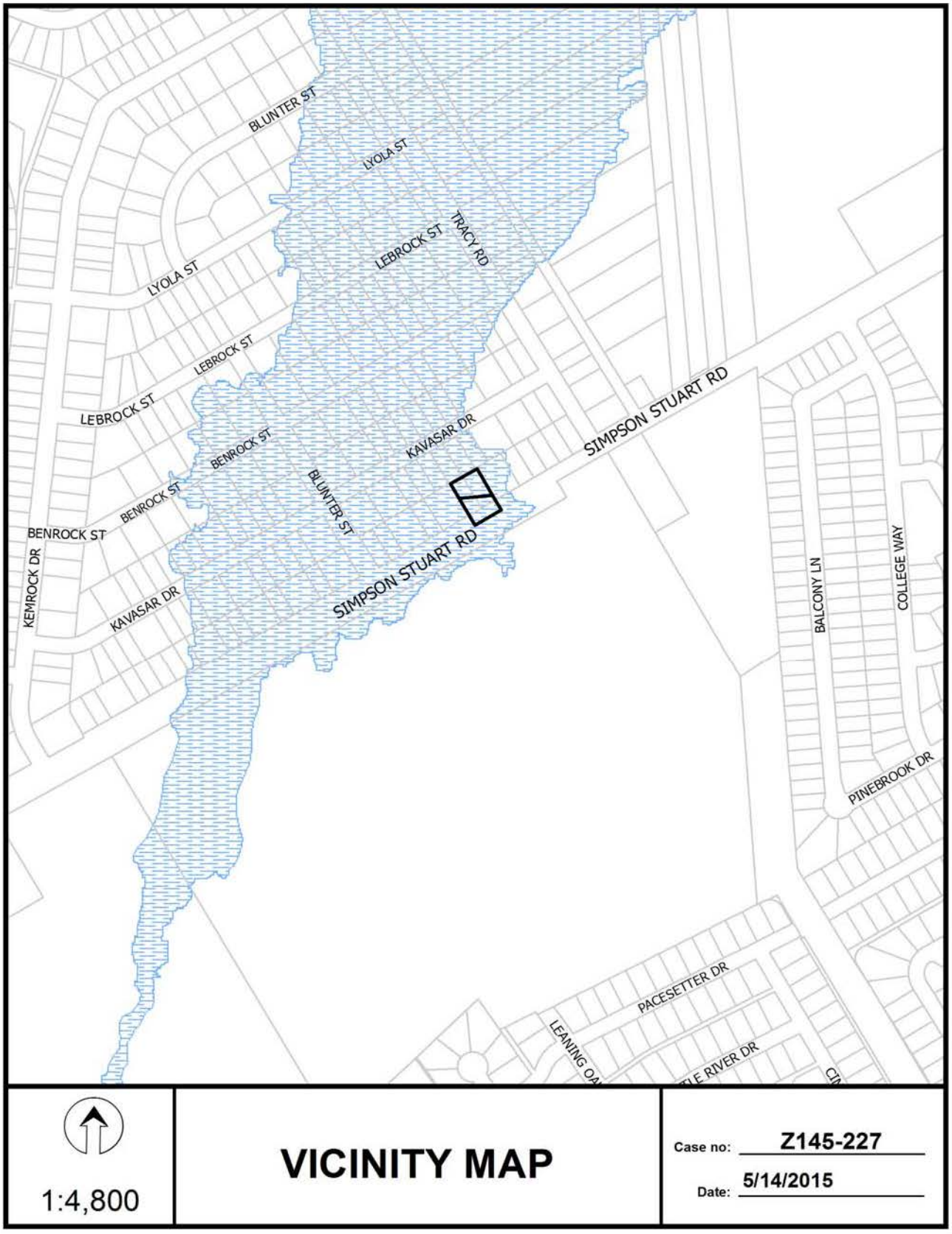
The Owner agrees that these restrictions inure to the benefit of the City. The Owner hereby grants the City the right to enforce these restrictions by any lawful means, including filing an action in a court of competent jurisdiction, at law or in equity, against the person violating or attempting to violate these restrictions, either to prevent the violation or to require its correction. If the City substantially prevails in a legal proceeding to enforce these restrictions, the Owner agrees that the City shall be entitled to recover damages, reasonable attorney's fees, and court costs. For further remedy, the Owner agrees that the City may withhold any certificate of occupancy or final inspection necessary for the lawful use of the Property until these restrictions are complied with. The right of the City to enforce these restrictions shall not be waived, expressly or otherwise.

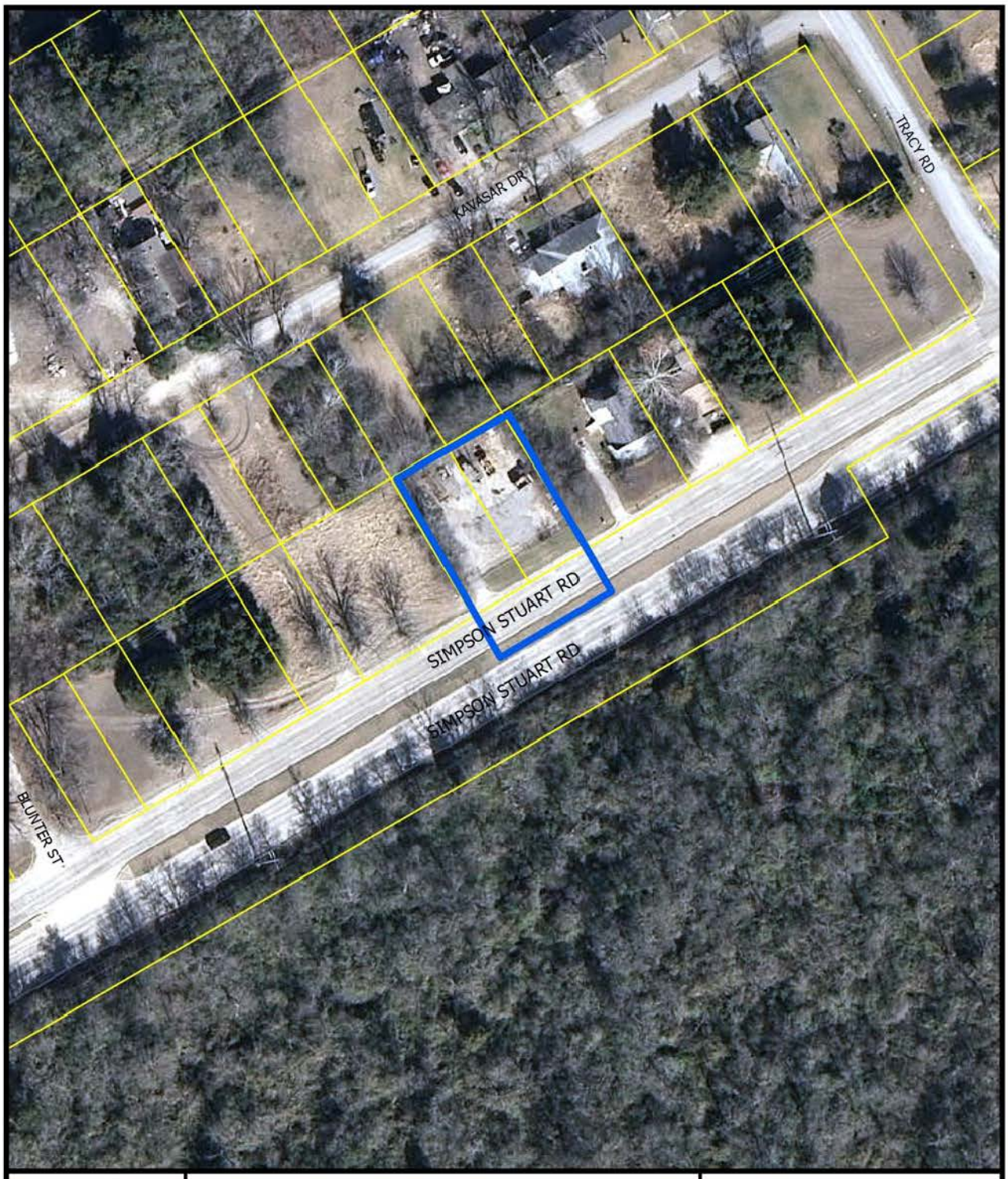
VII.

The Owner agrees to defend, indemnify, and hold harmless the City from and against all claims or liabilities arising out of or in connection with the provisions of this document.

VIII.

The provisions of this document are hereby declared covenants running with the land and are fully binding on all successors, heirs, and assigns of the Owner who acquire any right, title, or interest in or to the Property, or any part thereof. Any person who acquires any right, title, or interest in or to the Property, or any part thereof, thereby agrees and covenants to abide by and fully perform the provisions of this document.


BLUNTER ST
LYOLA ST
LEBROCK ST
TRACY RD
LYOLA ST
LEBROCK ST
LEBROCK ST
BENROCK ST
BENROCK ST
BENROCK ST
KAVASAR DR
SIMPSON STUART RD
BLUNTER ST
SIMPSON STUART RD
KEMROCK DR
KAVASAR DR
BALCONY LN
COLLEGE WAY
PINEBROOK DR
PACESETTER DR
LEANING OA
E RIVER DR
1:4,800
VICINITY MAP
Case no: Z145-227
Date: 5/14/2015

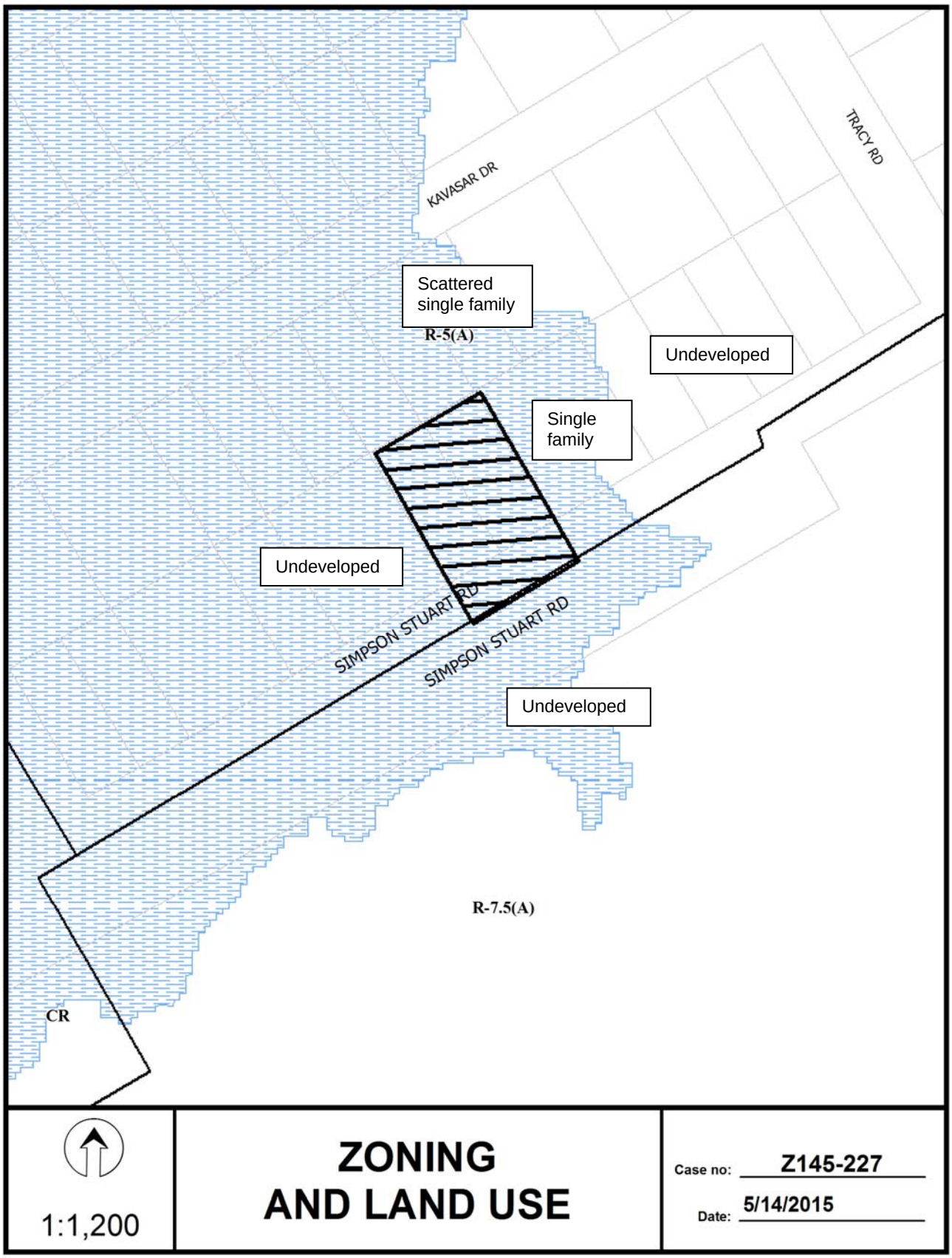


1:1,200

AERIAL MAP

Case no: Z145-227

Date: 5/14/2015


KAVASAR DR
TRACY RD
Scattered single family
R-5(A)
Undeveloped
Single family
Undeveloped
SIMPSON STUART RD
SIMPSON STUART RD
Undeveloped
R-7.5(A)
CR
1:1,200
ZONING AND LAND USE
Case no: Z145-227
Date: 5/14/2015

CPC RESPONSES



19	Property Owners Notified (25 parcels)
4	Replies in Favor (4 parcels)
0	Replies in Opposition (0 parcels)
200'	Area of Notification
8/20/2015 Date	8/6/2015 Under Advisement

Z145-227
CPC

1:1,200

Notification List of Property Owners

Z145-227

19 Property Owners Notified 4 Property Owners in Favor 0 Property Owners Opposed

Reply	*Label #*		*Address*	*Owner*
O	1	2943	SIMPSON STUART RD	HUERTA XAVIER &
O	2	2935	SIMPSON STUART RD	JONES MARRISE
O	3	2930	SIMPSON STUART RD	JONES MARRISE
	4	2700	SIMPSON STUART RD	PRA SIMPSON STUART
	5	2951	SIMPSON STUART RD	BAUTISTA JUAN & LETICIA
	6	2955	SIMPSON STUART RD	WAGONER ARTENZIE
O	7	2947	SIMPSON STUART RD	STINSON KYRA
	8	2923	SIMPSON STUART RD	ANTIOCH MISSIONARY
	9	2919	SIMPSON STUART RD	WEBBER DONALD R
	10	2915	SIMPSON STUART RD	HUBBARD SAMMIE L JR
	11	2922	KAVASAR DR	MEYERS MELVIN
	12	2918	KAVASAR DR	JORDAN WILLEN
	13	2936	KAVASAR DR	JORDAN EDWARD
	14	2934	KAVASAR DR	SAMPLE J C ESTATE
	15	2940	KAVASAR DR	TANNER RICHARD L
	16	2946	KAVASAR DR	GALLOWAY DANIEL LIFE EST
	17	2947	KAVASAR DR	THAMES JOE
	18	2935	KAVASAR DR	WILEY BERNICE TANNER
	19	2931	KAVASAR DR	RODRIGUEZ GABRIEL L &

AGENDA ITEM # 78

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): 6

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 23 V

SUBJECT

A public hearing to receive comments regarding an application for a Planned Development District for LO-1 uses and a mortuary, funeral home, or commercial wedding chapel use on property zoned an R-7.5(A) Single Family District and an LO-1 Limited Office District with a D Overlay, on the northeast line of Webb Chapel Road and on the west line of Larga Drive, east of Webb Chapel Extension
Recommendation of Staff: Approval, subject to a development plan, landscape plan and conditions
Recommendation of CPC: Denial without prejudice
Z145-264(SM)

HONORABLE MAYOR & CITY COUNCIL **TUESDAY, SEPTEMBER 22, 2015**

ACM: Ryan S. Evans

FILE NUMBER: Z145-264(SM) **DATE FILED:** May 14, 2015

LOCATION: Northeast line of Webb Chapel Road and on the west line of Larga Drive, east of Webb Chapel Extension

COUNCIL DISTRICT: 6 **MAPSCO:** 23V

SIZE OF REQUEST: Approx. 2.19 acres **CENSUS TRACT:** 98.02

APPLICANT / OWNER: DeWayne D. Hughes

REPRESENTATIVE: Maxwell J. Fisher, Masterplan Consultants

REQUEST: An application for a Planned Development District for LO-1 uses and a mortuary, funeral home, or commercial wedding chapel use on property zoned an R-7.5(A) Single Family District and an LO-1 Limited Office District with a D Overlay.

SUMMARY: The applicant proposes to enlarge the existing funeral home and extend the parking area to Larga Drive and is requesting a decrease in parking requirements and modifications to landscaping requirements.

CPC RECOMMENDATION: **Denial without prejudice**.

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

DESIGNATED ZONING CASE

GUIDING CRITERIA FOR RECOMMENDATION:

Staff recommendation for approval is based upon:

1. *Performance impacts upon surrounding property* – This request proposes to enlarge an existing use and to expand the surface parking to two adjacent residential lots. The proposed request requires an enlarged residential landscape buffer and a 125-foot setback from Larga Drive, the area that is currently residential, in order to prohibit vertical development. Therefore the impacts on surrounding properties are lessened.

2. *Traffic impact* – The request has controls to direct daily traffic to and from Webb Chapel Road and to prohibit additional traffic on Larga Drive.

3. *Comprehensive Plan or Area Plan Conformance* – The request area is located in the Urban Neighborhood Building Block. The proposed zoning is consistent with this building block.

4. *Justification for PD Planned Development District Zoning as opposed to a straight zoning district* – The site has an existing overhead utility transmission easement ranging from 50 to 100 feet in width that generally bisects the property. The location of this existing easement and the existing building along with its proximity to a cemetery make for a unique relationship that functions well, but is not supported by the Dallas Development Code. A planned development district allows specialized conditions to control the impacts the proposed development has on surrounding properties but also grants modifications to Article X landscaping requirements and parking requirements to accommodate the constraints of the large overhead utility easement.

BACKGROUND INFORMATION:

- The lots 3 and 4 of Block 7/6144 were filed in the County of Dallas in September 1946, annexed in December 1947. The lots were then constructed as two single family homes in 1950 according to Dallas Central Appraisal District records.

- Lot 2A of Block 7/6144 was filed in May of 1972 and was constructed as a funeral home in 1972 according to Dallas Central Appraisal District records.

- The site is currently under review for the alley abandonment that divides the funeral home from the single family homes.

Zoning History: There has been one recent zoning change in the vicinity within the last five years.

1. **Z101-185:** On September 26, 2011, City Council approved a CR Community Retail District with deed restrictions volunteered by the applicant on property zoned an LO-1 Limited Office District with the D Liquor Control Overlay.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing Dimension
Webb Chapel Road	Community Collector	Standard-4 lanes-Divided, 80 feet R.O.W.
Larga Drive	Local	50 feet R.O.W.

Comprehensive Plan: The *forwardDallas! Comprehensive Plan* designates the area of request located in an Urban Neighborhood Building Block.

This Building Block should encourage the redevelopment of aging auto-oriented single family neighborhoods. These areas offer dense mixed use and then transition to multi-family and single family housing at the edge. These corridors should diminish quickly in scale, density, and intensity away from the corridor, respecting existing single family neighborhoods while maintaining a strong focus on transit-orientation and access.

Land Use:

	Zoning	Land Use
Site	LO-1 and R-7.5(A)	Mortuary, funeral home, or commercial wedding chapel and single family
North	R-7.5(A)	Cemetery and single family
South	NS(A)	Retail and personal service
East	SUP 528, MF-2(A), and R-7.5(A)	Child care facility, multifamily and single family
West	CR	Personal service and retail

Land Use Compatibility:

The land uses surrounding the request site consist of a cemetery and single family to the north, a home that was converted into a child care facility and additional single family to the east, and retail uses to the south and west.

An enhanced landscape buffer will be provided along Larga Drive to screen parking to the residential street and limit vehicular access to the street to emergency vehicles. In addition, a large setback will prohibit vertical development. These conditions are aimed

to protect the residential character of Larga Drive while allowing emergency access and adequate parking areas for the proposed expansion of the funeral home.

Parking: The request includes a parking reduction for a mortuary, funeral home, or wedding chapel. The proposed development seeks to enlarge areas for reception, body preparation, and a family visitation room, but to keep the existing chapel size unchanged. The proposed modification to parking requirements decreases the Development Code parking requirements by 7 spaces. The proposed parking analysis is as follows:

	Development Code			Proposed	
Factor	Ratio	Required		Ratio	Required
250 seats in chapel	1 per 2 seats	125		1 per 2 seats	125
13,500 SF excluding the chapel	1 per 500 SF	27		1 per 675 SF	20
	Total	152		Total	145

The development plan shows 145 standard-width parking spaces provided on site, therefore providing seven less spaces than the Development Code requires. It is possible to squeeze in these seven spaces with compact car parking spaces, however, staff believes parking is better facilitated with standard-width parking stalls than over a quarter of the parking lot with compact stalls and the majority of vehicles double park.

Staff supports the requested parking reduction due to the unique factors of the overhead utility easement and placement of the existing building.

Landscaping: The request generally complies with Article X of the landscaping regulations with an enlarged landscape buffer adjacent to residential properties, requiring evergreen hedges to Larga Drive, and allowances for the existing overhead utility easement which prohibits plantings underneath. An alley hammerhead turnaround encroaches into the residential landscape buffer. Also, due to the overhead utility easement, street trees and parking lot trees are not provided in accordance with the code.

CPC Action
On July 9 and 23, 2015, this item was held under advisement.

August 6, 2015

Motion: It was moved to recommend **denial without prejudice** of a Planned Development District for LO-1 uses and a mortuary, funeral home, or commercial wedding chapel use on property zoned an R-7.5(A) Single Family District and an LO-1 Limited Office District with a D Overlay, on the northeast line of Webb Chapel Road and on the west line of Larga Drive, east of Webb Chapel Extension.

Maker: Anantasomboon
Second: Schultz
Result: Carried: 13 to 0

For: 13 - Anglin, Emmons, Shidid, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 1 - Rodgers
Vacancy: 1 - District 4

Notices: Area: 500 Mailed: 65
Replies: For: 2 Against: 1

Speakers: For: Maxwell Fisher, 900 Jackson St., Dallas, TX, 75202
Against: Rhonda Montee, 9718 Webb Chapel Rd., Dallas, TX, 75220
Against (Did not speak): Megan C. Wilson, 9718 Webb Chapel Rd., Dallas, TX, 75220
James Montee, 9718 Webb Chapel Rd., Dallas, TX, 75220

"ARTICLE _____.

PD _____.

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 located at the east line of Webb Chapel Road and at the west line of Larga Drive, north of Bolivar Drive. The size of PD _____ is approximately _____ 2.19 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 nonresidential zoning district.

SEC. 51P- _____.104. EXHIBITS.

The following exhibits are incorporated into this article:

(1) Exhibit ___A: development plan.

(2) Exhibit ___B: landscape plan.

SEC. 51P- _____.105. DEVELOPMENT PLAN.

Development and use of the Property must comply with the development plan (Exhibit ___A). If there is a conflict between the text of this article and the development plan, the text of this article controls.

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 LO-1 Office District, subject to the same conditions applicable in the LO-1 Office District, as set out in Chapter 51A. For example, a use permitted in the LO-1 Office 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 LO-1 Office District is subject to DIR in this district; etc.

(b) The following additional main uses are permitted:

-- Mortuary, funeral home, or commercial wedding chapel.

SEC. 51P-____.107. ACCESSORY USES.

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

(b) The following accessory use is permitted:

-- Accessory pathological waste incinerator in conjunction with a mortuary or funeral home.

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) Front yard.

(1) Except as provided in this subsection, minimum front yard is 15 feet.

(2) For Larga Drive, minimum front yard is 125 feet.

(b) Side and rear yard. :

(1) Except as provided in this subsection, no minimum side and rear yard is required.

(2) Minimum side and rear yard is 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and

(3) Garbage storage areas adjacent to a cemetery or mausoleum may be located in required side and rear yards.

(c) Density. No maximum dwelling unit density.

(d) Floor area ratio. Maximum floor area ratio is:

(i) 0.5 for any combination of lodging, office, and retail and personal service uses; and

(ii) 0.75 for all uses combined.

(e) Height. Except as provided in this subsection, maximum structure height is 30 feet.

(1) For buildings with a gable, hip, or gambrel roof maximum structure height is 35 feet.

(2) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum structure height. A cemetery or mausoleum is not private property for purposes of Section 51A-4.412.

(f) Lot coverage. Maximum lot coverage is 40 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(g) Lot size. No minimum lot size.

(h) Stories. Maximum number of stories above grade is two.

SEC. 51P- ____.109. OFF-STREET PARKING AND LOADING.

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

(b) Ingress and egress on Larga Drive must be as shown on the development plan (Exhibit ___A). The gated entry must be secured with a Knox-Box

that is approved by the Dallas Fire Department and must remain closed except to provide access to emergency vehicles, equipment, and personnel.

(c) One space per 675 square feet of floor area excluding the chapel.

(d) No bicycle parking is required.

(e) Loading spaces are not required.

SEC. 51P- ____.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-_____.111. LANDSCAPING.

(a) Except as provided in this section, landscaping must be provided as shown on the landscape plan (Exhibit _____B). If there is a conflict between the text of this article and the landscape plan, the text of this article controls.

(b) New development must comply with Article X.

(c) Parking lot tree requirements are not applicable in utility transmission corridor easements.

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

SEC. 51P- ____.112. SIGNS.

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

SEC. 51P- ____.113. ADDITIONAL PROVISIONS.

(a) The Property must be properly maintained in a state of good repair and neat appearance.

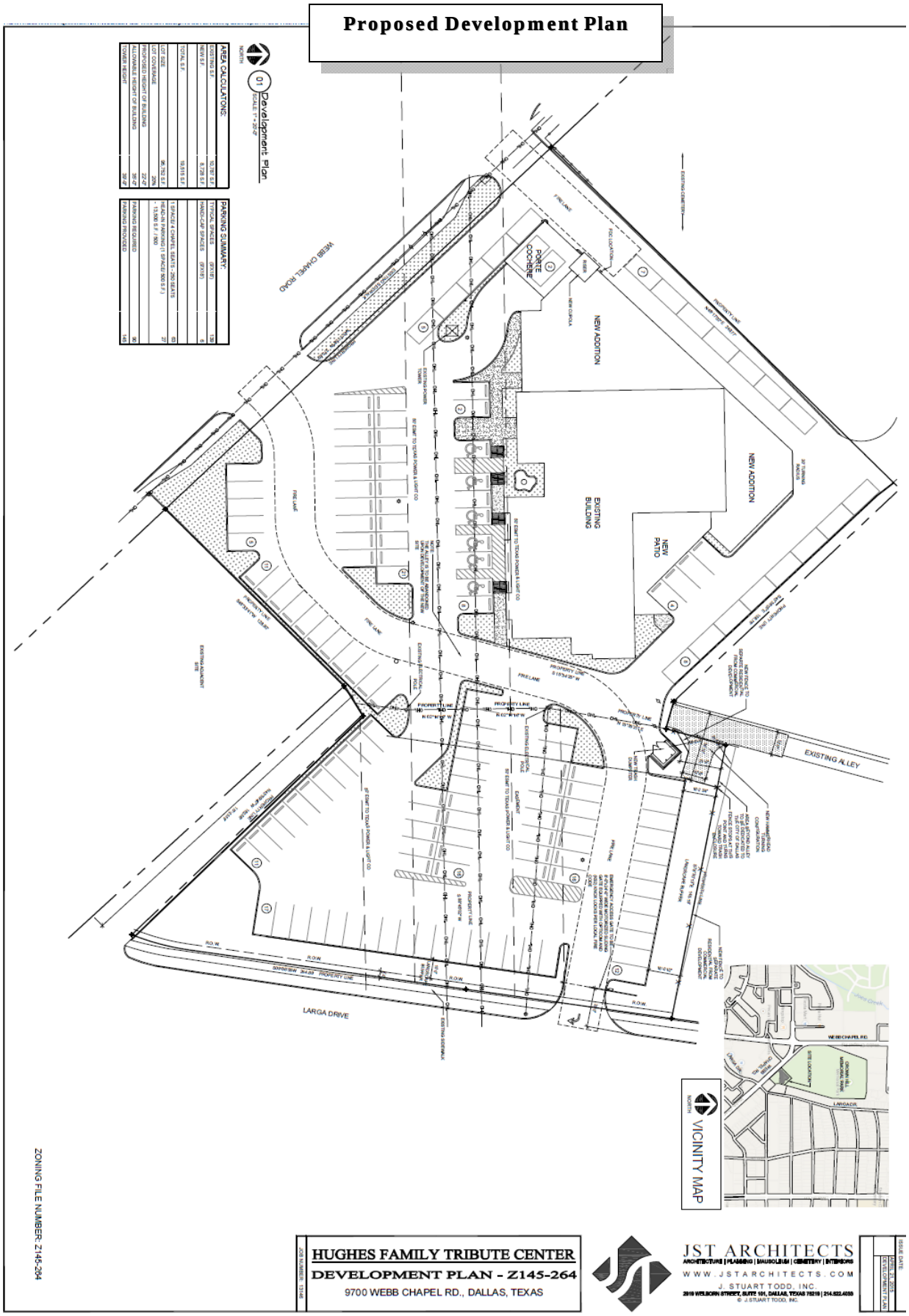
(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

SEC. 51P-_____.114. COMPLIANCE WITH CONDITIONS.

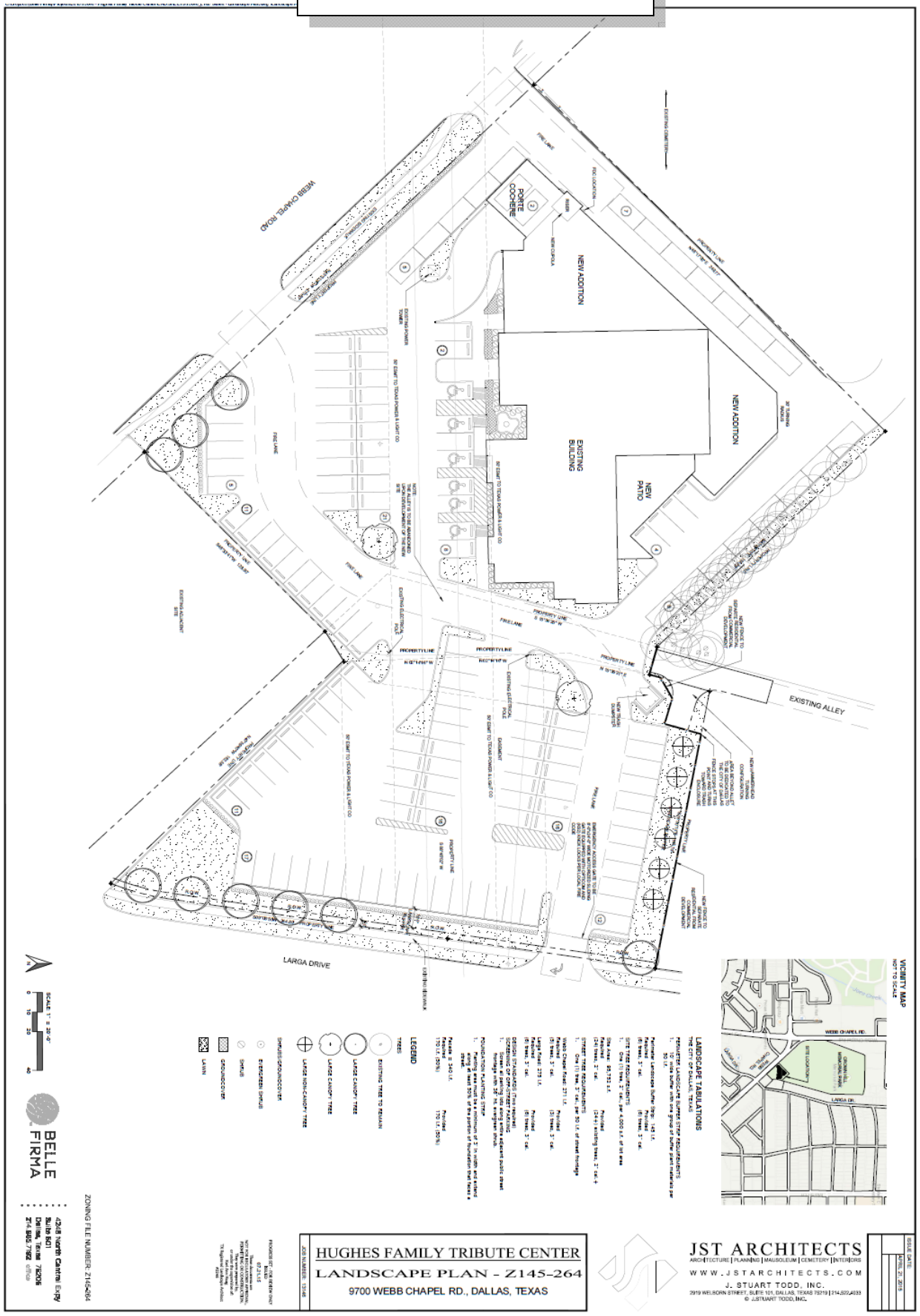
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city.

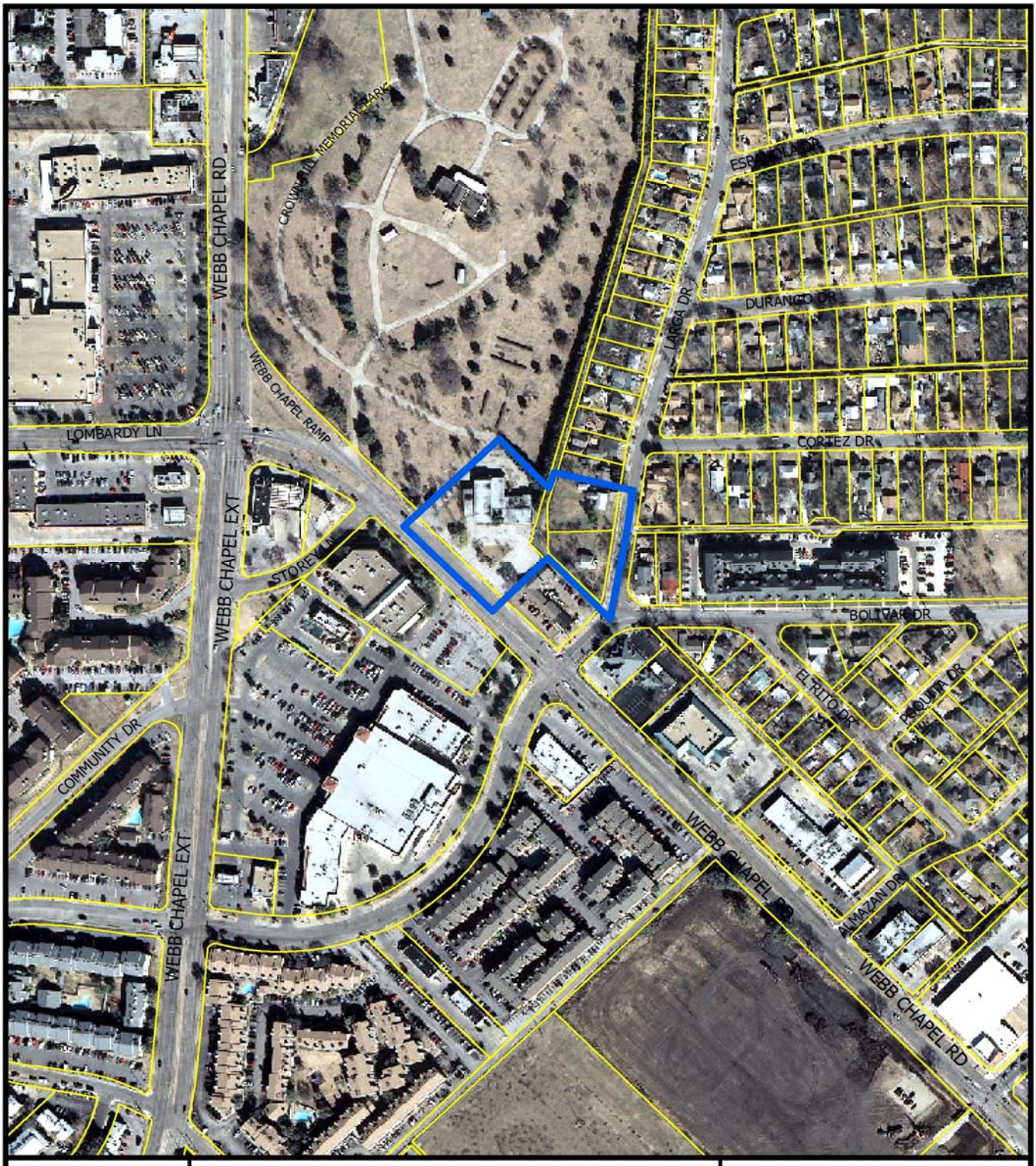
(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations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

Proposed Development Plan



Proposed Landscape Plan



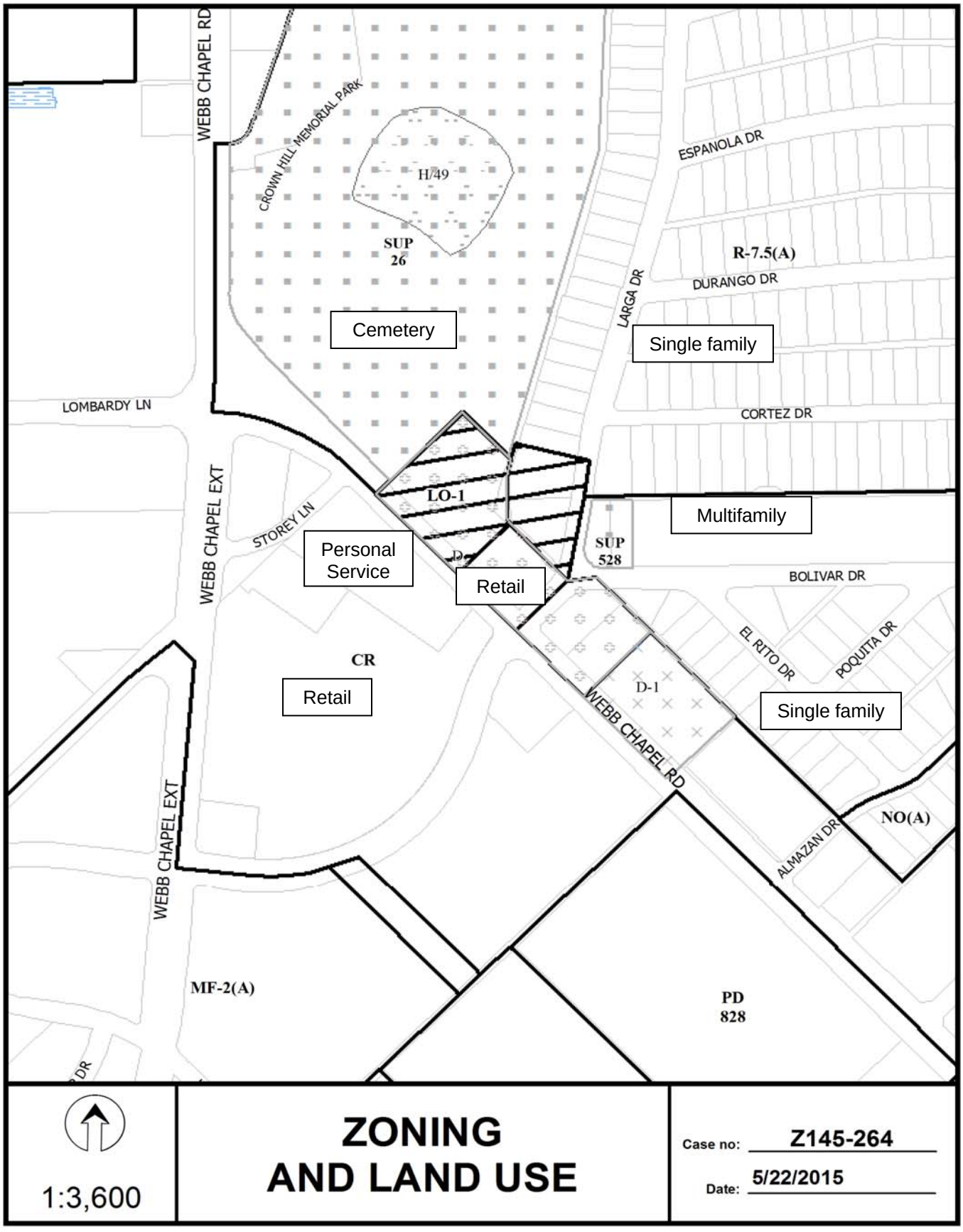


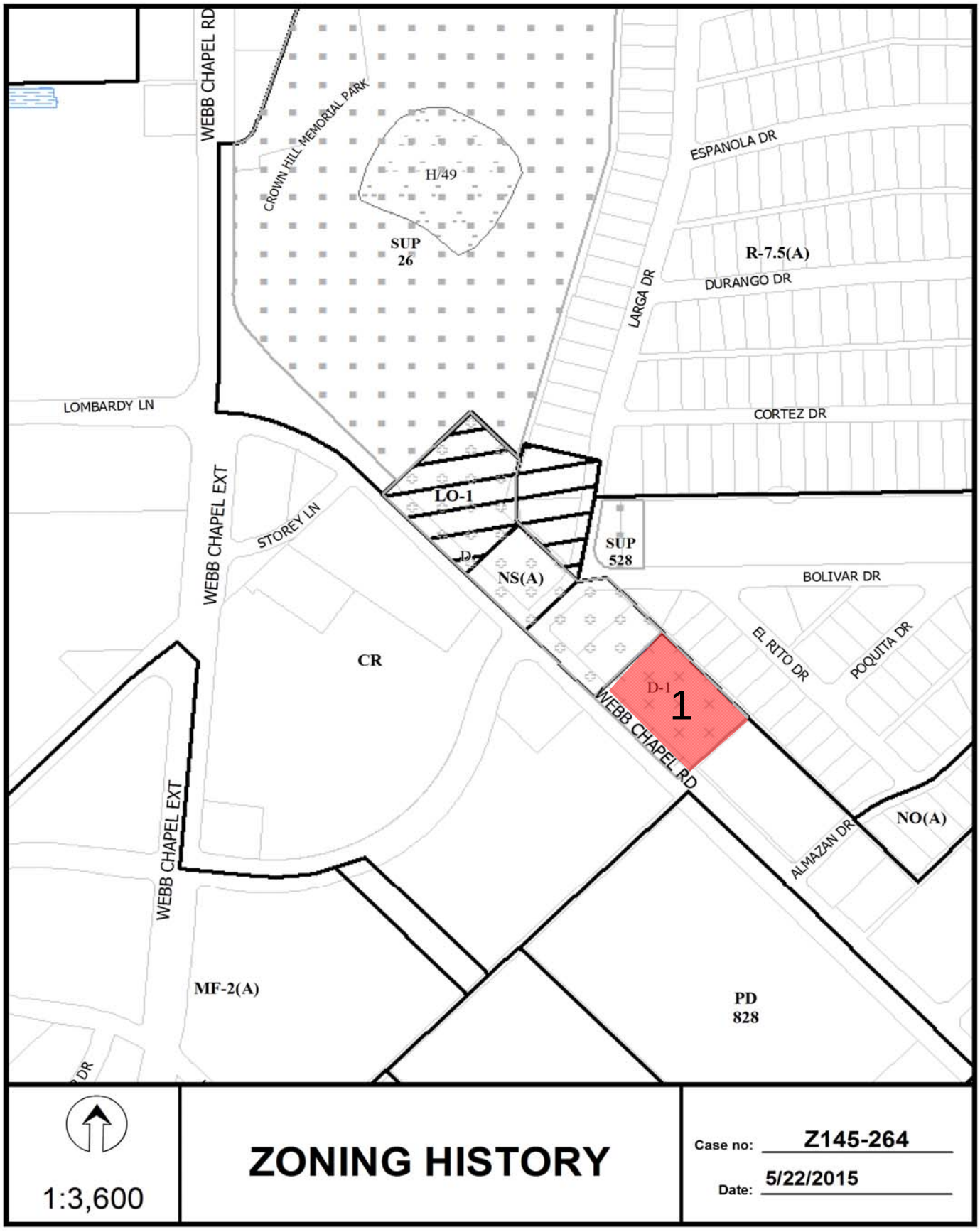
1:3,600

AERIAL MAP

Case no: Z145-264

Date: 5/22/2015


WEBB CHAPEL RD
CROWN HILL MEMORIAL PARK
H/49
SUP 26
ESPANOLA DR
R-7.5(A)
DURANGO DR
LARGA DR
Cemetery
Single family
LOMBARDY LN
CORTEZ DR
WEBB CHAPEL EXT
STOREY LN
LO-1
Multifamily
SUP 528
Personal Service
Retail
BOLIVAR DR
EL RITO DR
POQUITA DR
CR
Retail
D-1
Single family
WEBB CHAPEL RD
WEBB CHAPEL EXT
NO(A)
ALMAZAN DR
MF-2(A)
PD 828
1:3,600
ZONING AND LAND USE
Case no: Z145-264
Date: 5/22/2015


WEBB CHAPEL RD
CROWN HILL MEMORIAL PARK
H/49
SUP 26
ESPANOLA DR
R-7.5(A)
DURANGO DR
LARGA DR
LOMBARDY LN
CORTEZ DR
WEBB CHAPEL EXT
STOREY LN
LO-1
SUP 528
NS(A)
BOLIVAR DR
CR
EL RITO DR
POQUITA DR
D-1
1
WEBB CHAPEL RD
NO(A)
ALMAZAN DR
WEBB CHAPEL EXT
MF-2(A)
PD 828
1:3,600
ZONING HISTORY
Case no: Z145-264
Date: 5/22/2015

CPC Responses



65	Property Owners Notified (64 parcels)
2	Replies in Favor (2 parcels)
1	Replies in Opposition (1 parcels)
500'	Area of Notification
8/6/2015	Date 7/23/2015 Under Advisement

Z145-264
CPC

N
W E
S

1:3,600

08/05/2015

Reply List of Property Owners

Z145-264

65 Property Owners Notified 2 Property Owners in Favor 1 Property Owners Opposed

Reply	*Label #*	*Address*		*Owner*
	1	9511	LARGA DR	PRESTON DIGBY M &
	2	9718	WEBB CHAPEL RD	CROWN HILL MEMORIAL PARK
	3	9700	WEBB CHAPEL RD	HUGHES DEWAYNE D
	4	3534	BOLIVAR DR	PEREZ RIGOBERTO & DIANA
X	5	3538	BOLIVAR DR	ALVARADO HECTOR C &
	6	3512	BOLIVAR DR	SAVAGE DWIGHT E & SANDRA
	7	9555	EL RITO DR	HERNANDEZ JESUS & MARIA E
	8	9551	EL RITO DR	HERNANDEZ JESUS & MARIA
	9	9547	EL RITO DR	JASSO APOLONIO
	10	9541	EL RITO DR	CANTU MARTIN R RAMIREZ & NORA A RAMIREZ
	11	9537	EL RITO DR	GARCIA ISMAEL & ADRIANA
	12	9531	EL RITO DR	PORTILLO FRANCISCO &
	13	9616	WEBB CHAPEL RD	BROWN J HAL MD
	15	9531	LARGA DR	LOPEZ GIL J
	16	9535	LARGA DR	VEGA VENTURA & MARIA E
	17	9539	LARGA DR	JAMIE JOSE G
	19	9547	LARGA DR	WOOD CHARLES B
	20	9551	LARGA DR	DAVILA ELVIA
	21	9555	LARGA DR	VELEZ MARTHA &
	22	9559	LARGA DR	VILLASENOR GALDINO &
	23	9565	LARGA DR	FEDERAL NATIONAL MTG ASSOCIATION
	24	3502	CORTEZ DR	SALINAS FRANCISCO M
	25	3508	CORTEZ DR	OROZCO JOSE GUADALUPE
	26	3512	CORTEZ DR	ROSAS MARIA
	27	3516	CORTEZ DR	PLANCARTE SIXTO
	28	3522	CORTEZ DR	ROMERO GREGORIO

08/05/2015

Reply	*Label #*	*Address*		*Owner*
	29	3526	CORTEZ DR	FLORES RUTH
	30	3530	CORTEZ DR	SANCHEZ ANGELICA & BRIGIDA
	31	3534	CORTEZ DR	MARTINEZ EDUVIGES B &
	32	3538	CORTEZ DR	MARTINEZ ESTEBAN
	33	3507	BOLIVAR DR	JUAREZ JOSE
	34	3503	BOLIVAR DR	ARRIETA LUZ HERLINDA
	35	3502	DURANGO DR	VEGA ADOLFO &
	36	3506	DURANGO DR	ME SWISS MGMT LLC
	37	3510	DURANGO DR	DIAMANTE HOMES INC
	38	3514	DURANGO DR	ANAYA MATIAS
	39	3518	DURANGO DR	ANDRADE MARIO
	40	3524	DURANGO DR	VILLA JORGE
	41	3535	CORTEZ DR	MORENO MARIA R A B
	42	3531	CORTEZ DR	ARMILLA EVODIO
	43	3527	CORTEZ DR	GONZALES JOHN GABRIEL
	44	3523	CORTEZ DR	JONSE TOM
	45	3519	CORTEZ DR	LAND STEVE R
	46	3515	CORTEZ DR	RAMIREZ JAVIER
	47	3511	CORTEZ DR	FLORES JESUS M &
	48	3503	CORTEZ DR	RAMIREZ OLGA
	49	3503	DURANGO DR	SPECIALIZED SERVICES LLC
	50	9494	LARGA DR	CHAPEL OAKS APARTMENTS LP
	51	3350	LOMBARDY LN	VREC PECAN LP
	52	3527	BOLIVAR DR	SCRIBA RALPH D TRUSTEE
	53	9640	WEBB CHAPEL RD	3D PARTNERS LTD
	54	3440	WEBB CHAPEL EXTENSION	DALLAS CITY OF
	55	3460	WEBB CHAPEL EXTENSION	MARKET PLACE AT WEBB
	56	9655	WEBB CHAPEL RD	DALLAS CITY OF
	57	9655	WEBB CHAPEL RD	HEALTH & TENNIS OF AMERIC
	58	3520	STOREY RD	DALLAS CITY OF
	59	3520	STOREY LN	MCDONALDS CORP

08/05/2015

Reply	*Label #*	*Address*		*Owner*
	60	9625	WEBB CHAPEL RD	CENTURY 9625 LLC
	61	3400	LOMBARDY LN	PECAN PLAZA LTD
	62	9717	WEBB CHAPEL RD	CMCR CORP
	63	9707	WEBB CHAPEL RD	CHOI JAE MIN
	64	9620	WEBB CHAPEL RD	BROWN J HAL
	65	9528	WEBB CHAPEL RD	AHRLEM LP
O	A1	9543	LARGA DR	VIKING COMMERCIAL SVCS
O	A2	9525	LARGA DR	STILES KIRBY G

AGENDA ITEM # 79

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): 14

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 45 G

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a WR-5 Walkable Urban Residential District with a Height Map Overlay on property zoned Planned Development District No. 466 and an MF-2(A) Multifamily District on the east corner of Hall Street and Munger Avenue
Recommendation of Staff and CPC: Approval, subject to a revised height map overlay
Z145-272(WE)

HONORABLE MAYOR & CITY COUNCIL **TUESDAY, SEPTEMBER 22, 2015**

ACM: Ryan S. Evans

FILE NUMBER: Z145-272(WE) **DATE FILED:** May 29, 2015

LOCATION: East corner of Hall Street and Munger Avenue

COUNCIL DISTRICT: 14 **MAPSCO:** 45G

SIZE OF REQUEST: Approx. 3.245 acres **CENSUS TRACT:** 16.00

APPLICANT / OWNER: MCRT Investments, LLC

REPRESENTATIVE: Jonathan Vinson, Jackson Walker LLP

REQUEST: An application for a WR-5 Walkable Urban Residential District with a Height Map Overlay on property zoned a Planned Development District No. 466 and an MF-2(A) Multifamily District.

SUMMARY: The purpose of this request is to allow for the redevelopment of the site with a 350-unit multifamily development. The development types permitted in a WR-5 District are an Apartment, Townhouse, or Manor House. The applicant has provided a height map overlay that will regulate the height of the proposed development.

The WR-5 District permits a maximum height of 5 stories or 80 feet and the applicant is proposing to limit the maximum height to 5 stories or 70 feet, except along the northeast property line. The applicant is proposing to limit the maximum number of stories along the northeast property line to 2 stories in order to reduce and create a height separation between the existing MF-2 uses and the proposed development. The maximum structure height in the MF-2 Multifamily District is 36 feet.

CPC RECOMMENDATION: **Approval**, subject to a revised height map overlay.

STAFF RECOMMENDATION: **Approval**, subject to a revised height map overlay.

DESIGNATED ZONING CASE

GUIDING CRITERIA FOR RECOMMENDATION:

Staff recommends approval based upon:

1. *Performance impacts upon surrounding property* – The height map overlay will reduce the structure height of the proposed multifamily development to a height that is more compatible to the adjacent multifamily developments, which are located in PDD No. 298 and PDD No. 466. Even though the adjacent properties to the north and east are within an MF-2 (A) Multifamily District, which limits the maximum structure height to 36 feet, there are developments within the surrounding area that limits the height between 54 feet to 120 feet. The redevelopment of the site with a 350 unit multifamily development will strengthen the character of the residential neighborhood by providing a mixed housing option in a pedestrian friendly environment.

2. *Traffic impact* – The Engineering Section of the Department of Sustainable Development and Construction has determined that the request will not have a negative impact on the street system.

3. *Comprehensive Plan or Area Plan Conformance* – The proposed request is in compliance with the *forwardDallas! Comprehensive Plan*. The request site is located within the Downtown Building Block.

BACKGROUND INFORMATION:

- The request site is currently developed with several retail uses on Hall Street and several single family uses.

- In February 2009, the City Council approved Article XIII, which created the form based zoning districts. The Form Based Districts provides an additional tool for the implementation of *ForwardDallas!* and to create walkable urban neighborhoods where higher density mixed uses and mixed housing types promote less dependence on the automobiles.

Zoning History: There has been one recent zoning request in the area over the past 5 years.

1. Z134-103 On February 26, 2014, the City Council approved a new subdistrict in Planned Development District 466, the Hall Street Special Purpose District on the east side of North Central Expressway, north of Cochran Street.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Hall Street	Collector	40 ft.	40 ft.
Munger Avenue	Local	40 ft.	40 ft.
Roseland Avenue	Local	Variable lane widths	Variable lane widths

Traffic: The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system.

COMPREHENSIVE PLAN: The *fowardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *fowardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The Plan identifies the request site being within the Downtown Building Block.

The Downtown is a centrally located hub that provides high intensity, concentrated regional job and commercial activity supported by high-density housing. A Downtown includes pedestrian-oriented and mixed-use development and offers multiple transportation options. Ground floors of tall buildings feature shops with many windows for visual interest and safety while the streetscape incorporates trees for shade, wide sidewalks and easy-to-use signs for finding points of interest. Civic and open spaces provide an inviting atmosphere for pedestrians as well as a diversity of uses, generating activity throughout the day and evening.

The Downtown Building Block is an important transit hub for commuter rail, light rail, bus and local systems. This area warrants significant public investment to sustain itself as the signature address in the North Central Texas region and to continually reinvent itself to maintain its competitive advantage.

LAND USE ELEMENT

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

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

URBAN DESIGN ELEMENT

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

Policy 5.1.1 Promote pedestrian-friendly streetscapes.

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1: Encourage a balance of land uses within walking distance of each other.

NEIGHBORHOOD ELEMENT

GOAL 7.1: PROMOTE VIBRANT AND VIABLE NEIGHBORHOODS

Policy 7.1.3 Encourage a sense of community and identity.

STAFF ANALYSIS:

Land Use:

	Zoning	Land Use
Site	PDD No. 456, MF-2(A)	Retail, Undeveloped
Northeast	MF-2(A)	Single Family
Southeast	Subarea 1 of PDD No. 298, SUP No. 1073	Undeveloped, Retail, Multifamily
Northwest	MF-2(A), PDD No. 466	Multifamily, Retail
Southwest	PDD No. 466, SUP No. 23	Undeveloped

Land Use Compatibility:

The WR-5 Walkable Urban Residential District with a Height Map Overlay is intended to provide and meet the following criteria:

- The Walkable Urban Residential (WR) districts are intended to create residential neighborhoods with mixed housing options in a pedestrian environment.

- The WR district s are divided in three intensities: low (WR-3,5), medium (WR-8, 12), and high (WR-20, 40).

- The WR districts are intended to accommodate a limited set of development types (Apartment, Townhouse, and Manor House).

- Parcels of any size are eligible for a WR district. There are no minimum acreage required for an application for WR district. The WR districts are intended for locations where sufficient critical mass of dense, walkable urban mixed use development exists or is definitely planned.

- The WR districts are intended for use in the vicinity of rail transit station, immediately adjacent to the Central Business District, and in the 23 study areas of the Trinity River Comprehensive Plan. These districts are also appropriate for major job centers and concentrations of multifamily housing where an area plan pursuant to *fowardDallas!* has been adopted. The WR-5 District permits a maximum height of 5 stories or 80 feet and the applicant is proposing to limit the maximum height to 5 stories or 70 feet. The adjacent MF-2 District permits a maximum height of 36 feet.

Development Standards:

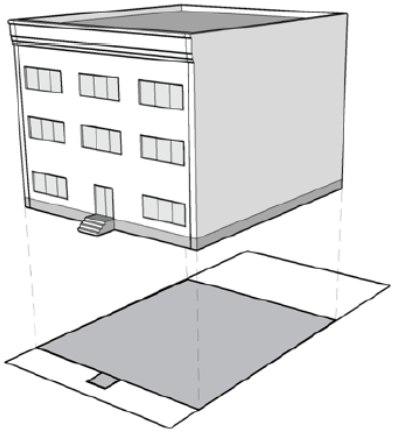
DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
PDD No. 466-Existing	10' min. 15' max.	20' adj. to res. Other: no min.	No max.	54'	80'	RPS	Retail and personal service, office, residential
MF-2(A) -Existing Multifamily	15'	15'	Min lot 1,000 sq. ft. 800 sq ft – E 1,000 sq. ft – 1 BR 1,200 sq ft – 2 BR +150 sq ft each add BR	36'	60%	Proximity Slope	Multifamily, duplex, single family

The regulations on the following page apply to WR-5 development types by districts; Apartment, Townhouse, and Manor House.

Landscaping: Landscaping of any development will be in accordance with Article X, as amended.

(e) Apartment.

(1) Definition.



A development type containing three or more dwelling units consolidated into a single structure.

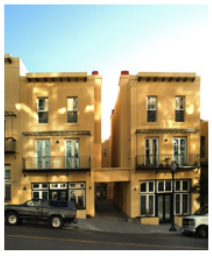
An apartment contains common walls. Dwelling units within a building may be situated either wholly or partially over or under other dwelling units. The building must be pulled up to the street. No on-site surface parking is permitted between the building and the street. On-site surface parking must be located to the rear of the building. The building often shares a common entrance. Primary entrances must be prominent and street-facing. An elevated ground floor for residential uses is recommended to ensure privacy.

(2) Character Examples.

Character examples are provided below for illustrative purposes only and are intended to be character examples of the development type and not the streetscape.









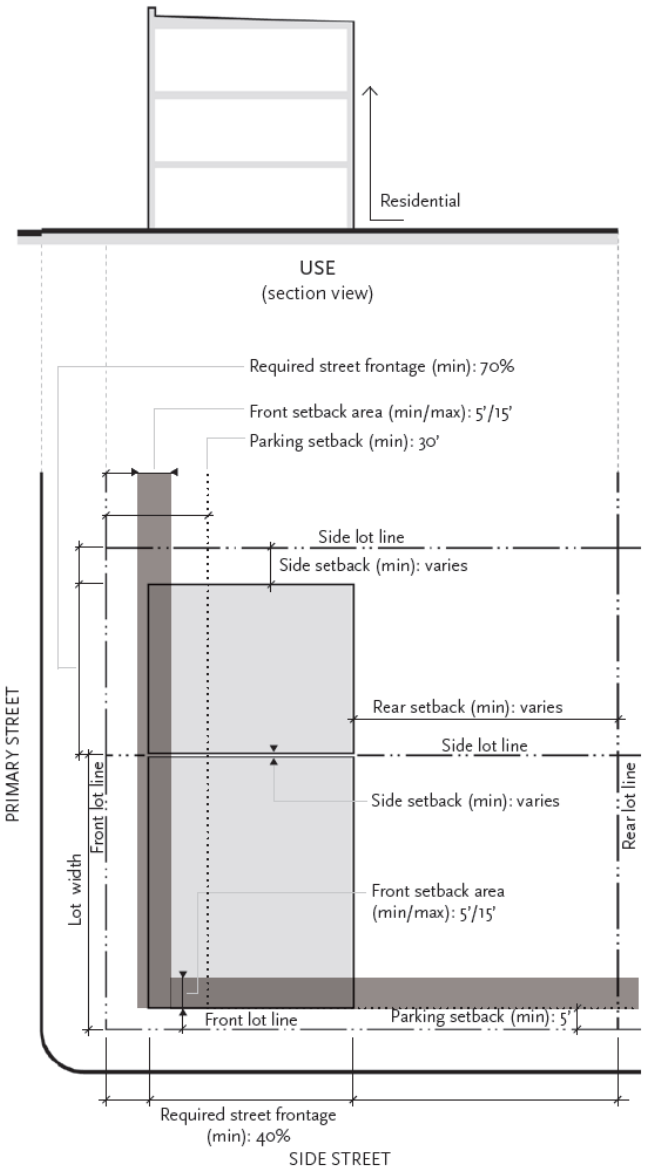
(3) Districts Permitted.

LOW:	WMU-3, WMU-5	WR-3, WR-5
MEDIUM:	WMU-8, WMU-12	WR-8, WR-12
HIGH:	WMU-20, WMU-40	WR-20, WR-40

Apt

apartment

(4) Use and Placement.



PLACEMENT
(plan view)

BUILDING USE

A summary of permitted uses is shown on the left. For a complete list of permitted uses, see Section 51A-13.306, "Uses."

BUILDING PLACEMENT

LOT	
Area (min sf)	none
Area (max sf)	none
Width (min ft)	none
Width (max ft)	none
Lot coverage (max)	80%

FRONT SETBACK AREA	
Primary street (min/max ft)	5/15
Side street (min/max ft)	5/15
Service street (min/max ft)	none

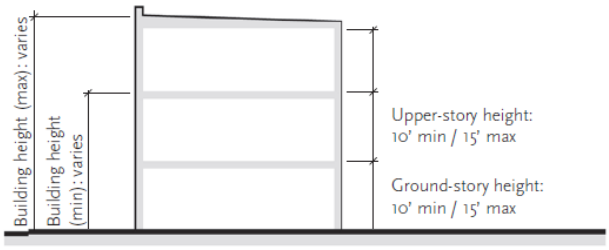
REQUIRED STREET FRONTAGE	
Primary street (min)	70%
Side street (min)	40%
Service street (min)	none

PARKING SETBACK	
From primary street (min ft)	30
From side street (min ft)	5
From service street (min ft)	5
Abutting single-family district (min ft)	10
Abutting multifamily or nonresidential district or alley (min ft)	5

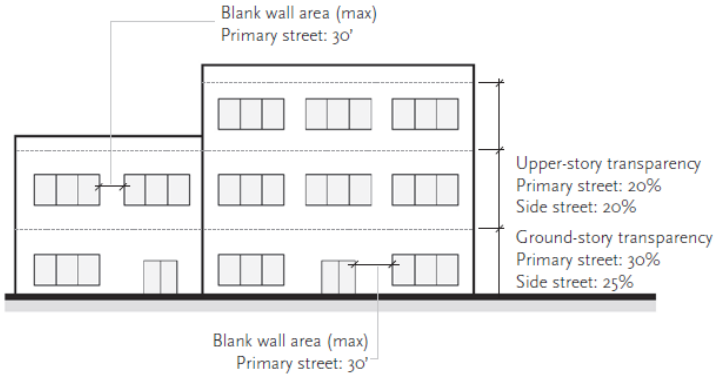
SIDE SETBACK	
Abutting single-family district (min ft)	15
Abutting multifamily or nonresidential district (min ft)	0 or 5
Abutting alley (min ft)	5

REAR SETBACK	
Abutting single-family district (min ft)	15
Abutting multifamily or nonresidential district (min ft)	5
Abutting alley (min ft)	5
Abutting service street (min ft)	10

(5) Height and Elements.



HEIGHT
(section view)



ELEMENTS
(elevation view)

BUILDING HEIGHT

HEIGHT	
Building height (max stories/ft)	See Section 51A-13.302, "Height"
Building height (min stories)	
WMU-3, -5 , -8, -12 WR-3, -5, -8, -12	2
WMU-20 WR-20	4
WMU-40 WR-40	5

STORY HEIGHT	
Ground story (min/max ft)	10/15
Upper story (min/max ft)	10/15

BUILDING FACADE

GROUND-STORY TRANSPARENCY	
Primary street facade (min)	30%
Side street facade (min)	25%
Service street facade (min)	none
Measured from floor to floor.	

UPPER-STORY TRANSPARENCY	
Primary street facade (min)	20%
Side street facade (min)	20%
Service street facade (min)	none
Measured from floor to floor.	

BUILDING ENTRANCE	
Primary street	required
Entrance spacing (max linear ft)	none
Side street	allowed
Service street	allowed

BLANK WALL AREA	
Primary street (max linear ft)	30
Side street (max linear ft)	none
Service street (max linear ft)	none

(6) Landscaping.

(A) General landscaping standards are set forth in Section 51A-13.304(a)(2), "Landscaping."

(B) One site tree must be provided for every 4,000 square feet of lot area, or portion thereof, or a minimum of four site trees must be provided, whichever is greater.

(C) Site trees must be evenly distributed throughout the development.

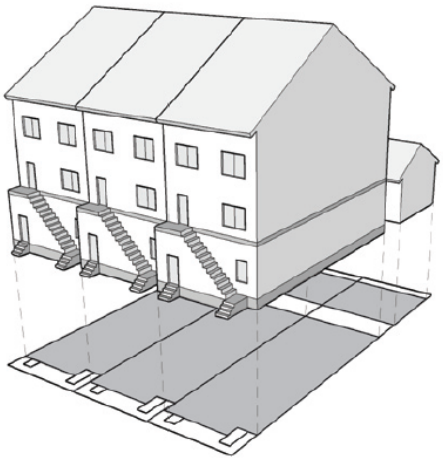
(D) Required landscaping may be provided aboveground when configured as on-site open space in accordance with Section 51A-13.303, "Open Space."

Ts

townhouse stacked

(f) Townhouse Stacked.

(1) Definition.



A development type with six or more attached units consolidated into a single structure that creates separate ground-story units for residential or office purposes.

Each unit shares a common side wall and a common floor or ceiling. Units are stacked vertically, however, no more than one unit is permitted above another unit. Each building must contain at least three units horizontally (six units total). Each unit typically has its own external entrance. No on-site surface parking is permitted between the building and the street. Garages facing the primary street are not permitted. An elevated ground floor for residential uses is recommended to ensure privacy.

(2) Character Examples.

Character examples are provided below for illustrative purposes only and are intended to be character examples of the development type and not the streetscape.







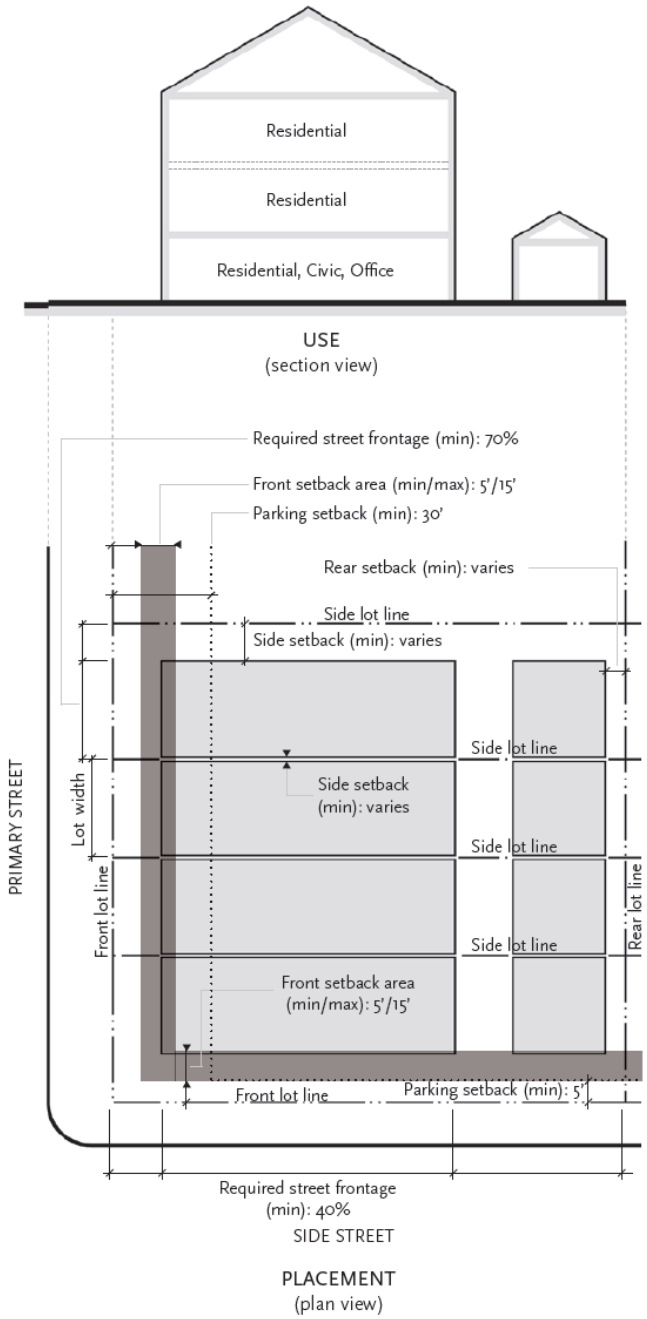

(3) Districts Permitted.

LOW:	WMU-3, WMU-5	WR-3, WR-5
MEDIUM:	WMU-8, WMU-12	WR-8, WR-12

Ts

townhouse stacked

(4) Use and Placement.



BUILDING USE

A summary of permitted uses by story is shown on the left. For a complete list of permitted uses, see Section 51A-13.306, "Uses."

BUILDING PLACEMENT

LOT	
Area (min sf)	1,200
Area (max sf)	none
Width (min ft)	16
Width (max ft)	none
Lot coverage (max)	80%

FRONT SETBACK AREA	
Primary street (min/max ft)	5/15
Side street (min/max ft)	5/15
Service street (min/max ft)	none

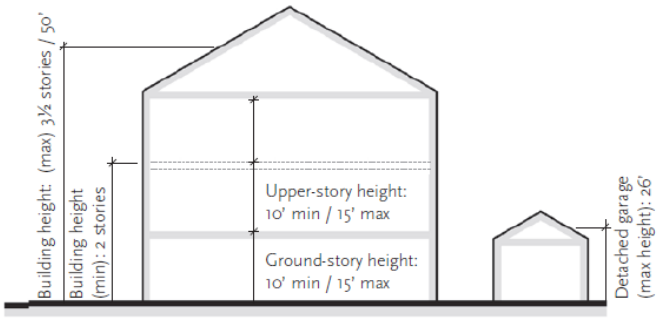
REQUIRED STREET FRONTAGE	
Primary street (min)	70%
Side street (min)	40%
Service street (min)	none

PARKING SETBACK	
From primary street (min ft)	30
From side street (min ft)	5
From service street (min ft)	5
Abutting single-family district (min ft)	10
Abutting multifamily or nonresidential district or alley (min ft)	5

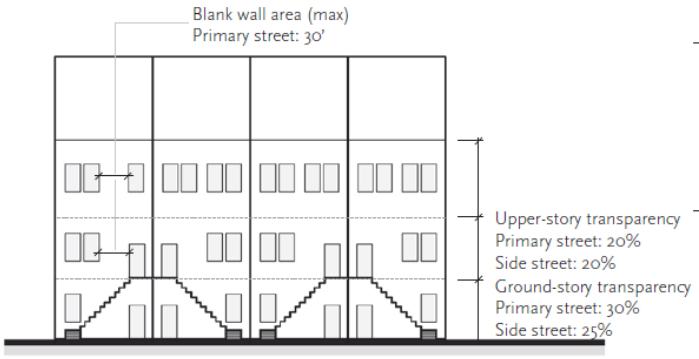
SIDE SETBACK	
Abutting single-family district (min ft)	10
Abutting multifamily or nonresidential district (min ft)	0 or 5
Abutting alley (min ft)	5

REAR SETBACK	
Abutting single-family district (min ft)	24
Abutting multifamily or nonresidential district (min ft)	24
Abutting alley (ft)	3 or 20 or more
Abutting service street (ft)	3 or 20 or more

(5) Height and Elements.



HEIGHT
(section view)



ELEMENTS
(elevation view)

BUILDING HEIGHT

HEIGHT	
Building height (max stories/ft)	
WMU-3, -5 , -8, -12 WR-3, -5, -8, -12	3½ / 50
Building height (min stories)	
WMU-3, -5 , -8, -12 WR-3, -5, -8, -12	2
Detached garage (max ft)	26

STORY HEIGHT	
Ground story (min/max ft)	10/15
Upper story (min/max ft)	10/15

BUILDING FACADE

GROUND-STORY TRANSPARENCY	
Primary street facade (min)	30%
Side street facade (min)	25%
Service street facade (min)	none
Measured from floor to floor.	

UPPER-STORY TRANSPARENCY	
Primary street facade (min)	20%
Side street facade (min)	20%
Service street facade (min)	none
Measured from floor to floor.	

BUILDING ENTRANCE	
Primary street	required
Entrance spacing (max linear ft)	none
Side street	allowed
Service street	allowed

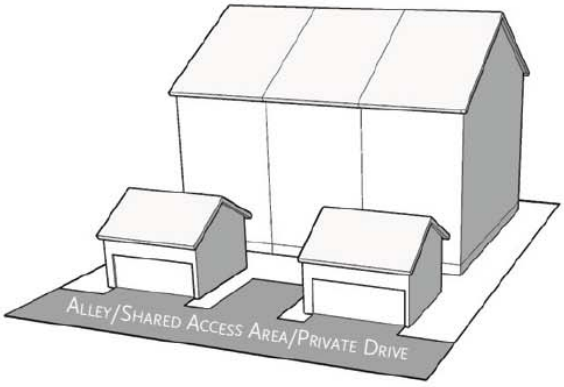
BLANK WALL AREA	
Primary street (max linear ft)	30
Side street (max linear ft)	none
Service street (max linear ft)	none

(6) Garage Placement.

(A) Except for an alley, no garage access is permitted from a public street.

(B) All vehicular access must be to the rear of the building.

(C) Where the garage is less than 20 feet from the alley, an automatic garage door opener is required.



(7) Landscaping.

(A) General landscaping standards are set forth in Section 51A-13.304(a)(2), "Landscaping."

(B) One site tree must be provided in the front yard for each two units stacked vertically on an individually platted lot.

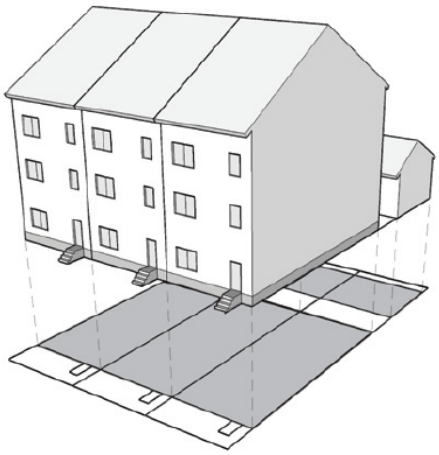
(C) If more than two units stacked vertically are located on the same lot, the following requirements apply:

(i) One site tree must be provided for every 4,000 square feet of lot area, or portion thereof, or a minimum of one site tree must be provided for each set of two units stacked vertically, whichever is greater.

(ii) Site trees must be evenly distributed throughout the development.

(g) Townhouse.

(1) Definition.



A development type with three or more attached dwelling units consolidated into a single structure.

Each unit must be separated by a common side wall. A townhouse unit must be more than one story in height, however, units must not be vertically mixed. Each unit must have its own external entrance. No on-site surface parking is permitted between the building and the street. Garages facing the primary street are prohibited. In the RTN district, only one unit per lot is permitted. An elevated ground floor for residential uses is recommended to ensure privacy.

(2) Character Examples.

Character examples are provided below for illustrative purposes only and are intended to be character examples of the development type and not the streetscape.



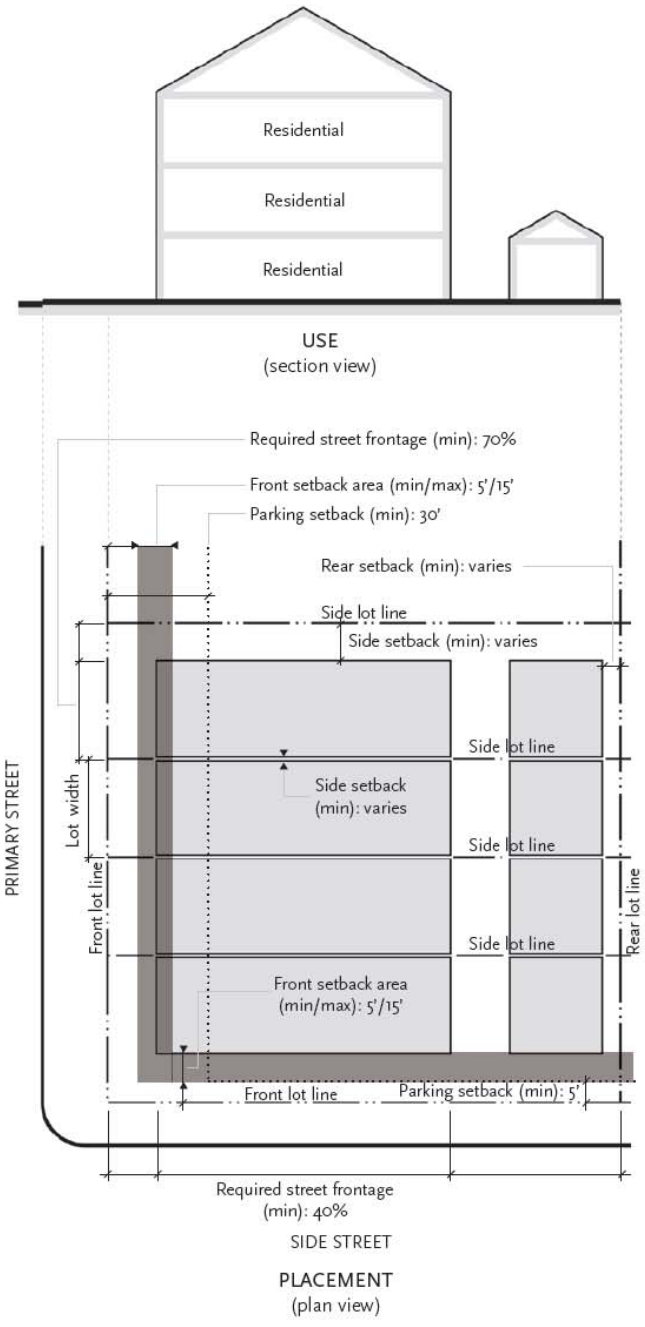





(3) Districts Permitted.

LOW:	WMU-3, WMU-5	WR-3, WR-5	RTN
MEDIUM:	WMU-8, WMU-12	WR-8, WR-12	

(4) Use and Placement.



BUILDING USE

A summary of permitted uses is shown on the left. For a complete list of permitted uses, see Section 51A-13.306, "Uses."

BUILDING PLACEMENT

LOT	
Area (min sf)	1,200
Area (max sf)	none
Width (min ft)	16
Width (max ft)	none
Lot coverage (max)	80%

FRONT SETBACK AREA	
Primary street (min/max ft)	5/15
Side street (min/max ft)	5/15
Service street (min/max ft)	none

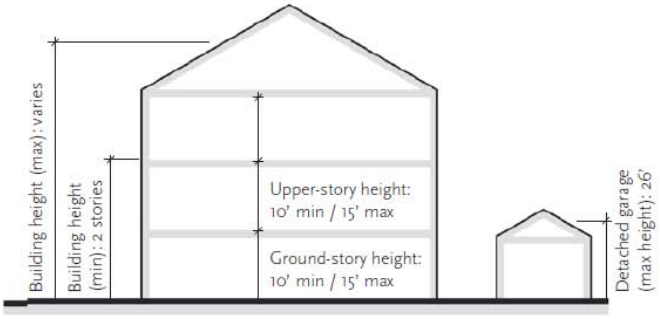
REQUIRED STREET FRONTAGE	
Primary street (min)	70%
Side street (min)	40%
Service street (min)	none

PARKING SETBACK	
From primary street (min ft)	30
From side street (min ft)	5
From service street (min ft)	5
Abutting single-family district (min ft)	10
Abutting multifamily or nonresidential district or alley (min ft)	5

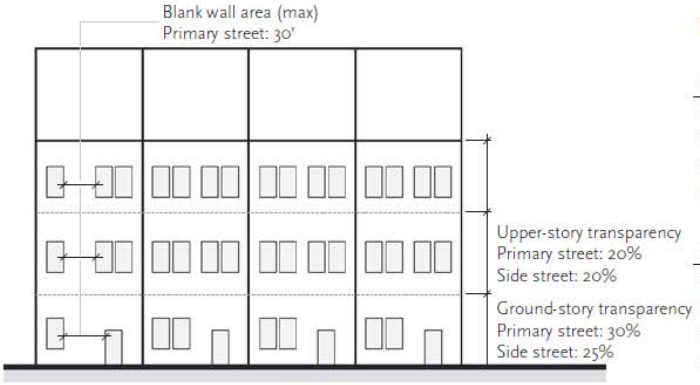
SIDE SETBACK	
Abutting single-family district (min ft)	10
Abutting multifamily or nonresidential district (min ft)	0 or 5
Abutting alley (min ft)	5

REAR SETBACK	
Abutting single-family district (min ft)	24
Abutting multifamily or nonresidential district (min ft)	24
Abutting alley (ft)	3 or 20 or more
Abutting service street (ft)	3 or 20 or more

(5) Height and Elements.



HEIGHT
(section view)



ELEMENTS
(elevation view)

BUILDING HEIGHT

HEIGHT	
Building height (max stories/ft)	
RTN	2½ / 35
WMU-3, -5 , -8, -12 WR-3, -5, -8, -12	3½ / 50
Building height (min stories)	
RTN	2
WMU-3, -5 , -8, -12 WR-3, -5, -8, -12	2
Detached garage (max ft)	26

STORY HEIGHT	
Ground story (min/max ft)	10/15
Upper story (min/max ft)	10/15

BUILDING FACADE

GROUND-STORY TRANSPARENCY	
Primary street facade (min)	30%
Side street facade (min)	25%
Service street facade (min)	none
Measured from floor to floor.	

UPPER-STORY TRANSPARENCY	
Primary street facade (min)	20%
Side street facade (min)	20%
Service street facade (min)	none
Measured from floor to floor.	

BUILDING ENTRANCE	
Primary street	required
Entrance spacing (max linear ft)	none
Side street	allowed
Service street	allowed

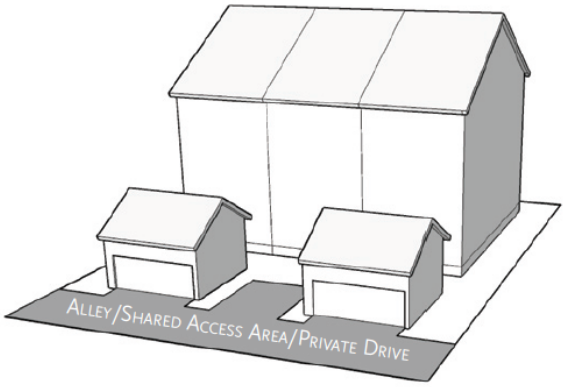
BLANK WALL AREA	
Primary street (max linear ft)	30
Side street (max linear ft)	none
Service street (max linear ft)	none

(6) Garage Placement.

(A) Except for an alley, no garage access is permitted from a public street.

(B) All vehicular access must be to the rear of the building.

(C) Where the garage is less than 20 feet from the alley, an automatic garage door opener is required.



(7) Landscaping.

(A) General landscaping standards and alternative requirements for shared access developments are set forth in Section 51A-13.304(a)(2), "Landscaping."

(B) Except in a shared access development, one site tree must be provided in the front yard for a townhouse on an individually-platted lot in all districts.

(C) In a shared access development or if more than one townhouse unit is located on the same lot, the following requirements apply:

(i) One site tree must be provided for every 4,000 square feet of lot area, or portion thereof, or a minimum of one site tree must be provided for each individual unit, whichever is greater.

(ii) Site trees must be evenly distributed throughout the development.

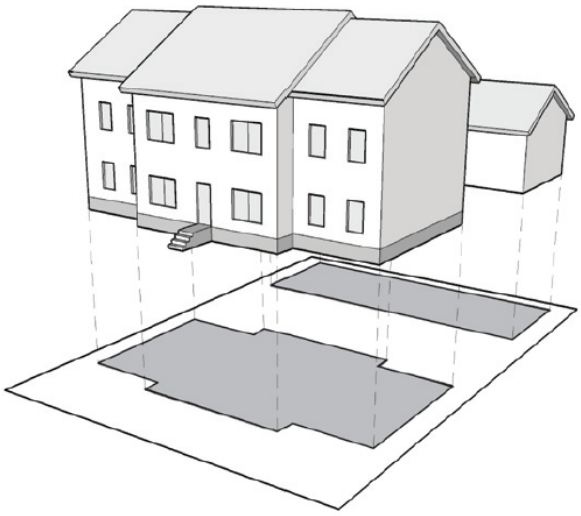
(8) Townhouses on Individually-Platted Lots.

(A) Except for the foundation, a dwelling unit must be physically separable from contiguous dwelling units in the event of removal of a dwelling unit. Each party wall must be governed by a set of deed restrictions, stipulating that if a dwelling unit is removed, the party wall stays with the remaining dwelling unit.

(B) Each dwelling unit must have separate utility services; however, general utility services on land owned and maintained by a homeowner's association are allowed.

(h) Manor House.

(1) Definition.



A development type with two to five attached dwelling units consolidated in a single structure.

A manor house must be located on a single lot and must contain common walls. The building must look like a conventional single-family house with a single primary entrance except that a manor house with two dwelling units (duplex) may have one primary entrance for each unit. Dwelling units within a building may be situated either wholly or partially over or under other dwelling units. No garage may face a primary street. In the RTN district, up to two units per lot are permitted. An elevated ground floor for residential uses is recommended to ensure privacy.

(2) Character Examples.

Character examples are provided below for illustrative purposes only and are intended to be character examples of the development type and not the streetscape.



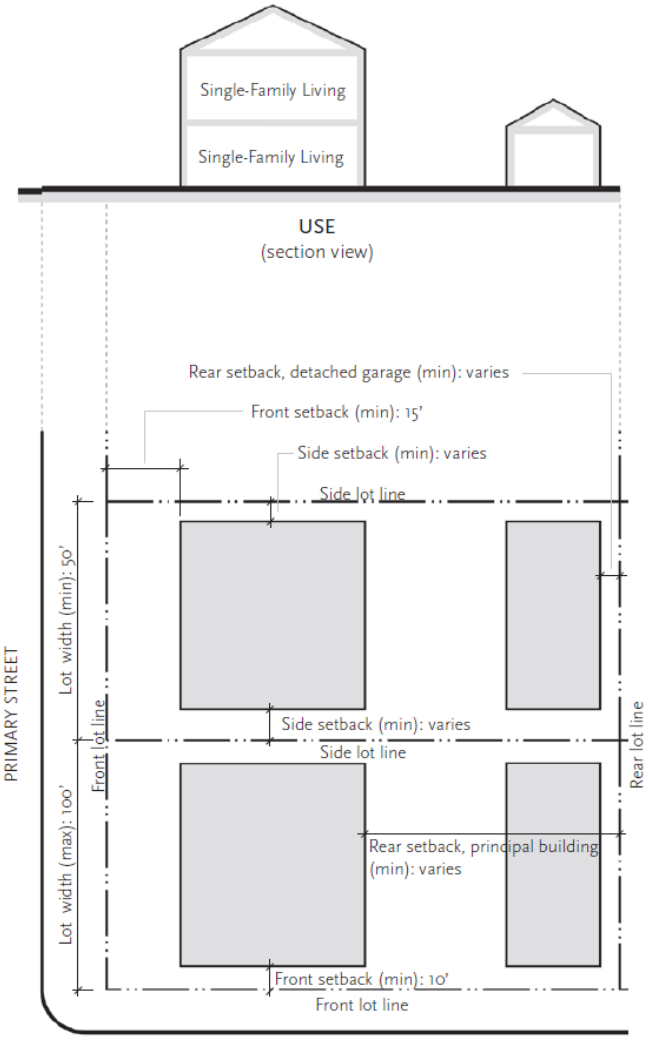
(3) Districts Permitted.

LOW:	WMU-3, WMU-5,	WR-3, WR-5	RTN

Mh

manor house

(4) Use and Placement.



BUILDING USE

A summary of permitted uses is shown on the left. For a complete list of permitted uses, see Section 51A-13.306, "Uses."

BUILDING PLACEMENT

LOT	
Area (min sf)	
2 units (duplex)	7,000
3 to 5 units	10,000
Area (max sf)	20,000
Width (min ft)	50
Width (max ft)	100
Lot coverage (max)	60%

FRONT SETBACK	
Primary street (min ft)	15
Side street (min ft)	10

SIDE SETBACK	
Abutting single-family district (min ft)	10
Abutting multifamily or nonresidential district (min ft)	5
Abutting alley (min ft)	5

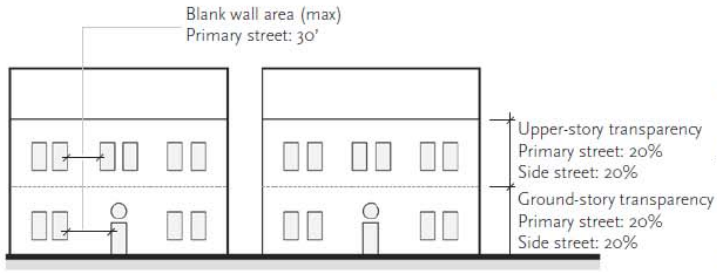
REAR SETBACK (principal building)	
Abutting single-family district (min ft)	15
Abutting multifamily or nonresidential district (min ft)	15

REAR SETBACK (detached garage)	
Abutting common lot line (min ft)	3
Abutting alley (min ft)	3 or 20+

(5) Height and Elements.



HEIGHT
(section view)



ELEMENTS
(elevation view)

BUILDING HEIGHT

HEIGHT	
Building height (max stories/ft)	2½ / 35
Building height (min stories)	2
Detached garage (max ft)	26

STORY HEIGHT	
Ground story (min/max ft)	10/15
Upper story (min/max ft)	10/15

BUILDING FACADE

GROUND-STORY TRANSPARENCY	
Primary street facade (min)	20%
Side street facade (min)	20%
Service street facade (min)	none

Measured from floor to floor.

UPPER-STORY TRANSPARENCY	
Primary street facade (min)	20%
Side street facade (min)	20%
Service street facade (min)	none

Measured from floor to floor.

BUILDING ENTRANCE	
Primary street	required
Entrance spacing (max linear ft)	none
Side street	allowed
Service street	allowed

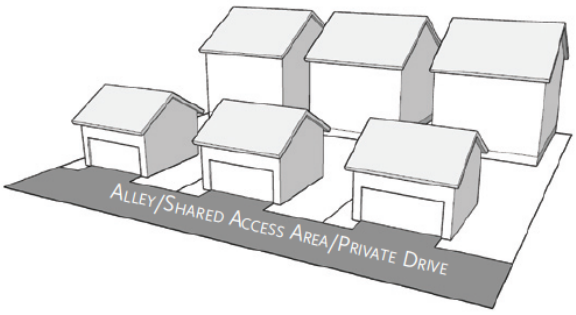
BLANK WALL AREA	
Primary street (max linear ft)	30
Side street (max linear ft)	none
Service street (max linear ft)	none

(6) Garage Placement.

(A) Alley Provided.

(i) When an alley is provided and developed, all vehicular access must take place from the alley. On corner lots, access may be taken from the side street, in which case the garage door may face a side street.

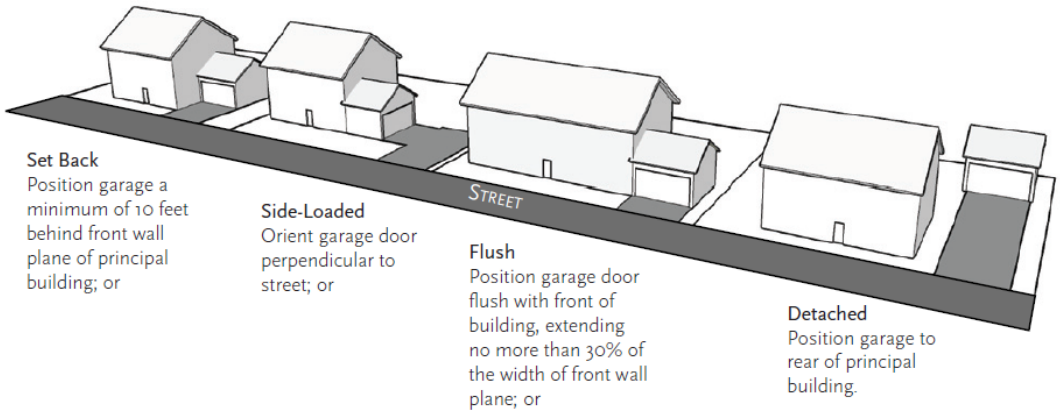
(ii) If the garage is less than 20 feet from the alley, an automatic garage door opener is required.



(B) No Alley Provided.

(i) When an alley is not provided or developed, street-facing garages may be positioned as set forth below.

(ii) If the garage is less than 20 feet from the street, an automatic garage door opener is required.



Set Back
Position garage a minimum of 10 feet behind front wall plane of principal building; or

Side-Loaded
Orient garage door perpendicular to street; or

Flush
Position garage door flush with front of building, extending no more than 30% of the width of front wall plane; or

Detached
Position garage to rear of principal building.

(7) Landscaping.

(A) General landscaping standards are set forth in Section 51A-13.304(a)(2), "Landscaping."

(B) In the RTN district, one site tree must be provided in the front yard of a manor house on an individually platted lot.

(C) A minimum of one site tree must be provided on the lot for each individual unit in the manor house. At least one site tree must be located in the front yard of each manor house.

CPC Action – August 20, 2015

Motion: It was moved to recommend **approval** of a WR-5 Walkable Urban Residential District, subject to a revised height map overlay on property zoned Planned Development District No. 466 and an MF-2(A) Multifamily District on the east corner of Hall Street and Munger Avenue.

Maker: Murphy
Second: Schultz
Result: Carried: 13 to 0

For: 13 - Anglin, Emmons, Rodgers*, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 1 - Shidid
Vacancy: 1 - District 4

*out of the room, shown voting in favor

Notices: Area: 300 Mailed: 42
Replies: For: 1 Against: 0

Speakers: None

LIST OF OFFICERS

APPLICANT AND OWNERSHIP OFFICER/DIRECTOR/PARTNER LIST

PROPERTY OWNERS:

Lupshire Restoration, Inc.

Tavenner C. Lupton, III: President/Secretary/Director

Topletz Properties Partnership

Dennis Topletz: Managing General Partner
Topletz Management, LLC: General Partner
Dennis Topletz: Manager/Director

Amor Real Estate Investments, Inc.

Haileyesus Z. Hailu: President/Director

Iris Topletz Individual owner

Benedetto Revocable Trust

Lynn A. Benedetto: Trustee

John A. Lampo Individual owner

Peter G. Lampo Individual owner

Lillian R. Catalina Individual owner

APPLICANT:

MCRT Investments LLC

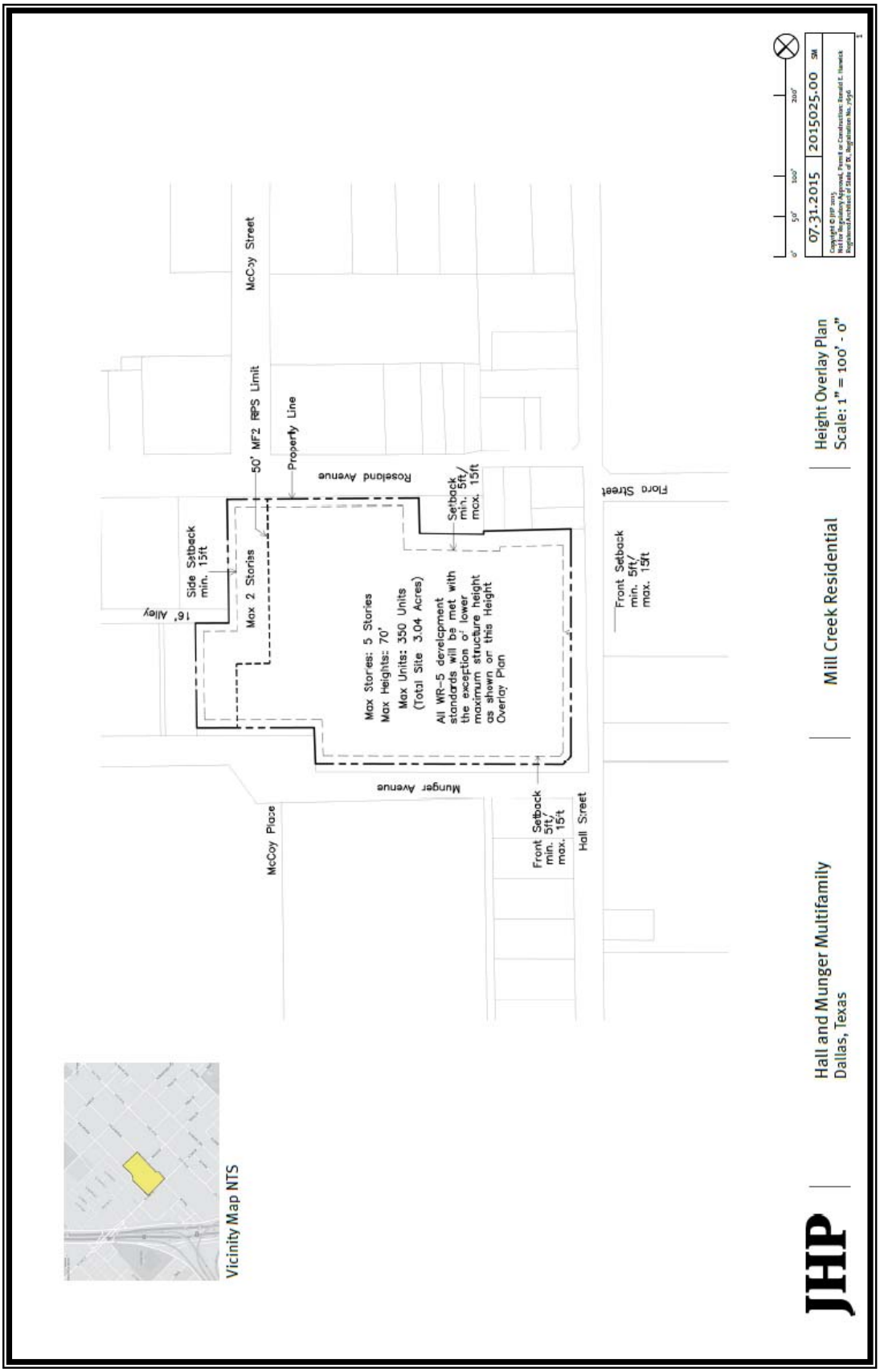
Mill Creek Residential Trust, LLC, Governing Person,

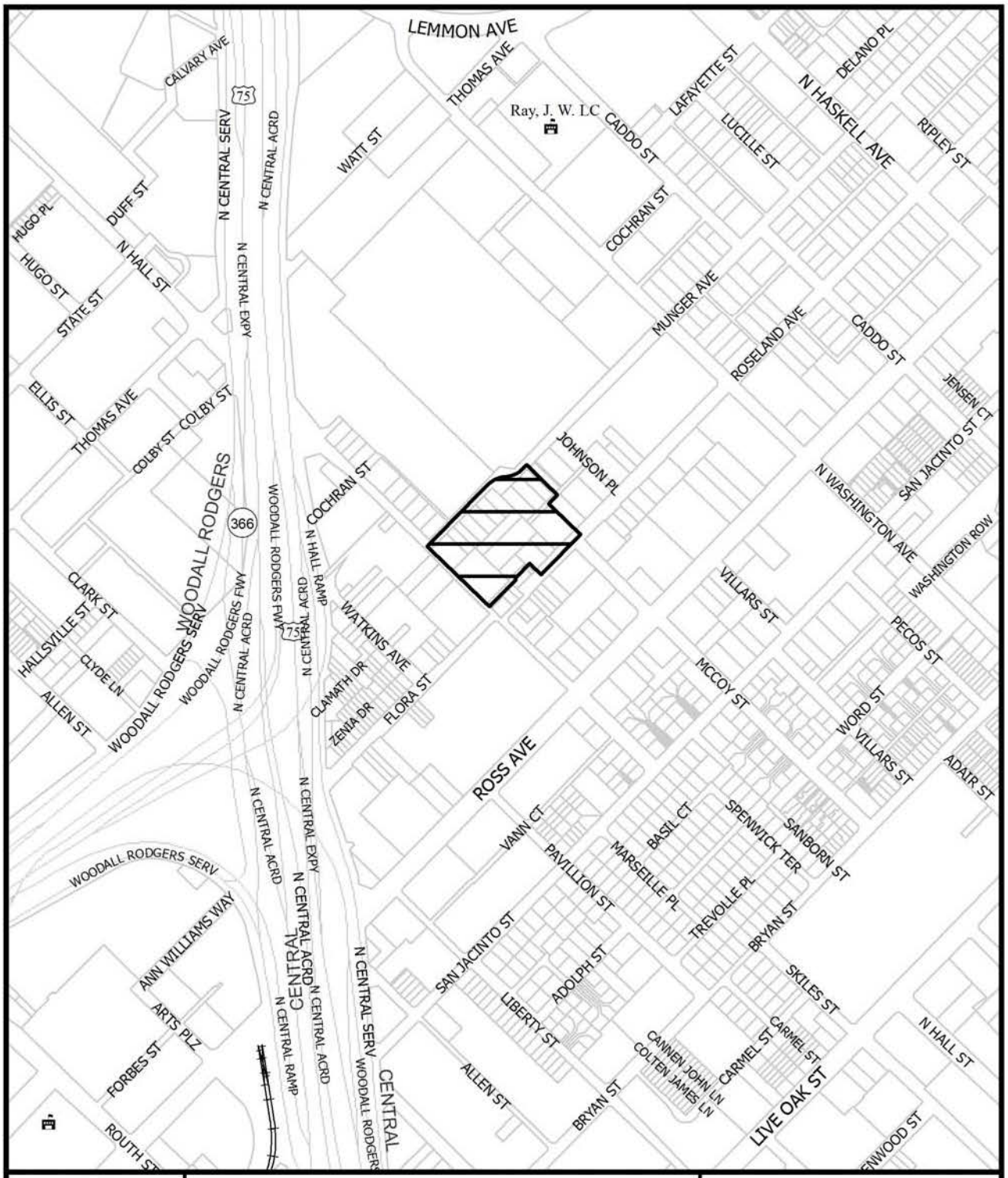
Charles R. Brindell: Chairman and Chief Executive Officer

Mark R. Dempsey: Executive Managing Director, Acquisitions

Broderick A. Perdue: Managing Director

Height Map Overlay



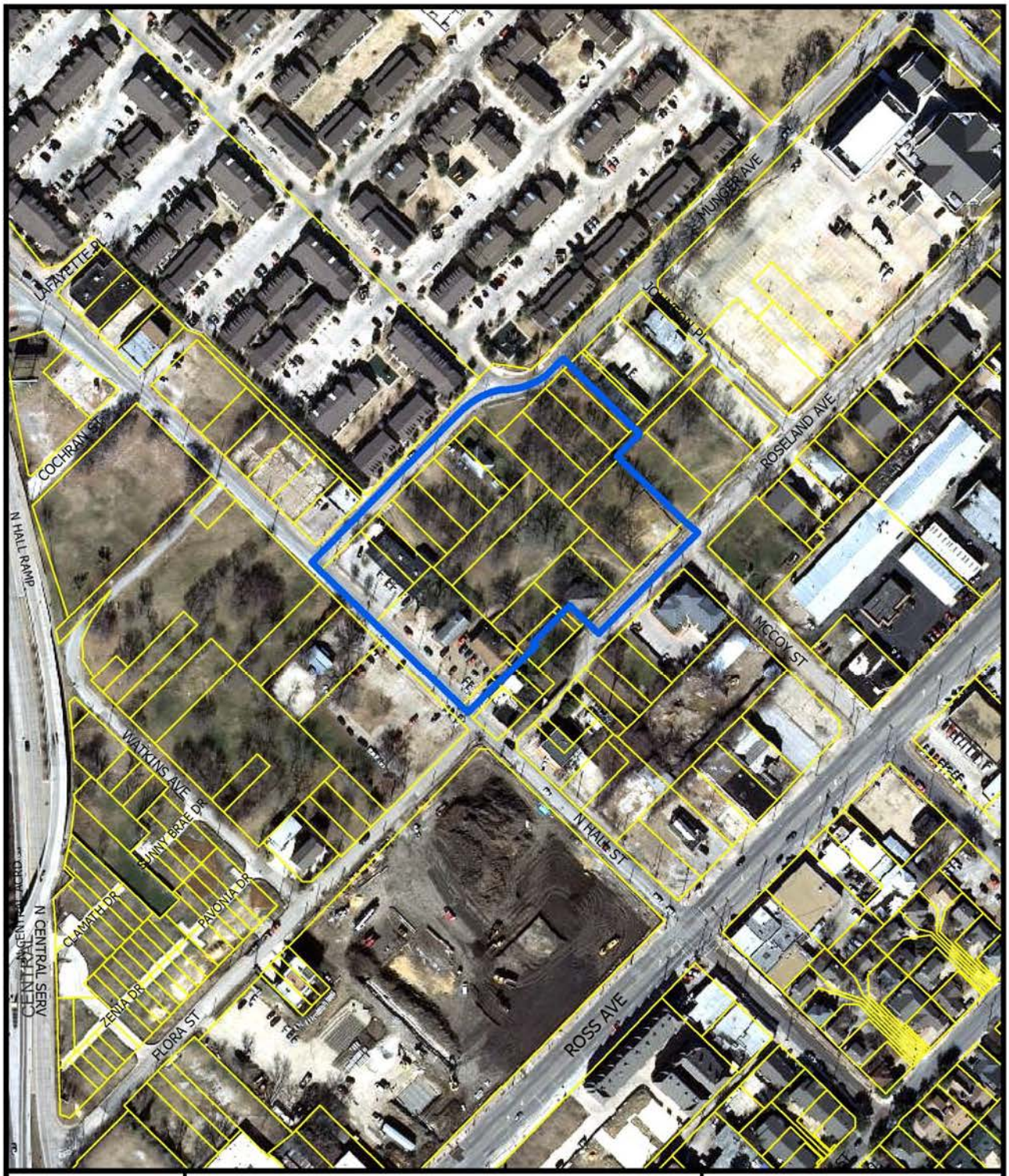


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VICINITY MAP

Case no: Z145-272

Date: 8/4/2015

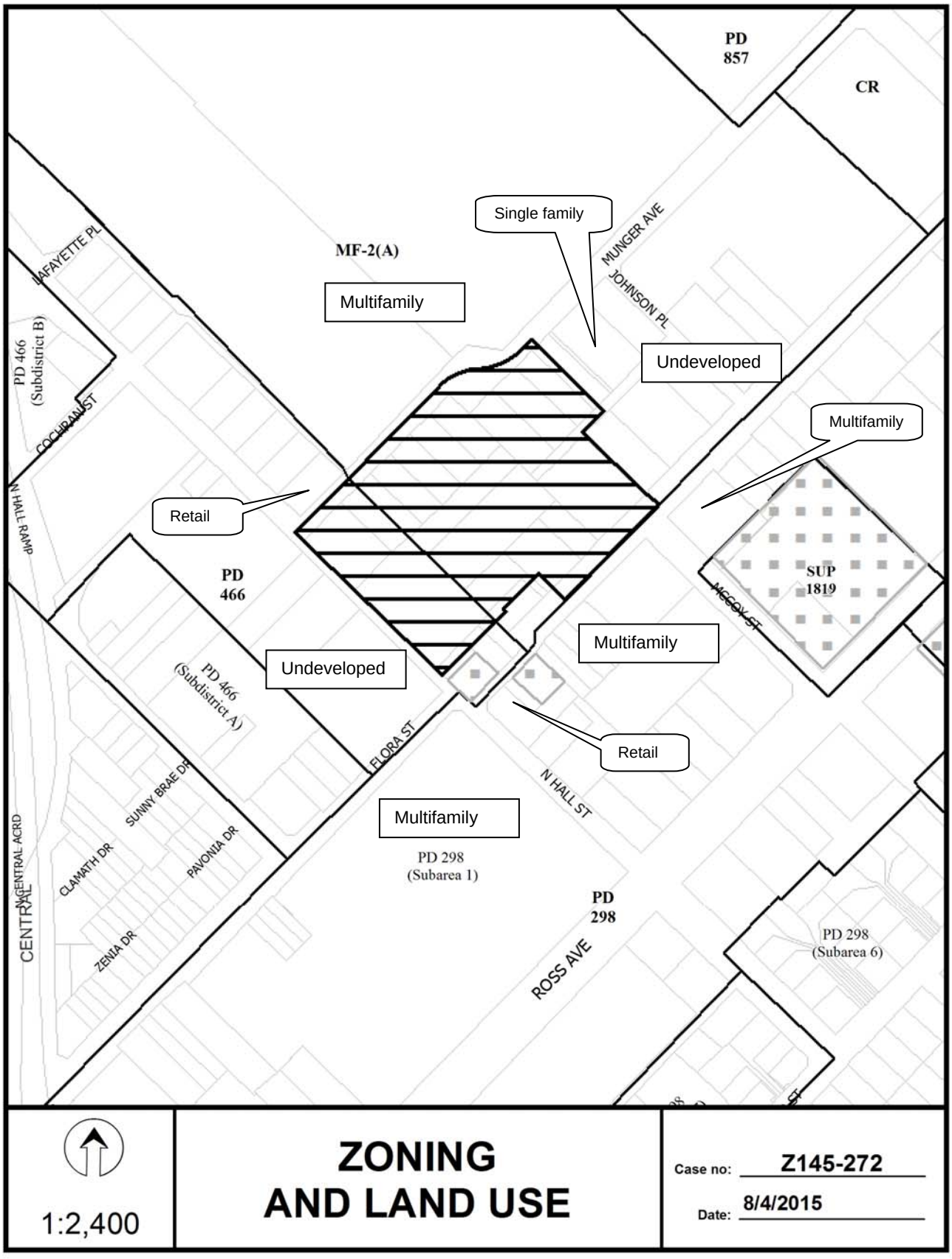


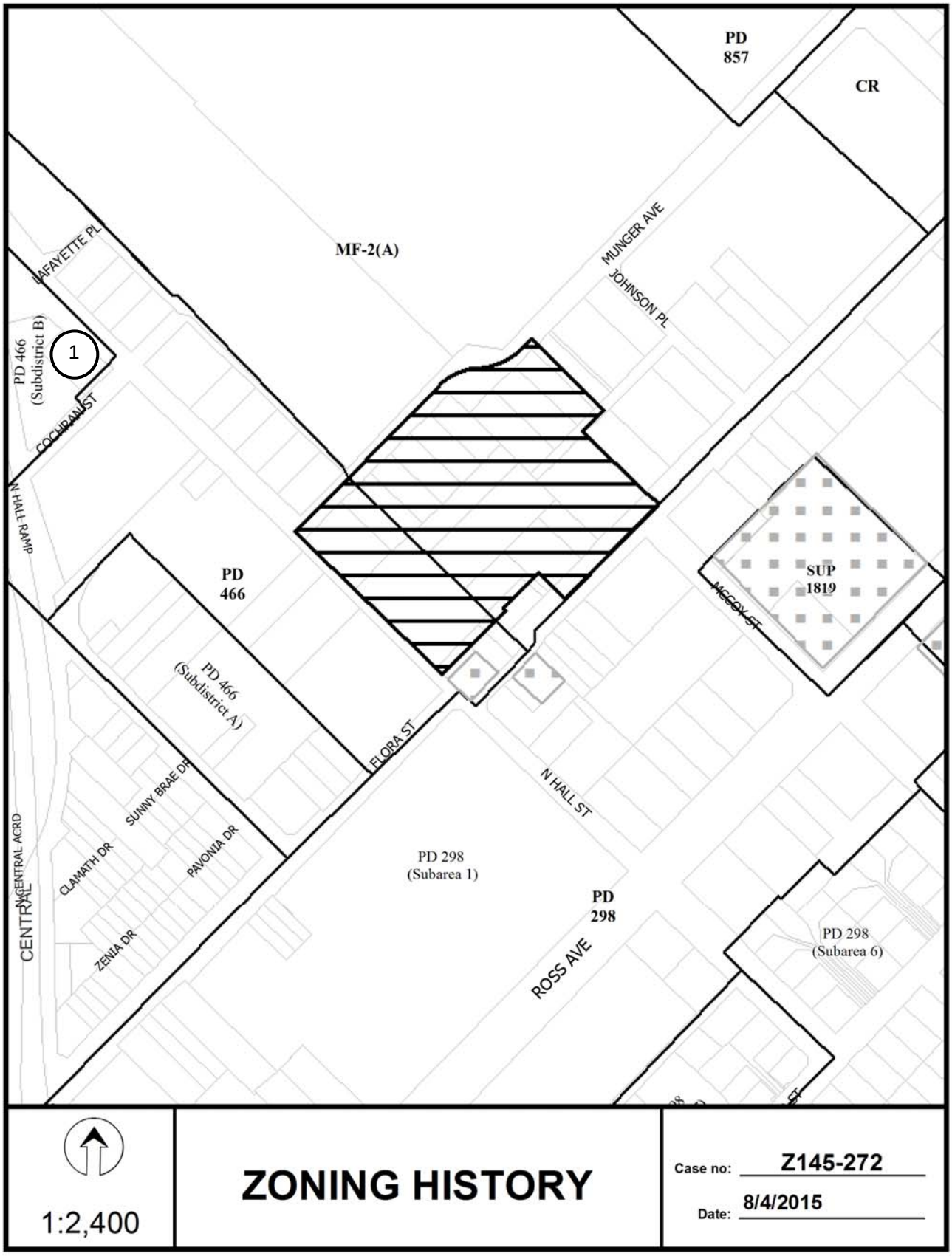
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AERIAL MAP

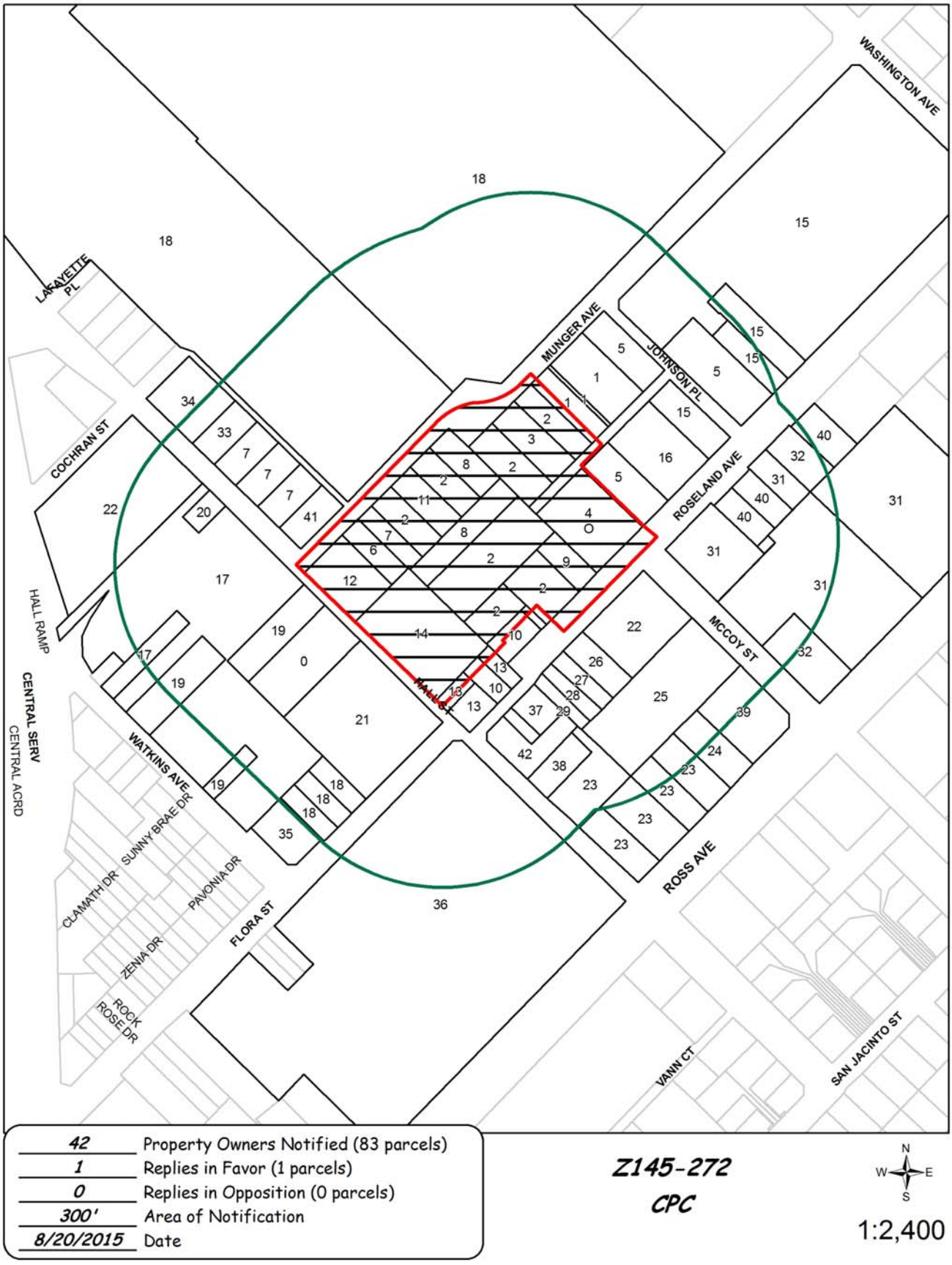
Case no: Z145-272

Date: 8/4/2015


PD 857
CR
Single family
MUNGER AVE
JOHNSON PL
MF-2(A)
Multifamily
LAFAYETTE PL
PD 466 (Subdistrict B)
COCHRAN ST
Undeveloped
Multifamily
Retail
N HALL RAMP
PD 466
SUP 1819
MCCOY ST
Multifamily
Undeveloped
PD 466 (Subdistrict A)
FLORA ST
Retail
N HALL ST
Multifamily
SUNNY BRAE DR
CLAMATH DR
PAVONIA DR
ZENIA DR
CENTRAL EXPY
PD 298 (Subarea 1)
PD 298
ROSS AVE
PD 298 (Subarea 6)
1:2,400
ZONING AND LAND USE
Case no: Z145-272
Date: 8/4/2015


PD 857
CR
MF-2(A)
LAFAYETTE PL
MUNGER AVE
JOHNSON PL
PD 466 (Subdistrict B)
1
COCHRAN ST
N HALL RAMP
PD 466
SUP 1819
MCCOY ST
PD 466 (Subdistrict A)
FLORA ST
N HALL ST
SUNNY BRAE DR
CLAMATH DR
PAVONIA DR
ZENIA DR
CENTRAL EXPY
CENTRAL ACRD
PD 298 (Subarea 1)
PD 298
ROSS AVE
PD 298 (Subarea 6)
1:2,400
ZONING HISTORY
Case no: Z145-272
Date: 8/4/2015

CPC RESPONSES



08/19/2015

Notification List of Property Owners

Z145-272

42 Property Owners Notified 1 Property Owners in Favor 0 Property Owners Opposed

Reply	*Label #*		*Address*	*Owner*
	1	3516	MUNGER AVE	PILGRIM REST BAPTIST
	2	3508	MUNGER AVE	TOPLETZ INVESTMENTS
	3	3504	MUNGER AVE	HARDEN H M
O	4	3505	ROSELAND AVE	LAMPO CATALINA LILLIAN ROSE & ETAL
	5	3603	ROSELAND AVE	PILGRIM REST VILLAGE
	6	3310	MUNGER AVE	LUPSHIRE RESTORATION IN
	7	1906	HALL ST	LUPSHIRE RESTORATION INC
	8	3408	MUNGER AVE	ANDERSON M B
	9	3409	ROSELAND AVE	BUTLER VERNON JR
	10	3403	ROSELAND AVE	MOXIE INV LTD
	11	3402	MUNGER AVE	AMOR REAL ESTATE INVESTMENTS
	12	1828	HALL ST	LUPSHIRE RESTORATION INC
	13	1800	HALL ST	MOXIE INVESTMENTS LTD
	14	1810	HALL ST	TOPLETZ INVESTMENTS
	15	3521	ROSELAND AVE	PILGRIM REST BAPTIST
	16	3513	ROSELAND AVE	PILGRIM REST MISSIONARY BAPTIST CHURCH
	17	1913	HALL ST	HOUSING AUTHORITY OF THE
	18	3209	FLORA ST	DALLAS HOUSING AUTHORITY
	19	1812	WATKINS AVE	HOUSING AUTHORITY
	20	1915	HALL ST	HOUSING AUTHORITY OF CITY
	21	1801	HALL ST	HOUSING AUTHORITY OF THE
	22	2015	HALL ST	HOUSING AUTHORITY OF THE
	23	3311	ROSS AVE	TOMAINO PPTIES LP
	24	3405	ROSS AVE	3405 ROSS AVE PTNRS LP
	25	1711	MCCOY ST	GIRMA ASKE
	26	3404	ROSELAND AVE	ROSE LIMITED PS

08/19/2015

Reply	*Label #*		*Address*	*Owner*
	27	3402	ROSELAND AVE	KIM RACHEL
	28	3400	ROSELAND AVE	WOODARD JOHN R JR
	29	3310	ROSELAND AVE	WOODARD JOHN R JR
	30	3304	ROSELAND AVE	WOODARD JULIA J ET AL
	31	3603	ROSS AVE	CRP/MAPLE ROSS ARTS OWNER
	32	3600	ROSELAND AVE	CRP MAPLE ROSS ARTS OWNER LP
	33	1916	HALL ST	RAZA PERVEZ
	34	1922	HALL ST	RAZA PERVIZ
	35	3201	FLORA ST	FLORA STREET PROP INC
	36	1707	HALL ST	SHF I ICON LLC
	37	3306	ROSELAND AVE	WOODARD JOHN O JR
	38	1716	HALL ST	HALL & ROSS LTD
	39	3411	ROSS AVE	R & F INVESTMENTS II LTD
	40	3606	ROSELAND AVE	CRP MAPLE ROSS ARTS OWNER LP
	41	1900	HALL ST	AMOR REAL ESTATE INVESTMENTS INC
	42	1722	HALL ST	HALL & ROSS LTD PS

AGENDA ITEM # 80

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): 14

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 36 E

SUBJECT

An ordinance granting a Planned Development District for certain CS Commercial Service District Uses and a Mini-warehouse use and a resolution granting the termination of deed restrictions on property zoned a CS Commercial Service District on the north line of East University Boulevard, east of North Central Expressway
Recommendation of Staff: Denial
Recommendation of CPC: Approval, subject to a development plan and conditions; and approval of the termination of deed restrictions
Z134-319(RB)
Note: This item was considered by City Council at a public hearing on June 10, 2015, and was denied without prejudice, with the public hearing closed. This item was reconsidered on June 17, 2015, to be heard on August 12, 2015, with the public hearing closed. This item was considered by the City Council on August 12, 2015 and September 9, 2015, and was held under advisement until September 22, 2015, with the public hearing closed.

HONORABLE MAYOR & CITY COUNCIL **TUESDAY, SEPTEMBER 22, 2015**

ACM: Ryan S. Evans

FILE NUMBER: Z134-319(RB) **DATE FILED:** August 19, 2014

LOCATION: North Line of East University Boulevard, East of North Central Expressway

COUNCIL DISTRICT: 14 **MAPSCO:** 36E

SIZE OF REQUEST: Approx. 32,190 Sq. Ft. **CENSUS TRACT:** 79.13

APPLICANT: OP Acquisitions, LLC

REPRESENTATIVE: Rob Baldwin

OWNERS: East Campus Holdings, LP; City of Dallas

REQUEST: An application for a Planned Development District for certain CS Commercial Service District Uses and a Mini-warehouse use and the termination of deed restrictions on property zoned a CS Commercial Service District.

SUMMARY: The applicant proposes to redevelop the property with a mini-warehouse use. The site consists of a commercial structure and surface parking area within the site's eastern half. All improvements will be removed, providing for a six story mini-warehouse use encompassing approximately 129,000 square feet of floor area. Additionally, the applicant will be terminating the existing deed restrictions that limit permitted uses (see attached deed restriction). A PDD is being requested to: 1) increase in floor area; 2) increase in structure height; 3) increase in number of stories; and 4) enhanced attached signage. While not specifically requested, staff is of the opinion a PDD also will consider a reduction in 'adequate' off-street parking.

CPC RECOMMENDATION: **Approval**, subject to a development plan and conditions, and **approval** of the termination of deed restrictions.

STAFF RECOMMENDATION: **Denial**

DESIGNATED ZONING CASE

Guiding Criteria for Recommendation:

Staff recommends denial of the request, based upon:

1. *Performance impacts upon surrounding property* – While the proposed development standards are compatible with the built enviroment, the intensity of the proposed use, and a lack of adequate off-street parking, could impact adjacent development.

2. *Traffic impact* – No increase in trip generations is expected, which currently are consistent with those generated by the surrounding nonresidential development.

3. *Comprehensive Plan or Area Plan Conformance* – The request is in compliance with the designated Building Block for the area, however staff envisions transit-oriented development for this area and would expect a residential component as part of any rezoning request.

4. *Justification for a Planned Development District as opposed to straight zoning* – As the applicant wishes to establish development rights over that currently permitted, a PDD was presented for consideration.

Zoning History: There has been no recent zoning activity in the immediate area relevant to the request within the past five years.

Thoroughfare	Existing & Proposed ROW
University Boulevard	Collector; 60’ & 60’ ROW

Traffic: The Engineering Section of the Building Inspection Division of the Department of Sustainable Development and Construction has reviewed the requested development vision in conjunction with the required Traffic Impact Analysis and determined that the proposed development will not significantly impact the street system.

STAFF ANALYSIS:

Comprehensive Plan: The Urban Mixed-Use Building Block incorporates a vibrant mix of residential and employment uses at a lower density than the Downtown Building Block. These areas are typically near Downtown, along the Trinity River or near major transit centers. Examples include Uptown, the City Place/West Village area, Stemmons Design District, Cedars and Deep Ellum. Urban Mixed-Use Building Blocks provide residents with a vibrant blend of opportunities to live, work, shop and play within a closely defined area. Buildings range from high-rise residential or mid-rise commercial towers to townhomes and small corner shops. Good access to transit is a critical

element. Similar to Downtown, the Urban Mixed-Use Building Blocks offer employment and housing options and are important economic growth areas for businesses. People on foot or bike can enjoy interesting storefronts at ground level with benches, public art, on-street parking and wide sidewalks, creating an appealing streetscape. Large parking areas and other auto-oriented land uses are typically located at the edges.

GOAL 1.2 Promote desired development.

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

Land Use Compatibility:

The predominant development pattern in the immediate area consists of nonresidential uses, heavily influenced by office structures and structured parking to serve their requirements, with retail uses concentrated to the west/northwest, and eastward (approximately 530 feet) along the Greenville Avenue alignment. An outside industrial use (University Park) is situated along the south line of University Boulevard. The DART right-of-way (Red Line) abuts the site's western property line, with various office and retail uses fronting parcels between the DART right-of-way and the northbound service road of North Central Expressway (travel lanes are depressed through this section), both north and south of University Boulevard. With respect to DART's presence in the immediate area, both the Lovers Lane Station as well as the Mockingbird Station (Park and Ride) serve this area; approximately 880 and 2,900 feet, respectively.

As the current zoning permits the mini-warehouse use by right, the applicant's intent is to utilize this CS District zoning as a base for certain permitted uses (i.e., prohibiting some uses allowed either by right or by SUP) along with the intended mini-warehouse development while requesting an increase in development rights (see table, below). While the use is not of concern to staff, it was strongly encouraged to come back with a mixed use incorporating a component of multifamily dwellings. As the site abuts office and structured parking to the north and east, it would be envisioned the units would be oriented towards unobstructed views west/northwest/south. As the site is constrained by its platted lot, off-street parking could be a concern; however, the site's proximity to mass transit would allow for consideration of reduced parking requirements for residential as part of a mixed use project. With respect to structural design, it would be anticipated at grade podium parking would be incorporated into the building's design.

As submitted, the applicant is proposing the minimum amount of parking for the use when compared to existing use categories with similar floor area (office, retail; see Off-street parking section, below). As such, the proposed redevelopment is not 'taxing' when considering land area required for parking and maneuvering. As the site is

somewhat restricted in size, the majority of redevelopment options per the attached list of permitted uses would tend to be one-story, again being somewhat impacted by off-street parking requirements.

In summary of this analysis, staff cannot support the applicant's request. It should be stated that lack of support is not related to the requested increase in development rights, but lack of a development that is more of a transit oriented development, with or without a mini-warehouse component.

In consideration of the applicant's request, staff would recommend the City Council consider the following in regard to a mini-warehouse use (in addition to a residential component as provided above):

1) in addition to required parking for the floor area devoted to rental units, require an additional off-street parking space for a caretaker's quarters (whether anticipated now or in the future);
2) consider an increase in required parking to adequately serve the proposed development;
3) prohibit rental of trailers, and associated equipment;
4) prohibit outside storage;
5) prohibit sales of packing/moving materials; and,
6) require all units to be accessed from an internal corridor (protects against a change of design in the future)

With respect to the part of the request to terminate existing deed restrictions, staff has no objections to this. As the applicant has established specific uses, those overlapping uses (in comparison to those restricted in the existing deed restrictions) are not being requested, thus staff supports the termination of deed restrictions.

Landscaping: The applicant will be complying with landscape requirements as outlined in Article X (street trees, site trees, two design standards) during the building permit process.

Off-Street Parking: As noted above, any redevelopment of the site will largely be impacted by an ability to provide parking on site. For purposes of this section, consideration of special parking (remote, shared) is not being considered.

By definition, the mini-warehouse use permits a maximum of 500 square feet of floor area per rental unit; required off-street parking is a minimum of six spaces, what is being proposed. Based on the applicant's development plan, 258 rental units could be available (applicant has not established a maximum number of rental units). As noted above, staff is concerned as to adequate parking being provided.

By comparison, a 129,000 square foot office would require 387 parking spaces; an 8,000 square foot restaurant would require 80 spaces; or, an 8,000 square foot furniture store would require 16 spaces.

The majority of mini-warehouse projects are developed in a horizontal pattern; i.e., one and two story structures across a parcel, with parking spaces interspersed throughout the development and located in close proximity to the rental units.

As a truly vertical product, one such does exist and was approved (also as a PDD) and may provide the City Council with a comparison in assessing this request. This particular development provides for 79,740 square feet of floor area within a four story structure, providing parking at one space for each 4,200 square feet of floor area.

Signage: The applicant is governed by sign provisions for a business zoning district. With respect to attached signage, the applicant is requesting an effective area of 25 percent for both the western and southern façade.

PROVISION	CS (existing)	PROPOSED PDD
F/S/R SETBACKS	15'/0'/0'	NO REVISION
DENSITY	N/A	N/A
HEIGHT	45 FEET	80 FEET
STORIES	THREE	SIX
FLOOR AREA	24,176 SF (RESTRICTED OFFICE/LODGING/ RETAIL TO 16,117 SF)	129,000 SF
LOT COVERAGE	80%	N/A
OFF-STREET PARKING	PER USE-DALLAS DEVELOPMENT CODE	CPC RECOMMENDED 12 SPACES
LANDSCAPE	ARTICLE X	N/A
SIGNS	BUSINESS ZONING DISTRICT	ATTACHED SIGNS-≤25% OF AREA OF WEST AND SOUTHERN, EACH

CPC ACTION – May 7, 2015

Motion: It was moved to recommend **approval** of a Planned Development District for certain CS Commercial Service District Uses and a Mini-warehouse use, subject to a development plan and conditions with the following modifications: 1) Section 51P-__109, Increase parking spaces to 12, and 2) Section 51P-__113, Strike (b)(3) "Sales of packing and moving materials is prohibited", and **approval** of the termination of deed restrictions on property zoned a CS Commercial Service District on the north line of East University Boulevard, east of North Central Expressway.

Maker: Ridley
Second: Murphy
Result: Carried: 13 to 1

For: 13 - Emmons, Rodgers, Culbreath, Shidid, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Peadon, Murphy, Ridley, Abtahi

Against: 1 - Schultz
Absent: 1 - Anglin
Vacancy: 0

Notices: Area: 500 Mailed: 28
Replies: For: 1 Against: 2

Speakers: For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226
Matthew Vrnggink, 5422 Monticello Ave., Dallas, TX, 75206
Against: None

LIST OF OFFICERS

Applicant:

OP Acquisitions, LLC

Clay Likover, officer

Owner:

East Campus Holdings, LP

Seth Bame, officer

CPC RECOMMENDED CONDITIONS

"ARTICLE _____.

PD _____.

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 located on the north line of University Boulevard, east of North Central Expressway. The size of PD_____ is approximately 0.74 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 nonresidential zoning district.

SEC. 51P- _____.104. EXHIBITS.

The following exhibit is incorporated into this article: Exhibit ___A: development plan.

SEC. 51P- _____.105. DEVELOPMENT PLAN.

Development and use of the Property must comply with the development plan (Exhibit ___). If there is a conflict between the text of this article and the development plan, the text of this article controls.

SEC. 51P- _____.106. MAIN USES PERMITTED.

The following uses are the only main uses permitted:

(1) Agricultural uses.

-- Crop production.

(2) Commercial and business service uses.

-- Building repair and maintenance shop.
-- Catering service.
-- Custom business services.
-- Electronics service center.
-- Medical or scientific laboratory. [SUP]
-- Tool or equipment rental.

(3) Industrial uses.

-- Gas drilling and production. *[SUP]*
-- Industrial (inside) for light manufacturing, limited to a bakery.
-- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

(4) Institutional and community service uses.

-- Adult day care facility.
-- Cemetery or mausoleum. [SUP]
-- Child-care facility.
-- Church.
-- College, university, or seminary.
-- Community service center. [SUP]
-- Convent or monastery.
-- Hospital. [SUP]
-- Public school.
-- Open enrollment charter school. [SUP]
-- Private school. [SUP]

(5) Lodging uses.

-- Hotel or motel. *[See Section 51A-4.205(1)(B).]*
-- Lodging or boarding house. [SUP]
-- Overnight general purpose shelter.

(6) Miscellaneous uses.

-- Attached non-premise sign. [SUP]
-- Carnival or circus (temporary). *[By special authorization of the building official.]*
-- Temporary construction or sales office.

(7) Office uses.

-- Alternative financial establishment. [SUP]
-- Financial institution without drive-in window.
-- Financial institution with drive-in window.
-- Medical clinic or ambulatory surgical center.
-- Office.

(8) Recreation uses.

-- Country club with private membership.
-- Private recreation center, club, or area.
-- Public park, playground, or golf course.

(9) Residential uses.

-- College dormitory, fraternity, or sorority house.

(10) Retail and personal service uses.

-- Alcoholic beverage establishments. *[See Section 51A-4.210(b)(4).]*
-- Ambulance service.
-- Animal shelter or clinic without outside runs.
-- Auto service center.
-- Business school.
-- Car wash.
-- Commercial amusement (inside). [SUP may be required.]
-- Commercial amusement (outside). [SUP]
-- Commercial parking lot or garage.
-- Convenience store with drive-through. [SUP]
-- Dry cleaning or laundry store.
-- Furniture store.
-- General merchandise or food store 3,500 square feet or less.
-- General merchandise or food store greater than 3,500 square feet.
-- General merchandise or food store 100,000 square feet or more. [SUP]
-- Home improvement center, lumber, brick, or building materials sales yard.
-- Household equipment and appliance repair.
-- Liquor store.
-- Mortuary, funeral home, or commercial wedding chapel.
-- Motor vehicle fueling station.
-- Nursery, garden shop, or plant sales.
-- Pawn shop.
-- Personal service uses.
-- Restaurant without drive-in or drive-through service.
-- Restaurant with drive-in or drive-through service.

-- Swap or buy shop. [SUP]
-- Temporary retail use.
-- Theater.

(11) Transportation uses.

-- Transit passenger shelter.
-- Transit passenger station or transfer center.

(12) Utility and public service uses.

-- Commercial radio or television transmitting station.
-- Electrical substation.
-- Local utilities.
-- Police or fire station.
-- Post office.
-- Radio, television, or microwave tower.
-- Tower/antenna for cellular communication.
-- Utility or government installation other than listed.

(13) Wholesale, distribution, and storage uses.

-- Mini-warehouse.
-- Office showroom/warehouse.
-- Recycling buy-back center. *[SUP or RAR may be required. See Section 51A-4.213(11).]*
-- Recycling collection center. *[SUP or RAR may be required. See Section 51A-4.213(11.1).]*
-- Recycling drop-off container. *[SUP required if the requirements of Section 51A-4.213(11.2)(E) are not satisfied.]*
-- Recycling drop-off for special occasion collection. *[SUP required if the requirements of Section 51A-4.213(11.3)(E) are not satisfied.]*

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 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) Except as provided in this section, the yard, lot, and space regulations for the CS Commercial Service District apply.

(b) Height. Maximum structure height is 80 feet.

(c) Stories. Maximum number of stories above grade is six.

(d) Floor area. Maximum floor area is 128,938 square feet.

SEC. 51P- ____.109. OFF-STREET PARKING AND LOADING.

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

(b) Mini-warehouse. A minimum of 12 off-street parking spaces must be provided.

SEC. 51P- ____.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-____.111. LANDSCAPING.

(a) Landscaping must be provided in accordance with Article X.

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

SEC. 51P- ____.112. SIGNS.

(a) Except as provided in this section, signs must comply with the provisions for business zoning districts in Article VII.

(b) Attached signs.

(1) The maximum effective area for the west façade is 25 percent of this façade area.

(2) The maximum effective area for the south façade is 25 percent of this façade area.

SEC. 51P- ____.113. ADDITIONAL PROVISIONS.

(a) The Property must be properly maintained in a state of good repair and neat appearance.

(b) For a mini-warehouse:

(1) Rental of trailers and associated equipment is prohibited.

(2) Outside storage is prohibited.

(3) All storage units must be accessed from an internal corridor.

(c) 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-____.114. COMPLIANCE WITH CONDITIONS.

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

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, 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.

941995

DEED RESTRICTIONS

THE STATE OF TEXAS)
)
COUNTY OF DALLAS)

KNOW ALL PERSONS BY THESE PRESENTS:

I.

The undersigned, **DEMAC CORP., a Texas corporation** (the "Owner"), is the owner of the property located in the City of Dallas, Dallas County, Texas described in Exhibit A attached hereto and made a part hereof (the "Property"), such Property being more commonly known as 5531 East University Boulevard, Dallas, Texas and being the same property conveyed to Owner by Warranty Deed dated April 10, 1980 from Mary Alice Dealey and recorded in Volume 80113, Page 1871 of the Deed Records of Dallas County, Texas.

II.

The Owner does hereby impress all of the Property with the following deed restriction (the "Restriction"), to wit:

The following shall be the only uses permitted on the Property:

1) Industrial (Inside) for Light Manufacturing Uses limited to the operation of a Commercial Bakery and uses customarily incidental to a Commercial Bakery. For purposes hereof, a "Commercial Bakery" is defined as an industrial facility where the baking and processing of baked goods takes place wholly within an enclosed building.

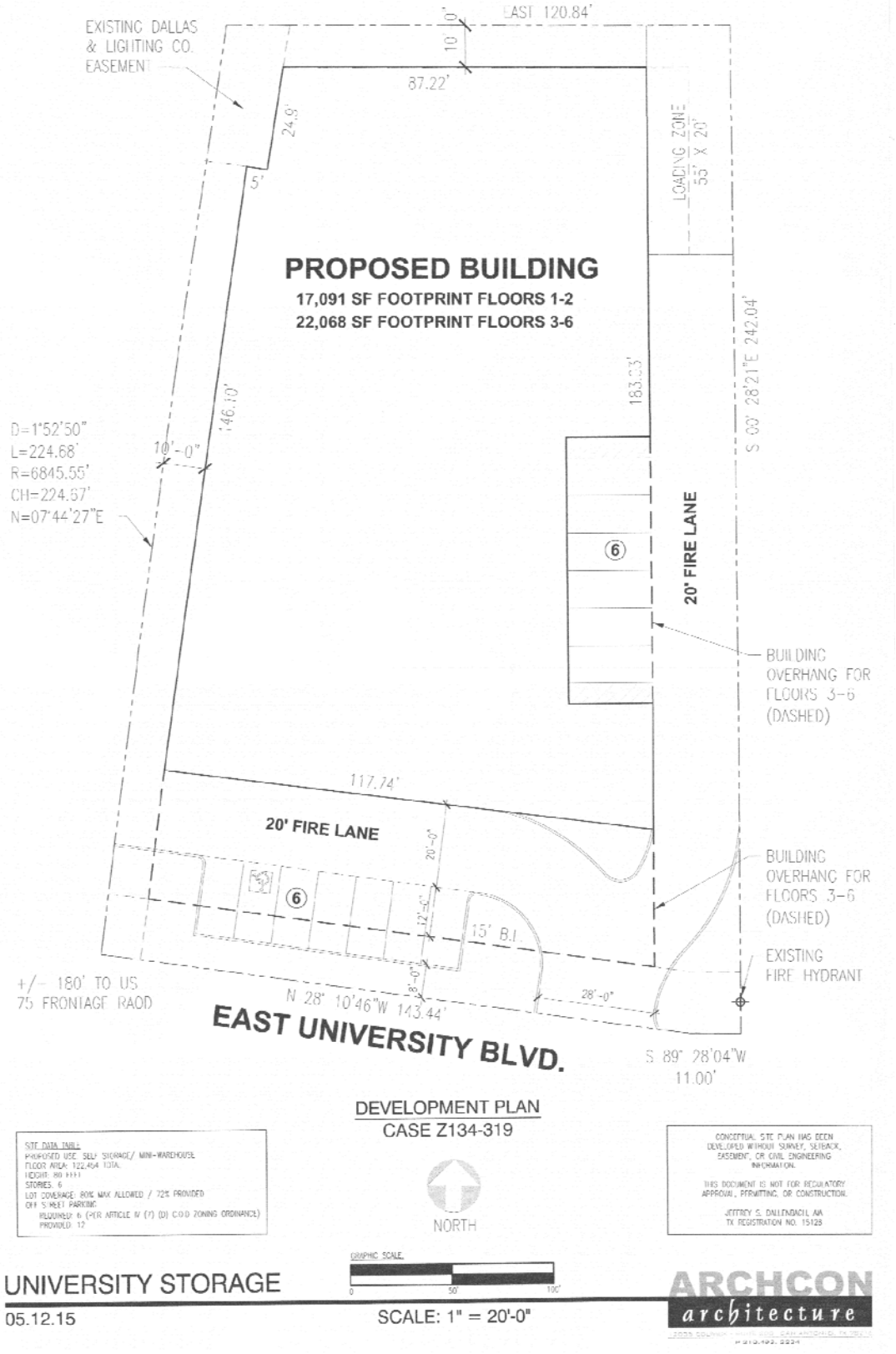
2) Office Showroom/Warehouse Uses.

3) Those uses permitted in the CR Community Retail District.

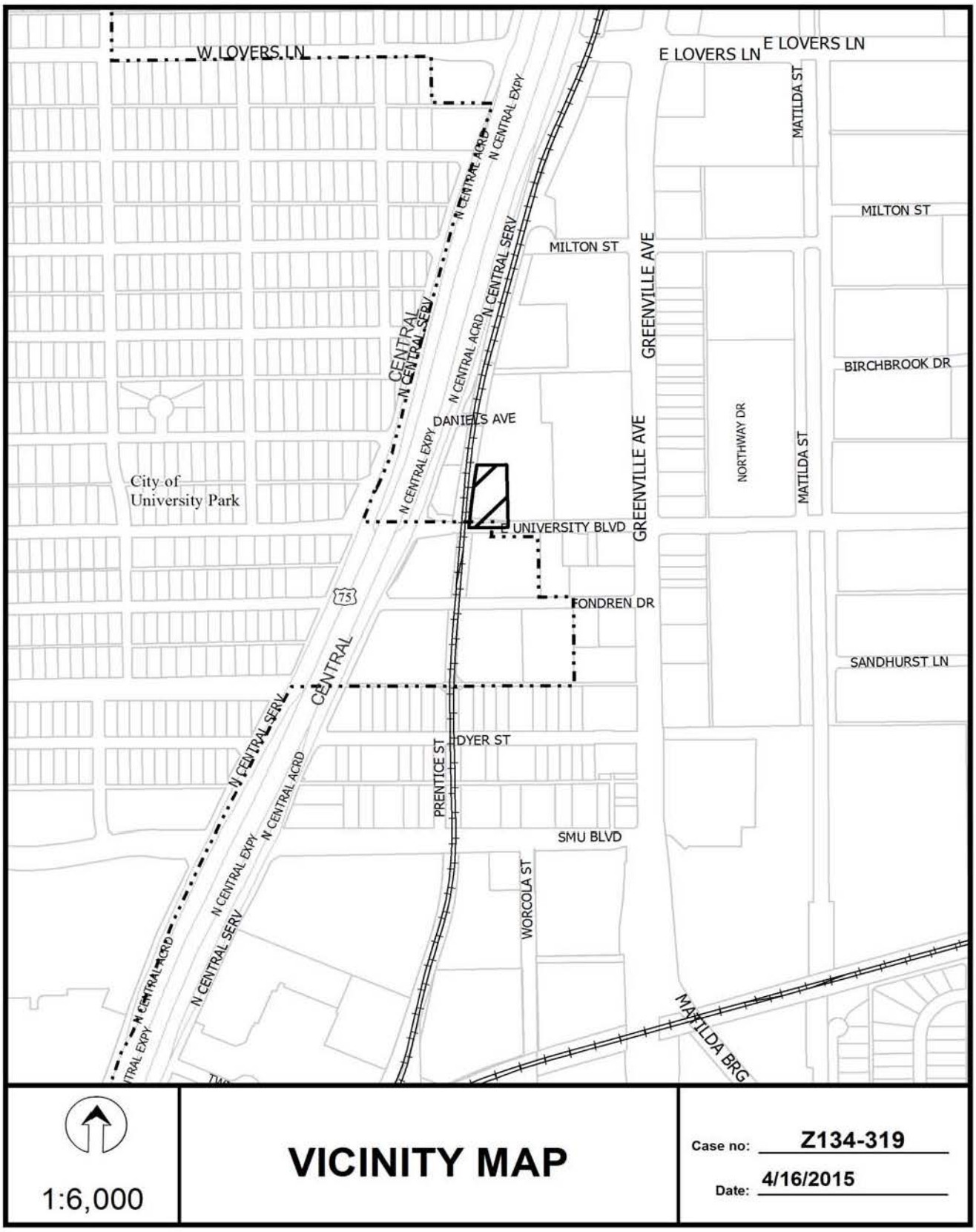
III.

The Restriction shall continue in full force and effect for a period of twenty (20) years from the date of execution, and shall automatically be extended for additional periods of ten (10) years unless amended or terminated in the manner specified in this document.

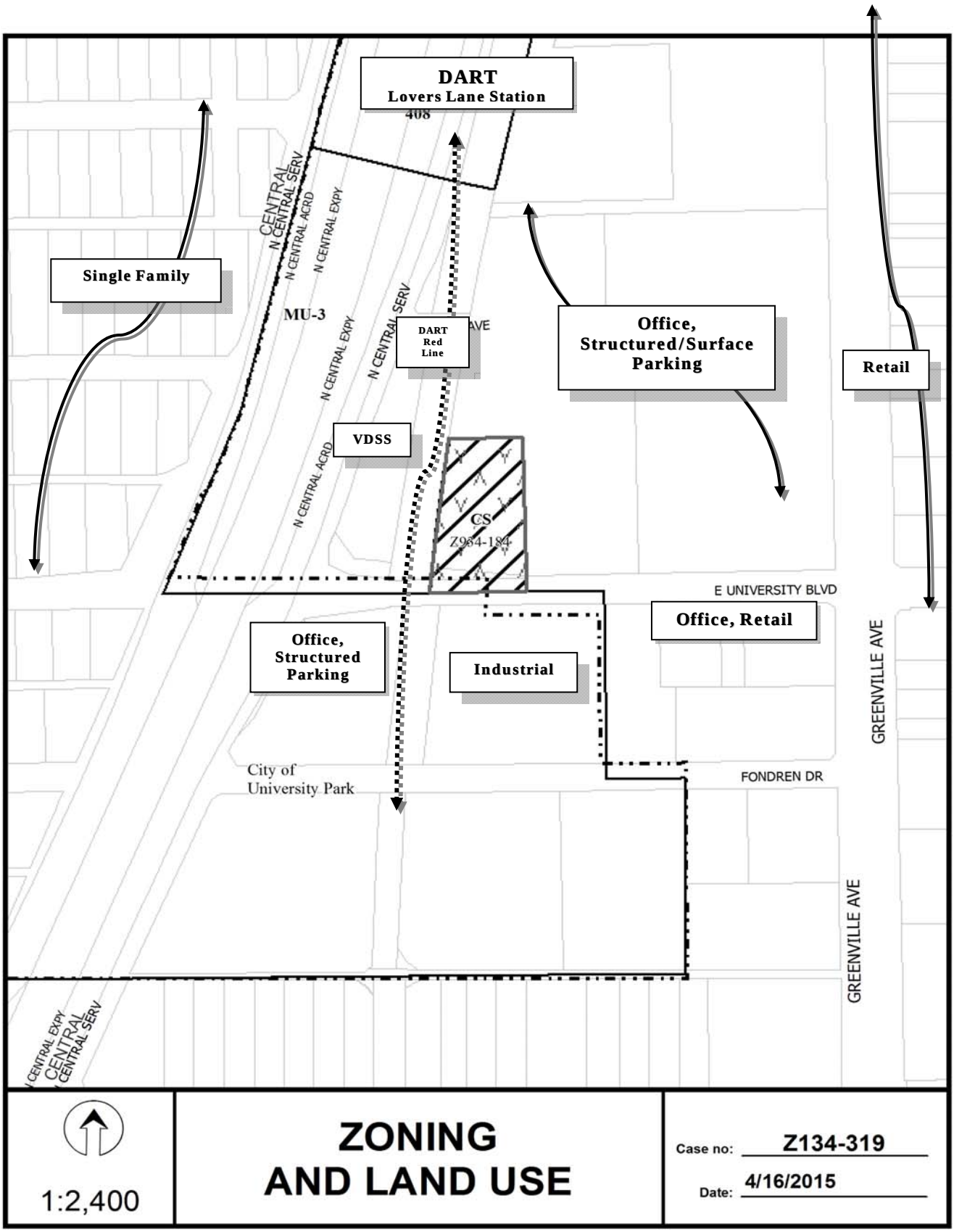
Z934-184/9612-E



Proposed Development Plan

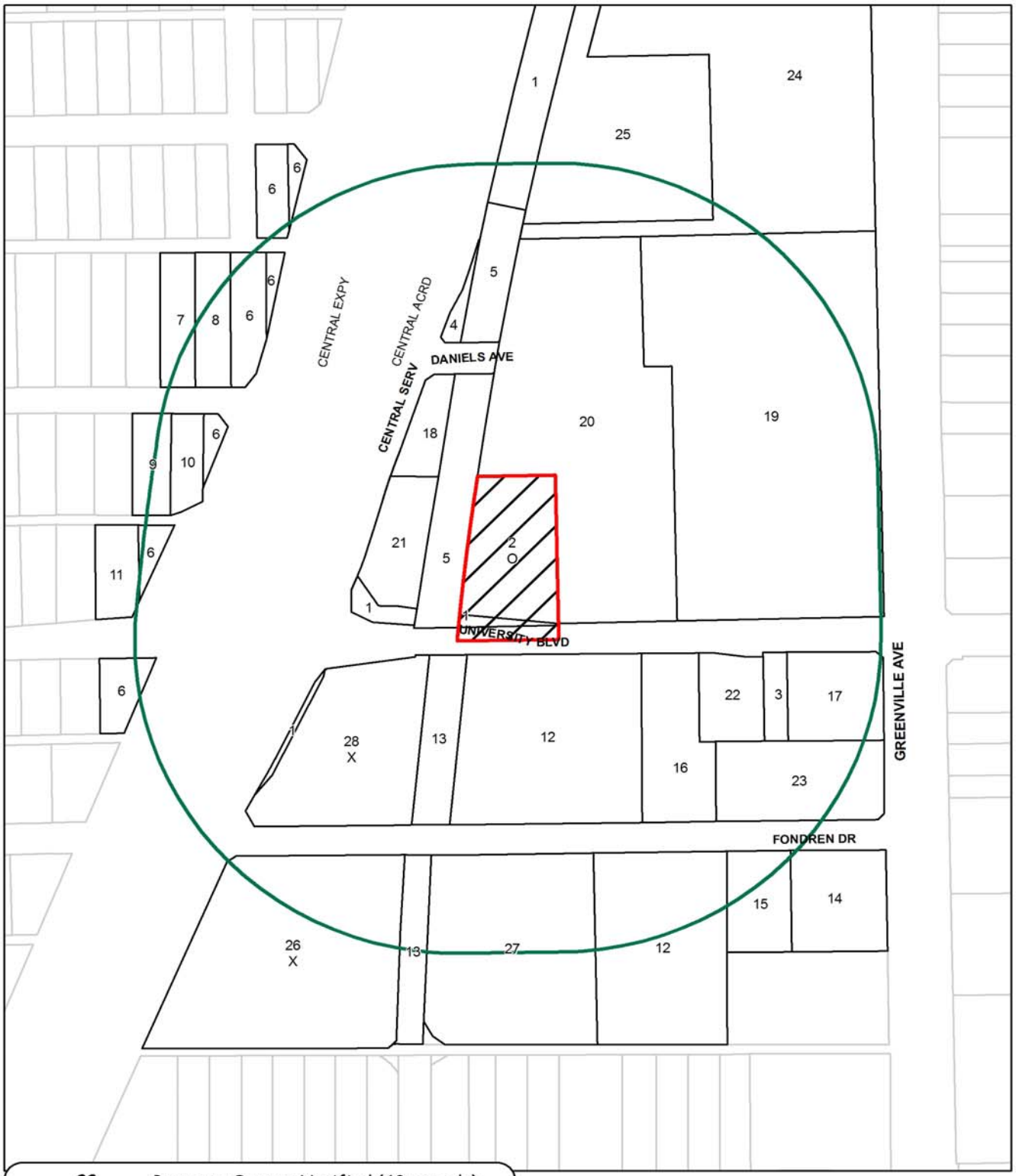

W LOVERS LN
E LOVERS LN
E LOVERS LN
MATILDA ST
MILTON ST
MILTON ST
GREENVILLE AVE
BIRCHBROOK DR
N CENTRAL EXPY
N CENTRAL SERV
N CENTRAL ACRD
CENTRAL
DANIELS AVE
NORTHWAY DR
MATILDA ST
City of
University Park
UNIVERSITY BLVD
GREENVILLE AVE
75
FONDREN DR
SANDHURST LN
CENTRAL
DYER ST
PRENTICE ST
SMU BLVD
WORCOLA ST
MATILDA BRG
1:6,000
VICINITY MAP
Case no: Z134-319
Date: 4/16/2015


N CENTRAL EXPY
N CENTRAL SERV
N CENTRAL ACRD
N CENTRAL EXPY
N CENTRAL SERV
DANIEL AVE
E UNIVERSITY BLVD
GREENVILLE AVE
City of University Park
FONDREN DR
GREENVILLE AVE
CENTRAL EXPY
CENTRAL SERV
1:2,400
AERIAL MAP
Case no: Z134-319
Date: 4/16/2015


DART
Lovers Lane Station
408
Single Family
MU-3
DART
Red
Line
Office,
Structured/Surface
Parking
Retail
VDSS
CS
Z964-184
E UNIVERSITY BLVD
Office, Retail
Office,
Structured
Parking
Industrial
GREENVILLE AVE
City of
University Park
FONDREN DR
GREENVILLE AVE
N CENTRAL EXPY
N CENTRAL SERV
N CENTRAL ACRD
CENTRAL
1:2,400
ZONING
AND LAND USE
Case no: Z134-319
Date: 4/16/2015

Z134-319(RB)

CPC RESPONSES



28	Property Owners Notified (40 parcels)
1	Replies in Favor (1 parcels)
2	Replies in Opposition (2 parcels)
500'	Area of Notification
5/7/2015	Date

Z134-319
CPC

N
W E
S

1:2,400

05/06/2015

Reply List of Property Owners

Z134-319

28 Property Owners Notified ***1 Property Owners in Favor*** ***2 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	5603	MILTON ST	DALLAS AREA RAPID TRANSIT
O	2	5531	UNIVERSITY BLVD	EAST CAMPUS HOLDINGS LP
	3	5626	UNIVERSITY BLVD	CAMPBELL RANDY &
	4	6600	CENTRAL EXPY	UNIVERSITY SIGN PARTNERSHIP
	5	555	2ND AVE	DART
	6	2801	UNIVERSITY BLVD	UNIVERSITY PARK CITY OF
	7	2708	DANIEL AVE	FARR MARGARET JEAN
	8	2706	DANIEL AVE	DUNSTON JAYSON & HEATHER
	9	2709	DANIEL AVE	KAPLAN CHERYL H & ARTHUR
	10	2705	DANIEL AVE	UNIVERSITY PARK CITY OF
	11	2804	UNIVERSITY BLVD	CAHILL JOHN E
	12	2525	UNIVERSITY BLVD	UNIVERSITY PARK CITY OF
	13	2600	FONDREN DR	DALLAS AREA RAPID TRANSIT
	14	4645	GREENVILLE AVE	SAYAH INVESTMENTS LP
	15	5620	FONDREN DR	DDW PROPERTIES LLC
	16	5614	UNIVERSITY BLVD	FIFTY SIX FOURTEEN
	17	4747	GREENVILLE AVE	ZAKI FAMILY PARTNERSHIP LP THE
	18	6530	CENTRAL EXPY	ROPPOLO THOMAS J ET AL
	19	4925	GREENVILLE AVE	LOCH ENERGY SQUARE LP
	20	4849	GREENVILLE AVE	LOCH ENERGY SQUARE LP
	21	5515	UNIVERSITY BLVD	SAAD BASEL R
	22	5622	UNIVERSITY BLVD	HOPPER JAMES T & KATHLEEN
	23	4703	GREENVILLE AVE	EDWARD T FARRIS CO LTD
	24	5646	MILTON ST	MEADOWS BUILDING LLC
	25	6688	CENTRAL EXPY	LOCH ENERGY SQUARE LP
X	26	6400	CENTRAL EXPY	MUSTANG MOCKINGBIRD PROPERTIES

05/06/2015

Reply	*Label #*	*Address*		*Owner*
	27	2651	FONDREN DR	JARRELL CREDIT EQUIVALENT
X	28	6440	CENTRAL EXPY	TURLEY WINDLE & SHIRLEY A

AGENDA ITEM # 81

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: All

SUBJECT

A public hearing to receive comments regarding consideration of and an ordinance granting amendments to Chapters 51 and 51A of the Dallas Development Code to: **(1)** require a landscape buffer and establish maximum stacking heights for open storage and outside storage uses; **(2)** require screening for open storage and outside storage uses in the I-2, I-3, and IM Industrial Manufacturing districts; **(3)** provide new screening regulations for the organic compost recycling facility use, petroleum product storage and wholesale use, and sand, gravel or earth sales and storage use in IM Industrial Manufacturing districts; and **(4)** require a Specific Use Permit for outside storage as a main use in the CA-1 and CA-2 districts
Recommendation of Staff: Approval of Staff recommendation
Recommendation of CPC: Approval
DCA078-016(DL)

HONORABLE MAYOR & CITY COUNCIL **TUESDAY, SEPTEMBER 22, 2015**

ACM: Ryan S. Evans

FILE NUMBER: DCA078-016(DL) **DATE INITATED**: April 24, 2009

TOPIC: Outside Storage

COUNCIL DISTRICT: All **CENSUS TRACTS:** All

PROPOSAL: Consideration of amendments to Chapter 51 and Chapter 51A, the Dallas Development Code to: (1) require a landscape buffer and establish maximum stacking heights for open storage and outside storage uses; (2) require screening for open storage and outside storage uses in the I-2, I-3, and IM Industrial Manufacturing districts; (3) provide new screening regulations for the organic compost recycling facility use, petroleum product storage and wholesale use, and sand, gravel or earth sales and storage use in IM Industrial Manufacturing districts; and (4) require a Specific Use Permit for outside storage as a main use in the CA-1 and CA-2 districts.

SUMMARY: The purpose of the amendments are to provide adequate and appropriate screening requirements for open storage and outside storage uses in the I-2 and I-3 Industrial Districts, and IM Industrial Manufacturing District; to establish maximum stacking heights for this use in all allowed districts; to establish a landscape buffer requirement for this use; to provide adequate and appropriate screening requirements for the organic compost recycling, sand, gravel, or earth sales and storage; and petroleum product storage and wholesale uses in the IM Industrial Manufacturing District; and to provide additional scrutiny of this use in the CA-1 and CA-2 Central Area Districts.

CPC RECOMMENDATION: **Approval**

STAFF RECOMMENDATION: **Approval of Staff recommendation**

BACKGROUND

Outside storage is currently defined as “a lot used for the outside placement of an item for a period in excess of 24 hours and includes storage in a structure that is open or not entirely enclosed.”

Outside storage is considered a main use if it occupies greater than five percent of a lot’s area. It is allowed by right in a CS Commercial Service District, Industrial districts (LI Light Industrial, IR Industrial Research and IM Industrial Manufacturing) and the Central Area districts (CA-1 and CA-2).

Currently, screening is required in CS, LI, and IR districts. Per, section 51A-4.602(b), required screening must not be less than six feet in height and must be constructed of either brick, stone, concrete masonry, stucco, concrete or wood; an earthen berm (with a slope that does not exceed one foot of height for each two feet of width) planted with turf grass or ground cover; evergreen plant materials; or any combination of these materials. Metal is currently not a permitted screening material.

The goal of the proposed changes is to improve the aesthetics of the city as seen from thoroughfares and highways. Thoroughfares are streets that are designated in the City’s thoroughfare plan and are typically arterial or collector streets.

The proposed amendments establish screening requirements for the Outside storage use in an IM District (i.e., uses with Certificates of Occupancy where the land use is listed as Outside storage). Additionally, the proposal establishes stacking height and landscape buffer requirements for the Outside storage use in all allowed districts. The proposal does not affect accessory outside storage.

Screening requirements are also proposed for the Organic compost recycling; Petroleum product storage and wholesale; and Sand, gravel, or earth sales and storage uses, as these uses typically have an outside storage component. The requirements will affect new uses with Certificates of Occupancy where the land use is listed as Organic compost recycling; Petroleum product storage and wholesale; or Sand, gravel, or earth sales and storage uses.

The proposed amendment establishes compliance dates for outside storage for both maximum stacking heights and required screening. No compliance date is recommended for the landscape buffer requirement.

In 2009, the Zoning Ordinance Committee (ZOC) considered amendments to the screening requirements for the Outside storage use. City Plan Commission (CPC) recommended approval of those amendments.

On January 13, 2014, the Quality of Life & Environment Committee (Committee) was updated on the status of the proposed amendments to the screening requirements. The Quality of Life & Environment Committee directed staff to take the item back to ZOC to

resolve outstanding issues including: compliance periods; stacking heights; screening materials; and screening for other uses with an outside storage component.

The Zoning Ordinance Committee (ZOC) reconsidered this issue at seven meetings between January 23, 2014 and September 18, 2014. On September 18, 2014, ZOC recommended approval of the proposed ordinance (which includes some of the City Plan Commission recommendations from 2009 as well as new recommendations from ZOC).

On October 23, 2014, the City Plan Commission (CPC) held this item under advisement until December 4, 2014 when the City Plan Commission approved Staff and Zoning Ordinance Committee recommended changes.

City Council's Quality of Life & Environment Committee was briefed on this matter on May 26, 2015, August 10, 2015 and August 24, 2015.

On August 24, 2015, the Quality of Life & Environment Committee recommended taking the amendment to the full Council. The Committee supported the majority of the CPC's recommended actions. The Committee differed with CPC on the instances when outside storage in the IM District must be screened; the allowable screening materials for this use in the IM District; the compliance periods; and the special exception process for the outside storage use in the IM District.

PROPOSED AMENDMENTS

Screening Requirements

CPC Recommendation

- In the IM district, outside storage must be visually screened on any side that is within 200 feet of and visible from a thoroughfare or an adjacent property that is not zoned IM.

Staff and Quality of Life and Environment Committee Recommendation

- In the IM district, outside storage must be visually screened on any side that is within 200 feet and visible from a thoroughfare, expressway, or adjacent property not zoned IM.

Screening for Additional Uses with an Outside Storage component

CPC Recommendation

- Required screening, consistent with the screening proposed for Outside Storage use in the IM District, for the following additional uses that have an outside storage component and are allowed by right in the IM District:

    - Petroleum Product Storage and Wholesale
    - Sand, Gravel, or Earth Sales and Storage
    - Organic Compost Recycling Facility

Screening Materials for Required Screening

In 2009 CPC recommended amendments to regulations in Sec 51A-4.602(b) for Required Screening by removing “stucco” from the list of allowable screening material for any Required screening and Garbage storage areas. Additionally, “metal” was added as an allowed screening material for Garbage storage areas.

- Required screening must be constructed of: brick, stone, concrete masonry, ~~stucco~~, concrete, wood, an earthen berm (planted with turf grass or ground cover), or evergreen plant materials (capable of obtaining a solid appearance within three years).
- Garbage storage areas must be visually screened on any side visible from a street or an adjoining property by a brick, stone, concrete masonry, ~~stucco~~, concrete, wood, or metal wall or fence or by landscape screening.

During the 2015 Quality of Life and Environment Committee briefings, metal as a screening material was discussed and removed as an allowable material.

Screening Materials in the IM District

CPC Recommendation

- In the IM district, in addition to the screening materials allowed in Section 51A-4.602(b)(3), which are: brick, stone, concrete masonry, ~~stucco~~, concrete, wood, an earthen berm (planted with turf grass or ground cover), and evergreen plant materials (capable of obtaining a solid appearance within three years). The outside storage use may also be screened with corrugated sheet metal (that includes a cap, a top, and a bottom rail) or chain link (with slats through all links).

Staff and Quality of Life and Environment Committee Recommendation

- To remove corrugated sheet metal (that includes a cap, a top, and a bottom rail) and chain link (with slats through all links) as an additional material for the outside storage use in the IM District and instead allow weathering steel as an additional material for this use in the IM District.

Landscape

CPC Recommendation

- Require a landscape buffer between any required screening fence and the adjacent thoroughfare (Alternative irrigation may be approved by the director).

Stacking Height

CPC Recommendation

- Maximum stacking height of outside storage within 40 feet of the required screening is no higher than the height of the screening
- Maximum stacking height of outside storage is 30 feet if the outside storage area is visible from and within 200 feet of a thoroughfare or adjoining property not zoned IM

– No maximum stacking height 200 feet or more from a thoroughfare or adjoining property

CA Districts

CPC Recommendation
– Require an SUP for Outside Storage as a main use in the CA-1 and the CA-2 Districts

Compliance Periods

CPC Recommendation
– Five year compliance period for screening and stacking height requirements
– No compliance date proposed for landscape buffer requirement

Quality of Life and Environment Committee Recommendation
– Require a three year compliance period instead of a five years for screening and stacking height requirements
– No compliance date proposed for landscape buffer requirement

Special Exception Process

After City Planning Commission, Staff expressed concerns that requiring the outside storage use in the IM District to obtain a Special Use Permit to allow for exceptions to the screening requirements was too onerous and is better addressed by the existing process in which an appeal may be made to the Board of Adjustment for a special exception to the required screening.

CPC Recommendation
- By right in the IM district if screening is provided in accordance with Subparagraph (F) and stacking heights comply with Subparagraph (G); otherwise by SUP only in the IM district.

Staff and Quality of Life and Environment Committee Recommendation
– Follow Staff recommendation to allow Outside storage use in the IM District to follow the existing process for special exceptions for required screening through the Board of Adjustment.

CPC ACTION

October 23, 2014

Motion I: It was moved to recommend **approval** of Consideration of amendments to Chapter 51 and Chapter 51A, the Dallas Development Code to: 1) provide landscaping, stacking height, and screening regulations for open storage and outside storage uses; and 2) provide screening regulations for organic compost recycling; petroleum product storage and wholesale; and sand, gravel or earth sales and storage uses in IM Industrial Manufacturing districts.

Maker: Shellene
Second: None
Result: Failed for lack of a second

Motion II: In considering amendments to Chapter 51 and Chapter 51A, the Dallas Development Code to: 1) provide landscaping, stacking height, and screening regulations for open storage and outside storage uses; and 2) provide screening regulations for organic compost recycling; petroleum product storage and wholesale; and sand, gravel or earth sales and storage uses in IM Industrial Manufacturing districts, it was moved to **hold** this case under advisement until December 4, 2014.

Maker: Shellene
Second: Ridley
Result: Carried: 12 to 0

For: 12 - Anglin, Emmons, Rodgers, Shidid, Bagley, Lavallaisaa, Tarpley, Shellene, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 3 - Culbreath, Anantasomboon, Schultz
Vacancy: 0

Speakers: None

December 4, 2014

Motion: It was moved to recommend **approval** of the amendments to Chapter 51 and Chapter 51A, the Dallas Development Code to: 1) provide landscaping, stacking height, and screening regulations for open storage and outside storage uses; and 2) provide screening regulations for organic compost recycling; petroleum product storage and wholesale; and sand, gravel or earth sales and storage uses in IM Industrial Manufacturing districts.

Maker: Shellene
Second: Murphy

Result: Carried: 14 to 0

For: 14 - Anglin, Emmons, Rodgers, Culbreath, Shidid, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley

Against: 0
Absent: 1 - Abtahi
Vacancy: 0

Speakers: None

9-1-15

ORDINANCE NO. _____

An ordinance amending Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," and Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code by amending Sections 51-4.213, 51-4.214, 51A-4.123, 51A-4.124, 51A-4.203, 51A-4.213, and 51A-4.602; providing screening requirements for the organic compost recycling use, the petroleum product storage and wholesale use, and the sand, gravel, or earth sales and storage use; providing landscaping, screening, and stacking height requirements for the open storage use and the outside storage use; providing additional screening materials for outside storage in IM districts; providing a specific use permit requirement for outside storage in central area districts; providing a penalty not to exceed $2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

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

SECTION 1. That Subparagraph (E), "Additional Provisions," of Paragraph (10), "Petroleum Products Storage and Wholesale," of Section 51-4.213, "Commercial Uses," of Division 51-4.200, "Use Regulations," of Article IV, "Zoning Regulations," of Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," of the Dallas City Code is amended by adding new Romanette (ii) to read as follows:

CPC Recommendation

"(ii) In the I-2 and I-3 districts, petroleum products storage and wholesale must be visually screened on any side that is within 200 feet of and visible from a thoroughfare or an adjoining property that is not zoned I-2 or I-3. In addition to the screening materials allowed in Section 51A-4.602(b)(3), corrugated sheet metal that includes a cap and a top and bottom rail or chain link with slats through all links may also be used."

Staff and Quality of Life and Environment Committee Recommendation

"(ii) In the I-2 and I-3 districts, petroleum products storage and wholesale must be visually screened on any side that is within 200 feet of and visible from a thoroughfare, expressway, new expressway, or an adjoining property that is not zoned I-2 or I-3. In addition to the screening materials allowed in Section 51A-4.602(b)(3), ~~corrugated sheet metal that includes a cap and a top and bottom rail or chain link with slats through all links~~ weathering steel may also be used."

SECTION 2. That Subparagraph (E), "Additional Provisions," of Paragraph (13), "Sand, Gravel, and Earth Sales or Storage," of Section 51-4.213, "Commercial Uses," of Division 51-4.200, "Use Regulations," of Article IV, "Zoning Regulations," of Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," of the Dallas City Code is amended by adding new Romanette (iii) to read as follows:

CPC Recommendation

"(iii) In the I-2 and I-3 districts, sand, gravel, or earth sales and storage must be visually screened on any side that is within 200 feet of and visible from a thoroughfare or an adjacent property that is not zoned I-2 or I-3. For purposes of this paragraph, adjacent means across the street or sharing a common lot line. In addition to the screening materials allowed in Section 51A-4.602(b)(3), corrugated sheet metal that includes a cap and a top and bottom rail or chain link with slats through all links may also be used."

Staff and Quality of Life and Environment Committee Recommendation

"(iii) In the I-2 and I-3 districts, sand, gravel, or earth sales and storage must be visually screened on any side that is within 200 feet of and visible from a thoroughfare, expressway, new expressway, or an adjacent property that is not zoned I-2 or I-3. For purposes of this paragraph, adjacent means across the street or sharing a common lot line. In addition to the screening materials allowed in Section 51A-4.602(b)(3), ~~corrugated sheet metal that includes a cap and a top and bottom rail or chain link with slats through all links~~ weathering steel may also be used."

SECTION 3. That Paragraph (4), "Open Storage," of Section 51-4.214, "Storage and Waste Disposal Uses," of Division 51-4.200, "Use Regulations," of Article IV, "Zoning Regulations," of Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," of the Dallas City Code is amended to read as follows:

"(4) Open storage.

(A) Definition: A lot used for the outside placement of an item[~~,~~] for a period in excess of 24 hours.[~~, of an item which is:~~] Outside placement includes storage in a structure that is open or not entirely closed.

[~~(i) customarily used or stored outside; and~~

~~(ii) made of a material that is resistant to damage or deterioration from exposure to the outside environment.~~]

CPC Recommendation

(B) Districts permitted: By right in HC and I-1 districts. RAR required in HC and industrial districts. By SUP only in the central area and LC districts. By right in the I-2 and I-3 districts if screening is provided in accordance with Subparagraph (F) and stacking heights comply with Subparagraph (G); otherwise by SUP only in the I-2 and I-3 districts.

Staff and Quality of Life and Environment Committee Recommendation

(B) Districts permitted: By right in HC and I-1 districts. RAR required in HC and industrial districts. By SUP only in the central area and LC districts. By right in the I-2 and I-3 districts if screening is provided in accordance with Subparagraph (F) and stacking heights comply with Subparagraph (G) ~~otherwise by SUP only in the I-2 and I-3 districts~~.

[~~(i) Open storage with visual screening: HC, central area, and industrial districts; specific use permit required in a LC district.~~

~~(ii) Open storage without visual screening: I-2 and I-3 districts.~~]

(C) Required off-street parking: One space for each 5,000 [~~2,000~~] square feet of site area exclusive of parking area; a minimum of one space is required, and a maximum of four spaces is allowed.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2

Each additional 100,000 or fraction thereof	1 additional

(E) Landscaping:

(i) A landscape buffer must be provided between any required screening fence and the adjacent thoroughfare.

(ii) The director may approve an alternative irrigation plan for landscaping if the director determines that it will maintain the required landscaping.

(F) Screening:

(i) In the HC, LC, and I-1 districts, open storage must be screened.

CPC Recommendation

(ii) In the I-2 and I-3 districts, open storage must be visually screened on any side that is within 200 feet of and visible from a thoroughfare or an adjacent property that is not zoned I-2 or I-3. For purposes of this paragraph, adjacent means across the street or sharing a common lot line. In addition to the screening materials allowed in Section 51A-4.602(b)(3), corrugated sheet metal that includes a cap and a top and bottom rail or chain link with slats through all links may also be used.

Staff and Quality of Life and Environment Committee Recommendation

(ii) In the I-2 and I-3 districts, open storage must be visually screened on any side that is within 200 feet of and visible from a thoroughfare, expressway, new expressway, or an adjacent property that is not zoned I-2 or I-3. For purposes of this paragraph, adjacent means across the street or sharing a common lot line. In addition to the screening materials allowed in Section 51A-4.602(b)(3), ~~corrugated sheet metal that includes a cap and a top and bottom rail or chain link with slats through all links~~ weathering steel may also be used.

(G) Stacking height.

(i) Except as provided in this subparagraph, maximum stacking height of open storage is 30 feet if the open storage area is visible from and within 200 feet of a thoroughfare or adjoining property that is not zoned I-3. No maximum stacking height of open storage if the open storage area is 200 feet or more from a thoroughfare or adjoining property.

(ii) Maximum stacking height of open storage within 40 feet of the required screening is no higher than the height of the screening.

(H) Additional provisions:

(i) A person shall not place, store, or maintain outside for a period in excess of 24 hours, an item that [which] is not:

(aa) customarily used or stored outside; or

(bb) made of a material that is resistant to damage or deterioration from exposure to the outside environment.

(ii) Open storage may qualify as an accessory use if it is customarily incidental to a main use. See Section 51-4.217. [~~The required screening for open storage must comply with the screening requirements in this article.~~]

(iii) Open storage is prohibited in required yards, landscaping areas, and parking areas.

CPC Recommendation

(iv) All nonconforming open storage areas must comply with Subparagraphs (F) and (G) by [five years].”

Staff and Quality of Life and Environment Committee Recommendation

(iv) All nonconforming open storage areas must comply with Subparagraphs (F) and (G) by September 22, 2018. The owner or operator of an outside storage use may appeal to the board of adjustment for a later compliance date at any time up to the compliance date in this provision if the owner or operator will not be able to recover his investment in the use (up to the date of nonconformance) by the compliance date in this subsection. The fee for the appeal of the compliance date is the same as the fee for a nonresidential special exception before the board of adjustment as set forth in Chapter 51A.

SECTION 4. That Subparagraph (M), "Wholesale, Distribution, and Storage Uses," of Paragraph (2), "Main Uses Permitted," of Subsection (d), "Industrial Manufacturing (IM) District," of Section 51A-4.123, "Commercial Service and Industrial Districts," of Division 51A- 4.120, "Nonresidential District Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(M) Wholesale, distribution, and storage uses.

-- Auto auction. *[SUP]*

-- Building mover's temporary storage yard. *[SUP]*

-- Contractor's maintenance yard. *[RAR]*

-- Freight terminal. *[RAR]*

-- Livestock auction pens or sheds. *[SUP]*

-- Manufactured building sales lot. *[RAR]*

-- Mini-warehouse.

-- Office showroom/warehouse.

-- Outside storage (with visual screening). *[RAR]*

CPC Recommendation

-- Outside storage (without visual screening). *[RAR. SUP may be required. See Section 51A-4.213(9).]*

Staff and Quality of Life and Environment Committee Recommendation

-- Outside storage (without visual screening). *[RAR. ~~SUP may be required. See Section 51A-4.213(9).~~]*

-- Petroleum product storage and wholesale. *[RAR]*

-- Recycling buy-back center. *[See Section 51A-4.213(11).]*

-- Recycling collection center. *[See Section 51A-4.213(11.1).]*

-- Recycling drop-off container. *[See Section 51A-4.213(11.2).]*

-- Recycling drop-off for special occasion collection. *[See Section 51A-4.213(11.3).]*

-- Sand, gravel, or earth sales and storage. *[RAR]*

-- Trade center.

-- Vehicle storage lot.

-- Warehouse. *[RAR]*"

SECTION 5. That Subparagraph (M), "Wholesale, Distribution, and Storage Uses," of Paragraph (2), "Main Uses Permitted," of Subsection (a), "CA-1(A) District," of Section 51A- 4.124, "Central Area Districts," of Division 51A-4.120, "Nonresidential District Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(M) Wholesale, distribution, and storage uses.

-- Freight terminal. *[DIR]*
-- Mini-warehouse.
-- Office showroom/warehouse.
-- Outside storage (with visual screening). *[SUP]*
-- Recycling buy-back center. *[See Section 51A-4.213(11).]*
-- Recycling collection center. *[See Section 51A-4.213(11.1).]*
-- Recycling drop-off container. *[See Section 51A-4.213(11.2).]*
-- Recycling drop-off for special occasion collection. *[See Section 51A-4.213(11.3).]*
-- Trade center.
-- Warehouse."

SECTION 6. That Subparagraph (M), "Wholesale, Distribution, and Storage Uses," of Paragraph (2), "Main Uses Permitted," of Subsection (b), "CA-2(A) District," of Section 51A- 4.124, "Central Area Districts," of Division 51A-4.120, "Nonresidential District Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(M) Wholesale, distribution, and storage uses.

-- Freight terminal. *[DIR]*
-- Mini-warehouse.
-- Office showroom/warehouse.
-- Outside storage (with visual screening). *[SUP]*
-- Recycling buy-back center. *[See Section 51A-4.213(11).]*

-- Recycling collection center. *[See Section 51A-4.213(11.1).]*
-- Recycling drop-off container. *[See Section 51A-4.213(11.2).]*
-- Recycling drop-off for special occasion collection. *[See Section 51A-4.213(11.3).]*
-- Trade center.
-- Warehouse."

SECTION 7. That Paragraph (4.1), "Organic Compost Recycling Facility," of Subsection (b), "Specific Uses," of Section 51A-4.203, "Industrial Uses," of Division 51A- 4.200, "Use Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended by adding a new Subparagraph (E), "Additional Provisions," to read as follows:

"(E) Additional provisions:

CPC Recommendation

(i) In the IM district, an organic compost recycling facility must be visually screened on any side that is within 200 feet of and visible from a thoroughfare or an adjacent property that is not zoned IM. For purposes of this paragraph, adjacent means across the street or sharing a common lot line. In addition to the screening materials allowed in Section 51A-4.602(b)(3), corrugated sheet metal that includes a cap and a top and bottom rail or chain link with slats through all links may also be used."

Staff and Quality of Life and Environment Committee Recommendation

(i) In the IM district, an organic compost recycling facility must be visually screened on any side that is within 200 feet of and visible from a thoroughfare, expressway, new expressway, or an adjacent property that is not zoned IM. For purposes of this paragraph, adjacent means across the street or sharing a common lot line. In addition to the screening materials allowed in Section 51A-4.602(b)(3), ~~corrugated sheet metal that includes a cap and a top and bottom rail or chain link with slats through all links~~ weathering steel may also be used."

SECTION 8. That Paragraph (9), "Outside Storage," of Section 51A-4.213, "Wholesale, Distribution, and Storage Uses," of Division 51A-4.200, "Use Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(9) Outside storage.

(A) Definition: A lot used for the outside placement of an item for a period in excess of 24 hours. Outside placement includes storage in a structure that is open or not entirely enclosed.

CPC Recommendation

(B) Districts permitted: By right in CS[,] and industrial[~~, and central area~~] districts. By SUP only in central area districts. [~~Screening required in CS, LI, IR, and central area districts.~~] RAR required in CS and industrial districts. By right in the IM district if screening is provided in accordance with Subparagraph (F) and stacking heights comply with Subparagraph (G); otherwise by SUP only in the IM district.

Quality of Life and Environment Committee Recommendation

(B) Districts permitted: By right in CS[,] and industrial[~~, and central area~~] districts. By SUP only in central area districts. [~~Screening required in CS, LI, IR, and central area districts.~~] RAR required in CS and industrial districts. By right in the IM district if screening is provided in accordance with Subparagraph (F) and stacking heights comply with Subparagraph (G)~~; otherwise by SUP only in the IM district.~~

(C) Required off-street parking: One space for each 5,000 square feet of site area exclusive of parking area up to a maximum of five required spaces; a minimum of one space is required.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	TOTAL REQUIRED SPACES OR BERTHS
0 to 10,000	NONE
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Landscaping.

(i) A landscape buffer must be provided between any required screening fence and the adjacent thoroughfare.

(F) Screening.

(i) In the CS, LI, and IR districts, outside storage must be screened.

CPC Recommendation

(ii) In the IM district, outside storage must be visually screened on any side that is within 200 feet of and visible from a thoroughfare or an adjacent property that is not zoned IM. For purposes of this paragraph, adjacent means across the street or sharing a common lot line. In addition to the screening materials allowed in Section 51A-4.602(b)(3), corrugated sheet metal that includes a cap and a top and bottom rail or chain link with slats through all links may also be used.

Staff and Quality of Life and Environment Committee Recommendation

(ii) In the IM district, outside storage must be visually screened on any side that is within 200 feet of and visible from a thoroughfare, expressway, or new expressway, or an adjacent property that is not zoned IM. For purposes of this paragraph, adjacent means across the street or sharing a common lot line. In addition to the screening materials allowed in Section 51A-4.602(b)(3), ~~corrugated sheet metal that includes a cap and a top and bottom rail or chain link with slats through all links may also be used~~ weathering steel may also be used.

(G) Stacking height.

(i) Except as provided in this subparagraph, maximum stacking height of outside storage is 30 feet if the outside storage area is visible from and within 200 feet of a thoroughfare or adjoining property that is not zoned IM. No maximum stacking height of outside storage if the outside storage area is 200 feet or more from a thoroughfare or adjoining property.

(ii) Maximum stacking height of outside storage within 40 feet of the required screening is no higher than the height of the screening.

(H) Additional provisions:

(i) A person shall not place, store, or maintain outside for a period in excess of 24 hours, an item that [~~which~~] is not:

(aa) customarily used or stored outside; or

(bb) made of a material that is resistant to damage or deterioration from exposure to the outside environment.

(ii) Except as otherwise provided in this article, outside storage is considered to be a separate main use if it occupies more than five percent of the lot. Outside storage on less than five percent of the lot may qualify as an accessory use if it is customarily incidental to a main use. See Section 51A-4.217.

(iii) Outside storage is prohibited in required yards, landscaping areas, and parking areas.

CPC Recommendation

(iv) All nonconforming outside storage areas must comply with Subparagraphs (F) and (G) by [five years].”

Quality of Life and Environment Committee Recommendation

(iv) All nonconforming outside storage areas must comply with Subparagraphs (F) and (G) by September 22, 2018. The owner or operator of an outside storage use may appeal to the board of adjustment for a later compliance date at any time up to the compliance date in this provision if the owner or operator will not be able to recover his investment in the use (up to the date of nonconformance) by the compliance date in this subsection. The fee for the appeal of the compliance date is the same as the fee for a nonresidential special exception before the board of adjustment as set forth in Chapter 51A.

SECTION 9. That Paragraph (10), “Petroleum Product Storage and Wholesale,” of Section 51A-4.213, “Wholesale, Distribution, and Storage Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended by adding a new Subparagraph (E), “Additional Provisions,” to read as follows:

“(E) Additional provisions:

CPC Recommendation

(i) In the IM district, petroleum product storage and wholesale must be visually screened on any side that is within 200 feet of and visible from a thoroughfare or an adjacent property that is not zoned IM. For purposes of this paragraph, adjacent means across the street or sharing a common lot line. In addition to the screening materials allowed in Section 51A-4.602(b)(3), corrugated sheet metal that includes a cap and a top and bottom rail or chain link with slats through all links may also be used.”

Staff and Quality of Life and Environment Committee Recommendation

(i) In the IM district, petroleum product storage and wholesale must be visually screened on any side that is within 200 feet of and visible from a thoroughfare, expressway, new expressway, or an adjacent property that is not zoned IM. For purposes of this paragraph, adjacent means across the street or sharing a common lot line. In addition to the screening materials allowed in Section 51A-4.602(b)(3), ~~corrugated sheet metal that includes a cap and a top and bottom rail or chain link with slats through all links~~ weathering steel may also be used.”

SECTION 10. That Subparagraph (E), “Additional Provisions,” of Paragraph (12), “Sand, Gravel, or Earth Sales and Storage,” of Section 51A-4.213, “Wholesale, Distribution,

and Storage Uses," of Division 51A-4.200, "Use Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended by adding new Romanette (ii) to read as follows:

CPC Recommendation

"(ii) In the IM district, sand, gravel, or earth sales and storage must be visually screened on any side that is within 200 feet of and visible from a thoroughfare or an adjoining property that is not zoned IM. In addition to the screening materials allowed in Section 51A-4.602(b)(3), corrugated sheet metal that includes a cap and a top and bottom rail or chain link with slats through all links may also be used."

Staff and Quality of Life and Environment Committee Recommendation

"(ii) In the IM district, sand, gravel, or earth sales and storage must be visually screened on any side that is within 200 feet of and visible from a thoroughfare, expressway, new expressway, or an adjoining property that is not zoned IM. In addition to the screening materials allowed in Section 51A-4.602(b)(3), ~~corrugated sheet metal that includes a cap and a top and bottom rail or chain link with slats through all links~~ weathering steel may also be used."

SECTION 11. That Subsection (b), "Required Screening," of Section 51A-4.602, "Fence, Screening and Visual Obstruction Regulations," of Division 51A-4.600, "Regulations of Special Applicability," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(b) Required screening. Unless otherwise specifically provided for in this chapter, screening must be constructed and maintained in accordance with the following regulations.

(1) Screening required in this article must be not less than six feet in height.

(2) The board may grant a special exception to the height requirement for screening when, in the opinion of the board, the special exception will not adversely affect neighboring property, except that the board my not grant a special exception to the height requirements for screening around off-street parking.

(3) Required screening must be constructed of:

(A) brick, stone, [~~or~~] concrete masonry, [~~stucco,~~] concrete, or wood;

(B) earthen berm planted with turf grass or ground cover recommended for local area use by the director of parks and recreation. The berm may not have a slope that exceeds one foot of height for each two feet of width;

(C) evergreen plant materials recommended for local area use by the director of parks and recreation. The plant materials must be located in a bed that is at least three feet wide with a minimum soil depth of 24 inches. Initial plantings must be capable of obtaining a solid appearance within three years. Plant materials must be placed a maximum of 24 inches on center over the entire length of the bed unless the building official approves an alternative planting density that a landscape authority certifies as being capable of providing a solid appearance within three years; or

(D) any combination of the above.

(4) A required screening wall or fence may not have more than 10 square inches of openings in any given square foot of surface. Plant materials used for required screening must obtain a solid appearance and provide a visual barrier of the required height within three years <u>after</u> [~~of~~] their initial planting.

(5) Access through required screening may be provided only by a solid gate equaling the height of the screening. The gate must remain closed:

(A) between the hours of 10 p.m. and 7 a.m.; and

(B) at all other times except when in actual use.

CPC Recommendation

(6) Garbage storage areas must be visually screened on any side visible from a street or an adjoining property by a brick, stone, concrete masonry, [~~stucco,~~] concrete, ~~or~~] wood, <u>or metal</u> wall or fence or by landscape screening. Screening is not required on a side adjacent to an alley or easement used for garbage pick-up service. Screening is not required if the garbage storage area is 200 feet or more from the street or adjoining property. To allow air circulation and visibility, the screening from grade to one foot above grade may be up to 50 percent open. [~~Screening must be properly maintained so that:~~

(A) ~~the screening is not out of vertical alignment more than one foot from the vertical, measured at the top of the screening; and~~

(B) ~~any rotted, fire damaged, or broken slats or support posts; any broken or bent metal posts; any torn, cut, bent, or ripped metal screening; any loose or missing bricks, stones, rocks, mortar, or similar materials; and any dead or damaged landscaping materials are repaired or replaced.~~]

Staff and Quality of Life and Environment Committee Recommendation

(6) Garbage storage areas must be visually screened on any side visible from a street or an adjoining property by a brick, stone, concrete masonry, [,] concrete, or wood, ~~or metal~~ wall or fence or by landscape screening. Screening is not required on a side adjacent to an alley or easement used for garbage pick-up service. Screening is not required if the garbage storage area is 200 feet or more from the street or adjoining property. To allow air circulation and visibility, the screening from grade to one foot above grade may be up to 50 percent open. ~~[Screening must be properly maintained so that:~~

~~(A) the screening is not out of vertical alignment more than one foot from the vertical, measured at the top of the screening; and~~

~~(B) any rotted, fire damaged, or broken slats or support posts; any broken or bent metal posts; any torn, cut, bent, or ripped metal screening; any loose or missing bricks, stones, rocks, mortar, or similar materials; and any dead or damaged landscaping materials are repaired or replaced.]~~

(7) An owner shall provide screening in accordance with this section for the rear or service side of a nonresidential building if:

(A) the nonresidential building is in a residential district and is exposed to a residential use; or

(B) the nonresidential building is in an office, retail, CS, IL, IR, or IM district and is exposed to and closer than 150 feet to the boundary line of an A, A(A), R, R(A), D, D(A), TH, TH(A), CH, MF, MF(A), MH, or MH(A) district.

(8) When all service, storage, and loading facilities are contained within a nonresidential building, the screening requirement in Subsection (b)(7) does not apply.

(9) Plant materials used for required screening must be maintained in a healthy growing condition at all times. The property owner is responsible for the regular weeding, mowing of grass, irrigating, fertilizing, pruning, and other maintenance of all plantings as needed. Any plant that dies must be replaced with another living plant that complies with screening requirements within 90 days after notification by the city.

(10) All required screening with plant materials must be irrigated by an automatic irrigation system installed to comply with industry standards.

(11) Screening must be properly maintained so that:

(A) the screening is not out of vertical alignment more than one foot from the vertical, measured at the top of the screening; and

(B) any rotted, fire damaged, or broken slats or support posts; any broken or bent metal posts; any torn, cut, bent, or ripped metal screening; any loose or missing bricks, stones, rocks, mortar, or similar materials; and any dead or damaged landscaping materials are repaired or replaced.

(12) Fences that are painted or stained must be uniformly painted or stained across the entire length of the fence. The provision prohibits the use of different colored patches of paint or stain on portions of a fence. For example, if a fence is painted white, graffiti should be covered with the same color of white paint, not with blue or red paint."

SECTION 12. That the director of development services shall revise the use charts to reflect the change in use regulations made by this ordinance, and shall provide these charts for publication in the Dallas Development Code.

SECTION 13. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed $2,000.

SECTION 14. 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 15. 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 16. 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_____

AGENDA ITEM # 82

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): All

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: All

SUBJECT

A public hearing to receive comments regarding consideration of and an ordinance granting amendments to Chapters 51 and 51A, Dallas Development Code, Divisions 51-4.500 and 51A-4.500 to create a historic building demolition delay overlay
Recommendation of Staff and CPC: Approval
Recommendation of Landmark Commission: Approval
DCA145-007(ND)

MAYOR & CITY COUNCIL **TUESDAY, SEPTEMBER 22, 2015**

ACM: RYAN S. EVANS

FILE NUMBER: DCA 145-007(ND) **DATE INITIATED:** January 21, 2015

TOPIC: Historic Building Demolition Delay Overlay

COUNCIL DISTRICT: All **CENSUS TRACT:** All

PROPOSAL: Consideration of an amendment to Chapters 51 and 51A, Dallas Development Code, Divisions 51-4.500 and 51A-4.500 to create a historic building demolition delay overlay.

SUMMARY: The purpose of the amendment is to create a new overlay to allow a review period for the demolition of buildings older than 50 years and meeting certain criteria within an established overlay.

CITY PLAN COMMISSION RECOMMENDATION: Approval.

LANDMARK COMMISSION RECOMMENDATION: Approval.

STAFF RECOMMENDATION: Approval.

BACKGROUND INFORMATION:

The Downtown Dallas Historic Preservation Task Force was formed in December of 2014. Their purpose was to address the vulnerability of Downtown Dallas' historic resources and to explore best practices nationwide for incorporating historic preservation into a broader economic development plan to foster downtown revitalization and growth. The Task Force addressed ways to help preservation and development work together.

The Task Force was comprised of downtown stakeholders, preservationists, developers, architects, planners, and real estate professionals. The Task Force met eight times over four months to formulate recommendations to present to City Council. The recommendations are grouped into three phases.

HISTORIC PRESERVATION TASK FORCE RECOMMENDATIONS:

Phase 1 (0 to 12 months)

1. Advocacy: Establish broad-based Preservation Solutions Committee to advocate for historic fabric and be its voice as the City grows and evolves
2. Simplify Designation: Streamline the landmark designation application and process.
3. Assess Staffing: Broaden staff capabilities to include planning and provide a new focus on public education.
4. Demolition Delay: Enhance notification and expand staff review time for proposed demolition of historic buildings in Greater Downtown to foster dialogue and consider alternatives.

Phase 2 (1 to 3 years)

5. Education: Educate the public about the goals and accomplishments of preservation.
6. Downtown Survey: Conduct a new, state-of-the-art survey of Greater Downtown as a base-layer for direction, to establish preservation priorities, and to provide a tool for existing and future planning.
7. Incentives: Identify strategies and incentives that address market conditions and barriers to redevelopment to re-animate vacated and underutilized buildings, such as: more flexibility in preservation criteria.

Phase 3 (3 to 5 years)

8. Preservation Plan: Prepare and adopt a new Preservation Plan for Dallas to address the programs and policies that impact the City's historic urban fabric.
9. Planning: Create a forum for strategic interdepartmental partnerships where a common interest is being pursued such as Capital Improvements, Tax Increment Finance Districts, Land Use/Zoning, and certain aspects of Economic Development.

The Task Force recommendations were presented to Council's Arts, Culture, and Libraries Committee on April 20, 2015. The Committee recommended a full Council briefing on the recommendations and staff's proposed action plan.

On June 3, 2015, City Council was briefed on the Task Force recommendations. Council generally supports the recommendations of the Task Force and instructed staff to return with the proposed demolition delay as the first action item and pursue the other recommendations in a timely manner.

Landmark Commission and City Plan Commission recommended approval of the code amendment on August 2, 2015 and August 20, 2015, respectively.

STAFF ANALYSIS:

Currently, up to 60% of the buildings in Downtown Dallas National Register Historic District are not protected from demolition. Crucial components of Dallas' historic fabric and economic viability can be demolished by any owner at any time with no wait period or review.

The goal of the demolition delay is to create a wait period to give staff the opportunity to review demolition applications for buildings 50 years or older and meeting certain criteria in the Greater Downtown Dallas area and to explore alternatives to demolition when appropriate.

In 2014, staff initiated a 10 day review for all demolition permit applications in the downtown area. Building Inspection staff notifies the Historic Preservation Officer (HPO) of the applications. The HPO tells the Building Inspection staff if the building is a City of Dallas landmark or not. If not, the demolition permit is issued. If the property is a City of Dallas landmark, the property is placed on hold until a certificate of demolition is approved by the Landmark Commission.

The Task Force recommendation for a demolition delay was to increase staff review from 10 days to 45 days with a possible extension of 90 days not to exceed 120 days for buildings and resources over 50 years old within Greater Downtown area. The Task Force also recommended a method of public notification such as a sign be placed on the property as well as notifying Landmark Commission, Designation Committee and Preservation Dallas. It was recommended to allow public comment during the delay period. If no concerns regarding the significance of the building were provided during the first 30 days, the demolition permit would be issued. If concerns were raised, the time period would be extended another 90 days to allow conversations with the owner and interested stakeholders and City staff to discuss viable alternatives.

Ultimately, a demolition permit must be issued if it complies with city codes in affect when the permit application is submitted. After reviewing the Task Force recommendation, other cities' processes, and applicable laws, staff proposes to amend Chapters 51 and 51A to create a demolition overlay. The overlay would be part of the zoning regulations and would be placed on properties through the zoning process. Since the overlay pertains to historic buildings, requests for the overlay would go the

Landmark Commission, then to the City Plan Commission, and finally to City Council for approval with public hearings at each body.

Council asked staff to process establishing an overlay on the Greater Downtown area as well as possibly a portion of northern Oak Cliff. City Plan Commission authorized the hearings for the two areas on July 23, 2015. The cases are schedule for public hearing at Landmark Commission in September.

Staff's proposed demolition overlay would apply to buildings or structures at least 50 years old that meet one of the following criteria: 1) located in a National Register District or individually listed, 2) a Recorded Texas Historic Landmark, 3) State Antiquities Landmark, 4) National Historic Landmark, 5) listed as significant in the 2003 Downtown Dallas Historic/Architectural Significant Properties survey, or 6) listed as contributing in the 1994 Hardy-Heck-Moore survey.

Staff anticipates the criteria list expanding as information becomes available. Once a future survey is conducted, either in Downtown or the entire city, the Code will be amended to add contributing structures from the survey to the criteria list. Other criteria to that may be added in the future are 1) properties determined to be eligible for National Register status by the Texas Historical Commission (THC) and 2) properties listed as cultural assets by the Landmark Commission.

At this time, a data base for properties determined to be eligible for National Register status does not exist. THC indicated they are reviewing the feasibility of creating and maintaining such a database. If the database is created, staff will propose adding this criterion to the list. Adding this to the list of criteria now would result in staff not having a valid source for this information.

Several years ago, staff created a draft list of cultural assets that were not designated. The intent of the list was to create a database to identify properties for which staff had some information, properties that had started the designation process but did not complete it, and properties that may be potential designations. The draft list was shared with the Designation Committee. The list would need to be updated and approved by Landmark Commission before staff could use it for the criteria. Landmark Commission and staff would need to develop criteria for determining what is a cultural asset, how a property is added to the list, and what it means to be on the list. This process would take approximately one year to complete if it is the desire of Landmark Commission and Council to move forward with it.

The Dallas Appraisal District data will be used to determine the age of a structure. If the structure is 45 years to 50 years, staff will use the 10 day (Phase I period) to review building permit and certificate of occupancy records to confirm the date of construction.

The proposed process would begin when an owner submits a demolition application to Building Inspections. Building Inspection staff would notify the Historic Preservation Officer (HPO). This would begin a 10 day review by the HPO. If the property met the criteria listed above, the application would have an additional 45 day delay. If the

criteria were not met, the HPO notifies Building Inspection and the demolition permit is issued.

For properties meeting the criteria, staff will list the properties on the City's webpage with staff contact information and post a sign on the property. The HPO will schedule a meeting with the owner to discuss alternatives to demolition. Staff will invite interested organizations (such as Dallas Downtown, Inc., Preservation Dallas) and stakeholders to the meeting as well as appropriate City departments.

If no viable solution is agreed upon within 35 days, the HPO will notify Building Inspection staff to issue the demolition permit. However, the property owner may agree in writing to extend the delay period to continue to work on alternatives. The time of the additional delay would be negotiated between the HPO and the property owner. If other alternatives are not agreed upon during this extended time period, the HPO will notify Building Inspection staff to issue the demolition permit.

Summary of Staff's proposed demolition delay process for property within a demolition overlay

1. Property Owner submits demolition application to Building Inspection
2. Building Inspection notifies Historic Preservation Officer (HPO) that demolition application has been submitted.
3. Within 10 days, HPO reviews/determines if property meets the criteria.
4. If the property does not meet the delay criteria, HPO notifies BI, demolition permit is issued.
5. If the property meets the delay criteria, HPO meets with owner to discuss alternatives to demolition
    - List properties on the City's webpage
    - Post a sign on the subject property
    - Invite interested organizations to the meeting (Dallas Downtown, Inc., Preservation Dallas)
    - Include appropriate City departments
6. If no alternatives are found after 45 days, HPO notifies BI to issue demolition permit.
7. If the property owner is interested in investigating alternatives to demolition, HPO and property owner agree in writing to extend the time period to continue to work on alternatives – no set time period.
8. If other alternatives are not agreed upon during this extended time period, HPO notifies BI to issue demolition permit at the end of the time period

City Plan Commission Action:
August 20, 2015

Motion: It was moved to recommend **approval** of an amendment to Chapters 51 and 51A, Dallas Development Code, Divisions 51-4.500 and 51A-4.500 to create a historic building demolition delay overlay with the following change: 1) In Sec.51A-4.504(c)(1) add subsection "D" to read: "If the Historic Preservation officer determines the building meets any of the criteria in subsection (b) the building shall be posted with signage stating the property is being considered for demolition".

Maker: Ridley
Second: Emmons
Result: Carried: 13 to 0

For: 13 - Anglin, Emmons, Rodgers*, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene*, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0
Absent: 1 - Shidid
Vacancy: 1 - District 4

*out of the room, shown voting in favor

Speakers: For: David Preziosi, 2922 Swiss Ave., Dallas, TX, 75204
Against: None

Landmark Commission Action:
July 6, 2015

Consideration of an amendment to Chapters 51 and 51A, Dallas Development Code, Divisions 51-4.500 and 51A-4.500 to create a historic building demolition delay overlay.

Speakers: For: Nicky DeFreece Emery, David Preziosi
Against: No one

Motion:
Hold under advisement until August, 3, 2015.

Maker: Johnson
Second: Williams
Results: 12/0

Ayes:	-	12	Amonett, *Birch, Birrer, Bowers, Flabiano, Gadberry, Greenberg, Johnson, Tapscott, Seale, Williams, *Sherman
Against:	-	0	
Absent:	-	3	Jordan, Maten, Thomas-Drake
Vacancies:	-	2	Dist 7 and 12

Landmark Commission Action:
August 3, 2015

Consideration of an amendment to Chapters 51 and 51A, Dallas Development Code, Divisions 51-4.500 and 51A-4.500 to create a historic building demolition delay overlay.

Motion:
Consideration of an amendment to Chapters 51 and 51A, Dallas Development Code, Divisions 51-4.500 and 51A-4.500 to create a historic building demolition delay overlay with the condition to include a purpose statement for staff and property owner to have meeting in order to have a discussion regarding alternatives to demolition and how their plans will impact the total historic environs.

Maker: Seale
Second: Tapscott
Results: 14/0

Ayes:	-	14	Amonett, *Birch, Bowers, Birrer, Gadberry, Johnson, Jordan, Maten, Flabiano, *Sherman, Seale, Tapscott, Thomas-Drake, Williams
Against:	-	0	
Absent:	-	1	Greenberg
Vacancies:	-	2	Dist 7 and 12

8-25-15

ORDINANCE NO. _____

An ordinance amending Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," and Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code by amending Sections 51-4.504 and 51A-4.504; providing for demolition delay overlay districts; providing a penalty not to exceed $2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

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

SECTION 1. That Section 51-4.504, "Airport Flight Overlay District," of Division 51-4.500, "Overlay and Conservation District Regulations," of Article IV, "Zoning Regulations," of Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," of the Dallas City Code is retitled as Section 51-4.504, "Demolition Delay Overlay District," and amended to read as follows:

"**SEC. 51-4.504. DEMOLITION DELAY [~~AIRPORT FLIGHT~~] OVERLAY DISTRICT.**

This section incorporates by reference the language of Section 51A-4.504[~~, "Airport Flight Overlay District,"~~] of Chapter 51A of the Dallas Development [~~City~~] Code, as amended[~~, as that section exists today and as it may be amended in the future~~]."

SECTION 2. That Section 51A-4.504, "Reserved," of Division 51A-4.500, "Overlay and Conservation District Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is retitled as Section 51A-4.504, "Demolition Delay Overlay District," and amended to read as follows:

"**SEC. 51A-4.504. DEMOLITION DELAY OVERLAY DISTRICT [~~RESERVED~~].**

(a) Purpose. Demolition delay overlay districts are intended to encourage the preservation of historically significant buildings that are not located in a historic overlay district by helping the property owner to identify alternatives to demolition.

(b) Applicability. The provisions of this section apply to any building located in a demolition delay overlay district that is at least 50 years old and meets one of the following criteria:

(1) the building is located in a National Register Historic District or is individually listed on the National Register of Historic Places;

(2) the building is designated as a Recorded Texas Historic Landmark;

(3) the building is designated as a State Archeological Landmark;

(4) the building is designated as a National Historic Landmark;

(5) the building is listed as significant in the 2003 Downtown Dallas/Architecturally Significant Properties Survey; or

(6) the building is listed as contributing in the 1994 Hardy-Heck-Moore Survey.

(c) Process.

(1) Phase 1.

(A) The building official shall refer any application to demolish a building in a demolition delay overlay district to the historic preservation officer.

(B) Within 10 days after the building official receives an application to demolish a building, the historic preservation officer shall determine whether the building meets the requirements in Subsection (b).

(C) The building official shall grant the application to demolish a building if the historic preservation officer determines that the building does not meet the criteria in Subsection (b) and the application meets the requirements for issuing a demolition permit in the Dallas Building Code.

(2) Phase 2.

(A) Within 45 days after determining a building meets the requirements in Subsection (b), the historic preservation officer shall schedule a meeting with the building's owner and appropriate city officials to discuss alternatives to demolition such as historic designation under Section 51A-4.501, historic preservation tax exemptions and economic development incentives for historic properties under Article XI, loans or grants from public or private resources, acquisition of the building, and variances.

(B) The historic preservation officer shall post notice of the meeting with the building's owner on the city's website.

(C) The historic preservation officer shall post a sign on the property to notify the public that an application has been made for a demolition permit and a phone number where citizens can call for additional information.

(D) The meeting may include organizations that foster historic preservation, urban planning, urban design, development, and improvement in demolition delay overlay areas.

(E) The building official shall grant the application to demolish a building at the end of the 45-day period if the application meets the requirements of the Dallas Building Code and the building owner declines to enter an agreement as outlined in Paragraph (3).

(3) Phase 3. The property owner may sign an agreement with the city to delay granting the demolition permit for an additional time period in order to continue exploration of alternatives to demolition."

SECTION 3. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed $2,000.

SECTION 4. That Chapters 51 and 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

AGENDA ITEM # 83

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

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): 2, 7

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: 46-E F K L P Q R U; 47-N S

SUBJECT

A public hearing to receive comments on the proposed use of subsurface portions of Crockett Park, Fair Park, and Juanita J. Craft Park totaling approximately 430,503 square feet (9.88 acres) for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Financing: No cost consideration to the City

BACKGROUND

The City of Dallas owns approximately 286 acres of parkland located at 501 North Carroll Avenue (Crockett Park), 1200 South Second Avenue (Fair Park), and 4500 Spring Avenue Juanita J. (J.J.) Craft Park known as Crockett Park, Fair Park, and J.J. Craft Park respectively.

Trinity Watershed Management (TWM) has requested a reservation of approximately 430,503 square feet (9.88 acres) of subsurface land for the installation of a thirty-foot diameter drainage relief tunnel. TWM's planned improvements involve tunnel boring at a depth of between 70 to 150 feet below the parkland surface. The entire drainage relief tunnel to be constructed is approximately five miles in length with surface operations beginning near White Rock Creek at Scyene Road and terminating near Woodall Rodgers Freeway. No surface operations will be on parkland. The drainage relief tunnel passes under various City and non-City properties including residential and commercial properties, streets, and the parks identified above.

The project will provide flood control relief to a portion of the Mill Creek, Peaks Branch, East Peaks Branch, and State Thomas Watersheds in the City of Dallas. By intercepting surface drainage north of the drainage relief tunnel at five intake sites, the project will provide stormwater relief to the area south of the drainage relief tunnel. This area includes surface drainage relief to several parks including Buckner Park, Crockett Park, City Park, Fair Park, Exall Park, and J.J. Craft Park to name a few. No surface rights are to be granted to and none have been requested by TWM.

BACKGROUND (Continued)

In compliance with the law, TWM has determined that there is a need and that no feasible and prudent alternative exists and that all reasonable care has been taken so as to not damage the remainder of the park property and to mitigate any disruption of park services.

In accordance with the Texas Parks and Wildlife Code, Chapter 26 (Sections 26.001 through 26.004) the City Council must advertise and hold a public hearing on the change of use of park land.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Park and Recreation Board authorized a public hearing on August 6, 2015.

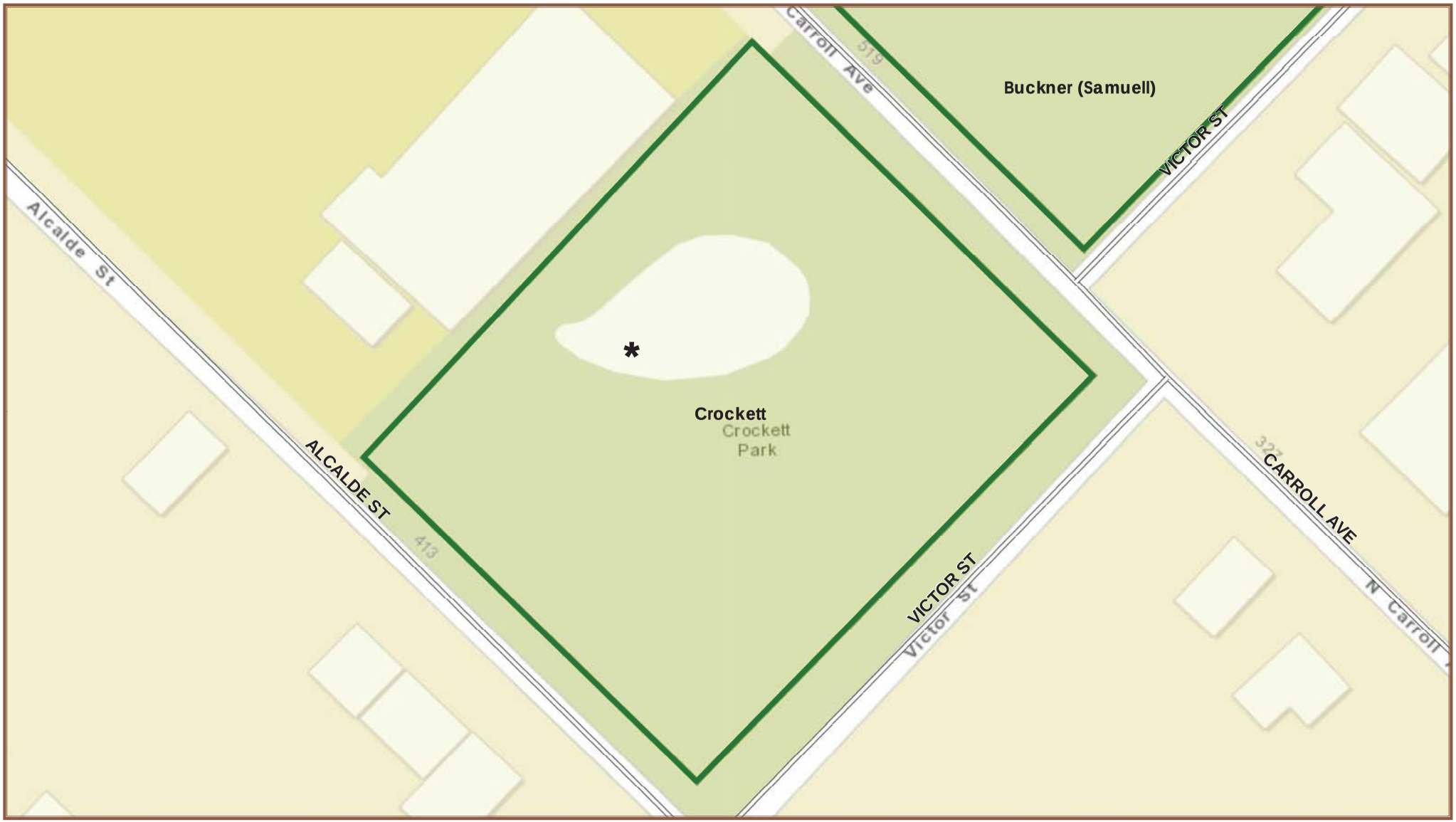
City Council authorized a public hearing on August 26, 2015, by Resolution No. 15-1548.

FISCAL INFORMATION

No cost consideration to the City.

MAPS

Attached

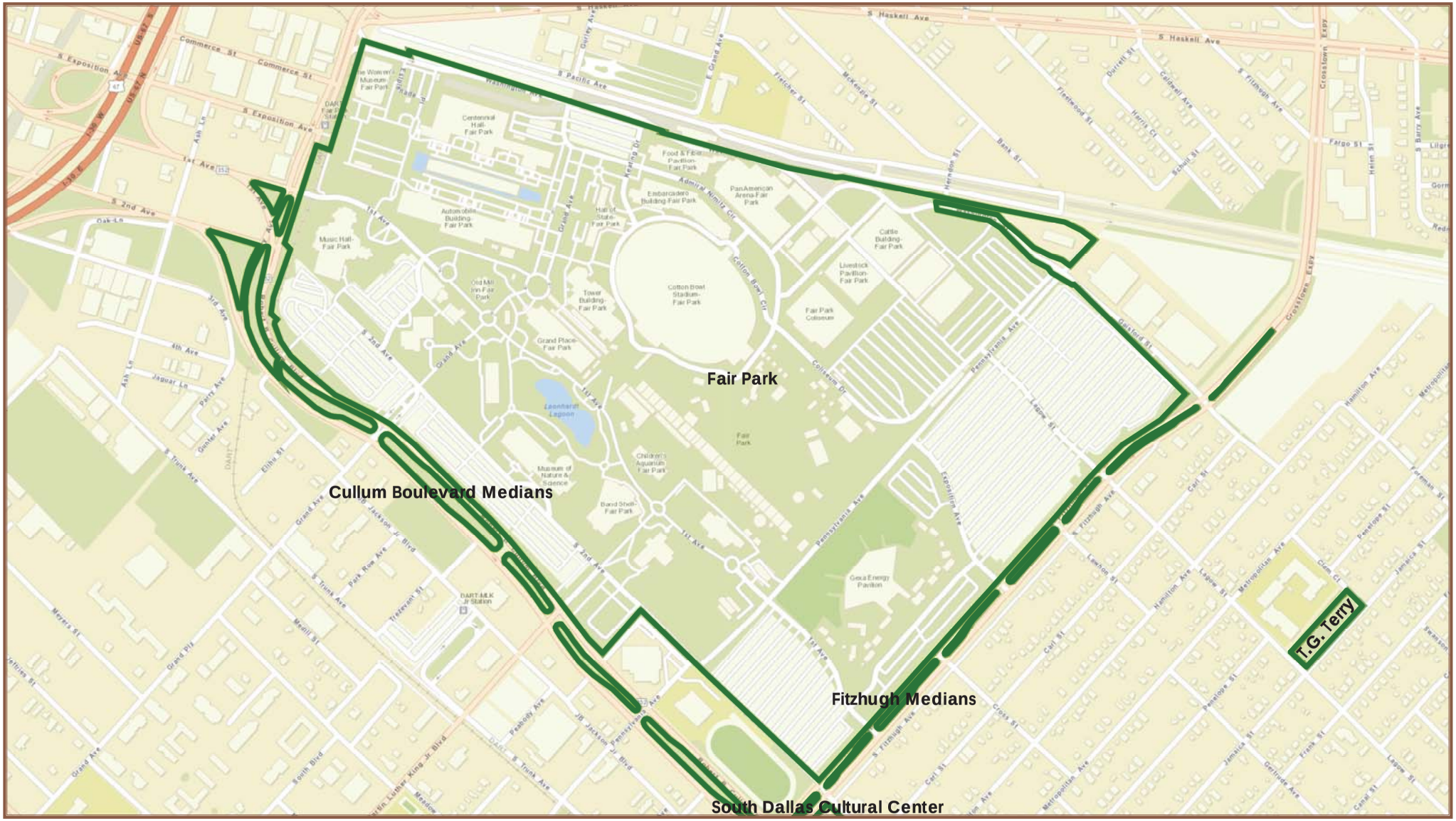


Crockett Park
(501 North Carroll Avenue)

Mapsco
46 E F

District
2

August 6, 2015



0 245 490 980 1,470 Feet

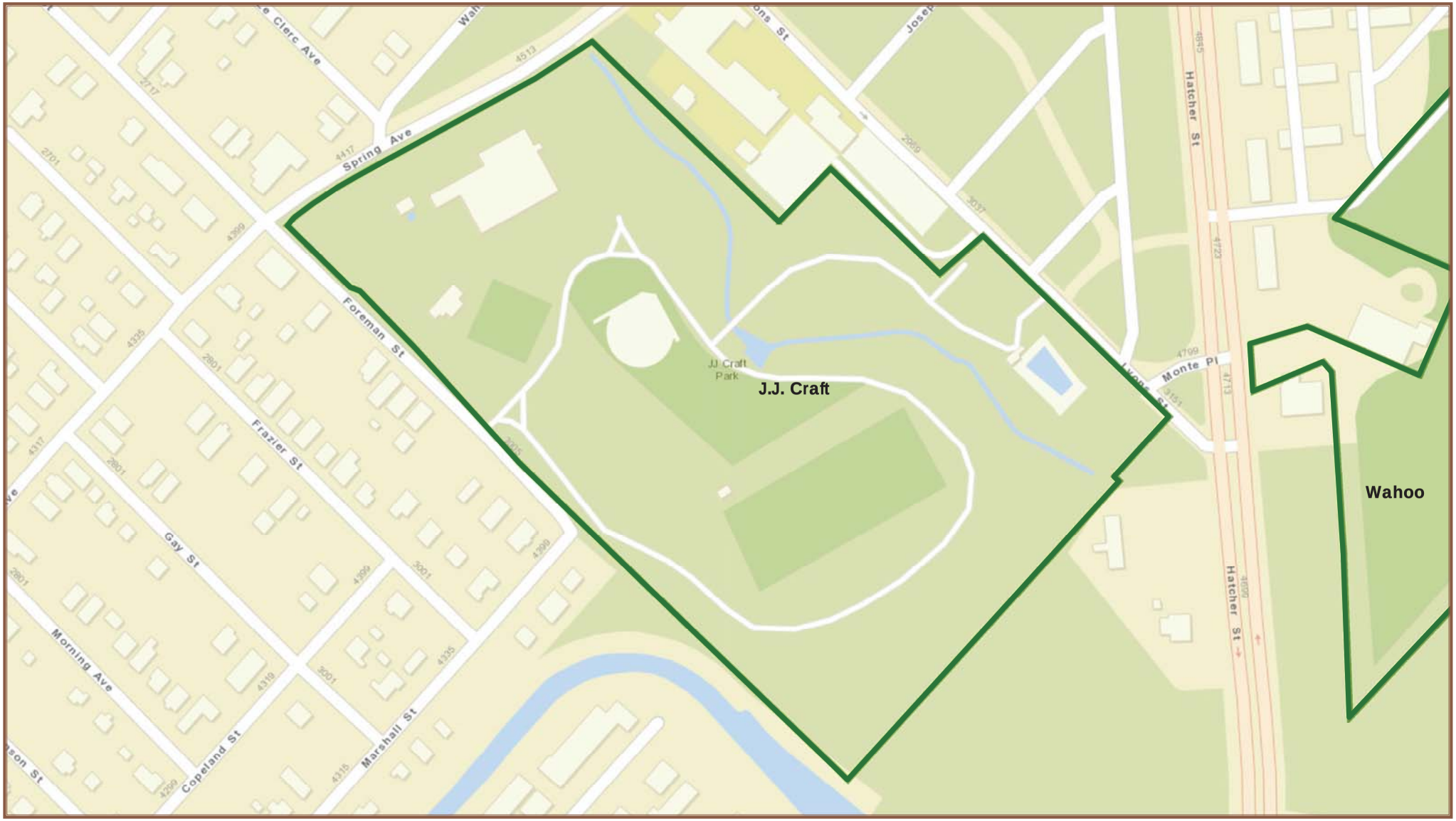
N

Fair Park
(1200 Second Avenue)

Mapsco
46 K L P Q R U

District
7

August 6, 2015



0 75 150 300 450 Feet

N

J. J. Craft Park
(4500 Spring Avenue)

Mapsco
47 N S

District
7

August 6, 2015

September 22, 2015

WHEREAS, the City of Dallas owns land in Dallas known as Crockett Park, Fair Park, and Juanita J. (J.J.) Craft Park which were acquired for park purposes and have been maintained as parkland; and

WHEREAS, the Trinity Watershed Management (TWM) department has requested the use of approximately 430,503 square feet (9.88 acres) of subsurface area, as described in Exhibit A, for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project; and

WHEREAS, the Texas Parks and Wildlife Code, Chapter 26 (Section 26.001 through 26.004), requires that before a municipality may approve any program or project that requires the use or taking of any public land designated and used as parkland, the governing body of such public municipality must determine that there is no feasible and prudent alternative to the use or taking of such land, and that the program or project includes all reasonable planning to minimize harm to the remainder of the park.

Now, Therefore,

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

SECTION 1. That as a result of the public hearing held today, it is hereby determined that there is no feasible and prudent alternative to the use of parkland for the purpose stated in this resolution and that all reasonable planning to minimize harm to the parks has been taken.

SECTION 2. That since the public hearing has been held, the use is authorized subject to the following terms and conditions:

a. No surface rights are granted to TWM. Furthermore, no rights are granted above the approximate subsurface elevation as identified in Exhibit A.

b. Construction of the subsurface drainage relief tunnel shall not disrupt any services provided by the Park and Recreation Department. The contractor shall return the park to its original condition or as agreed upon between TWM and the Park and Recreation Department should the parkland above the subsurface rights granted herewith be in any way affected by construction of the drainage relief tunnel.

c. All health, safety, noise, environmental protection, waste disposal, and air quality regulations shall remain in compliance.

SECTION 2. (Continued)

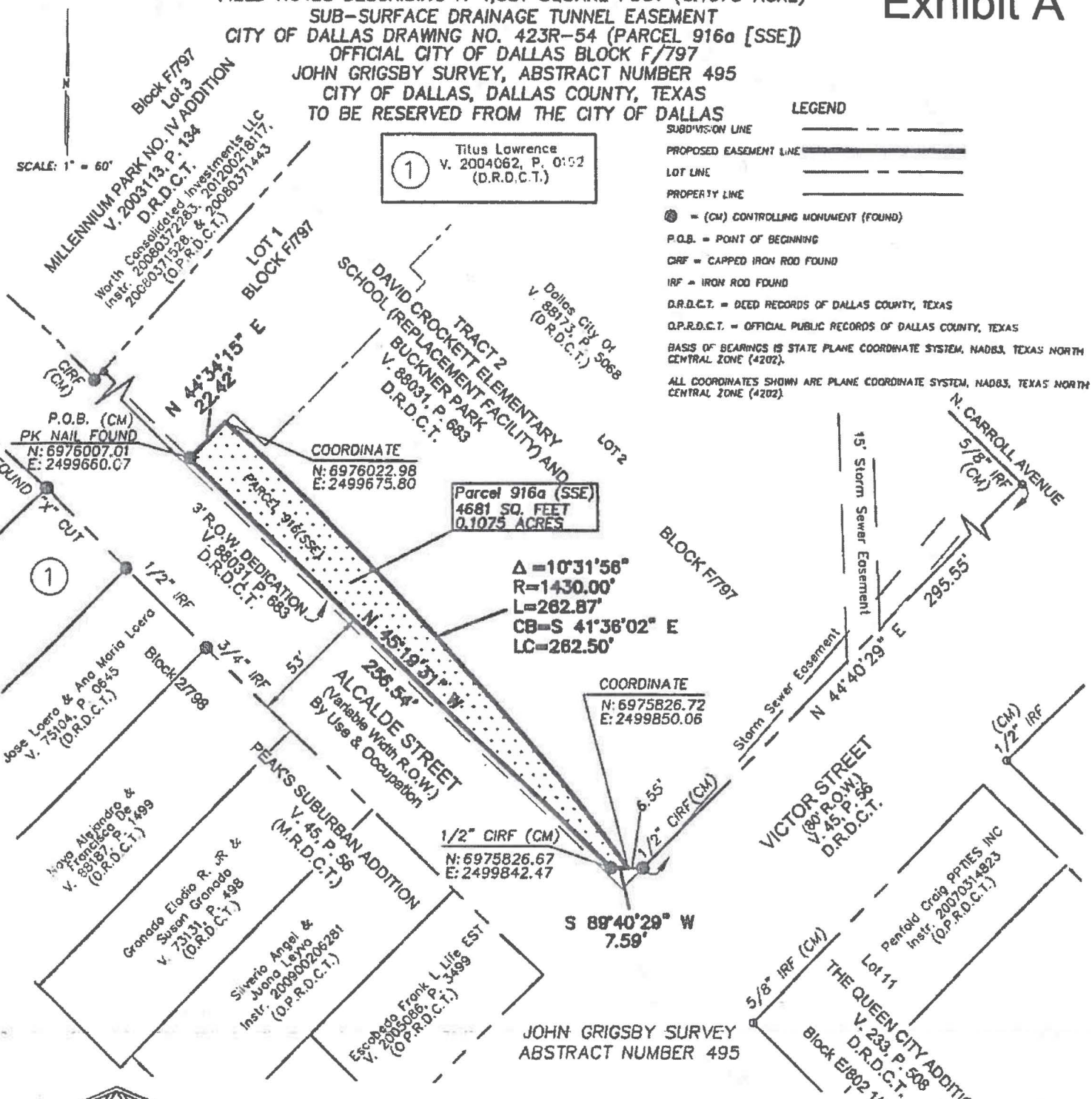
d. The Park and Recreation Department (PARD) will not bear the cost of any construction associated with the installation of the drainage relief tunnel and once completed, PARD will not bear the cost of any maintenance, repairs, or other work associated with the drainage relief tunnel or disruption or damage to the park and areas outside those areas for which rights are granted in this resolution. Such costs shall be the responsibility of TWM.

e. No machinery or construction access or storage shall be allowed on the surface parkland. Should it become necessary, such use is subject to approval by PARD staff.

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

Exhibit A

FIELD NOTES DESCRIBING A 4,681 SQUARE FOOT (0.1075 ACRE)
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 916a [SSE])
OFFICIAL CITY OF DALLAS BLOCK F/797
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
TO BE RESERVED FROM THE CITY OF DALLAS



LEGEND

- SUBDIVISION LINE
- PROPOSED EASEMENT LINE
- LOT LINE
- PROPERTY LINE
- ⊗ = (CM) CONTROLLING MONUMENT (FOUND)
- P.O.B. = POINT OF BEGINNING
- CIRF = CAPPED IRON ROD FOUND
- IRF = IRON ROD FOUND
- D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
- O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS

BASIS OF BEARINGS IS STATE PLANE COORDINATE SYSTEM, NAD83, TEXAS NORTH CENTRAL ZONE (4202).

ALL COORDINATES SHOWN ARE PLANE COORDINATE SYSTEM, NAD83, TEXAS NORTH CENTRAL ZONE (4202).

STATE OF TEXAS
REGISTERED
DUSTIN D. DAVISON
6451
PROFESSIONAL
LAND SURVEYOR

6-3-15

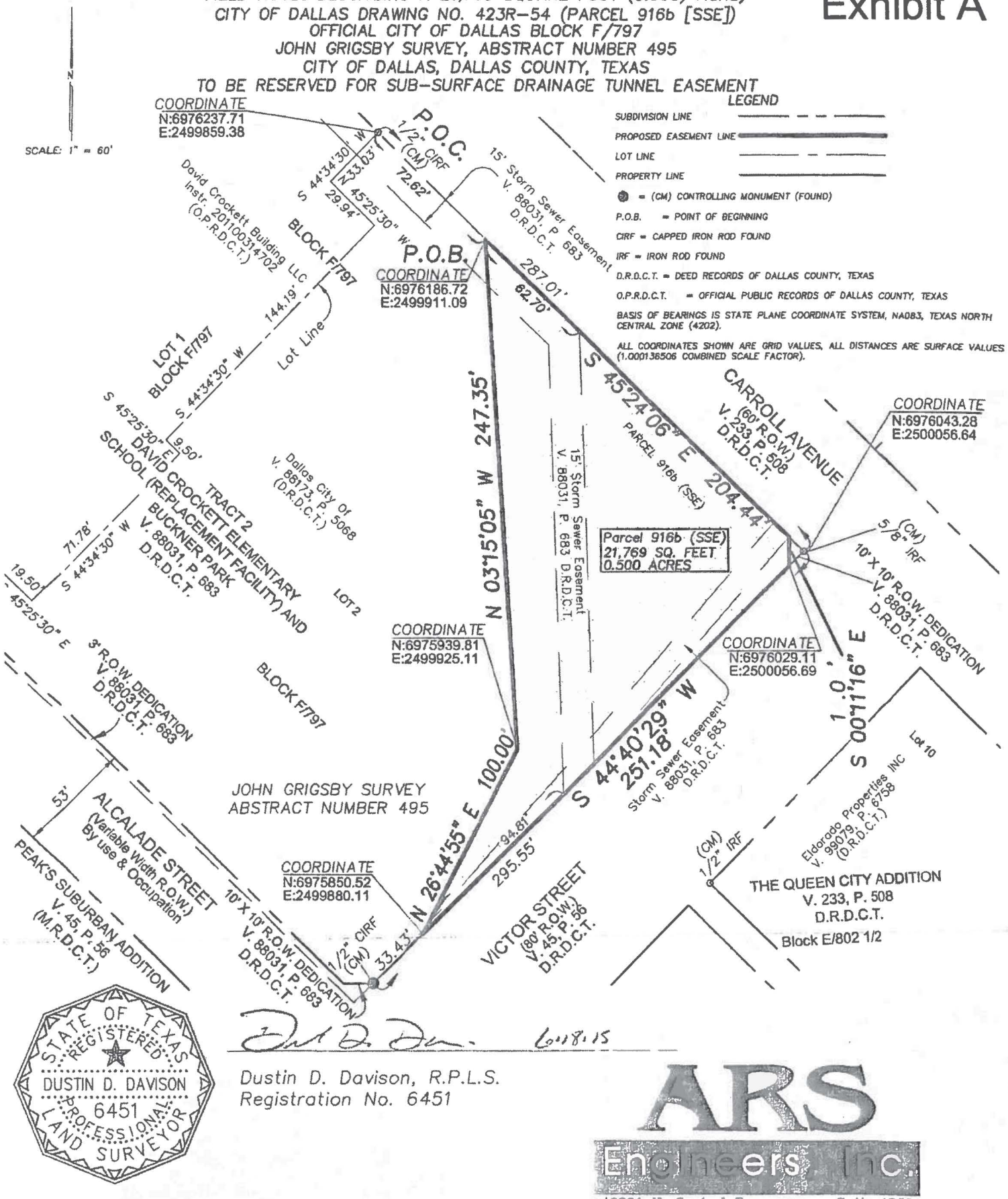
Dustin D. Davison, R.P.L.S.
Registration No. 6451

ARS Engineers, Inc.
12801 N. Central Expressway Suite 1250
Dallas, Texas 75243
(214) 739-3162 Fax (214) 739-3169
Engineering Firm #F-819 Surveying Firm #101319-00

PROJECT NO. 30107002
Filename:P:\30107002 MillCreek-HV\Parcel Maps\916\916-SSE.dwg
Date:Wednesday, June 03, 2015 Time:1:31 PM Plotted by:Dustin Davison

Exhibit A

FIELD NOTES DESCRIBING A 21,769 SQUARE FOOT (0.500) ACRE)
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 916b [SSE])
OFFICIAL CITY OF DALLAS BLOCK F/797
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
TO BE RESERVED FOR SUB-SURFACE DRAINAGE TUNNEL EASEMENT



LEGEND

- SUBDIVISION LINE
- PROPOSED EASEMENT LINE
- LOT LINE
- PROPERTY LINE
- ⊙ = (CM) CONTROLLING MONUMENT (FOUND)
- P.O.B. = POINT OF BEGINNING
- CIRF = CAPPED IRON ROD FOUND
- IRF = IRON ROD FOUND
- D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
- O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS

BASIS OF BEARINGS IS STATE PLANE COORDINATE SYSTEM, NAD83, TEXAS NORTH CENTRAL ZONE (4202).

ALL COORDINATES SHOWN ARE GRID VALUES, ALL DISTANCES ARE SURFACE VALUES (1.000136506 COMBINED SCALE FACTOR).

STATE OF TEXAS
REGISTERED
DUSTIN D. DAVISON
6451
PROFESSIONAL
LAND SURVEYOR

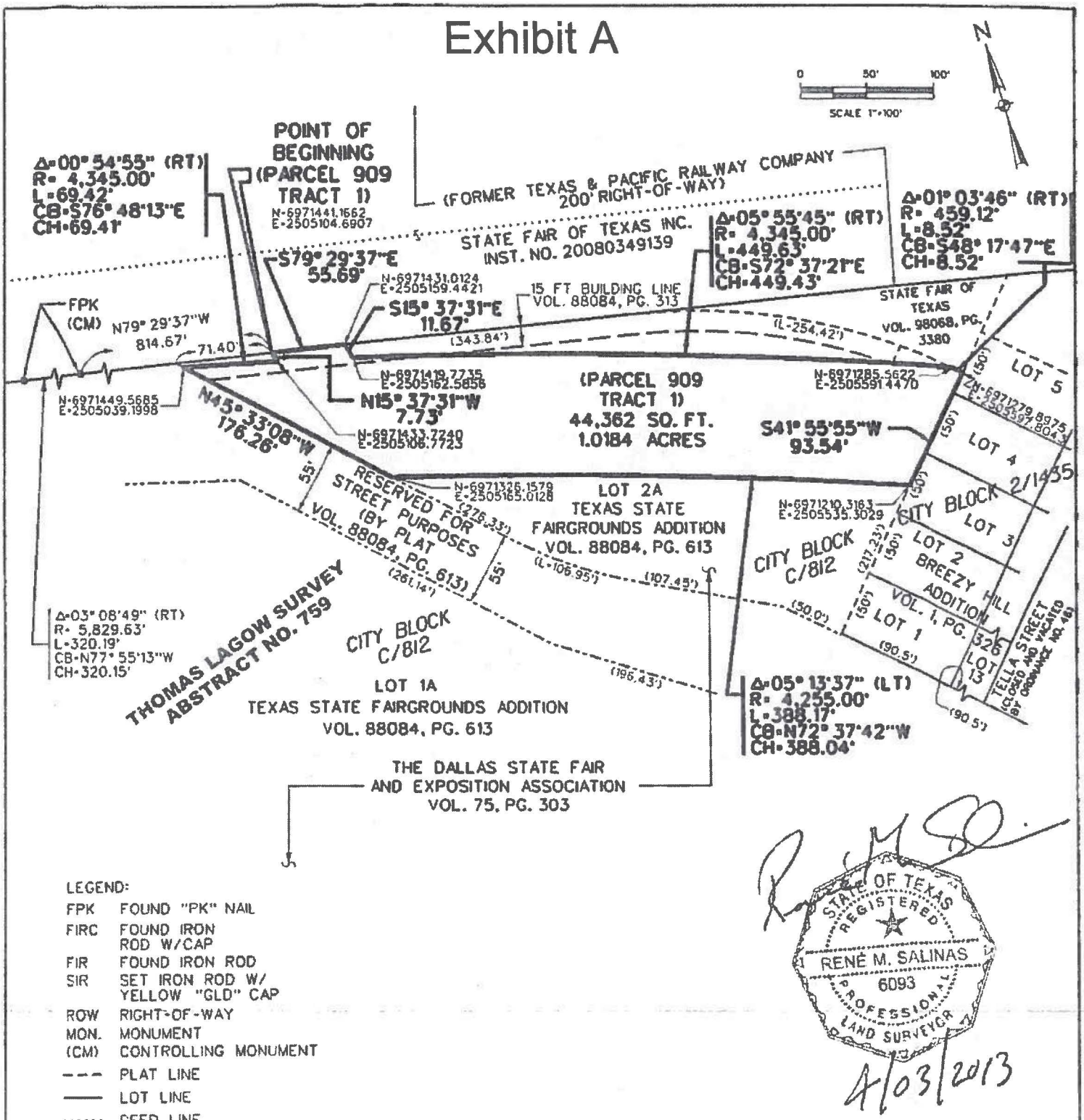
6.18.15

Dustin D. Davison, R.P.L.S.
Registration No. 6451

ARS Engineers, Inc.
12801 N. Central Expressway Suite 1260
Dallas, Texas 75243
(214) 739-3152 Fax (214) 739-3169
Engineering Firm #F-819 Surveying Firm #101319-00

PROJECT NO. 30107002
Filename:P:\30107002 MillCreek-HV\Parcel Maps\916\916-SSE-b.dwg
Date:Thursday, June 18, 2015 Time:12:06 PM Plotted by:Dustin Davison

Exhibit A



LEGEND:

FPK	FOUND "PK" NAIL
FIRC	FOUND IRON ROD W/CAP
FIR	FOUND IRON ROD
SIR	SET IRON ROD W/ YELLOW "GLD" CAP
ROW	RIGHT-OF-WAY
MON.	MONUMENT
(CM)	CONTROLLING MONUMENT
– – –	PLAT LINE
———	LOT LINE
·····	DEED LINE
—·—·	STREET RESERVATION LINE

STATE OF TEXAS
REGISTERED
RENE M. SALINAS
6093
PROFESSIONAL
LAND SURVEYOR

4/03/2013

NOTES:

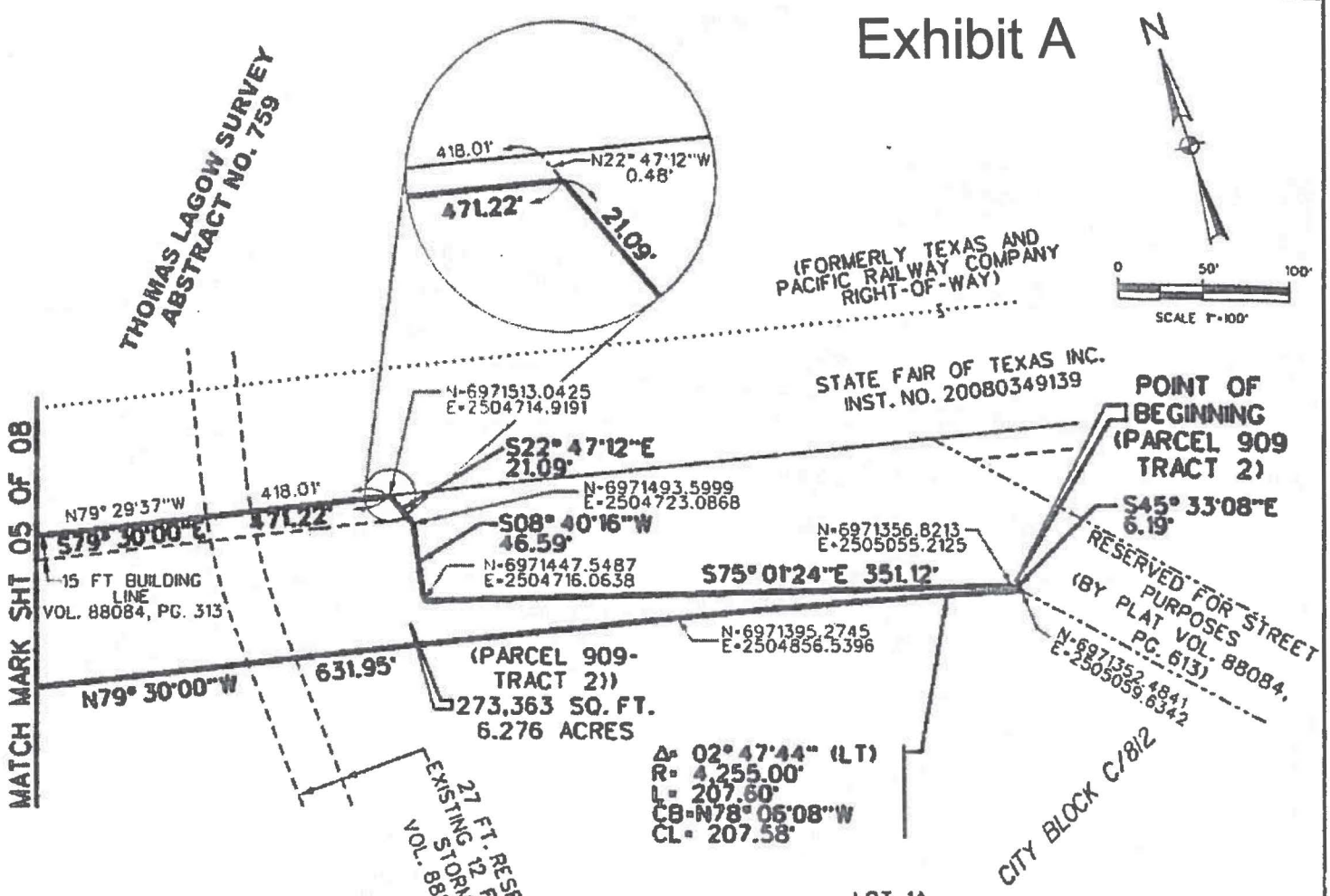
1. BASIS OF BEARING: STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983, U.S. SURVEY FEET: SURFACE ADJUSTMENT SCALE FACTOR (SF) = 1.0001365060 (TXDOT DALLAS CO. SF).
2. COORDINATES SHOWN HEREON ARE STATE PLANE GRID COORDINATE VALUES IN U.S. SURVEY FEET
3. ALL DISTANCES ARE SURFACE VALUES.
4. SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED.
5. THIS SURVEY PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT.

**RESERVED FOR SUB-SURFACE DRAINAGE TUNNEL
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 909-TRACT 1)
BEING A 44,362 SQ. FT. (1.018 AC.) PART OF
THE DALLAS STATE FAIR AND
EXPOSITION ASSOCIATION TRACT,
AND BEING PART OF LOT 2A, CITY OF DALLAS BLOCK C/812
TEXAS STATE FAIRGROUNDS ADDITION,
IN THE THOMAS LAGOW SURVEY, ABSTRACT NO. 759,
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

Garcia Land Data, Inc.
T 214-987-0149
F 214-987-4026
6210 Campbell Rd. Ste. 110
Dallas, TX 75248-1388

DATE: 6/11/15
PROJ: 5436 (909)

Exhibit A



LEGEND:

FPK	FOUND "PK" NAIL
FIRC	FOUND IRON ROD W/CAP
FIR	FOUND IRON ROD
SIR	SET IRON ROD W/ YELLOW "GLD" CAP
MON.	MONUMENT
(CM)	CONTROLLING MONUMENT

NOTES:

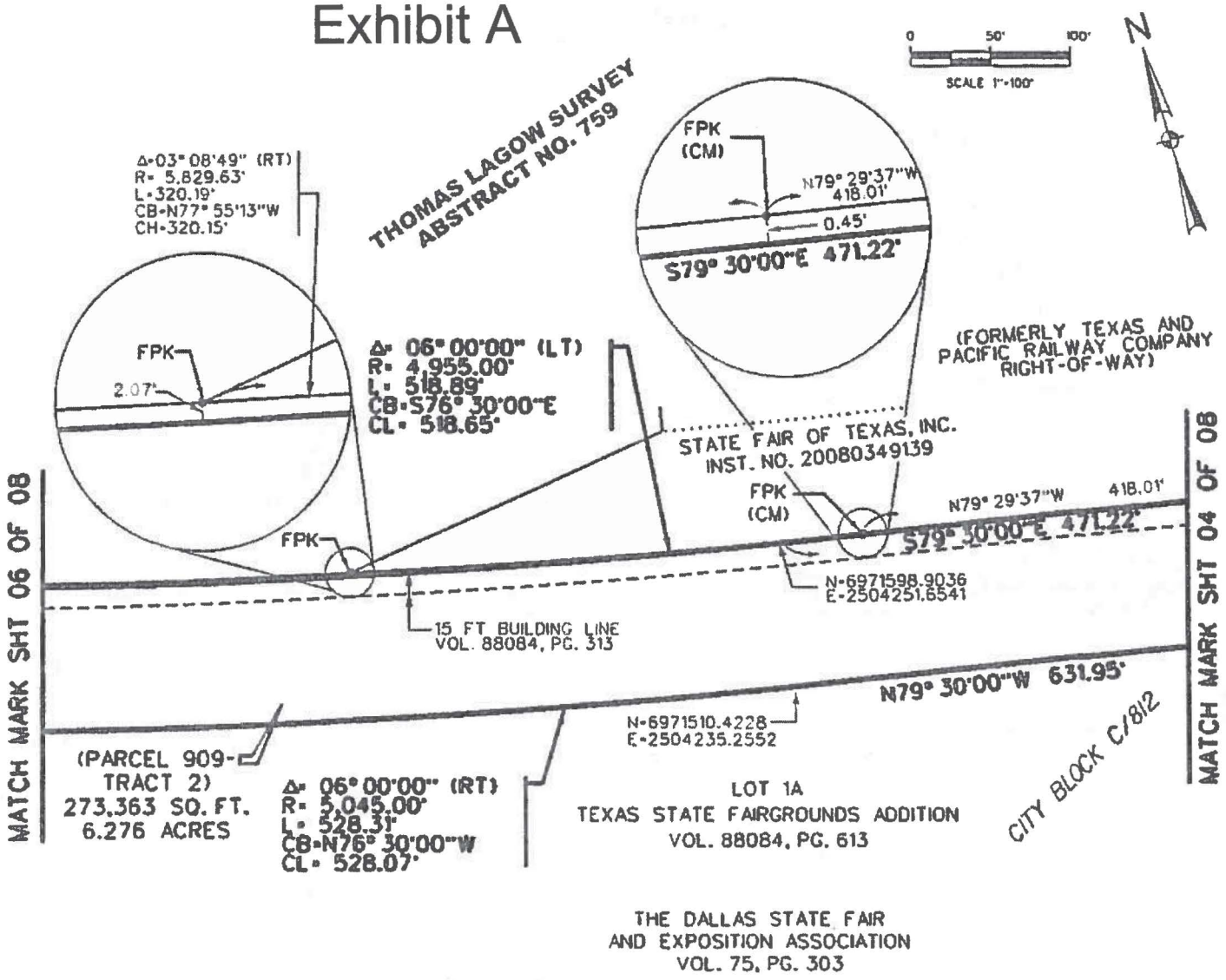
1. BASIS OF BEARING: STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983, U.S. SURVEY FEET: SURFACE ADJUSTMENT SCALE FACTOR (SF) = 1.0001365060 (TXDOT DALLAS CO. SF).
2. COORDINATES SHOWN HEREON ARE STATE PLANE GRID COORDINATE VALUES IN U.S. SURVEY FEET
3. ALL DISTANCES ARE SURFACE VALUES.
4. SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED.
5. THIS SURVEY PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT.

**RESERVED FOR SUB-SURFACE DRAINAGE TUNNEL
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 909-TRACT 2)
BEING A 273,363 SQ. FT. (6.276 AC.) PART OF
THE DALLAS STATE FAIR AND
EXPOSITION ASSOCIATION TRACT,
AND BEING PART OF LOT 1A, CITY OF DALLAS BLOCK C/812
TEXAS STATE FAIRGROUNDS ADDITION,
IN THE THOMAS LAGOW SURVEY, ABSTRACT NO. 759,
AND IN THE JOHN GRIGSBY SURVEY, ABSTRACT NO. 495,
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

Garcia Land Data, Inc.
T 214-987-0149
F 214-987-4826
6219 Campbell Rd., Ste. 110
Dallas, TX 75248-1388

DATE: 6/08/15
PROJ: 5436

Exhibit A



LEGEND:

FPK	FOUND "PK" NAIL
FIRC	FOUND IRON ROD W/CAP
FIR	FOUND IRON ROD
FPK	FOUND P-K NAIL
SIR	SET IRON ROD W/ YELLOW "GLD" CAP
MON.	MONUMENT
(CM)	CONTROLLING MONUMENT

NOTES:

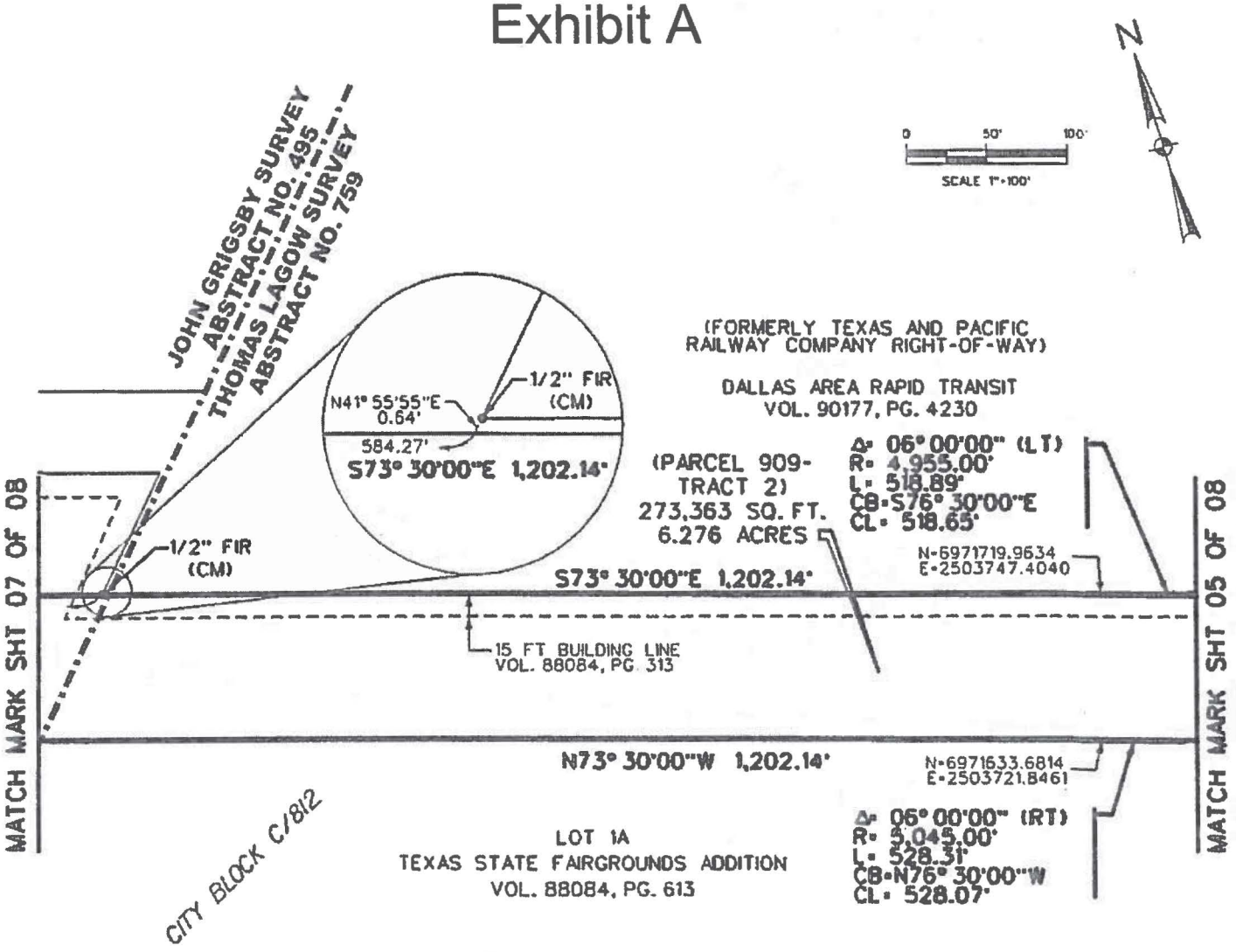
1. BASIS OF BEARING: STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983, U.S. SURVEY FEET; SURFACE ADJUSTMENT SCALE FACTOR (SF) = 1.0001365060 (TXDOT DALLAS CO. SF).
2. COORDINATES SHOWN HEREON ARE STATE PLANE GRID COORDINATE VALUES IN U.S. SURVEY FEET
3. ALL DISTANCES ARE SURFACE VALUES.
4. SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED.
5. THIS SURVEY PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT.

RESERVED FOR SUB-SURFACE DRAINAGE TUNNEL
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 909-TRACT 2)
BEING A 273,363 SQ. FT. (6.276 AC.) PART OF
THE DALLAS STATE FAIR AND
EXPOSITION ASSOCIATION TRACT,
AND BEING PART OF LOT 1A, CITY OF DALLAS BLOCK C/812
TEXAS STATE FAIRGROUNDS ADDITION,
IN THE THOMAS LAGOW SURVEY, ABSTRACT NO. 759,
AND IN THE JOHN GRIGSBY SURVEY, ABSTRACT NO. 495,
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Garcia Land Data, Inc.
T 214-987-0139
F 214-987-4026
6210 Campbell Rd., Ste. 110
Dallas, TX 75248-1383

DATE: 6/08/15
PROJ: 5436

Exhibit A



LEGEND:

FPK	FOUND "PK" NAIL
FIRC	FOUND IRON ROD W/CAP
FIR	FOUND IRON ROD
SIR	SET IRON ROD W/ YELLOW "GLD" CAP
MON.	MONUMENT
(CM)	CONTROLLING MONUMENT

NOTES:

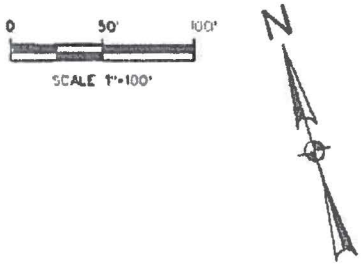
1. BASIS OF BEARING: STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983, U.S. SURVEY FEET; SURFACE ADJUSTMENT SCALE FACTOR (SF) = 1.0001365060 (TXDOT DALLAS CO. SF).
2. COORDINATES SHOWN HEREON ARE STATE PLANE GRID COORDINATE VALUES IN U.S. SURVEY FEET
3. ALL DISTANCES ARE SURFACE VALUES.
4. SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED.
5. THIS SURVEY PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT.

RESERVED FOR SUB-SURFACE DRAINAGE TUNNEL
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 909-TRACT 2)
BEING A 273,363 SQ. FT. (6.276 AC.) PART OF
THE DALLAS STATE FAIR AND
EXPOSITION ASSOCIATION TRACT,
AND BEING PART OF LOT 1A, CITY OF DALLAS BLOCK C/812
TEXAS STATE FAIRGROUNDS ADDITION,
IN THE THOMAS LAGOW SURVEY, ABSTRACT NO. 759,
AND IN THE JOHN GRIGSBY SURVEY, ABSTRACT NO. 495,
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Garcia Land Data, Inc.
T 214-987-0149
F 214-987-4826
6210 Campbell Rd., Ste. 110
Dallas, TX 75248-1349

DATE: 6/08/15
PROJ: 5436

Exhibit A



JOHN GRIGSBY SURVEY
ABSTRACT NO. 495

PACIFIC AVENUE (VARIABLE WIDTH RIGHT-OF-WAY ~ BY USE AND OCCUPATION)

(FORMERLY TEXAS AND PACIFIC RAILWAY COMPANY RIGHT-OF-WAY)

DALLAS AREA RAPID TRANSIT ~ VOL. 90177, PG. 4230

MATCH MARK SHT 08 OF 08

Δ= 14°21'11" (LT)
R= 2,455.00'
L= 615.00'
CB=S66°19'24"E
CL= 613.39'

15 FT BUILDING LINE
VOL. 88084, PG. 313

(PARCEL 909)
273,363 SQ. FT.
6.276 ACRES

N=6972061.3433
E=2502594.9247

S73°30'00"E 1,202.14'

S73°30'00"E 584.27'

MATCH MARK SHT 06 OF 08

N=6971975.0613
E=2502569.3668

N73°30'00"W 1,202.14'

Δ= 19°55'09" (RT)
R= 2,545.00'
L= 884.78'
CB=N63°32'25"W
CL= 880.33'

LOT 1A
TEXAS STATE FAIRGROUNDS ADDITION
VOL. 88084, PG. 613

THE DALLAS STATE FAIR
AND EXPOSITION ASSOCIATION
VOL. 75, PG. 303

CITY BLOCK C/812

JOHN GRIGSBY SURVEY
ABSTRACT NO. 495
THOMAS LAGOW SURVEY
ABSTRACT NO. 759

LEGEND:

FIP	FOUND IRON PIPE
FIRC	FOUND IRON ROD W/CAP
FIR	FOUND IRON ROD
SIR	SET IRON ROD W/ YELLOW "GLD" CAP
MON.	MONUMENT
(CM)	CONTROLLING MONUMENT

NOTES:

1. BASIS OF BEARING: STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983, U.S. SURVEY FEET; SURFACE ADJUSTMENT SCALE FACTOR (SF) = 1.0001365060 (TXDOT DALLAS CO. SF).
2. COORDINATES SHOWN HEREON ARE STATE PLANE GRID COORDINATE VALUES IN U.S. SURVEY FEET
3. ALL DISTANCES ARE SURFACE VALUES.
4. SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED.
5. THIS SURVEY PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT.

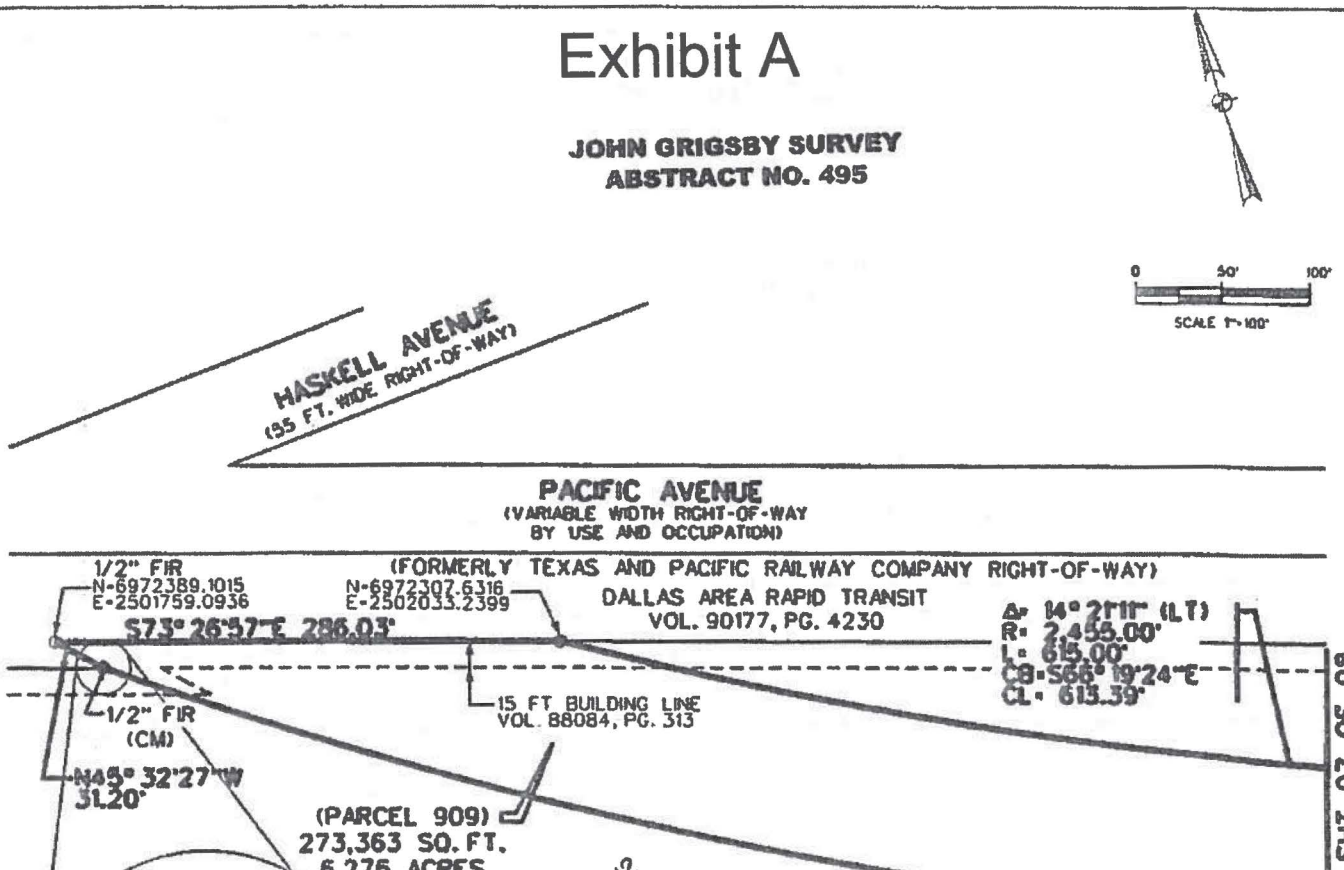
RESERVED FOR SUB-SURFACE DRAINAGE TUNNEL
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 909-TRACT 2)
BEING A 273,363 SQ. FT. (6.276 AC.) PART OF
THE DALLAS STATE FAIR AND
EXPOSITION ASSOCIATION TRACT,
AND BEING PART OF LOT 1A, CITY OF DALLAS BLOCK C/812
TEXAS STATE FAIRGROUNDS ADDITION,
IN THE THOMAS LAGOW SURVEY, ABSTRACT NO. 759,
AND IN THE JOHN GRIGSBY SURVEY, ABSTRACT NO. 495,
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Garcia Land Data, Inc.
T 214-987-0149
F 214-987-4026
6210 Campbell Rd., Ste. 110
Dallas, TX 75248-1388

DATE: 6/08/15
PROJ: 5436

Exhibit A

JOHN GRIGSBY SURVEY
ABSTRACT NO. 495



LOT 1A
TEXAS STATE FAIRGROUNDS ADDITION
VOL. 88084, PG. 613

THE DALLAS STATE FAIR
AND EXPOSITION ASSOCIATION
VOL. 75, PG. 303

LEGEND:

FIP	FOUND IRON PIPE
FIRC	FOUND IRON ROD W/CAP
FIR	FOUND IRON ROD
SIR	SET IRON ROD W/ YELLOW "GLD" CAP
MON.	MONUMENT
(CM)	CONTROLLING MONUMENT

NOTES:

1. BASIS OF BEARING: STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983, U.S. SURVEY FEET; SURFACE ADJUSTMENT SCALE FACTOR (SF) = 1.0001365060 (TXDOT DALLAS CO. SF).
2. COORDINATES SHOWN HEREON ARE STATE PLANE GRID COORDINATE VALUES IN U.S. SURVEY FEET
3. ALL DISTANCES ARE SURFACE VALUES.
4. SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED.
5. THIS SURVEY PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT.

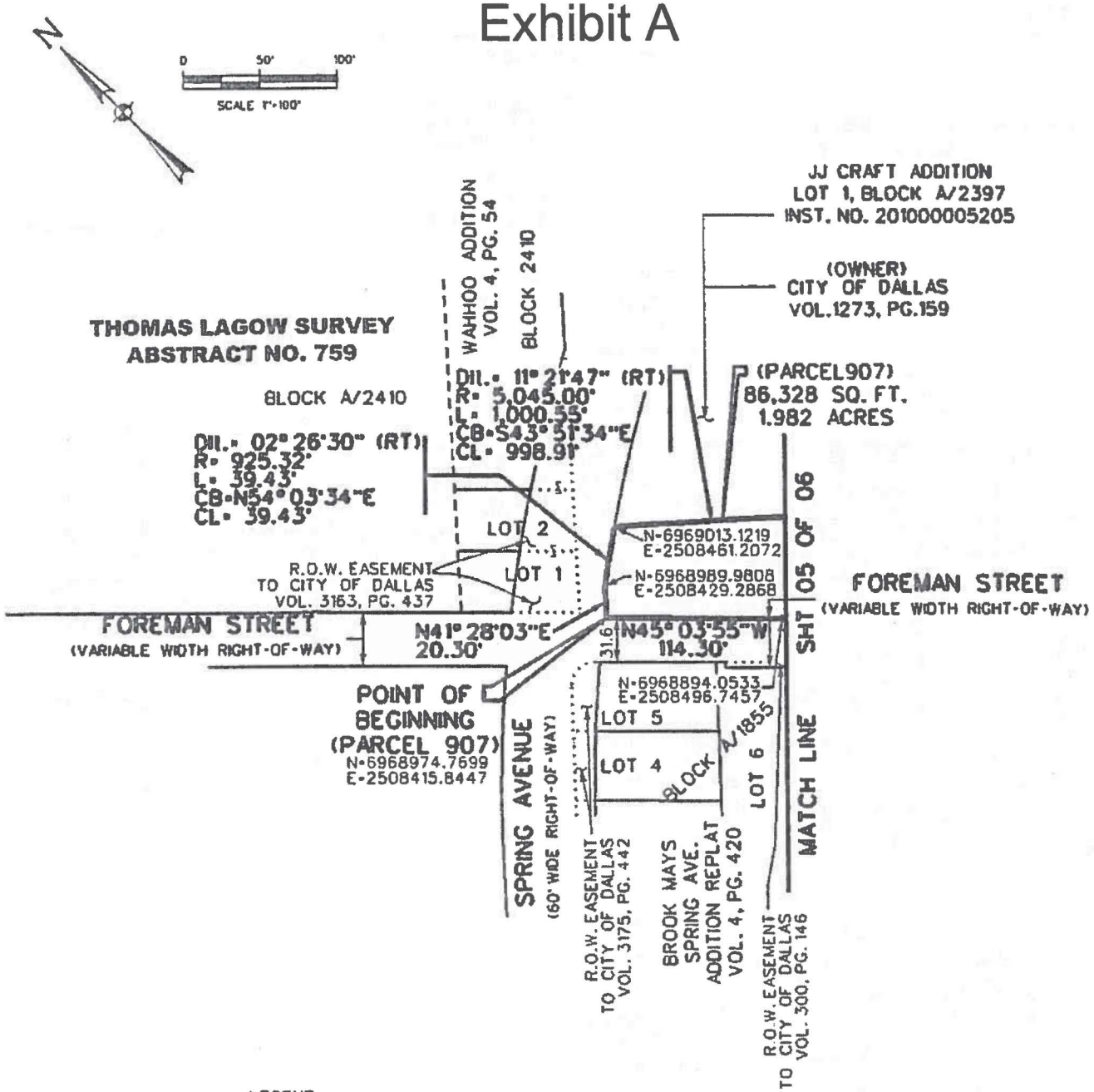
RESERVED FOR SUB-SURFACE DRAINAGE TUNNEL
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 909-TRACT 2)
BEING A 273,363 SQ. FT. (6.276 AC.) PART OF
THE DALLAS STATE FAIR AND
EXPOSITION ASSOCIATION TRACT,
AND BEING PART OF LOT 1A, CITY OF DALLAS BLOCK C/812
TEXAS STATE FAIRGROUNDS ADDITION,
IN THE THOMAS LAGOW SURVEY, ABSTRACT NO. 759,
AND IN THE JOHN GRIGSBY SURVEY, ABSTRACT NO. 495,
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Garcia Land Data, Inc.
T 214-987-0140
F 214-987-8026
6210 Campbell Rd., Ste. 110
Dallas, TX 75248-1388

DATE: 6/08/15
PROJ: 5436

$FILE1$

Exhibit A



LEGEND

FIRC	FOUND IRON ROD W/CAP	MON. (CM)	MONUMENT CONTROLLING MONUMENT
FIR	FOUND IRON ROD	---	PLAT LINE
SIR	SET IRON ROD W/ YELLOW "GLD" CAP	——	LOT LINE
ROW	RIGHT-OF-WAY	·····	LOT IN R.O.W. LINE

NOTES:

1. BASIS OF BEARING: STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983, U.S. SURVEY FEET: SURFACE ADJUSTMENT SCALE FACTOR (SF) = 1.0001365060 (TXDOT DALLAS CO. SF).
2. COORDINATES SHOWN HEREON ARE STATE PLANE GRID COORDINATE VALUES IN U.S. SURVEY FEET
3. ALL DISTANCES ARE SURFACE VALUES.
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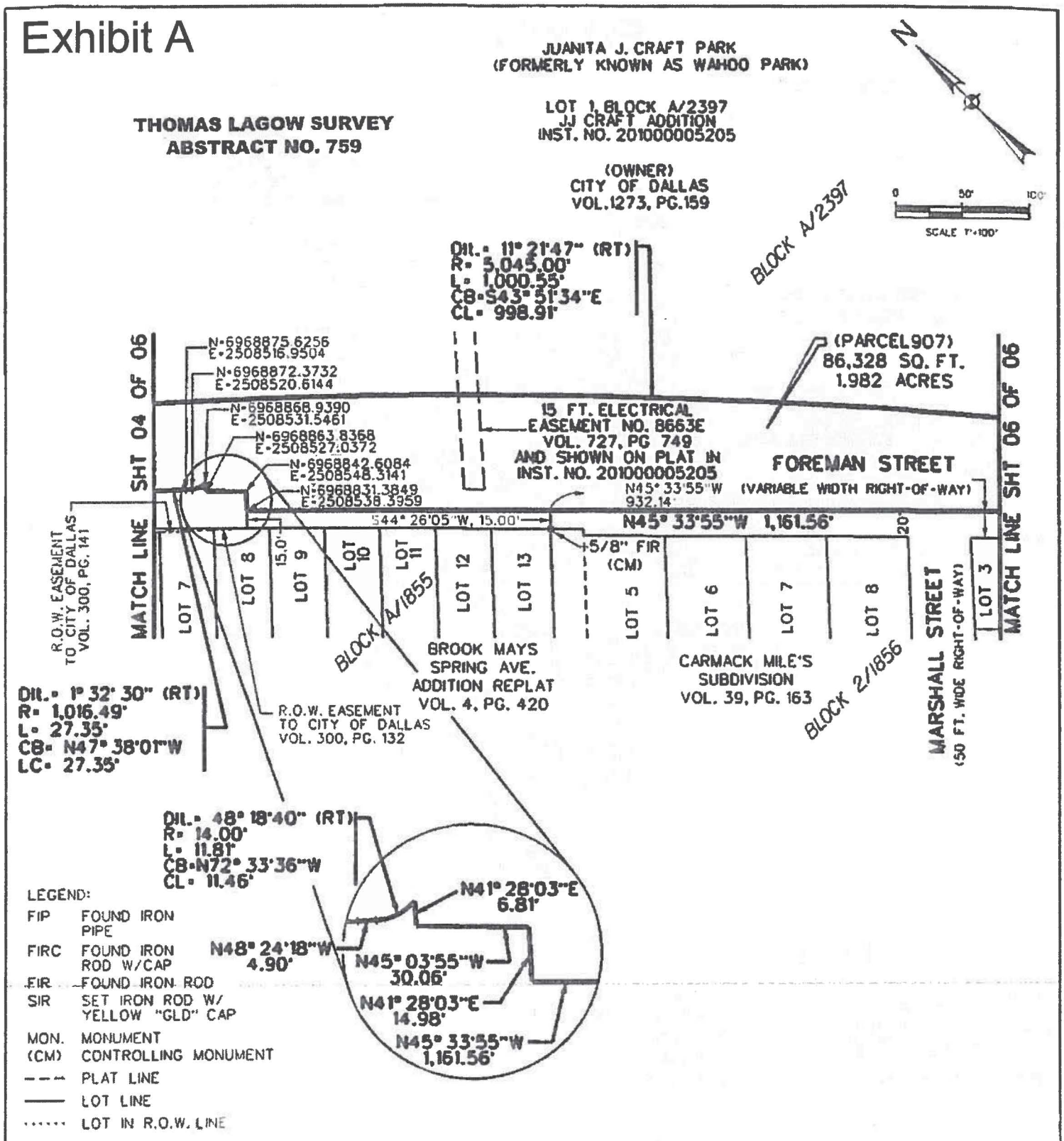
RESERVED FOR SUB-SURFACE DRAINAGE TUNNEL
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 907)
BEING A 86,328 SQ. FT. (1.982 AC.) PART OF THE
CITY OF DALLAS TRACT, AND BEING A PART OF LOT 1,
CITY OF DALLAS BLOCK A/2397, JJ CRAFT, AN ADDITION
IN THE THOMAS LAGOW SURVEY, ABSTRACT NO. 759,
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Garcia Land Data, Inc.
T 214-987-0149
F 214-987-4026
6230 Campbell Rd., Ste. 110
Dallas, TX 75248-1388

DATE: 6/11/15
PROJ: 5436
PAGE 4 OF 6

SFB F1 3

Exhibit A



NOTES:

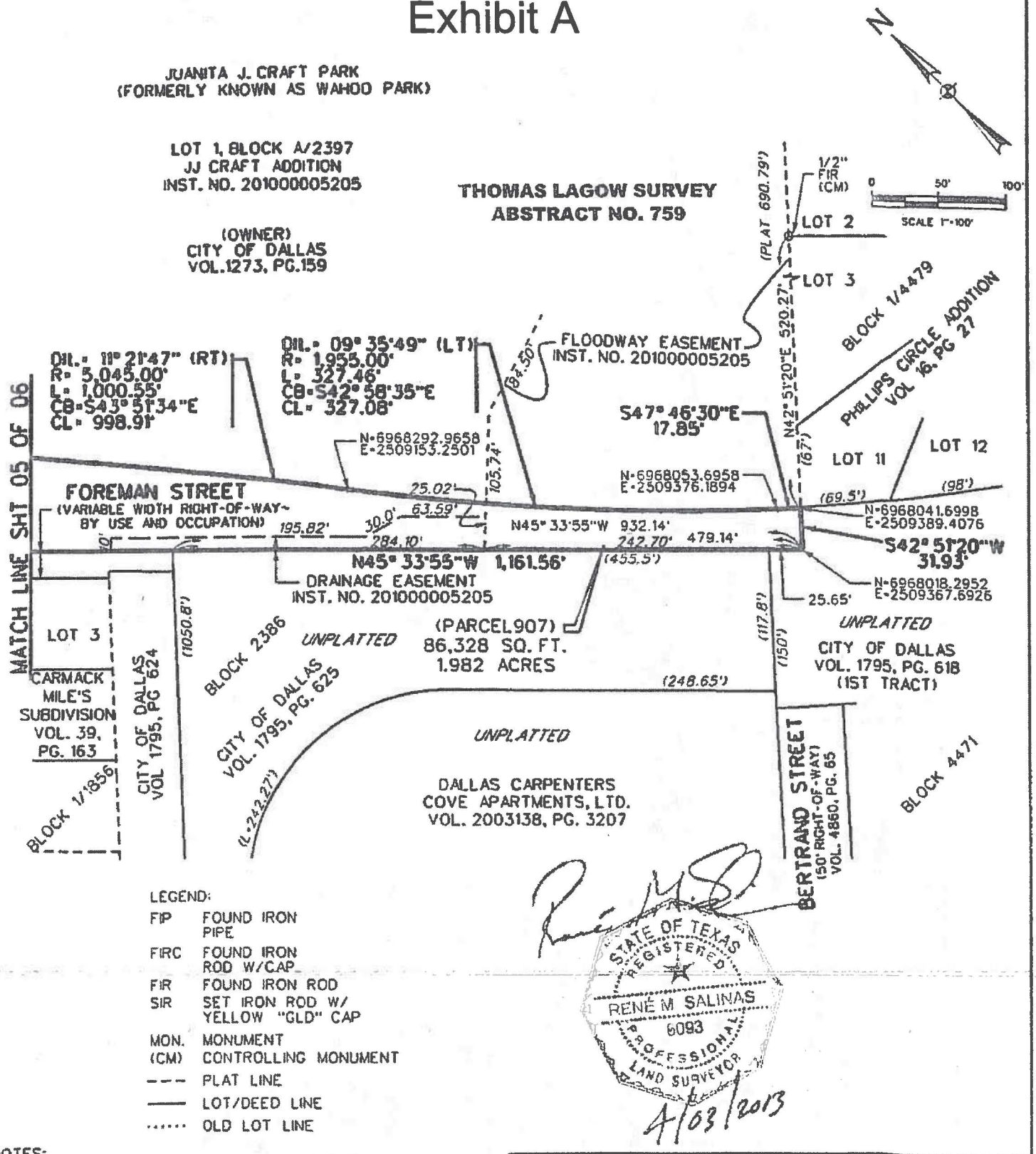
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CITY OF DALLAS BLOCK A/2397, JJ CRAFT, AN ADDITION
IN THE THOMAS LAGOW SURVEY, ABSTRACT NO. 759,
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Garcia Land Data, Inc.
T 214-987-0139
F 214-987-4026
6210 Campbell Rd., Ste 110
Dallas, TX 75248-1308

DATE: 6/11/15
PROJ: 5436

Exhibit A



LEGEND:

FIP	FOUND IRON PIPE
FIRC	FOUND IRON ROD W/CAP
FIR	FOUND IRON ROD
SIR	SET IRON ROD W/ YELLOW "GLD" CAP
MON.	MONUMENT
(CM)	CONTROLLING MONUMENT
- - -	PLAT LINE
———	LOT/DEED LINE
.....	OLD LOT LINE

STATE OF TEXAS
REGISTERED
RENE M SALINAS
6093
PROFESSIONAL
LAND SURVEYOR

4/03/2013

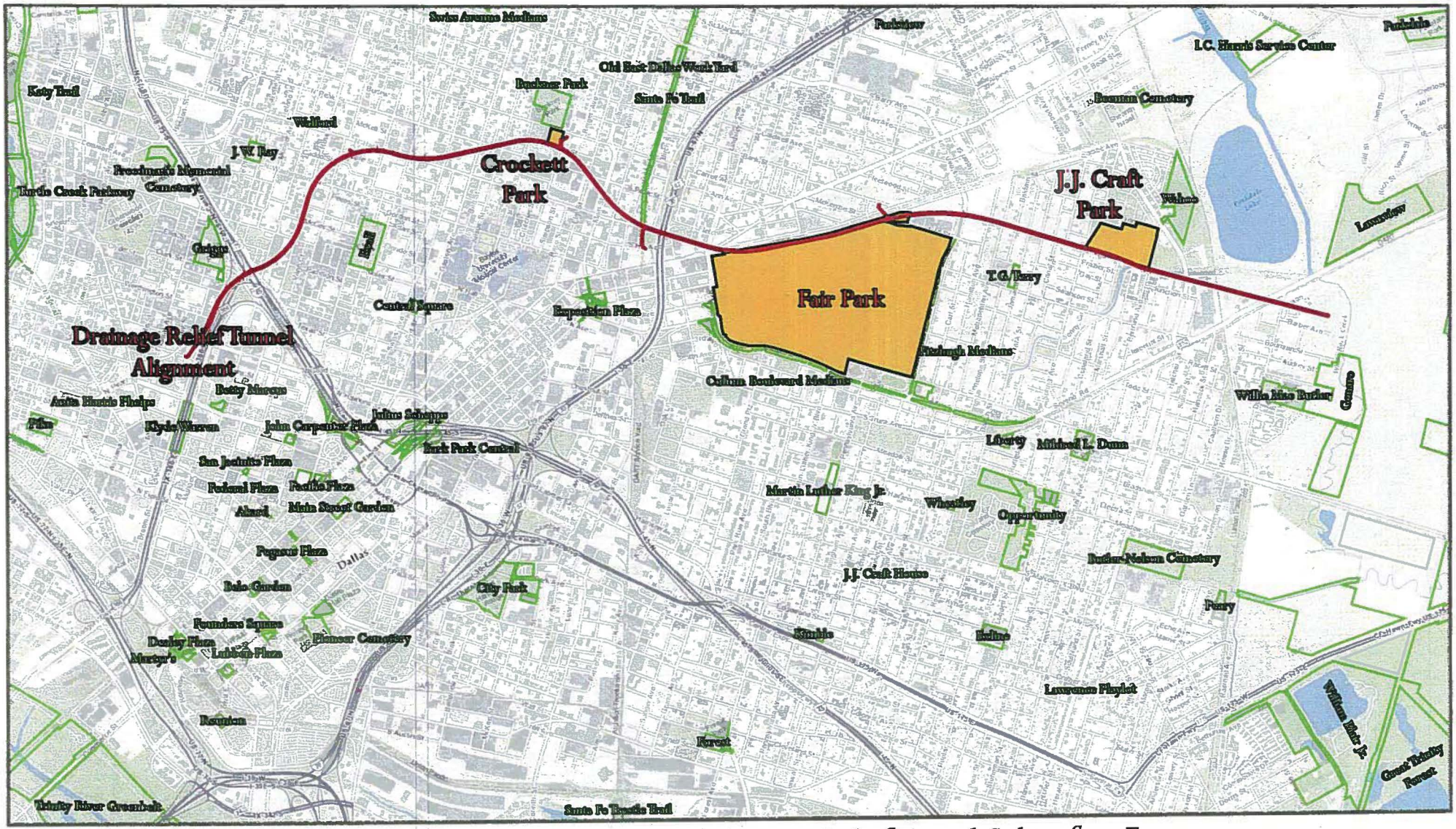
NOTES:

1. BASIS OF BEARING: STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983, U.S. SURVEY FEET; SURFACE ADJUSTMENT SCALE FACTOR (SF) = 1.0001365060 (TXDOT DALLAS CO. SF).
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CITY OF DALLAS BLOCK A/2397, JJ CRAFT, AN ADDITION
IN THE THOMAS LAGOW SURVEY, ABSTRACT NO. 759,
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Garcia Land Data, Inc.
T 214-987-0149
F 214-987-4026
6210 Campbell Rd., Ste. 110
Dallas, TX 75248-1388

DATE: 6/11/15
PRO.#: 5438
PAGE 6 OF 6



August 6, 2015

TWM Drainage Relief Tunnel Subsurface Easements

(Tunnel Provides Surface Drainage Relief to Watersheds South of Tunnel)

Exhibit A

AGENDA ITEM # 84

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): 4, 6

DEPARTMENT: Housing/Community Services

CMO: A. C. Gonzalez, 670-3297

MAPSCO: 43H 44J 65D

SUBJECT

A public hearing to receive comments on the proposed sale of six unimproved properties acquired by the taxing authorities from the Sheriff to Dallas Neighborhood Alliance for Habitat, Inc., a qualified non-profit organization; and, at the close of the public hearing, authorize the City Manager to: **(1)** convey by Deed without Warranty six unimproved properties to Dallas Neighborhood Alliance for Habitat, Inc. under the HB110 process of the City's Land Transfer Program; and **(2)** release the City's non-tax liens included in the foreclosure judgment and post-judgment non-tax liens, if any (list attached) - Revenue: $6,000

BACKGROUND

The HB110 process of the City's Land Transfer Program, in accordance with Section 2-26 of the Dallas City Code ("Code") and with Section 253.010 of the Texas Local Government Code, permits the City to sell land, which the City has acquired as a trustee, for itself and the other taxing jurisdictions, from the Sheriff pursuant to the tax foreclosure process, to a qualified non-profit organization for the purpose of providing affordable housing, subject to the consent of the other taxing jurisdictions.

Property eligible for the HB110 process of the City's Land Transfer Program must be sold by Deed without Warranty and include a possibility of reverter and right of re-entry, triggered under certain conditions, including if construction of affordable housing is not completed on the property within three years of the non-profit's receipt of the Deed without Warranty. The Deed without Warranty must also include deed restrictions that ensure the desired development of the property and maintain the affordability of the property as required by the Code. Per the Code, the sales price of each property is $1,000 for up to 7,500 square feet of land plus $0.133 for each additional square foot of land, which amount is distributed by the City to both the City and the other taxing jurisdictions in accordance with Section 34.06 of the Texas Tax Code, plus an amount equal to the actual fees charged for recording the Sheriff's deed and the Deed without Warranty in the real property records.

BACKGROUND (continued)

Prior to the approval of any sale, the Code requires that the City Council hold a public hearing to receive comments on the proposed sale of land and provide certain notices to the public.

Dallas Neighborhood Alliance for Habitat, Inc. ("DNAH") submitted a proposal to construct six (6) single-family homes with the homes containing approximately 1,279 square feet on the six unimproved HB110 process-eligible, Land Transfer Program properties, identified on Exhibit A, attached to the resolution, for purchase by a low to moderate income homebuyers at a proposed sales price of $85,000 - $95,000 with construction to begin in September 2018.

This item calls for a public hearing to allow the public an opportunity to comment on the proposed sale of the six unimproved properties to DNAH and, at the close of the public hearing, authorizes the sale of the properties to DNAH by Deed without Warranty and the release of the City's non-tax liens included in the foreclosure judgment and the post-judgment non-tax liens, if any.

In conformance with the Code, at least ten calendar days prior to the public hearing, a sign indicating the time and place of the public hearing was placed on the property, notification of the public hearing was mailed to property owners within 200 feet of the property, and notice of the public hearing was published in the Dallas Morning News.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

On August 12, 2015, City Council authorized a public hearing to receive comments on the proposed sale by Deed without Warranty of six unimproved properties acquired by the taxing jurisdictions from the Sheriff to Dallas Neighborhood Alliance for Habitat, Inc., by Resolution No.15-1376.

Information about this item was provided to the Housing Committee on September 8, 2015.

On September 9, 2015, this item was deferred by Mayor Pro Tem Monica R. Alonzo.

FISCAL INFORMATION

Revenue - $6,000

OWNER

Dallas Neighborhood Alliance for Habitat, Inc.

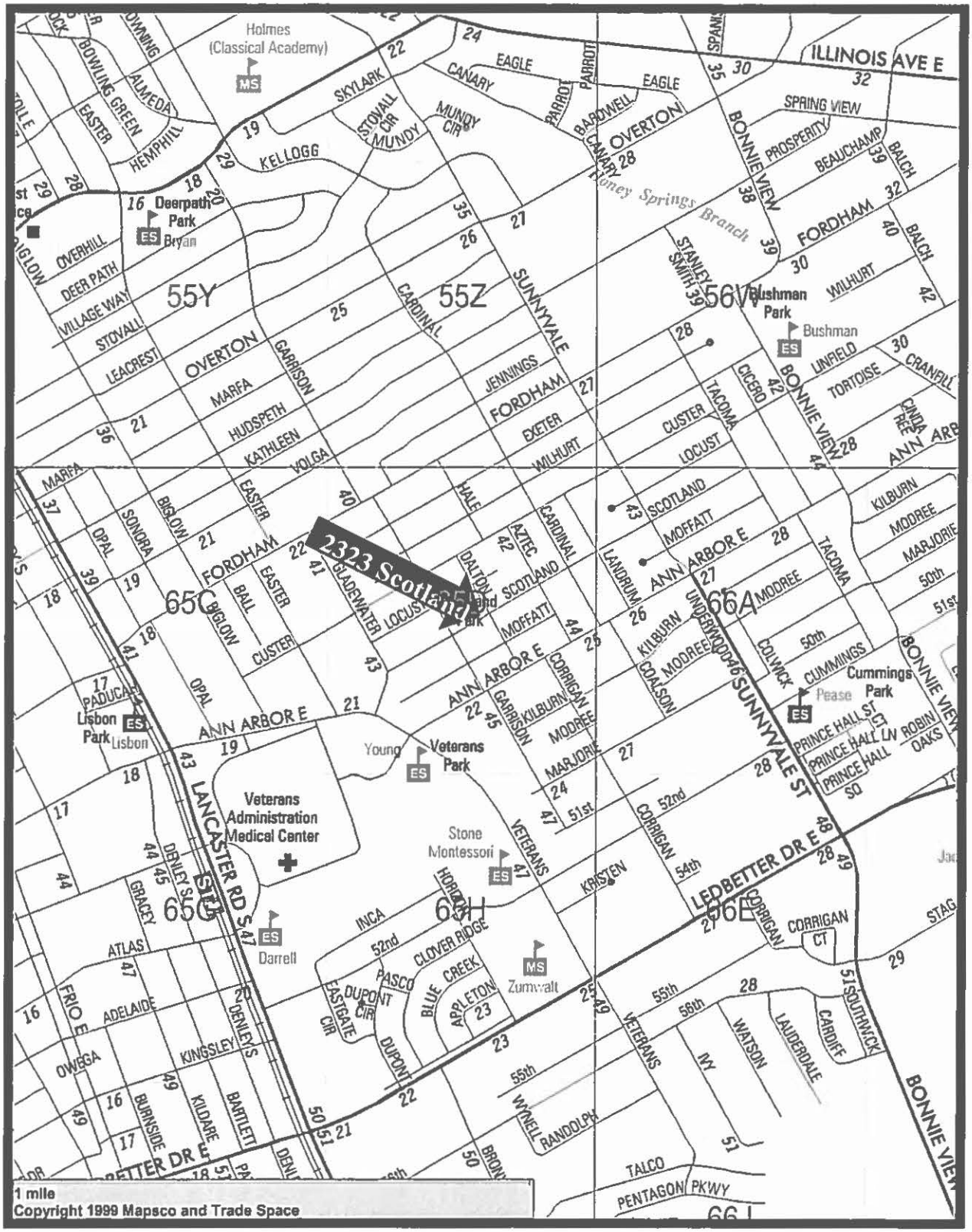
William D. Hall, Chief Executive Officer

MAPS

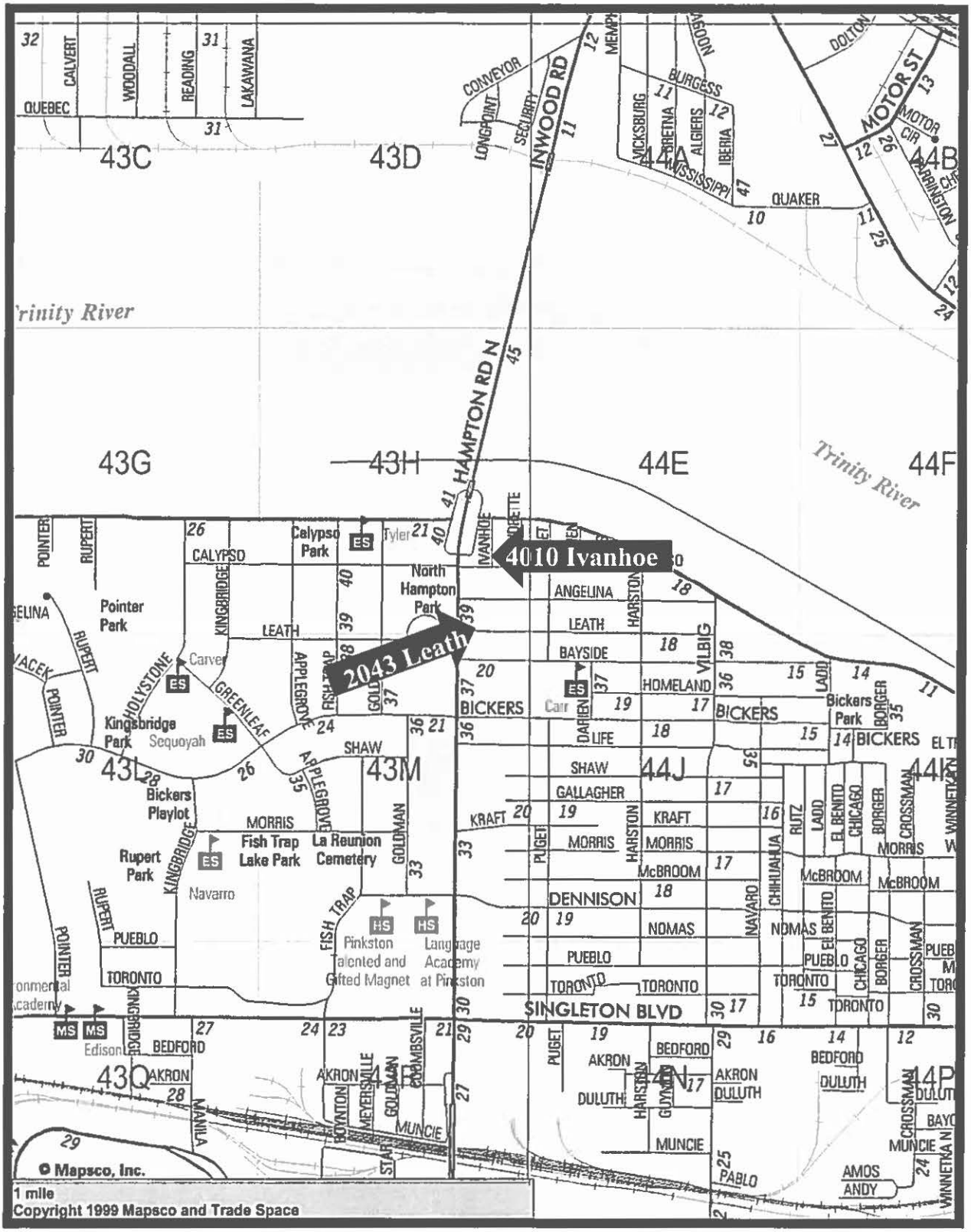
Attached

Tax Foreclosure and Seizure Property Resale

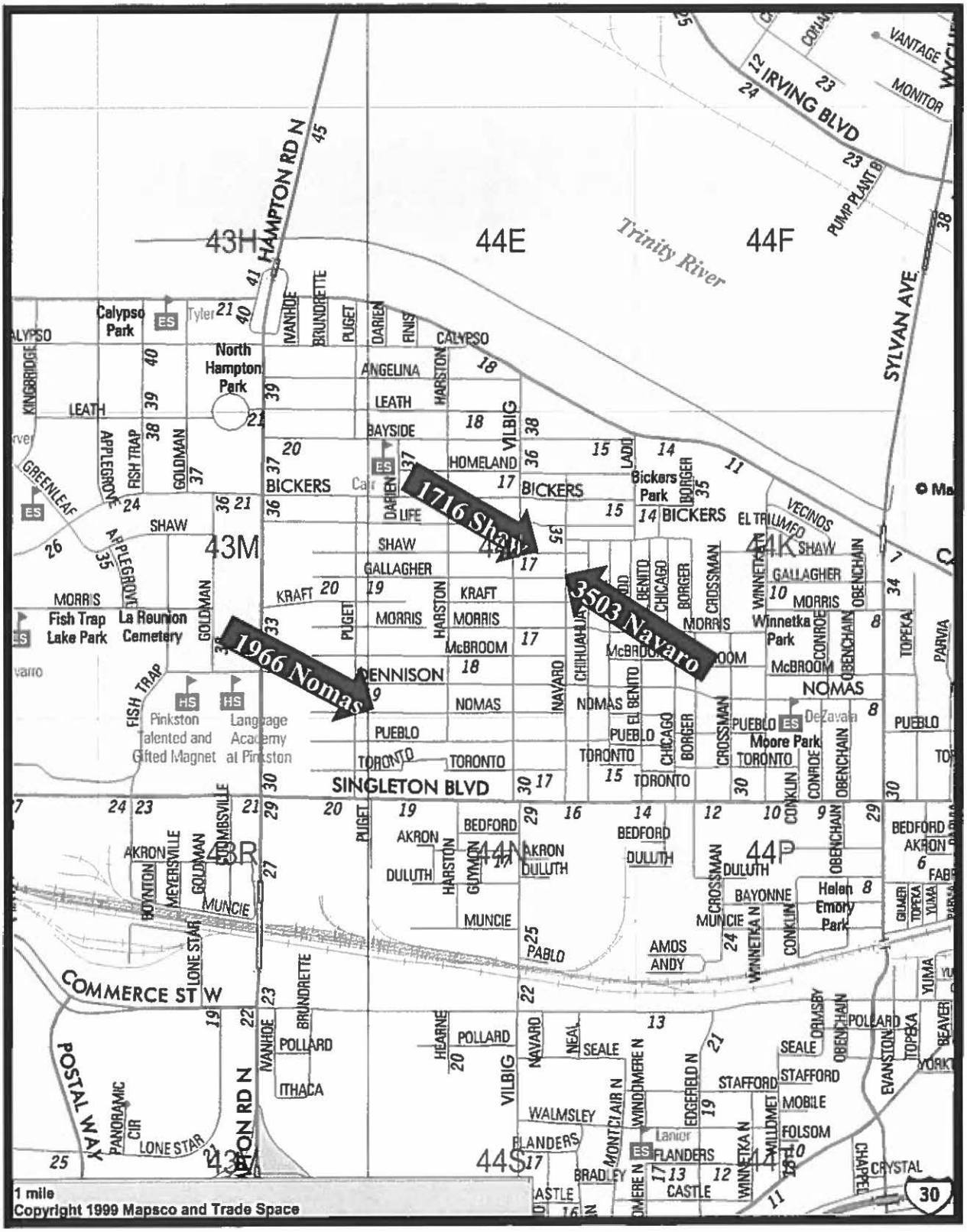
Parcel No.	Address	Non-Profit Organization	Mapsco	DCAD Amount	Sale Amount	Vac/ Imp	Non-Tax Liens	Council District
1.	1966 Nomas	Dallas Neighborhood Alliance for Habitat, Inc.	44J	$9,380	$1,000.00	V	$1,933.03	6
2.	4010 Ivanhoe	Dallas Neighborhood Alliance for Habitat, Inc.	43H	$7,360	$1,000.00	V	$2,445.10	6
3.	1716 Shaw	Dallas Neighborhood Alliance for Habitat, Inc.	44J	$8,000	$1,000.00	V	$679.30	6
4.	3503 Navaro	Dallas Neighborhood Alliance for Habitat, Inc.	44J	$7,730	$1,000.00	V	$512.37	6
5.	2043 Leath	Dallas Neighborhood Alliance for Habitat, Inc.	43H	$10,730	$1,000.00	V	$2,010.75	6
6.	2323 Scotland	Dallas Neighborhood Alliance for Habitat, Inc.	65D	$6,900	$1,000.00	V	$5,974.08	4


2323 Scotland
Holmes (Classical Academy)
Deerpath Park
Bryan
Bushman Park
Bushman
Cummings Park
Pease
Lisbon Park
Lisbon
Young Veterans Park
Veterans Administration Medical Center
Stone Montessori
Darrell
Zumwalt
Dalton Park
ILLINOIS AVE E
ANN ARBOR E
LEDBETTER DR E
LANCASTER RD S
SUNNYVALE ST
BONNIE VIEW
FORDHAM
OVERTON
KELLOGG
55Y
55Z
56V
65C
65G
65H
66A
66J
1 mile
Copyright 1999 Mapsco and Trade Space

MAPSCO 65D


4010 Ivanhoe
2043 Leath
HAMPTON RD N
INWOOD RD
MOTOR ST
Trinity River
Trinity River
43C
43D
43G
43H
44A
44B
44E
44F
43L
43M
44J
44K
43Q
44N
44P
Calypso Park
North Hampton Park
Pointer Park
Kingsbridge Park
Bickers Playlot
Rupert Park
Fish Trap Lake Park
La Reunion Cemetery
Bickers Park
Carver
Sequoyah
Carr
Navarro
Pinkston Talented and Gifted Magnet
Language Academy at Pinkston
Edison
CALYPSO
LEATH
BAYSIDE
HOMELAND
BICKERS
ANGELINA
SHAW
GALLAGHER
KRAFT
MORRIS
McBROOM
DENNISON
NOMAS
PUEBLO
TORONTO
SINGLETON BLVD
BEDFORD
AKRON
DULUTH
MUNCIE
QUAKER
LIFE
DARIEN
HARSTON
PUGET
GOLDMAN
KINGBRIDGE
RUPERT
POINTER
APPLEGROVE
GREENLEAF
HOLYSTONE
FISH TRAP
CHIHUAHUA
RUTZ
LADD
EL BENITO
CHICAGO
BORGER
CROSSMAN
WINNETKA
PABLO
AMOS
ANDY
© Mapsco, Inc.
1 mile
Copyright 1999 Mapsco and Trade Space

MAPSCO 43H


1716 Shaw
3503 Navaro
1966 Nomas
HAMPTON RD N
SYLVAN AVE
IRVING BLVD
Trinity River
43H
44E
44F
43M
44K
43R
44N
44P
44S
44T
SINGLETON BLVD
COMMERCE ST W
POSTAL WAY
Calypso Park
North Hampton Park
Fish Trap Lake Park
La Reunion Cemetery
Pinkston Talented and Gifted Magnet
Language Academy at Pinkston
Bickers Park
Winnetka Park
Moore Park
Helen Emory Park
DeZavala
Lanier
1 mile
Copyright 1999 Mapsco and Trade Space

MAPSCO 44J

September 22, 2015

WHEREAS, the City's Land Transfer Program, in accordance with Section 2-26 of the Dallas City Code ("Code") and with Section 253.010 of the Texas Local Government Code, permits the City to sell land, which the City has acquired as a trustee, for itself and the other taxing jurisdictions, from the Sheriff pursuant to the tax foreclosure process, to a qualified non-profit organization for the purpose of providing affordable housing, subject to the consent of the other taxing jurisdictions; and

WHEREAS, property eligible for the HB110 process of the City's Land Transfer Program may be sold by Deed without Warranty and include a possibility of reverter and right of re-entry, triggered under certain conditions, including if construction of affordable housing is not completed on the property within three years of the non-profit's receipt of the Deed without Warranty; and

WHEREAS, the Deed without Warranty must also include deed restrictions that ensure the desired development of the property and maintain the affordability of the property as required by the Code; and

WHEREAS, per the Code, the sales price of each property is $1,000 for up to 7,500 square feet of land plus $0.133 for each additional square foot of land, which amount is distributed by the City to both the City and the other taxing jurisdictions in accordance with Section 34.06 of the Texas Tax Code, plus an amount equal to the actual fees charged for recording the Sheriff's deed and the Deed without Warranty in the real property records; and

WHEREAS, prior to the approval of any sale, the Code requires that the City Council hold a public hearing to receive comments on the proposed sale of land and provide certain notices to the public; and

WHEREAS, Dallas Neighborhood Alliance for Habitat, Inc., ("DNAH") submitted a proposal to construct six (6) single-family homes with the home containing approximately 1,279 square feet on six unimproved HB110 process-eligible, Land Transfer Program properties, identified on Exhibit A, attached hereto and made a part hereof (hereinafter the "property"), for purchase by a low to moderate income homebuyer at a proposed sales price of $85,000 - $95,000, with construction to begin in September 2018; and

WHEREAS, at least ten calendar days prior to the public hearing, a sign indicating the time and place of the public hearing was placed on the property, notification of the public hearing was mailed to property owners within 200 feet of the property, and notice of the public hearing was published in the Dallas Morning News;

NOW, THEREFORE,

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

Section 1. That upon receipt of the requisite monetary consideration from DNAH (hereinafter the "non-profit organization") and the approval of the governing bodies of the other affected taxing jurisdictions, the City Manager is hereby authorized to execute a Deed without Warranty, approved as to form by the City Attorney and attested by the City Secretary, conveying the property, acquired by the taxing authorities from the Sheriff, to the non-profit organization, subject to the conditions contained in this resolution.

Section 2. That the City Manager is hereby authorized to execute instruments, approved as to form by the City Attorney, releasing the City's non-tax liens included in the foreclosure judgment and post-judgment non-tax liens, if any, on the property.

Section 3. That the non-profit organization's proposal for the development of affordable housing on the property, described in Exhibit A, is hereby approved.

Section 4. That the Deed without Warranty shall contain:

(a) A copy or summary of the proposal from the non-profit organization for the property and a requirement that the property be developed by the non-profit organization in accordance with the proposal, including the timetable specified in the proposal.

(b) A possibility of reverter with right of re-entry if the Director of Housing/Community Services determines that the non-profit organization:

(i) has failed to take possession of the property within ninety calendar days after receiving the Deed without Warranty;

(ii) has failed to complete construction of affordable housing on the property within three years after receiving the Deed without Warranty or by the end of any extended development period approved by the City Council in accordance with Section 2-26.6(c) of the Code;

(iii) is not developing the property in compliance with the timetable specified in the non-profit organization's proposal;

(iv) is unable to develop the land in compliance with its proposal because a request for a zoning change has been denied;

(v) has incurred a lien on the property because of violations of the Code or other City ordinances within three years after receiving the Deed without Warranty; and

(vi) has sold, conveyed, or transferred the property without the consent of the City and the other affected taxing jurisdictions within three years after receiving the Deed without Warranty.

(c) Deed restrictions requiring the purchaser to:

(i) restrict the sale and resale of owner-occupied property to low-income individuals or families for five years after the date the deed from the non-profit organization to the initial homebuyer is filed in the real property records of the county in which the property is located;

(ii) require the non-profit organization to develop all proposed housing units on the property in accordance with the Code and all applicable City ordinances and state and federal laws within three years after receiving the Deed without Warranty or by the end of any extended development period approved by the City Council in accordance with Section 2-26.6(c) of the Code, and to obtain inspections and approval of the housing units by the City before initial occupancy; and

(iii) require any low-income individual or family who purchases a housing unit on a property to maintain the housing unit in accordance with the Code and all applicable City ordinances and state and federal laws for a period of five years after the date the deed from the non-profit organization to the initial homebuyer is filed in the real property records of the county in which the property is located.

(d) An indemnification by the non-profit organization of the City and other affected taxing jurisdictions.

(e) A statement and acknowledgment that the property is conveyed subject to all redemption rights provided by state law.

(f) The non-profit organization’s representation and agreement that it did not purchase the property on behalf of a “prohibited person” and will not sell or lease the property to a “prohibited person” for five years from the date of the Deed without Warranty. A “prohibited person” is any party who was named as a defendant in the legal proceedings where the City obtained a final judgment for delinquent taxes and an order to foreclose its tax lien on the property or person in the judgment or seizure tax warrant, or the Sheriff's deed as the owner of the property, authorized seized and ordered sold for delinquent taxes and any municipal health and safety liens.

Section 5. That the City Manager is authorized to execute instruments, approved as to form by the City Attorney, releasing the City's possibility of reverter with right of re-entry and terminating the deed restrictions to the property upon compliance with all terms and conditions of Section 2-26 of the Code and the Deed without Warranty, including the deed restrictions and the proposal.

Section 6. That the non-profit organization shall be responsible for the pro-rata taxes assessed on the property from the date of closing for the remaining part of the then-current calendar year. The property shall be placed back on the tax rolls effective as of the date of execution of the Deed without Warranty.

Section 7. That any procedures required by Section 2-24 of the Code that are not required by state law are hereby waived with respect to conveyance of the property.

Section 8. That the monetary consideration received from the non-profit organization shall be distributed pursuant to the Section 34.06 of the Texas Tax Code.

Section 9. That any and all proceeds for the City's sale of the property to the non-profit organization be deposited to General Fund 0001, Agency DEV, Balance Sheet Account 0519.

Section 10. That upon receipt of the monetary consideration from the non-profit organization, the Chief Financial Officer is authorized to disburse proceeds of the sale of the property in accordance with Section 34.06 of the Texas Tax Code, and which calculations for disbursement shall be provided by the Director of Sustainable Development and Construction, to the City of Dallas Land Based Receivables, the Dallas County District Clerk and the Dallas County Tax Office from the account specified in Section 9 above.

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

EXHIBIT "A"

LAND TRANSFER PROPERTIES				
PARCEL NUMBER	**STREET ADDRESS LEGAL DESCRIPTION**	**QUALIFIED PURCHASER**	**NUMBER OF HOMEOWNER UNITS**	**SALE AMOUNT**
1	**1966 Nomas** Lot 2, Victory Gardens No. 4 Addition Block 8/7126	Dallas Neighborhood Alliance for Habitat, Inc.	1	$1,000.00
2	**4010 Ivanhoe** Lot 5, Roosevelt Manor 2nd Inst. Addition Block 3/7130 - S 40 Ft LT 5	Dallas Neighborhood Alliance for Habitat, Inc.	1	$1,000.00
3	**1716 Shaw** Lot 8, Homestead Manor Annex Addition Block 11/7118	Dallas Neighborhood Alliance for Habitat, Inc.	1	$1,000.00
4	**3503 Navaro** Lot 20, Homestead Manor Annex Addition Block 11/7118	Dallas Neighborhood Alliance for Habitat, Inc.	1	$1,000.00
5	**2043 Leath** Lot 24, Roosevelt Manor 1st Inst. Addition Block 11/7130	Dallas Neighborhood Alliance for Habitat, Inc.	1	$1,000.00
6	**2323 Scotland** Lot 6, Southern Crest Addition Block 8/5851	Dallas Neighborhood Alliance for Habitat, Inc.	1	$1,000.00
TOTAL				**$6,000.00**

AGENDA ITEM # 85

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 22, 2015

COUNCIL DISTRICT(S): 13

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 34 D

SUBJECT

A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from a public school, Henry W. Longfellow Career Exploration Academy as required by Section 6-4 of the Dallas City Code to allow a wine and beer retailer's off-premise permit pursuant to Chapter 26 of the Texas Alcoholic Beverage Code for a general merchandise or food store with 10,000 square feet or more floor area [L&B Depp Inwood Village, dba CVS Pharmacy #7412] on the southeast corner of West Lovers Lane and Inwood Road, north of Boaz Street - AV145-004 - Financing: No cost consideration to the City

BACKGROUND

Section 6-4 of Chapter 6, "Alcoholic Beverages," of the Dallas City Code allows Council to grant a variance from the usual spacing required between an alcohol business and a protected use. The usual spacing requirement is 300 feet in a direct line from the property line of the public DISD school to the property line of the place of business.

The standard for approval of the variance is that:

A. the application is for one of the following permits pursuant to the following chapters of the Texas Alcoholic Beverage Code:

(i) a brewer's permit, Chapter 12;
(ii) a distiller's and rectifier's permit, Chapter 14;
(iii) a winery permit, Chapter 16;
(iv) a wine and beer retailer's permit, Chapter 25;
(v) a wine and beer retailer's off-premise permit, Chapter 26;
(vi) a mixed beverage permit with a food and beverage certificate, Chapter 28; or
(vii) a manufacturer's license, Chapter 62.

BACKGROUND (Continued)

B. the application is for one of the following land uses:

   (i) general merchandise or food store use with 10,000 square feet or more of floor area
   (ii) restaurant without drive-in or drive-through service with a food and beverage certificate pursuant to the Texas Alcoholic Beverage Code;
   (iii) alcoholic beverage establishment limited to a microbrewery, microdistillery, or winery; or
   (iv) alcoholic beverage manufacturing.

C. alcoholic beverages will not be sold by drive-in or drive-through service; and

D. enforcement of the spacing requirements in this particular instance:
   (i) is not in the best interest of the public;
   (ii) constitutes waste or inefficient use of land or other resources;
   (iii) creates an undue hardship on an applicant for an alcohol permit;
   (iv) does not serve its intended purpose;
   (v) is effective or necessary; or
   (vi) for any other reason that the City Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

An application for a waiver of the spacing requirements was submitted on April 8, 2015, by CVS Pharmacy #7412. Henry W. Longfellow Career Exploration Academy, located to the south of the request site, creates the need for the variance.

The applicant has submitted the attached letter providing a statement of why the variance meets the standard of approval.

The approximately 14.503 acre request site, which is located in Planned Development District No. 482, is currently occupied by CVS Pharmacy. The request site is surrounded by retail uses to the north and east, multifamily uses to the east and southeast, the protected DISD school is located to the south, a financial institution to the southwest, and additional retail and restaurant uses to the west and northwest.

The public school is located to the south of the request site. While the required spacing from a school is measured property line to property line, the walking distance from the entrance of the school to the proposed restaurant is approximately 855 feet. Due to the protected site being in a shopping center that contains other uses that sell alcohol and located on two major thoroughfares, staff has no objection this request.

The general merchandise or food store greater than 10,000 square feet (Trader Joe's) on the same lot but located to the east of the request site received a variance to the alcohol distance requirements on August 14, 2013.

BACKGROUND (Continued)

The same public DISD school, Henry W. Longfellow Middle School was the protected use in the variance request for Trader Joe's.

This item requires two seconds to pass.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 9, 2009, the City Council approved an amendment to Section 6-4 of Chapter 6, "Alcoholic Beverages," of the Dallas City Code to allow a process for a variance to the spacing requirements between a business selling alcohol and a public or private school.

On October 26, 2011, September 26, 2012, and January 22, 2014, the City Council further amended Section 6-4 of Chapter 6.

On May 27, 2015, this item was held under advisement by Council.

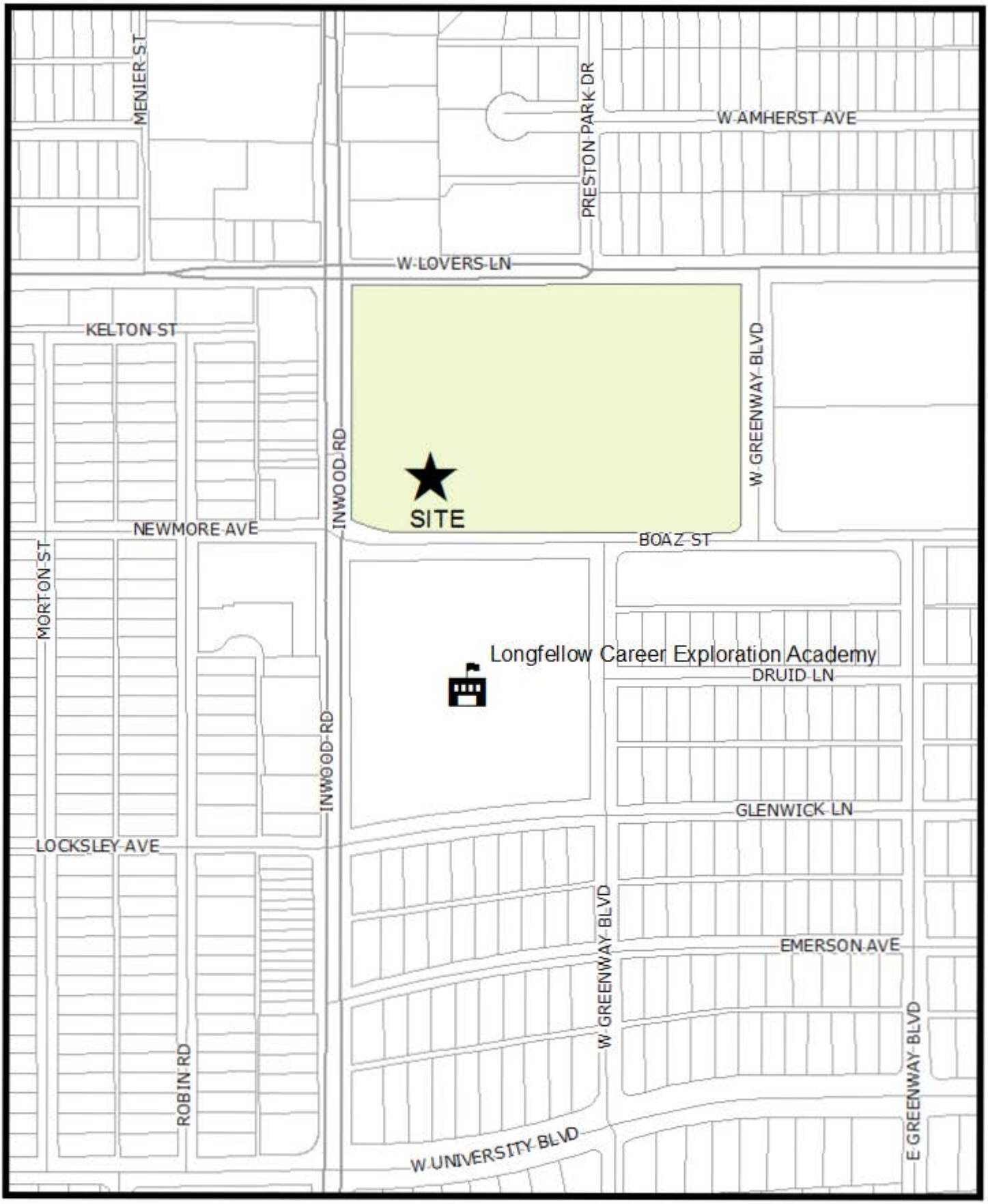
On June 10, 2015, this item was held under advisement by Council.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached.



AV145-004

1:4,000

★ Approximate location of business requesting alcohol variance

Land use requiring spacing from business requesting alcohol sales: school

CITY OF DALLAS

APPLICATION FOR A VARIANCE FROM THE MINIMUM DISTANCE REGULATIONS RELATED TO THE SALE OF ALCOHOLIC BEVERAGES

Chapter 6—Alcoholic Beverages, City of Dallas Code of Ordinances

Applicant: ETB Inc. CVS/pharmacy #7412
(Must match the business name on TABC application)

Contact person, title: Santos T. Martinez
(Land owner, business owner, representative)

Contact person's phone: 214-761-9197

Contact person's address: 900 Jackson, Suite 640, Dallas, TX 75202

Property owner's name: L&B Depp Inwood Village

Address of request site: 5370 W Lovers Lane, Suite 310

Protected use's address: 5314 Boaz Street

Type of protected use:
- ○ Church
- ● Public school / open-enrollment charter school
- ○ Private school
- ○ Public hospital
- ○ Daycare/child-care facility

Type of business seeking to sell alcohol:
- ○ Alcoholic beverage manufacturing
- ● General merchandise or food store with 10,000 square feet or more floor area
- ○ Microbrewery, microdistillery, or winery
- ○ Restaurant without drive-in or drive-through service

Type of TABC permit(s) to be sought:
- ○ Brewer's permit, "B" / Manufacturer's license, "BA"
- ○ Distiller's and rectifier's permit, "D"
- ○ Food and beverage certificate, "FB"
- ○ Mixed beverage permit,"MB"
- ● Wine and beer retailer's off-premise permit, "BQ"
- ○ Wine and beer retailer's permit, "BG"
- ○ Winery, "G"

5.4.15

The nonrefundable variance application fee is $1,200.00 and the sign fee, which is between $10 and $50 depending on street frontages. A statement explaining how the request meets the standard below is required as part of this application. The burden of proving that the request meets the standard is solely the responsibility of the applicant. Additional evidence supporting the request may be submitted along with this application.

> Enforcement of the spacing requirements in this particular instance (1) is not in the best interest of the public; (2) constitutes waste or inefficient use of land or other resources; (3) creates an undue hardship on an applicant for an alcohol permit; (4) does not serve its intended purpose; is not effective or necessary; or (5) for any other reason that the city council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

REQUIRED ATTACHMENTS:

- ✓ Statement of request
- ✓ List of officers for alcohol business and property owner
- ✓ Sealed alcohol survey showing 300 foot radius and door to door measurements (*protected use must be indicated on this survey*)

AUTHORIZATION BY PROPERTY OWNER(S)

I, JOHN GIERDES, the owner of the property to be considered, hereby authorize the above business and representative to file this application for a variance from the requirements of Chapter 6, Section 6-4 of the City of Dallas Code of Ordinances.

JOHN GIERDES
Owner's Printed Name

* John L Gierdes
Owner's Signature

APPLICANT ACKNOWLEDGEMENT AND AFFIDAVIT

I have read, examined, and completed this application; and know the information provided to be true and correct. I hereby apply for a variance from the distance requirements in Chapter 6, Section 6-4 of the City of Dallas Code of Ordinances. I understand that this application, including all submitted documentation, are public information and can be made available through an Open Records Request per the Texas Public Information Act (Texas Government Code, Chapter 552).

Linda M. Cimbron
Assistant Secretary
Applicant's Printed Name

Linda M. Cimbron
Applicant Signature

Sworn to and subscribed before me by on this day 29 of January in the year 2015, to certify which witness my hand and seal of office.

Kimberly M. Mitchell
Notary Public State of Rhode Island My Commission Expires 01/27/2016

Notary Public in and for the State of Texas

Date received: 4/8/15 SRM Receipt No.: 5490 | 5491 Case number: BDA 145-304

AV application 3-25-14

Masterplan
Land Use Consultants

April 7, 2015

Mr. David Cossum
Department of Sustainable Development and Construction
City of Dallas
1500 Marilla, Room 5DS
Dallas, Texas 75201

RE: Variance for general merchandise or food store greater than 10000 square feet selling beer and wine for off-premise consumption located at 5370 W. Lovers Lane, Suite 310.

Dear Mr. Cossum:

City records indicate that CVS has been operating at this location in the Inwood Village Shopping Center since 2010. Their current certificate of occupancy lists their floor area as 12,478 square feet.

Inwood Village Shopping Center is located across the street from Henry W. Longfellow Career Exploration Academy. This is an elementary school campus operated by the Dallas Independent School District. Inwood Village is over fourteen acres in size with several retail, personal service, office, and restaurant uses. The Longfellow campus is over eight and a half acres in size across the street from a major commercial intersection of Lovers Lane and Inwood Road. It is difficult to maintain the appropriate spacing requirements when both properties encompass large city blocks.

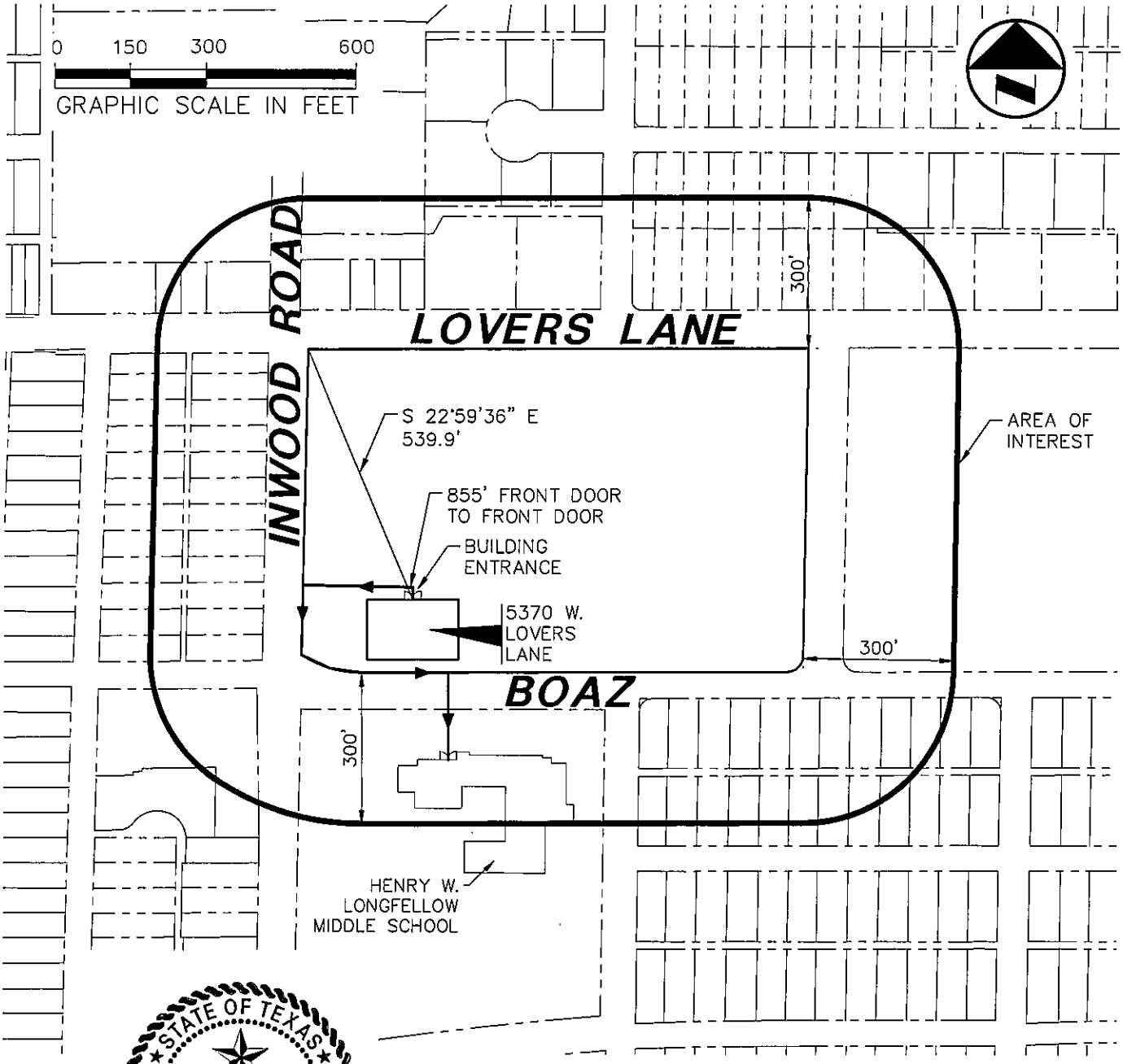
Currently, there are establishments selling alcoholic beverages to the west and north of this location. They are just removed outside of the 300 foot measurement since they are located across from a major thoroughfare and the elementary school, or they are on separately platted lots. CVS is located on a 14.5 acre lot with several tenants. It is located across from a narrower street than the other properties that maintain the appropriate licenses from TABC. There is another large retail tenant that was successful in securing a variance to the distance requirements for similar reasons.

It should be noted that CVS is located over 850 feet away when calculated on a door to door measurement with the protective use. CVS seeks to provide the same level of service and products that its customers expect from their locations.

We have included a TABC field survey, list of officers, and application for this variance request. Please feel free to contact our offices if you need any additional information regarding this application.

Santos T. Martinez
Authorized representative for
CVS

AV145-004



STATE OF TEXAS
KYLE F. WHITIS
101330
LICENSED
PROFESSIONAL ENGINEER

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY KYLE F. WHITIS, P.E. 101330 ON 04/23/2015. ALTERATION OF A SEALED DOCUMENT WITHOUT PROPER NOTIFICATION TO THE RESPONSIBLE ENGINEER IS AN OFFENSE UNDER THE TEXAS ENGINEERING PRACTICE ACT.

NOTES:

1. I have conducted (or caused to be conducted) a physical inspection of the area and a diligent search of public records to determine if the place of business is located near any protected uses. The survey map shows that the place of business where alcoholic beverages will be sold does not meet the location requirements in Dallas City Code Section 6-4.
2. Distances shown are based on City of Dallas GIS aerial information and are not the result of an on the ground survey.
3. Results from online resources and field observations, as shown, do not indicate that a protected use is located within the required minimum distances as determined by the City of Dallas measurement methods upon date of signature.

Pacheco Koch
DALLAS ▪ FORT WORTH ▪ HOUSTON
8350 N. CENTRAL EXPWY. SUITE 1000
DALLAS, TX 75206 972.235.3031
TX REG. ENGINEERING FIRM F-469
TX REG. SURVEYING FIRM LS-100080-00

TABC ALCOHOL PERMIT EXHIBIT

CVS #7412, 5370 W. LOVERS LANE, SUITE 310
CITY OF DALLAS, DALLAS COUNTY, TEXAS

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
KFW	KFW	1"=200'	04/23/2015	3156-10.311

DWG FILE: 3156-10.311 CVS.DWG

04/23/2015 - 7:07AM M:\DWG-31\3156-10.311\DWG\3156-10.311 CVS.DWG
JQUINONES

CVS

List of Officers

Thomas Ryan	Chairman of Board
Larry Merlo	President, Chief Operating Officer
Thomas S. Moffatt	Vice President and Assistant Secretary

L&B Depp Inwood Village GP, LLC

List of Officers

G. Andrews Smith	CEO
Daniel L Plumlee	President
Mark R. Gerick	Executive Vice President, Secretary
Holly Robertson	Assistant Secretary
John Gerdes	Vice President
Eric Smith	Vice President
Jennifer Hanson	Assistant Secretary

WHEREAS, Subsection 6-4(g) of the Dallas City Code authorizes the City Council to grant variances from the alcohol spacing requirements prescribed by Subsection 6-4(a) of the Dallas City Code; and

WHEREAS, L&B Depp Inwood Village, dba CVS Pharmacy #7412 have submitted an application for a wine and beer retailer's off-premise permit pursuant to Chapter 26 of the Texas Alcoholic Beverage Code for a general merchandise or food store with 10,000 square feet or more floor area, and is requesting a variance to the alcohol spacing requirements for a property on the southeast corner of West Lovers Lane and Inwood Road and north of Boaz Street, north of Henry W. Longfellow Career Exploration Academy, a public school; and

WHEREAS, the City Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, finds that enforcement of the alcohol spacing requirements in this particular instance:

(1) is not in the best interest of the public;

(2) constitutes waste or inefficient use of land or other resources;

(3) creates an undue hardship on an applicant for an alcohol permit;

(4) does not serve its intended purpose; and

(5) is not effective or necessary; and

WHEREAS, the City Council desires to grant the alcohol spacing variance; **Now, Therefore,**

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

Section 1. That the variance to the alcohol spacing requirements for L&B Depp Inwood Village, dba CVS Pharmacy #7412, for property on the southeast corner of West Lovers Lane and Inwood Road and north of Boaz Street, north of Henry W. Longfellow Career Exploration Academy, a public school, is granted, subject to the following conditions:

(1) This alcohol spacing variance is valid only for a wine and beer retailer's off-premise permit pursuant to Chapter 26 of the Texas Alcoholic Beverage Code.

(2) This alcohol spacing variance is valid only for a general merchandise or food store with 10,000 square feet or more floor area in the location shown on the attached location map.

(3) Alcoholic beverages may not be sold by drive-in or drive-through service.

(4) This alcohol spacing variance is valid for subsequent renewals of the alcohol permit.

(5) This alcohol spacing variance may not be transferred to another location or to another alcohol permit holder.

Section 2. 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.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By _____
Assistant City Attorney